



2015

Minturn Council Meeting

Wednesday November 18, 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 November 18, 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 – Powell/Brunvand Pg 5
 - Community Funding request Q&A
 - Ski Joring consideration Q&A
 - Review of 2016 Budget Ordinances
- Powderhounds Snowmobile Club request by Club for the Town of Minturn to Support the Forest Service Winter Travel Management Plan – Powell Pg 9

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

- November 4, 2015 Pg 12

4. Liquor License Authority

- Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Taberino Owner/Manager – Brunvand Pg 22

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

6. Special Presentations

- Committee Report

PUBLIC HEARINGS AND ACTION ITEMS

7. Action Item: Proclamation in support of Colorado Gives Day – Powell Pg 26

8. Discussion/Action Item: Ordinance 05 – Series 2015 (First Reading) Prohibiting the use of compression braking devices – Powell/Sawyer Pg 27

9. Public Hearing: – 2nd Public Hearing on proposed fiscal year 2016 – Brunvand Pg 29

- Remaining FY2015 Budget Questions:
 - Direction on Funding Requests
 - Other Direction
 - Question/Answer

10. Discussion/Action Item: Ordinance 06 – Series 2015 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2015 Town of Minturn Budget – Brunvand Pg 31

11. Discussion/Action Item: Ordinance 07 – Series 2015 (First Reading) An Ordinance Setting the 2016 General Property Tax Mill Levy for the Town of Minturn – Brunvand Pg 36

12. Discussion/Action Item: Ordinance 08 – Series 2015 (First Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2016 for the Town of Minturn – Brunvand Pg 39

- 13. Discussion/Action Item: Ordinance 09 – Series 2015 (First Reading) 1st Reading An Ordinance Adopting and Recognizing the Town of Minturn’s 2016 Revenues and Expenses by Fund – Brunvand Pg 46**

- 14. Action Item: Resolution 18 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an IGA with the Town of Avon for Fleet Maintenance services – Brunvand Pg 49**

COUNCIL AND STAFF REPORTS

15. Town Planner

16. Town Manager

- Manager’s Report Pg 56
- Action Report Pg 57

17. Town Council Comments

- Consideration of process for Manager’s Evaluation

18. Town Attorney

EXECUTIVE SESSION

- 19. 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

20. Next Meeting – December 2, 2015

- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2016 Budget Ordinances – Brunvand 12/2/15
- Work Session: Review of Job descriptions
- Work Session: Review of vacant lots with water taps

21. Future Meetings:

- Work session: consideration of approving retail sales of marijuana – Powell/Sawyer Late 2015/Early 2016

22. Set Future Meeting Dates

a) Council Meetings:

- December 16, 2015
- January 6, 2016
- January 20, 2016

b) Planning & Zoning Commission Meetings:

23. Other Dates:

24. Adjournment



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: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC: Willy Powell, Town Manager
DATE: Wednesday November 18, 2015
RE: FY 2016 Proposed Budget

During this meeting we will concentrate on the Community Funding requests and allocating funds for those requests that were reviewed at the November 4th meeting.

During the past several meetings we have discussed and agreed on a number of goals and projects to complete in 2015 and to accomplish in 2016. This Worksession we will allow time to accommodate any final questions that the Council may have.

During previous meetings we reviewed the budget page by page. From that discussion the following items were directed from Council:

- Council received presentations on the Community Funding requests. Additionally Council considered the need for additional funding to cover the Ski Joring event which currently is unfunded in the 2016 budget.
- Council requested staff to review each staff position for wage fairness. Over the summer, as stated in our Employee Manual, a wage study was completed and over the next few months Staff will review each job and job description to ensure the needs of the Town are best met. At the last meeting it was noted the wage review recognized a significant wage discrepancy between like positions in like communities. Council requested the Manager and Treasurer to increase the wage pool in order to bring the Town's wages into line with the wage study for 2016 and beyond and to modify and adjust our pay categories to better reflect the jobs performed and in relation to the like communities as reflected in the wage survey.
- During review of the budget it was noted the cost of the employee insurance coverage would be decreasing by over 7% from 2015.
- Council received a complete detailing of the Economic Development Department to include the projects being undertaken by that Department, the proposed events, and updates on some of those events.
- Council received an updated from the Eagle County Sheriff's Office on the success of our police coverage contract with the ECSO. Several enforcement measures

were detailed including changes made with the way the school bus travels its route. This was in order to eliminate the traffic jam and dangerous traffic situations for the students. Items where the Council felt the ECSO should be stronger were discussed and addressed.

- Council has had a presentation from the Public Works Department over the summer that included:
 - Discussion of projects on going and future goals. This conversation outlined the improvements to the chlorination system as well as other upgrades to the infrastructure system, plant, and property.
 - In a previous meeting goals were set on how the Lease Lot would be organized to accommodate leasing needs in the community, pricing, and the berm wall.
- In past meetings we have heard from the Planner on issues and needs in the Planning Department as well as on going grant opportunities and Capital Improvement opportunities. This has been incorporated within the Capital Improvement budget by way of specific projects and ongoing maintenance for our roads and infrastructure. Additionally, code enforcement needs have been discussed and are being addressed at Staff level.

FY2016 BUDGET FUNDING REQUESTS

DISCRIPTION	REQUESTED BY	FUNDED FROM	FUNDED IN 2015 BUDGET	APPROVED IN 2016	NOTES
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CURRENTLY ALLOCATED IN THE 2016 BUDGET

1	Augustana/Castle Peak *This is the 3rd of a 4yr program \$15,000	Lisa Pease	01-01-5271	\$10,000.00	\$15,000.00	Council added an additional \$5,000 for 2016 only for a total of \$15,000 to assist with the Vail Match
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REQUESTS YET TO BE ALLOCATED

2	Vail Valley Partnership and Economic Council of Eagle Co \$3,500	Chris Romer	01-01-5271	\$2,000.00		
3	Request from Radio Free Minturn \$2,000	Radio Free Minturn - Brian Duchinsky	01-01-5271	\$1,500.00		
4	Walking Mountain Science Center \$2,000	Doug Dusenberry, Dirctor of Major an planned Gifts	01-01-5271	\$1,000.00		Requesting \$2,000 in each of the next five years. Normally we only award in annual increments
5	Minturn Community Fund \$13,550	Diana Scherr	01-01-5271	\$7,500.00		
6						
7						
8						

OTHER ITEMS OF CONSIDERATION

	Ski Joring - \$15,000		01-05-5275			Currently this event is not budgeted in 2016.

	2016 Requests	2015 Allocation
Augustana - Committed	15,000.00	42,000
Vail Valley Partnership	3,500.00	
Radio Free Minturn	2,000.00	
Walking Mtn Science	2,000.00	
Minturn Community Fund	13,550.00	

36,050.00

COMMUNITY CONTRIBUTIONS

Name	2010	2011	2012	2013	2014	2015	2016
	FUNDED	FUNDED	FUNDED	FUNDED	FUNDED	FUNDED	REQUESTED
Augustana/Castle Peak Senior Care					10,000.00	10,000.00	15,000.00
Minturn Business Association	1,000.00						
Minturn Community Fund	3,000.00	7,500.00	10,000.00	10,000.00	10,000.00	7,500.00	13,550.00
Radio Free Minturn	1,000.00	2,000.00	500.00	1,000.00	1,000.00	1,500.00	2,000.00
Vail Valley Partnership				2,500.00	2,500.00	2,000.00	3,500.00
Walking Mountain				1,000.00	1,000.00	1,000.00	2,000.00
TOTAL	5,000.00	9,500.00	10,500.00	14,500.00	24,500.00	22,000.00	36,050.00

To: Town Council
Fr: William Powell
Town Manager

Re: Powderhound Snowmobile request to change the winter travel management plan in the area from Grouse Creek to Cross Creek

The request from the Powderhound is to change the winter use rules in the Forest Service area between Grouse Creek to Cross Creek; and to have access from Martin Creek and the old water tank. The winter uses (outside of the wilderness area) is divided into three categories; motorized use is prohibited, closed to motorized except designated routes, open areas for motorized use. Meadow Mountain is generally open to motorized use. The area from Grouse Creek to Cross Creek is prohibited to motorized use.

