



Agenda

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

Wednesday October 5, 2016

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

MAYOR – Matt Scherr
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
Harvey Craig
Sidney Harrington
Sage Pierson
John Widerman

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 – 5:00 – 6:30 pm
Please remember to bring your FY2017 Budget Book

- 2017 Budget Review – Brunvand
- Discussion regarding Code Enforcement – Powell

Regular Session – 6:30 pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes

- September 21, 2016

4. **Public comments on items, which are NOT on the agenda (5-minute time limit per person)**
 - Update from Sheriff James Van Beek and Under Sheriff Mike McWilliams
 - Jill Ryan, Eagle County Commissioner candidate
5. **Special Presentations**
 - Committee Reports
 - Council Comments

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

6. **Public Hearing/Discussion Item: Parking in Downtown area – Powell**
7. **Discussion/Action Item: Memo of Understanding relating to Battle Mountain Project – Powell**
8. **Discussion/Action Item: Ordinance 05 – Series 2016 (Second Reading) an Ordinance considering Zoning Code Text Amendment as it concerns the 100 Block commercial development – Hawkinson**
9. **Action Item: Council motion to formally accept the FY2017 Preliminary Budget – Brunvand**

COUNCIL AND STAFF REPORTS

10. **Town Planner**
 - Planning Commission open position
 - Boneyard Conservation Easement
11. **Town Manager**
 - Manager's Report
 - Action Report
12. **Town Attorney**

EXECUTIVE SESSION

13. **Executive Session**: Executive Session: An Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Eagle River Properties v. Town of Minturn, and an Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to

negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) - Battle Mountain Resorts

FUTURE AGENDA ITEMS

14. Next Meeting – October 19, 2016

- Special Presentation: Public Access Channel 5
- Budget Review – FY 2016 Decision Points (Worksession) – Powell/Brunvand

15. Future Meetings:

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2017 Budget – review public funding requests – Brunvand 11/2/16
- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2017 Budget and First Reading of Budget Ordinances – Brunvand 11/16/16
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2017 Budget Ordinances – Brunvand 12/7/15
- Boneyard Conservation Easement Plan – Hawkinson
- Boneyard Management plan and conservation easement – Hawkinson
- Work Session on housing – Hawkinson

16. Set Future Meeting Dates

- a) Council Meetings:
- October 19, 2016
 - November 2, 2016
 - November 16, 2016

17. Other Dates:

18. Adjournment



TOWN OF MINTURN

FISCAL YEAR 2017 BUDGET

October 5, 2016

Council Worksession

FY2017 Budget

General Fund Revenue - Highlights

- 2017 Property Tax collections based on the recent valuations will decrease slightly over 2016.
- Sales Tax is projected to be relatively flat or up slightly over 2016.
- Additional revenue increases due to Lease Lot Revenues.

FY2017 BUDGET

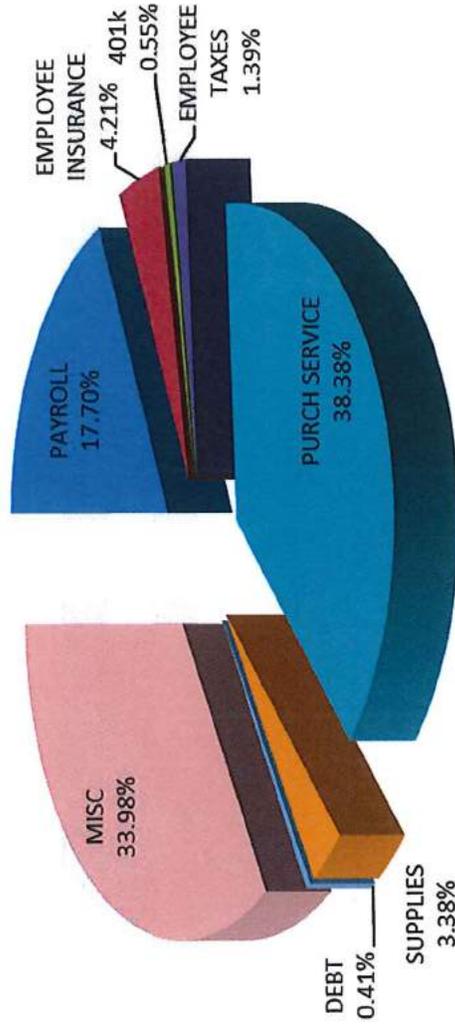
- 2017 Gen Fund total Expenses \$1,683,162.
- The General Fund Expenses are down 10% due to the completion of projects, however, increases for legal and engineering have been included.
- The Gen Fund includes the BMR \$180k. A plan has been developed to reduce expenses if necessary.

FY2017 BUDGET

- 2017 Ent Fund total Expenses \$895,813.
- Enterprise Fund has increased 10% over 2016 due primarily to the inclusion of depreciation and engineering.

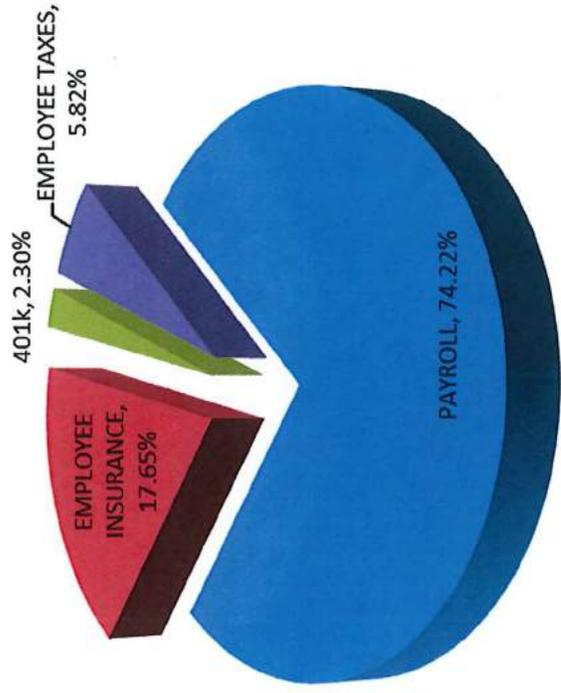
FY2017 BUDGET

FY2017 EXPENSES BY PERCENT



FY2017 PAYROLL BUDGET

WAGES, TAXES, AND BENEFITS



FY2017 BUDGET

DISCUSSION ITEMS

- Lease Lot Procedure
 - Currently the lease procedure requires
 - staff approval
 - Planning Commission
 - Conditional Use Permit
 - and Council Approval
 - Recommendation: Land is zoned Light Industrial. Eliminate required Conditional Use Permit, Staff approves leases as appropriate and informs Council. Staff brings questionable leases to Council for discussion and direction.

FY2017 BUDGET

- Water Rates

Calculation:

$$\begin{array}{r} 732,035.00 \\ -25,000.00 \text{ Est water sale:} \\ \hline 707,035.00 \end{array}$$

$$\begin{array}{r} 707,035.00 \\ \hline 740 \text{ sfe} \end{array} = \$79.62/\text{mo}$$

Recommendation: \$79 for 6,000 gal/mo
\$4.64/1,000 gal > 6,000

FY2017 BUDGET

Scholarship Fund (Fund 08)

- The Scholarship Fund is managed by a separate Board of Directors.
 - Investments
 - Daily Management
 - Scholarships
 - Accounting, taxes, and other filings
 - Budget

FY2017 Budget

General Improvement District

- Board
- Daily Management (essentially inactive)
- Budget and Audit

FY2017 Budget

- At the 10/19/16 meeting we will review each Fund.
- We will also review any special projects and items pending that may affect the budget such as BMR.

FY2017 BUDGET

Questions And Answers

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****All correspondence should be sent to the
Glenwood Springs office*

September 30, 2016

To: Minturn Town Council

From: Town Attorney

Re: Code Enforcement

Code enforcement issues are listed in the Minturn Town Code under Chapter 7 (Health, Sanitation and Animals), as well as Chapter 11 (Streets, Sidewalks and Public Property), Chapter 16 (Zoning), and elsewhere. Under the nuisance section of the Minturn Town Code “[a]ny act, condition, substance, occupation or use of property which substantially meets the criteria of a nuisance as defined in Section 7-2-10...may be declared by the Town Administrator, and nothing in Section 7-2-40...shall be construed to limit the power to the Town Administrator to make such a declaration.” M.T.C. § 7-2-30.

Many code enforcement issues are generally regarded as nuisances. Examples of nuisances specifically described in the code include:

- damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable cars or other wrecked vehicles or an accumulation of junk vehicles or junk of any type. M.T.C. § 7-2-10
- Any handbill, flyer, poster, placard or painted or printed matter which shall be stuck, posted or pasted on any public or private house, vehicle, store or other building, upon any fence, power pole, telephone pole or other structure or thrown or deposited upon any street, alley. M.T.C. § 7-2-30
- No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance or both, any dead animal, excrement, garbage or other offensive matter upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw or deposit or cause or permit to be thrown or deposited in the Town anything specified in any foregoing part of this Section, or any other substance

that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water. M.T.C. § 7-2-40

- No person shall discharge or permit to be discharged out of or from or permit to flow from any house or property any foul or nauseous liquid. M.T.C. § 7-2-70
- It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of garbage, refuse, trash or other waste or discarded material. M.T.C. § 7-2-110
- No owner of any dog shall allow or permit the depositing of fecal waste material by such dog within any public park or other landscaped public area within the Town. M.T.C. § 7-2-140
- No owner, occupant or manager of any real property shall allow or permit weeds (which for purposes of this Section shall be defined to include vegetation of little or no value not used for an ornamental or agricultural purpose) to grow or accumulate on any property owned, managed or occupied by him or her located in the Town (other than Forest Service lands) to a height in excess of eighteen (18) inches above ground level. M.T.C. § 7-2-170
- It is declared a nuisance of the owner of any vacant building to fail to replace any broken window or door or to fail to secure any other means of entry into such building within seventy-two (72) hours after notice is given by the Town. M.T.C. § 7-2-200
- No building, structure or property shall be used, kept, maintained or operated in or retained within the Town if the use, keeping, maintaining or operation of the same shall be dangerous or detrimental to public safety or general welfare, including but not limited to buildings or structures which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction. M.T.C. § 7-2-210
- Any fence which comes into disrepair or is not maintained is hereby declared a nuisance. M.T.C. § 7-2-230

Zoning violations are also frequently addressed through code enforcement. Chapter 16 includes health and safety standards, sign regulations, terms of conditional and special use permits, and other regulations that may be enforced similarly to nuisances. Snow and ice accumulation is addressed in Chapter 11, but is not a generally declared nuisance at this time. Doing so would more definitively make snow and ice accumulation within the purview of a specifically authorized code enforcement officer.

Code enforcement is authorized under the Town Code as follows:

- The Town Administrator may authorize any person to investigate nuisances in the Town. M.T.C. § 7-2-40

- The Town Administrator and any police officer may also investigate.
 - Section 2-3-40 (Powers and Duties of Town Administrator) specifically delegates the authority to enforce the Code and hire employees.
 - There are no apparent credentials for holding this position other than the Town Administrator's authorization.
 - The term "code enforcement officer" is used just once in the Code, in Section 7-3-240 (Graffiti).
- A request for abatement of a nuisance must be issued to a person in control of the public nuisance. M.T.C. § 7-2-40
 - The request must be in writing, state the nature of the nuisance to be abated, and specify a "reasonable time" in which it must be abated.
 - e.g. refuse nuisances must be cleaned up within seven days of the notice. M.T.C. § 7-4-70. Graffiti must be cleaned within 10 days. M.T.C. § 7-3-240. Other time periods are not set in the Code. Seven or 10 days may be a reasonable base line period to remediate.
 - There is no requirement in the Code for the maintenance of formal reports, although it is advisable from an enforcement standpoint.
 - There is no requirement in the Code to discuss the presence of a nuisance with the controller of the nuisance prior to issuing a written request for abatement.
 - Every day of the continuing nuisance is a separate offense. M.T.C. § 7-2-50

As to nuisances, after the applicable notice has been sent and the nuisance has not been abated, code enforcement is currently regulated as follow:

- The Town may seek a civil action to enforce, file the matter into the municipal court, or abate a nuisance itself after five days' written notice and charge the amount back to the property to be collected as though a utility. M.T.C. §§ 7-2-60 and 7-2-70.
 - If charged back to the property as though a utility, the property owner will be entitled to request a hearing within 10 days. Abating a nuisance and charging it back to the property owner should only be done in the case of an emergency or after appropriate due process with a court order.

As to the zoning code, after the applicable notice has been sent and the violation has not been cured, code enforcement is currently regulated as follows:

- Zoning code violations are punishable by the general penalties provision of Section 1-4-20, which allows for jail time and fines. M.T.C. 16-21-660. They are technically misdemeanor

violations. The Town may also seek an injunction or pursue any other legal remedy to restrain violations. M.T.C. 16-21-670.

There are certain policy questions on which Council should give direction to staff so that the Town Code can better facilitate code enforcement:

- What is the basis for code enforcement – active policing by the Town or complaint based?
- To what degree should the Town get involved in disputes between neighboring property owners if those property owners have other civil remedies?
- Absent a health and safety emergency, how much time should a property owner have to abate a code enforcement issue?
- How active should the Town be in assisting a property owner to correct a nuisance?
- How much should the Town work with an offending property owner prior to filing the matter in municipal court?

In addition to items to address the policy questions above, we believe that certain amendments to the Code should be made to facilitate code enforcement:

- The Town should amend its code to provide an administrative process to initially address zoning code violations before they are cited into court. Similar to nuisance, the Code Enforcement Officer should meet with the property owner, detail the code violation, and provide a fair opportunity for the owner to cure the violation, unless it is an emergency.
- The Town may want to pass an ordinance to clearly allow the Town to abate violations and charge the amount to the property owner.
- Including possible jail time for code enforcement violations will require the Town to provide a court appointed attorney to represent indigent defendants. The Town may consider moving zoning violations into a purely administrative tract.
- Code enforcement violations are separate from the General Offenses of Chapter 10, which are prosecuted through the municipal court and typically understood as

criminal violations. However, because they can be prosecuted through the municipal court, code enforcement violations can be reported in the same manner.

Snow removal is addressed in Sections 11-1-10 through 11-1-30. The Town Administrator may designate a code enforcement officer to deal with snow and ice accumulation. It may also be a good idea to list the failure to clear snow and ice as a nuisance under Chapter 7. The current legal remedy is limited to removing the snow and ice and assessing the cost as a lien against the property, bringing a court action to recover the same, or citing the failure under the general penalty provision of the Code. The first violation of the snow removal requirement should be a fine.

The Town Administrator may also designate a parking “law enforcement official” under Chapter 8. The Town fines or tows vehicles in violation of parking provisions. The fine is also a citation to municipal court. If it is not paid prior to the date identified on the citation, the violator must appear in court to address it. Under Section 8-1-60, jail time is possible for violations of the model traffic code, but again can create problems due to the need to provide a public defender.

