



AGENDA

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order and times of agenda items listed are approximate and intended as a guideline for the Town Council.

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center 302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday February 17, 2021

Meeting to be held via Zoom Conferencing and call-in.
Public welcome to join meeting using the following methods:

<https://us02web.zoom.us/j/87671850473>

Or iPhone one-tap:
+16513728299,,
+13017158592,,
Webinar ID: 876 7185 0473

Executive Session – 5:30pm
Regular Session – 6:00pm

MAYOR – John Widerman
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
George Brodin
Brian Eggleton
Eric Gotthelf
Gusty Kanakis

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Executive Session – 5:30pm

The Minturn town Council will open the Regular Meeting at 5:30 for the purpose of convening into Executive Session. At 6:00pm the Council will convene into Regular Session for the remainder of the meeting.

1. Call to Order

- Roll Call
- Pledge of Allegiance

EXECUTIVE SESSION

2. An Executive Session for the purpose of conferencing with the Town Attorney for the purpose of receiving legal advice on a specific legal question under CRS Section 24-6-402(4)(b) – Eagle County Sheriff's Office

Town Council will convene in Regular Session from Executive Session at approximately 6:00pm.

REGULAR SESSION

Regular Session – 6:00pm

3. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)

4. Approval of Consent Agenda (5Min)

A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?

- February 3, 2021 Meeting Minutes Pg 4
- Golden Aspen Leaf Inc, DBA Gourmet Cowboy Bar, annual renewal of a Hotel and Restaurant Liquor license; 455 Main St; Clifford Dorn III, Owner/President – Brunvand Pg 16

5. Approval of Agenda

- Items to be Pulled or Added
- Declaration of Conflicts of Interest

6. Special Presentations

- Eagle County Vision and Strategy (VISTA) – Angelo Fernandez Pg 20
- One Book One Valley – Lori A. Barnes Pg 32
- Council Comments/Committee Reports
 - Water Report Pg 33

PUBLIC HEARINGS AND/OR ACTION ITEMS

7. **Public Hearing/Action Item:** Resolution 08 – Series 2021 A Resolution supporting a DOLA grant for the purpose of a Planning Grant Application – Metteer Pg 35
8. **Public Hearing/Action Item:** Public Hearing regarding condition violations on the Burk Harrington Construction CUP – Metteer Pg 38

COUNCIL INFORMATION / UPDATES

9. **Staff Updates (5 Min)**
 - Manager’s Report Pg 66
 - Future Agenda Items Pg 69

MISCELLANEOUS ITEMS

10. **Future Meeting Dates**
 - a) Council Meetings:
 - March 3, 2021
 - March 17, 2021
 - April 7, 2021

11. **Other Dates:**
 -

12. **Adjournment**



OFFICIAL MINUTES

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MEETING OF THE MINTURN TOWN COUNCIL

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**Meeting to be held via Zoom Conferencing and call-in.
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<https://us02web.zoom.us/j/86328960952>

Or join by phone:

US: +1 301 715 8592 or +1 651 372 8299

Webinar ID: 863 2896 0952

Regular Session – 5:30pm

**MAYOR – John Widerman
MAYOR PRO TEM – Earle Bidez**

COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Gusty Kanakis

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645.

Regular Session – 5:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John Widerman at 5:30pm using the ZOOM on-line meeting format.

Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members Terry Armistead, George Brodin, Brian Eggleton, Eric Gotthelf, and Gusty Kanakis.

Staff present: Town Manager Michelle Metteer, Town Planner Madison Harris, Town Attorney Michael Sawyer, and Town Treasurer/Town Clerk Jay Brunvand.

- Pledge of Allegiance

John W. expressed his condolences to the families and friends of Adam Palmer, Andy Jessen, and Seth Bossung. Their passing is a huge loss to the community. The Council all spoke and passed on their heartfelt condolences to their families.

2. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)

3. Approval of Consent Agenda (5Min)

A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?

- January 20, 2021 Meeting Minutes
- Resolution 05 – Series 2021 a Resolution appointing Board Members to the Colorado Rural Water Association – Metteer
- 1041 Main Street Review
- 701 Boulder St Review

George B. thanked the Planning Commission for their work.

Motion by Eric G., second by Gusty K., to approve the Consent Agenda of February 3, 2021 as presented. Motion passed 7-0.

4. Approval of Agenda

- Items to be Pulled or Added

Michelle M. requested to move the Special Presentation Pull from Eagle County Vision and Strategy (VISTA) and move to the Feb 17 meeting.

Motion by Terry A, second by George B., to approve the Agenda of February 3, 2021 as amended. Motion passed 7-0.

- Declaration of Conflicts of Interest

5. Special Presentations

- Eagle County Vision and Strategy (VISTA) - Abby Dallmann

This item was moved to the February 17th agenda.

- Front Country Ranger Program – USFS Peterson/Veldhuis

Ms. Paula Peterson and Ms. Leanne Veldhuis of the USFS presented the end of year report for the Front Country Ranger Program. It was noted this program was a strong success in light of the COVID caused increased use of the forest and trails.

The Council had questions regarding the program success and its needs now that it is up and running during the summer as well as if there is anticipated growth in the program to make it larger and more robust as well as potentially extending the program to other seasons.

It was noted as part of the ongoing program the 2021 cost will increase by \$399.14.

- Council Comments/Committee Reports

Eric G. attended the ECO Housing Authority meeting. Castle Peak was awarded LEED certification. There are affordable housing options through the county for those looking for housing.

- Water Report

The Water Committee is currently working on two more elements pertaining to water. God Bless the Town Staff and the Work that gets Done behind the Scenes

Grants and Loans

In the last two weeks we engaged meetings with CDPHE (Colorado Department of Public Health and Environment), DOLA (Department of Local Affairs), and the CWCB (Colorado Water Conservation Board), in pursuit of grant moneys for our Water Capital Improvements Plan. These are the three main State (Colorado) sources of grant funding. We have learned a lot and are drafting an annual calendar of Grant Cycles, their deadlines and issue dates (when you get the money if you do) and how they integrate with planning, design, construction drawings, and actual construction costs. Different Grant Moneys have different match amounts, and rules for usage and disbursement as well. At this time, as we further understand and explore this, SGM is currently preparing a grant application to DOLA for this February to get planning money for WTP (Water Treatment Plant) planning late summer early fall.

Drought Management Strategy Plan

The current low snow year, last summers' wildfire season, and continuing Colorado drought conditions demands attention. As a natural part of water improvements, water efficiency, and good stewards of our water resources, in/for Minturn and greater Eagle County and Colorado as well, the Water Committee is developing a drought strategy for Minturn. There are some great leaders already involved in this; ERWSD, being the closest and most accessible for us. Many of the recommendations will come from the work of ERWSD.

Thank You.

Why are we doing this? What impacts can we have?

- 1.) Protect and Sustain Minturn drinking water supply.
- 2.) Protect Cross Creek Streamflow and therefor Eagle River Streamflow.
- 3.) Sustain resources to be used in Wildfire suppression and control.
- 4.) Protect the health of the River(s) fishes, bugs, and occupants of the riparian area.

Most of the recommendations are aimed at outdoor water use as approximately 95% of the water we use in our homes is treated and returned to river flows. That being said, water use and conservation within the individual homes impacts, to some degree, how many households Minturn can provide with water. The water debt mentioned earlier can be shared with more users, easing the burden some.

Voluntary

There are voluntary, common sense, measure that can be taken like:

Don't water during the heat of the day.

Let the grass grow a little longer so the roots go deeper and become more drought/heat resistant.

Water only every other day.

The sidewalk is not going to grow, no matter how much you water it. (Sorry, I meant say, look where the sprinkler is reaching and try not to water the sidewalk.)

Visit Pastor Dan at Vail New Life Assembly, St Patrick's Parish, or the church of your choice and reach to a higher power for some moisture relief. (How could it hurt, and I am sure my friend Pastor Dan, and all others would welcome your presence.)

Mandatory

The closer we get to summer and better understand existing conditions, there may be necessary mandatory cutbacks that need to happen.

Wildfire: Another related concern:

Free home ignition zone assessment; (Eagle River Fire Protection District)

This recent communication from Tracy LeClair:

Please share with your audiences, and encourage them to schedule a free home ignition zone assessment in the spring. We would also love to come talk to HOAs or other groups about the importance of defensible space.

https://www.tahoelivingwithfire.com/wp-content/uploads/2021/01/LWF_RetrofitGuide_Accessible_for_Web.pdf?fbclid=IwAR3pnqp7eEvUzKOzdQzjr3iLovD2nb3DwDiY-o2RuzoQshQ3WkNxeGlixLM

If there are others who would be a good addition to this distribution list (property managers, HOAs, etc.), please feel free to have them contact me and I would be happy to add them!

Tracy LeClair
Community Risk Manager
Public Information Officer (PIO1t)

Eagle River Fire Protection District
READY TO SERVE

1050 Edwards Village Blvd
PO Box 2942
Edwards, CO 81632
Direct: (970) 736-3103
Mobile: (970) 471-5284
Fax: (970) 949-7965
www.eagleriverfire.org

Terry A. updated on the MFC Board meeting. Ms. Chris Bowers is leaving the center, staffing is an issue. New equipment has been ordered and is arriving. She noted donations to the MFC are tax exempt. She stated the Colo Surface Transit has put a hold on the review process of the rail line. She is booking concerts for the summer and is hopeful to have a full lineup this coming summer.

Gusty K. updated on NWCCOG. New regional assessment of childcare is in draft form. Eagle County is working on a 21-22 Community Plan that we may be able to get information for our plan on.

Earle B. noted the next phase of COVID vaccinations, information is on the Eagle County website. He noted the Bar Stool Race has been canceled for this year due to the COVID restrictions.

Brian E. noted Mr. Alex Griffin has stepped down from Radio Free Minturn, Brian E. thanked Mr. Griffin for his work. They have hired a part time Director and the Board members are picking up any slack. He encouraged those interested in volunteering to do so. He noted the roof ice and to verify your roofs are not making the sidewalks dangerous.

John W. noted the kick off of the NAIOP Challenge. This is moving forward fast.

