



2014

Minturn Council Meeting

Wednesday February 19, 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 19, 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

- Bolts Lake update from Cliff Thompson
- Resolution 4 – Series 2014 a Resolution authorizing the Mayor to sign the settlement agreement with the Estate of Allen Christensen pg 58
- Minturn Police Department discussion – Osborne pg 49
- Discussion of Town Action Item – Hawkinson/Metteer/Martinez/Brunvand pg 44
- Resolution 5 – Series 2014 a Resolution in support of the application for a GOCO grant to be utilized at Little Beach Park pg 62
- Council Pay discussion as pertains to April 8, 2014 Election – Brunvand pg 5
- Council discussion to select interview questions and set a date to interview Attorney firms to fill the position of Minturn Town Attorney – White

- Taylor St Parking Plan and draft Ordinance - Hawkinson pg 71

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. Liquor license

- The Gourmet Cowboy, Inc Hotel/Restaurant Liquor License; 455 Main Street; Tom McNeil, Owner/Manager pg 8

4. Approval of Minutes and Action Report

- February 5, 2014 pg 35
- Action Item Report pg 44

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

6. Special Presentations

- Recreational Marijuana shops; Barbara Allen – White

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

- 7. Discussion/Action Item: Minturn Police Department discussion – Osborne Pg 47**
- 8. Discussion/Action Item: Resolution 4 – A Resolution authorizing a settlement payment in the amount of \$45,000 to the Estate of Allen C. Christensen – White Pg 56**
- 9. Discussion/Action Item: Resolution 5 – Series 2014 a Resolution in support of the application for a GOCO grant to be utilized at Little Beach Park – Hawkinson Pg 60**
- 10. Discussion/Action Item: Ordinance 5 - Series 2014 (First Reading) An Ordinance amending the Parking Plan for the Town of Minturn. – Hawkinson Pg 69**

OTHER MATTERS

- 11. Planning Department Update Pg 72**
 - Continued discussion of Town Goals - Hawkinson/Metteer/Martinez/Brunvand
 - Submitting GOCO Grant - need in-kind contributions

12. Staff Report Pg 73

13. Town Council Comments

EXECUTIVE SESSION

14. Executive Session: Executive Session, pursuant to: 1) C.R.S. §24-6-402(4)(b) - to receive legal advice on specific legal questions, regarding parking; and 2) C.R.S. §24-6-402(4)(f) - to discuss personnel matters, regarding the Town Manager – White/Mire Pg 83

FUTURE AGENDA ITEMS

15. Next Meeting – March 5, 2014

- Special Presentation – ERWSD Wastewater Master Plan
- 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
- Discussion/Action Item: Ordinance __ - Series 2014 (Second Reading) An Ordinance amending the Parking Plan for the Town of Minturn. – Hawkinson
- Discussion/Action Item: Ordinance __ - Series 2014 (First Reading) An Ordinance amending Minturn Municipal Code section 7-9-310, Protection of Wildlife

16. Future Meetings:

- Discussion/Action Item: Ordinance __ - Series 2014 (First Reading) An Ordinance amending Minturn Municipal Code section 7-9-310, Protection of Wildlife
- Vail Valley Foundation Re: 2015 World Cup funding consideration (4/2/14)
- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL Representative – White
- Marijuana update – Matt Mire

17. Set Future Meeting Dates

- a) Council Meetings:
- March 5, 2014
 - March 19, 2014
 - April 2, 2014
- b) Planning & Zoning Commission Meetings:
- February 26, 2014
 - March 26, 2014

- April 23, 2014

18. Other Dates:

- February 18, 2014 – Candidate Materials available for Town Council Elections
- March 15 & 16 Ski Joring
- April 8, 2014 – Town Council Elections

19. 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

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

MEMORANDUM

TO: Jim White, Town Manager
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Thursday, February 13, 2014
RE: 2012 Election Update

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

- The Election will be held on April 8, 2014. Most elections this year seem to be on April 1st. Our Charter Section 2.2 states the election day is the first Tuesday AFTER the first Monday. April 1 is a Tuesday, the first Tuesday after the first Monday is April 8.
- In addition to the Mayor's seat, four seats are up for election on the Council. Those current Council seats up for election are:
 - Hawkeye Flaherty – Mayor – 2 year term
 - Shelley Bellm – Council Member 4 year term
 - Earle Bidez – Council Member 4 year term
 - Aggie Martinez – Council Member 4 year term
 - Darell Wegert – Council Member 2 year term

The three Council candidates with the highest number of votes will win the four year terms, the fourth highest will win the two year term.

- As noted on the calendar, the first day nomination packets may be picked up and circulated is February 18, 2014. Packets are available in the Town Clerk office along with complete instructions.
- The candidate has 20 days to collect signatures and submit their nomination petition with signatures. Petitions are due back by 5pm on March 11, 2014.
- In the 2013 Colorado Legislative Session the election laws were changed slightly. The most noticeable change effectively did away with the Permanent Mail In Voter List. All ballots cast will be either in-person on

April 8th or the voter may apply for an Absentee Ballot whereby a ballot will be mailed to the voter.

- The Charter and the Municipal Code state that the Clerk is the Election Official and authority to appoint Election Judges is also the responsibility of the Clerk. I have begun the hunt for Election Judges and have secured two of the three so far. I anticipate no issues with the third appointment.

2) Council Pay

The Town Charter Section 4.5 does not allow the Council to increase or decrease the compensation of any member during his term. Any change to the Municipal Code is required to be done by Ordinance. Therefore, prior to the election, Staff inquires with Council if the rate should be addressed. In order to pass the Ordinance prior to the election the second reading would need to be passed no later than Tuesday April 1, 2014.

The Council is paid \$200 per month plus \$100 for any additional posted meeting attended and the Mayor is paid \$400 per month plus \$200 for any additional posted meeting.

DIRECTION REQUESTED: Is it the Council's pleasure to review or modify the Council compensation?

**TOWN OF MINTURN
REGULAR ELECTION
TUESDAY, APRIL 8, 2014**

DATE	DESCRIPTION	CRS #
01/08/14	Start of Absent Voter Applications being accepted - 90 days prior	31-10-1002(1)
02/18/14	First day nomination petitions are available and allowed to be circulated (50 days prior)	31-10-302(2)
03/10/14	Last day to mail notices for TABOR ballot issue elections	31-10-301 to 31-10-302(6) CC Art10 Sec20
03/11/14	Last day to submit a nomination petition Draw names for ballot order at 5pm	31-10-302(2)
03/11/14	Deadline for any written comments concerning TABOR issues if applicable (45 days prior)	CC Art10 Sec20
03/11/14	Town Council approved Res 3-2010 setting the Clerk as the Election Official and giving authority to appoint election judges. (must be done at least 15 days prior to the election) ORDER BALLOTS!!!!!!!	31-10-401 to 31-10-405
03/11/14	Town Clerk to deliver, in person, all new registrations to County Clerk	31-10-204
03/17/14	Last day a person can move into a municipality and become a resident for the purposes of voting in the April election. (30 days prior)	31-10-201(b)
03/17/14	Last day voters may register to change address at Municipal Clerk's office (must have resided in Town 30 days prior to election)	31-10-203(2)
03/17/14	last day a candidate may withdraw from Election Last day to cure a petition FCPA reports due	
03/21/14	If no other issues are on the ballot and only one person is running for each seat, the Clerk may cancel the election and declare the candidate elected upon a resolution by the board, requires an existing ordinance and special publication and posting requirements	31-10-306 31-10-507
03/24/14	SEND ELECTION NOTICE TO PAPER FOR PUBLICATION	31-10-401
03/24/14	First day any registered elector may vote by absentee ballot (15 days prior)	31-10-1002,1005
03/28/14	Last day to post polling place signs (at least 10 days prior)	31-10-501
03/28/14	Sample and official ballots must be available (order these on 3/09/10)	31-10-902
03/28/14	Mail out absent voter ballots with in 72 hours	31-10-1002
03/28/14	Absent voting begins (set up in my office upstairs)	
03/28/14	Polling place must be posted	31-10-501
03/28/14	Notice of election must be posted in Clerk's office	31-10-501
03/31/14	Last day to publish Notice of Election in one newspaper having general circulation in municipality; also post a copy in Clerks office too. HAVE TO PAPER ON 3/19/12 TO ALLOW TIME TO HAVE PUBLISHED	31-10-501(1) 31-10-501(2)
04/03/14	Last day County Clerk to provide certified voter registration list to Muni. Clerks	31-10-205
04/04/14	Filings of contributions/expense reports by candidate committees and issue committees subject to the FCPA are due today (if applicable)	
04/04/14	Last day to apply for absent voter ballot or walk-in voting	31-10-1002 31-10-1004
04/04/14	Delivery of ballots, ballot boxes, supplies and registration lists to Head Judge after 5pm (work with Bev on this)	31-10-904
04/08/14	ELECTION DAY - POLLS OPEN AT 7AM AND CLOSE AT 7PM	
04/08/14	Last day to file affidavit of change of address with County Clerk	31-10-208
04/15/14	Preferred Day to canvass election returns and prepare abstracts	31-10-1201
04/16/14	SWEAR IN NEW COUNCIL AT COUNCIL MEETING	
04/16/14	Election results reported to Council at Regular Council Meeting	
04/25/14	Last possible day a person may contest the election with the Clerk of the District Court. (within 10 days of votes being canvassed)	31-10-1301
04/27/14	Last day to contest if recount is conducted	
05/07/14	FCPA contribution/expense report filing due (if applicable)	



TOWN OF MINTURN
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treasurer@minturn.org

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

MEMORANDUM

To: Mayor and Town Council
CC: Jim White, Town Manager
Date: 2/14/14 10:40 AM
RE: Liquor License Hearing

During the February 19th Council meeting you will consider a Hotel Restaurant liquor license application for the Gourmet Cowboy Bar Inc located at 455A Main St. This liquor license is a new license as, through an oversight at the Gourmet Cowboy, the license was allowed to expire and the grace period expired as well.

- My office received the application on January 9, 2014. State statutes require this application to be held for 30 days minimum prior to a public hearing. The hearing tonight gives us 41 days.
- Public Notice for the hearing was published in the Vail Daily on February 5, 2014 with appropriate time to cover the publishing requirements of at least 10 days.
- The physical property was posted on February 7, 2014 with a sign not less than 10 days prior to the hearing giving the proper site notice.
- As of this writing I have received no letters regarding the proposal either pro or con. In the event letters are received I will have them at your seats for the Council Meeting.
- A background check was performed on Tom McNeill as the owner/manager and no issues of concern were found. Fingerprints were taken and submitted to the Colorado Bureau of Investigation as required by the State Liquor Code. This report has not been completed and Staff recommends a clean report be received as a condition of approval. Staff is comfortable with approving the license and following up on this condition when the report is received.

The license being requested is to allow the sale of Malt, Vinous, and Spirituous alcohol for consumption on sight by the glass.

Currently the Town of Minturn has one Hotel Restaurant across the street, a 3.2 (Shop and Hop) located approximately 1 block north, 1 liquor store and three Hotel Restaurant

licenses located within a radius of several blocks both to the North of the proposed license. This site has also held a Hotel/Restaurant license for many years.

Following is the process that we use for a Liquor License Public Hearing. Staff recommends the Council use the following agenda in order to best accomplish all the items required by State Law.

1. Open the Liquor License Authority
2. Open the Public Hearing and Roll Call
3. Announce the application and introduce the Town staff members who will handle the staff presentation for the record. This will be Jay Brunvand; Tom McNeill is the applicant and owner/manager.
4. The Town Treasurer will present the case as it stands and present any letters from the citizens, pro or con, for the official record.
5. Allow the applicant time to present, clarify, and comment.
6. Call for anyone present wishing to address the Liquor Authority with regards to the proposed license application. The concerned citizen must state their name and address for the official record.
7. Close the public hearing
8. Allow the Authority time to discuss and clarify as needed.
9. Motion and Vote

Staff is recommending approval of the license application. The recommended motion would be:

"I move to approve the Hotel/Restaurant liquor license application for The Gourmet Cowboy Bar Inc, Tom McNeill, Owner/Manager as presented with the following conditions:

- As a minimum the licensee, manager and a server be server trained by an authority such as T.I.P.S and that a certified server be on duty at all times while alcoholic beverages are served. This condition is recommended to be met prior to opening and updated as needed with documentation provided to the Minturn Police Dept.
- That the Liquor Authority emphasizes the requirement of operating an orderly establishment.
- That the fingerprints are returned with no material issues.

Please contact me if you have any questions, jay.

**TOWN OF MINTURN
LIQUOR LICENSING AUTHORITY**

Follow-up findings and report for application of a Hotel and Restaurant Liquor License.

Owner Name and Address: The Gourmet Cowboy LLC, P. O. Box 3998 Vail, Co 81658

Establishment Name and Address: The Gourmet Cowboy LLC, 455 Main St Minturn, CO 81645

TO THE ABOVE APPLICANT AND OTHER INTERESTED PARTIES;

Pursuant to Colorado Revised Statutes, 12-47-312(1), the applicant is hereby advised that with regard to the application for a Hotel and Restaurant Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

That the application was filed on January 9, 2014 in the Town Treasurer's office and a public hearing has been scheduled for Wednesday February 19, 2014. In accordance with C.R.S. 12-47-311(1) the Town must hold the application for not less than 30 days; this hearing date represents 41 days.

That the premises being considered has previously operated with a liquor license. This location will be a new Hotel and Restaurant licenses as opposed to a transfer of an existing license due to the fact no existing license is in force. The license previously held at this address and by this applicant was allowed to expire by oversight.

That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Friday January 7, 2014, at least 10 days prior to the hearing, and that the publication of the hearing was published in a newspaper of general circulation on January 5, 2014 at least 10 days prior to the Public Hearing.

That from the evidence submitted the applicant is leasing the premises where the proposed liquor license will be utilized from 5-76-99 Holdings, LLC., and that 5-76-99 Holdings, LLC. is the lawful owner of the premises. This lease expires on December 31, 2016

That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Minturn Municipal Building Code – Chapter 16. This section states that for a Commercial Use less than 2,500 sqft is a use by right. This establishment is leasing approximately 3,103 sqft. and that the Minturn Planning Department has confirmed this operation will not require a Conditional Use and has sufficient parking as per Minturn Code.

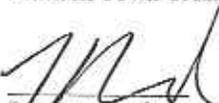
That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the building where the applicant proposes to exercise the privilege of selling liquor at retail does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

That Minturn Police Department has conducted a background investigation on Thomas Edgar McNeill, the owner and manager of The Gourmet Cowboy and has found no conditions which would cause concern.

The public hearing on this application will be held on Wednesday, February 19, 2014 at 6:30m in the Council Chambers of the Minturn Community Center, 302 Pine St, Minturn, CO. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to this application, including all matters set forth herein.

The applicant is advised and encouraged to read a copy of the State of Colorado Liquor and Beer Codes and Regulations.

Local Liquor Licensing Authority
Minturn Town Treasurer


Jay Brunvand

Dated this 14 day of February 2014.

