



2015

Minturn Council Meeting

Wednesday May 20, 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 May 20, 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

- Water Rate Structure and Monthly Rates – Powell/Brunvand

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

- May 6, 2015

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

5. Special Presentations:

PUBLIC HEARINGS AND ACTION ITEMS

6. **Discussion/Action Item**: Resolution 5 - Series 2015, a Resolution directing Staff to correct errors on Zoning Map – Hawkinson
7. **Discussion/Action Item**: Resolution 6 - Series 2015, a Resolution approving conditional use application CU 01-15. -Hawkinson
8. **Discussion/Action Item**: Ordinance 3 - Series 2015 (First Reading), an Ordinance authorizing the Mayor of the Town of Minturn to enter into a lease agreement with Johnie's Garden Inc for the lease of real property owned by the Town of Minturn – Powell
9. **Discussion/Action Item**: Resolution 4 - Series 2015, a Resolution setting leasing procedures for leases with the Town of Minturn for real property – Powell/Hawkinson

COUNCIL AND STAFF REPORTS

10. **Town Planner**
 - Design Review: 551 Main St – Approved
11. **Town Attorney**
 - Battle Mountain update
12. **Town Manager**
 - Manager's Report
 - Discussion regarding the Town Manager contract
 - Action Report
13. **Town Council Comments**

FUTURE AGENDA ITEMS

14. **Next Meeting – June 3, 2015**
 - Water Rate recommendation
 - Eagle River Park Bathroom Opening
15. **Future Meetings:**
 - 2014 Audit presentation and Acceptance of 2014 Audit
 - 2015 Building Code update – Charlie Davis

16. Set Future Meeting Dates

- May 20, 2015
- June 3, 2015
- June 17, 2015

a) Planning & Zoning Commission Meetings:

- May 13, 2015
- June 10, 2015

17. Other Dates:

18. Adjournment

May 14, 2015

To: Town Council
Fr: Water Committee

Re: Water Rate Structure and Monthly Fees

The Water Committee last reported to Town Council on March 18. At the meeting the Water Committee Report, dated March 4, 2015 was presented. The Committee summarized the following conclusions.

1. Revenues should yield a minimum of \$720,000 for the first full year of implementing the proposed rate structure and monthly rates. This amount includes operations, debt service, depreciation and the \$15,000 amount going towards building up reserves.
2. Residential and commercial should be on the same rate structure and monthly rates.
3. Monthly base usage amounts should be lowered to either 4,000 gallons per month or 6,000 gallons per SFE. The average annual use per SFE is 4100--4300 gallons per month.
4. The 6,000 gallons base usage has fewer users paying overage fees
5. The 4,000 gallons base usage has more users paying overage fees, lowers the base fee by \$1.00 to \$2.00 per month, is more of a "user pays" system for higher users, and is more water conservation oriented. See Exhibit B.
6. Senior discount rates should be phased out. Existing seniors would be grandfathered.
7. A policy should be adopted for restricted reserve fund balance amounts. If amounts accrue over the prescribed amount, those funds could be used for:
 - capital projects,
 - lowering fees,
 - prepayment of debt,
 - increase in restricted reserve,
 - Any combination thereof.

One decision was made at the March 4 meeting: that residential and commercial should have the same rate structure and monthly rates.

Council asked for additional information which will be discussed at the May 20 meeting, as follows.

- What is the purpose of a \$1,000,000 restricted fund balance. See exhibit.
- Grants—further explore grant opportunities. See exhibit.
- Alternative rate structures.
 - As is—no change.
 - Phase in base use amounts.
 - Lower base fee and base usage amount.

The Water Committee earlier did explore in some detail the lower base fee and base usage amount. Attached are the working documents which explored five alternatives. After reviewing the working document the Committee felt the lower base fee and base usage alternative may be too radical of change from the existing system and be politically difficult. That is the reason the Committee felt a 4000 or 6000 gallon per month base amount would be more appropriate and fulfill the goals of: better reflecting average base usage of 4100—4300 gallons per month, have a more user pays system and be more conservation oriented. We will discuss a more phased in base usage amount, but phasing in does not do much for lowering rates.

Please the following list of attachments for additional information.

1. Water Committee Report of March 4, 2015
2. Water Enterprise—Restricted Amount
3. List of Potential Grant and Loan Sources
4. Rate Scenarios

*For 3/18/15
Council meeting*

WATER COMMITTEE REPORT MARCH 4, 2015

**DISCUSSION OF AMENDMENTS TO THE WATER CODE
WATER RATE STRUCTURE
MONTHLY WATER RATES**

COMMITTEE MEMBERS

**George Brodin, Council Member
Earle Bidez, Council Member
William Powell, Town Manager
Jay Brunvand, Town Treasurer**

BACKGROUND

In July, 2013 the Town of Minturn received from the Colorado Rural Water Association (CRWA) the Water Rate Analysis/Study. The Study was written by Leroy Cruz, Circuit Rider of the CRWA.

The Study discusses both the water rate structure and monthly water rates for different classifications of customers. The Study hints at various recommendations for changing the rate structure, as follows.

- Residential customers and commercial customers should have the same rate structure and monthly rates.
- The monthly base usage rate of 10,000 gallons for each residential SFE and 30,000 gallons for each commercial SFE is excessive, does not equate to normal usage, does not promote conservation, and does not reflect a tiered system.
- Rates should approximate the fixed cost of service delivery.
- Senior discount rates should be eliminated or phased out.
- The debt service fee should be integrated in the base fee.

Also in 2013 a Water Committee was formed to review rates and has been working towards further evaluating the suggested changes recommended by CWRA. However, the Committee was delayed in making recommendations to Council because updated information was needed from the Upper Eagle Water and Sanitation District (UEWSD). Until late 2014 the district was revamping their customer billing system and not able to provide detailed usage numbers to Minturn. In November, 2014 new numbers were given to the committee which has allowed for further analysis and recommendations by the committee to Council.

ASSUMPTIONS OF THE COMMITTEE STUDY

The Committee has used the following assumptions for the Study

1. The water system has 542 residential SFE and 185 commercial SFE for a total of 727 SFE's.
2. Total annual water revenue to be realized is \$720,000. See Exhibit A
3. Water revenues are to cover water expenses, debt service, depreciation and capital outlays.
4. The cost to produce water is \$4.53 per thousand gallons. (Per CRWA)
5. The current rate structure of using base usage for residential 10,000 gallons and commercial 30,000 gallons per SFE is excessive, does not reflect average usage patterns, does not lean towards a "user pays" rate system, and is not water use conservation oriented.
6. The senior discount rate should be re-evaluated.

OBJECTIVES OF STUDY AND RECOMMENDATIONS

The Water Committee has determined several objectives to be achieved by changes to the rate structure and monthly rates, as follows.

1. Residential and Commercial customers should be placed on the same rate structure and monthly rate schedule. There is no justification for having a different rate structure when the cost to produce water is the same for different classes of customers.
2. The rate structure should better reflect a user pays system and better promote water conservation. The current base usage of 10,000 gallons per month for residential and 30,000 gallons for commercial does not reflect average usage. The average annual use per SFE is between 4100 and 4300 gallons.
3. The structure and rates should yield revenues to cover operating costs, debt service payments, depreciation, and necessary capital improvements. The committee recommends the amended rate structure yield \$720,000 per year.

CONCLUSIONS OF THE WATER COMMITTEE

1. Revenues should yield a minimum of \$720,000 for the first full year of implementing the proposed rate structure and monthly rates. This amount includes operations, debt service, depreciation and the \$15,000 amount going towards building up reserves.
2. Residential and commercial should be on the same rate structure and monthly rates.
3. Monthly base usage amounts should be lowered to either 4,000 gallons per month or 6,000 gallons per SFE. The average annual use per SFE is 4100--4300 gallons per month.
4. The 6,000 gallons base usage has fewer users paying overage fees
5. The 4,000 gallons base usage has more users paying overage fees, lowers the base fee by \$1.00 to \$2.00 per month, is more of a "user pays" system for higher users, and is more water conservation oriented. See Exhibit B.
6. Senior discount rates should be phased out. Existing seniors would be grandfathered.
7. A policy should be adopted for restricted reserve fund balance amounts. If amounts accrue over the prescribed amount, those funds could be used for:
 - capital projects,
 - lowering fees,
 - prepayment of debt,
 - increase in restricted reserve,
 - any combination thereof.

DECISIONS BY COUNCIL

Prior to drafting an ordinance for implementation the Water Committee would like Council to ratify the recommendations of the Committee, as follows.

1. Residential and commercial are to receive the same rate structure and monthly SFE fee schedule.
2. The Base Rate lowered to 4,000 gallons per month or 6,000 gallons per month (choose between).
3. Set a policy for the restricted reserve ending balance at \$1,000,000. Any ending fund balance amounts over \$1,000,000 can be used for: capital improvements, lowering fees, prepayment of debt, increasing the restricted reserve, or a combination thereof. Such decisions shall be made annually during the budget process.

IMPLEMENTATION

Any decisions will need to be followed up by an ordinance taking two readings. Council should decide if we want to advertise a "public hearing." The implementing ordinance will need to set an effective date taking into account UEWSD time for changing the invoicing program.

Exhibit A	Table regarding the need to receive \$720,000 and multi-year cash flow.
Exhibit B	Table for effect on certain users
Exhibit C	Preliminary project list

Exhibit A - Enterprise Fund Projections (Water Only)

	ACTUAL 2014	BUDGET 2015	3% INCREASE 2016	3% INCREASE 2017	3% INCREASE 2018
Operating Revenues					
Charges for Services	704,012.00	719,000.00	740,570.00	762,787.10	785,670.71
Grant Income	108,129.00	0.00	0.00	0.00	0.00
Miscellaneous	12,841.00	15,000.00	15,000.00	15,000.00	15,000.00
Total Operating Revenue	824,982.00	734,000.00	755,570.00	777,787.10	800,670.71
Tap Fees	0.00	9,500.00	9,500.00	9,500.00	9,500.00
Non-Operating Revenue	0.00	0.00	0.00	0.00	0.00
Transfers In	0.00	0.00	0.00	0.00	0.00
Total Revenue	824,982.00	743,500.00	765,070.00	787,287.10	810,170.71
Operating Expenses					
Payroll/Taxes/Benefits	249,010.00	250,620.00	258,138.60	265,882.76	273,859.24
Operating and Maintenance	318,973.00	298,050.00	306,991.50	316,201.25	325,687.28
Grant Expenses	75,470.00	49,530.00	0.00	0.00	0.00
Debt Service	69,940.00	294,468.00	14,841.00	14,841.00	14,841.00
- Transfers Out	24,489.00	23,914.00	25,000.00	25,000.00	25,000.00
- Capital Expense	10,537.00	23,000.00	* 50,000.00	50,000.00	50,000.00
Total Expenses	748,419.00	939,582.00	654,971.10	671,925.00	689,387.52
Change in Net Position	76,563.00	-196,082.00	110,098.90	115,362.10	120,783.19
Beginning Fund Balance	1,105,791.00	1,182,354.00	986,272.00	1,121,371.00	1,261,733.00
Ending Fund Balance	1,182,354.00	986,272.00	1,096,370.90	1,236,733.10	1,382,516.19
- Depreciation/Debt Recovery	95,000.00	105,000.00	105,000.00	105,000.00	105,000.00
Restricted Reserve	1,060,000.00	960,000.00	- 1,000,000.00	1,000,000.00	1,000,000.00
Unrestricted cash	122,354.00	26,272.00	96,370.90	236,733.10	382,516.19

