



2015

# Minturn Council Meeting

Wednesday August 19, 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 August 19, 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**

- Discussion on Human Resources
- Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee Pg 4

### **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**

- August 5, 2015 Pg 20

4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations:**
  - Economic Development update Pg 29
  - Committee Reports

## PUBLIC HEARINGS AND ACTION ITEMS

6. **Discussion/Action Item: Presentation from Safebuilt and motion to amend the existing service agreement, Charlie Davis, regarding 2015 Building Code and Electrical Inspections – Hawkinson Pg 32**
7. **Discussion/Action Item: Resolution No. 07 – Series 2015 a resolution setting and approving water rate fees – Powell/Water Committee Pg 35**
8. **Discussion/Action Item: Resolution No. 10 – Series 2015 a resolution authorizing the Mayor to sign documents for a grant application from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance – Powell Pg 36**

## COUNCIL AND STAFF REPORTS

9. **Town Planner**
10. **Town Attorney**
  - Memo – Little Beach Park Pg 39
11. **Town Manager**
  - Manager’s Report Pg 52
  - Action Report Pg 53
  - FYI Pg 54
12. **Town Council Comments**

## EXECUTIVE SESSION

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

## FUTURE AGENDA ITEMS

### **14. Next Meeting – September 2, 2015**

### **15. Future Meetings:**

- Action Item: Marijuana discussion
- Discussion regarding Town's code enforcement approach

### **16. Set Future Meeting Dates**

- September 2, 2015
- September 16, 2015
- October 7, 2015

### **17. Other Dates:**

### **18. Adjournment**

## Council Questions

1) how much did the telemetry

a. save,

(John Volk) It is hard to calculate a savings. The SCADA system alerts us to problems before they become violations or water outages. The system used to run manually. The main tank would overflow because the level of the tank had to be visually checked by an operator. There were no controls to shut down wells and filters. The monitoring requirements were not being met.

b. how much did it cost,

(Jay B) Not including engineering costs from TST, the cost for the system was approximately \$47,500 and was constructed between late 2010 and early 2012. This system has assisted us to reach compliance levels thereby avoiding future fines, the tank no longer consistently overflows or is in a underfilled state, and staff no longer has to visually read the tank.

c. how much was in grants,

(John V.) I don't think the SCADA system was paid for with any grant money.

(Jay B.) I did not find any grant proceeds.

d. how much did it save the town and

(John V.) This is most important in saving issues such as freezing due to circulation issues.

(Jay B.) Again, this is more a model of efficiency versus cost savings realized however cost savings are realized in compliance and performance.

e. how much did it save the citizens.

(Jay B.) This is more a model of compliance and performance more than dollar savings. The utilization of the telemetry system allows more efficient monitoring of the tank level to control over filling and causing erosion under the tank and neighboring properties or underfilling of the tank causing underutilization of the tank.

2) How much did the master meter

a. save and

(John V.) The old master meter was installed in a confined space. The meter was outdated and there was not a direct replacement. Due to the lack of space there was no way to check the accuracy of the meter. The new meter pit was built so the town can accurately meter the total water production entering town and provide space to install analyzers that monitor the entry point chlorine. (I will be talking about chlorine contact at the next meeting along with the upgrades we need to make to comply with the EPA surface water rule). The new meter building allows safe access for operators to record production numbers. The old meter was reading about 15% higher than the actual flow.

b. how much did it cost.

(John V.) It was a matching DOLA grant.

(Jay B.) The original price for just the Master Meter project was \$68,000. This was reduced to \$45,260 by building a cast in place vault, not removing the old vault, and when the Town agreed to purchase all the pipe and supply. This last change reduced our install price but increased our costs in that we had to buy the parts. Also this does not include TST costs. In total the Master Meter complete ran about \$75,000

3) How much have we spent in repairs, how much came from grants.

(John V.) All of the valves that were installed in 2014 and the Harrison loop were matching grants.

(Jay B.) When you consider in previous years and on several occasions each year we would have a water line break or repair a leak that required the entire town or half the town to be shut off, these efficiencies are obvious. To dig the line, locate the leak, repair, and repair the street runs approximately \$7,500 plus per occurrence plus labor and supplies. This process has inconvenienced or closed businesses that rely on water such as the restaurants and bars until the water is back on. Further, on large scale shutdowns we would bring in a potable water tank, port-a-let bathrooms, and plastic water bottles for use by citizens at further cost.

Some of the projects that we have completed in the past five or so years on the WATER SYSTEM ONLY are (Note: I am sure I am missing some):

- Replace the water line from approximately the Turntable for 1,000 feet (approximate)  
Cost = \$350,000. There was very little road and no sidewalk that needed rebuilt or replaced so this was JUST line work for the most part.
- There were a lot of upgrades to the tank and line at Maloit Park to improve the existing system and additional work to support the fitness center
- We had a \$106,000 (Town paid \$106,000 too) DOLA grant in 2013-14 that covered:
  - Town Engineered Drainage Plan (\$30,000)
  - Master Meter and Vault (\$75,000)
  - Grading of the site for drainage and safety and upgrading of the water plant for safety, Updates to general system, and Install of 3 valves on the main water line (\$60,000)
  - Loop of water line between Main and Pine on Harrison Ave (\$45,000)
- Restroom: ECO Grant for \$50,000, Ent Fund of \$75,000
- Replace the water line to Little Beach Park (Seasonal as it runs under Cemetery Bridge but no longer dangles over the river by the Stage – Mostly our labor only
- Built an access cabinet for the clear well chlorinator - \$4,000.
- Built a meter area to sell potable water for portable tank use (raw water sales)
- Cleanup of Boneyard Park – Pretty much our labor only, but tons of it.
- We have rebuilt the filters – Much of that cost is labor and sand. Sand runs about \$800 including shipping from Colo Spgs per 3,000lbs supersack. We only buy sand when we need it and over the past few years we have spent about \$15,000 on sand; about \$2,000 per year est and average.
- Eagle Street – Although the street was replaced (Gen Fund) so was the entire drainage system and water lines. This project was expanded from a simple resurface of Eagle

Street to a complete rebuild of Eagle and East Toledo at a cost of \$340,000 (part of this was Gen Fund and part was Ent Fund, and no grants)

4) How much water were we losing in leaks

(John V.) The system was around 65% unaccounted for water. We are around 20% I will conduct a leak survey in August to see if we can get to 10% or less.

(Jay B.) To purify the water we need sand for the filters and CL2. In 2009 (prior to our increased leak detection efforts) we bought 31 55gal drums at a cost of about \$191 each (CL2, shipping, hazmat). In 2014 we bought 24 55gal drums at a cost of about \$211 each. This represents a decrease of 7 drums and a cost savings of approximately \$857 ( $\{31 \times 191\} - \{24 \times 211\}$ ).

5) Is the division of employees between the funds correct?

(Jay B.) Although the division is somewhat subjective over the years we have tried to remain as objective as possible by confirming out division with other trusted entities.

- Our auditor's have examined our practices annually and feel they are responsible and equitable.
- Further, in the course of the water study performed by Colorado River Water Authority our staffing was examined and again found to be responsible and equitable.
- As a governmental entity we have been reviewed by the Dept of Local Affairs and the State Auditor's Office in the course of ongoing business and to qualify for grants. They have again found our staff division to be responsible and equitable.
- In the course of review of our bonds on the water fund and on the Town Hall the banks and bond companies have exercised reasonable opportunity and diligence to review our staffing practices and have never raised a question.
- Our Worker's Compensation insurance provider annually audits our payroll and have found no items of concern on either how the division is established or how the division is set up to comply with the various job hazards classified by work comp.

All of this taken as a whole is designed to reflect the division fairly, equitably, and objectively. It is important to also note that we have maintained the current division for over a decade, this is not a balance that we randomly modify to balance the budget. This is represented over the recession of the past few years at no time did we modify the division or unjustly weight the Enterprise Fund in order to alleviate shrinking revenues in the General fund due to significant declines in property and sales tax collections.

Often time a tool or operation is maintained in the General Fund for cost simplicity but used in both departments. As much, often a product/task is impossible to separate as to function. During such instances, and they are relatively few, the product is realized in the General Fund. Items that are not shared between funds include:

- Other than the personnel previously noted as shared no other employees are.
- Police services for security are paid in the General Fund only
- All office supplies such as paper, cleaning supplies, many bathroom supplies, etc are General Fund only

- Administrative supports such as copying, secretarial, etc are General Fund only. On a number of occasions all staff have assisted in delivering Water notices door to door.
- Many utilities are paid by the General Fund. Example: we do not split out a portion of the utilities for the Public Works building or the Town Hall to be paid by the Enterprise Fund.
- During snow removal and road maintenance the access to the water plant is also maintained. This is one example where it is difficult to discern between General Fund and Water Fund. In such case the fuel, labor, wear/tear, etc is divided 50/50 even though the exact division is impossible to discern.
- Due to location and yard storage, many items for the Enterprise Fund (such as lawn mowers, tools, etc) are stored and maintained at the Public Works facility or yard.
- On many occasions a product is purchased from the General Fund and used. Then it is repurposed in the Enterprise Fund. A simple and common example of this is paint. A can of paint or stain is purchased to paint in the General Fund and then also used on a Enterprise Fund project. Another similar example is trash can liners.
- Although included in our usage and production counts we do not invoice the Town for water use at the parks, hydrants, and Town government buildings (Town Hall, Public Works, Water Plant, etc.)

6) What is the cost breakdown of all Ent Fund Expenses

See Attachment A for a breakdown of each budgeted line item detailing what is covered in each account. As stated previously and in Item #5, every effort is made to ensure a reasonable and equitable cost division.

7) What do other towns pay for water

(John V.) Denver Water – around \$40 if you use 10,000 gallons.

Vail - Water Base Portion of Bill per SFE \$22.22

Tier 1 (0-10k) \$ 2.58 per kgal

Tier 2 (11-40k) \$ 4.38 per kgal

Tier 3 (more than 40k) \$ 6.57 per kgal

Upper Eagle - Water Base Portion of Bill per SFE \$25.53

Tier 1 (0-10k) \$ 3.47 per kgal

Boulder – Service charge ¾” meter \$9.64

\$2.55 / kgal up to 5000 gallons

\$3.40 / kgal 5000 to 10000 gallons

Georgetown - 1 Base charge \$47.14 X EQR 7,000 gals. (with annual adjustment of 3% on July 1 of each year.)

7,001 - 17,000 gallons \$6.61 per 1000 gals. X EQR – monthly

Steamboat Springs (2013 numbers)– Base \$21.96

1,000-4,000 ("Block 1") \$2.30 per kgal

5,000-12,000 ("Block 2") \$3.45 per kgal

Leadville - Base Rate- \$36.00 (includes first 4000 gallons)

Block 1- 4,001 gallons-8000 gallons- \$4.50 per thousand gallons

Block 2- 8,001 gallons- 12,000 gallons- \$4.75 per thousand gallons

Commercial Rates 1-inch service and larger

Base Rates:

1-inch- Includes first 5000 gallons- \$63.25

1 ½ inch- Includes first 10,000 gallons \$122.00

2 inch- Includes first 16,000 gallons- \$194.00

3 inch- Includes first 32,000 gallons- \$391.00

4 inch- Includes first 70,000 gallons \$858.50

(Jay B.) During the annual budget cycle and in conjunction with the water rate study the Council and the Water Committee have been provided with many various rate comparisons to various other agencies.

