



2014

# Minturn Council Meeting

Wednesday January 15, 2014

**Work Session:** **5:30pm**  
**(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 January 15, 2014**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Aggie Martinez  
John Rosenfeld  
Darell Wegert

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

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 – 5:30pm**

- TST update on Master Meter Vault – White
- A-Peak Land Lease Addendum – Hawkinson Pg 24
- Eagle River Water and Sanitation District – White Pg 4

### **Regular Session – 6:30pm**

- 1. Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance

**2. Approval of Agenda**

- a. Items to be Pulled or Added

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

- December 18, 2013 Pg 9
- Action Item Report Pg 15

**4. Liquor License Authority**

- Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager – Brunvand Pg 17

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

**6. Special Presentations**

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**7. Resolution 1 – Series 2014: A Resolution setting the official posting sites for the Town of Minturn – Brunvand Pg 22**

**8. Ordinance 1 – Series 2014: An Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease for real Property owned by the Town of Minturn – White Pg 24**

**9. Resolution 2 – Series 2014: A Resolution endorsing the Westslope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan – White Pg 30**

**OTHER MATTERS**

**10. Planning Department Update Pg 37**

**11. Town Manager’s Report Pg 38**

**12. Town Council Comments**

**EXECUTIVE SESSION**

**13. Executive Session: Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) – to discuss the purchase, acquisition, lease, transfer or sale of property interests; to receive legal advice on specific legal questions; and to determine positions, develop a strategy and instruct negotiators regarding Little Beach Park; and 2) pursuant to 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 Town Attorney Services and Town Attorney request for proposals – White/Carberry Pg 39**

**FUTURE AGENDA ITEMS**

**14. Next Meeting –**

**15. Future Meetings:**

- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with Xcel Representative – White
- Marijuana update – Matt Mire
- Work Session - Update on the Contractor registration procedure and process. (2/1/14)
- Work Session – Dumpster location review

**16. Set Future Meeting Dates**

a) Council Meetings:

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

b) Planning & Zoning Commission Meetings:

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

**17. Other Dates:**

- January 20, 2014 – Martin Luther King Jr. Day – Town Hall Closed
- February 15, 2014 – Candidate Materials available for Town Council Elections

**18. Adjournment**



## Memorandum

**To:** Mayor Flaherty and Minturn Town Council  
**From:** Diane Johnson, Communications and Public Affairs Manager  
**Date:** January 15, 2014  
**Re:** Resolution Endorsing the West Slope Principles and Adopting the Eagle River Basin Principles for the Colorado Water Plan

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**Summary:** As a member of the Colorado Basin Roundtable, and on behalf of the Eagle River Water & Sanitation District (ERWSD) and Upper Eagle Regional Water Authority (UERWA), I will request that the Council approve the attached Resolution with its Exhibits.

**Background:** The Colorado Water Conservation Board (CWCB) is drafting the Colorado Water Plan as stipulated by executive order from Governor Hickenlooper (attached). The Plan will address the gap in water supply and water demand because Colorado's population is expected to double by 2050. The draft of the Colorado Water Plan is to be completed by December 10, 2014, and the final document is to be completed by December 10, 2015.

The Northwest Colorado Council of Governments' Water Quality/Quantity Committee (QQ) collaborated with the Colorado Basin Roundtable to draft the West Slope Principles for the Colorado Water Plan that are intended to clearly state western slope interests and concerns regarding water supply development that should be included in the Colorado Water Plan. Also, the Eagle River Water and Sanitation District and Upper Eagle Regional Water Authority drafted the Eagle River Basin Principles for the Colorado Water Plan, which supplement the West Slope Principles; they address protecting specific agreements important to the Eagle River and the importance of local water leadership on regional water plans.

Colorado Basin Roundtable members and QQ representatives are working towards endorsement of the Principles by Western Slope entities; jurisdictions that have officially endorsed the Principles – to date – are as follows:

- **Counties:** Eagle, Grand, Gunnison, Pitkin, Park, Routt, Summit
- **Towns:** Avon, Breckenridge, Crested Butte, Dillon, Frisco, Fraser, Grand Lake, Gypsum, Kremmling, Silverthorne, Vail, Yampa
- **Local Governments:** Copper Mountain Consolidated Metro District, Eagle River Water & Sanitation District, Edwards Metropolitan District, Middle Park Water Conservancy District, Upper Eagle Regional Water Authority, Winter Park Ranch Water and Sanitation District

Resolutions and endorsements of the Principles are being provided to CWCB staff and other groups involved in the Colorado Water Plan process as part of the Plan's development.

I will provide a summary of the Executive Order, the Colorado Water Plan, the West Slope Principles, and the Eagle River Basin Principles, as well as answer any questions that council members may have.

