



2010

Minturn Council Meeting

Wednesday December 1, 2010

Work Session 5:45pm
(Town Center)

Regular Session: 7:00pm
(Town Center)

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 December 1, 2010

Executive Session – 5:45pm
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 – 5:45 pm

- Battle Mountain Resort Update from Mr. David Kleinkopf – White (60min)

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. **Minturn Liquor Authority**
 - F M Saloon, Inc Hotel/Restaurant Liquor License annual renewal; 146 Main Street; Andy Kaufman Owner/Manager *Pg 1*
4. **Approval of Minutes and Action Report**
 - November 17, 2010 *Pg 6*
 - Action Item Report *Pg 14*
5. **Public comments on items, which are NOT on the agenda (5 minute time limit per person).**
6. **Special Presentations/Citizen Recognition**
 - Colorado Municipal Clerk's Association Clerk of the Year announcement
7. **Town Manager's Report** *Pg 15*
8. **Town Council Comments**

PUBLIC HEARINGS AND ACTION ITEMS

9. **Discussion/Action** – Update and discussion of Town Signage Options – White (15min)
10. **Discussion/Action** – Ordinance 10 – 2010 (Second Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract – Cerimele (15 min) *Pg 19*
11. **Discussion/Action** – Ordinance 11 – 2010 (Second Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Tract – Cerimele (15 min) *Pg 23*
12. **Discussion/Action** – Resolution 18 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 1 – Cerimele (10 min) *R 28 Pg 31*
13. **Discussion/Action** – Resolution 19 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 2– Cerimele (10 min) *Pg 39*
14. **Discussion/Action** – Ordinance 12 – Series 2010 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand (10 min) *Pg 47*

15. Discussion/Action – Ordinance 13 – Series 2010 (Second Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10 Min) *Pg 52*
16. Discussion/Action – Ordinance 14 – Series 2010 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand (10 Min) *Pg 55*
17. 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 (10 Min) *Pg 61*

EXECUTIVE SESSION

18. Executive Session - Pursuant to CRS 24-6-402(4)(e) for purposes of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney *Pg 64*
19. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session – White/Christensen (5 min)

FUTURE AGENDA ITEMS

20. Next Meeting

- Discussion/Action – Ordinance ____ – 2010 – An Ordinance to adopt Building Codes December 15 Second Reading
- Discussion/Action – Ordinance ____ – 2010 (First Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Maloit Park Parcel – Cerimele (15min)
- Discussion/Action – Ordinance ____ – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Maloit Park Parcel – Cerimele

21. 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 – Ordinance ____ – 2010 (First Reading) – An Ordinance to adopt Building Codes – 1/19/11 work session and council meeting – Cerimele (15min)

- 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

22. Set Future Meeting Dates

a) Council Meetings:

- December 15, 2010
- January 5, 2011
- January 19, 2011

b) Planning & Zoning Commission Meetings:

- December 8, 2010
- December 22, 2010 – Cancelled
- January 12, 2011

c) Other Dates:

- December 24, 2010 – Town Hall Closed (Christmas)
- January 3, 2011 – Town Hall Closed (New Years)

23. Adjournment

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
MR. HAWKEYE FLAHERTY, MAYOR
MR. GEORGE BRODIN, MAYOR PRO TEM
MR. AGGIE MARTINEZ, COUNCILMAN
MR. EARLE BIDEZ, COUNCILMAN
MS. SHELLEY BELLM, COUNCILWOMAN
MR. JERRY BUMGARNER, COUNCILMAN
MR. JOHN ROSENFELD, COUNCILWOMAN

AGENDA ITEM COVER SHEET

AGENDA TITLE: – The FM Saloon Inc annual renewal of a Hotel/Restaurant Liquor License; 146 Main Street; Andy Kaufman, Owner/manager
MEETING DATE: December 1, 2010
PRESENTER: Brunvand
BACKGROUND: This is an application for annual renewal of a Hotel/Restaurant liquor license. The application has been reviewed by the Clerk, Police Chief, and the Town Attorney. Any concerns were addressed at Staff level and this application is clear for approval.
CORE ISSUES:
BUDGET/FINANCE IMPLICATIONS: An annual renewal fee of \$125.00 has been paid to the Town.
STAFF RECOMMENDATION/MOTION: “I move to approve the FM Saloon annual renewal of a Hotel/Restaurant Liquor License; 146 Main Street; Andy Kaufman, Owner/manager as presented.”

