



2015

# Minturn Council Meeting

Wednesday April 15, 2015

**Work Session:** **5:30pm**  
**(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 April 1, 2015**

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

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

### **Work Session – 5:30pm**

- Entry way/100 Block project update – Powell/Hawkinson

### **Regular Session – 6:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

**3. Approval of Minutes**

- March 18, 2015      Pg 4
- April 1, 2015        Pg 16

**4. Liquor License Authority**

- Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 Main St.; Tom Ricci Owner/Sec – Brunvand Pg 23

**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: Entryway/100 Block Project Update**

**COUNCIL AND STAFF REPORTS**

**8. Town Planner**

- Design Review Approval – 98 Mann Ave Pg 27
- Design Review Approval – 64 Harrison Ave Pg 39

**9. Town Attorney**

- EPA Feasibility Study Update Pg 54

**10. Town Manager**

- Manager's Report Pg 57
- Action Report Pg 59

**11. Town Council Comments**

**EXECUTIVE SESSION**

**12. Executive Session: An executive session for the purpose of conferencing with the Town attorney for the purposes of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Battle Mountain**

**FUTURE AGENDA ITEMS**

**13. Next Meeting – May 6, 2015**

**14. Future Meetings:**

- 2015 Building Code update – Charlie Davis

**15. Set Future Meeting Dates**

- May 6, 2015
- May 20, 2015
- June 3, 2015

a) Planning & Zoning Commission Meetings:

- May 13, 2015
- June 10, 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 March 18, 2015**

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

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

### **COUNCIL MEMBERS:**

Shelley Bellm  
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Jason Osborne

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### **Work Session – 5:30pm**

- Discussion Regarding Zoning Code Amendments – Hawkinson

Refer to the attached unrevised drawing attached to these minutes.

- Strike the word “midpoint” from diagram 16-2
- For 16-2, Strike entire second descriptive title line beginning with “measure maximum building...”
- Page three, take out “at base of building” on first description of measuring height
- Use the description “as an example” for illustration 16-2
- Pervious vs impervious definitions need to be confirmed
- Remove the word “for” from section
- Page 11 paragraph #1 verbiage to edit to change: a permanent greenhouse...get rid of “does not” and add “exceeds”
- Take out common line from illustration 16-5
- For 10% of a party wall change verbiage to “structure” rather than the examples given in the parentheses

- Discussion Regarding Water Rate Committee recommendations – Water Committee

## **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:37pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, Matt Scherr, John Rosenfeld, Earle Bidez, and Shelley Bellm. Absent, excused: Ozzy Osborne. Council Member Bidez was present for work session, left to retrieve a cord, and returned at 6:43pm.

Staff present: Town Manager Willy Powell, Town Attorney Michael Sawyer, Town Deputy Clerk Michelle Metteer, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

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

- Items to be Pulled or Added

Motion by Shelley B., second by George B., to approve the agenda as presented. Motion passed 5-0. (Earl B. and Jason O. absent, excused)

### **3. Approval of Minutes**

- February 18, 2015

For total max lot coverage for Taylor old town area should say 50% not 40%

Motion by Johnie R., second by Shelley B., to approve the minutes of February 18, 2015 as amended. Motion passed 5-0. (Earl B. and Jason O. absent, excused)

- March 4, 2015

Motion by Johnie R., second by George B., to approve the minutes of March 4, 2015 as presented. Motion passed 5-0. (Earl B. and Jason O. absent, excused)

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

Lynn Teach, 263 Pine St thanked our Public Works crew for the great snow removal during the winter season.

## 5. Special Presentations

- **Eagle River Park Restroom update & presentation**

A brief recess was taken after the special presentation and the meeting was called back to order at 7:23 pm.

## PUBLIC HEARINGS AND ACTION ITEMS

### 6. **Discussion/Action Item: Review and direction Regarding Water Rate Committee recommendations – Water Committee**

A PowerPoint presentation was presented. Discussion ensued, including

- The importance of the water meter readings and their accuracies.
- Debt retirement and the ability to pass any savings along to the consumer.
- The option of a Sunset Clause was addressed as a possible solution for both the provider and consumer.
- Recommendation was made to not attempt the re-definition of an SFE.
- Request for additional data for review
- Option for Council to determine what the restricted and unrestricted reserve in the water fund is designated towards
- Phased in approach over several years is another option to review
- Investigate water infrastructure grants
- Residential and commercial rates to receive the same rate structure.

Jason “Ozzy” Osborne joined the meeting at 8:24pm.

### 7. **Discussion/Action Item: Ordinance No. 01 – Series 2015 (Second Reading) An Ordinance of the Town of Minturn Colorado amending the Zoning Code of the Town of Minturn set forth as Chapter 16 of the Minturn Municipal Code – Hawkinson**

Shelley B. asked the Council to consider having the municipal code stay on the radar of the Council. Any additional “vague” sections of the code that are uncovered are asked to be brought forward to Council for additional review in an effort to continually be cleaning up the code.

Hawkeye F. expressed concerns over parking requirements and additional burdens to the on-street parking currently being experienced in town.

Motion by Earle B., second by Johnie R., to approve Ordinance No. 01 – Series 2015, as amended (amendments included below). An Ordinance of the Town of Minturn Colorado amending the Zoning Code of the Town of Minturn set forth as Chapter 16 of the Minturn Municipal Code as amended. Motion passed (5-2) Shelley B. and Hawkeye F. nay.

Amendments as follows: (Refer to the attached unrevised drawing attached to these minutes.)

- Sec 16-2-20 Definition of a Duplex, delete: of a main living area (living room, dining room, kitchen, bedroom, hallways and storage areas are not allowed as shared wall).
- Sec 16-3-20(t)(1) Delete “does not” and add the letter (s) to the word exceed
- Sec 16-17-140(1) Delete the word “for.”
- Diagram 16-2 strike the word “midpoint”
- Diagram 16-2, strike entire second descriptive title line beginning with “measure maximum building...”
- Diagram 16-2 use the description “as an example”
- Diagram 16-5 take out the common line

**8. Discussion/Action Item: Ordinance No. 2 – Series 2015 An Emergency Ordinance of the Town of Minturn Colorado to extend the building moratorium – Hawkinson/Sawyer**

Motion by Johnie R., second by Shelley B., to approve with amendments to include April 1<sup>st</sup> or upon Ord.1 Series 2015 becoming effective, whichever comes first; Ordinance No. 02 – Series 2015 An Emergency Ordinance of the Town of Minturn to extend the building moratorium. Motion passed (7-0)

**COUNCIL AND STAFF REPORTS**

**9. Town Planner**

**10. Town Attorney**

**11. Town Manager**

- Manager’s Report
- Action Report

**12. Town Council Comments**

Shelley B. reminded residents of Minturn that the April 10<sup>th</sup> deadline for scholarship applications is fast approaching. Awards will be made later in the spring.

Matt S. thanked staff for the work done to the revisions of the code.

Hawkeye F. wished everyone a happy spring.

**EXECUTIVE SESSION**

**13. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(b) – to conference with the Town attorney for purpose of receiving a legal advice related to the Battle Mountain Resort project – Powell/Sawyer**

Motion by Ozzy O., second by Johnie R., to convene into Executive Session pursuant to C.R.S. §24-6-402(4)(b) – to conference with the Town attorney for purpose of receiving legal advice related to the Battle Mountain Resort project.

Convene into executive session at 9:19 pm.

**14. Executive Session: Direction given by Council to the Negotiators as a result of the Executive Session – Powell/Sawyer**

**FUTURE AGENDA ITEMS**

**15. Next Meeting – April 1, 2015**

- Guide Signage update - Metteer

**16. Future Meetings:**

- 2015 Building Code update – Charlie Davis

**17. Set Future Meeting Dates**

- April 1, 2015
- April 15, 2015
- May 6, 2015

a) Planning & Zoning Commission Meetings:

- April 8, 2015
- May 13, 2015
- June 10, 2015

**18. Other Dates:**

**19. Adjournment**

As no other business was conducted, the meeting stood adjourned.

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

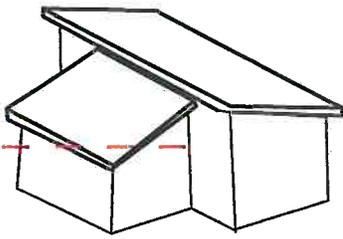
ATTEST:

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

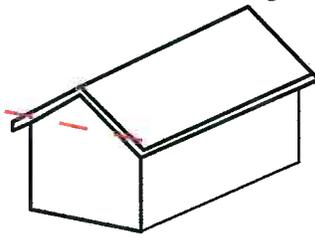
Illustration No. 16-2

Roof Types Showing Mid-point where to Measure Maximum Building Height

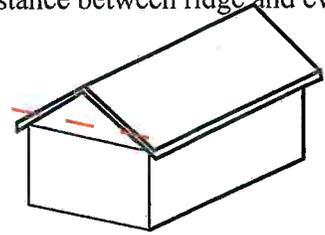
- measure maximum building height from base of building face to average distance between ridge and eave



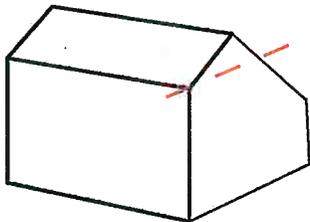
skillion & lean-to roof



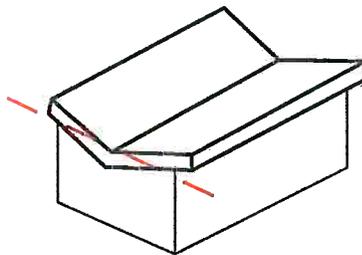
open gable roof



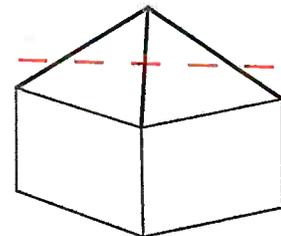
box gable roof



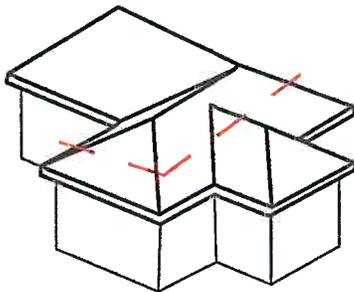
saltbox roof



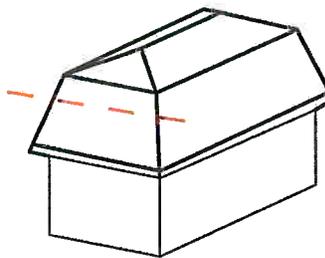
butterfly roof



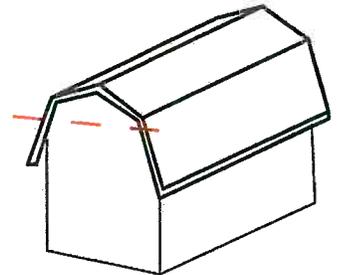
pyramid hip roof



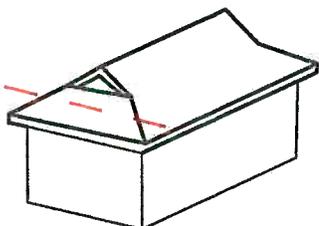
hip & valley roof



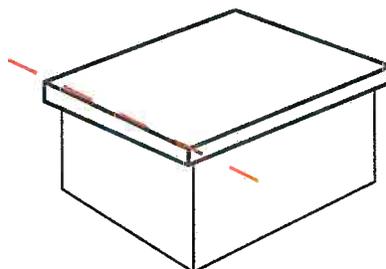
mansard roof



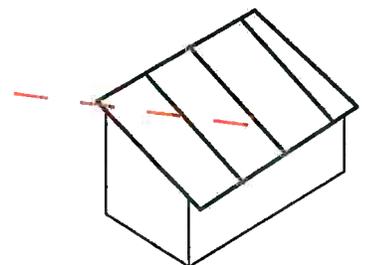
gambrel roof



dutch gable roof

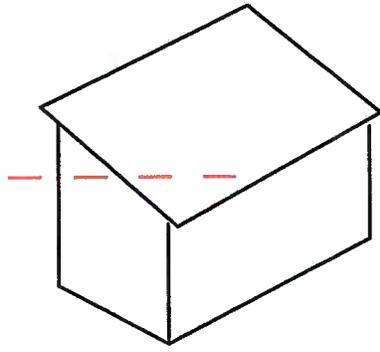


flat roof

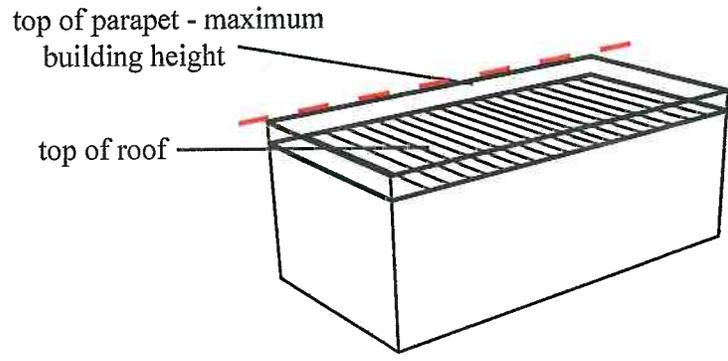


'garden shed' 12' maximum

Illustration 16-2



shed roof



parapet

Illustration No. 16-2

Building Height Measurement on a Hillside

Measure height at base of building from finished or natural grade, whichever is more restrictive, to mid-roof line, not to be higher than 28 feet