### Attachments:

- Executive Order D 2013-005 Directing the Colorado Water Conservation Board to Commence Work on the Colorado Water Plan
- Resolution Endorsing the West Slope Principles and Adopting the Eagle River Basin Principles for the Colorado Water Plan (with Exhibits A and B)

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

136 State Capitol Building  
Denver, Colorado 80203  
Phone (303) 866 - 2471  
Fax (303) 866 - 2003



John W. Hickenlooper  
Governor

**D 2013-005**

## EXECUTIVE ORDER

### DIRECTING THE COLORADO WATER CONSERVATION BOARD TO COMMENCE WORK ON THE COLORADO WATER PLAN

Pursuant to the authority vested in the Governor of the State of Colorado, and in particular, pursuant to powers vested in the Governor pursuant to article IV, section 2 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby direct the Colorado Water Conservation Board to commence work on the Colorado Water Plan.

#### **I. Background**

Colorado has long been on the leading edge of water innovation and solutions. We are the home of the “Colorado Doctrine” of prior appropriation and the birthplace of the interstate water compact, of which we have nine. We are a headwater state – vital rivers and streams begin here, provide water to Colorado uses, and exit to water 18 downstream states as well as the United Mexican States. Colorado has benefited much from its water and has taken seriously its responsibilities as a headwater state. The creation of a Colorado Water Plan is in keeping with Colorado’s water heritage and continued responsibility.

The Colorado Water Conservation Board (CWCB) was created in 1937 “[f]or the purpose of aiding in the protection and development of the waters of the state, for the benefit of the present and future inhabitants of the state.” C.R.S. § 37-60-102. More than 75 years later, we reaffirm this purpose and seek to tap Colorado collaboration and innovation in addressing our water challenges. The Board’s recently-adopted strategic framework is consistent with this mission.

We also recognize the important role the Office of the State Engineer has played throughout Colorado’s water history. This office administers water rights, issues water well permits, represents Colorado in certain interstate water compact proceedings, monitors streamflow and water use, approves construction and repair of dams and performs dam safety inspections, assures the safe and proper construction of water wells, and maintains numerous databases of state water information.

The Interbasin Compact Committee and Basin Roundtable processes, established by House Bill 05-1177, have produced more than eight years worth of important discussion and information about the basins from Coloradans in each basin.

In addition, many state agencies, lead by DNR, play important roles in Colorado water including:

- The Colorado Department of Public Health and Environment that includes the Colorado Water Quality Control Division and the Commission, the administrative agency responsible for developing specific state water quality policies, in a manner that implements the broader policies set forth by the Legislature in the Colorado Water Quality Control Act. The Commission adopts water quality classifications and standards for surface and ground waters of the state, as well as various regulations aimed at achieving compliance with those classifications and standards.
- The Colorado Water Resources and Power Development Authority that provides low-cost financing to governmental agencies in Colorado primarily for water and wastewater infrastructure development.
- The Colorado Department of Agriculture that works to strengthen and advance Colorado's largest consumptive use of water, its agriculture industry.
- The Colorado Energy Office that maintains information helpful in understanding Colorado's water-energy nexus as well as state agency water use.

Throughout our state's history, other water plans have been created by federal agencies or for the purpose of obtaining federal dollars. We embark on Colorado's first water plan written by Coloradans, for Coloradans. Nevertheless, our past and current data and studies will aid in developing a plan for the future.

## II. Purpose and Need

The Colorado Water Plan is necessary to address the following:

- A. The gap between our water supply and water demand is real and looming. The Statewide Water Supply Initiative forecasts that this gap could exceed 500,000 acre feet by 2050. Moreover, our largest regional gap is set to occur in the South Platte Basin, our most populous as well as our largest agriculture-producing basin.
- B. Colorado's drought conditions threaten to hasten the impact of the water supply gap. Indeed, the past two decades have been Colorado's warmest on record, dating back to the 1890s.
- C. Coloradans find that the current rate of purchase and transfer of water rights from irrigated agriculture (also known as "buy-and-dry") is unacceptable. We have witnessed the economic and environmental impacts on rural communities when water is sold and removed from an agricultural area. For example, projected reduction in irrigated acreage in the South Platte Basin alone is currently estimated at 20% of agricultural land under production.

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- D. The Interbasin Compact Committee and Basin Roundtables have worked for the past eight years to engage in a visioning process and to discuss long-standing intrabasin and interbasin challenges by defining scenarios, portfolios, and strategies. These efforts have produced informed discussions, provided a forum for building consensus, and generated momentum that the Colorado Water Plan should utilize.
- E. Colorado's water quantity and quality questions can no longer be thought of separately. Each impacts the other and our state water policy should address them conjunctively.
- F. Our interstate water concerns are as pressing as ever and require Colorado to be vigilant in protecting its interstate water rights pursuant to its nine interstate compacts and two equitable apportionment decrees.
- G. CWCB is well-positioned to conduct this work given its duties and history, statewide representation, and expertise.

