



Wednesday, July 20, 2022
Executive Session – 4:30pm
Regular Session – 5:30pm

AGENDA

Town Council Meeting
Minturn 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/84116155738>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 841 1615 5738**

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 Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.

- 2. EXECUTIVE SESSION:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

2.1 Battle Mountain – Sawyer

3. ROLL CALL & PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT AGENDA *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

4.1 July 6, 2022 Meeting Minutes Pg 4

4.2 The Daily Grind Coffee CO INC, dba Vail Mtn Coffee & Tea CO, annual renewal of a Hotel and Restaurant Liquor license; 23698 US Highway 24; Craig Arseneau, Owner/President – Brunvand Pg 17

4.3 Notice of Intent to Participate in a General Election - Metteer Pg 22

5. APPROVAL OF REGULAR AGENDA *Opportunity for amendment or deletions to the agenda.*

6. DECLARATION OF CONFLICTS OF INTEREST

7. PUBLIC COMMENT *Citizens are invited to comment on any item on the Consent Agenda, or 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 Town Clerk. Those who are speaking are requested to state their name and address for the record.*

8. SPECIAL PRESENTATIONS *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

9. COUNCIL COMMENTS & COMMITTEE REPORTS

10. DISCUSSION / DIRECTION ITEMS

11. BUSINESS ITEMS *Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.*

11.1 Resolution 29 – Series 2022 Historic Preservation Commission Appointment – Brunvand Pg 24

11.2 Resolution 30 - Series 2022 Water Treatment Plant Scope of Work Contract – HDR Pg 30

11.3 Ordinance 7 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Sawyer Pg 92

11.4 Ordinance 08 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Sawyer Pg 95

11.5 Ordinance 12 – Series 2022 (First Reading) an Ordinance modifying Article 19 regarding Political Sign codes - Harris Pg 7

11.6 Ordinance 13 – Series 2022 (First Reading) an Ordinance modifying the Short-Term Rental code – Metteer Pg 110

12. STAFF REPORTS

12.1 Town Manager Update Pg 114

13. FUTURE AGENDA ITEMS Pg 116

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- August 3, 2022
- August 17, 2022
- September 7, 2022
- September 21, 2022



**Wednesday, July 6, 2022
Regular Session – 5:30pm**

OFFICIAL MINUTES

**Town Council Meeting
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

The meeting was called to order by Mayor Earle Bidez at 5:32pm for the Executive Session portion only.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger, Gusty Kanakis, Tom Sullivan, and Kate Schifani (Zoom).

Staff present: Town Manager Michelle Metter, Attorney Richard Petersen-Cremer (Zoom), Town Planners Scot Hunn (Zoom) and Madison Harris, and Town Clerk Jay Brunvand

3. APPROVAL OF CONSENT AGENDA *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file*

documents after the public hearing has been closed, or which do not require council deliberation.

3.1 June 15, 2022 Meeting Minutes

3.2 13400 Highway 24 – Battle Mountain Barn

3.3 Wild Mountain Cellars, LLC Tasting Room, Matt Deem, owner, 152 Main St

Pull 3.2 13400 Highway 24 – Battle Mountain Barn and place that as Agenda item 10.1 for Council call-up.

Motion by Terry A., second by Gusty K., to approve the Consent Agenda of July 6, 2022 as amended. Motion passed 7-0.

4. APPROVAL OF REGULAR AGENDA *Opportunity for amendment or deletions to the agenda.*

Motion by George B., second by Tom S., to approve the Agenda of July 6, 2022 as amended. Motion passed 7-0.

5. DECLARATION OF CONFLICTS OF INTEREST

6. PUBLIC COMMENT *Citizens are invited to comment on any item on the Consent Agenda, or 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 Town Clerk. Those who are speaking are requested to state their name and address for the record.*

Ms. Shelley Bellm, 470 Pine St, gave updates on the Minturn Scholarship awards. We had eight applicants of which six qualified. This program is in addition to the CMC scholarship that is also available. It was noted the funds came from funds as part of the Battle Mountain project.

Send tom S a note on how the two endowments work

7. SPECIAL PRESENTATIONS *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

8. COUNCIL COMMENTS & COMMITTEE REPORTS

George B. updated on the water tank project. He stated the valving and plumbing, the road, and the micropyle system has been completed.

Terry A. stated the first Summer Concert is tomorrow night at 6pm, it is a country band.

Gusty K. noted the shooting range has a survey out and he encouraged all to participate

Earle B. updated on grants; we have received a \$220k grant for Phase 2 of the sidewalk project.

The Downtown Colorado Inc project met with citizens on the 100 block and stated it was a very productive meeting. He and Tom S. also met the next day with MR Minturn and their development thoughts. He noted the parking study and the design guidelines.

9. DISCUSSION / DIRECTION ITEMS

9.1 Minturn Parking Study – Charley Alexander, Fehr & Peers

Scot H. introduced Mr. Charley Alexander our consultant.

The Town of Minturn is updating its Community Plan to understand the current challenges and opportunities as the Town faces growth pressures and changes in demographics, community attitudes, preferences, and needs. An important aspect of this project includes this evaluation of the current parking inventory and occupancy and recommendations for improving parking and curb space management in Minturn. Parking is a limited resource and will be a driver in considering future opportunities for development, roadway cross-sections, and other transportation investments. Parking and curbside regulations is also currently not intuitive to the user and can benefit from increased clarity. This memo provides a summary of existing on-street parking and off-street public parking conditions in the core parts of Minturn. This memo also summarizes existing and future parking and curb space opportunities and recommendations, given the outcomes of this analysis. Determining existing on-street parking conditions occurred in two main stages: taking inventory of the on- and off-street parking supply and then collecting parking occupancy data. Parking occupancy was observed and documented during multiple study periods in the winter of 2021/2022. Parking is anticipated to be higher in the summer months and it is recommended that the Town of Minturn collect parking occupancy data and perform an analysis for the summer months to supplement these findings. Fehr & Peers summarized the data observed from on-street parking counts conducted on December 7, 2021, January 15, 2022, April 14 and 16, 2022 which included weekday and weekend observations respectively during the following time periods:

- Weekday Counts – 9:00 AM, 12:30 PM, 4:30 PM, and 6:00 PM
- Weekend Counts – 11:00 AM, 4:30 PM and 6:00 PM

Weekday counts were conducted on December 7, weekend counts were conducted on January 15, and 6:00 PM counts both weekday and weekend were conducted on April 14 and April 16 respectively. These days and times were selected because they were identified by the project team as being the peak winter periods, or the times of highest parking demand. Parking data was collected on Main Street, Boulder Street, and Pine Street, and all perpendicular blocks between Mann Street and the intersection of Williams Street/US-24. It also included parking counts on Taylor Street from Lions Lane to Lionshead Trailhead, and the Municipal parking lot on Main Street, north of Railroad Avenue. Parking counts were performed manually by the project team and consisted of counting the number of cars on each block during each time period. Data collection did not consider parking duration or turnover of vehicles between count periods. The goal of the analysis was to track parking occupancy and distribution patterns.

Lynn F. asked about expanding the 2-hr parking. Her concern was that a lot of the parking is utilized by residents who need to park all day. It was noted this would be a burden on the residents

and a parking permit system could be enacted, this would also allow a better disbursement of parking from the high need areas to the areas on back streets.

Terry A. asked the times of day when the counts were taken. It was stated there is some customization for Minturn. Mr. Alexander stated we are trying to catch the ebbs and flows. He stated this can be further modified if needed to capture the work travel and then the waves of customers during mid-day and evening. Terry A. asked if towns our size utilize pay parking when considering the cost of the service and the income it would generate? Mr. Alexander stated there is a functional burden to managing the meter systems. He stated the newer apps and hardware strive to alleviate the burdens but it is not enough to normally cover the costs in a small town.

Gusty K. asked that heavy days be counted. He noted a lot of parking is limited in the winter due to alternate side parking requirements and access to snow dump areas. He felt this might skew the counts.

Earle B. discussed the listed alternatives. He stated we have restaurant supply trucks and we might try to develop a delivery management plan, customer drop off and then park elsewhere, and traffic circulation such as one-way roadways. He asked about shared parking. Mr. Alexander stated this is used when parking is needed for different uses but those uses are not simultaneous needs such as residents use after 5pm, businesses use 8-5. It was noted that the proposed transit authority might provide better circulatory stops intra and inter town.

Kate S. asked if counts could be taken on market days that would show the high stress times and develop options for those periods. Mr. Alexander stated there is no harm and would probably show how far visitors are willing to park from the event and still attend the events.

Discussion ensued as to how seasonal restrictions increase the difficulty of creating a single solution to meet the true needs of the residents as we continue forward.

Tom S. noted this somewhat shows we do not have a parking problem but we do have peak.

Mr. Tim Leahy, 406 Pine St, stated we need to require commercial parking as it is not fair to drive the parking needs into the residential side streets. He also contested the idea of shared parking or two-hour parking as not a solution. He stated we need to ensure our parking code for on-site parking is sufficient. He stated if we require residential units to supply parking then we should require the same of commercial.

Ms. Chris Bristol, 152 Nelson Ave, felt it would be nice to see the high-end parking numbers and how those needs for parking are shifted off of Main St to the side streets. She felt a lot of the discussion requires us to count the Municipal Lot of which the Town does not own. If this were to go away it would significantly affect the town as a whole.

Mr. Ron Levin, 172 Main St, felt an improved bus service would help our parking needs. Earle B. stated the proposed transit authority is up for election in November and how important that would be to pass at both County and local levels.

9.2 Downtown Minturn Economic Modeling – Brian Duffany, Economic & Planning Systems

Scot H. introduced Mr. Brian Duffany. Mr. Duffany gave a presentation on the economic opportunities and the local needs. He stated 2nd homes account for approximately 20%, the lowest level at this end of the county. He stated this estimate came from the state demographer's office. His presentation included the economic opportunities and constraints.

Lynn F. stated she felt the Town was not at buildout, there are several large areas under the USFS and the UPRR. She stated we have only about 500 homes. She felt the pressures to develop further are in conflict with how to keep the town unique.

Discussion ensued as to those properties, the potential ability to develop, and how they are currently zoned.

Earle B. asked if they had a way of calculating the effects of Short-Term Rentals. This was somewhat covered by looking at lodging vs STR.

Hawkeye Flaherty, 160 Main St., stated the studies/proposals would create a new resort community such as Vail. He stated we have economic diversity and that does provide a tax base for the town. He stated the proposals would destroy our current economic structure. He disagreed with the entire presentation.

Lynn F. was concerned that the optimization would be to make big buildings with residential on top and commercial on the bottom. She felt this was very different from the town currently.

Earle B. stated we have lost businesses in the 100 block and we have had very limited commercial development in the core area. We have always needed a critical mass of commercial to draw patrons to the town. He stated there is very limited retail traffic so the commercial is reliant on off-site services such as in-home/business service. He stated we do not need to be a big town with no character. He noted without growth we will not be able to do the things we have done in the future such as our water plant. We are reliant on grants to maintain our water system, streets, and sidewalks. He discussed it is important that we have growth to best maintain our infrastructure.

Terry A. expressed concern that if we build commercial spaces, what is to say those spaces will be occupied; empty commercial spaces would be terrible. We need to have a balance of vibrant residential and commercial development. She stated this is informational and the presentation is showing options.

Tom S. felt there are not very many lots available in downtown but it is important that we make it attractive for the owners to develop their properties.

Mr. Duffany stated this is a long-term process that would take years to accommodate.

George B. felt if we make the town desirable then we will attract both the residential and commercial development.

Ms. Shelley Bellm, 470 Pine St, asked why the 100 block is the focus and felt this is limiting. She stated we have commercial in the 400 block and we have several areas in south Minturn as well that are not being explored. She felt it is not necessary to change the 100 block to save the town overall.

Mr. Ken Halliday, 811 Main, expressed we need to assist the current commercial to get their word out. What is the town doing to support getting people to town and then once they are here, they may want to be part of the development/redevelopment of the town?

Mr. Kelly Toon, 531 Main St, stated we need business owners that want to be open not just used as storage. Some of our development should be town wide but we need to create a way to entice, we need to support our historical buildings, we need to focus on what we have and what we want before a building is built.

Terry A. felt it important to link the commercial spaces together and noted the comment that Main St energy tapers out quickly and that we need to link businesses down Main St.

Discussion ensued that the intent is not to develop the 100 block to but to start somewhere and continue down the entire street. The 100 block is currently the area with the most energy and we would be most successful to start there and move south. This is a combination of strategies, not a single solution.

10. BUSINESS ITEMS *Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.*

10.a 13400 Hwy 24 – Battle Mountain Barn

Note: this item was called up from the Consent Agenda for discussion for discussion.

Michelle M. presented this is a DRB approval from the PC and was requested to be called up for Council Review due to concerns that two of three conditions were missed.

Two additional conditions.

- 1) Easement to Eagle River
- 2) Easement for Perrigin Trail Overlook
- 3) Covenant for Shrine Pass to be open

The concern is that the conditions existed when Battle Mtn owned the land, now that the Mtn Top area was sold concern that these conditions will fall away is possible. The conditions are:

- The public easement for the Perrigin Trail Overlook
- Covenant for Shrine Pass to remain open

Tom S. asked why the river access was not included. Michelle M. stated the sale of Mtn Top did not include the Eagle River easement as that sliver of land was not included in the Mtn Top sale and is therefore still owned by Battle Mtn.

Richard P-C expressed an easement has not been executed or negotiated and selling the Mtn Top did not extinguish that obligation so continues to be a Battle Mtn requirement. We are only requesting the two conditions and we are not requesting the river access condition.

Mr. Rick Holmes, Mtn Top owner representative, stated they have no issues on the Shrine Pass condition as that has been reviewed, they have not reviewed the Perrigin Trail Overlook but they did not have a concern. He did state the trail is a very advanced trail with steep drops. He stated there are six conditions established and this adds two more, again they have no concerns.

Tom S. asked if the ERFD had been consulted? They have and they are building to those standards. This is only a barn, they are not building or developing the property. Tom S. confirmed that any maintenance of the road is the responsibility of the owner. Tom S. stated we cannot afford to put a fire substation up there nor can we afford to mitigate protection of the barn in the future. He stated access needed to be provided to emergency vehicle standards at the developer/owner's expense.

Lynn F. noted the building is a giant garage, but it looks like there is an office or other facility. Mr. Homes confirmed there is currently an office on the site. The proposal includes an office and indoor garage/storage facility.

Michelle M. stated existing conditions on this approval includes an inventory of the services necessary and that they would be handling the costs.

Motion George B., second by Tom S., to add the two conditions as presented. Motion passed 7-0.

- The public easement for the Perrigin Trail Overlook
- Covenant for Shrine Pass to remain open

10.1 Ordinance 11 – Series 2022 (First Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris

Scot H. presented that at their regular meeting of June 22, 2022, the Planning Commission reviewed Ord. 11 - 2022. Two citizens spoke at the public hearing where the Planning Commission discussed the proposed changes to allowable uses, development standards such as allowable building height and required setbacks, along with a major update to the design standards applicable to the Old Town 100 Block Commercial Zone District. Ultimately, the Planning Commission voted 5-0 to forward a recommendation of approval to the Town Council of Ordinance 11 - 2022, with seven conditions provided by Planning Commissioner Michael Boyd. Condition numbers 1 and 2 relate specifically to pages and sections from Planning Commission packet materials provided by Studio Seed:

1. The ordinance relates to the 100 Block, all areas, regardless of color shades shown page 4, Appendix B. The entire 100 Block, both A and B as shown in Exhibit A which is Appendix B insert Design Standards and Guidelines Pages 1-27 Excluding Pages 24 & 25 and Table 16-C page 7 of this ordinance including any other related conditions of this ordinance is to be updated from this motion for Council meeting packet

2. Page 15 SD.4 parking: that tandem parking is not allowed. Wording should be removed from section.
3. That any changes from side setbacks are verified and done in accordance with our Fire Code and Eagle River Fire recommendations for access.
4. That the design preferred was 2.5 stories stepped back option B or D with bonus floor permitted.
5. That the overall height of 100 Block B including the bonus floor is 35' with a stepped back design measured to midpoint of pitched roof area or overall height on flat roof to top of parapet wall.
6. That cash-in-lieu for bonus floor residential is \$10,000 per spot up to 2 bedrooms per parcel. Limited and expensive because on-site parking is preferred. These non-designated spots are not exempt from any future parking meter fees or additional requirements. Residential units are still required to have parking on site. Parking is not required for commercial uses in this 100 Block.
7. Remove the conditional restriction for residential on upper floors in Sec. 16-6-70 and make it a use by right for both 100 Block A and B.

In reviewing the ordinance, the Planning Commission considered the applicability and the implementability of the new and/or updated sections of the Minturn Municipal Code, as well as testimony of staff, a consultant, and members of the public. During their discussion, the Planning Commission focused much attention on direction provided to staff and consultants during the May 18th joint work session when Cheney Bostick, Studio Seed, presented draft changes to Chapter 16, inclusive of proposed use table revisions, dimensional limitation revisions (adjusting setbacks, building height and building “stepback” standards) and introducing a completely revamped set of design guidelines and standards for the 100 Block Commercial Zone District. Specifically, the Planning Commission discussed proposed building height limitations and proposed building height calculation methods, with one Commissioner stating that the direction to staff was to cap maximum building height at 35 feet (measured to the midpoint of roofs) for new development and redevelopment projects. Ultimately, the Commission voted to approve the amendments and draft design guidelines, and recommended specific conditions aimed at clarifying standards for building height and preferred number of building stories, parking, allowable uses, and building setbacks. One of the conditions that the Planning Commission implemented stated that there will be no parking required of commercial uses in the 100 Block. Staff believes the intent was to have no parking required for sales tax generating uses and not service businesses and offices and that is reflected in this amended ordinance.

Scot H. introduced Ms. Chaney Bostic, Studio Seed, who presented the modifications of Chapter 16 proposed.

Tom S. discussed the zero setback on Williams as the hill side is not stable. He was concerned that to have residential a use by right rather than conditional was wrong as the buildings would open to a 15ft ROW on Williams and that was not sufficient without review. To maintain it as a conditional use throughout the 100 block of Williams allows the town to review the proposals.

Gusty K. discussed the allowable uses for the parking fees (one-time cash in lieu fee of \$10k per space). The concern was expressed that if we lose the Municipal lot, which is owned by the UPRR) this would have a huge effect on our parking scheme.

Lynn F. spoke in support of the parking requirement changes.

Earle B. stated the conditional use could be on Williams only as that is the choke point in the area. He stated the parking requirements have always been the limiting factor for development in the 100 block.

Summary was to make residential conditional on Williams St development due to the narrow 15ft ROW and the limited access and egress. Further no parking on Williams St ROW. This will be presented in the graphics of the proposed standards and guidelines.

Council then proceeded to review the proposed Standards and Guidelines.

Tom S. expressed concern that this would allow parking on the ground floor and could be to the exclusion of retail use.

Note: at this time Council suspended this discussion in order to take up the Historical Preservation Committee appointments.

Height was discussed and it was agreed 35ft max as presented was appropriate. It was confirmed that garages do not load from Main St and include set back from Main St.

Discussion ensued as to how to maximize retail on the first floor and still allow the required residential on-site parking. Tom S. asked how many cash in lieu spots could be purchased. It was noted the residential needs to be provided on-site and commercial could be purchased.

Direction for first reading was for staff to review the questions presented and verify how parking concerns expressed will be administered. Conditions to be considered by staff include 5ft set back on Williams St, limit to 35ft height at the roof midpoint, no garages on to Williams St, and conditional use for residential

Public Hearing Opened

Ms. Chris Bristol, 152 Nelson, expressed concern of reducing side setbacks to as little as zero and how this would affect firefighting abilities. She stated that we are not an urban area, we are a forest area and we need to provide fire brakes. She felt the purchased parking was a one-time fee and it needed to be spent wisely. She felt with the amount of time and energy put into this code work we need to stop variances as those just override the work done.

Mr. Ron Levin, 172 Main St, expressed concern that this was making development difficult.

Public Hearing Closed

Motion by Terry A., second by Tom S., to approve Ordinance 11 – Series 2022 (First Reading) An Ordinance creating 100 Block Design Guidelines as discussed. Motion passed 7-0.

10.2 Resolution 28 – Series 2022 Historic Preservation Commission Appointments – Metteer

The HPC is a five-member commission appointed with “three-year staggered terms from the date of their appointment; provided, however, that the initial appointment to HPC shall consist of one appointment of a term of one year, two appointments of a term of two years, and two appointments of a term of three years.” - Minturn Municipal Code (“MMC”) Sec. 19-2-30 (1). Sec. 19-2-20 of the MMC states that “At least 3 of the voting members shall be full time Residents, Property or business Owners, or designated representatives of Property or business Owners within the Town” and that “At least 2 of the voting members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to History, Architecture, Landscape Architecture, American Studies, American Civilization, Construction and Building Trades; Cultural Geography, Cultural Anthropology, Environmental Expertise, Planning, Real Estate, or Archeology. The Town Council may waive this requirement on a determination that there are not eligible prospective members who meet these criteria.” There are no term limits, only that public review and appointment take place. Staff has advertised the formation of the HPC and received nine (9) applications, all of whom are qualified to serve. Council is asked to appoint one applicant to the initial one-year term, two applicants to the initial two-year terms, and two applicants to the initial three-year terms.

Applicants:

- Hawkeye Flaherty
- Kelly Toon
- Ken Halliday
- Kenneth J Howell
- Larry Stone
- Lynn Teach
- Shelley Bellm
- Tracy Andersen
- Will Sipf

Applicants will have time to answer questions from the Council. Ballots will be provided to the Council with the nine applicants' names. Council will be asked to choose five names, and the applicants that receive the two highest votes will be appointed to the three-year terms, third and fourth highest votes will be appointed to the two-year terms, and the fifth highest vote will be appointed to the one-year term. It is of note, the Historic Preservation Committee at their second meeting on January 20, 2022 stated that HPC should be separate from Planning Commission as Planning Commission has a different focus and each board should have its own power. This committee consensus was also reflected in the survey that was distributed to the Committee members in advance of the second meeting. There is a link to the video recording of the second Historic Preservation Committee meeting where separation of the HPC and Planning Commission was discussed. This, however, was not established in the MMC and final appointments are at the sole discretion of the Council.

Each applicant was allowed time to introduce themselves and stand for questions. Lynn Teach noted the candidates and due to the large number, she withdrew her name.

Final voting Results:

- Ken Halliday – 3yr
- Kelly Toon – 3yr
- Larry Stone – 2yr
- Kenneth Howell – 2yr
- Tracy Anderson – 1yr

Motion by Terry A., second by Tom S. to approve Resolution as noted. Motion passed 7-0.

11. STAFF REPORTS

11.1 Town Manager Update

\$220,000 DOLA Grant Award

Minturn has been awarded \$220,000 from the Department of Local Affairs toward the matching portion of Minturn’s sidewalk construction grant. To clarify, Minturn was awarded \$1,402,000 through the CDOT Revitalizing Main Streets grants program. As part of that grant, Minturn was required to provide \$440,000 in matching funds. With the grant award from DOLA, Minturn will now only spend \$220,000 of the Capital Improvements Fund toward the construction of Main Street sidewalks phase two (900 block of Main St to just before the Boneyard Open Space). Construction is scheduled to begin in the spring of 2024.

Water Infrastructure Funding

I attended (virtually) a Lunch & Learn session with the Colorado River Water Conservation District on Wednesday, June 29th. The focus of the session was to review the [bipartisan infrastructure law](#) and the funding available therein. Staff will now begin to wade through the [different funding opportunities](#) to determine which grant applications may best align with Minturn’s water infrastructure needs.

Water Rate Survey Results

The Colorado Department of Local Affairs conducted a state-wide [municipal and special district water rate survey in 2021](#). The results of that survey are now available for review. Pages 22-30 specifically provide average monthly residential water rates for the communities that completed the survey.

2023 Budget Prep Work has started on the 2023 budget. Included with this update is a tentative timeline of the budget review provided by Jay Brunvand. This timeline can be modified as Council determines.

Water Treatment Plant Scope of Work

Jeff Spanel, Inter-Mountain Engineering, and I met with Jarod Limke, HDR, last week to review the 33-page draft water treatment plant scope of work. Afterward we provided Jarod with a

complete tour of Minturn's water infrastructure. Revisions are now being made to the scope of work and are expected to come before Council at the July 20th meeting for review and approval.

