



2016

Minturn Council Meeting

Wednesday February 03, 2016

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

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



Agenda

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

Wednesday February 3, 2016

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

- Discussion regarding in-Town marijuana sales – Powell/Sawyer/Brunvand
- Eagle River Fire Protection District training facility options – Powell
- Review of Federal Land Exchange process Tom Glass, Western Land Group - Powell

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

- January 20, 2016

4. Liquor License Authority

- Gourmet Cowboy Liquor license Transfer to Golden Aspen Leaf, Inc DBA The Gourmet Cowboy Bar; 455 Main St.; Clifford A. Dorn, III Owner/Pres – Brunvand

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. Discussion/Action Item: Consideration of Resolution No. 2 – Series 2016 A Resolution appointing individuals to the Planning Commission – Hawkinson

COUNCIL AND STAFF REPORTS

8. Town Planner

- Planner Report

9. Town Manager

- Manager's Report
- Action Report

10. Town Council Comments

11. Town Attorney

EXECUTIVE SESSION

12. Executive Session: An executive session for the purpose of discussing specific legal questions with the attorney for the purposes of receiving legal advice under C.R.S. Section 24-6-402(4)(b), Battle Mountain Land Exchange – Powell/Sawyer

FUTURE AGENDA ITEMS

13. Next Meeting – February 17, 2016

14. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Work Session on housing – Hawkinson

15. Set Future Meeting Dates

a) Council Meetings:

- February 17, 2016
- March 2, 2016
- March 16

b) Planning & Zoning Commission Meetings:

16. Other Dates:

17. 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, TREASURER/FINANCE**

MEMORANDUM

TO: Mayor, and Council
FROM: Jay Brunvand, Treasurer/Clerk
CC: Willy Powell, Town Administrator
DATE: Thursday, January 28, 2016
RE: Status and update of Marijuana

Current:

The Town is under a complete ban for medical and retail sales, distribution, grow, etc. Under Colorado law the Town is not allowed to ban individual use and minimal grow for personal use.

In 2000 an amendment was passed by the voters of the state of Colorado approving medical marijuana sales, growth, etc. Things really did not begin to heat up on this until about 2009. In 2010 the legalization of Medical Marijuana was passed and signed into law in June 2010. Retail laws as we know them today were passed in November 2012.

PREVIOUS COUNCIL ACTION:

- Ord 06-2009 – An emergency Ordinance placing a 90 day moratorium on medical marijuana was passed. (Aug 19, 2009)
- Res 14-2010 – A Resolution setting ballot language to ban medical marijuana was passed setting ballot language for the county coordinated election held November 2010. This question failed meaning the citizens did NOT want to ban medical marijuana sales, infused products, assessor growth, etc. The vote total was 132 voting for the ban and 208 voting against the ban. (38% to 62%)
- Ord 09-2011 – Ordinance was issued but no action was ever taken by Council and the Ordinance died.
- Ord 03-2012 – Ordinance to allow for the regulation and sale/grow/manufacture/etc. of medical marijuana in Town. This Ordinance would allow essentially one store in Town and would be regulated by the local and State. This ordinance died 4-3.
- Ord 07-2012 – Ordinance to ban passed 4-3.

- Ord 02-2013 – An emergency Ordinance to ban. This was good for 90 days.
- Ord 05-2013 – An Ordinance to ban indefinitely.
- Ord 08-2013 – An Ordinance that would reconcile Town law with State law by allowing the possession of less than an ounce by adults over 21 years of age.

Other actions have been considered and not considered resulting on a period of time where no action was taken and no business licenses were issued based on a citation in the Municipal Code that states the Town would not issue a business license on an activity that was Federal, State, or locally illegal; marijuana is federally illegal.

STAFF RECOMMENDATION:

I have included three informational pieces from Mike Sawyer for reference.

Staff recommends maintaining the ban with no changes;

- At this point we have a Council Election in April, a little over two months away.
- This is a very divisive matter that does not benefit the Council one way or the other.
- Currently the nearest dispensary is just over 3-4 miles away. Most locals in Eagle County are in the County; therefore, sales taxes do not include municipal taxes of 4%. This cost savings would negatively affect municipal sales. Further, the Town does not have in place a use tax or excise tax for the sale of marijuana. This would result in a reduced cash incentive for the Town by not supplying any off setting revenue for potential regulation and enforcement costs.

RECOMMENDED MOTION:

This is a discussion item only whereby Staff is seeking Council Direction. In the event Council desires to pursue this further Staff would bring forward to Council further information.

ATTACHMENTS:

- Memo: Amendment 20 – Medical Marijuana
- Memo: Application of Clean Indoor Air Act to Marijuana
- Memo: Amendment 60 Recreational Marijuana

Michael J. Sawyer
mjs@mountainlawfirm.com

January 25, 2016

TO: MAYOR FLAHERTY AND MINTURN TOWN COUNCIL
FROM: TOWN ATTORNEY
RE: AMENDMENT 20 - MEDICAL MARIJUANA

- I. Local Option. “The operation of [the Colorado Medical Marijuana Code] shall be statewide unless a municipality . . . by either a majority of the registered electors of the municipality . . . voting at a regular election or special election called in accordance with the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S., . . . or a majority of the members of the governing board for the municipality . . . vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses.
- II. Local Option Prohibition.
- a. Moratorium – A temporary ban on medical marijuana related businesses giving the Town time to see how Amendment 20 continues to be implemented by the state and in other municipalities, particularly in light of the emerging recreational marijuana landscape, or how the federal government treats such medical marijuana related businesses going forward. Moratorium must be accomplished by Ordinance.
 - b. Ban – Under the local option, the Town Council can vote to permanently ban all forms of medical marijuana businesses within Town boundaries (subject to the ban being lifted by a future Council). Ban must be accomplished by Ordinance after notice and public hearing, unless the ban is enacted by a majority of the registered electors of the Town.
 - c. Ban Does Not Impact Personal Grow and Use Rights – A Ban under the local option only impacts medical marijuana based businesses operating within the Town’s jurisdiction. The following individual rights related to medical marijuana are “matters of statewide importance” which cannot be contravened by a municipality:

- i. to grow up to 6 marijuana plants, with three or fewer being mature, flowering plants that are producing usable medical marijuana
- ii. possess and transport up to two ounces of medical marijuana
- iii. consume medical marijuana and medical marijuana related products

III. Local Option Allowing Medical Marijuana Businesses.

- a. Three types of licenses – The Town can choose to exclude any type of license from its jurisdiction:
 - i. medical marijuana center – a facility that sells medical marijuana
 - ii. optional premises cultivation operation – a license issued only to a medical marijuana center licensee for cultivation of medical marijuana
 - iii. medical marijuana-infused products manufacturer – a manufacturer of medical marijuana edibles, ointments, tinctures or other similar products
- b. State licensing and optional local licensing – Unlike Amendment 64, Amendment 20 made no provisions mandating that the State set up a licensing procedure for medical marijuana related businesses. The Colorado General assembly enacted licensing related legislation in 2010 (HB 10-1284), likely in response to the proliferation of medical marijuana business around the state after the Department of Justice announced in 2009 that it would not focus federal resources on individuals whose actions were in compliance with state laws providing for the medical use of marijuana. The Colorado Medical Marijuana Code, §§12-43.3-101 - 1102, most of which was enacted by the passage of HB 10-1284, and the regulations adopted by the Colorado Department of Revenue implement the state licensing procedure. Unlike Amendment 64, if a local government does not prohibit medical marijuana sales, a local government must have its own licensing authority and process for medical marijuana related business licenses.
- c. The Town can enact reasonable regulations or other restrictions of medical marijuana businesses based on Town “zoning, health, safety, and public welfare” that are more restrictive than the provisions of the Colorado Medical Marijuana Code. Thus, the Town can address where a medical marijuana business may be located in its zoning code. The Town may designate when such businesses may be open and establish performance standards (i.e. security requirements). The Town may adopt penalties for failing to comply with its regulations. Unlike with recreational marijuana, the Town cannot set a regulatory cap on the total number of medical marijuana licenses that it can issue, but the Town can factor into its licensing decision on a medical marijuana related business license application the number of licensed medical marijuana related businesses operating within its jurisdiction.
- d. The Town cannot apply its municipal sales tax to transactions involving medical

marijuana, but it can do so to medical marijuana infused products.

IV. Required Town Actions.

- a. The Town has already acted to prohibit medical marijuana businesses, but nothing prevents the Town Council from repealing prohibition to allow all or certain types of medical marijuana related businesses. Unless the Town acts to repeal prohibition, action with respect to medical marijuana business licensing is limited to review of the prohibition language to assure that it is not in conflict with Amendment 20, the Colorado Medical Marijuana Code or the medical marijuana regulations.
- b. Review the Town's criminal code to delete provisions that conflict with Amendment 20. It appears that the Council amended Sec. 10-11-20 of the Town Code in 2013 to be consistent with the one ounce possession allowance of Amendment 64. Under Sec. 10-11-20, only persons possessing over one ounce of marijuana have committed an offense under the Town Code. Although there is no express provision in Sec. 10-11-20 providing for the possession of up to two ounces of medical marijuana by the holder of a valid medical marijuana registry identification card, Sec. 10-11-20 does provide that this fact is an affirmative defense to prosecution under it. The Town could opt to clarify this language.
- c. Review employment policy manual related to use of medical marijuana by employees. Amendment 20 states "Nothing in this section shall require any employer to accommodate the medical use of marijuana in any work place." One prominent case has held that an employer had the right to terminate an employee for failing a drug test as a result of his medical marijuana use, but this case will be heard by the Colorado Supreme Court this summer and the effect of the earlier decision is effectively in limbo.

