



2012

Minturn Council Meeting

Wednesday February 1, 2012

Work Session: **5:45pm**
(Town Center)

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

TOP COUNCIL PRIORITIES:

- Street Repairs with Drainage (by priority) Sidewalk Installations
- Expand Parking and Improve Appearance of Municipal Lot
- Improve Planning and Apply for Infrastructure Grants and Loans.
- Continue Sidewalk Installation Program and Improve Plan with Lafarge
- Implement Streetscape Plan
- Strengthen Marketing and Events
- Clean Up Parking Area on North Taylor Street



Agenda

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

Wednesday February 1, 2012

Work Session – 5:45pm
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 – 5:45pm

- **Discussion to consider an Ordinances 1 and 2 - 2012 (First Reading) to amend the lot coverage and design review procedures – Cerimele/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**
 - January 18, 2012

Pg 4

- Action Item Report Pg 13
- 4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
- 5. **Special Presentations/Citizen Recognition**
- 6. **Planning Department Update**
- 7. **Town Manager's Report** Pg 15
- 8. **Town Council Comments**

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

- 9. **Discussion/Action: Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)** Pg 23
- 10. **Discussion/Action: Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)** Pg 30
- 11. **Discussion/Action: Resolution 3 – Series 2012 a Resolution setting ballot language for the April 3, 2012 Municipal Election modifying the Municipal Charter Section 4.8 designating Public Notice posting sites within the Town of Minturn – Brunvand/Christensen (10min)** Pg 45
- 12. **Discussion/Action: Resolution 4 – Series 2012 a Resolution setting ballot language for the April 3, 2012 Municipal Election modifying the Municipal Charter Section 11.6 to redefine and clarify procedures for passage of an ordinance within the Town of Minturn – Brunvand/Christensen (10min)** Pg 48

EXECUTIVE SESSION

- 13. **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** Pg 50

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

FUTURE AGENDA ITEMS

15. Next Meeting – February 15, 2012

- Meeting: Discussion/Action: Medical Marijuana discussion with Rachelle Allen, CML Legal Council and Marco Vasquez, Dept of Revenue – White (45min) 02/15/12
- Meeting: Discussion/Action – Ordinance ____– 2012 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings) 02/15/12
- Meeting: Discussion/Action – Regarding items as related to General Improvement District matters – Brunvand (30min) 02/15/12

16. Future Meeting

- Meeting: Special Presentation: Eagle Valley Trails presentation and discussion – Cerimele (30min) 3/7/12
- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements. 03/7/12

17. Set Future Meeting Dates

a) Council Meetings:

- February 15, 2012
- March 7, 2012
- March 21, 2012

b) Planning & Zoning Commission Meetings:

- February 8, 2012
- March 14, 2012
- April 11, 2012

c) Other Dates:

- Municipal Election – April 3, 2012

18. Adjournment



Official Minutes

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

Wednesday January 18, 2012

Work Session – 5:30pm
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

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

Work Session – 5:30pm

- **Discussion of lot coverage/building code – Cerimele/White (45min)**

Regular Session – 6:30pm

- 1. Call to Order**
 - a. Roll Call

The meeting was called to order by Mayor Flaherty at 6:35pm.

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

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

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

Motion by George B., second by John R., to approve agenda as amended; all voted in favor

3. Liquor License Authority

- Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager – Brunvand (10min)

It was noted for the record that Staff had no concerns with this renewal application that were not resolved and is recommending approval.

Motion by John R., second by Aggie M., to approve the Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager as presented; all voted in favor.

- Direction from the Liquor Authority regarding liquor tasting in Retail Liquor Stores – Brunvand (5min)

Direction from Council was for Staff to meet with the applicant to determine the level of interest. After meeting with the applicant, Staff is to bring forward an Ordinance to adopt, if warranted.

4. Approval of Minutes and Action Report

- January 4, 2012

Under Public Comment #4 Colby Ricci – correct name spelling.

Motion by John R., second by Shelley B., to approve the minutes of January 4, 2012 as amended; all voted in favor.

- Action Item Report

Shelley B. asked if Staff is satisfied with the north sign lights and are we moving forward with the South sign; Yes. Jim W. explained the lights are solar and the length of time the lights are on is commensurate with the size of solar batteries. The project is a success and Staff will be moving forward with lights on the south sign lights.

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

No Comments.

6. Special Presentations/Citizen Recognition

- Karl Bauer, Fire Chief (10 min)

Mr. Karl Bauer introduced himself as the newly appointed Fire Chief for the Eagle River Fire Protection District. Mr. Bauer noted he has been with District since 2004 in various capacities.

Shelley B. asked how strong the District's budget is in light of the failed November ballot measure. Mr. Bauer explained several of the cuts that have been instituted but the underlying goal is to provide the highest service level within the available resources. The Minturn Fire Station is not presently at risk; in fact it is strategically and geographically important to the District.

John R. asked for clarification as to how the level of service is maintained with the current staffing levels in light of the rumors. Mr. Bauer stated a fire truck is staffed with four fire fighters whereby two will enter the fire and two will remain out. This is a national standard for safety and fire fighting effectiveness.

Earle B. asked how the long-term view is affected by the leanness of the staffing. No, this is not something that can be sustained for the long-term; however it is a position they can work within for the next few years.

Aggie M. asked who checks the fire hydrants; often it is the homeowner district or the municipality and they are maintained by the owner. Jerry B. noted that all citizens should help to keep their hydrants near their homes clear of snow and accessible.

7. Planning Department Update

Background

Staff is proposing an amendment to the lot coverage definition that is found in section 16-2-20 – *Definitions* - of the Minturn Municipal Code. The proposed amendment will revise the definition by stating that all cantilevered portions of a building and decks greater than 48" above grade will be counted towards the allowable lot coverage.

Lot coverage is currently defined as follows:

Lot coverage means that portion of the lot that is covered by buildings, including covered porches, covered walkways and similar covered areas, but not including roof overhangs and decks.

Proposed Definition:

Lot coverage means that portion of the lot that is covered by buildings, including covered porches, cantilevered areas, covered walkways and similar covered areas. Lot coverage shall not include decks less than forty-eight (48) inches above grade and roof eaves less than twenty-four (24) inches from the face of the building.

Next Steps

- January 25, 2012 – Planning Commission public hearing on the zoning text amendment to initiate to code change. The Planning Commission will make a recommendation to the Town Council to approve or deny the proposed change to the lot coverage definition as defined in section 16-2-20 of the Minturn Municipal Code.
- February 1, 2012 – The Town Council will conduct the first reading on an ordinance to amend the lot coverage definition.
- February 15, 2012 – Second Reading of the ordinance to amend the lot coverage definition.