Some structural revisions to the Code are advisable to effectuate more active code and parking enforcement in the Town. Specifically, calling out the creation of a code/parking enforcement official and the extent of his or her duties and powers, as well as a clearer procedure for enforcement and the extent of fines or other penalties.



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday September 21, 2016

Work Session – 5:00 pm
Regular Session – 7:00 pm

MAYOR – Matt Scherr
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
Harvey Craig
Sidney Harrington
Sage Pierson
John Widerman

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 – 7:00 pm

- Battle Mountain Mountaintop Property Tour – Open to Council, Public & Staff. Contact Jenny Lowe at 970-827-5645 x111 by Tuesday, Sept 20th at 4:00 pm for carpool signup.

Regular Session – 7:00 pm

1. Call to Order

The meeting was called to order by Mayor Scherr at 7:02pm.

- Roll Call

Those present included: Mayor Matt Scherr, Town Council members, Harvey Craig, Terry Armistead, Sidney Harrington, John Widerman, and Sage Pierson. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent and John Widerman arrived at 7:07.

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Terry A., second by Sidney H., to approve the agenda as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

3. Approval of Minutes

- September 7, 2016

Motion by Terry A., second by Sidney H., to approve the minutes of September 7, 2016 as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

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

Mr. Dan Matney discussed Community Unity an event that will be held on Saturday September 24 in downtown Minturn from 11am to 2pm. The event includes the local businesses, music, food, and will have the feel of a block party.

Mr. Larry Stone, The Scarab, thanked the Council for the entryway project.

Mr. Michael Dunahey, candidate for County Commissioner introduced himself.

Ms. Michelle Metteer noted there is a Friday Sep 30 at 9am trail meeting

5. Special Presentations

- **Minturn Community Fund Summer Event Recap – Diana Scherr**

Ms. Diana Scherr presented a recap of the summer events that were presented by the Minturn Community Fund, an all-volunteer program, to include the concerts in the park, movies in the park, Missoula Children's Theater, Yoga In the Park, Community Garden, and others. October 28 is the annual Halloween costume fund raiser at the Saloon. A signed concert poster was presented to the Town as a show of gratitude.

- **USFS District Ranger Introduction – Aaron Mayville**

Mr. Aaron Mayville introduced himself as the new White River Forest District Forest Ranger. His area extends from Vail Pass to Hanging Lake/Glenwood Springs and Yampa to the Flattops.

Ranger Mayville noted his background. He noted some of the budget and staffing challenges the station faces and that his office is one of five districts in the White River Forest. He stated the Meadow Mountain consolidation with the Eagle office is moving forward and thanked Willy P. for his assistance on this project.

- **Colorado Dept of Public Health & Environment Update – Wendy Naugle**

Ms. Wendy Naugle, Colorado Department of Public Health and Environment, presented an in-depth update on the Eagle Mine Superfund Site. Individuals interested in complete information may contact the Town of Minturn for assistance. The town is an information repository for the project.

John W. asked if the Liberty Well is working properly; yes, it is working at a safe level. Removing too much water will pull contaminated water due to lowering the water level too much. Ms. Naugle stated they really do not know how much water can be stored in the mine as at times the water level rises fast and then levels out indicating a pocket area of storage.

Michael S. asked at what point would the plan be modified to allow residential or other uses on land that had been restored; This will be a future determination based on the Record of Decision that will define uncontaminated areas which would be available for use.

Willy P. asked if there is any timeline available for remedy; they are being worked on and it is suspected it would be in the next few months.

Mr. Darrell Wiegert, 1718 Main St, former mayor during the time of the major and initial site cleanup. Mr. Wiegert noted the Consolidated Tailings Pile cleanup did affect the Minturn Middle School with a fine dust which would blow across the area and Minturn had to abandon our water well #2 and move it further up Cross Creek as the water was at a risk of contaminated.

Matt M. asked about the ramifications of the water rights when we had to move the wells; Mr. Wiegert stated the well move did not affect the water rights. Willy P. stated the water wells 3 and 4 hold the same rights as the abandoned wells #1 and 2.

- Committee Reports
- Council Comments

John W. stated the Climate Action Meeting he attended was very good and will be attending more. His hope is that Minturn will support and have an impact.

Sage P. and John W. stated the Eco Transit survey is coming in and we have had over 100 responses so far. It does appear we will have a bus through town each morning this winter to better facilitate transit to the lifts.

Matt S. thanked the Vail Epic Promise program for the bike trail construction that was organized. There is more work to be done over the next few weeks to complete the project. Information on

the various trail work can be found on the website or by contacting Michelle M. at the Town Hall.

A brief recess was called.

PUBLIC HEARINGS, DISCUSSION, AND ACTION ITEMS

6. Discussion/Action Item: Resolution 23 – Series 2016 a Resolution approving the Economic Development Strategic Plan – Metteer

Michelle M. gave an outline of the Strategic Plan and the work that was required to get to this product. Michelle M. introduced her committee members. She also thanked the Vail Valley Partnership for their efforts and direction in the entire plan.

Shelley B., 471 Pine St, noted this is a working document and it will continue to develop and grow.

Matt S. recognized all the work that has gone into this Plan and thanked Michelle M. for her work and effort. This Plan will lead Minturn for a long time.

John W. would like to encourage the committee to include sustainability programs in addition to economic development. Matt S. noted the Committee did consider this and this plan will give guidance for the vision of Minturn as well.

Terry A. noted how much citizens can make a difference in their own community as was exemplified by this Plan.

Motion by Sage P., second by Terry A., to approve Resolution 23 – Series 2016 a Resolution approving the Economic Development Strategic Plan as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

7. Discussion/Action Item: Ordinance 05 – Series 2016 (First Reading) an Ordinance considering Zoning Code Text Amendment as it concerns the 100 Block commercial development – Hawkinson

Janet H. outlined the Ordinance for the Council. She stated there was little design factors in the core area. She stated the Ordinance allows for different character areas in the Old Town Commercial in the 100 block to allow variations in mass and scale. She noted some of the new aspects and proposed changes included in the Ordinance.

Matt S. asked if the Town requires Dark Sky lighting; yes. He also asked that a definition of dumpster screening be included in the Code.

Discussion ensued as to the building heights allowed currently and proposed and how they work/don't work and how they affect setbacks and differ between residential and commercial.

Public Hearing was opened.

Ms. Lynn Teach, 253 Pine St, liked the varied heights but felt some of mountain side views would be lost.

Mr. Greg Sparhawk, 254 Pine St, liked the less limiting code as it would allow for creativity and architectural design. He felt materials that are NOT allowed be defined or exemplified; quality materials for quality buildings.

Mr. Danny Bellm, 479 Pine, stated concern with the 35ft height and 5ft setbacks. He felt the roof snow has nowhere to go but the neighbor's yard. It was noted the 5foot setback is from foundation not the roof eve. He did not have a solution but had a real concern.

Ms. Shelley Bellm, 479 Pine, stated snow clips are not required over egress areas in the 2015 building code. She stated a number of locations in that area of town were built before the establishment of zoning codes. She felt anyone that has a current use of residential be allowed to redevelop as residential if that redevelopment is done by the current owner; currently that is not allowed.

Michael S. clarified that to do a residential in a commercial zone as Ms. Bellm described would require a Conditional Use Permit. Shelley B. stated to require a resident to pay for a conditional use permit when replacing a residential unit with a new residential unit is an undue burden.

It was requested this be reviewed by staff prior to second reading.

Public Hearing was closed.

Motion by John W., second by Sidney H., to approve Ordinance 05 – Series 2016 (First Reading) an Ordinance considering Zoning Code Text Amendment as it concerns the 100 Block commercial development as presented. Motion passed 5-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent.

COUNCIL AND STAFF REPORTS

8. Town Planner

- Approval of Design Review for Duplex at 1973 HWY 24
- Approval of Sipes Architect Sign
- Approval of Community Unity Day Sign

9. Town Manager

- Manager's Report

Turntable Issues

Matt, Sidney and I met on 9/15 to discuss issues related to the Turntable lease properties. It appears certain the Westside Café owners will close on the lease very soon, which lease includes

the restaurant, hotel and trailers on 6th St. The two most important issues are the unpaid water bill and the disrepair of the trailers. The three of us are pursuing the following actions.

- Work with the new owners to have a successful business, but also inform them of the issues below.
- The vacant trailers will be red tagged for issues related to the International Property Maintenance Code.
- We may need to have the occupied trailers meet improved standards.
- The town has been promised by UP we will be paid the unpaid water bill in conjunction with the closing of the new lease. If that does not prove to be the case, the town will issue a shut-off notice giving the UP 30 days to pay the full amount.

Minturn to Dowd Trail

The trail alignment has been staked and a walk-through with Forest Service personnel is being scheduled. We have yet to hear from the State Land Board related to an easement through their property. The issue is clouded by the SLB wanting to have CDOT maintenance facilities moved from Eagle-Vail to the site (across from Vail “Boneyard”).

Code Enforcement

Staff plans to have a worksession covering many topics related to code enforcement at the October 5 meeting.

Dowd Junction

The Forest Service has appraised the two properties in Eagle, where they desire to move and consolidate offices. The FS cannot pay more than the appraised value. The property owners are now reviewing the appraisals for their acceptability. The vacant parcel owner wants more money than the appraised amount. The Carpenters Union is still reviewing. We are trying to schedule a meeting with the real estate broker, Tom Glass, United Properties representative and me ASAP.

Willy P. noted he had a very productive meeting with the new lease holders of the Turntable, hotel, and trailers. The lease is now in Westside Café and they are responsible for the condition of the properties hereforth. The water bill will also be made whole but negotiations are still in process. A resolution will be agreed to or the Town will take further action.

Willy P. stated he would like to have a public hearing on main street parking; council direction was to proceed as presented.

- Action Report

10. Town Attorney

EXECUTIVE SESSION

11. Executive Session: Executive Session: An Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) –

Eagle River Properties v. Town of Minturn, and an Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) - Battle Mountain Resorts

Motion by _Terry A., second by Sidney H., to convene in Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Eagle River Properties v. Town of Minturn, and an Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) - Battle Mountain Resorts. Motion passed 4-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent and Sage P. left prior to the executive session at 10:20pm.

FUTURE AGENDA ITEMS

12. Next Meeting – October 5, 2016

- Acceptance of Preliminary 2017 Fiscal Year Budget
- Work Session: Code Enforcement Discussion
- Discussion/Action: Public Hearing on Downtown Parking

13. Future Meetings:

- Boneyard Conservation Easement Plan – Hawkinson
- Boneyard Management plan and conservation easement
- Work Session on housing

14. Set Future Meeting Dates

- a) Council Meetings:
- October 5, 2016
 - October 19, 2016
 - November 2, 2016

15. Other Dates:

16. Adjournment

As there was no further business the meeting stood adjourned at 11:30pm. Motion passed 4-0. Note Mayor Pro Tem Earle Bidez and Councilmember Harvey Craig were excused absent and Sage Pierson retired early.

Matt Scherr, Mayor

ATTEST:

Jay Brunvand, Town Clerk

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****All correspondence should be sent to the
Glenwood Springs office*

September 30, 2016

To: Minturn Town Council

From: Town Attorney

Re: Memorandum of Understanding with Battle Mountain

Over the last few months, the Town's Battle Mountain Committee has engaged in several meetings with Battle Mountain to discuss the future of the project. Battle Mountain is interested in exploring alternative development scenarios from what is provided for in the existing PUD. Our initial meetings were to discuss the process that would be required to bring more detailed proposals before the public, the Planning Commission and the Town Council. The attached Memorandum of Understanding (MOU) outlines a process for revised development proposals both on Battle Mountain and in the Bolts Lake area to receive formal consideration.

In the course of the discussions about process, it made sense to flesh out possible framework for some of the alternative proposals Battle Mountain is considering. In particular, you will see a fair level of detail about a "Mountain Top Concept" that would be an alternative development pathway for the lands on Battle Mountain. The Mountain Top Concept contemplates larger lots on the mountain top with a minimum size of 35 acres. I want to stress that this is an alternative development pathway as the original zoning of the mountain top area for a ski area is anticipated to remain intact.

The Mountain Top Concept is consistent with many rural subdivisions in Eagle County. Similar to how rural subdivisions occur in Eagle County, the Mountain Top Concept as outlined in the MOU would permit for limited review by the Town for the creation of large lots. Very large lots (over 350 acres in size) could be created with an administrative review. Large lots (35 acres in size) could be created with a special subdivision process that would entail review by the Planning Commission.

Implementation of the Mountain Top Concept would require changes to the Town Code, the PUD zoning, and the Annexation and Development Agreement for Battle Mountain. All of these changes will undergo robust public processes. A proposed timeline for consideration is included in the MOU. However, that timeline is fully subject to these concepts being vetted in public meetings

after opportunities for public comment. Thus, approval of the MOU does not constitute any sort of approval, or even endorsement, of the development concepts articulated in the exhibits.

The MOU similarly contemplates additional process relative to alternative development paths for the Bolts Lake area. The MOU provides that Battle Mountain will submit a Concept Plan application (as contemplated under the Town's PUD code) to introduce new development concepts for Bolts Lake. The Concept Plan will be considered in public meetings with opportunities for public comment. After the Concept Plan is reviewed, Battle Mountain anticipates bringing a revised preliminary PUD plan to the Town. This would require providing in-depth information on a variety of development topics. Further, it will require amendments to the Annexation and Development Agreement and the Town Code. Again, robust opportunities for public participation and Council deliberation exist with each application.

As Council is aware, many years ago Battle Mountain deposited a sizeable amount of money with the Town in escrow to cover certain expenses. Over \$1,000,000 of that money was earmarked for legal and consulting work. The MOU contemplates that the Town will further earmark \$200,000 of the legal and consulting escrow to pay outside costs (e.g. legal, engineering) incurred by the Town associated with the applications and processes described in the MOU. This is in addition to the \$15,000 per month that Battle Mountain pays to help offset Town staff expenses under an agreement from 2012. The \$200,000 earmark will leave over \$250,000 in escrow to cover other Town legal and consulting expenses that have a nexus to Battle Mountain (for example the Tucker Rule 106 litigation, upcoming water court cases, and efforts to have the Bolts Ditch congressionally authorized).

I would direct Council's attention to paragraphs 7 and 8 of the MOU. These provisions make clear that the MOU is aspirational in nature. It does not confer any rights without future Council actions. The MOU does not create any guarantees of substantive outcomes. Finally, the MOU does not amend any other agreement between the Town and Battle Mountain.

I look forward to discussing the MOU with you in more detail. Tim McGuire of Battle Mountain will also be present to answer questions.

**MEMORANDUM OF UNDERSTANDING
RELATING TO BATTLE MOUNTAIN PROJECT**

This Memorandum of Understanding Relating to Battle Mountain Project (this “**MOU**”) is made and entered into this [] date of October, 2016 (“**Effective Date**”) by and among Battle One Developer, LLLP, a Georgia limited liability limited partnership, Battle Two Developer, LLLP, a Georgia limited liability limited partnership (together with their respective successors and assigns, “**Battle**”), and the Town of Minturn, Colorado, a home rule municipal corporation (“**Town**”).

