



2011

Minturn Council Meeting

Wednesday October 5, 2011

Work Session: **5:00pm**

Regular Session: **6:30pm**
(Town Center)

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 October 5, 2011

Work Session – 5:00pm

Regular Session – 6:30pm

**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.

Work Session – 5:00pm

Please remember to bring your FY2012 Budget Book

- Work Session – Presentation and review of 2012 Goals – White (30min)
- Work Session - FY2012 Budget Review – Brunvand/White (45min)

Regular Session – 6:30pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

2. Approval of Agenda

- a. Items to be Pulled or Added

- 3. Approval of Minutes and Action Report**
 - September 21, 2011
 - Action Item Report
- 4. Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
- 5. Special Presentations/Citizen Recognition**
 - Special Events presentation – Metteer (15min)
- 6. Planning Department Update**
- 7. Town Manager’s Report**
- 8. Town Council Comments**

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

- 9. Discussion/Action – Resolution 6 – 2011, a Resolution in support of Eagle River Fire Protection District Ballot Question of November 1, 2011 – White (5min)**
- 10. Discussion/Action – Ordinance 10 - 2011 (Second Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn – Cerimele (15min)**
- 11. Discussion/Action – Council Action Item to formally accept the FY2012 Budget – Brunvand/White (10min)**

EXECUTIVE SESSION

- 12. Executive Session –Pursuant to CRS 24-6-402(4)(f) for the purposes of discussing the Town Manager’s annual review and CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update – White/Christensen**
- 13. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

FUTURE AGENDA ITEMS

14. Next Meeting – October 19, 2011

- Work Session: FY2012 Budget Work Session Retreat – Brunvand/White (45min)
- Work Session: Request to vacate public land – White (30-45min)
- Work Session: Kevin Bakko, Radio Tower – 10/19/2011 (15min)

15. Future Meeting

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 11/2/11
- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White 11/2/11 (45min)
- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2012 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2012 Budget Ordinances – Brunvand/White 12/7/11 (15min)
- Meeting: Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park Area – Cerimele (20min)
- Meeting: Discussion/Action – Ordinance 9 – 2011 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings)

16. Set Future Meeting Dates

a) Council Meetings:

- October 19, 2011
- November 2, 2011
- November 16, 2011

b) Planning & Zoning Commission Meetings:

- October 12, 2011
- October 26, 2011
- November 9, 2011

c) Other Dates:

17. Adjournment



TOWN OF MINTURN

FISCAL YEAR 2012 BUDGET

October 5, 2011

Council Worksession

Town Council Priorities—2011

1. Transit
2. Sidewalks
3. Annex School District Property
4. Community Communication Strategy
5. Enforce Zoning Laws

FY 2012 Budget

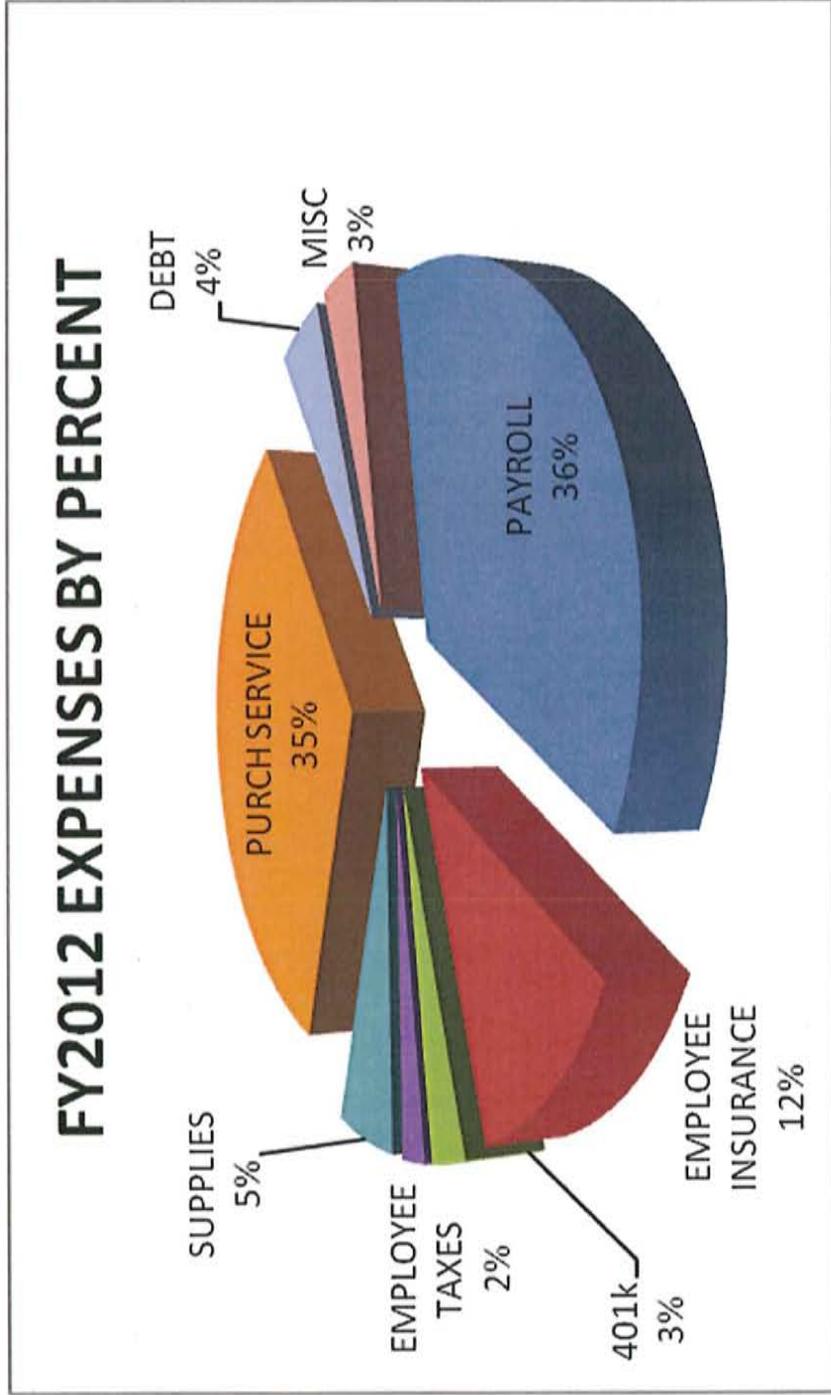
General Fund Revenue - Highlights

- 2012 Property Tax collections based on the recent valuations will be \$135,299 less than 2011 or a 23.39% reduction
- Sales Tax is projected to be on the rise an anticipated \$18,000 or 4% above 2010 actual

FY2012 BUDGET

- General Fund total Expenses \$1,585,109
- Enterprise Fund total Expenses \$693,436.
- 2012 Budget estimate for General and Enterprise Funds expense is \$2,190,179
- Year End 2011 Estimate for General and Enterprise Funds expense (net of BMR) is \$2,339,937
- This represents a 6% overall reduction

FY2012 BUDGET



FY2012 BUDGET

The Town payroll as budgeted includes only 12 positions filled and, including employee benefits, totals \$1,146,172; a \$57,100 decrease from 2011's budget.

FY2012 BUDGET

- Total Funded Town Positions = 12
- General Fund Employees = 9.25 (77%)
- Enterprise Fund Employees = 2.75 (23%)

(Note: these percentages correspond to the actual breakdown used for our Workers Compensation Audit calculations and is comparable to actual hours worked as well)

FY2012 BUDGET

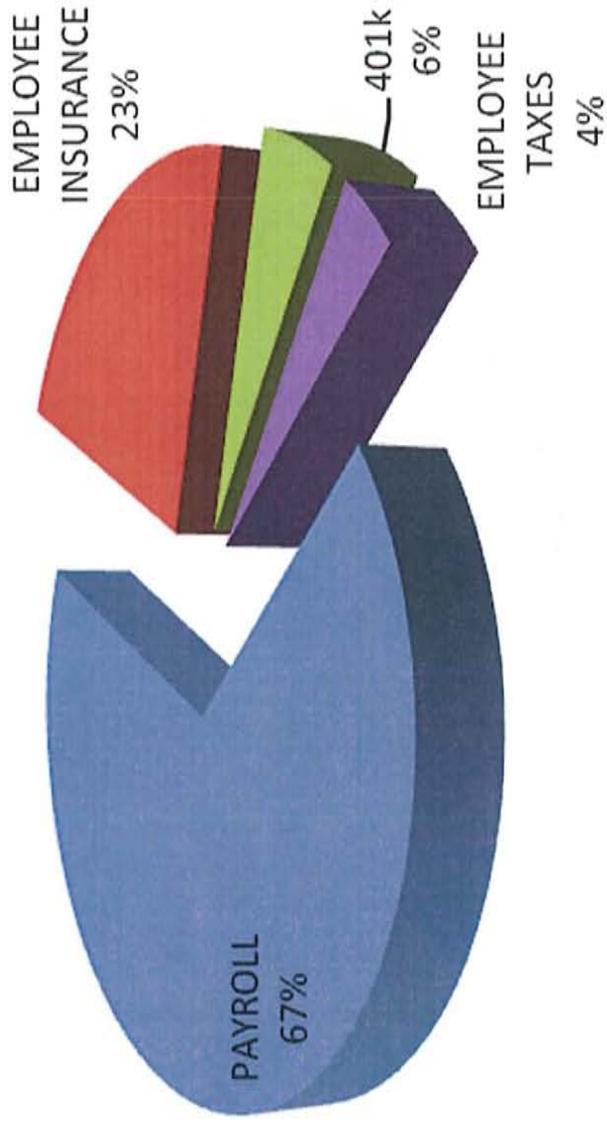
- Based on the work being performed the wages are separated into either the General Fund or the Enterprise Fund
- The Wage/Benefits held in the General Fund total \$868,380 (75%) and the Wage/Benefits in the Enterprise Fund total \$277,792 (25%)

FY2012 BUDGET

- Enterprise % of employee
 - 1 Meter Specialist 100%
 - 3 employees at 33% each
 - Town Manager 25%*
 - Town Treasurer/Town Clerk 50%*
- (*Historically established)

FY2012 PAYROLL BUDGET

WAGES, TAXES, AND BENEFITS



FY2012 BUDGET

- The Employee Benefit Package is reviewed annually by Staff

Employee Insurance Actual Cost Overview

YEAR	ACTUAL EMP'EE INSURANCE COST	TOTAL EMP'EEES	COST PER EMP'EE	PERCENT INC/(DEC)
2006	194,336.22	16	12,146.01	-
2007	209,670.24	15	13,978.02	13%
2008	230,803.52	14	16,485.97	15%
2009	204,771.96	14	14,626.57	-11%
2010	188,673.32	12	15,722.77	-8%
2011 est	190,600.00	12	15,883.33	1%

FY2012 BUDGET

GENERAL FUND CAPITAL EXPENDITURES	
INTERFUND CAPITAL TRANSFER	47,084.00
2009 CAT LOADER	17,766.00
BOBCAT	3,000.00
COPY MACHINE ROTATION	7,500.00
STREET/SIDEWALK/DRAINAGE	30,000.00
PW TOOLS	2,000.00
COMPUTER ROTATION	3,500.00
TOTAL	\$110,850.00

FY2012 BUDGET

ENTERPRISE FUND CAPITAL EXPENDITURES	
INTERFUND CAPITAL TRANSFER	20,179.00
2009 CAT LOADER	17,766.00
BOBCAT	3,000.00
TOWN BLDING/PARK MAINT	6,000.00
PW TOOLS	5,000.00
WATER PLANT/SYSTEM	40,000.00
COPY MACHINE ROTATION	7,500.00
TOTAL	\$99,445.00

FY2012 BUDGET CALENDAR

FY 2012 BUDGET SCHEDULE

'11 DATE	DESCRIPTION	NOTES	TO DO
APRIL THROUGH JULY	STAFF REVIEW AND CONSIDERATION	REVIEW BUDGET AND FIELD QUESTIONS FROM STAFF AS NECESSARY. STAFF WILL HAVE OPPORTUNITY TO SUPPLY INPUT ON BOTH THEIR BUDGET AND CIP NEEDS	
SEPTEMBER 2011	WORK SESSIONS OR MANAGER'S REPORT AS NEEDED	Discuss Preliminary Budget concerns and receive direction from Council as needed.	
10/05/2010	WORK SESSION	REVIEW BUDGET AND FIELD QUESTIONS FROM COUNCIL AS NECESSARY	Council to receive Preliminary Budget by October 1st.
	COUNCIL MEETING	COUNCIL WILL FORMALLY ACCEPT THE BUDGET AS REQUIRED BY C.R.S 29-1-106(1) This will be a time for Council comments and Direction as well.	AFTER MEETING POST AND PUBLISH IN NEWSPAPER THE "NOTICE OF BUDGET"
10/19/2010	WORK SESSION RETREAT	REVIEW BUDGET AND FIELD QUESTIONS FROM COUNCIL AS NECESSARY	
11/02/2010	COUNCIL MEETING	1ST PUBLIC HEARING ON THE PROPOSED BUDGET AS ACCEPTED ON OCTOBER 6th	
11/16/2010	COUNCIL MEETING	2ND PUBLIC HEARING ON THE DRAFT BUDGET BUDGET ADOPTION ON FIRST READING MILL LEVY ADOPTION ON FIRST READING FY 2010 SUPPLEMENTAL APPROPRIATION ON FIRST READING	PUBLISH ORDINANCES IN FULL IN NEWSPAPER
12/07/2010	COUNCIL MEETING	BUDGET ADOPTION ON FINAL READING MILL LEVY ADOPTION ON FINAL READING FY 2010 SUPPLEMENTAL APPROPRIATION ON FINAL READING RESOLUTION OF TOWN FEE SCHEDULE	PUBLISH ORDINANCES BY TITLE ONLY IN NEWSPAPER POST RESOLUTION

FY2011 BUDGET

Questions

And

Answers



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street
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Wednesday September 21, 2011

Work Session – 6:00pm
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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 – 6:00pm

- Work Session – Millie Hamner, House of Representatives, District 56 – White (20min)

Regular Session – 6:30pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:30 pm.