Conservation Land Trust – Boneyard Open Space Review I met with representatives of the Eagle Valley Land Trust on July 21st for the annual review of the Boneyard Open Space property. This is a requirement within the conservation easement. No issues were identified during the review.

Two Elk Target Range / Minturn Shooting Range

A public survey is now available for the gathering of information from the general public regarding the Minturn Shooting range. The shooting range is located on USFS land and is therefore owned by all citizens. All public land users are encouraged to take the survey before the end of July. Here is the link to the survey: <https://www.minturn.org/home/news/minturn-shooting-range>

Note: included in the report was the proposed calendar for important dates related to the review and adoption of the fiscal year 2023 Budget. No concerns were expressed.

12. FUTURE AGENDA ITEMS

13. EXECUTIVE SESSION: An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

13.1 Holland & Hart waiver of representation conflict – Siltanen

Motion by Tom S., second by Gusty K., to convene in Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators. -

Those in attendance for the Executive Session were the Town Council present/zoom, Town Manager Michelle M., Town Attorney Richard Peterson-Cremer (Zoom); and on Zoom Water Counsel for the Town Hayley Siltanen and Counsel Evan Seeman.

The Council convened in Executive Session at 10:47pm.

Direction given as a result of the Executive Session: No direction was given.

14. ADJOURN

Motion by George B., second by Lynn T., to adjourn the meeting at 11:38pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Council Meetings:

- July 20, 2022
- August 3, 2022
- August 17, 2022
- September 7, 2022



To: Mayor and Council

From: Jay Brunvand

Date: July 20, 2022

Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached annual renewal of a Hotel and Restaurant Liquor License for the Daily Grind Coffee CO, DBA Vail Mtn Coffee & Tea located at 23698 US Hwy 24.

INTRODUCTION:

This establishment has an existing H&R License and this is the annual renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$125.00.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved on the Consent Agenda, no separate motion is required.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Submit to Local Licensing Authority

VAIL MTN COFFEE & TEA CO
PO BOX 549
Minturn CO 81645

Fees Due	
Renewal Fee	550.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$ 75.00
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 625.00

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name THE DAILY GRIND COFFEE CO INC		Doing Business As Name (DEA) VAIL MTN COFFEE & TEA CO	
Liquor License # 03-13697	License Type Hotel & Restaurant (city)		
Sales Tax License Number 12-22151-0000	Expiration Date 09/08/2022	Due Date 07/25/2022	
Business Address 23698 US HIGHWAY 24 Minturn CO 81645			Phone Number 827-4008
Mailing Address PO BOX 549 Minturn CO 81645		Email Craig@VailCoffee.com	
Operating Manager Craig Arsenau	Date of Birth 10/26/62	Home Address 4802 Meadow Lane, Vail, CO 81657	Phone Number 393-3061
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease: 1/17/28			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input checked="" type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

We are owners of A+C Coffee Concepts, That entity owns a liquor license

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
<i>Craig Anseman</i>	President	
Signature	Date	
<i>Craig Anseman</i>	7/6/2022	
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
Therefore this application is approved.		
Local Licensing Authority For	Date	
Signature	Title	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, Craig Arseneau am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of The Daily Grind Coffee Co, Inc. (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>The Daily Grind coffee Co, Inc.</u>		Social Security Number/Tax Identification Number <u>84-1127660</u>	
Address <u>23698 Hwy 24, Winturn, CO 81645, P.O. Box 549</u>			
City <u>Winturn</u>		State <u>CO</u>	Zip <u>81645</u>
Home Phone Number <u>970-393-3061</u>		Business/Work Phone Number <u>970-827-4008</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Craig Arseneau</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Craig Arseneau</u>			Date signed <u>7/6/2022</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).



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

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

MEMORANDUM

To: Mike Sawyer, Attorney
Scott Peterson, ECSO/Minturn
CC:
Date: 7/13/22 9:46 AM
RE: Liquor License

Attached please find a copy of a Hotel and Restaurant Liquor License application for The Daily Grind Coffee CO, DBA Vail Mtn Coffee & Tea CO, Craig Arseneau, owner/manager, located at 23698 US Hwy 24. I have reviewed the application and conducted an onsite inspection which resulted in no issues. I am forwarding it on to you for further review and your report. I will be recommending approval on the Consent Agenda to Council at the July 20, 2022 Council Meeting.

There have been no issues at all at this location including passing all "stings" that have been administered of which this location was a part of.

Please let me know if you have any questions or concerns, which I may be able to answer.

Thanks, jay



To: Minturn Town Council
From: Michelle Metteer
Date: July 20, 2022
RE: Notice of Intent to Participate in a Coordinated Election

REQUEST: Approve the Notice of Intent to Participate in a Coordinated Election for the consideration of forming a regional transit authority and imposing a half-cent sales tax.

INTRODUCTION:

Representatives from Eagle County and the municipalities of Eagle County have been working for the past several years in an effort to improve/increase transit service throughout the region while keeping fares low. The Eagle Valley Transit Authority is the culmination of this effort and will be brought before the voters this November for consideration.

ANALYSIS:

The current ECO Transit system is unable to meet the transit needs of the community. Minturn has long requested increased service at a lower fare. If approved, this new regional transit authority would service the ridership in the Minturn area at no cost to the riders while increasing the number of routes and extending the hours of operation.

Voters will be asked this November to approve a \$.05 cent sales tax to cover the anticipated expenses of this increase in service.

COMMUNITY INPUT: November ballot question

BUDGET / STAFF IMPACT: \$2500 for election costs

STRATEGIC PLAN ALIGNMENT:

[ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN](#)

RECOMMENDED ACTION OR PROPOSED MOTION: Approve

ATTACHMENTS:

- Notice of Intent to Participate in a Coordinated Election



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

July 20, 2022

VIA ELECTRONIC MAIL

Regina O'Brian
Eagle County Clerk and Recorder
regina.obrien@eaglecounty.us

Re: Notice of Intent to Participate in a Coordinated Election

Dear Ms. O'Brian:

I am writing on behalf of the Town of Minturn to notify you that Minturn intends to participate in a coordinated general election pursuant to C.R.S. § 1-7-116 (5). The political subdivisions that will be participating in the election and entering into the associated intergovernmental agreement pursuant to C.R.S. § 1-7-116 (2) are Eagle County, the towns of Avon, Eagle, Gypsum, Minturn, Red Cliff and Vail, and the Beaver Creek Metropolitan District (together, the "RTA Formation Committee"). The ballot question to be submitted to the voters of each political subdivision will authorize entry into a contract to establish a regional transportation authority. The ballot question also will include both tax authorization and authorization to retain revenues above the limits set forth in, and in accordance with, section 20 of article X of the Colorado Constitution ("TABOR").

Please do not hesitate to contact [insert contact] with any questions or further instructions.

Sincerely,

Earle Bidez
Mayor
Minturn, Colorado

cc: RTA Formation Committee
Bill Ray
Brent Butzin
Polly Jessen



To: Mayor and Council
From: Jay Brunvand
Date: July 20, 2022
Agenda Item: Historic Preservation Commission Appointment

REQUEST:

Council is asked to approve Resolution 29 – Series 2022 a Resolution to appoint one member to the Historic Preservation Commission (HPC).

INTRODUCTION:

At the July 6, 2022 Council meeting, after a complete process of advertising and solicitation of Letters of Interest from citizens, Council voted and appointed five members to the HPC. During the vote process I miss counted the votes and erroneously excluded one of the candidates who received three votes and therefore should have been included on the second round of balloting to appoint a member to the one-year seat. I am asking this error be corrected by re-voting for just the one-year seat.

The process will remain the same. Council will be asked to vote on the three candidates listed, in the event of a tie voting rounds will be continued until one applicant secures the most votes. In the end, the one with the most votes will be appointed by Resolution.

Each candidate under consideration has been invited to attend the meeting either virtually or in-person and I have included their original Letter of Interest.

The candidates for consideration are:

- Will Sipf
- Tracy Anderson
- Shelley Bellm

ANALYSIS:

Upon appointment selections, the first HPC meeting is scheduled for Tuesday July 26, 2022 at a time to be determined. At the first HPC meeting the meeting schedule will be determined.

COMMUNITY INPUT:

Candidates were solicited through public notice via e-blast, town website, and public notices in the Vail Daily legal section. For this re-vote, only the originally considered candidates for specifically the one-year seat are being considered.

BUDGET / STAFF IMPACT:

Unknown. This is initially a volunteer only position. Consumption of staff time is not yet known.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government. Both the manner in which we solicited Letters of Interest and a full complement of Council members adhere to this Strategy.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Resolution 29 – Series 2022 appointing _____ to serve on the Minturn Historic Preservation Commission through July 2023.

ATTACHMENTS:

- Resolution 29 – Series 2022
- HPC Applications for the individuals under consideration

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 29 – SERIES 2022**

**A RESOLUTION APPOINTING HISTORIC
PRESERVATION COMMISSION MEMBERS**

WHEREAS, The Minturn Historic Preservation Commission (“HPC”) Members are appointed by the Town Council pursuant to Minturn Municipal Code Section 19-2-10; and

WHEREAS, pursuant to Minturn Municipal Code Section 19-32-30(1), the HPC is required to be appointed to staggered three-year terms; and

WHEREAS, the initial appointment of HPC members properly appointed the three and two year seats, and now desires to appoint a member serving for one year; and

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

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

NAME	TERM
_____	Through 7/31/23

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day of July, 2022.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

My name is William (Will) Sipf and I have been a full-time resident in the Town of Minturn for a little over 7 years. I live at 154 Lions Lane in the Minturn Towne Homes. While I do not own the home, my wife and I are slowly purchasing the residence from the home owners who happen to be my parents through a private agreement we have with them. We are currently pregnant and expecting our first child in November and we have no intentions on leaving Minturn in the coming years. I was born and raised in Denver, CO and after graduating high school, I attended Bucknell University in Lewisburg, PA and was a double major in economics and philosophy with a minor in music. I am currently a realtor with LIV Sotheby's International Realty in Vail Village and have been practicing real estate as a full commissioned based realtor since the middle of 2018.

I have a desire to be a committee member of the Historic Preservation Committee for the sole purpose of ensuring the proper character of the Town of Minturn for years to come. Minturn is a small, tight-knit community, and preservation of the various buildings that are deemed historic and meet the requirements for what is a historic building in the State of Colorado is highly important in helping maintain the character of the town. I have done a thorough review of Chapter 19-Historic Preservation and feel as though I would be a valuable member to the committee and would have thoughtful insights to provide. Over my professional and young professional career, I have served on our HOA Board, the Vail MLS Committee within the Vail Board of Realtors, student government at Bucknell University for two years, and was the president of a student run credit union while in high school for two years. In addition to being a realtor currently, I have worked in the commercial real estate industry for 4 years as a property inspector for various commercial and industrial properties located throughout Colorado, as well as worked in the loan servicing department for the same company helping perform annual loan servicing duties. Due to my prior work experience as well as my prior experience working in small groups for the benefit of others with no personal financial gain, I do feel the knowledge and experience gained over the course of those years of service and professional work is invaluable and incredibly beneficial for a committee of this nature and I would love to be a part of it.

Thank you for your consideration.

All the Best,

Will Sipf
303-898-3010
williamsipf@me.com

Tracy Andersen
PO Box 871
Minturn, CO 81645
(303) 543-8738

Dear Madison,

I understand that there is a need for committee members for the Minturn Historical Preservation Commission. I am writing to let you know that I am interested in serving in this capacity.

I started my Minturn journey in 2005 as a part time resident. Since 2016, I have lived here full time and purchased a house in 2020. I am currently a teacher at Battle Mountain High School. I keep up with town affairs via regular zoom attendance at all Town Council meetings.

Prior to teaching, I was a Program Manager with The Nature Conservancy and worked to protect valuable habitat within selected areas of Colorado. Before that, I worked as a ranger naturalist at Grand Teton National Park..

In terms of education, I have a BA from Smith College, where I majored in biology. I have a masters degree from Yale University in environmental management, with an emphasis in wildlife ecology. I earned my teacher certification at Metro State University.

I am interested in the position because I want to help the town preserve the distinct values that make it so special.

Thank you for your consideration.

Sincerely,

Tracy Andersen



Shelley Bellm
470 Pine Street
Minturn, CO 81645

June 30, 2022

Town of Minturn
302 Pine Street
Minturn, CO 81645
Attn: Minturn Planner

To Whom it May Concern:

Please consider this letter of interest as my application for an appointment to the Minturn Historic Preservation Commission. As a member of the exploratory committee, I was intimately involved in the development of the ordinance establishing this commission.

My experience in this field includes 10 years on the Minturn Town Council, 13 years in the planning and building community with a strong background and understanding of the Town ordinances as well as building codes, and I am a 30+ year resident of Minturn. I have a strong desire to see Minturn maintain the unique architecture we currently have while allowing the opportunity for redevelopment to occur. Minturn has a long history of a quirky, eclectic vibe and I'd hate to see our community turn into the flat roof square architecture our neighbors are currently allowing.

Thank you for your consideration.

Shelley Bellm



To: Minturn Town Council
From: Michelle Metteer
Date: July 20, 2022
RE: HDR, Inc. Scope of Work – Water Treatment Plant Design & Engineering Services

REQUEST: Approve the HDR, Inc. Public Service Agreement and Scope of Work authorizing HDR, Inc. to begin work on the design and engineering of a new water treatment plant, surface diversion and pipeline.

INTRODUCTION:

The 2019 Water Capital Improvement Plan identified the need for a new water treatment plant to replace the aging slow sand filters (two of the three filters no longer meet CDPHE regulations and have been decommissioned). Since 2019 Minturn has been working toward this effort.

ANALYSIS:

The Minturn Water Committee consisting of the town manager, and council members Gusty Kanakis and George Brodin, along with John Volk, water treatment plant operator, Arnold Martinez, public works supervisor, Jeff Spanel, town engineer and the volunteer assistance of local resident Jeff Schneider, water engineer, interviewed three engineering firms for the task of overseeing the design and engineering of Minturn’s new water treatment plant. All three firms were well qualified and after two rounds of interviews along with extensive reference checks, the Committee unanimously recommends HDR, Inc. for leading this effort.

COMMUNITY INPUT: Extensive and ongoing

BUDGET / STAFF IMPACT: \$1,529,000

STRATEGIC PLAN ALIGNMENT:

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

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

RECOMMENDED ACTION OR PROPOSED MOTION: Approve

ATTACHMENTS:

- Resolution - Series 2022
- Public Service Agreement
- HDR RFQ Submittal

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 30 – SERIES 2022**

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN HDR ENGINEERING, INC AND THE TOWN OF MINTURN FOR THE DESIGN AND ENGINEERING OF A WATER TREATMENT PLANT AND ASSOCIATED FACILITIES AND AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN THE AGREEMENT.

WHEREAS, The Minturn Town Council has reviewed the Engineering Services Proposal with HDR, INC and deems it acceptable; and,

WHEREAS, The Town Council desires to engage HDR Engineering, Inc as presented in the attached agreement.

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

SECTION 1: The Minturn Town Council hereby approves the Professional Services Agreement between HDR Engineering, Inc and the Town of Minturn, Colorado and authorizes the Mayor or designee to execute said agreement.

SECTION 2: This resolution to be in full force and effect from and after its passage and approval.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20^h day of July, 2022.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

PROFESSIONAL SERVICES AGREEMENT

This PROFESSIONAL SERVICES AGREEMENT (the “Agreement”) is made and entered into this ____ day of _____, 2022 by and between the TOWN OF MINTURN, Colorado, a home rule municipality (“Minturn” or the “Town”), and HDR, INC, a Colorado Corporation (the “Contractor”).

WHEREAS, the Town desires that Contractor perform the services of Water Treatment Plant Design and Construction Services as an independent contractor, in accordance with the provisions of this Agreement, and more fully described in the Scope of Work attached as **Exhibit A**; and

WHEREAS, Contractor desires to perform such duties pursuant to the terms and conditions provided for in this Agreement; and

WHEREAS, the Parties hereto desire to set forth certain understandings regarding the services in writing.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties agree as follows:

1. **Services.** The Town agrees to retain Contractor to provide the services set forth herein, and as further specified in **Exhibit A**, attached hereto and incorporated herein by reference (“Scope of Services”), and Contractor agrees to so serve. Contractor represents that it has the requisite authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws and agrees to perform the Services on the terms and conditions set forth herein. The Town reserves the right to omit any of the Services identified in **Exhibit A** upon written notice to Contractor. In the event of any conflict between this Agreement and **Exhibit A**, the provisions of this Agreement shall prevail. All services shall be performed in conformance with the standard of care ordinarily exercised by members of Contractor's profession practicing at the same time in the State of Colorado.

2. **Compensation.** The Town agrees to pay Contractor a sum not to exceed One Million Five Hundred Twenty-Nine Thousand Dollars (\$1,529,000.00) as set forth in **Exhibit B**, except as adjusted to reflect the deletion by the Town of any of the Services set forth in **Exhibit A**. The Town shall make payment within sixty (60) days of receipt and approval of invoices submitted by Contractor, which invoices shall be submitted to the Town not more frequently than monthly and which shall identify the specific Services performed for which payment is requested.

3. **Term.** The Term of this Agreement shall be from the date first written above until completion of the Services, unless extended by written agreement of the Parties.

4. **Outside Support Services and Subcontractor.** To the extent practicable, subcontractors whose principal place of business is Eagle County shall be used to perform the services under this Agreement. Any subcontractors shall be pre-approved by the Town. A rate sheet for such subcontractors shall be provided to the Town.

5. **Ownership of Instruments of Service.** The Town acknowledges the Contractor's work product, including electronic files, as instruments of professional service. Nevertheless, the final work product prepared under this Agreement shall become the property of the Town upon completion of the services and payment in full of all monies due to the Contractor.

6. **Monitoring and Evaluation.** The Town reserves the right to monitor and evaluate the progress and performance of Contractor to ensure that the terms of this Agreement are being satisfactorily met in accordance with the Town's and other applicable monitoring and evaluating criteria and standards. Contractor shall cooperate with the Town relating to such monitoring and evaluation.

7. **Independent Contractor.** The Parties agree that the Contractor shall be an independent contractor and shall not be an employee, agent, or servant of the Town. Contractor is not entitled to workers' compensation benefits from the Town and is obligated to pay federal and state income tax on any money earned pursuant to this Agreement.

8. **Insurance Requirements.**

a. **Comprehensive General Liability Insurance.** Contractor shall procure and keep in force during the duration of this Agreement a policy of comprehensive general liability insurance insuring Contractor and naming the Town as an additional insured against any liability for personal injury, bodily injury, or death arising out of the performance of the Services with at least one million dollars (\$1,000,000.00) each occurrence. The limits of said insurance shall not, however, limit the liability of Contractor hereunder.

b. **Comprehensive Automobile Liability Insurance.** Contractor shall procure and keep in force during the duration of this Agreement a policy of comprehensive automobile liability insurance insuring Contractor and naming the Town as an additional insured against any liability for personal injury, bodily injury, or death arising out of the use of motor vehicles and covering operations on or off the site of all motor vehicles controlled by Contractor which are used in connection with the Project, whether the motor vehicles are owned, non-owned, or hired, with a combined single limit of at least one million dollars (\$1,000,000.00). The limits of said insurance shall not, however, limit the liability of Contractor hereunder.

c. Terms of Insurance.

i. Insurance required by this Agreement shall be with companies qualified to do business in the State of Colorado with a general policyholder's financial rating of not less than A+3A as set forth in the most current edition of "Best's Insurance Reports" and may provide for deductible amounts as Contractor deems reasonable for the Services. No such policies shall be cancelable or subject to reduction in coverage below the specified limits or other material modification except after thirty (30) days prior written notice to the Town. Contractor shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal Contractor changes to "occurrence," Contractor shall carry a six (6)-month tail. Contractor shall not do or permit to be done anything that shall invalidate the policies.

ii. The policies described in subparagraphs a. and b. above shall be for the mutual and joint benefit and protection of Contractor and the Town. Such policies shall provide that the Town, although named as an additional insured, shall nevertheless be entitled to recovery under said policies for any loss occasioned to it, its officers, employees, and agents because of negligence of Contractor, its officers, employees, agents, subcontractors, or business invitees. Such policies shall be written as primary policies not contributing to and not in excess of coverage the Town may carry.

d. Workers' Compensation and Other Insurance. During the term of this Agreement, Contractor shall procure and keep in force workers' compensation insurance and all other insurance required by any applicable law. If under Colorado law Contractor is not required to carry workers' compensation insurance, Contractor shall provide the Town an executed Certificate of Exemption from Statutory Workers' Compensation Law and Acknowledgment of Risk/Hold Harmless Agreement, which shall be attached hereto as **Exhibit B** and incorporated herein by this reference.

e. Evidence of Coverage. Before commencing work under this Agreement, Contractor shall furnish to the Town certificates of insurance policies evidencing insurance coverage required by this Agreement. Contractor understands and agrees that the Town shall not be obligated under this Agreement until Contractor furnishes such certificates of insurance.

f. Subcontracts. Contractor agrees to include the insurance requirements set forth in this Agreement in all subcontracts. The Town shall hold Contractor responsible in the event any subcontractor fails to have insurance meeting the requirements set forth in this Agreement. The Town reserves the right to approve variations in the insurance requirements applicable to subcontractors upon joint written request of subcontractor and Contractor if, in the Town's opinion, such variations do not substantially affect the Town's interests.

9. **Indemnification.** Contractor hereby covenants and agrees to indemnify, save, and hold harmless the Town, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, reasonable attorney's fees, litigation, judgments, damages, claims, and demands of any kind whatsoever arising from or out of any negligent act or omission or other tortious conduct of Contractor, its officers, employees, or agents in the performance or nonperformance of its obligations under this Agreement.

10. **Termination.**

a. **For Convenience.** The Town may terminate this Agreement without cause if it determines that such termination is in the Town's best interest. The Town shall affect such termination by giving written notice of termination to Contractor, specifying the effective date of termination, at least thirty (30) calendar days prior to the effective date of termination. In the event of such termination by the Town, the Town shall be liable to pay Contractor for Services performed as of the effective date of termination, but shall not be liable to Contractor for anticipated profits. Contractor shall not perform any additional Services following receipt of the notice of termination unless otherwise instructed in writing by the Town.

b. **For Cause.** If, through any cause, Contractor fails to fulfill its obligations under this Agreement in a timely and proper manner, violates any provision of this Agreement, or violates any applicable law, and does not commence correction of such nonperformance or violation within seven (7) calendar days of receipt of written notice and diligently complete the correction thereafter, the Town shall have the right to terminate this Agreement for cause immediately upon written notice of termination to Contractor. In the event of such termination by the Town, the Town shall be liable to pay Contractor for Services performed as of the effective date of termination, but shall not be liable to Contractor for anticipated profits. Contractor shall not perform any additional Services following receipt of the notice of termination. Notwithstanding the above, Contractor shall not be relieved of liability to the Town for any damages sustained by the Town by virtue of any breach of this Agreement, and the Town may withhold payment to Contractor for the purposes of setoff until the exact amount of damages due to the Town from Contractor is determined.

c. **Payment upon Termination.** In the event that this Agreement is terminated, Contractor shall be entitled to payment for its costs and services performed, up through the date of termination, less allowances for services rendered that were negligent or otherwise contrary to this Agreement.

11. **Use of Software and other Intellectual Property.** Contractor hereby represents and warrants that it has obtained all necessary rights and licenses to use any software or other intellectual property that may be required by Contractor to perform the Scope of Services. Contractor hereby agrees to indemnify, hold harmless and defend Town against any claim brought against Town for improper use or infringement upon any software or intellectual property interest.

Town of Minturn
Professional Services Agreement

12. **Agreement Subject to Appropriation.** To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the Town, it shall be subject to annual appropriation pursuant to the Town of Minturn Municipal Code and Article X, Section 20 of the Colorado Constitution. The Town shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

13. **Responsibilities.** The Contractor shall be responsible for all damages to persons or property caused by the Contractor, its agents, employees, or subcontractors, to the extent caused by its negligent acts, errors, and omissions hereunder, and shall indemnify and hold harmless the Town from any claims or actions brought against Contractor by reason thereof.

14. **Entire Agreement.** This Agreement, along with any addendums and attachments hereto, constitutes the entire agreement between the Parties. The provisions of this Agreement may be amended at any time by the mutual consent of both Parties. The Parties shall not be bound by any other agreements, either written or oral, except as set forth in this Agreement.

15. **Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Eagle, State of Colorado.

