



## **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 July 7, 2021**

**The public is welcome to join the meeting in person or using the following methods:**

<https://us02web.zoom.us/j/87695483284>

**Or join by phone:**

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

**Webinar ID: 876 9548 3284**

**Regular Session – 5:30pm**

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

**COUNCIL MEMBERS:**

Terry Armistead  
George Brodin  
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?*

- June 16, 2021 Meeting Minutes Pg 4
- Review – 998 Main St Pg 15
- Review – BC Wings Patio (455 Main St) Pg 37
- Review – Helen’s House (152 Main St) Pg 52

### 4. Approval of Agenda

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

### 5. Special Presentations

- Council Comments/Committee Reports

## DISCUSSION AND/OR DIRECTION ITEMS

### 6. **Discussion/Direction:** Minturn Water CIP & Eagle River Wellfield Update Pg 61

- Background Information
- Minturn Water CIP update
- Minturn Wellfield Preliminary review

## PUBLIC HEARINGS AND/OR ACTION ITEMS

### 7. **Public Hearing/Action Item:** Resolution 21 – Series 2021 consideration of a Resolution appointing an individual to the Minturn Town Council – Brunvand Pg 80

- Swearing in of appointed Council Member – Widerman

### 8. **Action Item:** Selection of Bond Counsel for State Revolving Loan Fund, Minturn water tanks. – Mann Pg 83

### 9. **Action Item:** Direction to retain outside legal counsel for the purposes of reviewing agreements between Town and Battle Mountain. - Metteer/Sawyer Pg 84

### 10. **Action Item:** Resolution 22 – Series 2021 Climate Action Collaborative Gov Representative Appointments. - Widerman Pg 87

## COUNCIL INFORMATION / UPDATES

### 11. Staff Updates (5 Min)

- Manager's Report
  - Appointment of a Council representative to the Community Plan RFP selection ad hoc committee
  
- Future Agenda Items                      Pg 90

## MISCELLANEOUS ITEMS

### 12. Future Meeting Dates

- a) Council Meetings:
  - July 21, 2021
  - August 4, 2021
  - August 18, 2021

### 13. Other Dates:

- 

### 14. Adjournment



## OFFICIAL MINUTES

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

**Wednesday June 16, 2021**

**Meeting to be held via Zoom Conferencing and Call-in for public participation, applications, and presenters. Public welcome to join meeting using the following methods:**

<https://us02web.zoom.us/j/84430668040>

**Or join by phone:**

**US: +1 301 715 8592 or +1 651 372 8299**  
**Webinar ID: 844 3066 8040**

**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 5:36pm using a hybrid in-person

and 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, Brian Eggleton, and Gusty Kanakis.

Staff present: Town Manager Michelle Metteer, Town Planners Scot Hunn and Madison Harris, Town Attorney Michael Sawyer, 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?*

- June 2, 2021 Meeting Minutes

Motion by George B., second by Terry A., to approve the Consent Agenda of June 16, 2021 as presented. Motion passed 7-0.

**4. Approval of Agenda**

- Items to be Pulled or Added

Motion by Gusty K., second by George B., to approve the Agenda of June 16, 2021 as presented. Motion passed 7-0.

- Declaration of Conflicts of Interest

**5. Special Presentations**

- Council Comments/Committee Reports

Brain E. announced a Radio Free Minturn DJ party Monday 5:30-7:30 at Little Beach Park. Thanked all for his wonderful time in Minturn.

Terry A. updated on the MFC Board and noted the Operations Plan, the landscape plan for the summer.

Earle B. noted the high/extreme fire danger.

All thanked Brian E. for his time and friendship and wished him luck in his move to Idaho.

## DISCUSSION AND/OR DIRECTION ITEMS

### 6. **Discussion/Direction:** Eagle County Board of Commissioners Discussion

Eagle County Commissioners Board Chairman Matt Scherr, Jeanne McQueeney, and County Manager Jeff Schroll were in attendance. Ms. Cathy Chandler-Henry was not able to attend.

Items discussed included:

- High fire danger throughout the County and it is not looking optimistic to exit our drought.
- Rails to Trails as pertains to the Eagle County rail lines and the status of reopening the line. At this point the lease has been put on hold. However, the line(s) have never been officially abandoned by UPRR so it is best to continue the line of least impact.
- Minturn Shooting Range – discussion ensued regarding use of illegal rounds, after hours use, overall safety, management, USFS involvement, and the Keystone Center facilitation process to incorporate full inclusion of the stakeholders. The full cost would be approximately \$27,000 shared between Minturn and Eagle County. Although public lands not in Minturn it is important for the buy in. Projected outcomes were discussed.
- NEOP Challenge (VERIFY NEIOP) – Where does this go to now? John W. encouraged the County to collaborate with the Town to help find USFS a new home and move forward with this opportunity.
- Minturn Road paving potential – the majority of it is County Rd. It was noted this is a known drift (car) road making the area very dangerous.
- Development inside towns vs in county – it was noted the County can not require a developer to annex, they do encourage. It was noted the positive effects of collaboration and leverage between the county and municipalities with the American Rescue Plan funds that are becoming available. This would assist in worker attainable housing. Michelle M. noted we have been awarded funds for the Master Plan process and will be moving forward with this.
- Early Childhood and child care – There was a report written by NWCCOG which included Eagle County and discussed childcare needs and how they are tied to employment needs and a livable wage.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

### 7. **Public Hearing/Action Item:** Resolution 19 – Series 2021 A Resolution Approving a Future Funding Agreement with Battle Mountain Development – Metteer/Sawyer

Michelle M. and Michael S. highlighted this is a request to approve the Future Funding Agreement with the amendment to allow a simultaneous process of the PUD application and the renegotiation of the Annexation Agreement. On the 15<sup>th</sup> day of February 2012, the Town of Minturn (the Town) and Battle Mountain Development (Developer) entered into an Agreement Regarding Escrows and Funding (the Agreement), approved through Resolution 05 – Series 2012, to release \$11,600,000 from escrow for use by the two parties. The \$11,600,000 had been placed in escrow with the Town pursuant to the terms of the Battle Mountain Annexation Agreement and three separate escrow

agreements back in 2008. As a result of the Agreement, the Town received \$4,362,000 and Battle Mountain received \$7,210,000. Each party was given parameters on how their portions of the monies could be spent and so long as all the funds were spent according to the Agreement, neither party would be required to replenish their funds to escrow should the time arise. Withheld from the \$11.6M was \$28,000 to remain in escrow for the legal defense of the Agreement Regarding Escrows and Funding. No legal challenge to the Agreement was filed.

Under the permitted uses of the Developer's Funds, was the requirement for the Developer to only spend the \$7.2M on items related to the Battle Mountain Development. These allowable uses included overhead, and fees payable to attorneys and consultants. The Developer has provided the Town with a summarization of the accounting for these funds totaling approximately \$19,000,000 between 2013 to 2020. The Town has not independently verified these amounts, but it is worth noting that almost 10 years' worth of developer expenses including land use application materials would be significant.

In the event of a de-annexation due to the Tucker 106 litigation, any unspent funds from the Town's portion of the escrow distribution would need to be immediately paid back to the Developer. If de-annexation did not occur, the Agreement outlined a process by which the two parties (Town and Developer) would negotiate, in good faith, to amend the existing Annexation Agreement and if through that renegotiation it is determined, the Developer would replenish the escrow "if and when" required. Also contemplated was the abandonment of efforts to renegotiate the Annexation Agreement, and at such time the Developer would be required to replenish the \$7.2M into escrow, less the funds spent in accordance with Section 5 of the Agreement, or at the time the Developer submits a PUD, whichever is sooner. The Agreement considers that any Town funds spent from the \$4.362M would be considered a credit toward any renegotiated Annexation Agreement, less attorney, consultant, and administrative fees. This provision may need to be renegotiated in the amended annexation agreement to ensure that the Developer fully pays for its impacts and development obligations.

It was envisioned that immediately following the Amendment, the parties would work to enter into a Future Funding Agreement. The deadline for creating and approving the Future Funding Agreement was September 1, 2014. (The Future Funding Agreement was never created, and the deadline of January 1, 2015, for implementation was missed). Section 14(d) of the Agreement outlines how budgeted fees by the Town would be paid by the Developer if no Future Funding Agreement were created and the property was not de-annexed.

Michael S. said of the agreement

- 1) The developer will cover the costs of the development and review thereof.
- 2) Noted the prior agreements stated and assumed a development plan would be completed by 2014 which did not happen. They made default payments and reimbursements through November 2018 and then a final payment that covered through January 2019.
- 3) This agreement ratifies all spending to date by both parties.
- 4) Allows Battle Mtn to develop with a PUD approval while they are moving forward with a new agreement.

Michael S. stated the Town needs a funding agreement; the town needs to determine if

replenishment of the funds should be done in the near future prior to any discussion of development. He stated that if an impasse occurs Battle Mtn could pursue de-annexation with the intent or hope that the County works in the favor of the town. He noted this would include the town paying the costs of such an impact without the option of any real income to the town. This existed previously and they did present a petition to de-annex, which was eventually pulled back by the developer. He noted that to move forward with this agreement would allow review by the Planning Commission and the Town Council, and the citizens would also have plenty of opportunity to comment. Further, Michael S. stated he felt confident the issue would go to a referendum public vote, based on the fact this was the path the original annexation took.

Gusty K. asked if we would be reimbursed for our expenses; yes, we would. He asked about the Bolts Lake and the Mountain Top land that was sold by Battle Mtn, would that void the 2012 agreement; no, that agreement is not proposed to be voided rather to be amended.

Brian E. asked if BM de-annexes as currently stands, what would happen to the funds that were released to the town in 2012. Michael S. stated the only consideration was based on Tucker litigation and a final dismissal was decreed. Because this case is resolved the 2012 agreement does not contemplate de-annexation. The concern is that we would have to repay some or all of the previously spent funds; however, this is doubtful.

Terry A. clarified we would renegotiate the annexation agreement and process a PUD, correct. At what point was BM required to put up the original \$11m plus. In essence we are starting from scratch and when would this funding be required again in this agreement? Michael S. stated the previous escrow was provided for in the 2008 annexation, this was a condition of annexation that needed to be filled. Michael S. stated at the time of annexation or PUD some funds would be due, as that process continued other thresholds would be passed that would trigger other funding. Terry A. stated now that Tucker is resolved could there be a concern that we would be opening up issues that would not be present had we not agreed to renegotiate the annexation. The town does retain the right to negotiate based on the original annexation.

George B. noted the remaining funds from the original payment of \$4.3m do not get used for this new phase. The \$7m and the \$15k/mo would be part of a new annexation agreement; it would not be reimbursed at this time. George B. asked what had been spent but not reimbursed at this point, over the past 2 years or so? Michael S. stated that number could be constructed. He further stated that by using the Town Municipal Code to determine what the developer pays for fees would clean up much of the confusion. If they default to payment, we would stop processing their applications.

#### Public Hearing Opened Public Comments:

Mr. Michael Boyd, 502 ½ Eagle St, asked about the current funding agreement as proposed it could be argued to where it kicks in prior conditions or that we allow them to walk on what they owe. He felt it important that a condition in this agreement be that it does go to a referendum vote on the annexation if they refuse to fund the \$7m reimbursement. He stated this has been a very long running issue and stated he felt they had defaulted so much on the original agreements.



Ms. Lynn Fieger, 344 Eagle St, asked what is the advantage of kicking the funding agreement negotiation down the road. She stated the \$15k/mo now totals \$400k in past due. She stated paying the escrow now would make things very easy for them. She stated it is true if they disconnect we would lose some control but the county has more resources that could handle this development more appropriately. She felt this was not publicly noticed clearly for the public, she felt the accounting of the waiver of the \$7m funding is not solid business accounting, she felt the \$15k should be addressed in this funding agreement.

Mr. Tom Sullivan, 116 Nelson Ave, asked why we kept carrying on when they stopped paying the \$15k/mo. He stated we don't have the resources to fight this and the developer does not want to put more money into this.

Mr. Woody Woodruff, 344 Eagle St, spoke about what was expected in this agreement. We were promised \$11m. When the original developer went down and the money backers stepped up, they did not want to uphold the originally negotiated agreements. He felt they owe the town and the agreement must say they owe \$x and they need to pay before we move forward. He felt it was a threat to disconnect and that is not right. If they want to move forward, they need to pay up now.

Ms. Lynn Teach, 253 Pine St, felt another Public Notice announcement should be extended to those that might not know.

Ms. Kristen Williams, Eagle Vail, a consultant for the project. She shared there will be future guarantees and reimbursements. She stated in well over 100 conversations with citizens, it is shown that the public review process will be adhered to. Battle Mtn and the project should be given a reset. These are citizen comments.

Ms. Lynn Fieger, 344 Eagle St., commented on the consultants comment that the benefits down the road will come, stating they haven't met their promises to date. She stated they have sold off 4/5 of their property.

John W. clarified that we have not seen density numbers and this is not included in this agreement. He stressed the focus of the discussion should consider focus on the agreement and not the peripherals.

Mr. Tim McGuire, Battle Mtn, agreed this was a very complex and long running issue. He stressed they have a plan to benefit Minturn. This funding agreement does not approve much of what the full PUD plan includes. This is a step forward and they want to continue to work with the community but didn't understand how they will move forward without this first step.

Michael S. noted the \$11m was never included the sewer plant, that was a contemplation in a different agreement not being considered tonight.

Brian E. asked Mr. Woodruff of the \$400K and the \$7m. Mr. Woodruff asked how much of the money they have not paid. What costs have not been paid and what have they actually paid. They need to pay the back costs first prior to any further agreements.

Mr. Tom Sullivan, stated the \$15k is the admin fee, the costs also are their responsibility.

Michael S. stated we believe the town has been reimbursed for the costs of the interconnect (with ERWSD).

Terry A. felt the public notice could have been clearer. She stated the \$15k was for admin costs. Were we required to account for the \$15k? Michael S. stated the \$15k was not itemized nor required to be so. It was a flat monthly payment to the town. Then additionally the town would bill them for legal, consulting, etc. costs. In regard to the interconnect, BM did pay for the work on that; yes. Minturn paid for questions asked only that would assist the town for Dowd Jct and others, BM paid for the issues that affected their project. She felt a lot of trust had been lost and that BM does need to pay. When they submitted a PUD and stopped paying, the town stopped working. Michael S. stated the funding agreement and the obligation to respond to the disconnect was the town's costs.

George B. agreed with the concerns. He is looking for a path forward. He appreciates the accounting concerns and they should pay their own way. A new agreement or PUD could include much of the concerns addressed. Mr. Boyd asked if the Council would agree to have a referendum at the end of the process. Michael S. stated there is a right of initiative (Citizen called), referendum (Council called). It could be included in the agreement but you cannot legally bind a future Council. It was discussed that it is almost a certainty that this would go to a citizen vote.

Earle B. felt table was appropriate to ensure everyone is able to participate that so desires. He clarified when BM stopped paying, we stopped working on the project, for the most part. He would like to move forward to see where we end up. He would like to get an accounting of what has not been paid and what has since the payments stopped.

Gusty K. felt it appropriate to see what we have paid recently. He feels some escrow should be set aside for the PUD and that it be tabled.

Brian E. felt clarity on the \$15k and outstanding legal and consultant fees be tabulated. Another chance for the public to comment. A reach out to the citizens to watch the BM presentation, ask your questions of them, get informed. He asked of BM, is there something that BM share that they are intending to do as they move forward that they could share now? They have heard the citizens and this is how they will address it.

John W. this has been a very long process and this decision needs to be moved forward. He feels that the public notice is sufficient and public participation is more than easy with in-person and on-line. This is a hot button for everyone and there is a lot of information. He did not feel tabling would provide more. Any accounting that is requested can be brought forward and we have not lost our chance to discuss or negotiate, although it is very valid to be fully accounted. This funding agreement is the next step on the path and to not proceed would be a disservice.

Conversation continued on what would be provided if we continue this tonight, how it has been a lot of negotiation over the past couple years, how council members are also citizens. Terry A. stated that the funding agreement should be billed but we have not proceeded very far once the

money stopped being paid.

### Public Hearing Continued

Motion by Terry A., second by Gusty K., to table to a near future meeting to be set by staff as agenda space allows Resolution 19 – Series 2021 A Resolution Approving a Future Funding Agreement with Battle Mountain Development as presented. Motion passed 7-0.

**8. Public Hearing/Action Item:** Acceptance of the Fiscal Year 2020 Financial Audit – Brunvand

The Fiscal Year 2020 Audit was presented by Town Auditor Joe Hood of Maggard and Hood. It was noted this was an unqualified audit statement in accordance with GAAP standards. This means the audit did not find any concerns or issues that would draw concern from an accounting or audit aspect. In review of the Management Letter, he noted all prior year statements were resolved, all information provided for the audit by staff were proper and correct, and in great working order.

Motion by George B., second by Earle B., to accept the FY2020 Audit as presented. Motion passed 7-0.

**9. Public Hearing/Action Item:** Resolution 20 – Series 2021 a Resolution approving the Belden Place PUD Preliminary Plan – Hunn/Harris

Scot H. introduced the applicants Allison Perry and Jena Skinner present for the project.

Scot H. presented the Applicant, Miner’s Basecamp, LLC, (Belden Place) requests review of the *Preliminary development Plan* for the Belden Place Planned Unit Development (PUD), a residential infill project proposing the development of 42 single-family, two family (duplex) and multi-family (tri-plex, condominium) units on 2.73 acres in the 1200 Block of the South Town Character Area Residential Zone District.

Preliminary Plan review before the Town of Minturn Town Council is the second of a three-stage required public review and approval process necessary for the creation of a Planned Unit Development within the Town of Minturn. The following outlines the steps involved in the Town of Minturn PUD approval process:

1. Concept Development Plan Review (*Completed in summer 2020*)
2. PUD Preliminary Development Plan Review (inclusive companion applications for a Preliminary Subdivision Plat and Amendment to the Zone District Map)
3. Final Plan and Final Subdivision Plat for PUD (inclusive of Subdivision Improvements Agreement)
4. Planned Unit Development Agreement for Final Development Plan

Staff and the Minturn Planning Commission are recommending approval, with conditions of the Preliminary Plan, Preliminary Plat, and Amendment to the Zone District Map based on overall findings of conformance with the applicable standards and approval criteria of the Minturn

Municipal Code (MMC) as well as with the 2009 Minturn Community Plan.

The Belden Place PUD is situated on six separate parcels – Lots 29, 31 and 32, South Minturn Addition and Lots 1, 2 and 3, Duran Subdivision– in the 1200 Block of Main Street (U.S. Highway 24). These parcels were historically used for residential purposes - most (with the exception of Lot 1 Duran Subdivision) have been previously developed with residential structures such as single-family and mobile home residences. All historic residential structures and mobile units have been removed from the subject property.

Discussion ensued as to what the predicted costs are based on the Annual Median Income.

Ms. Jena Skinner presented for the applicant. Presented the work to date to clean up the previous historical use by removing trailer homes, etc. This is aimed to be resident occupied for local workers. All homes have garages, ADA access, and other features with a drive to provide a planned development of affordable/attainable homes by providing quality homes in a mix of styles for a mix of residents. She stated this is an inclusive neighborhood with the HOA maintaining the roads, walks, etc. She presented an overlay of the property with previous housing, proposed housing, and Pine St housing showing related density.

Mr. Jeff Andrews, Vail Valley Partnership, expressed his support of the project as it directly confronts the attainable housing issues faced head on.

Council Comments:

Gusty K. asked about the water moratorium, she stated they have 18 available and they feel this will get them started. He asked if approved at preliminary, would this grant them full taps; no, the moratorium will not allow them to run over. He does have concerns with the height as proposed. Ms. Skinner noted how the taller buildings are majority interior and back on the development. Gusty K. is concerned of the wildlife in Martin Creek if the trail is closed for periods of time. He noted although the development is not adjacent to the property it would be affected somewhat.

Brian E. asked about the existing home on the property, it is 28ft and will not be dwarfed by the neighbor.

Terry A. was concerned with the density and the height. This was discussed. She noted the density increased as you moved away from Hwy 24. This was intentional to not create a wall on Hwy 24 and taller toward the mountain side. Drainage was discussed. It was noted the parking standards are not being modified with the PUD, all homes meet current parking needs. Asked about buildout, they will begin at the hill side and move toward Hwy 24. Discussion of fees and when they are paid.

Eric G. asked about resale, the deed restrictions will remain and they are working with the county housing to develop regulations. Discussion ensued on bed/bath; most are 3/3, some 4/3 and two are 2/2.

John W. asked about sustainable building codes; will these be all electric, some of the units are all electric, others mixed. Solar ready in home and in HOA covenants? This is in design.

Discussion ensued on tap fees. Michael S. noted that we do not allow less than one tap per unit. It was clarified that one home = one SFE, in their planning they were using 3000sf. This was clarified that it is one sfe per unit.

Brian E. asked about the trail access from the site. He noted social paths develop and it might be a consideration to develop a trail that connects to the public trails.

Motion by Terry A., second by Gusty K., to remain in session after 11pm. Motion passed 7-0.

#### Public Hearing Opened

#### Public Comments:

Ms. Tracy Henderson, 1016 Mountain Drive, submitted a letter signed by five homes of that neighborhood. She spoke in opposition due to concerns of the size and density of 42units on less than 3 acres, the effect on their adjacent neighborhood, the wildlife, vehicle traffic, and the unresolved water drainage. They have added concerns with light pollution, parking, and pets. They feel this will establish a negative precedence.

Discussion ensued as to the closing of the Martin Creek Trail. Terry A. noted this is a USFS reaction to the increased use of all trails in the area forests and its effect on the wildlife and elk habitats, not specific to this project.

Madison H. read other letters received opposed to the development due to height.

Mr. Larry Stone, 201 Main, wrote in support.

Mr. Ernest, Vail Valley Mtn Trail Alliance, spoke to the need to connector trails from such housing developments to the existing trails.

The letters received are included as attachments to the end of these minutes.

Ms. Skinner stated the development will not allow Short Term Rentals of the owners. It was noted this will be in the explicitly stated in the PUD and in the HOA covenants. This condition was agreed to be added to the list with consideration of the Resolution to approve the Preliminary PUD.

Discussion ensued of if this Resolution should be continued from tonight's meeting. It was noted that this is Preliminary approval and it will be back at least once more by Council but that PUD establishes density, PUD Final Plat is next. Scot H. noted this is the time to discuss density, open space, height, etc. as this approval grants those aspects.

Brian E. asked for how the units that will back to the Mountain Drive neighborhood would be affected. Ms. Skinner noted this development and that neighborhood are NOT contiguous, there is a parcel between them. She noted that the houses which back to the lot that separates the two developments are all 28ft adhering to the existing height restriction.

Terry A. noted that this property and several in the area are called out to be higher density developments in the 2009 Community Plan, the most recent adopted such plan.

Mr. Steve Kenny, 1016 Mountain Dr, stated it was very high density and did not feel it would fit the character of Minturn.

Public Hearing Closed

Motion by Brian E., second by Earle B., to approve Resolution 20 – Series 2021 a Resolution approving the Belden Place PUD Preliminary Plan as presented with the following conditions recommended by the Planning Commission and with the additional condition(s) below. Motion passed 6-1. Note: Gusty K. voted Nay

- No Short-Term Rentals allowed via PUD and HOA

### COUNCIL INFORMATION / UPDATES

#### 10. Staff Updates (5 Min)

- Manager's Report
- Future Agenda Items

### MISCELLANEOUS ITEMS

#### 11. Future Meeting Dates

a) Council Meetings:

- June 16, 2021
- July 7, 2021
- July 21, 2021

#### 12. Other Dates:

- July 2, 2021 – Town Independence Day Celebration
- July 3, 2021 – Minturn Summer Market begins
- July 5, 2021 – Independence Day (Office Closed)

#### 13. Adjournment

Motion by Earle B., second by Gusty K., to adjourn at 11:50pm. 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: June 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 June 9, 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:

**998 Main Street – The Station Art Gallery & Studio**

- Final Plan DRB Application for Renovation

Please note 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:**

**998 Main Street**

At their regular meeting of June 9, 2021, the Planning Commission, acting as the Town of Minturn Design Review Board, reviewed the final plans for a renovation at The Station Art Gallery & Studio located at 998 Main Street. The plans approved by the DRB are for:

- **Renovation to Existing Building**

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, and uses 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 renovation as meeting the objectives and requirements of the MMC and design standards.

Ultimately, the DRB voted 5-0 to approve the renovation as a Final Plan review, with three conditions proposed by Town Staff, plus two conditions implemented by the Planning Commission:

1. The Applicant shall revise the Site Plans (Sheet A0.1) to show all proposed snow storage areas and calculations in accordance with the requirements of the Minturn Municipal

Code.

2. The Applicant shall stake the property boundaries, specifically the front corners and property line along the U.S. Hwy. 24 right-of-way, prior to construction to ensure that the limits of disturbance and improvements do not encroach off the property and into CDOT ROW. A land survey or similar instrument shall be provided to the Planning Director after the driveway improvements are completed and prior to any final Certificate of Occupancy inspection is scheduled for the project to ensure that improvements have been entirely on Lot 3.
3. The Applicant shall address Intermountain Engineering's concerns prior to, or concurrent with, the Building Permit application process.
4. If the Applicant changes the proposed exterior siding materials, that will be handled at a staff approval level.
5. The calculations of the impervious surface area will be included on the building permit.

**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. 998 Main Street – The Station Art Gallery & Studio Renovation – Final Plan

### ATTACHMENTS:

- Proposed exterior elevation drawings and site plans for 998 Main 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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### **The Station Art Gallery and Studio Major Renovation of “Lucero’s Hwy. 24 Liquor Store and Gas Station” 998 Main Street**

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**Hearing Date:** June 9, 2021

**File Name and Process:** The Station Art Gallery and Studio

**Owner/Applicant:** Lynn Feiger and Woody Woodruff

**Representative:** Gregory Sparhawk, GPS Designs

**Legal Description:** Lot 3, Luceros Subdivision

**Zoning:** South Town Commercial Zone District

**Staff Member:** Scot Hunn, Planning Director  
Madison Harris, Planner I

**Recommendation:** **Approval, with Conditions**

---

### **Staff Report**

#### **I. Summary of Request:**

The Applicants, Lynn Feiger and Woody Woodruff, request review of a major renovation of the old “Lucero’s Gas Station” property located at 998 Main Street. The property is located within the South Town Commercial Zone District.

The Applicants and their representative, Greg Sparhawk, have been proactive in meeting with Town staff prior to submitting plans for the project and they have provided a relatively complete and thorough set of site, landscaping, and architectural plans.

## Proposed Plans

The plans show the major renovation of and minor addition to the former “Luceros Hwy. 24 Liquor Store and Gas Station” building into an art gallery, storage, and accessory apartment. Local archives<sup>1</sup> describe the history of the building:

*“Lucero's Hwy. 24 Liquor Store & Self Service Gas station opened in 1974. The gas station was closed in 2007 and the liquor store closed in 2008. Tony Lucero [81 years old in 2009], proprietor, also worked at the Climax Mine, Leadville, for twenty years.”*

The Applicant’s vision for the property includes reuse of the existing lower level storage; repurposing of the main floor (formerly the liquor store and convenience store) as an art gallery and studio space; continued use of the upper floor apartment for employee housing; and, minor addition of habitable space on the south side of the structure.

While staff’s review focuses on the physical improvements to the building, it is worth noting that the proposed uses in this project support and fulfill the goals and objectives of the South Town Commercial Zone District by maintaining and integrating commercial and residential uses on the site.

Per the application, the following is proposed:

*“We are proposing a small addition to the South that will still remain within the legal buildable envelope. We are proposing a new roof form that will provide for adequate art display walls within the new gallery and a new roof on half of the building that will provide volume within the gallery space and will provide views of the cliffs to the east. In addition to these we are proposing a complete update to finishes to make this building look new again.*

*The proposed renovation includes painting existing siding, adding new cedar siding, new windows and doors and providing new trim around the structure. The owners would also like the option of being able to replace the existing siding with a lap siding if it is determined that the existing siding should be replaced.*

*We are proposing colors that work well together and provide a strong level of contrast. A black or dark gray metal roof and siding with warm natural cedar siding and bright red accents around the building. This project will update the style of the building considerably and add a touch of a more modern element in South Town.”*

Staff views the proposal - a contextually appropriate renovation of a historic building - as also being in line with several Minturn Community Plan goals and implementing strategies aimed at keeping “Minturn, Minturn” while supporting the provision of local’s housing and the continuance of commercial activities in a commercial zone district.

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 and can be viewed as complementary and compatible with the existing neighborhood character.

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<sup>1</sup> <https://opac.marmot.org/Archive/evld%3A2081/LargeImage>

New window and door packages are proposed, along with the introduction of new roof forms, balconies and outdoor spaces and landscaping.

On-site parking is provided on Lot 3 in front of and at the rear of the existing building in compliance with the requirements of the Minturn Municipal Code. Access to parking spaces located at the rear of the building will be provided via a shared driveway access agreement and the Applicant proposes to construct a new driveway looping across the western side of the property and tying into existing driveway entrances at the north and south sides of the property.

Snow storage is shown to the north of a proposed patio located on the north side of the building; the amount of snow storage complies with the requirements of the MMC.

Building height is proposed at 28’ measured from finished (existing) grade to the midpoint of a new shed roof element which will form the primary roof form.

Lot 3 has frontage along Hwy. 24 (Main Street) to the west as well as the Eagle River to the east. 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 all applicable Town standards.

However, staff has identified the following issues or details needing to be addressed prior to or concurrent with any building permit application:

- Updating the site plan to show all snow storage areas and calculations
- Ensuring all grading and paving associated with new driveway and parking areas are completed on Lot 3 and do not encroach into CDOT right-of-way.

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 of the Final Plans**, with conditions.

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

This is a final level review for a major renovation to an existing mixed-use 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 Response:**

Staff suggests that the final plans for 998 Main Street meet or exceed the requirements and standards applicable for development in the South Town Commercial Zone District and that findings ‘a,’ ‘b,’ and ‘c’ of subparagraph 3 – *Necessary findings*, above, are met.

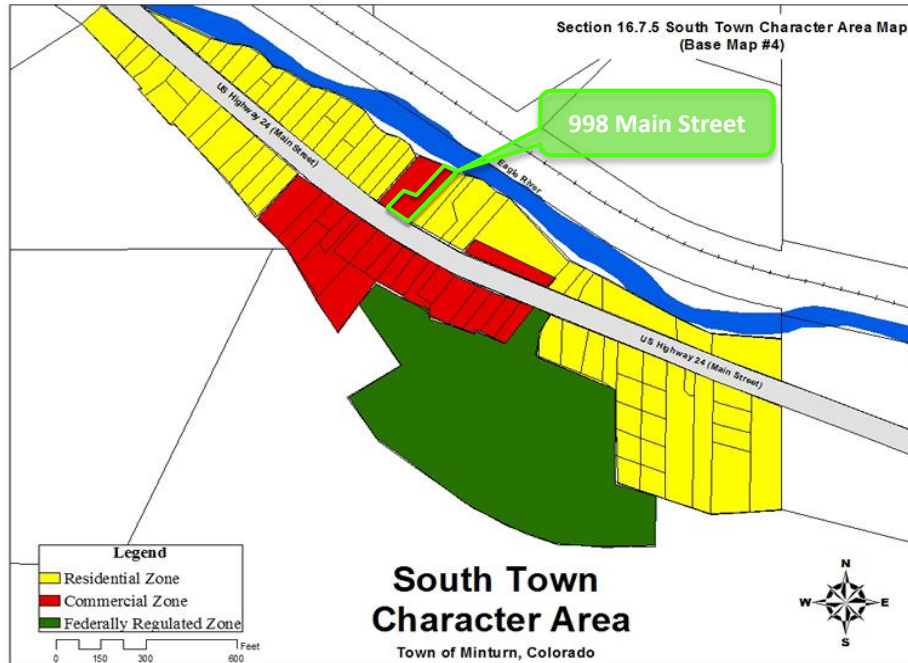
**III. Zoning Analysis:**

**Zoning**

The subject property is located within the “South Town Character Area” Commercial Zone District. The purpose of the Commercial Zone District is to:

*“The purpose of this area is to provide convenient commercial services to residents and motorists while minimizing the impact on nearby residential uses. South Town provides an area for commercial activities that are not easily accommodated in Old Town while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, services and institutional uses.”*

*- Town of Minturn Town Code Section 16-7-30*



**Figure 1: South Town Character Area Zone District 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:	7,500 sq. ft.	14,404 sq. ft.
Maximum Building Height:	28 feet	28 feet
Minimum Front Setback:	10 feet	No Change
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	No Change
Maximum Lot Coverage:	70% (10,083 sq. ft.)	3,284 sq. ft. (23%) Proposed
Maximum Impervious Coverage:	80% ( sq. ft.11,523 sq. ft.)	Unknown
Minimum Snow Storage Area:	5% of All Parking Areas	Unknown/Outstanding
Parking:	10 spaces	10 spaces

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

$$\text{Lot 3} = .331 \text{ acres} \times 43,560 \text{ sq. ft./acre} = 14,404 \text{ sq. ft}$$

#### 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 Appendix 'B' - Design Guidelines and Standards, MMC, is applicable to the proposed 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 and the new roof forms is complementary to the existing structure while being compatible with adjacent properties and improvements in the area. The design represents a significant improvement to the architectural character, richness and interest of the existing structure and will serve to provide variety and visual interest in this portion of South Town.

