



2013

# Minturn Council Meeting

Wednesday April 17, 2013

**Work Session:** **5:30pm**  
**(Town Center)**

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

**TOP COUNCIL PRIORITIES:**

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



## **Agenda**

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

**Wednesday April 17, 2013**

**Work Session – 5:30pm**  
**Regular Session – 6:30pm**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

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 – 5:30pm**

- Discussion of Work Session format – White (50min)
- Discussion banning the sale of marijuana – White (10min)

### **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**

- April 3, 2013 Pg 4

- Action Item Report Pg 9
- 4. Liquor License Authority**
  - Minturn Country Club Inc. Annual Renewal of a Hotel & Restaurant License; 131 Main St.; TJ Ricci, Owner/Manager – Brunvand (5min) Pg 12
- 5. Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
- 6. Special Presentations**

#### **PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

- 7. Discussion/Action Item: Ordinance 3 – Series 2013 (First Reading) An Ordinance to amend the Zoning Map of the Town of Minturn – Cerimele (15 minutes) Pg 20**
- 8. Discussion/Action Item: Ordinance 4 – Series 2013 (First Reading) An Ordinance to amend Chapter 16 of the MMC by repealing and reenacting section 16-9-60 and adding a new section 16-9-45 – Cerimele (15 minutes) Pg 27**

#### **OTHER MATTERS**

- 9. Planning Department Update**
- 10. Town Manager’s Report Pg 34**
- 11. Town Council Comments**

#### **FUTURE AGENDA ITEMS**

- 12. Next Meeting – May 1, 2013**
  - Special Presentation - TST and Elam Construction Cost Estimates for Eagle Street – White (30min)
  - Discussion/Action Item: Active Energies Solar Garden Update – Cerimele/Christensen (20min)
- 13. Future Meeting**
- 14. Set Future Meeting Dates**
  - a) Council Meetings:
    - May 1, 2013
    - May 15, 2013

- June 5, 2013

b) Planning & Zoning Commission Meetings:

- May 8, 2013
- June 12, 2013
- July 10, 2013

**15. Other Dates:**

- June 1, 2013 – Town Clean up

**16. Adjournment**



## **Official Minutes**

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

**Wednesday April 3, 2013**

**Work Session – 5:30pm**  
**Regular Session – 6:30pm**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 5:30pm**

- Review of Action Item: Resolution No. 5 Series 2013; A Resolution to Approve the Grant of an Access and Utility Easement from the Town of Minturn to SBR Investments, LLC. – Cerimele/Christensen (45min)
- Update on Ski and Snowboard Club MOU and Fitness Center Progress – White (10min)

### **Regular Session – 6:30 pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:36 pm.

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

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

## **2. Approval of Agenda**

- a. Items to be Pulled or Added

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

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

- March 20, 2013
- Action Item Report

Motion by Shelley B., second by Jerry B., to approve the Minutes of March 20, 2013 as presented. Motion passed (7-0).

Update Action Report to reflect the sale/purchase of the Boneyard property.

## **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 No. 5 Series 2013; A Resolution to Approve the Grant of An Access and Utility Easement From the Town of Minturn To SBR Investments, LLC. – Cerimele/Christensen (20min)**

Discussion ensued to review the presentation made earlier in the Town Council Work Session. This easement cleans up previous historical easements and clarifies the easement. Motion by John R, second by Earle B, to approve Resolution No. 5 Series 2013; A Resolution to Approve the Grant of an Access and Utility Easement from the Town of Minturn to SBR Investments, LLC. Motion passed (7-0).

Kristen McKnight, representing SBR Investments Inc, expressed that in the easement proposal, if the owner of either lot 1 or lot 2, wishes to upgrade the road, the upgrades will meet Town standards.

## OTHER MATTERS

### **7. Planning Department Update**

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

#### **Bone Yard Property**

An IGA was signed by the Minturn Town Council at the March 20, 2013 meeting. At its **April 2, 2013** meeting, the Eagle Board of County Commissioners plan to ratify the agreement. The IGA focuses on the management plan for the Bone Yard property.

#### **Ski Joring Report**

Michelle Metteer and I met with Ski Joring representatives on **March 25, 2013** to review this year's event and to discuss how we can improve the event next year. We shared the survey results received from Intercept Insight during the February 23<sup>rd</sup> and February 24, 2013 event.

#### **Human Performance Center/Fitness Center at Maloit Park**

The subcommittee met on Friday, **March 29, 2013** to continue discussions related to planning and future construction of Phase 1 of the Human Performance Center/Fitness Center facility. We have pushed communication of our professional consultants, Craig Bouck and Frank Buono of Barker, Rinker, Seacat (BRS) with Jack Snow of RDK Architects. We are working on parking issues and supporting SSCV in its efforts with the School District. We also continue to work with Kelly Lyle, CPA, to determine the correct IRS entity needed to oversee the facility.

#### **School District Parking Issue/Fitness Center**

The Eagle County School District Land Resources Committee will reconvene on April 3, 2013 to address parking requirements related to Phase 1 at the Minturn Fitness Center site.

#### **Little Beach Park Improvements Planned**

We are now working on land issues related to the project. We plan to submit a GOCO grant by the August, 2013 cycle for park improvements.

#### **Police Chief Community Forum**

There will be a panel led Community Forum on April 4, 2013 from 5:30pm to approximately 7:30pm. From 5:30-6pm there will be an informal "Meet and Greet" session with the four candidates. Beginning at 6pm, a community panel will direct prepared questions to the candidates. Written questions from the audience will also be asked of the candidates by the panel members.

