



2014

Minturn Council Meeting

Wednesday September 3, 2014

Work Session: **5:00pm**
(Town Center)

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



Agenda

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

Wednesday September 3, 2014

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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

- Joint meeting between the Town Council and the Eagle County Commissioners
- Resolution 17 – Series 2014 a Resolution intent to develop Bolts Lake water rights and to exercise Eminent Domain to acquire necessary property rights Pg 18
- Ordinance 6 – Series 2014 an Emergency Ordinance regarding a building moratorium within the Town of Minturn – Sawyer Pg 22
- Ordinance 7 – Series 2014 (First Reading) an Ordinance regarding extending a building moratorium within the Town of Minturn – Sawyer Pg 25
- Council Room Acceptable Use Pg 4
- Discussion of Town Priorities – Powell (Time permitting) Pg 29

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Liquor License Authority

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand Pg 6

4. Approval of Minutes and Action Report

- August 20, 2014 Pg 12

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

6. Special Presentations

- Colorado Mountain College Minturn Scholarship Recipient Ms. Emily Martinez

PUBLIC HEARINGS AND ACTION ITEMS

7. Action Item : Resolution 17 – Series 2014 a Resolution intent to develop Bolts Lake water rights and to exercise Eminent Domain to acquire necessary property rights – Powell/Sawyer Pg 18

8. Action Item: Ordinance 6 – Series 2014 an Emergency Ordinance regarding a building moratorium within the Town of Minturn – Sawyer Pg 22

9. Action Item: Ordinance 7 – Series 2014 (First Reading) an Ordinance regarding the extension of a building moratorium within the Town of Minturn – Sawyer Pg 25

COUNCIL AND STAFF REPORTS

10. Town Planner

11. Town Attorney

12. Town Manager

- Action Item Report Pg 28
- Town Priorities worksheet Pg 29
- Granting of Motion, strikes the Discovery Request, and orders that the Town is not required to respond to the Discovery Requests. Pg 30

13. Town Council Comments

14. Town Attorney

FUTURE AGENDA ITEMS

15. Next Meeting – August 20, 2014

- **Action Item: Ordinance 7 – Series 2014 (Second Reading) an Ordinance regarding the extension of a building moratorium within the Town of Minturn – Sawyer**

16. Future Meetings:

- Ordinance ____ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer

17. Set Future Meeting Dates

a) Council Meetings:

- September 17, 2014
- October 1, 2014
- October 15, 2014

b) Planning & Zoning Commission Meetings:

- September 10, 2014
- September 24, 2014
- October 8, 2014

18. Other Dates:

- Labor Day Monday September 1, 2014 – Office Closed
- Final Market – September

19. Adjournment

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 – John Rosenfeld
 Councilman – Matt Scherr
 Councilman – Jason “Ozzy” Osborne

AGENDA ITEM COVER SHEET

AGENDA TITLE: Council room acceptable use																		
MEETING DATE: Sept 3, 2014																		
PRESENTER: Metteer																		
<p>BACKGROUND: Traditionally, the town hall Council room has been rented out for a wide variety of functions including the Senior’s Program (now located at VSSA), professional meetings, trainings, and private parties for events such as children’s birthdays, baby showers, etc. For 2013 and 2014 the room rental usage and revenues break out as follows:</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Rental Usage</p> <table border="1" style="margin: 0 auto; border-collapse: collapse;"> <thead> <tr> <th>Year</th> <th>Private (%)</th> <th>Professional (%)</th> </tr> </thead> <tbody> <tr> <td>2013</td> <td>20%</td> <td>80%</td> </tr> <tr> <td>2014</td> <td>12%</td> <td>88%</td> </tr> </tbody> </table> </div> <div style="text-align: center;"> <p>Revenue</p> <table border="1" style="margin: 0 auto; border-collapse: collapse;"> <thead> <tr> <th>Year</th> <th>Private (\$)</th> <th>Professional (\$)</th> </tr> </thead> <tbody> <tr> <td>2013</td> <td>\$287.0</td> <td>\$225.0</td> </tr> <tr> <td>2014</td> <td>\$175.0</td> <td>\$50.0</td> </tr> </tbody> </table> </div> </div> <p>Professional meetings means: government agencies and non-profits.</p>	Year	Private (%)	Professional (%)	2013	20%	80%	2014	12%	88%	Year	Private (\$)	Professional (\$)	2013	\$287.0	\$225.0	2014	\$175.0	\$50.0
Year	Private (%)	Professional (%)																
2013	20%	80%																
2014	12%	88%																
Year	Private (\$)	Professional (\$)																
2013	\$287.0	\$225.0																
2014	\$175.0	\$50.0																
<p>CORE ISSUES: With the installation of advanced equipment for presentations, the Council room will be nicely equipped for a variety of meetings. The concern lies in the rental of the room for private functions. The carpet, sound system, chairs, and now presentation equipment, do not lend themselves well to functions primarily centered around young children. The town has experienced from private use certain damage to the Council room which will be further described at the meeting.</p> <p>For summertime, an alternative to using the Council room may be the stage at Little Beach Park. There are also private locations for use such as the Gourmet Cowboy, the Catholic Church, the side room at the Turntable, etc.</p>																		
<p>STAFF RECOMMENDATION/MOTION: The Council room is most appropriately utilized for “meeting-style” gatherings with a low level of impact to the room. Staff recommends amending the room rental policy to better ensure the care and well-being of the facility, and rented for professional use only.</p>																		

