



2011

Minturn Council Meeting

Wednesday February 16, 2011

Regular Session:
(Town Center)

6:00pm

Council Goals:

TOP FIVE COUNCIL PRIORITIES:

- Entry Signs
- Sidewalk Installations
- Street repairs with drainage (by priority)
- 100% completion of telemetry
- Implement streetscape plan



Agenda

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

Wednesday February 16, 2011

Regular Session – 6:00pm

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

TOWN MANAGER – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

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 – 6:00pm

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

EXECUTIVE SESSION

2. **Executive Session** - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues – White/Christensen

Regular Session – 7:00pm

3. **Executive Session** – Action by Council or Direction to Staff as a result of the Executive Session (5min)
4. **Approval of Agenda**
 - a. Items to be Pulled or Added
5. **Approval of Minutes and Action Report**
 - February 2, 2011
 - Action Item Report
6. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
7. **Special Presentations/Citizen Recognition**
 - Battle Mountain update from David Kleinkopf (20 min)
 - John Stavney, Eagle County Commissioner, US Forest Service land swap issues (30 min) pg 15
8. **Planning Commission Update** pg 10
9. **Town Manager's Report** pg 11
10. **Town Council Comments**

PUBLIC HEARINGS AND ACTION ITEMS

11. **Discussion/Action** – Applicant appeal of January 12, 2011 Design Review Board decision regarding the Hotel Minturn Project at 115 Nelson Ave. – Cerimele (30 min) pg 25
12. **Discussion/Action** – Resolution 2 – 2011: A Resolution of the Town Council of the Town of Minturn, Colorado establishing eligibility for annexation of the Eagle County School District Maloit Park Parcel No. 1 – Cerimele (20 min) pg 49 & 63

13. Discussion/Action - Resolution 3 – 2011: A Resolution of the Town Council of the Town of Minturn, Colorado establishing eligibility for annexation of the Eagle County School District Maloit Park Parcel No. 2 – Cerimele (10 min) pg 66

14. Discussion/Action – Authorization to file an amendment to the decree in Water Court Case Nos. 05CW262 and 07CW225 – White (15min)

15. Discussion/Action – Extension of Holy Cross Franchise Agreement – White (10 min) pg 71

FUTURE AGENDA ITEMS

16. Next Meeting

- a. Work Session – Develop agenda for April 6 Council meeting with County Commissioners. March 2, 2011

17. Future Meeting

- Eva Wilson – Transportation discussion. Mar 16, 2011
- Work Session – 2009 IBC. March 16, 2011
- Discussion/Action – 2009 IBC. March 16, 2011
- County Commissioners to attend Minturn Council Meeting – April 6
- Ordinance annexing to the Town of Minturn Maloit Park Parcel No. 1 (tbd)
- Ordinance annexing to the Town of Minturn Maloit Park Parcel No. 2 (tbd)
- Ordinance authorizing the Mayor to sign an annexation agreement. (tbd)
- Ordinance amending the official zone district map and creating the Maloit Park Character Area. (tbd)

18. Set Future Meeting Dates

a) Council Meetings:

- March 2, 2011
- March 16, 2011
- April 6, 2011

b) Planning & Zoning Commission Meetings:

- February 23, 2011
- March 9, 2011
- March 23, 2011

c) Other Dates:

19. Adjournment



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: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, February 11, 2011
RE: Executive Session

At tonight's meeting the Council will need to convene in Executive Session with the Town Attorney(s) to discuss the Battle Mountain project and related water issues. The following motion is recommended:

"Recommended motion: "I move to convene in Executive Session Pursuant to CRS 24-6-402(4)(b) for the purpose of consulting with the Town's attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues."

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



Official Minutes

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

Wednesday February 2, 2011

Work Session - 5:30pm
Regular Session – 7:00pm

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

TOWN MANAGER – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

Work Session – 5:30pm

- Discussion of information transfer between the Town Council and the Planning Commission – Cerimele (15min)
- Discussion/Action – Final draft for Open Fire Ordinance & Nuisance Ordinance discussion – Cerimele (15min)
- Downtown Colorado Inc Plan & Community Revitalization Plan. – Cerimele (45 min)

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 7:04 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Jerry Bumgarner, John Rosenfeld, Aggie Martinez, and Earle Bidez.

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

Motion by Shelley B., second by George B., to approve the agenda as amended, all voted in favor.

3. Minturn Liquor Authority

- Consideration of a new Hotel/Restaurant liquor license for Magustos, Inc; 101 Main Street; Eric Cregon, Owner/Manager – Brunvand

The Mayor opened the Public Hearing and referred the item to the Town Clerk for staff presentation.

Motion by John R., second by Shelley B., to set the definition of “Neighborhood” as the entire Town of Minturn. All voted in favor.

Chief Lorenzo Martinez submitted a report within the Council packet, recommending approval of the license with conditions.

Mr. Eric Cregon, 206 Eagle St, Red Cliff, CO, provided background information regarding the history of the license application.

No members of the public stepped forward to comment on this application.

Motion by Jerry B., second by George B., to approve a Hotel/Restaurant liquor license to Magustos LLC located at 101 Main St based on the findings that the applicant has established reasonable requirements of the neighborhood, and desires of the inhabitants of the neighborhood support granting the application as presented with the following conditions; all voted yes.

- As a minimum the licensee, manager and a server be T.I.P.S (Training for Intervention Procedures) or similarly server trained. Additionally a certified server be on duty at all times while alcoholic beverages are served. This condition is to be met prior to opening and updated as needed, with documentation provided to the police department.
- The Liquor Authority has emphasized the requirement of operating an orderly establishment, and the proprietor has acknowledged the same stipulation.

4. Approval of Minutes and Action Report

- January 5, 2011
- Action Item Report

Motion by Shelley B., second by John R., to approve the minutes of January 5, 2010 as amended, all voted in favor.

Direction by staff to amend the minutes to reflect the Vail Ski and Snowboard Academy to Vail Ski and Snowboard Club.

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

6. Special Presentations/Citizen Recognition

- Volunteers and Residents to be recognized
 - i. Susana Miranda
 - ii. Recognition for Holiday Donations
 1. Vail Dispatch
 2. Salvation Army
 3. Anonymous Community Donors

7. Town Manager's Report

Radio Tower Contract/Legal Action

At the court date on Friday, January 7, 2011 at the Eagle County District Court in Eagle, Colorado, the Town of Minturn was given possession of the tower and all past due rent. Our Town Attorney will provide an update as it becomes available.

School District RFP Submittals

RFP's to consider re-purposing ideas for the Minturn Middle School were turned in on Thursday January 13, 2011. Review of the two proposals is underway this month. A decision on future uses of the school is expected in February. The School Board meets February 9, 2011. (Amendment: discussion of this item by the School Board will now be at its March 9, 2011 meeting).

LaFarge Fence

La Farge installed a fence to block the visual gateway to its facility and also in an effort to reduce the level of noise coming from the facility while operations are in full swing. Since the installation, the plant has been closed so we will have to wait to determine how successful the fence will prove to be as a noise barrier (photos are included).

I-70 Coalition

The Town continues to participate with the I-70 Coalition. At the last meeting on Thursday, January 13, 2011, all participants received a copy of Resolution #TC-1938 from the Transportation Committee awarding \$2.33 million in FASTER State Transit Funds for fiscal year 2011 to the I-70 Mountain Corridor AGS Feasibility Study requested by Region 1 (see copy enclosed). In addition, MOVE Colorado, is reaching out to citizens across the state to build support for implementing a 21st Century transportation system in Colorado and to prepare Colorado residents for future transportation investments (see Fact Sheet enclosed).

Governor Hickenlooper Visited Eagle County

On Friday, January 14, 2011, Governor Hickenlooper began a series of meetings throughout the state to elicit commentary about economic development. The first meeting was held at the Singletree Community Center in Edwards.

Signage

Preliminary contact has been made with individuals and companies that may be engaged to help with the actual construction of the Town signage. Staff is also continuing to work with the USFS on written justification needed to complete the Special Use Permit for our welcome signs. Pending approval from the USFS to install signage on its property, Town staff will be working on the construction and final design elements of the sign over the winter in anticipation of installation in the spring.

Battle Mountain Update

Anticipating a response from the Environmental Protection Agency (EPA) related to the Battle Mountain project, we have scheduled a return visit from Dave Kleinkopf to provide an update to Town Council. Dave is scheduled to be present at the February 16, 2011 meeting.

Changes in Parking Limits/Parking Passes

Downtown parking restrictions originally this year limited parking in the 100 block from 9am through 4pm, Mondays and Wednesday on the east side of the street, and Tuesdays and Thursdays from 9am through 4pm. Subsequently, parking limits in both the 100 and 200 Blocks of Main Street were reduced to 9am-2pm.

Effective in January, 2011, a pilot program was launched limiting parking restrictions in the 100 Block of Main Street in Minturn, on the same specified days, from only 9am through noon. This pilot program on the 100 Block was introduced to further improve access to local residents and businesses. In addition, parking is provided in the Municipal Lot as Public Works is clearing a section of the Municipal Lot at 6am-7am Monday-Friday. Finally, overnight parking passes will be issued for qualified residents or businesses from the 100 Block beginning January 28, 2011. Written notices of all these changes have been and will be hand delivered.

8. Town Council Comments

PUBLIC HEARINGS AND ACTION ITEMS

9. Discussion/Action – Notification of Applicant Appeal of Design Review Board Decision - Cerimele

Motion by Earle B., second by Shelley B., to set the appeal hearing for 115 Nelson Ave, Hotel Minturn for February 16, 2011. All voted in favor.

GENERAL IMPROVEMENT DISTRICT

Hawkeye convened the GID Board and noted all members of the Council were present and that Ms. Sarah Baker was present to Represent Battle Mountain Resort but that Mr. David Kleinkopf was not in attendance.

10. Convene as GID Board

11. Approval of Agenda

Motion by George B., second by John R., to approve the GID board agenda as presented. All voted in favor.

12. Review and Approval of November 3, 2010 GID Board Meeting minutes.

Motion by John R., second by Aggie M., to approve the November 3, 2010 GID Board Meeting Minutes. All voted in favor. George B., abstained.

13. Financial Matters

- Discuss and consideration for approval of Minturn GID Resolution 2011-02-01 an Application for Exemption from Audit – Brunvand (5min)

Motion by Jerry B., second by Shelley B., to approve the GID Resolution 2011-02-01 an Application for Exemption from Audit. All voted in favor.

14. Other Business

- Next GID Board Meeting set for November 2, 2011 7:00pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645 – Brunvand (5min)

It was noted the November 2, 2011 meeting had been set at the November 3, 2010 Board meeting and no action was required.

15. Adjourn as GID Board; convene as Minturn Town Council

Motion by Shelley B., second by Aggie M., to adjourn as GID Board and convene as the Minturn Town Council. All voted in favor.

FUTURE AGENDA ITEMS

16. Next Meeting

- Discussion/Action – Resolution establishing annexation eligibility of the Eagle County School District Maloit Park Parcels No. 1 & 2 – Cerimele (15min each) – Feb 16
- Discussion/Action – Battle Mountain update from David Kleinkopf
- John Stavney, Eagle County Commissioner, US Forest Service land swap issues
- Discussion/Action –Appeal Hearing for 115 Nelson Ave, Tom Sullivan

17. Future Meeting

- Discussion/Action – 2009 IBC March 2, 2011
- Work Session – Develop agenda for April 6 Council meeting with County Commissioners. March 2, 2011
- Eva Wilson – Transportation discussion. March 16, 2011
- County Commissioners to attend Minturn Council Meeting – April 6 (work session in a prior meeting to develop agenda)

18. Set Future Meeting Dates

a) Council Meetings:

- February 16, 2011
- March 2, 2011
- March 16, 2011

b) Planning & Zoning Commission Meetings:

- February 9, 2011
- February 23, 2011
- March 9, 2011

c) Other Dates:

19. Adjournment

Motion by Jerry B., second by Earle B., to adjourn at 8:10pm. All voted in favor.

Work Session

20. Town Council Goals

- Entryway Signage at the north and south ends of Town, as well as coinciding signage for Little Beach Park
- Sidewalk Installation

- Focus and strengthen Special Events
- Plan Phase II of the Eco Trail
- Coordinated Marketing Plan
- Transit

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: February 16, 2011
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Water Plant Land Deed: Work with Eagle County School District. Water plant is occupying Maloit Park.	White/Christensen	Public hearing on a Resolution establishing eligibility for annexation scheduled for February 16, 2011 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. Seeking input from sign design companies.
Draft open burning regulations as an amendment to the 2009 International Fire Code.	Cerimele	Changes from Feb 2 nd Council Meeting have been incorporated in draft report and will be presented to Council 3/16/11.
Review Building Fees	Cerimele	Reviewing comparisons with similar size municipalities. Provide recommendation by 3/16/11.
Draft Medical Marijuana Ordinance-Staff level	Brunvand/Metteer	Follow regulatory schedule to meet July 1 st deadline.

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: 2.9.11 Planning Commission Meeting Update
Date: February 11, 2011

On February 9, 2011, the Planning Commission voted 4-1 to recommend approval of the Amendment to the Official Zone District Map of the Town of Minturn for the Maloit Park Area. The zoning map amendment will create the Maloit Park Character Area that is comprised of the following zoning districts:

- Public Facilities Zone (18.156 acres)
- Recreation / Open Space Zone (39.535 acres)
- Mix Use Zone (46.861 acres)

The Commission was primarily concerned with the potential loss of the Town's only active recreation fields with the proposal. Staff advised the Commission that they would have the opportunity to review and make recommendations on any future subdivision proposal and that a subdivision improvement agreement between the Town and developer would be required at the time of final plat approval. This agreement would include a common open space, park, and recreation area plan. The Commission pointed out that there were no quantifiable requirements for parks and open space in our subdivision regulations. and that they would like to work on creating new standards for parks and open space in the Town's subdivision regulations.

Prior to the vote on the Amendment to the Official Zone District Map, the Commission added the following recommendation to the approval Resolution:

- At the time of subdivision review, the open space and recreation plan of the subdivision improvement agreement shall provide reasonable public access to the Recreation / Open Space Zone through the Mixed Use Zone of the Maloit Park Character Area.

The Town Council will hold a public hearing in March to vote on the proposed Amendment to the Official Zone District Map.

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: February 10, 2011
Re: Manager’s Report for the February 16, 2011 Meeting

Eagle County Seeking Business Licenses In Unincorporated Areas

Enclosed please find an e-mail I received in January from Bryan Treu, Eagle County Attorney regarding the County’s interest in pursuing business registration and licenses in unincorporated areas of Eagle County. Other counties have expressed support for this prospect and Colorado Counties, Inc may back legislation in this year’s legislative session. I have also included an information sheet provided by Eagle County (see attachments).

**Eagle County/State Land Board/USFS
Consider Land Swaps**

Eagle County Commissioner, Jon Stavney will be present tonight to present and summarize ongoing communication among several entities involving potential land swaps or purchases. The Town Council can weigh in on the potential interest in the Bone Yard property in tandem with the Eagle County Open Space Committee. In another correspondence from the USFS, USFS District Ranger, Dave Neely, outlines another proposal involving land exchange involving the Colorado State land Board, the Upper Eagle Regional Water Authority, and the Forest Service. Western Land Group, Inc has been retained by Eagle County to facilitate the land exchange and serve as the point of contact for the Forest Service (see attachments).

School District RFP Submittals

RFP’s to consider re-purposing ideas for the Minturn Middle School were turned in on Thursday January 13, 2011. Review of the two proposals is in progress. A decision on future uses of the school is expected in March. The School Board has pushed the review to the March 9, 2011 meeting.

Eagle County Economic Development Plan

Eagle County is supporting efforts among all jurisdictions and unincorporated areas to engage in creation of a county wide economic development plan in response to the request from Governor Hickenlooper. Chris Romer, Vail Valley Partnership and Don Cohen, Eagle County Economic Development Coordinator, are leading the efforts. I have arranged for them to come to the March 2, 2011 Town Council meeting to highlight the proposed approach and to get input from the Minturn Town Council, staff, and any others present at the meeting.