#### 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:

##### **Snow Storage**

The plans (Sheet A0.1 - Site Plan) show snow storage (150 sq. ft. or 7.5% of the area devoted to parking) along the northern edge of Lot 3. This snow storage appears to be associated with the parking areas at the front of the building (parking spaces "P1" through "P6"). Staff suggests that snow storage for spaces "P7" through "P10" should be calculated and shown on the site plan. **Staff is recommending Condition No. 1 to address this concern.**

### **Driveway Improvements and CDOT Right-of-Way**

The plans (Sheet A0.1) show a new paved driveway along the western boundary of Lot 3. The driveway is shown at the front property line. Staff suggests that the Applicant be required to stake the property boundaries – particularly the front corners and property line – prior to construction to ensure that the limits of disturbance and improvements do not encroach off the property and into CDOT ROW. **Staff is recommending Condition No. 2 to address this concern.**

### **Town Engineer Comments**

Staff referred this final plan to the Town Engineer (Intermountain Engineering). Attached are comments from Jeff Spanel. **Staff is recommending Condition No. 3 to address these comments.**

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

Staff recommends approval of the Final Plans for 998 Main Street - the Station Gallery and Studio - because the plans 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 approve the final plans staff offers the following suggested condition(s):

1. The Applicant shall revise the Site Plans (Sheet A0.1) to show all proposed snow storage areas and calculations in accordance with the requirements of the Minturn Municipal Code.
2. The Applicant shall stake the property boundaries, specifically the front corners and property line along the U.S. Hwy. 24 right-of-way, prior to construction to ensure that the limits of disturbance and improvements do not encroach off the property and into CDOT ROW. A land survey or similar instrument shall be provided to the Planning Director after the driveway improvements are completed and prior to any final Certificate of Occupancy inspection is scheduled for the project to ensure that improvements have been completed entirely on Lot 3.
3. The Applicant shall address Intermountain Engineering's concerns prior to, or concurrent with, the Building Permit application process.



June 1, 2021

Ms. Madison Harris  
Town of Minturn  
PO Box 309  
Minturn CO 81645  
Via email: [planner1@minturn.org](mailto:planner1@minturn.org)

RE: The Station Art Gallery & Studio-DRB Plan Review  
998 South Main Street; Lot 51 South Minturn Addition  
Project No. 21-0007


Dear Madison:

We reviewed The Station Art Gallery & Studio DRB plan dated May 28, 2021 and offer the following comments:

1. The survey provided is for the adjoining lot – Lot 2 of the Resubdivision of Lot 51, South Minturn Addition. The application is for Lot 3.
2. The topographic information on the Lot 2 survey is not complete for this property (Lot 3).
3. No title report has been provided.
4. The site plan is not dimensioned,
  - o Improvements are near lot lines.
  - o Parking & drives are not dimensioned.
  - o No utility plan provided.
  - o Easements are not shown.
5. No grading or spot elevations have been provided.
  - o Plans need to demonstrate positive drainage away from the structure.
  - o There is a steep grade behind the structure – no grades or slopes are noted. Erosion & slope stability need to be considered.
6. No demolition plan has been provided.
7. The site plan proposes two entrances. Since this constitutes a change of use for the property a CDOT Access Permit will likely be required.

While these initial plans may be suitable for DRB plan review, they are not complete and detailed construction ready plans will be required for permit. Please feel free to contact me with any questions regarding the provided comments.

Sincerely,  
Inter-Mountain Engineering



Jeffery M. Spanel PE

CC: Michelle Metteer; Michael Sawyer, Scot Hunn

**VAIL VALLEY OFFICE**

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

**DENVER OFFICE**

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | [info@inter-mtn.net](mailto:info@inter-mtn.net)



## DESIGN REVIEW APPLICATION

**TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT**  
 P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
 Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

<b>Project Name:</b>			
The Station Gallery - Addition/Renovation			
<b>Project Location</b>			
Street Address: 998 South Main Street			
Zoning: <b>South Town Commercial</b>		Parcel Number(s): <b>2103-351-02-025</b>	
<b>Application Request:</b>			
DRB approval for a side addition on an existing mixed-use building on Main St. We are proposing adding approx. 185sf of space and extensive renovations to this existing structure. The approx 185sf addition all occurs within the zoning setbacks. the proposed new roof has been designed to align with the existing ridge. Parking is being provided for the existing dwelling (remaining) as well as the proposed Art Gallery and Accessory Apartment.			
<b>Applicant:</b>			
Name: Gregory Sparhawk			
Mailing Address: PO Box 333, Minturn, CO 81645			
Phone: 425 495 7241		Email: gregs@gpsdesigns.com	
<b>Property Owner:</b>			
Name: Woody Woodruff and Lynn Feiger			
Mailing Address: po box 910, minturn, co, 81645			
Phone: 303 898 7870		Email: woodruffwoody@comcast.net	
<b>Required Information:</b>			
Lot Size: 14,404sf	Type of Residence (Single Family, ADU, Duplex) <b>Mixed-Use</b>	# of Bedrooms 1 (3)	# On-site Parking Spaces 10
# of Stories: 2	Snow storage sq ft: 150sf	Building Footprint sq ft: <b>1,965sf</b>	Total sq ft Impervious Surface: <b>6,781sf</b>
<b>Signature:</b>			
Fee Paid: _____	Date Received: _____	Planner: _____	



Town of Minturn  
**Planning Department**  
970 827 5654  
planner@minturn.org

May 26, 2021

The Station Gallery  
998 South Main Street  
Minturn, CO 81645

Hello,

We are submitting this application for DRB approval for the renovation of, and addition to, an existing mixed-use structure located in the South Town Commercial area of Minturn. The existing building has been vacant for quite some time and is deteriorating. The main level of the existing structure was used as a convenience store. The lower level for storage and the upper level as an accessory apartment. The building is currently built within acceptable limits of all zoning regulations.

We are proposing a small addition to the South that will still remain within the legal buildable envelope. We are proposing a new roof form that will provide for adequate art display walls within the new gallery and a new roof on half of the building that will provide volume within the gallery space and will provide views of the cliffs to the east. In addition to these we are proposing a complete update to finishes to make this building look new again.

The proposed renovation includes painting existing siding, adding new cedar siding, new windows and doors and providing new trim around the structure. The owners would also like the option of being able to replace the existing siding with a lap siding if it is determined that the existing siding should be replaced.

We are proposing colors that work well together and provide a strong level of contrast. A black or dark gray metal roof and siding with warm natural cedar siding and bright red accents around the building. This project will update the style of the building considerably and add a touch of a more modern element in South Town.

Thank you for your consideration of this project proposal.

Best regards,

Gregory Sparhawk  
**GPS Designs, llc**  
**Architecture + Planning**  
O . 970 470 4945  
C . 425 495 7241  
gregs@gpsdesigns.com

A handwritten signature in pink ink, appearing to be 'G/S', written over a horizontal line.

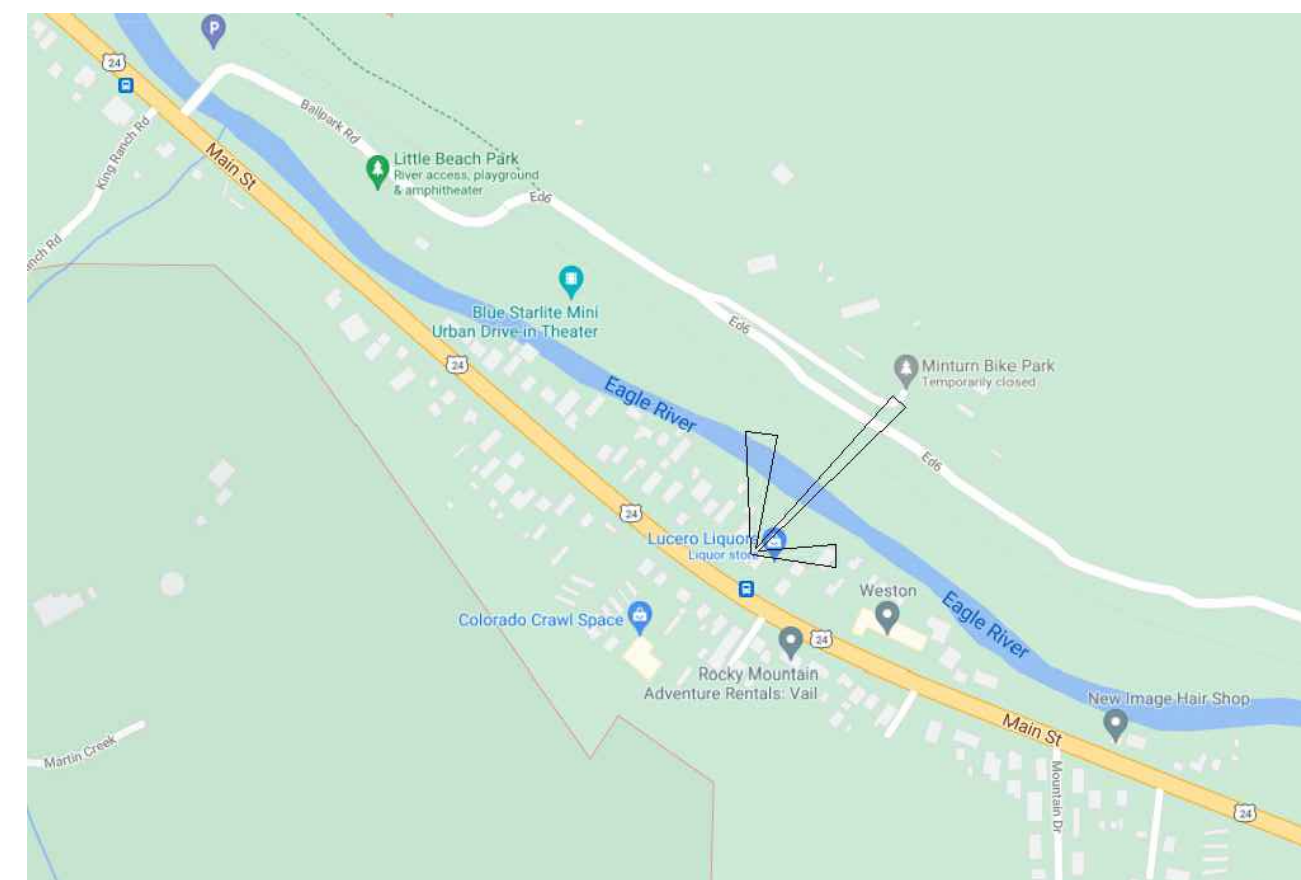
[www.gpsdesigns.com](http://www.gpsdesigns.com)

PO Box 333  
Minturn, Colorado 81645



THE STATION  
ART GALLERY  
& STUDIO  
@  
998 South Main Street

VICINITY MAP



PROJECT DATA

Project: Renovation of a 2 storey commercial building with apartment into an art gallery and accessory apartment

PROJECT TEAM

Architect: gps designs, LLC  
301 Boulder St, 333  
Minturn, CO 81645  
gregs@gpsdesigns.com  
Contact: Gregory Sparhawk, aia  
(425) 495-7241  
CO lic 400040

Developer: Woodruff Enterprises, LLC  
PO Box 910  
Minturn, CO 81645  
Contact: Woody Woodruff  
(303) 898-7870

Civil TBD

Structural TBD

MUNICIPAL

Planning & Building: Town of Minturn  
301 Boulder Street  
Minturn, CO 81645  
[p] (970) 827 - 5654

Parcel Number: 210335102025

Code Enforced: 2015 International Residential Code  
2015 International Mechanical Code  
2015 International Plumbing Code  
2014 National Electrical Code  
2015 International Energy Code  
2015 International Fuel Gas Code

Legal Description: SOUTH MINTURN ADDITION  
Lot 51  
BK-0133 PG-0246

Zoning: SOUTH TOWN - COMMERCIAL

Lot Size: 14,404sf

Lot Coverage: Allowed - (70%) 10,083sf  
Proposed - (23%) 3,284sf

Construction Type: V-B

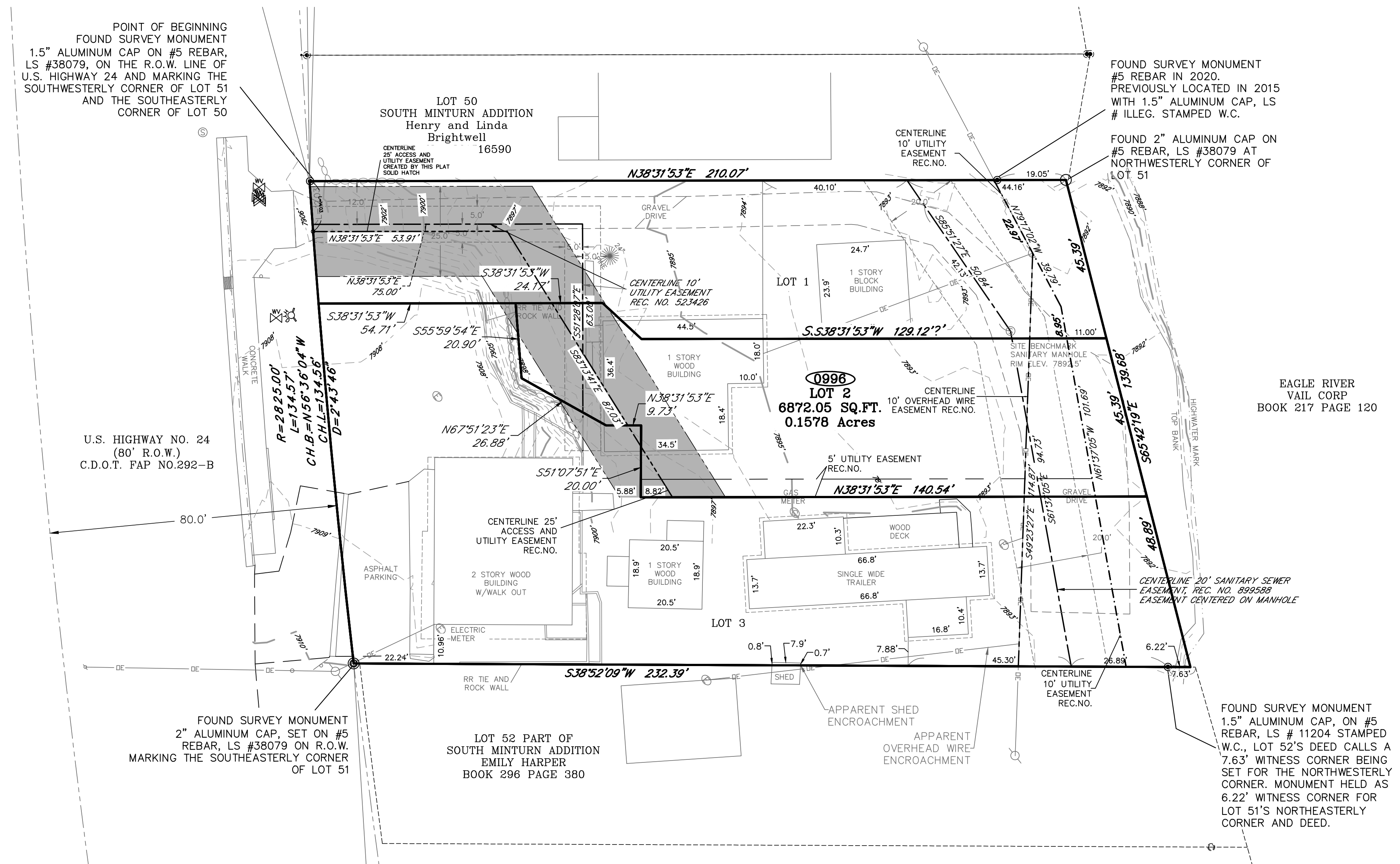
Building Height: Proposed - varies - tallest at 28'-0"  
TO MEAN NEW SHED ROOF  
match existing ridge with proposed

Gross Building Area: (amounts are gross square footage and include unfinished space, garage, but not deck or patio spaces)	1bd Accessory Apt	785 gsf
	Gallery/Studio	1,948 gsf 1,674 nsf
	Unfinished basement	688 gsf
	Existing unit to remain	1,319 gsf

SHEET INDEX

Arch.	CV1	Cover Sheet	5/24/21
		1 of 1 Survey	x
	A0.1	Site & Landscape	x
	A0.2	Existing Conditions	x
	A1.0	Floor Plans	x
	A1.1	Floor Plan / Roof Plan	x
	A2.1	Elevations	x
	A3.0	Building Sections	x
	A3.1	Perspectives & Materials	x

TOPOGRAPHIC SURVEY  
**LOT 2**  
 SOUTH MINTURN ADDITION, A RESUBDIVISION LOT 51  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



**PROPERTY DESCRIPTION:**

LOT 2, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, according to the final plat thereof recorded at Rec.No. \_\_\_\_\_ at the Eagle County Clerk and Recorders Office, County of Eagle, State of Colorado.

**NOTES:**

- 1) DATE OF SURVEY: SEPTEMBER 15, 2020
- 2) STREET ADDRESS: 996 Main Street (U.S. Highway 24) Not Posted
- 3) Location of improvements and lot lines are based upon the above said final plat, the Annexation Plat of South Minturn Addition to the Town of Minturn, recorded in Rec.No. 163774, C.D.O.T. Project No. FAP NO.292-B and Survey Monuments found at the time of this survey. Title Commitment provided by Land Title Guarantee Company, Order No. V50057057 with an effective date of 6-10-2020 was provided for this survey. Kipp Land Surveying also performed an Improvement Survey Plat to be recorded at the Eagle County Engineering Office.
- 4) BASIS OF BEARINGS: Between a 1.5" Aluminum Cap on #5 Rebar, LS #38079 marking the Northwesterly corner of Said Lot 51 being the Southwesterly corner of Said Lot 50 and a #5 Rebar Witness Corner, being a point on line for said Lots 50 and 51, bearing N38°31'53"E as shown hereon.
- 5) BENCHMARK: NGS Monument S-280. Elev. = 7894.2' NAVD 88.
- 7) U.S Survey Feet was used for this Survey.
- 8) Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover 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.

**CERTIFICATION:**

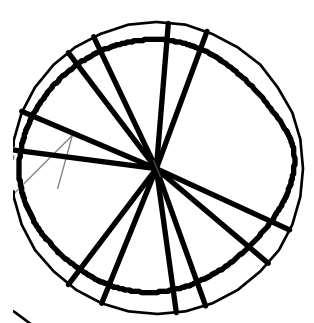
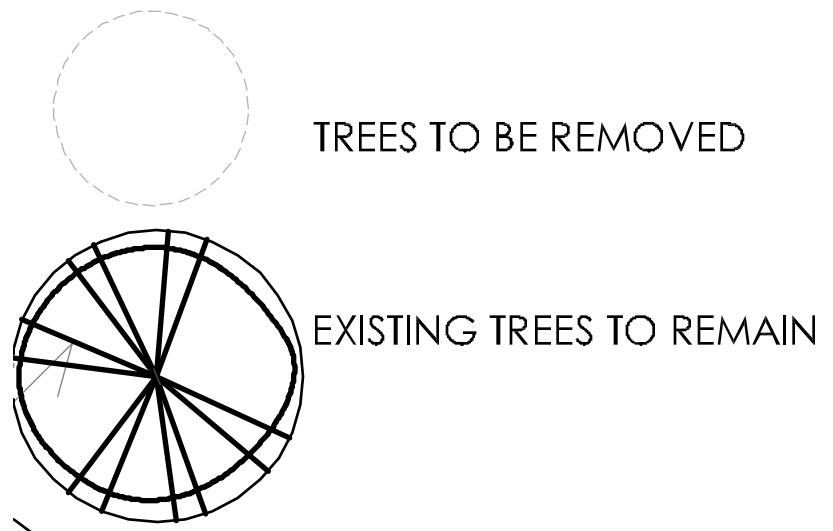
I, Randall P. Kipp, a Registered Professional Land Surveyor in the State of Colorado, hereby certify that this TOPOGRAPHIC SURVEY was done by me or under my direct supervision, and that it was performed using the standard care and practice used in the area at the time of the survey. The Notes hereon are a part of this certification.



Randall P. Kipp  
 P.L.S. No. 38079  
 Colorado Professional  
 Land Surveyor

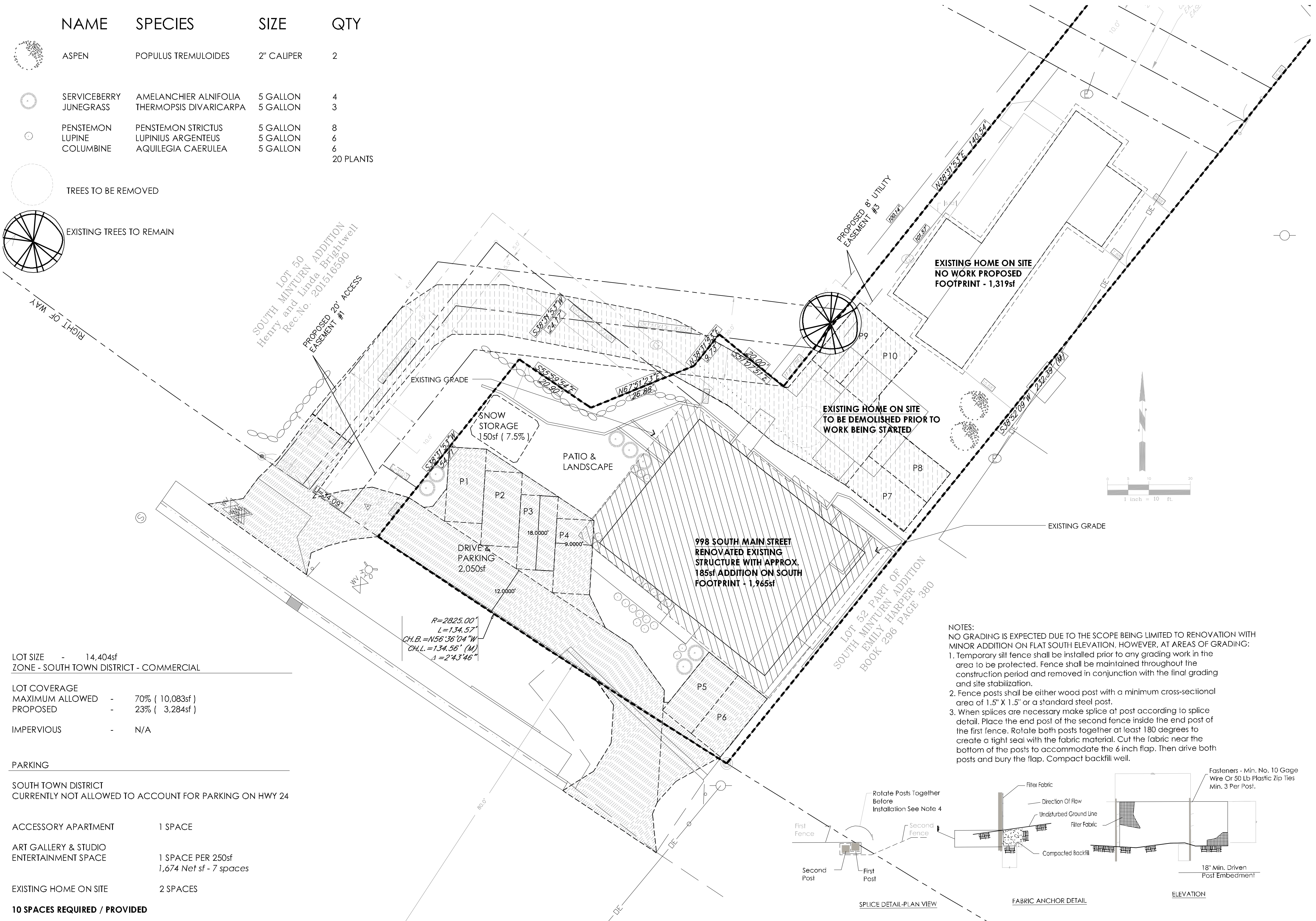
Topographic Survey LOT 2 South Minturn Addition A Resubdivision of Lot 51 Town of Minturn, County of Eagle, Colorado		<b>KIPP LAND SURVEYING</b>  RANDY KIPP P.L.S. P.O. Box 3154 Eagle, CO 81631 (970) 390-9540 email: randy@kipplandsurveying.com web: kipplandsurveying.com
JOB NO.: 201129	DATE: 04-05-21	
SHEET 1 OF 1	DWG NAME: 201129-LOT 2 SMA Topo2	

NAME	SPECIES	SIZE	QTY
ASPEN	POPULUS TREMULOIDES	2" CALIPER	2
SERVICEBERRY	AMELANCHIER ALNIFOLIA	5 GALLON	4
JUNEGRASS	THERMOPSIS DIVARICARPA	5 GALLON	3
PENSTEMON	PENSTEMON STRICTUS	5 GALLON	8
LUPINE	LUPINIUS ARGENTEUS	5 GALLON	6
COLUMBINE	AQUILEGIA CAERULEA	5 GALLON	6
			20 PLANTS



TREES TO BE REMOVED

EXISTING TREES TO REMAIN



LOT SIZE - 14,404sf  
ZONE - SOUTH TOWN DISTRICT - COMMERCIAL

LOT COVERAGE  
MAXIMUM ALLOWED - 70% ( 10,083sf )  
PROPOSED - 23% ( 3,284sf )

IMPERVIOUS - N/A

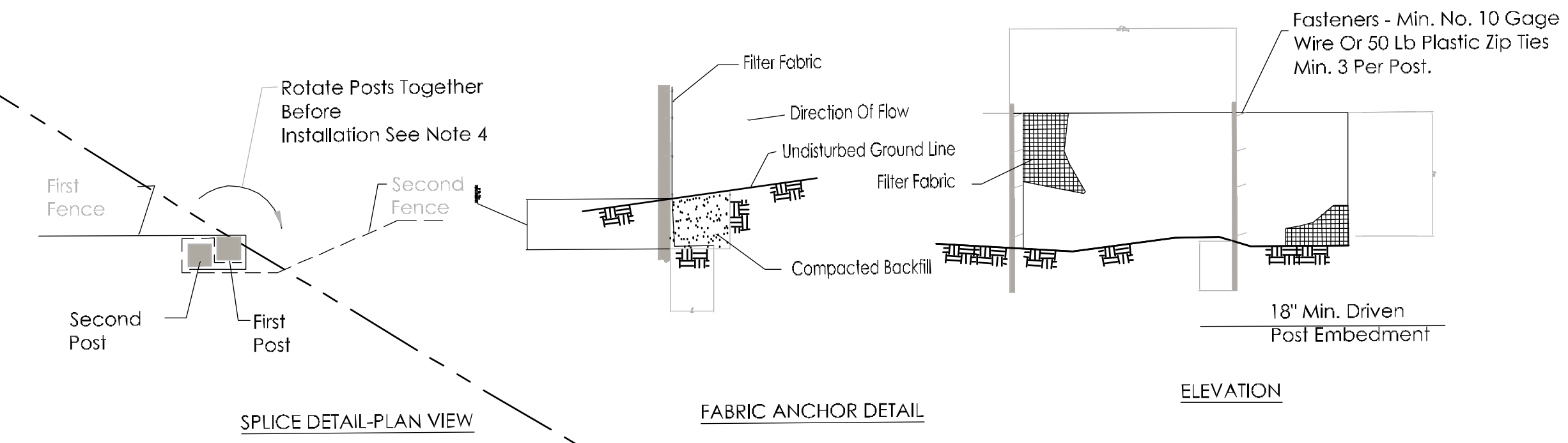
PARKING

SOUTH TOWN DISTRICT  
CURRENTLY NOT ALLOWED TO ACCOUNT FOR PARKING ON HWY 24

ACCESSORY APARTMENT	1 SPACE
ART GALLERY & STUDIO	1 SPACE PER 250sf
ENTERTAINMENT SPACE	1,674 Net sf - 7 spaces
EXISTING HOME ON SITE	2 SPACES
<b>10 SPACES REQUIRED / PROVIDED</b>	

NOTES:  
NO GRADING IS EXPECTED DUE TO THE SCOPE BEING LIMITED TO RENOVATION WITH MINOR ADDITION ON FLAT SOUTH ELEVATION. HOWEVER, AT AREAS OF GRADING:

- Temporary silt fence shall be installed prior to any grading work in the area to be protected. Fence shall be maintained throughout the construction period and removed in conjunction with the final grading and site stabilization.
- Fence posts shall be either wood post with a minimum cross-sectional area of 1.5" X 1.5" or a standard steel post.
- When splices are necessary make splice at post according to splice detail. Place the end post of the second fence inside the end post of the first fence. Rotate both posts together at least 180 degrees to create a tight seal with the fabric material. Cut the fabric near the bottom of the posts to accommodate the 6 inch flap. Then drive both posts and bury the flap. Compact backfill well.