Staff Initials: _____

Today's Date _____

PD Notified: _____

Minturn Town Center
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
events@minturn.org



Town Council
Mayor – Gordon "Hawkeye" Flaherty
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Councilwoman – Shelley Bellm
Councilwoman – Earle Bidez
Councilman – Jerry Bumgarner
Councilman – Aggie Martinez
Councilman – John Rosenfeld

Function Agreement

Function Date: _____ Function Time: From _____ To _____

Function Name: _____ Contact Name: _____

Email: _____ Phone Number: _____

Number of attendees: _____ Day of event phone: _____

Fee Agreement

Room Fee (\$125*) Pd. _____ Room & Kitchen Fee (\$175*) Pd. _____

*(%50 discount for Minturn residents. Must provide proof of residency. Flat \$25 fee for Government agencies)

Equipment Fee

Standing Podium (\$10) Pd. _____ Flip Chart and Easel (\$10) Pd. _____

Cleaning Deposit

Note: There is a cleaning deposit obtained by the Town of Minturn at the time of receiving the function agreement to ensure that the rented facilities are properly attended to prior to vacating the premises. Also, all cleaning supplies and trash bags must be furnished by and disposed by the group signing the agreement (our dumpster is located behind the building off of Boulder Street).

Cleaning Deposit (\$100) Pd. _____ Deposit For Non-Profits (\$50) Pd. _____
(Please pay by separate check)

Total Amount Of Fees: _____ Total Amount Paid: _____ Date: _____

Applicant Signature

Authorized Town Staff Signature

Note: Alcohol, smoking and pets are expressly forbidden in the Town Center and associated commons. Violators will be prosecuted.

Cancellations must be made a minimum of 48 hours prior to the reservation date in order to receive a refund. No refunds will be given with less than 48 hours before the event.

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



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Councilmember – John Rosenfeld
Councilmember – Jason Osborne
Councilmember – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Gail Crowder, DBA The Minturn Mile Liquor Store, Retail Sale Liquor License annual renewal; 341 Main St, Gail Crowder, Owner
MEETING DATE: September 3, 2014
PRESENTER: Brunvand
BACKGROUND: This is an application for annual renewal of a Retail Sales liquor license. The application has been reviewed by the Clerk and no issues have been found. An investigation and background check was conducted by Lisa Osborne, Code Enforcement Officer, and no issues that would preclude approval were found. Legal Council was consulted and no concerns were noted. An on-site review was be conducted and no issues were noted. Staff is recommending approval of this renewal by Council.
CORE ISSUES:
BUDGET/FINANCE IMPLICATIONS: An annual renewal fee of \$122.50 has been paid to the Town.
STAFF RECOMMENDATION/MOTION: “Motion to approve Gail Crowder, DBA The Minturn Mile Liquor Store, Retail Sale Liquor License annual renewal; 341 Main St, Gail Crowder, Owner as presented.”

LIQUOR LICENSE RENEWAL FORM
LOCAL LICENSING AUTHORITY – TOWN OF MINTURN

Name of Establishment: Minturn Mile Liquors

Date of Submittal: 8/26/14 License Expires: 11/15/14

Application is a:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Renewal | <input type="checkbox"/> Change in Corporate |
| <input type="checkbox"/> Manager Registration | <input type="checkbox"/> Partnership or Trade Name |
| <input type="checkbox"/> Modification of Premise | <input type="checkbox"/> Transfer of Ownership |
| <input type="checkbox"/> Change on Corporate | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Change in Location | |

Scheduled for Council meeting on: 9/3/14

1. Fees paid: Local \$ 122.50 and State \$ 227.50
2. N/A Status of Corporation verified with Secretary of State and found to be in good standing. (Town Clerk's Initials)
3. N/A Operating Manager verified and registered.
4. Y Sales tax submittals current.
5. Y Water bill submittals current.
6. Y Business license current.
7. Police Department approval for renewal.
 - a. Officer's report (see attached):
 - b. N/A List of violations within the last year: _____

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

MINTURN MILE LIQUORS
 PO BOX 1603
 VAIL CO 81658

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name CROWDER GAIL W		DBA MINTURN MILE LIQUORS		
Liquor License # 26358210000	License Type Liquor Store (city)	Sales Tax License # 26358210000	Expiration Date 11/15/2014	Due Date 10/1/2014
Street Address 341 MAIN ST MINTURN CO 81645				Phone Number (970) 827 5220
Mailing Address PO BOX 1603 VAIL CO 81658				
Operating Manager JEAN CROWDER	Date of Birth 5/26/75	Home Address		Phone Number 970-401-3041

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

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.