The following topics were discussed at the 1/11/12 Planning Commission meeting:

Lot coverage definition revision

- The definition will be revised to include all cantilevered living spaces and decks greater than forty inches (48”) above grade.

Design Review Board submittal requirements

- A boundary and topographic survey will be required instead of the current Improvement Location Certificate.

Design Review Board public hearing procedure

- Require public notification for all Design Review Board applications. This will entail sending letter that includes details of the proposal and the hearing date to all property owners within 250 feet of the subject property at least 10 days prior to the public hearing. Additionally, notice of the hearing and details of the proposal will be published in the Vail Daily at least 10 days prior to the public hearing. Currently, public notices are only required for the following land use applications: subdivisions; variances; conditional use permits; zoning map amendments and zoning text amendments.

Shelley B. asked if this was necessary. The intention is that the neighbors are informed and able to be included in the process. Discussion ensued as to whether this process would give neighbors the right to prohibit a project. Chris C. will report back to Council the reasons behind this proposed requirement.

Construction Process

- Require a foundation survey after the foundation has been poured and cured. This will be done to ensure that the foundation was constructed in the location that was approved on the site plan. When the location of the finished foundation has been verified and approved, construction on the remainder of the structure can proceed.
- Require a framing survey once the roof ridge boards are in place. This will be required to ensure that the structure adheres to the building height and setback requirements.

8. Town Manager's Report

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. On a separate matter, the Town Council has submitted a revised term sheet for the proposal made by Battle Mountain regarding the potential release of escrow funds. Our subcommittee met on August 9, 2011, August 30, 2011, October 27, 2011, November 10, 2011, and on December 13, 2011. We also met on January 5, 2012.

Recycling Earns Money

The Public Works crew rounded up some more old scrap metal again near year's end. With the latest effort, we secured even more reimbursement. The results of the 2011 efforts total nearly \$2800! Congratulations to the Public Works crew!

Christmas Tree Bonfire

Held Saturday, **January 7, 2012**, the bonfire to burn Christmas trees gathered throughout Minturn was a big success! Hot cider and hot chocolate added to the festivities. Special thanks to the Fire District for helping with the event!

Ski Joring Rescheduled

The Town of Minturn will be holding this new event on old Minturn Road on **Saturday February 25th and Sunday February 26th, 2012.**

Governor's State of the State

I was invited to attend Governor Hickenlooper's State of the State Address at the State Capitol on Thursday, January 12, 2012 as CML Immediate Past President.

Tour of Minturn Water Treatment Plant

A group of Vail high school students was given a tour of the Minturn Water treatment plant in early January. John Volk and I were present. To provide information and answer questions.

Martin Luther King Holiday

The Minturn Town Hall and the U.S Post offices will be closed on Monday, January 16th to commemorate the Martin Luther King Holiday.

7th Copper Triangle Bike Event

The Town of Minturn will provide an aid station during next year's 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 6:30am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

Jim W. reported on a plan, promoted by the Minturn Community Fund, to create a community garden. The plan would involve community volunteers or a community committee. Several sites in Town, both Town owned and private property, have been investigated. The promoters have requested that the garden should be located in Not-A-Park (243 Boulder St) due to its size,

central location, and availability of water on the site. Staff also suggested that we explore diagonal parking at this location concurrently.

Direction from Council was to proceed as presented.

9. Town Council Comments

John R. reminded all to know and understand the snow stacking and winter parking regulations.

Shelley B. reported that the Eagle County School District Board of Education voted to not close any more schools. This was in general and specifically in the eastern part of Eagle County. Shelley B. stated Red Sandstone Elementary in Vail will remain open.

Jerry B. reported that long time local Davie Burnett passed away recently and offered condolences to the Burnett family.

George B. attended the Eagle County Transit meeting and reported on changes that will allow the buses to run more effectively and timely as well as diagnostic equipment on board the buses that will assist in potential maintenance issues. He also reported the county is seriously looking at the bike path system to ensure a county wide connection.

Hawkeye reported that Council Member John R. is running for Eagle County Commissioner and wished him luck.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action: Lot Coverage/Building Code discussion – Cerimele/White (30 min)

Chris C. updated the Council on proposed changes to the municipal code. These changes are a result of recent issues and findings as related to lot coverage and how coverage is calculated.

Earle B. asked about accessory dwelling units; discussion ensued that if accessory dwellings are allowed then we need to make sure it is documented and all permits, tap fees, etc are collected. John R. discussed the need to look at the accountability factor and if someone is out of compliance what options does the Code provide to remedy compliance. Discussion ensued as to when a tap is warranted for various projects and how it is determined.

Re 601 Main Street: the issues have been addressed as to lot coverage, accessory units, and a temporary Certificate of Occupancy. In this case the residence was built while the owner/builder was living in the accessory unit. Jerry B. requested details showing a timeline and paper trail of the project since the building permit was issued. It was noted that this project was approved by the Town and built as approved. As a result of this project the Municipal Code is being reviewed and changes proposed in order to best avoid similar issues in the future.

Mr. Frank Lorenti, 1081 Main St., spoke to the Council regarding the 601 Main St project specific as to when documents were received and if the proper documents were submitted in a timely manner. Council noted that the planning process as it currently exists is being reviewed to correct the issues that occurred with this project. Frank L. stated there were too many mistakes; Council contended that there was only one or two and those issues are being resolved to correct the process in the future.

Hawkeye confirmed that staff had the direction necessary to move forward.

At this point the Mayor called a 10 minute recess.

11. Discussion/Action: Resolution 2 – Series 2012 a Resolution designating or appointing the Minturn Town Clerk as the Designated Official of the Town of Minturn – Brunvand (10min)

Motion by Shelley B., second by John R., to approve Resolution 2 – Series 2012 a Resolution designating or appointing the Minturn Town Clerk as the Designated Official of the Town of Minturn as presented. All voted in favor.

12. Discussion/Action: Council discussion and direction regarding the placement of ballot questions on the April 2012 Municipal Election – Brunvand/White/Christensen (20min)

Direction: Proceed with a ballot question to state two public posting locations (302 Pine St and 301 Boulder St.) and the website

Direction: Proceed with a ballot question to publish by title on both first and second reading with note the full ordinance is avail at the Town and posted in full on the website.

EXECUTIVE SESSION

13. 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 and 4b to receive and to receive legal advice from the Town Attorney regarding public accusations of staff malfeasance – 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, water right issues, and EPA update.

