



AGENDA
Historic Preservation Commission Meeting
Tuesday, October 15, 2024
Town Hall / Council Chambers - 302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.
This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/81880173258>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 818 8017 3258

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

- 1. CALL TO ORDER - 5:30 PM**
- 2. ROLL CALL AND PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF REGULAR AGENDA**
Opportunity for amendment or deletions to the agenda.
- 4. APPROVAL OF MINUTES**
[A.](#) September 17, 2024
- 5. DECLARATION OF CONFLICTS OF INTEREST**
- 6. PUBLIC COMMENTS**

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made

for a presentation with the HPC Secretary. Those who are speaking are requested to state their name and address for the record.

7. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the HPC Secretary.

[A.](#) Historic Preservation Commissioner Training

8. BUSINESS ITEMS

Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the HPC.

[A.](#) Certificate of Appropriateness - Relocation of Meyer's Barn from 25 Harrison Avenue to Little Beach Park

9. DISCUSSION / DIRECTION ITEMS

[A.](#) Flexibility

10. STAFF REPORTS

[A.](#) Planning Department Update

11. HISTORIC PRESERVATION COMMISSION COMMENTS

12. FUTURE AGENDA ITEMS

13. ADJOURN



OFFICIAL MINUTES
Historic Preservation Commission Meeting
Tuesday, September 17, 2024
Town Hall / Council Chambers - 302 Pine St Minturn, CO

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/82058258618>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 820 5825 8618

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER - 5:30 PM

Kelly Toon called the meeting to order at 5:30 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Members present: HPC Members Kelly Toon, Lynn Teach, and Tracy Andersen.

Staff members present: Planner I Madison Harris.

Note: Ken Halliday and Robert Creasy are excused absent.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Tracy A., second by Kelly T. to approve the agenda as presented. Motion passed 3-0.

Note: Ken H. and Robert C. are excused absent.

4. APPROVAL OF MINUTES

A. August 20, 2024

Motion by Tracy A., second by Lynn T., to approve the minutes of August 20, 2024 as presented. Motion passed 3-0.

Note: Ken H. and Robert C. are excused absent.

5. DECLARATION OF CONFLICTS OF INTEREST

No conflicts of interest.

6. PUBLIC COMMENTS

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the HPC Secretary. Those who are speaking are requested to state their name and address for the record.

No public comment

7. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the HPC Secretary.

8. BUSINESS ITEMS

Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the HPC.

9. DISCUSSION / DIRECTION ITEMS

A. Flexibility

Tracy A. asked if there is a timeline that this needs to be completed by.

- Madison H. said no, just that Council gave direction to investigate additional options for flexibility.

Lynn T. pointed out that a council member had expressed concern about a way to get a historical structure off of the register if something out of the property owners control happened. Handed out an excerpt from Buena Vista. She would like to see the 7 options implemented and get feedback before we change anything else.

Kelly T. suggested getting rid of taxes.

Tracy A. finds it disheartening that the new council seems more opposed to historic preservation. She hopes that a good chunk of Chapter 19 can stay to protect the downtown.

10. STAFF REPORTS

A. Planning Department Update

Kelly T. suggested that that rather than looking down at the water tank, instead be looking up. He suggested Minturn Water Tank instead of Downtown Minturn. It should be a description if there isn't an address.

11. HISTORIC PRESERVATION COMMISSION COMMENTS

Lynn T. said to save this town

Tracy A. said we need to save the Nelson houses.

Kelly T. appreciates the new purple house.

12. FUTURE AGENDA ITEMS

13. **ADJOURN**

Motion by Lynn T., Kelly T., to adjourn the regular meeting of September 17, 2024 at 6:34 p.m.
Motion passed 3-0.
Note: Ken H. and Robert C. are excused absent.

Ken Halliday, Commission Chair

ATTEST:

Michelle Metteer, Town Manager

Minturn Planning Department
Minturn Town Center
301 Boulder St. #309
Minturn, CO 81645
970-827-5645
planner1@minturn.org
www.minturn.org



**Minturn Historic Preservation
Commission**
Chair – Ken Halliday
Vice Chair – Robert Creasy
Tracy Andersen
Lynn Teach
Kelly Toon

Memorandum

Date: October 11, 2024
To: Minturn Historic Preservation Commission
From: Madison Harris, Planner I
Re: Historic Preservation Commissioner Training

The Historic Preservation Commission often handles applications or topics of a quasi-judicial matter. Thus, whenever there are new people on the Commission, staff considers it best practice to go over the statutes and rules that the Board has to abide by. The presentation and training will likely cover, including but not limited to, the role of the HPC, an introduction to the quasi-judicial role, best practices for quasi-judicial hearings, and tips for good deliberation. This is to set the foundation for the new Commissioners’ terms and give a refresher course to the Commissioners that are only part-way through their terms.



Town of Minturn Historic Preservation Commission Training

Presented by

Sam Light, CIRSA Deputy Executive Director/General Counsel

Introduction

- Congratulations on your appointment to the Minturn Historic Preservation Commission, and thank you for your service!
- This training is an intro/refresher on liability risks & risk prevention best practices surrounding your role as a “quasi-judicial” decision-maker (which we’ll define in a moment)
- Presentation is a training resource only; is not intended as legal advice on any specific, pending issues; in case of any inconsistency between this presentation and your Town Attorney’s advice, your Town Attorney is always right!
- For additional CIRSA resources:
 - The elected officials’ page on CIRSA website has some resources relevant to boards and commissions: <https://www.cirsa.org/safety-training/elected-officials/>
 - CIRSA *Elected Officials Liability Handbook*: <https://www.cirsa.org/wp-content/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf>
 - And our newest video (<https://www.youtube.com/watch?v=bfhxvn1c1IA&t=10s>), which is 17 minutes long, or you can just watch the “due process” section here: <https://www.youtube.com/watch?v=2HeNb1SJfL8>

About CIRSA

Colorado Intergovernmental Risk Sharing Agency

- Public entity self-insurance pool for property, liability, and workers' compensation coverages
- Formed in 1982 by 18 municipalities pursuant to CML study committee recommendations
- Not an insurance company, but an entity created by IGA of our members
- Total membership today stands at 290 member municipalities & affiliated entities
- CIRSA views proactive approaches to risk management as critical member services – it's a win-win when issues can be addressed/resolved before they turn into more contentious disputes or litigation
 - The work of the Historic Preservation Commission is highly visible and impactful, and can be a source of claims and litigation

Quasi-Judicial Issues

- Your role as a quasi-judicial decision-maker is one of the relatively little-known aspects of municipal service at your level
- The rules that apply to quasi-judicial decision-making are distinct from those that apply in other settings, and are often counter-intuitive
- But, because of the high stakes involved in these decisions, and because of the constitutional protections underlying the applicable rules, missteps in the quasi-judicial arena can have severe consequences
- Your responsibilities can be broadly broken out into two arenas:
 - Those involving the **big picture**—making and adopting general historic preservation plans; recommending general amendments to historic preservation regulations (Chapter 19 of the Town Code)
 - Those affecting the rights of **individual** property owners or developers, who come to you for your recommendation or decision concerning their property – e.g., landmark designation and alteration hearings
- When a decision concerning individual rights – e.g., a landmarking or alteration application – is before you, you are acting in a **quasi-judicial capacity**

Quasi-Judicial vs. Legislative: A Comparison

- Comparing “quasi-judicial” activities with the kinds of “legislative” activities that you see coming before the Town Council can provide a useful contrast from a conduct standpoint
- Examples: Should we have a historic preservation code or plan? Should we adopt general amendments to design guidelines to further reflect our desire to protect historic elements? Should we as a matter of policy allow or ban certain land uses? In such matters, the following activities by officials are commonplace, expected, and perfectly OK
 - **listening to citizens who contact you in person, by email, on social media, etc.**
 - **investigating the issues yourself, applying your own personal knowledge**
 - **communicating early and often with your fellow citizens**
 - **lobbying and being lobbied**
 - **working in advance to create a consensus (subject to open meetings laws)**
 - **having strong convictions/ opinions/prejudgments that you don’t hesitate to voice and share....**
- And then ultimately **voting on a policy-making enactment that will have prospective application to all who come within the ambit of the enactment** – that’s a good working definition of “legislative”
- The “rules of engagement” for legislative activities are easy and intuitive – the kinds of activities described above are OK! **Think legislator – State Capitol!**

A Comparison

- Your role of making and recommending general historic preservation plans, and making recommendations on generally applicable updates to the historic preservation ordinance or similar “legislative” regulations, is the part of your work that’s most analogous to the legislative work of the Town Council
 - You are visioning, looking prospectively and “big picture”
 - You aren’t seeking to make binding decisions concerning the individual rights of specific landowners, or concerning individual parcels of property
- But when you make decisions concerning requests such as the following (and others), you **are** affecting the individual rights of a specific landowner:
 - Request for landmarking designation of specific properties (Code Ch. 19, Art. 4)
 - Request for alteration to listed historic properties (Code Ch. 19, Art. 5)
- These proceedings are **quasi-judicial**! Thus: **Think Judge – Courtroom!**

A Comparison

- When it comes to quasi-judicial issues, *the activities listed in red above for legislative issues are problematic, because you're not supposed to be acting like a legislator, you're supposed to be acting like a judge!*
- So, let's arrive at a working definition for "quasi-judicial":
 - Typically involves a decision affecting **property rights** at an **individual** level; Decision is made on the basis of **specific criteria (the law)** and the **testimony and other evidence concerning the application of the criteria (the facts)** that are brought forward **at a hearing** with a decision (or recommendation) rendered by a **fair and impartial decision-maker—that's you!**
 - Requires **notice, a public hearing, and a decision based on the record of the hearing** (what's submitted by testimony and other evidence admitted into the record at the hearing)
 - If your hearing was done correctly, judicial review is via a **"Rule 106" action** (Rule 106(a)(4) of the CO Rules of Procedure) – judge reviews the findings of fact and conclusions of law of the lower body (e.g. you or the Town Council) under an "arbitrary and capricious" standard – limited to a review of whether the lower body **exceeded its jurisdiction or abused its discretion based on the evidence in the record**. This is a very deferential standard but puts the burden on you to do the hearing correctly!