### **III. Declaration and Directives**

- A. Colorado's water policy must reflect its water values. The Basin Roundtables have discussed and developed statewide and basin-specific water values and the Colorado Water Plan must incorporate the following:
- a productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation, and tourism industry;
  - efficient and effective water infrastructure promoting smart land use; and
  - a strong environment that includes healthy watersheds, rivers and streams, and wildlife.
- B. The CWCB is directed to commence the work necessary to submit a draft Colorado Water Plan for review by the Governor's Office no later than December 10, 2014. The CWCB will work with the Governor's Office to complete the final plan no later than December 10, 2015.
- C. The CWCB is directed to align state water projects, studies, funding, and other efforts as part of the Colorado Water Plan to the greatest extent possible. As part of this alignment, the CWCB is directed to develop an inventory of water rights held by state agencies and evaluate the opportunities for those rights. The CWCB is also directed to ensure that financial assistance for water funding activities is in accordance with the Colorado Water Plan.
- D. The CWCB is directed to align the state's role in water project permitting and review processes with the water values included in the Colorado Water Plan and to streamline the state role in the approval and regulatory processes regarding water projects. The

Colorado Water Plan should place an emphasis on expediting permitting processes for projects that stress conservation, innovation, collaboration, and other criteria as determined by the CWCB. Efficient infrastructure promoting smart land use, healthy watersheds that support Colorado's rivers and streams, and smart water conservation practices that utilize demand-management are examples of criteria to be considered.

- E. In drafting the Colorado Water Plan, the CWCB is directed to utilize the Interbasin Compact Committee and the Basin Roundtables. The CWCB is also directed to review and build upon discussions and points of consensus that have emerged as part of the Interbasin Compact Committee and Basin Roundtable processes so as to capitalize on the momentum generated by these grassroots efforts.
- F. When drafting the Colorado Water Plan, the CWCB is directed to work with its sister agencies within the Colorado Department of Natural Resources as well as the Colorado Department of Public Health and Environment, the Colorado Water Resources and Power Development Authority, the Colorado Department of Agriculture, the Colorado Energy Office, and other relevant state agencies as needed. Each of these agencies is directed to cooperate with the CWCB as needed on the Colorado Water Plan.
- G. The CWCB is directed to assemble ad-hoc panels of Coloradans and inter-agency water working groups to develop recommendations regarding specific topics as it deems necessary.
- H. The Colorado Water Plan will reaffirm the Colorado Constitution's recognition of priority of appropriation while offering recommendations to the Governor for legislation that will improve coordination, streamline processes, and align state efforts.

**IV. Duration**

This Executive Order shall remain in full force and effect until modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this fourteenth day of  
May, 2013.

A handwritten signature in black ink, reading "John W. Hickenlooper".

John W. Hickenlooper  
Governor



## **Official Minutes**

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

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

**Wednesday December 18, 2013**

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

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

**TOWN MANAGER – Jim White  
TOWN CLERK/TREAS – Jay Brunvand**

#### **COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Aggie Martinez  
John Rosenfeld  
Darell Wegert

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**

- Eagle Street Update – White
  - Steve Humann, TST Engineering reviewed final change orders for project finalization and payment.
  - Town Planner to email as-built drawings to Council for review.
  - Retainage of funds to be held until 30-day waiting period is complete.
  - Quality of the asphalt is currently a concern and will be further reviewed and possibly tested before final payments are made.
- Minturn Fitness Center- White
  - Roof is predominantly completed
  - Topping-off ceremony to take place Friday, Dec 20<sup>th</sup> at 3:00 p.m.
- Roll-Off Dumpsters – Hawkinson
  - Concern regarding the dumpster on the road from November to April was addressed. Construction equipment and storage on Town streets to be reviewed in the Town Code.

- Direction to staff to review and provide options to Council for Code and/or procedural solutions.
- Conditional Use Permit- Hawkinson
  - Withdrawn from work session.
- Financial options for obtaining sidewalks
  - Educate the voters
  - Designate the funds for a specific use
  - Sunset
  - Options for Colleges/School of Mines to review projects for low cost options.
  - Direction to staff to first determine the amount of funds needed to be raised, and review mill levy or small sales tax options. Treasurer to obtain projections from funding sources. Town Planner to layout and design options for a complete project to Maloit Park Rd and phases for project completion.
    - Mill levy
    - Mill levy/sales tax
- Direction to Town Manager to send out Town Attorney RFP for review by January 15<sup>th</sup> Council meeting. (Work session and regular session)

## **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:43 pm. Note: Councilman John Rosenfeld was excused absent.

#### 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, and Deputy Clerk Michelle Metteer.

#### b. Pledge of Allegiance

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

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

Motion by Darrel W., second Aggie M., to approve the Agenda as presented. Motion passed 6-0. Note: John Rosenfeld was excused, absent.

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

- December 4, 2013

Motion by Darrel W., second by George W., to approve the minutes as presented. Motion passed 5-0. Note: John Rosenfeld was excused, absent. Aggie M, abstained.

- Action Item Report
  - Eagle Street can be removed from the Action Report. Town Manager to update Council when final payment is paid as well as confirmation of the length of warranty.
  - Direction to update Action Report for 2014.
- 4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
- 5. **Special Presentations None**

## PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

- 6. **Discussion/Action Item: Minturn Fitness Center update - White**
- 7. **Discussion/Action Item: Eagle Street Project change order - White**
  - Cost increases of \$56K. Recommendation for approval of the change orders.

Motion by George B., second by Darrel W., to approve the change order in the amount of \$56, 800. Motion passed (6-0). John R. absent excused.

