



2015

Minturn Council Meeting

Wednesday October 21, 2015

Work Session: **5:00pm**
(Town Center)

Regular Session: **6:30pm**
(Town Center)

**PLEASE REMEMBER TO BRING
YOUR 2016 BUDGET BOOK.**



Agenda

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

Wednesday October 21, 2015

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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

Work Session – 5:00pm

Please remember to bring your FY2016 Budget Book

- 2016 Budget Review: Decision Points – Powell/Brunvand 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 19, 2015 Pg 8

- September 1, 2015 Pg 15
- October 7, 2015 Pg 19

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

5. Special Presentations

- Updated from Augustana Senior Care Home by Lisa Pease Pg 25
- Update from Eagle County Sheriff's Office - Powell
- Committee Report

PUBLIC HEARINGS AND ACTION ITEMS

6. Action Item: Resolution 13 – Series 2015 Consideration of a Resolution of support for the submission of a grant for trail funding – Metteer Pg 28

7. Action Item: Resolution 14 – Series 2015 Consideration of a Resolution to approve a variance at 175 Williams St – Hawkinson Pg 39

COUNCIL AND STAFF REPORTS

8. Town Planner

9. Town Manager

10. Town Council Comments

11. Town Attorney

EXECUTIVE SESSION

12. Executive Session: An executive session for the purpose of conferencing with the Town Manager for the purposes of receiving direction and advice on the purchase, acquisition, lease, transfer or sale of any real property or other property under C.R.S. Section 24-6-402(4)(a) 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

Direction given as a result of the Executive Session:

FUTURE AGENDA ITEMS

13. Next Meeting – November 4, 2015

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2016 Budget – review public funding requests – White/Brunvand 11/4/15

14. Future Meetings:

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2016 Budget and First Reading of Budget Ordinances – Brunvand 11/18/15
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2016 Budget Ordinances – Brunvand 12/1/15

15. Set Future Meeting Dates

a) Council Meetings:

- November 4, 2015
- November 18, 2015
- December 2, 2015

b) Planning & Zoning Commission Meetings:

16. Other Dates:

17. Adjournment

To: Town Council
Fr: William Powell

Re: Decision Points for 2016 Budget

Capital Projects

On the attached sheet you will find the most updated numbers for street projects. You will see the projected ending balance for 2016 in the General Fund is \$485,000. Projects completed or to be completed are the following for 2015 and 2016.

2015: Railroad Ave., Norman St., Entryway Phase 1.

2016: Entryway Phase 2 (100 Block), North Main St., TAP grant engineering for Main St. between Toledo—Maloit Park Rd.

It is recommended that no additional street projects be planned in 2016 until several items occur. First, the \$500,000 figure for the 100 Block is only an estimate. We will not have an engineer's opinion of probable cost until January. We should also see how sales tax revenues hold up through 2015. Currently sales is up 10% year to date, but staff has budgeted more conservative number by using the remaining months at 2014 levels.

Additionally the staff is pursuing additional funding for improving Main St. As you are aware, CDOT has maintenance monies to repave US24 from Dowd to Maloit Park Rd. in 2018 in the approximate amount of \$3.5 million. The additional monies being pursued are to greatly leverage town funds with CDOT and DOLA funding sources to be available in 2018. The purpose is to pursue a more comprehensive upgrade from Toledo St. to Maloit Park Rd. The leveraged funding scheme being pursued is to apply for an additional 80/20 of TAP grant totaling \$1,000,000 for construction purposes. Applications are due in 2016 with award in 2017 and use in 2018. Those funds could possibly be used to match a 50/50 DOLA grant. Thus \$200,000 of town money could possibly grow to \$2,000,000 to add to the 3,500,000 of CDOT paving money. Additionally discussions with CDOT indicate there may be RPP money of approximately \$350,000 available in 2018. Discussion is also ongoing to assure engineering for CDOT repaving and the TAP engineering are closely coordinated. Staff has meetings over the next two weeks to better pursue the leveraged program.

In conclusion it is recommended no additional 2016 projects, than the ones listed above, are planned at this time until the following items occur.

- More certainty of sales tax returns.
- Engineering estimates for the 100 block.
- More information is available on the leveraged funding program.

Department Objectives

The budget includes department objectives stated in the 2015 budget and results in achieving those objectives (highlighted in yellow). Additionally department objectives are included for 2016. Does Council have any questions regarding the objectives?

Economic Development Programs

The 2016 budget includes a reprogramming of economic programs, based on input of the Economic Development Advisory Committee. Michelle has placed the programs in the department narrative and will make a short presentation and gather input of Council.

Wage Increases

Staff has proposed a wage increase pool of 6.0%. The purpose of the % increase is to have salaries more closely aligned with salaries of neighboring local governments, based on a salary survey and reward employees for their hard work and diligent efforts in meeting objectives with a small staff.

**Capital Funds Outlook 2015 and 2016
With DOLA and TAP grants
Combining Revenue Sources of General Fund and Battle Mountain Fund**

2015 expenditures

Battle Mountain Reserve	533,000.00
General Fund Unrestricted	425,000.00
Plus DOLA grant	281,165.00
Plus TAP grant	266,000.00
plus streets engineering	70,000.00
combined total	1,575,165.00
less Entryway Phase 1	219,137.00
less street projects	270,059.00
remaining combined balance	1,305,992.00

2015 detail

	low bid	engineering design and CM	total phase 1
Entryway Phase 1 construction bid	117,137.00		
landscape estimate	26,000.00	76,000.00	219,137.00

	low bid	engineering design and CM	total streets cost	actual constr. Cost	engineers estimate
Street Projects					
Railroad Ave.	101,080.00	8,095.00		151,323.00	110,000.00
North Main St.	45,076.00	5,000.00		0.00	49,000.00
Norman St.	77,646.00	8,095.00		86,646.00	70,300.00
County Rd./Main St.	10,900.00			10,900.00	
total	234,702.00	21,190.00	270,059.00	248,869.00	

2016 outlook

remaining combined total	1,341,092.00
less Entryway Phase 2	500,000.00
tap grant expenditures	320,000.00
remaining balance	485,092.00

Salary Study

Minturn salaries in relation to salaries of neighboring local governments

Neighboring salaries	Treasurer	Econ. Dev.	Planner	Admin clerk	PWD Supr.	PWD tech	PWD tech	PWD tech
Low Salary Average	76,421.00	54,028.00	56,258.00	38,700.00	50,519.00	35,118.00	35,118.00	35,118.00
Medium Salary Average	91,685.00	63,990.00	67,136.00	45,609.00	60,280.00	46,040.00	46,040.00	46,040.00
High Salary Average	105,839.00	73,722.00	77,983.00	52,672.00	70,040.00	53,097.00	53,097.00	53,097.00
Average Actual Neighboring	101,684.00	65,497.00	71,856.00	44,561.00	59,791.62	43,387.00	43,387.00	43,387.00
Minturn Actual Salary	77,989.00	56,834.00	62,378.00	40,000.00	51,168.00	45,510.00	40,310.00	36,899.00
Actual Salary/Average Neighboring	0.77	0.87	0.87		0.86	1.05	0.93	0.85
Years Of Service	17	6	2	0	13	10	2	2
Step In Minturn's Salary Schedule	4	2--3	1	5	1	6	4	2--3



Official Minutes

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

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

- Discussion on Human Resources

Direction was to add formal direction to the agenda under Action Items as 8a.

Note: this item was added to the agenda but was not taken up during the course of the meeting. During the worksession Council directed that the Attorney would develop a policy that would create an HR alternative for Staff when the Town Manager’s actions are in question. This policy is to be brought forward to the Council for review and consideration when it is developed.

- Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:50pm.

- Roll Call

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

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
 - Add HR direction to be added to Action Items 8a

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

3. Approval of Minutes

- August 5, 2015
 - Special presentation 30% unaccounted water change to 20%
 - Item 8 project will be bid as separate projects clear up

Motion by George B., second by Ozzy O., to approve the minutes as presented. Motion passed 5-0. Shelley and John abstain in that they were absent at the August 5, 2015 meeting

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

Mr. Chris Rieder, asked about placing a stop sign placed at 4th Ave on Minturn Road. He noted there is a stop sign on 4th Ave but not one for both directions on Minturn Rd at 4th Ave. Staff will review the area and come back with a recommendation.. Shelley B. noted the street should be posted at 15mph as well.