Please see Winter Use Map at:

http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5400681.pdf

Also see emails from Gusty and me for clarification of the Powderhound' s request.

Also see email from Forest Service Recreation Staff regarding the rationale for drawing the maps for the Winter Use rules and boundaries during the travel management planning process.

Willy Powell

From: Gusty Kanakis <gkanakis@erwsd.org>
Sent: Thursday, November 05, 2015 11:30 AM
To: Willy Powell
Cc: Lance@holycrosspowderhounds.com
Subject: RE: Link to the Winter travel management plan from White River National Forest

Hello Willy,

Yes the area up Meadow Mountain is open, but the area south of Grouse Creek To Cross Creek is what has been closed off. This is the area we would like to see be reopened. The access from Martin Creek and the road up to the Minturn tank is the two main access points we would like to use to access Meadow Mountain.

I am not sure why the Forest Service set there boundary's the way that they did.

Just let me know when you would like to set up a meeting.

Thanks,

Gusty Kanakis

Fleet & Facilities Maintenance Coordinator

Phone (970) 477-5429

Clean Water. Quality Life.™

From: Willy Powell [<mailto:manager@minturn.org>]
Sent: Thursday, November 05, 2015 11:08 AM
To: Gusty Kanakis
Subject: RE: Link to the Winter travel management plan from White River National Forest

Gusty,

I have zoomed in on the map and have several questions. It appears the Meadow Mountain area is either travel by designated route or open area, but not a closed area until your reach wilderness. Am I reading this map correctly? Are you seeking to change some of the designated route area to open area? What is the rationale behind the Forest Service drawing the lines as appears on the map.

We have a plotter at town hall and will blow up the winter travel map for the Meadow Mountain area. Then I would suggest we have a meeting to discuss so the town can better understand the ask.

Thanks, Willy

Willy Powell
manager@minturn.org
970-827-5645 x 8

From: Gusty Kanakis [<mailto:gkanakis@erwsd.org>]
Sent: Thursday, November 05, 2015 8:10 AM
To: Willy Powell
Subject: Link to the Winter travel management plan from White River National Forest

Willy Powell

From: Peterson, Paula K -FS <pkpeterson@fs.fed.us>
Sent: Tuesday, November 10, 2015 9:11 AM
To: Willy Powell
Cc: Neely, David -FS; Massman, Samuel -FS
Subject: Snowmobile restrictions near Grouse Creek

Willy: I asked Sam Massman who was here during the travel planning process. He recalls working with Dave Van Norman the Recreation Staff at the time on this part of the plan. The main reason for restricting winter motorized use from the boundary of open winter motorized Meadow Mountain area south to town was to separate uses. We maintained the Meadow Mountain area for snowmobile use but wanted a non-motorized area close to town for a quiet recreation opportunity as well. We did receive comments during the TMP from non-motorized users requesting this opportunity. I realize the winter motorized area shrunk from pre-travel plan but we did maintain an open area for the motorized experience.

We've been working diligently over the last few winters to change use patterns especially at Grouse Creek via signage and patrols. We get a few calls each winter from non-motorized users who appreciate having a place close to town where they do not have to interact with motorized users.

For the most part when you look at the Travel Mgt. Plan or winter motor vehicle use maps on the EHX District a non-motorized user who wants an easier access to xc/backcountry ski or snowshoe has to co-exist from the access point via a road or groomed route to reach a non-motorized area (Vail Pass, Homestake Road, Red Sandstone road, Nolan Creek, etc). Grouse to Martin and Spraddle are about the only 2 areas that fit this description which are closed to winter motorized. It is about balance and providing a little bit of each desired experience close to town.

I hope this helps with your discussions with the club. Feel free to call if you need more information.



Paula Peterson
District Recreation Staff
Forest Service
Eagle/Holy Cross Ranger District, White River National Forest

p: 970-827-5159
c: 970-366-6246
f: 970-827-9343
pkpeterson@fs.fed.us

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Caring for the land and serving people



Official Minutes

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

Wednesday November 4, 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

Please remember to bring your FY2016 Budget Book

- Q&A on scheduled Resolutions
- Parks Committee
 - Janet H. presented budget information for her committees and department as follows:
 - Little Beach Park request for \$7,500 for construction drawings. It was noted this could come from the Fund 06 \$250,000 BMR funds. It was directed this be pursued in 2016 on an as need basis and to supplemental appropriate any funds if and when a project is proposed and agreed upon at that time and if available.
 - Eagle River Park – no commitment was made on any additional funding needs.
 - Request for \$20,000 to be used from an Eagle County Grant to hang a bell, add flower boxes and decorations to the bridge, and

additional history signage – no commitment was made on any additional funding needs.

- A request for \$50,000 was made for matching funds for the ECO Trail connection from Dowd Junction to Railroad Ave. It was noted this could be allocated from the Fund 09 BMR funds. It was determined any matching funds would be allocated once the approved engineering is completed and construction funding is agreed upon but. This would be considered as a future need and funded as a possible supplemental appropriation.
- 2016 Budget Review – Powell/Brunvand
 - Willy P. reviewed the updated numbers for the Wage pool. Direction was to proceed as presented. Council would like to see base line job descriptions and actual descriptions of what the current individual is responsible for.

Regular Session – 6:30pm

1. Call to Order

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

- Roll Call

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

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added
 - Pull and move the Colorado Gives Day Proclamation to the November 18, 2015 Council meeting.
 - Move Resolution 17 – Series 2015 to be considered after the Executive Session

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

3. Approval of Minutes

- October 21, 2015

Motion by George B., second by Shelley B., to approve the Minutes of October 21, 2015 as presented. Motion passed 7-0.

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

Michelle M. introduced the Judges and Junior Judges and presented the Halloween Decorating Contest winners:

Judges:

Ms. Terry Armistead
Ms. Marka Brenner
Ms. Dianna Scherr

Junior Judges:

Mr. Xander Armistead
Mr. Duncan Scherr

Winners:

3RD The Dunns
2ND The Campbells
3RD Kelly Toon and Amberlyn Nelson

Michelle M. thanked everyone for their participation and for making this a successful event.

Mr. Gusty Knakus, 201 Pine St. appeared before the Council on behalf of the Powderhound Snowmobile Club. Mr. Knakus updated the Council on changes being proposed by the USFS on the White River Forest Travel Management Plan. He stated the changes will not allow access to the forest from areas in Town other than the Meadow Mountain Trail Head. This change will detrimentally affect users in the Minturn Area.

Direction was given for Mr. Knakus to work with the Town Staff to develop a resolution not supporting the proposed changes and to bring the Resolution forward at the next Council Meeting on November 18, 2015.

5. Special Presentations

- Committee Report

PUBLIC HEARINGS AND ACTION ITEMS

6. Action Item: Proclamation in support of Colorado Gives Day – Powell

Item moved to November 18, 2015 meeting

7. Public Hearing: – 1st Public Hearing on proposed fiscal year 2016 Budget – review Public Funding Requests – Brunvand

Hawkeye opened the Public Hearing.

- Committed Community Funding Requests
 - Augustana/Castle Peak - Lisa Pease
- Community funding requests – Brunvand
 - Vail Valley Partnership/Vail Valley Economic Development - Chris Romer

Mr. Chris Romer highlighted the Partnership's community work and its current request. They are asking for \$3,500 in 2016. In 2015 the Town contributed \$2,000.

Shelley B. thanked the Organization for their assistance with the Town's Economic Development Advisory Committee.

Earle B. asked about the next steps in affordable housing development. VVP/VVED includes their ability to get stakeholders together.

- Radio Free Minturn – Cassey Leake

Mr. Cassey Leake highlighted the station's work and current request. They are asking for \$2,000 in 2016. In 2015 the Town contributed \$1,500.

