



## **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 June 2, 2021**

**Meeting to be held via Zoom Conferencing and call-in for public participation, applications, and presentors.**

**Public welcome to join meeting using the following methods:**

<https://us02web.zoom.us/j/87237890228>

**Or join by phone:**

**US: +1 301 715 8592 or +1 651 372 8299**  
**Webinar ID: 872 3789 0228**

**Regular Session – 5:30pm**

**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.

**Regular Session – 5:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**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?*

- May 19, 2021 Meeting Minutes Pg 4
- Planning Review – 414 Eagle River St Pg 22
- Planning Review – 453 Eagle River St Pg 38

**4. Approval of Agenda**

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

**5. Liquor Authority**

- Golden Aspen Leaf Inc dba BC Wings Modification of Premises 455 Main St – Brunvand Pg 42

**6. Special Presentations**

- Council Comments/Committee Reports

**DISCUSSION AND/OR DIRECTION ITEMS**

- 7. Discussion/Direction:** Minturn Fitness Center Operations Planning and Financial Contributions – Metteer Pg 49

**PUBLIC HEARINGS AND/OR ACTION ITEMS**

- 8. Public Hearing/Action Item:** Resolution 16 – Series 2021 a Resolution authorizing the Mayor to sign an MOU regarding the Climate Action Collaborative – Wideman Pg 54
- 9. Public Hearing/Action Item:** Resolution 17 – 2021 a Resolution adopting an Electronic Participation Policy – Sawyer Pg 58
- 10. Public Hearing/Action Item:** Resolution 18 – Series 2021 a Resolution repealing Resolution 13 – Series 2020 declaring a local disaster emergency – Sawyer Pg 64

## COUNCIL INFORMATION / UPDATES

### 11. Staff Updates (5 Min)

- Manager's Report
- Future Agenda Items Pg 65

## EXECUTIVE SESSION

12. **Executive Session:** An executive session to conference with the Town attorney for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e). Eagle River Water and Sanitation District

## MISCELLANEOUS ITEMS

### 13. Future Meeting Dates

- a) Council Meetings:
- June 2, 2021
  - June 16, 2021
  - July 7, 2021

### 14. Other Dates:

- June 5, 2021 – Town Clean Up Day
- July 2, 2021 – Town Independence Day Celebration
- July 3, 2021 – Minturn Summer Market begins

### 15. Adjournment



## Official Minutes

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.

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**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 5:34pm 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, Eric Gotthelf, and Gusty Kanakis. Note: Brian E. absent at Roll Call.

Staff present: Town Manager Michelle Metteer, Town Planner Scot Hunn, Town Attorney Richard Peterson-Cremer, Town Planner Scot Hunn, and Town Treasurer/Town Clerk Jay Brunvand

- Pledge of Allegiance

**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?*

- May 5, 2021 Meeting Minutes

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of May 19, 2021 as presented. Motion passed 6-0. Note: Brian E. absent at Roll Call.

**4. Approval of Agenda**

- Items to be Pulled or Added

Motion by George B., second by Terry A., to approve the Agenda of May 19, 2021 as presented. Motion passed 6-0. Note: Brian E. absent at Roll Call.

- Declaration of Conflicts of Interest

**5. Liquor Authority**

- Liquor License – New Hotel and Restaurant License application: Thai Kitchen 141 Main St, Ms. Patti Somdee Owner/Manager. Changing existing Beer and Wine License to a Hotel and Restaurant license – Brunvand

Staff is requesting Council to review and approve the attached New Hotel and Restaurant Liquor License for The Thai Kitchen located at 141 Main St.

This location has long been a small restaurant establishment in Minturn and currently holds a Beer and Wine liquor license. This application is a CHANGE OF CLASS from a Beer and Wine to a Hotel and Restaurant license and therefore is a NEW license not a RENEWAL of an existing license. Thai Kitchen was issued a Beer & Wine (B&W) license on 8/21/18, they are in their second renewal. Due to changes in the laws, the B&W only precludes them from serving spirituous liquors, the beer and wine is full strength. There is no change of location, ownership, manager, corporate status or other change being sought. However, because this is a Change of Class it is approved much the same as a new license as far as publishing, posting, etc. Because this is as it is, I am not requiring her to get a petition as the needs of the neighborhood have already been demonstrated. There have been no issues at all at this location including passing all “stings” that have been administered of which this location was a part of.

Note: Brian E. joined at 5:43pm.

Ms. Patty Somdee, as the applicant, expressed her desire and reasoning for converting to this new class of license.

- Public Hearing is Opened
- No Citizen comments
- Close Public Hearing

I have included the formal Findings of Fact for Council’s review and summarized below:

The Neighborhood for the application has been established by historical practice as the complete boundaries of the Town of Minturn and as such the approval of this establishment would not create an undue concentration of licensed establishments, thereby finding:

- The previous and current use of this premise is that of a restaurant serving Beer and Wine. This application is a Change of Class which would convert the license from a Beer and Wine to a full-service liquor offering.
- The granting of this license meets the desires of the adult inhabitants as evidence by the ongoing success of the establishment. Staff has received no written or verbal concerns with this application.
- The application has been reviewed by the Planner and was previously found:
  - i. To meet the needs of the Town of Minturn Zoning as reviewed. The Planner has confirmed that parking be provided of the scale of one parking space per six seats in the restaurant pursuant to MMC 16-16-30. The address has been reviewed and it has plenty of serviceable parking spaces to continue this additional use.
  - ii. That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Minturn Municipal Building Code – Chapter 16.

That the application was filed on April 13, 2021 in the Town Clerk/Treasurer’s office and a public hearing has been scheduled for Wednesday May 19, 2021. In accordance with C.R.S. 44-3-311(1) the Town must hold the application for not less than 30 days; this hearing date represents 37 days.

The liquor license applied for is for that of a Hotel and Restaurant Liquor License as defined by the State of Colorado and that the type of Liquor License is appropriate for the needs and desires of the applicant.

That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Tuesday April 13, 2021 at least 30 days prior to the hearing, and that the publication of the hearing was published in a newspaper of general circulation on May 3, 2021 at least 10 days prior to the Public Hearing.

That from the evidence submitted the applicant is leasing the premises where the proposed liquor license is proposed from MR Minturn, LLC, and that MR Minturn, LLC is the lawful owner of the premises. Further, the premise lease exceeds the term of the proposed license as required by Colorado State Law.

That pursuant to C.R.S. 44-3-313(1)(d) – Restrictions for applications for new license, the building where the applicant proposes selling liquor is not within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

That Minturn Police/ECSO has conducted a background investigation on Ms. Somdee the owner of The Thai Kitchen, LLC. During this investigation, Minturn Police/ECSO did not find any unresolved issues that would preclude obtaining a liquor license. Although, staff recommends approval by the Minturn Town Council it is recommended the following conditions to be placed on the license approval:

- It is recommended at a minimum the licensee/manager, and a server be server trained by an authority such as T.I.P.S and that a certified server be on duty at all times while alcoholic beverages are served.
- the Liquor Authority emphasize the requirement of operating an orderly establishment.
- The public hearing on this application will be held on Wednesday, May 19, 2021 at 5:30pm in the Council Chambers of the Minturn Town Hall, 302 Pine St, Minturn, CO. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to this application, including all matters set forth herein.

Motion by George B., second by Eric G., to approve the Hotel and Restaurant liquor application for The Thai Kitchen, 141 Main St, Patty Somdee, Owner/Manager as presented. Motion passed 7-0.

## **6. Special Presentations**

- Water History & Issues in Eagle River Valley - Linn Brooks

ERWSD is working on a Water Master Plan for the service area which will be completed and presented in the upcoming months. This presentation included a summary of water supply planning and water history/uses in the Eagle River Valley. The presentation gave background to the need of water storage systems, water conservation, and water releases from other basins which ERWSD has capacity stored.

Gusty K. asked about the Town's updated Water Master Plan. Michelle M. stated this should be available and presented to the Council at the end of June or in July.

George B. asked about the acceptable amount of water loss. Mr. Jason Cowles, ERWSD, stated about 10%. George B. asked if they do an annual analysis of the meters that don't read; yes, they do and they follow up on this data to ensure accuracy. Discussion ensued as to how data is used and how water loss is reduced in the field by analysis of this data.

Michelle M. asked regarding the best use of water and monitoring the higher tiers of water users. She asked about the impact the high users have on the balance of the users. Ms. Brooks stated the bulk of the high tier use is outdoor water irrigation and noted this is the most consumptive use, little of the water makes its way back to the rivers.

George B. asked how is water augmentation triggered and water is released from various reservoirs. Based on demand in the district and calls of senior water rights on the river, water use is monitored. Once demand exceeds the stream flow capacity, in-district storage is released. If that is not sufficient to meet the needs of downstream water rights, augmentation is released.

John W. asked if there was anything we should be aware of to best educate the public users? Ms. Brooks stated water systems are becoming more expensive, the easy water has been captured and put to use, we need to be in more of a continuous conservation mode to ensure clean and healthy systems to best protect our streams. It is important to not use the drain as a trashcan. Reduce, recycle, reuse.

- Council Comments/Committee Reports

Brian E. updated on the Radio Free Minturn Board Meeting. He updated on the new station manager and was very positive of the direction progressing. They will be doing one fundraising drive this year. They are excited about the Minturn Market starting and how they can assist as well as potentially broadcasting the concern series this summer. He updated on changes on the Board and how they will maintain service levels in light of these changes.

John W. stated the Minturn Bike Park is open. Terry A. stated it looks awesome and Phase IIb is underway.

## DISCUSSION AND/OR DIRECTION ITEMS

7. **Discussion/Direction:** Review Amendment to the Battle Mountain Funding Agreement to allow for following the Minturn Municipal Code as to developer's costs associated with a preliminary PUD application and ratification of all prior funds spent by the Town - Metteer/Peterson-Cremer

John W. stated for the public this was on the agenda for investigation and discussion for the Council in order to best be prepared for future items. No decision will be made, this is not the last

time it will be discussed, and it is understood this is a complex matter.

Richard P-C. presented that in 2012, Council passed Resolution No. 5 adopting an Amendment to Agreement Regarding Escrows and Funding with the Battle Mountain developer (“2012 Agreement”). That document allowed a portion of the escrow funds held by the Town to be returned to Battle Mountain because development of the property at that time was remote. The document also allowed the Town to retain \$4,362,000 in escrow funds which were to be used for administrative, legal and consulting costs regarding the Battle Mountain project, together with creation of a scholarship program (Minturn Education Fund), acquisition of USFS property (the Boneyard), Town street scape improvements (the Entryway project), and construction of a Town recreation center (Minturn Fitness Center). This money is referred to as the “Town’s Funds”.

Starting January 1, 2015, Battle Mountain started making payments in the amount of \$15,000 per month “to the Town for administrative costs” as described in the 2012 Agreement. This money was used to pay staff overhead related to processing Battle Mountain requests and otherwise dealing with issues related to the Battle Mountain property. The 2012 Agreement contemplated that Battle Mountain and the Town would eventually enter into a Future Funding Agreement to govern how Battle Mountain costs associated with modifications to the development approvals are reimbursed to the Town. In December 2018, Battle Mountain submitted a request to amend the 2012 Agreement and enter into a Future Funding Agreement. That document was ultimately not approved by Council.

As expressly called for in the 2012 Agreement, Battle Mountain has submitted a new request to adopt a Funding Agreement, a copy of which is attached. The provisions of the First Amendment to Agreement Regarding Escrows and Funding (“First Amendment”) constitute the contemplated Future Funding Agreement.

The First Amendment addresses the following points:

- A. Section 1 clarifies that the costs (e.g. legal, engineering, planning and other consulting costs) associated with the review of Battle Mountain land use applications will be recouped in the manner provided in the Town Code. Specifically, Battle Mountain will pay application fees (as set by the Council). If the Town’s costs exceed the amount of the application fee, Battle Mountain will be billed on a monthly basis. For large review items, the Code allows the Town to require a deposit of funds.
  1. Battle Mountain will reimburse the Town for the costs of preparing the First Amendment.
  2. Settlement and compromise of obligations under the 2012 Agreement related to Battle Mountain’s payment of \$15,000 per month. The Town is allowed to keep all payments previously made. In addition, an approximately \$28,000 escrow (which was created in case Tucker sued over the adoption of the 2012 Agreement) will be released to the Town for use consistent with the Town’s Funds.
  3. The Town’s Funds can be used for projects identified in the 2012 Agreement. Council requested that the types of projects where the Town’s Funds can be applied be made

broader given changes in Town priorities since 2012. To that end, an edited list of qualifying projects is included in Section 3 of the First Amendment. The list now includes streetscape and sidewalk improvements along Main Street, and a general category for “park recreation and trailhead improvements.” The funds may also be used for design and planning work and preparation of grant applications. Use of the Town Funds will be for projects that “can provide a benefit to future residents of development on [Battle Mountain] property.” Currently, the Town’s Funds consist of \$76,942 of general funds and \$264,991 for Little Beach Park.

4. The agreement ratifies the use of funds under the 2012 Agreement up through the date of approval of the First Amendment for both the Town and Battle Mountain. I have included language in the First Amendment that the Developer and the Town “irrevocably waive and release any right to receive an accounting of the use of such funds . . . in the future.” Battle Mountain has raised the following concern: “There are a set of allowed uses of Town’s Funds, but if there is a prospective waiver of the ability to verify utilization for those purposes (assuming, which is not certain, such a waiver would be enforceable) then what accountability is there for proper use of the funds?” A possible compromise would be that the Town would give Battle Mountain notice of a proposed expenditure of the Town’s Funds so that Battle Mountain has some method of tracking use. Staff is amenable to language that makes the ratification only apply up through the date of approval of the First Amendment and to take out the language of a prospective release.

It is important to identify that the First Amendment does not otherwise change any escrow or payment obligations of the Developer. It is anticipated that as part of processing an amendment to the Battle Mountain PUD that a revised annexation agreement will be negotiated. Decisions about how a revised annexation agreement will correlate to the obligations associated with the 2008 annexation are topics of discussion for a future day once the impacts of the revised PUD are fully understood.

Richard P-C. stated the 2012 agreement called for a future funding agreement; one has not been approved. He stated development will follow current Municipal Code to fund any submitted PUD. Any expenses incurred to process this submittal would be paid for as set forth in the Code. The existing funds held on account (approximately \$100,000) remaining from the 2012 agreement would be utilized as laid forth in that agreement for such items as sidewalks. He stated the intent is to listen to Council discussion, take notes, and incorporate them in future discussions with Council, citizens, and Battle Mountain.

George B. asked about the associated credits with the release of the funds from the 2012 agreement. He stated he would like to see a balance sheet of what has been spent and credited. He felt this would clarify what the numbers look like. Richard P-C. stated these questions would be answered in any future agreement.

Gusty K. asked about parts and clarification of 2012 agreement. He felt paragraph 10c of the 2012 agreement was very much a discussion point and difficult to understand.

Terry A. stated she had similar questions. Her understanding was that we were adding the PUD amendment and ratify the remaining funds, we are not opening up the entire 2012 agreement at

this point. Richard P-C. stated that was his understanding as well. Michelle M. stated there is confusion on the interpretation of 10c. Her understanding is that this would be clarified but that this was to allow for the submittal of a PUD and how it would be managed in accordance with the Town Code.

George B. stated he was on Council for the original 2012 agreement. He stated there were a lot of avenues that the agreement covered all at once. He felt to advance this conversation at this time without knowing land dedications, bike paths, etc will make it tough to make any decisions. He felt this had been stalled for so many years and now we only have more questions.

John W. felt it important to get the temperature of the Council and public prior to discussion of a future agreement.

Public Comment:

Mr. Tom Sullivan, 116 Nelson Ave, asked what funding agreement are we working on now, the staff time they are consuming now. He felt over the past 15yrs they had consumed a lot of time. We did have an agreement where they would pay monthly, we have a water plant and lots of needs in the town. Michelle M. stated in the current draft agreement, Battle Mountain would be paying for time and any PUD needs would be covered as well. Mr. Sullivan discussed how he felt they should be paying the \$15,000/month. He stated it was clear that once a PUD was submitted the intent would be for Battle Mountain to pay back the \$7m that he feels is owed the town. He stated since Tucker [law suite] has been resolved that they should be paying. He asked if we have to entertain any potential PUD in a tight area when the Town should be working on the water plant and other general improvements? Michelle M. stated this will be reviewed with the proposed amendment.

Mr. Tim McGuire, Battle Mountain, stated the proposed agreement only addresses section 14 of the 2012 agreement. Battle Mountain agrees with this amendment and understands that once they are allowed to move forward the balance of the agreement will be addressed.

Earle B. gave a brief overview of the past few years. He noted when the monthly funding went away, the Town pretty much backed off any work. Plans have been proposed but with little community support and nothing was officially submitted. He stated the amendment will leave most of the 2012 agreement alone and will direct any development proposed to be paid as laid forth in the Town Code the same as other private developments proposed anywhere in town. He felt this amendment would allow us to move forward with acceptance of formal PUD proposals while still allowing us to hold Battle Mountain to review the balance of the 2012 agreement.

George B. asked for clarification on verbiage used in the amendment. He noted the remaining existing funds are excluded from use in the amendment; yes, the funds are not to be used for the PUD.

Brian E. stated his concerns and clarified his questions between the 2012 agreement and the 2021 amendment which would need to be reformatted and possibly reordered or sequenced. He felt it important to explicitly state what funds are exempt and what actual intentions are. He felt this

would allow for less confusion such as what was given in the 2012 agreement. He was encouraged this was being brought forward and for citizen comments.

Terry A. asked about the previous \$15k/month payments. How was that utilized and accounted for? Michelle M. stated there was not accounting for, it was not required. In the Minturn PUD code this would be addressed which is why we want to move the process to our standard. It was noted the Escrow funds and expenses were accounted for but the \$15k/mo was not required to have a full accounting. The existing agreement laid forth the uses for those funds to be spent on in-house staff such as the Town Manager, Planner, Police, etc. The escrow funds would be used for outside expenses such as attorneys and engineers.

**8. Discussion/Direction:** Review termination of Emergency Declaration to pandemic response - Metteer/Peterson-Cremer

**INSERT FROM THE MEMO ON PAGE 74**

Michelle M. noted with the Public Health orders being lifted, we need to review our Emergency Declaration. She stated it is worthy of keeping parts such as modified liquor license premises to be extended to run concurrent and as set forth by the state. She asked for direction on the ability for remote attendance at meetings of Town Commissions and Council. She expressed this falls in line with our goal of Clear and Transparency with our citizens.

Richard P-C. stated a year ago on-line meeting participation was foreign territory. However, a year has passed and this has been shown to work well. He stated some on-line structure is included within the existing code but it should be adapted to extend to the Planning Commission and to include much of what we have learned and incorporated over the past year. He felt this also accommodated well with the Americans with Disabilities Act by maintaining an electronic gateway.

Staff recommend that if the Council wants to allow Councilpersons, the Planning Commission, and the public to participate in meetings electronically, the Code should be amended to indicate that electronic participation means that a Councilperson is “present” for purposes of the meeting. The Council may also want to implement some or all of the following restrictions when authorizing remote participation:

1. Prohibit electronic participation in a quasi-judicial public hearing or in executive session;
2. Require that electronic participation be clear, uninterrupted and allow two-way communication for the participating Councilperson or Commissioner;
3. Authorize the Council or Planning Commission to discontinue the use of electronic participation by a Councilperson or Commissioner where the participation results in delays, the communication is unclear, or otherwise interferes with the meeting;
4. Allow electronic participation only when enough Members are physically present to constitute a quorum;



5. Allow electronic participation only in specific circumstances such as illness, family emergency, and work obligations and not merely for the convenience of the Councilperson to avoid attending a particular meeting;
6. Limit the number of times per year a Councilperson or Planning Commissioner can participate remotely;
7. Establish a procedure for requesting and receiving authority to participate by electronically in advance of a meeting to ensure all requirements are satisfied and to allow the Clerk to coordinate the necessary technology.

Gusty K. stated he felt following the state on liquor licenses was appropriate, he felt we had installed the technology in the Council room, and felt constant attendance by a commission or council member should be limited.

Earle B. felt online exec sessions should be allowed, quasi-judicial hearings he felt he receives a better feel by being present in the room. He felt a quorum should be established using on-line as well as in-person.

Terry A. felt Council is a big commitment and felt it was a benefit to be present remotely. She felt we are set up to be in-person and on-line and did not want to curb that. Having the latitude of on-line encourages and allows for more consistent attendance. She felt guidelines should be established and rule setting was important but that more limits was less productive.

Earle B. felt the Planning Commission rules should match the Council and they should be allowed e-meeting attendance. He felt if one had not been vaccinated, they should be encouraged to attend on-line. This would not be a 'Proof' of vaccination, we want to have guidelines for attendance and what that would look like for unvaccinated attendance and distancing, etc. Limitation of attendance by social distance would vastly limit our ability to access the room and our public officials. Discussion ensued as to how this would look for the next meeting; would council/staff be in-person and citizens on-line?

George B. was in agreement with the direction proposed as were Eric G. and Brian E.

Brian E. was most concerned with the safety of Staff and the Council. He asked to compare our guidelines with that of the County Commissioners to ensure complimentary rules.

Direction for the next meeting was to bring Staff and Council in to the in-person meeting but limit citizens to on-line. This would be set forth for both Town Council and Planning Commission.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

9. **Public Hearing/Action Item:** Ordinance 04 – Series 2021 (Second Reading) an Ordinance rezoning Lot 1 and Lot 2, Lucero Subdivision, from commercial to residential in conformance with the Town of Minturn Master Plan and Land Use Code – Hunn

Scot H. noted no changes from last reading and review of the Amendment to the South Town Character Area Zoning Map Ordinance recommended to Council by the Planning Commission from their regular meeting of April 28th, 2021.

The attached ordinance is presented for consideration by the Town Council. The ordinance amends the South Town Character Area Zoning Map, specifically Lot 1 and Lot 2, Lucero Subdivision, from Commercial to Residential.

Lots 1, 2 and 3 were recently created as part of the Lucero Subdivision (Exhibit A of the draft ordinance), a re-subdivision of Lot 51, South Minturn Addition. All three lots are currently located within the Commercial Zone District of the South Town Character Area. Staff has worked for several months to assist Tom Sullivan with the subdivision of Lot 51 to create two residential lots (Lots 1 and 2) and to allow for Lot 3 (existing gas station and residential uses) to remain commercial or mixed use in nature.

During the review of the subdivision, staff advised the Applicant that the commercial zoning on all three lots could remain; South Town Commercial Zone District is the only commercial zone district in the Town of Minturn that allows - as a use by right - "single-family" residential uses. This is reflective of the stated purpose and intent of the South Town Character Area - to allow for and recognize the existing mix of single-family and commercial uses in the area. Again, the subdivider's vision for the property was to create two residential lots along the Eagle River and to maintain commercial or mixed uses along Hwy. 24 frontage.