16. **Governmental Immunity Act.** No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*

17. **Assignability.** Contractor shall not assign this Agreement without the Town's prior written consent.

18. **Binding Effect.** This Agreement shall be binding upon, and shall inure to the benefit of, the Parties hereto and their respective heirs, personal representatives, successors, and assigns.

19. **Survival Clause.** The "Indemnification" provision set forth in this Agreement shall survive the completion of the Services and the satisfaction, expiration, or termination of this Agreement.

20. **Severability.** In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

21. **Headings.** Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

22. **Notices.** Written notices required under this Agreement and all other correspondence between the Parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

Town of Minturn
Professional Services Agreement

If to the Town:

TOWN OF MINTURN
Attn: Town Clerk
PO Box 309
Minturn, CO 81645

With copy to:

Michael J. Sawyer, Esq.
Karp Neu Hanlon, P.C.
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, Colorado 81602

If to Contractor:

23. **Authority.** Each person signing this Agreement, and any addendums or attachments hereto, represents and warrants that said person is fully authorized to enter and execute this Agreement and to bind the Party it represents to the terms and conditions hereof.

24. **Attorneys' Fees.** Should this Agreement become the subject of litigation between the Town and Contractor, the prevailing Party shall be entitled to recovery of all actual costs in connection therewith, including but not limited to reasonable attorneys' fees and expert witness fees. All rights concerning remedies and/or attorneys' fees shall survive any termination of this Agreement.

25. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

TOWN OF MINTURN, COLORADO

Michelle Metteer, Town Manager

ATTEST:

Town Clerk

CONTRACTOR

By:_____

Name:_____

Title:_____

STATE OF COLORADO)

) ss.

COUNTY OF _____)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2022 by _____.

Witness my hand and official seal.

My commission expires:_____.

{S E AL}

Notary Public

EXHIBIT A - SCOPE OF WORK

TOWN OF MINTURN AND HDR ENGINEERING, INC.

Minturn Water Treatment Plant Design and Construction Services Rev: July 13, 2022

PROJECT BACKGROUND AND OBJECTIVES

The Town of Minturn (Minturn) in Eagle County has identified a need for a new water treatment plant (WTP) to provide reliable drinking water for Minturn. The new WTP will serve current town needs and anticipated growth and will include:

- Funding acquisition including grant and loan application assistance for capital expenditures
- Raw water diversion on the Eagle River upstream of the confluence with Cross Creek (Eagle River Diversion)
- A raw water pump station (RWPS) (Eagle River is approximately 70' below the WTP site)
- A new raw water pipeline from the RWPS to the new WTP (approximately one mile long)
- A new WTP with a capacity of 0.5 MGD
- A finished water pump station (FWPS) at the WTP
- Finished water pipeline to convey water to Minturn's new Water Tank and the existing tie-in near Maloit Park Road and Highway 24 (approximately one mile long)

Minturn's preferred delivery model for the project is through the construction manager at risk (CMAR) model and this SOW reflects the preferred delivery model. HDR will provide professional design services for the new WTP and assist Minturn with financing planning, permitting, and construction management services of the new facilities.

TASK SERIES 100 – PROJECT MANAGEMENT AND COORDINATION

The proposed scope of work and required deliverables anticipated for this phase of the project include the following:

TASK 101 – PROJECT MANAGEMENT AND QUALITY CONTROL

Manage activities within project scope and budget. Prepare and submit monthly invoices. Monitor project progress, including work completed, work remaining, budget expended, schedule, estimated cost of work remaining, estimated cost at completion, and tracking of additional scope items.

HDR will utilize the services of senior design personnel to conduct a detailed review of technical deliverables including reports, technical memoranda, drawings, and specifications. These reviews will focus on opportunities for cost savings, added value, improved operation and constructability and will serve as a verification of the recommendations and design decisions made by the project team.

A formal design QA/QC review will be conducted at the Basis of Design Report, 30% Design, 60% Design, and 90% Design submittals. The HDR PM will perform QA/QC on subconsultant furnished material prior to submission to Minturn.

A Project Approach and Resource Review (PARR) will be completed in the early stage of the project. The PARR is an in-depth technical review of the project by company-wide experts to determine if the right technical approach and the right technical resources are being utilized to address project requirements and risks. The PARR serves as a value-added review to help achieve overall project quality.

Assumptions

- Project Durations
 - Design: **14** months
 - Construction: **16** months

Deliverables

- Monthly project progress reports and invoices.

TASK 102 – STAKEHOLDER COLLABORATION PLAN

HDR will develop a Stakeholder Collaboration Plan that includes:

- Identification of stakeholders;
- Characterization of stakeholder needs;
- Prioritization and timing of stakeholder buy in;
- Strategies and procedures for stakeholder outreach and communication; and
- An approach to collaborative stakeholder engagement that meets their needs equitably.

Execution of the Stakeholder Collaboration Plan will involve preliminary outreach efforts consisting of preliminary outreach meetings (virtual).

Follow-up stakeholder review meetings during design development by the design team will consist of up to one (1) half day stakeholder review meeting for each of the four (4) project elements (Intake and Raw Water Pump Station, Raw Water Pipeline, Treatment Plant and Treated Water Pump Station, and Treated Water Pipeline). Each of these meetings will include stakeholders identified during development of the Stakeholder Collaboration Plan and during subsequent Preliminary Design Phase activities. Key design team staff will facilitate these meetings with the goal of building consensus and obtaining stakeholder buy-in. Notes from each of the stakeholder meetings will be produced by the design team.

Assumptions

- The Collaboration Plan will include a table of action items for preliminary stakeholder outreach. The table will be updated and distributed with notes and information resulting from preliminary stakeholder outreach.
- **Seven** total virtual preliminary outreach meetings are budgeted for this task and include coordination with Eagle County, US Forest Service, Colorado Fish and Game, Colorado Department of Health and Environment, US Army Core of Engineers, Colorado Department of Transportation, and one other.
- **Three** total in-person meetings are budgeted for this task to follow-up on specific issues identified in preliminary outreach meetings.

Deliverables

- Stakeholder Collaboration Plan

- Agendas and notes from stakeholder meetings

TASK 103 – PROGRESS MEETINGS

Design Kick-Off Meeting

Upon notice to proceed, HDR will identify critical project needs for discussion at a Project Kick-off Meeting to be held with Minturn and key design team members at the Town Hall Building. The kick-off meeting will be attended by key members of the design team to address major project elements.

Design Progress Meetings

Team coordination meetings will be held biweekly with Minturn in an alternating virtual / in person format. The purpose of the meetings will be to discuss project status, exchange information, and for HDR to provide updates on the project status. Meeting notes along with a list of action items and decisions made will be provided by HDR after the review meeting. This task includes the time required to prepare for the meeting and preparation of meeting notes.

A project decision log will be maintained throughout the project to monitor project decisions and maintain a record of key actions to be addressed by the Town and design team. The decision log will be developed in a simple spreadsheet format by project area and will be distributed with the meeting minutes.

Internal Design Team Meetings

HDR will conduct internal meetings with its subconsultant design team to ensure cohesion and enhance collaborative design through the different focus areas of the design.

Assumptions

- The kickoff meeting will be in-person attendance and attended by **six** HDR team members and a representative from Swiftwater Solutions, Pinyon Environmental, and Lithos Geotech. Select members will tour the existing WTP, waterline routes, and proposed intake location
- Based on the total project duration identified in Task 101, the number of coordination meetings with Minturn are:
 - Virtual: **14 meetings**
 - In Person: **14 meetings**
 - In person meetings are subject to becoming virtual if weather or I-70 travel conditions are unsafe
- In-person meetings will occur at Minturn Town Hall and are expected to occur monthly. Travel time from Denver to Minturn each way is included in the budget for in-person meetings.
- Internal design coordination meetings between HDR and subconsultants will occur monthly during the design phase.
- Construction Phase meetings are budgeted under Task 500

Deliverables

- Meeting minutes, action items log, and decisions log for each coordination meeting will be prepared by HDR and distributed to team members.
- Project Decision Log (living document)

TASK 104 – FINANCIAL PLANNING

HDR and its subconsultant, Swiftwater Solutions (SWS), will provide funding acquisition services for the design and construction phases of the project. Funding mechanisms for the project will comprise of available grants and Federal/State loan programs for municipal improvement projects. The following items will be performed as part of this task:

- Review of Towns Financial Position & Develop Funding Plan
 - Assess the financial ability for Minturn to take on debt and develop Project Specific Rate Report
 - Inform pre-design team of budget and financial restraints
 - SRF-like review and analysis of Minturn’s finances
 - Evaluation of rates and mill levy to help identify means for debt service repayment
 - Provide high level guidance for compliance with TABOR
 - Development of a Funding Plan which will identify available sources of funding “candidate agencies,” analyze their suitability for Minturn’s project, identify source-specific requirements for application, and project impositions or construction constraints associated with funding sources.
 - Participate in a Funding Plan Workshop at Draft issue of document
- Initiate Funding Agency Outreach
 - Host virtual outreach meetings with candidate agencies to brief them on the project
 - Identify funding strategy and roadmap for desired vs. plausible outcomes from each funding agency and update the Funding Plan as needed
 - Establish co-funding team of “selected agencies” and update Funding Plan
 - Gain verbal or preauthorization from funding agencies for desired components to be funded
 - Develop a timeline for funding applications based on preliminary construction sequencing
 - Issue draft of Funding Plan
- Funding Applications
 - Compile application forms and pertinent supporting information for submittal to selected funding agencies
 - Provide grant writing and loan application writing services for the completion of selected funding applications
 - Coordinate with selected funding agencies to coordinate deadlines and applications schedule requirements.
- Acquire and Administration of Funding Compliance
 - Maintain documentation of compliance with funding impositions on project
 - Provide a comprehensive compliance book at the completion of construction for auditing purposes
 - Assist with coordination of multiple funding sources and budgets to avoid duplicate reimbursement requests

Assumptions

- Minturn has advanced the SRF process to the pre-approval stage
- The Funding Plan Workshop will occur in person at Minturn Town Hall
- **Six** total initial outreach meetings are budgeted for and include HDR PM, SWS, and ideally a Minturn representative
- **Four** total funding applications are budgeted for this task; Minturn will submit the completed funding applications to selected agencies
- Funding compliance is based on the CDPHE Document “State Revolving Fund Required Specifications” during construction and quarterly reporting during design for any grants obtained

Deliverables

- Draft and Final electronic versions of Project Specific Rate Report
- Draft and Final electronic versions of Funding Plan Report
- Completed funding applications and supporting documents

TASK 105 – CMAR SELECTION ASSISTANCE

HDR will assist Minturn with selection of a CMAR. The following services will be provided:

- Assistance in developing single step procurement through a Request for Proposals
 - HDR will host a Workshop at Minturn Town Hall with Minturn staff and go over example provisions from previous CMAR contracts. HDR will write the CMAR Scope of Work for the proposal
- Pre-emptive outreach to prospective contractors to brief them on the project with the goal of increasing the number of proposers
- Assistance in answering questions from proposers
- Assistance in developing RFP Addenda
- Assist in reviewing Proposals submitted;
- Attend interviews for shortlisted firms
- Draft a recommendation letter for CMAR selection

Assumptions

- Minturn will produce and publish the RFP and addenda for review by HDR
- Interviews with **three** shortlisted contractors will be virtual

Deliverables

- Comments on CMAR proposals
- CMAR Recommendation Letter

TASK 106 – PERMITTING SUPPORT

HDR and/or its subconsultant, Pinyon Environmental (Pinyon), will provide permit application development for the following permits:

CDPHE Plan Application and Approval

This task is described and budgeted for under Task 300 - Final Design.

Assumptions

- CDPHE will adhere to their three-month review schedule.

Deliverables

- See Task 300.

Eagle County Floodplain Permit and Stream Stability Analysis

Water Treatment Plant

The proposed WTP is in and near Cross Creek, a FEMA Zone A floodplain. There is not a detailed FEMA hydraulic study for Cross Creek. HDR will complete the following:

- Develop an existing conditions one-dimensional (1D) hydraulic model using best-available topographic data
- Hydrology will be developed using StreamStats or best-available regression equations
- The existing conditions 1D hydraulic model will be updated with the proposed WTP and Raw Water Pumping. The goal is to limit the increase in water surface elevation between existing and proposed conditions to 0.0-ft, or per Eagle County requirements.

Eagle River Intake

The proposed location of the Eagle River intake is located within the Eagle River FEMA Zone AE with Floodway. HDR will complete the following:

- Develop FEMA data request
- Develop duplicate effective model
- Develop corrective effective (existing conditions) model using topographic data from survey
- Develop proposed conditions models with the goal of each conceptual alternative to result in a no-rise condition

Cross Creek Pipeline Crossing

HDR will evaluate potential instabilities of the drainages along at the proposed pipeline crossing location. This will be evaluated using two methods:

- Site investigation to evaluate flow characteristics, scour potential, and physical features approximately 500 feet upstream and downstream of the proposed crossing.
- Historical Aerial Imagery Review to evaluate how the river has migrated laterally over time approximately 500 feet upstream and downstream of the proposed crossing.

HDR will conduct a scour analysis to provide bury depth and/or countermeasure recommendations for the proposed pipeline. Up to two scour mechanisms will be evaluated: Bend Scour and General Scour. The 1D hydraulic model developed for the floodplain analysis will be used for this analysis.

Assumptions

- **Two** intake designs will be considered in the No-Rise modeling; modeling will include both the floodplain and floodway
- **One** WTP site layouts will be considered in the No-Rise modeling; modeling will include the floodplain only

- Survey information received via Task 201 will be sufficient for analysis. No additional survey is budgeted for in this task
- No hydrology changes will be made to FEMA Zone AE with Floodway effective model
- Corrected effective model and existing conditions model are the same
- No sediment transport or long-term channel geomorphic analyses will be completed as this is not required by FEMA.
- A CLOMR will not be required nor developed; HDR assumes the model of the proposed intake infrastructure results in a 0.0 ft rise in floodway impact
- **One** investigative site visit consisting of two HDR staff
- **One** round of consolidated comments will be addressed on the draft technical memorandum prior to issuing the final version

Deliverables

- Draft and Final electronic versions of technical memorandum describing:
 - FEMA Floodplain and Floodway Modelling Analyses for Eagle River and Cross Creek
 - Cross Creek Scour Analysis
- Supporting documentation and application for Eagle County Floodplain Permit for intake, pipelines, and WTP

State Revolving Fund (SRF) Environmental Analysis and Project Needs Assessment

Use of SRF funding requires a National Environmental Policy Act (NEPA) analysis and a Project Needs Assessment.

In a letter dated October 7, 2021, The Colorado Department of Public Health and Environment (CDPHE) determined that, “The project may be required to prepare an Environmental Assessment (EA) to analyze the potential environmental impacts, however, a determination will be made after review of the PNA [Project Needs Assessment].” To support this task, Pinyon will prepare CDPHE’s Environmental Checklist to be provided with the PNA.

Based on the information in the above-mentioned letter, Pinyon assumes that the project will require an EA. Resources identified in the Environmental Checklist as needing further analysis or having potential impacts will be addressed in the EA. The following areas will not have separate technical documentation and will be addressed in the environmental checklist and EA document itself, as necessary:

- Water Quality
- Floodplains
- Environmental Justice
- Geology/Soils
- Climate
- Population/Development/Economics
- Land Use
- Section 4(f)
- Section 6(f)
- Agricultural Lands

- Air Quality
- Public Health
- Energy
- Noise
- Visual

The following items will have standalone technical memos that can be used for multiple required permits (i.e., U.S. Forest Service [USFS], Colorado Department of Transportation [CDOT] special use permits, and the Eagle County 1041 Permit discussed further below), and will also be summarized in the EA document:

- Biological Resources (including Terrestrial and Aquatic Plants and Wildlife)
- Waters of the U.S., including wetlands
- Cultural Resources
- Hazmat

HDR will complete the most current Project Needs Assessment (PNA) form as published by the Colorado WQCD.

Assumptions

- **Five** rounds of review for the draft EA will take place, and **five** rounds of review for the final EA will take place.
-
- Information collected and developed for the EA can be used for multiple permits: U.S. Forest Service (USFS), Colorado Department of Transportation (CDOT) special use permits, and the Eagle County 1041 Permit
- Minturn will provide information and/or supporting requested by the PNA form
- The decision document (Finding of No Significant Impact) is not included

Deliverables

- Completed CDPHE Environmental Checklist
- Draft and Final electronic versions of an Environmental Analysis
- Completed CDPHE/WQCD Drinking Water Project Needs Assessment Form

CDOT Special Use Permit

Construction activity of the raw water facilities and pipelines will take place within CDOT right-of-way; therefore, a CDOT Utility/Special Use Permit and associated environmental clearance is required. The EA prepared for the SRF Environmental Analysis will be used for the CDOT Special Use Permit. HDR/Pinyon will provide CDOT's standard specifications for migratory birds, noxious weeds, archaeology, paleontology, and hazardous materials for HDR to include in the plan set. Deliverables from the Biological Resources and Cultural Resources Assessments, and the Phase I Environmental Site Assessment (ESA) will be used to support the Special Use Permit.

Assumptions:

- No meetings with stakeholders/agencies will be required for this task; incidental phone calls are budgeted for in this task
- CDOT will adopt the SRF Environmental Checklist and not require additional NEPA documentation to issue a Utility/Special Use Permit. The EA is sufficient for CDOT to issue a special use permit and that no additional field work, analysis, or mitigation planning is required beyond the work associated with the EA.
- Site visit by HDR/Pinyon is not required

Deliverables:

- CDOT Standard Specs (migratory birds, noxious weeds, archaeology, paleontology, and hazardous materials)
- Biological Resources Report (described later in this document)
- Cultural Resources Letter (described later in this document)
- Phase I Environmental Site Assessment (described later in this document)

U.S. Forest Service (USFS) Special Use Permit

Because the proposed alternative route crosses USFS land, a USFS Special Use Permit and associated environmental clearance is required. Based on the scope of the project, an EA is anticipated for clearance. The Final EA described in the SRF Environmental Analysis will be used to support this permit. HDR/Pinyon will contact the White River National Forest local office to request the permit application. HDR/Pinyon will also conduct coordination and meetings with USFS, including an in-person pre-application meeting with USFS, and up to two additional virtual coordination meetings.

Assumptions:

- The EA is sufficient for USFS to issue a special use permit and that no additional field work, analysis, or mitigation planning is required beyond the work associated with the EA.
- Site visit by HDR/Pinyon is not required
- Application fees will be paid by Minturn
- **One** in-person pre-application meeting with USFS will be required
- **Two** virtual coordination meetings with USFS will be required

Deliverables:

- Special Use Permit Application Form and supporting documentation (Final EA, USFS Biological Evaluation)

Eagle County 1041 Permit

HDR/Pinyon will perform analysis and document development for issuance of the 1041 Permit by Eagle County. HDR/ Pinyon will arrange a pre-application meeting to discuss the project with the Eagle County Planning Director & Engineering Director. Following the pre-application meeting, HDR/Pinyon will prepare a 1041 Permit Application for submittal to Eagle County that includes the following:

- Technical feasibility analysis

- Analyses from the EA:
 - Air quality
 - Visual quality
 - Surface water quality
 - Groundwater quantity and quality
 - Wetlands and riparian areas
 - Terrestrial and aquatic animals and habitat
 - Terrestrial and aquatic plant life
 - Soils, geologic conditions, and natural hazards
 - Construction impacts
 - Hazardous materials
 - Monitoring and mitigation plan
 - Burden on local government service
 - Property rights and approvals
- HDR/Pinyon will include the following items required for water projects:
 - Description of existing domestic water and wastewater treatment facilities in the vicinity of the project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
 - Description of other water and wastewater management agencies in the project area and reasons for and against consolidation with those agencies.
 - Description of how project may affect adjacent communities and users on wells.
 - Description of demands that this project expects to meet and basis for projections of that demand.
 - Description of efficient water use, recycling and reuse technology the project intends to use.
 - Description of how the project will affect urban development, urban densities and site layout and design of stormwater and sanitation systems.
 - Map and description of other municipal and industrial water projects in the vicinity and a discussion of how the project will compete with or duplicate those services in the County.
- Support for BOCC and other local elevated official meetings

Assumptions:

- A “minor permit review” status will be granted by Eagle County; HDR will attend **one** BOCC meeting
- **Two** rounds of consolidated comments will be addressed on draft 1041 permit application prior to issuing the final version
- HDR will host an in-person meeting with Minturn and Eagle County representatives (planning and engineering) during pre-design of the project. The preliminary outreach meeting will serve as coordination between separate County departments and gain early consensus on project goals and objectives.
- The EA is sufficient for Eagle County to issue a 1041 permit and that no additional field work, analysis, or mitigation planning is required beyond the work associated with the EA.

Deliverables:

- Drafts and Final electronic version of the 1041 Application and supporting information

TECHNICAL RESOURCE SUPPORT

The following technical resource areas will have their own deliverables that will be utilized for multiple permits/clearances, including the CDOT and USFS Special Use Permits, and are discussed in sections below:

- Biological Resources
- Cultural Resources
- Hazardous Materials - Phase I Environmental Site Assessment

Biological Resources Assessment

Prior to mobilizing to the field, HDR/Pinyon will conduct a desktop analysis by reviewing publicly available data sources including the following:

- Species data available from Colorado Parks and Wildlife (CPW) and Colorado Natural Heritage Program (CNHP)
- The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory
- The CNHP Colorado Inventory Mapping Tool and other information available from the Colorado Information Center
- The U.S. Geological Survey (USGS) National Hydrography Dataset
- USGS topographic maps
- National Resources Conservation Service soil maps
- Aerial imagery

Site Visit

The biological resources field survey will be performed by two Pinyon biologists in two days to complete the following:

- Assess habitat for federally, state-listed and special concern, USFS Sensitive, and USFS Management Indicator Species
- Assess habitat for migratory birds, including raptors, within the buffer area per CPW guidelines
- Map riparian areas for Senate Bill 40 (SB 40) compliance
- Delineate wetlands/waters of the U.S. in accordance with U.S. Army Corps of Engineers (USACE) and CDOT protocols
- Map List A and B noxious weeds

During the site visit, the biologists will use the tablet-based application Collector for ArcGIS, and a Trimble R1 antenna may be used to obtain sub-meter accuracy. Results of the site visit will be documented in a Biological Resources Report (BRR) and Geographic Information System (GIS) data will be provided using the State Plane coordinate system, or a coordinate system required by Minturn.

Threatened, Endangered, Special Status, and Management Species Assessment

The project is expected to result in a finding of May Affect, But Not Likely to Adversely Affect federally listed species. Therefore, HDR/Pinyon will prepare a concurrence letter, which may be used for the permits detailed above. HDR/Pinyon will also prepare a USFS Biological Evaluation to be used specifically to obtain the USFS Special Use Permit. State-listed and special status species will be discussed in the BRR.

Senate Bill 40 Certification

Because the magnitude of impacts to SB 40 resources is not yet known, this scope assumes that a Programmatic SB 40 Certification will be required. HDR/Pinyon will prepare the Programmatic Certification documents for CDOT to submit to CPW.

Section 404 Nationwide Permit

It is HDR/Pinyon's understanding that this project would be covered under the 2021 USACE Nationwide Permit (NWP) #58 - *Utility Line Activities for Water and Other Substances*. HDR/Pinyon will prepare a preconstruction notification (PCN) to comply with the General Conditions for the NWP. The PCN will include a summary of the wetland delineation and impact. In addition, HDR/Pinyon will provide an analysis of federally listed threatened and endangered species in accordance with the Endangered Species Act, and cultural resources in accordance with Section 106 of the National Historic Preservation Act (NHPA), that may be affected by the project. Under the 2021 General Conditions, permanent impacts to wetlands above 0.10 acres and permanent impacts to surface waters above 0.03 acre would require mitigation – these limits assume these resources are jurisdictional. Pinyon will provide recommendations for both stream and wetland mitigation in accordance with USACE and CDOT protocols, as appropriate. If a PCN is not required, a memo to file will document project compliance with Section 404 of the Clean Water Act.

It is assumed that impacts to wetlands will be minimal and a CDOT Wetland Finding will not be required for this project. If permanent wetland impacts are greater than 500 square feet (sf) (or combined temporary and permanent impacts greater than 1,000 sf) within the CDOT ROW, then a Wetland Finding will be required.

Noxious Weeds

During the site visit, list A and B noxious weeds will be mapped; however, if the density of weeds is significant, detailed mapping will be stopped and recommendations regarding weed controls will be presented in the BRR as well as applicable specifications.