PUBLIC HEARINGS AND/OR ACTION ITEMS

6. Public Hearing/Action Item: Resolution 06 – Series 2021 a Resolution for the approval of Project Management for the Construction of two water tanks – Metteer

Michelle M. presented the Minturn Town Council approved the Water CIP in the fall of 2019 and followed up with an amended approval of the CIP in December 2020. The amended CIP provided for the construction of two water tanks to be located on the northern hillside of Tank Road just across from the current, as well as the newly proposed, water treatment plant. This land is owned by the Town of Minturn and was identified through the Water Tank Analysis Study as the best location for a new water storage tank(s). This proposal is the next step in the execution of building a new water storage tank. Once design is completed, design review by CDPHE will commence and permitting will be underway. This is also the first step in preparing the documents for taking this project out to bid for construction.

Mr. Ryan Gordon was present for question and answers.

Gusty K. asked on the schedule it shows a long time line and asked when the concrete might be poured? Based on the schedule, yes, construction could begin during the winter of 21-22.

George B. asked with regards to the schedule some items can be done simultaneously; correct. The tank is designed to be a pretty common tank build. Mr. Gordon stated the schedule is not set in stone but it is conservative at the same time.

Earle B. noted in the Project Management section they will do monthly expense reports. He asked to include cost incurred vs budget on the CIP items as well.

Brian E. asked ref design of the tank, with two tanks is their discussion of placement in order to allow access to both tanks for maintenance. Yes, this is being considered and there is access. He asked ref the two tanks total of 650,000gal is appropriate; yes.

Public Hearing Opened

No Comment

Public Hearing Closed

As a result of the discussion the Project Management agreement was modified slightly.

Motion by George B., second by Gusty K., to approve Resolution 06 – Series 2021 a Resolution for the approval of Project Management for the Construction of two water tanks as presented. Motion passed 7-0.

7. Public Hearing/Action Item: Resolution 07 – Series 2021 a Resolution in support of the Community Plan Update – Hunn

Michelle M. updated on the request. She is working with DOLA for grants to help fund this, it sounds like we would qualify, and will be applying. Due to the timing of potential grants, we have more time to ensure our application. We can not spend money until we are approved. She asked to create a Council ad hoc committee of two Council members for the purposes of selecting an organization to lead the 2009 Community Plan update process. Through the 2021 budget process, Council approved \$130,000 toward the updating of the 2009 Community Plan, a parking study of the 100-Block and surrounding area and updating of the Design Review guidelines. During the budget process Council and staff both acknowledged the funding shortfall in completing these three tasks within the approved funding and recognized the need for additional grant dollars. Staff is prepared to begin the Community Plan Update process. The traditional RFP is a significant undertaking for companies and may deter perspective applicants in showing interest for the project. Therefore, staff has divided the qualifications process into two steps. The first step is the request for qualifications. Companies are asked to submit their resumes, references, and any pertinent additional materials for review by the committee. The ad hoc committee will then select a group of finalists who will be sent an invitation to provide a completed Request for Proposal. The prepared RFQ is attached. Staff anticipates the ad hoc committee will finalize the formal Request for Proposal, which is more extensive than the RFQ, prior to inviting the finalists to apply.

As a result of the discussion the following items were to be included in the RFQ:

- Due to the grant process dates would be removed
- 3-Mile Plan Scope
- Risk/vulnerability assessment
- Housing needs and affordability (I assume we can include our recent housing plan)
- Water conservation

Public Hearing Opened

No Comment

Public Hearing Closed

Motion by Terry A., second by Earle B., to approve Resolution 07 – Series 2021 a Resolution in support of the Community Plan Update as amended. Motion passed 7-0.

Michelle M. asked for two Council Members for an Ad Hoc committee to work with the RFQ process. The Committee will include Brian E. and Terry A. from the Council in addition to Staff.

DISCUSSION/DIRECTION ITEMS

8. Discussion/Action Item: Recreational Marijuana Sales Follow-up – Brunvand

Jay B. noted the information in the packet and opened for questions and Council discussion.

Terry A. was not in favor of pursuing. She has had discussion with citizens and does not feel this is the right time. She felt this could be discussed as part of the Community Plan.

Eric G. has received a number of comments. He feels the tax revenue is positive but wants to make sure it fits with Minturn. He felt this could be in the next community survey as a question.

Gusty K. saw the sales tax as a positive but was not in favor of moving forward, noted other areas that might work.

Earle B. felt the community Plan was a good direction. It is not a place in the Old Town area, was in favor of the north end of town as you enter. He encouraged waiting and receiving community input.

John W. felt Dowd Jct would be a good area but was in favor of putting it off at this point.

George B. was in favor of asking this question in the Community Plan and in the Community Survey. He read a letter from Ms. Lynn Teach, 253 Pine St, that was opposed to opening this discussion. This letter is included as Attachment A.

Earle B. also felt our staff does not have the time to process this at the current time.

Brian E. agreed with not taking this up at the time. He was concerned of the location options, traffic and parking concerns, potential for real estate speculation, and the effect this might have at the VSSA and MFC. He concurred that this was something that could be discussed in the Community Plan and Community Survey.

Direction given: This will be asked in the Community Survey and the Community Plan but at this time the Council will not move forward with this.

COUNCIL INFORMATION / UPDATES

9. Staff Updates (5 Min)

- Manager's Report

Colorado City and County Manager's Association

I had the opportunity to participate in the CCCMA Connection Forum this week which took a look at Pandemic Lessons, Wins and Losses throughout the State of Colorado. The overall consensus is what Minturn has experienced this last year is mostly in line with what other communities around the state have dealt with. Moving forward, most communities are taking an optimistic yet conservative approach.

National Forest Foundation

I had a Zoom meeting with Marcus Selig, regional vice president of field operations, for the National Forest Foundation (NFF) for the purposes of understanding facilitation opportunities they provide. This is in relation to the Two Elk Target Range (TETR) discussions that have been taking place over the last several years and steps for moving forward. Marcus is expected to get back to me next week on services they may be able to provide for helping community stakeholders through the Dingle Act process.

NAIOP/Rocky Mountain Real Estate Challenge

The kickoff event took place January 26th. Mayor John Widerman, Pro Tem Bedez, Planning Director Scot Hunn and I all had an opportunity to participate. The next step will be online interviews by the students in mid-February.

Water Availability Task Force

I participated in the Water Availability Task Force meeting on January 21st. This group was activated by the State of Colorado for only the second time in Colorado's history. We will look to address and coordinate drought relief operations and communications among municipalities. Colorado is currently in phase 3 of the Colorado Drought Plan.

Minturn to Dowd ECO Trail

The team met to review comments as well as considered trail location and right-of-way usage. From this meeting I coordinated some time with Matt Yamashita, Department of Natural Resources Area Wildlife Manager to discuss trail alignment and trail closure steps (if necessary) due to elk migration patterns. This meeting is scheduled for February 5th.

She has been looking in to the modifying the staff structure. Do to several changes including COVID she would like to move part of Econ Dev's time to the MFC for the purpose of increasing membership and other functions. This would be temporary but it is a strong need that would benefit the Town and citizens. Discussion ensued on this and it was deemed a positive move. It was important to note this is temporary and to be used to support the MFC and to increase its community contribution.

Terry A., who also sits as an MFC Board Member, was in support of this direction. She expressed the importance of the town's commitment to ensure this remains a Minturn asset. We as a community need to put more skin in the game to ensure success and ensure Minturn's interests.

Earle B. stated the original direction was the MFC would actively enroll memberships and manage the facility. He felt our participation was important. It was a consensus that the nonstudent membership of 40 members was not following the original agreements.

Brian E. was in support and felt we could contribute Econ Dev horsepower to turn the tide. He felt the need to see the financial history. This needs to be a short-term solution. There has been good work done at the MFC and we need to get back to that point.

Gusty K. was in support of this as a short-term solution. He does not want this to be a staff position at the expense of the town.

George B., also a MFC Board Member, felt this was a good discussion and an opportunity find solutions for the MFC.

- Future Agenda Items

Eagle County Vision and Strategy (VISTA) - Abby Dallmann to Feb 17
One Book One Valley Feb 17

MISCELLANEOUS ITEMS

10. Future Meeting Dates

a) Council Meetings:

- February 17, 2021
- March 3, 2021
- March 17, 2021

11. Other Dates:

- February 15, 2021 – President's Day (Office Closed)
- Annual Audit – February 16-19, 2021

12. Adjournment

Motion by Earle B., second by John W. to adjourn at 8:33pm.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk

To the Minturn Town Council

Minturn is a great family friendly town and one of the few towns in the area with a strong sense of community. We are constantly working towards maintaining that character.

For years the residents on Taylor St. have requested the town to do something about what they see as drug problems in the area by the Turntable. They have concerns for the safety of their families.

I feel introducing the sale of marijuana to our town will only diminish the wonderful character we have. The character that makes us different from the rest of the valley. We do not need to compete with the rest of the valley but to build upon the wonderful things we already have. The things visitors come to Minturn for. The things we have that makes them enjoy us for living here. A small beautiful authentic Colorado town.
Not a green neon cross.

As I have said before I believe MARIJUANA to be a gateway drug. I see people I love not be able to function without it. Addicts ARE not addicts until they ARE given the opportunity to try drugs. When I was younger I tried MARIJUANA AND after experiencing its effects I quickly decided I preferred REALITY. With age comes wisdom - the ability to understand what is right.

One more thought - Does our Staff need one more issue to deal with right now? They ARE over worked as it is. We have a police force but share them with the rest of the county. It often takes a little more time for them to respond to problems.

Money is not everything.
Minturn is great just the way we ARE - we CAN survive without MARIJUANA AND still come out AHEAD.

Thank you for reading this

Lynd Teach
253 Pine St.
Minturn



To: Mayor and Council

From: Jay Brunvand

Date: February 17, 2021

Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached annual renewal of a Hotel and Restaurant Liquor License for the Golden Aspen Leaf Inc, DBA Gourmet Cowboy Bar located at 455 Main St.

