



AGENDA

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 and times of agenda items listed are approximate and intended as a guideline for the Town Council.

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

Wednesday July 21, 2021

The public is welcome to join the meeting in person or using the following methods:

<https://us02web.zoom.us/j/88174688808>

Or join by phone:

US: +1 301 715 8592 or +1 651 372 8299

Webinar ID: 881 7468 8808

Regular Session – 5:30pm

MAYOR – John Widerman
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
George Brodin
Eric Gotthelf
Gusty Kanakis
Tom Sullivan

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

Regular Session – 5:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)

3. Approval of Consent Agenda (5Min)

A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item, please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?

- July 7, 2021 Meeting Minutes Pg 4
- Council Chambers Sound System Pg 37
- Review: 482 Eagle River St Pg 57
- Review: Eagle River Enclave Pg 82

4. Approval of Agenda

- Items to be Pulled or Added
- Declaration of Conflicts of Interest

5. Liquor License

- New Hotel and Restaurant License application: Agaves Mexican Bar & Grill LLC, 160 Railroad Ave, Juan Estrada and Johana Trigueros Owner/Manager – Brunvand Pg 89

6. Special Presentations

- Whitney Creek Reservoir Update – Wilderness Workshop, Eric Riccio (30 min) Pg 103
- Eagle River Water Resources Master Plan – ERWSD (30 min) Pg 105
- Council Comments/Committee Reports (10 min)

PUBLIC HEARINGS AND/OR ACTION ITEMS

7. **Public Hearing/Action Item:** Resolution 24 – Series 2021 a Resolution making appointments to the Eagle County Transit Regional Authority – Metteer/Brunvand (5 min) Pg 130

DISCUSSION AND/OR DIRECTION ITEMS

8. **Discussion/Direction:** Minturn Water Update – Metteer/Winokur/Radabaugh (60 min) Pg 132

EXECUTIVE SESSION

9. **Executive Session:** An executive session to conference with the Town attorney for the

purpose of consulting with the Town Attorney(s) under CRS 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under CRS 24-6-402(4)(e) – Water Supply

COUNCIL INFORMATION / UPDATES

10. Staff Updates (5 Min)

- Manager’s Report Pg 133
- Future Agenda Items Pg 147

MISCELLANEOUS ITEMS

11. Future Meeting Dates

- a) Council Meetings:
- August 4, 2021
 - August 18, 2021
 - September 1, 2021
 - September 15, 2021

12. Other Dates:

-

13. Adjournment



OFFICIAL MINUTES

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MAYOR – John Widerman
MAYOR PRO TEM – Earle Bidez

COUNCIL MEMBERS:

Terry Armistead
George Brodin
Eric Gotthelf
Gusty Kanakis

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

Regular Session – 5:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor John Widerman at 5:31pm using a hybrid in-person and ZOOM on-line meeting format.

Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council

members Terry Armistead, George Brodin, Eric Gotthelf, and Gusty Kanakis. Note: With the resignation of Brian Eggleton the quorum stood at 6 Councilmembers.

Staff present: Town Manager Michelle Metteer, Town Planner Madison Harris, Town Attorney Michael Sawyer, and Town Treasurer/Town Clerk Jay Brunvand

- Pledge of Allegiance

2. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)

Mr. Tim McGuire, Battle Mountain, updated on the community outreach the project has undertaken and the importance of that conversation. Beginning July 20, their office will be open for in-person community discussions with anyone that would like to drop in. Open house meetings will be held every Tuesday 4:30-6, Thursday 11-12:30.

3. Approval of Consent Agenda (5Min)

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- June 16, 2021 Meeting Minutes
- Review – 998 Main St
- Review – BC Wings Patio (455 Main St)
- Review – Helen’s House (152 Main St)

Motion by George B., second by Gusty K., to approve the Consent Agenda of July 7, 2021 as presented. Motion passed 6-0.

4. Approval of Agenda

- Items to be Pulled or Added

Add: Resolution 23 – Series 2021 Support USDOT RAISE Grant – Metteer

Motion by Eric G., second by Earle B., to approve the Agenda of July 7, 2021 as amended. Motion passed 6-0.

- Declaration of Conflicts of Interest

5. Special Presentations

- Council Comments/Committee Reports

Terry A. update on the concert series which begins tomorrow, Thursday. She thanked all the sponsors. She noted the electronic speed sign that is now installed in South Minturn.