Exhibit B - Comparison

OWNER	ADDRESS	SFE	June 2013 Use	CURRENT 2014 COST	2015 4%	\$78 AND >4000	\$78 AND >6000	\$79 AND >4000	\$79 AND >6000	\$80 AND >4000	\$80 AND >6000
Hawkeye Flaherty	160 Main	2.0	22,000	158.32	164.18	219.42	201.30	221.42	203.30	223.42	205.30
John Rosenfeld	1041 Main	1.0	3,000	76.43	79.25	78.00	78.00	79.00	79.00	80.00	80.00
Aggie Martinez (Sen)	962 Main	1.0	8,000	57.32	59.44	72.09	65.30	72.84	66.05	73.59	66.80
Earle Bidez	449 Pine	1.0	19,000	95.07	104.81	145.95	136.89	146.95	137.89	147.95	138.89
Darell Wegert	1716 Main	1.0	14,000	87.35	90.61	103.30	114.24	124.30	115.24	125.30	116.24
Shelley Bellm	470 Main	1.0	7,000	76.43	79.25	91.59	82.53	92.59	83.53	93.59	84.53
George Brodin	273 Boulder	1.0	15,000	90.08	96.45	127.83	118.77	128.83	119.77	129.83	120.77
Jerry Bumgarner	612 Main	1.0	3,000	76.43	79.25	78.00	78.00	79.00	79.00	80.00	80.00
Saloon	146 N Main	2.6	26,000	242.35	251.42	273.47	249.91	276.07	252.51	278.67	255.11
Tuntable	160 RR Ave	26.6	129,000	2,479.36	2,534.98	2,177.18	2,074.80	2,203.78	2,101.40	2,230.38	2,125.00
Frank Lorenti	1081 Main	2.5	45,000	233.03	241.76	353.55	330.90	356.05	333.40	358.55	335.90
Car Wash	457 Main	1.5	13,000	139.82	145.06	148.71	135.12	150.21	136.62	151.71	138.12
Tom Sullivan	116 Nelson	1.0	38,000	156.40	188.00	232.02	222.96	233.02	223.96	234.02	224.96
Johnnies Garden	1923 Main	1.5	23,000	139.82	145.06	194.01	180.42	195.51	181.92	197.01	183.42
Tony Aiello	30 Mann	1.0	16,000	92.81	96.29	132.06	123.30	133.06	124.30	134.06	125.30
Matt Scherr	501 Main	1.0	4,000	76.43	79.25	78.00	78.00	79.00	79.00	80.00	80.00
Joyce Bellm (Sen)	192 Main	1.0	7,000	57.32	59.44	68.69	61.90	69.44	62.65	70.19	63.40
MFC (July 2014 w 13 rates)		10.3	36,000	960.06	934.93	803.40	803.40	813.70	813.70	824.00	824.00

*All per 5FE

*Maintains Senior Discount

Exhibit C - Project List

Water Fund						
Major Capital Projects						
	Priority	total cost estimate	permitting cost	easement cost	construction cost	plans and specs
Little Beach Park						
Water and Sewer Lines	3					
Boneyard						
Water and Sewer Lines	4					
Cross Creek Intake Pond						
dredging project	5					
Looping Projects						
Mann to Water Tank Rd.	6					
Toledo to 1st St.	7					
Taylor St. to No. Main	8					
Clear Well Baffles	2					
Maloit Park Chlorine Analyzer	1					
Total Costs						

Water Enterprise –Restricted Account

Background

The Water Committee and Council have discussed the amount of restricted fund balance for the water enterprise. Staff has identified the restricted fund balance at \$1,000,000. Council has requested a justification of the \$1.0M amount. While there is no “hard and fast” amount for restricted balance, the water enterprise is one of the most valuable services in keeping the public safe, i.e., the importance in delivering safe drinking water, including water treatment and distribution.

The restricted balance is not totally restricted; rather the balance is intended for unplanned emergencies, costly improvements which preserve the integrity of the water system or other costly contingencies. The town would then seek to build back the restricted balance over several years. Among the projects which could be financed by the restricted balance are the following.

Treatment

- Changes in regulations which do not allow sand filter for treatment for direct flow source.
- Other significant upgrades required by increased treatment standards set by the State.
- A calamitous event for the water treatment plant: fire, flooding.
- An act of terrorism.
- The town decides to change the method of treatment (new treatment plant without Battle Mountain).

Distribution

- A significant part of the distribution system fails. An example is the water main on Railroad Ave.
- A significant part of the system needs replaced due to age and deterioration.
- A significant part of the system is deemed undersized to meet prevailing fire flow standards, or new development in town. What if considerable development was to occur on railroad property.

LIST OF POTENTIAL GRANT AND LOAN FUNDING SOURCES

WATER ENTERPRISE FUND

1. USDA Water and Waste Disposal Loan & Grant Program in Colorado
 - Available for drinking water sourcing, treatment, storage, and distribution.
 - Low interest, fixed rate 40 year loans.
 - Minturn has used for major projects. One loan recently retired; one outstanding.

2. Colorado River District
 - Eligible projects are: new water supply, improvement of an existing supply, improvements to stream quality, water efficiency improvements, sedimentation reduction, and implementation of watershed plans.
 - Projects must be completed within one year
 - Funding Small Projects: limited to 50% of the first \$10,000, plus 20% of the subsequent \$50,000, up to a maximum of \$15,000
 - Funding Large Projects: limited to the 50% of the first \$100,000, plus 20% of the remainder of the project cost, up to a maximum of 25% of the total project cost or \$150,000, whichever is less.

3. Energy and Mineral Impact Grant
 - Funds local needs which have priority, readiness to go, and local effort.
 - Generally a 50% grant
 - Currently an Impact Grant has been applied for the Entryway Project

4. CDPHE—Small Community Water and Wastewater Grants
 - Intended for communities below wage and housing price CO medians

11/12/14

Page 1: the Minturn Rate Scenarios was produced by request from the ERWSD. This shows five different scenarios based on actual data. The 2015 Budget is calling for approximately \$719,000. This amount INCLUDES debt service but Trash is ADDITIONAL.

- A) Shows a total billed usage of 1,882,000 divided by the current 727SFE count. A base rate of \$50 and an \$8 usage rate beginning at zero. My pencil notes show what a bill would look like if they used 3k and 4k respectively.
- B) Shows a total billed usage of 1,882,000 (January) divided by the current 727SFE count. A base rate of \$50 and an \$9 usage rate beginning at zero. My pencil notes show what a bill would look like if they used 3k and 4k respectively.
- C) Shows a total usage of 1,411,000 divided by the current 727SFE count. A base rate of \$70 and an \$4.53 usage rate beginning after 2k. My pencil notes show what a bill would look like if they used 3k and 4k respectively.
- D) Shows a total usage of 1,637,000 divided by the current 727SFE count. A base rate of \$25 and an \$20 usage rate beginning at zero. My pencil notes show what a bill would look like if they used 3k and 4k respectively.
- E) Shows a total usage of 1,882,000 divided by the current 727SFE count. A base rate of \$20 and an \$20 usage rate beginning at zero. My pencil notes show what a bill would look like if they used 3k and 4k respectively.

Page 4: Shows what each proforma would look like using our user subset and the June 2013 usage.

Page 5: Shows the monthly customer average for each month of the proforma. At the bottom of the table you will notice that I have then annualized it. The average customer would use approximately 51,000 gal of water per year and an average of just over 4,000 gallons per month. This is important because it does show approximately 4k usage just like the Cruz water study indicated.

Page 6: Shows the interest savings if we pay off one or both of the 2037 loans.

Recommendation A or C

To Do -

- RUN more Tests
- Propose to payoff one debt amt

Minturn Rate Scenarios

I used the last full year of usage history (2013) for the example, but the current SFE of 727.

Base Rate \$50 and \$8 per kgal

Date	Base Rate	Current SFE	Usage Rate	Billed Monthly Usage	Total
Jan-13	\$ 50.00	727	\$ 8.00	1882	\$ 51,406.00
Feb-13	\$ 50.00	727	\$ 8.00	2701	\$ 57,958.00
Mar-13	\$ 50.00	727	\$ 8.00	2334	\$ 55,022.00
Apr-13	\$ 50.00	727	\$ 8.00	2503	\$ 56,374.00
May-13	\$ 50.00	727	\$ 8.00	2337	\$ 55,046.00
Jun-13	\$ 50.00	727	\$ 8.00	2321	\$ 54,918.00
Jul-13	\$ 50.00	727	\$ 8.00	5697	\$ 81,926.00
Aug-13	\$ 50.00	727	\$ 8.00	5041	\$ 76,678.00
Sep-13	\$ 50.00	727	\$ 8.00	4046	\$ 68,718.00
Oct-13	\$ 50.00	727	\$ 8.00	3427	\$ 63,766.00
Nov-13	\$ 50.00	727	\$ 8.00	2582	\$ 57,006.00
Dec-13	\$ 50.00	727	\$ 8.00	2147	\$ 53,526.00
				37018	\$ 732,344.00

3,000 kgal = 74.00
4,000 = 82

Base Rate \$50 and \$9 per kgal

Date	Base Rate	Current SFE	Usage Rate	Billed Monthly Usage	Total
Jan-13	\$ 50.00	727	\$ 9.00	1882	\$ 53,288.00
Feb-13	\$ 50.00	727	\$ 9.00	2701	\$ 60,659.00
Mar-13	\$ 50.00	727	\$ 9.00	2334	\$ 57,356.00
Apr-13	\$ 50.00	727	\$ 9.00	2503	\$ 58,877.00
May-13	\$ 50.00	727	\$ 9.00	2337	\$ 57,383.00
Jun-13	\$ 50.00	727	\$ 9.00	2321	\$ 57,239.00
Jul-13	\$ 50.00	727	\$ 9.00	5697	\$ 87,623.00
Aug-13	\$ 50.00	727	\$ 9.00	5041	\$ 81,719.00
Sep-13	\$ 50.00	727	\$ 9.00	4046	\$ 72,764.00
Oct-13	\$ 50.00	727	\$ 9.00	3427	\$ 67,193.00
Nov-13	\$ 50.00	727	\$ 9.00	2582	\$ 59,588.00
Dec-13	\$ 50.00	727	\$ 9.00	2147	\$ 55,673.00
				37018	\$ 769,362.00

3,000 = 77
4,000 = 86

(+1) 3,000 = 74.53
 (+2) 4,000 = 79.06

Base Rate \$70 and \$4.53 per kgal first 2 kgal included in base (assumption - 25% of customers use 2 or below)

Date	Base Rate	Current SFE	Usage Rate	Billed Monthly Usage	Total
Jan-13	\$ 70.00	727	\$ 4.53	1411.5	\$ 57,284.10
Feb-13	\$ 70.00	727	\$ 4.53	2025.75	\$ 60,066.65
Mar-13	\$ 70.00	727	\$ 4.53	1750.5	\$ 58,819.77
Apr-13	\$ 70.00	727	\$ 4.53	1877.25	\$ 59,393.94
May-13	\$ 70.00	727	\$ 4.53	1752.75	\$ 58,829.96
Jun-13	\$ 70.00	727	\$ 4.53	1740.75	\$ 58,775.60
Jul-13	\$ 70.00	727	\$ 4.53	4272.75	\$ 70,245.56
Aug-13	\$ 70.00	727	\$ 4.53	3780.75	\$ 68,016.80
Sep-13	\$ 70.00	727	\$ 4.53	3034.5	\$ 64,636.29
Oct-13	\$ 70.00	727	\$ 4.53	2570.25	\$ 62,533.23
Nov-13	\$ 70.00	727	\$ 4.53	1936.5	\$ 59,662.35
Dec-13	\$ 70.00	727	\$ 4.53	1610.25	\$ 58,184.43
				27763.5	\$ 736,448.66