Michael J. Sawyer
mjs@mountainlawfirm.com

January 25, 2016

TO: MAYOR FLAHERTY AND MINTURN TOWN COUNCIL
FROM: TOWN ATTORNEY
RE: APPLICATION OF CLEAN INDOOR AIR ACT TO MARIJUANA

I. Colorado Clean Indoor Air Act

SB 283 implementing Amendment 64 amended the Colorado Clean Indoor Air Act (the "Act") found at CRS 25-14-201 et. seq. by including (1) a definition for Marijuana, (2) adding it to the definition of "smoking" under the Act, and (3) including it in the introductory section of the Act, as follows:

25-14-203. Definitions. As used in this part 2, unless the context otherwise requires:

(11.5) "Marijuana" shall have the same meaning as in section 16 (2) (f) of article XVIII of the state constitution.

(16) "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or medical marijuana. ~~as defined by section 12-43.3-104 (7), C.R.S.~~

25-14-204. General smoking restrictions. (1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted and no person shall smoke in any indoor area . . .

Therefore, the smoking of marijuana is restricted under the Act the same as tobacco smoke, which encompasses most public places. The general smoking restrictions under the Act are found at CRS 25-14-204 and include:

- (1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:
 - (a) Public meeting places;
 - (b) Elevators;
 - (c) Government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains;

- (d) Taxicabs and limousines;
- (e) Grocery stores;
- (f) Gymnasiums;
- (g) Jury waiting and deliberation rooms;
- (h) Courtrooms;
- (i) Child day care facilities;
- (j) Health care facilities including hospitals, health care clinics, doctor's offices, and other health care related facilities;
- (k) (I) Any place of employment that is not exempted.
(II) In the case of employers who own facilities otherwise exempted from this part 2, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.
- (l) Any place of employment that is not exempted.
(II) In the case of employers who own facilities otherwise exempted from this part 2, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.
- (l) Food service establishments;
- (m) Bars;
- (n) Limited gaming facilities and any other facilities in which any gaming or gambling activity is conducted;
- (o) Indoor sports arenas;
- (p) Restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, and other multiple-unit residential facilities;
- (q) Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;
- (r) Bowling alleys;
- (s) Billiard or pool halls;
- (t) Facilities in which games of chance are conducted;
- (u) (I) The common areas of retirement facilities, publicly owned housing facilities, and, except as specified in section 25-14-205(1) (k), nursing homes, but not including any resident's private residential quarters or areas of assisted living facilities specified in section 25-14-205(1) (k).
(II) Nothing in this part 2 affects the validity or enforceability of a contract, whether entered into before, on, or after July 1, 2006, that specifies that a part or all of a facility or home specified in this paragraph (u) is a smoke-free area.
- (I) The common areas of retirement facilities, publicly owned housing facilities, and, except as specified in section 25-14-205(1) (k), nursing homes, but not including any resident's private residential quarters or areas of assisted living facilities specified in section 25-14-205(1) (k).
(II) Nothing in this part 2 affects the validity or enforceability of a contract, whether entered into before, on, or after July 1, 2006, that specifies that a part or all of a facility or home specified in this paragraph (u) is a smoke-free area.
- (v) Public buildings;
- (w) Auditoria;
- (x) Theaters;
- (y) Museums;
- (z) Libraries;
- (aa) To the extent not otherwise provided in section 25-14-103.5, public and nonpublic schools;
- (bb) Other educational and vocational institutions; and
- (cc) The entryways of all buildings and facilities listed in paragraphs (a) to (bb) of this subsection (1).

II. Amendment 64/Interpretation of "Openly and Publicly"

Nothing in Amendment 64 permits the consumption of marijuana that is conducted openly and publicly. The Town has amended its Criminal Code to make it clear that it is a criminal act for any person to openly and publicly, consume, or grow marijuana in any public place. (Sec. 10-11-20 (6)). The State Legislature failed to define "openly and publicly" and unfortunately it may take years for the courts to tell us what the means.

As discussed, the Colorado Indoor Clean Air Act prohibits the consumption of marijuana in most public places of business. Amendment 64 expressly states that "Nothing in this section shall prohibit a person, employer, school, hospital, detention facility, corporation or any other entity who occupies, owns or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property." Therefore, the Town can prohibit marijuana consumption on public property. As for motor vehicles, SB 283 adopted the restrictions similar for marijuana to an open container of alcohol, set forth below:

42-4-1305.5. Open marijuana container - motor vehicle - prohibited. (1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Marijuana" shall have the same meaning as in section 16 (2) (f) of article XVIII of the state constitution.

(b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.

(c) "Open marijuana container" means a receptacle or marijuana accessory that contains any amount of marijuana and:

(I) That is open or has a broken seal;

(II) The contents of which are partially removed; or

(III) There is evidence that marijuana has been consumed within the motor vehicle.

(d) "Passenger area" means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.

(2) (a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a public highway of this state or the right-of-way of a public highway of this state may not knowingly:

(I) Use or consume marijuana; or

(II) Have in his or her possession an open marijuana container.

(b) The provisions of this subsection (2) shall not apply to:

(I) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;

(II) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a house coach, house trailer, motor home, as defined in section 42-1-102 (57), or trailer coach, as defined in section 42-1-102 (106) (a);

(III) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

(IV) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

(c) A person who violates the provisions of this subsection (2) commits a class A traffic infraction and shall be punished by a fine of fifty dollars and a surcharge of seven dollars and eighty cents as provided in this section and section 42-4-1701 (4) (a) (I) (N).

(3) Nothing in this section shall be construed to preempt or limit the authority of any statutory or home rule town, city, or city and county to adopt ordinances that are no less restrictive than the provisions of this section.

Amendment 64
Recreational Marijuana

- I. Local Option. “A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure . . . provided, any initiated or referred measure to prohibit the operation . . . must appear on a general election ballot during an even numbered year.”

- II. Local Option Prohibition.
 - a. Moratorium – a temporary ban on marijuana related businesses giving the Town time to see how Amendment 64 is implemented at federal and state levels and in other municipalities. Moratorium must be accomplished by Ordinance.

 - b. Ban – Under the local option, the Town Council can vote to permanently ban some or all forms of marijuana businesses within Town boundaries (subject to the ban being lifted by a future Council). Ban must be accomplished by Ordinance after notice and public hearing.

 - c. Ban Does Not Impact Personal Use Rights – a Ban under the local option only impacts marijuana based businesses operating within a municipality’s jurisdiction. The following individual rights related to marijuana are “matters of statewide importance” which cannot be contravened by a municipality:
 - i. to grow up to 6 marijuana plants
 - ii. possess up to one ounce of marijuana
 - iii. gift up to one ounce of marijuana to someone over 21
 - iv. consume marijuana and marijuana related products

- III. Local Option Allowing Marijuana Businesses.
 - a. Four types of licenses. Municipality can choose to exclude any type of license from its jurisdiction:
 - i. Retail sales
 - ii. Marijuana cultivation
 - iii. Marijuana processing
 - iv. Marijuana testing lab

 - b. State licensing and optional local licensing. Amendment 64 mandates that the State set up a licensing procedure for marijuana related businesses. HB 13-1317 and regulations adopted by the Colorado Department of Revenue implement the state licensing procedure. A local government can defer to the state licensing procedure. Or, similar to liquor licensing, a municipality may enact its own licensing process.

- c. A municipality can regulate the “time, place, manner and number of marijuana establishment operations” within its jurisdiction. Thus, the Town can address where a marijuana business may be located in its zoning code. The Town may designate when such businesses may be open and establish performance standards (i.e. security requirements). The Town can also set a cap on the total number of marijuana licenses (by category) that can be issued within its jurisdiction. The Town may adopt penalties for failing to comply with its regulations.
- d. The Town can apply its municipal sales tax to transactions involving recreational (but not medical) marijuana. A local jurisdiction can also impose a special tax on the sale of recreational marijuana – subject to compliance with TABOR.

IV. Required Town Actions.

- a. If the Town decides to allow some or all of the marijuana establishments within the Town’s jurisdiction, the Council will need to adopt appropriate Code provisions related to: (a) licensing, (b) performance standards and restrictions on marijuana businesses, (c) fines and penalties for violating Town Code provisions, and (d) zoning for marijuana businesses (together with P&Z).

January 26, 2016

To: Town Council
Fr: Willy Powell, Town Manager

Re: Memorandum of Understanding with Fire District

Background

The Eagle River Fire Protection District plans to hold an election to fund certain improvements throughout the district, including the construction of a fire practice facility. The District has proposed to Council use of the lease lot for construction of the practice facility and has proposed making road and utility improvements in exchange for free rent. At question is how to account for the arrangement so both parties receive an equitable deal. At this time it is recommended to enter into a memorandum of understanding with the District. If the election is successful, the MOU would serve as a basis for a future intergovernmental agreement between the Town and District.

The Numbers (see attachment)

Water costs: \$380,300
Sewer costs: \$295,000
Total utilities: \$675,300

Total estimated road and utility costs: \$943,575

Estimated Foot Print: 24,360 square feet

Amount Minturn charges for lease lot: \$2.00—2.50/SF/YR. Below evaluation also looks \$1.50/SF/YR.

