



2010

Minturn Council Meeting

Wednesday November 17, 2010

Work Session (Town Center)	5:00pm
Regular Session: (Town Center)	7:00pm

Council Goals:

TOP FIVE COUNCIL PRIORITIES:

- Transit
- Sidewalks
- Annex School Dist property
- Community communications strategy
- Enforce zoning laws



Agenda

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

Wednesday November 17, 2010

Executive Session – 5:00pm
Regular Session – 7:00pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

Please bring your FY2011 Budget book

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 – 5:00 pm

- Review four 2011 Budget ordinances – Brunvand (30min) Pg 1
- Review of outstanding 2011 budget considerations – Brunvand (30min)
 - i. Non-Profit Community Funding requests
 - ii. Town of Minturn Events & Marketing funding
 - iii. Enterprise Water and trash rates
 - iv. Staff considerations
- Review proposed 2009 Building Codes – Cerimele (30min) Pg 2
- Review Country Club Property Annexation Ordinances – Cerimele (30min)

Regular Session – 7:00 pm

1. **Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance
2. **Approval of Agenda**
 - Items to be Pulled or Added
3. **Approval of Minutes and Action Report**
 - November 3, 2010 *pg 9*
 - Action Item Report *pg 19*
4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person).**
5. **Special Presentations/Citizen Recognition**
6. **Town Manager's Report** *pg 20*
7. **Town Council Comments**

PUBLIC HEARINGS AND ACTION ITEMS

- **Discussion/Action** – Update and discussion of North Main Street Water line project with Ms. Siri Roman of Peak Land Consultants Inc – White (15min)
- **Discussion/Action** – Update on the Radio Tower contract status – Brunvand (15 min) *pg 22*
- **Discussion/Action** – Resolution 17 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado establishing eligibility for annexation of the Quintana Country Club Parcel – Cerimele (15 min) *pg 27*
- **Discussion/Action** – Ordinance 10 – 2010 (First Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract – Cerimele (15 min) *pg 30*
- **Discussion/Action** – Ordinance 11 – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel – Cerimele (15 min) *pg 34*
- **Discussion/Action** – 2nd Public Hearing on proposed fiscal year 2011 Budget – Brunvand/White (45min) *pg 47*

- **Discussion/Action** – Ordinance 12 – Series 2010 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand (10 min) *Pg 50*
- **Discussion/Action** – Ordinance 13 – Series 2010 (First Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10 Min) *Pg 55*
- **Discussion/Action** – Ordinance 14 – Series 2010 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand (10 Min) *Pg 58*
- **Discussion/Action** – Ordinance 15 – Series 2010 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund – Brunvand (10 Min) *Pg 64*

EXECUTIVE SESSION

- **Executive Session** - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s), Town Water Engineer Joe Tom Wood, and Town Manager Jim White regarding the water issue updates – White/Christensen (90min) *Pg 67*
- **Executive Session** – Action by Council or Direction to Staff as a result of the Executive Session – White/Christensen (90min)

FUTURE AGENDA ITEMS

- **Next Meeting**
 - **Discussion/Action** – Ordinance 10 – 2010 (First Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract – Cerimele (15 min)
 - **Discussion/Action** – Ordinance 11 – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel – Cerimele (15 min)
 - **Discussion/Action** – Ordinance 12 – Series 2010 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand – 12/01/10 Council Meeting – (5 min)

- Discussion/Action – Ordinance 13 – Series 2010 (Second Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand – 12/01/10 Council Meeting (5 Min)
- Discussion/Action – Ordinance 14 – Series 2010 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand – 12/01/10 Council Meeting (5 Min)
- Discussion/Action – Ordinance 15 – Series 2010 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2011 Revenues and Expenses by Fund – Brunvand – 12/01/10 Council Meeting (5 Min)
- Town Attorney to return to Council with an engagement letter (Dec 1, 2010 Council Meeting)
- Discussion/Action – Ordinance ____ – 2010 – An Ordinance to adopt Building Codes December 1 First Reading and December 15 Second Reading

- **Future Meeting**
 - Discussion/Action – Resolution ____ – 2011 – A Resolution setting the official posting sites for the Town of Minturn – 01/05/11 Council Meeting – Cerimele (15 min)
 - Discussion/Action – General Improvement District Audit Exemption – February 2, 2011 – Brunvand
 - Review Downtown Colorado Inc Plan & Community Revitalization Plan. – 1/19/11 Work Session – Cerimele (30 min)
 - Selection of Minturn Prosecuting Attorney

- **Set Future Meeting Dates**
 - a) Council Meetings:
 - December 1, 2010
 - December 15, 2010
 - January 5, 2011
 - January 19, 2011

 - b) Planning & Zoning Commission Meetings:
 - November 24, 2010 – Cancelled
 - December 8, 2010
 - December 22, 2010 – Cancelled

 - c) Other Dates:
 - November 25, 2010 - Town Hall Closed (Thanksgiving)
 - November 26, 2010 - Town Hall Closed (Thanksgiving)
 - December 25, 2010 – Town Hall Closed (Christmas)
 - January 3, 2011 – Town Hall Closed (New Years)

- **Adjournment**



TOWN OF MINTURN
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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: Jim White, Town Manager
DATE: November 12, 2010

NOVEMBER 17, 2010 COUNCIL MEETING

During the November 17 Worksession the Council will be considering the following items as listed. In an effort to avoid duplicating the same information for the Worksession that will be reviewed in the Regular Session, please refer to the pages as noted for the discussions.

Ordinance 12 – Series 2010 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget *Pg 50*

Ordinance 13 – Series 2010 (First Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand *Pg 55*

Ordinance 14 – Series 2010 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand *Pg 58*

Ordinance 15 – Series 2010 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund – Brunvand *Pg 64*

- Review of outstanding 2011 budget considerations – Brunvand (30min) *Pg 48*
 - i. Non-Profit Community Funding requests
 - ii. Town of Minturn Events & Marketing funding
 - iii. Enterprise Water and trash rates
 - iv. Staff considerations

Post Office Box 309
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Town Council
Mayor – Gordon "Hawkeye" Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Jerry Bumgarner
Councilman – Aggie Martinez
Councilman – Earle Bidez
Councilman – John Rosenfeld

To: Minturn Town Council
Cc: Jim White, Town Manager
From: Chris Cerimele, Town Planner
Re: 2009 Building Codes
Date: November 11, 2010

The purpose of tonight's work session is to continue the discussion regarding the proposed changes to the 2009 editions of the following building codes:

- International Building Code
- International Residential Code
- International Plumbing Code
- International Mechanical Code
- International Energy Conservation Code
- International Property Maintenance Code
- National Electrical Code

Chuck Lanci, Building Official, will be present at the work session to answer any questions from Council regarding the 2009 building codes.

In addition to the above codes, the Town will adopt the 2009 International Fire Code (IFC). Section 307 of the IFC deals with outdoor burning and establishes guidelines for conducting a recreational fire. Staff has made proposed amendments to section 307 is recommending that the 2009 IFC be adopted with the following amendments:

Section 307

Recreational Fires

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.1.1 Prohibited burning. Outdoor burning that will be offensive or objectionable due to excessive smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Open burning of rubbish containing paper products, garbage, solid waste, rubber or other petroleum based products (including tires), building material, roofing material, animal carcasses, plastics, tree limbs and leaves, and lawn clippings shall be prohibited.

2

307.2 Permit required. A permit is required for all outdoor burning with the exception of cooking fires using a charcoal burning device. A permit shall be issued from the fire code official following an on-site inspection. All permits shall be valid for a period of one year from the date of issuance.

307.2.1 Extinguishment Authority. The Eagle River Fire Protection District and Minturn Police Department are authorized to order the extinguishment by the permit holder of open burning which creates or adds to a hazardous or objectionable situation.

307.3 Location. The location for recreational fires shall not be less than twenty-five (25) feet from any structure.

Exception:

1. Fires in approved containers that are not less than fifteen (15) feet from a structure.

307.3.1 Fires within the 30' river setback. No recreational fires shall be permitted within 30' of the high water mark of any live stream in the Town of Minturn.

307.4 Attendance. Recreational fires and portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.5 Additional Requirements. The following restrictions shall apply to all recreational fires and portable outdoor burning devices:

1. No burning shall take place before the hours of 12:00 p.m. or after 11:00 p.m.
2. No burning shall occur for a duration of more than 3 hours.
3. No recreational fire shall exceed three feet in diameter or two feet in height.
4. Only natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with a preservative and does not contain resins or glues as in plywood or other composite wood products shall be used for a recreational fire.

ADOPTION OF THE FOLLOWING BUILDING CODES:

The 2009 edition of the International Building Code (IBC), including the generic fire resistive assemblies listed in the Fire Resistance Design Manual published by the Gypsum Association as referenced in the specified International Building Code, by reference.

The 2009 edition of the International Residential Code (IRC).

The 2009 edition of the International Plumbing Code, including current amendments adopted by the State of Colorado.

The 2009 edition of the International Mechanical Code.

The 2009 edition of the International Fuel Gas Code.

The 2009 edition of the International Energy Conservation Code.

The 2009 edition of the International Property Maintenance Code.

The edition of the National Electrical Code currently adopted by the State of Colorado.

RECOMMENDED AMENDMENTS TO THE CODES:

INTERNATIONAL BUILDING CODE (IBC)

AMENDMENTS

THE INTERNATIONAL BUILDING CODE, 2009 EDITION, IS SPECIFICALLY AMENDED AS FOLLOWS:

Section 111.2 Certificate Issued. Section 111.2 Certificate issued shall be amended to read: Final Certificate of Occupancy Inspection approval shall be the Certificate of Occupancy.

This replaces several paragraphs of specific information that is included in a CO which has always been done. This leaves a bit more freedom to customize a CO as needed.

Section 419.2 Occupancies. Section 419.2 Occupancies add following sentence: "F and I occupancies shall not be permitted in a live/work unit".

Live/work units are new to the code. This enables someone to live upstairs from their business and not have to fulfill the requirements in the code that would otherwise need to be done in the business, or to protect a living unit from a commercial unit with appropriate fire separations. This amendment says that this concept is okay, but not for factories or institutional occupancies.

Section 1029 Emergency Escapes and Rescue. Section 1029 Emergency Escapes and Rescue: Amend to delete Exception 1.

This change takes out an exception that would not require buildings with fire sprinklers to have emergency egress. In other words, emergency egress is still required.

Section 1608.2 Ground Snow Loads. Section 1608.2 Ground Snow Loads is hereby deleted and replaced with the following: Snow loads for roofs and decks shall be 75 pounds per square foot.

Since we have 75 psf snow load listed in our municipal code we do not need the formulas and figures used in the code that determine the snow load.

Section 1809.5 Frost Protection. Section 1809.5 Frost Protection is amended by deleting Section 180.5 entirely and replacing with the following: Foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by the following method; Footings subject to frost shall have a minimum depth of 48" measured from finish grade to the bottom of the footing or the depth specified by the soils engineer of record.

This takes out a few exceptions for frost protection and makes it clear what buildings are required to have frost protected foundations in our area.

Section 1809.12 Timber Footings. Section 1809.12 Timber Footings: Delete Section. We don't allow timber footings in our area.

Section 2111.13 Exterior Air Intake. Section 2111.13 Exterior Air Intake is amended by adding the following: Outside combustion air intake shall be required for all gas-fired and wood burning fireplaces. Combustion air ducts shall be a minimum 26 gauge sheet metal for the portion of duct extending through the building on the outside of the fire-resistant shaft. Ducts extending from the fireplace and exiting directly to the outside without passing through any other portion of the building may be of any material permitted by the fireplace manufacturer or the International Mechanical Code. Fireplaces: Where dampers are required to be removed, clamped or welded open. Doors in front of fireplace openings are required.

This amendment makes the requirements for materials more specific and requires closable doors on undampened fireplaces to help prevent outside air from entering the building when the device is not in use.

Chapter 30 Elevators and Conveying Systems Section 3001.5 Fees. A fee for each permit and plan review shall be paid to the Northwest Colorado Council of Governments. The annual certificate of inspection will be administered by the certified elevator inspection agency. For permit applications and inspections contact Elevator Inspection Program at (970) 468-0295 Ext. 108.

This makes specific reference to the NCCOG requirements that we enforce in this area.

INTERNATIONAL RESIDENTIAL CODE (IRC) AMENDMENTS

THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION, IS SPECIFICALLY AMENDED AS FOLLOWS:

Section R104.4 Inspections. Section R104.4 Inspections add the following paragraphs: A third party inspection by a certified log inspection agency shall be required of all structural members in log framed buildings. A letter from the log grading agency certifying log grades are in accordance with the plan specifications shall be required at, or prior to frame inspection. Elevators installed in all structures shall require a third party plan review and inspection by Northwest Colorado Council of Governments.

Adds better control of log construction and puts the NCCOG info in the Residential Code.

