



2016

Minturn Council Meeting

Wednesday March 16, 2016

Work Session: **5:30pm**
(Town Center)

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



Agenda

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

Wednesday March 16, 2016

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

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

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
John Rosenfeld
Matt Scherr
Jason Osborne

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

Work Session – 5:30pm

- Holy Cross Powder Hounds – 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 17, 2016 pg 4
- March 2, 2016 pg 11

4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations**
 - Committee Report

PUBLIC HEARINGS AND ACTION ITEMS

6. **Discussion/Action Item: Consideration of Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor St. – Hawkinson** pg 23
7. **Discussion/Action Item: Consideration of Resolution 08 – Series 2016 a Resolution in support of the Eagle River Fire Protection District’s bond proposal - Powell** pg 39

COUNCIL AND STAFF REPORTS

8. **Events Update**
9. **Town Planner**
 - Planner Report pg 47
10. **Town Manager**
 - Manager’s Report pg 55
 - Action Report pg 60
11. **Town Council Comments**
12. **Town Attorney**

EXECUTIVE SESSION

13. **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), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e) – Battle Mountain Resorts/Crave Communities Corp – Powell/Sawyer**

FUTURE AGENDA ITEMS

14. Next Meeting – April 6, 2016

15. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Work Session on housing – Hawkinson
- Clear Vision areas on Town street corners - Hawkinson

16. Set Future Meeting Dates

a) Council Meetings:

- April 6, 2016
- April 20, 2016
- May 4, 2016

b) Planning & Zoning Commission Meetings:

17. Other Dates:

- March 21, 2016 – 5:30 pm Candidate’s Forum at Minturn Town Hall

18. Adjournment



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street
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Work Session – 5:00pm
Regular Session – 6:30pm

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COUNCIL MEMBERS:

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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 – 5:00 pm

- 100 Block Update – Powell/Hawkinson
- Discussion regarding Term Limits – Powell/Sawyer

Conversation ranging from length of term to the mayoral seat process were covered in the term limit discussion. Areas for consideration include P&Z eligibility, P&Z term limits, Council term limits, mayoral term limits, and mayoral selection. Initial goal is to have topic on the November 2016 ballot.

- Climate Action Plan Representatives – Powell

Representatives from Minturn will take part in the climate action plan process. Representatives to be temporarily determined until the April, 2016 election at which time appointments can be made. Council recommends Arnold Martinez from staff. Johnie Rosenfeld from Council volunteered as well.

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor Hawkeye F. at 6:30 pm.

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

Staff present: Town Manager Willy Powell, Deputy Clerk Michelle Metteer, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Johnie R., second by Jason O., to approve the agenda as presented. Motion passed 7-0.

3. Approval of Minutes

- February 3, 2016

Motion by George B., second by Shelley B., to approve the minutes of February 3, 2016 as presented. Motion passed 5-0. Note: Johnie R and Jason O. abstained

4. Liquor License Authority

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

Motion by Jason O. Second by Shelley B to approve the special event permit with conditions listed. Motion passed 7-0.

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

Hawkeye F. updated those in the public that the Crave Communities/USFS land swap was not on the agenda.

Ms. Judy Gustafson, 101 Lion's Lane, asked what benefit the Planning Commission sees in the land swap. Mayor Flaherty recommended coming to the March 2, 2016 Council meeting.

Ms. Sherri Wilson, 76 Meek St, pointed out her confusion as to what the exact land swap is. She is excessively opposed and expressed that Grouse Mountain is the busiest trail in the county. She does not want a movie theater in town, since she enjoys living in a small community. Martin

Creek and Bolts Lake are both viable options, but the Grouse trail to Meadow Mountain trail area are off limits. She requested transparency from Crave, on exactly what is it that they want to develop. Indicating the heavy traffic would become a detriment and the benefits for residents are not evident at all.

Mr. Tim McGuire, Crave Community Company 440 Eagle Street, announced that the Crave offices are open and available for anyone seeking additional information, question and answers.

Shelley B. empathized with the crowd present, affirming that their opinions and voice matters. Regardless if they signed later on the letter to the Forest Service.

Mr. Simon Dickson, 568 Taylor Ave, feels the amount of development being proposed is not in proportion to the size of the Minturn community. He supports the Bolts Lake proposal. He also asked about the ability for the Council to offer a Town vote for the option of a chairlift in town.

Ms. Sage Pierson, 132 Main St, brought forth the discussion of the “entryway crosswalk” at the 100 block of Main St. The crosswalk gets covered in snow and nobody can see that it’s a crosswalk. Council updated that there will also be flashing signage included. In addition, she requested a potential time limit parking option for the 100 block.

Mr. Leo Vasquez, 1019 Mountain Drive, commented that Crave Communities is falsely representing access to the development which currently seeks access on a private road. He recommends Vail Associates come up with a development plan for the currently dilapidated storage area at the north end of town.

Ms. Anne Foster, 1143 Main St, expressed that the Martin Creek area is a beautiful place and is concerned about large amount of changes, especially the increase of congestion that may occur if the land swap and development should occur.

Hawkeye F. asked for everyone to please be respectful and keep an open mind when considering the land swap discussion and to be aware that this is a long, drawn-out process. Requested that everyone pays attention to what’s going on, and get the facts straight and accurate, so there is no distortion of information.

Shelly B. reminded the audience that their congressmen are also available to hear feedback regarding a USFS land swap.

Earle B. explained the basic process of a land exchange and reminded folks that a referendum is most likely a part of the process. He stated clearly that the citizens of this town would be the ones making a decision, and that they had the ability to stop it if it wasn’t wanted.

Ms. Sherri Wilson, 76 Meek St, stressed the fact that the town does not have curbs, therefore people park immediately to the corner of every street. Drivers trying to see around those cars to turn onto Main St are unable to see the traffic, and it’s very dangerous. She seeks some kind of code enforcement regarding this unsafe issue.

Mr. Robert Martinez, 800 Main Street, has had issues with the town and expressed his concern about his neighbor putting in a hot tub 30' within the river setback. He noted that his neighbor recommended he put one in as well, since "he got away with it."

At 7:12 pm the mayor took a five minute recess. At 7:23 the Mayor called the meeting back to order.

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

A brief presentation was given regarding the One Book One Valley program. Earle B. read the Proclamation.

8. Discussion/Action Item: Ord 1- Series 2016 First Reading An Ordinance approving the Grouse Creek Final Subdivision Platt – Hawkinson

Earle B. recused himself from this discussion and vote as he is on the Board of the Meadow Mountain Business Park.

Mr. Rick Pyleman, 137 Main St Edwards, CO, pointed out a few discrepancies on the plat. Those will be updated before signatures are collected. Mr. Pyleman pointed out the tax certificate on the paperwork will be removed before signatures are collected and Eagle County has approved this action.

Hawkeye F. asked about possible long-term landscaping for screening from the highway. Mr. Pyleman proposed the option of a few additional feet of soil along Hwy 24 to raise the landscaping accordingly. Mr. Rob Boushesky 137 Main St Edwards, CO, expressed that the idea of being able to see over the property to the river may be a better option for views.

Mr. Robert Martinez, 800 Main St, asked what size fire truck could fit into the business area. Mr. Gary Brooks, Alpine Engineering, responded that a fire truck can comfortably fit through the entryway as well as the garbage truck and large delivery trucks (semis included-about 26ft wide). Janet H. confirmed this plan has been reviewed and approved by the Eagle River Fire Protection District.

Mayor Flaherty asked about the storm sceptor pending paving of the area. This to be added as a condition for the approval included in the Ordinance verbiage.

Jason O. commented on the reason of his previous vote regarding this issue, which was due to a reflection of the county's continuing housing crisis. This is a problem that will affect everyone,

since average workers can't afford to live in this county. He believes the county state holders, government leaders and land owners, need to evaluate carefully how we are developing our land. He hopes Union Pacific, takes into consideration this serious matter that really needs to be addressed, next time they get rid of land.

Willy P. updated the Council on his discussion with Mr. Greg Larsen of Union Pacific and the continued need for housing. Union Pacific looks to have further information regarding this issue by mid-summer 2016.

Motion by Jason O., second by Johnie R, to approve Ord 1- Series 2016 First Reading, an Ordinance approving the Grouse Creek Subdivision Platt. All voted in favor. (6-0) Note Earle B. recused himself due to a conflict of interest.

9. Discussion/Action Item: Ord 2- Series 2016 First Reading An Ordinance approving the Grouse Creek Subdivision Rezoning - Hawkinson

Mr. Rick Pyleman was available for public or Council questions.

Motion by Johnie R., second by Jason O., to approve Ord 2- Series 2016 First Reading, an Ordinance approving the Grouse Creek Subdivision Rezoning. Motion passed 6-0. Note: Earle B. recused himself due to a conflict of interest.

At this time Earle B. resumed his seat at the Council table.

COUNCIL AND STAFF REPORTS

10. Skijoring Update

11. Town Planner

- Planner Report

Janet H. reiterated that parking restrictions are being review for the 100 block. Meters were provided as an option for enforcement.

ECO Trails update indicated more funding may be available. Full drawings are available and progress is moving toward having cost estimates.

Matt S. asked what topics would be important to review at the zoning code level given that a significant amount of the 100 block is currently up for sale.

Shelley B. reminded the room that the 100 block includes residential units that were never intending to be zoned commercial. Discussions with property owners need to take place.

12. Town Manager

- Manager's Report

- Action Report

Jason O. requested a copy of the senate version of the Bolts Ditch bill.

13. Town Council Comments

Engineer on CDOT's repaving project.

Shelley B. requested term limits be added to the Action Item list (in addition to any other items that are pending review until after the April 5, 2016 election.

Johnie R thanked everyone who came to the meeting to voice their comments regarding the potential land, as well as any other issues.

Mayor Flaherty discussed the upcoming election and a candidate forum will be scheduled.

March 10th at the Minturn Saloon will be a candidate meet and greet with the option to register to vote online.

Matt S. asked where things stand for the Eagle St parking, next to the restrooms and basketball court, and if any appropriate signage has been determined. Recommendation to review the Ironworks Building agreement, back in 1988 or 1989. Matt S. believes this comes down to an enforcement issue.

Matt S. asked about any type of responsiveness policy the staff may have in getting back to the public on matters of concern.

The Council continued a discussion as to how best to address issues when they arise. Through the process, items of concern, when possible need to be brought to attention of Council for inclusion on an upcoming agenda.

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), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e)**

Motion by Ozzy, second by Shelley B, to convene in 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), and for the purpose of determining positions relative to

matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e). Motion Passed 7-0.

FUTURE AGENDA ITEMS

16. Next Meeting – March 2, 2016

- Crave Community Company presentation requested by Town Council.

17. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Work Session on housing – Hawkinson
- Holy Cross Powder Hounds – Powell 03/16/16
- Clear vision areas on town street corners

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

In that there was no further business the meeting stood adjourned.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Official Minutes

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

EXECUTIVE SESSION

The meeting was called to order by Mayor Hawkeye F. at 5:35pm.

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

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

For accommodation of a citizen, Citizen Comment was added prior to the Executive Session.

Mr. Michael Cacioppo, Business Briefs Newspaper, noted the Executive Session listed does not declare what the Exec Session is for. Hawkeye stated this was in regard to the Battle Mountain development.

1. **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), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e) – Powell/Sawyer**

Motion by Ozzy O., second by John R., 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), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS Section 24-6-402(4)(e) Battle Mountain Resort. Motion passed 6-0. Note Shelley B. was absent excused.

It was noted that Shelley B. joined the Executive Session in progress at 5:45.

2. Call to Order – 6:30pm

The meeting was called back to order reconvening from the Executive Session by Mayor Hawkeye F. at 6:35pm.

As a result of the Executive Session:

No action was taken and direction to Staff was to continue negotiations with Battle Mountain Resorts/Crave Communities.

- Roll Call

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

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

- Pledge of Allegiance

3. Approval of Agenda

- Items to be Pulled or Added
 - Add staff presentation

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

4. Approval of Minutes

- February 17, 2016

Shelley B. stated that she received an email which she will forward to the Town Manager regarding the fact that some people were not in support of the proposed BMR land exchange but were listed as supporting.