Alternative valuations of foregone rent in exchange for improvements

1. Utilities only at \$2.00/SF
 $24,360\text{SF} \times \$2.00/\text{SF} = \$48,720$ per year rent
 $\$675,300/\$48,720 = 13.86$ years pay off period
2. Utilities only at \$1.50/SF
 $24,360 \times \$1.50/\text{SF} = \$36,540$ per year rent
 $\$675,300/\$36,540 = 18.48$ years pay off period
3. Road and Utilities at \$2.00/SF
 $24,360\text{SF} \times \$2.00/\text{SF} = \$48,720$ per year rent
 $\$943,575/\$48,720 = 16.07$ years pay off period
4. Road and Utilities at \$1.50/SF
 $24,360 \times \$1.50/\text{SF} = \$36,540$ per year rent
 $\$943,575/\$36,540 = 25.82$ years pay off period

Intangibles

The town has long had the goal of extending utilities to Little Beach Park and beyond. Having utilities would possibly place the town in a better position of receiving grant funds for improving the park. The

town now owns a bathroom which could be placed at the park when water and sewer are available. Providing utilities and an improved road could allow the town to lease other lease lots to higher quality tenants with a higher rent schedule. Eventual use of the upper lease lot may require utilities.

Conclusion and Recommendation

The numbers could be arranged to come to varying conclusions. Rather than parsing about various alternative scenarios, staff recommends the following.

1. Provide free rent in exchange for road and utility improvements for a period of the bond term, not to exceed 30 years.
2. After the bond term ends, negotiate a fair rent for the premises for an additional 25 years.
3. Place the practice facility in lower lease lot in order to keep alternative use options open for the upper lot.

Eagle River Fire Protection District
Opinion of Probable Costs
Lower Leased Lot, Minturn CO
Schematic Plan Dated 12/28/2015
January 14, 2016



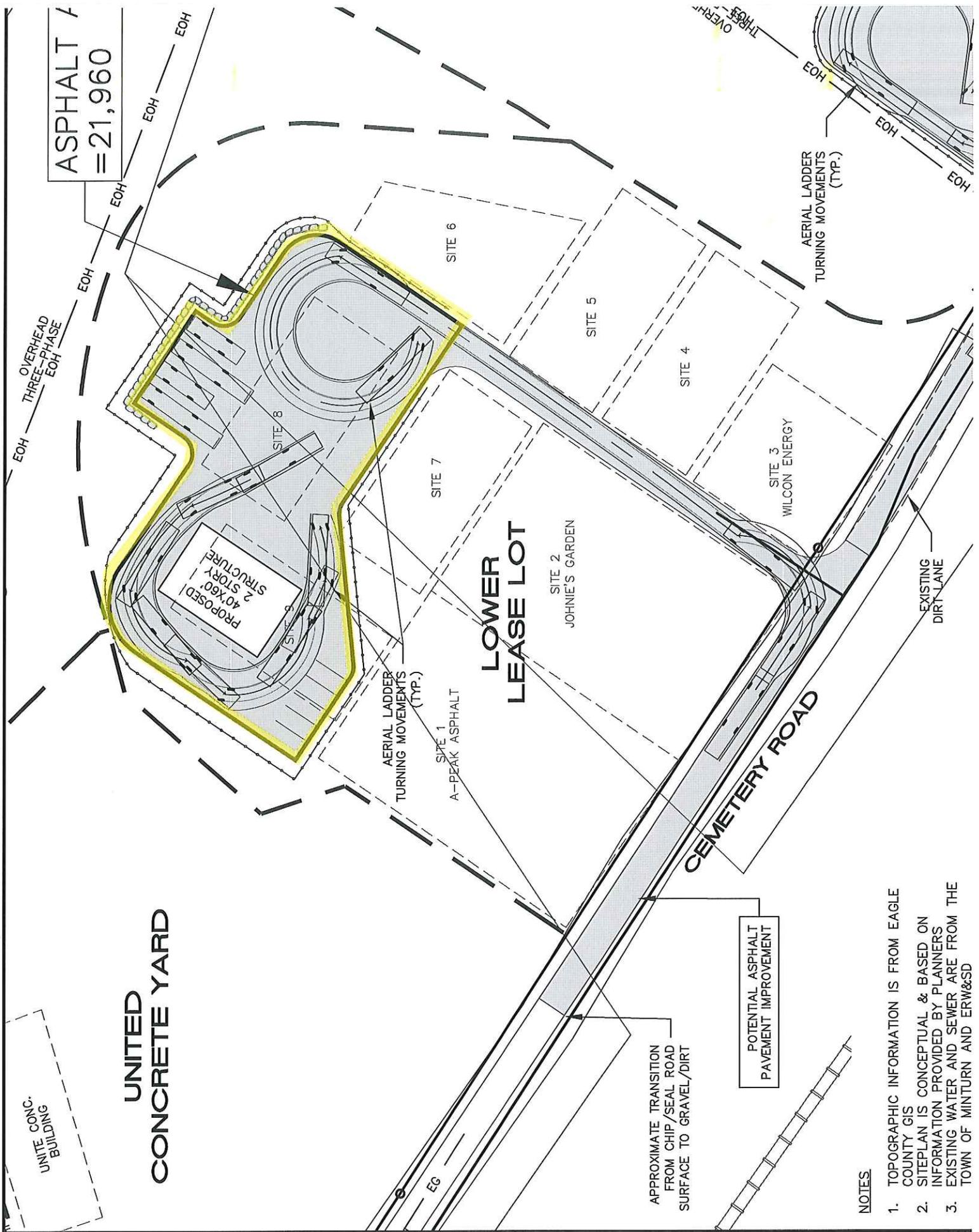
DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
Mobilization (5%)	LS	1	\$ 45,000.00	\$ 45,000.00
Traffic Control	LS	1	\$ 25,000.00	\$ 25,000.00
TOTAL MOBILIZATION				\$ 70,000.00
SOFT COSTS				
Engineering	LS	1	\$ 35,000.00	\$ 35,000.00
CDOT Access Permit	LS	1	\$ 1,000.00	\$ 1,000.00
CDOT Special Use Permit	LS	1	\$ 1,000.00	\$ 1,000.00
UPRR Permit	LS	1	\$ 1,500.00	\$ 1,500.00
Surveying (Utility)	LS	1	\$ 20,000.00	\$ 20,000.00
TOTAL OFF SITE				\$ 58,500.00
ROADWAYS				
Road Cut U.S. Hwy 24 (Water & Sewer Connect)	LS	1	\$ 25,000.00	\$ 25,000.00
Cemetery Road Upgrade				
Subgrade Preparation	SY	625	\$ 3.00	\$ 1,875.00
Excavation / Embankment	LS	1	\$ 7,000.00	\$ 7,000.00
Asphalt (4") 280 LF Road	TN	155	\$ 120.00	\$ 18,600.00
Basecourse (6" Class 6)	TN	230	\$ 40.00	\$ 9,200.00
TOTAL ROADWAYS				\$ 61,675.00
DRAINAGE & SEDIMENT CONTROL				
Erosion/Sediment Control, Revegetation	LS	1	\$ 8,000.00	\$ 8,000.00
TOTAL DRAINAGE				\$ 8,000.00
WATER				
8" DIP	LF	2100	\$ 105.00	\$ 220,500.00
Connect to Existing 12" DIP Main w/ Tee	EA	1	\$ 1,000.00	\$ 1,000.00
Bridge Crossing- Urecon Heated Traced Pipe	LF	110	\$ 550.00	\$ 60,500.00
Railroad Bore & Carrier Pipe	LF	80	\$ 500.00	\$ 40,000.00
Fire Hydrant Assembly	EA	4	\$ 6,500.00	\$ 26,000.00
6" DIP Service	LF	380	\$ 85.00	\$ 32,300.00
TOTAL WATER				\$ 380,300.00
SEWER				
8" PVC SDR35	LF	2,100	\$ 65.00	\$ 136,500.00
Connect to Existing Sewer with Manhole	EA	1	\$ 6,000.00	\$ 6,000.00
Bridge Crossing- Urecon Heated Traced Pipe	LF	110	\$ 550.00	\$ 60,500.00
Railroad Bore & Carrier Pipe	LF	80	\$ 500.00	\$ 40,000.00
4' Diameter Standard Manhole	EA	13	\$ 4,000.00	\$ 52,000.00

**Eagle River Fire Protection District
 Opinion of Probable Costs
 Lower Leased Lot, Minturn CO
 Schematic Plan Dated 12/28/2015
 January 14, 2016**



DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
6" PVC Service	LF	380	\$ 60.00	\$ 22,800.00
TOTAL SEWER				\$ 295,000.00
SHALLOW UTILITIES				
Electric Transformer (Single-phase)	EA	1	\$ 7,000.00	\$ 7,000.00
Electric Service Conduit	LF	100	\$ 25.00	\$ 2,500.00
Communication Splice Vault 467-TA	EA	1	\$ 6,800.00	\$ 6,800.00
Communication Pedestals	EA	1	\$ 500.00	\$ 500.00
Communication 4" Conduit	LF	800	\$ 25.00	\$ 20,000.00
Communication Service Conduit	LF	380	\$ 25.00	\$ 9,500.00
2" PE Gas Main	LF	300	\$ 35.00	\$ 10,500.00
2" PE Gas Service	LF	380	\$ 35.00	\$ 13,300.00
TOTAL SHALLOW UTILITIES				\$ 70,100.00
GRAND TOTAL UTILITY CONSTRUCTION				\$ 943,575.00