Ms. Sage Petersen, Sticky Fingers Café, asked about a recycle program for larger parcels. It was noted that we do have curbside. Shelley B. stated the twice a month vs. weekly is not sufficient for larger families.

Staff will review the Honeywagon agreement for renewal dates and options.

5. Special Presentations:

- Economic Development update

Matt S. presented and updated Council on the goals of the committee. Currently they are working on a strategic plan that will be recommended to the Council. The strategic plan is addressing residents, events, commercial, and sustainability.

Shelley B. added that for the residents of the Town the goal is to increase the sustainability of the Town for the future economic prosperity of the community.

- Committee Reports

Shelley B. updated on the scholarship program stating that they have awarded \$4,000 in scholarships this year. She outlined the scholarship requirements and encouraged any and all interested individuals to apply if they have the need.

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

Janet H. introduced Mr. Charlie Davis of Safebuilt.

Charlie Davis announced that Safebuilt is now the Electrical Inspector which used to be handled by the State. This has been in place as of July 2015 and is an increase in service level from the previous state practice. He stated the Electrical inspections will bring in approximately \$10,000 of which the Town will receive \$2,500.

Charlie Davis stated most entities are holding off on the 2015 code at this point. He stated he felt it wise to hold off on adoption to allow for training on the new code and testing on the new code policies.

It was noted the motion requested complies with the required 6mo notice to the state and this only adds the Electrical Inspections to the Safebuilt contract, it does not change any other part of the existing contract with Safebuilt.

Shelley B. asked the IBC code adoption be placed on the Action Report.

Motion by Ozzy O., second by Shelley B., to approve and incorporate the services or Electrical Inspections for the Town of Minturn to the Safebuilt contract approved and signed March 18, 2013 as presented. Motion passed 7-0.

7. Discussion/Action Item: Resolution No. 07 – Series 2015 a resolution setting and approving water rate fees – Powell/Water Committee

Public Hearing opened.

- Gusty Kanakis, 201 Pine St, stated that information was directed to be put in the water billing. Discussion ensued that information would be included in the water bills when direction of how to proceed was established. Mr. Kanakis felt that was not the direction and that an update should have been put in the monthly bills.

Hawkeye suggested we set all fees at the same base for three months but did not reduce the use rate and then found that the income was not sufficient Council could raise the rates at that point.

Shelley B. did not feel adequate billing information could be ascertained in three months and that the rates should be held for a longer period; not three months but six months.

Discussion ensued that the information provided by staff is accurate and how it has been reviewed and developed by the Water Committee.

- Mr. Leo Vasquez, 1019 Main St, felt it was important to share the information with the public.
- Mr. Lynn Kanakis, 243 Main, felt six months was sufficient
- Mr. Leroy Vasquez, 68 Toledo, felt six months was sufficient.

Public hearing closed

Discussion ensued as to the cost of the payroll in the enterprise fund and the affect it has on the gross revenue. Matt S. stated the fundamental question is do we want to have heavy users pay for their use rather than subsidized from the under-users. John R. stated we needed more information on the costs and projections.

John R. stated the Town is not using the amount of water that stressed in the Vail Lawsuit. He stated the reduction or restriction in use might not be something we even want to consider because it could lead us to a place we could not afford. He stated more data is required.

Earle B. noted the data we have is accurate and more than sufficient. The only data we do not have is the actual hours of staff but that the estimates are accurate and sufficient. He stated that we have many new items that are on the Council's plate which need to be addressed. Earle B. stated we should continue with our current system as it is more accurate than the discussed alternative. Once the payroll data can be calculated we can readdress the question at that time. George B. agreed that the rate structure should remain the same. He stated the intent was to make payments equitable.

Hawkeye stated he felt it was necessary to reduce the amount on commercial accounts for the benefit of the businesses. He proposed we simply adjust the fees to \$74 per SFE plus \$3 per 1000gal over 9k gal and be done with it.

Earle B. stated that he was not inclined to do that because he did not have the numbers on that scenario. Ozzy O. agreed and stated we should remain at status quo. Shelley B. stated she was fine with the status quo but that Staff should continue to collect the payroll data.

Motion by Earle B., second by Matt S., to approve Resolution No. 07 – Series 2015 a Resolution setting and approving water rate fees at \$79 and 6,000 gal as presented.

Hawkeye asked for an amendment to the motion, second by Shelley B. to set the base rate for residential and commercial at \$74 and \$3/1,000gal over 9,000. Motion Failed 2-5 (Nay: John R., Matt S., Earle B., Ozzy O. George B.)

Amended Motion by Shelley B., second by Earle B. to maintain residential status quo of \$73.32 base plus debt service as annually adjusted and to reduce commercial to 73.32 plus debt service and to charge 4.53/1,000gal over 10,000 to both residential and commercial users. This rate would be effective with the January 2016 meter read (February bill). Motion passed 4-3 (Nay: John R., Matt S., and Ozzy O.)

Note: because the original motion by Earle B. and seconded by Matt S. had been amended by an alternative motion it would stand passed as amended.

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

Willy P. outlined the issue for Council. Discussion ensued as to how this program is developing. Council reviewed the amount of grants received over the past 12 mo.

Motion by John R., second by Shelley B., to approve 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 as presented. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

9. Town Planner

10. Town Attorney

- Memo – Little Beach Park

Reported that the final orders have been issued by the Eagle County Courts and the time to execute has run. The Town is not the owner of record of the Little Beach Park.

Mike S. updated the Council on the Tucker vs. BMR court case. BMR has been successful in the courts. Courts found Tucker's claims are invalid, this was upheld in the State Court of Appeals. Tucker has filed to have the State Supreme Court review the case, this is pending the filing of various briefs from BMR and Tucker. At that point the State Supreme Court will decide if they want to take the case up. In the event they do not, the case will end based on the Court of Appeals, in the event the Court does take up the case it will be several to many months more.

Mike S. also updated the Council on the Tucker case involving the Town's water rights. The court has thrown out the case which was appealed to the State Supreme Court which will be heard on September 30, 2015.

11. Town Manager

- Manager's Report

- Eagle Park

Sod and basketball net are installed

- 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.

- We will likely have an Executive Session to update for Forest Service items

- Action Report

An update was given on the Federal TAP grant and the point that it is very complicated.

An update was given on the USFS land sales and how the Town is moving forward with the consultation of Mr. Tom Glass, Western Land Group.

- FYI

12. Town Council Comments

Shelley B. stated she felt George B.'s representation on the Water Committee is valued and important to continue.

Shelley B. gave her condolences to the Scott Ward family on his passing.

Matt S. noted the CML district dinner meeting; the Town will pay the cost of his attendance. Will be absent.

Discussion ensued that we do not have a quorum for the next meeting. The meeting will be moved to Sept 1.

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

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, US Forest Service land sale. Motion passed 7-0.

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

FUTURE AGENDA ITEMS

14. Next Meeting – September 2, 2015 – Moved to September 1, 2015 at 7pm

- Action Item: Review and consideration of construction contracts

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

Motion by Ozzy O., second by John R., to adjourn at 9:45pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Official Minutes

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

Tuesday September 1, 2015
Special Meeting

Work Session – CANCELED
Regular Session – 7:00pm

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.

Regular Session – 7:00pm

1. Call to Order

The meeting was called to order by Mayor Pro Tem George B. at 7:08pm.

- Roll Call

Those present included: Mayor Pro Tem George Brodin and Town Council members, John R., Matt Scherr, and Shelley B. Note: Hawkeye Flaherty, Earle Bidez, and Jason Osborne were Excused Absent.

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Shelley B., second by John R. to approve the agenda as presented. Motion passed 4-0.
Note: Hawkeye Flaherty, Earle Bidez, and Jason Osborne were Excused Absent.

3. Approval of Minutes

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

5. Special Presentations:

- Committee Reports

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Discussion and direction to proceed with construction contracts for Phase I Entryway Project, Railroad Ave, North Main St., and Norman St., – Hawkinson/Powell/Inter-Mtn Eng.

Willy P. presented the bids that had been received for the various projects under consideration: Norman Ave (Pine St to Boulder St), Railroad Ave, North Main, Entryway Phase 1. Using the attached handout, Willy P. outlined the funding available for these projects.

Willy P. noted Staff's recommendation is to approve the Norman Ave, Railroad Ave, and North Main as presented and to approve the Entryway Project on the condition that we receive the DOLA grant in its fully executed format. The contract deadline is October 30.