Section R301.2.3 Snow Loads. Section R301.2.3 Snow Loads is amended by adding the following paragraph: Snow loads for roofs and decks shall be 75 pounds per square foot.

Same amendment as was noted in the IBC.

Section R302.2.2 Townhouses. Section R302.2 Townhouses, add this sentence to the start of the Exception: When an approved fire sprinkler system is installed.

This keeps the fire rating requirements in place if a townhouse is not sprinkled. This code assumes that all townhouses are going to be sprinkled.

Section R313.2 One and two-family dwelling automatic fire systems. Section R313.2 One and two-family dwelling and townhouses built in compliance with the IRC, automatic fire systems to be amended as follows: Effective September 1, 2012, an automatic residential fire sprinkler shall be installed in one and two-family dwellings and townhouses built in compliance with the IRC.

This is the big one. This code says all one and two family dwellings are to be sprinkled starting January 1, 2011 and all town homes will be sprinkled starting immediately. This amendment bumps this back one year to give us all more time to figure out its impacts. (I think R313.1 will also have to be amended to add Effective September 1, 2012. . .) We need to look at this.

Section R403.1.4.1 Frost Protection. Section R403.1.4.1 Frost Protection is amended by deleting Section R403.1.4.1 entirely and replacing with the following: Foundation walls, piers, and other permanent supports of buildings shall be protected from frost by

the following method; footings subject to frost shall have a minimum depth of 48" measured from finish grade to the bottom of the footing or the depth specified by the soils engineer of record.

Same as the amendment in the IBC.

Section R403.2 Footings for Wood Foundations. Section R403.2 Footings for Wood Foundations is amended by adding the following: Foundations shall be designed by a registered Colorado Engineer or Architect and approved by the Geotechnical Engineer.

More specific language for our area.

Section R403.3 Frost Protected Shallow Foundations. Section R403.3 Frost Protected Shallow Foundations is amended by adding the following: Foundations shall be designed by a registered Colorado Engineer or Architect and approved by the Geotechnical Engineer.

Again, more specific language for our area.

Section R404.2 Wood Foundation Walls. Section R404.2 Wood Foundation Walls is amended by adding the following: Foundations shall be designed by a registered Colorado Engineer or Architect and approved by the Geotechnical Engineer.

Again, more specific language for our area.

Section G2425.8 (501.8) Equipment not required to be vented. Section G2425.8 (501.8) delete item #7.

The code allows certain gas room heaters to not be vented to the exterior of the home. These heaters work adequately at lower elevations, but not at higher elevations where the air is thinner. Because they can be hazardous, we amend this allowance out of the code.

INTERNATIONAL PLUMBING CODE (IPC) AMENDMENTS

No amendments recommended at a local level.

INTERNATIONAL FUEL GAS CODE (IFGC) AMENDMENTS

THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION, IS SPECIFICALLY AMENDED AS FOLLOWS:

Section 303.3 Prohibited Locations. Delete Exceptions number 3 and number 4.

This disallows unvented room heaters in the IFGC.

Section 303.3 exceptions being deleted are:

3. A single wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system and installed in a bathroom provided that the input rating does not exceed 6,000 Btu per hour and the bathroom is not a confined space.

4. A single wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system and installed in a bedroom provided that the input rating does not exceed 10,000 Btu per hour and the bedroom is not a confined space.

Section 402.6.2 Liquefied Petroleum Gas Facilities and Piping. Section 402.6.2 add the following sentence: Liquefied petroleum gas facilities and equipment shall not be located in any pit or basement, under show windows or interior stairways, in engine, boiler, heater, or electric meter rooms. Add the following exception: equipment may be installed with an approved means of detection and removal of unburned liquid petroleum gas. A minimum 3" drain pipe to the exterior of the building, propane sensor and automatic safety shutoff shall be installed. The drain shall not be trapped and shall be protected from snow closure and rodents. When the above listed means cannot be achieved, an engineered mechanical exhaust system with a propane sensor, and an automatic safety shut-off, shall be required.

Because LP gas is heavier than air it will pool in a pit, such as a basement. The code now allows LP gas to be installed in a pit. This puts that exception back in.

Section 501.8 Equipment not required to be vented. Section 501.8 delete item No. 8. *The same as from section G2425.8 in the IRC.*

INTERNATIONAL MECHANICAL CODE (IMC) AMENDMENTS

No amendments recommended.

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AMENDMENTS

**THE INTERNATIONAL ENERGY CONSERVATION CODE 2009 EDITION IS
SPECIFICALLY AMENDED AS FOLLOWS:**

Chapter 1. Chapter 1 Administration shall be deleted and chapter 1 of the IBC and IRC shall apply.

This seems to add continuity to the codes.

INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS

NO AMENDMENTS RECOMMENDED.



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street
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Wednesday November 3, 2010

Executive Session – 5:15pm
Regular Session – 7:00pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

Please bring your FY2011 Budget book

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

Regular Session – 5:15pm

- 1. Call to Order**
 - a. Roll Call
 - b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 5:20 pm.

Those present included: Mayor Hawkeye Flaherty, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Jerry Bumgarner, and Aggie Martinez. *(Note: George Brodin was excused absent).*

Staff present: Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Chief of Police Lorenzo Martinez, Administrative Assistant/Deputy Clerk Michelle Metteer, Planner Chris Cerimele and Attorney Allen Christensen.

Motion by Shelley B., second by Aggie M., to convene into Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney regarding the performance review of the Town Attorney and to discuss conditions of a contract. All voted in favor. (*Note: George Brodin was excused absent*).

EXECUTIVE SESSION

- 2. Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney regarding the performance review of the Town Attorney and to discuss conditions of a contract – White/Christensen (90min)**

Note: Council will recess into the Work session after the Executive Session.

Work Session – 6:45pm

- 2011 Town Council Goals – White (15min)

Downtown Colorado Inc Plan

- Marketing plan should be combined as a singular goal

Direction to review the Downtown Colorado Inc & Community Revitalization Plans at a future Town Council Work session.

Regular Session – 7:00pm

Note: Council reconvened in to the Regular Meeting at 7:02pm.

- 3. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session**

- Direction to Town Manager to outline Town Attorney's expectations for upcoming year per Council Instructions.
- Return to Council with an engagement letter in 30 days (Dec 1, 2010 Council Meeting)

- 4. Approval of Agenda**

- Items to be Pulled or Added

Add Item 12a. Discussion of the Cross Creek Gauge

Motion by Shelley B., second by Aggie M., to approve the agenda as amended, all voted in favor. (*Note: George Brodin was excused absent*)

- 5. Approval of Minutes and Action Report**

- October 20, 2010

- Action Item Report

Motion by Shelley B, second by Johnnie R., to approve the minutes as presented, all voted in favor. (*Note: George Brodin was excused absent*)

6. Public comments on items, which are NOT on the agenda (5 minute time limit per person).

Mr. Michael Gallagher 475 Pine Street requests the marijuana ballot question on the recent election be sent back to the citizens for a re-vote. Word the ballot question so that a no vote means no to marijuana in Minturn. In the interim, do not allow business licenses for medical marijuana dispensaries.

Mr. David Williams 1014 Main Street agrees that the ballot question on medical marijuana was confusing and misleading. Next topic; LaFarge Cement Facility In 2003 he moved into his residence at 1014 and in 2007 the batch plant was moved and increased in size. Finally, he discussed the radio tower, saying it has a huge white light that blinks and he asks if that can be shielded.

Mr. Frank Lorenti 1081 Main Street is concerned that no honest information is given to the citizens. He requests more transparency to the citizens. Frank addressed fair enforcement of nuisance laws as a goal for Town Council moving forward. Frank asks why six million dollars cannot be divided up, give two million dollars back and take four million to build a new recreation center. He believes now is the time to be creative and start making things work.

7. Special Presentations/Citizen Recognition

- Lisa Osborne, Lisa was thanked for her dedication and service to the Police Department and Minturn Court.

8. Town Manager's Report

Events Planning Meeting

We held our facilitated meeting on October 27th with all interested parties regarding the options presented to Town Council recently related to the proposal to fill a position or to fund events so events can be better coordinated and operations more defined during events.

School District Update

We are anxiously awaiting the submittal of the annexation petition. Final conversations about the issues related to the annexation submittal are being discussed by the attorneys of both parties. We anticipate the annexation petition to be submitted this month...first to be reviewed by the School Board and then submitted to the Town.

Radio Tower Contract

The Town Clerk followed up again with Dr. Hood regarding a longer term contract for the radio tower as the new lease is now past due. The new lease would require the installation of a vertical tower. Payment for 2010 remains unresolved, as well as the terms for the new extended contract.

We are planning to impose late fees for the overdue payment as allowed in the existing contract and as directed by the Town Council.

Water Treatment Plant Telemetry

A new Rohn Mast stanchion was erected at the Maloit Park site to enable remote solar reading of the tank level. TST Engineering has been working with Timberline Electric and Controls to access problems and to update our telemetry system at the water treatment plant.

The main tank site in Town will have electric power and our Public Works crew has already readied the site for the installation of the electric power.

Battle Mountain Update

Dave Kleinkopf has agreed to come to Town Council meetings periodically, every four to six weeks, to provide updates on the activities related to the Battle Mountain development. His next visit will be scheduled in November.

A Million Lights in Minturn

Planning is underway to light up Minturn this Christmas and Holiday Season. Michelle Metteer is working with the Fire District, local business owners, Town staff, and local volunteers to coordinate the events related to this effort. She is seeking donations from some of our vendors. Donations have been sparse to date.

RFP/North Main Street Water Line Design

Construction is nearing completion on the North Main Street Water Line by Western Pipeway, Inc. Alignment of the existing waterline turned out to be different from the alignment shown when we had locates done prior to the project. Consequently, Phase 1 construction has been extended and completion is now anticipated by November 16, 2010. Peak Land Consultants' engineers have done a great job in managing this project.

Ballot Issues

We will recap the Town of Minturn ballot issues this evening: consideration of a use tax and a question to the voters about whether or not medical marijuana dispensaries should be allowed in Town.

Additionally, the Town Council passed resolutions stating its opposition related to Amendments 60 & 61 and also Proposition 101. We will provide a report tonight on last night's election results.

Minturn Market

The Minturn Winter Market is scheduled for Saturday, December 11, 2010.

Signage

We are working on getting dimensions to the USFS for their review and approval.

RFP for Prosecuting Attorney

The Request for Proposal (RFP) for a prosecuting attorney resulted in four candidates submitting letters of interest and accompanying documentation.

Interviews are planned to be held during November and a decision will be targeted by December 2010 to enable a start date in January, 2011.

ECO Transit Bus Schedule Published

The 2010-2011 ECO Bus schedule has been published. A copy of the Minturn bus schedule has been included with this report. Special thanks to Jeff Wentzel at ECO Transit and to all others who participated in making this a reality for our residents. Minturn Town Hall is now an ECO Transit Bus Pass sales location. For complete information go to www.minturn.org, call 970.827.5645 or visit the Town offices at 302 Pine Street.

Water Law Class

ERWSD will be providing a Water Law class on Monday, November 8, from noon to 4:00 pm and continuing on Tuesday November 9, from 8:00 am to noon. Adam Clay, Water Attorney from Delta, CO is the instructor. I highly recommend this class.

9. Town Council Comments

Shelley B. expressed a concern regarding restroom access for visitors. Possible port-a-potty availability for future events should be considered.

Earle B. said Halloween was a record night, and he is encouraged by the positive turnout. Earle B., in reply to Citizen Comments, mentioned that the ballot language for the medical marijuana question was designed by a proponent of the medical marijuana initiative in an effort to have medical marijuana facilities banned in Minturn.

Jerry B. is concerned about the building project in the downtown area of Minturn (Nelson and Williams). He, as well as, the rest of Town Council, Jim White, Town Manager, and Chris Cerimele, Town Planner all received an email discussing the concern over the extensive road closure. Multiple local area residents and business owners complained about the closure and the need to reopen the road.

Direction given to staff to review public way permits or street permits as an option for local builders.

Mayor Hawkeye asked about Nelson Ave being used as a staging area for the Contractor's lumber and other items. A concern regarding the public right of way should be addressed as the public right of way should be kept to a minimum.

Mayor Hawkeye Flaherty thanked everyone who came to Minturn for the Halloween festivities. The Fire District and Police Department are especially thanked for their efforts.