INTRODUCTION:

This establishment has an existing H&R License and this is the annual renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$125.00.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved on the Consent Agenda, no separate motion is required.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

GOURMET COWBOY BAR
PO BOX 3998
Vail CO 81658

Fees Due		
Renewal Fee		500.00
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name GOLDEN ASPEN LEAF INC		Doing Business As Name (DBA) GOURMET COWBOY BAR		
Liquor License # 03-06064	License Type Hotel & Restaurant	Sales Tax License # 29893451	Expiration Date 03/02/2021	Due Date 01/16/2021
Business Address 455 MAIN STREET Minturn CO 81645				Phone Number 9707486898
Mailing Address PO BOX 3998 Vail CO 81658			Email gourmetcowboy@comcast.net	
Operating Manager Clifford A Dorn III	Date of Birth 11/05/1986	Home Address 0211 Greenhorn Ave, Eagle CO 81631		Phone Number 719-238-7071
1. Do you have legal possession of the premises at the street address above? <input checked="" type="radio"/> Yes <input type="radio"/> No Are the premises owned or rented? Owned <input type="radio"/> Rented* <input checked="" type="radio"/> *If rented, expiration date of lease 12/31/2022				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. Yes <input type="radio"/> No <input checked="" type="radio"/>				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes <input type="radio"/> No <input checked="" type="radio"/>				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes <input type="radio"/> No <input checked="" type="radio"/>				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. Yes <input type="radio"/> No <input checked="" type="radio"/>				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business		Title
Sarah K. Biggs		Vice President
Signature		Date
[Handwritten Signature]		01/28/2021
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
Therefore this application is approved.		
Local Licensing Authority For		Date
Signature		Attest
Title		



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-4049
treasurer@minturn.org

**FROM THE DESK OF
JAY BRUNVAND, TREASURER/FINANCE**

MEMORANDUM

To: Mike Sawyer, Attorney
Scott Peterson, ECSO/Minturn
CC:
Date: 2/11/21 8:45 AM
RE: Liquor License

Attached please find a copy of a Hotel and Restaurant Liquor License renewal application for Golden Aspen Leaf Inc, Gourmet Cowboy/BC Wings, Clifford Dorn III, owner/manager, located at 455 Main St. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval on the Consent Agenda to Council at the February 17, 2021 Council Meeting.

Please let me know if you have any questions or concerns, which I may be able to answer.

Thanks, jay

VISTA

Motivation

COVID-19 has deeply impacted Eagle County's social and economic systems and has compounded existing inequities in housing, transportation, childcare, and healthcare. Systemic inequality and the spread of COVID-19 disproportionately affect young families, lower-income, disabled, and communities of color. Many of these individuals comprise our essential workforce and experience crowded living conditions, food insecurity, and face barriers to moving ahead and accessing assistance programs.

Eagle County is leading the development of a Community Vision and Strategy Project (VISTA) to address inequities. Community members will design a future for Eagle County that is healthy, equitable, and resilient. Information shared between Eagle County residents through the VISTA process will inform Eagle County's Comprehensive Plan, Strategic Plan, and other community policies, programs, and initiatives.

Goals:

1. Articulate a **shared vision** for the future
2. Strengthen the **civic capacity** and **leadership** of our community
3. Engage **historically disenfranchised** and **disproportionately impacted** communities
4. Enable meaningful **progress** and **impact** in addressing inequitable systems
5. **Leverage findings** into other Eagle County Government planning efforts

Outcomes:

1. Foster an **equitable, resilient, and sustainable** community
2. Cultivate a **diverse team** of community partners invested in **collaboratively** addressing local challenges and opportunities
3. Frame **planning** and **policy** decisions around **public input** and **experience**
4. Shape **actions** for **community members, anchor institutions, and governments**
5. **Redesign** county systems to support **equitable community engagement**

Approach:



Activity 1: Groundwork

VISTA partners will build the systems and partnerships necessary to carry out the project. Eagle County will convene a Stewardship Team to guide the process.



Activity 2: Our Community Values

The Stewardship and Project Management Teams will engage our community to learn community values and priorities for the future.

VISTA



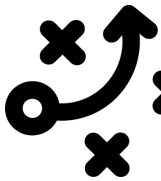
Activity 3: Community Assessment

By assessing qualitative data from Activity 2 and existing quantitative data, we will understand current conditions and future projections.



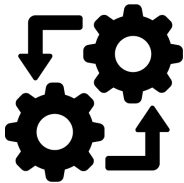
Activity 4: Goals and Vision

Building on our qualitative and quantitative data assessment, the Project Management Team will return to the community to identify goals and shape a clear vision for our future.



Activity 5: Strategies and Action Planning

Project Management and Stewardship Teams will develop the strategies and actions to act upon community-identified values and priorities.



Activity 6: Implementation and Stewardship

VISTA partners will convene to share action plans and sustain the momentum, partnerships, and commitments that come out of the project.

How can you support the VISTA effort?

To achieve an equitable and resilient community, we need to work together. Strong participation, advocacy, and support will build a plan for all of us to own and work toward.

Please consider nominating community members to serve on the Stewardship Team, a group of 25 community members that will guide the VISTA engagement process. You can either [nominate a person](#) you feel should be involved in this project or [nominate yourself](#).

VISTA

Motivación

El COVID-19 ha impactado profundamente los sistemas sociales y económicos del Condado de Eagle y ha agravado las inequidades existentes en vivienda, transporte, cuidado de niños y atención médica. La desigualdad sistémica y la propagación del COVID-19 afectan de manera desproporcionada a las familias jóvenes, las personas con discapacidades y a las comunidades de color. Muchas de estas personas componen nuestra fuerza laboral esencial y experimentan condiciones de vida hacinadas, inseguridad alimentaria, y enfrentan barreras que les impiden avanzar y acceder a programas de asistencia.

El Condado de Eagle lidera el desarrollo de un Proyecto de Estrategia y Visión Comunitaria (VISTA, por sus siglas en inglés) para abordar estas desigualdades. Los miembros de la comunidad diseñarán un futuro que sea saludable, equitativo y resiliente para el Condado de Eagle. La información compartida entre los residentes del Condado de Eagle a través del proceso de VISTA informará el Plan Integral, el Plan Estratégico y otras políticas, programas e iniciativas de la comunidad del Condado de Eagle.

Objetivos:

1. Articular una **visión compartida** para el futuro
2. Reforzar la **capacidad cívica** y el **liderazgo** de nuestra comunidad
3. Involucrar a las comunidades **históricamente privadas de sus derechos** y **afectadas de una manera desproporcionada**
4. Permitir un **progreso** e **impacto** significativos que aborden sistemas no equitativos.
5. **Aprovechar los hallazgos** de otros esfuerzos de planificación del Gobierno del Condado de Eagle

Resultados:

1. Fomentar una comunidad **equitativa, resiliente, y sostenible**
2. Cultivar un **equipo diverso** de socios comunitarios que inviertan en la **colaboración** para hacer frente a los desafíos y oportunidades locales
3. Plantear las decisiones de **planificación** y **políticas** en torno a **los aportes y experiencias del público**
4. Dar forma a las **acciones** para **los miembros de la comunidad**, las **instituciones ancla** y los **gobiernos**.
5. **Rediseñar** los sistemas del condado para apoyar **la participación equitativa de la comunidad**.

Enfoque:



Actividad 1: Trabajo Preparatorio

Los socios de VISTA construirán los sistemas y formarán las asociaciones necesarias para llevar a cabo el proyecto. El condado de Eagle convocará un Equipo Administrativo que guíe el proceso.

VISTA



Actividad 2: Nuestros Valores Comunitarios

Los equipos de Administración y Gestión de Proyectos involucrarán a nuestra comunidad para aprender los valores y prioridades para el futuro de la comunidad.



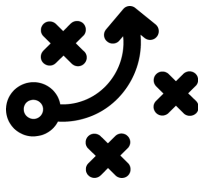
Actividad 3: Evaluación de la Comunidad

Al evaluar los datos cualitativos de la Actividad 2 y los datos cuantitativos existentes, comprenderemos las condiciones actuales y las proyecciones futuras.



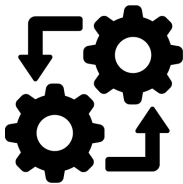
Actividad 4: Metas y Visión

Basándose en nuestra evaluación de datos cualitativos y cuantitativos, el Equipo de Gestión de Proyectos regresará a la comunidad para identificar metas y dar forma a una visión clara para nuestro futuro.



Actividad 5: Estrategias y Planificación de Acciones

Los equipos de Administración y Gestión de Proyectos desarrollarán las estrategias y acciones para actuar sobre los valores y prioridades identificados por la comunidad.



Actividad 6: Implementación y Administración

Los socios de VISTA se reunirán para compartir planes de acción y mantener el impulso, las colaboraciones y los compromisos que surjan del proyecto.

¿Cómo puede apoyar el esfuerzo de VISTA?

Para lograr una comunidad equitativa y resiliente, debemos trabajar juntos. Una fuerte participación, promoción y apoyo nos ayudará a crear un plan del que todos nos sintamos parte y trabajemos para lograrlo.

Considere la posibilidad de nominar a miembros de la comunidad para que formen parte del Equipo Administrativo, un grupo de 25 miembros de la comunidad que guiará el

VISTA

proceso de participación de VISTA. Puede nominarse o nominar a alguien a quien conozca y considere que podría participar en este proyecto.

[Formulario nominacion para el Equipo Administrativo de VISTA](#)

[Formulario auto nominacion para el Equipo Administrativo de VISTA](#)

Jay Brunvand

From: Michelle Metteer
Sent: Thursday, January 28, 2021 2:57 PM
To: Jay Brunvand
Subject: Fwd: Vista project to enhance public participation in local policies now seeking Stewardship Team

Please include the below notice with the VISTA information in the packet. Thank you.

Michelle Metteer
Town Manager
Minturn, Colorado

Begin forwarded message:

From: Eagle County Government <ecgweb@eaglecounty.us>
Date: January 28, 2021 at 2:47:28 PM MST
To: Council <Council@minturn.org>
Subject: Vista project to enhance public participation in local policies now seeking Stewardship Team
Reply-To: Eagle County Government <ecgweb@eaglecounty.us>

[View this email in your browser](#)



Eagle County News Release



Vista project to enhance public participation in local policies now seeking Stewardship Team

Jan. 28, 2020 - Eagle County is leading the soon-to-be launched Community Vision and Strategy

Contact

Adam Palmer
Sustainable Communities
Director

Project, Vista, by inviting community members to help identify solutions to challenges created by COVID-19, and design a future for Eagle County with health, equity, and resilience in mind.