Assumptions:

- The survey area will be determined in coordination with the Town of Minturn, HDR, and Pinyon
- Right of Entry to all private lands within the project area will be coordinated and provided by Minturn
- The site visit for biological resources described herein will take place concurrently in a single mobilization, over two days by two biologists
- Assumes the site visit will take place during the growing season, and under snow-free conditions

- Pinyon assumes that one alignment option will be chosen prior to mobilization to the field
- A Programmatic SB 40 Certification will be required; on-site mitigation is not required
- An Integrated Noxious Weed Management Plan (INWMP) will not be required for this project
- The project will be authorized under NWP #58; an Individual 404 Permit Application will not be required
- Wetland mitigation design is not included in this scope but may be included later once design, and therefore impacts, are known
- A CDOT Wetland Finding will not be required for this project
- **Three** rounds of comments will be addressed on the draft deliverables prior to issuing the final version

Deliverables:

- Electronic versions of GIS shapefiles in a format compatible with Minturn's existing database
- Draft and Final electronic versions of the Biological Resources Report (BRR)
- Draft and Final electronic versions of the USFWS Request for Concurrence Letter
- Draft and Final electronic versions of the USFS Biological Evaluation
- Draft and Final electronic versions of the SB 40 certification application and supporting documents
- Draft and Final electronic versions of the PCN (ENG Form 6082) or memo to file

Cultural Resources Assessment

Analysis of Cultural Resources is required to complete the EA as well as obtain a CDOT Special Use Permit and a USFS Special Use Permit. Further, USACE requires compliance with Section 106 of the NHPA.

After authorization of the Work Plan (task list following this paragraph), HDR/Pinyon will complete A Class III cultural resource survey. The purpose of the cultural resource survey is to assess whether historic properties listed on or eligible for inclusion on the National Register of Historic Places (NRHP) could be impacted by the proposed undertaking. To assist with consultation under Section 106 for the above-mentioned permits, HDR/Pinyon will perform the following:

- File and Literature Review and USFS Work Plan
 - Pinyon holds a Cultural Resources Permit with USFS Region 2 and understands as part of work authorization for projects on the Forest, a Work Plan will be submitted prior to initiating fieldwork. The Work Plan will include a proposed methodology, a proposed area of potential effects (APE), and initial file search results.
 - An archaeological and historic resource file and literature search with the Office of Archaeology and Historic Preservation (OAHP) to identify previously conducted cultural resource inventories and previously documented cultural properties within the APE.

- Additional records may be consulted, including general land office records, county assessor records, cadastral surveys, master plats, and historical records, as necessary to inform the analysis.
- Cultural Resource Survey
 - A cultural resource survey of the agreed upon APE determined by the lead agency for the project. This task will involve one archaeologist and an archaeological field technician or architectural historian conducting a pedestrian survey by walking systematic transects within the survey corridor to identify and document cultural resources located within the APE. HDR/Pinyon survey personnel will conform to the Secretary of the Interior's Professional Qualification Standards. Cultural resources encountered will be mapped, photographed, and recorded using a global positioning system (GPS) unit. Cultural resources will be assessed for their eligibility to be listed on the NRHP per 36 CFR 60.4 of the NHPA, 1966, as amended.
- Report Preparation
 - The identified cultural resources will be documented on relevant OAHF site forms, and Pinyon will prepare a Class III Report. The report will include figures depicting the APE and tables listing documented cultural resources and their NRHP eligibility, and provide project effects, determinations, and management recommendations. A separate appendix will include completed OAHF site forms and cultural resource site location maps (information exempted from the Freedom of Information Act and prohibited from disclosure to the public).

Assumptions

- No Native American consultation will be required
- Right of Entry to all private lands within the project area will be coordinated and provided by Minturn
- Agreement on the APE will be established during the Work Plan review phase
- **Four** or less cultural resources may be identified and documented
- The findings will result in a no-adverse effect on cultural resources eligible for listing on the NRHP and additional management or mitigation is required, Pinyon will provide these services under a separate scope of work
- Pinyon will obtain necessary permits to conduct the cultural survey on federal or state lands
- The APE will comprise a linear corridor of up to one mile, 30 meters wide

Deliverables

- Area of Potential Effect map
- Draft and Final electronic version of the Work Plan for USFS
- Draft and Final electronic version of the Class III Cultural Resources Report
- Electronic versions of the OAHF Site Forms

Phase 1 Environmental Site Assessment (ESA)

HDR/Pinyon will complete a Phase I Environmental Site Assessment in compliance with ASTM and all appropriate inquiry (AAI) standards. Pinyon will obtain an ERIS database report to

evaluate sources of potential soil and/or groundwater contamination within the search radius prescribed by the ASTM standard. One HDR/Pinyon staff will conduct a site visit of the subject property and the surrounding area to identify potential recognized environmental conditions for the site. This task includes review of federal, state, and local records to evaluate whether the subject properties or adjoining properties may have impacted the site soil and/or groundwater. Information obtained during this effort will be summarized in a Phase I Environmental Site Assessment Technical Report. Based on the findings of the Phase I ESA, Pinyon can provide scope and fee for additional site characterization, such as soil or groundwater sampling.

Groundwater samples will be collected and analyzed for those parameters required to obtain either a standard dewatering or a Remediation Activities Discharging to Surface Water permit from the CDPHE Water Quality Control Division (WQCD).

Assumptions

- An ASTM- and AAI-compliant Phase I ESA is required
- The subject property will not present conditions that may be hazardous to the health and safety of personnel
- Right of Entry to the Eagle River intake property to conduct the ESA will be coordinated and provided by Minturn
- Any conditions known or suspected to Minturn that may have bearing on these investigations, or to the findings or recommendations made pursuant to the Phase 1 ESA, will be disclosed to HDR/Pinyon. Minturn will make available to HDR/Pinyon any appraisal reports, title histories, engineering reports, or other technical reports or information that may pertain to this investigation
- References, statements, or recommendations or subsequent written reports to substances being either hazardous or not hazardous are made solely in accordance with or in reference to such official designations made by government agencies or other authorities under applicable laws, regulations, or guidelines
- Managed building materials such as asbestos or lead paint assessments are not included in the overall environmental scope of work
- This task does not include an assessment of the potential for site conditions to adversely affect public health
- Up to two groundwater samples from wells constructed and developed by others are provided with this scope of work. Both samples will be collected during the same mobilization as the Phase I ESA, which will take one day.
- **One** round of compiled comments will be addressed on the draft Phase 1 ESA prior to issuing the final version

Deliverables

- Draft and Final electronic version of the Phase I ESA report.

TASK SERIES 200 – PRELIMINARY DESIGN

The proposed scope of work and required deliverables anticipated for this phase of the project include the following:

TASK 201 – DATA GATHERING AND GAP ANALYSIS

Town Data and Existing Facility Review

HDR will receive, catalogue, review, and process existing survey data, previous analyses, permits, and other documentation relating to the existing WTP and this project.

HDR will visit the existing WTP facility and evaluate existing infrastructure for potential rehabilitation and reuse for the new facility. Initially, the existing 25,000-gallon clearwell, Cross Creek intake, and sodium hypochlorite facilities are the subject of the site visits.

Assumptions

- Minturn will provide usable electronic formats (i.e. *.dwg) of all pertinent and available information requested
- **Two** separate condition assessment visits by selected HDR team members to evaluate components that could be rehabilitated and reused for the new WTP

Deliverables

- Ongoing data requests

Surface Feature Reconnaissance, Utility Research, Survey, and SUE

Survey will be provided by Inter-Mountain Engineering (IME) for this project. IME serves as Minturn's Town Engineer and services provided by them for this task are not budgeted for beyond processing the data received.

Assumptions

- Detailed topographic data (min 2' contours), surface features (man-made and natural), property, easement, and ROW boundaries are present on the survey base maps
- IME will request engineering locates through 811 to have buried utilities marked. IME will survey buried utilities within the project area and incorporate them into the survey
- IME will contract with a hydro-excavating utility locator to pothole selected utilities required for design of the WTP and its facilities.
- IME will provide additional surveys as needed for design and as requested by HDR
- IME will develop legal exhibits for new rights-of-way and easements including surveying, figures and descriptions

Deliverables

- Potholing plan
- HDR will provide CAD files of pipeline alignments/structures and other elements requiring new easements

Geotechnical Explorations

HDR and its subconsultant, Lithos Geotech, will collect sufficient geotechnical data to support structural foundation design and trench design of the raw and finished water pipelines.

HDR/Lithos will perform a geotechnical investigation for the proposed project area, including:

- Site visit to mark the locations for a total of 15 geotechnical borings: The pipeline borings will be spaced approximately 750 ft apart.
- Call Utility Notification Center of Colorado to locate utilities at boring locations

- Obtain right-of-way permits from Minturn, Eagle County, and CDOT
- Implement the following boring plan:
 - Due to the potential for boulders to be encountered, we will utilize aggressive drilling methods such as ODEX, air-rotary, or mud-rotary.
 - Use rock coring techniques for 3 borings pending the planned construction depths and ground conditions encountered (one for each tunnel, plus one more for critical infrastructure extending into bedrock)
 - Drill borings to the depths listed below
 - Four borings to 40 feet at the proposed tunnel locations
 - Five borings to 20 feet for the open cut portions of the project
 - Four borings to 30 feet at the proposed WTP
 - One boring to 40 feet at the proposed raw water pump station
 - One boring to 40 feet at the proposed intake structure
 - Install temporary groundwater observation wells
 - Samples will be collected at 5-ft intervals
 - Obtain bulk samples at six of the pipeline borings, the pump station boring, the intake structure boring and two WTP borings for corrosion testing
- Provide full time oversight of drilling operations
- Log boreholes in general accordance with ASTM D2488, Standard Practice for Description and Identification of Soils
- Coordinate traffic control and permitting for borings within the national forest and borings within the US 24 right-of-way. Based on the preliminary boring location layout, Lithos has assumed that borings in the US 24 right-of-way will require a CDOT permit and traffic control.
- Obtain temporary observation well permits from the State of Colorado
- Perform borehole permeability (slug) tests if ground conditions are favorable
- Backfill the borings with auger drill cuttings and spread excess cuttings evenly around the borehole location.
- Submit selected samples to a qualified laboratory for geotechnical testing. Testing may include by is not limited to moisture, unit weight, unconfined compressive strength, swell/consolidation, grain size analysis, Atterberg limits, and corrosion suite.

A Geotechnical Data Report (GDR) will be completed for the project. The report will present the results of the geotechnical investigation for the project. The GDR will contain a summary of the field work performed, provide a Site Vicinity Map and Boring Location Plan, the boring logs, laboratory test results, groundwater elevations, data summaries, and other relevant data.

The GDR becomes a non-contractual project document that is the basis for geotechnical recommendations for structures and open-cut pipeline and for tunnel design deliverables. The GDR is a single location for relevant data for use by the project team.

Assumptions

- Minturn will arrange for and coordinate right of entry to private property where access is required for geotechnical explorations. ROW permit fees required for Minturn will be waived.
- Selected boring locations will be accessible by a truck mounted drill rig

- The northern waterline alignment along the Forest Service Road is the assumed preferred alignment. No borings are planned within the vicinity of the Superfund site.
- Contaminated soils, bedrock, and/or groundwater will not be encountered during our subsurface exploration.
- Significant weather will not impact the scheduled for field work
- **15** geotechnical borings will be performed: **nine** borings along the pipeline alignment, **one** boring at the intake diversion, **one** boring at the raw water pump station, and **four** borings at the treatment plant site.
- **Four** groundwater monitoring wells (one at each crossing, one at the midpoint of the selected open cut horizontal alignment, and one at the WTP) will be completed and monitored monthly for **12** months by HDR
- Monitoring wells will be abandoned by contractor performing pipeline construction
- Surface disturbance from geotechnical investigation (drilling activity) will not require follow-up work
- Dewatering design along the pipelines is not included, if geotechnical explorations determine high groundwater, scope and fee for dewatering design services will be negotiated
- Soil and/or rock samples collected during the exploratory drilling will remain at Lithos' office for a period of **60** days after completion of the Final report
- The GDR is limited to presenting the factual results of the geologic information collected and does not contain interpretations or recommendations.
- One round of consolidated comments will be addressed on the draft GDR prior to issuing the final version

Deliverables

- Draft and Final electronic version of the Geotechnical Data Report

Water Quality Monitoring Program

HDR will provide analysis of water quality data obtained by Minturn and incorporate the same into the BODR where it will be used as the basis of design for the selected treatment process.

Assumptions

- Minturn provide all water quality data requested in the Water Quality Monitoring Plan.
- Water Quality Monitoring Plan will meet minimum CDPHE design criteria requirements

Deliverables

- Water quality analysis as part of the BODR.

TASK 202 – PREPARE 30% DESIGN DOCUMENTS

The proposed scope of work and required deliverables anticipated for this phase of the project include the following:

CMAR Coordination Kickoff Meeting

After selection of a CMAR by Minturn, HDR coordination with the CMAR during design will include:

- Attend an informal Partnering session with Minturn and CMAR when the CMAR contract is executed and prior to initiating the 30% design review

- Provide recommendations to Minturn and the CMAR for sole source procurement on major equipment items
- Provide a deliverables plan and schedule for the proposed construction drawings and specifications; review package requirements suggested by the CMAR and adjust the plan and schedule as agreed upon in the review
- Review the work breakdown structure for the project cost estimate provided by the CMAR. Provide comments and recommendations to Minturn and the CMAR
- Review the Initial Construction Schedule
- Review the Project Procurement Plan provided by the CMAR and provide comments and recommendations to better meet the contractual obligations of the Project including cost and schedule

Assumptions

- CMAR is selected prior to the 30% design deliverable

Deliverables

- Comments on CMAR schedule, work breakdown structure, and procurement plan

Prepare 30% Design Model and Specifications Table of Contents

The design team will complete preliminary design up to the 30% level of the WTP and related facilities. This includes development of design alternatives for discussion at an alternative's evaluation workshop with Minturn. Treatment technology alternatives will be evaluated for removal capabilities with respect to a range of raw water quality, including measured raw water quality, potential changes in water quality due to wildfire, mine runoff, and spring runoff. The decision regarding the preferred technology will be made by Minturn Staff based on best available information regarding the ability of technologies to perform under various water quality and operating conditions. While HDR does not foresee the need for pilot testing of treatment technologies, if the selected alternative requires pilot testing (Town request or design requirements), an additional scope and fee for pilot testing will be negotiated at that time. When alternatives have been evaluated, the selected alternative will be developed to the 30% level. The 30% design documents will be compiled into the complete 30% design package for review at the end of this preliminary design phase.

HDR will utilize AutoCAD Civil 3D and Autodesk Revit to create the design documents necessary for construction of the project. Revit is a 3D modelling software which minimizes constructability conflicts. At the 30% design level, the model of the proposed WTP and intake/pump station will be shared. Viewing and manipulation of the model will be made available to Minturn through BIM360, a browser accessible application.

Assumptions

- Pilot testing of technologies will not be required.

Deliverables

- 30% Design level model and specification table of contents
- 30% design horizontal alignment of raw and finished water pipelines

Prepare Engineers Opinion of Probable Construction Cost (OPCC)

HDR will utilize parametric cost estimating tools, like-project examples, and vendor proposals to compile a line-item based cost estimate with applicable multipliers to inform Minturn of the likely project budget. The OPCC will be based on the best information available as of the 30% design milestone and will be a Class 3 (per AACE) level cost estimate.

Assumptions

- Minturn will hire a CMAR and all cost estimates beyond the 30% design milestone will be provided by the CMAR

Deliverables

- 30% Design Level AACE Class 3 OPCC, electronic version

Trenchless Feasibility Technical Memorandum

HDR/Lithos will provide consultation to help aid in evaluating conceptual trenchless Cross Creek crossing alternatives (trenchless installation). Alignment selection and design commonly balances risks associated with ground conditions, layout, and third-party impacts. Lithos will produce a Technical Memorandum including:

- Identify and compare potential trenchless construction techniques that fit within the project constraints and Minturn's risk profile
- Identify potential risks associated with alternatives, including but not limited to:
 - Geologic and geotechnical issues based on geotechnical information, site observations, and published geologic maps of the area
 - Potential for variability of the anticipated ground conditions and differing site conditions that would impact construction costs
 - Groundwater levels and construction dewatering requirements
 - Tunnel related settlement potential associated with the identified alternatives
 - Third party risks
 - Site development and construction related impacts
 - To assist with estimating tunnel construction costs, HDR/Lithos will provide an AACE Class 4 cost estimate for the most viable alternative

Assumptions

- **One** in-person meeting at Minturn Town Hall with Lithos and HDR to discuss findings and conclusions in the Draft TM

Deliverables

- Draft and Final electronic versions of the Trenchless Feasibility Technical Memorandum

Geotechnical Design Memorandum

HDR will provide a Geotechnical Design Memorandum (GDM) for design and construction of the proposed open-cut pipelines, WTP structure(s), intake structure and raw water pump station.

- The report will include the following items:
 - Design criteria:
 - Appropriate foundation type, allowable bearing capacity, and sliding coefficient
 - Lateral earth pressures including active, at-rest, and passive earth pressures

- Buoyancy considerations
- Pipeline design recommendations
- Subgrade conditions, excavation, and preparation
- Provide construction recommendations:
 - Temporary excavations
 - Pipe bedding
 - Construction dewatering recommendations
 - Unstable subgrade mitigation
 - Bedrock or oversized material excavation
 - Compaction requirements and structural backfill types
 - Surface and subsurface drainage during and after construction

Assumptions

- One round of consolidated comments will be addressed on the draft GDM prior to issuing the final version

Deliverables

- Draft and final electronic versions of the GDM.

Membrane Manufacturer Preselection

HDR will coordinate with Minturn to pre-select a manufacturer to provide the MF/UF equipment. Pre-selection of the equipment is important since each manufacturer's equipment has unique design considerations that need to be accommodated as part of the overall plant design.

HDR will review key equipment selection criteria such as:

- preference for pressurized or submerged systems
- allowing for OEMs who purchase membrane elements from membrane manufacturers to bid
- advantages and disadvantages of universal rack configurations

HDR will prepare a Request for Proposal (RFP) document for Minturn to issue to candidate membrane manufacturers that will address elements such as

- cost and long-term price adjustments until bid date
- guaranteed membrane element replacement costs
- equipment and membrane performance requirements
- system operational and performance warranties
- and manufacturer service and support capabilities

HDR will coordinate with Minturn to prepare a comprehensive evaluation matrix to provide a consistent evaluation of the various proposals and make a defensible selection of the preferred system. HDR will work with Minturn and selected manufacturer to execute an agreement to receive a preliminary design package that will allow HDR to progress with the 30% design effort.

Assumptions

- The WTP process will utilize membrane filtration as the main treatment component

Deliverables

- Draft and Final Membrane supplier RFP
- Weight based evaluation matrix

Basis of Design Report

HDR will develop and Basis of Design Report (BODR) for review and approval by Minturn and CDPHE. Design documents from Final Design (90%) will be compiled with the report to comprise the Plan Approval application for CDPHE. Information from the BODR will serve as the basis for final design, it is imperative that project stakeholders review and approve the information within. Alternative analyses for select process equipment will be discussed within the applicable BODR section.

Each project element or unit process that is considered will be summarized in the final preliminary design report. BODR chapters will include the following:

- Chapter 1: Background, Design Objectives and Criteria
- Chapter 2: Applicable Codes and Regulations
- Chapter 3: Sources of Potential Contamination and Water Quality Data
- Chapter 4: Eagle River Intake and Raw Water Pump Station: Alternative Analysis and Recommendation
- Chapter 5: Raw and Finished Water Pipelines: Alignment Analysis and Design Criteria/Considerations
- Chapter 6: Treatment Plant Processes, Ancillary Processes: Alternative Analysis and Recommendation
- Chapter 7: Geotechnical Data Report and Design Memorandum
- Chapter 8: Hydrogeology Analysis of Eagle River and Cross Creek
- Chapter 9: Preliminary Plan of Operation; Instrumentation and Controls
- Chapter 10: Overall Architectural/Structural/Electrical/I&C Approach
- Chapter 11: Permit Matrix
- Chapter 12: Cost Estimate

Appendices: Layout Figures, Engineering Calculations, Equipment Data Sheets, Preliminary Cost Estimates.

HDR will arrange for and attend a 2-hour meeting with the CDPHE design review team to develop an understanding with the State regarding the scope of the project and the 30% design concepts. CDPHE requires review of the final design drawings and specifications prior to construction. Preliminary meetings serve to reduce the likelihood of delay due to the final review.

Assumptions

- **Two** Eagle River Intake locations will be evaluated based on constructability, accessibility, and their position respective of the confluence and perceived impact on raw water quality

- Minturn is still negotiating its water right at the confluence of Cross Creek and Eagle River. The right is not expected to convey until late 2023. The design of raw water intake facilities will proceed under the assumption the water right will convey at the described location. It is not expected CDPHE will review a design approval application without a decreed water right.
- The north (Forest Service Rd) will be evaluated from a constructability and permit-ability standpoint in the BODR.
- **Two** different types of pretreatment processes will be discussed in the BODR as a cursory alternative analysis with a recommendation provided and selection identified in the final draft.
- Membrane filtration is the preferred treatment alternative and multi-media sand filters will not be evaluated
- **One** round of consolidated comments will be addressed on the draft BODR prior to issuing the final version

Deliverables

- Draft and Final electronic versions of the BODR

30% Design Review Workshop and VE

HDR will host and attend a review and value engineering workshop of the design milestone submittal. The intent will be to provide an opportunity for Minturn and the CMAR to provide input on the proposed design with respect to construction schedule, constructability, material procurement alternatives, and other construction related issues.

Assumptions

- The Milestone Workshop and Value Engineering sessions will be in-person attendance and attended in person by the HDR PM and virtually by the HDR design team members and a representative from Swiftwater Solutions.
- CMAR and Minturn will attend and provide input to the proposed design package

Deliverables

- Meeting agenda, notes, action items log, and decisions log for each meeting will be prepared
- Respond to CMAR comments on constructability and value engineering. Incorporate comments into design documents as applicable.

TASK 203 – PREPARE 60% DESIGN DOCUMENTS

Prepare 60% Drawings and Specifications

The design team will develop 60% complete plans for the intake, raw water pump station, waterlines, and WTP. The design team will coordinate with the CMAR and conduct reviews of their construction schedule and cost estimates. After Minturn and CMAR review of the 60% Documents, the CMAR may initiate their Guaranteed Maximum Price (GMP) development.

The design team will develop a complete set of 60% Division 02-46 technical specifications. The specification set will be a single submittal package encompassing sections applicable to the design of the various project design elements. The project specifications will be prepared using

HDR's standard master specifications utilizing the 6-Digit, 50 divisions CSI MasterFormat. Engineer's Joint Council General Conditions and other Contract Documents will be the basis of the Contract Specifications.

Assumptions

- None.

Deliverables

- 60% design model, drawings, and specifications

60% Design Review Workshop and VE

HDR will host and attend a review and value engineering workshop of the design milestone submittal. The intent will be to provide an opportunity for Minturn and the CMAR to provide input on the proposed design with respect to construction schedule, constructability, material procurement alternatives, and other construction related issues.

Assumptions

- The Milestone Workshop and Value Engineering sessions will be in-person attendance and attended in person by the HDR PM and virtually by the HDR design team members and a representative from Swiftwater Solutions.
- CMAR and Minturn will attend and provide input to the proposed design package

Deliverables

- Meeting agenda, notes, action items log, and decisions log for each meeting will be prepared
- Respond to CMAR comments on constructability and value engineering. Incorporate comments into design documents as applicable.

TASK 300 – FINAL DESIGN

TASK 301 – 90% DESIGN DOCUMENTS

Prepare 90% Drawings and Specifications

Develop the 90% design package to be used to formulate the CMAR's GMP Proposal. The design team will develop 90% complete plans for the intake, raw water pump station, waterlines, and WTP. The design team will coordinate with the CMAR and conduct reviews of their construction schedule and cost estimates. After Minturn and CMAR review of the 90% Documents, the CMAR may initiate their GMP development.

The design team will develop a complete set of 90% Division 01-46 technical specifications. The specification set will be a single submittal package encompassing sections applicable to the design of the various project design elements.

Assumptions

- None.

Deliverables

- 90% design model, drawings, and specifications

BODR Delivery to & review with CDPHE

When the 90% documents have been reviewed and updated, HDR will deliver them to CDPHE in person and review the submittal with the State engineer assigned to the project.