RECITALS

This MOU is made with respect to the following facts:

A. Battle, through certain affiliates, manages and is the owner of certain real property (the “**Project**”) that is the subject, *inter alia*, to the following matters as previously approved by the Town (collectively, the “**Existing Entitlements**”), acting by and through its governing body (“**Town Council**”):

(1) as approved by Town Council pursuant to Ordinance 10-Series 2008, that certain Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement dated February 27, 2008 (the “**Annexation Agreement**”).

(2) together with related matters as approved by Town Council pursuant to Resolution No. 18-2008, that certain Planned Unit Development Preliminary Plan and Battle Mountain PUD Guide (the “**PUD Preliminary Plan**”) which addresses the uses, density and intensity of use, and other development parameters for the following planning areas within the Project: the Willow Creek Character Area; the Rock Creek Character Area; the Holy Cross Character Area; the Bolts Lake Character Area; and the Gilman Character Area.

(3) together with related matters as approved by Town Council pursuant to Resolution No. 19-2008 (collectively, the “**Preliminary Plats**”):

(a) with respect to the Willow Creek Character Area, that certain Preliminary Plat, Battle Mountain PUD Filing No. 1 – “**Willow Creek**” Resubdivision of a part of Battle Mountain Exemption (“**Willow Creek Preliminary Plat**”)

(b) with respect to the Rock Creek Character Area, that certain Preliminary Plat, Battle Mountain PUD Filing No. 2 – “**Rock Creek**” Resubdivision of a part of Battle Mountain Exemption (“**Rock Creek Preliminary Plat**”);

(c) with respect to the Holy Cross Character Area, that certain Preliminary Plat, Battle Mountain PUD Filing No. 3 – “**Holy Cross**” Resubdivision of a part of Battle Mountain Exemption (“**Holy Cross Preliminary Plat**”).

(d) with respect to the Bolts Lake Character Area, that certain Preliminary Plat, Battle Mountain PUD Filing No. 4 – “Bolts Lake Village” a Resubdivision of a part of Battle Mountain Exemption (“**Bolts Lake Village Preliminary Plat**”); and

(e) with respect to the Gilman Character Area, that certain Preliminary Plat, Battle Mountain PUD Filing No. 5 – “Gilman Village” a Resubdivision of a part of Battle Mountain Exemption (“**Gilman Village Preliminary Plat**”); and

B. Pursuant to that certain 2012 Agreement Regarding Escrows and Funding (“**Funding Agreement**”), the Town and Battle (individually, a “**Party**” and, collectively, the “**Parties**”) previously have contemplated the need to negotiate in good faith to amend the Annexation Agreement.

C. Responsive to the foregoing, Battle has prepared various information related to alternative development strategies for the Project which was used in public meetings hosted by the Town.

D. Battle has further prepared the following proposed modified development plan concepts for portions of the Project which the Parties anticipate will be the basis of formal applications to the Town as contemplated in this MOU:

(1) the Bolts Lake Village concept that is attached at Appendix A hereto (the “**Bolts Lake Concept**”); and

(2) large lot development concepts for the Willow Creek, Rock Creek and Holy Cross Character Areas that is attached at Appendix B hereto (the “**Mountain Concept**”).

E. In order to further investigate and potentially implement the matters discussed conceptually in Appendix C, the Parties wish to process applications for the Amendments as defined in Paragraph 1 below and, in general conformance with the bullet point outline set forth in Appendix D hereto.

F. Subject to approval of applicable land use entitlements, enactment or modification of applicable agreements, and successful resolution of certain pending litigation matters, the Parties will investigate and potentially implement a framework for development of the Project in phases, including a rational and economically feasible plan for the provision of public improvements and payment of fees to mitigate the impacts of development; and create the opportunity for near-term development of the Bolts Lake Village area and the Mountain area that will be responsive to and respectful of community input and community needs.

AGREEMENT

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth in this MOU and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Amendments.** The Parties will in good faith undertake to coordinate and efficiently process applications in an efficient, cost-effective and timely manner for the following matters (collectively, the “**Amendments**”):

(a) **Initial Phase.** As further outlined in Appendix D hereto, the Town (in consultation with Battle) will process regulation amendments in accordance with Minturn Municipal Code Sec. 16-21-410 *et. seq.* (collectively, “**Code Amendments**”) to the Minturn Municipal Code (“**Code**”):

(i) By October 31, 2016, Battle will endeavor to provide the Town with draft ordinances facilitating the amendments to Chapters 16 and 17 of the Code described below. The Town will work diligently on providing comments to Battle on the draft ordinances with the goal of having draft ordinances acceptable to Battle and Town Staff by November 16, 2016.

a. In order to enable the Mountain Concept, adding to Chapters 16 and 17 of the Code, as applicable, provisions that allow for the following within the Willow Creek, Rock Creek and Holy Cross Character Areas:

(1) a process to enable administrative review and approval of subdivision exemption plats to create not more than 10 legally conveyable parcels, each having a minimum land area of three hundred fifty (350) acres (“**Exemption Plat Process**”);

(2) a separate process to enable Planning and Zoning Commission review and approval (with right of review by Town Council) of subdivision plats to create legally conveyable parcels, each having a minimum land area of thirty five (35) per parcel (“**35 Acre Process**”); and

(3) clarification that parcels created pursuant to the Exemption Plat Process and parcels created pursuant to the 35 Acre Process are not required to obtain an approved final development plan under, *inter alia*, Town Code Sections 16-10-20 and 16-15-200.

b. In order to facilitate the Bolts Lake Concept, adding to Chapters 16 and 17 of the Code provisions that allow for the creation of legally conveyable phasing blocks as part of the approval of a PUD Preliminary Development Plan and associated development agreement (“**Phasing Block Process**”).

(ii) The Town will endeavor to have public notice requirements completed so that the Code Amendments can be considered by Planning Commission by the Commission’s second meeting in December, 2016 or first meeting in January 2017.

(iii) The Town will schedule a public hearing before the Town Council on the Code Amendments following a final recommendation being made by the Planning Commission.

(b) Second Phase. In order to better inform the Town and the public of the types of development, intensity of development, locations of development and other matters pertaining to the Bolts Lake Concept, Battle will endeavor to submit to the Town an application for a Planned Unit Development Concept Plan (the "**Bolts Lake Concept Plan**"), in accordance with Town Code Sections 16-15-90 to 16-15-120, not earlier than six (6) weeks following Town Council's final action on the Code Amendments pursuant to Section 1(a)(iii) above.

(i) The Town will endeavor to have public notice requirements completed so that the Bolts Lake Concept Plan can be reviewed by Planning Commission by the Commission's second meeting in the month following the date on which Battle submits its application for the Bolts Lake Concept Plan pursuant to Section 1(b) above.

(ii) The Town will have public notice requirements completed so that the Bolts Lake Concept Plan can be reviewed by the Town Council following the Planning Commission's review and recommendation.

(c) Third Phase. In order to facilitate the consideration of the Mountain Concept and the Bolts Lake Concept and such other and related matters as the Parties determine necessary and appropriate in connection therewith, including but not limited to facilitating development of the Project in phases pursuant to a rational and economically feasible plan for the provision of public improvements and payment of fees to mitigate the impacts of development within the Project:

(i) Concurrent with review of the Bolts Lake Concept Plan, the Parties will schedule a series of meetings to discuss topics related to amendment of the Annexation Agreement, the PUD Preliminary Plan and, if deemed necessary or desirable, the Preliminary Plats and such other ancillary agreements among the Parties related to the Project as may require amendment (collectively, "**Entitlements Amendments**"). The Parties will endeavor to complete the discussions about amendments of the Annexation Agreement by March 15, 2017.

(ii) The initial discussions related to amendments to the Annexation Agreement shall focus on those amendments required to facilitate the Mountain Concept. Battle will endeavor to provide the Town with a proposed draft amendment to the Annexation Agreement as outlined in Appendix D facilitating the Mountain Concept by December 15 2016. The Town will work diligently on providing comments to Battle on the draft amendment with the goal of having final draft amendment acceptable to Battle and Town Staff by January 31, 2017. The Town will endeavor to schedule consideration of the amendment on the Town Council's first meeting in March, 2017.

(iii) Battle will endeavor to provide the Town with a draft amendment to the Annexation Agreement facilitating the Bolts Lake Concept by March 31, 2017. The Town will work diligently on providing comments to Battle on the draft Bolts Lake amendment. The draft amendment of the Annexation Agreement related to Bolts Lake

can only be finalized and considered in conjunction with an application, review and final approval to amend the existing PUD Preliminary Plan.

(d) **Fourth Phase.** In order to facilitate the implementation of the Bolts Lake Concept, as such Concept Plan may be reviewed and modified by the Town and Battle after the process referenced in Section 1(b), Battle may submit applications to amend the PUD Preliminary Plan and the Annexation Agreement (and in accordance with Town Code Sec. 16-15-130, 16-15-140, 16-15-160, 16-15-170, and 16-15-230) consistent with the Bolts Lake Concept Plan and the discussions with Town staff about the Annexation Agreement. It is anticipated that the time for the Town to process the applications to amend the PUD Preliminary Plan and the Annexation Agreement will be between 60 and 90 days. The Town will endeavor to have public notice requirements completed so that the applications for amendment of the PUD Preliminary Plan and the Annexation Agreement can be considered by Planning Commission by the Commission's first meeting in the third month following Battle's submittal of such applications. The Town will schedule a public hearing before the Town Council on the PUD Preliminary Plan and the amendment to the Annexation Agreement following a final recommendation being made by the Planning Commission.

2. **Cooperation.** In connection with processing the Amendments, Battle and the Town will in good faith have regularly scheduled meetings, not less than bi-monthly, to coordinate regarding the progress of the Amendments in accordance with the timing milestones stated in Paragraph 1.

3. **Nature and Purpose of the Bolts Lake Concept.** The Bolts Lake Concept and Entitlements Amendments are not intended to identify with certainty the specific location and configuration of individual Phasing Block street and lot layout, lot sizes, lot locations, product types, floor area ratios, parking areas, open space and park layout, recreation areas, building and architectural design standards and other site design matters that will be considered as part of a final development plan for individual Phasing Blocks. The Bolts Lake Concept Plan and PUD Preliminary Plan amendment will meet the requirements of the Town Code and provide an adequate description and design of the following: zoning character areas with approximate densities and types of units, collector roads layouts, core utility layouts for water distribution and sewer collector, non-motorized access routes within the Bolts Lake area and connections with the Town, locations of domestic water storage, and design of and desired uses surrounding Bolts Lake.

4. **Costs and Expenses.** The Funding Agreement sets forth the obligations of the parties related to the costs and expenses incurred in connection with negotiation and execution of this Memorandum and the matters addressed herein. In addition to the monthly payments made by Battle to cover the Town's administrative costs, the Town agrees to use an amount not to exceed \$200,000 of the Town's Funds (as defined in section 6 of the Funding Agreement) earmarked for Legal and Consulting Costs for the purpose of paying legal and consulting costs incurred by the Town in reviewing and processing the items described in this MOU. After the sum of \$200,000 of the Town's Funds has been spent or committed by the Town for purposes of paying legal and consulting costs incurred by the Town in reviewing and processing the items described in this MOU, the terms of the Funding Agreement shall control. Except as expressly described in this MOU, the Funding Agreement shall not be interpreted to be amended in any way.

5. **Ratification of Use of Funds.** The Town hereby ratifies Battle's use of the Developer's Funds (as described in paragraph 5 of the Funding Agreement) to date as disclosed on Appendix D and Battle hereby ratifies the Town's use of the Town's Funds (as described in paragraphs 6 and 14 of the Funding Agreement) to date as disclosed on Appendix E.

6. **Term: Termination.** This MOU may be terminated by either party, in its sole discretion, by giving the other party written notice 30 days in advance.

7. **Aspirational Nature of Agreement.** This MOU is aspirational in nature. The dates described herein constitute target dates to initiate or accomplish tasks. Said dates are not enforceable deadlines. Furthermore, the Parties acknowledge that the items described herein are subject to public approval processes and governing law. Nothing herein shall constitute a waiver of any public right or legally required process. Nothing herein shall be construed as a statement of support by the Town of Minturn or its Town Council nor shall it constitute a guarantee that any proposed Code provision, agreement, or land use entitlement will be granted. The intent of this MOU is to establish a process for the consideration of the items discussed herein in the context of governing law.

8. **No Amendment of Any Other Agreement.** This MOU does not constitute and shall not be interpreted as an amendment to any other agreement between the Town and Battle (or its predecessors).

[Signature Page Follows This Page]

IN WITNESS WHEREOF, the Parties have executed this MOU as of the Effective Date.