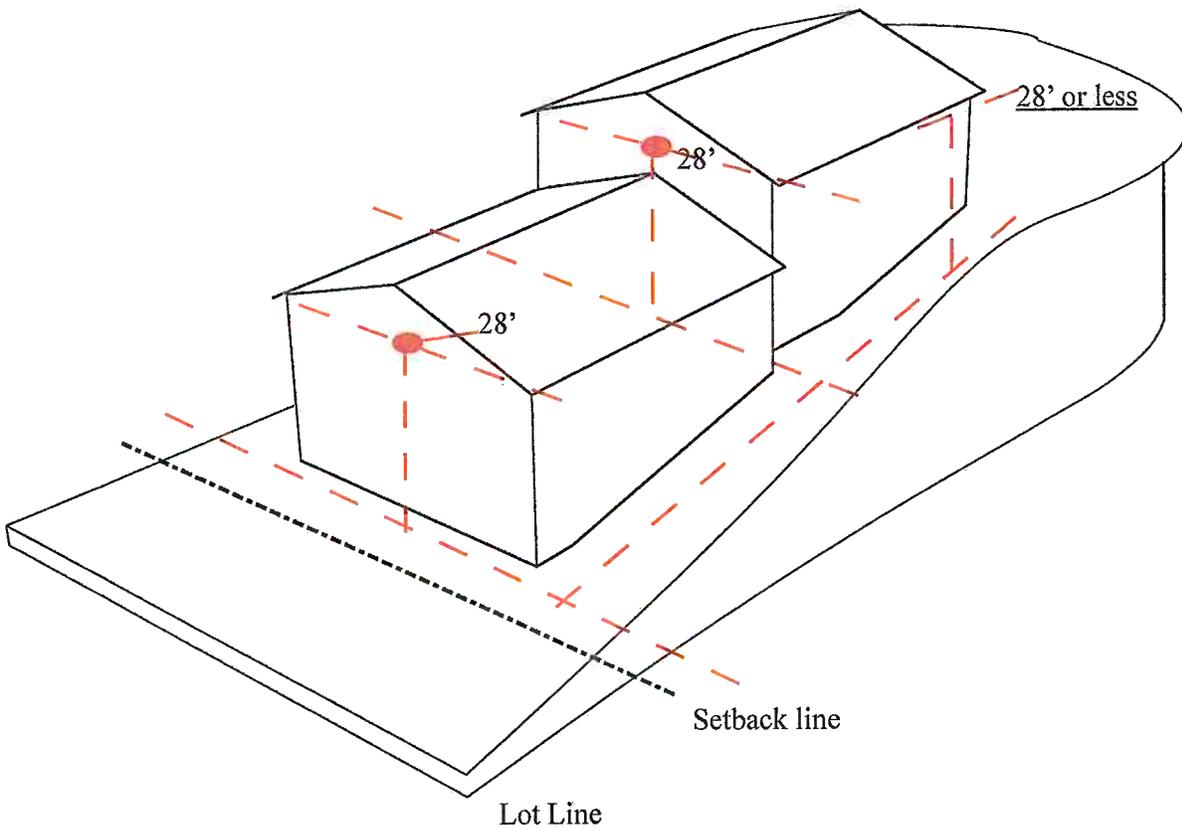
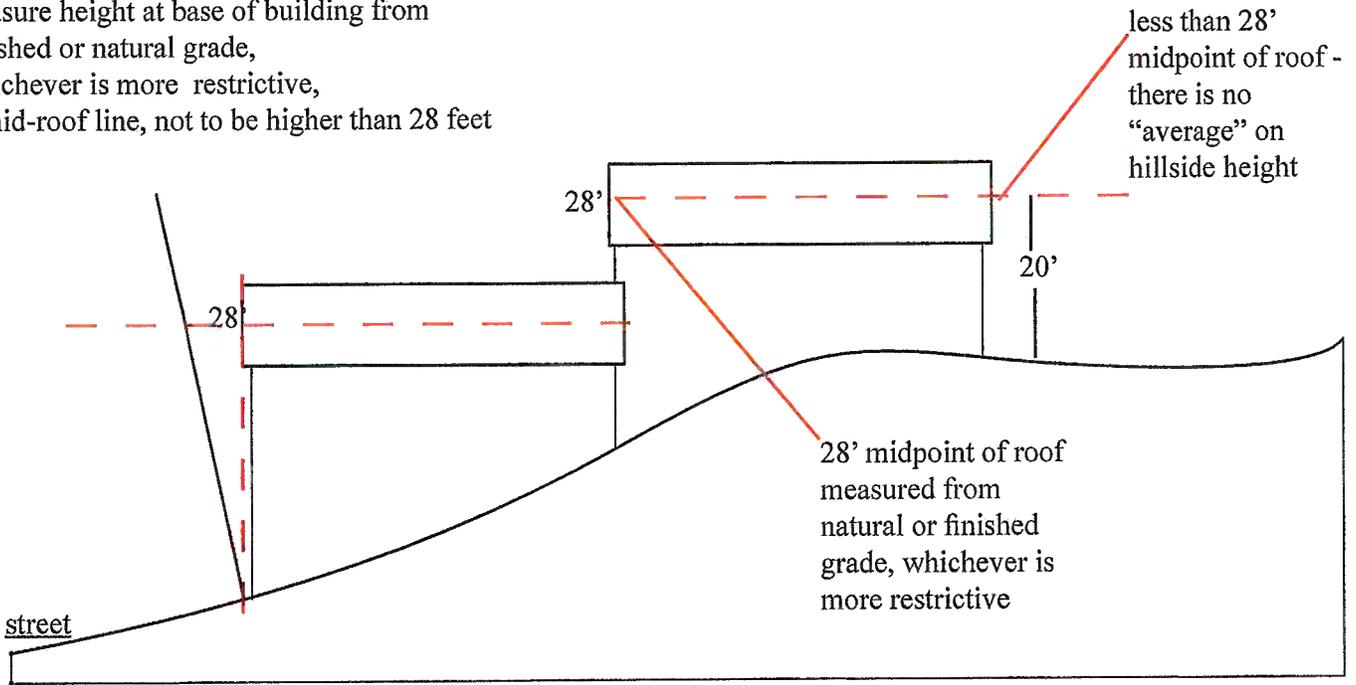
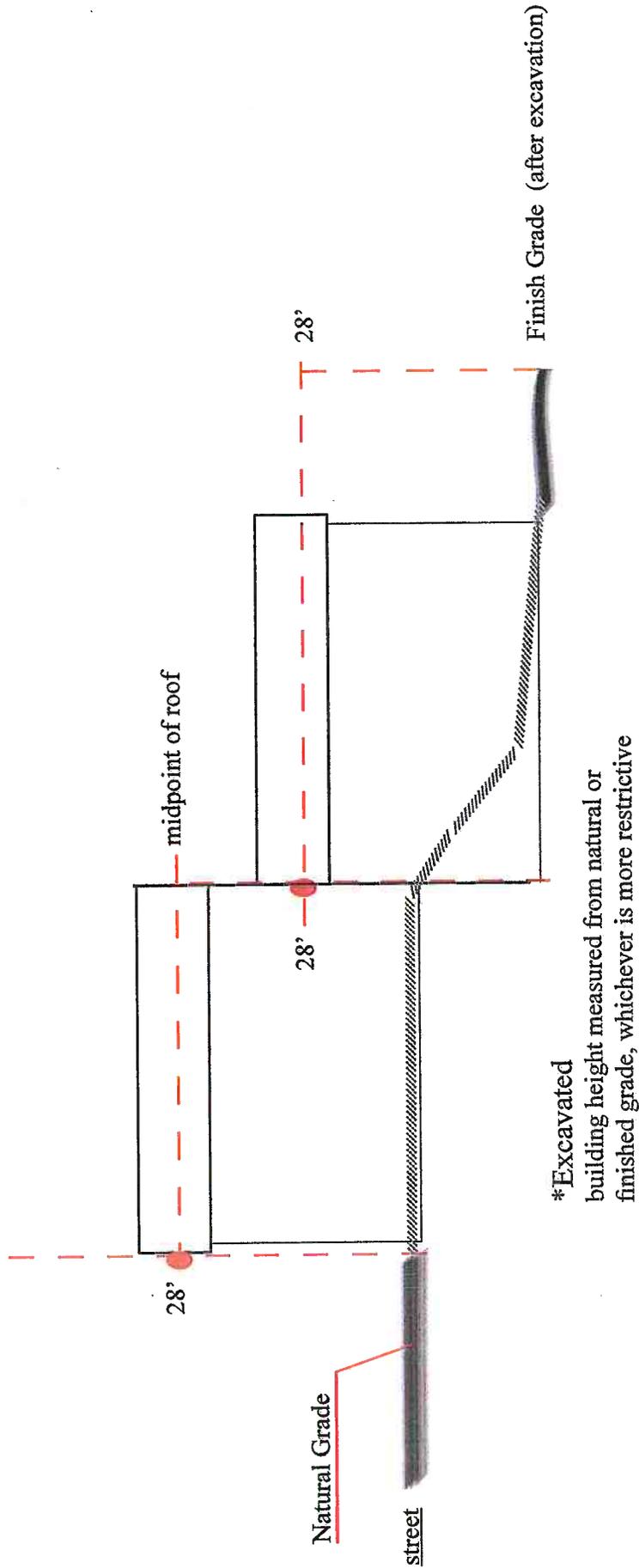


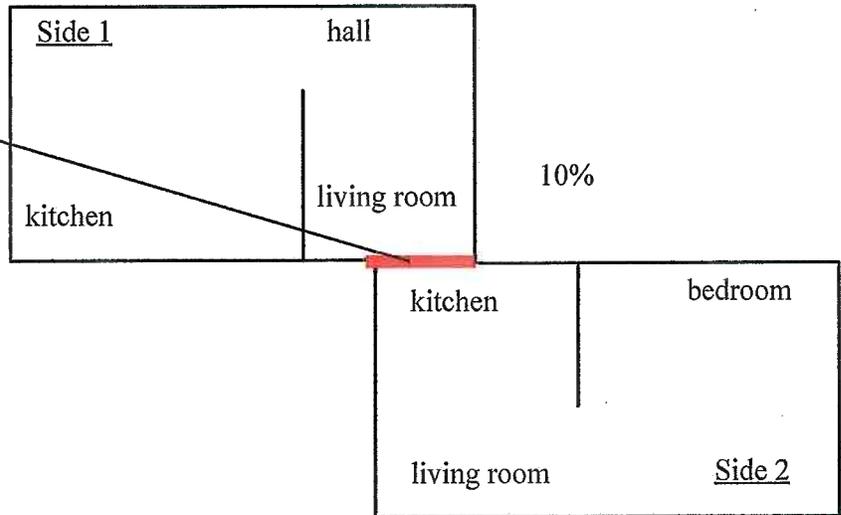
Illustration No. 16-2

Measuring building height when land has been graded and excavated  
(using a gable roof and 28' foot maximum building height as an example)

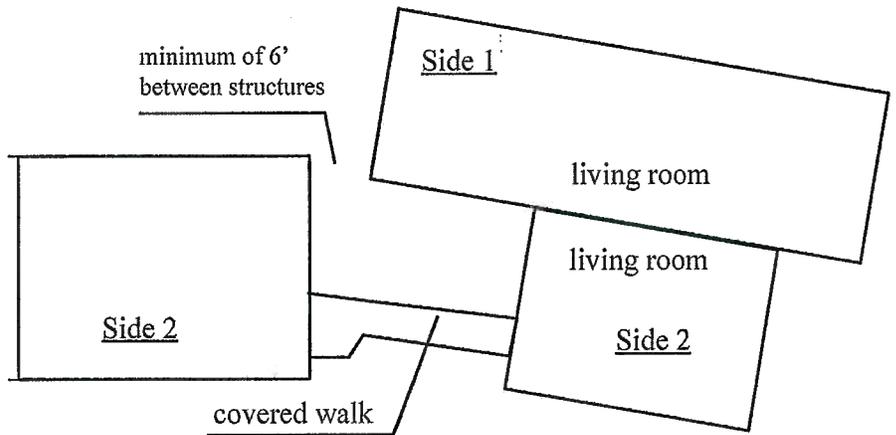


Four Duplex Connections Allowed

1) Duplex: minimum 10% of a party wall of a main living area (kitchen, living room, dining room or bedroom)



2) Duplex: connected by a shared roof line that can include covered walkways.  
 • the buildings must use same roof material to appear as one dwelling



3) Duplex: structure is divided into two living spaces by one wall or floor

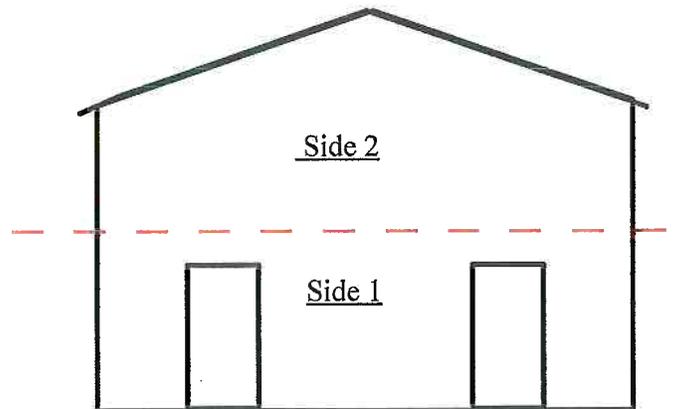
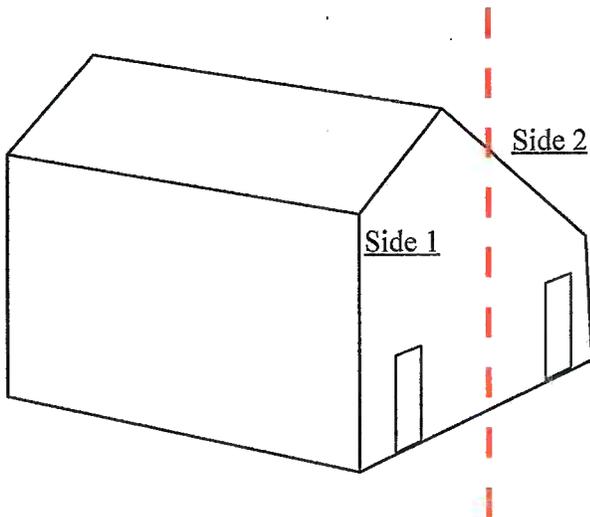
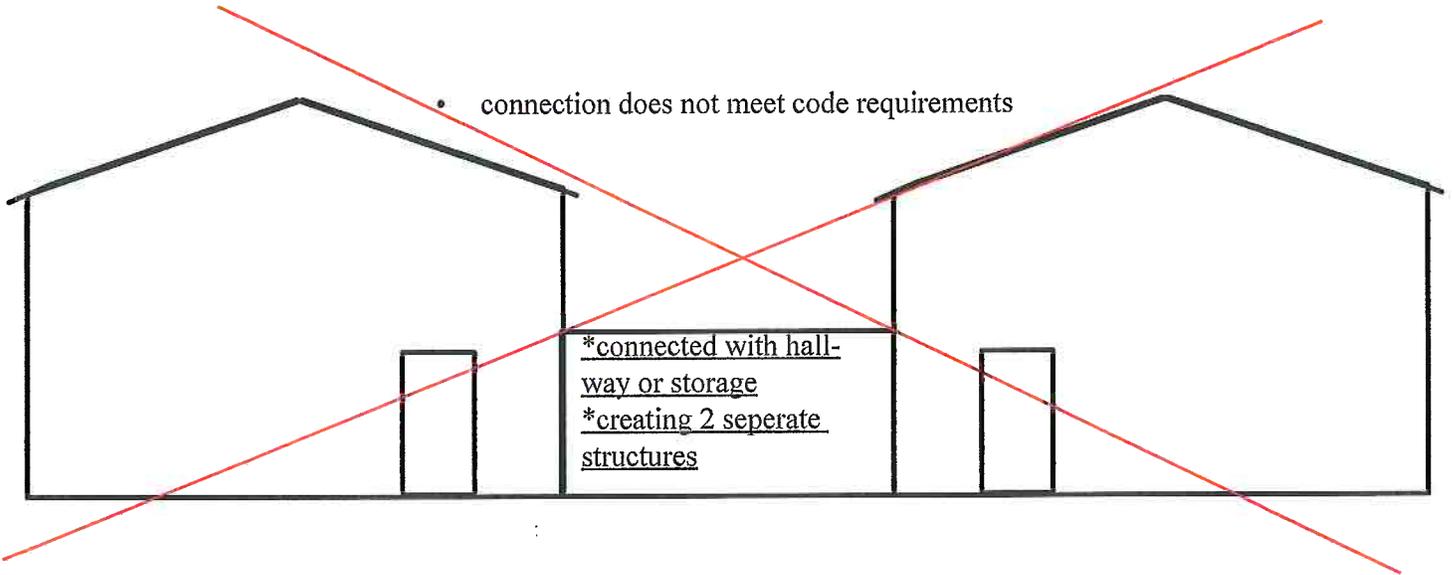


Illustration No. 16-5

Duplex Connections Not Allowed

- 1) connection by hallway or storage area, creating 2 separate houses
- 2) mirrored images



