



2012

# Minturn Council Meeting

Wednesday November 7, 2012

**Work Session: 5:00pm**  
**(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 November 7, 2012**

**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 FY2013 Budget Book**

- 2013 Budget Review – White/Brunvand
  - Economic Development review (15min) Pg 6
  - Budget Review (60min) Pg 10

### **Regular Session – 6:30 pm**

- 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**

- October 17, 2012 Pg 16
- Action Item Report Pg 26

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

**5. Special Presentations**

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**6. Discussion/Action Item: Resolution 21 – Series 2012 A Resolution authorizing the Mayor to sign the First Amendment to Maloit Park Subdivision Final Plat. Cerimele (20min) Pg 28**

**7. Discussion/Action Item: 1st Public Hearing on proposed fiscal year 2013 Budget – review public funding requests – Brunvand/White (45min) Pg 43**

**Community Funding Request presentations**

- i. Radio Free Minturn – David Eickholt Pg 46
- ii. Walking Mountain Science Center – Doug Dusenberry Pg 57

**8. Discussion/Action Item: Ordinance 13 – Series 2012 (First Reading) an Ordinance refinancing the 2009 Caterpillar IT38H Tool Carrier – White (10min) Pg 81**

**9. Discussion/Action Item: Resolution 20 – Series 2012 Authorizing the Town to transfer its scholarship funds to a tax exempt corporation to manage the investments, administer the program, and the selection and granting of scholarships – Christensen (15min) Pg 86**

**10. Discussion/Action Item: Discussion and direction SSCV Human Performance Center regarding a Memorandum of Understanding – White (30min)**

**GENERAL IMPROVEMENT DISTRICT**

**11. ADMINISTRATIVE MATTERS**

- Approve Agenda. Pg 88
- Review and approve minutes from the February 15, 2012 Board Meeting Pg 90

## 12. FINANCIAL MATTERS

- **Discuss and consider ratifying appointment of Town Staff to prepare 2013 GID Budget**

**Action Recommended: Motion to Ratify the Appointment**

- **Discussion/Action – 2013 General Improvement District Budget: Public Hearing and Board Comments**

**Action Recommended:**

- Open Public Hearing**
- Staff Presentation**
- Public Comment or Testimony**
- Council Comments**
- Close Public Hearing**

- **Discussion/Action – Consider adoption of Resolution No. 2012-11-01 a Resolution to adopt the Fiscal year 2013 Budget Pg 91**

**Action Recommended: Motion to approve Resolution No. 2012-11-01 a Resolution to adopt the Fiscal year 2013 Budget as presented**

- **Discussion/Action – Consider approve of Resolution No. 2012-11-02 a Resolution to appropriate sums of money for the Fiscal year 2013 Budget Pg 95**

**Action Recommended: Motion to approve Resolution No. 2012-11-02 a Resolution to appropriate sums of money for the Fiscal year 2013 Budget as presented**

- **Discuss and consider appointment of CliftonLarsonAllen, LLP to prepare and file the Application for Audit Exemption for the Fiscal Year 2012 General Improvement District.**

**Action Recommended: Motion to Ratify the Appointment**

## 13. OTHER BUSINESS

- Discuss and set meeting dates for 2013:
  1. Board Meeting to consider audit exemption set for February 6, 2013 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645
    - a. Alternative dates: February 20 or March 6, 2012
  2. Board Meeting to consider budget approval set for November 6, 2013 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645

- a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

#### **14. ADJOURNMENT (AS GID AND RECONVENE AS COUNCIL)**

### **OTHER MATTERS**

**15. Planning Department Update** Pg 96

**16. Town Manager's Report** Pg 97

**17. Town Council Comments**

### **EXECUTIVE SESSION**

- 18. Executive Session - To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding ongoing negotiations with Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen – White/Christensen Pg 106**
- 19. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

### **FUTURE AGENDA ITEMS**

#### **20. Next Meeting – November 21, 2012**

- Meeting: Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2013 Budget – review public funding requests – Brunvand/White (45min)
- Meeting: Discussion/Action – 1<sup>st</sup> Reading of proposed 2013 Budget Ordinances – Brunvand/White (15min)

#### **21. Future Meeting**

- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2013 Budget Ordinances – Brunvand/White 12/5/12 (15min)

#### **22. Set Future Meeting Dates**

- a) Council Meetings:

- November 21, 2012
- December 5, 2012
- December 19, 2012
- January 2, 2013

b) Planning & Zoning Commission Meetings:

- November 14, 2012
- December 12, 2012
- January 12, 2012

**23. Other Dates:**

- Veteran's Day November 12, 2012 – Office Closed
- Thanksgiving November 22-23, 2012 – Office Closed

**24. Adjournment**

Michelle Metteer  
Economic Development Coordinator  
Deputy Clerk  
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Town Council  
Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilwoman – Shelley Bellm  
Councilman – Earl Bidez  
Councilman – Jerry Bumgarner  
Councilman – Aggie Martinez  
Councilman – John Rosenfeld

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### AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Review and questions regarding the Economic Development preliminary budget.
<b>MEETING DATE:</b> November 7, 2012
<b>PRESENTER:</b> Metteer
<b>BACKGROUND:</b> At the previous Council meeting, Council discussed the Economic Development and Special Events budget for 2013. Time is scheduled during the work session for questions and discussion. In addition to the preliminary budget, the following information has been included for your review: <ul style="list-style-type: none"><li>• Summary of Intercept Insight, marketing research company, to conduct in person and online surveys of event benefits/drawbacks to Minturn’s local economy and community.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Review and discuss

## ECONOMIC DEVELOPMENT PRELIMINARY BUDGET

EVENT	ADVERTISING CAMPAIGN	ADVERTISING COST	EQUIPMENT & MISC COST	TOTAL COST
			Barricades: \$3470	3470
Tree Bonfire Winter 2013	Town Website Email Blast Vail Daily	\$0 \$0 \$400		400
Ski Joring Winter 2013	Town Website Email Blast Vail Daily Radio Regal Publications Social Media Posters/Flyers	\$0 \$0 \$2,000 \$500 \$0 \$0 \$0	Fencing: \$1,000 Sound System: \$750 Bleachers: \$0 (borrow from county) Overhead Banner: \$500 (multi-year use) Intercept Insight Event Guest Survey: \$2500 Intercept Insight Event Business Survey: \$250 Raffle with prize?-data capture	7500
Local's Week Spring 2013	Town Website Email Blast Vail Daily Radio Social Media Posters/Flyers	\$0 \$0 \$1,500 \$500 \$0 \$250	Overhead Banner: \$500 (multi-year use) Intercept Insight Event Business Survey: \$250 Raffle with prize?-data capture	3000
Minturn Independence Day Summer 2013	Town Website Email Blast Vail Daily Radio Social Media Posters/Flyers	\$0 \$0 \$1,500 \$500 \$0 \$250	Bands: \$1500 Sound System: \$750 Bouncy Castle: \$300 Beer: \$350 Beer Revenue: \$(1000) Overhead Banner: \$500 (multi-year use) LBP Decorations: \$250 (multi-year use) Intercept Insight Event Business Survey: \$250	5150
Burro Racing Summer 2013	Town Website Email Blast Vail Daily Radio Social Media	\$0 \$0 \$500 \$500 \$0		1000
Fall Storefront Decorating Fall 2013	Town Website Email Blast Radio Social Media Brochures	\$0 \$0 \$0 \$0 \$0	Contest Prize Packages: \$1500	1500

# ECONOMIC DEVELOPMENT PRELIMINARY BUDGET

EVENT/ ECONOMIC DEVELOPMENT	ADVERTISING CAMPAIGN	ADVERTISING COST	EQUIPMENT & MISC COST	TOTAL COST
Ultra Roc Fall 2013	Town Website Email Blast Vail Daily Radio Social Media Posters/Flyers	\$0 \$0 \$0 \$0 \$0 \$0	Traffic: \$1000 Aid Station: \$100 (food/bev for volunteers) Ultra Roc event contribution: \$1000	2100
Minturn Restaurant Week Fall 2013	Town Website Email Blast Vail Daily Radio Social Media Posters/Flyers	\$0 \$0 \$1,500 \$500 \$0 \$250	Overhead Banner: \$500 (multi-year use) Intercept Insight Event Business Survey: \$250 Raffle with prize?- data capture	3000
Minturn Halloween Fall 2013	No advertising campaign allowed.		Candy: \$500 Decorations: \$0	500
Town Tree Lighting Winter 2013	Town Website Email Blast Vail Daily Radio Social Media Posters/Flyers	\$0 \$0 \$0 \$0 \$0 \$0	Lights: \$1000 (multi-year use) Labor: \$250 Bucket Truck Rental: \$600	1850
Bedecked Businesses Contest Winter 2013	Town Website Email Blast Radio Social Media Brochures	\$0 \$0 \$0 \$0 \$0	Contest Prize Packages: \$1500	1500
			<b>Total Event Costs:</b>	30970
	In-Room Directory	\$2000		32970
	Town Map of Minturn Print and full online directory	\$5000		37970
	Hiking Map of Minturn	\$2000		39970

# About Intercept Insight, LLC

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## About Intercept Insight, LLC

Intercept Insight is a qualified and proven marketing research company based in Avon, CO. formed by Jason Roberts in response to the increasing demand for qualified marketing research and consulting services in the ski industry, golf industry, hospitality, resort communities, event producers, and restaurants. Jason holds Professional Researchers Certifications in both Quantitative and Qualitative Research through the Marketing Research Association.

Whether it is an on-line survey, or an in-person intercept we are here to help you drive toward quantitative planning and evaluation. Our ability to provide services that produce opportunities, measure performance and increase accountability sets Intercept Insight aside from other marketing research companies. Because each situation is unique, our experience and expertise allows us to make crucial assessments and decisions in a prompt, efficient and innovative manner.

Marketers are becoming more accountable for financial impacts; value of products and services, and their customers needs; perceptions and intentions. Intercept Insight identifies, measures, and explains key metrics that will provide numerical support for performance and variance, then identifies areas for improvement. We also provide services and support necessary to identify awareness, attitudes, and loyalty. Measuring and understanding these key metrics will provide data-based support for investment in new opportunities, investment in existing products or services, and customer recovery; which leads to increased profitability.

Intercept Insight has the support of the MRA (Marketing Research Association), and is certified in several areas of SPSS (Statistical Package for Social Sciences); a statistical software which helps organizations predict future events and proactively act upon that insight to drive better business outcomes. This level of experience allows our clients to have the comfort level that Intercept Insight, LLC is the right consultant for all of their unique research needs.

**FROM THE DESK OF  
JAY BRUNVAND, MINTURN FINANCE OFFICE  
MEMORANDUM**

TO: Mayor and Town Council  
FROM: Jay Brunvand, Treasurer  
CC: Jim White, Town Manager  
DATE: 11/07/12  
RE: FY2013 Budget – Direction and Summary

At previous Council Meetings several items were covered and further information was requested by Council on some of the items. To date:

- We reviewed major revenue components of the budget to include sales and property taxes. The preliminary Assessed Property Valuation was received from the County and it was noted that, at least for this year, the property values have stabilized. Due to the annexation of the Maloit Park area and new construction in town, our Assessed Valuation is actually slightly up for 2013.
- We reviewed the Fiscal Year 2013 Budget page by page and each fund.
- We reviewed the various bank accounts and investments which the Town holds and we have identified areas where cash is available for projects either fully funded or in conjunction with any available project related grants.
- We reviewed the various types and the costs of insurance for the Town and Town employees.

**During the November 7 work session, Staff is requesting direction from the Council on the following several item:**

- Staff prepared additional information on employee raises. The proposal is to show what the cost would be if the Town did a 2.5% Cost of Living Allowance (COLA) and a 2% Merit Increase for a total of 4.5% in the 2013 budget.

The 2012 current total annual base payroll is \$670,879.08 (11 FTE plus 3<sup>rd</sup> Police Officer)

- Cost of Living Allowance: A 2.5% COLA (COLA plus Taxes) would increase the annual payroll in 2013 and each subsequent year by approximately \$18,100. This amounts to approximately 1.3% of our current General Fund gross revenues and would be sustainable in future years. This is based on the fact that our average property tax growth over the past 10 years is 3.8% and over the past 18 years has averaged 6.56%.
- Merit Increase: a 2% merit raise would increase the payroll \$14,982 (base plus taxes). This amounts to approximately 1.1% of our current General Fund gross revenues and would be sustainable in future years. The merit increase could be allotted as either a bonus or a base wage increase to the employee. The amount of the Merit Increase would be at the Manager's discretion. A bonus would affect only 2013; whereas a wage increase would affect subsequent years.
- For the sake of discussion including wages and taxes, each 1% increase adds just under \$7,500; each 1/2% adds \$3,750. The COLA would increase the base pay scale for each employee. No proceeds of any kind are used in the above calculations.

***Staff is asking for direction on the COLA and the Merit increases and if the Merit should be a raise or a bonus.***

- A Council member requested information on the ability of the Town to give Staff members a December 2012 Bonus in the amount of \$1,000-2,000 per employee at the Manager's discretion. In recent years Council has given an additional \$1,000 to each employee (service under one year was prorated) on the December 15<sup>th</sup> paycheck. This bonus is paid for in the year it is given meaning this would be a 2012 expense.

Option #1:

2012 Gen Fund Income	\$1,370,056
BMR Admin Fee (1)	<u>180,000</u>
	1,550,056
2012 Gen Fund Expense (2)	<u>(1,405,203)</u>
Net Increase/(Loss)	144,852

Option #2:

2012 Gen Fund Income	\$1,370,056
2012 Gen Fund Expense (2)	<u>(1,405,203)</u>
Net Increase/(Loss)	( 35,147)
Pine St repairs from savings	<u>120,000</u>
Net Increase/(Loss)	84,853

(1) BMR Admin Fee:

Manager salary at 25%	\$28,000
Treasurer salary at 10%	7,170
2 Police Officer salary at 10%	12,895
Planner at 10%	<u>6,764</u>
	\$55,000

(2) \*Town Attorney invoice will be include much from 2011 in the form of an audit Prior Year Adjustment.

\*Includes an additional expense for the All Mountain Tech contract buyout.

\*Includes \$3,000 for unbudgeted new events in 2012.

\*Includes new \$140,000 in streets and sidewalks (Pine St and others)

***In review of our current standing the Town will show a surplus in 2012 and this request could be accommodated from that surplus.***

- Staff is requesting direction on setting water, water tap, and trash rates for 2013
- Staff is requesting direction on populating the Battle Mountain Resort portions of pages 51, 54, and 55 of the Preliminary Budget.

## 1) Sales Tax:

Council requested specific information during our budget review regarding the status of our current sales tax in relation to previous years and the affects the Summer/Winter markets and other major events on the sales tax receipts.

### Sales tax comparison:

Sales tax is collected by the merchants in one month, submitted by the 20<sup>th</sup> of the next month to the State, and then the State submits payment to us by the second Tuesday of the third month. Although this results in approximately 30-45 days before we receive the funds. We receive an added benefit by working with the State on delinquent merchants.

In review of our year to date collections, we have received funds from the state that reflect collections through August receipts. During the first eight months of the year the Town collected \$321,032.

- The budget for 2012 sales tax is \$443,500; currently we are at approximately 72.4% of budget.
- It was noted during the last meeting that several months reflect an increase in revenue; however, some months have had large swings down in comparison to 2011. This is mainly due to timing, if a merchant is a day late with their tax payment, it may be carried to the next month.
  - This can make the numbers appear to be significantly down or indicate other fluctuations. Currently the Town is almost exactly even with 2011 year to date; 2012 is up \$467 overall.
  - Although 2011 was a very low snow year, it was our strongest sales tax year since 2008, currently we are right on track to slightly exceed 2011.

### The Market and other Events:

It is relatively easy to pull out the revenue contributions of the Summer/Winter Markets to show their overall contribution to the bottom line. However, it is nearly impossible to segregate and realize the contributions of a one day event. The Council has been cautioned over the years of the downside of trying to “Event” our way to prosperity. Nonetheless, it is important to recognize that a strong marketing and event campaign rewards Minturn with consistent destination customer visits. Each and every one of our restaurants feels the impact when visitors are not able to ski the Mile as the last run of the day and enjoy dinner in one of our restaurants afterwards.

The Summer Market just finished its fourteenth season, the longest running summer market in the valley. A large portion of the market vendors pay sales tax once at the end of the season; therefore, many have not paid and are not included in the current numbers. In addition, a large number of Minturn merchants have a booth at the market and/or abut the market. These vendors do not designate in their sales tax payment the portion of revenue attributed to sales at the market. Although the numbers are very preliminary:

- The 2012 Market generated \$14,959 thus far in sales tax receipts
- The gross sales attributed to these receipts exceeds \$375,000
- In 2011 the Town collected just over \$17,000 for sales of almost \$450,000
- The Market, taken as a whole, is the sixth largest retail business in the Town

For an event that has a one day market or generates only foot traffic but does not have a retail attribute such as the Ski Joring, the 4<sup>th</sup> of July, the Burro Race, and the Halloween party, we are not able to specifically calculate the financial success of these festivities. It is also difficult to judge how many visitors came to the market on a Saturday and then came back to Town for dinner or to make a purchase during the immediate few days or a future visit. However, to have hundreds or even thousands of visitors at an event does result in future visits.

2) **Previous Direction Requested From Council:**

As you recall during the budget presentation, staff requested Council direction on several items as follows:

Budget Book Page	Detail
Page 37 Account 01-00-4575	Staff presented the use of \$95,100 to be allocated to the Police Dept for the third officer and to the Events Dept to allow increased funding for current and proposed events. This will be included in the budget.  This leaves an additional \$84,900 to be allocated by Council and or the Town Manager.
Page 38 Account 01-01-5271	During the November 7 Public Hearing on the Budget, Council will hear three funding requests from community organizations. The amounts to fund each organization will need to be set by Council. Normally, this is done after the presentations but can also be done at the November 21 <sup>st</sup> meeting.
Page 45 Account 02-00-4210	The budget does not include an increase in Water or Trash rates. Staff is requesting Council to review the attached information and direct Staff.
Page 51 Account 06-01-5310	Staff is requesting direction on the allocation and expenditure of the Little Beach Park Funds
Page 54 Account 08-01-5300	Staff has budgeted \$5,000 for 2013 scholarship use. This amount can be modified as a supplemental appropriation during 2013. However, if Council feels this amount should be reconsidered there is opportunity now.
Page 55	Staff is requesting Council direction on populating this fund with projects. Once projects are agreed upon, Staff can allocate dollars to fund the projects.

3) **Other Items:**

- In an attempt to make the budget clearer Staff recommends to transfer annually the entire \$180,000 Administrative Fee to the General Fund from the BMR Fund. The Admin Fee would be used, as discussed, to fund certain payroll amounts that are directly impacted by the administrative load placed on Staff by the Battle Mountain Resort project. The balance would then be segregated in to 01-09-8000 Capital Outlay to be used on capital projects agreed to by the Council.

*This change has been accommodated*

- In previous years the cost of employee insurance has been discussed at length. Staff goes to great lengths to keep this cost factor within a reasonable limit by reviewing each component of the employee benefit package annually. The following table shows the changes between 2011 and 2012:

	2011	2012	% Change	\$ Change per Mo	# of Emp'ees
Single	582.86	676.81	13.89%	187.90	2
Single+1	1,080.58	1,270.31	14.94%	379.46	2
Single+Spouse	1,270.61	1,286.31	1.32%	15.70	1
Family	1,827.88	1,629.88	-12.19%	-1,188.00	6
Net Mo Change				-6,872.54	

Employee Insurance Actual Budget Change

2011	2012	% Change	\$ Change per Year	# of Emp'ees
260,400.00	225,000.00	-13.60%	-35,400.00	12

Page 45 Account 02-00-4210 – supplemental detail

- Currently the metered water rates for the Town of Minturn are:
  - Residential: \$67.11 per Single Family Equivalent (SFE) plus \$2.60 per 1,000gal over the first 10,000gal.
  - Commercial: \$83.08 per SFE plus \$2.73 per 1,000gal over the first 30,000gal.

In 2013 the combined Residential and Commercial Use Fees generated by use in excess of the base allowance anticipates revenues of approximately \$7,600.

Previous Fee Action:

- 2012 5% per SFE, 5% on Trash, and the Debt Service fee was adjusted down
- 2011 None (the Debt Service Fee was introduced)
- 2010 None (Use fee was reduced from 15,000gal/SFE to 10,000gal/SFE)
- 2009 None
- 2008 5%
- 2007 None
- 2006 5%
- 2005 5%
- 2004 None
- 2003 5%
- 2002 5%

Below is a table showing the rates as compared to Minturn’s from highest to lowest, the average rate is \$80.86.

**Eagle County Water Rates**

Municipality	Residential 2012 Rates 10,000gal/mo	Commercial 2012 Rates 30,000gal/mo
Red Sky Ranch	117.00	
Red Cliff	98.10	210.10
Beaver Creek	94.34	151.17
Avon, Village at	94.34	150.80
Cordillera	68.21	173.67
<b>Minturn, Town of</b>	<b>67.11</b>	<b>89.58</b>
Bachelor Gulch	53.21	151.17
Avon, Town of	52.96	150.80
Berry Creek	49.71	145.92
Eagle Vail	49.71	145.92
Edwards	49.71	145.92
Arrowhead	49.71	145.92
Vail, Town of	42.71	124.34
Average	68.22	148.78

**The cost of water and the resulting fee assessed should be based on the cost to produce the water and run the department plus an amount sufficient to produce reasonable and responsible annual savings for major repairs and maintenance.** At this point, the Town covers the cost of annual operations and puts an amount into reserve based on depreciation. The water plant and distribution system is aging and annually more and more repairs are necessary. Additionally, the Town has begun the process of developing

and implementing an annual maintenance program whereby the lines are flushed, hydrants maintained, and valves are exercised. Even this maintenance has resulted in expensive repair jobs. We have also been working diligently to locate and repair leaks in the distribution system.

