



2016

Minturn Council Meeting

Wednesday February 17, 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 17, 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

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

Work Session – 5:00pm

- 100 Block Update – Powell/Hawkinson
- Discussion regarding Term Limits – Powell/Sawyer
- Climate Action Plan Representatives – 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

- February 3, 2016

4. Liquor License Authority

- Town of Minturn Ski Joring Special Event Permit; 100 Block of Minturn Rd.; Michelle Metteer, Town Economic Dev – Metteer

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 a Proclamation regarding the Eagle County Library One Book One Valley – Powell

8. Discussion/Action Item: Ord 1-16 An Ordinance approving the Grouse Creek Final Subdivision Platt – Hawkinson

9. Discussion/Action Item: Ord 2-16 An Ordinance approving the Grouse Creek Subdivision Rezoning - Hawkinson

COUNCIL AND STAFF REPORTS

10. Skijoring Update

11. Town Planner

- Planner Report

12. Town Manager

- Manager's Report
- Action Report

13. Town Council Comments

14. Town Attorney

EXECUTIVE SESSION

15. 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

16. Next Meeting – March 2, 2016

17. Future Meetings:

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

18. Set Future Meeting Dates

a) Council Meetings:

- March 2, 2016
- March 16, 2016
- April 6, 2016

b) Planning & Zoning Commission Meetings:

19. Other Dates:

20. Adjournment



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

* *Fellow of the College of Labor and Employment Lawyers*

Matthew L. Trinidad
Patrick L. Barker
Jon T. Hoistad
Delphine F. Janey

Of Counsel
Richard I. Zuber**
Anna S. Itenberg
Greg S. Russi
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201 14th Street, Suite 200
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***All correspondence should be sent to the
Glenwood Springs office

February 12, 2016

TO: Mayor and Town Council, Town of Minturn

FROM: Karp Neu Hanlon, P.C.

RE: **Council Term Limits—Referred Measure Process**

This memo is in response to Council’s recent discussions about a potential referred measure regarding Council term limits in the Town of Minturn (“Minturn” or the “Town”). The memo discusses issues that need to be addressed to prepare a measure to refer to the voters and the process for including a referred measure on the ballot.

Term limits prohibit the ability of an individual to serve on Council or as Mayor for more than a set number of consecutive terms. Examples of term limit legislation from other jurisdictions is in **Exhibit A** to this memo. Items to consider when enacting term limits include:

- A. After how many consecutive terms should the term limit take effect? The term for Council is 4 years. The term for the Mayor is 2 years.
- B. How is a partial term counted toward the term limit? Someone appointed to Council to fill a vacancy? Someone who resigns prior to the end of the term?
- C. How long between terms is required before a term limited candidate can run again? Can an individual who is term limited be appointed to Council if a seat is vacated?
- D. Because the Mayor and Council are different elected positions, if someone serves as Mayor for a term does that create a break from prior service on Council?
- E. Should the term limits be in the Charter or in the Municipal Code?
- F. When should the term limits go into effect? How should prior service on Council or as the Mayor be treated for purposes of newly adopted term limits?

If the Council chooses to refer a term limit measure to amend the Town Charter, such measure may be on the ballot of “any general or special state or municipal election held not less than 30 days after the effective date of the ordinance or resolution submitting such question to the voters.” Colo. Const. art. 20 § 5. The next general state election will be November 2016. Minturn can work with Eagle County to have a referred measure on the ballot that is sent to Minturn residents. Any charter amendment adopted through this process cannot be amended or repealed, except by electoral vote. *Id.*

If Council chooses to refer a term limit measure to amend the Town Code, a referred measure can similarly be placed on the November 2016 general state election ballot. Language in the Town Code adopted through vote on a referred measure may not be amended or repealed by action of the Council for a period of six (6) months following the election date. Minturn Charter § 3.4.

EXHIBIT A

Basalt Home Rule Charter Section 3.12 - Term Limits

(A) No person shall serve more than two consecutive terms in the same office, that is, the office of Mayor or the office of Town Councilor.

(B) For the purposes of this section, the office of Mayor and the office of Town Councilor are to be considered separate and distinct offices.

(C) For the purposes of this section, terms are considered consecutive unless they are at least four years apart.

(D) A person is deemed to have completed a full term of office if such person resigns prior to expiration of the term.

(E) When a person is appointed or elected to fill a vacancy, such partial term shall not be counted toward the limitation of subsection (A) or (D).

Rifle Home Rule Charter 3.4 - TERMS OF OFFICE

Terms of the newly elected Councilmen shall begin at 8:00 P.M. on the first Monday following the regular municipal election.

In order to broaden the opportunities for public service and to ensure the City Council is representative of the citizens of the City of Rifle, no City Council Member shall serve more than two consecutive terms of four years each. This limitation on the number of terms shall apply to terms of office beginning on or after September 9, 2009. Any person appointed or elected to fill a vacancy on the City Council and who serves at least one-half of a term of office for that vacancy shall be considered to have served a term in that office. Terms are considered consecutive unless they are two years apart.

In the event of vacancies, additional Councilmen shall be elected to fill any unexpired terms created by a vacancy. At each election when there are vacancies, those who receive the highest number of votes shall be elected for the three or four, four year terms. The next highest vote, or votes, shall be elected to fill the vacancy, or vacancies.

Vail Home Rule Charter Section 3.2 - Terms Of Office:

The terms of office for councilmembers shall be four (4) years provided, however, that no councilmember shall serve for more than eight (8) consecutive years. In the regular municipal election to be held in 1973, the three (3) candidates receiving the highest number of votes shall be elected for four-year terms and the four (4) candidates receiving the fourth, fifth, sixth and seventh highest number of votes shall serve for two-year terms. In the municipal election to be held in 1975 and thereafter, the highest number of votes shall be elected for four-year terms and the candidate receiving the fourth highest number of votes shall be elected for a two-year term. If a vacancy exists, those candidates receiving the fifth, sixth, and seventh highest

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number of votes, depending upon the number of vacancies to be filled, shall be elected for two-year terms.

(this language is identical to that found in the Vail Municipal Code)



walking mountainsTM
science center

February 8, 2016

Dear Minturn Town Council and Town Manager Willy Powell,

Walking Mountains Science Center is convening a stakeholder committee to create a Climate Action Plan for Eagle County. We are partnering with the Board of County Commissioners and are inviting representatives from throughout the County who will work collaboratively to create solutions to reduce greenhouse gas emissions. We invite two Town of Minturn elected officials and/or staff to participate in this exciting leadership opportunity.

The Colorado Climate Change Vulnerability Study (2015, CU, CSU) warns of impacts to all sectors of the economy. The \$2 billion winter tourism industry is already seeing declines in the length of the winter season. We can play a proactive role in maintaining a vibrant economy in Eagle County by taking action. All levels of governments, businesses, and communities are needed to work together on shared goals and solutions.

Communities across the U.S., including our neighbors New Castle, Carbondale, Aspen, Santa Fe, Fort Collins, Boulder and Denver are all adopting Climate Action Plans to engage residents and businesses in strategies to cut greenhouse gas emissions. Now, the Board of Eagle County Commissioners has identified Climate Action as a strategic priority in 2016, and, together with Walking Mountains serving as convener and facilitator, invites your participation to create solutions.

We are seeking stakeholders who: 1) are in a position in their current role to help establish climate action goals, policies, projects and programs; 2) will take a leadership role and focus on creating local solutions; and 3) will be available to attend approximately 6-8 stakeholder meetings during 2016.

Please contact me at kiml@walkingmountains.org or 970-827-9725 ext. 131 to indicate a primary and alternate representative for Town of Minturn before February 17th. Please save these dates on your calendar:

- Thursday, March 17 from 6-8 PM, Eagle County's "Community Conversation" on Climate Change
- Monday, March 21 from 10 AM – 2 PM, first Climate Action Stakeholder Committee meeting

Sincerely,



Kim Langmaid

Vice President, Director of Sustainability & Stewardship Programs





Official Minutes

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

- Review of Federal Land Exchange process Tom Glass, Western Land Group - Powell
- Eagle River Fire Protection District training facility options – Powell
 - Direction was to add approval of this to the agenda under Action Items.
- Discussion regarding the desire to take up in-Town marijuana sales – Powell/Sawyer/Brunvand

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:33pm.