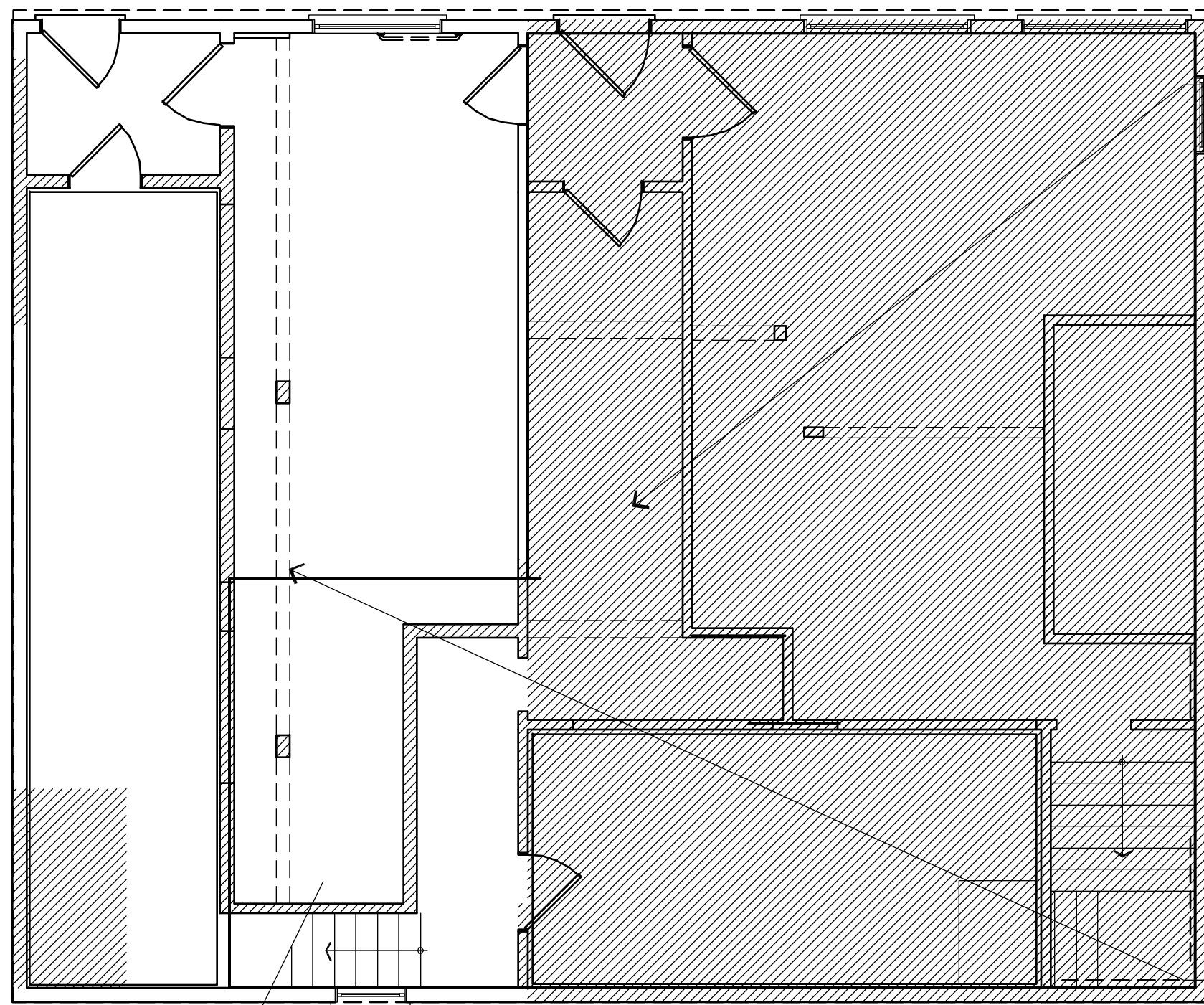
**Woodruff-Felger Studio**  
998 South Main Street  
Minturn, CO 81645

**PROJECT**  
The Station Gallery  
**PROJECT NO.**  
20\_WL-0001

**ISSUE**  
26 May 2021  
**RELEASE**  
DRB Submittal

SITE PLAN

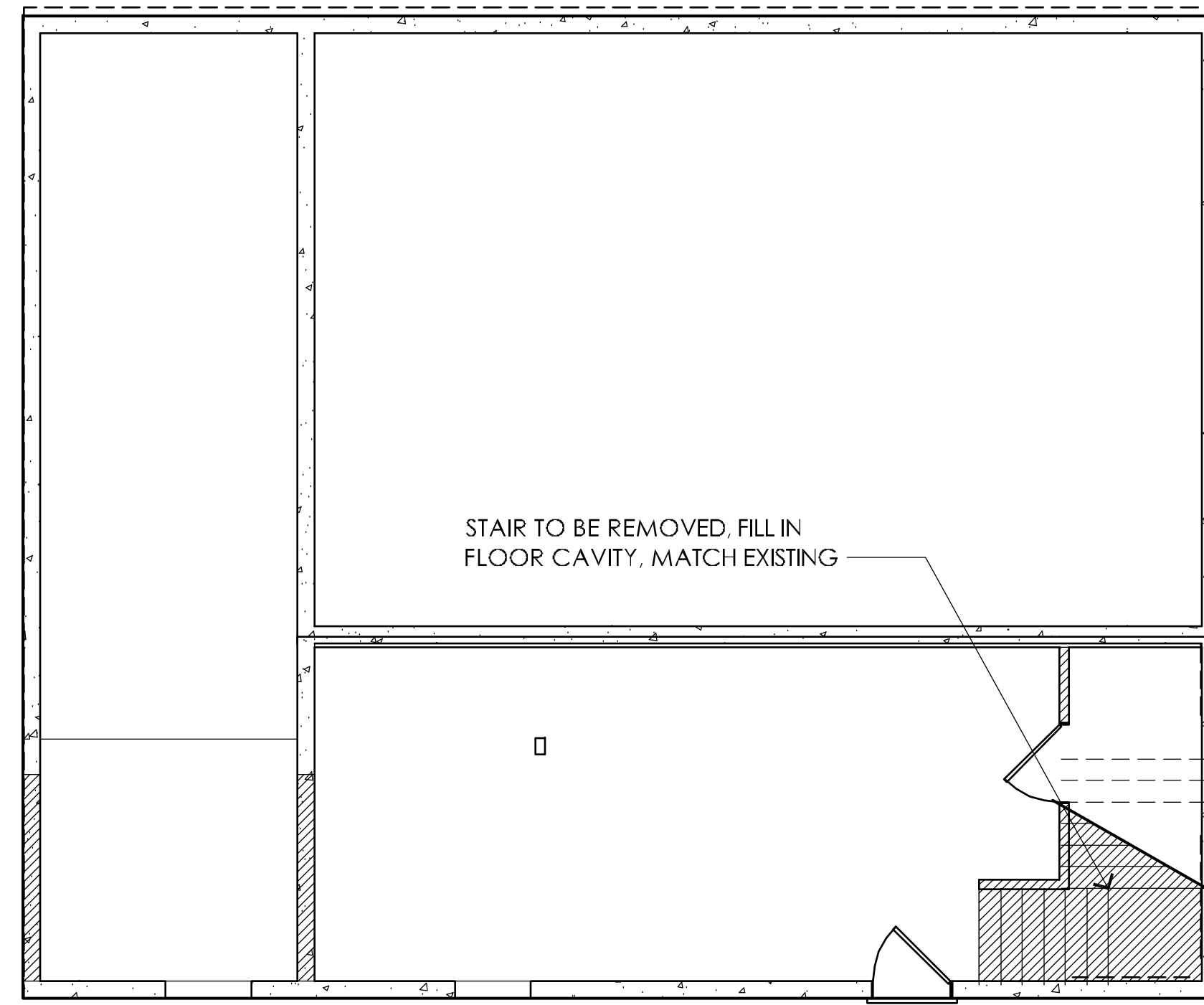
**A0.1**



FLOOR TO REMAIN, ROOF/CEILING  
STRUCTURE TO BE REMOVED

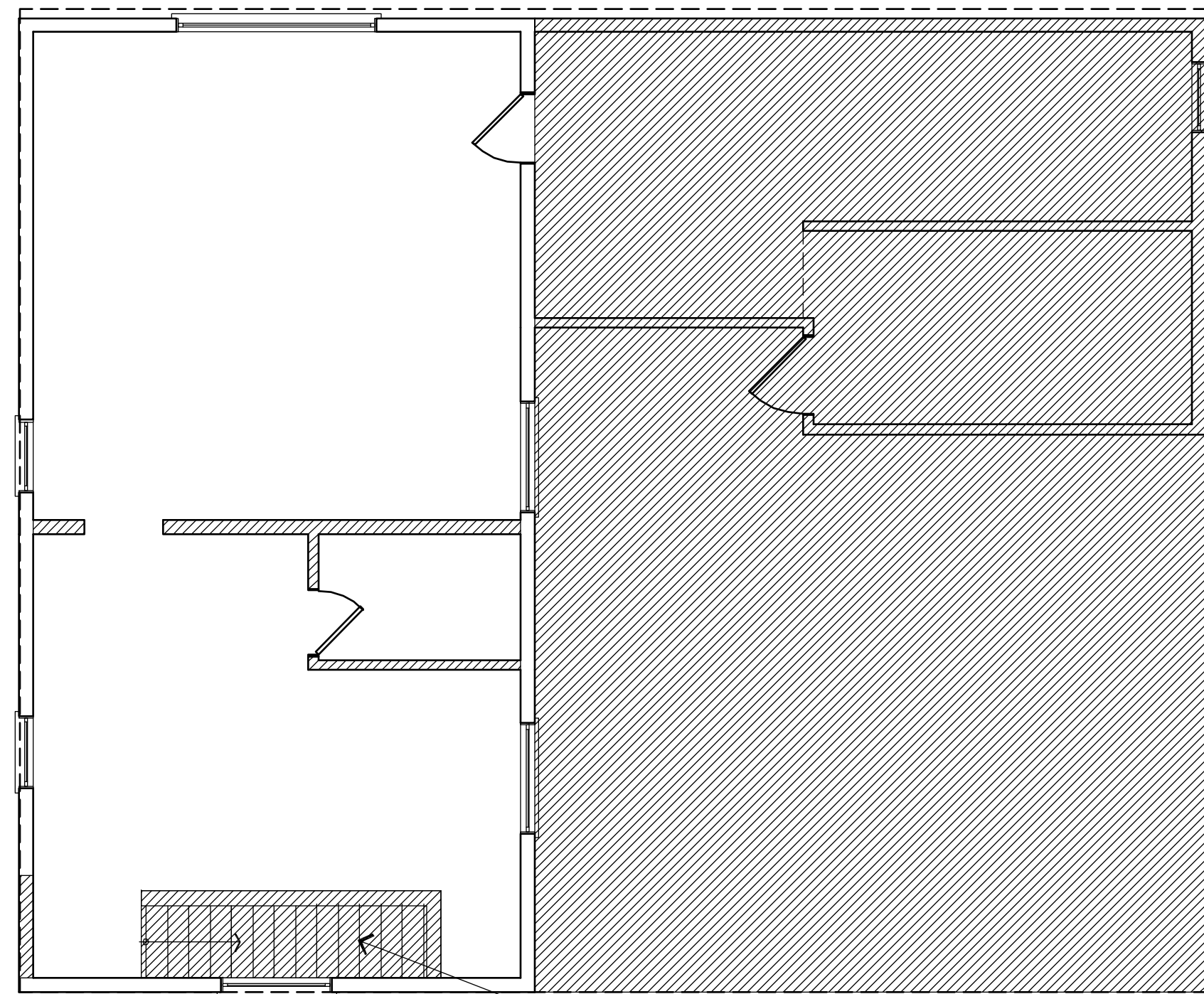
STRUCTURAL TO REVIEW  
REMOVAL OF BEARING AND  
REPLACEMENT BEAM

**2 MAIN LEVEL**  
1/4" = 1'-0"



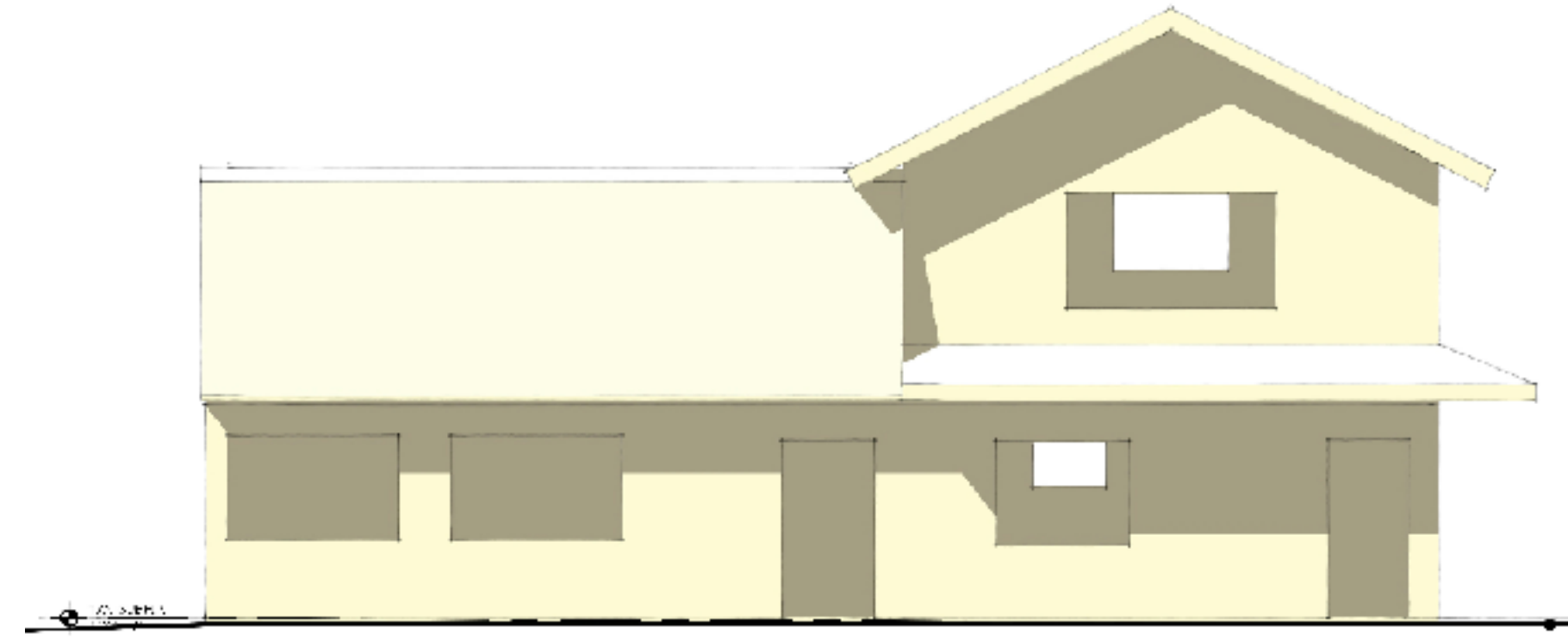
STAIR TO BE REMOVED, FILL IN  
FLOOR CAVITY, MATCH EXISTING

**1 BASEMENT**  
1/4" = 1'-0"

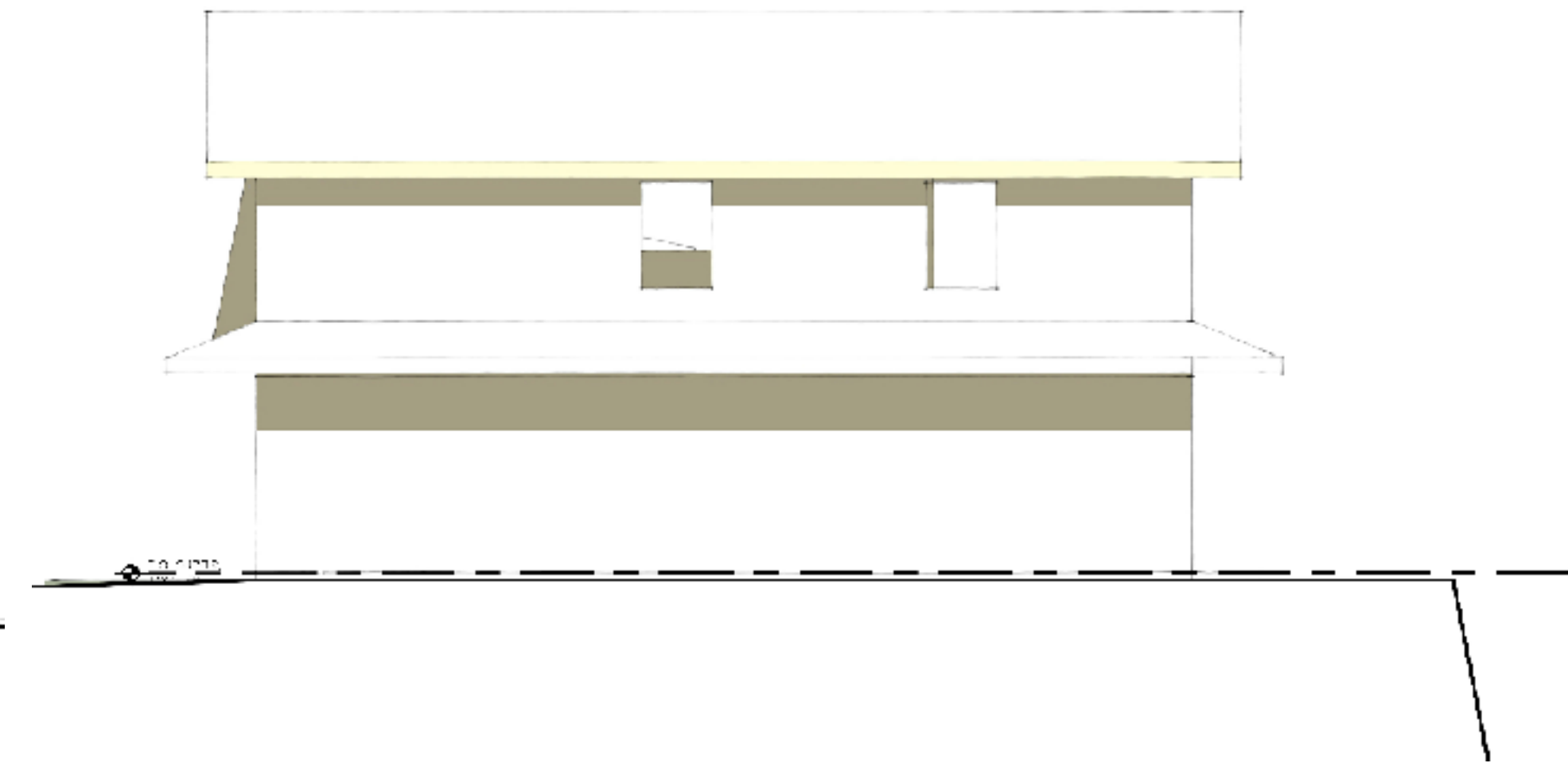


STAIR TO BE REMOVED, FILL IN  
FLOOR CAVITY, MATCH EXISTING

**3 UPPER LEVEL**  
1/4" = 1'-0"

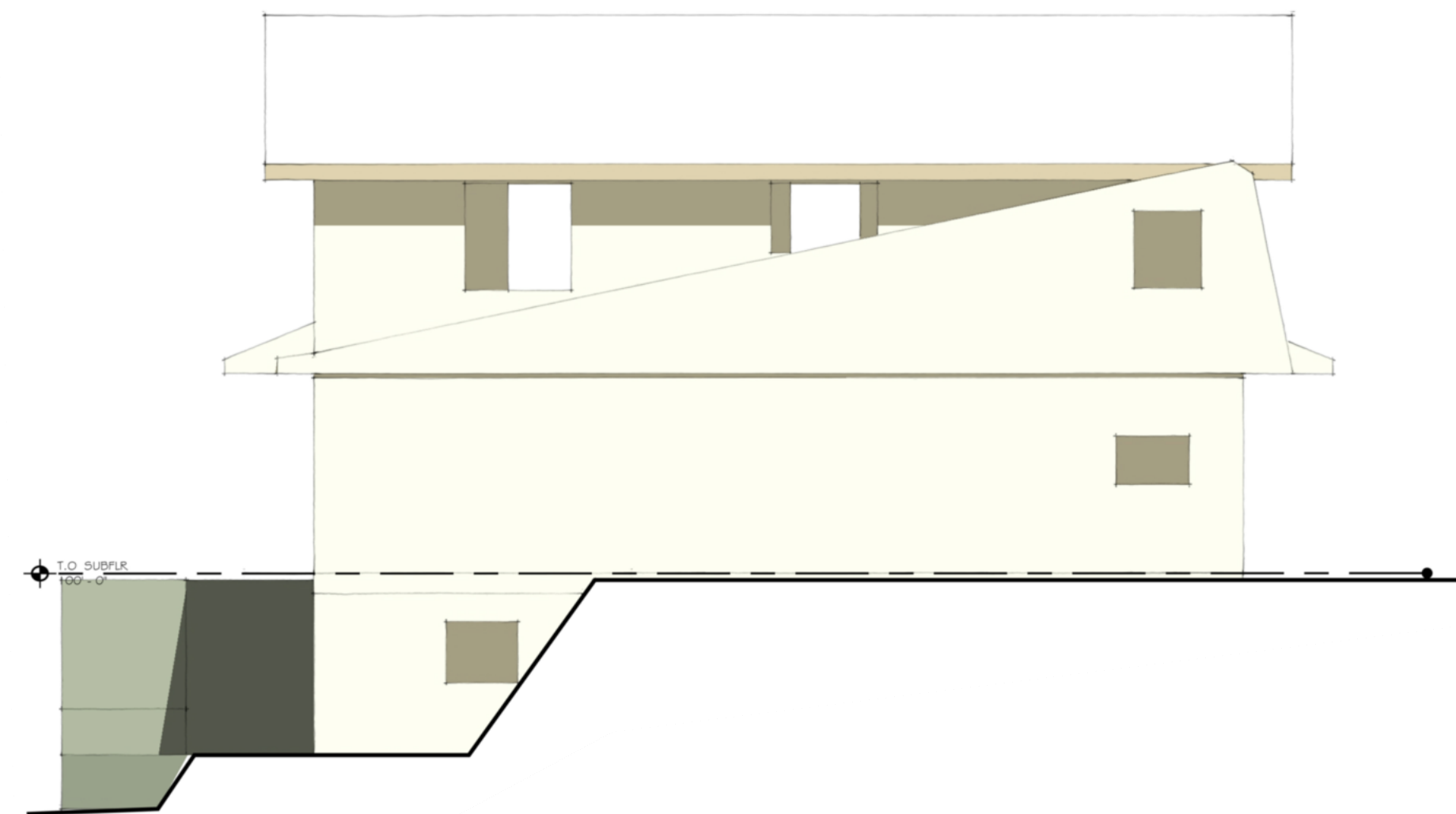


**FRONT ELEVATION**

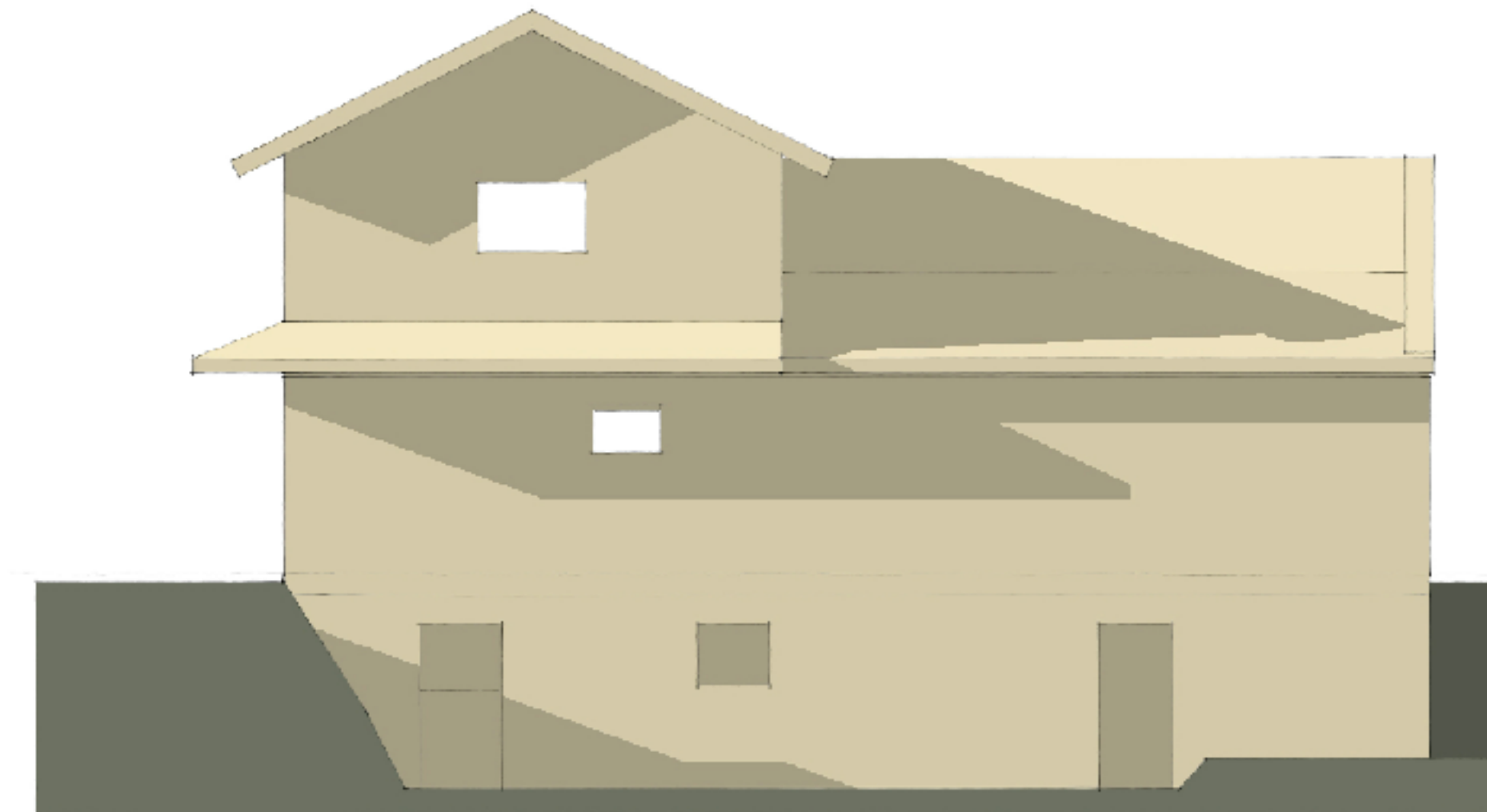


**SOUTH ELEVATION**

**NORTH ELEVATION**

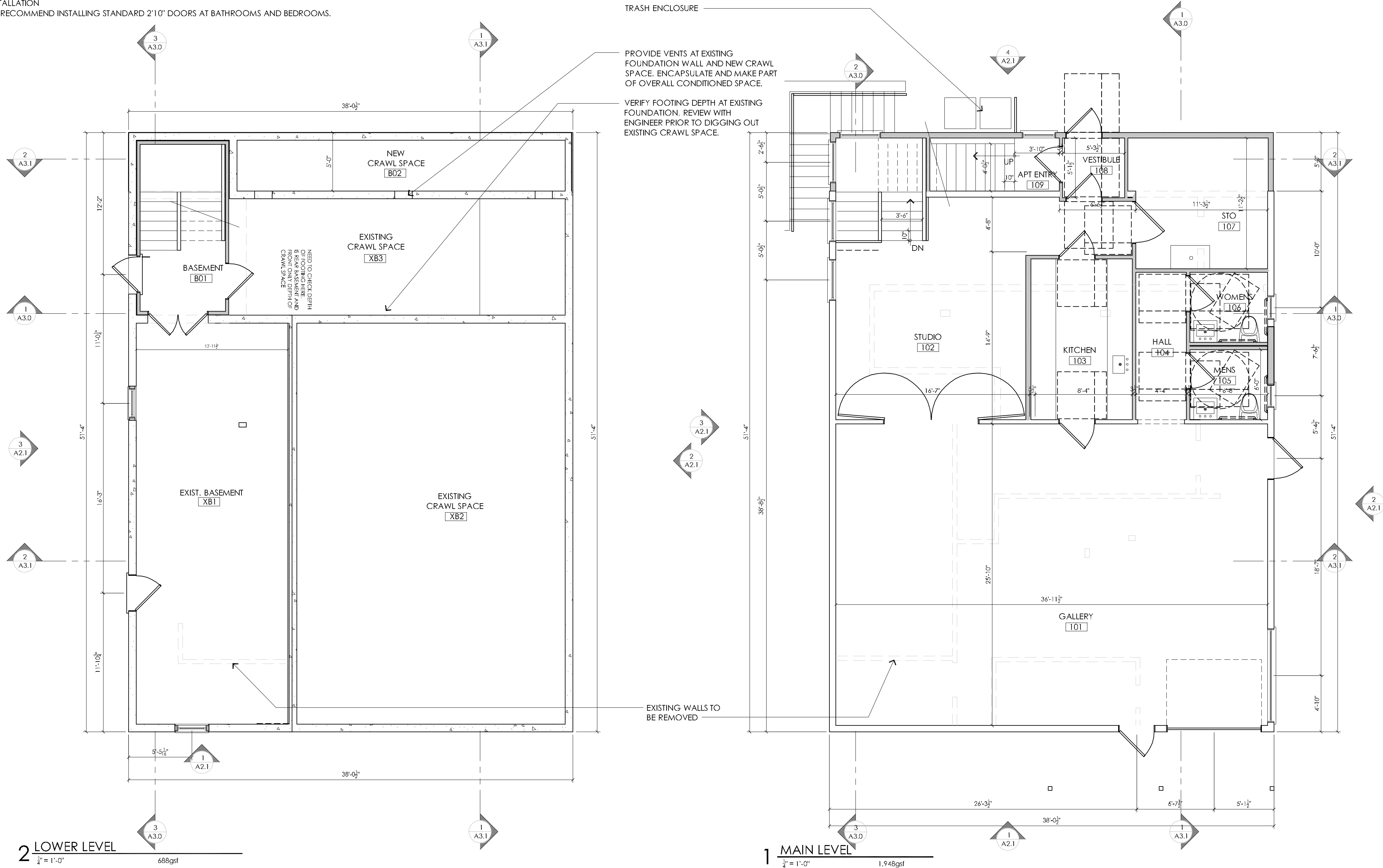


**REAR ELEVATION**



**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 CABINETRY, 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 AB.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.



