



2014

# Minturn Council Meeting

Wednesday December 17, 2014

**Work Session:** **6:00pm**  
**(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 December 17, 2014**

**Work Session – 6:00pm**  
**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 – 6:00pm**

- Resolution 21 – Series 2014 a Resolution to approve a Variance request at 436 Taylor St (Kohlhoffer) - Hawkinson Pg 18

### **Regular Session – 6:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

**3. Approval of Minutes**

- December 3, 2014 Pg 4

**4. Liquor License Authority**

- FM Saloon LTD Annual Renewal of a Hotel & Restaurant License; 146 Main St.; William Campbell Owner/Pres – Metteer Pg 10

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

**6. Special Presentations**

**PUBLIC HEARINGS AND ACTION ITEMS**

**7. Discussion/Action Item: Resolution 21 – Series 2014 a Resolution to approve a Variance request at 436 Taylor St (Kohlhoffer) – Hawkinson Pg 18**

**COUNCIL AND STAFF REPORTS**

**8. Town Planner**

- TV Show Project
- Eagle County Grant

**9. Town Manager**

- Manager's Report Pg 19
- Action Report Pg 20

**10. Town Attorney**

- Xcel Utilities power outage update Pg 21

**11. Town Council Comments**

**EXECUTIVE SESSION**

**12. Executive Session: To convene in Executive Session pursuant to Section 24-6-402(4)(b) for the purposes of consulting with our Town Attorney regarding pending litigation and received direction from the Town Council on questions concerning the Battle Mountain Project.**

**FUTURE AGENDA ITEMS**

**13. Next Meeting – January 7, 2014**

**14. Future Meetings:**

- Work session: consideration of approving retail sales of marijuana – Powell/Sawyer Jan 21, 2015
- 2015 Building Code update – Charlie Davis
- Meeting: Discussion/Action Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson

**15. Set Future Meeting Dates**

a) Council Meetings:

- January 7, 2015
- January 21, 2015
- February 4, 2015

b) Planning & Zoning Commission Meetings:

- January 14, 2015
- January 28, 2015
- February 11, 2015

**16. Other Dates:**

**17. Adjournment**



## Official Minutes

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

**Wednesday December 3, 2014**

**Work Session – 6:00pm**  
**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 – 6:00pm

**Please remember to bring your FY2015 Budget Book**

- Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson

### Regular Session – 6:30pm

#### 1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 7:00pm.

- Roll Call

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

Also present were Minturn Planning Commission members Lynn Teach, Bobby Head, and Tim Osborne.

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

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added
  - Add as 5a: Discussion: Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson

Motion by Johnie R., second by George B., to approve the agenda as amended. Motion passed 7-0.

## **3. Approval of Minutes**

- November 19, 2014

Shelley B. asked to have the minutes clarified as to the proration of the annual bonus those employees with employment under one year.

Motion by George B., second by Johnie R., to approve the minutes of November 19, 2014 as amended. Motion passed 7-0.

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

## **5. Special Presentations**

### **5a. Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson (continued from Worksession).**

Mike S. requested Council to give specific comment and direction on a conceptual basis that the maximum impervious lot coverage, maximum building lot coverage, maximum roof length is appropriate. If this direction is given then staff will be more able to return with a drafted Ordinance.

Shelley B. noted we should be evaluating all larger than 5,000 lots. It should also be noted that the minimum lot size for a duplex is 5,000sqft (2,500sqft per unit). It should also be noted that it is a unit with an accessory unit or a duplex on a total 5,000sqft lot not both; however it could be both on larger lots. Council did not want a duplex with an accessory unit. Concern of parking and impervious surface was discussed.

Discussion ensued as to how zoning and impacts on the neighborhood could be addressed in the various character areas within the Town.

Hawkinson noted that the recommendations by staff for maximum impervious and lot coverage ratios would affect lots over 5000 square feet. Also duplexes are a use by right only in South Minturn and the Taylor St. area.

Council agreed with the staff presentation regarding maximum lot coverage and maximum impervious coverage ratios. Council indicated that accessory dwelling units (ADU) should only be allowed with single family units and possibly one ADU with duplex on a larger lot approximating 7000 square feet. Further discussion will cover maximum length of roof lines and other related items relating to duplexes.

## PUBLIC HEARINGS AND ACTION ITEMS

**6. Discussion/Action Item: Resolution 19 – Series 2014 consideration to appoint a Planning Commissioner – Hawkinson**

Mr. Bradley Bickerton, applicant, was available for questions and comments.

