



AGENDA

MEETING OF THE MINTURN TOWN COUNCIL

**Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645**

Wednesday November 6, 2019

Work Session – ~~CANCELED~~

Regular Session – 6:30pm

MAYOR – John Widerman

MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Chelsea Winters

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.

Work Session – ~~CANCELED~~

Regular Session – 6:30pm

Please remember to bring your FY2020 Budget Book

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

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?

- October 16, 2019 Minutes PG 6
- 542 Main St LLC dba Sunrise Cafe annual renewal of a Hotel and Restaurant Liquor license; 132 Main St; Doug McAvity, Owner/Operator Pg 16
- Planner's Report – 376 Pine St Pg 19

4. Approval of Agenda

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

5. Special Presentations

- Council Comments/Committee Reports

6. Liquor Authority

- Minturn Community Fund Request for Special Event Permit Event Date December 14, 2019; 175 Williams St.; Diana Scherr, Community Fund Director and Cindy Krieg, Town Economic Dev Coordinator – Brunvand Pg 27

PUBLIC HEARINGS AND/OR ACTION ITEMS

7. Public Hearing/Action Item: Resolution No. 45 – Series 2019 a Resolution approving Variance No. 564Taylor-110119 – Hunn Pg 36

8. Public Hearing/Action Item: Resolution No. 42 – Series 2019 a Resolution approving an Intergovernmental Agreement between Eagle County and the Town of Minturn regarding referral of land use development applications and joint planning activities – Hunn Pg 50

9. Public Hearing/Action Item: Resolution No. 43 – Series 2019 a Resolution approving a 1st Amendment to the Town Manager's Employment Agreement – Sawyer Pg 62

10. Public Hearing/Action Item: Resolution No. 44 – Series 2019 a Resolution retracting the Town's support for an amendment to the Colorado Outdoor Recreation and Economy Act, H.R. 823/S.241 – Sawyer Pg 65

11. Public Hearing/Action Item: 1st Public Hearing on proposed fiscal year 2019 Budget –Brunvand Pg 69

- Public Hearing Procedures
- Over View – Brunvand
- Water rates and water tap review – Metteer/Brunvand

- Special Projects update – Metteer
- Question/Answer

GENERAL IMPROVEMENT DISTRICT

NOTE: Convene as General Improvement District

12. Public Hearing/Action Item: General Improvement District – Brunvand Pg 77

- Roll Call

A) ADMINISTRATIVE MATTERS

- Approve Agenda
- Discuss and consider appointment of new member(s) to the Board of Directors:
 - a. Eric Gotthelf

Action Recommended: Motion to Ratify the Appointment

- Review and approve minutes from the November 7, 2018 Board Meeting Pg 79

Action Recommended: Motion to Ratify the Appointment

B) LEGISLATIVE MATTERS

C) FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2020 GID Budget

Action Recommended: Motion to Ratify the Appointment

- Discussion/Action – 2019 General Improvement District Budget: Public Hearing and Board Comments

Action Recommended:

- a. Open Public Hearing
- b. Staff Presentation
- c. Public Comment or Testimony
- d. Council Comments

e. Close Public Hearing

- **Discussion/Action – Consider adoption of Resolution No. 2019-11-01 a Resolution to adopt the Fiscal year 2020 Budget Pg 82**

Action Recommended: Motion to approve Resolution No. 2019-11-01 a Resolution to adopt the Fiscal year 2020 Budget as presented

- **Discussion/Action – Consider adoption of Resolution No. 2019-11-02 a Resolution to appropriate sums of money for the Fiscal year 2020 Budget Pg 85**

Action Recommended: Motion to approve Resolution No. 2019-11-02 a Resolution to appropriate sums of money for the Fiscal year 2020 Budget as presented

D) OTHER BUSINESS

- Discuss and set future meeting dates:
 - Board Meeting to consider budget approval set for November 4, 2020 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
 - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.
 - b. Note: there is consideration to dissolve the GID in which case a meeting will be set to take this matter up prior to November. 4, 2020.

Action Recommended: Motion to approve Resolution No. 2019-11-02 a Resolution to appropriate sums of money for the Fiscal year 2020 Budget as presented

E) ADJOURNMENT

NOTE: Convene as Town Council

COUNCIL INFORMATION / UPDATES

13. Staff Updates

- Manager's Report Pg 86
- Future Agenda Items Pg 88

MISCELLANEOUS ITEMS

14. Future Meeting Dates

- a) Council Meetings:
 - November 6, 2019
 - November 20, 2016

- December 4, 2019
- December 18, 2019
- January 1, 2020

15. Other Dates:

- November 11, 2019 – Veteran’s Day (Office Closed)
- November 28, 2019 – Thanksgiving (Office Closed)
- November 29, 2019 – Thanksgiving (Office Closed)

16. Adjournment



OFFICIAL MINUTES

MEETING OF THE MINTURN TOWN COUNCIL

**Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645**

Wednesday October 16, 2019

Work Session – 5:30pm

Regular Session – 6:30pm

MAYOR – John Widerman

MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Chelsea Winters

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.

Work Session – 5:30pm

- Water Rate Report review – Mann/Metteer

Regular Session – 6:30pm

Please remember to bring your FY2020 Budget Book

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John W. at 6:32pm.

Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members George Brodin, Brian Eggleton, Terry Armistead and Chelsea Winters. Note: Eric Gotthelf was excused absent.

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, Town Consultant Jim Mann, 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)

Michael Cacioppo, Business Briefs Newspaper, asked if we need more water rights if we are facing a major de-annexation (Disconnect)? It was noted this discussion is on the agenda and will be taken up in due course.

3. Approval of Consent Agenda

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- October 2, 2019 Minutes
- Resolution 37 – Series 2019 – A Resolution authorizing the Mayor to sign an Intergovernmental Agreement with the Minturn Cemetery District – Sawyer/Metteer
- Approval of the Extension of the Temporary Liquor License Permit for Pizza Pub LLC, DBA Magustos – Brunvand

Motion by George B., second by Earle B., to approve the Consent Agenda of October 16, 2019 as presented. Motion passed 6-0. Note: Eric Gotthelf was excused absent.

4. Approval of Agenda

- Items to be Pulled or Added

Michelle M. requested a moving around of agenda items as some of the individuals on the Battle Mountain subject were in traffic, it was determined all were present and no change was necessary.

Motion by George B., second by Brian E., to approve the Agenda of October 2, 2019 as presented. Motion passed 6-0. Note: Eric Gotthelf was excused absent.

- Declaration of Conflicts of Interest

5. Special Presentations

- Council Comments/Committee Reports

Brian E. noted the now completed light bulb swap and presented the statistics of the successful program.

Terry A. Noted the upcoming Minturn Halloween is October 30, this year we will also contend with the highway construction asking all to be prepared and patient. The Minturn Community Fund fund raiser is October 26 at the Saloon.

John W. noted he and Brian E. held a Minturn Matters meet and greet at Kirby's. It will continue on a monthly basis and dates and locations will be announced.

PUBLIC HEARINGS AND/OR ACTION ITEMS

6. Public Hearing/Action Item: Ordinance 08 – Series 2019 (First Reading) An Ordinance approving Disconnection of Real Property from the Town of Minturn – Battle Mountain Bolts Lake Property – Sawyer

Michael S. noted the Battle Mountain entities (BMR) has requested to Disconnect much of their property leaving only the area known as The Mountain Top. He defined that to join a municipality is called Annex or Annexation, to break away from a town is called Disconnect. Michael S. reviewed the process set forth in State Statute to Disconnect. He noted this is a legislative action that will be completed by Ordinance. Michael S. also noted the reasoning behind the request to Disconnect a portion and to maintain a portion within the town in that it would provide net positive benefits to the town financially. He also noted the path taken to get to this point and that some of the currently existing questions regarding the property will be addressed in the Disconnect process. The intent of bringing this process to the Council tonight is to begin the public process and public hearing(s). In the event the legislative process is unsuccessful, BMR can petition the Court to rule the Town cannot service the development in the same fairness of the balance of the town. Although he feels the town can provide the services based on the original agreements, in the event the legislative process is unsuccessful we would find ourselves in court by BMR.

Discussion ensued as to when the Second Reading would come forth; 6-8 weeks. And procedures involved in approval, denial, or continuance. It is recommended to pass on First Reading in order to allow further discussion and proceed with public input.

Brian E. stated it appeared the Town did not have all the pieces to the puzzle; correct, and by passage on first reading this would allow further discussion time.

Mr. Munsey Aires, BMR representative, did not have a formal presentation other than to encourage the discussion and public input. He did note that there are two paths available to Disconnect and the legislative process is the desired path forward.

Public Hearing Opened:

Mr. Michael Cacioppo, Business Briefs, noted this is a very similar case to a development in the Avon area. He noted the vast amounts of money spent to date by BMR and that they have little to show for their efforts. He felt Disconnect would not benefit either party.

Mr. Dan Matney, 435 Pine St, clarified that it was BMR that requested the Disconnect; correct. He stated he felt it was a negative that the town allow with the Disconnect as it would lose control of the development and it would directly affect the town while not providing any positives. Michael S. noted they have requested the Disconnect but discussions will continue.

Mr. Rob Davis, 1742 Main St, suggested we need to hit the Pause button. We need to discuss options and a way forward between the town and BMR without ERWSD. He felt we might be throwing the baby out with the bathwater and that there is room for discussion on both sides. He recommended the second reading be extended far out.

Mr. Matt Scherr, 501 Main St, asked to keep the Mountain Top open. He asked the balance of the escrow amount; approximately \$65-75,000. Discussion ensued as to why the town adopted the Disconnect procedures Ordinance; in order to establish a set of rules for Disconnect. Mr. Scherr asked if the county would receive any currently existing agreements; no, they would dissolve upon disconnect through the Disconnect Agreement. Discussion ensued that the County has rules to follow on development just as the town does.

Mr. Woody Woodruff, 344 Eagle St, said he had received a call from BMR and they asked if there was anything that could save the project. During a meeting he had with them they did come forward with options to save the plan. Items discussed included the water service options, uphold the negotiated agreements, a hotel would be an asset to the town, potential equity position in Bolts Lake once BMR develops it at their cost. It was noted the developer has not lived up to the agreements but there could still be a deal to be made. Disconnection will be a mess for everyone and no one will truly win. He stated we should kick the can of Disconnect far down the road in order to allow time for open and positive solution-oriented discussions.

Michael S. stated that we have not had an in-depth discussion of alternative options. Whatever options are there would require Minturn to be the water provider.

John W. read into the record a letter from Mr. Tom Sullivan outlining his concerns against the developer's stance and how little Minturn would ever receive based on other like but smaller annexations within Eagle County. He stated the Disconnect should include the entire parcel not just the specified area.

Mr. Michael Cacioppo, Business Briefs, asked if the town would pay for the lawsuit; the town would.

Brian E. read a letter from Mr. Michael Boyd, 502 ½ Main St, outlined his concerns against the development.

Mr. Dan Matney, 435 Pine St, clarified, the Mountain Top is to remain IN town the lower areas would be removed; correct, a map was displayed showing the Disconnect parcel. He felt more discussion was desired and encouraged.

Public Hearing Closed

Council Comments:

John W. noted this is an ongoing conversation at this point, he encouraged comments in person or to be sent to the town for inclusion in the discussion.

Earle B. discussion ensued as to Mr. Boyd's letter; he is requesting more open space access than is being proposed. It was noted the Mountain Top agreement allows for police and fire protection and access to the town facilities such as parks and fitness center but they would be private roads maintained by the homeowners.

Terry A. stated we have a Disconnect application but the developer seems to be reaching out to discussion. She asked if the developer is asking for further discussion of a development within Minturn or are they asking to Disconnect? Mr. Aires stated his direction is to proceed with Disconnection at a reasonable pace in order to establish if there is further potential or to Disconnect. He stated the developer is willing to listen to reasonable discussion to either end. A reasonable offer would be considered by the applicant. An amicable solution is sought, if that is Disconnect or if that is development.

Earle B. discussed the need to avoid misunderstandings. It is important that the Council hear from the citizens what kind of agreement would be acceptable in order to move forward in a constructive manner. He stated many were opposed to a large development but it is still unclear what size development is acceptable.

George B. discussed the process and that there are still compromise scenarios available to the parties. He stated many of the offers proposed were untenable and many were very positive, but that it does appear there are available avenues. Passing the Disconnect on First Reading does not end the conversation.

Terry A. expressed the importance of listening to the citizens and to listening to any forthcoming opportunities either party may have. Mr. Aires stated the preference is to have Council approve on First Reading in order to continue with discussions. The developer is committed to working with staff and if productive conversations are had, great, but it is important to move forward to the next steps.

Chelsea W. noted a lot was asked of the town with little offered. She asked if there is a viable opportunity, she is open to hear it.

Ms. Lyn Feiger, 344 Eagle St, recommended hiring a professional mediator in the hope of brokering an option.

Terry A. stated she does not want the town wasting time. If an opportunity comes forward it needs to come forward quickly as the process is to Disconnect.

Earle B. stated a vote of yes gives us time for citizen input, a vote of no would cease discussion and move to a court resolution. He felt a yes vote tonight is the best path forward.

John W. stated if we don't have an agreement by the second reading that will be our direction. During the ensuing period between first and second reading discussion will ensue and it is possible those discussion will come forward with further options. At this point the Council has an application to Disconnect, it is not our job to renegotiate but to make decisions and it is time to move forward. It is apparent the public comment is very important in the upcoming weeks.

Brian E. agreed that it is sad we are at this point but we are. It appears there could be room for alternatives which may come forward. Voting for the Disconnect on first reading is the requested and best path at this point.

Motion by Earle B., second by Brian E., to approve Ordinance 08 – Series 2019 An Ordinance approving Disconnection of Real Property from the Town of Minturn – Battle Mountain Bolts Lake Property as presented. Motion passed 6-0. Note: Eric Gotthelf was excused absent.

7. Public Hearing/Action Item: Resolution 40 – Series 2019 A Resolution adopting the SGM Water Capital Improvements Plan. - Metteer

Note: This presentation will include the water discussion of agenda item #9

Michelle M. outlined the various options and the Capital Improvement Plan for the water system. It was noted that Option 1 is to approve necessary upgrades to the water system and option 2 is more upgrades to allow for the development of new water wells to expand our water service capability.

George B. stated he liked the plans but felt some of the sequences be altered. He reviewed those changes he felt necessary and he felt the building should be constructed first.

Discussion ensued and it was felt that the bigger discussion was Option 1 vs. Option 2.

Public Hearing Opened.

Mr. Greg Sparhawk, 245 Pine St, felt the options were well thought out but were dependent on growth and when that growth will occur.

Public Hearing closed.

Motion by George B., second by Terry A., to approve Resolution 40 – Series 2019 A Resolution adopting the SGM Water Capital Improvements Plan as presented. Motion passed 6-0. Note: Eric Gotthelf was excused absent.

8. Public Hearing/Action Item: Resolution 41 – Series 2019 A Resolution authorizing the Mayor to sign a contract with Stolfus Engineering for the study of pedestrian and motor vehicle traffic in the 100-Block – Metteer

Michelle M. outlined the need to address the development efforts of the west 100 block and how that will affect our roads, parking, and flow caused by the demand. Staff is requesting approval LESS the traffic study.

Discussion ensued that this is very necessary. Brian E. asked if this might also address the Municipal Lot and how that can be incorporated into the study; yes. Brian E. noted that getting real information will answer the two arguments of “we have a parking problem in downtown” and “we don’t have a parking problem in downtown”.

Public Hearing opened

No comment

Public Hearing Closed

Motion by Brian E., second by Chelsea W., to approve Resolution 41 – Series 2019 A Resolution authorizing the Mayor to sign a contract with Stolfus Engineering for the study of pedestrian and motor vehicle traffic in the 100-Bl as presented. Motion passed 6-0. Note: Eric Gotthelf was excused absent.

DISCUSSION AND/OR DIRECTION ITEMS

9. Discussion/Direction Item: Minturn Water Operations and subsequent Water Rate Discussion – Metteer/Mann

Note: This item was taken up after Item #7.

Michelle M. introduced Mr. Jim Mann, Ehlers Consulting, hired to create a CIP plan for the water plant and system and the costs associated with the needs. He stated the current rates are sufficient to pay our current needs but they are not sufficient to meet the needed improvements in the water system and water plant.

Jim M. stated our rates allow a base of 6000 gal per month but the standard is 4000. It is also normal to allow a base rate with zero gallons included per month.

Option #1 would allow approximately 190 new SFE’s using Cross Creek only and option #2 includes additional development of wells on the Eagle River. Currently we are required to provide augmentation even though we are not using augmentation. The options presented allow for a built-in savings plan to address ongoing maintenance identified in the CIP plan. It was noted Option 2 allows for more growth to allow more users paying into the system. A concern is when and how fast that new growth will occur as the new costs will ride on the current population until the growth arrives.

Discussion ensued as to how much we pay for augmentation now and how much we might need later. A question was asked how much do the agreements require augmentation and would it change if BMR remained in town; BMR would need to augment in the town or in the county, it would not be a determining factor or savings for BMR and BMR would bring water to augment with to either entity.

It was noted that Option 1 does not provide for a redundant water source, option 2 does but it relies on a lot more on growth and development to offset the cost. It was also noted the rate models assume worst case scenarios where the augmentation water is paid on day one of each Option 1 and 2.

Michael S. asked how the tap fees collected are used to offset capital costs; they are applied as received. As the model moves forward the tap fees would stabilize the upward growth of monthly rates.

Jim M. also note the increase in rates is over the course of years, the largest increase is about 10%. The first two years provide for larger. Discussion ensued that Option 2 rates would cost the monthly user less than Option 1 because of the added growth allowed in new users to the system.

John W. said the bonds are 20-30 years,

Brian E. noted that we have infrastructure that needs improved as our water plant can barely meet the state standards. The reality is we need a new plant and we need to connect the town and Maloit systems. Regardless of growth we need to make these repairs.

Public Comment opened

Mr. Greg Sparhawk, 245 Pine St, asked about the maintenance. Option 1 is limiting down the road on maintenance and turnover, Option 2 is more robust and will allow for better addressing the CIP.

Mr. Woody Woodruff, 344 Eagle St, asked if anything is allowed in Dowd Jct. Michelle M. stated geographical breakout was not considered. It does include the School area and then throughout town. It was intended to provide available capacity but not where that would be located allowing that to be determined by development. When you look at reducing water loss to 20% or less this would allow further growth and would potentially include Dowd Jct development.

Public comment closed.

In response to question Michelle M. outlined how the water would get from the Eagle River wells to the water plant. It would be piped and purified then combined with Cross Creek water and that all residents would drink the same water. Michael S. stated normal use would require the Eagle River wells in the summer months when demand is highest.

A straw poll was taken and all six directed Option 2 and requested Staff to proceed accordingly.

10. Discussion/Direction Item: 2021 TAP Grant Application Direction – Metteer

Michelle M. noted the 2021-2023 TAP grant application window is open. She noted the three options

1 = Enclave sidewalk

2 = new current ending of 1000 block south to Boneyard

3 = both option 1 and 2.

The grants are a 20% match, Option 1 is approximately \$147,000. We would be constructing in 2021. Discussion ensued on the merits of moving forward with our current momentum.

Direction was to proceed with Option #1 for the current application window.

11. Discussion/Direction Item: FY2020 Budget Discussion – Brunvand

Jay B. stated the previous discussions were to be included as budget information and direction and asked if there were further questions.