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



F M SALOON LTD
 THE SALOON
 PO BOX 700
 MINTURN CO 81645-0700

License Number 07-34807-0000	License Type 1970
Liability Information 44 030 722410 C 122794	
Business Location 146 S MAIN MINTURN CO	
Current License Expires DEC 26, 2010	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

This renewal reflects no changes from the last application. Complete page 2 and file now!

Yes there are changes from the last application. If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.		
Authorized Signature <i>William S. Comb</i>	Date 11-18-10	Business Phone 970-827-5954
Title <i>Pres.</i>	Sales Tax Number 07-34807-0000	
REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.		
Local Licensing Authority for		Date
Signature	Title	Attest

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

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

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Business Name THE SALOON	LICENSE NUMBER (Use for all reference) 07-34807-0000		PERIOD 12-11
TYPE OF LICENSE ISSUED HOTEL AND RESTAURANT LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999)	STATE FEE 1970-750(999)	CITY 85% OAP 2180-100(999)
	\$ 50.00	\$ 25.00	\$ 425.00

SUB-TOTAL \$ 500.00

ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____

TOTAL AMOUNT DUE \$ 500.00

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <i>F.M. SALOON Ltd. dba THE MINTOWN SALOON</i>		State License Number <i>07-34807-0000</i>
1. Operating Manager <i>William S. Campbell</i>	Home Address <i>90 Rowel Dr, Edwards, Co</i>	Date of Birth <i>4-15-49</i>
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>OWNED</u> If rented, expiration date of lease: _____		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.		
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:		
EVIDENCE OF LAWFUL PRESENCE		
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.		
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):		
<input type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States		
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature <i>William S. Campbell</i>	Printed name <i>William S. Campbell</i>	Date <i>11-18-10</i>

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Bernie Buescher, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

F.M. SALOON, LTD.

is a **Corporation** formed or registered on 01/01/1995 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19941126718.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/18/2010 that have been posted, and by documents delivered to this office electronically through 11/22/2010 @ 16:17:50.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 11/22/2010 @ 16:17:50 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7798204.



Bernie Buescher

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."



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

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

MEMORANDUM

To: Chief Lorenzo Martinez
Allen C., Town Attorney (via fax PDF email)
CC:
Date: 11/22/10 4:20 PM
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for the FM Saloon LTD Bar located at 146 S Main 474 Main Street. I have reviewed the application and obtained a Certificate of Goodstanding from the Secretary of State's Office. This Renewal looks fine to me and is ready for your on-site investigation. Let me know if you have any questions.

PLEASE NOTE: Our standard reviewing process is for both Lorenzo and Allen to review AND approve PRIOR to this being scheduled for a Council meeting. Please inform me if you have any questions when you approve for forwarding to the Council.

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

Thanks, jay

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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)
- 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)
- Review Country Club Property Annexation Ordinances – Cerimele (30min)

Regular Session – 7:00 pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 7:12 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Earle Bidez, Jerry Bumgarner, and Aggie Martinez. *(Note: Jerry Bumgarner & Shelley Bellm were 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.

2. Approval of Agenda

- Items to be Pulled or Added

Add Item 17a. Discussion of the School Board Annexation

Add Item 17b. Discussion of the Cross Creek Gauge

Motion by George B., second by Erale B., to approve the agenda as amended, all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

3. Approval of Minutes and Action Report

- November 3, 2010
- Action Item Report

Motion by Earle B., second by Aggie M., to approve the minutes as presented, all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

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

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.

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 Winter 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.

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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.

7. Town Council Comments

Division of Wildlife has current grant program opportunities available. For more information go to Minturn Town Hall, 302 Pine Street.