Motion by Earle B., second by George B., to approve Resolution 19 – Series 2014 a Resolution appointing Bradley Bickerton to the Minturn Planning Commission as presented term to expire in March 2017. Motion Passed 7-0

**7. Discussion/Action Item: Resolution 20 – Series 2014 a Resolution to appoint check signers for the Town of Minturn – Brunvand**

Motion by Shelley B., second by Johnie R., to approve Resolution 20 – Series 2014 a Resolution to appoint check signers for the Town of Minturn as amended to five signers. Motion Passed 7-0

**8. Discussion/Action Item: Ordinance 11 – Series 2014 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2014 Town of Minturn Budget – Brunvand**

Motion by Johnie R., second by George B., to approve Ordinance 11 – Series 2014 (Second Reading) an Ordinance Creating a Supplemental Appropriation to the 2014 Town of Minturn Budget as presented. Motion passed 7-0.

**9. Discussion/Action Item: Ordinance 12 – Series 2014 (Second Reading) An Ordinance Setting the 2015 General Property Tax Mill Levy for the Town of Minturn – Brunvand**

Motion by Ozzie O., second by Shelley B., to approve Ordinance 12 – Series 2014 (Second Reading) an Ordinance Setting the 2015 General Property Tax Mill Levy for the Town of Minturn as presented. Motion passed 7-0.

**10. Discussion/Action Item: Ordinance 13 – Series 2014 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2015 for the Town of Minturn – Brunvand**

Council asked questions on changes as discussed at the December 3 meeting.

Motion by Johnie R., second by George B., to approve Ordinance 13 – Series 2014 (Second Reading) an Ordinance Adopting the Fee Schedules for Fiscal Year 2015 for the Town of Minturn as presented. Motion passed 7-0.

**11. Discussion/Action Item: Ordinance 14 – Series 2014 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2015 Revenues and Expenses by Fund – Brunvand**

Motion by Ozzie O., second by Shelley B., to approve Ordinance 14 – Series 2014 (Second Reading) an Ordinance Adopting and Recognizing the Town of Minturn’s 2015 Revenues and Expenses by Fund as presented. Motion passed 7-0.

**COUNCIL AND STAFF REPORTS**

**12. Town Planner**

Janet H. noted we have a grocery and gift shop opening at the Molly G. Building on Williams and Nelson on December 13.

**13. Town Manager**

- Manager’s Report

Engineering Services

At the November 19 Council meeting we discussed the method of moving forward with contracting for on-call engineering services. On November 24 I sent to Council copies of a Cover Letter and Request of Qualifications/Proposal to selected Eagle County (4) and Garfield County firms (1). Proposals are to be received no later than December 12. This is a hybrid approach from what we discussed at the Nov. 24 meeting. We will receive competitive Proposals including fee schedules. After receiving Proposals we may be able to negotiate down lower fee schedules with a preferred firm.

As mentioned in a previous email we will have a screening and possibly interviewing committee. If two members of Council are interested, let’s decide.

Shelley B. and Ozzie O. will assist in reviewing the Engineer applicants.

- Action Report

#### **14. Town Attorney**

#### **15. Town Council Comments**

December 11 is the Minturn Community Fund fund raiser that will help provide children in need with Christmas gifts.

December 6 and 13 are the Winter Markets. On December 13 the Minturn Powder Hounds will be delivering Santa

### **EXECUTIVE SESSION**

- 16. Executive Session: To convene in Executive Session pursuant to Section 24-6-402(4)(b) for the purposes of consulting with our Town Attorney regarding pending litigation and received direction from the Town Council on questions concerning the Battle Mountain Project.**

Motion by Shelley B., second by George B., to convene in Executive Session pursuant to Section 24-6-402(4)(b) for the purposes of consulting with our Town Attorney on questions concerning the Battle Mountain project. Motion passed 7-0

Direction given to Staff as a result of the Executive Session was to proceed as discussed.