Ozzy O. stated he had made a detailed statement regarding housing prices in the community and requested this be included with more detail.

Motion by Shelley B., second by Ozzy O., to continue to the March 16 meeting the minutes of February 17, 2016 as presented. Motion passed 7-0.

5. Liquor License Authority

- Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 Main St.; Joe Honnessy Owner/Pres – Brunvand

Public hearing opened and closed

No issues staff recommending approval

Motion by John R., second by Earle B., to approve the Minturn Country Club Annual Renewal of a Hotel & Restaurant License; 131 Main St.; Joe Honnessy Owner/Pres as presented. Motion passed 7-0.

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

Mr. Michael Cacciopo, Business Briefs, noted he was running for State Representative for House District 26 and stated his qualifications. He also asked the Council to notify the press of special meetings. He noted that the Staff had posted a January worksession held on a Saturday in accordance with law but requested further notification action by staff.

No direction was given to modify our current posting standard.

Ms. Terry Armestead announced a meet the candidate at the Saloon on March 10 5:30-7:30.

Mr. Jeff Miller, 350 King Ranch Rd, stated the upcoming election in April is very important as the Battle Mountain Resort/Crave Communities Corp (BMR/CCC) actions will be determined by the new Council. He requested biography items be placed on the website. Mike S. stated there might be legal ramifications of having this on the Town website. It is important that we do not show bias.

7. Special Presentations

- Committee Report

Shelley B. reminded all that Minturn Scholarship applications are available on line and the application process closes March 31.

Hawkeye presented Town Clerk/Treasurer Jay B. with a card and gift card for his 18 years of service.

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion Item: Crave Communities Land Exchange Proposal Update – Powell

Hawkeye introduced the subject and noted we will have a staff presentation, a Crave Communities presentation, and then Public Comment. (Note: the meeting had over 125 guests for the discussion.)

George B. presented for the Council as he and Earle B. are the BMR/CCC subcommittee Council representatives. He noted the Battle Mountain project was originally proposed as the economy was declining in 2008. In 2012 \$4.3m was released for Town use. BMR/CCC is also providing \$15,000 for administrative expenses. Recently a proposal was brought forth to swap the original Battle Mountain site for USFS land which would be more easily developable and would include more attainable housing. George B. stated this is an opportunity for the Town that we should at least investigate. He noted development would include more people in Town, include growth in businesses, and would include redevelopment of Bolts Lake to allow approximately 348 acre feet of water storage. With growth traffic would increase as would noise from it. George B. noted he had received, as had the entire Council, letters from the citizens and assured the meeting that he had read them and that he is hearing their voice. George B. noted the attainable housing that is included in the project. He noted the county does not have sufficient housing for the entry level family.

Earle B. noted the attainable and workforce housing was very important. He stated that when he moved to Town he bought a house, he felt he could not do that now. He noted a survey that Janet H. had completed which showed that 54% of the units in Town are second homes, in a few short years this had increased 19% exemplifying the character of the Town is changing from the neighborhood community we cherish. He stated the middle class core is moving down valley. Earle B. outlined the process that has evolved with the discussions with BMR/CCC. He stated they had identified several concerns:

- Meadow Mtn and Grouse Creek should be removed from the plan.
- Environmental corridors should be protected.
- Attainable housing should account for 30% or so of the buildout. This is a real concern and is an important aspect to be mixed within the project not segregated to an isolated area.
- If in the future, the Council passes an Ordinance it can be called for a public vote by the citizens or the Council at that point. This would give the opportunity for the citizens to decide as well.

- Earle B. noted that the agreement being developed allows either party to pull out for a host of reasons.
- The developer will be required to provide the necessary infrastructure and the resulting development would allow the Town to improve the rest of the system to include Bolts Lake. The developer has agreed to help secure the USFS property and buildings at Dowd Jct if it becomes available. The intent would be to annex this property into the Town.

Mike S. discussed the legal aspects of the proposed land exchange. He stated the importance of having enough information to make a decision and that if the developer proposes benefits that those benefits be provided and the developer is not able to back out of any agreements. Mike S. ensured that any potential agreement would allow the Town final approval and incremental assurance and approval. He stated if the land exchange does go forward it would be an approximate two year process with the USFS. As the development process proceeds and does not meet the approval of the town, the town can then require BMR/CCC to withdraw the land exchange application. A separate process would begin to consider the development as to density, amenities, access, zoning, etc. He stated prior approvals given or considered on the original Battle Mountain project would not extend to the new project. He explained an annexation is a legislative process and is subject to a voter referendum. It was noted that the citizens will have plenty of opportunity to comment, no decision on any letter of support will be made until after the April 5, 2016 election so that the Council making the decision will be seated for at least two-four years.

Mr. Loren Bassel, Crave Communities Corp, introduced himself and assured the audience they are working to propose a quality project and they are sensitive to the issues and concerns of the community. He stated they are committed to continuing an open dialog which will help to create a vibrant and robust community.

At this point the citizens were invited to speak, comment, and ask questions.

- Mr. David Littleton, 515 Kings Ranch Rd, noted that the “loop” road they list as a forest road, is actually their private road. He stated the Kings Ranch would not allow access on that road. He stated this was brought forward several months ago and nothing has been addressed regarding this issue. He felt they are being bulldozed and blown off regarding this issue and felt this was “mistrustful”.
- Ms. Emily Martinez, 1010 Mountain Dr, stated there is also another private road in the area of Mountain Dr. that has not been addressed. She asked if the Town would receive a new water plant and how would that affect the water rights? Hawkeye stated questions would be answered at the next meeting when a full and correct answer could be given. She asked who would be doing the traffic studies and who would be paying for them? She felt it should be a neutral study. She recommended a study be done of the major employers on the wages paid and what is defined as affordable or attainable housing. She stated she was concerned with the water quality that would be in Bolts Lake and would that be the source of drinking water.
- Mr. Nat Lacross, 322 Taylor St., was opposed to any letter of recommendation for the land swap.

- Mr. Woody Woodruff, 344 Eagle St., stated he was on the Planning Commission when the original BMR project was approved. He stated that many items already agreed to have not been addressed such as traffic, wildlife corridors, water treatment plant, and mine waste cleanup. He noted in the original project the developer would be the owner/manager and would maintain the project. This proposal brings in a developer to do the project(s) and home owner associations to manage; this is a different management proposal. He felt it was important that we have a citizen vote prior to any letter being given or action being taken in the form of supporting the proposal. He stated it was the Council's job to carry out the desires of the citizens not their own desires. He felt the negotiations should be done before the letter is sent, he felt the original agreements should be made whole before we proceed, and he felt it was important that the majority of the citizens be in approval of the project before we proceed.

Hawkeye stated the old agreement goes away and we start anew with this proposal. The Battle Mountain project goes to the USFS and land is given in trade. The annexation, the units, the PUD, etc all start over. Mr. Woodruff stated the work that was done needs to be considered and he felt the previous agreement should be the starting point.

- Ms. Jill Koellhoffer, 434 Taylor St., spoke in opposition of the project. She stated the Council was an elected board and elected by the citizens. She stated they were not representing the citizens or the community. She stressed the importance of the open space and the existing access to those spaces. She felt the traffic and infrastructure would be over taxed and could not sustain the development nor benefit the Town.
- Mr. John Osterberg, 1716 Main St, stated he had attended a recent BMR/CCC presentation at which they proposed to abandon the land they had purchased and trade it to the USFS for public land. He stated a land swap would give private ownership of public land and would make the currently private land which is highly polluted with mine tailings public forest.
- Ms. Ann Foster, 1143 Main St, lives on Martine Creek and does not want the land developed.
- Mr. Jim Witler, 400 Pine St, spoke in opposition and encouraged the Town to oppose the proposal.
- Mr. Larry Stone, 201 Main St, stated he had spent lots of time at businesses that no longer exist. He stated that when they opened their store they had to move their business out of Town in order to survive. When they purchased a house they had to purchase outside of Town. He stated he trusts the Council is being open and is listening. He stated the community is changing, it is always changing but what we value in the community is the community. If we do not encourage good growth we will lose what we cherish in the community.
- Ms. Terry Armestead, 1632 Main St., presented a petition that is signed by over 200 people who are in opposition to the land swap proposal. She encouraged BMR/CCC to continue to be inclusive and to have an open door. She asked why we should start the process until we can get more input and possible buy in or at least direction. She felt CDOT was in the business of moving traffic. There is a lot of angst that CDOT will respond with raising the speed limit to move traffic more efficiently.

- Ms. Linda Osterberg, 1716 Main St, stated she did not see how the numbers of second homeowners will change with this project. Rather we will have more traffic and reduced quality of life. Stated they have an existing project that is not making money and their job is to make money for their investors irrespective of the community's desires.
- Mr. Leo Vasquez, 1092 Mountain Dr, spoke in opposition. He stated the Bolts Lake area is polluted with mine tailings and would not make a good water source.
- Mr. David Clapp, 392 Taylor St, spoke in opposition.
- Mr. Gary Gillman, 1901 Main St, SteamMaster. He spoke in opposition to the project. He stated when he built his building he was told the land behind him was forest land and would never be developed. He stated the annexation was approved on a number of promises such as the Gilman cleanup and that has not been done. He does not want Minturn to look like Eagle Vail.
- Ms. Juli Babcock, 381 Main St, spoke in opposition to the project. She felt this was not about affordable housing.
- Mr. Riley Babcock, 381 Main St., thanked the Town for the scholarship that assisted his college career. He spoke in opposition to the project as it did not solve problems it created more. He felt the increased traffic would be a negative. He felt the environmental issues in the Bolts Lake area could end up costing more than anticipated for the citizens. He felt adding more houses does not necessarily mean more citizens. Rather it would exacerbate the issues of low incomes and high costs. He stated he felt BMR/CCC was not being transparent, the maps they are using encroach on private property, and the promises they are making are not attainable.
- Ms. Margo Beeler, Edwards CO, spoke in opposition and was concerned that trading public land is just not right. She stated USFS land is sacred land.
- Mr. Frank Lorenti, 1081 Main St., spoke in opposition. He stated he was the one that forced the referendum on the Battle Mountain project in 2008. We were promised the sky and given nothing. The proposal is being done by Lupert Adler, he is in the business of making money. The original project they found was not feasible so now they want a new plan. He stated the Town has stated if there is not community support then the Town would not approve the proposal. He stated it does not have community support. He stated there was an issue with Eminent Domain, if they don't have access to the land they will get it via Eminent Domain.
- Ms. Sage Pierson, 151 Lions Ln, spoke that Council should be open to proposals. She felt the study work should proceed so that we have a complete proposal to consider. It is not set in stone but we should see what they are proposing.
- Ozzy O. read a letter from Mr. Andy Kaufman in support of the project and in support of further study of the proposal.
- Mr. Mason Davey, 432 Main St, spoke in opposition to the proposal. He is in support of development and felt the proposal might be worthy but it is not worthy of a USFS land swap. He felt they made a mistake buying the Battle Mountain land and now they want the public forest to pay the price.

Hawkeye called a 10min recess.

- Ms. Lynn Feiger, 344 Eagle St, suggested BMR/CCC give the Town some money to study the proposal properly like we did for the first annexation.
- Ms. Marybeth Heider, 740 Main, spoke in opposition. She stated Hwy 24 cannot be widened. She asked why is it Vail, or Minturn's job to handle the low income housing. She said growth in good jobs is more important than affordable housing.
- Ms. Tracy Long, 551 Main, spoke in opposition. She stated the Town is solvent we need to protect nature and the quality of life we currently have.
- Mr. Rob Davis, 1796 Main St, spoke in opposition, he stated there has always been an ebb and flow in our businesses in Town but we don't have to sell our Town to get it. He is against developing any land that is currently USFS. He stated the original Battle Mtn was approved, was voted on, and they should build there. He said Plan "B" is not an option and was opposed to any letter of support. He spoke of Sustainable Development.
- Mr. Lorenzo Martinez, 989 Main St, is opposed to the swap and feels this is our national heritage. He reviewed comments that were made by the Council in the recent past and felt affordable housing is not attainable without a fair wage. He felt it was wrong that we are asked to trust the developer and that they only speak the truth.