Rules of Engagement for Quasi-Judicial Conduct: Why?

- The “rules of engagement” that apply to quasi-judicial decision-making are premised on the existence of property rights that will be affected by your decision, and the constitutional requirement that **“no person shall be...deprived of life, liberty, or property, without due process of law.”**
- “Due process,” at its essence, **means a fair hearing before an unbiased decision-maker: you, acting as a judge!**
- When your Town Attorney emphasizes the need to follow the “rules of engagement” in quasi-judicial matters, their intent is to achieve two goals:
 - Protect YOUR right and responsibility to participate in the decision-making; and
 - Protect you, the Town, and the decision that is ultimately reached
- Not following these rules can jeopardize both of those goals!
- **If you violated constitutional rights in the conduct of the hearing and/or your decision, then Rule 106 is not the only remedy!**
 - Federal “Section 1983” (42 U.S.C. Section 1983) becomes another remedy – for **violation of civil rights**

Remedies for Disagreement with a Quasi-Judicial Decision

Section 7, Item A.

- To sum up, IF your landmarking, alternation or other quasi-judicial hearing has been carried out properly, and the decision has been issued based on facts in the record and application of proper legal criteria:
 - Decision will likely be upheld in a Rule 106 review; and
 - Other recourse (such as a claim of a constitutional violation) will likely be unavailable or unsuccessful
- But IF there are procedural flaws in the hearing or the decision, a claimant may seek redress for a constitutional violation!
- This means that in **quasi-judicial matters, the PROCEDURE by which you arrived at a decision can be *more important*, from a legal and liability standpoint, than the SUBSTANCE of your decision!**

Quasi-Judicial Issues

- A Historic Preservation Commission member doesn't wear a robe, is easily recognized on the street, and might be expected by citizens and others to be "accessible" at all times, but . . .
- Judge reviewing your quasi-judicial decision in an appeal proceeding will judge your conduct against the way they would behave as a judge in their own courtroom – so keep the "judge – courtroom" scenario in mind in terms of how you conduct yourselves in quasi-judicial matters
- So "think like a judge" in your personal conduct and your collective conduct when a quasi-judicial matter is involved. . .

"Think Like A Judge"

- Don't make up your mind before the hearing
- Don't make prejudicial pre-hearing statements
- Don't speak with one side or the other before a hearing (ex parte contacts, more in a moment)
- Don't participate if you have a financial or other personal interest in the matter (code of ethics)
- Don't sign any "pro" or "con" petitions
- Don't bring to your decision-making facts you "know" to be true, but that aren't part of the testimony or other evidence that the parties bring into the hearing -- have the parties provide you with information at the hearing
- When deliberating and making findings, think and speak as a judge would—e.g., "I find...", "The evidence shows...", etc.—and not in terms of "I'm feeling...", etc.
- Don't be a witness, prosecutor, advocate, or investigator – you're a JUDGE!

Other Conduct Issues

- Discuss and consider quasi-judicial matters only at the Commission's duly noticed public hearing; that is:
 - Wait until the matter has arrived on your agenda and is "ripe" for you to hear, deliberate and decide.
 - Don't engage in pre-hearing "buzz"—you get to make the decision but with that power comes the responsibility to be fair and unbiased and follow the rules of engagement
- Once the Commission has made its decision, let the decision speak for itself
- Even if you held a minority view, recognize your individual responsibility as a member of the body to respect the body's decision.

Real-Life Scenarios: What Do You Think?

“We recently recommended approval of an application for an alteration (renovation) of a listed home where the owner plans to create a shared driveway with his neighbor which will allow the applicant to move his existing driveway and create room for an addition that will expand the home and, admittedly, impact portions of home’s historic façade. The neighbor testified he supports the application and is willing to enter into a shared driveway agreement. One of our members who voted against the project (it was a 3-2 vote) has approached the neighbor to convince him to not agree to a shared driveway.” Concerns?

“From prior comments, it seems one of our members generally disfavors any alterations that replace historic elements of wood (window casings, roofs, eaves, etc.) with synthetic materials. We have an upcoming hearing that proposes these kinds of changes, and the member has been asking staff to include in the packet detailed information about the inferior quality and aesthetic of faux historic elements. He also has been posting on social media about the upcoming hearing.” Concerns?

Ex Parte Contacts

- A bit more about “ex parte contacts”:
- A critical duty of the quasi-judge is to avoid “ex-parte” contacts, meaning any “outside the hearing” discussion with an interested party about the subject matter of the hearing.
Examples:
 - Meeting with the applicant outside the hearing to discuss the pro/cons of the request and how you might decide the case.
 - E-mailing your fellow decisionmakers before the hearing to persuade them why they should vote yes or no.
 - Attending meetings where folks for or against the application are discussing the application, even if you’re not participating.
- If it were your application and your property interests at stake, would these activities seem fair to you?
- Don’t these activities seem more like “advocate” than “judge”?

Ex Parte Contacts

- A proceeding loaded with “ex-parte” contacts is a clear path to having your decision overturned and, as important, having the integrity of your process eroded.
- When we and your Town Attorney advise against ex-parte contacts, we are protecting your ability to participate in the decision-making, and your ultimate decision.
- An ex-parte contact can be problematic whether with the applicant, citizens, or in some instances, staff.
- Or, even in the hearing itself (i.e., no texting or e-mailing about the subject matter of the hearing within the hearing itself).
- Go back to the activities commonly associated with “legislative” actions, and you can see that most of them can be problematic in the quasi-judicial arena!

Ex Parte Contacts

- Arm yourself (and staff, arm your quasi-judges!) with knowledge you need when persons want to talk about a pending quasi-judicial matter outside the hearing. Keep some “talking points” ready; e.g.:
 - **“Thanks for your interest [or e-mail, etc.] but I can’t talk with you about this application outside the upcoming hearing. I’d like to hear your views but because this is a specific property rights case, I need to hear and consider the evidence only through our public hearing process. Please plan to attend the hearing if you can. If you can’t attend, you can send written comments to our staff and they’ll include those comments in hearing materials.”**
- Consider having a short explanation, or “FAQs,” on the quasi-judicial process on your website – as noted, these “rules of engagement” are non-intuitive and may be baffling to those encountering them for the first time!
- If it’s an email—forward to staff; they can respond for you and assemble emails received for the hearing packet.

Ex Parte Contacts

- At what point does the ex parte prohibition kick in?
 - At the point at which an application is filed? Before? Ask your Town Attorney – this is a somewhat fluid issue!
 - But be extremely cautious about protecting your prerogative to participate as a neutral decision-maker at all times
 - Should individual members of the body be “working” on a landmarking or alteration matter that could result in an application that will come before those same members?
 - What “individual” powers does any member have? Should your body have any individual “dealmakers”?
 - Such efforts could get you seriously in front of your colleagues or the Town Council
 - Or jump in front of the staff – shouldn’t it be your staff that has the initial contact/does the up-front work on potential applications?
 - Or end up in a “divide and conquer” situation
 - Or end up displaying a seeming bias

Real-Life Scenarios: What Do You Think?

“Commissioner Nile is unable to attend the HPC meeting next week at which the Commission will hold a public hearing on a controversial landmark application submitted by a party other than the owner. Over the weekend he emails Commissioner Tami to tell her she should vote no because he disagrees with the idea of landmarking property other than through an application by the owner. Tami responds to Nile and copies in Commissioner Bruce, telling them both that she disagrees with the staff report’s suggestion that the property is eligible for designation based on its connection with persons significant in history (criteria 19-3-20(a)(2), which is the only eligibility criteria that might be a basis for landmarking). Bruce responds to Tami (copying Nile) adding that there is a lot of social media “buzz” about this application and “people around Town don’t want to see this property demolished.” Concerns?

Beyond Ex Parte Communications

- In addition to due process concerns for ex-parte communications, public officials are subject to other laws of transparency.
- Commit to the “openness” requirement of the Open Meetings Law (OML).
 - Applies to 3 or more or a quorum, whichever is less, and requires that discussion/action on public business take place at a meeting open to the public.
 - A “meeting” includes any gathering to discuss public business, in person, by phone, or electronically.
 - Note, while one-on-one discussions are okay on legislative matters, such discussions are not okay with respect pending QJ matters.
- Separate from OML requirements, e-mails sent and received by public officials that concern their official duties are generally public records.
- Using social media?

A Word About Ethics

- As appointed public officials, you are also subject to ethics laws governing your conduct (e.g. Town of Minturn Code of Ethics). Because of the property interests at stake, the conduct of quasi-judicial decision-makers is an area where expectations and scrutiny around ethics can get heightened.
- Thus, become familiar with ethics rules applicable to your position. Make the code of ethics your “best friend” in resolving ethics issues. Key areas:
 - Conflicts of Interest: Disclose, recuse, don’t vote, and don’t influence others.
 - Don’t disclose or use any confidential information for personal benefit.
 - Decline any gifts that seem to be connected to your service (and abide by gift rules).
- Avoid situations that create an appearance of impropriety. Recognize that in matters of ethics, fair or not, sometimes perception = reality and reality = perception!

After the Hearing

- Deliberation/discussion of the evidence is critical in a quasi-judicial proceeding; this is where you “connect the dots” according to this “formula”:

Facts learned at the hearing
+ the legal criteria applicable to the matter
= Your decision

- In deliberating, the body formulates the bases of its impending decision by connecting up the evidence it heard at the hearing and that is in the hearing records (i.e., packet) with the legal criteria that apply to the decision.
- This is where the applicant and others obtain an understanding of your position.
- It’s also where the reviewing judge looks to understand why you decided the matter as you did (and whether it comports with your criteria and the law).