#### **Scholarship Committee**

Our scholarship committee is working to formally complete the documents and register with the State of Colorado as the Minturn Education Foundation as a formal 501 (c) entity. We have submitted the payment for the scholarship endowment fund (\$40,000) with Colorado Mountain College here in Eagle County. Additionally, we have secured the services of Kelly Lyle, CPA, to assist with the financial aspects of our preparation and planning.

### **Camp Hale Meeting**

I attended a meeting regarding Camp Hale on March 26, 2013 to review Camp Hale history, current uses, and future planning efforts. Two committees were formed to discuss water rights issues; and history, culture, land stewardship, and recreational uses.

### **SAFEbuilt Building Inspection**

The contract with SAFEbuilt has been signed and the transition has taken place. SAFEbuilt is now providing building inspection services for the Town of Minturn.

### **Upcoming Events:**

**Minturn Annual Clean Up Day/June 1, 2013 @ Little Beach Park**

## **9. Town Council Comments**

Any private donations to the Minturn Scholarship fund can be made in order to support the residents of Minturn looking to pursue further education.

## **FUTURE AGENDA ITEMS**

### **10. Next Meeting – April 17, 2013**

- Special Presentation: TST and Elam Construction Cost Estimates for Eagle Street – White (30min)
- Active Energies Solar Garden Update – Cerimele (30min)

### **11. Future Meeting**

### **12. Set Future Meeting Dates**

- a) Council Meetings:
  - April 17, 2013
  - May 1, 2013
  - May 15, 2013
  
- b) Planning & Zoning Commission Meetings:
  - April 10, 2013
  - May 8, 2013
  - June 12, 2013

### **13. Other Dates:**

- June 1, 2013 – Town Clean up

#### **14. Adjournment**

Motion by Jerry B, second by Shelley B, to adjourn the meeting at 7:03. Motion passed (7-0).

---

Mayor Hawkeye Flaherty

ATTEST:

---

Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Council Members/Staff Members  
**FROM:** Jim White/Town Manager  
**DATE:** April 17, 2013  
**SUBJECT:** Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Minturn Education Fund	White	<p><del>Funding is from the Battle Mountain Annexation escrow money.</del> We are nearing completion of the documentation to form the 501(c) corporation. <del>We submitted payment on February 26, 2013 for the annuities invested through 1<sup>st</sup> and Main Advisors.</del> The subcommittee met on March 5, 2013 and distributed three scholarship awards to Jessica Guthrie, Ashley Atencio, and Rodney Cordova. <del>In early April, I sent a letter to the Eagle County Commisisoners asking for a contribution to our scholarship endowment fund at Colorado Mountain College.</del></p>
OSAC Funding for Boneyard Purchase	White	<p>The Eagle County Commissioners and the Town of Minturn closed on March 14, 2013 with the USFS to purchase the Minturn Bone Yard parcel. Staff has prepared a draft management plan and is working with Kara Heide from Eagle Valley Land Trust on a Conservation Easement. The Town of Minturn signed the IGA with Eagle County at the March 20, 2013 meeting and the BoCC ratified the agreement at its April 2, 2013 meeting. <u>We are working on plans for a community cleanup day at the Bone Yard property. May 25, 2013 or June 8, 2013 are the dates under consideration.</u></p>
Parks and Recreation Master Plan	Cerimele	<p>Staff continues its work on a Park Master Plan for Planning Commission review. The Town has curtailed work by Zehren and Associates to complete the design features for Little Beach Park improvements while we are working on land ownership issues.</p>
2012 Goal: Town Street Repairs and Drainage.	White/ Cerimele	<p>Staff received a storm drainage study proposal from TST Engineering and received DOLA grant approval of \$17, 325 to complete the study. <del>The results of the study were presented at the March 20, 2013 Town Council meeting.</del> We have requested and received a short extension of the contract to allow review with Town Council and to complete the scope of services. A final report will then be sent to the Department of Local Affairs.</p>

Action Item	Responsible Party	Progress Report
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	We are working with LaFarge representatives and engineers in planning to repair sidewalks on the east side and west side of the 100 block <del>this</del> next year. <del>Conversations with CDOT are scheduled on Friday, March 15, 2013. I</del> am drafting a letter to Dave Eller, CDOT regarding Minturn’s Highway 24 renovation. We were informed by CDOT that we are due a replacement, probably by 2015 or 2016.
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 the primary local property owner on design ideas for a mall/pedestrian area. <del>We will continue to work on this over the winter to prepare for work in 2013.</del> Staff would like to further address this project with Town Council in a work session.
2012 Goal: Strengthen Marketing and Events	Metteer	Staff is coordinating scheduled co-op advertising opportunities for Minturn business license holders. Special events permits now required for event planning. <del>We met with Ski Joring representatives to review the February event and to discuss ways to improve the event next winter.</del> We shared the results of the Intercept Insight surveys with the Ski Joring representatives.
2012 Goal: Clean Up Parking Area on North Taylor St	White/Cerimele//A. Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking. <del>Staff discussed this area again on February 25, 2013 with UPRR.</del> UPRR wants to lease a larger portion of the north end of Taylor Street and seek help from the Town in removing encroachments. UPRR will send a draft encroachment letter for staff review. We are still awaiting a letter <del>from</del> UPRR.
2012 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	Staff to provide periodic updates to Council. Staff completed a Tier 1 DOLA grant for water system improvements. We met the grant deadline of December 3, 2012 for the Energy Mineral Impact DOLA grant and were awarded the full grant request with each share being \$106, 739; 50% by the Town and 50% by the Department of Local Affairs. We are now working on a GOCO grant application for Little Beach Park improvements (August submittal). We submitted a Weed Mitigation grant proposal in cooperation with Eagle County on February 22, 2013 and were awarded that grant too. Our share is \$6,000 and we will receive \$3,000.
2012 Goal: South Minturn sidewalks	White/Cerimele	We met with CDOT on March 15, 2013 to discuss right of way issues, investigate grant funding opportunities, and begin planning and implementation for future Minturn projects. VSSA may be interested in multi-purpose path between Town and Maloit Park.

