



2013

# Minturn Council Meeting

Wednesday May 1, 2013

**Work Session:** **5:00pm**  
**(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 May 1, 2013**

**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**

- Town Council Vision Statement (preliminary information) – White (45min)
- TST/Eagle Street Cost Estimates and Plans (25min) PG 11
- Review of Ordinance 5 – Series 2013 Banning the Sale of Marijuana – White/Christensen (10min) PG 29
- Discussion regarding the Conditional Use permit process for business operations in the UPRR property – Cerimele (10min)

### **Regular Session – 6:30 pm**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance Lead by Boy Scout Troop 234

**2. Approval of Agenda**

- a. Items to be Pulled or Added

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

- April 17, 2013 PG 4
- Action Item Report PG 9

**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: TST and Elam Construction Cost Estimates for Eagle Street – White/Cerimele (30min) PG 11**

**7. Discussion/Action Item: Ordinance 3 – Series 2013 (Second Reading) An Ordinance to amend the Zoning Map of the Town of Minturn – Cerimele (10 minutes) PG 15**

**8. Discussion/Action Item: Ordinance 4 – Series 2013 (Second 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 (10 minutes) PG 22**

**9. Discussion/Action Item: Ordinance 5 – Series 2013 (First Reading) An Ordinance to prohibit the retail sale of marijuana within the Town of Minturn – White/Christensen (10 minutes) PG 29**

**OTHER MATTERS**

**10. Planning Department Update**

**11. Town Manager’s Report PG 36**

**12. Town Council Comments**

**FUTURE AGENDA ITEMS**

**13. Next Meeting – May 15, 2013**

**14. Future Meeting**

## **15. Set Future Meeting Dates**

- a) Council Meetings:
  - May 15, 2013
  - June 5, 2013
  - June 19, 2013
  
- b) Planning & Zoning Commission Meetings:
  - May 8, 2013
  - June 12, 2013
  - July 10, 2013

## **16. Other Dates:**

- June 1, 2013 – Town Clean up
- June 8, 2013 – Boneyard Clean up

## **17. Adjournment**



## **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

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**

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

**Summarization of work session:**

- Look at options for the Council to meet at alternative times/dates in order to give topics the necessary attention they may require.
- Brief review of professional development meeting with consultant, Carl Neu.
- Potential verbiage to add to agendas in order to accommodate flexibility within the document: “May be subject to change.”
- Council to create a leadership vision statement specifically for the Town Council.
- Direction to staff to draft an Ordinance banning marijuana.

## Regular Session – 6:30 pm

### 1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The regular meeting was called to order by Mayor Hawkeye Flaherty at 6:38 pm.

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

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 John R., second by Aggie M., to approve the agenda as presented. Motion passed (6-0). (Note: Earle Bidez absent, excused.)

### 3. Approval of Minutes and Action Report

- April 3, 2013
- Action Item Report

Motion by George B., second by John R., to approve the Minutes of April 3, 2013 as presented. Motion passed (6-0). (Note: Earle Bidez absent, excused.)

### 4. Liquor License Authority

- Minturn Country Club Inc. Annual Renewal of a Hotel & Restaurant License; 131 Main St.; TJ Ricci, Owner/Manager – Brunvand (5min)

Motion by George B, second by Shelley B, to approve the annual renewal of a liquor license for the Minturn Country Club, 131 Main St. Motion passed (6-0). (Note: Earle Bidez absent, excused.)

### 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)

Motion by John R., second by Aggie M., to approve Ordinance 3 – Series 2013 (First Reading) An Ordinance to amend the Zoning Map of the Town of Minturn. Motion passed (6-0) (Note: Earle Bidez absent, excused.)

**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)**

Recommendation by staff to add the verbiage of an open air pavilion to the list of uses within the area. This verbiage can be added before the second reading of the Ordinance.

Recommendation to look into options for naming the Boneyard property. Options should include resident involvement/participation.

Recommendation to review Ordinance verbiage ensuring other options exist for the dedication of open space for any future development within the Cross Creek Zoning Area.

Motion by John R., second by George B., to approve 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. Motion passed (6-0) (Note: Earle Bidez absent, excused.)