- Roll Call

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

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
 - Add Council Direction regarding the ERFDP as 7a

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

3. Approval of Minutes

- January 20, 2016

Motion by Shelley B., second by George B., to approve the minutes of January 20, 2016 as presented. Motion passed 5-0. Note: John Rosenfeld and Ozzy Osborne were excused absent.

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

Jay B. outlined the issues and presented the findings for the Council. Staff recommended approval of the application.

Public hearing opened.

Mr. Clifford Dorn, applicant was present to present and answer questions.

No Comments

Public hearing closed.

Motion by Earle B., second by George B., to approve the Gourmet Cowboy Liquor license Transfer to Golden Aspen Leaf, Inc DBA The Gourmet Cowboy Bar; 455 Main St.; Clifford A. Dorn, III Owner/Pres as presented. Motion passed 5-0. Note: John Rosenfeld and Ozzy Osborne were excused absent.

- 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.

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

Mr. Cliff Thompson, Crave Communities, updated the Council on how their project is progressing. He stated the company will present their concept at the following upcoming open house meetings:

Thursday February 4th 4-6pm

Monday February 8th 6-8pm

Thursday February 11th 6-8pm

Additionally, the Planning Commission will begin to review the plan too.

6. Special Presentations

- Committee Report

Shelley B. noted the scholarship applications are being accepted through March 31, 2016. All applications submitted shall be submitted complete. Willy P. updated the Council on the tax exempt status of the Foundation, it has been approved, and will be mailed off tomorrow.

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

Janet H. stated the Council is being requested to appoint an applicant to the Commission for a two year term. The term will run through March 2017.

Each applicant was given a chance to introduce himself to the Council and Council interviewed each candidate.

The two candidates were as follows:

- Mr. Jeff Armistead, 1632 Main St.
- Mr. Justin Carter, 432 Main St.

The decision was made by written ballot. Mayor Flaherty presented the results: Justin Carter was selected with three votes.

Motion by Shelley B., second by George B., to approve Resolution No. 2 – Series 2016 A Resolution to appoint Justin Carter to the Minturn Planning Commission through March 2017 as presented. Motion passed 5-0. Note: John Rosenfeld and Ozzy Osborne were excused absent.

7a. Direction from Council directing Staff to proceed with ERFPD

Motion by Shelley B., second by George B. to direct Town Manager to convey recommendations contained in memorandum to the Fire District and negotiate a MOU with the District, pursuant to the recommendations.. Motion passed 5-0. Note: John Rosenfeld and Ozzy Osborne were excused absent.

COUNCIL AND STAFF REPORTS

8. Town Planner

- Planner Report

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 - Inter Mountain 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

Matt S. felt as part of the Master Plan we look at the parking plan too.

Hawkeye stated we should pull the Permit Parking sign in the Municipal lot. Staff assured the Council the sign will be removed and the lot plowed and maintained.

9. Town Manager

- Manager's Report

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.

Discussion ensued as to the wetlands area associated with Bolts Lake; Willy P. will get the answers.

Shelley B. noted Eagle River Park should be signed as No Overnight Parking. Currently two spaces are signed for snow removal the other four open for parking. Council did not desire to sign the additional four spaces.

- Action Report

10. Town Council Comments

Matt S. thanked the Police for their continued work for the Town and the citizens. Issues are being handled directly and fairly. Matt S. did note snow is not being removed from sidewalks

and asked for enforcement. Discussion ensued as to what actions could be taken. Staff will proceed with follow up and enforcement. Shelley B. asked about weekend plowing. Willy P. will work with Public Works on how this can be remedied.

Earle B. reiterated Cliff Thompson's comments regarding the South Minturn exchange.

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), USFS/Battle Mountain Land Exchange – Powell/Sawyer

Motion by Matt S., second by Earle B., to convene in 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 as presented. Motion passed 5-0. Note: John Rosenfeld and Ozzy Osborne were excused absent. Motion passed 4-1 (Nay: Shelley B) Note: John Rosenfeld and Ozzy Osborne were excused absent.

Council Direction given as a result of the Executive Session:

FUTURE AGENDA ITEMS

13. Next Meeting – February 17, 2016

- Updates on CDOT and Entryway project

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

Motion by George B., second by Shelley B., to adjourn at 9:53pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



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:
DATE: Friday, February 05, 2016
RE: Special Event Permit – February 27-28, 2016

SUMMARY:

At tonight's meeting the Council is asked to approve a Special Event Permit for the Town of Minturn Ski Joring event scheduled for Saturday and Sunday February 27 and 28, 2016. The location of this permit request is on Minturn Road between Taylor St and 4th Ave. The attached documentation indicates the compliance with the posting of the site and the event.

PREVIOUS COUNCIL ACTION:

None.

STAFF RECOMMENDATION:

Approve the request as presented with the detailed conditions.

RECOMMENDED MOTION:

I move to approve the proposed Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located as defined in the attached application as presented with the following conditions:

- The application was received on February 4, 2016 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on February 4, 2016 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requires at least one T.I.P.S, or equivalent certified server be present, and at least one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

ATTACHMENTS:

- Application

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|--|--|
| <input type="checkbox"/> SOCIAL | <input checked="" type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR: 2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY 2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	DO NOT WRITE IN THIS SPACE LIQUOR PERMIT NUMBER
---	---

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Town of Minturn	State Sales Tax Number (Required) 98-07290-0000
--	--

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) PO Box 309 Minturn, CO 81645	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Minturn Rd Minturn, CO 81645
--	--

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Michelle Metteer	04/07/1974	2100 Old Trail Rd, Avon, CO 81620	970-343-9122
5. EVENT MANAGER Michelle Metteer	04/07/1974	2100 Old Trail Rd, Avon, CO 81620	970-343-9122
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____	

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date
Feb 26, 2016	Feb 27, 2016	Feb 28, 2016	
Hours From 1:00 p .m. To 4:00 p .m.	Hours From 11 a .m. To 5:00 p .m.	Hours From 11:00 a .m. To 5:00 p .m.	Hours From .m. To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE 	TITLE Economic Development	DATE 2/4/16
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) Town of Minturn	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK 970-827-5645
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SIGNATURE 	TITLE Mayor	DATE
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DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

**TOWN OF MINTURN
LIQUOR LICENSING AUTHORITY**

Follow-up findings and report for application of a Special Event Liquor Permit.

Owner Name and Address: Town of Minturn, P. O. Box 302 Minturn, CO 81645

Establishment Name and Address: Town of Minturn, P. O. Box 302 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 Special Event Liquor Permit, an investigation has been made, and based on the results thereof, the following has been determined:

That the application was filed on February 4, 2016 in the Town Treasurer's office and a public hearing has been scheduled for Wednesday February 17, 2016.

That the premise being considered is Minturn Road between Taylor Street and 4th Ave. During previous years this site has been licensed as requested in conjunction with events.

That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Thursday February 4, 2016 at least 10 days prior to the hearing (13 Days).

That from the evidence submitted Town of Minturn owns road right of way and have received written authorization from the owner to hold the event as required by the application.

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 Code.

That Eagle County Sheriff's Office acting for Minturn has conducted a background investigation on the principals involved in this application and no issues that would indicate poor moral turpitude were identified.

The public hearing on this application will be held on Wednesday, August 5, 2015 at 6:30pm in the Council Chambers of the Minturn Town Hall, 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 application was approved at staff level with the following findings and conditions:

- The application was received on February 4, 2016 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on February 4, 2016 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requires at least one T.I.P.S, or equivalent certified server be present, and at least one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

The applicant is advised and encouraged to read a copy of the State of Colorado Liquor and Beer Codes and Regulations. This memorandum was delivered to the applicants on 2/5/16.

Local Liquor Licensing Authority
Minturn Town Treasurer


Jay Brunvand

Dated this 5th day of February, 2016.

FEB 26-28 SKIDORINTH

4th St

Minturn Rd

4th Ave

ROAD CLOSED

END OF TRACK

SECURITY

FENCING

TRACK

Taylor St

Minturn Rd

POINT OF SAVE

NO ALCOHOL BEYOND THIS POINT

START OF TRACK

ROAD CLOSED

UT ST

N Main St

Turntable Restaurant &

Rail Rd Ave

Eagle River Inn

Minturn Saloon

Mountain Coffee & Tea

Sole Man

Eric Kinetico Prouty

Eagle River

24

Google

NOTICE

SENT TO THE LIQUOR
OF COLORADO
FOR MOUNTAIN
LINE ST
KING, CO 80401

SUBMITTED THE LICENSE
TO THE Town of Mountain
LINE ST, CO, 80401
KING, CO, 80401

AN APPLICATION TO BE
MOUNTAIN TOWN
DATE: FEB 17, 2009
APPLICATION: FEB 4
OF MOUNTAIN TOWN
MOUNTAIN TOWN
LINE ST
KING, CO 80401



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

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

MEMORANDUM

TO: Phillip Cusick, ECSO-Minturn
Mike Sawyer, Town Attorney
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Friday, February 05, 2016
RE: Special Event Permit

I am in receipt of a Special Event Permit submitted by the Town of Minturn for an event on Minturn Road between Taylor Street and 4th Ave on Saturday February 27 and Sunday February 28, 2016. Could you please conduct your review and report back in writing your findings? I will be available to work with you in the event you have any questions.