Mirrored Image Duplexes not Allowed

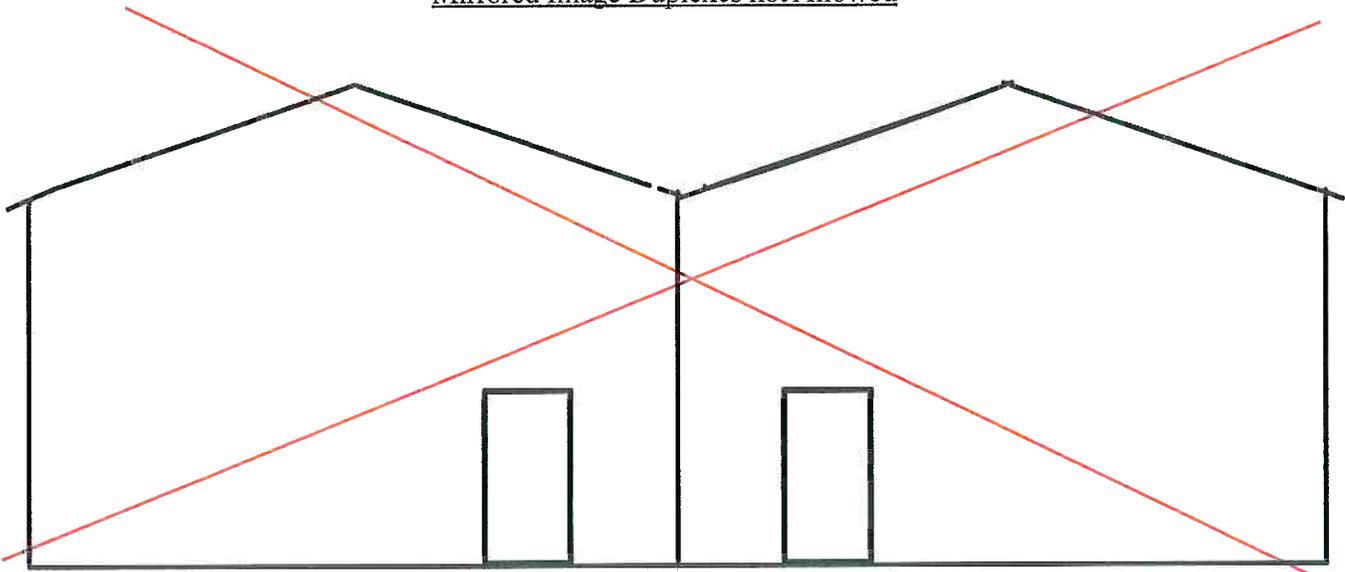
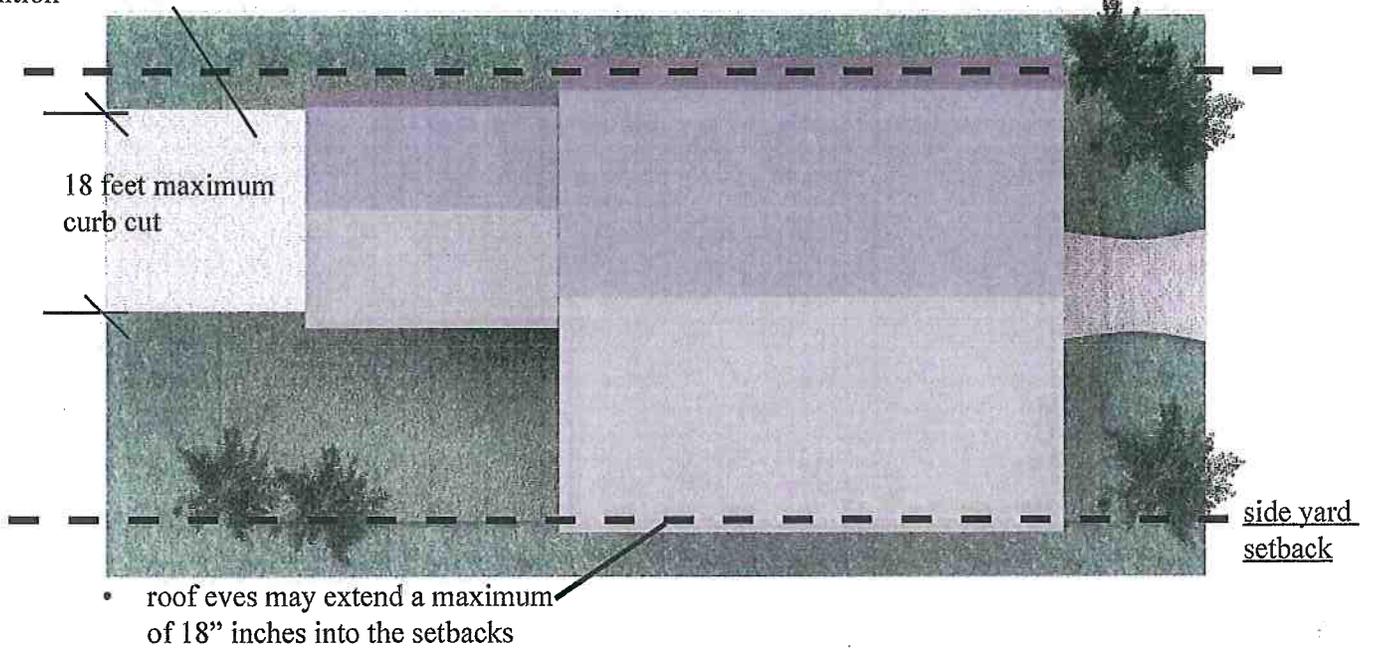


Illustration No. 16-3

50% maximum impervious surface, includes all areas described in the definition

Maximum Building Lot Coverage and Maximum Impervious Surface

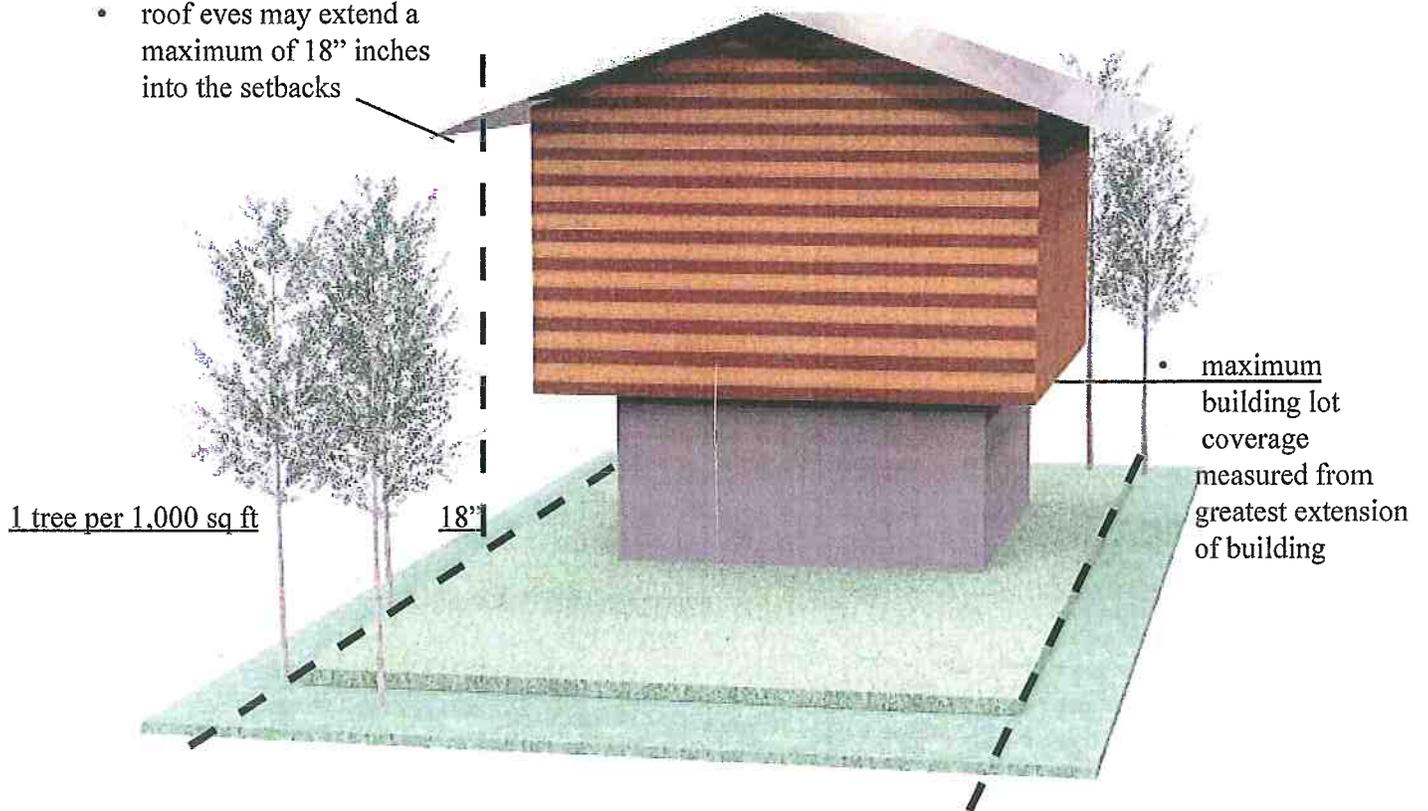
40% maximum building lot coverage includes all buildings measured at the outside exterior wall



Cantilevering and Maximum Building Lot Coverage

- The cantilevered portion of the structure must meet the maximum building lot coverage

- roof eaves may extend a maximum of 18" inches into the setbacks





## **Official Minutes**

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

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Minturn, CO 81645 • (970) 827-5645**

**Wednesday April 1, 2015**

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

**MAYOR – Gordon “Hawkeye” Flaherty**

**MAYOR PRO TEM – George Brodin**

#### **COUNCIL MEMBERS:**

Shelley Bellm  
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### **Work Session – 5:30pm**

- Guide Signage update – Metteer
- Update Entryway/100 Block Planning and Engineering

### **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty at 6:40pm.

- Roll Call

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

Staff present: Town Manager Willy Powell, Town Attorney Michael Sawyer, Town Deputy Clerk Michelle Metteer, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added

Request addition of a motion for the approval of a grant application as item 7a.

Motion by Jason O., second by Johnie R., to amend the agenda as presented. Motion passed 7-0.

## **3. Approval of Minutes**

- March 18, 2015

Motion by Johnie R., second by Jason O., to table the minutes of March 18, 2015. Motion passed 7-0.

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

Frank Lorenti 1080 Main St, Minturn, expressed thanks for the future addition of guide signage in town. Frank also asked about enforcement of the code pertaining to construction times. The shooting in town is of a significant concern. Frank expressed further concern regarding bottles of alcohol leaving Magustos Restaurant. Additional training for bartenders and staff should be reviewed. Safety is an issue in town and the Sheriff's Dept. should increase its presence in town. Frank feels the safety of Minturn's children is of utmost importance and needs to be handled more seriously.

Hawkeye F expressed that the town is still awaiting the Sheriff's final report, however the town manager can address some of the concerns immediately.

Darren Tolke, 530 Taylor St, is in support of the safety additions to the potential entryway upgrades. Darren also commented on the Sheriff's office regarding the police presence in town, or lack thereof. He is concerned that Minturn is not getting a full 10 hours a day of police coverage. Darren requested further review of the Sheriff's contract on the one-year anniversary of the contract.

Hawkeye F responded to Darren Tolke and confirmed that although coverage has improved, the Sheriff's office is still understaffed and Minturn is not getting the full 10 hours a day.

Shelley B also asked if the Sheriff's representative can attend a future Council meeting for a further update of the coverage status.

Lynn Teach, Gemini Garden's 155 Main St, a few weeks ago Lynn said a young man came through her shop and was looking "out of it." Lynn asked if town staff might be able to send the Sheriff's non-emergency number to local merchants in the event of a non-emergency.

Marka Brenner, Manager, Minturn Realty, expressed that she is waiting for the police report regarding the recent shooting. It was also expressed the Sheriff's Dept. recommended she consider additional outside security.

## 5. Special Presentations:

### PUBLIC HEARINGS AND ACTION ITEMS

#### 6. Discussion/Action Item: Guide Signage

This project was presented in the draft phase and is continuing to move forward. Any requests, questions of concerns can be sent directed to Town Hall.

#### 7. Discussion/Action Item: Entryway/100 Block Planning and Engineering

Willy Powell provided an initial update including that the town has applied for an impact grant for assistance in project costs with the emphasis on the safety needs of the entryway area.

Janet Hawkinson provided a brief presentation of the main improvements to the entryway and 100 Block area.

Jeff Spanel, Intermountain Engineering, estimated this project would take approximately 30-60 days for completion.

Hawkeye F asked if the TST drainage plan has been reviewed.

The drainage plan has not yet been reviewed, but drainage upgrades are expected in the entryway and 100 block.

Jason O. asked if any future Battle Mountain upgrades would affect the current proposed work.

Future Battle Mountain work will have minimal impact to the work being currently proposed.

Shelley B asked regarding the safety aspect of this project and if we are proposing this project primarily for safety, then should a bike lane at this corner be considered? Shelley B. reiterated that bike safety should be of primary concern rather than a few feet of grass.

Johnie B. also addressed the need for a designated bike path from Dowd Junction to Red Cliff.

Jason O. added that the ECO Transit Board is working hard to get the bike path projects moving forward.

Hawkeye F. asked, since the project is still in the preliminary phase, if Intermountain Engineering can add a bike path to the plans in an effort to have a better visual representation of how the bike bath may affect the entryway area.

Hawkeye F also asked about the ECO Bus Stop and its current location.

Willy P. provided multiple options for a bus stop location, however the plan is still in the conceptual phase and all options are being reviewed.

Earle B asked for the actual counts of parking spaces before and after the project. Currently there are an unknown number of parking spaces due to lack of line spacing, however after the project Main Street will provide 24 spaces.

Potential recommendation made to move the ECO Bus stop to the front of the Weston Building.

Signage requested to have traffic flow move down Williams Street in order to park at either Magusto's or the Minturn Country Club

Marka Brenner, Manager, Minturn Realty, also expressed concern about not seeing the project earlier enough. However, she is very excited about the proposed improvements and is hopeful that the invitation to review this project be extended to other local business owners. Marka Brenner would like permission to discuss this project with Intermountain Engineering directly to better improve communications. Traffic flow is another issue that should be addressed how to best mitigate the issue.

Council recommended Marka Brenner go through Willy Powell, Town Manager, to communicate with Intermountain Engineering directly.

Lynn Teach, 155 Main St, Gemini Gardens thanked the Council for considering this project.

Hawkeye F said this project can't possibly be completed this year. He recommends that a project start time be Spring of 2016 and in the meantime direct staff to start the engineering of the south Minturn sidewalks.

Jason O. said the longer we wait on the project, the more likely there is of a severe accident to the public.

Earle B would like to hear the engineer's recommended schedule before a start date is confirmed.

Intermountain Engineering explained the two-step process with CDOT as well as the extensive process of making final project aesthetic decisions. Thirty to 60 days was given as a project timeline estimate.

Shelley B asked if it is possible to do both the bidding process and the CDOT approval process simultaneously. If possible, this may be an effective route.

Marka Brenner requested that moving forward there be an open forum provided for the public to discuss.

Recommendation made to consider moving forward on the engineering for both the entryway/100 block as well as the engineering for the south Minturn sidewalks including a scope of services and cost estimates.

Request to hand deliver notices to all businesses and residents of the 100 block area including Eagle, Williams, and Main St.

**7a. Discussion/Action Item: Mineral and Impact Energy Grant**

Motion by Johnie R., second by Shelley B., to authorize the Town Manger to submit an Energy and Mineral Impact Assistance Program Application for the Minturn Downtown Entryway/100 Block project. Motion passed (7-0).

**COUNCIL AND STAFF REPORTS**

**8. Town Planner**

Janet Hawkinson provided a thorough overview of the electronic permitting process.

Hawkeye F suggested a basic outline of the rules for construction be handed out when applicants apply for a building permit.

Railroad committee to meet in order to further discuss the bike path progression. As soon as next week.