2/11/2011

Signage

Preliminary contact has been made with several individuals and companies that may be engaged to help with the actual construction of the Town signage. Staff is also continuing to work with the USFS on written justification needed to complete the Special Use Permit for our welcome signs. Pending approval from the USFS to install signage on its property, Town staff will be working on the construction and final design elements of the sign over the winter in anticipation of installation in the spring.

Battle Mountain Update

Dave Kleinkopf will be present tonight to address Town Council about the recent response from the Environmental Protection Agency (EPA) related to the Battle Mountain project.

USFS/Receives Favorable Ruling in Upper Eagle Beetle Salvage Lawsuit

The Town of Minturn received notice from Dave Neely, USFS District Ranger, indicating that the USFS was upheld on all points in the legal challenge to the Upper Eagle River Beetle Salvage Project (forwarded via e-mail to Town Council).

Holy Cross Franchise Agreement Extension

The Town of Minturn and Holy Cross representatives met on February 9, 2011 to begin review of the existing Franchise Agreement. Our current temporary extension terminates on March 4, 2011. We will be seeking another extension to enable us to reach a long term agreement. We agreed to ask our respective Board/Council to extend the agreement through September 21, 2011.

From: Bryan Treu [mailto:Bryan.Treu@eaglecounty.us]

Sent: Thursday, January 13, 2011 12:39 PM

To: jeff@townofgypsum.com; szemler@vailgov.com; ruth@marcinengineering.com; bilk@basalt.net; willy@townofeagle.org; lbrooks@avon.org; Jim White

Subject: county business registration

All,

For years, Eagle County has tried to push legislation to license businesses in Eagle County. We wanted the same power as municipalities in this regard and felt this would be a useful tool to legitimize businesses here in the County. Our hope was to eliminate some of the fly-by-night businesses and make a more level playing field for all businesses whether housed in municipalities or in unincorporated parts of the county. We also have no current way to know when new businesses open to ensure real, personal, and sales taxes are being paid.

Licensing has not been well received by other counties. There is concern that this would be used as a way to tax existing businesses. Our intention was to keep costs associated with the program to a minimum and not use this as a revenue source.

We do have a representative willing to carry legislation to require businesses to register with the counties. This is short of licensing, but would give us information on existing businesses. Some of the information we initially thought would be useful would be number of employees, type of work, how they verify and document workers, and whether they provide medical coverage. We could use this information to ensure all businesses are paying taxes, make sales tax projections, make housing and social service needs projections, etc., Attached is a white paper giving further detail on the County's proposal for the registration of local businesses.

If you have time, please take a look and let me know how registering/licensing businesses has benefited your respective towns. Let me know if you can think of other information that would be of a benefit to seek in such a program. As always, thanks and do not hesitate to contact me with any questions.

Bryan R. Treu
County Attorney
500 Broadway
P.O. Box 850
Eagle, Colorado 81631
(970) 328-8685 T
(970) 328-8699 F

COUNTY REGISTRATION OF PERSONS OR ENTITIES THAT DO BUSINESS LOCALLY

A. CURRENT LAW

Colorado boards of county commissioners have been delegated the power and authority to regulate only certain businesses whose activities have been deemed matters of purely local concern. Those businesses have been identified by statute as the removal and transportation of trash, escort bureaus, second hand dealers, pawnbrokers, door-to-door salespersons, nude entertainment establishments and alarm system companies. See C.R.S., §§ 30-15-401. In addition, Colorado counties have the authority to license building contractors, liquor establishments and medical marijuana dispensaries. See C.R.S. §§ 30-11-125, 12-47-301, *et. seq.*, and 12-43.3-101, *et. seq.* However, no statutory provision currently provides the Board with the general power to license or require the registration of other local businesses.

B. EAGLE COUNTY'S PROPOSAL

Eagle County would like the statutory authority (or option) to create a business registration program whereby counties could collect the following information:

- Who is doing business in the county?
 - What is the nature of the business?
 - Where and when does the business operate?
- How many people are employed by a particular business?
 - Does the numbers of employees change based on tourism during the year? What is the number of employees during low, average and peak seasons?
- Does the employer offer health insurance?
- How are the employees documented?
 - Does the business use the e-verify program?

Eagle County proposes that fees allowed in connection with a registration program be limited so as to offset administrative costs only, rather than to generate revenue.

C. EAGLE COUNTY'S OBJECTIVE

Colorado counties will benefit from the collection of such information in a number of ways, all of which are related to legitimate government purposes:

- From an economic standpoint:
 - It will assist the Assessor in assessing taxable property.
 - It will allow the County and other jurisdictions to forecast sales taxes that will be collected.
 - It will allow the County to confirm that all applicable taxes are being paid.
- From a social services perspective:
 - Information about the number of employees working in Eagle County and the number of individuals that are potentially uninsured will be beneficial to our Health and Human Services Department (and local hospitals, etc.) for purposes of forecasting future demands.
 - Information about the number of employees working in Eagle County will be useful in terms of more accurately assessing current and future housing needs.
- From a community service/economic development perspective:
 - It will be helpful to know how many people actually work within the county and the types of work that they are engaged.
 - County residents could be provided with a list or business directory of locally registered business people when selecting professional service providers.
 - The registration requirement will help to legitimize local businesses that pay taxes and employ local residents, while preventing those businesses who use illegal workers from flourishing.

From: Jon Stavney [mailto:Jon.Stavney@eaglecounty.us]

Sent: Monday, January 31, 2011 2:10 PM

To: Jim White

Cc: #Commissioners; Clifford Simonton; Kris Valdez; Jill Klosterman; dneely@fs.fed.us; macdonald@erwc.org

Subject: Follow up on USFS parcels

Jim,

In follow up to our conversation last week about the USFS admin sites, I have since spoken with Dave Neely and staff here at the County and modified the efforts somewhat. You were right that the Martin Creek and the Compound sites are linked and have to be sold together. Though I would love to preserve/and develop this parcel, I think it will prove too expensive. Also a private developer that bids on these will have to go through the Town for approval, and you can dictate through annexation that they adhere largely to the plans outlined in your Main Street exercise with DOLA. I had intended to have Jill in our housing office attempt to put together a consortium entities to make a bid with a mutual interest in developing public housing on the Compound site, upon further discussion, **I think it prudent to focus our efforts on putting a bid in that would preserve the Boneyard parcel across the road.** Reasons for this are as follows.

1. Boneyard as riverfront parcel fits nicely as an OS/park parcel, and is well positioned for funding partners
2. Putting together an OS/housing funding deal for the other parcel will be very difficult
3. Dave believes he can convince those at USFS to putting the Boneyard parcel back on this track, he is less confident with other parcel

I've spoken with Kris and Cliff at the County. They will be contacting you about starting to sketch out a funding proposal to go through OSAC for the Boneyard. Please check in with your Board to be sure they are interested in this course of action.

Thanks.

Jon Stavney

County Commissioner

Eagle County Government

970.328.8605 t

970.328.8629 f

www.eaglecounty.us

File Code: 1950

Date: January 27, 2011

Dear Interested Party:

The White River National Forest – Eagle/Holy Cross Ranger District is considering a land exchange proposal involving the Colorado State Land Board (SLB), the Upper Eagle Regional Water Authority, and the Forest Service. Other involved parties who may acquire certain National Forest parcels conveyed to the Colorado State Land Board immediately following the exchange include Eagle County, the Town of Avon, Eagle River Water and Sanitation District, and the Town of Minturn. Western Land Group, Inc. (“WLG”) has been retained by Eagle County with the agreement of the other parties to facilitate the land exchange and serve as the point of contact with the Forest Service in a manner consistent with the role of a third-party facilitator.

The non-Federal parties are proposing to convey three parcels of non-Federal land totaling 1,285 acres, more or less, together with associated mineral rights, to the United States in exchange for up to eleven (11) parcels of National Forest System land totaling 986.49 acres, more or less. All of the exchange parcels are located within the White River National Forest in Eagle County as described below and in the attachments.

The attached map shows the lands to be exchanged. A description of the lands follows:

Federal Parcels

Federal Parcel 1 – “West Avon”

Sixth Principal Meridian, Colorado
T. 4 S. R. 82 W.,
sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 5 S. R. 82 W.,
sec. 2, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 478.09 acres, more or less, together with all mineral rights.

This parcel consists of 478.09 acres, more or less, within the boundaries of the White River National Forest in Eagle County. Transfer of this parcel will provide a more logical property boundary for both the non-Federal Party and the Forest Service. Elevation ranges from 7,400 feet to 8,000 feet. Vegetation consists primarily of oak brush and pinyon juniper forest.

The Town of Avon is planning to convey a conservation easement on this parcel to Eagle Valley Land Trust following acquisition of the parcel from the SLB.

This parcel was previously approved for conveyance by the United States in connection with the Vassar Meadows Land Exchange, for which a Decision Notice was issued in December 2001. However, it was ultimately not conveyed to Vail Associates because they were unable to obtain specific zoning for the property as provided in the Vassar Meadows Exchange Agreement.

Federal Parcel 2 – “Forest Service Village”

Sixth Principal Meridian, Colorado
T. 5 S. R. 81 W.,
sec. 8, lots 1 and 2.

Containing 85.99 acres, more or less, together with all mineral rights.

This parcel consists of 85.99 acres, more or less, within the boundaries of the White River National Forest in Eagle County. The parcel is located east of Avon. The transfer of this parcel will provide a more logical property boundary for both the Non-Federal Party and the Forest Service. Elevation ranges from 7,600 to 7,800 feet. Vegetation consists primarily of sage and brush.

Federal Parcel 3 – “Highway”

Sixth Principal Meridian, Colorado
T. 5 S. R. 81 W.,
sec. 9, lot 1.

Containing 48.99 acres, more or less, together with all mineral rights

This 48.99 acre parcel is located approximately 2.3 miles east of the center of downtown Avon. Elevation ranges from 7,700 to 7,800 feet. Vegetation consists primarily of lodge pole pine with small patches of spruce and fir. The parcel slopes gently to the east and drains into the Cucumber Creek to the southeast.

Federal Parcel 4 – “Cordillera”

Sixth Principal Meridian, Colorado
T. 5 S. R. 82 W.,

sec. 7, lots 1, 2 and 3, NE¼SW¼.

Containing 167.95 acres, more or less, together with all mineral rights

This 167.95 acre parcel is located approximately 1.0 mile west of Edwards, Colorado adjacent to the Cordillera subdivision. There are no encumbrances on the parcel. Eagle County intends to manage the parcel as undeveloped open space once it is acquired from SLB. Elevation ranges from 7,800 to 8,400 feet. Vegetation consists primarily of sage and brush

Eagle County is planning to convey a conservation easement for this parcel to Eagle Valley Land Trust when the parcel is acquired from SLB following the exchange.

Federal Parcel 5 – “Homestead”

Sixth Principal Meridian, Colorado
T. 5 S. R. 82 W.,
sec. 9, lot 1, S½SW¼, SW¼SE¼.

Containing 162.07 acres, more or less, together with all mineral rights

This 162.07 acre parcel is located approximately 1.0 mile south of Edwards, Colorado adjacent to the Homestead subdivision. There are no encumbrances on the parcel. Elevation ranges from 8,200 to 8,600 feet. Vegetation consists primarily of sage and brush with small patches of aspen.

This parcel is included in the proposed land exchange for equalization purposes, if necessary. If acquired by SLB and subsequently conveyed to Eagle County, the parcel would be managed as open space under conservation easement held by EVLT.

Federal Parcel 6 – “CDOT Relocation”

Sixth Principal Meridian, Colorado
T. 5 S. R. 81 W.,
sec. 22, a portion of the E½;
sec. 23, a portion of the W½.

Containing 9.8 acres, more or less, together with all mineral rights.

This parcel is located on the east side of the Eagle River. It is needed for relocation of the CDOT maintenance facility currently located on State School Trust land, T5S, R81W, section 16. Acquisition is a high priority of the SLB.

Federal Parcel 7 – “CVC Water Tank”

Sixth Principal Meridian, Colorado
T. 4 S. R. 82 W.,
sec. 31, NE¼NW¼, NW¼NW¼.

Containing 5.0 acres, more or less, together with all mineral rights

This 5.0 acre parcel is located approximately 1.0 mile northwest of Edwards, Colorado adjacent to the Cordillera Valley Club subdivision. There are no encumbrances on the parcel. Elevation is at approximately 7600 feet. Vegetation within the parcel consists primarily of pinon-juniper and sage.

The parcel is already under Special Use Permit (HOL419) to the Upper Eagle Regional Water Authority for construction of an underground water storage facility. Conveyance of this parcel to the permittee would relieve the Forest Service of further permit administration responsibilities.

Federal Parcel 8 – “Mountain Star Water Tank”

Sixth Principal Meridian, Colorado
T. 4 S. R. 82 W.,
sec. 25, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 5.0 acres, more or less, together with all mineral rights

This 5.0 acre parcel is located approximately 2.0 miles north of Avon, Colorado adjacent to the Mountain Star subdivision. There are no encumbrances on the parcel. Elevation is at 9200 feet. Vegetation consists of primarily aspen stands.

This parcel is included in the proposed land exchange for the purpose of providing Eagle River Water and Sanitation District/Upper Eagle Regional Water Authority a location to install a buried 300,000 gallon tank that will serve as gravity flow source of water for the Mountain Star and surrounding area.

Federal Parcel 9A – “Red Sandstone/Vail Water Tank A”

Sixth Principal Meridian, Colorado
T. 5 S. R. 81 W.,
sec. 1, a portion of the E $\frac{1}{2}$ E $\frac{1}{2}$.

Containing 4.5 acres, more or less, together with all mineral rights

This parcel is located on the lower portions of Red Sandstone Road in Vail near the Potato Patch subdivision. The water tank proposed to be constructed on this parcel will serve a pressure zone serving the core of the Town of Vail as opposed to the existing permitted tanks on Federal Parcel 9B (see below) which serve a higher pressure zone. The water tank proposed for Federal Parcel A is needed to meet current and future fire fighting water storage shortages in the core zone of Vail. The proposed water tank will be underground. There are no encumbrances on the parcel.

Federal Parcel 9B – “Red Sandstone/Vail Water Tank B”

Sixth Principal Meridian, Colorado
T. 5 S. R. 80 W.,
sec. 6, portion of the unsurveyed portion the
S½SW¼SW¼NW¼.

Containing 5.0 acres, more or less, together with all mineral rights.

This parcel is located on the lower portions of Red Sandstone Road in Vail near the Potato Patch subdivision. Two existing water storage tanks (#’s Eagle River Water and Sanitation District 6 and 7) are located on this parcel and are authorized under a master special use permit issued to the Vail Valley Consolidated Water District in 1987. These water tanks are part of a higher pressure zone that feed homes located above the zone serving the core of the Town of Vail. Conveyance would be to the permittee thereby eliminating the need for future administration of these tanks under the permit.

Federal Parcel 10 – “Cross Creek”

Sixth Principal Meridian, Colorado
T. 5 S. R. 81 W.,
sec. 36, a portion of the SW¼.

Containing 14.10 acres, more or less, together with all mineral rights

This parcel is located on the southern end of the Town of Minturn. It was most recently considered for conveyance as part of the Vassar Meadows Land Exchange. However, it was not included in the package of lands that were processed due to Minturn’s lack of funds at the time. This parcel could be conveyed to either Minturn or SLB as part of this exchange depending on the availability of funding.

Non-Federal Parcels

Non-Federal Parcel A – North Edwards

Sixth Principal Meridian, Colorado
T. 4 S. R. 82 W.,
sec. 16, all.

Containing 640 acres, more or less, together with all mineral rights.

The “North Edwards” parcel is a Colorado State School Trust property located approximately 3 miles north of Edwards, Colorado along Berry Creek in the Eagle River Basin of Eagle County. The parcel is an inholding in the White River National Forest. The parcel is within the sub alpine ecosystem at approximately 9,400 to 10,000 feet. Berry Creek bisects the property. The North Edwards property is accessible via Forest Service Road 778, which is a Level 2 four-wheel-drive road. The subsurface mineral rights would be conveyed along with the surface estate.

Non-Federal Parcel B – South Edwards

Sixth Principal Meridian, Colorado
T. 5 S. R. 82 W.,
sec. 16, all.

Containing 640 acres, more or less, together with all mineral rights.