- Walking Mountain Science Center - Doug Dusenberry

Mr. Doug Dusenberry was not present to represent the Walking Mountain Science Center but their request was in the packet for review. They are asking for \$2,000 in 2016. The Town contributed \$1,000 in 2015.

- Minturn Community Fund – Diana Scherr

Ms. Diana Scherr, Terry Armistead, and Maren Cerimele highlighted the Community Fund's work and its current request. They are asking for \$13,550 in 2016. The Town contributed \$7,500 in 2015.

Shelley B. noted she was glad to see programs focused on the children of the community.

- Other Funding Questions – Brunvand
- Question/Answer

Hawkeye closed the Public Hearing

8. Action Item: Resolution 15 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an IGA with Eagle County for Animal Control Services – Brunvand

Jay B. noted this is an annual IGA and there are no changes from the 2015 contract.

Motion by Ozzy O., second by Johnie R., to approve Resolution No. 15 – 2015 a Resolution authorizing the Mayor to sign an IGA with Eagle County for Animal Control Services. Motion passed 7-0.

9. Action Item: Resolution 16 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an agreement with Intermountain Engineering for preliminary engineering services for the Dowd Junction to Minturn Trail – Powell

Willy P. outlined that the County put up the money, but the Town will administer the funds. This is due to the work load of the County, the fact that the project is within the Town proper, and this will be a reimbursement agreement for costs to the Town. It was clarified that parts of the proposed project are in the County and parts are in the Town.

Motion by Shelley B., second by George B., to approve Resolution No. 16 – 2015 a Resolution authorizing the Mayor to sign an agreement with Intermountain Engineering for preliminary engineering services for the Dowd Junction to Minturn Trail noted that the Mayor will sign the Resolution; however, Willy P. will sign the agreement. Motion passed 7-0.

GENERAL IMPROVEMENT DISTRICT

The General Improvement District Board was called to order at 7:25pm, those present included

<u>Board of Directors</u>
Gordon “Hawkeye” Flaherty, Mayor
George Brodin, Mayor Pro Tem
Shelley Bellm
Earle Bidez
Ozzy Osborne
John Rosenfeld
Matt Scherr
Tim McGuire
Sarah J. Baker, Esq.

10. Action Item: ADMINISTRATIVE MATTERS

- Approve Agenda.

Mike S. requested an item be placed on the agenda to replace Dave K. and add Tim M. to the Board as nonvoting Ex-Officio members. It was noted this was on the agenda as item titled Review of Corporate Communications but that this would be modified to recognize this transition with a formal motion of the Board.

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

- Review and approve minutes from the November 5, 2014 Board Meeting

Motion by Shelley B., second by George B., to approve the Minutes of November 5, 2014 as presented. Motion passed (7-0)

- Review of Corporate Communications – Baker

Ms. Baker noted and outlined the letters included in the packet. These letters are included as Attachments A, B, and C in the Official Minutes.

Letter #1: Dated October 28, 2015 notices the withdrawal Mr. David Kleinkopf and designated and appoints Mr. Timothy McGuire as an Elector for the Minturn General Improvement District entitled to vote on behalf of Ginn-LA Battle One Ltd., LLLP.

Letter #2: Amends the appointment of the Developer's non-voting, Ex-officio Board Membership by removing Mr. David Kleinkopf and designating Mr. Timothy McGuire.

Letter #3: notices the amendment to the Developer's address change.

Motion by Shelley B., second by George B. to accept the Letters of Notice as presented. Motion passed 7-0.

11. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2016 GID Budget

Motion by Shelley B., second by Johnie R., to appoint the Town Staff to prepare the 2016 GID Budget. Motion passed (7-0).

- Discussion/Action – 2016 General Improvement District Budget: Public Hearing and Board Comments

Action Recommended:

- a. Open Public Hearing

Hawkeye opened the GID Budget Public Hearing.

- b. Staff Presentation

Jay B. gave an overview of the budget and answered any questions.

c. Public Comment or Testimony

There were no public comments.

d. Board Comments

There were no Board comments.

e. Close Public Hearing

The Public Hearing was closed.

- Discussion/Action – Consider adoption of Resolution No. 2015-11-01 a Resolution to adopt the Fiscal year 2016 Budget

Motion by Ozzy O., second by Shelley B., to approve adoption of Resolution No. 2015-11-01 a Resolution to adopt the Fiscal year 2016 Budget as presented. Motion passed (7-0).

- Discussion/Action – Consider approve of Resolution No. 2015-11-02 a Resolution to appropriate sums of money for the Fiscal year 2016 Budget

Motion by Earle B., second by Shelley B., to approve Resolution No. 2015-11-02 a Resolution to appropriate sums of money for the Fiscal year 2016 Budget as presented. Motion passed (7-0).

12. OTHER BUSINESS

- Discuss and set meeting dates for 2016:
 - Board Meeting to consider budget approval set for November 2, 2016 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645.
 - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

Motion by Shelley B., second by Johnie R., to set the next GID Board meeting for November 2, 2016 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645. Motion Passed 7-0.

13. ADJOURNMENT (as GID and reconvene as Council)

Motion by Johnie R., second by Ozzy O., to adjourn the GID Board at 7:40pm. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

Mike S. noted the Holland and Hart letter and Court Order in the Packet. This Order requires Mr. Tucker to have an attorney represent him if he desires to proceed as a “trustee.”. This Order will cause Mr. Tucker in the future to either incur legal expenses associated with litigation or to be personally liable if he proceeds “pro se” without a lawyer. Mike S. noted those on the Battle Mountain and Town of Minturn team that helped push this through the courts.

14. Town Planner

15. Town Manager

Willy P. noted his report in the packet. He stated his contract calls for a performance review. Shelley B. noted she is a member of the Committee and the Council and felt she should be involved in any negotiations. Shelley B. felt it was important to have a performance evaluation. Discussion ensued on should this be a discussion or a formal review.

Direction was given that a formal review be completed. A form will be developed by Matt S. and Shelley B.

The Entryway was discussed, the status of the timeline: the southbound side construction is completed and planting is commencing. The northbound side is moving as weather allows. It was noted that the road “seems” wider and more user friendly. Ozzy O. asked of feed back; we have had some but really not a lot of pro or con.

Janet H. noted they have been watching the traffic, the intended calming factor is apparently working. She stated the light poles and other finishings are ordered but have not been delivered. The site is prepped for the finishings and will be done as soon as they arrive.

It was noted the TAP grant is federal money and an engineering RFQ is required under the strict guidelines.

Matt S. asked about financials for the Minturn Fitness Center. Earle B. stated they have been informed as Board Members that they are running at a surplus. Water Rate changes on the water bills MAKE THIS LOOK GOOD

16. Town Council Comments

Shelley B. gave her condolences on Mr. Jim Hoza’s passing. Mr. Hoza was a long time resident.

Hawkeye thanked everyone for a positive Halloween.

17. Town Attorney

Mike S. detailed the use of Jake Brakes on large trucks. He stated in other communities they have declared them a nuisance. Willy P. felt this was a valley wide issue and should be handled that way. He stated he had spoke with the Vail Town Manager and was told it is difficult to enforce but a sign stating it is a nuisance is effective. Mike S. stated policing the law is problematic but it is within the Town's right to outlaw the use of Jake Brakes within Town.

Direction was given to proceed with an ordinance.

EXECUTIVE SESSION

18. Executive Session: An executive session for the purpose of conferencing with the Town Attorney for the purposes of receiving legal advice on specific potential pending legal action under C.R.S. Section 24-6-402(4)(b) – Powell/Sawyer

Motion by Shelley B., 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 specific potential pending legal action 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, Entryway Project. Motion passed 7-0.

Direction given as a result of the Executive Session:

Direction was given to continue as discussed in Executive Session and to ensure communication lines are kept open.

19. Action Item: Resolution 17 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an agreement with Western Land Group, Inc for Bolts Ditch consulting and lobbying services – Powell

Motion by Ozzy O., second by Johnie R., to approve Resolution No. 15 – 2015 a Resolution authorizing the Mayor to sign an agreement with Western Land Group, Inc for Bolts Ditch consulting and lobbying services as presented. Motion passed 7-0.