### **FUTURE AGENDA ITEMS**

#### **17. Next Meeting – December 17, 2014**

- Meeting: Discussion/Action Kohlhoffer variance January 7, 2015 – Hawkinson

#### **18. Future Meetings:**

- Work session: consideration of approving retail sales of marijuana – Powell/Sawyer Jan 21, 2015
- 2015 Building Code update – Charlie Davis

#### **19. Set Future Meeting Dates**

- a) Council Meetings:
  - December 17, 2014
  - January 7, 2015
  - January 21, 2015
- b) Planning & Zoning Commission Meetings:
  - December 10, 2014
  - January 14, 2015
  - January 28, 2015

#### **20. Other Dates:**

## **21. Adjournment**

In that there was no further business, the meeting stood adjourned at 9:00pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

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  
Councilmember – Shelley Bellm  
Councilmember – Earle Bidez  
Councilmember – John Rosenfeld  
Councilmember – Jason Osborne  
Councilmember – Matt Scherr

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### AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> FM Saloon LTD Annual Renewal of a Hotel & Restaurant License; 146 Main St.; William Campbell Owner/Pres
<b>MEETING DATE:</b> December 17, 2014
<b>PRESENTER:</b> Brunvand
<b>BACKGROUND:</b> This is an application for annual renewal of a Hotel and Restaurant liquor license. The application has been reviewed and an on-site review of the premises was conducted by the Clerk and no issues have been found. An investigation of the police records has been conducted by Hattie Wagy, Code Enforcement Officer, and no issues that would preclude approval were found.  Staff is noting that the renewal includes a Report of Corporate Changes whereby previous owners of 10% or more has been approved by FM Saloon LTD. In short Messer’s Kaufman and Campbell, existing owners have bought out the remaining partners. This is just a corporate change and does not affect the license or the daily management or operations.  Staff is recommending approval of this renewal by Council.
<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 the FM Saloon LTD Annual Renewal of a Hotel & Restaurant License; 146 Main St.; William Campbell Owner/Pres as presented.”

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

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

THE SALOON  
 PO BOX 700  
 MINTURN CO 07208

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 F M SALOON LTD		DBA THE SALOON		
Liquor License # 07348070000	License Type Hotel & Restaurant (city)	Sales Tax License # 07348070000	Expiration Date 12/26/2014	Due Date 11/11/2014
Street Address 146 S MAIN MINTURN CO 81645				Phone Number <del>(303)</del> 827 5954
Mailing Address PO BOX 700 MINTURN CO 07208				970
Operating Manager William S. Campbell	Date of Birth 4-15-49	Home Address 401A STAGECOACH Rd. EDWARDS, Co 81632	Phone Number 970-926-4442	

- 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 William S. Campbell	Title OWNER
Signature William S. Campbell	Date 11-20-14

**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

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

(2355)  LLC/PARTNERSHIP  
 (2350)  CORPORATION

SEE INSTRUCTIONS AND  
 FEE SCHEDULE ON PAGE 2

1. Corporate/L.L.C./Partnership Name <i>F.M. SALOON LTD</i>		2. State Tax Account Number <i>07348070000</i>		3. State Liquor License Number <i>07348070000</i>	
4. Trade Name <i>THE SALOON</i>				5. Telephone Number <i>970-827-5954</i>	
6. Address of Licensed Premises <i>146 N MAIN ST.</i>		City <i>MINUTUM</i>		State <i>CO</i>	ZIP Code <i>81645</i>
7. Mailing Address if different than above <i>BOX 700</i>		City <i>MINUTUM</i>		State <i>CO</i>	ZIP Code <i>81645</i>

**8. LIST ALL officers, directors (corporation) or Managing Members (L.L.C.) or General Partner(s). Each Officer, Director, Managing Member or Partner MUST FILL OUT a DR 8404-I (Individual History Record).**

Position Held	Names	Home Address	DOB	Replaces
<i>PRES SECT.</i>	<i>William S. Campbell</i>	<i>40A STAGECOACH RD, EDWARDS CO, 81632</i>	<i>4-15-49</i>	<i>NO ONE</i>
<i>VICE PRES TRUST</i>	<i>ANDREW W. KAUFMAN</i>	<i>112 HIDEAWAY LANE, GLENWOOD SPRINGS CO, 81601</i>	<i>6-16-54</i>	<i>NO ONE</i>

**9. LIST ALL 10% (or more) Stockholders or 10% (or more) Members or 10% (or more) Limited Partners. Each person listed Must Fill out a DR 8404-I (Individual History Record)**

Stockholders/Members/Partners owning 10% (or more) of business	% Owned	Home Address	DOB	Replaces
<i>William S. Campbell</i>	<i>50%</i>	<i>40A STAGECOACH RD, EDWARDS CO, 81632</i>	<i>4-15-49</i>	
<i>ANDREW W. KAUFMAN</i>	<i>50%</i>	<i>112 HIDEAWAY LANE, GLENWOOD SPRINGS CO, 81601</i>	<i>6-16-54</i>	