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

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Treasurer/Clerk Jay Brunvand, Planner Chris Cerimele, and Deputy Clerk Michelle Metteer.

2. Approval of Agenda

- a. Items to be Pulled or Added

Motion by Shelley B., second by George B., to approve the agenda as amended; all voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

Add Kayak presentation to Special Presentations sections.

3. Approval of Minutes and Action Report

- September 7, 2011
- Action Item Report

Motion by Shelley B., second by John R., to approve the minutes as presented; all voted in favor.

4. Liquor License Authority

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min)

Motion by George B, second by Aggie M, to approve Mile Liquors Annual Renewal of a liquor store License at 341 Main St. All voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

- Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum, Owners – Brunvand (10min)

Motion by John R, second by Shelley B, to approve Shop N Hop #12 Annual Renewal of a 3.2% Beer License; 401 Main St.; Terry Marcum and James Marcum. All voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

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

Michael Gallagher, 475 Pine St, Representative, Board of Directors Eagle River Fire Protection District is available to answer questions regarding ballot question 5A on the mail-in ballot this Fall. He recommends approval of ballot question 5A.

Charlie Moore, acting as Private Citizen, Edwards resident, answered questions ranging from impact fees to staffing levels

6. Special Presentations/Citizen Recognition

Andy Kaufman, Minturn Saloon 146 N Main Street addressed the interest for a kayak and raft course in Town on the Eagle River. There is significant support from the rafting and kayak

communities which have been working with Town Staff to review the options for a course in Minturn. The Minturn Community Fund would lend organizational, fundraising and marketing support to the event on a yearly basis.

Chris Reeder (0366 Luxberg Lane, Eagle Vail) and Mike Reed (60 Beecher St, Eagle), US National Kayak Team and Minturn Business Owners (Timberline Tours) were asked to design a course. Diagrams were provided for review. This type of course is currently not available in Eagle County.

Post features of the course would be removed seasonally. Tim Boyle, Engineer, has been retained to design the post and sleeve aspects of the course.

Chris C, indicated this course would not alter the channel or the flow of the river and therefore does not require a permit for the river.

This course is currently designed to be built to international race standards.

Hawkeye F, expressed concerns regarding the danger of the bridge and parking issues at the put-in location. He requested a liability waiver for the course if this project moves forward. He also requested proof of approval from the Railroad and the highway for right-of-way use.

Andy Kaufman assured that the insurance companies of the Community Fund and the kayak race series will cover the necessary liabilities.

All staffing needs for the course will be handled by the Minturn Community Fund.

Michael Gallagher, 475 Pine St, reminded the Council that parking issues can be overcome by following the same model being used by the Minturn Market.

7. Planning Department Update

Planning Commission Meeting Update

The Planning Commission met on 9/14/2011 to hear a design review application for a single family residence at 272 Main Street. The application was unanimously approved by the Planning Commission. As this property is a previously undeveloped lot, the Town will receive a \$6,500 payment for a new water tap along with the applicable building permit fees.

251 Main Street

The applicant for the single family residence that was approved by the Planning Commission in March of this year has submitted an application for a building permit along with construction drawings for the project. The Building Inspector is currently reviewing the plans and the building permit is expected to be issued the week of September 19th. Construction on the site is anticipated to begin by the end of the month.

Nuisance Enforcement

Several residents were recently sent violation notices informing each respective property owner that nuisance ordinance violations existed at their properties. Staff has requested that each property owner show demonstrated progress towards cleaning up their properties prior to the onset of winter with a goal of full compliance by the time of the annual spring cleanup.

8. Town Manager's Report

XCEL Natural Gas Pipeline Project Continues!

The XCEL Pipeline Project from Edwards to Minturn continues. Concerns have been addressed about the excavation done on the hillside on the north end of Town. Jimmy Smith is project manager. Overall project completion has been extended and is currently set for September 27, 2011. With any questions, please call XCEL at 1-877-481-6380.

Maloit Park Water Tank

Inspection of the Maloit Park water tank determined the need to make repairs. Public Works has secured two bids for the job. The plan would be to complete restoration of both the inside and outside of the tank. I have negotiated with the School District to have them pay for the repairs per a 1964 Agreement between the Town and the School District. We will create a Memorandum of Understanding (MOU) to secure full payment over a four year period. Universal Coatings has been selected to do the work and has been given a notice to proceed.

CDOT Highway Maintenance Agreement

Last week, CDOT sent a revised annual contract for maintenance on Highway 24 through Minturn. The annual costs did not change/ \$27,000 annually. Additionally, I requested repairs in several areas where our storm drainage and catch basins are deteriorated. A letter will be prepared and sent to document the areas where repairs by CDOT are most needed.

Vail Valley Theater Company

The Vail Valley Theater Company is tentatively planning to present the Rocky Horror Picture Show in Minturn on October 21, 22, 28, and 29, 2011. We are working to find partners to help sponsor this event.

I-70 Mountain Corridor Mobility and Operational Assessment

The I-70 Assessment has been completed and a lengthy document prepared. It is dated August 2011. It summarizes a week long workshops focused on improving traffic operations and mobility on the I-70 Mountain Corridor through potential low cost and no cost options.

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. Our committee met on August 9, 2011, and again on August 30, 2011. The meeting scheduled for September 13, 2011 was postponed to a future date. I visited the upper mountain site on Thursday, September 15th with Mike Jackson.

Drainage Issue 491 Main Street

Steve Humann, TST engineer representing the Town of Minturn, visited a property in Minturn to address drainage issues. His recommendations are included following this report.

Budget Calendar

The budget review at the Town Council level will begin at the October 5, 2011 meeting. Much preliminary discussion at the staff level began earlier this summer.

Radio Tower Site

I received a call from an individual named Kevin Bakko on Thursday morning, September 15, 2011 inquiring about being on a future Town Council agenda to discuss the Radio Tower site. He has been scheduled on the October 19th, 2011 agenda.

9. Town Council Comments

The Mayor asked if the patch of thistles north of the Railroad property, can be removed by the property owner.

Shelley B, asked if the State has any Pine Beetle mitigation funding available to clear out some of the hazardous and decayed trees south of Town.

The Mayor asked if the pothole on Pine St by the Fire Station will be repaired more than the millings that currently fill the hole.

John R, indicated that thistle are in bloom right now and the seeds will remain in the soil for approximately 20 years. This scenario will worsen year after year until addressed. Homeowners can buy herbicides at stores like Home Depot to control this. Early in the season was recommended.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action – Ordinance 10 - 2011 (Second Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn – Cerimele (15min)

Motion by John R, second by Shelley B, to table Ordinance 10 – 2011 (Second Reading) to October 5, 2011, an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn.

Direction from council for the Towne Homes representatives to provide proof that the culverts, catch basins and settling ponds have been cleaned and maintained before the Towne Homes representatives return to address Council.

EXECUTIVE SESSION

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

Motion by Shelley B, second by John R, to convene into Executive Session Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, Radio Tower Update, water right issues, and EPA update. All voted in favor. (Note: Earle Bidez and Jerry Bumgarner were absent, excused.)

12. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)

FUTURE AGENDA ITEMS

13. Next Meeting – October 5, 2011

- Work Session – 2012 Goal Setting – White (30min) 10/5/11
- Work Session - FY2012 Budget Review – Brunvand/White (45min) 10/5/11
- Discussion/Action – Council Action Item to formally accept the FY2012 Budget – Brunvand/White 10/5/11 (10min)
- Special Presentation - Special Events Winter update.

14. Future Meeting

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan.
- Worksession: FY2012 Budget Work Session Retreat – Brunvand/White 10/19/11 (45min)
- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White 11/2/11 (45min)
- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2012 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
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- Meeting: Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park Area – Cerimele (20min)
- Meeting: Discussion/Action – Ordinance 9 – 2011 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings)
- Kevin Bakko, Radio Tower – 10/19/2011

15. Set Future Meeting Dates

a) Council Meetings:

- October 5, 2011
- October 19, 2011
- November 2, 2011

b) Planning & Zoning Commission Meetings:

- September 28, 2011
- October 12, 2011
- October 26, 2011

c) Other Dates:

16. Adjournment

As there was no further business, the meeting stood adjourned. (Note: Earle B., and Jerry B., were absent excused.)

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**Town of Minturn
Council Action Item Memo**

TO: Staff Members/Council Members
FROM: Jim White/ Town Manager
DATE: October 5, 2011
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Town entry sign – South	White	Direction from 7/6/11 Council Meeting is to proceed with signage on the south entrance to Minturn. The sign is being produced at House of Signs. Installation 09/29/2011.
Draft Medical Marijuana Ordinance	White	The Draft has been completely reviewed by Staff and Council and is on hold until January 2012 at which time it will be brought back to Council for consideration.
Battle Mountain Annexation Scholarship Fund	White	Pursue interest money from Battle Mountain scholarship fund contributions. Negotiations with Battle Mountain are in progress.
Minturn Scholarship Funding	White	We have received \$3600 in scholarship funding. The Scholarship Committee met on 09/12/2011 to review one request. 10/15/2011 deadline has been set for 2011 applicants.
Town Sidewalks	A. Martinez/White	Staff and Planning Commission reviewing language to code to require sidewalks for new construction. Need to set meeting with Planning & Zoning Commission 11/02/2011.
OSAC Funding for Boneyard purchase	White	Seek fundraising partners. Town staff communicating with Eagle County staff. Town staff seeking GOCO funding and conservation easement stipulations.