## OTHER MATTERS

- 8. **Planning Department Update**
  - Planning and Zoning passed the design of two signs: Weston Snowboards and Minturn Fire Department
  - Met with CDOT Engineer on school zone at Maloit Park Road, Cross- walks in South Minturn, and Flashing school zone lights on Highway.
  - Pre-Design Facilitation for Little Beach Park Phase 2 Design: create final plans for the \$250,000.00 to be spent at Park - Involved in Process: Town Council, Planning Commission, Town Manager, Town Planner, Economic Development Coordinator, Police, Public Works and Town Treasurer. Expand on plan initiated by Zehren and Associates. The completed project will have phases with cost and timeline.
  - 2014 Town Plan - develop priority, scope of work, and cost for the success of Town Projects for 2014.
  - Grants: researching Grants to match Little Beach Park Funds - GOCO and others,

CDOT Enhancement Grant and TAP Grant for sidewalks in South Minturn

- Other Projects Town Council would like to seek grants for this winter?
- Suggested Names for the Open Space Property: Boneyard, River Haven, Cliff Park, Cliff Haven, Minturn Open Space, Gandy Dancer Park (slang term for early railroad workers who laid railroad tracks), Miner Meadows.....?
- Roof completion at Town Hall Building
  - Direction to staff to explore information regarding safety measures for the north town crosswalk and present to Council.

## **9. Town Manager's Report**

### **Eagle/Toledo Street Project**

A final "punch list" walk through took place with ELAM, TST, and the Town of Minturn all represented. A final report will be prepared for the December 18, 2013 Town Council meeting that can be attended by Steve Humann, TST Engineering. Final billing is currently under review by TST and a request to approve the final change order will be presented by TST at this meeting.

### **Minturn Fitness Center**

Weekly owner architect construction progress meetings continue to move this project forward. Representatives from Viele Construction, RDK Architects, Ski and Snowboard Club Vail, and the Town of Minturn continue to review progress at this weekly meeting.

The water line has been installed and the building construction is now actively underway. A "topping off" celebration for the building is tentatively being planned for Friday, December 20, 2013....time to be determined.

### **Master Meter Vault Construction**

Work has continued for the past few weeks on the Master Meter Vault. The project is going well and yet is several weeks from completion. The outside work is nearly done though so most of the remaining work will be out of the winter weather. This is another element of the DOLA grant received earlier this year.

### **Eagle County/Castle Peak Senior Care Facility**

The Town of Minturn's request to secure naming rights at the Castle Peak Senior Care facility for the Family Dining Area was made and has been accepted. Lisa Pease sent an e-mail confirmation which was forwarded to Town Council and her thanks for the \$40,000 contribution over 4 years.

### **Upcoming Town Council Meeting Dates**

**Friday, December 20, 2013 "Topping-off" Celebration for Minturn Fitness Center**  
**Wednesday, January 1, 2014 (consider rescheduling or cancellation) (Meeting cancelled)**

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

### **Minturn Winter Markets**

The two Minturn Winter Markets were held December 7 and December 14, 2013 from 10am until 2pm. A respectable crowd braved the bitter cold the first week. Both temperatures and temperaments had improved by the second week.

### **Happy Holidays**

**Merry Christmas and Happy New Year !!!**

**December 25, 2013 and January 1, 2014 !!!**

### **Christmas Tree Bonfire**

Our Christmas Tree Bonfire will be held on Friday night, January 10, 2014 at Little Beach Park. Trees (with lights and ornaments removed) can be delivered to the site, or Town public works' staff will pick up trees at local residences the week prior to the event.

## **10. Town Council Comments**

Aggie M thanked the Public Works crew for the snow removal work being done.

The Town Council wishes everyone a happy holiday season.

Direction by Council for the next meeting to be January 15, 2014.

## **EXECUTIVE SESSION**

- 11. Executive Session: Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) – to discuss the purchase, acquisition, lease, transfer or sale of property interests; to receive legal advice on specific legal questions; and to determine positions, develop a strategy and instruct negotiators regarding Little Beach Park; and 2) pursuant to 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 Town Attorney Services and Town Attorney request for proposals – White/Mire**

Motion by Shelley B., second by George to move into Executive Session Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) – to discuss the purchase, acquisition, lease, transfer or sale of property interests; to receive legal advice on specific legal questions; and to determine positions, develop a strategy and instruct negotiators regarding Little Beach Park; and 2) pursuant to 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 Town Attorney Services and Town Attorney request for proposals.

As a result of the Executive Session the following direction was given to Staff: Continue negotiations re: attorney services and legal work on land issue; send out RFP for attorney services.