#### 8) Trends

(Jay B) See attachment B for historical costs associated with the Enterprise Fund. Note: due to the length of time I have been at the Town, I went back to 1998 which was the last year someone else did the budget. This time span will skew the numbers a little but the pattern and trend are prevalent.

See attachment C for a list developed by Arnold M. outlining some of the work requirements involved with the Enterprise Fund. Arnold admitted this could contain much more detail but it shows the depth of service required.

**Ongoing Enterprise Fund Repair and maintenance:  
Prepared by: Arnold Martinez**

Enterprise Fund runs 24/47/365. Most of these tasks are daily or even performed multiple times per day. Some are several times a month, some are annual but build on the other functions.

- Reservoir
  - Clean outside screen
  - Clean inside screen
  - Clean top layer with pool cleaner skimmer
  - Weed control, shove, maintain general area of weeds and maintenance issues
  - Maintenance issues caused by wildlife and beavers such as dams built on river and in reservoir
- Outside Filters #1 and #2
  - Water sample from splitter box
  - Adjust valves for flow into filters
  - Weed control, shove, maintain general area of weeds and maintenance issues
  - Clean filters: drain water, skim top layer, add/maintain sand
  - Regular maintenance of both filters
  - Regular maintenance of diversion ditches and pipes including beaver damage and debris
  - Yearly MPA
- Inside Filter #3
  - Water sample
  - GPM read
  - Weed control, shove, maintain general area of weeds and maintenance issues
  - Building maintenance
  - Adjust valves for flow into filters
  - Clean filters: drain water, skim top layer, add/maintain sand
  - Regular maintenance
- Water Plant
  - Maloit Park meter reads
  - Maloit Park tank and system maintenance
  - Town pumps #1, 2, and 3 run time reads
  - Maloit Park pumps #1 and 2 run time reads
  - Daily and monthly read reports
  - Property maintenance and security
  - Road and access maintenance
  - Monitor Town tank levels
  - Monitor Maloit Park tank levels
  - Monitor clear well level
  - Monitor, maintain, and log chlorine level and reads
  - Monitor, maintain, and log turbidity level and reads

- Regular maintenance of diversion ditches and pipes including beaver damage and debris. The Town has 24 such diversion ditch systems.
- Town Water System
  - Water samples
  - Water samples at Maloit Park
  - Monthly Bac T samples in Town
  - Monthly Bac T samples in Maloit Park
  - Quarterly samples in Town
  - Quarterly samples at Maloit Park
  - Ongoing Maintenance and Repair of all citizen water meters, MXU's (electronic read), etc
  - Maintain and secure all water plant grounds for intruders or any wildlife damage to the property. Maintain fallen trees and damage caused by them
  - Weed, mow, and spray grass and weeds
  - Ongoing maintenance of buildings and system maintenance, painting, upgrade, clean.
  - Clean all trash left by hikers and forest users
  - Maintain all drains going to the river from the plant to make sure they are free of any debris and to ensure there is no Chlorine (CL2) contamination going in to the river
  - Yearly CCR report (Consumer Confidence Report)
  - Town tank pressure monitoring
  - Maloit Park tank pressure monitoring
  - Chlorination system maintenance and repair
  - Daily chlorination system check
  - Chlorination pump read, adjust, log
  - Complete daily logs and maintain weekly, monthly, and annually logs to include Maloit Park, Master Meter, well #3 and 4, chlorination usage, pump run times)
  - Test each filter, water samples (master meter, CL2, and NTU)
  - Test Town, wells 3 and 4, raw water, and Maloit Park CL2 and NTU levels
  - Assist in maintenance and repair of Cemetery water and sewer system that services Town shop
  - Fire hydrant and system flushing and tank interior maintenance.
  - Staff training and safety monitoring
- Master Meter
  - Meter Read
  - Chlorine review and reads
  - Water samples
  - Visual check and read of meter
  - Monthly bacterial (Bac T) samples in Town
  - Quarterly samples
  - Yearly MPA
  - Building maintenance, weed control, shovel, cleaning and upkeep
  - Changing out CL2 bottles and repair/maintenance of system

- Well #4
  - Water sample
  - Meter read
  - Electric meter read
  - Chlorine barrel and system repair and maintenance
  - Building maintenance, weed control, shovel, cleaning and upkeep
- Well #3
  - Water sample
  - Meter read
  - Well system repair and maintenance
  - Maintenance, weed control, shovel, cleaning and upkeep
- Park systems
  - Maintain all Irrigation systems
  - Mow, weed, sweep all grass, flower beds, forests, etc. at Eagle River, Not-A-Park, Little Beach, and Boneyard parks
  - Maintain all systems in Eagle River, Not-A-Park, Little Beach, and Boneyard parks
  - Playground inspections per CIRSA and insurance regulations
  - Maintain and repair buildings and features
  - Maintain and repair stage
  - Trash removal and empty of all town trash cans at the parks and on Main St et al.

DESCRIPTION	ACCOUNT NUMBER	NOTES
<b>FUND 02: WATER-SEWER-REC FUND</b>		
<b>REVENUE</b>		
WATER USER FEES	02-00-4210	This money is collected from monthly water use. On average we collect approximately \$59,000 per month for residential and commercial use. On an annual basis the Town collects less than \$15,000 in excess use fees and the sale of raw water.
WATER METERS & INSTALLS	02-00-4240	This money is collected from the sale of water meters. Each unit requires a meter.
MISCELLANEOUS REVENUE	02-00-4275	
TAP FEES - CAPITAL REVENUES	02-00-4320	This revenue is for new taps only. Currently the cost of a tap is \$9,500. The revenue is an opportunity cost and used to maintain/improve water rights and longterm maintenance.
GARBAGE COLLECTION FEES	02-00-4330	The Town has a contract with Honey Wagon for Town wide trash service. This revenue covers the expense incurred on account 02-06-5353. Our current fee is \$30.50 residential. In comparison with a regular customer pickup including all fees they charge this saves our citizens about \$5-7month.
TRANSFER FROM OTHER FUNDS	02-00-4570	Trans to Bld Fund. Pays 30% of unfunded Prin/Int on 302 Pine St.
<b>EXPENSES</b>		
PAYROLL - REGULAR	02-06-5010	50% of the Public Works Staff
PAYROLL - NON PLANT	02-06-5011	Currently 30% of the Town Manger and 50% of the Treasurer are paid from this account.
PAYROLL - OVERTIME	02-06-5017	
MEDICAL AND DISABILITY	02-06-5091	Insurance based on enrollment
FICA EXPENSE	02-06-5092	Taxes based on Payroll
ICMA 401 EXPENSE	02-06-5094	up to 4% match based on enrollment
SUPPLIES - OFFICE/LAB	02-06-5100	General WF office supplies and the lab fees for the WF operations
SUPPLIES - VEHICLE FUEL AND SUPPLIES	02-06-5130	Public Works and Enterprise Fund 50/50 split of all fuel
SUPPLIES - GENERAL	02-06-5140	This is supplies specific to Ent Fund such as stocking of the first aid kit, etc. Most disposables such as paper are charged to Gen Fund
SUPPLIES - TOOLS/FILTER BAGS	02-06-5150	Used for plant specific tools or split 50/50 w Gen Fund
PURCHASE SERVICES - TELEPHONE	02-06-5200	This covers the tank telemetry, plant phone and some cell phone(s) use.
PURCHASE SERVICES - UTILITIES/STREET LIGHT	02-06-5210	This covers the power for the plant, pumps, wells, tanks, etc.
PURCHASE SERVICES - LEGAL SERV (GENERAL	02-06-5220	Water Attorney and legal fees used for water rights etc. (non BMR)
PURCHASE SERVICES - VEHICLE R&M	02-06-5231	Used to assist in some repairs of the PW's vehicles on a 50/50 basis
PURCHASE SERVICES - ENGINEERING	02-06-5247	Used for water engineering and surveying needs at the water plant and on distribution system.
PURCHASE SERVICES - TRAINING & DEVELOPM	02-06-5265	\$500 per FTE for water training per policy
PURCHASE SERVICES - UNIFORM PURCH/MAINT	02-06-5271	Uniform allowance per policy
PURCHASE SERVICES - EQUIPMENT R&M	02-06-5291	Used to repair WVP equipment
PURCHASE SERVICES - WATER PLANT/SYSTEM	02-06-5293	Used to repair, maintain, and upgrade the plant and distribution system.
PURCHASE SERVICES - ANNUAL H2O WR MAINT	02-06-5352	Used to pay augmentation water rights on Green Mtn, Woofard, Eagle Park res's.
PURCHASE SERVICES - WMI CONTRACT SERVIC	02-06-5353	Monthly contract Town wide trash expense.
PURCHASE SERVICES - ERWSD CONTRACT SER	02-06-5354	This covers the monthly utility management fee for ERWSD services of \$1000/mo and allows for consultation and support as needed.
PURCHASE SERVICES - DUMP FEES	02-06-5355	Annually items are removed to the landfill from the Water Plant and system.
PURCHASE SERVICES - TOWN AND PARK SIGNS	02-06-5356	Specific for Town and Park signage not including road signs
PURCHASE SERVICES - PARKS AND FLOWERS	02-06-5354	Flowers on Main, Flower beds, and irrigation maintenance
DEPRECIATION EXPENSE	02-06-6000	Budgeted item but is determined during the year end audit by auditors.
<b>SUBTOTAL: OPERATION EXPENSES</b>		
<b>ASSET MANAGEMENT PLAN</b>		
MISQUITO CONTROL-MALOIT PARK	02-07-6001	Annual mosquito spraying in Maloit Park area
PARK GRANT	02-07-6002	2015 portion of the Eagle Park Restrooms
GOCO - LA PLAYUELA PARK	02-06-5356	Park Maintenance Contracts

DESCRIPTION	ACCOUNT NUMBER	NOTES
<b>DEBT SERVICE</b>		
PRINCIPAL - CATERPILLER	02-08-7910	50/50 SPLIT PAID OFF IN 2015
INTEREST - CATERPILLER	02-08-7911	50/50 SPLIT PAID OFF IN 2015
PRINCIPAL -	02-08-7920	
INTEREST -	02-08-7921	
PRINCIPAL - 97B \$50k WATER AUTHORITY	02-08-7930	
INTEREST - 97B \$50k WATER AUTHORITY	02-08-7931	
PRINCIPAL - 97B \$360k WATER AUTHORITY	02-08-7940	
INTEREST - 91 \$360k WATER AUTHORITY	02-08-7941	
PRINCIPAL - 98B (92B) \$100k WATER PLANT LOAN	02-08-7950	
INTEREST - 98B (92B) \$100k WATER PLANT LOAN	02-08-7951	
PRINCIPAL - 95 \$300k CWRPDA	02-08-7960	
INTEREST - 95 \$300k CWRPDA	02-08-7961	
PRINCIPAL - 97 265k RD A	02-08-7970	
INTEREST - 97 265k RD A	02-08-7971	
PRINCIPAL - 97 \$260k RD B	02-08-7980	
INTEREST - 97 \$260k RD B	02-08-7981	
<b>SUBTOTAL: LONG-TERM EXPENSES</b>		
<b>CAPITAL</b>		
CAPITAL OUTLAY - WATER FUND	02-09-8000	Budgeted Capital Replacement per schedule
WATER SYSTEM UPGRADE	02-09-8001	
MISC	02-09-8002	