FUTURE AGENDA ITEMS

20. Next Meeting – December 2, 2015

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2016 Budget and First Reading of Budget Ordinances – Brunvand 11/18/15
- Action Item: Proclamation in support of Colorado Gives Day – Powell
- Consideration of process for Manager evaluation
- Worksession and action item with the snowmobile Club
- Review of vacant lots with water taps

- Worksession review of Job descriptions

21. Future Meetings:

-

22. Set Future Meeting Dates

a) Council Meetings:

- November 18, 2015
- December 2, 2015
- December 16, 2015

b) Planning & Zoning Commission Meetings:

23. Other Dates:

24. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn at 9:40pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: The Deutschman Family LLC DBA Kirby Cosmo’s BBQ Bar Annual Renewal of a Hotel and Restaurant Liquor License; 401 Main St.; Mark Tamberino, Owner/Manager
MEETING DATE: November 18, 2015
PRESENTER: Brunvand
BACKGROUND: This is an application for annual renewal of a Hotel and Restaurant liquor license. The application has been reviewed and an on-site review of the premises was conducted by the Clerk and no issues have been found. The application has been reviewed by the Town Attorney and an investigation of the police records has been conducted by the Eagle County Sheriff’s Office and no issues that would preclude approval were found. Staff is recommending approval of this renewal by Council.
CORE ISSUES:
BUDGET/FINANCE IMPLICATIONS: An annual renewal fee of \$125.00 has been paid to the Town.
STAFF RECOMMENDATION/MOTION: “Motion to approve The Deutschman Family LLC DBA Kirby Cosmo’s BBQ Bar Annual Renewal of a Hotel and Restaurant Liquor License; 401 Main St.; Mark Tamberino, Owner/Manager as presented.”

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

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

KIRBY COSMO'S BBQ BAR
 PO BOX 93
 MINTURN CO 81645-0093

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

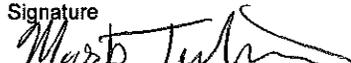
PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name DEUTSCHMAN FAMILY LLC		DBA KIRBY COSMO'S BBQ BAR		
Liquor License # 42433710000	License Type Hotel & Restaurant (city)	Sales Tax License # 42433710000	Expiration Date 12/4/2015	Due Date 10/20/2015
Street Address 474 MAIN ST MINTURN CO 81645				Phone Number (970) 827 9027
Mailing Address PO BOX 93 MINTURN CO 81645-0093				
Operating Manager Mark Tambertino	Date of Birth 05/27/1976	Home Address 3433 Draw Spur, Avon CO 81620		Phone Number 970-401-3060
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____</p> <p>2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS: Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.</p>				

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business Mark Tambertino	Title Owner/Manager
Signature 	Date 10/20/15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For		Date
Signature	Title	Attest

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

Deutschman Family LLC

is an entity formed or registered under the law of Maryland, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20061430195.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 10/16/2015 that have been posted, and by documents delivered to this office electronically through 10/21/2015 @ 12:11:01.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 10/21/2015 @ 12:11:01 in accordance with applicable law. This certificate is assigned Confirmation Number 9340690.



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

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-4049
treasurer@minturn.org

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

MEMORANDUM

To: Mike Sawyer, Attorney
Phillip Cusick, ECSO/Minturn
CC:
Date: 10/21/15 12:14 PM
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for a Hotel Restaurant Liquor License for Deutschman Family LLC, DBA Kirby Cosmo's, Mark Tamberino, Owner/Manager located at 474Main St. I have reviewed the application and conducted an onsite inspection and found no issues. Further although I have asked the ECSO to review the application, I am not aware of any concerns that might have occurred at the location during the past year. I am forwarding it on to you for further review and your report.

Please let me know if you have any questions or concerns, which I may be able to answer.

Thanks, jay

**Proclamation of the Town of Minturn
COLORADO GIVES DAY**

WHEREAS, charitable giving in the Town of Minturn, Colorado is critical to providing support that local nonprofit organizations need to make our community a desirable place to live; and

WHEREAS, research shows an increase in online giving both locally and nationally, and many believe it is the future of philanthropy; and

WHEREAS, Community First Foundation and First Bank have partnered in an effort to increase charitable giving in our community through the online giving initiative Colorado Gives Day; and

WHEREAS, Colorado Gives Day in 2014 raised \$26.2 million in a single 24-hour period via online donations, \$772,541.00 to Eagle County nonprofits, at coloradogives.org, a website allowing donors to direct their contributions to one or more of the thirty six (36) local, Eagle County, charities featured on the site, making it an ideal resource for facilitating charitable giving to our locally-based nonprofit organizations; and

WHEREAS, Colorado Gives Day is December 8 this year, and all citizens are encouraged to participate because all donations, large or small, can make a difference to nonprofits in need.

NOW, THEREFORE, BE IT PROCLAIMED BY Mayor Gordon "Hawkeye" Flaherty and the Town Council of the Town of Minturn, Colorado

THAT: Tuesday, December 8, 2015, will be known as Colorado Gives Day in our community.

TOWN OF MINTURN

ATTEST:

By: _____
Hawkeye Flaherty, Mayor

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 05 – SERIES 2015

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO ADDING A PROHIBITION ON THE USE OF
COMPRESSION BRAKING DEVICES TO CHAPTER 8 OF
THE MUNICIPAL CODE

WHEREAS, the Town of Minturn (the “Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (the “Town Council”) is authorized to act; and

WHEREAS, the Town has previously adopted Title 42, Article 4, C.R.S., for the regulation of vehicles and traffic (the “Model Traffic Code”); and

WHEREAS, the Town Council finds that the use of compression braking systems, commonly referred to as “jake brakes”, within the Town is deleterious to the public health, safety, and welfare of the Town’s citizens; and

WHEREAS, the Town Council desires to regulate the use of compression braking systems within the Town.

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

SECTION 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Addition. A new Minturn Town Code Subsection 8-1-30 (b)(4) is hereby added to the Model Traffic Code as follows:

(4)

- (a) **Any other provision of this section notwithstanding, it is unlawful for any person to use an engine compression brake device within the Town of Minturn, except for the aversion of imminent danger to person or property.**
- (b) **“Engine compression brake device” (commonly referred to as Jake Brakes or Dynatard Brake) is a devise used for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.**

SECTION 3. Effective Date. The effective date of this ordinance shall be thirty (30) days after final publication thereof.

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

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



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

TO: Mayor and Town Council
FROM: Jay Brunvand, Town Treasurer
CC: Willy Powell, Town Manager
DATE: November 18, 2015

NOVEMBER 18, 2015 COUNCIL MEETING

As required by Colorado law, the Town has set two Public Hearings for the FY2016 Budget. The November 4th meeting was the first; the November 18th meeting is the second and final. To date, Staff has taken your comments and suggestions and incorporated them into the FY2016 Budget. If approved or directed by Council, the items will be included in the final budget. In the event any material changes come forth from the Public Hearing process, those changes also will be included in the proposed final passage of the budget ordinances on December 2nd. As a budget page may be affected, those changes will be distributed after the December 2nd meeting.

Following is the Public Hearing procedure recommended that you follow in order to make sure everything is covered procedurally and legally.

- (a) The Mayor will introduce the agenda item and announce the Public Hearing as “I hereby by call to order the Public Hearing for the purpose of discussion and comment on the fiscal year 2016 proposed budget and to gather input, pro or con on the proposed Minturn Town Budget for the fiscal year January 1 through December 31, 2016. Any citizen that would like to speak needs to clearly state their name and physical address for the record from the podium (even if they are known by all.)”
- (b) Take citizen input
- (c) Remaining Budget Direction Requested:
 - Approve funding levels for Community Funding
 - Direct other funding issues

 - Question/Answer

- (d) Close the Public Hearing
- (e) Council discussion on the budget and comment on the Public Hearing if any. Council will discuss the budget during the Worksession and any direction given could be incorporated into the comments as a summary.
- (f) Proceed with Ordinances to approve the budget on First Reading.