Base Rate \$25 and \$20 per kgal first 1 kgal included in base (assumption - 13% of customers use 1 or below)

Date	Base Rate	Current SFE	Usage Rate	Billed Monthly Usage	Total
Jan-13	\$ 25.00	727	\$ 20.00	1637.34	\$ 50,921.80
Feb-13	\$ 25.00	727	\$ 20.00	2349.87	\$ 65,172.40
Mar-13	\$ 25.00	727	\$ 20.00	2030.58	\$ 58,786.60
Apr-13	\$ 25.00	727	\$ 20.00	2177.61	\$ 61,727.20
May-13	\$ 25.00	727	\$ 20.00	2033.19	\$ 58,838.80
Jun-13	\$ 25.00	727	\$ 20.00	2019.27	\$ 58,560.40
Jul-13	\$ 25.00	727	\$ 20.00	4956.39	\$ 117,302.80
Aug-13	\$ 25.00	727	\$ 20.00	4385.67	\$ 105,888.40
Sep-13	\$ 25.00	727	\$ 20.00	3520.02	\$ 88,575.40
Oct-13	\$ 25.00	727	\$ 20.00	2981.49	\$ 77,804.80
Nov-13	\$ 25.00	727	\$ 20.00	2246.34	\$ 63,101.80
Dec-13	\$ 25.00	727	\$ 20.00	1867.89	\$ 55,532.80
				32205.66	\$ 862,213.20

(+2) 3,000 65.00
 (+3) 4,000 85.00

Base Rate \$20 and \$20 per kgal

Date	Base Rate	Current SFE	Usage Rate	Billed Monthly Usage	Total
Jan-13	\$ 20.00	727	\$ 20.00	1882	\$ 52,180.00
Feb-13	\$ 20.00	727	\$ 20.00	2701	\$ 68,560.00
Mar-13	\$ 20.00	727	\$ 20.00	2334	\$ 61,220.00
Apr-13	\$ 20.00	727	\$ 20.00	2503	\$ 64,600.00
May-13	\$ 20.00	727	\$ 20.00	2337	\$ 61,280.00
Jun-13	\$ 20.00	727	\$ 20.00	2321	\$ 60,960.00
Jul-13	\$ 20.00	727	\$ 20.00	5697	\$ 128,480.00
Aug-13	\$ 20.00	727	\$ 20.00	5041	\$ 115,360.00
Sep-13	\$ 20.00	727	\$ 20.00	4046	\$ 95,460.00
Oct-13	\$ 20.00	727	\$ 20.00	3427	\$ 83,080.00
Nov-13	\$ 20.00	727	\$ 20.00	2582	\$ 66,180.00
Dec-13	\$ 20.00	727	\$ 20.00	2147	\$ 57,480.00
				37018	\$ 914,840.00

3,000 = \$80
 4,000 = \$100

OWNER	ADDRESS	SFE	June 2013	CURRENT	PROPOSED					
			Use	2014 COST	Opt 1 ^A	Opt 2 ^B	Opt 3 ^C	Opt 4 ^D	Opt 5 ^E	
Hawkeye Flaherty	160 Main	2.0	22,000	152.86	276.00	298.00	221.54	450.00	646.00	
John Rosenfeld	1041 Main	1.0	3,000	76.43	74.00	77.00	74.53	65.00	80.00	
Aggie Martinez (Sen)	962 Main	1.0	8,000	57.32	85.50	91.50	72.89	123.75	135.00	
Earle Bidez	449 Pine	1.0	19,000	95.07	202.00	221.00	147.01	385.00	400.00	
Darell Wegert	1716 Main	1.0	14,000	87.35	162.00	176.00	124.36	285.00	300.00	
Shelley Bellm	470 Main	1.0	7,000	76.43	106.00	113.00	92.65	145.00	160.00	
George Brodin	273 Boulder	1.0	15,000	90.08	170.00	185.00	128.89	305.00	320.00	
Jerry Bumgarner	612 Main	1.0	3,000	76.43	74.00	77.00	74.53	65.00	80.00	
Saloon	146 N Main	2.6	26,000	242.35	338.00	364.00	276.22	533.00	572.00	
Tunable	160 RR Ave	26.6	129,000	2,479.36	2,362.00	2,491.00	2,205.37	2,713.00	3,112.00	
Frank Lorenti	1081 Main	2.5	45,000	233.03	485.00	530.00	356.20	912.50	950.00	
Car Wash	457 Main	1.5	13,000	139.82	179.00	192.00	150.30	267.50	290.00	
Tom Sullivan	116 Nelson	1.0	38,000	156.40	354.00	392.00	233.08	765.00	780.00	
Johnies Garden	1923 Main	1.5	23,000	139.82	259.00	282.00	195.60	467.50	490.00	
Tony Aiello	30 Mann	1.0	16,000	92.81	178.00	194.00	133.42	325.00	340.00	
Matt Scherr	501 Main	1.0	4,000	76.43	82.00	86.00	79.06	85.00	100.00	
Joyce Bellm (Sen)	192 Main	1.0	7,000	57.32	79.50	84.75	69.49	108.75	120.00	
MFC (July 2014 w 13 rates)		10.3	36,000	960.06	803.00	839.00	790.76	771.50	926.00	

Opt 1 = Base \$50 and \$8 per kgal

Opt 2 = Base \$50 and \$9 per kgal

Opt 3 = Base \$70 and \$4.53 per kgal after first 2 kgal

Opt 4 = Base \$25 and \$20 per kgal after first 1 kgal

Opt 5 = Base \$20 and \$20 per kgal

*All per SFE

*Maintains Senior Discount

DATE	CURRENT SFE	BILLED	
		MO GROSS	CUSTOMER AVERAGE
13-Jan	727	1882	2588.72
13-Feb	727	2701	3715.27
13-Mar	727	2334	3210.45
13-Apr	727	2503	3442.92
13-May	727	2337	3214.58
13-Jun	727	2321	3192.57
13-Jul	727	5697	7836.31
13-Aug	727	5041	6933.98
13-Sep	727	4046	5565.34
13-Oct	727	3427	4713.89
13-Nov	727	2582	3551.58
13-Dec	727	2147	2953.23
ANNUAL	727	37018	50918.84 ANNUAL CUSTOMER AVERAGE USE 4243.24 MONTHLY CUSTOMER AVERAGE USE

	260k	265k
2014	5,023.03	5,280.61
	4,964.60	5,220.30
2015	4,904.74	5,158.49
	4,843.42	5,095.12
2016	4,780.60	5,030.18
	4,716.26	4,963.61
2017	1,650.35	4,895.38
	4,582.83	4,825.44
2018	4,513.66	4,853.75
	4,442.81	4,680.27
2019	4,370.23	4,604.95
	4,295.88	4,527.75
2020	4,219.72	4,448.62
	4,141.71	4,367.51
2021	4,061.79	4,284.38
	3,979.92	4,199.16
2022	3,896.06	4,111.82
	3,810.15	4,022.29
2023	3,722.15	3,930.52
	3,632.01	3,836.46
2024	3,539.67	3,740.05
	3,445.07	3,641.23
2025	3,348.18	3,539.93
	3,248.91	3,436.11
2026	3,147.23	3,329.69
	3,043.08	3,220.61
2027	2,936.38	3,108.80
	2,827.08	2,994.19
2028	2,715.12	2,876.73
	2,600.43	2,756.32
2029	2,482.94	2,632.90
	2,362.59	2,506.40
2030	2,239.31	2,376.74
	2,113.02	2,243.83
2031	1,983.65	2,107.61
	1,851.13	1,967.97
2032	1,715.38	1,824.85
	1,573.62	1,678.15
2033	1,433.87	1,527.78
	1,287.95	1,373.65
2034	1,138.47	1,215.66
	985.35	1,053.73
2035	828.49	887.75
	667.81	717.62
2036	503.22	543.24
	334.61	364.50
2037	161.90	181.28
	<u>139,066.38</u>	<u>150,183.93</u>

*this shows int on two loans
to show savings if paid off*

13.7 years

129,078.75 139,683.02



Official Minutes

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

Wednesday May 6, 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

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

Work Session – 5:30pm

- Funding Discussion – Powell/Brunvand
 - General and BMR Fund outlook with project expenses
 - Entry Way Project
 - Tap Grant match
 - Streets Projects

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6: 30pm.

- 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 Clerk Jay Brunvand, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Shelley B., second by Ozzy O., to approve the agenda as amended. Motion passed 7-0.

3. Approval of Minutes

- April 15, 2015
 - Change the date to 4/15 on title page; right minutes just the wrong date.
 - Mike Sawyer: Page 4 under Willy P. Comments, use by right should state conditional use.
 - Public Comments, Barry Clark's name is misspelled throughout

Motion by John R., second by Shelley B., to approve the minutes of April 15, 2015 as amended. Motion passed 7-0.

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

Mr. Dave Manzenares asked if the marijuana ban would be discussed this year? At this point it is not scheduled for any agendas.

Mr. Bruce Yankee, APeak Asphalt, spoke regarding the Lease Lot that he has a lease on. He stated we should have a mix of businesses and homes and stated the current Lease Lot site is smart asset management on the part of the Town and of which the town derives a reliable income. He noted there are few locations at this end of the valley and that makes it a more important asset for both the tenants and the Town. He stated in a community we have residents, businesses, and industry which should work together.

Mr. Matt Morrison, Wilcon Energy, also stated the Lease Lot location is an asset to the Town and all the leases held by the Town should be looked at an asset. He added the leases up there and proposed for the site are low impact light industry.

Mr. Eric Dyba, Johnie's Garden, noted the visual disturbance of the Garden site is minimal.

Mr. Barry Clark, spoke in opposition of the leases and felt it was an eye sore and an imposition on the owners and citizens of the Town which will bring down property values. He stated the property was always designed to be used for recreation or public use and the light industry is in conflict with the restrictions placed on the land when it was originally deeded to the Town.

Mr. Dave Signal 1012 Main St, spoke in opposition to the lease lot uses feeling it is short sighted.

Ms. Sidney Harrington, 532a Taylor St and the Administer of the Cemetery District, spoke in support of the land leases. As a resident of Taylor St she lives across the street from the Rail Road and sees daily what they have done to their property and how they will lease to anyone, with few restrictions, and the Town has little say. She stated although it is light industry, if the land was taken back by Vail Resorts they probably would move their boneyard to that sight which would make for a much worse scenario.

Mr.Daren Tacholke, 530 Taylor, has seen a lot of change since he moved to Town in the early 1990's and remembers the train and how industrial that was. He spoke in support of the lease lot uses and felt the Town Council was doing a great job to support the citizens of the Town.

Hawkeye noted this topic would also be discussed with Council during the Manager's report when they review the preliminary site plan. He noted it would be presented as a report to Council and not an open discussion topic.

Matt S. noted at that time we would also discuss some of the questions with the Vail Resort deed and try to answer some of the concerns.

5. Special Presentations:

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Supplemental Appropriation for TAP Grant match - Powell

Motion by Ozzy O. second by Shelley B., to approve a supplemental appropriation in the amount of \$64,020 be made for the General Fund 2015 budget and for the town of Minturn's match for the CDOT Transportation Alternative Program Grant. Such supplemental appropriation shall be reflected in the Town's Ordinance for the re-appropriation of 2015 funds, such ordinance to be considered in the Fall of 2015. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

7. Town Planner

- 1108 Main St Gross Residence
- Toby Sprunk, Eagle County Open Space, informed Janet that the County will be building and installing a sign on the Boneyard Park for the Town.
- Johnie R. asked for update on the guy, GET NAME AND ADDRESS, that was backfilling into the river. 1108 Main. Make this read right

8. Town Attorney

9. Town Manager

- Manager's Report

Administrative Staffing

Staff has interviewed for the open administrative/court clerk position. We have also re-worded the Job Description for the position to better reflect the duties. It is the intention of staff to hire a replacement during the week of May 4.