Enterprise Fund by the Numbers

**1) MMC 13-5-10 Establishes the Enterprise fund to include water, sanitation, and recreation**

# Employees associated in Public Works

	1998	1999	2000		2014	2015
# Emp's	3	4	4		4.8	4.8
Gen Fund-PW	2	2	2		2	2
Ent Fund-PW	1	2	2		2	2
Ent Fund-ADMIN	0	0	0		0.8	0.8
Total Staff	11	12	12		9	9

\* In 1998 we had only 3 total PW employees

\*In the mid 2000's we increased to 5 PW Emp's but were back at 4 by mid 2013

\*Important to note that Willy is 26 hrs per week 48wks per year (30% of Part Time)

**2) Wage and Benefits as a percent of Expenses**

	1998	1999	2000		2014	2015
Gen Fund	46.40%	48.10%	55.20%		48.80%	32.00%
Ent Fund	18.90%	28.10%	32.30%		30.90%	33.50%

\*Does not include Debt Service

**3) Percentage of total expenses over revenue**

	1998	1999	2000		2014	2015
Gen Fund	81.60%	83.60%	81.50%		82.90%	91.40%
Ent Fund	-21.20%	76.60%	69.10%		79.90%	75.30%

\*Does not include Debt Service

\*Inc trash income and expense

\*Does not include capital expenses or grants

\*In 1998 we had to supplant the Ent Fund from the Gen Fund by \$68,600

\*Began splitting Manager and Treas/Clerk in 2008 per Suiter

**4) Town Manager wage history**

	1998	2004	2005	2007	2008	2009	2013	2014
	48,331	70,628	74,156	85,000	164,500	112,800	115,500	68,640

\*2004 Lanning gone/Capella arrived

\*2005 First full year of Capella

\*2007 Capella gone began Suiter contract (non-employee)

\*2008 Last full year of Suiter

\*2009 first full year of White

\*2013 Last full year of White

\*2014 Powell \$55/hour/26hrs week/48weeks year

**5) Percent of combined Income**

	1998	1999	2000		2014	2015
Gen Fund	69.00%	74.00%	77.00%		71.00%	71.00%
Ent Fund	31.00%	26.00%	23.00%		29.00%	29.00%

**METER READS FOR  
EACH 1,000 GAL OF USE**

<b>USAGE PER SFE</b>	<b>12-Feb</b>	<b>12-Jul</b>
0-999	78	24
1,000	80	82
2,000	79	98
3,000	93	67
4,000	60	76
5,000	41	41
6,000	26	33
7,000	20	15
8,000	10	11
9,000	5	13
10,000	3	10
10,000+	21	46
NO. OF ACCOUNTS	516	516
AVERAGE USE	4300	4358
SFE'S W/LESS THAN 4,000 GAL	360	354
SFE'S W/LESS THAN 6,000 GAL	457	428
% of SFE'S W/LESS THAN 4,000 GAL	69.80%	68.60%
% of SFE'S W/LESS THAN 6,000 GAL	88.50%	82.90%

YEAR	ANNUAL EXPENSES	LESS BMR EXPENSE	SPECIAL PROJECTS	OPERATING EXPENSES	PERCENT INCREASE	METERED WATER	OPERATING COST/GAL
2014	721,700.00	0.00	110,000.00	611,700.00	-0.03	38,207,000	62.46
2013	842,535.00	0.00	228,885.00	613,650.00	-6.92	38,291,000	62.40
2012	748,361.00	0.00	89,122.00	659,239.00	9.55	39,675,000	60.18
2011	708,691.00	75,773.00	36,617.00	596,301.00	-4.88	37,257,000	62.48
2010	2,122,592.00	1,475,702.00	21,483.00	625,407.00	9.27	36,784,000	58.82
2009	1,434,331.00	834,752.00	32,162.00	567,417.00	-	39,816,000	70.17

This memo was presented to Council in 2012 as part of the 2013 budget review process.



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
Minturn, Colorado 81645-0309  
970-827-5645 Fax: 970-827-5545  
treasurer@minturn.org

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

*MEMORANDUM*

1.) Complete break down of Water Expense ( Do not include: Greater legal water battles. Different topic )

**A.) Labor**

a.) Specific Labor Costs by employee that come out of Water Fund

I budget two employees from PW's in the Enterprise Fund and two in the General Fund. All four employees are water trained and/or certified to some degree. All four employees are paid overtime as necessary from the fund they are paid from. The split that I use is also used in the Work Comp calculations.

PW 1 = \$21.22 x 2080hrs = \$44,137.60  
PW 2 = \$19.25 x 2080hrs = \$40,040.00  
Ent Fund total = \$84,177.60

	<b>Gen Fund</b>	<b>Ent Fund</b>
2013 Wage Budget =	\$81,000.00	\$84,500.00
OT Allocation =	<u>10,000.00</u>	<u>7,900.00</u>
Total 2013 Wage per fund =	\$91,000.00	\$92,400.00

As you can see this method reflects almost exactly a 50/50 split in wage cost.

Town Manager wage = \$33,600.00 (70/30 split Gen Fund and Ent Fund)  
Town Treasurer wage = 35,851.50 (50/50 split Gen Fund and Ent Fund)  
\$69,451.50

2013 budget for Taxes = \$19,200.00  
(Wage, Tax, and Benefits follow the same allocation.)

**B.) Fixed Costs Insurance/Bonding/Utilities/Licenses/ Etc**

Employee Insurance (Includes only those associated with the study):

	<b>Gen Fund</b>	<b>Ent Fund</b>
2013 PW Emp'ee Ins Budget =	\$40,334.16	\$41,133.94
2013 Nonplant Ins Budget =	<u>20,559.24</u>	<u>12,319.12</u>
Total 2013 Employee Insurance per fund =	\$60,893.40	\$53,453.06

This memo was presented to Council in 2012 as part of the 2013 budget review process.

Utilities (Elec/gas, phones, water/sewer for only Water Plant operations):

	<b>2011 Actual</b>	<b>2012 Est</b>	<b>2013 Budget</b>
Telephones	\$6,577.97	\$ 5,500.00	\$ 4,500.00
Utilities	\$9,200.13	\$10,500.00	\$20,000.00
Lic/Training	\$1,665.29	\$ 1,250.00	\$ 1,250.00
Uniforms	\$1,309.47	\$ 500.00	\$ 1,250.00

**C.) Chemical on-going expense**

	<b>2011 Actual</b>	<b>2012 Est</b>	<b>2013 Budget</b>
Office/Lab	\$ 5,663.14	\$15,000.00	\$15,000.00
Vehicle Fuel/supplies	\$ 8,579.59	\$12,000.00	\$12,000.00
Gen Supplies	\$ 4,587.38	\$ 5,000.00	\$ 5,000.00
Trash Contract	\$79,595.93	\$87,500.00	\$105,000.00

**D.) Maintenance items (Vehicle and Equipment repairs are split 50/50 w/ Gen Fund.**

	<b>2011 Actual</b>	<b>2012 Est</b>	<b>2013 Budget</b>
Tools	\$ 6,577.97	\$5,000.00	\$ 5,000.00
Vehicle R/M	\$5,515.21	\$6,000.00	\$ 6,000.00
Equipment R/M	\$4,321.71	\$6,000.00	\$ 5,000.00
Water Plant/System R/M*	\$76,617.08	\$198,000.00	\$48,000.00
Annual H2O Rights Maint	\$25,117.35	\$57,915.00	\$43,335.00
Town and Park Signage	\$3,000.00	\$5,000.00	\$6,000.00
Capital Outlay	\$2,841.00	\$10,500.00	\$6,750.00
Interfund Trans	\$9,800.00	\$20,178.75	\$21,408.75
Depreciation	\$90,789.00	\$90,000.00	\$95,000.00
Caterpillar Debt Svc	\$17,765.43	\$17,765.43	\$17,765.43
Debt Service	\$76,968.21	\$57,778.71	\$52,683.17

\* Includes supplemental appropriations in 2012 for school tank and upgrades to the master meter.

**E.) Admin Fee's: Full Break Down**

- a.) Town Manager (See Above)
- b.) Town Treasurer (See Above)

	<b>2011 Actual</b>	<b>2012 Est</b>	<b>2013 Budget</b>
Water Engineer(s)	\$58,098.46	\$30,000.00	\$20,000.00
Town Attorney	\$ 0.00	\$15,000.00	\$15,000.00

(Note: we have not received any invoice from our primary attorney in 18mos.)

This memo was presented to Council in 2012 as part of the 2013 budget review process.

### **F.) Sublet outside Admin Fee's ERWSD Billing Costs**

	<b>2011 Actual</b>	<b>2012 Est</b>	<b>2013 Budget</b>
ERWSD Contract fee	\$12,000.00	\$12,000.00	\$12,000.00

#### 2.) Complete Revenue Break Down From Water

- A.) Water Bill Revenue
- B.) Tap or other Fee's Attributed to Water
- C.) Bonds or other dollar inputs
- D.) Any other source of Revenue for This

	<b>2011 Actual</b>	<b>2012 Est</b>	<b>2013 Budget</b>
Water Fees	\$587,696.62	\$576,000.00	\$606,358.00
Debt Service Fee	\$ 86,279.17	\$ 57,779.00	\$ 52,683.38
Water meter install	\$ 1,845.00	\$ 0.00	\$ 0.00
Misc Revenue	\$ 17,683.71	\$ 20,340.03	\$ 0.00
Tap Fees	\$ 20,245.00	\$ 6,500.00	\$ 7,500.00
Garbage fees	\$ 94,377.40	\$ 94,000.00	\$105,000.00

#### 3.) Entire Breakeven cost of Operation

This should include any ongoing debt service, but not growing reserves or surplus

See attached worksheet "Water Cost Analysis"

#### 4.) Total Gallons Billed for in a full year operation

This is probably a John Volk question. I would note that it might prove more material to have the total gallons of water produced rather than billed. This would allow for the production of lost water as well, which is still a hard cost of production.