MINTURN EVENTS

behind the fun



THE ANATOMY OF AN EVENT



Event Goals

Attract people to
the community

Reinforce a positive
image to residents
and businesses

Better utilize Little
Beach Park

Coordinated
pre-planning

Events need to
be more
self-sustaining

Management & Staffing

- Responsible for the overall success of the event
- Coordinates or oversees all aspects of event

Event Coordinator



- Community Members
- Staff
- Local Non-Profit Groups
- Business Community

Volunteers



- Advertising
- Public relations
- Graphic design
- Production of brochures, posters, flyers, bag stuffers
- Sponsorships
- Vendor space

Marketing



- Control expenditures
- Create and maintain budget
- Creatively find ways for revenue generation with minimal cost
- Sponsorships

Finance



- Contracts
 - Lease of land/venue
- Define expectations for all parties
- Ensure commitment by all parties

Legal



- Protection against weather, accidents, human error

Insurance



Planning: An Event Timeline



Marketing: An Example of a Marketing Campaign

The below is an overview of the 2011 Minturn Independence Day Celebration Marketing Campaign



Print

- Posters throughout Eagle County
- Vail Daily: regular edition & 4th of July special edition
- Vail Valley Magazine
- Parent's Handbook
- What To Do
- Market Brochure
- Community Fund Postcards
- Sandwich Boards
- 4-ups in Restaurants & Stores
- Door hangers with events calendar for all Minturn residents
- Flyers



Web

- Town of Minturn
- The Vail Daily
- Vail & Beaver Creek Magazine
- The Parent's Handbook
- Visit Vail Valley Magazine
- Vail Valley Foundation
- ZortReport
- Green Bridge Inn
- Minturn Community Fund
- amerciantowns.com
- mtnweekly.com
- What To Do Brochure
- colorado.com
- summitsojourner.com
- allvoices.com
- avonbusinessassociation.com
- beavercreekmtnrealestate.com
- festivalnet.com



Social Media

- Minturn
- Jayded Clothing store
- Minturn Community Fund
- Minturn Market
- Minturn Music
- Minturn Inn
- Little Beach Park & Amphitheater
- Kirby Cosmos
- Minturn Saloon
- Ritz Carlton
- Lodge & Spa at Cordillera
- Vail Valley Partnership
- TV8
- VailNet
- What To Do
- Parent's Handbook
- KSKE Ski Country



TV & Radio

- TV8
- KSKI Ski Country Radio
- 104.7 The Mile Radio
- Radio Free Minturn
- 106 The Lift Radio

Looking Back

Three main elements made the summer 2011 events possible:

1. Council support through monetary funding
2. Sponsorships
3. Volunteers



Looking Ahead

Goal: Continuing to build on event successes while gradually adding new features in order to create a well balanced, fun-filled, event calendar.

October 2011

- 30th: Halloween

Dec 2011

- 3rd: Town Tree Lighting
- 10th: Christmas on Main St
- 17th: Minturn Winter Market
- 17th: Parade of Lights

January 2012

- 7th: Christmas Tree Bonfire
- 14th & 15th: Skijoring

March 2012

- 17th: St Patrick's Day Explosion

May 2012

- Town Clean Up Day

June 2012

- 23rd: Minturn Market starts
- Movies in the Park starts

July 2012

- Minturn Market
- 2nd: Independence Day Celebration
- 12th: Free Concert Series starts
- Movies in the Park

August 2012

- 7th: National Night Out Softball Tourney
- Minturn Market
- Minturn Free Concert Series
- Movies in the Park

Sept 2012

- Minturn Market
- 21st: Fall Equinox Bonfire
- 22nd: Fall Harvest Celebration

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
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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: September 29, 2011
Re: **Manager’s Report for the October 5, 2011 Town Council Meeting**

Maloit Park Water Tank

Inspection of the Maloit Park water tank determined the imminent need to make repairs to both the interior and exterior. Public Works secured two bids for the job. Due to several factors, the revised plan was changed to complete the sandblasting, restoration, and painting of the exterior of the tank this fall. The Town and the School District are collaborating to create a Memorandum of Understanding (MOU) to secure payment arrangements over a four year period. Universal Coatings has been selected to do the work and has been given a notice to proceed (now revised to focus on the exterior this fall). In the spring of 2012, we will set up a temporary tank, drain the Maloit Park tank, and sandblast, restore and paint the interior of the tank. We are also securing bids for fencing around the tank and our solar unit at that site.

Vail Valley Theater Company

The Vail Valley Theater Company is presenting the Rocky Horror Picture Show in Minturn on Friday and Saturday October 21& 22, and October 28, and 29, 2011 at VSSA, former site of the Minturn Middle School.

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. Our committee met on August 9, 2011, and again on August 30, 2011. The meeting scheduled for September 13, 2011 was postponed to a future date.

Budget Calendar

The budget review at the Town Council level will begin tonight at the October 5, 2011 meeting. Preliminary discussion and review at the staff level began earlier this summer.

Radio Tower Site

I received a call from an individual named Kevin Bakko on Thursday morning, September 15, 2011 inquiring about being on a future Town Council agenda to discuss the Radio Tower site. He has been scheduled on the October 19th, 2011 agenda.

Public Works Position Filled

The Public Works operator position has been filled. Ralph Brodin was selected and will begin his full time position on Friday, September 30, 2011.

9/30/2011

Ski Joring

The Town of Minturn has been approached by a group that provides an activity called ski joring. We are exploring the prospect of holding the event on old Minturn Road on Saturday and Sunday **January 14th and 15th, 2012**.

Bonfire

The end of summer bonfire to celebrate the Summer Equinox was a big success on Friday evening, **September 23rd, 2011!**

Special thanks to the Eagle Fire District and all other volunteers! Chris Cerimele was the primary staff coordinator for that event. Staff is already planning a **January 7, 2012** bonfire to burn Christmas trees that can be gathered throughout Minturn. Hot cider and hot chocolate may be added and maybe some snacks and more marshmallows!

Minturn to host CML District 12 Meeting

The Town of Minturn will be hosting the Colorado Municipal League District 12 meeting on Thursday October 20th, 2011. The afternoon business meeting will begin at 4:30pm until 5:45pm at Town Hall, followed by Social Hour at 6pm and Dinner at 7pm at Gourmet Cowboy.

Minturn Fall Storefront Decorating Contest

Fourteen businesses are participating in the Fall Storefront Decorating Contest. Shop or dine in Minturn and cast your vote for your favorite festive storefront! You can vote at www.minturncommunityfund.org or at www.downtownminturn.com. You can also vote inside participating stores.

XCEL Natural Gas Pipeline Project Continues!

The XCEL Pipeline Project from Edwards to Minturn continues. Jimmy Smith is project manager. Overall project completion has been extended and is currently set for some time in the month of October 2011. With any questions, please call XCEL at 1-877-481-6380.

Second "Welcome to Minturn" Entryway Sign Installed!

No matter which way you arrive in the Town of Minturn, off I-70 to the north or from Leadville and Red Cliff off Highway 24 to the south, a "Welcome to Minturn" sign will greet you! The second sign installed this year (2011) was set in place on Thursday, September 29th and finishing touches were made shortly thereafter. Solar lights for both entryway signs are being researched and we should be able to get them ordered and installed yet this fall.

Minturn Community Fund Annual Fundraiser

The Minturn Community Fund Annual Fundraiser will be held on Friday evening, October 28, 2011 at the Minturn Saloon. More details will be available soon.

Respectfully submitted,
Jim White
Town Manager

TOWN OF MINTURN

RESOLUTION NO. 6 - SERIES 2011

A RESOLUTION IN SUPPORT OF EAGLE RIVER FIRE PROTECTION DISTRICT BALLOT QUESTION OF
NOVEMBER 1, 2011

WHEREAS, Eagle River Fire Protection District ("Fire District") is facing an unprecedented property value decrease which is projected to result in a shortfall of \$1.7 million in revenue and an inability to provide critical services in 2012 if voters do not authorize maintaining property taxes at their current level of receipts; and

WHEREAS, the Fire District has determined that the effects of Article X, Section 20 of the Colorado Constitution ("TABOR") regarding the operating mill levy will in the future become even more detrimental to the Fire District's ability to supply the requested level of fire protection and emergency response; and

WHEREAS, the Board of Directors of the Fire District has determined to request the Electors to authorize maintaining the current level of revenue and service, without any increase, through 2019; and

WHEREAS, the Town of Minturn recognizes that fire protection services to its citizens are provided by the Fire District, and that the level of fire protection provided to its citizens are essential to maintain; and

WHEREAS, the Colorado Fair Campaign Practices Act authorizes local governments to adopt and distribute in a normal fashion a Resolution regarding any ballot issue important to that local government.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Minturn that the Board does express its strongest possible support for Eagle River Fire Protection District Ballot Issue 5A; and expresses its collective belief that it is vitally important to maintain the current level of fire protection services and facilities for the health, safety and welfare of Fire District residents and property.

INTRODUCED, READ, APPROVED AND ADOPTED this th day of , 2011, by a vote of in favor and against.

HAWKEYE FLAHERTY, MAYOR

ATTESTS:

JAY BRUNVAND, TOWN TREASURER

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 – Aggie Martinez
Councilwoman – Earle Bidez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: ORD 10 - 2011; An Ordinance granting and approving an encroachment agreement between the Minturn Towne Homes Home Owners’ Association and the Town of Minturn.

MEETING DATE: October 5, 2011

PRESENTER: Chris Cerimele

BACKGROUND: This item is a request from the Minturn Towne Homes Owners’ Association for an encroachment agreement to allow the construction of a berm and drainage system on Town owned land known as Grant Ave. The request was approved on first reading by the Town Council on July 22, 2011 but the Town Council requested that the applicant explore alternative solutions that had less impact on the land.

Please see the attached report for details on the new proposal.

CORE ISSUES: Extent of the impact on Town property.

BUDGET/FINANCE IMPLICATIONS: None.

STAFF RECOMMENDATION/MOTION: I move to approve Ordinance 10 – Series 2011 on second reading.

Town of Minturn

302 PINE STREET
P. O. BOX 309, MINTURN, CO 81645
(970) 827-5645 FAX (970) 827-5545
CHRIS CERIMELE- TOWN PLANNER
PLANNER1@MINTURN.ORG



Town Council

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

TOWN OF MINTURN PLANNING DEPARTMENT
Town Council Staff Report
Subject: ORD 10 - 2011; An Ordinance granting and approving an encroachment agreement between the Minturn Towne Homes Home Owners' Association and the Town of Minturn.
Chris Cerimele, Town Planner
HEARING DATE: October 5, 2011
Staff Recommendation: Approval

APPLICANT:

Minturn Towne Homes Owners' Association

LOCATION

Minturn Towne Homes – Taylor Street Area

AGENDA ITEM BRIEF

The Minturn Towne Homes Owners' Association is requesting a revocable license agreement from the Town that will allow the construction of a drainage channel and storm sewer inlets along a section of Town-owned land known as Grant Avenue.

BACKGROUND

The Minturn Towne Homes Owners' Association approached the Town to request permission to install a drainage system on Town-owned land known as Grant Ave. Currently, water flows over the retaining wall pictured below and into the property's existing storm sewer system. During periods of heavy rainfall and spring run-off, water overflows the retaining wall causing a gradual deterioration of the wall.

The intent of the proposed system is to divert the water above the wall behind units H, I and J and into a series of nine proposed catch basins. The catch basins will collect the run-off and divert the water into the existing storm sewer system on the property.



The proposed system will consist of excavating a small channel to divert run-off water into the nine proposed catch basins. The number and locations of the catch basins are based on existing topography. The engineer chose to locate these in areas where existing depressions are located to minimize the amount of soil required to be excavated.

The initial proposal called for a single catch basin located at the north end of the channel. From here the entire amount of the run-off was to be directed to an existing storm sewer inlet behind building J. The revised system will divert half of the water into an existing storm sewer inlet between buildings H and I.

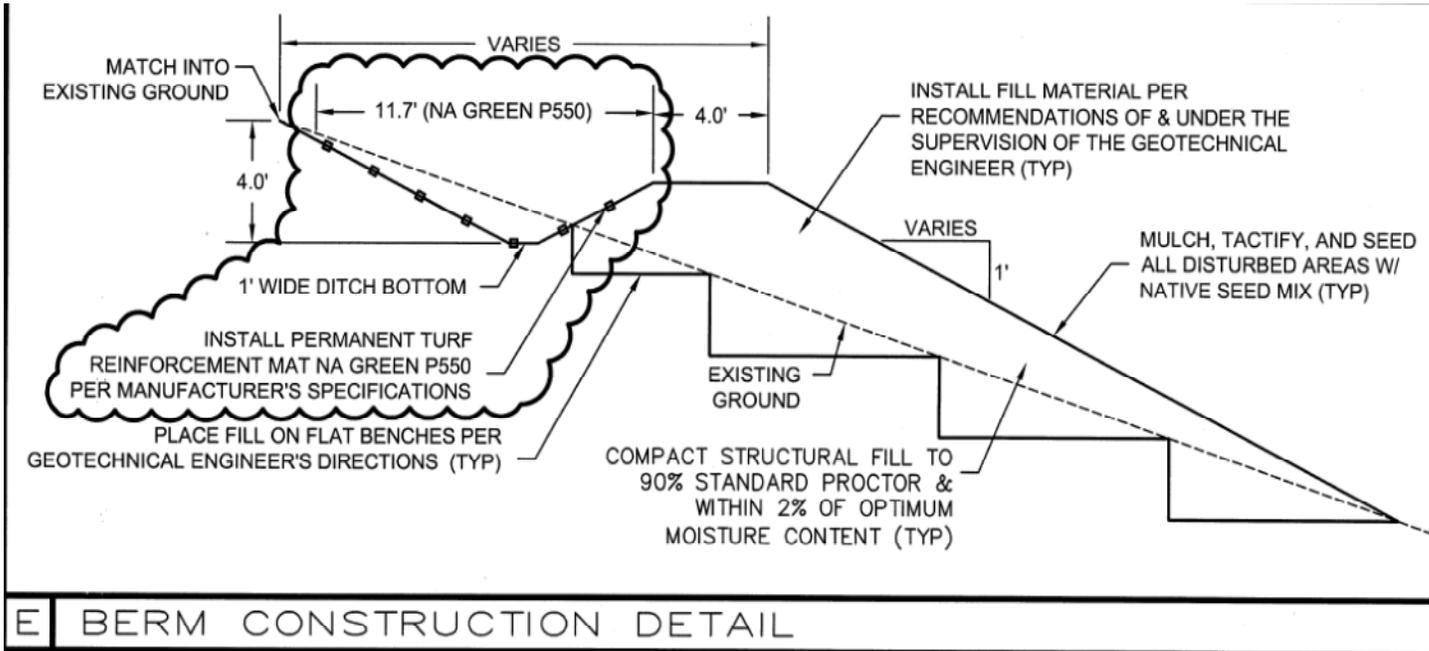
The general area where the proposed facilities would be constructed is shown on the following picture.