COUNCIL INFORMATION / UPDATES

12. Staff Updates

- Future Agenda Items

MISCELLANEOUS ITEMS

13. Future Meeting Dates

a) Council Meetings:

- October 16, 2016
- November 6, 2016
- November 20, 2016

14. Other Dates:

- October 30, 2019 – Minturn Halloween
- November 11, 2019 – Veteran’s Day (Office Closed)
- November 28, 2019 – Thanksgiving (Office Closed)
- November 29, 2019 – Thanksgiving (Office Closed)

15. Adjournment

Motion by Earle B., second by Brian E., to adjourn at 9:45pm. Motion passed 6-0. Note: Eric Gotthelf was excused absent.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk



To: Mayor and Council

From: Jay Brunvand

Date: November 6, 2019

Agenda Item: Consent Agenda – Liquor License Renewal

REQUEST:

Staff is requesting Council to review and renew the attached annual renewal for a Hotel Restaurant license for 542 Main St LLC, DBA Sunrise located at 132 Main St.

During the Consent Agenda approval Staff is requesting renewal of this application.

INTRODUCTION:

This is an annual renewal by the Council. I have had our police and attorney, as well as myself, review the application for items of concern which might factor into the renewal process. No items have been brought forward which would preclude renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The renewal fee of \$125.00 has been paid to the town with this submittal.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Approved within the motion to approve the Consent Agenda.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Submit to Local Licensing Authority

SUNRISE
PO BOX 1285
Minturn CO 81645

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

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

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name 542 MAIN STREET LLC			Doing Business As Name (DBA) SUNRISE	
Liquor License # 03-09182	License Type Hotel & Restaurant (city)	Sales Tax License # 35244481	Expiration Date 02/13/2020	Due Date 12/30/2019
Business Address 132 MAIN STREET Minturn CO 81645				Phone Number 9708275353
Mailing Address PO BOX 1285 Minturn CO 81645			Email sunrise.minturn@gmail.com	
Operating Manager Douglas McAvity	Date of Birth 07/19/83	Home Address 542 main st minturn, co 81645		Phone Number 970 445 8349
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease 10/20/22				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Affirmation & Consent I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.				
Type or Print Name of Applicant/Authorized Agent of Business Douglas McAvity				Title owner
Signature 				Date 10/31/19
Report & Approval of City or County Licensing Authority The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. Therefore this application is approved.				
Local Licensing Authority For				Date
Signature		Title		Attest



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

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

MEMORANDUM

To: Mike Sawyer, Attorney
Scott Peterson, ECSO/Minturn
CC:
Date: 11/1/19 10:47 AM
RE: Liquor License

Attached please find a copy of the renewal license application for a Hotel and Restaurant Liquor license for 542 Main St, LLC, dba Sunrise Cafe, Doug McAvity, Manager/Owner, located at 132 Main St. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval to Council at the November 6, 2019 Council Meeting.

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

Thanks, jay



To: Mayor and Council

From: Scot Hunn, Planning Director

Date: November 1, 2019

Agenda Item: Recent Planning Commission Recommendations and Actions

REQUEST:

Review and approval of Planning Commission actions from their regular meeting of October 9, 2019. The following actions were taken by the Planning Commission:

376 Pine Street – Final Plan for Cranston Residence Accessory Building and Accessory Apartment

The Planning Commission reviewed final plans for a new, detached Accessory Building with storage and a new Accessory Apartment at 376 Pine Street.

INTRODUCTION:

Plans for the proposed Accessory Building and Accessory Apartment show a detached structure to be located directly behind an existing single-family residential structure. The existing residence was constructed in 2013 and historically has been used as a single-family residence as well as a chiropractic home business. The property recently sold and the new owner is proposing the Accessory Building for the purpose of providing personal storage areas and to provide an Accessory Apartment that will be rented.

The design is fairly traditional to match the existing residential architecture on the property, with simple, traditional gable roof form, along with similar exterior materials, textures and detailing. According to staff's analysis of development standards and dimensional limitations, proposed improvements generally meet or exceed the Town's requirements for setback standards, landscaping, lot and impervious coverage, as well as maximum building height and parking requirements.

Issues discussed by the Planning Commission during the hearing process included:

- **Snow Storage and Landscaping**
- **Parking**
- **Architecture, Design and Detailing**

The Planning Commission voted unanimously to **approve** the Final Plan with the following conditions:

1. The Applicant provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town's lighting standards as well as consistency with fixtures found on the existing residential structure on the subject property.
2. The Applicant provide a current survey (Improvement Location Certificate or Land Survey Plat) of the property prior to or concurrent with Foundation Inspection.

3. The Applicant shall strive to provide architectural continuity, including exterior colors, between the existing single-family structure and the Accessory Building within a reasonable time frame.
4. The Applicant shall work with the Town Planner and Town Engineer to facilitate the review of all civil engineering plans prior to the Applicant creating building permit set of plan documents and, specifically, prior to proceeding to building permit application.

ANALYSIS:

In reviewing the Final Plan, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. Staff and the Planning Commission determined that the Final Plan complies with the Town's standards for the design and development of new structures.

COMMUNITY INPUT:

The regular meeting of the Planning Commission was advertised and noticed according to the provisions of the Minturn Municipal Code and an opportunity for public comment was given during the DRB hearing. No members of the public spoke at the DRB 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 DRB application on consent:

1. 376 Pine Street - Cranston Residence Final Plan for Accessory Building and Accessory Apartment

ATTACHMENTS:

- Final Plan drawings for the Cranston Residence Accessory Building and Accessory Apartment

CRANSTON ACCESSORY BUILDING

site plan 13 September 2019 DRB review



301 Boulder St, #333
Minturn CO 81645



MUNICIPAL

Planning: Town of Minturn
Building and Planning Departments
302 Pine Street
Minturn, Colorado 81645
[p] (970) 827-5645

Address: 376 Pine Street

Zoning: Residential - Old Town Character Area

Lot Size: 5,000 s.f.

Construction Type: V-B

Building Height: unchanged

PARCEL NUMBER:
2103-263-14-013

LEGAL SUMMARY:
BOOCO
Block: P
Lot: 15 and 16
BK-0133 PG-0087 WD 04-15-46

ZONING:
OLD TOWN - RESIDENTIAL

PROJECT DATA

Project: New construction of Accessory building with
an Accessory Apartment and a basement

CONTACTS

Owner/Builder: Peter Cranston
770 655 8512
peter@crazymountainbrewery.com
376 Pine Street, Minturn, CO 81645

Architect: Gregory Sparhawk
(425) 495-7241
gregs@gpsdesigns.com
Contact: Gregory Sparhawk, aia
CO lic 0401016519



SET INDEX	
CV	COVER
A0.1	SITE & CODE
A1.0	FLOOR PLANS
A2.0	ELEVATIONS
A3.0	PERSPECTIVES

COVER

CRANSTON ACCESSORY BUILDING

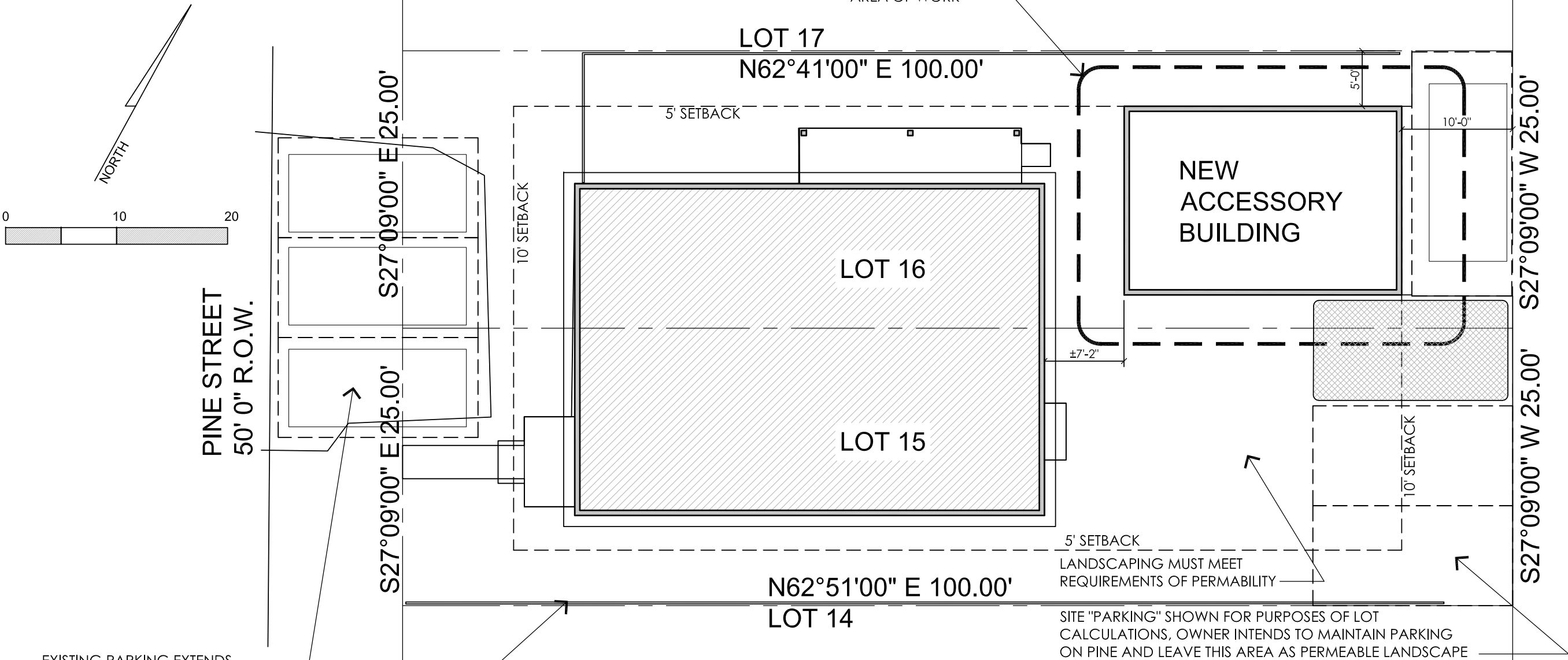
site plan 13 September 2019 DRB review

SITE INFORMATION:



301 Boulder St, #333
Minturn CO 81645

BOULDER STREET
25' 0" R.O.W.



EXISTING PARKING EXTENDS
INTO PINE STREET R.O.W.

EXISTING FENCES TO REMAIN

	CODE	PROPOSED
LOT SIZE	5,000sf min	EXIST. - 5,000sf
LOT DIMENSIONS	50' min	EXIST. - 50'
LOT COVERAGE	40.0% (2,000sf)	36.9% (1,849.8sf)
IMPERVIOUS AREA	50.0% (2,500sf)	49.7% (2,485.9sf)

PROPERTY SETBACKS

FRONT:	10'	EXIST.
REAR:	10'	10'
SIDES:	5'	5'

PARKING:

REQUIRED -2 SPACES FOR 3 BEDROOM
-1 SPACE FOR ACCESSORY DWELLING

3 EXISTING SPACES ON PINE CURRENTLY PAVED AND IN USE
HOWEVER...
FOR EFFECTIVE CALCULATIONS WE ARE ASSUMING 3 SPACES MAY
AT SOME POINT BE REQUIRED ALONG BOULDER. RE: IMPERVIOUS

SNOW STORAGE @ 5% DRIVE AND PARKING
EFFECTIVE PARKING AND DRIVE AT BOULDER 560sf
REQUIRED - 28sf
PROPOSED - 157sf

UTILITIES AND METERING OFF OF MAIN HOUSE.

ACCESSORY BUILDING - 1,200sf ALLOWED
ACCESSORY APARTMENT - 750sf ALLOWED

PROPOSED STRUCTURE

ACCESSORY BUILDING - 425sf footprint
ACCESSORY APARTMENT - 689sf
(does not include 51sf balcony or 425gsf basement)
DWELLING UNIT STORAGE - 110sf
(accessed off Boulder with garage door)

SITE
PLAN

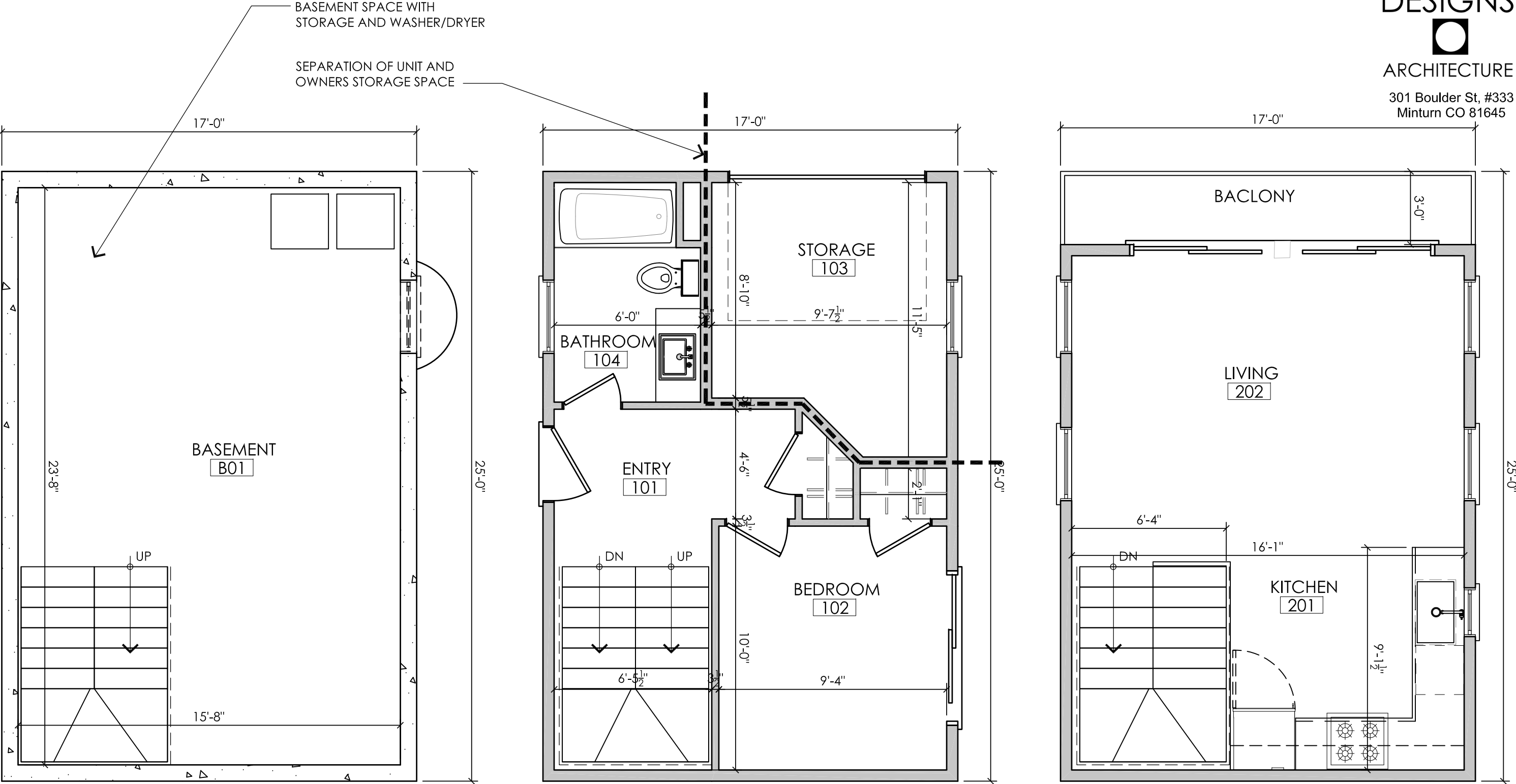
A0.1

CRANSTON ACCESSORY BUILDING

floor plans 13 September 2019 DRB review



301 Boulder St, #333
Minturn CO 81645



FLOOR
PLANS

A1.0
24

CRANSTON ACCESSORY BUILDING

elevations 13 September 2019 DRB review



ARCHITECTURE

301 Boulder St, #333
Minturn CO 81645

LINE OF MAIN HOUSE

PTD HARDIE PANEL, OR SIM FCB,
WITH 1X2 BATTENS AT 16"o.c.

PTD HARDIE ARTISAN SIDING,
OR SIM FCB, 8" EXP.

PTD HARDIE PANEL, OR SIM FCB,
WITH 1X2 BATTENS AT 16"o.c.

BLACK, VINYL DOUBLE
HUNG WINDOWS, LOW-E
WITH 5/4X4 PTD CASING

2 PIECE BELT BAND, PTD
GREY, MID TONE TO TRIM
AND CORRUGATED METAL

ELEVATION AT MAIN HOUSE

NORTH ELEVATION (TOWN HALL)

* NOTE:
NO CORNER BOARD WITH ARTISAN LAP SIDING
1X4 PTD CORNER BOARD AT BOARD & BATT

PREFINISHED METAL ROOF, STANDING
SEAM OR PRO-PANEL TBD.
*PROVIDE BRAKES, OR FENCE, AT
FRONT AND SIDE DOOR

PREFINISHED CORRUGATED METAL
SIDING, CHARCOAL GREY

PTD HARDIE PANEL, OR SIM FCB,
WITH 1X2 BATTENS AT 16"o.c.

MAIN HOUSE BEYOND

CABLE RAIL, OR SIMILAR PATTERN
METAL RAIL AT BALCONY

CONTEMPORARY EXTERIOR SCONCES
FINAL SELECTION TO BE DETERMINED,
MUST MEET DARK SKY CRITERIA

SOUTH ELEVATION (YARD)