The “South Edwards” parcel is a Colorado State School Trust property located approximately one 1) mile south of Edwards, Colorado adjacent to McCoy Creek in the Eagle River Basin of Eagle County. The parcel is an inholding in the White River National Forest. The parcel is within the sub alpine ecosystem at approximately 8,000 to 8,800 feet. There are no roads that access the property. The subsurface mineral rights would be conveyed along with the surface estate.

Non-Federal Parcel C – Beard Creek

Sixth Principal Meridian, Colorado
T. 4 S. R. 82 W.,
sec. 32, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$,
 $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$,
 $NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$.

Containing 5.00 acres, more or less, together with mineral rights.

The “Beard Creek Parcel” was acquired by the Upper Eagle Regional Water Authority from the Forest Service in 2004 as part of the Vassar Meadows Land Exchange. Conveyance to the Water Authority was subject to a perpetual patent restriction limited future use to construction of a water storage facility. Subsequent engineering and construction considerations determined that this site is not suitable for the planned water storage facility. Thus, reconveyance to the Forest Service is proposed.

This proposed land exchange is in compliance with the Land and Resource Management Plan for the White River National Forest (2002 as amended).

The White River National Forest believes this proposed land exchange is in the public interest for the following reasons:

Conveyance of the Federal parcels to the Non-Federal Party is consistent with the guidelines provided in the Forest Plan:

- All of the Federal Parcels are either located in a highly developed area or in an area that is being developed, that is in the process of losing its National Forest character;

- Following the exchange with the SLB, Federal Parcels 1 and 2 will be conveyed to the Town of Avon and managed as open space in accordance with the terms of a conservation easement held by the Eagle Valley Land Trust;
- A portion of Federal Parcel 2 may be used for deed-restricted affordable housing.
- Federal Parcel 3 will be conveyed to the SLB which intends to develop the parcel in a manner consistent with land uses on the adjoining State section to the south.
- Following the exchange with SLB, Federal Parcel 4 will be conveyed to Eagle County. Eagle County intends to convey a conservation easement to the Eagle Valley Land Trust protecting the open space values associated with this parcel.
- Following the exchange with SLB, Federal Parcel 5 (if needed for equalization purposes) will be conveyed to Eagle County. If this parcel is exchanged, Eagle County intends to convey a conservation easement to the Eagle Valley Land Trust protecting the open space values associated with this parcel.
- Federal Parcel 6 will be conveyed to the SLB. This parcel will be used for a new CDOT highway maintenance facility. Inclusion of this parcel is necessary to secure the SLB's participation in the land exchange.
- Federal Parcel 7 will be conveyed to the Upper Eagle Regional Water Authority while Parcels 8, 9A and 9B will be conveyed to the Water Authority's affiliate, the Eagle River Water and Sanitation District. These parcels will be used for the development of additional water storage in various pressure zones of the regional water system.
- Federal Parcel 10 will either be retained by the SLB or subsequent to the exchange, conveyed to the Town of Minturn. Regardless of the ultimate owner, future land use is likely to include an affordable housing component.

Acquisition of Non-Federal Parcels A, B and C would be consistent with a number of considerations and/or opportunities identified in the Forest Plan for land acquisitions. These include, but are not limited to:

- Non-Federal Parcel A and Non-Federal Parcel B have outstanding scenic values, and possess critical ecosystems which would be threatened by change of use. Management of these parcels would be enhanced by their inclusion in the National Forest System;
- Non-Federal Parcel A and Non-Federal Parcel B include streams, floodplains, wetlands and associated riparian ecosystems;
- Non-Federal Parcels A, B and C include key wildlife habitat for deer and elk;
- Non-Federal Parcel A and Non-Federal Parcel B contain lands with important value for outdoor recreation purposes and contain lands with outstanding scenic conditions that would be protected; and,
- Acquisition of Non-Federal Parcels A, B and C would consolidate Federal landownership patterns in the area which would reduce the miles of interior boundaries and number of interior corners requiring survey management.

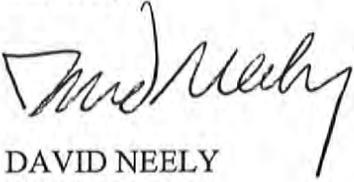
Based on the above factors and other considerations, the proposed land exchange is likely to result in considerable benefits for the Forest Service and the public.

As part of the environmental analysis process, the Forest Service is inviting public comments regarding this proposed land exchange. Written comments can be addressed to: Bill Johnson,

Realty Specialist, Eagle/Holy Cross Ranger District, P.O. Box 720, Eagle CO 81631, FAX: (970) 328-6448; Email: wrnf_scoping_comments@fs.fed.us. Persons commenting should include: 1) name, address, telephone number, and organization represented, if any; 2) title of this project (Eagle Valley Land Exchange); and 3) specific facts and supporting reasons for any comments for me to consider. Names and contact information submitted with your comments will become part of the public record and may be released under the Freedom of Information Act.

Anyone needing further information should contact Bill Johnson, at (970) 328-5869 or bjohnson@fs.fed.us.

Sincerely,

A handwritten signature in black ink, appearing to read "David Neely". The signature is written in a cursive style with a large initial "D".

DAVID NEELY
District Ranger

Enclosure

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: Applicant Appeal of January 12, 2011 Design Review Board Decision
Date: January 28, 2011

Background

Tom Sullivan received three land use approvals from the Town of Minturn for his hotel project at 115 Nelson Ave. These included a Variance to construct in the setbacks, a Conditional Use Permit to construct a mixed-use building in the Commercial Zone of the Old Town Character Area, and Design Review Board (DRB) approval for the appearance of the building. The original DRB approval was granted on October 14, 2009 after the Variance and Conditional Use Permit applications were approved. Mr. Sullivan altered the design of the approved building by replacing a French door on the William Street level with a window. The DRB denied his request for these modifications at their January 12, 2011 meeting. After the denial of this request, Mr. Sullivan notified the Town that he intended to appeal the decision to the Town Council.

Project History

After receiving the necessary approvals, Mr. Sullivan applied for a building permit in August 2010. As part of the building permit application, he submitted the required set of construction drawings dated August 20, 2010. These drawings included the French door on the Williams Street side. After review by the Planning and Building Departments, a building permit was issued on August 26, 2010. Shortly after the building permit was issued, Mr. Sullivan requested a meeting with myself and the Building Official, Chuck Lanci. At this meeting, Mr. Sullivan requested that he be allowed to change the use of the ground level retail / commercial space into an additional hotel room. There was an additional request to eliminate a balcony on the second level of the north side. Staff approved Mr. Sullivan's request to convert the ground level space into an additional hotel room and the elimination of the balcony. A hotel room is defined as a *commercial accommodation* and is listed as a use by right in the Commercial Zone of the Old Town Character Area as stated in Sec. 16-6-70 of the Minturn Municipal Code (see attached). For this reason, staff authorized this change of use. At no time was the door change discussed.

Mr. Sullivan then submitted a revised set of plans dated September 24, 2010. These plans do show the revised design but the elimination of the French door was overlooked. This oversight was pointed out by the Planning Commission at their November 11, 2010 meeting. After this meeting, I notified Mr. Sullivan that the DRB had an issue with the project not being constructed as they had originally approved it. He informed me that it was framed to accommodate the door but that he preferred the window. He felt that the door was not appropriate for a street level hotel room.

Since the elimination of the door was not approved by staff and the DRB wanted to review the change, the request for a modification to the design was sent to the Design Review Board for their January 12, 2011 meeting. By a 4-1 vote, the DRB denied Mr. Sullivan's request for the changes. The DRB accepted the fact that there would be an extra hotel room but felt very strongly that the building be constructed as it was originally approved. Their intention was for the ground level to appear inviting in nature and they felt that this was best accomplished by having a French door instead of a window on the street level. Mr. Sullivan has appealed that decision and now the Town Council has the opportunity to uphold or reverse the decision of the Design Review Board.

Attachments

Appeal Letter from Mr. Sullivan

DRB Submittal for the 10.14.09 hearing

10.14.09 Planning Commission meeting minutes

1.12.11 Planning Commission meeting minutes

Building Permit

August 20, 2010 Construction Drawings – sheet A3.1

September 24, 2010 Construction Drawing – sheet A.31

Sec. 16-6-70 of the Minturn Municipal Code

1/21/11

Town Council + Town Planner,

I am writing to appeal the decision of The planning and Zoning commission requiring me to install a 8x12 sliding glass door in a hotel room. A Hotel

is a use by right in the commercial district and by requiring the door it negatively effects the hotel business. Also

the approved plans for which I paid the building permit fee shows a window not a door.

Thank you for your consideration
Tom Sullivan

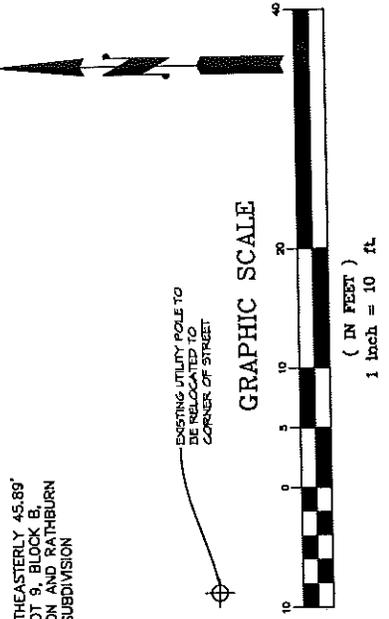
mpp design shop, Inc.
95 W. Rowntown Place
PO Box 268
Gypsum, CO 81607
(970) 390-4931
michael@mpdesignshop.com

Sullivan Residence
Parcel No: 2103-263-10-005
Mackeson and Rothburn Subdivision
0115 Nelson Avenue
Mintum, CO 81445

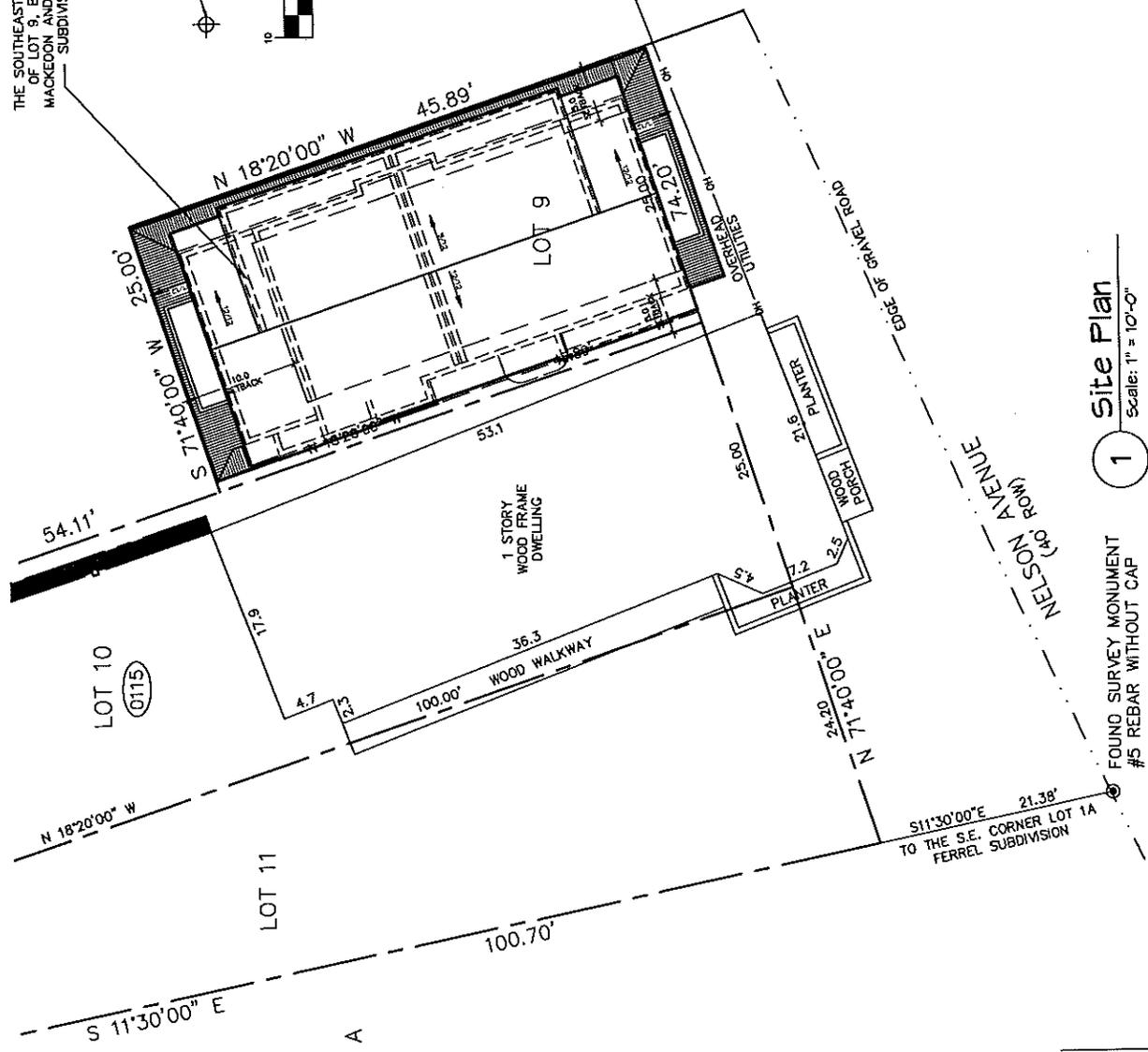
ISSUE	DATE
PREPARED BY	MPD
DESIGNED BY	MPD
DATE SUBMITTED	10/22/09
DATE APPROVED	
DATE REVISED	
DATE CANCELLED	

Site Plan

Sheet Number:
A1.1



THE SOUTHEASTERLY 45.89'
OF LOT 9, BLOCK B,
MACKESON AND RATHBURN
SUBDIVISION



SITE & BUILDING ANALYSIS

- LOT SIZE - 0.026 ACRES / 1,147.25 SQ FT
- CHARACTER AREA - OLD TOWN COMMERCIAL
- ZONING - COMMERCIAL
- HEIGHT LIMIT - 35'
- ALLOWABLE LOT COVERAGE @ 80% OF SITE AREA - 918 SQ FT
- PROPOSED LOT COVERAGE - 886 SQ FT (77% OF SITE AREA)
- PARKING SPACES REQUIRED - 2
- PARKING SPACES PROVIDED - 1 ENCLOSED, 1 SURFACE
- LOWER LEVEL:
 - COMMERCIAL SPACE - 316 SQ FT
 - COMMON SPACE - 131 SQ FT
 - GARAGE - 209 SQ FT
- MIDDLE LEVEL:
 - HOTEL ROOM #1 - 389 SQ FT
 - COMMON SPACE - 119 SQ FT
 - HOTEL ROOM #2 - 373 SQ FT
- UPPER LEVEL:
 - PRIVATE RESIDENCE #1 - 389 SQ FT
 - COMMON SPACE - 119 SQ FT
 - PRIVATE RESIDENCE #2 - 373 SQ FT

Site Plan

Scale: 1" = 10'-0"