It was noted this position has been filled.

Procedure for Renting the Lease Lot

Preliminary Work

The Public Works staff has much work to perform to make the entire site ready for additional tenants and leasing. Janet, Willy and Arnold have decided on a site plan which we believe will best utilize the site for existing and future tenants, better screen the site from nearby properties, construct an improved berm with landscaping, and move excess fill on the site to create additional useable land. The plan relocates the Wilcon LPG facility, provides a site for Johnnie's Garden business (subject to issuance of a Conditional Use Permit and land lease approved by Council), an area for public works storage, and area for additional tenants. Staff plans to define the areas leased by each tenant with concrete block so that tenant creep does not occur outside of the agreed upon lease area.

Johnnie's Garden Use

Staff and applicant are agreed upon the leased area. Staff is still collecting comparative rent information. Conditional Use Permit hearings are being scheduled. When staff believes a fair rent schedule is agreed upon, a lease agreement will be drafted for Council approval.

Additional Uses

Staff intends to conduct the preliminary work outlined above before any additional uses and tenants, other than Wilcon and Johnnie's Garden, are considered.

Advertising Spaces

Following improving the Lease Lot to the goals of the site plan, staff intends to advertise the site to the public for light industrial uses. Considerations of whether to grant necessary permits and leases will include such factors as: height of facilities, trips per day, sound and fume characteristics and area of land requested.

Conditional Use Permit Required

All uses will need to obtain a Conditional Use Permit, which require notice and public hearing.

Land Lease Required

All tenants will be required to have a Land Lease approved by Town Council. The land lease will occur after or concurrently with any issuance of a Conditional Use Permit.

During the meeting Janet H. presented a proposed subdivision of the Lease Lot area which allows for up to 9 sites of light industry. It was noted that some of the sites are currently under a

lease that began up to many years ago but renew every so often. Willy P. noted the berm is still under construction and when completed will help to screen the light industry.

Mike S. updated the Council on the restrictions of the site placed at transfer of the deed in the late 1970's. He noted the only restriction on the property is public use purposes. He noted this is a broad term and providing a location for income producing light industries is considered a public use. He noted Vail Associates is aware of the uses and we have no reason to believe the current uses are in opposition to the spirit of the agreement. Mike S. noted the site has been used for decades as light industry to even aggregate mining on the site and never has a question been raised by Vail Associates.

Matt S. stated he is not aware of anyone that has brought forward this as discussion during any previous leases or discussions. He noted that the leases currently on that land have been on the land for a long time and they have leases that automatically renew with review every few years. He noted this will be a discussion item when land use is discussed in the future.

George B. noted he has owned property in other town's that is no longer the use he had due to zoning changes. He noted he does not see this as a permanent use but at this time this is the best use for the site and for Minturn.

Earle B. reminded everyone that 20 years ago the Town was almost bankrupt, because the council made tough decision we were able to avert and grow financially. He felt the current uses for the lease lot are appropriate for the community at large and noted some of the prior uses that were on the site and were proposed for the site far exceeded the imposition of the current leases. He felt this current scenario is a very good mix.

Willy P. stated that the Town is not proposing any new leases other than what is currently on the site and Johnie's Garden Landscaping until the process can be refined and agreements made on the subdivision map.

Shelley B. stated the prior discussion regarding the site did not include irrigation. Willy P. stated the intent is to be native grasses, etc.

Janet H. noted in the past the site has been a dump site for concrete, tons of spoiled dirt, etc. The Public Works Department has spent a lot of time over several years cleaning the site up and building the berm. It is anticipated a lot more clean up needs to be done.

Hawkeye asked if the Town owns the land, yes, we do own it. It was deeded to the Town by Vail Associates however the Town holds the deed and we do own it. He concurred that the site has been used for many many years as light to heavy use. We have tried to maintain the land and improve it. He stated the intent was to have it a recreation site and that is still the long term intent. This is demonstrated with the five year renewals of the contracts in order to review them upon renewal. He noted how the concrete plant has always been a good neighbor, they show up for and help at the Town clean up, they supply aggregate when we need, they help us with concrete. Hawkeye stated the contract with Johnie's Garden will be discussed at the next meeting.

- Action Report

10. Town Council Comments

Matt S. stated Rocky Mountain renovation HGTV May 31 12pm will air a new show that highlights a renovation that was done in Minturn.

Shelley B. updated that we have two applications for scholarships and they are being reviewed and will be awarded in the next couple weeks. Shelley B. outlined how the scholarships are funded and awarded and encouraged citizens to apply if they have the need.

FUTURE AGENDA ITEMS

11. Next Meeting – May 20, 2015

- Water Rate recommendation
- Ord to approve Johnie’s Garden Land Lease
- Review the Lease Lot site plan
- Review town manager contract (begin

12. Future Meetings:

- 2014 Audit presentation and Acceptance of 2014 Audit
- 2015 Building Code update – Charlie Davis

13. Set Future Meeting Dates

- May 20, 2015
- June 3, 2015
- June 17, 2015

a) Planning & Zoning Commission Meetings:

- May 13, 2015
- June 10, 2015

14. Other Dates:

15. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn at 7:45pm.

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Janet Hawkinson
Planning Director
P.O. Box 309 ♦ 302 Pine St
Minturn, CO 81645
970-827-5645



Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Earl Bidez
Councilman – Jason Osborn
Councilman – Matt Scherr
Councilman – John Rosenfeld

AGENDA TITLE: Resolution Correcting Zoning Map Colors the Town of Minturn
MEETING DATE: May 20, 2015
PRESENTER: Janet Hawkinson – Planning Director
BACKGROUND: <ul style="list-style-type: none">• Zoning maps were adopted in 1999 – the map attached to the ordinance cannot be located• In 1999, the parcel upon which public works sits was used for industrial purposes and that those uses continued for succeeding years (see attached historical aerial photos)• The zoning for Lionshead character area states that the light industrial zone district encompasses the gravel pit and lease lot area. The attached historic aerial photos show the parcel where public works is.• The designation color on the zoning map where the parcel for public works is located is colored Open Space Zone District and is a mistake and should be corrected. (see attachment 1)• The parcel located next to public works that is owned by the U.S. Forest Service is colored Open Space Town Property and should be corrected.• The parcel labeled Cross Creek is mixed-use and is not colored and should be corrected.• Standard zoning colors should be update to the map.• A different color green should be used for the Boneyard Conservation Easement, Minturn’s Open Space Areas, Town Parks and U.S. Forest Service land.• (see attached zoning map)
STAFF RECOMMENDATION/MOTION: Approve Resolution

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 05 - SERIES 2015**

A RESOLUTION DIRECTING STAFF TO CORRECT ERROR ON ZONING MAP

WHEREAS, the Town of Minturn owns certain real property located in the Lionshead Character Area near the cemetery on the north-east side of the Eagle River; and

WHEREAS, this property has been leased to third parties for light industrial uses for decades; and

WHEREAS, the Town has located and operates its public works facility on this property; and

WHEREAS, the Lionshead Character Area contains a Light Industry and Public Facilities zone district; and

WHEREAS, the Light Industry and Public Facilities zone district text provides that “this area has been used for gravel processing area and as a contractors' storage area; and

WHEREAS, a portion of the Town’s property, which historically was used for gravel processing and contractors’ storage was shaded with the color for the Recreation and Open Space Zone District in error; and

WHEREAS, the shading of the parcel historically used for light industrial purposes as Recreation and Open Space Zone District was a mistake; and

WHEREAS, the Town desires to have the zoning map corrected to appropriately depict the parcel as part of the Light Industry and Public Facilities zone district.

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

1. The Town finds that the shading of the parcel where the Town’s public works facility and other light industrial uses are located as Recreation and Open Space Zone District was a mistake. Light industrial uses existed on that parcel at the time that the zoning maps were adopted in 1999 and have continued to exist on that parcel ever since. The Town directs staff to correct this mistake on the Town’s zoning map to re-shade the parcel as Light Industry and Public Facilities Zone District in the manner depicted on Exhibit A hereto.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day of
May, 2015.

By: _____
Mayor

ATTEST

By: _____
Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 24 - SERIES 1999

AN ORDINANCE ADOPTING AN OFFICIAL ZONE DISTRICT MAP FOR THE
TOWN OF MINTURN;

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

Section 1. Amendment. The Official Zone District Map of the Town of Minturn (Appendix A) is adopted as an attachment to Chapter 16 of the Minturn Municipal Code as adopted under Ordinance 19 - 1999.

INTRODUCED, TITLE READ IN FULL, PASSED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS SEVENTEENTH DAY OF NOVEMBER 1999. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the First day of December, 1999 at 7:00 P.M. in the Town Hall of the Town of Minturn, Colorado.


MAYOR

ATTEST:

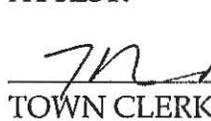

TOWN CLERK Deputy

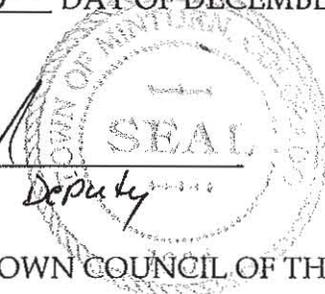


INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 15th DAY OF DECEMBER 1999.


MAYOR

ATTEST:


TOWN CLERK Deputy



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

Section 1. Amendment. The Official Zone District Map of the Town of Minturn (Appendix A) is adopted as an attachment to Chapter 16 of the Minturn Municipal Code as adopted under Ordinance 19 - 1999.

TOWN OF MINTURN MINUTES – November 17, 1999

WORK SESSION: 5:45 – 6:50 p.m.

- Agenda Review.
- Craig Snowden – Public meeting for post office review

LIQUOR LICENSE AUTHORITY

I. CALL TO ORDER (REGULAR MEETING): 7:00 p.m.

The Minturn Town Council was called to order at 7:10 p.m.

II. ROLL CALL

Mayor Flaherty, Stephanie Lucero, Bill Burnett, Earle Bidez, Fred Haslee, Brian Canepa, and Darell Wegert were all present.

Also present were Alan Lanning-Town Manager; Chris Gathman-Town Planner; Tyler Graf-Town Clerk, and Lorenzo Martinez- Police Chief.

III. APPROVAL OF AGENDA

Alan Lanning asked to add an executive session at the end of the meeting to discuss real estate matters.

Brian Canepa made a motion to approve the 11/17/99 agenda as amended.

Darell Wegert seconded the motion. Vote: All Ayes.

IV. CITIZEN RECOGNITION

Alan Lanning introduced Joe Duran the new member of the public works and welcomed him to the town.

V. APPROVAL OF MINUTES

- November 3, 1999 Regular Council Meeting

Fred Haslee commented on how colorful the minutes were.

Fred Haslee made a motion to approve the 11/3/99 minutes as read.

Bill Burnett seconded the motion. Vote: Brian Canepa abstained. All others vote aye.

VI. CITIZENS TO ADDRESS COUNCIL

None

VII. INFORMATIONAL ITEMS

Darell Wegert asked about the contract with BFI and if any other companies had been considered. Jay Brunvand explained that BFI has worked well because they provide all the cans, and he had talked to Honeywagon and they did not seem interested. Jay agreed to talk to Honeywagon again.

- Chapter 16 review

Tom Sullivan expressed concern about the 35ft height in the proposed "mixed-use" zoning. He stated that he feels that it is too high and takes away from the residential

look, which he thought was the direction they were trying to go. Tom explained that he thinks this encourages building bigger buildings in town.