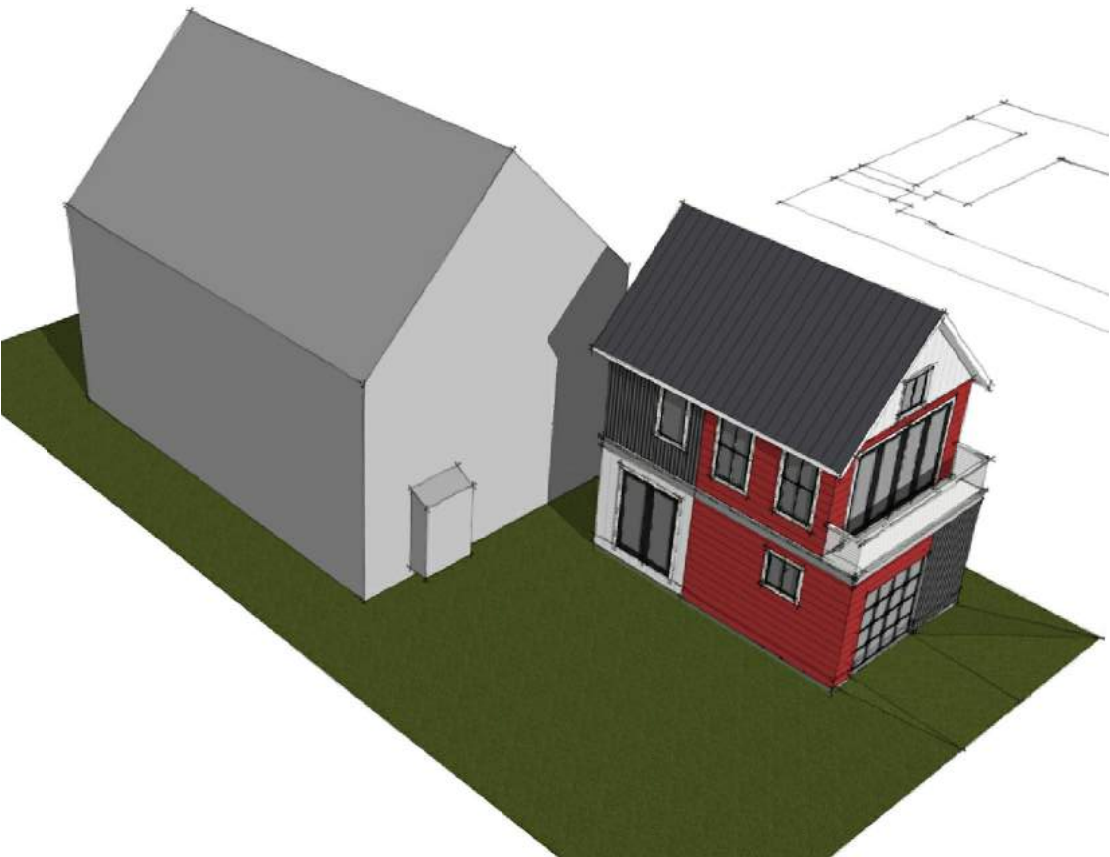
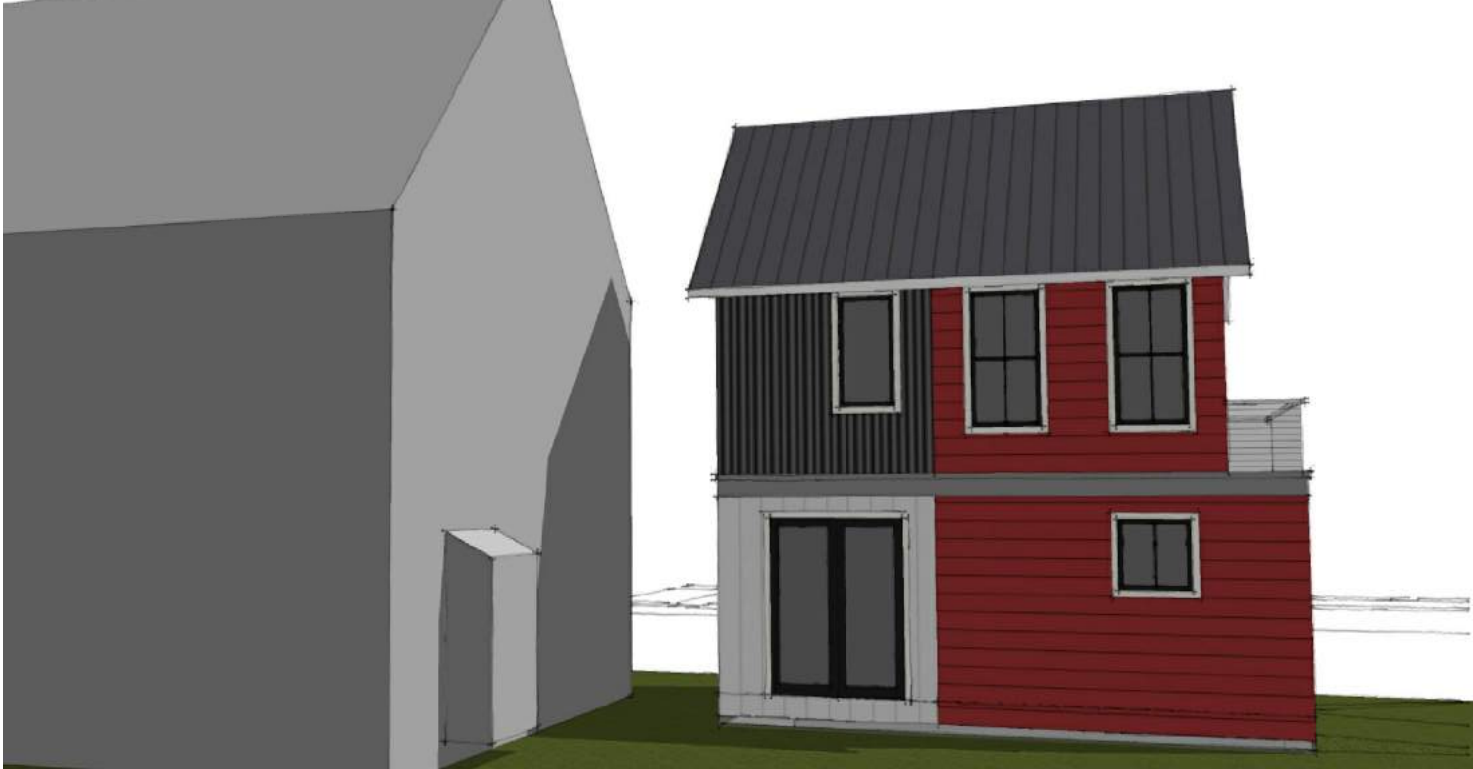
ELEVATION ALONG BOULDER

ELEVATIONS

A2.0

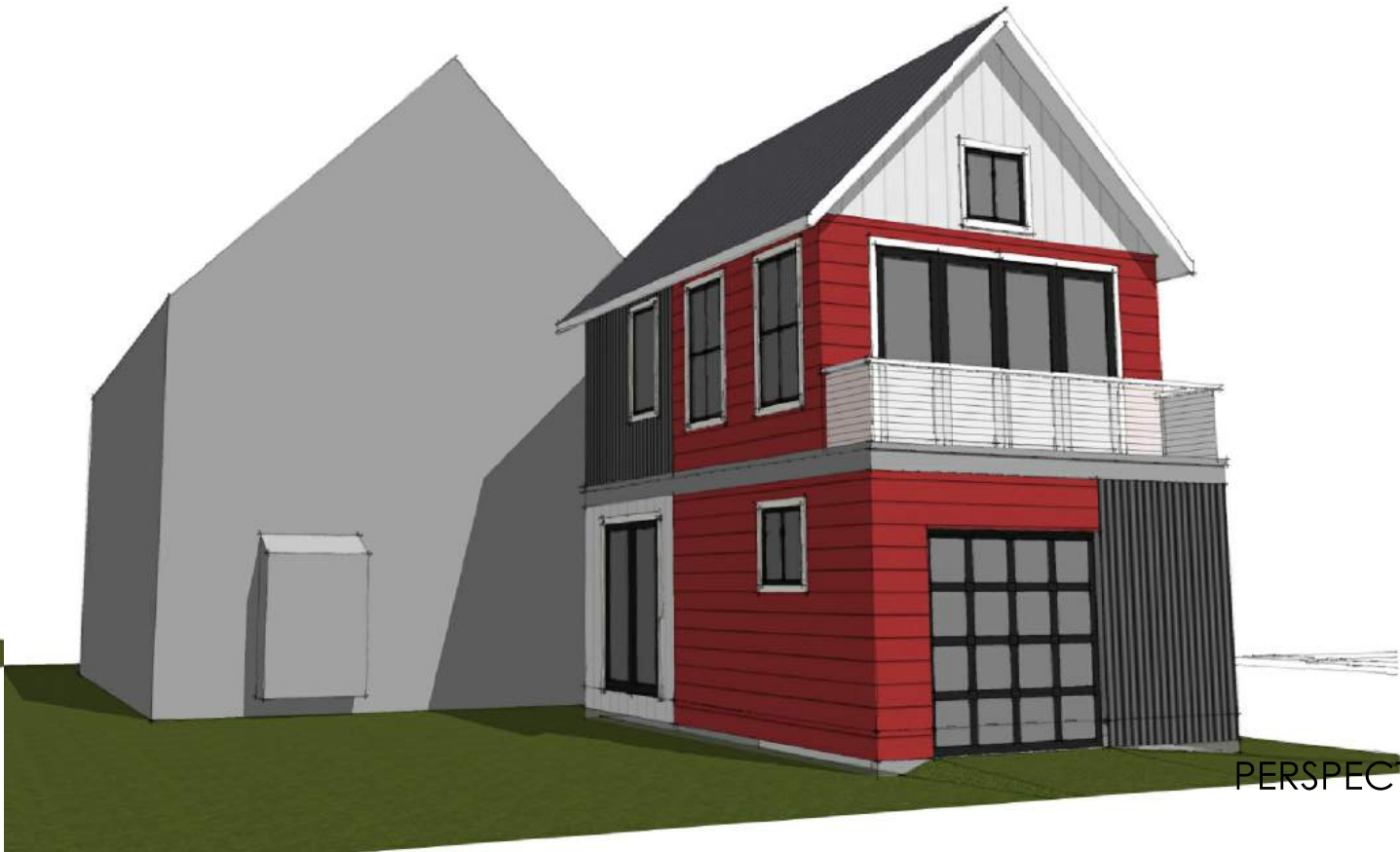
CRANSTON ACCESSORY BUILDING

perspectives 13 September 2019 DRB review



ARCHITECTURE

301 Boulder St, #333
Minturn CO 81645



PERSPECTIVES

A3.0



To: Mayor and Council
From: Jay Brunvand
Date: November 6, 2019
Agenda Item: Public Hearing and consideration for approval – Special Event Permit

REQUEST:

Staff is requesting Council to review and approve the attached Special Event Permit.

INTRODUCTION:

Council is asked to approve a Special Event Permit for the Minturn Community Fund street concert event to be held on December 14, 2019 outside in the approximate area of 175 Williams St. The attached documentation indicates the compliance with the posting of the site and the event. This event will immediately follow the Minturn Winter Market held that Saturday.

This application will require a Public Hearing to allow input on the request.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

As of this writing I have not received any remonstrances from the public in any form.

BUDGET / STAFF IMPACT:

Not Applicable.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #3 the Town will sustain and invest in the things that define Minturn as a proud, sturdy, mountain town to "Keep Minturn Minturn".

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve the proposed Special Event Permit to sell Malt, Vinous and Spirituous liquor beverages to be located as defined in the attached application as presented with the following conditions:

- 1) The application was received on October 22, 2019 and finalized on October 28 with complete information. The Notice Of Public Hearing on his matter was posted on the premises by the Town Clerk on Monday October 28, 2019 at least 10 days prior to the Council Meeting consideration.
- 2) That the selling of liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- 3) Star requests at least one T.I.P.S., or equivalent, certified server be present, and at least one person to check ID's be present at all times while alcoholic beverages are sold. We would request those servers and certifications be identified to us in advance.
- 4) Staff request each entrance/exit and premises be monitored and secured to ensure crowd control and that no outside liquor is introduced to the event and that no liquor is removed from the premises.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input checked="" type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:

- 2110 ☒ Malt, Vinous And Spirituous Liquor \$25.00 Per Day
2170 ☐ Fermented Malt Beverage \$10.00 Per Day

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate

Minturn Community Fund

State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate
(include street, city/town and ZIP)

PO Box 277
Minturn, CO 81645

3. Address of Place to Have Special Event
(include street, city/town and ZIP)

175 Williams St
Minturn, CO 81645

4. Authorized Representative of Qualifying Organization or Political Candidate

Diana Scherr

Date of Birth

11/22/65

Phone Number

970-376-4445

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

same as above

5. Event Manager

Cindy Krieg

Date of Birth

02/05/74

Phone Number

970-331-3021

Event Manager Home Address (Street, City, State, ZIP)

301 Larkspur Lane, Avon, CO 81620

Email Address of Event Manager

events@minturn.org

6. Has Applicant Organization or Political Candidate been
Issued a Special Event Permit this Calendar Year?

☒ No ☐ Yes How many days? _____

7. Is the premises for which your event is to be held currently licensed under the
Colorado Liquor or Beer codes?

☒ No ☐ Yes License Number _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☒ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date 12/14/19	Date	Date	Date	Date
Hours From 2p.m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 6p.m.	To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.

Oath of Applicant

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

Signature

Title

Board PResident

Date

10/22/19

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

☐ City
☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number

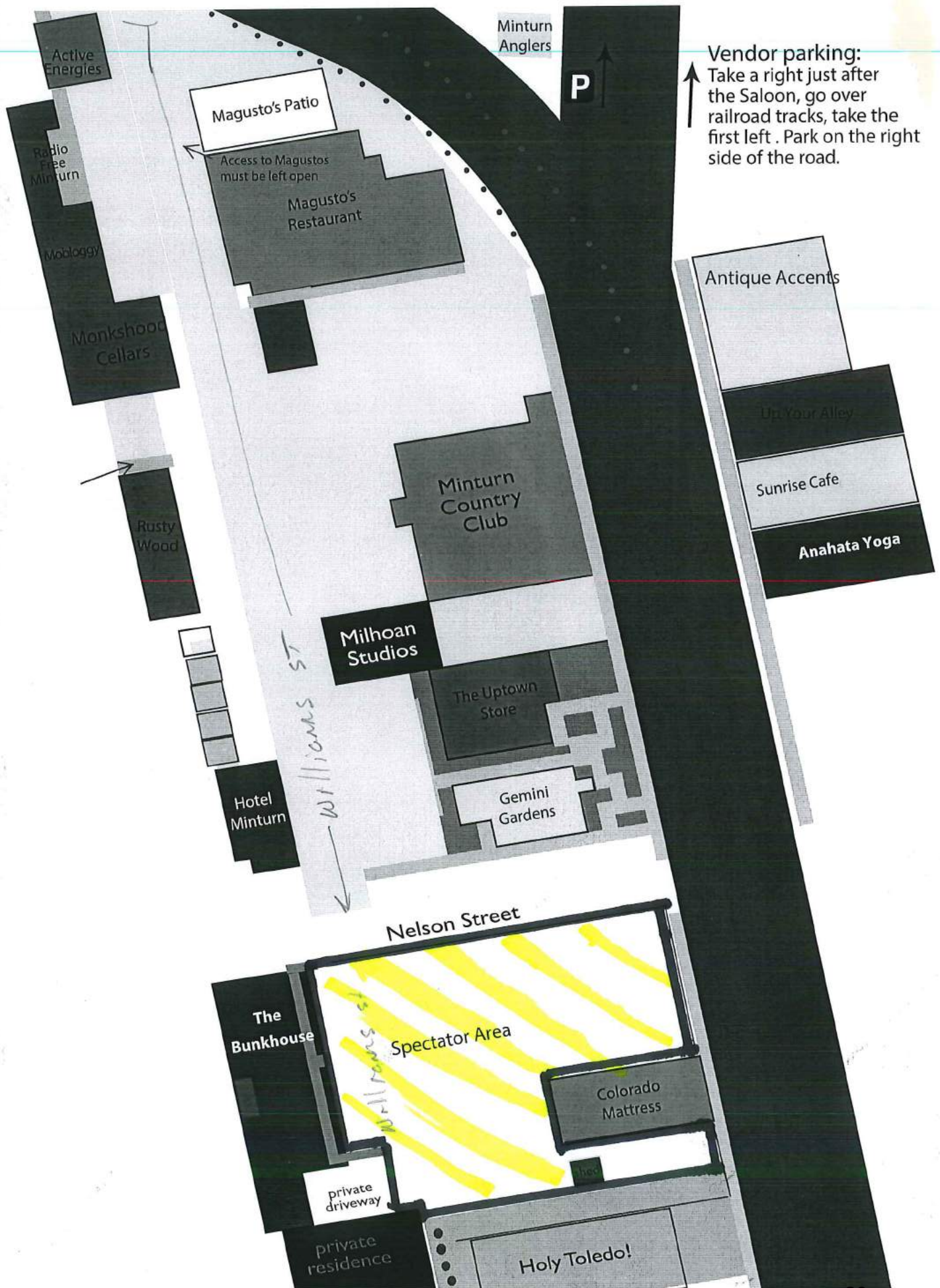
Liability Date

State

Total

-750 (999)

\$



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

NOV 10 2008

MINTURN COMMUNITY FUND INC
PO BOX 279
MINTURN, CO 81645-0000

Employer Identification Number:
68-0524113

DLN:

17053299718068

Contact Person:

JOHN JENNEWEIN

ID# 31307

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170(b) (1) (A) (vi)

Dear Applicant:

Our letter dated July 2003, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.


Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,


Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)



monday 10/28/19

MR Minturn
15870 County Road 162
Nathrop, CO 81236

October 29, 2019

To Whom It May Concern,

MR Minturn, LLC hereby gives permission to the Town of Minturn and the Minturn Community Fund, to host a concert with alcohol sales, on the MR Minturn property shown on the attached map. The event will be held on Saturday, December 14th between the hours of 2pm and 6pm. The location to be used will consist of the area between 175 Williams St (The Bunkhouse), 191 Main St (Holy Toledo), 171 Main St (Colorado Mattress), and extending to Nelson St. and Main St. as the event border. The event area will need to be cordoned off with appropriate signage.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Warren', with a long horizontal flourish extending to the right.

Thomas Warren
Owner Representative MR Minturn

Jay Brunvand

From: Minturn Events
Sent: Tuesday, October 29, 2019 11:07 AM
To: Jay Brunvand
Subject: Bunkhouse approval for 12.14 concert

I have additional correspondence as well with Nancy, re. use of the lobby for the band green room. If you need that as additional supporting documentation, please let me know.

Thanks,
Cindy

From: Nancy Richards <nancy@vailbunkhouse.com>
Sent: Wednesday, May 8, 2019 12:10 PM
To: Minturn Events <events@minturn.org>
Subject: Re: Possible December event

Cindy! We would love this. Let us know how we can help. The only thing to keep in mind is we got quite a few complaint calls regarding the noise. The last time we had a band on the deck it was early, before 8pm, and on Halloween. Maybe with proper advertising and the fact it is a town event it will be more well received by neighbors.

On May 7, 2019 at 6:16 PM Minturn Events <events@minturn.org> wrote:

Nancy,

I hope you are well and enjoying our spring weather (until winter returns again for a few days).

I wanted to reach out as the Town is contemplating doing some special events in December, to celebrate our 115th Anniversary.

One of the events that we have been discussing is a possible outdoor concert in the market area, with the potential of utilizing the Bunkhouse deck for the band.

It's my understand that we've done this in the past. I am talking with the property owners, but wanted to also reach out to get your thoughts on something like this and see if you would be open to it.

We could list you as a sponsor of the event, and provide some marketing benefits in trade for hosting.

I'd be happy to meet in person or discuss over the phone if you have questions or any concerns. But if you are open to this, could you let me know so I can continue getting the other necessary approvals?

Thanks so much,

Cindy

Cindy Krieg

Economic Development / Special Events

Town of Minturn

events@minturn.org

970-827-5645 x 5

Minturn Newsletter Sign-up

www.minturn.org

Nancy Richards

Owner and Operator

The Bunkhouse, LLC

970-393-9003





TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-5545
treasurer@minturn.org

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

MEMORANDUM

TO: Scott Peterson, ECSO-Minturn
Mike Sawyer, Town Attorney
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, November 01, 2019
RE: Special Event Permit

I am in receipt of a Special Event Permit submitted by the Minturn Community Fund for an event to be held outside at the Williams/Nelson parking area (approximately 175 Williams St in front of the Molly G Bldg. on Saturday December 14, 2019. Because this event is for the Community Fund and is proposed to be managed by Diana Scherr and Cindy Krieg, I am not asking for a full background check, fingerprints, etc. at this point. In the event an issue is presented that would require further investigation we would do the fingerprints then. I will be available to work with you in the event you have any questions.

I have scheduled this for Council review on November 6, 2019. Note, because this is a Special Event Permit, only the Town approves the application, the State is informed of the event but they do not approve the application as is done with a Liquor License application.

Please feel free to contact me in the event you have any questions.