BATTLE:

Battle One Developer, LLLP,
a Georgia limited liability limited
partnership

By: Bassel Battle Investment, Corp.,
a Colorado corporation, its General
Partner

By: _____
Name: Lorne Bassel
Title: President

Battle Two Developer, LLLP,
a Georgia limited liability limited
partnership

By: Bassel Battle Investment, Corp.,
a Colorado corporation, its General
Partner

By: _____
Name: Lorne Bassel
Title: President

TOWN:

TOWN OF MINTURN, a municipal
corporation of the State of Colorado

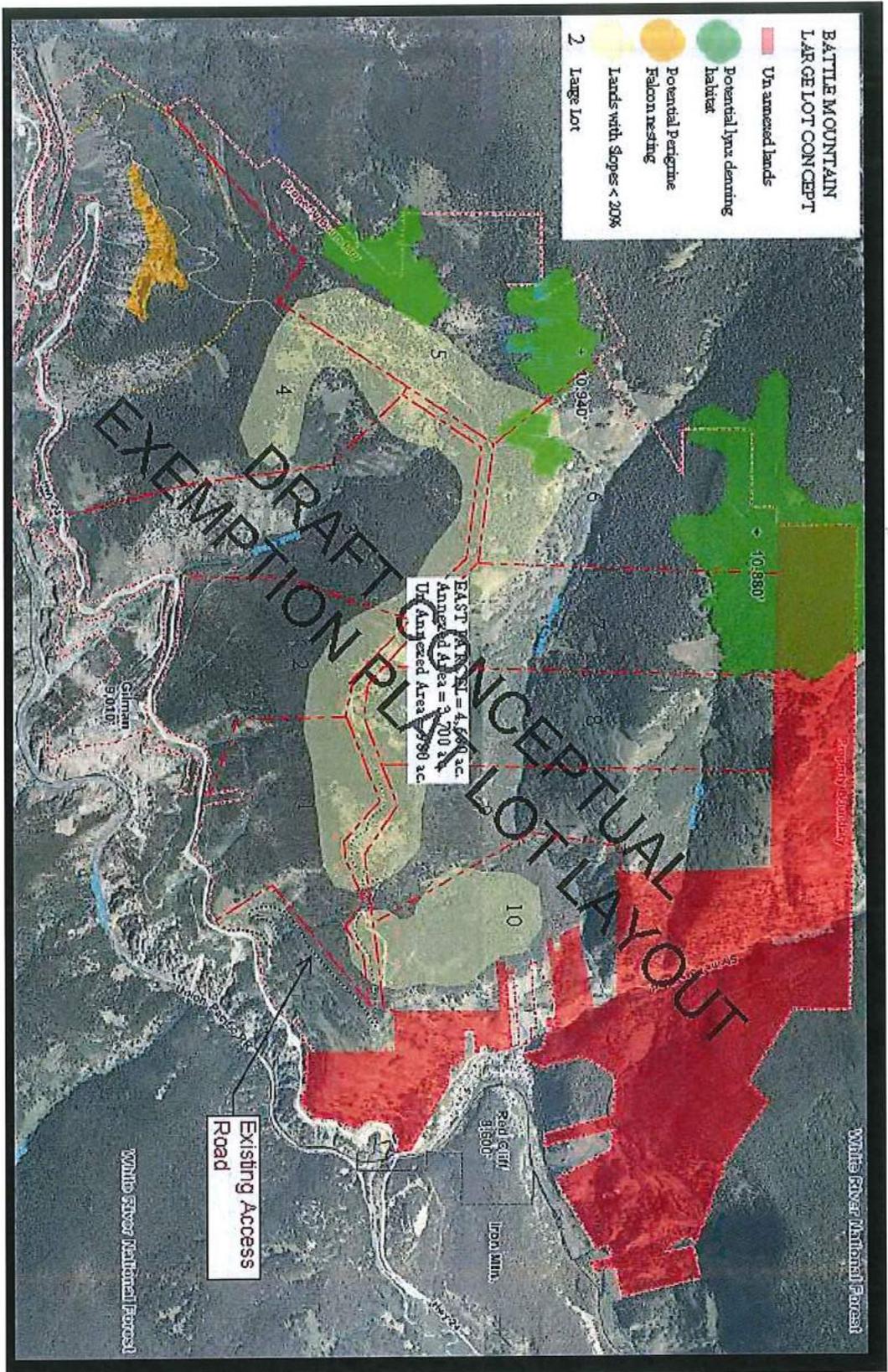
By: _____
Name: _____
Title: Mayor

Appendix A
Bolts Lake Concept

[Follows this Page]

Appendix B
Mountain Concept

[Follows this Page]



Appendix C Statement of Intent

Crave Community Company “Crave” has listened to Minturn community input and is seeking to continue collaboration regarding land located South of Minturn and managed by Crave (commonly referred to as Battle Mountain property or “project”). The goal is to advance planning, and amendments to existing agreements, to allow a project that results in a mutually agreeable robust, mixed use community comprised of different product types and price points. In addition Crave seeks to work with Minturn to amend zoning and subdivision regulations to allow 35 acre ranch lots within designated zone districts at the Mountain Top. The overall goal is to preserve and protect the rights and interests of both the Town and the developer while allowing the flexibility of plans to adjust to the long term build out of the project.

In order to achieve this, Crave believes that amendments to the annexation agreement and to the existing PUD are required and will allow for a successful project that benefits the community. Amendments to the annexation agreement would be phased with an immediate minor amendment to allow 35 acre lot creation on Mountain Top land, which will not trigger any existing annexation commitments, but which may trigger obligations to be described in an Annexation Agreement amendment. Subsequent to this initial amendment, Minturn and Crave would collaborate on an amended and restated annexation agreement that aligns exactions and related requirements with current conditions and the scale of a project on the Bolts Lake property only. The agreement would include a phasing of public improvements and impact fees that rationally correspond to the service needs and impacts of actual development. Future development of existing PUD approved density on the Gilman and East parcel will require similar revised annexation agreements, but those are not being contemplated at this time.

The new structure for the Bolts Lake project shall address all necessary items as required by the Town Code for development including but not limited to the specific issues below:

- The developer will be responsible for all onsite improvements required for the project including utilities, roads, trails, environmental mitigation and ultimate water storage capacity including storage capacity for Minturn (as to be determined during the process outlined in the MOU).
- The developer will be responsible for off-site improvements that are rationally related to impacts imposed by the Project.
- Exactions will be limited to those typically required to be addressed by a developer as set forth in the Town Code and impact studies related to the Project, such as school, emergency services, traffic and other direct project related impact fees.
- The first phase of development at Bolts Lake is assumed to have the ability to utilize existing Town water. It is very important to understand if this is feasible and to understand what will be necessary to allow this to occur. Crave will work with Town personnel and consultants to verify this assumption, as well as to determine approximate capacity available and any other specific requirements for this to occur. Battle and the Town will make their staff and consultants reasonably available upon the signing of this MOU to review the legal and

engineering implications to provide an initial phase with existing Town water, so that this issue can be addressed in conjunction with the meetings to discuss topics related to amendment of the Annexation Agreement outlined in Section 1.c.i of this agreement.

- The amended agreement would outline when the developer is required to build Bolts Lake (likely based on the exceedance of a specific number of units).
- In order for the community to understand how individual phases within the Bolts Lake area may be advanced, conceptual plans will be developed with public input. These plans will still be conceptual in nature, to be finalized on a phased basis during the final development plan and platting approval processes.
- The definition of what constitutes a unit will be agreed upon, possibly based on number of bedrooms or gross square footage. This could allow smaller more affordable units to be developed in the project while still allowing the project to be economically successful.
- The amended agreement will address wastewater treatment needs and determine if a wastewater treatment plant is required, or if the Upper Eagle Valley Water and Sanitation District can provide sewage treatment, and if so, whether the collection system from the Project to the Avon Treatment Plant has adequate capacity.

Appendix D
Bullet Point Outline of Proposed Amendments

1. Amendment to the subdivision code permitting the limited creation of exemption parcels within defined Character Areas of the Mountaintop with a minimum acreage of 350 acres by administratively reviewed subdivision exemption plats (Exemption Plat Process). No more than 10 parcels, each with a minimum area of 350 acres, may be created pursuant to the Exemption Plat Process.
 - a. Town review of plats under the Exemption Plat Process would be limited to ensuring that:
 - i. The plat conforms with specified state survey / platting requirements.
 - ii. The plat conforms with specified Minturn plat requirements.
 - iii. Each of the parcels created by the Exemption Plat Process have legal access from a public road to the parcel boundary. In this instance, legal access will be limited to the exemption plat (a) depicting a road that physically connects to each 350 acre or larger parcel, and (b) identifies the method by which legal access to the exemption parcel is (or will be) provided (E.G. easements, ecrs, etc.)
 - iv. Construction of or security for the access roads would not be required before filing a subdivision exemption plat with the County thereby creating separately conveyable parcels.
 - b. Provisions noting municipal services to parcels created by the Exemption Plat Process is essentially non-existent and that such lots will not be disconnected from the Town due to the non-provision of services otherwise provided within Minturn.
2. Amendment to the subdivision code to create a separate subdivision process for lots 35 acres or larger in size within designated Mountaintop character areas ("35 Acre Process").
 - a. One step approval with P&Z with ability to appeal or call up to Town Council (similar to design review).
 - b. Review criteria for the 35 Acre Process would be limited to:
 - i. Demonstration of legal and physical access from a public road to all lots being created.
 - (1) Legal access would include that adequate easements or road dedications exist in appropriate form to permit the long term use, operation, repair and maintenance of an access road. Legal access

would also include demonstration that an appropriate legal arrangement exists for the common repair and maintenance of roadways that serve more than one lot (HOA, road association).

- (2) Physical access would include that all proposed roads meet Town public works standards for the number of lots/units being served and that the road design is compliant with referral entities' requirements (i.e. Fire District, Ambulance District, etc.).
 - (3) Confirmation that designated segments of certain Mountaintop roads and non-motorized trails will provide public access to designated open space tracts or areas, as generally described in the Mountaintop Concept conceptual depiction for 35 acre parcels that is attached at Appendix B of the MOU (and limited to such), and to be identified in the amendment to the annexation and development agreement.
 - (4) Construction of access roads or provision of adequate security to construct access roads prior to recording plat.
- ii. Determination that each lot created would contain a minimum of 1 acre of "buildable" land (building envelope) based upon the approved "wildlife/view corridor/ slope" map.
 - c. Provisions noting that municipal services to 35 acre lots are limited and that such lots will not be disconnected from the Town due to the non-provision of services otherwise provided within Minturn.
3. Amend the zoning code and PUD Guide to permit the creation of lots utilizing the 35 Acre Process within specified character areas on the Mountaintop:
 - a. Implement lot dimensional standards.
 - i. 35 acre minimum lot size
 - ii. Front / side / rear yard setbacks
 - iii. Impervious surface limitations
 - b. Permitted uses by right / conditional use / special use / prohibited uses (Primary residential structure / ADU / Outbuildings)
 - c. Adopt a master map outlining buildable / non-buildable locations within Mountaintop character areas. This map would be created using information on wildlife corridors, view shed corridors, wetlands and stream corridors, and critical slopes. This map will be used in determining (a) whether a proposed lot at the time of subdivision contains a buildable area, and (b) whether at the time of

building permit a proposed structure is located in a potentially buildable area (building envelopes).

- d. Compliance with PUD open space requirements.
 - e. As conceptually depicted on the graphic in Appendix B of the MOU showing potential 35 acre parcel configurations (and limited to such), delineation of the specific segments of those Mountaintop roads and non-motorized trails that will provide public access. All segments of the Mountaintop roads and trails that are not shown in Appendix B as open to the public may, at developer's sole discretion, be restricted to private use (and emergency services) to serve the potential 35 acre parcels.
4. Amend Building Code to include provisions specific to construction in the Mountaintop character areas:
- a. Payment of impact fees at time of building permit (traffic, parks, etc.), to be established before the building code is amended, so that the parties (a) establish the methodology by which the amount of such fees will be determined; (b) identify the scope of impacts to be addressed by such fee; and (c) establish a methodology for calculating the fees with certainty in the future (i.e. in current dollars, with a reasonable CPI adjustment).
 - b. Determination that structures will be in a "buildable area" as designated by the master map.
 - c. Determination of adequate legal and physical water supply from exempt well.
 - d. Determination of adequate wastewater treatment and issuance of a septic permit.
 - e. Determination of compliance with hazard avoidance / mitigation requirements.
 - f. Determination of construction of access roadways to applicable approvals / codes.
 - g. Determination of adequate access driveway that complies with Town standards and referral agency requirements.
5. Amendment to Municipal Utility Code to provide:
- a. Within designated Mountaintop character areas water service may be provided by well or potentially community water system.
 - b. Within designated Mountaintop character areas wastewater treatment may be provided by septic system. Incorporate a septic system permitting system.
 - c. Provide that upon approval by the Town, water service within designated Mountaintop character areas can be provided by a community water system that is not operated by the Town:

- i. Legal water supply (water rights) sufficient for the requested amount of development. Community water system's water rights will not interfere with Town's water rights.
 - ii. Physical water supply in both quantity and quality sufficient to meet the requested amount of development.
 - iii. Compliance with CDPHE community water supply regulations
 - iv. Establishment of appropriate entity to manage and operate the community water supply.
 - v. Incorporation of adequate indemnities of the Town from operating, managing, owning or financially supporting the community water system.
 - vi. Comply with Fire District standards for fire suppression requirements.
6. Limited amendment to the Annexation and Development Agreement to provide:
- a. The creation of parcels or lots pursuant to the Exemption Plat Process and 35 Acre Process will not be subject to the requirement of a final development plan and will not trigger the payment and exaction requirements under the main ADA.
 - b. As depicted in the Mountaintop Concept conceptual depictions attached at Appendix B of the MOU (and limited to such), designation of specific segments of certain Mountaintop roads and non-motorized trails that will provide public access to certain limited and specifically designated public open space tracts or areas within the Mountain Top area.
 - c. As depicted in the Mountaintop Concept conceptual depictions attached at Appendix B of the MOU (and limited to such), designation of specific and limited public open space tracts within the Mountain Top area.
 - d. Payment of impact fees at time of building permit (traffic, parks, etc.), to be established before the building code is amended, so that the parties (a) establish the methodology by which the amount of such fees will be determined; (b) identify the scope of impacts to be addressed by such fee; and (c) establish a methodology for calculating the fees with certainty in the future (in current dollars, with a reasonable CPI adjustment).
 - c. Provisions indicating the reduced services that will be provided to the lots or parcels created through the Exemption Plat Process and the 35 Acre Process (no water, sewer, shallow utilities, public roads, snowplowing, streetlights, maintained parks, etc.) and this will not be grounds for disconnection from the Town.

Appendix E

Use of Escrow Funds

DETAIL	LITTLE BEACH PARK SCHOLARSHIP		BATTLE MTN RESERVE		RESERVE FUND			TOTAL RESERVE	TITLE ESCROW	TOTAL
	LAND PURCHASE	REC CENTER	WATER & INFRASTRUCTURE	TOTAL CAPITAL FUND	Admin Fees	Legal & Consulting				
INCOME FROM										
RES 5-2012	250,000.00	350,000.00	982,000.00	1,982,000.00	540,000.00	1,240,000.00	1,780,000.00	28,000.00	4,390,000.00	
Previous Interest	6,088.28	8,523.30					28,058.30	77.07	42,746.95	
Interest - 2012	462.60	638.77					7,250.90		8,352.27	
Interest - 2013	322.85	16,931.70					3,738.09		20,992.64	
Interest - 2014	284.70	4,068.64					2,542.60	34.07	6,930.01	
MARCH 19, 2014 REALLOCATION*		250,000.00	-250,000.00							
Interest - 2015	434.97	-69.94					1,648.60	49.29	2,062.92	
Interest - 2016	926.81	0.46					3,828.07	105.32		
TOTAL INCOME	258,520.21	380,092.93	732,000.00	1,982,000.00	540,000.00	1,240,000.00	1,827,066.56	28,265.75	4,471,084.79	
EXPENSES										
PARK DESIGN - 2012	1,370.25						0.00		1,370.25	
PARK DESIGN - 2013	8,382.46						0.00		8,382.46	
PARK DESIGN - 2014							0.00		0.00	
PARK DESIGN - 2015							0.00		0.00	
SCHOLARSHIP - 2012		732.00					0.00		732.00	
SCHOLARSHIP - 2013**		49,000.00					0.00		49,000.00	
SCHOLARSHIP - 2014		9,100.00					0.00		9,100.00	
SCHOLARSHIP - 2015		4,000.00					0.00		4,000.00	
SCHOLARSHIP - 2016		5,350.00					0.00		5,350.00	
LAND PURCHASE-BONE YARD	236,470.00			236,470.00			0.00		236,470.00	
REC CENTER - 2012							0.00		0.00	
REC CENTER - 2013				502,978.52			502,978.52		502,978.52	
REC CENTER - 2014				750,000.00			750,000.00		750,000.00	
ADMIN FEE - 2012					180,000.00		180,000.00		180,000.00	
ADMIN FEE - 2013					180,000.00		180,000.00		180,000.00	
ADMIN FEE - 2014					180,000.00		180,000.00		180,000.00	
LEGAL AND CONSULTING-2012						391,830.62	391,830.62		391,830.62	
LEGAL AND CONSULTING-2013						62,510.19	62,510.19		62,510.19	
LEGAL AND CONSULTING-2014						213,461.00	213,461.00		213,461.00	
LEGAL CONSULTING & FEES-2015	14,848.25					84,256.63	84,256.63		99,104.88	
ENTRYWAY-2016			530,000.00							
TOTAL EXPENSE	9,752.71	85,030.23	530,000.00	1,252,978.52	540,000.00	752,058.44	1,297,058.44	0.00	2,864,939.92	
BALANCE REMAINING	248,767.50	297,062.68	202,000.00	-2,978.52	-236,470.00	487,941.56	535,008.12	28,265.75	1,606,144.37	

* Change was made to 2014 budget numbers as a result
 ** Includes the \$40,000 scholarship set up at CMC

Water & Infrastructure	202,000.00
Plus Interest Earned	43,238.49
Net	245,238.49
Land Purchase	-236,470.00
Rec Center	-2,978.52
Funds Avail	5,789.97

4,362,000.00

497,559.80

487,559.80

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****All correspondence should be sent to the
Glenwood Springs office*

September 30, 2016

To: Minturn Town Council

From: Town Attorney

Re: 100 Block Zoning Ordinance

In your packet you will find a slightly modified version of Ordinance No. 5, Series 2016 dealing with the 100 Block zoning code amendments. I wanted to outline the changes that were made.