1

FOUND SURVEY MONUMENT #5 REBAR WITHOUT CAP

10.14.09
SUBMITTAL

Sheet Number:
A2.3

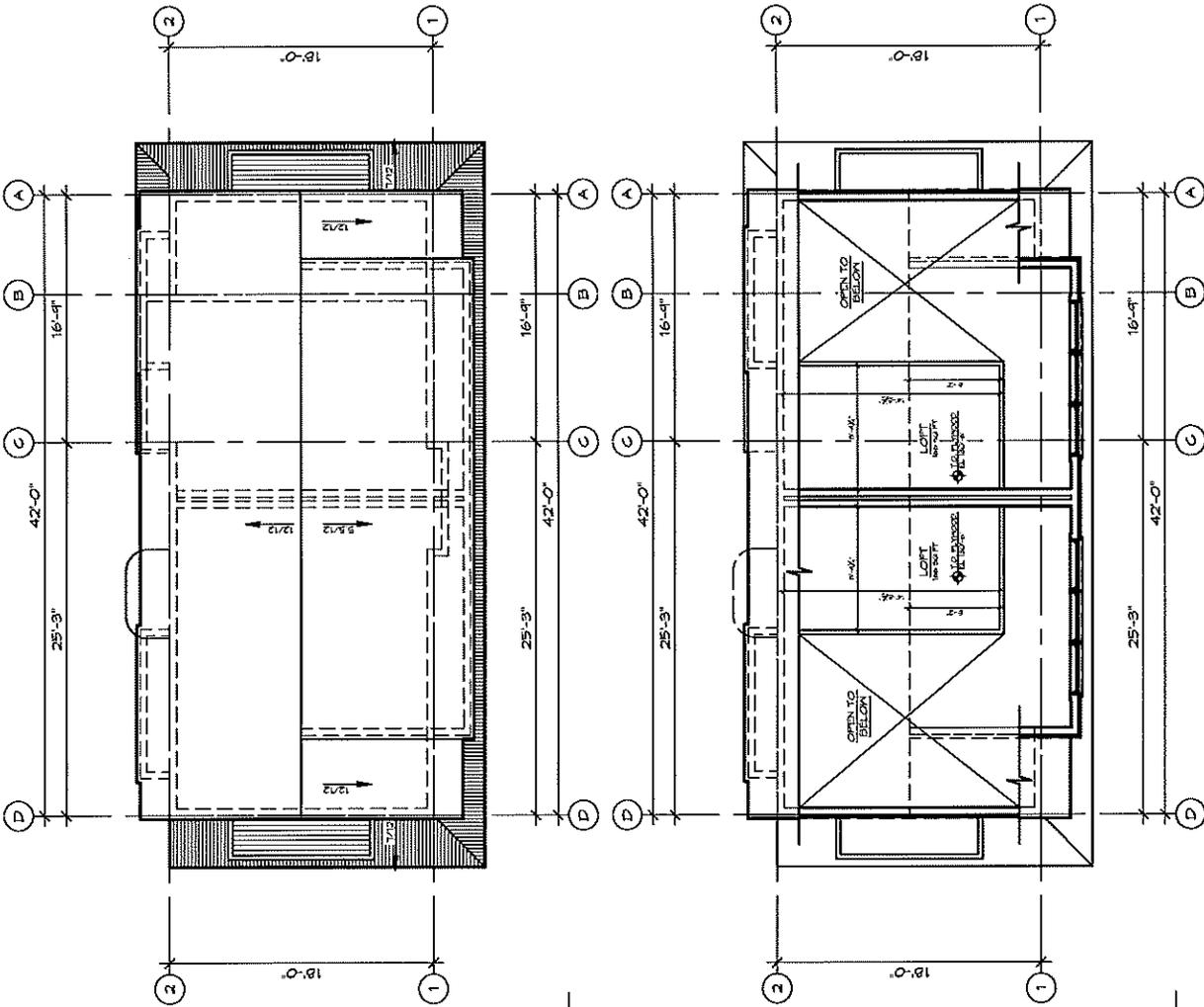
Loft & Roof Plans

Drawing Title:

Issue	Date
1	10/14/09
2	10/14/09
3	10/14/09
4	10/14/09
5	10/14/09
6	10/14/09
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100	10/14/09

Sullivan Residence
Parcel No: 2103-263-10-005
Macedon and Rathbun Subdivision
of Block's Addition to the Town of Minum
0115 Nelson Avenue
Minum, CO 81645

mpp design shop, Inc.
PO Box 288
95 Westons Place
Gypsum, CO 81637
(970) 390-4931
michael@mppdesignshop.com



2 Roof Plan
Scale: 1/8" = 1'-0"

1 Loft Plan
Scale: 1/8" = 1'-0"

10.14.09
SUBMITTAL



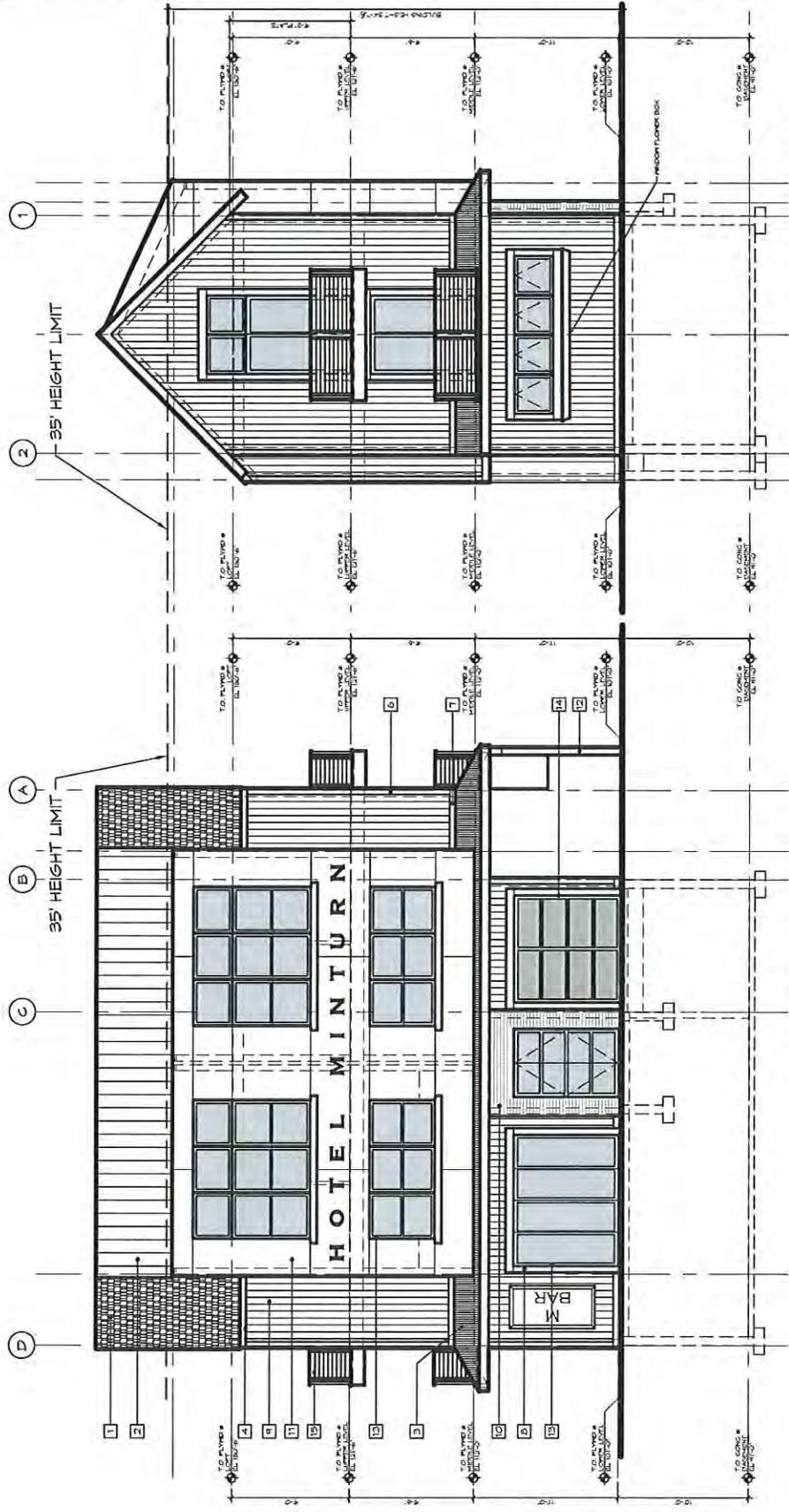
mpp design shop, inc.
95 Wilcoxstone Place
PO Box 288
Gypsum, CO 81637
(970) 390-4931
michael@mppdesignshop.com

Sullivan Residence
Parcel No: 2103-263-10-005
LOT 9
Kocedon and Rothburn Subdivision
of Boco's Addition to the Town of Minturn
015 Nelson Avenue
Minturn, CO 81645

ISSUE	DATE
1	10/14/09
2	10/14/09
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12	10/14/09
13	10/14/09
14	10/14/09
15	10/14/09

South & East Elevations

Sheet Number:
A3.1



1 South Elevation
Scale: 1/8" = 1'-0"

2 East Elevation
Scale: 1/8" = 1'-0"

- 1 STAINING SEAM METAL ROOF
BLACK PRESTON PLUS HIGH DEFINITION
COLOR: WEATHERWOOD
- 2 ASPHALT SHINGLE ROOF
BLACK PRESTON PLUS HIGH DEFINITION
COLOR: WEATHERWOOD
- 3 METAL ROOFING
CORRUGATED METAL
NUSTED
- 4 FASCIA & RAKE BOARDS
BARN WOOD
CLEAR SEALER
COLOR: NATURAL
- 5 SOFFIT BOARDS
BARN WOOD
CLEAR SEALER
COLOR: NATURAL
- 6 CORNER TRIM
BARN WOOD
CLEAR SEALER
COLOR: NATURAL
- 7 HORIZONTAL TRIM
BARN WOOD
CLEAR SEALER
COLOR: NATURAL
- 8 WOOD WINDOW TRIM
3x6 BARN WOOD HEAD & SILL TRIM
3x6 BARN WOOD SIDE TRIM
CLEAR SEALER
COLOR: NATURAL
- 9 VERTICAL WOOD SIDING
CLEAR SEALER
COLOR: NATURAL
- 10 HORIZONTAL WOOD SIDING
3x4 CEDAR
CLEAR SEALER
COLOR: NATURAL
- 11 METAL PANEL SIDING
SMOOTH FINISH
COLOR:
COLOR: NATURAL
- 12 COLUMNS & BEAMS
BX DOUGLAS FIR HEAVY TIMBER
OLYMPIC SEMI-TRANSPARENT OIL STAIN
COLOR:
- 13 EXTERIOR WINDOWS & DOORS
METAL & GLASS
COLOR: BRONZE
- 14 OVERHEAD GARAGE DOOR
METAL & GLASS
COLOR: BRONZE
- 15 EXTERIOR DECK & RAILING
2" X 2" METAL RAILING POSTS
1/2" X 1/2" METAL HORIZONTAL RAILS
COLOR: BLACK
3x4 CEDAR TOP RAIL
CLEAR SEALER
OLYMPIC SEMI-TRANSPARENT OIL STAIN
COLOR: NATURAL

10.14.09
SUBMITAL

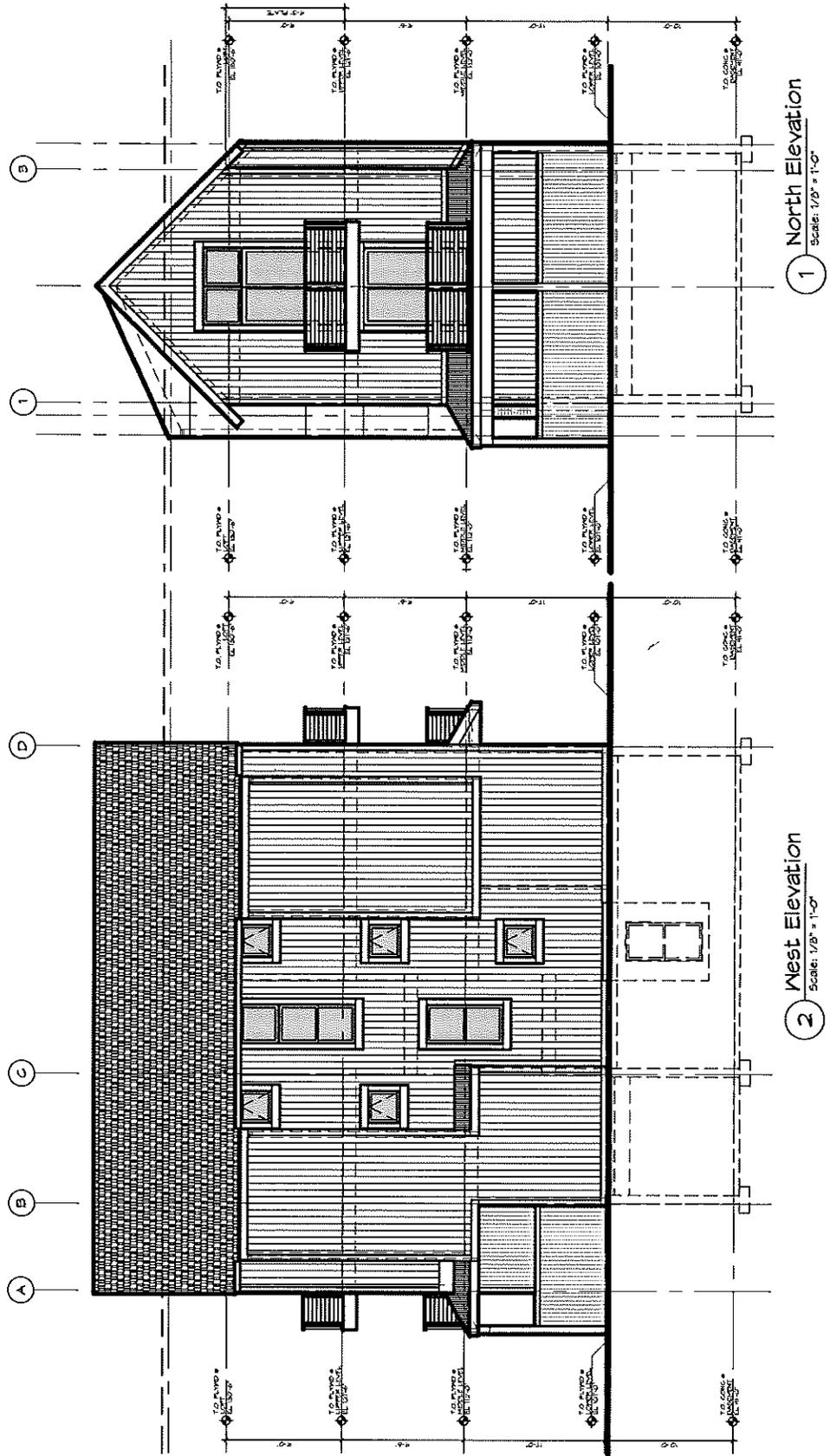
Sheet Number:
A3.2

North & West
Elevations

DATE	10/14/09
BY	MPD
CHECKED BY	MPD
DATE	10/14/09
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BY	MPD
CHECKED BY	MPD

Parcel No: 2103-263-10-005
 Lot 9
 Mockedon and Rothum Subdision
 815 Nelson Avenue
 015 Nelson Avenue
 Milum, CO 81645

mpp design shop, Inc.
 95 Willowstone Place
 Gypsum, CO 81637
 (970) 390-4931
 michael@mpdesignshop.com



1 North Elevation
Scale: 1/8" = 1'-0"

2 West Elevation
Scale: 1/8" = 1'-0"

LETTER

mpp design shop

PO Box 288
095 Willowstone Place
Gypsum, CO 81637
c 970-390-4931
michael@mppdesignshop.com

October 02, 2009

Town of Minturn
Attention: Planning Department
302 Pine Street
P.O. Box 309
Minturn, CO 81645
Tel - (970) 827-5645
Fax - (970) 827-5545
e-mail - planner1@minturn.org

Regarding: DRB Application
Parcel No: 2103-263-10-005
Lot 9, Mackedon and Rathburn Subdivision
of Booco's Addition to the Town of Minturn
0115 Nelson Avenue
Minturn, CO 81645

This letter serves to state our intentions for acquiring DRB approval for a project designed for the above mentioned property.

The Applicant intends to construct a mixed-use, three story building. The street level of the building will have a common entry, single car garage, and a commercial space (possibly as a wine and coffee bar). The middle level will be a boutique hotel on consisting of two rooms. The upper level will be two private studio residences. The basement space will consist of kitchen facilities for the commercial use, mechanical equipment, and storage space for the hotel and private residences.

The proposed building design is a simple barn style main building form building w/ a modern dormer element on the east side, and an awning roof delineating the street level. The main building form will be clad in barn wood siding and heavy asphalt shingles on the roof. The awning roof will have a flat ceiling with recessed lighting and possibly corrugated rusted metal roofing. The modern dormer element is characterized by metal cladding and large punched window openings with substantial sills. The tall windows on the upper level accentuate the high ceilings of the private residences and capture views the east. Each of the hotel rooms and private residences has a small deck. The height of the main roof form at its mid-point is approximately 34'-7 1/2". The height of the dormer roof at the exterior wall is also approximately 34'-9".