Council thanked Staff, mostly Cindy for her work on the 4th concerts and the Summer Market.

DISCUSSION AND/OR DIRECTION ITEMS

6. **Discussion/Direction:** Minturn Water CIP & Eagle River Wellfield Update

- Background Information
- Minturn Water CIP update
- Minturn Wellfield Preliminary review

Michell M. introduced the item. She stated this is a broad discussion. Staff and consultants provided an update on progress made under the amended 2021 Water Infrastructure CIP as well as provide initial findings from the research conducted on the Eagle River wellfield. In 2019 the community and Council conducted extensive water-related public discussions pertaining to the Town's water infrastructure, volumetric limitations and legal issues. This information is the first of a two-part series to provide an update on all three water-related issues. She introduced Ryan Gordon, our consultant from SGM, and Dr. Schreuder, our consultant from Principalia Mathematica and noted several of our attorneys are present as well incase their opinion is needed. She gave a brief history of our water system extending back to 1910. Michelle M. reviewed an overview of the adopted CIP plan.

Mr. Ryan Gordon, SGM, discussed the current plant. He noted the outdoor filter #1 has been taken offline due to a failing liner which allowed ground water to seep in to the filter. Filter #2 has been modified and is able to be used, filter #3 is in working condition. The concerns with the filters have caused a net reduction in production capacity. Mr. Gordon noted that unless the liner issue is corrected, we will not be able to utilize the filters. He then updated on the proposed tank replacement and the status thereof. The existing tank will be decommissioned upon project completion and two reinforced concrete tanks will be built at the existing water plant thereby allowing for redundancy and will include a connection to the Maloit Park school site. The tanks will be placed such that they will utilize gravity to service the town. We are at about 95% complete with the engineering and design work. Staff has moved forward with loan applications to provide funding for the tank project).

Ryan G. then gave an update on the status of the new water plant and of the opportunity for water wells on the Eagle River, which would provide redundancy to Cross Creek as well as expand our allowable water production/consumption. He outlined three general areas and noted each has its own set of obstacles from high contamination, making them unusable, to access issues. Further, areas that appear to be good sites offer difficult access to the area and areas that are within the 100year flood plain.

Dr. Schreuder, Principia Mathematica, outlined the potential well head sites and further discussed specific hazmat and geological concerns each specific site might have as well as issues regarding

well as access, flood plain, and railroad track crossing.

Earle B. asked how long a monitor well needs to be tested to verify where the water is coming from and its quality; not long at all but the time can vary. The concern is that testing a well is different than the effect that continuous long-term pumping may have on the flow and hazmat issues.

Terry A. asked if there is mapping of the contamination plume; yes, there is mapping. Ryan G. stated the plume is moving north and west. Efforts are being taken by the cleanup company to control the plume with limited success. It was noted that the surface water quality is really good. This supports their findings as well. The concern is that if we start pumping, we could exacerbate the plume movement or growth.

It was asked if we have surface water diversion rights; at this time, we do not but there are potential options that will be discussed in a future presentation.

Gusty K. asked regarding site #2, is that on USFS land; it is either USFS or Railroad but within our decreed area. Yes, it would involve working with either or both entities and significant permitting issues.

George B. asked regarding the ground water well, how deep is the east side water table? It was stated 10-50 feet or so. He asked about the water tank and plant construction, the exclusionary time due to wildlife, can we work inside? Ryan G. stated yes, most likely. He asked about water tests around the tank and plant sites. Some study has been done when we dug the Well 4 water line and in some of the ground testing. It is deemed this would not be a huge issue.

Terry A. asked how it works when the well water from the water table is so close to the river level that the water mixes? Is the water blurred? This was discussed.

Michelle M. noted this is only a presentation. On July 21 we will have a follow-up meeting with other consultants.

Ms. Lynn Fieger, 342 Eagle River St, asked about water rights and felt it was germane to the discussion to include the Battle Mountain documents. She stated she had reviewed all the Battle Mtn documents and spoke to those to include rights to Bolts Lake, Bolts Ditch, a \$9m payment now due, a water plant, and water lines. She felt that should be part of the discussion at some point.

Water Attorney Megan Winokur, H&H, stated the Battle Mtn obligation discussion was outside the purview of this presentation tonight. Michelle M. stated the importance of a full understanding of all of those documents and that this will be explored further when taken up under a separate agenda item during tonight's meeting.