1. I corrected the Section reference for the Commercial Zone Districts Design Guidelines which is now at 16-6-75.
2. In section 16-2-70 (j) additional definition was added to describe the standard of construction for screening around trash and storage areas.
3. In the design guidelines, a couple of typographical errors were corrected.
4. In the design guidelines, additional pictures of the historic turntable and the recently completed entryway landscaping were included.
5. A list of inappropriate exterior construction materials was added that includes: Aluminum Siding, EIFS – exterior insulating finishing system, Vinyl Siding, Cultured Stone.

Finally, I have drafted some additional language for Council's consideration related to remodeling, enlarging or reconstructing an existing single family residential structure in the two commercial zone districts. This relates to a comment made by Shelly Bellm at the last Council meeting. Council could vote to amend the existing Ordinance with this language:

A conditional use permit shall not be required to remodel, enlarge, or reconstruct a single family residential dwelling in the Old Town Commercial Zone and the 100 Block Commercial Zone if the applicant can demonstrate to the Planning Director that: (a) an existing single family

residential dwelling exists on the property that has been used for residential (and not commercial) purposes for the prior ten (10) years, and (b) the remodeled, enlarged or reconstructed single family residential dwelling will not extend over any platted lot line that is not currently extended over by the existing single family residential dwelling. Any single family residential dwelling that qualifies under this provision shall otherwise conform will applicable zoning criteria.

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 5 – SERIES 2016

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO
AMENDING THE ZONING CODE OF THE TOWN OF
MINTURN SET FORTH AS CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE.

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

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, §29-20-101 through §29-20-108, C.R.S., as amended, and §31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

WHEREAS, the Town Council and Planning Commission have held various work sessions and public hearings to receive public input on changes to the Zoning Code; and

WHEREAS, §31-23-304, C.R.S., provides that the Town shall provide for the manner in which its land use and development regulations are amended, supplemented, or changed; and

WHEREAS, §16-21-430 of the Minturn Municipal Code provides that Town Council, Planning Commission or Planning Director may initiate an amendment of the Zoning Code, and §16-21-440 provides that the Town’s Planning Commission shall review all proposed amendments to the Town’s Zoning Code at a duly noticed public hearing and shall recommend approval or denial of a proposed amendment by Town Council, and that the Town Council shall finally approve or deny a proposed amendment at a duly noticed public hearing; and

WHEREAS, the Planning Commission at a duly noticed public hearing on August 24, 2016 considered the Zoning Code amendments and provided a recommendation to the Town Council; and

WHEREAS, the Town Council at duly noticed public hearings on September 7, 2016 and September 21, 2016 considered the proposed Zoning Code amendments and recommendation of the Planning Commission and determined that the amendments are in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Minturn Municipal Code.

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

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

SECTION 2. Chapter 16 of the Minturn Municipal Code, the Zoning Code of the Town of Minturn, is hereby amended to read as follows, with additions shown in double underlined text, and ~~strike through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

Sec. 16-6-10. – Character Area Characteristics.

The intent of the Community Plan is that the Old Town Character Area maintain its unique and friendly small town character while providing for a compatible mix of retail/commercial and residential uses. Old Town provides for low-impact retail/commercial and residential uses that support and enhance the friendly small town character. Small town main street characteristics such as walkability, window fronts, main entrances fronting sidewalks, and smaller scale buildings are to be promoted. The intent is to concentrate retail/commercial uses on Main Street and Williams Street and discourage retail/commercial uses on secondary streets when they would conflict with existing residential uses. ~~Until the Game Creek area is redeveloped,~~ The Old Town Character Area is to function as the primary retail/commercial core that encourages compatible retail/commercial activity and economic vitality. Subdivisions and planned unit developments occurring within the Old Town Character Area need to comply with the zoning code and promote the objectives in the Design Guidelines.

The small town main street characteristics for the Old Town Character Area are set forth in the Minturn Design Standards and Guidelines. The Design Guidelines are the foundation underlying the Design Review process and are essential for the Town in it's efforts to maintain the eclectic small town atmosphere, character and the over-all charm of our community. The Guidelines are a great starting point when considering building or remodeling in Town. Please visit the Planning Department Staff with any questions about your project after consulting the Design Guidelines.

Sec. 16-6-30. - Old Town Commercial Zone.

(a) The Old Town Commercial Zone is located on either end of the 100 Block Commercial Zone. The Old Town Commercial ~~Core~~ Zone is also characterized by a compact commercial core area bisected by Main Street or Highway 24. The ~~area~~ Old Town Commercial Zone, however, is adjacent to primary residential areas and does not extend off of the Highway 24/Main Street corridor. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.

(b) The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's retail commercial district along Highway 24 and Main Street. Accommodation of sales tax-generating commercial uses and ~~secondary~~ residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.

Sec. 16-6-35. - 100 Block Commercial Zone.

(a) The 100 Block Commercial Zone is characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.

(b) The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.

(c) The 100 Block Commercial zone should function as pedestrian shopping corridor. Buildings should be oriented toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage pedestrian engagement and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street.

(d) The small town main street character will be maintained by keeping scale of original plat of 25' x 100' lots and 1-2 story building heights. Large monolithic buildings and "strip" retail areas are discouraged.

Sec. 16-6-60. - Old Town Character Area map.

The Old Town Character Area map is set forth in Illustration 16-7 below:

Exhibit A is new zoning map to be incorporated into zoning code

Sec. 16-6-70. - Old Town Character Area use table.

The following uses in the Old Town Character Area use table under "All Commercial Uses" are hereby changed as follows. Any uses not changed herein shall remain the same.

Automotive Detail Shop	<u>R C</u>
Automotive Parts Sales	<u>R C</u>
Car Wash	<u>€ N</u>
Convenience Stores	<u>R C</u>
Gas Stations	<u>€ N</u>
Health/Medical Offices (street level)	<u>R C</u>
Health/Medical Offices (second floor or above)	<u>R</u>

Professional Offices, business offices and studios (street level) RC

Professional Offices, business offices and studios (second floor or above) R

Theaters, meeting rooms, and convention centers RC

The following uses in the Old Town Character Area use table are hereby deleted for all zone districts.

~~Office Uses~~

~~Retail Uses greater than 5,000 square feet~~

~~Service Businesses~~

Sec. 16-6-75. – Commercial Zone Districts Design Guidelines.

Exhibit B is the Design Guidelines for Commercial Zone Districts within Old Town to be incorporated into the code.

Sec. 16-2-40. - General lot requirements and dimensional standards.

The following Table 16-A sets forth general lot requirements and dimensional standards:

TABLE 16-A

Dimensional Standards

Character Area	Zones	Min. Lot Area (sq. ft.)	Min. Lot Dimension (feet)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	Minimum Setbacks			River/Creek Setback (ft) <small>Not to be included in lot square footage for purposes of Maximum Building Lot Coverage and Maximum Impervious Surface Area</small>
						Front	Rear (feet)	Side	
Old Town	Recreation & open space			To be determined as part of conditional review					30
	100 block commercial	2,500	25	80	10	10	10	5	
	Commercial	2,500	25	80		0	10	5	
	Mixed-use	5,000	50	(Note 1)		10	10	5	
South Town	Residential	5,000	50	40	50	20	10	5	30
	Commercial	7,500	50	70		20	10	5	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	

Sec. 16-2-60. - Building height limitations for all zone districts except 100 Block Commercial Zone.

- (a) Building roof height is not to exceed twenty-eight (28) feet at the mid-roof line in all character areas and zones, with the exception of the Old Town character area in the Old Town Commercial Zone. Residential construction in the Old Town ~~character area~~ Commercial Zone must follow residential building height limitations.
- (b) The maximum angle of the roof is forty-five (45) degrees of the bulk plane from the property line in a Commercial Zone district. See illustrations No. 16-3.
- (c) Flat roofs shall not exceed twenty-eight (28) feet in height for any character area or zone (including commercial and mixed-use zones).
- (d) In the Old Town Character Area, commercial buildings in the commercial zone can have a maximum roof height of thirty-five (35) feet with a maximum angle of forty-five (45) degree bulk plane from the street front setback or a maximum of twenty-eight (28) feet for a flat roof.
- (e) No building shall exceed three (3) stories in height.

(See also Illustration No. 16-2 and Appendix B, Design Standards and Guidelines) The following Table 16-B contains the regulations for building height.

Sec. 16-2-65. – 100 Block Commercial Zone Building Height Limitations

- (a) In the 100 Block Commercial Zone, commercial buildings not fronting or adjacent to Highway 24 can have a maximum building height of thirty-five (35) feet with a maximum angle of forty-five (45) degree bulk plane from the street front setback or a maximum of twenty-eight (28) feet for a flat roof.
- (b) All buildings in the 100 Block Commercial Zone fronting or adjacent to Highway 24 located between Eagle Street and Williams Street can have a maximum building height of twenty-eight (28) feet with a maximum angle of forty-five (45) degree bulk plane from the street front setback or a maximum of twenty-eight (28) feet for a flat roof.
- (c) Slope of roof shall be a minimum of 4:12.
- (d) Residential construction in the 100 Block Commercial Zone must follow residential building height limitations.

(See also Illustration No. 16-2 and Appendix B, Design Standards and Guidelines) The following Table 16-B contains the regulations for building height.

Sec. 16-2-70. - Specific Front, Side and Rear Yard Set-backs Requirements for 100 Block Commercial Zone

- (a) No parking spots allowed in the front or side setback on Highway 24 in the 100 Block Commercial Zone.
- (b) No asphalt.
- (c) Landscaping to include native trees, plants, tables, chairs, benches, decorative hardscape and planters for flowers.
- (d) Pedestrian lights to be hung on building for pedestrian lighting. Meet dark sky requirements in code section 16-17-180 Exterior Illumination Standards.
- (e) Must include irrigation.
- (f) Must have exterior power outlets.
- (g) All setbacks shall contain an area equal to five (5) percent of the total setback area for temporary snow storage (until snow can be removed off-site).
- (h) 10% of each setback area must be landscaped area.
- (i) Properties fronting Williams Street are encouraged to create an attractive, pedestrian friendly streetscape.
- (j) Dumpsters, trash, and storage areas shall be screened. Screening shall be a height, not to exceed six (6) feet, that exceeds the height of the dumpster, trash or storage items by at least six (6) inches. Screening shall be constructed of materials that are incorporated in or consistent with the façade of the primary structure on the Lot.

Sec. 16-2-80. – Block and Building Site Patterns and Side yard Setbacks for 100 Block Commercial Zone

- (a) Vacations of or building across originally platted lot lines shall not result in a building greater than seventy-five (75) feet in width along Highway 24, Williams Street or Eagle Street.
- (b) Building facades along Highway 24, Williams Street and Eagle Street shall not create the appearance of a single building that is wider than fifty (50) feet. Building facades must maintain the historic platted character of this area with buildings widths of twenty-five (25) feet to fifty (50) feet.
- (c) Maximum lot area (sq. ft): seven thousand five hundred (7500).
- (d) Minimum side yard setback is five (5) feet per 25 foot wide platted lot. For buildings fronting or adjacent to Highway 24 located between Eagle Street and Williams Street, the Planning Commission may require that the side yard setbacks be combined for the purpose of creating a 10 to 15 foot side yard corridor between 2 buildings.
- (e) Corner lots: ten (10) foot front yard setback facing Highway 24; five (5) foot setback on side facing any new or existing street connecting to Highway 24.

Exhibit C is a diagram depicting block and building site patterns to be incorporated into the code.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 21ST DAY OF SEPTEMBER, 2016. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 5TH DAY OF OCTOBER, 2016 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 5TH DAY OF OCTOBER, 2016.