A second issue that needs Council attention is the cost of water taps. Although this is not a major source of revenue it should be reviewed nonetheless. Our water tap rates are as follows:

	<b>Water Tap Fees</b>	<b>ERWSD Sewer Tap*</b>
	<b>Minturn</b>	
Residential (3/4 tap)	\$7,500/SFE	9,180.00
Commercial		
3/4 inch	10,000.00	10,488.00
1 inch	17,250.00	18,179.00
1.5 inch	38,250.00	40,554.00
2 inch	68,250.00	72,019.00
3 inch	152,250.00	160,818.00
4 inch	270,500.00	285,977.00
6 inch	609,000.00	643,972.00

\*The ERWSD comparison shows what the corresponding residential sewer tap would cost for a 3,000 square foot home and what a commercial sewer tap would cost.

*Staff is requesting direction on fees for Water, Water Taps, and Trash.*



## **Official Minutes**

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

**Wednesday October 17, 2012**

**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

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 – 5:00pm**

**Please remember to bring your FY2013 Budget Book**

- 2013 Budget Review – White/Brunvand (75min)
  - Council Goals
  - 2012 Accomplishments
  - Water Update (not discussed)
  - Budget Review

**Regular Session – 6:30 pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:40 pm.

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

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

b. Pledge of Allegiance

## **2. Approval of Agenda**

a. Items to be Pulled or Added

- Remove item #6 regarding the kayak presentation and move to the November 7, 2012 meeting.

Motion by Shelley B., second by Jerry B. to approve the agenda for October 17, 2012 as amended. Motion passed (7-0).

## **3. Approval of Minutes and Action Report**

- October 3, 2012

Motion by John R., second by Aggie M., to approve the agenda as presented. Motion passed (7-0).

- Action Item Report

Shelley B. asked regarding the status of the OSAC funding; Jim W. stated they are working with Eagle County and anticipated this item to be placed on a November County Commissioner's agenda.

Earle B. asked about the Park Master Plan; Chris C. stated a draft is currently being created and will be reviewed by the Planning Commission over the next couple meetings. Council will have this by January or February.

Jim W. stated the sidewalk on the 100 block of Main will be done in the spring per request from Lafarge.

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

Mr. John Whiterman, Maloit Park Manager for the School District, introduced himself to the Council and noted his duties.

Mr. Tony Aiello, 34 Mann Ave, asked if he was going to be reimbursed for the time he spends cleaning up after dogs? Council stated they would not be reimbursing him. Mr. Aiello recommended that Animal Control work before and after the normal work day. Jim W. stated

Animal Control has been contacted inquiring to change their patrol schedule, Jim W. will report back at the next meeting as necessary.

## 5. Special Presentations

### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

#### 6. Discussion/Action Item: Kayak course discussion and direction – White (20min)

This item was pulled from the agenda and moved to the November 7, 2012 meeting.

#### 7. Discussion/Action Item: Resolution 19 – Series 2012; A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan. Cerimele – (15min)

Chris C. reviewed the Plan with Council. He noted all jurisdictions in the County need to approve the resolution prior to November, once completed the County will approve a similar resolution as the defined authority in the Plan. Chris C. noted there is a general project request specific to Minturn in the Plan which involves removal of some trees to create a fire defense buffer and that some of this can be paid for by a grant through the County. It was noted this will involve working with private property owners to mitigate this request.

Hawkeye asked if this is tied with the USFS pine beetle mitigation. This mitigation is being completed but is not necessarily related to this program. The Pre-Disaster Plan is a regional effort undertaken by the County as the primary resource not the USFS.

Motion by Earle B., second by Jerry B., to approve Resolution 19 – Series 2012; A Resolution Adopting the Eagle County Pre-Disaster Mitigation Plan as presented; motion passed (5-2). (John R. and Aggie M. voted nay)

#### 8. Discussion/Action Item: MS 2012 – 02; A Re-Subdivision of Tract A, Maloit Park. Cerimele (20min)

Chris C. updated the Council on the proposal. Chris C. stated Mr. Tom Braun, representing the Eagle Co School District, was not able to be present due to a family commitment. Chris reviewed the Re-Subdivision and detailed how Tract A is for a Human Performance Center, Tract B is to be used for housing and dormitory housing.

Shelley B. asked if this will affect the negotiated water easements on the site. Allen C. stated he did not know and would have to check with the other attorneys involved. Chris C. stated there are two unrelated easements but Staff will need to review the Plat for the specific water easements. Staff will consult with the School District and bring the Re-Subdivision to a future meeting.

Motion by John R., second by Shelley B., to table November 7 2012 MS 2012 – 02; A Re-Subdivision of Tract A, Maloit Park; motion passed (7-0).

**9. Discussion/Action Item: Discussion and direction SSCV Human Performance Center regarding a recreation Memo of Understanding – White (30min)**

Jim W. outlined the events and negotiations to develop a Human Performance Center/Rec Center. This facility would be located in the Maloit Park area and be a collaborative effort between the SSCV and the Town of Minturn. Jim W. noted that Earle B. and John R. are the Council Representatives. Earle B. outlined the benefits of working with the SSCV to include savings on operational costs. This will allow the Town the opportunity to move forward with this citizen benefit now with the use of a negotiated Memo of Understanding which details the operational aspects of the resource.

Hawkeye stated that the rates were high for a work out center in comparison to prices for a full recreation center. Earle B. stated the rates are very preliminary and have not been reviewed or approved at all. Earle B. noted that Phase II will include a pool and agreed the rates are high for no pool, as that will not come into play until Phase II

Mr. Aldo Radamus, SSVC, spoke to the negotiations and noted the rates which are being reviewed are very much first drafts only. It is not the intention that the operational costs of the facility would be covered by the user fees. These fees will be used only to offset some of the costs. Mr. Radamus stated that all operational costs will be borne by SSCV during Phase 1. The Town Manager distributed a revised fee sheet provided by SSCV showing reduced fees and again noted they were very preliminary and dependent on a complete operations and business plan which is being developed currently. He stated the SSCV students will use the facility as a part of the ski and snowboard program and that they do not receive additional money from the School District. He stated we still needed to work on the Memorandum of Understanding (MOU).

Earle B. asked about a time frame for the fees, Mr. Radamus stated they are working on the financial aspects and should have this completed by early November. Earle B. stated the proposal is to form a foundation with board members from the Town and the SSCV that will govern the facility and its management. Jerry B. stated that if the operation costs were the burden of the Town, we would not be able to operate the program for the fees that are being proposed. This is a benefit for the citizens that will use it.

Hawkeye asked when they will need a go or no go decision from the Town; Mr. Radamus stated as soon as possible but they could wait until early November when the Council will have the Operation Plan to review.

By way of public comment, Mr. Frank Lorenti, 1081 Main St, stated the SSCV has already confirmed they would build this on their own. Mr. Lorenti felt the rates should be cut even more if the Town is to give the project \$1M. He said he would like to hear more about Phase II and what components it will entail. He stated this was a work out facility; it was not a recreation center.

**10. Discussion/Action Item: Ordinance 11 – Series 2012 (Second Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation – White (15min)**

Allen C. stated there were no changes from first reading and Staff recommends approval.

Motion by Shelley B., second by John R., to approve Ordinance 11 – Series 2012 (Second Reading) an Ordinance amending Article 10, Chapter 7 of the Minturn Municipal Code authorizing Town Officials to implement a Fire Ban in the Town of Minturn and imposing penalties for violation as presented; motion passed (7-0).

**11. Discussion/Action Item: Ordinance 12 – Series 2012 (Second Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions – White/Christensen (15min)**

Allen C. stated there are no changes from first reading and Staff recommends approval and detailed this changes the MMC Code for a Planning Commission appeal from 20 days to 30 days. Hawkeye expressed this would be a detriment to the builder.

Motion by Shelley B., second by John R., to approve Ordinance 12 – Series 2012 (Second Reading) an Ordinance amending Chapter 16 of the Town of Minturn Municipal Code by repealing and re-enacting Section 16-21-700(c)(3) as that section pertains to filing appeal of Planning Commission decisions as presented; motion passed (6-1). Hawkeye voted nay.

**12. Discussion/Action Item: to extend the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan – White/Christensen (15min)**

Allen C. detailed the reasons for this extension. He noted this stipulation is taking a long time because ERWSD has requested extra time to review the reports which are very complex. Hawkeye stated that this needs to be moved along as it has been taking years already. Allen C. stated this directly affects our water rights and the design of Bolts Lake, the request is for a three week extension and it is not unreasonable.

Motion by John R., second by Shelly B., to extend the Bolts Lake Stipulation for completion of a groundwater model and design for Bolts Lake and a Corrective Action Plan as presented; motion passed (7-0)

**OTHER MATTERS**

### **13. Planning Department Update – N/A (Chris Cerimele noted there was nothing in the packet, but he did have some information to share).**

Chris C. noted several new regulations will need to be adopted by ordinance as relates to the Flood Plain. The Flood Plain revisions will need to be approved by January 2014 and he will be bringing this forward to the Council over the next few months. He noted there are currently ten structures in Town that pay flood insurance. Under the new regulations, in the event the building was destroyed it would not be allowed to be rebuilt within the flood plain.

Chris C. stated that the Planning Commission will be reviewing the Parks & Recreation Master Plan over the next few months. Once this plan is completed we can use it for grant applications as well.

John R. asked about wood burning fire places, Chris C. stated that our regulations allow only approved pellet or gas burners or inserts and if a fireplace is upgraded it must be replaced with an approved appliance. The Town Manager and the Town Planner will be meeting with a representative from Western Fireplace regarding EPA approved fireplaces.

### **14. Town Manager's Report**

#### **Meeting Regarding the Memorandum of Understanding related to the Human Performance Center/Rec Center at Maloit Park**

The most recent subcommittee meeting with representatives from SSCV and Battle Mountain was held on Monday, October 1, 2012 and was attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, and Town Attorney Allen Christensen. We addressed issues related to the development of a Memorandum of Understanding for Phase 1 of the Human Performance Center/Recreation Center facility. Further discussion will occur at tonight's meeting. Representatives from SSCV are expected to be present to discuss a proposed rate structure.

#### **Maloit Park Water Tank Repairs**

Repairs are now completed on the interior of the Maloit Park Water tank. The water tank has been sandblasted, surfaced filled with epoxy in certain areas and painting. The paint is curing now and the tank will soon be refilled.

#### **1<sup>st</sup> Bank**

Letters drafted by the Town Manager and signed by the Mayor and the entire Town Council and were sent to John Ikard, president and CEO of 1st Bank Holding Company and to Mary McDougall, president, 1<sup>st</sup> Bank Vail requesting reconsideration of the closing of the Minturn branch planned for October 2012. A meeting was held with 1st Bank representatives, the Mayor, the Mayor Pro Tem, and the Town Manager on Monday, October 1, 2012. The Mayor Pro Tem and the Town Manager went to Denver on October 2, 2012 for a second meeting. **Despite all our efforts, the 1<sup>st</sup> Bank branch in Minturn closing was set for October 12, 2012.**

#### **Bone Yard Property**

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn. We are doing this with the assistance of the Eagle County Open Space Advisory Board and the Eagle County Commissioners. We are also working with Kara Heide with the Eagle Land Trust on developing a conservation easement on the site. I continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property.

### **UPRR**

Kathy Snead from Union Pacific Railroad stopped by on Friday, October 12, 2012 to look at the site proposed by the Town for a possible trail in the rail yard area from Dowd Junction into Town.

### **Battle Mountain Infrastructure Meeting**

Staff met with Sam Otero from Battle Mountain on Friday, October 12, 2012 to review prospective infrastructure plans in an effort to coordinate planning efforts between the two parties.

### **DOLA Grant**

TST Engineering has begun its work on the Master Drainage project.

### **Scholarship Committee**

Our scholarship investment options were reviewed at the study session on Wednesday, September 19, 2012 by the Town Council. We had presentations from 1<sup>st</sup> and Main Advisors and SRS Capital Advisors. The subcommittee met on Thursday, September 20, 2012 and will have a recommendation to Town Council soon, pending legal review by Sherman & Howard attorney, Dee Wisor.

### **ICMA Conference**

I attended the International City Manager's Conference from October 5-9, 2012 in Phoenix, AZ.

### **Upcoming Events:**

#### **Minturn Halloween Celebration, Tuesday, October 30, 2012.**

#### **Veterans Day Holiday, Monday, November 12, 2012.**

Town offices will be closed.

#### **Minturn Winter Markets**

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012 and Saturday, December 15, 2012.**

#### **Christmas Tree Bonfire**

The Town of Minturn Christmas Tree Bonfire is planned at Little Beach Park on **Friday night, January 4, 2013.**

John R. asked for an update on the dead trees along Hwy 24 in south Minturn that if fall will hit the road; Jim W. stated yes this is being addressed and things are progressing.

Hawkeye requested that when he goes to the Scholarship Committee that we could divide the money between the two companies rather than give it all to one investment company. He requested this be taken to the committee to discuss

### **15. Town Council Comments**

Shelley B. extended her condolences to the George Jaramillo.

Jerry said that Xcel has come out with new rules that Towns cannot put flags on the phone poles anymore. Jerry requested the flags be in place for Veterans Day and that a letter be written to Xcel stating our objection and requesting an exemption. On second thought, he asked to hold off on a letter until the circumstances call for it.

Hawkeye stated that Hank Lovato passed away, he was a long time resident and extended his condolences.

Aggie extended his condolences to Richard Martinez. He also noted he attended the ECO Transit meeting today and updated the Council on the meeting. He stated the schedule for the winter was discussed and noted they had received a lot of comments from Minturn residents regarding the schedule and will review it to see if more can be done for the working citizens and an earlier bus.

Earle B. thanked all the volunteers that worked the rummage sale this year on behalf of the Minturn Community Fund. Because of the volunteer work the Minturn Community Fund will receive \$2,700. He noted the success of the Minturn Community Garden this summer and stated the gardens are down and stacked away ready for next season. He thanked the Town for its assistance.

Hawkeye reminded citizens about Halloween. Minturn will have a lot of kids in town on Tuesday, October 30 and he asked that all be aware of the kids and use extra care to keep them safe.

## **EXECUTIVE SESSION**

- 16. Executive Session - To convene in Executive Session Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding ongoing negotiations with Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen – White/Christensen**

Motion by Jerry B., second by George B., to convene in Executive Session Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding ongoing negotiations with Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and Battle Mountain Resort discussions and to provide direction to the negotiating team and to consult with Special Water Attorney regarding issues related to finalizing Battle Mountain's feasibility study at Bolt's Lake; motion passed (7-0). Executive Session started at 8:25pm.

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

The Executive Session ended at 8:56pm. Direction was given to the Town Manager to work with the consulting attorneys regarding billing issues and review with subcommittee members. Regarding the SSCV, the Town Manager was directed to provide the business plan to the Town Council as soon as it is available.

**FUTURE AGENDA ITEMS**

**18. Next Meeting – November 7, 2012**

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2013 Budget – review public funding requests – Brunvand/White 11/7/11 (45min)

**19. Future Meeting**

- Meeting: Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2013 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2013 Budget Ordinances – Brunvand/White 12/7/11 (15min)

**20. Set Future Meeting Dates**

- Council Meetings:
- November 7, 2012
- November 21, 2012
- December 5, 2012

**21. b) Planning & Zoning Commission Meetings:**

- November 14, 2012
- December 12, 2012
- January 12, 2012

**22. c) Other Dates:**

- Minturn Halloween – Tuesday, October 30, 2012
- Veteran's Day November 12, 2012 – Office Closed

### **23. Adjournment**

Motion by Jerry B., second by Aggie M., to adjourn at 8:57pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Council Members/Staff Members  
**FROM:** Jim White/ Town Manager  
**DATE:** November 7, 2012  
**SUBJECT:** Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Battle Mountain Annexation/Minturn Scholarship Fund	White	Funding from Annexation escrow money. Scholarship Committee met on <u>October 22, September 20, 2012 to review attorney comments regarding our investment strategy.</u> An investment option recommendation will be forthcoming from the subcommittee, <u>pending legal review.</u>
OSAC Funding for Boneyard Purchase	White	On September 10, 2012, OSAC formally referred this to the Eagle County Commissioners for approval to support the Town's \$2,068,000 request for funding to purchase the Minturn Bone yard parcel. Town staff will pursue the purchase of the property through the USFS open bid process. Staff has prepared a draft management plan and is working with Eagle Valley Land Trust on a Conservation Easement. <u>We anticipate being on a November Board of County Commissioners agenda to seek final approval for this funding.</u>
Parks and Recreation Master Plan	Cerimele	Staff is creating an initial draft of a Park Master Plan for Planning Commission review in October and <u>November.</u>
2012 Goal: Town Street Repairs and Drainage.	White/ Cerimele	Check with CDOT regarding south Town drainage. Staff received a storm drainage study proposal from TST Engineering and has received DOLA grant approval of \$17, 325 to complete the study. <u>I met with Sam Otero from BMR to begin coordinating our efforts prior to meeting with CDOT.</u>
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	We are working with La Farge representatives in planning to repair sidewalks on a portion of the east side of 100 block this year. <u>As the cold weather moved in, LaFarge recommended that we hold off on 100 block sidewalks until Spring 2013.</u>
2012 Goal: Implement Streetscape Plan	White /Cerimele	Staff has reviewed previously submitted plans from OZ, and DCI. We have secured info on streetlights; and worked with local property owner on design ideas for a mall/pedestrian area. <u>We will continue to work on this over the winter to prepare for work in 2013.</u>

Action Item	Responsible Party	Progress Report
2012 Goal: Strengthen Marketing and Events	Metteer	Using media to promote local events. <del>Vail Valley event guests' data research work complete.</del> Coordinating scheduled co-op advertising opportunities for Minturn business license holders. Additional Internet marketing options are being explored.
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. Discussed this area with UPRR. Staff <del>sent to send</del> a draft lease proposal to UPRR for parking area. UPRR wants to lease a larger portion of the north end of Taylor Street and seek help <del>from</del> the Town in <del>removing</del> encroachments.
2012 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	Staff to provide periodic updates to Council. Received \$17, 325 DOLA grant for Master Drainage Plan (September 2012). <u>Next Grant deadline is December 3, 2012 for DOLA grant(s).</u>
2012 Goal: South Minturn sidewalks	White/Cerimele	Work with CDOT to determine right of way, investigate grant funding opportunities, and begin planning and implementation. VSSA may be interested in multi-purpose path between Town and Maloit Park. <del>Staff requested a meeting</del> <u>The Town Manager met</u> with Sam Otero, BMR engineer.

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



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

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## AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Resolution 21 - 2012; A Resolution authorizing the Mayor to sign the First Amendment to Maloit Park Subdivision Final Plat
<b>MEETING DATE:</b> November 7, 2012
<b>PRESENTER:</b> Chris Cerimele
<b>BACKGROUND:</b> The Eagle County School District has submitted an application for a minor subdivision of Tract A at Maloit Park. The proposed subdivision will create 2 parcels of land that will be conveyed to the Ski and Snowboard Club Vail for the purposes of constructing a dormitory and recreation center facility.  At the October 17 <sup>th</sup> Town Council meeting, Councilwomen Bellm questioned whether the proposed subdivision would affect the future alignment of utility easements that are necessary for the Battle Mountain project. Staff has determined that the school district is still obligated to provide these easements per the terms of the approved annexation agreement (Ordinance 3 – 2011).
<b>CORE ISSUES:</b> <ul style="list-style-type: none"><li>• Does the application meet the subdivision standards of the Town of Minturn?</li><li>• Will the subdivision affect the future alignment of the utility easement for the Battle Mountain Project?</li></ul>
<b>BUDGET/FINANCE IMPLICATIONS:</b> While the newly created parcels will not generate property tax revenue for the Town, the continued presence and expansion of the Ski and Snowboard Club Vail in Minturn will benefit the Town through sales tax revenue generated by parents, students, faculty and visitors of the school.
<b>RECOMMENDED MOTION:</b> I move to approve Resolution 21 – Series 2012

## Town Council Staff Report

November 7, 2012

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**FILE NUMBER:** Resolution 21 – Series 2012; A Resolution Authorizing the Mayor to sign the First Amendment to Maloit Park Subdivision Final Plat

**PROJECT TYPE:** Minor Subdivision – Type B

**LOCATION:** Maloit Park

**OWNER:** Eagle County School District - RE-50J

**STAFF RECOMMENDATION:** Approval

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### **BACKGROUND**

In 2011, the Town of Minturn approved the annexation and subdivision of approximately 105 acres of land owned by the Eagle County School District. The subdivision created three separate parcels of various sizes. The first parcel is comprised of approximately 47 acres and zoned Mixed-Use. Per the terms of the approved annexation agreement, the Eagle County School District retained the right to develop up to 120 residential units on this parcel as well as dormitory housing for the Ski and Snowboard Club Vail.

The second parcel created through the subdivision is 18 acres in size and zoned Public Facility. This parcel was subsequently deeded to the Town of Minturn and currently houses the Town's water treatment facilities.

The final parcel is approximately 39.5 acres and is zoned Recreation and Open Space.

The applicant, Eagle County School District (ECSD) RE-50J, has submitted an application for a subdivision of Tract A of the approved Maloit Park Subdivision. This parcel is the 47 acre Mixed-Use parcel. This subdivision of land would create 2 additional parcels. Parcel 1 being .922 acres in size and Parcel 2 being 1.122 acres. As stated in the attached subdivision application, the purpose of the subdivision is to create these two parcels which are to be conveyed by the Eagle County School District to the Ski and Snowboard Club Vail (SSCV). The

intended use for these parcels is to provide sites for a fitness center (Parcel 1) and dormitory/staff housing (parcel 2).