#### 5.) Revenue and gallons used separated into:

##### A.) Residential

- a.) Dollars of Revenue = \$425,309.96
- b.) Gallons Billed
- c.) Uncollected debt =
  - 242 Main = \$875.21 (property under bank foreclosure)
  - 421 Main = \$556.29 (pays but not a full month)
  - 122 Main = \$535.60 (about 3mo past due, normally paid in full)

##### B.) Commercial

- a.) Dollars of Revenue = \$183,600.61
- b.) Gallons Billed
- d.) Uncollected Debt
  - Turntable = \$10,197.07 (approx 2.5mo's)
  - 122 Main = \$535.60 (about 3mo past due, normally paid in full)
  - 132 Main = \$535.60 (about 3mo past due, normally paid in full)



## **Official Minutes**

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

**Wednesday August 5, 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**

- Updates on Entry Way project, Railroad Ave., Norman Ave., and TAP Grant – Powell

Direction was to move forward with the entry way and Railroad Ave this summer/fall. The grant should be known by the meeting.

- Discussion on Human Resources

### **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye F. at 6:38pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, Matt Scherr, Earle Bidez, and Jason “Ozzy” Osborne. Note: Shelley B. and John R. were excused absent.

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

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added
  - Pull the discussion regarding Charlie Davis/Safebuilt and put on the August 19, 2015 Council Meeting

Motion by Ozzy O., second by George B., to approve the agenda as amended. Motion passed 5-0. Note: Shelley B. and John R. were excused absent.

## **3. Approval of Minutes**

- July 15, 2015

Motion by George B., second by Ozzy O., to approve the minutes as presented. Motion passed 5-0. Note: Shelley B. and John R. were excused absent.

## **4. Liquor Authority**

- Eagle County Republicans Request for Special Event Permit; 800 Cemetery Rd.; Kaye Ferry, Chairman – Brunvand

Jay B. presented and noted Staff recommendation was for approval.

Mr. Randy Milhoan was present for the applicant.

Public Hearing, no comments, public hearing was closed.

Motion by Ozzy O., second by George B., to approve the proposed Special Event Permit for Eagle County Republicans Request for a Special Event Permit; 800 Cemetery Rd.; Kaye Ferry, Chairman to sell malt, vinous and spirituous liquor beverages to be located as defined in the attached application as presented with the following conditions. Motion passed 5-0:

- The application was received on July 10, 2015 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on July 24, 2015 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requires at least one T.I.P.S, or equivalent certified server be present, and at least one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

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

**6. Special Presentations:**

- Water update from John Volk – Powell

John V. reviewed the tri-annual inspection letter from the State of Colorado Dept of Public Health in the packet and noted the turbidity violation. John V. noted the system is tested and monitored to ensure it is safe; however, it is not monitored as per the process the State now recommends. John V. fielded questions from the Council. This condition can be corrected by increasing the chlorine (CL2) contact time by using the transmission line between the Treatment Plant and the master meter. John V. reviewed with Council the proposal to initiate the process. He also reviewed how this will be corrected with the Maloit Park system.

John V. noted that was the only condition noted in the inspection and again, it will be corrected as discussed.

John V. has been working on leak detection. Leaks have been located and will be addressed. He noted the leak goal is fewer than 10% water loss. The town is at approximately 30%. He stated that approximately 4.1m gallons were billed last month and a little over 5m gallons were produced; the approximate 800k difference is leak loss.

John V. noted Marine Dive Solutions will dive the main tank in September to clean and maintenance the tank. Tank inspections are required every 5years. It was noted that the Maloit Park tank was upgraded last year and fully maintenance so no further action is required at this time.

- Committee Reports

George B. stated the RR committee has not had any luck with the Railroad so they will be looking at other options for trail alignment.

**PUBLIC HEARINGS AND ACTION ITEMS**

**7. Discussion/Action Item: Appealing the interpretation of the Sign Code by the Planner; Eric Cregon, Magustos – Hawkinson**

Janet H. stated Eric Cregon, Magustos, has proposed a 15in x 8ft. fully animated sign for the front of Magustos, 101 Main St. She stated it was reviewed at Staff level and denied, appealed to the Planning Commission and the denial was upheld, and he is not appealing that decision to the Town Council. Janet H. cited the Minturn Code stating animated signs are explicitly not allowed.

Eric Cregon, applicant, spoke to overturn the denial. He stated this is a fully animated sign, he had already purchased it, felt it was simply a matter of completing a sign application, and would like to install it. The sign would be placed on the north side of the building along Hwy 24.

George B. asked what would be the case if all Minturn businesses resorted to fully animated signs and felt it would not be in the best interest of the Town. He felt allowing this would open this door.

Earle B. concurred with George B.

Matt S. agreed and felt that any proposed change to the existing sign code should be brought forward through the Planning Commission. He also felt this was not the appearance we would like to see in Minturn.

Willy P. stated with a fixed sign you can control the appearance during the review process; however, with a fully animated sign this is not the case as it can be changed quickly in color and appearance.

Mike S. stated a variance would not be the proper process as this does not have an unavoidable hardship as required by a variance.

Public hearing was opened.

- Sage Pearson, Sticky Fingers Café, asked about the Hotel Minturn and how that was approved? And also would the sign be approved if it didn't flash?
  - If the sign meets the intent of the sign code it would be allowed, this sign does not do that.

Public Hearing was closed.

Concern that it was not Dark Sky conforming was discussed.

Motion by George B., second by Earle B., to uphold the Planning Commission decision in that it does meet the definition of an animated sign and that consideration is given to the scale of animated signs that might be applicable to other businesses. Motion passed 4-1 (Ozzy O. Nay). Note: Shelley B. and John R. were excused absent.

Ozzy O. stated that a conversation should be held to allow businesses to advertise their sign and that we should consider the discussion of amending the sign in the future.

**8. Discussion/Action Item: Updates on Entry Way project, Railroad Ave., Norman Ave., and TAP Grant – Powell**

This was discussed in the Worksession and that discussion was updated by Willy P. for the Council and audience.

Phase 1 will be to address the street and curb in the lower 100 block (“S” turn to the Crosswalk at 100 Main to include planning, bid, and construction. This is estimated to be a 30day project and can be completed yet this fall.

Additionally, repairs will be made to Railroad Ave and Norman Ave and will be planned, bid, and constructed yet this fall.

Each project will be bid as a separate project to allow single staging yet the ability to drop one project if necessary and to apply grants as available. A grant for Main St has been applied for but awards have not been announced.

Ms. Sage Pearson, Sticky Fingers Café, was concerned about the crosswalk because it is such a dangerous area. Council noted the safety aspect of the project and that it is designed to slow traffic in the area. Willy P. noted that Phase 1 does not include the actual crosswalk or the bulb-outs on the corners that will also slow traffic.

Mr. Randy Milhoan, 141 Main St, was pleased the project would be phased as that would allow the public to see the project as it develops and allow for other concepts to be further developed as needed between phases. He felt the snow removal should be taken into account. By beginning the project now will allow for assessment during the winter months.

Hawkeye reiterated his opposition as the project is too rushed. He felt the project will affect the last few weeks of the Market which will affect our own project. In the event of snow, all construction on the Hwy will come to a halt. This will be a very negative to the project and reflect poorly on the Town.

Earle B. stated the staff time has already been completed and the project is prepared to move forward. He stated often our Town projects are delayed months based on a lack of a decision. He stated this phase is only a 30 day building project.

Ozzy O. stated this is a public safety issue and that it should proceed yet this fall.

Direction was to proceed with the bidding on Railroad Ave, the Entry Way, and Norman Ave as presented.

**9. Discussion/Action Item: Presentation from Safebuilt and motion to amend the existing service agreement, Charlie Davis, regarding 2015 Building Code and Electrical Inspections – Hawkinson**

This item was removed from the agenda and will be presented at a later date.

**10. Discussion/Action Item: Resolution 09 – Series 2015 A Resolution to consider Variance Application VAR 15-456RAUCH – Hawkinson**

Janet H. presented the project as Staff. The proposal is to build a 560 sq ft two car garage at 456 Pine Street with access from Boulder Street. The variance is requested to allow a zero rear setback to access the garage from Boulder St. A hardship exists on this site as the existing house will not be remodeled therefore the access from Pine St does not exist or would cause a more invasive encroachment in the southern side setback and would increase the impervious surface. A variance can be granted as prescribed by the Code based on the practical difficulties which currently exist on the lot. The proposal as presented meets the 40% density, landscaping, and impervious surface requirements. It was noted for the record the project was noticed and advertised as required in the Code. She noted this was not a burden on the surrounding area and

will best compliment the lot. It was noted there was a garage on the site previously that fit, however, because the previous owner extended the house, the garage could not be replaced and could not be moved closer to the house due to existing windows and fire code concerns.

Applicant presented and noted this was the best way to include a garage on the property and still maintain the setbacks other than the rear setback. It was noted as part of this proposal the makeshift existing driveway will be removed and a path will be installed to the front door (Pine St).

Discussion ensued as to the size of the proposed garage and concerns of how it could be redesigned to better fit the rear setback. Ozzy O. noted that Pine St is much more pedestrian friendly than Boulder and this does meet the hardship requirements.

Hawkeye felt this was exacerbating the problem of cars backing onto Boulder Street.

Mike S. noted Council is considering a quasi judicial request and an approval of the Planning Commission recommendation; therefore, the bullet points included in the Resolution should be included in any motion.

Public Hearing, no comment, public hearing closed.

Motion by Ozzy O., second by Matt S., to approve Resolution 09 – Series 2015 A Resolution to consider Variance Application VAR 15-456RAUCH with the conditions listed as presented. Motion passed 4-1. (Hawkeye nay) Note: Shelley B. and John R were excused absent.

Findings required. The Planning Commission and Zoning Board of Appeals shall make the following findings before granting a variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
4. There is no substantial impairment to the public that would result from the granting of the variance.

Motion by Hawkeye to amend the Resolution to require the garage to be moved to connect with the house, died for lack of a second.

## COUNCIL AND STAFF REPORTS

### 11. Town Planner

## 12. Town Attorney

- In response to a question from the last meeting, the Comcast franchise agreement does not encompass internet service. The Town can discuss with Comcast but the Town by federal law does not have the authority to require Comcast to improve their internet service.
- Bolts Ditch discussion: there is a provision in one of our decrees that requires the head gate for the Bolts Ditch be removed from or approved to be located in a wilderness area. The Bolts Ditch headgate issue must be addressed within six years of the signing of the decree. This diligence period ends in 2016. Our options are to remove the headgate from the wilderness area, which would leave us with no headgate that can deliver water under gravity, have it administratively approved through the Federal Government, or have it designated as a preexisting use by congressional act. Staff recommends that Willy P. discuss with Mr. Tom Glass to assist us in this process. Willy P. has contacted Senator Bennett and Congressman Polis and it is unknown if assistance will be coming forth. Willy P. concurred with Mike S. in his assessment to move forward with Mr. Glass and his expertise in the field.

## 13. Town Manager

- Manager's Report

### Manager Work Hours

Because of the important projects of the town, I am working additional hours during the past few weeks and upcoming weeks. The important projects include the Entryway/100 Block project, Railroad Ave. and Norman street projects and especially the potential sales of Dowd Junction and South Minturn sites. The 2015 budget for the Town Manager line item included an additional \$10,000 for contingency if important projects developed. Total costs for the Manager will not exceed the 2015 budget.

### Storm Drainage Inlet

The storm drainage inlet at the intersection of Main and 1<sup>st</sup> St. is complete. The inlet grate was replaced and raised. Thanks Public Works crews.