**COLORADO LIQUOR
 RETAIL LICENSE APPLICATION**

NEW LICENSE TRANSFER OF OWNERSHIP LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE \$ 1250
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

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

2. Applicant, if an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation
 The Gourmet Cowboy
 Fein Number: [REDACTED]

2a. Trade Name of Establishment (DBA)
 The Gourmet Cowboy Bar Inc.
 State Sales Tax No. [REDACTED]
 Business Telephone: 970-748-6898

3. Address of Premises (specify exact location of premises)
 455 Main Street, Suite A

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

4. Mailing Address (Number and Street)
 PO Box 3998
 City or Town: Vail State: CO ZIP Code: 81658

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

Present Trade Name of Establishment (DBA) Present State License No. Present Class of License Present Expiration Date

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES		
2300	<input checked="" type="checkbox"/>	Application Fee for New License	1985	<input type="checkbox"/>	Resort Complex License (City)	\$1,025.00	\$500.00
2302	<input type="checkbox"/>	Application Fee for New License - w/Concurrent Review	1986	<input type="checkbox"/>	Resort Complex License (County)	\$1,125.00	\$500.00
2310	<input type="checkbox"/>	Application Fee for Transfer	1988	<input type="checkbox"/>	Add Related Facility to Resort Complex ... \$ 75.00 X	\$1,025.00	Total
			1990	<input type="checkbox"/>	Club License (City)		\$308.75
			1991	<input type="checkbox"/>	Club License (County)		\$308.75
			2010	<input type="checkbox"/>	Tavern License (City)		\$500.00
			2011	<input type="checkbox"/>	Tavern License (County)		\$500.00
			2012	<input type="checkbox"/>	Manager Registration - Tavern		\$ 75.00
			2020	<input type="checkbox"/>	Arts License (City)		\$308.75
			2021	<input type="checkbox"/>	Arts License (County)		\$308.75
			2030	<input type="checkbox"/>	Racetrack License (City)		\$500.00
			2031	<input type="checkbox"/>	Racetrack License (County)		\$500.00
			2040	<input type="checkbox"/>	Optional Premises License (City)		\$500.00
			2041	<input type="checkbox"/>	Optional Premises License (County)		\$500.00
			2045	<input type="checkbox"/>	Vintners Restaurant License (City)		\$750.00
			2048	<input type="checkbox"/>	Vintners Restaurant License (County)		\$750.00
			2220	<input type="checkbox"/>	Add Optional Premises to H & H		\$100.00 X Total
			2370	<input type="checkbox"/>	Master File Location Fee		\$ 25.00 X Total
			2375	<input type="checkbox"/>	Master File Background		\$250.00 X Total

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

LIABILITY INFORMATION

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

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filling all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee Identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- n/a* C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - Identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license. *N/A*
- D. List of all notes and loans. *attached*

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer") *see attached*

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife. *N/A*

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement. *N/A*
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

working w/ municipal PD to schedule & mail

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

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

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

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

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

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail) 12/31/16

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

Landlord 5-76-99 Holdings, LLC	Tenant The Gourmet Cowboy	Expires 4/30/16
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Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

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

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
N/A			

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

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No
 Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

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

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

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

17a. Name of Manager (for all on-premises applicants) Thomas McNeill (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I)). Date of Birth 9-3-53

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

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

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Thomas McNeill	634 Deer Blvd, Eagle-Vail, CO	9-3-53	Owner	100%

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

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

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

OATH OF APPLICANT

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

Authorized Signature 	Title Owner/President	Date 1-8-2014
---	--------------------------	------------------

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

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

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-1 (Individual History Record) has:
- | | |
|---|-------------------------------------|
| Yes | No |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Been fingerprinted | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- (Check One)
 Date of Inspection or Anticipated Date 1/29/14
 Upon approval of state licensing authority.

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

Local Licensing Authority for <u>TOWN OF MINTURN</u>	Telephone Number <u>970-827-5645</u>	<input checked="" type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

**CORPORATION, LIMITED LIABILITY
 COMPANY AND PARTNERSHIP
 Liquor and 3.2 Beer Licenses**

(2355) LLC/PARTNERSHIP
 (2350) CORPORATION

SEE INSTRUCTIONS AND
 FEE SCHEDULE ON PAGE 2

1. Corporate/L.L.C./Partnership Name The Gourmet Cowboy		2. State Tax Account Number 01814498-0002		3. State Liquor License Number	
4. Trade Name				5. Telephone Number 970-748-6898	
6. Address of Licensed Premises 455 Main Street		City Minturn	State CO	ZIP Code 81645	
7. Mailing Address if different than above PO Box 3998		City Vail	State CO	ZIP Code 81658	
8. LIST ALL officers, directors (corporation) or Managing Members (L.L.C.) or General Partner(s). Each Officer, Director, Managing Member or Partner MUST FILL OUT a DR 8404-I (Individual History Record).					
Position Held	Names	Home Address	DOB	Replaces	
President	Thomas McNeill	PO Box 1003, Vail, CO 81658	9-3-53	N/A	
9. LIST ALL 10% (or more) Stockholders or 10% (or more) Members or 10% (or more) Limited Partners. Each person listed Must Fill out a DR 8404-I (Individual History Record)					
Stockholders/Members/Partners owning 10% (or more) of business	% Owned	Home Address	DOB	Replaces	
Thomas McNeill	100%	PO Box 1003, Vail, CO 81658	9-3-53	N/A	
10. Registered Agent Thomas McNeill		Address For Service PO Box 3998, Vail, CO 81658			
OATH OF APPLICANT					
<i>I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.</i>					
11. Authorized Signature 		Title Owner/President		Date 1-8-2014	
REPORT OF LOCAL LICENSING AUTHORITY					
The foregoing changes have been received and examined by the Local Licensing Authority.					
12. Local Licensing Authority For TOWN OF MINTURN					
Signature		Title		Date	
Attest				Date	
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY					
LIABILITY INFORMATION					
License Account Number	Period	Cash Fund	TOTAL		
		-100 (999)			

INSTRUCTIONS

CORPORATION, LIMITED LIABILITY COMPANY OR PARTNERSHIP REPORT of CHANGES

NOTE: ENCLOSE A CHECK PAYABLE TO THE AUTHORITY WHERE THIS APPLICATION WILL BE FILED FOR \$100.00 FOR EACH PERSON LISTED IN SECTIONS 8 AND 9 ON THE APPLICATION. MASTERFILE APPLICANTS MUST INCLUDE A FEE OF \$250.00 FOR EACH PERSON LISTED PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE. (Application filed directly to the state)

NOTE: If you are a Limited Liability Company (LLC), or a Partnership (Limited, General, or Husband and Wife) check box 2355. For Corporations check box 2350.

Attach the following supporting documents to the Report of Changes Application:

- Certificate of Incorporation (or) Date stamped Articles or, Partnership Agreement (Limited and General Partnerships)
- Certificate of Good Standing dated within the last two years
- Certificate of Authority (only if a foreign corporation)
- Copies of minutes of meetings by the Corporation, Limited Liability Company or Partnership supporting the changes reflected on the front of this application. This includes letters of resignation, or appointment of any officers, or directors of a Corporation, or any managing member or members of a Limited Liability Company, or any general or limited partner in a Partnership (including husband and wife partnerships).
- NOTE: If the Licensee as listed on Line 1 has a sole stockholder that is a Corporation, or LLC, or Partnership, attach a letter designating one officer, or managing member or the general partner to be the "principal person" for the applicant. This person MUST ALSO fill out a DR8404-I (Individual History Record) and submit fingerprints for background investigation.

This application and all supporting documents must FIRST BE FILED WITH, AND APPROVED BY, THE LOCAL LICENSING AUTHORITY (CITY, TOWN, COUNTY). Applications will not be accepted unless all applicable questions are fully answered, all supporting documents correspond exactly with the name of the applicant.

1. List the name of the Corporation or Limited Liability Company or Partnership
2. List the State Sales Tax Number.
3. List the Applicant's State Liquor License Number.
4. List the Trade name of the business.
5. List the area code and telephone number of the business.
6. List the complete address, City, State and Zip Code, of the licensed premises.
7. List your mailing address if different than number 6 above.
8. List all officers, directors of a corporation, or all managing members of the LLC, or General Partners of Limited or General Partnerships. List the person's Position, Home Address, Date of Birth and the name of the person being replaced (if applicable).
9. List all 10% (or more) stockholders or members or Partners, and indicate ownership percentage, Home Address, Date of Birth, and the name of the person they purchased ownership interest from (if applicable).
10. List the name and address for service of the Registered Agent.
11. A person authorized to sign on behalf of the Applicant must sign the application, list their title, and the date the application was signed.
12. To be filled out by the local licensing authority only. List the name of the authority and indicate if the authority is a county, town/city. Then sign the application, list your title and attest the city/county officials signature and date the application.

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.				
1. Name of Business The Gourmet Cowboy				
2. Your Full Name (last, first, middle) McNeill, Thomas Edgar			3. List any other names you have used.	
4. Mailing address (if different from residence) PO Box 1003, Vail, CO 81658				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current 634 Deer Blvd, East Half		Eagle-Vail, CO 81620	June 2013	Present
Previous 634 Deer Blvd, West Half		Eagle-Vail, CO 81620	Sept 2007	June 2013
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Self Employed, The Gourmet Cowb	PO Box 3998, Vail, CO 81658	Owner/President	11/2001	present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Held Colorado Liquor License at Gourmet Cowboy Bar, 455 Main Street, Minturn, Co				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

DUI - October 31, 2004 - Not pending

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.
The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth 9-3-53		b. Social Security Number SSN ██████████		c. Place of Birth Philadelphia, PA		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 6'	m. Weight 200	n. Hair Color Grey	o. Eye Color Blue	p. Sex Male	q. Race White	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ██████████	

14. Financial Information.

a. Total purchase price \$ 0 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ N/A

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 235,000

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

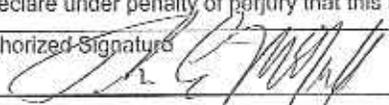
Type: Cash, Services or Equipment	Source	Amount
China, Glass, Silverware & Linens	Revenue from Business	\$100,000
Display & Smallwares	Revenue from Business	\$70,000
Vehicles	Revenue from Business	\$65,000

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Title Owner/President	Date 1-8-2014
---	--------------------------	------------------

DR 0140 (02/16/11)
 DEPARTMENT OF REVENUE
 DENVER CO 80281-0013

STATE CNTY/MTS CITY
 COLORADO EAGLE MINTURN

Must collect
 taxes for:
**SALES TAX
 LICENSE**

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION					ISSUE DATE			LICENSE VALID TO DECEMBER 31
	county	city	industry	type	liability date	month	day	year	
01814498-0002	44	0030-011	C	100102	Dec	10	13	2015	

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION
 IN A CONSPICUOUS PLACE: GOURMET COWBOY BAR THE
 455 MAIN ST MINTURN CO 81645

**THIS LICENSE IS NOT
 TRANSFERABLE**



GOURMET COWBOY INC THE
 PO BOX 3998
 VAIL CO 81658-3998

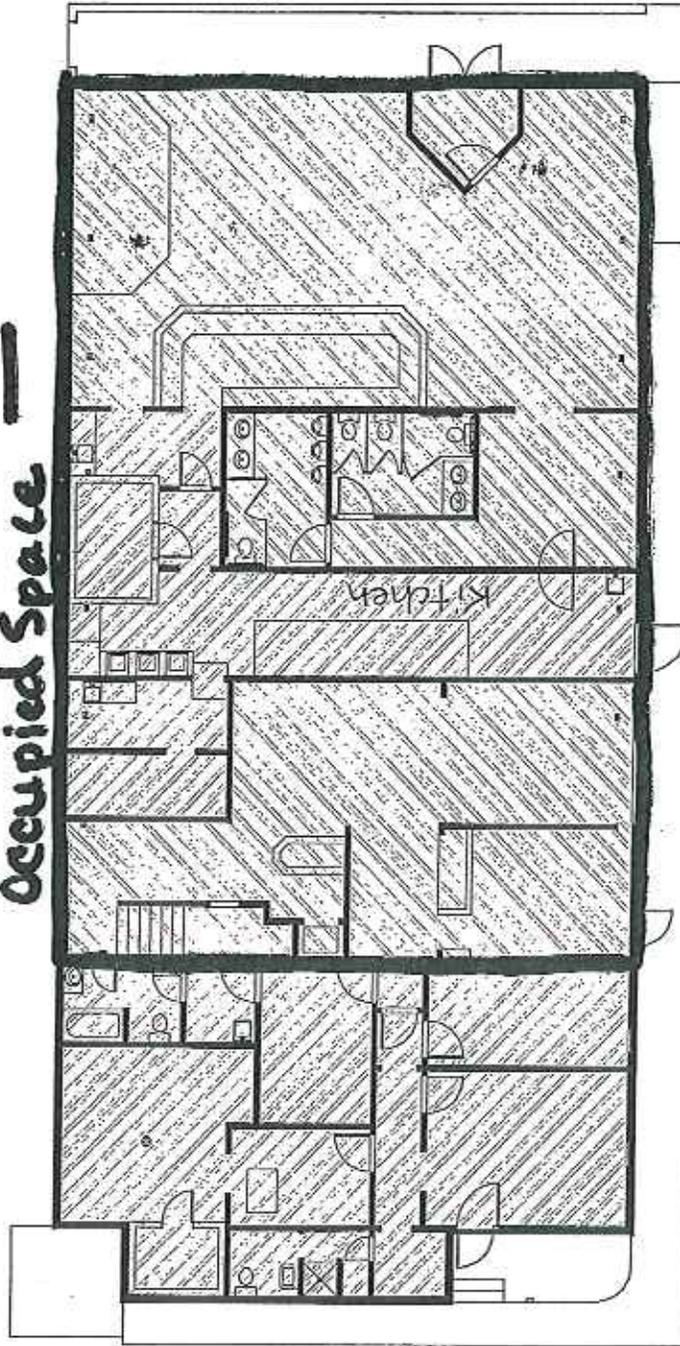
Barbara J. Brooke

Executive Director
 Department of Revenue



VAG inc
architects and planners

Occupied Space



Approx. Area
1,230 Sq. Ft.

Approx. Area
943 Sq. Ft.

Approx. Area
760 Sq. Ft.

Approx. Area
1,751 Sq. Ft.

Square Footage Summary

All Figures Approximate

Total Gross sq. ft.

Main level floor plan = 4,684 sq. ft.

Upper level floor plan = 624 sq. ft.