Sincerely,

Jay Brunvand
Town Clerk/Treasurer

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 45 – SERIES 2019**

**A RESOLUTION APPROVING LAND USE APPLICATION
VARIANCE 564TAYLOR-110119**

WHEREAS, the Applicant requests relief from side yard setbacks whereby A small portion (the northeast corner) of the existing home on Lots 9 & 10 was originally constructed over the common property line between Lot 10 and the neighboring property Lot 11, located at 568 Taylor Avenue; and,

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for a public hearing held by the Town of Minturn Planning Commission (hereinafter, the “Commission”), acting as the Town of Minturn Zoning Board of Appeals, on October 23, 2019 to consider the variance requests; and,

WHEREAS, at their regular meeting of October 23, 2019, the Commission, acting as the design review board, also reviewed proposed building plans for an addition and carport to be constructed on the subject property; and,

WHEREAS, at the regular meeting on November 6, 2019, the Minturn Town Council (hereinafter, the “Council”) acting as the Zoning Board of Appeals, held a public hearing on the application and to consider the Commission’s recommendation, pursuant to the Code, Section 16-21-690(e); and,

WHEREAS, the Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-4; and,

WHEREAS, at the regular meeting on November 6, 2019, the Council, acting as the Zoning Board of Appeals, voted to confirm the action of the Commission; and,

WHEREAS, pursuant to the Minturn Municipal Code Section 16-1-20, the most appropriate use of the subject property is allowed via the granting of a variance; and,

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-690(d), Finding Required, the Council makes the following findings:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- (2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;

- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
- (4) There is no substantial impairment to the public that would result from the granting of the variance.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:

THAT, the application for a variance for 564 Taylor Street, Game Creek Character Area, Block E, Lot 9 and 10, for relief from side-yard setbacks, and from maximum allowable building lot coverage, be approved subject to the following conditions:

- (1) requiring the current owner or future owners of the residence located on Lots 9 and 10 (the Baumgarten Property) to demolish existing improvements that are encroaching on Lot 11 (the Dixon Property) would create a practical and physical hardship affecting the design, integrity, long-term maintenance, and livability of the existing home; and,
- (2) The Applicant ZBA consider the amount of relief (the extent of the variance request) sought relative to the requirements of the Code and whether granting of the variance will negatively impact or “impair” the public good. Specifically, the associated Amended Final Plat, while not providing a full five feet of separation between the existing structure on Lot 10 and the proposed lot line created around the structure, will provide approximately two and one half (2.5’) feet between the exterior wall of the structure and the newly created property line. This distance appears to be adequate to allow for normal maintenance of the structure on the Baumgarten Property and to allow for roof overhangs to be accommodated on the newly created property, while representing the minimum relief from the strict interpretation of the Code.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 6th DAY OF NOVEMBER 6, 2019.

TOWN OF MINTURN:

By: _____
Mayor

ATTEST:

Town Clerk

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



Zoning Board of Appeals
Mayor – John Widerman IV
Council Member, Terry Armistead
Council Member, Earle Bidez
Council Member, George Brodin
Council Member, Brian Eggleton
Council Member, Eric Gotthelf
Council Member, Chelsea Winters

Zoning Board of Appeals Hearing

Baumgarten Residence Setback Variance Request

564 Taylor Avenue

Hearing Date:	November 6, 2019
File Name and Process:	Baumgarten Residence Variance Request
Owner/Applicant:	Rob Baumgarten
Representative:	Tom Sullivan
Legal Description:	Taylors Addition to Minturn, Block E, Lots 9 and 10
Zoning:	Game Creek Character Area – Residential Zone District
Staff Member:	Scot Hunn, Planning Director
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Applicant is requesting relief from side yard setback requirements for his property located at 564 Taylor Avenue, otherwise known as Lots 9 and 10, Block E, Taylors Addition to Minturn. The Applicant is requesting relief from the Town of Minturn development standards, in this case a five (5') foot minimum side yard setback distance typically measured between a structure and the nearest property line as a means to address a non-conforming situation involving a portion of the residential structure on Lots 9 & 10 that encroaches onto a neighboring property.

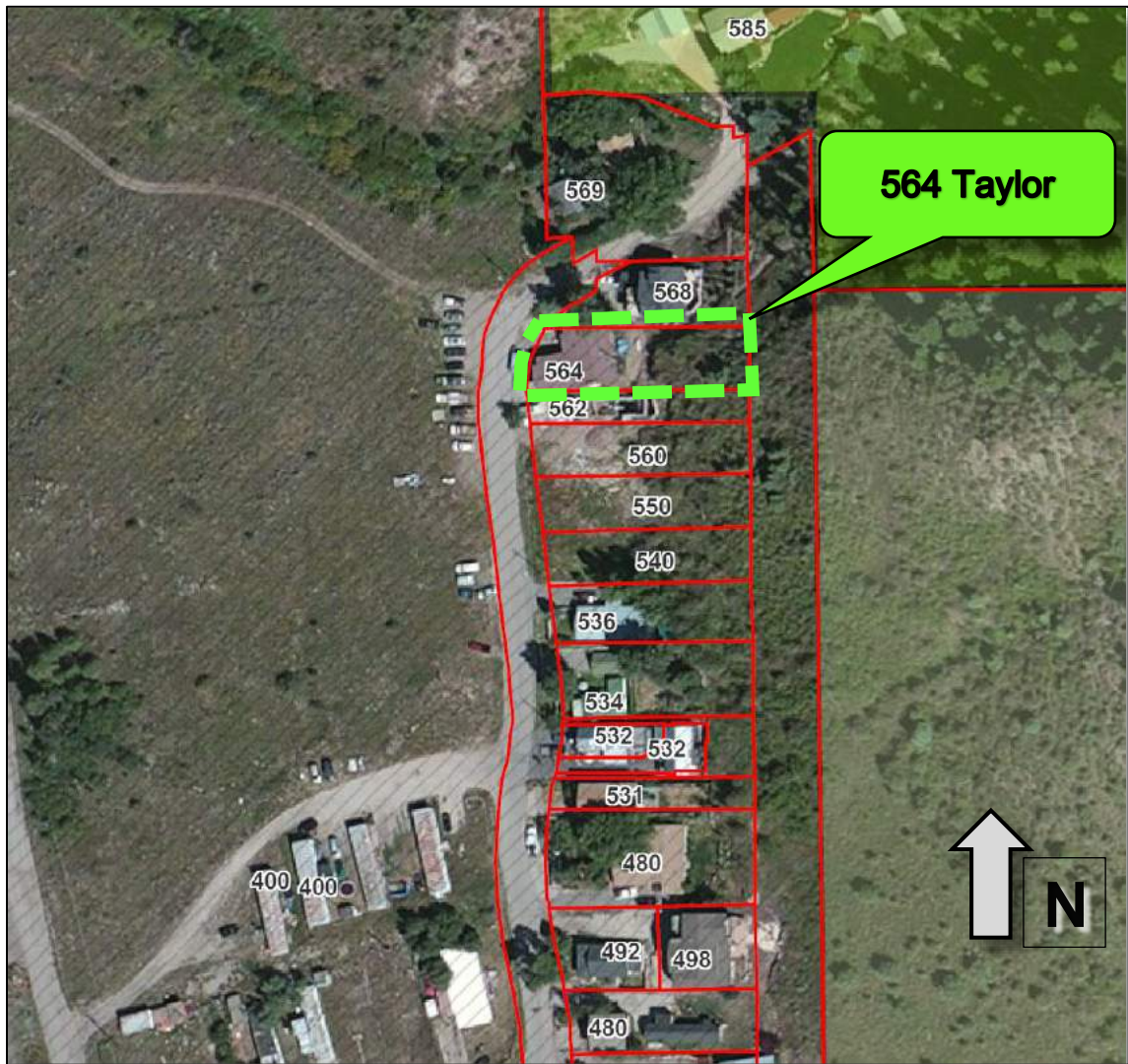


Figure 1: Vicinity Map

Background:

A small portion (the northeast corner) of the existing home on Lots 9 & 10 was originally constructed over the common property line between Lot 10 and the neighboring property Lot 11, located at 568 Taylor Avenue (see attached “Encroachment Easement Exhibit” by Kipp Land Surveying).

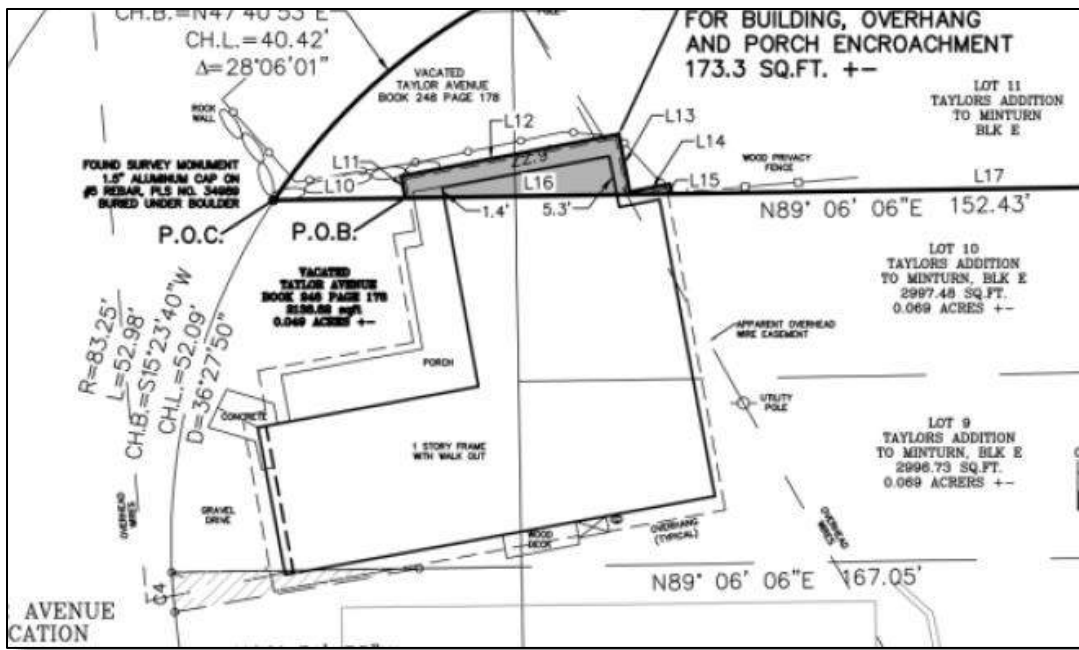


Figure 2: Encroachment Exhibit by KLS

The Applicant has listed the property at 564 Taylor Avenue for sale and has received offers on the property. However, in order for qualified buyers to gain financing the encroachment situation must be resolved. In an attempt to rectify this situation, the Applicant has, for several months, been working with the Town Planner, Town Attorney, and neighboring property owners (the Dixons, owners of Lots 11 & 12) to identify a legal path forward working within the Town of Minturn Municipal Code. The preferred solution identified by all parties involves the relocation of a portion of the property line between Lot 10 and Lot 11 (accomplished via the Amended Final Plat process) to gain land around the northeast corner of Mr. Baumgarten's residential structure and, in turn, to create separation between the structure and the common property line. In return for the Dixon's grant of property near Mr. Baumgarten's home, the Dixon's will receive a similar amount of land on the eastern side of the property. To this end, the Applicant has, concurrent with this variance application, applied for an Amended Final Plat which is currently being reviewed by the Town.

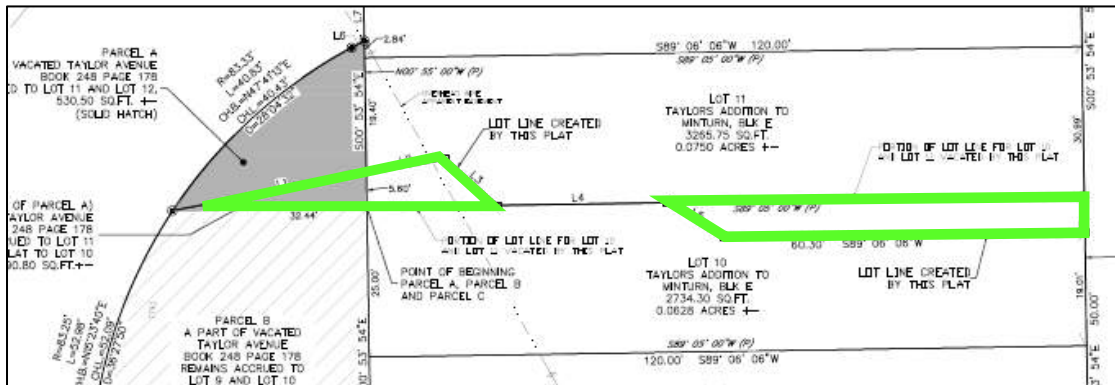


Figure 3: Draft Amended Final Plat for Lots 10 and 11 Taylors Addition to Minturn, Block E

While this draft plat – effectively swapping land between the Dixons (Lot 11) and Mr. Baumgarten (Lot 10) will achieve the goal of eliminating the physical encroachment of Mr. Baumgarten’s residence onto and over Lot 11, the relocated property line around Mr. Baumgarten’s residence will not be a minimum of five (5’) feet away from the structure on Lot 10 (as would normally be required within the side yard), therefore a variance request is also necessary, which is the subject of this review.

Following a review of the variance request, the specific criteria and findings, as well as the facts of this case, staff is **recommending approval** of this variance request.

II. Summary of Process and Code Requirements:

Variance requests are reviewed by the Planning Commission first and then by the Town Council, acting as the Zoning Board of Adjustment, during public hearings that are properly noticed.

The Planning Commission is responsible for reviewing the variance request and for making a recommendation to the Town Council to approve or deny the variance request based on criteria for approval and specific findings listed within Section 16-21-690 – *Variances* of the Minturn Municipal Code (detailed under Section IV with staff analysis). This occurred on October 23, 2019 at a regular meeting of the Minturn Planning Commission. (A summary of the Planning Commission’s review and recommendation is provided in more detail under Section VI on page 8 of this report.)

The Town Council, acting as the Zoning Board of Appeals, is the decision-making authority in all variance requests.

Pursuant to Section 16-21-610 – Public Notice, Minturn Municipal Code, public notice was published in the Vail Daily, adjacent property owners within 250’ of the subject property were sent a letter describing the application, and a sign was posted on the property. In each case, public notice was provided a minimum of ten (10) days prior to the advertised Planning Commission meeting. One neighbor spoke during the Planning Commission hearing – asking a question about the location of land to be swapped between the Dixons and Mr. Baumgarten – yet, no other input or comments were received by staff following the notice.

III. Zoning Analysis:

Zoning

The subject property is located within the “Game Creek Character Area” Residential Zone District. The purpose of the Game Creek Residential Zone District is to:

“(a) The Taylor Avenue neighborhood is characterized by a traditional lot-and-block layout with single-family residences. The residences are typically one (1) and two (2) stories, without buildings and good views to the west. The existing

residential neighborhood overlooks the rail yard or the Game Creek PUD Holding Zone.

“(b) The purpose of this area is to provide for continued residential use and redevelopment that preserve the small-town residential character and scale of the neighborhood. An objective is to retain the residential areas as a quiet and safe neighborhood while allowing for accessory apartments and limited home-based occupation to encourage permanent residency.”

- Town of Minturn Town Code Section 16-12-20

The Residential zone districts throughout Town require, in most instances, five (5') foot side yard setbacks. As described above, the building situated on Lots 9 & 10 currently violates the side yard setback and encroaches over the common lot line between Lots 10 and 11. The Amended Final Plat recently filed with the Town for review and approval moves the property line to eliminate the building encroachment, but does NOT provide a minimum of five (5') feet between the new lot line and the existing building on Lot 10. This is due to practical concerns of the neighbors (the Dixons) who, in granting additional land in this area to the Applicant, do not wish to relinquish enough property in that area to effectively allow for a full five (5') foot setback.

All other zoning considerations are either not applicable or will not be adversely affected. For instance, other setbacks are not changed or implicated, and building coverage and impervious coverage remain the same due to the fact that, via the Amended Final Plat, similar amounts of property are being “swapped” so each lot (Lot 10 and Lot 11) retain generally the same acreage in compliance with minimum required lot area (5,000 sq. ft.).

IV. Applicable Standards:

Variances

Section 16-21-690 – *Variances*, Minturn Municipal Code provides the following purpose, intent and criteria for the approval of a variance:

(a) Purpose of provisions; limitations.

- (1) In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*
- (2) Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, usable open space, landscaping, site development and parking and loading requirements.*

- (3) *The power to extend variances does not extend to the use regulations prescribed for each district because the flexibility necessary to avoid results inconsistent with the objectives of this Chapter is provided by Sections 16-21-620, Conditional Use Permits, and Division 3 of this Article, Amendments to text of Land Use Regulations or Character Area and Zone District Map.”*
- (c) **Approval criteria.** *Before acting on a variance application, the Planning Commission and the Zoning Board of Appeals shall consider the following factors with respect to the requested variance:*
- (1) *The relationship of the requested variance to other existing or potential uses and structures in the vicinity;*
 - (2) *The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this Chapter without grant of special privilege;*
 - (3) *The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety; and*
 - (4) *Such other factors and criteria as the Planning Commission and Zoning Board of Appeals deem applicable to the proposed variance.*
- (d) **Findings required.** *The Planning Commission and Zoning Board of Appeals shall make the following findings before granting a variance:*
- (1) *There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;*
 - (2) *The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;*
 - (3) *That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.*
 - (4) *There is no substantial impairment to the public that would result from the granting of the variance.”*

Staff Response:

As noted above, the Zoning Board of Adjustment must make positive findings for all four variance criteria. Although no one criterion should be weighted differently or considered more important, the first two criteria are typically the most difficult to establish.

Staff believes that while the original lot configurations of Lots 10 and 11 are not unlike similar lots in the vicinity (they are currently not irregularly shaped) the existing encroachment situation is unique and exceptional; and, that the proposed solution (relocation of the common lot line) also creates an extraordinary situation with regard to eliminating the encroachment – a benefit to the Applicant and future owners of Lots 9 and 10 (the Baumgarten Property) – and creating a non-conforming situation with regard to the side yard setback.

Additionally, staff respectfully suggests that requiring the current owner or future owners of the residence located on Lots 9 and 10 (the Baumgarten Property) to demolish existing improvements that are encroaching on Lot 11 (the Dixon Property) would create a practical and physical hardship affecting the design, integrity, long-term maintenance, and livability of the existing home.

Staff also recommends the ZBA consider the amount of relief (the extent of the variance request) sought relative to the requirements of the Code and whether granting of the variance will negatively impact or “impair” the public good. Specifically, the associated Amended Final Plat, while not providing a full five feet of separation between the existing structure on Lot 10 and the proposed lot line created around the structure, will provide approximately two and one half (2.5’) feet between the exterior wall of the structure and the newly created property line. This distance appears to be adequate to allow for normal maintenance of the structure on the Baumgarten Property and to allow for roof overhangs to be accommodated on the newly created property, while representing the minimum relief from the strict interpretation of the Code.

Importantly, staff believes the establishment of a new property line and setback via the Amended Final Plat will *not* change the physical nature or condition of improvements and separation between structures on Lots 10 and 11. Therefore, staff suggests that the intent and purposes of the Code, as well as the public interests, are not injured or impaired in this instance. Specifically, light and air, distribution of population, transportation and traffic facilities, public facilities, utilities and public safety *will not* be adversely impacted by the granting of this variance request.

Last, staff believes that positive findings can be made for all applicable criteria and standards to support the granting of this variance request. Conversely, not granting the variance in this instance will likely perpetuate a situation where undue practical and physical hardships may harm existing and future property owners and will provide no practical benefit to the Town or the public.

V. Issues and Areas of Non-Conformance: None.

VI. Planning Commission Recommendation and Suggested Conditions:

Planning Commission Review

The Minturn Planning Commission reviewed the variance request for 564 Taylor Avenue at their regularly scheduled meeting of October 23, 2019. During their review of the request, the Commission considered the testimony of the Applicant, staff and the public.

Issues discussed during the public hearing included:

- Overview of the request and history of the property by the Applicant's representative, Tom Sullivan.
- Inquiries regarding the proposed lot line adjustment and the locations where property is being exchanged or "swapped," as well as discussion confirming the conformance of resulting acreage for Lots 10 and 11.
- Discussion of criteria and findings for granting of a variance, including discussion regarding:
 - Practical difficulties and unnecessary physical hardship that would continue if the variance request is not granted;
 - The relationship of the requested variance to other existing or potential uses and structures in the vicinity;
 - The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity;
 - The effect of the variance on access to light and air, as well as the distribution of public facilities, utilities and public safety.

Ultimately, the Planning Commission voted unanimously to recommend approval of the variance request, with one staff suggested condition, and making positive findings for all four required findings.

Recommendation

Staff suggests that the Applicant's request for relief from the strict enforcement of the Town's dimensional limitations, in this case from required side yard setbacks, **complies** with applicable criteria of Section 16-21-690 – *Variances*, of the Minturn Municipal Code, and that positive findings can be made for each of the required standards.

