



2014

Minturn Council Meeting

Wednesday March 19, 2014

Work Session: **5:45pm**
(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 March 19, 2014

Work Session – 5:45 pm
Regular Session – 6:30 pm

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 – Matt Mire
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 – 5:45 pm

- Wastewater Master Plan update – Diane Johnson Pg 4
- Ordinance 3 – Series 2014 (Second Reading) Contractor Registration Ordinance – Metteer Pg 37
- Park Names - Hawkinson

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes and Action Report

- March 3, 2014 – Special Meeting Pg 6
- February 19, 2014 Pg 8
- Action Item Report
 - i. Eagle River Park
 - ii. Other Action Items

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

5. Special Presentations

- One Book One Valley – Lori Ann Barnes

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: One Book One Valley Proclamation – Metteer Pg 18

7. 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 – Metteer Pg 19

8. Discussion/Action Item: Ordinance 3 – Series 2014 (Second Reading) an Ordinance requiring registration of contractors conducting work requiring a permit – Metteer Pg 37

Previous Action: Motion by Earle B., second by Shelley B., to approve Ord 3-2014 as amended on first reading. Motion Passed 6-0. Note: John R. was excused absent.

Proposed changes:

- Define contractor more specifically as requiring a building permit
- Consider the multi year

OTHER MATTERS

9. Planning Department Update

- Conservation Easement update – Hawkinson

10. Staff Report Pg 45

11. Town Council Comments

EXECUTIVE SESSION

- 12. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(b)(f) - to receive legal advice on specific legal questions and to discuss personnel matters, regarding the Town Manager.** Pg 49

FUTURE AGENDA ITEMS

13. Next Meeting – April 2, 2014

- Vail Valley Foundation Re: 2015 World Cup funding consideration (4/2/14)
- Discussion/Action: Ordinance 2 – Series 2014 (Second Reading) an Ordinance amending the Town Parking Plan – Hawkinson (4/2/14)
- Work Session: DOLA Grant Update – Brunvand (4/2/14)

14. Future Meetings:

- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL Representative – White
- Marijuana update – Town Attorney (4/16/14 Invite Ms. Barbara Allen to the meeting)

15. Set Future Meeting Dates

- a) Council Meetings:
- April 2, 2014
 - April 16, 2014
 - May 7, 2014
- b) Planning & Zoning Commission Meetings:
- March 26, 2014
 - April 23, 2014
 - May 21, 2014

16. Other Dates:

- April 8, 2014 – Town Council Elections
- April 26, 2014 - Eagle River Watershed Council Highway Cleanup

17. Adjournment



Memorandum

To: Honorable Mayor Hawkeye Flaherty and Minturn Town Council
From: Siri Roman, Wastewater Manager
Diane Johnson, Communications and Public Affairs Manager
Date: March 19, 2014
Re: Eagle River Water & Sanitation District Wastewater Master Plan Update

Summary: Siri Roman will provide an update about the ERWSD Wastewater Master Plan which Minturn Town Council heard in full at its February 6, 2013, meeting. She will briefly review current operations, new wastewater effluent regulations enacted by the Colorado Water Quality Control Division (WQCD) and the implications of the regulations – including benefits to stream health and financial impacts. ERWSD is informing the town of Minturn about the projects and cost associated with the 15-year wastewater master plan as it dovetails with local long range planning efforts and affects our mutual constituents. No action is requested from the Council.

Background: Eagle River Water and Sanitation District treats wastewater from East Vail to Cordillera, including Minturn, at three treatment facilities. The facilities are located in Vail, Avon, and west Edwards and are regulated by effluent discharge permits provided by the Colorado WQCD. In 2012, the WQCD adopted more stringent nutrient regulations (Regulation 85 and Regulation 31) that will impact the operations of the facilities. The new regulations will require that the plants discharge less phosphorus and nitrogen (nutrients) to Gore Creek and the Eagle River. The WQCD will be working with ERWSD on a compliance schedule to meet the new regulations. However, it is possible that all three plants could have to comply with the new regulations as early as 2020, which would require significant capital improvements at each facility by that date.

In 2012, the District completed an update to its existing Wastewater Master Plan in order to determine a preferred capital improvement plan and schedule that would meet the new regulations and future growth through 2025. Eight alternatives were evaluated on cost, water rights issues, land availability, staffing, maintenance, sustainability, permitting, layout, scheduling, and other criteria. The preferred alternative addresses necessary increased capacity at the facilities to meet future growth, upgrades the facilities to meet anticipatory regulatory limits, and consolidates the treatment of solids at the Edwards facility. Full implementation of the wastewater master plan is projected to cost \$95 million through 2030.

Given the significant capital improvements required, ERWSD secured funds to implement Phase 1 of the capital plan. The District issued \$28 million in revenue bonds in Dec. 2012 which will affect monthly service rates beginning in 2015. The monthly debt service rate associated with the 2012 bonds will be about \$6 per single family equivalent (a generic residential unit, up to 3,000 square feet). The next phase of the plan will cost approximately \$23 million and will be funded either through rates or property tax, which would become effective in 2017 – when an existing District property tax will sunset.

With the release of fewer nutrients to Gore Creek and the Eagle River, the new regulations and associated capital improvements will benefit the biological health of the streams. Downstream drinking water facilities will also benefit due to improved source water.

ERWSD is completing the design of Phase 1 of the Capital Improvement Plan; the solids handling improvement project at the Edwards Treatment Facility. The permitting process with the Colorado Department of Public Health and Environment (CDPHE) is underway, and approvals are being sought concurrently with the Eagle County 1041 process. Construction is slated to begin in this summer.



Memorandum

To: Honorable Mayor Hawkeye Flaherty and Minturn Town Council
From: Linn Brooks, General Manager
Date: March 19, 2014
Re: Funding of ERWSD Wastewater Master Plan

Summary: The Eagle River Water & Sanitation District Board of Directors has placed two measures on the ballot this May so the District can make required wastewater improvements due to new state and federal regulations, at the lowest possible financing cost. District staff will be present to answer any questions that Council Members may have.

Background: The State of Colorado, per the U.S. Environmental Protection Agency, has enacted regulations that limit the discharge of nutrients from wastewater treatment facilities to waterways. The District must construct additional treatment systems at each of our community wastewater facilities (in Vail, Avon, and Edwards) to comply with the new wastewater effluent standards.

The District prepared a 15-year master plan to meet the state requirements and phase in the required capital improvements. The new treatment systems will improve nitrogen and phosphorous (“nutrients”) removal from community wastewater and thus reduce the amount of nutrients that are released to Gore Creek and the Eagle River by the wastewater treatment facilities. Excessive nutrients in natural waters can impair aquatic health, so the new regulation will improve stream water quality.

To comply with the new standards, the District must borrow approximately \$25 million over the next several years. The debt can be funded by issuing revenue bonds based on sewer fees (which does not require voter approval), or by issuing general obligation (GO) bonds, which does require voter approval. The Board is pursuing the latter as it would result in the lowest possible interest rates, saving an estimated \$1.8 million in interest costs.

The District is committed to a long term economical solution to meet the regulations and continue to provide high quality water and wastewater services for our community.



OFFICIAL MINUTES

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

Wednesday March 3, 2014

Regular Session/Executive Session – 5:00pm

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Aggie Martinez
John Rosenfeld
Darell Wegert

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

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

Regular Session – 5:00pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 5:05pm.

a. Roll Call

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

John R. arrived at 5:11
Shelley B. arrived at 5:13

2. Approval of Agenda

- a. Items to be Pulled or Added

Motion by George B., second Darell W., to approve the Agenda as amended. Motion passed 5-0.

EXECUTIVE SESSION

- 3. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(e) - to receive interview candidates for the position of Town Attorney to include council discussion limited to the interview and selection of an attorney and contract discussions there on.**

Motion by Darell W., second by Hawkeye F., to convene in Executive Session pursuant to C.R.S. §24-6-402(4)(e) - to receive interview candidates for the position of Town Attorney to include council discussion limited to the interview and selection of an attorney and contract discussions there on. Motion passed 7-0

No direction to staff was given.