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
Water Subcommittee	White	<p>The response to the initial request for data has been prepared and provided to the subcommittee. The Water Subcommittee met <a href="#">again on April 11, 2013</a> to review the information and develop our strategy and to propose next steps to present to Town Council. We <del>submitted</del> <a href="#">reviewed the information with Leroy Cruz</a> <del>information to from</del> the Colorado Rural Water Association. <a href="#">He will now commence work</a> which will subsequently provide a preliminary water rate study for the Town's review.</p>

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



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

---

### AGENDA ITEM COVER SHEET

**AGENDA TITLE:** The Minturn Country Club, annual renewal of a Hotel/Restaurant Liquor License; 131 Main Street; Tom Ricci and Joe Honnessy, Owner/Manager

**MEETING DATE:** April 17, 2013

**PRESENTER:** Brunvand

**BACKGROUND:** This is an application for annual renewal of a Hotel/Restaurant liquor license. The application has been reviewed by the Clerk, Police Department, and the Town Attorney. Any concerns were addressed at Staff level and this application is clear for approval.

**CORE ISSUES:**

**BUDGET/FINANCE IMPLICATIONS:** An annual renewal fee of \$125.00 has been paid to the Town.

**STAFF RECOMMENDATION/MOTION:** "Motion to approve The Minturn Country Club, annual renewal of a Hotel/Restaurant Liquor License; 131 Main Street; Tom Ricci and Joe Honnessy, Owner/Manager as presented."

**COLORADO LIQUOR  
 RETAIL LICENSE APPLICATION**

NEW LICENSE     TRANSFER OF OWNERSHIP     LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE \$ 125.00 *Toward \$500 State*
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a  Individual  
 Corporation  Limited Liability Company  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)  Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Fein Number  
 The Minturn Country Club, Inc. 84-1145788

2a. Trade Name of Establishment (DBA) State Sales Tax No. Business Telephone  
 The Minturn Country Club 04-92147-0000 970-827-4114

3. Address of Premises (specify exact location of premises)  
 131 Main St.

City Minturn	County Eagle	State CO	ZIP Code 81645
-----------------	-----------------	-------------	-------------------

4. Mailing Address (Number and Street) P. O. Box 517	City or Town Minturn	State CO	ZIP Code 81645
---------------------------------------------------------	-------------------------	-------------	-------------------

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:

Present Trade Name of Establishment (DBA) The Minturn Country Club	Present State License No. 04-9147-0000	Present Class of License Hotel - Restaurant	Present Expiration Date June 06, 2013
-----------------------------------------------------------------------	-------------------------------------------	------------------------------------------------	------------------------------------------

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES
2300	<input type="checkbox"/>	Application Fee for New License .....	1985	<input type="checkbox"/>	Resort Complex License (City) .....
2302	<input type="checkbox"/>	Application Fee for New License - w/Concurrent Review .....	1986	<input type="checkbox"/>	Resort Complex License (County) .....
2310	<input type="checkbox"/>	Application Fee for Transfer .....	1988	<input type="checkbox"/>	Add Related Facility to Resort Complex ... \$ 75.00 X _____ Total _____
			1990	<input type="checkbox"/>	Club License (City) .....
			1991	<input type="checkbox"/>	Club License (County) .....
			2010	<input type="checkbox"/>	Tavern License (City) .....
			2011	<input type="checkbox"/>	Tavern License (County) .....
			2012	<input type="checkbox"/>	Manager Registration - Tavern .....
			2020	<input type="checkbox"/>	Arts License (City) .....
			2021	<input type="checkbox"/>	Arts License (County) .....
			2030	<input type="checkbox"/>	Racetrack License (City) .....
			2031	<input type="checkbox"/>	Racetrack License (County) .....
			2040	<input type="checkbox"/>	Optional Premises License (City) .....
			2041	<input type="checkbox"/>	Optional Premises License (County) .....
			2045	<input type="checkbox"/>	Vintners Restaurant License (City) .....
			2046	<input type="checkbox"/>	Vintners Restaurant License (County) .....
			2220	<input type="checkbox"/>	Add Optional Premises to H & R .....
			2370	<input type="checkbox"/>	Master File Location Fee .....
			2375	<input type="checkbox"/>	Master File Background .....

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
State _____-750 (999)	City 2180-100 (999)	County 2190-100 (999)	Managers Reg _____-750 (999)		
Cash Fund New License 2300-100 (999)				Cash Fund Transfer License 2310-100 (999)	
				<b>TOTAL</b>	
				\$ .	