Type or Print Name of Applicant/Authorized Agent of Business GAIL CROWDER	Title OWNER
Signature <i>Gail Crowder</i>	Date 8/13/14

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest



AFFIDAVIT - RESTRICTIONS ON PUBLIC BENEFITS

PRIMARY APPLICANT

I, GAIL CROWDER, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- 1. I am a United States citizen.
- 2. I am not a United States citizen, but I am a Permanent Resident of the United States.
- 3. I am not a United States citizen, but I am lawfully present in the United States pursuant to Federal law.

If you are not a United States citizen, enter your Alien Registration Number.

• A# _____

SPOUSE, IF MARRIED

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- 1. I am a United States citizen.
- 2. I am not a United States citizen, but I am a Permanent Resident of the United States.
- 3. I am not a United States citizen, but I am lawfully present in the United States pursuant to Federal law.

If you are not a United States citizen, enter your Alien Registration Number.

• A# _____

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Primary Applicant Signature

Gail Crowder

Date

8-5-14

Spouse Signature

Date



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

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

MEMORANDUM

To: Police Department
Mike Sawyer, Attorney
CC:
Date: 8/26/14 4:48 PM
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for Gail Crowder, DBA Minturn Mile Liquors retail sales liquor license located at 3411 Main St. I have reviewed the application and am forwarding it on to you for further review and your report.

Lisa, please let me know how the Sheriff wants to handle this. I am more than willing to do the on-site investigation and you can run the background check or the Sheriff's Office can do the entire thing. Also, let me know if they can have this done by End of Business on Thursday or if we should bump it to the Sept 16th meeting.

Mike, let me know if you have any questions too.

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

Thanks, Jay

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



TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Earle Bidez
Councilman – Jason “Ozzy” Osborne
Councilman – John Rosenfeld
Councilman – Matt Scherr

TO: Town Of Minturn Liquor Control Board

FROM: Lisa A. Osborne,
Code Compliance

SUBJECT: Liquor License Renewal Application for the Minturn Mile Liquors

DATE: August 27, 2014

Please be advised the above referenced Liquor License Renewal Application has been reviewed.

During the preceding twelve month period, the former Minturn Police Department did not respond to any calls/violations at the Minturn Mile Liquors establishment located at 341 Main Street, Minturn, Colorado.

On February 10, 2014, the Eagle County Sheriff’s Office (ECSO), providing coverage for the Minturn Police Department at that time, did respond to a Call for Service at the Minturn Mile Liquors Store. A customer had become unruly when he was refused service due to his apparent intoxication; therefore, the employee had contacted 911 for assistance with the unruly customer.

The Department has also conducted a background investigation into the owner, Gail Crowder, and did not find any issues.

The owners/management of this Minturn establishment continues to be cooperative with the Town of Minturn.

In conclusion, there was not any information obtained by the Town which would prevent approval of this Liquor License Renewal.

cc: File



Official Minutes

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

Wednesday August 20, 2014

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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

Work Session – 5:00pm

- Discussion of building moratorium

As a result of the discussion Staff was directed to prepare an Emergency Ordinance to prohibit the acceptance of an application for duplexes, multifamily units, and accessory apartment units for the September 3, 2014 Council Meeting. The following is a partial list of items to be included when considering a potential amending zoning ordinance. It is not all inclusive and other items may be added as the amending zoning ordinance is written:

- Variance to be approved only by Council
- Impervious property coverage
- Unbuildable land included in the density calculation
- Multifamily units and accessory dwelling units
- Minimum lot size

Note of Record: The following items, although noticed on the agenda, were not discussed as they involved quasi-judicial review which falls outside the prevue of a Work Session:

- 1131 Main Street Duplex Design Call Up – Hawkinson

- 850 Main Street Duplex Design Call Up – Hawkinson
- Resolution 15 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 947 Main St – Hawkinson
- Resolution 16 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 1973 Main St – Hawkinson

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty 6:32pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, John Rosenfeld, Matt Scherr, Earle Bidez, and Ozzy Osborne. Note: Shelley Bellm was absent excused.

Staff present: Acting Town Manager Willy Powell, Town Attorney Mike Sawyer, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Johnie R., second by Earle B., to approve the agenda as presented. Motion passed 6-0.

3. Approval of Minutes and Action Report

- August 6, 2014

Motion by George B. second by Johnie R., to approve the minutes of August 6, 2014 Council Meeting as presented. Motion passed 6-0.