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

Executive Session began at 8:42pm and ended at 9:23pm. Following Executive Session, the Town Attorney and the Town Manager were directed to continue negotiations with Battle Mountain regarding the term sheet. The Town Manager was further directed to coordinate a subcommittee meeting. The Town Attorney was instructed to oversee the development of a Resolution to be considered once the negotiations were ready to be reviewed for decision.

FUTURE AGENDA ITEMS

15. Next Meeting – February 1, 2012

- Work Session and Meeting: Discussion/Action to consider an Ordinance (First Reading) to amend the lot coverage.
- Put on the ballot questions but I don't know what meeting; get with Allen C on this.
- Have a blurb in Jim's report of when the election is who is up and the ballot questions

16. Future Meeting

- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements. 02/15/12
- Have this in the regular session: Medical Marijuana discussion with Rachelle Allen, CML Legal Council – White (45min) 02/15/12
- Meeting: Discussion/Action – Ordinance ____– 2012 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings) 02/15/12
- Meeting: Discussion/Action – Regarding items as related to General Improvement District matters – Brunvand (30min) 02/15/12

17. Set Future Meeting Dates

a) Council Meetings:

- February 1, 2012
- February 15, 2012
- March 7, 2012

b) Planning & Zoning Commission Meetings:

- February 8, 2012
- March 14, 2012
- April 11, 2012

c) Other Dates: N/A

18. Adjournment

Motion by Jerry B., second by John R., to adjourn at 9:25pm; all voted in favor.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**Town of Minturn
Council Action Item Memo**

TO: Staff Members/Council Members
FROM: Jim White/ Town Manager
DATE: February 1, 2012
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Town Entry Signs – South Minturn	White	Install solar lighting on south Town entryway sign first quarter 2012.
Draft Medical Marijuana Ordinance	White	The Draft Ordinance has been completely reviewed by Staff and Council and is on hold until February 15, 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 \$3,600 in scholarship funding. 2/15/12 deadline set for 2012 applications. \$1,000 awarded for Spring 2012 semester.
Town Sidewalks	Cerimele/White	Staff and Planning Commission reviewing language to code to require sidewalks for new construction.
OSAC Funding for Boneyard Purchase	Cerimele	Town staff seeking GOCO funding opportunities.

Action Item	Responsible Party	Progress Report
2012 Goal: Town Street Repairs and Drainage.	White/A. Martinez	Obtain updated estimates for repairs. Check with CDOT regarding south Town drainage.
2012 Goal: Expand Parking and Improve Appearance of Municipal Lot.	White/A. Martinez	Preliminary designs are being reviewed at staff level.
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with LaFarge	White/A. Martinez	Plan to contact residents during 2 nd quarter 2012.
2012 Goal: Implement Streetscape Plan	White /Cerimele/	Staff to review previously submitted plans to develop an action plan for 2012.
2012 Goal: Strengthen Marketing and Events	Metteer	
2012 Goal: Clean Up Parking Area on North Taylor St	Cerimele/L. Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking.
2012 Goal: Improve planning and scheduling and apply for infrastructure grants/loans and report on 2012 grant opportunities and scheduling.	White/Cerimele	Staff to provide periodic updates to Council.
2012 Grant Opportunities & Submittals	White	<p>Staff to provide periodic updates to Council: Police Received \$1,200 grant from CDOT for 2012 High Visibility Impaired Driving Enforcement (to be utilized over St. Patrick's Day, High School Prom Dates and Memorial Day Weekend).</p> <p>Received a \$1,700.00 grant from the 5th Judicial District Victim Assistance and Law Enforcement Board for Victim Assistance/Domestic Violence Training (to be utilized the fall of 2012).</p> <p>Received a training grant totaling \$1,500 per person for four employees from the Colorado Department of Justice for unlimited web based trainings).</p> <p>Remainder of the Lexipol grant as it runs from May 2011 to May 2012 (total amount for first year: \$3,500.00)</p>

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



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

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: January 25, 2012
Re: **Manager’s Report for the February 1, 2012 Town Council Meeting**

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. On a separate matter, the Town Council is reviewing a revised term sheet for the proposal made by Battle Mountain regarding the potential release of escrow funds. Our subcommittee met on August 9, 2011, August 30, 2011, October 27, 2011, November 10, 2011, and on December 13, 2011. We also met on January 5, 2012 and January 25, 2012.

Planning Commission Vacancy

It is with regret that we acknowledge the resignation of Michael Gallagher from the Town of Minturn’s Planning Commission. He submitted his resignation on Tuesday, January 24, 2012 due to medical reasons. He said “the Planning Commission needs someone there that can serve”. He also offered his thanks to the Town of Minturn “for the opportunity to serve”.

Dowd Junction

Following up on a recent report in the Vail Daily, I contacted U.S. Forest Service District Ranger, Dave Neely, to inquire about future plans for the Dowd Junction site. Dave called back to assure me that the discussions about Dowd Junction are in the conceptual stage and that no formal planning is underway. He further indicated that the significance of that location to the Town of Minturn is understood by the Forest Service.

Colorado Association of Ski Towns

I attended the Colorado Association of Ski Town’s (Cast) meeting on January 26 and January 27, 2012 in Steamboat Springs, CO.

Mayors and Managers Meeting

The Mayor and I are invited to the Mayors and Managers meeting on Friday February 3, 2012 with other representatives of Eagle County municipalities.

Memorial Services

Funeral Services for Mrs. Davie Burnett will be held at 11am on February 11, 2012@ the Eagle River Presbyterian Church in Eagle Vail.

01/13/12

2012 Upcoming Minturn Events

Ski Joring Rescheduled

The Town of Minturn will be holding this new event on old Minturn Road on **Saturday February 25th and Sunday February 26th, 2012.**

Minturn Summer Concert Series

The Minturn Summer Concert Series is planned to take place on Thursday evenings this summer beginning July 12, 2012 and continuing through August 30, 2012. This year's concert series will be held from 6pm through 8pm. The first planning meeting was held on January 23, 2012.

7th Copper Triangle Bike Event

The Town of Minturn will provide an aid station during next year's 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 6:30am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers. We will be meeting with representatives for the event this week to begin planning efforts.

Pro Cycling Tour

The Pro Cycling Tour will be coming through Minturn on Thursday, August 23, 2012.

Respectfully submitted,
Jim White
Town Manager



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

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

MEMORANDUM

TO: Jim White, Town Manager
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Wednesday, January 25, 2012
RE: 2012 Election Update

Following is a copy of the Minturn Election Calendar for the upcoming election.
Several Items:

- The Election will be held on April 3, 2012
- In addition to the Mayor's seat, three seats are up for election on the Council. Those current Council seats up for election are:
 - Hawkeye Flaherty – Mayor – 2 year term
 - George Brodin – Council Member 4 year term
 - Jerry Bumgarner – Council Member 4 year term
 - John Rosenfeld – Council Member 4 year term
- As noted on the calendar, the first day nomination packets may be picked up and circulated is February 13, 2012. Packets are available in the Town Clerk office along with complete instructions.
- The candidate has 20 days to collect signatures and submit their nomination petition with signatures.
- In addition to the Council Election, our Municipal Election will have two ballot questions pertaining to posting of public notices and publication of ordinances.