PUBLIC HEARINGS AND ACTION ITEMS

10. Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White

- a. General comments
- b. Community Funding Request presentations
 - i. Minturn Community Fund – Maren Lantzy, requests \$7,500.00
 - ii. Radio Free Minturn – David Eickholt, requests \$2,000.00
 - iii. Public Q & A

Ms. Susana Miranda, 502 Main St, asked that the Council consider the extensive work Minturn volunteers put forth in order to have many of the Minturn events, and mentioned the events funding being considered for the Town events management would go a long way in continuing the positive atmosphere.

c. Council Q & A

- i. Earle B., Jerry B., and John R., all thanked the Community Fund for their constant efforts and believe their continual hard work is to be commended.
- ii. Aggie M., questioned a \$75,000.00 shortfall for the Enterprise fund and asked how that can work given that other funds are in the positive. Jay B., Town Treasurer, explained that the general fund is primarily tax driven while the Enterprise Fund is fee based; the current fees charged for water and trash does not cover the cost to run those services. To transfer funding into the Enterprise Fund would need to be on a loan basis which would need to be repaid in the next fiscal year.
- iii. Concerning staff bonuses, Aggie M., recommends a bonus over a raise as it will equally benefit all staff members. Shelley B. agreed with the bonus structure over a percentage raise. Jerry B. recognized the insurance benefits received by the Town employees and that should be a consideration when deciding any bonus structure. He states this value is significant in itself. Earle B. agrees with the bonus option and supports the Town Manager being directed to allocate the bonuses on a per staff member basis. Johnie R. agreed with Earle B. and recommends a performance gauge be used to allocate any determined bonuses. He also pointed out that Social Security did not increase over the past year and the Town is looking at a significant decrease in revenue in the upcoming years.

The Town Treasurer noted four issues that needed Council direction, Council requested those issues be brought back on the November 17 Worksession to be reconsidered.

11. Discussion/Action – Resolution 17 – 2010: A Resolution of the Town Council of the Town of Minturn, Colorado establishing eligibility for annexation of the Quintana Country Club Tract – Cerimele (30min)

Motion by John R., second by Shelley B., to approve a Resolution of the Town Council of the Town of Minturn, Colorado establishing eligibility for annexation of the Quintana Country Club Tract. All voted in favor. (Note: George Brodin was excused absent)

Mr. Frank Lorenti, 1081 Main Street, was frustrated with the annexing that is being allowed. He requests that safe access be ensured by the requirement of a sidewalk and/or other safe transportation options when properties are being annexed into the Town and/or being developed.

Applicant Randy Quintana, 1071 Main Street, had no objection to the statements of Mr. Lorenti and is very understanding of the need for sidewalks. He agrees that implementing a plan similar to the outline Frank Lorenti discussed makes good sense.

12. Discussion/Action – Ordinance 10 – 2010: An Ordinance (First Reading) amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Tract – Cerimele (15 min)

Motion by Shelley B., second by John R, to table Ordinance 10 – 2010, an Ordinance (First Reading) amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Tract, until the November 17, 2010 Council Meeting. All voted in favor. (*Note: George Brodin was excused absent*).

12b. Discussion/Action – Cross Creek Gauge Contract 83207730

Jim W. requested approval of the Council to move forward on negotiations and to discuss share funding with Battle Mountain Resorts. It was noted this water gauging station is important to the Eagle and Cross Creek rivers.

Direction by Council to move forward with negotiations.

Note: the Council sat as the General Improvement District for the following items.

GENERAL IMPROVEMENT DISTRICT

Roll call at 10:15 p.m. as the Minturn General Improvement District. (*George Brodin and David Kleinkopf were absent/excused*)

13. ADMINISTRATIVE MATTERS

• Approval of Agenda

Motion by Jerry B., second by Earle B., to approve the agenda as presented. All voted in favor. (*Note: George Brodin was excused absent*).

• Review and approve minutes from the March 3, 2010 Board Meeting.

Motion by Jerry B., second by Shelley B., to approve the minutes of March 3, 2010. All voted in favor. (*Note: George Brodin was excused absent*).

- Discuss meeting dates for 2011.
- Future meetings to be scheduled
 - February/March for audit exemption (2/2 or 2/16 or 3/2; Recommend 2/2)
 - Meeting in November for 2012 budget approval (Recommend 11/2)

Motion by Jerry B., second by Shelley B., to approve February 2, 2011 to approve the Audit Exemption and November 2, 2011 to approve the 2012 GID fiscal budget. All voted in favor. *(Note: George Brodin was excused absent).*

Motion by Aggie M., second by Jerry B., to remove Matt Scherr as GID Board Member and add John Rosenfeld. *(Minturn Mayor Pro Tem George Brodin and, Dave Kleinkof absent, excused).*

14. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2011 GID Budget.
- Discussion/Action – 2011 General Improvement District Budget: Public Hearing and Council Comments.

Motion by Jerry B., second by Shelley B., to appoint the Town staff to prepare the 2011 GID Town budget. All voted in favor. *(Note: George Brodin was excused absent).*

- Discussion/Action – Consider adoption of Resolution No. 2010-11-01 Resolution to Adopt Budget

Mr. Frank Lorenti, 1081 Main Street, asked what the purpose of this fund currently is, given that the original purpose is for the funding of the future recreation center. He again reminds that a contractual agreement is for the GID to fund the recreation center and other infrastructure items. Putting pressure on the Developer will encourage these options to move forward.

Public hearing closed at 10:20pm.

Motion by Shelley B., second by John R., to approve resolution 2010-11-01. All voted in favor. *(Note: George Brodin was excused absent).*

Motion Earle B., second by Jerry B., to approve the correction to the typo error on page 64. All voted in favor. *(Note: George Brodin was excused absent).*

- Discussion/Action – Resolution No. 2010-11-02 Resolution to Appropriate Sums of Money.

Motion by Jerry B., second by Aggie M., to approve Resolution 2010-11-02 to Appropriate Sums of Money. All voted in favor. *(Note: George Brodin was excused absent).*

- Discuss and consider appointment of Clifton Gunderson, LLP to prepare and file 2010 Application for Audit Exemption.

Motion by Jerry B., second by Shelley B., to appointment Clifton Gunderson, LLP to prepare and file 2010 Application for Audit Exemption. All voted in favor. (*Note: George Brodin was excused absent*).

15. LEGAL MATTERS

- Discuss results of November 2, 2010 election.

16. OTHER BUSINESS

17. ADJOURNMENT

Motion by Jerry B., second by Shelley B., to adjourn the General Improvement District Board meeting at 10:45pm and reconvene as the Minturn Town Council; all voted in favor. (*Note: George Brodin was excused absent*).

FUTURE AGENDA ITEMS

Note: the Council sat as the Minturn Town Council for the following items.

18. Next Meeting

- Discussion/Action – Update on the radio antennae contract. – Brunvand (15 min)
- Discussion/Action – Ordinance 10 – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel – 11/17/10 Council Meeting – Cerimele (15 min)
- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget 11/17/10 Council Meeting – Brunvand/White (45min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand – 11/17/10 Council Meeting – (10 min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand – 11/17/10 Council Meeting (10 Min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand – 11/17/10 Council Meeting (10 Min)
- Discussion/Action – Ordinance ____ – Series 2010 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund – Brunvand – 11/17/10 Council Meeting (10 Min)
- Executive Session to discuss Water Issues – at end of meeting
- Worksession to review and discussion
 - a. DCI Plan & OZ Plan.
 - b. Review 2011 Budget ordinances including the Fee schedules and
 - i. Non-Profit funding
 - ii. Town of Minturn Events & Marketing funding

- iii. Enterprise Water and trash rates
- iv. Staff bonuses
- c. Quintana property Annexation Ordinances

19. Future Meeting

- Discussion/Action – Ordinance 10 – 2010 (Second Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel – 12/01/10 Council Meeting – Cerimele (15 min)
- Discussion/Action – Ordinance ____ – Series 2010 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand – 12/01/10 Council Meeting – (5 min)
- Discussion/Action – Ordinance ____ – Series 2010 (Second Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand – 12/01/10 Council Meeting (5 Min)
- Discussion/Action – Ordinance ____ – Series 2010 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand – 12/01/10 Council Meeting (5 Min)
- Discussion/Action – Ordinance ____ – Series 2010 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund – Brunvand – 12/01/10 Council Meeting (5 Min)
- Town Attorney to return to Council with an engagement letter in 30 days (Dec 1, 2010 Council Meeting)

20. Set Future Meeting Dates

a) Council Meetings:

- November 17, 2010
- December 1, 2010
- December 15, 2010
- January 3, 2011

b) Planning & Zoning Commission Meetings:

- November 10, 2010
- November 24, 2010 – Cancelled
- December 8, 2010
- December 22, 2010 – Cancelled

c) Other Dates:

- November 11, 2010 - Town Hall Closed (Veteran's Day)
- November 25, 2010 - Town Hall Closed (Thanksgiving)
- November 26, 2010 - Town Hall Closed (Thanksgiving)

Motion by Shelley B., second by John R., to convene into executive session regarding water court settlement 24-6-402(4)(b) for the purpose as consulting the attorney.

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21. Adjournment

Motion by Jerry B., second by Aggie M., to adjourn at 10:54 pm. All voted in favor. (George B., absent excused).

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**Town of Minturn
Council Action Item Memo**

TO: Staff Members/Council Members
FROM: Jim White/ Town Manager
DATE: November 17, 2010
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Action Required	Responsible Party	Progress Report
Municipal Prosecutor	Determine interview date.	Town Council/White	Town Council to determine candidates for interview.
Obtain Land Deed for Water Plant	Work with Eagle County School District to annex the land the Town of Minturn's Water Plant is occupying	White/Christensen	Joint meetings in progress between Town and School Board. Annexation review by attorneys regarding easements, water & access. Nov submission expected.
Water Line	Repair/replace water line main in Rail Yard north of Turntable.	White/Public Works	Construction began Sept 27, 2010, work in progress. Estimated completion date: Nov 16
Town Sign Plan	Town entry signage ideas have been reviewed. Brodin/White review.	White/Brodin	Continuing to modify & review design. Reviewing USFS Special Use Permit guidelines. Met with local architect to review design.
Open Burning Regulations	Draft open burning regulations as an amendment to the 2009 International Fire Code.	Cerimele	Chris Cerimele to draft preliminary regulations in consultation with Fire and Police Chief.

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – Jerry Bumgarner
Councilmember – Aggie Martinez
Councilmember – John Rosenfeld

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: November 10, 2010
Re: Manager's Report for the November 17, 2010 Meeting

Events Planning Meeting

We held our facilitated meeting on October 27th with all interested parties (Town staff, MRBA, MCF, volunteers, interested citizens) regarding the options presented to Town Council recently related to the proposal to fill a position or to fund events so events can be better coordinated and operations more defined during events. Our subsequent request for funding from Town Council was represented at \$25,000, which embodies the \$10,000 we budgeted for marketing and promotions in 2011, as we did in 2010.

School District Update

Discussion between the attorneys of both parties continue; easement issues along Cross Creek appear to be the remaining area of discussion. Since we are close to having the issues resolved at staff level, we still expect the annexation petition to be submitted this year to the Town.

Radio Tower Contract

The Town Clerk followed up again with Dr. Hood. Payment for 2010 remains unresolved. Terms of the contract for the radio tower in the new lease also remain unsettled. As directed by the Town Council, the Town has posted a notice to settle all payments that are in arrears, or have the tenant vacate the premises.

Water Treatment Plant Telemetry

TST Engineering has been working with Timberline Electric and Controls to complete installation of required equipment to update our telemetry system at the water treatment plant.

Northwest Colorado Council of governments (NWCCOG) Grant

We submitted invoices to NWCCOG in an effort to receive our grant funding reimbursement in the amount of \$5000.

Battle Mountain Update

Dave Kleinkopf has agreed to come to Town Council meetings periodically, every four to six weeks, to provide updates on the activities related to the Battle Mountain development. He has been invited to attend one of the remaining meetings we have scheduled this year.

11/12/2010

A Million Lights in Minturn

Planning is underway to light up Minturn this Christmas and Holiday Season. Michelle Metteer is working with the Fire District, local business owners, Town staff, and local volunteers to coordinate the events related to this effort.

RFP/North Main Street Water Line Design

Construction is nearing completion on the North Main Street Water Line by Western Pipeway, Inc. Siri Roman, Peak land Consultants, will be here tonight to discuss the project and provide a status update.

Minturn Market

The Minturn Winter Market is scheduled for Saturday, December 11, 2010.

Signage

We are working on getting dimensions to the USFS for their review and approval. I also met with a local architect to review the design.

RFP for Prosecuting Attorney

Four candidates submitted letters of interest and accompanying documentation. Interviews are planned to be held during November and a decision will be targeted by December 2010 to enable a start date in January, 2011.

ECO Transit Bus Schedule Published

The 2010-2011 ECO Bus schedule has been published. A copy of the Minturn bus schedule has been included with this report. Special thanks to Jeff Wentzel at ECO Transit and to all others who participated in making this a reality for our residents. Minturn Town Hall is now an ECO Transit Bus Pass sales location. For complete information go to www.minturn.org, call 970.827.5645 or visit the Town offices at 302 Pine Street.