LETTER

mpp design shop

PO Box 288
095 Willowstone Place
Gypsum, CO 81637
c 970-390-4931
michael@mppdesignshop.com

The parking requirements for the building uses are:

<u>Use</u>	<u>Parking Standard</u>	<u>Total</u>
Dining & drinking establishment	1 per 6 seats	2
Lodging House	1 per guest room	2
Efficiency unit	1.5 per dwelling unit	3
Total		7
Handicap space		1

Per the Town of Minturn's code, section 16-16-120, table 16-13, Minimum Parking and Loading Areas, parking space sizes are;

Standard –	9' x 18'
Handicap single space -	12' x 18'

The parking requirements for the proposed building will be fulfilled in the following manner;

- Parking Space #1 - One space will be provided on site as surface parking under the proposed building overhang and awning roof.
- Parking Space #2 - One space will be provided on site in the proposed garage.
- Parking Space #3 - One space will be leased from the applicant's personal property on Lot 1A, approximately 51'-7" to the west of Lot 9, according to the Town of Minturn's code;

Sec. 16-16-110. Location of required parking spaces.

Required off-street parking spaces shall be located as follows:

- (2) Within a common assigned parking area. Within a common assigned parking area under the ownership or lease of the individual owners of the use the spaces are intended to serve.
- Parking Spaces #4-7 - Four (4) spaces are proposed to be allowed on Main Street (Highway 24) according to the Town of Minturn's code;

Sec. 16-16-60. Main Street (Highway 24) parking.

For any business located in a commercial zone in the Old Town Character Area, off-site parking on Main Street (Highway 24) may be counted toward the required number of parking spaces, provided that the off-site parking shall not exceed six (6) spaces nor shall off-site parking exceed fifty percent (50%) of the total required parking, whichever is less.

- o It is the applicant's interpretation of this section of the code that since the proposed building is indeed in the commercial zone of the Old Town Character Area, the applicant is allowed up to four (4) spaces on Main Street for the proposed building uses.

LETTER

mpp design shop

PO Box 288
095 Willowstone Place
Gypsum, CO 81637
c 970-390-4931
michael@mppdesignshop.com

-
- Handicap Parking Space - A handicap space will be provided on Nelson Avenue, adjacent to the proposed building.
 - In previous hearings for the Conditional Use Permit and Variance application, the applicant was granted the use of a parking space along Nelson Avenue, between the proposed building and the existing edge of gravel road.

Thank you for your consideration.

Respectfully,

SIGNED: Michael P Pukas

Cc:

Town of Minturn Planning Commission Agenda October 14, 2009

Regular Session - 7:00 p.m. Minturn Town Center – 302 Pine Street

Call to Order/Roll Call

The meeting was called to order at 7:05 by Chairman Stuart Brummett. All other Commissioners were present including Vice-Chair Lynn Teach, Lael Engstrom, Tim Osborne and Michael Gallagher.

Staff Present included Planning Director Victor Villarreal and Asst. Town Planner Chris Cerimele

Approval of Agenda Items

M. Gallagher made a motion to approve the agenda. It was seconded by T. Osborne. The motion passed 5-0.

Approval of Minutes – Minutes from September 9, 2009

Motion by L. Teach and second by T. Osborne to approve the 9.9.09 minutes. The motion passed 5-0.

Minutes from September 23, 2009

Motion by M. Gallagher and second by T. Osborne to approve the 9.23.09 minutes. The motion passed 5-0.

Public Comment – Members of the public may have 5 minutes to comment on any item they wish that is not on the agenda

Charles Overy, owner – LGM Models Minturn, CO, expressed his concerns about his commercially zoned parcel being designated as residential on the future land use map.

Action Items:

1. Consideration of Land Use Application DRB 09 - 07; A request for Design Review Board approval for a single family residence at 789 Main Street. The parcel is located in the residential zone of the South Town Character Area. Applicant: Western Capital Partners.

Chris Cerimele introduced the agenda item and the applicant- Luke Davis of Western Capital Partners and the project architect- Patrick Stevenson. Patrick Stevenson presented the new design and stated that the building height was lowered to comply with the height limit.

A lengthy discussion ensued regarding the height of the building and the method the staff used to calculate the building height. V. Villarreal stated that the measurement was taken from the mid-point of the grade and that this method was consistent with recent practice. The Planning Commissioners were uncomfortable with the height of the building and stated that it exceeded the maximum allowable height.

A motion was made by M. Gallagher to deny DRB 09-07. It was seconded by T. Osborne. The motion passed 5-0

2. Consideration of Land Use Application DRB 09-06; A request for Design Review Board Approval for a mixed-use building at 115 Nelson Avenue. The parcel is located in the commercial zone of the Old Town Character Area. Applicant: Tom Sullivan

Chris Cerimele introduced the agenda item and the project architect, Michael Pukas.

M. Pukas provided a brief project history and highlighted the building design. He noted that the proposal requires 2 parking spaces for the bar portion, 2 spaces for the hotel portion, 3 spaces for the studio apartments and 1 additional handicap space to serve the bar. He proceeded to read the parking requirements from the municipal code and stated that the code allows the use of leased spaces and Main St. parking for commercial businesses in the Old Town Character Area.

Chairman Brummett asked how they could count Main St. parking towards the requirement if they are not located on Main St. The architect stated that he interpreted section 16.16.60 to mean that any business in the commercial zone of the Old Town Character Area is entitled to count parking on Main St. towards their requirement. The applicant stated that he was willing to eliminate the bar component of the plan to reduce the parking requirement but he felt that the Town would want this to create vibrancy in the downtown area.

Commissioner Engstrom stated that she did not have a problem with the plan and the applicant made a lot of effort to accommodate the Planning Commission.

A discussion ensued regarding the design of the building. L. Teach noted that she wanted to see window boxes added to the design. S. Brummett stated that substantial snow fencing must be added to the roof. T. Osborne noted that he would like to see some of the wood from the existing shed incorporated into the new building.

A motion was made by L. Teach to approve application DRB 09-06 with the following conditions:

- Extensive snow fencing must be added to the roof;
- Window boxes must be incorporated into the project.

The motion was seconded by M. Gallagher. The motion passed 5-0.

Discussion Items: 2009 Minturn Community Plan

V. Villarreal reminded the Commissioners about the upcoming joint work session with the Town Council on Oct. 21st.

Planning Director's Report

V. Villarreal stated that there would be no Planning Commission meeting on November 11th due to the Veterans Day holiday.

Commissioner Comments

S. Brummett stated that he met with the Mayor and Town Manager to discuss the Community Plan and the upcoming joint meetings. He noted that the meeting went well.

Adjournment

M. Gallagher made a motion to adjourn the meeting at 9:03 pm. It was seconded by T. Osborne. The motion passed 5-0

**Town of Minturn
Planning Commission Agenda
January 12, 2011**

Regular Session - 7:00 p.m.

Minturn Town Hall – 302 Pine Street

Call to Order/Roll Call

Chairman Stuart Brummett called the meeting to order at 7:02 pm. All of the Commissioners were present including Lynn Teach, Melissa Decker, Tim Osborne and Michael Gallagher.

Town Planner Chris Cerimele was also present. Town Manager Jim White was present through Action Item # 1.

Approval of Agenda Items

M. Gallagher made a motion to approve the agenda. L. Teach seconded the motion. The motion passed 5-0.

Approval of Minutes – Minutes from December 15, 2010

L. Teach made a motion to approve the minutes from 12.15.10. T. Osborne seconded the motion. The motion passed 4-0. (M. Decker abstained due to her absence from the 12.15.10 meeting.)

Public Comment – Members of the public may have 5 minutes to comment on any item they wish that is not on the agenda

No public comments were made.

Action Items

1. **DRB 2009-06; Hotel Minturn Project.** The applicant is requesting a minor design change to the originally approved building.

Chris Cerimele introduced this item and explained that Mr. Sullivan made exterior modifications to the approved building design and was requesting approval for these changes. C. Cerimele stated that these changes were

already performed without staff approval. However, Chris stated that he authorized Mr. Sullivan to change the use of the ground-level space from retail / commercial space to an additional hotel room. Chris went on to state that a hotel space was a use by right and therefore he approved the change administratively. He reiterated that the Planning Commission was not ruling on this point but the fact that Mr. Sullivan made design changes that were not approved by the Planning Commission. The extent of the exterior modifications include: installing a single window in place of a door and window on the Williams Street level.

Tom Sullivan, applicant, addressed the Planning Commission. He stated that he has been in the lodging business for more than 20 years and he felt that an additional hotel space on the ground level was in the best interests of himself and the Town. He stated that he understands the retail environment in Town and that a 200 square foot retail space there would not work. Since staff approved the additional hotel space, he felt that he was within his right to modify the design by replacing the door with a window. He stated that a large door opening onto Williams Street was not an appropriate feature for a hotel room. Therefore, he changed the design. He stated that the new configuration was more visually appealing in his mind. He also stated that he felt he was being overly scrutinized on this project.

Chairman Stuart Brummett stated that the crux of the issue was the Planning Commission made significant concessions by approving the building and he felt that the current design goes against the Commissions' desire to keep the street level inviting in nature. He conceded the fact that staff approved the ground floor hotel space but was disappointed that the Commission lost the one thing they wanted from this project- ground floor commercial / retail space. He stated that he felt the Town was getting a single family house.

T. Sullivan stated that he felt it was better to have a hotel room that would bring more people and lodging tax revenue to the Town.

L. Teach stated that her issue was wanting the building to appear more "street friendly". The deletion of the large French door negates that and the building looks more like a block.

T. Sullivan stated that no one would want to stay in a room that has a large door opening onto a street and that the Commission was setting him up for failure by requiring him to install the door and window. S. Brummett added that staff approved the change of use from a retail space to an additional hotel unit, not the Planning Commission.

M. Gallagher advised the applicant that he could install curtains to prevent people from looking into the space. Mr. Sullivan reiterated that no guest would want to stay in a space with a large door.

M. Gallagher then stated that since staff approved the hotel space, the new window design was appropriate and that he didn't have a problem with it.

S. Brummett reiterated the point that the Planning Commission made numerous concessions and the Commission was led to believe that the applicant intended to maintain the wine bar / retail space at the ground level. He advised the applicant that he had the opportunity to appeal any decision of the Planning Commission / Design Review Board.

Mr. Sullivan then stated that he felt that Ms. Teach and Mr. Brummett think that he duped them.

Commissioner Brummett stated that he felt duped.

T. Osborne stated that he understood that economic factors of the applicant should not be of concern to the Planning Commission. He went on to say that he would like to have more eyes on this issue and suggested the request be sent to the Town Council for further review.

T. Sullivan left the meeting at this point.

T. Osborne made a motion to deny the requested change. L. Teach seconded the motion. The motion passed 4-1. (Michael Gallagher voted nay)

Discussion Items

1. Design Review Board procedure

Chris Cerimele provided an overview of the proposed DRB procedures. He stated that these changes have been evolving over the course of the past few months and he would like the Commission to have a final review before these changes were brought back as a zoning text amendment.

M. Gallagher stated he would like a procedure added for continuing a hearing and conducting a site visit. He also said he would like to see scaled elevations of a proposed project in relation to adjacent structures.

The Planning Commission and staff proceeded to review the proposed guidelines. Minor changes were made and the following provision was added: Color chips and a materials board shall be required for all projects.

2. Lot coverage definition

Chris Cerimele advised the Commission that he was working a new lot coverage definition for the Town. He stated that recent projects have made it necessary to revise this definition. Currently, the definition does not take into account second and third level overhanging spaces. Chris stated that the proposed definition would account for these spaces. The Commissioners stated that they were generally receptive to the proposed definition but would like to continue revising it. S. Brummett requested that the word arcade be replaced with porch. A discussion ensued regarding how to verify the lot coverage. Stuart suggested added a requirement that an applicant submit .dwg CAD files that show all overhanging portions of a building.

Commissioner Comments

M. Gallagher stated it would have been helpful to have the approval documents from the Hotel Minturn Project in front of him for this meeting.

S. Brummett requested that staff provide the meeting minutes and approval documents for the next meeting.

Adjournment

M. Gallagher made a motion to adjourn the meeting at 8:21 pm. The motion was seconded by L. Teach. The motion passed 5-0.

T.O.M. Office Copy

Permit No: 10-18

BUILDING PERMIT APPLICATION

Town of Minturn 302 Pine Street, P.O. Box 309 Minturn, CO 81645
Minturn Phone 827-5645, Fax 827-5545 / Inspector Phone 1-888-220-2464

Plans on Rack



LEGAL DESCRIPTION/ ADDRESS: 115 Nelson Ave			
LOT NO. 9	BLK.	FILING	SUBDIVISION Mableton + Restuburn
OWNER: Tom Sullivan		Phone No. 970 376 2167	
MAILING ADDRESS: PO Box 820			
CONTRACTOR: Tom Sullivan		Phone No. 376 2167	Lic. No.
ENGINEER: Sundquist Design Group		Phone No. 303 838 2222	Lic. No.
PLUMBER: JTG Plumbing + Heating		Phone No.	Lic. No.
ELECTRICIAN: Webb Electric		Phone No. 970 331 3605	Lic. No.

USE OF BUILDING: Residential Commercial Industrial Other: _____

TYPE OF WORK: New Addition Alteration/Remodel Repair Move Remove Other

DESCRIBE WORK: New construction of hotel

Sq. Ft. of Lot(s): 1147.25 Lot Coverage (Including Overhang): 882
 Total Sq. Ft. of Project: 248 Not including Number of Stories: 3 Number of Dwelling Units: _____
 Height of Structure Above Lowest Grade: 35 ft
 Setbacks: Front 0 Rear 3 Sides 0
 Zoning Approval By: Chris Cemel Date: 8/26/10

NOTICE!!! READ BEFORE SIGNING: This permit requires progress inspections or other inspections within 180 days. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Contractor: [Signature] Date: 8/16/2010
 Signature of Owner: [Signature] Date: 8/16/2010

***** Do not write below this line - Office use only *****

Application Accepted By: _____ Date Accepted: _____

Valuation: 525640	Permit Fee: 4264 ⁰⁰	Plan Ck Fee: 2772 ⁰⁰	ERWSD Initial	ERWSD Final
Water Tap Fee: 19750 ⁰⁰	Water Meter: 0	Street Use Fee: 0	Clean Up Deposit: 500	
TOTAL TOWN FEES/DEPOSIT:	TOTAL BUILDING INSPECTION: 7711 ⁰⁰	PLAN DEPOSIT: 500 pd. 8/20/10	TOTAL DUE: Bldg per mt Fees Paid	
Site Plan accepted by:	Building Plans checked by: [Signature]	Approved for issuance By: [Signature]		

Fire District Fee: 5013⁰⁰
 MECHANICAL AND PLUMBING PERMIT FEES ARE NOT INCLUDED IN THE AMOUNT DUE AT PERMIT ISSUANCE. THESE FEES ARE TO BE PAID WHEN THE MECHANICAL AND PLUMBING PERMITS ARE OBTAINED.
 Plumbing Permit Fee: 430⁰⁰ Mechanical Permit Fee: 245⁰⁰ Date: 8/23/10