- Action Item Report

Matt noted the Sheriff contract has been completed and requested the community be made aware through an online public notice effort.

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

Hawkeye noted that the marijuana ordinance will be reviewed in late 2014 or even early 2015 and that no decision will be made until such time as it is discussed in full.

Ms. Barbara Allen, 4130 Eagle Rim Dr, Avon, discussed her opposition to the retail sale of marijuana.

5. Special Presentations

PUBLIC HEARINGS AND ACTION ITEMS

6. **Action Item: 1131 Main Street Duplex Design Call Up – Hawkinson**

Janet H. outlined the application and the history of the project for the Council. Janet H. detailed the lot coverage of less than 40% and identified the parking. Definitions of a duplex and an accessory apartment were reviewed. Janet H. state that she and the Planning Commission felt the proposal met the definitions set forth in the code for a duplex and the allowed accessory unit. The Duplex common wall requirement is met by the common roof line connecting all the properties.

Mr. Steve Riden, project architect, outlined his needs and uses of the property.

- Zoning of the area is a use by right for a duplex and an accessory unit. A duplex allows him to build a quality project for an affordable price based on a shared cost of the land.
- The architectural features enhance the property and limit the impervious surface on the site to allow a nicer combined landscape.

Earle B. state he felt the accessory unit does not comply with the spirit of the code when combined with a duplex; a duplex with a single accessory apartment is a miss interpretation of the code.

Mike S. stated Janet H. is correct that the South Minturn Character Area section does allow other uses than stated in the general definitions. Two questions:

- First: the definition of an accessory apartment can be interpreted differently in two different sections of the code.
- Second: definition of a duplex in the general section is a building with two independent housing units. The building section extends this definition to connected roofs as well.

Note: Shelley B. arrived and took her seat at the Council table at 7:15pm.

Hawkeye asked how much impervious surface is allowed in the code; Janet H. said there is a definition but there is not a standard. Hawkeye stated this does not meet the definition of a duplex.

Threshold question: a building containing two dwelling units each being used as a duplex dwelling, two family duplex with a connecting roof to create the duplex connection.

Threshold question: does it qualify for an accessory apartment?

Motion by Ozzy O., second by Matt M., to approve the proposed duplex located at 1131 Main St as presented with the condition that the limited review of the accessory unit be removed and not allowed at this time. The applicant is allowed to request a limited review of the accessory apartment at a later date. Motion passed 5-2, Hawkeye and George B. nay.

7. Action Item: 850 Main Street Duplex Design Call Up – Hawkinson

Janet H. reviewed the issues and history of the project. This project was called up at the August 6, 2014 Council meeting on the concern that it does not meet the design criteria spelled out in the Municipal Code.

Ozzy O. stated the snowmelt system needs to be required to be used otherwise we need to have the required snow storage.

Ms. Beth Levine, Architect, stated the project meets all setbacks and code requirements. She stated she has an existing building that is being remodeled and a duplex feature is added. She noted that by rearranging the project they have 3bdrms in the existing and 5bdrms in the new section thereby reducing the bedroom count from ten to eight.

Discussion ensued as to the ability to access the garages and the use of snowmelt in lieu of snow storage. It was noted that without using the quiet title allowance the project would not be allowed as it would have exceeded the allowable density. It was discussed that in the future the code should be revised to reflect density based on buildable area on the lot.

Motion by Shelley B., second by George B., to approve the proposed duplex located at 850 Main Street Duplex as presented. Motion passed 5-2 Johnie R. and Ozzy O. voted nay.

8. Action Item: Resolution 15 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 947 Main St – Hawkinson

Janet H. presented the project for Staff.

Mike S. added this is a request for a preliminary plat. Nothing can be done until a final plat is presented. The conditions in the Resolution include the information required for final plat and subdivision approval.

Janet H. noted the project will be required to form a Home Owners Association (HOA) to maintain the subdivision and common areas.

It was confirmed that the lot site will have set backs within the building envelop so that vehicles will not hang out over the sidewalk. Shelley B. asked if the Town could set conditions that the property be single family homes, not multi unit dwellings such as a duplex. Mike S. stated the property will need to be rezoned to residential property. Mike S. stated it would be difficult to preclude duplex units in a residential zone since they are allowed as a use by right.

Hawkeye stated he felt the proposal needed to be approved by the Fire District prior to the Town approving as they might not approve an eighteen foot road and no turn around. Mike S. stated the Council could set as a condition that the Fire District review and approve prior to final approval by the Town.

Mr. Randy Quintana, 1071 Main St and current property owner, stated the proposed street would not be dedicated to the Town, it would remain under the maintenance of the HOA.

Johnie R. stated this is changing the property from commercial to residential and this will reduce our commercial tax and sales tax basis in Town.

Motion by Ozzy O., second by Shelley B., to approve Resolution 15 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 947 Main St. as presented. Motion passed 7-0.