I have preliminarily scheduled this for Council review on February 17th. If this date does not work for you let me know. Note, because this is a Special Event Permit, only the Town approves the application, the State is informed of the event but they do not approve the application as is done with a Liquor License application.

Please feel free to contact me in the event you have any questions.

Sincerely,

Jay Brunvand
Town Clerk/Treasurer

OFFICIAL PROCLAMATION
ONE BOOK, ONE VALLEY, 2016

A Valley-wide reading program sponsored by the
Towns of Avon, Eagle, Gypsum, Minturn, Red Cliff and Vail

WHEREAS, community-read programs have united and uplifted hundreds of cities and principalities throughout the United States of America; and,

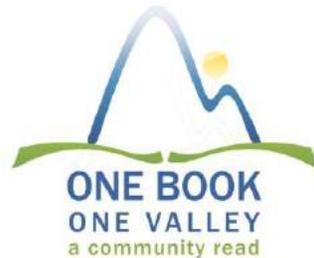
WHEREAS, the book “We Are Called to Rise” by Laura McBride (writer, community college teacher and graduate of Yale who resides in Las Vegas, NV) is McBride’s first novel and was partially completed during her residency at Yaddo; and,

WHEREAS, this Eagle Valley community read will feature book talks & discussions, film showings, special related programs such as a writing workshop, art programs, letter writing class and stress management seminar hosted by the partnering organizations, and a special guest appearance by the author; and,

WHEREAS, the Vail Public Library, in collaboration with the Eagle Valley Library District, Colorado Mountain College, and the Bookworm of Edwards have resolved to bring this valley-wide reading program to the citizens of Eagle County; and,

WHEREAS, the One Book, One Valley initiative will encourage literacy and shared enjoyment of reading throughout Eagle County,

NOW, THEREFORE, we, Kim Langmaid, Council Member, Town of Vail; Jennie Fancher, Mayor, Town of Avon; George Brodin, Mayor Pro Tem, Town of Minturn; Kevin Brubeck, Trustee, Town of Eagle; Geoff Grimmer, Trustee, Town of Eagle; Anuschka Bales, Mayor Pro Tem, Town of Red Cliff; Kathy Chandler-Henry, Eagle County Commissioner; Jeanne McQueeney, Eagle County Commissioner, do hereby promote the One Book, One Valley initiative and officially announce and promote the novel “We Are Called to Rise” to all Eagle County residents for their enjoyment and the enjoyment of all.



TOWN OF MINTURN

ATTEST:

By: _____
Hawkeye Flaherty, Mayor

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 1 – SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE FINAL SUBDIVISION PLAT
FOR THE GROUSE CREEK SUBDIVISION.

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Minturn, Colorado (“Minturn” or the “Town”) to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, the Town has adopted as Chapters 16 and 17 of the Minturn Town Code regulations governing the zoning and subdivision of properties within the Town; and

WHEREAS, Intermountain Landscaping & Maintenance Inc. (the “Developer”) is under contract to purchase a portion of property owned by the Union Pacific Railroad Company as depicted on **Exhibit A**, attached and incorporated herein by this reference (the “Property”); and

WHEREAS, the Property is currently zoned as a PUD holding area, but an application to rezone the Property as commercial in the Grouse Creek Character Area has been submitted; and

WHEREAS, on February 10, 2016 the Minturn Planning and Zoning Commission found the Final Plat for the Grouse Creek Subdivision to be in compliance with the requirements and intent of the Minturn Town Code and the Town’s land use goals and plans, and recommended to the Town Council for approval the Final Subdivision Plat and zoning change subject to certain additional conditions; and

WHEREAS, on March 2, 2016 the Minturn Town Council conducted a duly-noticed public hearing and reviewed the Final Plat for the Grouse Creek Subdivision and found the document to be consistent with the approved Preliminary Plat, and that all conditions of the Preliminary Plat approval have been met; and

WHEREAS, the Minturn Town Council finds that the Final Subdivision Plat has been submitted in compliance with Article 6 of Chapter 17 of the Minturn Town Code; and

WHEREAS, the Town Council desires to approve the Final Plat for the Grouse Creek Subdivision, subject to all terms and conditions set forth by the Planning and Zoning Commission in its February 10, 2016 Report.

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

SECTION 1. The Council incorporates the foregoing recitals as findings and

determinations, and conclusively makes all of the Findings of Fact, Determinations, and Conclusions contained herein.

SECTION 2. That certain Final Plat for the Grouse Creek Subdivision is hereby approved, subject to all terms and conditions contained herein and attached hereto, including:

- Lot 2 will be incorporated into the Meadow Mountain Business Park parcel within 90 days of the approval of the Final Subdivision Plat;
- Snow removal may not be dumped into the river;
- The implementation of the approved landscape plan; and
- The Planning Department shall approve the final site plan with the sheds, greenhouse, fences, and barriers with necessary building permits.

SECTION 3. The Mayor of the Town of Minturn is hereby authorized to indicate the Town Council's approval of the Final Plat for the Grouse Creek Subdivision by signing the Final Plat.

SECTION 4. The Developer shall comply with all of the Developer's representations made in any applications and in statements during the public hearings before the Minturn Planning and Zoning Commission and the Minturn City Council, which shall be conditions of approval with which the Developer shall comply. The Developer shall comply in full with the Minturn Town Code and Public Works requirements.

SECTION 5. The Town Clerk is hereby directed to record this Ordinance, the Final Plat of the Grouse Creek Subdivision, any subsequent Amendments thereto, and any other associated documents in the Office of the Clerk and Recorder of Eagle County, Colorado with thirty (30) days of approval and to file one (1) certified copy of the Final Plat, any subsequent amendments, and this Ordinance with the Eagle County Assessor.

SECTION 6. The Minturn Town Council's approval of this Final Subdivision Plat creates a vested property right pursuant to the Minturn Town Code and Article 68 of Title 24, C.R.S., as amended, for a period of three (3) years from the effective date of this Ordinance. As a condition of the granting of such vested right, the Developer shall, at its expense, publish the vested rights notice required by C.R.S. § 24-68-103(c) and the Minturn Town Code § 16-21-710 *et seq.*, and the Developer shall comply with all the other procedural requirements set forth therein.

SECTION 7. Except as hereinabove provided, all provisions of the zoning, subdivision, and other ordinances or regulations of the Town shall apply to the Property.

SECTION 8. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 17TH DAY OF FEBRUARY, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2ND DAY OF MARCH, 2016 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF MARCH, 2016.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A

CERTIFICATE OF DEDICATION AND OWNERSHIP

I, Union Pacific Railroad Company, a Delaware Corporation, the owner in fee simple of all that real property described as follows:

A parcel of land lying in the NW Quarter of Section 26, Township 5 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado, being more particularly described as follows: Beginning at a Point on the easterly right-of-way line of U.S. Highway No. 24 whence the NW corner of said Section 26 bears N 08°57'37" W a distance of 1,379.01 feet; thence departing said right-of-way line and along the southeasterly property line of Meadow Mountain Business Park Condominiums S 90°00'00" E a distance of 250.00 feet; thence N 00°00'00" E a distance of 240.00 feet; thence N 90°00'00" E a distance of 20.00 feet to the centerline of the Eagle River; thence along said centerline of the Eagle River S 14°11'16" E a distance of 109.44 feet; thence S 00°26'26" E a distance of 92.61 feet; thence S 26°07'40" W a distance of 45.63 feet; thence S 23°54'09" W a distance of 134.07 feet; thence S 12°14'00" E a distance of 634.58 feet; thence departing said centerline S 80°00'00" W a distance of 49.29 feet to the easterly right-of-way line of U.S. Highway No. 24; thence along said easterly right-of-way line N 08°30'27" W a distance of 137.85 feet; thence S 87°23'48" W a distance of 13.07 feet to the point of curvature of a non-tangent curve, concave to the west, having a radius of 704.00 feet a central angle of 20°23'28", and a chord of 249.23 feet bearing N 17°41'16" W; thence North along said curve, a distance of 250.55 feet; thence N 27°53'00" W a distance of 425.40 feet to the point of curvature of a tangent curve, concave to the northeast, having a radius of 686.20 feet and a central angle of 00°20'01"; thence Northwest along said curve, a distance of 4.00 feet, curving to the left to the Point of Beginning, County of Eagle, State of Colorado. Said parcel containing a total of 1.982 acres more or less.

have by these presents laid out, platted and subdivided the same into lots as shown on this plat and designate the same as the Grouse Creek Subdivision, a subdivision in the Town of Minturn.