Michael S. stated regardless if the town proceeds with Battle Mtn, the town needs a secondary water source on the Eagle River. This is critical to meet future obligations to meet growth and alternate water sources aside from Cross Creek. He stated the discussion tonight is for a better understanding of our water future. The Battle Mountain documents should be a separate discussion

from the water discussions held tonight.

PUBLIC HEARINGS AND/OR ACTION ITEMS

7. Public Hearing/Action Item: Resolution 21 – Series 2021 consideration of a Resolution appointing an individual to the Minturn Town Council – Brunvand

Brian Eggleton announced his resignation from the Town Council effective June 30 at which time he stated he is relocating from the state and therefore no longer eligible to serve on Town Council. Brian E. was in the 4th year of a 4-year term due to expire with the election scheduled for April 2022. As directed at the June 2, 2021 Council meeting, Staff has advertised and solicited Letters of Interest for the vacated Council seat. The deadline for Letters of Interest were due by 4pm on June 30, 2021 and two were received.

Pursuant to Charter Section 4.6:

An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, removes from or becomes a nonresident of the Town, absents himself from meetings of the Council for sixty (60) days, unless excused by resolution thereof, is convicted of a felony or is judicially declared a mental incompetent. In case of vacancy the remaining councilmembers shall choose by majority vote, within thirty (30) days after such a vacancy occurs, a duly qualified person to fill the unexpired term so vacant.

The Council will interview all applicants which have submitted a Letter of Interest and have been deemed eligible to sit as a Minturn Council Member under the requirements of the Charter. Following the interview process the Council will vote by public ballot. To be appointed, an applicant must receive votes from a majority of the Minturn Town Council. If a candidate can not garner a majority of vote, the Council could continue discussion and re-vote or instruct staff to solicit additional applications.

Each applicant was allowed time to speak.

Mr. Tom Sullivan spoke to his history and qualifications. He has been a contributing member of the community and participated on the Council on the Ginn/Battle Mtn hearings. He stated he feels the current negotiations are not productive and he feels he can make a difference in that vein.

Mr. David Clapp began working in Minturn and then moved to town in 1998. He felt there are more concerns facing the town than just Battle Mtn.

Council interview continued with the applicants allowing the Council a chance to make an educated vote. Much of the discussion was centered around the Battle Mtn development, water issues, working together, and time commitment. Both applicants admitted there was more facing Minturn than Battle Mtn and felt strong about continuing our efforts on paths and sidewalks to allow safe pedestrian access and as a way to bridge the town together from end to end.

On the first round of balloting Tom Sullivan was elected 4 votes to 2 votes for David Clapp.

Motion by Gusty K., second by George B., to approve Resolution 21 – Series 2021 a Resolution appointing Tom Sullivan as Council Member to replace Brian Eggleton as presented. Motion passed 6-0.

Note: at this time newly appointed Council Member Tom Sullivan assumed their seat at the dais as a voting member.

8. Action Item: Selection of Bond Counsel for State Revolving Loan Fund, Minturn water tanks – Mann

Mr. Jim Mann, Ehlers Public Finance Advisors, the Town's need to issue debt for water system improvements in 2021 and 2022, we have conducted a simplified request for proposal for bond counsel and disclosure counsel work on behalf of the Town. We sent requests to five firms: Butler Snow, Garfield Hecht, Kutak Rock, Kline Alvarado Veio, and Sherman and Howard. All five firms would be fully capable of guiding the Town and completing the work necessary to issue either a loan through the Colorado Water Resources and Power Development Authority (CWRPA) or the issuance of a bond through a public or private placement. Proposals were due at 2 pm, Wednesday June 30, 2021.

Michael S. stated he is familiar with the firms and feels comfortable with all.

Michelle M. stated because we are over the \$3m mark we are required to secure bond council. The intent is to use loans but if need we would use bonds or a combination.

Discussion ensued on the various firms. It was felt all the firms were more than qualified.

George B. asked if we do a loan would we still need bond council; Jim M stated because this is a Revenue Bond he would encourage them to not go to a local bank. Michael S. stated the loan funds being considered are through CWRPA and that would give us the lowest interest rate as it is a subsidized rate. In such a case we would want our own bond council

Public Hearing opened
No Public Comment
Public Hearing closed

Motion by Earle B., second by Eric G., to approve Kutak Rock as Bond Counsel for State Revolving Loan Fund. Motion passed 7-0.