## OTHER MATTERS

### 9. Planning Department Update

### 10. Town Manager's Report

#### **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.

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

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

For recycling purposes, any barbed wire taken from the Boneyard property must be cut into lengths no more than 12"

## **11. Town Council Comments**

John R. commended the Town Manager for the process conducted in the selection of the Chief of Police. It was open, transparent and thorough.

Special thanks to the Minturn Public Works staff during the recent heavy snowfalls.

Shelley B. would like to extend her condolences to those affected by the bombings during the Boston Marathon.

Aggie M. asked to speak directly with the Public Works Supervisor regarding the fire hydrants and current issues that are being faced.

The Mayor reminded everyone that Vail Mountain will be opening up for one additional weekend this upcoming weekend, April 19-21.

A moment of silence was observed in recognition of the tragedy which occurred at the Boston Marathon.

## FUTURE AGENDA ITEMS

### 12. Next Meeting – May 1, 2013

- Special Presentation - TST and Elam Construction Cost Estimates for Eagle Street – White (30min)
- Work Session – Town Council Vision Statement (preliminary information) – White
- Work Session (15 min) & Action/Discussion – Ordinance \_\_ Series 2013 Banning the Sale of Marijuana
- Boy Scout Troop 234

### 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
- June 8, 2013 – Boneyard Clean Up

### 16. Adjournment

Motion by Jerry B. second by Shelley B to adjourn the meeting at 7:30 p.m. Motion passed (6-0).

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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:** May 1, 2013  
**SUBJECT:** Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Minturn Education Fund	White	We are nearing completion of the documentation to form the 501(c) corporation. The subcommittee met on March 5, 2013 and distributed three scholarship awards to Jessica Guthrie, Ashley Atencio, and Rodney Cordova. In early April, I sent a letter to the Eagle County Commissioners asking for a contribution to our scholarship endowment fund at Colorado Mountain College. <u>No response to date.</u>
OSAC Funding for Boneyard Purchase	White	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. We are working on plans for a community cleanup day at the Bone Yard property. June 8, 2013 <u>is the are-the dates under consideration-selected for the cleanup.</u>
Parks and Recreation Master Plan	Cerimele	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.
2012 Goal: Town Street Repairs and Drainage.	White/ Cerimele	Staff received a storm drainage study proposal from TST Engineering and received DOLA grant approval of \$17, 325 to complete the study. 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.
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 this year. <u>We had a meeting with Lafarge on Monday, April 29, 2013. I have am drafting sent</u> a letter to Dave Eller, CDOT, regarding Minturn's Highway 24 renovation. We were informed by CDOT that we are due a <u>road</u> replacement, probably by 2015 or 2016.

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



April 24, 2013

Mayor and Town Council  
Town of Minturn  
302 Pine Street  
Minturn, CO 81645

Re: 2013 Road Rehabilitation Project  
Project No.: 1149.0000.00

Dear Mayor and Town Council Members,

As you are aware, the Town procured construction bids for the rehabilitation of portions of Pine Street, Eagle Street, and Toledo Avenue last year. The decision was made, partly due to the undefined drainage improvement requirements for Eagle St. and Toledo Ave., to move forward with the Pine Street rehabilitation and delay the improvements to Eagle St. and Toledo Ave until this year. Last spring, the Town went thru the public notice process and received bids for all three streets from three contractors. The low bidder, ELAM Construction, was awarded the contract for the Pine Street portion only

The Pine Street project was, as far as I know, a success for the Town. We now have a completed Master Drainage Report for the Town and are able to accurately determine the drainage improvements needed for Eagle Street and Toledo Ave. We have prepared construction plans for these streets and have requested a detailed unit price bid. I have asked to be on the May 1, 2013 Town Board meeting agenda to review the construction plans and estimated construction cost provided by ELAM. In preparation of said presentation, I would like to provide you with the following summary of the bid pricing as compared to the 2012 bids we received. Please keep in mind that the extent of storm drainage improvements proposed has increased based on the findings and recommendations of the Master Drainage Report.