**9. Town Attorney**

Memo from Holland & Hart providing an update on environmental permitting related to the Battle Mountain project should be expected to Council by the April 15, 2015 Council meeting.

Little Beach Park quiet title update

Regarding Ordinance 1 – Series 2015, the moratorium has been lifted and there is no longer a building moratorium in Minturn.

**10. Town Manager**

- Manager's Report
- Action Report

Speed bumps to be installed on Taylor St. Lease lot is getting prepared for leasing. Lease agreement is expected to come before Council on the April 15, 2015 meeting.

## 11. Town Council Comments

Direction to staff to add engineering of entryway and south town sidewalks to the action report.

Reminder, the bears are back.

Shelley B reminded residents that scholarship applications are available on the town website and at town hall, and also thanked to Public Works for the 15mph signs throughout all side streets in town.

Johnie R thanked staff for the amount of work being completed in the last nine months and how much has been accomplished.

Hawkeye F wished everyone a happy April Fools and a Happy Easter.

Hawkeye F and Shelley B reminded residents that dog poop pickup is mandatory. The problem is especially bad this year, so everyone needs to do their part in solving the problem and picking up the dog poop.

Hawkeye F. also announced that he will be absent for the next meeting.

## FUTURE AGENDA ITEMS

### 12. Next Meeting – April 15, 2015

- Battle Mountain EPA update
- Lease agreement review for the lease lot
- Water Committee update

### 13. Future Meetings:

- 2015 Building Code update – Charlie Davis
- Sheriff's Dept. update

### 14. Set Future Meeting Dates

- April 1, 2015
- April 15, 2015
- May 6, 2015

#### a) Planning & Zoning Commission Meetings:

- April 8, 2015
- May 13, 2015
- June 10, 2015

### 15. Other Dates:

### 16. Adjournment

Motion by Johnie R., second by Jason O. to adjourn the meeting at 8:47. Motion passed. (7-0)

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Hawkeye Flaherty, Mayor

ATTEST:

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

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

**AGENDA TITLE:** The Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 S Main St.; Tom Riccil, Owner/Secretary

**MEETING DATE:** April 18, 2015

**PRESENTER:** Brunvand

**BACKGROUND:** 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 the Town Clerk and the Eagle County Sheriff’s Office and no issues that would preclude approval were found.

Staff is recommending approval of this renewal by Council.

**CORE ISSUES:**

**BUDGET/FINANCE IMPLICATIONS:** An annual renewal fee of \$125.00 has been paid to the Town.

**STAFF RECOMMENDATION/MOTION:** “Motion to approve The Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 S Main St.; Tom Riccil, Owner/Secretary 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 _____	_____
Amount Due/Paid	

MINTURN COUNTRY CLUB  
 PO BOX 517  
 MINTURN CO 81645-0517

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>MINTURN COUNTRY CLUB INC</b>		DBA <b>MINTURN COUNTRY CLUB</b>		
Liquor License # <b>04921470000</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>04921470000</b>	Expiration Date <b>6/6/2015</b>	Due Date <b>4/22/2015</b>
Street Address <b>131 MAIN ST MINTURN CO 81645-0000</b>				Phone Number <b>(303) 827 4114</b>
Mailing Address <b>PO BOX 517 MINTURN CO 81645-0517</b>				
Operating Manager <b>TJ Ricci / TJ Honan</b>	Date of Birth <b>8/29/44 / 9/18/55</b>	Home Address <b>2576 DAVASTR. VALE, CO / P.O. Box 517, MINTURN</b>		Phone Number <b>970 376 4624 / 970 890 3387</b>
<p>1. Do you have legal possession of the premises at the street address above? <input 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>5/31/18</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 checked="" type="checkbox"/> YES <input 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>THOMAS J. RICCI</b>	Title <b>SECRETARY</b>
Signature <i>TJ Ricci</i>	Date <b>3/15/15</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

Question regarding other liquor license owned:

Joseph J. Honnessy III	25% shareholder	Steamboat Country Club, Inc.
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T. J. Ricci	25% shareholder	Steamboat Country Club, Inc.
	50% shareholder	Mint Country Club

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**THE MINTURN COUNTRY CLUB, INC.**

is a **Corporation** formed or registered on 11/14/1986 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 19871697225.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/16/2015 that have been posted, and by documents delivered to this office electronically through 03/17/2015 @ 13:14:56.

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 03/17/2015 @ 13:14:56 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9127267.



A handwritten signature in cursive script that reads "Wayne W. Williams".

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."*

Design Review - Planning Commission Report:

Wednesday, April 8, 2015 the Design Review Board - Planning Commission reviewed the application for a single family resident remodel and an addition of an apartment.

The Design Review Board approved the application of 98 Mann Street.

The design met all of the zoning code requirements.

The design met Minturn's design criteria as outlined in Appendix B.

Conditions of Approval:

\*there were no conditions of approval - it was brought into question about snow sliding from the roof - the roof is designed to retain the snow and there are snow clips on the roof



# Design Review Planner Report

4/8/15

J Hawkinson, Planner

Town of Minturn  
302 Pine Street  
Minturn, Colorado  
81654  
970-827-5645

**APPLICANT:** Greg & Melanie Dennis Residence  
**ARCHITECT:** Fiddlers Creek, Minturn, CO - 970-343-9799  
**REQUEST:** Addition of an apartment to a single family residence

**PLANNER**  
**RECOMMENDATION:** Approve Application

**LOCATION:** 98 Mann Avenue, Minturn, CO

**DATE SUBMITTED:** April 2, 2015

**ZONING:** Residential - Old Town Character Area

**PUBLIC NOTICE:** Agenda posted at Town Hall and on website

## SITE & BUILDING ANALYSIS:

**BUILDING HEIGHT:** Maximum Allowed: \_\_\_\_\_ Actual: \_\_\_\_\_  
28' at mid-roof line 28' at mid-roof line as per natural grade  
\*as per grade plans, the natural grade to the mid point is 28' in height

**VARIANCE:** none

**LOT AREA:** .115 acres / 5,000 sq ft

**40% MAXIMUM BUILDING LOT COVERAGE:** 2,000 SQ FT

Existing Site Coverage: 1,060 sq ft  
Proposed Site Coverage: 606 sq ft  
Total Site Coverage: 33% - 1,666 sq ft

**50% MAXIMUM IMPERVIOUS SURFACE COVERAGE:** 2,500 SQ FT - Actual: 2,289 sq ft

**SETBACKS:** Meets required setbacks: 10' front 5' side yards 10' rear yards  
\*18" roof overhang in side yard setbacks, meets code

**TOTAL BEDROOMS** Total 5 - 3 in primary dwelling unit - 2 in apartment

**PARKING SPACES:** Required: 4 spaces Actual: 4 spaces

**SNOW STORAGE:** Required: 138 sq ft Actual: 200 sq ft

**LANDSCAPING REQUIREMENTS:** meets 5 trees and landscaping design

March 27, 2015  
Greg and Melanie Dennis  
98 Mann Ave. / PO Box 713  
Minturn, CO 81645  
970-390-7700

Town of Minturn

RE: Letter of intent

To the Town of Minturn,

My husband and I have been living in Minturn with our 2 school age sons since 2011, when we purchased our home at 98 Mann Ave. We lived in Minturn the year we were married, in 1995, and have always thought to settle here one day. In the interim we've lived in Eagle County, mostly on Tennessee Pass.

Our property in Minturn is currently a 768 square foot manufactured home on a poured in place foundation, that was built in 1996. We would like to re-develop our lot with the hopes of building a 2000 sf home that would include a house with an attached 750 sf apartment. The home and apartment will be cohesive in design and materials, and will adhere to current zoning and planning regulations per the Town of Minturn.

As my husband Greg is a builder; he will be doing most of the work himself through his construction company. Our plan is to construct the apartment in 2015, and then temporarily move into it while we build the main house the following year. We would like to remove the modular from the foundation, and then build up utilizing the same footprint and foundation, which makes sense from an economic standpoint. After completion, we would move into the home, and have the apartment as a small rental to offset the cost of the mortgage on the house. In addition, it offers us the opportunity to have room for family members as well, should the need arise.

Thank you,

Melanie and Greg Dennis

The image shows two handwritten signatures in black ink. The top signature is cursive and appears to read 'Melanie Dennis'. The bottom signature is more stylized and appears to read 'Greg Dennis'.



# Design Review Planner Report

4/11/15

J Hawkinson, Planner

Town of Minturn  
302 Pine Street  
Minturn, Colorado  
81654  
970-827-5645

**APPLICANT:** Greg & Melanie Dennis Residence  
**ARCHITECT:** Fiddlers Creek, Minturn, CO - 970-343-9799  
**REQUEST:** Addition of an apartment to a single family residence

**PLANNER**  
**RECOMMENDATION:** Approve Application

**LOCATION:** 98 Mann Avenue, Minturn, CO

**DATE SUBMITTED:** April 2, 2015

**ZONING:** Residential - Old Town Character Area

**PUBLIC NOTICE:** Agenda posted at Town Hall and on website

### SITE & BUILDING ANALYSIS:

**BUILDING HEIGHT:** Maximum Allowed: \_\_\_\_\_ Actual: \_\_\_\_\_  
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\*as per grade plans, the natural grade to the mid point is 28' in height

**VARIANCE:** none

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**SNOW STORAGE:** Required: 138 sq ft Actual: 200 sq ft

**LANDSCAPING REQUIREMENTS:** meets 5 trees and landscaping design

# DENNIS RESIDENCE ( SITE & BUILDING ANALYSIS )

## PROPOSED APARTMENT ADDITION & FUTURE HOME REDEVELOPMENT

- LOT SIZE ( 50' x 100' ) = 5000 SF / .115 ACRES
- DWELLING UNITS = 2 ( 1 PRIMARY RESIDENCE & 1 ACCESSORY APARTMENT )
- BEDROOMS = 5 ( 2 APARTMENT + 3 PRIMARY )

### SITE COVERAGE ( 2000 SF ALLOWED )

<u>APARTMENT</u>	<u>FUTURE HOME</u>	<u>TOTAL</u>
• BUILDING ( 20x21 ) = 420	• BUILDING ( 24x32 ) = 768	
• DECKS ( 2ND LEVEL x 1/2 ) = 186	• DECKS ( 2ND LEVEL x 1/2 ) = 192	
	• PORCH = 100	
TOTAL = 606	TOTAL = 1,060	→ 1,666 = ( 33% )

### ON SITE PARKING / SNOW STORAGE

( 1 SPACE REQUIRED )	( 3 SPACES REQUIRED )
• 1 SPACE IN GARAGE	• 4 SPACES IN DREVE
• DRIVEWAY ( 9x17 ) = 153 SF	• DRIVEWAY ( 18x36 ) = 648
• SNOW STORAGE = 100 SF	• SNOW STORAGE = 200
( 5% REQUIRED ) 65%	31%

### PERVIOUS SURFACES ( 2500 SF REQUIRED )

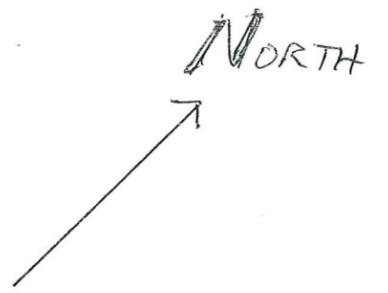
• IMPERVIOUS = 773 SF	• IMPERVIOUS = 1516 SF → 2,289 SF
	PERVIOUS SURFACES = 2,711 SF
	( 54% )



MINTURN LOT # 16 (PROPOSED RE-PLAT OF LOT)

(1/8" = 1')

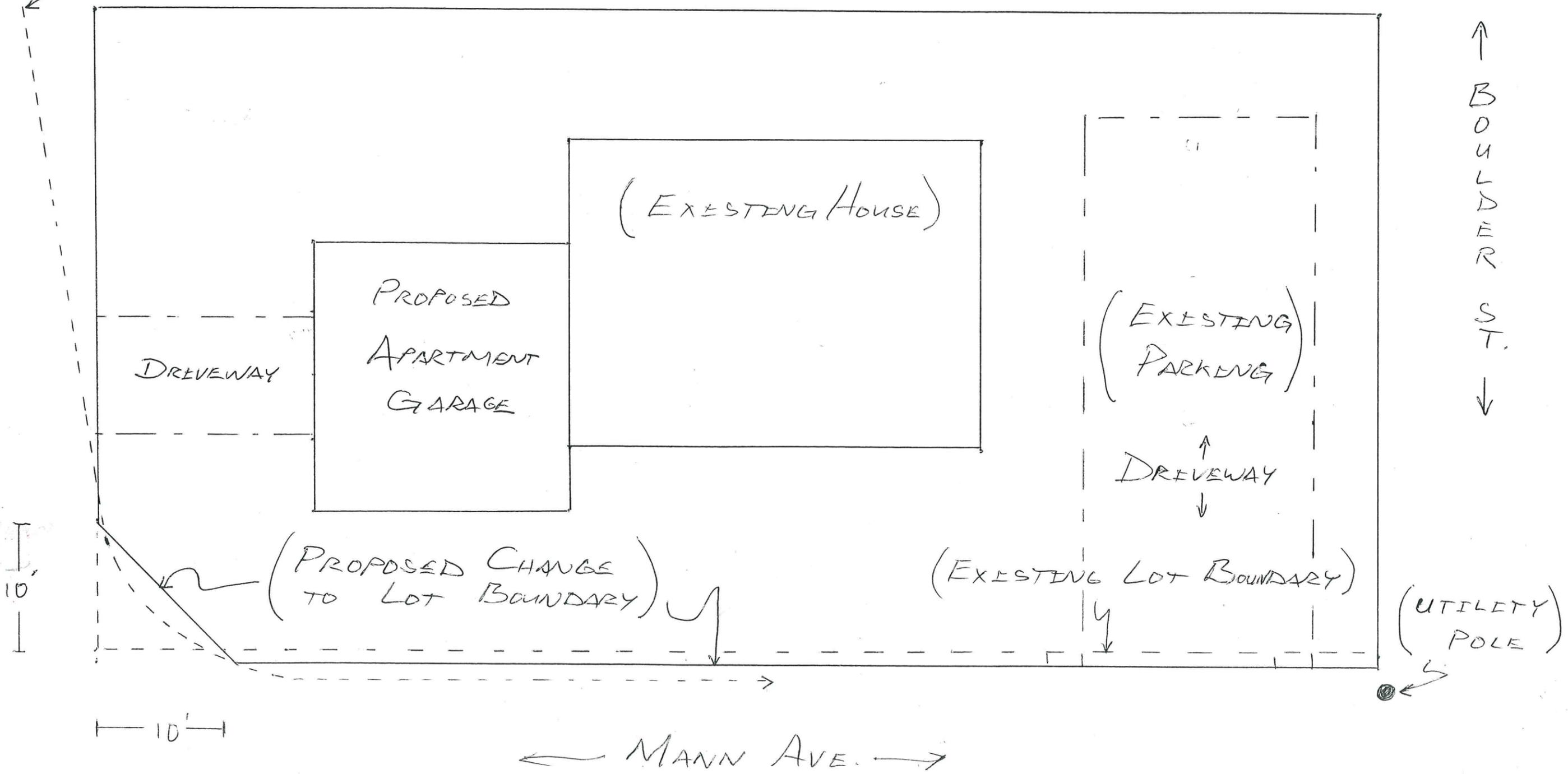
GREG DENNIS 343-9799  
98 MANN AVE.