Information received from Eagle County residents through the Vista process will inform Eagle County's Comprehensive Plan, Strategic Plan, and other community policies, programs, and initiatives.

The [county seeks community members](#) interested in participating on the Stewardship Team for the Vista Project. This Stewardship Team will help ensure that the process identifies what matters to the community, works towards developing a values-based vision, and creates commitment to action items. The Stewardship Team will represent a wide spectrum of partners and voices to help guide efforts and support and realize a community built upon collective values.

The Stewardship Team will meet 8 to 12 times through the Fall of 2021. At least initially, participation will be virtual to respect public health needs.


Team Members expectations:

-Encourage and enable an equitable representation of the community

970-328-8734


adam.palmer@eaglecounty.us

Connect with the County

 Facebook

 Twitter

 Vimeo

 www.eaglecounty.us

- Build public and political support, ownership, and implementation capacity
- Provide a diverse range of views and experience within project leadership
- Be champions and ambassadors that can speak to the the community
- Utilize existing connections to networks and leadership structures
- Enable and strengthen regional partnerships and collaboration
- Provide feedback and accountability to ensure that Vista is on track meeting project goals
- Create community and institutional legitimacy of the project

“Traditional planning processes often don’t reach community members impacted by policy decisions,” said Deputy County Manager Angelo Fernandez. “We believe we can do better. With Vista as an engagement vehicle for the Comprehensive Plan and other major strategies for Eagle County, we wanted to design a process that is accessible for our entire community and provides valuable feedback for decision makers to consider in developing policies. The Stewardship Team presents a wonderful opportunity to begin to engage.”

Interested Eagle County residents are encouraged to [submit an application](#) to join the Stewardship Team.

Residents can also [nominate a person](#) they believe would make a good candidate.

For additional information and for questions, contact adam.palmer@eaglecounty.us or (970) 328-8734.

El proyecto Vista para mejorar la participación pública en las políticas locales, está en busca de un equipo administrativo

28 de enero del 2020: El Condado de Eagle está liderando el proyecto Vista de Visión y Estrategia Comunitaria, el cual se lanzará próximamente, y está invitando a miembros de la comunidad para ayudar a identificar soluciones a los desafíos creados por el COVID-19 y diseñar un futuro para el Condado de Eagle que considere la salud, la equidad y la resiliencia. La información recibida de los residentes del Condado de Eagle a través del proceso del proyecto Vista informará el plan integral, el plan estratégico y otras políticas, programas e iniciativas de la comunidad del Condado de Eagle.

El Condado busca miembros de la comunidad interesados en participar en el Equipo Administrativo del Proyecto Vista. Este Equipo Administrativo ayudará a garantizar que el proceso identifique lo que es importante para la comunidad, trabaje para desarrollar una visión basada en valores y cree un compromiso con los elementos de acción. El Equipo Administrativo representará un amplio espectro de socios y voces para ayudar a guiar los esfuerzos, apoyar y hacer realidad una comunidad construida sobre valores colectivos.

El Equipo Administrativo se reunirá de 8 a 12 veces hasta el otoño del 2021. Al menos inicialmente, la participación será virtual para respetar las necesidades de salud pública.

Expectativas de los miembros del equipo:

- Fomentar y permitir una representación equitativa de la comunidad
- Generar apoyo político, sentido de la responsabilidad y capacidad de implementación
- Proporcionar diversos puntos de vista y experiencias dentro del liderazgo del proyecto
- Ser defensores y embajadores que puedan hablar con toda la comunidad
- Utilizar las conexiones existentes con las redes y

estructuras de liderazgo

-Habilitar y fortalecer las alianzas y la colaboración a nivel regional

-Proporcionar retroalimentación y asumir responsabilidad para asegurar que estemos cumpliendo con los objetivos del proyecto

-Crear legitimidad comunitaria e institucional para el proyecto

"Los procesos de planificación tradicionales a menudo no involucran a los miembros de la comunidad afectados por las decisiones políticas ", dijo el subdirector del condado, Angelo Fernandez. "Creemos que podemos hacerlo mejor. Con el proyecto Vista como un vehículo de participación para el Plan Integral y otras estrategias importantes para el Condado de Eagle, hemos querido diseñar un proceso que sea accesible para toda nuestra comunidad y que proporcione información valiosa para la consideración de aquellos que toman las decisiones en las políticas de desarrollo. El Equipo Administrativo presenta una maravillosa oportunidad para comenzar a participar ".

Animamos a los residentes del condado de Eagle que estén interesados a [enviar una solicitud](#) para unirse al equipo de administración.

Los residentes también pueden [nominar a una](#)

[persona](#) que crean que sería un buen candidato.

Para obtener mayor información y si tiene preguntas, comuníquese con

adam.palmer@eaglecounty.us o llame al (970) 328-8734.

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Eagle County Government
500 Broadway
P.O. Box 850
Eagle, Colorado 81631

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OFFICIAL PROCLAMATION
ONE BOOK, ONE VALLEY, 2021

A Valley-wide Community Read sponsored by the
Towns of Avon, Eagle, Gypsum, Minturn, Red Cliff, and Vail

WHEREAS, Community Read programs have united and uplifted hundreds of cities and principalities throughout the United States of America; and,

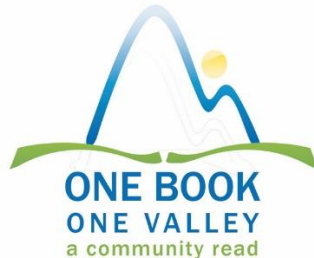
WHEREAS, the book “Lab Girl” by Hope Jahren (acclaimed scientist who has built three laboratories in which she’s studied trees, flowers, seeds, and soil) was published in 2016 and is now available in paperback, large print, eBook & eAudiobook formats. This book is a Winner of the National Book Critics Circle Award and a New York Times Notable Book; and,

WHEREAS, this Eagle Valley Community Read is the 10th Anniversary year of the One Book One Valley initiative and, as such, we applied for and were awarded an NEA Big Read grant to host the National Endowment for the Arts Big Read in Eagle County. The NEA Big Read, an arts endowment initiative in partnership with Arts Midwest, broadens how the community understands the world, different communities and fellow humans through the joy of sharing a good book,

WHEREAS, this Eagle Valley Community Read will feature book discussions by a number of groups and organizations throughout the county; a variety of special related programs hosted by the partnering organizations including, new this year, Betty Ford Alpine Gardens, Walking Mountains Science Center and the Town of Vail’s Department of Environmental Sustainability; and, a special Guest Appearance by the author; and,

WHEREAS, the One Book One Valley initiative will encourage literacy and shared enjoyment of reading throughout Eagle County,

NOW, THEREFORE, we, the Mayor and Town Council of the Town of Minturn hereby promote the One Book One Valley initiative and officially announce and promote the book “Lab Girl” to all Eagle County residents for their enjoyment and the enjoyment of all.



TOWN OF MINTURN

ATTEST:

By: _____
John Widerman, Mayor

Jay Brunvand, Town Clerk

Water Report 17 February 2021

Water loss computation for January came to 14.77%. This is the highest in several months, but is not overly alarming. Winter is when the Town has its lowest water use demand (no outdoor water use) and produces the lowest amounts of water from the Water Plant. The water loss computation is computed based on water produced at the plant and water totals from water meters. In the summer when a lot of water is produced and the metered water is compared with this, the percent loss will always be smaller because the produced water is so much greater.

Special thanks to Michelle, Isaiah, Arnold, Jay Brunvand, Jason Perrigaud from ERWSD, and Sibley Plumbing. There was a water line break under a house on Boulder Street this weekend and they all played a vital part in finding the Curb Stop and getting the leak repaired.

CURB STOPS: the water shut-off to the property.

Knowing where the curb stop is located is the property's owner responsibility. Please take this to heart. If this location had been known, far fewer people would have been involved and a lot of water could have been saved.

Michelle is diligently working through loan processes and grant opportunities for the Water Infrastructure Project.

Water Infrastructure Permitting, Design and Construction

Two weeks ago, Council approved the SGM Contract for this work. There are many sequential steps that must and will be taken and moving parts including wildlife assessments, CDPHE reviews, and other agencies that are required to be notified and engaged to weigh in on this endeavor including Ute Indian Tribes. The contract with SGM specified a monthly progress report. I anticipate there might be information outlining specific steps being taken and progress or waiting periods entered for an update in March.

There are many citizens that use the Water Plant Road for walking and dog exercising. There will be studies for the Elk, Deer, Moose and other wildlife that are found in this area. The obvious foot and dog traffic that is happening may negatively impact these studies. I would ask citizens to please change their habits

and find an alternate place. This will help wildlife survival and impact the Water Infrastructure Improvement progress.

On a more optimistic note; snow has been falling fairly regularly and this can only help for spring run-off and the drought condition we are experiencing.

George Brodin



To: Mayor and Council
From: Jay Brunvand
Date: February 17, 2021
Agenda Item: Resolution 08 – Series 2021

REQUEST:

Staff is requesting Council to approve Resolution 08 – Series 2021 a Resolution in support of the Colorado Dept of Local Affairs Financial Grant for use in completing the Community Plan and 100-Block parking study.

INTRODUCTION:

During the February 3, 2021 Council Meeting, Council approved Resolution 07-2021. This Resolution created an Ad Hoc committee, approved the budgeted expense to revise the 2009 Community Plan, and directed the creation and distribution of a Request for Qualifications to solicit qualified Companies to submit their resumes, references, and any pertinent additional materials for review by the committee.

ANALYSIS:

This Resolution directs support of the application of DOLA Grants to assist in funding for this project. The intent is to match Town funds with available grants to complete the Community Plan and the 100-Block Parking Plan. The funds will be used both in house and to hire the RFQ companies through a Request for Proposal process.

COMMUNITY INPUT:

The Community Plan update will be an extensive public process expected to take 12+ month.

BUDGET / STAFF IMPACT:

Up to \$130,000 in addition to potential grant receipts.

STRATEGIC PLAN ALIGNMENT:

The Community Plan update will encompass all initiatives of the Strategic Plan. **ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT LONG-TERM STEWARDSHIP OF THE NATURAL BEAUTY AND HEALTH OF MINTURN'S ENVIRONMENT**

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 08 – Series 2021 as presented.