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: Jim White, Town Manger
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, November 12, 2010
RE: Radio Tower update

As you are aware the Radio Tower Lease payment is past due and the agreement terminated August 16, 2010. As you are aware, I have been in near constant contact with the tower owner, Dr. Gene Hood. This contract is a very long standing contract which extends back well before my arrival in 1998. The current group has been involved with the Town since 1993. As well, this contract is a significant source of income to the Town with an annual rent of \$60,000. Although payments have always been made in full, on just a few occasions we have had a difficult time collecting the payments in the timeliest manner.

During previous meetings, Council directed Staff to move forward with collection of the outstanding amount due, move forward with a new contract with the current tower owner, and move forward with replacement of the tower with the current owner. The last two would be as the resolution and collection of the outstanding past due amount is collected. Council further requested that everything be brought to conclusion not later than November 15, 2010 or to move forward on eviction.

On Tuesday November 9, 2010 the tower site was posted with a Demand for Compliance or Possession requesting either the entire past due amount be submitted or the site be prepared for vacate. In addition to the public posting, this document was emailed, sent by certified mail return receipt requested, and sent by regular post. As of today, no payment has been received and Staff is moving forward with collection and eviction.

The current amount past due is as follows:

2010 February 16 through August 15	\$33,519
2010 Feb 16 through Aug 15 late fees (10%)	3,273
2010 August 16 through November 15	16,391

Total Due by November 15, 2010 \$53,183

Please contact me in the event you have any questions.

Thank you, Jay

STATE OF COLORADO, COUNTY OF EAGLE

DEMAND FOR COMPLIANCE OR POSSESSION

TO: Pilgrim Communication, LLC, P.O. Box 14 Beach Grove, IN 46107

The Landlord set forth below hereby demands that you shall, within three days of the time this notice is served upon you, either comply with the covenant/condition stated below or deliver to the Landlord the possession of the premises known as: Minturn Radio Tower

the real property described and depicted on Exhibit A hereto, in the Town of Minturn, County of Eagle, State of Colorado ("the Leased Premises").

The covenant/condition with which you are to comply is:

X The payment to the Landlord in the sum of \$53,183.00 being the past due rent owed to the Landlord from February 16, 2010 to November 15, 2010.

Other covenant being violated: _____

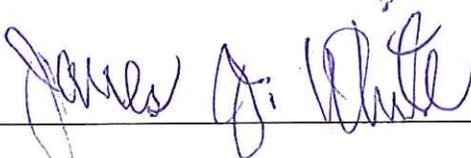
The covenant/condition checked above constitutes a default under the terms of the Lease, which default entitles the Landlord to possession of the premises.

The rental for the premises is \$60,000/year with a 3% annual escalation commencing in 2007.

Dated this 9th day of November, 2010.

TOWN OF MINTURN, COLORADO

LANDLORD

By: 
Agent of Attorney

STATE OF COLORADO, COUNTY OF EAGLE

I hereby certify that I served the within notice this 9th day of November, 2010

_____ By leaving a true copy hereof with _____.

By posting in a conspicuous place on the premises at (date and time) _____

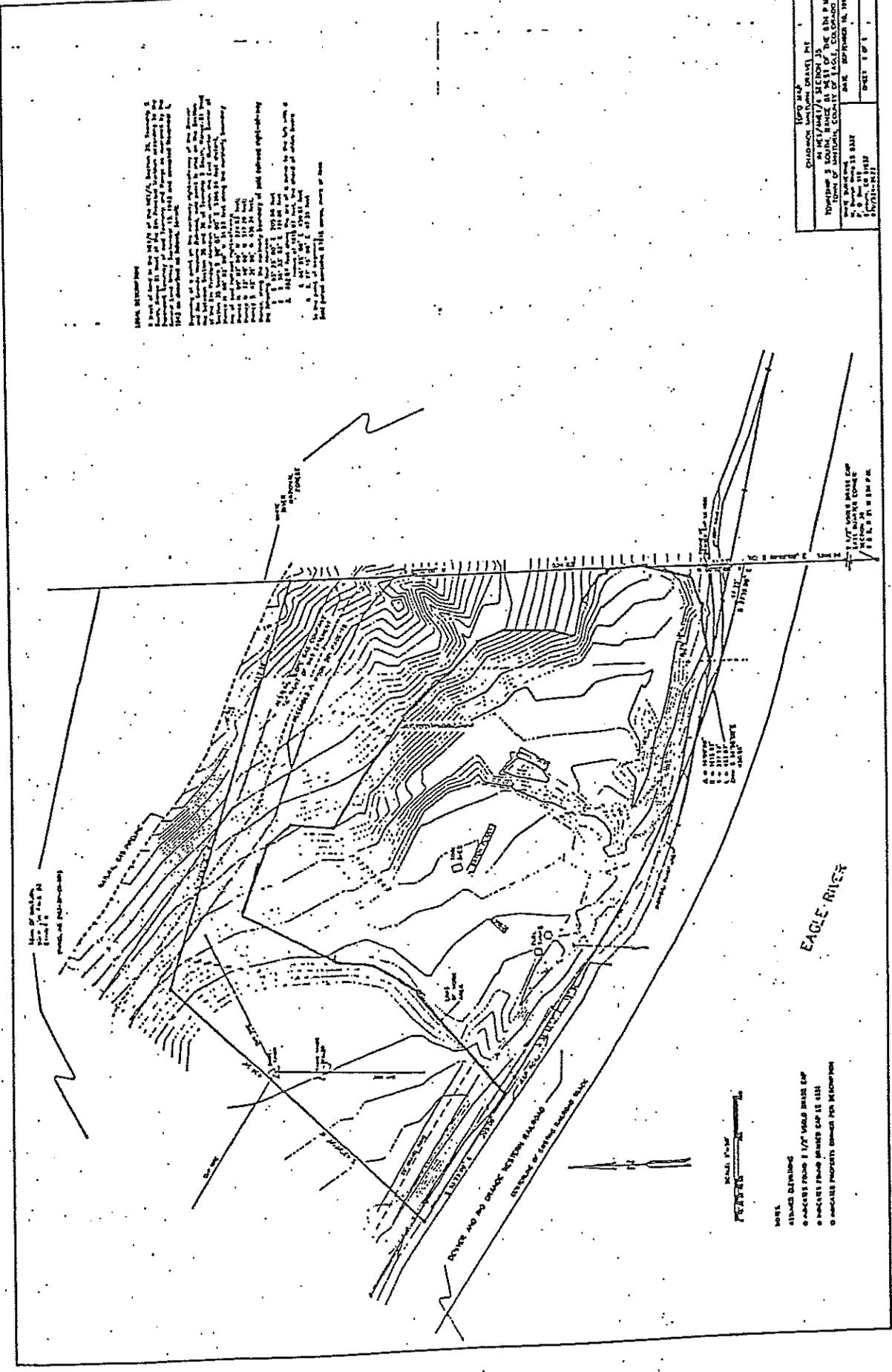
November 9, 2010 4:30pm

in the Town of Minturn, Eagle County, Colorado.



Tracy Brunvand

Exhibit #A



1. The map is a reproduction of the original map as shown on the original map. It is not a survey and should not be used for any purpose other than for reference.

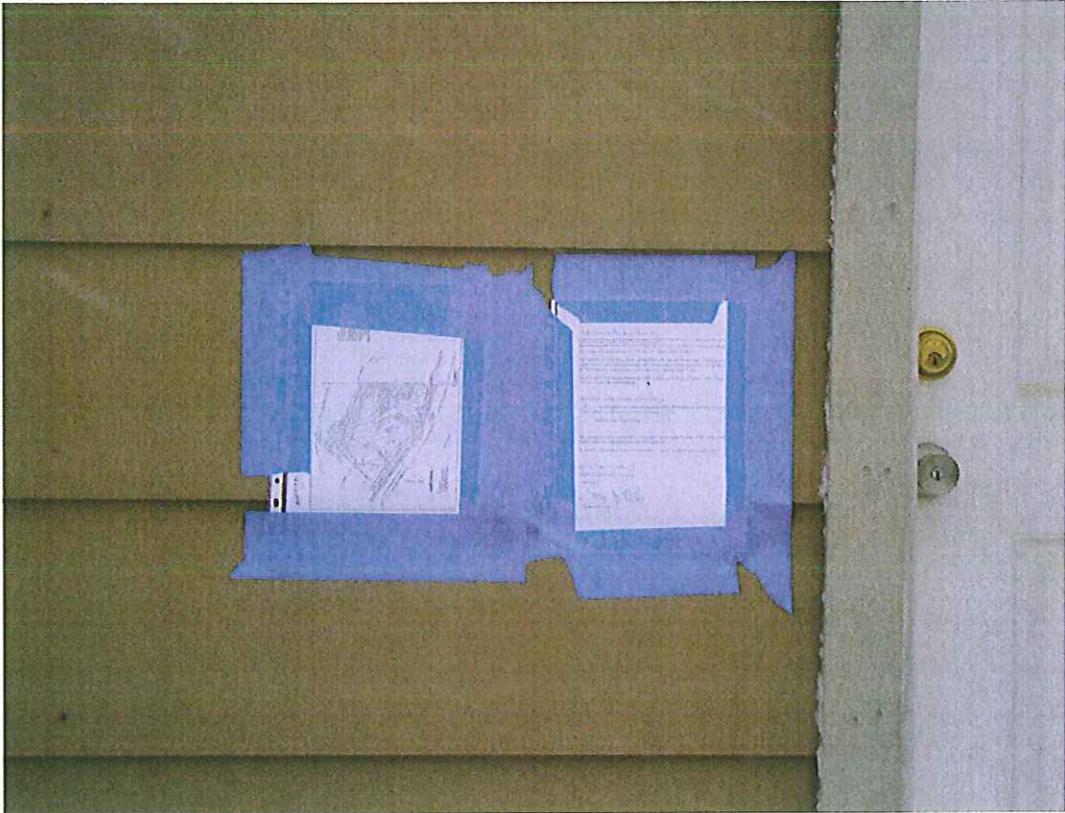
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5. The map is a reproduction of the original map as shown on the original map. It is not a survey and should not be used for any purpose other than for reference.

1960 MAP
 COUNTY OF WASHINGTON, DISTRICT OF COLUMBIA
 TOWNSHIP 3 SOUTH, RANGE 41 WEST OF THE 6TH P.M.
 SECTION 13
 DATE: SEPTEMBER 14, 1960
 SHEET 1 OF 1



P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



TOWN COUNCIL
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Councilman – Jerry Bumgarner
Councilman – Earle Bidez
Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: AMENDED RESOLUTION NO. 17 – SERIES 2010; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ESTABLISHING ELIGIBILITY FOR ANNEXATION OF THE QUINTANA COUNTRY CLUB PARCEL

MEETING DATE: November 17, 2010

PRESENTER: Chris Cerimele

BACKGROUND: The Town Council passed Resolution 17 – 2010 on November 3, 2010. That Resolution established the parcel’s eligibly for annexation and authorized the Town of Minturn to annex the property. That Resolution did not include certain language that is required under the State Statute. This new amended Resolution includes the omissions from the original.

CORE ISSUES: none

BUDGET/FINANCE IMPLICATIONS: none

RECOMMENDED MOTION: I move to approve Amended Resolution 17 - 2010

**TOWN OF MINTURN, COLORADO
AMENDED RESOLUTION NO. 17 – SERIES 2010**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO ESTABLISHING ELIGIBILITY FOR ANNEXATION OF THE
QUINTANA COUNTRY CLUB PARCEL**

WHEREAS, Pursuant to Section 31-12-107 (1) (a), C.R.S., a Petition for annexation to the Town of Minturn, Colorado of unincorporated land located in the County of Eagle, State of Colorado as more particularly described in the legal description, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, was submitted to the Town Clerk on August 20, 2010, and referred there from to the Town Council of the Town of Minturn, and;

WHEREAS, the Town Council of the Town of Minturn passed Resolution No. 16 – Series 2010 finding and determining that a public hearing should be held to determine if the proposed annexation complies with section 30 of article II of the state constitution; Sections 31-12-104; and 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility for annexation to the Town of Minturn under the terms of Sections 31-12-101 to 31-12-123, C.R.S.;

WHEREAS, public notice of the hearing was provided in accordance with the provisions of Section 31-12-108, C.R.S. and held such hearing on November 3, 2010, which date was not less than 30 days nor more than 60 days after the effective date of the resolution setting the hearing.