(EXISTING ASPHALT PAVEMENT)

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①

# DENNIS RESIDENCE

## PROPOSED ADDITION & EXISTING HOME REDEVELOPMENT

MENTURN LOT # 16

98 MANN AVE.

GREG DENNIS 970/343-9799

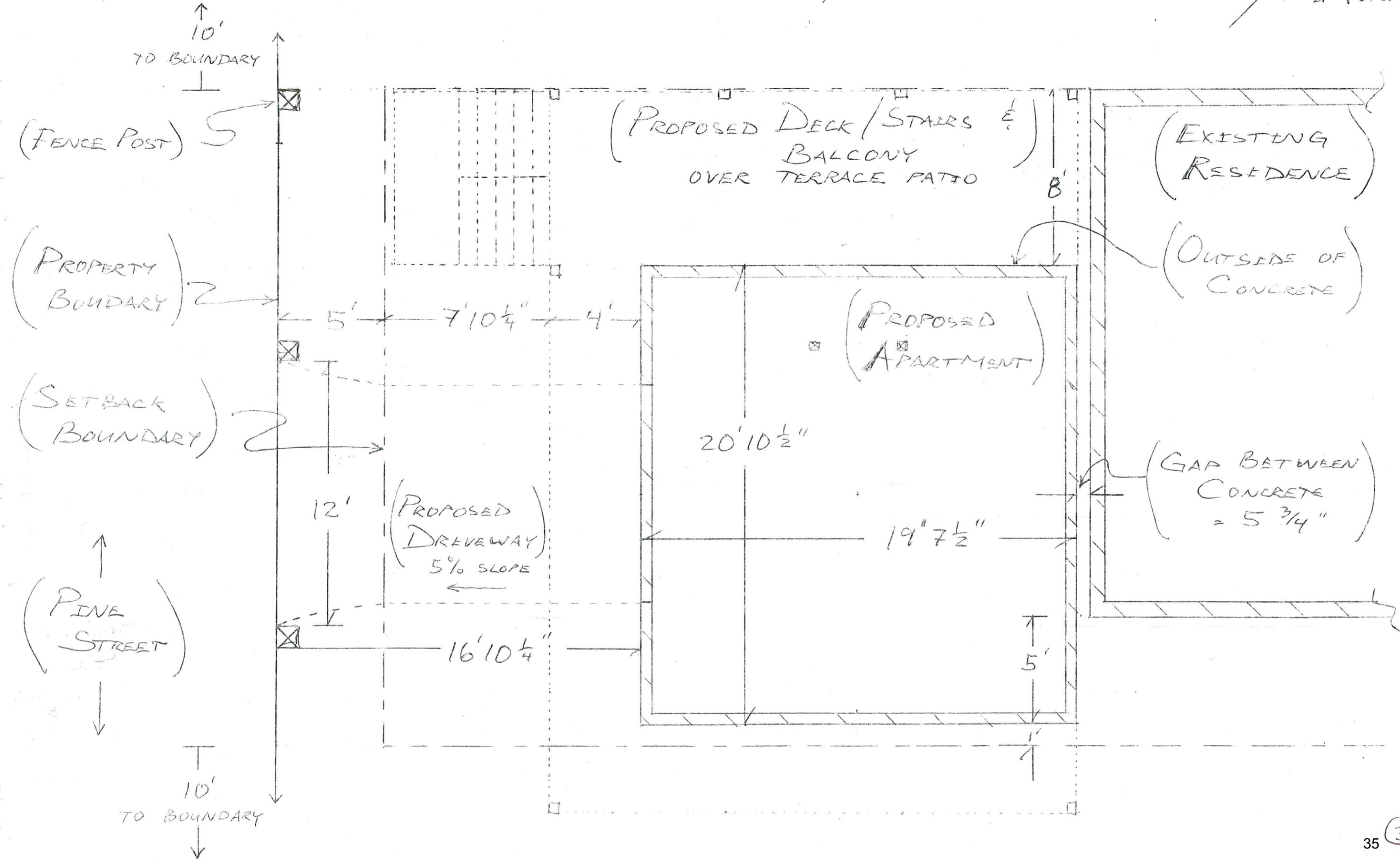
### TABLE OF CONTENTS

- ① TITLE PAGE
- ② SURVEY
- ③ SITE PLAN DETAIL ( $\frac{1}{4}'' = 1'$ )
- ④ GARAGE LEVEL FLOOR PLAN
- ⑤ MAIN LEVEL FLOOR PLAN
- ⑥ UPPER LEVEL FLOOR PLAN
- ⑦ SITE PLAN ( $1'' = 10'$ )
- ⑧ SITE PLAN ( $\frac{1}{8}'' = 1'$ )
- ⑨ SE ELEVATION ( $\frac{1}{4}'' = 1'$ )
- ⑩ ALL ELEVATIONS ( $\frac{1}{8}'' = 1'$ )



3

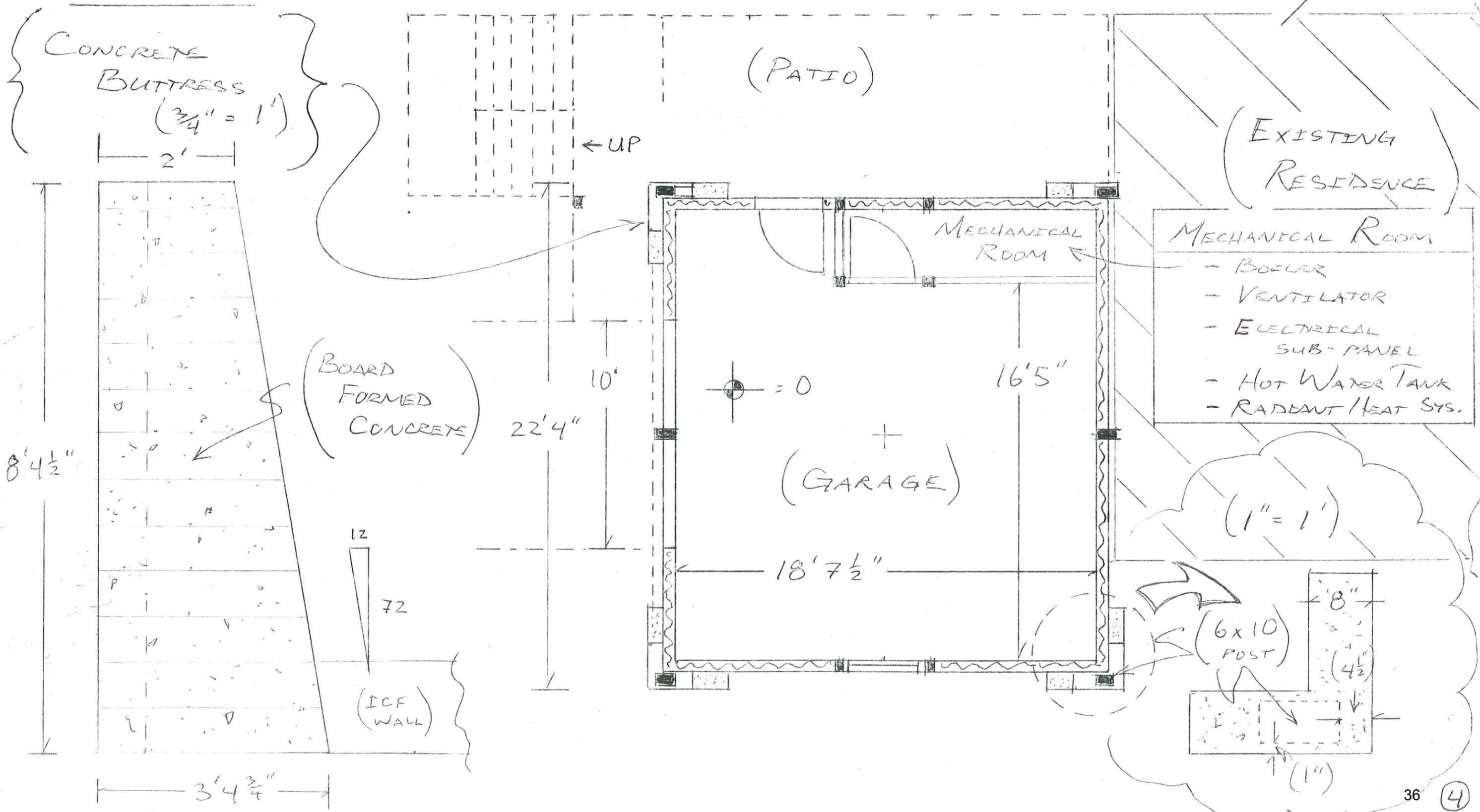
# SITE PLAN DETAIL (1/4" = 1')



4

# GARAGE LEVEL FLOOR PLAN (1/4" = 1')

NORTH



4

5

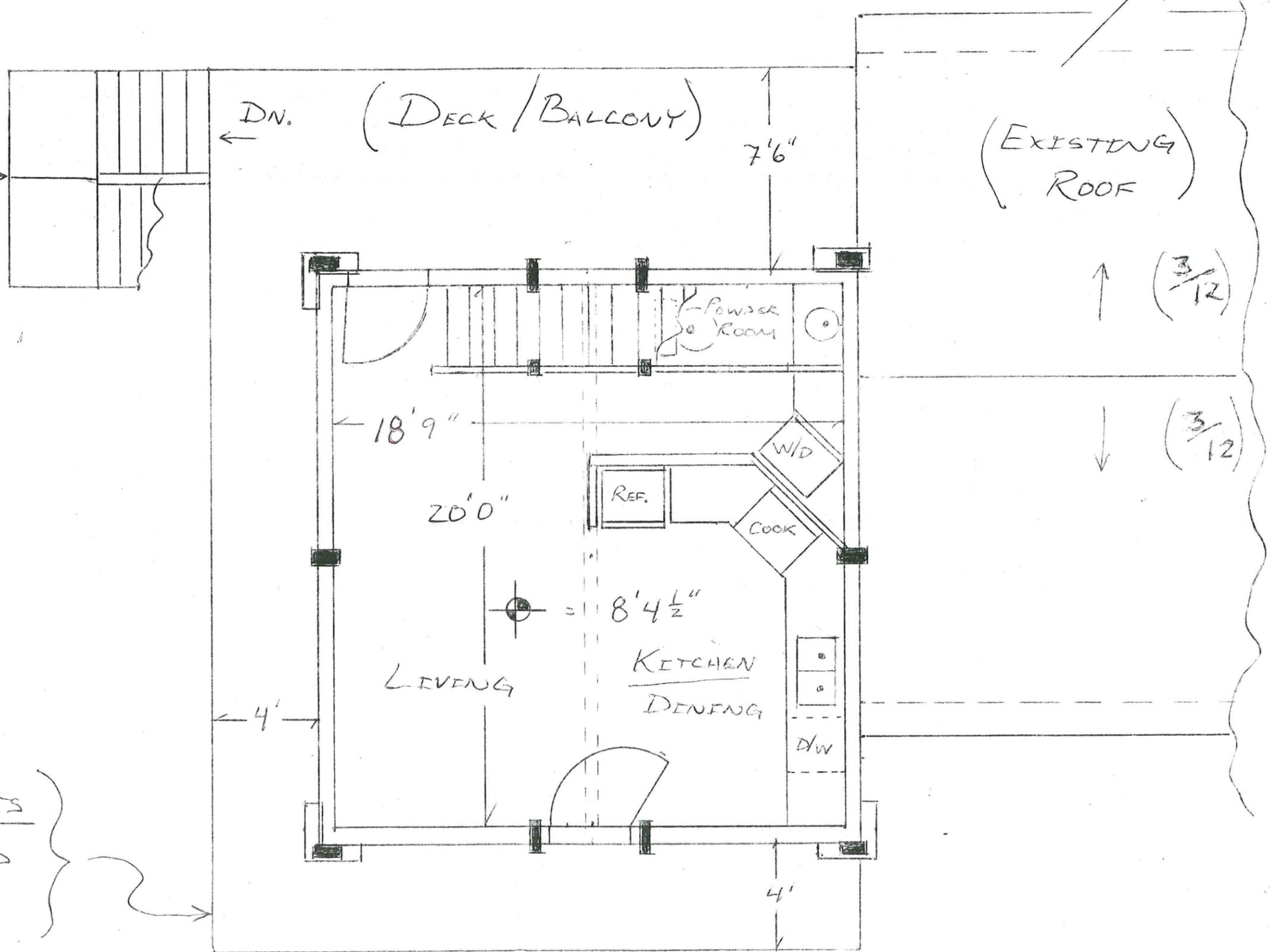
# MAIN LEVEL FLOOR PLAN

(1/4" = 1')

375 FT<sup>2</sup>

NORTH

MAIN ENTRY  
 EXTERIOR STAIRS  
 RISE / RUN  
 7 3/4" / 10"



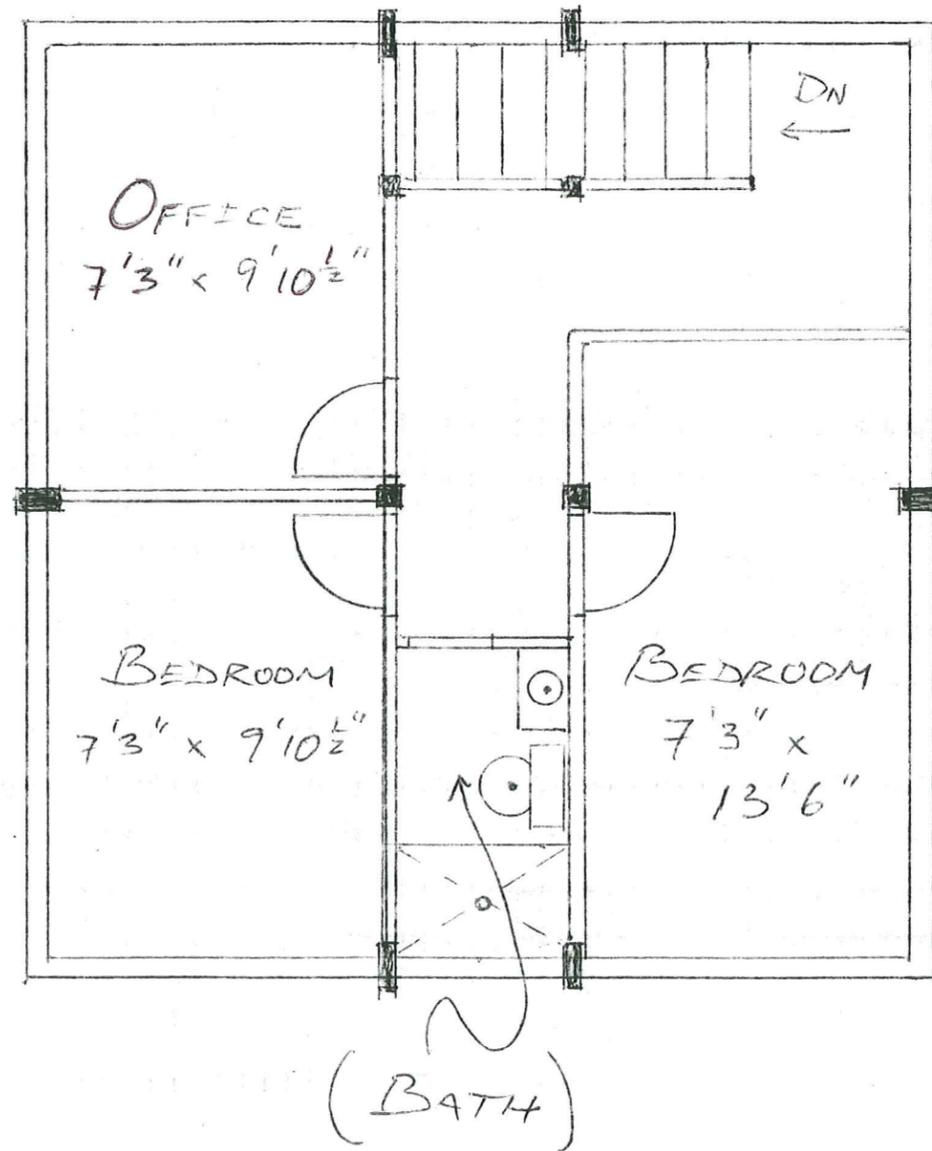
DECK MEASUREMENTS  
 OUTSIDE OF PLYWOOD  
 ↓  
 EDGE OF DECK

⑥

UPPER LEVEL FLOOR PLAN ( $\frac{1}{4}'' = 1'$ ) 375 FT<sup>2</sup>



INSIDE OF WALL  
↕  
INSIDE OF WALL  
 $18'9'' \times 20'0'' = 375 \text{ FT}^2$



Design Review - Planning Commission Report:

Wednesday, April 8, 2015 the Design Review Board - Planning Commission reviewed the application for a single family resident addition.