However, the Planning Director, in his review of the subdivision, allowed for Lot 2 to be created at a non-conforming lot size (6,872 sq. ft.) - smaller than is required (7,500 sq. ft.) in the Commercial Zone District.

The Residential Zone District permits a minimum lot size of 5,000 sq. ft. Therefore, staff proposes to rezone Lots 1 and 2 - from Commercial to Residential - to accommodate the intended residential development of both lots as well as the minimum lot sizes (Lot 1 is 8,581 sq. ft.) normally associated with residential lots, while allowing Lot 3 to remain commercially zoned. Lot 3 was created at just over 14,000 square feet.

The rezoning is supported by staff as the most efficient and effective means to address the subdivision oversight by the Planning Director and because a majority of the surrounding properties on the east side of Highway 24 are zoned and developed as residential. Additionally, staff is not aware of any objection to this rezoning on behalf of the property owner or the adjacent neighbors following the public notice period. Importantly, this action avoids requiring the property owner to go through an amendment to the subdivision to move property lines and adjust acreages for all three lots; all three lots are under contract and staff and the Planning Commission have recently reviewed plans for a new single-family residence on Lot 2.

In reviewing the ordinance, the Planning Commission considered the need for and appropriateness of rezoning two commercial lots to residential. After learning that the intention from the outset of the subdivision application was to build single family homes on these lots as it is a use 'by right'

in the South Town Commercial Zone District; after considering the surrounding zoning and land uses of similarly situated property located between Hwy. 24 and the Eagle River; and, with the intention of correcting the inadvertent creation of non-conforming lot (Lot 2) the Planning Commission recommended that Lot 1 and Lot 2, Lucero Subdivision be rezoned from commercial to residential.

Open Public Hearing  
No Public Comment  
Close Public Hearing

Brian E. stated he was concerned regarding the rezoning of commercial to residential. He noted the majority of the portion of the commercial lot is remaining commercial and the lots not on Hwy 24 are the ones converting to residential.

Motion by George B., second by Gusty K., to approve Ordinance 04 – Series 2021 (Second Reading) an Ordinance rezoning Lot 1 and Lot 2, Lucero Subdivision, from commercial to residential in conformance with the Town of Minturn Master Plan and Land Use Code as presented. Motion passed 7-0.

**10. Public Hearing/Action Item:** Ordinance 03 – Series 2021 (Second Reading) an ordinance of the Town of Minturn, Colorado amending Article 2, Chapter 16 of the Minturn Municipal Code – Hunn

Scot H. noted as discussed during the May 5th Council meeting, residential development will conform to residential standards if it is built within a Mixed Use or a Commercial Zone. The ordinance has been amended between first and second reading to reflect this decision and to clarify Council’s intent to incentivize and preserve the commercial, sales-tax generating character of the Town’s Mixed Use and Commercial Zone Districts.

The attached ordinance is presented for consideration by the Town Council. The ordinance addresses amendments in the following sections of the Minturn Municipal Code, Chapter 16 – *Zoning*:

Section 16-2-40 - General lot requirements and dimensional standards

Section 16-2-50 - Specific lot requirements and dimensional standards

During the review of Chapter 16 over the past two years, staff and the Planning Commission have focused primarily on zone district standards and uses, as well as dimensional limitations and other specific standards applicable to all development in the Town.

Section 16-2-40 - General lot requirements and dimensional standards

**Issue:**

The current building and impervious coverage standards in some zone districts are not reflective of the built environment and/or are preventing some home owners from making modest improvements or expansions to their existing buildings, thus hindering the Town’s goals to incentivize locals to stay in Minturn, and in some cases, forcing property owners to apply for

variances in order to make improvements that would add to the Town's housing stock through the creation of Accessory Dwelling Units. Building coverage is the amount of a lot covered by the "footprint" of buildings, while impervious (or nonpermeable) coverage is the additional amount of the same lot covered by things like driveways and other hard surfaces that do not permit water from permeating into the ground. Typically, lot coverage is combined with impervious coverage to arrive at a maximum percentage of the lot that can be covered by both (so, if building coverage is limited to 40%, and an additional ten percent of the lot can be coverage by impervious materials, the building coverage is 40% and impervious coverage limit is 50%).

The current building and impervious coverage standards in some zone districts such as the Old Town Mixed Use and Old Town Residential, if increased slightly, would provide enough flexibility in most cases to allow or incentivize such improvements. Over the past two years, staff and the Planning Commission have reviewed the uses allowed as well as the dimensional limitations in each zone district and the proposed changes are reflective of those conversations and the direction given by the Planning Commission to adjust lot and/or impervious coverage limits.

Recommendation:

Staff is proposing to increase these standards by 5-10 percentage points in most zone districts in order to give people that flexibility. This will result in most residential zone districts ranging from 40-50% building coverage and 50-60% impervious coverage, except for Martin Creek which is at 20% building coverage. The commercial zone districts range from 70-80% building coverage and 80-90% impervious coverage. The two Mixed Use zone districts (Old Town and Cross Creek), which are typically more akin to a commercial district as far as intent and allowable uses, are proposed to increase more dramatically from 45% building coverage and 55% impervious coverage, to 70% building coverage and 80% impervious coverage to encourage more dense and/or commercially oriented development in core areas of Town along Hwy. 24. However, as discussed with Council during their regular meeting of May 5, 2021, residential development will be required to conform to residential standards in Mixed Use and Commercial zone districts.

Section 16-2-50 - Specific lot requirements and dimensional standards

Issue:

The Code does not provide clear or consistent treatment when it comes to the 30-foot Live Stream Setback; a standard listed and discussed under Section 16-2-50, Specific lot requirements and dimensional standards. The intention of the live stream setback is to preserve or restore the riparian zones along the Eagle River (as well as other live streams in Town) to a natural state as a matter of environmental protection of water resources, wildlife habitat and flood protection. Establishment of this setback in 2008 has allowed the Town to incrementally work with property owners along the Eagle River, for instance, to remove pre-existing non-conforming structures and other human made improvements (landscaping, fire pits, walls or patios) from this setback area; and, it has allowed the Planning Commission to work with property owners and their architects during the review of new or redevelopment projects to adhere to the setback and to create landscape plans that further the goals of the Town in protecting these areas. The requirements of the live stream setback currently do not permit ANY encroachment of buildings

into the 30-foot setback.

Recommendation:

Staff is proposing the amendment of the subsections within Sec. 16-2-50 to better encapsulate the intention of the 30-foot live stream setback while addressing topics brought up in previous Planning Commission meetings such as how minor encroachments of a roof eave - an above ground element of the structure - may or may not impact the live stream setback. Essentially, staff and the Planning Commission believe that while restricting building foundations and building walls (or other permanent structures) at ground level from encroaching into the 30-foot setback is the core intent of the live stream setback regulations, permitting minor encroachments of roof eaves will have no material or detrimental effect on the proper functioning and intent of the live stream setback.

Over the past several years, the amount and types of land use applications have increased and have become increasingly complex. As the Town continues to receive more new development and redevelopment proposals, amending these chapters is important to: Ensure proper, predictable and consistent due process for applicants and citizens and Promote accurate and informed decision making by the Planning Commission and Town Council when considering land use applications by ensuring that applications are complete and that issues identified during the completeness period are addressed to the highest extent prior to presenting applications to either decision making body.

In reviewing the Ordinance, the Planning Commission considered the viability of different lot coverage and impervious coverage percentages. Since these topics have already been discussed at length during multiple public meetings over the past two years while working through the Chapter 16 Draft Update the Planning Commission is recommending approval to the Town Council of the ordinance amending Chapter 16, Article 2. Additional work remains to complete the full update to Chapter 16 and staff will continue to process changes to the Code as time permits.

Eric G. asked if businesses such as AirB&B would be commercial? These are residential ventures not commercial and are assessed residential property taxes.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Brian E. noted commercial on the bottom and residential on top would allow for use of the lot as commercial. He asked why commercial is defined differently in the various character areas. Scot H. stated this is being considered but not ready for code amendment at this point. Discussion ensued as to how this would work and might look in various scenarios.

Motion by Gusty K., second by Brian E., to approve Ordinance 03 - Series 2021 (Second Reading) an ordinance of the Town of Minturn, Colorado amending Article 2, Chapter 16 of the Minturn Municipal Code as presented, amended, and presented. Motion passed 7-0.

**11. Public Hearing/Action Item:** Resolution 14 – Series 2021 A Resolution approving an Intergovernmental Agreement between Eagle County Housing Development Authority and the Town of Minturn – Hunn

Scot H. introduced Ms. Kim Bell Williams of Eagle County Housing Authority. Scot H. reviewed the proposed Resolution and Intergovernmental Agreement (IGA) by and between the Town of Minturn and the Eagle County Housing and Development Authority as well as the history of the events leading up to this consideration. The attached resolution and IGA is presented for consideration by the Town Council following adoption of the Town of Minturn inclusionary (Community) Housing Ordinance in July 2020.

The Resolution and IGA between the Town and the Eagle County Housing and Development Authority (ECHDA) has been discussed since adoption of the Town's housing ordinance, housing guidelines and housing administrative procedures in July 2020 as the primary mechanism to ensure that the Town's ordinance, guidelines and administrative procedures are properly and professionally administered to achieve the Town's affordable, community housing goals and objectives. Therefore, the intent of the IGA is to contract with ECHDA to provide administrative services and expertise via the "Valley Home Store" in return for compensation for the review of new residential developments in the Town as well as other services pertaining to the creation and/or preservation of locals, or community housing in Minturn. This agreement is needed to ensure the Town's housing guidelines and administrative procedures (two separate documents) are properly interpreted, enforced and amended from time to time to adjust to market conditions, public policy changes, and best practices over time. The IGA permits annual renewal through administrative action and can be terminated by either party with proper notice.

Ms. Williams outlined how the Valley Home Store works and how it will assist the Town in the program of attainable housing.

George B. asked how the service is funded, Ms. Williams stated it is paid by the developer. Michelle M. clarified with Ms. Williams what the Town would pay, up to \$2,000. It depends on what and when items come to the market.

Brian E. was encouraged with the prospect of bringing affordable housing to Minturn. He felt this was a good resource and to have the expertise available. He confirmed the Town Council was not passing on control and decision making to another organization.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Terry A., second by Eric G., to approve Resolution 14 – Series 2021 A Resolution approving an Intergovernmental Agreement between Eagle County Housing Development Authority and the Town of Minturn as presented. Motion passed 7-0.

**12. Public Hearing/Action Item:** Resolution 15 – Series 2021 A Resolution Support Healthy Rivers and Watersheds – Metteer

Michelle M. stated Colorado is experiencing a drought which requires heightened attention toward the value of water, and its use. In the late fall of 2021, the Municipal Task Force was convened at the State-level to start identifying steps local municipalities and their residents could take to support efforts to address current drought conditions. Front range municipalities have identified ways to collaborate with neighboring communities for consistent messaging on reduced water use. And although the mountain region has vastly different water production systems from town to town, this front-range effort led to the current Eagle County effort for all jurisdictions to support healthy rivers and watersheds in whatever ways are most conducive within each community. This effort was initially supported during the recent Mayors/Managers meeting and the resolution was drafted by the Eagle River Watershed Council.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by John W., second by Terry A., to approve Resolution 15 – Series 2021 A Resolution Support Healthy Rivers and Watersheds as presented. Motion passed 7-0.

## COUNCIL INFORMATION / UPDATES

### 13. Staff Updates (5 Min)

- Manager's Report

#### **Revitalizing Main Street Grant**

Minturn has submitted a grant application for the construction of sidewalks continuing south along HWY 24. The grant application is for \$1.6M with a match from the Town of \$400K totaling \$2M. (this is an adjustment from the original understanding of an application totaling \$2.4M). Grant awards are expected to be announced in July 2021.

#### **Spring in the Mountains**

The wildlife will be coming out of their winter habitat areas and it is important for everyone to please remember to have their garbage bins locked at all times and bird feeders inaccessible. Minturn loves its local wildlife!

#### **Community Plan Update**

Minturn has been awarded \$100,000 through the Energy/Mineral Impact Assistance Fund (EIAF) grant opportunity with the Department of Local Affairs. The Ad Hoc Community Plan Update Committee will now work to finalize the RFP and begin the process of selecting a professional/firm/team to lead Minturn through this important process.

#### **Town Cleanup Day**

[Cleanup day is June 5<sup>th</sup> from 7am to Noon.](#) This is a great opportunity for all those random tires laying around people's yards to make their way to recycling...for free. Really anything you have in your yard that you think is bothering your neighbor, you should feel free to bring by (no hazardous materials). Let's be good stewards of the land and take pride in the community!

### **Eagle County Public Health Orders Lifted**

Eagle County Public Health Orders are scheduled to be lifted May 18, 2021. State and/or federal orders will remain unaffected.

### **Two Elk Target Range – Facilitation Process**

The shooting range committee is in receipt of a proposal from the Keystone Policy Center for the facilitation of the public process to determine recommending next steps for the range. Once the committee reviews the proposal they will determine if it meets the goals of the committee and possibly bring to Council for financial assistance.

### **Two Elk Sub Area Master Planning**

Do you enjoy the area around Little Beach Park? Two Elk Trailhead? The new bike park? The Town of Minturn is seeking community input for planning purposes as this recreational area finds new and exciting ways to meet the needs of the Minturn community. [If interested, please take some time to learn more and provide feedback.](#) This process is expected to take many months so there is time to get yourself and your neighbors involved.

### **Railroad Activation Information**

The towns of Minturn, Eagle, Avon and Red Cliff, in conjunction with Eagle County are seeking feedback from residents. Information and the ability to leave comments can be found at: <https://engage.avon.org/tennessee-rail-line>

Reminded Council she will be proposing an expanded tiered use for very high water users. She noted the meter replacement is moving along but noted we are finding a large number of bypass lines. As of July 1, 2021 there will be a fine assessed in the amount of \$2650 for such illegal bypasses. Please contact the Town Hall to correct these bypasses in order to avoid this fine and correct the illegal use.

- Future Agenda Items

Earle B. asked numerous lines, optical cables, hanging from a number of phone poles. She will look in to this matter.

Clarify with Earle what poles, could this be pole removal work

## **MISCELLANEOUS ITEMS**

### **14. Future Meeting Dates**

- a) Council Meetings:
  - June 2, 2021
  - June 16, 2021
  - July 7, 2021



**15. Other Dates:**

- May 31, 2021 – Memorial Day – Office Closed
- June 5, 2021 – Town Clean Up Day
- July 2, 2021 – Town Independence Day Celebration
- July 3, 2021 – Minturn Summer Market begins

**16. Adjournment**

Motion by Earle B., second by Terry A., to adjourn at 9:17pm. Motion passed 7-0.

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John Widerman, Mayor

ATTEST:

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Jay Brunvand, Town Clerk



To: Mayor and Council  
From: Madison Harris, Planner I  
Date: May 28, 2021

Agenda Item: Recent Planning Commission Recommendations and Actions

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**REQUEST:**

Review and ratification of Planning Commission actions from their regular meeting of May 26, 2021. The following actions were taken by the Planning Commission, acting as the Minturn Design Review Board, which may be called-up for further review by the Minturn Town Council:

**414 Eagle River Street – Mire Residence**

- Final Plan DRB Application for New Addition

Please note that from this Town Council meeting onward that unless there are revisions or additions to the conditions proposed by staff during decision by the Planning Commission, staff will no longer be writing cover memos for items on the Consent Agenda. In this case there was a revision to the conditions recommended by staff.

**INTRODUCTION:**

**414 Eagle River Street**

At their regular meeting of May 26, 2021, the Planning Commission, acting as the Town of Minturn Design Review Board, reviewed the final plans for a new addition at the Mire Residence located at 414 Eagle River Street. The plans approved by the DRB are for:

- **New Addition to a Single-Family Residence**

Site plans (exterior elevation renderings and floor plans) are attached for reference.

No neighbors spoke at the DRB hearing where the DRB discussed proposed exterior materials and colors, as well as the proposed roof overhang encroachment in context to Chapter 16 – *Zoning*, and Appendix 'B' *Design Review Standards and Guidelines*, of the Town of Minturn Municipal Code.

The DRB unanimously supported the proposed construction as meeting the objectives and requirements of the MMC and design standards.

Ultimately, the DRB voted 4-0 to approve the new construction of a single-family residence as a Final Plan review, with two conditions proposed by Town Staff, plus one condition implemented by the Planning Commission:

1. The Applicant shall revise the site and/or floor plans to show all proposed exterior light

locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with final plan application to ensure compliance with the Town's lighting standards as well as consistency with fixtures found on the existing residential structure on the subject property.

2. The Applicant shall update the lot acreage numbers to accurately reflect existing conditions
3. Staff shall be able to approve the new siding if that is what the Applicant chooses to do without needing to come before the Planning Commission

**ANALYSIS:**

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. No members of the public spoke at the DRB hearing.

The proposal meets the requirements of Chapter 16 including Appendix B - Design Guidelines and Standards.

**COMMUNITY INPUT:**

No members of the public spoke at the DRB hearing. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing.

**BUDGET / STAFF IMPACT:**

N/A.

**STRATEGIC PLAN ALIGNMENT:**

The Planning Commission's review of proposed development projects and their actions to approve final plans for individual projects, acting as the Town of Minturn Design Review Board, aligns with the following key strategies:

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF "DOING IT RIGHT." WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

**ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN**

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has "made Minturn, Minturn." The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve the following application on consent:

1. 414 Eagle River Street – Mire Residence – Final Plan

**ATTACHMENTS:**

- Proposed exterior elevation drawings and site plans for 414 Eagle River Street
- Staff Report

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Tom Priest  
Christopher Manning  
Jena Skinner

## Design Review Board Hearing

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### Mire Residence Addition 414 Eagle Street

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<b>Hearing Date:</b>	May 26, 2021
<b>File Name and Process:</b>	Mire Addition
<b>Owner/Applicant:</b>	Matthew and Amanda Mire
<b>Representative:</b>	Gregory Sparhawk
<b>Legal Description:</b>	Section: 26 Township: 5 Range: 81 NW1/4SE1/4SW1/4 PCLIN Subdivision: BOOCO 2ND Block: 2 Lot: 22
<b>Zoning:</b>	Old Town Mixed-Use (Old Town Character Area)
<b>Staff Member:</b>	Scot Hunn, Planning Director Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

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### Staff Report

#### I. Summary of Request:

The Applicants, Matthew and Amanda Mire, request review of a new addition located at the rear of the subject property, located at 414 Eagle River Street. The property is located within the Old Town Mixed-Use Zone District.

The Applicant's representative, Greg Sparhawk, has been proactive in meeting with Town staff prior to submitting plans for the new addition and has provided a relatively complete and thorough set of site, landscaping, and architectural plans.

## **Proposed Plans**

The plans show a one-story, three-bedroom structure with a maximum building height of 21 feet above proposed grade, well within the maximum allowable 28-foot limit within the Mixed Use Zone District. The design shows an expansion of the living room and an addition of an office with a roof deck on top, a privacy wall bordering the roof deck, plus a new deck and patio at ground level.

The building encroaches into the side setback up to the property line, so in some instances, namely, portions of the rooftop deck and the privacy wall are proposed above the existing exterior walls. Therefore, these portions of the proposed addition will also encroach into side setback areas. However, the proposed addition at the rear of the existing residence will be new construction and will adhere to side and rear yard setbacks.

As similar situations in the recent past that the Planning Commission has reviewed, staff and the Town Attorney have interpreted the MMC to allow for such vertical additions – without the need for a variance – as long as the additional construction does not exacerbate the non-conforming situation. In this case, the existing non-conformity is a lateral or horizontal encroachment of exterior building walls into side yard setbacks and the plans show the vertical addition NOT encroaching any further into side setback areas than the existing encroachment.

Therefore, it appears that the Applicant does not need a variance in order to construct the addition.

Additionally, the massing, forms, and scale of the proposed structure, as well as proposed exterior materials, textures and detailing also appear to achieve the design objectives of Appendix B – Design Guidelines and Standards.

Parking is not affected by this proposal. Existing uses are served by two spaces provided through an agreement with the Town for parking on Town right-of-way.

The 30 foot Eagle River setback is not affected by this proposal.

According to staff's analysis of development standards and dimensional limitations in Section III below the project appears to meet the Town's standards.

However, staff has identified the following minor issue needing to be addressed prior to or concurrent with building permit application or during the construction process:

- **Exterior Light Fixtures** – the floor plans and elevations should be updated prior to building permit to show all exterior lighting locations as well as cut sheet/specifications.
- **Lot Acreage** - There is a discrepancy in the acreage number provided on the survey, and the numbers used by the applicant. Staff has used the acreage number on the survey for our calculations, but these numbers should be consolidated and updated prior to building permit application. It appears the lot is big enough to allow for the addition with regard to building lot coverage and impervious coverage regardless of which number is used. However for clarity's sake, it would

be beneficial to have accurate information.

As a reminder, the Planning Commission has the option to review the proposal as a “conceptual” plan review if the Commission feels that the plans are *not* sufficient or are in need of revisions and additional review prior to final plan approval; or, the Commission may take action to approve, approve with conditions, or deny the plans should they be deemed complete.

Staff is **recommending approval**, with conditions.

## II. **Summary of Process and Code Requirements:**

This is a final level review for a new addition to a single-family residential structure on a legally created lot within the Town of Minturn. This is a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting as the Design Review Board, and to address the DRB’s concerns or feedback regarding suggested revisions to the project.

### **Design Review Process**

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

*(d) Administrative procedure.*

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*
  - a. The proposal's adherence to the Town's zoning regulations.*
  - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
  - c. The proposal's adherence to the Design Standards.*
- (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*
  - a. That the proposal is in conformance with the Town zoning regulations.*
  - b. That the proposal helps achieve the goals and objectives of the Community Plan.*
  - c. That the proposal complies with the Design Standards.*

Staff suggests that the final plans for 482 Eagle River Street meet or can be revised to meet the required findings ‘a,’ ‘b,’ and ‘c’ or subparagraph 3 – *Necessary findings*.