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);  
 (a) been denied an alcohol beverage license?    
 (b) had an alcohol beverage license suspended or revoked?    
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?    
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?  
 Ownership  Lease  Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord <b>Minturn Realty Company, Inc.</b>	Tenant <b>The Minturn Country Club, Inc</b>	Expires <b>May 31, 2018</b>
-------------------------------------------------	------------------------------------------------	--------------------------------

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
Joseph J. Honnessy III	9/8/55	321-52-7445	50 % Shareholder
Thomas J. Ricci	8/29/46	359-34-7839	50 %Shareholder

*Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.*

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No  
   
 Has a local ordinance or resolution authorizing optional premises been adopted?  
 Number of separate Optional Premises areas requested. \_\_\_\_\_ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following: Yes No  
   
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License** applicants answer the following and attach: Yes No  
   
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?  
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?  
 (c) How long has the club been incorporated? (Three years required) \_\_\_\_\_ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following: Yes No  
   
 (a) Has the applicant received or applied for a Federal Permit?  
 (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** J. J. HonnessyIII/Thomas J. Ricci (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth  
**9/8/55-8/29/46**

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes No  
   
 If yes, provide an explanation and include copies of any payment agreements.

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list** ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE** IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Thomas J. Ricci	2576 Davos Tr., Vail, CO	8/29/46	Sec'y/Trea	50
Joseph J. Honnessy III	750 Founders Ave. Eagle, CO 81631	9/8/55	President	50

\*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

**Additional Documents to be submitted by type of entity**

- CORPORATION**     Cert. of Incorp.     Cert. of Good Standing (if more than 2 yrs. old)     Cert. of Auth. (if a foreign corp.)  
 **PARTNERSHIP**     Partnership Agreement (General or Limited)     Husband and Wife partnership (no written agreement)  
 **LIMITED LIABILITY COMPANY**     Articles of Organization     Cert. of Authority (if foreign company)     Operating Agrmt.  
 **ASSOCIATION OR OTHER**    Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service
----------------------------------	---------------------

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.*

Authorized Signature <i>T. J. Ricci</i>	Title Secretary/Treas	Date 3/25/2013
--------------------------------------------	--------------------------	-------------------

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)**

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
---------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------

**THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:**

- That each person required to file DR 8404-I (Individual History Record) has: Yes No
- Been fingerprinted .....    
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants .....
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license .....
- (Check One)
- Date of Inspection or Anticipated Date \_\_\_\_\_  
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

Question 10 On Form DR8404:

J. J. Honnessy III	25% shareholder	Steamboat Country Club, Inc.
T. J. Ricci	25% shareholder	Steamboat Country Club, Inc.
	50% shareholder	The Mint Country Club, Inc.

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

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

**THE MINTURN COUNTRY CLUB, INC.**

is a **Corporation** formed or registered on 11/14/1986 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871697225.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/28/2013 that have been posted, and by documents delivered to this office electronically through 04/01/2013 @ 09:13:41.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 04/01/2013 @ 09:13:41 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8502899.



Secretary of State of the State of Colorado

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

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



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

---

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

**MEMORANDUM**

To: Officer Tommie Belz  
Allen C., Town Attorney (via fax PDF email)  
CC:  
Date: 4/1/13 3:02 PM  
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for The Minturn Country Club, Inc. located at 131 Main St. I have reviewed the application and am forwarding it on to you for further review.

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

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

Thanks, jay



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

---

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

*MEMORANDUM*

TO: Officer Tommie Belz  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Monday, April 01, 2013  
RE: Minturn Country Club

Tommie, I am in receipt of a Hotel Restaurant liquor license annual renewal for the Minturn Country Club. Could you please conduct the following and report back in writing your findings. I will be available to work with you in the event you have any questions.

- I have attached an Inspection Report form from the State of Colorado. Please use this form during your personal inspection of the premises and report any deficiencies.
- Please review the police department files for any issues that might have been reported or investigated on the Minturn Country Club during the past year and report if any concerns exist that would preclude the renewal action of this license.
- Please conduct a background check on the principals identified and report any items which might impede their moral character thereby potentially precluding either/or from renewing the license.

Please feel free to contact me in the event you have any questions.

Sincerely,

Jay Brunvand  
Town Clerk/Treasurer

## TOWN COUNCIL STAFF REPORT

April 17, 2013

---

**FILE NUMBER:** Ordinance 3 - 2013  
**PROJECT TYPE:** Zoning Map Amendment  
**LOCATION:** Minturn Bone Yard – 1200 Hwy. 24 / Main St.  
**OWNER:** Town of Minturn  
**APPLICANT:** Town of Minturn  
**REPRESENTATIVE:** Chris Cerimele, Town Planner  
**Staff Recommendation:** Approval

---

### **SUMMARY**

This item is a request for approval of a zoning map amendment to amend the official zoning designation of the Minturn Boneyard Parcel from Federally Regulated Area to Recreation and Open Space. The change in zoning is necessitated by the Town of Minturn purchasing the subject property and removing it from Federal ownership.

### **STAFF ANALYSIS**

The proposed zoning designation is consistent with the 2009 Town of Minturn Community Plan. This plan designates the subject parcel as a *Public Facility* on the Future Land Use Map. The *Public Facility* land use classification is defined as follows in the 2009 Community Plan:

public parks, recreation facilities, trailheads and river access and public gathering spaces.

The following sections describe the standards that must be met for a zoning map amendment. Staff comments are provided in *bold italics*.