4. Adjournment

Motion by George B., second by Darell W., to adjourn the meeting.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Official Minutes

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

Wednesday March 5, 2014

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

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 – Matt Mire
TOWN CLERK/TREASURER – Jay Brunvand
TOWN PLANNER – Janet Hawkinson

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Regular Session – 5:00pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 5:07pm.

a. Roll Call

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

Staff present: Town Manager Jim White, Interim Town Attorney Matt Mire, 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 C.R.S. §24-6-402(4)(b)(f) to the Executive Session regarding Town Attorney services.

Motion by Darell W., second George B., to approve the Agenda as amended. Motion passed 6-0.
Note: John R. was excused absent.

EXECUTIVE SESSION

3. 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake – White/Mire

Motion by Earle B., second by George B., 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake. Motion passed 6-0. Note: John R. was excused absent.

Direction given to staff as a result of the Executive Session:

- Parking question no direction
- BMR direction set up committee meetings and contact Boots F. to update the council on water issues
- The balance will be taken up at the end of the meeting when the Executive Session is reconvened and completed

Council exited the Executive Session at 6:05

Motion by Shelley B., second by George B., to recess the Council meeting for the purpose of conducting the Work Session. Motion passed 6-0. Note: John R. was absent excused.

Work Session – 6:00 pm

- Minturn Police Department discussion – Osborne

Darell W. asked if we wanted to keep our own municipal court, could we; yes. State Statute violations would go into the County Courts and higher, the municipal violations would be written into the municipal courts. Darell W. expressed his desire to maintain the community feel of a local police force. Discussion ensued as to the Councils desire to maintain a local force.

Discussion ensued as to the cost and any cost savings for in house police versus contract services.

- Contractor Registration Ordinance – Metteer

Regular Session – 6:30pm

Hawkeye reconvened the Regular Session at 6:35pm and updated the meeting on the proceedings thus far.

4. Approval of Agenda

- Items to be Pulled or Added

Add to the Executive Session at the end of the meeting 4) C.R.S. §24-6-402(4)(b)(f) to discuss and receive legal advice regarding Town Attorney services

Motion by Shelley B., second by Darell W., to approve the Agenda as amended. Motion passed 6-0. Note: John R. was excused absent.

5. Approval of Minutes and Action Report

- February 19, 2014

Motion by Shelley B., second Aggie M., to approve the minutes of February 19, 2014 Council Meeting as presented. Motion passed 6-0. Note: John R. was excused absent.

- Action Item Report
 - i. Eagle River Park
 - ii. Other Action Items

6. Liquor License

- Ski Joring Special Event License, Town of Minturn, Michelle Metteer - Brunvand

The liquor license application was reviewed. Questions on event parking were asked and answered. Michelle M. highlighted the event for the public.

Motion by Shelley B., second by Darell W., to approve the Special Event Permit for a Malt, Vinous, and Spirituous liquor permit as presented with the following conditions:

- The application was received on February 19, 2014 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on February 21, 2014 at least 10 days prior to the Council Meeting consideration.

- That the selling of liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests that at least one experienced T.I.P.S. certified, or equivalent, server be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to the Town in advance.
- Staff requests each entrance/exit be monitored to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

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

Mr. Lynn Kanakis, 248 Main St, commented how nice he felt the Town is running.

Ms. Barbara Allen, 4130 Eagle River Bend Avon, updated the Council on information she has learned regarding the traffic on Hwy 6, how it passes by several schools and how the retail distribution and sales of marijuana would affect this County passage.

Ms. Melissa Decker, 821 Main St, reported that the other morning she observed the Minturn Police Officer exceeding the speed limit and passed in the opposite direction the school bus. This is unacceptable and he did not have any reason to be driving in such a manner. Although the bus did not have its stop lights flashing, Ms. Decker stated the bus driver commented on the rate of speed as well. She asked the Council to ensure that sidewalks are part of the community consideration.

Ms. Lynn Teach, 231 Pine St., commented on the work the Public Works is doing with all the snow. Commented on how well Michelle and Janet have been handling town issues during the Town Manager's extended absence.

8. Special Presentations

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. Discussion/Action Item: Minturn Police Department discussion – Osborne

Lisa O. gave a brief overview of the discussions to date of how the Town will move forward with the police department due to staffing issues. The Town has received two contract proposals, one from Avon and one from the County.

Earle B. asked Lisa O. for a coverage review of the two proposals and the costs of each. Earle B. stated his initial thought was to stay with the Minturn Police Department. He stated that the reality of the situation is that we do not have the funds to staff, train, and retain a police force. He stated the proposals would allow some consistency that we have not been able to offer in the past and stated a contract option does make sense.

Darell W. stated we have always had officer retention issues. By having an outside contract the stability and retention issues would be resolved. Aggie agreed.

Shelley B. stated we could request a modified schedule with the contracts to allow for coverage during the early morning and evenings. She felt a contract, if managed properly, would be an asset for the town citizens.

George B. stated he felt we could hire our own officers, not have a chief, use the Sheriff for extra coverage and supervision, and still retain our own police force.

Hawkeye felt we should have our own police department.

Note: 4 desired the contract, 2 desired the Minturn department.

Discussion ensued on the merits of a contract versus the Minturn force options.

Hawkeye stated this would be discussed further in the Executive Session as it is a contract and assured the citizens that they are police safe.

10. Discussion/Action Item: Council Pay discussion as pertains to April 8, 2014 Election – Brunvand

No change was directed.

11. Discussion/Action Item: Code Enforcement Update - Metteer

Michelle M. updated the Council on the options for Code Enforcement needs. Michelle M. stated Lisa O. has undertaken the position and will be trained. Jim W. stated he had approved sending Lisa O. to a training program in Las Vegas, NV. Shelley B. asked if this was putting too much of a burden on the current staff or was this going to create a new position. This would be an added responsibility to her position. The proposal is to maintain one full time equivalent position in the event the Council changes the makeup of the current police department. How the position evolves is yet to be completely realized. Council agreed the training was warranted but that we should move forward with caution.

12. Discussion/Action Item: Ordinance 2 – Series 2014 (Second Reading) An Ordinance amending the Parking Plan for the Town of Minturn. – Hawkinson

Previous Action: Motion by Shelley B., second by John R., to approve Ord 2-2014 as presented on first reading. Motion passed 7-0

Janet H. updated the council on the issues noting the biggest issue is not the neighborhood resident parking, rather the guests using the trail head parking. Staff is requesting Council to table the issue until the issues can be further vetted.

Motion by Darell W., second by Aggie M., to table to the April 2, 2014 meeting Ordinance 2 – Series 2014 (Second Reading) an Ordinance amending the Parking Plan for the Town of Minturn as presented. Motion Passed 6-0. Note: John R. was excused absent.

13. Discussion/Action Item: Resolution 6 – Series 2014 a Resolution of endorsement for Holy Cross funding for the purpose of park beautification at Little Beach Park and Eagle River Park – Brunvand

Motion by George B., second by Shelley B., to approve Resolution 6 – Series 2014 a Resolution of endorsement for Holy Cross funding for the purpose of park beautification at Little Beach Park and Eagle River Park as presented. Motion passed 6-0. Note: John R. was excused absent.

14. Discussion/Action Item: Resolution 7 – Series 2014 a Resolution decreasing the speed limit along Taylor St. and authorizing the installation of a three-way stop sign intersection on Taylor St. – Mire

Motion by George B., second by Darell W., to approve Resolution 7 – Series 2014 a Resolution decreasing the speed limit along Taylor St. and authorizing the installation of a three-way stop sign intersection on Taylor St. as presented. Motion passed 6-0. Note John R. was excused absent.

15. Discussion/Action Item: Ordinance 3 – Series 2014 (First Reading) an Ordinance requiring registration of contractors conducting work requiring a permit. – Metteer

Michelle M. outlined the purpose behind the ordinance and its consideration. Shelley B. stated the annual registration seems to not reduce the effort required, the intent would be to have a multi-year registration and fee. This is not in the Ordinance. Janet H. stated that the Planning Dept is computerized based on an annual renewal basis, to change this would require additional work by staff. Discussion ensued as to the merits of annual versus multi-year and the proposed fee structure.

Proposed changes:

- Define contractor more specifically as requiring a building permit
- Consider the multi year

Motion by Earle B., second by Shelley B., to approve Ordinance 3 – Series 2014 (First Reading) an Ordinance requiring registration of contractors conducting work requiring a permit as presented with the proposed changes. Motion Passed 6-0. Note: John R. was excused absent.