EXECUTED this _____ day of _____, 20__.

Owner: Union Pacific Railroad Company, a Delaware Corporation
1400 Douglas St - STOP 1690
Omaha, NE 68179-1690

By: _____ as _____
Name: _____ Title: _____

STATE OF COLORADO }
COUNTY OF EAGLE }

The foregoing Certificate of Dedication and Ownership was acknowledged before me this _____ day of _____, 20__, by _____ as _____ of Union Pacific Railroad Company, a Delaware Corporation.

Witness my hand and official seal. _____ (SEAL)
Notary Public

My commission expires: _____

FINAL PLAT GROUSE CREEK SUBDIVISION TOWN OF MINTURN - COUNTY OF EAGLE - STATE OF COLORADO

TITLE CERTIFICATE

_____ does hereby certify that it has examined the title to all lands shown upon this Plat and that title to such lands is vested in Union Pacific Railroad Company, a Delaware Corporation, free and clear of all liens, and encumbrances, except as follows:

DATED this _____ day of _____, 20__.

Agent: _____

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this Plat are paid in full.

Dated this _____ day of _____, A.D. 20__.

NOTES:

- The purpose of this Final Plat is to create Lot 1 and Lot 2 within the Town of Minturn.
- BAGS OF HEARING: N90°00'00" E for the northerly line between found monuments, as shown hereon.
- Survey Date: September, 2015.
- Legal description, location of improvements, lot lines, record easements and rights of way are based upon the Stewart Title (File Number: 01300-69908) Commitment dated May 18, 2015 and survey monuments found at the time of this survey as shown hereon.
- According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification hereon.

MINTURN TOWN CERTIFICATE

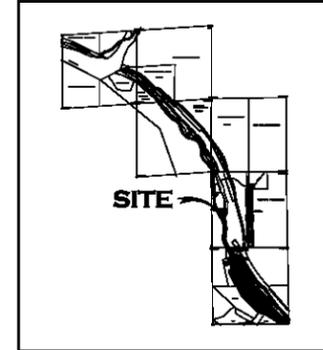
This Plat approved by the Town Council of the Town of Minturn, Colorado, this _____ day of _____, 20__, for filing with the Clerk and Recorder of Eagle County, Colorado, and for conveyance or dedication to the Town of the public dedications shown hereon, subject to the provisions that approval in no way obligates the Town of Minturn for financing or constructing of improvements on said lands, streets or easements dedicated to the public, except as specifically agreed to by the Town Council of the Town of Minturn.

TOWN OF MINTURN, COLORADO

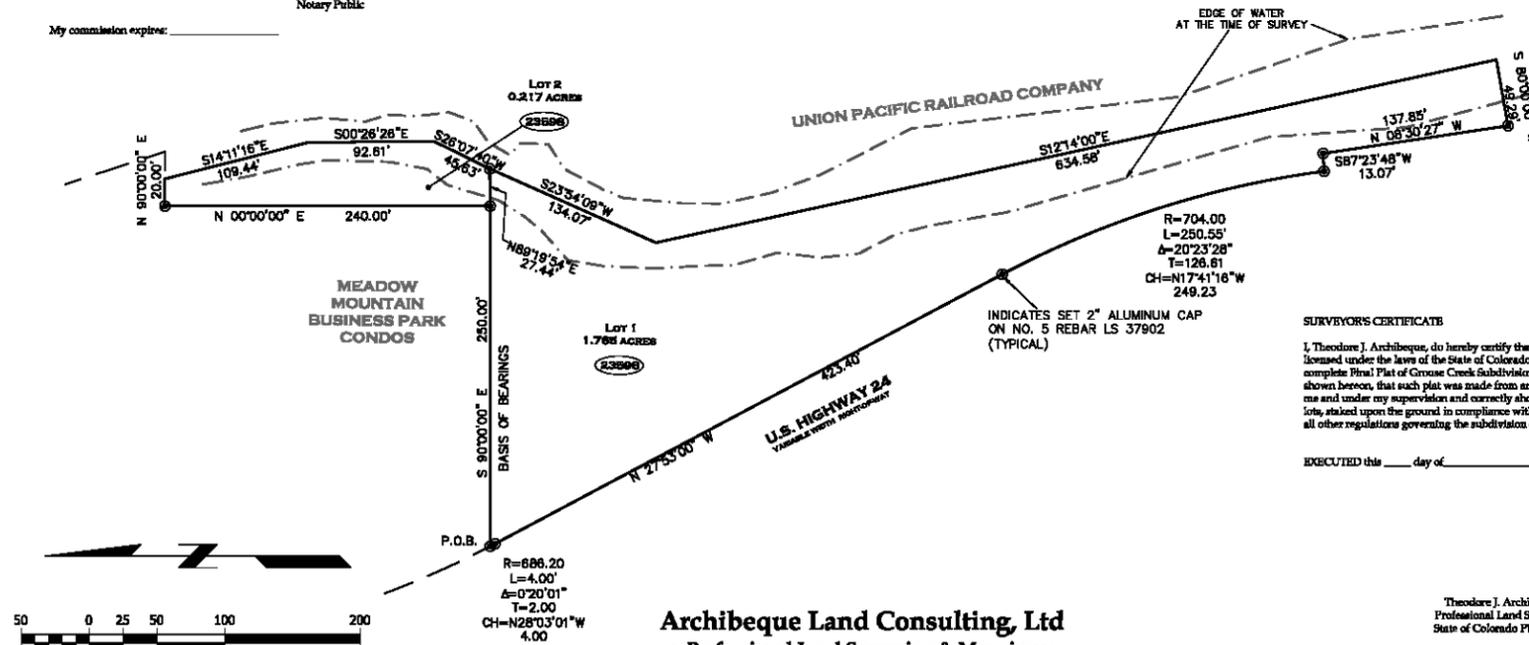
By: _____
Mayor

Witness my hand and seal of the Town of Eagle, Colorado.

ATTEST: _____
Town Clerk



VICINITY MAP - 1" = 3000'
TOWNSHIP 5 SOUTH - RANGE 81 WEST



SURVEYOR'S CERTIFICATE

I, Theodore J. Archibeque, do hereby certify that I am a professional land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct, and complete Final Plat of Grouse Creek Subdivision, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, stakes upon the ground in compliance with 38-81-105 C.R.S., as amended, and all other regulations governing the subdivision of land.

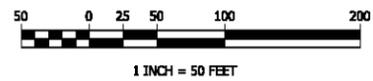
EXECUTED this _____ day of _____, A.D. 20__.

EAGLE COUNTY CLERK AND RECORDER CERTIFICATE

This Plat was filed for record in the office of the Eagle County Clerk and Recorder at _____ o'clock _____ M. on the _____ day of _____, 20__, and is duly recorded in Reception No. _____.

