



2014

# Minturn Council Meeting

Wednesday February 5, 2014

**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 February 5, 2014**

**Work Session – 5:00pm**  
**Regular Session – 6:30pm**

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Aggie Martinez  
John Rosenfeld  
Darell Wegert

**TOWN MANAGER– Jim White**  
**INTERIM TOWN ATTORNEY – Kendra Carberry**  
**TOWN CLERK/TREASURER – Jay Brunvand**  
**TOWN PLANNER – Janet Hawkinson**

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**

- Resolution 3 – Series 2014 approving a Conditional Use Permit for Chris Davis at 376 Pine St – Hawkinson Pg 38
- Update on Contractor registration procedure and process – Hawkinson/Brunvand Pg 4
- Dumpster location review – Hawkinson
- Water Committee discussion regarding Bolts Lake- White
- Taylor Street Parking and Speeding discussion- Hawkinson Pg 6

## Regular Session – 6:30pm

1. **Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance
2. **Approval of Agenda**
  - a. Items to be Pulled or Added
3. **Approval of Minutes and Action Report**
  - January 15, 2014 Pg 7
  - January 27, 2014 Special Meeting Pg 15
  - Action Item Report Pg 22
4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations**
  - Vail Valley Foundation Re: 2015 World Cup Pg 24

### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. **Discussion/Action Item: Ordinance 1 – Series 2014 (Second Reading) An Ordinance authorizing the Mayor of the Town of Minturn to enter into an Amended Lease to A-Peak Asphalt for Real Property owned by the Town of Minturn – White** Pg 32
7. **Discussion/Action Item: Resolution 3 – Series 2014 A Resolution approving a Conditional Use Permit for Chris Davis, 376 Pine St. - Hawkinson** Pg 38

### OTHER MATTERS

8. **Planning Department Update** Pg 40
  - Discussion of Town Plan Pg 41
9. **Staff Report** Pg 43
  - Minturn Police Department discussion (Information is still pending, all information to be presented at meeting) – Osborne
10. **Town Council Comments**

## EXECUTIVE SESSION

- 11. Executive Session: To confer with the Interim Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Little Beach Park and responses to the Town Attorney Request for Proposals – White/Carberry**

Pg 47

## FUTURE AGENDA ITEMS

### 12. Next Meeting – February 19, 2014

- Work Session: Resolution 2 – 2014 Eagle River Water and Sanitation District – White
- Discussion/Action Item: Resolution 2 – Series 2014 A Resolution endorsing the West Slope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan – White

### 13. Future Meetings:

- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL Representative – White
- Marijuana update – Matt Mire

### 14. Set Future Meeting Dates

- a) Council Meetings:
- February 19, 2014
  - March 5, 2014
  - March 19, 2014
- b) Planning & Zoning Commission Meetings:
- February 26, 2014
  - March 26, 2014
  - April 23, 2014

### 15. Other Dates:

- February 17, 2014 – Candidate Materials available for Town Council Elections

### 16. Adjournment



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

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

*MEMORANDUM*

TO: Mayor and Town Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Friday, January 31, 2014  
RE: Business and Contractor Licenses

Issues:

- The existing license issuance practice does not align to the Municipal Code to allow for a systematic process of implement and enforcement for the collection of Business and Contractor Fees.
- Further, it is difficult to collect Contractor Licenses due to the mobile and itinerant nature of such businesses

Update:

Staff has reviewed the Minturn Town Code Chapter 6 et al to determine if the code is operable and can be adapted by changing the enforcement policies currently employed or if new law should be adopted to ensure simplification and enforcement needs. During this review, Staff has studied the Minturn Code and other neighboring municipal codes to compare both function and need.

Resolution:

Staff can adapt our current Code with the employment of slight changes in the enforcement and application process.

**General Business Licenses:**

MMC Article 1 Section 6-1-10 states "The purpose of this Chapter shall be to require the registration of all business activities and enterprises *physically* located within the Town."

MMC Article 1 Section 6-1-20 defines Business to include "any of which are conducted on any *premises* in the Town...". The term *premises* has been redefined as a physical location within the Town. This is different from the current practice of defining a premises as a *presence* within the Town.

- 1) All businesses that have an office, facility or other fixed location within the Town limits will be required to obtain an annual Business License. (This is not a change from the current practice.)
- 2) All businesses that deliver goods from outside the Town Limits to a physical location within the Town which has a valid business license will not be required to also obtain a business license. By way of example, the liquor distributor from outside of Town who delivers to a restaurant within the Town.

- 3) Vendors that deliver goods from outside of Town to a location within the Town which does not require a business license MAY be required to have a Business License. This would be determined on a somewhat case by case. By way of example: Holy Cross, Honeywagon, and Comcast would be required to have a license however, the pizza delivery or bottled water delivery would not.
- 4) Various Town Departments will review questionable Business License Applications prior to approval to ensure the appropriateness of an initial license.
- 5) It is currently unlawful for a business required to hold a Business License to conduct business without a License; however, it is expressly noted that reasonable effort will be undertaken by staff to ensure a Business License is carried.

**General Contractors, Contractors, and Sub-Contractors:**

MMC Article 1 Section 6-1-20 defines Contractor and specifically states “does not include subcontractors”.

- 1) The Building Permit will be modified to collect the Business License Fee at the time a building permit is issued.
- 2) The License/Permit will be valid for the same period as a Business License (April through March) and will be paid only once per year. For Example: Contractor “A” will be charged and pay for the License during the permitting process of project “1”. In the event Contractor “A” also pulls a permit for project “2” they will not be required to pay a second Business License fee as long as both permits occur during the same April-March period.
- 3) A Contractor who also holds a Business License because they are a physical business operating within the Town will not be required to also pay a Contractor fee on the Building Permit. For Example: Minturn Plumbing, 123 Main St, is a business operating within the Town and is required to pay for an annual Business License. In the event Minturn Plumbing is awarded a contract for Building Permit “1” they will not also be required to pay the fee on the Building Permit.

# Taylor Avenue Master Parking

U.S. Forest Service Trail Head Parking

Parallel Parking - Summer Only

Vehicles park at a 45% angle to Taylor Ave.

Angled parking creates more spaces, is consistent with properties and is safe because vehicles views remain open for driveways and pedestrians

Vehicles park perpendicular to street in designated driveways

3 Way Stop



It is not effective for snow plow removal to have vehicles park on west side of street in winter. No parking on west side from November to April.

Speed Limit is proposed to be changed to 15 mph

Speed bumps or asphalt humps will wait to be installed until after a study of traffic with the installation of 3 way stop signs and the reduction in speed limit.

Vehicles need to be 5' from a driveway entrance

Vehicles need to be 20' from a crosswalk at an intersection



## **Official Minutes**

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

**Wednesday January 15, 2014**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Aggie Martinez  
John Rosenfeld  
Darell Wegert

**TOWN MANAGER– Jim White**  
**INTERIM TOWN ATTORNEY – Kendra Carberry**  
**TOWN CLERK/TREAS – Jay Brunvand**  
**TOWN PLANNER – Janet Hawkinson**

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**

- TST update on Master Meter Vault – White

The Master Meter vault was inspected today with Arnold and the contractor by Steve Humann, TST Engineering. The vault is contained in an 8x10 room where water samples can easily be taken. The cross over to the new meter is scheduled for tomorrow and the old meter will be abandoned.

Update on DOLA grant. Next spring the water main loop along Harrison will be completed. It is anticipated that the grant will come in below budget.

- A-Peak Land Lease Addendum – Hawkinson

A-Peak will move to an area directly next to the south side of the current concrete plant. Currently there are tons of aggregate that will need to be moved from that area. Nonetheless, A-Peak will be able to use the land until the property is completely cleared.

Spoils in the rear north east portion of the proposed site will be moved to the front in order to create a berm to hide the industrial use from the west.

Concern was expressed that this project would take an extended length of time. Jim W. stated this is a long term project that could extend out three years. John R. asked if costs could be brought forward to the Council. Shelley B. discussed the costs of the project and what other projects will not be done so that time can be spent on this.

- Parking on Taylor St

Janet H. outlined the parking issues and the law pertaining to the parking on the right of way and on the adjoining private property. Historically, parking issues on Taylor St have not been enforced.

- Eagle River Water and Sanitation District – White

## **Regular Session – 6:30pm**

### **1. Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:37 pm.

#### a. Roll Call

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

Staff present: Town Manager Jim White, Interim Town Attorney Kendra Carberry, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

#### b. Pledge of Allegiance

### **2. Approval of Agenda**

#### a. Items to be Pulled or Added

Kendra C. read into the record the revised Executive Session motion.