In the event the Town Council, acting as the Zoning Board of Appeals, chooses to approve the variance request, staff and the Planning Commission forward the following, recommended condition:

1. The Applicant successfully complete the Amended Final Plat process to legally relocate the common property boundary between Lots 10 and 11, Taylors Addition to Minturn, Block E and provide the Town with evidence that an executed copy of the Plat is duly recorded with the Eagle County Clerk & Recorder.

564/568 lot line adjustment variance narrative

In 2008 The Dixon's purchased lots 11 and 12, two 25ft wide lots from Rob Baumgarten. Rob retain ownership of lots 9 and 10 where his residence 564 Taylor Ave is situated. A small section of Rob's home is on the Dixon's lot 11. Rob was planning to redevelop the property at which time the encroaching section of the building would be removed. The recession hit and Rob's plans did not materialize. Rob has moved to Florida and has been trying to sell his home. It is currently under contract. The buyers can not get a loan because part of the home is on the Dixons land. Being good neighbors the Dixons have agreed to swap the section of land where Rob's house sits for a piece in the rear of the property. There is a boulder wall that holds up the Dixons front yard and they want this to be the property line. The wall is approximately 2.5 ft from Rob's home so a variance is required. A strict interpretation of the law would require a 5ft side yard setback this would cause physical and undue hardship on the Dixon's property who are not at fault in this situation. The Dixons and Rob have been working with the town planner and town attorney to come up with a way to amend the property line that will make the situation better. It will provide some separation between Rob's house and the property line where there is none now. It will provide a better level of conformance with access requirements and safety around the structure in the future. The physical location of the home is not changing but there will be more clarity for both parties moving forward. There is no impairment to the public. The variance will provide relief to the applicants by cleaning up a messy property ownership and encroachment situation that will allow the property to be maintained properly in a safe manor in the future. Thank You for your time and consideration.

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that SIMON AND JULIA DIXON, being sole owner(s) in fee simple of all that real property situated in Eagle County, Colorado described as follows: LOT 11 AND LOT 12, TAYLORS ADDITION TO MINTURN, BLOCK E according to the final plat recorded JUNE 8, 1891 under BOOK T PAGE 3 (REC.NO. 9555), Eagle County, Colorado, Containing 0.1332 acres +-, AND THE PART OF TAYLOR AVENUE, VACATED BY ORDINANCE #147, AND ACCRUED TO THE OWNER OF SAID LOT 11 AND 12, as recorded AUGUST 20, 1976 IN BOOK 248 PAGE 178, Eagle County, Colorado, (PARCEL A shown hereon and further described on Sheet 2 of 2), Containing 530.50 sq.ft. +-; have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this Amended Final Plat under the name and style of AMENDED FINAL PLAT, TAYLORS ADDITION TO MINTURN, BLOCK E, LOT 9, LOT 10, LOT 11, LOT 12 AND A PART OF VACATED TAYLOR AVENUE, a subdivision in the County of Eagle; and do hereby accept the responsibility for the completion of required improvements; and do hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and do hereby dedicate those portions of said real property which are created as easements on the accompanying plat to the public forever as easements for the purposes shown herein, unless otherwise expressly provided thereon; and do hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

EXECUTED this ____day of _____, A.D., 20____ .

Owner: SIMON DIXON
Address: 26/27 EXETER HOUSE
PUTNEY HEATH LONDON SW153SX
UNITED KINGDOM

STATE OF COLORADO)
COUNTY OF EAGLE)SS

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, A.D. 20____, by _____

My Commission expires _____
Witness my hand and official seal.

Notary Public

Owner: JULIA DIXON
Address: 26/27 EXETER HOUSE
PUTNEY HEATH LONDON SW153SX
UNITED KINGDOM

STATE OF COLORADO)
COUNTY OF EAGLE)SS

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, A.D. 20____, by _____

My Commission expires _____
Witness my hand and official seal.

Notary Public

TITLE CERTIFICATE

Land Title Guarantee Company does hereby certify that it has examined the Title to all lands shown upon this Plat and that Title to such lands is vested in SIMON AND JULIA DIXON & ROBERT J. BAUMGARTEN, is free and clear of all liens and encumbrances, except as follows:

Dated this _____ day of _____, A.D., 20____
Agent: _____

TOWN OF MINTURN CERTIFICATE

This plat approved by the Minturn Town Council, Minturn, Colorado, on the ____ day of _____ A.D. 20____ for filing with the Clerk and Recorder of Eagle County and the conveyance to the Town of Minturn of the public dedications shown hereon: subject to the provision that approval in no way obligates the Town of Minturn for maintenance of roads dedicated to the public until construction of improvements thereon shall have been completed in accordance with Town of Minturn's specifications and the Minturn Town Council has by a subsequent resolution agreed to undertake maintenance of the same. This approval does not guarantee that soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit or any other required permit will be issued. This approval is with the understanding that all expenses involving all improvements required shall be the responsibility of the subdivider and not the Town of Minturn.

(Mayor)

Witness my hand and seal of the Town of Minturn.

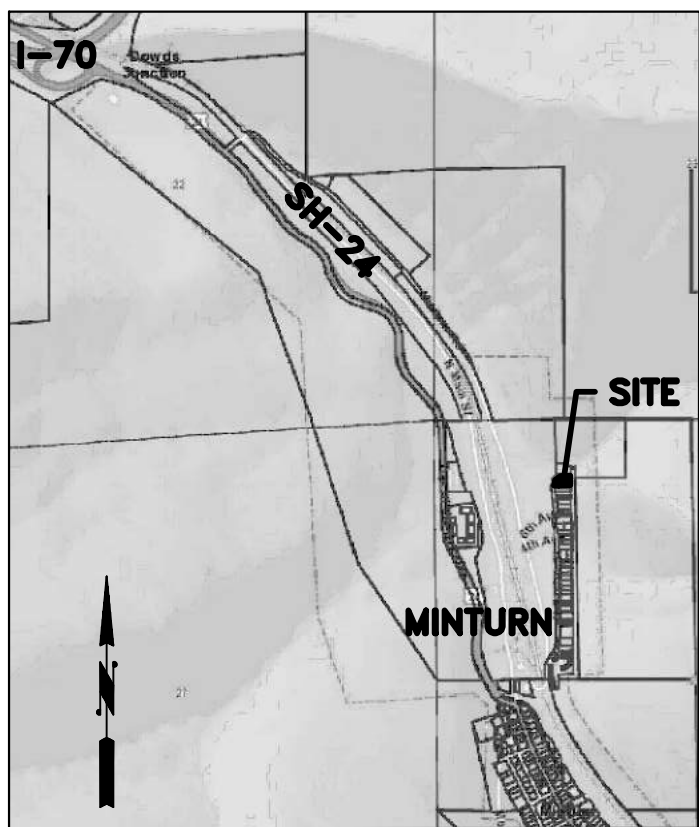
Attest: _____
(Clerk)

PLANNING DIRECTOR CERTIFICATE

This Final Plat is hereby approved by the Minturn Planning Director, Minturn, Colorado, this ____ day of _____, A.D. 20____ for filing with the Clerk and Recorder of Eagle County.

Minturn Planning Director

AMENDED FINAL PLAT
TAYLORS ADDITION TO MINTURN, BLOCK E
LOT 9 , LOT 10, LOT 11, LOT 12 And
A PART OF VACATED TAYLOR AVENUE
Town of Minturn, County of Eagle, State of Colorado



VICINITY MAP SCALE: 1"=2000'

PLAT NOTES

1. THE PURPOSE OF THIS AMENDED FINAL PLAT IS TO; (1) RECONFIGURE THE COMMON LOT LINE FOR LOT 10 AND LOT 11 (2) RECONFIGURE THE OWNERSHIP OF A PORTION OF THE VACATED TAYLOR AVENUE
2. SURVEY DATE: SEPTEMBER 17, 2019.
3. U.S. SURVEY FEET WAS USED FOR THIS SURVEY.
4. ADDRESS: 564 TAYLOR AVENUE (POSTED) AND 568 TAYLOR AVENUE (POSTED).
5. THE LEGAL DESCRIPTIONS SHOWN HEREON ARE BASED ON TITLE COMMITMENTS PROVIDED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. V50053023-2, WITH AN EFFECTIVE DATE OF 9-27-19, AND ORDER NO. 50054517-2, WITH AN EFFECTIVE DATE OF 9-27-2019, AND SURVEY MONUMENTS FOUND AT THE TIME OF THE SURVEY.
6. BASIS OF BEARINGS: ASSUMING THE NORTHERLY LINE OF LOT 19, SULLIVAN SUBDIVISION, AS RECORDED IN RECEPTION NO. 915586, BEARS N 89° 06' 06" E, BETWEEN A POINT ON THE EAST RIGHT OF WAY OF TAYLOR AVENUE, RECORDED IN BOOK 248 PAGE 178, MARKED WITH A FOUND 2" ALUMINUM CAP ON #5 REBAR, LS # 33655 AND THE NORTHEAST CORNER OF SAID LOT 7, MARKED WITH A FOUND 1.5" ALUMINUM CAP ON #5 REBAR, LS #4551. ALL BEARINGS HEREIN ARE RELATIVE THERETO AND SHOWN HEREON SHEET 2 OF 2.
7. THIS PROPERTY IS SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE RECORDED PLAT OF TAYLOR ADDITION TO THE TOWN OF MINTURN RECORDED JUNE 8, 1891 IN BOOK T AT PAGE 3, RECEPTION NO. 9555.
8. THIS PROPERTY IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY FOR THE CONTINUED USE OF EXISTING SEWER, GAS, WATER OR OTHER SIMILAR PIPELINES AND APPURTENANCES, AND FOR ELECTRIC, TELEPHONE AND SIMILAR LINES AND APPURTENANCES AS RESERVED IN THE VACATION BY ORDINANCE #147 RECORDED AUGUST 20, 1976 IN BOOK 248 AT PAGE 178.
9. THIS PROPERTY IS SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF ENCROACHMENT EASEMENT AGREEMENT RECORDED APRIL 17, 2008 AT RECEPTION NO. 200808211.
10. THIS PROPERTY IS SUBJECT TO EASEMENTS, ENCROACHMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE IMPROVEMENT SURVEY PLAT RECORDED SEPTEMBER 11, 2009 UNDER RECEPTION NO. 200920126.
10. THIS PROPERTY IS SUBJECT TO EASEMENTS, ENCROACHMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE IMPROVEMENT SURVEY PLAT RECORDED SEPTEMBER 11, 2009 UNDER RECEPTION NO. 200920127.
11. THIS PROPERTY IS SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF EASEMENT PERMITTING ENCROACHMENT RECORDED FEBRUARY 20, 2018 AT RECEPTION NO. 201802621.
12. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this Plat are paid in full.

Dated this _____ day of _____, A.D., 20____

Treasurer of Eagle County

CERTIFICATE OF DEDICATION AND OWNERSHIP

Know all men by these presents that ROBERT J. BAUMGARTEN, being sole owner(s) in fee simple of all that real property situated in the Town of Minturn, Eagle County, Colorado described as follows: LOT 9 AND LOT 10, TAYLORS ADDITION TO MINTURN, BLOCK E according to the final plat recorded JUNE 8, 1891 under BOOK T PAGE 3 (REC.NO. 9555), Eagle County, Colorado, Containing 0.1377 acres+-, AND THE PART OF TAYLOR AVENUE, VACATED BY ORDINANCE #147, AND ACCRUED TO THE OWNER OF SAID LOT 9 AND 10, as recorded AUGUST 20, 1976 IN BOOK 248 PAGE 178, Eagle County, Colorado (PARCEL B shown hereon and further described on Sheet 2 of 2), Containing 2133.14 sq.ft. +-; have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this Amended Final Plat under the name and style of AMENDED FINAL PLAT, TAYLORS ADDITION TO MINTURN, BLOCK E, LOT 9, LOT 10, LOT 11, LOT 12 AND A PART OF VACATED TAYLOR AVENUE, a subdivision in the County of Eagle; and do hereby accept the responsibility for the completion of required improvements; and do hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and do hereby dedicate those portions of said real property which are created as easements on the accompanying plat to the public forever as easements for the purposes shown herein, unless otherwise expressly provided thereon; and do hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

EXECUTED this ____day of _____, A.D., 20____ .

Owner: ROBERT J. BAUMGARTEN
Address: PO Box 2592
VAIL, CO 81658

STATE OF COLORADO)
COUNTY OF EAGLE)SS

The foregoing Certificate of Dedication and Ownership was acknowledged before me this ____ day of _____, A.D. 20____, by _____

My Commission expires _____
Witness my hand and official seal.

Notary Public

LENDER CONSENT

ALPINE BANK, being the beneficiary of the deed of trust recorded December 19, 2018, in the office of the clerk and recorder of Eagle County as Reception No. 201821561, as amended from time to time, hereby consents to and approves this final plat: Amended Final Plat, Taylors Addition to Minturn, Block E, Lot 9, Lot 10, Lot 11 and a Part of Vacated Taylor Avenue, and agrees that any foreclosure or other enforcement action under such deed of trust shall not cause a termination or invalidation of this final plat.

By: _____
Authorized Signer

STATE OF COLORADO)
COUNTY OF EAGLE)SS.

The forgoing lender consent was acknowledged before me this ____ day of _____, 20____,
by _____ as an Authorized Signer for _____.

My commission expires: _____

Witness My Hand and Official Seal.

Notary Public

SURVEYOR'S CERTIFICATE

I, Randall P. Kipp, do hereby certify that I am a Professional Land Surveyor licensed to practice land surveying under the laws of the State of Colorado, that this subdivision plat is a true, correct and complete Plat of the Amended Final Plat, TAYLORS ADDITION TO MINTURN, BLOCK E, LOT 9, LOT 10 LOT 11, LOT 12 AND A PART OF VACATED TAYLOR AVENUE, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and/or under my supervision and accurately shows the location and dimensions of the lots, easements and right of ways of said plat as the same are monumented upon the ground in compliance with applicable regulation governing the subdivision of land, that such plat is based upon the professional land surveyor's knowledge, information and belief, that such plat has been prepared in accordance with applicable standards of practice, and that such plat is not a guaranty or warranty, either expressed or implied.

In Witness Whereof, I have set my hand and seal this ____ day of _____, A.D. 20____.

Randall P. Kipp
Colorado Licensed Professional Land Surveyor
License Number #38079

CLERK AND RECORDER'S CERTIFICATE

This Plat was filed for record in the office of the Clerk and Recorder at _____ o'clock _____ on this ____ day of _____, 20____, and is duly recorded as Reception No. _____.

Clerk and Recorder

By: _____
Deputy

AMENDED FINAL PLAT TAYLORS ADDITION TO MINTURN, BLOCK E LOT 9 , LOT 10, LOT 11, LOT 12 And A PART OF VACATED TAYLOR AVENUE <i>Town of Minturn, County of Eagle, State of Colorado</i>		<i>KIPP LAND SURVEYING</i>
<i>JOB NO.: 19102</i>	<i>DATE: 10-04-2019</i>	
<i>SHEET 1 OF 2</i>	<i>DWG NAME: 19102-L9-12 TA AFP</i>	
		<i>RANDY KIPP P.L.S. P.O. Box 3154 Eagle, CO 81631 (970) 390-9540 email: randy@kipplandsurveying.com web: kipplandsurveying.com</i>

AMENDED FINAL PLAT
TAYLORS ADDITION TO MINTURN, BLOCK E
LOT 9 , LOT 10, LOT 11, LOT 12 And
A PART OF VACATED TAYLOR AVENUE

Town of Minturn, County of Eagle, State of Colorado

PARCEL A:
A PARCEL OF LAND LYING WITHIN THE VACATED RIGHT OF WAY OF TAYLOR AVENUE ACCORDING TO ORDINANCE NO. 147 RECORDED AUGUST 20, 1976 IN BOOK 248, AT PAGE 178, IN THE OFFICE OF THE CLERK AND RECORDER, EAGLE COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ASSUMING THE NORTHERLY LINE OF LOT 19, SULLIVAN SUBDIVISION, AS RECORDED IN RECEPTION NO. 915586, BEARS N 89°06'06" E, WITH ALL BEARINGS RELATIVE THERETO. **BEGINNING** AT THE SOUTHWEST CORNER OF LOT 11, TAYLORS ADDITION TO MINTURN, BLOCK E, AS RECORDED IN RECEPTION NO. 9555 (BOOK T PAGE 3); **THENCE** S 89°06'06" W A DISTANCE OF 32.43 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF TAYLOR AVENUE AS DESCRIBED IN SAID BOOK 248, PAGE 178; **THENCE** ALONG SAID EASTERLY RIGHT OF WAY 40.83 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 83.25 FEET, A CHORD BEARING OF N 47°41'13" E, AND A DISTANCE OF 40.43 FEET THROUGH A CENTRAL ANGLE OF 28°04'32"; **THENCE** CONTINUING ALONG SAID RIGHT OF WAY N 61°43'49" E A DISTANCE OF 2.39 FEET TO A POINT ON THE WESTERLY LINE OF LOT 12, TAYLORS ADDITION TO MINTURN BLOCK E, AS RECORDED IN RECEPTION NO. 9555 (BOOK T PAGE 3); **THENCE** LEAVING SAID RIGHT OF WAY, S 00°53'54" E ALONG SAID WESTERLY LINE OF LOT 12, A DISTANCE OF 2.84 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; **THENCE** S 00°53'54" E ALONG THE WESTERLY LINE OF SAID LOT 11 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 530.5 SQ.FT. +-.

PARCEL B:
A PARCEL OF LAND LYING WITHIN THE VACATED RIGHT OF WAY OF TAYLOR AVENUE ACCORDING TO ORDINANCE NO. 147 RECORDED AUGUST 20, 1976 IN BOOK 248, AT PAGE 178, IN THE OFFICE OF THE CLERK AND RECORDER, EAGLE COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ASSUMING THE NORTHERLY LINE OF LOT 19, SULLIVAN SUBDIVISION, AS RECORDED IN RECEPTION NO. 915586, BEARS N 89°06'06" E, WITH ALL BEARINGS RELATIVE THERETO. **BEGINNING** AT THE SOUTHWEST CORNER OF LOT 11 (ALSO BEING THE NORTHEAST CORNER OF LOT 10, TAYLORS ADDITION TO MINTURN, BLOCK E, AS RECORDED IN RECEPTION NO. 9555 (BOOK T PAGE 3); **THENCE** ALONG THE THE WEST LINE OF SAID LOT 10, S 00°53'54" E A DISTANCE OF 25.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10 (ALSO BEING THE NORTHWEST CORNER OF LOT 9, TAYLORS ADDITION TO MINTURN, BLOCK E, AS RECORDED IN RECEPTION NO. 9555 (BOOK T PAGE 3); **THENCE** ALONG THE WEST LINE OF SAID LOT 9, S 00°53'54" E A DISTANCE OF 25.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; **THENCE** LEAVING SAID WEST LINE OF LOT 9, S 89° 06' 06" W A DISTANCE OF 47.05' TO THE EASTERLY RIGHT OF WAY OF SAID TAYLOR AVENUE, AS DESCRIBED IN SAID BOOK 248, PAGE 178; **THENCE** ALONG SAID EASTERLY RIGHT OF WAY 52.98 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 83.25 FEET, A CHORD BEARING OF N 15°23'40" E, AND A DISTANCE OF 52.09 FEET THROUGH A CENTRAL ANGLE OF 36°27'50"; **THENCE** LEAVING SAID RIGHT OF WAY N 89°06'06" E A DISTANCE OF 32.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 2133.14 SQ.FT.+-

PARCEL C:
A PARCEL OF LAND LYING WITHIN THE VACATED RIGHT OF WAY OF TAYLOR AVENUE ACCORDING TO ORDINANCE NO. 147 RECORDED AUGUST 20, 1976 IN BOOK 248, AT PAGE 178, IN THE OFFICE OF THE CLERK AND RECORDER, EAGLE COUNTY, STATE OF COLORADO. SAID PARCEL BEING A PORTION OF PARCEL A DESCRIBED ABOVE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ASSUMING THE NORTHERLY LINE OF LOT 19, SULLIVAN SUBDIVISION, AS RECORDED IN RECEPTION NO. 915586, BEARS N 89°06'06" E, WITH ALL BEARINGS RELATIVE THERETO. **BEGINNING** AT THE SOUTHWEST CORNER OF LOT 11, TAYLORS ADDITION TO MINTURN, BLOCK E, AS RECORDED IN RECEPTION NO. 9555 (BOOK T PAGE 3); **THENCE** S 89°06'06" W A DISTANCE OF 32.43 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF TAYLOR AVENUE AS DESCRIBED IN SAID BOOK 248, PAGE 178; **THENCE** LEAVING SAID RIGHT OF WAY, N 79°18'36" E A DISTANCE OF 32.92 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 11; **THENCE** ALONG SAID WESTERLY LINE OF LOT 11, S 00°53'54" E A DISTANCE OF 5.60 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 90.80 SQ.FT. +-.