On behalf of the Minturn Town Council and Staff, Happy Thanksgiving.

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – Update and discussion of North Main Street Water line project with Ms. Siri Roman of Peak Land Consultants Inc – White

Ms. Siri Roman, Peak Land Consultants, 1000 Lion's Ridge Loop, Vail. Provided a project update to Town Council. A confirmation that swing ties were used throughout the project and locating of pipeline in the future should be substantially easier. The Contractor holds a two year warranty on the project and is asked to return in the spring (June 2011) for a complete walk-thru/inspection of the jobsite location. Records of the soils tests will be provided to the Town. The project invoice is expected to be received by the Town sometime next week.

9. Discussion/Action – Update on the Radio Tower contract status – Brunvand

Jay B. gave a brief summary of where the payments for the tower lease stand. Direction was given to proceed with collection.

10. 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

Motion by Earle B., second by George B., to approve amended 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; all voted in favor. (*Note: Jerry Bumgarner & Shelley Bellm were excused absent*).

11. 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

Motion by Aggie M., second by John R., to approve Ordinance 10 – 2010 (First Reading), An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract. All voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

12. 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

Motion by John R., second by Aggie M., to approve Ordinance 10 – 2010 (First Reading), An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel All voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

13. Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget – Brunvand/White

No public comments were given.

Earle B. recommended the funding requests of the Watershed Council Fund of \$2000.00, Minturn Community Fund's request of \$7,500.00 and Radio Free Minturn's request of \$2000.00 be met as presented; all present Council Members were in agreement.

Motion by George B., second by Earle B., to fund the requests from the above non-profit groups in the amounts originally requested and indicated above; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent)*

Motion by George B., second by John R., to allocate \$25,000 toward the events of the Town of Minturn as presented; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

Motion by Earle B., second by Aggie M., to approve staff bonuses of \$1000.00 for full year staff employees and \$400.00 for partial year employees; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

Motion by Earle B., second by George B., to support option #2 whereby a debt service fee in the total amount of \$94,748.11, with the option for seniors to decide not to contribute, as outlined by the 2011 enterprise shortfalls Strategy as presented: passed 3-2 (Aggie M., and Hawkeye F., nay votes). *(Note: Jerry Bumgarner & Shelley Bellm were excused absent)*

Direction to staff to send out a letter to allow seniors to opt out of contributing to this dept fee payment.

14. Discussion/Action – Ordinance 12 – Series 2010 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand

Motion by John R., second by George B, to approve Ordinance 12 – 2010 (First Reading), An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget as presented; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent)*

15. 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)

Motion by George B., second by John R., to approve Ordinance 13 – 2010 (First Reading), An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn as presented; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

16. 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)

Motion by Earle B., second by George B., to approve Ordinance 14 – 2010 (First Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn as amended to include the aforementioned Council direction; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

17. 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)

Motion by John R., second by Aggie M., to approve Ordinance 15 – 2010 (First Reading), An Ordinance Adopting and Recognizing the Town of Minturn’s 2011 Revenues and Expenses by Fund as presented; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

18. Discussion/Action – School Board Annexation petition for the area commonly known as Maloit Park.

Chris C. stated a request for annexation of the property commonly known as the Maloit Park area had been received at Staff level. Direction to staff to review annexation petition. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent)*

19. Discussion/Action – Cross Creek Gauge and funding.

Motion by Earle B., second by John R., for authorization of the Mayor to sign the Cross Creek Gauge agreements to fund the installation as presented; all voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent)*

Council Recommendation to review on an annual basis.

//

EXECUTIVE SESSION

20. 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

Motion by George B., second by John R., to convene into Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney Town Water Engineer Joe Tom Wood, and Town Manager Jim White regarding the water issue updates. All voted in favor. *(Note: Jerry Bumgarner & Shelley Bellm were excused absent).*

21. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session – White/Christensen (90min)

No direction was given as a result of the Executive Session.