9. Action Item: Direction to retain outside legal counsel for the purposes of reviewing agreements between Town and Battle Mountain. - Metteer/Sawyer

Michelle M. stated the Ginn/Battle Mountain Annexation and subsequent preliminary PUD process has now extended over 15 years with some of the work starting in the early 2000s. The

initial work led to a referendum in 2008 through which the Minturn voters approved an Annexation Agreement and preliminary PUD.

The collection of documents associated with the Annexation Agreement and preliminary PUD is extensive and ongoing. Many of the document's function based on sets of deadlines or milestone requirements which then trigger specific requirements or action steps. With the recession in 2008/09 the project was delayed and, in some cases, requirements/action steps were missed. The turnover of town managers, and both the developer and town's legal teams, also contribute to a loss of historical knowledge as to how all of the documents interrelate.

The Developer desires to move forward with a new project. Resolution 05 – Series 2012 approves an *Agreement Regarding Escrows and Funding* which outlines in sections 10 and 14 how this is to be done. Citizen and Council comments have expressed concern that the content of a future funding agreement not prejudice the Town's rights and Battle Mountain's obligations to fulfill the promises made as part of the annexation.

Given the volume, complications and timespan of the documents involved with the Battle Mountain annexation and project, Minturn staff would like to ensure a holistic understanding of the legal requirements of the developer (prior and current) so that a Future Funding Agreement does not compromise Minturn's legal position. With approval, staff will seek a second legal opinion on the four following questions:

1. When is the town legally entitled to receive the escrow(s) under the original annexation documents and the 2012 Agreement?
2. In light of Final Approval having occurred in 2019, what rights does the town have under the 2008 Agreement?
3. What recourse does the town have for developer default?
4. If Battle Mountain disconnects property, what rights does the town have to enforce promises made in the annexation documents and the 2012 Agreement?

It is anticipated the work will take approximately 30-60 days and cost approximately \$20,000.

Ms. Lynn Fieger, 344 Eagle River Street, outlined her findings. She expressed much of the contention was clear in the documents and she felt it significant that Battle Mtn stated they would not pay for this endeavor. She felt the documents would be supported in court. She stated it was not important of the fairness or cost that would be borne by Battle Mountain. She stated the threat to de-annex was just that. Battle Mtn cannot de-annex without having to pay what is due. She felt we might need to fight in court but there is a lot of money at stake for the town.

Michael S. stated Battle Mtn does have an obligation to pay for legal expenses for the development. He stated the cost of this would be borne by the town and would create the case as outlined by Ms. Fieger.

Terry A. asked if the intent of the documents could be considered. Michael S. stated he has been working with staff to track down minutes, board packets, and other documents. These materials

along with the actual approved documents will be provided to the firm in order to best reconcile intent with actual as well as what requirements have been accomplished and where we stand in accordance with those documents.

George B. felt this was a great direction to take and supported it. He felt this was very transparent.

Tom S. felt it unfortunate Battle Mtn would not pay for this but felt it a complicated process that was very needed to prepare us.

Terry A. commended Michelle M. for considering this direction and how it will prepare us for future negotiations.

Public Hearing Opened,

Mr. Woody Woodruff, 344 Eagle River St, spoke in support of the outside counsel and encouraged them to move forward.

Public Hearing closed.

Motion by Terry A., second by Gusty K., to retain outside legal counsel for the purposes of reviewing agreements between the Town and Battle Mountain as presented. Motion passed 7-0.

10. Action Item: Resolution 22 – Series 2021 Climate Action Collaborative Gov Representative Appointments – Widerman

During the June 2, 2021 Council Meeting the Council approved Resolution 16 - Series 2021 approving a MOU with the Climate Action Collaborative. As part of that MOU a governing board was created and Minturn, as a member of the MOU, is asked to appoint a representative from the Council to sit as a Board Member on that governing board.

John W. recommended Eric G. be appointed and Terry A. would continue as backup.

Motion by Terry A., second by George B., approving Resolution 22 – Series 2021 Climate Action Collaborative Gov Representative and appointing Eric G. as presented. Motion passed 7-0.