George B. requested to add a Water Subcommittee report to the Council Comment section.

Motion by John R., second Darell W., to approve the Agenda as amended. Motion passed 7-0.

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

- December 18, 2013

Motion by George B., second by Darell W., to approve the minutes as presented. Motion passed 7-0.

- Action Item Report

Direction was given to add the paving of the railroad track area on Taylor St.

### **4. Liquor License Authority**

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

Motion by Shelley B., second by Darell W., to approve the Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager as presented. Motion passed 7-0

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

Mr. Garth Koellhoffer, 434 Taylor Street:

- Noted that Police Chief Lamb has been on paid Administrative Leave for 70 days since his hire on May 16, 2013 and mentioned “domestic violence”. He stated he learned this because he has had serious parking problems in front and adjoining his property. Mr. Koellhoffer identified the days Police Chief Lamb has not been on duty. He stated this is affecting our town and the safety of our citizens.
- Mr. Koellhoffer stated that the parking on Taylor St was changed by the addition of signage this fall and asked how was this done without the public’s knowledge?
- Mr. Koellhoffer asked if the parking issues and the speed limit of 20mph could be addressed by the police department.
- Mr. Koellhoffer asked if the parking at the top of Taylor St, at the base of the Minturn Mile could be enforced as well, noting that often skiers drive too fast from the parking area to Main St and it is affecting the neighborhood.
- Mr. Koellhoffer asked when the citizens could expect a functioning police department in the Town? He stated that the Police Chief issue has been ongoing for too long and is causing the Town Staff to be dysfunctional and is affecting the operations of the entire Town.

Mr. Burk Harrington, 532 Taylor St.,

- Noted that there is a traffic problem on Taylor St. Some vehicles are traveling well above the speed limit; traffic enforcement should be a concern for the Council and is an issue in that area.
- He said the parking and speeding problem is not just a winter concern as that is a very active summer hiking area.

- He asked this be on a future agenda and addressed at both staff and Council levels.

## 6. Special Presentations

### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

#### 7. **Resolution 1 – Series 2014: A Resolution setting the official posting sites for the Town of Minturn – Brunvand**

Motion by Shelley B., second by Aggie M., to approve Resolution 1 – Series 2014: a Resolution setting the official posting sites for the Town of Minturn as presented. Motion passed 7-0.

#### 8. **Ordinance 1 – Series 2014: An Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease for Real Property owned by the Town of Minturn – White**

Jim W. stated this is a five year lease. Staff is in support of continuing the lease and will work with A-Peak to set the monthly fee; Shelley B. requested the rates be added to the lease for second reading.

Motion by John R., second by Aggie M., to approve Ordinance 1 – Series 2014 (First Reading) an Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease for real Property owned by the Town of Minturn as presented. Motion passed 7-0.

#### 9. **Resolution 2 – Series 2014: A Resolution endorsing the West Slope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan – White**

Ms. Diane Johnson, ERWSD representative, outlined the information contained within the Resolution to include a statewide water use plan that would include the Eagle River and its tributaries. Because this is a statewide plan it will address the east and west watersheds as defined by the continental divide. The Colorado Water Conservancy Board is the organization charged with developing the water use plan.

John R. asked why the Governor did this as an Executive Order instead of going through the state legislature. This was not addressed by the committees. The Town is being asked to support the program but to also recognize with the western slope the need of protecting the Colorado River and its tributaries for all the various uses of the water, not just agriculture.

Earle B. asked that, once the plan is written, “will the state legislature approve the final plan”? This is not known at this time and that answer is not available. Concern was voiced that the legislature might actually make it worse. The intent should be local control of water rights.

Hawkeye asked “who drafted Amendment “A” of the resolution”? Answer: the Water Quality and Quantity Board. Hawkeye stated that there were some sections of the resolution that he does not agree with. Much of the decision process appears to be at the county levels. It was noted that decisions would be made by the water producing agencies. Minturn is a water producer and we do not want to give up our decision rights on use of our own water production.

Motion by John R., second by Shelley B., to table Resolution 2 – Series 2014: A Resolution endorsing the West Slope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan as presented to February 5, 2014 to allow time for the Town’s water attorney to review the documents. Motion passed 7-0.

## **OTHER MATTERS**

### **10. Planning Department Update**

- Eagle County Grant for a historical walk in the park; the grant we were awarded is for \$50,000 to add signage and a walking tour to Eagle River Park and the addition of restroom facilities.
- Designing 'Historic Walk in the Park' - Obtaining additional funding
- Sewer Line to Little Beach Park
- Utilized the new Minturn email 'newsletter' (created by Michelle Metteer with Economic Development) to create a survey for the Town Citizens for the naming of the Minturn Open Space.
- No new building permits at this time.
- 2014 Town Plan - Draft
- As Directed by Town Council: General Contractor and Sub-Contractor Ordinance (suggestions - however on hold waiting for full time Town Attorney)
- As Directed by Town Council: Applied and received application from CDOT for crosswalk and lights at 100 block intersection - under design review
- As Directed by Town Council: Staff to provide options to council for code and procedural solutions for roll-off dumpsters.
- As Directed by Town Council: options for obtaining sidewalks from cemetery bridge to Maloit Park Road. Treasurer to obtain projections from funding sources, mill levy/sales tax. Research School of Mines (and others) to use as an engineering project for students. Working with Eagle County on connecting the trail system to see if it can fit in with this project. Planner to design route. This project is under research.
- Still working on addressing homes and streets

### **11. Town Manager’s Report**

#### **CDOT I-70 Corridor Meeting**

On Thursday, January 9, 2014, I attended the I-70 Corridor meeting in Silverthorne, CO. In the presentation made by Tony Devito, CDOT, he indicated that CDOT is asking for authorization to continue the Twin Tunnel work on the westbound lanes. He cited a savings of \$5 to \$7 million dollars since the equipment is staged at the site already and he thanked Clear Creek County and Idaho Springs for their willingness to consider this option. If approved, this could begin as early as March, 2014.

### **Minturn Fitness Center**

Weekly owner architect construction progress meetings continue to move this project forward. Representatives from Viele Construction, RDK Architects, Ski and Snowboard Club Vail, and the Town of Minturn continue to review progress at this weekly meeting. The roof is on and indoor work over the winter has commenced.

### **Master Meter Vault Construction**

As part of the DOLA grant received in 2013, work has continued for the past few weeks on the Master Meter Vault and a site visit has been planned for January 15, 2014 to review the status of the project. The project has been going well to date. The outside work is nearly done though so most of the remaining work will be out of the winter weather.

### **RFP for Attorney Services**

We received a number of RFP's by the deadline on January 10, 2014 for attorney services. Copies of the RFP's are to be distributed to the Town Council for review.

### **Recent Events/Upcoming Events:**

#### **Christmas Tree Bonfire**

Our Christmas Tree Bonfire was postponed on Friday night, January 10, 2014 due to inclement weather and rescheduled to January 17, 2014 at Little Beach Park. This has become a popular annual event.

## **12. Town Council Comments**

George B. was approached by Rick Sakbauer to open discussions on Bolts Lake to discuss development of the lake as a storage basin. It was noted that because Battle Mountain owns the lake, they need to be at the meetings too. ERWSD is looking at in-basin water storage. George B. asked the Council if they would be willing to entertain discussions with the ERWSD. Shelley B. stated this is BMR's development and she felt it was jumping the gun on the part of ERWSD to initiate these discussions first with the Town. Additionally, we would need to have the EPA complete their work first.

Hawkeye asked this be placed on the Feb 5, 2014 work session.

John R. gave an update on the Minturn Fitness Center construction. John R. recommended the Council go out and see the project first hand. Those interested should contact Scott Ashburn at the site. John R. stated they are having some issues with XCEL.

The budget is coming in at about \$1.88 million on construction in addition to the furniture, fixtures, and equipment (FF&E) numbers.

Periodic financial drafts are being made by both organizations in the amount of \$250,000. The Town has sent \$500,000 in 2013 and has a pending draft of \$250,000 in January 2014.

Aggie M. updated the Council on an Eco Transit meeting he attended.

Hawkeye wished Matt Mire, interim Town Attorney, a speedy recovery. A Request for Proposals was issued to move forward with the hiring of a full time Town Attorney. Hawkeye noted the ski conditions are superb and recommended to residents that they enjoy the extended Martin Luther King weekend.