#### **Sec. 16-21-450. Standards.**

The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter

committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

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

*The proposed Open Space and Recreation zoning designation is consistent with the Future Land Use Map which designates the parcels as a public facility. A public facility is defined as public park, recreation facility, trailheads and river access and public gathering spaces.*

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

*The proposed Open Space and Recreation zoning designation is consistent with the existing and proposed uses of the subject parcel. The parcel is currently undeveloped. Future development will consist of a walking path, picnic area, and defined river access. A small restroom facility and open air pavilion is also contemplated for the site.*

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

*The property was recently purchased by the Town of Minturn in conjunction with the Eagle County Open Space Program. The previous zoning designation of Federally Regulated Area is no longer applicable.*

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

*The proposed Open Space and Recreation zoning designation will help to maintain the property in its natural state by limiting development of the property.*

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

*The 2009 Community Plan identifies this parcel as a future park. The change in zoning is consistent with this goal.*

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

*The proposed zone change will not constitute spot zoning.*

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

*The 2009 Community Plan identified this parcel as a future park. The change in zoning is consistent with the wishes of the community.*

**DRAFT MOTION ORDINANCE 3 - 2013:**

I move to approve Ordinance 3 – 2013 on first reading.

**Respectfully Submitted**

---

**Chris Cerimele, Planner**

Attachments:

Ordinance 3 - 2013

Property Survey

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 3 - SERIES 2013**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF MINTURN, COLORADO, AS IT PERTAINS TO A PARCEL OF LAND SITUATED IN LOT 17, SECTION 36 OF TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6<sup>TH</sup> P.M. COUNTY OF EAGLE, STATE OF COLORADO MORE PARTICULARLY DESCRIBED IN EXHIBIT A. THE AMENDMENT WILL CHANGE THE PARCEL ZONING FROM FEDERALLY REGULATED ZONE TO RECREATION AND OPEN SPACE ZONE IN THE CROSS CREEK CHARACTER AREA ON THE TOWN OF MINTURN ZONING MAP**

WHEREAS, the Town of Minturn, has applied to have the Zoning Map amended as it pertains to a parcel of land situate in the Town of Minturn, Colorado, more particularly described on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, a public hearing was held by the Planning Commission of the Town of Minturn, Colorado, pursuant to notices required by law, at which the applicant and the public were given an opportunity to express their opinions regarding the proposed amendment; and

WHEREAS, following such public hearing, the Planning Commission forwards reports and recommendations on the proposed amendment to the Town Council; and

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

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

1. The hearings before the Planning Commission and the Town Council were both extensive and complete and all pertinent facts, matters and issues were submitted at those hearings.
2. The proposed amendment to the Zoning Map of the Town of Minturn otherwise complies with all requirements imposed by the Zoning Code, is consistent with the objectives and purposes of the Zoning Code and is deemed compatible with surrounding land uses and uses in the area.
3. The requested amendment to the Zoning Map of the Town of Minturn will be in the best interest of the health, safety,

welfare and morals of the citizens of the Town of Minturn,  
Colorado.

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

SECTION 1. Amendment. Section 16.9.5 of the Minturn Municipal Code is amended  
by the addition of the following changes to be noted on the Zoning Map as follows:

The Zoning Map of the Town of Minturn shall and is hereby  
amended to reflect that the real property described on Exhibit A,  
attached hereto and incorporated herein, shall have a Recreation  
and Open Space Zoning designation.

SECTION 2. The amendment to the Official Zoning Map of the Town of Minturn,  
Colorado provided for herein shall take effect in accordance with the Charter and ordinances of  
the Town of Minturn, and the Mayor and Town Clerk are hereby authorized to execute such  
documents as may be required to reflect amendment herein authorized.

SECTION 3. Severability. If any part, section, sub-section, clause or phrase of this  
Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the  
remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado  
hereby declares it would have passed this Ordinance and each part, section, sub-section,  
sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections,  
sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Town Council hereby finds, determines and declares that this  
Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn  
and the inhabitants thereof.

SECTION 5. The repeal or the repeal and re-enactment of any provision of the Minturn  
Municipal code as provided in this ordinance shall not affect any right which has accrued, and  
duty imposed, any violation that occurred prior to the effective date hereof, any prosecution  
commenced, nor any other action or proceeding as commenced under or by virtue of the  
provision repealed and re-enacted. The repeal of any provision hereby shall not revive any  
provision or any ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND  
ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE  
OFFICIAL TOWN WEB SITE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_. A PUBLIC HEARING  
ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE  
TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2013 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET,  
MINTURN COLORADO 81645.**

**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 AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS \_\_\_\_ DAY OF \_\_\_\_, 2013.**

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

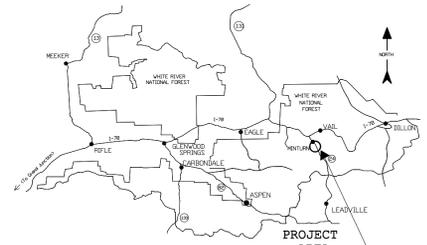
**ATTEST:**

\_\_\_\_\_  
**Jay Brunvand, Town Clerk**

TOWNSHIP 5 SOUTH, RANGE 81 WEST, 6th P. M.  
 PARCEL A, SECTION 36  
 EAGLE COUNTY, COLORADO

GLO Brass Cap on Pipe  
 26 25  
 35 36  
 2833.57  
 1747.63'  
 957.19'  
 1/4 35/36  
 GLO Brass Cap on Pipe

GEODETIC LOCATION  
 The section corner common to sections 25, 26, 35, and 36, monumented with a 2 1/2 inch diameter G.L.O. Brass Cap was located with a 5800 Trimble GPS receiver. Coordinates derived from this location using NGS OPUS for differential correction were N 39°34'56.20793" Latitude and W 106°24'51.75380" Longitude (CRS96) (NAD83) (Epoch 2002:0000).