TOWN OF MINTURN, COLORADO

Matt Scherr, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Design Guidelines

100 Block Commercial Zone



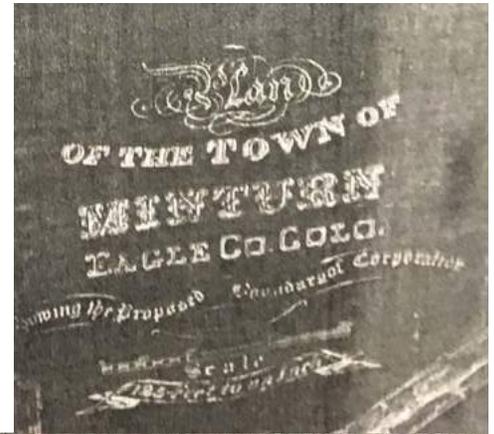
‘History meets Present’

- utilize historic cadence of original plat - 25’ wide lots
- reflect history of the “working class town” into the design
- combine history with present technology & architecture
- use environmental sustainable building practices
- express historic industries of Minturn in the design:
mining - railroad - farming
- utilize historic building materials and new advanced materials - materials not allowed in the 100 block:
Aluminum Siding, Vinyl Siding , Cultured Stone
and EIFS – (exterior insulating finishing system)

Cadence in Design:

- utilize the 25' wide historic lot cadence in designing the mass and scale of new buildings and facades

Original Plat of the 100 Block Commercial & Residential Area

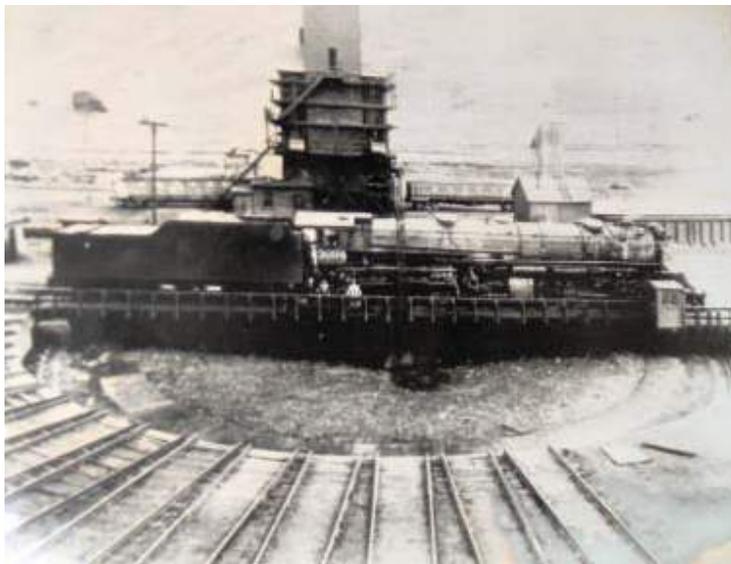


100 Block Design ‘History meets Present’



turn-table building in Minturn

The 100 Block design incorporates the historic turn-table & mining industry



public gathering space represents the pattern of the turn-table, materials represent railroad tracks

mining integrated with
steel art screen



Eclectic Design Is:

original - creative - varying:

- materials
- designs
- roof lines
- colors
- store fronts
- building facades
- size - height
- corridors
- pathways
- history combined with new technology

*not standard, not uniform

*individual



Minturn 'Eclectic' Restrooms:

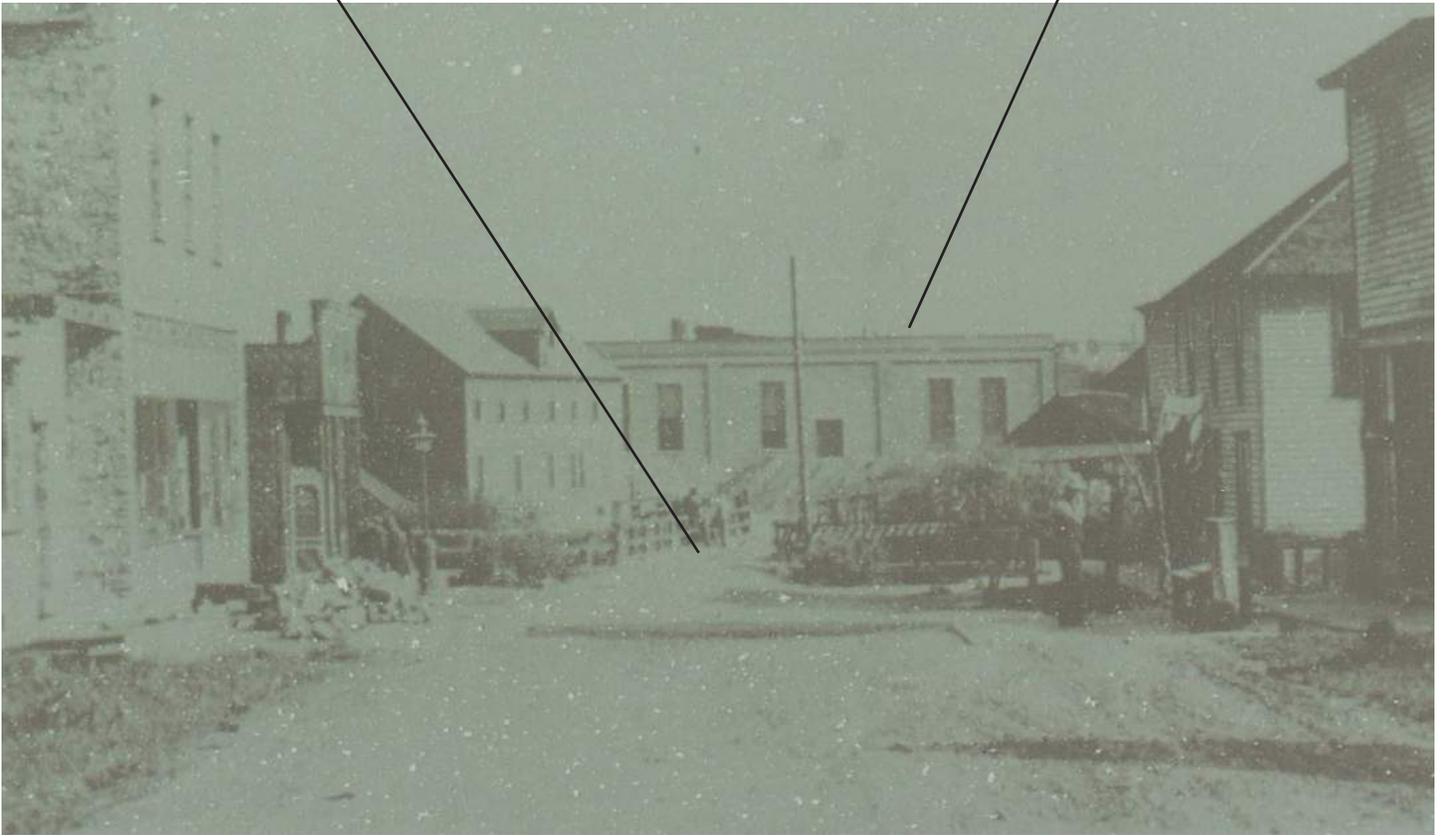
The Adit: the horizontal passageway into a mine meets parametric modeling



Downtown 100 Block on Highway 24 looking NE across river

bridge

railroad turn-table building



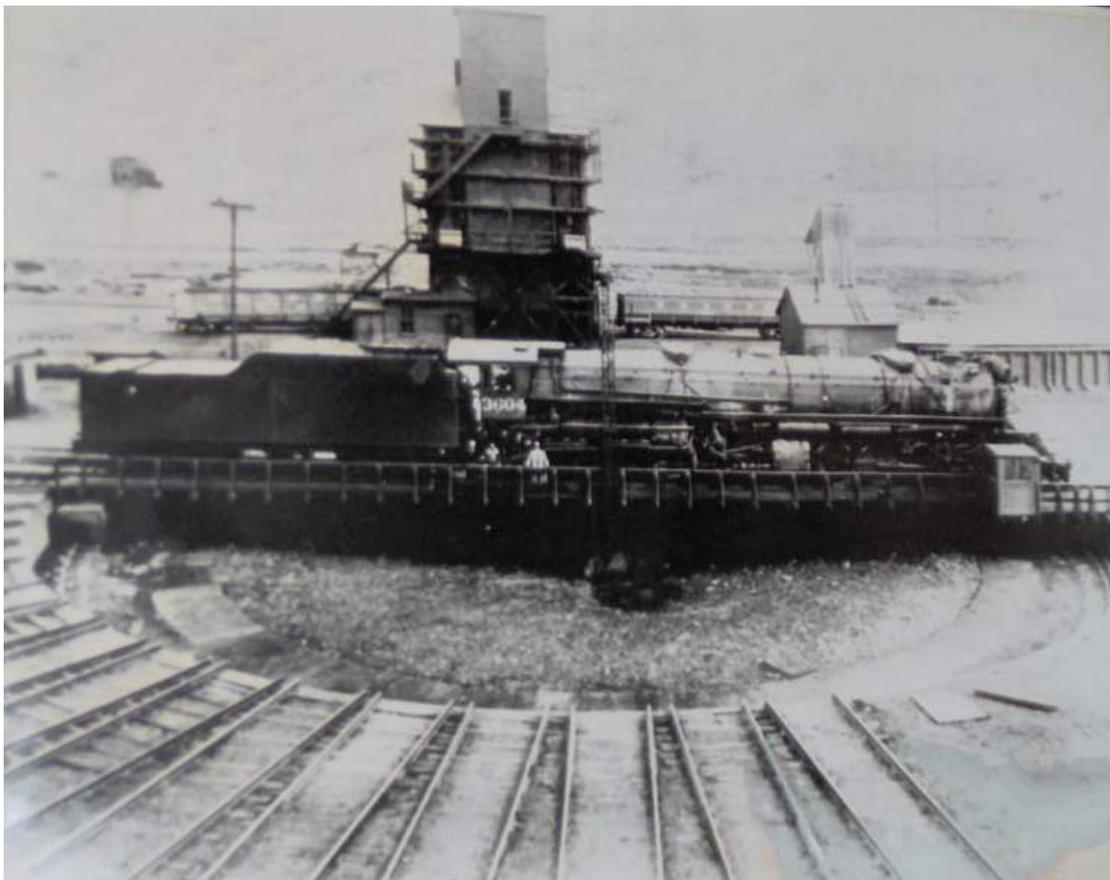
100 block looking SE across bridge



History meets Present Day

The Minturn Railroad Turn-Table:

‘utilize in design, materials and patterns of built environment’



History meets Present Day

Gilman Zinc Mine: materials, patterns, industry -
'express in present day architecture'



History meets Present Day

Gilman Zinc Mine: materials, patterns, industry -
express in present day architecture



Mass & Scale:

- smaller houses - single story - multiple building
industrial - pedestrian scale - working class town
- by the river and roads - structures are shorter
- similar to the mine - structures grow taller next to the mountains

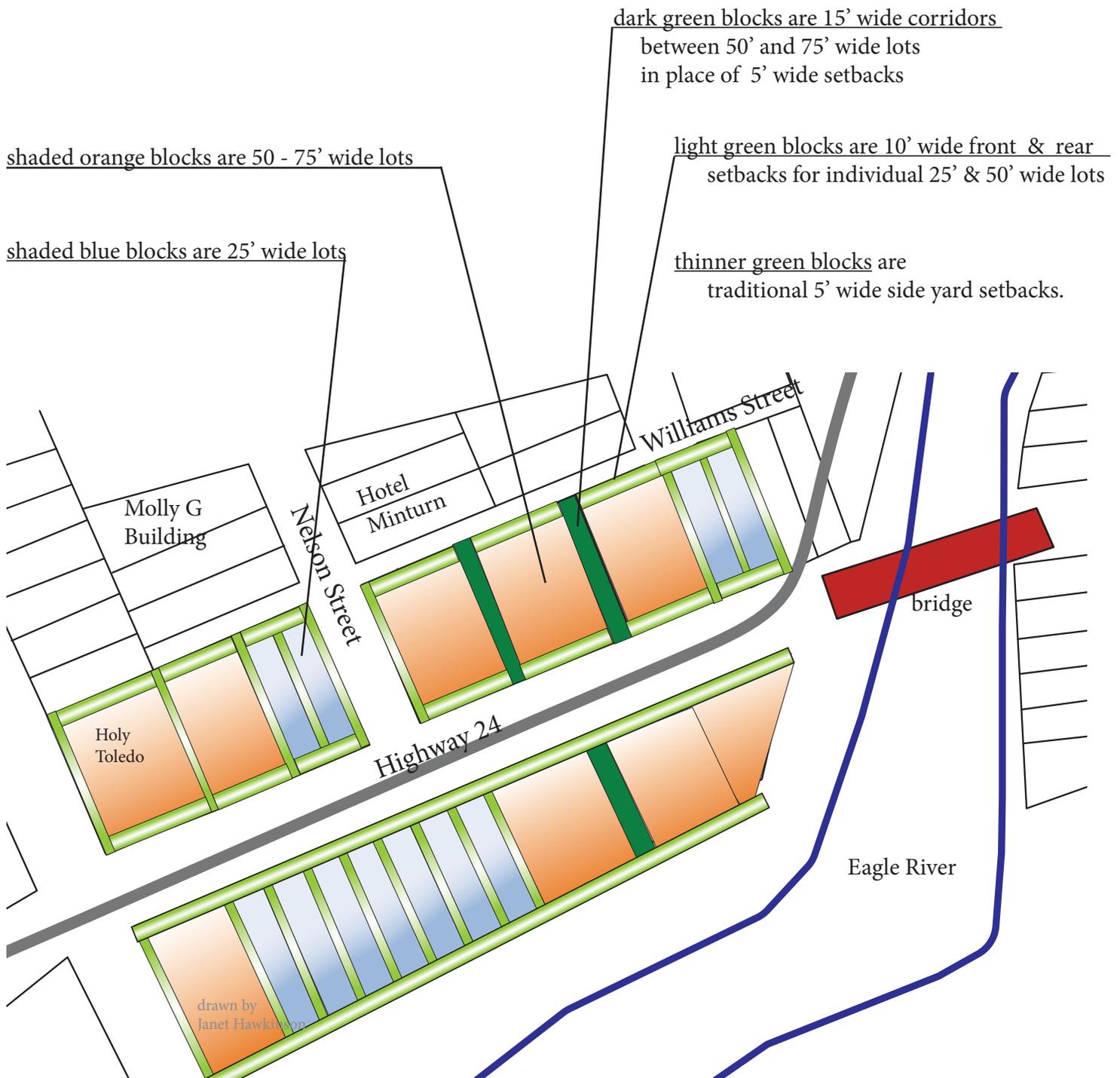


Diagram Example of:

100 Block Commercial Zones: Setbacks & Mass & Scale

Design to encourage:

- 15' wide corridors are encouraged for walkways to create a pedestrian friendly commercial 100 block
- corridors can be utilized for tables, landscaping - trees & flower pots, and market space
- encourage street fronts on buildings between William Street and Highway 24
- landscape for beautification - storm water management - shade
- 10' front & rear setbacks for landscaping, patios, flowers, trees, seating, snow storage
- reflect the historic & present cadence of original plat of downtown Minturn