Discussion ensued as to the need to accomplish the North Main Street work. If North Main is not funded a cross-span would need to be installed from Railroad Ave across North Main as a temporary fix and would increase the cost of Railroad by approximately \$10,000. Council decided it was best to award North Main because of the incremental cost and mobilization costs (if performed later).

Motion by Shelley B., second by George B., to award the contracts to Site Resource Management as presented for Norman Ave, North Main St. ~~main~~, Railroad Ave.. For construction in 2015 motion passes 4-0

Motion by Shelley B., second by John R., to award the Entry Way project to Site Resource Management as presented not to exceed \$117,137 and contingent on the DOLA grant being fully executed prior. Motion passed 4-0. Note: Hawkeye Flaherty, Earle Bidez, and Jason Osborne were Excused Absent.

COUNCIL AND STAFF REPORTS

7. Town Planner

8. Town Attorney

9. Town Manager

- Manager's Report
- Action Report
- FYI

10. Town Council Comments

FUTURE AGENDA ITEMS

11. Next Meeting – September 16, 2015

12. Future Meetings:

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

13. Set Future Meeting Dates

- September 16, 2015
- October 7, 2015
- October 21, 2015

14. Other Dates:

- Final Market of Season – September 5, 2015

15. Adjournment

Motion by John R., second by Shelley B., to adjourn at 7:35pm. Note: Hawkeye Flaherty, Earle Bidez, and Jason Osborne were Excused Absent.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Official Minutes

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

Wednesday October 7, 2015

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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

Work Session – 5:00pm

Please remember to bring your FY2016 Budget Book

- 2016 Budget Review – Brunvand

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Pro Tem George B. at 6:40pm.

- Roll Call

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

Staff present: 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

Motion by Ozzy O., second by Shelley B., to approve the agenda as presented. Motion passed 6-0. Note: Mayor Hawkeye F. was excused absent.

The Council convened as the Liquor Authority.

3. Liquor Authority

- Shop N Hop Annual Renewal of a 3.2 Beer License; 401 Main St.; Terry Marcum, Owner – Brunvand

Motion by John R., second by Ozzy O., to approve the Shop N Hop Annual Renewal of a 3.2 Beer License; 401 Main St.; Terry Marcum, Owner as presented. Motion passed 6-0. Note: Mayor Hawkeye F. was excused absent.

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand

Motion by Ozzy O., second by Shelley B., to approve the Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner as presented. Motion passed 6-0. Note: Mayor Hawkeye F. was excused absent.

Council reconvened as the Council.

4. Approval of Minutes

- September 1, 2015

Motion by John R., second by Ozzy O., to table the minutes as presented. Motion passed 6-0. Note: Mayor Hawkeye F. was excused absent.

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

- Ms. Felicia Battle Candidate for Eagle County School District introduced herself.

6. Special Presentations

- Eagle Valley Land Trust update from Exec Director Jim Doss

Mr. Jim Doss introduced himself and outlined some of the programs they are working on as well as how the Trust operates. The Land Trust is a small nonprofit whereby land owners can contract their land to the trust for nondevelopment. In return they receive tax advantages.

- Committee Report – Eagle River Park Bathrooms – Bellm (Economic Dev)

Shelley B. updated the Council on the Eagle River Park bathrooms and that we are in the running for America's Best Restrooms. Citizens can vote at www.bestrestrooms.com and information can be found on the Town website, www.minturn.org, and on Facebook.

Janet H. demonstrated how to vote.

PUBLIC HEARINGS AND ACTION ITEMS

7. Action Item: Resolution No. 11 – 2015 a Resolution considering a permit for encroachment – Hawkinson

Janet H. introduced the request and introduced the property owner. It was noted this is a land improvement on Town property which abuts the westerly lot line of the applicant and is not accessible nor truly useable by the Town. The request is to allow via agreement that an existing wall be allowed to remain. The agreement calls for liability insurance and no further encroachment.

Shelley B. stated that the wall might need to be engineered and felt that should be pursued. Mike S. noted the agreement does provide an indemnification by the owner to the Town. Additionally MMC Section 11-3-90 requires the owner of the property that is encroaching provide insurance. Mike S. felt this was sufficient to cover the Town. Janet H. stated this is only for the existing wall that is currently built. Mike S. felt if the wall fell and damaged the owner's property we are indemnified. This would extend to other homeowners if the wall injures another property whereby the owner would be liable to the Town and any other injured party.

Discussion ensued as to ensuring we receive an annual insurance update. Their insurance company would send us a certificate as a normal course of business; staff will ensure this is undertaken.

Discussion ensued as to the fee of \$500 for the encroachment. It was determined this was appropriate.

Note: Shelley B. left at 7:25pm and was excused absent.

Motion by John R., second by Ozzy O., to approve Resolution No. 11 – 2015 a Resolution considering a permit for encroachment as presented. Motion passed 5-0. Note: Mayor Hawkeye F. and Shelley B. were excused absent.

8. Action Item: Resolution No. 12 – 2015 a Resolution considering approval of an Intergovernmental Agreement for the engineering of the Minturn bike path alinement – Hawkinson

Janet H. outlined the IGA for the Council. The County has grant money that they are willing to apply to this project if the Town will administer and oversee the project. Staff is recommending approval.

It was noted how the alignment has been determined as well as who owns which parcels. Mike S. noted the IGA is a reimbursement agreement for costs that will be incurred by the Town and subsequently reimbursed by Eagle County.

Motion by John R., second by Ozzy O., to approve Resolution No. 12 – 2015 a Resolution considering approval of an Intergovernmental Agreement for the engineering of the Minturn bike path alinement as presented. Motion passed 5-0.

9. Action Item: Council motion to formally accept the FY2016 Preliminary Budget – Brunvand

Motion by Ozzy O., second by John R., to formally accept the FY2016 Preliminary Budget and set Public Hearings at 6:30pm on November 4 and November 18, 2015 to be held in the Council Chambers at 302 Pine St, Minturn as presented Motion passed 5-0. Note: Mayor Hawkeye F. and Shelley B. were excused absent.

COUNCIL AND STAFF REPORTS

10. Town Planner

Janet H. announced that Michelle M. had received her Certified Municipal Clerk certification through the International Institute of Municipal Clerks.

Janet H. updated on accomplishments of Public Works and reported on the status of the street improvements in Town.

Ozzy O asked about the issues on RR Ave. Discussion ensued and it was directed this be updated for the council at the next meeting to include the issues, cost over runs, not doing North Main, and the paving of the Saloon skirt paving.

11. Town Manager

- Action Item Report

12. Town Council Comments

Ms. Darla Goodell, lifelong resident and owner of the Turntable has passed away. A Celebration of Life will be held on October 18 2pm at the VVSA in Maloit Park.

Matt S. noted how important the upcoming County election is and the specific importance of the Eagle County School Board election for the future of the County.

Ozzy O. reminded citizens to be bear aware.

13. Town Attorney

Mike S. stated he would not be at the next meeting, however, his office will cover as needed.

EXECUTIVE SESSION

14. 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 – Sawyer

Motion by Ozzy O., second by John R., 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. Motion passed 5-0. Note: Mayor Hawkeye F. and Shelley B. were excused absent.

Direction as a result of the Executive Session was to pursue an RFQ related to Dowd Junction.

FUTURE AGENDA ITEMS

15. Next Meeting – October 21, 2015

- Budget Review – FY 2016 Decision Points (Worksession) – Powell/Brunvand
- Special Presentation – Augustana Senior Care Home update
- Action Item – Eagle County Gives Proclamation

16. Future Meetings:

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2016 Budget – review public funding requests – White/Brunvand 11/4/15
- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2016 Budget and First Reading of Budget Ordinances – Brunvand 11/18/15
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2016 Budget Ordinances – Brunvand 12/1/15
- Noise Ordinance review on Engine Brakes and the construction work hours.

17. Set Future Meeting Dates

a) Council Meetings:

- October 21, 2015
- November 4, 2015
- November 18, 2015

b) Planning & Zoning Commission Meetings:

18. Other Dates:

19. Adjournment

In that there was no further business to discuss the meeting stood adjourned at 9:10pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

Mr. Willy Powell, Acting Town Manager
Town of Minturn
Minturn, CO 81645

Dear Willy:

Construction of Castle Peak Senior Care Community is underway! Augustana Care is deeply appreciative of the financial support the Town of Minturn has provided to the “Making Our Community Whole” capital campaign to build the Castle Peak Senior Care Community (“CPSCC”) in Eagle, Colorado. Because of your support and the generosity of others, Castle Peak Senior Care Community will play an important role in the lives of Eagle County residents.