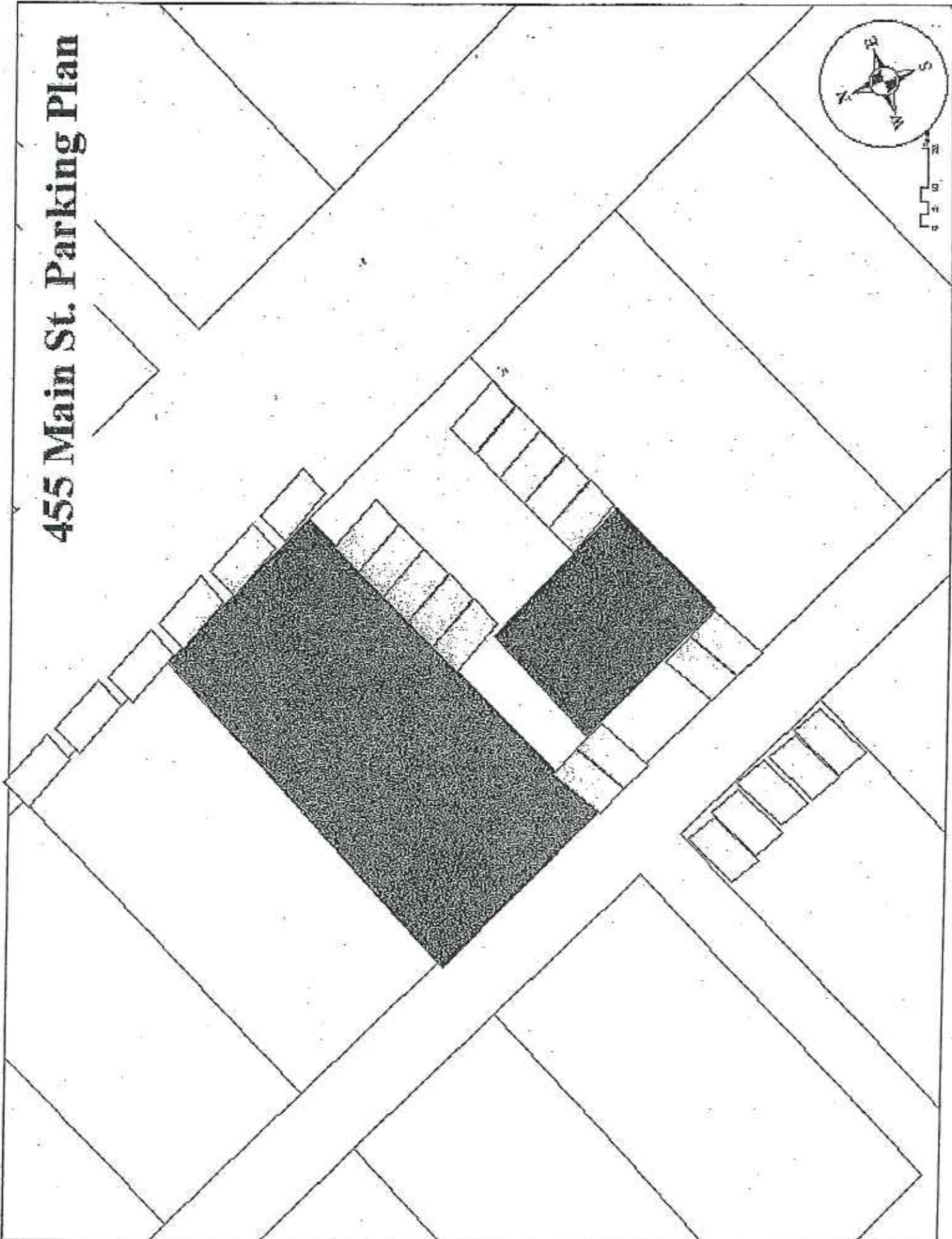
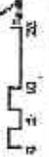
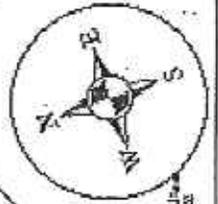
Loft level floor plan = 80 sq. ft.

Total = 5,388 sq. ft.

**455 Main Street
Minturn, Colorado**

© 1988 VAG inc architects + planners

455 Main St. Parking Plan



455 MAIN ST.
BUILDING LEASE

PART I

BASIC LEASE TERM SHEET

LEASE DATE: March 1, 2006

LANDLORD: 5-76-99 HOLDINGS, LLC, a Colorado limited liability company

TENANT: The Gourmet Cowboy
Address: PO Box 3998
Facsimile: 970.845.0750

LANDLORD'S REPRESENTATIVE: Richard S. Wilcox III, 5-76-99 HOLDINGS, LLC
Address: PO Box 1336, Palmer Lake, CO 80133
Facsimile (719) 481-4614

PREMISES: The real property (the "Property") described as: Lot 7 and 8, Bauldauf's addition of the City of Minturn, Eagle County, Colorado, USA, together with the building (the "Building") located on the Property. The "Building" consists of 5,303 rentable square feet. Furthermore the Leased premises shall be described as Suite A and consist of 3,103 rentable square feet. SEE PART III EXHIBITS, EXHIBIT C
Address: 455 Main Street, Suite #A, Minturn, CO

LEASE COMMENCEMENT DATE: Rent commencement will begin on ~~May~~ ^{June} 1, 2006, the date of delivery of the Leased Premises to Tenant vacant and in broom clean condition ("Lease Commencement Date"). Provided, however, in no event shall the Landlord deliver the Premises to Tenant later than ~~May~~ ^{June} 1, 2006. This Lease is contingent upon the Tenant diligently securing all necessary permits from the various agencies to construct and operate Tenant's business on or before the Lease Commencement Date. In the event Landlord shall fail to deliver the Premises to Tenant ~~on~~ ^{by} May 1, 2006 or Tenant shall fail to obtain the necessary permits to construct and operate Tenant's business by the Lease Commencement Date, this Lease shall terminate, all things of value given to Landlord by Tenant shall be returned to Tenant, and the parties shall be relieved of all further obligations to one another. In such event, Tenant shall return any drawings, plans and financial information provided to Tenant by Landlord to Landlord's representative.

LEASE TERM: Five (5) years, commencing on the Lease Commencement Date and expiring on the Lease Expiration Date.

LEASE EXPIRATION: April 30, 2011

BASE RENT: For the first Rent Year, the Base Rent shall be \$15.47 multiplied by Three Thousand One Hundred Three (3,103) square feet of Building Rentable Area. The Gourmet Cowboy agrees to pay rent in the amount of \$4,000.00 (Four Thousand Dollars and Zero Cents) per month for the first 12 months of the Lease. This amount shall include Base Rent and CAM and shall be capped at \$4,000.00 per month, \$48,000.00 for the year. In year two through five of the Lease Term the lease shall convert to a standard triple net lease (NNN). Year Two shall be at \$11.80/square foot Base Rent. Years 3-5 shall have \$.75 per year increases in Base Rent. For purposes of this Lease, each twelve (12) month period from the Lease Commencement Date or any anniversary thereof until the next succeeding anniversary of the Lease Commencement Date shall be referred to individually as a "Rent Year", and some or all five (5) of those periods collectively shall be referred to as "Rent Years." SEE PART III EXHIBITS, EXHIBIT B.

All Base Rent for each Rent Year as described above shall be payable in advance, in equal monthly installments on the tenth (10th) day of each calendar month during that Rent Year, provided that if any Rent Year includes partial calendar months, the installment due for any partial calendar month shall be pro-rated and shall be payable on the first day of that partial calendar month.

CAM RENT: For the first Rent Year, the tenant will pay a flat fee that includes both Base Rent and CAM Rent. Beginning in Rent Year Two the tenant will pay CAM Rent equal to their share of the operating costs of the "Building." The amount of CAM Rent paid will be in accordance with Part II, Paragraph 4, Operating Expenses of this Lease.

BUILDING RENTABLE AREA: The Building Rentable Area is 5,308 square feet. The Tenant shall occupy Suite "A" which consists of 3,103 rentable square feet. Within thirty (30) days after the date that Landlord delivers the Premises to Tenant, Tenant shall have the right to have its architect measure the Building Rentable Area, which measurements shall be taken from the outside of the exterior walls of the Building. Unless Tenant objects to the measurement of the Building Rentable Area stated above within said thirty (30) day period, the measurement stated above shall be final and shall be used to calculate Base Rent and any other term of this Lease that is based on the Building Rentable Area. In the event Tenant timely objects to Landlord's determination of the Building Rentable Area, the parties shall in good faith attempt to resolve such dispute within thirty (30) days after Tenant's objection. In the event the parties are unable to resolve the dispute within said thirty (30) day period, this Lease shall terminate.

SECURITY DEPOSIT: \$6,000.00 (One and one half months Base Rent) *check # 34162*

OPTION(S): Landlord grants to Tenant two (2) options to extend the term of this Lease for a period of three (3) years each, as set forth in Part II, Paragraph 25.

Handwritten signature and initials

OPTION TO
TERMINATE:

Landlord grants to Tenant the option to terminate this Lease under the conditions set forth in Part II, Paragraph 26

TENANT FINISH:

The Tenant shall pay for any and all Tenant Finish that is required in Suite "A", 455 Main Street, Minturn, CO 81645. Tenant shall have permission to enter the Leased premises for the purposes of completing the Tenant finish prior to the Lease Commencement Date. The tenant shall pay no rent during this period.

GUARANTORS:



Tom McNeil, The Gourmet Cowboy

THIS BASIC LEASE TERM SHEET, together with the General Provisions in Part II and any Exhibits as Part III, all constitute the entire lease between Tenant and Landlord for the Premises, made and entered into as of the Lease Date.

Tenant's Initials



Landlord's Initials

3rd AMENDMENT & EXTENSION AGREEMENT

This Amendment Agreement is made and entered into this 1st day of January, 2013, between 5-76-99 Holdings LLC ("Landlord") and The Gourmet Cowboy ("Tenant"), and revises and extends that certain Lease Agreement dated March 1, 2006 for the demise of a certain premises describes as 455 Main Street, Suite "A", Minturn, Colorado 81645 ("Premises").

In the event of any conflict between the term of this Amendment & Extension Agreement and the terms of the Lease Agreement dated March 1, 2006, the terms of this Amendment & Extension Agreement shall control. Except as expressly or necessarily modified hereby, the terms of the Lease Agreement dated March 1, 2006 are reaffirmed and ratified.

1. The Lease Term shall be extended 36 months and continue through December 31, 2016.
2. Beginning January 1, 2014 and continuing through December 31, 2014 the Tenant shall remit to the Landlord a base lease payment according to the following schedule:

January	\$ 3,200.00
February	\$ 5,200.00
March	\$ 5,200.00
April	\$ 2,200.00
May	\$ 5,200.00
June	\$ 5,200.00
July	\$ 5,200.00
August	\$ 5,200.00
September	\$ 5,700.00
October	\$ 4,700.00
November	\$ 2,200.00
December	\$ 2,200.00
2014 Total	\$ 51,400.00

3. Beginning January 1, 2015 and continuing through December 31, 2015 the Tenant shall remit to the Landlord a base lease payment according to the following schedule:

January	\$ 3,200.00
February	\$ 5,200.00
March	\$ 5,200.00
April	\$ 2,200.00
May	\$ 5,200.00
June	\$ 5,200.00
July	\$ 5,200.00
August	\$ 5,200.00
September	\$ 5,700.00
October	\$ 4,700.00
November	\$ 2,200.00
December	\$ 2,200.00

2015 Total \$ 51,400.00

4. Beginning January 1, 2016 and continuing through December 31, 2016 the Tenant shall remit to the Landlord a base lease payment according to the following schedule:

January	\$ 3,200.00
February	\$ 5,200.00
March	\$ 5,200.00
April	\$ 2,200.00
May	\$ 5,200.00
June	\$ 5,200.00
July	\$ 5,200.00
August	\$ 5,200.00
September	\$ 5,700.00
October	\$ 4,700.00
November	\$ 2,200.00
December	\$ 2,200.00

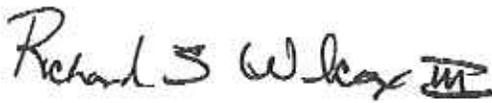
2016 Total \$ 51,400.00

5. If the gross income for the Tenant exceeds \$600,000.00 per annum, Tenant agrees to pay Landlord Additional Rent equal to 5% of all gross income above \$600,000.00.
6. Tenant agrees to pay all building utilities.
7. All other terms and conditions of the original Lease Agreement dated March 1, 2006 shall remain the same.
8. Signatures:

Signed and Dated to this 4 th day of February, 2014.



Tom McNeil, President
The Gourmet Cowboy, PO Box 3998, Vail, CO



Richard S. Wilcox III, General Manager
5-76-99 Holdings LLC



STATE OF COLORADO

DEPARTMENT OF STATE CERTIFICATE

I, *DONETTA DAVIDSON*, SECRETARY OF STATE OF THE STATE OF
 COLORADO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF
 THIS OFFICE,

THE GORMET COWBOY, INC.
 (COLORADO CORPORATION)

BECAME INCORPORATED UPON FILING ARTICLES OF INCORPORATION
 DATED September 10, 2001.

DATED: September 10, 2001

Donetta Davidson

SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

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

THE GOURMET COWBOY, INC.

is a **Corporation** formed or registered on 09/10/2001 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20011176165.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/07/2014 that have been posted, and by documents delivered to this office electronically through 01/08/2014 @ 11:29:12.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 01/08/2014 @ 11:29:12 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8730753.



A handwritten signature in cursive script, appearing to read 'Scott Gessler', is written over a horizontal line.

Secretary of State of the State of Colorado

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

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

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



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

TO: Town Of Minturn Liquor Control Board
FROM: Justin Donfris,
Minturn Police Department
SUBJECT: Liquor License Renewal Application for the Gourmet Cowboy
DATE: January 30, 2014

Please be advised the Minturn Police Department has reviewed the referenced Liquor License Renewal Application and has conducted the required investigation.

During the premises inspection on Friday, January 24, 2014, there were no issues.

In addition, during the previous licensing period, the Minturn Police Department did not respond to any calls/violations at the Gourmet Cowboy establishment at 455 Main Street, Minturn, Colorado.

The Department has also conducted a background investigation and did not find any issues.

The owner/management of this Minturn establishment continues to be cooperative with the Minturn Police Department and does not hesitate to contact us with any questions or concerns.

The owner of the Gourmet Cowboy was not able to come into the Department for fingerprints until Thursday, January 30, 2014.

In conclusion, there was not any information obtained by the Minturn Police Department that would prevent approval of this Liquor License Renewal.

cc: File

Inspection Report

License Number			Date of Report 01-24-14		
Name TOM MCNEILL			Time In/Out 16:09 / 16:18		
Trade Name GOURMET COWBOY			Manager TOM MCNEILL		
Address 455 MAIN ST			License Type LIQUOR		
City MINTURN	State CO	Zip 81645	Telephone (970) 748-6898		
Yes	No	N/A	Item	Comment	
	<input checked="" type="checkbox"/>		Valid State Liquor License Posted	EXPIRED / LAPSED	
<input checked="" type="checkbox"/>			Valid State Sales Tax License Posted		
<input checked="" type="checkbox"/>			Valid Local License Posted		
		<input checked="" type="checkbox"/>	Valid Federal Tax Stamp Posted	NOT REQUIRED - SB	
<input checked="" type="checkbox"/>			Valid Food Service License Posted		
<input checked="" type="checkbox"/>			Minor Warning Sign Posted		
<input checked="" type="checkbox"/>			Meals or Snacks Available		
<input checked="" type="checkbox"/>			Cleanliness is Adequate		
<input checked="" type="checkbox"/>			Books and Invoices Available	STORED IN SARAH BIGGS OFFICE	
<input checked="" type="checkbox"/>			Beer Stock Acceptable		
<input checked="" type="checkbox"/>			Wine Stock Acceptable		
<input checked="" type="checkbox"/>			Liquor Stock Acceptable		
<input checked="" type="checkbox"/>			Alcohol Purchased From Permitted Sources		
		<input checked="" type="checkbox"/>	Compliance with Gambling Restrictions		
			Manager Registered With Authorities		
<input checked="" type="checkbox"/>			Licensee in Possession/Control of Premises		
<input checked="" type="checkbox"/>			Trade Name Properly Registered		
<input checked="" type="checkbox"/>			Compliance with Intoxicated Sale Restrictions		
<input checked="" type="checkbox"/>			Compliance with Saler to Minor Provisions		
<input checked="" type="checkbox"/>			Premise Physical Control Adequate		
<input checked="" type="checkbox"/>			Acceptable Dispensing Systems		
<input checked="" type="checkbox"/>			Off Premise Storage Licensed		
<input checked="" type="checkbox"/>			Only Permitted Items Sold		
Other Issues: N/A					
Warning Issued <input type="checkbox"/> Yes <input type="checkbox"/> No			Warned About: N/A		
Investigator Name/Number DONFRIE #601			Person Advised:		



HAYES, PHILLIPS, HOFFMANN & CARBERRY, P.C.