**2 LOWER LEVEL**  
1/4" = 1'-0"  
688gsf

**1 MAIN LEVEL**  
1/4" = 1'-0"  
1,948gsf

**Woodruff-Felger Studio**  
998 South Main Street  
Minturn, CO 81645

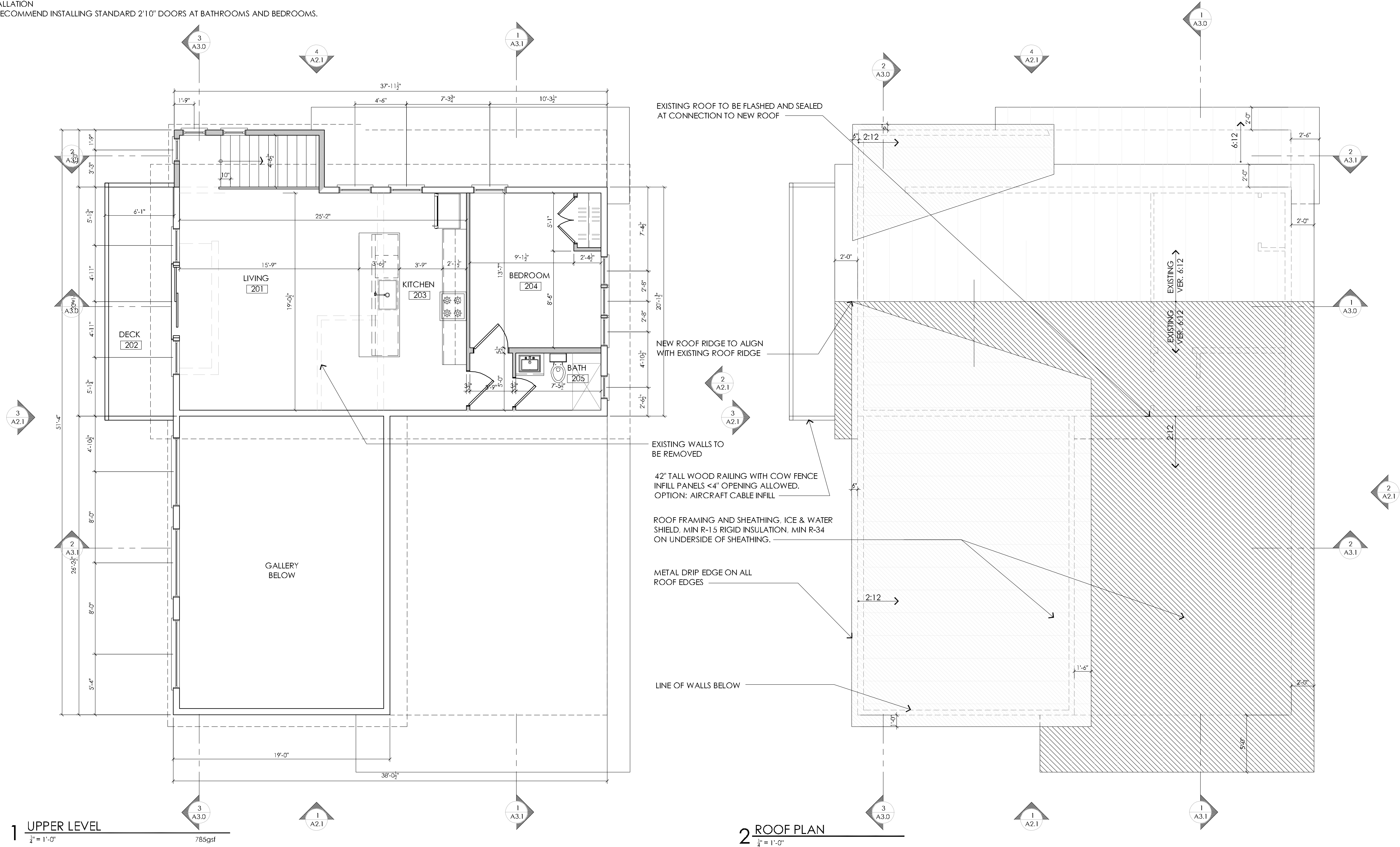
**PROJECT**  
The Station Gallery  
**PROJECT NO.**  
20\_WL-000 |

**ISSUE**  
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DRB Submittal



**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 CABINETS, MILLWORK, SHELVING, TVS, MECHANICAL AND BATHROOMS AS REQUIRED. (COORDINATE WITH OWNER)
- 6) PROVIDE SMOKE DETECTORS AT ALL BEDROOMS.
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- 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)
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**Woodruff-Felger Studio**  
998 South Main Street  
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**EXTERIOR FINISH SCHEDULE**

WINDOWS AND DOORS:  
ALUMINUM CLAD WINDOWS, IRON ORE/REAL RED

SOFFIT & TRIM:  
CLEAR CEDAR, SEALED

SIDING:  
EXISTING LAP SIDING, COLOR IRON GRAY  
OPTION: 7" EXPOSURE LAP HARDI FCB

NEW SIDING:  
CLEAR STAINED CEDAR, 4" EXPOSURE

METAL SIDING:  
GALVALUME CORRUGATED SIDING, SEALED

STANDING SEAM METAL ROOF:  
COLOR - BLACK, OWNER OPT. DARK GREY

TRIM:  
5/4x2, COLOR - SW7674 PEPPERCORN

TRIM:  
5/4x2, FLASH AND CAULK, COLOR - MATCH WDW (RED)

BOX TRIM:  
1x8 ON FURRED BOX, RETURN 1x  
FLASH CAP AND CAULK, COLOR - MATCH WDW (RED)

FASCIA TRIM:  
2 PIECE, 5/4x6 & 5/4x4 PTD SMARTSIDE  
COLOR - SW7674 PEPPERCORN

DOOR COLOR:  
MATCH WDW (RED)

SIGN IS SHOWN CONCEPTUAL, FINAL DESIGN WILL BE SUBJECT TO MINTURN SIGN APPROVAL



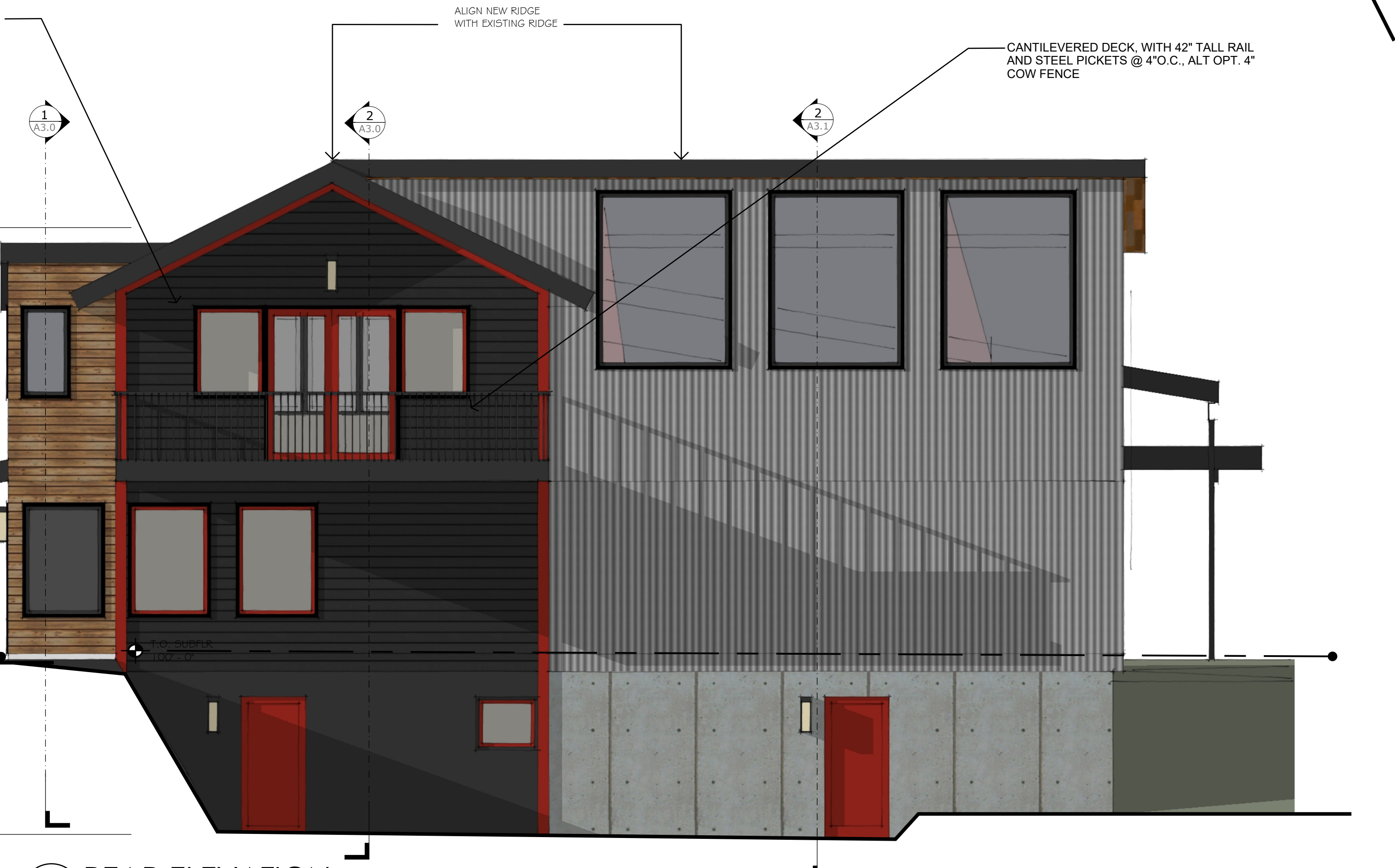
**1 FRONT ELEVATION**  
1/4" = 1'-0"



**2 SOUTH ELEVATION**  
1/4" = 1'-0"



**3 NORTH ELEVATION**  
1/4" = 1'-0"



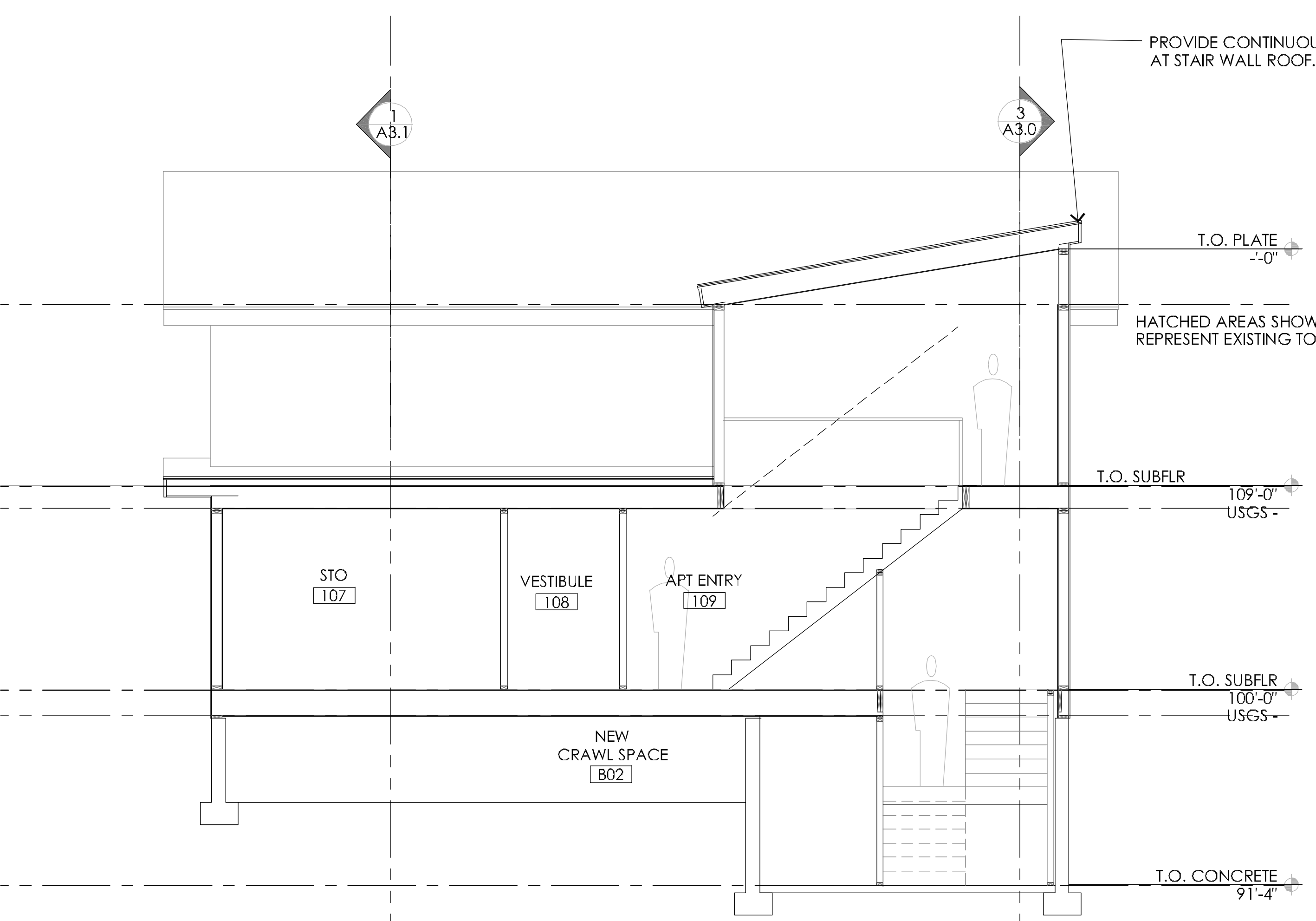
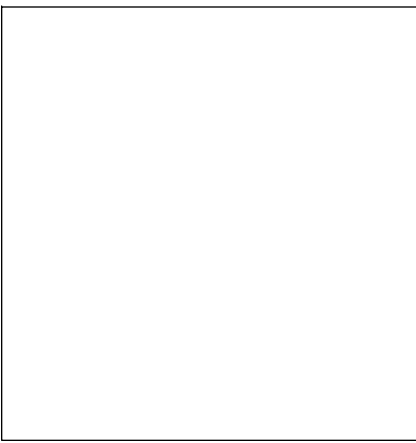
**4 REAR ELEVATION**  
1/4" = 1'-0"

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

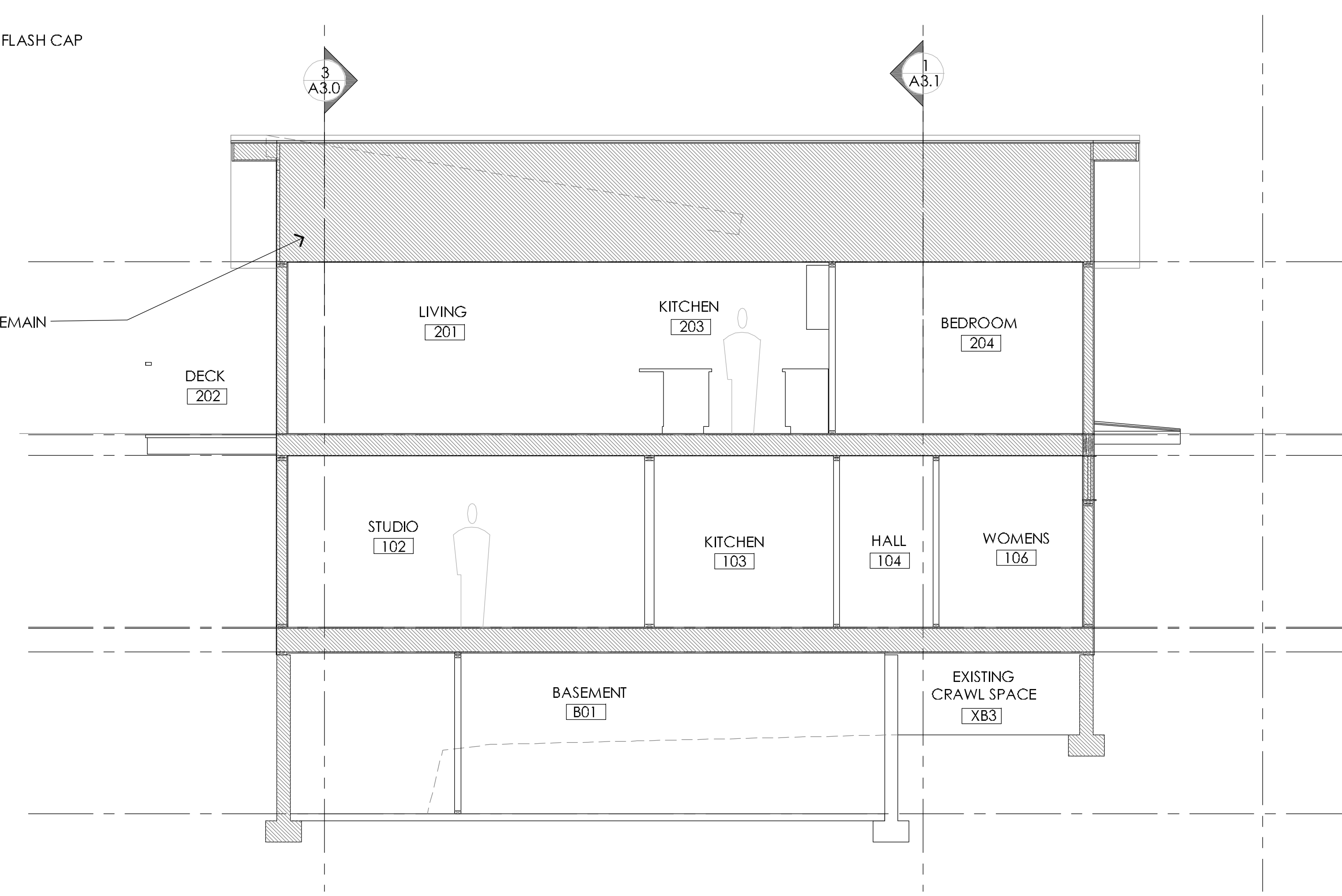
**Woody & Lynn Feiger**  
998 South Main Street  
Minturn, Colorado 81645

**PROJECT**  
The Station Gallery  
**PROJECT NO.**  
21\_WL-0001

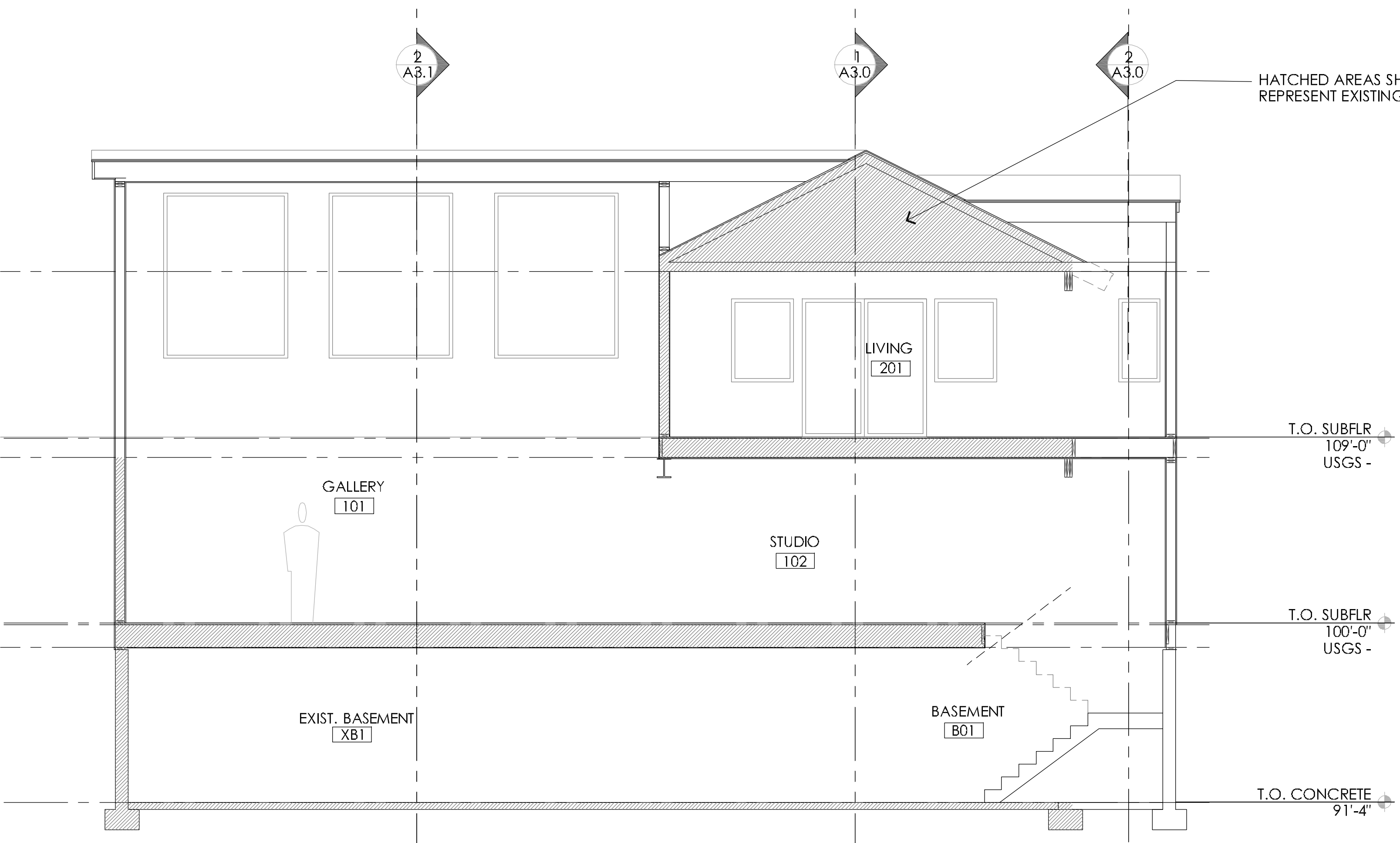
**ISSUE**  
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DRB Submittal



**2 SECTION AT BASEMENT STAIR**  
1/4" = 1'-0"



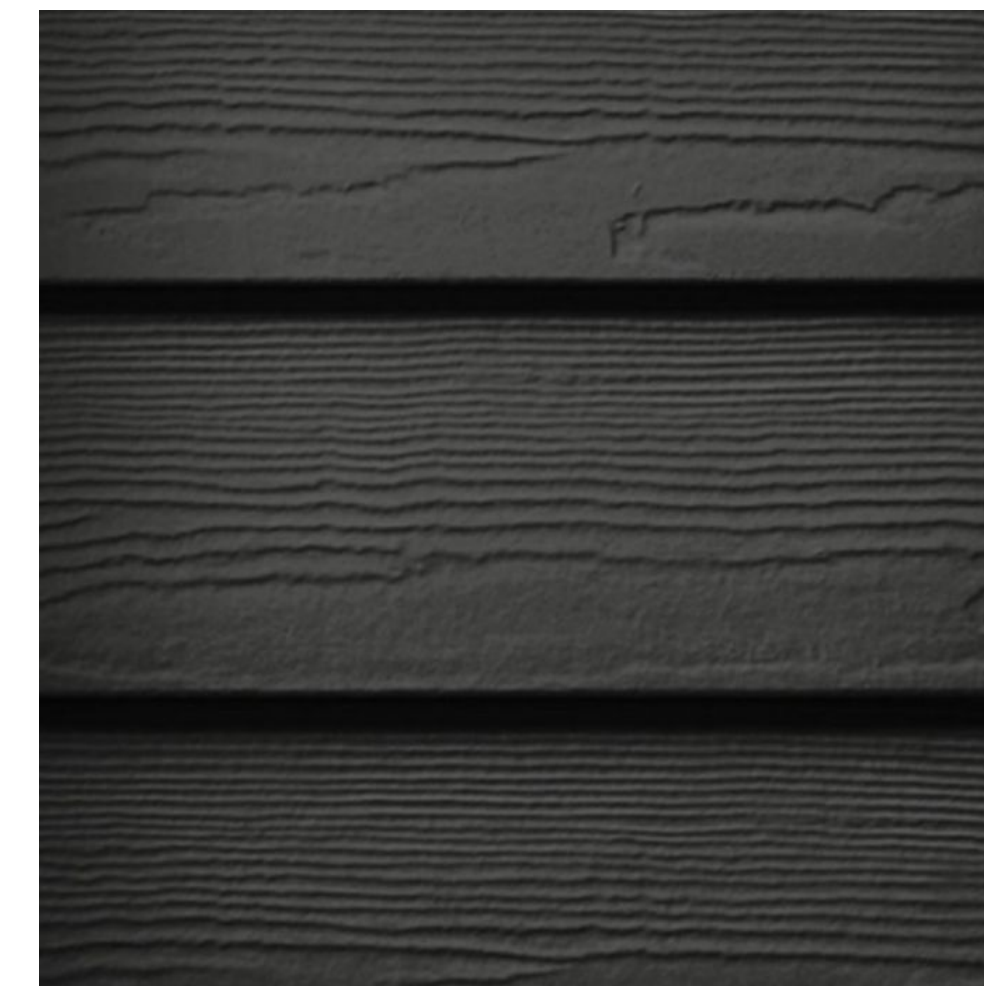
**1 SECTION AT ROOF STAIR**  
1/4" = 1'-0"



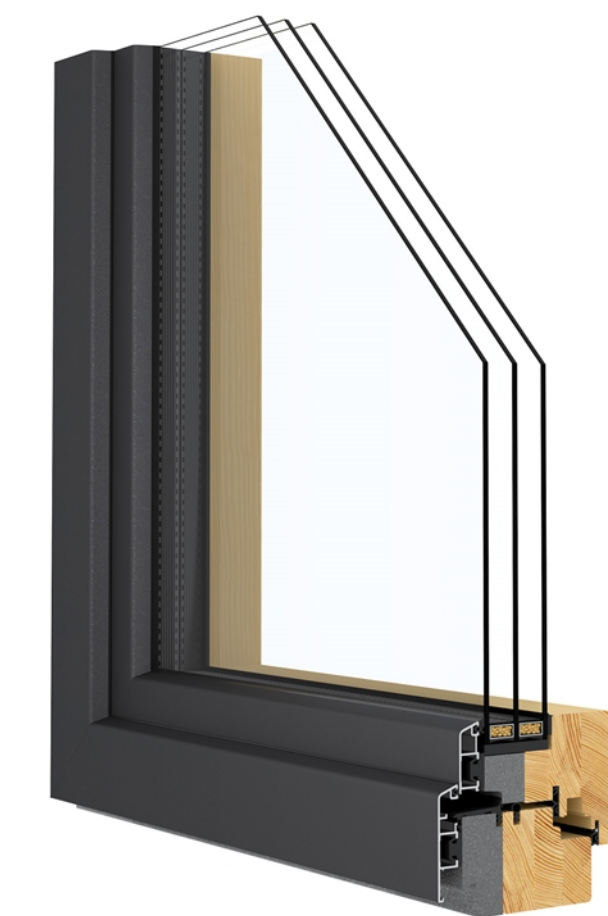
**3 SECTION AT LIVING**  
1/4" = 1'-0"



Standing Seam Metal Roof  
Black specified  
*Owner Option Grey*



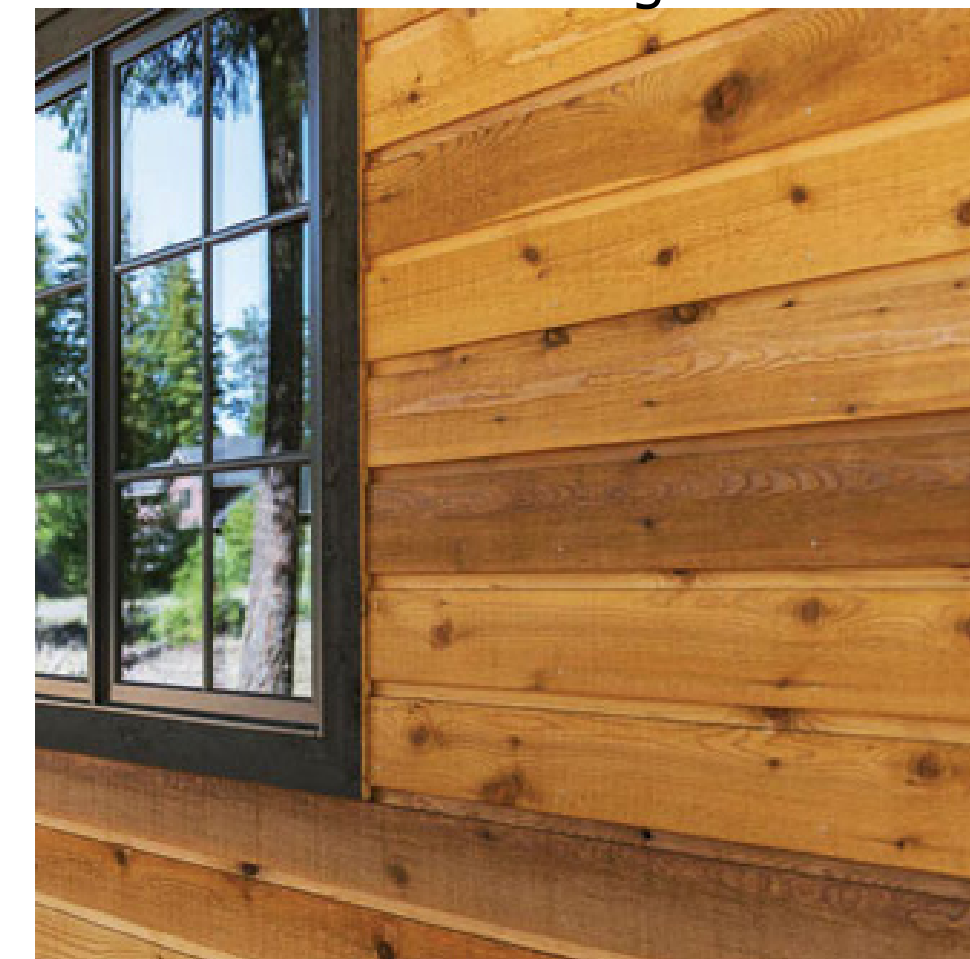
Hardi Plank 7" exp  
Iron Gray



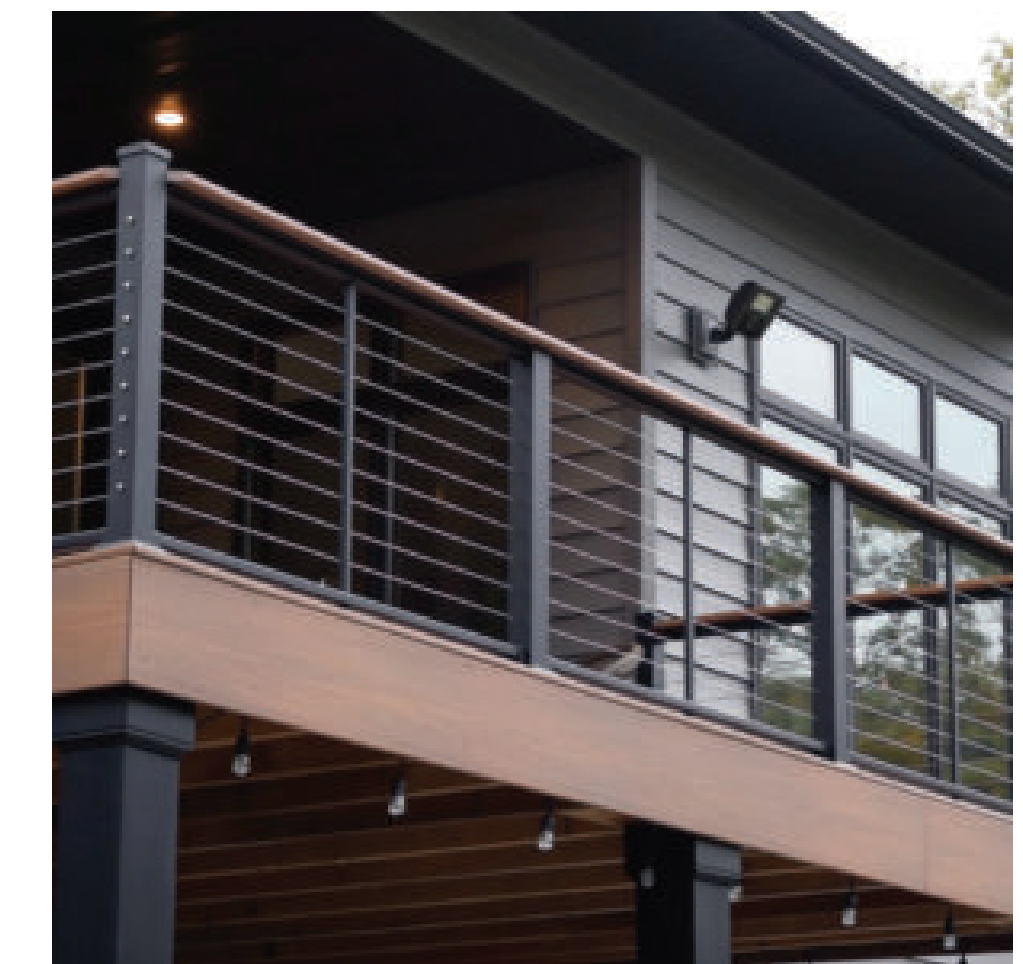
Pella Aluminum Clad Windows  
Iron Ore or Real Red, re: elevations.  
*Owner option to spec similar*



Hinkley Rook Exterior Sconce  
1788BZ-LL - BRONZE OUTDOOR WALL SCONCE  
6" X 20" EXTERIOR SCONCE  
DARK-SKY APPROVED, LED BULB



Clear Cedar  
Siding and Soffit



Cable Rail

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

**Woody & Lynn Feiger**  
998 South Main Street  
Minturn, Colorado 81645

**PROJECT**  
The Station Gallery  
**PROJECT NO.**  
21\_WL-0001

**ISSUE**  
26 May 2021  
**RELEASE**  
DRB Submittal

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



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

**To:** Planning Commission  
**From:** Scot Hunn, Planning Director  
Madison Harris, Planner I  
**Date:** June 3, 2021  
**Re:** 455 Main Street – Backcountry Wings Alteration to Exterior and Patio Addition

---

Sarah Biggs, Vice President of Backcountry Wings located at 455 Main Street, requests review of the addition of a patio space next to their building as well as the modification of the exterior to allow for a garage door type entry and exit point. This intent of this project, per the applicant's letter:

*“is to increase the seating capacity of Backcountry Wings as well as create an inviting outdoor space, as most restaurants in Minturn have, that will allow patron options when they come to our establishment and Minturn in general.”*

Their lot is zoned within the Old Town Character Area - Commercial Zone District. This project will not change their impervious surface area or their building coverage.