Since our last update letter to you and the Town Council and prior to the commencement of construction, we encountered widespread rapidly increasing construction costs as the construction contractor (the Weitz Company) was engaged and sub-contractor bids obtained. As you are aware, Eagle County has seen these costs rise as much as 25% in the past year. Through redesigning certain aspects of the project, decreasing the overall square footage from 62,000 to approximately 59,000, and negotiating and securing contributions from the Weitz Company and sub-contractors we have been able to hold the increase in construction costs to 11%.

To fund the overall increase in costs from the original budget of \$22,767,000 to the revised projected budget of \$24,962,000 (please see Attachment A for Source and Use of Funds), the following has been secured:

- the USDA Rural Development Loan Program agreed to an increase in financing of \$500,000,
- Eagle County increased its subordinated debt by \$645,000, and
- Augustana Care increased its subordinated debt by \$700,000.

This has left a remaining funding need of \$350,000 to be raised from community sources.

This shortfall needs to be satisfied in order to completely furnish common areas, address transportation needs, provide adequate weather protection for residents, etc. Please see Attachment B for examples of these items. Of this amount, we have already secured \$97,000 in additional individual donations leaving a shortfall of \$253,000.

The Town of Vail has committed to matching dollar for dollar up to a maximum of \$50,000 in total on all new cash commitments/contributions from the other municipalities and Eagle County to assist CPSCC reach this goal. We hope that the Town of Minturn will consider assisting us with an additional contribution of \$5,000 to reach the funding needed and to help maximize the match offered by the Town of Vail.

We greatly appreciate the opportunity to update you on our progress and to make this request during the town council meeting on October 21st, and thank you in advance for your consideration.

Contact Information

Lisa Pease, Director of Development for Colorado
Augustana Care

Phone: 970.471.4864
Email: lpease@augustanacare.org



Castle Peak Senior Care Community
Attachment A - Project Budget
 July 2015

Sources of Funds

USDA Direct Loan	\$12,524,000
Eagle County Subordinated Debt	5,000,000
Eagle County Land Donation	988,000
Augustana Care Subordinated Debt	1,700,000
Capital Campaign	4,400,000
Supplemental Campaign Contributions	<u>350,000</u>
 Total Funding:	 <u>\$24,962,000</u>

Expenses

Construction	\$16,763,500*
Land	988,000
Architect, Engineering, Entitlements	2,692,000
Furnishings, Fixtures, Equipment	1,379,700
Resident Experience/Excellence in Care	350,000
Marketing, Fundraising and Pre-opening	685,000
Financing Costs	542,000
Reserves	<u>1,561,800</u>
 Total Expenses:	 <u>\$24,962,000</u>

* **Please note:** As of October 8, 2015, since construction was commenced, the project has remained on budget and on time.



Attachment B - Funding Needs July 2015

As a result of significant increases in construction costs and fees since Castle Peak's original budget was projected, an additional \$350,000 is needed to augment the experience of residents, patients, family members and friends. The following information is provided as examples of how these funds will make a significant difference to everyone at Castle Peak.

1. Furnishings, fixtures & equipment (FFE) budget shortfall \$200,000

The FFE budget includes everything needed to make Castle Peak a welcoming community experience. Budget items range from salt and pepper shakers to mattresses to the health care center's nurse call system. A robust call-system costs \$150,000, nearly 11% of what is currently allocated for FFE, which also includes the following items:

 - a. Handicap accessible bus \$65,000

Castle Peak's primary funder, the USDA, requires that we provide consistent, easily-accessible transportation. If adequate funding is not raised to purchase a new bus, we may need to rent a bus or buy a used bus, which may affect the reliability of our transportation.
 - b. Exercise equipment for fitness room \$15,000

Contributions are needed to equip the fitness room. The room could remain empty until adequate funds are available.
 - c. Outdoor furniture for patios \$35,000

Without additional funding, furnishing the patios will be delayed indefinitely.
 - d. Common-area furnishings throughout Castle Peak \$14,550

Sofas, coffee tables, chairs and other furniture will be scarce in common areas without adequate funding.
2. Weather-protection canopy for entrance to assisted living \$100,000

If adequate contributions are not received, a 30-foot canopy needed to cover the long walkway leading from the parking area to the building entrance will not be affordable. Without the 30-foot canopy, residents and guests could be exposed to inclement weather conditions and become damp or drenched when entering the building.
3. Workforce development \$50,000

We anticipate the need to hire staff with limited or no experience working with older adults and individuals with dementia. Additional funds will enable Augustana Care to provide more comprehensive training as we start to serve Castle Peak residents.

Michelle Metteer, CMC
Economic Development
Deputy Clerk
P.O. Box 309 ♦ 302 Pine St
Minturn, CO 81645
970-827-5645
mmetteer@minturn.org
www.gominturn.com



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Resolution 13 – Series 2015
MEETING DATE: October 21, 2015
PRESENTER: Metteer
BACKGROUND: Resolution 13 is supporting the submission of a grant to construct a beginner biking/hiking trail from the North Taylor Street area (Grant Street) south to Cemetery Road with utilization of both Grant Street and the already existing path in the south Lionshead corridor. Minturn Town Council, supports the <i>enhancement of the Town’s status as a walkable and bikeable community</i> , per the Land Use / Transportation Goal 1 of the 2009 Community Plan. Resolution 13 – Series 2015 is in line with this goal and the overall goal of trail connectivity within Minturn and the broader Eagle County. The Colorado Parks and Wildlife (CPW) State Trails Program provides trail construction grants for a 3% cash matching contribution. The proposed project which would be the improvement of the already existing path between the Taylor Street area south to Cemetery Road is approximated to cost anywhere from \$15,000 - \$50,000. Therefore, worst case scenario, Minturn would need to provide matching grant funds in the amount of \$1,500.00.
CORE ISSUES: <ul style="list-style-type: none">• Improves recreational transportation• Connects sections of town through off-highway travel• Is in accordance with the 2009 Community Plan
STAFF RECOMMENDATION/MOTION: Approve Resolution 13 – Series 2015



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

Colorado Parks and Wildlife Division
Trails Program
13787 S. Hwy 85
Littleton, CO 80125

Re: Trail Grant Opportunity

To Whom It May Concern:

Attached you will find an application for the 2015-2016 Trail grant program. The Town of Minturn is applying for funds to construct a trail that will connect the Game Creek Character area, located on the Town’s north side, to the Lionshead Character area and Little Beach Park.

The Town Council, elected by the voting public of Minturn, Colorado, proudly support the development of organized soft trails. As residents and representatives for the citizens of this community, we feel it is important to continue to improve the quality of life in Minturn by connecting the Town’s diverse recreational opportunities.

As a Council we participated in, and supported, the 2009 Community Plan, which calls for promotion of bicycle use as recreation and transportation. The Town supports the proposed trail on town property, on which the proposed trail will developed, (see attachment). The Town in its annual budget will appropriate funds for operations and maintenance of the trail link. The Town of Minturn has been very successful in completing capital projects. We completed the Eagle, Pine and Norman Streets paving, curb and gutter projects as well as phase one of the entryway project.

We hope that you will look favorably upon our request. We feel that with leveraged funding our growing community can continue to provide excellent programs for our citizens, and the citizens of the surrounding area, for years to come.

Thank you for your consideration.

Sincerely,

Hawkeye Flaherty
Mayor, Town of Minturn
PO Box 309
Minturn, CO 81645

Town of Minturn, Colorado
Resolution 13 – Series 2015

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR THE COLORADO PARKS AND WILDLIFE (CPW) STATE TRAILS PROGRAM.

WHEREAS, the Town of Minturn supports the construction of soft trails used for biking and hiking.

WHEREAS, the CPW grant application follows the recommendation of Minturn’s 2009 Community Plan,

NOW, THEREFOE, BE IT RESOLVED by the Minturn Town Council of the Town of Minturn, that:

SECTION 1: The Minturn Town Council hereby authorizes the Town Mayor to sign the letter of support for the CPW State Trails Program grant application,

SECTION 2: The Minturn Town Council herby authorizes The Town Manager to execute any and all necessary agreements for the expenditure of funds and contract agreements necessary to meet the terms and obligations of the grant agreement and this application,

SECTION 3: This resolution to be in full force and effect from and after its passage and approval.