1530 Sixteenth Street, Suite 200
Denver, Colorado 80202-1468
Telephone: (303) 825-6444
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Corey Y. Hoffmann
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Vail, CO 81658
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Facsimile: (303) 825-1269

Ryan S. Malarky
Kelly L. Donlon
Elizabeth R. Cross
Charissa A. Johnston
B. Brittany Seantland Lall

John E. Hayes (Retired)

TOWN OF MINTURN
MEMORANDUM

TO: JAY BRUNVAND, TOWN TREASURER/CLERK

FROM: KENDRA L. CARBERRY, ESQ. *KLC*

DATE: JANUARY 27, 2014

RE: REVIEW OF LIQUOR LICENSE APPLICATION FOR THE GOURMET COWBOY

This memorandum responds to your request for our review of the Colorado Liquor Retail License Application for The Gourmet Cowboy, Inc., d/b/a The Gourmet Cowboy Bar, Inc. (the "Application").

In Section 11.a. of the Application, the applicant states that its lease term as tenant of the licensed premises expires on April 30, 2016. However, the lease agreement for 455 Main Street, Suite #A which was provided with the Application indicates a lease term of five (5) years commencing on June 1, 2006, and no evidence of extension of the lease term appears to have been submitted. Accordingly, the applicant needs to provide proof of possession of the premises as required by C.R.S. § 12-47-301(3)(b).

It also appears that completion of a liquor license investigation report may still be pending from the Minturn Police Department.

Assuming the information in the investigation report shows no convictions or infractions, once a copy of the new lease is provided, the Application will be in order and ready for approval.

As always, please feel free to contact us with questions or concerns.

NOTICE

PURSUANT TO THE LAWS OF COLORADO

NOTICE OF CONSIDERATION OF AN APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE BEFORE THE TOWN OF MINTURN LIQUOR AUTHORITY.

NOTICE IS HEREBY GIVEN THAT THE MINTURN TOWN COUNCIL ACTING AS THE LOCAL LIQUOR AUTHORITY WILL CONSIDER THE APPLICATION FILED ON JANUARY 9, 2014, BY AND FOR THE GOURMET COWBOY BAR INC, DBA THE GOURMET COWBOY LOCATED AT 455 MAIN ST SUITE A, MINTURN, CO 81645 FOR A HOTEL AND RESTAURANT LIQUOR LICENSE. CONSIDERATION WILL BE HELD IN THE MINTURN TOWN CENTER COUNCIL CHAMBERS AT 302 PINE STREET, MINTURN, CO, ON WEDNESDAY FEBRUARY 19, 2014 AT 6:30PM. REMONSTRANCES MAY BE FILED WITH THE TOWN TREASURER AT 302 PINE STREET OR P.O. BOX 309 MINTURN, CO 81645.



OFFICIAL MINUTES

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

Issues were detailed by Janet H. Discussion on the proper amount of parking and parking needs were reviewed.

- Update on Contractor registration procedure and process – Hawkinson/Brunvand
Discussion ensued and it was determined it was best handled through the procedures implemented to manage the licenses and permits than to change the law through ordinance.

- **Dumpster location review – Hawkinson**

In the existing code, the Planner has authority to administer this and it should be monitored as relates to use of Right-of-ways. The recommendation was to make no changes but to monitor it closer as the need arises.

- **Water Committee discussion regarding Bolts Lake- White**

George B. asked if council is interested in holding discussions with BMR and ERWSD to move forward with the development of Bolts Lake. It was noted that the EPA has not completed their work and the Town is not the owner of this project or property. It was decided that if BMR is willing to discuss development then the Town would be available for the meetings. It was noted the importance of having the water authority supporting the BMR development in order to move forward with the Bolts Lake project. If BMR is not interested in moving forward with the lake development then we would not be interested.

- **Taylor Street Parking and Speeding discussion- Hawkinson**

Janet H. outlined her proposal to modify the parking and develop other parking in the area. This plan also includes the speed limits and the stop signs at 4th and Taylor St. Ryan M. informed the Council how the speed limit can be changed in the area. The 3-way stop requires the Town to make a determination of the need. This can be relatively simple and he will assist staff and the Council on making these items happen.

Council asked staff to proceed with the traffic study and bring back the findings in two weeks and then bring forward an Ordinance to change the speed limits. It was noted that the reduced speed could be applicable town wide, not just the Taylor St. area. Hawkeye stated he would go out with Arnold and review the plowing and parking prior to the next meeting.

Regular Session – 6:30pm

1. Call to Order

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

a. Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George B., Earle Bidez, Shelley Bellm, and Aggie Martinez. Note: Darell W. and John R. were excused absent.

Staff present: Interim Town Attorney Ryan Malarkey, Town Planner Janet Hawkinson, Economic Coordinator Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- Add motion to direct Staff to work with ERWSD, BMR to research the desire to proceed with the Bolts Lake development if BMR is willing to discuss.

Motion by Shelley B., second Aggie M., to approve the Agenda as amended. Motion passed 5-0. Note: Darell W. and John R. were excused absent.

3. Approval of Minutes and Action Report

- January 15, 2014

i. Earle B. clarified that on page 5, 2nd paragraph the vote was a 4-3.

Motion by George B., second Shelley B., to approve the minutes of January 15, 2014 Council Meeting as amended. Motion passed 5-0. Note: Darell W. and John R. were excused absent.

- January 27, 2014 Special Meeting

Motion by George B., second Aggie M., to approve the minutes of January 27, 2014 Special Council Meeting as presented. Motion passed 4-0. Note: Darell W. and John R. were excused absent and Shelley B. abstained.

- Action Item Report

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

Mr. Garth Koellhoffer 434 Taylor St. Asked for the termination of Town Manager Jim White. He cited multiple ethics violations, dysfunction of Town Staff, poor leadership, inability to make decisions for the Town, a rouge police chief, and unresponsiveness to the concerns of the citizens.

5. Special Presentations

- Vail Valley Foundation Re: 2015 World Cup

Mr. Michael Imhof, Vail Valley Foundation 90 Benchmark Rd, Avon, presented an update on the 2015 World Cup. The Foundation is looking to Minturn for in-kind and monetary commitments of approximately \$18k in both 2014 and 15.

Hawkeye asked how soon they would need the financial commitment; he would need some direction in the next 30 or so days. The sooner the Town can make a commitment, sooner the Foundation can begin to include us in the sponsorship list.

Council requested this to be on a near Worksession and for staff to review and schedule.

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

Mr. Bruce Yankee, A-Peak Asphalt, updated the need and proposal for the Council. Hawkeye confirmed no other changes in the agreement to include rent, term of length, or termination? No changes from the original 2004 contract, this extension includes only the extension and the change in the monthly rent from \$500 to \$600.

Motion by George B., second by Aggie M., to approve 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 as presented. Motion passed 5-0.

7. Discussion/Action Item: Resolution 3 – Series 2014 A Resolution approving a Conditional Use Permit for Chris Davis, 376 Pine St. - Hawkinson

Janet H. stated the some of the code cites need to be revised upon approval. Mr. Chris Davis introduced himself to the Council and asked for approval of the Resolution.

Shelley B. noted the parking conditions and requested those be closely followed and enforced.

Motion by George B., second by Earle B., to approve Resolution 3 – Series 2014 a Resolution approving a Conditional Use Permit for Chris Davis, 376 Pine St. as amended. Motion passed 5-0.

7a. Council discussion to have BMR, the Town, and ERWSD meet to discuss the possibility of moving forward with the Bolts Lake storage lake. Hawkeye stated this would be an exploratory meeting. Shelley B. stated the ERWSD was adamantly against the BMR development and the lake is to provide Battle Mountain Resort with water, not for ERWSD use. She felt it important that the water be made available to BMR with no adversity. She does not want to open the door to ERWSD having the ability to hold up the project's future or water once the BMR development moves forward.

Direction from Council was to set up the meeting.

OTHER MATTERS

8. Planning Department Update

- Discussion of Town Plan

A timeline of studies and plans was presented where the vision of the community was outlined (Attachment I). It was important to note that all of the studies included much of the same information and direction of what the town should look like and what we should keep for our citizens, namely, community.

Next Steps: Janet H. asked the Council for their feedback and comments. Earle B. asked this be on a work session. Hawkeye asked why some of the sidewalk design has been abandoned? Janet H. stated this is the kind of feed back she is looking for to make sure we do not miss anything.

Earle B. noted the building season is fast approaching and we need to move on this. Shelley B. stated it is good to see what we can do with the plans we have as opposed to going out and studying and writing a new plan; move with what we have not just study it again.

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

9. Staff Report

- Minturn Police Department discussion (Information is still pending, all information to be presented at meeting) – Osborne

Lisa O. updated the Council on the proposals. Lisa O. Introduced Sheriff Joe Hoy and Undersheriff Mike McWilliams who presented a .

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 4th 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 (Attachement II). This will provide an opportunity to review costs to date.

Hawkeye noted we are in a position of flux. Currently the town uses the sheriff when we do not have an officer on duty. Additionally, we are looking at several other possible options and bids.

Lisa stated she had contacted two other agencies, Vail was not interested and Avon has not reported back. Lisa talked to Gypsum, who does use the Eagle Co Sheriff's Office and she highlighted their contract uses. She stated we would still want to negotiate and review our needs and scope of the proposals.

Michelle M. noted the Staff is present and if Council has any questions they could ask. Hawkeye stated we should schedule a work session for this, the next meeting would be appropriate. Shelley stated we need to get a plan in order and move forward. We need to make a decision.

Lisa noted the court would also need to be decided on. Make this sound good. Lisa noted our judge is also the judge in Gypsum and could be a good resource to comment too. Lisa stated a contracted service would enforce our laws in the event they conflict with ECSO

Council direction was to schedule this for a work session at the next meeting. Immediate solutions and long term plans need to be addressed.

10. Town Council Comments

Aggie M. wished Jim W. a quick recovery, all agreed.

Hawkeye wished all a happy valentine's day.

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

Motion by Earle B., second by Shelley B., 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

Councilwoman Bellm left the Executive Session at 8:47pm.

Direction given as a result of the Executive Session:

- Continue work on the legal aspects of Little Beach Park
- Add selection of questions for attorney to the next work session and to discuss selection of adequate pool for interviews

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
- Work Session – Discussion of Town Plan – Hawkinson
- Work Session – Police discussion
- Work Session – Council pay discussion for the election - Brunvand
- Work Session – Vail Valley Foundation Re: 2015 World Cup funding consideration – White
- Add selection of questions for attorney to the next work session and to discuss selection of adequate pool for interviews

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

Motion by Aggie M., second by Earle B., to adjourn the meeting at approximately 9:30pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

2014 ACTION ITEMS

Design to Budget

DRAFT

Little Beach Park
 Estimated Cost: \$350,000
 Current Funding Includes: \$250,000
 Account: 06-01-5311

\$100,000

Eagle Park Restrooms & History
 Estimated Cost: \$75,000
 Current Funding Includes:
 \$50,000.00 Eagle County Grant

\$25,000

'Boneyard' Open Space
 Estimated Cost: \$125,000
 Current Funding Includes:
 \$45,000 for open space designation
 Account 02-09-8000

\$80,000

100 Block Crosswalk
 Estimated Cost: \$60,000
 Current Funding: \$00

\$60,000

Way Finding Signs
 Estimated Cost: \$10,000
 Current Funding: \$6,000
 Account 02-06-5356

\$4,000

Savings for 2015

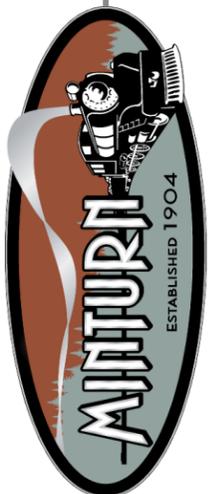
\$?

**Current Town Savings
 for Capital Projects:**
~~\$329,294~~
 Account: General Fund

- \$45,000.00
 Alan Christenson Estate

- \$10,000.00
 for January Attorney Fees
 over-expenditures

- \$???
 2015 VVF World Cup



2015 - Future - ACTION ITEMS

ANTINOMIES:

conclusions that are equally necessary and reasonable

South Minturn Sidewalks

Estimated Cost: \$500,000

Current Funding: \$00.00

Apply for TAP grant with CDOT.

If/ When Battle Mountain develops, the road will be demolished and a new one with sidewalks will be installed. Wait a few more years.

Future Paving Projects

Nelson, Harrison, Norman

Current Funding: \$00.00

In 2013 the Town spent the majority of the Town Savings on paving/ water/ drain/ pipe projects - other listed goals to accomplish by Town are park enhancement and 100 Block.

Nelson Street is a private road after lot 7 according to 1978 survey map. Due to variances, the property changed. This road serves 5 people - the Town entrance serves over 2,000 people a day. (estimated paving cost of Nelson is \$68,000.00)

Look to homeowners to pay for paving private streets. Apply for DOLA and CDOT grants for paving public roads.

ACTION ITEM:



CREATED BY:
Town Council Planning Commission Jim White
Jay Brunvand Janet Hawkinson Michelle Mettear
Lisa Osborn Arnold Martinez

DRAFT

2014 ACTION ITEM:

Little Beach Park

Estimated Cost: \$350,000

Current Funding Includes: \$250,000

Account: 06-01-5311

Design to Budget

Rough Cost Estimates
Need Engineering and
Construction Plans
for Accurate Cost

DRAFT

\$60,000

1. Sewer & Water Line - Estimate from Contractor: \$20.00 a foot x 2,500' - 1/2 mile

- Engineered Plans
- Design for development and Eagle County Sanitation Maintains- install 8" mainline
- Obtain Bids
- Can Public Works do some of the trenching to lower costs?