9. Action Item: Resolution 16 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 1973 Main St – Hawkinson

Janet H. presented the project and addressed issues. It was noted the property is currently zoned Mixed Use, however, if the property is built as residential it must conform to residential Municipal Codes.

Discussion ensued on the proposal to share the proposal's road to access the Town water plant. Our current access involves large vehicles and is also the access for the Forest Service area. The street could be too narrow and parking on the street could impede the flow of traffic accessing the off-site areas.

Hawkeye recommended the owners work with the Fire District during this preliminary period.

Motion by Ozzy O., second by Shelley B., to approve Resolution 16 – Series 2014 a Resolution approving a Preliminary Subdivision Plat at 1973 Main St as presented. Motion passed 5-2 Johnie and George nay.

COUNCIL AND STAFF REPORTS

10. Town Planner

11. Town Attorney

12. Town Manager

- Zoning Code Review update
- CMC Scholarship Update

13. Town Council Comments

Shelley B. updated the Council on the Minturn Education Fund which met and awarded three scholarships for a total of \$5,500.

Eco transit needs to review their schedule to bring people into town after work.

Shelley asked if there was any truth to the rumor that the rummage sale will end upon the current leader's retirement. Willy P. stated he would follow up and report back.

FUTURE AGENDA ITEMS

14. Next Meeting – August 20, 2014

- Emergency Ordinance for a building moratorium
- Special presentation Emily Martinez
- Work Session to discussion on what our priorities are
 - Zoning code updates
 - Marijuana future

15. Future Meetings:

- Reconsider marijuana future
- County Commissioners
- Ordinance ____ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer

16. Set Future Meeting Dates

a) Council Meetings:

- September 3, 2014
- September 17, 2014
- October 1, 2014

b) Planning & Zoning Commission Meetings:

- August 27, 2014
- September 10, 2014
- September 24, 2014

17. Other Dates:

- Labor Day Monday September 1, 2014 – Office Closed
- Final Minturn Market – September 6, 2014

18. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn at 10:20pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 17 – SERIES 2014**

**A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO DEVELOP THE
BOLTS LAKE WATER RIGHT AND INTENT TO EXERCISE ITS POWERS OF
EMINENT DOMAIN TO ACQUIRE NECESSARY PROPERTY INTERESTS**

WHEREAS, the Town of Minturn is a home rule town organized pursuant to Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the Town operates a water utility that provides water for domestic, irrigation, fire protection, stock watering, commercial, municipal, power, recreation, fish and wildlife, and other purposes within the Town's water service area; and

WHEREAS, the Town acquired a conditional water right for Bolts Lake in the amount of 320 acre-feet pursuant to the decree entered in Case No. 96CW324, Water Court for Water Division No. 5; and

WHEREAS, the Bolts Lake water right is an important component in the Town's water rights portfolio needed to provide reliable water service to the Minturn water service area as such service area may be expanded to accommodate future growth; and

WHEREAS, the Town filed an Application in Water Court for Water Division No. 5, Case No. 12CW77, on May 23, 2012, seeking a finding of reasonable diligence toward the development of the Town's conditional Bolts Lake water right for 320 acre-feet as further described in the Application; and

WHEREAS, the Town is not the owner of the land upon which Bolts Lake is decreed to be located; and

WHEREAS, in conjunction with obtaining a decree for the conditional Bolts Lake water right, the Town Council adopted Resolution No. 2, Series 1996 (dated January 25, 1996) expressing the Town's intent and authorization to acquire the property on which Bolts Lake is located, either by purchase or pursuant to the Town's eminent domain powers; and

WHEREAS, in Case No. 12CW77 the Water Court entered a Corrected Case Management Order dated August 19, 2014, determining that the Town "must prove that [it] can and will use said power [of eminent domain] to obtain access or ownership to the property underlying the structure"; and

WHEREAS, as a home-rule municipality, the Town has broad eminent domain authority pursuant to Article 20 of the Colorado Constitution. *See* COLO. CONST. ART XX § 1; and

WHEREAS, the Town Council desires to re-affirm the purpose and intent expressed in Resolution No. 2, Series 1996.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN AS FOLLOWS:

1. The Town hereby affirms that the Bolts Lake water right is an important component of its water rights portfolio which is required for the Town to have an adequate water supply to meet the water needs of its current and future water service area.

2. The Town hereby reaffirms the purpose and intent of Resolution No. 2, Series 1996 such that if the Town cannot obtain the necessary property interests required to construct and operate the Bolts Lake water right from the owner(s) of the land upon which Bolts Lake is decreed to be located, the Town can and will exercise its right of eminent domain in light of the Town's need for this facility.

3. The Town Manager, or other designated representative of the Town, is authorized to testify at trial in Case No. 12CW77 consistent with this Resolution and Resolution No. 2, Series 1996.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 3rd day of September, 2014.