EAGLE COUNTY CLERK & RECORDER

By: _____
Deputy



Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway, Suite 5 - P.O. Box 3693 - Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

Theodore J. Archibeque
Professional Land Surveyor
State of Colorado PLS 57902

REVISED 12-16-2015 CAP UPDATED BOUNDARY
REVISED 11-24-2015 TJA CERTS
REVISED 10-9-2015 TJA ADDED LOT 2

FINAL PLAT GROUSE CREEK SUBDIVISION TOWN OF MINTURN - COUNTY OF EAGLE STATE OF COLORADO			
DRAWN BY:	TJA	FILE NUMBER:	15215
DATE:	09-25-2015	DRAWING NAME:	15215-FP2.dwg
SHEET:	1 OF 1	CHECKED BY:	MSS



Town of Minturn
302 Pine Street, Minturn, CO 81632

Planning Commission Approval
February 10, 2016

Planning Commission Report February 10, 2016 for the approval of the following preliminary subdivision application:

Intermountain Preliminary Type A Subdivision Application for the approval of a subdivision and rezoning of the Union Pacific Railroad Property on Highway 24, Minturn, CO

Planning Commission Recommendation to Town Council:

Upon review of the application, the Planning Commission voted in favor of the final subdivision plat application and zoning change with the following 2 motions:

1. To approve the Zoning Change from Game Creek Character Area (PUD Holding Zone) to Grouse Creek Character Area (Commercial)

2. To approve the Final Subdivision Application with the following conditions:
 - The small subdivided lot will be dissolved into the Meadow Mtn lot lines within 90 days of the final subdivision plat.
 - Snow removal may not be dumped into the river
 - The installation of the approved landscape plan
 - The approval by the Planning Department of the final site plan with the sheds, greenhouse, fences and barriers with necessary building permits



Planner Report

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

2/17/2016

J Hawkinson, Planning Director

APPLICANT: Intermountain Landscaping & Maintenance, Inc.
PREPARED BY: Pylman & Associates - 137 Main St, C107W, Edwards, CO
Rick Pylman - 970-926-6065
REQUEST: Final Subdivision Plat and Zoning Change
LOCATION: Township 5 South - Range 81 West, Highway 24 - Minturn, CO

APPLICATION SUBMITTED: December 11, 2015

PLANNING COMMISSION APPROVAL: February 10, 2016

ZONING: Present Zoning: PUD - Game Creek Character Area
Change Zoning To: Commercial Grouse Creek Character Area

PUBLIC NOTICE: Agenda posted at Town Hall and on website - certified letters sent to residents 250 feet from site - sign posted on site - 14 days in advance of hearings - mailing and postings for Final Subdivision Plat & Zoning Change on January 26, 2016

SITE ANALYSIS:

BUILDING HEIGHT: No Buildings - a site to store landscape supplies & equipment
A Site Plan approval is needed for any containers, fences and sheds.
A building permit is needed if fence height is six feet or taller of shed is larger than 120 sq ft or other building structures per code, including greenhouses.

VARIANCE: none

LOT AREA: 2 acres = 87,120 sq ft
-zoning code: minimum subdivided lot size is 5,000sq ft

MAXIMUM BUILDING LOT COVERAGE: 70%

MAXIMUM IMPERVIOUS SURFACE: no code - site plan is 80% gravel parking lot and 20% gravel area landscaped for pervious surface - this does not include the river setback land

SETBACKS: Meets required setbacks: -20' front -10' side yards -10' rear -30' river

SNOW STORAGE:

Required: 4356 sq ft

Actual: 4356 sq ft

*Upon approval of this subdivision - applicant agrees not to plow snow or remove snow from lot into the river

LANDSCAPING REQUIREMENTS:

Install native trees to screen equipment and storage yard from Highway 24 - the river side is presently screened with Colorado Spruce

ENVIRONMENTAL PHASE 1 REPORT:

The applicant performed both a wetlands report and a vegetation assessment report performed by Western Ecological Resource, Inc. No clean-up is needed.

MINERAL RIGHTS OWNERS:

Stewart Title and UPRR believe that there is no separate mineral rights ownership. Per the regulations if there are no mineral rights owners found in the public records, there are no further obligations. Mineral rights owners were not found and so no notice was taken.

PRELIMINARY SUBDIVISION PLAT APPROVAL:

Approval was given by the Planning Commission on January 13, 2016

Approval was given by Town Council on January 20, 2016

*An approved landscape plan is needed for Final Subdivision Plat approval

-

PLANNING DIRECTOR RECOMMENDATION:

To approve the Final Subdivision Plat and Zoning Change with the following agreements:

1. approved landscape plan
2. an approved site plan by the Planning Department before installation
3. obtain building permits needed for greenhouses, sheds and fencing
4. agreement that snow will not be pushed into the river

STAFF REVIEWING APPLICATION:

Town Attorney, Public Works Supervisor, Town Engineers, Planner

WATER TAP: water is being brought to the site - a water tap will need to be purchased



February 5, 2016

Ms. Janet Hawkinson
Town Planner
Town of Minturn
PO Box 309.
Minturn, CO 81645

Re: Intermountain Landscaping & Maintenance

Dear Janet:

Under cover of this letter is a landscape plan for the Intermountain Landscape & Maintenance zoning and subdivision applications. At the Planning Commission and Town Council meetings of January 13 and January 20 we talked about potential landscape screening ideas and concepts. The attached landscape plan has been designed with that input in mind.

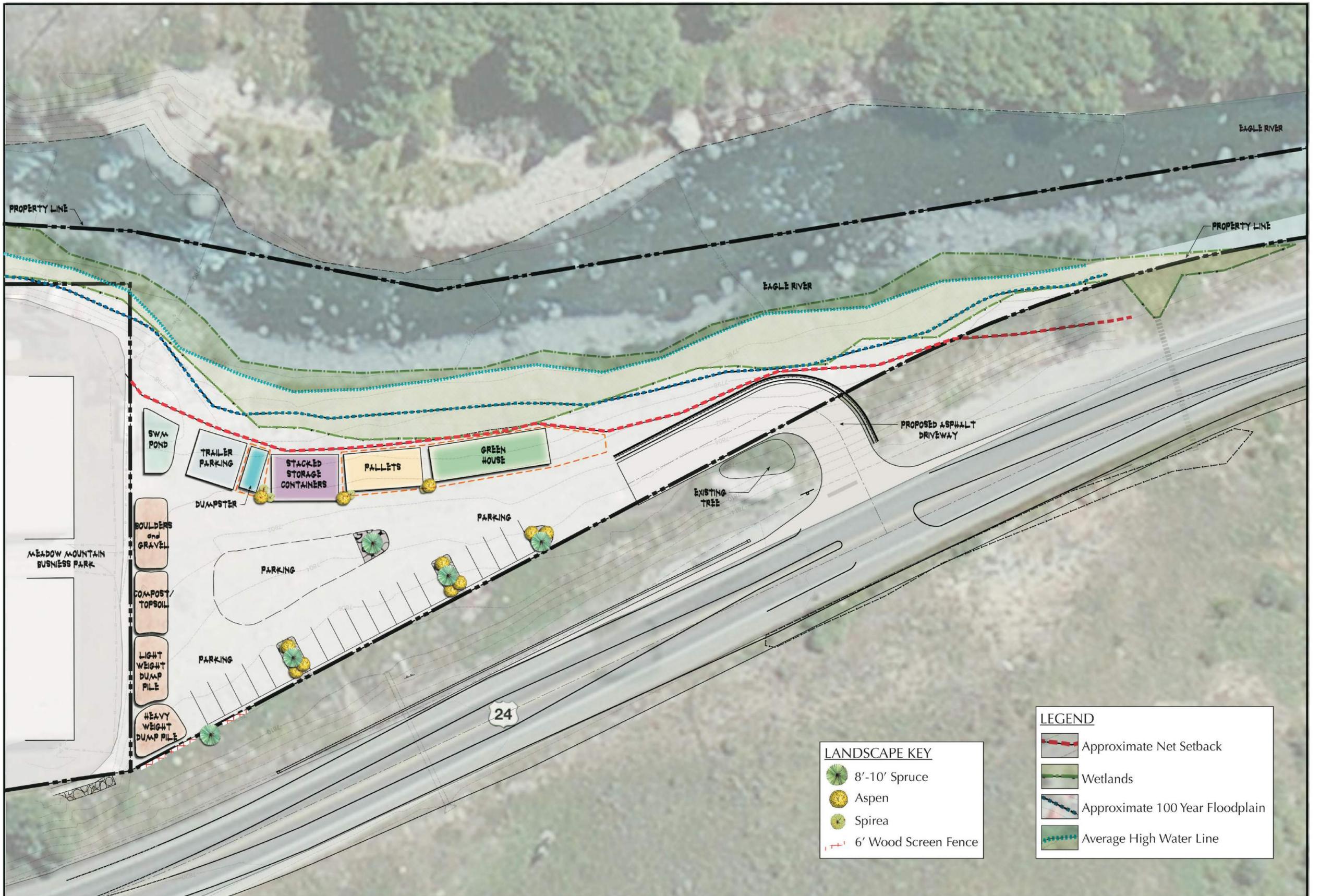
We have added several long shrub beds and aspen trees along the property line and also added interspersed sections of a 6-foot high wooden screen fence. As we discussed, these areas will not provide a full "hedge" type of screen but will add intervals of landscape color and texture along with the sections of screen fence. The plant materials selected will provide some height, color and texture and are relatively hardy enough to withstand the snow and salt impacts of winter highway maintenance. We have also replaced some of the interior parking spaces with landscape beds that will include Aspen and shrub plantings and added some Aspen tree plantings at the corners of the storage areas.