\$175,000

2. Construct 'The Beach House'

- Plans from Zehern & Associates
- Update site plans as needed
- Design The Beach House by Cost
- Create construction documents
- Obtain Bids

\$300.00

3. Submit Grant to GOCO - (10% chance of winning)

- Rough draft due February 15, 2014
- Final due March 5, 2014

\$50,000

4. Excavation of Park

- Public Works to remove old asphalt road
- Public Works to install new 'path' that is also 'new road' to stage
- Obtain Bids
- Hire Rocky Mountain Youth Corp to build ADA trail

\$10,000

5. Irrigation

- Add new irrigation zones as needed
- Are we using pump and river water or connecting to Town water?
- Create construction documents
- Obtain Bids

\$40,000

6. New Upper Picnic Area - 2nd Phase of Construction Depending on Funding

- Plans from Zehern & Associates
- Update plans as needed
- Create construction documents
- Bids sheet

ACTION ITEM:



CREATED BY:
Town Council Planning Commission
Jay Brunvand Janet Hawkinson
Lisa Osborn Arnold Martinez
Jim White
Michelle Metteer

Lisa Osborne
Police Clerk
Post Office Box 309 ♦ 302 Pine Street
Minturn, Colorado 81645
Phone: 970-827-5645
Fax: 970-827-5545
losborne@minturn.org



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

TO: Michelle Metteer
FROM: Lisa Osborne
SUBJECT: Town of Avon—Police Services Proposal
DATE: February 13, 2014

Over the past two weeks, I have been working to obtain an indication from Chief Ticer, at the Avon Police Department, if his agency would be submitting a proposal for providing Police Services to the Town of Minturn. As mentioned at the Minturn Town Council meeting on February 5, 2014, Chief Ticer was out of town the week of February 3, 2014. Once he returned to the office, I reached out to him again in reference to this matter.

In earlier communication, Chief Ticer indicated he needed to speak with Avon Town Manager, Virginia Egger, to ascertain if the Town of Avon is interested in submitting a proposal. As of today, I was notified by Chief Ticer, via email, Ms. Egger granted permission for the Town of Avon to submit a proposal to the Town of Minturn in reference to providing Police Services Coverage. However, Chief Ticer indicated he needed to speak with Jim White to have some questions answered before he would be able to properly construct his proposal on behalf of the Town of Avon. I had recommended to Chief Ticer he may want to consider attending the Minturn Town Council Work Session scheduled for Wednesday, February 19, 2014 so he would be able to talk with Town Council and Jim White to have his questions answered. In addition, Council and Mr. White would be able to ask questions of him. Unfortunately, Chief Ticer will be out of Town the week of February 17, 2014 and indicated he would not be able to submit a proposal prior to the February 19, 2014 Minturn Town Council meeting. In his email communication, Chief Ticer indicated he would connect with Jim White once he has returned to the office the week of February 24, 2014 and then move forward with writing and submitting a proposal to Minturn Town Council. At this time, there is no indication what the timeframe is to expect receipt of said proposal.

Staff asked if there were any legal issues with the ability of Avon (another municipality) to enforce the Town of Minturn Charter and Code. I contacted the Colorado Peace Officers Standards and Trainings (P.O.S.T.) Director, Peter Dunbar, and there are no legal ramifications or restrictions if Council were to accept a proposal from the Town of Avon Police Department for coverage in Minturn.

MINTURN LAW ENFORCEMENT PROPOSAL 2014

SITUATION: The Town of Minturn is having a hard time hiring and retaining qualified law enforcement professionals to patrol their town. The Eagle County Sheriff's Office is tasked with responding to calls for service in the incorporated Town of Minturn when no Minturn Police Officer is available. Therefore, the ECSO proposes to contract with the Town of Minturn to provide law enforcement services 24/7/365. This proposal was prepared by Undersheriff Mike McWilliam, Eagle County Sheriff's Office on 01/29/2014.

PERSONNEL: The Minturn Police currently has potential staffing of a Chief and two Police Officers to cover the Town 24/7/365. Some of the time an officer is on duty and some of the time there is an on-call officer. The ECSO proposes to hire two additional Patrol Deputies to provide services to Minturn. The Deputies could be on a modified day shift of 11.5 hours seven days a week. The ECSO Undersheriff and Minturn Town Manager could work out shift hours to meet the needs of the community. The Minturn Deputies would leave the Town during emergencies in other parts of the county, such as for court in Eagle, for vehicle maintenance in Gypsum, and other times as needed. The Deputies would strive to be in the Minturn Town Limits for approximately 10 hours per day.

The ECSO Deputies in Division I (Eagle Vail) and Division II (Edwards) would handle calls for service in Minturn when a Minturn Assigned Deputy is not on duty. The ECSO has 24/7/365 coverage in the unincorporated sections of Eagle County.

The Deputy would cost about \$60,000 per year salary, \$30,000 per year benefits, plus about \$10,000 for training, uniforms, equipment, etc. for a total of \$100,000 per year each (\$200,000 for 2 deputies).

The on-duty ECSO Patrol Sergeant will be responsible for supervision and discipline of the Minturn assigned Deputies. The Town of Minturn can have input into which Deputies provide services to the town but the final decision maker is the Sheriff.

The Minturn Police have a clerk that handles reports, evidence, court issues, etc. The ECSO proposes this person continue to be funded by the Town of Minturn, independent of a contract with the ECSO. Minturn Deputies would generate reports through the ECSO report system. They would be approved by the ECSO Patrol Lieutenant and then available to Minturn citizens through Intergraph at the Minturn PD. The Minturn Clerk could enter NIBRS data for Minturn, manage Registered Sex Offenders in Minturn, and enter Minturn Municipal Warrants in NCIC / CCIC.

Should law enforcement demand change in Minturn (such as development of the GINN property) the ECSO reserves the right to negotiate for more staffing in a contract to cover that demand.

VEHICLES: The Town of Minturn currently provides vehicles for their police officers. These vehicles do not meet the standards of the ECSO. The ECSO would purchase two vehicles (most likely Chevy Tahoes due to winter conditions in Minturn) and fully equip them. These vehicles could have “Minturn Police” markings with a “services provided by Eagle County Sheriff” sticker. The Town of Minturn should assure that non-law enforcement personnel do not drive current marked Town of Minturn Police Vehicles and the police markings should be removed before non-law enforcement uses by the Town.

The purchase cost of the ECSO vehicles is approximately \$32,000 with approximately \$20,000 worth of equipment and installation. The total cost of two vehicles would be about \$104,000. The ECSO pays the Eagle County Motor Pool approximately \$1,100 per vehicle per month to maintain, insure, and replace the vehicle & equipment at the end of their service life. The ECSO proposes to request Capital Improvement Program (CIP) funds to purchase and equip the vehicles and pass this cost into the contract at a rate of \$2,200 per month per vehicle over 4 years.

EVIDENCE: Any evidence collected by ECSO Deputies will be stored in the ECSO Evidence Vault in Eagle. Any evidence or weapons currently at the Minturn Police Department will be the property of the Town of Minturn and no ECSO personnel will have access to or handle any Town of Minturn evidence, weapons, or property.

ADMINISTRATION DUTIES: The ECSO Evidence Custodian and Records Manager will be part of this contract with no additional charge. The ECSO HR Director, ECSO Patrol Lieutenant, ECSO Patrol Sergeants, ECSO Undersheriff, ECSO Detectives, and ECSO K9 Deputies will all be part of this contract with no additional charges.

RADIO / DISPATCH SERVICES: The Town of Minturn currently spends \$9,805 for radio usage fees and \$33,015 for Dispatch Services through the Vail Communications Center. The ECSO proposes to absorb any costs of radios and dispatch for our two additional Deputies. Minturn Public Works currently has radios on the Eagle County 800 system under the Police Department billing. The ECSO would look at the cost of paying for those radios and use under the ECSO billing. Current Town of Minturn radios would stay as Minturn property.

SPECIAL OPERATIONS UNIT (SWAT): The Eagle County Special Operations Unit (SOU/ SWAT) is a combined unit with personnel from the Vail Police Department, Avon Police Department, and Eagle County Sheriff's Office. They operate throughout Eagle County for high risk tactical operations, beyond the safe scope of activities for patrol officers. This team is available for use in the Town of Minturn at no additional cost to the Town of Minturn. The Town of Minturn can make requests or suggestions, however the SOU Team Leaders and the Sheriff or Undersheriff are responsible for all deployment and tactical decisions.

DETECTIVES / CRIME SCENE PROCESSING: The ECSO has detectives that are on call 24/7/365 for complex crimes (such as homicides, sexual assaults, arson fires, major property crimes, child abuse or abductions, etc). For complex crime scene processing, the ECSO may call in the Colorado Bureau of Investigation. ECSO Detectives also function as the Eagle County Drug Task Force. Drug operations in Minturn may include undercover officers and / or confidential informants purchasing illegal drugs from drug dealers in Minturn and then the ECSO arresting the suspects. These detective services and CBI are available at no additional fee to the Town of Minturn.

SPECIAL EVENTS: If the Town of Minturn has a pre-planned special event (similar to Gypsum Daze in the Town of Gypsum) and needs additional law enforcement presence, deputies can be scheduled at an additional charge per Deputy per hour. (The 2014 charge is \$58 per hour per deputy).

LIAISON: The Eagle County Sheriff's Office Undersheriff will be the liaison to the Town of Minturn Manager for any comments or concerns about ECSO activity in the Town of Minturn.

CONTRACT PAYMENT: The ECSO agrees to provide law enforcement services to the Town of Minturn with an Intergovernmental Agreement (Contract) for four years (2014-2018). The first year contract fee is proposed at \$300,000 per year. An additional payment of 5% per year will be assessed for each additional year to cover increased salary and other costs. (Example: 2015: \$315,000; 2016: \$330,000; 2017: \$350,000). Payments from the Town of Minturn to the ECSO can be made quarterly.

MONTHLY REPORTING: The ECSO shall make monthly activity reports to the Town of Minturn Manager detailing what the law enforcement activities in Minturn were from the last month of operations. An ECSO representative can also be available to attend Town of Minturn Council Meetings to answer questions and concerns by the Minturn Town Council Members.

TRAFFIC ACCIDENTS: The ECSO Deputies can respond and handle minor accidents in the Town of Minturn limits. However, major accidents (involving drugs, alcohol, serious injuries or death) shall be investigated by the Colorado State Patrol. CSP will be responsible for accidents on Hwy 24 including in the Town Limits of Minturn.

OFFICES: Town of Minturn Offices can be available to ECSO Deputies operating in Minturn.

The information above is for discussions purposes only. Any agreement between Eagle County, the Town of Minturn and the ECSO will be detailed in a future agreement executed by the parties.

I am available to discuss this concept at your request. Thanks,

A handwritten signature in black ink, appearing to read "M. McWilliam". The signature is fluid and cursive, with a large initial "M" and a stylized "McWilliam".

Undersheriff Mike McWilliam

Eagle County Sheriff's Office

From: Joseph Hoy <joseph.hoy@eaglecounty.us>
Date: February 6, 2014 10:24:32 AM MST
To: Jlf56@comcast.net
Cc: Mike McWilliam <mike.mcwilliam@eaglecounty.us>
Subject: council presentation

Mr. Mayor,

Good morning. First of all I would like to thank you and the town council for allowing Undersheriff McWilliam and myself the time to discuss our draft proposal for law enforcement services for Minturn.

I sense by the reaction of some of the council members that this was the first time they were able to review the document. I would like to remind you that this is just the first step in developing a partnership, so I would recommend that we have a work session to go over, in detail what the benefits would be if you and the council decide to move forward with our proposal. Again, thank you for your time. Looking forward to hearing from you.

Best Regards,
Sheriff Joe Hoy
970-328-8509

From: Jeff Shroll [<mailto:Jeff@TownofGypsum.com>]
Sent: Wednesday, February 05, 2014 9:06 AM
To: Lisa Osborne
Subject: Re: letter request for Minturn

Lisa,

The Town of Gypsum has never had a police Department but has always contracted for law enforcement services through Eagle County Sheriff's Department. About 15 years ago, the Sheriff's office began charging us for the service. We currently pay for three full time deputies assigned only to the Town of Gypsum. One of those positions includes a School Resource Officer. For the most part the Town has been pretty happy with services provided for by the Sheriff. We have an excellent relationship with the deputies assigned to the Town of Gypsum over the years. Here are some of the pros and cons as the Town can define them. They are not listed in any particular order:

Pros:

- Our current contract is for 3 full deputies for around \$700,000. HOWEVER, not only do we get our three assigned deputies, but we really getting 24 coverage from all the other District 3 Deputies that service the west end of Eagle County. We get access to investigations, narcotics teams, and some administration. Knowing what the Town of Eagle pays (we are slightly larger in population), financially this is a great deal for the Town of Gypsum.
- Town does not have to hire, fire, train or deal with any liability issues in regards to staffing qualified officers. Town's that do know how time consuming this can be. The turnover rate at the SO seems to be far less than many small town departments.
- Many deputies have developed a great working relationship with our Public Works Department to help provide faster notification for troubled spots like pot-holes or street lights out etc.
- Our cars are all marked "Gypsum Police sponsored by Eagle County Sheriffs" and with our Town logo. We think this give a great feel to our residents that we have a home police department that can quickly respond to their needs. Some of our residents don't actually know we don't have our own PD.

Cons:

- You definitely lose control over certain things relating to law enforcement.
- If there are certain community values or programs that the Town may wish to implement (neighborhood watch, community policing, etc.) if they do not fall within the priorities or the set policies of the SO, then they may not happen.
- The Town of Gypsum does not get any say in who patrols our streets (most of the time this has not been a big deal).
- Without a good liaison, the Town may not know what is going on for big emergencies. We have a couple of deputies that do a great job keeping the Council informed on things that take place (especially larger emergencies).

Obviously for the Town of Gypsum, the pros outweigh the cons. We are proud of the deputies that work within our jurisdiction. We have developed an excellent working relationship with Undersheriff McWilliams. The Town received monthly reports and an annual report for law enforcement activities within

the Town. A few of the officers provide daily reports by email (minus names, etc.) just so the Town can understand what takes place in our own community. The Town purchases all of the police cars to help reduce the cost of our contract. Plus if we ever did go off on our own, we would have some cars in our fleet to start with.

I hope this helpful. Please do not hesitate to contact me with any further questions. Good luck with your decision.

Very Truly Yours,

Jeff Shroll, ICMA-CM

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 ECOS

TOWN OF MINTURN, COLORADO

RESOLUTION NO. 4 – SERIES 2014

A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN AN AGREEMENT TO PAY \$45,000.00 FOR SERVICES RENDERED BY AND BETWEEN THE ESTATES OF ALLEN CHRISTENSEN AND THE TOWN OF MINTURN, COLORADO.

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

WHEREAS, The Town of Minturn has negotiated in good faith with the Estate of Allen Christensen for payment of services rendered to the Town and the Town has sufficient funds available, and;

WHEREAS, The Town and the Estate of Allen Christensen have negotiated a one-time payment in the amount of \$45,000.00 which is satisfactory to both the Town and the Estate of Allen Christensen.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE MAYOR OR HIS DESIGNEE IS AUTHORIZED TO SIGN ON BEHALF OF THE TOWN OF MINTURN ANY AND ALL NEGOTIATED DOCUMENTS REQUIRED TO EFFECTUATE SAID AGREEMENT.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 19TH day of February, 2014.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

SETTLEMENT AND RELEASE AGREEMENT

THIS SETTLEMENT AND RELEASE AGREEMENT (the "Agreement") is made and entered into this 5th day of February, 2014, by and between the Town of Minturn (the "Town"), and the Estate of Allen Carl Christensen (the "Estate") (each individually a "Party" and collectively the "Parties").

WHEREAS, the Town and the Estate have agreed to an amount that the Estate will accept in settlement of a claim for unpaid attorney fees allegedly due from the Town to Allen Christensen for his services as the Minturn Town Attorney; and

WHEREAS, the Estate has agreed to accept this payment as a full and final settlement for said claim, and to release any and all claims that may exist against the Town related to Allen Christensen's services as the Minturn Town Attorney.