By: _____
Mayor

ATTEST

By: _____
Town Clerk

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**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 2 - SERIES 1996**

A RESOLUTION APPROVING THE ACQUISITION OF A PORTION OF PARCELS H.E.S. 40 AND H.E.S. 41 ALSO KNOWN AS BOLTS LAKE AND BOLTS DITCH AND ASSOCIATED WATER RIGHTS FOR RECREATION AND WATER STORAGE USE BY THE TOWN OF MINTURN, COLORADO.

WHEREAS, the Town of Minturn is a Home Rule Municipality under the Colorado Constitution; and

WHEREAS, the Town of Minturn has good and senior adjudicated water rights on Cross Creek; and

WHEREAS, on occasion, the water available on Cross Creek is less than current or anticipated Town needs for municipal purposes; and

WHEREAS, additional water storage is necessary for the Town of Minturn's provision of a continuous and reliable water supply to development within its boundaries; and

WHEREAS, Bolts Lake is located in an advantageous proximity and at such elevation as to be suitable for Town of Minturn water storage and treatment needs; and

WHEREAS, use of Bolts lake for municipal water storage and treatment is more cost effective for the Town of Minturn and its residents and more environmentally sound than construction of additional above ground water storage facilities; and

WHEREAS, the bolts Ditch water right supplies water to Bolts Lake and is integrally related to the maintenance of water levels in Bolts Lake and to the efficient operation of the Town of Minturn's municipal water rights, and

WHEREAS, the Town of Minturn is needful of nature trails, picnic areas, multi-season flat water recreation and other all-season recreational amenities; and

WHEREAS, the Town of Minturn can, and is willing to, provide a multi-use recreational and park amenity for Town residents and others visiting and enjoying the Eagle River Valley; and

WHEREAS, the Town Council finds that the acquisition of those portions of Parcels H.E.S. 40 and H.E.S. 41 and the Bolts Ditch water rights for the above described purposes is necessary and in the best interests of the Town of Minturn.

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

- (1) the Mayor and Town Administrator and their designees are authorized and directed to enter into negotiations to purchase those portions of parcels H.E.S. 40 & H.E.S. 41 as further identified in Appendix A attached hereto, for recreation and water storage use and to purchase Bolts Ditch water rights for recreation and water storage use. AND that

(2) the Mayor and Town Administrator or their designees, if unsuccessful in negotiations for purchase, shall proceed under the provisions of Colorado Constitution and Colorado Revised Statutes as amended to acquire the properties and rights by eminent domain. AND that

(3) the Mayor and Town Administrator shall regularly update the Town Council concerning the negotiations and any legal proceedings.

Resolved and passed this twenty fifth day of January, 1996.


Michael Gallagher, Mayor

ATTEST:


Susan Murrain, Deputy Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 6 – SERIES 2014

AN EMERGENCY ORDINANCE OF THE TOWN OF MINTURN, COLORADO ENACTING A NINETY (90) DAY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DESIGN REVIEW FOR MULTI-FAMILY RESIDENCES, DUPLEXES, ACCESSORY DWELLING UNITS AND ACCESSORY APARTMENTS.

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval pursuant to Section 16-21-615 of the Minturn Municipal Code (“Code”) to ensure that the proposed structures and additions are constructed in compliance with the Code, including the Town’s Design Standards and Guidelines, and other regulations adopted by the Town; and

WHEREAS, the Town has in recent weeks and months received applications for design review of proposed new structures and modifications to existing structures which are not in keeping with the character of the Town and which are not consistent with the Town’s Design Standards and Guidelines; and

WHEREAS, the Town Council desires to review and invite public comments on Code provisions relating to the character of structures within the Town, the Town’s Design Standards and Guidelines and related regulations; and

WHEREAS, after the opportunity to review, take public comment on and facilitate meetings with the Town Planning Commission regarding the Code, the Town’s Design Standards and Guidelines and related regulations, the Town Council may consider amendments to the Code, the Town’s Design Standards and Guidelines and the related regulations; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction; and

WHEREAS, Section 31-15-401, C.R.S., authorizes the Town to enact regulations necessary to promote the health and well-being of its citizens; and

WHEREAS, the Town Council hereby finds and determines that in light of its desire to review the Code, the Town’s Design Standards and Guidelines and related regulations, a moratorium on the acceptance and processing of applications for design review of proposed new

multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types will permit the Town to conserve design review resources and uphold the Town interest of furthering the Town's general character during the review of the Code, Design Standards and Guidelines, and related regulations and the pendency thereof; and

WHEREAS, failure to enact such a moratorium could result in permanent negative changes to the Town's character and as such constitutes an emergency; and

WHEREAS, the Town Council finds and determines that this Ordinance is necessary for the preservation of the public peace, health, safety and property.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The Town Council hereby finds and declares that an emergency exists relating to the acceptance and processing of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types.