### III. Zoning Analysis:

#### **Zoning**

The subject property is located within the “Old Town Character Area” Mixed-Use Zone District. The purpose of the Old Town Mixed-Use Zone District is to:

*“...provide sites for combined residential and low-impact commercial and service uses which maintain a predominantly residential appearance. This area can accommodate reasonable growth where land and services are available and when services and amenities are needed for residents and visitors.”*

- Town of Minturn Town Code Section 16-6-40

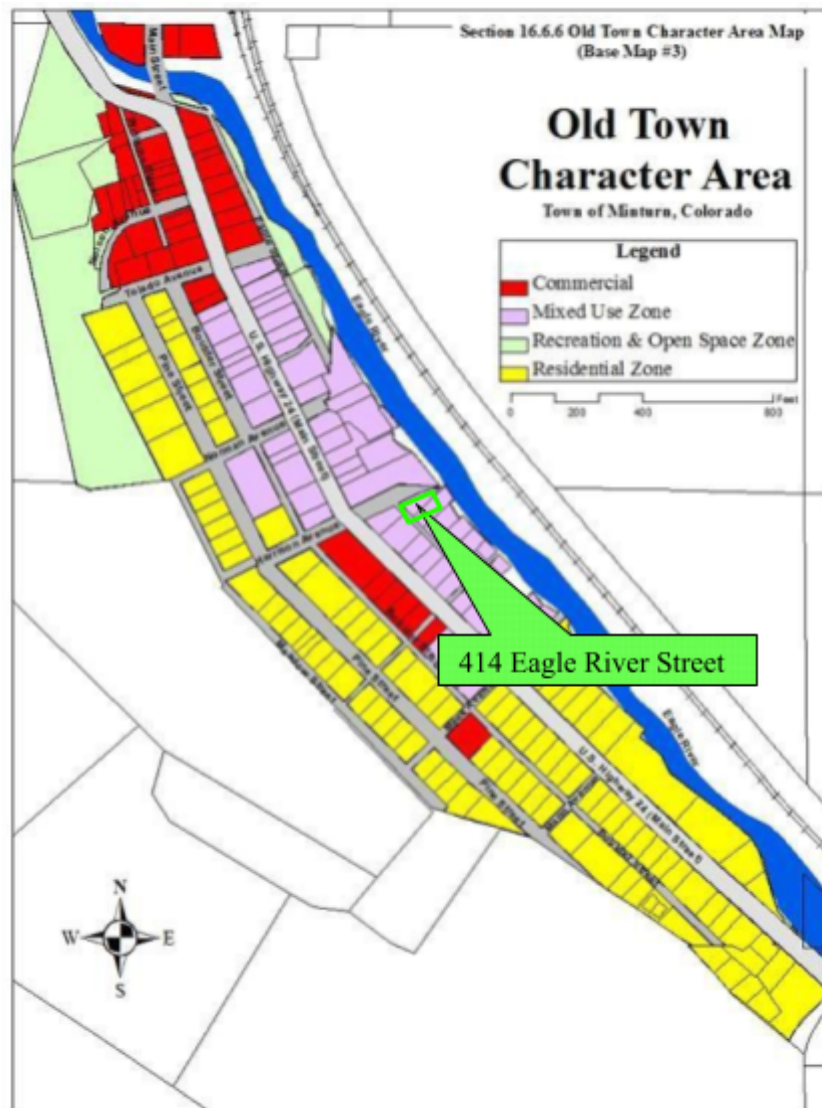


Figure 1: Old Town Character Area Zoning Map



**Dimensional Limitations and Development Standards**

The following table summarizes the lot, development and dimensional standards and limitations applicable to the subject property pursuant to Sections 16-2-40. - *General lot requirements and dimensional standards* and 16-16-20 – *Parking Required for Residential and Lodging Uses*.

<b>Regulation</b>	<b>Allowed/Required</b>	<b>Proposed/Existing</b>
Minimum Lot Area:	5,000 sq. ft.	5,445 sq. ft.
Maximum Building Height:	28 feet	21.6 feet
Minimum Front Setback:	10 feet	No Change
Minimum Side Setback:	5 feet	0 feet
Minimum Rear Setback:	10 feet	10 feet
Maximum Lot Coverage:	45% (2,450.25 sq. ft.)	1,887 sq. ft. (34.66%) Existing 2,200 sq. ft. (40.4%) Proposed
Maximum Impervious Coverage:	55% (2,994.75 sq. ft.)	2,714 sq. ft. (49.84%) Proposed
Minimum Snow Storage Area:	5% of Driveway Area	No Change
Parking:	2 spaces	2 spaces

**Note:** the above calculations are based on the following:

**Lot 22 = .125 acres x 43,560 sq. ft./acre = 5,445 sq. ft**

**Note:** There is a discrepancy in the acreage number provided on the survey, and the numbers used by the applicant. Staff has used the acreage number on the survey for our calculations.

**IV. Applicable Standards and Design Guideline Criteria:**

**Design**

In addition to the development standards listed above, the following general design principles are provided for reference.

**Mass and Form**

The following excerpt from the Design Guidelines is applicable to the proposed garage design:

*“c. Massing and Scale*

*“A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures. Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be*

*sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.*

*“Building mass, form, length and height shall be designed to provide variety and visual interest while maintaining a scale that is similar or compatible to adjacent structures.”*

*-Town of Minturn Design Guidelines*

Staff suggests the proposed design and scale of the addition is complementary to the existing single-family residential structure as well as adjacent properties and improvements.

## **V. Issues and Areas of Non-Conformance:**

### **Issues or Required Plan Revisions**

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit submittal:

#### **Outstanding Issues or Required Plan Revisions**

The floor plans and elevations should be updated prior to building permit to show all exterior lighting locations as well as cut sheet/specifications.

#### **Lot Acreage**

There is a discrepancy in the acreage number provided on the survey, and the numbers used by the applicant. Staff has used the acreage number on the survey for our calculations, but these numbers should be consolidated and updated prior to building permit application. It appears the lot is big enough to allow for the addition with regard to building lot coverage and impervious coverage regardless of which number is used. However for clarity's sake, it would be beneficial to have accurate information.

## **VI. Staff Recommendation and Suggested Conditions:**

Staff suggests that the plans for 414 Eagle River Street comply with applicable provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code.

In the event the Planning Commission chooses to recommend approval of final plans staff offers the following suggested conditions:

1. The Applicant shall revise the site and/or floor plans to show all proposed exterior light locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with final plan application to ensure compliance with the Town's lighting standards as well as consistency with fixtures found on the existing residential structure on the subject property.
2. The Applicant shall update the lot acreage numbers to accurately reflect existing conditions.

# ZONING & SCOPING DIAGRAM:

# MIRE ADD/REN

30 April 2021

DRB Review

## PROJECT:

Partial demolition of existing home on river side of property. Owner is expanding their living room and adding an office. In addition to interior work, Owner wishes to create a roof deck. The new proposed work falls within Zoning regulations. There are portions of the roof deck/access, privacy fence and interior work that occur in re-existing non-conforming areas.

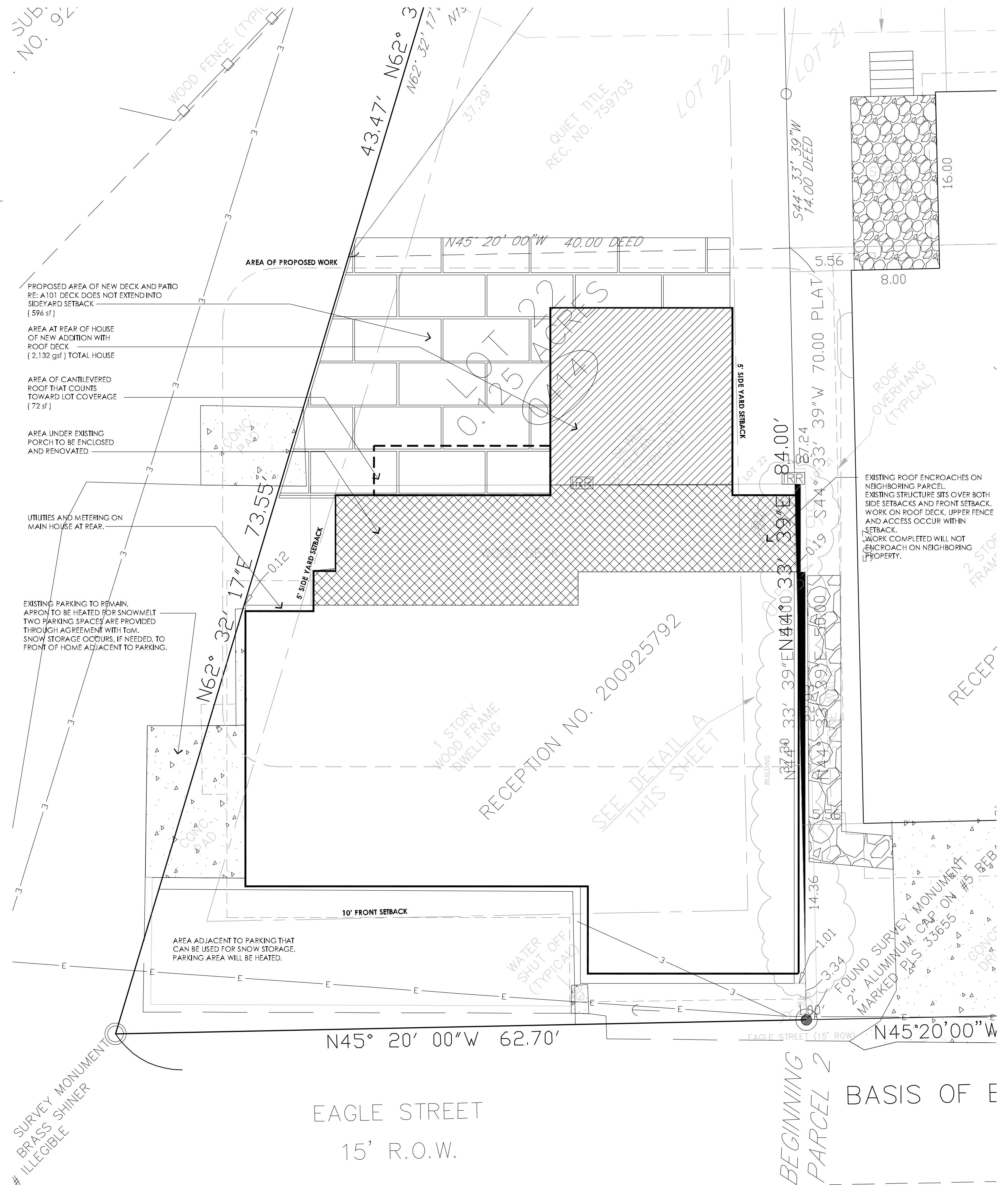
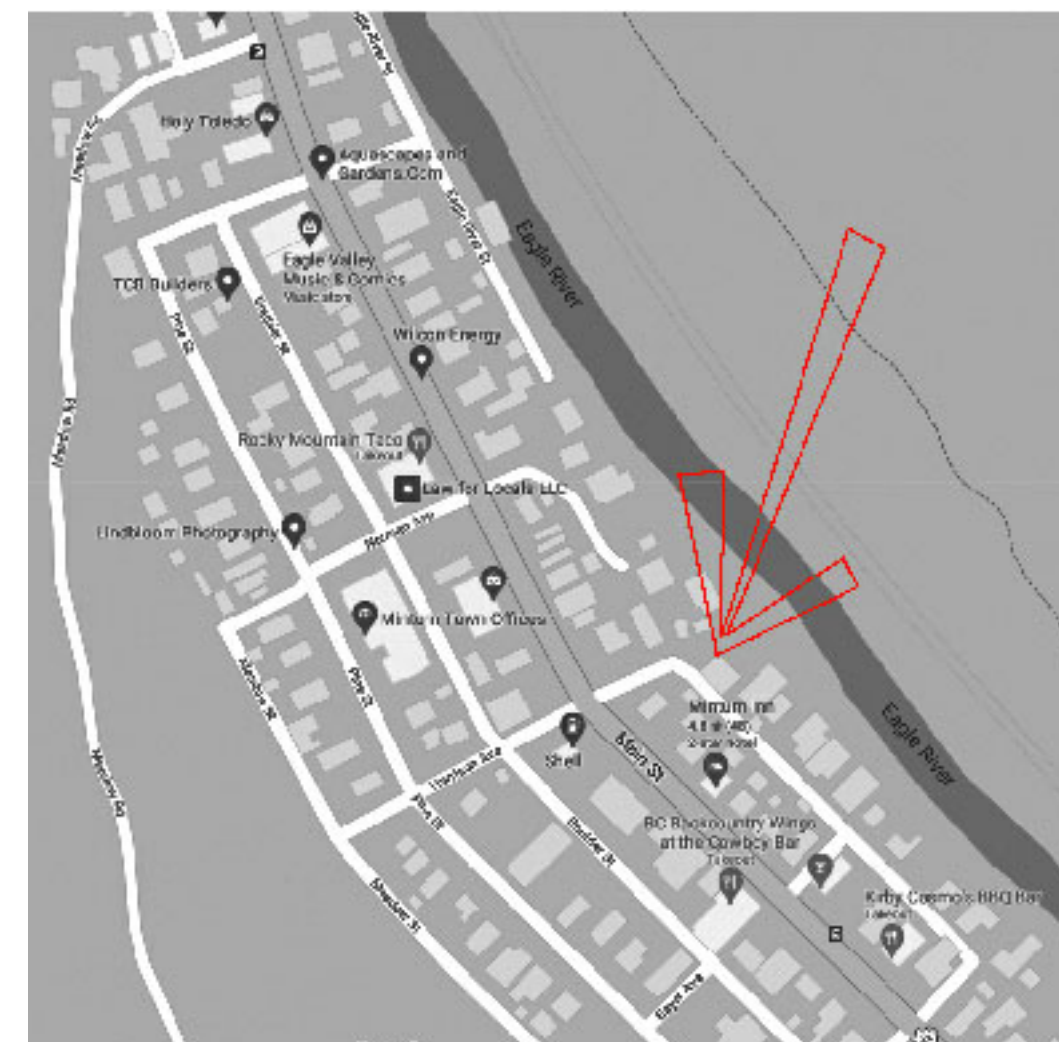
## ZONING SUMMARY:

<b>PROPERTY ZONING</b>	OLD TOWN - MIXED USE
414 EAGLE STREET - RIVER SIDE, ADDITION TO EXISTING HOME	
2103-263-02-031	- 5,574SF
<b>LOT OCCUPANCY</b>	
EXISTING	- 40% MAXIMUM ( 2,230SF )
PROPOSED	- 1,887 SF - 34%
PROPOSED	- 2,200 SF - 39%
<b>IMPERVIOUS</b>	
EXISTING	- 50% MAXIMUM ( 2,787SF )
PROPOSED	- 2,714 SF - 49%
<b>MAX HEIGHT</b>	
EXISTING	- 28 FEET ALLOWED TO MEAN
PROPOSED	- 16'-7" TO RIDGE
PROPOSED	- 21'-6" TO T.O. WALL
<b>SIDE SETBACK</b>	
EXISTING	- 5.0' MIN
PROPOSED	- 0.0'
PROPOSED	- EXISTING - UNCHANGED
	- NEW ADDITION - 5'-1"
<b>PARKING REQ</b>	- UNCHANGED
<b>SNOW STORAGE</b>	
REMAINS UNCHANGED, HOWEVER OWNER WILL BE HEATING EXISTING PARKING PAD ON EAGLE STREET.	

## MUNICIPAL:

<b>PLANNING:</b>	Town of Minturn Building and Planning Department 302 Pine Street Minturn, Colorado 81645 (970) 827-5645
<b>OWNER:</b>	Amanda & Matt Mire 414 Eagle Street Minturn, Colorado 81645 (303) 818-5908
<b>ARCHITECT:</b>	GPS Designs, LLC Gregory Spathawk, AIA 301 Boulder St, 333 Minturn, Colorado 81645
<b>PARCEL</b>	2103-263-02-031
<b>LEGAL</b>	B0OCO 2ND Block 2, Lot 22 Sec 26, T5 S, Range 81
<b>LOT SIZE</b>	5,573.6 sf
<b>LOT COVERAGE</b>	
EXISTING	1,886.6 sf ( 33.8% )
PROPOSED	2,171.7 sf ( 38.9% ) <i>includes trash enclosure</i>
<b>DRAWING INDEX</b>	
A001	COVER, SITE AND NOTES
A002	SURVEY
A100	EXISTING CONDITIONS
A101	PLANS
A201	ELEVATIONS
A301	SECTIONS
A302	PERSPECTIVES

## PROJECT LOCATION:



## SITE PLAN:



ARCHITECTURE  
301 Boulder St, #333  
Minturn CO 81645

Matt & Amanda Mire  
414 Eagle Street  
Minturn, CO 81645

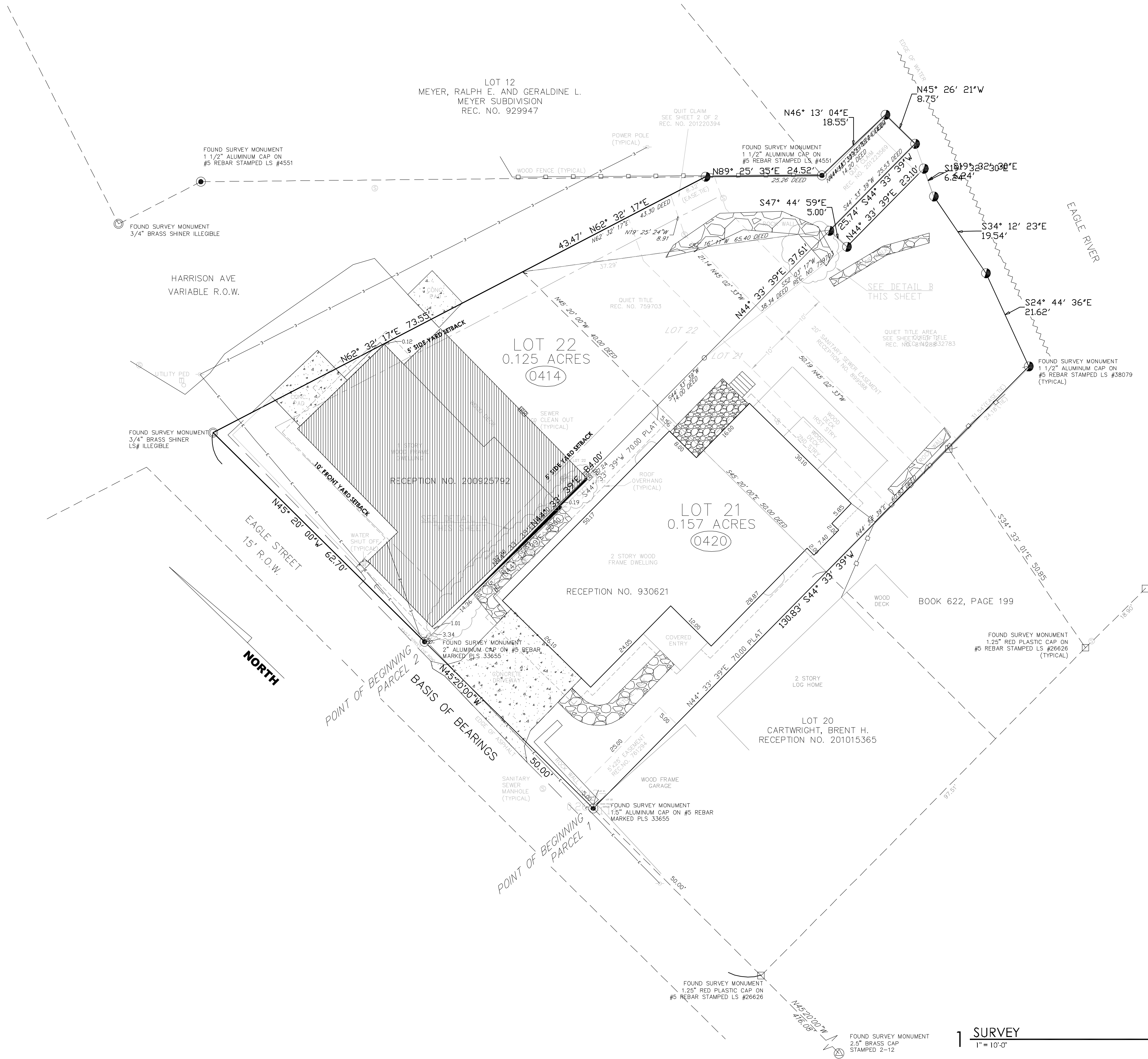
PROJECT  
Mire Residence  
PROJECT NO.  
21\_MIR-001

ISSUE  
30 April 2021  
RELEASE  
DRB review

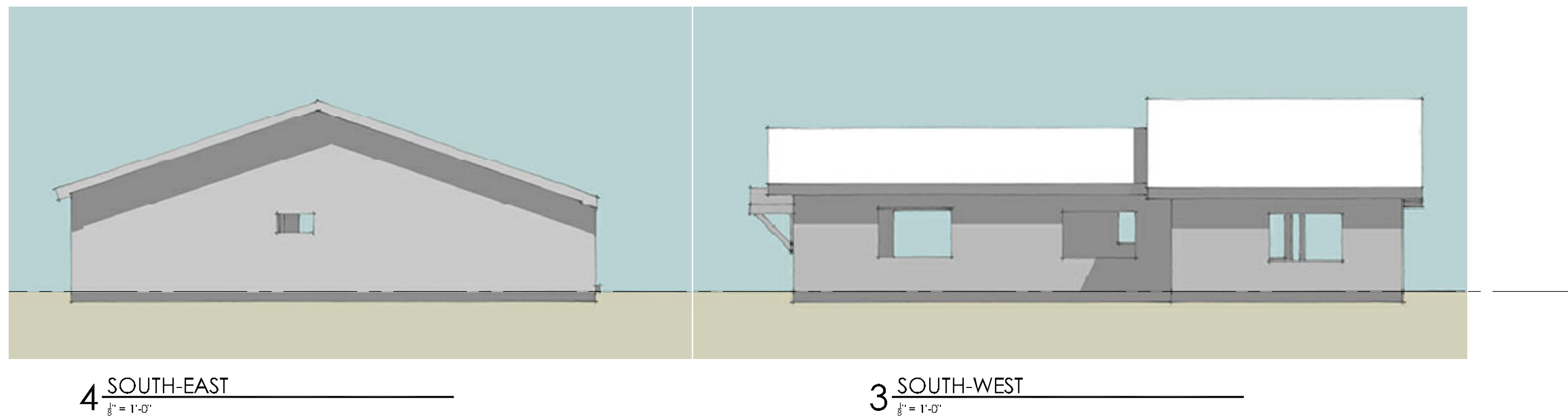
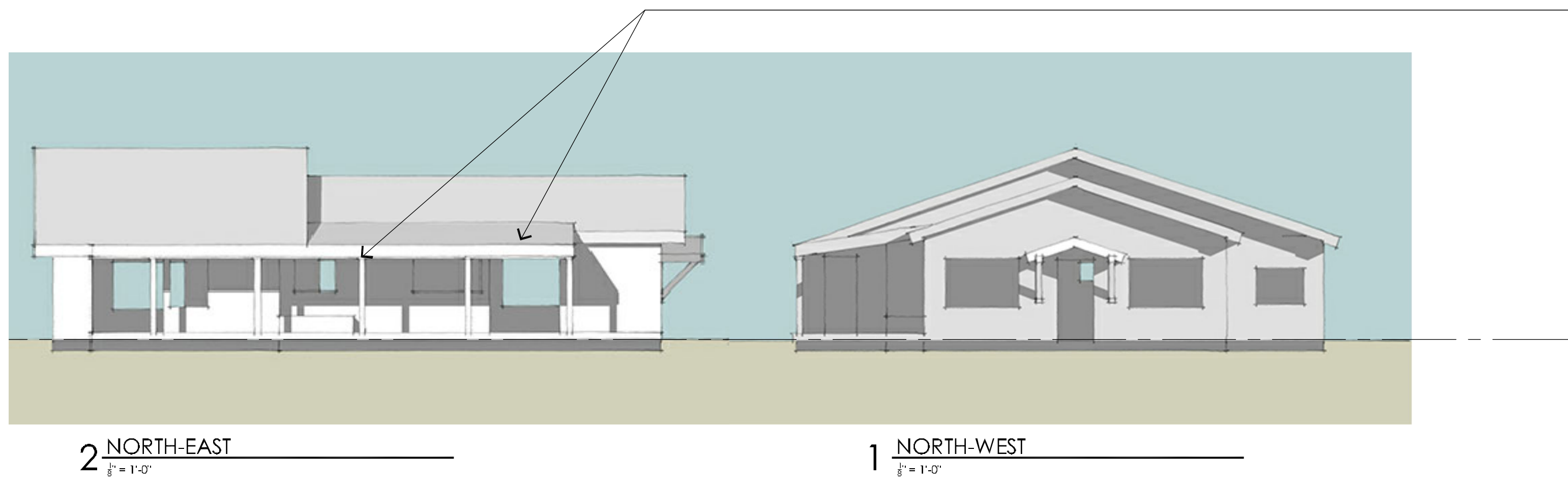
COVER & NOTES

# A001





**1 SURVEY**  
1" = 10'-0"



DECK AND POSTS TO BE REMOVED,  
EVALUATE CAPACITY OF EXISTING POST  
FOUNDATION FOR POTENTIAL RE-USE IN  
ADDITION STRUCTURE

RETAIN EXISTING WALL AT SOUTH SIDE  
OF HOUSE, EVALUATE STRUCTURE FOR  
FUTURE ROOF DECK ACCESS.