### ADA Improvements at the Town Hall/Post Office

The USPS has determined the existing handicapped parking space does not meet current standards. The town has authorized the USPS to make the adjustments and construction has started and may be finished by time of Council meeting. The construction will occur on Boulder St. and will replace the concrete parking pad and make curb adjustments. The cost is solely borne by the USPS.

### Human Resource Services

I have previously sent to Council links to two human resource services, as follows.

- Mountain State Employment Council [www.msec.org](http://www.msec.org) \$1275/yr.
- HR Plus [www.hrplusinc.com/HOME/tabid/36/Default.aspx](http://www.hrplusinc.com/HOME/tabid/36/Default.aspx) \$1185/yr.

It may be helpful for Council to better define the need for such services. If moving forward, likely MSEC is the better service.

HR discussion; Hawkeye contacted Mountain States Employment Council (MSEC), to join it would cost plus a cost when we utilize them. However, MSEC recommended a former Council member be appointed for Staff to contact. Hawkeye recommended the Mayor and the Attorney act as the sounding board for any complaints from Staff regarding the Manager. He stated this process has been used in the past and worked well. He stated this would be an anomaly which would not come forward except in dire circumstances. Janet H. stated that in meetings Staff concurs with the recommendation. Earle B. stated it should be the Mayor and Attorney, but that it should be well written and incorporated within the Employee Handbook.

Direction was to have the proposed concept discussed at the next Worksession.

### **Dowd Junction and South Minturn Sites**

We will have an executive session to update Council.

- Action Report
- FYI

CML Policy Committee direction was to have Hawkeye primary and Matt S. alternate.

Council requested to add the Headgate issue to the Action Item table to keep this on the radar.

Matt S. asked about the Manager search. Willy P. stated he would like to stay with the Town in order to get several important items currently on the table through to completion. He felt this would take longer than six months but was considering his time frame.

### **14. Town Council Comments**

Earle B. would like the Planning Commission to consider the alleys in Town and how they work with access and right-of-way's. It was noted that parts of Boulder is actually a street but other parts are true alleys and should flow traffic as such.

## **EXECUTIVE SESSION**

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

Motion by Ozzy O., second by George B., to convene in executive session for the purpose of conferencing with the Town attorney for the purposes of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Dowd Junction, Battle Mountain, and the Minturn Quiet Title action as relates to Little Beach Park. Motion passed 5-0. Note: Shelley B. and John R were excused absent.

As a result of the Executive session direction was given to continue diligence regarding the sale and purchase of the US Forest Service properties.

## FUTURE AGENDA ITEMS

### **16. Next Meeting – August 19, 2015**

- Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee
- Resolution No. 07 – Series 2015 a resolution setting and approving water rate fees – Powell/Water Committee
- HR discussion in the Worksession

### **17. Future Meetings:**

- Action Item: Marijuana discussion – January 6, 2016
- Discussion regarding Town’s code enforcement approach

### **18. Set Future Meeting Dates**

- August 19, 2015
- September 2, 2015
- September 16, 2015

### **19. Planning & Zoning Commission Meetings:**

- August 12, 2015
- September 9, 2015
- October 14, 2015

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

### **21. Adjournment**

Motion by Johnie R., second by Ozzy O., to adjourn at 10:50pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand



**Town of Minturn  
Economic Development Advisory Committee  
Strategic Planning**

**EDAC Strategic Planning Session 1  
Tourism  
5/27/15**

Top Five ideas to increase guest visitation to Minturn:

- Multi-User River Plan (starting with a resident and user group survey) to include seasonal usage, environmental issues, and stages of implementation.
- Create a Downtown Minturn Employee Parking Plan for the facilitation of convenient shopper parking.
- Create the "Destination Minturn" program with a ½ day itinerary and possible parting gift.
- Create an artist's co-op with designated space.
- Support grants for a Main Street beautification program (vibrant street character).

**EDAC Strategic Planning Session 2  
Place Making  
7/21/15**

Top five ideas for the community to reimagine its public spaces:

- Formalize community recreation; horseshoe league, bocce ball
- Boneyard property utilization; cross-country trail, plant I.D, winter ice rink, more...
- Create "back to basics" communication points within town. Community board system.
- Events
  - Improve upon events to better utilize our surroundings and community
  - Holiday décor contests to increase seasonal aesthetics within the community.
- Micro loan grant program for interested parties to create additional place making areas.

**EDAC Strategic Planning Session 3  
Small Business Support  
8/10/15**

Top five ideas to support our local small businesses:

- "Know Your Town" campaign with a rotating focus on different businesses, locations, recreations and more.
- Provide informational pieces helping walk perspective business owners or renters through the DRB process.
- "Made in Minturn." This will be a long-term goal with several preliminary factors needing to take place before implementation can begin.
- Promote co-office space utilization where applicable.
- Open basic dialogue between Council members and Minturn's local business owners.

# SWOT Analysis - Minturn, Colorado

- **Strengths:** *characteristics of the community or project that give it an advantage over others*
  - **Weaknesses:** *characteristics that place the community or project at a disadvantage relative to others*
  - **Opportunities:** *elements that the community or project could exploit to its advantage*
  - **Threats:** *elements in the environment that could cause trouble for the community, or project*
- 

## **Strengths** - *Characteristics of Minturn that give it an advantage over others*

- Authentic, unique and funky community character
- Business community is local with limited corporate/chain influence
- Authentic, unique events (Halloween, Rummage, Market etc.)
- Age diversity
- Ski & Snowboard Club Vail / Vail Ski & Snowboard Academy
- New Minturn Fitness Center
- Unique parks, open spaces & backcountry access with further development possible
- Significant community of artists and artisans
- Community is set away from I-70 and the noise and traffic that comes with it
- Minturn Community Fund/community culture of philanthropy
- Concentrated commercial real estate holdings

## **Weaknesses** - *characteristics of Minturn that place the community at a disadvantage relative to others*

- Lack of critical commercial mass/'anchor' retail sales tax drivers (grocery store etc.)
- Limited bed base
- Lack of attractions and activities that encourage overnight visitation and increase length of stay
- Visual blight – (South town, Meadow Mountain Business Park, Railroad yard, Vail Boneyard, Nuisance properties, Enclave etc.)
- Limited parking
- Poor pedestrian experience (crumbling or non-existent sidewalks)
- 'Podunk' perception
- Spotty cell & internet connectivity
- Lacking amenities attractive to younger generations

**Opportunities** - *elements that Town of Minturn could exploit to its advantage*

- Proximity to Vail/Beaver Creek
- The authentic and unique community character
- Proximity to the Eagle River
- Gateway to Mt. of the Holy Cross, one of the state's '14ers'
- More events & event enhancement targeted to specific demographic sets
- Town beautification
- Lift connection to resorts
- Vacant commercial space
- Property development (Cemetery Road., Rail Road property)
- Rummage building
- I-70 Services signs
- Motivated business community/town council
- Future municipal visibility from I-70?

**Threats** - *elements in the environment that could cause trouble for the community*

- Forest Service sale of property (lost control)
- Low commercial real estate valuation
- Declining population: (-15.3% population growth rate, 2009-2013 American Community Survey 5-Year Estimate)
- Vacant commercial space giving perception of poor community health
- Union Pacific
- Podunk perception/unreliable consumer experiences
- High cost of housing vs. local employment opportunities/earning potential
- Location off of I-70 corridor/majority of area traffic flow

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



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

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### AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Safebuilt presentation and motion to amend the existing agreement.
<b>MEETING DATE:</b> <i>Aug 19</i> , 2015
<b>PRESENTER:</b> Brunvand
<ul style="list-style-type: none"><li>• <b>BACKGROUND:</b> Council agreed it would be most effective to have Safebuilt perform all electrical inspections in conjunction with their other construction inspections. This has been completed and Staff is requesting this be conjoined with the original agreement as an addendum.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve and incorporate the services of Electrical Inspections for the Town of Minturn to the Safebuilt contract approved and signed March 18, 2013 as presented.



AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT

Amendment to the Professional Services Agreement effective March 11<sup>th</sup>, 2013, between the Town of Minturn, Colorado, (Municipality) and Safe Built Colorado, Inc., whom as of October 01, 2014 has merged into and consolidated with SAFEbuilt Colorado, LLC, (Corporation). The Municipality and the Corporation shall be jointly referred to as the "Parties".

This Amendment shall be effective on the latest date on which the Agreement is fully executed by both Parties.

Attachment A and Attachment B of Agreement is hereby amended to include:

Corporation will provide Electrical Inspection Services to the Municipality  
Corporation will receive 75% of Municipality fee for this service

The original Agreement, Attachments and terms shall remain in effect.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

Town of Minturn, Colorado

William Powell

Signature

Name: WILLIAM POWELL

Title: Town Manager

Date: 7/1/15

SAFEbuilt Colorado, LLC

Matt Royer

Signature

Name: Matt Royer

Title: Executive VP Operations

Date: July 1, 2015

Town of Minturn  
Electrical Fees  
Effective: July 1, 2015

**Residential:** This includes single-family dwellings, site-built and modular/factory-built homes, duplexes, condominiums, and townhouses. This fee is based on the enclosed living area only. See "other electrical fees" for garages, shops, etc.

Not more than 1000 sq. ft. ....	\$57.50
Over 1000 sq. ft. and not more than 1500 sq. ft. ....	\$86.25
Over 1500 sq. ft. and not more than 2000 sq. ft. ....	\$115.00
Per 100 sq. ft. or fraction thereof in excess of 2000 sq. ft. ....	\$5.75

Sample: The home is 2235 square feet.

The base fee for 2000 sq ft (of the 2235 sq ft total) is \$115.00 ..... \$115.00

The remaining 235 sq ft is rounded up to 300 sq ft (3 x \$5.75 = \$17.25) ... \$ 17.25

Total fee is .... \$132.25

**All other electrical fees:** Except as provided above, including some residential installations that are not based on square footage (not in a living area, i.e. garage, shop and photovoltaic, etc.). Electrical fees shall be computed on the dollar value of the electrical installations including time, material, and contractor profit. Use this chart for a service connection, a temporary construction meter, and all commercial installations. Such fees shall be calculated as follows:

(1) Valuation of work:

Not more than \$2000 ..... \$57.50

(2) More than \$2001,

\$5.75 per thousand OR fraction thereof plus ..... \$57.50

Sample: The actual cost of the installation is \$5,150 (round up to \$6000)

6 x \$5.75 = \$34.50 PLUS \$57.50

Total fee is: \$92.00

Mobile homes in a mobile home park ..... \$57.50

[Note: Electrical fees charged by the municipality will be scaled at 1.15 from current version of the State of Colorado Fee Schedule per Colorado Revised Statutes, Article 23, Section 12-23-117(3) which states: Because electrical inspections are matters of statewide concern, the maximum fees, established annually, chargeable for electrical inspection by any city, town, county, or city and county shall not be more than fifteen percent above those provided for in this section, and no such local government shall impose or collect any other fee or charge related to electrical inspections or permits.]