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Councilman – Jason “Ozzy” Osborne
Councilman – John Rosenfeld
Councilman – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 06 – Series 2015 an Ordinance to provide supplemental funding and expenditures for the 2015 Fiscal Year on First Reading
MEETING DATE: November 19, 2014
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance to account for various increases in revenues and expenditures in each Fund as necessary as detailed in Exhibit “A”.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: As indicated in Exhibit “A”.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 06 – Series 2015 (First Reading) amending the 2015 Budget as set forth in the following exhibit “A”, to authorize necessary interfund transfers and recognizing additional General Fund revenues in the amount of \$145,000.00 and appropriating additional General Fund expenditures in the amount of \$505,263.00, and appropriating additional Enterprise Fund revenues in the amount of \$34,500.00 and appropriating additional Enterprise Fund expenditures in the amount of \$5,500.00, and appropriating additional Market Fund revenues in the amount of \$4,500.00, and appropriating additional Market Fund expenditures in the amount of \$13,000.00.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 06 – SERIES 2015**

AN ORDINANCE AMENDING THE 2015 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT “A”, TO AUTHORIZE NECESSARY INTERFUND TRANSFERS AND RECOGNIZING ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$145,000.00, AND APPROPRIATING ADDITIONAL GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$505,263.00, AND ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$34,500.00 APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPENDITURES IN THE AMOUNT OF \$5,500.00, AND APPROPRIATING ADDITIONAL MARKET FUND REVENUE IN THE AMOUNT OF \$4,500.00 AND APPROPRIATING ADDITIONAL MARKET FUND EXPENDITURES IN THE AMOUNT OF \$13,000.00.

WHEREAS, in accordance with Section 8.8 of the Minturn Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year, and;

WHEREAS, Jay Brunvand, Treasurer, has verified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves, and;

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

Upon the Town Manager’s verification that there are current year revenues available for appropriation in the General Fund, Enterprise Fund, Lottery fund, Building Fund, Marketing Fund and Capital Fund and un-appropriated prior year cash balance available in one or more of those funds, the Town Council hereby makes supplemental appropriations as specified in attached Exhibit “A”.

Section 2.

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby amended in accordance with the requirements of the Home Rule Charter and the Town’s Financial Policies.

Section 3.

The adoption of this Ordinance will promote the health, safety and general welfare of the Minturn community.

Section 4.

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 18TH DAY OF NOVEMBER, 2015. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2ND DAY OF DECEMBER, 2015 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF DECEMBER, 2015.

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ORDINANCE 06 – SERIES 2015
EXHIBIT “A”

GENERAL FUND:		Addition	Revised Budget
Additional Revenue	\$ 145,000.00		
Special Assessment	01-00-4030	500	7,000
County Sales Tax	01-00-4040	7,500	27,000
City Sales Tax	01-00-4050	40,000	540,000
Building Permits	01-00-4210	15,000	40,000
Planning Fees	01-00-4250	1,500	4,000
Town Hall Rent	01-00-4511	500	1,500
Oldcastle	01-00-4521	5,000	75,000
Other Revenue	01-00-4597	20,000	34,500
RETT	01-00-4680	55,000	140,000
Additional Expense	\$ 505,263.00		
Legal Fees	01-01-5220	40,000	80,000
Auditor Fees	01-01-5225	500	10,500
Insurance-Other	01-01-5330	14,400	14,400
Building Inspections	01-02-5214	10,000	28,750
Spec Proj-Railroad Ave	01-09-8003	143,580	143,580
Spec Proj-Norman Ave	01-09-8004	77,646	77,646
Spec Proj-Entryway	01-09-8005	219,137	219,137
ENTERPRISE FUND:			
Additional Revenue	\$ 34,500.00		
Capital Revenue	02-00-4330	9,500	19,000
Grant-Eagle River Park	02-00-4565	25,000	25,000
Additional Expense	\$ 5,500.00		
Water Plant/System	02-06-5293	5,000	45,000
Parks and Flowers	02-06-5357	500	13,000
CONSERVATION TRUST FUND:			
Additional Revenue	\$ 0.00		
Additional Expense	\$ 0.00		
BUILDING FUND:			
Additional Revenue	\$ 0.00		
Additional Expense	\$ 0.00		
MARKET FUND:			
Additional Revenue	\$ 4,500.00		
Participation Revenue	05-00-4591	1,500	60,000
Sponsorship	05-00-4592	2,500	8,500
Sales	05-00-4593	500	500
Additional Expense	\$ 13,000.00		
General	05-01-5100	8,000	25,000
Promotional	05-01-5105	5,000	22,500
CAPITAL FUND:			
Additional Revenue	\$ 0.00		
Additional Expense	\$ 0.00		

SCHOLARSHIP FUND:

Additional Revenue \$ 0.00

Additional Expense \$ 0 .00

BATTLE MOUNTAIN RESORT FUND:

Additional Revenue \$ 0.00

Additional Expense \$ 0.00

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Councilman – John Rosenfeld
Councilman – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 07 – Series 2015 an Ordinance to approve the Fiscal Year 2016 mill levy on First Reading.
MEETING DATE: November 18, 2015
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Between first and second readings the County will finalize the assessed valuation. The result of this final number will be used to establish the 2016 property tax collections in the final document.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This ordinance represents a major portion of the General Fund revenues and must be passed by the Council and certified by the County Commissioners not later than December 15.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 07 – Series 2015 (First Reading) an Ordinance levying General Property Taxes for the year 2016 to meet operating costs of government for the Town of Minturn, Colorado for the 2016 Budget Year.

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

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2015, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2016 BUDGET YEAR.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado will adopt the annual budget in accordance with Local and State Government Budget Law, on December 2, 2015, and;

WHEREAS, the assessed valuation for the Town of Minturn, Colorado as certified by the Eagle County Assessor is approximately **\$27,279,270.00** and will generate approximately **\$489,226.00** based on the authorized 17.934 mills of the Town of Minturn, and;

WHEREAS, at General Election on November 3, 1998, the citizens of Minturn, Colorado have established the Town Mill Levy at 17.9340 mills in accordance with Article X, Section 20 of the Colorado Constitution, and;

WHEREAS, the final assessed valuation for the fiscal year 2016 will be available by December 1, 2015 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. That for the purpose of meeting general operating expenses of the Town of Minturn during the 2016 budget year, there is hereby levied a tax of 17.934 mills upon each dollar of the total valuation for assessment of all taxable property within the Town of Minturn for the 2016 budget year. This assessment of 17.934 mills shall be duly made by the County of Eagle, State of Colorado, as directed by the Colorado Revised Statutes (as amended), and as otherwise required by law.

Section 2. The Minturn Town Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Town of Minturn, Colorado as here in above determined and set.

Section 3. The Minturn Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town of Minturn, Colorado and the inhabitants thereof.

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

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 18th DAY OF NOVEMBER, 2015. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2nd DAY OF DECEMBER, 2015 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2nd DAY OF DECEMBER, 2015.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

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AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 08 – Series 2015 an Ordinance to approve the Fiscal Year 2016 fee schedule on First Reading.
MEETING DATE: November 18, 2015
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance approved by Council to establish the fee schedule. The Fee Schedule has been reviewed by each department and changes are reflected in the schedule. I have not highlighted the changes in the water rate structure that were previously passed, however, those changes will go into effect on January 1 st .
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This ordinance represents a significant portion of the annual revenues in the General and Enterprise Funds.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 08 – Series 2015 (First Reading) an Ordinance annually setting, amending and approving Town fees as set forth in the attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2016.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 08 – SERIES 2015**

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX “A” OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2016

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

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

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1.

The following fees and deposits are hereby set as set forth or added in Appendix “A” is adopted.

Section 2.