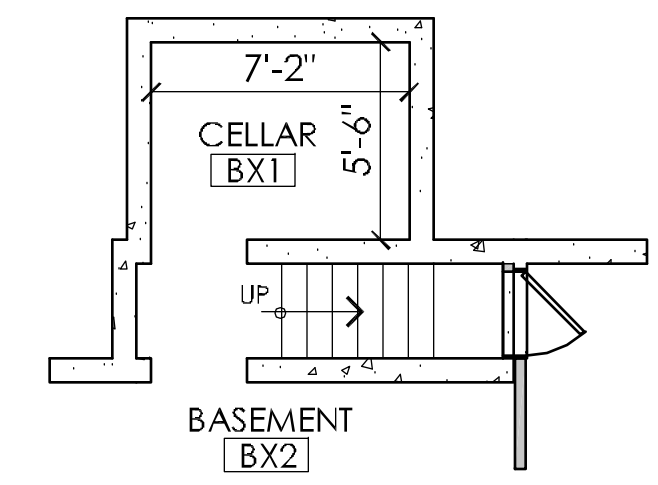
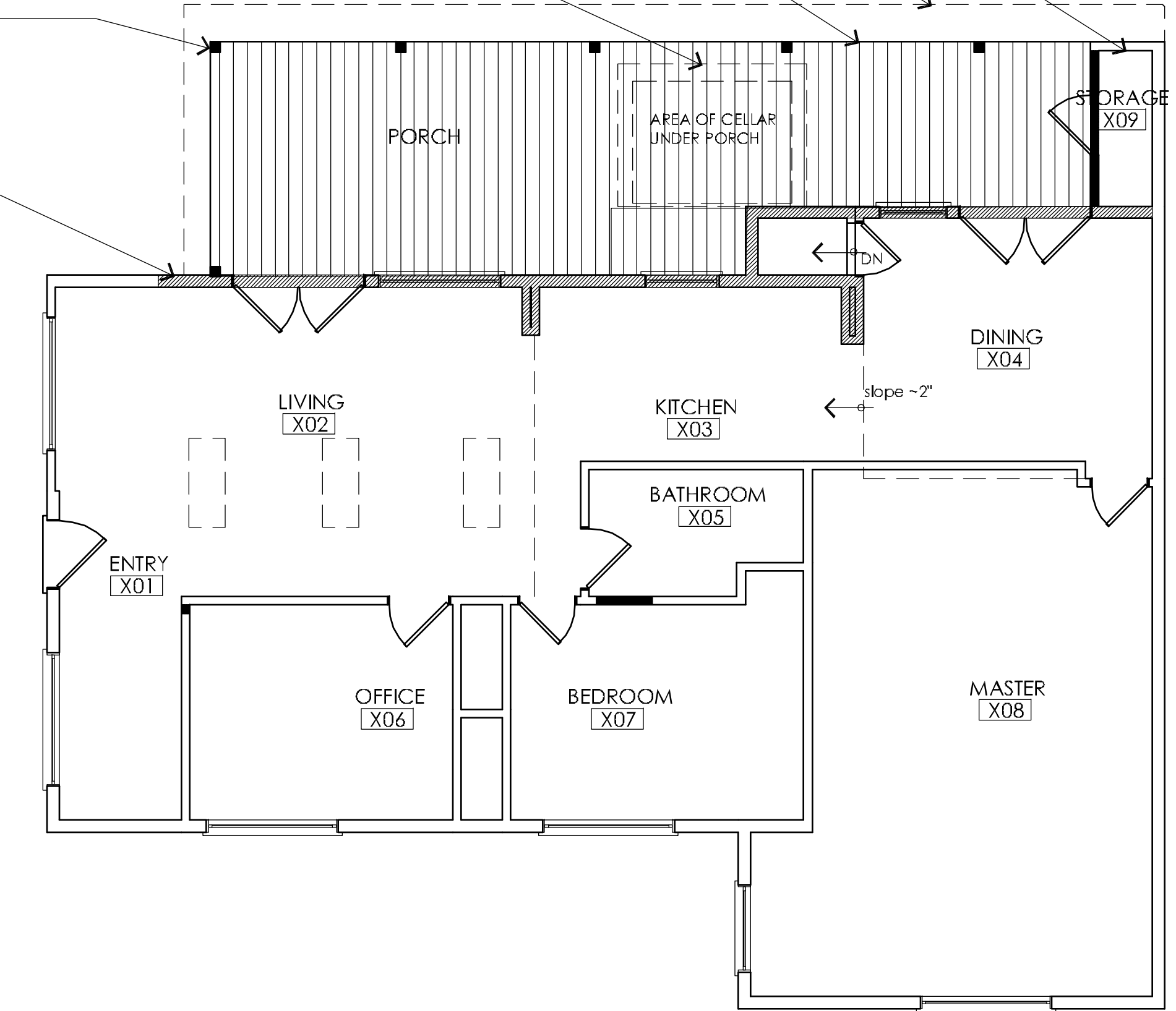
LINE OF EXISTING ROOF.

LINE OF EXISTING FOOTPRINT.

EVALUATE EXISTING CELLAR STRUCTURE  
DURING EXCAVATION

DECK AND POSTS TO BE REMOVED,  
EVALUATE CAPACITY OF EXISTING POST  
FOUNDATION FOR POTENTIAL RE-USE IN  
ADDITION STRUCTURE

HATCHED WALLS TO BE REMOVED



1 NORTH-WEST  
1/8" = 1'-0"

### 3 ROOF PLAN

1/4" = 1'-0"

42" TALL WOOD RAILING WITH COW FENCE INFILL  
PANELS - 4" OPENING ALLOWED. OPTION:  
AIRCRAFT CABLE INFILL

ROOF FRAMING AND SHEATHING, MIN R-15  
TAPERED INSULATION, 80MIL MEMBRANE ROOF,  
PROTECTION BOARD AND DRAINAGE MAT, ROOF  
DECKING ON PEDESTALS

80MIL MEMBRANE ROOF WITH METAL ROOF

30YR ASPHALT SHINGLES ON ICE&WATER SHIELD  
OPTION: STANDING SEAM METAL ROOF

STONE CAP ON CHIMNEY  
OPTION METAL SHROUD TO MATCH  
ARCHITECTURAL STEEL

EXISTING SKYLIGHTS TO BE RELOCATED.  
VERIFY IN FIELD AT DEMO.

### 2 LOWER LEVEL

1/4" = 1'-0"

### PLAN NOTES:

- 1) PROVIDE MOISTURE RESISTANT DRYWALL AT BATHROOMS.
- 2) PROVIDE R-11 BATT INSULATION AT ALL WALL CAVITIES FOR SOUND ATTENUATION UNO.
- 3) PROVIDE TYPE 'X' DRYWALL AT MECHANICAL ROOM.
- 4) VERIFY ALL FLOOR FINISHES WITH OWNER.
- 5) PROVIDE BLOCKING FOR CABINERY, MILLWORK, SHELVING, TVS, MECHANICAL AND BATHROOMS AS REQUIRED. (COORDINATE WITH OWNER)
- 6) PROVIDE SMOKE DETECTORS AT ALL BEDROOMS.
- 7) PROVIDE CO2 DETECTORS LOCATE PER MANUFACTURERS RECOMMENDATION
- 8) FREEZE PROOF ALL HOSE BIBS. COORDINATE LOCATION WITH OWNER
- 9) VENT ALL BATH FANS TO EXTERIOR
- 10) SEE SHEET A8.1 FOR TYPICAL DOOR AND WINDOW NOTES.
- 11) PROVIDE A WHOLE HOUSE VENTILATION SYSTEM. (COORDINATE WITH OWNER)
- 12) CONTRACTOR TO PROVIDE ADDITIONAL REVIEW FOR COORDINATION WITH STRUCTURALS (SEE RELATED DRAWINGS)
- 13) RECOMMEND ADDING BLOCKING AT ALL POTENTIAL FUTURE AREAS OF GRAB BAR INSTALLATION
- 14) RECOMMEND INSTALLING STANDARD 2'10" DOORS AT BATHROOMS AND BEDROOMS.

MAX 6' FENCE AT PROPERTY LINE

PRIVACY FENCE BUILT ON TOP OF EXISTING AND  
NEW WALLS ON SOUTH SIDE OF HOME

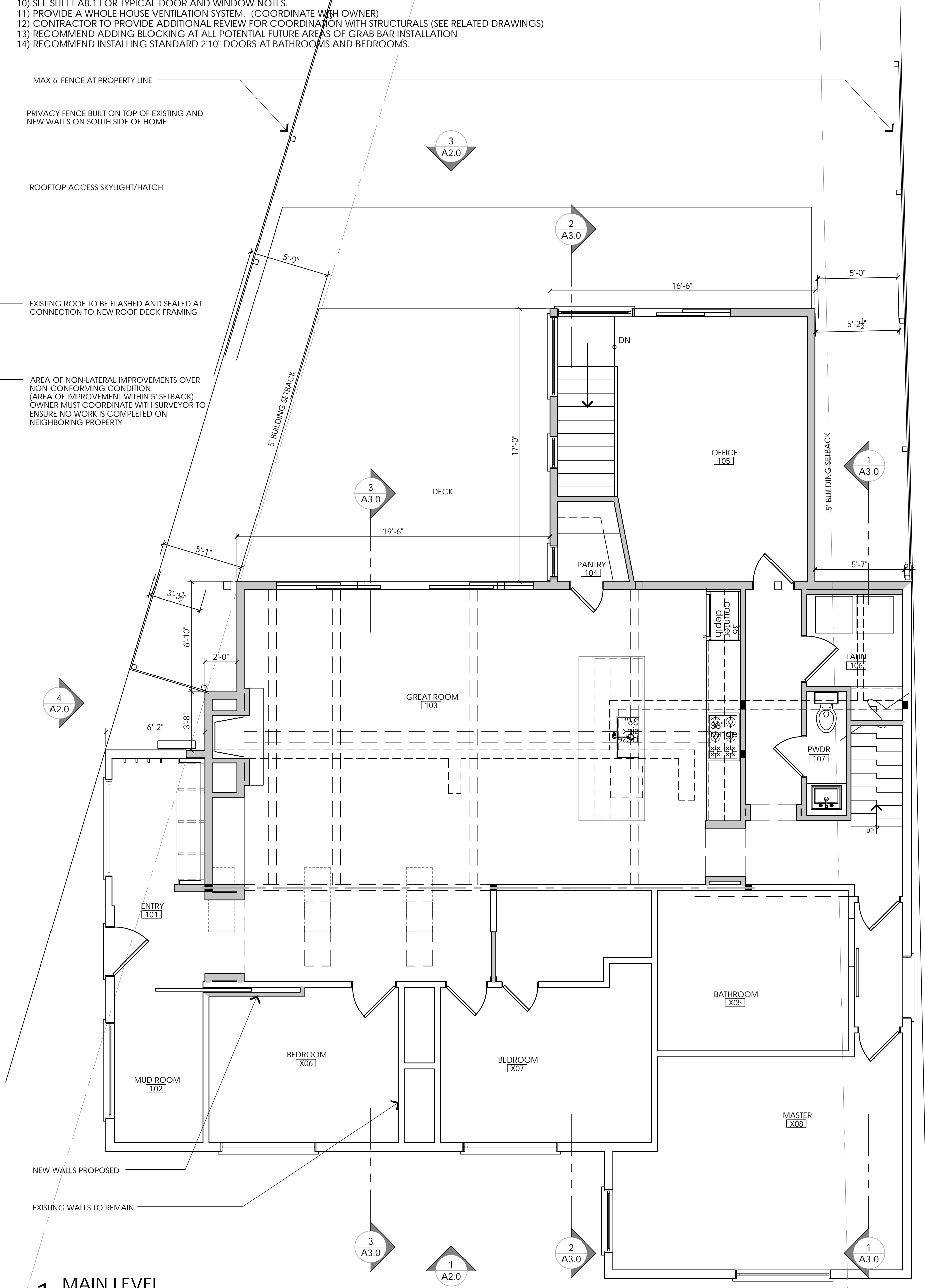
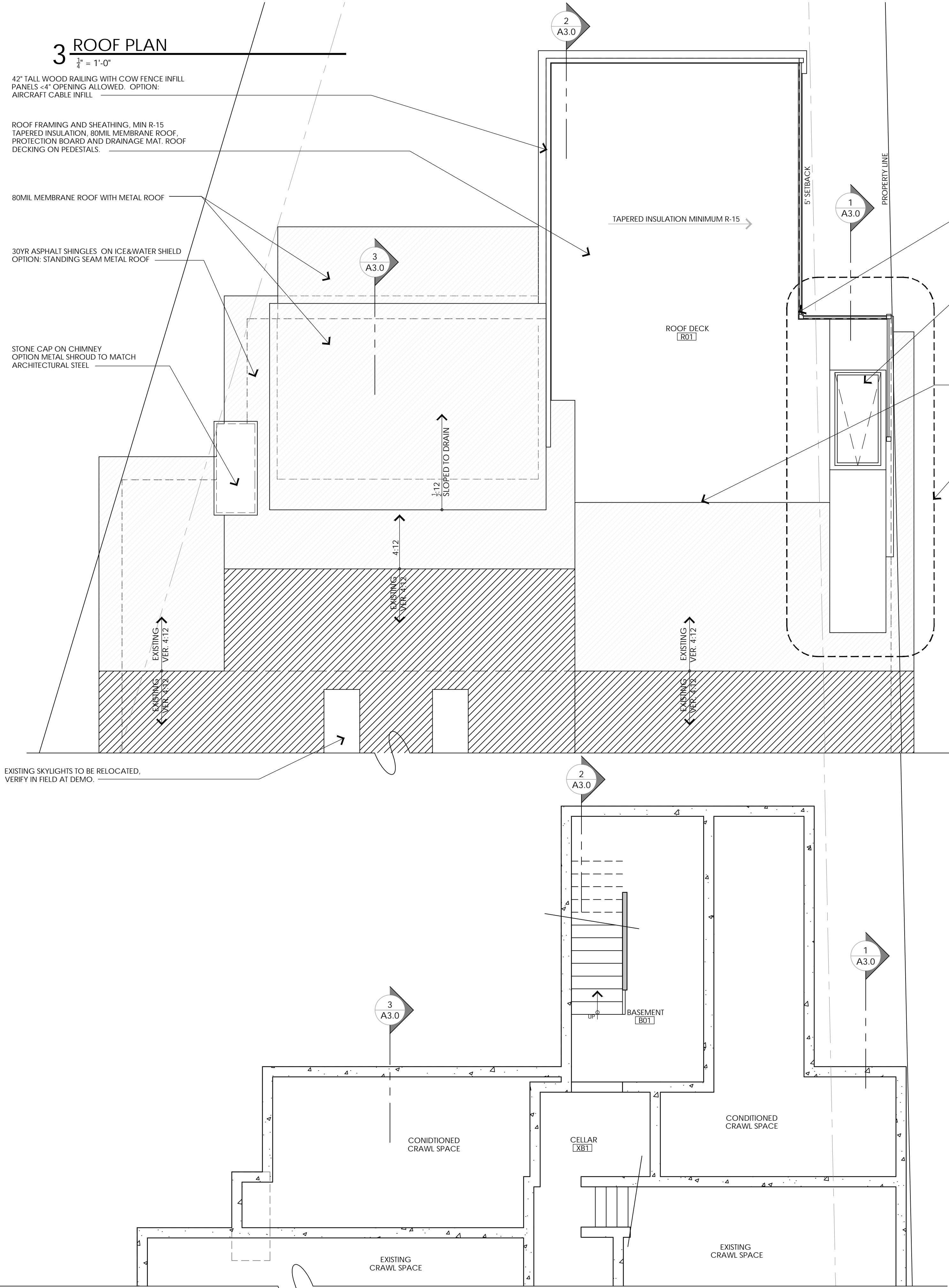
ROOFTOP ACCESS SKYLIGHT/HATCH

EXISTING ROOF TO BE FLASHED AND SEALED AT  
CONNECTION TO NEW ROOF DECK FRAMING

AREA OF NON-LATERAL IMPROVEMENTS OVER  
NON-CONFORMING CONDITION:  
(AREA OF IMPROVEMENT WITHIN 5' SETBACK)  
OWNER MUST COORDINATE WITH SURVEYOR TO  
ENSURE NO WORK IS COMPLETED ON  
NEIGHBORING PROPERTY

### 1 MAIN LEVEL

1/4" = 1'-0"