### **UPDATE FROM OCTOBER 17<sup>th</sup> TOWN COUNCIL MEETING**

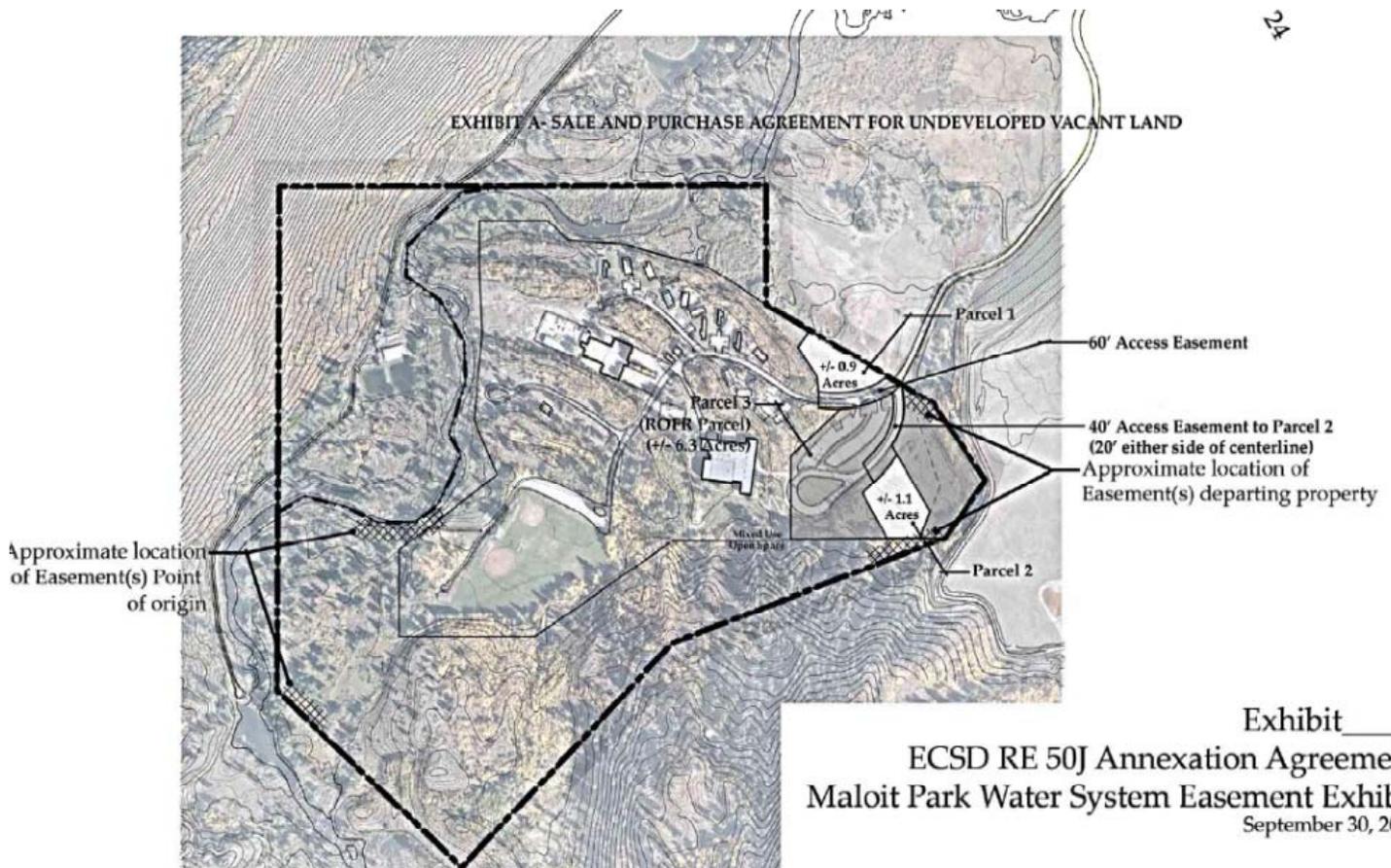
This agenda item was first heard at the October 17, 2012 Town Council meeting. During that meeting, Councilwoman Bellm raised the question of whether or not the proposed subdivision would jeopardize the water and sewer easements that were necessary for the Battle Mountain project. After a review of the Maloit Park Annexation Agreement that was approved by Ordinance 3 – Series 2011 and consultation with the Town Attorney, it was determined that the subdivision does not impact the grant of easements from the Eagle County School District to the Town of Minturn. When the annexation agreement was written, the exact area for the easements was not known and this is how the situation remains today. Knowing that the exact alignment for the easements would be determined at a future time, the attorneys agreed to the following language that is included in the approved annexation agreement.

#### Section 2.2 Grants of Easements for Water System Infrastructure.

The parties agree that the District will grant easements across the Property to the Town for water lines and associated facilities and infrastructure. Upon written request from the Town based on a specific projected need to construct water lines and associated facilities and infrastructure and wastewater infrastructure, as appropriate, and finalize the grant of the easements for the same, the District agrees to deliver to the Town specific easements for potable and raw water lines and associated facilities and infrastructure and wastewater collection and transmission lines, as appropriate, along alignments that are compatible, at that time, with the then existing infrastructure and other structures and development on the District property. Such alignments are anticipated to begin in the areas generally depicted along Cross Creek and end in the areas on the easterly side of the Property shown on **Exhibit A** hereto. In the event that the Town needs such public utility easements prior to any further District or non-District Development, due to development off-site of the Property or

other needs of the Town, the parties shall confer and in good faith specifically locate and legally describe such easements for conveyance in order to lessen any adverse impacts upon either District or non-District Development on the Property. It is expressly acknowledged and understood that the alignment of such easements may not be the most direct or shortest alignments, but rather alignments that shall be deemed to be the least impactful on the District's current and future use of the Property. The Town further agrees that any potable or raw water lines installed by the Town within such easements shall be appropriately sized to provide capacity for any District or non-District Development on the Property, as such development is contemplated by the Maloit Park Character Area. The District shall not be required to participate in any cost-recovery or line reimbursement agreement regarding such potable or raw water lines.

The following exhibit shows the proposed subdivision parcels overlaid on Exhibit A of the Annexation Agreement.



The exhibit shows the easements entering the property on the west side of the Maloit Park and exiting on the eastern side near the proposed subdivision parcels.

## **STAFF ANALYSIS**

The proposed subdivision is classified as a Type B Minor Subdivision per section 17-8-20 of the Minturn Municipal Code. This section states the following:

*A Type B subdivision* means a subdivision creating not more than six (6) lots within a legally approved subdivision, or is a subdivision of a building containing condominiums, townhomes or duplexes, which may include the subdivision of land directly associated with that building.

Since the proposed subdivision does not create more than 6 lots and it is within a legally approved subdivision, it is being classified as a Minor Type B Subdivision.

Per section 17-8-30 (Procedure) of the MMC, the procedure for processing a Type B subdivision is as follows:

### **Sec. 17-8-30. Procedure.**

(a) Initiation. An application for either a Type A or Type B subdivision or an amended final plat shall only be submitted by the owner, any other person having a recognizable interest in the land or his or her authorized agent. The application shall contain the materials specified herein and shall also contain the following additional materials, as applicable:

- (1) Final plat. A final plat of the proposed subdivision in conformance with final plat requirements.
- (2) Zoning. Demonstration that the land included within the proposed subdivision is properly within the proper character area and zoned for the proposed use. Conformance with existing zoning on the property is required.

- (3) Access. Demonstration that all lots in the proposed subdivision have legal and physical access to a public street or right-of-way by conventional vehicle.
- (4) Water supply. Satisfactory evidence demonstrating the existence of a legal, physical, adequate and dependable water supply for each lot.
- (5) Wastewater disposal. Satisfactory evidence, for each proposed lot, demonstrating the existence of a wastewater disposal system, or other lawful means of disposing of human wastes, which complies with all applicable public health laws.
- (6) Fire protection. Satisfactory evidence demonstrating adequate fire protection for each proposed lot.
- (7) Hazards. Satisfactory evidence demonstrating that all site conditions associated with the subdivision will not create hazards and all lots will contain safe, adequate building sites.
- (8) Site plan. A site plan, if applicable, depicting existing and proposed building locations, access drives, parking areas, landscaping, fences, signs and any other pertinent site data.
- (9) Agreements. A subdivision improvements agreement, off-site road improvements agreement or other agreement if required by the Town Council.
- (10) Restrictions. Any protective covenants, declarations, party wall agreements or other restrictions to be placed on the subdivision, which shall be filed for recording in the office of the County Clerk and Recorder at the time of final plat recording.
- (11) Schools. Demonstration that all applicable school land dedication or cash-in-lieu requirements have been satisfied.

The above requirements have been satisfactorily addressed in the Applicant's submittal (attached) for the proposed subdivision.

The subdivision is being approved per section 17-8-30 (f) (Procedure) of the MMC. This section states:

*Action on Type B Subdivision. After review of an application on the Type B subdivision and the revised subdivision mylar, improvements agreement and certificates, the Planning Director shall review the application and other support materials and approve or disapprove the Type B subdivision based on the standards herein. If the Planning Director approves the Type B subdivision, the final plat shall be signed by the Town Council.*

The applicant has satisfactorily addressed the submittal requirements for a Type B Minor Subdivision as outlined in section 17-8-30 of the Minturn Municipal Code. Furthermore, the standards for a Type B Minor Subdivision have been met. These include the adequacy of access to the parcels, potable water and sewage disposal on the land to be subdivided.

### **DRAFT MOTION**

I move to approve Resolution No. 21 – Series 2012

**Respectfully Submitted**

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**Chris Cerimele, Town Planner**

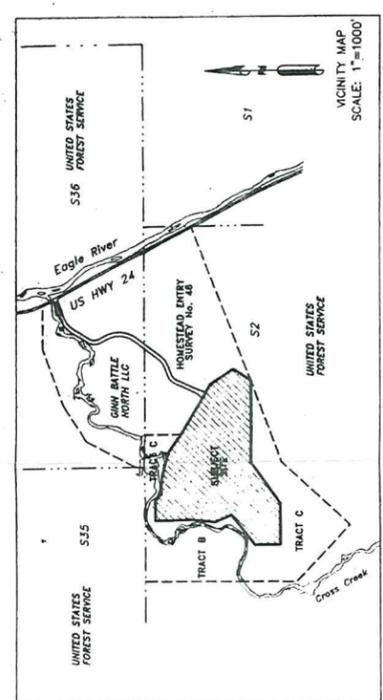
#### Attachments:

Maloit Park Subdivision Plat

Subdivision Application

Resolution 21 - 2012

# FIRST AMENDMENT TO MALOIT PARK A RESUBDIVISION OF TRACT A, MALOIT PARK TOWN OF MINTURN EAGLE COUNTY, COLORADO



**Certificate of Dedication and Ownership**

Know all men by these presents that Eagle County School District RE-500, being a public body, do hereby certify that the real property described herein as being situated in Eagle County, Colorado, described as follows:

Tract A, Maloit Park, according to the plat thereof recorded in the office of the Eagle County, Colorado Clerk and Recorder at Reception No. 201122577, containing 46.868 more or less,

have by these presents sold out, parted and subdivided the same into lots and blocks, and have caused the same to be surveyed and the plat thereof to be recorded in the office of the Eagle County, Colorado Clerk and Recorder at Reception No. 201122577, containing 46.868 more or less.

Tract A, Maloit Park, a subdivision in the County of Eagle, and dedicated to the Town of Maloit Park, including the lots, streets, easements, and other improvements thereon, including the Town, that are, or will be, providing public utility services (including water, sewer, gas, electric, and telephone) to the lots, streets, and easements thereon, and the reconstruction of such utility facilities, equipment, and systems and does further dedicate to the owners of Tract A, Maloit Park, and Parcel 1 and Parcel 2, those portions of the real property which are shown, and hereby created, at access easements utilizing the existing easements, with such access roads, as shown on the plat thereof, for the use, benefit, and convenience of the public, and for the purpose and other services in the interests of public health, safety, and welfare.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

By: \_\_\_\_\_  
Eagle County School District RE-500

By: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_, A.D. 20\_\_\_\_, by \_\_\_\_\_  
Witness my hand and official seal.

Notary Public \_\_\_\_\_

**Surveyor's Certificate**

I, Stan Hogrefe, do hereby certify that I am a Professional Land Surveyor, licensed and in good standing with the Board of Professional Land Surveyors, State of Colorado, and that I have surveyed and located the boundaries of the real property described herein as being situated in Eagle County, Colorado, and that such plat was made from an accurate survey of said real property, and that the same is in accordance with the laws and regulations governing the subdivision of land.

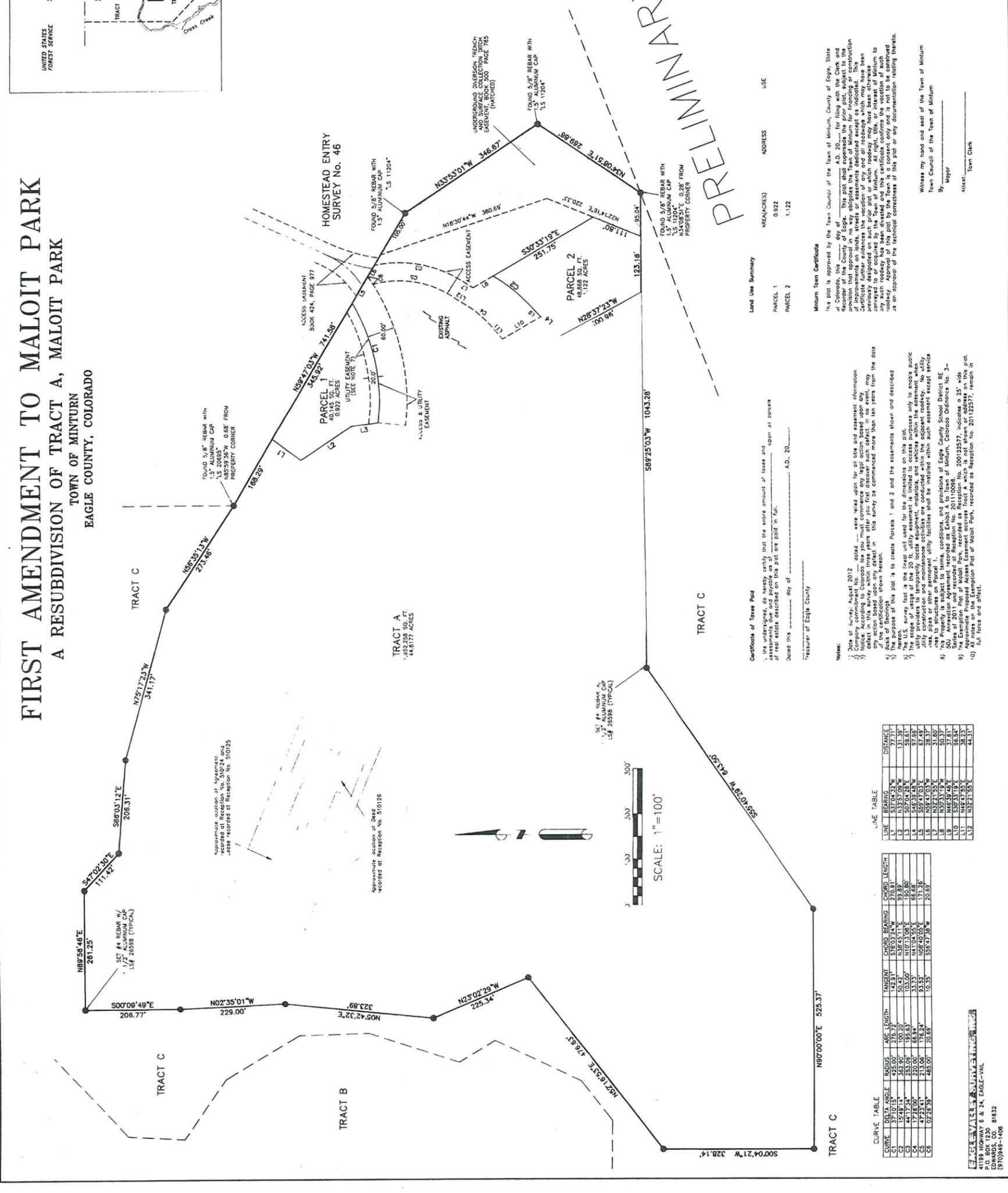
In Witness Whereof, I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Stan Hogrefe  
Registered Land Surveyor  
Colorado PLS 26598

**Clerk and Recorder's Certificate**

This Plat was filed for record in the Office of the Clerk and Recorder at \_\_\_\_\_ o'clock \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and is duly recorded at Reception No. \_\_\_\_\_.

By: \_\_\_\_\_ Clerk and Recorder  
Deputy: \_\_\_\_\_



**Land Use Summary**

PARCEL	AREA (ACRES)	ADDRESS	USE
PARCEL 1	0.922		
PARCEL 2	1.122		

**Minturn Town Certificate**

This plat is approved by the Town Council of the Town of Minturn, County of Eagle, State of Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, for filing with the Clerk and Recorder of Eagle County, Colorado, and for recording the same in the office of the Clerk and Recorder of Eagle County, Colorado, and for recording the same in the office of the Clerk and Recorder of Eagle County, Colorado, and for recording the same in the office of the Clerk and Recorder of Eagle County, Colorado.

Witness my hand and seal of the Town of Minturn  
Town Council of the Town of Minturn  
By: \_\_\_\_\_ Mayor  
Attest: \_\_\_\_\_ Town Clerk

**Certificate of Taxes Paid**

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable on this plot are paid in full.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Resurvey of Eagle County

**Notes:**

- Date of Survey: August 2012.
- Company commitment No. \_\_\_\_\_ dated \_\_\_\_\_ were used for all title and easement information.
- Any action based upon any defect in this survey within three years after you first discover such defect in no event, may be taken against the surveyor.
- Books of Record.
- The purpose of this plat is to create Parcels 1 and 2 and the easements shown and described hereon.
- The U.S. survey foot is the fixed unit used for the dimensions on this plat.
- The scope of use of the 20 ft. utility easement is limited to access purposes only to enable public utility construction and maintenance activities to be conducted within the adjacent roadway. No utility lines, pipes or other permanent utility facilities shall be installed within such easement except service lines.
- This Property is subject to terms, conditions, and provisions of Eagle County School District RE-500, Amended Agreement recorded as Exhibit 10099, recorded at Reception No. 201122577, indicated as 25' wide easement.
- The Amended Agreement recorded as Exhibit 10099, recorded at Reception No. 201122577, indicated as 25' wide easement.
- Approximate Proposed Access Easement shown on this plat is for information only and does not constitute a part of this survey.
- Approximate Proposed Access Easement shown on this plat is for information only and does not constitute a part of this survey.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S37°04'32"W	77.71'
L2	S76°03'12"E	42.87'
L3	S07°42'58"W	54.87'
L4	S46°39'48"W	97.88'
L5	S89°47'03"E	67.49'
L6	N02°57'52"W	31.87'
L7	N37°15'52"W	31.87'
L8	N37°15'52"W	31.87'
L9	N46°39'48"E	37.81'
L10	N02°57'52"W	31.87'
L11	N46°39'48"E	37.81'
L12	N37°15'52"E	44.31'

**CURVE TABLE**

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	37°10'15"	425.00'	275.72'	142.91'	S76°03'12"W	276.91'
C2	15°48'14"	362.90'	100.20'	33.50'	N07°42'58"W	100.20'
C3	17°28'00"	220.00'	68.84'	33.73'	N47°04'55"E	68.88'
C4	47°23'41"	213.06'	176.24'	93.55'	N08°40'05"E	171.26'
C5	07°28'59"	485.00'	20.89'	10.35'	S58°47'38"W	20.89'

# Maloit Park/Eagle County School District

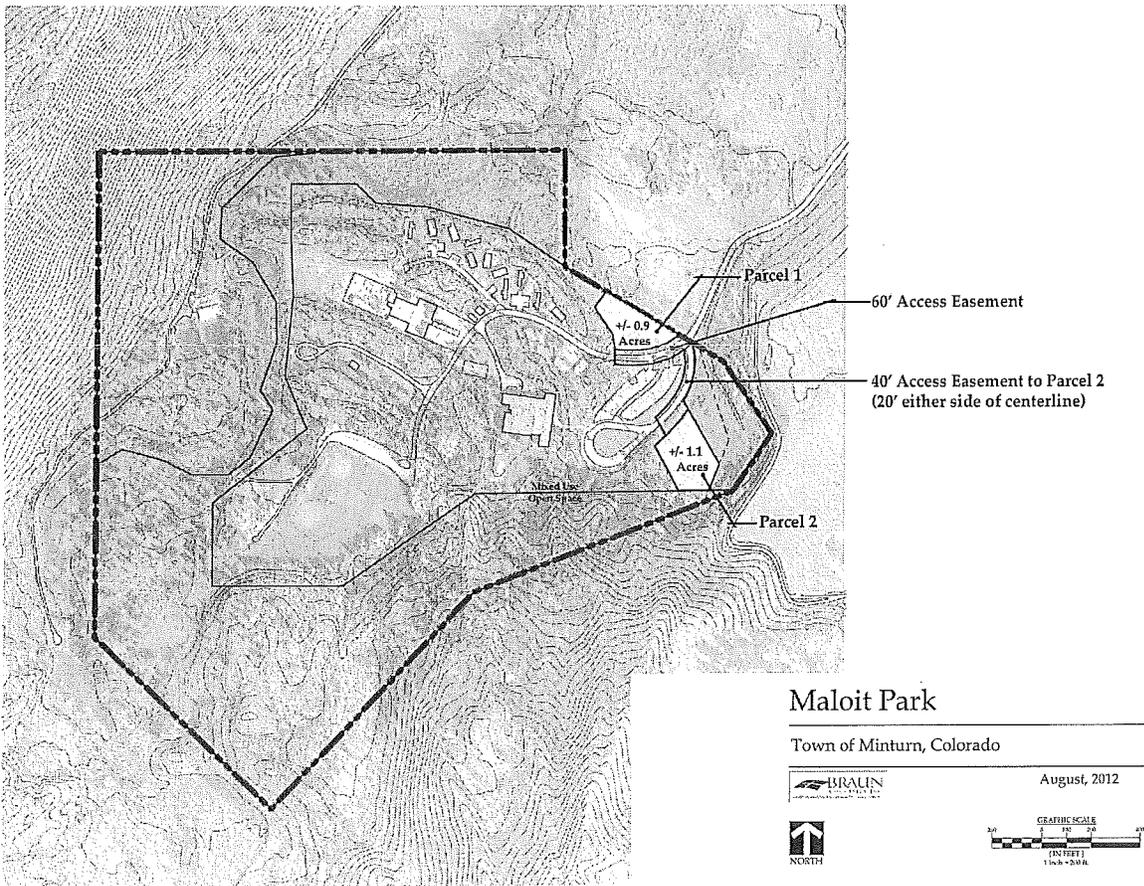
## Minor Type "B" Subdivision

August 25, 2012

The following information is provided in accordance with Section 17-8-30 of the Minturn Land Use Regulations for Minor "Type B" Subdivisions.