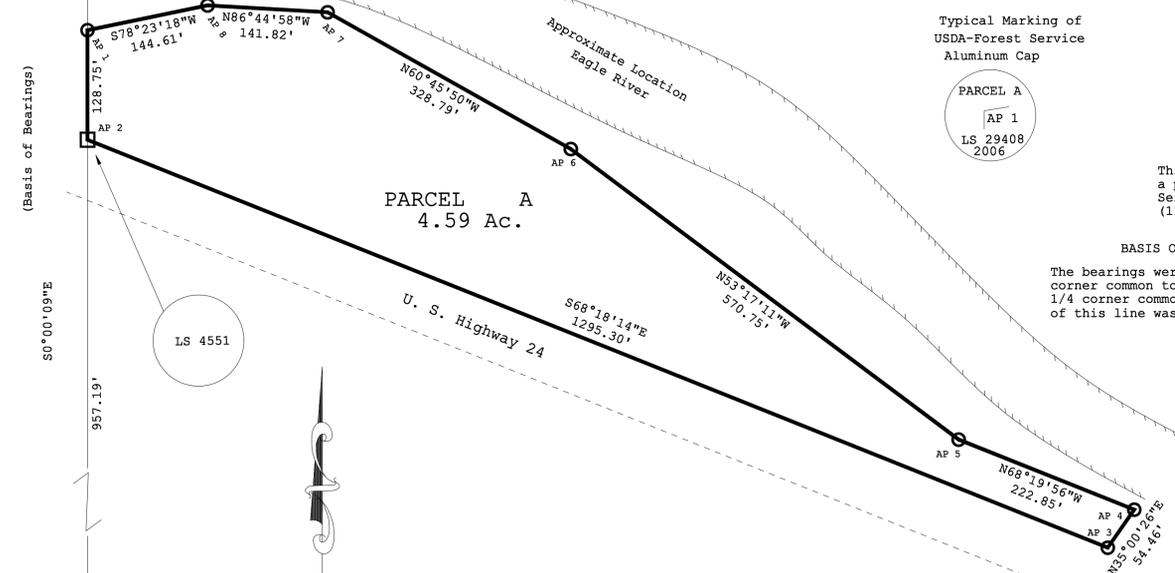
SURVEY DESCRIPTION OF PARCEL A  
 A parcel of land situate in Lot 17, Section 36 of Township 5 South, Range 81 West of the 6th P.M., County of Eagle, State of Colorado, more particularly described as follows:

Commencing at the corner common to Sections 25, 26, 35 and 36, monumented with a 2 1/2 inch G.L.O. Brass Cap on iron post, thence S0°00'09"E, on and along the west line of said Section 36 for 1747.63 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP1, the True Point of Beginning; thence continuing on said west line of Section 36 S0°00'09"E for 128.75 feet to a red plastic cap on 3/8 inch diameter rebar marked LS 4551; thence S68°18'14" E, on and along the northern right-of-way of U.S. Highway 24 for 1295.30 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP3; thence N35°00'26"E for 54.46 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP4; thence N68°19'56"W for 222.85 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP5; thence N53°17'11"W for 570.75 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP6; thence N60°45'50"W for 328.79 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP7; thence N86°44'58"W for 141.82 feet to an USDA-Forest Service 2 inch diameter Aluminum Cap on 3/4 inch diameter rebar marked AP8; thence S78°23'18"W for 144.61 feet to the true point of beginning. Containing 4.59 acres more or less.

NATURE AND PURPOSE OF SURVEY  
 This survey was executed for the purpose of identifying a parcel for conveyance under authority of Title V of the Forest Service Facility Realignment and Enhancement Act of 2005 (119 Stat. 559; 16 U.S.C. 580d note) (P.L. 109-54.)

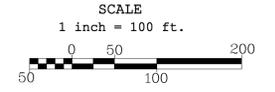
BASIS OF BEARINGS  
 The bearings were established using Trimble 4800 and 5800 GPS receivers at the section corner common to sections 25, 26, 35 and 36, monumented with a G.L.O. Brass Cap, and the 1/4 corner common to sections 35 and 36, monumented with a G.L.O. Brass cap. The bearing of this line was determined to be S.00°00'09"E.

CERTIFICATE OF SURVEY  
 I, Wyman E. Bontrager, Professional Land Surveyor No. 29408, State of Colorado, do hereby certify that this plat correctly represents a survey made by me or under my direction in conformation with the laws of the State of Colorado and at the request of the U. S. Department of Agriculture, Forest Service.



NOTICE: According to Colorado law, you must commence any legal action based upon this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

- LEGEND
- FOUND RED PLASTIC CAP ON #5 REBAR (LS 4551)
  - G.L.O. BRASS CAP ON PIPE
  - SET USFS 2 1/2" ALUMINUM CAP (LS 29408)
  - PARCEL A PROPERTY BOUNDARY



LAND SURVEY DEPOSITS  
 Eagle County Clerk & Recorder's Office  
 Date \_\_\_\_\_  
 Book \_\_\_\_\_ Page \_\_\_\_\_  
 Reception No. \_\_\_\_\_

U. S. D. A. - FOREST SERVICE		
REGION 2: WHITE RIVER NATIONAL FOREST		
BOUNDARY MANAGEMENT UNIT		
P.O. Box 948		970-945-2521
Glenwood Springs, Colorado 81602		
PARCEL A BOUNDARY SURVEY		
T. 5 S., R. 81 W. 6th P. M.		
Section 36		
PARCEL A		
EAGLE COUNTY, COLORADO		
Surveyed By: Wyman E. Bontrager	Date: 5/04/2006	
This survey was made at my request and accepted for National Management purposes.		
By: _____	Date: _____	
PROJECT No. 058136-1-06	Drawn By: M.E.B. Checked By: M.E.B.	SHEET NO. 1 OF 1