Council Comments:

John R. appreciated the comments and the letters received. A community is an engaged citizenry. He stated he is a member of the community and respects its needs. The work the Council is doing is to attempt to make the best deal possible.

Matt S. noted the importance of the citizens coming out and presenting their thoughts. He hopes this passion and energy can be included in the Community Plan as we go forward.

Ozzy O. felt the Town Council is following the public process. He feels he is out in the community and takes the concerns back to Council and his work. He stated he rents but he loves the Town. Homeownership is not a qualifier for community pride. He feels the dialog with the community and the developer is very good.

Shelley B. noted many of the more vocal citizens have pushed the Council to a better place. She was on the Board for the first annexation and it took months and months. She stated the Council is listening and hopes the citizens are listening. She stated the density is not guaranteed for the developer. She stated the process started in June and BMR/CCC is not doing enough work. They did a survey that only 15% of the participants were Minturn citizens. Now there is a new survey for the citizens if you are on Facebook. She stated north properties of Cross Creek, Grouse Creek, and Meadow Mtn are off limits in her opinion. She stated unless BMR/CCC own the property the Town cannot accept an application; the Council should only accept an application after any land swap. It is not Minturn's responsibility to solve the county's affordable housing problem; it a county wide concern. Bolts Lake existed but was breached because of a leak in the dam. It is not polluted, it has been certified clean, and it is not and never has been part of the Super Fund Site. She feels BMR/CCC is not listening to the community and they are trying to swap acre for acre, however the trade would be value for value. She stated she would not support any letter of support at this time.

Earle B. encouraged all to support the local businesses.

George B. was happy to see the citizen turnout and assured them he was listening. Several citizens in reply to questions spoke about the??????

Hawkeye stated this is a USFS process and they told Minturn if we didn't support it they would have more trouble getting approval and it would take longer. He stated that USFS swap would take land and give land. If the Battle Mtn land is swapped it would more than likely be a USFS condition that it be de-annexed. The land they swap for would only be in the Town if we annex it, just because the land swap occurs does not put it in the Town. Hawkeye noted that they have approval of 1700 units in the existing Battle Mtn annexation. We are very close to the legal challenges on the Battle Mtn being over and they will be allowed to develop. He stated the USFS operation plan has already started to shut down much of the Grouse Creek area.

Motion by Ozzy second by Shelley to deny sending the letter. Mike S., as a point of order, stated that the agenda item is a discussion item and could not be raised as a motion. As such it was withdrawn.

Mr. Woody Woodruff, 344 Eagle St, stated Battle Mountain is a Preliminary PUD not Final. If they change the housing or layout they have to get final approval. Mike S. stated the PUD as approved created certain land use rights however, yes, it would need final approval.

Mr. John Osterberg, 1716 Main St, asked why we would need to give final PUD because they have not cleaned up any of the mine tailings.

Hawkeye stated that the Board discussed the subject of the letter and decided it should be given to the next council in that we have only one more meeting.

Note: Shelley B. excused herself from the meeting at 10:55pm.

Hawkeye noted the council rules require a motion to continue after 11pm.

Motion by Ozzy O., second by Hawkeye, to move the remaining agenda items to the March 16, 2016 council meeting. Motion failed 1-5. (Note: Ozzy yea)

Motion by Earle B., second by Ozzy O. to continue the meeting. Motion passed 6-0. Note: Shelley B. was excused absent.

9. Discussion/Action Item: Consideration of Ordinance #01 – Series 2016 (Second Reading) An Ordinance approving the Grouse Creek Final Subdivision Platt – Hawkinson

Earle B. recused himself due to a conflict of interest.

Hawkeye opened the public hearing, no comment, closed public comment

Janet H. stated the changes discussed on first reading have been included.

Motion by Ozzy O., second by George B., to approve Ordinance #01 – Series 2016 (Second Reading) An Ordinance approving the Grouse Creek Final Subdivision Platt as presented. Motion passed 5-0. Note Shelley B. was excused absent and Earle B. had recused himself due to a conflict of interest.

10. Discussion/Action Item: Consideration of Ordinance #02 – Series 2016 (Second Reading) An Ordinance approving the Grouse Creek Subdivision Rezoning – Hawkinson

Janet H. reported there were no changes since first reading.

Public hearing opened, no comment, public hearing closed.

Motion by John R., second by Ozzy O., to approve Ordinance #02 – Series 2016 (Second Reading) An Ordinance approving the Grouse Creek Subdivision Rezoning as presented. Motion passed 5-0. Note Shelley B. was excused absent and Earle B. had recused himself due to a conflict of interest.

Earle B. resumed his seat.

11. Discussion/Action Item: Consideration of Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor St. – Hawkinson

Janet H. outlined the application and the conditions which warrant the recommended approval. Discussion ensued as to how the property setback will be measured in the future. Janet H. pointed that this is a variance for a practical difficulty caused by the neighboring properties retaining wall and is not a hardship.

Public Hearing was opened.

David Clapp, applicant, presented his case. This is a variance request for his property. He does realize this does not correct the issues all along Taylor St. and only corrects his issue.

Mike S. stated he felt we should table this issue in order to better memorialize the resolution as pertained to the measuring of the setback to make it more clear for future interpretation.

Public Hearing was closed.

Motion by Earle B., second by Johnie R., to continue Resolution 07 – Series 2016 a Resolution approving Variance Request 16-01 at 386/392 Taylor St. to the March 16, 2016 Council Meeting as presented. Motion passed 6-0. Note Shelley B. was excused absent.

COUNCIL AND STAFF REPORTS

12. Town Planner

- Planner Report

13. Town Manager

- Manager's Report

Bolts Ditch Lobbying and Legislation

Bolts Ditch legislation has been introduced into the House and Senate. The House Natural Resources hearing was held Feb. 25. Representative Polis's testimony is attached.

TAP Engineering

Discussions with Stolfus Engineering for scope of work, schedule and costs are ongoing. Jeff and Willy met with Stolfus on Feb. 25 to discuss the revised scope. Stolfus is to deliver the revised scope, schedule and pricing the week of Feb. 29.

We received from the state the fully executed TAP grant contract. This means we can begin the engineering project once we have the executed professional services contract with Stolfus.

Stolfus would like to tie Minturn's planning with the CDOT repaving planning so the projects are fully integrated. Under this schedule we would have preliminary planning by June, 2016. This is will mean a full-on planning, public engagement and Council/PZ effort during the next several months.

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. We have not received comments back from our discussions and we are pressing hard to have them produced.

On Tuesday, March 1, Jeff Spanel, Janet and Willy will discuss sending the project out for bid, absent of CDOT's comments. The items we are discussing would not result in and substantial changes to the plans and we would have unit costs for any of the changes. We will brief you at the meeting.

- Action Report

14. Town Council Comments

Hawkeye noted his appreciation for all the citizen input during the BMR/CCC discussion.

Matt S. highlighted the very successful Skijoring event and thanked those involved.

15. Town Attorney

FUTURE AGENDA ITEMS

16. Next Meeting – March 16, 2016

- Holy Cross Powder Hounds – Powell 03/16/16
- Res 7-2016

17. Future Meetings:

- Work Session – Review of Job Descriptions - Powell
- Work Session on housing – Hawkinson
- Clear Vision areas on Town street corners - Hawkinson

18. Set Future Meeting Dates

a) Council Meetings:

- March 16, 2016
- April 6, 2016
- April 20, 2016

b) Planning & Zoning Commission Meetings:

19. Other Dates:

20. Adjournment

Motion by Earle B., second by John R., to adjourn at 11:50.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Planner Report

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

3/2/2016

J Hawkinson, Planning Director

APPLICANT: David Clapp - 970-390-3018

REQUEST: Variance for a front yard setback from 20' to 10' in the Game Creek Character Area

LOCATION: 386 & 392 Taylor Avenue, Lot 7A Block C, Lot 10A Block C

APPLICATION SUBMITTED: February 5, 2016

PLANNING DIRECTOR RECOMMENDATION:

To approve variance upon the conditions as listed and defined per code (see below).

PLANNING COMMISSION APPROVAL: February 24, 2016

PUBLIC NOTICE: Agenda posted at Town Hall and on website - certified letters sent to residents 250 feet from site - sign posted on site - 10 days in advance of hearings - mailing and postings for Final Subdivision Plat & Zoning Change on February 12, 2016

AS PER CODE: SECTION 16-21-690

VARIANCE REQUEST & SITE ANALYSIS:

Requested Variance: A front setback of 10 feet from the southwest corner of each property parallel with Taylor Avenue, so that new homes are parallel with the street and not at an angle with the street, allowing for on site parking, 2 garages and a shared driveway.
To also create an improved street scape for Taylor Avenue & front yard landscaping.
To also increase safety from the 18' blind area caused by the 5' + retaining wall that blocks views entering onto the street.

GAME CREEK SETBACKS: -20' front -5' side yards -10' rear -30' creek

VARIANCE SECTION 16-21-690 (1) - see photos

“Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance”

- No - there is no cost or inconvenience to applicant as the reason for seeking this variance

VARIANCE SECTION 16-21-690 (1) ---see photos

“In order to lessen **practical** difficulties..... inconsistencies with the objectives of this Chapter...result from strict or literal interpretation and enforcement, variances from certain regulations may be granted.”

Do Extraordinary Conditions Applicable to the Site of the Variance create a situation in which the strict interpretation of the specified regulation result in practical difficulty inconsistent with the zoning code?**YES:**

- This is a “practical difficulty”
- The neighbors retaining wall 18’ in Taylor Street right of way has created a non-uniform front street - affecting the front street scape of 386 property
- The north neighbors height of retaining wall and construction 18’ into right of way result in a front setback for the 386 & 392 houses of 40 feet from Taylor Avenue.
- The objectives of the Chapter for front yard setbacks are to create a nice street scape with one house not being closer or blocked by another house - the practical difficulties from the neighboring property are inconsistent with the objectives of this Chapter
- A 10’ setback on these 2 properties enforce the objectives of this Chapter for creating better street scape, front yards and off-street as well as on -street parking

VARIANCE SECTION 16-21-690 (2) (3): ---see photos**Are There Extraordinary Conditions Applicable to the Site of the Variance That Do Not Apply Generally to other Properties in the Same Zone:****YES:**

- the front property line does not run parallel with Taylor Avenue
- the north property built a raised driveway and retaining wall 18’ into the right of way of Taylor Avenue - the homes sit back off the road average 40’ up hill with a shared driveway
- these circumstances result in a front setback from the existing homes of 40’ from edge of pavement of Taylor Street - this has created parking problems, lack of front yard appeal and street appeal

MINTURN CODE SECTION 16-1-20 (a) PURPOSE OF PROVISIONS:

“This Chapter is drawn in accordance with the Minturn Community Plan and is intended to implement said Community Plan. The purpose of this Chapter is to encourage the most appropriate use of land, to preserve and promote the Town’s economy, heritage and small town qualities, and it is designed to promote the health, safety, welfare and convenience of the citizens of the Town by:”

(2) “Providing suitable transitions between areas of different land uses;”

(5) “Minimizing adverse impacts on landowners from incompatible neighboring developments and conserving the value of property”

This Variance is in accordance with this code.