- 1 This estimate does not include geotechnical engineering, testing, Eagle River flood studies, landscaping, easement acquisition, construction management or platting
- 2 The plans are based on a schematic level drawing with no design of the utility systems
- 3 The actual cost may vary significantly based upon final design, contractor pricing, materials and labor costs and market conditions



NOTES

1. TOPOGRAPHIC INFORMATION IS FROM EAGLE COUNTY GIS
2. SITEPLAN IS CONCEPTUAL & BASED ON INFORMATION PROVIDED BY PLANNERS
3. EXISTING WATER AND SEWER ARE FROM THE TOWN OF MINTURN AND ERW&SD



Official Minutes

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

Wednesday January 20, 2016

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

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

COUNCIL MEMBERS:

Shelley Bellm
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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

- VVTC 2016 update from a representative – Powell
- Discussion about ballot language and referring the question to the voters of Term Limits for Mayor, Council, and Planning Commission seats – Sawyer/Powell/Brunvand
 - Put on Ballot?
 - Yea: Shelley B.,
 - Nay: Matt S., John R., Earle B., Ozzy O., George B., Hawkeye F.
 - Direction to investigate a future election in November 2016 or by Council Ordinance
- Eagle River Fire Protection District training facility options – Powell
Direction was to move this to Special Presentation as Work Session time expired.

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:43pm.

- Roll Call

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

Staff present: Town Attorney Mike Sawyer, 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
 - Continue the fire district discussion to 6a.

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

3. Approval of Minutes

- January 6, 2016
 - Note that the executive session was not held.

Motion by John R., second by Earle B., to approve the minutes of January 6, 2016 as amended. Motion passed 7-0.

4. Liquor License Authority

- Magustos Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon Owner/Pres – Brunvand

Jay B. outlined the issues for the Council and recommended approval.

Public hearing opened.

No Comments

Shelley B. commented that the lease is current for the 1st St deck is active and valid

Public hearing closed.

Motion by John R., second by Earle B., to approve the Magustos Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon Owner/Pres however, they are not allowed to use the 1st St area unless and until it is leased as presented. Motion passed 7-0.

Note: The motion was modified and amended by the First and Second to read as stated.

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

Mr. Randy Milhoan, 141 Williams St. asked why 1st St is now treated as a street. He asked how the dumpster is allowed to extend into the street right of way; Hawkeye noted this was a mutual agreement between the Town and the property owner and cleared years ago in an effort to work with the property owner to clean up the area.

6. Special Presentations

- Committee Report
- Continuation of Worksession discussion regarding a possible Eagle River Fire Protection District training facility

Mr. Dominic Mauriello was present as a representative of the Eagle River Fire Protection District (ERFPD).

Matt S. noted that because some of the information was not previously shared with the Town and because some of the concepts have changed between meetings that some of the Town's numbers are not as solid as the Council had hoped.

Willy P. clarified that the current proposal is that the ERFPD would install the utilities at their cost, we would give them the land requested for 99-years (original proposal was for 50 years).

Shelley B. felt this was an added benefit for the Town to work with ERFPD and as a result we could rent the land for a higher rate.

Discussion ensued as to the length of the lease. Concern was expressed that the lease should be 25years, not 50-99. Although the lease could be longer, a lease payment would be assessed after the initial lease. It was discussed the length of amortization of the utilities. Willy P. noted this is an opportunity to extend utilities to that area at no cost while still allowing the Town to pursue other extensions in other areas. It was confirmed that the proposal would not go forward if the ERFPD bond issue does not pass in May 2016.

Council was in support to move forward with the details to be worked out. Council expressed a need to offset the construction costs over an amortized period and then require a remuneration lease thereafter. Willy P. noted the direction and felt Staff could work with the details and bring forth a proposal to the Council.

Discussion ensued as to what the ERFPD bond would cover.

PUBLIC HEARINGS AND ACTION ITEMS

7. Public Hearing/Discussion/Action Item: Consideration of Resolution 04 – Series 2016 an Resolution approving the Preliminary Subdivision Plat for Applicant Intermountain Landscape & Maintenance, Inc. for property owned by the Union Pacific Railroad – Hawkinson

Earle B. recused himself from the Council as he is a Board member of the Meadow Mountain Business Park which is directly affected by this proposal.

Janet H. outlined the proposal. She noted this is a Preliminary Subdivision they will come back for final Subdivision and for a change in zoning to match the adjoining property to the north.

Mr. Rick Pylman, Pylman & Associates, presented for the applicant. Others present included Mr. Gary Brooks, Alpine Engineering,

Public Hearing opened.

Public Hearing closed.

Discussion ensued as to access to the property from Hwy 24 from CDOT and the aesthetics of the property. ILM asked if the Council wanted landscaping that would block the view from the highway or if they wanted to maintain the river view. Concepts were discussed. Concern was discussed of water flowing off the property into the river and how that would be mitigated. This plan was detailed by Alpine Engineering. It was noted that the site would be graded and graveled, it would not be paved. This would assist in the drainage plan.

Hawkeye requested that a condition be included at final to require installation of a storm sceptor if the site is paved.

Motion by John R., second by George B., to approve Resolution 04 – Series 2016 an Resolution approving the Preliminary Subdivision Plat for Applicant Intermountain Landscape & Maintenance, Inc. for property owned by the Union Pacific Railroad as presented. Motion passed 5-1. (Nay: Ozzy) Note: Earle B was recused due to a conflict of interest.

Conditions:

If in the future the site is paved the owner must install a storm sceptor.

8. Discussion/Action Item: Consideration of Resolution 05 – Series 2016 a Resolution approving an Intergovernmental Agreement with the Colorado Dept of Transportation regarding the Transportation Alternatives Grant (TAP Grant) and affirming Minturn has appropriated and budgeted the local match – Powell/Hawkinson

Willy P. presented for Staff stating that we have allocated our match portion of \$66,540 in our budget, authorizes the town manager to sign the agreement, and the resolution will become exhibit A of the IGA.

The IGA purpose is to provide engineering services for future improvements on Hwy 24/Main St from Toledo St to Maloit Park Rd. The study will include travel lanes, sidewalk/trails, This will include a lot of public outreach and public comment periods as it will affect everyone along the route at some level.

Motion by Ozzy O., second by Shelley B., to approve Resolution 05 – Series 2016 A Resolution approving an Intergovernmental Agreement with the Colorado Dept of Transportation regarding the Transportation Alternatives Grant (TAP Grant) and affirming Minturn has appropriated and budgeted the local match as presented. Motion passed 7-0.

Willy P. requested further direction to begin negotiations with Stolfus Engineering, it was given.

9. Discussion/Action Item: Consideration of Resolution No. __ – Series 2016 A Resolution approving ballot language and referring to the voters the question of Term Limits for Mayor, Council, and Planning Commission seats – Sawyer

It was determined that it was too close to the election and did not have the council support to progress this further. It was noted Council will pursue other alternatives.

No action was taken on this item.

10. Discussion/Action Item: Consideration of Resolution No. 06 – Series 2016 A Resolution approving an IGA for an Operations Agreement between the Eagle River Water and Sanitation District and the Town of Minturn. – Brunvand

Jay B. updated the Council and noted any concerns that citizens might have can be directed to the Clerk's office for questions.

Motion by John R., second by George B., to approve Resolution No. 06 – Series 2016 A Resolution approving an IGA for an Operations Agreement between the Eagle River Water and Sanitation District and the Town of Minturn as presented. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

11. Town Planner

Shelley B. noted that Planning Commission approvals need to be in the Council packets in case of the need for Call-Up.

12. Town Manager

- Manager's Report

Bolts Ditch Lobbying

The Mayor, Manager and Tom Glass spent Jan. 11—13 lobbying congressmen and staffers to allow authorization for the use and maintenance of the Bolts Ditch within the 450' of the Holy Cross Wilderness Area. We met with Senators Gardner and Bennet and Representative Polis, congressional staff, legislative staff and USFS legislative staff. We received positive response from all. Senator Gardner has agreed to be the original sponsor and Senator Bennet a co-sponsor. Representative Polis will sponsor on the house side. We also visited with Representative Lamborne's legislative aide (R-Colorado Springs) to gain their support. We will attempt to meet with Representative Tippet, as his district is to the west and includes the western portion of the wilderness area. Senator Gardner's office has already sent the legislation to committee. The timetable for any passage is unknown at this time, but we will continue to advocate for early adoption. We have been counseled both houses do not perform as much work during a presidential election year. However, after the election, many legislation bills pass.

George and Willy met with UEVWSD on Jan. 6 and they committed to send letters of support from the two water authorities. We expect to receive a letter of support from the Colorado River Water Conservation District after the governing board meets next week.

TAP Engineering

Willy P., Jason O., and Jeff Spanel met on Jan. 5 to review the six proposals submitted. The committee shortlisted four firms to interview and check references. The interviews were conducted on Jan. 15. We plan to check references Jan. 19 and 20. The committee may have a recommendation of the preferred firm for the Council meeting.

100 Block Engineering

Jeff and Willy met with Eagle CDOT staff on Jan. 7 to discuss the 100 block engineering and stressed the importance of a timely CDOT review so we can keep to schedule. CDOT pledged to work with staff, but we will need to keep the heat on.