TAYLOR AVENUE RELOCATION
ORDINANCE NO. 147
BOOK 248 PAGE 178
40' R.O.W.
TOWN OF MINTURN

VACATED
TAYLOR AVENUE
TISLER, MATTHEW ALAN
RECEPTION NO. 201803325

LOT 8
TAYLORS ADDITION
TO MINTURN, BLK E
TISLER, MATTHEW ALAN
RECEPTION NO. 201803325

LOT 19
SULLIVAN SUBDIVISION
REC.NO. 915586

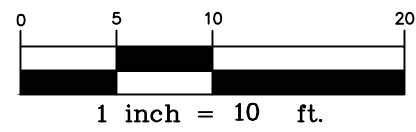
LOT 13
TAYLOR ADDITION
TO MINTURN, BLOCK E
KUNKLE, LAWRENCE E., JR
BOOK 329 PAGE 110

LOT 12
TAYLORS ADDITION
TO MINTURN, BLK E
2801.70 SQ.FT.
0.0643 ACRES +-

LOT 11
TAYLORS ADDITION TO
MINTURN, BLK E
3265.75 SQ.FT.
0.0750 ACRES +-

LOT 10
TAYLORS ADDITION TO
MINTURN, BLK E
2734.30 SQ.FT.
0.0628 ACRES +-

LOT 9
TAYLORS ADDITION TO
MINTURN, BLK E
3000.00 SQ.FT.
0.0689 ACRES +-



Line Table		
Line #	Direction	Length
L1	N79° 18' 36"E	32.92
L2	N79° 18' 36"E	13.57
L3	S48° 03' 03"E	11.62
L4	N89° 06' 06"E	28.10
L5	S59° 13' 34"E	11.41
L6	N61° 43' 49"E	2.39
L7	N00° 53' 54"W	8.36

LEGEND:

- (P) DENOTES PLATTED BEARINGS, ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED
- DENOTES SET SURVEY MONUMENT, 1.5" ALUMINUM CAP ON #5 REBAR LS #38079
- DENOTES FOUND SURVEY MONUMENT 1.5" ALUMINUM CAP, ON #5 REBAR LS #4551
- DENOTES FOUND SURVEY MONUMENT 1.5" ALUMINUM CAP, ON #5 REBAR LS #34989
- DENOTES FOUND SURVEY MONUMENT 2" ALUMINUM CAP, ON #5 REBAR LS #33655
- △ DENOTES FOUND SURVEY MONUMENT 1.5" ALUMINUM CAP, ON #5 REBAR LS #11204

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

AMENDED FINAL PLAT
TAYLORS ADDITION TO MINTURN, BLOCK E
LOT 9 , LOT 10, LOT 11, LOT 12 And
A PART OF VACATED TAYLOR AVENUE
Town of Minturn, County of Eagle, State of Colorado

JOB NO.: 19102

DATE: 10-04-2019

SHEET 2 OF 2

DWG NAME:
19102-L9-12 TA AFP

KIPP LAND SURVEYING

RANDY KIPP P.L.S.
P.O. Box 3154
Eagle, CO 81631
(970) 390-9540

email: randy@kipplandsurveying.com
web: kipplandsurveying.com



To: Mayor and Council

From: Scot Hunn, Planning Director

Date: November 1, 2019

Agenda Item: Resolution No. 42 – Intergovernmental Agreement Between the Town of Minturn and Eagle County

REQUEST:

Review, approval and execution of Resolution No. 42 - Series 2019, a resolution approving the Intergovernmental Agreement (IGA) by and between the Town of Minturn and Eagle County Government regarding referral of land use development applications and joint planning activities for areas within the Town's Urban Growth Boundary which is established within the Town's Three-Mile Plan.

INTRODUCTION:

The attached IGA by and between the Town and the County represents good faith efforts by the two governments to acknowledge their respective goals and policies with regard to land use, long-range master planning, provision of infrastructure and services, and growth management; and, importantly, to cooperate through interagency referral processes and potentially via joint master planning in the future.

The IGA establishes the following statement of need:

"the parties desire to enter into this Agreement at this time in order to ensure and define Town involvement as a referral agency in the review of all aspects of those development proposals subject to County review that could have impacts on the Town, and to ensure and define County involvement as a referral agency in the review of those development proposals that are subject to Town review that could have impacts on the County, including but not limited to, impacts to infrastructure, natural resources including the environment, property, and services."

ANALYSIS:

The Colorado Revised Statutes (C.R.S.) provide mechanisms to encourage and empower statutory and home rule local governments to cooperate in matters of land use planning, growth management, and service provision. To this end, most local jurisdictions have, within their land use regulations, a process for inter-agency referral of certain types of land use development proposals that may have impacts to those jurisdictions receiving the referral. Both Eagle County and the Town already have such requirements as part of the review of major land use development proposals such as Planned Unit Developments (PUD) and major subdivisions. However, oftentimes, such referral processes are followed to the minimum standards required (typically a minimum 21-day period to review land use development proposals and provide comments) and do not specifically recognize or give any particular weight to adopted comprehensive plans or policies of the referral entity.

Therefore, the IGA establishes the following purpose for formal agreement:

“the purpose and intent of this Agreement is to facilitate the cooperation between the Governments to ensure that any development proposal subject to review by either Government is undertaken in an orderly and efficient manner, fully integrated with existing and contemplated land uses, in order to safeguard the interests of the citizens of the County and the Town.”

COMMUNITY INPUT:

The Town Council’s regular meeting of Wednesday, November 6, 2019 was properly advertised and noticed in accordance with the provisions of the Minturn Municipal Code, and the public hearing held to consider this Intergovernmental Agreement will provide opportunity for public input.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Intergovernmental Agreement provides a higher level of acknowledgment and commitment between the County and the Town with regard to cooperating during any referral and review process for potential development that may occur within the Town’s Urban Growth Boundary (UGB) established within the Town’s Three Mile. To this end, the IGA furthers several strategic goals and policies of the Town of Minturn, including the following:

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 and sign the Intergovernmental Agreement between the Town of Minturn and Eagle County regarding referral of land use development applications and joint planning activities.

ATTACHMENTS:

- Intergovernmental Agreement between the Town of Minturn and Eagle County regarding referral of land use development applications and joint planning activities

**TOWN OF MINTURN
RESOLUTION NO. 42 – SERIES 2019**

**A RESOLUTION APPROVING AN
INTERGOVERNMENTAL AGREEMENT WITH EAGLE
COUNTY REGARDING REFERRAL OF LAND USE
DEVELOPMENT APPLICATIONS AND JOINT PLANNING
ACTIVITIES**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and;

WHEREAS, the Town is located within Eagle County, Colorado (the “County”), a body politic and corporate; and

WHEREAS, C.R.S. § 29-20-105 authorizes and encourages local governments to cooperate and contract with other units of government for such purposes as joint planning, land use regulation, zoning, development, and other related regulations; and

WHEREAS, the Town has interests in the planning, zoning, and land use review processes outside of its corporate boundaries but within its Three Mile Plan area as may be amended; and

WHEREAS, the County has interests in the planning, zoning, and land use review processes within the Town’s corporate boundaries; and

WHEREAS, the Town and County’s interests include, but are not limited to infrastructure impacts, water availability, environmental impacts, and their appropriate mitigation; and

WHEREAS, the Town and County are both contemplating revisions to long-term planning documents that may impact one another; and

WHEREAS, the Town and County have negotiated an intergovernmental agreement that will ensure that land use, development, zoning, and planning proposals are appropriately referred to each other whenever such interests are implicated; and

WHEREAS, the Town Council finds it in the best interest of the Town to approve the intergovernmental agreement between the Town and the County regarding referral of land use development applications and joint planning activities.

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

Section 1: The Town of Minturn Town Council hereby approves and authorizes the Mayor to sign the Intergovernmental Agreement between Eagle County and the Town of Minturn regarding Referral of Land Use Development Applications and Joint Planning Activities.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 6th
DAY OF NOVEMBER, 2019.**

TOWN OF MINTURN

By: _____
John Widerman, Mayor

ATTEST

By: _____
Jay Brunvand, Town Clerk

INTERGOVERNMENTAL AGREEMENT
BETWEEN EAGLE COUNTY AND THE TOWN OF MINTURN
REGARDING REFERRAL OF LAND USE DEVELOPMENT APPLICATIONS
AND JOINT PLANNING ACTIVITIES

THIS AGREEMENT is entered into this _____ day of _____ 2019, by and between EAGLE COUNTY, COLORADO, hereinafter referred to as the “County,” and the TOWN OF MINTURN, COLORADO, a Home Rule municipality, hereinafter referred to as the “Town.” Together, the County and Town are referred to herein as the “Governments.”

WHEREAS, the Town and County acknowledge that future development within the portions of Eagle County located within the Three Mile Plan Areas identified in the 2008 Minturn Three Mile Plan for Annexation or as it may be amended or replaced (the “Three Mile Planning Area”) could result in substantial impacts, both positive and negative, within the County and the Town. The necessity exists for coordinated and cooperative planning with respect to such development between the County and the Town as well as the establishment of evaluation, design and mitigation considerations for both direct and indirect on-site and off-site impacts of such development; and

WHEREAS, both the Town and County are contemplating updates to their respective Master Plans, which could result in long-term planning decisions that will impact the other entity for the foreseeable future; and

WHEREAS, the parties desire to enter into this Agreement at this time in order to ensure and define Town involvement as a referral agency in the review of all aspects of those development proposals subject to County review that could have impacts on the Town, and to ensure and define County involvement as a referral agency in the review of those development proposals that are subject to Town review that could have impacts on the County, including but not limited to, impacts to infrastructure, natural resources including the environment, property, and services. When used herein, the term “development proposal” means an application for development, an application for rezoning of parcels within the Three Mile Planning Area, and/or any text amendment affecting development that impacts County or Town infrastructure, natural resources, property, or services; and

WHEREAS, Sections 29-1-201 and 29-20-105, C.R.S., as amended, interalia, authorize local governments to cooperate and contract with other governments for the purpose of planning and jointly regulating the development of land with the goal of avoiding duplication of services, jurisdictional shopping by developers, and providing for quality development affecting the Town and the County and their citizens.

NOW, THEREFORE, in consideration of the obligations, covenants and terms expressed herein, the parties agree as follows:

1. Purpose and Intent.

Of fundamental importance to the citizens of both the County and the Town is the assurance that decisions of the County or the Town, relating to the use of land within the Three Mile Planning Area are made in a manner and in accordance with a process which recognizes the need and right of all interested parties to have a reasonable opportunity to provide input in the decision-making process. Although all such decisions must be consistent with and made pursuant to the standards contained in the Eagle County Land Use Regulations, as may be amended or replaced (“ECLUR”) in the event of a County review, or, the Town of Minturn Municipal Code, as may be amended or replaced (“Town Code”) in the event of a Town review, or, the state annexation statutes and the Town Code in the event of annexation, and applicable law, the Town and the County acknowledge that proposed land uses necessarily involve direct and indirect on-site and off-site impacts to both the County and the Town. To that end, the purpose and intent of this Agreement is to facilitate the cooperation between the Governments to ensure that any development proposal subject to review by either Government is undertaken in an orderly and efficient manner, fully integrated with existing and contemplated land uses, in order to safeguard the interests of the citizens of the County and the Town. Subject to the foregoing, this Agreement is intended to foster the following principles and benefits:

a. To further the goals and intentions of the 2009 Minturn Community Plan and 2008 Minturn Three Mile Plan, as they may be amended or replaced (the “Minturn Community Plan” and the “Minturn Three Mile Plan”), to the extent they are consistent with the 2005 Eagle County Comprehensive Plan and Area Plans, as they may be amended or replaced (the “County Comprehensive Plan and Area Plans”);

b. To further the policies and recommendations of the Eagle County Comprehensive Plan and Area Plans to the extent they are consistent with the Minturn Community Plan and Minturn Three Mile Plan;

c. To ensure that urban scale development is appropriate and consistent with sound land use planning and development principles as depicted in the Governments’ respective planning and zoning documents;

d. To ensure that both direct and indirect on-site and off-site impacts of developments are appropriately analyzed, quantified, and mitigated in land use approvals consistent with the ECLUR or Town Code, as applicable, and applicable law;

e. To preserve and protect sensitive areas and natural resources; including but not limited to natural wildlife habitat, cultural resources, open space, air quality, water resources, night sky preservation, view corridors, and noise mitigation;

f. To maintain the natural beauty of the area to the extent possible consistent with the rights of property owners and the needs of the Town and County and their citizens;

g. To facilitate and ensure fiscal planning for the adequate provision of essential governmental services consistent and compatible with land use and development decisions;

h. To strongly encourage and, where appropriate, require specific assurances of adequate provisions for water, sewerage, drainage, air quality, open space, roads, parking, transportation, public services, public facilities, and affordable housing;

i. To protect the environment and quality of life through appropriate controls and standards, consistent with the ECLUR and Town Code, designed to provide adequate open space; to avoid unserviceable concentrations of populations; to avoid congestion on roadways; to provide for clean air; to protect water quality and eliminate stream pollution and excess sedimentation; and to prevent erosion and development on any unstable slopes;

j. To preserve, promote and protect the health, safety and welfare of the citizens of and visitors to the Town and County.

k. To facilitate cooperation between the Town and County for all long range planning and community plans.

l. To provide a process for referring development proposals that may impact either the Town or County and to ensure consideration of comments and existing plans in development decisions.

2. Recognition of Three Mile Plan Boundaries and Community Plan

a. The County hereby recognizes the Town of Minturn Three Mile Plan boundaries, as they may be amended, as the urban growth boundaries (“UGB”) in the area around the Town, to the extent it is consistent with the County Comprehensive Plan and Area Plans and the ECLUR.

b. In review of development proposals, County hereby agrees to consider the policies and recommendations of the Minturn Community Plan and the Minturn Three Mile Plan to the extent they pertain to Eagle County and to the extent they are consistent with the County Comprehensive Plan and Area Plans and the ECLUR.

c. At pre-application conferences, County will advise property owners that their property is within the UGB, and recommend that they consult with the Town regarding annexation prior to preparation of their development application. If the applicant and Town wish to pursue annexation, Town procedures for annexation and development will ensue. If the applicant wishes to develop in the County, County land use development application procedures will be followed.

d. The County will solicit and consider referral comments from the Town as the County prepares or reviews changes in zoning or any development proposal involving an increase in the intensity and/or density of use(s), and which may involve the subdivision of land, a special use permit, or a 1041 application for areas within the Town’s UGB.

3. Recognition of 2005 Eagle County, Comprehensive Plan and Area Plans

a. The Town hereby recognizes the County Comprehensive Plan and Area Plans to the extent they are consistent with the Minturn Community Plan and the Minturn Three Mile Plan;

b. In review of development proposals, the Town agrees to consider the policies and recommendations of the County Comprehensive Plan and Area plans to the extent they are consistent with the Minturn Community Plan and the Minturn Three Mile Plan and the Town Code.

c. The Town will solicit and consider referral comments from the County as the Town prepares or reviews all development proposals that affect County infrastructure, resources, property and services.

4. Referral Process for Development Proposals

With respect to development proposals within the Three Mile Planning Area, the parties agree to the following:

a. The Town and the County agree that the entity which has final jurisdiction and with which the application is filed (“Approving Entity”) will transmit all applicable development proposals in the Three Mile Planning Area to the other entity (“Referral Entity”) for referral comments. The development proposal will be sent to the other party no later than the time the development proposal is transmitted to the other referral entities.

b. Upon receipt of a referral request, the Referral Entity will review the request under the procedures established by the Approving Entity and will determine the level of response.

c. Within a reasonable time before final action on the development proposal, the Referral Entity may:

(1) Request copies of all documents submitted by the applicant or comments or studies prepared by or for the Approving Entity and said request shall be complied with pursuant to the rules and regulations of the Approving Entity.

(2) Request a staff-level meeting to review the development proposal and discuss impacts to the Referral Entity’s infrastructure, resources, services, and property.

(3) Make a written recommendation on the proposal.

d. Nothing shall prevent representatives of the Referral Entity from attending noticed meetings of the Approving Entity and providing referral and/or public comment in that meeting under the rules and regulations of the Approving Entity.

e. The Approving Entity agrees to give consideration to the concerns raised by the Referral Entity, and to the extent consistent with the rules and regulations of the Approving Entity and applicable law, to consider incorporation of the recommendations made by the Referral Entity in the final action on the development proposal.

f. The Town agrees that annexation agreements shall require property owners annexing and subsequently developing land to mitigate demonstrated impacts of said development on County Roads affected in accordance with the Town Code and applicable law. The County agrees to require property owners developing land in Eagle County to mitigate demonstrated impacts of said development on Town Roads, resources, services, and property affected in accordance with the ECLUR and applicable law.

g. The Governments agree that final approvals for any development proposal impacting the Referral Agency shall include necessary provisions to ensure that impacts on the Referral Agency's infrastructure, resources, services, and property are properly mitigated in accordance with the ECLUR and applicable law.

5. Referral Process for Master Plan Updates

a. In addition to the referral process provided for in Section 4 hereof, the Governments agree to refer updates, changes, amendments and revisions to the respective Master Plans of the Governments (to the extent the proposal has an impact on Town and County infrastructure, resources, property, and services) to the other Government for review and comment in accordance with the ECLUR or the Town Code, as applicable.

b. The Referral Entity shall be provided adequate time within which to provide referral comments in accordance with the ECLUR or the Town Code as applicable.

c. Within a reasonable time before final action on updates, changes, amendments or revisions to the Approving Entity's Master Plans, the Referral Entity may:

(1) Request copies of all documents, comments or studies prepared by or for the Approving Entity's planning commission, and said request shall be complied with pursuant to the rules and regulations of the Approving Entity.

(2) Request a staff-level meeting to review the proposed updates, changes, amendments or revisions to the Approving Entity's Master Plans and discuss impacts to the Referral Entity's infrastructure, resources, services, and property.

(3) Make a written recommendation on the proposed updates, changes, amendments or revisions to the Approving Entity's Master Plans.

d. Nothing shall prevent representatives of the Referral Entity from attending noticed meetings of the Approving Entity's planning commission and providing referral and/or public comment in that meeting under the rules and regulations of the Approving Entity.

6. Term

This Agreement shall become effective upon signature of an authorized representative of the governing body of each party and shall remain in force and effect for one year from the effective date, unless terminated prior thereto by agreement of the parties. The Agreement shall automatically continue in effect for a second one-year term unless either party notifies the other not later than thirty (30) days prior to expiration of the original term that such party elects not to continue the Agreement. After the second one-year term, the Agreement shall automatically continue unless either party notifies the other that such party elects not to continue the Agreement.

7. Amendment

This Agreement may not be amended or supplemented, except by agreement signed by both parties.

8. Other Agreements

Nothing in this Agreement shall prevent either party from entering into specific study agreements with any private party or governmental entity. Nothing in this Agreement is intended to abrogate, limit, amend or affect the rights, remedies or equitable positions of the parties in and to any agreements or actions relating to development to which the Town or County are parties.