FUTURE AGENDA ITEMS

22. 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
- Dave Kleinkopf-December 1, 2010 Town Council meeting.

- Town Signage discussion

23. 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

24. 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)

25. Adjournment

In that there was no further business to conduct the Council Meeting stood adjourned.

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: December 1, 2010
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Appoint a Municipal Prosecutor	Town Council/White	Interviews completed Nov 23.
Water Plant Land Deed: Work with Eagle County School District to annex the land the Town of Minturn's Water Plant is occupying	White/Christensen	Annexation submitted to Staff and Council gave direction to proceed with Staff review at the Nov 17 Council meeting
Town entry sign: Requirements with USFS being Resolved	White/Brodin	Continuing to modify & review design. Reviewing USFS Special Use Permit guidelines a template has been created. Met with local architect to review design.
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 Chiefs.

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 – Matt Scherr

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: November 24, 2010
Re: Manager’s Report for the December 1, 2010 Meeting

Colorado Municipal Clerk of the Year

Several months ago, I submitted the name of our Town Clerk for consideration as Colorado “Municipal Clerk of the Year”. Based on his exemplary work over many years and the review by his peers, Minturn Town Clerk, Jay Brunvand, received this honor on Thursday, November 18, 2010. I accompanied him to the Colorado Municipal Clerks’ Association conference at Cheyenne Mountain Resort in Colorado Springs to receive this prestigious honor, and a plaque commemorating his achievement. His respect among his peers is evident. Our congratulations!

Event Planning

The request for funding, supported collectively by the Minturn Red Cliff Business Association, The Minturn Community Fund, and the Town, is \$25,000, for event planning and event staffing for 2011, which also embodies the \$10,000 budgeted for marketing and promotions in 2011.

Water Treatment Plant Telemetry

New controls have been installed to upgrade our TST Engineering has been working with Timberline Electric and Controls to complete installation of required equipment at the water treatment plant.

School District Update

Good news! The Maloit Park annexation petition was submitted to Town staff by the Eagle County School District on Wednesday, November 17, 2010 just prior to the last Town Council Work Session. Review of the petition, notification to the Town Council, publication requirements, and all other stipulations for annexation will now proceed with instructions from our Town Attorney.

Radio Tower Contract

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. Further legal action is in progress by our Town Attorney, who will now proceed to file suit for payment.

11/24/2010

Minturn Middle School/Future Uses

Several entities have expressed interest in the prospect of developing a joint education and training facility at Minturn Middle School. The premise is that there may be joint community uses of the facility following the closure of the Middle School at its present location. (see a copy of a letter from the Eagle River Fire protection District to the Eagle County Board of Education)

Battle Mountain Update

Dave Kleinkopf, Battle Mountain Development, 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 will be present at the Dec 1, 2010 Town Council Work Session and will also be available in Regular Session as requested by Town Council.

Christmas on Main Street/ Tree Lighting

Celebrate Saturday, December 4, 2010, "Christmas on Main Street", 4-6pm (100 Block of Main Street behind the Mountain Peddler), sponsored by the Minturn Community Fund and Holy Cross Powder Hounds. The official tree lighting will take place at 5:45pm, led by Mayor Hawkeye Flaherty.

Minturn Market

The Minturn Winter Market is scheduled for Saturday, December 11, 2010, beginning at 10am and extending until 2:30pm.

Signage

Staff is now working on completing written justification for securing a Special Use Permit for our welcome signs through the USFS for their review and approval. A prototype of the sign design will be reviewed at the December 1, 2010 meeting.

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. Some issues have arisen related to the cost of the transfer at Dowd Junction. Jeff Wentzel did come to Minturn to discuss the concerns. 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.

Minturn Winter Parade

Saturday, December 18, 2010, Little Beach Park to the Turntable.

National League of Cities

As Colorado Municipal League president for 2010-2011, I will be representing Colorado during the National League of Cities Annual Conference to be held in Denver, Colorado this year. The conference is scheduled from November 30-December 4, 2010. I will be attending Thursday December 2nd through Saturday, December 4th.