Discussion of size and height of buildings. Earle Bidez stated that he doesn't want too many restrictions on new buildings because he would like to allow for some freedom in the design so all the buildings don't look alike.

Discussion of lot coverage and what is allowed under the "mixed-use" zoning.

Earle Bidez asked about how many oversize lots are on Main St. Chris stated that he would have to look that up. Chris recommended scheduling another worksession to workout the final details, and he asked that everyone be present. The work session was scheduled for Tues. 30th at 6p.m.

VIII. ACTION ITEMS

- Ordinance #27, Series 1999 (First Reading)
Town Hall lease purchase agreement.

Alan Matlosz was present and explained the Ordinance and the financing plan. He stated that right now the interest rates are lower than they have been, and he would like to come to the next meeting and present the numbers. Alan explained the terms on the lease and how the lease works. He explained that the ground lease is up when the financing lease is up.

- Stephanie Lucero made a motion to approve Ordinance #27.
- Fred Haslee seconded the motion. Vote: All Ayes.

- Rob & Lisa Baumgarten – 496 Taylor St.

Application for a variance to allow a single-family residence to be constructed 10 feet within the required 20-foot setback.

Chris Gathman explained the variance has changed from 14ft to 10ft into the setback. Chris explained that since there is not a hardship on the applicants he can not recommend approval. Chris explained that the code is changing to a 10 ft setback in that area. Stephanie Lucero asked what the setbacks are around town. Chris explained that most of the areas are 10ft or going to 10ft.

- Darell Wegert made a motion to approve the variance, citing the conditions.
- Discussion of the conditions and that they have not been met. Discussion of any hardship on the applicant. Council agreed that there is not a hardship so the variance should not be granted, even though the new code will allow the 10ft setback. Rob Baumgarten stated that he doesn't want the town to get into any trouble, and if the new code will allow this we will withdraw his application and come back under the new code.
- Darell Wegert withdrew his motion.
 - No action taken, applicant withdrew application.

Mayor Hawkeye apologized to the Baumgartens and scolded the council members for changing their minds on the variance. Brian Canepa asked to abstain from the scolding because we was not present when they discussed it.

□ Ordinance #24, Series 1999 (First Reading)

Adoption of new official zoning map for the Town of Minturn.

Alan Lanning explained the changes to the map, and explained that the town lots on Taylor St. have been changed to PUD Holding zone zoning from residential. He explained that they have been change because they don't fit the residential zoning criteria and this zoning will allow more freedom with what can be done with the lots.

○ Bill Burnett made a motion to approve the new zoning map for the Town of Minturn.

○ Darell Wegert seconded the motion. Vote: All Ayes.

Mayor Hawkeye asked that all concerned citizens please come to the next meeting on this and get involved.

□ Ordinance #25, Series 1999 (First Reading)

An Ordinance establishing an effective date for Chapter 16.

Allen Christensen explained that this sets a specific date to determine which code to use on upcoming projects.

○ Brian Canepa made a motion to approve Ordinance #25.

○ Bill Burnett seconded the motion. Vote: All Ayes.

Alan Lanning explained that the Town Center has been design using the new code and will fall under the new code.

□ Ordinance #26, Series 1999 (First Reading)

An Ordinance rezoning lots 17-24, Block P, Booco's addition from R-MD to Mixed Use.

Alan Lanning explained that this is required for the financiers.

○ Earle Bidez made a motion to approve Ordinance #26.

○ Darell Wegert seconded the motion.

○ Earle Bidez amended his motion to include all the conditions stated. Vote: All Ayes.

□ Ordinance #20, Series 1999 (First Reading)

An Ordinance amending the 1999 Budget (Supplemental Appropriation)

Jay Brunvand explained that the increases have been from an increase in sales tax and building permit fees.

○ Fred Haslee made a motion to approve Ordinance #20.

○ Brian Canepa seconded the motion. Vote: All Ayes.

□ Ordinance #21, Series 1999 (First Reading)

An Ordinance levying general property taxes for the year 2000.

Jay Brunvand explained that this sets the mill levy, and the numbers might change a little, he stated that they will probably go up. Mayor Hawkeye thanked everyone for voting for the increase last year and stated that it has really helped the town.

○ Bill Burnett made a motion to approve Ordinance #21.

○ Fred Haslee seconded the motion. Vote: All Ayes.

□ Ordinance #22, Series 1999 (First Reading)

An Ordinance approving the fiscal year 2000 proposed budget.

Jay Brunvand stated that there might be some changes coming up. Mayor Hawkeye explained that the water rates will go up. Discussion of the water fund and the water meters. Alan Lanning updated council on the water meter installation and explained that most of the people that prepaid got their meters installed last summer. The Town will continue to install meter during the summers to get all the houses metered. Fred Haslee stated that that meters are required, by state mandate, in town.

- Stephanie Lucero made a motion to approve Ordinance #22.
- Bill Burnett seconded the motion. Vote: All Ayes.

□ Ordinance #23, Series 1999 (First Reading)

An Ordinance annually approving and amending town fees.

Jay Brunvand explained the changes and stated that most of them were general fees that were not on the list. Jay also explained the additional \$200 charge for the rafting companies running through town. Alan Lanning stated that in the "Tap Fees" section item "c" will be removed.

- Earle Bidez made a motion to approve Ordinance #23 as amended.
- Fred Haslee seconded the motion.

Mayor Hawkeye expressed concern about charging for tap inspections. Bill Burnett agreed with the Mayor. Alan Lanning explained that it is not a separate charge and it would be included in the tap fee. He also stated that the charges will be determined by Council.

- Vote: All Ayes.

□ Ordinance #28, Series 1999 (First Reading)

An Ordinance authorizing the sale of real property owned by the Town of Minturn.

Alan Lanning explained the Ordinance and stated that he would like the motion to say "pending the conditions in the contract." He explained that all the conditions have been met except the access issue, and that is being worked on. Alan stated that second reading will be done when all conditions have been met.

- Brian Canepa made a motion to approve Ordinance #28.
- Fred Haslee seconded the motion. Vote: All Ayes.

□ Employee manual changes for 2000

Mayor Hawkeye recommended tabling the item for further review.

Discussion of the proposed changes. Jay Brunvand explained that a lot of them are more of training issues that don't belong in the personnel manual. Mayor Hawkeye expressed concern about the Paid Time Off and if that is a benefit for the employees. Discussion of PTO vs. the current leave time. Discussion of sick leave and short term disability leave and who pays. Jay Brunvand also explained that life insurance might be an option in lui

of health insurance. Fred Haslee discussed the option of spreading out the holidays so they are not all in the winter and maybe having some in the summer.

- Brian Canepa made a motion to approve the manual with "option C" and the summary of changes.
- Earle Bidez seconded the motion.

Mayor Hawkeye asked to continue to pay part-time employees holiday pay.

Mayor Hawkeye recommended amending motion to not change part-time pay.

Brian Canepa stated that he would not change his motion and he feels that he is not taking anything away from the employees.

- Vote: Mayor Hawkeye nay. All others aye.

□ Chapter 16 Review

Chris Gathman explained that Sid Fox is finalizing the amended sections of the code and he has revised Game Creek rear setback to 10ft. Chris stated that he made changes to the sign code and would like comments on the changes. Earle Bidez expressed concern about the size of the directional signs and thinks that 40sqft is way too big. Discussion of sign size and what should be allowed. The council agreed to reduce the directional sign size to 3sqft and all the signs should be 1 by 3 for conformity. Mayor Hawkeye expressed concern about the off site parking on Main St. and would like it to be in relation to lot size. Discussion of parking requirements for different uses on Main St. and the use of on site parking. Chris Gathman explained Sid's recommendation to amend parking in residential areas to 3 parking spaces for 4 or more bedrooms and 2 parking spaces for 3 or less bedrooms. Bill Burnett expressed concern about the 20ft rear setback in the "Old Town" area and he feels that 20ft is too much. Fred Haslee explained that this would be an area where a variance could be granted if needed. Discussion of changing Ordinance to reduce the 20ft setback. Council agreed that they would rather not change it and go through variances when needed. Chris agreed to review it. Bill Burnett also discussed the setbacks for garages on Boulder St. and explained that most have no setbacks. Discussion of setback for the garages and the existing garages will be grand fathered in. Earle Bidez expressed concern about residential zoning in cross creek being low density and he feels that medium density is more appropriate. Mayor Hawkeye recommended discussing these issues during the work session with P & Z.

IX. DISCUSSION ITEMS & COUNCIL COMMENTS

Stephanie Lucero asked that people using the shooting range please pick up after themselves. Earle Bidez asked that citizens that see someone dumping, turn them in. Mayor Hawkeye stated that Craig Snowdon has made some changes to the town center and asked that citizens come to the meetings and get involved.

X. MANAGERS & STAFF COMMENTS

Chief Martinez announced that there will be a Y2K meeting at the Minturn Middle School Thursday night at 6p.m. He also stated that the Police Department had received a drug intervention grant for \$750, and will be getting some new supplies with the money. Alan Lanning reminded everyone of the Christmas party Dec. 4th and gave some details

on the events planned for the night, and encouraged everyone to come and participate. Alan also asked that everyone continue to put up lights on their houses. Alan explained that the sand filters are done and with some of the left over money he is trying to buy a Bobcat for the town. He also informed the council that he is applying for another Energy Impact Grant for \$300,000 for the new firehouse. Alan explained that the Town of Vail is getting rid of one of their fire trucks and has offered it to the Town of Minturn for \$20,000. He explained that if the truck was purchased it would be a additional truck not a replacement. Earle Bidez asked if the town could get rid of an old truck to offset some of the costs. Mayor Hawkeye recommended waiting to talk to Sean about the truck.

XI. ADJOURNMENT OF REGULAR COUNCIL MEETING

Brian Canepa made a motion to go into executive session to discuss real estate and legal issues

Fred Haslee seconded the motion. Vote: All Ayes.

The Town Council returned from executive session and no action was taken.

The Regular Town Council meeting was adjourned at 10:25 p.m.

Approved at the regular meeting of the Town Council
held on December 1, 1999.

By: Hawkeye Fleck Mayor

ATTEST: [Signature] Town Clerk



TOWN OF MINTURN MINUTES – December 15, 1999

WORK SESSION: 5:45 – 6:50 p.m.

- Agenda Review.
- Ordinance #27 Review.
- Minturn Building Corporation

LIQUOR LICENSE AUTHORITY

I. CALL TO ORDER (REGULAR MEETING): 7:00 p.m.

The Minturn Town Council was called to order at 7:03 p.m.

II. ROLL CALL

Mayor Flaherty, Stephanie Lucero, Brian Canepa, Earle Bidez, Fred Haslee, and Darell Wegert were all present. Bill Burnett was not present.

Also present were Alan Lanning-Town Manager; Jay Brunvand-Town Treasurer; Chris Gathman-Town Planner; Tyler Graf-Town Clerk, and Lorenzo Martinez- Police Chief.

III. APPROVAL OF AGENDA (p. 2-3)

Mayor Hawkeye asked that ordinance #27 be tabled.

Darell Wegert asked that there be an executive session at the end of the meeting to discuss legal issues.

Brian Canepa made a motion to approve the agenda with Ordinance 27 tabled and addition of an executive session.

Earle Bidez seconded the motion. Vote: All Ayes.

IV. CITIZEN RECOGNITION

Mayor Hawkeye thanked Chris Gathman for the years he has worked for the town and all the good work he has done. He wished him good luck in his career and presented him with a certificate of appreciation and a gift.

V. APPROVAL OF MINUTES (p. 4-8)

- December 1, 1999 Regular Council Meeting

Darell Wegert made a motion to approve the minutes.