Mr. Randy Milhoan, 141 Williams St, introduced Kristen McLofland of Minturn Realty.

- Action Report

13. Town Council Comments

Ozzy O. noted an ECO Transit meeting and will brief the Council at the next meeting.

There is a meeting at Red Sandstone Elem to discuss the school. This meeting is Jan 28 6-8pm at Red Sandstone. It was noted that Dave Neeley of the USFS is moving to Washington, D.C. Parking needs to be addressed and enforced. Vehicles need to be moved for snow removal. Shelley B. recommended that we extend the parking regulations to the side streets.

George B. updated on the One Book One Valley.

Hawkeye noted that we have had feet of snow and the skiing is fabulous to extraordinary and should be enjoyed!

George B. reminded the Council and the citizens of the worksession on Saturday morning January 23 from 8-12.

14. Town Attorney

FUTURE AGENDA ITEMS

15. Next Meeting – February 17, 2016

- Work session: Housing - Hawkinson
- Consideration of Resolution No. 2 – Series 2016 A Resolution appointing individuals to the Planning Commission – Hawkinson
- Fire District Training Center discussion

16. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Consideration of realignment of Taylor Ave.
- Term Limit discussion and election alternatives

17. Set Future Meeting Dates

a) Council Meetings:

- February 3, 2016
- February 17, 2016
- March 2, 2016

b) Planning & Zoning Commission Meetings:

18. Other Dates:

19. Adjournment

Motion by John R., second by Ozzy O., to adjourn at 8:55pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



TOWN OF MINTURN
P.O. Box 309 (302 Boulder 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: Town Manger, Mayor, and Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Thursday, January 28, 2016
RE: Golden Aspen Leaf Inc DBA The Gourmet Cowboy; 455 Main St

SUMMARY:

At tonight's meeting the Council is asked to approve a new Hotel and Liquor License. The location of this license is 455 Main Street and will be under the name The Gourmet Cowboy.

PREVIOUS COUNCIL ACTION:

At the January 6th meeting Council reviewed and approved a Transfer License for this establishment to allow the company to continue operations while the new license was reviewed and a Staff recommendation could be made. At this point Staff is requesting council to act on the application as recommended below.

STAFF RECOMMENDATION:

Approve the request as presented with the detailed conditions.

RECOMMENDED MOTION:

I move to approve the proposed Hotel and Restaurant Liquor license application for Golden Aspen Leaf Inc DBA The Gourmet Cowboy; 455 Main St as presented with the following conditions:

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on January 21, 2016 at least 10 days prior to the hearing, and the publication for the hearing was published in a newspaper of general circulation on January 22, 2016 at least 10 days prior to the Public Hearing.

- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the physical location where the applicant proposes to exercise the privilege of selling liquor at the retail store, does not appear to be within 500 feet from any public or parochial school or principal campus of any college, university, or seminary.
- That Minturn Police Dept/ECSO has conducted a background investigation on the listed owners. This investigation was not able to identify any conditions or information, which in and of itself would forbid the approval of the applicant's license. However, the following considerations will be attached to the approval:
 - The applicant's fingerprints are still being reviewed by the CBI and the FBI and it is foreseeable this process will not be completed in a timely manner. Staff has preformed a background check using available resources. In the event the applicant fingerprints are returned indicating sufficient reason to dispute good moral character the license will be forfeited.
 - The Local Liquor Authority has duly emphasized the requirement of operating an orderly establishment as related to noise and or live entertainment and the well being of the neighborhood.

ATTACHMENTS:

- Application

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor
- Local License Fee \$ _____

1. Applicant is applying as a/an

<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)	<input type="checkbox"/> Limited Liability Company
	<input type="checkbox"/> Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

Golden Aspen Leaf, Inc	FEIN Number 81-0693884
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2a. Trade Name of Establishment (DBA) Gourmet Cowboy/Cowboy Bar	State Sales Tax Number 29893451	Business Telephone 970-748-6898
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3. Address of Premises (specify exact location of premises, include suite/unit numbers)
455 Main Street

City Minturn	County Eagle	State CO	ZIP Code 81645
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4. Mailing Address (Number and Street) PO Box 3998	City or Town Vail	State CO	ZIP Code 81658
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5. Email Address
gourmetcowboy@comcast.net

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA) The Gourmet Cowboy, Inc	Present State License Number 4702780	Present Class of License Hotel&Restaurant/City	Present Expiration Date 03/13/2016
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Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
<input type="checkbox"/> Application Fee for New License \$ 600.00	<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50
<input type="checkbox"/> Application Fee for New License w/Concurrent Review \$ 700.00	<input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50
<input checked="" type="checkbox"/> Application Fee for Transfer \$ 600.00	<input checked="" type="checkbox"/> Manager Registration - H & R \$ 75.00
	<input type="checkbox"/> Manager Registration - Tavern \$ 75.00

Section B Liquor License Fees	
<input type="checkbox"/> Add Optional Premises to H & R\$100.00 X _____ Total _____	<input type="checkbox"/> Master File Location Fee\$ 25.00 X _____ Total _____
<input type="checkbox"/> Add Related Facility to Resort Complex.....\$ 75.00 X _____ Total _____	<input type="checkbox"/> Master File Background\$250.00 X _____ Total _____
<input type="checkbox"/> Arts License (City)\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Arts License (County)\$308.75	<input type="checkbox"/> Optional Premises License (County)\$500.00
<input type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (County)\$500.00
<input type="checkbox"/> Brew Pub License (City)\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City)\$500.00
<input type="checkbox"/> Club License (County)\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input type="checkbox"/> Distillery Pub License (City).....\$750.00	<input type="checkbox"/> Retail Liquor Store License (City).....\$227.50
<input type="checkbox"/> Distillery Pub License (County)\$750.00	<input type="checkbox"/> Retail Liquor Store License (County).....\$312.50
<input checked="" type="checkbox"/> Hotel and Restaurant License (City).....\$500.00	<input type="checkbox"/> Tavern License (City)\$500.00
<input type="checkbox"/> Hotel and Restaurant License (County)\$500.00	<input type="checkbox"/> Tavern License (County).....\$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City)\$600.00	<input type="checkbox"/> Vintners Restaurant License (City)\$750.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises(County).....\$600.00	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority <input type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input checked="" type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input checked="" type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input checked="" type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input type="checkbox"/> A. Form DR4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input checked="" type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input checked="" type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input checked="" type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) <input type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for hotel and restaurant, tavern licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input checked="" type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver by local ordinance? Other: _____		<input type="checkbox"/>	or <input type="checkbox"/>	
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord 5-76-99 Holding LLC (Richard S. Wilcox III)	Tenant Golden Aspen Leaf, Inc	Expires 12/31/2022		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/>	<input type="checkbox"/>	
Number of additional Optional Premise areas requested. (See license fee chart)				<input type="text"/>
15. Liquor Licensed Drug Store applicants, answer the following:				
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		<input type="checkbox"/>	<input type="checkbox"/>	
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>	
(c) How long has the club been incorporated?		<input type="text"/>		
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>	
17. Brew-Pub License or Vintner Restaurant Applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input type="checkbox"/>	
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)				
Last Name of Manager Dorn III	First Name of Manager Clifford A	Date of Birth 11/05/86		
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Name	Type of License	Account Number		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes, provide an explanation and include copies of any payment agreements.				

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the Applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Clifford Allen Dorn III	325 USFS 731 Road, Redcliff, CO 81649	11/86	President	100%
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title Clifford A Dorn III, President	Date 12/23/15
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City	
		<input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business Golden Aspen Leaf, Inc		Home Phone Number 719-486-8996	Cellular Number 719-238-7071			
2. Your Full Name (last, first, middle) Dorn III, Clifford Allen		3. List any other names you have used Kipper Dorn				
4. Mailing address (if different from residence) PO Box 3701, Vail, CO 81658		Email Address kipper0856@hotmail.com				
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)						
Street and Number		City, State, Zip		From	To	
Current 325 USFS 731 Road		Redcliff, CO 81649		10/18/14	Present	
Previous 549 Crystal Hills Blvd		Manitou Springs, CO 80829		11/05/86	10/18/14	
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)						
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held	From	To
The Gourmet Cowboy		455 Main Street, Minturn, CO 81645		catering chef	05/01/12	Present
Vail Cascade Resort & Spa		1300 Westhaven Drive, Vail, CO 81657		banquet chef	11/22/11	Present
The Casual Gourmet		31 Richardson Road, Centerville, MA 02632		catering chef	05/01/09	10/15/11
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.						
Name of Relative		Relationship to You		Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.)					<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.)					<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth 11/05/86	b. Social Security Number 523-73-9835	c. Place of Birth Colorado Springs, Colorado	d. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, state where		f. When	g. Name of District Court
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height 5' 10"	m. Weight 230	n. Hair Color brown	o. Eye Color green
p. Gender male	q. Race white	r. Do you have a current Driver's License/ID? If so, give number and state. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # 01-325-0527 State Colorado	

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.
\$ 590,000.00

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 590,000.00

* If corporate investment only please skip to and complete section (d)
** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount

d. Provide details of the corporate investment described in 14 b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

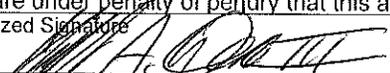
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
Centennial Bank	PO Box 4640, Edwards CO	5 years	lein on vehicles	\$50,000.00
Thomas McNeill, Seller Finance	17 Silver St, Edwards, Co	6 years	N/A	\$540,000.00

Oath of Applicant

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

Authorized Signature 	Print Signature Clifford A Dorn III	Title President	Date 12/23/15
---	--	--------------------	------------------

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,

Golden Aspen Leaf, Inc.

is a

Corporation

formed or registered on 11/30/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151768830 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/18/2015 that have been posted, and by documents delivered to this office electronically through 12/23/2015 @ 09:33:44 .