The patio is 15 feet by 15 feet and will be cordoned off with black patio fencing to the southeast of their building. Since they are not constructing anything, just delineating space, it can be removable for winter time, much like Magustos, and can revert back to parking. It will take up two current parking spaces, but the remainder of the parking on the lot should be maneuverable. The ADA access ramp from the sidewalk to the parking lot will remain clear and accessible and will not impede movement.

Parking is adequate, with eight spaces on the lot. The restaurant seats 51 people and the code requires a space for every six seats. The code also allows for part of their parking to be maintained on Highway 24, but they are showing all necessary parking on their lot.

Staff is recommending **approval without conditions**.



## DESIGN REVIEW APPLICATION

**TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT**  
 P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
 Phone: 970-827-5645 Fax: 970-827-5545 Email: [planner@minturn.org](mailto:planner@minturn.org)

<b>Project Name:</b>			
Backcountry Wings Patio/Garage Door			
<b>Project Location</b>			
Street Address: 455 Main Street, Minturn, CO 81645			
<b>Zoning:</b>		<b>Parcel Number(s):</b>	
Old Town Commercial		2013-263-15-032	
<b>Application Request:</b>			
To gain permission to cut a hole in the side of our building facing our parking lot, install a roll-up garage door and create a patio space within our designated lot.			
<b>Applicant:</b>			
Name: Golden Aspen Leaf Inc Clifford A Dorn III, President			
Mailing Address: PO Box 3998, Vail, CO 81658			
<b>Phone:</b>		<b>Email:</b>	
719-238-7071/970-748-6898		gourmetcowboy@comcast.net	
<b>Property Owner:</b>			
Name: 5-76-99 Holdings LLC/Rich Wilcox			
Mailing Address: PO Box 1336 Palmer Lake, CO 80133-1336			
<b>Phone:</b>		<b>Email:</b>	
303-996-0690		rich@panoramacommercialgroup.com	
<b>Required Information:</b>			
Lot Size: 10,018.8 sq ft	Type of Residence (Single Family, ADU, Duplex) <b>Commercial</b>	# of Bedrooms N/A	# On-site Parking Spaces 10 plus on street
# of Stories: 2	Snow storage sq ft: N/A	Building Footprint sq ft: <b>5,388 sq ft</b>	Total sq ft Impervious Surface: 4630 sq ft but this includes carwash
<b>Signature:</b>			
<span style="font-size: 1.2em; vertical-align: middle;">, Vice president</span> <span style="float: right; margin-left: 20px;">05/12/2021</span>			
<b>Fee Paid:</b> _____ <b>Date Received:</b> _____ <b>Planner:</b> _____			



PO Box 3998  
Vail, CO 81658  
May 22, 2021

Town of Minturn Planning Department  
Design Review Board

RE: Letter of Intent for Outdoor Patio Project

Good Afternoon Madison;

First, I would like to say thank you for taking the time to meet with me back in April and chat further about our intent to install a garage door & outdoor patio at Backcountry Wings/Gourmet Cowboy.

The intent of this project is to increase the seating capacity of Backcountry Wings as well as create an inviting outdoor space, as most restaurants in Minturn have, that will allow patrons options when they come to our establishment and Minturn in general.

Our vision is to install a 7'x8' roll-up garage door (like the one that Kirby Cosmo's has) on the South facing side of the building that will allow access to the patio directly from the inside of the restaurant. The patio will be within our parking lot lines and not exceed a 15'x15' footprint. It will be attractively outlined with plastic, black patio fencing (like that at Magusto's). We intend the patio to be seasonal and open once the weather gets nice enough and we will break it down mid-late October.

Since we are planning to use parking lot space to create the patio we do want to assure the Planning Department that we will still have ample parking based on our normal seating capacity of 59. Per our conversation, and based on our normal seating capacity, you had mentioned that we would need 10 parking spots total. Of those 50%, or 5, could be on Highway 24 per Minturn Town Code Section 16-16-60. This would leave the need for there to be five (5) within our designated parking lot, which will not be a problem even with taking up two for patio seating. (Please see lot layout within application packet).

Regarding the ADA ramp that is near the proposed door & patio, we will ensure that access to this ramp is still available and it is not blocked in any way, shape or form.

I do understand that this is the first of quite a few steps to accomplish before construction can begin but please know that we are here to answer any questions you or the DRB may have regarding this project. I thank you for your time and assistance with this project.

Sincerely,

Clifford A Dorn III (Kipper) & Sarah K Biggs  
Owners, Golden Aspen Leaf Inc

**\* Letter from  
Landlord**

**gourmetcowboy@comcast.net**

**From:** Rich Wilcox <Rich@panoramacommercialgroup.com>  
**Sent:** Friday, April 9, 2021 1:45 PM  
**To:** gourmetcowboy@comcast.net  
**Subject:** Re: Super Quick

**Flag Status:** Flagged

Sarah,

Per our earlier discussion the ownership of the building is granting you permission to extend the restaurant into a patio area outside as well as install garage style doors from the dining Room to the outside.

**Sincerely,**

Rich Wilcox

**Broker/Owner/Property Manager**

**Panorama Commercial Group**

**303-996-0690 Office**

**303-996-0645 Fax**

**rich@panoramacommercialgroup.com**

**www.panoramacommercialgroup.com**



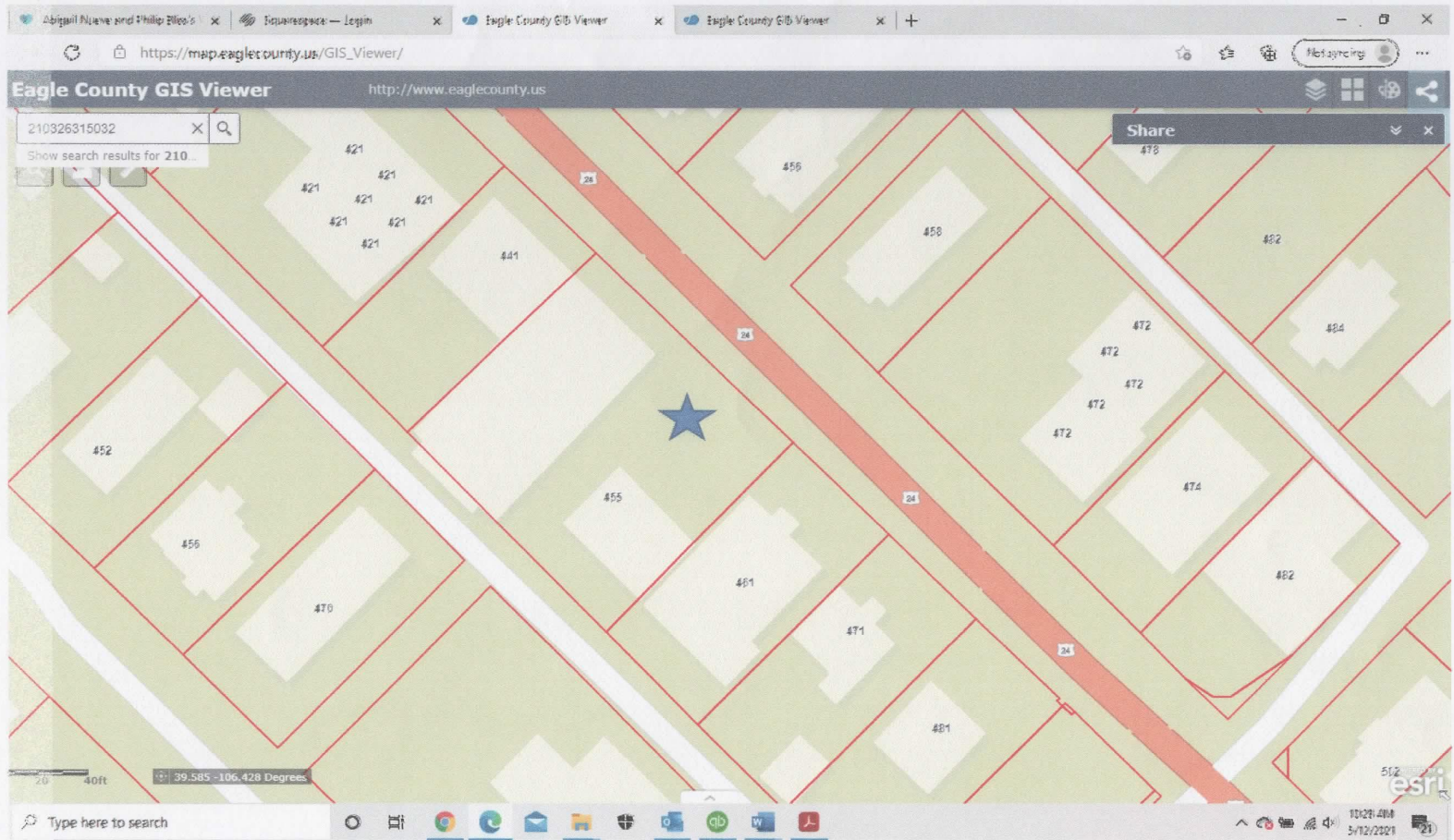
IF YOU HAVE AN IMMEDIATE MAINTENANCE ISSUE PLEASE CONTACT THE OFFICE AT **303-996-0690**

**CONFIDENTIALITY NOTICE: This e-mail, including any attachments, contains information intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential or is otherwise protected by law. If you are not the intended recipient or agent or an employee responsible for delivering the communication to the intended recipient, you are hereby notified that any review, use, disclosure, copying and/or distribution of its contents is prohibited. If you have received this e-mail in error, please notify us immediately by reply to sender only and destroy the original. In addition, all content and other reference data is for informational purposes only, this information should not be considered complete, up to date, and is not intended to be used in place of a visit, consultation, or advice of a legal, medical, or any other professional.**

---

**From:** gourmetcowboy@comcast.net <gourmetcowboy@comcast.net>  
**Sent:** Friday, April 9, 2021 12:54:03 PM  
**To:** Rich Wilcox <Rich@panoramacommercialgroup.com>  
**Subject:** Super Quick



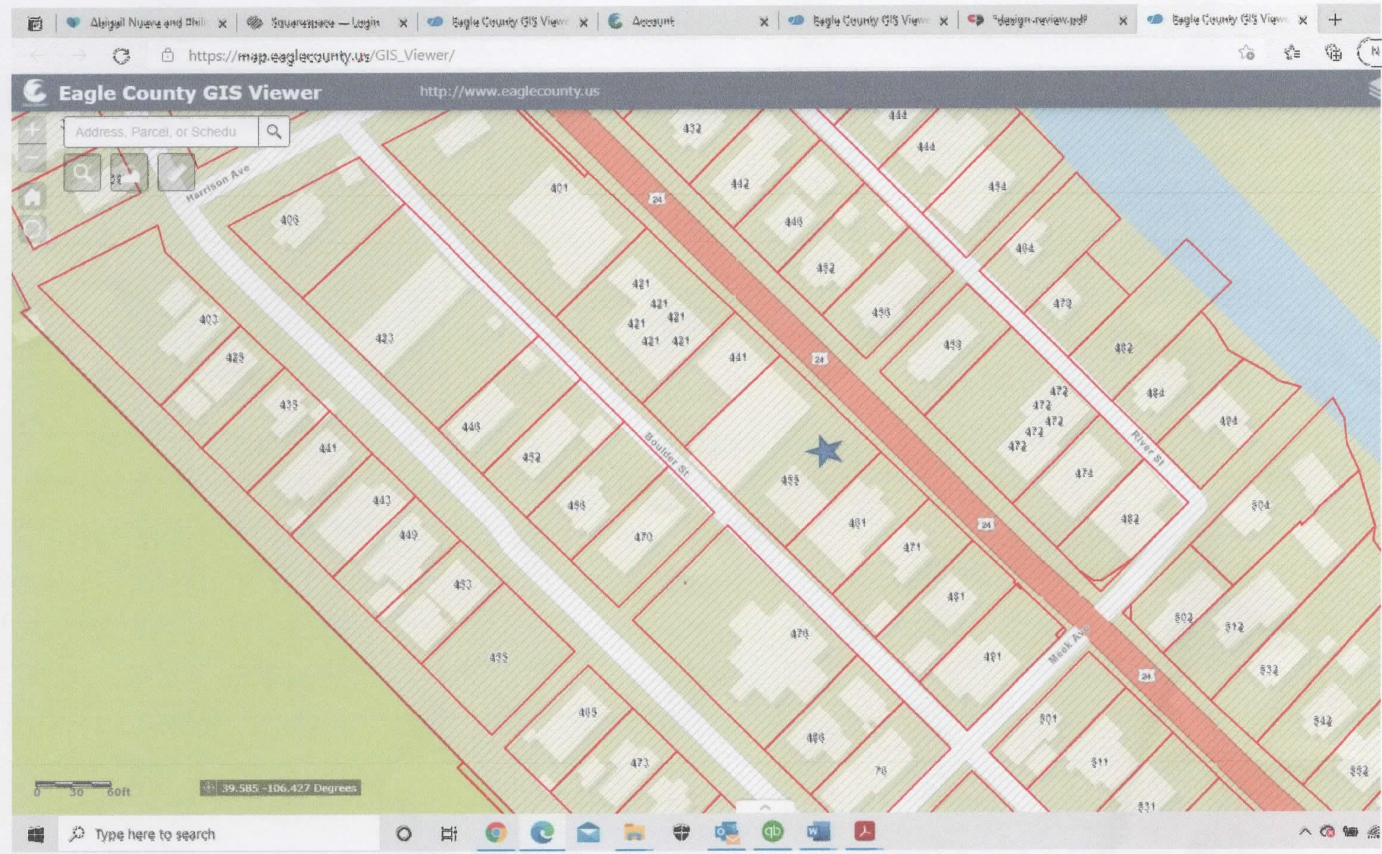


★ Parcel # 2013-263-15-032 / Gourmet Cowboy & Backcountry Wings

Zoning Map with Lot Lines – From Eagle County Website

- Zoning
  -  Agricultural Limited
  -  Agricultural Residential
  -  Commercial General
  -  Commercial Limited
  -  Industrial
  -  Planned Unit Development
  -  Residential Suburban Low Density
  -  Residential Suburban Medium Density
  -  Residential Multi-Family
  -  Resource
  -  Resource Limited
  -  Resource Preservation
  -  Rural Center
  -  Rural Residential
  -  Backcountry
  -  Fulford Historic District
  -  Town Boundary

★ Gourmet Cowboy/Backcountry Wings



**Account: R054979**

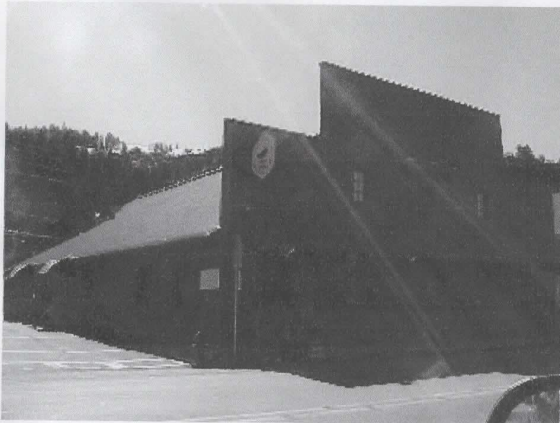
<u>Location</u>	<u>Owner Information</u>	<u>Assessment History</u>				
<b>Situs Address</b> 000455 MAIN ST	<b>Owner Name</b> 5-76-99 HOLDINGS LLC	<b>Actual (2021)</b>				\$697,190
<b>Tax Area</b> 024 - MINTURN (TOWN) - 024	<b>Owner Address</b> PO BOX 1336 PALMER LAKE, CO 80133-1336	<b>Assessed</b>				\$202,190
<b>Parcel Number</b> 2103-263-15-032		<b>Tax Area: 024 Mill Levy: 71.7740</b>				
<b>Legal Summary</b> Subdivision: BALDAUF ADDITION Block: 1 Lot: 7 AND:- Lot: 8		<b>Type</b>	<b>Actual</b>	<b>Assessed</b>	<b>Acres</b>	<b>SQFT</b>
		Improvements	\$442,190	\$128,240	0.000	4722.000
		Land	\$255,000	\$73,950	0.230	0.000

**Transfers**

<u>Sale Date</u>	<u>Sale Price</u>	<u>Doc Description</u>
<u>02/04/2005</u>	<u>\$890,000</u>	<u>PLAT</u>
<u>02/04/2005</u>		<u>WARRANTY DEED</u>
		<u>SPECIAL WARRANTY DEED</u>

**Images**

- [Photo](#)
- [Sketch](#)
- [GIS](#)



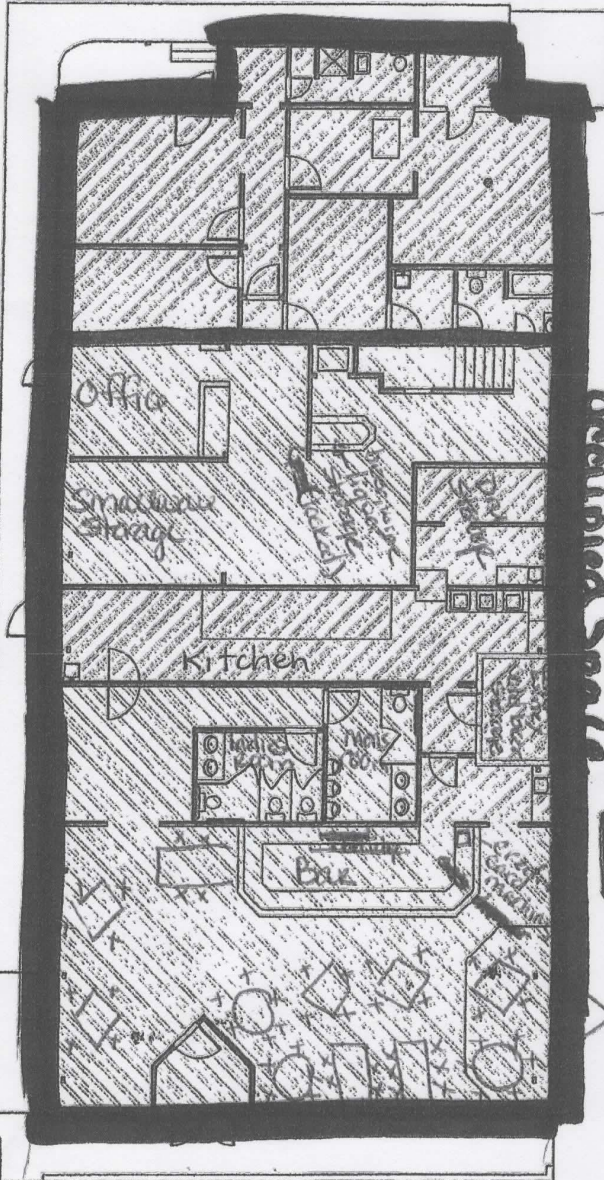
**455 Main Street  
Minturn, Colorado**

Approx. Area  
1,230 Sq. Ft.

Approx. Area  
943 Sq. Ft.

Approx. Area  
760 Sq. Ft.

Approx. Area  
1,751 Sq. Ft.



Storage only

Occupied Space

**VAG inc**  
architects and planners



Squares, Circles, rectangles with X's represent quest tables + quest seating

**Square Footage Summary**

All Figures Approximate

Total Gross sq. ft.

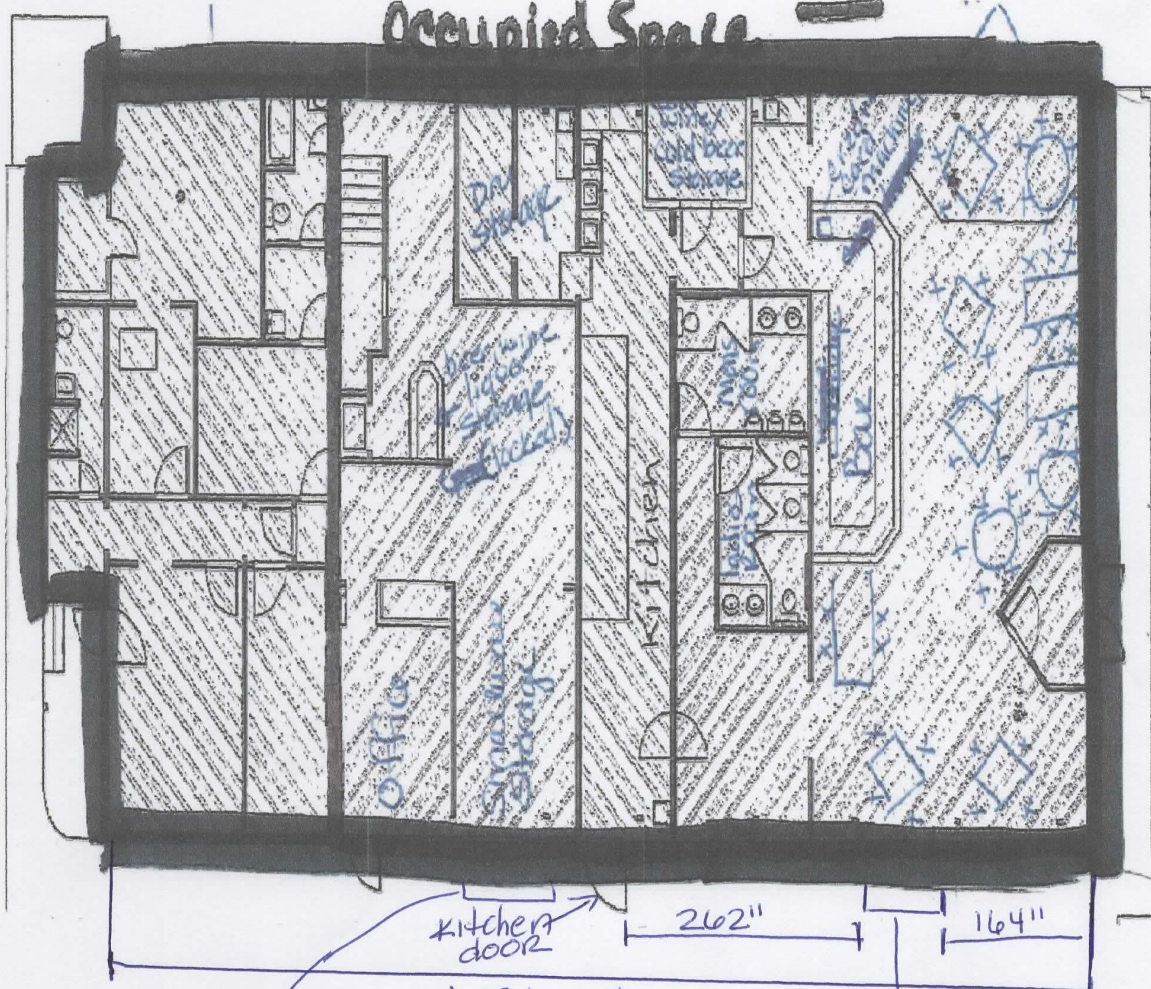
- Main level floor plan = 4,684 sq. ft.
- Upper level floor plan = 624 sq. ft.
- Lower level floor plan = 80 sq. ft.
- Total = 5,388 sq. ft.

© 2000 VAG inc architect & planners

455 Main Street

↑  
TO 170

Occupied Space



↑  
Highway 24

existing garage door 1,121 inches 93'5"  
kitchen door 262"  
Proposed garage door 96" wide 164"

↓  
TO Redcliff



Existing outside  
of building

### **DOOR APPEARANCE & SPECIFICATIONS**

Door will be from Bailey's Garage Door in New Castle, CO. They will also install the door once we obtain the necessary permitting.

While our door will be powder coated in black the following photo is an example of what it will look like.



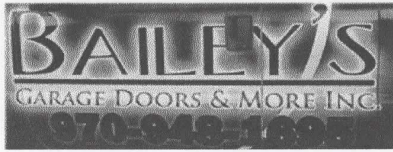
It will provide an egress to the outdoor patio area.

Please see Bailey's Garage Door Estimate for specifications of door.

### **PATIO FENCING**

The following is an example of what the patio fencing will look like. It will go around the entire patio abutting the outer building walls on either side.





Bailey's Garage Doors & More Inc.  
 PO Box 211  
 New Castle, CO 81647  
 970-948-1695  
 bgdandmore@comcast.net

Estimate 8393991  
 Job  
 Estimate Date 3/26/2021

**Billing Address**  
 Gourmet Cowboy  
 455 Main Street  
 Minturn, CO 81645 USA

**Job Address**  
 Gourmet Cowboy  
 455 Main Street  
 Minturn, CO 81645 USA

**Estimate Details**

Provide and install new full view door and opener.

Task #	Description	Quantity	Your Price	Your Total
Single Residential Install	Installation labor for single car residential garage door.	1.00	\$550.00	\$550.00
3120H 7'	Genie 3120H belt drive operator with photo eyes, wifi, wall button and 1 transmitter.	1.00	\$346.00	\$346.00

**Materials**

Material Description	Quantity	Your Price	Your Total
Materials Wayne Dalton model 452 Full view aluminum door. Clear annealed 1/2" insulated glass throughout. Door to be powder coated in Black and installed on standard 2" angle mount tracks in 12" radius. with struts as required by manufacturer.	1.00	\$2,688.00	\$2,688.00

<b>Potential Savings</b>	\$0.00
<b>Sub-Total</b>	\$3,584.00
<b>Tax</b>	\$0.00
<b>Total</b>	\$3,584.00
<b>Est. Financing</b>	\$54.48

Thank You for choosing us.

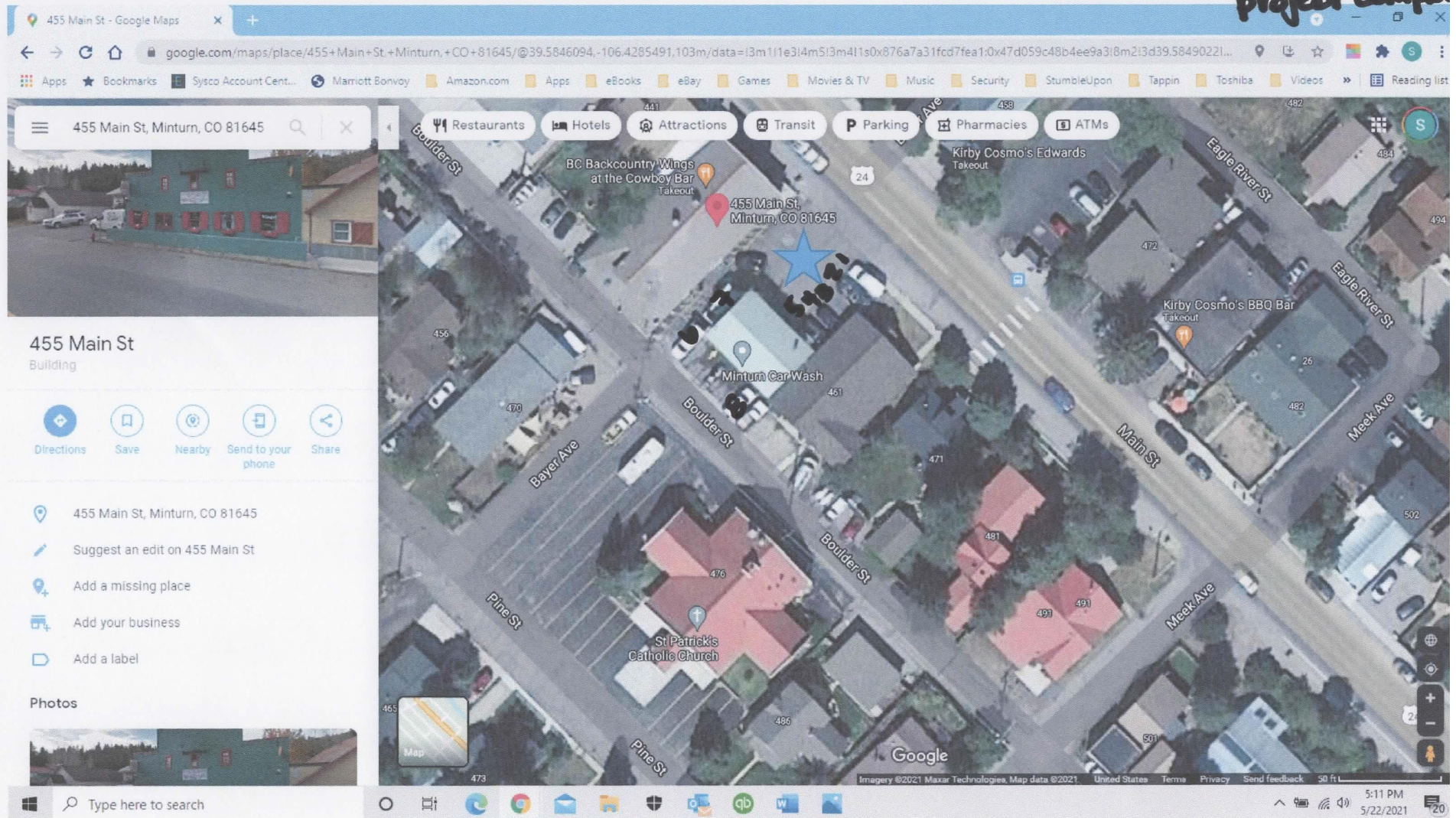
Customer agrees to pay us today for all work performed after 30 days a finance charge of 3% per month will be charged for all late payments. Collection fees including attorneys fees and court costs shall be added to the service fees. If invoice is not paid we reserve the right to reclaim the above items and collect all labor involved in original bill and removal of goods.




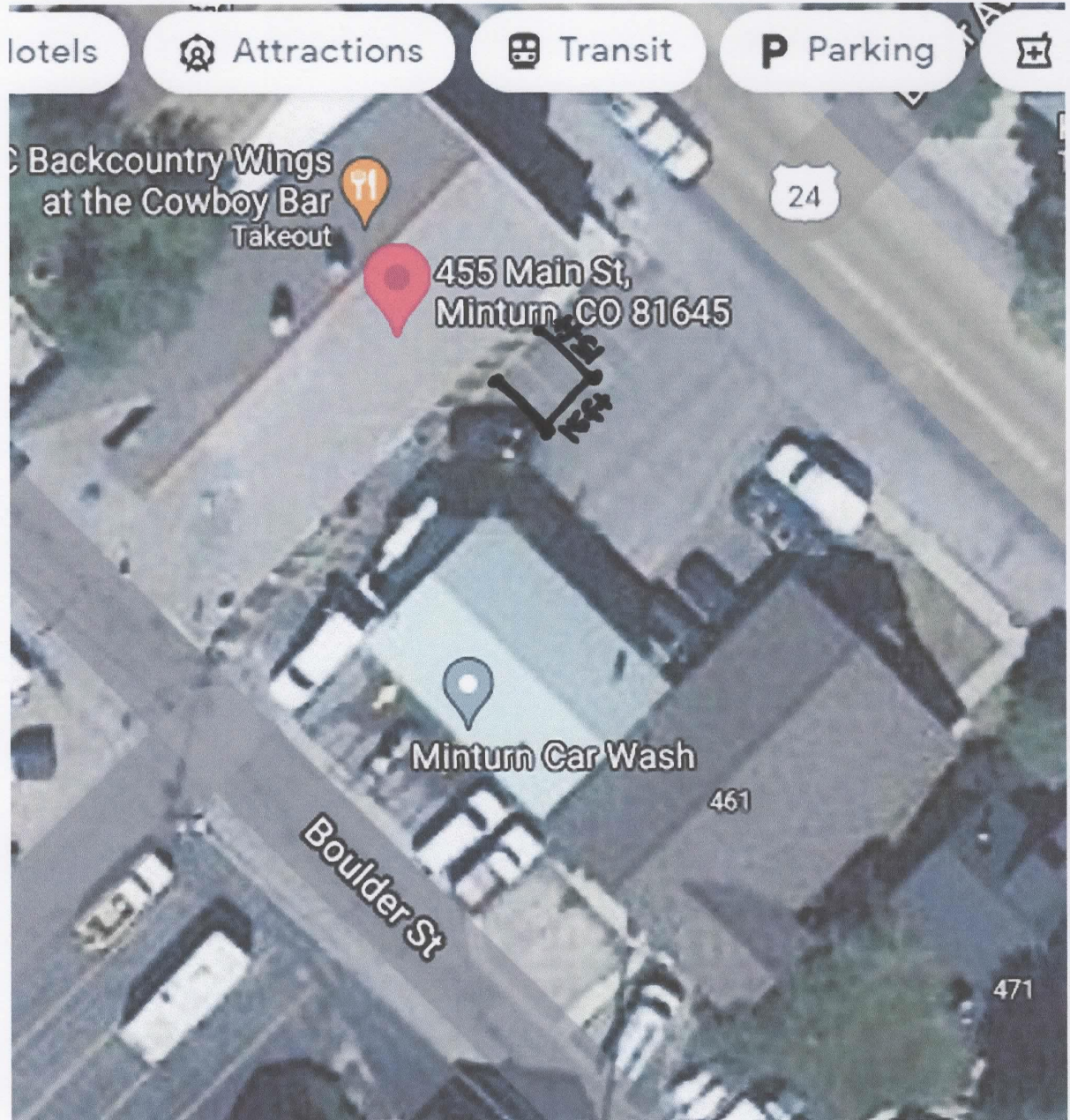


# Plenty of parking spots

[I numbered 8 that will remain once project complete]



 Aerial view of 455 Main St that shows 5 parking spots within lot to accompany spots on Highway 24. These spots border the church lot on the south side of the parking lot in-front of the carwash



Location of patio  
within lot.