After the Hearing

- Deliberation is the time to “talk amongst yourselves.”
 - The time for questions for the applicant or other witnesses is over!
 - If you had questions about details as the hearing unfolded, jot them down and be prepared to ask them during the hearing, **not after**
 - Example: “When do you anticipate you’ll start work on the project?”
 - But be cautious about questions during the evidentiary presentation portions of the hearing – you’re seeking clarification on essential points to plug into the “formula” – not asking about extraneous matters, or asking “leading” questions that may be perceived as bias, or that contain your own (uncorroborated) version of the “facts,” or make you appear to be an advocate rather than a judge
 - And remember, the “talk amongst yourselves” time is during deliberations, not during the hearing! Hearing time belongs to the applicant, staff, persons providing public comment, and others testifying.

After the Hearing

In deliberations:

- Focus on the key issues and the relevant decision-making criteria:
 - In quasi-judicial matters, you must make your decision based on the relevant existing criteria and **not on the basis of personal preferences, or irrelevant or non-existent standards, or considerations that don't apply to the application in front of you**
 - **It's easy to be led astray by pressing but irrelevant considerations!**
 - Have the criteria at the ready and ask questions as needed ("Staff, remind me, what's the specific design guideline that applies to this issue?")
 - Or consider asking Town Attorney or Staff to provide you with standard checklist of applicable decision-making criteria for ready reference
- Discuss the relevant evidence that has been presented to you (**not stuff you "know" but that isn't in the record!**)
- Remember - when you are prepared to discuss the criteria, you will arrive at a discussion of the defensible reasons for your decision. Use the "Rule of Why".

After the Hearing

Deliberations - Use the “Rule of Why”

Chair: “I’d like to thank everyone for their comments on this alteration certificate request. Now it’s time for the Commission to deliberate. Who would like to start the discussion?”

Member Sam: “I would, thank you, Mr. Chair. I think we’ve heard a lot of differing opinions here and I just want to say I’m adamantly opposed and I’m voting no.”

Member Tami: “Sam, may I ask: Why do you intend to vote no?”

Member Sam: “I’m voting no because it doesn’t meet our standards.”

Member Nile: “Sam, why doesn’t it meet our standards? I have concerns too that I’ll mention in my comments but if you’d tell me what standards concern you and why you think they aren’t met, that will help frame our discussions.”

Member Sam: Yes, I’d be happy to. I find the proposed addition does not comply with the Secretary’s specific Treatment Standard that requires ‘a new addition must preserve the building’s historic character, form, significant materials, and features’ because...”.

After the Hearing

Deliberations Matter: Closing Out the Hearing

- All quasi-judges should have—and take—the opportunity to speak during deliberations.
- When getting ready to act, make sure the decision document is accurate and reflects your criteria, findings, desired conditions, etc.
 - If conditions of approval are being added or revised, be sure they are appropriate; follow your attorney and staff suggestions on conditions.
- Take the time you need to prepare the proper decision document, even if it requires bringing the matter back to a future meeting.

After the Hearing

- Be very cautious about commenting on the evidence or criteria when making motions or “explaining your vote”
 - Be very certain that any “comments from the bench” are 100 percent consistent with proper findings of fact and conclusions of law
- Don't reopen the hearing for a latecomer.
- If the Commission has a general “public comment” period as part of its agenda—usually at the beginning of your meeting—during that period, don't allow comments on a matter that is the subject of a public hearing. Instead, let folks know there will be time for public testimony on the public hearing matter during the public hearing.
- Similarly, if you have “Commissioner reports” or similar after public hearing matters, don't hold or reopen deliberations on a QJ matter at that time.

Running Great Hearings: A Few Suggestions

- The way a hearing is run —and how the members conduct themselves in hearings— significantly impact your risk profile and the community’s trust and confidence in your work.
- Follow “best practices” for hearings:
 - Use your script and follow it throughout.
 - Model and expect civility—applies to all meetings and participants.
 - Recognize and exercise your prerogative to maintain order.
 - Observe formalities, like signing up to testify, using titles, having a podium and requiring its use.
 - Ensure the room is set up to emphasize formality and good order.

Running Great Hearings: A Few Suggestions

- Ensure everyone stays focused on the matter and issues at hand and directly manage the flow of the hearing to get the necessary and relevant information.
- Use opportunities to “recalibrate” if discussion is straying off topic/off task, or if tensions seem to be rising in the room.
- Don’t engage or allow others to engage in free-wheeling “back-and-forth” during staff, applicant, or citizen witness comments.
- Ensure comments are made to the Commission, and not at each other; avoid outbursts and overtalking; coach witnesses, if necessary, to provide information rather than asking questions.

Conclusion

- The most important job for quasi-judges to is provide **great process!**
- Therefore, respect, follow, and be a champion of the fair and due process that you are set up to provide. Avoid process flaws and other acts that can cast doubt or create a sense of unfairness.
- Know that ***if*** you've carried out your hearing fairly and properly, and ***if*** you've issued a decision that is based on your hearing record and the applicable criteria, then your decision will withstand legal challenge...
- ...And interested parties and citizens will have faith and trust in how you handle quasi-judicial matters concerning their property. That's a great place to be!
- **And thank you for your service on behalf of the community!**



To: Minturn Historic Preservation Commission
From: Madison Harris
Date: October 11, 2024
Agenda Item: Certificate of Appropriateness for 25 Harrison Avenue
(Meyer’s Barn)

REQUEST:

Review the Certificate of Appropriateness application of 25 Harrison Avenue (Commonly known as the Meyer’s Barn) based on the criteria outlined in the Minturn Municipal Code Sec. 19-6-20, citing as findings of fact for this recommendation, and public testimony.

Current Location: 25 Harrison Avenue
Proposed Location: Little Beach Park
Zoning: Old Town Character Area – Mixed-Use Zone
Owner: Powpownow LLC (locally Loren Bendele)
Applicant(s): Ken Halliday, Woody Woodruff, and Kelly Toon

CASE SUMMARY:

A Certificate of Appropriateness application has been submitted for the Historic Landmark located at 25 Harrison Avenue known as the Meyer’s Barn. Staff reviewed and deemed the application complete. As such, staff scheduled a public hearing for the Historic Preservation Commission meeting on October 15, 2024. Adjacent properties, the applicant, and the owner of 25 Harrison Avenue were notified via certified mail, and a notice placed in the Vail Daily 10 days before the public hearing.

CERTIFICATE OF APPROPRIATENESS CRITERIA & EVALUATION; CHAPTER 19 MINTURN MUNICIPAL CODE:

To be granted a Certificate of Appropriateness, in accordance with Chapter 19, Minturn municipal Code, the application must be complete, and the proposal must meet the following criteria:

MMC Sec. 19-5-30. Review Criteria.

- (a) For consideration of the original property and site, HPC will review for the following criteria:
 - (1) Whether the property can be preserved, restored, rehabbed, or reused on its current site to provide for any reasonable, beneficial use of the property regardless of any proposed development plan for the property's site or adjacent properties;
 - (2) And
 - a. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the building, structure, or object proposed for relocation;
 - b. If the property can be relocated without significant damage to its physical integrity; and
 - c. Whether plans are specifically defined for the site to be vacated, and

- have been approved by the Planning Commission.
- (b) For consideration of the new location, if it is to a historic district within Town boundaries, HPC will review for compliance with all of the following criteria:
- (1) Whether the building, structure, or object is compatible with its proposed site and adjacent properties; and if the receiving site is compatible in nature with the building, structure, or object proposed to be moved;
 - (2) The building, structure, or object's architectural integrity and its consistency with the character of the neighborhood of the receiving site;
 - (3) Whether the relocation of the building, structure, or object will diminish the integrity or character of the neighborhood of the receiving site.

CRITERIA EVALUATION

Town staff found that the application for Certificate of Appropriateness demonstrates that the proposal can meet the above criteria.

It is staff’s understanding that there is little use for the structure in its current location, whereas the Little Beach Park Sub Area Master Plan specifically calls out a building of similar dimensions to be placed at the top.

Based on the plans submitted, staff does believe that the structure can be dismantled, moved, and reassembled while not affecting the integrity of the components very much. There are plans to replace a couple of the logs that have rotted near the ground.

There are no current plans to replace the Meyer’s Barn with a new structure as there is another existing structure on the site. Planning Commission will need to view the application for the construction of this structure at Little Beach Park which can be a condition of approval.

Staff believes that the relocation of the Meyer’s Barn is, while not this specific structure, one similar is contemplated in the Little Beach Park Sub Area Master Plan adopted by the Town, and thus supportive of this relocation. The log cabin should not impose on the structures already in the area, but instead provide additional charm and should not diminish the integrity of the neighborhood.

PUBLIC REVIEW PROCESS:

Town staff has met all posting and notification requirements delineated in Chapter 19, Sec 19-4-10 identifying legal notice procedures follow established guidelines as set forth in MMC. Sec. 16-21-610. Adjacent properties, the applicant, and the owner of 25 Harrison Avenue were notified via certified mail by October 6, 2024, and a notice placed in the Vail Daily 10 days before the public hearing.

PUBLIC COMMENTS:

Public comments are being accepted via planner1@minturn.org until October 15, 2024 at 4:00 p.m., via letter to the Planning Department at 301 Boulder St #309, Minturn, CO 81645 by October 15, 2024 at 4:00 p.m., or in person at the public hearing on October 15, 2024 at 5:30 p.m.

RECOMMENDED ACTION OR PROPOSED MOTION:

Grant a Certificate of Appropriateness for the Meyer's Barn located at 25 Harrison Avenue to be relocated to Little Beach Park.

ATTACHMENTS:

- Certificate of Appropriateness Application



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Do I Need this Form?

Certificate of Appropriateness means a certificate issued by the Commission authorizing any proposed repair, restoration. Alteration, construction, relocation, or demolition of a historic property, or an element within a historic district pursuant to Chapter 19 of the MMC.

Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any historic property, or contributing property within a historic district, applicants and/or owner(s) must submit and obtain approval for an application for the proposed work by the Planning Department and HPC under this Article. The application shall include anything HPC deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the historic property or historic district and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail. The application shall not relieve the applicant from the responsibility to apply for any other permit required by the MMC.

HPC Certificate of Appropriateness Review:

- a. HPC shall: (1) Approve the applications; (2) Approve the application with conditions; or (3) Deny the applications.
- b. Any decision of HPC to approve the application or approve the application with conditions shall be included on an agenda of the Town Council within thirty (30) days. The Town Council may call up for review any final decision reached by HPC. After review, Town Council may affirm, deny, or affirm with additional conditions the decision of HPC. No Certificate of Appropriateness shall be issued before HPC's decision has been included on an agenda of the Town Council.
- c. If HPC approves or approves the application with conditions, HPC shall issue a Certificate of Appropriateness to the applicant and a copy will be placed in the appropriate Town records. If approved with conditions, such conditions shall be stated in the Certificate of Appropriateness.
- d. If HPC denies the application, HPC shall notify the applicant in writing and a copy will be placed in the appropriate Town records.
- e. The application form shall have a section for HPC to set forth HPC's reasons for the approval, approval with conditions, or denial of the application.
- f. HPC may issue an order continuing the application process if HPC would like additional information necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than forty-five (45) days without the express consent of the applicant.
- g. The applicant and/or owner(s) may resubmit an amended application that takes into consideration the recommendations of HPC.
- h. If an application for a Certificate of Appropriateness is denied after final action upon the application by HPC, no person may submit a subsequent application for the same Section 19-5-10(a) activity within one (1) year from the date of the final action.
- i. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the Town shall process the application in accordance with all other applicable provisions of the Code. If no Certificate of Appropriateness has been issued, or if the Town determines that the permit application does not conform, the Town shall not approve the permit application and shall not issue any other permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 1 - Basic Property Information:

Historic Name of Property (if applicable) and any other names:

Meyer's Barn, Minturn

Address of Property

Street Address:

25 Harrison Avenue, Minturn

Legal Description of Property:

Brief Description of Project:

Relocate and refurbish the 17'x27' historically designated Meyer's Barn to become the concession/ multi-purpose building envisioned in the Little Beach Park Sub-Area Master Plan adopted by Town Council in 2023. Please refer to the Meyer's Barn Project Summary submitted concurrently with

Property Owner Information:

Name: POWPOWNOW, LLC c/o Loren Bendele

Mailing Address: 933 Kalmia Avenue, Boulder CO 80304-1741

Email: Loren.bendele@gmail.com

Phone: 310-266-2787

Applicant Information (if different):

Name: Ken Halliday, Woody Woodruff & Kelly Toon

Mailing Address: c/o 301 Boulder Street #1153, Minturn, CO 81645

Email: khalliday62@gmail.com

Phone: 210-867-1514

Is property listed on the National Register of Historic Places or the State Register of Historic Properties?

Yes / No (pick one) No

If yes, please provide date and registration number. Date: _____ Registration #: _____

For Official Use:

Date Received: _____ Planner: _____

Historic Preservation Commission -

☐

Approval

☐

Denial

Comments:



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

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Section 2 - Impacts:

Detail the effects or impacts on the historic property or historic district that this project would cause.

As outlined in the Project Summary referenced above, the plan is to disassemble, move, reassemble and eventually finish out the barn in its new location. The preservation of the historic character of the barn is paramount to us. Although it will sit on a new concrete foundation, we will otherwise use existing materials (roof, logs, etc.) when we reassemble the barn. Given that the barn sits on slope in the current location and some of the bottom logs will need to be replaced as we level the base. We have identified a source of similar vintage logs that we can use to add or replace logs as needed. We believe that the replacements will blend in with the existing logs, especially over time. With regard to the roof, we note that structural shoring up may be required. If so, we will do it in a style appropriate for the barn while accentuating the original roof materials from an "inside view up" as much as practical.

Please Provide:

- Plans and specifications showing proposed exterior appearance:
 - Finishes
 - Materials
 - Samples of Materials
 - Architectural Design and Detail

Signature:

To: Minturn Historic Preservation Commission
From: Madison Harris
Date: June 30, 2023
Agenda Item: Landmark Designation for 25 Harrison Ave (Meyer's Barn)

**REQUEST:**

Review the landmark designation nomination of 25 Harrison Avenue (Commonly known as the Meyer's Barn) based on the criteria outlined in the Minturn Municipal Code Sec. 19-3-20, citing findings of fact, and forwarding a recommendation of approval, approval with conditions, or denial to the Minturn Town Council.

Application: #2023L – 001
Address: 25 Harrison Avenue
Zoning: Old Town Character Area – Mixed-Use Zone
Owner: PowPowNow LLC (locally Loren Bendel)
Applicant(s): Ken Halliday
Kelly Toon
John "Woody" Woodruff

CASE SUMMARY:

A nomination has been submitted for Historic Landmark status of the Meyer's Barn located at 25 Harrison Avenue. Staff reviewed and deemed the application complete and to meet the Minturn landmark designation criteria. As such, staff scheduled a public hearing for the Historic Preservation Commission meeting on July 6, 2023. Adjacent properties and the owner of 25 Harrison Avenue were notified via certified mail, and a notice placed in the Vail Daily 10 days before the public hearing.

DESIGNATION CRITERIA & EVALUATION; CHAPTER 19 MINTURN MUNICIPAL CODE:

To meet landmark designation criteria, in accordance with Chapter 19, Minturn Municipal Code, the application(s) must be complete, and the structure must meet the following criteria:

MMC Sec. 19-3-20. Eligibility Criteria.

- a. Properties or historic districts shall be at least seventy-five (75) years old and meet one (1) or more of the following criteria in order to be considered for designation:
 - 1) Association with events that have made a significant contribution to history
 - 2) Connection with persons significant in history
 - 3) Distinctive characteristics of a type, period, method of construction, or artisan
 - 4) Geographic importance
 - 5) Possibility to yield important information related to prehistory or history

CRITERIA EVALUATION

Town staff found that the application for designation demonstrates that the structure meets the following criteria.

A. Association with events that have made a significant contribution to history (exemplifies cultural, political, economic, or ethnic heritage of the Town)

"The Meyer's barn is the largest remaining log barn structure in Mintun from the late 1800's. It is an iconic element in town prominently located on Harrison Street and can be viewed from Main Street. When you study the barn up close, you can get sense of awe about of what life must have been like back then. When you look at the hand-hewn logs and notched joints, you can imagine the hard work and craftsmanship required to prepare and assemble them back in those days. You also get a sense of the importance of using locally sourced pine logs given the difficulty of transportation. Most importantly, you can see how the structures in the earliest days of the development of Mintun were a fitting reflection of the surrounding natural environment."
(Nomination Application)

From this original period forward the Meyer's Barn has been an unofficial landmark in Mintun. The Meyer's Barn remains close to how it was originally was established.

B. Connection with persons significant in history



Photo Credit: Vail Daily, May 2014

The Meyer's were an institution for Mintun with Ms. Irene Meyer owning Grammy's Attic and Mr. Ralph Meyer running Grandpa's Garage starting in 1937. According to Mr. Meyer's grandson Wayne Trujillo "Both Lionshead and grandpa were Mintun royalty, albeit different sorts of monarchs. Lionshead held the town's scepter loftily and aloofly from on high while grandpa extended a helping hand, credit, a shot of whiskey and the benefit of a doubt from below, ruling as town Samaritan...Mr. Ralph Meyer was the nephew of former Eagle Mayor Gus Meyer and Oscar Meyer, the slain sheriff..." (Vail Daily, May 27, 2014)

C. Distinctive characteristics of a type, period, method of construction or artisan (exemplifies specific elements of an architectural style or period; demonstrates superior craftsmanship or high artistic value; represents a style that is particular to the Town; and, represents a built environment of a group of people in an era of history)

The Meyer's Barn reflects the traditional log cabin style of architecture that were constructed in North America between the 1600s and the early 1900s as a method brought over from Europe. (Pollio) A more modern version can still be constructed today, and often is in the Western United States. The preface of this architecture was to make simple structures out of materials that were readily available.



Photo Credit: Nomination Application

Log structures, both historic and not, can be seen all over the state of Colorado, and indeed, in many states.

D. Geographic Importance (enhances the sense of identity of the Town or community; is an established and familiar natural setting or visual feature of the Town or community)

"The Meyer's barn is the largest remaining log barn structure in Mintun from the late 1800's. It is an iconic element in town prominently located on Harrison Street and can be viewed from Main Street. When you study the barn up close, you can get sense of awe about of what life must have been like back then. When you look at the hand-hewn logs and notched joints, you can imagine the hard work and craftsmanship required to prepare and assemble them back in those days. You also get a sense of the importance of using locally sourced pine logs given the difficulty of transportation. Most importantly, you can see how the structures in the earliest days of the development of Mintun were a fitting reflection of the surrounding natural environment." (Nomination Application)

The Meyer's Barn represents a bygone era of Mintun's history where we still needed horses in Town. 25 Harrison Avenue is a lot that is adjacent to the river, but can also be viewed from Main Street as you walk by. This barn is a familiar sight to any local's who have lived in or frequented Mintun.

E. Possibility to yield important information related to prehistory or history (embodies construction, development, or design adaptations)

This barn is representative of a common construction type as stated above. However, there were often different construction methods that varied based on ethnic groups such as the Block House End Method found in the Ohio River Valley and Southeastern Indiana. Detailing the construction type if possible, may be able to provide insight into what construction methods were used in Mintun in the 1800s.

PUBLIC REVIEW PROCESS:

Town staff has met all posting and notification requirements delineated in Chapter 19, Sec 19-4-10 identifying legal notice procedures follow established guidelines as set forth in MMC. Sec. 16-21-610.