### Purpose of Proposed Subdivision

The purpose of this subdivision is to create two parcels of land, both of which are to be conveyed by the Eagle County School District (ECSD) to the Ski and Snowboard Club Vail (SSCV). These parcels will provide sites for a fitness center (Parcel 1) and dormitory/staff housing (Parcel 2), improvements intended to support the mission of both Ski and Snowboard Club Vail and the Vail Ski and Snowboard Academy. Parcels 1 and 2 are depicted on the diagram below.



Two main objectives influenced the location of these two parcels. The first was to provide locations for buildings which would establish a “campus” setting proximate to the Vail Ski and Snowboard Academy. The second was to locate the parcels so that they did not encumber the District’s future use of Maloit Park. Prior to any development of these two parcels SSCV will be required to first obtain all necessary development approvals from the Town.

1. Final Plat

A final plat has been submitted under separate cover. This plat is the First Amendment to Maloit Park, A re-subdivision of Tract A, and has been prepared in accordance with the Town’s final plat requirements.

2. Zoning

The proposed subdivision and the future uses of the two parcels are consistent with the Maloit Park Character Area. Proposed land uses include a fitness center, dormitories and staff housing units, each of which are permitted by existing zoning. The proposed parcels also conform to minimum lot size for the Maloit Park Character Area.

Maloit Park Annexation Agreement between the District and the Town contemplated the development of dormitories and staff housing. The agreement specifically excludes the dorms and staff housing from the 120 dwelling unit maximum that may occur at Maloit Park.

3. Access

Access to Maloit Park is provided by an easement from Hwy 24 to the site. Two new access easements are depicted on the plat. These easements are granted by ECSD to the public for the benefit of Parcels 1 and 2. A 60’ access easement is provided over the existing road into Maloit Park along the frontage of Parcel 1. This easement was set at 60’ to provide sufficient width to serve as a right-of-way that could be established in the future. A 40’ access easement is provided over the existing bus loop to provide access to Parcel 2.

4. Water Supply

Water service for the future development of these two parcels will be provided by the Town’s water system utilizing the existing tank and water distribution system at Maloit Park. A final decision on the size/location/alignment of water line extensions necessary

to these building sites have not been made. ECSD and SSCV will collaborate on the location and alignment of any line extensions. The District will grant utility easements for these lines as may be necessary after the Town has approved their location.

SSCV has met with town staff regarding the necessary water dedication and water tap fees for this development. It is assumed that final resolution of the dedication and tap fees will be occur as part of the development plan review process for the fitness center and dorm/staff housing buildings.

5. Waste Water Disposal

Eagle River Water and Sanitation District provides sanitary sewer service to Maloit Park. An existing 8' main is located beneath the main road into Maloit Park. This line is located within a 60' wide access and utility easement and is readily accessible to Parcel 1. As described above with water service, ECSD will provide the necessary easement for this line once decisions are made about its final alignment to Parcel 2.

6. Fire Protection

The Eagle River Fire Protection District provides fire protection to Minturn. The two parcels created by this plat are readily accessible on existing roadways. It is expected that the detailed review of fire protection by the Fire District will occur as an element of the Town's development review process, at which time decisions about staging areas, the need for hydrants, etc. will be made.

7. Hazards

There are no significant site hazards that would create constraints on the future development of the parcels created by this plat.

8. Site Plan

To date only conceptual site design work has been done on the fitness and dorm buildings. Prior to construction of these facilities the Town's approval of the site plan and other aspects of the project design will be required. Detailed plans of the proposed project will be provided at that time.

9. Agreements

It is not anticipated that a subdivision improvements agreement or off-site road improvements agreement will be required.

10. Restrictions

ECSD and SSCV have agreed upon a number of parameters regarding the future development of these parcels that will be included in covenants to be recorded with the property. The following is excerpted from the ECSD/SSCV sale contract and provides a summary of what will be included in the covenants:

**RECORDED COVENANTS.** *At the initial closing of Parcel 1, the parties shall execute and cause to be recorded an instrument that shall operate as covenants running with the land and subjecting the Property to certain restrictions, and requiring certain obligations of Buyer, and allocating certain rights and responsibilities, including but not limited to the following minimum terms and conditions which may be enforced by the District utilizing appropriate remedies:*

**1.1** *The Buyer's proposed design of all improvements to be located on the Property shall be compatible with the District's current and/or expressed intended uses in Maloit Park as an educational center with related support facilities. Before submitting designs to the Town of Minturn for development of each Parcel, Buyer shall present the plans to the District's Land Resource Committee for its timely review, comment, and approval (which approval shall not be unreasonably withheld). Design considerations shall include, but will not be limited to, the Buyer's use of predominantly natural building materials, use of stone/masonry bases, natural colors that are complimentary with the surrounding natural environment, and non-light polluting exterior lighting. All developmental designs shall conform to the Town of Minturn's then-applicable design standards.*

**1.2** *During the approval process of all land use applications to the Town, the Buyer will keep the District informed of all proposed restrictions and conditions that may be proposed to be imposed by the Town on the development in order to afford the District an opportunity to appear and provide comment on such proposed actions to insure that any imposed conditions do not materially and adversely affect the District's current and/or intended use of its Maloit Park property. Copies of all approvals, consents and proposed conditions shall be promptly provided to the District's Land Resource Committee.*

**1.3** *The Property shall be subject to restrictions that prohibit or limit exterior storage of motorized vehicles and trailers (outside of designated parking areas), and unused construction or maintenance equipment, tools, or materials.*

**1.4** *Prior to commencing any construction of any approved designs, Buyer shall submit to the District's Land Resource Committee:*

*(a) a construction schedule and a detailed architect's estimate of anticipated construction costs along with evidence satisfactory to the*

*District's Land Resource Committee, in its sound discretion, that Buyer has secured the necessary financing or funds to commence and complete construction in accordance with the approved design plans;*

*(b) a detailed construction management plan describing and identifying the limits of disturbance to the area, the limits of construction activity, defined parking for contractors and subcontractors, location of staging areas, supply storage, dumpsters and other construction related activities; and*

*(c) a construction restoration bond or cash deposit in an amount to be determined by the parties as adequately ensuring compliance with the construction management plan and needed restoration of any damage to the District's adjacent property resulting from such construction activities. The District shall notify Buyer of any deviations from such plan and Buyer shall have a reasonable opportunity to remedy or cure the deviation. Failure to remedy or cure shall entitle the District to utilize the bond or deposit to remedy or cure such deviation. Upon satisfactory completion of construction, and satisfactory restoration of any damage, the bond or security deposit shall be released to Buyer.*

**1.5** *The Property shall be subject to express limitations on the continued and future use of the Property for educational, fitness, training, and instructional purposes, and related accessory uses. The Buyer may lease all or part of its intended facilities on the Property to any non-profit third party for similar educational, fitness, training, and instructional uses that are compatible with District uses but only with the prior consent of the District, which consent shall not be unreasonably withheld.*

**1.6** *The Property shall be subject to an exclusive First Right of Refusal for Lots 1 and 2 granted to the District by the Buyer and memorialized in the recorded instrument, such right to continue for so long as the instrument remains in effect. If the Buyer desires to sell Lot 1 and/or Lot 2, or receives any bona fide offer from a third party to purchase either or both Lots 1 and 2 which the Buyer wishes to accept, the Buyer before making an offer to any third party, or accepting an offer from a third party, as the case may be, shall send District two executed copies of the contract for the sale of either or both Lots 1 and 2 embodying the terms of the offer; provided, however, that the District's purchase price for Lots 1 and/or 2 shall be the same consideration that Buyer paid to the District for the respective Lots as adjusted by the Case-Schiller index-Denver-Aurora Metropolitan area. The contract shall be accompanied by a letter notifying the District that Buyer intends to make or accept the offer embodied in the contract, as the case may be, if the offer is not accepted by the District. The District shall have the right, within 60 days of receipt of the contract and notice,*

*to purchase Lot 1 and/or Lot 2 on the terms and conditions set forth in the contract. In the event that the District accepts the offer, it must do so by executing one copy of the contract and returning it to the Buyer within 60 days of receipt. If the District does not accept the offer within such period, then the offer shall be deemed withdrawn and the Buyer shall be free to sell, or offer to sell Lots 1 and/or 2 to any party.*

*1.7 The design and determination of the final number of parking spaces to be provided for both Parcels 1 and 2, shall be subject to the review and approval of the District's Land Resources Committee, such approval to not be unreasonably withheld, with the expectation of the parties that such design will provide for a minimum of 8 on-site spaces and with the potential to add up to an additional 17 spaces if warranted by parking demand on Parcel 1 Determination of the need and number of additional spaces that may be necessary in the future shall be mutually agreed upon by the District and Buyer. Parking for Parcel 2 will include 1 garage space and 1 associated driveway space for each of the townhouse residences, and 15 surface spaces for dormitory use.*

These covenants are agreements between the ECSD and SSCV. Any topic referred to above that entails Town review (i.e. land uses, parking, etc.) would also require Town approval. Final wording of the parameters to be included in the covenants pertaining to Parcels 1 and 2 is currently underway and will be completed prior to conveyance of the property. Once completed, a copy of the covenants will be provided to the town.

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 21- SERIES 2012**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE FIRST  
AMENDMENT TO MALOIT PARK SUBDIVISION PLAT**

**WHEREAS**, The Eagle County School District RE-50J has submitted an application for a Minor Subdivision to the Town of Minturn; and

**WHEREAS**, The First Amendment to Maloit Park is a resubdivision of land at Maloit Park known as Tract A that will create two additional parcels in the Town of Minturn; and

**WHEREAS**, pursuant to section 17-8-20 of the Minturn Municipal Code, the First Amendment to Maloit Park Subdivision is classified as a Type B Minor Subdivision; and

**WHEREAS**, pursuant to section 17-8-30 (H)(2) of the Minturn Municipal Code, the subdivision meets the standards for a Type B Minor Subdivision and shall be approved by the Town of Minturn; and

**WHEREAS**, pursuant to section 17-8-30 (F) of the Minturn Municipal Code, the final plat for an approved Minor Type B subdivision shall be signed by the Town Council.

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

The Final Plat of the First Amendment to Maloit Park shall be signed by the Mayor of the Town of Minturn.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7<sup>th</sup> day of November, 2012.

TOWN OF MINTURN

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
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

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

*MEMORANDUM*

TO: Mayor and Town Council  
FROM: Jay Brunvand, Town Treasurer  
CC: Jim White, Town Manager  
DATE: October 31, 2012

**NOVEMBER 7, 2012 COUNCIL MEETING**

As required by Colorado law, the Town has set two Public Hearings for the FY2013 Budget. The November 7<sup>th</sup> meeting is the first; the November 21<sup>st</sup> meeting is the second and final. To date, Staff has taken your comments and suggestions and incorporated them into the FY2013 Budget. If approved or directed by Council, the items will be included in the final budget. In the event any material changes come forth from the Public Hearing process, those changes also will be included in the proposed final passage of the budget ordinances on December 5<sup>th</sup>. As a budget page may be affected, those changes will be distributed at the December 5<sup>th</sup> meeting.

Following is the Public Hearing procedure recommended that you follow in order to make sure everything is covered procedurally and legally.

- (a) The Mayor will introduce the agenda item and announce the Public Hearing as “I hereby by call to order the Public Hearing for the purpose of discussion and comment on the fiscal year 2013 proposed budget and to gather input, pro or con on the proposed Minturn Town Budget for the fiscal year January 1 through December 31, 2013. Any citizen that would like to speak needs to clearly state their name and physical address for the record from the podium (even if they are known by all.)”
- (b) Take citizen input
- (c) Presentations as related to Community Funding Requests:
  - Radio Free Minturn – David Eickholt
  - Walking Mountain Science Center – Doug Dusenberry
- (d) Close the Public Hearing
- (e) Council discussion on the budget and comment on the Public Hearing if any. Council will discuss the budget during the Worksession and any direction given could be

incorporated into the comments as a summary. Additionally, Council could give direction on the Community Funding Requests as well.

- (f) Announce this is the first Public Hearing on the Fiscal Year 2013 Preliminary Budget, a second Public hearing will be held on November 21, 2012 at 6:30pm in the Town Council Chambers at 302 Pine St. and citizens are also encouraged to contact the Town Hall with questions or comments during regular business hours at 827-5645.

## FY2013 BUDGET FUNDING REQUESTS

DISCRIPTION	REQUESTED BY	FUNDED FROM	FUNDED IN PROPOSED BUDGET	NOTES
1	Request from Radio Free Minturn <b>\$1,000</b>	Radio Free Minturn - David Eickholt	Gen Fund (01)	
2	Walking Mountain Science Center <b>\$1,000</b>	Doug Dusenberry, Dirctor of Major an planned Gifts	Gen Fund (01)	
3	Vail Valley Partnership and Economic Council of Eagle Co <b>\$5,000</b>	Chris Romer	Gen Fund (01)	
4				
5				
6				
7				
8				
9				
10				



request = \$1000

REQUEST FOR FUNDING APPLICATION

NAME OF ORGANIZATION: Radio Free Minturn, Inc  
 DATE SUBMITTED: September 13, 2012  
 NAME OF REPRESENTATIVE: David G. Eickholt  
 MAILING/STREET ADDRESS: P.O. Box 987, Minturn, CO 81645  
 TELEPHONE NUMBER: 203-246-9661

Please indicate major funding source:  tax supported  
 donations (corporate, foundation, private donors)  
 other government-entity grants

Please indicate type of organization:  health and human service  environmental  
 recreation and culture  sports and athletics  
 education  youth services  
 other non-commercial community radio station  
 marketing

Quick Reference Financial Data:

2010 Operating Revenue	\$28,895	Operating Expenses	\$16,173
2011 Operating Revenue	\$17,276	Operating Expenses	\$18,298
2012 Operating Revenue	\$21,656	Operating Expenses	\$18,325

Please answer the following questions on separate paper, not to exceed 3 pages. You may include an agency brochure, but please do not include any other additional materials.

- 1) WHAT IS YOUR ORGANIZATION'S MISSION?
- 2) SPECIFICALLY DESCRIBE THE PROJECT/PROGRAM THAT THE FUNDING WILL SUPPORT AND HOW THIS PROJECT/PROGRAM BENEFITS THE TOWN OF MINTURN.
- 3) HOW WILL YOU MEASURE THE SUCCESS OF THIS PROGRAM?
- 4) IS ANY OTHER AGENCY PROVIDING A SIMILAR SERVICE IN THE AREA?
- 5) HAVE PREVIOUS FUNDS BEEN AWARDED BY THE TOWN TO SUPPORT THIS ACTIVITY?
- 6) WHAT FUNDRAISING PROGRAMS DO YOU HAVE PLANNED TO ELIMINATE THE NEED FOR FUTURE TOWN FUNDING REQUESTS?
- 7) WHAT IS YOUR PROJECTED NEED FOR FUNDING FROM THE TOWN OF MINTURN FOR THE NEXT 5 YEARS?

Please attach the following:  
 \*Financial Statements  
 \*Budget (Including Revenue Sources)  
 \*501(C)(3) Documentation  
 \*List of Officers and/or Directors

# **RADIO FREE MINTURN 107.9 FM • KLNX LP**

Post Office Box 987  
Minturn, CO 81645  
970-827-9079 tel  
970-279-4244 fax  
www.minturnradio.org  
info@minturnradio.org

## **TOWN OF MINTURN GRANT REQUEST—2013**

### **Mission**

To serve the Eagle River Valley community by providing radio programming that will reflect the musical and cultural interests and informational needs of the region, while offering a learning environment for fledgling broadcasters, students of journalism and music enthusiasts.

### **Project/program funding will support and how this project benefits Town of Minturn:**

Radio Free Minturn (RFM) requests \$1,000 of financial support from the Town of Minturn to assist the Station cover its annual operating expenses. These expenses include rent for studio and office space, utilities and supplies.

RFM officially began broadcast operations on June 23, 2006. The signal is strong and clear from Vail to Edwards and from Redcliff to the Tennessee Pass. RFM is a public broadcast corporation, operated by more than 60 volunteers, ranging in age from 15 to 75. RFM is a fun and creative community project where everyone can participate. The majority of RFM's DJ's have had no prior on-air radio experience but receive their orientation and training from RFM staff members.

RFM is the only community-created medium for music listening currently hosting 44 two-hour locally produced and hosted shows each week. The station is commercial-free and presents quality music from Eagle County residents' collections.

RFM (and its continued operation) provides substantial benefits to the Town of Minturn in many ways both direct and indirect. For example:

By its very name and unique programming, Radio Free Minturn promotes name recognition and reinforces the positive image of the Town of Minturn among listeners throughout the Valley and as far away as the Front Range where the Station's bumper stickers and T-shirts are spotted on a regular basis. Since 2010, RFM has been streaming its broadcasts on the world wide web thereby broadening its reach to people throughout Eagle County and, in fact the world.

With studio and offices in Minturn, RFM attracts visitors and shoppers to Minturn businesses on a weekly basis, even if only the volunteers are considered.

Whenever possible, the Station conducts broadcast education programs in local high schools, middle schools and town libraries. These outreach programs include classroom and fieldwork and utilize our volunteer DJs as mentors. The goal is to teach technical and communication skills while empowering our youth through direct media access.

In 2013, a special focus will be placed on attracting additional DJ's to the Station and creating new programs devoted to Jazz, World Music and the music of Hispanic cultures.

### **How to measure success:**

The number of active volunteers and youth participants as well as corporate and individual financial supporters will measure RFM's success. Interest in the station will also be measured through website traffic, phone calls and e-mail requests.

**Other agencies or similar programs:**

RFM is the only community radio station in Eagle County. The station is unique and there are no organizations providing similar over the air content or educational/outreach programs.

**Previous Funds Awarded by the Town:**

From 2008 to 2012, Minturn provided between \$500 and \$2,000 annually to support RFM. Because of RFM's healthy income/expense position, no funds were requested from the Town of Minturn for 2009. But, because of the continued economic doldrums and anticipated equipment replacement expenses, the Station does need the Town's financial support in 2013.

**Fundraising planned to eliminate the need for future funding:**

RFM's fundraising includes an annual Birthday Bash to solicit support from past and first time donors, active solicitation of area and regional grants, underwriting from local businesses and two (2) on-air fund drives. Entering our sixth year of operation, more than half of RFM's funding comes from our listeners.

**Projected need for future funding from Minturn:**

Over the next five years, despite ambitious plans to expand operations, RFM anticipates that its funding request from Minturn will remain constant as additional revenue is raised from additional corporate and individual donations as well as foundation grants.

I am available to discuss this Request for Funding and answer any questions the Town of Minturn may have. Radio Free Minturn looks forward to hearing from you.

*David Eichholt*  
*President, Radio Free Minturn*



VAIL TAX & ACCOUNTING, INC.  
PROFESSIONAL TAX CONSULTANTS

111 SWIFT GULCH ROAD — SUITE 301  
P.O. BOX 5940  
AVON, COLORADO 81620

SARA FAHRNEY, PRESIDENT

PHONE: (970) 949-5383  
FAX: (970) 949-7105

Accountant's Compilation Report

To the Board of Trustees of  
Radio Free Minturn

We have compiled the accompanying Statement of Assets, Liabilities & Equity — Income Tax Basis of Radio Free Minturn (a non-profit entity) as of June 30, 2012, and the related Statement of Revenues & Expenses for the period then ended. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Organization's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Radio Free Minturn.