ATTACHMENTS:

- Resolution 08 – Series 2021

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 08 – SERIES 2021**

**A RESOLUTION IN SUPPORT OF THE COLORADO
DEPARTMENT OF LOCAL AFFAIRS FINANCIAL GRANT
TO THE TOWN OF MINTURN, COLORADO**

WHEREAS, The Town of Minturn is committed to a DOLA Grant submittal request for the purpose of updating the Town of Minturn’s Community Plan which will include a parking study of the 100-Block of Town and updating of the Design Review Guidelines; and

WHEREAS, The Department of Local Affairs, grant administrator, requests notice of support of any such grant prior to receipt; and,

WHEREAS, The Town of Minturn desires such grant and has the required cash match in the amount of up to \$130,000;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF
THE TOWN OF MINTURN, COLORADO:**

1. The Minturn Town Council supports any potential grant awarded by the Department of Local Affairs to the Town of Minturn and
2. The Town of Minturn has sufficient funds on hand to match the required cash funding.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this
17th day of February, 2021.**

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk



To: Mayor and Council
From: Michelle Metteer
Date: February 17, 2021
Agenda Item: Burke Harrington Construction Conditional Use Permit (CUP) Review

REQUEST:

Staff requests a public hearing for the purposes of following the process outlined in Resolution 28 – Series 2018, a Resolution approving conditional use permit application CU 03 – 2018 for Burke Harrington Construction, UPRR Railroad Ave, Town of Minturn.

INTRODUCTION:

A complete introduction and background of the Union Pacific Railroad (PUD Holding Zone) Conditional Use process can be reviewed within the Staff Report provided during the 2020 CUP review process and included as an attachment herein.

Of recent issue, and the reason for a request for public hearing, is due to Burke Harrington Construction receiving a third violation notice within a 12-month period. As outlined and approved within Resolution 28 – Series 2018 condition #6, three violations within one-year trigger a recommendation to Council for revocation of the CUP.

ANALYSIS:

Council previously provided direction to apply for the next round of TAP grant funds. Due to the responsibility to supply matching funds, Council approved the efforts of a grant application for the section of sidewalk from the Enclave townhomes to Cemetery Road, east side. This section of the project was the least expensive option of the potential projects provided to Council for consideration.

In May of 2020 – The Town received several resident complaints regarding the storage of non-work-related vehicles, and the absence of fencing and/or green screening around lease area boundaries.

In June of 2020 – A site visit was conducted with Burke Harrington to discuss issues of non-compliance. From this visit a warning letter was sent detailing the specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.

By July 2020 the two warnings had not been addressed and therefore two violation notices were sent to Burke Harrington Construction for failure to remove a non-work-related vehicle and for failure to erect screened fencing.

In January 2021 Town staff received a complaint from a concerned resident regarding the storage of abandoned and/or unregistered vehicles within the CUP area. On Thursday, January 28, 2021 Town staff visited the CUP site and identified multiple vehicles with expired registrations as well as a vehicle which appeared to be non-work related. A second staff visit on February 2, 2021 found all vehicles in violation to still be present on the CUP property. (See attached Notice of Violation dated January 2021). As indicated by Condition #3 of the Conditional Use Permit; There shall be no inoperable/unlicensed vehicles kept on the property for longer than 5 days as required by the Minturn Municipal Code, Sec 7-2-70.

These violations were/are Burke Harrington Construction’s third notice of violation. As identified in Resolution 28 – Series 2018, a third notice of violation in a 12-month period initiates staff to escalate the issue to the Council-level for recommended revocation of the CUP. Revocation is at the sole discretion of the Town Council.

COMMUNITY INPUT:

Significant – Many Minturn residents, a large number specifically from Taylor Ave, expressed their disapproval of activity in the railyard and identified preferable uses to include an open space area.

BUDGET / STAFF IMPACT:

Staff impact has been significant (at times) and remains ongoing.

STRATEGIC PLAN ALIGNMENT:

Following the process outlined in Resolution 28 – Series 2018 and publicly approved follows the Minturn Strategic Plan as follows:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

RECOMMENDED ACTION OR PROPOSED MOTION:

The process for addressing PUD Holding Zone Conditional Use Permits as outlined in Resolution 28 – Series 2018 requires staff to recommend revocation of the CUP – the Resolution provides no leeway on this matter. The Resolution does allow for the Council to hear the issues and make an independent determination based on all considerations – it does not require the Council to revoke the permit. Should Council determine not to revoke the permit, staff will look for direction on improved methods to ensure compliance, as violations may no longer be an impetus in and of themselves for a violating CUP holder to follow the conditions outlines.

ATTACHMENTS:

- 2021 Notice of Third Violation to Burke Harrington Construction, CUP holder
- Resolution 28 – Series 2018
- 2020 CUP Planning Dept Report

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



**Minturn Planning
Commission**
Chair – Lynn Teach
Jeff Armistead
Lauren Dickie
Burke Harrington
Chris Manning
Jena Skinner

February 4, 2021

Burke Harrington
PO Box 2943
Vail, CO 81658
bhcco@comcast.net

Via: Email and Certified Mail

Re: Burke Harrington Construction Contractor Storage CUP Third and Final Notice of Violation and Recommendation for Revocation

Burke Harrington:

This is the third and final notice of violation to your Conditional Use Permit (CUP). Upon inspection by Town staff, no less than three vehicles with expired registrations were located on the premise. In addition, the Jeep Wagoneer appeared to be filled with clothes and moving boxes, indicating this vehicle is of a personal nature and not work-related. Inserted below are photos dated January 28, 2021 and February 2, 2021 of the multiple unregistered vehicles with expired tags and the non-work related vehicle. Unrelated work-vehicles of any kind are not permitted within the permitted premises pursuant to CUP Condition Number 2 of your permit as set forth below. Further, unlicensed vehicles are not to remain on the property for a period greater than five days, pursuant to CUP Condition Number 3 of your permit as set forth below.

This is your third and final notice of violation. Although each of these issues are an independent violation, the result is your third notice of violation. Two former notices of violation were sent via email and USPS on July 8th, 2020 and July 17th, 2020, which are incorporated herein by reference.

CUP Condition Number 6 set forth below directs staff to recommend revocation of a CUP to Town Council after three violations have accrued within a one-year period. **You are hereby notified that because this is your third notice of violation, pursuant to CUP Condition Number 6, Town staff is recommending to Town Council that your CUP be revoked. Town Council will take up this matter during a public hearing at its regular meeting on Wednesday February 17, 2021.** At this hearing, you will have the opportunity to respond to staff's recommendation and present evidence relating to these alleged violations during this hearing.

As a reminder, the terms governing your use of the lease areas under the Conditional Use Permit approved in 2018 are as follows:

- 1. Request that only business- related items related to the expressed business be located on leased property. No vehicle shall exceed 40' 2" in length.**

2. **No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s. RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.**
3. **No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec. 7-2-70.**
4. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7- 4- 50.
5. Lessees are to maintain business in contained areas only.
6. Annual report by the Code Compliance Officer to Council — re: Violations
 - a. 3 violations in 1 year
 - b. Recommendation to Council to revoke CUP
7. **Lessees to meet with Town Council every 3 years for CUP review.**
 - a. **Report from Code Compliance Office**
 - b. **Report from Planning Director**
8. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
9. Maintain noise and vibration standards. Sec. 16-18-30
10. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
11. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
12. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
13. All parking must be done within the fenced yard and/or building
14. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
15. Emergency access of 20' through the yard and at both access gates
16. Off-season use will require site storage of snow and keeping emergency access cleared.
 - a. Maintain proper snow storage or sufficient snow removal
17. **Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.**
18. **Town staff inspects the site for compliance at any time.**

Please feel free to contact the Minturn Planning Department at (970) 827-5645, Extension 2 if you have questions, or if you would like to view the Conditional Use Permit.

Sincerely,



Madison Harris
Planner I

Cc: Michelle Metteer, Town Manger
Scot Hunn, Town Planner
Richard Peterson-Cremer, Attorney
Michael J Sawyer, Attorney
Anna Dancer, Union Pacific Railroad















**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 28 – SERIES 2018**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 03 – 2018
FOR BURKE HARRINGTON CONSTRUCTION, UPRR RAILROAD AVE, TOWN OF
MINUTURN**

WHEREAS, The Burke Harrington Construction has submitted a land use application for a Conditional Use Permit to allow for construction storage; and

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

WHEREAS, on October 10, 2018 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application as presented with conditions; and

WHEREAS, on November 7, 2018 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

WHEREAS, The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application including the following findings:

- 1) Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.
- 2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:
 - a. The relationship and impact of the use on the community development objectives of the Town.
 - b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.
 - c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.

d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:

1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed use will comply with each of the applicable provisions of this Chapter.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO HEREBY AND HEREWITH:

Section 1. that the application for a Conditional Use Permit for File No. CU 03 – 2018 be approved subject to the following conditions:


1. Request that only business-related items related to the expressed business be located on leased property. No vehicle shall exceed 40'2" in length.
2. No recreational vehicles or ATV's of any kind. Not limited to boats, snowmobiles, ATV's, RV's, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
3. No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec.7-2-70.
4. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7-4-50.
5. Lessees are to maintain business in contained areas only.
6. Annual report by the Code Compliance Officer to Council – re: Violations
 - a. 3 violations in 1 year
 - b. Recommendation to Council to revoke CUP
7. Lessees to meet with Town Council every 3 years for CUP review.
 - a. Report from Code Compliance Office

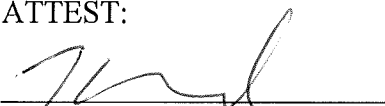
b. Report from Planning Department

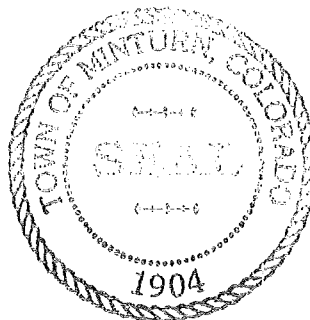
8. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
9. Maintain noise and vibration standards. Sec. 16-18-30
10. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
11. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
12. Proper fuel containment / inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
13. All parking must be done within the fenced yard and/or building
14. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
15. Emergency access of 20' through the yard and at both access gates
16. Off-season use will require site storage of snow and keeping emergency access cleared.
 - a. Maintain proper snow storage or sufficient snow removal
17. Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
18. Town staff inspects the site for compliance at any time.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7TH day of November, 2018.