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

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

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 18th DAY OF NOVEMBER, 2015. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2nd DAY OF DECEMBER, 2015 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2nd DAY OF DECEMBER, 2015.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	DESCRIPTION	FEE 2016	OTHER	Amt of Change
General Government				
Administration				
Copies	per page	\$0.25		
CD-Town Code		\$50.00		
Bad Check fee		\$35.00		
Open Records Request				
Attorney-Administrative Description	per hour, minimum 1hr after first hour	\$185.00		
Town Staff-Administrative Description	per hour, minimum 1hr after first hour	\$30.00		
Past due monthly fee		\$35.00 plus 1.5%/month		
Real Estate Transfer Tax	per sale due at time of sale	1%		
Lodging Tax		1.5%		
Sales Tax - City		4%		
Credit Card Fee	For charges in excess of \$500	3%		
Meeting Room Fees				
	Deposit may be required			
Set-Up Fee		\$30.00		
Special Service Fee		\$30.00		
Flip Chart and Easel		\$25.00		
LCD Projector/screen		\$100.00		
60% Room		\$75.00		
40% Room		\$50.00		
Full Room		\$175.00		
Full Room with Kitchen		\$300.00		
Cleaning Deposit	Based on actual cost	\$350.00		
Business Licenses:				
Initial License Fee		\$120.00		
Initial License Fee	(9/1-3/31=\$10/month	\$60.00		
Business License Fee	(Due 4/1-3/31)	\$120.00		
In-Home License Fee		\$36.00		
Home Business License	(Major household income)	\$120.00		
Outdoor Recreation License		\$120.00		
Snow Plow Business		\$120.00		
Each additional vehicle		\$12.00		
Peddler or Solicitor:				
License Fees				
1 Day		\$15.00		
2 Days Consecutively		\$30.00		
3 Days Consecutively		\$45.00		
5-Days Consecutively		\$75.00		
7 Days Consecutively		\$120.00		
30 Days consecutively		\$240.00		
Annual License	(Due 4/1)	\$240.00		
Contractor:				
Annual License Fee - General	Valid for 3yrs	\$240.00		
Business List Print Fee		\$40.00		
MISCELLANEOUS FEES				
Miscellaneous fees		Set administratively to cover the cost of services.		

ITEM	DESCRIPTION	FEE 2016	OTHER	Amt of Change
LIQUOR LICENSE APP FEES	All fees as set by State			
PUBLIC SAFETY				
Fingerprints	up to two cards, \$5 each for additional card	\$20.00		
Incarceration Fee	Assessed at current daily fee charged by the ECO Sheriff's Office			
Sex Offender Registration		\$40.00 (Initial/Annual) \$20.00 (Quarterly/Change)		
VIN Inspections	per inspection	\$20.00		
Records Requests-Criminal Justice		.25pg + \$5.00 Admin Fee		
Clearance Letter	per individual	\$10.00		
Transcripts		\$250.00 Deposit/Actual Cost		
Court Fines	per Judge			
Portable Breath Test		\$10.00		
Court Fines-Payment Plan Fee	Per court direction	\$25.00		
Court Cost Fee		\$25.00		
Community Service Fee		\$25.00		
PUBLIC WORKS				
SNOW DUMP-TANDEM		\$50.00		
SNOW DUMP-END DUMP		\$90.00		
SNOW DUMP-FINE	ILLEGAL DUMPING-MINIMUM x4			
Water				
Cash deposit		\$100.00		
Debt Service Fee	Per SFE/Month	\$1.65		
Turn-on/Reconnect Fee		\$50.00		
Turn-off/Disconnect Fee		\$50.00		
Turn-on/Reconnect after 6/02	For non metered water only	\$400.00		
Tap, inspection, connection fee				
(1) Residential Unit; per unit up to 3,000 sq. feet floor area plus \$2.25 per sq foot floor area thereafter		\$9,500.00		
(2) Hotel/Lodge/Motel/Lock-off/Accommodation Unit:				
(a) per efficiency room		\$3,750.00		
(b) per room		\$2,750.00		
Out of Town Tap Fees are 25% higher				
Tap, Inspection, Connection Fee				
Commercial Service Line Size in inches:		Cost per Tap		
	3/4	\$10,000.00		
	1	\$17,250.00		
	1 & 1/2	\$38,250.00		
	2	\$68,250.00		
	3	\$152,250.00		
	4	\$270,500.00		
	6	\$609,000.00		
All out of Town Taps	Sec. 13-29(b)(1)	+ 50%		
Construction Use Rates	Sec. 13.65			
Any water use for construction purposes	per month flat fee plus use	\$100.00		
Portable meter fee		\$100.00		
Portable meter water use	\$5.00/1000 gal			
Portable meter deposit or lost meter cost		\$1,400.00		

ITEM	DESCRIPTION	FEE 2016	OTHER	Amt of Change
Unusual Water User Fee	Sec. 13.66	set Administratively		
Unmetered Water Rate	Sec. 13-67			
Monthly rate per SFE for Residential		\$86.67		
Policy related to other uses Commercial		+ 25% (\$104.59)		
Replaces Sec. 13-29(b)(2) Residential out of Town		+ 50% (\$125.51)		
Commercial out of Town		+ 75% (\$183.03)		
Seniors (65 years or older)		-25%(\$62.75)		
Metered Water Rate	Sec. 13-68			
(a) Residential, basic monthly charge per SFE		\$73.32		
plus a monthly above 10,000 gals. use charge per 1,000 gallons		\$4.53		
(b) Commercial, basic monthly charge per SFE		\$73.32		
plus a monthly above 10,000 gals. Use charge per 1,000 gallons		\$4.53		
(c) 25% discount for Residential Owner-Occupant over 65 years of age		\$54.99		
Out of Town Water Rate are 50% higher for Residential and 75% higher for Commercial	Sec. 13-29(b)(2)	\$109.98		
Trash Collection				
(a) Residential, Basic Monthly Charge	per contracted rates	\$30.50		
Street Cut Fee				
Basic permit fee	Performance Bond may Required	\$75.00		
Basic utility fee		\$50.00		
	per Sec. 11-26			
	replacement of paving w/oil&chip surface/ per sq. ft.		Per Bid	
	dirt cuts		Per Bid	
	Backfilling		time, material, staff time	
	Saw cuts per lineal foot w/min fee 25.00		time, material, staff time	
	Any re-work		time, material, staff time	
Application for Encroachment	Sec. 11-3	\$40.00		
Eagle River Fire Protection District Impact Fees				
new meter size	3/4 inch	\$1,671.00		
	1 inch	\$2,841.00		
	1.5 inch	\$5,515.00		
	2 inch	\$8,857.00		
	3 inch	\$18,382.00		
	4 inch	\$28,409.00		
	6 inch	\$55,147.00		