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 12/23/2015 @ 09:33:44 in accordance with applicable law. This certificate is assigned Confirmation Number 9425173 .



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
LIQUOR LICENSING AUTHORITY**

Follow-up findings and report for application of a Hotel and Restaurant Liquor License.

Owner Name and Address: Golden Aspen Leaf, Inc, P. O. Box 3998 Vail, Co 81658

Establishment Name and Address: The Gourmet Cowboy LLC, 455 Main St Minturn, CO 81645

TO THE ABOVE APPLICANT AND OTHER INTERESTED PARTIES;

Pursuant to Colorado Revised Statutes, 12-47-312(1), the applicant is hereby advised that with regard to the application for a Hotel and Restaurant Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

That the application was filed on December 28, 2015 in the Town Treasurer's office and a public hearing has been scheduled for Wednesday February 3, 2016. In accordance with C.R.S. 12-47-311(1) the Town must hold the application for not less than 30 days; this hearing date represents 37 days.

That the premises being considered has previously operated with a liquor license. This location will be a new Hotel and Restaurant licenses. The premises was purchased the new owner and the new owner was granted a Temporary License to allow the premises to continue operations as allowed by law. As a result of the sale the new owner applied for and was granted a Temporary License on January 6, 2016.

That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Thursday January 21, 2016, at least 10 days prior to the hearing, and that the publication of the hearing was published in a newspaper of general circulation on January 22, 2015 at least 10 days prior to the Public Hearing.

That from the evidence submitted the applicant is leasing the premises where the proposed liquor license will be utilized from 5-76-99 Holdings, LLC., and that 5-76-99 Holdings, LLC. is the lawful owner of the premises. This lease expires on December 31, 2022.

That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Minturn Municipal Building Code – Chapter 16. This section states that a Commercial Use is a use by right. This establishment is leasing approximately 3,103 sqft. and that the Minturn Planning Department has confirmed since this operation is an assumption of an existing establishment it will stand on its previous approvals.

That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the building where the applicant proposes to exercise the privilege of selling liquor at retail does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

That Minturn Police Department/ECISO has conducted a background investigation on Clifford Allen Dorn, III, the owner and manager of Golden Aspen Leaf/The Gourmet Cowboy and has found no conditions which would cause concern.

The public hearing on this application will be held on Wednesday, February 3, 2016 at 6:30m in the Council Chambers of the Minturn Community Center, 302 Pine St, Minturn, CO. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to this application, including all matters set forth herein.

The applicant is advised and encouraged to read a copy of the State of Colorado Liquor and Beer Codes and Regulations.

Local Liquor Licensing Authority
Minturn Town Treasurer


Jay Brunvand

Dated this 28 day of January, 2016

Jay Brunvand

From: Jay Brunvand
Sent: Wednesday, January 27, 2016 5:03 PM
To: 'Gourmet Cowboy'
Subject: Findings of Fact
Attachments: 201601271703.pdf

Hi Sarah, attached is the Findings of Fact that I am required to send to you not less than five days prior to the hearing. Please review and let me know if you have any questions. Note, the hearing is Wednesday February 3, 2016 at 6:30pm the Town Hall.

Jay Brunvand, MMC
Town Clerk/Town Treasurer
P.O. Box 309
Minturn, CO 81645

treasurer@minturn.org
970/827-5645

-----Original Message-----

From: copiertech@sopris.net [mailto:copiertech@sopris.net] On Behalf Of Scanner@TownofMinturn.com
Sent: Wednesday, January 27, 2016 5:03 PM
To: Jay Brunvand <treasurer@minturn.org>
Subject: Message from "TownofMinturn"

This E-mail was sent from "TownofMinturn" (Aficio MP C4502A).

Scan Date: 01.27.2016 17:03:18 (-0700)
Queries to: Scanner@TownofMinturn.com

Tue, Jan 19, 2016
11849611

12:10:58

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Jay Brunvand
Receipt

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

City: MINTURN
State: CO

Zip: 81645

Ad Name: 11849611A

Editions: 8VD/8VDI/

Start: 01/22/16

Color:

Copyline: vd GOLDEN ASPEN LEAF, INC, DB

Original Id: 0

Class: 0990

Stop: 01/22/16

Issue 1

Rep: Pam Schultz

NOTICE

**PURSUANT TO THE LAWS
OF COLORADO**

NOTICE OF CONSIDERATION OF AN
APPLICATION FOR A HOTEL AND
RESTAURANT LIQUOR LICENSE BEFORE THE
TOWN OF MINTURN LIQUOR AUTHORITY.

NOTICE IS HEREBY GIVEN THAT THE MINTURN TOWN COUNCIL ACTING AS THE LOCAL LIQUOR AUTHORITY WILL CONSIDER THE TRANSFER APPLICATION FILED ON DECEMBER 28, 2015, BY AND FOR GOLDEN ASPEN LEAF, INC, DBA THE GOURMET COWBOY BAR LOCATED AT 455 MAIN ST SUITE A, MINTURN, CO 81645 FOR A HOTEL AND RESTAURANT LIQUOR LICENSE. CONSIDERATION WILL BE HELD IN THE MINTURN TOWN CENTER COUNCIL CHAMBERS AT 302 PINE STREET, MINTURN, CO, ON WEDNESDAY FEBRUARY 3, 2016 AT 6:30PM. REMONSTRANCES MAY BE FILED WITH THE TOWN TREASURER AT 302 PINE STREET OR P.O. BOX 309 MINTURN, CO 81645.

Published in the Vail Daily January 22, 2016.
(11849611)

Ad shown is not actual print size

Lines:	28
Depth:	2.35
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	14.56
Payment	0.00

NOTICE

PURSUANT TO THE LAWS OF COLORADO

NOTICE OF CONSIDERATION OF AN APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE BEFORE THE TOWN OF MINTURN LIQUOR AUTHORITY.

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TOWN OF MINTURN
P.O. Box 309 (243 Boulder 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: Liquor License applicant

CC:

Date: 1/7/16 2:38 PM

RE: Requirements of a new license

- 1) State Application (DR 8404)
 - Complete and signed
 - Class/type of license
 - Fees
- 2) Lease – Correct Term and Tenant
- 3) Individual History Records filed for ALL listed below (DR8404-1)
 - 10% or more stockholders/LTD partners
 - All general partners
 - Principals/applicants
 - Corporate officers
 - Directors
- 4) Drawing of the premises to be licensed. If more than one level, submit a plan for each level and label the floors. Drawing no larger than 8-1/2 x 11"
- 5) Proof of sales tax license, Federal Tax stamp, and Fingerprints (payable on company check to CBI)

Hearing requirements for a New License Applications:

- 1) May not hold a hearing until application has been on file 30 days. If counting the day the application was filed, do not count the day you end up on. (12-47-311)
- 2) Must post premises at least 10 days before hearing can be held. (12-47-311)
- 3) Must publish in local newspaper at least 10 days before hearing. (12-47-311)
- 4) Must give notice to applicant and other interested parties at least 5 days before hearing.
 - Results of investigation by Local Authority, 12-47-312
 - Character of Applicant, 12-47-307
 - Zoning/distance, 12-47-313
 - Reasonable requirements of the neighborhood, 12-47-301 and 12-47-307(3)(a)
 - Desires of the adult inhabitants of the neighborhood, 12-47-301 and 12-47-307(3)(a)
 - Qualifications of the applicant for the proposed business, 12-47-301 and 12-47-307(3)(a)
- 5) Hearing must be held to establish the reasonable requirements of the neighborhood and the applicant's good moral character before license can be issued, 12-47-301 and 12-47-307(3)(a)
- 6) Inspection of the premises prior to issuance of the license



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

TEMPORARY LIQUOR LICENSE PERMIT APPLICATION
PENDING TRANSFER OF OWNERSHIP

APPLICANT
NAME: Louannet Cowboy Bar

TRADE
NAME: Golden Aspen Leaf, Inc / Clifford A Donn III

MAILING
ADDRESS: PO Box 3998 Vail CO 81658

PHYSICAL
ADDRESS: 455 Main St Minturn, CO 81645

BUSINESS
PHONE: 970/748-6898

HOME
PHONE: _____

TRADE NAME OF EXISTING LICENSE (IF DEFFERENT FROM ABOVE):

LICENSE # OF ESTABLISHMENT BEING PERMITTED: 4702780-0000
EXPIRATION DATE: 3/13/16 TYPE OF LICENSE: Hotel & Restaurant

Clifford A Donn III, PRES
APPLICANT TITLE DATE 12/28/15

FOR OFFICE USE ONLY

DATE PERMIT APPLICATION FILED: 12/28/15
DATE COMPLETED PAPERWORK ACCEPTED: 12/28/15
PERMIT FEE COLLECTED (\$100.00/LOCAL ONLY): _____
EFFECTIVE DATE: 1/6/16 EXPIRATION DATE: 4/6/16
APPROVED BY: Hank Flaherty ATTEST: [Signature]

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 02 – SERIES 2016**

**A RESOLUTION APPOINTING TOWN PLANNING
COMMISSIONERS**

WHEREAS, The Minturn Town Council has vacancies on the Planning Commission and desires to fill these vacancies; and

WHEREAS, pursuant to Minturn Municipal Code Section 16.21.4(c), the Planning Commission is required to be appointed to overlapping terms; and

WHEREAS, the Town Council recognizes and appreciates the service and commitment of the Planning Commission members.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUALS ARE HEREBY APPOINTED AS INDICATED:

NAME	TERM
_____	_____
_____	_____
_____	_____
_____	_____

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS
3rd DAY OF FEBRUARY, 2016.**

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

September 29th, 2015

Dear Mrs. Janet Hawkins,

I am interested in applying for the open position that is available on the Minturn planning and zoning committee. Owning my own business and working with many members of the Minturn community has prepared me to meet the challenges that this role requires. I believe that my proven managerial skill and other abilities will help me effectively contribute to the planning and zoning committee.