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



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

**To:** Planning Commission  
**From:** Scot Hunn, Planning Director  
Madison Harris, Planner I  
**Date:** June 18, 2021  
**Re:** 152 Main Street – Agora Addition

---

Doug McAvity and Allie Yazel, with permission from Larry Stone, owner of 152 Main Street, request review of the addition of an open structure next to Helen’s House located within the driveway. This intent of this project, per the applicant’s application:

*“The Town of Minturn and State of Colorado offered resources for outdoor dining to restaurants seeking financial support in an effort to improve economic conditions... Larry Stone and Jane Rohr... offered their property for the local restaurants at no cost to support the economic benefits of the community.”*

Their lot is zoned within the Old Town Character Area - 100 Block Commercial Zone District. This project will not change their impervious surface area or their building coverage.

The agora is 30 feet by 22 feet and will have an entrance off of Highway 24 consisting of scaffolding. They have billboard signs that are used as awnings over the site and can be retracted when not in use. It will take up the driveway for the lot, but the remainder of the parking on the lot in the back should be adequate. There was miscommunication between what staff believed was being built, and what was actually built, so staff asked the Applicant to come before the Planning Commission for approval.

Staff is recommending **approval with conditions**.

1. A parking plan should be provided showing the remaining parking spots on the lot in order to adequately assess that enough parking is provided for the short term rental.
2. There should be signage and/or some evidence that someone is responsible for making sure that all trash is gathered at the end of the night and located within the bear-proof trash container
3. The Applicant shall comply with all ordinances of the Town especially concerning hours of operation and noise levels.
4. The Applicant will follow through with the building permit and inspection process



# DESIGN REVIEW APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT  
P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309  
Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

**Project Name:**

the agora - an outdoor community gathering space for dining and social therapy

**Project Location**

Street Address: 152 Main Street

Zoning: **Residential**

Parcel Number(s): Booco Block C Lot 7

**Application Request:**

The Town Of Minturn and State of Colorado offered resources for outdoor dining to restraunts seeking financial support in an effort to improve economic conditions. Sunrise/Moonrise advised looked for a space. Larry Stone and Jane Rohr owners of 152 Main Street offered their property for the local restraunts, at no cost to support the economic benefits of the community.

**Applicant:**

Name: Sunrise Minturn / Moonrise Minturn Owners - Allie Yazel and Doug McAvity

Mailing Address: Sunrise  
PO Box 1285  
Minturn, CO 81645-1285

Phone: **815-900-0016**

Email: allie@powderdaycreative.com

**Property Owner:**

Name: **Larry Stone and Jane Rohr**

Mailing Address: P.O. Box 0563  
Minturn, CO 81645-0579

Phone: **970-977-7847 970-376-3940**

Email: larry@thescarab.com jane@thescarab.com

**Required Information:**

Lot Size: 5924.16 sq ft.	Type of Residence (Single Family, ADU, Duplex) <b>single family</b>	# of Bedrooms <b>4</b>	# On-site Parking Spaces <b>3</b>
# of Stories: <b>2</b>	Snow storage sq ft: <b>1000</b>	Building Footprint sq ft: <b>1637.25</b>	Total sq ft Impervious Surface: <b>1986.25</b>

**Signature:**

Fee Paid: \$200 Date Received: 6/10/21 Planner: Madison Harris

# Property Record Card

Eagle County

**STONE, LARRY D., JR -  
ROHR, JANE C.**

**Account: R003170**

**Parcel: 2103-263-07-006**

PO BOX 563  
MINTURN, CO 81645-0563

Tax Area: 024 - MINTURN (TOWN)  
- 024

Situs Address:  
152 MAIN ST  
MINTURN AREA, 0

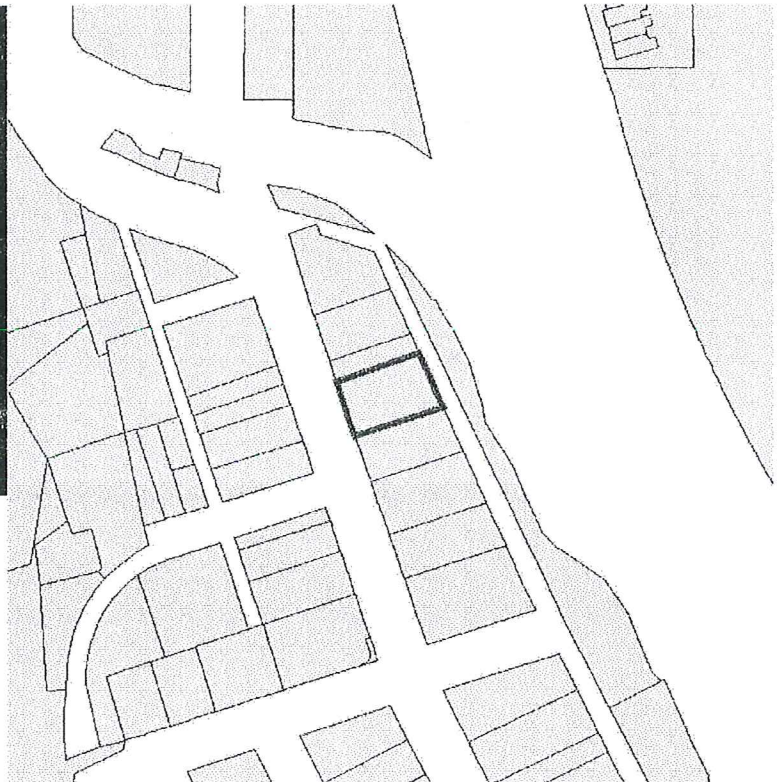
Acres: 0.136

## Value Summary

Value By:	Market	Override
Land (1)	\$255,710	N/A
Single Family Residence (1)	\$361,080	N/A
Extra Feature (1)	\$570	N/A
<b>Total</b>	<b>\$617,360</b>	<b>\$617,360</b>

## Legal Description

Subdivision: BOOCO Block: C Lot: 7 THRU:- Lot: 9 1/2 OF  
 BK-0212 PG-0826 WD 05-10-68  
 BK-0212 PG-0827 WD 05-10-68  
 BK-0212 PG-0828 WD 05-22-68  
 BK-0574 PG-0503 DC 08-22-91



## Sale Data

Doc. #	Sale Date	Deed Type	Validity	Verified	Sale Price	Ratio	Adj. Price	Ratio	Time Adj. Price	Ratio
899967	12/06/2004	WD	QV	Y	\$410,000	150.58	\$410,000	150.58	\$410,000	150.58

## Land Occurrence 1

Abstract Code	1112 - SINGLE FAM.RES.-LAND	Percentage	100.0
Use Code	1000 - RESIDENTIAL	Neighborhood	318 - MINTURN MIX USE N OF MEEK AVE
Land Code	7355 - MINTURN	Super Neighborhood	300 - MINTURN / REDCLIFF
Size	0.136		

SubArea	ACTUAL	EFFECTIVE	HEATED	FOOTPRINT
Land S	5924			
Total	5,924.00			
	Value	Rate	Rate	Rate

# Property Record Card

## Eagle County

### Land Occurrence 1

\$255,710                      43.17

### Single Family Residence Occurrence 1

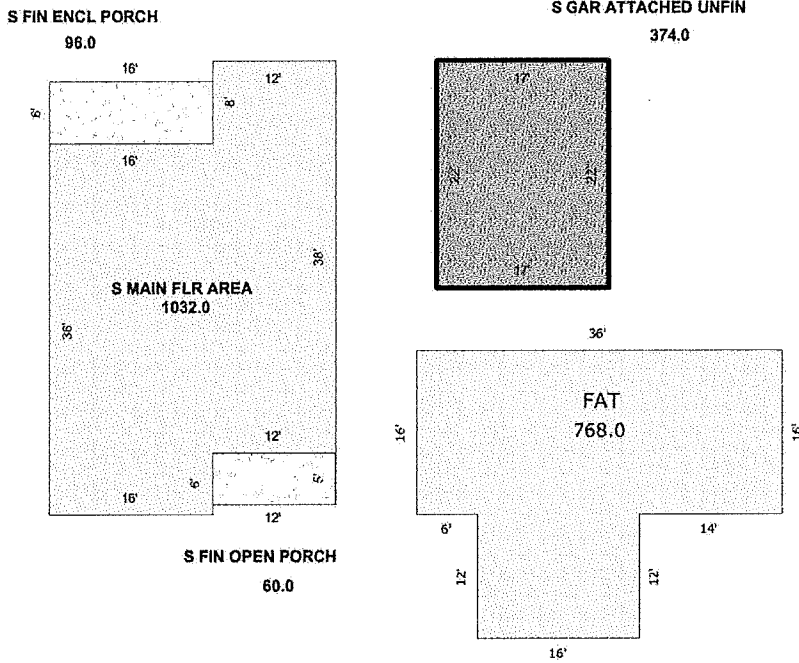
Abstract Code	1212 - SINGLE FAM.RES-IMPROVEMTS	Percentage	100.0
Use Code	1000 - RESIDENTIAL	Neighborhood	318 - MINTURN MIX USE N OF MEEK AVE
Building Type	121200 - SFR	Arch Style	2 - 1 1/2 STY
Exterior Wall	8 - WD SID LOW	Percentage	100.0
Roof Cover	6 - ASP SHINGL	Roof Structure	3 - GABLE/HIP
Interior Wall	5 - DRYWALL	Percentage	100.0
Floor	8 - SHT VINYL 14 - CARPET INV	Percentage	20.0 80.0
Heating Fuel	3 - GAS	Heating Type	14 - WL/FLR FRN
Air Conditioning	1 - NONE	Actual Year Built	1881
Bedrooms	4	Bathrooms	1
Construction Quality	3 - FAIR	Effective Year Built	1970
Fixtures	6	Rooms	8
Units	1	Units	1
Super Neighborhood	300 - MINTURN / REDCLIFF	Stories	1.5 - STORIES 1.5
Use Code	1000 - RESIDENTIAL	Garage	1.5 - GARAGE 351-500

SubArea	ACTUAL	EFFECTIVE	HEATED	FOOTPRINT
BAS	1032.0	1032.0	1032.0	1032.0
FAT	768.0	345.6	768.0	768.0
FEP	96.0	48.0	96.0	96.0
FOP	60.0	18.0		60.0
GAU	374.0			374.0
Total	2,330.00	1,443.60	1,896.00	2,330.00
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$361,080	154.97	190.44	154.97

# Property Record Card

Eagle County

## Single Family Residence Occurrence 1



Drawn by AutoMap

## Extra Feature Occurrence 1

XFOB Code	103 - SHED F	Abstract Code	1212 - SINGLE FAM.RES-IMPROVEMTS
Percentage	100	Use Code	1000 - RESIDENTIAL
Neighborhood	318 - MINTURN MIX USE N OF MEEK AVE	Building Number	0

SubArea	ACTUAL	EFFECTIVE	HEATED	FOOTPRINT
XFOB Units	204			
Total	204.00			
	Value	Rate	Rate	Rate
	\$570	2.79		

## Abstract Summary

Code	Classification	Actual Value	Taxable Value	Actual Override	Taxable Override
1112	SINGLE FAM.RES.-LAND	\$255,710	\$18,280	NA	NA
1212	SINGLE FAM.RES-IMPROVEMTS	\$361,650	\$25,860	NA	NA
<b>Total</b>		<b>\$617,360</b>	<b>\$44,140</b>	<b>NA</b>	<b>NA</b>



# Improvement Location Certificate

**Legal description:**

**Lots 7, 8 and the West Half of Lot 9, Block Lettered "C" in Booco's Addition to the Town of Minturn, according to the recorded plat thereof, Eagle County, Colorado.**

I hereby certify that this IMPROVEMENT LOCATION CERTIFICATE was prepared for Aurora Loan Services and Land Title Guarantee Co., that it 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.

I further certify that the improvements on the above described parcel on this date, October 27, 2004, except 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 that there are no apparent evidence of any easement crossing or burdening any part of said parcel, except as noted.

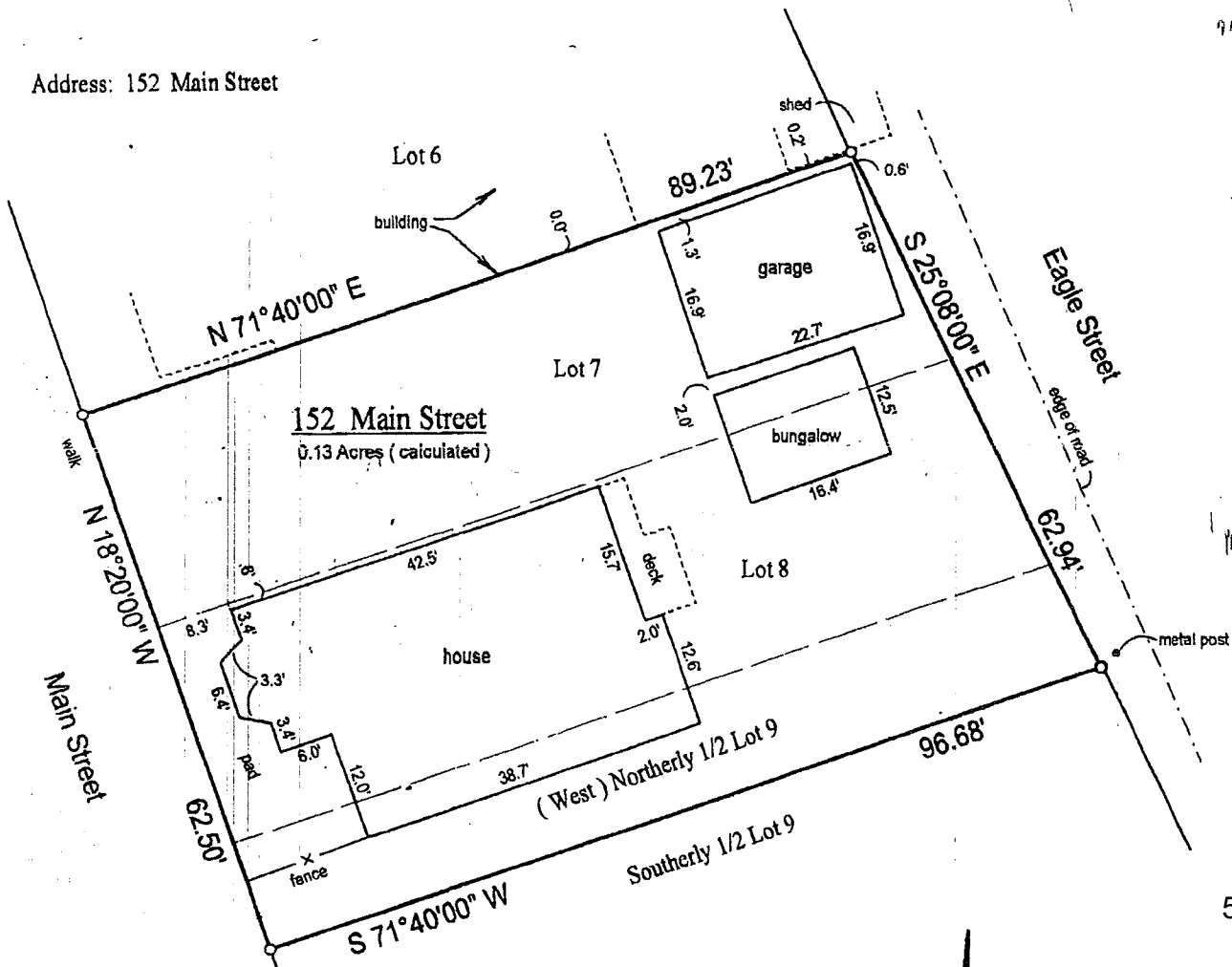
10.27.2004  
Date



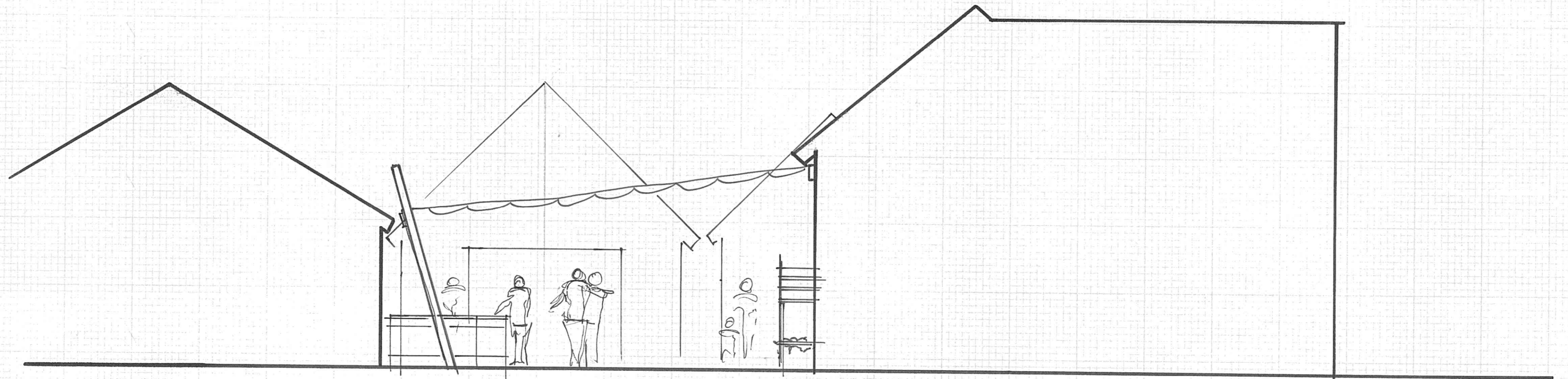
**Notes:**

Recorded information and the legal description was provided by Land Title Guarantee Co.. Those easements listed on Commitment No. V50007339-2 that lie within the subject property and are described in a way that allows them to be drawn, are shown on the drawing.  
Item 12 of Schedule B-2 of said commitment does not lie in this Block C and does not affect this parcel.

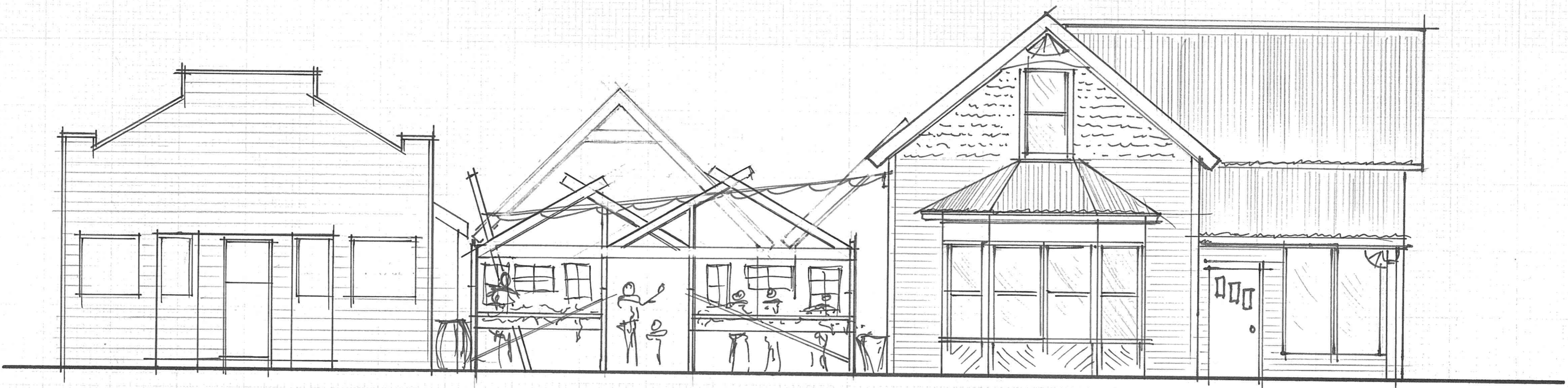
Address: 152 Main Street



<b>Total Lot Square Footage</b>	5924.16
<b>House Square Footage</b>	1048.62
<b>Garage</b>	383.63
<b>Bungalow</b>	205
<b>Patio and hot tub</b>	193
<b>front &amp; back porch</b>	156
<b>Total Impervious Square Footage</b>	1986.25



SECTION

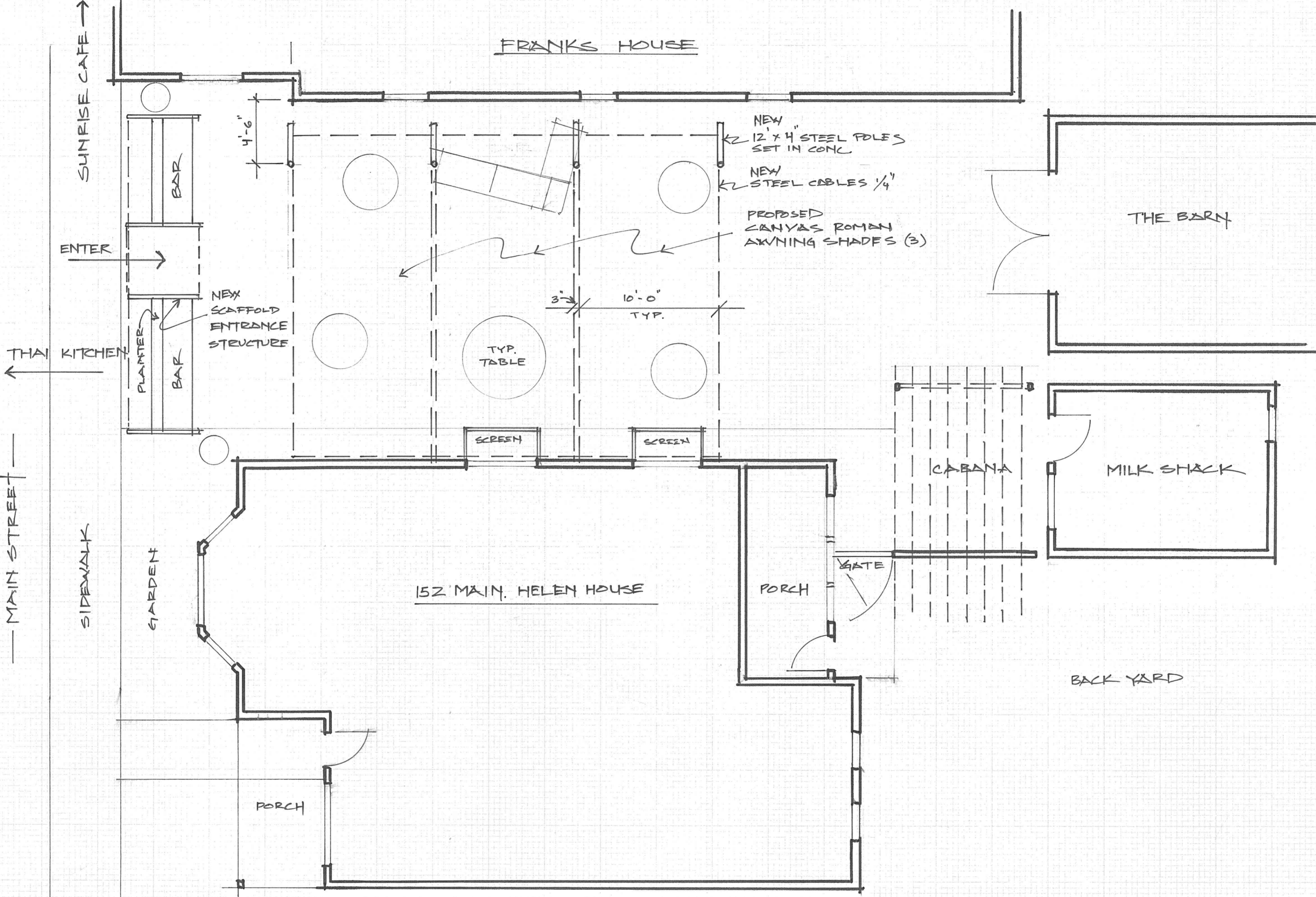


ELEVATION STREET

SCALE 1/4" = 1'-0"

152 MAIN ST : LOTS 7, 8, & 1/2 OF 9 ; BLOCK C : SUB: B0000  
 MINTURN, CO. 81645 (DATE: MARCH 4 2021)  
 DESIGNED BY: KELLY TAON MINTURN CO.

FRANKS HOUSE



SITE PLAN



SCALE 1/4" = 1'-0"

152 MAIN ST. : LOTS 7, 8, & 1/2 OF 9 ; BLOCK C ; SUB: BOOCO MINTURN, CO. 81645 DATE: MARCH 4 2021

DESIGNED BY: KELLY TOON MINTURN CO.



To: Mayor and Council  
From: Jay Brunvand  
Date: July 7, 2021  
Agenda Item: Minturn Water Update

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**REQUEST:**  
Update and discussion only.

**INTRODUCTION:**  
Staff and consultants will provide an update on progress made under the amended 2021 Water Infrastructure CIP as well as provide initial findings from the research conducted on the Eagle River wellfield.

**ANALYSIS:**  
In 2019 the community and Council conducted extensive water-related public discussions pertaining to the Town's water infrastructure, volumetric limitations and legal issues. This information is the first of a two-part series to provide an update on all three water-related issues.

**COMMUNITY INPUT:** Ongoing

**BUDGET / STAFF IMPACT:** TBD

**STRATEGIC PLAN ALIGNMENT:**

- Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “keep Minturn Minturn”
- Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn
- Practice fair, transparent and communicative local government

**RECOMMENDED ACTION OR PROPOSED MOTION:** N/A

**ATTACHMENTS:**

- Memo-SGM Water Quality and Well Site Summary
- Memo-Principia Town of Minturn Supplemental Water Supply



## MEMORANDUM

**TO:** Michelle Metteer  
**FROM:** Ryan Gordon  
**DATE:** June 13, 2021  
**RE:** Water Quality and Well Site Summary

Michelle,

This memorandum summarizes the water quality task and investigative effort to date on the wells.

The Town's Eagle River well field is located along the Eagle River south of Minturn. The well field is immediately adjacent to the Eagle Mine tailings piles and reclamation site. The reclamation site has a significant contaminated groundwater plume located between the site and the west bank of the Eagle River. Over the years, the reclamation site has tried to contain and treat the contamination by consolidating the tailings, constructing various ditches to prevent surface water from the contamination, drilling groundwater wells and constructing a wastewater treatment facility to treat the contaminated groundwater and surface water. According to the consultants working at and in support of the Eagle Mine reclamation site, they have indicated that the plume has continued to migrate towards the river and towards the north.

### **Water Quality**

From May 2020 through May 2021, water samples were taken from sites along the Eagle River within the Town's Well Field No. 2 to ascertain if the water can be used to supplement the Town's current raw water sources to serve the Town. Colorado Department of Public Health and Environment (CDPHE) requires that new water sources are tested for parameters listed in *Regulation No. 11- Colorado Primary Drinking Water Regulations* as well as specific parameters based on the anticipated water treatment process as specified in *Design Criteria for Potable Water Systems*. Along with the parameters required by CDPHE, a set of additional parameters were identified that are critical to the design and sizing of membrane filters (likely filtration type to be selected) and pre-treatment components of the future treatment plant.

Three surface water locations (SW 1, SW 2 and SW 3) and one groundwater source (MW3) were sampled; see attached "Eagle River Water Quality Sampling Location" map for sampling point locations. The CDPHE/Regulation 11 parameters were sampled on a quarterly basis and the additional parameters were sampled approximately monthly.

Table 1 provides a summary of the standard water quality data (turbidity, temperature, conductivity, and pH) and includes results that were above the detection limit for the specific analyte. Many of Regulation 11 parameters were below the detection limit and are not listed. A full list of the parameters sampled is attached to this memorandum.

Table 1: Water Quality Results					
Parameter	MCL (mg/l)	Sample Site			
		MW3	SW1	SW2	SW3
Turbidity (NTU)		1.25 to 883	0.23 to 7.11	1.5 to 10.5	1.57 to 8.35
Temperature (deg C)		6.1 to 12.54	0 to 16.28	0 to 16.8	0 to 17.02
Conductivity (uS/cm)		0.21 to 0.91	0.119 to 0.232	0.12 to 0.82	0.119 to 2.11
pH		5.6 to 7.25	7.2 to 8.4	6.98 to 8.63	7.07 to 9
Bicarbonate (mg/l)		66 to 127.2	42.6 to 78.3	0.04 to 0.29	44.8 to 79.2
Chloride (mg/l)	250 <sup>2</sup>	1.1 to 27.4	0.6 to 2.2	0.6 to 3.9	0.6 to 3.9
Nitrate Nitrogen (mg/l)	10 <sup>1</sup>	0.14 to 0.37	0.05 to 0.13	0.05 to 0.17	0.05 to 0.13
Nitrite Nitrogen (mg/l)	1 <sup>1</sup>	ND	ND	ND to 0.07	ND
Sulfate (mg/l)	250 <sup>2</sup>	12 to 59.4	5.1 to 11.1	5.9 to 22	6 to 20.1
Total Alkalinity (mg/l)		66 to 127.2	42.6 to 78.3	43.3 to 77.6	44.8 to 79.2
Total Dissolved Solids (mg/l)	500 <sup>2</sup>	99 to 225	73 to 141	77 to 147	83 to 137
Total Organic Carbon (mg/l)		0.9 to 2.8	1.7 to 5.6	1.5 to 5.7	1.5 to 5.5
Total Calcium (mg/l)		18.2 to 34.8	12 to 23.2	12.4 to 23.6	12.7 to 24.1
Total Iron (mg/l)	0.3 <sup>2</sup>	0.005 to 8.728	0.143 to 0.243	0.18 to 0.662	0.1994 to 0.566
Total Magnesium (mg/l)		8.33 to 18.82	4.53 to 8.61	4.67 to 9.86	4.84 to 9.59
Total Manganese (mg/l)	0.05 <sup>2</sup>	0.0008 to 0.0101	0.018 to 0.0284	0.0328 to 0.1136	0.0331 to 0.0909
Total Sodium (mg/l)		1.8 to 13.9	1.3 to 2.6	1.3 to 3.5	1.3 to 3.3
Total Hardness (mg/l)		79.6 to 164.2	48.7 to 93.3	50.3 to 95.2	51.7 to 97.4
Aluminum (mg/l)	0.2 <sup>2</sup>	0.008 to 6.75	0.02 to 0.061	0.04 to 0.29	0.04 to 0.245
Barium (mg/l)	2 <sup>1</sup>	0.036 to 0.191	0.037 to 0.058	0.037 to 0.057	0.036 to 0.055
Chromium (mg/l)	0.1 <sup>1</sup>	0.002 to 0.018	ND	ND to 0.002	ND to 0.002
Fluoride (mg/l)	2 <sup>1</sup>	ND to 0.42	ND to 0.4	ND to 0.44	ND to 0.41
		1. USEPA Primary Drinking Water Standard			
		2. USEPA Secondary Drinking Water Standard			

The EPA has established Primary Drinking Water Standards that are mandatory water quality standards for drinking water contaminants. The limits known as Maximum Concentration Limits (MCLs) have been established to protect public health from risks associated with contaminants in drinking water. The EPA has established Secondary Drinking Water Standards which are non-mandatory limits which are guidelines to control for aesthetic considerations such as color, taste, and odor.