10. Registered Agent <i>William S. Campbell</i>	Address For Service <i>146 N. MAIN ST. MINUTUM, CO 81645</i>
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**OATH OF APPLICANT**

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

11. Authorized Signature <i>William S. Campbell</i>	Title <i>PRES / SECT</i>	Date <i>11-21-14</i>
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**REPORT OF LOCAL LICENSING AUTHORITY**

The foregoing changes have been received and examined by the Local Licensing Authority.

12. Local Licensing Authority For			<input type="checkbox"/> County <input type="checkbox"/> Town/City
Signature	Title	Date	
Attest		Date	

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

**LIABILITY INFORMATION**

License Account Number	Period	Cash Fund	TOTAL
		<i>-100 (999)</i>	

# INSTRUCTIONS

## CORPORATION, LIMITED LIABILITY COMPANY OR PARTNERSHIP REPORT of CHANGES

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

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

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

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

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

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

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,

**F.M. SALOON, LTD.**

is a **Corporation** formed or registered on 01/01/1995 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 19941126718.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/10/2014 that have been posted, and by documents delivered to this office electronically through 12/11/2014 @ 10:03:11.

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 12/11/2014 @ 10:03:11 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9033677.



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."*

# **CORPORATE MEETING MINUTES**

**Special Directors' Meeting Directors' Meeting**

**Of F.M. Saloon ltd**

**Minturn, Colorado**

**Meeting Date: December 31, 2013**

## **MEETING MINUTES RECORD**

### **PRESENT**

["William S. Campbell", "Andrew W. Kaufman", "Robert L. Pelz", "Douglas L. Newhouse"]

### **NOT PRESENT**

#### **1. PROPOSALS CONSIDERED**

Sale of shares

#### **2. PROPOSALS DECIDED**

The corporation has accepted the sale of all shares owned by Robert L. Pelz and Douglas L. Newhouse for \$1.00 to the remaining shareholders to be distributed pro rata to the remaining shareholders. The resulting ownership of F. M Saloon ltd as of January 1, 2014, is recognized as being: William S. Campbell 50%; Andrew W. Kaufman 50%.

#### **3. PENDING ISSUES**

#### **4. COMMITTEE REQUESTS**

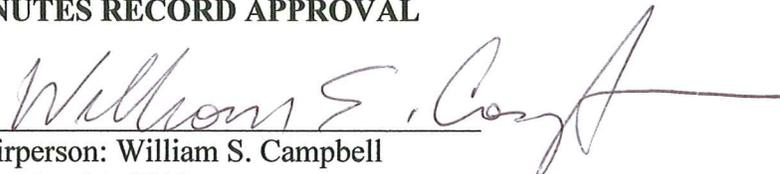
#### **5. REPORTS**

#### **6. OTHER BUSINESS**

**7. DATE OF NEXT MEETING**

The meeting will reconvene on December 31, 2014 to discuss pending issues and any new issues that may arise.

**MINUTES RECORD APPROVAL**

  
\_\_\_\_\_  
Chairperson: William S. Campbell  
December 31, 2013



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: Hattie Wagy, Code Enforcement  
Mike Sawyer, Attorney  
CC:  
Date: 12/11/14 10:18 AM  
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for the FM Saloon, LTD, Wm Campbell Owner/President Hotel and Restaurant Liquor License located at 146 S. Main St. I have reviewed the application and conducted an onsite inspection and found no issues. I am forwarding it on to you for further review and your report.

Hattie, please confirm that no police issues have been noted during the past year or that we would need to consider as relevant to this renewal. I have scheduled this to be on the December 17, 2014.

Mike, note this has a Corporate Change included whereby the two principal owners bought out two other part owners that owned more than 10% (about 10% each). Because this was merely a downsize, the State did not require any other information such as back ground checks. 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  
RESOLUTION NO. 21 – SERIES 2014**

**A RESOLUTION APPROVING VARIANCE APPLICATION VAR 14-01**

**WHEREAS**, Garth Koelhoffer has submitted a land use application for a building height variance for the 2<sup>nd</sup> half of a duplex that was started in 2006 at 436 Taylor Street, Minturn, CO.