**TOWN OF MINTURN
REGULAR ELECTION
TUESDAY, APRIL 3, 2012**

DATE	DESCRIPTION	CRS #
01/04/12	Start of Absent Voter Applications being accepted - 90 days prior	31-10-1002(1)
02/13/12	First day nomination petitions are available and allowed to be circulated (50 days prior)	31-10-302(2)
02/17/12	Deadline for any written comments concerning TABOR issues if applicable (45 days prior)	CC Art10 Sec20
03/02/12	Last day to mail notices for TABOR ballot issue elections	31-10-301 to 31-10-302(6)
03/05/12	Last day to submit a nomination petition Draw names for ballot order at 5pm	31-10-302(2)
	Last day a person can move into a municipality and become a resident for the purposes of voting in the April election. (30 days prior)	31-10-201(b)
	Last day voters may register to change address at Municipal Clerk's office (must have resided in Town 30 days prior to election)	31-10-203(2)
	Town Council to appoint by RESOLUTION election judges at Council meeting (must be done at least 15 days prior to the election) ORDER BALLOTS	31-10-401 to 31-10-405
03/09/12	Town Clerk to deliver, in person, all new registrations to County Clerk	31-10-204
03/19/12	If no other issues are on the ballot and only one person is running for each seat, the Clerk may cancel the election and declare the candidate elected upon a resolution by the board, requires an existing ordinance and special publication and posting requirements	31-10-306 31-10-507
3/19/12 Do at 3/7 Council mtg	Last day governing body to appoint Election Judges. The governing body may by resolution delegate this authority to the Clerk in the event judges not set. (15 days prior) SEND ELECTION NOTICE TO PAPER FOR PUBLICATION	31-10-401
	First day any registered elector may vote by absentee ballot (15 days prior)	31-10-1002,1005
03/23/12	Last day to publish Notice of Election in one newspaper having general circulation in municipality; also post a copy in Clerks office too. HAVE TO PAPER ON 3/23/08 TO ALLOW TIME TO HAVE PUBLISHED	31-10-501(1) 31-10-501(2)
	Last day to post polling place signs (at least 10 days prior)	31-10-501
	Sample and official ballots must be available (order these on 3/09/10)	31-10-902
	Mail out absent voter ballots with in 72 hours	31-10-1002
	Absent voting begins (set up in my office upstairs)	
	Polling place must be posted	31-10-501
	Notice of election must be posted in Clerk's office	31-10-501
03/30/12	Last day County Clerk to provide certified voter registration list to Muni. Clerks	31-10-205
	Filings of contributions/expense reports by candidate committees and issue committees subject to the FCPA are due today (if applicable)	
	Last day to apply for absent voter ballot or walk-in voting	31-10-1002 31-10-1004
04/02/12	Delivery of ballots, ballot boxes, supplies and registration lists to Head Judge after 5pm (work with Bev on this)	31-10-904
04/03/12	ELECTION DAY - POLLS OPEN AT 7AM AND CLOSE AT 7PM	
	Last day to file affidavit of change of address with County Clerk	31-10-208
04/04/12	SWEAR IN NEW COUNCIL AT COUNCIL MEETING	
04/09/10	Preferred Day to canvass election returns and prepare abstracts	
04/18/10	Election results reported to Council at Regular Council Meeting	
	Canvas the election returns with Election Judge prior to this date	31-10-1201
04/19/10	Last possible day a person may contest the election with the Clerk of the District Court. (within 10 days of votes being canvassed)	31-10-1301
04/27/10	Last day to contest if recount is conducted	
05/03/10	FCPA contribution/expense report filing due (if applicable)	

OPEN SPACE ADVISORY COMMITTEE

January 9, 2012
4:30 p.m. – 6:40 p.m.
Garden Level Class Room
Eagle County Building
Eagle, Co

COMMITTEE MEMBERS ATTENDING	ABSENT COMMITTEE MEMBERS	STAFF MEMBERS ATTENDING	PUBLIC ATTENDING
Chupa Nelson Josh Lautenberg George Brodin Joe LeBeau Lou MesKemin Shelly Mello Rich Carroll Stephen Ellsperman Tom Edwards Tom Henderson	Ann Luark	Toby Sprunk Bob Morris Rick Ullom Eva Wilson Cholpon Lord BoCC Sara Fisher	Barbara Allen Derek Franz Scott Conklin

- 1) **Call to order: Tom Edwards**
- 2) **Roll Call**
- 3) **Changes/additions to the agenda**

Changes to the agenda: Mr. Sprunk added a discussion and funding request for trailhead funding for the Homestead “L” Open Space.

Discussion Items:

1) **USFS Tree Nursery Potential Acquisition:**

Mr. Sprunk made a presentation about a potential acquisition of the USFS Tree Nursery property in El Jebel. The property was purchased by the US Forest Service in the 1960s to be a tree nursery. Currently, the White River National Forest wants to sell the property to raise funds for other organizational needs. This is special program that authorizes the USFS to sell “administrative properties” and retain the proceeds. In this case, White River National Forest needs to construct a new visitor center and employee housing. Local governments are given a right of first refusal to purchase the property.

This 68 acre property lies adjacent to Crown Mountain Park and is close to the Eagle County building in El Jebel. Eagle County and Pitkin County have submitted a letter of interest to the USFS, specifically

referencing an interest in acquiring only the 40 acres of riparian habitat and small trailhead area on the upland portion of the property. This portion of the property includes outstanding wetland vegetation, including three threatened and endangered plant species. The property also includes nearly one mile of the Roaring Fork River, which is heavily used by fishermen.

The letter of interest, jointly submitted by Eagle and Pitkin County, does not obligate the Counties to complete the purchase. When instructed to do so, the Counties will order an appraisal for the property. In a recent conversation with USFS staff, Mr. Sprunk learned of their desire for the property to be encumbered with a conservation easement. Mr. Sprunk has yet to gain confirmation that this conservation easement requirement will be considered when the property is appraised, but practically speaking the conservation easement should reduce the appraised value.

Mr. Sprunk showed a map and photos of the property and asked if there were any questions. There was brief discussion from OSAC members and general support for moving forward with the project.