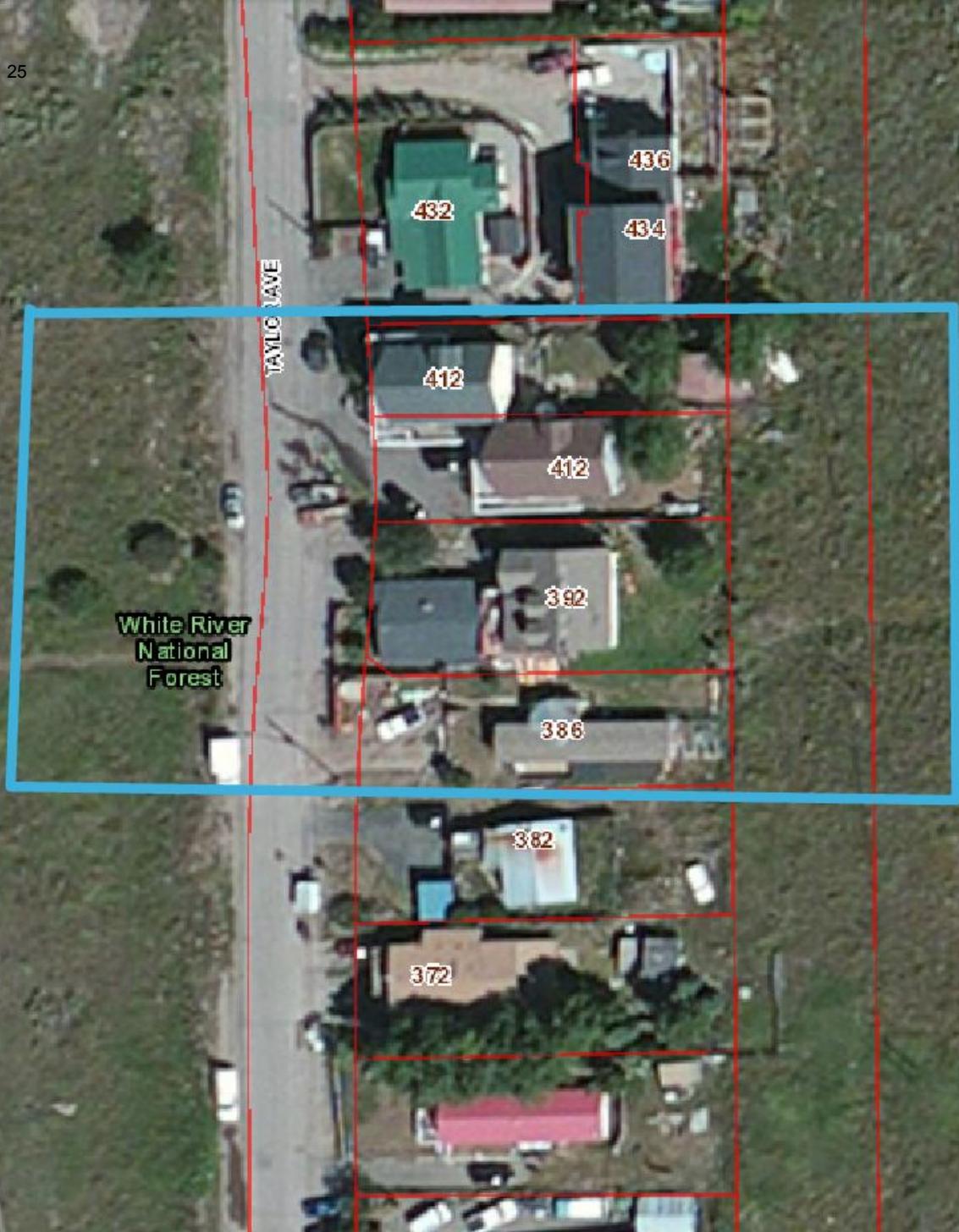
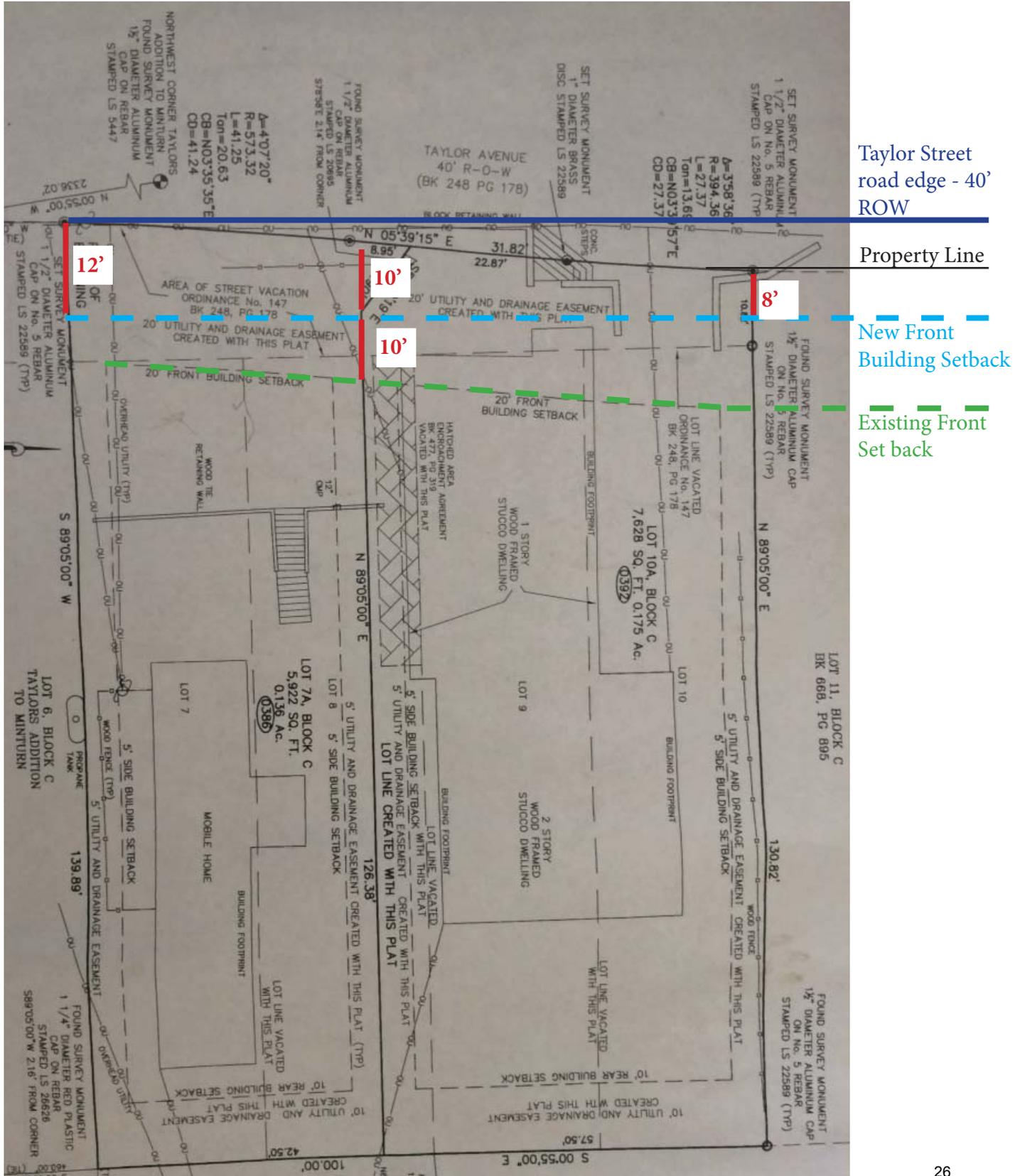


Exhibit A

Clapp Variance for a straight front building setback with Taylor Street.

The shared lot line will be used as the median for the 10' front setback and the straight line to be measured from this point - varying with width per angle of lot line in relation to road edge - to create the face of buildings parallel with the street.





VARIANCE PERMIT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

302 Pine Street – PO Box 309
Minturn, CO 81645
(p) 970-827-5645
(f) 970-827-5545

Applicant: <u>David Clapp</u>	Address of: <u>386 + 392 Taylor Ave</u>
Signature: <u>[Signature]</u>	Requested Variance: <u>Lot 7A Block C, Lot 10A Block C</u>
Property Owner (if different from applicant): (an affidavit of authorization must be included) <u># 970-390-3018</u>	(name) <u>MIXDBCLAPP@YAHOO.COM</u> (signature) _____

Please respond to the following questions regarding the variance request

Please describe the nature of the requested variance: A front setback 10 feet from the south west corner of each property parallel with Taylor Avenue.

Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone? (if yes, please elaborate) Yes, the front property line does not run parallel with Taylor Avenue. Coupled with a retaining wall encroaching 18 feet into Taylor Avenue after the North West property corner

Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code? (if yes, please elaborate) Yes, these circumstances result in a front setback of 40 to 30 feet from Taylor Avenue

The Planning Commission and Town Council are required to make the following findings before granting a variance:

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

Date received <u>8-10-15</u>	Planner <u>[Signature]</u>
Fee Paid <u>\$700.00</u>	Signature <u>[Signature]</u>

PAID \$700.00 ON FEBRUARY 5, 2016
9A

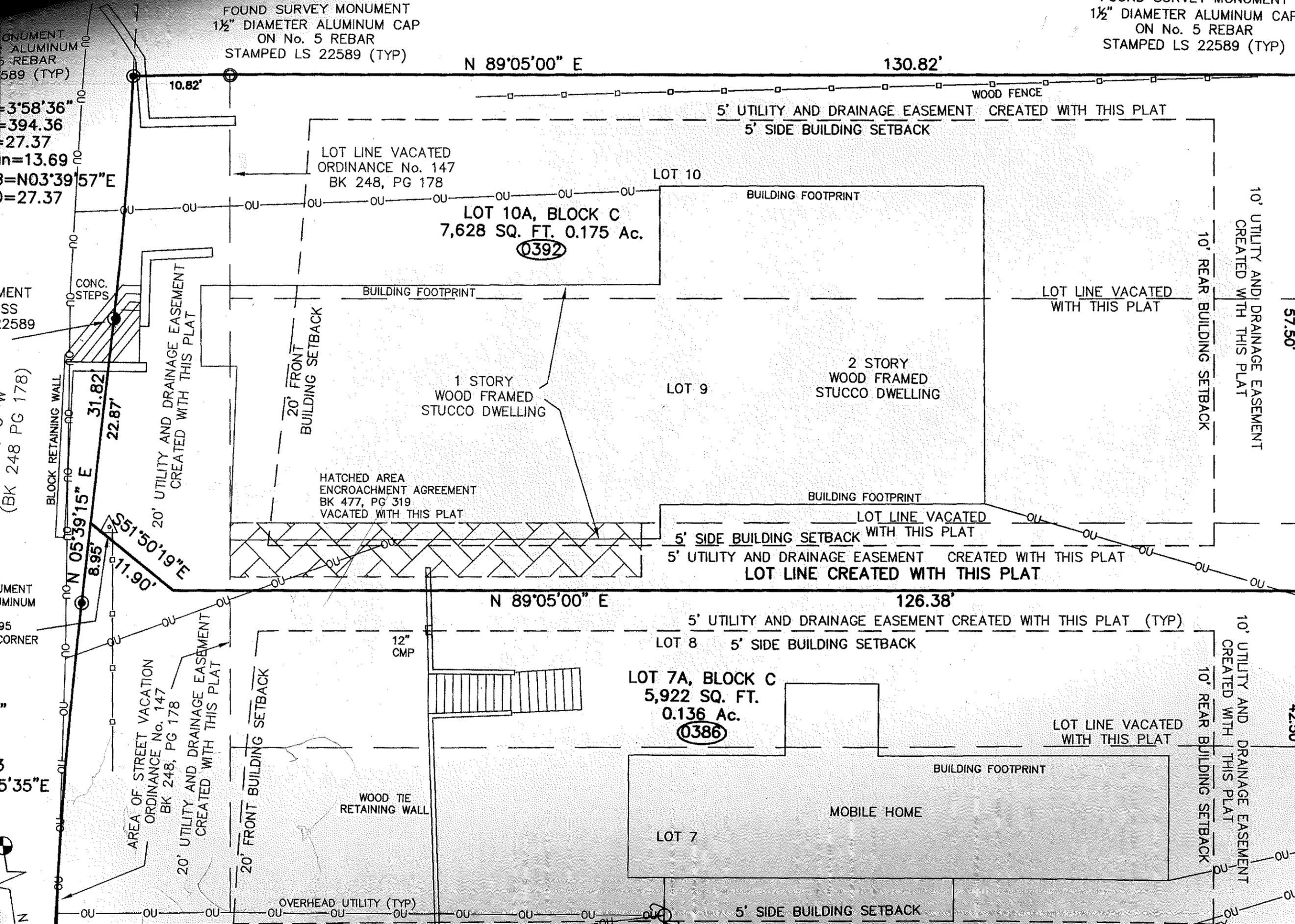
February 11, 2016

Applying for this variance my intent is to have my property conform with Taylor Street and the Game Creek neighborhood, making the front of the property visually pleasing and functional. The property to the north has a retaining wall/driveway that encroaches 20 feet into Taylor Street. Couple this with my front property line at an angle not parallel to Taylor Street, the result being an actual setback of 45 feet. Currently the properties have structures that I eventually want to replace. 392 Taylor Street has an old "miner" house without a foundation in the front that I want to replace with a Garage with living space above. 386 Taylor Street currently is home to a trailer where I would like to build a duplex. I would like to move forward and start the planning process with the front setback not being the burden that it is now. I would also like to note that the front setback for the Game Creek neighborhood is twenty feet, which is inconsistent with other areas of Minturn. The previous five town planners have told me they don't know the reasoning behind this. Thank you.