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



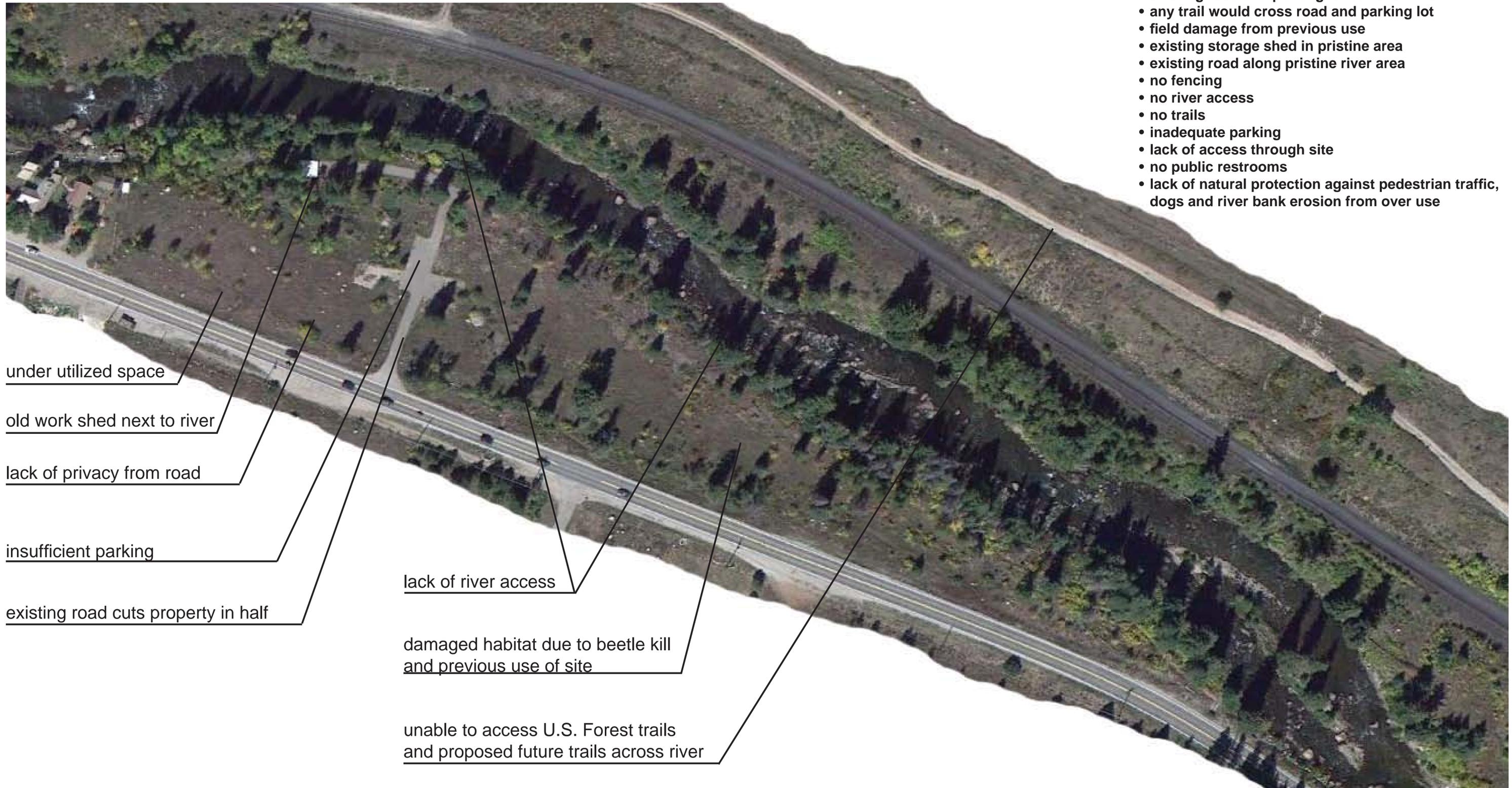
TOWN COUNCIL
Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – John Rosenfeld
Councilmember – Jason Osborne
Councilmember – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Regular Session
MEETING DATE: October 5, 2016
PRESENTER: Brunvand
BACKGROUND: During the Regular Session Council will be presented with the FY2017 Proposed Budget. In the event there are any questions from the Work Session we will continue the discussion. Otherwise Council need only accept the document. This acceptance will then allow me to publish the Public Hearing dates which begins the public portion of the budget process. This meeting is designed to present a quick summary and over view of the budget. The major questions such as water rates and projects have for the most part been covered in previous meetings. Additionally, during the October 19 Council Work Session we will consider some of the remaining discussion issues. Please find a copy of the FY2017 Budget under separate cover.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS:
STAFF RECOMMENDATION/MOTION: “I move to accept the Fiscal Year 2017 Proposed Annual Budget and set Public Hearings at 6:30pm on November 2 and November 16, 2016 to be held in the Council Chambers at 302 Pine St, Minturn as presented.”

Site Constraints:

- remnants of Forest Service storage site
- awkward parking lot and limited size
- parking lot in the widest & scenic area
- existing road and parking lot cut site in half
- any trail would cross road and parking lot
- field damage from previous use
- existing storage shed in pristine area
- existing road along pristine river area
- no fencing
- no river access
- no trails
- inadequate parking
- lack of access through site
- no public restrooms
- lack of natural protection against pedestrian traffic, dogs and river bank erosion from over use



under utilized space

old work shed next to river

lack of privacy from road

insufficient parking

existing road cuts property in half

lack of river access

damaged habitat due to beetle kill and previous use of site

unable to access U.S. Forest trails and proposed future trails across river



Town of Minturn
302 Pine Street
Minturn, CO 81645

**Boneyard Conservation
Easement Site Plan
November 2014**

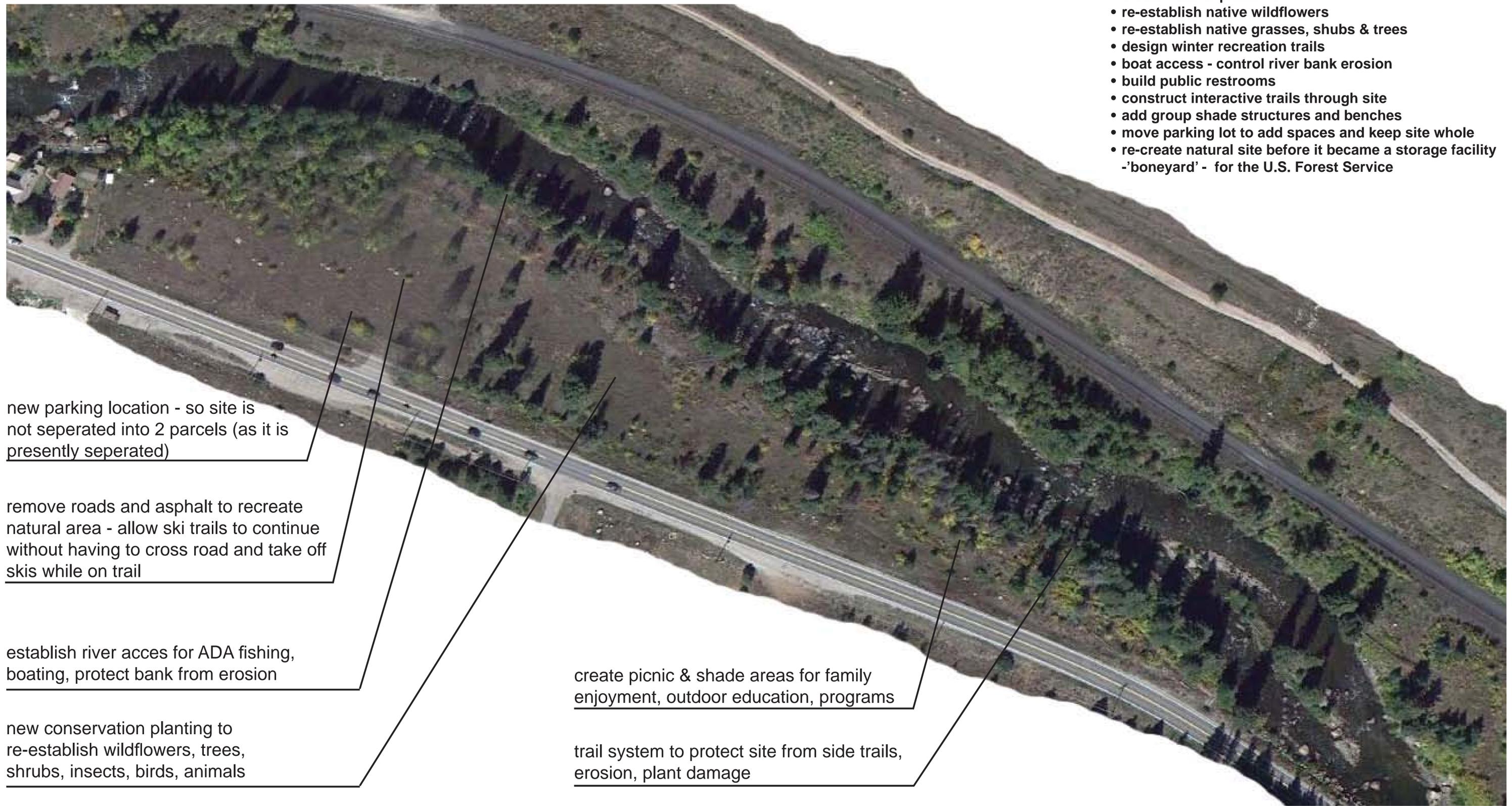
Site Constraints

Drawn by:
Planning Director
Janet M. Hawkinson, MLAP

Sheet # 1
of 3

Site Opportunities:

- connect trails on site to planned trails surrounding area
- create fishing access
- create natural preserve
- re-establish native wildflowers
- re-establish native grasses, shrubs & trees
- design winter recreation trails
- boat access - control river bank erosion
- build public restrooms
- construct interactive trails through site
- add group shade structures and benches
- move parking lot to add spaces and keep site whole
- re-create natural site before it became a storage facility - 'boneyard' - for the U.S. Forest Service



new parking location - so site is not separated into 2 parcels (as it is presently separated)

remove roads and asphalt to recreate natural area - allow ski trails to continue without having to cross road and take off skis while on trail

establish river access for ADA fishing, boating, protect bank from erosion

new conservation planting to re-establish wildflowers, trees, shrubs, insects, birds, animals

create picnic & shade areas for family enjoyment, outdoor education, programs

trail system to protect site from side trails, erosion, plant damage



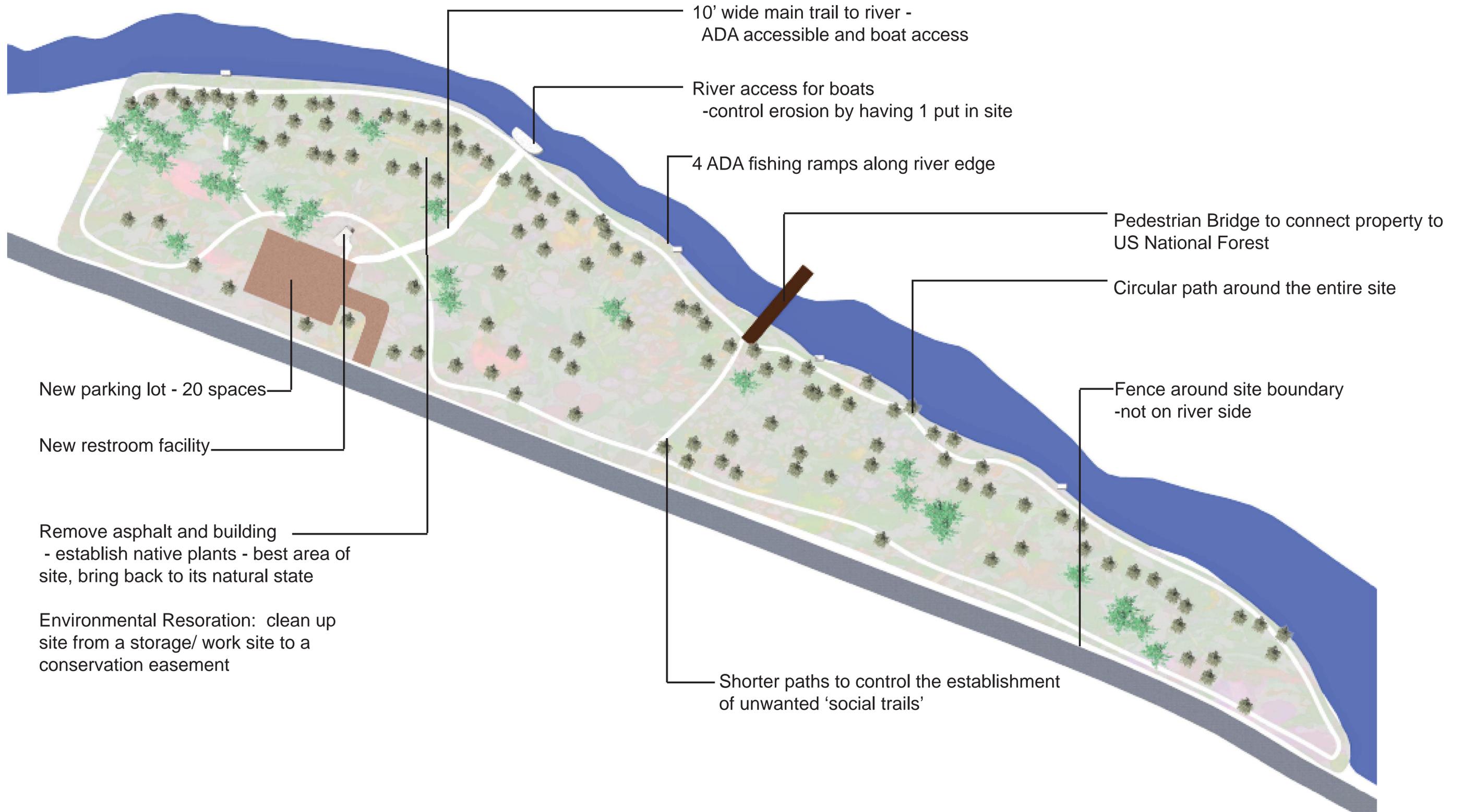
Town of Minturn
302 Pine Street
Minturn, CO 81645

**Boneyard Conservation
Easement Site Plan
November 2014**

Site Opportunities

Drawn by:
Planning Director
Janet M. Hawkinson, MLAP

Sheet #2
of 3



10' wide main trail to river -
ADA accessible and boat access

River access for boats
-control erosion by having 1 put in site

4 ADA fishing ramps along river edge

Pedestrian Bridge to connect property to
US National Forest

Circular path around the entire site

Fence around site boundary
-not on river side

New parking lot - 20 spaces

New restroom facility

Remove asphalt and building
- establish native plants - best area of
site, bring back to its natural state

Environmental Resoration: clean up
site from a storage/ work site to a
conservation easement

Shorter paths to control the establishment
of unwanted 'social trails'



Town of Minturn
302 Pine Street
Minturn, CO 81645

**Boneyard Conservation
Easement Site Plan**

January 2015

Site Plan

Drawn by:
Minturn Planning Director
Janet Hawkinson, MLAP

Sheet #3
of 3

**Boneyard Conservation Easement
Management Plan
July 2016**

Purpose: The Town of Minturn owns a 4.4 acre parcel on Eagle River that was purchased with Eagle County Open Space Funds (the “Property”). The Town has a Deed of Conservation Easement (“Conservation Easement”) with Eagle County Open Space that encumbers the Property and protects the Conservation Values of the Property (as described in the Conservation Easement) in perpetuity. The Conservation Easement provides for a management plan (the “Plan”) that outlines the uses and management of the Property in a manner that is consistent with the Conservation Easement. All management activities conducted by Eagle County, contractors or managing partners, must be consistent with the Conservation Easement.

Background: The Property is located in Minturn on Highway 24, in Eagle County, Colorado. The purpose of the Town and County’s purchase of the Property was to protect wildlife habitat, preserve natural scenic features, and provide forms of public recreational access to the Eagle River. The particular Conservation Values of the Property are summarized in the Conservation Easement and more fully described in the Present Conditions Report prepared by Rare Earth Science, LLC, May, 2014 (“Present Conditions Report”).