  
Sara Fahrney  
Accountant

Prepared 7/30/12

**Radio Free Minturn Inc.**  
**Statement of Assets, Liabilities & Equity - Income Tax Basis**  
As of June 30, 2012

	Jun 30, 12
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
FirstBank Checking	121.61
FirstBank Savings	33,280.65
Total Checking/Savings	33,402.26
Other Current Assets	
Prepaid Expenses	2,018.04
Total Other Current Assets	2,018.04
Total Current Assets	35,420.30
Fixed Assets	
Office Equipment	1,107.15
Studio & Broadcast Equipment	34,614.32
Accumulated Depreciation	-10,610.50
Total Fixed Assets	25,110.97
<b>TOTAL ASSETS</b>	<b>60,531.27</b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Unrestricted Net Assets	59,813.25
Net Income	718.02
Total Equity	60,531.27
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>60,531.27</b>



**Radio Free Minturn Inc.**  
**Statement of Revenues & Expenses - Income Tax Basis**  
 April through June 2012

	Apr - Jun 12	Jan - Jun 12
Ordinary Income/Expense		
Income		
Contributions		
General	3,589.05	5,864.23
Grants	0.00	500.00
RFM Special Events	1,175.00	1,175.00
Semi-Annual Fund Drive	1,986.52	2,244.42
Underwriting/Advertising	0.00	500.00
Total Contributions	6,750.57	10,283.65
Total Income	6,750.57	10,283.65
Cost of Goods Sold		
Fund Drive Expenses	333.50	907.50
Total COGS	333.50	907.50
Gross Profit	6,417.07	9,376.15
Expense		
Advertising & Promotion	840.00	840.00
Insurance	191.76	300.26
Internet Hosting & Projects	0.00	53.70
Internet Service	172.76	307.79
Licenses & Fees	0.00	1,146.00
Meals & Entertainment	0.00	40.75
Professional Services	900.00	900.00
Rent		
Studio Rent	1,500.00	2,500.00
Tower Rent	368.40	736.80
Total Rent	1,868.40	3,236.80
Telephone Expense	0.00	162.66
Total Expense	3,972.92	6,987.96
Net Ordinary Income	2,444.15	2,388.19
Other Income/Expense		
Other Income		
Interest Income	8.31	19.33
Total Other Income	8.31	19.33
Other Expense		
Depreciation Expense	844.75	1,689.50
Total Other Expense	844.75	1,689.50
Net Other Income	-836.44	-1,670.17
Net Income	1,607.71	718.02

**Radio Free Minturn Inc.**  
**Statement of Revenues & Expenses - Income Tax Basis**  
 April through June 2012

	Apr - Jun 12	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Contributions			
General	3,589.05	1,564.00	2,025.05
RFM Special Events	1,175.00	0.00	1,175.00
Semi-Annual Fund Drive	1,986.52	5,000.00	-3,013.48
Underwriting/Advertising	0.00	500.00	-500.00
Total Contributions	<u>6,750.57</u>	<u>7,064.00</u>	<u>-313.43</u>
Total Income	6,750.57	7,064.00	-313.43
Cost of Goods Sold			
Fund Drive Expenses	333.50	300.00	33.50
Total COGS	<u>333.50</u>	<u>300.00</u>	<u>33.50</u>
Gross Profit	6,417.07	6,764.00	-346.93
Expense			
Advertising & Promotion	840.00	875.00	-35.00
Insurance	191.76	325.00	-133.24
Internet Hosting & Projects	0.00	50.00	-50.00
Internet Service	172.76	112.50	60.26
Licenses & Fees	0.00	200.00	-200.00
Office Expense	0.00	125.00	-125.00
Professional Services	900.00	900.00	0.00
Rent			
Studio Rent	1,500.00	1,500.00	0.00
Tower Rent	368.40	468.75	-100.35
Total Rent	1,868.40	1,968.75	-100.35
Repairs & Maintenance	0.00	30.00	-30.00
Telephone Expense	0.00	162.50	-162.50
Total Expense	<u>3,972.92</u>	<u>4,748.75</u>	<u>-775.83</u>
Net Ordinary Income	2,444.15	2,015.25	428.90
Other Income/Expense			
Other Income			
Interest Income	8.31	12.00	-3.69
Total Other Income	8.31	12.00	-3.69
Other Expense			
Depreciation Expense	844.75	844.75	0.00
Total Other Expense	<u>844.75</u>	<u>844.75</u>	<u>0.00</u>
Net Other Income	-836.44	-832.75	-3.69
Net Income	<u><u>1,607.71</u></u>	<u><u>1,182.50</u></u>	<u><u>425.21</u></u>

**Radio Free Minturn Inc.**  
**Statement of Revenues & Expenses - Income Tax Basis**  
 January through June 2012

	Jan - Jun 12	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Contributions			
General	5,864.23	3,128.00	2,736.23
Grants	500.00	500.00	0.00
RFM Special Events	1,175.00	0.00	1,175.00
Semi-Annual Fund Drive	2,244.42	5,000.00	-2,755.58
Underwriting/Advertising	500.00	1,500.00	-1,000.00
Total Contributions	<u>10,283.65</u>	<u>10,128.00</u>	<u>155.65</u>
Total Income	10,283.65	10,128.00	155.65
Cost of Goods Sold			
Fund Drive Expenses	907.50	600.00	307.50
Total COGS	<u>907.50</u>	<u>600.00</u>	<u>307.50</u>
Gross Profit	9,376.15	9,528.00	-151.85
Expense			
Advertising & Promotion	840.00	1,750.00	-910.00
Insurance	300.26	650.00	-349.74
Internet Hosting & Projects	53.70	100.00	-46.30
Internet Service	307.79	225.00	82.79
Licenses & Fees	1,146.00	1,100.00	46.00
Meals & Entertainment	40.75		
Office Expense	0.00	250.00	-250.00
Professional Services	900.00	1,800.00	-900.00
Rent			
Studio Rent	2,500.00	3,000.00	-500.00
Tower Rent	736.80	937.50	-200.70
Total Rent	<u>3,236.80</u>	<u>3,937.50</u>	<u>-700.70</u>
Repairs & Maintenance	0.00	60.00	-60.00
Royalties	0.00	130.00	-130.00
Telephone Expense	162.66	325.00	-162.34
Total Expense	<u>6,987.96</u>	<u>10,327.50</u>	<u>-3,339.54</u>
Net Ordinary Income	2,388.19	-799.50	3,187.69
Other Income/Expense			
Other Income			
Interest Income	19.33	24.00	-4.67
Total Other Income	<u>19.33</u>	<u>24.00</u>	<u>-4.67</u>
Other Expense			
Depreciation Expense	1,689.50	1,689.50	0.00
Total Other Expense	<u>1,689.50</u>	<u>1,689.50</u>	<u>0.00</u>
Net Other Income	<u>-1,670.17</u>	<u>-1,665.50</u>	<u>-4.67</u>
Net Income	<u><u>718.02</u></u>	<u><u>-2,465.00</u></u>	<u><u>3,183.02</u></u>

12:27 PM

07/30/12

Annual Basis

Radio Free Minturn Inc.
General Ledger
As of June 30, 2012

Table with columns: Type, Date, Num, Adj, Name, Memo, Split, Debit, Credit, Balance. Contains detailed financial transactions for Radio Free Minturn Inc. as of June 30, 2012, including items like FirstBank Checking, FirstBank Savings, Prepaid Expenses, Office Equipment, and Depreciation Expense.

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 28 2006

RADIO FREE MINTURN INC  
C/O LIZ CAMPBELL  
PO BOX 987  
MINTURN, CO 81645

Employer Identification Number:  
20-2826734  
DLN:  
17053278002045  
Contact Person: JULIE CHEN ID# 31261  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
March 22, 2005  
Contribution Deductibility:  
Yes  
Advance Ruling Ending Date:  
December 31, 2009

Dear Applicant:

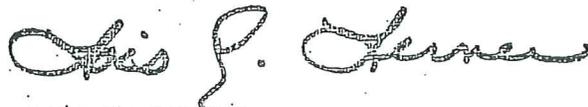
We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Lois G. Lerner  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)  
Statute Extension

# Radio Free Minturn

## Board of Directors and Advisory Board

### Board of Directors: July 1, 2012

#### President

Dave Eickholt  
P. O. Box 6935  
Avon, CO 81620  
970-748-0612 (h)  
203-246-9661 (c)  
[izehol@aol.com](mailto:izehol@aol.com)

#### Vice President

Steve Balough  
PO Box 8946  
Avon, CO 81620  
412-779-6214 (c)  
[steverrb@gmail.com](mailto:steverrb@gmail.com)

#### Secretary

Dina Patsiavos  
PO Box 684  
Minturn, CO 81645  
937-210-0962  
[missdinap@yahoo.com](mailto:missdinap@yahoo.com)

#### Treasurer

Beth Garrison  
PO Box 7786  
Avon, CO 81620  
757-513-3314  
[ecobeth@yahoo.com](mailto:ecobeth@yahoo.com)

Kelsey Ashton  
Vail, CO  
614-477-6298  
[k.ashton1@gmail.com](mailto:k.ashton1@gmail.com)

### Advisory Board:

Paul McCarthy	<a href="mailto:pmccarthy@email.com">pmccarthy@email.com</a>	303-720-6677 (c)
Scott Bellingrath	<a href="mailto:sbellingrath@hotmail.com">sbellingrath@hotmail.com</a>	970-231-7250 (c)

# walking mountains<sup>™</sup> science center

Friday, September 14, 2012

The Board of Trustees  
The Town of Minturn  
302 Pine Street  
Minturn, CO 81645

Dear Members of the Board,

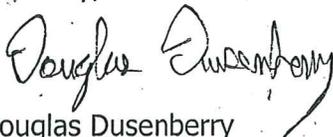
Walking Mountains Science Center has provided substantive, field based natural science education that is aligned with state and national science curriculum standards to the school children of Minturn and Eagle County for the last fourteen years. During that time, we have spent over 140,000 contact hours with 25,000 students. We look forward to being able to provide engaging educational programming to every one of the 6,000 students in Eagle County on an annual basis throughout their academic career and would like to invite your participation.

We appreciate the opportunity to share with you information about our school, its mission, our vision for the schoolchildren of Eagle County, and our School Field Science Program.

Our request is that the Trustees thoughtfully consider a grant in the amount of \$1,000 to support School Field Science programs for students in Minturn.

We have enclosed a proposal that includes the supporting documentation outlined in your grant application checklist as well an agency brochure. Please don't hesitate to contact me if we may answer questions or supply additional information about our school or this important educational project.

Sincerely,



Douglas Dusenberry  
Director of Major Gifts

Enclosures

#### BOARD OF DIRECTORS

Phil Brodsky, Chair  
Pat Tierney, Vice Chair  
Ben Peternell, Secretary  
Dan Patten, Treasurer  
Kathy Borgen  
Alix & Hans Berglund  
Kelly Bronfman  
Buck & Holly Elliott  
Markian Feduschak  
Jon Haerter  
Ted James  
Shelly Jarnot  
Greg Johnson

Kim Langmaid - Founder  
Susie & Paul Lyons  
Jenny Maritz  
Brenda & Joe McHugh  
Ellen Moritz  
Amanda Precourt  
Susan & Rich Rogel  
John Shipp  
Carroll Tyler  
STAFF

Markian Feduschak  
Kristen Belschner  
Lara Carlson  
Rose Delles  
Doug Dusenberry  
Gina Garrett  
Beth Garrison  
Natalia Hanks  
Tiffani Hoole  
Travis Long  
Amy Marino  
Dina Patsiovos  
Nancy Shane  
Jaymee Squires  
Dale Versteegen  
Pete Wadden

#### SCHOOLS SERVED

Avon Elementary School  
Battle Mountain High School  
Berry Creek Middle School  
Brush Creek Elementary  
Eagle County Charter Academy  
Eagle Montessori  
Eagle Valley Elementary School  
Eagle Valley Middle School  
Edwards Elementary School  
Gypsum Creek Middle School  
June Creek Elementary  
Lake County Middle School  
Mountain Montessori  
Meadow Mountain Elementary  
Minturn Middle School  
New America School  
Red Sandstone Elementary  
St. Clare of Assisi  
Stone Creek Elementary School  
Vail Academy  
Vail Mountain School  
Vail Ski and Snowboard Academy

p.o. box 9469

318 walking mountains lane  
avon, co 81620

p 970.827.9725 • f 970.827.9730

[www.walkingmountains.org](http://www.walkingmountains.org)

Town of Minturn  
 302 PINE STREET  
 P. O. Box 309, MINTURN, CO 81645  
 (970) 827-5645 FAX (970) 827-5545



REQUEST FOR FUNDING APPLICATION

NAME OF ORGANIZATION: Walking Mountains Science Center  
 DATE SUBMITTED: 9/14/2012  
 NAME OF REPRESENTATIVE: Doug Dusenberry  
 MAILING/STREET ADDRESS: Box 9489 / 318 Walking Mountains Lane, Avon, CO 81620  
 TELEPHONE NUMBER: (970) 306-0561

Please indicate major funding source:  tax supported  
 donations (corporate, foundation, private donors)  
 other government-entity grants

Please indicate type of organization:  health and human service  environmental  
 recreation and culture  sports and athletics  
 education  youth services  
 marketing  other

Quick Reference Financial Data:

FY 13 Operating Revenue	1,321,765.60	FY 13 Operating Expenses	1,320,901.44
FY 12 Operating Revenue	1,215,170.60	FY 12 Operating Expenses	1,210,118.78
FY 11 Operating Revenue	1,119,581.00	FY 11 Operating Expenses	1,049,261.74

Please answer the following questions on separate paper, not to exceed 3 pages. You may include an agency brochure, but please do not include any other additional materials.

- 1) WHAT IS YOUR ORGANIZATION'S MISSION?
- 2) SPECIFICALLY DESCRIBE THE PROJECT/PROGRAM THAT THE FUNDING WILL SUPPORT AND HOW THIS PROJECT/PROGRAM BENEFITS THE TOWN OF MINTURN.
- 3) HOW WILL YOU MEASURE THE SUCCESS OF THIS PROGRAM?
- 4) IS ANY OTHER AGENCY PROVIDING A SIMILAR SERVICE IN THE AREA?
- 5) HAVE PREVIOUS FUNDS BEEN AWARDED BY THE TOWN TO SUPPORT THIS ACTIVITY?
- 6) WHAT FUNDRAISING PROGRAMS DO YOU HAVE PLANNED TO ELIMINATE THE NEED FOR FUTURE TOWN FUNDING REQUESTS?
- 7) WHAT IS YOUR PROJECTED NEED FOR FUNDING FROM THE TOWN OF MINTURN FOR THE NEXT 5 YEARS?

Please attach the following:  
 \*Financial Statements  
 \*Budget (Including Revenue Sources)  
 \*501(C)(3) Documentation  
 \*List of Officers and/or Directors

## **Town of Minturn Donation Request Form**

page 2

**Applicant name:** Walking Mountains Science Center

### **What is your organization's mission?**

Our mission is to awaken a sense of wonder and inspire environmental stewardship through natural science education. Our programs reconnect students to the outdoors and awaken and build an interest in science.

### **Describe the project/program that the funding will support and how this project/program benefits the town of Minturn.**

Through our School Field Studies Program we provide hands on, curriculum aligned, natural science classes to thousands of students in 23 ECSD elementary, middle and high schools. These programs are funded through our fundraising efforts and are taught by graduate level Education students.

They begin with a visit in the students' regular school classroom where our educators introduce the topic and correlate it to work already being done in the classroom. The students then join us in the field for 1-3 days where they create a research question, design an experiment, collect data and analyze the results. Topics include geology, weather, snow science, aquatic biodiversity, stream monitoring and more.

These programs reconnect students, teachers and families to the outdoors, provide them with opportunities for active recreation, improve their understanding of science concepts and help to build a stewardship ethic.

The Town of Minturn benefits directly because we provide school field science programs to Minturn students at the Vail Ski and Snowboard Academy, Homestake Peak and Red Sandstone. We provide substantive after school science programs at Red Sandstone through our Girls in Science program and we have recently instituted a high school field science internship program for students at Battle Mountain High School. Many of our field science programs for youth also take place adjacent to Minturn at Maloit Park.

### **How will you measure the success of the program?**

We developed rigorous metrics to gauge the efficacy of our programs in conjunction with Colorado State University. All students take part in a pre assessment, before our program, that gauges their scientific literacy on topics related to existing Eagle County School district and CO state science standards.

Following participation in our program, the students are assessed again to determine whether there were gains in their scientific literacy. We have found that our school field science programs increase understanding of scientific concepts by nearly 20%- a remarkable increase in a short period of time. More importantly, we have compiled data from our in school program that demonstrates significant

**Walking Mountains  
(A Colorado Non-Profit Corporation)**

**Financial Statements  
June 30, 2011**

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
June 30, 2011**

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Statement of Activities and Changes in Net Assets	3
Statement of Cash Flows	4
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Schedule of Functional Expenses	13



# McMAHAN AND ASSOCIATES, L.L.C.

*Certified Public Accountants and Consultants*

CHAPEL SQUARE, BLDG C  
245 CHAPEL PLACE, SUITE 300  
P.O. Box 5850, AVON, CO 81620

WEB SITE: WWW.MCMAHANCPA.COM  
MAIN OFFICE: (970) 845-8800  
FACSIMILE: (970) 845-8108  
E-MAIL: MCMAHAN@MCMAHANCPA.COM

## INDEPENDENT AUDITORS' REPORT

**To the Board of Directors  
Walking Mountains  
Avon, Colorado**

### **Board Members:**

We have audited the accompanying statement of financial position of Walking Mountains (the "Science Center"), a Colorado non-profit corporation, as of June 30, 2011 and the related statements of activities and changes in net assets, and cash flows for the years then ended. These financial statements are the responsibility of the Science Center's management. Our responsibility is to express an opinion on these financial statements based on our audit. The prior year summarized information has been derived from the Science Center's June 30, 2010 financial statements, and in our report dated September 23, 2010 we expressed an unqualified opinion on those financial statements.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Walking Mountains as of June 30, 2011 and the results of its operations and changes in net assets and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Our audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplemental Schedule of Functional Expenses on page 13 is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

*McMahan and Associates, L.L.C.*

**McMahan and Associates, L.L.C.  
December 13, 2011**

*Member: American Institute of Certified Public Accountants*

D. JERRY McMAHAN, C.P.A.  
PAUL J. BACKES, C.P.A.

DANIEL R. CUDAHY, C.P.A.  
MICHAEL N. JENKINS, C.A., C.P.A.

AVON  
(970) 845-8800

ASPEN  
(970) 544-3996

FRISCO  
(970) 668-3481

**Walking Mountains**  
**(A Colorado Non-Profit Corporation)**  
**Statement of Financial Position**  
**June 30, 2011**  
**With Comparative totals for 2010**

	2011			2010
	Unrestricted	Temporarily Restricted	Total	Total
<b>Assets:</b>				
<b>Current assets:</b>				
Cash and cash equivalents	175,861	502,335	678,196	2,289,743
Cash in escrow	-	151,657	151,657	503,137
Investments	10,127	234,212	244,339	2,139,308
Accounts receivable	19,013	-	19,013	61,829
Pledges receivable	32,430	444,749	477,179	755,155
Bookstore inventory	12,270	-	12,270	13,956
Other current assets	5,803	-	5,803	19,217
Due from (to) net asset class	1,477,966	(1,477,966)	-	-
<b>Total current assets</b>	<u>1,733,470</u>	<u>(145,013)</u>	<u>1,588,457</u>	<u>5,782,345</u>
<b>Non current assets:</b>				
Pledges receivable	-	727,416	727,416	928,408
<b>Total non current assets</b>	<u>-</u>	<u>727,416</u>	<u>727,416</u>	<u>928,408</u>
<b>Fixed assets:</b>				
Land	3,850,000	-	3,850,000	3,850,000
Equipment	40,616	-	40,616	43,217
Furniture and fixtures	38,897	-	38,897	38,897
Vehicle	28,694	-	28,694	28,694
Construction in progress	6,440,792	-	6,440,792	1,038,035
Website	97,516	-	97,516	82,182
Less: accumulated depreciation	(96,282)	-	(96,282)	(77,297)
<b>Net fixed assets</b>	<u>10,400,233</u>	<u>-</u>	<u>10,400,233</u>	<u>5,003,728</u>
<b>Total Assets</b>	<u>12,133,703</u>	<u>582,403</u>	<u>12,716,106</u>	<u>11,714,481</u>
<b>Liabilities and Net Assets:</b>				
<b>Liabilities:</b>				
Accounts payable	216,169	330,968	547,137	281,384
Accrued payroll	21,714	-	21,714	36,749
Deferred revenue	39,223	-	39,223	98,823
Infrastructure escrow	-	23,095	23,095	201,231
<b>Total liabilities</b>	<u>277,106</u>	<u>354,063</u>	<u>631,169</u>	<u>618,187</u>
<b>Net assets:</b>				
Net investment in fixed assets	10,400,233	-	10,400,233	5,003,728
Unrestricted	1,456,364	-	1,456,364	380,881
Temporarily restricted	-	228,340	228,340	5,711,685
<b>Total net assets</b>	<u>11,856,597</u>	<u>228,340</u>	<u>12,084,937</u>	<u>11,096,294</u>
<b>Total Liabilities and Net Assets</b>	<u>12,133,703</u>	<u>582,403</u>	<u>12,716,106</u>	<u>11,714,481</u>

The accompanying notes are an integral part of these financial statements.

**Walking Mountains**  
**(A Colorado Non-Profit Corporation)**  
**Statement of Activities and Changes in Net Assets**  
**For the Year Ended June 30, 2011**  
**With Comparative Totals for 2010**

	2011			2010
	Unrestricted	Temporarily Restricted	Total	Total
<b>Revenues:</b>				
Contributions	370,161	1,576,494	1,946,655	2,927,992
Contributions - In-kind	78,182	-	78,182	78,635
Tuition	169,807	-	169,807	170,558
Special events	378,349	-	378,349	137,480
Interest income	3,064	18,424	21,488	70,493
Other	17,144	-	17,144	19,310
Net assets released from restrictions	10,928,263	(10,928,263)	-	-
<b>Total Revenues</b>	<b>11,944,970</b>	<b>(9,333,345)</b>	<b>2,611,625</b>	<b>3,404,468</b>
<b>Expenses:</b>				
Programs	1,137,812	-	1,137,812	955,622
Management and general	112,992	-	112,992	97,954
Fundraising and other supporting services	372,178	-	372,178	335,197
<b>Total Expenses</b>	<b>1,622,982</b>	<b>-</b>	<b>1,622,982</b>	<b>1,388,773</b>
<b>Change in Net Assets</b>	<b>10,321,988</b>	<b>(9,333,345)</b>	<b>988,643</b>	<b>2,015,695</b>
<b>Net Assets - Beginning of Year</b>	<b>1,534,609</b>	<b>9,561,685</b>	<b>11,096,294</b>	<b>9,080,599</b>
<b>Net Assets - End of Year</b>	<b>11,856,597</b>	<b>228,340</b>	<b>12,084,937</b>	<b>11,096,294</b>

The accompanying notes are an integral part of these financial statements.