November 18, 2010

Board of Education
Dr. Sandra B. Smyser, PhD.
Eagle County School District
Post Office Box 740
Eagle, Colorado 81631

Dear Members of the Board and Dr. Smyser,

We would like to formally express our interest in the prospect of developing a joint education and training facility at the Minturn Middle School, when the facility becomes available for other uses. We have discussed with Aldo Radamus, the extraordinary opportunity which the facility would provide.

We believe there is great potential for community use of the facility and area including a center for Minturn Senior Citizens and we offer to be a part of any overall effort to prepare a master plan.

Our organization trains and educates its firefighters in the Mountain Metro Fire Academy – a joint firefighter training program shared between the Town of Vail Fire and Emergency Services and Eagle River Fire Protection District. We also endeavor to bring to the area, state and national level courses in firefighting and emergency management.

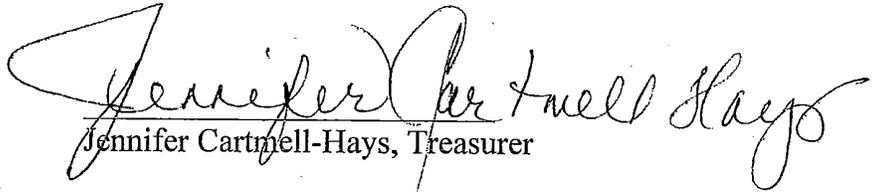
For want of a suitable facility, the Vail Ski and Snowboard Academy, Eagle River Fire Protection District and Town of Vail Fire and Emergency Services struggle to bring to fruition their goals of providing high caliber education and real-world job preparation to the region's young women and men. We have discussed with Mr. Radamus the logistical requirements of sharing a facility and I certainly understand the financial obligations attendant to maintaining a school building; I, therefore, would like to include in our discussion options for addressing the financial aspects of sharing the Minturn Middle School.

Thank you for the opportunity to introduce the idea of sharing the Minturn Middle School with other partners. Our Fire Chief and his staff are prepared to meet with you and your Board; we look forward to hearing from you at your earliest convenience.

Best Regards,



Ed O'Brien, Chairman



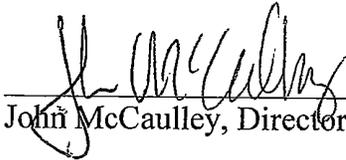
Jennifer Cartmell-Hays, Treasurer



Michael Gallagher, Secretary



Clark Shively, Director



John McCaulley, Director

cc: Jim White, Minturn Town Manager
Aldo Radamus, Vail Ski and Snowboard Club
Charles A. Moore, Fire Chief
Karl Bauer, Assistant Chief
Mark Miller, Town of Vail Fire Chief

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 – 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: December 1, 2010
PRESENTER: Chris Cerimele
BACKGROUND: The Town Council voted unanimously to approve Ordinance 10 – 2010 on first reading at their November 17 th meeting. Passage of this Ordinance will complete the annexation process for the Quintana Country Club Parcel.
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.

Harvey Flaberty
Mayor

Attest:

[Handwritten Signature]

Town Clerk



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 1 DAY OF Dec, 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
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Councilman - John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 11 – 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.
MEETING DATE: December 1, 2010
PRESENTER: Chris Cerimele
BACKGROUND: This Ordinance was approved on first reading at the November 17 th meeting. During that meeting, Mayor Flaherty requested a map showing the Quintana Parcel in relation to Cross Creek and the Eagle River. This map has been included with the Council packet.
CORE ISSUES: none
BUDGET/FINANCE IMPLICATIONS: none
RECOMMENDED MOTION: I move to approve Ordinance 11 - 2010



APPROX. 130' From
Parcel Boundary to Cross Creek



**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 1 day of Dec 2010, at 7 P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Howkeye Flaherty
Mayor

Attest:

[Signature]
Town Clerk



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

Mayor

Attest:

Town Clerk

Post Office Box 309
302 Pine Street
Minturn, CO 81645
Phone: 970-827-4272
Fax: 970-827-7420



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: Resolutions 18 & 19 – 2010 - Maloit Park Annexation
Date: November 24, 2010

Passage of Resolutions 18 & 19 – Series 2010 will certify that the two Annexation Petitions are complete and set the date for the public hearings.