TOWN OF MINTURN

By: 
Matt Scherr, Mayor

ATTEST:

Jay Brunvand, Town Clerk





2020 Union Pacific Railroad Property Conditional Use Permit Reviews

Overview of Zoning, the CUP Process, and Enforcement Issues

Zoning:	Game Creek Character Area PUD Holding Zone
Staff:	Scot Hunn, Planning Director Madison Harris, Planner I

Staff Report

I. Overview:

The following sections outline the Conditional Use Permit review process, the requirements and necessary findings of the Minturn Municipal Code, and a summary of enforcement chronology and issues associated with historic storage and parking uses on leased Union Pacific Railroad (UP) property located on the north side of the Town.

This overview is provided for the Council’s benefit and use in reviewing four separate CUPs for parking and contractor storage uses occurring on the UP property. Importantly, the standards and findings listed below are germane to each of the four CUP reviews before the Council at the October 21, 2020 regular meeting.

II. Summary of Process and Code Requirements:

This is a Conditional Use Permit (CUP) review by the Town of Minturn Town Council, acting as the Town of Minturn Zoning Board of Adjustment – the body responsible for review of CUPs in accordance with the standards, criteria and findings outlined in Section 16-21-620 – *Conditional Use*, Minturn Municipal Code. Any action of the Town of Minturn Town Council should be based on the following standards and findings:

(e) Conditions and procedure of issuance.

(1) The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application

(d) Administrative procedure.

(1) Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.

(2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:

a. The relationship and impact of the use on the community development objectives of the Town.

b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.

c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.

d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:

1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.

2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

3. That the proposed use will comply with each of the applicable provisions of this Chapter.”

III. Chronology/Background:

In 2017, the Minturn Town Council listed compliance and enforcement of the Minturn Municipal Code, as well as adherence to recommendations of the 2009 Community Plan, as a priority for the entire town. In doing so, the Council also focused on uses and, in certain instances, ongoing code enforcement and nuisance-related issues occurring at the UP properties located within the “Game Creek Character Area PUD Holding Zone District” which is generally situated north of the Eagle River Inn and Saloon buildings, west of Taylor Avenue, and east of the Eagle River.

In order to address such issues and concerns, the Town initiated outreach to existing leaseholders on UP property in 2017 with several existing lease holders operating contractor storage, as well as commercial uses (Turn Table Restaurant and lodging uses) on UP property with the goal to allow those uses to continue, but only via the approval of Conditional Use Permits (CUPs) as a means to regulate those uses more closely through the imposition and enforcement of “conditions” or standards for storage (fencing, screening, parking, hours of operation, for instance).

According to the Minturn Municipal Code, any uses occurring on the UP properties – located within the “Game Creek Character Area PUD Holding Zone District” - require the approval of a Planned Unit Development (PUD), or, if master planning the UP property is not proposed, a Conditional Use Permit. Unfortunately, UP has been largely uninvolved in the CUP process; typically, UP executes leases for various lease areas within the railroad property without communication with the Town, leaving the Town to discover 1) new leases and uses occurring in the railyard through code enforcement activity, and 2) changes in lessors (subleasing) making it difficult for the Town to determine who to contact as a matter of code compliance.

After an extensive public process with hours of public comments submitted, Conditional Use Permits were ultimately issued in late 2018 for the following business entities operating with leases on the UP property:

- Burke Harrington Construction (BHC)
- Happy Hammer Carpentry (Cozzens Construction)
- The Turntable Restaurant / Minturn Mountain Motel
- Minturn Builders Alliance Cooperative

The CUPs were approved with the following conditions or standards:

1. Request that only business- related items related to the expressed business be located on leased property. No vehicle shall exceed 40' 2" in length.
2. No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s. RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
3. No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec. 7-2-70.
4. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7- 4- 50.
5. Lessees are to maintain business in contained areas only.
6. Annual report by the Code Compliance Officer to Council — re: Violations
 - a. 3 violations in 1 year

- b. Recommendation to Council to revoke CUP
7. Lessees to meet with Town Council every 3 years for CUP review.
 - a. Report from Code Compliance Office
 - b. Report from Planning Director
8. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
9. Maintain noise and vibration standards. Sec. 16-18-30
10. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
11. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
12. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
13. All parking must be done within the fenced yard and/or building
14. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
15. Emergency access of 20' through the yard and at both access gates
16. Off-season use will require site storage of snow and keeping emergency access cleared.
 - a. Maintain proper snow storage or sufficient snow removal
17. Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
18. Town staff inspects the site for compliance at any time.

Following approval of the CUPs, no significant code enforcement investigations or actions (notices of violation) on UP property were taken in 2019.

However, in Spring 2020 the Town began receiving complaints from multiple parties regarding the state of some of the lease areas. Complaints and investigations by the Town identified issues related to:

- A lack of 100% screening (or lack of maintenance of green mesh fabric on fencing) of lease area boundaries
- Noise and/or hours of operation
- Use of sites for operation contractor yards rather than for “contractor storage”
- Parking outside of the approved leased areas
- Parking of unregistered/unlicensed vehicles
- Storage of non-business-related vehicles, trailers and equipment

Following investigations by the Town, two CUP holders – Burke Harrington Construction and Minturn Builders Alliance – were notified of violations of the terms of their respective Conditional Use Permits.

General Code Enforcement Chronology:

- **September 2017** – Correspondence was sent from the Town to UP representative Jason Mashek to notify UP of “review” of existing uses and permits on UP property and to request list of active, valid lease holders.
- **November 2017** – Correspondence was sent from Town to J. Mashek apprising UP of the Town’s intent to enforce Minturn Municipal Code (MMC) provisions and to gain compliance

of existing uses and businesses operating on UP property by “having all occupied addressed with the PUD Holding Zone properly permitted by April 1, 2018.”

- **January 2018** – Correspondence was sent from the Town to individual businesses operating on UP property that the Town had commenced the process to work with UP and individual business owners to enforce the provisions of the MMC and to bring businesses into compliance. A stated goal was to assist the UP and individual businesses in applying for Conditional Use Permits and to address or “eliminate” issues such “sub-leasing, outdoor storage of unapproved items, businesses without [conditional] use permits...or businesses in violation of their permit...”
- **February 2018** – Correspondence from the Town to J. Mashek appealing for cooperation in gaining compliance for existing lease holders and to get those businesses operating without CUPs to work with the Town to make application. This correspondence put the UP on notice that any businesses (leaseholders) operating without valid CUPs will not have their annual business licenses renewed (as of April 2018).
- **February 2018** – Additionally correspondence from the Town to individual business owners operating on UP property that the Town had commenced the process to work with UP and individual business owners to enforce the provisions of the MMC and to bring businesses into compliance. The correspondence included application forms for Conditional Use Permits.
- **February 2018** – Correspondence from J. Mashek (UP) stating that tenants of UP property were permitted to sub-lease, but only if approved by UP. Mr. Mashek clarified that no existing lessee has permission to sub-lease.
- **February 2018** – Correspondence from the Town to J. Mashek clarifying that intent of Town is to ensure that lease area boundaries are delineated and fenced (for screening and security purposes) and that the Town was interested in controlling traffic on the one access road traversing the UP property. In a response from J. Mashek to town staff, Mr. Mashek clarified that storage of extraneous vehicle storage (non-business related, inoperable, or unregistered vehicles) are “not allowed” but that that sub-leasing to allow for such storage is “difficult for us to monitor.” Mr. Mashek further inquired “If you can point to the tenants where you know (or have a good suspicion) are subleasing for trailer/auto/camper/boat storage, please let me know and I will get it handled.
- **September 2018** – Business owners operating on UP property applied for Conditional Use Permits to continue contractor storage/light industrial uses.
- **November 2018** – Following public hearings before the Planning Commission and Town Council, the Council signed resolutions permitting these uses conditional on adherence with the approved contractor standards.
- **May 2020** – The Town received several complaints regarding the storage of non-work-related vehicles, the absence of fencing and/or green screening around lease area boundaries, and the operation of machinery outside of specified operating hours 7am-7pm.
- **June 2020** – Site visits were conducted with Minturn Builders Alliance representative and Burke Harrington to discuss issues of non-compliance.
- **June 2020** – Letters were sent to these CUP holders (Minturn Builders Alliance and Burke Harrington Construction) detailing specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.
- **July 2020** – Two violation notices were sent to Burke Harrington Construction for failure to remove a non-work-related vehicle and for failure to erect screening fence.

Burke Harrington Construction Chronology:

- **Late 1990's** – BHC enters into a lease agreement with Union Pacific Railroad.
- **2017** – the Town commenced code enforcement actions to address the condition of the property (fencing and screening of storage areas) as well as suspected subleasing/storage of recreational vehicles occurring within the leased areas.
- **2018** – the Applicants applied for an amendment to the Conditional Use Permit.
- **December 2019** – Burke Harrington Construction obtains a new lease through Union Pacific Railroad but no update of a new lease or CUP application is received by the Town.
- **May 2020** – The Town received several complaints regarding the storage of non-work-related vehicles, the absence of fencing and/or green screening around lease area boundaries, and the operation of machinery outside of specified operating hours 7am-7pm.
- **June 2020** – Site visits were conducted with Minturn Builders Alliance representative and Burke Harrington to discuss issues of non-compliance.
- **June 2020** – Letters were sent to these CUP holders (Minturn Builders Alliance and Burke Harrington Construction) detailing specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.
- **July 2020** – Two violation notices were sent to Burke Harrington Construction for failure to remove a non-work-related vehicle and for failure to erect screening fence.
- **August 2020** – Burke Harrington Construction installs fencing and mesh screening material while also removing the offending vehicle on the existing CUP lease area.
- **August 2020** – Burke Harrington Construction applies for a new Conditional Use Permit for contractor storage at the proposed lease site.