PLANNING AND ZONING FEES

ITEM	FEE	FEE 2016
Pre-Application Conference	None	
PUD Concept Plan	\$ 450.00	\$50 per each commercial, industrial or residential unit in PUD
PUD Preliminary Development Plan	\$ 1,500.00	\$50 per each commercial, industrial or residential unit in PUD
PUD Final Development Plan	\$ 2,000.00	\$50 per each commercial, industrial or residential unit in PUD
Minor PUD Concept/Preliminary Development Plan	\$ 1,000.00	\$50 per each commercial, industrial or residential unit in PUD
Changes to Approved Plans-		
Approved by Planning Director	\$ 100.00	
Approved by Planning Commission	\$ 250.00	
Approved by Town Council	\$ 500.00	\$50 for each commercial, industrial or residential unit in PUD above previously approved plan
Amendments To Text of Land Use Regulations	\$ 1,250.00	
Amendments To Official Zone District Map	\$ 1,250.00	
Conditional Use Permit Application	\$ 750.00	\$50 per each commercial, industrial or residential unit
Limited Use Review	\$ 350.00	
Temporary Use Permit	\$ 800.00	
Temporary Use Permit Security Deposit	\$ -	Per Planning Director, impact dependent
Variance Permit	\$ 500.00	
Administrative Replat	\$ 500.00	
Preliminary Subdivision Plat	\$ 500.00	\$25 for each commercial, industrial or residential lot
Final Subdivision Plat	\$ 750.00	\$25 for each commercial, industrial or residential lot
Amended Final Plat	\$ 675.00	
Subdivision	\$ 850.00	\$50 per each commercial, industrial or residential unit
Vacation of Public Easements and ROW	\$ 750.00	
Sign Permit	\$ 250.00	
Design Review Board	\$ 200.00	
Special Planning Commission meeting	\$ 500.00	
Appeal - Planning Commission or Town Council	\$ 300.00	
Professional Review - Single structure project < 1 acre	\$ 105.00	\$105 per each hour over initial hour (see note below)
Multiple structure projects or projects 1 to 3 acre	\$ 210.00	\$210 per each hour over initial hour
Building Permits new construction - based on valuation:**		
\$1.00 to \$500.00	\$ 29.85	
\$501.00 to \$2,000.00	\$ 29.85	\$3.87 for each additional \$100 valuation over \$500.00
\$2,001.00 to \$25,000	\$ 87.95	\$17.78 for each additional \$1,000 valuation over \$2,000
\$25,001.00 to \$50,000	\$ 497.52	\$12.83 for each additional \$1,000 valuation over \$25,000
\$50,001.00 to \$100,000.00	\$ 817.56	\$8.89 for each additional \$1,000 valuation over \$50,000
\$100,001.00 to \$500,000.00	\$ 1,262.06	\$7.11 for each additional \$1,000 valuation over \$100,000
\$500,001.00 to \$1,000,000.00	\$ 4,106.86	\$6.03 for each additional \$1,000 valuation over \$500,000
\$1,000,001.00 and up	\$ 7,123.11	\$4.64 for each additional \$1,000 valuation over \$1,000,000
Single item permits ex: re-roofing, basement finish, mechanical, plumbing	\$ 75.00	\$75 for each additional inspection - to be determined by building official
Plan Review		65% of permit fee
Cleanup Deposit	\$ 500.00	
Street Use Fee		1/2% of the project valuation that is valued at \$500 or greater

** Valuation is based upon the national average per/square foot construction cost published semi-annually by the International Code Council, with a 1.4 multiplier applied as a regional cost differential.

Other:

*For all applications requiring legal descriptions to be published in the newspaper, additional fees will be charged on a per cost basis, for publications that are in excess of \$50

*No application shall be considered or reviewed until the application fees are paid in full and the application is deemed complete. Where multiple applications are required, multiple fees shall be assessed. Fees are not required for Town-initiated applications.

*Review fees charged by a state or federal agency shall be made payable to the reviewing agency based on current rates and paid at the time of application.

*Application fees shall be paid by cash or by a check made payable to the Town of Minturn, and shall be submitted with the application to the Town of Minturn Planning Department.

*Professional consultant fees (legal, engineering, etc) as required and necessary shall be at cost.

*Additional Town Staff services may be billed at an hourly rate as deemed necessary.

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 09 – Series 2015 an Ordinance approving and adopting the Fiscal Year 2016 annual budget on First Reading.
MEETING DATE: November 18, 2015
PRESENTER: Brunvand
BACKGROUND: This ordinance reports, allocates, and appropriates the beginning fund balance, the revenue, and the expenses for each fund as detailed in the budget document. It is anticipated that several changes will be made in the budget prior to Second Reading after tonight’s discussions.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This is the funding mechanism per State law in the budget approval process.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 09 – Series 2015 (First Reading) an Ordinance recognizing revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January 2016 and ending on the last day of December 2016.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 09 – SERIES 2015**

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2016 AND ENDING ON THE LAST DAY OF DECEMBER, 2016.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado has appointed Jay Brunvand, Treasurer, to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jay Brunvand, Treasurer, has submitted a proposed 2016 Budget to this governing body on October 7, 2015, for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public as required by law at the Minturn Town Center, the first public hearing was scheduled and held on November 4, 2015 and a second public hearing was scheduled and held on November 18, 2015, and interested citizens were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, this proposed budget balances by fund as required by law, and;

WHEREAS, the final assessed valuation will be available by December 2, 2015 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

The budget for the Town of Minturn, Colorado for the fiscal year 2016 as submitted and summarized by fund as described below is hereby adopted, which adoption shall constitute appropriations of the amounts specified therein as expenditures from the Funds indicated or expenses from Enterprise Funds; and that the estimated Beginning Balances, Revenues and Other Sources are hereby declared to be a reasonable projection of the amount of Revenue available for appropriation and to provide an adequate Fund Balance at the close of the fiscal year beginning January 1, 2016 and ending December 31, 2016 more particularly described as follows:

<u>FUND</u> <u>DESCRIPTION</u>	<u>BEGINNING FUND</u> <u>EST. BALANCE</u>	<u>FY2016</u> <u>REVENUE</u>	<u>FY2016</u> <u>EXPENSES</u>
General Fund	\$ 1,028,817	\$2,180,352	\$2,003,883
Enterprise Fund	\$1,006,664	\$ 813,424	\$ 775,303
Conservation Trust Fund	\$ 17,823	\$ 10,100	\$ 2,500
Minturn Building Fund	\$ 205,800	\$ 244,738	\$ 244,738
Market Fund	\$ 0	\$ 64,500	\$ 64,500
Capital Fund	\$ 259,500	\$ 500	\$ 260,000
Scholarship Fund	\$ 322,520	\$ 10,000	\$ 10,000
Battle Mtn Fund	\$1,090,389	\$ 1,800	\$ 830,000

Section 2.

The Town Council hereby authorizes and directs the Town Manager and Treasurer to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby adopted all in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3.

The budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town of Minturn, Colorado.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 18th DAY OF NOVEMBER, 2015. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2nd DAY OF DECEMBER, 2015 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2nd DAY OF DECEMBER, 2015.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
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Jay Brunvand, Treasurer/Clerk
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TOW Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – John Rosenfeld
Councilmember – Jason Osborne
Councilmember – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Resolution 18 - Series 2015 a Resolution authorizing the Mayor to sign an IGA with the Town of Avon for Fleet Maintenance services
MEETING DATE: November 18, 2015
PRESENTER: Brunvand
BACKGROUND: This is an annual IGA with Fleet services. The fees have not increased for several years however in 2016 they are proposing a slight increase on hourly rates for light and heavy duty rates. Staff is recommending approval.
CORE ISSUES:
STAFF RECOMMENDATION/MOTION: Motion to approve Resolution 189 - Series 2015 a Resolution authorizing the Mayor to sign an IGA with the Town of Avon Fleet Maintenance as presented.

TOWN OF MINTURN, COLORADO

RESOLUTION NO. 18 – SERIES 2015

A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN AN INTERGOVERNMENTAL SERVICE AGREEMENT BETWEEN THE TOWN OF AVON GOVERNMENT AND THE TOWN OF MINTURN CONTRACTING FOR VEHICLE AND HEAVY EQUIPMENT MAINTENANCE AND REPAIR SERVICES FOR THE TOWN OF MINTURN, COLORADO.

WHEREAS, The Town of Minturn desires The Town of Avon, Colorado to provide vehicle maintenance and repair services on a contractual basis; and

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

SECTION 1. The Mayor is authorized to sign an agreement, and such other documents as are reasonably necessary, with the Town of Avon, Colorado.

SECTION 2. This Ordinance shall not take effect until the agreement is signed by the representatives of all the necessary parties thereto.

SECTION 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

SECTION 5. The repeal or the repeal and reenactment of any provisions of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 18TH day of
November, 2015.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

VEHICLE AND EQUIPMENT MAINTENANCE SERVICE AGREEMENT

This agreement is made and entered into this ____ day of _____, 2015 by and between Town of Minturn whose address is P.O. Box 309, Minturn Colorado, 81645 (hereafter known as "TOM") and the Town of Avon whose address is P.O. Box 975, 500 Swift Gulch Road, Avon, Colorado, 81620 (hereafter designated as "Contractor").