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 07 – SERIES 2015**

**A RESOLUTION SETTING AND APPROVING WATER  
RATE FEES FOR THE TOWN OF MINTURN,  
COLORADO EFFECTIVE JANUARY 1, 2016.**

**WHEREAS**, The Town of Minturn reviews and approves such fees by Resolution annually and as necessary, and;

**WHEREAS**, The fee schedule is available for review during regular business hours at the Town Offices.

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

Section 1.

- a) The in-Town metered Water fees are set and hereby adopted effective January 1, 2016 as follows:

Residential Water	\$79.00 base rate up to 6,000 Gallons/Month
Commercial Water	\$79.00 base rate up to 6,000 Gallons/Month
Debt Service Fee	See Section 1(b)
Excess Water Fee	\$4.53/1,000 gallons on all usage in excess of 6,000 Gallons/Month
  
- b) A Debt Service fee will be calculated annually based on the outstanding debt in the Enterprise Fund. This fee will be accounted for separately by reducing the base rate for water service by the calculated Debt Service Fee.
  
- c) Out-of-Town metered water rates shall be billed at one hundred twenty-five percent (125%) of the in-Town metered water rates.

Section 2.

In the event of a conflict between the fees, rates and charges listed herein and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED  
THIS 19<sup>th</sup> DAY OF AUGUST, 2015**

ATTEST:

\_\_\_\_\_  
HAWKEYE FLAHERTY, MAYOR

\_\_\_\_\_  
JAY BRUNVAND, TOWN CLERK

August 14, 2015

To: Town Council  
Fr: William Powell

Re: Resolution authorizing the Mayor to sign the intergovernmental agreement with the state Department of Local Affairs for the receipt of the Energy and Mineral Impact Assistance Funds.

As previously announced, Minturn did receive the 50/50 DOLA grant of \$281,165. Unfortunately the time for the state to process the IGA for the grant takes three to four weeks from when the town approves the agreement. I had asked our DOLA representative we be able to consider the IGA at the August 19 meeting but he says he cannot deliver to the town until the end of the week of August 17, meaning on or around August 21. No funds are reimbursable until the documents are finalized.

Therefore staff is asking Council grant authority to the Mayor to sign the necessary documents, subject to the review and approval of the Town Attorney and Town Manager. See attached Resolution. Given a three to four week turn-around by the state, it means the earliest the Entryway project can start is sound September 11—18.

The other street projects are not affected by the grant.

TOWN OF MINTURN, COLORADO

RESOLUTION NO. 10 – SERIES 2015

A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE ENERGY AND MINERAL ASSISTANCE GRANT APPROVING FUNDING FOR SPECIFIC TRANSPORTATION UPGRADES IN THE ENTRYWAY AND 100 BLOCK OF US HIGHWAY 24.

**WHEREAS**, The Town of Minturn recognizes the benefits of acquiring alternative funding sources for planning, engineering and capital improvements to the Town transportation system through the pursuit of federal/state grants, public/private cost sharing opportunities, and other community share resources; and,

**WHEREAS**, The Town of Minturn would like to partner with CDOT and DOLA to achieve goals of the community; and,

**WHEREAS**, the area of US Highway 24 within Minturn has been identified needing various upgrades, including pedestrian facilities; and,

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE MAYOR OR HIS DESIGNEE IS AUTHORIZED TO SIGN ON BEHALF OF THE TOWN OF MINTURN ANY AND ALL DOCUMENTS REQUIRED TO ACQUIRE THE SAID GRANTS FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOLLOWING THE APPROVAL OF THE TOWN ATTORNEY AND THE TOWN MANAGER.**

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 19<sup>TH</sup> day of AUGUST, 2015.

TOWN OF MINTURN

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

ATTEST:

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



**COLORADO**  
Department of Local Affairs  
Division of Local Government

August 5, 2015

The Honorable Gordon "Hawkeye" Flaherty, Mayor  
Town of Minturn  
P.O. Box 309  
Minturn, CO 81645

RE: EIAF 07858 - Minturn Downtown Entryway Improvements

Dear Mayor Flaherty:

The Department of Local Affairs is in receipt of your application for state Energy and Mineral Impact Assistance funds. These revenues are derived from oil, gas, carbon dioxide, coal and metals extracted in Colorado.

Your project was reviewed based on a variety of factors such as its connection to energy impact, degree of need, measurable outcomes, amount of request, relationship to community goals, level of local match and community support, management capacity and readiness to go.

Congratulations! After thorough review, I am excited to offer a grant award in the amount of \$281,165. This offer is contingent on a dollar for dollar match up to the award amount of \$281,165. This award is less than the full request because it appears the Town has the financial capacity to meet the 50/50 program match requirement. These grant funds will be from state severance tax proceeds, which may cause you to go to election to receive and spend these funds. You should confer with your legal and budget advisors to determine if such an election is necessary.

Please contact your DOLA Regional Manager, Greg Winkler, at (970) 668-6160 for information on how to proceed. As you know, no state funds or matching funds can be obligated before a grant contract is fully executed. Expenditure of any funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the state. Consult your regional manager prior to expending any funds. Per our program guidelines this offer is valid for one year from the date of this letter.

I wish you success with your project.

Sincerely,

Irv Halter  
Executive Director

cc: State Senator Kerry Donovan  
State Representative Diane Mitsch Bush  
William Powell, Town Manager  
Greg Winkler, DOLA



**Karp.Neu.Hanlon<sup>pc</sup>**  
ATTORNEYS AT LAW

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[mjs@mountainlawfirm.com](mailto:mjs@mountainlawfirm.com)

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James S. Neu  
Karl J. Hanlon  
Michael J. Sawyer  
James F. Fosnaught  
Jeffrey J. Conklin  
Andrew A. Mueller

*\* Fellow of the College of  
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Matthew L. Trinidad  
Patrick L. Barker  
Jon T. Hoistad

*Of Counsel*  
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Hollie L. Wieland

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*Glenwood Springs Office*  
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P. O. Drawer 2030  
Glenwood Springs, CO 81602

*Aspen Office\*\*\**  
323 W. Main Street, Suite 301  
Aspen, CO 81611

Telephone: (970) 945-2261  
Facsimile: (970) 945-7336  
[www.mountainlawfirm.com](http://www.mountainlawfirm.com)

*\*\*\*All correspondence should be sent to the  
Glenwood Springs office*

August 12, 2015

TO: MAYOR FLAHERTY AND MINTURN TOWN COUNCIL  
FROM: TOWN ATTORNEY  
RE: QUIET TITLE ACTION

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As the Council is aware, the Town of Minturn filed a quiet title action for property located near Little Beach Park. The deadline for filing an answer in the quiet title case was the end of June. No answers were filed by any party seeking to claim an interest in the property. The Town then filed a motion for default judgment. The Court has entered two orders, one granting default judgment and the other quieting title in the property on August 11 (attached). These orders hold that the Town is the owner of the property where Little Beach Park is located (and surrounding lands) and that no other party has any interest in those lands. We now must wait 14 days to record both orders in the public records of Eagle County. After that period has lapsed, I will see that the documents are recorded which will make the Town the Record Owner of those lands.

DISTRICT COURT, EAGLE COUNTY, COLORADO Court Address: 885 Chambers Avenue, P.O. Box 597, Eagle, CO, 81631-0597	DATE FILED: August 11, 2015 2:36 PM CASE NUMBER: 2015CV30049  <p style="text-align: center;"><b>△ COURT USE ONLY △</b></p>
<b>Plaintiff(s)</b> TOWN OF MINTURN v. <b>Defendant(s)</b> MARTHA TIPTON	Case Number: 2015CV30049 Division: 1                      Courtroom:
<b>Order: Order: Motion for Default Judgment</b>	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 8/11/2015

*Paul R. Dunkelman* 

PAUL RISLEY DUNKELMAN  
 District Court Judge

DISTRICT COURT, EAGLE COUNTY, COLORADO Court Address: Eagle County Justice Center 885 Chambers Avenue Eagle, CO 81631	▲ COURT USE ONLY ▲
<b>Plaintiff:</b> TOWN OF MINTURN, a Colorado municipal corporation  v.  <b>Defendants:</b> MARTHA TIPTON, a/k/a MARTHA S. TIPTON, a/k/a MARTHA E. TIPTON, deceased; and all unknown persons who claim any interest in the subject matter of this action	Case Number: 15CV30049  Div.:                      Ctrm.:
<b>ENTRY OF DEFAULT JUDGMENT AND ORDER FOR RELEASE OF LIS PENDENS</b>	

THIS MATTER, having come before the Court on Plaintiff Town of Minturn's Motion for Default Judgment, and after review of the record and being fully apprised, the Court finds that each and every Defendant herein has failed to appear within the legal time permitted for a defendant to plead; accordingly,

IT IS ORDERED that default judgment is hereby entered against all Defendants for failure to appear personally herein and that a Decree Quieting Title in the above entitled matter be entered by the Court forthwith.

IT IS FURTHER ORDERED that there are no further issues pending in this action, and that it is proper for the Lis Pendens recorded in the Office of the Clerk and Recorder for the County of Eagle on February 25, 2015 as Reception No. 201503323 and affecting the following real property be released:

Parcel 1

A parcel of land recorded in the office of the Eagle County Clerk and Recorder on March 17, 1913 in Book 79 at Page 331 as Reception Number 132442;

All that portion of the northwest Quarter (NW 1/4) of northeast Quarter (NE 1/4) of Section thirty five (35) Township Five (5) South of Range Eighty one (81) West of the Sixth (6th) Principal Meridian, running West three hundred (300) feet from the East Line, being and embracing all that certain lot of land lying between the Eagle River and the Right of Way now

belonging to the Denver + Rio Grande Railroad Company for the said three hundred (300) feet from said East line of the property now owned by the party of the first part, Known and designated as the dumping ground of the Town of Minturn, Eagle County, Colorado.