8.20.10 CONSTRUCTION DRAWINGS



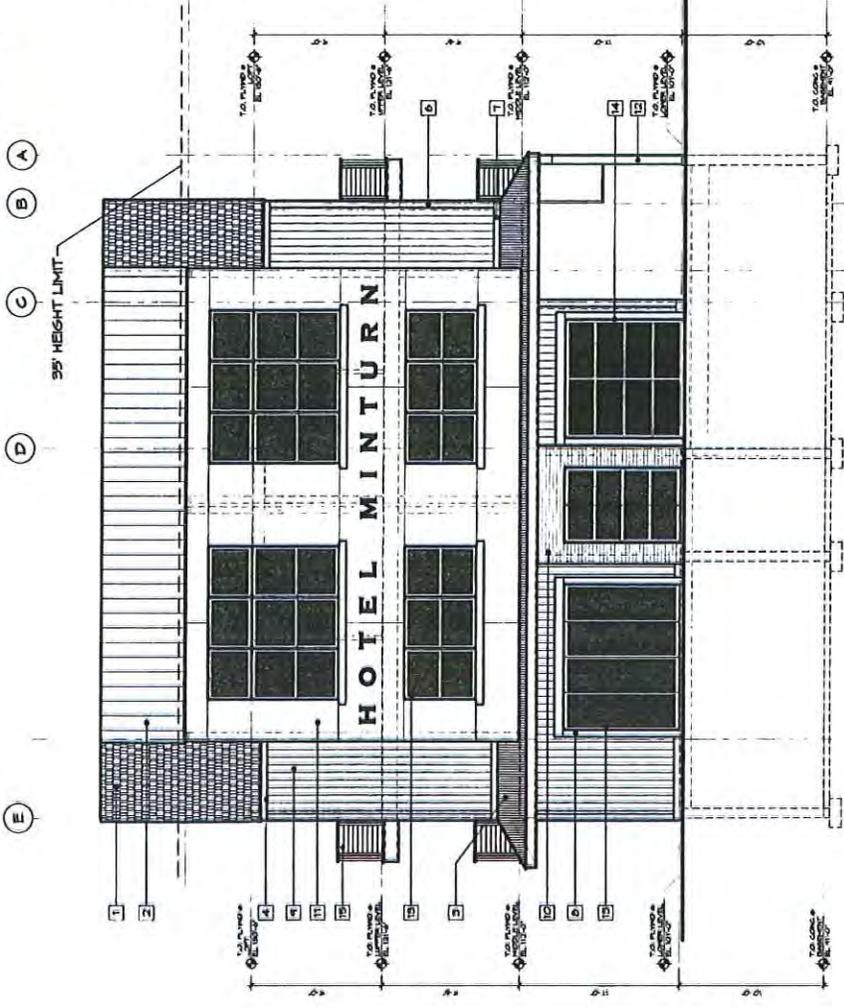
mpp design shop, inc.
 095 Willowstone Place
 Gypsum, CO 81637
 (970) 350-4931
 michael@mppdesignshop.com

Hotel Minturn
 Parcel No: 2103-243-10-005
 LOT 9
 Mokedon and Kolburn Subdivsion
 of 8000's Addition to the Town of Minturn,
 Minturn, CO 81645

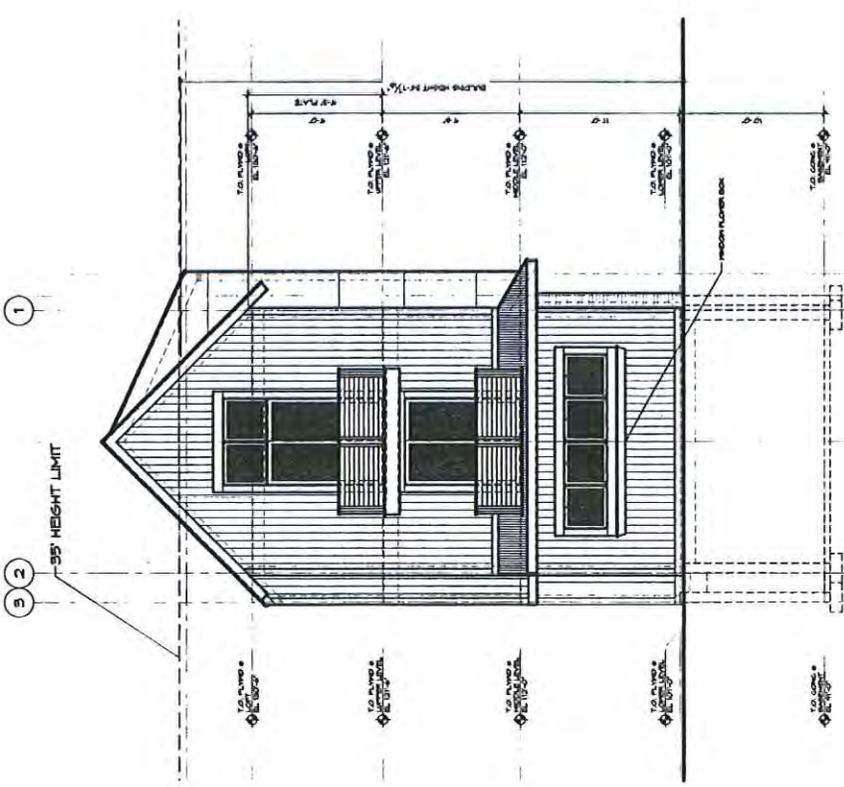


DATE	2/20/10
BY	MM
FOR	Hotel Minturn
PROJECT	Hotel Minturn
DESCRIPTION	Construction Drawings
SCALE	AS SHOWN
JOB NUMBER	
DESIGNED BY	MM
CHECKED BY	MM
DRAWING TITLE	East & South Elevations

AS.1



1 EAST ELEVATION
 SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

- 1) 1" x 1" window, roof, color: natural
- 2) 1" x 1" window, roof, color: natural
- 3) 1" x 1" window, roof, color: natural
- 4) 1" x 1" window, roof, color: natural
- 5) 1" x 1" window, roof, color: natural
- 6) 1" x 1" window, roof, color: natural
- 7) 1" x 1" window, roof, color: natural
- 8) 1" x 1" window, roof, color: natural
- 9) 1" x 1" window, roof, color: natural
- 10) 1" x 1" window, roof, color: natural
- 11) 1" x 1" window, roof, color: natural
- 12) 1" x 1" window, roof, color: natural
- 13) 1" x 1" window, roof, color: natural
- 14) 1" x 1" window, roof, color: natural
- 15) 1" x 1" window, roof, color: natural
- 16) 1" x 1" window, roof, color: natural
- 17) 1" x 1" window, roof, color: natural
- 18) 1" x 1" window, roof, color: natural
- 19) 1" x 1" window, roof, color: natural
- 20) 1" x 1" window, roof, color: natural

Sec. 16-6-70. Old Town Character Area use table.

The following Table 16-2 sets forth the uses for the Old Town Character Area:

**TABLE 16-2
Old Town Character Area Use Table**

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

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: Resolution No. 2 - 2011; A Resolution Establishing Eligibility For Annexation of the Eagle County School District Maloit Park Parcel No. 1 and Resolution No. 3 – 2011; A Resolution Establishing Eligibility For Annexation of the Eagle County School District Maloit Park Parcel No. 2
MEETING DATE: February 16, 2011
PRESENTER: Chris Cerimele
BACKGROUND: The Eagle County School District RE50J has submitted two annexation petitions for the Maloit Park area. The Town Council passed two Resolutions at their January 5, 2011 hearing for the purpose of setting the public hearing date for February 16, 2011 to determine whether the parcels are eligible for annexation. The attached report concludes that the two parcels ARE eligible for annexation. Passage of these Resolutions will certify that the eligibility requirements for annexation have been met and that the parcels can be annexation into the Town of Minturn by Ordinance.
CORE ISSUES: None. The eligibility requirements for annexation have been met.
BUDGET/FINANCE IMPLICATIONS: Annexation of the property will eventually result in additional Town revenue through water tap fees and real estate transfer taxes.
RECOMMENDED MOTION: I move to approve Resolution No. 2 Series 2011 & I move to approve Resolution No. 3 Series 2011

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: Resolution No. 2 - 2011; A Resolution Establishing Eligibility For Annexation of the Eagle County School District Maloit Park Parcel No. 1 and Resolution No. 3 – 2011; A Resolution Establishing Eligibility For Annexation of the Eagle County School District Maloit Park Parcel No. 2
Chris Cerimele, Town Planner
Hearing Date: February 16, 2011
Staff Recommendation: Approval

APPLICANT

Eagle County School District RE-50J

AGENDA ITEM BRIEF

The purpose of this hearing is for the Town Council to determine whether the areas proposed to be annexed meet the applicable requirements of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105 of the Colorado Revised Statute (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 31-12-101 to 31-12-123 C.R.S.

BACKGROUND

The applicant submitted two petitions for annexation to the Town Clerk on November 17, 2010. Per staff recommendation, the Town Council passed Amended Resolution 18 – 2010 and Amended Resolution 19 – 2010 stating that the petitions met the substantial requirements of section 30 of article II of the State Constitution and Section 31-12-107 of the Colorado Revised Statute. These Resolutions set the public hearing date for determining the eligibility of these parcels for annexation for February 16, 2011. Passage of these Resolutions is the next step of the annexation process. Once eligibility for annexation has been established by the passage of these Resolutions, the following steps will be necessary:

- Adoption of separate Ordinances that annex into the Town each parcel;
- Adoption of an Ordinance that authorizes the Mayor to sign an annexation agreement;
- Adoption of an Ordinance that amends the Official Zone District Map of the Town of Minturn and establishes the Maloit Park Character Area

- Passage of a Subdivision Exemption Resolution that creates the 18.156 acre Public Facility Zone of the Maloit Park Character Area. This is the parcel of land that will be deeded to the Town of Minturn.

LOCATION

The 104.552 acre property is located at 1951 Highway 24. (see attached map) This property is commonly referred to as Maloit Park.

ANALYSIS

Per Section 16-1-70 (Annexation Procedure) of the Minturn Municipal Code, "*annexation of land shall be governed by the Colorado Municipal Annexation Act of 1965, as now existing or hereafter amended, except as otherwise provided in the Home Rule Charter or by ordinance hereafter enacted.*"

A parcel of land is eligible for annexation if it meets the requirements of C.R.S. 31-12-104 – Eligibility for Annexation and 31-12-105 - Limitations. The criteria for annexations are listed below in italics. Staff response is provided in bold text.

- *That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.*

The boundary of annexation parcel no. 1 is 7,274.81 feet. One- sixth of that length is 1,212.47 feet. There are 1,458.51 feet of annexation parcel no. 1 that are contiguous to the Town of Minturn. Therefore, the contiguity requirement for parcel no.1 is fulfilled.

The boundary of annexation parcel no. 2 is 5,092.721 feet. One- sixth of that length is 849.79 feet. There are 1,749.9 feet of annexation parcel no. 2 that are contiguous to the Town of Minturn. Therefore, the contiguity requirement for parcel no. 2 is fulfilled.

- *That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.*

The Maloit Park area has been used by residents of Minturn and the surrounding area since the 1930's. The initial development in this area included a picnic area, ball field, tennis courts and a rodeo arena. These improvements transformed the area into a center of social and recreational activity for Minturn and surrounding residents. The ties between the Town of Minturn and the Maloit Park Area became stronger with the construction of a middle school, high school and recreation fields in 1964. A "new" Minturn Middle School was constructed on site in 1978. The fact that Minturn residents have been using the area for more than eighty years and sending their children to school on the

property for more than forty years is evidence that a strong community of interest exists between the Town of Minturn and the Maloit Park Area.

The proposed annexation agreement allows for up to 150 units to be constructed on the property. The fact that Minturn currently provides water service to the property is evidence that the Maloit Park area is currently integrated with the Town of Minturn.

- *No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.*
- *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.*
- *No annexation proceedings concerning the area proposed to be annexed have been commenced by another municipality.*
- *This proposed annexation will not result in the detachment of the area proposed to be annexed from the Eagle County School District RE50J.*
- *No part of the area proposed to be annexed extends the existing Town of Minturn boundary more than three miles in any direction from the Town in any one year.*
- *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.*
- *No petition for annexation election has been submitted and an election is not required pursuant to Sections 31-12-107 (2) and 31-12-112, C.R.S.*

All of the above statements are true and staff concludes that both parcels are eligible for annexation.

ANNEXATION IMPACT REPORT

C.R.S. 31-12-108.5 Annexation Impact Report – Requirements - states that an annexation impact report concerning the proposed annexation shall be prepared at least twenty-five days before the date of the annexation hearing. A copy of this annexation impact report is attached.

PUBLIC NOTICE

Public notice of the annexation was provided in accordance with C.R.S. 31-12-108 – Setting Hearing Date – Notice Given. A copy of the notice is attached to this report.

STAFF RECOMMENDATION

Staff recommends approval of both Resolutions. Approval of these Resolutions will certify that both parcels are eligible for annexation and that the governing body may thereupon annex the areas proposed to be annexed by Ordinance. (C.R.S. 31-12-111)

DRAFT MOTION

I move to approved Resolution 2 – 2011

&

I move to approved Resolution 3 – 2011

OR:

I move an alternate motion

Respectfully Submitted

Chris Cerimele, Town Planner

ATTACHMENTS:

Annexation Impact Report
Annexation Parcel No. 1 map
Annexation Parcel No. 2 map
Resolution 2 – 2011
Resolution 3 – 2011
Proof of Publication

Maloit Park Annexation Impact Report

I. Introduction.

On November 16, 2010, the Eagle County School District RE-50J submitted two Petitions for Annexation to the Town of Minturn. The first Petition for Annexation is for a 75.907 acre parcel of land commonly referred to as the Eagle County School District Maloit Park Parcel No. 1. The second Petition for Annexation is for a 28.645 parcel of land commonly referred to as the Eagle County School District Maloit Park Parcel No. 2. The two annexation parcels comprise an area of approximately 104.5 acres.

II. Report Purpose & Content

Per section 31-12-108.5 of the Colorado Revised Statute (C.R.S.), the annexing municipality shall prepare an impact report concerning the proposed annexation at least twenty-five days before the date of the hearing established pursuant to section 31-12-108 C.R.S. and shall file one copy with the board of county commissioners governing the area proposed to be annexed within five days thereafter. The report shall include the following:

- A map or maps of the municipality and adjacent territory showing the following information:
 - The present and proposed boundaries of the municipality in the vicinity of the proposed annexation.
 - The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
 - The existing and proposed land use pattern in the areas to be annexed.
- A copy of any draft or final pre-annexation agreement, if available.
- A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation.

- A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed.
- A statement identifying existing districts within the area to be annexed.
- A statement on the effect of annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

II-A. Property Overview

The annexation parcels comprise approximately 105 acres and are bordered to the north, south and west by land owned by the United States Forest Service. To the east, the property is bordered by land owned by Ginn Battle North, LLC. Access to the property is via State Highway 24.

The northwest portion of the property is steeply sloped. Cross Creek bisects this area and Minturn's water treatment system occupies a portion of the western bank. Portions of the southern half of the property are moderately sloped with areas of wetlands found in the southwest corner. The remaining areas of the property are relatively flat and contain recreation fields, parking areas and existing building sites. Large stands of aspen and spruce trees are found throughout the site.

The following facilities and improvements are located on the property: Minturn Middle School and associated facilities; the Eagle Valley Community Fund building; single-family housing for Eagle County School District employees; recreation fields and parking areas.