9. No Waiver of Jurisdictional Authority

The Approving Entity's agreement to participate in the manner specified in this Agreement is not and shall not be interpreted as a waiver of its powers, duties or jurisdiction under, the Approving Entity's Code or Regulations or as otherwise provided by law, and this is not and shall not be interpreted as a waiver of any rights the Referral Entity may have to seek judicial review of a decision of the Approving Entity as provided by law, it being understood that a Referral Entity only provides referral comments and recommendations and that such referral comments and recommendations are not legally binding or actionable. The Approving Entity's execution of this Agreement shall not be construed as an admission of jurisdiction, standing or authority of the Referral Entity with respect to land use or other action of the Approving Entity beyond those arising from the specific rights granted in this Agreement.

10. Severability

It is hereby declared to be the intention of the parties that the sections, paragraphs, sentences, clauses and phrases of this Agreement are severable and, if any phrase, clause,

paragraph, sentence, or section shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or enforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Agreement.

Executed in duplicate originals on the day and year first written above.

[SIGNATURE PAGE FOLLOWS]

BOARD OF COUNTY COMMISSIONERS
OF EAGLE COUNTY, COLORADO

By: _____
Its: Chair

ATTEST:

Eagle County Clerk and Recorder

TOWN OF MINTURN

By: _____
Its: Mayor

ATTEST:

Town Clerk

**TOWN OF MINTURN
RESOLUTION NO. 43 – SERIES 2019**

**A RESOLUTION APPROVING THE FIRST AMENDMENT
TO THE TOWN MANAGER’S EMPLOYMENT
AGREEMENT.**

WHEREAS, the Town of Minturn (the ‘Town’) and Michelle Metteer entered into an Employment Agreement on December 6, 2017 (the ‘Employment Agreement’) for service in the role of Town Manager; and

WHEREAS, Metteer has served as Town Manager with distinction for almost two years and received positive employment reviews; and

WHEREAS, the Town desires to revise the Employment Agreement consistent with the terms and conditions as provided therein.

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

Section 1: The Town Council hereby approves and authorizes the Mayor to sign the First Amendment to Employment Agreement by and between the Town of Minturn and Michelle Metteer, attached hereto as Exhibit A.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 6th
DAY OF NOVEMBER, 2019.**

TOWN OF MINTURN

By: _____
John Widerman, Mayor

ATTEST

By: _____
Jay Brunvand, Town Clerk

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

This FIRST AMENDMENT TO EMPLOYMENT AGREEMENT is made this ____ day of _____ 2019, by and between the Town of Minturn, Colorado (the “Town”), and Michelle Metteer (“Metteer”).

WHEREAS, the Town and Metteer entered into an Employment Agreement on December 6, 2017 (the “Employment Agreement”); and

WHEREAS, Metteer has served as Town Manager with distinction for almost two years and received positive employment reviews; and

WHEREAS, the Town desires to revise the Employment Agreement consistent with the terms and conditions set forth below.

NOW THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

1. Term. Section 2 of the Employment Agreement is amended and restated as follows:

The term of this agreement shall end on December 31, 2022, subject to annual Appropriation of funds. This agreement may be extended for an additional period by mutual agreement of the parties.

2. Compensation and Benefits. Section 3 of the Employment Agreement is amended and restated as follows:

In consideration for the services specified herein by Metteer, Town agrees to pay Metteer for her services rendered at an annual rate of \$102,731.00 to be payable in accordance with Town policy. Town shall provide Metteer a car allowance of three hundred dollars (\$300.00) per month to be included in her monthly taxable compensation. Metteer shall also be entitled to participate in those programs and receive those benefits offered by Town to its full-time exempt employees, as such benefits may be amended by the Town in its discretion. In addition, the Town shall grant Metteer a license to occupy the premises located at 210 Eagle Street as set forth in Section 4 below. Metteer’s salary may be increased by Town Council during the annual budgeting process without effectuating a subsequent amendment of the Employment Agreement.

3. Residence. Section 5.A. of the Employment Agreement is amended and restated as follows:

A. Metteer shall reside within 15 roadway miles (as calculated by a program such as google maps) of the Town as a condition of employment during the term of this Agreement. As part of Metteer’s compensation, the Town shall offer Metteer a license to occupy the Town-owned premises

located at 210 Eagle Street (the “Premises”). Metteer shall pay all costs and expenses attributable to the housing (with the exception of internet, water and sewer) including ordinary maintenance and repair, electric/gas, and renter’s insurance in reasonable amounts required by the Town.

4. Termination and Severance Pay. Section 7.A. of the Employment Agreement is amended and restated as follows:

A. Nothing within this agreement shall prevent, limit or otherwise interfere with the right of Town to terminate the employment of Metteer at any time during this agreement. In the event Metteer is terminated for any reason, other than cause, Town agrees to pay Metteer six months’ salary, plus accrued and unused vacation time, as severance pay. Any severance payment made under this agreement shall be contingent on Metteer’s execution of a full and complete waiver and release of claims or actions arising out of Metteer’s employment, or termination thereof. “Cause” for purposes of this section shall mean:

1. Employee’s gross negligence or willful malfeasance of her duties and responsibilities;
2. Employee’s plea of guilty or no contest to or conviction of a felony or crime of moral turpitude, such as an act of fraud or crime of dishonesty;
3. Employee’s commitment of any unethical, fraudulent or felonious act with respect to her duties to the Employer;
4. Employee’s prolonged unexcused absence from employment (other than by reason of disability due to physical or mental illness).

5. All other terms and conditions of the Employment Agreement shall remain unchanged.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Employment Agreement as of the date first above written.

EMPLOYER:
TOWN OF MINTURN,
COLORADO

EMPLOYEE:
MICHELLE METTEER

By: _____
John Widerman IV, Mayor

Michelle Metteer

ATTEST:

Town Clerk



To: Mayor and Council
From: Michelle Metteer
Date: November 1, 2019
Agenda Item: Res 44 - Series 2019

REQUEST:

Review and approve Resolution 44 - Series 2019; A Resolution retracting the Town's support for an amendment to the Colorado Outdoor Recreation and Economy Act, H.R. 823

INTRODUCTION:

In May of 2019 the Town of Minturn was actively involved in discussions to enter into three-party agreements (Agreements) between the Town, Battle Mountain Development and Eagle River Water and Sanitation District/Upper Eagle Regional Water Authority (ERWSD/UERWA), which would have, upon public approval, supplied Minturn with a secondary water source, among other things.

Within these discussions, ERWSD/UERWA expressed a desire to secure the legal ability to independently use Bolts Ditch. The Bolts Ditch headgate and a segment of the Ditch are located within the Holy Cross Wilderness area and currently only the Town of Minturn has been granted, through Congressional approval, the ability to maintain and utilize this infrastructure.

The Town of Minturn originally supported the request by ERWSD/UERWA because the pending Agreements addressed the terms and conditions under which Bolts Ditch could be used and addressed the potential impacts of such use on the Town. This support was memorialized in Resolution 24 – Series 2019.

Since the approval of Resolution 24 – Series 2019, the Minturn community and Council have conducted multiple public meetings outlining Minturn's water infrastructure needs, secondary water source options and water rate costs. The Minturn public vocally opposed the terms under which supplemental water would have been provided under the Agreements, which included requirements for Minturn to subordinate certain of its junior water rights to ERWSD/UERWA. Given this opposition, the Minturn Town Council unanimously denied the Agreements.

ANALYSIS:

ERWSD continues to seek independent use of Bolts Ditch. With the denial of the Agreements, Minturn is no longer clear on the potential impacts ERWSD's independent use of Bolts Ditch could have on the Town's water service or water rights. Minturn has requested meetings with ERWSD/UERWA on multiple occasions in hopes of finding a mutual path forward, but to no avail.

COMMUNITY INPUT:

Significant

BUDGET / STAFF IMPACT:

n/a

STRATEGIC PLAN ALIGNMENT:

The Council is looking for ways to expand Minturn's future opportunities. Without having an agreement in writing as to how the use of Bolts Ditch would impact Minturn, it is advised to approve a resolution rescinding support of such efforts by third parties until a clearer understanding is achieved.

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Resolution

ATTACHMENTS:

- Resolution 44 – Series 2019

**TOWN OF MINTURN
RESOLUTION NO. 44 – SERIES 2019**

**A RESOLUTION RETRACTING THE TOWN’S SUPPORT
FOR AN AMENDMENT TO THE COLORADO OUTDOOR
RECREATION AND ECONOMY ACT, H.R. 823/S.241**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and;

WHEREAS, sec. 1101 of S. 47 granted the Town nonmotorized access to use, maintain, and repair Bolts Ditch and its headgate within the Holy Cross Wilderness area in accordance with Wilderness management regulations; and

WHEREAS, the Town previously adopted Resolution No. 24, Series 2019 that offered support for an amendment to H.R. 823, known as the Colorado Outdoor Recreation and Economy Act (the “CORE Act”), that would grant the Eagle River Water and Sanitation District (the “District”) access to use, maintain, and repair Bolts Ditch and its headgate; and

WHEREAS, the United States House of Representatives has passed the CORE Act without the amendment contemplated in Resolution No. 24, Series 2019; and

WHEREAS, at the time of the resolution’s adoption, the Town, District, and Upper Eagle River Water Authority (the “Authority”) were in discussions regarding the provision of a supplemental water supply to the Town for which the District desired access to Bolts Ditch; and

WHEREAS, the Town Council unanimously rejected a proposed Resolution No. 30, Series 2019 that would have facilitated the provision of a supplemental water supply pursuant to agreements previously contemplated by the Town, District, and Authority; and

WHEREAS, the Town, District, and Authority are no longer in discussions for agreements to provide the Town with supplemental treated water supplies from the District’s water system as previously contemplated; and

WHEREAS, the Town Council finds it in the best interest of the Town to retract its support for an amendment to the CORE Act as set forth in Resolution No. 24, Series 2019.

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

Section 1: The Town of Minturn hereby retracts its support for an amendment to H.R. 823/S.241, the Colorado Outdoor Recreation Economy Act, that would grant the Eagle River Water and Sanitation District access to use, maintain, and repair Bolts Ditch and its headgate. The Town furthermore urges Representative Neguse and Senators Gardner and Bennet not to offer, and if offered work to defeat, any such amendment or other legislation providing such access.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 6th
DAY OF NOVEMBER 2019.**

TOWN OF MINTURN

By: _____
John Widerman, Mayor

ATTEST

By: _____
Jay Brunvand, Town Clerk



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-5545
treasurer@minturn.org

FROM THE
DESK OF
JAY BRUNVAND, TREASURER/FINANCE

MEMORANDUM

TO: Mayor and Town Council
FROM: Jay Brunvand, Town Treasurer
CC: Michelle Metteer, Town Manager
DATE: November 1, 2019

NOVEMBER 6, 2019 COUNCIL MEETING

As required by Colorado law, the Town has set one Public Hearing for the FY2020 Budget, the November 6th meeting. Although further discussion will ensue through final adoption of the budget on December 4, 2019 and the public will be allowed to comment at each meeting, this is the one and only official Public Hearing. To date, Staff has taken your comments and suggestions and incorporated them into the FY2020 Budget as well as comments and direction given during the on-going and in-depth water Capital Improvement Plan and Water rate discussions. If approved or directed by Council, the items will be included in the final budget. In the event any material changes come forth from the Public Hearing process, those changes also will be included in the proposed final passage of the budget ordinances on December 4th. I will distribute an updated budget document thereafter as the final changes are processed.

Following is the Public Hearing procedure recommended that you follow in order to make sure everything is covered procedurally and legally.

- (a) The Mayor will introduce the agenda item and announce the Public Hearing as “I hereby by call to order the Public Hearing for the purpose of discussion and comment on the fiscal year 2020 proposed budget and to gather input, pro or con on the proposed Minturn Town Budget for the fiscal year January 1 through December 31, 2020. Any citizen that would like to speak needs to clearly state their name and physical address for the record from the podium (even if they are known by all.)”
- (b) Staff Presentation – Brunvand and Metteer
- (c) Take citizen input
- (d) Close the Public Hearing
- (e) Council discussion on the budget and comment on the Public Hearing if any.
- (f) Announce this is the official Public Hearing on the Fiscal Year 2020 Preliminary Budget and citizens are encouraged to contact the Town Hall with questions or comments during regular business hours at 827-5645.

**FROM THE DESK OF
JAY BRUNVAND, MINTURN FINANCE OFFICE**

MEMORANDUM

TO: Town Council
FROM: Jay Brunvand, Finance Office
CC:
DATE: November 6, 2019
RE: FY2020 Annual Budget

During tonight's meeting we will do an overview of the budget DURING the Public Hearing as the Staff presentation through this memo.

During the October 16 meeting we reviewed a PowerPoint presentation which highlighted the budget from an overview position and we discussed in detail the water system needs and associated costs. Council was presented with two options to address the needs of the water system and directed Option #2 be pursued. This option, although comes with a steeper cost, does provide for a larger growth potential than Option #1.

Often when reviewing a budget, it quickly becomes a very large number and can be confusing. A method for reviewing each department is to look at the right-hand column of the Annual Budget section and review those with significant changes, are new items, or for some other reason stand out. Following are items that, for me, stood out.

Page 15:

- 01-00-4010 Property Tax – although this is a reassessment year, property tax is up slightly over 5%. This small increase is due to the constraints in place by the Gallagher Amendment which requires residential valuations statewide to be limited to 40% of the entire tax revenue pie. Because the commercial sector valuations are not as strong as the Residential, the revenue from the residential sector is held down. This is not something that we foresee to change dramatically in the coming years.
- 01-00-4039 Lodging Tax – adjusted due to the continuing effects of our Short-Term Rental policy as well as the continuing growth of the acceptance and use of short-term rental options by the vacationing public.
- 01-00-4220 Hwy 24 Maintenance – this line item will grow from \$27,000/annually to \$34,000/annually due to a successful renegotiation of this contract with CDOT. This recognizes an almost 26% growth over previous years.
- 01-00-4250 P&Z Fees/Permits – This item represents both growth and a refinement in the method of assessing. A more concerted effort has been made to code fees and permits away from building fees.

Page 21:

- 01-01-5200 Telephone – In 2019 Staff purchased a new phone system which uses Voice Over Internet Protocol (VoIP). This new technology has allowed the

town to recognize savings over prior years and will be realized annually in future years. Each phone line item throughout the budget is reflective of this savings.

- 01-01-5255 Elections – 2020 is a Council Election year and is represented here.

Page 24:

- 01-02-5215 Planner Assist – This account has been increased over 2019 to allow for additional costs associated with the various needs to improve the code and the functionality of Chapter 16 and other portions of the municipal code.

Page 34:

- Enterprise Fund Revenues – This page will continue to be discussed as the CIP plan is reviewed.
- In April of 2019, Council passed Ordinance 03-2019 which restructured the Enterprise Fund by moving parks and recreation to the General Fund. This is represented in accounts 01-06-5356 and 01-06-5357. This is a permanent change for the budget hence forth.

Page 39:

- As previously discussed, 2020 represents the final year of payments on the Town Hall. This debt will be retired in mid-February resulting in additional savings in interest and bank fees. Income will be recognized by utilization of the existing escrow funds and the above savings, this will be transferred to the Capital Fund (06) and used to purchase half of a new loader, the second half is budgeted in the Enterprise Fund.

Citizens are encouraged to contact Staff with questions or comments on the budget.

Questions?

10/16/2019 Council Meeting

During tonight's Worksession we will begin an in-depth review of the water rate reports and Capital needs for the water plant and system. This discussion will include presentations from our consultants which are designed to guide us through the process. As part of this review the Council will consider a wide variety of needs sorted into various options and time frames to complete. The intent is to maintain the affordability of the system on a month to month basis for our customers while still accomplishing the myriad of needs and improvements.

During the regular Council Meeting time will be provided to further consider the water operations and include a water rate schedule. During the 10/2/19 Council Meeting a complete review of the FY2020 budget was presented. The meeting tonight will afford ample time to ask questions not only on the water issues but on any other items in the FY2020 budget.

As a recap, during the 10/2/19 presentation the council considered and directed the following:

* Consideration of water rates/fees: it was directed the water and trash rates would increase by 5% as outlined in the budget revenues. However, as the Council was brought to speed with the needs of the water plant and system, we would revisit this for the FY2020 budget. With the information reviewed at tonight's

meeting, Staff will again be requesting direction on this subject. This direction may also provide insight to the base water allowance of 6,000gal/mo.

* Staff has provided for one Public Hearing to be held at the November 6, 2019 Council meeting. Direction was given this was sufficient and to proceed with only one.

* Council agreed with the proposed budget calendar for FY2020 and directed to proceed as such.

10/2/2019 Council Meeting

When reviewing the Draft FY2020 Annual Budget it is important to realize that this budget is tight. It recognizes the completion of the 2019 sidewalk project which will be completed and closed out in the 4th quarter of 2019 and it also recognizes minimal growth in property tax assessments anticipated in the 2019 reassessment of properties statewide and the anticipated departure of Battle Mountain. Be assured this budget is conservative and represents the needs of the Community in relation to the resources of the Town government.

Different this year, the second meeting in October we will have a brief presentation and then allow time for Council to express their goals and priorities for the budget. This will give Staff the necessary time to prioritize your concerns. It is not a promise to include new items in the budget, rather a chance to consider what can be done in FY2020 and plan for the future.

Please reference the Budget Schedule and Calendar included on pages 67-69. This will give you a pretty good idea of what meetings we will have discussions and public hearings. We all know the budget includes the operational items like electric bills and general day to day items. My intent during the first meeting in October is not to review that material in detail, rather to highlight some of the recent items of note in our General Fund revenues and expenses and allow for council and public questions. I have listed a few of the accounts below to show the Council that we do have money to perform some of the items we have recently discussed that are not Special Projects.

ITEMS OF NOTE:

GENERAL FUND (01):

INCOME:

- Property Tax (01-00-4010) – The amount reported in the Certification of Values represents a very small increase over 2019. As a reminder, in 2017 the legislature passed HB 17-1349 and a similar bill in 2019. This Bill was a housekeeping law to accommodate the Gallagher Amendment from 1982.
 - By way of background, it actually took three tries and over a decade to pass the TABOR Law in 1992. The Gallagher Amendment was an attempt to assuage TABOR supporters and dissuade them from voting for TABOR.
 - The Gallagher Amendment was passed in 1982 and established residential property values for the entire state limited to 45% of the total assessed value.
 - Consequently, as the residential property values increase, periodically they are adjusted to remain compliant. An adjustment was made in 2003 and the value was reduced from 9.15% to 7.96% where it remained until 2018. In 2018 it reduced from 7.96% down to 7.2% and in 2019 from 7.2% to approximately 7.15%. Although this most recent reduction will affect the tax receipts in FY2020 it will come in a reassessment year, meaning we will not increase as much as anticipated. On page 71, I show a formula of how the taxes are calculated and the effect various laws have had on our funding over the past 20 plus years. On page 72, I show what makes up the tax bills in Minturn. I often hear one comment on how much is paid to Minturn. This graph shows what taxes are paid within the town limits, not just to the town. The worksheets not only show how the property assessment is calculated but, based on a value of \$200,000, how the revenue has decreased or not grown as it has in previous years when the Gallagher Amendment did not adjust. In 2020 our property tax revenue will grow only about \$27,000 or about 5% over 2019.