301 Boulder St, #333  
Minturn CO 81645

Matt & Amanda Mire  
414 Eagle Street  
Minturn, CO 81645

PROJECT  
Mire Residence  
PROJECT NO.  
21\_MR-0001

ISSUE  
30 April 2021  
RELEASE  
DRB review

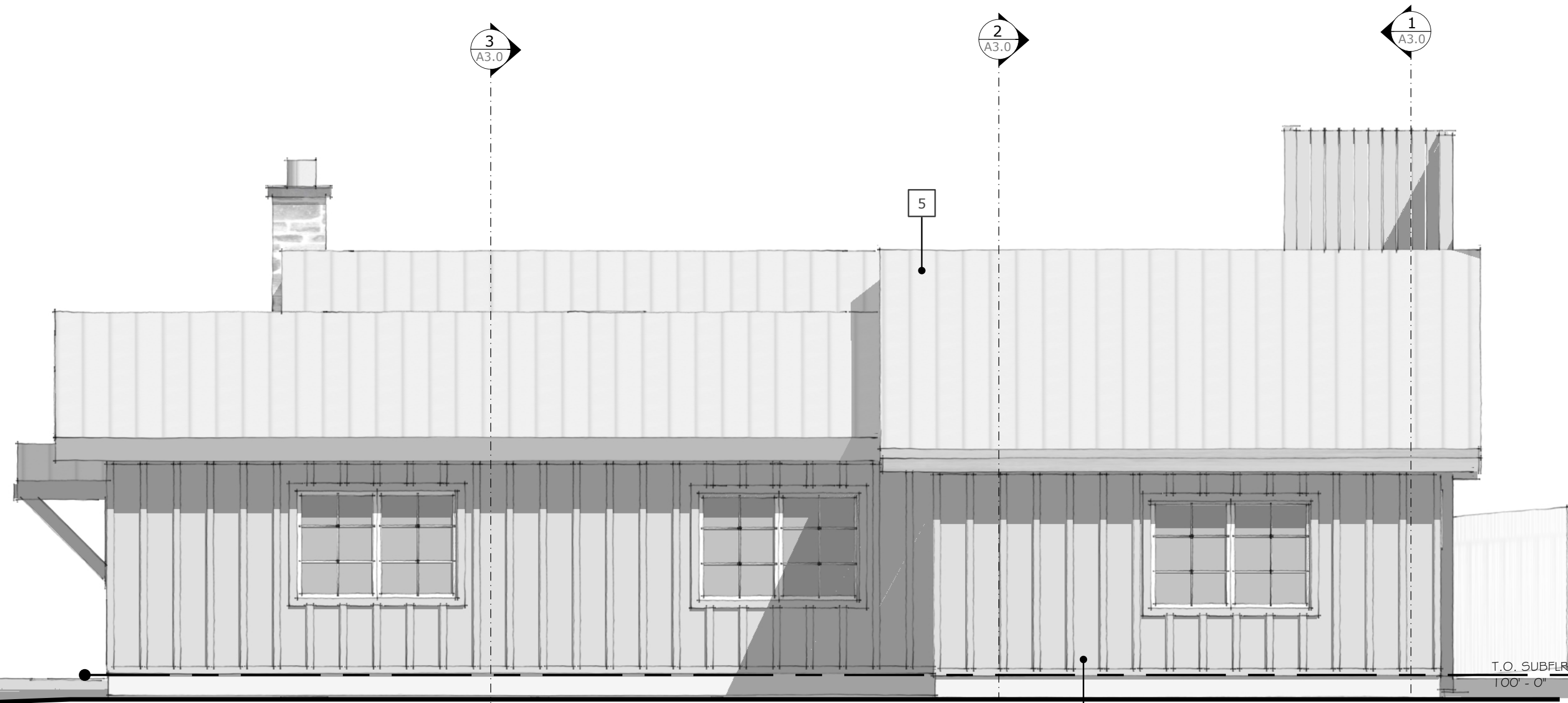
ROOF &  
FLOOR  
PLANS

# A101

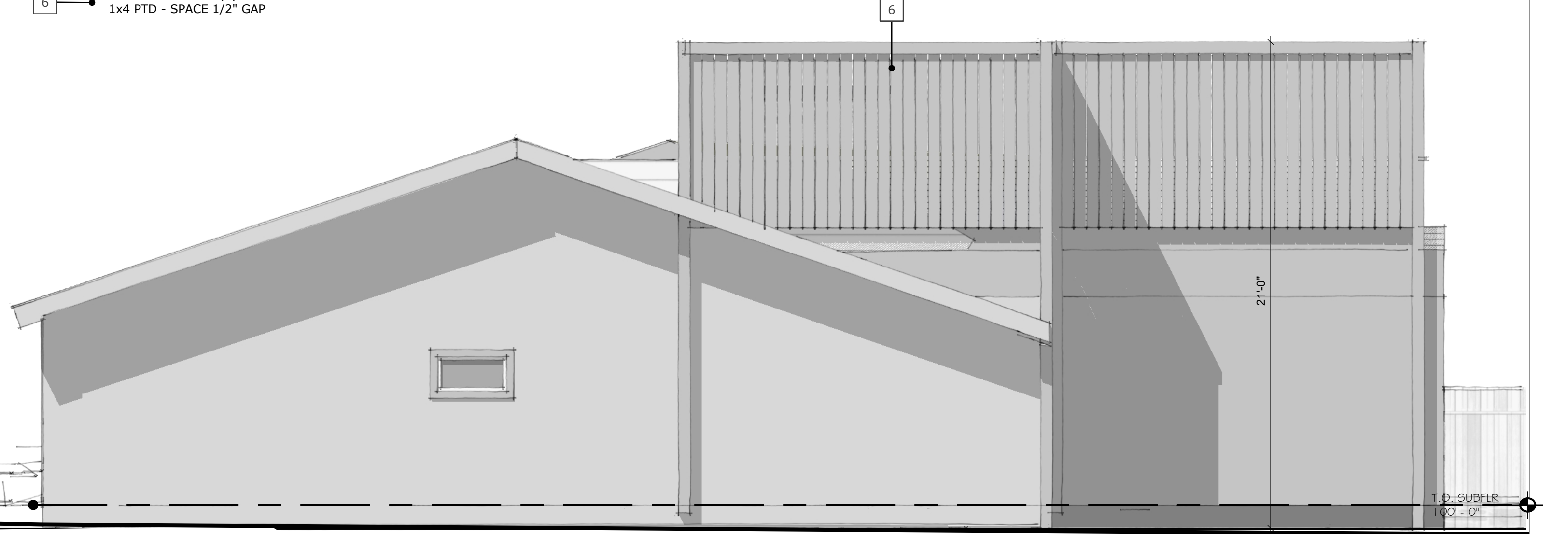


**EXTERIOR FINISH SCHEDULE**

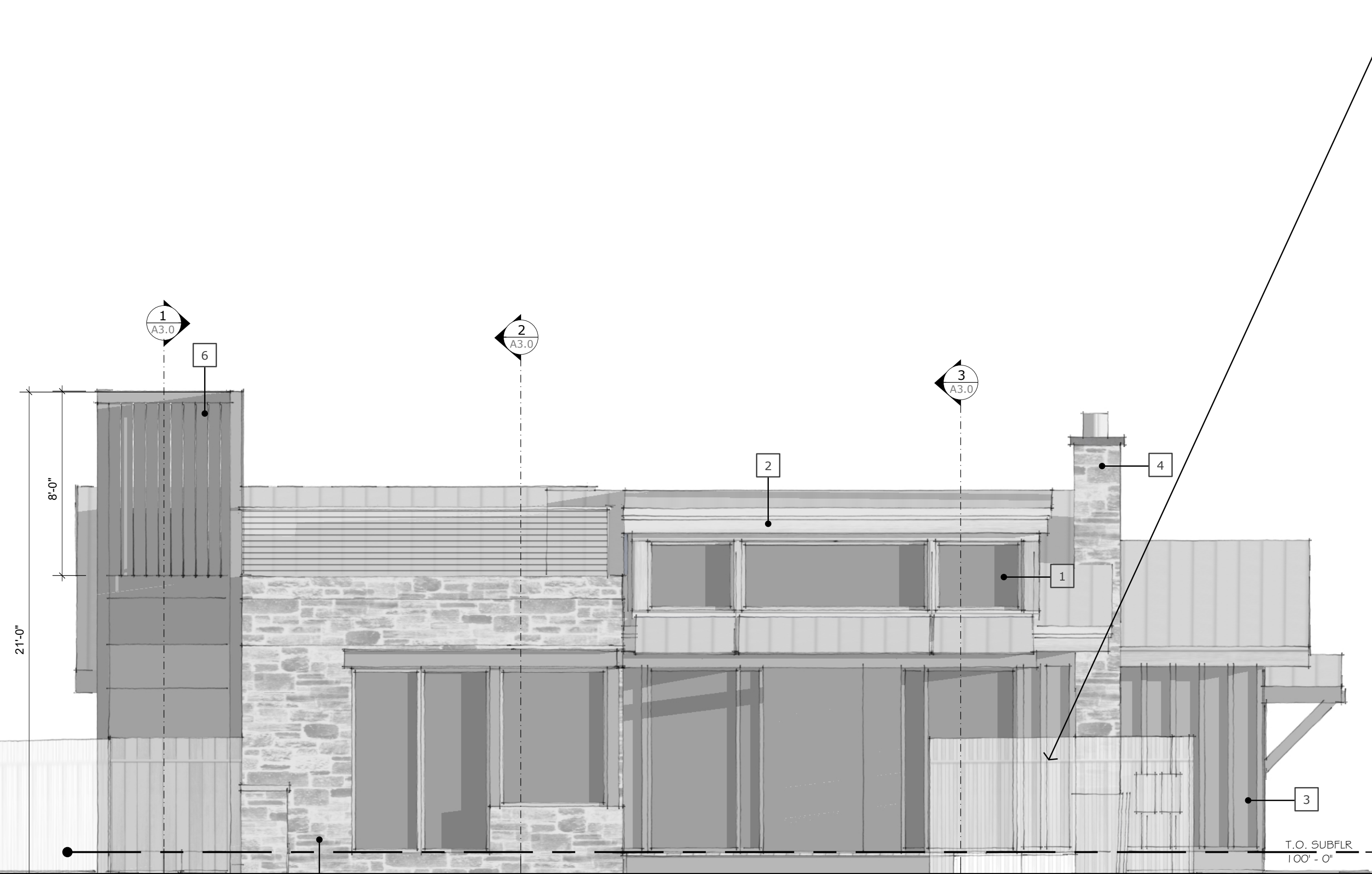
- 1 → WINDOWS AND DOORS:  
WOOD CLAD WINDOWS, METAL CLAD - CHARCOAL
- 2 → SOFFIT & TRIM:  
BARNWOOD, SEALED
- 3 → SIDING:  
EXISTING BOARD & BATT, COLOR SW6993  
OPTION: 4" EXPOSURE HARDI FCB
- 4 → STONE:  
GALLEGOS - RATTLER, OR SIM.
- 5 → ROOF:  
STANDING SEAM METAL ROOF - SLATE GREY
- 6 → PRIVACY WALL:  
4x4x8 POST WITH (3) 2x BRACING.  
1x4 PTD - SPACE 1/2" GAP



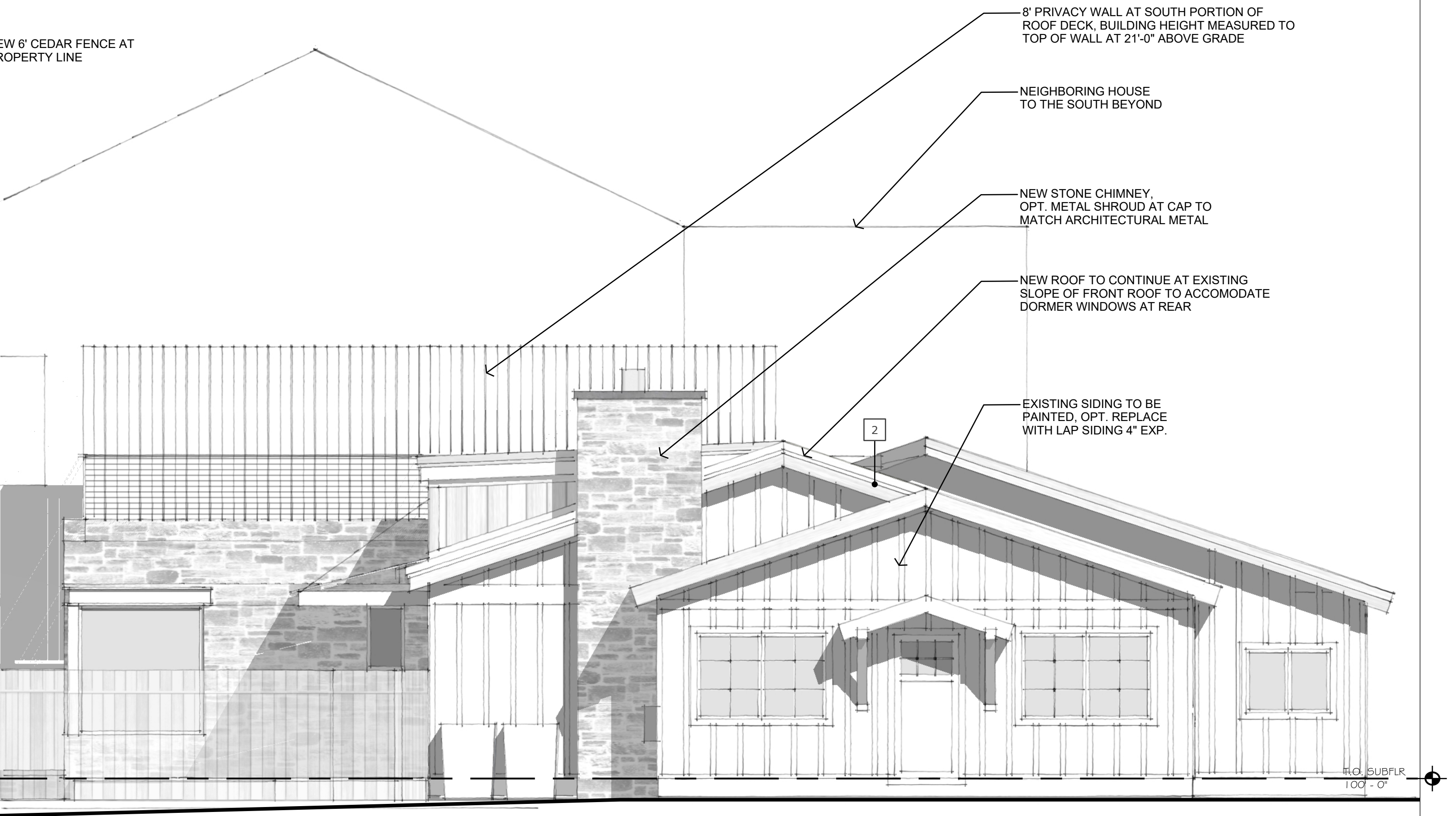
1 **Front Elevation**  
1/4" = 1'-0"



2 **Side Elevation**  
1/4" = 1'-0"



3 **Rear Elevation**  
1/4" = 1'-0"



4 **Side Elevation - Eagle St**  
1/4" = 1'-0"

**gps designs, llc**  
301 Boulder St. #333  
Minturn CO 81645

**Matt & Amanda Mire**  
414 Eagle Street  
Minturn, Colorado 81645

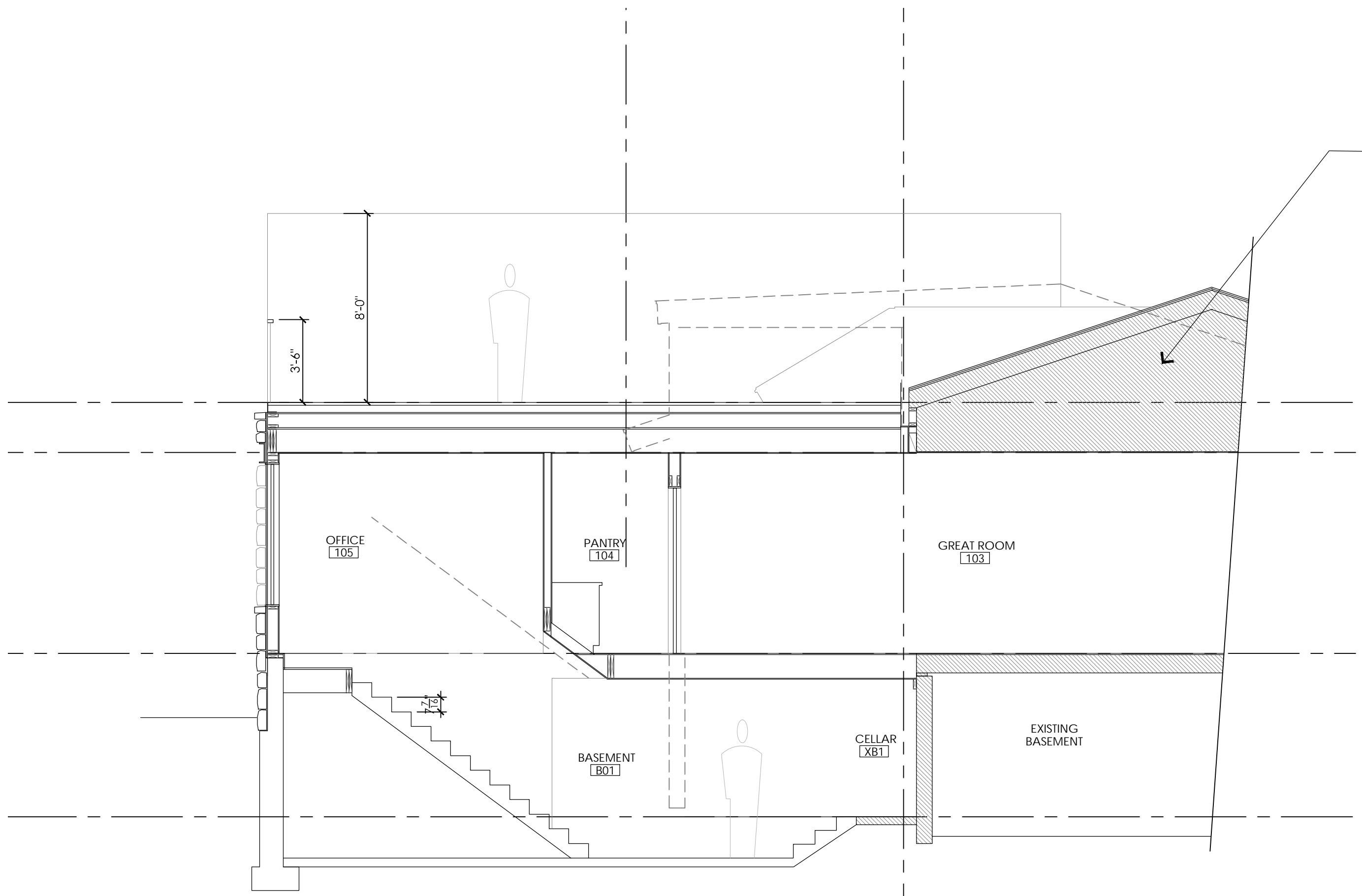
**PROJECT**  
Mire Residence  
**PROJECT NO.**  
21\_MR-0001

**ISSUE**  
30 April 2021  
**RELEASE**  
DRB Review

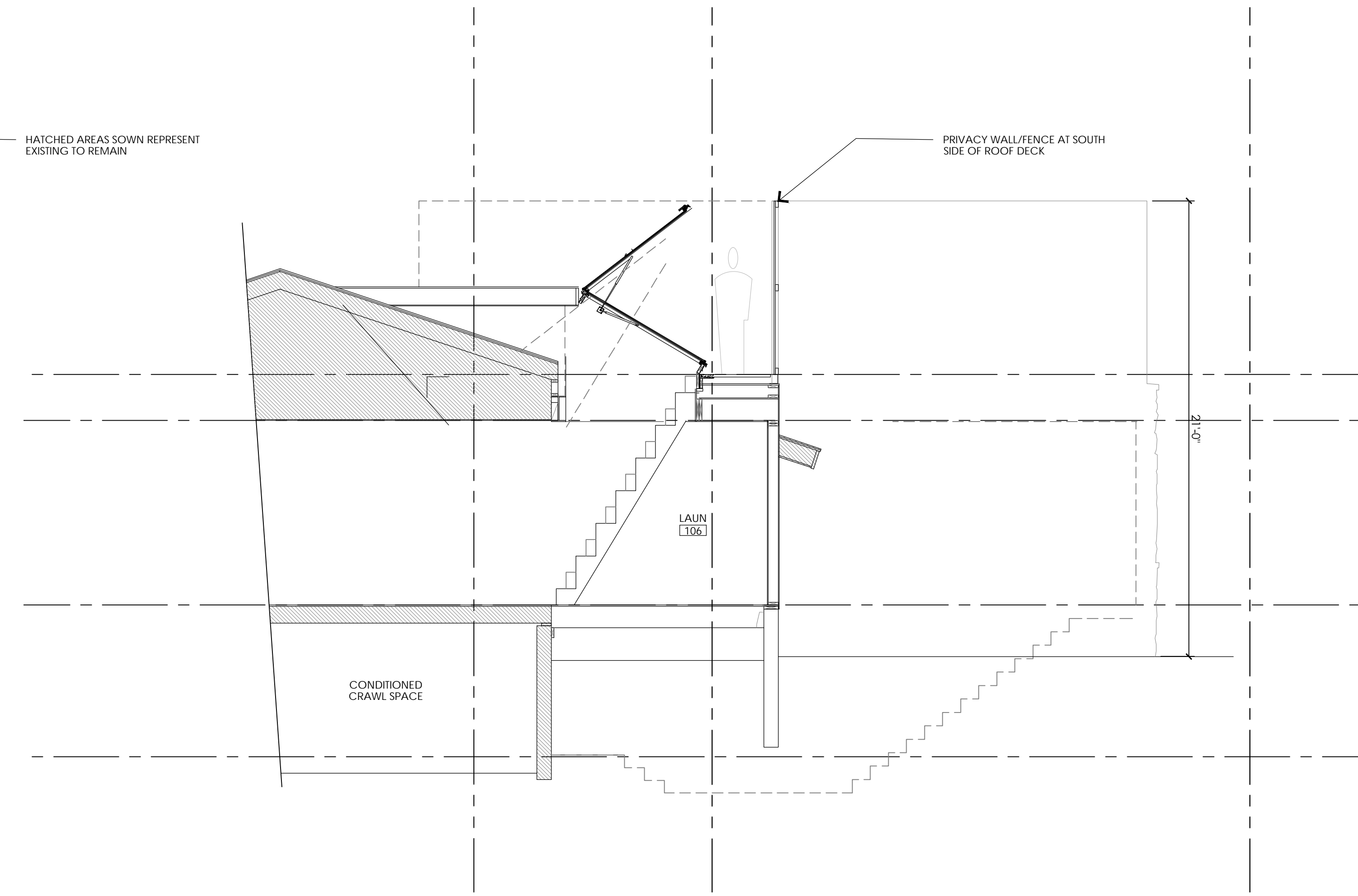
**EXTERIOR ELEVATIONS**

**A201**

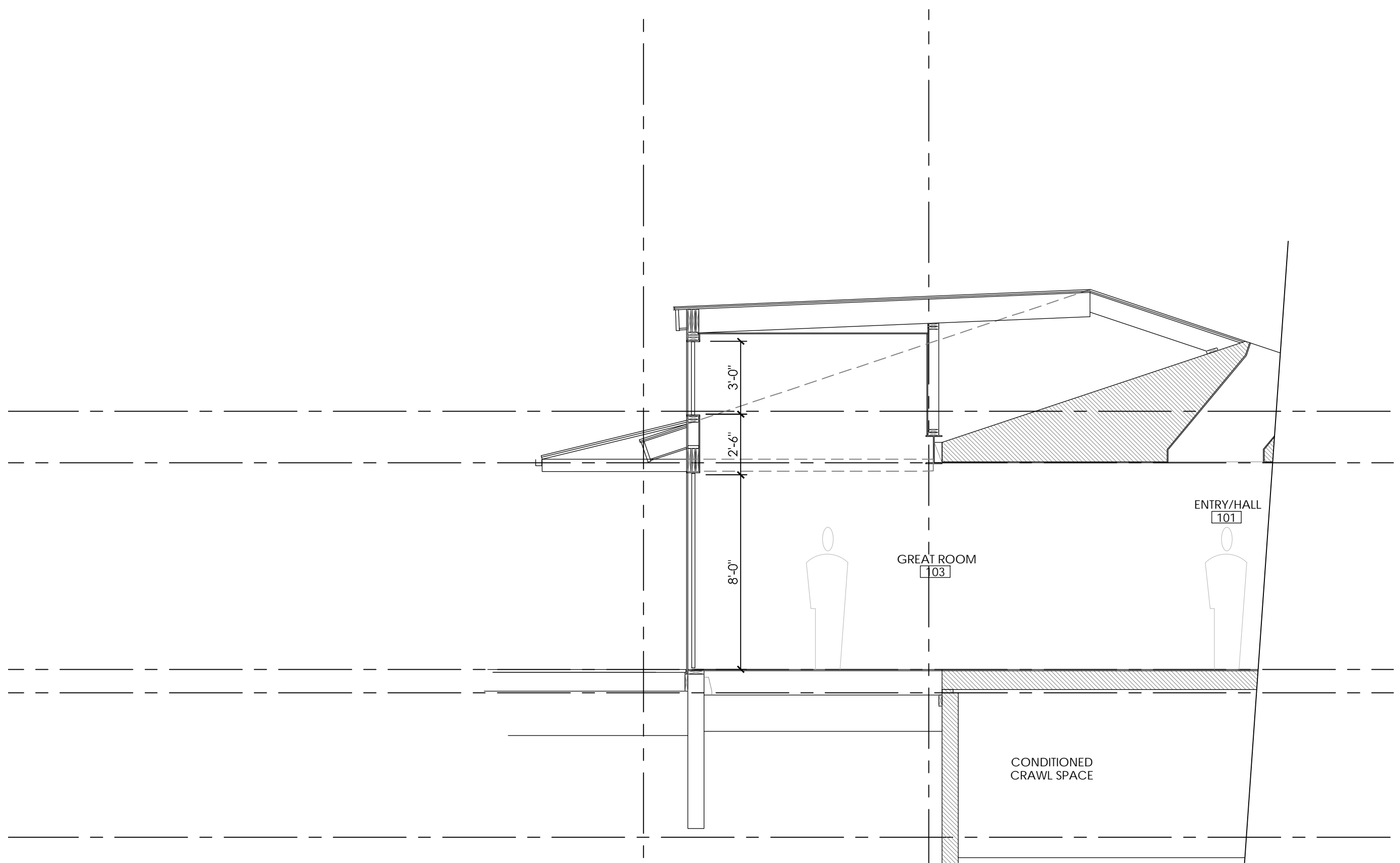




2 SECTION AT BASEMENT STAIR  
 $\frac{1}{4}'' = 1'-0''$



1 SECTION AT ROOF STAIR  
 $\frac{1}{4}'' = 1'-0''$



3 SECTION AT LIVING  
 $\frac{1}{4}'' = 1'-0''$





Existing Clad windows to remain at main house.  
Addition to receive Clad windows in Charcoal