## FUTURE AGENDA ITEMS

### **12. Next Meeting – January 1, 2014 (cancelled due to New Year’s Holiday)**

### **13. FUTURE MEETINGS:**

- Resolution 1 – Series 2013 A Resolution setting the official posting sites for the Town of Minturn – Brunvand (1/15/14)
- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with Xcel Representative – White
- Marijuana update – Matt Mire
- Work Session - Update on the contractor registration procedure and process. (1/15/14)
- Work Session – Dumpster location review

### **14. Set Future Meeting Dates**

- a) Council Meetings:
  - January 1, 2014 ( cancelled)
  - January 15, 2014
  - February 5, 2014
  
- b) Planning & Zoning Commission Meetings: (changed to 4<sup>th</sup> Wednesday)
  - January 22, 2014
  - February 26 2014
  - March 26, 2014

### **15. Other Dates:**

- Christmas Tree Bonfire – January 10, 2014 @5:30pm

### **16. Adjournment**

Motion by Shelley B., second by Earle B., to adjourn the meeting at 8:35pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Council Members/Staff Members  
**FROM:** Jim White/Town Manager  
**DATE:** January 15, 2014  
**SUBJECT:** Status of Action Items from Town Council Meetings

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
Parks and Recreation Master Plan 2013 Goal: Submit Grants for Infrastructure	Janet Hawkinson	We met with Vail Resorts on the land ownership issue. We have provided Town Council's comments to Vail Resorts representatives previously and reiterated them in the meeting. This topic was addressed in Executive Session at the December 18, 2013 Town Council meeting. Staff continues work on the issue.
2013 Goal: Implement Streetscape Plan	Janet Hawkinson	Staff has reviewed previously received plans from OZ, and DCI. We have secured info on streetlights; and worked with the primary local property owner on design ideas for a mall/pedestrian area. Staff will be placing this item on a future agenda to further address this project with Town Council in a work session.
2013 Goal: Clean Up Parking Area on North Taylor Street	Brad Lamb/Arnold Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking. UPRR has sent a letter authorizing the Town to enforce normal violations on RR property.
2013 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	Jim White/ Janet Hawkinson	Staff to provide periodic updates to Council. We requested an extension from DOLA through June 30, 2014 to complete the Harrison Loop.
2013 Goal: South Minturn sidewalks	Jim White/Janet Hawkinson	Town Council wants to add engineering for the south Minturn sidewalks to the 2014 budget expenditures. Staff will pursue a DOLA administrative grant to offset the costs of the engineering.
North Minturn Entrance Area 2013 Goal: Street and Drainage Projects	Jim White/Janet Hawkinson	Explore current conditions and develop review process and plan for site improvements. Did windshield tour with new Town planner to point out issues at north entrance to Town.
Minturn Fitness Center 2013 Goal: Submit Grants for Infrastructure	Jim White	Owner Architect Meetings occur weekly to address construction issues and costs for the MFC Project. The water line was successfully installed in late November. The MFC building is under construction and walls currently being erected. The roof is now on and indoor work will continue throughout the winter.

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
Business Licenses/Contractor Fees	Michelle Metteer Jay Brunvand Janet Hawkinson	Review current fee structure and other examples. Plan will be to amend and make recommendations to Town Council for approval.

**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**



**Town Council**  
MR. HAWKEYE FLAHERTY, MAYOR  
MR. GEORGE BRODIN, MAYOR PRO TEM  
MR. AGGIE MARTINEZ, COUNCILMAN  
MR. EARLE BIDEZ, COUNCILMAN  
MS. SHELLEY BELLM, COUNCILWOMAN  
MS. JOHN ROSENFELD, COUNCILMAN  
MR. DARELL WEGERT, COUNCILMAN

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## AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager
<b>MEETING DATE:</b> January 15, 2014
<b>PRESENTER:</b> Brunvand
<b>BACKGROUND:</b> This is an application for annual renewal of a Hotel & Restaurant liquor license. The application has been reviewed by the Clerk and Interim Town Attorney and no issues have been found. An investigation by the Minturn Police Chief is pending. Staff is recommending approval of this renewal by Council. In the event concerns are identified by the Minturn Police Chief which may affect the license, those concerns will be brought to the Council's attention.
<b>CORE ISSUES:</b>
<b>BUDGET/FINANCE IMPLICATIONS:</b> An annual renewal fee of \$125.00 has been paid to the Town.
<b>STAFF RECOMMENDATION/MOTION:</b> "Motion to approve Magustos LLC annual renewal of a Hotel & Restaurant Liquor License; 101 Main St.; Eric Cregon, Owner/Manager as presented."

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

MAGUSTOS  
 PO BOX 1043  
 MINTURN CO 81645-1043

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</b>	<i>500.00</i>

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 <b>MAGUSTOS LLC</b>		DBA <b>MAGUSTOS</b>		
Liquor License # <b>15787460000</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>15787460000</b>	Expiration Date <b>2/15/2014</b>	Due Date <b>1/1/2014</b>
Street Address <b>101 MAIN ST MINTURN CO 81645</b>				Phone Number <b>(970) 390 7194</b>
Mailing Address <b>PO BOX 1043 MINTURN CO 81645-1043</b>				
Operating Manager <b>ERIC CREGON</b>	Date of Birth <b>10/7/1970</b>	Home Address <b>152 MAIN ST MINTURN</b>		Phone Number <b>970 390 7194</b>
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                  Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>12/31/15</u></p> <p>2. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <b>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:</b> 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.</p> <p>3. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. <b>SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:</b> 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.</p>				

**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 <b>ERIC CREGON</b>	Title <b>MANAGING MEMBER/OWNER</b>
Signature <i>[Signature]</i>	Date <b>DEC 17, 2013</b>

**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

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

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

**Magustos LLC**

is a **Limited Liability Company** formed or registered on 11/22/2010 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20101638608.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/23/2013 that have been posted, and by documents delivered to this office electronically through 12/24/2013 @ 13:10:00.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 12/24/2013 @ 13:10:00 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8720875.