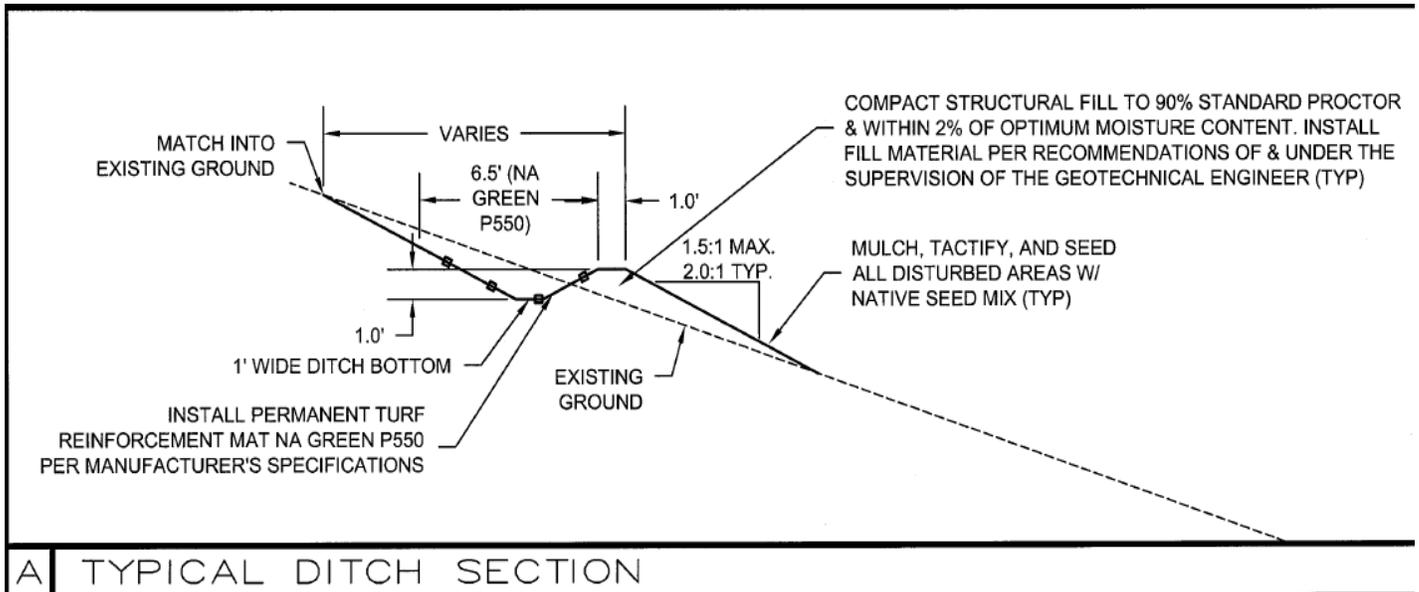
The original proposal entailed the excavation of 52 cubic yards of earth from the Grant Avenue right-of-way to create the diversion channel. Additionally, 629 cubic yards of dirt were proposed to be brought onto the site for the construction of an earthen berm on the down slope side of the diversion channel. This would have resulted in a net fill of 577 cubic yards of earth.

The new proposal calls for the excavation of 45 cubic yards of earth from the site to create the diversion channel. The berm will be constructed of 35 cubic yards of earth for a net cut of 10 cubic yards. The newly proposed berm will be 12 – 14 inches in height as opposed to the original design of 4 feet. See below for details of the old and new design. The water will be collected in the catch basins and piped through an 8" pipe located on the face of the retaining wall and into the existing sewer inlets behind the buildings.

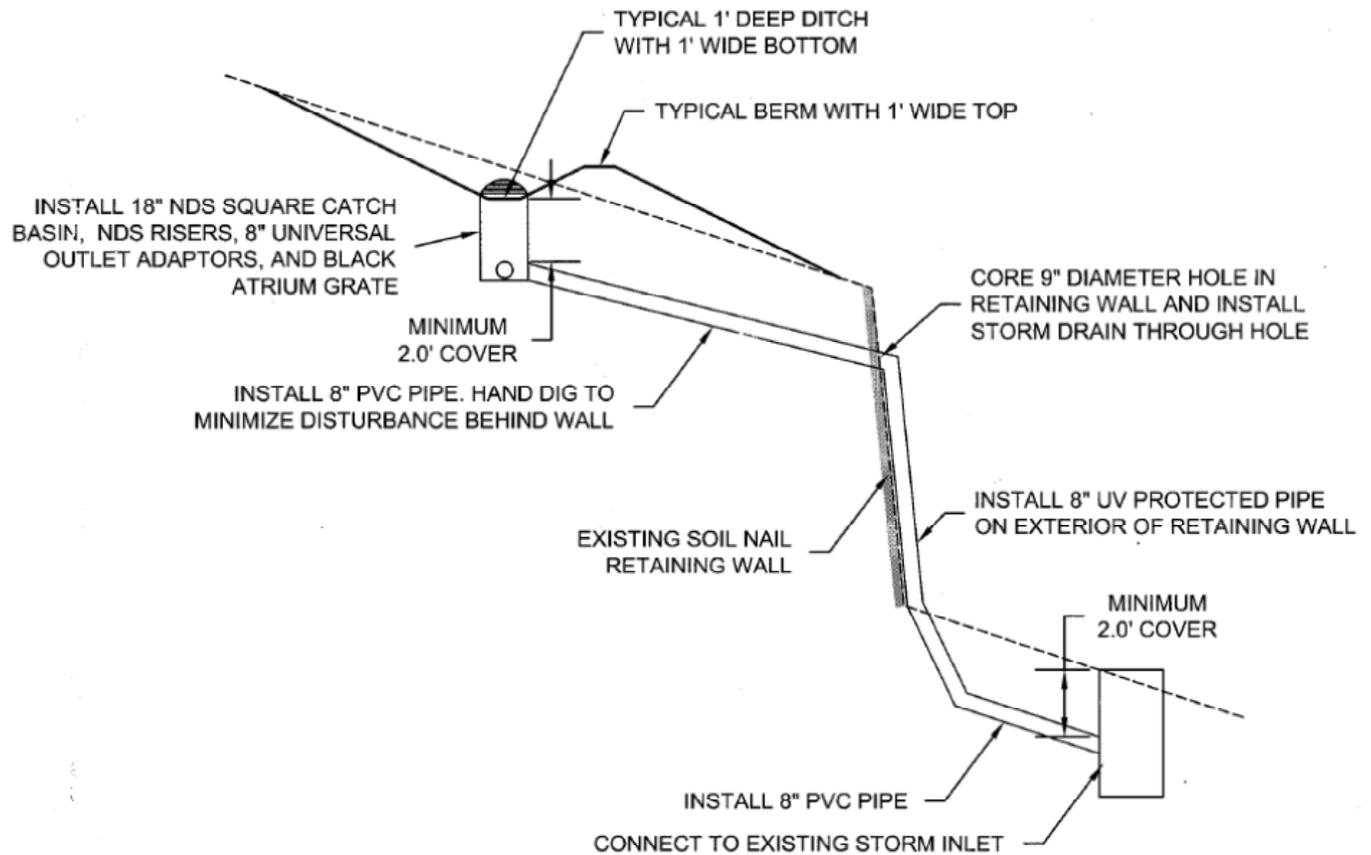
Original berm and



Revised berm detail



The dotted line on the above drawing indicates the existing slope of the hillside. Forty-five cubic yards of soil will be excavated to create the 1 foot wide channel. Per the specifications of the project geotechnical engineer, 35 cubic yards of structural fill will be brought in for the construction of the 12-14" high down slope berm.



Town staff originally requested a drainage report from the project engineer stating that the existing storm sewer system could handle the increased flows due to the construction of the proposed system. The HOA provided the requested report from Marcin Engineering that concluded the existing storm sewer system could definitively handle the increased flows. Steve Humann of TST Engineering -the Town's contract engineer - reviewed the drainage report from Marcin Engineering and agreed with their conclusion.

The Town Council requested that all of the existing drainage inlets and storm sewer lines on the property be cleared of debris and obstructions. The owners' association contracted with PSI Plumbing Systems Inc. in August to inspect and flush the storm sewer lines. The report from PSI indicates that the entire system was flushed and minimal debris was found throughout the system (see attached report). PSI recommended that the retention pond at the bottom of the property be dug to a deeper depth. They also indicated a slight separation in the storm system where two pipes connect in front of unit #114. Bold Real Estate Solutions is securing bids for the completion of this work.

Town staff also reviewed the original documents associated with the Minturn Town Homes Planned Unit Development submittal. While there is no record of the proposed drainage system on any of the site or grading and drainage plans, a

preliminary geological investigation of the site that was submitted with the P.U.D. application references the diversion ditches. The following excerpts are taken from the report titled *A Preliminary Geological Investigation of the Minturn Townhomes Site, Minturn, Colorado – By. Dr. Robert G. Young – Geological Consultant. May 25, 2004.*

Executive Summary (pg.1)

It is the writer's opinion that, if diversion ditches are constructed on the hillside above the Property to prevent flooding, and if care is taken to prevent corrosion of surfaces exposed to sulfates in the soil, there are no other geological factors that would preclude the use of this Property for the construction of townhomes. It is also understood that sound engineering principles are to be followed in such construction.

Geological Hazards (pg. 6)

Flooding by sheet flow or small streams- During times of heavy rainfall or rapid snow melt, land with a relatively flat surface may not be able to quickly shed the runoff. This water piles up and moves downslope as laminar or sheet-flow, doing some scouring as it goes. If possible, it soon coalesces into rills, then into rivulets, then into small streams, etc. Buildings on the eastern edge of the Property could possibly be subjected to runoff from the hillsides to the east. Up-slope diversion trenches or ditches should be used to mitigate such possible occurrences.

Conclusions

The only apparent possible geological hazards noted by the writer are sheetwash flooding from the slope above the Property on the east and corrosion by sulfates in the soil. The flooding problem can be mitigated by the construction of one or more diversion trenches on the slope above the property.

LICENSE AGREEMENT:

The license agreement authorizes the use of the Town right-of-way until such a time as the Town determines at a public hearing that the area of encroachment is necessary for use as a recreational trail or other municipal purpose. The agreement releases and discharges the Town from any and all liability arising from the construction of the proposed drainage system. Per the direction of the Town Council, a maintenance provision was added to the license agreement. This provision states that the Grantee will be responsible for annual maintenance on the drainage facility to ensure that the channel and inlets remain free from debris and obstructions. Furthermore, the Grantee will be responsible for revegetating and maintaining all disturbed areas.

SUMMARY

It is not clear why the diversion trenches were not installed during the original construction period. This oversight has resulted in the deterioration of the retaining wall behind buildings H, I and J on the eastern portion of the project site. As the property management company for the Minturn Towne Homes, Bold Real Estate Solutions has been tasked with correcting the drainage issues that are precipitating the failure of the retaining wall. Bold has contracted with PSI Plumbing Systems to verify that the existing storm sewer system is free of blockages. They have also contracted with Marcin Engineering to design a water diversion system to mitigate the drainage problems. The engineer responded to the Councils' concern of water collecting in the side yard of the area to the north of the site by diverting half of the water from the proposed system into a drainage inlet between buildings H and I.