### EXECUTIVE SESSION

- 13. Executive Session: Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) to confer with the Interim Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Little Beach Park and responses to the Town Attorney Request for Proposals – White/Carberry**

Motion by Shelley B., second by Earle B., to convene in Executive Session Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) to confer with the Interim Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Little Beach Park and responses to the Town Attorney Request for Proposals. Motion passed 7-0.

Direction given as a result of the Executive Session:

- Town Manager to notify attorney firms considered for interviews; staff and attorney to continue negotiations and research on land ownership issue.
- Continue negotiations with the estate of Allen Christensen.
- Advise Attorneys of which submitted RFP's for the new Town Attorney position of those selected to continue forward.

### FUTURE AGENDA ITEMS

**14. Next Meeting –**

- Work Session - Update on the Contractor registration procedure and process. (2/5/14)

- Work Session – Dumpster location review (TBD)
- Ordinance 1 – Series 2014 (Second Reading): An Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease to A-Peak Asphalt for Real Property owned by the Town of Minturn – White
- Water committee discussion regarding Bolts Lake development
- Water resolution to be reviewed by water attorney.
- Taylor Street parking and speed discussion
- 2015 World Cup on next agenda – work session

**15. Future Meetings:**

- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL representative – White
- Marijuana update – Matt Mire

**16. Set Future Meeting Dates**

a) Council Meetings:

- February 5, 2014
- February 19, 2014
- March 5, 2014

b) Planning & Zoning Commission Meetings:

- February 26, 2014
- March 26, 2014
- April 23, 2014

**17. Other Dates:**

- January 20, 2014 – Martin Luther King Jr. Day – Town Hall Closed
- February 17, 2014 – Candidate Materials available for Town Council Elections

**18. Adjournment**

Motion by Shelly B., second by George B., to adjourn the meeting at 9:18pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand



## **Official Minutes – Special Meeting**

### **MEETING OF THE MINTURN TOWN COUNCIL**

**Minturn Town Center, 302 Pine Street  
Minturn, CO 81645 • (970) 827-5645**

**Monday January 27, 2014**

**Regular Session – 6:00pm**

**MAYOR – Gordon “Hawkeye” Flaherty**

**MAYOR PRO TEM – George Brodin**

#### **COUNCIL MEMBERS:**

Shelley Bellm

Earle Bidez

Aggie Martinez

John Rosenfeld

Darell Wegert

**TOWN MANAGER– Jim White**

**INTERIM TOWN ATTORNEY – Ryan Malarkey**

**TOWN CLERK/TREAS – Jay Brunvand**

**TOWN PLANNER – Janet Hawkinson**

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### **Regular Session – 6:00pm**

#### **1. Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:08pm.

##### **a. Roll Call**

Those present included: Mayor Hawkeye Flaherty, Town Council members, George B., Earle Bidez, John Rosenfeld, Darell Wegert and Aggie Martinez. Note: Shelley B. was excused absent.

Staff present: Town Manager Jim White, Interim Town Attorney Kendra Carberry, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

##### **b. Pledge of Allegiance**

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Motion by George B., second by Darell W., to approve the minutes as presented. Motion passed 6-0. Note: Shelley B. was excused absent.

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

### **3. Discussion/Action: Discussion related to parking on Taylor Street – White**

Janet H. outlined the issues of parking on Taylor St.

- 2003 Town Council passed a law requiring parallel parking on all streets when it approved the Model Traffic Code.
- Parking can be changed by ordinance.
- Currently there is only parallel parking and no west side of the street parking.
- The speed limit is currently 25mph on Taylor St.
- Issues on Taylor St can be summarized as concerning speeding, parking, and the lack of enforcement.

Mr. Ken Chadwick, 442 Taylor, asked what the Right Of Way (ROW) is and how it is measured/determined? The ROW is 40ft wide. Mr. Chadwick noted that when the road was paved it was paved as the road existed at the time, it was never surveyed to determine the proper location.

Mr. Art Salazar, 412 Taylor St, stated the need for a road survey. He stated his house was built based on the lot line not the ROW line. He stated that in some areas the road is wider than in others which allow it to work with perpendicular parking and west side parking in some areas.

Janet H. stated residents which need overflow can obtain a longterm parking permit in the municipal lot (165 Railroad Ave.)

Ryan M., Interim Town Attorney, identified two issues as parking and speeding. The town has adopted the 2003 Model Traffic Code. The Model Code requires parallel parking and sets standard speed limits. The speed limit in the area, based on the type and traffic on the road, is 20mph. Although the speed limit can be changed it does require a study as set forth in the Model Traffic Code.

Mr. Burk Harrington, 532A Taylor St, addressed the speeding on Taylor St. Mr. Harrington submitted a letter and a petition with 15 names requesting the speed limit to be set at 15mph. Mr. Harrington read the letter into the record.

Mr. Robert Atencio, 412 Taylor St, originally he owned nine lots and built each of the houses on those lots. He stated all the garage entrances face the street. Each house also has a

perpendicular parking space recessed into the property and off the ROW. He felt the parallel parking on the ROW will be too narrow once the true ROW is defined.

Mr. Garth Koellhoffer, 434 Taylor St, stated on Nov 19, 2013 a letter was delivered to the residents of Taylor St written by Police Chief Brad Lamb outlining the parking that would be enforced. The letter stated a petition was presented by Mr. Art Salazar, who was identified as Chief Lamb's father-in-law; after an open records request it was shown that no petition could be produced by the Town. The Police Chief's letter was read into the record.

Mr. Koellhoffer asked if the letter was enforceable. Janet H. stated the parking law was not a zoning issue. Mr. Koellhoffer reviewed a time line where he has addressed his concerns with the Town Police and the Town Manager stating that the parking as enforced made it a dangerous situation to access and exit his property because vehicles are parking within five feet of his driveway and that vehicles are double parked as well as trash cans and other items are stacked lending to the vehicles parked illegally beyond the ROW. Mr. Koellhoffer stated that it was unacceptable that he was unable to access his property on Taylor St and he has a rental property on Main St that he has also had the Police act unresponsively by nonenforcement of the traffic laws.

Mr. David Clapp, 392 and 382 Taylor St, gave a time line of some of his issues. Mr. Clapp noted that in the spring of 2000 he complained of the parking and the then Police Chief stated the parallel parking was to be enforced. Mr. Clapp stated both of his homes do not have off street parking but that he created off street perpendicular parking on his property and extending into the ROW by working with the Town Planner this past summer. He stated the letter of November 19, 2013 does not work because the vehicles are parking within five feet of the driveways and his perpendicular parking which was town authorized now states his parking is illegal. He parks perpendicular in to a driveway and stated it is in the ROW; he stated that parallel parking should be allowed on the street but perpendicular should also be allowed on the streets as long as they are at least five feet from driveway entrances.

Ms. Jill Koellhoffer, 434 Taylor St, stated that because there was no petition, because it was referred to in the Chief of Police's letter as a variance, in her opinion it was a change in the law to help one person who was related to the Police Chief changing the law. This was unethical, immoral, and illegal. She stated the Council was not informed or involved in this and she felt that Jim W. had supported the Police Chief in his illegal actions. Ms. Koellhoffer stated that Jim W. Requested and was given the Police Chief's letter to took a copy of the letter of which he should have approved in the first place. She stated that Jim W. was the Manager of the Town and as such should have approved in advance the letter as the Chief's supervisor, if he did not approve the letter in advance then it is proof of poor Town management. She stated that even if the Police Chief is not currently in the Town's service, his actions still stand and was supervised by the Town Manager. She stated that Jim W. is and was the responsible person for staff supervision and that they have been asking for help from the Town Manager, from the Police Chief, from the Police Officers, from dispatch, and from the Sheriff's Office when they have been on duty and have gotten nothing. Darell W. stated that the Council would follow up on this but that this is the first time he had heard of

this issue. She stated that she was sorry that the Council had not seen the information but that she had provided it to Jim W. and he had not supplied it to the Council.

Mr. Jeremiah Williams, 392 Taylor St, stated that the only parking available for him is immediately in front of his house in the area provided by his landlord, David Clapp. Because the Salazar home has at least six families living in the house the parking has been greatly decreased in the area based on the volume of drivers and vehicles in the residence. Would he be in favor for a one way street; as long as that is a workable solution he would support it. The important part is that he would need to have his perpendicular parking. As it sits now there is enough parking for his residence.

Mr. Joe Baca, 352 Taylor St, stated he has never had trouble with the parking. He asked about trash cans and how long they could be on the street; 24 hours. He noted that in some areas there is shoulder and in others there is not on the west side of the street.