Assumptions

- None.

Deliverables

- 90% Complete Design Development Package (Described above)
- Permit Application
- CDPHE Construction Application
- Final Basis of Design Report

90% Design Review Workshop

HDR will host and attend a review workshop of the design milestone submittal. The intent will be to provide an opportunity for Minturn and the CMAR to provide input on the proposed design with respect to construction schedule, constructability, material procurement alternatives, and other construction related issues.

Assumptions

- The Milestone Workshop and Value Engineering sessions will be in-person attendance and attended in person by the HDR PM and virtually by the HDR design team members and a representative from Swiftwater Solutions.
- CMAR and Minturn will attend and provide input to the proposed design package
- CMAR will develop GMP based on 90% design documents
- No value engineering or material changes to the design will occur beyond the 90% design submittal

Deliverables

- Meeting agenda, notes, action items log, and decisions log for each meeting will be prepared
- Respond to CMAR comments on constructability and value engineering. Incorporate comments into design documents as applicable

TASK 400 – GMP PHASE SERVICES

TASK 401 – BIDDING SERVICES

Best Value Subcontractor and Material Selection Workshop with CMAR and Minturn

Based on the CMAR's procurement plan, HDR will review procurement packages and make a recommendation on which proposed subcontractor and material/equipment suppliers' proposals represent the highest value for Minturn. The criteria for determining best value will be a combination of price, quality, safety, construction schedule, and long-term operation and maintenance challenges.

Assumptions

- **One** selection workshop at the Minturn PW building is included in this task
- CMAR will prepare agendas and meeting notes for the workshop

- Minturn will make the final determination on what subcontractor/material/equipment represents the best value

Deliverables

- None.

Cost Validation

The CMAR will provide an open-book cost model for the construction of the Minturn WTP and related facilities. HDR will perform a review of the CMARs cost: a validation exercise based on the Contractors line items versus cost data consistent with similar projects across the country on which HDR serves in a similar role. Cost data from the EOPCC developed at the 30% design milestone will be compared on a unit price basis to the CMARs schedule of values.

Assumptions

- The CMAR will provide an open-book cost schedule of values
- A **single** cost validation exercise will be performed

Deliverables

- Summary report of cost validation findings and recommendations.

TASK 402 – CONFORMED FOR CONSTRUCTION (IFC) DOCUMENTS

Drawing and specification modifications which become necessary based on major discrepancies and resultant actions from best value selection and/or the cost validation exercise will be incorporated into

Assumptions

- None.

Deliverables

- Signed and sealed “For Construction/IFC” Drawings and Specifications.

TASK 500 – CONSTRUCTION MANAGMENT SERVICES

TASK 501 – OFFICE SERVICES

Construction services will be negotiated and amended into the contract after the project is more well defined during final design. Office services for construction will include:

- Monthly progress reports and invoicing
- Contract Document Clarification via Reuquests for Information and Field Orders
- Submittal (shop drawings) Review and Approval Recommendations
- Addressing and management of change orders and claims
- Development of Record Drawings

TASK 502 – FIELD SERVICES

Construction services will be negotiated and amended into the contract after the construction effort is defined during final design of the project. Field services for construction will include:

- Construction Meetings and Special Inspections
- Full time construction observation by an HDR Engineer
- Startup and Commissioning by a Class A Water Treatment Operator

-----End of Document-----

EXHIBIT C

**CERTIFICATE OF EXEMPTION FROM STATUTORY WORKERS'
COMPENSATION LAW AND ACKNOWLEDGEMENT OF RISK/HOLD HARMLESS
AGREEMENT.**

("Contractor") certifies to the Town of Minturn (the "Town") that it is exempt from the provisions of the Colorado Workers' Compensation Act.

If Contractor has any employees who will perform the Services or subsequently employs any person to perform the Services as set forth in this Agreement (other than subcontractors, who are not considered employees for the purposes of workers' compensation), it agrees to provide the Town with a Certificate of Insurance as required by the Agreement indicating proof of statutory workers' compensation coverage on such persons prior to their start of work for the Town.

Contractor acknowledges that it will be engaging in activities which exposes it to the risk of bodily injury, that it is physically capable of performing the activities, and that all necessary precautions to prevent injury to Contractor and others will be taken. Contractor shall not hold the Town liable for any injuries sustained, by it or others, which may arise out of or in the course of the work performed for or on behalf of the Town, and Contractor agrees to defend, indemnify, and hold harmless the Town from all such claims.

CONTRACTOR

By: _____

Name: _____

Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2022 by _____.

Witness my hand and official seal.
My commission expires: _____

{ S E A L } _____
Notary Public



Statement of Qualifications
**ENGINEERING
SERVICES FOR
WATER TREATMENT
PLANT DESIGN**

Town of Minturn, Colorado



MAR 25
2022



A. Cover Letter

March 25, 2022

Town of Minturn
Jeffery M. Spanel, PE, Town Engineer
C/O Inter-Mountain Engineering
30 Benchmark Rd. Suite 216
PO Box 978
Avon, CO 81620
sent via email to: jspanel@inter-mtn.net

RE: Statements of Qualifications for Engineering Services for Water Treatment Plant Design

Dear Mr. Spanel and Selection Committee Members,

We are happy to present HDR's qualifications for supporting the new water treatment plant (WTP) project to you and the Town of Minturn (Town). The overall scope of the project identified in your request for qualifications aligns perfectly with the abilities of our team. We are highlighting our team's core qualifications which will support informed decisions in pursuit of a successful project.

Having been in business since 1917, HDR has established extensive resources and national credentials in developing robust, operator-friendly treatment facilities and associated infrastructure like intakes, pipelines, and pump stations for water systems. To benefit the Town, we have supplemented our HDR capabilities with a locally knowledgeable subconsultant, Swiftwater Solutions (SWS), who brings exemplary funding experience to provide the Town with innovative, cost-effective solutions.

A Focus on Doing the Right Things for the Right Reasons

The Town needs a consultant who gives honest feedback and advice based on relevant experience and technical expertise. That, in a nutshell, is HDR's culture. Our team will take responsibility and ownership for the project, from project initiation to final delivery. We listen first to fully understand the project goals and challenges and then we leverage the knowledge of our team and our experts to deliver best-fit solutions to the Town's goals and challenges. The proof is in our past projects and repeat business with our clients. We encourage you to contact our references for insight into our past performance.

Right-Fit Design Imperatives

Based on our experience serving clients in rural mountain communities, we know that water systems must be designed for the environment in which they live and be simple to operate, diagnose, and fix. HDR's project manager, Jarod Limke, and our technical advisor, Al Smith (SWS), are both registered Water Treatment Operators and know each other through their volunteer work at the annual Rocky Mountain Water Environment Association (RMWEA) Operators School. Jarod served as design manager for the Town of Breckenridge's new 4.5-mgd water plant, and Al is the contracted operator of responsible charge for the Town of Buena Vista. Together, HDR will collaborate with your team to design and deliver a facility that works for the Town's climate, geography, and labor force.

Financial Support for Capital Projects

Our core team members recently provided professional engineering and construction management services for the new North Water Plant in Breckenridge, CO, using the State Revolving Fund at a total loan amount of \$58 million. Our team includes Paul Young (SWS) who is the former Program Manager for the State Revolving Fund in Colorado. Our Denver-based water team has experience with alternative funding sources often used in rural mountain communities, including DOLA, WIFIA Act, EDA Block Grants, and USDA Rural Development loans and grants.

A Local, Responsive Team to Meet Your Schedule

Our Colorado team has extensive experience in pump station design. Coupling our experience with our listen-first, design-smart culture, we will collaborate with the Town's team as an innovative and efficient design partner. Each team member listed in this proposal is experienced in delivering pump stations for clients across the Front Range. We have proven experience working together to meet client expectations and schedule. HDR's local team includes electrical, mechanical, instrumentation and controls (I&C), structural, and architectural design professionals to foster collaboration, streamline design, and meet schedule.

We are eager to interview with your selection committee and share the details of our tailored ideas to meet your vision for establishing a new WTP to help the Town meet its goals and that serves the community long into the future. We acknowledge receipt of addenda #1 through #4 and our firm's signatory is R. Bradley (Brad) Martin. Should you have any questions about the content within our statement of qualifications, please reach out to me, Jarod Limke, at jarod.limke@hdrinc.com or 720.937.3285.

Sincerely,
HDR Engineering, Inc.



Jarod Limke, PE (CO 0051505), CWP
Project Manager



R. Bradley Martin, PE (CO 0053191)
Area Manager/Senior Vice President



Jarod Limke,
Project Manager

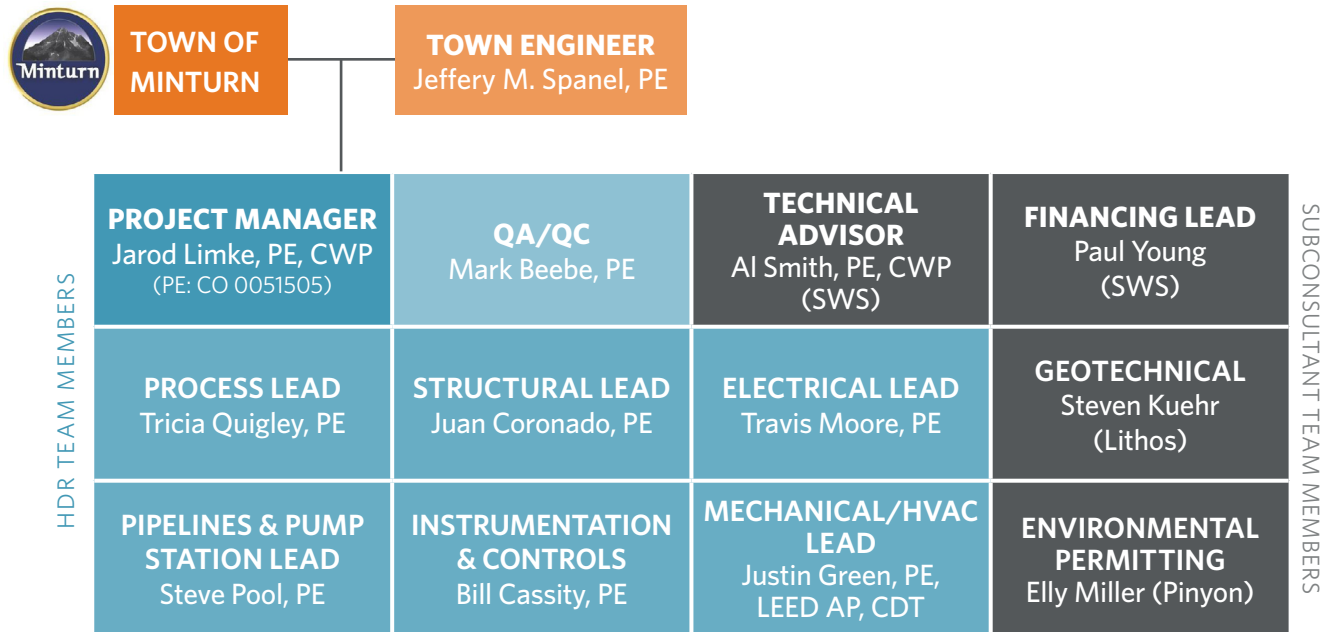
PERSONAL COMMITMENT TO THE TOWN

You have the commitment of Jarod and the team to:

- Foster collaboration between the Town government, managers, operators, engineers, builders, and construction managers.
- Understand and respect that Town staff and departments will be engaged in the project, and respect the Town's policies, including procurement regulations.
- Establish a meeting and communication plan that fits the Town's needs.
- Respond quickly and in person when challenges arise, and strive to seek cooperative solutions.
- Communicate honestly and professionally, using our "listen first" ideology and ability to build consensus decisions.
- Bring the appropriate, custom, technical solutions for your project by leveraging senior experts within our team and HDR.

B. Project Team

Our project team includes staff with experience on similar water treatment projects in Colorado mountain communities. Our team brings project knowledge, enthusiasm, and a commitment to achieve your goals. Jarod Limke is our project manager. He is an open communicator and is committed to driving the project forward to completion. In addition to our in-house expertise, HDR has added the following local subconsultants to our team to provide meaningful work and local knowledge: Swiftwater Solutions (SWS), Lithos Engineering, and Pinyon Environmental.



Jarod Limke, PE (CO 0051505), CWP
Project Manager | Denver, CO

Jarod will serve as project and design manager. He is your primary point of contact and will lead the overall project team. Jarod has worked on a variety of water treatment projects with 13 years of experience in the planning and design of water and wastewater treatment and conveyance facilities, both large and small. Jarod led the design and construction services for the Breckenridge Second WTP start-up and commissioning project.

Relevant Experience

- Town of Breckenridge, North WTP Project Engineer and Construction Services Manager
- City of Boulder, Betasso WTP Improvements, Mechanical Systems, and Tracer Study Lead
- Upper Eagle Regional Water Authority, Membrane Feed Pump Analysis, Project Manager/Engineer
- Town of Breckenridge, Remote Chlorine Monitoring Station, Project Manager/Engineer
- Additional Projects: City of Loveland, 29th St. Pump Station, Design Manager | National Park Service, Indian Garden Pump Station, Project Engineer | Tri-State Generation and Transmission, JM Shafer 20" Raw Water Pipeline, Project Engineer | City of Loveland, Morning Drive 30" Waterline, Project Engineer | City of Loveland, Southeast 24" and 36" Waterline, Project Manager/Engineer | City of O'Fallon, MO, Condition Assessment and Process Evaluation Study, Project Engineer

VALUE TO MINTURN

- Operations-focused approach to facility design with an eagerness for practical solutions to difficult issues
- Dedicated to serving the needs of the Town in support of a successful WTP project
- Extensive water treatment experience including the Breckenridge's North WTP and Boulder's Betasso WTP
- Successful history working with State Regulators to deliver permittable projects



Tricia Quigley, PE (CO 0046562)
Process Lead | Denver, CO

Tricia has more than 17 years of industry design experience. Prior to design, she worked in construction both in the field and as a project engineer. Her years of experience in this collaborative environment helps foster creative solutions to client challenges, while keeping a keen eye on future constructibility and operations. She also has expertise in alternative delivery methods.

Relevant Experience

- Town of Estes Park, Glacier Creek WTP, Technical Advisor
- Town of Estes Park, Marys Lake WTP, Project Engineer
- Town of Breckenridge, North WTP, Project Manager
- Town of Breckenridge, Tarn WTP Improvements: Phase I and II, Deputy Project Manager
- City of Boulder, Betasso WTP Improvements, Project Manager

VALUE TO MINTURN

- Strong understanding of design and construction of WTPs in the mountain communities of Colorado and Montana
- Construction background brings understanding of construction schedules and sequencing during design
- Has worked and is working on projects in and around Dowd Junction, and is familiar with Town of Minturn Codes
- Has completed multiple projects utilizing State Revolving Funds (SRF), including one of the largest in Colorado history for Town of Breckenridge



Mark Beebe, PE (CO 0035780)
QA/QC | Denver, CO

Mark has more than 25 years of experience on drinking water treatment projects. He provides tailored solutions to meet water quality goals while reducing cost of treatment. He has performed planning, design, and construction phase services for water treatment plants, pump stations, and water storage facilities. Mark will be involved throughout the project, verifying deliverable quality, process selection validity, and compliance with state regulations.



Relevant Experience

- Town of Eagle, Lower Basin WTP Treatment, Process Evaluation/Microfiltration Pilot Testing and Equipment Procurement, Project Manager and Technical Lead
- Town of Frisco, Microfiltration Treatment Plant, Technical Advisor, QA/QC
- Genesee WSD, WTP Design, Project Manager and Technical Lead
- Town of Blackhawk, WTP Water Quality, Treatability and Process Selection

VALUE TO MINTURN

- 25 years of local drinking water facility project experience
- Project experience from facility planning to design and construction
- Strong understanding of design of WTPs in the mountain communities of Colorado
- Experience with Eagle River water quality and treatment considerations



SWIFTWATER SOLUTIONS (Subconsultant)

 <p>Al Smith, PE (CO 55760), CWP Technical Advisor Buena Vista, CO</p>	<p>Al is a civil engineer, a Certified Water Professional (CWP), and a Level A Certified Water Treatment Operator, with more than a decade of experience in the civil engineering industry. Al will serve as technical advisor and start-up and commissioning agent for your new WTP.</p> <p>Relevant Experience</p> <ul style="list-style-type: none"> • Licensed Level A operator in Colorado • Operator of Responsible Charge for Buena Vista, CO 	<p>VALUE TO MINTURN</p> <ul style="list-style-type: none"> • Local experience with operating a water system in a mountain community • As a certified operator, his practical knowledge assists team with efficiencies
 <p>Paul Young Financing Lead Buena Vista, CO</p>	<p>Paul has an extensive background in funding capital improvement projects. As a former employee of CDPHE and DOLA, he worked as a project manager and program manager of the SRF program. Paul will serve as financing lead for your new WTP.</p> <p>Relevant Experience</p> <ul style="list-style-type: none"> • Former project manager and program manager of the State Revolving Fund of Colorado 	<p>VALUE TO MINTURN</p> <ul style="list-style-type: none"> • Highly experienced and proven ability to acquire funding sources for small towns and municipalities

ADDITIONAL TEAM MEMBERS

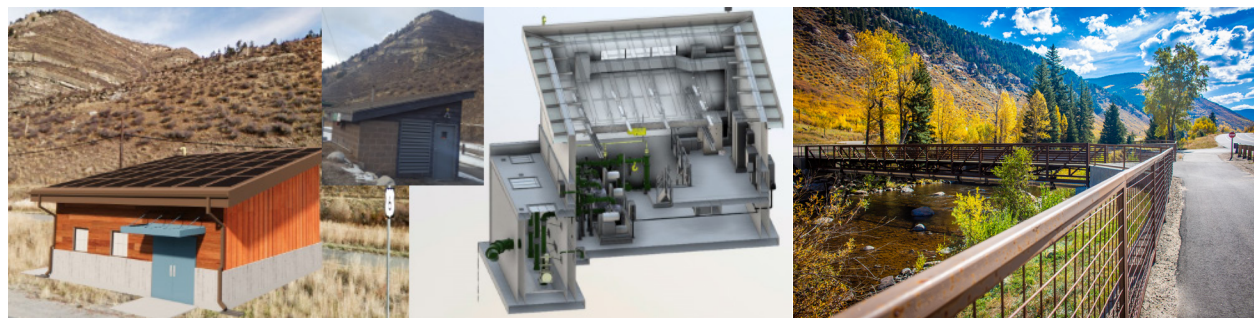
<p>Juan Coronado, PE (CO 44876) Structural Engineering Lead</p> <ul style="list-style-type: none"> Lead structural engineer on water and wastewater, infrastructure projects with more than 17 years of experience Designs both retrofit and greenfield facilities 	<p>Steve Pool, PE (CO 44382) Pipelines Lead</p> <ul style="list-style-type: none"> 17 years of extensive design and construction experience in pipelines and pump stations Additional experience with WTPs, hydraulic evaluations, water resources engineering, and construction observation
<p>Bill Cassity, PE (CO 50957) I&C Lead</p> <ul style="list-style-type: none"> Innovative instrumentation and control engineer with 30 years of experience in control systems integration Collaborates on control system protocols and instrumentation strategies hand-in-hand with clients 	<p>Travis Moore, PE (CO 38135) Electrical Lead</p> <ul style="list-style-type: none"> Electrical engineer with 23 years of experience Project experience includes low- and medium-voltage power distribution, energy management, and standby power generation
<p>Justin Green, PE (CO 47649), LEED AP, CDT Mechanical/HVAC Lead</p> <ul style="list-style-type: none"> Specialized knowledge of mechanical, HVAC, and plumbing engineering Experience with utility facilities' mechanical designs and specifications for a variety of building types 	<p>MOUNTAIN EXPERIENCE: Juan, Bill, Justin, and Travis have experience working on projects in the Colorado mountains around areas such as Dowd Junction, Breckenridge, Estes Park, Vail, and Edwards. Steve has worked on mountain projects for Northern Water (Berthoud) and Estes Park.</p>

OTHER SUBCONSULTANTS

 <p>Steven Kuehr Geotechnical Engineering Lead</p>	<ul style="list-style-type: none"> Lithos specifically focuses on geotechnical and trenchless feasibility, design, cost estimating, and construction management services in Colorado. Steven Kuehr's experience in water and wastewater projects includes geotechnical project engineer and project management responsibility for investigations for WTPs, WWTPs, interceptor sewers, raw water transmission pipelines, water storage/reservoirs, intake structures, and pump stations.
 <p>Elly Miller Environmental Permitting Lead</p>	<ul style="list-style-type: none"> Pinyon is known as a "go-to" local small business with 28 years of established relationships with clients and agency personnel within Colorado. Pinyon has earned the reputation of "trusted advisor" and Pinyon provides a depth of local experience and is flexible, responsive, and available. Pinyon understands the SRF's specific environmental clearance process and has the experience to help the Town through the regulatory maze. Elly Miller's experience includes a broad range of areas, including regulatory compliance, wetlands delineation, biological resource evaluation, stormwater management, environmental audits, and Phase I Environmental Site assessments (ESAs).

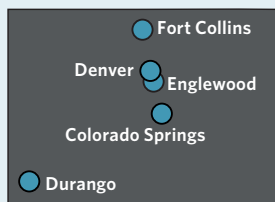
HDR has strong working relationships with both Lithos and Pinyon over many years and on many successfully completed projects. Together, we have exhibited success in complex projects involving a myriad of permitting, technical, and other project challenges.

HDR's work for a lift station in the Dowd Junction area required permitting and coordination with the U.S. Forest Service (USFS) and resulted in a well-balanced design for operations while reducing the footprint, environmental impacts, and construction costs. HDR also designed a pedestrian bridge with an aerial crossing near Dowd Junction.



C. Qualifications/Experience/ Credentials

FOUNDED in 1917, HDR has



10,000+
Employee-Owners Worldwide

540+ employees in our
Colorado offices



2021 ENR Top 500 Design Firms Rankings

- No. 6** Top 20 in Design Firms
- No. 2** Top 100 Pure Designers
- No. 5** Top 20 in Water

HDR is a nationally recognized expert in WTP design, with an emphasis on membrane treatment processes. We have completed more than 200 WTP projects in the past ten years. Due to our expertise, many of our Colorado water treatment staff serve as a resource for projects around the country. Our designs emphasize robust treatment process, reliable and safe operations, sustainability, and energy efficiency.

i. STRONG RELATIONSHIP WITH CDPHE

HDR is a proactive steward of monitoring upcoming regulations and amendments. Each year we publish the Safe Drinking Water Act Wall Chart which is developed as a cooperative effort among our staff and regulators at state and federal levels.

- Our work with Breckenridge received only five comments from CDPHE, which was a remarkable feat for a project of that size and scope with an expedited approval process.
- The Steamboat Springs Water Master Plan met CDPHE water quality requirements, used existing water rights, and met future system demands.
- Multiple projects for the Town of Estes Park have been performed to help meet regulatory compliance. These projects were completed in a phased approach to meet Disinfection Outreach and Verification Effort (DOVE) compliance standards.

ii. EXTENSIVE WTP DESIGN IN MOUNTAIN COMMUNITIES

The HDR Denver office has the most drinking water treatment facility design work of any Colorado firm over the past five years. We are dedicated to working with mountain communities in helping them provide safe drinking water to their customers.

Some of the Colorado mountain communities where our staff have made an impact are Breckenridge, Estes Park, Eagle, Durango, Edwards, Avon, Vail, Genesee, Steamboat Springs, Crested Butte, and Blackhawk.

Our work at these facilities has helped us understand the best treatment process methods and selections to address the challenges of cold, low alkalinity mountain streams that are subject to flash storm events.

Our extensive experience in the Rocky Mountain region with WTPs that treat high mountain water includes both conventional and membrane treatment plants. HDR has a proven record of success on projects similar to your project and our proof is in our client satisfaction. We have held long-term, respected, working relationships with water systems in Estes Park, Breckenridge, Durango, the Eagle River Water and Sanitation District (ERWSD) Laramie and Sheridan (WY), Bozeman and Butte (MT), and Bend (OR). **The table on the next page highlights some of the similar projects HDR has completed with our key personnel and comparable project components in the recent past.**

iii. UNDERSTANDING ISSUES EARLY KEEPS US ON SCHEDULE

Our team understands the importance of schedule so the Town can set a solid foundation for your design and construction goals. Our recent work for the new Breckenridge North WTP, from study through design through commissioning, was completed on schedule in 2020. Our team adopts a proactive approach to managing schedule by meeting often to assess upcoming milestones and verifying that resources are allocated.