NOW THEREFORE, in consideration of the mutual promises and covenants as set forth below, the sufficiency of which are hereby acknowledged, the Town and the Estate agree as follows:

1. Purpose of Agreement. This Agreement is a compromise of a disputed claim. Nothing in this Agreement, including the fact that it has been entered into by the Parties, shall constitute or be construed as an admission or a denial of liability, fault, or wrongdoing on behalf of either Party.

2. Payment. The Town shall pay to the Estate the total sum of forty-five thousand dollars (\$45,000) ("Payment") payable to "Estate of Allen Carl Christensen" delivered to John W. Dunn of the Mountain Law Group, LLC, located at Vail Professional Building, 953 South Frontage Road West, Suite 222, Vail, Colorado 81657 no later than seven (7) days after full execution of this Agreement.

3. Release. In consideration of receipt of the Payment, the Estate hereby forever releases the Town and its officers, agents, insurers, representatives, attorneys and employees from any claims, further financial obligations or liability related to legal services or other related services provided by Allen Christensen to the Town at any time. The Estate acknowledges that the Payment is a full and final payment for said services, and that no additional payment is or will be due from the Town.

4. Miscellaneous.

A. Non-Assignment of Claims. Each Party represents and warrants that it has not assigned any claims, in whole or in part, that would otherwise be subject to the terms of this Agreement to any person or entity not a party to this Agreement, and to each Party's knowledge, no other person or entity has asserted or is able to assert rights to any claim or settlement referenced in this Agreement.

B. Right to Counsel. Each Party agrees that they have each conferred with the attorney of their choice concerning this litigation and the legal consequences of entering into this Agreement.

C. Investigation of Facts. Each Party represents and warrants that it has made such investigation of facts pertaining to this Agreement and all matters pertaining thereto as it deems necessary. The Parties acknowledge that they may hereafter discover facts different from, or in addition to, those facts which they now know or believe to be true with respect to these matters, and they agree that this Agreement shall remain effective in all respects notwithstanding such different or additional facts or the discovery thereof.

D. Knowledge and Review of Agreement. The Parties warrant and represent that this Agreement is executed voluntarily with full knowledge of the consequences and implications of their obligations contained herein, accept its terms without any consideration whatsoever other than that which is expressly set forth in this Agreement and without being influenced by any statement or representation of any person or party other than those set forth in this Agreement, and that they have carefully and thoroughly reviewed this Agreement in its entirety.

E. Warranty of Authority. The undersigned individually warrant and represent that they are authorized to execute this Agreement and, if applicable, that all necessary corporate or governmental actions have been taken to authorize execution of this Agreement.

F. Legal Competence. Each Party has executed this Agreement after carefully reading the contents hereof and signs the same of their own free will and as a voluntary act without coercion or distress by the other Party. Each Party is legally competent to execute this Agreement and accepts full responsibility therefor.

G. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties' successors, assigns, executors, personal representatives, heirs, and devisees.

H. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

I. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

J. Third Parties. There are no intended third-party beneficiaries to this Agreement.

K. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

L. Modification. This Agreement may only be modified upon written agreement of the Parties.

TOWN OF MINTURN, COLORADO
RESOLUTION NO. 5 – SERIES 2014

**A RESOLUTION IN SUPPORT OF THE GREAT
OUTDOORS COLORADO TRUST FUND FINANCIAL
GRANT TO THE TOWN OF MINTURN, COLORADO**

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

Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and the completion of Little Beach Park Universally Accessible: trails, stage, river access, playground, restrooms and outdoor pavilion in Minturn, CO.

WHEREAS, The Town of Minturn supports the Great Outdoors Colorado grant application for the Universally Accessible Little Beach Park. And if the grant is awarded, the Town of Minturn supports the completion of the project.

WHEREAS, the Town of Minturn has requested grant funding from the Great Outdoors Colorado for the Universally Accessible Little Beach Park.

NOW, THEREFOR, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
MIINTURN, CO THAT:

1. The Town Council of the Town of Minturn, CO supports any potential grant awarded by the Great Outdoors Colorado Trust Fund to the Town of Minturn.
2. The Town Council of the Town of Minturn, CO has sufficient funds on hand to match the required Great Outdoors cash funding.
3. The Town Council of the Town of Minturn, CO strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
4. When the grant is awarded, the Town Council, of the Town of Minturn, CO strongly supports the completion of the project by the Great Outdoors Colorado deadline specified in the grant application.
5. The Town Council, of The Town of Minturn, CO authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded for Little Beach Park.
6. The project site is under the control of The Town of Minturn, CO and has been for over twenty years.
7. The Town Council of The Town of Minturn, CO recognizes that as the recipient of a Great Outdoors Colorado Local Government grant the project site must provide reasonable public access.
8. The Town Council of The Town of Minturn, CO will continue to maintain Little Beach Park in a high quality condition and will appropriate funds for maintenance in its annual budget.
9. When the Get Outdoors Colorado Grant is awarded, the Town Council of the Town of Minturn authorizes Janet Hawkinson, the Town Planner of Minturn, CO to sign the grant agreement with Great Outdoors Colorado.

10. This resolution to be in full force and effect from and after its passage and approval.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 19th day of February, 2014.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

GOCO Grant - March 5, 2014

Brief Project Description: (250 words or less)

The proposed Get Outdoors Colorado project is to create a 'universal' park. The universal park would add an ADA trail through the park and down to the river. An access point in and out of the river for kayaking, swimming, fishing and playing is necessary to protect the delicate ecosystem that exists along the river bank that borders the existing park. An outdoor pavilion is built to enhance the views of the area and create a place for people to gather for picnics, social gatherings, educational courses, food and much more. A sewer and water line will be brought to the park so that much needed public restroom facilities can be installed. Presently there is an old outhouse that is not functioning well. Park visitors are using the surrounding area for relief of a basic human need.

The project is needed because the use and needs of the visitors has expanded and is growing. The Town of Minturn is the 'Gateway to the White River National Forest,' the most recreational used forest in Colorado. Our park is a rest area, picnic spot, playground and recreational facility for outdoor enthusiast to use who are traveling east from Denver or west from Grand Junction.

Presently our park facility is not user friendly. Access to the river is by a steep asphalt road. Elderly and physically challenged community members are unable to access the amphitheater, the river or the picnic tables. This project would remove this dangerous road and replace it with an ADA trail to access the entire area.

There is unique citizen participation in the design and financing of the project. This process has taken two years, starting in January of 2011. The park architecture firm, Zehran and Associates held 5 public meetings to establish the needs of the park users. The Minturn staff has met for review of broader user park needs for travels and event users. The financing for the project is from Battle Mountain, who sees the benefits of the park to the community.

Questions:

1. Describe the community/neighborhood the project will serve. (If the project is designed to serve a particular neighborhood or population within a larger city/subdivision/community, focus on the neighborhood/population to be served.) Include population, income data and insight into the recreational interests of the community.

Incorporated in 1904, and founded on the mining and railroad industries, Minturn was once the hub of activity for the Eagle County area. With both economic contributors having long since departed; the Eagle Mine was abandoned in 1984 by order of the EPA because of toxic pollutants including contamination of the ground water, and the railroad lines were deserted in 1997, Minturn has since been searching to find its identity in the region.

The past activities of both the mining and railroad industries have crippled what was once a beautiful Colorado landscape for recreational enjoyment and wildlife habitat. The Eagle Mine was eventually designated as a superfund site and the railroad left the town cluttered with debris, abandoned buildings and deserted rail lines.

Dating back to 1975, with the Minturn Valley Comprehensive Plan (see attachment ___), Minturn has a well-documented need for parks and recreation improvements to the area. Through town hall meetings which helped to comprise the 2009 Community plan (see attachment ___), to local resident surveys (see attachment ___), Minturn has expressed its interest and need to better utilize its natural environment for outdoor parks and recreation enjoyment by the community. This insight is the driving force in Minturn's goals to move forward with improving our outdoor parks and recreational amenities.

This grant application focuses on Little Beach Park, which is the primary and most utilized park

in town. It is also the only park in town with any playground equipment or facilities (albeit no running water) for the public.

Geographically, Minturn sits two miles south of I70 between the towns of Vail and Avon. Here is an overview for the demographics in the immediate Minturn area:

Statistics	Minturn	Vail	Avon
2012 Population	1027	5253	6345
Median Income	\$51,736	\$72,332	\$52,339
Median Age	36.1	35	31.1
Town General Fund	\$1,659,473	\$49,000,000	\$21,104,158

Source: US Census, American Community Survey, Wikipedia, vailgov.com, avon.org, Minturn Treasurer Dept.

Who are the existing and/or expected users of the proposed project? What individuals, organized sports leagues and teams, school and youth groups, etc. will the project benefit? Please provide numbers for each user group noting how you arrived at that estimate.

Little Beach Park, being one of only two parks in town, sees a diversified group of users. It is the primary park for residents and visitors of the Minturn area. Little Beach Park is host to the Minturn Summer Concert series, a weekly free summer concert series every Thursday night. The concerts have, on average, approximately 250 people/concert in attendance totaling 2000 people over the course of the concert series. This number was derived from taking actual head counts at the concerts and then averaging out the attendance over the period of the eight concerts. In addition to the concerts, multiple large-scale cycling races utilize the park as their aid station and resting points. These races are the Courage Classic with approximately 2000 registered participants and the Copper Triangle race with approximately 3000 registered participants. The Town of Minturn's Independence Day parade and following celebration take place at the Park and typically have 400-500 guests (approximate head counts have been done the last three years). The Education Foundation of Eagle County held their summer School of Rock Music Camp and concert and attendance was approximately 227 (camp registration and concert ticket sales). Weddings and private parties are also held at the park contributing to another 500 approximate guests (number derived from park rental reservation forms).

2. Access to our park is easily accessed by car, mountain biking and walking. Access into the park, to the river, stage, picnic area and playground is very difficult and limited. Our project is to build an ADA trail linking all the amenities in the park, so it can be a universal park for all users. The project is situated as the 'Gateway to the White River National Forest.' Our park is utilized by travelers on the Colorado U.S. Scenic Highway 24. Because of this location, it is situated in a central location to users in Eagle County, the Vail Valley and travelers from Denver and Grand Junction. We are anywhere from ¼ mile to a 10 mile radius of more than 10 schools and pre-schools. These schools are unable to utilize the benefits to the park do to the lack of public restrooms and ADA accessibility.

It is presently difficult for recreational river users, kayakers, fishing enthusiasts, etc... to enjoy access to the river through the park. Our plan is to create an ADA trail and an area for access to the river. This is important in protecting the delicate river bank edge and native plants and ecosystems from being damaged or destroyed.

3. The scope of the project is to demonstrate environmental reclamation and restoration. The Town of Minturn was established in 1909. The land the park is on was originally the Town Dump. Twenty years ago the Town built what is now Little Beach Park. In the 1980's, Eagle River that runs through Town and in front of the park was red and toxic from the Gilman mine tailings. CBS Viacom built a water treatment plant and the EPA dredge and repaired the river

bank edges and basin. Now there is a thriving fish population. Part of this project is to teach education and stewardship of the environment by showing these different factors and the effect on the environment. The plan in the outdoor pavilion is to have a history presentation through pictures, of the pollution and destruction of the environment and its restoration and protection. The addition of the park will utilize all native plantings, especially to accommodate the large elk migration through the area. We will have educational signs on the native tree and plant species. The design is to keep the park in its natural ecosystem to enjoy.

Water and Sewer Line: The first phase of the project is to bring water and sewer lines to the park. We have already consulted with Eagle County Sanitation and have engineering plans being drawn.

Public Restrooms: The second phase of this project is to recycle a restroom from the Town of Vail. Presently, the Town of Vail is giving us a 20 year old restroom that is no longer meeting their needs. We will recycle this steel structure, making the necessary restoration to the facility to bring it into a brand new, state of the art, clean public restroom. An example of environmental stewardship.

Zinc 'Mine' Outdoor Pavilion: The third phase of this project is an important piece to the design because it will benefit a wide variety of park users, neighboring school, senior citizen programs and family outdoor recreation events. Staying with an education facility, the pavilion design represents the rich mining history of the Town and the State. The people of Minturn mined mostly for zinc. We will build the pavilion out of a zinc sheeting. Utilizing the architecture of digital fabrication, the zinc will be patterned with how the rock explodes with a mining blast. Within this pattern are stars to represent the night sky and the many workers and families of the mines. We will be utilizing LEED standards in creating an environmental stewardship structure. The zinc has a low carbon footprint, it is fire proof and has a long life span. We will utilize beetle kill timber from the area for walls and roofing in the structure. We will use+++++++recycled glass flooring.

Universal Access ADA Trail: The third phase of the project is to remove the very steep and dangerous asphalt road that goes through the park to the stage. Next, working with the CYCA accredited Rocky Mountain Youth Corp from Steamboat Springs, CO, we will construct the ADA path from the parking lot and upper pavilion, through the park, to the stage, river access and playground. This will make this park universally usable.

ADA Playground Equipment: The fourth phase of this project is to add ADA play equipment to our very popular park. We will install educational signs by lgm architectural visualization, a local company, on native trees and in existing native ecosystems along the park edges. We will also be working with the Union Pacific Railroad Company and the Colorado Department of Agriculture Weed Program to eradicate the overgrown thistles and weeds surrounding the park and parking area.

White Water Course: The fifth phase of this project is to set the long term structures for the white river course to be set up during the white water season. This includes river access, concrete posts and the gates. We will also be building a river bank access to protect the river bank and native areas.

Resting and Picnic Area: The sixth phase of this project is to install new benches, chairs and picnic areas. There are two areas, one by the river and one above the park next to the pavilion and restroom. These two areas can meet the needs of the various park users. The table and benches will be made by local trade artists: The *****Tree and *****Steel.

Adding Native Plant Material: The seventh phase of this project is to install native plant material

at the new upper picnic areas. This will be the addition of aspen trees, blue spruces, native grasses, native shrubs and various native perennials/wildflowers. We have native topsoil saved for this project from a nearby construction project that didn't need it.

4. Our Public Works Department will be responsible for the maintenance. Our estimate of the annual costs to maintain the project is ***** Since we are adding only a small portion of sod, this will be absorbed into our existing annual budget for the park. The maintenance will be done by our Public Works and paid for by our concerts, concession sales and events held at the park. The white water course to maintain, including setting up in the spring and taking down after white water season is:***** The maintenance of the new native garden areas, the playgrounds, the cleaning of the outdoor pavilion and the public restrooms will be estimated at 10 hours a week x \$20.00 = \$200.00 a week over 16 weeks. Any subcontractors needed for extra maintenance such as additional cleaning, painting, staining, and the white water course will be paid for by the same funding source.

5. **Describe the community/neighborhood the project will serve. (If the project is designed to serve a particular neighborhood or population within a larger city/subdivision/community, focus on the neighborhood/population to be served.) Include population, income data and insight into the recreational interests of the community.**

Incorporated in 1904, and founded on the mining and railroad industries, Minturn was once the hub of activity for the Eagle County area. With both economic contributors having long since departed; the Eagle Mine was abandoned in 1984 by order of the EPA because of toxic pollutants including contamination of the ground water, and the railroad lines were deserted in 1997, Minturn has since been searching to find its identity in the region.