**gps designs, llc**  
301 Boulder St. #333  
Minturn CO 81645

**Matt & Amanda Mire**  
414 Eagle Street  
Minturn, Colorado 81645

**PROJECT**  
Mire Residence  
**PROJECT NO.**  
21\_MR-0001

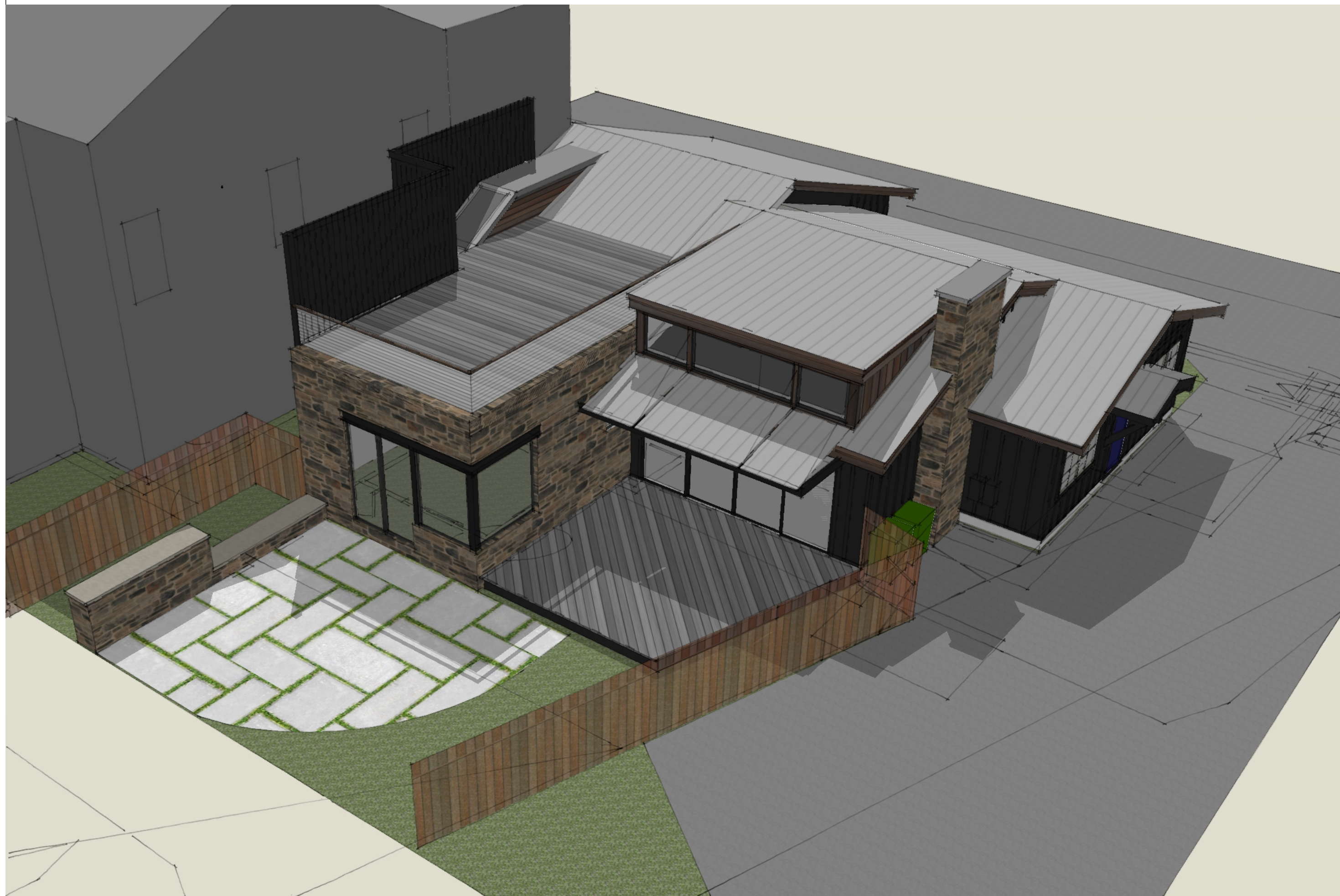


**Color Combination**  
-standing seam metal roof  
SIDING - SW6993 black of night  
ROOFING - Slate Grey



#315 Rattlers  
Proposed Stone - or sim.

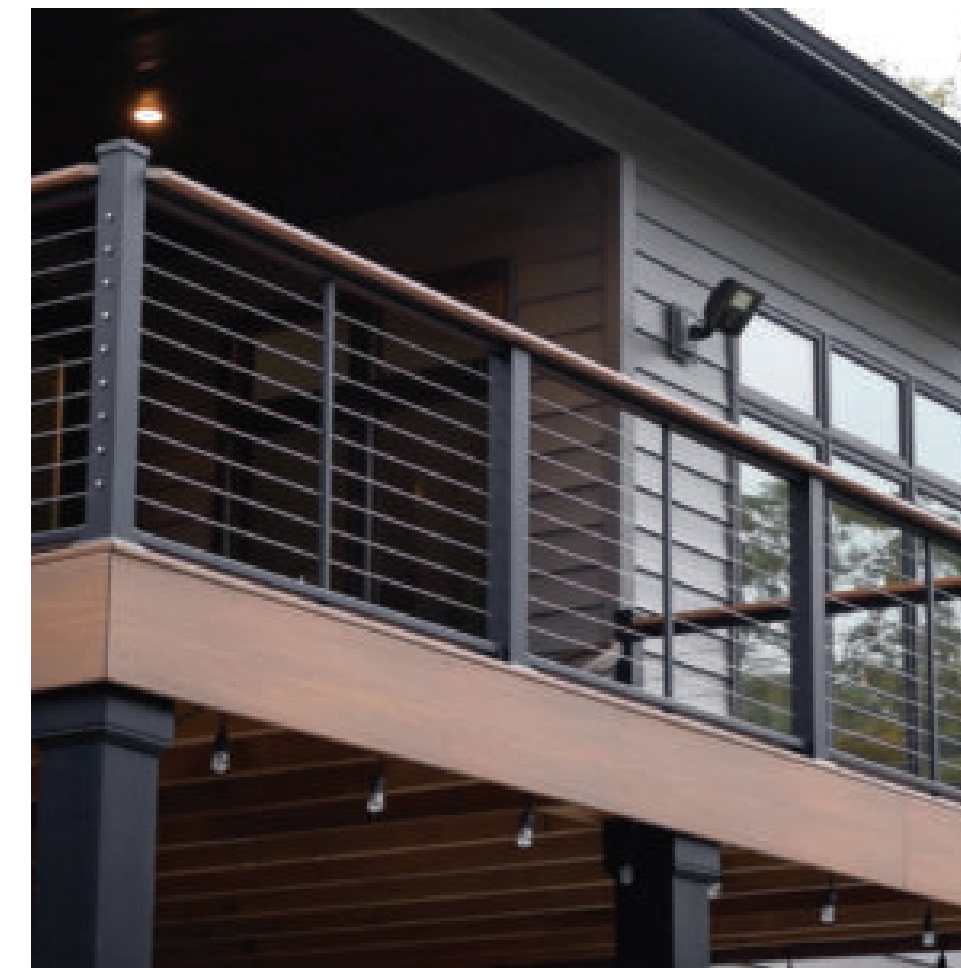
Weathered Wood siding at Dormer  
and Roof Fascia



Privacy wall at roof deck



Cable Rail



**ISSUE**  
30 April 2021  
**RELEASE**  
DRB Review

**PERSPECTIVES  
& MATERIALS**



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



**Minturn Planning Commission**  
 Chair – Lynn Teach  
 Jeff Armistead  
 Elliot Hovey  
 Tom Priest  
 Chris Manning  
 Jena Skinner

**To:** Planning Commission  
**From:** Scot Hunn, Planning Director  
 Madison Harris, Planner I  
**Date:** May 20, 2021  
**Re:** 453 Pine Street – Porch Addition

Jennifer Holmes and Robert Creasy, owners of 453 Pine Street, request review of the addition of a roof element over an existing front entry on the north side of their home. This addition is being proposed to provide shelter, safety, and to make a more prominent front entry that actually faces Pine Street; the current front entry faces the side yard and existing parking area.

The Applicants recently bought their home here in Minturn. Their lot is zoned within the Old Town Character Area - Residential Zone District. Their lot currently exceeds impervious coverage, but does not exceed building coverage limits due to the passage of Ordinance 03 - Series 2021 on May 19th, 2021 which increased lot coverage in this zone district (Old Town Residential) from 40% to 45%, and impervious coverage from 50% to 55%.

<b>Regulation</b>	<b>Allowed/Required</b>	<b>Proposed/Existing</b>
Minimum Lot Area:	5,000 sq. ft.	5,000 sq. ft.
Minimum Front Setback:	10 feet	10.5 feet
Minimum Side Setback:	5 feet	8 feet
Minimum Rear Setback:	10 feet	No Change
Maximum Lot Coverage:	45% (2,250 sq. ft.)	2,138 sq. ft. (42.76%) Existing 2,249 sq. ft. (44.98%) Proposed
Maximum Impervious Coverage:	55% (2,750 sq. ft.)	3,368 sq. ft. (67.36%) Existing 3,148 sq. ft. (62.96%) Proposed
Minimum Snow Storage Area:	5% of Driveway Area (26.35 sq. ft.)	99 sq. ft.
Parking:	4 spaces	6 spaces (Existing) 5 spaces (Proposed)

The plans show the reduction of impervious surface area by 220 sq. ft. (4.4%) in exchange for the ability to implement a covered porch on the front of their house that has a roof surface totaling 111 sq. ft. located, in part, on top of existing impervious surface area.

Staff's interpretation of Sec. 16-22-30 of the Minturn Municipal Code is that the proposed improvements, including the reduction of existing impervious coverage, permit the addition as it will not increase a pre-existing non-conforming structure or situation, in this case impervious coverage limits:

- (a) *Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:*
- (1) *An increase in the total amount of space devoted to a nonconforming use; or*
  - (2) *Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitation or density requirements, or other requirements such as parking requirements.*

This interpretation was verified with the Town Attorney prior to staff completing its review. Specifically, this project proposal reduces the pre-existing non-conformity and respects all dimensional restrictions, such as setback requirements and height limitations.

Additionally, the massing, forms, and scale of the proposed minor addition - constructed of steel beams, columns and a metal roof, and as well as proposed exterior materials, textures and detailing appear to achieve the design objectives of Appendix B – Design Guidelines and Standards. Appendix B, Section II, Subsection C(1)(c) *Massing and Scale*: “*A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures. Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.*”

Parking is adequate, with five spaces on the lot. One in the front and four in the back.

Staff is recommending **approval without conditions**.

# IMPROVEMENT LOCATION CERTIFICATE

IN ACCORDANCE WITH C.R.S. 38-51-108 (EFFECTIVE JULY 1, 2013)

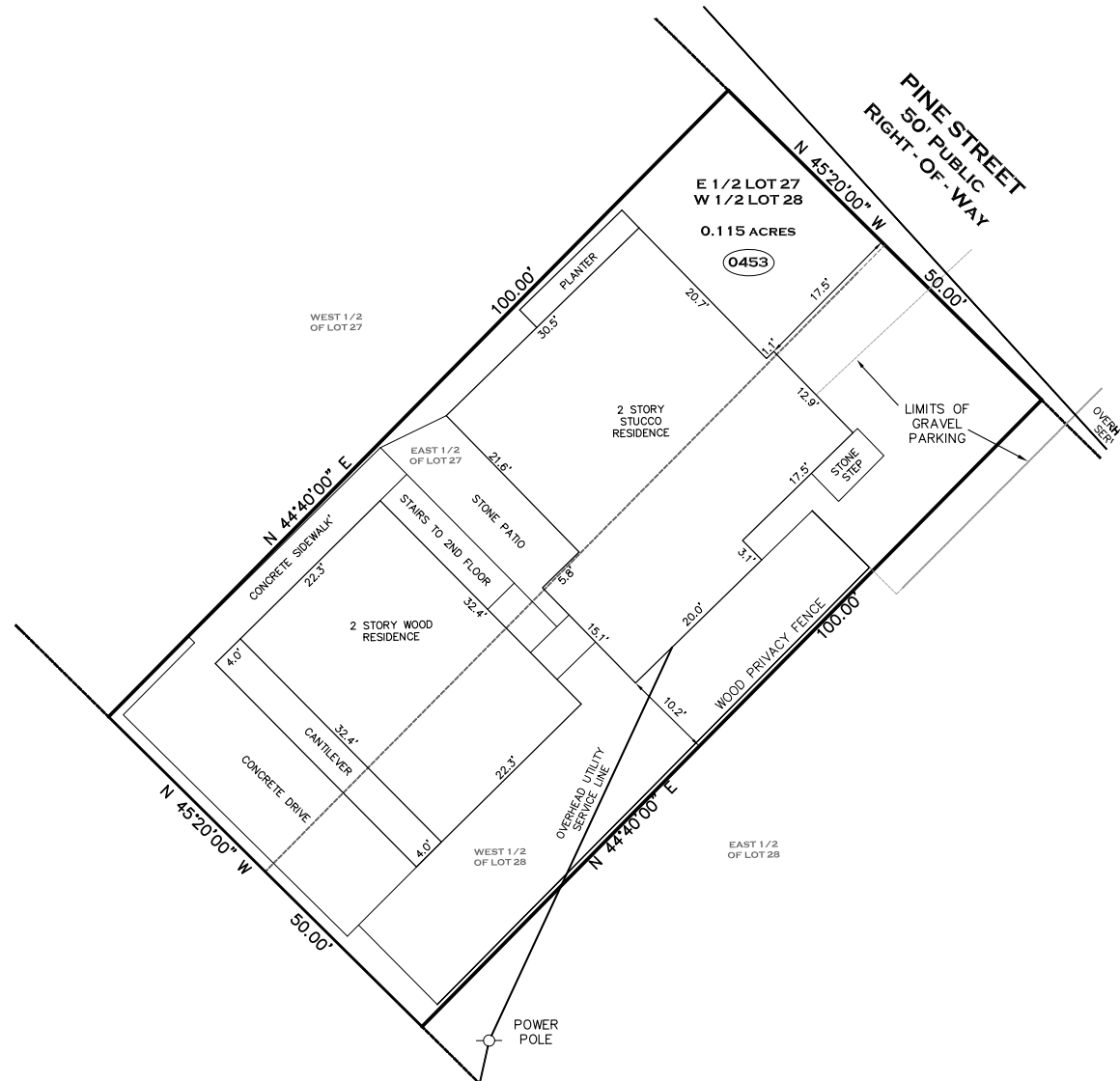
THIS CERTIFICATE IS VALID ONLY FOR USE BY:

**BUYER/BORROWER: JENNIFER G. HOLMES MANAGEMENT TRUST**

**SELLER/OWNER: GAYLE M HENDRIX AND MATTHEW A HENDRIX**

LEGAL DESCRIPTION:

The Easterly One-Half of Lot 27 and the Westerly One-Half of Lot 28, Block 1, Baldauf Addition to The Town Of Minturn, Plat Book page 37, Reception No. 65797, recorded on March 20, 1940 at the Office of the Clerk and Recorder, County of Eagle, State of Colorado.



NOTES:

- 1) Posted Street Address: 453 Pine Street.
- 2) Legal description record easements, setbacks, and record deed lines were derived from the hereon referenced Final Plat of Baldauf Addition to The Town Of Minturn and Title Company of the Rockies Commitment No. 2000017-C dated July 11, 2016. Improvements and apparent deed line locations are based upon monuments, or other boundary evidence, found during the time the fieldwork was performed.
- 3) Date of Field Work: April 30, 2020.
- 4) This Improvement Location Certificate was prepared for the exclusive use of those parties certified to herein, and is valid only if print has original seal and signature of surveyor.
- 5) Lineal Units of the U.S. Survey Foot were used herein.
- 6) An Improvement Survey Plat is recommended due to lost, obliterated and/or conflicting property corner monumentation.

C.R.S. 38-51-108 (Effective July 1, 2013)

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this Improvement Location Certificate was prepared for

Buyer/Borrower: JENNIFER G. HOLMES MANAGEMENT TRUST

Seller/Owner: GAYLE M HENDRIX AND MATTHEW A HENDRIX

that this is NOT a Land Survey Plat, or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

THIS CERTIFICATE IS VALID ONLY FOR USE BY

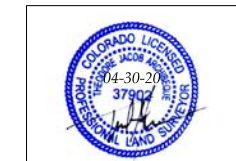
Buyer/Borrower: JENNIFER G. HOLMES MANAGEMENT TRUST

Seller/Owner: GAYLE M HENDRIX AND MATTHEW A HENDRIX

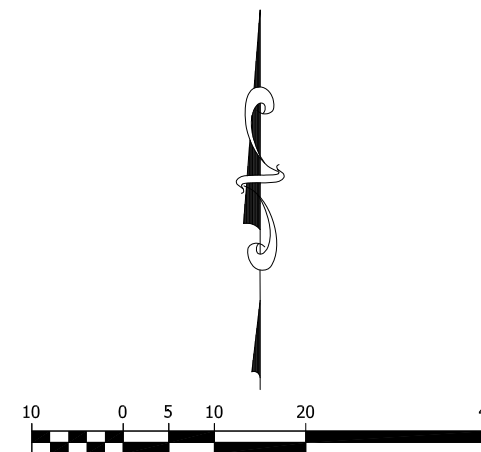
AND DESCRIBES THE PARCEL'S APPEARANCE ON

April 30, 2020

I further certify that the improvements on the above described parcel on this date, April 30, 2020 except for utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as shown.



Theodore J. Archibeque PLS 37907  
Colorado Professional Land Surveyor



**Archibeque Land Consulting, Ltd**

~ Professional Land Surveying & Mapping ~

115 Broadway - P.O. Box 3893 Eagle, Colorado 81631

970.328.6020 Office 970.328.6021 Fax

INFO@PROLANDSURVEY.COM

**IMPROVEMENT LOCATION CERTIFICATE**  
**THE EASTERLY 1/2 OF LOT 27 AND**  
**THE WESTERLY 1/2 OF LOT 28, BLOCK 1,**  
**BALDAUF ADDITION TO THE TOWN OF MINTURN**

DRAWN BY: <i>SI/VB</i>	DRAWING NAME: <i>16192_ILC 453 PINE ST.dwg</i>
SHEET <i>1</i> OF <i>1</i>	DATE: <i>04-30-2020</i> CHECKED BY: <i>TJA</i>

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REVISED 5-12-2020, MINOR DRAFTING REVISIONS SB

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated hereon. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgement and agreement to all terms stated herein.