Minturn Builders Alliance/Cooperative Chronology:

- **December 2005** – Rocky Mountain Custom Landscapes (RMCL) and Minturn Builders Alliance (MBA) were granted approval, with fourteen (14) conditions for a conditional use permit for a contractor storage yard and associated parking in a different location near Taylor Street.
- **March 2009** - The Minturn Builders Alliance Cooperative was formed, and the location of the previously approved CUP was moved to its current location along the Eagle River with administrative approval from the Town staff.
- **2013** - MBAC obtained an additional lease from Union Pacific Railroad for a small area located just to the east and across an internal access road from the MBA's main lease area. This additional area is currently being used/subleased for contractor storage and operations for a plant nursery and other storage uses.
- **2017** - The Town commenced code enforcement actions to address the condition of the property (fencing and screening of storage areas) as well as suspected sub-leasing/storage of recreational vehicles occurring within the leased areas.
- **2018** – The Applicants applied for an amendment to the Conditional Use Permit.
- **May 2020** – The Town received several complaints regarding the storage of non-work-related vehicles, the absence of fencing and/or green screening around lease area boundaries, and the operation of machinery outside of specified operating hours 7am-7pm.
- **June 2020** – Site visits were conducted with Minturn Builders Alliance representative and Burke Harrington to discuss issues of non-compliance.

- **June 2020** – Letters were sent to these CUP holders (Minturn Builders Alliance and Burke Harrington Construction) detailing specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.

Cozzens Constructions Chronology:

- **August 17, 2008** – Cozzens Construction enters into a lease agreement with Union Pacific Railroad.
- **2017** – The Town commenced code enforcement actions to address the condition of the property (fencing and screening of storage areas) as well as suspected sub-leasing/storage of recreational vehicles occurring within the leased areas.
- **2018** – The Applicants applied for an amendment to the Conditional Use Permit.

Turntable Restaurant & Motel Chronology:

- **June 2006** – The Turntable Restaurant and Motel uses were approval via CUP with twelve (12) conditions for the operation of the restaurant, motel and associated parking.
- **2016** – The ownership of the restaurant and motel changed.
- **2016** – A new liquor license for the restaurant was granted, along with a parking plan for restaurant and motel patrons and residents.
- **2017** – The Town commenced code enforcement actions to address sub-leasing of parking spaces within the designated parking areas for the restaurant and motel as well as storage and screening issues.
- **2018** – The Applicant applied for an amendment to the Conditional Use Permit and began actively cooperating with the Town to address issued identified by the Town.

IV. Zoning Analysis:

Zoning

The subject property is located within the “Game Creek Character Area” PUD Holding Zone District. The description and purposes of the PUD Holding Zone District are as follows:

Sec. 16-12-10. - Character Area characteristics.

The Game Creek Character Area is visually prominent from the north entryway into the Town. The area is predominantly devoted to railroad use and will require a comprehensive planning effort prior to redevelopment. In addition to the rail yard, the area contains the Taylor Avenue neighborhood, some commercial uses and a community parking lot. The area is bisected by the railroad right-of-way, which is intended to remain as a continuous transportation corridor. Most of the area lacks adequate street rights-of-way and utilities. The Community Plan has identified this area as an appropriate area for extension of the Old Town commercial core, mixed-use and residential development; however, high impact industrial uses are discouraged. Enhancement of the Eagle River corridor is a community priority.

- Town of Minturn Municipal Code Section 16-12-10

Sec. 16-12-30. - Game Creek PUD Holding Zone.

- (a) *This area is currently owned by the Union Pacific Railroad; however, trains are no longer utilizing the corridor or the rail yard. **The historic industrial zoning is no longer appropriate due to the probable abandonment of the rail line and potential conflict with future commercial and residential development.** Redevelopment of this area will have a significant impact on the future character and size of the Town.*

- (b) *It is an objective of the Town to plan and redevelop the rail yard as a master planned development that is compatible with the existing Town character. Future development and land use decisions for this area need to incorporate community input and involve an open public process. The PUD Holding Zone and the PUD review process will provide for the flexibility, innovation and public input necessary to achieve the goals and objectives of the Community Plan and this Chapter. This area has been identified in the Community Plan as an area suitable for expansion of Old Town and as a "potential Town Center" site. Development in this area needs to incorporate appropriate residential and low-impact land uses along Taylor Avenue to minimize impacts to the existing neighborhood. The rail corridor should be maintained and improved access to and across the Eagle River should be incorporated into proposed development plans.*

- (c) *PUD or special review required: Planned Unit Development master development plan for the PUD Holding Zone is the preferred review process for future development of the Game Creek Holding Zone. **If circumstances arise that do not provide for the submittal of a PUD master development plan for the entire Game Creek PUD Holding Zone, the owners may apply to the Town for a Planned Unit Development on a portion of the property or may apply for a special review use permit for consideration of a temporary use.***

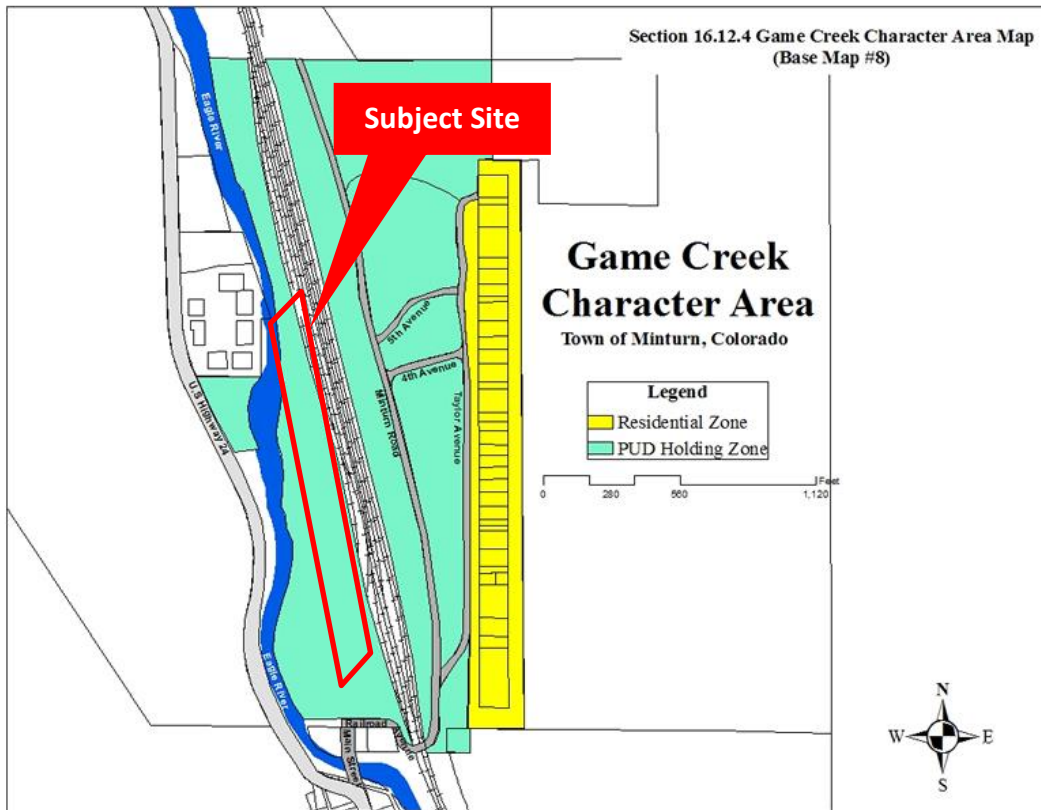


Figure 1: Game Creek Character Area Zoning Map

Dimensional Limitations and Development Standards

The only applicable dimensional limitation and/or development standard for the PUD Holding Zone is the 30’ river setback to be measured from the mean highwater mark on the Eagle River. The lease area boundary for the proposed Burke Harrington Construction Conditional Use Permit is located approximately 50 feet from the Eagle River.

Because it is anticipated by the Town that any future development or redevelopment of the holding zone will be master planned and reviewed as part of a Planned Unit Development (PUD) or special use permit, dimensional limitations and other standards are also anticipated to be established as part of any such review.

The Town of Minturn Design Standards and Guidelines, under Section C – *Design Criteria*, subsection ‘c’ – *Materials and Screening*, offers the following guidance:

c. Screening

Both residential and commercial areas within the Town shall be required to screen certain visually obtrusive areas, including, but not limited to, refuse storage, general storage, loading areas, mechanical equipment and parking areas.

“The screening may occur with landscaping, compliant with Sections 16-16-140, 16-16-150 and 16-16-160, or these uses may be screened with fencing or by

containing the uses within a structure or parapet walls. Fences shall not exceed 3-feet in height for opaque fences and 4 feet in height for fences with you can see through. Higher fences may be used to screen the sides and rear of the lot but should not exceed 6 feet in height. In no case shall a fence or screening structure obstruct a driver's view of an intersection.”

V. Issues and Discussion Topics:

Visibility / Unsightliness

While a majority of equipment associated with the business is to be stored within an existing building, areas outside the building and within the lease area will be used for storage and parking of vehicles as well. This area is visible from certain vantage points from Taylor Avenue residential zone district and U.S. Highway 24.

Chain link fencing and green mesh screening have been installed around current approved leased areas that have CUPs attached to them. Certain conditions and standards directed at ensuring that the site is maintained in an orderly fashion and also limiting the storage of certain equipment and/or vehicle types and sizes apply.

VI. Staff Findings and Analysis:

The following section provides staff responses to each of the applicable Conditional Use criteria.

a. The relationship and impact of the use on the community development objectives of the Town.

Staff Response:

Under “Community Character / Urban Design” of the 2009 Community Plan (the Town’s comprehensive plan), strategy number CCS 1.8 states – *“Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use.”*

Under “Economy” of the 2009 Plan, the Economy vision statement states, in part, that *“A diverse mix of businesses catering to the local community and tourist are necessary for a stable, year-round economy. Special efforts should be made to promote the existing businesses in town and to also facilitate new business development.”*

In 2018, the intent of the Town – working *with* existing lease holders to identify and propose solutions to existing conditions and issues – was to conduct the CUP process so that existing uses could continue as a means to protect existing business operations in the Town while also allowing the Town to regulate such uses and enforce Town Code provisions for safety, nuisances, and general aesthetics. Ultimately, the goals of this process were to:

- Maintain the diversity and mix of businesses
- Contribute to the year-round economy
- Protect the health, safety, welfare, and the aesthetics of the town.