16. Discussion/Action Item: Eagle River Park funding for public restroom facilities – Hawkinson

Janet H. updated the council on the changes they recommended to make a men's and women's steel. Janet H. requested the council to consider extra funding for a men's and women's (two single stall), ADA, steel building. She stated the costs are approximately \$40,000 per stall.

Motion George B., second Shelley B., to approve up to \$75k and encouraged to use local vendors. Motion passed 6-0. Note: John R. was excused absent.

17. Discussion/Action Item: Public recognition of Parking Variance letter – White

Hawkeye updated the community and apologized for the letter written and distributed to the citizens. He stated it was very confusing. Following is the referenced letter from the Council:

PARKING "VARIANCE" LETTER DATED NOVEMBER 18, 2013

The Town of Minturn is issuing this notice to address former Police Chief Brad Lamb's November 18, 2013 letter, entitled "Taylor Avenue Parking Variance." Chief Lamb's letter purports to grant a "variance" allowing vehicles to park on the west side of Taylor Street between the hours of 2:00 p.m. and 6:00 a.m., between the south railroad track intersection and the north end of Taylor Street near the Lionshead trail access.

First, in the letter, Chief Lamb referenced a petition that was signed by Taylor Street residents requesting that parking be allowed on Taylor Street. The Town is not in possession of any such petition.

Second, while Chief Lamb used the term "variance," the letter does not grant a variance as used in the Town Code. There are several examples of variances in the Town Code, such as sign variances and zoning variances, but there is no Code section authorizing a parking variance.

The position of Police Chief is granted specific authority by the Minturn Town Code. The Police Chief has the authority to enforce State statutes and Town ordinances within the Town boundaries, and to perform other related duties as the Town Council requires. The Police Chief does not have the authority to change the laws that apply within the Town. The Town Council did not request or direct that Chief Lamb issue the letter.

Because of the confusion surrounding the letter, the Town Council wants to make it clear that the letter does not restrict the Town's ability to regulate parking on Taylor Street.

The Town takes the comments and concerns of its residents seriously. The Town Council held a special public meeting on January 27, 2014, to address the parking concerns on Taylor Street. The Town Council received public comment from Taylor Street residents, which the Town will consider as it develops a revised parking plan for Taylor Street. The Town Council is hopeful

that it can adopt a parking plan for Taylor Street that is responsive to the needs of residents and ensures safe travel along the roadway.

Please do not hesitate to contact either Town Council or Town staff if you have questions, comments or concerns about our community. The Town's contact information may be found at <http://www.minturn.org> or by calling (970) 827-5645. We look forward to hearing from you.

Matt M. noted the letter was in the packet and that the parking variance noted within the letter exceeded the authority of the Police Chief. The variance itself has no legal standing. Hawkeye asked the community to request the letter if they feel needed.

OTHER MATTERS

18. Planning Department Update

- Discussion of Town Goals/Action Plan - Hawkinson/Metteer/Martinez/Brunvand
- GOCO Grant Little Beach Park

Janet updated the council on the grant and the effort put forth for the grant. Grant notification will be made in June 2014.

- Technical Review Board – Hawkinson/Martinez

Janet H. and Arnold M. updated the council on how this will allow the neighboring citizens of various projects in an effort to better communicate with the neighbors as projects are proposed to the town which might not otherwise be shared.

19. Staff Report

Michelle M. updated the council on the Staff Report and took questions. Arnold M. updated the council on the snow removal and snow pile removal being done town wide. He noted this has been a pretty heavy year and emphasized the need for citizens to use their snow stacking area on their private property. Discussion ensued as to the need to provide safe view and safe ingress and egress of properties.

Comment was also noted on the water loss control measures being taken. We are getting closer to the acceptable water loss of less than 20%.

Shelley B. noted all the snow from Shop N Hop is being plowed onto Boulder St. and it makes the road almost impassable. Arnold M. stated he would talk to the private contract plow driver.

Arnold M. stated that on Saturday a huge portion of Lions Head Rock fell. The debris fell down the hill side and on to the old railroad tracks. No one was hurt and other than the rail tracks, no damage was reported.

20. Town Council Comments

Hawkeye asked the citizens to ensure their trash is in the cans and the lids are closed. The trash and the containers need to be maintained and the can put away on days not trash days. This will help with the animal issues and it will help keep the neighborhoods clean.

It was noted that with the high snow year, citizens should be thinking about the high river flow in the spring and flood potential.

Darell W. stated the ERWSD might be requesting to be on a meeting to outline their election in May.

EXECUTIVE SESSION

- 21. 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake.**

Note: this is a continuation of the 5pm Executive Session if necessary.

Motion by Shelley B., second by George B., to reconvene 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake and to discuss the Town Attorney hiring. Motion passed 6-0.
Note: John R. was excused absent.

The Council meet in Executive Session with the Interim Town Attorney and then Jim W. was called into the Executive Session.

Direction given to staff as a result of the Executive Session:

- Set up another round of interviews for the Attorney position.
- Begin negotiations with the entities on the Police Department contracts.

FUTURE AGENDA ITEMS

22. Next Meeting – March 19, 2014

- 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: Wastewater Master Plan update – Diane Johnson
- Discussion/Action Item: Ordinance 3 - Series 2014 (Second Reading) an Ordinance requiring registration of contractors conducting work requiring a permit. – Metteer
- Special Presentation/Proclamation: One Book One Valley – Lori Ann Barnes

23. 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 – Town Attorney (4/16/14 Invite Ms. Barbara Allen to the meeting)
- Work Session – Consent Agenda discussion

24. Set Future Meeting Dates

- a) Council Meetings:
 - March 19, 2014
 - April 2, 2014
 - April 16, 2014
- b) Planning & Zoning Commission Meetings:
 - March 26, 2014
 - April 23, 2014
 - May 21, 2014

25. Other Dates:

- March 11, 2014 – Candidate Materials due to Town Clerk for Town Council Elections
- March 15 & 16 Ski Joring
- April 8, 2014 – Town Council Elections

26. Adjournment

As there was no further items on the agenda the meeting stood adjourned at 10:07pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

OFFICIAL PROCLAMATION

ONE BOOK, ONE VALLEY, 2014

A Valley-wide reading program sponsored by
the Towns of Avon, Eagle, Minturn, and Vail

WHEREAS, community-read programs have united and uplifted hundreds of cities and principalities throughout the United States of America; and,

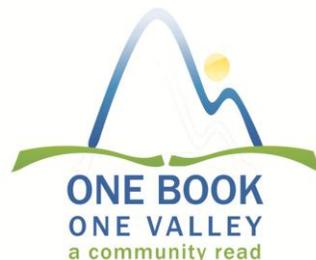
WHEREAS, the book “Finders Keepers: a tale of archaeological plunder and obsession” by Craig Childs, renowned naturalist and Colorado author, is a ghost story—an intense, impassioned investigation into the nature of the past and the things we leave behind; and,

WHEREAS, this Eagle Valley community read will feature book talks & discussions, film showings, special related programs hosted by Walking Mountains Science Center and a special guest appearance by the author; and,

WHEREAS, the Town of Vail Public Library, in collaboration with the Eagle Valley Library District, Colorado Mountain College, the Bookworm of Edwards and Walking Mountains Science Center have resolved to bring this valley-wide reading program to the citizens of Eagle County; and,

WHEREAS, the One Book, One Valley initiative will encourage literacy and shared enjoyment of reading throughout Eagle County,

NOW, THEREFORE, we, Hawkeye Flaherty, Mayor of the Town of Minturn, do hereby promote the One Book, One Valley initiative and officially announce and promote the novel “Finders Keepers” to all Eagle County residents for their enjoyment and the enjoyment of all.