Earle B. stated in reply to a question about the November 19 letter that he had been given a copy of the letter by David Clapp personally. Earle B. inquired with Staff and was informed the letter was an employee issue and that it was not to be discussed publicly. Discussion ensued if the advice was given by the Town's Attorney and if the advice was for the bigger picture of the employee issue or if it pertained to the parking issues on Taylor St.

Mr. Daren Tacholke, 530 Taylor St, stated that the speeding is the major issue which could be helped by a three way stop sign at Taylor and 4<sup>th</sup> and stricter enforcement of the speed limit as it stands. He did say that it was important to enforce the laws we have but not to try to chase our guests away from the trailhead in both winter and summer. He stated that it is important to recognize that, along Taylor, in areas parallel works and in other areas perpendicular works. The point is there are more vehicles than parking spaces along the ROW.

Ms. Christen Davis, 392 Taylor St, reiterated that she needs to have the perpendicular parking as to make it all parallel would cut the parking to an unusable quantity of parking.

Hawkeye asked if anyone was opposed to the parking on the Westside of the street. Mr. David Clapp stated that if parking is on both sides of the street then he is left to walk down the middle of the street. He asked by show of hands who was in favor of 15mph, the vast majority were in favor of 15mph.

Mr. Nate Lecross, 322 Taylor St, stated that to have parking on both sides of the street would limit the traffic flow. He suggested working with the UPRR to move the ROW to the west of the current location? It was noted that there is really no shoulder on the west side of the street at all for parking in many areas.

Ms. Katie Tacholke, stated that a child in the neighborhood is handicapped and that should be considered as any changes are considered. She stated that based on the narrow road and the density, she is in favor of 15mph.

Justine Lacross submitted to the Town Planner a letter that she was against the parallel parking and the 20 mph. Her concerns were read into the record by Janet H.

Hawkeye closed the public hearing and summarized the events:

- Pursue 15mph limit on Taylor St.
- One-way but only if it can be used to improve the west side parking.
- Three-way stop sign at 4<sup>th</sup> and Taylor St.
- Install speed bumps or speed dips
- The parking and enforcement should be sight specific as far as perpendicular or parallel parking.

The Town has been working with the UPRR to improve the parking at the trailhead. Those parking on the west side in the trailhead area are trespassing at their own risk.

Hawkeye recommended to Council to continue to work with the parking and the residents. He stated the Town is working with Art Salazar and if he won't work with the Town then the Town will enforce in that area. He encouraged Art Salazar to work with his neighbors to include the Koellhoffers and Mr. Clapp.

Darell W. stated the 15mph is best, staff needs to look at the handicap regulations and signs, and educate the citizens on the trash can rules. Darell W. asked if the Council would need to address the Chief of Police's letter and his authority to issue the letter. This information needs to be reviewed by the town Manager and Staff needs to get back to the Kohloffers with an answer.

George B. stated the child safety is the most important issue which needs to be addressed, speed limit, and speed bumps are a good idea.

Earle B. reiterated the child safety, he said the parking needs to be considered in relation to the geography, the Town needs to survey Taylor St, and we need to make it practical to enforce the law based on the survey. Earle B. also stated that he felt the Council had not been supplied important information which was pertinent to the issues discussed on Taylor St.

Aggie M. reiterated child safety,

John R. thanked all for coming in with solutions and cool heads, he stated there were no boiler plate solutions, parking will need to be site specific, the solution should be codified, does not like the one-way street idea, likes 15mph, does not like west side parking, no parking within 5ft of driveways, timely removal of trash cans. Apologized to the citizens for how long it took to get their issues heard.

The Ryan M. asked for more specific direction, he stated citizen calls should be addressed.

Direction given:

- Do the speed study and consider a way that the speeds can be adjusted more simply by council and reduce the speed to 15
- Consider speed bumps or dips for the summer
- Three way stop sign at Taylor and 4<sup>th</sup>
- Continue to work on the trail head parking
- Enforce the speed limits as they stand at 20mph now
- Discuss formally surveying Taylor St to get the ROW straight
- Allow parking on the Westside where it is available, Public Works might be able to assist in setting this up.
- Parallel parking next to driveways in order to preserve line of sights.
- Allow perpendicular and parallel based on how it works with the geography and the clear vision area.
- Move forward on a parking plan and ordinance for the Taylor St Character area.

Mr. Garth Koellhoffer stated that we have laws on the books and now we are directing not to enforce them, does this cause a liability issue if someone gets hurt? Ryan M. stated not necessarily, it probably would be the liability of the person that caused the accident.

Jason D. stated that the Salazar parking was addressed with the Salazar's and it will require only one car parallel parked rather than the two that are normally parked there.

Mr. Art Salazar noted that the municipal parking or at the trailhead is a good idea. It is all public parking and everyone gets to use it regardless of whose house it is in front of.

Ryan m. asked for direction regarding enforcement.

Enforcement Direction: Police are to issue warnings on the five foot from driveways to protect the clear vision area; speeding should be enforced with tickets, move forward with simplifying the ability to change the Model Traffic Code.

Earle B. stated that he felt the Council was not being informed on several issues. Jim W. stated much of these issues are recent and blew up between direct neighbors. Jim W. stated the points that the citizens are making are valid and much of it is due to the geography of the area. The parking plan that doesn't exist on Taylor St makes it very difficult to enforce. Earle B. stated this is very different from the rest of the town due to the lax enforcement that has been going on.

Motion made by Hawkeye, second by John R., motion passed 6-0. Note Shelley B. was excused absent.

- Speed investigation for the speed limit to change to 15mph
- Consideration for dips or bumps installed
- An investigation of the placement of the three-way stop signs at 4<sup>th</sup> and Taylor St.
- Consideration of conducting a formal survey of Taylor St ROW based on cost or purchase of the plat maps
- Continue the parking discussions with the UPRR

- Allow parking on the west side of Taylor St where it can be geographically accommodated and signed
- Warnings will be given on parking issues in the area to about 2/19
- A comprehensive parking plan will be considered
- Review the handicap laws as they pertain to the issues
- The Town Attorney was instructed to review the letter sent by former Police Chief Brad Lamb and report back to the Council his findings of the discussed issues with the letter.
- Exercise enforcement discretion

Jim W. updated the Council on the Minturn Police Dept. Four days a week we have our Town officer and three days a week we have sheriff coverage.

Earle B. asked for a police budget update for 2013 and to date. To be presented at the February 5<sup>th</sup> or 19<sup>th</sup> meeting.

Hawkeye requested updates on the Taylor St issues.

#### **4. Adjournment**

Motion by John R., second by Aggie M., to adjourn the meeting at 9:11pm. Note Shelley B. was excused absent.

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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 - (revised by Acting Co-Managers)  
**DATE:** February 5, 2014  
**SUBJECT:** Status of Action Items from Town Council Meetings

	Action Item	Responsible Party	Progress Report
	<u>Town Parks and Recreation 2014 Master 'Plan Action Items' - Town Goals</u> 2013 Goal: Submit Grants for Infrastructure	Janet Hawkinson Town Council and Staff	Staff to submit researched 2014 Town Council Action Items, Cost Estimates and Town Budget and Present to Council. We met with Vail Resorts on the land ownership issue. We have provided Town Council's comments to Vail Resorts representatives previously and reiterated them in the meeting. This topic was addressed in Executive Session at the December 18, 2013 Town Council meeting. Staff continues work on the issue.
	Eagle Park - History Walk - \$50,000.00 Grant Public Restrooms 2013 Goal: Implement Streetscape Plan	Janet Hawkinson Michelle Meeter Janet Hawkinson	Design public restroom with local artists to build cost effective - design history signs, park and public sitting area & access to river. Staff has reviewed previously received plans from OZ, and DCL. We have secured info on streetlights; and worked with the primary local property owner on design ideas for a mall/pedestrian area. Staff will be placing this item on a future agenda to further address this project with Town Council in a work session.
	2013 Goal: Clean Up Parking Area on North Taylor Street Consider paving Taylor Street. Master Parking Plan for Game Creek Character Area - Taylor Street	Janet Hawkinson Arnold Martinez Planning Commission Brad Lamb Arnold Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking. UPRR has sent a letter authorizing the Town to enforce normal violations on RR property. Get bids on paving costs, 8' long humps, removable rubber humps - speed limit changes - stop signs - create parking plan. Estimate for paving.
	2013 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	Jim White/ Janet Hawkinson	Staff to provide periodic updates to Council. We requested an extension from DOLA through June 30, 2014 to complete the Harrison Loop.
	2013 Goal: Win TAP Grant for South Minturn Sidewalks	Jim White/Janet Hawkinson	Town Council wants to add engineering for the south Minturn sidewalks to the 2014 budget expenditures. Staff will pursue a DOLA administrative grant to offset the costs of the engineering. Wait on engineering plans for south sidewalks until have funds to install sidewalks as conditions change and that can make plans obsolete.