INTRODUCED, READ, APPROVED, AND ADOPTED THIS 21ST DAY OF OCTOBER 2015.

Gordon “Hawkeye” Flaherty, Mayor

Attests:

Jay Brunvand, Town Clerk/Treasurer

Conceptual alignments for a multi-use, soft surface trail system on Town of Minturn Open Space

Purpose: These slides provide potential design concepts for 3 trail segments on the east side of the Eagle River in Minturn, Colorado. These trails would provide non-highway neighborhood connections for town residents and visitors appropriate for hikers, beginner bikers, joggers, dog walkers, snowshoers, young and old.

This Trail network design allows for:

- A loop-style walk of 25-40 minutes from the downtown commercial district
- Non-street connections for the Taylor St neighborhood to Little Beach Park concert and playground venues, as well as Two Elk road
- Non-street connections for visitors and mountain bikers returning to town from popular USFS trails including Two Elk and the Game Creek/Cougar Ridge venues.
- Town-based venue options for hosting trail 5k's, fun-runs, walks, beginner mountain biking, etc.
- Potential tie-ins to paved ECO Trail alignments

Created for Town of Minturn Planning and Community Development departments
by Bill Hoblitzell, Vail Valley Mountain Bike Association vumba.org
billhoblitzell@yahoo.com

Nov 21, 2013 9:35:07 pm

Phase 3: 0.5 mi North Segment

Connects to Game Creek
Utilizing Town of Minturn's
24' 'Grant St' ROW

Phase 1: First Priorities 0.8 mi Taylor St – Little Beach Connector

Utilize restoration techniques and minor re-routes to convert existing double track into beginner-level multi-use singletrack

- Wide tread for 2-way passing
- Improve drainage
- Reduce grade at N end
- Trailhead signage and use controls to keep motorized use off.



Phase 2: South Segment 0.65 mi

Connects Little Beach Trailhead to Two Elk Road, positions the S terminus to connect with proposed Boneyard Bridge

- Beginner Singletrack (envision similar to "Our Backyard" in Wildridge or Haymaker)



Conceptual 'East Valley Trail' network on Town of Minturn Open Space

Imagery Date: Sep 24, 2011

lat 39.585996° lon -106.424042° elev 8172 ft

Eye alt 15011 ft

Nov 21, 2013 9:35:07 pm

Needed throughout

- Drainage work
- Conversion to single, beginner-width tread (36"-48" to allow 2 way passing, avoid user conflicts)
- 2-3 Benches at viewpoints

grade-reduction or realignment needed where re-joins gas line

Signage needed at S trailhead

Signage and grade-reduction needed at N trailhead

Trail crosses and/or parallels underground gas line ROW, Will need to coordinate with utility company, but numerous precedents for this already in other areas (Moab, Flagstaff etc)

Phase 1: Taylor St – Little Beach Connector
0.8 miles, primarily Restoration and Conversion work on existing doubletrack, Very limited re-alignment may be necessary to reduce grades at 2-3 locations.

015 Google
Return
06.427068° elev 7991 ft

Eye.alt 9742 ft

Nov 21, 2013 9:35:07 pm
Begin climbing off of Taylor St Connector in meandering low-grade turns

Gentle climb on hillside behind cemetery and town shop, then contour south. Maximum vertical gain of appr. 100-200 feet from trailhead elevation, Maximum grade $\leq 6\%$

Easy rolling descent/climb, minor grade reversals, wrap back to Two Elk Road

Southern terminus ends at USFS boundary for now, could tie more directly to Boneyard Bridge site later

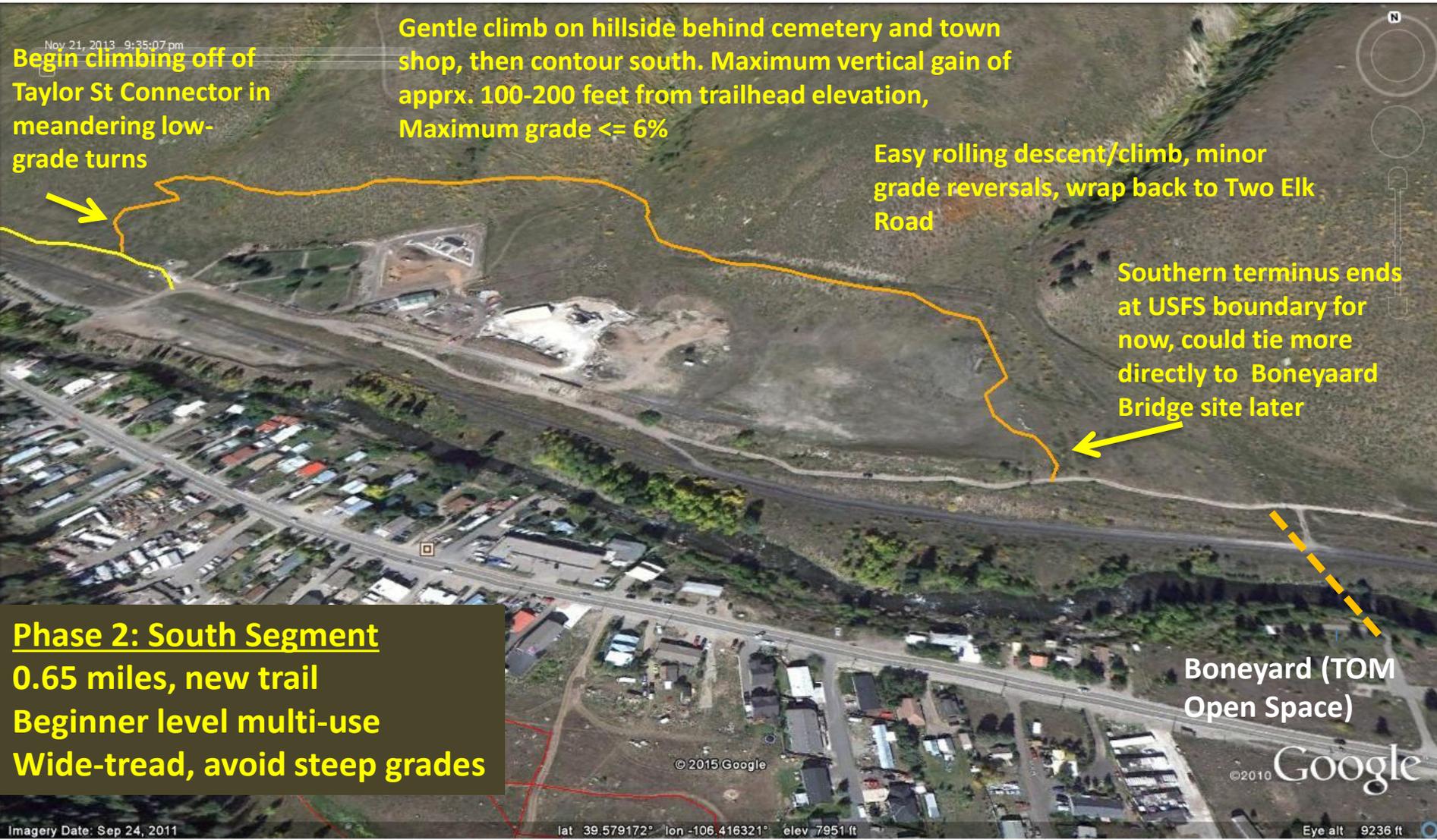
Phase 2: South Segment
0.65 miles, new trail
Beginner level multi-use
Wide-tread, avoid steep grades

Boneyard (TOM Open Space)

Imagery Date: Sep 24, 2011

lat 39.579172° lon -106.416321° elev 7951 ft

Eye alt 9236 ft



Nov 21, 2013, 9:35:07 pm

N. Terminus interfaces with Game Creek Trail, may require a short walk for bikers to exit to Taylor St.

Utilizes 24' ROW on original Grant St.