David Clapp
392 Taylor Street
Minturn, CO 81645
(970)-390-3018

LOT 11, BLOCK C
BK 668, PG 895

FOUND SURVEY MONUMENT
1 1/2" DIAMETER ALUMINUM CAP
ON No. 5 REBAR
STAMPED LS 22589 (TYP)



FOUND SURVEY MONUMENT
1 1/2" DIAMETER ALUMINUM CAP
ON No. 5 REBAR
STAMPED LS 22589 (TYP)

N 89°05'00" E

130.82'

5' UTILITY AND DRAINAGE EASEMENT CREATED WITH THIS PLAT
5' SIDE BUILDING SETBACK

LOT LINE VACATED
ORDINANCE No. 147
BK 248, PG 178

LOT 10

BUILDING FOOTPRINT

LOT 10A, BLOCK C
7,628 SQ. FT. 0.175 Ac.
(0392)

BUILDING FOOTPRINT

LOT LINE VACATED
WITH THIS PLAT

10' UTILITY AND DRAINAGE EASEMENT
CREATED WITH THIS PLAT

10' REAR BUILDING SETBACK

57.50'

S 00°55'00" E
GRANT AVENUE 50' R-O-W
TAYLORS ADDITION TO MINTURN

1 STORY
WOOD FRAMED
STUCCO DWELLING

LOT 9

2 STORY
WOOD FRAMED
STUCCO DWELLING

BUILDING FOOTPRINT

HATCHED AREA
ENCROACHMENT AGREEMENT
BK 477, PG 319
VACATED WITH THIS PLAT

LOT LINE VACATED
5' SIDE BUILDING SETBACK WITH THIS PLAT
5' UTILITY AND DRAINAGE EASEMENT CREATED WITH THIS PLAT
LOT LINE CREATED WITH THIS PLAT

(TIE)
FOUND SURVEY MONUMENT
1 1/2" DIAMETER ALUMINUM
CAP ON REBAR
STAMPED LS 20695
N85°03'E 12.22' FROM CORNER

N 89°05'00" E

126.38'

5' UTILITY AND DRAINAGE EASEMENT CREATED WITH THIS PLAT (TYP)
LOT 8 5' SIDE BUILDING SETBACK

LOT 7A, BLOCK C
5,922 SQ. FT.
0.136 Ac.
(0386)

LOT LINE VACATED
WITH THIS PLAT

10' UTILITY AND DRAINAGE EASEMENT
CREATED WITH THIS PLAT

10' REAR BUILDING SETBACK

42.50'

CERTIFICATE OF TA

I, the undersigned,
assessments due
upon all parcels of

Dated this 19th

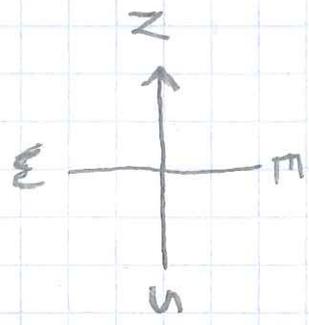
Karen J. Ph...
Treasurer of Eagle

CLERK AND RECORD

This Plat was filed

1:23 o'clock

- NOTES:
- 1) The purpose of this plat is to show the platted lot lines in Book 477 at the Eagle County Drainage easement.
 - 2) Survey Date:
 - 3) Basis of bearing and distance for marking the west line of Grant Avenue Addition to Minturn Office dated June 1976.
 - 4) The legal descriptions were derived from the Title Commitment Company, dated June 1976 and recorded in the Eagle County.
 - 5) There are no other improvements shown.
 - 6) Addresses are as shown on the Eagle County Com...
 - 7) Due to three different owners certain improvements...
 - 8) NOTICE: According to the plat based upon any discrepancies discovered such as in this survey be certified as shown.



 = 4 Feet sq. ft.

Lot 11, Block C

36 x 36, 2 Story
Wood frame,
Stucco dwelling,
with foundation

392 Taylor Avenue
Lot 10 A, Block C

3936 Taylor Ave.
Lot 7A, Block C

Pictures 1 + 2

Retaining wall

Driveway

Retaining wall
34'

Picture #6

Property line

18'
Picture #3

Picture #4

Property setback 10'

Property line

Property setback 10'

Property line

Telephone pole

Functioning Taylor Avenue is 22 Feet wide paved

Picture #5



#3

#3



#4

#4



#5

#5



#6

#6

NOTICE

LAND USE PROPOSAL

VARIANCE REQUEST FOR FRONT
SETBACKS

PUBLIC HEARINGS WILL BE HELD:

Planning Commission: February 24, 2016 - 6:30pm

Town Council: March 2, 2016 - 6:30 pm

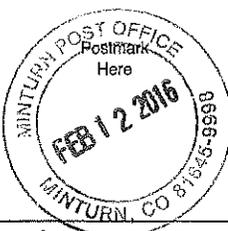
Minturn Town Hall - 302 Pine Street - Minturn

7015 1660 0000 6225 0454

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<input type="checkbox"/> Return Receipt (electronic) \$	
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Postage \$.49	
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Street and Apt. No., or PO Box No. Box 67	
City, State, ZIP+4® Minturn, CO 81645	

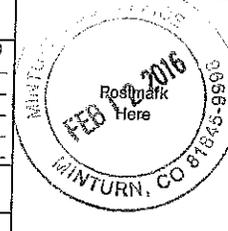
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Street and Apt. No., or PO Box No. Box 231	
City, State, ZIP+4® Minturn CO 81645	

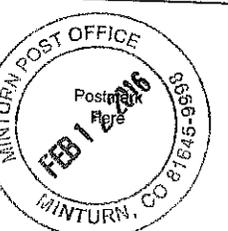
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Street and Apt. No., or PO Box No. 1255 Belkire St	
City, State, ZIP+4® Denver, CO 80220-2421	

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

2540 5225 0000 6225 0492

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Sent To Craig Congdon	
Street and Apt. No., or PO Box No. 1857 S Lincoln St	
City, State, ZIP+4® Denver, CO 80210-3112	

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

7015 1660 0000 6225 0508

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Street and Apt. No., or PO Box No. Box 235	
City, State, ZIP+4® Minturn, CO 81645	

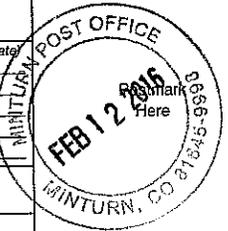
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)	
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Sent To Barbara + Martin O. Rubin	
Street and Apt. No., or PO Box No. 8000 E 6th Ave	
City, State, ZIP+4® Denver, CO 80230-7071	

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

7015 1660 0000 6225 0525
2250 5229 0000 0997 5102

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OFFICIAL USE

Certified Mail Fee \$ 3.45	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
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Postage \$.49	
Total Postage and Fees \$ 3.94	
Sent To Helen + Emedardo Espinosa Street and Apt. No., or PO Box No. Box 448 City, State, ZIP+4® Minturn, CO 81645	

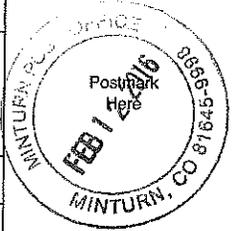
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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

A RESOLUTION APPROVING LAND USE APPLICATION
VARIANCE 16-01

WHEREAS, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-10 and

WHEREAS, public notice was given pursuant to Minturn Municipal Code Section 16-21-610, and

WHEREAS, on March 2, 2016, the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16-21-230, and

WHEREAS, pursuant to Minturn Municipal Code Section 16-1-20, the most appropriate use of land is allowed to be used with the variance, and

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-30, the Town Council makes the following findings:

- There are exceptional conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- The exceptional conditions of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in unnecessary physical hardship inconsistent with the objectives of this chapter;
- The granting of the variance would not be materially injurious to properties or improvements in the vicinity and would not result in substantial impairment to the purposes of the zoning code;

- The most appropriate use of land is being granted with this variance

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

THAT the application for a Variance for 386 and 392 Taylor Avenue, Lot 7A Block C, File NO. VAR 16-01, be approved subject to the following conditions:

- The front yard setback shall be measured at a point between 10 feet and 8 feet from the property boundary adjoining Taylor Street depicted on Exhibit A.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 2 day of March, 2016

TOWN OF MINTURN

By: _____

Mayor

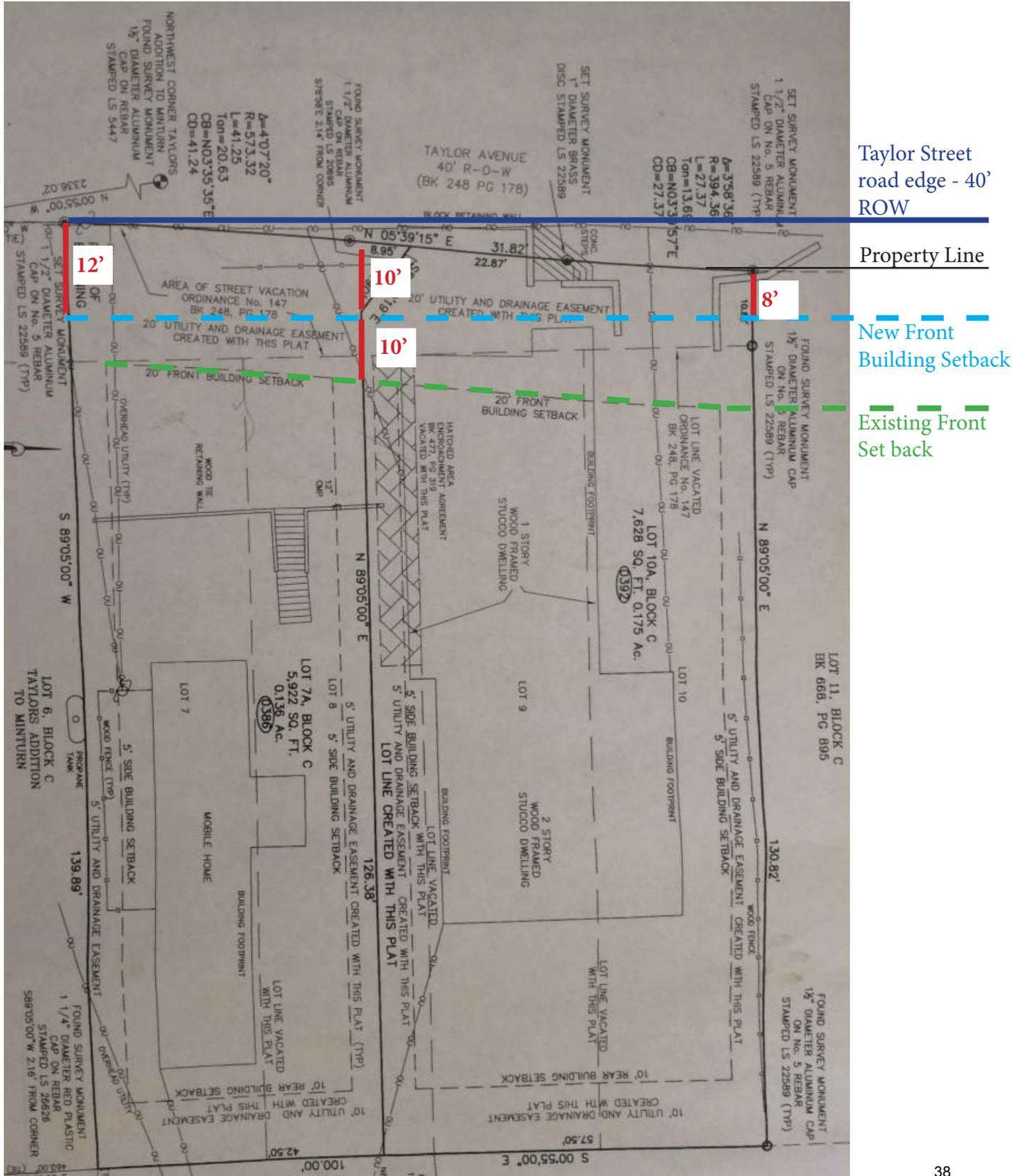
ATTEST

Town Clerk

Exhibit A

Clapp Variance for a straight front building setback with Taylor Street.