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<p><u>North Minturn Entrance Area - Create Entrance - Crosswalk</u>  <u>2014 Goal: Street and Drainage Projects</u></p>	<p>Jim White/Janet Hawkinson</p>	<p><u>Explore current conditions. Develop design for entrance and crosswalk. See Town Action Items Plan 2014.s and develop review process and plan for site improvements. Did windshield tour with new Town planner to point out issues at north entrance to Town.</u></p>	<p><b>Formatted:</b> Font color: Blue</p>
<p>Minturn Fitness Center  <u>2013 Goal: Submit Grants for Infrastructure</u></p>	<p>Jim White</p>	<p>Owner Architect Meetings occur weekly to address construction issues and costs for the MFC Project. <u>The water line was successfully installed in late November. The MFC building is under construction and walls currently being erected.</u>The roof is now on and indoor work will continue throughout the winter.</p>	<p><b>Formatted:</b> Font color: Blue</p>
<p><u>Business Licenses/Contractor Fees</u> <b>Action Item</b></p>	<p><u>Michelle Metteer</u>  <u>Jay Brunvand</u>  <u>Janet Hawkinson</u>  <b>Responsible Party</b></p>	<p><u>Review current fee structure and other examples. Plan will be to amend and make recommendations to Town Council for approval.</u><b>Progress Report</b></p>	<p><b>Formatted:</b> Left</p>
<p><u>Little Beach Park</u></p>	<p><u>Interim Town Attorney</u></p>	<p><u>Interim Town Attorney to address documents submitted about Little Beach Park - engineering for sewer and water line to park.</u></p>	<p><b>Formatted:</b> Font: Not Bold</p>
<p><u>2014 Goal: Implement Streetscape Plan - Business Licenses/Contractor Fees</u></p>	<p><u>Janet Hawkinson</u>  <u>Michelle Metteer</u>  <u>Jay Brunvand</u>  <u>Janet Hawkinson</u></p>	<p><u>Advice is to wait to see if new development occurs in 2015</u><u>Review current fee structure and other examples. Plan will be to amend and make recommendations to Town Council for approval.</u></p>	<p><b>Formatted:</b> Font: Not Bold, Font color: Blue</p>
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# TOWN OF MINTURN Support Request

**2015**  
VAIL · BEAVER CREEK

FIS ALPINE WORLD SKI CHAMPIONSHIPS

presented by



# BY THE NUMBERS

**800 million**

television viewers

**140,000**

onsite spectators

**2,500**

journalists

**70**

countries represented

**7**

Committed Government  
Partners to Date



## Expected Impacts for 2015

**Community:** As in 1999, it is expected that these Championships will allow all parts of our diverse community to come together. It is important for us to find common causes that can more tightly bind us together. The World Championships allow us as communities to both foster that which this community was created for, and to celebrate the world's best.

## Expected Impacts for 2015

***Grow Future Customers:*** A key element of the bid for the 2015 World Championships was always a focus on our future. Not only are Vail and Beaver Creek the hosts for 2015, we are, as communities within Eagle County to varying degrees, a collection of businesses that depend on the ski industry. We all need to see continued maintenance and growth within the sport of skiing and snow sports. We look to utilize the 2015 World Championships not only as a celebration of the sport, but as a springboard for marketing exposure to entice new peoples and populations into the sport of skiing.



# 2015 Impacts



- **Approximately \$3.8 million generated in tax revenues county wide**
- **2.5 billion marketing impressions**
- **Estimated economic impact in the County of over \$100 million dollars**
- **Market value of marketing impressions conservatively estimated at \$630 million**
- **Expected television audience of nearly 800 Million viewers**

## Town Of Minturn Rights and Benefits

- Use of the 2015 Official Logo locally; For example. Town Of Minturn Proudly Supports 2015 in select newsletters, website and Mktg materials.
- 12 Silver Level VIP Tickets (no more than 4 may be used on any one day) that Town Of Minturn may use for staff, council and or as a community raffle.
- Logo/name listing on the 2015 website and official event program as a Government Supporter.
- 2 Complimentary Tickets to the 2015 Opening Ceremonies in Vail
- VVF will encourage its key 2015 partners, sponsors, industry, etc. to look to Minturn for a special evening out during 2015 Event to help drive local business.

# Support Request

- **In Kind Trade Support:**

- Town Of Minturn would provide in kind trade as support for 2015 up to a total value of \$18,000. The types of In Kind trade which may be used include:
  - Use of the Town's Loader during the Event
  - Police support for select peak days/times during the Event
  - Warehouse space
  - Use of Generators and or space heaters during the Event
  - Town Of Minturn would support a 2015 Volunteer home stay program which would allow important and valuable event volunteers a place to stay at no costs during the event dates.
- Other In Kind Trade opportunities may be discussed and agreed to by Town Of Minturn and VVF.

- **Financial Cash Support:**

- \$38,000 cash payable to VVF as \$20,000 in 2014 and \$18,000 in 2015.

**Thank you for your  
time, consideration  
& support!**



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 1 – SERIES 2014

AN ORDINANCE AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO ENTER INTO AN AMENDED LEASE TO **A-PEAK ASPHALT** FOR REAL PROPERTY OWNED BY THE TOWN OF MINTURN

**WHEREAS**, A-PEAK Asphalt ("NAME OF LESSOR"), a Colorado Corporation has petitioned the Town of Minturn ("The Town") to lease of a parcel of land owned by the Town; and

WHEREAS, it is in the mutual interest of The Town and A-PEAK Asphalt to enter into the lease agreement; and

WHEREAS, in the interest of protecting and preserving public health, safety and welfare, it is desirable that the citizens of the Town of Minturn, Eagle County, Colorado be provided with adequate rental income for land owned by the Town.

WHEREAS, the Home Rule Charter of the Town of Minturn, Colorado, The Town Ordinances, and C.R.S. § 31-15-714, as amended authorizes the Town as a home rule municipal corporation to lease any real estate, together with any facilities thereon, owned by the municipality, when deemed by the governing body to be in the best interest of the municipality, with any lease for a period of one year or more to be done by ordinance and any lease for one year or less by resolution or ordinance.

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

Section 1. The Mayor is authorized to execute such documents and to do such other acts and things as may be necessary or advisable in association with the execution and delivery of a lease of real property.

SECTION 2. The 2004 lease agreement, the 2009 amendment, and the 2014 amendment attached hereto as Exhibit A and incorporated into this Ordinance by reference is approved, and the Mayor is authorized to execute it on behalf of the Town of Minturn, and the Town and its officers and employees are authorized to perform under it on behalf of the Town of Minturn, according to its terms.

SECTION 3. This Ordinance shall not be effective until the lease agreement attached hereto is signed by the representatives of all the necessary parties thereto.

SECTION 4. If any part, section, subsection, sentence, 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 hereby declares it would have passed

this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. 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 6. The repeal or the repeal and reenactment of any provisions of the Minturn Municipal Code as provided in this ordinance shall not affect any right with has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any protection commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. 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 15<sup>th</sup> DAY OF JANUARY, 2014. 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 5<sup>TH</sup> DAY OF FEBRUARY, 2014 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 5<sup>TH</sup> DAY OF FEBRUARY, 2014.**

**TOWN OF MINTURN, COLORADO**

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

**ATTEST:**

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

## SECOND AMENDMENT TO GROUND LEASE

This amendment to Ground Lease is made and entered into this 1st day of April, 2014, by and between the Town of Minturn, Colorado, a municipal corporation (the "Town") and A-Peak, Inc., a Colorado Company ("A-Peak").

WHEREAS, the Town and A-Peak entered into a lease for real property on or about March 15, 2004, a copy of which is attached hereto and made a part hereof by reference; and

WHEREAS, the Town and A-Peak have entered into negotiations to modify certain provisions of the lease and extend the term of the lease by five years.

NOW, THEREFORE, for **Twenty-Five Dollars** and other good and valuable consideration, receipt of which is acknowledged, the parties agree the lease shall be amended in the following manner.