Southern terminus climbs gently from the Taylor-Little Beach connector

Phase 3: North Segment
0.5 miles, new trail
Beginner level multi-use
Wide-tread, avoid steep grades

©2015 Google

©2010 Google

Imagery Date: Sep 24, 2011

lat 39.591803° lon -106.429809° elev 7866 ft

Eye alt 8932 ft

Existing condition of doubletrack between Taylor St and Little Beach

- Existing ROW leaves from Lions Lane Townhomes, too steep for beginner bikers.
- No drainage, very erosion-prone, ruts already visible

Same segment, looking south



Middle segments in good shape, nice low-gradient, but in need of drainage and corridor-definition to convert to single tread

- Double-track treads at uneven elevations, ruts, no existing drainage features.
- Restoration work is recommended to convert this entire segment to a beginner-width tread of 36-48" that allows for 2-way passing.
- Minor lens-shape excavations utilizing existing grade-reversals to allow for bike-friendly drainage



South terminus needs signage, barriers to prevent motorized access, grade work and corridor definition

- Steep segment where existing double track re-joins gas line corridor needs smoothing or removal/re-alignment.
- Corridor definition and restoration to return trail to singletrack form
- Stones, small fencing style, or other traffic barrier to limit motorized access
- Cooperation of utility company will be needed where trail over-lays gas line.



**TOWN OF MINTURN, COLORADO
RESOLUTION 14 – SERIES 2015**

**A RESOLUTION APPROVING VARIANCE APPLICATION FOR
175 Williams Street, Molly G Building, Minturn, CO**

WHEREAS, Nancy & Ryan Richards, 175 William Street, Minturn, CO 81645; and

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16-21-30; and

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

WHEREAS, on October 14, 2015 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16-21-620 and recommended approval of the application to the Minturn Town Council; and

WHEREAS, on October 21, 2015 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16-21-620; and

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-230, the Town Council makes the following findings:

- There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance
- The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter;
- That the granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;
- There is no substantial impairment to the public that would result from the granting of the variance.

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

That variance application Nancy and Ryan Richards is approved with the following conditions:

1. Sunset Provision: this variance will be reviewed for renewal on June 1, 2018. Unless reviewed and renewed for approval by that date the variance is revoked. Review of the variance is to determine if the Bunkhouse has complied with the conditions of this variance listed below.
2. The Bunkhouse will lease 20 parking spaces from the Town of Minturn at the municipal lot at the Town rate set by the Treasurer (with a deduction per space from market rate, for the Bunkhouse removing their own snow)
(see attachment 1)
3. The Bunkhouse will be responsible for all snow removal and maintenance of their rented section of the municipal town parking lot.
4. The Bunkhouse will place signs delineating their parking area at the far end of the municipal lot (see attachment 2)
5. The Bunkhouse will place a sign in front of the 2 designated check-in, drop-off, parking spaces, designating them as short term check-in parking only.
6. The Bunkhouse will have valet parking to ensure all guest vehicles are parked in the Bunkhouse parking lot located at the far end of the municipal lot.
7. The employee and manager will park in the 2 underground parking spaces that are part of the building and rental space.
8. The Bunkhouse will log all license plates at check-in. If a vehicle is parked on private parking or long term on any neighborhood streets and needs to be towed, the Bunkhouse will be fined \$100.00 and the owner will pay for ticket and towing.
9. The Bunkhouse will notify the Town of any changes to their lease agreement, change in size of operations or ownership of building. Upon these changes, this variance may become void or need to be modified.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 12st day of OCTOBER, 2015.

ATTEST:

Town Clerk

Mayor



Town of Minturn
302 Pine Street
Minturn, CO 81645

Planner – J. Hawkinson

Request for a Variance at the Molly G. Building, 175 Williams Street

Planning Commission Approval of Variance on 10/14/2015

Town Council Review of Variance on 10/21/2015

Variance Approval with the Following Conditions:

1. Sunset Provision: this variance will be reviewed for renewal on April 30, 2018 (staff recommends being changed to June 1, 2018 after ski season). Unless reviewed and renewed for approval by that date the variance is revoked. Review of the variance is to determine if the Bunkhouse has complied with the conditions of this variance listed below.
2. The Bunkhouse will lease 20 parking spaces from the Town of Minturn at the municipal lot at the Town rate set by the Treasurer (with a deduction per space from market rate, for the Bunkhouse removing their own snow)
(see attachment 1)
3. The Bunkhouse will be responsible for all snow removal and maintenance of their rented section of the municipal town parking lot.
4. The Bunkhouse will place signs delineating their parking area at the far end of the municipal lot (see attachment 2)
5. The Bunkhouse will place a sign in front of the 2 designated check-in, drop-off, parking spaces, designating them as short term check-in parking only.
6. The Bunkhouse will have valet parking to ensure all guest vehicles are parked in the Bunkhouse parking lot located at the far end of the municipal lot.
7. The employee and manager will park in the 2 underground parking spaces that are part of the building and rental space.

8. The Bunkhouse will log all license plates at check-in. If a vehicle is parked on private parking or long term on any neighborhood streets and needs to be towed, the Bunkhouse will be fined \$100.00 and the owner will pay for ticket and towing.

9. The Bunkhouse will notify the Town of any changes to their lease agreement, change in size of operations or ownership of building. Upon these changes, this variance may become void or need to be modified.



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, CLERK/TREASURER**

MEMORANDUM

TO: Janet H - Planner
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: October 15, 2015
RE: Municipal Lot

Janet, per our discussion:

- The Municipal Lot has approximately 96 spaces. This has been disputed over the years but we actually counted them and it may have had some lost when the ropes were put in but I use 96 for cost calculations.
- The cost of the muni lot is divided by 96 giving me a price of about \$191 per space per year. This gives me a standard cost for parking fees that can be used town wide.
- Any fees collected go toward the cost of the muni lease with the railroad and to maintain on street parking in town.
- Each lease is based on this price but it is stated in the leases that it is for Non Exclusive customer parking. Meaning, there are no assigned spaces and their patrons can park anywhere in town, they are NOT limited to the muni lot.
- Currently the Town has three parking leases.
 - Ironworks: Pays \$2,952 annually for approximately 16 spaces (his actual count is a fraction of a space due to a tangent line that makes up his lot line)
 - Simon Ent: Pays \$1,337 for 7 spaces.
 - The Saloon: Pays \$4,940 for 26 spaces