I have been a resident of Minturn since February 1st, 2014. I would be thrilled to have an opportunity to personally interview with you. Please feel free to contact me at your earliest convenience. Thank you for your consideration.

Sincerely,

Justin C. Carter
719-216-3455

Planning Commission – 2016

			<u>Term ends:</u>
Bobby Head	appointed March 2014	2 years	March 2016
Burke Harrington	appointed March 2014	2 years	March 2016
Brad Bickerton	appointed March 2015	2 years	March 2017
Lynn Teach	re-applied & appointed September 2015	2 years	September 2017
(Time Osborne)	re-applied & appointed September 2015		left town

Open Planning Commission Seat – rotation to be a fall appointment rotation

Burke Harrington & Bobby Head can re-apply in March 2016 – 2 open seats

Planning Director Report 2.3.2016

Planning Commission Agenda:

- Begin Master Plan Update per Code Section 16-21-60 (h)
- Crave Communities Special Presentation on February 10 meeting
- Final Subdivision Application Highway 24 Parcel - InterMountain Landscape
- Zoning Change from PUD to Commercial at Highway 24 Parcel

Building Permits 2016

- 1 new building permit
- Design Review New Home Permits 2015 – 6 homes still under construction, no Certificate of Occupancy applied for yet.
- Future Meetings: 2015 Fire Code and 2009 IBC
- Renewal of SafeBuilt Contract as Building Inspectors

Planning Projects

- Entry Way Project
- Lighting
- Municipal Parking

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

February 3, 2016 Meeting

TO: Town Council

FROM: Willy Powell
Town Manager

Bolts Ditch Lobbying

We have been successful in gaining local and regional support for the Bolts Ditch legislation. I have attached copies of the support letters. Support comes from the following.

- Eagle County
- Eagle River Water & Sanitation District
- Upper Eagle Regional Water Authority
- Colorado River District
- Eagle Park Reservoir Company

Additionally we have a letter from three environmental/wilderness entities stating they have no objection, letter attached.

Bolts Lake

The EPA, after many months, has accepted the Feasibility Study of the Eagle Mine Site. Importantly Bolts Lake is not included in the remedial site or the remedial activities. I am scheduling a meeting with Tim McGuire to discuss their next steps. See attached letter.

TAP Engineering

I have scheduled a meeting with Stolfus & Assoc. to negotiate engineering costs and schedule.

100 Block Engineering

Jeff Spanel, Janet and I have a meeting in Grand Junction on February 10th attempting to resolve issues and finalize plans.

Crave Communities Outreach Program

See attached.

OFFICE OF THE
BOARD OF COMMISSIONERS
970-328-8605
FAX: 970-328-8629
eagleadmin@eaglecounty.us
www.eaglecounty.us



KATHY CHANDLER-HENRY
JEANNE MCQUEENEY
JILL H. RYAN

January 5, 2016

The Honorable Jared Polis
1433 Longworth House Office Building
Washington, DC 20515

Re: Bolts Ditch

Dear Congressman Polis:

This letter is written to support Minturn's efforts to obtain Congressional authorization to use Bolts Ditch headgate and approximately 450 linear feet of Bolts Ditch to fill Bolts Lake with the Town's existing water rights. The headgate and ditch have existed since the 1880s and have continuously supplied water to Bolts Lake.

However, questions have arisen with respect to the continued use, access to, and maintenance and repair of these facilities because they were unintentionally included in the Holy Cross Wilderness Area when it was established in 1980. Minturn has exhausted all administrative remedies to resolve this unfortunate and unintentional Congressional action. Therefore, a legislative remedy is necessary and we support legislation necessary to correct Congress's inadvertent oversight

Eagle County remains committed to protecting the natural environment, land resources, plant life, and wildlife habitats in the Wilderness Areas located in Eagle County. We will continue to oppose any project that would negatively disturb these areas or otherwise deplete the streams or connected tributary groundwater aquifers within or upstream from these Wilderness Areas. However, our support herein is based on this very unique situation and the inadvertent inclusion of this existing amenity into the Holy Cross Wilderness Area boundary. Accordingly, Eagle County is comfortable that the Town's proposed legislative initiative will authorize only non-motorized use in accordance with Federal wilderness regulations and require hand tools for construction. Therefore, the County believes that the wilderness values of the Holy Cross Wilderness Area will not be diminished.

Thank you for the opportunity to support The Town of Minturn in its legislative efforts.

Sincerely,
Eagle County Board of Commissioners


Kathy Chandler-Henry, Chair

cc: Tom Glass, Western Land Group
Willy Powell, Town of Minturn



**EAGLE RIVER
WATER & SANITATION
DISTRICT**



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

January 18, 2016

The Honorable Jared Polis
1433 Longworth House Office Building
Washington, D.C. 20515

Re: Bolts Ditch

Dear Congressman Polis:

This letter is written on behalf of the Eagle River Water & Sanitation District (the "District") and the Upper Eagle Regional Water Authority (the "Authority") to support the efforts of the Town of Minturn to obtain Congressional authorization to use the Bolts Ditch headgate and the associated Bolts Ditch to fill Bolts Lake with the Town's existing water rights. The headgate and ditch have existed since the 1880's and predated the Holy Cross Wilderness Area in which they are located.

By way of introduction, the District and the Authority are co-managed with an integrated water system that serves over 60,000 customers from Vail to Wolcott. Collectively, they constitute the second largest municipal water provider on Colorado's western slope. They also provide augmentation and direct flow water supplies for snowmaking and domestic uses at the Vail and Beaver Creek Ski Areas.

Questions have arisen with respect to the continued use, access to, and maintenance and repair of the Bolts Ditch and its headgate because they were unintentionally included in the Holy Cross Wilderness Area. As Minturn has exhausted all administrative remedies to obtain the use of these facilities, a legislative remedy is necessary. Accordingly, the District and Authority strongly support legislation to correct Congress's inadvertent oversight and that allows the use of the Bolts Ditch and its headgate. Such use will not diminish the wilderness values of the Holy Cross Wilderness Area.

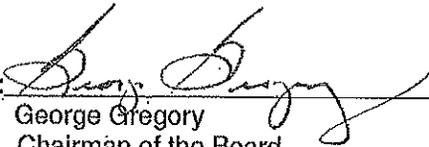
Sincerely,

EAGLE RIVER WATER & SANITATION DISTRICT

UPPER EAGLE REGIONAL WATER
AUTHORITY

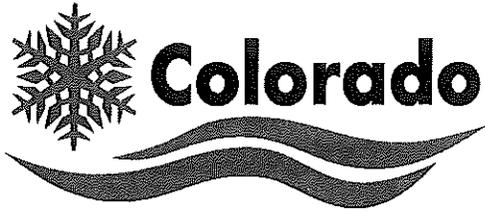
By: 

Frederick P. Sackbauer, IV
Chairman of the Board

By: 

George Gregory
Chairman of the Board

cc: Willy Powell, Town of Minturn
Tom Glass, Western Land Group
Linn Brooks, District & Authority General Manager
Glenn Porzak, Water Counsel



Colorado River District

Protecting Western Colorado Water Since 1937

January 23, 2016

The Honorable Cory Gardner
354 Russell Senate Office Building
Washington, D.C. 20510

RE: Bolts Ditch support

Dear Senator Gardner:

The Board of Directors of the Colorado River District wishes to express its support for the Town of Minturn's requested legislation granting limited access and special use within the Holy Cross Wilderness Area for rehabilitation and use of the historic Bolts Ditch headgate and ditch. The River District Board voted unanimously this week to support your draft bill providing Congressional direction to the Secretary of Agriculture to grant the Town access and authority to reconstruct, without mechanized or motor equipment, the Bolts Ditch headgate and ditch that both predate the wilderness designation. Rehabilitation of these historic structures, along with improvements to the ditch beyond wilderness boundaries and to Bolts Lake, will allow the Town to again use Bolts Lake for beneficial uses under Colorado law.

You met with members of the Minturn delegation requesting your sponsorship. As they explained, Minturn has exhausted all administrative remedies and has been instructed by the US Forest Service that legislation is required. Therefore, the Colorado River District expresses its support for this legislation and for your leadership in the Senate in providing the legislative remedy allowing for the rehabilitation of the Bolts Ditch headgate as an important piece in Colorado's future water supply puzzle.