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

Section 1. Findings of Fact. The Town Council of the Town of Minturn has determined that requirements of the applicable parts of section 30 of article II of the state constitution; and Sections 31-12-104; and 31-12-105, C.R.S. have been met including the following findings of fact:

1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Minturn.
2. A community of interest exists between the area proposed to be annexed and the Town of Minturn, based on contiguity between the Town and the area proposed to be annexed.
3. The area is urban or will be urbanized in the future.
4. The area is integrated with or is capable of being integrated with the Town of Minturn.
5. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
6. No land comprising twenty acres or more with a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation has been included without written consent of the landowners.
7. No annexation proceedings concerning the area proposed to be annexed have been commenced by another municipality.
8. This proposed annexation will not result in the detachment of the area proposed to be annexed from the Eagle County School District RE50J.
9. No part of the area proposed to be annexed extends the existing Town of Minturn

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- boundary more than three miles in any direction from the Town in any one year.
10. No additional terms and conditions are being imposed by the Town upon the area proposed to be annexed in accordance with Section 31-12-112, C.R.S.
 11. No petition for annexation election has been submitted and an election is not required pursuant to article 30 (1) (a) of article II of the state constitution and Sections 31-12-107 (2) and 31-12-112, C.R.S.
 12. Notice of this hearing was published and mailed as required by Section 31-12-108, C.R.S.
 13. No annexation impact report is required because the proposed annexation is less than 10 acres.

Section 2. Conclusions. The Town Council of the Town of Minturn, pursuant to Section 31-12-110, C.R.S. therefore further finds and concludes the following:

1. The area proposed for annexation as the Quintana Country Club Annexation is eligible for annexation pursuant to the applicable parts of Section 31-12-104, C.R.S.
2. None of the limitations Section 31-12-105, C.R.S. apply to restrict annexation of such parcel.
3. The requirements of the applicable parts of section 30 of article II of the state constitution and Sections 31-12-104 and 31-12-105, C.R.S. have been met.
4. A determination has been made that additional terms and conditions are not to be imposed.
5. An election is not required under section 30 (1) (a) of article II of the state constitution and Section 31-12-107(2), C.R.S.
6. Said parcel may be annexed by Ordinance pursuant to Sections 31-12-107 (1) (g) and 31-12-11, C.R.S. without election.
7. Having found that the Quintana Country Club Annexation Parcel is eligible to be annexed, the Town Council of the Town of Minturn hereby resolves that the parcel should be annexed to the Town of Minturn by Ordinance and the Town Council of the Town of Minturn will undertake further proceedings to pass such an Ordinance confirming and adopting the Resolution in accordance with the applicable provisions of the Minturn Municipal Code and Charter and Municipal Annexation Act of 1965 and State Constitution.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 17th day of November, 2010.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

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P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



TOWN COUNCIL
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Councilman – Earle Bidez
Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 10 – 2010; An Ordinance Annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract.

MEETING DATE: November 17, 2010

PRESENTER: Chris Cerimele

BACKGROUND: The Town Council passed Resolution 17 – 2010 on November 3, 2010. That Resolution established the parcel’s eligibly for annexation and authorized the Town of Minturn to annex the property. The annexation of the parcel must be completed by an Ordinance of the Town Council.

CORE ISSUES: none

BUDGET/FINANCE IMPLICATIONS: none

RECOMMENDED MOTION: I move to approve Ordinance 10 - 2010

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 10 - SERIES 2010**

**AN ORDINANCE ANNEXING TO THE TOWN OF MINTURN, COUNTY OF EAGLE,
STATE OF COLORADO, THE QUINTANA COUNTRY CLUB TRACT.**

WHEREAS, pursuant to Section 31-12-107 (1) (a), C.R.S., a petition for annexation to the Town of Minturn, Colorado of unincorporated territory located in the County of Eagle, State of Colorado as more particularly described in the legal description, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, was submitted to the Town Clerk on August 20, 2010, and referred there from to the Town Council of the Town of Minturn, and;

WHEREAS, the owners of one hundred percent of the area that is the subject of the petition have petitioned for annexation to the Town of Minturn, and;

WHEREAS, the Town Council of the Town of Minturn passed Resolution No. 16-2010 finding and determining that a public hearing should be held to determine if the proposed annexation complies with Section 30 of Article II of the State Constitution; Sections 31-12-104 and 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility for annexation to the Town of Minturn under the terms of Sections 31-12-101 to 31-12-123 C.R.S., and;

WHEREAS, the Town Council of the Town of Minturn, provided notice of the public hearing in accordance with 31-12-108 C.R.S. and held such a public hearing commencing on November 3, 2010, which date was not less than 30 days nor more than 60 days after the effective date of the resolution setting the hearing.

WHEREAS, the Town Council of the Town of Minturn passed Resolution No. 17 – 2010 in which it set forth its findings of fact and its conclusions on the petition for annexation, Quintana Country Club Tract, in accordance with the requirements of 31-12-110 C.R.S. and other applicable provisions of the Municipal Annexation Act of 1965 and resolving that such resolution be confirmed and adopted by Ordinance and that said parcel should be annexed to the Town of Minturn, Colorado by Ordinance in accordance with Section 30 of Article II of the State Constitution; 31-12-107(1)(g) and 31-12-111, C.R.S. and;

WHEREAS, the Town Council of the Town of Minturn determines that it is in the best interest of the Town of Minturn to annex said territory to the Town.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

Section 1. That the owners of one hundred percent of the area that is the subject of the petition have petitioned for annexation to the Town of Minturn, that the requirements of Section 30 of Article II of the State Constitution; 31-12-104 and 31-12-105, C.R.S. have been met, that an election is not required under Section 30 of Article II of the State Constitution and 31-12-107(2) C.R.S., and that no additional terms and conditions are to be imposed, and therefore the

property described in Exhibit A, heretofore attached, be, and hereby is, annexed to the Town of Minturn and made a part of said Town, to be known as the Quintana Country Club Tract.

Section 2. That, in annexing said property to the Town of Minturn, the Town of Minturn does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines or any other sewer or utilities, or streets, bridges, parkways, other public ways or other public amenities, improvements or facilities in connection with the property hereby annexed except as may be provided by the ordinances of the Town of Minturn

Section 3. The annexation shall take effect in accordance with the Municipal Annexation Act of 1965, as amended. This ordinance shall take effect in accordance with the Charter of the Town of Minturn.

Section 4. As required by Section 31-12-113(2) C.R.S., the Town Clerk of the Town of Minturn is directed as follows:

1. File one copy of the annexation map with the original of this annexation Ordinance in the office of the Town Clerk for the Town of Minturn.
2. File for recording three certified copies of the annexation Ordinance and map of the area annexed containing a legal description of such area with the county clerk and recorder of Eagle County, Colorado.

Section 5. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 6. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 7. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF November, 2010. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 1st day of December, 2010, at 7 P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Mayor

Attest:

Town Clerk

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS ___ DAY OF ___, 2010.

Mayor

Attest:

Town Clerk

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Jerry Bumgarner
Councilman – Earle Bidez
Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 11 - 2010
MEETING DATE: November 17, 2010
PRESENTER: Chris Cerimele
BACKGROUND: This item is a request to assign a mixed-use zoning designation to the Quintana Country Club Tract Annexation. The Planning Commission voted unanimously to recommend approval to the Town Council for this zoning request.
CORE ISSUES: none
BUDGET/FINANCE IMPLICATIONS: none
RECOMMENDED MOTION: I move to approve Ordinance 11 - 2010

Town of Minturn

302 PINE STREET
P. O. BOX 309, MINTURN, CO 81645
(970) 827-5645 FAX (970) 827-5545



Town Council

MR. GORDON FLAHERTY, MAYOR
MR. GEORGE BRODIN, MAYOR PRO TEM
MRS. SHELLEY BELLM
MR. JERRY BUMGARNER
MR. EARLE BIDEZ
MR. AGGIE MARTINEZ
MR. JOHN ROSENFELD

TOWN OF MINTURN PLANNING DEPARTMENT	
Subject: Ordinance 11 – Series 2010; An Ordinance Establishing Zoning on a Parcel of Land Known as the Quintana Country Club Tract Annexation	
Chris Cerimele, Town Planner	
Town Council Staff Report	
Hearing Date: November 17, 2010	
Staff Recommendation: Approval	

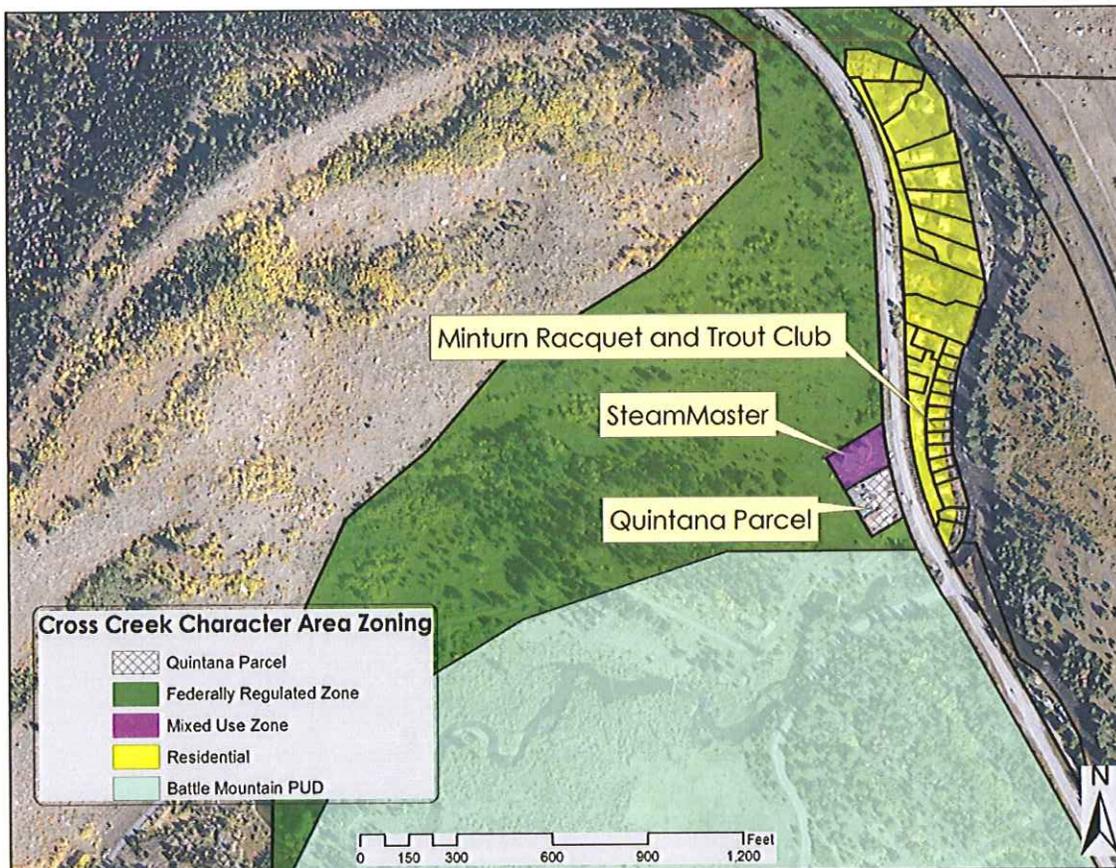
APPLICANT

Frances Quintana

AGENDA ITEM BRIEF

This item is a request to amend the zone district map of the Town of Minturn. The applicant is requesting a mixed-use zoning designation for a .436 acre parcel that is in the process of being annexed into Minturn.

LOCATION: 1973 Highway 24





BACKGROUND

The applicant is proposing to zone the .436 acre parcel as *Mixed-Use*. If approved, the zoning requirements of the Cross Creek Character Area *Mixed-Use* zone will apply.

ANALYSIS

Per Section 31-12-115 of the Colorado Revised Statute (C.R.S.), any area annexed on or after January 1, 1966, shall be brought under such zoning ordinance and map within ninety days after the effective date of the annexation ordinance. The zoning of the subject property will not take effect until after the annexation and zoning map amendment have been approved by the Minturn Town Council.

The review procedure for a zoning map amendment is outlined in section 16-21-440 § (b) of the Minturn Municipal Code (MMC). This section states:

Review and recommendation of Planning Commission. *The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at*

the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

An application for an amendment to the zone district map should be reviewed according to the standards outlined in section 16-21-450 of the MMC. Staff comments are provided in italics.

Section 16-21-450; Standards:

The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

- (1) Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.

Community Character Goal 1 of the 2009 Town of Minturn Community Plan states, "Maintain, Build Upon and Promote the Town's Image as a Unique, Eclectic Non-Resort Town With A Strong Sense of Community." This proposal has the potential to add three additional 5,000 square foot parcels in town. These mixed-use parcels will be suitable for a variety of commercial and residential uses.

- (2) Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.

The mixed-use zoning designation is consistent with the property immediately to the north. The purpose of the Cross Creek Character Area mixed-use zone as stated in MMC 16-9-30 is to provide a variety of complementary and integrated uses such as residential, office, light manufacturing and some retail in a concentrated area. An objective of this area is to provide an attractive entrance statement and economic activity without causing significant impacts on nearby residential and open space uses. To minimize the visual impacts to the surrounding area, staff is requiring that the applicant erect a screening fence as part of the annexation agreement.

- (3) Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.

N/A- the property never had a Minturn zoning designation.

- (4) Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.

Redevelopment of the subject site will not have any anticipated negative effects on the natural environment. The site is currently used as a storage lot for heavy equipment. Any redevelopment scenario must include a detailed landscaping plan.