A handwritten signature in cursive script, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

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

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



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

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

**MEMORANDUM**

To: Police Department  
Matt Mire, Attorney  
CC:  
Date: 12/24/13 1:21 PM  
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for Magustos LLC Hotel and Restaurant Liquor license located at 101 Main St. I have reviewed the application and am forwarding it on to you for further review and your report.

PLEASE NOTE: Our standard reviewing process is for both the Police Department and the Town's Attorney to review AND approve PRIOR to this being scheduled for a Council meeting. Please inform me if you have any questions when you approve for forwarding to the Council.

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

Thanks, jay

## Jay Brunvand

---

**From:** Matt Mire [jmm@hphclaw.com]  
**Sent:** Thursday, December 26, 2013 9:46 AM  
**To:** Jay Brunvand; Brad Lamb  
**Subject:** RE: Magustos Liq Lic

If the paperwork is in order with the state etc I would have no reason to object to the renewal. Matt

J. Matthew Mire  
Hayes, Phillips, Hoffmann & Carberry, P.C.  
p. 970. 390-4941  
f. 303. 825-1269

-----Original Message-----

**From:** Jay Brunvand [mailto:[treasurer@minturn.org](mailto:treasurer@minturn.org)]  
**Sent:** Tuesday, December 24, 2013 1:24 PM  
**To:** Brad Lamb; Matt Mire  
**Subject:** Magustos Liq Lic

Please review and let me know your comments.

Jay Brunvand, MMC  
Town Clerk/Town Treasurer  
Town of Minturn  
P.O Box 309  
Minturn, CO 81645

[treasurer@minturn.org](mailto:treasurer@minturn.org)  
970/827-5645

-----Original Message-----

**From:** Scans [mailto:[scans@minturn.org](mailto:scans@minturn.org)]  
**Sent:** Tuesday, December 24, 2013 11:14 AM  
**To:** Jay Brunvand  
**Subject:**

This E-mail was sent from "RNPC5B2C2" (Aficio MP C4500).

Scan Date: 12.24.2013 13:14:01 (-0500)  
Queries to: [scans@minturn.org](mailto:scans@minturn.org)

---

Total Control Panel

[Login](#)

To: [treasurer@minturn.org](mailto:treasurer@minturn.org)  
From: [jmm@hphclaw.com](mailto:jmm@hphclaw.com)

Message Score: 2  
My Spam Blocking Level: Medium

High (60): Pass  
Medium (75): Pass  
Low (90): Pass

[Block this sender](#)

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



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

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### AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Resolution 1 – 2014 Designation of the in-town posting sites for Public Notices and meetings.
<b>MEETING DATE:</b> January 15, 2014
<b>PRESENTER:</b> Brunvand
<ul style="list-style-type: none"><li>• <b>BACKGROUND:</b> This is an annual Resolution designating our legal posting sites within the Town of Minturn for all public notices and notices for public meetings of the Town of Minturn.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve Resolution 1 – 2014 a Resolution designating two public places within the Town of Minturn and the Town Website for the posting of Public Notices and Notices for Public Meetings of the Minturn Town Council, Planning Commission, and other Boards, Commissions, and Authorities of the Town of Minturn as presented.

**TOWN OF MINTURN**

**RESOLUTION NO. 1 – SERIES 2014**

**A RESOLUTION DESIGNATING TWO PUBLIC PLACES WITHIN THE TOWN OF MINTURN AND THE TOWN WEBSITE FOR THE POSTING OF PUBLIC NOTICES AND NOTICE FOR PUBLIC MEETINGS OF THE MINTURN TOWN COUNCIL, PLANNING AND ZONING COMMISSION, AND OTHER BOARDS, COMMISSIONS, AND AUTHORITIES OF THE TOWN OF MINTURN.**

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

**WHEREAS**, the Town of Minturn Charter – Section 4.8 requires notices of public meetings be posted at two (2) public places at least 24-hours prior thereto, and

**WHEREAS**, the Town of Minturn now wishes to designate a public place within its boundaries for posting of such full and timely notice to the public for public notices and for of the Town Council, the Planning and Zoning Commission, and other boards, committees, and authorities of the Town;

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

- 1) The Town Council hereby designates the following as the public places for the posting of full and timely notice to the public as provided for in the Minturn Town Charter:
  - The bulletin board on the outside of the Town Center at 302 Pine St.
  - The bulletin board outside of the Town Center at 301 Boulder St.
  - The official Town website
- 2) This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, APPROVED AND ADOPTED this 15<sup>th</sup> day of January 2014.