The past activities of both the mining and railroad industries have crippled what was once a beautiful Colorado landscape for recreational enjoyment and wildlife habitat. The Eagle Mine was eventually designated as a superfund site and the railroad left the town cluttered with debris, abandoned buildings and deserted rail lines.

Dating back to 1975, with the Minturn Valley Comprehensive Plan (see attachment ___), Minturn has a well-documented need for parks and recreation improvements to the area. Through town hall meetings which helped to comprise the 2009 Community plan (see attachment ___), to local resident surveys (see attachment ___), Minturn has expressed its interest and need to better utilize its natural environment for outdoor parks and recreation enjoyment by the community. This insight is the driving force in Minturn's goals to move forward with improving our outdoor parks and recreational amenities.

This grant application focuses on Little Beach Park, which is the primary and most utilized park in town. It is also the only park in town with any playground equipment or facilities (albeit no running water) for the public.

Geographically, Minturn sits two miles south of I70 between the towns of Vail and Avon. Here is an overview for the demographics in the immediate Minturn area:

Statistics	Minturn	Vail	Avon
2012 Population	1027	5253	6345
Median Income	\$51,736	\$72,332	\$52,339
Median Age	36.1	35	31.1
Town General Fund	\$1,659,473	\$49,000,000	\$21,104,158

Source: US Census, American Community Survey, Wikipedia, vailgov.com, avon.org, Minturn Treasurer Dept.

Who are the existing and/or expected users of the proposed project? What individuals, organized sports leagues and teams, school and youth groups, etc. will the project benefit?

Please provide numbers for each user group noting how you arrived at that estimate.

Little Beach Park, being one of only two parks in town, sees a diversified group of users. It is the primary park for residents and visitors of the Minturn area. Little Beach Park is host to the Minturn Summer Concert series, a weekly free summer concert series every Thursday night. The concerts have, on average, approximately 250 people/concert in attendance totaling 2000 people over the course of the concert series. This number was derived from taking actual head counts at the concerts and then averaging out the attendance over the period of the eight concerts. In addition to the concerts, multiple large-scale cycling races utilize the park as their aid station and resting points. These races are the Courage Classic with approximately 2000 registered participants and the Copper Triangle race with approximately 3000 registered participants. The Town of Minturn's Independence Day parade and following celebration take place at the Park and typically have 400-500 guests (approximate head counts have been done the last three years). The Education Foundation of Eagle County held their summer School of Rock Music Camp and concert and attendance was approximately 227 (camp registration and concert ticket sales). Weddings and private parties are also held at the park contributing to another 500 approximate guests (number derived from park rental reservation forms).

6. The Town of Minturn and Little Beach Park is the "Gateway to the Rocky Mountain, White River National Forest." The Colorado Scenic Highway 24, the main road through Minturn, leads outdoor recreational enthusiasts to the 'most recreational used' forest land in Colorado according to the U.S. Forest Service. Because of our central location and the entrance to the U.S. Forest, our park and needed public amenities serves our small community and the thousands of travelers and day users from all over the country that pass by on Highway 24.

The recreational needs this project will serve the most is by becoming a universal park. Because of our central location between Vail and Edward and being only one hour and 45 minutes from Denver, we have the potential for a large range of recreational users to the park.

The project enhance recreational offerings by installing river access for everyone. Installing a white water kayak course, protecting the vegetation on the river bank for the restored river for fish habitat by the EPA in the last 10 years, providing key fishing habitat for fishing. With the improved landscape and picnic areas, families, senior citizens and people with disabilities will be able to enter the whole range of the park.

This project is a great environmental education opportunity for visitors and the community. Through educational signs and displays, the park will tell the story of environmental destruction, reclamation, stewardship and present day recreation. We begin in the 1890's when the park was the designated Town dump. In the 1950's the dump moved and the land sat. Twenty years ago the Town built Little Beach Park on the old dump site, with a playground, small amphitheater and stage. In the 1980's, Eagle River that runs by the park became an EPA reclamation project due to the mine tailings that were poisoning the water, turning it red and killing all water life. A water treatment plant was installed up river to process the tailing waters. In the 1990's the EPA reconstructed Eagle River, dredging, reconstructing its banks and creating fishing habitats. Through environmental reclamation, Eagle River is back to its healthy natural state. The railroad and mining industry were a big part of this area until the 1980's when they closed down. Beautiful cultural pictures of this era dating back to the 1900's will be part of the educational display. This is a story of success from environmental damage to environmental stewardship and outdoor recreation enjoyment that is to be shared.

This park and project are unique because they take place in a natural setting. Opportunities that are lost if this project is not undertaken now is the protection of the fragile plants, ecosystem

along the river bank edge that transitions into the park. What is also lost is the health to the surrounding environment and water due to the lack of public restroom facilities, because presently people utilize the surrounding natural habitat.

The lack of the components of the project, potential users are presently going without enjoying the great outdoors and river access. Some do travel to neighboring communities, however our senior citizens meet inside the VSSA school and do not have a park to enjoy.

7. *Please see attached documents of Public Meetings regarding this project and the Site Plan and Master Plan. There were 3 different public planning process that identified this specific project as a priority. The public planning process were done by professional companies: OZ Planning, Inc. in 2005-2011, The DIC Plan 2010 and Zeheren & Associates in 2012 - 2013. The project is listed as a priority in the Town of Minturn Master plan, we have a site specific plan developed. This is a priority project on the Town goals. The plan for this project was adopted in February, 2013. It went through final review this last fall, 2013.

The opportunities the public had to comment on this project were extensive. They were performed by all three companies: Oz, DIC and Zehren & Associates. This is a list by Zehren & Associates of the Open House Maps and Displays at the most recent public planning process for community review and comment on Little Beach Park: open house poster, existing conditions board 1; existing conditions board 2; aerial & topographic map; existing conditions diagram; playground & amphitheater map; potential expansion area map; concept diagram; amphitheater map; recreation park map; field concept diagram; precedents images; and a flip chart for recording public comments ideas and concerns.

There were ##### public meetings held: ##### over the course of 2 years on creating this project to include public restrooms, ADA trails and making it a universal park for everyone to enjoy. The meetings were advertised by signs at the Town Hall, on television channel 5, Town Council Meetings, at Planning Commission Meetings, and by Vail Daily Newspaper. A public survey was distributed by using 'survey monkey' through email (please see attachment of survey)##### The number of people that responded to the survey was #####

The feedback we received from the public was#####
How it was determined that your constituents want and will use the project was by#####
What we learned from this processes discussed above is #####

8. The CYCA- accredited Rocky Mountain Youth Corp, from Steamboat Springs, CO, is being used to implement this project. This youth organization has worked closely with the White River National Forest District and will be a great asset to this project. They will be constructing the ADA trail and assisting with implementing the river access area. We will have a sub-contractor for any excavating or moving of boulders that is needed to assist this crew. We are working with Mark Wertheimer, the Associate Director of RMYC, on the logistics. A letter is in the appendix from the RMYC.

9. **Who is opposed to the project? Have neighbors, user groups or other parties objected to the project? Include any letters, petitions, news articles or other documents evidencing opposition. What has been done to address the concerns of those opposing and how has the opposition responded?**

There is no known opposition to this project. A private developer has dedicated \$250,000 toward improvements to Little Beach Park and the Town is looking to best leverage those funds.

10. This project is "shovel ready!" We have attached the ADA trails and extended park plans. We received approval from Eagle County Sanitation this January, 2014 to install water and sewer. They are requesting we put in an eight inch sewer line with 2 manholes for

maintenance and any possible future development in the area. We have an engineer to complete the grading plans for the sewer and water lines. The outdoor pavilion is designed and only needs to be sent to a structural engineer for final approval. The steel structure for the public restrooms are being donated by Vail. We only need to buy new fixtures and flooring. If this donation does not follow through, we have ADA bathrooms designed and can be constructed by Igm architectural solutions, Beyond the Tree and Josh Thompson Steel Company. We will be adding ADA playground equipment from 'Made in the Shade Playgrounds' out of Evergreen. Our Public Works Department has the equipment and construction hours to begin removing the asphalt road that is steep, dangerous and cuts the park in half this spring. We are scheduling with RMYC to construct the ADA trail and river access this summer. We have plenty of parking already for park users. We have \$250,000.00 cash donations and this GOCO grant to successfully complete this project. We have the images in Town Hall for our environmental education display. We have the list for the additional native plant material to be installed. We are ready and committed to see this project being completed this year, and if for unforeseen circumstances, can easily be completed by next year, within the 2 year deadline.

11. What is compelling about our community's need for GOCO funds is that we are a population of 1,000 residents and we have a park that is used by our neighboring communities and can be utilize by even more people, organizations and schools if these very necessary changes and additions are made to the park. This year the Town of Minturn's funds for Capital Improvement projects \$329,297.00, this includes all paving projects, water treatment plant improvements, sidewalk repairs, and replacement of old water and sewer lines. This is not enough money for these projects, let alone public restrooms and outdoor recreation areas. Our project is not just for the Town residents. Its size, program and scape is needed to serve neighboring communities, families and organizations. This project will create a great universal park in this area. Without the GOCO funds, only a small component of the project will get done. Maybe two restrooms. A majority of the cash donations will be held until they can get matching funding to complete this project in its entirety. Even with the public restrooms added, the availability to a variety of users is limited. The senior citizens find it difficult to travel down to the river or the terracing to watch shows on the stage. It is far for any person with a disability, especially those in a wheel chair to come down into the park, out of the top parking lot area. We risk losing our cash funds dedicated to the project if GOCO doesn't award the grant now because there are certain stipulations with the dedication of the park improvement.

12. We have \$250,000.00 planned cash match secured. For new park benches and picnic tables we have received the following in-kind contributions:

\$2,000.00 in service related to landscape by Johnie's Garden

40 labor hours in the Little Beach Park Construction from Leadfoot Linda's

\$100.00 from Leadfoot Linda's

\$50.00 from Kirby's

\$50.00 from Nicky's Quickies

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 5 – SERIES 2014**

**AN ORDINANCE TO AMEND THE REGULATION OF
TRAFFIC BY THE TOWN OF MINTURN, COLORADO, AS
ADOPTED IN THE 2003 EDITION OF THE “MODEL
TRAFFIC CODE FOR COLORADO MUNICIPALITIES” AS
ADOPTED BY THE TOWN OF MINTURN, COLORADO.**

WHEREAS, the Town of Minturn, has reviewed the existing parking needs of the citizens of Minturn and the requirements set forth in the Model Traffic Code for Colorado Municipalities; and

WHEREAS, public hearings have been held by the Town Council of the Town of Minturn, Colorado, pursuant to notices required by law, at which the public was given an opportunity to express their opinions regarding the proposed amendments; and

WHEREAS, following such public hearings, the Town Staff evaluated the conditions for parking and developed what will become a Town wide parking plan and has forwarded reports and recommendations on the proposed amendments to the Town Council; and

WHEREAS, Section 1205(3) authorizes the local authorities to permit angle parking on any roadway by local ordinance, except that angle parking shall not be permitted on any state highway unless approved by the Colorado Department of Transportation; and

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

1. The proper posting and public notice was provided as required by law for the hearings before Town Council of the Town of Minturn, Colorado.
2. The hearings before the Town Council were both extensive and complete and all pertinent facts, matters and issues were submitted at those hearings.
3. The proposed amendment to the Model Traffic Code for Colorado Municipalities otherwise complies with all requirements imposed by Code, is consistent with the objectives and purposes of the Code and is deemed compatible with surrounding land uses and uses in the area.
4. The requested amendment to the Model Traffic Code for Colorado Municipalities as adopted by 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 1205(2) of the Model Traffic Code for Colorado Municipalities is amended to allow angled parking and incorporate various needed and requested snow clearing schedules and speed limits and traffic flow as deemed necessary by the Town Planner of the Town of Minturn as detailed Town Parking Plan and other documents provided sufficient signage and notice is publicly given.

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 19th DAY OF FEBRUARY, 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 5TH DAY OF MARCH, 2014 AT 6:30p.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 5TH DAY OF MARCH, 2014.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

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

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

Michelle Metteer
Economic Development
P.O. Box 309
302 Pine Street
Minturn, CO 81645
970-827-5645

mmetteer@minturn.org
www.downtownminturn.com
www.minturn.org



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

STAFF REPORT

TAYLOR STREET SPEED STUDY

Estimated speed and stopping distances with various road conditions were reviewed at <http://www.forensicsdynamics.com/stopping-distance-calculator>. Here is a breakout of the “standard stopping distance (in feet) results.”

Road Condition	Speed 15 mph	Speed 20 mph
Ice	50.17 feet	89.2 feet
Snow	25.08 feet	44.6 feet
Dry	10.75 feet	19.11 feet

Public Works and Police conducted the on-site Taylor Street speed tests. Below is a description of the test as well as the results:

TO: Michelle Metteer
FROM: Officer Jason Donfris
SUBJECT: Taylor Avenue Traffic Speed Survey
DATE: February 13, 2014

On Thursday, February 13, 2014, I, Officer Jason Donfris, and Arnold Martinez, Public Works Supervisor, conducted a traffic speed survey on Taylor Street. This survey was done at the request of Town Council based on the recent discussions involving the speed limit on Taylor Avenue in Minturn.

To conduct the driving test, we chose a location and then spray painted a line across the road. We began by driving up to the line at 15 mph, and then 20 mph, and applying the brakes at the line on the road. Once the vehicle had come to a complete stop, we measured the distance from the line on the road to the middle of the front tire of the vehicle to arrive at the distance needed to stop.

Mr. Martinez and I began the testing in the 400 and 500 blocks of Taylor Street (hill). On this day, the road conditions were icy. The first test was performed in the 400 block of Taylor Avenue. Driving at 15 mph, it took the Town vehicle 13 feet to stop. Driving the same location at 20 mph, it took the vehicle 45 feet to stop.

We conducted the same driving test in the 500 block of Taylor Street. Driving at 15 mph on icy road conditions, it took the vehicle 9 feet to stop. Driving at 20 mph, it took the vehicle 16 feet to stop.

Mr. Martinez and I felt it would be beneficial to conduct the same driving test on another street in Minturn. As a result, we conducted the driving test in the 200 block of Pine Street (level and dry road conditions) on this same date. Driving at 15 mph, it took the Town vehicle 16 feet to stop. Driving at 20 mph on Pine Street, it took the vehicle 17 feet to stop.

CODE ENFORCEMENT

The code enforcement education campaign by staff has continued for a second week. Warnings were given for trash cans, sidewalk shoveling and parking violations. Below is an updated list of the trash can warnings issued in the second week of the education campaign. It's important to note, many of these code enforcement issues have not been routinely enforced in the past, and therefore, we expect the process of bringing the residents into code conformity to continue with warnings until parking plans are updated and the Protection of Wildlife Ordinance 7-9-310 (refuse disposal) is better clarified. Included toward the end of the staff report are the initial recommended changes (there may be more) needed in the Residential Refuse Disposal section of the Protection of Wildlife Ordinance. As the code stands, the verbiage is vague regarding times to take out and bring in containers.