Our first task as your consultant will be to develop a design schedule that makes sense. The schedule must be achievable and meet your milestone of substantial

completion. For example, on your project, construction activity will be slowed in the winter months as snow piles up; however, work in the creek and river will be aided by low winter flow rates.

iv. HDR'S CONSTRUCTION OVERSIGHT IS WITH YOU FROM START TO FINISH

Construction management of your project is pivotal to success. Locally, HDR boasts a dedicated team of construction managers and inspectors. They become involved with our design projects in the later stage of design and seamlessly transition with the project into the construction phase. Our staff create daily reports complete with photos to document progress and contractor resources. Record-keeping is vital in construction, and we verify that the Town has the information it needs to make informed decisions when changes occur. Our construction management team just finished a SRF-funded project where they conducted Davis-Bacon wage interviews and enforced American Iron & Steel requirements. Our staff are experienced with construction of WTPs and have the professional confidence to enforce contracts and expectations.



Winter conditions slowed construction of the new Breckenridge North WTP, but the project was still completed on schedule due to careful planning ahead of time.

Mark Beebe has worked on a number of project for the Town of Eagle. Highlights include:

Upper Basin WTP Expansion: Provided design services, CDPHE construction approval coordination, and construction phase services for expansion of the WTP located along Brush Creek.

Microfiltration Treatment System Planning Study and Pilot Testing: Implemented an extensive water quality monitoring program, included analysis of metals, total organic carbon, and disinfection byproduct formation potential for the Eagle River water source. The water quality testing program was developed to support eventual CDPHE approval and informing the basis of design.

Lower Basin WTP Integration Study: Performed an assessment for implementing the new, second WTP on vacant land. Developed initial site layout considering regulatory and permitting requirements.

Similar projects HDR has completed with our key personnel and comparable project components in the recent past.

	Plant Capacity (mgd)	Cold Water Treatment Impacts	Treatment Process Evaluation and Selection	Conventional Treatment	Membrane Treatment	Greenfield Plant	Site Layout and Aesthetics	Residuals Handling	Energy Efficiency	Plant Control/Automation	Mountain Construction	Construction Administration
Avon, CO – WTP Improvements	10	●	●	●				●		●	●	
Bend, OR – Surface Water Supply Facilities	12	●	●		●	●		●	●	●	●	
Bozeman, MT – Hyalite/Sourdough WTP	36	●	●		●	●	●	●	●	●	●	●
Breckenridge, CO – Second WTP	4.5	●	●	●		●	●	●		●	●	●
Butte, MT – Basin Creek WTP	7	●	●		●	●		●	●	●	●	●
Cortez, CO – WTP Expansion	12	●	●	●	●			●		●	●	
Durango, CO – WTP Expansion	14	●	●	●						●	●	
Edwards, CO – Edwards WTP	5	●	●		●	●	●	●		●	●	
Estes Park, CO – Marys Lake WTP Expansion	4	●	●		●			●		●	●	●
Genesee, CO – Genesee WTP	1.5	●	●		●	●	●	●	●	●	●	●
Laramie, WY – WTP Upgrades	9	●		●				●		●	●	
Sheridan, WY – Sheridan and Big Goose WTPs	14 & 4	●		●				●	●	●	●	

v. OUR LISTEN FIRST IDEOLOGY ESTABLISHES CLEAR COMMUNICATION

One of HDR's core values is "listen first." At a project kick-off workshop, our first priority will be to establish the communication plan that fits the Town's unique needs.

Our team will communicate honestly and professionally to build consensus decisions that foster collaboration among stakeholders, operators, engineers, builders, and constructors.

As the project manager, Jarod will be responsible for verifying that the goals of your project are clearly understood among the HDR team. He will respond quickly if challenges arise and strive to seek quick resolution.

Key decision points in the design process often involve multiple viable alternatives. The alternatives available to the Town in conjunction with this project will have multiple, sometimes competing, aspects to them such as capital cost, operations and maintenance cost, hydraulic performance, and alignment and siting. HDR has a number of decision-support tools that can be tailored to your goals to help us incorporate these elements into an objective decision-making process.

vi. RECENT FUNDING EXPERIENCE

Our team has experience with six different funding agencies in Colorado. We also bring a national perspective to identifying potential funding sources with a **funding expert** that focuses on federal funding alternatives. Local HDR highlights include:

- Mark Beebe authored the study that helped the Genesee Water & Sanitation District (WSD) receive the largest Green Project Reserve loan in Colorado for **\$1.5M**, an interest-free loan administered through the Drinking Water Revolving Fund. This was the largest ever provided by CDPHE.
- **\$500K** in grants for the La Junta wastewater lagoons improvements from the Economic Development Administration.
- **\$1M** in grant funding for construction from USDA/Rural Utility Services for the La Junta WTP.
- **\$58M** for the Town of Breckenridge is one of the largest SRF loans from the State.
- We helped the Town of Estes Park obtain a SRF loan for Marys Lake WTP and a Rural Development loan for the Glacier WTP pretreatment project.

Our team, with subconsultant SWS, will locate sources of funding that may be available to you. We will develop a matrix of funding options to help you make an informed decision on the path forward.

D. Understanding and Approach

The Town's existing WTP is near the end of its serviceable life and must be replaced in order for the Town to maintain their standard of producing high-quality water. A new diversion at the confluence of the Eagle River and Cross Creek will supply the new facility with water; the Town is currently in the process of acquiring the rights to water at this location. New raw water and finished water pipelines are needed to convey water to and from the WTP. The raw water quality and finished water quality goals will drive a decision for the process of the new facility.

OPERATOR-FOCUSED DESIGN APPROACH

HDR knows that the best outcomes are obtained when we focus on plant operations, and work closely with the plant operators who have invaluable experience with treating a water supply. Our project approach includes the involvement of your plant operators through each phase of the project.

Planning/Process Selection:

- Visits to water treatment facilities using similar technologies, as appropriate
- Active participation in treatment evaluations and selection

Design:

- Review of reliability, redundancy, and accessibility
- Town operator review of 3D layout models
- Advising on equipment selections

Construction:

- Operational site walks throughout construction and participation in construction progress meetings

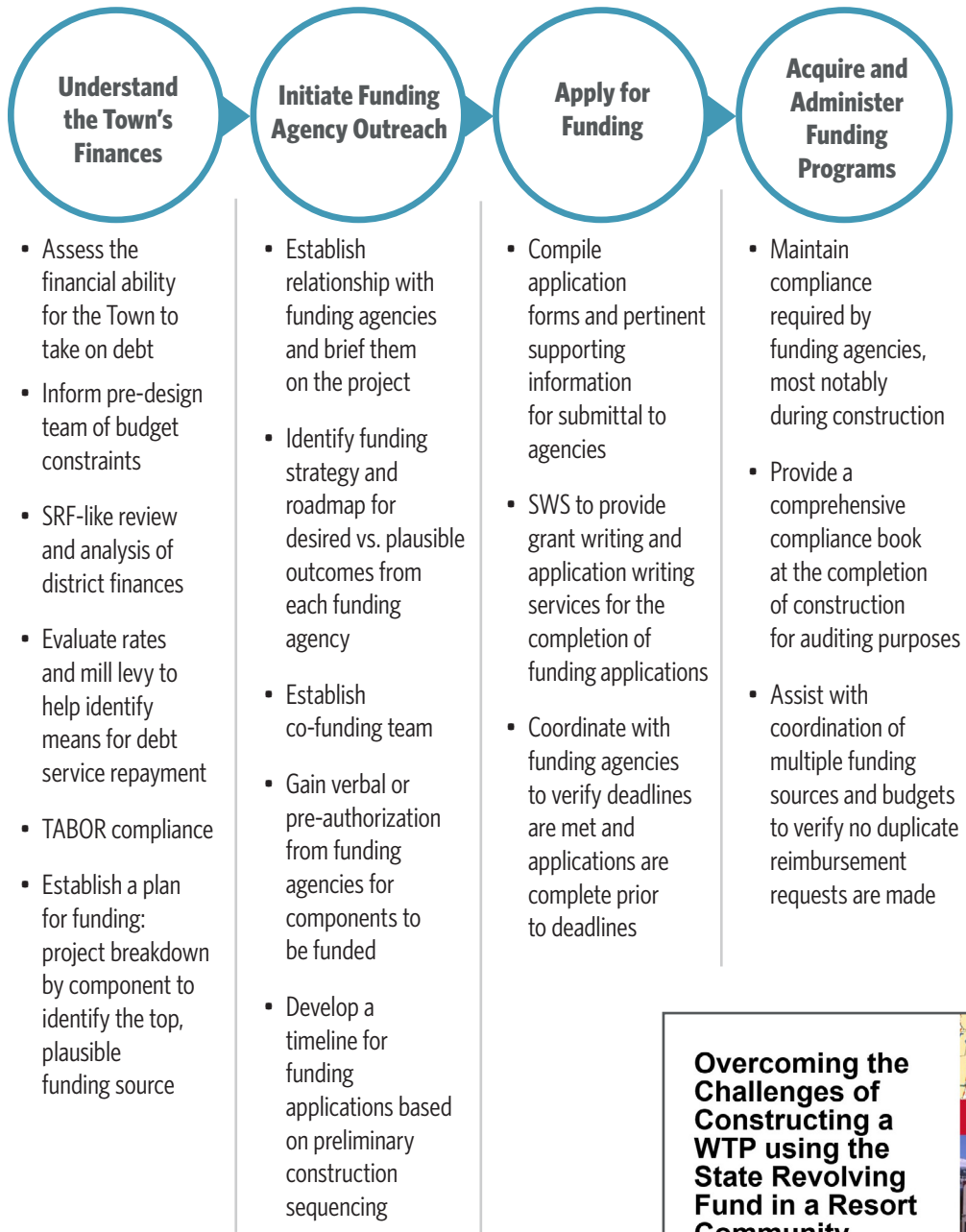
Our approach to the design of this project is comprised of three key workflow issues: FINANCIAL PLANNING, PRE-DESIGN, and FINAL DESIGN + CONSTRUCTION.

Each is discussed in more detail in the next pages.

KEY ISSUE WORKFLOW

KEY ISSUE 1: FINANCIAL PLANNING

HDR and SWS will provide coaching and guide the Town through the process of acquiring the necessary and available grants and loans to fund the project.



Highlights:

- By **fostering a relationship with funding agencies**, we are able to better the Town's chances of securing funding and increase the funding provided.
- Provide technical support services to **verify compliance with funding requirements**.
- Coordination of funding through one main point of contact for **seamless and expedited responses**.

HDR presented with CDPHE at the Rocky Mountain Water Conference on the use of SRF to fund capital projects.

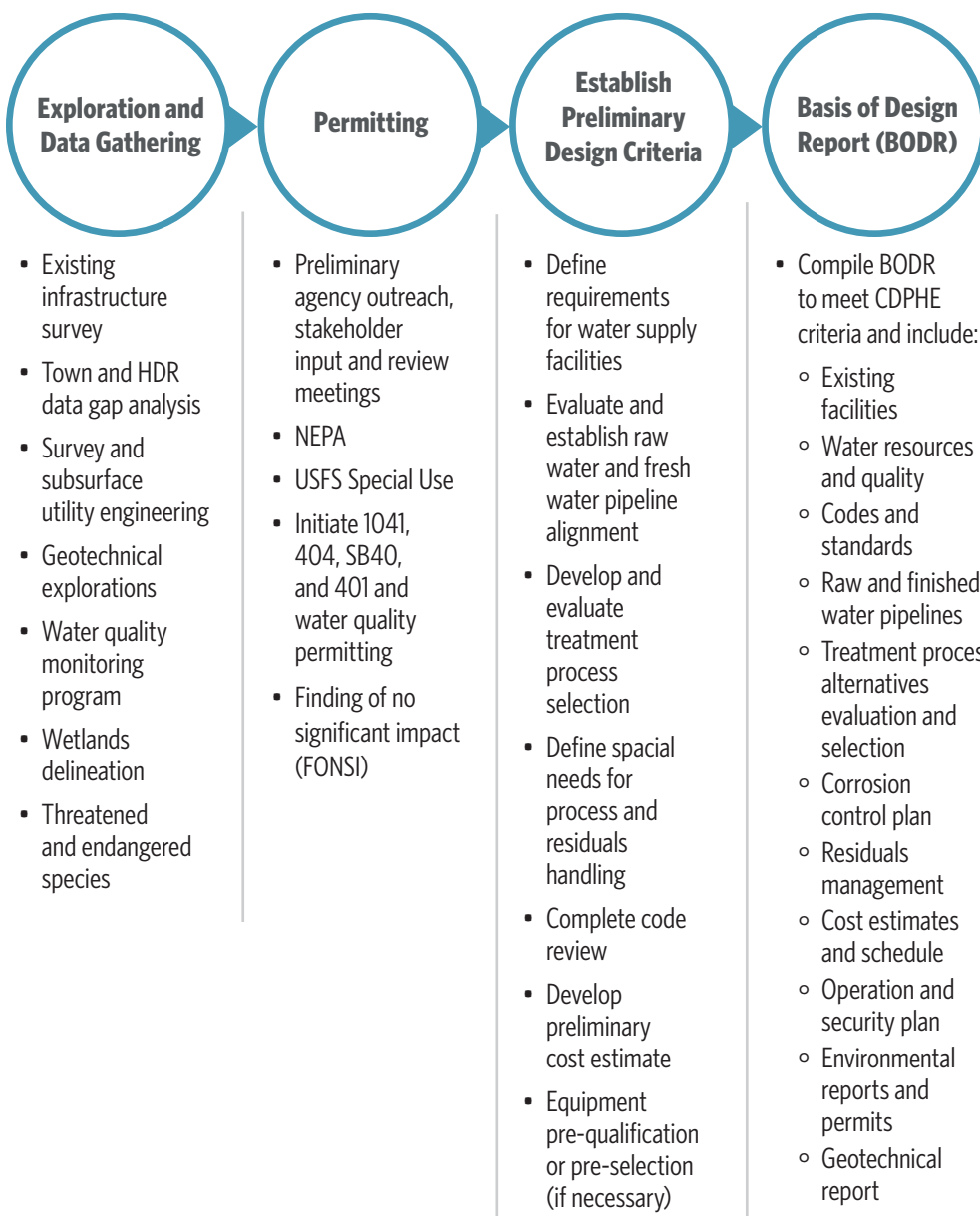
Overcoming the Challenges of Constructing a WTP using the State Revolving Fund in a Resort Community

Presenters:
Tricia Quigley, PE, HDR
Randi Johnson-Hufford, CDPHE

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KEY ISSUE 2: PRE-DESIGN

We will compile relevant data to enable the Town to make informed, defensible decisions necessary for a project of this magnitude. Our philosophy will be to prepare the team for a “no surprises” final design stage. The process will need to fit the anticipated level of funding expected and comply with State drinking water regulations.



Highlights:

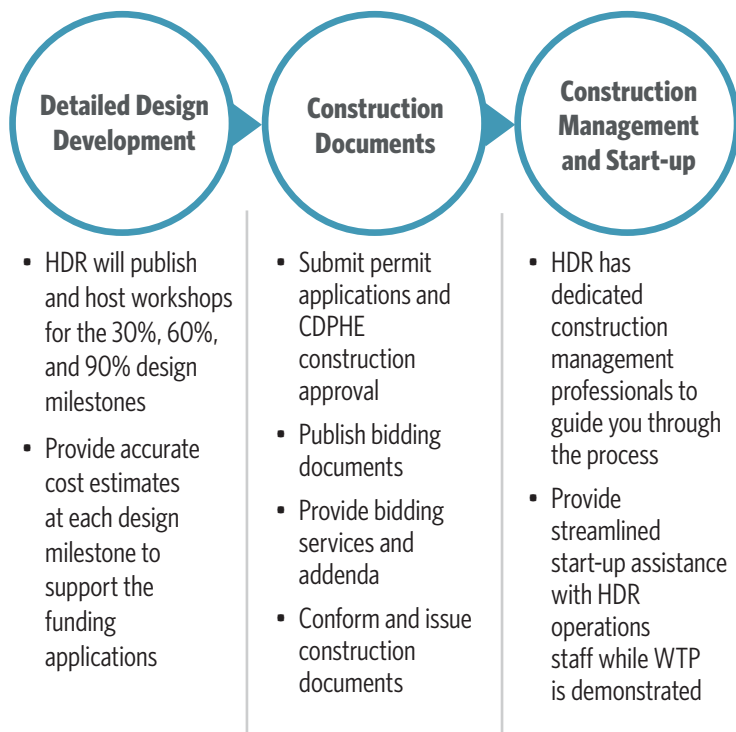
1. Based on our experience permitting projects for construction approval with CDPHE, their response times can be more than three months. **Compiling the information necessary to support the permit application is critical path.**
2. Water quality will be used to comply with CDPHE requirements and support selection of a tailored treatment process which is **robust and resilient** enough to treat variable water in Cross Creek and/or Eagle River. A horizontal collector type intake may provide resiliency to highly variable water quality and flow rate.
3. HDR utilizes pre-design to **target critical elements that establish parameters for design.** Taking the necessary time for the evaluations and decision-making process **early in the project will mitigate late-stage changes that pose risk to schedule and budget.**

Our team has extensive experience preparing the environmental clearance and permitting documentation necessary for projects requiring state or federal permits. We have has excellent working relationships with regulatory agency staff.



KEY ISSUE 3: FINAL DESIGN + CONSTRUCTION

HDR provides accurate designs and corresponding cost estimates, to support loan and grant applications. We provide confidence that when bids are opened, they will meet the Town's expectations.



Highlights:

- Our team will collaborate with yours to develop a tailored facility which is right for the Town for now and the future. **The right facility must fit within the funding available to the Town and comply with State and Federal drinking water requirements.**
- Coupled with our cost estimating expertise, our project bid drawings and specifications will help elicit more accurate bids from construction contractors and provide confidence to the Town that you are receiving value.
- We are recently experienced with providing construction management services for the Town of Breckenridge which was also funded using SRF. **We are familiar with the strict reporting and material requirements outlined in the SRF specifications included with your RFQ.**

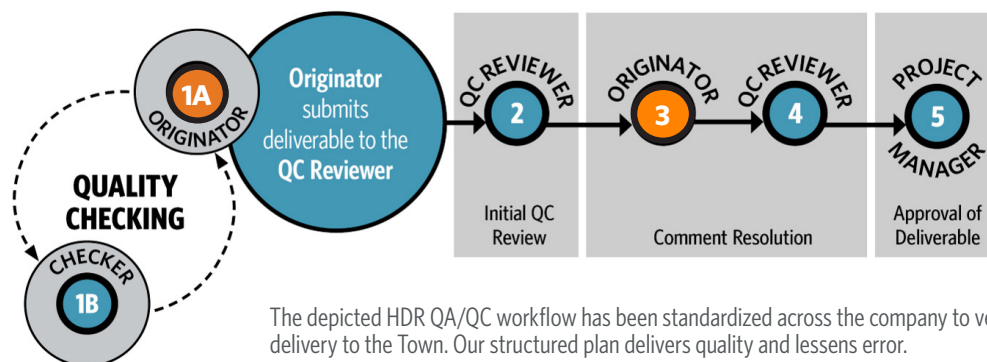
PROJECT MANAGEMENT AND QUALITY CONTROL

Our project manager, **Jarod Limke**, will serve as the primary/single point-of-contact between HDR and the Town. Our approach to managing the work begins with a well-defined, coordinated, and proactive Project Execution Plan (PEP). The PEP will be used by the project team to:

- Facilitate HDR and Town coordination
- Document objectives, budget, scope, and schedule
- Define deliverables and milestone dates
- Facilitate risk identification and mitigation

- Define project standards
- Detail quality control requirements

QA/QC is more than providing reviews and checking computations. True quality is also a mindset that must be shared by every member of the team. The HDR QA/QC policies provide a systematic approach to verify that all technical work, documents, and submittals receive thorough reviews by senior staff.



We have designated **Mark Beebe** to serve as the QC lead. Mark will be responsible for performing QC reviews of deliverables. **SWS** will assist with coordination of funding reimbursement compliance.

The depicted HDR QA/QC workflow has been standardized across the company to verify QC comments are addressed prior to delivery to the Town. Our structured plan delivers quality and lessens error.

WATER DELIVERY SYSTEM KEY TECHNICAL CONSIDERATIONS



E. References

Our team has unmatched experience with mountain community WTP design. The projects below required design, permitting, regulatory approvals, construction-phase services, and commissioning for new facilities.

BRECKENRIDGE NORTH WTP

TOWN OF BRECKENRIDGE, CO

HDR provided feasibility studies, design, and construction services for the new Breckenridge North WTP including a new raw water intake and pipelines.



CDPHE involvement: Plan approval, followed by construction approval

Funding sources: SRF; CDPHE Grants & Loans Program

Capacity: 4.5 mgd

Key Staff: Jarod Limke, Tricia Quigley, Mark Beebe, Juan Coronado, Travis Moore, Bill Cassity

The project included design and construction of a **new 4.5-mgd WTP, a raw water intake and pump station** on the Blue River, and both raw water and finished water pipelines with a high service pump station delivering potable water from the new plant to the Town's distribution system.

EXPERIENCE BENEFITING MINTURN:

- New treatment buildings and new raw water intake
- SRF-funded project

Project Timeline: Design complete 2018, start-up and commissioning in 2020

Reference: James Phelps, Director of Public Works, 970.453.3181, jamesp@townofbreckenridge.com

GENESEE WTP & PUMP STATIONS

GENESEE WATER & SANITATION DISTRICT, CO

HDR staff led the process design, construction phase services, and design of a new membrane WTP and advanced treatment facility.



CDPHE involvement: Green Project Reserve loan - the largest ever, plan approval, construction approval

Funding sources: SRF; Green Project Reserve

Capacity: 1.5 mgd

Key Staff: Mark Beebe

Major treatment processes include flocculation/sedimentation pretreatment followed by ultrafiltration and Granular Activated Carbon. Upgrades to the two pump stations were completed including new pumps, process piping, electrical gear, and controls.

EXPERIENCE BENEFITING MINTURN:

- Construction management and observation
- Start-up and commissioning assistance
- Pretreatment or direct filtration modes of operation for microfiltration system
- CDPHE permitting experience

Project Timeline: Design complete 2015, construction completed in 2017

Reference: Scott Jones, General Manager, 303.550.7775, sjones@geneseeewater.com

MARYS LAKE & GLACIER CREEK WTPS TOWN OF ESTES PARK, CO

HDR has compiled feasibility studies for the two WTPs, provided design and construction services for Marys Lake WTP and design process improvements at Glacier.

CDPHE involvement: Feasibility study updated to meet Disinfection Outreach and Verification Effort (DOVE), and other regulatory requirements

Funding sources: SRF; CDPHE Grants & Loans Program (Marys Lake); and USDA Rural Development (Glacier)

Capacity: 4 mgd (Marys Lake) and 4 mgd (Glacier)

Key Staff: Tricia Quigley, Mark Beebe, Bill Cassity, Travis Moore, Juan Coronado

Estes Park and HDR devised a two-phase approach to meeting future water demands. Phase 1 focused on the improvements to Marys Lake WTP with the design of a

4-mgd membrane plant to replace their old conventional filters. Phase 2's focus was the 4-mgd Glacier WTP for which HDR updated a feasibility study to meet DOVE and other regulatory requirements, and designed the initial steps for new pretreatment basins.



EXPERIENCE BENEFITING MINTURN:

- Locating study, design, and permitting
- CDPHE compliance and DOVE compliance
- Start-up and commissioning assistance

Project Timeline: 2007 to current

Reference: Jeff Boles, Water Superintendent, 970.297.8819; jboles@estes.org; Chris Eshelman, Superintendent, 970.577.3630, ceshelman@estes.org

F. Additional Data (optional)

Should you have any questions about the content within our statement of qualifications, please reach out to Jarod Limke at jarod.limke@hdrinc.com or 720.937.3285.