## TOWN COUNCIL STAFF REPORT

Town Council Hearing Date: April 17, 2013

---

**FILE NUMBER:** Ordinance 4 - 2013  
**PROJECT TYPE:** Zoning Text Amendment  
**LOCATION:** Cross Creek Character Area  
**OWNER:** Town of Minturn  
**APPLICANT:** Town of Minturn  
**REPRESENTATIVE:** Chris Cerimele, Town Planner  
**Staff Recommendation:** Approval

---

### **SUMMARY**

This item is a request for approval of a zoning text amendment to revise Chapter 16 – Article 9 of the Minturn Municipal Code as it pertains to the Cross Creek Character Area. The proposed changes are due to the Town’s recent purchase of the 4.59 acre USFS Boneyard parcel. Prior to the purchase, the parcel was zoned *Federally Regulated*. Since

### **STAFF ANALYSIS**

The proposed zoning text amendment is required with the approval of Ordinance 3 – 2013 that created the Cross Creek Character Area Recreation and Open Space zone. Ordinance 4 will add text to Chapter 16 – Article 9 that describes this newly created zoning designation. Furthermore, it will amend the Cross Creek Character Area Use Table found in section 16-9-60 by adding the Recreation and Open Space Zone.

The following language will be added to Chapter 16 – Article 9:

#### **Sec. 16-9-45. Cross Creek Recreation and Open Space Zone.**

(a) The Cross Creek Recreation and Open Space Zone is comprised of a single 4.6 acre parcel that was purchased by the Town of Minturn in 2013 from the United States Forest Service. This undeveloped parcel of land is characterized by a riparian corridor that extends along the northern side of the property and Highway 24 extending along the southern boundary.

(b) The purpose of the Cross Creek Recreation and Open Space Zone is to provide a variety of low-impact recreational opportunities for area residents while maintaining the property in its natural state. Acceptable uses for this site include river access, picnicking, wildlife viewing, fishing, snowshoeing, and other similar uses. A small restroom facility can be accommodated on this site.

Additionally, Table 16-5 has been revised to include a column for the Recreation and Open Space Zone.

**TABLE 16-5**  
**Cross Creek Character Area Use Table**

<i>Use</i>	<i>All Residential Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation &amp; Open Space Zones</i>	<i>All Federally Regulated Zones</i>
Accessory apartments	L	L	N	N
Accessory dwellings	L	L	N	N
Automotive detail shops	N	C	N	N
Automotive parts sales	N	C	N	N
Bakeries and confectioneries	N	R	N	N
Bakeries and delicatessens with food service	N	R	N	N
Banks and financial institutions	N	R	N	N
Barbershops	N	R	N	N
Beauty shops	N	R	N	N
Business and office services	N	R	N	N
Car washes	N	N	N	N
Cocktail lounges, taverns	N	C	N	N
Commercial accommodations	N	R	N	N
Convenience stores	N	C	N	N
Delicatessens and specialty food stores	N	R	N	N
Drive-thru/up establishments	N	N	N	N
Drugstores and pharmacies	N	R	N	N
Dry cleaners	N	R	N	N
Duplexes	R	R	N	N
Garden landscaping supply and seed stores	N	R	N	N
Gas stations	N	N	N	N
Grocery stores	N	R	N	N
Health/medical offices	N	R	N	N
Laundromats	N	C	N	N
Liquor stores	N	C	N	N
Manufacturing, light	N	N	N	N
Multi-family dwellings	C	C	N	N
Office uses	N	R	N	N
Pawn shops	N	C	N	N
Photographic studios	N	R	N	N
Professional activities	N	R	N	N

Professional offices, business offices and studios	N	R	N	N
Restaurants	N	R	N	N
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.	N	R	N	N
Retail uses greater than 5,000 square feet	N	R	N	N
Service businesses	N	R	N	N
Single-family residential dwellings	R	R	N	N
Small appliance repair shops, excluding furniture repair	N	R	N	N
Tailors and dressmakers	N	R	N	N
Theaters	N	C	N	N
Travel and ticket agencies	N	R	N	N

R - Use by right

C - Conditional use

L - Limited use

N - Not allowed

**DRAFT MOTION ORDINANCE 4 - 2013:**

I move to approve Ordinance 4 – 2013 on first reading.

**Respectfully Submitted**

---

**Chris Cerimele, Planner**

Attachments:

Ordinance 4 - 2013

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 4 - SERIES 2013**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN MUNICIPAL CODE BY REPEALING AND REENACTING SECTION 16-9-60 AND ADDING A NEW SECTION 16-9-45 PERTAINING TO THE CROSS CREEK CHARACTER AREA RECREATION AND OPEN SPACE ZONE.**

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

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

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

Section 1. Amendment. Minturn Municipal Code Section 16-9-60 is repealed and reenacted as follows:

**Sec. 16-9-60. Cross Creek Character Area use table.**

The following Table 16-5 sets forth the uses for the Cross Creek Character Area:

**TABLE 16-5  
Cross Creek Character Area Use Table**

<i>Use</i>	<i>All Residential Zones</i>	<i>All Mixed-Use Zones</i>	<i>All Recreation &amp; Open Space Zones</i>	<i>All Federally Regulated Zones</i>
Accessory apartments	L	L	N	N
Accessory dwellings	L	L	N	N
Automotive detail shops	N	C	N	N
Automotive parts sales	N	C	N	N
Bakeries and confectioneries	N	R	N	N
Bakeries and delicatessens with food service	N	R	N	N
Banks and financial institutions	N	R	N	N
Barbershops	N	R	N	N
Beauty shops	N	R	N	N
Business and office services	N	R	N	N
Car washes	N	N	N	N
Cocktail lounges, taverns	N	C	N	N
Commercial accommodations	N	R	N	N
Convenience stores	N	C	N	N
Delicatessens and specialty food stores	N	R	N	N
Drive-thru/up establishments	N	N	N	N