\_\_\_\_\_  
**HAWKEY FLAHERTY, MAYOR**

**ATTESTS:**

\_\_\_\_\_  
**JAY BRUNVAND, TOWN TREASURER**

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

AN ORDINANCE AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO ENTER INTO AN AMENDED LEASE FOR REAL PROPERTY OWNED BY THE TOWN OF MINTURN,.

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

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

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

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

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

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

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

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

SECTION 4. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed

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

SECTION 5. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

SECTION 6. The repeal or the repeal and reenactment of any provisions of the Minturn Municipal Code as provided in this ordinance shall not affect any right with has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any protection commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 15<sup>th</sup> DAY OF JANUARY, 2014. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 5<sup>TH</sup> DAY OF FEBRUARY, 2014 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

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

**ATTEST:**

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

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2014.**

**TOWN OF MINTURN, COLORADO**

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

**ATTEST:**

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

## SECOND AMENDMENT TO GROUND LEASE

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

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

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

NOW, THEREFORE, for \_\_\_\_\_ and other good and valuable consideration, receipt of which is acknowledged, the parties agree the lease shall be amended in the following manner.

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

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

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

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

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

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

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

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

TOWN OF MINTURN, COLORADO

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

Attest:

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

A-Peak, Inc.

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

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

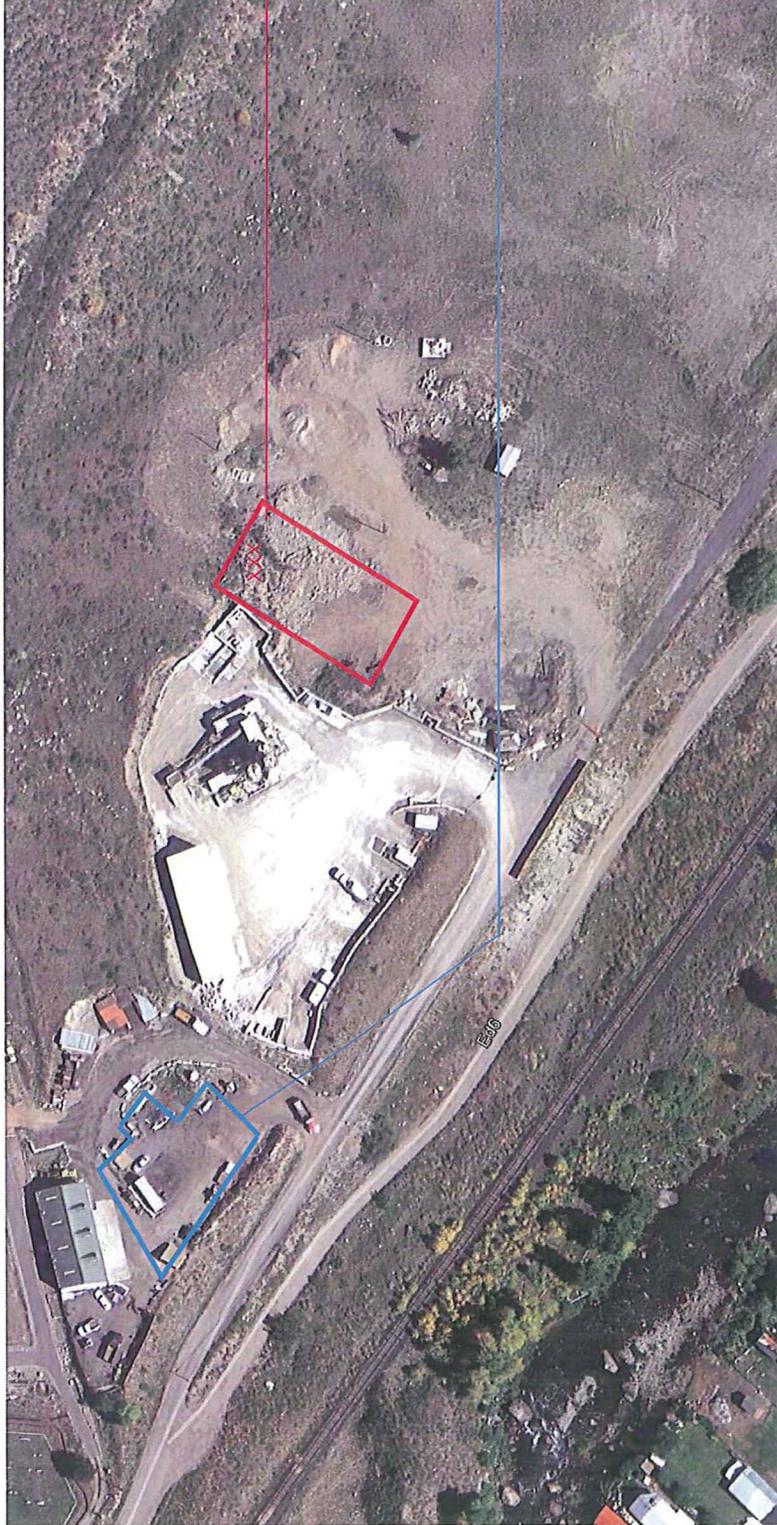
Attest:

\_\_\_\_\_

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

A-Peak Area Dimensions:

New Site: 120' x 80' = 9,600 sq ft



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

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

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



Design by:

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

**A-Peak New Site**

**Public Works Rec Field Site Design**

Town of Mintum  
Jim White, Town Manager



**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 15<sup>th</sup> day of January 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.** <sup>1,2,3,4,5,6,7</sup>
  - 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. <sup>1,3,5,6,7</sup>
  - 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. <sup>1,2,3,4,5,6,7</sup>
  - 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. <sup>3,6,7</sup>
  - 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. <sup>7</sup>
  
2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** <sup>1,2,3,5,6</sup>
  - 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. <sup>1,2,3,6</sup>
  - 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. <sup>1,2,3,6,9</sup>

- 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. <sup>1,2,3,6,7</sup>
  - 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. <sup>7</sup>
  - 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. <sup>5</sup>
  - 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. <sup>3,6</sup> 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. <sup>4,5,6</sup>
  - 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. <sup>8</sup>
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.** <sup>1,2,3,7</sup>
- 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. <sup>1,2,3,6,7</sup>
  - 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). <sup>1,3,6,7</sup>
  - 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.<sup>3,6</sup>

- 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.<sup>3,6,7</sup> 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.<sup>1,3,6,7</sup> 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.<sup>7</sup>**

- 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:

- <sup>1</sup> Colorado 58 *Water Principles*. In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.
- <sup>2</sup> 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](http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf)
- <sup>3</sup> Colorado River Water Conservation District Policy Statement: Transmountain Diversions, adopted March 16, 2000, revised and readopted July 2011. [http://www.crwcd.org/media/uploads/20110719-policies\\_TMDs.pdf](http://www.crwcd.org/media/uploads/20110719-policies_TMDs.pdf)
- <sup>4</sup> Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. [http://www.crwcd.org/media/uploads/20100720\\_policy\\_water\\_quality.pdf](http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf)
- <sup>5</sup> NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.
- <sup>6</sup> 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). [http://nwccog.org/docs/wss/rwqmp\\_2012/Vol%201\\_Policy%20Plan%202012%20208%20Plan.pdf](http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf)
- <sup>7</sup> Colorado Basin Roundtable Vision Statement (Nov. 2010).
- <sup>8</sup> Orchard Mesa Check Case, 91CW247, Water Division No. 5.
- <sup>9</sup> i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firing 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.

## **Planning Department Update:**

1. Eagle County Grant
2. Designing 'Historic Walk in the Park' - Obtaining additional funding
3. Sewer Line to Little Beach Park
4. Utilized the new Minturn email 'newsletter' (created by Michelle Metteer with Economic Development) to create a survey for the Town Citizens for the naming of the Minturn Open Space.
5. No new building permits at this time.
6. 2014 Town Plan - Draft
7. As Directed by Town Council: General Contractor and Sub-Contractor Ordinance (suggestions - however on hold due to absent Town Attorney)
8. As Directed by Town Council: Applied and received application from CDOT for crosswalk and lights at 100 block intersection - under design review
9. As Directed by Town Council: Staff to provide options to council for code and procedural solutions for roll-off dumpsters.
10. As Directed by Town Council: options for obtaining sidewalks from cemetery bridge to Maloit Park Road. Treasurer to obtain projections from funding sources, mill levy/sales tax. Research School of Mines (and others) to use as an engineering project for students. Working with Eagle County on connecting the trail system to see if it can fit in with this project. Planner to design route. This project is under research.
11. Still working on addressing homes and streets

**Jim White**  
**Town Manager**  
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**TOWN COUNCIL**  
**Mayor – Gordon “Hawkeye” Flaherty**  
**Mayor Pro Tem – George Brodin**  
**Councilmember – Shelley Bellm**  
**Councilmember – Earle Bidez**  
**Councilmember – Darell Wegert**  
**Councilmember – Aggie Martinez**  
**Councilmember – John Rosenfeld**

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**To: Mayor Flaherty and Minturn Town Council**  
**From: Jim White, Town Manager**  
**Date: January 10, 2014**  
**Re: Manager’s Report for the January 15, 2014 Town Council Meeting**

**CDOT I-70 Corridor Meeting**

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

**Minturn Fitness Center**

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

**Master Meter Vault Construction**

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

**RFP for Attorney Services**

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

**Recent Events/Upcoming Events:**

**Christmas Tree Bonfire**

Our Christmas Tree Bonfire was held on Friday night, January 10, 2014 at Little Beach Park. This has become a popular annual event.

Respectfully submitted,  
Jim White  
Town Manager



TOWN OF MINTURN  
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treasurer@minturn.org

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

*MEMORANDUM*

TO: Minturn Town Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Friday, January 10, 2014  
RE: Executive Session

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

*“Recommended motion: “I move To convene in Executive Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) – to discuss the purchase, acquisition, lease, transfer or sale of property interests; to receive legal advice on specific legal questions; and to determine positions, develop a strategy and instruct negotiators regarding Little Beach Park; and 2) pursuant to 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 Town Attorney Services and Town Attorney request for proposals.*

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

Please contact me in the event you have any questions.

Thank You, Jay