G. Wage Rates The wage rates below will apply for a two-year period.

HDR ENGINEERING, INC.	2022-2023 Hourly Billing Rate
Contract Manager, QA/QC, Sr. Engineer	\$240 - \$260
Engineer V	\$240 - \$260
Project Manager	\$225 - \$240
Engineer IV	\$200 - \$230
Engineer III, Construction Manager	\$180 - \$200
Engineer II	\$160 - \$180
Engineer I, Sr. Inspector	\$140 - \$160
Staff Engineer/EIT	\$120 - \$140
BIM/Civil 3D Specialist	\$160 - \$180
CAD II	\$120 - \$140
Controller	\$115 - \$130
Administrative Assistant	\$90 - \$110

SUBCONSULTANTS	2022-2023 Hourly Billing Rate*
Technical Advisor	\$145 - \$160
Financing Lead	\$145 - \$160
Environmental Specialist III	\$240 - \$250
Environmental Specialist II	\$170 - \$180
Environmental Specialist I	\$150 - \$160
Geotechnical Engineer II	\$160 - \$170
Geotechnical Engineer I	\$120 - \$130

*Subconsultant markup is included in the rate published in this table

H. Additional Services

Other Direct Costs (copying, printing, and miscellaneous supplies) will be passed through at cost (no markup).
Mileage will be billed at IRS reimbursement rates applicable at the time of travel.

I. State Revolving Fund

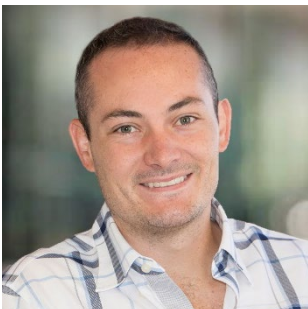
Our team is prepared to comply with the requirements of the State Revolving Fund Required Specifications as well as any additional requirements of any outside funding sources.

J. Agreement for Services

We have reviewed the contract and have identified some suggested minor changes that we would like to have the chance to discuss during contract negotiations. We believe that these issues do not significantly redefine the obligation or requirements of the contract. HDR and the Town have signed other acceptable agreements when HDR performed right-of-way acquisition, relocation advisory services, and valuation services for the Main Street Pedestrian Project (2017-2019).

Appendix

Resumes of Key Staff



Jarod Limke, PE, CWP

Project Manager

Jarod's primary project execution role has spanned design of water and wastewater treatment facilities ranging from 20,000 gal/day to 20 MGD as design lead, project manager, and start-up technician. He firmly believes that providing a facility that lacks owner input on the design does not fulfill a personal level of service goal and strives to engage stakeholders at every possible point in the project design.

EDUCATION

Bachelor of Science,
Chemical Engineering
Colorado School of Mines

REGISTRATIONS

Professional Engineer -
Civil, Colorado, No. 51505

D Water Treatment
Operator, Colorado,
No.100888

Certified Water
Professional, CO, CWP-
WD-01753-1221

OFFICE LOCATION

Denver, CO

RELEVANT EXPERIENCE

Town of Breckenridge, North Water Treatment Plant, Breckenridge, CO

Project engineer for the new North WTP to supplement the potable water production of the existing Tarn WTP. The project includes the design and construction of a new 4.5-mgd WTP, a raw water intake on the Blue River, a pump station adjacent to the intake, and both raw water and finished water pipelines to deliver water to the plant and to the North Tank from the plant. The project was delivered through a Construction Manager at Risk (CMAR) process and was funded with the State Revolving Fund.

City of Boulder, Betasso Water Treatment Plant Improvements, Boulder, CO

Jarod was the Mechanical Systems and Tracer Study Lead during the design phase. The Betasso Water Treatment Facility is a conventional surface water treatment plant designed for 50 mgd but could only reliably produce 28 mgd. The objectives of the project are to identify improvements needed to achieve a 40-mgd sustainable capacity, prioritize asset replacement, and develop a 20-year CIP for the plant. The primary focus of the CIP development was to select the Phase 1 improvements, which were bid in 2016. After construction was completed, HDR completed a comprehensive tracer study to validate disinfection capacity through the entire process train. The results of the study and proposed design were later approved by CDPHE increasing operational flexibility for the WTP.

City of Boulder, Betasso Water Treatment Facility Capital Improvements, Boulder, CO

Jarod assisted with construction management services during construction at an existing conventional surface water treatment plant to achieve a 40-mgd capacity. Improvements included new filter media and troughs, demolition and replacement of plant process valves and piping, construction of a precast dewatering building with a belt filter press, equalization tanks and appurtenances, and a precast pretreatment building to accommodate four new pretreatment basins with rapid mix chambers, flocculation and sedimentation equipment, and effluent troughs. Site work included extensive demolition to accommodate the new structures, equipment, electrical gear, and process piping.

City of O'Fallon, 2021 Water Treatment Plant and Distribution System Capital Improvement Program, O'Fallon, MO

Project engineer for the water treatment plant and distribution system capital improvement program, which included developing growth/demand projections for a 20-year planning period, providing InfoWater hydraulic model update and calibration, evaluating the water distribution system for current and future scenarios, performing condition assessments of the WTP processes and alluvial raw water supply wells, evaluating the WTP for performance optimization and future expansion, performing condition assessments within the distribution system (five storage tanks, 3 booster pumping stations, and 4 well sites), identifying and prioritizing 10 years of replacement projects (approximately 15 miles total), and using EconH2O to assist with development and prioritization of the City's capital improvement program.

City of Greeley, Boyd Lake WTP Package A, Greeley, CO

The project included improvements to the existing flocculation/sedimentation basins at Greeley's Boyd Lake WTP and media replacement at Greeley's Bellvue WTP. HDR completed a fast-track design including assistance with the pre-purchase of long lead equipment in order to meet the city's window of construction during their period of low water demands. The project has been bid and entered the construction phase in January 2016. HDR assisted the city with construction administration and on-site inspection services through the completion of the project.

City of Greeley, Water Treatment Plants' Needs Assessment, Greeley, CO

HDR assisted the City of Greeley with a Water Treatment Assessment Study for the City's two WTPs - the Bellvue WTP and the Boyd Lake WTP. HDR worked with the City to evaluate both treatment plants to determine or confirm planned capital improvements, prioritize the improvements, and provide cost estimates with project design and construction schedules so that the City can move forward to make appropriate and well-supported upgrades to the plants.

City of Aurora, First Creek Interceptor, Aurora, CO

HDR is providing engineering services for design and construction of approximately 13,500 feet of 18-inch gravity sewer from an existing temporary lift station, to another existing lift station (First Creek) while a new lift station (Second Creek) is still in the planning stages. The scope of work includes evaluating routing alternatives and recommending the appropriate, viable option; environmental permitting, and right-of-way/easement services.

City of Fort Collins, Water Treatment On-Call, Fort Collins, CO

The City of Fort Collins Water Treatment On-Call projects are delivered using various competitively bid and CMAR-like delivery methods. Work includes development of plans and CDPHE approval documents for the replacement of filter underdrains, development of a Residuals Study to identify the preferred technology/configuration for a new residuals handling building, engineering support for replacement of valves and flow meters in yard vaults, and development of a CFD modeling plan in the West Chlorine Contact Basin.



Tricia Quigley, PE

Process Lead

Tricia is a project manager and engineer with a broad background that includes water infrastructure design, commissioning, and project management. Over the last several years Tricia has focused on designing treatment and pump stations. This had led to strong relationships with CDPHE through multiple permit approvals. Prior to her work in the water industry, she worked in construction, which has given her the unique outlook on design, and a keen ability to review designs for value and constructability. Her years of experience in this collaborative environment helps foster creative solutions to her client's challenges, while her passion for quality pushes her team to strive for accurate deliverables.

EDUCATION

Master of Science,
Civil Engineering,
University of Colorado,
Boulder

REGISTRATIONS

Professional Engineer,
Colorado, No. 46562

OFFICE LOCATION

Denver, CO

RELEVANT EXPERIENCE

City of Englewood, Pump Station Rehabilitation Engineering and Design Services, Englewood, CO

Pump Stations Lead. HDR conducted an alternatives analysis for these four pump stations: two raw water pump stations and two finished water booster pump stations. The primary objective of this project was to optimize pumping operations for the City and verify redundancy to meet changing demands. Alternatives that were considered by HDR included the construction of new pump stations, rehabilitation of aging existing facilities, moving the chemical feed system for the city, and changing pump sizes to meet a variety of operational scenarios. HDR developed both 3D and 2D models of the pump stations to aid in the visualization of the various alternatives. HDR performed a cost-benefit analysis of the various alternatives as well as two primary deliverables: an alternatives report and an Implementation Plan.

City of Boulder, Betasso WTP Assessment and Facility Plan, Boulder, CO

Final Project Manager. HDR identified and designed improvements needed for 40 mgd sustainable capacity at this plant, prioritize asset replacement, and develop a 20-year CIP. HDR performed a condition assessment on the piping, plant service water pumps, and fire protection pumps to recommend improvements to increase reliability and meet future demands. The existing plant service water supply was provided by in-plant pumps that were used to maintain pressure and supply water to the plant, chemical systems, administrative offices, maintenance area, HVAC equipment, and other plant uses. These improvements have been in operation for a few years. In addition, HDR assisted the City with a tracer study of the facility and a fully incorporated model of the final constructed project for record drawings.

City of Boulder, 63rd WTF HSPS, Boulder, CO

Deputy Project Manager/Pump Station Lead. Much of the equipment reached the end of its useful life and needs replacement. A multi-disciplinary team completed a thorough inspection of the existing equipment, structure, and supporting utilities to identify the extent of improvements required beyond mere process improvements.

Alternatives were developed for different pump station configurations to improve the reliability, maintainability, and safety of the process. Through a series of workshops, these alternatives were evaluated with the ultimate selection of replacing the existing pump station with new closed can pumps. With the preferred configuration selected, we worked with the city to develop construction phasing plans to reduce the impact on operations during construction and refine costs ahead of design.

Town of Estes Park, Marys Lake WTP, Estes Park, CO

Technical Advisor. HDR was involved on the Marys Lake WTP Improvements project from predesign to construction. The 2-mgd conventional treatment facility was retrofitted with submerged membrane technology, increasing capacity to 4 mgd and allowing for 6-mgd capacity in the future. The predesign services included providing an environmental assessment report and other various items required for state funding. The final expansion was small because of the limited amount of space available in the surrounding area. In the available space, a small building addition was constructed to house membrane ancillary equipment, which doubled the capacity of the facility. The facility has now been operational for over a year.

Town of Breckenridge, North Water Treatment Plant, Breckenridge, CO

Project Manager for HDR's professional design services for the North WTP to supplement the potable water production of the Town's Tarn WTP. The project includes the design and construction of a new 4.5-mgd WTP, a raw water intake on the Blue River at the location of the designated water right, a pump station adjacent to the intake, and both raw water and finished water pipelines to deliver water to the plant and to the North Tank from the plant. The project utilizes the Construction Manager at Risk (CMAR) process.

Town of Breckenridge, Tarn WTP Improvements, Breckenridge, CO

Deputy Project Manager. HDR performed an analysis of existing conditions and possible improvements at the Tarn WTP to develop a capital improvement plan. Cost opinions were provided and considered in the recommended phasing. Operator interviews allowed HDR to identify major concerns of the operating team, along with problem areas identified through a swat team review of all parts of the plant. Sequencing and scheduling of improvements were integrated with plans for development of a second WTP.

Town of Breckenridge, Tarn WTP Phase II, Breckenridge, CO

Deputy Project Manager. As follow-up to the Tarn WTP evaluation, HDR performed two additional detailed studies of the Tarn WTP. One study focused on the filters and included excavation and analysis of filter media, observation of backwashing, and development of improvements to filtration and backwashing that can be implemented in conjunction with other capital improvement projects. The other study's objective was to develop a network architecture plan. The plant was built in three phases, with significant variability in the automation of the three package treatment units in the plant. To make future changes with appropriate planning to allow treatment optimization, an understanding of the plant controls, architecture, and a plan for incorporating future changes was produced.



Mark Beebe, PE

QA/QC

EDUCATION

Master of Science,
Civil/Environmental
Engineering, Colorado State
University

Bachelor of Science, Civil
Engineering, Colorado State
University

REGISTRATIONS

Professional Engineer,
Colorado, No. 35780

PROFESSIONAL MEMBERSHIPS

American Water Works
Association
Member- AWWA Membrane
Standards Committee
Member- MF/UF
Membranes Standards
Subcommittee
Water Environment
Federation
Chi Epsilon- Civil
Engineering Honor Society

OFFICE LOCATION

Denver, CO

Mark is a civil and environmental engineer with 24 years of experience in the planning and design of water systems, with emphasis on the planning, design, and permitting of water treatment facilities, pump stations, and water storage tanks. He has been responsible for developing water treatability studies, performing treatment process evaluations, performing operational assessments, and preparing utility plans and capital improvement plans. He has performed planning, design, and construction phase services, as well as startup services and developing O&M manuals.

RELEVANT EXPERIENCE

Town of Eagle, Upper Basin Water Treatment Plant Expansion, Eagle, CO

Provided design services, CDPHE construction approval coordination, and construction phase services for expansion of the water treatment plant located along Brush Creek. Improvements included the addition of two new filtration units including pressure roughing and final filter vessels, modifications to piping, and expansion and upgrades to chemical feed systems.

Town of Eagle, Microfiltration Treatment System Planning Study and Pilot Testing, Eagle, CO

Implemented an extensive water quality monitoring program, included analysis of metals, TOC, and disinfection byproduct (DBP) formation potential for the Eagle River water source. The water quality testing program was developed to support eventual CDPHE approval and informing the basis of design. Bench scale testing was performed to determine the effectiveness and expected dosing rates of various coagulants. The purpose of the pilot study program was to select a pretreatment and submerged membrane filtration system to treat the highly variable surface water. A four-month-long pilot study was completed in five phases to evaluate treatment effectiveness and gather information necessary for system procurement. The pilot testing consisted of two pretreatment systems: coagulation/flocculation followed by plate settlers (Meurer Research) and a solids contactor clarifier (Siemens). Two membrane manufacturer systems were also tested, G.E. Zenon and Siemens Memcor system. Assisted in developing procurement documents for the ultrafiltration units.

Town of Eagle, Lower Basin Water Treatment Plant Integration Study, Eagle, CO

Performed an assessment for implementing the new second water treatment facility on vacant land at the wastewater treatment plant site, located adjacent to the Eagle River. Reviewed various treatment system technologies and ultimately selected low pressure membrane technology to position Eagle to meet long-term regulatory compliance. Developed an initial site layout and performed a site development evaluation, including residuals drying and considered regulatory and permitting

requirements. Identified locations for a new intake along the Eagle River, ultimately recommending dual intakes upstream and downstream of the confluence with Brush Creek to maximize water quality and water right operational considerations. Also performed hydraulic modeling to develop recommendations for additions and/or upgrades to the distribution system to integrate the new water treatment plant into the potable water system.

Genesee Water & Sanitation District, Advanced WTF, Golden, CO

Genesee Water & Sanitation District decided to construct a new treatment facility that would allow it to maintain consistent regulatory compliance. Process selection was based on long-term water quality projections and the ability of the treatment system to meet regulatory requirements for the next 60 years. An essential component of the project was to provide an operator friendly treatment process that provide robust, multi-barrier treatment for various contaminants while also addressing emerging contaminants and more challenging taste and odor concerns with the raw water.

Project 7 Water Authority, Water Treatment Plant Planning Study, Montrose, CO

The Project 7 Water Authority performed a study to determine fundamental planning necessary to introduce water from Ridgway Reservoir as a second source of supply into the Authority's system. Performed raw water quality data analysis, analyzed water mixing, performed treatment process selection, and developed plant and system operational plans. Recommendations included single-stage caustic softening and conventional media filters to meet water treatment goals.

City of Sheridan, Water Treatment Plant Audit and Residuals Handling Evaluation, Sheridan, WY

Performed an assessment of water treatment facilities and identified future projects as needs to meet capacity, redundancy, and treatment performance to meet future regulations. One area of specific concern was evaluation of residuals management facilities in order to meet ultimate plant capacity.

City of Fort Collins, Water Treatment Facility Master Services, Fort Collins, CO

HDR has been awarded a five year on-call contract to perform all work for the Fort Collins WTF, including the raw water delivery system and all treatment facilities. While numerous projects have been completed under this contract highlights include assistance with the Filter 1, 2 and 7 underdrain replacement, condition assessment of the concrete basins in the T3/T4 pretreatment trains, regulatory compliance evaluations for chemicals systems, condition assessments of multiple tanks, assessments of treatment performance with various operations and mixing of raw water sources, and development of a plant CIP program.

Centennial Water & Sanitation District (CWSD), WTP Utility Plan Evaluation, Highlands Ranch, CO

Technical Lead. The WTP Utility Plan established level of service goals for the WTP, verified buildout demand projections, and completed a comprehensive process performance evaluation to identify alternatives to reliably produce 40 mgd at the WTP.

Swiftwater Solutions, LLC

Small Systems Engineering, Operations, and Finance

ABOUT THE FIRM

Based in Buena Vista, CO, and established in 2020 by two individuals with over 20 years of combined industry service, Swiftwater Solutions, LLC's (SWS) philosophy is to provide access to safe drinking water and sanitation as more than just designing the most appropriate technology; it's about building and strengthening communities. SWS uses a stakeholder approach to help communities chart the course of their own destinies.

Main services include:

Governmental Operations and Finance projects for communities such as Town of Empire, Trail West Homeowners Association, and Town of Eckley.

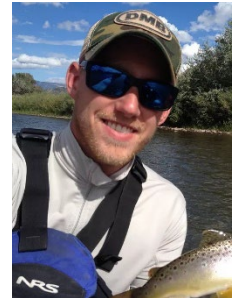
Engineering and Operations Optimization for communities such as Town of Buena Vista, Pinon Pines Mobile Home Park, Kebler Corner RV Park, and the Trail West Homeowners Association.

PAUL YOUNG

Paul comes to Swiftwater Solutions, LLC as a former project manager and program manager of the State Revolving Fund of Colorado. Beyond Paul's state service, he's been a member of the Army Reserves and the Corp of Engineers for over 12 years as a vertical construction sergeant.

Paul's formal education is in Environmental Science and Geology with degrees from the University of Denver and University of Colorado. He's currently seeking his Master's in Public Administration.

He has an extensive background in funding capital improvement projects. As a former employee of CDPHE and DOLA, he worked as a project manager and program manager of the SRF program. He spearheaded the co-funding mechanism used by some borrowers to access multiple funding agencies and maximize grant opportunities. His specialty is conducting an evaluation of current rates, in addition to potential grants and loans to fund a project. The SRF program allows a specific state-like review of financial information and rates, allowing for a tailored review prior to raising rates and making financial decisions associated with capital projects.

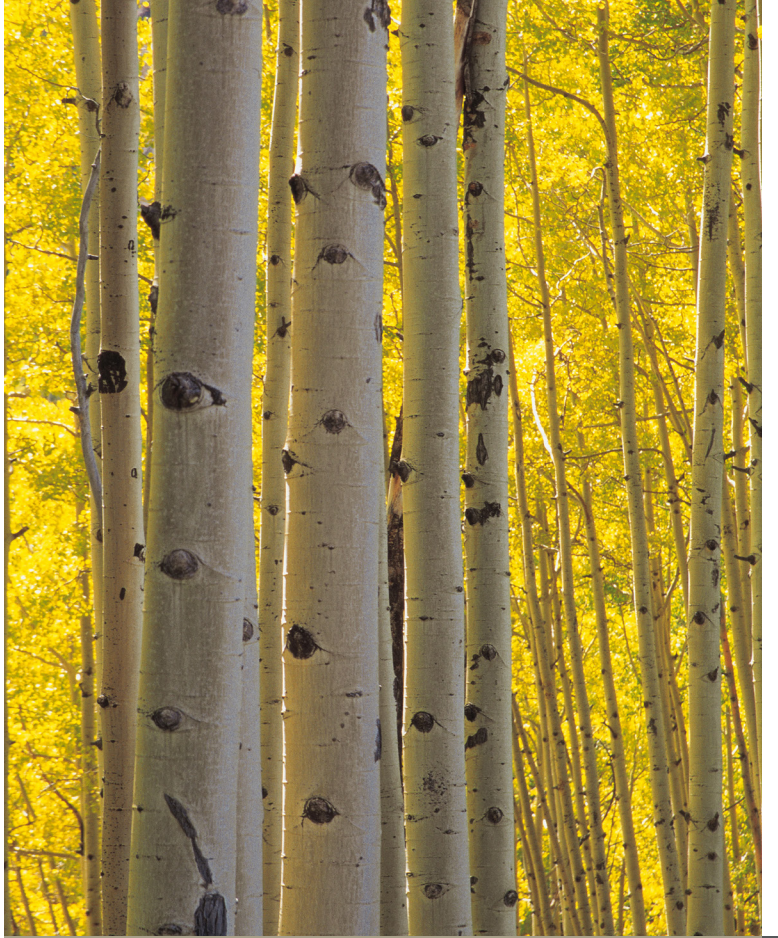


AL SMITH, PE, CWP

Al is a civil engineer by training, a water treatment operator in practice, and a Water, Sanitation, and Hygiene (WASH) enthusiast at heart. Al has more than a decade of experience in the civil engineering industry, as well as experience working in developing communities on humanitarian WASH projects.

Al received his Bachelor of Chemical Engineering at the University of South Florida, Tampa, and his Master's in Civil Engineering at the University of Colorado, Boulder - Certificate for Engineering in Developing Communities. Additionally, Al is a Licensed Professional Engineer (CO 55760) and Level A Certified Water Treatment Operator.





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Denver, CO 80202-4824
303.764.1520

[hdrinc.com](https://www.hdrinc.com)

We practice increased use of sustainable materials and reduction of material use.

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Glenwood Springs – Main Office

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Aspen

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Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[**Direct Mail to Glenwood Springs*](#)

DATE: July 13, 2022
TO: Minturn Mayor and Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Ordinances 7 and 8 - Revocation of Belden Place PUD Approvals

At the May 4, 2022 Council meeting, staff presented Ordinances 7 and 8 the purpose of which was to revoke approvals related to the Belden Place PUD. The reason that Ordinances 7 and 8 were noticed and presented to Council is because Belden Place sued Minturn on May 15, 2022 – the day prior to the second reading of the Belden Place Zoning / Subdivision / SIA approvals. The owners of Belden Place did not notify the Town that it had filed the litigation. Under Town Code section 16-21-740, the initiation of litigation stays the Town’s ability to accept, process, or grant development applications and approvals. As such, the argument is that the Belden Place PUD approvals are void.

At the May 4 meeting, consideration of Ordinances 7 and 8 was continued to the July 20, 2022 Council meeting. Since May 4, the Town has filed a counterclaim in the litigation initiated by Belden Place asking the Court to declare that the Belden Place approvals are void under the Town’s code. Because a claim has been made the litigation, Ordinances 7 and 8 are superfluous. Staff recommends not opening the public hearings on Ordinances 7 and 8 and moving on to the next agenda items. Because the public hearings will not be opened or continued, Ordinances 7 and 8 will die for lack of a vote.

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 07 – SERIES 2022

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO RESCINDING THE FINAL DEVELOPMENT
PLAN FOR PLANNED UNIT DEVELOPMENT FOR BELDEN
PLACE PUD

WHEREAS, on March 16, 2022 the Town Council approved Ordinance No. 4 – Series 2022 approving the Final Development Plan for Planned Unit Development for Belden Place PUD ; and

WHEREAS, the day prior to Council’s approval, Miner’s Base Camp, LLC had filed a Complaint against the Town challenging, in part, elements of the approval of the PUD Final Development Plan, Final Subdivision Plat, and the Subdivision Improvement Agreement; and

WHEREAS, filing the Complaint triggered Section 16-21-740 of the Town Code which operates as a stay for the processing and issuance of development applications and development approvals; and

WHEREAS, Miner’s Base Camp representatives failed to disclose that the Complaint had been filed to the Town; and

WHEREAS, under the provisions of Section 16-21-740, the Minturn Town Council lacked authority to grant the approval of the Cost Share Agreement; and

WHEREAS, The Town Council hereby rescinds its approval of Ordinance No. 4 – Series 2022 and the Final Development Plan for the Planned Unit Development for Belden Place PUD.