Finding C of the attached Resolutions state: *The Town Council referred the Petition for Annexation to staff for review, which has submitted a summary of review of the Petition for Annexation, recommending to the Town Council that the Petition is in substantial compliance with the requirements of Section 30 of Article II of the State Constitution and Section 31-12-107 (1) C.R.S.*

Section 31-12-107 of the Colorado Revised Statute is provided below. Staff comments are provided in ***bold italics***.

31-12-107. Petitions for annexation and for annexation elections.

(1) Petition for annexation in accordance with section 30 (1) (b) of article II of the state constitution:

(a) Persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets and alleys and any land owned by the annexing municipality, meeting the requirements of sections 31-12-104 and 31-12-105 may petition the governing body of any municipality for the annexation of such territory.

The petition was signed by the President of the Eagle County School District Board of Education, Connie Kincaid-Strahan.

(b) The petition shall be filed with the clerk.

The petition was filed with the Minturn Town Clerk on November 17, 2010.

(c) The petition shall contain the following:

(I) An allegation that it is desirable and necessary that such area be annexed to the municipality;

This requirement is satisfied by statement number 13 of the annexation petition.

(II) An allegation that the requirements of sections 31-12-104 and 31-12-105 exist or have been met;

This requirement is satisfied by statement number 14 of the annexation petition.

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(III) An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality;

This requirement is satisfied by statement number 14 of the annexation petition.

(IV) A request that the annexing municipality approve the annexation of the area proposed to be annexed;

The Petition contains the following statement: "Petitioner requests that the Town Council for the Town of Minturn complete and approve the annexation of Eagle County School District Maloit Park Parcel No. 1 & 2. pursuant to the provisions of the Municipal Annexation Act of 1965, as amended.

(V) The signatures of such landowners;

This requirement has been satisfied. The School Board President's signature is provided on page 4 of the Annexation Petition.

(VI) The mailing address of each such signer;

This requirement has been satisfied. The School Board President's mailing address is provided on page 4 of the Annexation Petition.

(VII) The legal description of the land owned by such signer;

The legal description of the property is included with the Annexation Petition.

(VIII) The date of signing of each signature; and

This requirement has been satisfied. The School Board President's signature and date of signing are found on page 4 of the Annexation Petition.

(IX) The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.

The Affidavit of Circulator is included with the Annexation Petition.

(d) Accompanying the petition shall be four copies of an annexation map containing the following information:

(I) A written legal description of the boundaries of the area proposed to be annexed;

(II) A map showing the boundary of the area proposed to be annexed;

(III) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of

lots and blocks;

(IV) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

These requirements have been satisfied. Annexation plats and maps are available for review at the Minturn Town Hall.

(e) No signature on the petition is valid if it is dated more than one hundred eighty days prior to the date of filing the petition for annexation with the clerk. All petitions which substantially comply with the requirements set forth in paragraphs (b) to (d) of this subsection (1) shall be deemed sufficient. No person signing a petition for annexation shall be permitted to withdraw his signature from the petition after the petition has been filed with the clerk, except as such right of withdrawal is otherwise set forth in the petition.

The signature on the Petition is valid as it was signed and dated on October 22, 2010 and submitted to the Town of Minturn on November 17, 2010.

(f) The clerk shall refer the petition to the governing body as a communication. The governing body, without undue delay, shall then take appropriate steps to determine if the petition so filed is substantially in compliance with this subsection (1).

The Petition was referred to the Minturn Town Council on November 17, 2010.

(g) If the petition is found to be in substantial compliance with this subsection (1), the procedure outlined in sections 31-12-108 to 31-12-110 shall then be followed. If it is not in substantial compliance, no further action shall be taken.