Overall, the water quality results confirm that the water is an acceptable water source for the Town and that membrane filtration will be a viable technology to treat the water. We did not see evidence of the contaminated groundwater from the Eagle Mine reclamation site in the samples. However, the water quality sampling represents a static or a passive condition meaning that samples were taken without essentially influencing the groundwater movement. The pumping from the well(s) will potentially create a reactionary force on the groundwater and could potentially create a condition where the contamination plume moves toward or is drawn into the well(s).

There seems to be correlation between the surface water and the groundwater quality (at MW3) with some minor deviations. Although the groundwater flow direction is not known (either toward the river or away from the river) under all conditions, the water level data indicate that water drawn from MW3 (or another shallow well) would be from water moving away from the river, however, this assumption needs to be confirmed through the modeling effort.

A discussion on several of the parameters that the results are elevated is provided below.

**Turbidity** – Turbidity is a critical parameter to size membranes and to determine the amount of cleaning required to keep the membranes in service. Higher turbidities result in more frequent cleanings and a reduced life span. The high turbidity reported in MW3 appears to be a byproduct of sampling methodology. A manual bailer was used to sample from MW3 and the bailer likely stirred up fine sediments at the bottom of the well which resulted in several high readings. Turbidities were generally sampled on a weekly basis and the majority of results mirrored the surface water results.

**Iron and Manganese**– Iron and manganese are present in the results at levels that may require pre-treatment. High iron and manganese result in metallic taste and rusty color and staining. Treating for iron and manganese through oxidation and filtration.

**Aluminum** – Aluminum was generally found to be at acceptable levels. There was one instance in MW3 that was elevated but this one result is likely an outlier; other results show aluminum to be at or below the secondary standard. Aluminum in high levels in drinking water can impact dialysis patients. The most effective way to remove aluminum is at the point-of-use with a household device such as a reverse osmosis device.

While the water quality results did not show elevated contaminants, this does not mean pumping from the well field is without risks. The amount of water that was pumped out of MW3 with the bailer is extremely low compared to the rates that would occur if a well was installed. As the pumping rate increases, the risk that the well will influence and mobilize the groundwater contamination plume increases. Furthermore, the groundwater plume will likely continue to move towards the north and towards the river over time which could increase risks in the future.

## **Well Investigation**

Concurrently with the water quality testing, extensive investigation was conducted to identify within the well field where wells could be drilled considering permitting, construction, and nearby contamination.

Mathematica Principia was contracted by the Town to perform groundwater modeling. The modeling effort will try to understand how the existing groundwater contamination plume, that is located beneath the mine tailing site, may be influenced by pumping groundwater from the Town's well field. A separate memorandum on modeling efforts is being provided by Mathematica Principia.

Multiple wells will need to be drilled and established in order to reduce the potential of mobilizing the groundwater contamination and provide redundancy in case a well is out of service or the production from a well is less than anticipated.



## Well Sites

Multiple areas within the well field were identified as potential sites for the wells, see “Eagle River Water Quality Sampling Location” map for the areas. The well field extends 100 feet from either side of the Eagle River. The mapped groundwater contamination is present in most areas to the west of the river therefore wells cannot be located to the west as the risk of pumping contaminated water is too great. To the east of the river, the railroad parallels a significant portion of the well field. Any infrastructure would need to be located outside of the railroad right-of-way. The 100-year flood plain extends between the river and the railroad tracks. And while constructing within the flood plain is permitted, there are requirements that will need to be met in order to safely locate a well in the flood plain.

Below is a summary of the southern, middle, and northern areas identified on the attached figure.

- The southern area is part of the exclusionary zone associated with the Eagle Mine reclamation site and a well is not permitted and therefore cannot be considered. The exclusionary zone is the region of the reclamation site that is off limits for any types of development due to the elevated levels of contamination.
- The middle area has several sites that are close to existing roads which would facilitate access. However, given the proximity to the exclusionary zone and contaminated groundwater, the middle area has a potential of higher risk of containing contaminated groundwater and pumping could pull contaminated water into the well supply initially or over time. Sites in the northern portion of the middle area would likely require the access to cross over the railroad tracks requiring coordination and permitting with the railroad.
- The northern area is furthest away from the exclusionary zone which could result in a lower risk of contamination. However, the railroad and the river are closest in this area which reduces the available land to construct the wells. Access to the northern area would likely start from the Two Elks trailhead and would require coordination and permitting with the Forest Service and would involve a crossing over Two Elks Creek. The access would also have to cross over the railroad tracks requiring coordination and permitting with the railroad.

## Permitting and Agency Coordination

Coordination and/or permitting will be required with multiple agencies for the access to the wells and the construction of the wells.

- Any well site will likely require close coordination with CDPHE beyond the normal review and discussion due to the potential for groundwater contamination for a public drinking water supply. The modeling that is underway is a component of the due diligence needed for the Town and CDPHE.
- Any well site on the east side of the Eagle River will almost certainly require coordination with the railroad. Based on past experiences with the railroad, this effort will likely take around 12 -18 months. Additionally, the railroad typically needs design drawings before negotiations can proceed.
- Access to the northern area will require coordination with the Forest Service. This process is likely to take 12-18 months.

- If the well is located within the 100-year flood plan, permitting and coordination with Eagle County will be required. Engineering studies will be required to demonstrate that the well and associated components do not result in a change to the river level. This effort could take 6 – 9 months.
- Coordination and permitting with the Army Corps of Engineers (ACOE) will be required if the well or associated components are located below the ordinary high-water mark at the river. This effort could take up to 6 months.
- The well field is either within or very near critical wildlife habitat or migratory routes. Coordination with Colorado Parks and Wildlife will be required. This task could take up to 6 months.

### **Construction Challenges**

The construction of the wells will present several construction challenges.

- Potential sites will require access across the railroad. Given the location and limited public access to the crossing, a passive crossing would seem appropriate, but the railroad could determine that an active crossing is required. A passive crossing would consist of basic signage whereas an active crossing would consist of safety barriers/gates, lighting and warning devices. The approaches to the railroad would need to be designed to the specifications of the railroad.
- Most of the potential well sites are located below the railroad platform. The access road may require retaining walls and extensive grading. If the well is in the floodplain, the design will need to consider measures to protect the well from flooding.

### **Construction Costs**

The construction cost estimates provided consider only developing access to the wells and drilling the wells (the costs associated with piping the water to the treatment plant site are not included). The costs below are based upon an assumption that the wells are in the northern area.

- Drilling Wells – Drilling wells in the Minturn area is difficult due to the presence of large cobbles and boulders. Previous drilling efforts also encountered flowing sands making it challenging to keep the borehole open and install the casing. It is assumed that the wells will be alluvial wells drilled to approximately 50 feet deep. The cost assumes drilling the well and installing the well casing and screen. The cost to drill each well is \$100-150k.
- Well – It is assumed that each well will include a well pump, well pad, electrical and control components. All components will need to be protected from flooding. The cost to bring power to the wells has not been included in the cost. The cost for each well is \$100-150k.
- Access from Two Elk Creek to well field area– The access would include a crossing over Two Elk Creek, grading and constructing a 600 foot long, 15-foot wide gravel road approximately paralleling the railroad and a passive railroad crossing. The Two Elk Crossing is assumed to be a culvert or culverts in the

creek bed with the road platform placed above. The cost for the access to the well field area is \$300-400k.

- Access to well sites – Access to the well sites is assumed to require a steep (~15% slope) access road from the west side of the railroad down to the floodplain. The wells are assumed to be within 50 feet of each other and can be accessed from the single access road. It is assumed that retaining walls would be required. The cost for access to the wells is \$400-500k.

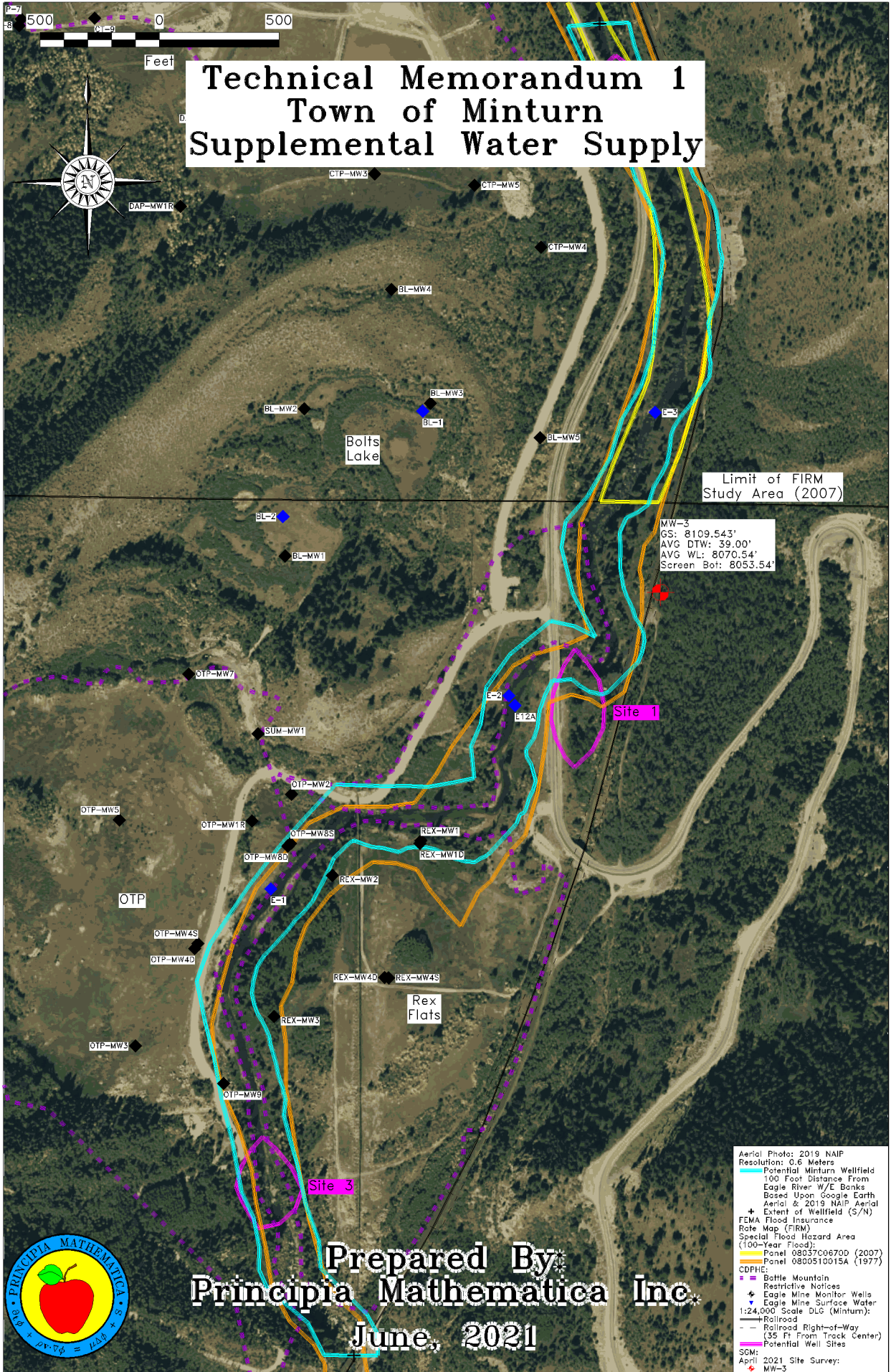
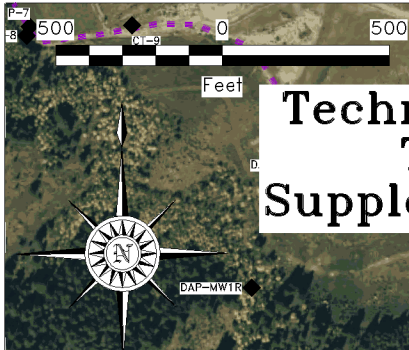
Sincerely,

Ryan Gordon, PE  
Project Manager

# Technical Memorandum 1

## Town of Minturn

### Supplemental Water Supply



MW-3  
 GS: 8109.543'  
 AVG DTW: 39.00'  
 AVG WL: 8070.54'  
 Screen Bot: 8053.54'

Limit of FIRM  
 Study Area (2007)

- Aerial Photo: 2019 NAIP
- Resolution: 0.6 Meters
- Potential Minturn Wellfield
- 100 Foot Distance From Eagle River W/E Banks
- Based Upon Google Earth Aerial & 2019 NAIP Aerial
- Extent of Wellfield (S/N)
- FEMA Flood Insurance Rate Map (FIRM)
- Special Flood Hazard Area (100-Year Flood):
- Panel 08037006700 (2007)
- Panel 0800510015A (1977)
- CDPHE:
- Battle Mountain Restrictive Notices
- Eagle Mine Monitor Wells
- Eagle Mine Surface Water 1:24,000 Scale DLG (Minturn):
- Railroad
- Railroad Right-of-Way (35 Ft From Track Center)
- Potential Well Sites
- SCM:
- April 2021 Site Survey:
- MW-3



Prepared By  
**Principia Mathematica Inc.**  
 June, 2021

# **Principia Technical Memorandum 1: Town of Minturn Supplemental Water Supply**

## **Introduction**

In preparation for the development and expansion of the Town of Minturn (Town) and needed supplemental water supply, Principia was asked to evaluate potential well sites along the Eagle River, where the Town has decreed legal rights for the development of additional water supply.

## **Figure 1. Potential Minturn Wellfield & Battle Mountain Restrictive Notices**

The Town of Minturn has a decreed legal right to develop a wellfield for municipal water supply along the Eagle River from a point south of the Rex Flats area to a point just to the south of where Two Elks Creek flows into the Eagle River. The left-hand frame of Figure 1 depicts the extent of the Town's wellfield along the Eagle River (light-blue line). This wellfield extends out from the banks of the Eagle River a distance of 100 feet in each direction, primarily to the west and east along the stretch of interest. In order to determine the extent of the wellfield, a 2021 Google Earth aerial photo (Landsat/Copernicus, Maxar Technologies, USDA Farm Service Agency) was utilized to determine the appropriate locations of the banks of the Eagle River through this stretch. A 2019 U.S. Department of Agriculture (USDA) National Agricultural Imagery Program (NAIP) aerial photo was utilized to confirm the Eagle River bank locations. In addition to the wellfield extent, this frame also depicts the location of the Town's Monitor Well #3 (MW-3) as a red symbol and the locations of the Eagle Mine Superfund Site groundwater sampling/monitoring points (black symbols) and surface water sampling points (dark blue symbol) in the areas of the Central Tailings Pond (CTP), Bolts Lake (BL), Original Tailings Pond (OTP), and Rex Flats (REX). These sampling/measurement points are shown to provide an indication of locations where potential groundwater and/or surface water contamination may exist. Unfortunately, groundwater measurement data from these Eagle Mine sampling points is only fairly comprehensive for the time period from 1985 through 2005 and limited for the time period from 2006 onward. The right-hand frame of Figure 1 depicts the extent of Battle Mountain Restrictive Notices as determined by the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health & Environment (CDPHE). Access and development within the boundaries of these Restrictive Notices is generally prohibited. Based upon these boundaries, potential development of a Town wellfield south of MW-3 can be seen to be very limited.

## **Figure 2. Potential Well Sites & FEMA Floodplain Mapping**

The left-hand frame of Figure 2 depicts three potential sites for municipal wells within the wellfield, as identified by Ryan Gordon of SGM. Based upon the boundaries of the Restrictive Notices, Site 3 has been determined to not be a feasible option. Groundwater conditions in the Rex Flats area, upgradient of Site 1, leave this Site as a less than desirable option. Based upon these determinations, the area around Site 2 appears to be the best option for any potential development of municipal production wells. The right-hand frame of Figure 2 depicts the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Special Flood Hazard Area mapping for 1977 (orange line) and 2007 (yellow line). The 2007 & 1997 FIRMs delineate the area within the 100-year floodplain, where a flood has a 1% chance of being equaled or exceeded in any given year. The 2007 FIRM represents the most currently mapping by FEMA and was available in a digital format. Unfortunately, the FEMA FIRM study area for 2007 was limited to an area along the Eagle River that is to the north of MW-3. In order to gain an understanding of the mapped floodplain to the south of MW-3, the 1977 FEMA FIRM was digitized from an electronic image, with limited resolution. This mapping is observed to generally match the 2007 FIRM in the area to the north of MW-3, so the mapping to the south is believed to be a good representation of the floodplain in this area. Development of municipal wells within the 100-year floodplain is an option, but requires a large amount of effort to achieve approval.

### **Figure 3. Wellfield, Restrictive Notices, Well Sites & FEMA Floodplain Mapping**

Figure 3 in the set provides an overlay of all of the various information utilized to evaluate potential locations for municipal wells within the Town of Minturn wellfield along the Eagle River. As mentioned previously, it is observed that available options within the wellfield to the south of MW-3 are very limited. The majority of the southern portion of the wellfield falls WITHIN the boundaries of the Restrictive Notices ruling out development in these areas. In addition, most of the wellfield to the south also falls within the boundaries of the 100-year floodplain, making development a more difficult task. Finally, the portion of the wellfield south of MW-3 falls in an area where the potential for groundwater contamination may exist (OTP, Rex Flats), which may in turn require treatment of extracted groundwater to meet water supply standards. Based upon evaluations of available information and data, the area to the north of MW-3 appears to hold better options for well development, although also limited.

### **Figure 4. Potential Wellfield & Flood Area Mapping, North Area**

Figure 4 depicts the area of the wellfield (light-blue line) to the north of MW-3, with Site 2 (magenta line) falling within this area. The 2007 FEMA FIRM is shown as a yellow line, as well as the abandoned railroad line (black line) and a 35 foot railroad right-of-way. In general, railroad right-of-ways extend 25 feet from the railroad centerline. In an effort to be conservative, we have considered the right-of-way to be 35 feet. Ground surface elevation contours are also provided on the map, at 25 foot contour intervals, with elevations indicated every 100 feet. Elevations along the Eagle River range from approximately 8025 feet at the northern end up to 8075 feet at the southern end. Elevations are also observed to rise by approximately 25-30 feet from the Eagle River toward the east to the railroad. Based upon the wellfield and FEMA FIRM outlines, together with the railroad right-of-way, there are a handful of options along this stretch of the Eagle River for the placement and development of Town municipal wells.

### **Figure 5. North Area Geology**

Another factor to consider in the siting of potential municipal wells is the surficial geology. The Colorado Geological Survey has published a Geologic Map of the Minturn Quadrangle, Eagle County, Colorado (Open-file Report OF-12-08, 2011), based upon field work conducted in 2008. Along this stretch of the Eagle River, within the extent of the potential wellfield, four types of surficial geologic materials have been mapped. Areas shown in a light-gray color indicate Glacial Deposits (Pinedale Till), while areas shown in a darker green reflect Paleozoic Sedimentary Rocks (Minture Formation), primarily along the hill cut for the railroad, as observed on aerial images. The two areas where alluvial type materials have been mapped are shown in red and orange. The red area depicts Alluvial Deposits (Stream Alluvium), while the orange areas illustrate Mass-Wasting Deposits (Colluvium).

### **Figure 6. Expanded ERM Bolts Lake Model Transmissivity & Flow Vectors**

Environmental Resources Management (ERM) undertook efforts in 2011 to develop a groundwater model of the Bolt's Lake area. The eastern edge of this model was the Eagle River. Although the ERM model has some limitations, it can still be a useful tool for the evaluation of simulated stresses, such as the addition of municipal well pumping. In order to utilize the ERM model as an evaluation tool, the eastern boundary was extended by approximately 450 feet and the north-east boundary by about 300 feet to capture the Town wellfield. Figure 6 depicts the transmissivity values for the extended model as well as the predicted water level elevations (heads) and the direction and relative flow velocity of groundwater. Inflow to the model on the western side is supplied through constant heads. On the extended eastern side of the model, groundwater is supplied by flow from the west and the Eagle River, with a much smaller amount supplied by the catchment area along the eastern boundary. As this Figure depicts, groundwater flow in the model is generally toward, and along, the Eagle River, with bifurcated and limited flow around a bedrock high. It is anticipated that this expanded ERM model will be utilized as a tool to evaluate potential municipal well locations and pumping volumes.

### **Figure 7. Minturn MW-3 & Eagle River Elevations**

Understanding the groundwater behavior and flow patterns is vital in understanding the interactions between any potential well pumping and the Eagle River. At the present time, information and measurement data along the east side of the Eagle River is limited to MW-3. Although this monitor well was drilled in 2009, measurement data from the well is limited to the time period from June of 2020 through the spring of 2021. The top left-hand frame of Figure 7 depicts the available water level elevation measurement data for MW-3 for this time period, as well as Eagle River elevations obtained during a field survey in April of 2021. The recorded depth-to-water and water level elevations are observed to exhibit an approximate 4 foot variation over this period. The total depth of this monitor well is 64 feet, with a screened interval from 36 feet to 56 feet. The average water level elevation is 8070.54 feet, based upon the surveyed ground surface elevation and the average of all of the recorded depth-to-water measurements. With the screened bottom elevation being at 8053.54 feet, the average saturated thickness in this well is about 17 feet. The materials present in the subsurface during the drilling of this monitor well are shown in the top right-hand frame of Figure 7. Materials are shown to vary from Silt to Gravel to Boulders to Sand/Gravel and to Glacial Till. In an effort to understand whether or not groundwater at MW-3 is connected to the Eagle River, a field survey was conducted in April of 2021, where elevations were shot along the Eagle River. These elevations were then compared with the average water level elevation at MW-3, which the results depicted in the bottom frame of Figure 7. These comparisons currently indicate that groundwater flow is likely vary flat in the region between the Eagle River and MW-3.

### **Figure 8. North Area Potential Minturn Production Wells**

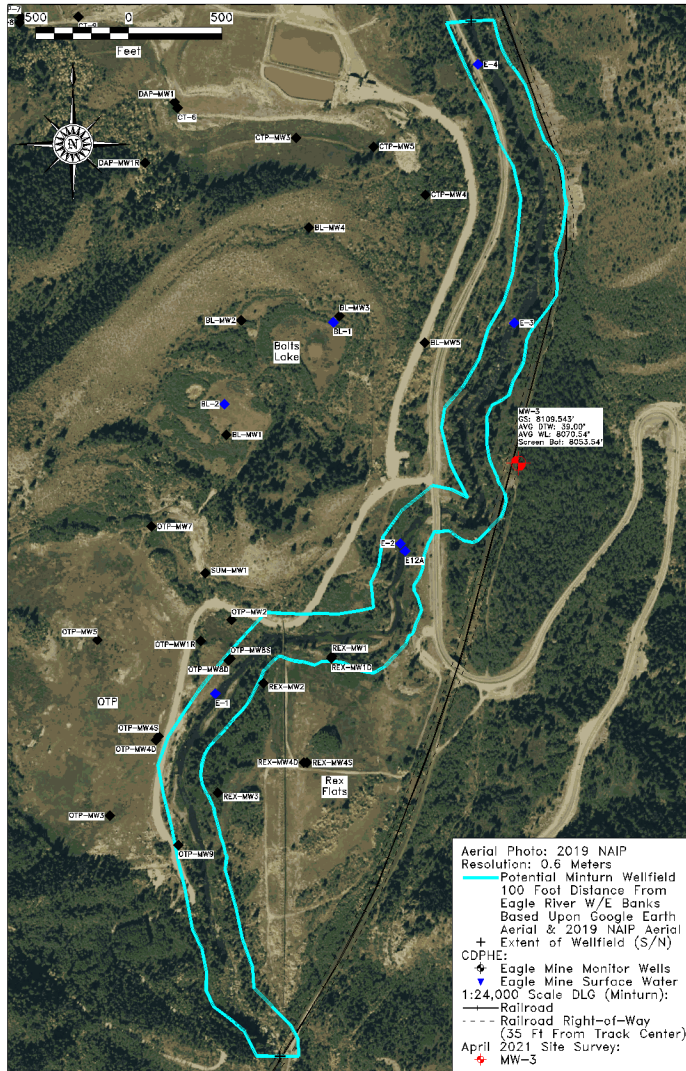
The final figure in the set, Figure 8, provides a preliminary indication of the locations where four potential municipal wells may be sited. In determining these potential locations, the wellfield and FEMA FIRM 100-year floodplain extents were considered, as was the 35 foot railroad right-of-way. In addition, these locations were selected based upon potential accessibility, and in areas where the topography was estimated to be reasonably flat. Given the limited saturated thickness as observed in MW-3, it is believed that multiple smaller capacity wells will be needed in order to meet the anticipated peak daily demand of 336 gpm, rather than one larger capacity well.

### **Recommendations**

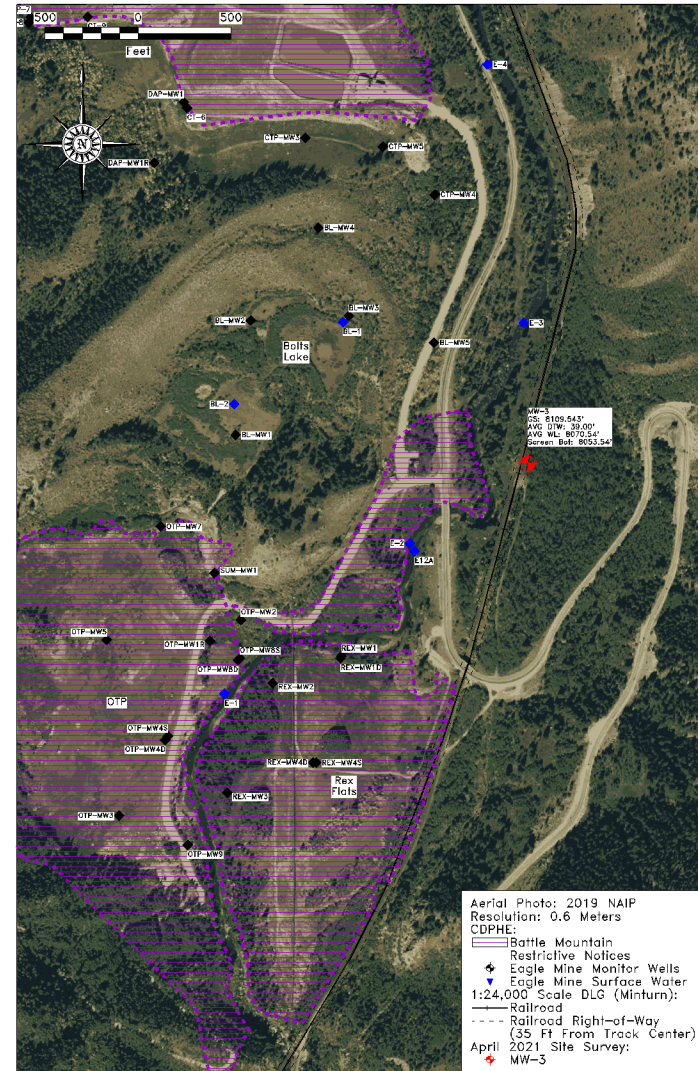
Moving forward, it is our recommendation that one well be drilled as a monitor well that can be converted to a production well at some point in the future, if desired. Our recommendation would be to site and develop this well in the vicinity of the preliminary placement of MPW-4, as shown on Figure 8. This location has been mapped as being Alluvial Deposits (Stream Alluvium), which may result in slightly easier drilling and potentially higher pumping capacity. It will be important to log the materials present during the drilling. It would also be very vital to perform some type of pump test on this well to establish its capacity. It would also be very useful to establish whether or not there is a groundwater connection between the Eagle River and this new well. Once this well has been established and various measurements collected, this additional information will be essential in guiding further evaluations regarding the feasibility of establishing a wellfield as a potential supplement water supply for the Town.