Michelle Metteer
 Economic Development Coordinator
 Deputy Clerk
 P.O. Box 309 ♦ 302 Pine St
 Minturn, CO 81645
 970-827-5645
mmetteer@minturn.org
www.downtownminturn.com



Town Council
 Mayor – Gordon "Hawkeye" Flaherty
 Mayor Pro Tem – George Brodin
 Councilwoman – Shelley Bellm
 Councilman – Earl Bidez
 Councilman – Darell Wegert
 Councilman – Aggie Martinez
 Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Resolution 2 – Series 2014
MEETING DATE: March 19, 2014
PRESENTER: Metteer
BACKGROUND: <ul style="list-style-type: none"> • This Resolution is, in part, a communication tool for Western Slope leaders for the purpose of expressing the Western Slope Principals as the Governor and Colorado Water Conservation Board prepare the Colorado Water Plan. • This Resolution was first brought to Town Council at the January 15th meeting. • Boots Ferguson, Minturn Water Attorney, confirmed Mayor Hawkeye's original request to remove sections 1.1 and 2.4 from the West Slope Principles for the Colorado Water Plan.
CORE ISSUES: <ul style="list-style-type: none"> • Protection and conservation of Western Slope waters as they pertain to the Colorado Water Plan.
STAFF RECOMMENDATION/MOTION: Approval

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 2 – SERIES 2014**

**A RESOLUTION ENDORSING THE WESTSLOPE PRINCIPLES AND ADOPTING
THE EAGLE RIVER BASIN PRINCIPLES FOR THE COLORADO WATER PLAN**

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

WHEREAS, the Town and District are each authorized and empowered to supply water for domestic and other public and private purposes; and

WHEREAS, the Town and District continually plan for the development of their respective public water systems, including water rights, storage and treatment facilities; and

WHEREAS, the Governor of the State of Colorado issued executive order D 2013-005, directing “the Colorado Water Conservation Board to commence work on the Colorado Water Plan” in May 2013; and

WHEREAS, according to the executive order, “Colorado’s water policy must reflect its water values,” including a “productive economy,” efficient water infrastructure “promoting smart land use,” and a “strong environment that includes healthy watersheds, rivers and streams, and wildlife;” and

WHEREAS, the west slope headwaters are the source of much of the water supply for the front range as well as an epicenter of Colorado’s recreation economy and wildlife resources; and

WHEREAS, local governments, water districts, watershed groups, basin roundtables, and other west slope water leaders have a deep understanding of the relationship between water resource development and the healthy watersheds, rivers and streams, and wildlife; and

WHEREAS, west slope organizations have been engaged in land use and water planning both locally and with Front Range water interests for many years and desire that this experience inform the Colorado Water Plan process; and

WHEREAS, Eagle River basin water providers have led cross-basin negotiations that have protected local rivers and streams, thereby providing for municipal water supply, recreational uses, environmental flows, and healthy watersheds; and

WHEREAS, Eagle River basin water providers developed principles to assure the certainty of existing and planned future water supply; and

WHEREAS, the Town and District are members of the Northwest Colorado Council of Governments' Water Quality/Quantity Committee which developed the *West Slope Principles* in collaboration with members of the west slope Basin Roundtables and the communities they represent; and

WHEREAS, the Minturn Town Council supports these principles and believes that the Governor and the Colorado Water Conservation Board should adhere to these principles in preparing the Colorado Water Plan.

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

Section 1. The Council hereby endorses the West Slope Principles and adopts the Eagle River Basin Principles for the Colorado Water Plan in the same form attached hereto as Exhibit A and Exhibit B.

Section 2. This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, APPROVED, AND ADOPTED at a regular meeting of the Town Council of the Town of Minturn held this 19th day of March 2014.

TOWN OF MINTURN, COLORADO

By:

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

West Slope Principles for the Colorado Water Plan

1. **Solutions in the Colorado Water Plan (CWP) to supply water for growth and development in one part of the state should not over-ride land use plans and regulations adopted by local governments in the part of the state from which water will be taken.** ^{1,2,3,4,5,6,7}
 - ~~1.1 No new water supply projects or major changes in operation of existing projects should be planned unless agreed to by the county, conservancy district, and conservation district in the area from which water would be diverted.~~ ^{1,3,5,6,7}
 - 1.2 The CWP must take into account pending projects, water supply plans, comprehensive land use plans, local regulatory authority, water quality plans (208 Plans), watershed plans, multi-party water agreements and related documents adopted by local governments in the area from which water would be taken. ^{1,2,3,4,5,6,7}
 - 1.3 Both the legislative basis and the legal impact of local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected. ^{3,6,7}
 - 1.4 The CWP should never elevate the agricultural interests in one part of the state over the agricultural interests in another part of the state to meet the demands of Front Range development. Agriculture is an important segment of the state's economy as a whole. Agriculture provides food independence, open space, wildlife habitat, cultural value, and economic activity wherever it is located.
 - 1.5 Any new supply projects taking water from one area of the state to another should include funding for "compensatory projects" to serve the area from which the water is taken. ⁷

2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** ^{1,2,3,5,6}
 - 2.1 The cornerstones of the west slope's economy are tourism, recreation, agriculture, and resource development, all of which are highly dependent upon water to be successful. The CWP should not facilitate additional diversions that could threaten the region's environmental, social and economic well-being. ^{1,2,3,6}
 - 2.2 To educate the public about existing conditions on the west slope, the CWP should identify the location and amounts of water that are already diverted every year from the west slope to the east slope, and discuss the historic and current consequences of those diversions. ^{1,2,3,6,9}

- 2.3 The state should not facilitate, politically, financially, or legally, any new water supply projects from the Colorado, Yampa/White or Gunnison River Basins to the Front Range without the consent of the county, conservancy district, and conservation district in the basin of origin, and unless impacts are avoided and mitigation is provided. ^{1,2,3,6,7}
- ~~2.4 New supply projects that involve storage on the west slope must make a significant amount of water available to west slope water uses. New supply projects that involve storage of west slope water in an east slope storage project must provide compensatory storage to protect existing and future west slope water uses, as well as the environmental and non-consumptive needs of the basin of origin. ⁷~~
- 2.5 The CWP must protect investments in public water and wastewater facilities by ensuring that costs to upgrade and operate these facilities do not increase because of Front Range water projects. ⁵
- 2.6 The CWP must afford recreational in-channel diversions and CWCB instream flows the same status as other water rights that are protected under Colorado law. ^{3,6} Other west slope non-consumptive water needs must be factored into the CWP.
- 2.7 Water quality protection efforts of the west slope must be respected and enhanced by the CWP. ^{4,5,6}
- 2.8 The historic use of west slope agricultural water rights provides a river flow regime that is relied upon by all west slope users and must be maintained. ⁸
3. **The CWP should identify a process and requirements for each basin to exhaust available water supply within its own basin before planning diversions from another area of the state.** ^{1,2,3,7}
- 3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply. ^{1,2,3,6,7}
- 3.2 Re-allocation of existing supplies in areas that need more water should be evaluated (e.g. rotational fallowing, changing to new uses, deficit irrigation). ^{1,3,6,7}
- 3.3 Front range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.
- 3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct

re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities. The CWP should encourage and facilitate dredging to keep capacity, and streamline efforts to enlarge storage by dredging when practical.^{3,6}

- 3.5 The CWP should promote mechanisms to reduce demand through agricultural or municipal efficiency/conservation, land use and smart growth policies that further water conservation, and controls on water usage.^{3,6,7} Under no circumstances should agriculture be penalized for switching to more efficient water use methods.
 - 3.6 The CWP should reject proposals for water to supply new development when and where there are insufficient water resources available to support them under all hydrologic conditions without creating risks for other water users.^{1,3,6,7} Any new supply projects that rely on diversions from the west slope should be developed within the existing water rights system and not afforded special status.
 - 3.7 Front Range areas with present and future projected water shortages should pursue collectively financing projects that provide water resources to their areas.
4. **The CWP should outline mechanisms to mitigate the risk of potential Compact curtailment of the Colorado River. For example, the CWP should adopt low-risk legal and hydrologic assumptions related to Colorado's obligations under the Colorado River Compact and the Upper Colorado River Basin Compact in order to minimize the risk of curtailment on existing uses of Colorado River basin water.⁷**
- 4.1 There is disagreement on how much, if any, additional consumptive use water is available from the Colorado River. Because of justifiable reliance and financial investment, existing uses and users should be protected and not put at risk by new development.
 - 4.2 The facilities and methodologies for protecting existing users from a compact curtailment, as well as for mitigation, must be in place prior to any new project or methodology that would take additional water out of the Colorado River Basin.
 - 4.3 The CWP must disclose that fully developing the state's Colorado River compact entitlement will increase the chance of a compact curtailment that would impact existing users.
 - 4.4 New projects in the Colorado River Basin should be supported and approved, if at all, only on conditions that will allow diversion and storage at times and in amounts that will not increase the risk of compact curtailment of other post-Compact water rights.

5. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

The above principles are taken from many sources of earlier water principles around the state. The numbers in the above principles indicate in which documents a similar principle may be found, including:

- ¹ Colorado 58 *Water Principles*. In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.
- ² Colorado River Water Conservation District Policy Statement: Existing Transmountain Diversions, Adopted July 15, 2008, readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf
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- ⁴ Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf
- ⁵ NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.
- ⁶ 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf
- ⁷ Colorado Basin Roundtable Vision Statement (Nov. 2010).
- ⁸ Orchard Mesa Check Case, 91CW247, Water Division No. 5.
- ⁹ i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firming Project, Colorado River Cooperative Agreement

EAGLE RIVER BASIN PRINCIPLES for the Colorado Water Plan

1. Introduction. Local water districts, cities and towns, individual water users, and area water conservation and conservancy districts are the entities and individuals that own, use and develop water rights for municipal, domestic, agricultural, industrial, and recreation uses on the west slope of Colorado. As evidenced by the recent historic Colorado River Cooperative Agreement between Denver Water and the west slope of Colorado, these are the parties that know their needs, the area and regional water supplies, and what cooperative water plans and agreements are possible. It is essential that any state based water plan not attempt to supplant the role of west slope water users or seek to supersede constitutionally based Colorado water law, 1041 and local land use permit authority, water supply plans or pre-existing agreements between water rights owners. To assure Colorado's water future, the State should: assist with funding of water supply projects needed to meet locally-determined needs; support a healthy west slope (and state-wide) economy by protecting watersheds, stream flows and water quality; and abide by local land use and water plans.

2. Future Transmountain Diversions. Any future transmountain diversions from the Eagle River basin must comply with the express terms of the Eagle River Memorandum of Understanding with Colorado Springs and Aurora, the settlement with Denver Water in Case Nos. 02CW125 and 07CW126, the Colorado River Cooperative Agreement with Denver Water, Eagle County 1041 permit authority and regulations, and the Colorado water right priority system under the State Constitution. Pursuant to the foregoing agreements, any future transmountain diversion projects must result in net benefits to the Eagle River Basin.

3. Compact Calls. Any Colorado River compact call must comply with and be administered according to Colorado's constitutionally based priority system and the existing transmountain diversions of the Northern Colorado Water Conservancy District, Denver, Colorado Springs and Englewood must be subject to and comply with the terms of Senate Document 80, the Blue River Decree, and the decree for the Windy Gap Project.

4. Water Leadership. Leadership on any regional water plans that affect the Eagle River basin should come from the local water providers, the Eagle Park Reservoir Company, which owns and controls the largest storage facilities and water rights used in the Eagle River basin, and water rights owners who depend on water to support the recreational economy, such as the Vail and Beaver Creek ski areas. Any state or regional water plan must be acceptable to these entities. Additionally, Eagle County and local municipalities (the towns of Vail, Avon, Minturn, Red Cliff, Eagle, and Gypsum) are important stakeholders in water issues, and as such are represented on the Colorado Basin Roundtable, as water is integral to land use issues, the local environment, and the economy of these communities.

5. Reallocation of Water Supplies. Any effort to reallocate the area municipal, irrigation, snowmaking, and recreation water supplies and water rights to new uses and new regions must be summarily rejected.

6. New Supply Projects. Any new water supply projects must first serve the local and regional water supply needs, and fully protect the region's economic activities, area water quality, and stream health.



WATER QUALITY / QUANTITY COMMITTEE (QQ)

Post Office Box 2308 • Silverthorne, Colorado 80498
970-468-0295 • Fax 970-468-1208 • email: qqwater@nwccog.com

November 6, 2013

RE: West Slope Principles for the Colorado Water Plan

The attached West Slope Principles for the Colorado Water Plan ("Principles") is a set of broad values and principles designed as a guide to the Governor and the Colorado Water Conservation Board ("CWCB") during preparation of the Colorado Water Plan ("CWP"). The Principles reiterate and augment water policy statements adopted by the key west slope organizations over the years.

The Principles were prepared by local government officials, basin roundtable members, and other water leaders on the west slope. The goal is that these Principles inform the CWP process by expressing commonly-held west slope interests.

A list of the entities that have officially endorsed the Principles is attached.

West Slope Principles for the Colorado Water Plan

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- ⁸ Orchard Mesa Check Case, 91CW247, Water Division No. 5.
- ⁹ i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firming Project, Colorado River Cooperative Agreement

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Eagle County

Sara Fisher, Eagle County Commissioner
Jill Ryan, Eagle County Commissioner
Kathy Chandler-Henry, Eagle County Commissioner

Grand County

James Newberry, Grand County Commissioner
Merrit Linke, Grand County Commissioner
Gary Bumgarner, Grand County Commissioner

Gunnison County

Paula Swenson, Gunnison County Commissioner
Jonathan Houck, Gunnison County Commissioner
Phil Chamberland, Gunnison County Commissioner

Pitkin County

Rob Ittner, Pitkin County Commissioner
Rachel Richards, Pitkin County Commissioner
Michael Owsley, Pitkin County Commissioner
Steve Child, Pitkin County Commissioner
George Newman, Pitkin County Commissioner

Park County

Loren Grosskopf, Park County Commissioner
Joe Tilden, Park County Commissioner
Tim A. French, Park County Commissioner
Bucky Hall, Park County Commissioner
Lee Livingston, Park County Commissioner

Routt County

Tim Corrigan, Routt County Commissioner
Douglas B. Monger, Routt County Commissioner
Steven K. Ivancie, Routt County Commissioner

Summit County

Thomas Davidson, Summit County Commissioner
Karn Stiegelmeier, Summit County Commissioner
Dan Gibbs, Summit County Commissioner

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Breckenridge

John Warner, Mayor
Ben Brewer, Council Member
Mike Dudick, Council Member
Jen McAtamney, Council Member
Wendy Wolfe, Council Member
Mark Burke, Council Member
Gary Gallagher, Council Member

Town of Crested Butte

Aaron Huckstep, Mayor
David Owen, Council Member
Shaun Matusewicz, Council Member
Jim Schmidt, Council Member
John Wirsing, Council Member
Roland Mason, Council Member
Glenn Michel, Council Member

Town of Dillon

Ronald J. Holland, Mayor
Kevin Burns, Council Member
Erik Jacobsen, Council Member
Terry King, Council Member
Mark Nickel, Council Member
R. Louis Skowyra III, Council Member
Tim Westerberg, Council Member

Town of Frisco

Gary Wilkinson, Mayor
Kent Willis, Council Member
Woody Van Gundy, Council Member
Kim Cancelosi, Council Member
Larry Sawye, Council Member
Kathleen Bartz, Council Member
Tom Connolly, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Fraser

Peggy Smith, Mayor
Steve Sumrall, Trustee
Eileen Waldow, Trustee
Philip Nail, Trustee
Cheri Sanders, Trustee
Vesta Shapiro, Trustee
Adam Cwiklin, Trustee

Town of Grand Lake

Judy M. Burke, Mayor,
Jim Peterson, Trustee
Benton Johnson, Trustee
Elmer Lanzi, Trustee
Kathy Lewis, Trustee
Tom Ludwig, Trustee
Tom Weydert, Trustee

Town of Gypsum (with exceptions)

Steve Carver, Mayor
Tom Edwards, Council Member
Gary Lebo, Council Member
Pam Schultz, Council Member
Richard Mayne, Council Member
Beric Christiansen, Council Member
Tim McMichael, Council Member

Town of Kremmling

Tom Clark, Mayor
Grant Burger III, Council Member
Scott Crandall, Council Member
Casey Curran, Council Member
Wes Howell, Council Member
Mark Mahomey, Council Member
Gina Schroeder, Council Member

JURISDICTIONS ENDORSING
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Town of Silverthorne

Dave Koop, Mayor
Bruce Butler, , Council Member
Dave Anderson, Council Member
Derrick Fowler, Council Member
David Preaus, Council Member
Ann-Marie Sandquist, Council Member
Stuart Richardson, Council Member