The Design Review Board approved the application of 64 Harrison Street.

The design met all of the zoning code requirements.

The design met Minturn's design criteria as outlined in Appendix B.

Conditions of Approval:

- \*snow clips need to be added to roof
- \* the fence and driveway gate on Harrison are not approved and taken out of design
- \*the parking area is grass pavers
- \*the flagstone patio is built on sand base, not concrete
- \*snow storage needs to move out of 5' setback onto inside of yard of property
- \*the fence on Harrison and Pine street needs to come into compliance with the clear vision code



# Design Review Planner Report

4/8/15

J Hawkinson, Planner

Town of Minturn  
302 Pine Street  
Minturn, Colorado  
81654  
970-827-5645

**APPLICANT:** Greg & Melanie Dennis Residence  
**ARCHITECT:** Fiddlers Creek, Minturn, CO - 970-343-9799  
**REQUEST:** Addition of an apartment to a single family residence

**PLANNER**  
**RECOMMENDATION:** Approve Application

**LOCATION:** 98 Mann Avenue, Minturn, CO

**DATE SUBMITTED:** April 2, 2015

**ZONING:** Residential - Old Town Character Area

**PUBLIC NOTICE:** Agenda posted at Town Hall and on website

## SITE & BUILDING ANALYSIS:

**BUILDING HEIGHT:** Maximum Allowed: \_\_\_\_\_ Actual: \_\_\_\_\_  
28' at mid-roof line 28' at mid-roof line as per natural grade  
\*as per grade plans, the natural grade to the mid point is 28' in height

**VARIANCE:** none

**LOT AREA:** .115 acres / 5,000 sq ft

**40% MAXIMUM BUILDING LOT COVERAGE:** 2,000 SQ FT

Existing Site Coverage: 1,060 sq ft  
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**SNOW STORAGE:** Required: 138 sq ft Actual: 200 sq ft

**LANDSCAPING REQUIREMENTS:** meets 5 trees and landscaping design

**LETTER**

**mpp design shop**

PO Box 288  
095 Willowstone Place  
Gypsum, CO 81637  
c 970-390-4931  
[michael@mppdesignshop.com](mailto:michael@mppdesignshop.com)

February 26, 2015

Town of Minturn  
**Attention: Planning Department**  
302 Pine Street  
P.O. Box 309  
Minturn, CO 81645  
Tel: (970) 827-5645  
Fax: (970) 827-5545  
e-mail: [planner@minturn.org](mailto:planner@minturn.org)

Regarding: Young Residence Addition

Location: Parcel number: 2103-263-14-012  
Subdivision: Booco's, Block P, Lots 13 & 14  
64 Harrison Avenue  
Minturn, CO 81645

**Intention**

The intention of this project is to construct an addition to an existing single family residence located on the property described above in the Old Town Character Are of Minturn.

The existing structure is a one story, two bedroom, 1 bath house. It has recently been renovated to have vertical weathered barn wood exterior siding, red colored aluminum frame windows and doors, and a metal roof. On the north side of the building the exterior siding is vertically oriented corrugated metal with a natural rusted finish.

The new addition shall contain one bedroom, two baths, a family room and storage closet. The new two-story structure will be connected to the existing structure by a one level building mass clad in the same vertical corrugated metal. A waterproof deck surrounded by a wood and metal railing will be accessed from the family room on the upper level.

The new structure will have the same weathered barn wood siding, but oriented horizontally instead of vertically. The same red colored aluminum clad double hung windows shall be used, except they will have a 4-over-1 grid mullion pattern instead of various vertical-oriented mullions over a single pane.

Currently, no on-site parking exists. With the addition of the third bedroom, Code requires three parking spaces be provided. These shall be provided on the west end of the property and be accessed from Pine Street. No existing trees shall be removed to access the parking area. A manually operated gate shall be installed in the existing fence.

Thank you for your consideration.

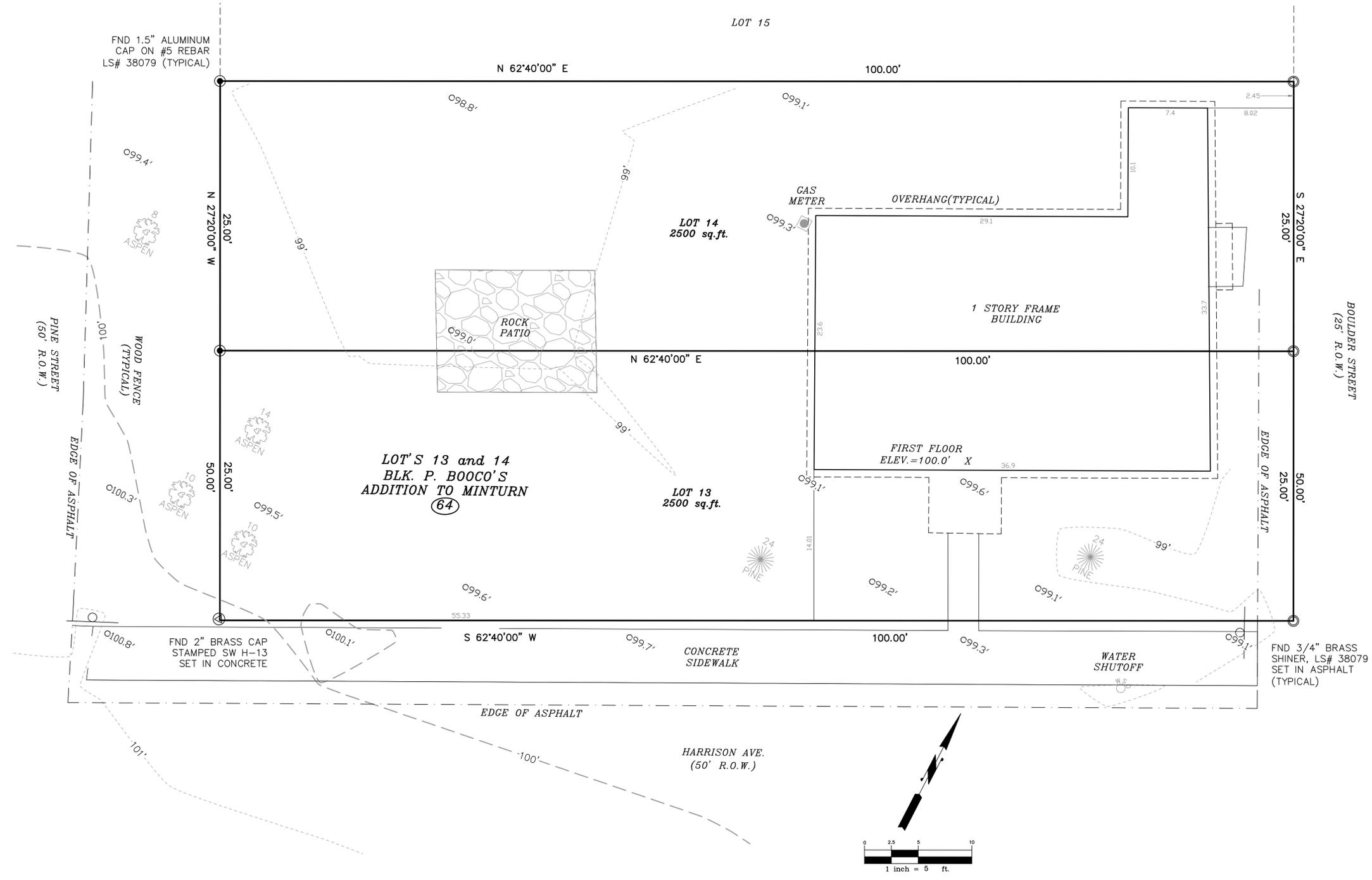
**SIGNED:** Michael Pukas



# Topographic Survey

## Lot 13 and 14, Block P, Booco's Addition To Minturn

### Town of Minturn, Eagle County, Colorado

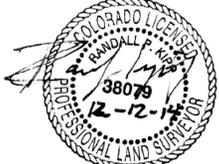


**LEGAL DESCRIPTION:**  
 Lots 13 and 14, Block P, Plat of Booco's Addition to Minturn, dated February 14, 1891, Recorded in Book B at Page 18, in the Office of the Clerk and Recorder, Eagle County, Colorado.

- NOTES:**
- 1) Survey Date: December 12, 2014.
  - 2) Street Address: 64 Harrison Ave. (posted)
  - 3) Benchmark: First Floor Elevation = 100.0' (Assumed Elevation)
  - 4) Record easements, legal description, and rights-of-way shown hereon were derived from Title Commitment Order No. 50039385, provided by Land Title Guarantee with an effective date of August 8, 2014, and the Plat of Booco's Addition to Minturn, dated February 14, 1891, recorded in the office of the Clerk and Recorder, County of Eagle, State of Colorado.
  - 5) This is not a monumented survey, Land Survey Plat, or Improvement Survey plat. No boundary resolution was performed in making this survey. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.
  - 6) 1' Contours shown hereon.
  - 7) Owner requested not to show the fence on this survey.
  - 8) All utilities shown hereon should be considered approximate and a Utility Locate is recommended before any digging occurs

**CERTIFICATION**

I, Randall P. Kipp, a Registered Professional Land Surveyor in the State of Colorado, hereby certify that this TOPOGRAPHIC SURVEY was done by me or under my direct supervision, and that it was performed using the standard care and practice used in the area at the time of the survey. The Notes hereon are a part of this certification.



Randall P. Kipp P.L.S. No. 38079  
 Colorado Professional  
 Land Surveyor

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

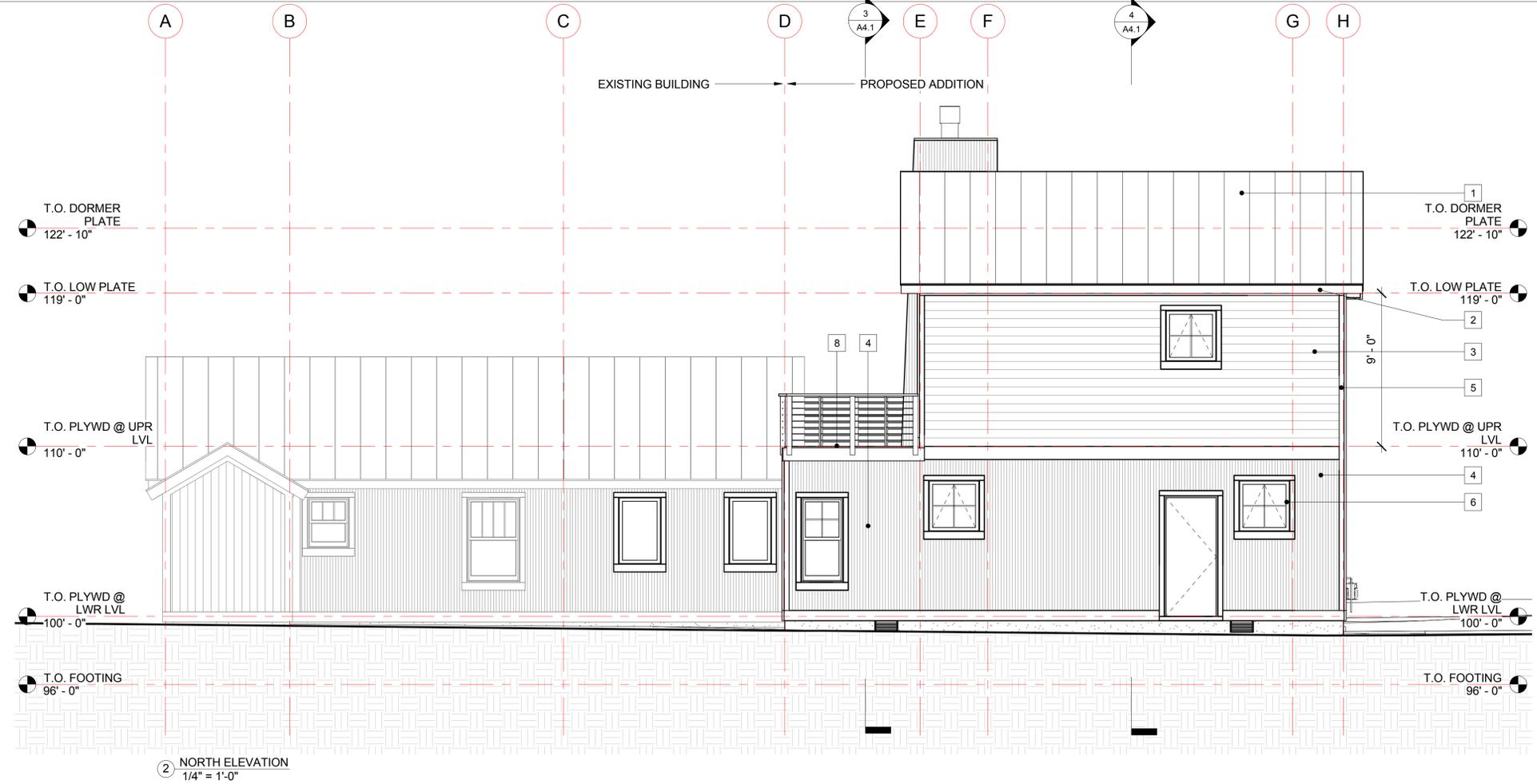
<b>KIPP LAND SURVEYING</b>		Topographic Survey LOT 13 AND 14, BLOCK P Plat of Booco's Addition To Minturn Town of Minturn, Eagle County, Colorado	
RANDY KIPP P.L.S. P.O. Box 3154 Eagle, CO 81631 (970) 390-9540 email: randy@kipplandsurveying.com web: kipplandsurveying.com		DRAWN BY: RPK	DATE: 12/12/2014
		SHEET: 1 OF 1	Lot 13-14, Topo DWG NO.:



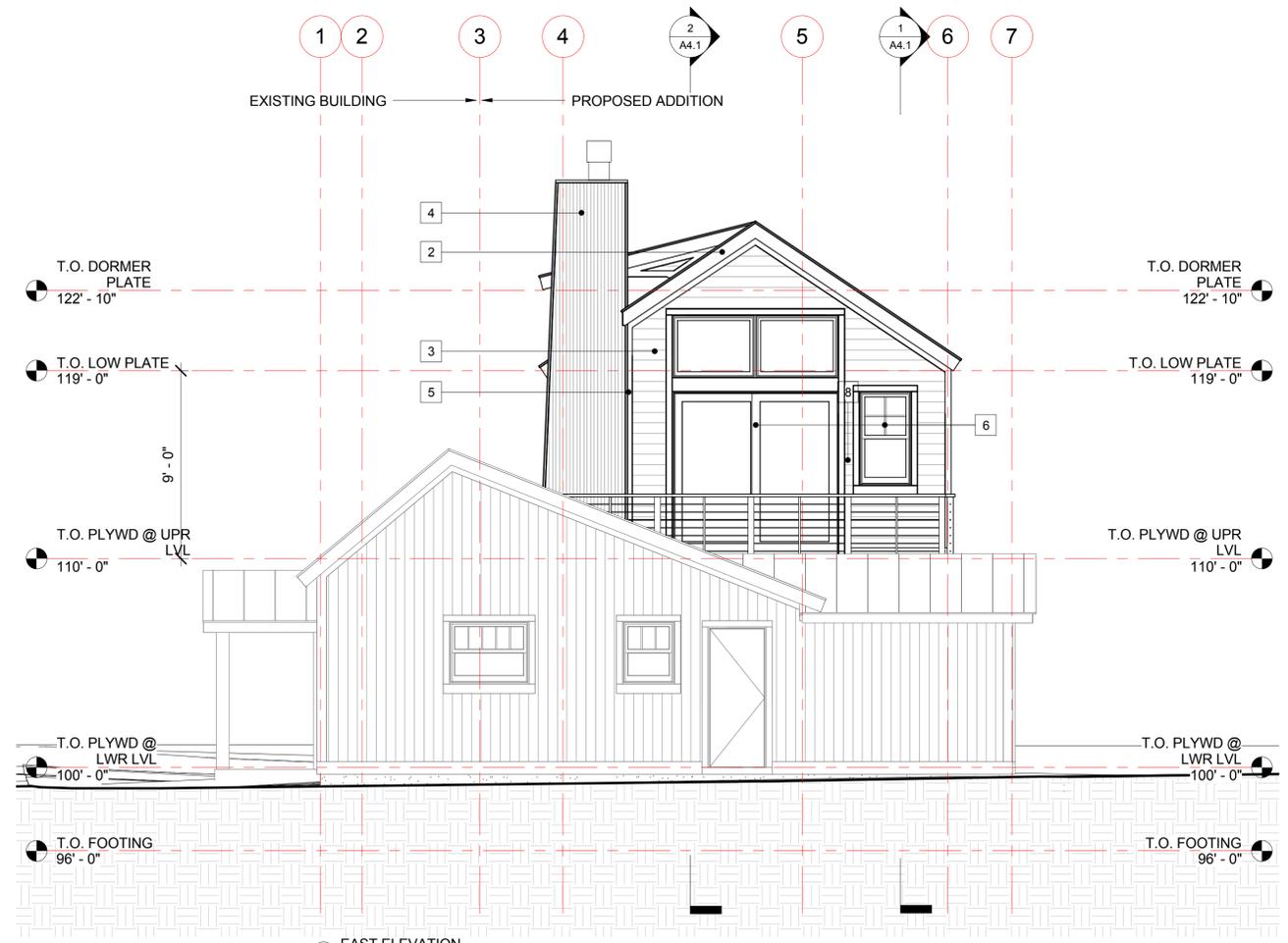








2 NORTH ELEVATION  
1/4" = 1'-0"



1 EAST ELEVATION  
1/4" = 1'-0"

MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	Roofing - Standing Seam Metal	TBD	TBD	Match Existing		
2	Fascia - 2x Wood	TBD	TBD	Match Existing		
3	Horizontal Barn Wood Siding			Match Existing		
4	Vertical Corrugated Metal Siding	TBD	TBD	Match Existing	Natural Rusted Metal	
5	Exterior Trim - 2x Wood	TBD	TBD	Match Existing		
6	Exterior Windows & Doors	Eagle Windows	TBD	Red - Match Existing	Metal Clad, Factory Painted	U-Factor <= 0.35
7	Heavy Timber Wood Framing	TBD	TBD	Match Existing	Rough Sawn	
8	Wood & Metal Railing			Black, Cedar	Powder Coated Metal, Stained Wood	

mpp design shop, inc.  
 PO Box 288  
 95 Willowstone Place  
 Gypsum, CO 81637  
 (970) 390-4931  
 michael@mppdesignshop.com

Bovino-Young Residence  
 Parcel number: 2103-263-14-012  
 Subdivision: Booco's, Block P, Lots 13 & 14  
 64 Harrison Avenue  
 Minturn, CO 81645

#	Description	Date
1	DRB Submission	02/26/15

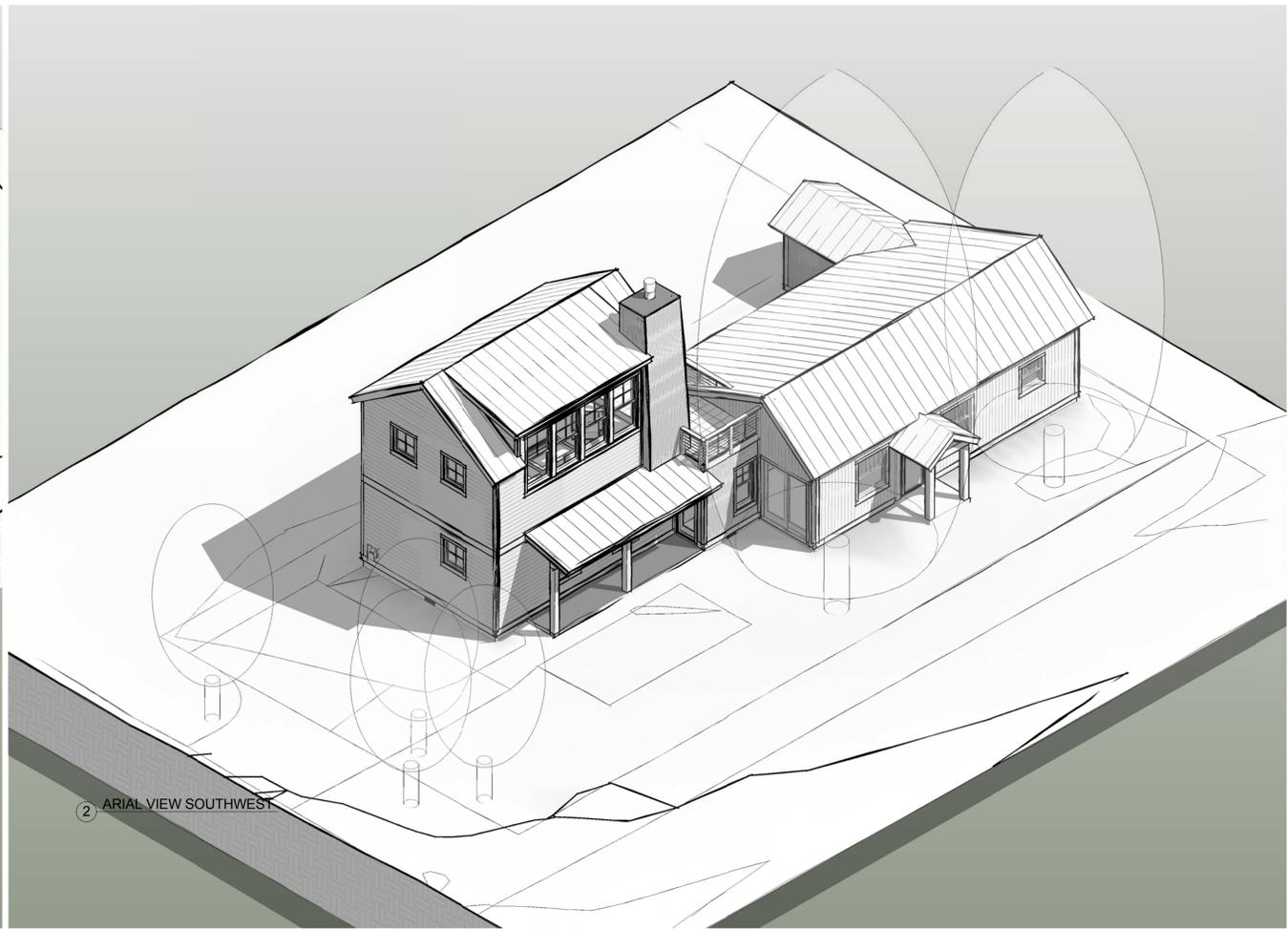
Project Number: 1408  
 Drawn by: mpp  
 Checked by: mpp

EAST & NORTH ELEVATIONS

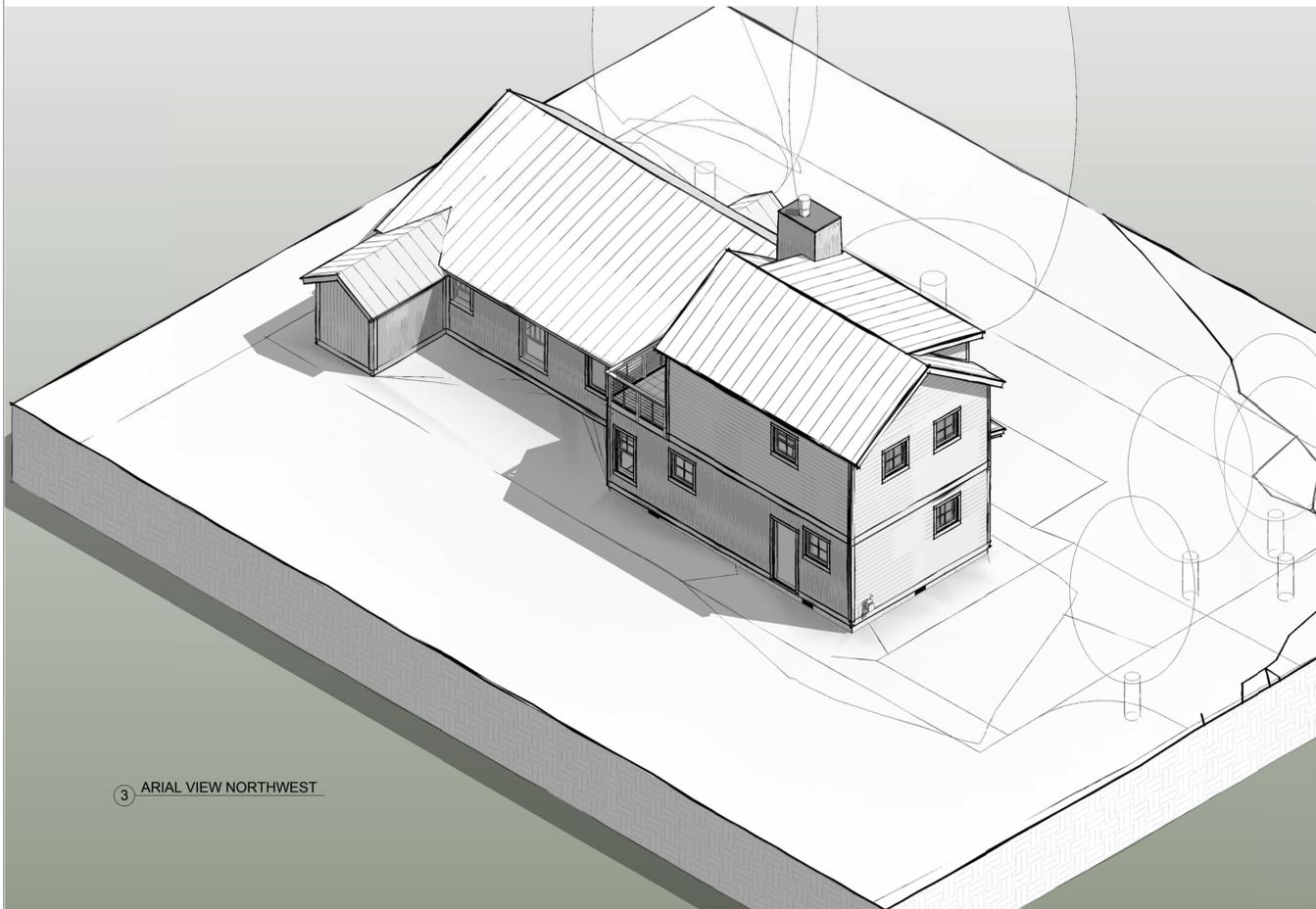
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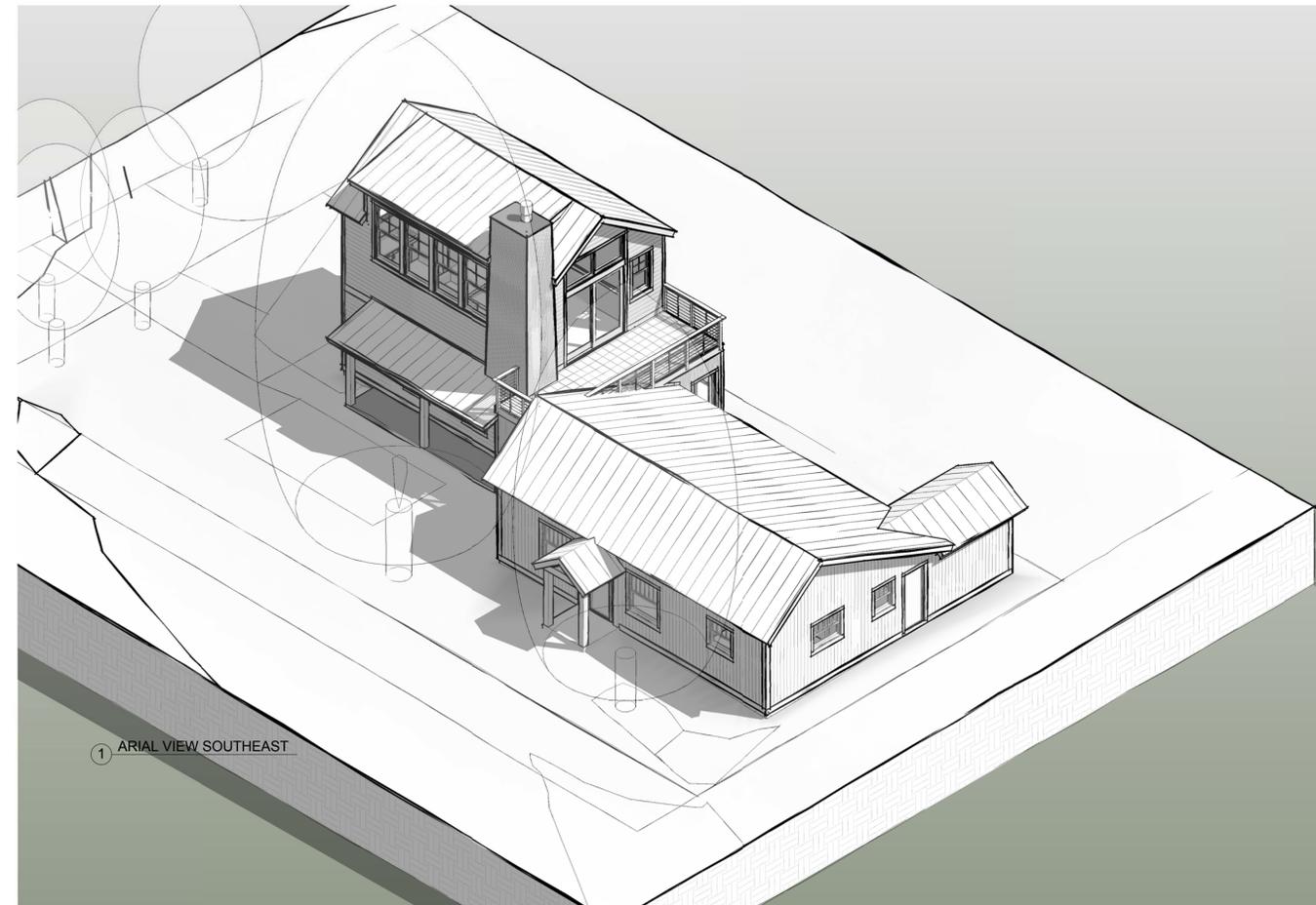
4 ARIAL VIEW NORTHEAST