Parcel 2

A parcel of land located in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35, Township 5 South, Range 81 West of the Sixth Principal Meridian, according to the Dependent Resurvey of said Township and Range as approved by the U.S. Surveyor General in Denver, Colorado, on September 13, 1943, Town of Minturn, County of Eagle, State of Colorado, being more particularly described as follows:

Commencing at the North 1/4 corner of Section 35, said point being described as a 1942 U.S.G.L.O. brass cap on the final plat of the Eagle River Enclave, in Book 695 at Page 995 as Reception Number 591989 and as shown on the annexation plat for the South Minturn Addition to the Town of Minturn, in Book 267 at Page 397 as Reception Number 263774, said plats being recorded in the office of the Eagle County Clerk and Recorder;

Thence along the section line for Sections 26 and 35 and the southerly boundary of a parcel described in Book 217 at Page 120 as Reception Number 112677 to the point of beginning on the northeasterly right of way of U.S. Highway Number 24;

Thence easterly along the section line for Sections 26 and 35 to the southwesterly right of way for the Union Pacific Railroad Company, said section line being the southerly boundary of the aforesaid parcel described in Book 217 at Page 120 as Reception Number 112677;

Thence southeasterly along the Union Pacific Railroad Company right of way to a point 300 feet west of the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35, said point being the northwest boundary corner of a parcel known as the dumping ground for the Town of Minturn, as described in Book 79 at Page 331 as Reception Number 132442;

Thence southerly along a line that is 300' west of the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35 to the high water mark of the northerly bank of the Eagle River, said line being the westerly boundary of the aforesaid parcel known as the dumping ground for the Town of Minturn, as described in Book 79 at Page 331 as Reception Number 132442;

Thence easterly along the high water mark of the northerly bank of the Eagle River and the southerly boundary of the aforesaid parcel known as the dumping ground for the Town of Minturn, as described in Book 79 at Page 331 as Reception Number 132442 to a point on the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35;

Thence southerly along the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35 crossing the Eagle River to the high water mark of the southerly

bank of the Eagle River, said east line being the easterly boundary of a parcel described in Book 217 at Page 120 as Reception Number 112677;

Thence northwesterly along the high water mark of the southerly bank of the Eagle River to a point that is nearest to the northwesterly boundary corner of a parcel recorded in Book 416 at Page 57, as Reception Number 312330;

Thence to the aforesaid northwesterly boundary corner of a parcel recorded in Book 416 at Page 57, as Reception Number 312330, being common with a point on the northeasterly right of way of U.S. Highway Number 24;

Thence along the northeasterly right of way of U.S. Highway Number 24 to the point of beginning; said parcel of land contains 5.7 acres, more or less and excepting therefrom any property described in the following deeds recording in the public records of Eagle County;

Lot 33, South Minturn Addition to the Town of Minturn; Reception Number 312330, in Book 416 at Page 57

Lot 34, South Minturn Addition to the Town of Minturn; Reception Number 200706011

Lot 35, South Minturn Addition to the Town of Minturn; Reception Number 367834, in Book 471 at Page 616

Lot 36, South Minturn Addition to the Town of Minturn; Reception Number 201406133

Lot 37, South Minturn Addition to the Town of Minturn; Reception Number 815262

Lot 38A, South Minturn Addition to the Town of Minturn; Reception Number 818250

Lot 38B, South Minturn Addition to the Town of Minturn; Reception Number 901881

Lot 39, South Minturn Addition to the Town of Minturn; Reception Number 926277

Lot 40, South Minturn Addition to the Town of Minturn; Reception Number 201216746 Lot

41, South Minturn Addition to the Town of Minturn; Reception Number 381675, in Book 485 at Page 471

Lot 42, South Minturn Addition to the Town of Minturn; Reception Number 200724523

Lot 43 N1/2, South Minturn Addition to the Town of Minturn; Reception Number 153431, in Book 257 at Page 105

Lot 44, South Minturn Addition to the Town of Minturn; Reception Number 562375, in Book 666 at Page 352

Dated this \_\_\_ day of \_\_\_\_\_, 2015.

BY THE COURT:

\_\_\_\_\_  
District Court Judge

Attachment to Order - 2015CV30049

DISTRICT COURT, EAGLE COUNTY, COLORADO Court Address: 885 Chambers Avenue, P.O. Box 597, Eagle, CO, 81631-0597	DATE FILED: August 11, 2015 2:37 PM CASE NUMBER: 2015CV30049  <p style="text-align: center;">△ COURT USE ONLY △</p>
<b>Plaintiff(s)</b> TOWN OF MINTURN v. <b>Defendant(s)</b> MARTHA TIPTON	Case Number: 2015CV30049 Division: 1                      Courtroom:
<b>Order: Decree Quieting Title</b>	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 8/11/2015

*Paul Riskley* 

PAUL RISLEY DUNKELMAN  
 District Court Judge

DISTRICT COURT, EAGLE COUNTY, COLORADO Court Address: Eagle County Justice Center 885 Chambers Avenue Eagle, CO 81631	▲ COURT USE ONLY ▲
<b>Plaintiff:</b> TOWN OF MINTURN, a Colorado municipal corporation  v.  <b>Defendants:</b> MARTHA TIPTON, a/k/a MARTHA S. TIPTON, a/k/a MARTHA E. TIPTON, deceased; and all unknown persons who claim any interest in the subject matter of this action	Case Number: 15CV30049  Div.: Ctrm. 1
<b>DECREE QUIETING TITLE</b>	

Based upon the affidavits and pleadings that have been filed in this action the COURT FINDS:

THAT service under Rule 4 of the Colorado Rules of Civil Procedure was proper upon all of the Defendants in this action; that this is an action *in rem* affecting specific real property; that the Court has jurisdiction of all parties to this action and of the subject matter thereof; that the allegations of the Complaint are true; that no Defendant has any right title or interest in or to the property described in Exhibit A and depicted in Exhibit B attached hereto (the "Property").

THAT THE COURT has given proper consideration to protection of the Defendants interests under the Servicemembers Civil Relief Act of 2003, 50 U.S.C. App. §§ 501, *et seq.*

THAT TOWN OF MINTURN, a Colorado municipal corporation, is the owner of that portion of the Property described and depicted as Parcel 1 in Exhibit A and Exhibit B attached hereto, subject to the reservations contained in the Patent recorded on February 18, 1929 at Book 106, Page 517 in the real property records of Eagle County, Colorado.

THAT TOWN OF MINTURN, a Colorado municipal corporation, has adversely possessed that portion of the property described and depicted as Parcel 2 in Exhibit A and Exhibit B attached hereto for a time in excess of the periods of the statutes of limitation, as provided in C.R.S. §§ 38-41-101 and § 38-41-112. Minturn's ownership is subject to the reservations contained in the Patent recorded on February 18, 1929 at Book 106, Page 517 in the real property records of Eagle County, Colorado.

THEREFORE:

IT IS ADJUDGED AND DECREED that TOWN OF MINTURN, a Colorado municipal corporation, Plaintiff, at the time of the commencement of this proceeding was, and is now, the owner in fee simple absolute, with right to possession of the Property; and

THAT fee simple title in and to the Property be and the same hereby is quieted in the TOWN OF MINTURN, subject to the encumbrances of record identified above, and that each of the Defendants have no right, title or interest in or to the Property or any part thereof, and that the Defendants are forever enjoined from asserting any claim, right, title or interest in or to the Property or any part thereof.

Dated this \_\_\_\_ day \_\_\_\_\_ 2015.

BY THE COURT:

\_\_\_\_\_  
District Court Judge

Attachment to Order - 2015CV30049

Parcel 1

A parcel of land recorded in the office of the Eagle County Clerk and Recorder on March 17, 1913 in Book 79 at Page 331 as Reception Number 132442;

All that portion of the northwest Quarter (NW 1/4) of northeast Quarter (NE 1/4) of Section thirty five (35) Township Five (5) South of Range Eighty one (81) West of the Sixth (6th) Principal Meridian, running West three hundred (300) feet from the East Line, being and embracing all that certain lot of land lying between the Eagle River and the Right of Way now belonging to the Denver + Rio Grande Railroad Company for the said three hundred (300) feet from said East line of the property now owned by the party of the first part, Known and designated as the dumping ground of the Town of Minturn, Eagle County, Colorado.

Parcel 2

A parcel of land located in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35, Township 5 South, Range 81 West of the Sixth Principal Meridian, according to the Dependent Resurvey of said Township and Range as approved by the U.S. Surveyor General in Denver, Colorado, on September 13, 1943, Town of Minturn, County of Eagle, State of Colorado, being more particularly described as follows:

Commencing at the North 1/4 corner of Section 35, said point being described as a 1942 U.S.G.L.O. brass cap on the final plat of the Eagle River Enclave, in Book 695 at Page 995 as Reception Number 591989 and as shown on the annexation plat for the South Minturn Addition to the Town of Minturn, in Book 267 at Page 397 as Reception Number 263774, said plats being recorded in the office of the Eagle County Clerk and Recorder;

Thence along the section line for Sections 26 and 35 and the southerly boundary of a parcel described in Book 217 at Page 120 as Reception Number 112677 to the point of beginning on the northeasterly right of way of U.S. Highway Number 24;

Thence easterly along the section line for Sections 26 and 35 to the southwesterly right of way for the Union Pacific Railroad Company, said section line being the southerly boundary of the aforesaid parcel described in Book 217 at Page 120 as Reception Number 112677;

Thence southeasterly along the Union Pacific Railroad Company right of way to a point 300 feet west of the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35, said point being the northwest boundary corner of a parcel known as the dumping ground for the Town of Minturn, as described in Book 79 at Page 331 as

Reception Number 132442;

Thence southerly along a line that is 300' west of the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35 to the high water mark of the northerly bank of the Eagle River, said line being the westerly boundary of the aforesaid parcel known as the dumping ground for the Town of Minturn, as described in Book 79 at Page 331 as Reception Number 132442;

Thence easterly along the high water mark of the northerly bank of the Eagle River and the southerly boundary of the aforesaid parcel known as the dumping ground for the Town of Minturn, as described in Book 79 at Page 331 as Reception Number 132442 to a point on the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35;

Thence southerly along the east line for the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 35 crossing the Eagle River to the high water mark of the southerly bank of the Eagle River, said east line being the easterly boundary of a parcel described in Book 217 at Page 120 as Reception Number 112677;

Thence northwesterly along the high water mark of the southerly bank of the Eagle River to a point that is nearest to the northwesterly boundary corner of a parcel recorded in Book 416 at Page 57, as Reception Number 312330;

Thence to the aforesaid northwesterly boundary corner of a parcel recorded in Book 416 at Page 57, as Reception Number 312330, being common with a point on the northeasterly right of way of U.S. Highway Number 24;

Thence along the northeasterly right of way of U.S. Highway Number 24 to the point of beginning; said parcel of land contains 5.7 acres, more or less and excepting therefrom any property described in the following deeds recording in the public records of Eagle County;

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in Book 416 at Page 57

Lot 34, South Minturn Addition to the Town of Minturn; Reception Number 200706011

Lot 35, South Minturn Addition to the Town of Minturn; Reception Number 367834,  
in Book 471 at Page 616

Lot 36, South Minturn Addition to the Town of Minturn; Reception Number 201406133

Lot 37, South Minturn Addition to the Town of Minturn; Reception Number 815262

Lot 38A, South Minturn Addition to the Town of Minturn; Reception Number 818250

Lot 38B, South Minturn Addition to the Town of Minturn; Reception Number 901881

Lot 39, South Minturn Addition to the Town of Minturn; Reception Number 926277

Lot 40, South Minturn Addition to the Town of Minturn; Reception Number 201216746

Lot 41, South Minturn Addition to the Town of Minturn; Reception Number 381675,  
in Book 485 at Page 471

Lot 42, South Minturn Addition to the Town of Minturn; Reception Number 200724523