2) Homestead “L” Open Space:

Ms. Wilson, the Director of Eagle County’s Engineering Department, made a presentation about plans to develop a parking lot and trailhead at the Homestead “L” Open Space. She presented a drawing showing the site development plans, which include a 12 car parking lot with space around the edges for horse trailer parking. The parking lot will be gravel, ringed with post and rail fence, and will include a dog bag dispenser and wildlife-proof trash container. A ranch-style entrance gate and regulatory signage will also be included in the project. The budget for this project is \$73,000 but staff believes this is a high estimate and the County may be able to realize cost savings throughout the project. The entire parking area is well within the building envelop outlined in the draft conservation easement.

Mr. Ellsperman commented that maintaining awareness of a site’s aesthetic features is important and staff should keep this in mind when moving forward.

- Mr. Ellsperman made a motion to approve up to \$73,000 for site trailhead planning and development at the Homestead “L” Open Space. Mr. Nelson seconded the motion, which was unanimously approved.

3) State Bridge Site Improvement Project:

4) Two Bridges Boat Launch

Mr. Ullom, from the Facilities Department, presented a scope and budget for site improvements to the State Bridge Landing. To have the site ready for spring he suggested allocating up to \$257,000 for site improvements, including driveway widening, concrete boat launch and pull-through, parking lot improvements, restroom installation, drilling of a water well, extension of electrical service, development and installation of a ranch-style entry gate, creation of regulatory signage, and several other items. The outlined budget also included design preparation, construction drawings, and all the required permits.

There was extensive and lengthy discussion about the fact that the State Bridge acquisition was premised on the strategic location and that the site was turn-key. OSAC suggested that staff reconsider the need for all the improvements outlined, especially given the fact that the property has already served as a boat launch for many years. They agreed generally that a phased approach may be appropriate for State Bridge Landing, perhaps starting with a more detailed plan. Interest was expressed that the site be attractive, safe and set a positive tone for the Open Space Program to the public. Many OSAC members felt the timeline outlined by staff was not realistic. However, the group was generally supportive of staff efforts but wanted more specific information and asked that action items be prioritized in such a way as to possibly.

The discussion was lengthy and it was agreed that many of the concepts involving State Bridge Landing would also apply to the funding request for Two Bridges Boat Launch.

- Mr. Ellsperman made a motion to approve up to a maximum of \$70,000 for design work on the two sites. Mr. Nelson seconded the motion, which was unanimously approved. Staff will initiate design work and present the results at a future meeting.

Adjournment: 6:40 pm



SWIFT EAGLE CHARITABLE FOUNDATION

Mission: To provide swift financial assistance to Eagle County residents for living and personal expenses during times of crisis or hardship.

*Honorary Chairman
Phil Jackson*

Founders

*President
David Haakenson*

*Vice President
Stewart Eves*

*Secretary
Cathy Dockery*

*Treasurer
Valerie Wegert*

Chris Boles

John Boles

Ralph Dockery

Susan Eves

Hawkeye Flaherty

Jean Flaherty

Pat Hamilton

Fred Haslee

Lorraine Haslee

Debby McClenahan

Craig Snowdon

Ginny Snowdon

Doug Talbot

Jody Talbot

Darell Wegert

**Town of Minturn
PO Box 308
Minturn, CO 81645**



December 17, 2011

Dear Friends,

Thank you so much for your contribution to the Swift Eagle Charitable Foundation and the Lorraine Mall Haslee Scholarship Fund.

As one of the founding members of Swift Eagle, Lorraine provided an inspiring example of leadership and continuing dedication to the community around her. She embraced the spirit of Swift Eagle and its mission to help those in crisis situations and her heartfelt concern for people resulted in a never ending quest to make the lives of those around her better. Through her joy in and commitment to education, she had an enormous impact not only on the children with whom she worked, but on all those around her.

It is thus truly fitting that a scholarship fund has been established in her name. Your contribution of \$200.00 will go towards financially aiding an Eagle County student attending Colorado Mountain College.

Thank you for helping us to honor the memory of our friend.

Sincerely,

Swift Eagle Charitable Foundation

No goods or services were received in connection with this contribution. Your entire contribution is tax deductible within current IRS guidelines.

The Swift Eagle Charitable Foundation is a 501 (c) 3 non-profit organization.

Our tax number is 80-0109707.

*P.O. Box 1977
Aven
81620*

"Never doubt that a small group of thoughtful, committed citizens can change the world . . . Indeed, it is the only thing that ever has." - Margaret Mead

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
Councilman – John Rosenfeld
Councilman – Earle Bidez

AGENDA ITEM COVER SHEET

AGENDA TITLE: Consideration of Ordinance 1 – Series 2012; an ordinance amending Chapter 16 of the Minturn Municipal Code by revising the lot coverage definition in section 16-2-20
MEETING DATE: February 1, 2012
PRESENTER: Chris Cerimele
BACKGROUND: This ordinance will revise the lot coverage definition in section 16-2-20 of the Minturn Municipal Code. The Planning Commission recommended approval of the proposed revision at their 1.25.12 public hearing.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: none
STAFF RECOMMENDATION/MOTION: Staff recommends approval of Ordinance 1 – Series 2012 on first reading.

TOWN COUNCIL STAFF REPORT

Public Hearing Date: February 1, 2012

FILE NUMBER: Ordinance 1 - 2012
PROJECT TYPE: Zoning Text Amendment
LOCATION: The incorporated areas of Minturn
OWNER: Not Applicable
APPLICANT: Town of Minturn
REPRESENTATIVE: Chris Cerimele, Town Planner
STAFF RECOMMENDATION: Approval

SUMMARY

This item is a request for a Zoning Text Amendment to revise the definition of lot coverage as defined in Minturn Municipal Code section 16-2-20.

PROPOSED CODE AMENDMENT

The proposed Zoning Text Amendment, ZTA 2012-01, would revise the lot coverage definition as follows::

Lot Coverage: the portion of a lot that is covered by buildings, including all cantilevered portions of the building, roof overhangs greater than twenty-four inches (24"), covered porches, covered walkways and similar covered areas.

STAFF ANALYSIS

The proposed amendment is being processed under MMC *section 16-21-410; Amendments to text of land use regulations or Character Area and Zone District Map.*

Section 16-21-420 – Purpose – states:

*The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, **and for changing the text of these Land Use Regulations.** It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.*

The proposed code amendment is consistent with the purpose of this section. The procedure for a Zoning Text Amendment is outlined in section *16-21-440 (b); Procedure.* This section states:

Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to the Character Area Zoning Map, or any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Section 16-21-450; Standards - outlines the factors that the Town Council shall consider when reviewing a Zoning Text Amendment. Staff comments are provided in bold text.