PUBLIC COMMENTS:

As of June 30,2023, no public comments have been received regarding this application.

RECOMMENDED ACTION OR PROPOSED MOTION:

Recommend approval to the Town Council of the Historic Landmark Nomination Applications for the Meyer's Barn located at 25 Harrison Avenue.

ATTACHMENTS:

- Historic Landmark Nomination Application for the Meyer's Barn located at 25 Harrison Avenue

REFERENCES:

Pollio, Vitruvius (1914). Ten Books on Architecture. Harvard University Press. p. 39.

Trujillo, W. (2014, May 27). *Vail Daily Column: Grandpa's garage and Grammy's Attic*. VailDaily.com. <https://www.vaildaily.com/opinion/editorial/vail-daily-column-grandpas-garage-and-grammys-attic/>



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 1 - Purpose:

The purpose of Historic Preservation is to enhance the Town of Minturn's local resources and to promote the public health, safety, and welfare through:

1. The protection and preservation of the Town's architecture, culture, and heritage as embodied in historic properties and historic districts, by appropriate regulations and incentives;
2. The stabilization of historic neighborhoods;
3. The establishment of the Town's Historic Register listing historic properties and historic districts;
4. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
5. The encouragement of continued private ownership and utilization of such historic properties or historic districts now so owned and used;
6. The promotion of thoughtful community planning and design; and
7. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

Section 2 - Intent:

The intention of Historic Preservation is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of buildings, structures, sites, objects, and historic districts for preservation.

Narrative Description:

Please describe the current appearance of the property and any alterations that have occurred since its original construction.

The Meyer's barn was originally built for horses by the Meyer family who lived in Minturn in the early years. We believe it was constructed in the late 1800's. It is one story and measures 17 feet by 27 feet. It is constructed with hand-hewn pine logs with notched joints. All logs appear to be original to the structure. The logs show signs of weathering, especially at the ground level, but overall they are in pretty good shape in spite of their age. The barn has a dirt floor. A green metal roof was added at some point in the 1900's to protect the structure. As part of the roof replacement, some of the original roof framing under the roof was replaced.

Photographs:

Please attach current photographs of the property and, if available, copies of historic photographs. For building, structures, or objects, current photographs should show the property from all directions.

If you are not the owner of the property that is being nominated, have you discussed this application with the owner(s)? This is encouraged, but not required. Yes ☒ No ☐ *Aware but hasn't reviewed yet.*

Signature:

[Signature]

[Signature]

[Signature]



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 3 - Basic Property Information:

Historic Name of Property (if applicable) and any other names:

Meyer's barn

Address of Property

Street Address: 25 Harrison Street, Minturn

Legal Description of Property: Quarter: SW Section: 26 Township: 5 Range: 81 PCL IN Subdivision: MEYER SUBDIVISION Lot: 12

Maps:

1. Include a location map on 8.5x11 inch page showing the property in relation to major streets
2. Include a site plan on 8.5x11 inch page showing the footprint of the building if applicable

Property Owner Information:

Name: POWPOWNOW LLC
c/o Loren Bendele

Mailing Address: 933 Kalmia Avenue
Boulder, CO 80304-1741

Email: Loren.bendele@gmail.com

Phone: 310-266-2787

Applicant Information (if different):

Name: Ken Halliday, Kelly Toon & Woody Woodruff

Mailing Address: c/o Ken Halliday
301 Boulder Street #1153, Minturn CO 81645

Email: khalliday62@gmail.com

Phone: 210-867-1514

Is property listed on the National Register of Historic Places or the State Register of Historic Properties?

☐ Yes ☐ No

If yes, please provide date and registration number. Date: _____ Registration #: _____

For Official Use:

Date Received: _____ Planner: _____

Historic Preservation Commission -

☐

Approval

☐

Denial

Comments:



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

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Section 4 - Eligibility Criteria:

Indicate how the property is significant to the Town of Minturn and its past by checking one or more of the following: Properties (*buildings, structures, sites, or objects*) or historic districts shall be at least 75 years old and meet 1 or more of the following criteria in order to be considered for designation:

- ☒ Association with events that have made a significant contribution to history;
 - ☐ Is a site of a historic event that had an effect upon society; or
 - ☒ Exemplifies cultural, political, economic, or ethnic heritage of the Town.
- ☒ Connection with persons significant in history.
- ☒ Distinctive characteristics of a type, period, method of construction, or artisan:
 - ☒ Exemplifies specific elements of an architectural style or period;
 - ☐ Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - ☒ Demonstrates superior craftsmanship or high artistic value;
 - ☒ Represents a style that is particular to the Town;
 - ☐ Represents an innovation in construction, materials, or design; or
 - ☒ Represents a built environment of a group of people in an era of history.
- ☒ Geographic importance:
 - ☒ Enhances the sense of identity of the Town or community; or
 - ☒ Is an established and familiar natural setting or visual feature of the Town or community.
- ☒ Possibility to yield important information related to prehistory or history:
 - ☐ Addresses research questions or fills recognized data gaps;
 - ☒ Embodies construction, development, or design adaptations; or
 - ☐ Informs on the development of engineering systems.

A property or historic district may be exempted from the age standard if the Town Council finds it to be exceptionally important in other criteria.

- Sec. 19-3-20 MMC

For any eligibility criteria selected above, please provide sources and documentation below with the research and documentation for why this application should be designated historic. If this space is not enough please feel free to attach additional sheets.

Given the age of the structure, there is no detail documentation that could be located on its history.



HISTORIC LANDMARK NOMINATION

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Section 5 - Category and Resources:

Category of Nomination (check one):

- ☒ Building (any shelter or enclosure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.)
- ☐ Site (the location of a significant event; a prehistoric or historic occupation or activity; or a building, structure, or object, whether standing or vanished, where the location itself maintains historic or archeological value regardless of the value of any existing building, structure, or object.)
- ☐ Object (a material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.)
- ☐ District (a geographically definable area including a concentration, linkage, or continuity of properties within a specified period of significance and may include within its geographic boundaries one (1) or more contributing properties, which has been designated by the Town Council)
- ☐ Structure (anything constructed or erected, the use of which requires location on or in the ground, for purposes other than shelter of humans, animals, or chattels.)

Narrative Statement of Significance:

Please describe how this property contributes to the history of Minturn. Why should the property be landmarked? For any category selected above, please provide sources and documentation below with the research and documentation for why this application should be designated historic. If this space is not enough please feel free to attach additional sheets.

The Meyer's barn is the largest remaining log barn structure in Mintun from the late 1800's. It is an iconic element in town prominently located on Harrison Street and can be viewed from Main Street. When you study the barn up close, you can get sense of awe about of what life must have been like back then. When you look at the hand-hewn logs and notched joints, you can imagine the hard work and craftsmanship required to prepare and assemble them back in those days. You also get a sense of the importance of using locally sourced pine logs given the difficulty of transportation. Most importantly, you can see how the structures in the earliest days of the development of Minturn were a fitting reflection of the surrounding natural environment.

Given the age of the structure, there is no detail documentation that could be located on its history.



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Section 6 - Description:
Architectural Description:

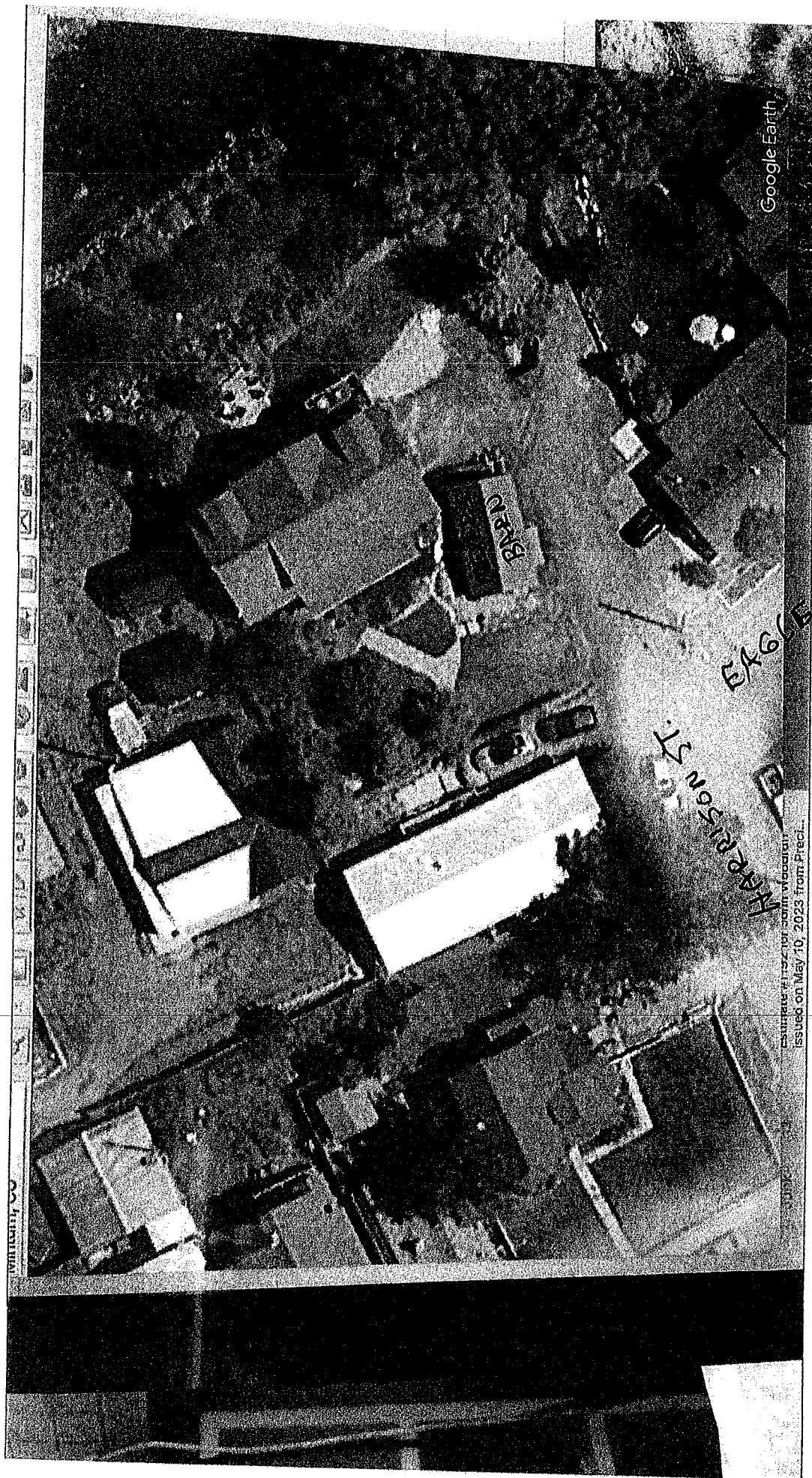
If property is a building, please describe the predominate architectural style such as Victorian or Mid-Century Modern.