**WHEREAS**, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and

**WHEREAS**, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

**WHEREAS**, on December 10<sup>th</sup>, 2014 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Sec. 16.21.620 and recommended approval of the application to the Minturn Town Council; and

**WHEREAS**, on December 17<sup>th</sup>, 2014 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

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

- There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
- That the granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;

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

**THAT** land use application VAR 14-01 be approved

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 17<sup>th</sup> day of December, 2014.**

TOWN OF MINTURN, COLORADO

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

ATTESTS:

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

TOWN OF MINTURN  
P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645 Fax: 970-827-5545

William Powell, Town Manager



Town Council  
Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilmember – Shelley Bellm  
Councilmember – Earle Bidez  
Councilmember – John Rosenfeld  
Councilmember – Jason Osborne  
Councilmember – Matt Scherr

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## **Manager Items December 17, 2104**

### Animal Control

The interim Director of Animal Control services states that department personnel can patrol Minturn occasionally beginning at 7:30am and ending at 5:30pm under the prevailing monthly fee. If patrol is to take place before 7:30 or after 5:30, then the extra fee of \$50 per hour must be charged. I instructed the department to patrol as much as they can to start at 7:30 in the morning and up to 5:30 in the afternoon. I related that the primary complaint is dogs at large.

### Power Outages

Please see Mike Sawyer’s memo on power outages and Excel’s report of outages since January 1, 2013. We will need to gather information for two consecutive years to determine if the town desires to make either an informal or formal complaint. The outage log from Excel was received in November, so we do not have two years of log outages. Thus far Excel’s performance is better in 2014 than 2013. One wonders about pole fires during 2013.

Another previously discussed subject was whether heavy demand from Beaver Creek, Avon and Vail causes failures to the power grid in Minturn. I have been told from Holy Cross Energy that Minturn’s source of power comes from Gilman, while the other towns are serviced from the Eagle Valley. HCE has assured me that heavy demand in the other communities has no bearing on Minturn’s power supply.

### On-Call Civil Engineering Services

I previously emailed you the Request for Qualifications/Proposals. Proposals are due on Friday, December 12. I will update Council at the meeting

**ACTION ITEMS REPORT**

From: Town Manager  
 Oct. 28, 2014

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	foundation wall installed, bathrooms being constructed in shop Design for educational portion beginning
Rec Property Clean-up	Martinez	berm constructed. Continue grading, cleanup and beautification
Boneyard	Hawkinson	slash piles cleaned, VSSA and boy scouts
Little Beach Park perfect ownership	Powell	quiet title to be filed in January, 2015
Memorialization Guidelines		staff to make report first meeting in January
Minturn Fitness Center	Powell Rosenfeld Bidez	Bylaws approved pending CIRSA review transfer ownership to MFC achieve 501.c.7 non-profit status
Minturn Education Fund	Powell Bellm	achieve 501.c.3 non-profit status scholarships awarded
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 first meeting Jan. Take to CDOT for approval
Water Rate Structure and Rates	Powell water committee	financial runs being performed by UEWSD Council reviews recommendation Potential Amendments to Water Ordinance

Michael J. Sawyer  
[mjs@mountainlawfirm.com](mailto:mjs@mountainlawfirm.com)

October 15, 2014

To: Mayor Flaherty and Town Council

From: Town Attorney, Michael Sawyer

Re: Xcel Energy Quality of Service Plan and Public Utilities Commission Complaint Options and Processes

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Quality of Service Plan - Ordinary Distribution Interruptions

In 2007 the Colorado Public Utilities Commission (“PUC”) approved a Quality of Service Plan (“QSP”) for Xcel energy’s operations within the state. The QSP, which is effective through 2015, establishes performance measures and provides for customer bill credits when Xcel fails to meet standards set forth in the QSP for: 1) the number of customer complaints received by the PUC, 2) the telephone response time of Xcel’s call centers, 3) Regional Electric System Reliability, and 4) for Xcel’s operating regions that have an “Outage Management System,” electric continuity and electric restoration.<sup>1,2</sup>

As to Regional Electric System Reliability, if the *System Average Interruption Duration Index for Ordinary Distribution Interruptions* (“SAIDI-ODI”) exceeds the *Reliability Warning Threshold* (“RWT”) within one of Xcel’s operating regions for two consecutive calendar years, then each customer within the operating region(s) where performance has fallen short of standards is entitled to receive a pro-rata share of the \$7.064 million earmarked in the QSP for bill credits for a performance shortcoming.