Testimony and participation at public hearings before approval of the CUPs led to the development of the contractor storage standards and terms of use that were attached to the CUPs as conditions of approval.

However, in the interim year and a half, compliance with those conditions – and maintenance of the sites - has waned or was never fully realized in some instances. In other instances, original lease and CUP holders have since sub-leased their areas to secondary users who may or may not have been aware of the terms of use.

In 2020, this has resulted in numerous complaints being received by the Town and has caused the Town to spend considerable time and resources responding to those complaints while increasing monitoring of business operations and existing conditions at all of the existing CUP lease areas.

The UP property – and the lease areas - is one of the first things people see when they enter Town from the North, and often it is not an aesthetically pleasing sight. While it is true that this is a unique piece of land which allows light industrial/contractor storage uses that are not permitted elsewhere in Town and thus adds to the diversity and mix of businesses, it has become apparent that more work is needed to ensure that such uses can remain in this area while not becoming a detriment to the image of the town, the enjoyment of adjacent or nearby properties, or the resources and efficacy of the Town government.

In accordance with the terms of CUP approvals for the contractor storage uses on UP property, the Town is conducting reviews of each existing CUP, nearly two years following their original approval. Staff anticipates that as part of this review process the Town will re-examine the 18 conditions or standards/terms of use to better understand which standards are “working” or enforceable, and which are not.

- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.***

Staff Response:

The current operations on UP property, inclusive of parking and requested storage uses within the lease boundaries, have minimal material impact or effect on the distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and/or needs.

- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.***

Staff Response:

Use of the leased areas for contractor storage associated with an existing business in close proximity to an existing storage site does not result in a material increase in local traffic, congestion, pedestrian safety, traffic flow and control, access, maneuverability and snow removal in the immediate vicinity of the subject property.

- d. *The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*

Staff Response:

Until the late 1990's the character of the area in question had been a working railyard. This railyard was established prior to the town becoming incorporated in 1904 and prior to a majority of the homes being built along Taylor Avenue.

Staff believes that the main factor impacting the character of the surrounding area or, importantly, the compatibility of the use within the Game Creek Character Area is the visual or aesthetic quality of the lease area. Fencing/screening has already been erected around the leased areas boundaries.

- e. *Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*
1. *That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*

Staff Response:

Generally, the subject site is located within a historically industrial and commercial area. Yet, the Town's master plan and guiding policy statements for the Game Creek Character PUD Holding Zone anticipate the discontinuance of industrial uses in favor of commercial and residential re-development:

"The Game Creek Character Area is visually prominent from the north entryway into the Town. The area is predominantly devoted to railroad use and will require a comprehensive planning effort prior to redevelopment. In addition to the rail yard, the area contains the Taylor Avenue neighborhood, some commercial uses and a community parking lot. The area is bisected by the railroad right-of-way, which is intended to remain as a continuous transportation corridor. Most of the area lacks adequate street rights-of-way and utilities. The Community Plan has identified this area as an appropriate area for extension of the Old Town commercial core, mixed-use and residential development; however, high impact industrial uses are discouraged. Enhancement of the Eagle River corridor is a community priority."

- Town of Minturn Municipal Code Section 16-12-10

It should be noted that the Community Plan does provide goals and strategies geared toward supporting existing businesses, and the uses proposed for these CUPs primarily include storage within leased areas. As such, staff suggests that the use does not constitute "high impact industrial uses."

A primary purpose of the Conditional Use Permit review is to ensure that permitted uses are, in effect, temporary and inspected on some regular basis for compliance; that, any such approval granted by the Town is valid so long as the terms and conditions are adhered to which has been an issue with existing contractor storage CUPs in recent months requiring more staff time than originally anticipated.

2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

Staff Response:

Generally, the location and uses, if properly conditioned, should not be detrimental to the public health, safety or welfare, nor should they be materially injurious to the properties or improvements in the vicinity if the site is maintained in accordance with the standards of the Minturn Municipal Code and any conditions of approval.

3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

Staff Response:

If appropriate conditions of approval are attached with any granting of a CUP in this instance, and if such conditions are enforceable (jointly) by the Town and the Applicant, staff believes that this finding can be met.

VII. Staff Recommendation:

1. All material representations made by the Applicant as part of the application and during public hearings on the matter shall become conditions of approval and enforceable by the Town.
2. Only business-related items related to the expressed business shall be located on leased property. No vehicle shall exceed 40' 2" in length.
3. No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s, RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
4. No inoperable / unlicensed vehicles kept on property for longer than five (5) days (pursuant to Section 7-2-70 Minturn Municipal Code).
5. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended (pursuant to Section 7- 4- 50 Minturn Municipal Code).
6. Lessees are to maintain and conduct business in contained areas only.
7. Annual report by the Code Compliance Officer to Council — re: Violations
 - a. 3 violations in 1 year
 - b. Recommendation to Council to revoke CUP
8. Lessees to meet with Town Council every 3 years for CUP review.
 - a. Report from Code Compliance Office
 - b. Report from Planning Director

9. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
10. Maintain noise and vibration standards (pursuant to Sec. 16-18-30, Minturn Municipal Code).
11. All leased areas to be fenced and screened (green mesh screening materials) on all perimeter fencing of leased property
12. Supplies, parking, vehicles, and equipment shall be located only within fenced areas or designated leased area only.
13. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) shall be required in OSHA approved containers.
14. All parking must be located within the fenced yard and/or building(s).
15. Any chemical storage will require material safety data sheets be maintained on the lease site at all times. No chemical storage is permitted within 30' river setback areas along the Eagle River.
16. Emergency access of 20' through the Union Pacific railyard and at both access gates shall be maintained.
17. Off-season use will require site storage of snow and keeping emergency access cleared.
 - a. Maintain proper snow storage or sufficient snow removal.
18. Conditional Use Permit is granted conditional upon the applicant complying with these standards and so long as the grantee maintains a valid lease agreement with the owner of the property.
19. Town staff may inspect the site for compliance at any time.

Michelle Metteer
Town Manager
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Town Council
Mayor – John Widerman
Mayor Pro Tem – Earle Bidez
Council Members:
Terry Armistead
George Brodin
Brian Eggleton
Eric Gotthelf
Gusty Kanakis

February 17, 2021 Manager Update

Minturn Fitness Center

Cindy will be at the Minturn Fitness Center 20-hours a week starting February 16. Additionally, the MFC Board has approved the unsupervised use of the facility by the ERFPD Station 5 crews on M/W/F from 9-10 am.

Minturn Matters

Minturn Matters is scheduled for Tuesday, February 16th. This will be a zoom meeting.

Healthy Rivers Campaign

I've sought the collaboration of all Eagle County communities for the mutual goal of a coordinated "healthy rivers" campaign this summer. This is in direct response to Colorado being in Phase 3 of the Colorado Drought Plan and the need to keep water in our rivers. So far everyone has tentatively said they're on board (from a manager standpoint). I expect this to be comprised of coordinated educational materials about the importance of keeping a healthy level of water in our streams and rivers. More to come.

Colorado Department of Wildlife

Devin Duvall, CPW, has asked for a meeting with me and Paula Peterson, USFS to discuss the road leading to the Minturn water tank. He is concerned about the number of off-leash dog walkers on road and the disturbance to the elk wintertime habitat. I anticipate this meeting to take place sometime in the next few weeks.

NAIOP Interviews

John, Earle, Scot Hunn and I took part in six hours of interviews with the students of DU and CU on Tuesday and Wednesday. It was a great exercise. We're encouraged by the conversations and I have a feeling some great ideas will be the result.

Community Plan Update – EIAF Grant Application

I have a meeting scheduled for Feb 12th with a grant writer that I'm hopeful can help complete the EIAF Tier 1 grant application for the update to the Community Plan. This application is due March 1st and I anticipate our application, which requires a 50% match, to be about \$150,000.

CDOT Revitalizing Main Street Grant

Minturn was recently awarded \$50,000 toward improvements to outdoor seating as part of the CDOT Revitalizing Main Street Grant that we applied for this last fall. This effort is to encourage folks to order take out at our local restaurants and eat at various outdoor locations in the downtown area. We anticipate the eating shelters to include local directories of activities, businesses, artwork (hopefully) and possibly lighting. These will be 3-season structures starting this spring.

Holy Cross Energy

USFS efforts are slowing starting to turn back around to the HCE transmission power line 299 permit application. I'm coordinating with their team now on the necessary paperwork for Minturn to remain a "cooperating agency" in this process.

Groundwater Modeling

I'm meeting with a firm on Tuesday, February 16th that can help Minturn model the groundwater movements in, around and adjacent to the superfund site. Particularly in the area Minturn would like to install the new wellfield. Prior to moving forward, we have to ensure groundwater from the superfund site will not compromise any newly established wells. As you'll all remember, Minturn had to cap off the original well 1 & 2 on Cross Creek due to groundwater contamination. More to come.



TOWN OF MINTURN
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MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: February 17, 2021
RE: Grant Awards

At the December 16, 2020 Council Meeting direction was given to devise a short-term committee of Earle B., George B. and Staff to the purposes of creating, reviewing and approving COVID relief funds to affected small businesses

The Council approved a grant fund of up to \$30,000. Applications were to be received prior to January 31 and awards would be disbursed in early February. As of February 9, awards were considered and paid to a total of ten businesses in an aggregate amount of \$21,000.

Jay Brunvand
 Clerk/Treasurer
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Town Council
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 Mayor Pro Tem – Earle Bidez
 Council Members:
 Terry Armistead
 George Brodin
 Brian Eggleton
 Eric Gotthelf
 Gusty Kanakis

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

REGULAR TOWN COUNCIL MEETINGS
February 17, 2021
Public Hearing – Burke Harrington Construction CUP
Eagle County VISTA presentation
One Book One Valley Special Presentation
Resolution supporting a DOLA Planning Grant Application
March 3, 2011
Public Hearing – Happy Hammer Carpentry CUP
April 7, 2021
April 21, 2021
DATE TO BE DETERMINED
An Ordinance adopting Specified Sustainability Building Codes
Water Supply Plan Proposal – Metteer