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. That Ordinance No. 4 – Series 2022 and the Belden Place Final Development Plan is hereby rescinded.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 4th DAY OF MAY, 2022. 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 18th DAY OF MAY, 2021 AT 5:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, 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 WEBSITE THIS 18th DAY OF MAY, 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 8 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO RESCINDING THE FINAL SUBDIVISION
PLAT FOR THE BELDEN PLACE PUD**

WHEREAS, on March 16, 2022 the Town Council approved Ordinance No. 5 – Series 2022 approving the Final Subdivision Plat for Planned Unit Development for Belden Place PUD ; and

WHEREAS, the day prior to Council’s approval, Miner’s Base Camp, LLC had filed a Complaint against the Town challenging, in part, elements of the approval of the PUD Final Development Plan, Final Subdivision Plat, and the Subdivision Improvement Agreement; and

WHEREAS, filing the Complaint triggered Section 16-21-740 of the Town Code which operates as a stay for the processing and issuance of development applications and development approvals; and

WHEREAS, Miner’s Base Camp representatives failed to disclose that the Complaint had been filed to the Town; and

WHEREAS, under the provisions of Section 16-21-740, the Minturn Town Council lacked authority to grant the approval of the Final Subdivision Plat; and

WHEREAS, The Town Council hereby rescinds its approval of Ordinance No. 5 – Series 2022 and the Final Subdivision Plat for Belden Place PUD.

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. That Ordinance No. 5 – Series 2022 and the Final Subdivision Plat for Belden Place, P.U.D. are hereby rescinded.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 4th DAY OF MAY, 2022. 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 18th DAY OF MAY, 2021 AT 5:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, 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 WEBSITE THIS 18th DAY OF MAY, 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Council
From: Madison Harris, Planner I
Date: July 13, 2022
Agenda Item: Ordinance 12 - Series 2022: Amending Chapter 16, Article 19 Updating Political Sign Code Regulations

REQUEST:

Review of Ordinance 12 - Series 2022 an ordinance amending Chapter 16, Article 19 of the Minturn Municipal Code updating political sign code regulations.

INTRODUCTION:

Ord. 12 - 2022

At their regular meeting of June 22, 2022, the Planning Commission reviewed Ord. 12 - 2022.

No citizens spoke at the public hearing where the Planning Commission discussed the proposed changes to Article 19.

Ultimately, the Planning Commission voted 5-0 to forward a recommendation of approval to the Town Council of Ordinance 12 - 2022, with no conditions.

ANALYSIS:

In reviewing the ordinance, the Planning Commission considered the applicability and the implementability of the new and/or updated sections of the Minturn Municipal Code, as well as testimony of the Assistant Town Attorney.

COMMUNITY INPUT:

No members of the public spoke at the public hearing. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, and following Section 16-21-610 Public notice.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review of ordinances and their actions 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.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has “made Minturn, Minturn.” The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve the following:

1. Ordinance 12 - Series 2022 an ordinance amending Chapter 16, Article 19 of the Minturn Municipal Code updating political sign code regulations.

ATTACHMENTS:

- Memo from Karp Neu Hanlon
- Ord. 12 - 2022

Glenwood Springs – Main Office

201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[*Direct Mail to Glenwood Springs](#)

DATE: June 17, 2022
TO: Minturn Planning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Sign Code Text Amendment

The proposed text amendment below this memo attempts to conform the code with Supreme Court precedent regarding regulation of signs. Most relevant is the 2015 case, *Reed v. Town of Gilbert, AZ* that invalidated regulations distinguishing between signs based on their content. The rule of thumb coming out of this case is that if the code enforcement officer must read the sign to enforce the regulation, then it is probably unconstitutional. Minturn’s Code continues to contain some content-based regulations on signs, such as reference to “political signs” and “picketing” and applying different standards for size and duration based on these regulations. Even reference to real estate signs is conceivably illegal under *Reed*. The Court recently declined to extend *Reed* to apply to commercial off-premise signs – advertising for a business not located on the property where the sign is located. However, the Code actually allows off-premise signs, which is something we may wish to revisit. Generally, this text amendment preserves the majority of the sign code while redefining certain types of signs based on form and size.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 12 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 19, CHAPTER 16 SIGN
REGULATIONS OF THE MINTURN MUNICIPAL CODE.**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Planning Director has initiated and proposed the text amendment to Minturn Municipal Code Chapter 16, the Town Land Use Regulations, Article 19, Sign Regulations as provided herein; and

WHEREAS, on June 22, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

WHEREAS, the Minturn Planning Commission and Town Council have determined that the text amendments to the Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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. Article 19, Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~striketrough 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.

ARTICLE 19 – Sign Regulations

* * *

Sec. 16-19-20. – Purpose and Intent.

(a) Purpose. This Article is intended to enhance and protect the physical appearance of commercial, industrial and residential areas through the regulation of existing and proposed signs. The purpose of this chapter is to provide a balanced and fair legal framework for the design, construction, and placement of signs that:

(1) Promote the safety of persons and property by ensuring that signs do not create a hazard by:

a. Confusing or distracting motorists; or

b. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs;

- (2) Promote the efficient communication of messages, and ensures that persons exposed to signs are not overwhelmed by the number of messages presented;
- (3) Protect the public welfare and enhances the appearance and economic value of the local real estate by reducing and preventing sign clutter;
- (4) Ensure that signs are compatible with their surroundings, and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- (5) Enhance property values and business opportunities;
- (6) Encourage common character through common elements;
- (7) Assist in wayfinding; and
- (8) Provide fair and consistent permitting and enforcement among all applicable uses and end users.

(b) Intent. It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, this chapter advances important, substantial, and compelling governmental interests.

- (1) The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this chapter.
- (2) The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;
 - c. Degrades the aesthetic and essential historic character of the Town, making the Town a less attractive place for tourism, commerce, and private investment; and
 - d. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures and competing messages.
- (3) The Town has a substantial and/or compelling interest in preventing traffic accidents.
- (4) The Town has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such

degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.

(5) Certain types of speech, including but not limited to written and graphic speech, are not constitutionally protected due to the harm that they cause to individuals or the community.

(6) Signage may have been restricted in areas of historic significance or in areas where design guidelines and ordinances have been duly adopted by the Town.

Sec. 16-19-30. - Definitions.

For the purpose of this Article the following words shall have the following meanings:

Civic sign means a sign of or relating to a municipality or public affairs (such as a welcome sign/entry into Town).

~~*Direct lighting* means a light source separated from the surface and illuminating the sign surface by spotlights or similar fixtures.~~

~~*Directional sign* means any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same. a sign used to provide assistance to parking, a civic event or any noncommercial facility.~~

~~*Reflective surface* means any material or device which has the effect of increasing the impact of a lighted sign through light, including but not limited to Scotchlite, Day Glo, glass beads and luminous paint.~~

Swing sign means a sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.

Temporary sign means a sign which is, based upon materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended for a definite and limited period of display and which is not permanently affixed to a structure or sign structure.

Yard sign means a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one (1) or more existing permanent structures.

* * *

Sec. 16-19-80. – Exempted signs.

The provisions of this Section shall not apply to the following signs, with the exception of [Section 16-19-60](#) above regarding general regulations and [Section 16-19-70](#) above regarding prohibited signs:

- (1) ~~Flags. Flags representing local, state or national governments, provided that they are not greater than twenty-four (24) square feet and mounted on flagpoles not greater than thirty-five (35) feet high.~~
- (2) Historic plaques. Historic plaques erected by the Town or historic agencies designating an area of historical significance, recognized as such by the Town.
- (3) Information. Not to exceed two (2) square feet in area.
- (4) Legal nonconforming. Any sign located in the Town, currently maintained in satisfactory condition that was approved and erected under previous regulations and determined to be a legal nonconforming sign as defined in [Section 16-19-130](#) below.
- (5) ~~Memorial. Names of buildings, dates of erection, monumental citations and commemorative tablets which are~~Words carved in stone, concrete or similar permanent materials, which do not exceed two (2) square feet and which are constructed as an integral part of a structure.
- (6) Menu display boxes. Display boxes of up to two (2) square feet are allowed for restaurants, bars and lounges for the purpose of displaying menus. A permit shall be obtained for menu display boxes larger than two (2) square feet and exceeding two (2) feet shall be counted against the total allowable sign area.
- (7) Official notices. Official government notices and signs for any governmental purpose posted by local, state or federal government employees in the performance of their official duties.
- (8) ~~Pickets/protests. Signs used by persons engaged in lawful picket activities. Signs being carried by a person; provided, that such signs are not set down, propped on objects, or objects temporarily affixed to the ground.~~
- (9) Residential. Residential nameplates and numbers.
- (10) Seasonal decorations. Temporary noncommercial decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any ~~national, local, state or religious federal~~ celebration; provided that decorations or displays are maintained in an attractive condition and do not constitute a hazard.
- (11) Warning signs. Temporary or permanent signs erected by the Town, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines or similar devices. Also included are signs warning of private property use restrictions which may result in legal penalties, such as "No Parking," "Cars Will Be Towed" signs and the like. ~~Said private warning signs are subject to the review of the Chief of Police.~~
- (12) ~~For sale/for rent. "For Sale," "For Rent" or other types of real estate activity signs~~Swing signs, provided that only one (1) ~~"For Sale" or "For Rent"~~swing sign may be displayed on each property or each individual unit thereon, and such sign shall not be larger than four (4) square feet per side. Signs may not be placed within a public right-of-way, but may be placed within a required side yard setback.
- (13) Garage sale. Any sign advertising a garage or yard sale may be displayed three (3) days prior to the sale and must be removed within two (2) days after the sale. Signs may be placed as to give directions.
- (14) Civic signs. Welcome signs/entry monuments into the Town.
- (15) Yard Signs. Such signs shall not be displayed for a period of more than ninety (90) days per year. ~~Political. Signs and posters indicating support or opposition to a political candidate or political question. Such signs or posters shall not be placed prior to forty-~~

~~five (45) days prior to an election and must be removed within two (2) days after the election.~~ No such signs or posters shall be placed upon or shall extend into a public right-of-way, but may be placed within a required yard setback. These signs shall not exceed four (4) square feet in size.

- (16) Directional. Directional signs as defined in Section 16-19-30 above are allowed and shall not exceed four (4) square feet.

* * *

Sec. 16-19-90. – Temporary signs.

- (a) The following signs are permitted in all zoning districts only after an application for a sign permit has been approved by the Planning Director. Permitted temporary signs are not charged against the maximum allowable permanent sign area. Temporary signs are not allowed within the public right-of-way unless local, state and federal approvals have been acquired and said sign promotes an event or project sanctioned by the Town. No more than three (3) applications can be made per calendar year by any one (1) business or party or property.
- (1) Banners. A permit to erect a banner may be issued for the following:
 - a. Announce or promote a civic or commercial event. Such banners may be displayed no more than fourteen (14) days prior to the event and shall be removed within two (2) days after the event.
 - b. Welcome participants to conventions or gatherings. Such banners may be displayed not more than five (5) days prior to the event and shall be removed within two (2) days after the event.
 - c. Decorations for special holidays. Such banners may be displayed no more than thirty (30) days prior to the holiday and shall be removed no more than fourteen (14) days after the holiday.
 - d. Used for identification purposes until a permanent sign is erected. Such banners shall not be displayed for more than thirty (30) days unless an extension is granted by the Planning Director.
 - (2) Civic events posters and announcements. Posters, flyers and announcements promoting civic events may be displayed for a period of ten (10) days prior to the event and must be removed two (2) days after the event. These signs shall not exceed four (4) square feet.
 - (3) Site development signs. One (1) site development sign may be allowed for a real estate development project. A site development sign may be displayed commencing with the issuance of a building permit and shall be removed at or before the issuance of any certificate of occupancy or the abandonment of the project, whichever shall occur first.
 - (4) Walking signs, including costumed characters. Any sign or lettering on a costume, which is carried or worn by any person or animal for advertising purposes. The Planning Director shall determine the time limit of the sign dependent upon the timing of the specific event for which the sign is requested. The size of the sign shall not exceed three (3) square feet.

- (b) An annual temporary sign permit may be granted by the Planning Director for the erection of and displaying of signs, banners or other displays on a temporary basis. The permit shall specifically state the location of each sign or display and sketch drawings of proposed signs, and specifically state the starting and expiration dates and the responsibility for removal. The signs may be displayed and removed as required by this Section, and only ten (10) events shall be allowed with the annual permit per year. In addition, the applicant may also be granted the annual permit for sidewalk sales which are conducted and adjacent to the business building from which the sale is conducted and are limited to three (3) days in duration. Sidewalk sales must be capable of being conducted without undue disruption of pedestrian or vehicular traffic.

* * *

Sec. 16-19-110. - Specific regulations; permitted signs in Commercial and Industrial Zone Districts.

In Commercial and Industrial Zone Districts, all signs shall comply with the following:

(1) Size and height requirements:

- a. Individual business sign. For any building or structure containing only one (1) business, the following sign allowance is permitted:
 1. All signage for an individual business shall not exceed one (1) square foot of sign area per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way. If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 2. More than one (1) commercial advertising sign is permitted, provided that the total sign area of all signs does not exceed one (1) square foot per lineal foot of building frontage, and if the Combined Building Frontage exceeds forty (40) lineal feet then the total square footage of allowable sign area of all signs for any individual business shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 3. No part of any sign shall exceed the height of any building on the same lot, or in any case be more than twenty (20) feet in height.
- b. Multiple business sign. For any building or structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:

1. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business not to exceed forty (40) square feet. If the individual business would like to exceed the forty (40) square foot maximum in a multi-tenant building not to exceed the total allowable sign area for the building, then permission from the property owner must be obtained and submitted to the Town in writing.
2. The combined size of all signs for the structure in which the multiple businesses are located shall not exceed the total linear footage of the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
3. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign shall be one (1) square foot per lineal feet of building frontage and not to exceed twenty (20) square feet, whichever is less.
4. No part of any sign shall exceed the height of any building on the same lot or in any case be more than twenty (20) feet in height.
5. In a multi-tenant building, sign applicants may propose a customized Master Sign Program for the entire building in accordance with these regulations. However, sign applicants may propose variations that allow for flexibility in allowable sign area and placement. Any variations proposed as part of a Master Sign Program shall be applied for in accordance with Section 16-19-140 – Variances.

(2) Illumination:

- a. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such reflection or glare might create a traffic hazard. Such sign illumination shall include but not be limited to internal illumination and directed lighting.
- b. Hours of illumination: Signs located adjacent to and across the street from residential areas shall remain lighted until no later than 11:00 p.m. or until the close of business, whichever is later.

(3) Permitted signs: The following commercial advertising signs shall require a sign permit. Unless stated otherwise, these signs will be calculated into the total sign allowance as described herein.

- a. Canopy, awning and flag as signs. No such sign shall project above the top of the building or structure upon which it is mounted. Under-canopy or awning signs perpendicular to the face of the building shall be considered projecting wall signs. Canopies, awnings and flags may extend over a public right-of-way from the face of the supporting building and must be a minimum of eight (8) feet above any public right-of-way. Canopies, awnings and flags shall not extend within two (2) feet of the curb line of a public street. The signage on an awning or canopy shall be counted toward the total allowable sign area. Flags used as signs shall be counted in total size toward the total allowable sign area. Governmental flags are exempted as per [Section 16-19-80](#) above
- ~~b. Directional. Directional signs as defined in [Section 16-19-30](#) above are allowed and shall not exceed four (4) square feet.~~
- c. b. Freestanding. Freestanding signs are allowed within required setbacks but shall not overhang into the public right-of-way or pose any visual or obstructive hazard.
- d. c. Gas-filled tube lighting. Gas-filled tube lighting shall be considered signage and may be used for text, logos, symbols and in linear applications such as outlining or highlighting rooflines, buildings, perimeters, windows and doorways. In the case of measuring linear applications of gas-filled tube lighting, the tube shall be considered as being three (3) inches wide and shall be multiplied by the length of the tube to determine square footage, which will then be applied to the total allowable signage. Otherwise, signage shall be measured by the outside dimensions of the sign.
- e. d. Off-premises signs. Off-premises advertising signs are permitted, provided that:
 1. Written permission is granted by the Colorado Department of Transportation if the sign is to be located adjacent to Highway 24.
 2. Written permission is granted by the property owner where the sign is to be located.
 3. The total sign allowance on the property where the off-premises advertising sign shall be located does not exceed the total allowed sign area for the lot or building on which the off-premises sign is to be placed. In no case shall the total area of an off-premises sign exceed forty (40) square feet. The off-premises advertising sign shall be calculated into the total sign allowance on the property where the sign is located.
 4. No off-premises advertising signs shall be permitted in the public right-of-way.

5. Off-premises signs shall not be permitted on properties where the primary use is residential even when the property is located in a commercial or industrial zone.
 6. The off-premises sign will not harm the public or impair the intent or purposes of the Municipal Code or the Town's goals or policies.
 7. A significant hardship will result without such off-premises sign.
- f. Projecting signs. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. Signs shall not project within two (2) feet of the curb line of a public street and must be placed a minimum of fourteen (14) feet above a driveway or alley.
 - g. Sandwich board. Sandwich board signs are not allowed on the public right-of-way but may be permitted on private property subject to the review of the Commission and shall be counted towards the total sign allowance for the property, except when applied for as a temporary use.
 - h. Symbolic signs. Signs such as barber poles, mortar and pestle, etc., which are traditional in nature and size, shall be permitted and will not be included in the total allowable sign area, provided that the symbolic sign is not out of proportion with the structure and overall signs on the building.
 - i. Wall signs. Wall signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.
 - j. Window signs. Window signs are permitted, provided that no more than twenty-five percent (25%) of the exterior window area is obscured by commercial advertising signs and shall be included in the total maximum sign allowance. This does not apply to temporary window signs.

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20th DAY OF JULY 2022. 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 3rd DAY OF AUGUST 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, 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 3rd DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Minturn Town Council
From: Michelle Metteer
Date: July 20, 2022
RE: Short Term Rental Ordinance Amendment

REQUEST: Approve the amendment allowing the ability for new 100-block property owners to immediately short term rent the upper floors of a property, thereby exempting this area of town from the two-year ownership requirement. (Ground-floor commercial required)

INTRODUCTION:

A local property and business owner brought forth the request to Council for consideration of exempting the 100-block from the two-year ownership requirement identified in the short-term rental ordinance. Council subsequently directed staff to bring forward a draft amendment for consideration.

ANALYSIS:

The Minturn Town Council has identified the need for more commercial sales tax revenue generating businesses in town. In addition, Minturn has a lodging shortage. This amendment has the ability to require commercial on the ground floor and lodging on the upper floors of newly purchased structures in the 100-block area, thereby meeting the needs of both the desired commercial and filling a gap in Minturn's lodging portfolio. This amendment will only affect the 100-block area of town. Parking requirements for short term rentals would still apply.

COMMUNITY INPUT: Requested

BUDGET / STAFF IMPACT: N/A

STRATEGIC PLAN ALIGNMENT:

[ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN](#)

RECOMMENDED ACTION OR PROPOSED MOTION: Approve

ATTACHMENTS:

- Short Term Rental Amendment

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 13 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 7, CHAPTER 6 SHORT
TERM RENTAL REGULATIONS OF THE MINTURN
MUNICIPAL CODE.**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter 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, C.R.S. §§ 29-20-108 and 31-23-301, 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, Minturn is authorized to regulate the construction of buildings and improvements within the Town, C.R.S. § 31-15-601, and to enact building codes and other regulations; and

WHEREAS, the Town is authorized to exercise reasonable financial and police powers to permit and regulate commercial activities and businesses within its boundaries; and

WHEREAS, after public hearings by and before the Minturn Town Council, the Town Council finds and declares that it is in the interest of the public health, safety, and welfare to amend the Town Code to provide for the reasonable regulation of short-term rentals within the Town.

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. Article 7, Chapter 6 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~striketrough language~~ is deleted. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 7 – Short-Term Rentals

* * *

Sec. 6-7-40. – License restrictions.

(a) Zoning. A short-term rental license may be issued in all zone districts.

- (b) Parking requirement. Parking shall be provided consistent with the requirements of Article 16 of this Code.
- (c) Number of inhabitants. No more than three (3) people per bedroom, including children, shall be permitted to occupy a short-term rental.
- (d) Two-year ownership. No property shall be licensed as a short-term rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two (2) years of ownership. The short-term rental license is nontransferable with the sale of the property.
 - (1) The 100-Block Zones are exempt from the two-year ownership restriction and can be licensed as a short-term rental immediately only on second floors and above and only if there is commercial use on the ground floor of the structure.
- (e) Community housing. No unit designated by the Town as a community housing unit pursuant to [Chapter 16, Article 26](#) of this Code shall be eligible for short-term rental.
- (f) Housing stock. No more than ten percent (10%) or fifty (50), whichever is fewer, of the residential housing units shall be licensed as short-term rentals in the Town at any time.

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20th DAY OF JULY 2022. 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 3rd DAY OF AUGUST 2022 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, 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 3rd DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Minturn Town Council
From: Michelle Metteer
Date: July 20, 2022
RE: Town Manager Update

Minturn Road Improvements

The lake is gone! For anyone who has driven the Minturn/County Road, you're well aware of the massive pothole which turns into a small lake during the off season. This issue was prominent when HWY 24 was closed due to a rockslide. Public works oversaw all the drainage improvements to the road and the lake is no longer.



Sidewalk Improvements

Public works has been prepping two areas of sidewalks for repairs. The sidewalks just north of Kirby's in front of the historic chapel as well as the white house on the corner of Harrison and Main have both been in need of replacement for years. We're hopeful this will improve the walkability experience and allow for improved ADA access.

Revitalizing Main Streets Grant Award Kickoff Meeting

Our first meeting for the RMS grant award of \$1,402,000 will be Friday, July 15th. Jay Brunvand, Jeff Spanel and I will be attending on Minturn's behalf. CDOT Region 3 engineer, Karen Berdoulay will be the lead from CDOT. Karen worked with the town throughout construction on phase 1 of the sidewalks and we're hoping to pick up where we left off.

Community Plan Update

The Minturn Community Plan team has begun drafting the Community Plan document. In collaboration with the Community Plan Steering Committee, the project team has developed a [Plan Vision Statement, Plan Themes, and goal statements](#). These materials will form the backbone of the plan document. Each chapter of the plan will take on a different theme and its associated goals. Visit the "Community Input" tab at imagineminturn.org to view the draft materials and respond to a comment form. There will be additional opportunities to learn more about the Community Plan effort on August 4th, when members of the project team will be tabling at the Minturn Concert Series

Eagle County Sheriff's Office Meeting

I met with Sergeant Alex Locavetto last week to discuss Minturn coverage, specific concerns, and the request for more presence in town. Minturn is in the final year of a four-year contract with the ECSO and

prior to contract renewal I anticipate the Council will want to better understand deputy coverage, community policing philosophy, administrative communications and cost/value for services rendered.

Minturn Fitness Center Board Meeting

The MFC held their quarterly board meeting on July 12th. An update from Kevin Roop, MFC manager indicated membership numbers have increased over 2019 (the last valid year of data prior to COVID). The keyfob system has been well received by the membership and the extended hours of operation have been a draw for current and new members.

Eagle County School District

After an extended sabbatical, the school district has requested to resume discussions toward a development in the Maloit Park area. I expect a meeting with the ECSD team the week of July 18th.

Jay Brunvand
 Clerk/Treasurer
 301 Pine St #309 ♦ 302 Pine St
 Minturn, CO 81645
 970-827-5645 x1
treasurer@minturn.org
www.minturn.org



Town Council
 Mayor – Earle Bidez
 Mayor Pro Tem – Terry Armistead
 Council Members:
 George Brodin
 Lynn Feiger
 Gusty Kanakis
 Kate Schifani
 Tom Sullivan

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

REGULAR TOWN COUNCIL MEETINGS
July 20, 2022
Ordinance 7 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 08 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Resolution 30 – Series 2022 Water Treatment Plant Scope of Work Contract – HDR, Inc.
Ordinance 12 - Series 2022 (First Reading) an Ordinance adopting updated political sign code regulations-RJP
Resolution 29 – Series 2022 Historic Preservation Commission Appointments – Brunvand
Ordinance 13 - Series 2022 (First Reading) An Ordinance modifying the Short-Term Rental code
August 3, 2022
Ordinance 7 – Series 2022 (Second Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 08 – Series 2022 (Second Reading) an Ordinance for Belden Place consideration of rescind – Metteer/Sawyer
Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris
Ordinance __ - Series 2022 (First Reading) an Ordinance amending the landscaping standards – Hunn
Ordinance 12 – Series 2022 (Second Reading) an Ordinance modifying Article 19 regarding Political Sign codes
Ordinance 13 – Series 2022 (Second Reading) an Ordinance modifying the Short-Term Rental code
Resolution ___ - Series 2022 Eagle River Distillery Conditional Use Permit – Harris/Hunn
Special Presentation – ECO Trails Update – Sharkey/Gotthelf
DATE TO BE DETERMINED
Assessment of UPRR property and possible purchases
Potential legislation regarding Mobile homes
Car Idling