- Lodging Tax (01-00-4039) has been growing year over year showing a slow gain. This is due to more units and rental of those units as well as a more developed and uniform collection system locally and state wide. Changes in the state laws have made it easier for companies like AirBnB to submit their taxes directly to the state for distribution to Minturn.
- Sales Tax (01-00-4040 and 4050) are showing flat growth over the 2019 budget. The state has begun requiring companies who sell online from both intra and interstate to collect and submit sales tax. These payments are made to the state and distributed to the town monthly and is showing to be about a 10% increase for the town. This new income has already been estimated in the budgeted numbers for 2019 allowing for a flat revenue in 2020.
- The town is anticipating a small number of new unit developments in 2020. This is represented in the increase for Planning and Development fees. Although we have tried to be conservative in these numbers, several of our General, Enterprise, and Capital fund revenues reflect a small increase by association.
- Currently we have 8 leases on the lease lot budgeted for 2020. This includes the concrete plant, and seven others in the developed area behind the berm. (01-00-4516 thru 4526). This revenue source allows for diversification of our revenues and accounts for a budgeted \$138,000 income. Additionally, the town anticipates revenues of over \$5,000 for snow dump services. This diversified income represents almost 10% of the amounts collected in property and sales taxes and 8% of our total General Fund revenues for 2020.
- As the economy has improved and the Federal Reserve increases interest rates our Investment Earned is showing signs of life. In the past three years we have increased from approximately .11% to over 2.40%. This upward trend is reflected in our anticipated interest revenues. (01-00-4540).
- Battle Mountain Development (BMD) (01-00-4575) has filed a request to Disconnect from the town. Although this was not a surprise and we have seen a significant drop in their funding commitments, the FY2020 budget reflects this change throughout.

EXPENSE:

- For all Employee Medical and Disability costs I have budgeted a 10% cost increase since rates are often not available in the early days of the budget. Because of this budgeted 10% increase it skews the insurance line items in the budget process. I anticipate the actual cost to be much lower once the various insurance entities set their rates in the coming months. I have received word from our medical insurance that we will increase approximately 5% in FY2020. In recent years we have seen negative, zero or very modest increases. In an industry that has seen 10-40% annual increases and wild fluctuations in the private markets, Staff feels this is a tremendous success in cost management.
- Community Contribution (01-01-5271) is being phased out as we are faced with large capital improvements on the short- and long-term horizons. Some of the more beneficial community organizations have been funded in separate line items. For example, The Vail Valley Partnership will be funded at \$3,500 (01-01-5235) and the Minturn Community Fund is funded at \$15,000 (01-05-5275).
- In the Planning Department budget, the Planner was moved to a contracted position and the Code Enforcement is a full- time employee. Line item 01-02-5215 has been increased to support further support in the Planning Department.
- Town Events and promotions (01-05-5275) is flat from 2019 however the line item reflects changes within the appropriation to more adequately fund programs that are working and better evaluate some programs.
- Public Works and Water Plant tools have been discussed as a possible need. Again this year, \$5,000 is budgeted in both the Public Works and the Enterprise budgets. (01-06-5120 and 02-06-5150)
- Public Building R&M is budgeted at \$15,000, up from \$12,000 in 2019, and used to assist in maintenance and upgrades to our facilities.

- Maintenance and improvements for streets and sidewalks has again this year been budgeted for \$40,000 (01-06-5352). Although this is not enough to reconstruct a major road it is enough to assist in the maintenance thereof.
- In April of 2019, Council passed Ordinance 03-2019 which restructured the Enterprise Fund by moving parks and recreation to the General Fund. This is represented in accounts 01-06-5356 and 01-06-5357. This is a permanent change for the budget hence forth.

ENTERPRISE FUND (02):

- In accordance with last year's policy direction for setting town water rates and with the recent Ehlers study, Staff is recommending:
 - A base rate increase of \$4.23 or 5% from \$86.50 to \$90.83
 - No change in the base allowance of 6,000gal but an increase from \$5.07 to \$5.32 per 1,000 over the base allowance.

If Council were to consider reducing the base gallon allowance from 6,000gal, I would recommend reducing the allowance but not the fees. It has been made very clear that we need to increase our reserves, this is a good place to start. In previous studies we have shown the average monthly usage is approximately 4,400 gallons.

- An increase in trash service rates from \$32.34 to \$33.96 per month. This is a 5% increase.
- A 5% increase will be implemented to the tiered system for Residential Tap Fees, System Improvement Fees, and Cash in Lieu of Water fees. And, in accordance with previous year's, to match the tap rates for commercial with those of the Eagle River Water and Sanitation District.
- Once we are presented the full picture of the Capital Improvement costs, rates will need to be reevaluated with the options that are presented as part of the various options.

A detailed cost analyses is displayed on page 73 of the budget binder.

- I have broken out the various Capital Reserve revenues associated with remodels and new development (02-00-4320, 4321, and 4322). As stated earlier this is pendent on anticipated growth, however, is very conservatively budgeted.
- The Town is in the midst of reviewing our desperately needed Capital needs in the Enterprise Fund with the development of a much need and complete Capital Improvement Plan (CIP). Such needs include a new water tank, improvements to the filters and purification systems, and maintenance to the distribution system.

As part of this review and adoption of the CIP plan water rates, debt needs, and other sources of funding will be examined completely and will require rate increases and the issuance of debt to undertake all the necessary improvements. The rate increases proposed at this time will need to be re-evaluated during the upcoming fiscal year to accommodate the unknowns future needs identified in the CIP program in relation to funding options available at the time of need.

An increase in the Engineering line item (02-06-5247) is only the beginning of such identification. Staff has added \$75,000 to cover the estimated cost of engineering of a new water storage tank to repair or replace the existing 600,000-gallon tank. Much of this cost is recognized in the TAP Fee revenues (02-00-4320, 4321, and 4322).

- Annual H2O water right maintenance (02-06-5352) will increase approximately 3%. The \$125,500 covers the Cross Creek flow gage station, water rights of 5acre ft and 20acre ft through the Colorado River Pact, and 50acre feet in Eagle Park through ERWSD. The gage station shows expense; however, this is split in thirds. We pay the full amount and I then bill 1/3 to CBS/Viacom and 1/3 to BMD. At this time, it is unclear if BMD will continue to contribute to this expense.

- I have not held back the full amount of Depreciation which would then fund our reserves. With the pending needs in the Enterprise Fund of water plant and distribution line work, it will be important that we save where we can and manage our reserves in the coming several years. Our water rates are admittedly steep as are the expenses and the estimated capital needs, all must be weighed as best we can. Until we can get firm numbers on the costs and firm commitments on the projects and when those projects will be initiated, we are in somewhat of a “wait and see” mode; however, a proactive mode as well.

BUILDING FUND (04):

- FY2020 marks the final year of the Town Hall bond payments. The town has held in escrow approximately \$205,000 which will be used to retire the debt in 2020. This retirement will alleviate the need to transfer funds from the General and Enterprise Funds to cover what is not received in rents from the USPO and the apartments. Excess funds not needed to pay off the debt will be diverted to the Building Fund (06) to accommodate non-Enterprise Fund expenses. Funds normally transferred annually to the Building Fund will remain in the Enterprise Fund for capital needs.

CAPITAL FUND (06):

- The Capital Fund recognizes revenues resulting from the implementation of the Construction Use Tax and the previously noted income from the General Fund transfer.
- Vehicles/Equipment (06-01-5249) is earmarked for 50% of the cost of a new loader, the remaining 50% is budgeted as an expense in the Enterprise Fund (02). Previous direction has been to maintain a 20year rotation of the two loaders. This rotation will mean at the oldest point one loader will be 10years old and the second will be replaced at 20years.
- Little Beach Park (06-01-5310) is budgeted for \$260,000 as a place holder. These funds are maintained in a savings account per the previous BMD funding agreements. These funds are held only for development in Little Beach Park and once a development plan is approved.

BATTLE MOUNTAIN DEVELOPMENT (09):

- With the previously noted developments between the town and BMD this Fund is in somewhat of a holding pattern. As funds are depleted or as otherwise directed, BMD will be invoiced for work done by Staff and town contracted experts.

My council questions: during the budget process I always have a few questions that I need direction from the Council on.

- Consideration of water rates/fees – the proposed fees are to fund normal expense and to somewhat ramp-up for the anticipated expenses associated with the Capital Improvement Plan needs. Since these needs are currently being developed and the associated expenses are largely unknown, funding for the CIP will be developed as recommended by our consultants.
 - Sufficient rates?
 - Consideration of the 6,000gal per month base?
- Staff has only scheduled ONE budget hearing in the adoption process not including the required public hearings associated with passage of the Ordinances; is this acceptable?
- Is the following budget calendar sufficient?
- Budget Review during upcoming meetings (Budget page 66):
 - 10/16/19
 - Session under Discussion and Direction for Council to discuss the budget as relates to goals and consider questions or direction from Council
 - Q&A
 - 11/06/19

- Public Hearing on FY2020 Budget (first and ONLY public hearing)
 - GID public hearing and approval
 - Q&A
- 11/20/19
 - First Reading of Budget approval Ordinances
 - Review of 2019 Supplemental Appropriations
 - Q&A
- 12/04/19
 - Second and final reading of Budget approval Ordinances

MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 6, 2019

Notice of Meeting and Agenda

Page 1

MINTURN GENERAL IMPROVEMENT DISTRICT

302 Pine Street
Minturn, CO 81645
(970) 827-5645

NOTICE OF MEETING AND AGENDA

DATE: Wednesday November 6, 2019

TIME: 6:30 P.M.

PLACE: Minturn Town Center
302 Pine Street
Minturn, CO 81645
(970) 827-5645

<u>Board of Directors</u>
John Widerman, Mayor
Earle Bidez, Mayor Pro Tem
Terry Armistead
George Brodin
Brian Eggleton
Eric Gotthelf, Elect
Chelsea Winters
Tim McGuire
Sarah J. Baker, Esq.

I. ADMINISTRATIVE MATTERS

- **Approve Agenda**
- **Discuss and consider appointment of Board of Directors:**
 - a. Eric Gotthelf

Action Recommended: Motion to Ratify the Appointment

- **Review and approve minutes from the November 7, 2018 Board Meeting**

Action Recommended: Motion to Ratify the Appointment

II. LEGISLATIVE MATTERS

MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 6, 2019

Notice of Meeting and Agenda

Page 2

III. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2020 GID Budget

Action Recommended: Motion to Ratify the Appointment

- Discussion/Action – 2019 General Improvement District Budget: Public Hearing and Board Comments

Action Recommended:

- a. Open Public Hearing
- b. Staff Presentation
- c. Public Comment or Testimony
- d. Council Comments
- e. Close Public Hearing

- Discussion/Action – Consider adoption of Resolution No. 2019-11-01 a Resolution to adopt the Fiscal year 2020 Budget

Action Recommended: Motion to approve Resolution No. 2019-11-01 a Resolution to adopt the Fiscal year 2020 Budget as presented

- Discussion/Action – Consider adoption of Resolution No. 2019-11-02 a Resolution to appropriate sums of money for the Fiscal year 2020 Budget

Action Recommended: Motion to approve Resolution No. 2019-11-02 a Resolution to appropriate sums of money for the Fiscal year 2020 Budget as presented

IV. OTHER BUSINESS

- Discuss and set future meeting dates:
 - Board Meeting to consider budget approval set for November 4, 2020 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
 - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.
 - b. Note: there is consideration to dissolve the GID in which case a meeting will be set to take this matter up prior to November. 4, 2020.

ADJOURNMENT

- *NOTE: Convene as Town Council*

MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 7, 2018

Page 1

MINTURN GENERAL IMPROVEMENT DISTRICT

302 Pine Street
Minturn, CO 81645
(970) 827-5645

OFFICIAL MINUTES

DATE: Wednesday November 7, 2018

TIME: 6:30 P.M.

PLACE: Minturn Town Center
302 Pine Street
Minturn, CO 81645
(970) 827-5645

<u>Board of Directors</u>
Matt Scherr, Mayor
Earle Bidez, Mayor Pro Tem
Terry Armistead
George Brodin, Elect
Brian Eggleton, Elect
Chelsea Winters, Elect
John Widerman
Tim McGuire
Sarah J. Baker, Esq. - Absent

Mayor Matt Scherr called the meeting to order at 10:30pm.

I. ADMINISTRATIVE MATTERS

- Approve Agenda

Motion by John W., second by Earle B., to approve the agenda as presented. Motion passed 4-0.

- Discuss and consider appointment of Board of Directors:
 - a. George Brodin
 - b. Brian Eggleton
 - c. Chelsea Winters

Motion by Earle B., second by Terry A., to ratify the appointments to the Board as presented.
Motion passed 4-0.

- Review and approve minutes from the November 1, 2017 Board Meeting

MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 7, 2018

Page 2

Motion by George B., second by John W., to approve minutes from the November 1, 2017 Board Meeting as presented. Motion passed 7-0.

- Review and approve minutes from the November 15, 2017 Board Meeting

Motion by John W., second by Brian E., to approve minutes from the November 15, 2017 Board Meeting as presented. Motion passed 7-0.

II. LEGISLATIVE MATTERS

III. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2019 GID Budget

Motion by George B., second by Terry A., to Ratify the Appointment of Town Staff to prepare 2019 GID Budget as presented. Motion passed 7-0.

Action Recommended: Motion to Ratify the Appointment

- Discussion/Action – 2019 General Improvement District Budget: Public Hearing and Board Comments
 - a. Open Public Hearing

Matt S. opened the GID Public Hearing.

- b. Staff Presentation

Jay B. gave brief overviews of the budget and answered any questions.

- c. Public Comment or Testimony

There were no public comments.

- d. Board Comments

There were no Board Comments.

- e. Close Public Hearing

The Public Hearing was closed.

- Discussion/Action – Consider adoption of Resolution No. 2018-11-01 a Resolution to adopt the Fiscal year 2019 Budget

MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 7, 2018

Page 3

Motion by Terry A., second by Earle B., to approve Resolution No. 2018-11-01 a Resolution to adopt the Fiscal year 2019 Budget as presented. Motion passed 7-0.

- Discussion/Action – Consider adoption of Resolution No. 2018-11-02 a Resolution to appropriate sums of money for the Fiscal year 2019 Budget

Motion by Earle B., second by George B., to approve Resolution No. 2018-11-02 a Resolution to appropriate sums of money for the Fiscal year 2019 Budget as presented. Motion passed 7-0.

IV. OTHER BUSINESS

- Discuss and set future meeting dates:
 - Board Meeting to consider budget approval set for November 6, 2019 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
 - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

Motion by Earle B., second by John W., to set to set the future GID Board meetings as recommended. Motion passed 7-0.

ADJOURNMENT

Motion by George B., second by Terry A., to adjourn the GID Board meeting at 10:36pm. Motion passed 7-0.

President John Widerman

ATTEST:

Jay Brunvand, Secretary

RESOLUTION NO. 2019-11-01

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2020, AND ENDING ON THE LAST DAY OF DECEMBER 2020

WHEREAS, the Board of Directors of the Minturn General Improvement District ("District") appointed Town staff to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Town staff submitted a proposed budget to this governing body for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 6, 2019, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Directors of the Minturn General Improvement District, Eagle County, Colorado:

1. That estimated expenditures for each fund are as follows:

General Fund: \$250.00

2. That estimated revenues or previous year carry forward for each fund are as follows:

General Fund: \$250.00

3. That the budget as submitted, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Minturn General Improvement District for the year stated above.

4. That the budget hereby approved and adopted is made a part of the public records of the Minturn General Improvement District.

APPROVED AND ADOPTED this 6th day of November, 2019.

MINTURN GENERAL IMPROVEMENT
DISTRICT

By: _____
President

Attest:

By: _____
Secretary

I, Jay Brunvand, hereby certify that I am a Director and the duly elected and qualified Secretary of the Minturn General Improvement District, and that the foregoing is a true and correct copy of the budget for the budget year 2020, duly adopted at a meeting of the Board of Directors of the Minturn General Improvement District held on the 6TH day of November, 2019.

Secretary

RESOLUTION NO. 2019-11-02

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO, FOR THE 2020 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on November 6, 2019, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Minturn General Improvement District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO:

1. That the following sums are hereby appropriated from the revenue or previous year carry forward of each fund, to each fund, for purposes stated:

General Fund:	\$ 250.00
Debt Service Fund:	\$ 0.00
Capital Projects Fund:	\$ 0.00
Emergency Reserve Fund:	\$ 0.00
Enterprise Fund:	\$ 0.00

APPROVED AND ADOPTED this 6th day of November, 2019.

MINTURN GENERAL IMPROVEMENT
DISTRICT

By: _____
President

Attest:

By: _____
Secretary

Michelle Metteer
Town Manager
P.O. Box 309 | 302 Pine Street
Minturn, CO 81645
970-827-5645 x8
manager@minturn.org
www.minturn.org



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

TOWN MANAGER UPDATE

November 6, 2019

Minturn Fitness Center

The MFC is looking for part-time staffing. To inquire, contact Kris Bowers at 970-790-5090 or kbowers@minturnfitnesscenter.com.

15 Days of Minturn

Fun activities are ahead. This winter Minturn will be hosting our annual Christmas Tree lighting, celebrating our last year of the winter markets, have an outdoor bluegrass concert in downtown Minturn and much more. Go to www.minturn.org/calendar for all of our holiday events.

Creative Arts District

Community members are considering a town-wide creative arts district for Minturn. This can include everything from traditional art and pottery to music and trades. For inclusion in these discussions please contact Cindy Krieg at events@minturn.org.

Sidewalks

The town has purchased equipment for the specific use of snowplowing sidewalks immediately adjoining public property. We anticipate the section of sidewalk on the east side of HWY 24 between the Enclave townhomes and Cemetery Road will be closed for the winter season. Once completed, pedestrians will be directed to use the sidewalk on the west side of the road.



Residents with property immediately adjoining a sidewalk are reminded that sidewalks need to be shoveled within 24 hours of a snowfall. This helps keep pedestrian access safe for everyone. Thank you!

Staff will be recommending a new fee structure for sidewalks not maintained/shoveled after a storm. For anytime the Town must have the snow removed and property owner invoiced, the

recommended fee structure is as follows:

1st Offence = \$125

2nd Offence = \$250

3rd Offence = \$500

4th Offence = \$1,000 plus summons to Municipal Court.

Water Rate Increases Coming Soon

Please be prepared for upcoming increases to the Minturn water rates for 2020 and beyond.

Town Hall Offices Closed

Town Hall offices will be closed Monday, November 11, 2019 in recognition of Veterans Remembrance Day.

Council meeting rescheduling

Council will need to consider either rescheduling or cancelling the first meeting in January 2020 as the first Wednesday of the month is January 1st.

Minturn Municipal Code Chapter 16 rewrite

The Minturn Planning Commission has been hosting work sessions for the updating of Chapter 16 in the Minturn Municipal code. This section covers land use and effects almost everyone in town. Residents, business owners, property owners and builders are encouraged to attend these sessions – which will always be posted within the Planning Commission agendas.

Jay Brunvand
 Clerk/Treasurer
 P.O. Box 309 ♦ 302 Pine Street
 Minturn, CO 81645
 970-827-5645 x7
treasurer@minturn.org
www.minturn.org



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 Mayor – John Widerman
 Mayor Pro Tem – Earle Bidez
 Council Members:
 Terry Armistead
 George Brodin
 Brian Eggleton
 Eric Gotthelf
 Chelsea Winters

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

REGULAR TOWN COUNCIL MEETINGS	
November 6, 2019	
FY 2020 Budget Public Hearing	
Leash Law Discussion	
November 20, 2019	
FY 2020 Budget First Reading of Ordinances	
Work session – quarterly review of Council Goals	
Proclamation in Support of Colorado Gives Day	
Ordinance -- - 2019 an Ordinance to dissolve the Minturn General Improvement District – Sawyer	
December 4, 2019	
FY 2020 Budget Second Reading of Ordinances	
<u>Public Hearing/Action Item</u> : Ordinance 08 – Series 2019 (Second Reading) An Ordinance approving Disconnection of Real Property from the Town of Minturn – Battle Mountain Bolts Lake Property – Sawyer	
December 18, 2019	
January 1, 2020	
NOTE: THIS FALLS ON A HOLIDAY AND THE OFFICE IS CLOSED	