**Walking Mountains**  
**(A Colorado Non-Profit Corporation)**  
**Statement of Cash Flows**  
**For the Year Ended June 30, 2011**  
**With Comparative Totals for 2010**

	2011			2010
	Unrestricted	Temporarily Restricted	Total	Total
<b>Cash Flows From Operating Activities:</b>				
Cash received from donations	439,051	1,986,572	2,425,623	2,118,799
Cash received for tuition	208,022	-	208,022	120,607
Cash received from special events	323,350	82,284	405,634	387,661
Cash received from other	17,405	-	17,405	19,310
Cash received from interest	2,472	8,202	10,674	8,942
Cash paid to employees	(705,533)	-	(705,533)	(645,107)
Cash paid for goods and services	(883,092)	70,548	(812,544)	(408,721)
Net assets released from restriction	5,598,409	(5,598,409)	-	-
<b>Net Cash Provided (Used) by Operating Activities</b>	<u>5,000,084</u>	<u>(3,450,803)</u>	<u>1,549,281</u>	<u>1,601,491</u>
<b>Cash Flows From Investing Activities:</b>				
Payments for purchase of property and equipment	(5,418,091)	-	(5,418,091)	(913,348)
Cash paid to purchase investments	-	(27,126)	(27,126)	(1,920,398)
Cash received from sale of donated investments	-	1,932,909	1,932,909	3,407,447
<b>Net Cash Provided (Used) by Investing Activities</b>	<u>(5,418,091)</u>	<u>1,905,783</u>	<u>(3,512,308)</u>	<u>573,701</u>
<b>Net Change in Cash</b>	(418,007)	(1,545,020)	(1,963,027)	2,175,192
<b>Cash Balance and Cash Equivalents - Beginning of Year</b>	593,868	2,199,012	2,792,880	617,688
<b>Cash Balance and Cash Equivalents - End of Year</b>	<u>175,861</u>	<u>653,992</u>	<u>829,853</u>	<u>2,792,880</u>
<b>Reconciliation to Cash on Statement of Financial Position</b>				
Cash and cash equivalents	175,861	502,335	678,196	2,289,743
Cash in escrow	-	151,657	151,657	503,137
	<u>175,861</u>	<u>653,992</u>	<u>829,853</u>	<u>2,792,880</u>
<b>Reconciliation of Change in Net Assets to Net Cash Provided by Operating Activities:</b>				
Change in net assets	10,321,988	(9,333,345)	988,643	2,015,695
<b>Adjustments:</b>				
Depreciation expense	21,325	-	21,325	13,390
(Gain) loss on sale of asset	261	-	261	-
Donated investments	-	-	-	(373,151)
(Increase) decrease in accrued interest receivable	(592)	(10,222)	(10,814)	(61,551)
(Increase) decrease in accounts receivable	42,816	-	42,816	(54,827)
(Increase) decrease in pledges receivable	68,890	410,078	478,968	(436,042)
(Increase) decrease in bookstore inventory	1,686	-	1,686	167
(Increase) decrease in other current assets	13,414	-	13,414	(11,483)
Increase (decrease) in accounts payable	(65,215)	330,968	265,753	252,167
Increase (decrease) in accrued payroll	(15,035)	-	(15,035)	2,069
Increase (decrease) in deferred revenue	(59,600)	-	(59,600)	53,826
Increase (decrease) in infrastructure escrow	-	(178,136)	(178,136)	201,231
Change in due to (from) net asset class	(5,329,854)	5,329,854	-	-
<b>Total Adjustments</b>	<u>(5,321,904)</u>	<u>5,882,542</u>	<u>560,638</u>	<u>(414,204)</u>
<b>Net Cash Provided (Used) by Operating Activities</b>	<u>5,000,084</u>	<u>(3,450,803)</u>	<u>1,549,281</u>	<u>1,601,491</u>
<b>Schedule of Noncash Investing Activities:</b>				
Investments donated	-	-	-	373,151
	-	-	-	<u>373,151</u>

The accompanying notes are an integral part of these financial statements.

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
Notes to the Financial Statements  
June 30, 2011**

**1. Organization**

Walking Mountains (the "Science Center"), a non-profit corporation, was founded in 1998. The Science Center was formerly Gore Range Natural Science School, but filed Articles of Amendment June 3, 2010 to change the name to Walking Mountains. The Science Center is an independent school that strives to awaken a sense of wonder and inspire environmental stewardship through natural science education. Programs include scientific field study trips for school groups, teacher training workshops, adult natural history seminars, guided nature hikes for families and adults, summer science camps, and college-level internships.

**2. Summary of Significant Accounting Policies**

**A. Basis of Accounting**

The financial statements have been prepared on the accrual basis of accounting, which recognizes revenues when earned and expenses when incurred.

**B. Support and Revenue**

Unconditional promises to give (pledges) are recorded when received. Unconditional promises to give which are due in the next year are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give that are due in subsequent years are reflected as long-term promises to give, and are recorded at the present value of their net realizable value, using an average of the one-year and five-year risk-free interest rates to discount these amounts.

Grants and other contributions of cash and other assets are reported as temporarily restricted support if they are received with donor stipulations that limit or specify the use of the donated assets, whether by time period or purpose. When a donor restriction expires, that is, when a stipulated time restriction ends or the stated purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the Statement of Activities as net assets released from restrictions.

Endowment contributions are permanently restricted by the donor, with investment earnings to be used as needed by the Science Center. Such investment earnings are recorded in unrestricted net assets.

Non-monetary donations of goods and services are accepted and recorded at their fair values when received. Donated services are recorded at their fair values in the period received, provided that such services either create or enhance non-financial assets or are considered to be "professional" services which the Science Center would otherwise be required to purchase. Donated fixed assets are recorded at fair value when received and reflected in these financial statements as contribution revenue and an addition to fixed assets.

**C. Cash and Cash Equivalents**

All short-term investments that are highly liquid are considered to be cash equivalents. Cash equivalents are readily convertible to known amounts of cash, and at the date of purchase, they have a maturity date of less than three months.

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
Notes to the Financial Statements  
June 30, 2011  
(Continued)**

**2. Summary of Significant Accounting Policies (continued)**

**D. Investments**

The Science Center has invested certain funds in certificates of deposit and a stock market index fund. Since these securities are intended to fund future expenditures and may provide a ready source of cash when so required, these investments are classified as trading. Accordingly, these securities are reported on these financial statements at market value, and all realized and unrealized gains and losses relating to original cost are included in current period earnings. See Note 6 below.

**E. Allowance for Doubtful Pledges**

The Science Center uses the allowance method for recognizing uncollectible pledges receivable. The allowance is an estimate based on an analysis of outstanding pledges receivable. At June 30, 2011, an allowance of \$87,793 was recorded. The Science Center considers pledges to be doubtful when they are 365 days or more past due and there has been no response from the donor.

**F. Inventories**

Bookstore inventories are stated at the lower of cost, utilizing the first in, first out method, and market value.

**G. Fixed Assets and Depreciation**

Property and equipment having a unit cost of \$1,000 or more is capitalized at cost. Donated fixed assets having a fair value of \$1,000 or more are capitalized at fair value at the date of donation. Land and construction in progress are not depreciated. Depreciation is provided using the straight-line basis over the following estimated useful lives:

Furniture and fixtures	5-7
Computer equipment and website	3-7
Program and office equipment	5
Vehicles	5

**H. Deferred Revenue**

Deferred revenue represents tuition, contract agreements and special event revenue for next fiscal year, which have been received in advance.

**I. Classification of Net Assets**

Net assets are classified, according to donor intentions, as unrestricted, temporarily restricted, and permanently restricted. Temporarily restricted net assets are reclassified to unrestricted upon satisfaction of donor intentions with respect to time and purpose. At June 30, 2011, net assets were unrestricted and temporarily restricted; there were no permanently restricted net assets.

**J. Income Taxes**

The Science Center is a non-profit organization as described in section 501(c)(3) of the Internal Revenue Code and is thus exempt from federal and state income taxes on income which is directly related to its organizational purpose.

**Walking Mountains**  
**(A Colorado Non-Profit Corporation)**  
**Notes to the Financial Statements**  
**June 30, 2011**  
**(Continued)**

**2. Summary of Significant Accounting Policies (continued)**

**K. Functional Expenses**

The cost of providing the various programs and supporting services have been summarized on a functional basis in the Statement of Activities and Changes in Net Assets. Directly identifiable program expenses are charged to program services. Expenses related to more than one function are charged to program services on the basis of time spent or other factors influencing the generation of the expense. General and administrative expenses include those expenses that are not directly identifiable with any other specific function but provide for the overall support and direction of the Science Center. Accordingly, certain costs have been allocated among the program services benefited.

**L. In-kind Contributions**

In-kind contributions are recognized as contribution income and program service expense at their fair market value at the time of contribution.

**M. Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amount of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**N. Comparative Information**

The financial statements include certain prior year comparative information in total but not by net asset class. Accordingly, such information should be read in conjunction with the Science Center's financial statements for the year ended June 30, 2010, from which the comparative totals were derived.

**O. Subsequent events**

Management has evaluated subsequent events through December 13, 2011, the date the financial statements were available to be issued.

**3. Promise to Give**

Unconditional promises to give at June 30, 2011, are as follow:

Receivable in less than one year	\$ 564,972
Receivable in one to five years	740,367
Total unconditional promises to give	<u>1,305,339</u>
Less discounts to net present value	(12,951)
Less allowance for doubtful accounts	(87,793)
Net unconditional promises to give at June 30, 2011	<u>\$ 1,204,595</u>

The discount rate used on long-term promises to give was 0.98% in 2011.

**Walking Mountains**  
**(A Colorado Non-Profit Corporation)**  
**Notes to the Financial Statements**  
**June 30, 2011**  
**(Continued)**

**4. Conditional Promises to Give**

A grantee has notified the Science Center of their intention to bequeath \$100,000 to the Science Center. This amount will be recognized in revenue when the probate court declares the will valid.

**5. Conditional Grants**

A grantee has agreed to give four annual grants of \$50,000 toward the construction of energy efficient and renewable energy upgrades at the Buck Creek campus. The annual grants are subject to annual budget appropriation for the calendar years ended December 31, 2009 – December 31, 2012. The Science Center is required to provide statements showing that they incurred direct costs associated with the project's energy efficiency and onsite renewable energy generation prior to requesting payment of the grant. Only amounts received under this grant have been recorded in revenue because the remaining portion is contingent upon annual appropriate and qualifying expenditures. At June 30, 2011, \$50,000 had been received and recorded in revenue and \$150,000 was still outstanding on this grant.

A grantee has agreed to provide \$50,000 of reimbursement grant funds toward the construction of energy efficient and renewable energy upgrades at the Buck Creek campus. The grant funds are received as reimbursement for qualifying expenditures. The Science Center only records amounts received in revenue because the remaining portion is contingent upon being spent on qualifying expenditures. At June 30, 2011, \$34,543 had been received and recorded in revenue and \$15,457 was still outstanding.

**6. Investments**

The Science Center's investments at June 30, 2011 were comprised of the following:

Equities	\$ 10,127
Mutual funds	25,678
Certificates of deposit:	
Maturing fiscal year 2011, interest at 0.60% - 2.05% p.a.	208,534
<b>Total</b>	<b>\$ 244,339</b>

**7. Fixed Assets**

The following is a schedule of changes in fixed assets:

	<b>Balance 6/30/10</b>	<b>Additions</b>	<b>Deletions</b>	<b>Balance 6/30/11</b>
Land	\$ 3,850,000	-	-	3,850,000
Furniture and fixtures	38,897	-	-	38,897
Computer equipment	35,612	-	(2,601)	33,011
Program and office equipment	7,605	-	-	7,605
Vehicles	28,694	-	-	28,694
Website	82,182	15,334	-	97,516
Construction in progress	1,038,035	5,402,757	-	6,440,792
<b>Total fixed assets</b>	<b>5,081,025</b>	<b>5,418,091</b>	<b>(2,601)</b>	<b>10,496,515</b>
Less: accumulated depreciation	(77,297)	(21,325)	2,340	(96,282)
<b>Total</b>	<b>\$ 5,003,728</b>	<b>5,396,766</b>	<b>(261)</b>	<b>10,400,233</b>

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
Notes to the Financial Statements  
June 30, 2011  
(Continued)**

**7. Fixed Assets (continued)**

The Science Center incurred acquisition and planning costs with regards to the construction of the new Buck Creek campus in Avon, Colorado. These costs are capitalized as construction in progress at year end. Depreciation is not calculated until the construction is considered complete.

**8. Temporarily Restricted Net Assets**

Temporarily restricted net assets are available for the following purposes:

Buck Creek campus	\$ 2,420
Avon in school	43,835
Scholarships	63,436
Educator salaries	46,111
Girls in Science	72,538
Total temporarily restricted net assets	<u>\$ 228,340</u>

Net assets were released from donor restriction by incurring expenses satisfying the purpose or time restrictions specified by donors as follows:

Purpose restriction accomplished:	
Buck Creek campus	\$ 10,852,827
Avon in school	44,222
Time restriction	12,500
Girls in science	5,797
Educator salaries	5,829
Scholarships	7,088
Total restrictions released	<u>\$ 10,928,263</u>

**9. Line of Credit**

**A. Construction Draw Line of Credit – Alpine Bank**

On August 20, 2010, the Science Center entered into an agreement with Alpine Bank for a construction draw line of credit not to exceed \$2,000,000. The line is secured by a Deed of Trust on the lot and all improvements at 318 Buck Creek Lane in Avon, Colorado. The outstanding principal bears interest at the JP Morgan Chase Prime rate plus 1.00%, with a 5% floor and matures August 20, 2015.

**B. Operating Line of Credit – Alpine Bank**

On August 16, 2010, the Science Center entered into an agreement with Alpine Bank for a line of credit not to exceed \$100,000. The line is secured by all accounts receivable now owned and hereafter acquired. The outstanding principal bears interest at the JP Morgan Chase Prime rate plus 2.00%, with a 6% floor and matures August 16, 2011.

**10. Vehicle Lease**

The Science Center entered into a lease agreement with Colorado Mountain Express for the lease of three vehicles. The term of this agreement was for June 1, 2011 through July 31, 2011 in the amount of \$500 per month per vehicle, plus a security deposit of \$500 per vehicle. At June 30, 2011, the Science Center had two vehicles leased under the terms of this agreement.

**Walking Mountains**  
**(A Colorado Non-Profit Corporation)**  
**Notes to the Financial Statements**  
**June 30, 2011**  
**(Continued)**

**11. Program Partners**

**A. Vail Associates, Inc. and the United States Department of Agriculture**

The Science Center has entered into a challenge cost share agreement with Vail Associates, Inc. ("VA") and the United States Department of Agriculture (the "Forest Service"). The purpose of this agreement is to provide for the enjoyment of Environmental Education for the public at Vail and Beaver Creek. The term of the agreement is January 28, 2010, through September 30, 2014.

Under the terms of this agreement, the **Forest Service** shall provide housing for employees (four) on a yearly basis during the period of November 1 through April 30, provide materials and equipment as needed to support the Nature Discovery Center operations, provide information or distribute promotional materials, and provide personnel to aid in training and give updated information concerning forest issues. During fiscal year 2011, the Science Center received \$18,243 of in-kind contribution for housing and salaries.

Under the terms of this agreement, **VA** will provide summer housing on a yearly basis from May 1 through October 31, provide yearly funds to the Science Center, provide six full time employee winter ski passes and twelve summer passes, provide promotion for interpretive programming, provide a facility at Eagle's Nest of Vail Mountain in which displays and programs can exist, and will provide general liability insurance. During fiscal year 2011, VA provided the Science Center labor, equipment and use of facilities in the amount of \$14,289 in-kind contribution of \$7,200 for housing and \$17,312 for internship stipends.

Under the terms of this agreement, the Science Center will provide an Interpretive Programs Coordinator and supervision for the intern staff, provide interns to staff interpretive programs at the Nature Discovery Center, provide the internship job description and hiring process, provide concentrated training for interns, provide staffing of the Nature Discovery Center, provide Vail and Beaver Creek ski schools with experiential ecology and natural history lessons, and maintain certain insurance policies.

**B. United States Department of Agriculture**

In fiscal year 2007, the Science Center purchased a national forest bookstore for \$8,979 from the Forest Conservancy and entered into a one year agreement with the Forest Service to operate the bookstore. Under the terms of the agreement, the Science Center will reimburse the Forest Service 24% of net profits from the bookstore in return the Forest Service will provide a representative to staff the store. The Science Center is responsible for providing a representative, ordering and maintaining inventory. This agreement was amended during fiscal year 2011 to extend the term of the agreement through March 1, 2012.

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
Notes to the Financial Statements  
June 30, 2011  
(Continued)**

**11. Program Partners (continued)**

**C. Vail Recreation District**

The Science Center entered into an agreement with Vail Recreation District ("VRD") to provide staff at the Vail Nature Center June 16, 2008 to September 6, 2008. Under the terms of the agreement, VRD will provide the Science Center with all marketing, participant registration, liability insurance for Nature Center programs, access to necessary space and additional materials for programs. VRD will provide \$15,000 to support naturalist positions. The Science Center renewed this agreement from June 14, 2010 through August 27, 2010 under the same terms. As of the June 30, 2011, this agreement had not been formally renewed, but both parties were operating under the same terms of the original agreement.

**12. SIMPLE IRA Plan**

During August 2008, the Science Center set up a SIMPLE IRA plan (the "Plan") covering all employees with at least one year of service that have earned at least \$5,000. The Science Center makes matching contributions up to 3% of each employee's pay. Total expense for the year ended June 30, 2011 was \$12,022.

**13. Concentration of Credit Risk**

The Science Center maintains certain of its cash balances with various financial institutions located in Colorado. These balances are insured by the Federal Deposit Insurance Corporation ("FDIC") up to respective limits. The current limits are \$250,000 for interest bearing accounts per charter, and effective until December 31, 2012, unlimited coverage for non-interest accounts. At June 30, 2011, the Science Center's uninsured cash balances totaled \$50,222.

**14. Construction Contract**

During fiscal year 2010, the Science Center entered into a contract for the construction of the Buck Creek Campus. The contract anticipates a maximum cost of \$5,450,899 for the performance of the agreed-upon work. In accordance with the contract, the contractor billed the Science Center as work progressed on the various components of the project.

As of June 30, 2011, \$4,712,533 had been completed under the terms of the contract.

**15. Related Party**

**A. Buck Creek Association**

Pursuant to the Declarations filed December 30, 2009 for The Buck Creek Association, Inc., ("Association"), the Science Center holds a 35% allocated interest in the common expenses of the Association. There was no assessment for common expenses of the Association during fiscal year 2011.

**B. Other**

At June 30, 2011, the Science Center had \$300,222 invested with Millenium Bank. The Walking Mountains Treasurer is an employee of Millenium Bank.

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
Notes to the Financial Statements  
June 30, 2011  
(Continued)**

**16. Cash Escrow Agreement**

On May 18, 2010, the Science Center signed a cash escrow agreement with Buck Creek Associates, Ltd. ("Buck Creek, Ltd"). Under this agreement, the Science Center and Buck Creek, Ltd. have agreed to create a cash escrow for payment of the costs of subdivision improvements for lots adjacent to and including the Buck Creek Campus (lots 2, 3 and 5). Buck Creek, Ltd. and the Science Center are responsible for 40% and 60% of costs, respectively. At June 30, 2011, the total common development costs were estimated to be \$854,000. At June 30, 2011, \$417,380 had been expensed by the Science Center, representing 60% of the total costs expensed to date. At June 30, 2011, the Science Center had \$151,657 reserved in a separate bank account to pay for the remaining costs of related to the infrastructure. At June 30, 2011, the Science Center was holding \$23,095 of funds from Buck Creek, Ltd, which is recorded as a liability until expended pursuant to the agreement.

**17. Subsequent Event**

During September 2011, the Science Center transferred cash balances between accounts to ensure that all cash balances were under the Federal Deposit Insurance Corporation ("FDIC") limits, as described in Note 13, above.

**Walking Mountains  
(A Colorado Non-Profit Corporation)  
Schedule of Functional Expenses  
For the Year Ended June 30, 2011  
With Comparative Totals for 2010**

	2011			2010	
	Program Services	Management and General	Fundraising	Total	
Accounting	3,458	13,830	-	17,288	16,638
Advertising and marketing	42,860	-	4,762	47,622	98,438
Bad debt expense	-	-	-	-	21,888
Bank charges and credit card fees	-	17,314	-	17,314	6,242
Board and committee ops.	-	1,554	-	1,554	627
Computer support	26,302	2,785	1,857	30,944	24,213
Professional Development	7,668	1,293	277	9,238	8,301
Contract services	13,541	903	3,611	18,055	20,768
Depreciation expense	12,795	2,986	5,545	21,326	13,390
Dues and subscriptions	49	2,024	395	2,468	3,344
Employees: IRA contribution	4,929	3,006	4,088	12,023	11,515
Employees: employee benefits	27,909	3,140	3,837	34,886	39,125
Employees: payroll expenses	24,430	8,289	10,906	43,625	42,932
Employees: salaries and wages	402,368	36,579	170,702	609,649	562,088
Employees: uniforms	5,003	102	-	5,105	1,929
Fees and permits	7,944	81	81	8,106	16,981
Bookstore	8,889	-	-	8,889	8,497
Insurance	15,140	2,065	-	17,205	17,461
Legal	2,744	-	-	2,744	259
Library supplies	408	-	-	408	601
Loss on disposal of assets	261	-	-	261	-
Merchandise	1,015	865	-	1,880	4,413
Office supplies	811	529	860	2,200	2,546
Postage	895	895	1,790	3,580	4,575
Printing and copying	5,886	5,886	11,772	23,544	23,560
Subdivision improvement expense	436,674	4,411	-	441,085	226,136
Program supplies	14,550	-	-	14,550	21,269
Recognition and awards	608	1,099	631	2,338	3,030
Recruitment	1,444	-	-	1,444	2,007
Rent and utilities	43,971	2,443	2,443	48,857	49,225
Repairs and maintenance	987	55	55	1,097	804
Special events expense	-	-	146,052	146,052	113,337
Telephone	7,905	439	439	8,783	8,586
Travel and lodging	8,914	419	1,154	10,487	8,987
Vehicle	7,454	-	921	8,375	5,061
<b>Total Expenses</b>	<u>1,137,812</u>	<u>112,992</u>	<u>372,178</u>	<u>1,622,982</u>	<u>1,388,773</u>

The accompanying notes are an integral part of these financial statements.