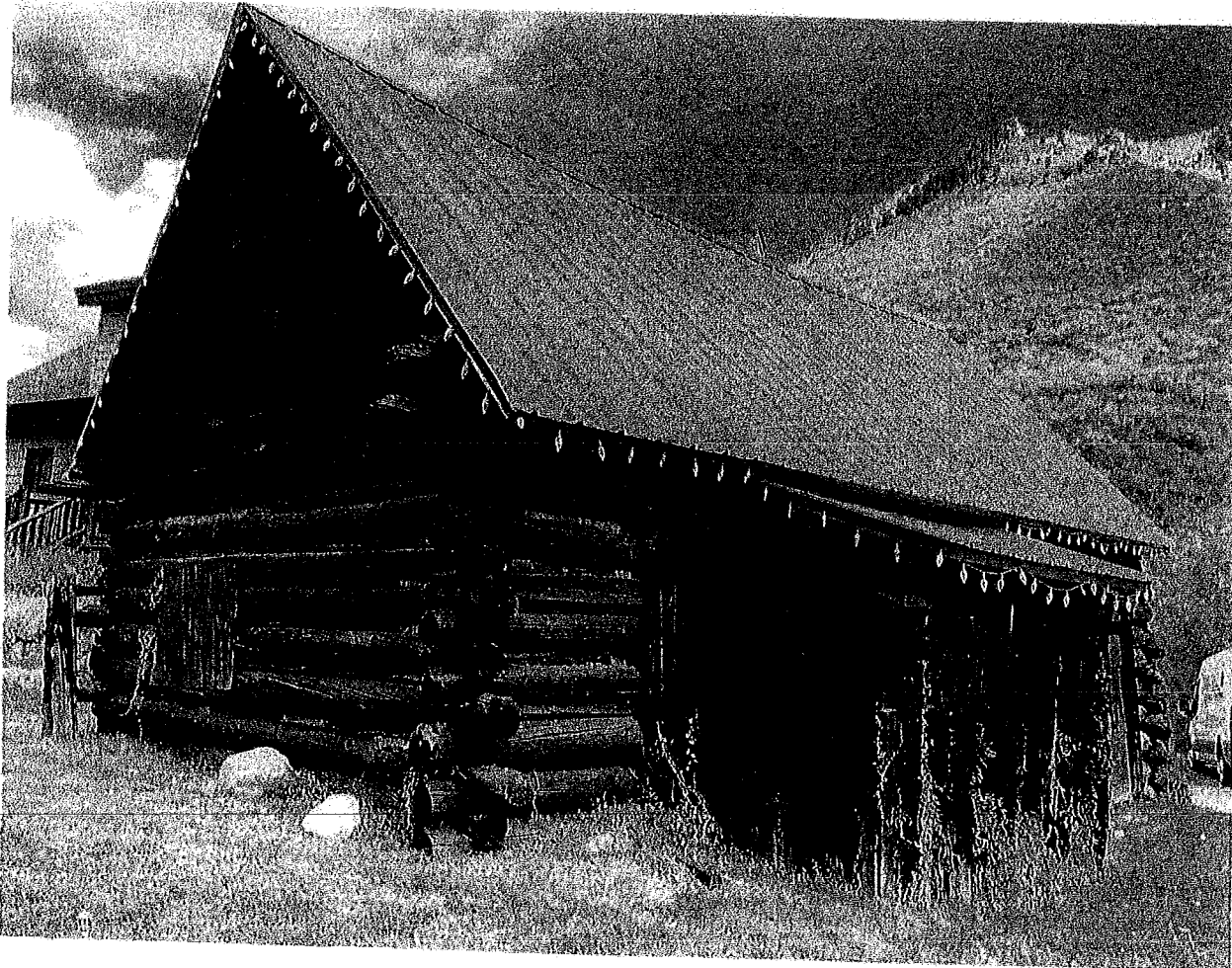
Hand-hewn log barn with notched corner joints.

List of References:

Please cite the books, articles, personal contacts, and other sources used in preparing this application.

Given the age of the structure, there is no detail documentation that could be located on its history.





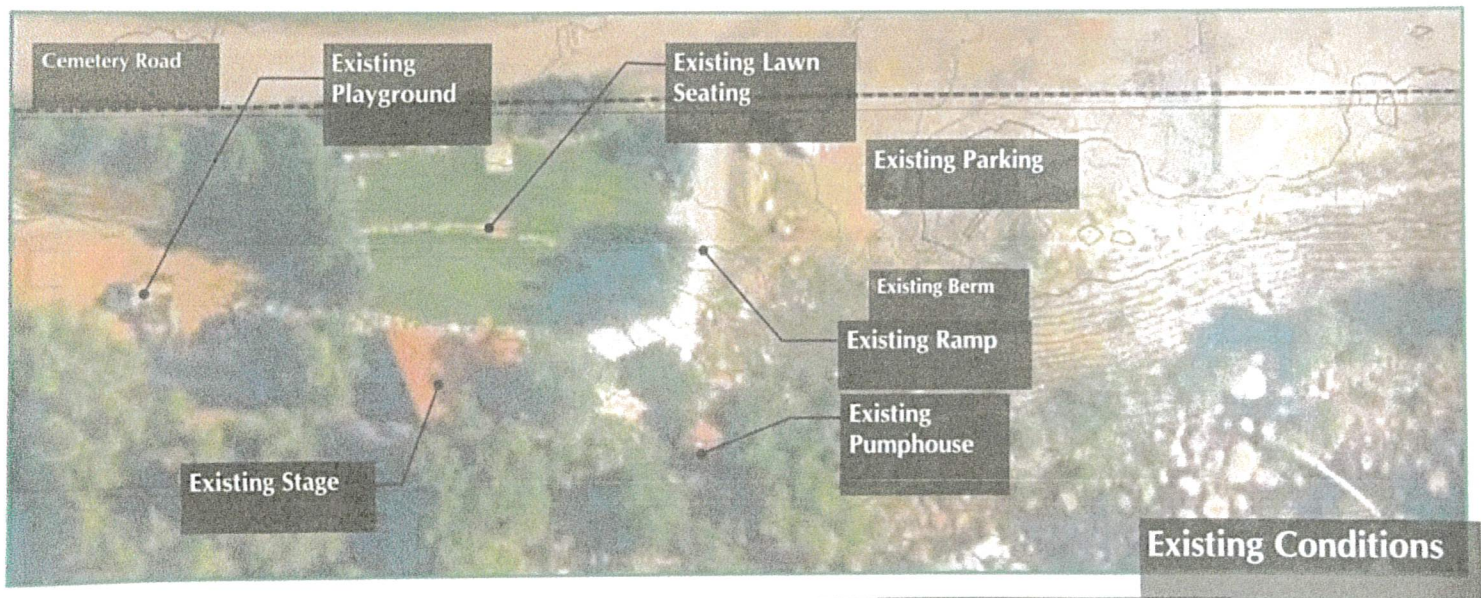
VI. Plan Recommendations

EXHIBIT

Section 8, Item A.

Little Beach Amphitheater

1. Expand and add more lawn seating area.
2. Re-grade the access path from the upper parking lot to the stage so it is not as steep for service, operations, and for guests. Make it ADA accessible.
3. Develop new bathroom and concessions facilities at the top, near the main parking lot.
4. Create a main entrance that is a clear point of arrival into the amphitheater.
5. Add a green room to the back of the stage that is covered and provides shade and cover from rain.
6. Add power to the large parking lot.
7. Add power plugs on the stage.
8. Consider a loading dock on the west side of the stage.
9. Add vehicle access from the west for loading and unloading.
10. Enhance and formalize the main upper parking lot serving the Amphitheater.



Meyer's Barn Relocation
Cost Estimate for Phase I - Dissassemble, Move, Reassemble

Haunta Virus Treatment	1,000
Clean out Barn	3,000
Remove Floor	1,500
Remove Roof	2,400
Dissassemble Logs	1,600
Reassemble/Replace Logs	5,000
Reassemble Roof	4,000
Extra Logs (5 @\$300)	1,500
Foundation, including Engineer	15,000
Relocation Total	<u>35,000</u>



CERTIFICATE OF APPROPRIATENESS APPLICATION

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Do I Need this Form?

Certificate of Appropriateness means a certificate issued by the Commission authorizing any proposed repair, restoration, Alteration, construction, relocation, or demolition of a historic property, or an element within a historic district pursuant to Chapter 19 of the MMC.

Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any historic property, or contributing property within a historic district, applicants and/or owner(s) must submit and obtain approval for an application for the proposed work by the Planning Department and HPC under this Article. The application shall include anything HPC deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the historic property or historic district and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail. The application shall not relieve the applicant from the responsibility to apply for any other permit required by the MMC.