This plan should provide a higher level of visual interest for the highway traveler and present a positive and professional image of the site for the owner.

Let us know if you have any thoughts or input to the plan. Thanks again for your time and attention to this application.

Sincerely,

Rick Pylman

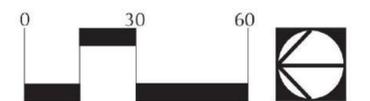


INTERMOUNTAIN LANDSCAPING & MAINTENANCE, INC.

Date: 2/11/16

CONCEPTUAL SITE PLAN

Minturn, Colorado



Prepared by: **PYLMAN & ASSOCIATES**



Agenda

MEETING OF THE MINTURN PLANNING COMMISSION

Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday, February 10, 2016

Regular Session – 6:30 pm

PLANNING COMMISSION:

Lynn Teach – Chair
Burke Harrington
Bobby Head
Brad Bickerton
Justin Carter

Planning Director – Janet Hawkinson

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

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance
- Introduction & Pledge of New Planning Commissioner – Justin Carter

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes

- January 13, 2016

4. Public Comments

(on items which are not on the agenda - 5 minute time per person)

DESIGN REVIEW

5. Design Review: Final Subdivision Plat: Highway 24, Game Creek Character Intermountain Landscape & UPRR

Zoning Change from Game Creek PUD to Grouse Creek Commercial zoning at Highway 24, Intermountain Landscape & UPRR

SPECIAL PRESENTATIONS

6. Crave Communities – Eagle Street, Minturn CO – special presentation on a possible land trade of a parcel of land within Minturn Town Boundaries and the US National Forest

7. Public Comment & Questions on Presentation

PROJECTS

8. Town Entrance Phase 2

9. 2016 Master Planning per code

✓ Union Pacific Railroad Company
Property Tax Dept.
1400 Douglas St. Stop 1640
Omaha, Nebraska 68179-1640

✓ United States of America
PO Box 25127
Lakewood CO
80225

✓ B.B. Development LLC
PO Box 549
Minturn CO
81645

✓ G.G. LLC
PO Box 463
Edwards CO
81632

✓ A&M LLC
PO Box 4115
Vail CO
81658

✓ Hi Yo Silver Inc.
Lewis Meskiman
PO Box 488
Vail CO 81658

✓ CBA Realty LLC
PO Box 3125
Vail CO
81658

✓ BLF Real Estate Development
PO Box 3841
Vail CO 81658

✓ Clinic Inc.
PO Box 18422
Avon CO
81620

✓ Jerome Meador
PO Box 544
Vail CO 81658

✓ Prima Meadow Mountain LLC
2121 N Frontage Rd W #181
Vail CO
81657

✓ Eagle River Property Management
LLC SRE Builders
PO Box 6376
Vail CO 81658

✓ Vail Catering Concepts Inc.
PO Box 3172
Vail CO 81658

✓ Hotspur Sports Co Inc.
PO Box 4570
Avon CO 81620

✓ Sole Man LLC
PO Box 863
Minturn CO 81645

✓ Custom Audio Video Inc
Earle Bidez
PO Box 519
Minturn CO 81645

✓ KN Realty LLC
PO Box 3684
Avon CO 81620

✓ Cheryl Emmeluth Living Trust -ETAL
6755 Capital Point Ln.
Castle Rock CO 80108

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 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$.49
Total Postage and Fees \$ 6.74

Sent To Hi Yo Silver Inc
Street and Apt. No., or PO Box No. Box 488
City, State, ZIP+4® Vail, CO 81658

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$.49
Total Postage and Fees \$ 6.74

Sent To Vail Catering Concepts
Street and Apt. No., or PO Box No. Box 3172
City, State, ZIP+4® Vail, CO 81658

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$.49
Total Postage and Fees \$ 6.74

Sent To CBA Realty LLC
Street and Apt. No., or PO Box No. Box 3125
City, State, ZIP+4® Vail CO 81658

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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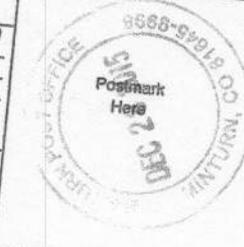
OFFICIAL USE

Certified Mail Fee \$ 3.45
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 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$.49
Total Postage and Fees \$ 6.74

Sent To CUSTOM AUDIO VIDEO
Street and Apt. No., or PO Box No. PO Box 519
City, State, ZIP+4® MOUNTAIN CO 81658

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



U.S. Postal Service™
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Extra Services & Fees (check box, add fee as appropriate)
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 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$.49
Total Postage and Fees \$ 6.74

Sent To SOLE MANS LLC
Street and Apt. No., or PO Box No. PO Box 863
City, State, ZIP+4® MOUNTAIN CO 81645

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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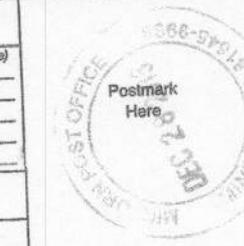
OFFICIAL USE

Certified Mail Fee \$ 3.45
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 Adult Signature Restricted Delivery \$

Postage \$.49
Total Postage and Fees \$ 6.74

Sent To Cheryl Emmeloth Living Trust
Street and Apt. No., or PO Box No. 6755 Capital Point Ln
City, State, ZIP+4® Castle Rock, CO 80108

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0007 3594 4276

7015 0640 0007 3574 4223

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 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage
\$ **.49**

Total Postage and Fees
\$ **6.74**

Sent To **Eagle River Property Manage**
Street and Apt. No., or PO Box No.
Box 6376

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Vail, CO 81658

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 Return Receipt (hardcopy) \$ **2.8**
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage
\$ **.49**

Total Postage and Fees
\$ **6.74**

Sent To **BLF Real Estate Developm**
Street and Apt. No., or PO Box No.
Box 3841

City, State, ZIP+4®
Vail, CO 81658

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 Return Receipt (hardcopy) \$ **2.8**
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage
\$ **.49**

Total Postage and Fees
\$ **6.74**

Sent To **Hobbsour Sports Co Inc**
Street and Apt. No., or PO Box No.
PO Box 4570

City, State, ZIP+4®
Arden, CO 81620

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 Return Receipt (hardcopy) \$ **2.8**
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage
\$ **.49**

Total Postage and Fees
\$ **6.74**

Sent To **Clinic Inc**
Street and Apt. No., or PO Box No.
Box 18422

City, State, ZIP+4®
Arden, CO 81620

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 Return Receipt (hardcopy) \$ **2.8**
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

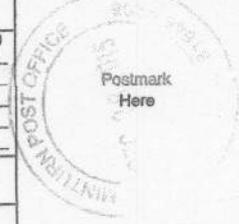
Postage
\$ **.49**

Total Postage and Fees
\$ **6.74**

Sent To **Jerome Meador**
Street and Apt. No., or PO Box No.
Box 544

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Vail, CO 81658

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 Return Receipt (hardcopy) \$ **2.8**
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

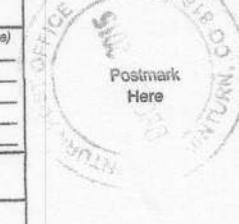
Postage
\$ **.49**

Total Postage and Fees
\$ **6.74**

Sent To **KN Realty LLC**
Street and Apt. No., or PO Box No.
Box 3684

City, State, ZIP+4®
Arden CO 81620

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0007 3594 4269

7015 0640 0007 3594 4252

7015 1660 0000 6225 2144

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 Return Receipt (hardcopy) \$ 2.80
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ 0.49

Total Postage and Fees \$ 6.74

Sent To
Street and Apt. No., or PO Box No. Primmer Meadow Mtn LLC
2121 N. Embury Rd W # 181
City, State, ZIP+4® Vail, CO 81657

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ 0.49

Total Postage and Fees \$ 6.74

Sent To
Street and Apt. No., or PO Box No. BB Development
Box 549
City, State, ZIP+4® Minturn, CO 81645

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 Return Receipt (hardcopy) \$ 2.50
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ 0.49