- (5) Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.

The proposal will not result in spot zoning since the parcel immediately to the north is currently zoned mixed-use.

The subject site is currently served by the Minturn water system and Eagle River Water and Sanitation District sewage system.

- (6) Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area. (Prior code 16-21-8)

The subject site is suitable for a mixed-use development. Redevelopment of the area is in the public interest.

The following table illustrates the zoning requirements for the Cross Creek Character Area mixed-use zone.

Sec. 16-17-190. General lot requirements and dimensional standards.

The following Table 16-15 sets forth general lot requirements and dimensional standards:

TABLE 16-15
Dimensional Standards

Table of Dimensional Standards								
Character Area	Zones	Min. Lot Area (sq. ft.) (A)	Min. Lot Dimension (feet)	Max. Lot Coverage (%)	Minimum Setbacks			River/ Creek Setback
					Front	Rear (feet)	Side (1)	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70	20	10	10	E.R.=30 G.C.=15
Old Town	Recreation & open space	To be determined as part of conditional review						30
	Residential	5,000	50	40	10	10	5	
	Commercial	2,500	25	80	0	10	5	
	Mixed-use	5,000	50	(B)	10	10	5	
South Town	Residential	5,000	50	50	20	10	5	30
	Commercial	7,500	50	70	20	10	5	
	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	Rec. 20	Rec. 10	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A	40	20	20	30
Cross Creek	Residential-S	5,000	50	40	20	20	10	E.R.=30 C.C.=50
	Residential-N	10,000	100	25	20	20	10	
	Mixed-use	10,000	100	40	20	20	10	
	Fed. reg. land use	N/A	N/A	N/A	Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A	To be determined as part of conditional use review			30
	Light ind. & public facilities	10,000	100	45	25	25	10	
Game Creek	Residential	5,000	50	40	20	10	5	G.C.=30
	PUD holding zone	To be determined as part of the PUD review						E.R.=30
Eagle River	Recreation & open space	To be determined as part of the conditional use review						E.R.=30
Transportation	Railroad R-O-W/ Transportation	To be determined as part of the conditional use review						

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted unanimously 4-0 to recommend approval of the zoning request to the Minturn Town Council.

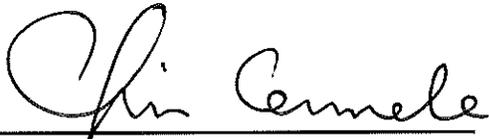
DRAFT MOTION

I move to approve Ordinance 11 – 2010

OR:

I move an alternate motion

Respectfully Submitted

A handwritten signature in cursive script that reads "Chris Cerimele". The signature is written in black ink and is positioned above a horizontal line.

Chris Cerimele, Town Planner

ATTACHMENTS:

Ordinance 11 - 2010

Cross Creek Character Area Use Table

**TOWN OF MINTURN
ORDINANCE 11 – SERIES 2010**

**AN ORDINANCE ESTABLISHING ZONING ON A PARCEL OF LAND
KNOWN AS THE QUINTANA COUNTRY CLUB TRACT ANNEXATION TO
THE TOWN OF MINTURN, COLORADO AND AMENDING THE OFFICIAL
ZONING MAP OF THE TOWN OF MINTURN, CO.**

WHEREAS, the Town of Minturn, Colorado annexed the Quintana Country Club Tract, County of Eagle, State of Colorado, more particularly described as a parcel of land located in Section 36, Township 5 South, Range 81 West of the 6th Principal Meridian according to the Dependent Resurvey of said Township and Range approved by the U.S. Department of Interior General Land Office in Denver, Colorado on September 13, 1943; said tract of land being more particularly described as follows, to wit: Beginning at Corner No. 1 located on the westerly right-of-way boundary line of U.S. Highway No. 24 from which the South Quarter Corner of Section 36 bears S 27°37'50" E1568.35 feet distant; and also an iron pin Witness Corner for Corner No. 1 with an aluminum cap marked "W.C. "bears N 56°24'30"E,9.45 feet distant from Corner No. 1; thence continuing along said highway right-of-way boundary line 151.58 feet on a curve to the right having a radius of 756.30 feet, the chord of which bears N 13°39'10" W, 151.33 feet to Corner No. 2 from which an iron pin Witness Corner for Corner No. 2 with an aluminum cap marked " W.C. "bears N 61°04'40" E, 2.26 feet distant; thence departing from said highway right-of-way boundary line and following an existing fence line S 61°04'40" W, 150.74 feet to Corner No. 3, an iron pin monument with an aluminum cap marked "PROP. COR. " ; thence S 29°55'30" E, 154.84 feet to Corner No. 4, an iron pin monument with an aluminum cap marked "PROP. COR. " ; thence following the existing fence N 56°24'30" E, 108.54 feet to Corner No.1, the place of beginning; said tract of land containing 0.436 of an acre, more or less.

WHEREAS, an application has been filed with the Town of Minturn to amend the Zone District Map of the Town of Minturn through the inclusion of the area known as the Quintana Country Club Tract Annexation, within the Mixed – Use Zone District of the Cross Creek Character Area; and

WHEREAS, public notice was provided per section 16-21-610 of the Minturn Municipal Code; and

WHEREAS, the Minturn Planning Commission held a public hearing on October 27, 2010 to review the application and made a recommendation to the Minturn Town Council to zone the parcel Mixed-Use; and

WHEREAS, a public hearing was held before the Minturn Town Council on November 17, 2010 and after review of presented evidence, testimony, exhibits, review of the Town Master Plan, comments of public officials and referred agencies, comments from the public and recommendation from Town Staff, the Town Council finds as follows:

1. That proper publication and public notice were provided as required by law for hearings before the Planning Commission and Town Council; and

2. The proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan. The subject property is being annexed to the Town and there is no existing Town zoning on the property. The proposed amendment will zone property and create consistency with the existing Zone District Map by creating this new designation.
3. The proposed amendment is compatible with existing and proposed uses surrounding the subject land.
4. The proposed amendment is necessary because there will be a change in condition due to the fact that the property is being annexed into the Town and therefore the property is required by state law to be zoned.
5. The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm-water management, wildlife habitat, vegetation, and wetlands.
6. The proposed amendment does address a demonstrated community need. The zoning for the property, after annexation, will provide for the orderly and planned development of the property. As well, it will provide for more property and sales tax revenue for the Town.
7. The proposed amendment will result in a logical and orderly development pattern. The proposed amendment will not constitute spot zoning.
8. The resulting development can logically be provided with necessary public facilities and services.
9. The proposed amendment is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

SECTION 1. The amendment to the Zoning Map of the Town of Minturn, Colorado provided for herein shall take effect in accordance with the Charter and ordinances of the Town of Minturn, and the Mayor and Town Clerk are hereby authorized to execute such documents as may be required to reflect amendment herein authorized and to file a certified copy of such document with the Clerk and Recorder of Eagle County, Colorado.

SECTION 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

SECTION 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal code as provided in this ordinance shall not affect any right which has accrued, and

duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF November, 2010. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the ____ day of ____, 2010, at ____ P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Mayor

Attest:

Town Clerk

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF ____, 2010.

Mayor

Attest:

Town Clerk

Sec. 16-9-60. Cross Creek Character Area use table.

The following Table 16-5 sets forth the uses for the Cross Creek Character Area:

**TABLE 16-5
Cross Creek Character Area Use Table**

<i>Use</i>	<i>All Residential Zones</i>	<i>All Commercial Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation & Open Space Zones</i>	<i>All Federally Regulated Zones</i>	<i>Light Industry and Public Facilities Zone</i>	<i>PUD Holding Zone</i>	<i>Railroad Right-of-Way/Transportation Zone</i>
Accessory apartments	L	—	L	—	N	—	—	—
Accessory dwellings	R	—	R	—	N	—	—	—
Automotive detail shops	N	—	C	—	N	—	—	—
Automotive parts sales	N	—	C	—	N	—	—	—
Bakeries and confectioneries	N	—	C	—	N	—	—	—
Bakeries and delicatessens with food service	N	—	R	—	N	—	—	—
Banks and financial institutions	N	—	R	—	N	—	—	—
Barbershops	N	—	R	—	N	—	—	—
Beauty shops	N	—	R	—	N	—	—	—
Business and office services	N	—	R	—	N	—	—	—
Car washes	N	—	C	—	N	—	—	—
Cocktail lounges, taverns	N	—	C	—	N	—	—	—
Commercial accommodations	N	—	C	—	N	—	—	—
Convenience stores	N	—	C	—	N	—	—	—
Delicatessens and specialty food stores	N	—	C	—	N	—	—	—
Drive-thru/up establishments	N	—	N	—	N	—	—	—
Drugstores and pharmacies	N	—	R	—	N	—	—	—
Dry cleaners	N	—	R	—	N	—	—	—

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Duplexes	R	—	—	—	R	—	—	—	N	—	—	—
Garden landscaping supply and seed stores	N	—	—	—	R	—	—	—	N	—	—	—
Gas stations	N	—	—	—	C	—	—	—	N	—	—	—
Grocery stores	N	—	—	—	C	—	—	—	N	—	—	—
Health/medical offices	N	—	—	—	C	—	—	—	N	—	—	—
Laundries	N	—	—	—	C	—	—	—	N	—	—	—
Laundromats	N	—	—	—	C	—	—	—	N	—	—	—
Liquor stores	N	—	—	—	C	—	—	—	N	—	—	—
Manufacturing, light	N	—	—	—	N	—	—	—	N	—	—	—
Multi-family dwellings	C	—	—	—	C	—	—	—	N	—	—	—
Office uses	N	—	—	—	R	—	—	—	N	—	—	—
Pawn shops	N	—	—	—	C	—	—	—	N	—	—	—
Photographic studios	N	—	—	—	R	—	—	—	N	—	—	—
Professional activities	N	—	—	—	C	—	—	—	N	—	—	—
Professional offices, business offices and studios	N	—	—	—	C	—	—	—	N	—	—	—
Radio and television stores and repair shops	N	—	—	—	N	—	—	—	N	—	—	—
Restaurant	N	—	—	—	C	—	—	—	N	—	—	—
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.	N	—	—	—	R	—	—	—	N	—	—	—
Retail uses greater than 5,000 square feet	N	—	—	—	N	—	—	—	N	—	—	—
Service businesses	N	—	—	—	C	—	—	—	N	—	—	—
Single-family residential dwellings	R	—	—	—	R	—	—	—	N	—	—	—

Small appliance repair shops, excluding furniture repair	N	—	R	—	N	—	—	—	—
Tailors and dressmakers	N	—	R	—	N	—	—	—	—
Theaters	N	—	C	—	N	—	—	—	—
Theaters, meeting rooms and convention centers	N	—	C	—	N	—	—	—	—
Travel and ticket agencies	N	—	R	—	N	—	—	—	—

R – Use by right

C – Conditional use

L – Limited use

N – Not allowed

(Prior code 16-9-6; Ord. 15-2008 §1; Ord. 18, 2008 §1)



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: Jim White, Town Manager
DATE: 11/12/10 11:11 AM

NOVEMBER 17, 2010 COUNCIL MEETING

As required by Colorado law, the Town has set two Public Hearings for the FY2011 Budget. The November 3rd meeting was the first; the November 17th meeting is the second and final. To date, Staff has taken your comments and suggestions and incorporated them into the FY2011 Budget. 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 1st. As a budget page may be affected, those changes will be distributed at the December 1st meeting.

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 2011 proposed budget and to gather input, pro or con on the proposed Minturn Town Budget for the fiscal year January 1 through December 31, 2010. 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) Take citizen input.
- (c) Close the Public Hearing
- (d) Council discussion on the budget and comment on the Public Hearing if any. Please note we have included a memo of the direction given to date.
- (e) This memo also has several more questions for which Staff is requesting Council direction:

- At the November 3rd Public Hearing two community funding requests were heard. Staff is asking for direction on this funding:
 - Minturn Community Fund has requested \$7,500
 - Radio Free Minturn has requested \$2,000
- Previously, Mr. Kirby Winn of the Eagle River Watershed Council requested funding assistance for their needs in the amount of \$2,000. *(Note: This would actually be paid as a committee fee from the General Fund account 01-01-5235; it is not technically a community funding request.)*
- During the November 3rd Council Meeting discussion ensued as to the funding level allocated for events. Council requested this be on the agenda for discussion as well.
- During previous meetings the Council has discussed the topic of Staff considerations for either or 2010 or 2011. Council requested this be brought forward to this meeting for formal consideration and direction.
- Review of the 2011 Enterprise Fund revealed a shortfall of approximately \$77,882. Council reviewed reports that showed the historical base rate increases over the past years and a summary is provided below. Council requested numbers supporting the changes made in 2010. In 2010, Council made no change in the base rate of water or trash service; however, they directed the base water usage allowed prior to a usage fee to decrease for residential users from 15,000gal/SFE to 10,000gal/SFE.