Fred Haslee seconded the motion. Vote: Brian Canepa abstained. All others Ayes.

VI. CITIZENS TO ADDRESS COUNCIL

Cass Mason was present and expressed concern about a water meter bill she had received, and she explained that she is only a renter. She also asked where the Council stands on supporting the preschool, she explained that other towns provide a lot more support than Minturn. She also stated that Minturn used to provide a lot more support with the Fire and Police Departments being more involved in the past. The Council agreed to look into the concerns and see what the town can do.

VII. INFORMATIONAL ITEMS

Alan Matlosz was present and updated the Council on the progress since the last meeting. Alan stated that the costs have gone down \$4,000 from before, and he explained that the rates might start to go up so he would like approval from the Council to lock in the rates before they start to go up. The Council agreed unanimously to go ahead and lock in the lowest rates.

VIII. ACTION ITEMS

- Applicants: Darin Tucholke
Address: 496 Taylor Avenue

Earle Bidez asked about the change in lot coverage for the principal dwelling unit. Sid Fox explained that the main house needed to be distinguished from the accessory dwelling unit. Fred Haslee expressed concern about the 35ft height in the commercial zone. Discussion of the building height in commercial zoning and what should be allowed. Fred stated that he would like to see lower than 35ft. Earle stated that 35ft is acceptable height for the commercial zone, and that 35ft for 3 floors allows for higher ceilings. Earle Bidez thanked the Planning Commission, the Town Planner, Mike Gallagher and the boards that have been involved with putting this together.

- o Earle Bidez made a motion to approve Ordinance #19.
- o Stephanie Lucero seconded the motion. Vote: Fred Haslee vote nay and stated that he is "adamantly opposed to the height, and said he will live to say I told you so." All others voted Aye.

o Ordinance #24, Series 1999 (Second Reading)

Adoption of new official zoning map for the Town of Minturn. (p. 31-34)

- o Fred Haslee made a motion to adopt Ordinance #24.

Chris Gathman explained that a finding is required, and he recommended condition "C"

- o Fred amended his motion to include condition C; Conformance to the Minturn Community Plan.
- o Brian Canepa seconded the motion. Vote: All Ayes.

o Ordinance #25, Series 1999 (Second Reading)

An Ordinance establishing an effective date for Chapter 16. (p. 35-37)

- o Darell Wegert made a motion to adopt Ordinance #25.
- o Fred Haslee seconded the motion. Vote: All Ayes.

o Ordinance #27, Series 1999 (Second Reading)

Town Hall lease purchase agreement. (Attached)

- o Item was tabled.

IX. DISCUSSION ITEMS & COUNCIL COMMENTS

X. MANAGERS & STAFF COMMENTS (p. 38-43)

Floyd Duran stated that the Christmas Party went well and the Public Works crew helped put up lights for all the business, which he explained was beyond what they should have done. Floyd thanked his crew for the hard work. Earle Bidez agreed that there was a misunderstanding and the Public Works should not have done as much work as they did, the business owners should try to do a little more for themselves. Mayor Hawkeye thanked everyone for coming to the party. Alan Lanning asked that people be more considerate and stop vandalizing the lights on the bridge. Alan also asked that people shovel their sidewalks. Chris Gathman thanked the Council for the good times, and stated that it has been a pleasure to work here. Mayor Hawkeye reminded people that the food drive and toy drive is still going on and encouraged people to donate stuff.

Chief Martinez updated the Council on Y2K issues. He explained that after talking to the power company and the gas company there should not be a problem with them, but small things might come up. He explained that Minturn has designated the Minturn Fire House as the emergency operations center. He showed the Council the flag that will designate the operations center, for Y2K and any other emergencies that may come up. Chief Martinez also stated that all the police and most of the firemen will be working and available to help on new years eve, and the Police Department has more Y2K information available. Mayor Hawkeye asked that residents do not run their water to prevent the pipes from freezing, and try to conserve water in case something happens the town will have a limited water supply. Mayor Hawkeye also asked that people do not call 911 unless it is an emergency and please act normally, don't panic. Alan Lanning reminded everyone of the Christmas party tomorrow night. He told the Council that the money for the skid-steer loader has been approved so he will purchase one soon. Alan also explained that the Town is currently recruiting for a Town Planner, Assistant Fire Chief and a Town Clerk. Alan also reminded all Council members about the special meeting Tuesday, and asked that they all attend.

XI. ADJOURNMENT OF REGULAR COUNCIL MEETING

Fred Haslee made a motion to go into executive session to discuss legal issues. Darell Wegert seconded the motion. Vote: All Ayes.

The Town Council returned from executive session and no action was taken.

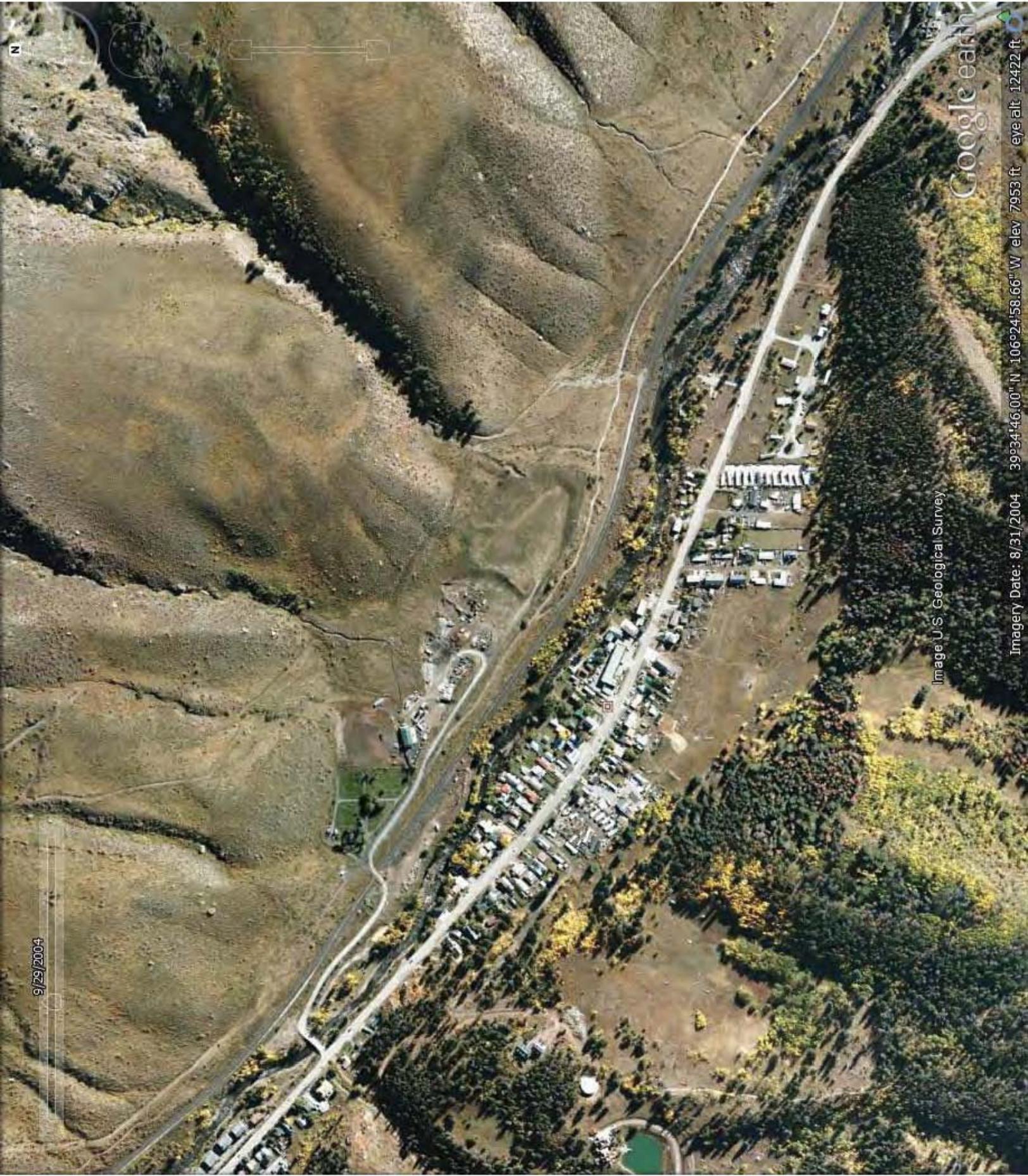
The Regular Town Council meeting was adjourned at 8:20 p.m.

Approved at the regular meeting of the Town Council held on January 5, 2000.

By *Harold Elshoff* Mayor

ATTEST: *J. R. [Signature]* Deputy Town Clerk





9/29/2004

Image U.S. Geological Survey

Google earth

Imagery Date: 8/31/2004 39°34'46.00" N 106°24'58.66" W elev 7953 ft eye alt 12422 ft



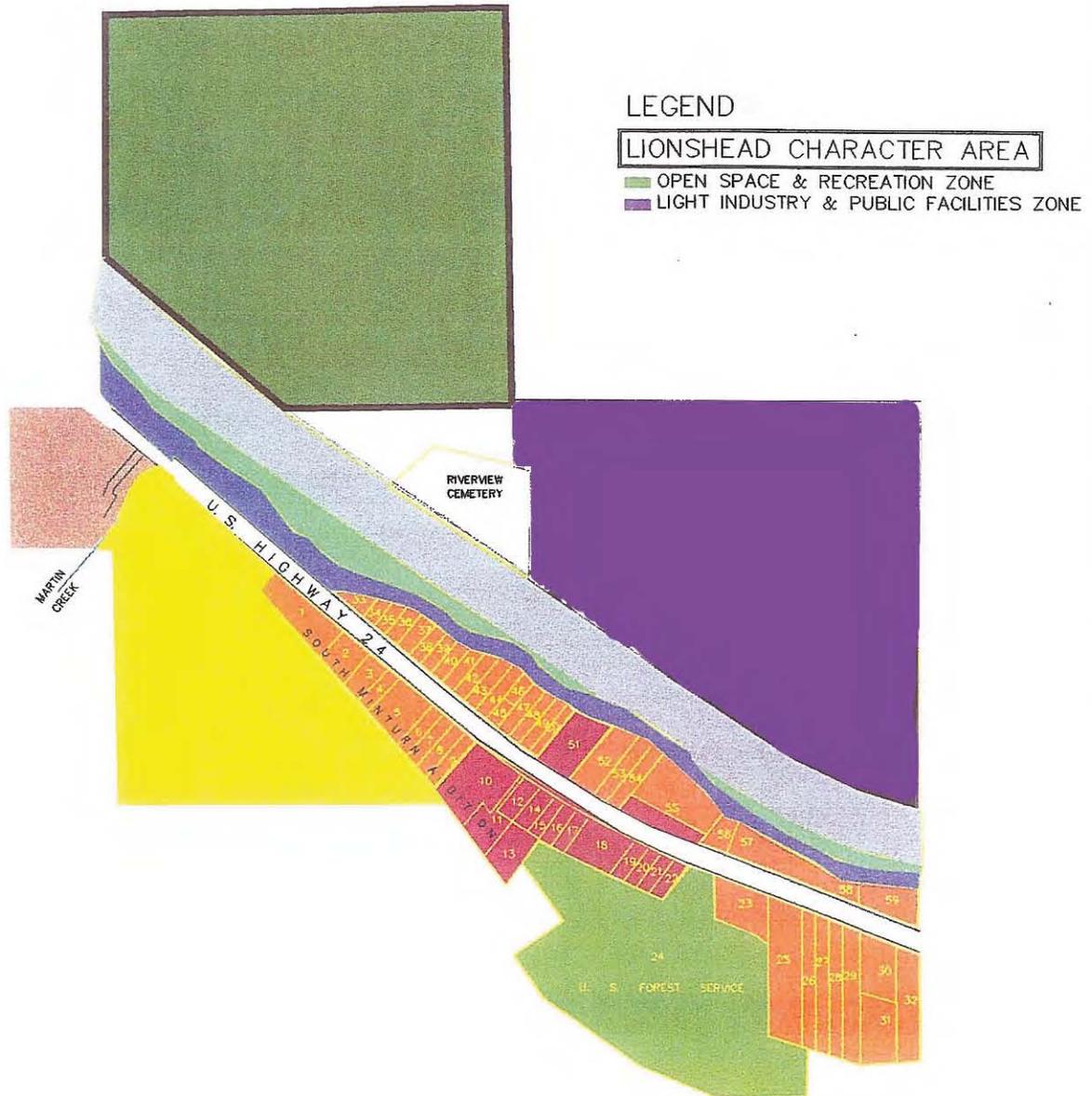
3/25/2006

Google earth

Image USDA Farm Service Agency

Imagery Date: 6/16/2005 39°34'46.00" N 106°24'58.66" W elev 7953 ft eye alt 12422 ft