11. Action Item: Resolution 23 – Series 2021 a Resolution in support of a US Dept of Transportation RAISE Grant – Metteer

Michelle M. stated this is a VERY competitive federal grant. She stated it has been advised that we apply and that we continue to apply to these DOT grants in order for eventual success. This grant would allow us to proceed with engineering to bring this project to shovel ready. It would then open the door for us to piggy back, or otherwise complete the project. She noted this is the for Phase III, currently we are granting for Phase II. This would be an opportunity to continue moving forward.

Discussion ensued if we felt this was not likely to be successful that our grant efforts be applied

elsewhere. However, this would set us up to continue the final stage of the sidewalk project. It was noted a lot of the work on this application could be reused for future requests in following similar grant cycles.

Public comment
No comments
Public Hearing closed

Motion by Terry A., second by Gusty K., approving Resolution 23 – Series 2021 a Resolution in support of a US Dept of Transportation RAISE Grant as presented. Motion passed 7-0.

COUNCIL INFORMATION / UPDATES

12. Staff Updates (5 Min)

- Manager’s Report
 - Appointment of a Council representative to the Community Plan RFP selection ad hoc committee

Michelle M. stated we need a rep to the Radio Free Board and the Community Plan Ad Hoc.

Radio Free Minturn – Tom S.
Community Plan – John W.

- Future Agenda Items

MISCELLANEOUS ITEMS

13. Future Meeting Dates

- a) Council Meetings:
 - July 21, 2021
 - August 4, 2021
 - August 18, 2021

14. Other Dates:

15. Adjournment

Motion by Earle B., second by Eric G., to adjourn at 8:55pm. Motion passed 7-0.

John Widerman, Mayor

ATTEST:

Jay Brunvand, Town Clerk

Minturn New Well Field

Willem Schreüder

Steve Cole

Principia Mathematica

July 7, 2021

Groundwater Issues

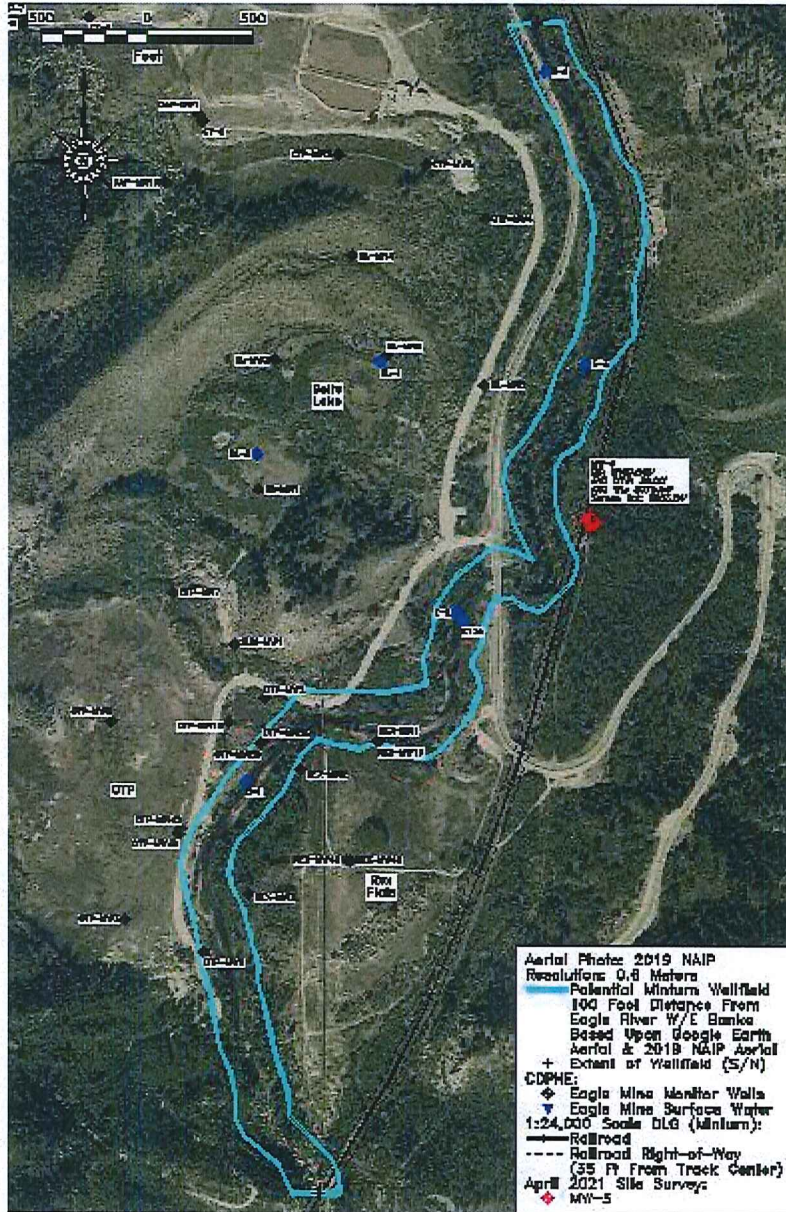
- Legal availability
- Access & Flood Plain
- Physical availability
 - Mapping and measurements
 - Modeling
- Recommendations