In response to the Town Council concerns regarding the visual impacts to the Grant Avenue area, the size of the berm was reduced from a height of four feet to a little over one foot. The original proposal would have resulted in a net fill of 577 cubic yards of earth while the revised proposal will result in a net cut of 10 cubic yards. Once the revegetated area has become established, the proposed drainage system will be imperceptible.

RECOMMENDATION:

Staff recommends approval of Ord. 10 – 2011 on second reading.

DRAFT MOTION; ORD. 10 - 2011:

I move to approve Ord. 10 – 2011 on second reading

OR

Deny Ord. 10 - 2011

Provide alternative direction to staff

Respectfully Submitted

Chris Cerimele, Town Planner

Attachments:

Letter from Bold Real Estate Solutions - September 29, 2011

Revised Grading Plan – 9/6/11 – Marcin Engineering

Existing Storm Sewer System Capacity Report – Marcin Engineering

PSI Plumbing Systems Inc. Report

A preliminary Geological Investigation of the Minturn Townhomes Site – 5/25/04

Ordinance 10 – 2011 with attached encroachment agreement.



September 29, 2011

Minturn Town Council
302 Pine Street
Minturn, CO 81645

Dear Council,

I want to first thank all member of this Council for your patience, assistance and extra efforts with regards to the Minturn Towne Homes (MTH) grading swale. I am writing this email in an effort to clear up some misunderstandings as to the goal of the project and the problems that that MTH have been experiencing.

As many of you know, last fall, MTH settled on a multi-year Building Defect Claim with the developer of the town homes. From the inception of the Town Homes the ownership, of which had nothing to do with the development of the project, have been plagued by water intrusion from incorrectly framed roofs, warping wood floors, poorly installed plumbing behind drywall, and poor funding and management. Over a period spanning more than two years, the HOA went through forensic investigation including Engineers, architects and other Construction and design specialists in their fields. After an estimated \$300,000 of forensic work (paid for by the Attorney) not including any defense cost to investigate, the community chose to settle the case based on three critical building defects: 1) The front decks were incorrectly installed and not connected to the structure of the homes and were slowly pulling away from the town homes. 2) The roofs were not vented and incorrectly framed- causing water dams or significant water intrusion. No ridge or headwall vents were originally installed in 80% of the buildings causing condensation of vapor and severe interior damage throughout. 3) Lack of diversion ditches above the shot-Crete retaining wall.

The decks were repaired last fall with the final repairs being made this spring. The roof vents have been contracted and will be repaired this fall. The last remaining item to put the Town homes into and, according to the all the Engineers, Attorney, and Building specialist is the addition of a diversion plan above the Shot Crete retaining wall.

My understanding is the Council believes that the drainage/storm lines system is causing water intrusion into the town homes. This is not the case. The only report of such water intrusion took place nearly three years ago when a spring of fresh water popped up from below the retaining wall as a result of a natural drainage swell above. A small amount of water leaked through the patio door on to the carpet. This is an example of what damages could be caused if the water above the wall is not controlled. Please see the pictures below take May 2008.



Water intrusion from the council assumed poor drainage is not the problem. The water pouring over and under the retaining wall is the problem. Please see the left picture as you can see the wet run off as an example. Please see the picture below as examples of the deteriorating wall. This will continue unless something is done about the water.



After conversations with multiple Engineers in an effort to assure the Council that this a project critical to protect the life and safety of the structures but more importantly the lives of those living in the Town Homes as well. After speaking to the original Civil Engineer at Alpine Engineering, he was adamant that

the plans included a diversion ditch drawn on the plans. I asked that he provide me with the plans but he would need the developer's permission to release the documents. I was not able to find the originals held by the town but I was able to find a Geological Investigation written by Dr. Robert G. Young, Geological Consultant. In his report, dated May 25, 2004, he writes "if diversion ditches are constructed on the hillside above the property to prevent flooding, and if care is taken to prevent corrosion of surfaces exposed to sulfates in the soil, there are no other geological factors that would preclude the use of this property for the construction of townhomes." This letter is attached to this document.

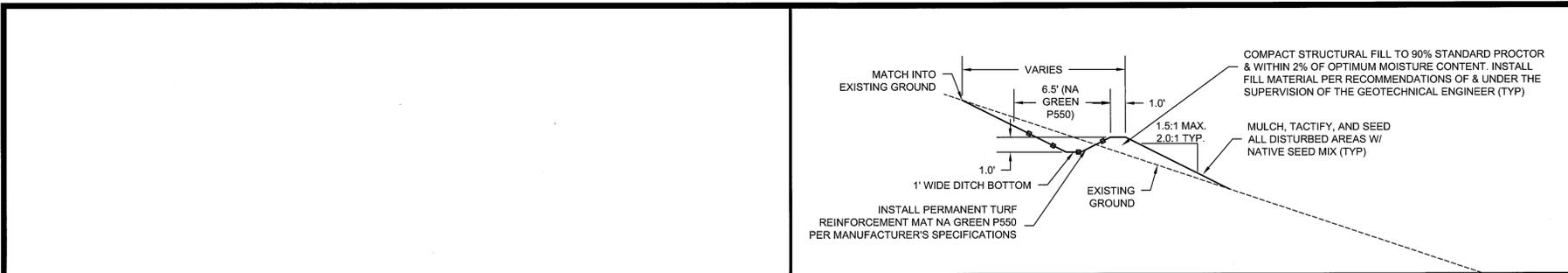
In summary, from the beginning of the construction phase, diversion ditches have been critical to the construction of the town homes. This was confirmed through hundreds of thousands of dollars of forensic engineering during the lawsuit and again confirmed by the original Civil Engineer today. The addition of the diversion ditch system is critical for the protection of the retaining wall as well as the structures and the lives of the residents inside.

Please consider the current diversion ditch plan drawn by Marcin Engineering for approval.

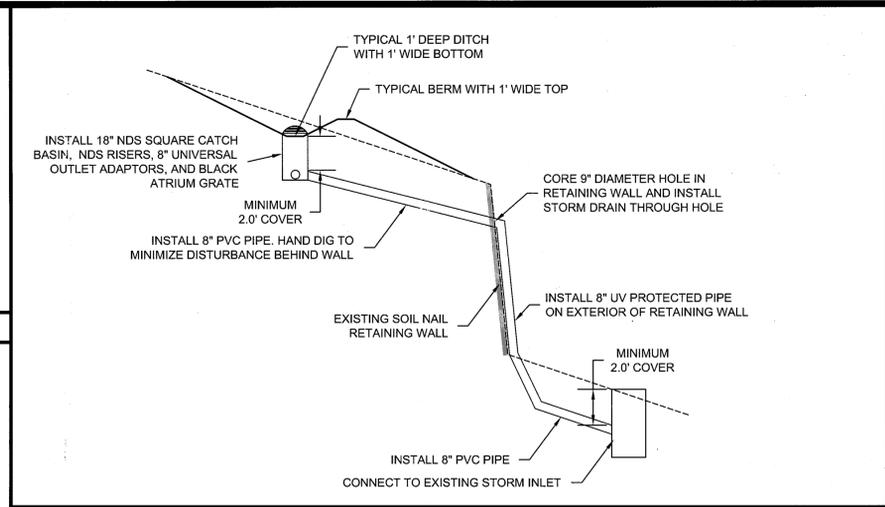
Thank you for your time and effort.

Thank you

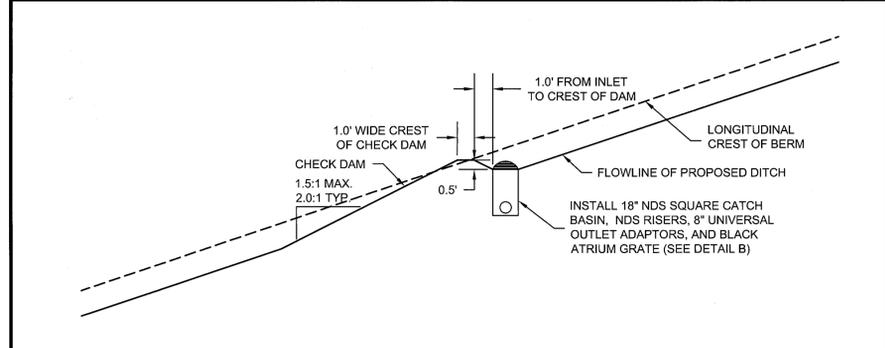
Onie Bolduc
Minturn Towne Homes Manager



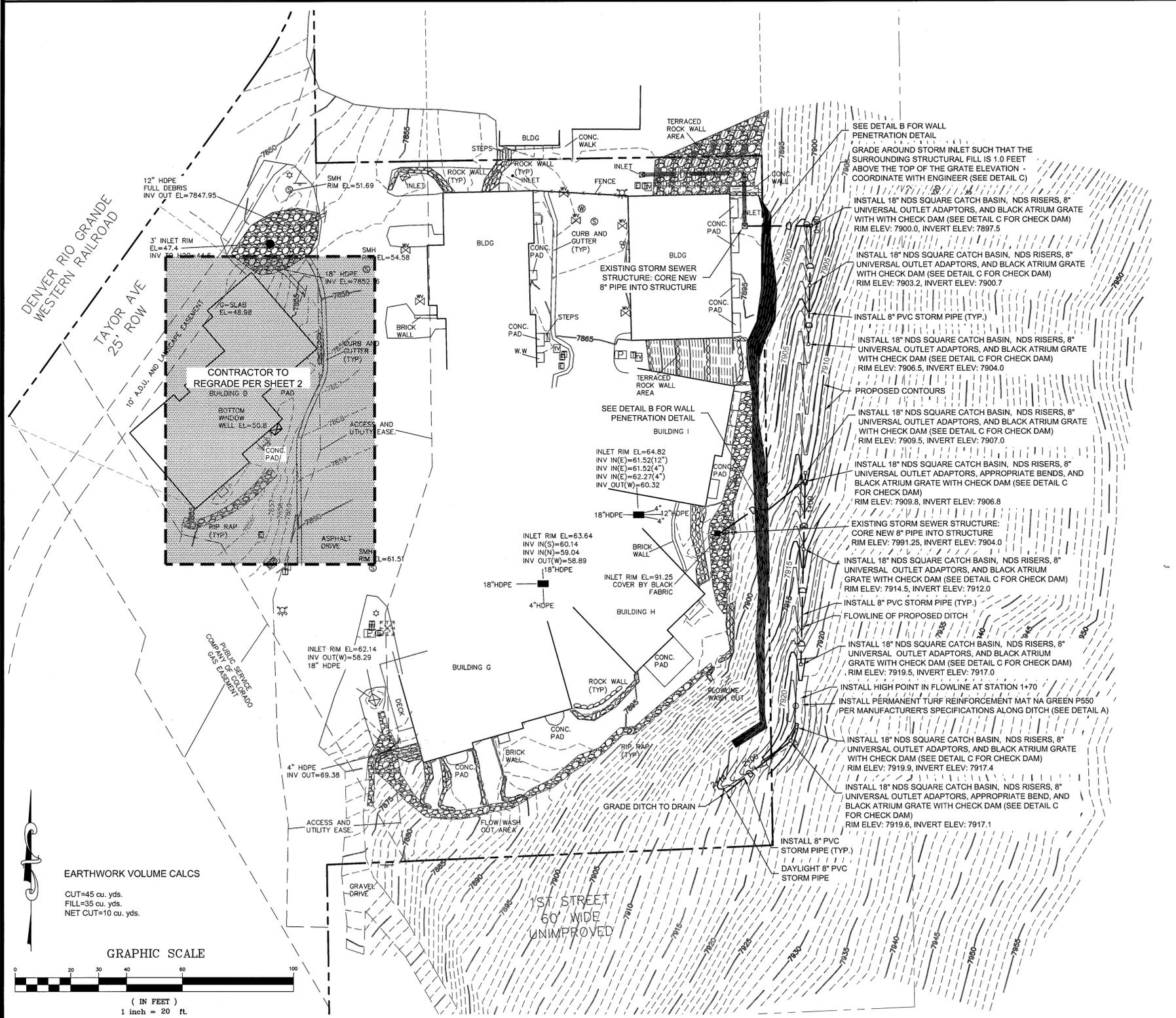
A TYPICAL DITCH SECTION



B TYPICAL STORM DRAIN PROFILE



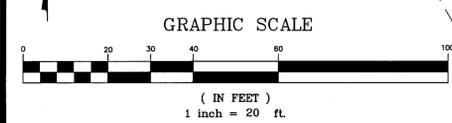
C TYPICAL PROFILE OF CHECK DAM



GENERAL NOTES:

- The Contractor shall provide erosion control in conformance with Town of Minturn Specifications and Best Management Practices
- The Construction limit line is the contract limit line. Do not disturb any existing trees or vegetation designated to remain or located outside of the construction limit line without approval of the Owner and the Town of Minturn.
- Existing utilities are indicated for information only and not intended to show exact location. The Engineer is not responsible for the location of underground utilities or structures or not shown or detailed and installed by any other contract. The work, Contractor shall be responsible for any damage to utilities or structures and any work. Contractor shall be responsible for any damage to utilities or structures and any injuries therefrom. Restoration of any utilities damaged by the Contractor shall be at the Contractors expense to the satisfaction of the Owner.
- Road cuts and any other construction in road right-of-way shall conform with Town of Minturn Municipal Code.
- All C_u compaction shall be in accordance with the Geotechnical Engineer.
- Provide written notification of all discrepancies between existing and proposed site improvements.
- Contractor(s) shall take all necessary steps as required to properly protect and maintain his work for the duration of this Contract.
- These drawings do not specify safety materials, equipment, methods or sequencing, to protect persons and property. It shall be the Contractor's sole responsibility to direct and implement safety operations and procedures to protect the Owner, other Contractors, the public and others.
- All work shall comply with all applicable codes and ordinances.
- Contractor(s) shall employ a licensed surveyor to establish all work lines.
- Conflicts or discrepancies with grades shall be brought to the attention of the Engineer immediately and prior to proceeding with work.
- All finished grades shall provide for natural runoff of water without low spots or pockets. Set flow lines accurately and provide a minimum 2.0%.
- Gradually round off tops and toes of all planted slopes, unless shown otherwise in grading details.
- Any retaining walls greater than 4 feet in height shall be designed by a qualified CO licensed Engineer.
- Contractor shall obtain written permission from adjacent landowner prior to performing any work on the neighbors property.
- Revegetate disturbed areas with a weed-free native grass mix at 8-12 pls per acre, weed-free mulch at 2 tons per acre, and a Plantago-based tackifier, or similar approved product, at 150 lbs per acre. Hand rake seed into soil.

EARTHWORK VOLUME CALCS
 CUT=45 cu. yds.
 FILL=35 cu. yds.
 NET CUT=10 cu. yds.



MARCIN ENGINEERING LLC
 P.O. BOX 1062
 AVON, COLORADO 81620
 970-748-0274

GRADING PLAN
MINTURN TOWNHOMES
 MINTURN, EAGLE COUNTY, COLORADO

NO.	DATE	REVISIONS	BY
1	7-25-2011	ADD EROSION CONTROL	FSW
2	9-06-2011	REDESIGN BERM	FSW

JOB: 10037
 DATE: 09/06/2011

SHEET
 1

NOT FOR CONSTRUCTION

MARCIN ENGINEERING LLC

May 19, 2011

Minturn Townhomes
c/o Onie Bolduc
Bold Real Estate Solutions
PO Box 5800
Avon, CO 81620

**RE: Minturn Townhomes
Existing Storm Sewer System Capacity**

Dear Onie:

We understand that the Town of Minturn has concerns with the capacity of the existing storm sewer system in regards to its capacity after the construction of the drainage berm that is being proposed in the Grant Avenue ROW above the Minturn Townhomes development. Marcin Engineering was unable to obtain a copy of the drainage report for the original development, but has studied the existing and proposed storm sewer system and has the following findings:

- Using the TR-55 method, the flow was calculated for both the hillside above the Minturn Townhomes, as well as the onsite flows. The total 100 year flow was calculated at 4.0 cfs for the hillside above the site and the onsite flows will produce 4.4 cfs. The total flow at the bottom end of the site is 7.64 cfs when the different peaking times are considered. This calculation is derived from using:
 - Areas from the attached map, which used Eagle County GIS information.
 - NOAA rainfall maps for the rainfall intensities.
 - Data output from TR55 is included as an attachment to this letter.
- The proposed CDOT Type C inlet with standard grate that will collect the water diverted by the proposed berm will be the controlling factor in the capacity of the storm sewer system. The proposed inlet will have 4.4 s.f. of opening of the grate. Also, this inlet will have 2 feet of freeboard provided around it by the proposed berm: thus allowing 2 feet of water to build up above it in a sump condition. Using the Neenah Inlet Grate Capacity (copyright 1987) nomograph for these constraints, the inlet has an inflow capacity of 29 c.f.s (as shown in the attached nomograph).
- Assuming that the existing storm sewer piping system has a minimum slope of 1%, the existing 18" HDPE piping will have a capacity of 16.3 cfs, as per the attached Mannings Pipe Calculation.
- The existing 18" storm sewer piping was also checked for inlet control capacity at the entrance of the pipe. Assuming water can build up to 4.5 feet above the invert of the pipe (a 3.0 headwater = 3 times the pipe diameter), the pipe discharge is 16 cfs. The inlets observed onsite are all 4.5-6 foot deep, so this assumption would keep water within the inlets.

In summary: the 100 year storm event will produce 4.0 cfs running off the hillside above the Minturn Townhomes. The proposed Type C inlet (with standard grate) has a capacity of 29 cfs, which will therefore allow all of the water to run into the storm system. The existing 18" piping in the existing system will accept approximately 16 cfs, which will allow the 7.6 cfs 100 year flow to pass through it. With all these factors considered, Marcin Engineering believes that the existing storm drainage system has adequate capacity to handle the stormwater runoff flows in excess of the 100 year event.

If you have any questions, please do not hesitate to call me at (970) 748-0274.

Sincerely,

MARCIN ENGINEERING LLC



Thomas S. Marcin, P.E., P.L.S.





Plumbing Systems Inc.

P.O. Box 3879, Avon, CO 81620-3879

Phone: 970.926.0500 | Fax: 970.569.3209 | www.psivail.com

Date of Video:

8/31/11

Location Address:

Minturn Townhomes

140 Lion's Lane

Minturn, CO 81645

Location Specific:

Televise All Storm Lines

Technicians:

Aidan Kelly

Summary:

PSI televised all storm lines from the back of the property downhill through all catch basins to the retention pond, where all lines daylight. Retention pond has no outlet, therefore this water just soaks into the ground, or overflows.

PSI located and televised 12" lines to the East of the retention pond. These lines do a loop, then discharge beside one another.

PSI flushed entire system to the retention pond. Minimal debris was found throughout the system.

There is a slight separation in the storm system where two pipes connect in front of Unit #114. This may cause future issues. A quote for fixing this system can be provided upon request.

As the retention pond is very shallow and has no outlet, PSI recommends adding an outlet to this pond. The outlet would be most functional if it was brought across the road to daylight in the vegetation. PSI also recommends digging this pond deeper. The standing water in the retention pond backs up the 12" inlets, causing improper flow. A quote for adding this outlet and digging the pond deeper can be provided upon request.

The copy of these videos will be available first thing in the morning on Thursday, September 1st, 2011.

Please do not hesitate to contact our office with any questions or concerns.

Aidan Kelly

A PRELIMINARY GEOLOGICAL INVESTIGATION OF
THE MINTURN TOWNHOMES SITE, MINTURN, COLORADO

By

Dr. Robert G. Young
Geological Consultant

May 25, 2004

EXECUTIVE SUMMARY

Surface geological investigations of the proposed Minturn Townhome Property reveal that the Property is situated on glacial and glaciofluvial deposits at the extreme eastern edge of the valley of the Eagle River and within the townsite of Minturn, Colorado. The Property was evaluated for the possible presence of any geological hazards that might preclude the construction here of some 27 townhomes.

It is the writer's opinion that, if diversion ditches are constructed on the hillside above the Property to prevent flooding, and if care is taken to prevent corrosion of surfaces exposed to sulfates in the soil, there are no other geological factors that would preclude the use of this Property for the construction of townhomes. It is also understood that sound engineering principles are to be followed in such construction.

INTRODUCTION

The writer visited the 2.4-acre site for the planned construction of the Minturn Townhomes at Minturn, Colorado on January 23, 2004 and again on May 21, 2004 (with Steve Isom). The visits were made to conduct brief geological surveys of the site to ascertain the presence or absence of any identifiable geologic hazards that would preclude the building of townhomes on this site. A thick blanket of snow prevented any detailed investigation on the first visit, thus the second trip was necessary in late spring.

The proposed Minturn Townhome Development consists of 27 townhomes in nine buildings located near Taylor Avenue and Minturn Road, at the northern edge of the town of Minturn (Figure 1). It is on the east side of the Eagle River and east of the now essentially inactive Minturn railroad yards of the Union Pacific Railroad (Figure 2). Using the U.S. Land Grid, the property can be described as being located in the SE ¼ SW/4 NW/4 Section 28, Township 5 South, Range 81 West, 6th P.M.

Because the Property is situated on the eastern edge of the very narrow U-shaped valley of the north-flowing Eagle River, the present land surface of the western one-half of the Property slopes west-northwest toward the river at an angle of about 15 degrees (27 % slope). The surface of the eastern half of the Property, being nearest the hillside, is somewhat steeper, a slope of about 19 degrees (34.4 % slope). Elevations on the Property

MINTDEV10984

range from a low of 7,842 feet at the southwest corner to a high of 7,930 feet at the southeast corner.

An interesting topographic feature seen high on the eastern side of the valley in this area is a prominent westward-projecting spur of sandstone referred to as Lionshead. The sandstone, about 80 feet thick, appears to be a remnant of an old stream channel in the middle portion of the Minturn Formation. The elevation on top of this spur is about 9,928 feet, some 2,100 feet higher than the surface of the Property.

A small area of the Property surface has been disturbed by the activities of man, but most of the surface retains the native vegetation that include black sage, rabbitbrush, snowberry, phlox, dandelion, and other open-area plant species common to this area.

Hepworth-Pawlak Geotechnical, Inc. (HP) made a subsoil study of the Property (including 4 test borings) for foundation design, and submitted their findings in a report to Minturn Realty Company c/o Todd Busse at Isom and Associates on December 17, 2003. The writer has read their report and can find no problems with it. It has proven to be helpful to him in performing his task, the determination of any possible geological hazards that might preclude townhome construction, as proposed for the Property.

GEOLOGY

The town of Minturn is situated at the extreme northern end of the Sawatch Range (Figure 3). The Sawatch Range is an upfolded and much faulted range of mountains formed by an uplift related to east-west compression associated with subduction (overriding of the Farallon and East Pacific crustal plates by the West Pacific Plate) during the Laramide Orogeny, 63.5 to 43 million years ago. The Sawatch Range extends southeastward from Minturn for about 110 miles to the northern edge of the San Luis Valley near Saguache, Colorado, and it averages about 30 miles in width. As this range developed it formed a huge elongated dome, supported by molten overridden crustal rocks at depth. As this domal mass of rock rose, streams began to form where rainwater fell on the surface, coalesced, and ran down its slopes. The uplifting by crustal forces was somewhat offset by simultaneous and vigorous stream erosion, but uplift greatly exceeded erosion as evidenced by its dissected remnants standing at elevations of 14,000 or more feet above sea-level. Total uplift of the dome probably exceeded 20,000 feet.

Stratigraphy- The Sawatch dome, described above, underwent millions of years of attack by water, ice, gravity, and wind (even as it was rising), and during this time thousands of feet of sediments were stripped off and their remains transported toward the sea. Eventually all the thousands of feet of sediment covering the crystalline rocks of the old dome were eroded away leaving old Precambrian metamorphic and igneous rocks (and even some later Tertiary and Cretaceous igneous bodies of rock that had been intruded into them) exposed in the core of the uplift. However, remnants of the Paleozoic and Mesozoic sedimentary units that once covered the old Sawatch dome are found in outcrops around the margins of the Sawatch Range. The regional geologic map is shown

on Figure 3 and the geology in the immediate vicinity of Minturn are shown on Robinson's map (Figure 4). The stratigraphic column for the area is shown in Figure 5.