SECTION 3. A ninety (90) day moratorium is hereby imposed on the acceptance and processing by the Town of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types so as to enable the Town to undertake review and invite public comments on whether portions of the Code relating to the character of structures within the Town, the Town's Design Standards and Guidelines and related regulations need to be amended.

SECTION 4. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE AND UNANIMOUSLY PASSED this 3rd day of September, 2014, and the Town of Minturn ordains this ordinance enacted as an emergency ordinance and ordered published in full within ten days of passage thereof.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 7 – SERIES 2014

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO ENACTING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DESIGN REVIEW FOR MULTI-FAMILY RESIDENCES, DUPLEXES, ACCESSORY DWELLING UNITS AND ACCESSORY APARTMENTS.

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval pursuant to Section 16-21-615 of the Minturn Municipal Code (“Code”) to ensure that the proposed structures and additions are constructed in compliance with the Code, including the Town’s Design Standards and Guidelines, and other regulations adopted by the Town; and

WHEREAS, the Town has in recent weeks and months received applications for design review of proposed new structures and modifications to existing structures which are not in keeping with the character of the Town and which are not consistent with the Town’s Design Standards and Guidelines; and

WHEREAS, the Town Council desires to review and invite public comments on Code provisions relating to the character of structures within the Town, the Town’s Design Standards and Guidelines and related regulations; and

WHEREAS, after the opportunity to review, take public comment on and facilitate meetings with the Town Planning Commission regarding the Code, the Town’s Design Standards and Guidelines and related regulations, the Town Council may consider amendments to the Code, the Town’s Design Standards and Guidelines and the related regulations; and

WHEREAS, the Town Council found in support of its passage of emergency Ordinance No. 6, Series 2014 that in light of its desire to review the Code, the Town’s Design Standards and Guidelines and related regulations, a moratorium on the acceptance and processing of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types was warranted to permit the Town to conserve design review resources and uphold the Town interest of furthering the Town’s general character during the review of the Code, Design Standards and Guidelines, and related regulations and the pendency thereof; and

WHEREAS, the Town Council found in support of its passage of emergency Ordinance No. 6, Series 2014 that failure to enact such a moratorium could result in permanent negative changes to the Town's character and as such constitutes an emergency; and

WHEREAS, pursuant to Section 11.7 of the Minturn Home Rule Charter the moratorium enacted by passage of Emergency Ordinance No. 6, Series 2014 shall not be in effect after December 2, 2014; and

WHEREAS, review of the Code, the Town's Design Standards and Guidelines and related regulations, including solicitation and receipt of public comment and the completion of Town Planning Commission meetings thereon, is anticipated to extend past December 2, 2014 and into 2015; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town's jurisdiction; and

WHEREAS, Section 31-15-401, C.R.S., authorizes the Town to enact regulations necessary to promote the health and well-being of its citizens; and

WHEREAS, the Town Council hereby finds and determines that maintaining a moratorium as enacted by Ordinance No. 6, Series 2014 until March 18, 2015 provides sufficient time in which to undertake and complete the review and amendment of the Code, the Town's Design Standards and Guidelines and related regulations as may determined during the review process.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. A moratorium until March 18, 2015 is hereby imposed on the acceptance and processing by the Town of applications for design review of proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of these types so as to enable the Town to undertake review and invite public comments on whether portions of the Code relating to the character of structures within the Town, the Town's Design Standards and Guidelines and related regulations need to be amended.

SECTION 3. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

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 3RD DAY OF SEPTEMBER, 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 17TH DAY OF SEPTEMBER, 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 17TH DAY OF SEPTEMBER, 2014.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ACTION ITEMS REPORT

From: Town Manager
29-Aug-14

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	Plan for bathroom out for bid Design for educational portion beginning
Rec Property Clean-up	Martinez Hawkinson	berm constructed. Continue grading, cleanup and beautification
Little Beach Park perfect ownership	Powell	Property report received surveyor has submitted property description submit quiet title action to district court
TAP grant--South Minturn sidewalks	Hawkinson	Grant submitted
2014 Community Master Plan		need to discuss this project in relation to other priorities
Memorialization Guidelines		staff collecting models from other municipalities
Minturn Fitness Center	Powell Rosenfeld Bidez Sawyer	Bylaws reviewed on and commented by town reps Funding agreement drafted review construction/soft cost expenses mixer/electric line OK'd by ECSD, work begun transfer ownership to MFC achieve 501.c.7 non-profit status
Minturn Education Fund	Powell	committee met, appointed directors, reviewed Bylaws achieve 501.c.3 non-profit status scholarship requests review on 8/19
Zoning Code Amendments	Hawkinson Powell Sawyer	staff review and recommendations P&Z review and recommendations Council review and adoption
Guide Sign Plan	Metteer	Staff provides plan for Council review Take to CDOT for approval
Water Rate Structure and Rates	Powell water committee	Staff and Water Committee to meet and recommend Council reviews recommendation Potential Amendments to Water Ordinance