TO: Michelle Metteer
FROM: Officer Jason Donfris
SUBJECT: Trash Can Violations
DATE: February 13, 2014

The following warnings were issued on Thursday, February 13, 2014 in reference to trash receptacle ordinance violations:

- | | |
|------------------------|-----------------------|
| 1. 223 Boulder Street | 23. 152 Main Street |
| 2. 325 Pine Street | 24. 156 Main Street |
| 3. 425 Pine Street | 25. 162 Main Street |
| 4. 450 Pine Street | 26. 172 main Street |
| 5. 453B Pine Street | 27. 192 Main Street |
| 6. 465 Pine Street | 28. 202 Main Street |
| 7. 475 Pine Street | 29. 212 Main Street |
| 8. 537 Pine Street | 30. 222 Main Street |
| 9. 434 Eagle Street | 31. 232 Main Street |
| 10. 452 Eagle Street | 32. 452 Main Street |
| 11. 484 Eagle Street | 33. 456 Main Street |
| 12. 494 Eagle Street | 34. 811 Main Street |
| 13. 502 Eagle Street | 35. 976 Main Street |
| 14. 504 Eagle Street | 36. 1092 Main Street |
| 15. 15 Harrison Avenue | 37. 1106 Main Street |
| 16. 25 Harrison Avenue | 38. 1151B Main Street |
| 17. 112 Taylor Avenue | |
| 18. 382 Taylor Avenue | |
| 19. 386 Taylor Avenue | |
| 20. 392 Taylor Avenue | |
| 21. 480 Taylor Avenue | |
| 22. 142 Main Street | |

Recommended changes by Police Clerk, Lisa Osborne and approved by staff, to the Protection of Wildlife Ordinance 7-9-310 are included in a redlined version at the end of the staff report. Staff seeks Council direction on presenting the amended ordinance for first reading at the March 5th work session and Council meeting.

TOWN HALL PARKING

In acknowledgement of the need to provide Town Hall with as many public parking spaces as possible, staff has reconfigured the Police parking. The speed trailer, which is not conducive to winter conditions (primarily it gets in the way of snow removal, but may be moved out to Taylor St in an effort to heighten vehicle speed awareness) has been moved to the Public Works facility along with the other unused Police vehicles. One Police vehicle designated parking space remains on the Pine St side of Town Hall and the rest of the Police parking spaces have been opened back up to the public for daily use.

SKI JORING

The Rocky Mountain Ski Joring event organizers have informed our office that the date of the ski joring event in Minturn has been changed to March 15 & 16 due to scheduling conflicts with the Jackson Hole ski joring event. Steps by our office are currently being taken to organize a new Rocky Mountain Ski Joring event leader moving forward.

2015 WORLD CUP

A follow-up email was sent regarding 2015 World Cup support and benefits. See below:

From: Mike Imhof [<mailto:mimhof@vvf.org>]
Sent: Sunday, February 09, 2014 5:23 PM
To: Michelle Metteer
Cc: Sacha Kostick
Subject: RE: Minturn Council presentation

Michelle,

It was great to be able to join you and the council members. See below my answers in red.

Mike

Thanks again for presenting at Minturn's Town Council meeting this last week. Some of our Council members have already gotten back to me asking questions like:

- Can we have a Minturn promotional piece that the VVF could email to potential visitors who ask about event locations, hotel lodging, etc... **YES**
- Would a coupon or Minturn coupon book be acceptable to hand out at any of the events? **Yes. Great Idea.**
- Would there be links on the 2015 web page directing people to Downtown Minturn? **What we would do is list Town Of Minturn on our official 2015 site on the page where our sponsors and gov't partners are listed. The Town Of Minturn Logo would have a hyperlink to your TOM website.**

If you can answer any of these types of questions, I'd like to get the info back to the Council so we can keep this decision making process moving forward.

MEMORIALIZATION GUIDELINES

Please see the attached letter from Cliff Thompson for Council consideration.

RED FLAG ISSUE – ATTORNEY FEES

We have received billing for the month of January from the attorneys in the approximate amount of \$9,750.00. Minturn’s 2014 total budget for attorney fees is \$30,000.00. At this rate, we anticipate the attorney fees to be significantly over budget and may need to reevaluate our ability to fulfill our capital improvement goals.

CONTRACTOR STAGING AREA

A contractor who is bidding on a Vail project with 3-story underground parking is seeking a staging area at the snow storage location in Minturn. In exchange for the staging area for approximately three months they have offered to (1) dig the sewer and water line to Little Beach Park, (2) Create berms for the front area of Public Works facility or (3) a straight financial option of approximately \$10,000.

RED FLAG ISSUE – CONDITIONAL USE PERMITS

A spreadsheet of conditional use permits has been created in order to better track and monitor the CUP process. As you will notice, none of the current businesses on the railroad property have been issued a CUP. It is staff’s understanding that a CUP is required for business operations in the railroad area. If this is not the case, then there is no issue. If this is the case, then staff recommends that during the business license renewal cycle (beginning next month) the CUP process be initiated for each business currently on railroad property. Staff seeks confirmation from Council to move forward with the CUP process for all business on the railroad property during the business license renewal cycle.

MINTURN CONDITIONAL USE PERMITS – DRAFT SPREADSHEET

CU #	Approval Date	Applicant/Owner	Location	Res #	Purpose
01-2014	2-5-14	Chris Davis	376 Pine St	3-2014	medical office
	11-15-00	Gail Crowder	341 Main St		combining of interior space
	4-5-2000	Harry Gray	271-91 Main St		3 commercial parking spaces
	4-5-2000	Harry Gray	271-91 Main St		vacating interior lot lines
	3-15-2000	Harry Gray	271-91 Main St		allow (3) rental apartments
	12-1-1999	Town of Minturn	302 Pine St		allow multiple family dwelling units
	9-15-1999	Crowder	Boulder St		allow multiple family dwelling units
	4-21-1999	Butler Auto Sales	???		used automobile business
	3-7-2001	Robert Atencio			Batting cages
	9-18-2002	Tim Simon	122 Main St		Accessory dwelling
	8-7-2002	Jeff & Becky Highter	132 Main St		Dance academy
	7-3-2002	Town of Minturn	195 Pine St		Fire Station
	6-19-2002	Shirley Lucero	242 Taylor St		Building of a duplex
	6-19-2002	Town of Minturn	810 Cemetery		Public Works Building

			Rd		
2-6-2002	Glen Ellison	400 N. Main St			Landscaping material & equipment
9-15-2004	Charles Overy	77 Meek Ave			commercial space larger than 2500 sq/ft
3-17-2004	Marquez family	Lot 2 Nelson Ave			Single family residence on commercial lot
11-19-2003	Ed Zneimer	211 Main St			Accessory apartment in commercial zone
10-1-2003	Harry Gray	291 Main St			coffee/sandwich/retail establishment
9-3-2003	Mike Lovato	122 Nelson Ave			Single family residence on commercial lot
8-20-2003	Tom Sullivan	120 Nelson Ave			Single family residence on commercial lot
7-2-2003	Carl Babcock	380 Boulder St			Additional Main St parking
6-4-2003	Jerry Sibley	1038 Main St			Single family home
5-21-2003	Heather Davis	245 Main St			Duplex construction
6-2006	Turntable	Railroad			Restaurant & motel use
8-2005	Valley Fabricators	Railroad			Steel fabrication
12-2007	Tory Enterprises	Railroad			Rental truck business
7-2007	Chadwick Construction	Railroad			Construction vehicle & equipment storage
12-2005	Rocky Mtn Custom Landscapes	Railroad			Landscaping material & equipment
01-10	6-2010	Renegade Designs	Railroad	07-2010	Woodworking shop
09-05	10-7-2009	Dan Holtcamp	1040 Main St Unit D	24-2009	multi-faceted business
09-04		Tom Sullivan		16-2009	Mixed use building in a commercial zone
09-02	4-1-2009	DDC Group	1003 Main St	08-2009	Multi family, mixed use building
09-01	2-18-2009	BHP Enterprises	Railroad	02-2009	Rental truck business

Sec. 7-9-310. Protection of wildlife.

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(a) The purpose of this Section is to protect and maintain wildlife in the Town and surrounding areas to minimize the risk of dangerous interaction between humans and wildlife.

(b) Definitions

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Resident means any person, firm, corporation or organization within the Town or Town-controlled land.

Wildlife means any undomesticated animal, including but not limited to elk, deer, sheep, lynx, skunks, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

Wildlife-proof refuse container means any refuse container which has been certified to be wildlife-proof by the Colorado Division of Wildlife, the U.S. Park Service or the U.S. Forest Service.

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Wildlife-resistant reuse/refuse container means a fully enclosed metal or plastic container or Dumpster with a metal or plastic lid. The lid must have a latching mechanism which prevents access to the contents by wildlife.

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(c) Residential refuse disposal.

(1) All residential refuse containers that receive garbage and/or refuse edible by wildlife must either be wildlife-resistant or wildlife-proof or be kept within a fully enclosed and secured structure.

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(2) Residents with curbside pickup shall place their wildlife proof/resistant refuse containers at the curb, alley or public right-of-way at or after 6:00 a.m. 4:00 a.m. of the morning of the pickup, provided that wildlife-proof containers may be placed curbside after 6:00 a.m. of the day before. After trash pickup, the containers must be resecured in an appropriate manner on the resident's property, which includes removal from the right-of-way and Town property, by midnight before the end of the same day.

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(d) Outdoor special event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited into appropriate containers or enclosures secured in a manner to prevent access by wildlife or shall be removed to a disposal site.

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(e) All construction sites must have a designated container that receives refuse edible by wildlife, or such refuse shall be removed from the site by the end of each day. Such container shall be a wildlife-proof container.

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(f) The feeding of wildlife is prohibited.

(1) No person shall intentionally or unintentionally feed or provide food

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in any manner for wildlife on public or private property within the Town. Persons will be considered to be in violation of this Section if they leave or store any garbage, refuse or food product in a manner that would create an attraction for wildlife.

(2) No person shall leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement for wildlife.

(3) Between the dates of April 15 and November 15, all bird feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below the feeders must be kept free from the accumulation of seed debris.

(4) This Section shall not apply to:

a. Any individual, company or corporation that is duly licensed by the State or that otherwise entitles him or her under law to possess a wildlife species;

b. Any action that is officially sanctioned by the State that would require feeding, baiting or luring of wildlife. (An example of one [1] such action would be scientific projects dealing with the capturing and tagging of wildlife); or

c. The feeding of wild birds, unless the bird feeder begins to attract other forms of wildlife.

(g) Violation of any provision of this Section by any person, firm or corporation, whether as owner or occupant, shall be handled in the following manner:

(1) The first violation of this Section will result in a notice of violation to an alleged offender. The alleged offender will be warned and informed of the proper precautions necessary to prevent the feeding of wildlife and the necessary actions to meet the provisions of this Section, which may include, but not be limited to, removal of wildlife attractants, time limits of the placement of curbside refuse containers and use of bear-resistant containers. The notice shall include a reasonable time schedule for compliance. An alleged offender who timely complies with the first notice of violation will not be subject to the penalty provision of this Section.

(2) The second violation of this Section will result in another notice of violation, as well as a summons and complaint. Two (2) notices within a twelve-month period will subject the violator to the penalty provision of this Section. Failure to comply with the first notice within the designated time frame may be deemed a second violation. The second notice of violation shall include a compliance schedule when applicable.

(3) Offenders who have violated this Section more than two (2) times

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within a twelve-month period or have continued to fail in achieving timely compliance with a previous notice will be subject to a graduated schedule as set forth below.

(h) Penalties:

(1) The graduated fine schedule for the penalty assessment procedure is as follows:

<i>Penal(v)</i>	<i>Violation</i>
Warning	First violation
\$150.00- \$250.00 fine	Second violation within 12 months of the first violation or failure to comply with the designated compliance schedule associated with the first violation
\$250.00- \$1,000.00 fine	Each successive violation within 12 months of the previous violation or failure to comply with the designated compliance schedule associated with the second or subsequent violation

(2) In addition to the criminal enforcement set forth above, the Town may seek an injunction or other appropriate civil relief to enforce the provisions of this Section.

(i) In addition to the penalties outlined hereinabove, upon order of the Police Department, violators will be required to perform all necessary actions to remove or abate attractions of wildlife. This may include, but shall not be limited to, the removal of bird feeders or pet food, cleaning or appropriate storage of barbeque grills and/or the required use of wildlife-resistant containers and/or wildlife-proof containers.

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U) A resident shall be deemed to have been issued an appropriate notice of violation if it is personally served upon the resident, posted on the resident's premises or placed in the U.S. mail, postage prepaid, and addressed to the resident according to the last known address given by the resident to any Town or County government department. If the identity of the resident is not known, the person or entity responsible for payment of the garbage removal services for the subject location will be held responsible for complying with this Section and for any penalties assessed pursuant to the same. (Ord. 7, 2009 §1)

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~~ARTICLE
10~~

~~Emergency Fire~~

~~Restrictions Sec. 7 10 10. Severe wildfire conditions
fire restrictions.~~

~~The Town Council and/or Town Administrator may declare that severe wildfire conditions exist and may further declare that fire restrictions adopted by the Eagle River Fire Protection District and/or County of Eagle shall be applicable in the Town. Any fire restrictions adopted in accordance with this Section shall become effective immediately and shall supersede any provision of this Code which is inconsistent with such restriction. Notice of the adoption of such additional fire restrictions shall be posted immediately in accordance with the Town's general posting requirements adopted in accordance with the Charter. The Town shall be authorized to erect such signage and post such notices as deemed appropriate to notify the general public. The Town Council and/or Town Administrator may rescind the additional fire restrictions adopted in accordance with this Section when determined by the Town that the conditions warranting such additional fire restriction no longer exist. (Ord. 11-2012 §2)~~

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~~Sec. 7 10 20. Violation; penalty.~~

~~Any person violating any of the provisions of this Article shall be deemed to have committed an offense for each and every day or portion thereof during which any infraction is committed, continued or permitted and shall be subject to the general penalty set forth in Section 1 4 20 of this Code. (Ord. 11-2012 §2)~~

1/21/14

Mayor Flaherty, members of the Minturn Town Council and town staff:

This letter is an attempt to begin exploring memorializing some of the folks who have served the town and are no longer with us, by naming something in their memory.

As you know, there are some facilities in town that bear the names of those who have served Minturn- the Bellm Bridge and the Community Garden with Lorraine's name. The issue for me has gained resonance following the death of your long-time town attorney, Allen Christensen whom I knew for many of those years.

Few if any have served the town that long and it's difficult to find anything of substance that has occurred in town over the last 30 plus years that doesn't have his imprimatur on it.

And there are others to consider, too. Bill Burnett's contributions and tenure certainly needs to be considered.

Other towns and organizations memorialize their facilities, but with a bit of cursory checking, it seems none seem to have any guidelines for such consideration.

I'd be happy to volunteer, as a member of an ad hoc committee, to develop some criteria for Town review should there be an interest.

Please let me know if this is something that you would like to pursue.

Sincerely,

Cliff Thompson
2001 Crazy Horse Cir.
Edwards, CO 81632
[970-376-2562](tel:970-376-2562)
cliffthom@gmail.com



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

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

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, February 14, 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, pursuant to: 1) C.R.S. §24-6-402(4)(b) – to receive legal advice on specific legal questions, regarding parking; and 2) C.R.S. §24-6-402(4)(f) – to discuss personnel matters, regarding the Town Manager.

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