In consideration of the obligation of TOM to pay the Contractor as herein provided and in consideration of the other terms and conditions hereof, the parties agree as follows:

1. **Contractor Services:** Contractor will, during the term of this Agreement, provide the following services (collectively the "Services"):
 - (a) Routine maintenance and preventive maintenance ("Routine Maintenance") of the TOM vehicles and equipment. Service will be performed on approximately 13 vehicles and equipment listed in Exhibit A. The number of vehicles serviced may be increased or decreased in TOM's sole discretion. Routine Maintenance will be performed at a minimum frequency and scope of work consistent with the manufacturer's recommendations or when initiated at the request of TOM.
 - (b) Repair and replacement work as requested by TOM ("Repair and Replacement"). No payment for any Repair and Replacement shall be due unless TOM has approved of such charges. Services may be commenced with verbal approval by TOM of a written or verbal estimate provided by Contractor. Repair and Replacement includes, without limitation, transmissions repairs, engine repairs, rear end repairs and any other work or repairs exceeding \$2,000.00. TOM acknowledges that subcontractors will perform certain repair work. Contractor shall be responsible for assuring that all such subcontracted work will be performed promptly and in accordance with the terms and conditions of this Agreement.
2. **Facilities:** Contractor represents that its facilities are in good repair and adequately equipped and that it has a sufficient staff to perform all work in a timely manner.
3. **Compensation:** In consideration of Contractor's services during the term of this Agreement, TOM will pay Contractor a unit hourly shop rate for Routine Maintenance and Repair and Replacement. This unit rate shall be **\$107.00** per hour for light duty vehicles and equipment and **\$116.00** per hour for heavy duty vehicles and equipment. Materials and sublet work shall be charged at cost plus **Twenty percent (20%)**. Invoice shall be issued by the 10th of each month for services performed the previous month. Payment shall be remitted within thirty (30) days of receipt of invoice. Contractor's Fueling Facilities may be used by TOM. The cost of Unleaded Gasoline and Diesel Fuel will be at the Contractor's cost plus ten cents per gallon. Contractor's vehicle washing facility may be used by TOM. Contact TOA for current wash rates. Late payment and past due amounts shall be subject to interest as set forth in Chapter 3.32 of the Avon Municipal Code.

4. **Terms and Termination:** This Agreement will be effective as of January 1, 2016 and will terminate on December 31, 2016 unless either party fails to substantially perform the duties and obligations in accordance herewith. In such an event, the non-defaulting party may terminate this Agreement by providing seven (7) days written notice to that the defaulting party, unless the defaulting party cures the breach within the seven (7) day remedy period. Either party may terminate this Agreement without cause by providing thirty (30) days written notice.
5. **Relationships and Taxes:** The relationship between the parties is that of independent contracting parties, and nothing herein shall be deemed or construed by the parties hereto or by any third party as creating a relationship of principal and agent or partnership, or of a joint venture between the parties. Contractor shall be solely responsible for any tax, withholding or contribution levied by the Federal Social Security Act. Contractor is not entitled to unemployment compensation or other employment related benefits, which are otherwise made available by TOM to its employees. Contractor shall provide TOM an original of its Form W-9 (Request for Taxpayer Identification Number of Certification).
6. **Warranty:** Contractor shall perform all Services in a prompt, efficient and workmanlike manner. Contractor shall promptly correct any defective work. This warranty shall be in lieu of all other warranties, express or implied. Contractor's sole liability hereunder, whether in tort or in contract, is expressly limited to the warranty provided for herein.
7. **Assignment:** Contractor's duties hereunder requires particular expertise and skills, and may not be assigned to any third party without the expressed written consent of TOM, and any attempt to do so shall render this Agreement null and void and no effect as respects the assignee (s) and shall constitute an event of default by Contractor.
8. **Waiver:** Failure to insist upon strict compliance with any terms, covenants, and/ or conditions hereof shall not be deemed a waiver of such term, covenant, or condition, nor shall any waiver or relinquishment of any right or power hereunder at any time or more times be deemed a waiver or relinquishment of such right or power at any other time or times.
9. **Benefit:** The terms, provisions, and covenants contained in this Agreement shall apply to, inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors in interest, and legal representatives except as otherwise herein expressly provided.
10. **Situs and Severability:** The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. If any provision of this Agreement shall be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.
11. **Modification:** This Agreement contains the entire agreement between the parties, and no agreement shall be effective to change, modify, or terminate in whole or in part unless such agreement is in writing and duly signed by the party against whom enforcement of such change, modification, or termination is sought.

12. Non-Liability of Town for Indirect or Consequential Damages or Lost Profits: Parties agree that the Contractor shall not be liable for any indirect or consequential damages which may arise from any breach of this Service Agreement by Contractor or which may arise by the Contractor's breach of warranty.

13. No Waiver of Governmental Immunity: Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Contractor, its officials, employees, contractors, or agents, or any other person acting on behalf of the Contractor and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

14. No Third Party Beneficiaries: Nothing contained in this Agreement is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third party, including any agent, sub-consultant or sub-contractor of TOM. Absolutely no third party beneficiaries are intended by this Agreement. Any third-party receiving a benefit from this Agreement is an incidental and unintended beneficiary only.

15. Article X, Section 20/TABOR: The Parties understand and acknowledge that the Town of Avon and TOM are subject to Article X, § 20 of the Colorado Constitution ("TABOR"). The Parties do not intend to violate the terms and requirements of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Agreement to the contrary, all payment obligations of the Town are expressly dependent and conditioned upon the continuing availability of funds beyond the term of the Town's current fiscal period ending upon the next succeeding December 31. Financial obligations of the Town payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of Town of Avon, and other applicable law. Upon the failure to appropriate such funds, this Agreement shall be terminated.

EXECUTED this ____ day of _____,
2015.

EXECUTED this ____ day of _____,
2015.

Town of Minturn

TOWN OF AVON

By: _____

By: _____

EXHIBIT A

VIN	Year	Manufacturer	Equipment Type	Unit #	Code
1FDWF37R58ED33805	2009	Ford	F350	13M	L
1D3HW28P67S190021	2007	Dodge	Dakota	7M	L
1D7HW28N565657232	2006	Dodge	2500	6M	L
1FTSX31PX4EC60013	2004	Ford	F350	8M	L
1FTWF33PX4EC60014	2004	Ford	F350	5M	L
1GNET16M556166328	2005	Chevrolet	Trailblazer	1M	L
1FTZR15EX9PAD2057	2009	Ford	Ranger	14M	L
1XKAD69X0NS	1992	Kenworth	Dump truck	144M	H
1B7KF23W6XJ637692	1999	Dodge	2500	12M	L
2B3KA43H37H770201	2007	Dodge	Charger	333	L
JJG0249826	2000	Case	580L Backhoe	11M	H
DJN00332	2009	Cat	IT38F Loader	15M	H
44E559257	1996	Mack	Dump Truck	16m	H

END EXHIBIT A

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 MEMORANDUM
November 18, 2016 Meeting

TO: Town Council

FROM: Willy Powell
Town Manager

TAP Grant Request for Qualifications

The RFQ for engineering services was advertised beginning Nov. 6. The schedule includes a pre-proposal meeting on November 24th. Proposals are due on December 17. Intermountain Engineering will assist the town in evaluating the proposals and assist in the planning as Minturn’s staff, as needed.

Dowd Junction Committee

The committee met to put the RFQ in final form for prospective developers. The schedule for issuance is still being discussed.

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 Cintas best bathroom award Design for educational portion beginning
Lease Lot cleanup and leasing	Martinez	berm improved, needs seeded 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	improve park plans to be eligible for grants 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	decision on structure and rates made
Entryway/100 Block Project Steet Projects	Powell Hawkinson Inter-Mountain Engr.	phase 1 substantially complete by contractor seeding in Spring, decorative fencing to be installed
South Minturn Engineering	Powell Hawkinson Inter-Mountain Engr.	RFQ issued Nov. 6 proposals to be submitted 12/17 agreement with CDOT January, 2016
Bolts Ditch within Wilderness	Powell	confirmed Battle Mtn. will share costs, split to be determined WLG contract approved
Building Code Adoption--newer codes		place holder