#### EAGLE STREET

Last year ELAM bid \$128,299, B&B bid \$152,781, and ICON bid \$195,097 (avg. of \$158,725)

ELAM's bid is now **\$185,600**. Several bid items are additional and were not included last year which total \$27,000. There is also around \$15,000 of additional storm sewer costs due to additional and upsized improvements over what was assumed last year. Taking out these items for comparison would yield an "apples to apples" comparison of \$143,600 as compared to the \$128,300 from last year. We are planning on sitting down with ELAM to "value engineer" the project. Both the Town staff and the contractor have some thoughts on some potential reductions and cost savings.

TOLEDO AVENUE

Last year ELAM bid \$71,880, B&B bid \$67,094, and ICON bid \$107,532 (avg. of \$82,169) ELAM's bid is now **\$103,082**. Of the difference, \$27,000 is due to additional storm sewer sizing, manholes, etc. again due to having the Master Drainage Report completed. That would bring the total down to \$76,082 for comparison to last year. Hopefully we can also find some cost saving measures for this street once we meet with the contractor.

I will be attempting to meet with ELAM prior to the Council Meeting next week. I look forward to discussing this with you next week as well as getting any input you might have regarding the plans we prepared.

Respectfully,

TST, INC. CONSULTING ENGINEERS



Steve F. Humann, P.E.