The shared lot line will be used as the median for the 10' front setback and the straight line to be measured from this point - varying with width per angle of lot line in relation to road edge - to create the face of buildings parallel with the street.



**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 08 – SERIES 2016**

**A RESOLUTION IN SUPPORT OF
EAGLE RIVER FIRE PROTECTION DISTRICT ON
BALLOT QUESTION: A**

WHEREAS, the elected Board of Directors of Eagle River Fire Protection District has placed before Eagle County voters a question which seeks to generate funds for needed capital improvement projects through the issuance of Voter-authorized municipal bonds, and

WHEREAS, Eagle River Fire Protection District provides fire protection to Eagle County communities from Tennessee Pass to Wolcott, serving as the largest fire protection agency in Eagle County, and

WHEREAS, the construction of a new fire station in Edwards and a joint public safety facility in Avon, to be utilized by Eagle River Fire Protection District and Avon Police, would greatly improve the District's response times and allow for better strategic positioning of critical apparatus, and

WHEREAS, creation of a training facility in Minturn would allow Eagle River Fire Protection District personnel and equipment to remain within the District while conducting necessary training, so the staff can remain available to respond to calls, and

WHEREAS, the Board of Directors of the Eagle River Fire Protection District has chosen to put on the May 3, 2016 Special District General Election Ballot a proposal to fund the construction of these important public safety facilities, and

WHEREAS, we, the elected members of the Minturn Town Council, located in Minturn, Colorado, recognize the contributions of Eagle River Fire Protection District to our community's public safety and protection of property, and hold the Eagle River Fire Protection District in esteem, and

WHEREAS, we believe it to be in the best interest of the citizens of the Town of Minturn and of Eagle County to support this ballot proposal, numbered A, and urge our citizens to cast an affirmative YES vote on Ballot Question A; and

WHEREAS, the Colorado Fair Campaign Practices Act expressly authorizes local governments to adopt and distribute in normal fashion a Resolution regarding any ballot issue of import to that local government,

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT WE AFFIRMATIVELY SUPPORT FIRE BALLOT QUESTION "A", AND FURTHER DEMONSTRATE OUR SUPPORT BY APPROVING THIS RESOLUTION.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 6TH day of March, 2016.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

BUILDING A SAFER TOMORROW



SUMMARY OF THE EAGLE RIVER FIRE PROTECTION DISTRICT MAY 3, 2016 BALLOT QUESTION:

EDWARDS FIRE STATION ■ FIRE TRAINING FACILITY AVON JOINT PUBLIC SAFETY FACILITY

On May 3, 2016, Eagle River Fire Protection District (ERFPD) will be asking voters to support the issuance of \$25 million in general obligation bonds to fund ERFPD's portion of a Joint Public Safety Facility in Avon, which will allow for the relocation and enlargement of the Avon Fire Station, to build a larger and more modern station in Edwards, and to construct a much-needed Fire Training Facility. The Avon Joint Public Safety Facility is a collaborative partnership with the Town of Avon, and will relocate both ERFPD and the Avon Police Department out of the pedestrian core, improving response times and increasing public safety. Approval of the ERFPD ballot question will result in a very modest temporary tax increase (approximately **\$4-\$10 per month for most homes**). Continued development and population growth is predicted throughout Avon, Edwards and the rest of the ERFPD service area. These new facilities are essential to providing the highest levels of fire and emergency response to serve and protect area families, visitors, homes, businesses and roadways for the next 50 years and beyond.

Please Support Your Fire District by Voting YES on May 3rd!

EDWARDS FIRE STATION AND FIRE TRAINING FACILITY

EDWARDS STATION:

Growth in Edwards and the surrounding areas is testing the ability of the Edwards station to effectively respond to the Edwards community even as it exists today. Any future growth will strain the entire system upon which the District relies, making it more difficult to continue to provide rapid and effective response to structure fires, wildland fires, medical calls and other emergencies.

The Edwards Fire Station is located on Highway 6, just west of Edwards Village Boulevard and next to the campus which houses Eagle County Paramedic Services. The location provides easy access to the Edwards Core and I-70. The current building was built in 1985 as a temporary structure, primarily intended to provide fire protection to Homestead, Berry Creek and Arrowhead, all of which were still being developed. It predated the development of most of the Edwards commercial center, including the Riverwalk.

The building is not structurally sound, and significant capital improvements would be required just to maintain a facility that has long outlasted its intended lifespan. An expanded station will also allow the District to house reserve and highly specialized equipment centrally.

• **Location**

The Fire District spent a considerable amount of time conducting due diligence and evaluating the current location as well as other available options. Ultimately, studies determined that the existing location provides a quick and effective response to:

- ❖ I-70 for vehicular emergencies
- ❖ Homestead and Lake Creek neighborhoods
- ❖ Edwards core and business districts
- ❖ Singletree/Berry Creek neighborhoods
- ❖ Red Sky Ranch and Bellyache Ridge neighborhoods
- ❖ Future development west of the Edwards core, including Wolcott

• **Meets Long Term Facility Needs**

The existing fire station is 3,650 square feet; it contains two small bays and houses four firefighters. The size of the station severely limits the type and number of apparatus which can be housed on-site. The building has outlasted its useful life and cannot be repurposed as a larger station as it is not structurally sound enough to support renovations, let alone additions such as additional bays and crew quarters.



Edwards Fire Station architectural rendering

A larger, more modern facility is required in order to effectively respond to the current and future safety needs of the entire District. The new design would replace the current aged building in the same location, and includes four appropriately-sized bays capable of accommodating modern firefighting apparatus as well as specialized equipment needed for operational response such as hazardous materials and ice rescue.

The new station is being designed as a 50+ year facility capable of serving the needs of the area's projected growth. While timing of that growth is unclear, the District's intent is to ensure it can continue to provide the professional service levels its communities have come to expect. As the Edwards area continues to grow, the building will accommodate the needs of a dual company station, which includes eight firefighters, capable of responding with two apparatus or to simultaneous calls.

FIRE TRAINING FACILITY:

Training is the backbone of any professional fire service organization. Ensuring that our organization remains one of the best trained, well-equipped professional fire safety agencies in Colorado is one of our highest priorities. ERFPD responds to all risks including acute medical emergencies, hazardous materials releases, technical rescue and extrication incidents, as well as suppression of structural and wildland fires. As a result, firefighters are continually learning and practicing the latest techniques on a multitude of specialized scenarios.

Currently ERFPD's closest training facilities require travel to Summit County or down valley to Dotsero. Both locations take companies out of service and unable to respond. A centrally located facility such as Minturn would allow ERFPD to train locally, as well as provide a facility for use by partner agencies such as law enforcement and other fire districts.

• **Location**

ERFPD is still conducting due diligence and evaluating locations throughout the District. Currently, we are discussing possibilities with the Town of Minturn to locate a roughly 4,800 square foot training structure on land near the cemetery. Although details are still being finalized, the ballot question includes estimated costs for a proposed training facility that would support critical classroom and hands-on training needs.

JOINT PUBLIC SAFETY FACILITY IN AVON

BUCK CREEK LOCATION:

ERFPD and the Town of Avon have been evaluating the potential for a joint facility for fire and police services for several years. The Buck Creek parcel (Lot 1B, located on Nottingham Rd. and Swift Gulch Rd.) was selected following detailed site analyses by each agency and found to be the preferred site for emergency response and interagency partnership.

The building that houses the current Avon Fire Station was constructed in 1980; since that time, the size of firefighting apparatus has increased and the bays cannot accommodate modern apparatus such as the ladder truck, which currently is located 15-20 minutes away from the core of Avon where it is needed most. Even if the building could be retrofitted to accommodate the increased height requirements, an old water tank is buried under the existing apparatus bays, making it incapable of supporting the weight of a ladder truck.

In addition to the functional deficiencies, significant capital improvements will be required just to maintain the building (e.g., roofing, balconies, painting, doors, etc.). Investing significant dollars for renovation on a facility not owned by the District is not prudent, and maintenance and repair costs continue to grow on an annual basis. The new station will also be capable of housing additional equipment, currently located in non-operational stations, which adds to operating costs and places important specialized equipment in less than optimal locations.

• **Improved Response Times**

The District has spent considerable time studying the effect the new Avon location will have on response times, and has determined that not only will response times improve in areas such as Wildridge, Mountain Star, Singletree and Berry Creek, but moving the station out of the congested Town core will improve public safety by removing the need to respond through a heavily-used pedestrian area. The Buck Creek site is a strategic location providing improved response to ERFPD's regional service area, including:

- ❖ I-70 for vehicular emergencies and quick access to the Walmart/Traer Creek area
- ❖ Wildridge and Mountain Star neighborhoods
- ❖ Avon core and business districts
- ❖ Singletree and Berry Creek neighborhoods

• **Meets Immediate and Long Term Facility Needs**

A comprehensive site and facility analysis by Davis Partnership Group, a Denver-based architectural firm, found the Buck Creek site capable of meeting the facility needs of both agencies. The site can accommodate the operational needs of both fire and police, including parking, as a 50+ year facility.

• **Cost Savings**

A successful negotiation for the Buck Creek site resulted in the Fire District obtaining significant long term debt savings that will save taxpayers approximately \$3.5 million over the life of the debt. Both agencies benefit from shared construction costs for building components such as utilities, foundation, roofing, mechanical and exterior siding.

• **Improves Safety**

Current fire and police facilities are located in the congested pedestrian core of Avon near Nottingham Park, the Recreation Center, Library and bus stops. Access is slowed by year-round local and tourist activity. Private vehicles, buses, bicyclists and pedestrians share the egress streets with fire engines and police patrol cars.

• **Meets 50+ Year Build-out Projections**

The proposed joint facility provides shared space for combined agency training and meeting needs, as well as:

- ❖ Accommodates relocation of the ladder truck to the Avon core, a key component of ERFPD's system for rapid and effective response to structure fires, including multi-story buildings, and other emergencies
- ❖ Facilitates police and fire working collaboratively on a day-to-day basis
- ❖ Meets all staffing, equipment, storage and operational needs for the next 50 years and beyond



FREQUENTLY ASKED QUESTIONS

Q. Who is Eagle River Fire Protection District (ERFPD)?

A. Organized in 2000 as a regional fire district, ERFPD is a professional, full-service fire agency which operates a network of five full-time staffed fire stations (one by contractual agreement) equipped to protect residences, businesses, rural areas, high-rise resort hotels and forested areas throughout the District. Each station houses the workhorse of a fire response agency, the all-purpose engine; however, modern fire apparatus is growing larger and more specialized.

The typical station also houses supplemental equipment specific to the risks within that station's primary response area. Every station is staffed with four on-duty firefighters 24 hours a day, with all stations providing backup and supplemental resources to each other. ERFPD responds to all risks including acute medical emergencies, hazardous materials releases, technical rescue and extrication incidents, as well as suppression of structural and wildland fires.

The District's primary goal is to ensure that our communities receive consistent, reliable emergency services at a reasonable cost. Its service area covers approximately 186 square miles, including five different municipalities and metro districts with over 25,000 residents. ERFPD's coverage area stretches from Tennessee Pass to Minturn on Hwy 24, and west along Hwy 6 and I-70 to Wolcott; the population protected by the District increases exponentially during the summer and winter tourism seasons.

Q. What's on the Ballot?

A. Eagle River Fire Protection District (ERFPD) is seeking approval for its share of funding for a new joint Public Safety Facility, to rebuild the Edwards fire station and to construct a much-needed training facility. Ballots will be mailed to registered voters on April 11, 2016 with the following request:

ERFPD VOTERS: Approval for ERFPD to sell \$25 million in general obligation bonds in order to better serve the citizens of the District. The bond issue will be used to implement the District's critical facility plan, which includes building a new fire station in Avon to improve response times throughout the town's boundaries as well as facilitating the relocation of the District's ladder truck to the urban core.