ROBERT D GREASY ARCHITECTURE  
 PO BOX 819 - 435 PINE ST  
 MINTURN, CO 81645-0819  
 MB: 760.937.2600 (Robert)  
 robert@rdsearch.com

STRUCTURAL ENGINEER  
 TBD

SURVEYOR  
 Archibeque Land Consulting, LTD  
 PO box 3893  
 Eagle, CO 81631  
 Theodore Archibeque: 970.328.6020

GEO/SOILS ENGINEER - SPECIAL INSPECTION SERVICES  
 Not Applicable

GENERAL CONTRACTOR  
 TBD

**HOLMES ENTRY PORCH**

453 PINE ST  
 MINTURN, CO 81645

OWNER:  
 JENNIFER HOLMES

jennhohmes@gmail.com  
 MB: 979.270.1494

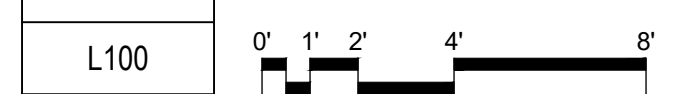
DATE: DESIGN REVIEW SUBMITTAL MAY 4, 2021  
 PROJECT #: 2020

**SITE PLAN  
 SITE - UTILITY NOTES  
 VICINITY PLAN  
 L100**

**D1 SITE - PLOT PLAN - BUILDING & LOT COVERAGE**



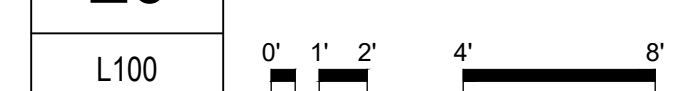
**D4 ENTRY PORCH PLAN & LANDSCAPING**



**E3 EAST ELEVATION**



**E5 NORTH ELEVATION**



THE SITE PLAN IS BASED ON IMPROVEMENT LOCATION  
 CERTIFICATE SURVEY - DATED 4/30/20  
 BY ARCHIBEQUE LAND CONSULTING

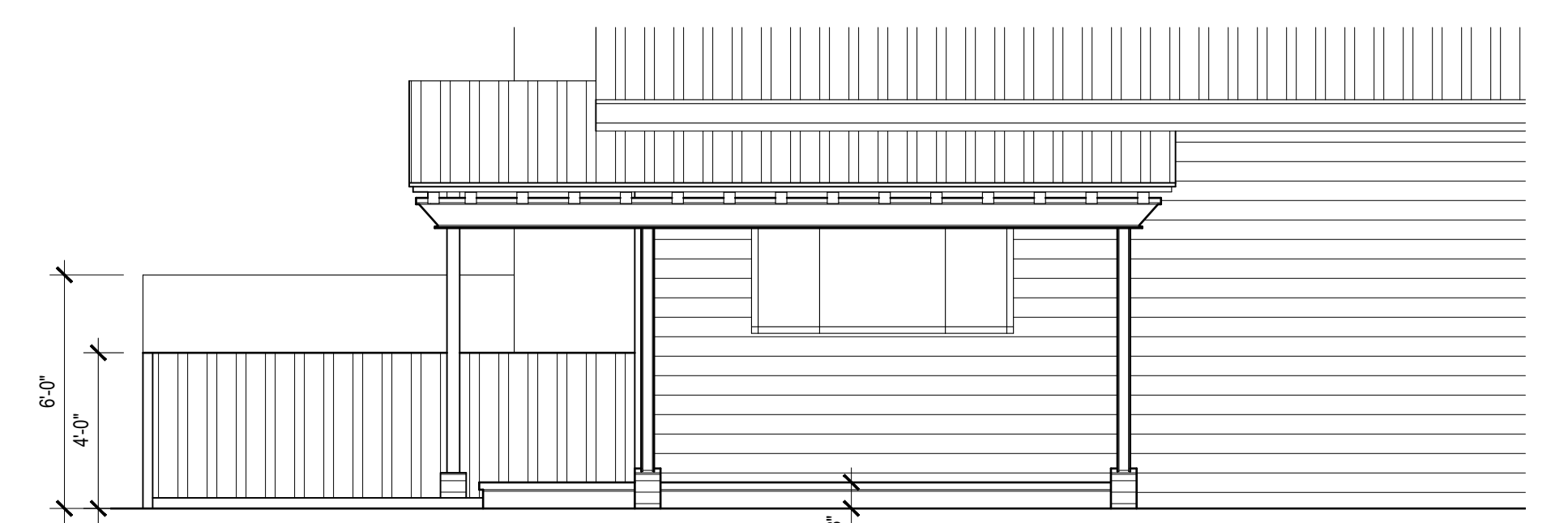
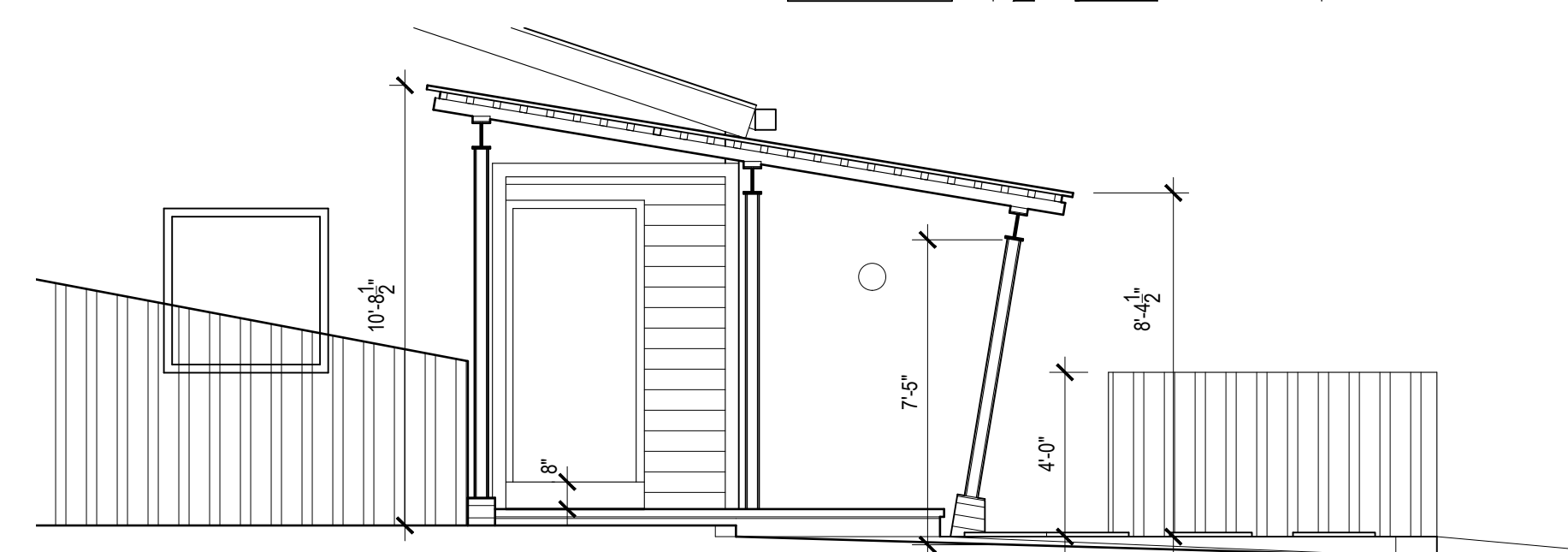
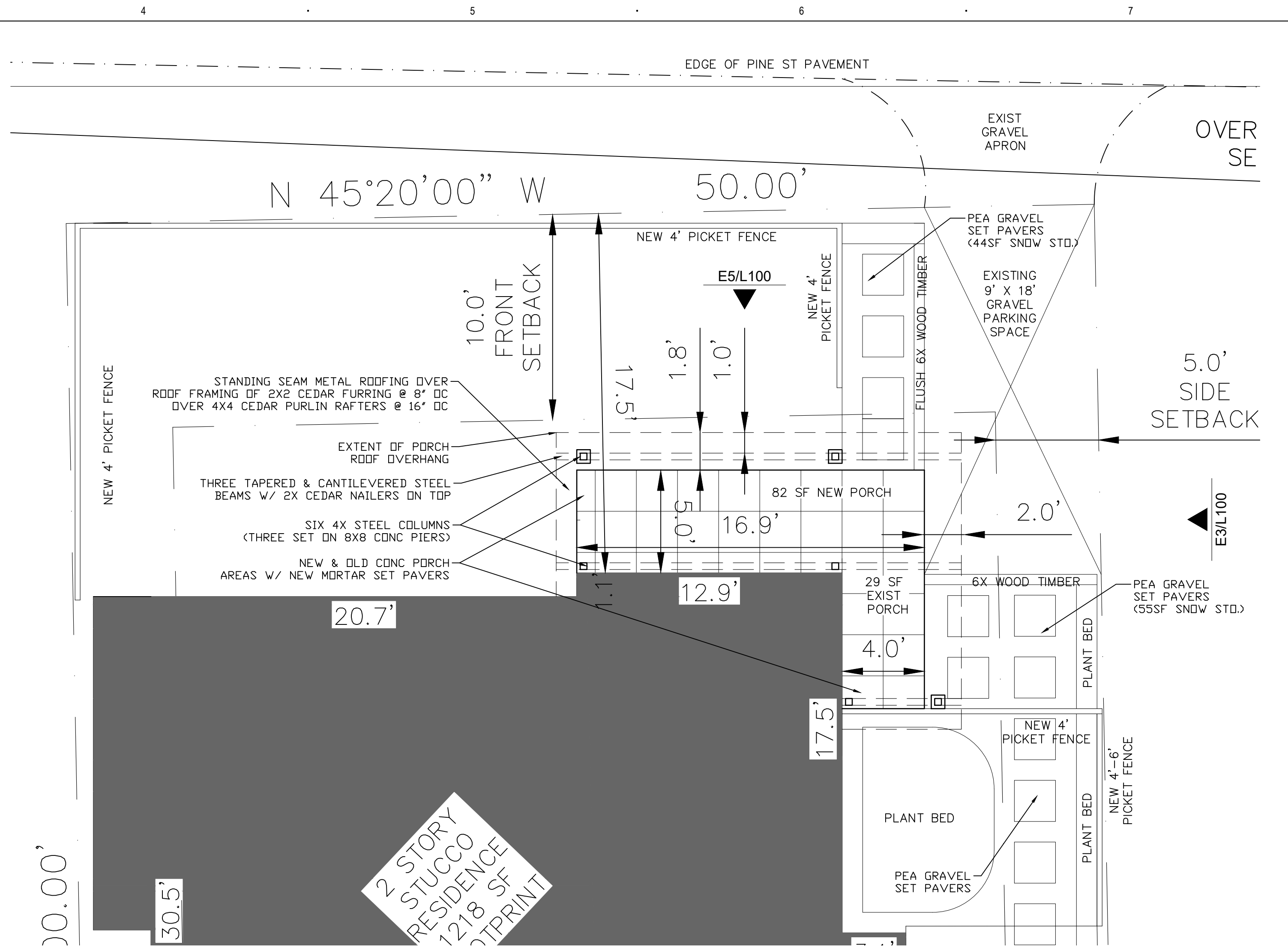
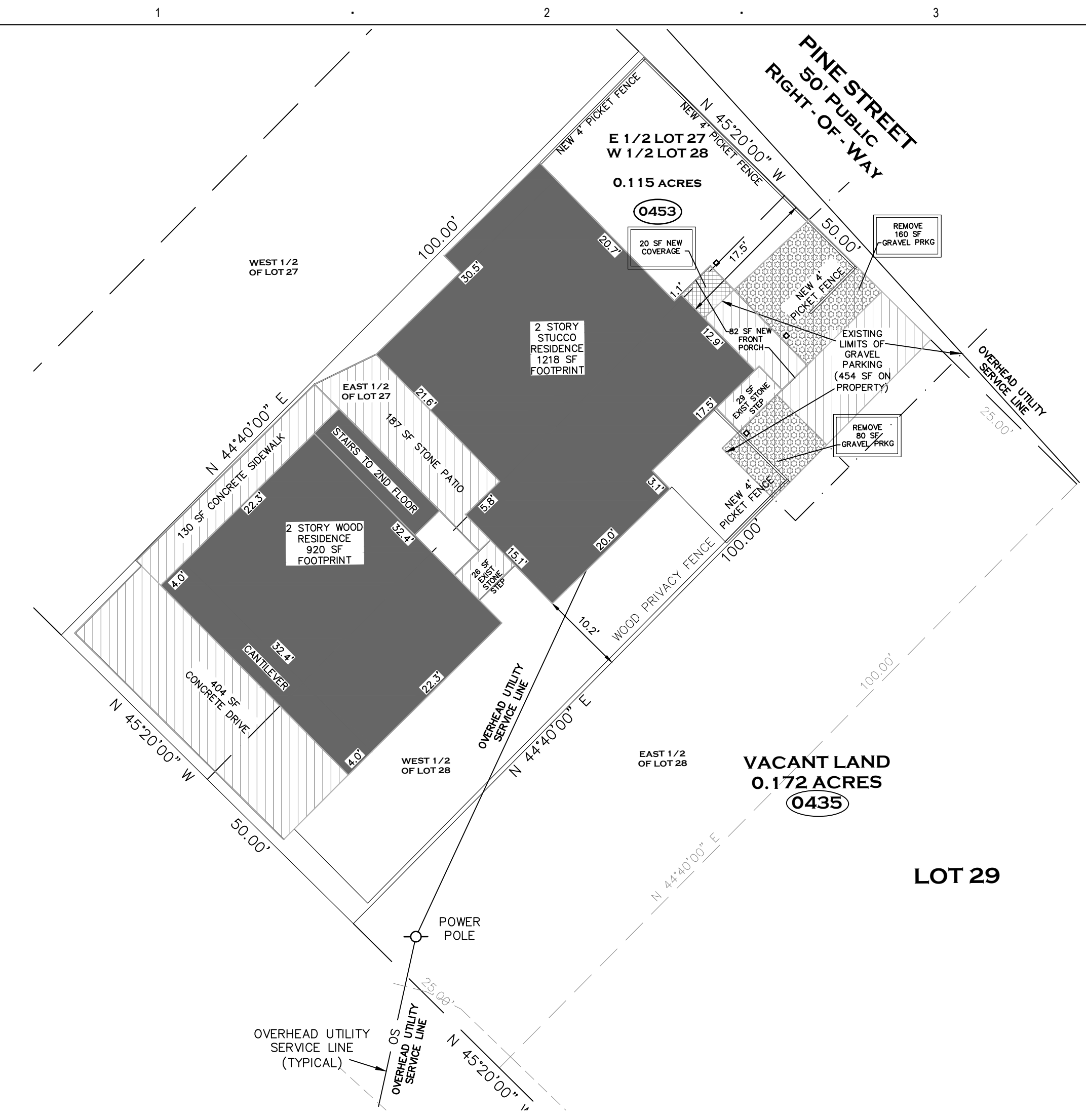
**BLDG COVERAGE:**

EXIST BLDGS	2138 SF
ADDITION	111 SF
TOTAL	2249 SF
LOT AREA	5000 SF
LOT COVERAGE	44.98% (EXISTING 42.76% (NET + 2.22%))

**IMP SURFACE COVERAGE:**

EXIST BLDGS	2138 SF
EXIST PAVING	1230 SF
ADDITION	20 SF (91 SF OF THE ADDITION IS ON TOP)
REDUCTION	-240 SF (OF EXISTING DRIVEWAY & PAVING)
TOTAL	3148 SF
LOT COVERAGE	62.96% (EXISTING 67.36% (NET - 4.4%))

- GENERAL NOTES:**
- DO NOT SCALE FROM DRAWINGS, REFER TO WRITTEN DIMS AND BRING OMITTED DIMS TO ARCHITECT'S ATTN.
  - REFER TO STRUCTURAL SHEETS FOR STRUCTURAL MATERIALS, NOTES, SPECIFICATIONS AND DETAILS.
  - ALL DIMENSIONS ARE TO FO FRAMING, ROUGH OPENING, FO CONC WALL OR T.O. CONC SLAB OR SUB FL, UNO.
  - THIS SHEET IS FOR DESIGN REVIEW ONLY AND IS NOT FOR CONSTRUCTION PURPOSES.





To: Mayor and Council

From: Jay Brunvand

Date: May 28, 2021

Agenda Item: Consideration of a Modification of Premises for Golden Aspen Leaf Inc, dba BC Wings

---

**REQUEST:**

Staff is requesting Council to review and approve the attached Modification of Premise 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 has requested a Modification of Premises. This Modification will include the installation of a garage door off the south side of the dinning room to allow a 15ft x 15ft outdoor seating area. This item will be reviewed by the Planning Commission/Design Review Board as well.

**ANALYSIS:**

Not Applicable

**COMMUNITY INPUT:**

Not Applicable

**BUDGET / STAFF IMPACT:**

The applicant does not have a Town fee.

**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:**

Motion to approve the Golden Aspen Leaf Inc, dba BC Wings Permit Application and Report of Changes; 455 Main St; Sarah Biggs, Owner/Vice President as presented.

---

**ATTACHMENTS:**

- Application and supporting documentation for the modification.



## Permit Application and Report of Changes

**Current License Number** 03-06064  
**All Answers Must Be Printed in Black Ink or Typewritten**  
**Local License Fee \$** \_\_\_\_\_

1. Applicant is a		Present License Number
<input checked="" type="checkbox"/> Corporation ..... <input type="checkbox"/> Individual <input type="checkbox"/> Partnership ..... <input type="checkbox"/> Limited Liability Company		<u>03-06064</u> ✓
2. Name of Licensee <u>Golden Aspen Leaf Inc</u>		3. Trade Name <u>Gourmet Cowboy / Backcountry Wings</u>
4. Location Address <u>455 Main St.</u>		
City <u>Minturn</u>	County <u>Eagle</u>	ZIP <u>81645</u>

**SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.**

Section A – Manager reg/change	Section C
• License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) ..... 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) ..... 50.00 <input type="checkbox"/> Change Location Permit (ea) ..... 150.00 <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x <u>1</u> Total Fee <u>\$150.00</u> <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____ <input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License ..... \$50.00	

**Do Not Write in This Space – For Department of Revenue Use Only**

Date License Issued	License Account Number	Period
<b>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 of Revenue may collect the payment amount directly from your bank account electronically.</b>		<b>TOTAL AMOUNT DUE</b> \$ <u>                    .00</u>

## Instruction Sheet

**For All Sections, Complete Questions 1-4 Located on Page 1**

**Section A**

**To Register or Change Managers**, check the appropriate box in section A and complete question 8 on page 5. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

**Section B**

**For a Duplicate license**, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

**Section C**

Check the appropriate box in section C and proceed below.

- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.



<b>Storage Permit</b>	<p><b>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</b></p> <p><input type="checkbox"/> <b>Retail Warehouse Permit for:</b></p> <p style="padding-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> <b>Wholesalers Branch House Permit</b></p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>				
<b>Change Trade Name or Corporate Name</b>	<p><b>6. Change of Trade Name or Corporation Name</b></p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="padding-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="padding-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="padding-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name</td> <td style="width: 50%;">New Trade Name</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
<b>Change of Location</b>	<p><b>7. Change of Location</b></p> <p><b>NOTE TO RETAIL LICENSEES:</b> An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p><b>Date filed with Local Authority</b> _____ <b>Date of Hearing</b> _____</p> <p>(a) Address of current premises _____</p> <p style="padding-left: 20px;">City _____ County _____ Zip _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p>Address _____</p> <p style="padding-left: 20px;">City _____ County _____ Zip _____</p> <p>(c) New mailing address if applicable.</p> <p>Address _____</p> <p style="padding-left: 20px;">City _____ County _____ State _____ Zip _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>				

<b>Change of Manager</b>	<p><b>8. Change of Manager or to Register the Manager</b> of a Tavern, Hotel and Restaurant, Lodging &amp; Entertainment liquor license or licenses pursuant to section 44-3-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging &amp; Entertainment only)                  Former manager's name _____                  New manager's name _____</p> <p>(b) Date of Employment _____                  Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/>                  Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/>                  If yes, give name and location of establishment _____</p>
<b>Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area</b>	<p><b>9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</b></p> <p><b>NOTE:</b> Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed <u>To add designated outdoor dining area for seasonal use.</u></p> <p>(b) <b>If the modification is temporary</b>, when will the proposed change:                  Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p><b>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</b></p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?                  (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? <u>N/A</u> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification. <u>N/A</u></p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>
<b>Campus Liquor Complex Designation</b>	<p><b>10. Campus Liquor Complex Designation</b></p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<b>Additional Related Facility</b>	<p><b>11. Additional Related Facility</b></p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p>

**Oath of Applicant**

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge

Signature <i>Shah K. Borge</i>	Title <i>owner / vice president</i>	Date <i>5/22/2021</i>
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**Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. **Therefore, This Application is Approved.**

Local Licensing Authority (City or County)	Date filed with Local Authority
--	---------------------------------

Signature	Title	Date
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**Report of STATE Licensing Authority**

The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.

Signature	Title	Date
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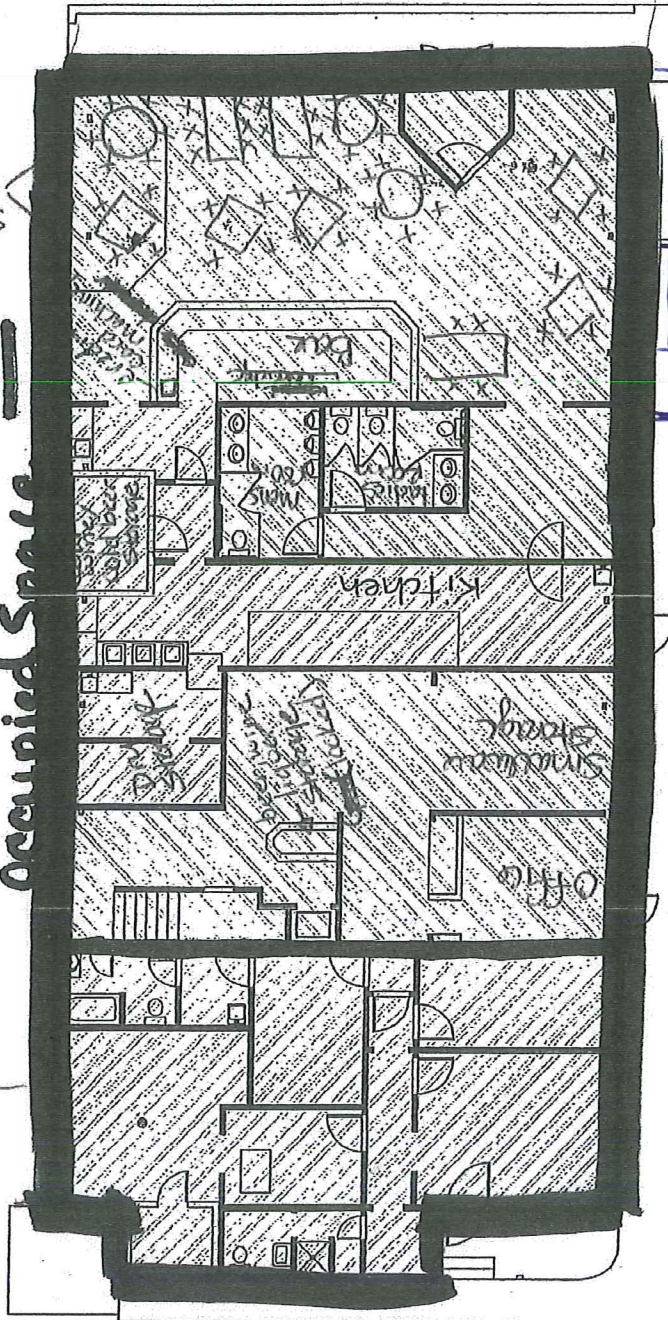


**VAG inc**  
architects and planners

**Occupied Space**

Storage only

Squares, Circles, Rectangles with X's represent guest fabrics + guest seating



Square Footage Summary

All Figures Approximate

Total Gross sq. ft.

Main level floor plan = 4,684 sq. ft.

Upper level floor plan = 624 sq. ft.

Left level floor plan = 80 sq. ft.

Total = 5,388 sq. ft.

Approx. Area  
1,230 Sq. Ft.

Approx. Area  
943 Sq. Ft.

Approx. Area  
760 Sq. Ft.

Approx. Area  
1,750 Sq. Ft.

sq

**455 Main Street**  
**Mintum, Colorado**

proposed area to be added to existing licence 15' x 15' patio area

© 2005 VAG inc architects & planners



To: Mayor and Council  
From: Michelle Metteer  
Date: June 2, 2021  
Agenda Item: Minturn Fitness Center Operations Planning & Financial Contributions

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**REQUEST:**

Approve a draft operational plan and financial support of the Minturn Fitness Center for a one-time cost to implement a key-fob and surveillance system to allow unsupervised access for all public memberships. This will significantly decrease ongoing labor costs and facilitate financial ability to cover building maintenance.

**INTRODUCTION:**

Ski and Snowboard Club Vail continues to ask the Town of Minturn for financial contributions toward the operation and maintenance of the Minturn Fitness Center. This Council-level discussion is intended to bring the Council up to speed on recent MFC activities, review the request of an approved operational plan in return for a financial contribution and consider a small stipend toward ongoing maintenance of the surveillance and key-fob system.

**ANALYSIS:**

SSCV has made efforts over the last several months to bring the Minturn Fitness Center's budget to a zero balance. This has included the now annual contribution of a student fee specifically dedicated to the Facility in the amount of \$250/student/year.

Even with the student contribution the facility budget still falls short and needs additional operational changes and/or financial contributions for filling this shortfall. SSCV again asked Minturn this year for public works labor support in handling the irrigation, lawn maintenance and yard debris this summer

**COMMUNITY INPUT:**

The community has identified the desire to value our natural environment.