Drugstores and pharmacies	N	R	N	N
Dry cleaners	N	R	N	N
Duplexes	R	R	N	N
Garden landscaping supply and seed stores	N	R	N	N
Gas stations	N	N	N	N
Grocery stores	N	R	N	N
Health/medical offices	N	R	N	N
Laundromats	N	C	N	N
Liquor stores	N	C	N	N
Manufacturing, light	N	N	N	N
Multi-family dwellings	C	C	N	N
Office uses	N	R	N	N
Pawn shops	N	C	N	N
Photographic studios	N	R	N	N
Professional activities	N	R	N	N
Professional offices, business offices and studios	N	R	N	N
Restaurants	N	R	N	N
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.	N	R	N	N
Retail uses greater than 5,000 square feet	N	R	N	N
Service businesses	N	R	N	N
Single-family residential dwellings	R	R	N	N
Small appliance repair shops, excluding furniture repair	N	R	N	N
Tailors and dressmakers	N	R	N	N
Theaters	N	C	N	N
Travel and ticket agencies	N	R	N	N

R - Use by right

C - Conditional use

L - Limited use

N - Not allowed

**Section 2. Amendment.** Minturn Municipal Code Section 16-9-45 Cross Creek Recreation and Open Space Zone is created as follows:

**Sec. 16-9-45. Cross Creek Recreation and Open Space Zone.**

(a) The Cross Creek Recreation and Open Space Zone is comprised of a single 4.6 acre parcel that was purchased by the Town of Minturn in 2013 from the United States Forest Service.

This undeveloped parcel of land is characterized by a riparian corridor that extends along the northern side of the property and Highway 24 extending along the southern boundary..

(b) The purpose of the Cross Creek Recreation and Open Space Zone is to provide a variety of low-impact recreational opportunities for area residents while maintaining the property in its natural state. Acceptable uses for this site include river access, picnicking, wildlife viewing, fishing, snowshoeing, and other similar uses. A small restroom facility can be accommodated on this site.

Section 3. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 5. The repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this Ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.** A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE \_\_\_\_ DAY OF \_\_\_\_, 2013 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

**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 AND ORDERED PUBLISHED BY TITLE  
ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

---

**Hawkeye Flaherty, Mayor**

**ATTEST:**

---

**Jay Brunvand, Town Clerk**

**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**

---

**To: Mayor Flaherty and Minturn Town Council**  
**From: Jim White, Town Manager**  
**Date: April 12, 2013**  
**Re: Manager’s Report for the April 17, 2013 Town Council Meeting**

**Bone Yard Property**

We are planning for a community cleanup day at the Minturn Bone yard property. Saturday May 25, 2013 or Saturday, June 8, 2013 are the dates currently under consideration. We will also have a B.B.Q to help celebrate the occasion!

**Colorado Rural Water**

The Water Subcommittee met with Leroy Cruz from Colorado Rural Water on April 11, 2013. We reviewed the information that he had been provided and discussed our current circumstances. Leroy will now commence work on a preliminary water rate study.

**Human Performance Center/Fitness Center at Maloit Park**

The subcommittee met on Friday, **March 29, 2013** to continue discussions related to planning and future construction of Phase 1 of the Human Performance Center/Fitness Center facility. We have pushed communication of our professional consultants, Craig Bouck and Frank Buono of Barker, Rinker, Seacat (BRS) with Jack Snow of RDK Architects. We are working on parking issues and supporting SSCV in its efforts with the School District. We also continue to work with Kelly Lyle, CPA, to determine the correct IRS entity needed to oversee the facility. The Eagle County School District Land Resources Committee will reconvene on May 1, 2013 to address parking requirements related to Phase 1 at the Minturn Fitness Center site.

**Police Chief Search**

Brad Lamb has been tendered a conditional offer to be the Town’s new Police Chief. The offer is contingent on the successful completion of a physical, and a psychological evaluation. If all goes according to plan, he would begin his new role in mid to late May, 2013.

**Scholarship Committee**

Our scholarship committee is working to formally complete the documents and register with the State of Colorado as the Minturn Education Foundation as a formal 501 (c) entity. We have also submitted the payment for the scholarship endowment fund (\$40,000) with Colorado Mountain College here in Eagle County. Additionally, we have secured the services of Kelly Lyle, CPA, to assist with the financial aspects of our preparation and planning. I have written a letter to the Eagle County Commissioners requesting a contribution toward the endowment fund.

4/3/13

**Little Beach Park Improvements Planned**

We are now working on land issues related to the project. We plan to submit a GOCO grant by the August, 2013 cycle for park improvements.

**Camp Hale Meeting**

I attended a meeting regarding Camp Hale on March 26, 2013 to review Camp Hale history, current uses, and future planning efforts. Two committees were formed to discuss water rights issues; and history, culture, land stewardship, and recreational uses. New meetings are now being scheduled throughout the year.

**Upcoming Events:**

**Minturn Boneyard Property Cleanup/ Saturday (May 25, 2013 or June 8, 2013)**

**Minturn Annual Clean Up Day/Saturday, June 1, 2013 @ Little Beach Park**

Respectfully submitted,  
Jim White  
Town Manager