SFH/jrm

Cc: Jim White

**EAGLE STREET**

Item	Description	Qty	Units	Unit Price	Bid Amount
<b>A. CONCRETE CURB AND GUTTER</b>					
1	Mobilization	1.000	LS	\$450.00	\$450.00
2	Grade and Compact Subgrade for Concrete	805.000	LF	\$3.25	\$2,616.25
3	Install 6" Vertical Curb & Gutter	467.000	LF	\$38.50	\$17,979.50
4	Install 30" Wide Pan	338.000	LF	\$31.00	\$10,478.00
5	Misc. Hand Work and Tie-Ins	1.000	LS	\$553.00	\$553.00
6	Silt Fence	805.000	LF	\$2.75	\$2,213.75
7	Traffic Control	1.000	LS	\$1,416.00	\$1,416.00
8	Bonds	1.000	LS	\$419.00	\$419.00
				<b>SUBTOTAL:</b>	<b>\$36,125.50</b>
<b>B. ASPHALT REMOVE AND REPLACE</b>					
1	Mobilization	1.000	LS	\$1,875.00	\$1,875.00
2	Saw Cut	450.000	LF	\$3.20	\$1,440.00
3	Remove Exist. Asphalt	110.000	CY	\$44.00	\$4,840.00
4	Remove and Stockpile Base Course	110.000	CY	\$43.00	\$4,730.00
5	Excavation and Haul Off	250.000	CY	\$33.00	\$8,250.00
6	Scarify and Compact	1,457.000	SY	\$1.50	\$2,185.50
7	Replace Stockpiled Base Course and Compact	110.000	CY	\$46.50	\$5,115.00
8	Additional CL 6 Base Course	144.000	CY	\$72.00	\$10,368.00
9	Install 3" Asphalt Paving	121.000	CY	\$253.00	\$30,613.00
10	Traffic Control	1.000	LS	\$1,416.00	\$1,416.00
11	Utility Potholing	1.000	LS	\$500.00	\$500.00
12	Bonds	1.000	LS	\$804.00	\$804.00
				<b>SUBTOTAL:</b>	<b>\$72,136.50</b>
<b>C. ADDITIONAL DEMOLITION, REMOVE AND REPLACE</b>					
1	Tree Removal and Relocation	1.000	LS	\$1,770.00	\$1,770.00
2	Remove and Replace (4") Concrete Basketball Court	632.000	SF	\$14.50	\$9,164.00
3	Grade and Compact Basketball Court	54.000	SY	\$13.50	\$729.00
4	Wheel Stop	1.000	EA	\$75.00	\$75.00
				<b>SUBTOTAL:</b>	<b>\$11,738.00</b>
<b>D. STORM SEWER REMOVE AND REPLACE</b>					
1	Mobilization	1.000	LS	\$885.00	\$885.00
2	Remove Existing Type 13 Inlet	1.000	EA	\$413.00	\$413.00
3	Install Type 13 Combo Inlet	1.000	EA	\$3,540.00	\$3,540.00
4	Install CDOT Type 13 Inlet	1.000	EA	\$3,540.00	\$3,540.00
5	Install CDOT Type C Inlet	1.000	EA	\$3,540.00	\$3,540.00
<b>ADD</b>	<b>Install 60" Manhole</b>	<b>2.000</b>	<b>EA</b>	<b>\$5,310.00</b>	<b>\$10,620.00</b>
7	Remove 12" CMP	52.000	LF	\$12.00	\$624.00
8	Install 18" RCP	45.000	LF	\$59.00	\$2,655.00
<b>9 REV</b>	<b>Install 24" RCP</b>	<b>144.000</b>	<b>LF</b>	<b>\$88.50</b>	<b>\$12,744.00</b>
<b>ADD</b>	<b>Relocate Fire Hydrant</b>	<b>1.000</b>	<b>EA</b>	<b>\$5,000.00</b>	<b>\$5,000.00</b>
10	Traffic Control	1.000	LS	\$4,720.00	\$4,720.00
11	Utility Potholing	1.000	LS	\$708.00	\$708.00
12	Bonds	1.000	LS	\$1,361.00	\$1,361.00
				<b>SUBTOTAL:</b>	<b>\$50,350.00</b>
<b>E. SANITARY SEWER REMOVE AND REPLACE</b>					
1	Core Drill Existing Manhole and Plug Existing Inve	1.000	LS	\$590.00	\$590.00
2	Adjust Manhole Ring and Cover	3.000	EA	\$255.00	\$765.00
3	Remove and Replace Sanitary Line	22.000	LF	\$88.50	\$1,947.00
4	Bends and Wye for Lowering	1.000	LS	\$295.00	\$295.00
5	Cleanout with Lamphole Cover	1.000	EA	\$295.00	\$295.00
6	Concrete Encasement	14.000	LF	\$413.00	\$5,782.00
				<b>SUBTOTAL:</b>	<b>\$9,674.00</b>
<b>F. DRY UTILITIES (COORDINATE WITH UTILITY COMPANY)</b>					
1	Relocate Power Pole	2.000	EA	\$260.00	\$520.00
2	Relocate Light Pole	1.000	EA	\$1,416.00	\$1,416.00
				<b>SUBTOTAL:</b>	<b>\$1,936.00</b>
<b>G. OPTIONAL IMPROVEMENTS</b>					
1	Additional Asphalt Parking Compaction	150.000	SY	\$4.00	\$600.00
2	Additional Asphalt Parking Base Course	25.000	CY	\$64.00	\$1,600.00
3	Additional Wheel Stops	9.000	EA	\$76.00	\$684.00
4	Wood Fence	72.000	LF	\$10.50	\$756.00
				<b>SUBTOTAL:</b>	<b>\$3,640.00</b>
<b>H. WORK BY OTHERS (PUBLIC WORKS DEPT.)</b>					
1	Relocate Irrigation Control Valves as Needed	5.000	EA	\$0.00	\$0.00
2	Relocate Signs as Needed	9.000	EA	\$0.00	\$0.00
				<b>SUBTOTAL:</b>	<b>\$0.00</b>
				<b>TOTAL BASE BID PRICE:</b>	<b>\$185,600.00</b>

TOLEDO AVE.