**BUDGET / STAFF IMPACT:**

One time cost not to exceed \$10,000 Public Building Repair and Maintenance Fund 01-06-5290  
Annual cost estimated at approximately \$2,500.00.

**STRATEGIC PLAN ALIGNMENT:**

**LONG-TERM STEWARDSHIP OF THE NATURAL BEAUTY AND HEALTH OF MINTURN'S ENVIRONMENT**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve MFC Draft Operational plan and 2021 financial contribution not to exceed \$10,000.

**ATTACHMENTS:**

- MFC Operational Plan Memo
- MFC Draft Operational Plan Matrix

Michelle Metteer  
Town Manager  
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Minturn, CO 81645  
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[www.minturn.org](http://www.minturn.org)



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

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## MEMORANDUM

**To:** Minturn Town Council  
**From:** Michelle Metteer  
**Subject:** MFC Operational Plan  
**Date:** May 19, 2021

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An Operational Plan is a document that is approved by the Board of Directors and enables an organization to define its main objectives, have greater control over its direction, be proactive, assess risk and improve financial performance. An Operational Plan maps out the annual objectives for an organization and proposed steps for how a goal will be accomplished, including who will lead, timelines, and success indicators. Operational Plans will contain high-level information on achieving the short-term or annual objectives of the organization.

Operational planning processes involve budgeting, assigning human resources and risk assessment. It is a leading practice for an organization to have an Operational Plan to focus its human and financial resource priorities, ensure governance and leadership accountability, provide directional clarity, specify expectations, and enable everyone in the organization to work towards the same goals.<sup>1</sup>

All organizations should have an Operational Plan. It should be reviewed and updated annually and contain goals and activities that will contribute to maintaining the core business (operational systems and structures) of the organization, achieving the implementation objectives of the strategic plan and achieving the mission of the organization within the operational budget.

When developing the Operational Plan, the following should be considered to identify and incorporate relevant goals and activities into the Plan:

- Organizational Budget;
- Strategic Plan and Implementation Plan;
- Program goals and relevant evaluation information, specifically the cycling program;
- Obligations from other funding agreements;
- Risk management plans;
- Communication Strategy;

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<sup>1</sup> © 2021 The Ontario Organizational Development Program (OODP), Beth Johnson

- Fund Development Strategy; and
- Organization wide events, initiatives or other activities that require resources and planning, e.g. 10th Anniversary.

Typical creation of an operational plan would include information from the organization’s Strategic Plan and Programs, in addition to Operational Systems and Structures. For the purposes of creating a starting point from which the MFC Board and staff can begin, only an outline of the core business operational systems and structures is provided.

Here are the six steps for beginning the creation of an Operational Plan:



<b>Goal:</b> a general statement of what you aim to do	<b>Success Indicator:</b>	<b>Key Activities:</b>	<b>Lead:</b> main person	<b>Timeline/Completion Dates:</b>	<b>Resources Required:</b>
<i>I aim to...</i>	measure that would show the goal has been achieved, i.e. actual numbers or tangible documents	significant actions needed to achieve the goal	responsible for or others involved in each activity	date(s) by which each activity will be undertaken or completed	supports needed to achieve the goal
	<i>I will know I achieved the goal when...</i>	<i>To achieve this goal, the organization will have to do these activities...</i>	<i>The person responsible for activity #1 is...and for activity #2 is...</i>	<i>Activity #1 will be undertaken from ___ to ___...and activity #2 will be completed by.....</i>	Factor in financial resources required for budgeting purposes  <i>To achieve the goal, I will need resources such as...</i>

The following page includes a draft outline of an Operational Plan matrix. This is a draft only and would be modified/approved via the MFC Board of Directors after initial consent from the Minturn Town Council.

*Remainder of page intentionally left blank.*



# Operational Plan (DRAFT)



Name of Organization:  
Minturn Fitness Center

Time Period Covered: July 2021 - April 2022

Goal (What)	Success Indicator (Target)	Key Activities (How)	Lead (Who)	Timelines/ Completion Dates (When)	Resources Required (Supports)	Status	Comments
<b>Human Resources:</b>							
Train new Front Desk Manager in all administrative aspects of MFC operations	Kris Bowers able to resign with no remaining operational gaps	Cross Train Carli Boghard for all administrative requirements to operate the MFC	Kris Bowers	Jul-21	Kris Bowers, Carli Bogard	In progress	Type
Train back-up Front Desk Manager in all administrative aspects of MFC operations	Front desk manager able to be absent from MFC with all operational gaps filled	Front desk manager to train back-up in the following areas: ____, ____, ____.	Carli Bogard	Sep-21	Carli Bogard, Cindy Krieg, possibly Bryan Rooney & Tiffany Hoversten	In progress	Type
Decrease staffing levels to one (1) FTE	Only Front Desk Manager will be on MFC payroll	Implement new keyfob system for unsupervised membership access to facility. Install updated surveillance system.	Cindy Krieg	Oct-21	Financial contribution by ToM,	Not started	ToM to pay up-front costs and annual maintenance needed for keyfob and surveillance system
<b>Financial Management/ Development:</b>							
Operate the MFC on an annual net gain budget	Balanced Budget	Decrease staffing to one (1) FTE, implement new keyfob & surveillance system, increase personal training opportunities	Bryan Rooney Michelle Metteer Tiffany Hoversten Carli Bogard Cindy Krieg	Apr-22	ToM financial contribution for unsupervised system, additional personal trainers, complete training of front desk manager	Not started	
Other	Target	How	Who	When	Supports	Not started	Type
<b>Facility:</b>							
Create a 20-year capital improvement plan for the MFC building	Document created and approved by MFC Board	Review current status of building maintenance needs. Create an initial list of immediate, short-term and long-term improvements required, obtain estimated costs for each requirement, coordinate with SSCV Finance to contribute annual funds toward this line item.	Bryan Rooney Michelle Metteer Tiffany Hoversten Carli Bogard Cindy Krieg	Dec-21	Contractor or engineer assistance needed	In progress	Many immediate items for this plan have already been identified with costs associated.
Audit of space utilization	MFC Board & Staff (Including SSCV trainers) walk-thru	All MFC Board, Staff and any interested SSCV trainers to conduct a walk-thru of the MFC facility with discussion surrounding highest & best use of space	Carli Bogard	Dec-21	Attendance by all necessary parties	Not started	Type
<b>IT Resources:</b>							
Surveillance System	Installation of new system	Approve estimate and work for installation	Cindy Krieg	Sep-21	Meridian	Not started	Type



# Operational Plan (DRAFT)



Name of Organization:  
Minturn Fitness Center

Time Period Covered: July 2021 - April 2022

Goal (What)	Success Indicator (Target)	Key Activities (How)	Lead (Who)	Timelines/ Completion Dates (When)	Resources Required (Supports)	Status	Comments
Keyfob System	Installation of new system	Approve estimate and work for installation	Cindy Krieg	Sep-21	TbD	Not started	Type
<b>Communications:</b>							
Create an external communication plan for MFC public memberships	Communications plan document approved by MFC board	Communications plan to include regularly scheduled social media posts, monthly member newsletter, monthly auditing of website, other items as needed	Carli Bogard	Communications plan approval by Fall MFC Board meeting	Ashleigh Gore Krieg Cindy	In progress	Type
Create an internal communications plan for MFC staff and board	Communications plan document approved by MFC board	Weekly membership and attendance updates, relay comments & feedback from members, monthly updates for execution of the operations plan, other...	Carli Bogard	Communications plan approval by Fall MFC Board meeting	Cindy Kreig Bryan Rooney	In progress	Type
<b>Programming</b>							
Cycling Program	Target	How	Who	When	Supports	In progress	Type
Other	Target	How	Who	When	Supports	Not started	Type

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 16 – SERIES 2021**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN A MEMO OF UNDERSTANDING BETWEEN THE LOCAL GOVERNMENT MEMBERS OF THE CLIMATE ACTION COLLABORATIVE FOR THE EAGLE COUNTY COMMUNITY**

**WHEREAS**, the Town of Minturn desires to approve a Memo of Understanding between the local government members and the Climate Action Collaborative for the Eagle County Community as set forth in the attached.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE MAYOR OR HIS DESIGNEE IS AUTHORIZED TO SIGN ON BEHALF OF THE TOWN OF MINTURN ANY AND ALL NEGOTIATED DOCUMENTS REQUIRED TO EXECUTE SAID AGREEMENT.**

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 2<sup>nd</sup> DAY OF JUNE, 2021.**

TOWN OF MINTURN

By: \_\_\_\_\_  
John Widerman, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Town Clerk

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE LOCAL GOVERNMENT MEMBERS OF THE  
CLIMATE ACTION COLLABORATIVE FOR THE EAGLE COUNTY COMMUNITY**

**WHEREAS**, several local government entities in Eagle County, Colorado, established and joined the Climate Action Collaborative (“CAC”) to reduce greenhouse gas (“GHG”) emissions in accordance with the goals of the Climate Action Plan for the Eagle County Community (“CAP”) as adopted and as may be amended from time to time; and,

**WHEREAS**, a 2017 Letter of Intent to Join The Climate Action Collaborative of the Eagle County Community (“**Letter of Intent**”) states that the collaborative group will work to outline the organizational components of the CAC and will create a Memorandum of Understanding establishing the CAC and outlining the organizational components of the CAC; and,

**WHEREAS**, local government members of the CAC find that global GHG emissions continue to catalyze global climate change and global temperature increase and that such global temperature increase is projected to result in severe negative effects on habitability, production and resiliency of the global community; and,

**WHEREAS**, the local government members of the CAC recognize the need and benefit to understand and implement best practices to reduce GHG emissions and draw down carbon levels in the atmosphere at the local and regional level, and therefore desire to define an organizational structure which will facilitate regional decision making and alignment of CAC policies; and,

**WHEREAS**, the local government members who financially contribute to the CAC desire to establish and adopt this Memorandum of Understanding (“MOU”) to define the organizational structure;

**NOW, THEREFORE**, the local government entities who are signatories to this MOU establish the following organizational structure for the CAC:

1. **CLIMATE ACTION COLLABORATIVE GOVERNING BOARD:** A governing board of the CAC is established which shall be referred to as the “CAC Governing Board”.
2. **MEMBERSHIP:** The CAC Governing Board shall comprise the eligible local government entities situated within Eagle County who sign this MOU.
3. **QUALIFICATION OF MEMBERS:** To be an eligible local government entity, members of the CAC Governing Body shall meet the following minimum qualifications:
  - (a) municipal and county government entities legally formed in accordance with the laws of Colorado;
  - (b) with boundaries that are wholly or partially within Eagle County;
  - (c) with a governing body that is subject to election by qualified voters as defined in Colorado law;

- (d) who have formally adopted the CAP; and
  - (e) who financially contribute to the CAC in accordance with requirements for financial contributions as established by the CAC Governing Board, as may be amended from time to time.
4. **ADDITIONAL MEMBERSHIP:** Additional members shall be included on the CAC Governing Body upon receipt of a written request to join the CAC Governing Body by a local government entity who meets the qualifications of membership.
  5. **REMOVAL OF MEMBERSHIP:** The CAC Governing Board may remove any CAC Governing Board member who ceases to meet the minimum qualifications after providing notice to such CAC Governing Board member and stating the reasons that such CAC Governing Board member ceases to meet the minimum qualifications. Those members ceasing to meet the minimum qualification will be provided fifteen (15) days to bring themselves into compliance with minimum qualifications prior to removal from membership.
  6. **REPRESENTATION:** Each qualified member of the CAC Governing Board shall have one voting seat on the CAC Governing Board. Each qualified member of the CAC Governing Board shall appoint a representative who shall be an elected representative of the governing body of the qualified member, and an alternate representative who shall be either an elected official of the governing body of the qualified member or a staff person of such qualified member. The designation of representatives by each qualified member shall be in writing in a manner determined by each respective qualified member and shall be updated from time to time.
  7. **QUORUM:** Quorum shall consist of a majority of the total membership of the CAC Governing Board. In the absence of a quorum, a lesser number may adjourn any meeting to a later time and date.
  8. **OFFICERS:** The CAC Governing Board shall appoint a Chairperson and Co-Chairperson who shall serve as the meeting moderator for meetings of the CAC Governing Board. The duties of the Chairperson, Co-Chairperson and any other Officer positions that may be established shall be further defined in future bylaws to be adopted by the CAC.
  9. **MEETINGS:** The CAC Governing Board shall meet at such time, place, and frequency as is determined appropriate by the CAC Governing Board. The method of calling a meeting and the types of meetings allowed (i.e. in person, electronically, etc.) will be further defined in future bylaws to be adopted by the CAC.
  10. **DUTIES:** The CAC Governing Board shall have the following duties:
    - (a) Prepare and adopt an annual budget and funding mechanisms;
    - (b) Prepare and adopt annual goals;
    - (c) Review and approve contracts for services; and

(d) Adopt bylaws and other policies as appropriate to achieve the goals of the CAP.

11. **VOTING:** All decisions of the CAC Governing Board shall be approved by an affirmative vote of the quorum present as set forth in the future bylaws to be adopted by the CAC.
12. **NO LEGAL OR FINANCIAL OBLIGATIONS:** This MOU shall not create any legal obligation for any member local government entity and shall not create any multi-year financial obligation that exceeds the annual financial contribution to the CAC that is approved by each qualified member.

**THIS MEMORANDUM OF UNDERSTANDING IS HEREBY APPROVED AND EXECUTED BY THE FOLLOWING LOCAL GOVERNMENT ENTITIES:**

**Town of Minturn**

**BY:** \_\_\_\_\_  
**John Widerman, Mayor**

**DATE:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
**Jay Brunvand, Clerk**



# Karp Neu Hanlon<sup>PC</sup>

ATTORNEYS AT LAW

[www.mountainlawfirm.com](http://www.mountainlawfirm.com)

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*Of Counsel*

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Office: 970.945.2261

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*\*Direct Mail to Glenwood Springs*

TO: Minturn Town Council

FROM: Karp Neu Hanlon

DATE: May 27, 2021

SUBJECT: Updated electronic participation policy

---

At the May 19 Town Council meeting, staff was tasked with updating the electronic participation policy. The new policy for Council's consideration allows Councilpersons, members of the planning commission (and other Town boards as may be created) to participate electronically in all public meetings. The policy notes that as a general matter, Councilpersons, commissioners and board members should be at meetings in person. However, for personal or health reasons a Councilperson can choose to participate electronically. To do so the Councilperson, commissioner or board member must give notice to the Town Clerk. Under the policy, the Mayor (or planning commission chair) is empowered to terminate electronic participation if the electronic platform does not allow for clear communication, the ability to properly hear public testimony and review documents presented to the Council, or otherwise creates inefficiencies or disturbances during the meeting. Under the revised policy the public is allowed to participate electronically subject to complying with generally applicable requirements to give notice to the Town Clerk.

The version of the policy in the packet allows Councilpersons to participate in quasi-judicial proceedings using remote participation. The requirements that the Councilperson be able to clearly participate, hear all testimony, and review documentary evidence submitted into the record is embodied in the electronic participation criteria. The Council can further discuss participation in quasi-judicial matters via electronic participation and direct staff to amend the policy if appropriate. The policy also allows members of the Town Council to participate in executive sessions.

If this version of the policy is adopted, we recommend amending the Town Code to note that electronic participation by a Councilperson in a meeting is considered "present" for purposes of establishing a quorum and voting on agenda items.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 17- SERIES 2021**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN  
OF MINTURN, COLORADO, ADOPTING AN  
ELECTRONIC PARTICIPATION POLICY.**

**WHEREAS**, the Town of Minturn (“Minturn” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Minturn Home Rule Charter (the “Charter”); and

**WHEREAS**, The Charter provides that “the Council shall determine the rules of procedure governing meetings including attendance requirements; and

**WHEREAS**, Charter provides that the meetings of the Town Council shall be open to the public; and

**WHEREAS**, neither the Charter nor the ordinances of the Town prohibit electronic participation in Town meetings; and

**WHEREAS**, by Resolution 12, Series 2020, the Town Council adopted an electronic participation policy to apply in the event of an emergency declaration; and

**WHEREAS**, the Town Council has determined that allowing electronic participation at public meetings increases public participation and facilitates the ability of elected officials and Council members to fulfill their duties during times when they may not be physically present at meetings conducted at Town Hall, even when no disaster or emergency exists; and

**WHEREAS**, the Town Council believes it is in the best interest of the public health, welfare, and safety of the residents of the Town of Minturn to adopt an Electronic Participation Policy that applies regardless of the existence of an emergency declaration.

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

**Section 1.** The above recitals are hereby incorporated as findings by the Town Council of the Town of Minturn.

**Section 2.** The Town Council of the Town of Minturn hereby adopts the Electronic Participation Policy, attached hereto as **Exhibit A**.

**INTRODUCED, READ, APPROVED, ADOPTED, AND RESOLVED THIS 2<sup>ND</sup> DAY OF JUNE 2021.**

TOWN OF MINTURN, COLORADO

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John Widerman IV, Mayor

ATTEST:

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Jay Brunvand, Town Clerk



## **ELECTRONIC PARTICIPATION POLICY AT MEETINGS OF THE TOWN OF MINTURN**

### **I. Purpose.**

The purpose of this Policy is to specify the circumstances and means under which the Town of Minturn Town Council and such other Town Boards and Commissions shall conduct regular and special meetings by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). The Council finds that electronic participation can, under appropriate circumstances, increase the public's participation in matters of Town business and facilitate the ability of elected Councilpersons to fulfill their duties during times when they may not be physically present at meetings conducted at Town Hall.

### **II. Statement of General Policy.**

The Town Council (and such Boards and Commissions that are created under the Minturn Town Charter or the Town Code, e.g. the Planning Commission may conduct regular or special meetings by telephonic or electronic means in accordance with this Policy. Generally, for purposes of this policy, the term "Councilperson" also includes Planning Commissioners and members of Town Boards. The term "Mayor" also include the Mayor Pro Tem and/or the presiding officer of the Planning Commission or other Town Board conducting a meeting by electronic means. If the Mayor is participating in a meeting by electronic means and the Mayor Pro Tem is participating in person, the Mayor Pro Tem shall preside over the meeting.

#### **A. Electronic Participation.**

Meetings of the Town Council shall be primarily conducted in-person at Town Hall. However, individual Councilpersons may participate in meetings by telephone or electronically using a platform approved by the Town. Generally, a Councilperson's participation in a meeting shall be in-person at Town Hall unless said Councilperson has reason to be away for either personal or health reasons. A Councilperson may participate in Meetings held by telephone or electronically if all of the following conditions are met:

1. All members of the Town Council, Town staff and the public can hear one another clearly, can communicate with one another, and can hear or read all evidence and testimony in a manner designed to provide maximum participation; and
2. The Councilperson is in a physical location with good connectivity (telephone or internet) that is free from distractions; and
3. Members of the public can hear the Town Council proceedings and are afforded opportunities to participate in public comment; and
4. All votes are conducted by roll call; and

5. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

6. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the Town Council may participate by telephone, and the right of the public to monitor the meeting using telephonic or electronic means.

### **III. Arranging for Electronic Participation.**

A. A Councilperson desiring to participate by telephonic or electronic means shall contact the Town Clerk at least twenty-four hours in advance of a regular or schedule meeting to provide notice of a meeting conducted under this policy.

B. Telephonic or electronic participation shall only occur using a telephonic or electronic platform approved by the Town.

C. The Mayor is authorized to discontinue a Councilperson's participation in a meeting if the use of electronic participation by the Councilperson results in delays, the communication is unclear, or the electronic participation otherwise interferes with the conduct of the meeting.

### **IV. Effect of Electronic Participation.**

#### **A. Effect of Electronic Participation.**

A Councilperson who participates in a meeting by electronic means consistent with the Policy shall be considered "present" at the meeting for purposes of establishing a quorum and entitled to vote on matters coming before the Town Council, Planning Commission or other Town Board.

#### **B. Executive Sessions.**

In the event that the Town Council holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes, participants shall be authorized to attend via telephonic or electronic Participation. A Councilperson participating in an executive session remotely shall: (a) have a secure telephone or electronic connection, and (b) certify that they are the only person in the room and that no other person has access to the executive session. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

### **V. Public Participation.**

For meetings where it is practical for the Town to utilize an electronic communication platform (e.g. Zoom, WebEx), members of the public may participate in such meetings and make comments at such times as are designated by the Mayor. The Town may impose requirements on public participation by electronic means such as requiring a member of the public to send an email to the Clerk prior to the meeting if they desire to present on an item not on the agenda or requiring

a member of the public to give notice to Town staff in advance or during the meeting of their desire to comment on a specific agenda item.

**VI. Reasonable Accommodations.**

The Town may provide reasonable accommodation and waive or modify provisions of this Policy for the benefit of members of the Town Council, commission, board or the public with a disability.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 18 - SERIES 2021**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN  
OF MINTURN, COLORADO, REPEALING RESOLUTION  
NO. 13, SERIES 2020, DECLARING A LOCAL DISASTER  
EMERGENCY.**

**WHEREAS**, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, on March 16, 2020 the Town Council passed Resolution No. 13, Series of 2020, declaring a local disaster emergency and authorizing the Town Administrator to exercise the Town Council’s police powers to suppress the transmission of disease; and

**WHEREAS**, the declaration is effective until the Town Council determines an emergency no longer exists; and

**WHEREAS**, the Town Council has determined that a local disaster emergency no longer exists and desires to repeal Resolution 13, Series 2020 and the powers and authorizations granted in connection therewith.

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

**Section 1.** The above recitals are hereby incorporated as findings by the Town Council of the Town of Minturn.

**Section 2.** The Town Council of the Town of Minturn hereby repeals Resolution 13, Series 2020.

**INTRODUCED, READ, APPROVED, ADOPTED, AND RESOLVED THIS 2<sup>ND</sup> DAY OF JUNE 2021.**

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
John Widerman IV, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Town Clerk

Jay Brunvand  
 Clerk/Treasurer  
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 Minturn, CO 81645  
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[treasurer@minturn.org](mailto:treasurer@minturn.org)  
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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

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

<b>REGULAR TOWN COUNCIL MEETINGS</b>
<b>June 2, 2021</b>
CAC Resolution & MOU
MFC Operational Plan and financial contribution
Termination of Emergency Declaration
Resolution updating Commission and Council remote participation
<b>June 16, 2021</b>
Acceptance of Fiscal Year 2020 Audit
Eagle County Board of Commissioners Discussion
ERWSD Special Presentation – Eagle River Water Resources Master Plan
(Tentative) Belden Place PUD Preliminary Plan
<b>July 7 2021</b>
Battle Mountain Funding Agreement
<b>July 21, 2021</b>
<b>DATE TO BE DETERMINED</b>
An Ordinance adopting Specified Sustainability Building Codes
CUP regulation review – Fall 2021