Total Postage and Fees \$ 6.44

Sent To
Street and Apt. No., or PO Box No. USA
Box 25127
City, State, ZIP+4® Lakewood, CO 80225

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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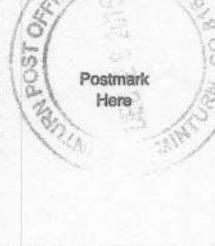
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ 2.50
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ 0.49

Total Postage and Fees \$ 6.44

Sent To
Street and Apt. No., or PO Box No. Union Pacific Railroad Co.
1400 Douglas St. Stop 1640
City, State, ZIP+4® Omaha, Neb. 68179-1640

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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 Return Receipt (hardcopy) \$ 2.50
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ 0.49

Total Postage and Fees \$ 6.44

Sent To
Street and Apt. No., or PO Box No. G.G. LLC
Box 4103
City, State, ZIP+4® Edwards CO 81630

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ 2.50
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$ 0.49

Total Postage and Fees \$ 6.46

Sent To
Street and Apt. No., or PO Box No. A-M LLC
Box 4115
City, State, ZIP+4® Vail CO 81658

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 0640 0007 3594 4283



December 16, 2015

Dear Neighbor:

Pylman & Associates has been working with the Union Pacific Railroad (“UPRR”) and Intermountain Landscape & Maintenance to obtain Town of Minturn approval to allow the UPRR to subdivide, rezone and convey to Intermountain Landscape & Maintenance a +/- two-acre parcel of land immediately adjacent to and south of the Meadow Mountain Business Park. As a part of this process and in accordance with the Town of Minturn land use regulations we are providing this letter as adjacent owner public notification.

On January 13th at 6:30 p.m. the Minturn Planning Commission will hold a hearing on these applications and on January 20th at 6:30 p.m. the Minturn Town Council will hold a hearing on these applications. These hearings will be held at the Minturn Town Center, 302 Pine Street.

The approximately two-acres of land that is the subject of these applications is located on the west side of the Eagle River and fronts US Highway 6&24. The parcel will be subdivided from the larger UPRR holdings that are located on the east side of the Eagle River. The existing zoning is designated as the Game Creek Character Area PUD Holding Zone and the proposed zoning is the Grouse Creek Character Area commercial zone.

Intermountain Landscape & Maintenance is a local family owned business and plans to use the property as a base of operations for the company. A complete copy of the application is available at the Town of Minturn Planning Department or can be emailed upon request.

To summarize, the purpose of the applications are:

1. To subdivide approximately two acres of UPRR land on the west side of the Eagle River from the larger UPRR holdings on the east side of the Eagle River.
2. To rezone the two acres to allow for the commercial use of a landscape business.

Sincerely,

Rick Pylman

EMERSON STORE

SERVICE
COSTS ARE \$125

**NOTICE OF
LAND USE PROPOSAL**

For the purpose of information and to advise
to Shovel Creek Chapter Area Commercial

PUBLIC HEARINGS WILL BE HELD

Public hearings will be held on the proposed
development of a new building on the
corner of 1st and 2nd streets in
Shovel Creek.



October 1, 2015
Folder 2393-27

Town of Minturn
Attn: Janet Hawkinson
302 Pine Street
Minturn, CO 81645

RE: Proposed Grouse Creek Subdivision, Lots 1 & 2, Minturn, Colorado

Dear Ms. Hawkinson:

This letter is to advise the Town of Minturn that Union Pacific Railroad Company ("UPRR") and Intermountain Landscaping & Maintenance, Inc. ("Intermountain") have entered into a Purchase and Sale Agreement date May 13, 2015 covering Intermountain's purchase of a parcel of land in Minturn owned by UPRR ("Property"). UPRR has authorized Intermountain, at its sole cost and expense, to use commercially reasonable efforts to obtain all necessary governmental approvals required to constitute the Property as a legal lot.

If you have any questions regarding the above, please call me to discuss.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregg A. Larsen".

Gregg A. Larsen
Senior Manager - Real Estate
(402) 544-8552



Wetland Delineation Report

Minturn Union Pacific Railroad Parcel

Eagle County, Colorado

prepared for:

Pylman & Associates

137 Main Street, Suite C107W, Edwards, CO 81632

prepared by:

Western Ecological Resource, Inc.

711 Walnut Street, Boulder, CO 80302

October 2015



Vegetation Assessment Report

Minturn Union Pacific Railroad Parcel

Eagle County, Colorado

prepared for:

Pylman & Associates

137 Main Street, Suite C107W, Edwards, CO 81632

prepared by:

Western Ecological Resource, Inc.

711 Walnut Street, Boulder, CO 80302

October 2015



LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street

Minturn, Colorado 81645-0309

Phone: 970-827-5645

Fax: 970-827-5545

Email: planner@minturn.org

APPLICANT:	ADDRESS:	SIGNATURE:
INTERMOUNTAIN LANDSCAPING & MAINTENANCE INC.	20 EAGLE ROAD SUITE 140 AVALON CO 81620	
	PHONE: 970 390 5467 FAX:	NAME: ROBERT GASIOROWSKI
	EMAIL: intermntn@vail.net	TITLE: PRESIDENT
OWNER(S) OF RECORD:	ADDRESS:	SIGNATURE: See letter
UPRR	1400 DOUGLASS STREET STOP 1690 OMAHA NEBRASKA	
	PHONE: 402 544 8552 FAX:	NAME:
	EMAIL:	TITLE:
DEVELOPER:	ADDRESS:	CONTACT PERSON:
	PHONE:	FAX:
	EMAIL:	
ENGINEERING FIRM:	ADDRESS:	CONTACT PERSON:
PYLMA & ASSOCIATES	137 MAIN STREET C107W EDWARDS CO 81632	RICK PYLMA
	PHONE: 970 926 6065 FAX:	
	EMAIL: rick@pylman.com	

Presubmittal Date	Presubmittal Planner:
Parcel ID Number	(Example: 210326325001) from your full card printout
Address or Intersection	
Brief Legal Description	
Subdivision Name & Filing #	
Project Description	

	Existing	Proposed:
Zoning:	GAME CREEK	Game Creek - Commercial
Land Use:	VACANT PUD	LANDSCAPE YARD - COMMERCIAL
Total Acres:	2.019 acres	2.019 acres
F.A.R./Density:	N/A	N/A
Project Name:	INTERMOUNTAIN LANDSCAPING	
Related Case #'s:		

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

This section for OFFICE USE ONLY

Case No:	16MIN01	Case Mgr.:	Hawkinson	Case Eng.:	
Fees Paid	Y N \$	Dates Referred Out			
Dates to be Returned		Planning Comm Date:			

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

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 2 – SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO REZONING THE GROUSE CREEK
SUBDIVISION AS COMMERCIAL.

WHEREAS, the Local Government Land Use Control Enabling Act of 1974, §§29-20-101, et seq., C.R.S.; Article 23 of Title 31, C.R.S.; and other applicable laws grant broad authority to the Town of Minturn, Colorado (“Minturn” or the "Town") to plan for and regulate the development and use of land on the basis of the impact thereof on the community and surrounding areas; and

WHEREAS, the Town has adopted as Chapter 16 of the Minturn Town Code governing the zoning of properties within the Town; and

WHEREAS, Intermountain Landscaping & Maintenance Inc. has applied to have Town Character Area Zoning Map amended by the rezoning of certain real property more fully described on **Exhibit A**, attached and incorporated herein by this reference (the “Property”), from a PUD holding area to Commercial in the Grouse Creek Character Area; and

WHEREAS, on February 10, 2016 the Minturn Planning and Zoning Commission reviewed the rezoning application and found it to be in compliance with the requirements and intent of the Minturn Town Code § 16-21-410 *et seq.*, and recommended for approval the amendment of the Character Area Zoning Map by the Property’s rezoning; and

WHEREAS, on March 2, 2016 the Minturn Town Council held a duly-noticed public hearing and reviewed the rezoning application; and

WHEREAS, the Town Council finds that the proposed Character Area Zoning Map amendment is consistent with standards of Minturn Town Code Section 16-21-450; and

WHEREAS, the Town Council finds and believes that it is in the best interest of the Town of Minturn to amend the Character Area Zoning Map and rezone the Property to Commercial in the Grouse Creek Character Area.

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

SECTION 1. The Council incorporates the foregoing recitals as findings and determinations, and conclusively makes all of the Findings of Fact, Determinations, and Conclusions contained herein.