From Figure 4, it can be seen that bedrock exposed in the immediate area of the Minturn townhouse development is of Devonian and Mississippian age west of the Eagle River, and of Mississippian and Pennsylvanian age on the east side. Surficial materials covering the Property are mostly Quaternary glacial till and outwash deposits (Figure 6). The nearby formations are described briefly below:

Devonian Units:

Devonian sediments exposed in the slopes west of the River are those of the Chaffee Group. In this area, the Chaffee Group consists of two formations, the Parting Formation at the base and the Dyer Formation above. The Parting Formation consists of 20 to 100 feet of coarse-grained, white, ledge-forming quartzite and quartzite conglomerate, whereas the overlying Dyer Formation consists of 60 to 85 feet of gray and buff, thin- to medium-bedded dolomite. These units are present at shallow depths beneath the Property.

Mississippian Units:

Unconformably overlying the Dyer Formation are two units of Mississippian age. The lower unit is the Gilman Sandstone, named for outcrops at Gilman, some 6 miles to the south. The Gilman is a yellow calcareous sandstone with some dolomite and chert breccia. It is 5 to 50 feet thick in this area. Overlying the Gilman Sandstone is the Leadville Formation, which consists of 67 to 95 feet of dark-gray to blue-gray, thick-bedded to massive dolomite in this area. It also has some dark chert. These units are readily observed in outcrops on the western side of the river, and the Leadville forms a low limestone cliff on the eastern side of the valley at the southern edge of the Property. It probably is the bedrock beneath the glacial till covering the Property, but the holes drilled by HP penetrated only to about 20 feet and failed to reach bedrock.

Pennsylvanian Units:

Overlying the eroded surface of the Leadville Formation in this area are two units of Pennsylvanian age that form the east wall of Eagle Canyon or Valley near Minturn. The lower unit is the Belden Formation, which consists mostly of dark shale, limestone and sandstone with local beds of white quartzite. It ranges in thickness from 0 to 150 feet in thickness, locally. The higher unit, which makes most of the valley side, is the Minturn Formation. It is about 6,000 feet thick here and consists of interbedded zones of massive, lenticular, crossbedded, arkosic grit and conglomerate; grayish grit, shale, dolomite, arkose and conglomerate; and bright red clastics and gray limestone. This is the type locality for the Minturn Formation that was named for the excellent outcrops seen in the valley wall east of and above the town of Minturn.

Pennsylvanian-Permian Units:

Higher up on the eastern valley wall, and resting on the Minturn Formation, are some 1,900 feet of bright-red arkose, conglomerate and siltstone of the Maroon Formation. Some erosional fragments of this Formation are found in the valley fill near the Property.

Quaternary Deposits- In the past 1.8 million years (Pleistocene), the higher land surfaces of all of the continents were subjected to four or five intense glaciations. In these high areas large ice caps or sheets and valley glaciers formed and disappeared with some frequency. The Eagle River at Minturn witnessed all of these events. Valley glaciers from cirques and ice sheets higher up the mountains moved down the valley at least 6 times, scouring out previous deposits and the underlying bedrock to form a relatively-straight U-shaped valley. When the ice melted the meltwaters carried great quantities of rock flour and coarser debris down the valley, dropping some of it as bedload as the current lost its carrying capacity. The debris now covering the valley floor in the Minturn area is mostly from the advance and melting of the last (late Pinedale) glacial ice about 10,000 years ago.

As seen in Figure 6, these deposits are primarily glacial, glaciofluvial and fluvial deposits. The steeper slopes are commonly partially covered by a thin veneer of colluvium formed after the glaciation. Robinson, 1975, mapped the surface of the Property as colluvium derived from the Minturn Formation [Qc (PPm)]. He also mapped the western edge of the Property as abutting a stream terrace deposit (Qt2).

Structure- The dominant structural feature in this area is the north-plunging nose of the old Sawatch dome (Figures 3 and 4). It plunges into the Eagle Basin, the deepest portion of which is to the north and northwest; however an arm of the basin extends southward around the eastern side of the Sawatch uplift and between it and the Gore and Tenmile Ranges as far as Leadville. Because the Property lies on this structural nose, the rocks underlying the Property dip (are inclined downward) toward the northeast at an angle of about 10 degrees.

The other prominent structural features shown on Figure 3 are the numerous faults (shown as heavy dark lines). They can be seen to completely surround the Sawatch Mountains and to occur in swarms in the synclinal arm and the adjacent ranges. One of the faults associated with the perimeter of the Sawatch uplift, has been mapped as possibly cutting the bedrock beneath the Eagle River adjacent to the Property.

SOILS

The drillhole data included in the HP report demonstrate that there are at least 20 feet of alluvial, glacial and glaciofluvial fill beneath most of the Property. Their auger holes passed through 12 to 20 feet of medium-dense silty, clayey sand with scattered cobbles and boulders before penetrating up to 5 feet of a denser zone of silty, sandy gravel with cobbles and scattered boulders in two of the holes. It is possible that the dense zone of coarser material encountered near the bottom of the two holes is glacial till, and that the

overlying less dense material in which the soil is developed is glacio-fluvial or outwash material deposited as the last ice melted in the drainage basin.

Two soil groups have developed in this material on the Property, Mapunits 45 and 47. Their distribution is shown in Figure 7, and their descriptions are given below.

Mapunit 45- Forsey Cobbly Loam, 3 to 12 Percent Slopes. This deep, well-drained soil is on alluvial fans, mountainsides and ridges. It formed in alluvium, colluvium and residuum derived from material of mixed mineralogy. About 25 to 30 percent of the surface is covered with cobbles. Typically, the surface layer is dark grayish-brown cobbly loam about 10 inches thick. The subsoil is very cobbly clay loam about 12 inches thick. The substratum to a depth of 60 inches is very cobbly sandy clay loam. The soil is noncalcareous and mildly alkaline to a depth of 22 inches and calcareous and moderately alkaline below that depth. The combined surface and subsurface soil layers present on the property appear to average from 18 inches to two feet.

Included in this mapunit are small areas of Rock outcrop. Included areas make up about 5 percent of the total acreage.

Permeability is moderate in the Forsey soil. Available water also is moderate, effective rooting depth is 60 inches or more, runoff is slow, and the hazard of water erosion is slight. Common plants here are bluebunch wheatgrass, muttongras, and mountain big sagebrush.

This unit has been used for rangeland and for pasture. The Natural Resource Conservation Service (NRCS) indicates that this soil is suited to homesite development; but, because of the stones, excavation is difficult. This unit covers all of the Property, with the exception of a very narrow strip along the eastern side where slopes are steeper.

Mapunit 47- Forsey Cobbly Loam, 25 to 65 Percent Slopes. This deep, well-drained soil is on alluvial fans, mountainsides and ridges. It formed on alluvium, colluvium, and residuum derived from material of mixed mineralogy. About 25 to 30 percent of the surface is covered with cobbles. Typically the surface layer is dark grayish brown cobbly loam about 10 inches thick. The subsoil is very cobbly clay loam about 12 inches thick. The substratum to a depth of 60 inches is very cobbly sandy clay loam. The soil is noncalcareous and mildly alkaline to a depth of 22 inches and calcareous and moderately alkaline below that depth. Included in this unit are small areas of sandstone outcrop (about 5% of total acreage).

Permeability is moderate in the Forsey soil. Available water capacity is also moderate. The effective rooting depth is 60 inches or more, Runoff is medium, and the hazard of water erosion is moderate. Plants include bluebunch wheatgrass, muttongrass, prairie junegrass, and mountain big sagebrush. The suitability of this unit for range seeding is poor. This unit is also poorly suited to homesite development. The main limitation is the slope. This soil occurs only in a narrow strip along the extreme edge of the Property, where slopes are steeper.

GEOLOGICAL HAZARDS

One of the primary reasons for making a geological evaluation of a property is to determine the presence or absence of any geological hazards that might preclude the development of a property for its planned use. There are a number of geological hazards that were identified in this portion of Eagle County by Robinson in 1975, and some of them do exist in this area. In his preliminary investigation of the Minturn Townhome Property, the writer has considered the possibility of the following geologic hazards being present:

- 1) River flooding- One of the most common geologic hazards is the possibility of flooding by nearby large streams during times of heavy rainfall or spring melting of a thick snow pack. The Eagle River is located about 500 feet west of the Property. The surface of the water in the river is at an elevation of about 7,810 feet. Because elevations on the Property range from approximately 7,842 to 7,930 feet, the surface of the Property is 32 to 120 feet above river level. Historically, flood-stage waters have never risen the 10 or so feet necessary to flood the roundhouse and switchyards of the railroad in Minturn. It thus appears that the possibility of Eagle River flood waters reaching the Property is virtually nil.
- 2) Flooding by sheet flow or small streams- During times of heavy rainfall or rapid snow melt, land with a relatively flat surface may not be able to quickly shed the runoff. This water piles up and moves downslope as laminar or sheet-flow, doing some scouring as it goes. If possible, it soon coalesces into rills, then into rivulets, then into small streams, etc. Buildings on the eastern edge of the Property could possibly be subjected to runoff from the hillsides to the east. Up-slope diversion trenches or ditches should be used to mitigate such possible occurrences.

The Property, itself, has considerable slope, thus a heavy downpour could produce sheet flow, but this would quickly convert to rill and stream flow and be carried away by storm sewers. Because of the nature of the cobbly soil, there should be little or no erosion from this source. Game Creek, which enters the valley from the east about 1,500 feet north of the Property, possibly could collect a large amount of runoff from its drainage basin in the event of a downpour. However, water from Game Creek has never spread as far southward as the Property, as indicated by the extent of the alluvial fan at the mouth of the creek.
- 3) Seismic activity- As noted above, there are many old faults in the surrounding area, most of them related to the formation of the Sawatch and Gore Ranges. One of these is thought to lie beneath the river west of the Property, but there is no evidence of significant seismic activity in this area in recent history.
- 4) Expansive soils- Based on descriptions of the Forsey soil, a knowledge of the source rocks exposed in the Eagle River drainage basin (no gypsum or weathered volcanic ash), and on the HP testing reports, there appears to be no danger of encountering

expansive soils on the Property. However, on-site testing for soil conditions should be conducted at each building site before construction begins on that site to insure that no such problem exists.

- 5) Solution collapse- The immediate bedrock beneath the surficial materials on the Property is the Leadville Limestone. In areas farther west, this formation has been subjected to solution by circulating groundwater for millions of years. This solution has produced extensive caverns in the vicinity of Glenwood Springs. No such cavern or solution-collapse features (sinkholes) have been reported in this area, hence no danger from such solution is anticipated on the Property.
- 6) Snow Avalanche- Because the slopes of the higher terrain to the east of the Property are relatively steep, there is always a remote possibility of a snow avalanche occurring under extremely heavy snowfall or drifting winds. . Because there is no large area for snow to accumulate on the ridge east of the Property, Robinson has mapped the Property as being in Avalanche Area 3 (Figure 8). An Area 3 designation indicates an area that may be susceptible to snow sliding or snow avalanches under extreme weather conditions.
- 7) Mass wasting is the term applied to any large-scale down-slope movement of soils and/or rock materials under the influence of gravity. These processes include soil creep, soil slump, landslides, rockslides, rock falls, debris flows and other land movements that occur on relatively steep slopes with unstable materials. Because the steep eastern side of the river valley is almost bare outcrop of Minturn Formation with beds dipping away from the river, Robinson mapped no potential hazards for the area in which the Property is located (Figure 9).
- 8) Corrosion- corrosion of footings, retaining walls, sidewalks, pipes, etc. by sulfates in the soil is a common hazard in many areas. The sulfates are largely derived from the oxidation of sulfides such as pyrite, marcasite, chalcopyrite, sphalerite, siderite and many others. The sulfides may have formed in the soil by various processes, or they may have been part of the parent material, either in bedrock or rock debris quarried by ice and water from mineralized outcrops.

The most common sulfates formed are alunite, barite, mirabilite, thenardite, gypsum, and jarosite. These sulfates are very caustic and destructive to concrete, metals, and other materials with which they come in contact. Their impact can be mitigated by using sulfate resistant concrete, coating or wrapping pipes, and treating wood that may come in contact with the soil,

In this area, the gravels in which the soil has formed has a fairly large amount of fragments of metallic ore quarried by ice and water from veins and replacement ore bodies at Gilman, Pando, Red Cliff, and other mining districts upriver from the Property. The most common sulfates in this area are likely to be gypsum and jarosite. Their effect is likely to be small, but those structures or susceptible pipes placed on or in the soil should be protected as described above.