The funding would also be used to rebuild the aging Edwards fire station, which was built as a temporary structure in 1985. Both buildings have for some time been inadequate to meet the needs of modern firefighting operations and apparatus.

Lastly, funding would be used to construct a much-needed training facility.

Q. What is the Purpose of the Requested Funding?

A. The funding is being requested to construct ERFPD's share of a 26,700 square foot building that would serve as a Joint Public Safety Facility, which would be shared with the Avon Police Department. The 15,000 square feet of the Fire District portion of the facility would function as a regional station, capable of housing more than one company as growth occurs. The facility is being designed to address current service capabilities **and** anticipated growth for the next 50+ years.

Funding will also provide for the rebuilding of the Edwards Station at its existing location and future development of a much-needed training facility. The new Edwards fire station will be just over 18,000 square feet and also includes space for the District to expand the facility to a dual-company station when needed due to anticipated development and population growth. Size of the training facility is still being determined; however current estimates are somewhere around 4,800 square feet.

Q. Why Does ERFPD Need New Fire Stations NOW?

A. ERFPD has the responsibility to provide a system that appropriately meets the community's need for fire protection and emergency response. Fulfilling this responsibility requires the District to respond to fires and other emergencies with an effective response force comprised of the appropriate number of fire engines, ladder trucks, and firefighters, all arriving in time to save lives and protect property.

While planning to best serve the community's current and future needs, the Fire District must take into account the scarcity of suitable land, which will most likely grow even scarcer and more expensive. After researching and evaluating suitable locations for several years, ERFPD has determined it is more cost-effective to build fewer fire stations, utilizing land it already owns.

Because the District operates as a system in which each engine company depends on the resources of other companies for many incidents, and because the District does not want to keep going back to the voters to request additional funding, the intent is to combine the costs for the new facilities into one bond request that will allow the District to implement its critical facility plan by replacing deficient stations in a cohesive and coordinated manner.

These stations will be built with the capability to house more than one company in the future, so that the District can appropriately respond to projected increases in the District's call load. A dual company station is capable of permanent staffing by eight firefighters, allowing for response by both an engine company (focused on rescue and interior fire suppression) and a ladder truck company (second due and focused on exterior fire suppression, usually through the roof).

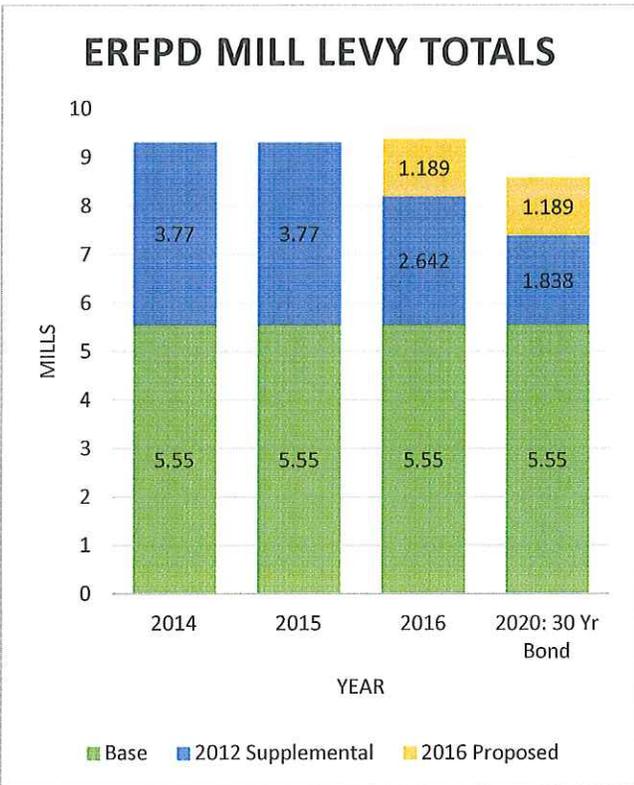
Q. What is the History of the Joint Public Safety Facility?

A. The concept began several years ago when Avon Police Chief Bob Ticer and Eagle River Fire Protection District Fire Chief Karl Bauer met over a cup of coffee to discuss their mission and desire to serve the community at the highest levels. And so the journey began.....

In early 2014, the Town of Avon and ERFPD formally began exploring the concept of a combined Public Safety Facility, after determining that respective facilities were outdated and insufficient to meet the current and projected needs of each department. Both entities agreed that a combined facility would improve operations and efficiency by significantly reducing response times, increasing collaboration and reducing expenses through shared cost savings.

The Nexcore Group LLC approached ERFPD in late 2014, with an offer to purchase Lot 1A in Avon for a medical complex. Concurrently, Lot 1B became available. ERFPD agreed to sell Lot 1A and purchase Lot 1B, subsequently reducing its long term debt by roughly \$2 million and saving taxpayers approximately \$3.5 million over the life of the debt. The transaction was completed in the spring of 2015.

Lot 1B is centrally located in Avon and provides both police and fire an excellent location for response to the Town Core, Traer Creek, Wildridge/Mountain Star, and Interstate 70. Lot 1B is located between Buck Creek Road and Swift Gulch Road, next to the new Buck Creek Medical Plaza.



Q. How much will the proposed bond issue cost me, personally, as an ERFPD taxpayer?

A. It is currently estimated that a residential property valued at \$500,000 would pay about **\$3.94 per month or \$47.31 annually**. That amount may decrease as new properties come onto the tax rolls and the bond debt is spread over a greater number of property owners. The bond issue election establishes a maximum amount of debt the District may incur and the maximum interest rate it may pay; if the District reduces costs of the project or secures a lower interest rate, it will reduce the amount of debt it will incur and, therefore, it will reduce the cost to the District's property owners.

The District is fully cognizant that this bond issue is in addition to our request in May 2012 for a mill levy increase which allowed the District to stabilize our revenue stream at the 2010 level and keep our four stations open 365 days/year. ERFPD is pleased to report that the increase approved as Ballot initiative 5A is operating as intended. In 2015, the mill levy stood at 9.32, which is the combination of the base mill of 5.55 and the supplemental mill of 3.77. With improving real estate valuations, in 2016 we estimate the additional mill will reduce from 3.77 to 2.642. Our longer range forecast is that by 2020, the 5A mill will further reduce to 1.838 mills.

The chart to the right provides a graphical presentation of this expected trend.

Q. What Happens if Either Election Fails?

A. If either election fails, ERFPD and the Town will evaluate the outcomes and determine next steps. A delay in new facilities will result in an increasing degradation of response times to emergencies. Resources will be further strained and the quality of service may be negatively impacted. ERFPD's ladder truck will continue to respond from the Cordillera station. Both agencies will also continue to incur additional operating expenses due to significant capital improvements required to maintain the existing outdated facilities.



ERFPD BALLOT QUESTION

Ballot Question:

Shall Eagle River Fire Protection District debt be increased \$25,000,000 with a repayment cost of up to \$40,000,000, and shall District taxes be increased \$1,300,000 annually to pay such debt and shall such debt pay for capital improvements, including:

- Constructing a new Avon Fire Station at a new location, replacing the existing Avon Fire Station in order to improve response time along I-70 and elsewhere, provide for an aerial ladder truck, and otherwise meet current and future service demands on the District's regional system of fire protection and emergency response;
- Constructing a new Edwards Fire Station at the same location as the existing Edwards Fire Station, replacing the existing Edwards Fire Station in order to meet current and future service demands on the District's regional system of fire protection and emergency response; and
- Constructing a training facility at which to train firefighters in skills related to fire protection and emergency response;

and shall such debt be General Obligation Bonds payable from a mill levy which may be increased in any year without limitation as to rate but only in an amount sufficient to pay the principal of and premium, if any, and interest on such debt or any debt issued to refinance such debt and shall such debt be sold in one series or more, for a price above or below the principal amount of such series, on terms and conditions and with such maturities as permitted by law?

Bond Project Totals*

		Start Date
Avon (land & construction):	\$12,000,000	2016
Edwards (land & construction):	\$10,500,000	2017
Training Facility:	\$ 2,500,000	TBD
Total:	\$25,000,000	

* Based on engineered design plans and contractor pricing

Project Funding: Property Tax through General Obligation Bonds.

Bond Debt Period: 30 years

Estimated Taxpayer Impact:

Residential Assessed Property Value of \$500,000:

\$47.31 annually or \$3.94 per month

Residential Assessed Property Value of \$1,150,000:

\$108.81 annually or \$9.07 per month

Commercial Assessed Property Value of \$750,000:

\$258.54 annually or \$21.54 per month

Commercial Assessed Property Value of \$1,500,000:

\$517.08 annually or \$43.09 per month

Please Support Your Fire District by Voting YES on May 3rd!

For additional information, please visit:

<http://buildingasafertomorrow.blogspot.com/>

or follow us on Facebook at:

<https://www.facebook.com/BuildingASaferTomorrow>





Agenda

MEETING OF THE MINTURN PLANNING COMMISSION

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

Wednesday, March 9, 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
- 2. Approval of Agenda**
 - Items to be Pulled or Added
- 3. Approval of Minutes**
 - February 24, 2016

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

DESIGN REVIEW

5. **Sign Review:** Gardunos Mexican Food – 291 Main Street

PROJECTS

6. **Town Entrance Phase 2** – landscape design
7. **Minturn Master Plan** – Phase 1 – Main Street Designing in Commercial District and review of Commercial Zoning Codes
 - Cadence of 25' – 50' of rhythm between building faces
 - 10' – 15' front set backs from sidewalk – the purpose: landscaping, beautification, trees, keep old town feel, pedestrian friendly, interest, snow storage.....



Official Minutes

MEETING OF THE MINTURN PLANNING COMMISSION

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

Wednesday February 24, 2016
Regular Session – 6:30 pm

PLANNING COMMISSION:

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

Town Planner – Janet Hawkinson

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

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Lynn T. at 6.32pm.

- Roll Call

Those present included: Chair Lynn Teach, Commission members Justin Carter, and Brad Bickerton. Note: Burke Harrington and Bobby Head were excused absent.

Staff present: Town Planner Janet Hawkinson, and Jenny Lowe.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Lynn T., second by Justin C., to approve the agenda as presented. Motion passed 3-0.

3. Approval of Minutes

- February 10, 2015

Motion by Brad B., second by Justin C., to approve the minutes of February 10, 2016 as presented. Motion passed 3-0.

4. Public comments on items, which are not on the agenda.

No comments.

5. Variance: A variance application for 386 & 392 Taylor Ave, Minturn, CO for a front setback of 10 feet from the south west corner of property and to be parallel to Taylor Ave.

Janet H. presented a variance application for 386 & 392 Taylor Avenue, Minturn, CO for a front setback of 10 feet from the south west corner of property and to be parallel to Taylor Avenue. (see attached Planning Director Report for detail in packet)

Mr. Clapp, 386 & 392 Taylor Avenue, presented maps of his property to the present planning commissioners, exposing the dimensions of his land and the distance to the retaining wall.

Janet H. explained how the construction of the garage would create a nice-looking and more attractive front yard for the whole street, with a better grade. Allowing parallel parking in Taylor St. instead of a perpendicular, to the retaining wall. It would not be affecting the view or differ from neighboring properties. The building would remain 15 feet away from where the retaining wall is now. So there's still the ability to have a sidewalk.

Lynn T. inquired about the parking spots and how would it work with the new duplex. Insisted on trying to keep 10 feet of distance, instead of varying setback of 7-10'. Lynn indicated that it wouldn't be an issue as long as it is not set as a precedence and does not affect negatively to the neighbors.

Brad B. requested the definition of "hardship" per the code book.

Janet H. read the definition of "Variance" from the code book. This variance is not based on hardship, rather it is "in order to lessen practical difficulties" per code 16-21-690.

Janet H. clarified the fact that Mr. Clapp is dealing with a -Practical difficulty- situation in this case. Since he can't build a bigger house, due to a -maximum lot coverage- has been reached.