Sincerely,

R. Eric Kuhn
General Manager

EAGLE PARK RESERVOIR COMPANY

SHAREHOLDERS:

January 27, 2016

♦Colorado River Water
Conservation District

The Honorable Jared Polis
1433 Longworth House Office Building
Washington, D.C. 20515

♦Eagle County

Re: Bolts Ditch

♦Eagle River Water &
Sanitation District

Dear Congressman Polis:

♦Upper Eagle Regional
Water Authority

This letter is written on behalf of the Eagle Park Reservoir Company to support the efforts of the Town of Minturn to obtain Congressional authorization to use the Bolts Ditch headgate and the associated Bolts Ditch to fill Bolts Lake with the Town's existing water rights. The headgate and ditch have existed since the 1880's and predated the Holy Cross Wilderness Area in which they are located.

Consisting of the:

Arrowhead
Metropolitan District

Town of Avon

Beaver Creek
Metropolitan District

Berry Creek
Metropolitan District

Eagle-Vail
Metropolitan District

Edwards
Metropolitan District

By way of introduction, the Eagle Park Reservoir Company is the owner and operator of Eagle Park Reservoir, which is one of the largest and most important sources of west slope water storage and augmentation water in Eagle County. The shareholders of the Reservoir Company consist of Vail Associates, Inc., the owner of the water rights for the Vail and Beaver Creek ski areas, the Eagle River Water & Sanitation District, the Upper Eagle Regional Water Authority, the Colorado River Water Conservation District, and the Board of County Commissioners of Eagle County Colorado.

Questions have arisen with respect to the continued use, access to, and maintenance and repair of the Bolts Ditch and its headgate because they were unintentionally included in the Holy Cross Wilderness Area. As Minturn has exhausted all administrative remedies to obtain the use of these facilities, a legislative remedy is necessary. Accordingly, the District and Authority strongly support legislation to correct Congress's inadvertent oversight and that allows the use of the Bolts Ditch and its headgate. Such use will not diminish the wilderness values of the Holy Cross Wilderness Area.

♦Vail Associates, Inc.

Sincerely,

EAGLE PARK RESERVOIR COMPANY

By: 

Doug Lovell
Chairman of the Board

cc: Willy Powell, Town of Minturn
Tom Glass, Western Land Group
Glenn Porzak, General Counsel

846 FOREST ROAD, VAIL, COLORADO 81657 PHONE: (970) 476-7480 FAX: (970) 476-4089



THE
WILDERNESS
SOCIETY



Conservation Colorado
The future is worth the fight



WILDERNESS
WORKSHOP

January 25, 2016

The Honorable Michael Bennet
United States Senate
261 Russell Senate Office Building
Washington, D.C. 20510-0609

The Honorable Cory Gardner
United States Senate
354 Russell Senate Office Building
Washington, D.C. 20510-0608

Dear Senators Bennet and Gardner:

We are writing in response to the proposed draft legislation that would authorize the Town of Minturn to continue to access and use the Bolts Ditch from its historic diversion point, which lies just inside the boundary of the Holy Cross Wilderness. We do not object to this draft legislation, which we understand would allow non-motorized access, maintenance, and repairs to the Bolts Ditch and headgate, consistent with the minimum tool requirements of the Wilderness Act. This approach is consistent with the valid Bolts Ditch rights that existed at the time of (and well before) the designation of Holy Cross Wilderness in 1980 (Pub. L. 96-560).

We believe that we must treat the sanctity of wilderness areas with the utmost respect and care, so that these areas continue to support wildlife and provide for a wilderness experience for future generations of Coloradans. This situation presents a unique circumstance, but the proposed legislation would address it in a way that protects the existing wilderness values. In particular, we appreciate the Town of Minturn's collaborative efforts to develop proposed legislation that is consistent with the Wilderness Act, does not propose to adjust the existing boundaries of the Holy Cross Wilderness, or reduce the existing protections that these public lands enjoy. We still urge all parties in this matter to continue to seek, on a parallel track, an administrative resolution of this matter, if possible.

Sincerely,

Scott Miller
Senior Regional Director
The Wilderness Society

Pete Maysmith
Executive Director
Conservation Colorado

Sloan Shoemaker
Executive Director
Wilderness Workshop



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, Colorado 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Via electronic mail

January 28, 2016

Ref: 8EPR-SR

Mr. Tim McGuire
Battle Mountain Development
440 Eagle Street
PO Box 56
Minturn, Colorado 81645

Re: Eagle Mine Superfund Site, Minturn, Colorado, Operable Unit 3 Feasibility Study Report

Dear Mr. McGuire:

The U.S. Environmental Protection Agency and the Colorado Department of Public Health and Environment (the Agencies) have completed their review of the *Battle Mountain Remediation Feasibility Study, Areas within OUI of the Eagle Mine Site (FS)*, dated December 18, 2013, and the associated response to comments prepared by Environmental Resources Management on behalf of the Battle Mountain Corporation (Battle), dated December 10, 2014, and September 20, 2015. The Agencies accept the FS, as amended by the response to comments, as a final document.

Although the title page references OUI, the FS focuses on Operable Unit 3 (OU3), areas of additional remediation proposed for redevelopment, within the Eagle Mine Superfund Site (Site). The primary objective of the FS is to ensure that appropriate remedial alternatives are developed and evaluated to enable the Agencies to select a preferred remedial alternative. The Agencies will now begin preparing the proposed plan for OU3, which will identify the preferred remedial alternative. Once the Agencies publish the proposed plan, the public will have the opportunity to comment during the prescribed public comment period.

In accepting the FS as a final document, the Agencies have agreed to allow Battle to address a number of items discussed in the response to comments during the remedial design and remedial action phases of work including, but not limited to, the following:

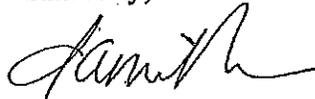
- Battle will comply with mitigation for the historic trestle structure identified by the Colorado State Historic Preservation Office.
- Wetlands:
 - Battle will update the Wetlands Delineation document (which exceeded its five-year validity period in 2015) during the remedial design phase.
 - Battle will implement applicable remedial alternatives based on the EPA's determination of contaminated versus uncontaminated wetlands.
 - Battle will leave wetlands M and BB in place, as required by the EPA, and provide long-term protection through institutional controls.

- Battle will combine smaller low-functioning wetlands on the OTP along the Eagle River to increase function and value.
- Battle will mitigate wetlands on-site or in the near vicinity, rather than in an off-site mitigation bank, to the extent practicable.
- Battle will protect all wetlands designated in the remedial design phase with appropriate institutional controls.
- Battle will use institutional controls on the site property to prohibit construction of basements and use groundwater sensitive designs as part of future development in wetland vicinities.
- Battle will install fencing or vegetative barriers around wetlands to prevent inadvertent disturbance.
- Battle will not preclude additional future on-site disposal of wastes at the CTP or elsewhere on site.

The Agencies and Battle agree that Bolts Lake is not included in the Site and that the remedial alternatives considered in the FS do not include response activities in Bolts Lake. The Agencies will select a preferred remedy, draft a proposed plan, and provide notice to the public to allow opportunity for comment, prior to producing the record of decision (ROD). The Agencies will consider all comments received in their development and finalization of the ROD. The Agencies will also provide an updated list of applicable or relevant and appropriate requirements in the ROD. At that time, the Agencies and Battle will enter into remedial design/remedial action negotiations, which will include recovery of past and future response costs associated with OU3.

Please contact Ms. Jamie Miller, EPA Superfund Remedial Project Manager, at (303) 312-6519, for technical matters concerning the Eagle Mine Site, and Ms. Laurianne Jackson, EPA Superfund Site Attorney, at (303) 312-6950, for all related legal matters.

Sincerely,



Jamie Miller
Remedial Project Manager
Superfund Remedial Program

cc: Steve Wharton, EPR-SR
Laurianne Jackson, ECEJ-LEP
Sharon Abendschan, ECEF-TEP
Wendy Naugle, CDPHE
Jason King, Colorado Attorney General's Office



ACTION ITEMS REPORT

From: Town Manager
03-Feb-16

Action Item	Responsible staff	Status
Eagle River Park Grant	Hawkinson	sod and basketball net installed Cintas best bathroom award
"History Walk in the Park" and bathrooms		Design for educational portion beginning
Lease Lot cleanup and leasing	Martinez	berm improved, needs seeded
Boneyard	Hawkinson	complete management plan
Little Beach Park	Powell	review improved park plans
Memorialization Guidelines	Metteer	staff presented Jan. 21
Minturn Fitness Center	Powell Rosenfeld Bidez	achieve property tax exemption--application is submitted achieve 501.c.7 non-profit status
Minturn Education Fund	Powell Bellm	achieve 501.c.3 non-profit status Jay has discussed seperation of budget/audit 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 Sawyer reviewing subdivision code
Guide Sign Plan	Metteer	Submitted to CDOT for review
Water Rate Structure and Rates	Powell water committee	decision on structure and rates made review revenues in 2016
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 100 Block plans submitted to CDOT for review
South Minturn Engineering TAP GRANT	Powell Osborne Inter-Mountain Engr.	IGA with CDOT approved Jan. 20 negotiate costs and schedule with Stolfus Engineering
Bolts Ditch within Wilderness	Powell	confirmed Battle Mtn. will share costs, split to be determined WLG contract approved letters of support complete
Building Code Adoption--newer codes		place holder