Attachment 2

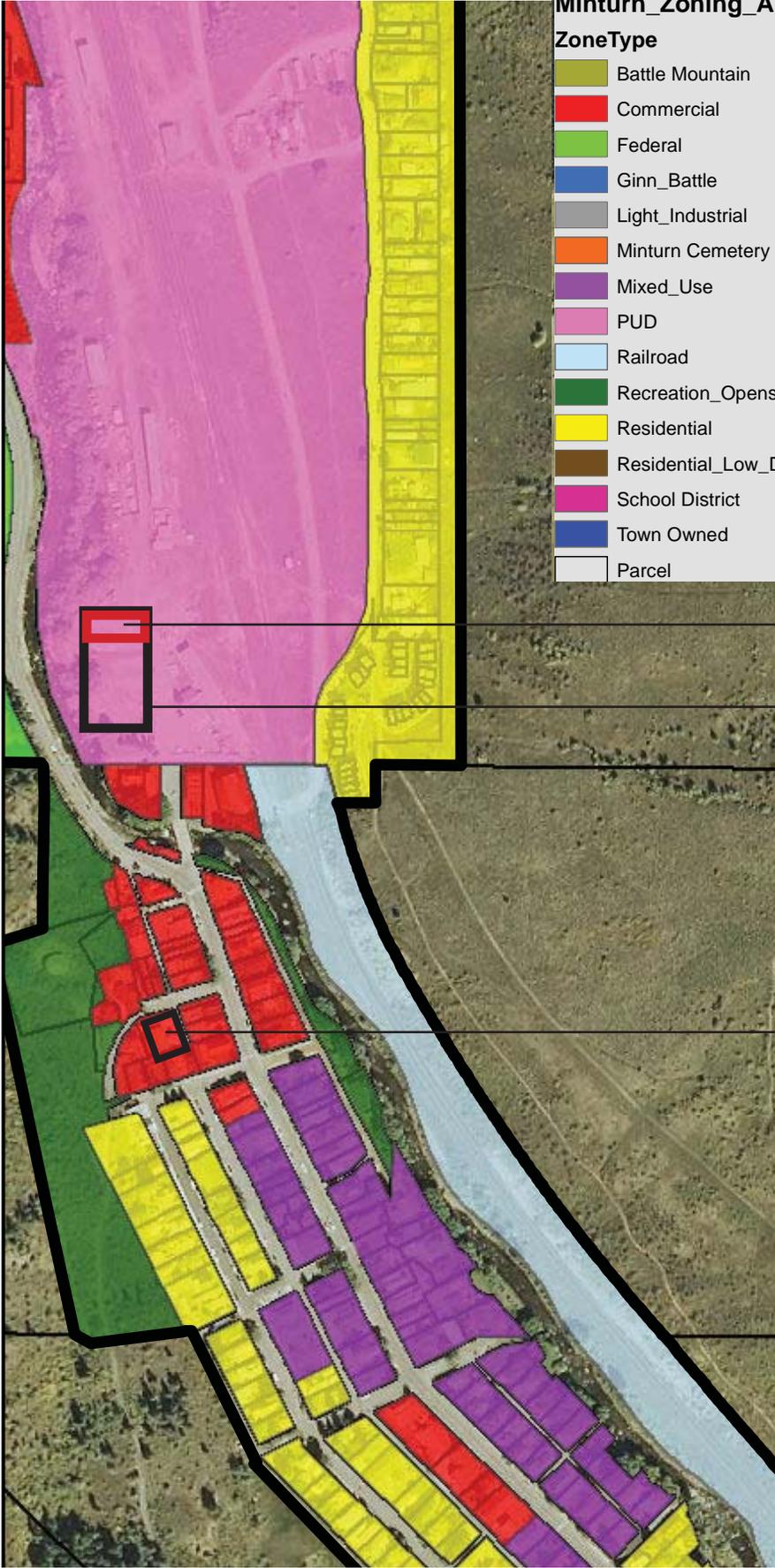
Legend

-  Minturn Town Boundary

Minturn_Zoning_Aug2015

ZoneType

-  Battle Mountain
-  Commercial
-  Federal
-  Ginn_Battle
-  Light_Industrial
-  Minturn Cemetery
-  Mixed_Use
-  PUD
-  Railroad
-  Recreation_Openspace
-  Residential
-  Residential_Low_Density
-  School District
-  Town Owned
-  Parcel



The Bunkhouse Parking Area
- valet parking

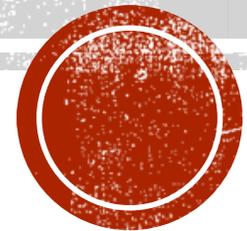
Minturn Municipal Parking Lot -
Total 96 spaces (see attachment 1)

0.2 mile walk to municipal parking lot

Molly G Building
- First Floor The Bunkhouse

THE BUNKHOUSE

A Vail Valley First....





**WHO WE ARE:
RYAN AND
NANCY
RICHARDS
OWNERS AND
OPERATORS OF
THE
BUNKHOUSE**

- Long time residents of Eagle County
- Parents of Nash – a Vail Valley native
- Outdoor enthusiasts: hikers, hunters, and skiers



WHAT IS THE BUNKHOUSE?

- A boutique hostel and suites; an affordable hospitality experience targeted specifically at the Front Range professional aged 30-45 years of age.
- 24 hour staffing to ensure safety and noise compliance. We will provide competitive compensation and employee housing.
- We are a drug and alcohol free company.
- Sustainable company that values community, employee culture, and the support of the outdoor industry to allow access for middle income earners.



WHY ARE WE SUITED FOR THIS?

- 8 years of management experience at the Ritz-Carlton, Bachelor's Gulch; 2008, 2009 employee of the quarter. 2010 employee of the year.
- 3 years of management experience at the Sonnenalp Club.
- 10 year business owner of R2 Fitness and Human Performance, a mobile fitness and consulting company.
- Nancy holds a Master's degree in Clinical Mental Health.
- 6 years experience in event coordination with a local non-profit.



PARKING VARIANCE

- The owners of the Molly G building are providing 4 spaces in the underground garage.
- Any spaces in front of the building are to be used for check-in and check-out purposes only.
- We are asking to lease 17 additional spaces from the town (in the dirt lot) to accommodate guests.
- According to Longwoods International, a travel market research firm hired by the Colorado Tourism Bureau, the average overnight traveler to the Vail Valley by means of an automobile, consists of 3.2 persons per vehicle.

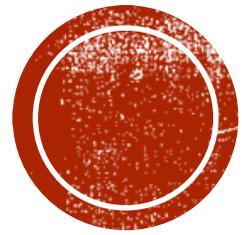


PARKING POLICY

The Bunkhouse Parking Information, Policy, and Procedures

- All guests shall provide license plate numbers upon check-in and receive a Bunkhouse parking permit to be displayed on their rear view mirror. This permit shall indicate dates of lodging.
- All guest vehicles will be parked by a valet. Our staffing model will have a valet on staff from 7am to 10pm, that will park and retrieve cars for guests. Guests will be instructed to park and retrieve their own vehicles during the hours of 10pm-7am.
- Check-in and check-out spaces in the front of the building will be unavailable for use during the 13 Saturdays of the Minturn Market, and any Winter Markets as they occur. These dates will be clearly indicated on The Bunkhouse website, and discussed during guest check-in and check-out procedures.
- During the summer months we expect to run a 50% occupancy resulting in 6 to 7 spaces needed in the designated lot. If The Bunkhouse runs at full occupancy during the winter months, we expect approximately 12 to 13 cars in the shared lot.
- The Bunkhouse staff will park in the 4 designated spaces in the Molly G. garage.
- All of these facts, policies, and procedures have been reviewed and approved by Michelle Metteer, organizer of the Minturn Market to insure no conflicts of usage.





QUESTIONS?

We have answers.



LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street
Minturn, Colorado 81645-0309

Phone: 970-827-5645 Fax: 970-827-4262 Email: planner@minturn.org

APPLICANT: NANCY RICHARDS RYAN RICHARDS	ADDRESS: 911 West Beaver Creek Blvd #C-7 P.O. Box 1496 Avon, CO 81620 PHONE: 970-393-5103 FAX: EMAIL: nancy.richards730@gmail.com	SIGNATURE: Nancy Richards Ryan Richards NAME: THE BUNKHOUSE TITLE: Owners/operator
OWNER(S) OF RECORD:	ADDRESS:	SIGNATURE:
	PHONE:	NAME:
	FAX:	TITLE:
DEVELOPER:	ADDRESS:	CONTACT PERSON:
	PHONE:	
	FAX:	
	EMAIL:	
ENGINEERING FIRM:	ADDRESS:	CONTACT PERSON:
	PHONE:	
	FAX:	
	EMAIL:	

Presubmittal Date	9-22-2015	Presubmittal Planner:	HAWKINSON
Parcel ID Number	210326323001	(Example: 210326325001) from your full card printout	
Address or Intersection	175 Williams St. Minturn, CO 81645		
Brief Legal Description	Short term Lodging		
Subdivision Name & Filing #	N/A		
Project Description	Boutique Hostel		

	Existing	Proposed:
Zoning:	OLD TOWN MIXED USE	↓ SAME
Land Use:		
Total Acres:	~115 ACRES	
F.A.R./Density:	NA	
Project Name:	THE BUNKHOUSE	
Related Case #'s:	N/A	

CASE TYPE				
<input type="checkbox"/> PUD CDP: Concept Dev. Plan	<input type="checkbox"/> PP: Prelim. Subdivision Plat	<input type="checkbox"/> DRB - P: Des. Rev. Bd. Prelim	<input type="checkbox"/> A-FP: Fence Permit	
<input type="checkbox"/> PUD FDP: Prelim. Dev. Plan	<input type="checkbox"/> FP: Final Subdivision Plat	<input type="checkbox"/> DRB - F: Des. Rev. Bd. Final	<input type="checkbox"/> A-MOD: Modification/Add	
<input type="checkbox"/> PUD FDP: Final Dev. Plan	<input type="checkbox"/> MS: Minor Subdivision	<input checked="" type="checkbox"/> ADM: Admin. Des. Review	<input type="checkbox"/> A-MIN: Minor Ext. Mod.	
<input type="checkbox"/> PUD ASP: Admin. Site Plan	<input type="checkbox"/> ASR: Admin. Subdivision Replat	<input type="checkbox"/> A-SIGN: Admin. Sign Review	<input type="checkbox"/> ANNEX: Annexation	
<input type="checkbox"/> PUD FDP A: Amendment	<input type="checkbox"/> V: Vacation of Easement	<input type="checkbox"/> A-DIG: Admin. Dig Permit	<input type="checkbox"/> TU: Temporary Use	
<input type="checkbox"/> LU-V: Land Use - Variance	<input type="checkbox"/> R.O.W. Vacation	<input type="checkbox"/> A-DEMO: Admin. Demo Per.	<input type="checkbox"/> CU: Conditional Use	
<input type="checkbox"/> NU-V: Non Use - Variance	<input type="checkbox"/> REZ-Rezoning - Straight Zoned	<input type="checkbox"/> A-LTD: Admin. Limited Use	<input type="checkbox"/> APPLS: Appeals	