Town of Yampa

Tom Yackey, Trustee
Brian Ashley, Trustee
Jeff Drust, Trustee
Stephanie Hayden, Trustee
Mike Lewis, Trustee
Tom Estes, Trustee

Copper Mountain Consolidated Metropolitan District

Tom Malmgren, President,
Karl Anuta, Board of Directors
Bob Bloch, Board of Directors
Ben Broughton, Board of Directors
Dave Steele, Board of Directors

Middle Park Water Conservancy District

Duane Scholl, President
Jim Lenzotti, Secretary:
Jack Buchheister, Treasurer
Michael Eytel, Member
Peg Toft, Member
Sean Flanigan, Member
Tom Long, Member

Winter Park Ranch Water and Sanitation District

Jon Westerlund, President
Bob Dart, Member
Jim Cordell, Member
Tom Newton, Member
Tom Kalan, Member

Colorado Basin Roundtable - *See attached Colorado Basin Membership List*

Colorado Basin Membership List

Agricultural Representative	Melvin	Rettig	mmrettig@bigdoghsi.com
At-Large Representative	Kim	Albertson	lyrad41@aol.com
At-Large Representative	Thomas	Clark	mayor@townofkremmling.org
At-Large Representative	Duane	Scholl	
At-Large Representative	Dale	Tooker	dtooker@cliftonwaterdistrict.org
Basalt Water Conservancy District	Art	Bowles	bowles563@comcast.net
BLM(liaison)	Paula	Belcher	paula_belcher@blm.gov
Bluestone Water Conservancy District	Clay	Altenbern	
BOR (liaison)	Dan	Crabtree	dcrabtree@uc.usbr.gov
BOR (liaison)	Jaci	Gould	jgould@gp.usbr.gov
BOR (liaison)	Brent	Uilenberg	builenberg@uc.usbr.gov
BOR(liaison)	Ed	Warner	ewarner@uc.usbr.gov
CO. River Water Conservation District	Jim	Pokrandt	jpokrandt@crwcd.org
CO. Water Quality Control Division(liaison)	Bonle	Pate	bonle.pate@state.co.us
Collbran Water Conservancy District	Carlyle	Currier	cwcranch@aol.com
Colorado - CWCB Member	Russell	George	russgeorge11@hotmail.com
Colorado Geological Survey(liaison)	Peter	Barkmann	peter.barkmann@state.co.us
CSU Extension Service (liaison)	Rod	Sharp	rod.sharp@colostate.edu
Division of Wildlife(liaison)	David	Graf	david.graf@state.co.us
Division of Wildlife(liaison)	Jay	Skinner	jay.skinner@state.co.us
Eagle County	Caroline	Bradford	carolinebradford@wildblue.net
Elected Official	David	Merritt	DavidHMerritt@aol.com
Environmental Representative	Ken	Neubecker	eagleriver@sopris.net
Fish and Wildlife Service (liaison)	Patty	Schrader Gelatt	patty_schradergelatt@fws.gov
Forest Service (liaison)	Linda	Bledsoe	lbledsoe@fs.fed.us
Garfield County	Louis	Meyer	louism@sgm-inc.com
Garfield Muni	Karl	Hanlon	kjh@klawfirm.com
Grand County	Lurline	Curran	lcurran@co.grand.co.us
Grand Muni	Bruce	Hutchins	bhutchins@gcws1.com
Gunnison County	Eli	Beeding	elibeeding@aol.com
Industrial Representative	James	Carter	jcarter@gjpipe.com
Legislative Appointment	Mark	Fuller	fulcon@comcast.net
Mesa County	Richard	Proctor	gvwua1147@aol.com
Mesa Muni	Greg	Trainor	gregt@gjcity.org
Middle Park Water Conservancy District	Stanley	Cazier	cazier_mcgowan@hotmail.com
Non Voting Member	Wayne	Vanderschuere	wvanderschuere@csu.org
Non Voting Member	Jacob	Bornstein	jacob.bornstein@state.co.us
Non-Voting At Large Member	Ken	Baker	Consultant@uawcd.com
Non-Voting At Large Member	William	Bates	bill.bates@denverwater.org
Non-Voting At Large Member	Don	Carlson	dcarlson@ncwcd.org
Non-Voting At Large Member	Phil	Overeynder	philo@ci.aspen.co.us
Non-Voting At Large Member	Ken	Ransford	kenransford@comcast.net
Southeastern Colorado Water Conservancy	James	Broderick	jwb@secwcd.com
Summit County	Karn	Stiegelmeier	karns@co.summit.co.us
Summit Muni	Lane	Wyatt	qqlane@nwc.cog.co.us
Ute Water Conservancy District	Steve	Ryken	sryken@utewater.org
West Divide Water Conservancy District	Ed	Olszewski	edolszewski@comcast.net

Michelle Metteer
Economic Development Coordinator
Deputy Clerk
P.O. Box 309 ♦ 302 Pine St
Minturn, CO 81645
970-827-5645
mmetteer@minturn.org
www.downtownminturn.com



Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Earl Bidez
Councilman – Darell Wegert
Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Review and questions regarding the Contractor Registration Ordinance.
MEETING DATE: March 19, 2014
PRESENTER: Metteer
BACKGROUND: <ul style="list-style-type: none">• This is the second reading for this Ordinance. Town Interim Attorney, Matt Mire has made the recommended changes from the first reading.• This new process of contractors obtaining registration directly through the planning department will be much more effective and streamlined as it is the planning department whom is in contact with this user group on a regular basis.
CORE ISSUES: <ul style="list-style-type: none">• This Ordinance will better maintain the procedures and policies regarding contractors and construction within the Town of Minturn.
STAFF RECOMMENDATION/MOTION: Approval

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

**AN ORDINANCE AMENDING CHAPTER 6, BUSINESS LICENSE AND
REGISTRATION, ARTICLE 4, CONTRACTOR REGISTRATION, MINTURN
TOWN CODE, AND SETTING FORTH DETAILS IN REGARD THERETO.**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the “Town”), is a home rule Town duly existing under the Constitution and laws of the State of Colorado and its home rule charter (the “Charter”),

WHEREAS, the members of the Town Council of the Town (the “Council”) have been duly elected and qualified,

WHEREAS, the Planning Department is charged with administering the provisions of the Chapter 6-4, Contractors, Registration, Minturn Town Code,

WHEREAS, the intent of these regulations is for the Building Official to evaluate every contractor wanting to do construction work in the Town and only issue a contractor’s license to those persons who are *“qualified by training or experience and is financially responsible to fulfill the obligations of a contractor”*,

WHEREAS, in practice, the Building Official does not administer a written test or otherwise objectively evaluate a contractor’s qualifications based upon training or experience,

WHEREAS, there is no current statutory process for registering contractors,

WHEREAS, the addition of such process for registering contractors can be implemented such that the regulations can be maintained and the amount of time and cost associated with the process to the contractor and Town can be minimized, and

WHEREAS, the Minturn Town Council finds it in the interest of the public health, safety, and welfare to adopt these amendments to the Minturn Town Code.

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

SECTION 1. Chapter 6, Contractors, Registration, Business License and Registration, Minturn Town Code, is hereby repealed and re-enacted as follows:

6-4-1: DEFINITIONS:

For the purposes of this Chapter, the words and phrases contained in this Section are defined as follows:

BOARD: The Board of Appeals is defined as the Minturn Planning Commission.

BUILDING CODE: Includes the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Performance Code, Uniform Code for the Abatement of

Dangerous Buildings, and the National Electrical Code, as adopted by the Town.

BUILDING OFFICIAL: The Building Official as defined in the Building Code, as adopted by the Town, or his/her designee.

PERMIT: A permit, as prescribed in the Building Code and Town ordinances, granting approval to do construction work in the Town.

CONSTRUCTION WORK: Activity including, but not limited to, new construction, additions, repairs, alterations, installations, demolition, removal, conversions, replacements, or renovations of any building or structure, or excavation that requires a permit.

CONTRACTOR: Any person, firm, partnership, corporation, association, or other organization who undertakes, or offers to undertake for another, construction work [which requires a Permit](#). For the purposes of this Chapter, a contractor may be a general contractor, plumbing contractor, electrical contractor, excavation contractor, fire protection contractor, or a subcontractor.