The *System Average Interruption Duration Index* is “the average interruption duration for all Customers served” in a performance year. *Ordinary Distribution Interruptions* do not include interruptions that are: 1) planned, 2) caused by a person(s) outside of Xcel’s control, 3) caused by vandalism, war, or terrorism, 4) result from Xcel’s interruption of service for public safety purposes, 5) result from an order of the government, 6) result from emergency events, 7)

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1 This memo will not discuss the performance criteria for customer complaints and telephone response time.

2 According to the PUC, Minturn and other Eagle County communities are located in the “Mountain” Operating Region. I have not been able to confirm whether an Outage Management System exists in the “Mountain” Operating Region. If the “Mountain” Operating Region does have an Outage Management System, then Minturn area customers would be eligible for a bill credit due as a result of Xcel’s electric continuity and electric restoration shortcomings. The credit amount is \$50 for the electric continuity and electric restoration qualifying events described in the QSP.

Page 2

catastrophic events,<sup>3</sup> and 8) “special” interruptions.<sup>4</sup> “Major Events” also are excluded from *Ordinary Distribution Interruptions*.<sup>5</sup>

#### Additional Relief for Service Interruptions in Nederland

Recently, customers in the Nederland area sustained an extraordinary number of electric service interruptions. As a result, Xcel petitioned the PUC in proceeding no. 14V-0154E for a variance from the QSP so that it could credit an extra \$200 to the bills of Nederland area customers due to service interruptions. According to the Petition in proceeding no. 14V-0154E, the extraordinary electrical outages ranged in number from 11 to 25.<sup>6</sup> Although Xcel is required by the tariff to automatically provide the QSP remedies, news stories regarding the increased payment to Nederland residents reflect that Nederland officials might have instigated the Xcel petition through contact to Xcel’s area manager for the operating region in which Nederland is located.

#### Available Complaint Procedures

##### *Dispute*

Under 4 CCR 723-3, Rule 3004, an Xcel customer may initiate a “dispute” with the Xcel orally or in writing without the involvement of the PUC.<sup>7</sup> Upon the initiation of a “dispute,” Xcel must conduct an investigation into the dispute, determine which remedies to apply, if any, and provide the customer raising the dispute with the information necessary to make an informal complaint to the PUC.<sup>8</sup>

##### *PUC Informal Complaint Procedure*

An Xcel customer may raise an informal complaint regarding the entity either orally or in writing.<sup>9</sup> Thereafter, the PUC can: investigate the complaint, refer the complaint to the utility for a response within 14 days, request that the PUC issue a show cause order, order mediation, and undertake related remedies.<sup>10</sup>

##### *PUC Formal Complaint Procedure*

A formal complaint may be filed with the PUC.<sup>11</sup> The formal complaint “shall set forth

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3 The description of a catastrophic event in the QSP specifically excludes winter storms.

4 These exclusions from “ordinary distribution interruptions” are known as “extraordinary distribution interruptions.”

5 This conclusion is not specifically stated in the QSP, but the context in which Ordinary Distribution Interruptions are described reflect an intent that a “Major Event.” Unfortunately, the QSP does not define what a “Major Event” is.

6 *Petition*, pg. 2

7 4 CCR 723-3, Rule 3004(a).

8 4 CCR 723-3, Rule 3004(b) – (e).

9 4 CCR 723-1, Rule 1301(a).

10 4 CCR 723-1, Rule 1301(b).

11 4 CCR 723-1, Rule 1302(a).

sufficient facts and information to adequately advise the respondent and the Commission of the relief sought and, if known, how any statute, rule, tariff, price list, time schedule, decision, or agreement memorialized, accepted, or approved by. . ." the PUC has been violated.<sup>12</sup> After a formal complaint has been filed, the PUC will establish the procedure for resolving the complaint.

### Complaint Considerations

If the Town desires to broach the service outages issue with Xcel through one of the available complaint procedures, the Town will need collect and marshal evidence to support its complaint. The evidence does not necessarily have to be conclusive as to the number of outages experienced by Town residents and the parties impacted. Rather, the goal in the collection of evidence is to put Xcel on notice that the Town and its residents consider Xcel's service quality to be subpar because of the high number of outages, and to inform a decision maker on such performance. As such, anecdotal evidence of the number of outages should be collected from a broad sample of Town residents, in addition to the Town's own such evidence. If the Town elects to enter into the *Dispute* process, the Town Manager can and should represent the Town in that process. If the Town opts to make either a *Formal Complaint* or an *Informal Complaint* to the PUC, the Town should employ legal counsel in such proceedings.