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

Staff believes that the proposed ZTA is consistent with the following goals and strategies of the 2009 Community Plan.

Goal (CCG1) – Community Character. Maintain, Build, and Promote the Town’s Image as a Unique, Eclectic Non-Resort Town With A Strong Sense of Community.

- **(CCS1.2) – Consider size limits for residential structures.**
- **(CSS 1.4) – Develop and implement methods to maintain the Town’s eclectic architecture, scale and vibrant color palette.**

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

Not Applicable

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

The current lot coverage definition does not address cantilevered living spaces. The proposed amendment will add these areas to the lot coverage definition - helping to regulate the mass and scale of new construction projects in the Town of Minturn.

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

Not Applicable

(5) Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

A consistent theme that is repeated at public meetings is the need to maintain the small town character of Minturn. This amendment will help achieve that goal.

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

Not Applicable

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

Not Applicable

PLANNING COMMISSION

The Planning Commission voted 3-0 to recommend approval of Zoning Text Amendment 2012-02 at their January 25, 2012 meeting.

DRAFT MOTION

I move to approve Ordinance 1 - 2012.

Respectfully Submitted

Chris Cerimele, Planner

Attachments:

Ordinance 1 - 2012

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 1 - SERIES 2012**

AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN MUNICIPAL CODE BY REVISING THE LOT COVERAGE DEFINITION IN SECTION 16-2-20

WHEREAS, the Town of Minturn, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Minturn Home Rule Charter of April 6, 1982 (“Charter”) and

WHEREAS, the Town, by virtue of its Home Rule status, may adopt such ordinances relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities; and

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

Section 1. Amendment. The definition of “*lot coverage*” in Section 16-2-20 of the Town of Minturn Municipal Code is revised as follows:

Lot Coverage: the portion of the lot that is covered by buildings, including all cantilevered portions of the building, roof overhangs greater than twenty-four (24) inches, covered porches, covered walkways and similar covered areas.

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

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

Section 4. The repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this Ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 1st DAY OF February, 2012. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado on the **15th** day of **February 2012**, at **7:00 p.m.** at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

Attest:

Mayor

Town Clerk

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2012.

Attest:

Mayor

Town Clerk

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Consideration of Ordinance 2 – Series 2012; an ordinance amending chapter 16 of the MMC by adopting submittal requirements and public hearing procedures for Design Review applications.
MEETING DATE: February 1, 2012
PRESENTER: Chris Cerimele
BACKGROUND: This ordinance will standardize the submittal requirements for Design Review applications. It also develops a series of findings that must be met for a project to receive Design Review Board approval.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: none
STAFF RECOMMENDATION/MOTION: Staff recommends approval of Ordinance 2 – Series 2012 on first reading.

Town Council Staff Report

Public Hearing Date: February 1, 2012

FILE NUMBER: Ordinance 2 - 2012
PROJECT TYPE: Zoning Text Amendment
LOCATION: The incorporated areas of Minturn
OWNER: Not Applicable
APPLICANT: Town of Minturn
REPRESENTATIVE: Chris Cerimele, Town Planner
STAFF RECOMMENDATION: Approval

SUMMARY

This item is a request for a Zoning Text Amendment to create a new section of the Minturn Municipal Code that pertains to Design Review Board submittal requirements and public hearing procedures. The new section will be added to Article 16 – Section 21; Administration and Procedures.

PROPOSED CODE AMENDMENT

Section 16-21-615. Design Review Applications

- (a) **Purpose.** The purpose of a Design Review is to ensure that all new development and major redevelopments in Minturn are constructed in a manner that complies with the adopted regulations of the Town.
- (b) **Applicability.** All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and or square footage of an existing structure.
- (c) **Application Requirements.** In addition to the requirements of section 16-21-170, the following information must be submitted for a Design Review application.
 - 1. Application form and fee. Application fees are set annually by the Minturn Town Council;
 - 2. A boundary survey with a wet stamp and signature of a licensed surveyor that includes the following information:
 - a. Date of survey

- b. Right-of-way and property lines; including bearings, distances and curve information.
- c. Labeled ties to existing USGS benchmark.
- d. Property boundaries to the nearest one one-hundredth of a foot (.01) accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
- e. All existing easements recorded with the Eagle County Clerk and Recorder. Include bearings and distances
- f. Spot elevations at the edge of asphalt along the street frontage of the property at five (5) foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
- g. Existing buildings and structures and portions of neighboring structures within fifteen (15) feet of shared property lines.
- h. Topographic conditions at two foot contour intervals.
- i. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
- j. Rock outcroppings and other significant natural features.
- k. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
- l. Environmental hazards where applicable. (i.e. rock fall, wetlands, floodplain)
- m. Watercourse setbacks, if applicable. Show centerline and edge of stream or creek in addition to the required stream setback.
 - Residential additions of 250 square feet or less may have the boundary survey requirement waived by the Design Review Board.

3. A scaled site plan showing the following information:

- a. Property line locations and dimensions
- b. Setback lines
- c. Existing and proposed easements
- d. Existing and proposed buildings including sheds and enclosures. Include decks, patios and balconies. Indicate the building face (exterior finish) with a dashed line and the roof edge with a solid line. All cantilevered portions of the building must also be shown with a solid line.
- e. Height elevations of all roof ridgelines and mid-point of roof gables

- f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii, and spot elevations at the property line
 - g. Identify all slopes between 30-40%
 - h. Identify slopes greater than 40%.
 - i. Existing and proposed retaining walls (including materials).
 - j. Existing and proposed fences (including height and materials)
 - k. Waterbodies and stream setbacks
 - l. Snow storage areas
 - m. Landscaped areas
 - n. Sidewalks and walkways.
4. Elevations of all sides of the proposed structure(s), indicating type and color of all exterior materials, building heights, setback lines, locations of exterior lighting fixtures, roof and building drainage system (i.e. gutters and downspouts).
 5. Color chips and a materials board shall be required for all projects.
 6. A landscaping plan, including existing and proposed vegetation. The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than 250 sf, a landscaping plan is required for the disturbed area of the property only.
 7. Floor plans of all levels shall be included that indicate the proposed uses. For additions to existing structures, floor plans must be provided for the existing building.
 8. Multi-family and commercial developments may require one or more of the following; a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; a two dimensional photo illustration of the proposed building in relation to adjacent structures.
 9. Property corners shall be staked and remain in place throughout the public hearing process.
 10. Such additional information as the Planning Department or Design Review Board may require.

(d) Administrative Procedure.

1. Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in Chapter 16.
2. Criteria and Findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board, shall consider the following factors with respect to the proposal:
 - a. The proposals adherence to the Town's zoning regulations.
 - b. The proposals adherence to the applicable goals and objectives of the Community Plan.
 - c. The proposals adherence to the Town's Design Standards.
3. Necessary Findings. The Design Review Board (DRB) shall make the following findings before approving a Design Review application:
 - a. That the proposal is in conformance with the Town of Minturn zoning regulations.
 - b. That the proposal helps achieve the goals and objectives of the Town of Minturn Community Plan.
 - c. That the proposal complies with the Town of Minturn Design Standards.
4. Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:
 - a. No changes to an approved plan or design may be made without the written consent of the Town staff. Staff reserves the right to forward any change to the DRB for final approval;
 - b. Design Review Board approval does not constitute a permit for building.
 - c. DRB approval shall not become valid for 20 days following the date of approval, pursuant to the Minturn Municipal Code Chapter – Appeals
 - d. Approval of this project shall lapse and become void one (1) year following the date of final approval, unless a building permit is issued and construction is commenced and is diligently pursued toward completion.

(e) Construction Process

1. Once an application has been approved by the DRB, the applicant may apply for a building permit. Please consult the

Building Department for the applicable submittal requirements.

2. A Foundation Location Certificate must be submitted after the building foundation has been poured. Construction may not proceed until the location of the foundation has been verified by the Building Official. This requirement may be waived for a structure whose exterior walls are designed three (3) feet or more from all property setbacks and easements.
3. After the framing of the structure has been completed, an Improvement Location Certificate is required for verification of the roof height and to ensure that no setback encroachments exist on the property. The framing inspection will not be approved until this survey has been approved by the Building Official.

STAFF ANALYSIS

The proposed amendment is being processed under MMC *section 16-21-410; Amendments to text of land use regulations or Character Area and Zone District Map.*

Section 16-21-420 – Purpose – states:

*The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, **and for changing the text of these Land Use Regulations.** It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.*

The proposed code amendment is consistent with the purpose of this section. It is necessary to define and codify the submittal requirements and public hearing procedures for Design Review applications.

The procedure for a Zoning Text Amendment is outlined in section *16-21-440 (b); Procedure.* This section states:

Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the

text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.

Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to the Character Area Zoning Map, or any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Section 16-21-450; Standards - outlines the factors that the Town Council shall consider when reviewing a Zoning Text Amendment. Staff comments are provided in bold text.

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

Staff believes that the proposed code amendment is consistent with the following goals and strategies of the 2009 Community Plan.

Goal (CCG1) – Community Character. Maintain, Build, and Promote the Town’s Image as a Unique, Eclectic Non-Resort Town With A Strong Sense of Community.

(CSS1.4) – Develop and implement methods to maintain the Town’s eclectic architecture, scale and vibrant color palette.

(CSS1.8) – Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the Town – snow, trash, nuisance abatement and zoning/land use.

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

Not Applicable

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

Not Applicable

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

The proposed amendment will have no negative effects on the natural environment. It will assist the staff and Planning Commission in reviewing development proposals by requiring an applicant to provide additional information to ensure a proposed project complies with Town regulations.

(5) Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

The regulation of new development in the Town of Minturn is in the best interest of the community.

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

Not Applicable

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

Not Applicable

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 3-0 to recommend approval of Zoning Text Amendment 2012-02 at their January 25, 2012 meeting.

DRAFT MOTION

I move to approve Ordinance 2 – 2012 on first reading.

Respectfully Submitted

Chris Cerimele, Town Planner

Attachments:
Ordinance 2 - 2012

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 - SERIES 2012**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN
MUNICIPAL CODE BY ADOPTING SUBMITTAL REQUIREMENTS AND
PUBLIC HEARING PROCEDURES FOR DESIGN REVIEW APPLICATIONS
WITHIN THE TOWN OF MINTURN.**

WHEREAS, the Town of Minturn, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Minturn Home Rule Charter of April 6, 1982 (“Charter”) and

WHEREAS, the Town, by virtue of its Home Rule status, may adopt such ordinances relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities.

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

Section 1. A new Section 16-21-615 is added to Chapter 16, Article 21, Division 4.:

Section 16-21-615. Design Review Applications

- (a) **Purpose.** The purpose of a Design Review is to ensure that all new development and major redevelopments in Minturn are constructed in a manner that complies with the adopted regulations of the Town.
- (b) **Applicability.** All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and or square footage of an existing structure.
- (c) **Application Requirements.** In addition to the requirements of section 16-21-170, the following information must be submitted for a Design Review application.
 - 1. Application form and fee. Application fees are set annually by the Minturn Town Council;
 - 2. A boundary survey with a wet stamp and signature of a licensed surveyor that includes the following information:
 - a. Date of survey
 - b. Right-of-way and property lines; including bearings, distances and curve information.

- c. Labeled ties to existing USGS benchmark.
- d. Property boundaries to the nearest one one-hundredth of a foot (.01) accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
- e. All existing easements recorded with the Eagle County Clerk and Recorder. Include bearings and distances
- f. Spot elevations at the edge of asphalt along the street frontage of the property at five (5) foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
- g. Existing buildings and structures and portions of neighboring structures within fifteen (15) feet of shared property lines.
- h. Topographic conditions at two foot contour intervals.
- i. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
- j. Rock outcroppings and other significant natural features.
- k. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
- l. Environmental hazards where applicable. (i.e. rock fall, wetlands, floodplain)
- m. Watercourse setbacks, if applicable. Show centerline and edge of stream or creek in addition to the required stream setback.
 - Residential additions of 250 square feet or less may have the boundary survey requirement waived by the Design Review Board.

- 3. A scaled site plan showing the following information:
 - a. Property line locations and dimensions
 - b. Setback lines
 - c. Existing and proposed easements
 - d. Existing and proposed buildings including sheds and enclosures. Include decks, patios and balconies. Indicate the building face (exterior finish) with a dashed line and the roof edge with a solid line. All cantilevered portions of the building must also be shown with a solid line.
 - e. Height elevations of all roof ridgelines and mid-point of roof gables
 - f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii, and spot elevations at the property line

- g. Identify all slopes between 30-40%
 - h. Identify slopes greater than 40%.
 - i. Existing and proposed retaining walls (including materials).
 - j. Existing and proposed fences (including height and materials)
 - k. Waterbodies and stream setbacks
 - l. Snow storage areas
 - m. Landscaped areas
 - n. Sidewalks and walkways.
4. Elevations of all sides of the proposed structure(s), indicating type and color of all exterior materials, building heights, setback lines, locations of exterior lighting fixtures, roof and building drainage system (i.e. gutters and downspouts).
 5. Color chips and a materials board shall be required for all projects.
 6. A landscaping plan, including existing and proposed vegetation. The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than 250 sf, a landscaping plan is required for the disturbed area of the property only.
 7. Floor plans of all levels shall be included that indicate the proposed uses. For additions to existing structures, floor plans must be provided for the existing building.
 8. Multi-family and commercial developments may require one or more of the following; a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; a two dimensional photo illustration of the proposed building in relation to adjacent structures.
 9. Property corners shall be staked and remain in place throughout the public hearing process.
 10. Such additional information as the Planning Department or Design Review Board may require.