This section for OFFICE USE ONLY				
Case No:	Case Mgr.	Case Eng.		
Fees Paid (Y) N \$ 250.00	Dates Referred Out			
Dates to be Returned	Planning Comm Date:			

This development application shall be accompanied with the applicable fee and shall not be considered valid until the total application fee is received. Submittal of this application does not mean you will receive automatic approval, nor does it establish a vested property right in accordance with C.R.S. 24-68-105(1). Further processing and review of this application may require additional information, and/or meetings, as outlined in the Town of Minturn Zoning and Development Code



VARIANCE APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

302 Pine Street – PO Box 309

Minturn, CO 81645

(p) 970-827-5645

(f) 970-827-5545

Applicant: Nancy + Ryan Richard	Address of: 175 Williams St.
Signature: [Handwritten Signature]	Requested Variance: Additional Parking at town
Property Owner (if different from applicant): (an affidavit of authorization must be included)	(name) Nelson Avenue Family Pkbrs Parking LLC
	(signature) See Affidavit

Please respond to the following questions regarding the variance request (attach additional sheets if necessary)

Please describe the nature of the requested variance:

- Addition Parking @ Town Lot (MISS MARKET TRAFFIC)
 * MINTURN MARKET: CHECK OUT IS AT 10:00 - CHECK-IN IS AT 3:00
 2 OUTSIDE - EXISTING - CHECK-IN PARKING - 1 ADA PARKING
 2 UNDERGROUND - FOR STAFF PARKING

Are there 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? (if yes, please elaborate)

- Property lacks adequate parking for the needs of our overnight guests. Our business requires access to 17 spaces 24 hours a day.

Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code? (if yes, please elaborate)

We do not wish to occupy the already limited on-street parking of old town Minturn.

The Planning Commission and Town Council are required to 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 the zoning code;
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 the zoning code;
4. There is no substantial impairment to the public that would result from the granting of the variance

Town Use Only

Date received 9-22-2015	Planner [Handwritten Signature]
Fee Paid \$700.00	Signature [Handwritten Signature]

PROPERTY OWNER AUTHORIZATION AFFIDAVIT

OWNER OF RECORD INFORMATION:

BUSINESS NAME:
Nelson Avenue Family Partners, LLC

CONTACT NAME:
Tom Pribil

MAILING ADDRESS:
8990 West Dodge Road, Suite 225

CITY: STATE: ZIP:
Omaha, NE 68114

PHONE: 402-393-5550

EMAIL: lakinent@hotmail.com

APPLICANT INFORMATION:

BUSINESS NAME: The Bunkhouse

CONTACT NAME: Nancy and Ryan Richards

MAILING ADDRESS: PO Box 1496

CITY: STATE: ZIP: Avon, CO 81620

PHONE: 970-393-9003

EMAIL: nancyrichards73@gmail.com

PROPERTY/SITE INFORMATION:

PROJECT NAME: The Molly G. Building

SITE ADDRESS: 175 Williams Street, Minturn, CO 81645

COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S): #210326323001

NOTARIZATION:

STATE OF Nebraska
COUNTY OF Douglas

I, Charles E. Lakin BEING DULY SWORN DECLARE I AM THE OWNER OF THE
PROPERTY (see note below)

(PRINT OWNER NAME)

IDENTIFIED ABOVE AND HEREBY AUTHORIZE THE ABOVE STATED APPLICANT TO APPLY TO THE
TOWN OF MINTURN FOR A PARKING VARIANCE FOR THE MOLLY G. BUILDING.

PROPERTY OWNER'S SIGNATURE

Charles E. Lakin

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 11 DAY OF Sept, 2015,
BY Charles E. Lakin, WHO DID NOT TAKE AN OATH.

PERSONALLY KNOWN OR; PRODUCED IDENTIFICATION / TYPE OF ID
PRODUCED NE Drivers License

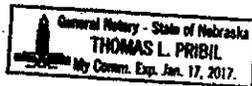
MY COMMISSION EXPIRES: January 17, 2017

NOTARY PUBLIC SIGNATURE:

Thomas L. Pribil

PRINT NAME: Thomas L. Pribil

Notary Seal



NOTE: Charles E. Lakin is the sole member/owner of
Nelson Avenue Family Partners LLC, the title
holder of the subject property.

11 September 2015

Attention: To whom it may concern

Dear Sir/ Madam

RE: Parking Variance for the Molly G Building – Letter of Intent

It is our intention to request permission to sublease 17 parking spaces from the Town of Minturn in the dirt parking lot across from the Turntable. The Town is currently leasing this lot from Union Pacific Railroad. We would use these spaces year round to provide ample parking for the staff and overnight guests of The Bunkhouse hostel located in The Molly G Building, 175 Williams St. Minturn CO, 81645. This lot is currently used as a parking lot so no changes would need to be made to the land, with the exception of the addition of customized parking signs.

The image shows two handwritten signatures in black ink. The top signature is for Ryan Richards, and the bottom signature is for Nancy Richards. Both signatures are written in a cursive, flowing style.

Nancy and Ryan Richards

Owners/Operators of The Bunkhouse



Shelf w/ outlets

Racks for
Ski or Snowboard

Add Lockers



The Bunkhouse Parking Information, Policy, and Procedures

1. The Bunkhouse will provide two short term parking spaces in the front of the building for guest check-in and check-out process.
2. All guests shall provide license plate numbers upon check-in and receive a Bunkhouse parking permit to be displayed on rear view mirror. This permit shall indicate dates of lodging.
3. All guests shall be instructed to park in the dirt lot on the edge of town, and that on street parking is not permitted. This information will be clearly indicated on our website and reiterated upon check-in.
4. Check-in and check-out spaces in the front of the building will be unavailable for use during the 13 Saturdays of the Minturn Market, and any Winter Markets as they occur. These dates will be clearly indicated on The Bunkhouse website, and discussed during guest check-in and check-out procedure.
5. During the Summer months we expect to run about a 50% occupancy resulting in 6 to 7 cars in designated lot. If The Bunkhouse were to be at full occupancy during winter months, we expected approximately 12 to 13 cars in shared lot.
6. These numbers and occupancy estimates were taken from a 2013 tourism study done by Longwoods International for the Colorado Tourism Office. Their findings conclude the average overnight leisure party to consist of 3.2 people, and the average overnight ski party is 3.7 people.
7. The Bunkhouse staff will park in the two designated spaces in the Molly G. garage.
8. All of these facts, policies, and procedures have been reviewed and approved by Michelle Metteer, organizer of the Minturn Market to insure no conflicts of interests.

Noise Policy and Disruption Procedure

The Bunkhouse, boutique hostel and suites is committed to providing a safe, non-disruptive, and sustainable model for our guests, local community, and neighbors. It is our priority to emulate a professional business model that promotes a healthy image in the community; noise compliance is a primary concern for our stewardship within our community. The following model details our commitment to noise protection.

1. The Bunkhouse employs a year round staff who lives on property. Included in this model is 24 hour staffing to ensure the following policy is strictly enforced.
2. We maintain that a reasonable level of noise compliance should be maintained.
 - a. The common areas including but not limited to; the kitchen, living space, lounge area, restrooms, and check-in area will maintain quiet hours after 11pm, 7 days per week. The bunkrooms and private suites will maintain quiet hours after 10pm, 7 days per week. Guest use of the deck area closes at 9pm.
 - b. 7am will commence an increase in traffic through the Bunkhouse as guests prepare for activities that mountain travelers enjoy; a reasonable increase in noise will be expected.
3. Loud, disruptive behavior is strictly prohibited regardless of the time of day. Any patron who actively disrupts the community based on noise will be given a friendly warning to cease activity; if the disruption continues, the guest will be asked to leave the Bunkhouse without a refund.
4. Disorderly conduct shall be addressed by no less than two staff. The Eagle County Sherriff Officers shall be called to assist with the removal of any guest who is unable to comply with The Bunkhouse Noise Policy.