For the months January through September of 2009 (prior to the use decrease):

Residential use fee = \$5,450

Commercial use fee = \$ 204

Combined use fee = \$5,654

Residential use fee = \$7,574

Commercial use fee = \$1,007

Combined use fee = \$8,581

In 2010 the 5,000gal/SFE decrease generated a combined revenue of \$2,927. It is estimated this change will represent a revenue increase in 2010 water rates of less than one half of one percent. Four options have been presented for discussion although these are not the only options. It is important note that the Enterprise Fund is facing a shortfall scenario because it is not currently funded to meet its obligations. Council requested this item be brought forth at this meeting giving them time to consider the options or to bring forth other options.

Option #1: Increase water and trash fees 5% = \$33,750

- Option #2: Increase water and trash fees 7.5% = \$50,625
- Option #3: Increase water and trash fees 10% = \$67,500
- Option #4: Debt Service fee* = \$94,784

*The Debt Service fee takes the total debt service for the water plant and infrastructure and divides that by the total SFE count for residential and commercial use. This amounts to approximately \$10.67 per SFE. In 2012 this fee would be \$6.51 to allow for retirement of maturing debt.

During the November 3rd meeting Council asked what the effect would be of segregating the senior population from this equation would be. Minturn seniors hold at total of 41SFE's. The cost to the rest of the citizens would be \$11.30 per SFE (an increase of 63cents per month).

Separate discussion between Council members asked if items could be removed from the Enterprise Fund; the obligations contained within the Enterprise Fund are sound obligations. Other Discussion ensued as to not funding for annual depreciation. The Town is significantly built out; therefore, revenue received from the purchase of water taps is only minor. This results in the fact that fees pay for the day to day operation, any long term repairs, and future expansion. Without the longterm purchase of water taps the Town is limited to fees for all revenue sources.

Direction is requested on water and trash fees.

Previous Fee Action:

- 2010 No (Use fee was reduced from 15,000gal/SFE to 10,000gal/SFE)
- 2009 No
- 2008 5%
- 2007 No
- 2006 5%
- 2005 5%
- 2004 No
- 2003 5%
- 2002 5%

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Jay Brunvand, Treasurer/Clerk
Email: treasurer@minturn.org



TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
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Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 12 – Series 2010 an Ordinance to provide supplemental funding and expenditures for the 2010 Fiscal Year on First Reading
MEETING DATE: November 17, 2010
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance to account for various increases in revenues and expenditures in each Fund as necessary as detailed in Exhibit “A”.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: As indicated in Exhibit “A”.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 12 – Series 2010 (First Reading) an Ordinance amending the 2010 Budget as set forth in the following Exhibit “A”, to authorized necessary interfund transfers and recognizing additional General Fund Revenues in the amount of \$11,531.00, and appropriating General Fund Expenditures of \$72,201.00, and appropriating Enterprise Fund Revenues in the amount of \$500,000, and Expenditures of \$568,500.00, and appropriating Conservation Trust Fund Expenditures of \$15,100, and appropriating additional Building Fund Revenues in the amount of \$2,137,015.00, and appropriating additional Building Fund Expenditures in the amount of \$188,273.00, and appropriating additional Art Fund Revenues in the amount of \$2,000, and appropriating additional Capital Fund Revenues in the amount of \$11,000.00, and appropriating additional Capital Fund Expenditures of \$6,400.00 as presented.

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 12 – SERIES 2010

AN ORDINANCE AMENDING THE 2010 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT “A”, TO AUTHORIZE NECESSARY INTERFUND TRANSFERS AND RECOGNIZING ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$11,531.00, AND APPROPRIATING GENERAL FUND EXPENDITURES OF \$72,201.00, AND APPROPRIATING ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$500,000, AND EXPENDITURES OF \$568,500.00, AND APPROPRIATING CONSERVATION TRUST FUND EXPENDITURES OF \$15,100, AND APPROPRIATING ADDITIONAL BUILDING FUND REVENUES IN THE AMOUNT OF \$2,137,015.00, AND APPROPRIATING ADDITIONAL BUILDING FUND EXPENDITURES OF \$188,273.00, AND APPROPRIATING ADDITIONAL ARTS FUND REVENUES IN THE AMOUNT OF \$2,000, AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES OF \$11,000.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND EXPENDITURES OF \$6,400.00.

WHEREAS, in accordance with Section 8.8 of the Minturn Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year, and;

WHEREAS, Jay Brunvand, Treasurer, has verified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves, and;

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

Upon the Town Manager’s verification that there are current year revenues available for appropriation in the General Fund, Enterprise Fund, Lottery fund, Building Fund, Marketing Fund and Capital Fund and un-appropriated prior year cash balance available in one or more of those funds, the Town Council hereby makes supplemental appropriations as specified in attached Exhibit “A”.

Section 2.

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby amended in accordance with the requirements of the Home Rule Charter and the Town’s Financial Policies.

Section 3.

The adoption of this Ordinance will promote the health, safety and general welfare of the Minturn community.

Section 4.

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF NOVEMBER 2010. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 1st DAY OF DECEMBER, 2010 AT 7:00PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 1st DAY OF DECEMBER, 2010

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

**ORDINANCE 12 – SERIES 2010
EXHIBIT “A”**

GENERAL FUND:		Addition	Revised Budget
Additional Revenue	\$ 11,531.00		
Muni Non-Traffic Fines	01-00-4435	1,000	6,000
Victim Restitution	01-00-4436	110	610
ERFPD Impact Fees	01-00-4512	1,671	1,671
Flowers on Main	01-00-4515	4,000	4,000
Other Revenue	01-00-4597	4,000	14,000
Training Surcharge	01-00-4660	750	3,750
 Additional Expense	 \$ 72,201.00		
Payroll-Mayor	01-01-5010	2,500	8,500
Payroll-Council	01-01-5092	2,100	16,500
FICA-Council	01-01-5092	400	1,950
Meeting Food/Drink	01-01-5270	500	2,500
Computer Support	01-01-5120	7,500	22,500
Utilities	01-01-5210	4,000	16,000
Admin Contract Exp	01-01-5234	2,500	6,500
Eagle Co Treasurer Fees	01-01-5236	2,700	12,500
ERFPD Impact Fees	01-01-5240	1,571	1,571
Municipal Parking Lease	01-01-5261	2,000	19,000
Flowers on Main	01-01-5275	4,000	4,000
Unemployment Ins	01-01-5320	5,830	5,830
Veh Rep/Maint	01-04-5231	2,400	4,000
Victim Restitution	01-04-5240	950	950
ECO Sheriff Srvc	01-04-5246	28,500	28,500
Training	01-04-5265	1,250	3,750
General Supplies	01-06-5140	1,500	5,500
Telephone	01-06-5200	1,250	4,750
Equipment R&M	01-06-5291	750	4,250
 ENTERPRISE FUND:			
Additional Revenue	\$ 500,000.00		
Battle Mtn Revenue	02-00-4575	500,000	1,500,000
 Additional Expense	 \$ 568,500.00		
Supplies	02-06-5140	1,500	6,500
Engineering	02-06-5247	17,000	20,000
Battle Mtn Legal	02-06-6110	550,000	1,500,000
 CONSERVATION TRUST FUND:			
Additional Revenue	\$ 0.00		
 Additional Expense	 \$ 15,100.00		
CTF Expenditures	03-00-5140	15,100	27,500

BUILDING FUND:

Additional Revenue	\$ 2,137,015.00		
Certificates of Participation	04-00-4000	2,052,015	2,052,015
Other Revenue & Grants	04-00-4597	85,000	85,000
Additional Expense	\$ 188,273.00		
Construction	04-01-5249	87,000	87,000
Bank Fees	04-01-5251	1,000	1,000
Cost of Issuance	04-08-7992	100,273	100,273

ARTS FUND:

Additional Revenue	\$ 2,000.00		
Revenue	05-00-4591	2,000	52,000
Additional Expense	\$ 0.00		

CAPITAL FUND:

Additional Revenue	\$ 11,000.00		
Other Revenue	06-00-4597	11,000	11,000
Additional Expense	\$ 6,400.00		
Dowd Trail	06-01-5250	6,400	6,400

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Minturn, CO 81645
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Fax: 970-827-5545
Jay Brunvand, Treasurer/Clerk
Email: treasurer@minturn.org



TOWN COUNCIL
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Mayor Pro Tem - George Brodin
Councilwoman - Shelley Bellm
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Councilman - Aggie Martinez
Councilman - Earle Bidez
Councilman - John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 13 – Series 2010 an Ordinance to approve the Fiscal Year 2010 mill levy on First Reading.
MEETING DATE: November 17, 2010
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Between first and second readings the County will finalized the assessed valuation. The result of this final number will be used to establish the 2011 property tax collections.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This ordinance represents a major portion of the General Fund revenues.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 13 – Series 2010 an Ordinance levying General Property Taxes for the year 2011 to help defray the costs of government for the Town of Minturn, Colorado for the 2011 Budget Year.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 13 – SERIES 2010**

**AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2011,
TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF
MINTURN, COLORADO FOR THE 2011 BUDGET YEAR.**

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado will adopt the annual budget in accordance with Local and State Government Budget Law, on December 1, 2010, and;

WHEREAS, the assessed valuation for the Town of Minturn, Colorado as certified by the Eagle County Assessor is approximately **\$31,951,530.00** and will generate approximately **\$573,019.00** based on the authorized 17.934 mills of the Town of Minturn, and;

WHEREAS, at General Election on November 3, 1998, the citizens of Minturn, Colorado have established the Town Mill Levy at 17.9340 mills in accordance with Article X, Section 20 of the Colorado Constitution, and;

WHEREAS, the final assessed valuation for the fiscal year 2011 will be available by December 1, 2010 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. That for the purpose of meeting general operating expenses of the Town of Minturn during the 2011 budget year, there is hereby levied a tax of 17.934 mills upon each dollar of the total valuation for assessment of all taxable property with in the Town of Minturn for the 2011 budget year. This assessment of 17.934 mills shall be duly made by the County of Eagle, State of Colorado, as directed by the Colorado Revised Statutes (1983 as amended), and as otherwise required by law.

Section 2. The Minturn Town Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Town of Minturn, Colorado as here in above determined and set.

Section 3. The Minturn Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town on Minturn, Colorado and the inhabitants thereof.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF NOVEMBER 2010. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 1st DAY OF DECEMBER, 2010 AT 7:00PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 1st DAY OF DECEMBER, 2010.

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

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AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 14 – Series 2010 an Ordinance to approve the Fiscal Year 2011 fee schedule on First Reading.
MEETING DATE: November 17, 2010
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance approved by Council to establish the fee schedule. This has been reviewed and modified as necessary.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This ordinance represents a major portion of the General Fund revenues.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 14 - Series 2010 an Ordinance annually setting, amending and approving Town fees as set forth in the attachment to be included in Appendix "A" of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2011.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 14 – SERIES 2010**

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX “A” OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2011.

WHEREAS, The Town of Minturn reviews and approves such fees by ordinance annually and as necessary, and;

WHEREAS, The fee schedule is available for review during regular business hours at the Town Offices.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1.

The following fees and deposits are hereby set as set forth or added in Appendix “A” is adopted.

Section 2.

In the event of a conflict between the fees, rates and charges listed in this Appendix A and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF NOVEMBER 2010. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 1st DAY OF DECEMBER, 2010 AT 7:00PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.

ATTEST:

HAWKEYE FLAHERTY, MAYOR

JAY BRUNVAND, TOWN CLERK

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 1st DAY OF DECEMBER, 2010

ATTEST:

HAWKEYE FLAHERTY, MAYOR

JAY BRUNVAND, TOWN CLERK

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	DESCRIPTION	FEE	OTHER	Change
General Government				
Administration				
Copies	per page	\$0.25		
CD-Town Code		\$50.00		
Bad Check fee		\$35.00		
Open Records Request				
Attorney-Administrative Description	per hour, minimum 1hr	\$175.00		
Town Staff-Administrative Description	per hour, minimum 1hr	\$50.00		
Past due monthly fee		\$35.00 plus 1.5%/month		
Real Estate Transfer Tax	per sale due at time of sale	1%		
Lodging Tax		1.5%		
Sales Tax - City		4%		
Credit Card Fee	For charges in excess of \$500	3%		
Meeting Room Fees				
	Deposit may be required			
Set-Up Fee		\$30.00		
Special Service Fee		\$30.00		
Flip Chart and Easel		\$15.00		
LCD Projector		\$50.00		
60% Room		\$75.00		
40% Room		\$50.00		
Full Room		\$125.00		
Full Room with Kitchen		\$175.00		
CLEANING DEPOSIT				\$25.00
Business Licenses:				
Initial License Fee		\$120.00		
Initial License Fee	(9/1-3/31=\$10/month)	\$60.00		
Business License Fee	(Due 4/1-3/31)	\$120.00		
In-Home License Fee		\$36.00		
Home Business License	(Major household income)	\$120.00		
Out Door Recreation License		\$120.00		
Snow Plow Business		\$120.00		
Each additional vehicle		\$12.00		
Peddler or Solicitor:				
License Fees				
1 Day		\$15.00		
2 Days Consecutively		\$30.00		
3 Days Consecutively		\$45.00		
5-Days Consecutively		\$75.00		
7 Days Consecutively		\$120.00		
30 Days consecutively		\$240.00		
Annual License	(Due 4/1)	\$240.00		
Contractor:				
Annual License Fee - General		\$240.00		
Annual License Fee - Sub Cont		\$120.00		
Business List Print Fee		\$40.00		
MISCELLANEOUS FEES				
Miscellaneous fees			Set administratively to cover the cost of services.	