When acquired, the Property had many dead pines from the beetle epidemic, a large asphalt road cutting the property in half and a 2 story shed. By late 2011 all the dead timber material was cleared from the Property. The asphalt and shed still remain, however in the plan are to be removed.

Natural Resources: The Present Conditions Report most accurately describes the current condition of the Property. The Property borders the Eagle River, and thus contains extensive native river wildlife. The Eagle River is undammed and experiences a relatively natural hydrology like most free-flowing Rocky Mountain Rivers, with highest flows in the months of May, June, and July. The upland portion of the Property contains native grasses, shrubs and trees, and minor infestations of noxious weeds.

Natural Management: Eagle County Open Space intends to allow native ecosystem processes on the Property to continue unfettered. Natural resource management activities will be mainly limited to those that serve to enhance native species and protect public safety.

Noxious Weed Management: The Present Conditions Report identifies several noxious weed species. Noxious weeds represent a potentially serious threat to the Conservation Values of the Property, and the Town of Minturn will use a variety of methods to control noxious weeds, including chemical, biological, and mechanical efforts, provided such weed control will be undertaken in a manner that minimizes impact to the Conservation Values.

Timber: Pine, spruce and aspen trees are on the property. Beetle infested trees have been removed. Additional removal is not anticipated at this time, but may be

contemplated in the future, mainly to enhance tree health and public safety. New native trees may be planted at any time.

Recreational Access Improvements: A primary reason for purchasing the Property was to provide recreational access to the Eagle River. A Site Development Plan to establish this access was established in 2014. Work has not been completed. Completion date for site construction is dependent on funding.

The planned improvements consist of limited concrete and asphalt to enhance the visitors experience with nature and the conservation of open space. A bio-engineered boat launch to control erosion, a roadbase and gravel driveway, a roadbase and gravel parking lot, hard & soft trails, restrooms, picnic tables, and directional, regulatory, and interpretive signage. Parking spots adjacent to the restroom are required to be compliant with the ADA requirements. These improvements are planned for the future upon funding.

Areas disturbed by construction will be restored and re-vegetated in a manner consistent with the Conservation Easement.

Vehicular Access: Public access is allowed at one entrance. This is the existing entrance off Highway 24.

Fishing: Fishing is allowed on the property in the Eagle River. There are 3 proposed ADA fishing sites that are to be bio-engineered to minimize concrete.

Wildlife Management: Numerous wildlife species benefit from the preservation of the Property. Eagle County Open Space does not intend to actively manage wildlife unless a problem arises. Decisions regarding wildlife management issues will be made in consultation with District Wildlife Managers.

Fencing: Post and rail fencing is in the plans to be placed on the boundary of the property. It will be built upon funding.

Agriculture: No agricultural use of the Property is currently planned.

Trash: Wildlife proof trash containers will be installed.

Conservation easement monitoring: Eagle County Land Trust will monitor the Property annually and provide a written report to Eagle County Open Space.

Plan Update: This Plan will be examined annually by Eagle County Open Space and the Eagle County Land Trust to determine if changes are necessary.

Utilities: There are no utility easements across the Property.

Educational Programming: The Town of Minturn will encourage use of the site for educational programming, but none is currently planned.

Rules and Regulations: Rules and Regulations will be posted on permanent signage. The following list includes many of the rules that will likely be outlined:

Prohibited Uses:

- No camping
- No fires
- No motorized use
- No littering or dumping
- No hunting
- No destruction of natural resources or vandalism of recreational improvements
- Users may not trespass on adjacent private property
- No commercial activity
- Commercial outfitters prohibited
- No dogs
- Anglers must be properly licensed by Colorado Parks & Wildlife
- No gathering or removal of plants
- No overnight parking

Allowable uses include:

- Hiking
- Fishing
- Skiing
- Snowshoeing
- Boating on the river
- Picnicking
- Horseback riding
- Photography
- Environmental Education

Special Uses: Special use requests may be made to the Eagle County Open Space Program and Town of Minturn. These requests will be evaluated to determine if they are consistent with the Conservation Easement, consistent with the intended use of the open space, and the extent to which they burden Eagle County or its partners. If approved the use may be monitored by Eagle County to determine if future similar events can be accommodated and to what extent changes will be required.

Hours of Operation: The site is open to public use from sunrise to 10:00 pm.

Site Management: The Town of Minturn will manage the site through their public works department. The Eagle County Sheriff has been made aware of the plans for the Property and periodically patrols the site

Site Structures: any physical improvements proposed on the property are subject for approval by the Minturn Planning Commission-Design Review Board. This includes picnic tables, benches, shelters, signs, trash containers, restrooms, etc....

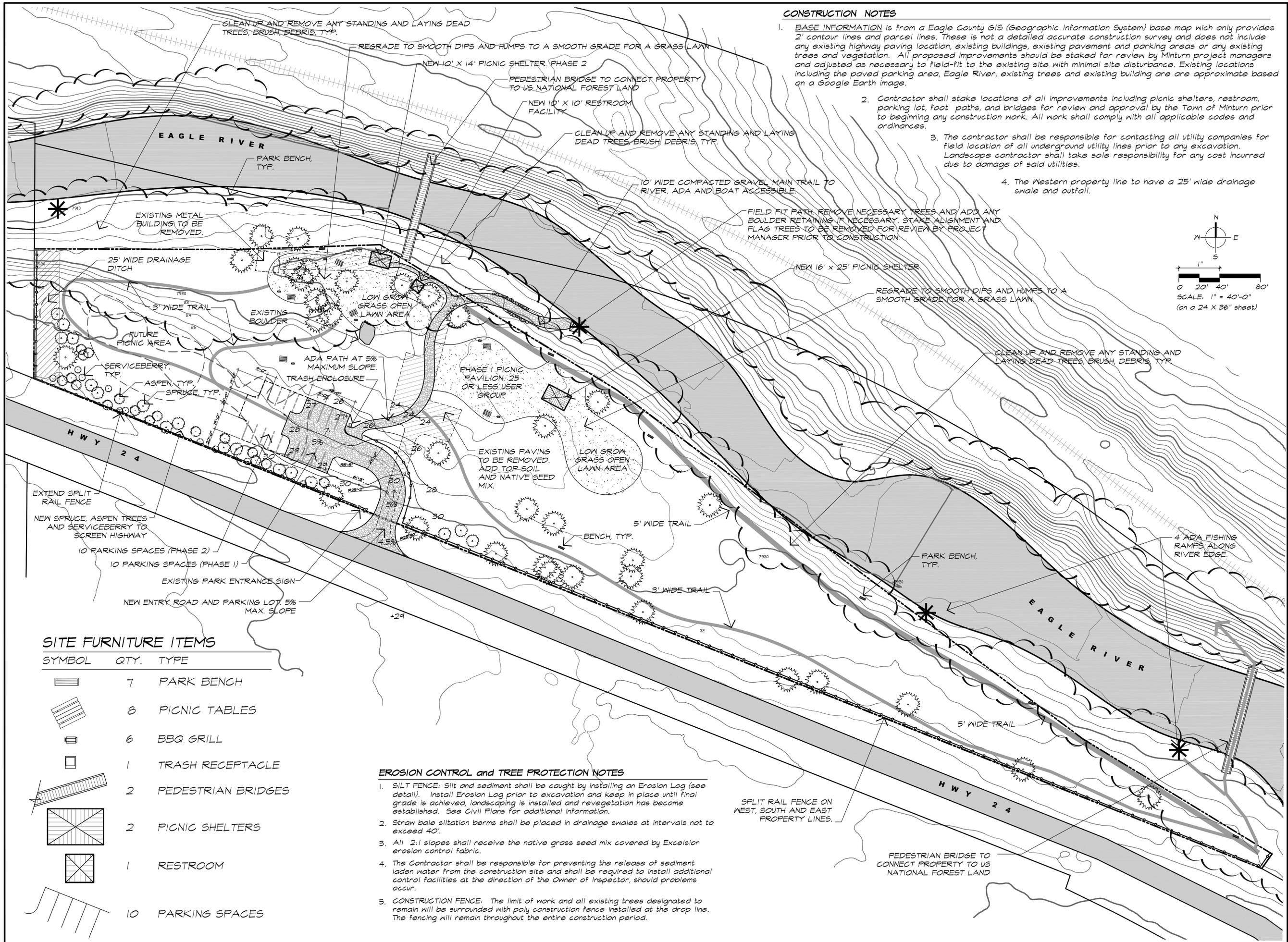
APPROVED AND ADOPTED THIS _____ day of _____,
2015.

By: _____

Mayor Matt Scherr
Town of Minturn

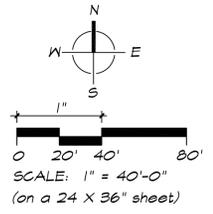
By: _____

Toby Sprunk
Director of Open Space
Eagle County Land Trust



CONSTRUCTION NOTES

1. **BASE INFORMATION** is from a Eagle County GIS (Geographic Information System) base map which only provides 2' contour lines and parcel lines. These is not a detailed accurate construction survey and does not include any existing highway paving location, existing buildings, existing pavement and parking areas or any existing trees and vegetation. All proposed improvements should be staked for review by Minturn project managers and adjusted as necessary to field-fit to the existing site with minimal site disturbance. Existing locations including the paved parking area, Eagle River, existing trees and existing building are approximate based on a Google Earth image.
2. Contractor shall stake locations of all improvements including picnic shelters, restroom, parking lot, foot paths, and bridges for review and approval by the Town of Minturn prior to beginning any construction work. All work shall comply with all applicable codes and ordinances.
3. The contractor shall be responsible for contacting all utility companies for field location of all underground utility lines prior to any excavation. Landscape contractor shall take sole responsibility for any cost incurred due to damage of said utilities.
4. The Western property line to have a 25' wide drainage swale and outfall.



EROSION CONTROL and TREE PROTECTION NOTES

1. **SILT FENCE:** Silt and sediment shall be caught by installing an Erosion Log (see detail). Install Erosion Log prior to excavation and keep in place until final grade is achieved, landscaping is installed and revegetation has become established. See Civil Plans for additional information.
2. Straw bale siltation berms shall be placed in drainage swales at intervals not to exceed 40'.
3. All 2:1 slopes shall receive the native grass seed mix covered by Excelsior erosion control fabric.
4. The Contractor shall be responsible for preventing the release of sediment laden water from the construction site and shall be required to install additional control facilities at the direction of the Owner or Inspector, should problems occur.
5. **CONSTRUCTION FENCE:** The limit of work and all existing trees designated to remain will be surrounded with poly construction fence installed at the drop line. The fencing will remain throughout the entire construction period.

SITE FURNITURE ITEMS

SYMBOL	QTY.	TYPE
	7	PARK BENCH
	8	PICNIC TABLES
	6	BBQ GRILL
	1	TRASH RECEPTACLE
	2	PEDESTRIAN BRIDGES
	2	PICNIC SHELTERS
	1	RESTROOM
	10	PARKING SPACES

DENNIS ANDERSON
LANDSCAPE ARCHITECTURE
P.O. Box 1387, Edwards, Colorado 81632
Phone (970) 926-7200, Cell 360-3745
email daa@comcast.net
Colorado Licensed Landscape Architect # 535



BONEYARD PARK
Minturn, Colorado

ISSUED FOR:
REVIEW 8-29-2016
REVIEW 9-2-2016
9-12-2016
9-23-2016

SHEET TITLE
SITE DEVELOPMENT PLAN

SHEET
S-1
OF 1

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 – Matt Scherr
Mayor Pro Tem – Earle Bidez
Councilmember – Terry Armistead
Councilmember – Harvey Craig
Councilmember – Sidney Harrington
Councilmember – Sage Pierson
Councilmember – John Widerman

Manager Memo October 5, 2016

Turtable Issues

The vacant trailers have been red tagged stating they cannot be occupied until an inspection and corrective measures are complete and approved by the town. Westside has told me they intend to replace all four trailers.

I sent an email to Westside and the Hansens demanding payment of the water bill by Oct. 4. See attached email.

Minturn to Dowd Trail

I hope to have an update at the meeting regarding an easement from the State Land Board.

Zoning Code Revisions

Following code revisions for the 100 block, the next priority is to develop a zoning code amendment for Dowd Junction. Staff has begun this task.

General Items

Staff has been working hard on the 2017 Budget and Battle Mountain MOU negotiations.

Jay Brunvand

From: Willy Powell
Sent: Thursday, September 29, 2016 10:54 AM
To: Jay Brunvand
Subject: FW: Unpaid water bill

From: Willy Powell
Sent: Wednesday, September 28, 2016 1:54 PM
To: westsidecafe@comcast.net; 'Jim Hanson'
Subject: Unpaid water bill

Ryan and Jim,

I have been instructed by Town Council to assure the town is paid in full for the outstanding water bill on a very timely basis, or turn off water to the turntable hotel and restaurant. Have the two of you worked out a payment plan? Town staff continues to pursue with the District the waiver of the interest and penalties, but we do not have a final answer yet. The outstanding water bill is \$31,606.21 including \$7,027.24 of interest and penalties. I propose the following.

1. Together you pay the outstanding amount less interest and penalties which equals \$24,578.97, prior to or on October 4.
2. If the District will not waive the interest and penalties, a payment plan will be agreed upon by Westside and the town for that amount equaling \$7,027.24.

If the town is not paid the \$24,578.97 by Oct. 4 then the town will proceed with shutting off water service, pursuant to the town code. I look forward to your prompt response.

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

ACTION PLAN	responsible party	status
9/7/2016		
TOP PRIORITIES		
Code Enforcement	Powell	zoning code, nuisance, parking
Provide necessary funding		will be proposed in 2017 budget
Develop enforcement strategies		Council discussion on 10/5
hire enforcement officer		begin hiring process in Oct.
Communication Strategies		
Council strategy--concerts, coffees, etc.	Council	
Consider live phone reception	staff	
Staff returns phone calls w/ 24 hours		
Economic Development Strategies		
EDAC meeting 8/16 to review plan	Metteer, ECAC	Council to review plan 9/21
Main Street Pedestrian Planning		
Final Design	Powell	to be submitted 2/7/17
TAP grant		submitted 7/27, award announcement Nov. 1
apply for DOLA grant		need to discuss timing with DOLA representative
determine construction schedule		2019
SECOND TIER PRIORITIES		
Water Rates		
Water rates to be reviewed 8/17	Water Comm.	rates to be decided during budget process
Final water rates for 2017 defined in budget		
Zoning Code Update 100 Block		
PZ and Council action by October	Hawkinson	Second reading Oct. 5
Zoning Code Update Dowd Junction		
PZ Council action by November	Hawkinson	next priority for PZ staff is developing a draft table of uses
Bike Path Minturn to Dowd		
Alignment, easements, permits	Powell, Hawkinson	State Land Board easement discussion in play
Soft Paths		
construction to occur Sept. 17	Metteer	good turn-out for volunteer day and largely finished
Speed Limits Main St.		
Does Minturn conduct study and budget		
Governance		
Is this a priority of new Council?		