Item	Description	Qty	Units	Unit Price	Bid Amount
<b>A. CONCRETE CURB AND GUTTER</b>					
1	Mobilization	1.000	LS	\$325.00	\$325.00
2	Remove Existing 4" Sidewalk, Curb and Gutter	16.000	LF	\$25.50	\$408.00
3	Grade and Compact Subgrade for Concrete	300.000	LF	\$8.00	\$2,400.00
4	Install 30" Concrete Pan	230.000	LF	\$31.00	\$7,130.00
5	Install Curb Return w/ ADA Ramp (transition to pan)	2.000	EA	\$2,053.00	\$4,106.00
6	Install Curb Return (transition to outfall)	2.000	EA	\$955.00	\$1,910.00
7	Misc. Hand Work and Tie-Ins	1.000	LS	\$960.00	\$960.00
8	Traffic Control	1.000	LS	\$1,416.00	\$1,416.00
9	Bonds	1.000	LS	\$175.00	\$175.00
				SUBTOTAL:	\$18,830.00
<b>B. ASPHALT REMOVE AND REPLACE</b>					
1	Mobilization	1.000	EA	\$1,602.00	\$1,602.00
2	Saw Cut	40.000	LF	\$15.00	\$600.00
3	Remove Exist. Asphalt	32.000	CY	\$46.00	\$1,472.00
4	Grade and Compact Subgrade for Paving	1.000	LS	\$740.00	\$740.00
5	Install 3" Asphalt Paving	34.000	CY	\$254.00	\$8,636.00
6	Regrade and Compact Existing Base Course	32.000	CY	\$25.00	\$800.00
7	Additional CL 6 Base Course	37.000	CY	\$72.00	\$2,664.00
8	Traffic Control	1.000	LS	\$1,888.00	\$1,888.00
9	Utility Potholing	1.000	LS	\$500.00	\$500.00
10	Bonds	1.000	LS	\$471.00	\$471.00
				SUBTOTAL:	\$19,373.00
<b>C. STORM SEWER REMOVE AND REPLACE</b>					
1	Mobilization	1.000	LS	\$885.00	\$885.00
2	Remove Exist. 15" Storm Sewer	210.000	LF	\$12.00	\$2,520.00
3	Remove Type 13 Inlet	1.000	EA	\$413.00	\$413.00
4	Install 24" RCP	8.000	LF	\$88.50	\$708.00
5	Install 36" RCP	28.000	LF	\$100.00	\$2,800.00
6	Install 29" X 45" HERCP	178.000	LF	\$135.00	\$24,030.00
7	Install Type 13 Combo Inlet (6" Deep)	1.000	EA	\$3,550.00	\$3,550.00
8	Install 7" Diameter Manhole (0'-6" Deep)	2.000	EA	\$10,030.00	\$20,060.00
9	Connect to Existing Storm Interceptor	1.000	EA	\$1,180.00	\$1,180.00
10	Asphalt Patch Around Inlet Installation	1.000	LS	\$1,155.00	\$1,155.00
11	Traffic Control	1.000	LS	\$4,720.00	\$4,720.00
12	Utility Potholing	1.000	LS	\$708.00	\$708.00
13	Bonds	1.000	LS	\$1,630.00	\$1,630.00
				SUBTOTAL:	\$64,359.00
<b>D. DRY UTILITIES (COORDINATE WITH UTILITY COMPANY)</b>					
1	Relocate Power Pole	1.000	EA	\$520.00	\$520.00
				SUBTOTAL:	\$520.00
<b>E. WORK BY OTHERS (PUBLIC WORKS DEPT.)</b>					
1	Water Service Curb Stop As Needed	1.000	EA	\$0.00	\$0.00
2	Relocate Signs As Needed	2.000	EA	\$0.00	\$0.00
				SUBTOTAL:	\$0.00
				<b>TOTAL BASE BID PRICE:</b>	<b>\$103,082.00</b>

## TOWN COUNCIL STAFF REPORT

May 1, 2013

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**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

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### **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 second 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

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).

2833.57

1747.63'

(Basis of Bearings)

S0°00'09"E

1/4

35/36

GLO Brass Cap  
 on Pipe

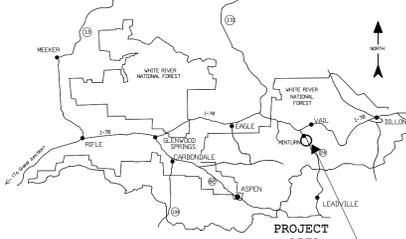
LS 4551



PARCEL A  
 4.59 Ac.

U. S. Highway 24

Approximate Location  
 Eagle River



VICINITY MAP  
 Not to Scale

Typical Marking of  
 USDA-Forest Service  
 Aluminum Cap



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.

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

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.

SCALE  
 1 inch = 100 ft.