PERSON: An individual, corporation, business, trust, estate, business trust, partnership, or association, or any other legal entity.

REGISTRATION: Issued by the Town in accordance with the provisions of this Chapter.

TOWN: Town of Minturn, Colorado.

6-4-2: CONTRACTOR REGISTRATION:

A. Registration Required: All contractors shall be registered under the terms and provisions of this Chapter, prior to undertaking any construction work or contract and/or applying for any type of permit required by applicable State statutes or Town ordinances.

B. Exemption to Registration: Any person may make application for a building permit to do such person's own construction work on any dwelling unit that such person occupies whether owned by him/her or leased, without being registered when such work is limited to minor alterations, maintenance, and decorating, providing such work does not alter or affect the structural integrity of the building.

C. Registration is Not a License or Certification: The registration of a contractor by the Town neither expresses nor implies any level of qualification, competency, licensing, certification or other assessment of the contractor's ability to complete contracted work.

6-4-3: ISSUANCE:

A. Forms: Registration forms shall be available at the Planning Department office.

B. Registration Information: Registration information shall consist of the business name, name of the principal party/business owner, current mailing address, electronic mail address, and telephone number. Electrical and plumbing contractors shall provide their current registration number with the State of Colorado Department of Regulatory Agencies, Division of Registrations. Fire protection contractors shall provide their contractor registration number.

6-4-4: FEE SCHEDULE:

The registration fees applicable to the registrations enumerated in this Chapter shall be \$240.00 for the 2014 registration cycle. Thereafter, the amount of the registration fee shall be fixed by the Town Council as part of its annual budget process.

6-4-5: PERIOD OF VALIDITY:

The registration of a contractor shall be valid for ~~three~~ three years ~~and shall expire on April 1st~~.

6-4-6: PROOF OF REGISTRATION

All contractors shall provide proof of registration upon request by the Building Official.

6-4-7: INSURANCE

A. Insurance Required: All contractors shall maintain proof of insurance under the terms and provisions of this Chapter while applying for a permit or undertaking construction work.

B. Insurance Types and Amounts: Every contractor granted registration under the provisions of this Chapter shall maintain the following minimum types and amounts of insurance:

1. Employee liability.
2. Worker's compensation.
3. Public liability with the following limits:
 - a. Option 1: one million dollars (\$1,000,000.00) in the aggregate, for bodily injury and one million dollars (\$1,000,000.00) in the aggregate, for property damage.
 - b. Option 2: combined single limit of one million dollars (\$1,000,000.00).

C. Excavation Contractors: Excavation contractors shall to have at least twenty five thousand dollars (\$25,000.00) worth of "XCU" (explosion, collapse, underground) insurance in addition to the required general liability and worker's compensation insurance.

6-4-8: PROOF OF INSURANCE:

All contractors shall provide proof of insurance upon request by the Building Official.

6-4-9: CONTRACTOR RESPONSIBILITY:

A contractor shall be responsible for all construction work included in the permit or undertaking whether or not such work is done by such person directly or by a subcontractor.

6-4-10: VIOLATION AND PENALTY:

A. Violation: It is a violation of this Chapter for any person to violate any provision or to fail to comply with any of the requirements of this Chapter and to commit any of the following acts:

1. Applying for permits or undertaking construction work without a valid registration when required.

2. Failure to provide proof of registration upon request by the Building Official.
3. Fraudulent use of a registration to obtain permits for another person, firm, or corporation.
4. Applying for permits or undertaking construction work not entitled under one's respective registration.
5. Failure to obtain a permit for construction work when required.
6. Failure to obtain inspections for construction work when required.
7. Failure to maintain proof of insurance as required by this Chapter while applying for permits or undertaking construction work.
8. Failure to provide proof of insurance upon request by the Building Official.
9. Failure to maintain construction site grounds and structures in a clean and safe manner, or causing damage to property adjoining the construction site.
10. Any violation of Town ordinances or codes governing construction work.

B. Construction Work without a Valid Registration: If the Building Official determines that a person has undertaken construction work without a valid registration as required by this Chapter, said person must register as a contractor and shall pay a fine in an amount equivalent to two times the adopted registration fee.

C. Revocation or Suspension of Registration; Nullification of Permits: If the Building Official determines that a person has acted in violation of the provisions of this Chapter the Building Official shall waive, for good cause shown, any penalty; issue a warning; revoke or suspend the registration of said person for whatever time it deems reasonable; and/or nullify any associated permits filed in degradation of this Chapter.

D. Remedies Not Exclusive: In addition to the remedies expressly provided by this chapter, the Town may pursue any other remedies available at law or in equity.

E. Other Penalty: In addition to any other penalty provided in this chapter, any person who violates any provision of this chapter shall be subject penalty as provided in Section 1-4-1, General Penalty, of this Code.

6-4-11: APPEALS:

A. Appeal of Building Official Actions:

1. Authority: The Board of Appeals shall have the authority to hear and decide appeals from any order, decision, determination or interpretation by the Building Official with respect to the provisions of this Chapter.
2. Initiation: An appeal may be initiated by any resident, property owner, or contractor adversely affected by any order, decision, determination or interpretation by the Building Official with respect to the provisions this Chapter. The Town Council may also call up a decision of the Building

Official by a majority vote of those town council members present.

3. Procedures: A written notice of appeal must be filed with the Planning Department within twenty (20) calendar days of Building Official's decision. If the last day for filing an appeal falls on a Saturday, Sunday, or a town observed holiday, the last day for filing an appeal shall be extended to the next business day. In the event of an appeal, the Board of Appeals, after receiving a report by the Building Official, may confirm, reverse, or modify the action of the Building Official. Failure of the Board of Appeals to act within forty (40) days of the filing of an appeal shall be deemed concurrence in the action of the Building Official. The filing of such notice of appeal will require the Building Official to forward to the Board of Appeals at the next regularly scheduled meeting a summary of all records concerning the subject matter of the appeal and to send written notice to the appellant at least fifteen (15) calendar days prior to the hearing. A hearing shall be scheduled to be heard before the Board of Appeals on the appeal within forty (40) calendar days of the appeal being filed. The Board of Appeals may grant a continuance to allow the parties additional time to obtain information. The continuance shall be allowed for a period not to exceed an additional thirty (30) calendar days. Failure to file such appeal shall constitute a waiver of any rights under this chapter to appeal any order, decision, determination or interpretation by the Building Official.

4. Findings: The Board of Appeals shall on all appeals make specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards and conditions imposed by the requirements of this Chapter have or have not been met.

B. Appeal of Board of Appeals Actions:

1. Authority: The Town Council shall have the authority to hear and decide appeals from any order, decision, determination or interpretation by the Board of Appeals with respect to the provisions of this Chapter.

2. Initiation: An appeal may be initiated by any resident, property owner, or contractor adversely affected by any order, decision, determination or interpretation by the Board of Appeals with respect to the provisions this Chapter. The Town Council may also call up a decision of the Board of Appeals by a majority vote of those town council members present.

3. Procedures: A written notice of appeal must be filed with the Planning Department within twenty (20) calendar days of Board of Appeals decision. If the last day for filing an appeal falls on a Saturday, Sunday, or a town observed holiday, the last day for filing an appeal shall be extended to the next business day. In the event of an appeal, the Council, after receiving a report by the Board of Appeals, may confirm, reverse, or modify the action of the Board of Appeals. Failure of the Council to act within forty (40) days of the filing of an appeal shall be deemed concurrence in the action of the Board of Appeals. The filing of such notice of appeal will require the Board of Appeals to forward to the Town Council at the next regularly scheduled meeting a summary of all records concerning the subject matter of the appeal and to send written notice to the appellant at least fifteen (15) calendar days prior to the hearing. A hearing shall be scheduled to be heard before the Town Council on the appeal within forty (40) calendar days of the appeal being filed. The Town Council may grant a continuance to allow the parties additional time to obtain information. The continuance shall be allowed for a period not

to exceed an additional thirty (30) calendar days. Failure to file such appeal shall constitute a waiver of any rights under this chapter to appeal any order, decision, determination or interpretation by the Board of Appeals.

4. Findings: The Town Council shall on all appeals make specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards and conditions imposed by the requirements of this Chapter have or have not been met.