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<sup>12</sup> *Id.*

Feeder	Device Code	Primary Event #	Event #	Begin Time	Completion Time	Time Zone	Duration	Region	Area Office	Community	Duration Min.	Outage Level	Cause	Weather	Phase Designation	Customers Out	CMO	Device Location	Operator Comment
GILM2523M	RCL_16-55	665906	665906	05/01/13 02:54	05/01/13 06:05	MT	3:11	Mountain	Vail SC	M4	191	Overhead Tap	Pole Fire	Snow	AC	398	76,018	1951 HIGHWAY 24	snow load on trees, corner pole west of 077/993 top burnt off
GILM2523M	RCL_16-55	665906	665906	05/01/13 02:54	05/01/13 09:20	MT	6:26	Mountain	Vail SC	M4	386	Overhead Tap	Pole Fire	Snow	AC	231	89,166	1951 HIGHWAY 24	snow load on trees, corner pole west of 077/993 top burnt off
GILM2523M	FUSE_OH_24/81	667395	667395	05/08/13 18:22	05/09/13 01:40	MT	7:18	Mountain	Vail SC	M4	438	Overhead Tap	Pole Fire	Snow	AC	229	100,302	406 PINE ST	- CREW REPLACING BURNT UP POLE - PER FIRE DEPARTMENT HALF TOWN STILL WITHOUT POWER FOR 2 HOURS NOW @ 22:00.
GILM2523M	FUSE_OH_24/81	667395	667395	05/08/13 19:04	05/08/13 19:12	MT	00:08	Mountain	Vail SC	M4	8	Overhead Tap	Pole Fire	Snow	AC	399	3,192	406 PINE ST	- CREW REPLACING BURNT UP POLE - PER FIRE DEPARTMENT HALF TOWN STILL WITHOUT POWER FOR 2 HOURS NOW @ 22:00.
GILM2523M	BKR_GILMAN_GILM2523M	667463	667463	05/09/13 05:52	05/09/13 09:03	MT	3:11	Mountain	Vail SC	M4	191	Transmission Line/System	Conductor Contact - Floating	Snow	ABC	657	125,487	GILMAN SUBSTATION	Transm Line down
GILM2523M	FUSE_OH_03/79	684884	684884	07/26/13 11:19	07/26/13 13:30	MT	2:11	Mountain	Vail SC	M4	131	Underground Tap	Lightning Strike	Lightning	ABC	3	393	1951 HWY 24	
GILM2523M	XFM_OH_78-36	695974	695974	09/13/13 07:00	09/13/13 11:00	MT	4:00	Mountain	Vail SC	M4	240	Customer	Veg Tree Outside Main Corridor	Rain	C	1	240	911 MAIN ST	
GILM2523M	FUSE_OH_40/82N	699633	699633	09/27/13 18:02	09/27/13 19:30	MT	1:28	Mountain	Vail SC	M4	88	Overhead Tap	Unknown Cause Not Determined	Fair	ABC	18	1,584	192 MAIN ST	
GILM2523M	FUSE_OH_08/59	708782	708782	11/23/13 06:43	11/23/13 12:00	MT	5:17	Mountain	Vail SC	M4	317	Underground Tap	Public Damage Broken Pole	Snow	ABC	41	12,997	702 MAIN ST	
GILM2523M	XFM_OH_79-37	714926	714926	12/30/13 18:18	12/30/13 23:00	MT	4:42	Mountain	Vail SC	M4	282	Transformer	Transformer Dist Non-CSP	Extreme Cold	C	20	5,640	881 MAIN ST	Crew called to change out bad tr / Due to location and distance restoration will be approximately 3-4 hours.
GILM2523M	XFM_OH_07-61	722289	722289	02/28/14 16:06	02/28/14 18:20	MT	2:14	Mountain	Vail SC	M4	134	Customer	Veg Tree Outside Main Corridor	Fair	C	1	134	659 BOULDER ST	cust to clear tree
GILM2523M	XFM_UG_45-60	747606	747606	07/25/14 12:30	07/25/14 14:00	MT	1:30	Mountain	Vail SC	M4	90	Customer	Accidental Dig In Bad Locate	Fair	C	1	90	1716 S HIGHWAY 24	see damage report on 17