TOWN OF MINTURN
LIONSHEAD CHARACTER AREA



NORTH
↑



10/11/1999

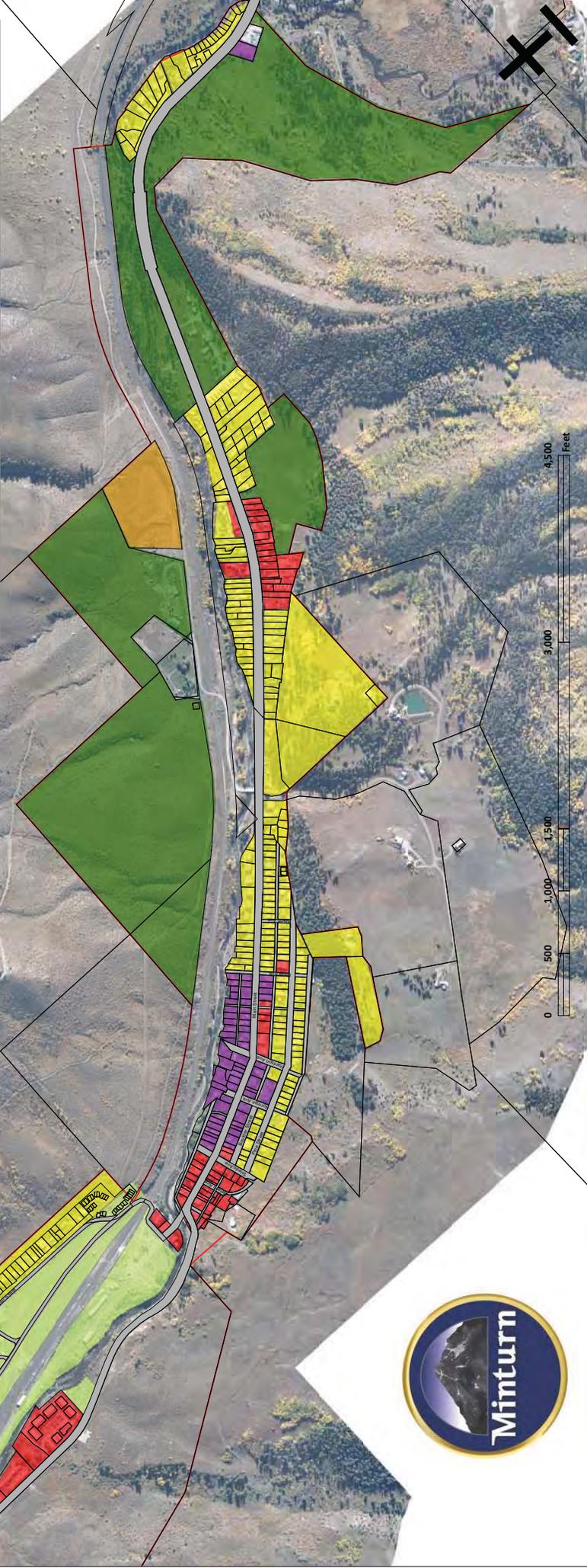
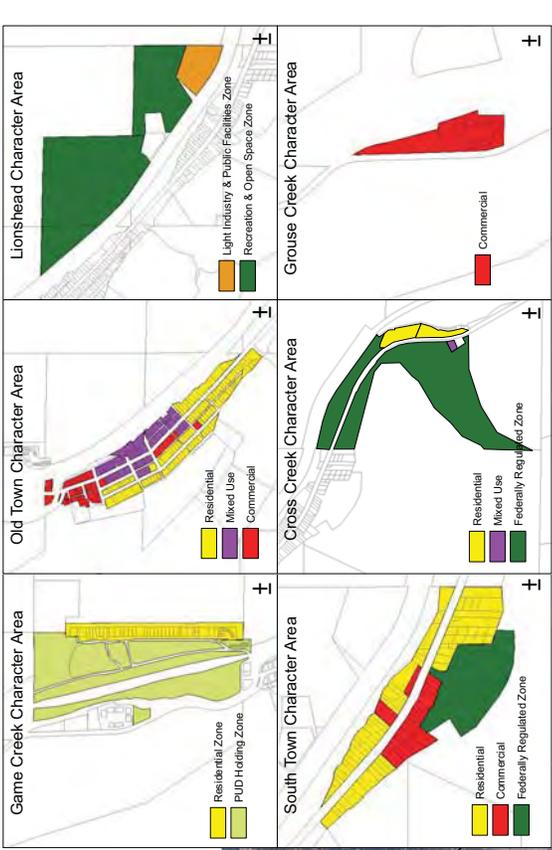
Image U.S. Geological Survey

Google earth

Imagery Date: 10/11/1999

39°34'46.00" N 106°24'58.66" W elev 7953 ft eye alt 12422 ft

Town of Minturn Zoning Map



**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 6 — SERIES 2015**

A RESOLUTION APPROVING CONDITIONAL USE APPLICATION

WHEREAS, Johnie’s Garden has submitted a land use application for a Conditional Use Permit to construct greenhouse and appurtenant facilities in the Light Industrial and Public Works zone of the Lionshead Character Area; and

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 May 13, 2015, the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application with conditions; and

WHEREAS, on May 20, 2015 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 Section 16.21.230, the Town Council makes the following findings:

- That the proposed location of the use is in accordance with the purposes of Chapter 16 of the Minturn Municipal Code, the Community Plan and the purposes of the zone in which the site is located;
- That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
- That the proposed use will comply with each of the applicable provisions of Chapter 16 of the Minturn Municipal Code.

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

That the application for a Conditional Use Permit for Johnie’s Garden, Inc. be approved.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day of May, 2015.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk



JOHNE'S GARDEN, INC.

(970) 827-9200

P.O. Box 850 Minturn, CO 81645

May 4, 2015

To Whom it Concerns,

This letter is to inform you of a public hearing for a Conditional Use Permit, to lease space at the Town of Minturn Industrial Site at 810 Cemetery Road, next to the United Concrete Plant.

The intent is to construct 2 greenhouses that will grow annual flowers for resale to customers off site. It will also be a storage space for landscape materials.

As per Minturn Code, Section 16-21-620, Conditional Use Permit, we are notifying everyone within 250 feet of the rental property.

The Conditional Use Permit Application Public Hearing is:

Planning Commission Review: Wednesday, May 13, 2015 at 6:30 pm

Town Council Review: Wednesday, May 20, 2015 at 6:30 pm

Thank you,

Johnie Rosenfeld, Owner
Johnies Gardens, Inc

Union Pacific Railroad

Alice M. de Stigter, Attorney

1400 West 52nd Avenue

Denver, CO 80221

303-405-5406

United States Forest Service

Holy Cross Ranger Station

24747 US Highway 24

Minturn, CO 81645

970-827-5715

Vail Resorts

Tom Allender, Director of Mountain Planning

PO Box 7 Mail Stop #V 1

1000 South Frontage Road. West

Vail, CO 81658

970-754-3139

Minturn Cemetery District

Sidney Harrington, Administrator

806 Cemetery Road, PO Box 297

Minturn, CO 81645

970-827-4160

11160979

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Janet Hawkinson

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO

Zip: 81645

Receipt

Ad Name: 11160979A

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 05/04/15

Stop: 05/04/15

Color:

Issue 1

Copyline: vd CUP Johny's Gardens

Rep: Pam Schultz

Lines:	11
Depth:	0.93
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	5.72
Payment	0.00

Conditional Use Permit Application
Lot Rental to Johny's Garden's
Review Dates:
Planning Commission - May 13, 2015 6:30 pm
Town Council - May 20,2015 6:30 pm
 Published in the Vail Daily May 4, 2015.
 (11160979)

Ad shown is not actual print size

7014 2870 0002 0067 3247

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.49



Sent To United States Forest Service
 Street & Apt. No.,
 or PO Box No. 24747 US Highway 24 PO Box 190
 City, State, ZIP+4 Minturn, CO 81645
 PS Form 3800, July 2014 See Reverse for Instructions

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Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.49



Sent To Minturn Cemetery District
 Street & Apt. No.,
 or PO Box No. P.O. Box 297
 City, State, ZIP+4 Minturn, CO 81645
 PS Form 3800, July 2014 See Reverse for Instructions

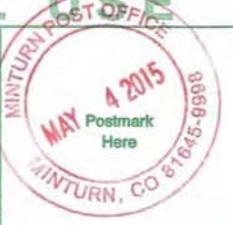
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Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.49



Sent To Vail Resorts - Tom Allender
 Street & Apt. No.,
 or PO Box No. P.O. Box 7 Mail Stop #44
1920 South Frontage Rd West
 City, State, ZIP+4 Vail, CO 81658
 PS Form 3800, July 2014 See Reverse for Instructions

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Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.49



Sent To Union Pacific Railroad
 Street & Apt. No.,
 or PO Box No. 1400 West 52nd Avenue
 City, State, ZIP+4 Denver, CO 80221
 PS Form 3800, July 2014 See Reverse for Instructions

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 03 – SERIES 2015**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE
TOWN OF MINTURN TO ENTER INTO A LEASE WITH
JOHNIÉ’S GARDEN, INC FOR THE LEASE OF REAL
PROPERTY OWNED BY THE TOWN OF MINTURN**

WHEREAS, Johnie’s Garden, Inc. (“Johnie’s Garden”), a Colorado Corporation has petitioned the Town of Minturn (“The Town”) to lease of a parcel of land owned by the Town; and

WHEREAS, it is in the mutual interest of The Town and Johnie’s Garden to enter into the lease agreement; and

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

WHEREAS, the Home Rule Charter of the Town of Minturn, Colorado, The Town Ordinances, and C.R.S. § 31-15-713, as amended authorizes the Town as a home rule municipal corporation to lease any real estate, together with any facilities thereon, owned by the municipality, when deemed by the governing body to be in the best interest of the municipality, with any lease for a period of one year or more to be done by ordinance.

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

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

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

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

SECTION 4. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or

phrases be declared invalid.