(d) Administrative Procedure.

1. Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in Chapter 16.

2. **Criteria and Findings.** Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board, shall consider the following factors with respect to the proposal:
 - a. The proposals adherence to the Town's zoning regulations.
 - b. The proposals adherence to the applicable goals and objectives of the Community Plan.
 - c. The proposals adherence to the Town's Design Standards.
3. **Necessary Findings.** The Design Review Board (DRB) shall make the following findings before approving a Design Review application:
 - a. That the proposal is in conformance with the Town of Minturn zoning regulations.
 - b. That the proposal helps achieve the goals and objectives of the Town of Minturn Community Plan.
 - c. That the proposal complies with the Town of Minturn Design Standards.
4. **Conditions of approval.** The following conditions shall apply to all projects approved by the Design Review Board:
 - a. No changes to an approved plan or design may be made without the written consent of the Town staff. Staff reserves the right to forward any change to the DRB for final approval;
 - b. Design Review Board approval does not constitute a permit for building.
 - c. DRB approval shall not become valid for 20 days following the date of approval, pursuant to the Minturn Municipal Code Chapter – Appeals
 - d. Approval of this project shall lapse and become void one (1) year following the date of final approval, unless a building permit is issued and construction is commenced and is diligently pursued toward completion.

(e) Construction Process

1. Once an application has been approved by the DRB, the applicant may apply for a building permit. Please consult the Building Department for the applicable submittal requirements.
2. A Foundation Location Certificate must be submitted after the building foundation has been poured. Construction may not proceed until the location of the foundation has been verified by the Building Official. This requirement may be waived for a

structure whose exterior walls are designed three (3) feet or more from all property setbacks and easements.

3. After the framing of the structure has been completed, an Improvement Location Certificate is required for verification of the roof height and to ensure that no setback encroachments exist on the property. The framing inspection will not be approved until this survey has been approved by the Building Official.

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

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

Section 4. The repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this Ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 1ST DAY OF February, 2012. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado on the **15th** day of **February 2012**, at **7:00 p.m.** at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

Attest:

Mayor

Town Clerk

**INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED
AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2012.**

Attest:

Mayor

Town Clerk

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
Councilwoman – Shelley Bellm
Councilman – Earle Bidez
Councilman – Jerry Bumgarner
Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Resolution No. 03 and 04 – 2012 to set ballot questions for the April 3, 2012 Municipal Election.
MEETING DATE: February 1, 2012
PRESENTER: Brunvand
<ul style="list-style-type: none">• BACKGROUND: During the previous Council Meeting, Council directed Staff to bring forward Resolutions setting ballot language to change and or modify the public notice posting requirements and the publication of ordinances within the Municipal Charter. At the time of packet deadline, these Resolutions are still being reviewed, therefore, it is possible we will have revised Resolution language at the actual Council Meeting. Staff is recommending approval of these Resolution.
CORE ISSUES:
STAFF RECOMMENDATION/MOTION: Motion to approve Resolution 03-2012 Resolution setting ballot language for the April 3, 2012 Municipal Election modifying the Municipal Charter Section 4.8 designating Public Notice posting sites within the Town of Minturn as presented. Motion to approve Resolution 03-2012 a Resolution setting ballot language for the April 3, 2012 Municipal Election modifying the Municipal Charter Section 11.6 to redefine and clarify procedures for passage of an ordinance within the Town of Minturn as presented.

RESOLUTION 3 – SERIES 2012

**A RESOLUTION SETTING BALLOT LANGUAGE
MODIFYING MINTURN TOWN CHARTER SECTION 4.8 AS
RELATES TO PUBLIC NOTICE POSTING SITES WITHIN
THE TOWN OF MINTURN**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, pursuant to Article II, Section 2.1 of the Charter and Section 31-10-102.7, C.R.S., the Town may provide by resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to any election; and

WHEREAS, the Council has determined that it is in the best interest of the residents of the Town and public interest and necessity that the Public Notice requirements as set forth in the Minturn Town Charter Section 4.8 be modified and revised; and

WHEREAS, the Town of Minturn is conducting a regularly scheduled municipal election on April 3, 2012, pursuant to Minturn Municipal Charter Article II Section 2.2 and Title 31, Article 10, C.R.S.; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

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

Section 1. The Question 2A Ballot title is fixed as follows:

BALLOT ISSUE 2A: MODIFICATION OF POSTING SITES

Shall the Town of Minturn Charter section 4.8 titled "Meetings? Be modified to stipulate all posted regular or special meeting of the Minturn Town Council or its affiliated Boards will be posted at two (2) public places and on the Town's official website?

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 1ST
DAY OF FEBRUARY, 2012.

(S E A L)

Mayor

ATTESTED:

Town Clerk

RESOLUTION 4 – SERIES 2012

**A RESOLUTION SETTING BALLOT LANGUAGE
MODIFYING MINTURN TOWN CHARTER SECTION
11.6(d) AS RELATES TO THE PUBLICATION OF
ORDINANCES WITHIN THE TOWN OF MINTURN**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, pursuant to Article II, Section 2.1 of the Charter and Section 31-10-102.7, C.R.S., the Town may provide by resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to any election; and

WHEREAS, the Council has determined that it is in the best interest of the residents of the Town and public interest and necessity that the publication of an Ordinance requirements as set forth in the Minturn Town Charter Section 11.6(d) be modified and revised; and

WHEREAS, the Town of Minturn is conducting a regularly scheduled municipal election on April 3, 2012, pursuant to Minturn Municipal Charter Article II Section 2.2 and Title 31, Article 10, C.R.S.; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

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

Section 1. The Question 2B Ballot title is fixed as follows:

BALLOT ISSUE 2A: MODIFICATION OF PUBLICATION REQUIREMENTS

Shall the Town of Minturn Charter Section 11.6(d) be modified to stipulate all ordinances will be published by title only after first reading and posted in full on the official website?

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 1ST
DAY OF FEBRUARY, 2012.

(S E A L)

Mayor

ATTESTED:

Town Clerk



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

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

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, January 27, 2012
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)(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