Lynn T. alleged that Mr. Clapp doesn't have a hardship situation, with building in his actual territory. After Brad B. recited out loud the definition of "hardship", it helped clarify the meaning and the actual situation. Lynn requested that the definition of Hardship, is included in the Minturn code book.

Brad B. read Section 16-1-20- appropriate use of land. He specified that Mr. Clapp will need architecture plans, and fit the design plans of Game creek, when the variance would be utilized.

Justin C. indicated he was in favor, if Mr. Clapp wanted to invest in it.

Mr. Clapp stated that the benefits of the construction would include a garage level with the road, an existing drive way and more space.

Motion by Justin C., second by Brad B., to approve a variance application for 386 & 392 Taylor Avenue, Minturn, CO for a front setback of 10 feet from the south west corner of property and for the front of the homes to be parallel to Taylor Avenue *based on section recited 16-1-20*. Motion passed 3-0.

6. Entrance to Town phase 2– Design – Lighting – Mining Equipment – Grant \$

Janet H., Update on Design Review Board.

Janet indicated we are moving on with the welders on the turntable design. She displayed the designed plans and pictures of the zone to Justin, Lynn and Brad, which were created per the CDOT standards and allowances.

Janet H. talked about Minturns Master Plan: “Mining town, acknowledge its history, honor the past but be in the present”, in order to describe how beneficial the changes and updates will be for the town. These include:

- Lightning up the Minturn Bridge.
- Placing flower baskets and decorating the town.
- Janet, recommended no overnight parking on 100 block and possible time limit for area.

7. Minturn Master Plan- Phase 1 – Main Street Designing in Commercial District and review of Commercial Zoning Codes.

Brad B. expressed his concern about the landscaping in commercial area. He stated that Minturn’s code book, should include a section to ratify the town as a - “walkable area.” There should be sidewalks at least on 1 side of the road. Brad voiced his desire, for the town of Minturn to look like Baker St. in Nelson, British Columbia. Which he exposed in his computer.

Justin C. suggested the possibility of changing the regulations of Hwy 24, to only allow 2 story buildings, of 28’ instead of 36’ tall. Creating roof lines, overhangs and the cadence in order to be able to see the mountains and create a pedestrian friendly commercial area.

Janet H. exposed to the planning commissioners a pedestrian commercial district in China.

Brad B exhibited a commercial district to view for ideas.

8. Next Meeting – March 9, 2016

9. Adjournment

Motion by Brad B., second by Justin C., to adjourn the meeting at 8.35 PM. Motion passed 3-0.

Lynn Teach, Chairperson

Janet Hawkinson, Planning Director

6' x 4'

GARDUÑOS

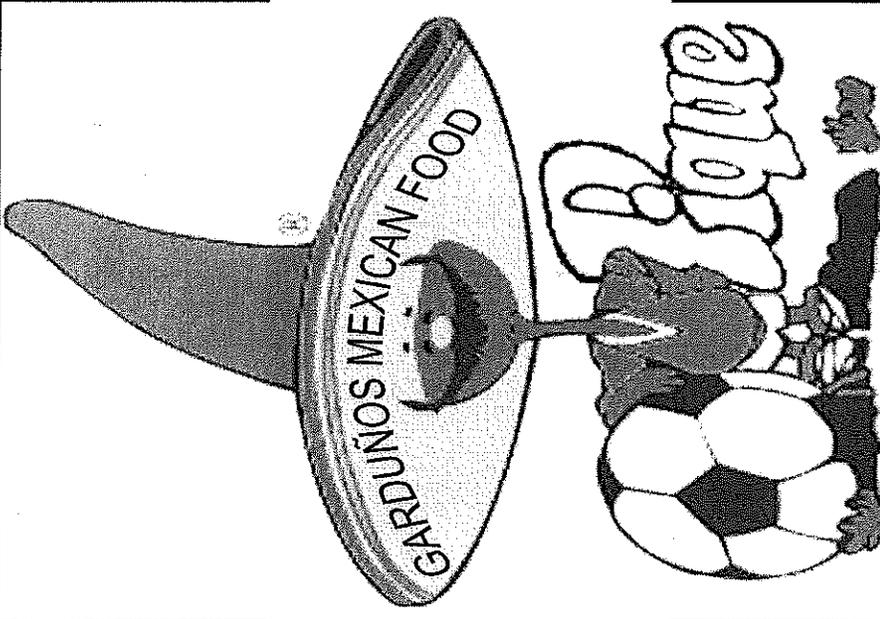
MEXICAN

RED

FOOD

WHITE

GREEN



970-376-3062



Town of Minturn
 302 Pine Street
 PO Box 309
 Minturn, CO 81645
 Office: 970-827-5645
 Building Inspector:
 970-291-1269

SIGN

Building Permit # _____

BUILDING PERMIT APPLICATION

Type: New Construction Remodel / Alteration Electrical Mechanical

Zoning: Residential Commercial Mixed Use

PROJECT ADDRESS: <u>291 Main St #1 Minturn (Purple White)</u>
DESCRIBE THE NATURE OF THE WORK TO BE PERFORMED: <u>Sign ON TOP</u>
PROPERTY LEGAL DESCRIPTION: LOT #: _____ BLOCK: _____ SUBDIVISION: _____ PARCEL #: _____

OWNER: <u>Juan C CARDUNOS</u>	CONTRACTOR:
MAILING ADDRESS: <u>PO 5235 GABLE 81631</u>	MAILING ADDRESS:
PHONE: <u>970-376-3062</u>	PHONE:
EMAIL: <u>CARDUNOS THE @ GMAIL . COM</u>	EMAIL:
LICENSE #	LICENSE #
ENGINEER:	PLUMBING CONTRACTOR:
MAILING ADDRESS:	MAILING ADDRESS:
PHONE:	PHONE:
EMAIL:	EMAIL:
LICENSE #	LICENSE #
ELECTRICAL CONTRACTOR:	MECHANICAL CONTRACTOR:
MAILING ADDRESS:	MAILING ADDRESS:
PHONE:	PHONE:
EMAIL:	EMAIL:
LICENSE #	LICENSE #
ESTIMATED VALUATION INCLUDING MATERIAL, LABOR, PROFIT:	
SQUARE FOOTAGE: _____ FINISHED AREA _____ UNFINISHED AREA _____ TOTAL _____	

READ BEFORE SIGNING: I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to or cancel the provisions of any other state or local law regulating construction or the performance of construction. This permit becomes null and void if work or construction authorized is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

Signature of Owner: Juan Cardeno Date: 03/02/16
 Signature of Contractor: _____ Date: _____

Administrative Use Only:

Application Accepted By: _____ Date: _____

Permit Fee:	Total Due:
Water Tap Fee:	Date Paid:
ERFPD Impact Fee:	Building Plans Checked By:
Plan Check Fee:	Approved for Zoning & Issuance By:

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

March 16, 2016 Meeting

TO: Town Council

FROM: Willy Powell
Town Manager

100 Block Engineering

It appears we have resolved all issues with CDOT, except one issue. CDOT believes installing crosswalk flashing lights (push button) makes crosswalk less safely and does not want them installed. Of course, staff and Council have promised the public we would incorporate the flashing lights installed. I have instructed our engineers to put the flashing lights in our plans; and in our cover letter to our CDOT application we will express that we believe the lights will make the crosswalk and pedestrians safer.

Our planned schedule is the following.

- The application, engineering plans and specification sent to CDOT by March 18.
- Advertise for contractors to bid the project with bids turned in by April 8th or sooner.
- Award the contract at the April 20 meeting.
- Construction period lasts no more than two months. Contract documents will require work from north to south
- Regular meetings during construction will be held with staff, engineers, contractor, business and property owners.

Bolts Ditch Lobbying and Legislation

Bolts Ditch legislation has been introduced into the House and Senate. The House Natural Resources hearing was held Feb. 25. The Senate hearing has not been scheduled, but is expected to held in April or May.

TAP Engineering

We received from the state the fully executed TAP grant contract. This means we can begin the engineering project once we have the executed professional services contract with Stolfus.

Stolfus would like to tie Minturn's planning with the CDOT repaving planning so the projects are fully integrated. Under this schedule we would have preliminary planning by June, 2016. This will mean a full-on planning, public engagement and Council/PZ effort during the next several months.

Questions and Answers from the Crave Discussion

At the Crave discussion we told the public we would provide a list of Q&A's. See attachment. We are waiting for Crave to answer some of the questions.

Questions Raised during Crave Discussion Meeting March 2, 2106

1. FS Road from King Ranch up the mountain. It is a deeded private road, can it be crossed by the loop road.
Crave answers.
2. Mountain Drive Road is private, can it be made public or is it protected?
The Martin Creek property has access to US24.
3. What is impact on water rights-- How will the development affect our water rights?
The development will be required to dedicate water rights to the town sufficient to provide service for the project. Creation of Bolts Lake will enhance the town's water rights and save in expenses for storage leased off-site
4. Who will be paying for consultant studies.
The municipal code requires developers pay for all outside consultants.
5. What pay level can afford the attainable housing.
The can only be determined after knowing the price of housing. Currently the average household income in Eagle County is \$73,774.
6. What is the source of water for a new water treatment plant.
The source water for a new treatment plant will be evaluated. Cross Creek will be the predominant source.
7. Is Bolts Lake contaminated, or if filled safe.
Studies have determined Bolts Lake to clean, safe if filled, and not within the superfund site.
8. Will Meadow and Grouse Mountain areas remain public and under what ownership.
There is no land exchange proposal that has been submitted to date. The town will not submit a letter which includes an exchange for Meadow and Grouse Mountains.
9. What are the environmental cleanup remediation requirements of Battle Mountain; are they complete.
Crave answers.
10. Why has Gilman not been cleaned up.
Crave answers.
11. Is it possible for the town to have a full understanding of development and impacts before writing a letter to FS.
Crave desires to initiate the land trade process before fully examining development impacts; however it is best to know the total density before submitting a letter.
12. Will the development company develop Battle Mountain if the land trade does not occur.
Crave answers.
13. Will the development be turned over to Metro Districts, for development.
Crave answers

14. Can the area in Gilman, where the old historic houses are, be cleaned up and developed.

Crave answers.

15. Are there going to be gated communities.

The town can allow or disallow.

16. Is this new affordable housing going to be for seasonal workers or for middle management employees.

Crave answers.

17. Does the new infrastructure cost the tax payers? Who will maintain infrastructure within the development.

These answers will not be known until a development plan is approved with a concurrent agreement.

18. Is Battle Mountain PUD preliminary or final.

Sawyer

19. Do the 1700 units approved at Battle Mountain automatically convey to the land exchange property.

The units do not convey from one property to another, and the exchange land is subject to a different set of land use process and approvals, including the number, location and type of units..

20. Crave is doing "acre for acre", however is it "value for value" for the land being traded.

The Forest Service regulations are "value for value."

21. How does a larger population and the development benefit Minturn

Potential benefits include a better business environment, affordable housing, lower water bills, more recreational amenities (Bolts lake recreation, trail systems, playing fields).

22. How will increased traffic be mitigated.

Densities should be set to have acceptable traffic levels of service. A traffic study is warranted.

23. Is Battle Mountain pristine forest?

Crave answers

Predominant Themes of Public Comments

1. Process needs to be transparent.
2. Public needs to have sufficient knowledge of development and impacts before a letter is sent to Forest Service.
3. Grouse Mountain and Meadow Mountain cannot be part of the land swap.
4. Development should be concentrated in valley floor, except streams and wildlife corridors.
5. Attainable housing is a good goal, but is a valley wide responsibility. Minturn needs to participate.
6. Density needs to be at a reasonable level
7. Density must be evaluated to determine impact on US 24, Main St., retaining adequate levels of service.
8. Sensitive wildlife areas need to be protected from development.

ACTION ITEMS REPORT		
From: Town Manager 16-Mar-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, 2015
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 plans submitted, plans sent out to bid
South Minturn Engineering TAP GRANT	Powell Osborne Inter-Mountain Engr.	IGA fully executed between CDOT and Town negotiate costs and schedule with Stolfus Engineering
Bolts Ditch within Wilderness	Powell	costs being shared with Battle Mountain 50/50 WLG contract approved legislaton introduced, hearings have begun
Building Code Adoption--newer codes		place holder