<u>Catch Up Work 2014</u>	responsible staff person	needed for budget	Comment
➤ Education Fund —cleanup governance items			
➤ Adopt bylaws	Powell	legal drafted	legal time
➤ Achieve 501.c.3 status	Powell	Kelly Lyle time, legal	
➤ Fitness Center			
➤ Operating Agreement	Powell	being drafted	legal time
➤ Final Accounting	Brunvand		
➤ Public Works staff provides trenching, conduit placement and backfill—electric line/mixer	Martinez	staff time	\$30,000 by MFC or VSSA
➤ Transfer land ownership to MFC, considering insurance and governmental liability	Powell	legal time	legal time
➤ Achieve 501.c.3 status	Powell	Kelly Lyle time, legal	
➤ Little Beach Park —establish ownership			
➤ Create survey	Powell	survey complete	survey time
➤ File quiet title action		legal time	
<u>2014 Projects</u>			
1. Eagle Park Restrooms and Historic Park Improvements—complete project	hawkinson/ Brock	\$100,000 estimate	bathroom cost
Historic Elements	hawkinson	up to \$25,000	likely to cost less
2. Boneyard			
➤ Propose site plan.	Hawkinson	in-house	
➤ Draft conservation easement and management plan.	Powell/Hawkinson	county attorney	
➤ Clean up area	Martinez		slash piles go to annual burning
3. South Minturn Sidewalks—TAP Grant —make application by August 1 deadline		grant submitted	December decision
• If grant awarded, then			
➤ Design improvements.	Powell/Hawkinson/Brock	\$64,000 match	
➤ Engage public.			
➤ Submit to CDOT for approval.			
4. Entryway and 100 Block			
➤ Design and engineer improvements.	all staff/Brock	need estimate	entryway only or include 100 block?
➤ Submit for approval to CDOT.			
5. Master Sign Plan and Guide Signs			
➤ Decision on design of Guide Signs.			
➤ Obtain CDOT approval of Main St. signs.			
➤ Implement first phase	Meteer	need estimate	implement in stages or fully
6. Water Plant —fence outside filters.	Martinez	\$20,859	two bids received, in-house?
7. Water Rates —committee reviews information and makes recommendation to Council.		Powell/Brunvand	
8. Economic Development			
➤ Define economic development strategy.	Meteer		no budget implications
<u>2015 Projects</u>			
1. Entryway and 100 Block -- Construct Improvements.	all staff/ Brock		see 4 above
2. Improve Mapping —property, zoning, utilities.	Powell		likely no budget implications
4. Bridge Repairs —make repairs consistent with state report.	Martinez/Brock	need estimate	
5. Construct Material Storage Bins at Public Works Facility —see item 3 below.	Martinez	need estimate	
6. Re-Apply for Little Beach GOCO grant.	Hawkinson		any budget implications/match
7. Establish Dowd to Minturn trail alignment	Hawkinson		County has in TIGER grant application
<u>Needed Guidance from Council</u>			
1. Entryway and 100 Block —do we conduct a public process to review plans?			entryway only or include 100 block?
2. Zoning Code —is it time to make clarifying changes?		Powell/hawkinson	consultant time?
3. Public Works Shop —where is its long term location?		Powell/Martinez	
4. Pursue Dowd to Minturn trail on UEVSD alignment		Powell	easement costs

DISTRICT COURT, GARFIELD (GLENWOOD SPRINGS) COUNTY, COLORADO	
Court Address: 109 8th Street, Ste. 104, Glenwood Springs, CO, 81601	DATE FILED: August 29, 2014 7:51 AM CASE NUMBER: 2012CW77
In the Interest of: MINTURN, TOWN OF	<p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
	Case Number: 2012CW77 Division: A Courtroom:
Order: Order	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 8/29/2014



THOMAS WILLIAM OSSOLA
Senior Judge

DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO 109 Eighth Street, Suite 104 Glenwood Springs, CO 81601 (970) 928-3065 <i>telephone</i>	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE TOWN OF MINTURN In the Colorado River or its Tributaries In Eagle County, Colorado	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p style="text-align: center;">Case Number: 12CW77 (05CW130, 96CW324)</p>
	<p style="text-align: center;">Div.: Ctrm.:</p>
ORDER	

THIS MATTER having come before the Court on the Applicant’s Motion to Strike J Tucker, Trustee’s Interrogatories, Requests for Production of Documents, Requests for Admissions and Requests for Admission of Documents (“Discovery Requests”), and the Court having reviewed the Motion and being fully advised in the premises, hereby grants the Motion, strikes the Discovery Requests, and orders that the Town is not required to respond to the Discovery Requests.

SO ORDERED this _____ day of _____ 2014.

BY THE COURT:

 Thomas Ossola, Senior Water Judge