1. Amendment. The WITNESSETH provisions of the lease are modified as follows:

The Town does hereby lease to A-Peak, and A-Peak does hereby lease from the Town certain real property situated in the Town of Minturn, Eagle County, Colorado as described in Exhibit A to the Ground Lease, which is attached hereto and made a part hereof by reference. The real property which is subject of this Lease is owned by the Town, in fee simple, and is referred to herein as "the property". The property is used by A-Peak as the site for its Asphalt operations. During the term of this lease the Town may relocate A-Peak to a comparable site within the Town with sixty (60) days advance written notice.

TO HAVE AND TO HOLD the premises commencing on the 15<sup>th</sup> day of March 2014 and ending on the 15<sup>th</sup> day of March 2019, subject to acceleration, or earlier termination as herein provided below on the following terms and conditions:

Paragraph 3 of the March 2004 lease is amended to allow consecutive five year lease extensions.

2. Amendment. Paragraph 1 of the lease is amended as follows:

RENT. a. Monthly Rent. A-Peak covenants and agrees to pay the Town monthly installments of **SIX HUNDRED DOLLARS (\$600.00)** payable in advance on or before 12:00 p.m. on the first day of each calendar month during the term of this Lease to the Town of Minturn, Colorado, P.O. Box 309, Minturn, Colorado 81645 or at any other place with the Town may direct in writing. This rate may be adjusted during the second year by mutual agreement of the parties. In the event mutual agreement is not reached this agreement may be terminated upon 30 days notice by either party.

All other terms of the lease agreement not specifically modified by this AMENDMENT TO GROUND LEASE shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Ground Lease the day and year first written above.

TOWN OF MINTURN, COLORADO

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

Attest:

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

A-Peak, Inc.

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

It's: \_\_\_\_\_

Attest:

\_\_\_\_\_

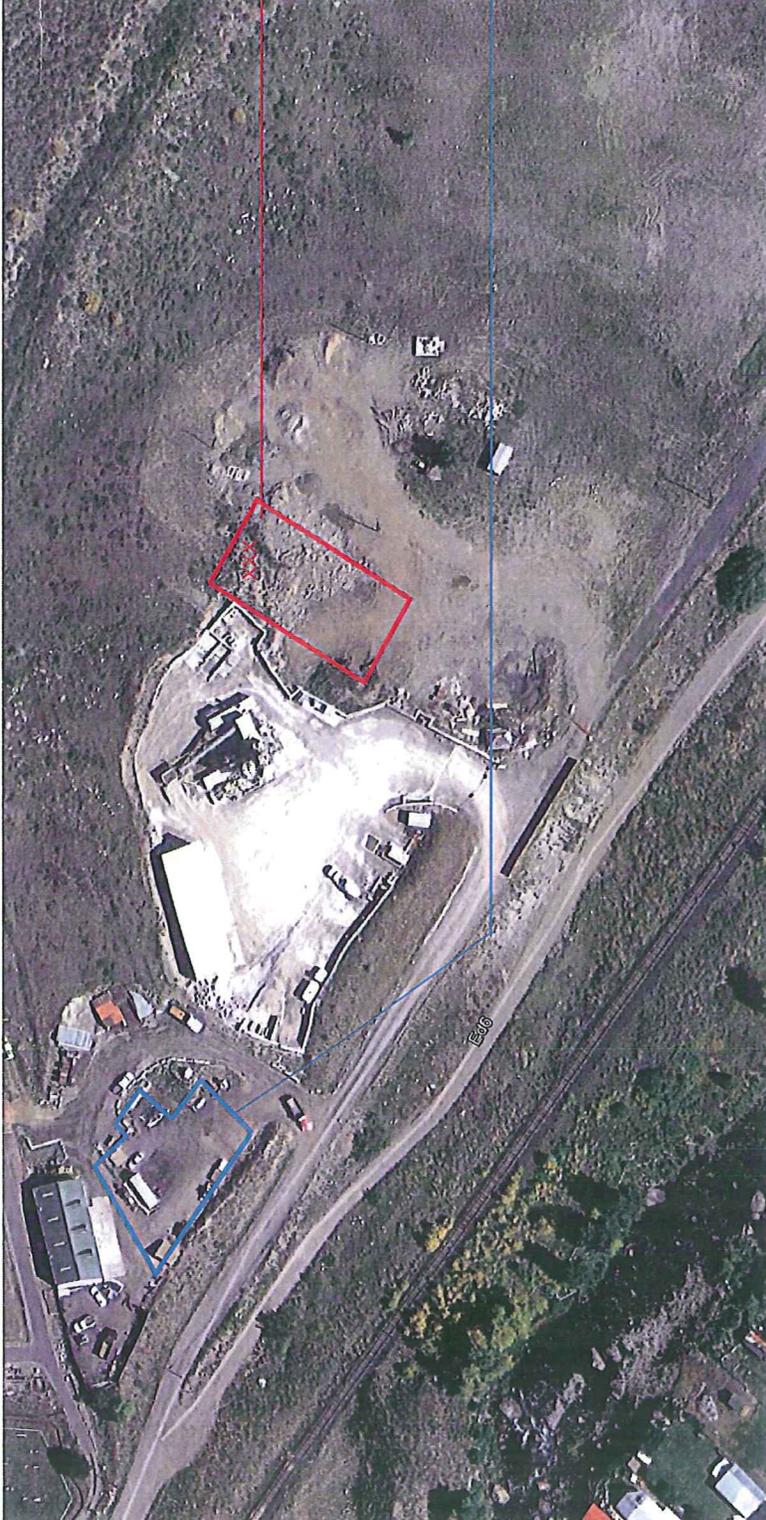
**A-Peak New Site at Rec Center Property**

A-Peak Area Dimensions:  
New Site: 120' x 80' = 9,600 sq ft

Old Site: shared with the Town of Minturn Public Works - A-Peak paid for asphalt pad at Public Works site -

size of new and old site similar size:  
120' x 80' = 9,600 sq ft

A-Peak tanks and trailer to sit in the back of the property to hide view from residential neighborhood: **XXX**



Design by:

Arnold Martinez, Public Works Supervisor  
Janet Hawkinson, Minturn Town Planner

**A-Peak New Site**

**Public Works Rec Field Site Design**

Town of Minturn  
Jim White, Town Manager



**TOWN OF MINTURN, COLORADO**  
**RESOLUTION NO. 3 – SERIES 2014**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 01-2014**

**WHEREAS**, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16.1.4 A; and

**WHEREAS**, public notice was given pursuant to Minturn Municipal Code Section 16.21.9; and

**WHEREAS**, on January 29, 2014, the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application with conditions; and

**WHEREAS**, on February 5, 2014, the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

**WHEREAS**, pursuant to Minturn Municipal Code Section 16.21.230, the Town Council makes the following findings:

- That the proposed location of the use is in accordance with the purposes of Chapter 16 of the Minturn Municipal Code, the Community Plan and the purposes of the zone in which the site is located;
- That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
- That the proposed use will comply with each of the applicable provisions of Chapter 16 of the Minturn Municipal Code.

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

**THAT** the application for a Conditional Use Permit for File No. CU 01-2014, be approved subject to the following conditions:

- Only one chiropractor, the owner Chris Davis and resident of the property 376 Pine Street, is allowed to practice in this location.
- Operating hours will be: Tuesdays, Wednesdays & Fridays from 9:00am - 6:00pm and on Thursdays from 2:00 pm - 6:00pm and Saturdays from 9:00 am - 2:00 pm. Patients will be offsite no later than 30 minutes after closing times.

- Parking must be provided on site for all patients and any staff. There are 3 spaces in the front and 2 spaces in the back of the property. The limited schedule of business hours seeks to avoid having more vehicles on the property than there are spaces and to control density and noise in the area.
- Staff is to include one office manager between the hours of 9:00 am - 5:00 pm Monday through Friday.
- Staff to include one therapist operating only on Mondays and Thursdays between 9:00am and 6:00pm and Saturdays between 9:00am and 2:00pm. The massage therapist will only have one patient visit per hour not to exceed 24 patient visits a week. Only one therapist is allowed on site at a time. Therapy offerings may include: Massage, Reiki, Educational, Kinesiology, Neuro-emotional, Homeopathic, Affirmative Prayer.
- A substitute chiropractor can be hired on an interim or temporary basis to manage the practice so that Chis Davis can take leave for: vacation, illness/injury or continuing education. The massage therapist can fill the extra time during these absences.
- Conditional use granted as long as the applicant complies with the stated conditions and has a valid Minturn Business License.
- Failure to comply with any of these conditions may result in the revocation of this conditional use permit.
- The staff will perform periodic inspections and an annual review to ensure the applicant is in compliance with the stated conditions.