Walking Mountains Science Center  
FY 2013 Budget for Board Approval

	FY 2013 Annual Operating Budget
<b>Income</b>	
4030 · Corporate Contributions	\$ 55,000.00
4050 · Foundation Contributions	110,000.00
4090 · Government Contributions	10,000.00
4110 · Individual Contributions	879,400.00
4130 · In-Kind Donation	70,385.60
4210 · Tuition	163,180.00
4270 · Other Income	10,000.00
4500 · Store Sales Income	23,800.00
<b>Total Income</b>	<b>1,321,765.60</b>
<b>Gross Profit</b>	<b>1,321,765.60</b>
<b>Expense</b>	
6000 · Accounting	16,800.00
6020 · Advertising & Marketing	35,745.08
6040 · Bank and Finance Charges	600.00
6060 · Board & Committee Ops.	485.00
6100 · Computer Support	43,000.00
6140 · Contract Services	37,550.00
6150 · Credit Card Fees	8,170.00
6160 · Donor Cultivation/Stewardship	2,085.00
6180 · Dues & Subscriptions	1,844.00
6220 · Employees	
6240 · Employee Benefits	42,457.78
6250 · IRA Employer Contribution	15,695.04
6260 · Payroll Expenses	50,149.77
6280 · Salaries & Wages	700,043.16
<b>Total 6220 · Employees</b>	<b>808,345.76</b>
6300 · Equipment	2,900.00
6320 · Fees & Permits	8,707.00
6340 · First Aid Supplies	965.00
6360 · Food Supplies	8,765.00
6380 · In-Kind Expense	10,385.60
6400 · Insurance	30,000.00
6390 · Interest Expense	400.00
6440 · Legal	-
6460 · Library Supplies	1,000.00
6480 · Meals & Entertainment	3,860.00
6490 · Special Events Food & Entertain	76,250.00
6500 · Merchandise	-
6520 · Misc Expenses	-
6540 · Office Supplies	2,140.00
6550 · Store Inventory Expense	8,800.00
6560 · Postage	3,837.00
6580 · Printing & Copying	30,316.00
6600 · Professional Development	10,565.00
6620 · Program Supplies	18,550.00
6640 · Recognition & Awards	4,437.00
6660 · Recruitment	1,500.00
6700 · Repairs & Maintenance	47,689.00
6710 · Special Events Inkind Expense	60,000.00
6720 · Telephone	8,885.00
6740 · Travel & Lodging	3,965.00
6760 · Uniforms	2,650.00
6780 · Utilities	10,000.00
6800 · Vehicle Operations	9,710.00
<b>Sub Total</b>	<b>1,320,901.44</b>
	<b>1,320,901.44</b>
<b>Net Ordinary Income</b>	<b>864.16</b>
<b>Fundraising Income</b>	<b>\$ 1,054,400.00</b>

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 23 1998

GORE RANGE NATURAL SCIENCE SCHOOL  
NON PROFIT CORPORATION  
C/O KIMBERLY LANGMAID  
P.O.BOX 6112  
VAIL, CO 81658-6112

Employer Identification Number:  
84-1436731

DLN:  
17053324014007

Contact Person:  
EO CUSTOMER SERVICE  
Contact Telephone Number:  
(213) 894-2289

Accounting Period Ending:  
May 31

Foundation Status Classification:  
170(b)(1)(A)(vi)

Advance Ruling Period Begins:  
September 27, 1997

Advance Ruling Period Ends:  
May 31, 2002

Addendum Applies:  
no

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

Letter 1045 (DO/CG)

GORE RANGE NATURAL SCIENCE SCHOOL

If we publish a notice in the Internal Revenue Bulletin stating that we will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth

Letter 1045 (DO/CG)

GORE RANGE NATURAL SCIENCE SCHOOL

month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$20 per day for each day there is a failure to comply (up to a maximum of \$10,000 in the case of an annual return).

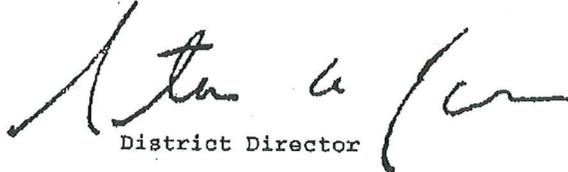
You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



District Director

Letter 1045 (DO/CG)

## Board of Directors

**Phil Brodsky, PhD – Chair** Avon, CO

Former Vice President, Corporate Research and Environmental Technology, Monsanto Company; Treasurer and Member of the Executive Board for B'nai, Vail Congregation

**Pat Tierney – Vice Chair** New York, NY

Former Global CEO for Harcourt division of Reed Elsevier, Trustee of University of Colorado Foundation.

**Kathy Borgen – Campaign Chair** Denver, CO

Trustee for the Borgen Foundation; Chair of the Board for Rachel's Network, Former board member for Sonoran Institute, Colorado Chapter of The Nature Conservancy, and Iliff School of Theology.; Member of the Director's Council, Harvard Divinity School; former board member of the Denver Summerbridge program

**Ben Peternell – Secretary** Denver, CO

Former Senior Vice President of Human Resources and Communications for a major hospitality company with over \$5 billion in annual revenues. Former board member of Leadership Memphis, the Memphis Interfaith Council and the Memphis Arts Council.

**Dan Patten – Treasurer** Edwards, CO

Chief Financial Officer, Millennium Bank

**Buck and Holly Elliott** Edwards, CO

Owners Paragon Guides & Odyssey Coaching Group; board member; 10th Mountain Hut Assoc, the dZi Foundation, former board members; Vail Leadership Institute, Vail Symposium, Colorado Women's Foundation, Fountain Valley School.

**Joe and Brenda McHugh** Dallas, TX

Joe: Former Chair of the Finance Committee for the national board of Mother's Against Drunk Driving; former trustee of the Catholic Foundation; former Director of the Catholic Campus Ministry program at SMU in Dallas and Chair of Finance Committee; Director and Executive of several public companies. Brenda: Former elementary school teacher in New York and Missouri; former Guardian Ad Litem with Child Protective Services in Dallas, TX; former reading teacher in Dallas, TX penal system; former vice president and commercial loan officer, M Bank, Dallas, TX specializing in energy lending; docent at Dallas Museum of Art, Dallas, TX.

**Rich and Susan Rogel** Avon, CO

Member, University of Michigan Presidential Advisory Board, Youth Foundation board member; founder of PPOM, former President of the University of Michigan Alumni Association

**Kelly Bronfman** Atherton, CA

Trustee of the Contemporary Jewish Museum in San Francisco and the Eagle Valley Land Trust; Member of the advisory board for the Colorado Conservation Trust

**Ted James** Eagle, CO

Science Instructor, Eagle County School District; Board Member with the Colorado Watershed Project

**Paul and Susie Lyons** Long Island, NY

**Hans and Alix Berglund** Edwards, CO  
Principal, Berglund Architects; member Edwards Rotary; Vail Leadership Institute

**Jenny Maritz** Vail, CO

**Jon Haerter** Edwards, CO  
Principal, Vail Dentistry.

**Shelly Jarnot** Edwards, CO  
Director of Sales and Marketing, East West Resorts

**Carroll Tyler** Vail, CO  
Vice President, Vail Office, Slifer, Smith and Frampton.

**Amanda Precourt** Edwards, CO  
Precourt Family Foundation

**Ellen Moritz** Edwards, CO  
Executive Vice-President, FirstBank, CO. Trustee for the Vail Valley Charitable Fund

**Greg Johnson** Edwards, CO  
Bank of America Corporate

**Kate Cocchiarella** Edwards, CO  
Eagle County School Board

**John Shipp** Edwards, CO  
Dionysus Hospitality

**Bev Freedman** Denver, CO  
The Assist Group

**Ex-Officio:**

**Kim Langmaid** Vail, CO  
Founder

**Markian Feduschak** Eagle, CO  
Executive Director

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

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### AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Ordinance 13 – 2012 to approve execution of a lease purchase agreement pertaining to the refinance of the Caterpillar IT35H (2009)
<b>MEETING DATE:</b> November 7, 2012
<b>PRESENTER:</b> Brunvand
<ul style="list-style-type: none"><li>• <b>BACKGROUND:</b> Staff is proposing the refinance of the 2009 Caterpillar loader. This proposal will reduce the interest rate on the current financing however, it will not change the term of the loan as it currently stands. With the refinance the Town will save over \$9,000 over the course of the remaining payout.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve Ordinance 13 – 2012 (First Reading) approving the execution of a lease purchase agreement, and related documents pertaining to the refinancing of a Caterpillar IT35H Tool Carrier and delegating certain authorized officers of the Town the determination of certain financial parameters for the refinancing as presented or amended.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 13 – SERIES 2012**

**APPROVING THE EXECUTION OF A LEASE PURCHASE AGREEMENT, AND RELATED DOCUMENTS PERTAINING TO THE REFINANCING OF A CATERPILLAR IT38H TOOL CARRIER AND DELEGATING TO CERTAIN AUTHORIZED OFFICERS OF THE TOWN THE DETERMINATION OF CERTAIN FINANCIAL PARAMETERS FOR THE REFINANCING.**

**WHEREAS**, the Town of Minturn, Colorado (the "Town"), is a duly and regularly created, organized, and existing home rule municipality under and by virtue of its Town Charter (the "Charter") and the constitution and laws of the State of Colorado; and

**WHEREAS**, pursuant to Section 9.11 of the Charter, in order to provide necessary land, buildings, equipment and other property for governmental and proprietary purposes, the Town may enter into long-term installment purchase contracts and rental or leasehold agreements, which agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property; and

**WHEREAS**, pursuant to such authority and for the purposes of financing the construction, other acquisition, the Town has heretofore entered into that certain Equipment Lease Agreement, dated January 12, 2010; and

**WHEREAS**, the Town is permitted by the 2010 Lease to pay the "Purchase Option Price" to acquire the Equipment, which Purchase Option Price is an amount sufficient to pay related costs thereof; and

**WHEREAS**, the Town Council of the Town (the "Town Council") has determined that it is in the best interests of the Town and its residents and taxpayers to refinance the 2010 lease agreement in order to reduce the interest component of the 2010 Lease; and

**WHEREAS**, the Base Rentals and Additional Rentals (both as defined in the Lease) payable by the Town shall constitute currently budgeted expenditures of the Town, and shall not constitute a general obligation or other indebtedness of the Town nor a mandatory charge or requirement against the Town in any ensuing fiscal year beyond the then-current fiscal year; and

**WHEREAS**, the Lease shall directly or indirectly obligate the Town to make any payments beyond those appropriated for the Town's then current fiscal year; and

**WHEREAS**, the Council desires to approve the forms of such documents and authorize the execution and performance by the Town of the Lease and the execution by any Authorized Officer of the Final refinance documents;

**THE TOWN OF MINTURN, COLORADO, ORDAINS:**

**Section 1. Definitions.** Unless the context indicates otherwise, capitalized terms used herein and not defined shall have the meanings ascribed thereto by the Lease. In addition, the following capitalized terms shall have the following meanings:

Authorized Officer: the person or persons authorized to sign the Final Terms Certificate and other documents authorized hereby, which shall be any one of the Mayor, the Mayor Pro Tem, or the Town Administrator.

Delegated Authority: the authority delegated by this Ordinance to any Authorized Officer to make the following determinations in the Final Terms Certificate with respect to the Lease, which determinations shall be subject to the restrictions and parameters set forth below:

- (1) the interest component of the Base Rentals;
- (2) the conditions on which and the prices at which the Lease may be defeased before its final Renewal Term;
- (3) the existence and amount of any capitalized interest or reserve funds;
- (4) the principal component of the Base Rentals;
- (5) the amount of Base Rentals coming due in any particular year; and
- (6) the dates on which the Base Rentals shall be paid, including the maximum Lease Term.

The foregoing authority shall be subject to the following restrictions and parameters:

- (1) the interest component of the Lease shall be such that the maximum net effective interest rate of the Lease does not exceed 4.00%;
- (2) the maximum annual Base Rentals shall not exceed \$50,000;
- (3) the maximum Lease Term shall be not later than December 1, 2015; and
- (4) the principal component of the Lease shall not exceed \$135,000.

**Section 2. Ratification of Actions.** All action heretofore taken by the Council or the officers and employees of the Town not inconsistent with the provisions of this Ordinance which were directed toward the refinancing of the 2010 Lease, are hereby ratified, approved, and confirmed.

**Section 3. Finding As To Governmental Purpose.** The Council hereby finds and determines, pursuant to the Charter and the Constitution and laws of the State of Colorado, that the leasing of the equipment is necessary, convenient, and in furtherance of the

governmental purposes of the Town, and is in the best interests of the Town and its citizens and inhabitants; and the Council hereby authorizes such lease.

**Section 4. Approval of Lease.** The Lease is in all respects approved, authorized, and confirmed, and the Mayor, or officials authorized by Town Council are authorized and directed to affix his signature to such documents, and the Town Clerk is authorized and directed to attest such signature, such documents to be in substantially the forms as stated herewith and with substantially the same content as presented to this meeting of the Council, for and on behalf of the Town, and thereafter the Town shall be bound by the provisions thereof. The execution of the Lease by any Authorized Officer is hereby approved, authorized, and confirmed.

**Section 5. Attestation; Authorization of Other Documents.** The Town Clerk or any deputy or assistant Town Clerk is hereby authorized and directed to attest all signatures and acts of any official of the Town in connection with the matters authorized by this Ordinance, and to place the seal of the Town on the documents authorized and approved by this Ordinance. The Mayor and other officials and employees of the Town are hereby authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents, and other papers, and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Ordinance. The appropriate officers and employees of the Town are authorized to execute on behalf of the Town agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this Ordinance.

**Section 6. No Indebtedness.** No provision of this Ordinance or the Lease shall be construed as creating or constituting a general obligation or other indebtedness of the Town, nor a mandatory charge or requirement against the Town in any ensuing budget year beyond the then-current budget year. No provision of this Ordinance or the Lease, shall be construed or interpreted as creating a multiple-fiscal year direct or indirect Town debt or other financial obligation whatsoever within the meaning of Article X, Section 20 of the Colorado Constitution. The Town shall have no obligation to make any payment with respect to the Lease except in connection with the payment of the Base Rentals and certain other payments under the Lease, which payments may be terminated by the Town in accordance with the provisions of the Lease.

**Section 7. Base Rentals.** The Council hereby determines and declares that the maximum Base Rentals permitted by the Delegated Authority do not place the Town under an economic compulsion to renew the Lease or to exercise its option to purchase the Trustee's interest in the equipment pursuant to the Lease. The Council hereby determines and declares that the period during which the Town has an option to purchase the Trustee's interest in the equipment (*i.e.*, the maximum permitted term of the Lease established pursuant to the Delegated Authority) does not exceed the useful life of the equipment and improvements thereon.

**Section 8. Charter Controls Over Inconsistent State Statutes.** Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this Ordinance are hereby superseded to the extent of any

inconsistencies between the provisions of this Ordinance and such statutes. Any such inconsistency is intended by the Council and shall be deemed made pursuant to the Charter.

**Section 9. Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the invalid or unenforceable section, paragraph, clause, or provision shall be severable from the remaining sections, paragraphs, clauses, or provisions.

**Section 10. Repealer.** All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution, or ordinance, or part thereof.

**Section 11. Effective Date.** This Ordinance shall be in full force and effect seven (7) days after publication following final passage.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 7<sup>TH</sup> DAY OF NOVEMBER, 2012. THE 21<sup>ST</sup> DAY OF NOVEMBER, 2012 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645 IS SET FOR PUBLIC HEARING HEREON.**

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Hawkeye Flaherty, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2012.**

\_\_\_\_\_  
Hawkeye Flaherty, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, 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

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## AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Resolution 20 – 2012 authorizing the Town of Minturn to transfer its scholarship funds to a tax exempt corporation to manage the investments, administer the program, and the selection and granting of scholarships
<b>MEETING DATE:</b> November 7, 2012
<b>PRESENTER:</b> Christensen
<b>BACKGROUND:</b> The Scholarship Committee has sought advice from investment advisors to maximize the return on investment, while minimizing the risk to scholarship funds invested. The committee and staff have reviewed the ordinance establishing the scholarship fund and determined it was advisable to have a resolution authorizing the Scholarship Committee to transfer funds to a tax exempt corporation to be formed by the Town and remaining under control of the Town to manage the investments.
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve Resolution 20 – 2012 authorizing the Town of Minturn to transfer its scholarship funds to a tax exempt corporation to manage the investments, administer the program, and the selection and granting of scholarships as presented or amended.

**RESOLUTION 20 – SERIES 2012**

**A RESOLUTION AUTHORIZING THE TOWN OF  
MINTURN TO TRANSFER ITS SCHOLARSHIP FUNDS  
TO A TAX EXEMPT CORPORATION TO MANAGE THE  
INVESTMENTS, ADMINISTER THE PROGRAM, AND  
THE SELECTION AND GRANTING OF SCHOLARSHIPS**

**WHEREAS**, The Town of Minturn, Colorado (the “Town”), in accordance with ordinance 10-2008 (the “ordinance”), has established a scholarship fund to be used for the creation of a scholarship program for qualified Minturn students who meet merit and financial need criteria; and

**WHEREAS**, in accordance with the ordinance, Battle One Developer, LLLP has provided funding in the amount of \$350,000.00 to the Town for initial funding of the scholarship fund; and

**WHEREAS**, the Town administrator has established a committee to oversee the investment of the funds and administration of the program; and

**WHEREAS**, committee has solicited advice from investment advisors to maximize the return on investment, while minimizing risk for the scholarship funds invested; and

**WHEREAS**, the committee has determined to transfer the scholarship funds to a tax exempt 501 (c) (3) corporation, to be formed by the Town and remaining under the control of the Town, to manage the investments; and

**WHEREAS**, in accordance with the ordinance, Battle One Developer, LLLP has a representative on the Scholarship Committee, who has communicated the consent of Battle One Developer, LLLP to the formation of the tax exempt corporation to manage the investments, administration of the program, and the selection and granting of scholarships.

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

The Scholarship Committee established by the Annexation Agreement and Vested Rights Agreement and set forth in Ordinance 10-2008, shall be authorized to transfer the scholarship funds to a tax exempt 501 (c) (3) corporation, to be formed by the Town and remaining under the control of the Town, to manage the investments, administration of the program, and selection and granting of scholarships.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

**MINTURN GENERAL IMPROVEMENT DISTRICT**

302 Pine Street  
Minturn, CO 81645  
(970) 827-5645

**NOTICE OF MEETING AND AGENDA**

DATE: Wednesday November 7, 2012

TIME: 6:30 P.M.

PLACE: Minturn Town Center  
302 Pine Street  
Minturn, CO 81645  
(970) 827-5645

<u>Board of Directors</u>
Gordon "Hawkeye" Flaherty, Mayor
George Brodin, Mayor Pro Tem
Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld
David Kleinkopf
Sarah J. Baker, Esq.

I. ADMINISTRATIVE MATTERS

- Approve Agenda.
- Review and approve minutes from the February 15, 2012 Board Meeting

II. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2013 GID Budget

Action Recommended: Motion to Ratify the Appointment

- Discussion/Action – 2013 General Improvement District Budget: Public Hearing and Board Comments

Action Recommended:

- a. Open Public Hearing
- b. Staff Presentation
- c. Public Comment or Testimony
- d. Council Comments
- e. Close Public Hearing

## MINTURN GENERAL IMPROVEMENT DISTRICT

Wednesday November 7, 2012

Notice of Meeting and Agenda

Page 2

- Discussion/Action – Consider adoption of Resolution No. 2012-11-01 a Resolution to adopt the Fiscal year 2013 Budget

Action Recommended: Motion to approve Resolution No. 2012-11-01 a Resolution to adopt the Fiscal year 2013 Budget as presented

- Discussion/Action – Consider approve of Resolution No. 2012-11-02 a Resolution to appropriate sums of money for the Fiscal year 2013 Budget

Action Recommended: Motion to approve Resolution No. 2012-11-02 a Resolution to appropriate sums of money for the Fiscal year 2013 Budget as presented

- Discuss and consider appointment of CliftonLarsonAllen, LLP to prepare and file the Application for Audit Exemption for the Fiscal Year 2012 General Improvement District.

Action Recommended: Motion to Ratify the Appointment

### III. OTHER BUSINESS

- Discuss and set meeting dates for 2013:
  1. Board Meeting to consider audit exemption set for February 6, 2013 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645
    - a. Alternative dates: February 20 or March 6, 2012
  2. Board Meeting to consider budget approval set for November 6, 2013 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645
    - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

### IV. ADJOURNMENT

**Minturn General Improvement District Meeting Minutes**  
**February 15, 2012**  
**Minturn Town Hall**

Hawkeye convened the GID Board at 7:45pm and noted George Bordin was absent excused and all other members of the Council were present and that Ms. Sarah Baker, and Mr. David Kleinkopf were present to Represent Battle Mountain Resort.