II-B. Maps

The following maps are included in this report:

- A map of the Town and adjacent territory showing the present and proposed boundaries for the Town of Minturn. (Exhibit A)
- A utility map showing present streets, water mains and other utilities. (Exhibit B)
- An existing land use map (Exhibit C)
- A proposed land use map Exhibit D)

Exhibit A

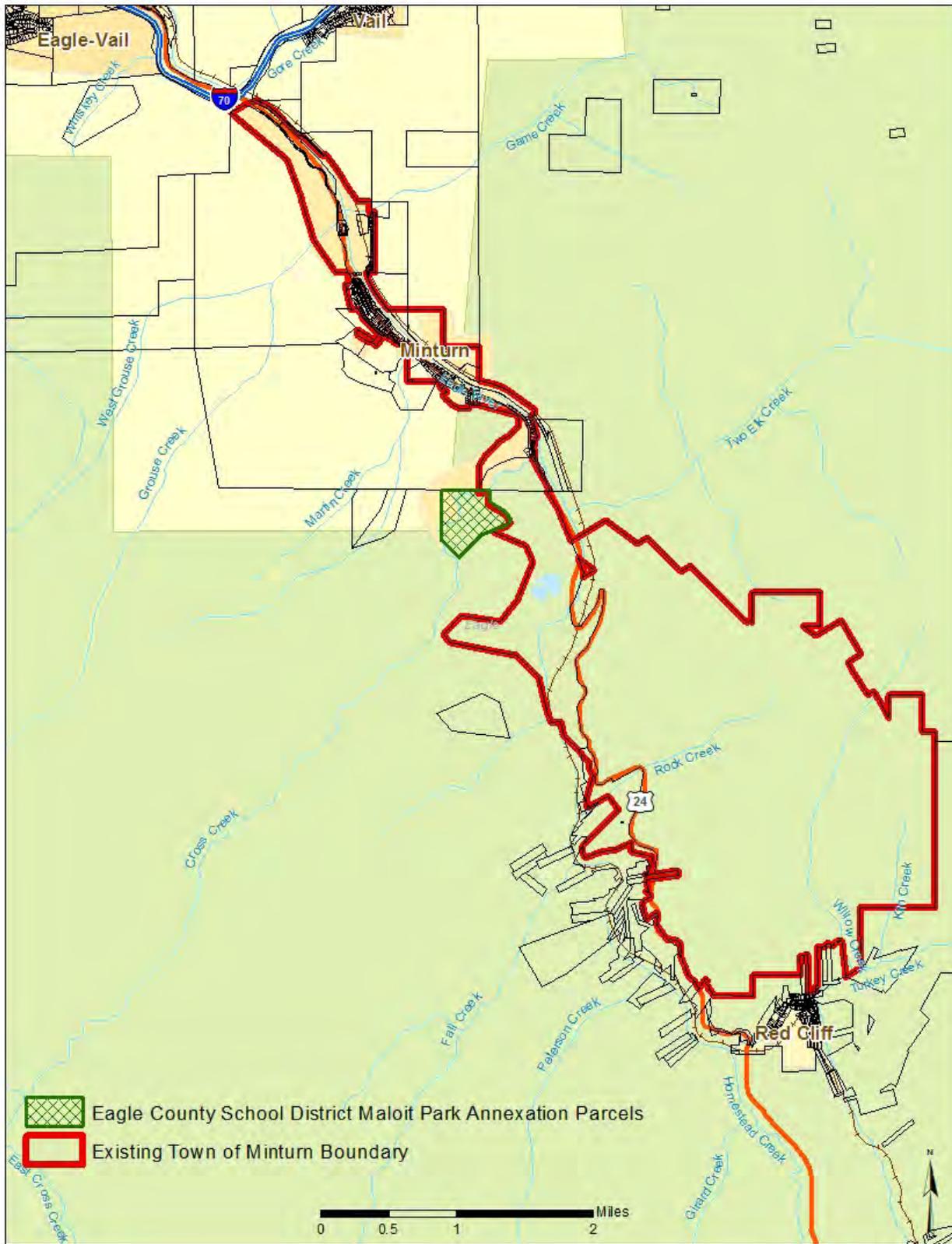
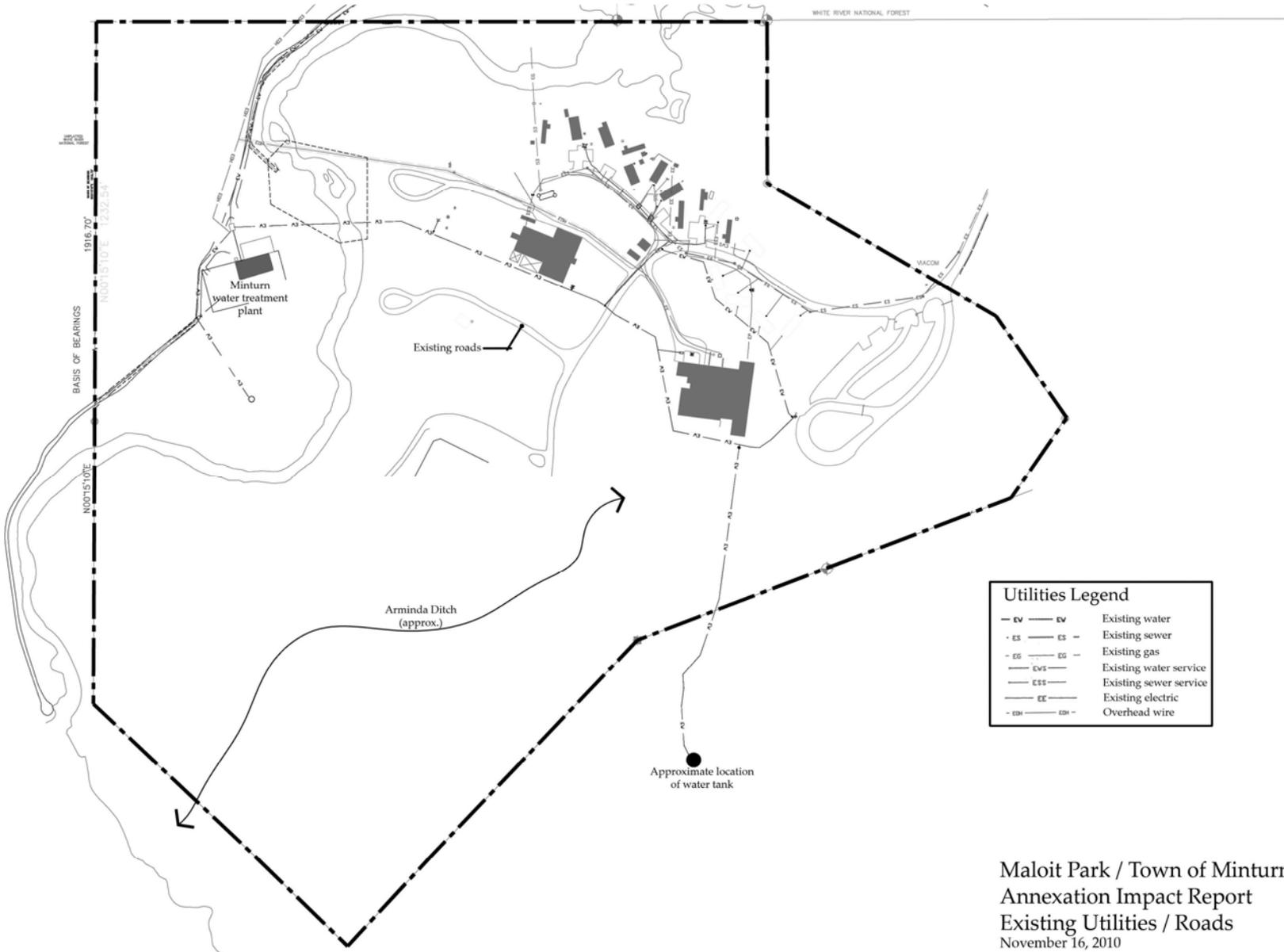
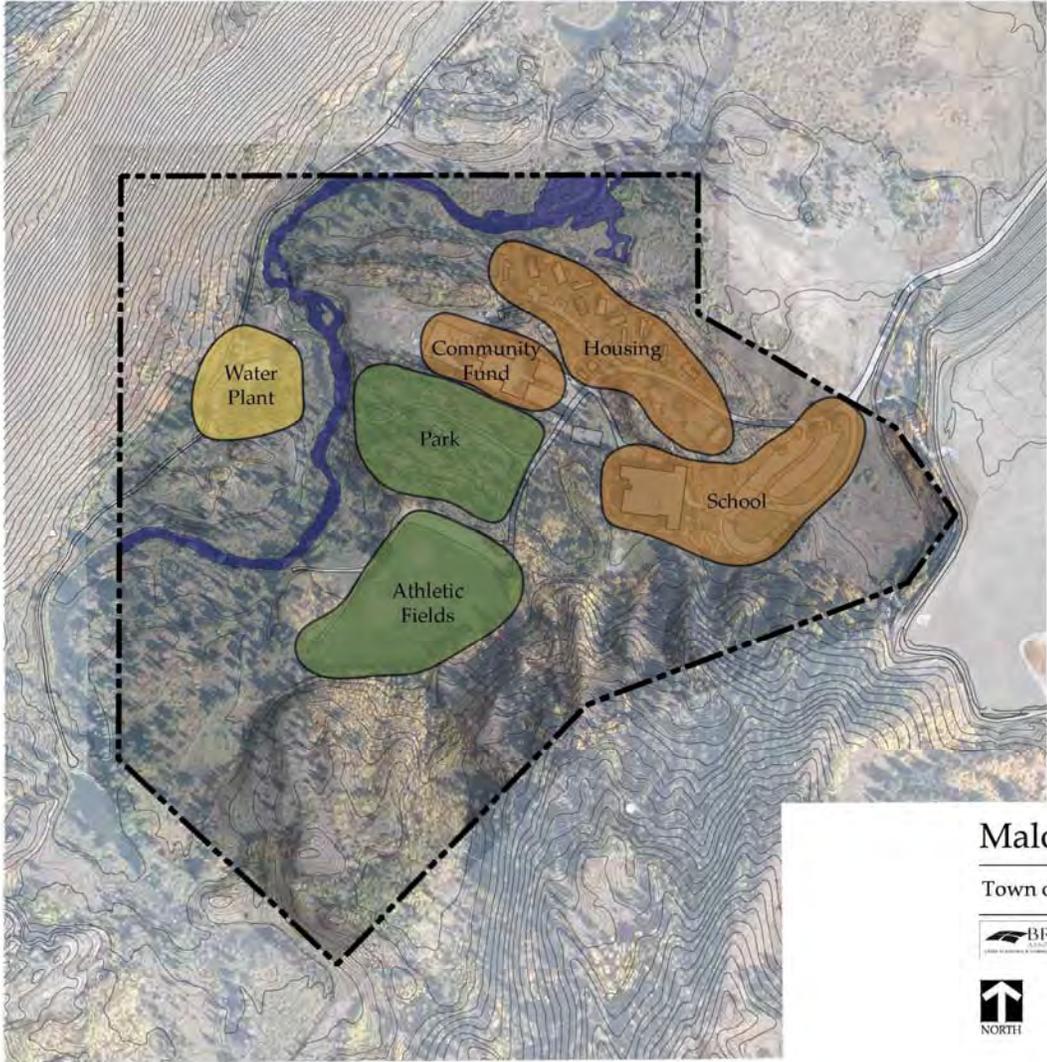


Exhibit B



Maloit Park / Town of Minturn
Annexation Impact Report
Existing Utilities / Roads
November 16, 2010

Exhibit C



Maloit Park -Current Uses

Town of Minturn, Colorado



January 13, 2010



NORTH

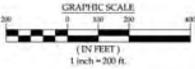
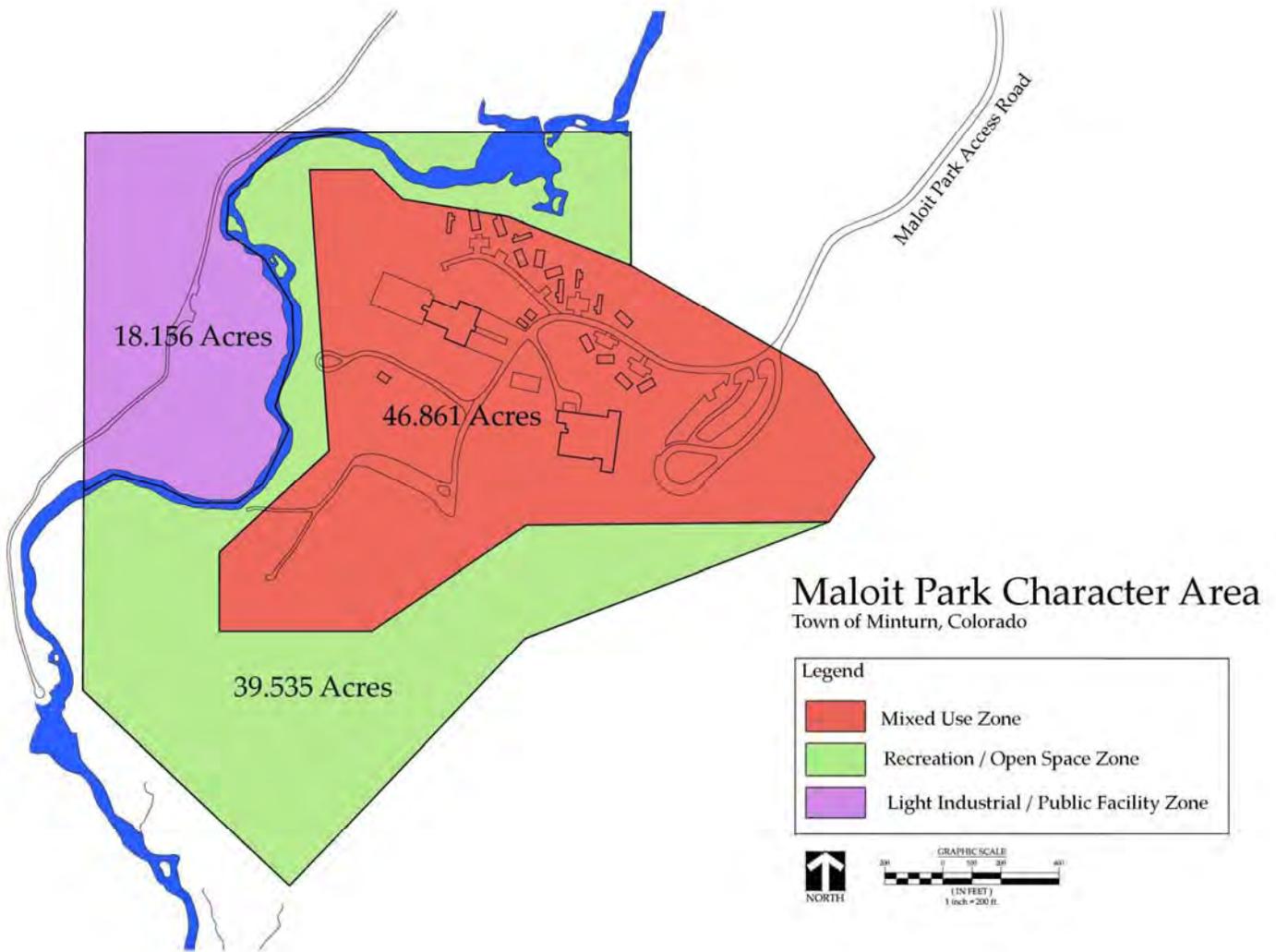


Exhibit D



II-C. Existing and Future Extension of Municipal Services

The property currently receives potable water from the Town of Minturn’s municipal water system. Sanitary sewer collection and treatment services are provided by the Eagle River Water and Sanitation District. These relationships will remain unchanged once the property has been annexed.

No immediate extension of water and sewer services will be required as a result of this annexation. Easements for future development are provided for in section 2.2 of the Annexation Agreement. Any further extension of municipal

services in the future would be paid for by any new development that necessitates such an extension and through tax revenues that accrue to the Town.

The Eagle County Sheriff's Office currently provides police protection for the property. Once the property is annexed, this responsibility will become the Town's. The cost of extending police services to the property is anticipated to be negligible due to the close proximity of the property and small number of residents living at the site.

Fire and ambulance services will continue as they have historically been provided by the Eagle County Fire Protection District and the Eagle County Health Services District.

II-D. Existing Districts

The property lies within the Eagle River Fire Protection District, Eagle County Health Services District, Eagle River Water and Sanitation District, Minturn Cemetery District, Eagle Valley Library District, Colorado River Water Conservation District, and the Eagle County School District RE-50J.

II-E. Impact on Schools

Current residents of the property have been accounted for by the Eagle County School District. Future development of the property is limited to 150 single family equivalent (SFE) units. Assuming that these 150 units will generate approximately 345 people (150 x 2.3 people per SFE), full build-out of the property would generate approximately 45 students. This figure assumes that there are two adults in each of the single family equivalent units. The existing Minturn Middle School, located on-site, has a current enrollment of approximately 150 students and a capacity of greater than 400 students. Therefore, no additional capital construction will be required as a result of this annexation.

ANNEXATION MAP MALLOIT PARK ANNEXATION TOWN OF MINTURN SECTION 2, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE 6TH P.M. EAGLE COUNTY, COLORADO

MINTURN TOWN COUNCIL CERTIFICATE

The Town Council of the Town of Minturn, Colorado, by resolution No. _____, adopted on this _____ day of _____, 2012, has determined that the Malloit Park Annexation Parcel No. 1, located in Section 2, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado, is in the public interest and that the proposed annexation of said parcel to the Town of Minturn is in the best interests of the Town of Minturn.