**INTRODUCED, READ, APPROVED, AND ADOPTED at a regular meeting of the Town Council of the Town of Minturn held this 5th day of February, 2014.**

TOWN OF MINTURN

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By: Hawkeye Flaherty, Mayor

ATTEST

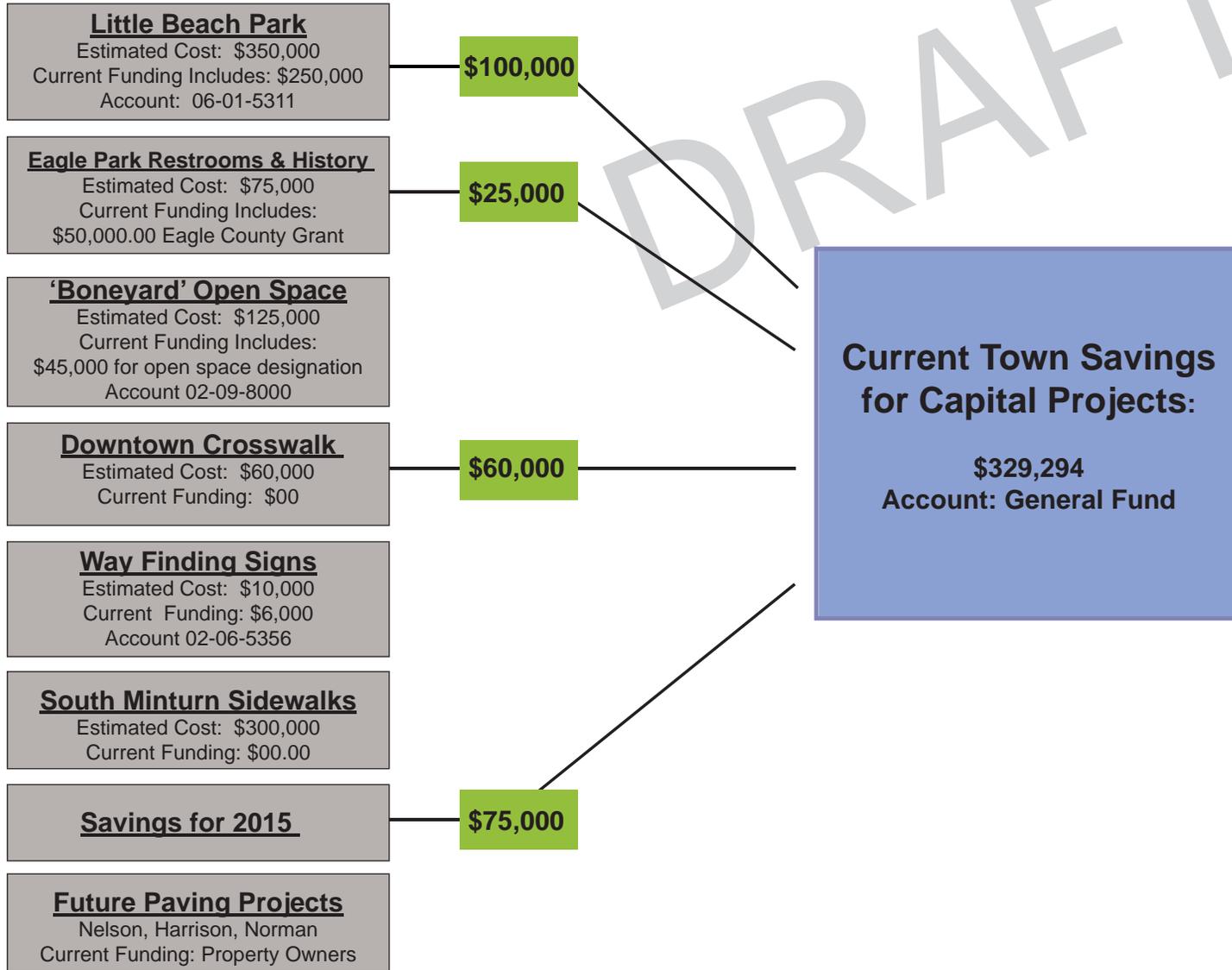
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Jay Brunvand, Town Clerk

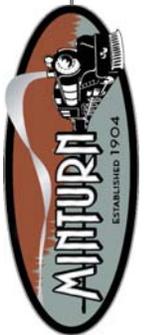
## **Planning Department Report**

1. **2014 Town Plan/Goals/Action Items** - Town Capital Improvement Projects for 2014.  
Created by the Staff of Minturn for the Town Council
  
2. As directed by Council on January 28, 2014:  
**Comprehensive Parking Plan for Taylor Street, Game Creek Character Area.**
  - Cost to obtain plat maps of properties on Taylor: \$3.50 per map. These maps do not assist in determining easement - researched and obtained better maps for free.
  - Estimate for professional survey of road.
  - Town Attorney Research of: handicap signage; speed limit & 3 way stop signs legal process to change.
  - Public Works Research: Supervisor recommends installing either removable rubber speed bumps or 'asphalt table top humps.' These two features work well with snow plowing and road maintenance. Dips are not recommended. Asphalt table top hump estimate is two 8' humps for \$4,960.00. (estimate attached for review).
  
3. As directed by Council: "Red Flag Issues"
  - Parking in South Minturn
  - Speeding throughout Town
  - Housing density
  - Shoveling of Sidewalks
  - 'Nuisance' of too many cars per property
  - Tree Pruning of Private Property Trees in Right-of-Way
  
4. As directed by Council:
  - Berm design at 'Recreation Site' next to public works
  - Trash dumpster ordinance
  - Names for the Boneyard
  
5. Grants we are Pursuing:
  - GOCO Grant Rough Draft due 2/05/2014 - \$150,000.00
  - Colorado History Grant due 3/25/2014 - \$100,000.00
  - Transportation Alternative Program - CDOT - due, not announced - \$300,000.00
  - GOCO Open Space Grant due 3/30/2014 - \$60,000.00

# 2014 ACTION ITEMS



DRAFT



**2014 Estimated Fund Balance - General Fund**

2012 Audited Carry FWD	1,272,249.00
2013 Estimated Revenue	1,607,738.00
2013 Estimated Expense	-1,690,742.00
2013 Interfund Transfers	-83,763.00
	<u>1,105,482.00</u>
Restricted Cash - TABOR	-50,771.00
Restricted Cash - Police Training	-3,000.00
Restricted Cash - 6mo Reserve	-826,262.00
	<u>225,449.00</u>

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2013 Audited Carry FWD	1,105,482.00
2014 Estimated Revenue	1,544,207.00
2014 Estimated Expense	-1,445,081.00
2014 Interfund Transfers	-56,884.00
	<u>1,147,724.00</u>
Restricted Cash - TABOR	-46,326.00
Restricted Cash - Police Training	0.00
Restricted Cash - 6mo Reserve	-772,104.00
	<u>329,294.00</u>

EST Available for Other Projects            300,000.00

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Town Council  
Mayor – Hawkeye Flaherty  
Mayor Pro Tem – George Brodin  
Council Members:  
Shelley Bellm  
Earle Bidez  
Darell Wegert  
Aggie Martinez  
John Rosenfeld

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## STAFF REPORT

### **POLICE CLERK UPDATE – LISA OSBORNE**

This week, I have been contacting local governmental/police agencies in reference to police coverage services for the Town of Minturn.

Undersheriff Mike McWilliam's will be submitting a proposal from the Eagle County Sheriff's Office (ECSO). This proposal will include the cost of police services, as well as what the plan of services would entail.

Chief Robert Ticer from the Town of Avon was contacted as well. He was receptive to the idea of submitting a proposal to the Town of Minturn in reference to police coverage services. Chief Ticer stated he needed to meet with Avon Town Manager, Virginia Egger, to discuss the matter and to obtain her approval before he could move forward with submitting a proposal. Chief Ticer had requested financial/other information in reference to the current operations here at the Minturn Police Department. This information was provided to him and will assist him in his preparation of a proposal to the Town of Minturn. Chief Ticer had noted he hoped to meet with Ms. Egger by Friday morning to discuss this matter.

Gypsum Town Manager, Jeff Shroll, was contacted this week. Mr. Shroll stated he is willing to submit a letter to Town Council and the Town Manager in reference to how well contracting police services to the ECSO works for his community. Mr. Shroll stated this arrangement works very well in the Town of Gypsum.

I attempted to contact Chief Henninger, Chief of Police with the Town of Vail. A voice message was left for him and then I contacted his assistant and was advised he is out of town until sometime next week. She recommended an email be submitted to Chief Henninger in reference to this issue/request. An email was submitted to Chief Henninger and I am awaiting a response, which may not arrive until he returns from vacation.