**1. Administrative Matters**

- **Approval of Agenda**

Motion by Shelley B, second by John R to approve the agenda as presented. Motion passed (6-0) (George B, absent, excused)

- **Review and approve minutes from the November 2, 2011 GID Board Meeting.**

Motion by John R, second by Shelley B to approve the minutes as presented. Motion passed (6-0) (George B, absent, excused)

**2. Financial Matters**

- **Discussion/Action – Consider adoption of Resolution No. 2012-02-01 Resolution an application for Exemption from Audit – Brunvand (5min)**

Motion by Shelley B, second by John R to adopt Resolution No. 2012-02-01, a Resolution for exemption from Audit. Motion passed (6-0) (George B, absent, excused)

**3. Legal Matters**

**4. Other Business**

- Discuss and set meeting dates for 2012:
  - Board Meeting to consider budget approval set for November 7, 2012 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
    - 1. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

**5. Adjournment (as GID and reconvene as Town Council)**

Motion by Shelley B, Aggie M, to adjourn as the GID. Motion passed (6-0) (George B, absent, excused)

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Hawkeye Flaherty, President

ATTEST:

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Jay Brunvand, Secretary

**RESOLUTION NO. 2012-11-01**

**RESOLUTION TO ADOPT BUDGET**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2013, AND ENDING ON THE LAST DAY OF DECEMBER 2013**

WHEREAS, the Board of Directors of the Minturn General Improvement District ("District") appointed Town staff to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Town staff submitted a proposed budget to this governing body for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 7, 2012, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Directors of the Minturn General Improvement District, Eagle County, Colorado:

1. That estimated expenditures for each fund are as follows:

General Fund:           \$1,000.00

2. That estimated revenues or previous year carry forward for each fund are as follows:

General Fund:           \$1,000.00

3. That the budget as submitted, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Minturn General Improvement District for the year stated above.

4. That the budget hereby approved and adopted is made a part of the public records of the Minturn General Improvement District .

APPROVED AND ADOPTED this 7<sup>th</sup> day of November, 2012.

MINTURN GENERAL IMPROVEMENT  
DISTRICT

By: \_\_\_\_\_  
President

Attest:

By: \_\_\_\_\_  
Secretary

**MINTURN GENERAL IMPROVEMENT DISTRICT  
PROPOSED BUDGET  
GENERAL FUND  
FOR THE YEAR ENDING DECEMBER 31, 2013**

	ACTUAL 2011	EST YE 2012	PROPOSED 2013
Beginning Funds Available	\$4,855	\$3,855	\$2,855
Revenue			
Property Taxes	\$0	\$0	\$0
Specific Ownership Taxes	\$0	\$0	\$0
Developer Advance	\$0	\$0	\$0
Miscellaneous Income	\$0	\$0	\$0
Total Revenue	\$0	\$0	\$0
Total Funds Available	\$4,855	\$3,855	\$2,855
Expenditures			
Accounting	\$0	\$0	\$0
Insurance	\$0	\$0	\$0
SDA Dues	\$0	\$0	\$0
Legal	\$1,000	\$1,000	\$1,000
District Management (Town Staff)	\$0	\$0	\$0
Reimbursement of ending Fund Balance to Developer	\$0	\$0	\$0
Operations and Maintenance of Public Improvements	\$0	\$0	\$0
Total Expenditures	\$1,000	\$1,000	\$1,000
Emergency Reserve	-	-	-
Total Expenditures Requiring Appropriation	\$1,000	\$1,000	\$1,000
Ending Funds Available	\$3,855	\$2,855	\$1,855

I, Jay Brunvand, hereby certify that I am a Director and the duly elected and qualified Secretary of the Minturn General Improvement District, and that the foregoing is a true and correct copy of the budget for the budget year 2013, duly adopted at a meeting of the Board of Directors of the Minturn General Improvement District held on the 7<sup>th</sup> day of November, 2012.

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Secretary

RESOLUTION NO. 2012-11-02

RESOLUTION TO APPROPRIATE SUMS OF MONEY

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO, FOR THE 2013 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on November 7, 2012, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Minturn General Improvement District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MINTURN GENERAL IMPROVEMENT DISTRICT, EAGLE COUNTY, COLORADO:

1. That the following sums are hereby appropriated from the revenue or previous year carry forward of each fund, to each fund, for purposes stated:

General Fund:	\$ 1,000.00
Debt Service Fund:	\$ 0.00
Capital Projects Fund:	\$ 0.00
Emergency Reserve Fund:	\$ 0.00
Enterprise Fund:	\$ 0.00

ADOPTED this 7<sup>th</sup> day of November, 2012.

MINTURN GENERAL IMPROVEMENT DISTRICT

By: \_\_\_\_\_  
President

Attest:

By: \_\_\_\_\_  
Secretary



To: Minturn Town Council  
From: Chris Cerimele, Town Planner  
Date: November 7, 2012  
Re: Planning Department Update

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### **Planning Commission Update**

The Planning Commission will review and discuss the preliminary draft of the Parks and Recreation Master Plan at their November 14<sup>th</sup> meeting. Staff will continue to work on the document through the end of the year. A Planning Commission public hearing will be held in January to receive comments on the plan and formal adoption by the Town Council is planned for the month of February.

### **Summary of 2012 Planning Commission Decisions**

Approval of Design Review 2012 – 01. A single family home at 974 Main Street.

Approval of Variance 2012-01. A setback variance for a garage at 273 Boulder Street.

Approval of Zoning Text Amendment 2012-01. A text amendment revising the lot coverage definition.

Approval of Zoning Text Amendment 2012-02. A text amendment revising the submittal requirements and public hearing procedures for design review applications.

Approval of Zoning Text Amendment 2012-03. A text amendment revising the rear setback requirements to allow for new garages.

### **Proposed 2013 Planning Commission Agenda**

Review and update 2009 Comprehensive Plan

Review current parking standard for commercially zoned parcels.

Complete a systematic review of each section of the zoning code and make recommendations to the Town Council for improving the zoning code.

Other items as requested by the Town Council

### **ECO Trail Phase 2**

Staff is continuing to work with representatives from Union Pacific Railroad on the second phase of the ECO Regional Trail through Minturn. Staff has incorporated preliminary comments from UP officials regarding the trail into a revised map. The revised map showing a conceptual alignment for the 1.25 trail has been prepared to submit to the railroad for additional comments.

**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](mailto: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**

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**To: Mayor Flaherty and Minturn Town Council**  
**From: Jim White, Town Manager**  
**Date: October 31, 2012**  
**Re: Manager’s Report for the November 7, 2012 Town Council Meeting**

**Memorandum of Understanding related to the Human Performance Center/Fitness Center at Maloit Park**

We are preparing a Memorandum of Understanding for Phase 1 of the Human Performance Center/Fitness Center facility. Representatives from SSCV are working with the Town’s consultant, Ballard and King, on a proposed business plan for the center. On October 29, 2012 the Town Manager met with John Cole, SSCV to discuss overall progress.

**Maloit Park Water Tank Repairs**

Repairs are now completed on the interior of the Maloit Park Water tank. The water tank has been sandblasted, surfaced filled with epoxy, and painted. The tank has now been refilled.

**Bone Yard Property**

Staff has completed work on the Draft of the Management Plan for the Boneyard property in Minturn. We are doing this with the assistance of the Eagle County Open Space Advisory Board and the Eagle County Commissioners. We are also working with the Eagle Land Trust on developing a conservation easement on the site. I continue to be in touch with the USFS to discuss the process and timetable for submitting a bid to purchase the property. We are working to confirm a time on the Eagle County Commissioners schedule to get formal approval for funding to purchase the property.

**Battle Mountain Infrastructure Meeting**

Staff met with Sam Otero from Battle Mountain on Friday, October 12, 2012 to review prospective infrastructure plans in an effort to coordinate planning efforts between the two parties. We also held a conference call on October 31, 2012 with Town staff, TST Engineering, Water Quality Control Professionals, BMR to help prioritize and plan for grant applications and infrastructure repairs, both short and long term.

10/31/12

**DOLA Grant**

TST Engineering has completed the field work on the Town's Master Drainage project.

**UPRR**

Kathy Snead from Union Pacific Railroad stopped by on Friday, October 12, 2012 to look at the site proposed by the Town for a possible trail in the rail yard area from Dowd Junction into downtown Minturn. Town staff is preparing a draft plan to submit for review and recommendations prior to submitting a formal proposal. The Town's Railroad Subcommittee met on October 31, 2012 to review progress regarding the trail project, the proposed Taylor Street trail head parking area and Taylor Street lease, repairs to our railroad crossings, improving the appearance of the rail yard, and to brainstorm regarding future uses in the area.

**DOLA Grant**

TST Engineering has begun its work on the Master Drainage project.

**Scholarship Committee**

Our scholarship investment options were reviewed at the study session on Wednesday, September 19, 2012 by the Town Council. We had presentations from 1<sup>st</sup> and Main Advisors and SRS Capital Advisors. The subcommittee met on Thursday, September 20, 2012 and will have a recommendation to Town Council soon, pending legal review by Sherman & Howard attorney, Dee Wisor.

**2012 Accomplishments** (see attachment)

**2013 Town of Minturn Goals** (see attachment)

**Upcoming Events:**

**Veterans Day Holiday, Monday, November 12, 2012.**

Town offices will be closed.

**Minturn Winter Markets**

Our Minturn Winter Markets are planned for **Saturday, December 8, 2012 and Saturday, December 15, 2012.**

**Christmas Tree Bonfire**

The Town of Minturn Christmas Tree Bonfire is planned at Little Beach Park on **Friday night, January 4, 2013.**

Respectfully submitted,  
Jim White  
Town Manager

# **TOWN OF MINTURN**

## **2012 Accomplishments**

- **The Town held a Christmas Tree Bonfire at Little Beach Park (January 2012).**
- **In February, 2012, the Town of Minturn secured \$4,300,000 in escrow funds from Battle Mountain Resorts (BMR) after eight months of negotiations.**
- **The Town received Eagle County Open Space Advisory Committee approval of \$2,068,000 to help purchase the Minturn Bone Yard property. We are tentatively scheduled in November to meet with the Eagle County Commissioners to request formal approval.**
- **The Town obtained a \$17,325 grant from the Colorado Department of Local Affairs to complete a Master Storm Drainage Study throughout the Town of Minturn.**
- **In conjunction with the Eagle County School District, the Town had the Maloit Park Water Tank interior sandblasted, repaired and painted. We set up two 4000 gallon temporary tanks to continue water delivery during repairs. Public Works installed a new gate valve and hydrant on site. Over the past two years, total costs of repairs, both interior and exterior, are estimated to have been between \$70,000 and \$75,000.**
- **We completed improvements to the Municipal Parking Lot. We replaced rocks with wood pillars and looped ropes to provide a marine look near the river.**
- **The Recreation Center Subcommittee studied and met frequently with Ski and Snowboard Club Vail (SSCV) and BMR to plan and strategize for Phase 1 of a Human Performance/Fitness Center for the Town of Minturn. A Memorandum of Understanding (MOU) is currently being addressed and a business plan formulated by SSCV with the help of the Town's consultant, Ballard-King.**
- **The Town Council supported the development of a Community Garden plot and provided the land at a municipal lot called "Not-a Park".**
- **The Scholarship Subcommittee issued four scholarships to Minturn college students and completely utilized a smaller scholarship fund that started with a \$3600 balance. Colorado Mountain College spoke to Town Council about securing some funding to establish local scholarships at CMC.**
- **The Town Manager was named president of the Colorado City and County Management Association in February, 2012.**
- **The Town hosted a new event in 2012 called Ski Joring (February 2012) and it was very popular among residents.**
- **Hawkeye Flaherty was re-elected Mayor; Town Council members, George Brodin, Jerry Bumgarner, and John Rosenfeld were all re-elected to serve on Town Council.**
- **The Town staff studied the issue of medical marijuana throughout the year and provided information to the Town Council. Subsequently, by Town Council vote, medical marijuana centers were prohibited in the Town of Minturn.**

- With Council approval by Ordinance, an Economic Development/Special Events process was created and a streamlined application form has now been implemented for prospective event organizers to hold special events within the Town of Minturn.
- Economic Development created a new website, [www.downtownminturn.com](http://www.downtownminturn.com) for prospective businesses and tourists.
- The Minturn market is thriving! An improved system was developed with vendors for online registration and payment. The physical appearance of the market has been upgraded. The 2012 market spanned twelve weeks, June 23-September 8, 2012.
- The Minturn Market implemented a barricade system to improve pedestrian safety.
- Economic Development secured discounted advertising prices through the Mile Radio Station for Minturn businesses.
- Economic Development secured discounted co-op advertising prices through Regal Publications for Minturn businesses. This in-room directory will go into approximately 40,000 condo and hotel units from Edwards to Vail.
- Minturn hosted Burro Racing in August, 2012
- Minturn held its second annual Fall Storefront Decorating Contest which had an increase in business participation and an improved prize package for the winning entrants.
- In conjunction with the Fall Storefront Contest, Minturn decorated 10 flower barrels in a fall theme to coordinate with the businesses.
- The Town Planner addressed and recommended municipal code changes, most *later* adopted by Town Council, regarding issues of lot coverage, submittal standards for the Design Review board, foundation surveys, notice to neighbors, and temporary certificates of occupancy.
- The Scholarship Subcommittee met with local investment advisors (1<sup>st</sup> and Main Advisors and SRS Asset Management) to make plans for an endowment fund for the \$350,000 (plus interest). A 501 (c) 3 will be set up to administer the funds. The annuity plan offered is being reviewed by the law firm of Sherman and Howard.
- Public Works located all but 39 of 530 curb stops throughout Town. The search is still underway for the remaining curb stops.
- Public Works added extensions to (8) main line valves throughout Town to improve our ability to exercise the valves.
- Public Works completed hydrant extensions from Mann Avenue through the 1200 block in south Minturn.
- Public Works had welding done on truck light bars and had new storage racks welded for our snowplows.
- We started work on removal of rocks stored at the Frank Medina property. The rocks were left there when the Town's main water tank was installed, years ago.
- Public Works poured concrete pads in our parks to level our trash cans throughout Town.

- The Town BMR subcommittee continued work with Battle Mountain to resolve issues with the EPA and the State of Colorado Department of Public Health and the Environment regarding the Superfund site cleanup.
- The Mayor Pro Tem, George Brodin, and the Town Manager visited the headquarters of the Union Pacific RR in Omaha in May 2012. Subsequently, our relationship has improved.
- A contribution to Swift Eagle Charitable Foundation was made by the Town of Minturn in remembrance of Lorraine Mall Haslee, a former Town Council person.
- Public Works removed rutted rotomill from County Rd 14 at the north end of Town.
- We had trees and branches trimmed on Town property at our parks and along some of our local street edges. This will help in the winter with several previous snowplowing impediments.
- The Minturn Summer concert series at Little Beach Park ran from July through August, 2012 and was well attended! The Town supported the Minturn Community Fund's efforts.
- The Town Public Works staff assisted the Union Pacific Railroad in the cleanup of buildings and grounds on two properties in the rail yard.
- The Police Department received 50%, or \$740 funding for two bullet proof vests for our officers from the U.S. Department of Justice Bullet Proof Vest Program.
- Solar lighting was added to the south side entryway sign in early 2012. Later in the year, an ore cart was added at the base of the sign to commemorate the past history of mining in Minturn.
- The Pine Street Road Rehabilitation project was completed by ELAM Construction and the Town worked with several neighbors to resolve driveway grading issues.
- The Police Department finished a complete revision of its Department Policy Manual in June 2012, endorsed by and funded at 50% by CIRSA, through an agency called Lexipol.
- The Police Department received 50%, or \$740 funding for two bullet proof vests for our officers from the U.S. Department of Justice Bullet Proof Vest Program.
- Lisa Osborne submitted and received funding through a Victim Assistance Law Enforcement (VALE) grant. The grant funding provided lodging and registration for two staff members at the 2012 Colorado organization for Victim Assistance conference in early October.
- The Town provided funding along with Battle Mountain and CBS/Viacom to support monitoring of the United States Geological Society (USGS) Cross Creek Monitoring Gauge at Maloit Park.
- The Police Department joined the Law Enforcement Training Network last year and staff has subsequently completed 56 credit hours through online training already through a Colorado Post grant. Courses include: Report Writing, Tactics, Cultural Diversity, Incident Command, HazMat, and other topics.

- The Town provided funding along with Battle Mountain and CBS/Viacom to support monitoring of the United States Geological Society (USGS) Cross Creek Monitoring Gauge at Maloit Park.
- Following the Town's CPR training session, Chief Lorenzo Martinez was the first responder in an emergency situation and performed CPR successfully to help save a life!
- Public Works built and wired an 8' by 16' shed to house Well #4.
- The Police Department received a surplus M14 Rifle through the Colorado State Patrol 1033 Program which is part of a federal program to transfer surplus military equipment to law enforcement agencies.
- Public works staff refurbished Filter #3 (indoor filter)...replaced the old fabric and replaced the sand.
- The Minturn market is thriving! An improved system was developed with vendors for online registration and payment. The physical appearance of the market has been upgraded. The 2012 market spanned twelve weeks, June 23-September 8, 2012.
- Public Works staff assisted with set up and take down of the summer market. Public Works staff schedules were adjusted to accommodate this plan.
- The Town Manager was re-elected to the Colorado Municipal League Executive Board at the CML annual conference in June in Breckenridge, CO.
- We held Minturn's Independence Day Celebration, Sunday, July 1, 2012.
- A portion of the Town Hall exterior was painted during the summer of 2012.
- The Town Council selected Mayor Hawkeye Flaherty as the Town's representative to the CML Policy Committee. The Town Manager serves as our alternate.
- Town Council members, Shelley Bellm and Earle Bidez, the Town Attorney and Town Manager, attended a meeting with the EPA in Denver with Battle Mountain, and CDPHE, regarding Bolts Lake and the nearby superfund site in June 2012.
- Minturn provided an aide station at Little Beach Park for 3000 cyclists in the Copper Triangle bicycle event on August 4, 2012. It was a fund raiser for the Davis Phinney Foundation to provide funding for research to combat Parkinson's disease.
- Town Council modified posting notice locations from four throughout Town to two at Town Hall and added our website as a third site.
- Public Works continued to gather steel and other recyclable materials and bartered to offset expenses of approximately \$2000 to the Town.
- Town Council representatives and staff toured the Eagle Mine facility in August.
- Minturn prepared for and hosted the Pro Cycling Bike Race on August 23, 2012 as a pass through community! We were able to secure a sprint line in Minturn for the race!
- Public Works repaired two water valves at the corner of Harrison and Main.
- Town Clean Up improving in stature and eliminating unsightly eyesores!
- Supported and donated land for use as a new Community Garden.

10/31/12

- The Town continued our popular Flowers on Main Street program done by Johnie's Garden, a local landscaping company!
- The Town completed a full block road rehabilitation project, including paving and drainage on Pine Street. The work was awarded to ELAM Construction.
- We explored the concept of a "Solar Garden" with representatives of Active Energies, a local business.
- We converted the Town's health insurance to provide better coverage to employees while simultaneously keeping the costs to the Town down. We had been facing a 14% increase for 2102 and the new plan resulted in a 4% increase in 2012 and we now face a 9% increase for 2013.
- Town planning staff followed up to get the drainage plan at Minturn Town Homes improved and completed.
- Intermountain Engineering was hired to survey several areas at Little Beach Park in anticipation of improvements we are planning in 2013.
- Public Works passed all insurance and fire inspections in 2012.
- Mayor Hawkeye Flaherty was endorsed by Town Council to serve as our representative to the CML Policy Committee.
- Councilman Aggie Martinez was endorsed by Town Council to serve as our representative on the ECO Transit Board. Mayor Pro Tem, George Brodin will serve as our alternate.
- We replaced a valve on 535 Pine Street to correct a leak near a fire hydrant.
- We met with UPRR representatives to review our RR crossings and to consider repair options.
- Met with 1<sup>st</sup> Bank officials in an effort to keep the Minturn branch open. Despite our best efforts, the bank closed on October 12, 2012.
- The Town of Minturn hosted the Colorado Association of Ski Towns (CAST) in August.
- The Town of Minturn hosted its annual Halloween on October 30, 2102.
- Two outdoor Minturn Winter Markets are planned for Saturday, December 8 and Saturday, December 15, 2012.

**Jim White, Town Manager**

**October 2012**

## 2013/GOALS/ Town of Minturn, Colorado

SMART = Specific, Measurable, Attainable, Realistic, Timely

**\*1<sup>st</sup> Round (Four Votes or More)**

### **Tier 1 (Four Votes or More)**

- **Street and Drainage Projects \*(5)**  
Eagle Street, Toledo, Norman, Nelson
- **Submit Grants for Infrastructure (5)**  
Prioritize/Create a Regular Schedule
- **100 Block Streetscape \*(4)**
- **Sidewalks/ Engineering South Minturn \*(4)**
- **Submit DOLA Grant for Microfiltration Plant (4)**
- **Electronic Packets (I-Pads or Comparable) (4)**
- **Loop Water Lines (need to prioritize) (4)**

Meadow Mountain/Taylor St	(240K)
Lions Lane/Hwy 24	(456K)
8" Harrison and Boulder and Eagle	(80K)
12" Mann Ave	(301K)
Cemetery	(1.9 Million)
- **Recreation Path/Dowd to Bellm Bridge (4)**

### **Tier 2 (Received One, Two, or Three Votes)**

- **Upgrade Little Beach Park (3)**
- **Locate, Exercise, and Maintain Valves (2)**

- **CDOT/Drainage Upgrades (2)**
- **Water and Sewer to Little Beach Park (2013) (2)**
- **Water and Sewer to Public Works (2014) (2)**
- **Community Survey (1)**
- **Marketing and Events (1)**
- **Residential Sidewalks (1)**
- **Roofing Overhang on Town Hall (1)**
- **Upgrade Water Operators Licenses (1)**
- **Kiosk Coordinate with MRBA (1)**



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

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

*MEMORANDUM*

TO: Minturn Town Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Thursday, October 25, 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 negotiation update regarding the Ski and Snowboard Club of Vail to discuss the developing Memo of Understanding as well as to discuss a fee dispute with Martin and Woods and discuss final payment to Elam Construction. 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 and receive legal advice regarding ongoing negotiations with Ski and Snowboard Club of Vail (SSCV) as related to a recreation Memo of Understanding and Battle Mountain Resort discussions and to provide direction to the negotiating team related to finalizing Battle Mountain's feasibility study at Bolt's Lake – White/Christensen*

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