SECTION 2. The Property described on **Exhibit A** and commonly known as the Grouse Creek Subdivision is hereby rezoned as Commercial in the Grouse Creek Character Area, and

the Town of Minturn Character Area Zoning Map shall be amended to reflect the rezoning of the Property.

SECTION 3. Except as hereinabove provided, all provisions of the zoning, subdivision, and other ordinances or regulations of the Town shall apply to the Property.

SECTION 4. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a courts of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 17TH DAY OF FEBRUARY, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 2ND DAY OF MARCH, 2016 AT 6:30 P.M. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 2ND DAY OF MARCH, 2016.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A

A parcel of land lying in the NW Quarter of Section 26, Township 5 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado, being more particularly described as follows: Beginning at a Point on the easterly right-of-way line of U.S. Highway No. 24 whence the NW corner of said Section 26 bears N 08°57'37" W a distance of 1,379.01 feet; thence departing said right-of-way line and along the southerly property line of Meadow Mountain Business Park Condominiums S 90°00'00" E as distance of 250.00 feet; thence N°00'00" E a distance of 240.00 feet; thence N 90°00'00" E a distance of 20.00 feet to the centerline of the Eagle River; thence along said centerline of the Eagle River S 14°11'16" E a distance of 109.44 feet; thence S 00°26'26" E a distance of 92.61 feet; thence S 26°07'40" W a distance of 45.63 feet; thence S 23°54'09" W a distance of 134.07 feet to the easterly right-of-way line of U.S. Highway No. 24; thence along said easterly right-of-way line N 08°30'27" W a distance of 137.85 feet; thence S 87°23'48" W a distance of 13.07 feet to the point of curvature of a non-tangent curve, concave to the west, having a radius of 704.00 feet a central angle of 20°23'28", and a chord of 249.23 feet bearing N 17°41'16" W; thence North along said curve, a distance of 250.55 feet; thence N. 27°58'00" W a distance of 428.40 feet to the point of curvature of a tangent curve, concave to the northeast, having a radius of 686.20 feet and a central angle of 00°20'01"; thence Northwest along said curve, a distance of 4.00 feet, curving to the left to the Point of Beginning, County of Eagle, State of Colorado. Said parcel containing a total of 1.982 acres more or less.

Planning Report:

1. Planning Commission Report

- Approved Final Plat Application for InterMountain Landscape
- Approved Zoning Change for Subdivision at InterMountain Landscape from PUD Game Creek to Commercial Grouse Creek.

- Review and Recommendation of Land Use Presentation by Crave Communities
(Per Minturn Municipal Code Section 16-21-40 Planning Commission (3) ‘make recommendations on land use proposals. To initiate, hear, review, consider and make recommendations to the Town Council on land use proposals concerning conformance with the Community Plan’)

*Motion: To recommend that a letter be sent to the US Forest Service consenting to the initiation of a land exchange process with Crave Communities.

Passed: 4 yea - 1 nay

(official minutes will be included in next packet after approval by Planning Commission)

2. Planning Projects:

- Entry Way & 100 Block
 - Finalizing design & drawings of roadway, curb & gutter with CDOT
 - Permit process for construction with CDOT
 - Completing landscape design for entryway
 - Lighting Plan, completing
 - Scheduling meetings with business owners to establish best construction operations and timing of construction
 - Finalizing documents to send out to bid
 - Designing of decorative, lit fence in front of Magusto’s
 - Designing of garden features for entry project
- ECO Trails
 - Engineering plans moving to Phase II – detail construction drawings
 - Future submittals: Railroad Application, NEPA, US Forest Service
- Review Master Plan and Land Use Regulations Sec 16-21-60 (h.)
 - Review of existing master plan
 - Review of commercial 100 block & land use regulations on commercial z.

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 17, 2016 Meeting

TO: Town Council

FROM: Willy Powell
Town Manager

Bolts Ditch Lobbying and Legislation

Bolts Ditch legislation has been introduced into the House and Senate. See attached HR 4510 and press release from Representative Polis.

TAP Engineering

Discussions with Stolfus Engineering for scope of work, schedule and costs are ongoing.

100 Block Engineering

Jeff Spanel, Janet and I met Grand Junction on February 10th to resolve issues and finalize plans for the 100 block engineering. We believe we were successful in working out our issues. CDOT staff needs to circulate our discussions with others in CDOT and we expect to receive a letter of understandings late week.

If the letter is agreeable to the town, we can quickly turn around our engineering plan submittal to CDOT for their final review and permit issuance. If this schedule holds, we can meet a late April start of construction.

Minturn Education Fund

The IRS tax exemption application has been submitted.

114TH CONGRESS
2D SESSION

H. R. 4510

To insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2016

Mr. POLIS (for himself, Mr. LAMBORN, and Mr. TIPTON) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bolts Ditch Access
5 and Use Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Since about 1882, the existing Bolts Ditch
2 headgate and ditch have been used to fill Bolts Lake
3 near Minturn, Colorado, by gravitational means,
4 without the need for pumping and the attendant
5 cost and energy use of pumping.

6 (2) When the Holy Cross Wilderness was des-
7 ignated by Congress in 1980, the Bolts Ditch
8 headgate, and an approximate 450-foot segment of
9 the Bolts Ditch, were inadvertently included inside
10 the Wilderness boundary.

11 (3) The town of Minturn seeks to use its mu-
12 nicipal water rights to store water in Bolts Lake.

13 (4) Questions have arisen with respect to con-
14 tinued use, maintenance, and repair of the headgate
15 and ditch segment within the Wilderness.

16 (5) Legislation is warranted to correct this situ-
17 ation and authorize the continued use, access to, and
18 maintenance and repair of the Bolts Ditch headgate
19 and small portion of the Bolts Ditch that lie within
20 the Wilderness boundary.

21 **SEC. 3. BOLTS DITCH ACCESS.**

22 (a) ACCESS GRANTED.—The Secretary of Agriculture
23 shall permit by special use authorization nonmotorized ac-
24 cess and use, in accordance with section 293.6 of title 36,
25 Code of Federal Regulations, of the Bolts Ditch headgate

1 and the Bolts Ditch within the Holy Cross Wilderness,
2 Colorado, as designated by Public Law 96-560, for the
3 purposes of the diversion of water and use, maintenance,
4 and repair of such ditch and headgate by the Town of
5 Minturn, Colorado, a Colorado Home Rule Municipality.

6 (b) LOCATION OF FACILITIES.—The Bolts Ditch
7 headgate and ditch segment referenced in subsection (a)
8 are as generally depicted on the map entitled “Bolts Ditch
9 headgate and Ditch Segment”, dated November 2015.

○

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Important Information

Press Kit

Polis, Gardner, Bennet Introduce Bolts Ditch Legislation

Washington, Feb 9 |

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Rep. Jared Polis (CO-02), Sen. Cory Gardner (R-CO), and Sen. Michael Bennet (D-CO) today introduced legislation to address Bolts Ditch in the town of Minturn, Colorado.

When Holy Cross Wilderness Area was designated by Congress in 1980, Bolts Ditch was inadvertently left off of the list of existing water facilities. This legislation would authorize special use of the Bolts Ditch headgate and the segment of the Bolts Ditch within the Holy Cross Wilderness Area, allowing of Minturn to use its existing water right to fill Bolts Lake.

"Residents of Minturn, as well as those across the Central Mountains, have long relied on water infrastructure like Bolts Ditch to access clean and affordable drinking water," Polis said. "This bill will ensure that the Town of Minturn is able to utilize an important resource, and do so without compromising the sanctity of the surrounding wilderness areas. I'm proud of this legislation's bipartisan approach, and I thank Senator Gardner, Senator Bennet, Representative Lamborn, Representative Tipton, Eagle County and the Town of Minturn for partnering with me in this important effort."

"This legislation finally provides a solution to a 30-year-old problem," Gardner said. "Our municipalities must have the ability to utilize their existing water rights, and it is important Minturn has access to fill Bolts Lake."

"This bill represents a practical solution that will allow the town to use and maintain Bolt's Ditch without compromising the Holy Cross Wilderness Area," Bennet said. "Our office has been working with Minturn on this issue for several years, and we look forward to collaborating with the delegation and local leaders to move this bill through Congress and finally resolve this problem."

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ACTION ITEMS REPORTFrom: Town Manager
3-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	501.3 IRS tax exempt application sent 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 legislation has been introduced
Building Code Adoption--newer codes		place holder