The Treasurer has provided spreadsheets (at the end of the staff report) regarding Minturn Police Department costs for 2013 and 2014 to date.

### **POLICE OFFICER UPDATE – JASON DONFRIS**

As a result of the January 27, 2014 Special Council Meeting, direction was given to staff to parking and trash can warnings. Below is a summarization of the warnings given:

On Wednesday, January 20, 2014, I, Officer Donfris, issued warnings to Minturn residents in reference to parking and trash can violations.

The following parking violation warnings were issued:

1. 342 Taylor Avenue (2 vehicles)
2. 386 Taylor Avenue (1 vehicle)
3. 352 Taylor Avenue (1 vehicle)

The following trash can ordinance violation warnings were issued:

1. 1 in the 200 Block of Main Street (address unknown);
2. 2 in the 700 Block of Main Street (address unknown);
3. 817 Main Street;
4. 3 in the 900 Block of Main Street (address unknown);
5. 1071 Main Street;
6. 1106 Main Street;
7. 5 in the 100 Block of Main Street (address unknown);
8. 7 in the 200 Block of Eagle Street (address unknown);
9. 2 in the 200 Block of Boulder Street (address unknown);
10. 3 in the 300 Block of Pine Street (address unknown);
11. 4 on Harrison Avenue (East side of Main Street);
12. 2 on Norman Avenue (East side of Main Street);
13. 2 on 4<sup>th</sup> Avenue (address unknown);
14. 134 Taylor Avenue;
15. 1 in the 200 Block of Taylor Avenue (address unknown);
16. 372, 382 and 386 Taylor Avenue;
17. 480 and 492 Taylor Avenue; and,
18. 530, 564 and 568 Taylor Avenue

## **PUBLIC WORKS**

Security system improvements have been made to the Public Works facility. Video monitoring as well as new locks are now secured and updated on the Police gasoline tank. We look for these steps to help curb what are believed to be possible theft issues with the Police gasoline tank.

Tributary Trail (the road to the water treatment plant) was recently widened via snow plowing. As a result, many trees, bushes and foliage were damaged. Public Works has since worked to remediate the damage and properly prune the trees.

## **TREASURER**

Per Council direction, a copy of the lawyer fees has been included at the end of this report for your review. This will provide an opportunity to review costs to date.

DESCRIPTION	ACCOUNT NUMBER	YEAR TO DATE TOTAL	2013 BUDGET	2013 SUPPLEMENTAL	2013 COMBINED	FY2012 TRIAL BAL
MUNICIPAL COURT (XX-03-XXXX)						
PAYROLL - TOWN JUDGE	01-03-5010	6,450.00	6,450.00	0.00	6,450.00	6,450.00
FICA EXPENSE	01-03-5092	493.44	495.00	0.00	495.00	493.44
SUPPLIES - OFFICE	01-03-5110	136.96	150.00	0.00	150.00	0.00
SUPPLIES - COMPUTER	01-03-5120	0.00	0.00	0.00	0.00	0.00
PURCHASE SERVICES - ATTORNEY/TRANSLATOR	01-03-5216	9,127.16	15,000.00	0.00	15,000.00	7,979.65
PURCHASE SERVICES - EQUIPMENT R&M	01-03-5217	0.00	0.00	0.00	0.00	0.00
TOTAL COURT		16,207.56	22,095.00	0.00	22,095.00	14,923.09
POLICE DEPARTMENT (XX-04-XXXX)						
PAYROLL -	01-04-5010	82,640.06	77,500.00	2,500.00	80,000.00	73,178.60
POLICE CHIEF #1						
Wage		9,928.27				
Extra Duty Wage		512.50				
Severance Wage		18,486.54				
PTO Payout Wage		9,385.20				
		<u>38,312.51</u>				
POLICE CHIEF #2						
Wage		41,875.05				
Extra Duty Wage		2,375.00				
December Bonus		600.00				
PTO Payout Wage						
		<u>44,850.05</u>				
PAYROLL - PATROL OFFICER(S) & CLERK	01-04-5012	110,599.86	147,400.00	2,240.00	149,640.00	98,967.56
MEDICAL AND DISABILITY	01-04-5091	49,423.76	76,500.00	0.00	76,500.00	50,372.60
FICA EXPENSE	01-04-5092	5,277.51	9,800.00	33.00	9,833.00	4,448.02
POLICE PENSION CONTRIBUTION	01-04-5094	14,752.76	20,950.00	0.00	20,950.00	12,361.92
FPPA D&D (NEW HIRES)	01-04-5096	0.00	0.00	0.00	0.00	0.00
SUPPLIES - OFFICE	01-04-5100	2,281.67	1,250.00	1,050.00	2,300.00	1,466.78
MEDIA NOTICE AND EMP'EE FEES	01-04-5110	612.95	0.00	575.00	575.00	0.00
SUPPLIES - COMPUTER/EQUIPMENT	01-04-5120	0.00	0.00	0.00	0.00	0.00
SUPPLIES - VEHICLE FUEL AND SUPPLIES	01-04-5130	5,183.09	5,000.00	0.00	5,000.00	4,473.80
PURCHASE SERVICES - TELEPHONE AND 911	01-04-5200	2,883.39	3,000.00	0.00	3,000.00	2,088.63
① PURCHASE SERVICES - VEHICLE R&M	01-04-5231	9,118.10	5,000.00	4,500.00	9,500.00	7,123.26
PURCHASE SERVICES - LAB FEES	01-04-5235	20.00	100.00	0.00	100.00	0.00
PURCHASE SERVICES - PRISONER UPKEEP	01-04-5239	0.00	100.00	0.00	100.00	7.50
PURCHASE SERVICES - VICTIM RESTITUTION	01-04-5240	4,410.93	0.00	4,250.00	4,250.00	1,010.00
PURCHASE SERVICES - DISPATCH SERVICES	01-04-5245	42,350.11	43,500.00	0.00	43,500.00	49,098.54
② PURCHASE SERVICES - ECO SHERIFF SRVC	01-04-5246	5,742.00	6,500.00	0.00	6,500.00	7,568.00
PURCHASE SERVICES - TRAINING & DEVELOPMENT	01-04-5265	5,707.96	3,000.00	3,500.00	6,500.00	1,789.91
PURCHASE SERVICES - UNIFORM PURCH/MAINT	01-04-5271	2,158.23	2,400.00	0.00	2,400.00	2,230.79
PURCHASE SERVICES - EQUIPMENT R&M	01-04-5291	1,344.97	2,000.00	0.00	2,000.00	1,813.19
PURCHASE SERVICES - COMPUTER R&M	01-04-5292	0.00	0.00	0.00	0.00	0.00
PURCHASE SERVICES - VEHICLE LEASE/PURCHASE	01-04-5350	0.00	0.00	0.00	0.00	0.00
PURCHASE SERVICES - EQUIPMENT LEASE/PURCHASE	01-04-5351	0.00	3,900.00	0.00	3,900.00	0.00
PURCHASE SERVICES - GRANT EXPENDITURES	01-04-5355	0.00	0.00	0.00	0.00	1,500.74
TOTAL POLICE		344,507.35	412,900.00	18,648.00	426,548.00	342,260.43

① Does not include purchase of used sedan. (Capital Expense)

② only rec. bills through september from ECOSO

2014 YTD

POLICE CHIEF #2

Wage	4,080.07
Extra Duty Wage	0.00
Holiday Pay	1,030.72
PTO Payout Wage	<u>372.67</u>
	<u><u>5,483.46</u></u>

	2013		2014	
Legal fees	2013 YTD	Budget	2014 YTD	Budget
General Legal	1,847.75	30,000.00	3,807.00	30,000.00
Court Legal	7,889.66	15,000.00	0.00	15,000.00
Estate of A. Christensen			45,000.00	0.00



TOWN OF MINTURN  
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970-827-5645 Fax: 970-827-5545  
treasurer@minturn.org

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

*MEMORANDUM*

TO: Minturn Town Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Friday, January 31, 2014  
RE: Executive Session

At the Council meeting, Council will need to convene in Executive Session with the Attorney to discuss and direct Staff regarding a number of issues. The following motion is recommended:

*“Recommended motion: “I move To convene in Executive Session To confer with the Interim Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Little Beach Park and responses to the Town Attorney Request for Proposals.*

The Mayor will announce for the record if any direction is to be given as a result of the Executive Session once the Regular Session meeting reconvenes.

Please contact me in the event you have any questions.

Thank You, Jay