GEOLOGIC RESOURCES

As seen on Figure 10, the symbol T4 is used on Robinson's map to indicate possible geologic resources present on the western side of the Property, but no symbol is given for the eastern side. T4 indicates an unevaluated stream terrace deposit. The absence of a symbol indicates the lack of known geological resources.

LAND USE

General geologic and engineering investigations of the Property are required for development planning for each construction. The Eagle County Environmental and Engineering Geological Map for Land Use identifies the Property as lying within areas designated 1A and 5A (Figure 11). The symbol 1A is found on the western edge of the Property and is described as highly stable gravel-covered terrace above the physiographic floodplain. Study emphasis here is on, but not limited to, groundwater, surface and subsurface drainage, composition and characteristics of underlying bedrock that may be penetrated, and possible resource evaluation. Basic geologic and engineering investigations of the area, as required by Senate Bill 35, are adequate for development planning and generally for construction site selection.

Areas designated 5A, such as the eastern portion of the Property, are areas of rockfall hazard and talus on moderate to steep bedrock and colluvial slopes. Emphasis is on, but not limited to, slope stability, surface and subsurface drainage, and expansive and corrosive soils. Detailed geologic and engineering investigations of the entire area are required for development planning and specialized investigations are required for specific construction sites. A visual inspection of the sloping valley side east of the Property and of material accumulated at the base of the slope reveals no evidence of rockfall. Some small debris appears to have worked its way down the steeper upper portion of the slope by creeping or sliding. This steeper slope (30 degrees) ends at an elevation of approximately 8,400 feet (where the slope flattens to about 19 degrees), some 1,300 feet east of the Property. Little or no material seems to be moving down this gentler slope.

The question arises as to what would happen if a large block of the Lionshead sandstone cliff were to break loose and fall into the valley. A look at the topographic map (Figure 1) suggests that any rockfall would probably be toward the steeper north or south sides of the spur supporting the sandstone. There is some evidence that the large block of sandstone resting part way down the slope slightly south of the Property is a block from Lionshead that has apparently slid down the slope in the relatively recent past. Jointing in the Lionshead sandstone has produced large, relatively-thin, rectangular blocks that tend to slide slowly down the slope rather than roll. Its downslope progress has apparently been arrested by the break in slope noted above.

The lack of any noticeable accumulation of boulders on the Property at the base of the valley slope is an indication that there have been no significant rockfalls or rockslides down the valley side east of the Property since the melting of the last glacial ice in the

valley. There are several factors that have helped prevent such falls and slides on this side of the valley. First, the rock strata are mostly competent materials and dip northeastward into the slope; second, the sediments are thinly bedded and weather into angular slabs that tend to slide gradually down a slope; and third, the slope tends to flatten at 8,400 feet and prevent further downward movement.

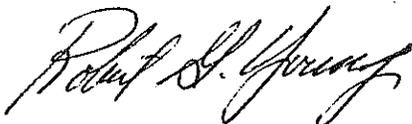
For these reasons, the writer believes that there will not be any significant rockfalls or rockslides onto the Property in the foreseeable future. If a block does split off Lionshead, its angular shape will cause it to slide rather than roll, and it most likely will continue to move slowly over a period of hundreds of years down the small drainage leading to River View Cemetery, and away from the Property.

CONCLUSIONS

The only apparent possible geological hazards noted by the writer are sheetwash flooding from the slope above the Property on the east and corrosion by sulfates in the soil. The flooding problem can be mitigated by the construction of one or more diversion trenches on the slope above the Property. In dealing with corrosion, sulfate resistant cement should be used when a need is indicated by soil testing. Steel pipes should probably be coated and wood treated where in contact with the soil to prevent corrosion from sulfate salts.

It is the writer's opinion that there are no existing geological factors that would preclude the use of this Property for the construction of townhomes, provided that sound engineering principles are followed in such construction.

Respectfully Submitted;



Dr. Robert G. Young

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 10, SERIES 2011**

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A REVOCABLE LICENSE AGREEMENT WITH MINTURN TOWNE HOMES OWNERS' ASSOCIATION TO PERMIT ENCROACHMENT ONTO TOWN RIGHT OF WAY PROPERTY OF THE TOWN OF MINTURN, COLORADO, AS IT PERTAINS TO GRANT AVENUE, BLOCK A, TAYLOR ADDITION TO THE TOWN OF MINTURN, EAGLE COUNTY, COLORADO

WHEREAS, Town of Minturn, Colorado (Grantor) owns for use and benefit of the citizens of the Town of Minturn, Colorado and the general public, a 50-foot wide platted right of way in the Taylor Addition to the Town of Minturn, Eagle County, Colorado, upon a portion of which the Minturn Towne Homes Owners' Association wishes to construct a drainage channel, berm and inlet along Grant Avenue, Block A – Taylor Addition to the Town of Minturn on the aforementioned platted right of way as shown in Attachment A; and

WHEREAS, Minturn Towne Homes Owners' Association, (Grantee) wish authority to use the area of the aforementioned platted right of way to construct the aforementioned drainage channel, berm and inlet. Grantor is agreeable to the use of such property under the terms and conditions as set forth below, more particularly described in the license agreement attached as Attachment B, situated in the Town of Minturn, Colorado; and

WHEREAS, after notice provided by law, a public hearing was held before the Minturn Town Council, at which time the applicant and the public were given an opportunity to express their opinions regarding the proposed amendment; and

WHEREAS, based on the evidence, testimony and exhibits and recommendations of the Town Council of the Town of Minturn, Colorado, finds as follows:

1. The proper publication was provided as required by law for the Town Council of the Town of Minturn, Colorado.
2. The hearings before the Town Council were both extensive and complete and all pertinent facts, matters and issues were submitted at those hearings.

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

INTRODUCED, read by title, approved on the first reading and ordered published in full the ____ day of _____, 2011. The ____ day of _____, 2011, at 6:30 p.m. at the Minturn Town Hall, Minturn, Colorado 81645 is set for public hearing hereon.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS _____ DAY OF _____, 2011.

Mayor

ATTEST:

Town Clerk

LICENSE AGREEMENT

This Agreement, entered into this 5th day of October, 2011, by and between the Town of Minturn, a Colorado municipal corporation (hereinafter "Grantor") and Minturn Towne Homes Owners' Association, (hereinafter "Grantee").

RECITALS

Whereas, Grantor owns, for use and benefit of the citizens of the Town of Minturn, Colorado and the general public, a 50-foot wide, unimproved, platted public road ("public right of way") in Block A, Taylor Addition to the Town of Minturn, Eagle County, Colorado, and

Whereas, Grantee wishes authority to use the area depicted on the map attached as Exhibit A to construct a drainage berm and channel for the purpose of diverting run-off water from the adjacent hillside into the existing drainage system located on the Grantee's property and Grantor is agreeable to the use of such property under the terms and conditions as set forth below.

Now, therefore, for and in consideration of the performing of the covenants and agreements by the Parties to this Agreement, the Grantor does hereby permit the Grantee to use the property depicted on the map attached as Exhibit A for the purpose of installing a drainage channel and inlet for the purpose of diverting run-off water from the adjacent hillside into the existing drainage system as set forth in this License Agreement:

This license shall extend from the date of this License Agreement until such a time as the Grantor determines at a public hearing that the area of encroachment is necessary for use as a recreational trail or other municipal purpose. The following stipulations are expressly agreed by and between the Grantor and Grantees.

1. Use of Site. The site be used for the construction of a drainage channel, diversion berm and catch basins and for no other purpose whatsoever.
2. Term. As indicated above.
3. Condition of Site. During the term of this License Agreement, Grantees shall keep the premises licensed under this Agreement in good condition. Grantees agree to undertake no activity which could be hazardous or in any way detrimental to the community, or permit further encroachment of the structure into the public right of way.
4. Maintenance. The Grantee will be responsible for annual maintenance on the drainage facility to ensure that the channel and inlets remain free from debris and obstructions. The Grantee will also be responsible for revegetating and maintaining all disturbed areas of the project.
5. Release From Liability. Grantee hereby releases and discharges the Grantor from any and all liability arising from this Agreement, to-wit; from damage to its property, whether in custody of the Grantee or its agents or representatives, or in the control or custody of the employees or representatives of the Grantor, or

Ordinance 10 – Series 2011 (ATTACHMENT B)

whether in the control or custody of third parties or while upon premises owned or under the control of the Grantor or Grantee.

6. Indemnification. Grantee hereby agrees that it shall indemnify, defend and hold harmless Grantor and its successors and assigns from, against, and with respect to any claim, liability, obligation, loss, damage, assessment, judgment, cost or expense (including, without limitation, reasonable attorneys' fees and expenses and costs and expenses reasonably incurred in investigating, preparing or defending against any litigation or claim, action, suit, proceeding or demand, of any kind or character), of or in any manner relating or attributable to any claims of damages arising from Grantee's activities associated with this License Agreement.
7. Assignment and Subletting. This License Agreement may not be transferred or assigned during the term of this License Agreement without the prior written consent to assignment of this License Agreement by Grantor, nor shall Grantee permit any other person or entity to share its occupancy hereunder without the prior written permission of the Grantor.
8. Notices. All notices and communications required herein shall be in writing and shall be sent by certified mail to the following addresses:

Grantor:
Town Manager
Town of Minturn
PO Box 309
Minturn, CO 81645

Grantee:

Minturn Towne Homes Owners Association
PO Box 5800
Avon, CO 81620

Notices shall be deemed properly given when mailed by certified mail in a sealed envelope, postage prepaid, addressed to the above addresses. Any such notice or demand shall be deemed to have been given or made at the time it is deposited in the United States Post Office. Any party may change its address of record by giving written notice of the change to the other party.

8. Waiver. Failure or delay on the part of Grantee or the Grantor to exercise any right, power or privilege hereunder shall not operate as a waiver thereof.
9. Prior Negotiations. This License Agreement constitutes the entire agreement of the parties hereto and shall supersede all prior offers, negotiations and agreements.
10. Amendments. No revision of this License Agreement shall be valid unless made in writing and signed by an authorized officer of Grantor and by Grantee.

11. Applicable Law. This License Agreement is entered into at Minturn, Eagle County, Colorado, and it is agreed that the proper jurisdictions and venue of any action pertaining to the interpretation of enforcement of this License Agreement shall be in the County or District Court of Eagle County, Colorado. This License Agreement shall be interpreted under the laws of the State of Colorado.
12. Binding Agreement. It is understood and agreed that this Agreement shall be binding upon the assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set the hands of their respective authorized officers.

TOWN OF MINTURN,
a Colorado Municipal Corporation,
Grantor

ATTEST:

Town Clerk

Mayor

MINTURN TOWN HOMES OWNERS' ASSOCIATION,
Inc.,
Grantee

By: _____

ATTEST:

Secretary

TOWN OF MINTURN ORDINANCE CHECKLIST

Ord 10 - 2011

FIRST READING

7/20/11 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

7/22/11 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

_____ If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

8/3/11 The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

_____ The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

_____ If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

_____ The minutes shall reflect the number of votes for and against the ordinance.

_____ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

_____ The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Regular Session
MEETING DATE: October 5, 2010
PRESENTER: Brunvand
BACKGROUND: During the Regular Session Council will be presented with the FY2012 Proposed Budget. In the event there are any residual questions from the Work Session we will continue the discussion. Otherwise Council need only accept the document. This acceptance will then allow me to publish the Public Hearing dates which begins the public portion of the budget process. In addition a Council Retreat has been scheduled during the Worksession of the Regular Council Meeting on October 19 th . This Retreat is prior to the Public Hearings that begin during the November 2 nd Council Meeting. Please find a copy of the FY2012 Budget under separate cover.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS:
STAFF RECOMMENDATION/MOTION: “I move to accept the Fiscal Year 2012 Proposed Annual Budget and set Public Hearings at 7:00pm on November 2 and November 16, 2011 to be held in the Council Chambers at 302 Pine St, Minturn as presented.”



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: Thursday, September 29, 2011
RE: Executive Session

At the Council meeting, Council will need to convene in Executive Session with the Attorney to discuss and direct Staff regarding the negotiations of the Battle Mountain Resort Property annexation, water right issues, and an update from the EPA. The following motion is recommended:

“Recommended motion: “I move to convene in Executive Session Pursuant to CRS 24-6-402(4)(f) for the purposes of discussing the Town Manager’s annual review and Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town’s Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update.”

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