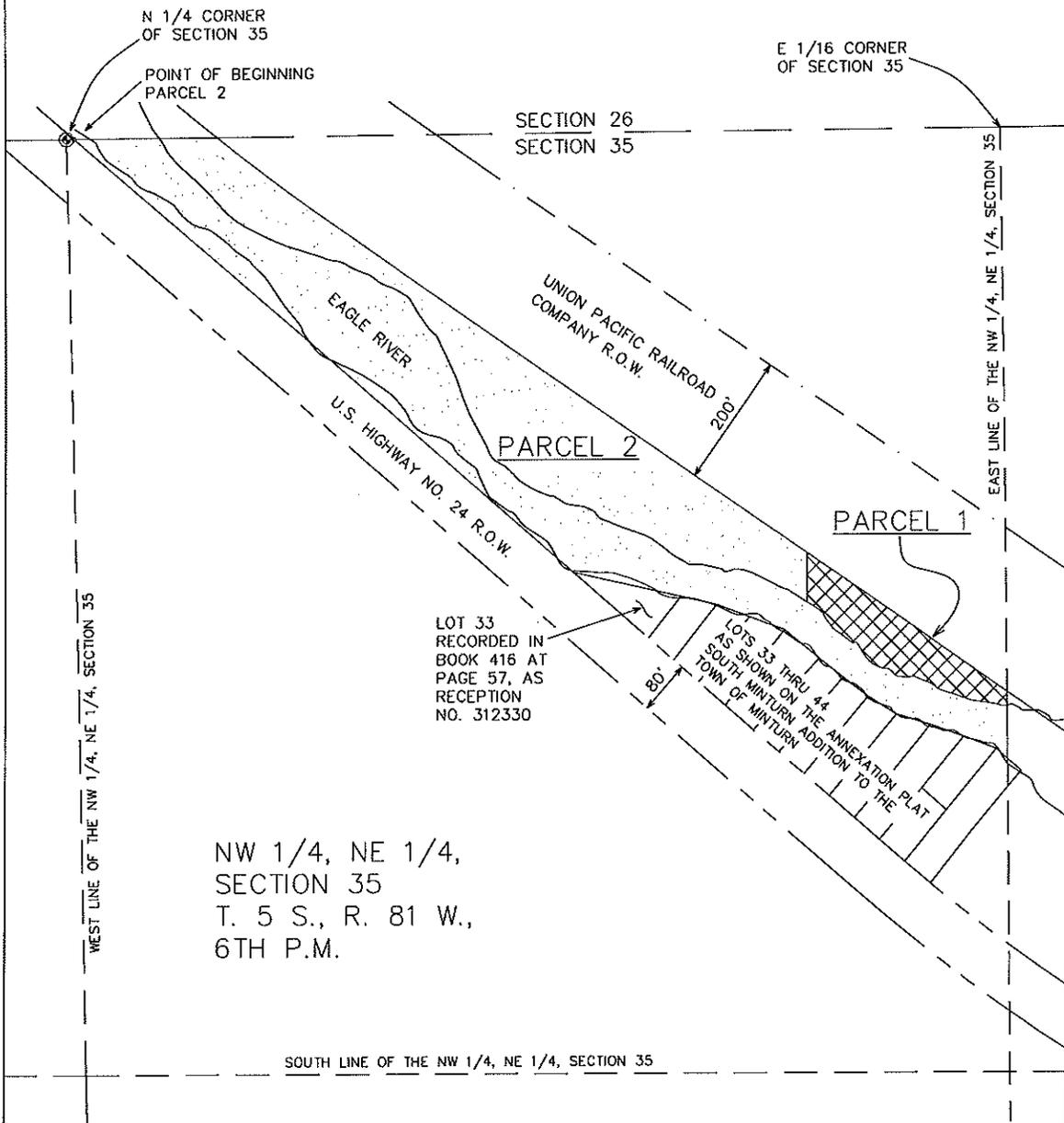
Lot 43 N1/2, South Minturn Addition to the Town of Minturn; Reception Number  
153431, in Book 257 at Page 105

Lot 44, South Minturn Addition to the Town of Minturn; Reception Number 562375,  
in Book 666 at Page 352

Prepared by Richard E. Borden, P.L.S. 30084

January 20, 2015

# Exhibit B



SCALE : 1" = 200'

February 11, 2015

Starbuck Surveyors

C:\R214\21413.DWG

P.O. Box 1584 • 0031 Eagle Park East Drive, Eagle, CO 81631 • (970)328-7208

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

William Powell, Town Manager



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

## **Manager Report AUGUST 19, 2015**

### **1. Eagle Park Sod and basketball net are installed**

### **2. Street Improvements**

**The Entryway plans have been submitted to CDOT. Plan sets for the following four projects have been advertised and plan sets to be distributed August 17: Entryway, Railroad Ave, North Main St., and Norman St. Bids are due on August 31, with possible awards at the September 2 meeting. For accepted projects the Notice to Proceed would be on or about September 7. The four projects are bid separately. The bid documents allow for the town to accept or reject any or all bids and dictate sequencing of the projects.**

**As previously announced, Minturn did receive the 50/50 DOLA grant of \$281,165. Unfortunately the time for the state to process the IGA for the grant takes three to four weeks from when the town approves the agreement. I have asked we be able to consider the IGA at the August 19 meeting but it is uncertain we will receive in time. If the IGA is considered at the September 2 meeting, it means we could not start the Entryway project until late September or early October. Considering the IGA at the 9/2 meeting puts the Entryway project on some jeopardy for this year. The town cannot be reimbursed for any costs before full execution of the agreement.**

### **3. We will likely have an Executive Session to update for Forest Service items**

**ACTION ITEMS REPORT**

From: Town Manager  
15-Jul-15

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	sod and basketball net installed 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 lease procedures approved by resolution on June 3
Boneyard	Hawkinson	slash piles cleaned, VSSA and boy scouts PZ reviewing site plan County has given comments on site plan, mgmt plan
Little Beach Park perfect ownership	Powell Sawyer	GOCO grant denied property now in town ownership--item closed
Memorialization Guidelines	Metteer	staff presented Jan. 21
Minturn Fitness Center	Powell Rosenfeld Bidez	Willy working with accountant for tax exempt status 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 Willy working with accountant for tax exempt status 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	next meeting August 19 Potential Amendments to Water Ordinance
Entryway/100 Block Project Steet Projects	Powell Hawkinson Inter-Mountain Engr.	final plans, Phase 1 submitted to CDOT August 11 plan sets advertised and distributed to contractors bids due on August 31, with Council consideration 9/2
South Minturn Engineering	Powell Hawkinson Inter-Mountain Engr.	TAP grant award letter received meeting with CDOT 8/25 Spanel and Powell discussing scope and details of project
Bolts Ditch within Wilderness	Powell	confirmed Battle Mtn. will share costs, split to be determined McGuire and Powell have have met with Glass Glass preparing a scope of services

## Willy Powell

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**From:** pjb@medicalclaimsadvocates.com  
**Sent:** Friday, August 07, 2015 12:42 PM  
**To:** Willy Powell  
**Subject:** 911 Event  
**Attachments:** Awards Save the Date Rev2 (00000003).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Mr. Powell!

I am the former President of the Edwards Rotary Club and we, along with the Vail and Eagle clubs, are honoring our local first responders. I am hoping that the Town of Minturn will join the other towns (Avon, Gypsum ad Vail) and purchase a table for your group to join in on our efforts to honor our locals. The event will be held on September 10 at Donovan Pavilion. The cost is \$500 for 10 seats, or \$45 per seat. The extra dollars from the table will go towards the attendance of the first responders. I have attached a flyer that may have more information. In addition, you can always call me at the number below.

Please join us in honoring our local first responders by purchasing a table for the Town of Minturn. You may utilize the seats, or pass them along to families of the awardees.

Thank you for time in reading this email. If I do not hear from you, I will follow up in a day or so.

Kind regards,

Pam Beaudin  
President  
Medical Claims Advocates, LLC  
p.o. box 2411, avon, co 81620 - phone: 970-949-1307 - toll free: 855-633-2524 - fax: 970-949-6275  
[www.medicalclaimsadvocates.com](http://www.medicalclaimsadvocates.com)

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# PUBLIC SAFETY APPRECIATION AWARDS CEREMONY

Eagle County Rotary Clubs of Eagle, Edwards and Vail, in conjunction with the Eagle County Public Safety Council, are pleased to host the **2<sup>nd</sup> Annual Public Safety Appreciation Awards Night** to honor Eagle County's most outstanding first responders.

The program was created to provide an opportunity for the men and women in public safety to be recognized for outstanding service to their communities and contributions to their profession.

**SEPT 10, 2015 ♦ 5:30 – 8:00PM**  
**DONAVON PAVILION ♦ VAIL**

**TICKETS:** \$45 per person or \$500 for a table of 10 (includes sponsoring attendance of a first responder). Cocktails start at 5:30pm, followed by dinner at 6:30pm. Awards ceremony will begin at 7:00pm.

Seating is limited. To purchase, contact Joe Peplinski at (970) 376-1635

or [josephpeplinski@comcast.net](mailto:josephpeplinski@comcast.net)

## FY 2016 BUDGET SCHEDULE

2015 DATE	DESCRIPTION	NOTES	TO DO
APRIL THROUGH AUGUST 2015	STAFF REVIEW AND PREPARATION	REVIEW BUDGET AND FIELD QUESTIONS FROM STAFF AS NECESSARY. STAFF WILL HAVE OPPORTUNITY TO SUPPLY INPUT ON BOTH THEIR BUDGET AND CIP NEEDS	
SEPTEMBER 2015	<b>WORK SESSIONS OR MANAGER'S REPORT AS NEEDED</b>	Discuss Preliminary Budget concerns and receive direction from Council as needed.	
10/07/2015	<b>WORK SESSION</b>	<b>REVIEW BUDGET AND FIELD QUESTIONS FROM COUNCIL AS NECESSARY</b>	Council to receive Preliminary Budget by Oct 2nd.
	COUNCIL MEETING	COUNCIL WILL FORMALLY ACCEPT THE BUDGET AS REQUIRED BY C.R.S 29-1-106(1) This will be a time for Council comments and Direction as well.	AFTER MEETING POST AND PUBLISH IN NEWSPAPER THE "NOTICE OF BUDGET"
10/21/2015	<b>WORK SESSION RETREAT</b>	<b>REVIEW BUDGET AND FIELD QUESTIONS FROM COUNCIL AS NECESSARY</b>	
11/04/2015	COUNCIL MEETING	1ST PUBLIC HEARING ON THE PROPOSED BUDGET AS ACCEPTED ON OCTOBER 1ST <b>- Review of Community Funding Requests</b>	
11/18/2015	COUNCIL MEETING	2ND PUBLIC HEARING ON THE DRAFT BUDGET - BUDGET ADOPTION ON FIRST READING - MILL LEVY ADOPTION ON FIRST READING - FY 2014 SUPPLEMENTAL APPROPRIATION ON FIRST READING - TOWN FEE ADOPTION ON FIRST READING	PUBLISH ORDINANCES BY TITLE ONLY IN NEWSPAPER
12/02/2015	COUNCIL MEETING	- BUDGET ADOPTION ON FINAL READING - MILL LEVY ADOPTION ON FINAL READING - FY 2011 SUPPLEMENTAL APPROPRIATION ON FINAL READING - TOWN FEE ADOPTION ON FIRST READING	*PUBLISH ORDINANCES BY TITLE ONLY IN NEWSPAPER