# Potential Minturn Wellfield & Battle Mountain Restrictive Notices



Potential Wellfield



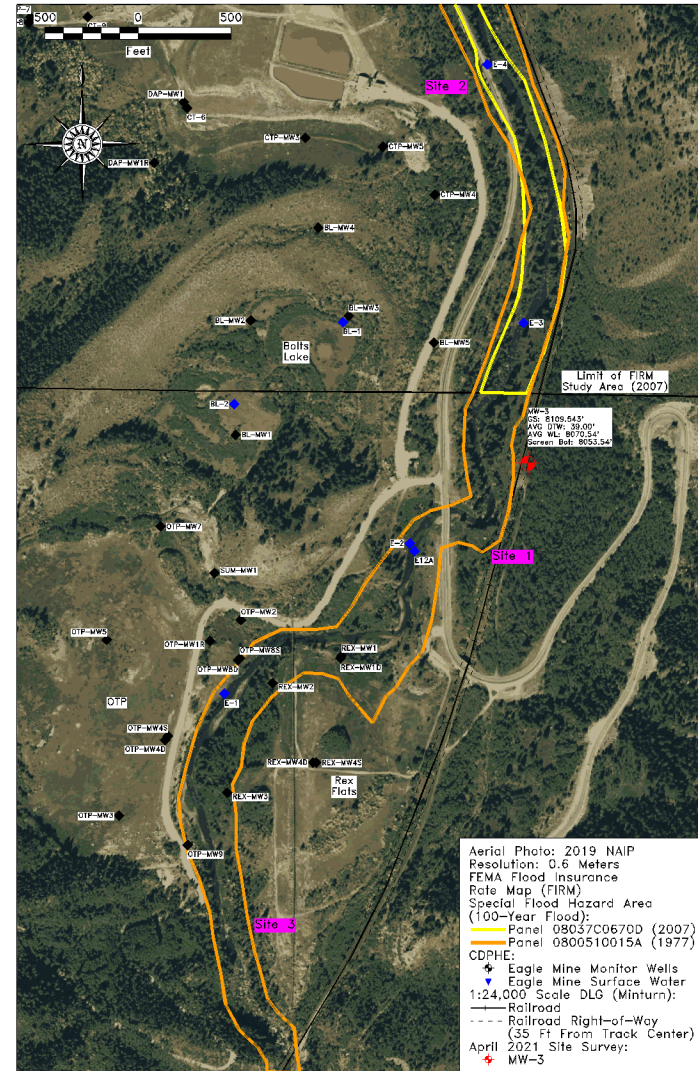
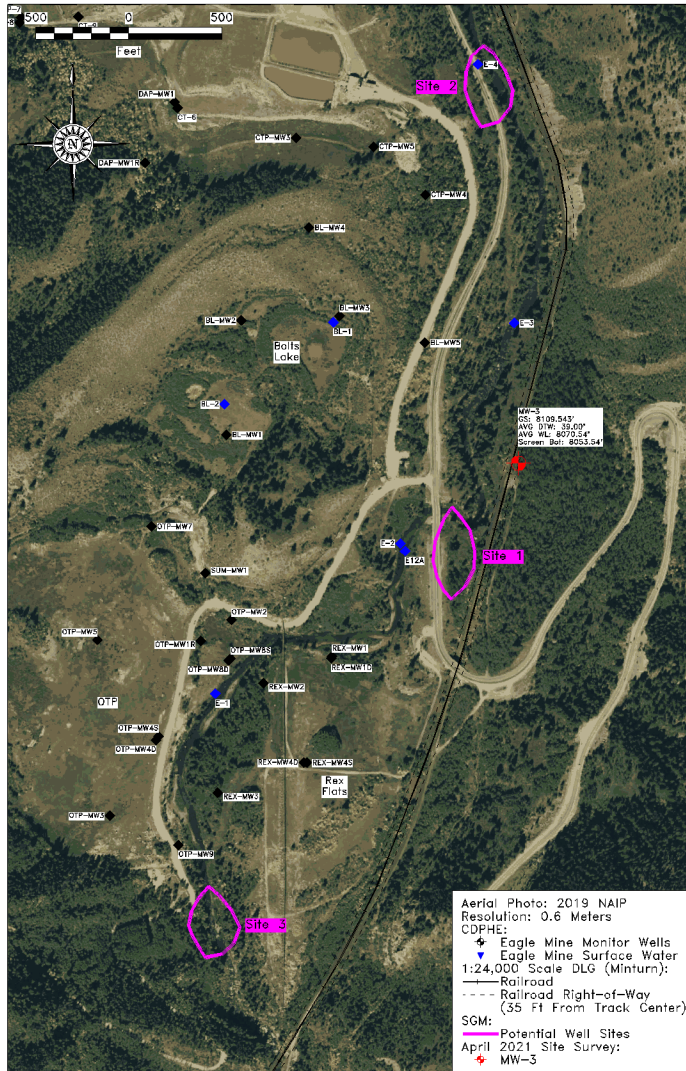
Restrictive Notices

Figure 1. Potential Minturn Wellfield & Battle Mountain Restrictive Notices





# Potential Well Sites & FEMA Floodplain Mapping



Potential Well Sites

FEMA Floodplain Mapping

Figure 2. Potential Well Sites & FEMA Floodplain Mapping



# Wellfield, Restrictive Notices, Well Sites & FEMA Floodplain Mapping

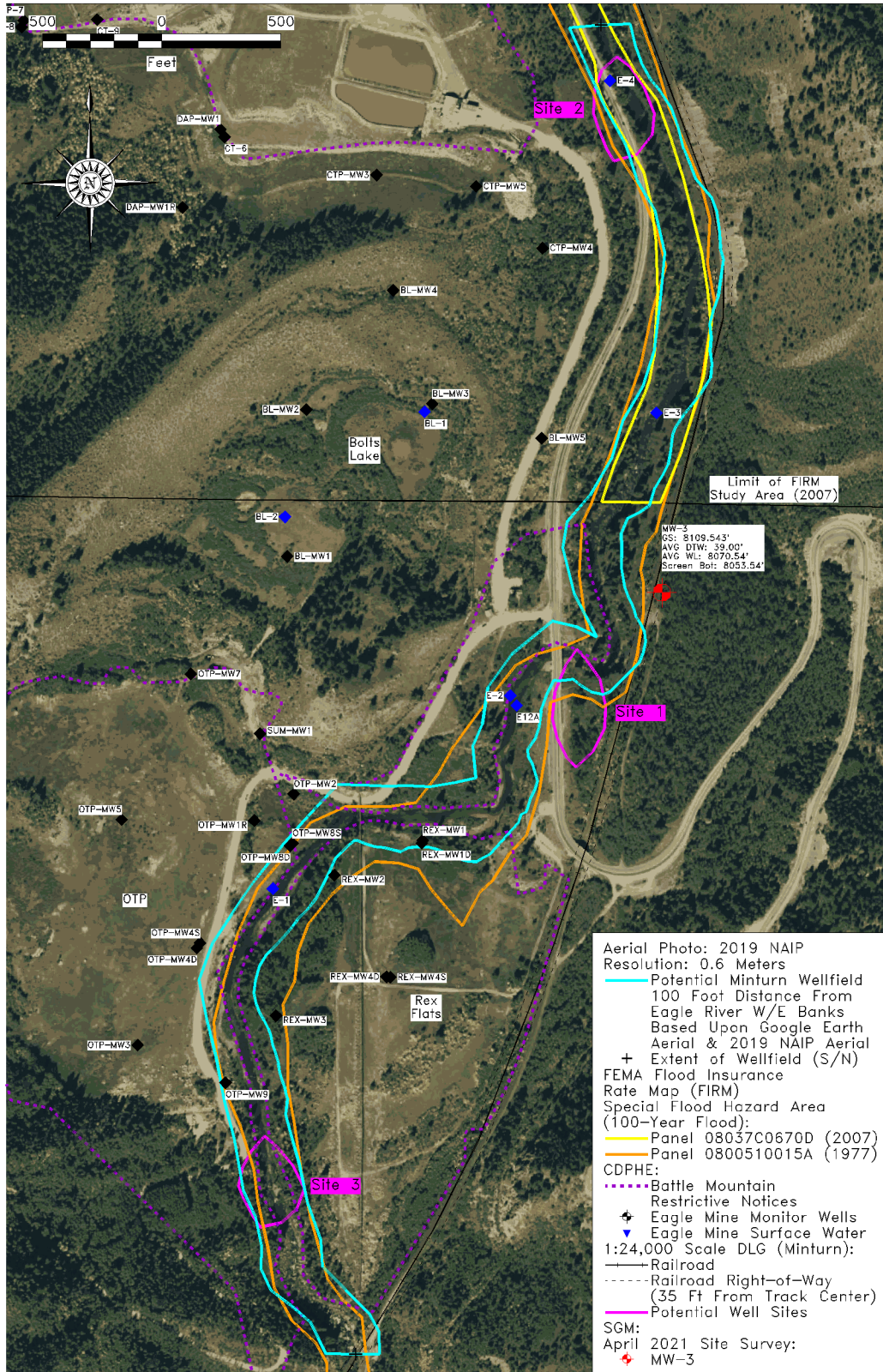


Figure 3. Wellfield, Restrictive Notices, Well Sites & FEMA Floodplain Mapping



# Potential Wellfield & Flood Area Mapping North Area

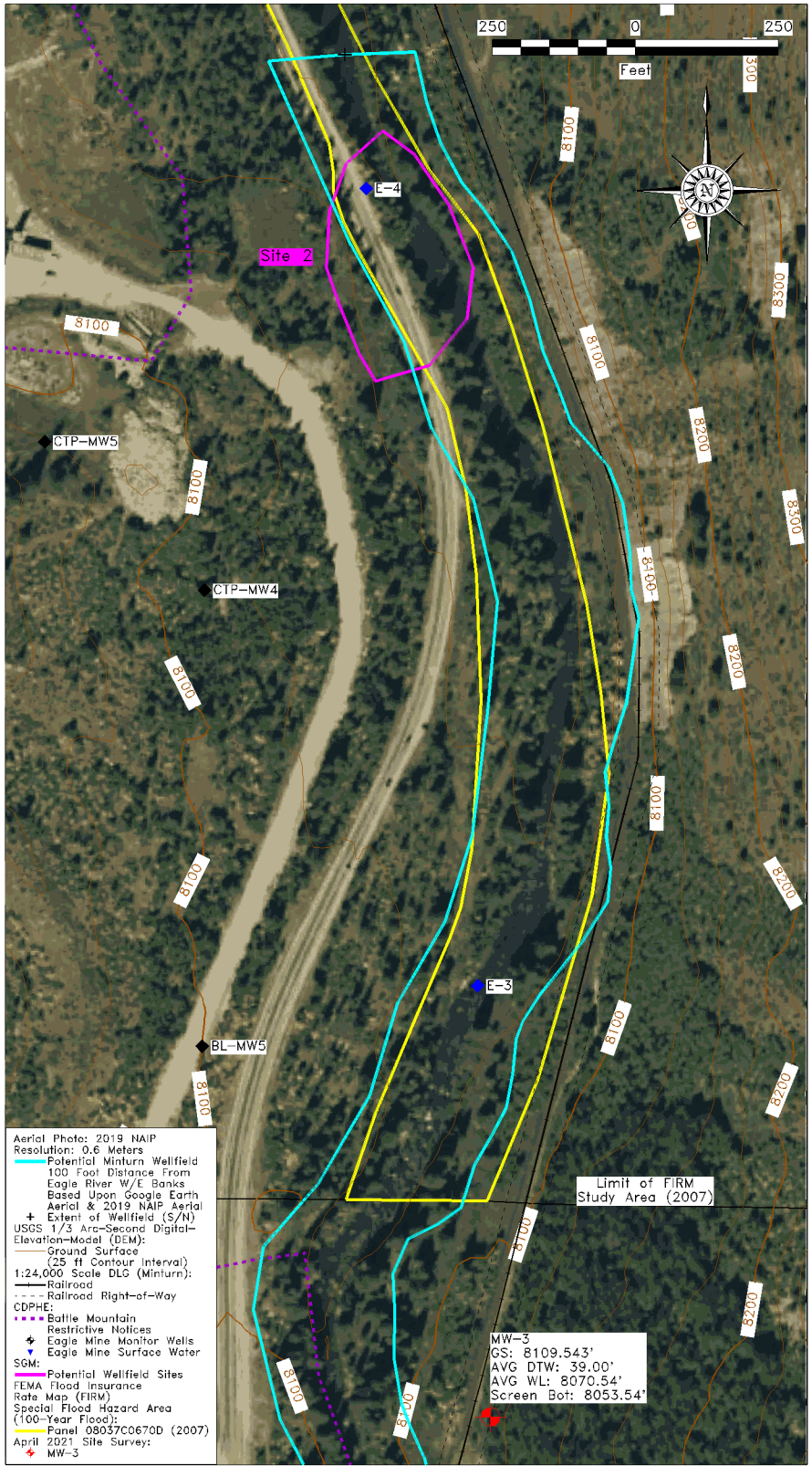


Figure 4. Potential Wellfield & Flood Area Mapping, North Area



# North Area Geology

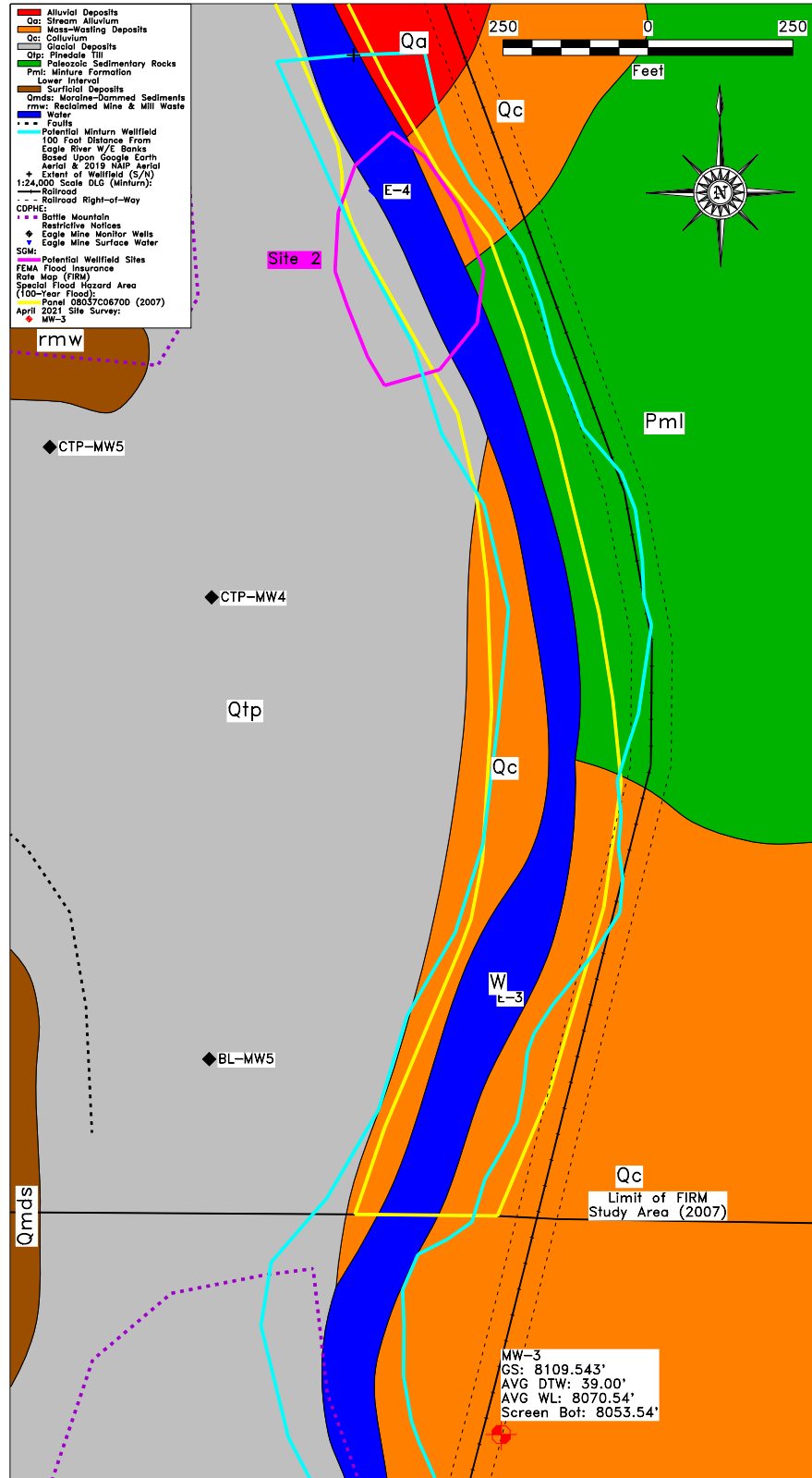


Figure 5. North Area Geology





# Minturn MW-3 & Eagle River Elevations

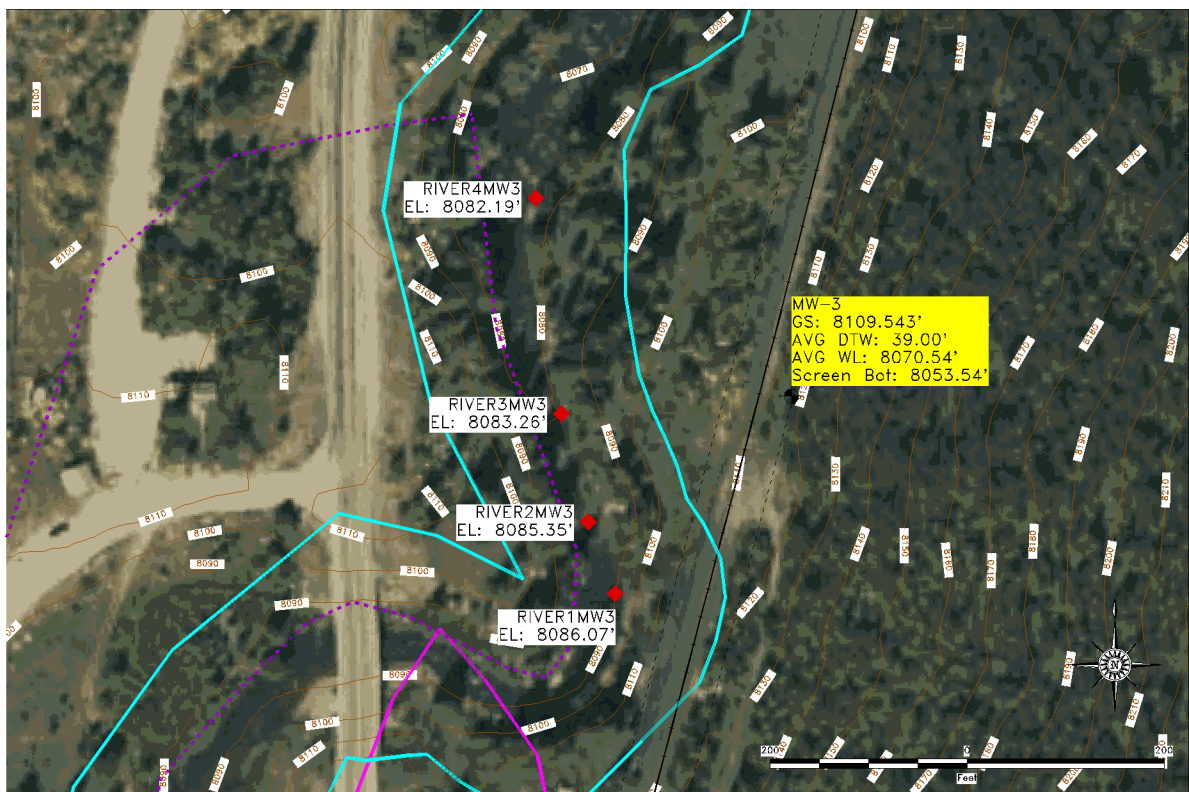
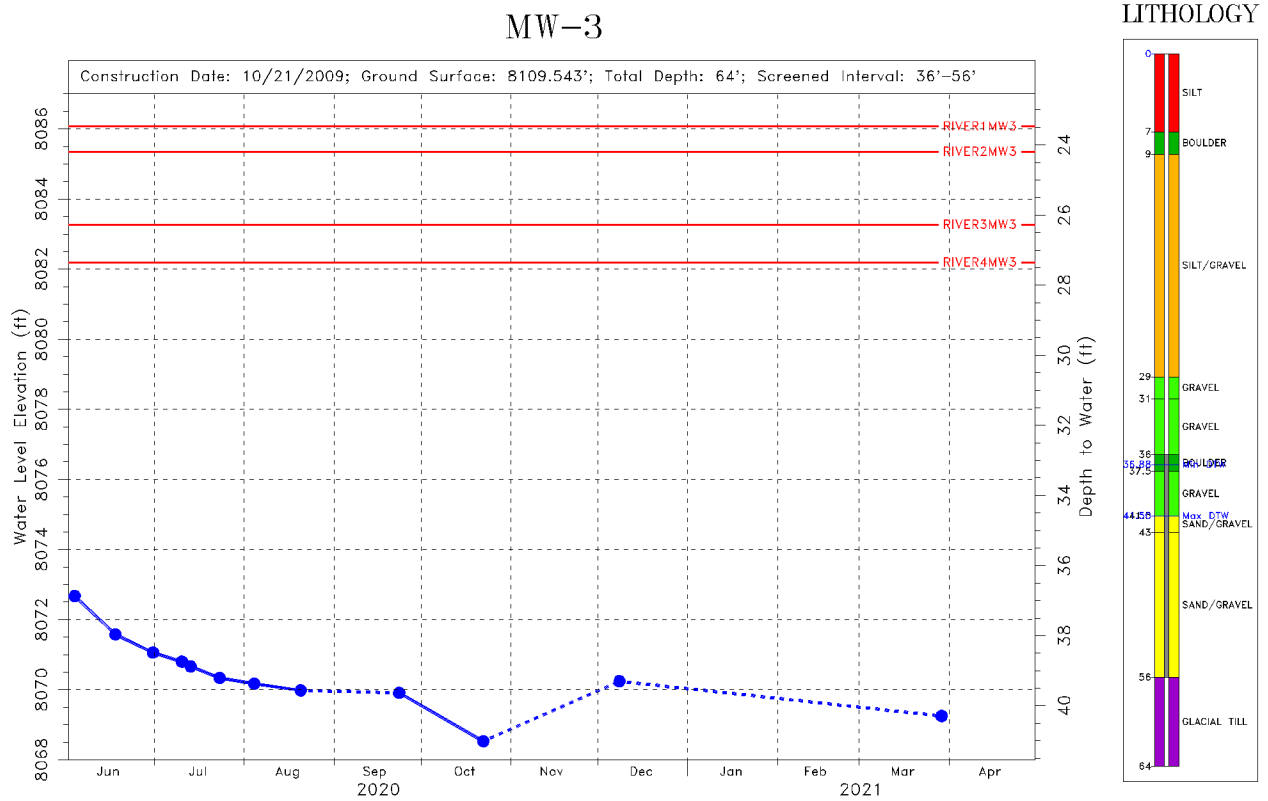


Figure 7. Minturn MW-3 & Eagle River Elevations



# North Area Potential Minturn Production Wells



Figure 8. North Area Potential Minturn Production Wells



To: Mayor and Council  
From: Jay Brunvand  
Date: July 7, 2021  
Agenda Item: Resolution 21 – Series 2021

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**REQUEST:**

Staff is requesting Council to interview candidates for the existing vacant Council seat.

**INTRODUCTION:**

Brian Eggleton announced his resignation from the Town Council effective June 30. Brian E. has stated he is relocating from the state and therefore no longer eligible to serve on Town Council. Brian E. is in the 4<sup>th</sup> year of a 4-year term due to expire with the election scheduled for April 2022. As directed at the June 2, 2021 Council meeting, Staff has advertised and solicited Letters of Interest for the vacated Council seat. The deadline for Letters of Interest were due by 4pm on June 30, 2021.

**Pursuant to Charter Section 4.6:**

An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, removes from or becomes a nonresident of the Town, absents himself from meetings of the Council for sixty (60) days, unless excused by resolution thereof, is convicted of a felony or is judicially declared a mental incompetent. In case of vacancy the remaining councilmembers shall choose by majority vote, within thirty (30) days after such a vacancy occurs, a duly qualified person to fill the unexpired term so vacant.

The Council will interview all applicants which have submitted a Letter of Interest and have been deemed eligible to sit as a Minturn Council Member under the requirements of the Charter. Following the interview process the Council will vote by public ballot. To be appointed, an applicant must receive votes from a majority of the Minturn Town Council. If not candidate can garner a majority of vote, the Council could instruct staff to solicit additional applications.

**ANALYSIS:**

Former Council Member Brian Eggleton has resigned effective June 30 and will be moving out of state. In April 2018, Brian was elected to a 4-year term on the Council during the regularly scheduled Municipal Election. His resignation leaves a Council vacancy which, as provided for in Section 4.6 of the Minturn Town Charter, the remaining councilmembers shall choose by majority vote, within thirty days after such vacancy occurs, a duly qualified person to fill the unexpired term so vacant.



**COMMUNITY INPUT:**

Per direction from the Council at the June 2<sup>nd</sup> Council meeting, Staff advertised the open seat in the Vail Daily and on the Town's website soliciting Letters of Interest for the vacant seat. Letters were due from interested citizens by 4pm Wednesday June 30<sup>th</sup> and are included within this packet.

**BUDGET / STAFF IMPACT:**

The approved 2021 Minturn fiscal year budget provides appropriate funding for a full Council.

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #1 to practice fair, transparent, and communicative local government. Both the manner in which we solicited Letters of Interest and a full complement of Council members adhere to this Strategy.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

"Motion to

- approve Resolution 21 – Series 2021 a Resolution appointing \_\_\_\_\_ to the Minturn Town Council; OR

**ATTACHMENTS:**

- Resolution 21 – Series 2021
- Letters of Interest as submitted

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 21 – SERIES 2021**

**A RESOLUTION APPOINTING TOWN COUNCIL  
MEMBERS**

**WHEREAS**, The Minturn Town Council has received a resignation from the Town Council and desires to fill the vacancy; and

**WHEREAS**, pursuant to Minturn Town Charter Section 4.6, the remaining Council Members shall choose by majority vote appointments to fill the vacancies.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUAL IS HEREBY APPOINTED AS INDICATED:**

**NAME**

**TERM**

\_\_\_\_\_

July 7, 2021 – Election Day April 2022

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7<sup>th</sup> day of July, 2021.**

TOWN OF MINTURN

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

ATTEST:

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

## Jay Brunvand

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**From:** Tom Sullivan <minturnrentals@gmail.com>  
**Sent:** Wednesday, June 30, 2021 8:33 AM  
**To:** Jay Brunvand; Michael Boyd; lynn feiger  
**Subject:** Letter of interest

Hi Jay, Will you please include my name for the open council seat. If there is anything else I need to do please let me know. Tom Sullivan

--

Tom Sullivan  
Weezie's Ocean Front Hotel and Garden Cottages  
Caye Caulker Belize  
[www.weeziescayecaulker.com](http://www.weeziescayecaulker.com)

Minturn Rentals  
Minturn Real Estate and Development  
[www.minturnrentals.com](http://www.minturnrentals.com)  
970 376 2167  
po box 820 Minturn CO 81645-0820

To whom it may concern,  
I would like to be  
considered for the vacancy  
on the town council

Thank you

David Clapp

June 30, 2021

392 Taylor St  
Mendota Co. 81645

rec 6/30/21 1:45pm

## MEMORANDUM

TO: Michelle Metteer, Town Manager  
 FROM: James A. Mann, Senior Municipal Advisor/Principal  
 DATE: June 30, 2021  
 SUBJECT: Town of Minturn - Bond Counsel/Disclosure Counsel RFP Responses

In response to your request related to the Town’s need to issue debt for water system improvements in 2021 and 2022, we have conducted a simplified request for proposal for bond counsel and disclosure counsel work on behalf of the Town. We sent requests to five firms: Butler Snow, Garfield Hecht, Kutak Rock, Kline Alvarado Veio, and Sherman and Howard. All five firms would be fully capable of guiding the Town and completing the work necessary to issue either a loan through the Colorado Water Resources and Power Development Authority or the issuance of a bond through a public or private placement.

Proposals were due at 2 pm, Wednesday June 30, 2021 and below is a summary of the responses:

Firm	CWRPDA Loan		Public or Private Placement w/Offering Document		References
	Fee	Costs	Fee	Costs	
Butler Snow	\$15,000		\$75,000		Town of Firestone - AJ Krieger, Town Manager  Town of Platteville - Troy Renken, Town Manager
Kutak Rock	\$10,000		\$35,000		Town of Hayden - Mathew Mendisco, Town Manager  City of Creede - Louis Fineberg, Town Manager
Kline Alvarado Veio	\$20,000	\$750	\$55,000	\$750	Crested Butte Water & Sanitation District - Mike Fabbre, District Manager  City of Fruita - Ehlers

As the Town is engaging professional services, you are not necessarily tied to taking the low-cost provider and thus may want to contact one or more of the references included above. Ehlers is entirely comfortable with working with any of the three firms that submitted a response to the request.



To: Mayor and Council  
From: Michelle Metteer  
Date: July 7, 2021  
Agenda Item: Direction to retain outside legal counsel for the purposes of reviewing agreements between the Town and Battle Mountain.

---

**REQUEST:** Approve staff request to retain outside legal counsel for the purposes of reviewing agreements between the Town and Battle Mountain.

**INTRODUCTION:**

The Ginn/Battle Mountain Annexation and subsequent preliminary PUD process has now extended over 15 years with some of the work starting in the early 2000s. The initial work led to a referendum in 2008 through which the Minturn voters approved an Annexation Agreement and preliminary PUD.

The collection of documents associated with the Annexation Agreement and preliminary PUD is extensive and ongoing. Many of the document's function based on sets of deadlines or milestone requirements which then trigger specific requirements or action steps. With the recession in 2008/09 the project was delayed and, in some cases, requirements/action steps were missed. The turnover of town managers, and both the developer and town's legal teams, also contribute to a loss of historical knowledge as to how all of the documents interrelate.

The Developer desires to move forward with a new project. Resolution 05 – Series 2012 approves an *Agreement Regarding Escrows and Funding* which outlines in sections 10 and 14 how this is to be done. Citizen and Council comments have expressed concern that the content of a future funding agreement not prejudice the Town's rights and Battle Mountain's obligations to fulfill the promises made as part of the annexation.

**ANALYSIS:**

Given the volume, complications and timespan of the documents involved with the Battle Mountain annexation and project, Minturn staff would like to ensure a holistic understanding of the legal requirements of the developer (prior and current) so that a Future Funding Agreement does not compromise Minturn's legal position. With approval, staff will seek a second legal opinion on the four following questions:

1. When is the town legally entitled to receive the escrow(s) under the original annexation documents and the 2012 Agreement?
2. In light of Final Approval having occurred in 2019, what rights does the town have under the 2008 Agreement?
3. What recourse does the town have for developer default?
4. If Battle Mountain disconnects property, what rights does the town have to enforce promises made in the annexation documents and the 2012 Agreement?

This request is expected to take between 30-60 days for completion.

**COMMUNITY INPUT:** ongoing

**BUDGET / STAFF IMPACT:** estimated \$20,000

**STRATEGIC PLAN ALIGNMENT:**

Practice fair, transparent and communicative local government

Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn

**RECOMMENDED ACTION OR PROPOSED MOTION:** Motion to approve staff request to retain outside legal counsel for the purposes of reviewing agreements between the Town and Battle Mountain.

**ATTACHMENTS:** Battle response to Minturn 2<sup>nd</sup> legal opinion funding request.

**From:** [Michelle Metteer](#)  
**To:** [Michael J. Sawyer](#)  
**Subject:** 2nd opinion legal funding  
**Date:** Monday, June 28, 2021 5:29:00 PM

---

Lorne/Battle Mountain declined to cover the costs of obtaining a second opinion on legal matters pertaining to the Agreements.

Michelle Metteer  
Town Manager  
Minturn, Colorado  
(970) 827-5645 e8  
[Minturn Newsletter Sign-up](#)  
[www.minturn.org](http://www.minturn.org)





To: Mayor and Council  
From: Jay Brunvand  
Date: July 7, 2021  
Agenda Item: Resolution 22 – Series 2021

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**REQUEST:**

Staff is requesting a council member to be appointed to the Climate Action Collaborative as a voting and representing member of that board.

**INTRODUCTION:**

During the June 2, 2021 Council Meeting the Council approved Resolution 16 – Series 2021 approving a MOU with the Climate Action Collaborative. As part of that MOU a governing board was created and Minturn, as a member of the MOU, is asked to appoint a representative from the Council to sit as a Board Member on that governing board.

**ANALYSIS:**

Each qualified member of the CAC Governing Board shall have one voting seat and one alternate member on the CAC Governing Board appointed by the governing member.

Eligible local government 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.

**COMMUNITY INPUT:**

N/A

**BUDGET / STAFF IMPACT:**

N/A

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

“Motion to approve Resolution 21 – Series 2021 a Resolution appointing \_\_\_\_\_ as Climate Action Collaborative representative for the Minturn Town Council.

**ATTACHMENTS:**

- Resolution 22 – Series 2021

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 22 – SERIES 2021**

**A RESOLUTION APPOINTING TOWN COUNCIL  
MEMBERS AS VOTING AND REPRESENTING MEMBERS  
OF THE CLIMATE ACTION COLLABORATIVE**

WHEREAS, The Minturn Town Council desires to appoint Council Member \_\_\_\_\_ as voting representatives to the Climate Action Collaborative; and

WHEREAS, Council Member \_\_\_\_\_ has accepted the appointment to the Climate Action Collaborative.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT \_\_\_\_\_ IS APPOINTED TO THE CLIMATE ACTION COLLABORATIVE FROM THE TOWN OF MINTURN.**

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7<sup>TH</sup> day of July, 2021.

TOWN OF MINTURN

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Jay Brunvand  
 Clerk/Treasurer  
 301 Pine St #309 ♦ 302 Pine St  
 Minturn, CO 81645  
 970-827-5645 x1  
[treasurer@minturn.org](mailto:treasurer@minturn.org)  
[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

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>July 7 2021</b>
Appointment of a Council Member
Minturn Wellfield Preliminary review
Minturn Water Supply Plan Review
Water Treatment Plant Funding Discussion
Climate Action Collaborative Gov Representative Appointments
<b>July 21, 2021</b>
Wilderness Workshop – Whitney Creek Reservoir Discussion – Erin Riccio
Two Elk Target Range – ECSO Deputy Loya
ERWSD Special Presentation – Eagle River Water Resources Master Plan
Liquor License – Agaves Mexican Bar & Grill 160 Railroad Ave.
<b>August 4, 2021</b>
<b>DATE TO BE DETERMINED</b>
Future Funding Agreement – Battle Mountain
An Ordinance adopting Specified Sustainability Building Codes
CUP regulation review – Fall 2021