C. Appeal Of Town Council Actions: The final decision of the Town Council with respect to any appeal pursuant to this chapter may be appealed to an appropriate court pursuant to rule 106(a)(4) of the Colorado Rules of Civil Procedure. The Town of Minturn Municipal Court shall not have jurisdiction over such civil action.

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

SECTION 3. The Minturn Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof. The Council's finding, determination and declaration is based upon the review of the criteria prescribed by the Town Code of Minturn and the evidence and testimony presented in consideration of this ordinance.

SECTION 4. The amendment of any provision of the Town Code of Minturn as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

SECTION 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

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 5th DAY OF MARCH, 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 19TH DAY OF MARCH, 2014 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 19TH DAY OF MARCH, 2014.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk



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

STAFF REPORT

CLERK’S OFFICE:

Petitions for the April 8 election were due by 5:00pm on Tuesday March 11th. This will be a Polling Place election with the voting taking place at the Minturn Town Hall. Those desiring to vote by mail may request an application for an absentee ballot and one will be provided.

We had two candidates for Mayor and of the six petitions issued, four were returned. Of the Council the three with the highest number of votes will win four year terms, the fourth highest will win the two year term. All successful candidates will be sworn in and take office at the April 16, 2014 Council meeting. I have secured three election judges and ordered ballots and supplies in preparation for the election. The Candidates in Ballot Order are as follows:

Mayor:
Frank Lorenti
Gordon “Hawkeye” Flaherty

Council:
Matt Scherr
Shelley Bellm
Jason “Ozzy” Osborne
Earle Bidez

TREASURER’S OFFICE:

2013 AUDIT: The on-site portion of the 2013 Audit has been completed. I have been working with the auditors on the post-audit work which will culminate with the audit acceptance by the Council in May or June. I will update the Council on the audit process as we proceed through the next several months.

FINANCIAL UPDATE: I have numbers for January 2014 and February will be up soon. Because of the timing the numbers don’t show very much as much of the income collected through February actually is carried back to 2013 in order to match the accounting cycles established by law. However, I can show the following unaudited numbers which will show you that, although we are early in the year, we do have some items that have already significantly or will significantly affect the 2014 budget.

We had a very conservative budget for 2013 and showed an increase in fund balance (an increase in savings) as identified in the Budgeted Growth row. When the budget was approved and our

final balances were calculated for the beginning balances we were considering our cash position to look something like the following for 2013:

Description	General Fund	Enterprise Fund
2012 Ending Fund Bal	1,272,249.00	1,130,529.00
2013 Approved Budget		
- Income	1,557,306.00	750,132.63
2013 Approved Budget		
- Expense	1,477,314.61	733,075.60
Est End Fund Bal	<u>1,352,240.39</u>	<u>1,147,586.03</u>
Reserve Bal	<u>799,904.85</u>	<u>764,000.00</u>
Budgeted Growth	<u>79,991.39</u>	<u>17,057.03</u>

As 2013 progressed we over extended ourselves dramatically with unbudgeted and overspent projects in order to attain our goals. During 2013, as a result of the additional expenditures, we had to pass a budget supplementation. This supplementation required the Town to dip into its savings account by approximately \$350,000; however, we did not dip into our reserves. In that supplement we changed the budget to look like this:

Description	General Fund	Enterprise Fund
2012 Ending Fund Bal	1,272,249.00	1,130,529.00
2013 Supplemental Budget		
- Income	1,659,473.32	740,142.38
2013 Supplemental Budget		
- Expense	1,914,611.63	1,017,297.60
Est End Fund Bal	<u>1,017,110.69</u>	<u>853,373.78</u>
Reserve Bal	<u>799,904.85</u>	<u>764,000.00</u>
Budgeted Growth (Savings)	<u>-255,138.31</u>	<u>-277,155.22</u>

It is important to note that when we supplement the budget, we do not decrease expense lines that are underspent, rather we increase those that are overspent. Often, as in the case of the final budget to the Trial Balance we will see a leveling out. Now that the audit has given us some final numbers our actual cash position on December 31, 2013 looks like this:

Description	General Fund	Enterprise Fund
2012 Ending Fund Bal	1,272,249.00	1,130,529.00
2013 Trial Balance		
- Income	1,641,430.41	827,202.97
2013 Trial Balance		
- Expense	1,776,683.88	960,929.77

Est End Fund Bal	1,136,995.53	996,802.20
Reserve Bal	799,904.85	764,000.00
Budgeted Growth (Savings)	-135,253.47	-133,726.80

Fiscal Year 2014 is just beginning so it is difficult to predict where we are with only two months to reflect on.

Description	General Fund	Enterprise Fund
2013 Est Ending Fund Bal	1,136,995.53	996,802.20
2014 Approved Budget		
- Income	1,544,207.00	772,841.25
2014 Approved Budget		
- Expense	1,501,964.83	804,789.73
Est End Fund Bal	1,179,237.70	964,853.72
Reserve Bal	830,856.00	859,000.00
Budgeted Growth (Savings)	42,242.17	-31,948.48

2014 Items of note to date:

- \$45,000 payout to the Estate of Allen Christensen – Unbudgeted
- Due to the investigation on the former Police Chief the legal budget in the Gen Fund is currently over \$19,000 spent of the \$45,000 budget. (\$30,000 General Fund and \$15,000 Enterprise Fund).
- Recent events in the Town management structure have the potential of significant unbudgeted costs to the Town.
- The Town Council is budgeted for one special meeting this year. With the interview and selection of a new Town Attorney, a possible Council retreat, and other considerations with ongoing management issues it is conceivable that this budget will be exceeded. Each additional Council Meeting costs approximately \$1,000.
- The Town will exceed the Town insurance cost due to costs associated with unforeseen deductible expenses in the amount of \$2,500 base rate per occurrence.
- The Police Dept. is currently in a state of flux. I have reported this in a following detail.
- Enterprise Fund is currently in the Red as of Budget adoption. This variance will come from savings. In the near future the Council will need to consider if they want the Town to continue to purchase water rights from ERWSD in the amount of approximately \$60,000.
- The Council directed to increase water rates 3% and review rates again in 2014 when we can run rate proformas using ERWSD software. The software is still being tested but will result in a review of the rate structure. This existing rate structure has resulted in the current budget deficit of over \$31,000.
- The Town is moving forward with bathrooms at Eagle River Park. Much of the cost will be borne by a grant; however the Town will participate to the approximate amount of \$35,000-50,000.

- The Town is considering Little Beach Park upgrades. Although much of this will come from existing Battle Mountain Resort funds the Council has considered allocating money here.

POLICE DEPARTMENT: Council has been provided with several options for the future of the Minturn Police Department. The following shows the anticipated expenses to date. I have tried to highlight some of the options and considerations.

Approved 2014 Budget	422,278.00	
Court allowance	22,095.00	* \$15,000 is for the Court Attorney
Police Dept Payroll/Taxes/Ben	324,333.00	* 1 Chief, 2 Officers, 1 Clerk
Supplies and Services	75,850.00	

It is required that we keep the Clerk and the Court.

Description		
Approved 2014 Budget	422,278.00	
Court allowance	22,095.00	* \$15,000 is for the Court Attny
Police Dept. Payroll/Taxes/Ben's as of 3/31/14	54,923.34	
Police Dept. Payroll/Taxes/Ben 4/1-12/31/14	68,433.26	
Supplies and Services as of 3/15/14	6,208.65	
Supplies and Services as of 4/1-12/31/14	7,250.00	
	<u>158,910.25</u>	
Budget Surplus	263,367.75	

Expense Considerations	
Sheriff Contract (9mo)	225,000.00
Sheriff Expense 1/1-3/15/14 (est)	2,500.00
Sheriff Expense 3/16-31/14 (4hrs per day Plus On Call)	2,300.00
Decommission of Vehicles (\$1,000x3)	3,000.00
2014 Budget for Dispatch (this could be negotiated)	41,500.00

Revenue Considerations	
Insurance Cr (This would hit in 2015)	4,000.00
Sale of Vehicles (\$2500x3)	7,500.00
Uniforms (leather)	500.00
Guns/Ammo	???



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
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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, March 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 C.R.S. §24-6-402(4)(b)(f) - to receive legal advice on specific legal questions and 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