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

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

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE ____ DAY OF _____, 2015. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE ____ DAY OF _____, 2015 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Initials: _____
Town Tenant

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS _____ DAY OF _____, 2015.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Initials: _____
Town Tenant

policy and protected under the terms and conditions of any such policy as Town of the Premises.

c. Worker’s Compensation and Employer’s Liability Insurance, which shall fully comply with the statutory requirement of Colorado laws as well as Federal laws, if applicable. To the extent practicable, Town shall be named as an additional insured under the policy and protected under the terms and conditions of any such policy as Town of the Premises.

d. Tenant shall provide Town with proof that Tenant has obtained the insurance described in this paragraph and proof of payment for such insurance. If Tenant shall fail to obtain or pay for any insurance policy required by this paragraph, Town may, at its option, pay for such insurance (without waiving any other remedies available to Town) on account of Tenant, and the same shall be deemed to be Additional Rent and shall become due and payable ten (10) calendar days after Tenant’s receipt of notice from Town regarding this Additional Rent.

e. Tenant shall obligate the provider of any insurance policy under which Town is named as an additional insured to notify Town in the event such policy lapses. In addition, Tenant shall obligate such insurance providers to give the Town 30 days’ prior written notice by certified mail before terminating any insurance coverage described in this paragraph.

f. Any insurance that may be purchased by Tenant pursuant to this paragraph or any proceeds that may be payable as a result of a loss under any such insurance shall in no way reduce, alter, or modify any provisions of this Lease and specifically the indemnity provisions of this Lease.

9. **INDEMNIFICATION.**

a. Tenant agrees to exonerate, hold harmless, protect, and indemnify Town, and all beneficiaries, agents, and employees of Town, from and against any and all liabilities, losses, damages, costs, expenses (including all attorneys’ fees and expenses of Town, including attorneys’ fees incurred in the enforcement of the indemnity provisions in this Lease), causes of action, suits, claims, demands, liens or judgments of any nature whatsoever (except those arising from acts of Town, its agents or employees) arising from: (i) personal injury, loss of life, or damaged property sustained in or about the Premises; (ii) the investigation of the events or conditions, including environmental

Initials: _____
Town Tenant

To Tenant: Johnie’s Garden, Inc
P. O. Box 850
Minturn, Colorado 81645

23. **ATTORNEYS’ FEES.** If either Party fails to perform any of its obligations under the Lease, or if a dispute arises concerning the meaning or interpretation of any provision of the Lease, then the defaulting Party or the Party not substantially prevailing in the dispute, as the case may be, must pay any and all costs and expenses incurred by the other Party, including, without limitation, court costs and reasonable attorneys’ fees.
24. **GOVERNING LAW.** The Lease is governed by and construed in accordance with the laws of the State of Colorado. Venue is proper in Eagle County, Colorado.
25. **AMENDMENTS AND TERMINATION.** Unless otherwise provided in the Lease, the Lease may be amended, modified, or terminated only by a written instrument executed by Town and Tenant.
26. **CAPTIONS.** The paragraph titles or captions in the Lease are for convenience only and shall not be deemed to be part of the Lease.
27. **PRONOUNS; JOINT AND SEVERAL USE OF CERTAIN TERMS.** Whenever the terms referred to in the Lease are singular, the same shall be deemed to mean the plural, as the context indicates, and vice versa. All references to the “Town” mean Town and/or its authorized agents, contractors, or employees as may be required by the specific context. All references to “Tenant” mean each and every person comprising Tenant or an individual person or combination of persons comprising Tenant as may be required by the specific context.
28. **SEVERABILITY.** If any term, covenant, condition, or provision of the Lease or the application thereof to any person or circumstance is found, at any time or to any extent, to be invalid or unenforceable, the remainder of the Lease, or the application of that term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of the Lease shall be valid and shall be enforced to the fullest extent permitted by law.
29. **BINDING EFFECT.** This Lease shall inure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the Parties.

Initials: _____
Town Tenant

30. **FUTURE ACTS.** Each Party agrees to cooperate in the performance of this Lease and to execute and deliver any and all documents and perform any and all acts necessary or convenient to carry out its purpose and intent.

31. **NO PARTNERSHIP.** Nothing contained in this Lease shall create a partnership, joint venture, or employment relationship between Town and Tenant. Neither Town nor Tenant shall be liable, except as otherwise expressly provided for in this Lease, for any obligations or liabilities incurred by the other.

32. **ADDITIONAL PROVISIONS.** If there are any additional agreements between the Parties or provisions with respect to the Premises, an Addendum may be attached to the Lease, which will be incorporated by this reference as a part of the Lease. An Addendum containing additional provisions is not attached at the time of execution.

THE PARTIES SHOULD INITIAL EACH PAGE OF THE LEASE AND SIGN BELOW. EACH PARTY SHOULD RECEIVE A SIGNED COPY OF THE LEASE AND ANY ADDENDA.

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

TOWN:

TENANT:

TOWN OF MINTURN, COLORADO

Johnie’s Garden, Inc

By: _____
Mayor

By: _____

Its: _____

Attest:

Town Clerk

Initials: _____
Town Tenant

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 04 – SERIES 2015**

**A RESOLUTION ADOPTING PROCEDURES TO GUIDE THE LEASE OF TOWN
PROPERTY IN THE LIONSHEAD CHARACTER AREA**

WHEREAS, the Town of Minturn owns certain real property located in the Lionshead Character Area near the cemetery on the north-east side of the Eagle River; and

WHEREAS, a portion of this property has been leased to third parties for light industrial uses for decades (the “Lease Lot”); and

WHEREAS, revenue from leases of the Lease Lot provide an important source of revenue to the Town which is used to enhance the quality of life in Minturn; and

WHEREAS, the Town has also located and operates its public works facility on this property; and

WHEREAS, there currently are vacant areas on the Lease Lot that historically have been used for light industrial purposes that the Town desires to lease; and

WHEREAS, the Town has undertaken improvements to the Lease Lot to facilitate additional uses including: adding width to the berm, adding top soil and native landscaping on the berm; removing unwanted rock spoils from the usable area; relocating a tenant; changing the location of the driveway cut; and conducting a general cleanup of the area; and

WHEREAS, the Town desires to adopt protocols for leasing portions of the Lease Lot to future third parties; and

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

1. The Town desires to continue the historic practice of allowing the Lease Lot to be leased to third parties to provide space for light industrial activities. Making the lease lot available promotes the public use of economic development, providing jobs in Minturn, and providing goods and services to local businesses and the community.
2. Leases to third parties shall represent the fair market value of the leased space within the community. Proceeds from leases of the Lease Lot shall be deposited into the general fund for use by the Town.
3. When space in the Lease Lot is available, the Town shall make the possibility of leasing the property generally known to third parties. This may include posting a notice on the Town’s website or, in the discretion of the Town Manager, publishing notices in the newspaper or promoting the space with realtors and leasing brokers.
4. Lessees at the Lease Lot shall apply for and receive a conditional use permit from the Town. Lessee shall be responsible for making and processing an application for the

conditional use permit. The conditional use permit shall adequately describe impacts to public facilities (i.e. roads, utilities) and to adjoining properties.

5. The Town and the Lessee shall enter into a lease agreement reviewed by the Town attorney and approved by the Town Council. Town Council may approve a lease in its sole discretion. The Lease may be approved concurrently with the conditional use permit.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day of May, 2015.

By: _____
Mayor

ATTEST

By: _____
Town Clerk



Design Review Report

5/13/15

J Hawkinson
Planning Director

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

APPLICANT: Tracy Long & Thom Conville
ARCHITECT: Connor Homes 802-382-9082
REQUEST: Demolition existing house, build new home

PLANNER
RECOMMENDATION: Approve Application

LOCATION: 551 Main Street, Minturn, CO

DATE SUBMITTED: April 22, 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
Proposed Site Coverage: 38%

50% MAXIMUM IMPERVIOUS SURFACE COVERAGE: 2,500 SQ FT - Actual: 44%

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

TOTAL BEDROOMS Total: 3

PARKING SPACES: Required: 3 spaces Actual: 3 spaces - 2 in garage, 1 outside

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

LANDSCAPING REQUIREMENTS: meets 5 trees and landscaping design

CUPOLA: Sec 16-17-60 Building Height Exceptions: 'cupolas shall not exceed the maximum building height by more than ten (10') feet.

CONNOR HOMES

1741 ROUTE 7 SOUTH, MIDDLEBURY, VT 05753
 PHONE: 802.382.9082 FAX: 802.382.9084
 EMAIL: CONNORBUILDING@CONNORBUILDING.COM



Long Residence
 Minturn, CO 81645

CONNOR HOMES, INC. IS AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, ANCESTRY, COLOR, SEX, SEXUAL ORIENTATION, AGE, MARITAL STATUS, PREGNANCY, OR ANY OTHER CHARACTERISTIC PROTECTED BY FEDERAL, STATE, OR LOCAL LAWS. WE ARE AN AFFIRMATIVE ACTION EMPLOYER. MINORITY AND FEMALE EMPLOYMENT IS ENCOURAGED. CONNOR HOMES, INC. IS AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, ANCESTRY, COLOR, SEX, SEXUAL ORIENTATION, AGE, MARITAL STATUS, PREGNANCY, OR ANY OTHER CHARACTERISTIC PROTECTED BY FEDERAL, STATE, OR LOCAL LAWS. WE ARE AN AFFIRMATIVE ACTION EMPLOYER. MINORITY AND FEMALE EMPLOYMENT IS ENCOURAGED.

DATE	BY
ISSUED	
REVISIONS	
NO.	DATE



Long Residence
 Minturn, Colorado

JOB NUMBER	0102
PROJECT NUMBER	01
DATE	01/01/01
OWNER	01
DESIGNER	01
PRICE	01
REVISIONS	01/01/01

COVER SHEET

A000

BID SET - NOT FOR CONSTRUCTION

Re: Hiring of Town Manager and schedule

Per request of Council, attached is a proposed schedule for hiring a full time Manager. Previously Jay has emailed you the Powell/Minturn employment agreement.

The employment agreement clearly specifies that on or before August 31, 2015 the town will seek to hire a full time Manager or continue the extension of the Minturn/Powell agreement. See Section IX below. When negotiating this agreement, I stated I would like the summer to determine any further employment with the town and Council agreed. We also discussed the cost savings associated with my employment vs. a full time Manager.

Section IX also says I will assist in a candidate search and serve as manager until a replacement is hired, thus if a new hire takes place in 2016, I will continue my employment. Further, Section III states I will give a six months' notice if I decide to separate from town employment.

Section IX. TERM

The term of this Agreement shall be from November 1, 2014 through December 31, 2015. On or before August 31, 2015, Powell and Council will consult whether the Town will retain the services of a full time Town Administrator, or whether the Town and Powell desire to continue under an extension of this Agreement for an additional period of time. In the event that Council decides to retain the services of a full time Town Administrator, Powell will assist with the candidate search and will continue to act as Town Administrator until a replacement is hired.

Section III. TERMINATION

Town may terminate this agreement by giving written notice to Powell of not less than fourteen (14) days. Powell may terminate this Agreement by giving written notice to Town of not less than six (6) months.

Manager Hiring Process

WEEK	TASK
1	Council appoints hiring committee
2	Committee recommends hiring process
3	Council confirms hiring process
3--7	Advertise for Manager position
7	Collect Resumes
8	Narrow field to 6 candidates
9--10	Reference checks by third party
12	Interview candidates
13	Select Finalists
14	Present Finalists to Town Council
16	Public "Meet and Greet" for Finalists
17	Followup questions for Finalists
18	Final Selection made by Council
18--21	Contract negotiation
22	Contract fully executed
22--24	Notice period
25	Manager starts work in Minturn any transition period with Powell working with new Manager

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	sidewalks installed to bathrooms, ADA compliant Design for educational portion beginning
Lease Lot cleanup and leasing	Martinez	improve berm, change entrance, remove spoils, access road make improvements, then advertise spaces conditional use permits and land lease for tenants
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 annuity monies to be tranferred around April 20 scholarships to be awarded in Spring
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 on May 20 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.	TAP grant to be awarded with IGA, likely in June or July Spanel and Powell discussing scope and details of project