The Petition is in substantial compliance with this subsection. A public hearing will be held on the Annexation Petitions on January 19, 2011.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 18 – SERIES 2010**

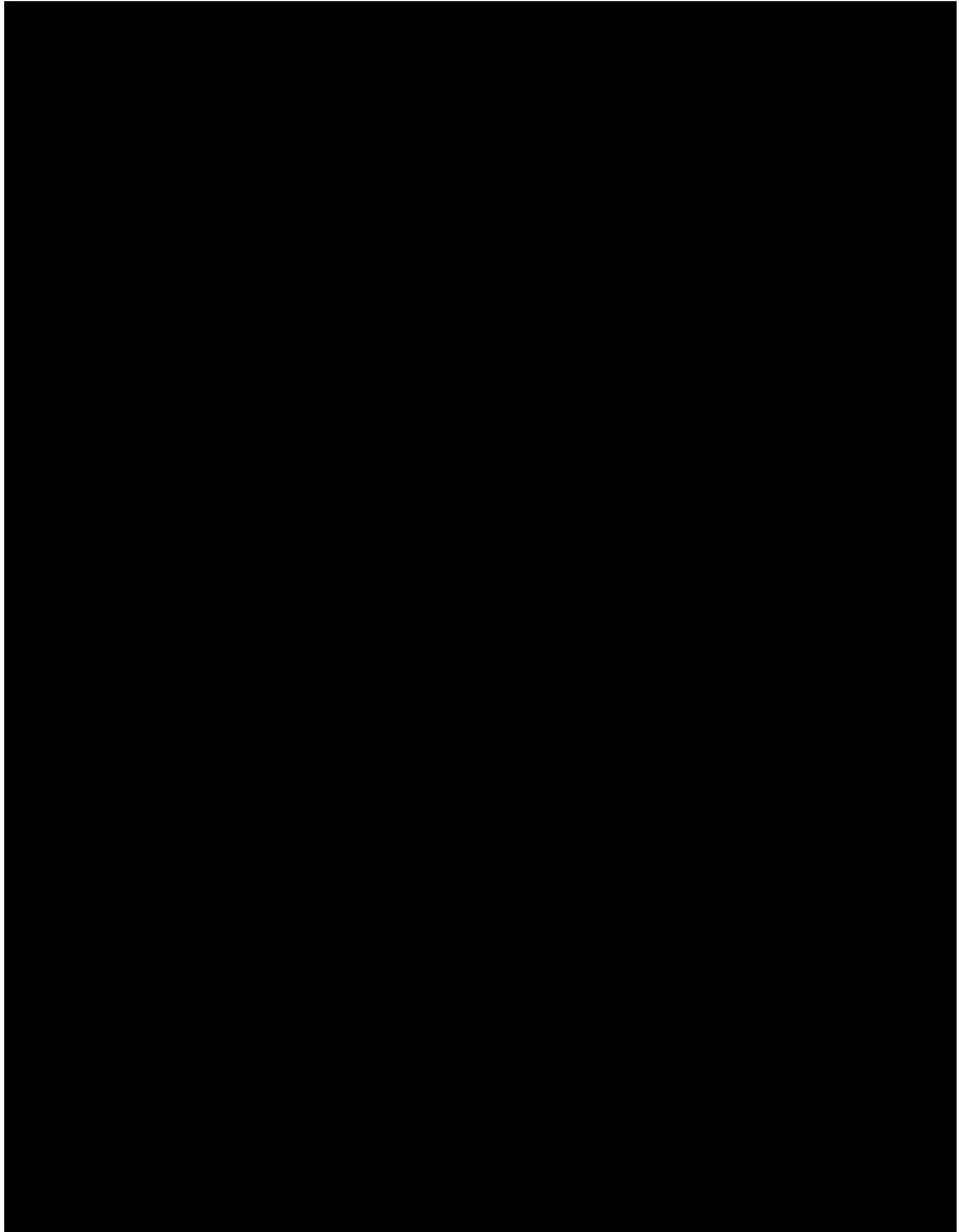
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO CONCERNING THE PETITION FOR ANNEXATION, EAGLE
COUNTY SCHOOL DISTRICT MALOIT PARK PARCEL NO. 1**

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 petition for annexation, a copy of which is attached hereto and incorporated herein by reference, has been submitted to the Town Clerk of the Town of Minturn and is referred there from to the Town Council of the Town of Minturn.