HPC Certificate of Appropriateness Review:

- a. HPC shall: (1) Approve the applications; (2) Approve the application with conditions; or (3) Deny the applications.
- b. Any decision of HPC to approve the application or approve the application with conditions shall be included on an agenda of the Town Council within thirty (30) days. The Town Council may call up for review any final decision reached by HPC. After review, Town Council may affirm, deny, or affirm with additional conditions the decision of HPC. No Certificate of Appropriateness shall be issued before HPC's decision has been included on an agenda of the Town Council.
- c. If HPC approves or approves the application with conditions, HPC shall issue a Certificate of Appropriateness to the applicant and a copy will be placed in the appropriate Town records. If approved with conditions, such conditions shall be stated in the Certificate of Appropriateness.
- d. If HPC denies the application, HPC shall notify the applicant in writing and a copy will be placed in the appropriate Town records.
- e. The application form shall have a section for HPC to set forth HPC's reasons for the approval, approval with conditions, or denial of the application.
- f. HPC may issue an order continuing the application process if HPC would like additional information necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than forty-five (45) days without the express consent of the applicant.
- g. The applicant and/or owner(s) may resubmit an amended application that takes into consideration the recommendations of HPC.
- h. If an application for a Certificate of Appropriateness is denied after final action upon the application by HPC, no person may submit a subsequent application for the same Section 19-5-10(a) activity within one (1) year from the date of the final action.
- i. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the Town shall process the application in accordance with all other applicable provisions of the Code. If no Certificate of Appropriateness has been issued, or if the Town determines that the permit application does not conform, the Town shall not approve the permit application and shall not issue any other permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 1 - Basic Property Information:

Historic Name of Property (if applicable) and any other names:

Meyer's Barn, Minturn

Address of Property

Street Address:

25 Harrison Avenue, Minturn

Legal Description of Property:

Brief Description of Project:

Relocate and refurbish the 17'x27' historically designated Meyer's Barn to become the concession/ multi-purpose building envisioned in the Little Beach Park Sub-Area Master Plan adopted by Town Council in 2023. Please refer to the Meyer's Barn Project Summary submitted concurrently with

Property Owner Information:

Name: POWPOWNOW, LLC c/o Loren Bendele

Mailing Address: 933 Kalmia Avenue, Boulder CO 80304-1741

Email: Loren.bendele@gmail.com

Phone: 310-266-2787

Applicant Information (if different):

Name: Ken Halliday, Woody Woodruff & Kelly Toon

Mailing Address: c/o 301 Boulder Street #1153, Minturn, CO 81645

Email: khalliday62@gmail.com

Phone: 210-867-1514

Is property listed on the National Register of Historic Places or the State Register of Historic Properties?

Yes / No (pick one) No

If yes, please provide date and registration number. Date: _____ Registration #: _____

For Official Use:

Date Received: _____ Planner: _____

Historic Preservation Commission -

☐

Approval

☐

Denial

Comments:



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 2 - Impacts:

Detail the effects or impacts on the historic property or historic district that this project would cause.

As outlined in the Project Summary referenced above, the plan is to disassemble, move, reassemble and eventually finish out the barn in its new location. The preservation of the historic character of the barn is paramount to us. Although it will sit on a new concrete foundation, we will otherwise use existing materials (roof, logs, etc.) when we reassemble the barn. Given that the barn sits on slope in the current location and some of the bottom logs will need to be replaced as we level the base. We have identified a source of similar vintage logs that we can use to add or replace logs as needed. We believe that the replacements will blend in with the existing logs, especially over time. With regard to the roof, we note that structural shoring up may be required. If so, we will do it in a style appropriate for the barn while accentuating the original roof materials from an "inside view up" as much as practical.

Please Provide:

- Plans and specifications showing proposed exterior appearance:
 - Finishes
 - Materials
 - Samples of Materials
 - Architectural Design and Detail

Signature:

And that's according to evidence that you must carry around with you. If you're a doctor, you must carry around with you a list of all the patients you've treated in the last three years. If you're a lawyer, you must carry around with you a list of all the cases you've handled in the last three years. If you're a teacher, you must carry around with you a list of all the students you've taught in the last three years. If you're a doctor, you must carry around with you a list of all the patients you've treated in the last three years. If you're a lawyer, you must carry around with you a list of all the cases you've handled in the last three years. If you're a teacher, you must carry around with you a list of all the students you've taught in the last three years.



SURVEYORS CERTIFICATE

I, Duane Fettinghof, a duly registered land surveyor in the State of Colorado, do hereby certify that the survey shown hereon was done by me or under my direct supervision and the horizontal and vertical measurements were taken by me or under my direct supervision and to the best of my knowledge and belief.

Contour Interval = 2 feet

TOPOGRAPHIC MAP
LITTLE BEACH PARK
TOWN OF MINTURN
EAGLE COUNTY, COLORADO

TOWN OF MINTURN

This document was prepared for the exclusive use of the Client specified herein. The use of the contents of this information is authorized only by any other person or entity is not authorized. In the event that any other person or entity should use the contents of the document or the information contained herein for any purpose they must first obtain written authorization from Inter-Mountain Engineering. This document and any information contained herein is intended to be used within one year of the date herein. Use after that period is not authorized.



**Inter-Mountain
ENGINEERING**

Civil Engineers & Surveyors
4000 US HWY 6634, SUITE 203 BOX 974, AVON, CO 81602 (970) 648-5077
6011 E. RIVINGTON PARKWAY, SUITE 106, CORTLAND, CO 81511 (970) 663-6484

[illegible]

DESIGN CRITERIA:

ROOF SNOW LOAD	CELEV. 9,530' 80 PSF
ROOF LIVE LOAD	20 PSF
ROOF DEAD LOAD	20 PSF
FLOOR LIVE LOAD	45 PSF
FLOOR DEAD LOAD	20 PSF
DECK LIVE LOAD	60 PSF
DECK DEAD LOAD	20 PSF
SEISMIC ZONE	B
EXPOSURE	C
WIND (3 SECOND GUST)	90 MPH
IBC/IRC EDITION	2018

PRELIMINARY
NOT FOR
CONSTRUCTION

GENERAL REQUIREMENTS:

- Structural erection and bracing: The structural drawings illustrate the completed structure with all elements in their final positions, properly supported and braced. The contractor, in the proper sequence, shall provide shoring and bracing as may be required during construction to achieve the final completed structure. Contact structural engineer for consultation (not in contract) as required.
- Shop drawings: Submit shop and erection drawings for structural steel, miscellaneous steel, steel joists and girders, steel deck, masonry reinforcing steel, wood trusses, manufactured wood joists and glue-lam beams to engineer for review prior to fabrication. This review is for general compliance with the intent of the structural design. The architect and/or contractor are responsible for checking quantities, dimensions and coordination with other trades.
- Existing structures: Contractor shall be responsible for verifying dimensions, elevations, framing, foundation and anything else that may affect the work shown on the drawings. Underpinning, shoring and bracing of existing structures shall be the responsibility of the contractor.
- Dimensions: Check all dimensions against architectural drawings prior to construction. Do not scale drawings.
- Construction practices: General contractor is responsible for means, methods, techniques, sequences and procedures for construction of this project. Notify structural engineer of omissions or conflicts between the working drawings and existing conditions. Coordinate requirements for mechanical/electrical/plumbing penetrations through structural elements with structural engineer. Jobsite safety is the sole responsibility of the contractor. All methods used for construction shall be in accordance with the latest editions of the IBC/IRC.
- Details not specifically shown on the drawings shall be constructed in a manner similar to the details that are shown for like conditions. These items shall be brought to the attention of the structural engineer as soon as possible for approval. Approval shall be obtained prior to installation.
- It is the responsibility of the contractor to contact the structural engineer at the appropriate time to perform site observations visits. Observation visits to the jobsite by the engineer are for determination of general conformance with the construction documents and shall not be construed as inspection.
- Though every effort is made to provide a complete and clear set of construction documents, discrepancies or omissions may occur. Release of these drawings anticipates cooperation and continued communication between the contractor, architect and engineer to provide the best possible structure. These drawings have been prepared for the use of a qualified contractor experienced in the construction techniques and systems depicted.

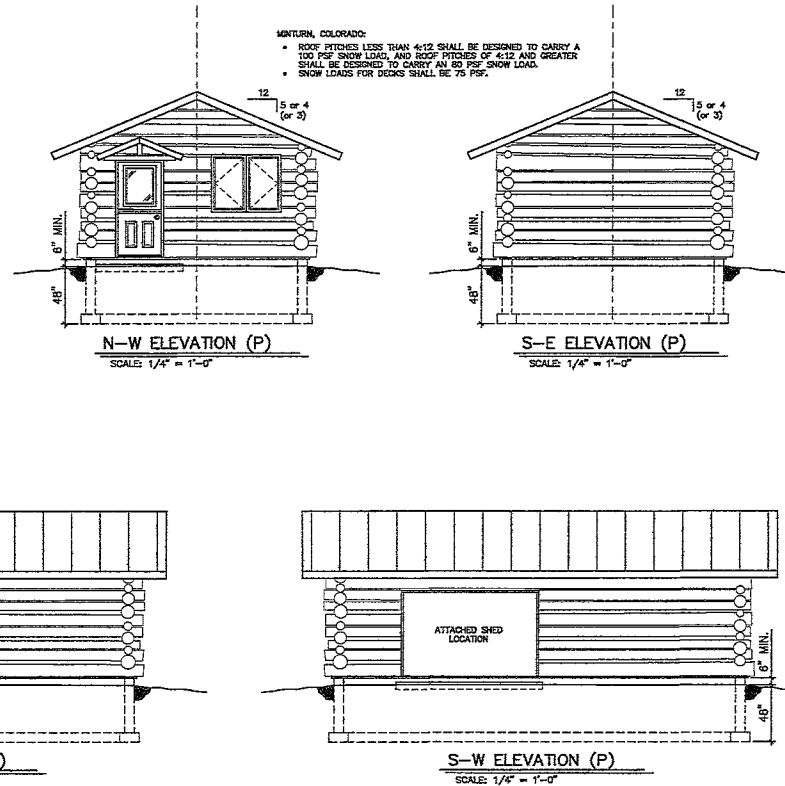
ENERGY CODE INFORMATION:

- SPF (R-7 PER INCH) & BIBs (R-4.3 PER INCH) INSULATION MATERIALS
- FENESTRATION U-FACTOR $\leq .30$
- DUCT SEALING DUCT AND PIPE INSULATION PER IECC SECTION R403.3
- AIR SEALING DETAILS AND AIR BARRIER LOCATION PER IECC SECTION R402.4

ROOF SYSTEM:

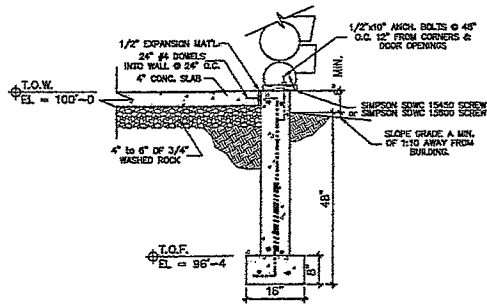
- RE-USE EXISTING STANDING SEAM METAL ROOF.
- A SUITABLE HI-TEMP ROOF MEMBRANE
- 3/4" LP LEGACY SHEATHING (OR EQUIV.) OVER RAFTERS
- 1-1/4" SPF INSULATION R-9
- 10" BIBS INSULATION: R-43

TOTAL R VALUE FOR ROOF IS R-52 MIN.



A1

EXHIBIT F



WALL DETAIL

SCALE: 3/4" = 1'-0"

FOUNDATION REINFORCEMENT:

- FOOTINGS: # 3 BARS MIN 20" DIA. @ 6" SPACED @ 48" o.c.
 CD #5 REBAR HORIZ. IN 16" FOOTINGS & THICKENED SLABS
 CD #5 REBAR HORIZ. IN 24" FOOTINGS
 CD #5 REBAR HORIZ. @ 36" @ 5 TRANS. @ 18" O.C. IN 36" FOOTINGS
 4" WALLS: # 5 VERTICAL FULL HTD @ 48"
 o.c. TWO #5 REBAR HORIZONTAL, T. & B.
 WALLS OVER 4" TALL: # 5 VERTICAL FULL HTD @ 24"
 o.c. TWO #5 REBAR HORIZONTAL, T. & B. AND @ 24" o.c.
 ROUND CONCRETE PIERS: LESS THAN 4 FT. TALL: CD #4 VERTICAL FULL HTD
 AND ONE #3 REBAR HOOP 12" DOWN FROM TOP
 4 FT. TO 8 FT. TALL: CD #5 VERTICAL FULL HTD
 AND ONE #3 REBAR HOOP 12" DOWN FROM TOP AND @ 24" o.c.
 SQUARE CONCRETE PIERS: LESS THAN 5 FT. TALL: CD #4 VERTICAL FULL HTD ONE IN EACH CORNER
 AND ONE #3 REBAR HOOP 12" DOWN FROM TOP
 5 FT. TO 8 FT. TALL: CD #5 VERTICAL FULL HTD ONE IN EACH CORNER
 AND #3 REBAR SD. SPIRAL, W/ 12" PITCH, FULL HEIGHT.

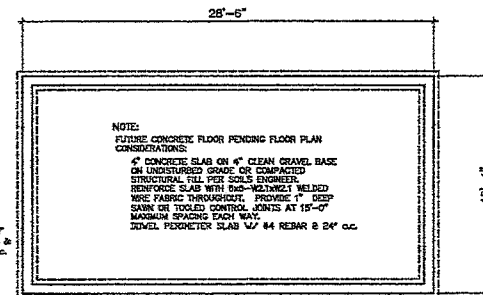
NOTE: #4 & #5 REBAR IS ASTM A631
 W/ 24" NOMINAL G22-3/8" HOOD OVERLAP ON #5 REBAR SPLICES
 10" HOOD OVERLAP ON #4 REBAR SPLICES

FOUNDATION NOTES

- ELEVATIONS OF CONCRETE FOUNDATION ELEMENTS INDICATED ON PLAN THUS:
 T.O.W.-TOP OF CONCRETE WALL T.O.F.-TOP OF CONCRETE FOOTING
 THESE ELEVATIONS RELATE TO ACTUAL SITE ELEVATIONS.
- TOP OF FOOTING ELEVATIONS ARE BASED ON FINDING ADEQUATE SOIL BEARING
 CONDITIONS AT THAT DEPTH. CONTACT ENGINEER IF OVERCUTTING IS REQUIRED.
- STEPS IN TOP OF CONCRETE WALL INDICATED: —E—
- CONTIGUOUS CONCRETE FOOTINGS ARE CENTERED BENEATH CONCRETE FOUNDATION
 WALLS WHERE POSSIBLE AND/OR UNLESS NOTED OTHERWISE.
- CONCRETE FOUNDATION WALLS ARE 8" THICK AND CONTINUOUS FOOTINGS ARE 8"
 THICK x 16" WIDE UNLESS NOTED OTHERWISE.
- PERIMETER DRAIN PER IRC R405.1
- WATERPROOF FOUNDATION PER IRC R405.2
- INSULATE THE EXTERIOR OF FOUNDATION W/ 2" EPS (RECOMMENDED-NOT REQ'D.)
- DO NOT SCALE DRAWINGS.

PERIMETER DRAIN
 PER IRC R405.1
 WATERPROOF
 FOUNDATION PER
 IRC R-405.2
 SLOPE GRADE A MIN. OF 1:10
 AWAY FROM BUILDING.

ANCHOR BOLTS 1/2" DIA. x 10"
 AND 12" FROM STEPS, CORNERS &
 CONC. OPENINGS @ MIN. 48" o.c.
 (MIN. DEPTH 8")



NOTE:
 FUTURE CONCRETE FLOOR PENDING FLOOR PLAN
 CONSIDERATIONS:
 4" CONCRETE SLAB ON 4" CLEAN GRAVEL BASE
 ON UNDISTURBED GRADE OR COMPACTED
 STRUCTURAL FILL PER SOILS ENGINEER.
 REINFORCE SLAB WITH #6-12"X12" WELDED
 WIRE FABRIC THROUGHOUT. PROVIDE 1" DEEP
 SUNK OR TOOLED CONTROL JOINTS AT 15'-0"
 MAXIMUM SPACING EACH WAY.
 JOMEL PERIMETER SLAB W/ #4 REBAR @ 24" o.c.

FOUNDATION
 SCALE: 1/4" = 1'-0"



EXHIBIT F

S1



To: Historic Preservation Commission (“HPC”)
From: Madison Harris
Date: October 11, 2024
RE: Flexibility

INTRODUCTION:

As part of Council’s review of Ordinance 20 - Series 2024 amending Chapter 16 - Zoning and Chapter 19 - Historic Preservation, Council directed the HPC to vet additional options to encourage flexibility and economic sustainability for owners of historic properties.

ANALYSIS:

Staff encourages the members of the HPC brainstorm ideas to encourage flexibility to discuss and vet at the October 15, 2024 HPC meeting.

At the September 17, 2024 HPC meeting, Buena Vista’s Sect. 19-9 was suggested to consider implementing.

Sec. 19-9. - Revocation of designation.

- (a) If a designated structure or physical feature on a designated site is destroyed or demolished through no fault of the owner or in compliance with this Chapter, the owner may apply to the Town for revocation of designation. The Commission shall recommend revocation of a historic designation if it determines that, without the demolished structure or physical feature, the structure or site as a whole no longer meets the purposes and criteria of this Chapter and if the public benefits of alteration, removal, or demolition of the structure or physical feature outweigh the public benefits of maintaining the designation.
- (b) Upon the Commission's recommendation, the application scheduled for consideration by the Board of Trustees. The Board of Trustees shall, by resolution, approve, modify and approve, or deny the application. The resolution, if it approves or modifies and approves the revocation, it shall be recorded with the Chaffee County Clerk and Recorder no sooner than thirty (30) days after the decision.

STRATEGIC PLAN ALIGNMENT:

The comprehensive review of the Town’s Historic Preservation regulations and processes aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

SUSTAIN AND INVEST IN THE THINGS THAT DEFINE MINTURN AS A PROUD, STURDY MOUNTAIN TOWN TO “KEEP MINTURN MINTURN”

Minturn strongly values its full-time residents and welcomes diversity.

Minturn Planning Department
Minturn Town Center
301 Boulder St. #309
Minturn, CO 81645
970-827-5645
planner1@minturn.org
www.minturn.org



Historic Preservation Commission
Chair – Ken Halliday
Vice Chair – Robert Creasy
Tracy Andersen
Lynn Teach
Kelly Toon

Memorandum

Date: October 11, 2024
To: Minturn Historic Preservation Commission
From: Madison Harris, Planner I
Re: Planning Department Update

701 Main Street

The property owner of 701 Main St. in Minturn recently applied to alter the exterior of the structure.

The structure was originally built in 1941, thus surpassing the 75 year threshold and triggering the requirement of posting a sign on the property detailing that an application for demolition has been submitted, and that the structure is eligible for nomination to be designated as a historic property.

The sign was posted on September 18, 2024 so any nomination must be applied for by October 1, 2024 at 5:00 pm; otherwise it will be understood that the desire is not to designate this property or structure as historic and the property owner can commence with the regular application process.

532 Main Street

The property owner of 532 Main St. in Minturn recently applied to demolish the structure.

The structure was originally built in 1928, thus surpassing the 75 year threshold and triggering the requirement of posting a sign on the property detailing that an application for demolition has been submitted, and that the structure is eligible for nomination to be designated as a historic property.

The sign was posted on September 30, 2024 so any nomination must be applied for by October 14, 2024 at 5:00 pm; otherwise it will be understood that the desire is not to designate this property or structure as historic and the property owner can commence with the regular application process.