2 ARIAL VIEW SOUTHWEST



3 ARIAL VIEW NORTHWEST



1 ARIAL VIEW SOUTHEAST

mpp design shop, inc.  
 PO Box 288  
 95 Willowstone Place  
 Gypsum, CO 81637  
 (970) 390-4931  
 michael@mppdesignshop.com

**Bovino-Young Residence**  
 Parcel number: 2103-263-14-012  
 Subdivision: Booco's, Block P, Lots 13 & 14  
 64 Harrison Avenue  
 Minturn, CO 81645

#	Description	Date
1	DRB Submission	02/26/15

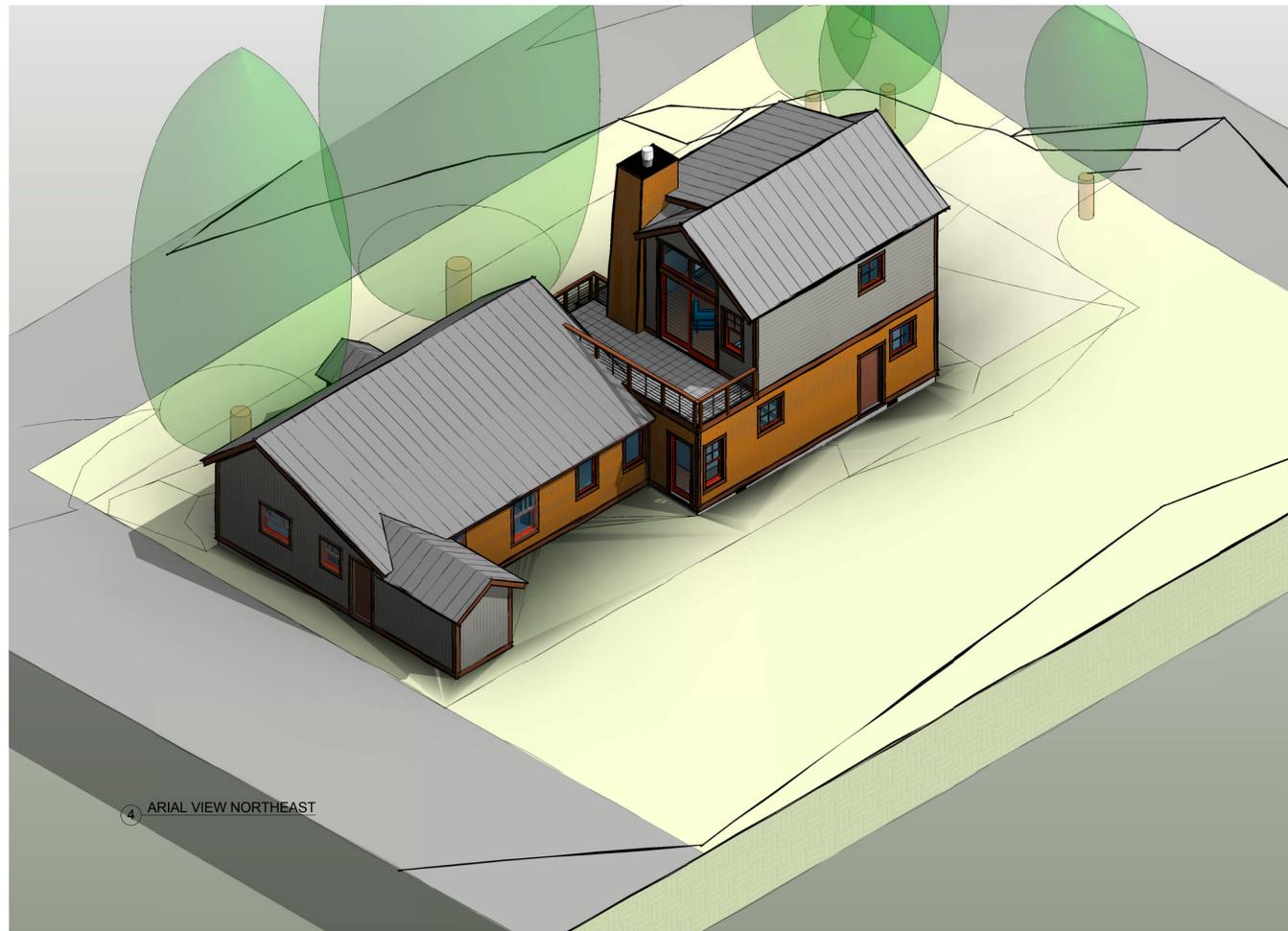
Project Number: 1408  
 Drawn by: mpp  
 Checked by: mpp

ARIAL MODEL  
 VIEWS

**A3.3**  
 Scale 49  
 2/26/2015 1:00:06 PM







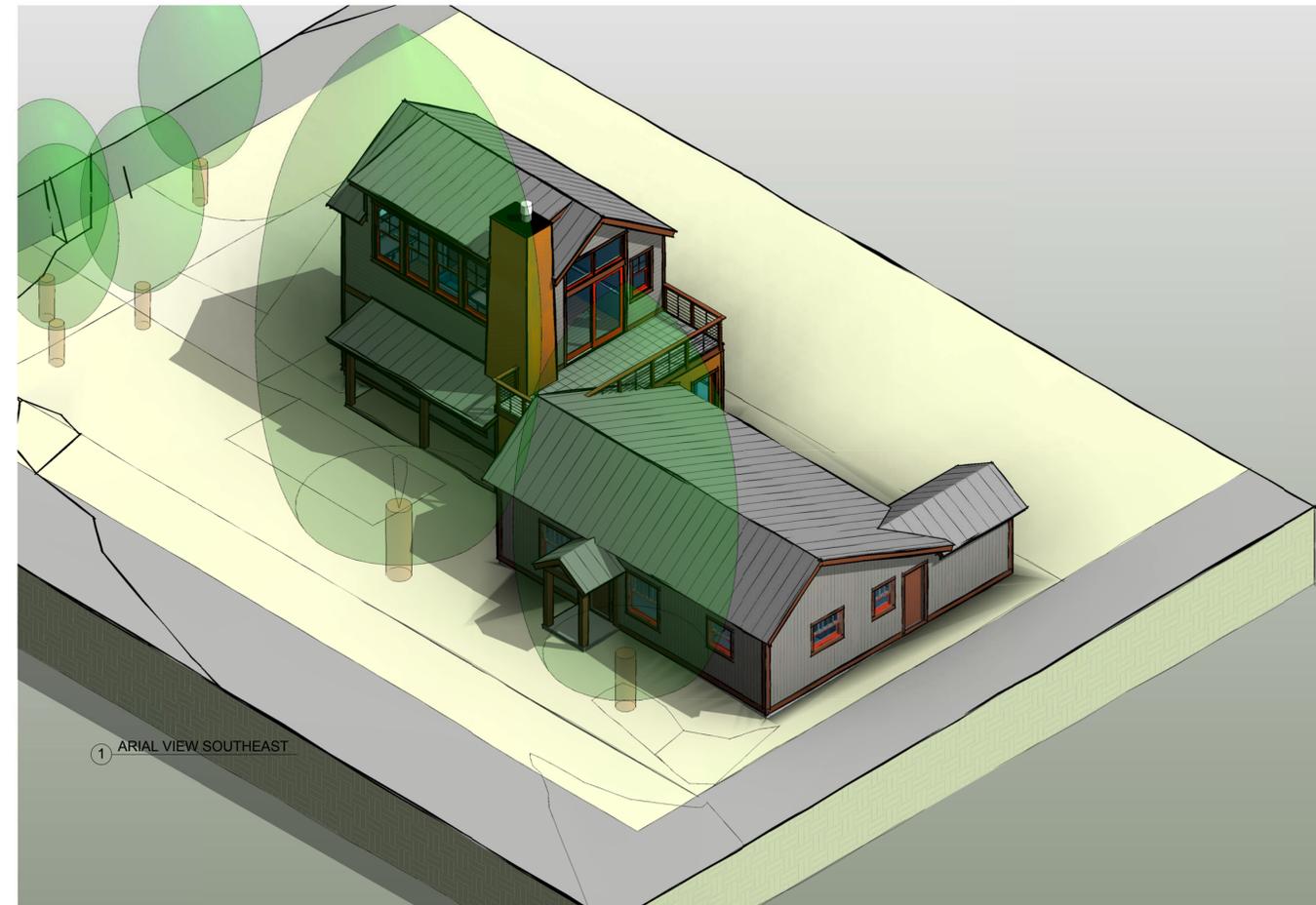
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 Drawn by: mpp  
 Checked by: mpp

**ARIAL MODEL VIEWS**

**A3.3**



**MEMORANDUM**

March 30, 2015

TO: Minturn Town Council

FROM: Elizabeth A. Mitchell

CC: Boots Ferguson  
Meghan Winokur

RE: Feasibility Study Update

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**I. BACKGROUND**

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), the United States Environmental Protection Agency (“EPA”) placed the Eagle Mine on its National Priorities List of contaminated sites requiring clean up (aka Superfund Sites) in 1986. Since 1988, Viacom (now CBS Operations, Inc. (“CBS”)), the potentially responsible party for the cleanup, and the Colorado Department of Public Health and Environment (“CDPHE”) have implemented the cleanup plan and related remedy maintenance activities at the Eagle Mine Site. CBS remains the party responsible for the maintenance of the historic mining-related remedy on-site.

In 2004, Ginn Battle North (“Ginn”) purchased approximately 750 acres of land that includes the northern portion of the Eagle Mine Superfund Site and adjacent areas. Ginn proposed redevelopment of the land for residential, commercial and recreational uses. In 2009, Battle North, LLC (“Battle”) scaled back the proposed redevelopment plan when it took over the proposed project but continued to envision future residential use for the redeveloped property. Because the redevelopment anticipates residential use, additional on-site environmental work is required for the protection of human health.

In order to ensure that residents, workers and visitors to the redeveloped land are protected from historic contamination, EPA and CDPHE have followed certain steps required in the Superfund process to assess anew the nature and extent of the contaminants through a Remedial Investigation (“RI”), evaluate human health risks through a Human Health Risk Assessment and evaluate the feasibility of a variety of remedies which would permit the redevelopment to proceed through the Feasibility Study (“FS”). Once final, the FS will be

followed by a proposed cleanup plan that is subject to public comment. Following public comment, EPA will select the remedy for the area to be redeveloped. For further details on the history of EPA's and CDPHE's assessment of the redevelopment and appropriate remedies in the FS, please see earlier Holland & Hart LLP memoranda.

## **II. FEASIBILITY STUDY STATUS**

The FS that evaluates potential remedies for Battle's redevelopment has been in process for approximately five years or so. Battle submitted its latest draft of the FS to EPA in December 2013. Notably, EPA hired a consultant to review the 2013 version of the draft FS. In December 2014, EPA and CDPHE provided their comments on the draft FS. It is clear from EPA's comments on the draft FS that its consultant was unfamiliar with the administrative record for the proposed redevelopment, unfamiliar with Battle's role as the developer and CBS's ongoing role as the party responsible for ongoing maintenance of the current remedy on-site and unfamiliar with their respective clean up obligations. Therefore, Battle is preparing a detailed, substantive response to EPA's comments. Because the consultant's understanding of the record and parties' roles was misguided, there will be a delay, once again, in EPA's finalization of the FS. Importantly for Minturn, EPA's comments acknowledge that Bolts Lake is not part of the Superfund Site; Battle's response to EPA's comments will confirm and clarify this position with language provided by Holland & Hart LLP. As Council knows, this has been a primary goal for the Town for many years. Battle will submit its response to EPA and CDPHE on April 15.

Once the FS is finalized, with Bolts Lake excluded from the Superfund Site, Minturn's participation in the Superfund process should decrease. As noted above, EPA will solicit public comment on the remedy selected for Battle's redevelopment; it is important that Minturn review and comment on this remedy and also provide input to EPA, CDPHE and Battle in the event public comments relate to Bolts Lake.

We will continue to monitor the progress of the finalization of the FS and provide Council updates as we receive them from EPA, CDPHE and Battle.

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## **Manager’s Report April 15, 2015**

1. Water Committee Report  
Staff has been unable to commit to the time to prepare additional information asked by Council for the Water Committee and Council to review.
2. Lease Lot—Johnnie’s Garden  
Johnnie Rosenfeld, staff and I have begun discussions regarding tenancy at the lease lot. The principal discussion points are the lease amount and size of land area to be leased. For the lease amount we are looking at comparatives. Discussion is continuing.
3. Filling Vacant Code Enforcement/Clerk Position  
Staff would like to fill the vacant position. The current job description contains conflicts which should be resolved. Specifically, the code enforcement duties are in conflict with court clerk duties. I would like to pursue the court clerk duties with a part-time contract position which should take less than 8 hours per week. For the full-time position the duties would be code enforcement, parking enforcement, assisting staff in other duties. Please see attachment for how Hattie assisted office personnel and public works.

## Work Provided by Hattie Wagy for Other Employees

### Arnold Martinez

- Provide notices for water shutoffs, snow removal regulations, etc.
- Distributed notices
- Called dispatch for parking infractions
- Distributed notices for garbage bins left out, then taking calls from violators.
- Help with Municipal Parking Lot—information, permits, phone calls

### Michelle Metteer

- Monthly News letter, saving \$5000 per year
- Rental of Council/Community Room  
Inventory room  
Set up and break down, process paperwork and payments  
Setting up door codes for weekend use
- Business license data entry  
Search town of unlicensed businesses, online businesses  
Issue letters for violators  
Send out follow-up letters as needed
- First responder for customer service at front window
- Manage office supply orders
- Greatly assisted office open at all hours, along with Jay

### Janet Hawkinson

- Accept Building Permits, permit fees , building information
- Assistance with grant applications
- Many other clerical tasks

### Willy Powell

- Provided research assistance
- Provided clerical assistance

### Jay Brunvand

- Assist with all municipal court functions
  - Manage all tickets and defendants
  - Manage administrative court proceedings
- Liaison between Town and Municipal Court judge, prosecutor, and defendants
- Liaison between Town and ECSO

**ACTION ITEMS REPORT**

From: Town Manager  
15-Apr-15

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	sidewalk poured week of 4/13 Design for educational portion beginning
Rec Property Clean-up	Martinez	berm constructed. Continue grading, cleanup and beautification lease lot cleaned up, need road with rotomill, leasing
Boneyard	Hawkinson	slash piles cleaned, VSSA and boy scouts site plan reviewed by PZ on 1/15, Council County has given comments on site plan, mgmt plan
Little Beach Park perfect ownership	Powell Sawyer	quiet title action has been filed
Memorialization Guidelines	Metteer	staff presented Jan. 21
Minturn Fitness Center	Powell Rosenfeld Bidez	achieve property tax exemption--application is submitted achieve 501.c.7 non-profit status
Minturn Education Fund	Powell Bellm	achieve 501.c.3 non-profit status scholarship notice posted, submittals by April 10 annuity monies to be transferred around April 20
Zoning Code Amendments	Hawkinson Powell Sawyer	phase 1 complete and adopted by Council phase 2 schedule to be decided
Guide Sign Plan	Metteer	staff presentation on April 1 Take to CDOT for approval
Water Rate Structure and Rates	Powell water committee	continued discussion--most likely May 6 Potential Amendments to Water Ordinance
Entryway/100 Block Project	Powell Hawkinson Inter-Mountain Engr.	concept plan complete and reviewed by stakeholders staff and engineers reviewing comments of stakeholders Mineral and Energy Impact Grant submitted April 1, July awards
South Minturn Engineering	Powell Hawkinson Inter-Mountain Engr.	Spanel and Powell discussing scope and details of project