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

Section 1. Findings. The Town Council of the Town of Minturn makes the following findings:

- a. The Petition for Annexation was filed with the Town Clerk of the Town of Minturn on November 17, 2010
- b. The Town Clerk of the Town of Minturn has referred to the Town Council the Petition for Annexation of a certain parcel of real property (herein referred to as the “subject property”, and as more specifically described in the Petition for Annexation, a copy of which is attached hereto and incorporated herein by reference;
- c. The Town Council referred the Petition for Annexation to staff for review, which has submitted a summary of review of the Petition for Annexation, recommending to the Town Council that the Petition is in substantial compliance with the requirements of Section 30 of Article II of the State Constitution and Section 31-12-107 (1), C.R.S.;
- d. The Town Council specifically finds upon review of the Petition for Annexation, that the Petition is in substantial compliance with the requirements of Section 30 of Article II of the State Constitution and Section 31-12-107 (1), C.R.S.;
- e. The Town Council finds and determines that a public hearing should be held to determine if the proposed annexation complies with Section 30 of Article II of the State Constitution and 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 Section 30 of Article II of the State Constitution and Sections 31-12-101, *et. seq.*, C.R.S.;
- f. The Town Council finds the requirements relating to a request for annexation under Minturn’s Three Mile Plan for Annexation have been fulfilled;
- g. The Town Council further finds and determines that passage of this Resolution initiates annexation proceedings in accordance with Section 30 of Article II of the State Constitution and Sections 31-12-107 (1) and 31-12-108, C.R.S.; and



PETITION FOR ANNEXATION

Eagle County School District Maloit Park Parcel No. 1

TO THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

The undersigned, Eagle County School District RE50J, a Colorado school district, ("*Petitioner*"), in accordance with the Municipal Annexation Act of 1965, as amended, as set forth in Article 12, Title 31, Colorado Revised Statutes, hereby petitions (the "*Petition*") the Town Council of the Town of Minturn, Colorado, a Colorado home rule municipal corporation (the "*Town*" or the "*Town of Minturn*") to annex to the Town of Minturn the unincorporated territory located in the County of Eagle, State of Colorado, known as the Eagle County School District Maloit Park Parcel No. 1, legally described on Exhibit A attached hereto and incorporated herein by reference (the "*Annexation Property*"), and in support of this Petition, Petitioner alleges that:

1. This Petition satisfies the requirement of Article II, Section 30 of the Constitution of the State of Colorado in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the Annexation Property area and who own more than fifty percent (50%) of said area, excluding public streets and alleys.

2. Not less than one-sixth (1/6) of the perimeter of the Annexation Property is contiguous with the Town of Minturn. The contiguity was not established by use of any boundary of an area which was previously annexed to the Town if the area, at the time of its annexation, was not contiguous at any point with the boundary of the Town, was not otherwise in compliance with C.R.S. Sec. 31-12-104(1)(a) and was located more than three miles from the nearest boundary of the Town. Nor was such contiguity established by use of any boundary of territory which is subsequently annexed directly to, or which is indirectly connected through subsequent annexations to such an area.

3. A community of interest exists between the Annexation Property and the Town of Minturn; the Annexation Property is urban or will be urbanized in the near future; and the Annexation Property is integrated with or is capable of being integrated with the Town of Minturn.

4. There are several adult residents of the Annexation Property, more than fifty percent (50%) of which make use of the variety of recreational, civic, social, religious, industrial and commercial facilities within the Town of Minturn.

5. The Annexation Property is not agricultural, and the Landowner of the Annexation Property does not intend to devote the Annexation Property to agricultural use.

6. It is physically practicable to extend to the Annexation Property those urban services which the Town of Minturn provides in common to all of its citizens on the same terms