The Town Council of the Town of Minturn, Colorado, by resolution No. _____, adopted on this _____ day of _____, 2012, has determined that the Malloit Park Annexation Parcel No. 2, located in Section 2, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado, is in the public interest and that the proposed annexation of said parcel to the Town of Minturn is in the best interests of the Town of Minturn.

Witness my hand and the Corporate Seal of the Town of Minturn, County of Eagle, State of Colorado, this _____ day of _____, A.D. 2012.

MINTURN TOWN COUNCIL CERTIFICATE

The Town Council of the Town of Minturn, Colorado, by resolution No. _____, adopted on this _____ day of _____, 2012, has determined that the Malloit Park Annexation Parcel No. 1, located in Section 2, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado, is in the public interest and that the proposed annexation of said parcel to the Town of Minturn is in the best interests of the Town of Minturn.

The Town Council of the Town of Minturn, Colorado, by resolution No. _____, adopted on this _____ day of _____, 2012, has determined that the Malloit Park Annexation Parcel No. 2, located in Section 2, Township 6 South, Range 81 West of the 6th P.M., Eagle County, Colorado, is in the public interest and that the proposed annexation of said parcel to the Town of Minturn is in the best interests of the Town of Minturn.

Witness my hand and the Corporate Seal of the Town of Minturn, County of Eagle, State of Colorado, this _____ day of _____, A.D. 2012.

SURVEYOR'S CERTIFICATE

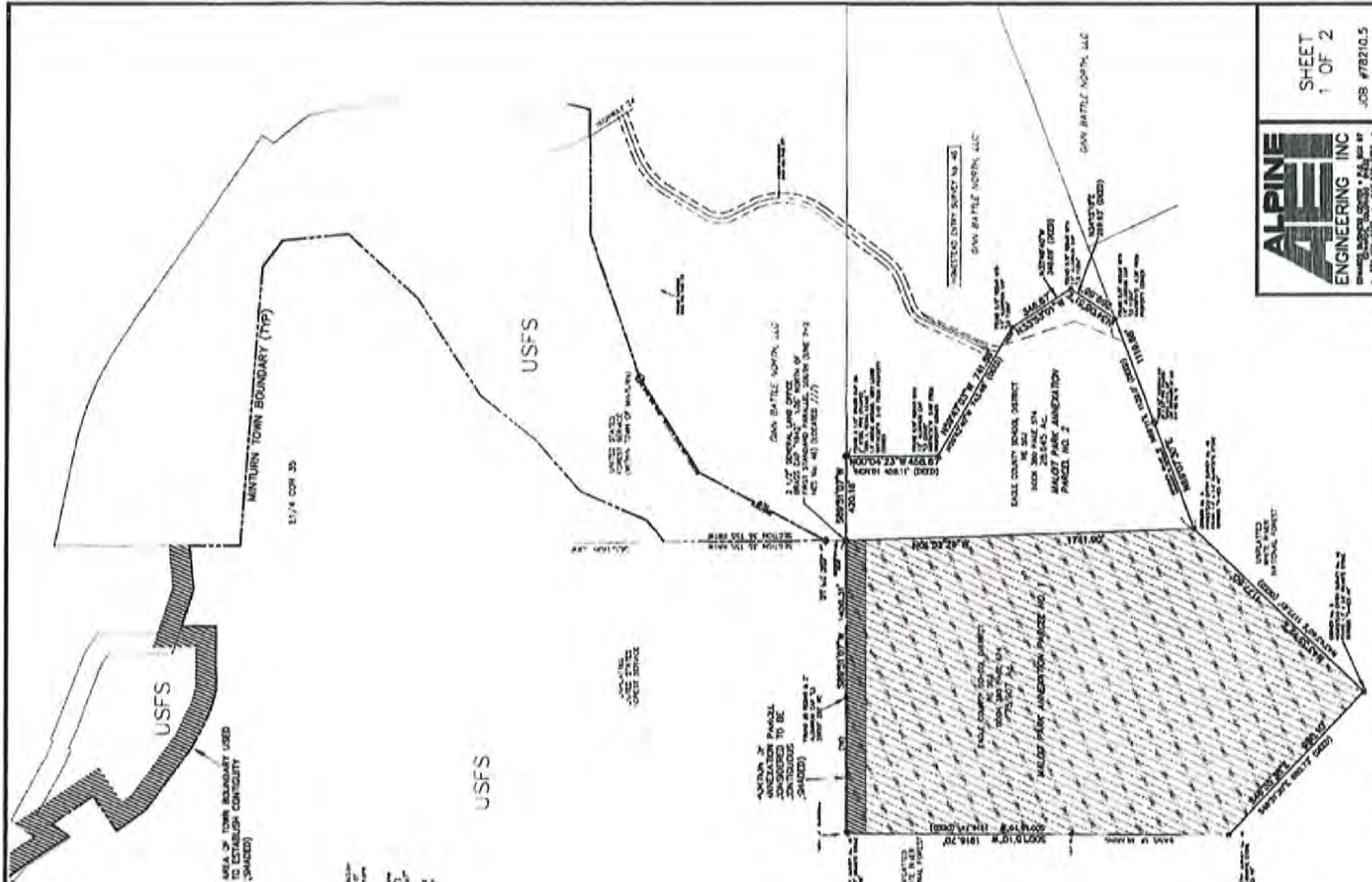
I, Robert S. Lee, a Registered Professional Land Surveyor, having been duly sworn, do hereby certify that the foregoing map and description were prepared by me or under my direct supervision and that I am a duly licensed and qualified professional land surveyor in the State of Colorado. I further certify that the map and description were prepared by me or under my direct supervision and that I am a duly licensed and qualified professional land surveyor in the State of Colorado. I further certify that the map and description were prepared by me or under my direct supervision and that I am a duly licensed and qualified professional land surveyor in the State of Colorado.

Witness my hand and the Corporate Seal of the State of Colorado, this _____ day of _____, A.D. 2012.

CLERK AND RECORDER'S CERTIFICATE

This annexation map and this map were filed in the Office of the Eagle County Clerk and Recorder at _____, Colorado, on this _____ day of _____, A.D. 2012 and is duly recorded as Registration No. _____.

City of _____, State of Colorado



ALPINE
ENGINEERING INC.
1000 W. 10TH AVENUE, SUITE 100
DENVER, CO 80202

SHEET
1 OF 2
JOB #78210.5

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 2 – SERIES 2011**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO ESTABLISHING ELIGIBILITY FOR ANNEXATION OF THE
EAGLE COUNTY SCHOOL DISTRICT MALOIT PARK ANNEXATION
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 legal description, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, was submitted to the Town Clerk on November 17, 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 Amended Resolution No. 18 – Series 2010 on January 5, 2011 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 February 16, 2011, which date was not less than 30 days nor more than 60 days after the effective date of the Amended 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, without limitation, 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 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 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.

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 Eagle County School District Maloit Park Parcel No. 1 is eligible for annexation pursuant to the applicable parts of Section 31-12-104, C.R.S.
2. None of the limitations of Section 31-12-10,5 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 of Article II of the State Constitution or 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 31-12-111, C.R.S. without election.
7. Having found that the Eagle County School District Maloit Park Parcel No. 1 is eligible to be annexed, that the applicable provisions 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, that an election is not required under Section 31-12-107(2), and that additional terms and conditions are not to be imposed, the Town Council of the Town of Minturn hereby resolves that the parcel should be annexed to the Town of Minturn by Ordinance and resolves that the Town Council of the Town of Minturn will undertake further proceedings to pass such an Ordinance confirming and adopting this Resolution in accordance with the applicable provisions of the Minturn Municipal Code and Charter and Municipal Annexation Act of 1965.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 16th day of February, 2011.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
EAGLE COUNTY SCHOOL DISTRICT MALOIT PARK PARCEL NO. 1

A tract of land embracing a portion of Homestead Entry Survey No. 46 in the Northwest Quarter and the West One-half of the Northeast Quarter of Section 2 of unsurveyed Township 6 South Range 81 West of the Sixth Principal Meridian, being also a portion of the parcel described in the Deed and Agreement recorded March 19, 1984 in Book 380 at Page 574, more particularly described as follows:

Beginning at corner No. 7 of Homestead Entry Survey No. 46 (HES 46), a found 24X13X10" granite stone scribed "7 HES 46", whence a 250' witness corner (found 2" aluminum cap on 5/8" rebar, "LS 33655") bears N89°51'07"E, 674.15 feet; thence S00°15'10"W, 1916.70 feet to Corner No. 6 of said HES 46 (18"X7" granite stone scribed "6-HES 46"; thence S46°35'38"E, 980.10 feet to Corner No. 5 of said HES 46 (1.3'X0.6' granite stone scribed "5-HES 46"; thence N43°35'12"E, 1177.60 feet to Corner No. 4 of said HES 46 (1.4'X0.5' quartzite stone scribed "4-HES 46"; thence N01°52'29"E, 1741.90 feet to a point on Line 7-2 of said HES 46; thence S89°51'07"W, 1458.51 feet to the Point of Beginning.

The described parcel contains 75.907 acres more or less.

County of Eagle
State of Colorado

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 3 – SERIES 2011**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO ESTABLISHING ELIGIBILITY FOR ANNEXATION OF THE
EAGLE COUNTY SCHOOL DISTRICT MALOIT PARK PARCEL No. 2**

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 November 17, 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 Amended Resolution No. 19 – Series 2010 on January 5, 2011 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 31-12-108 C.R.S. and held such hearing on February 16, 2011, which date was not less than 30 days nor more than 60 days after the effective date of the Amended 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, without limitation, 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 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 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.

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 Eagle County School District Maloit Park Parcel No. 2 is eligible for annexation pursuant to the applicable parts of Section 31-12-104, C.R.S.
2. None of the limitations of 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 of Article II of the State Constitution or 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 31-12-111, C.R.S. without election.
7. Having found that the Eagle County School District Maloit Park Parcel No. 2 is eligible to be annexed, that the applicable provisions 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, that an election is not required under Section 31-12-107(2), and that additional terms and conditions are not to be imposed, the Town Council of the Town of Minturn hereby resolves that the parcel should be annexed to the Town of Minturn by Ordinance and resolves that the Town Council of the Town of Minturn will undertake further proceedings to pass such an Ordinance confirming and adopting this Resolution in accordance with the applicable provisions of the Minturn Municipal Code and Charter and Municipal Annexation Act of 1965.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 16th day of February, 2011.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
EAGLE COUNTY SCHOOL DISTRICT MALOIT PARK PARCEL NO. 2

A tract of land embracing a portion of Homestead Entry Survey No. 46 in the Northwest Quarter and the West One-half of the Northeast Quarter of Section 2 of unsurveyed Township 6 South Range 81 West of the Sixth Principal Meridian, being also a portion of the parcel described in the Deed and Agreement recorded March 19, 1984 in Book 380 at Page 574, more particularly described as follows:

Beginning at Corner No. 4 of Homestead Entry Survey No. 46 (HES-46), a found 1.3'X0.6' quartzite stone scribed "4-HES 46", whence Corner No. 5 of said HES 46 (1.3'X0.6' granite stone scribed "5-HES 46" bears S43°35'12"W, 1777.60 feet; thence along the southerly line of said HES 46 N69°07'30"E, 1119.80 feet; thence departing said southerly line N34°08'51"E, 269.86 feet; thence N33°53'01"W, 346.67 feet; thence N59°47'03"W, 741.58 feet; thence N00°04'23"W, 458.67 feet to Line 7-2 of HES 46; thence along said Line 7-2 S89°51'07"W, 420.16 feet; thence departing said Line 7-2 S01°52'29"E 1741.90 feet to the Point of Beginning.

The described parcel contains 28.645 acres more or less.

County of Eagle
State of Colorado

6035485

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller:
Receipt

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO

Zip: 81645

Ad Name: 6035485A

Original Id: 0

Editions: 8VDI/8VD/

Class: 0990

Start: 01/16/11

Stop: 02/13/11

Color:

Issue 5

Copyline: 6035485 Maloit Park Annex Parcel

Rep: Pam Schultz

PUBLIC NOTICE

Notice is hereby given that the Town of Minturn has received a Petition for Annexation for a 75.9 acre parcel of land commonly referred to as the iEagle County School District Maloit Park Parcel No. 11.

On January 5, 2011, the Town Council of the Town of Minturn passed Amended Resolution 18- 2010. This Resolution sets the public hearing on the Petition for Annexation for the following date, time and place.

- February 16, 2011
- 7:00 pm
- Minturn Town Center
- 302 Pine Street
- Minturn, CO 81645

At the above place, date and time, the Town Council of the Town of Minturn will hold a public hearing on Amended Resolution 18 - 2010 for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and sections 31-12-104 and 31-12-105 of the Colorado Revised Statute and is considered eligible for annexation. Please direct any questions to the Minturn Town Planner at 970-827-5645.

Published in the Vail Daily January 16, 23, and 30, 2011 and February 6 and 13, 2011. (6035485)

Ad shown is not actual print size

Lines:	33
Depth:	2.69
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	66.00
Payment	0.00

6035605

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Chris
Receipt

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO
Zip: 81645

Ad Name: 6035605A
Editions: 8VD/8VDI/
Start: 01/16/11
Color:
Copyline: 66035605 Annex Parcel 2 maloit Pa

Original Id: 0
Class: 0990
Stop: 02/13/11
Issue 5
Rep: Pam Schultz

PUBLIC NOTICE

Notice is hereby given that the Town of Minturn has received a Petition for Annexation for a 28.6 acre parcel of land commonly referred to as the "Eagle County School District Maloit Park Parcel No. 2".

On January 5, 2011, the Town Council of the Town of Minturn passed Am ended Resolution 19 ñ 2010. This Resolution sets the public hearing on the Petition for Annexation for the following date, time and place.

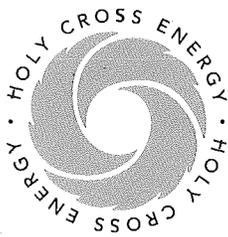
- February 16, 2011
- 7:00 pm
- Minturn Town Center
- 302 Pine Street
- Minturn, CO 81645

At the above place, date and time, the Town Council of the Town of Minturn will hold a public hearing on Amended Resolution 19 - 2010 for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and sections 31-12-104 and 31-12-105 of the Colorado Revised Statute and is considered eligible for annexation. Please direct any questions to the Minturn Town Planner at 970-827-5645.

Published in the Vail Daily January 16, 23, and 30, 2011 and February 6 and 13, 2011. (6035605)

Ad shown is not actual print size

Lines:	33
Depth:	2.69
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	66.00
Payment	0.00



3799 HIGHWAY 82 • P.O. BOX 2150
GLENWOOD SPRINGS, COLORADO 81602
(970) 945-5491 • FAX (970) 945-4081

February 16, 2011

Town of Minturn
Attn: Jim White
P. O. Box 309
302 Pine Street
Minturn, Colorado 81645

Dear Mr. White:

The Town Council enacted Ordinance No. 7, Series of 2000, granting a franchise to Holy Cross Energy to furnish, sell and distribute electrical energy to the inhabitants of the Town and fixing the terms and conditions.

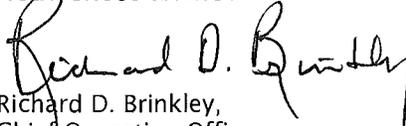
On September 15, 2010, the franchise was granted a temporary extension. On March 4, 2011, the said extended franchise will expire.

The Town Council has not granted a new franchise to Holy Cross Energy, although negotiations are continuing and completion of negotiations for a new franchise will require additional time.

To facilitate the completion of the negotiations, the Town Council desires to temporarily extend the current franchise to Holy Cross Energy.

The temporary extension of the franchise granted to Holy Cross Energy under the terms and conditions contained in Ordinance No. 7, Series of 2000, is hereby executed and shall be extended to such time as a new franchise is executed or until the 21st day of September 2011, whichever occurs first.

Sincerely,
HOLY CROSS ENERGY



Richard D. Brinkley,
Chief Operating Officer

RDB:vw

HOLY CROSS ENERGY

TOWN OF MINTURN

Del Worley, Chief Executive Officer

Gordon Flaherty, Mayor

\\Brinkley\Minturn2011FranchiseExtension