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ITEM	DESCRIPTION	FEE	OTHER	Change
LIQUOR LICENSE APP FEES	All fees as set by State			
PUBLIC SAFETY				
Fingerprints	up to two cards, \$5 each for additional card	\$20.00		
Sex Offender Registration		\$40.00 (Initial/Annual) \$20.00 (Quarterly/Change)		
VIN Inspections	per inspection	\$10.00		
Records Requests-Criminal Justice		.25pg + \$5.00 Admin Fee		
Clearance Letter	per individual	\$10.00		
Transcripts		\$250.00 Deposit/Actual Cost		
Court Fines		per Judge		
Portable Breath Test		\$10.00		
Court Fines-Payment Plan Fee	Per court direction	\$25.00		
PUBLIC WORKS				
SNOW DUMP-TANDEM		\$50.00		
SNOW DUMP-END DUMP		\$90.00		
SNOW DUMP-FINE	ILLEGAL DUMPING-MINIMUM			X 4
Water				
Cash deposit		\$100.00		
Turn-on/Reconnect Fee		\$50.00		
Turn-off/Disconnect Fee		\$50.00		
Turn-on/Reconnect after 6/02	For non metered water only	\$400.00		
Tap, inspection, connection fee				
(1) Residential Unit; per unit up to 3,000 sq. feet floor area plus \$2.25 per sq foot floor area thereafter		\$6,500.00		
(2) Hotel/Lodge/Motel/Lock-off/Accommodation Unit:				
(a) per efficiency room		\$3,250.00		
(b) per room		\$2,250.00		
Out of Town Tap Fees are 25% higher				
Tap, Inspection, Connection Fee				
Commercial Service Line Size in inches:		Cost per Tap		
	3/4	\$9,500.00		
	1	\$16,500.00		
	1 & 1/2	\$36,500.00		
	2	\$65,000.00		
	3	\$145,000.00		
	4	\$257,750.00		
	6	\$580,000.00		
All out of Town Taps	Sec. 13-29(b)(1)	+ 50%		
Construction Use Rates	Sec. 13.65			
Any water use for construction purposes	per month flat fee plus use	\$100.00		
Portable meter fee		\$100.00		\$200.00
Portable meter water use	\$3.65/1000 gal			
Portable meter deposit				\$1,500.00
Unusual Water User Fee	Sec. 13.66	set Administratively		
Unmetered Water Rate	Sec. 13-67			
Monthly rate per SFE for	Residential	\$71.54		
Policy related to other uses	Commercial	+ 25% (\$89.42)		

ITEM	DESCRIPTION	FEE	OTHER	Change
Replaces Sec. 13-29(b)(2)	Residential out of Town	+ 50% (\$107.30)		
	Commercial out of Town	+ 75% (\$156.48)		
	Seniors (65 years or older)	-25%(\$53.66)		
	After 6/02 - per month	\$400.00		
Metered Water Rate	Sec. 13-68			
(a) Residential, basic monthly charge	per SFE	\$63.92		
plus a monthly above 10,000 gals. use charge per 1,000 gallons		\$2.48		From 15,000 Gal
(b) Commercial, basic monthly charge	per SFE	\$79.90		
plus a monthly above 30,000 gals. Use charge per 1,000 gallons		\$2.60		
(c) 25% discount for Residential Owner-Occupant over 65 years of age		\$47.94		
Out of Town Water Rate are 50% higher for Residential and 75% higher for Commercial	Sec. 13-29(b)(2)	\$79.90 \$99.88		
Trash Collection				
(a) Residential, Basic Monthly Charge	per contracted rates	\$26.86		
Street Cut Fee				
Basic permit fee		\$75.00		
Basic utility fee		\$50.00		
	per Sec. 11-26			
	replacement of paving w/oil&chip surface/ per sq. ft.	Per Bid		
	dirt cuts	Per Bid		
	Backfilling	time, material, staff time		
	Saw cuts per lineal foot w/min fee 25.00	time, material, staff time		
	Any re-work	time, material, staff time		
Application for Encroachment	Sec. 11-3	\$40.00		
Eagle River Fire Protection District Impact Fees				
new meter size	3/4 inch	\$1,671.00		
	1 inch	\$2,841.00		
	1.5 inch	\$5,515.00		
	2 inch	\$8,857.00		
	3 inch	\$18,382.00		
	4 inch	\$28,409.00		
	6 inch	\$55,147.00		

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PLANNING AND ZONING FEES - April 1, 2009
 updated on 040109 by resolution no. 7 - 2009

ITEM	FEE	Plus
Pre-Application Conference	None	
PUD Concept Plan	\$ 450.00	\$50 per each commercial, industrial or residential unit in PUD
PUD Preliminary Development Plan	\$ 1,500.00	\$50 per each commercial, industrial or residential unit in PUD
PUD Final Development Plan	\$ 2,000.00	\$50 per each commercial, industrial or residential unit in PUD
Minor PUD Concept/Preliminary Development Plan	\$ 1,000.00	\$50 per each commercial, industrial or residential unit in PUD
Changes to Approved Plans-		
Approved by Planning Director	\$ 100.00	
Approved by Planning Commission	\$ 250.00	
Approved by Town Council	\$ 500.00	\$50 for each commercial, industrial or residential unit in PUD above previously approved plan
Amendments To Text of Land Use Regulations	\$ 1,250.00	
Amendments To Official Zone District Map	\$ 1,250.00	
Conditional Use Permit Application	\$ 750.00	\$50 per each commercial, industrial or residential unit
Limited Use Review	\$ 350.00	
Temporary Use Permit	\$ 800.00	
Temporary Use Permit Security Deposit	\$ -	Per Planning Director, impact dependent
Variance Permit	\$ 500.00	
Administrative Replat	\$ 500.00	
Preliminary Subdivision Plat	\$ 500.00	\$25 for each commercial, industrial or residential lot
Final Subdivision Plat	\$ 750.00	\$25 for each commercial, industrial or residential lot
Amended Final Plat	\$ 675.00	
Subdivision	\$ 850.00	\$50 per each commercial, industrial or residential unit
Vacation of Public Easements and ROW	\$ 750.00	
Sign Permit	\$ 250.00	
Design Review Board	\$ 200.00	
Special Planning Commission meeting	\$ 500.00	
Appeal - Planning Commission or Town Council	\$ 300.00	
Engineering Review - Single structure project < 1 acre	\$ 105.00	\$105 per each hour over initial hour
Multiple structure projects or projects 1 to 3 acre	\$ 210.00	\$210 per each hour over initial hour
Building Permits new construction - based on valuation:**		
\$1.00 to \$500.00	\$ 29.85	
\$501.00 to \$2,000.00	\$ 29.85	\$3.87 for each additional \$100 valuation over \$500.00
\$2,001.00 to \$25,000	\$ 87.95	\$17.78 for each additional \$1,000 valuation over \$2,000
\$25,001.00 to \$50,000	\$ 497.52	\$12.83 for each additional \$1,000 valuation over \$25,000
\$50,001.00 to \$100,000.00	\$ 817.56	\$8.89 for each additional \$1,000 valuation over \$50,000
\$100,001.00 to \$500,000.00	\$ 1,262.06	\$7.11 for each additional \$1,000 valuation over \$100,000
\$500,001.00 to \$1,000,000.00	\$ 4,106.86	\$6.03 for each additional \$1,000 valuation over \$500,000
\$1,000,001.00 and up	\$ 7,123.11	\$4.64 for each additional \$1,000 valuation over \$1,000,000
Single item permits ex: re-roofing, basement finish, mechanical, plumbing	\$ 75.00	\$75 for each additional inspection - to be determined by building official
Plan Review		65% of permit fee
Cleanup Deposit	\$ 500.00	
Street Use Fee		1/2% of the project valuation that is valued at \$500 or greater

** Valuation is based upon the national average per/square foot construction cost published semi-annually by the International Code Council, with a 1.4 multiplier applied as a regional cost differential.

Other:

*For all applications requiring legal descriptions to be published in the newspaper, additional fees will be charged on a per cost basis, for publications that are in excess of \$50

*No application shall be considered or reviewed until the application fees are paid in full and the application is deemed complete. Where multiple applications are required, multiple fees shall be assessed. Fees are not required for Town-initiated applications.

*Review fees charged by a state or federal agency shall be made payable to the reviewing agency based on current rates and paid at the time of application.

*Application fees shall be paid by cash or by a check made payable to the Town of Minturn, and shall be submitted with the application to the Town of Minturn Planning Department.

*Professional consultant fees (legal, engineering, etc) as required and agreed to by applicant and Town, shall be at cost.

*Additional Town Staff services may be billed at an hourly rate if necessary.

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AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 15 – Series 2010 an Ordinance approving and adopting the Fiscal Year 2011 annual budget on First Reading.

MEETING DATE: November 17, 2010

PRESENTER: Brunvand

BACKGROUND: This ordinance reports, allocates, and appropriates the beginning fund balance, the revenue, and the expenses for each fund as detailed in the budget document. Several changes have been made to reflect changes directed from the various presentations and Public Hearings.

CORE ISSUES: None.

BUDGET/FINANCE IMPLICATIONS: This is the funding mechanism per State law in the budget approval process.

STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 15 – Series 2010 (First Reading) an Ordinance recognizing revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January 2011 and ending on the last day of December 2011.

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**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 15 – SERIES 2010**

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2011 AND ENDING ON THE LAST DAY OF DECEMBER, 2011.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado has appointed Jay Brunvand, Treasurer, to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jay Brunvand, Treasurer, has submitted a proposed 2011 Budget to this governing body on October 6, 2010, for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public as required by law at the Minturn Town Center, the first public hearing was scheduled and held on November 3, 2010 and a second public hearing was scheduled and held on November 17, 2010, and interested citizens were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, this proposed budget balances by fund as required by law, and;

WHEREAS, the final assessed valuation will be available by December 1, 2011 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

The budget for the Town of Minturn, Colorado for the fiscal year 2011 as submitted and summarized by fund as described below is hereby adopted, which adoption shall constitute appropriations of the amounts specified therein as expenditures from the Funds indicated or expenses from Enterprise Funds; and that the estimated Beginning Balances, Revenues and Other Sources are hereby declared to be a reasonable projection of the amount of Revenue available for appropriation and to provide an adequate Fund Balance at the close of the fiscal year beginning January 1, 2011 and ending December 31, 2011 more particularly described as follows:

<u>FUND DESCRIPTION</u>	<u>BEGINNING FUND EST. BALANCE</u>	<u>FY2011 REVENUE</u>	<u>FY2011 EXPENSES</u>
General Fund	\$1,343,005	\$2,685,629	\$2,640,024
Enterprise Fund	\$ 874,453	\$1,735,101	\$1,769,723
Conservation Trust Fund	\$ 20,085	\$ 10,500	\$ 10,500
Minturn Building Fund	\$ 205,000	\$ 226,463	\$ 226,463
Market Fund	\$ 4,158	\$ 57,000	\$ 57,000
Capital Fund	\$ 31,299	\$ 7,500	\$ 7,500
Scholarship Fund	\$ 357,505	\$ 700	\$ 700

Section 2.

The Town Council hereby authorizes and directs the Town Manager and Treasurer to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby adopted all in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3.

The budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town of Minturn, Colorado.

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INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF NOVEMBER 2010. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 1st DAY OF DECEMBER, 2010 AT 7:00PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 1st DAY OF DECEMBER, 2010

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

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TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
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treasurer@minturn.org

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

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, November 12, 2010
RE: Executive Session

At tonight's meeting the Council will need to convene in Executive Session to discuss current water issues with the Town Manager, Town Attorney's, and Joe Tom Wood, Martin and Wood, the Town Engineer. The following motion is recommended:

"Recommended motion: "I move to convene in Executive session Pursuant to CRS 24-6-402(4)(b) to discuss and current water issues with the Town Manager, Town Attorney's, and Joe Tom Wood, Martin and Wood, the Town Engineer."

The Mayor will announce for the record if any decision is to be made as a result of the Executive Session once the Regular Session meeting reconvenes.

Please contact me in the event you have any questions.

Thank You, Jay