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	
Glenwood Springs, Colorado 81602 970-945-2521	
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	Forest Supervisor
Drawn By: M.E.B.	Checked By: M.E.B.
SHEET NO. 1 OF 1	

## TOWN COUNCIL STAFF REPORT

Town Council Hearing Date: May 1, 2013

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**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

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### **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 and open air pavilion 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 second 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 and open air pavilion 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.**

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**Hawkeye Flaherty, Mayor**

**ATTEST:**

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**Jay Brunvand, Town Clerk**

## TOWN COUNCIL STAFF REPORT

May 1, 2013

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**FILE NUMBER:** Ordinance 5 - 2013  
**PROJECT TYPE:** Municipal Code Amendment  
**REPRESENTATIVE:** Chris Cerimele, Town Planner  
**Staff Recommendation:** Approval

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### **SUMMARY**

Staff was directed to prepare an ordinance that would prohibit the operation of commercial marijuana facilities in the Town of Minturn. This resulted in the proposed Ordinance 5 – 2013 that prohibits the operation of marijuana clubs, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.

The proposed ordinance would create a new article 24 in Chapter 16 of the Municipal Code. Article 24 will include the following code sections:

- **Authority –** This section outlines the powers that are granted to the Town to implement the proposed ban. These powers are outlined in the State Constitution, Colorado Revised Statutes, and Minturn Home Rule Charter
- **Definitions –** This section clearly defines the various terms used in the proposed ordinance. These include: marijuana, marijuana club, marijuana cultivation facility, marijuana establishment, marijuana product manufacturing facility, marijuana products, marijuana testing facility, and retail marijuana store.
- **Uses Prohibited –** This section explicitly prohibits the operation of marijuana establishments.

- **Penalties** – The penalty for violating the provisions of the proposed ordinance are outlined in this section. The violation includes up to a \$1,000 fine and or imprisonment.

**DRAFT MOTION ORDINANCE 5 - 2013:**

I move to approve Ordinance 5 – 2013 on first reading.

**Respectfully Submitted**

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**Chris Cerimele, Town Planner**

Attachments:

Ordinance 5 - 2013

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 5 - SERIES 2013**

**AN ORDINANCE TO AMEND CHAPTER 16 OF THE MINTURN  
MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW  
CHAPTER 16 – ARTICLE 24 PROHIBITING THE OPERATION OF  
MARIJUANA CLUBS, MARIJUANA CULTIVATION FACILITIES,  
MARIJUANA PRODUCT MANUFACTURING FACILITIES,  
MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA  
STORES**

WHEREAS, the Town of Minturn ("Town") is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town's Home Rule Charter effective April 6, 1982; 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.

WHEREAS, on November 6, 2012, the voters of the state of Colorado approved Amendment 64 enacted as Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64"), which authorizes the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores (collectively, "marijuana establishments") but allows municipalities to prohibit by ordinance the operation of marijuana establishments; and

WHEREAS, the Town Council has carefully considered the provisions of Article XVIII, Section 16 of the Colorado Constitution, and the impact of the operation of marijuana establishments on the health, safety and welfare of the Town and the inhabitants thereof, and has determined, as an exercise of its local land use authority, that such marijuana establishments shall not be located within the corporate limits of the Town; and

WHEREAS, Amendment 64 provides in part that the consumption of marijuana shall not be conducted openly and publicly; and

WHEREAS, the Town Council finds that the personal use of marijuana within the meaning of Amendment 64 does not contemplate the open and public consumption of marijuana for personal use in a place of assembly that allows members, their guests, and any other person to consume marijuana; and

WHEREAS, the Town Council finds and declares that it is necessary to the preservation and furtherance of the health, safety and welfare of the citizens of the Town to prohibit the operation of marijuana establishments within the Town of Minturn.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Minturn, Colorado that:

Section 1. Adoption of Chapter 16 – Article 24 of the Town of Minturn Municipal Code:

The Town of Minturn Municipal Code is amended by the addition thereto of a new Chapter 16 Article 24 entitled "Marijuana Establishments" to read as follows:

**Chapter 16 - Article 24**

**MARIJUANA ESTABLISHMENTS**

**Sections:**

**16-24-10 Authority**

**16-24-20 Definitions**

**16-24-30 Uses Prohibited**

**16-24-40 Penalties**

**Section 16-24-10 Authority**

The Town Council hereby finds and determines and declares that it has the power and authority to adopt this Chapter pursuant to the following:

1. Article XVIII, Section 16 of the Colorado Constitution;
2. The authority granted to home rule municipalities by Article XX of the Colorado Constitution;
3. The powers contained in the Town of Minturn Home Rule Charter;
4. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
5. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
6. Section 31-15-103, C.R.S. (concerning municipal police powers);
7. Section 31-15-401, C.R.S. (concerning municipal police powers); and
8. Section 31-15-501, C.R.S. (concerning municipal authority to regulate

businesses.

### **Section 16-24-20 Definitions**

The following words, terms and phrases when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

A. "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seed of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

B. "Marijuana club" means an entity or place of assembly that allows members and their guests, or any other persons, to consume marijuana or marijuana products whether for-profit or not-for-profit. Marijuana clubs shall not include social gatherings within a residential zone of adults 21 years of age and older, where a fee is not charged, or goods are not sold, or no profit is made by the individual or entity hosting the gathering.

C. "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

D. "Marijuana establishment" means a marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or a retail marijuana store.

E. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

F. "Marijuana products" means concentrated marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

G. "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

H. "Person" means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

I. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana products manufacturing facilities and to sell marijuana and marijuana products to consumers.

**Section 16-24-30 Uses Prohibited.**

A. It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana establishment or marijuana club within the Town, and all such uses are hereby prohibited in any location within the Town.

B. Marijuana establishments and marijuana clubs may not be operated as a primary land use, or as an incidental activity to another lawful land use, or as a home occupation.

**Section 16-24-40 Penalties.**

A violation of the provisions of this Chapter shall be punishable as follows:

A. By a fine or imprisonment, or both, pursuant to Section 1-4-10 and 1-4-20 of this Code. Each day that a violation of any provision of this Chapter continues to exist shall be deemed a separate and distinct violation.

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

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

**SECTION 4.** The repeal 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 \_\_\_\_\_, 2013. 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**

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**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.**

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**Hawkeye Flaherty, Mayor**

**ATTEST:**

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**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**

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**To: Mayor Flaherty and Minturn Town Council**  
**From: Jim White, Town Manager**  
**Date: April 25, 2013**  
**Re: Manager’s Report for the May 1, 2013 Town Council Meeting**

### **Highway 24 Cleanup**

The Town of Minturn is participating in the Highway 24 Cleanup on Friday April 26 and Saturday, April 27, 2013. This is an annual event to help keep our community clean!

### **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 has asked for some additional information and staff is following up with him.

### **Fitness Center Subcommittee**

The fitness center subcommittee met on Wednesday, **April 24, 2013** to continue discussions related to planning and future construction of Phase 1 of the Human Performance Center/Fitness Center facility. 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.

### **Scholarship Subcommittee**

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 met on Wednesday, April 24, 2013 with CPA, Kelly Lyle. We have also submitted the payment for the scholarship endowment fund (\$40,000) with Colorado Mountain College here in Eagle County. I have written a letter to the Eagle County Commissioners requesting a contribution toward the endowment fund.

### **Camp Hale Meeting**

The next Camp Hale meeting will be held in Minturn on April 30, 3regarding Camp Hale 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.

5/1/13

**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.

**UPRR**

We will be meeting on Friday, April 26, 2013 with the UPRR representative to address our proposed trail and the paving of our crossings. The new representative for these particular issues is Sara Cassidy. Schia Cloutier remains our real estate representative for UPRR.

**Bone Yard Property/Railroad Subcommittee**

We are planning for a community cleanup day at the Minturn Bone yard property on Saturday, June 8; 2013. We will also have a B.B.Q to help celebrate the occasion!

**Upcoming Events:**

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

**Minturn Boneyard Property Cleanup/ Saturday, June 8, 2013**

**Minturn Market starts Saturday, June 29, 2013**

Respectfully submitted,  
Jim White  
Town Manager