Legal Availability

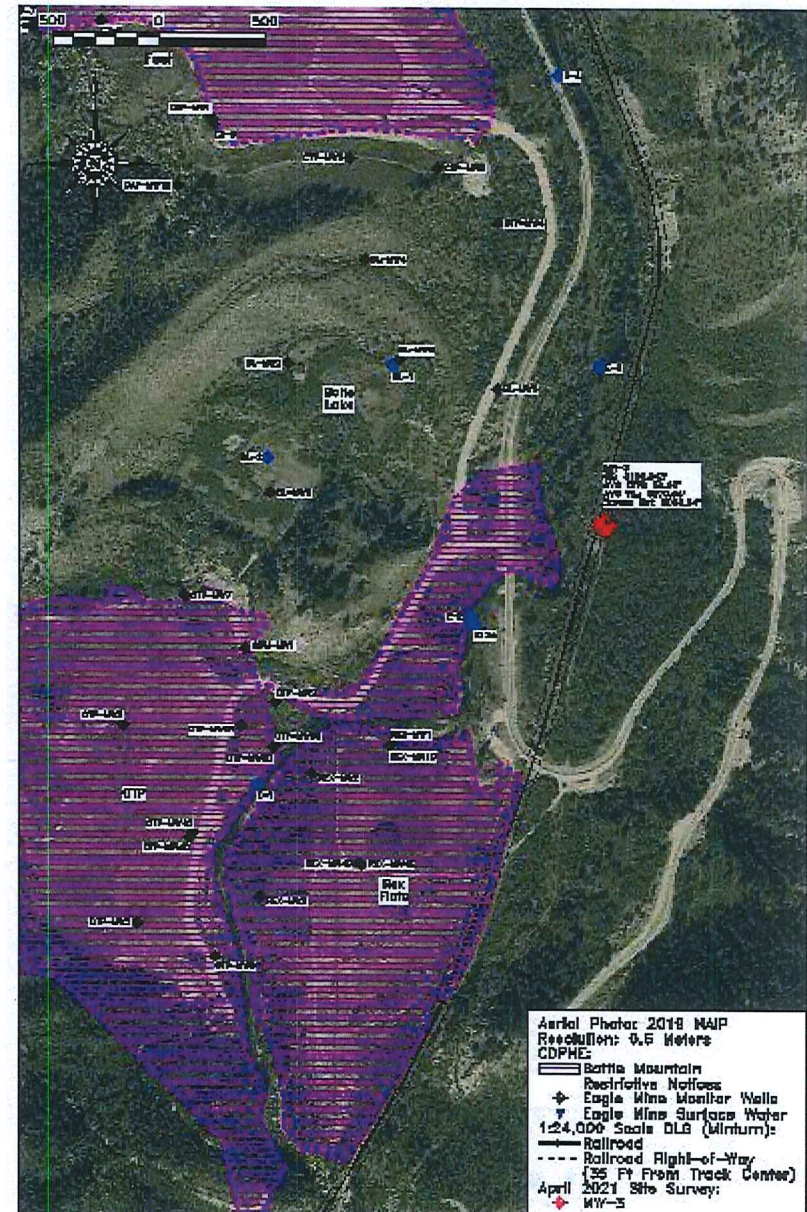
- Decree limits wells to 100' from the river south of Two Elk Creek
 - Everything south of Hwy 24 has been eliminated by Restrictive Notices
 - more than half the original area
 - East bank places the river between the wells and potential contamination



Potential Minturn Wellfield & Battle Mountain Restrictive Notices



Potential Wellfield

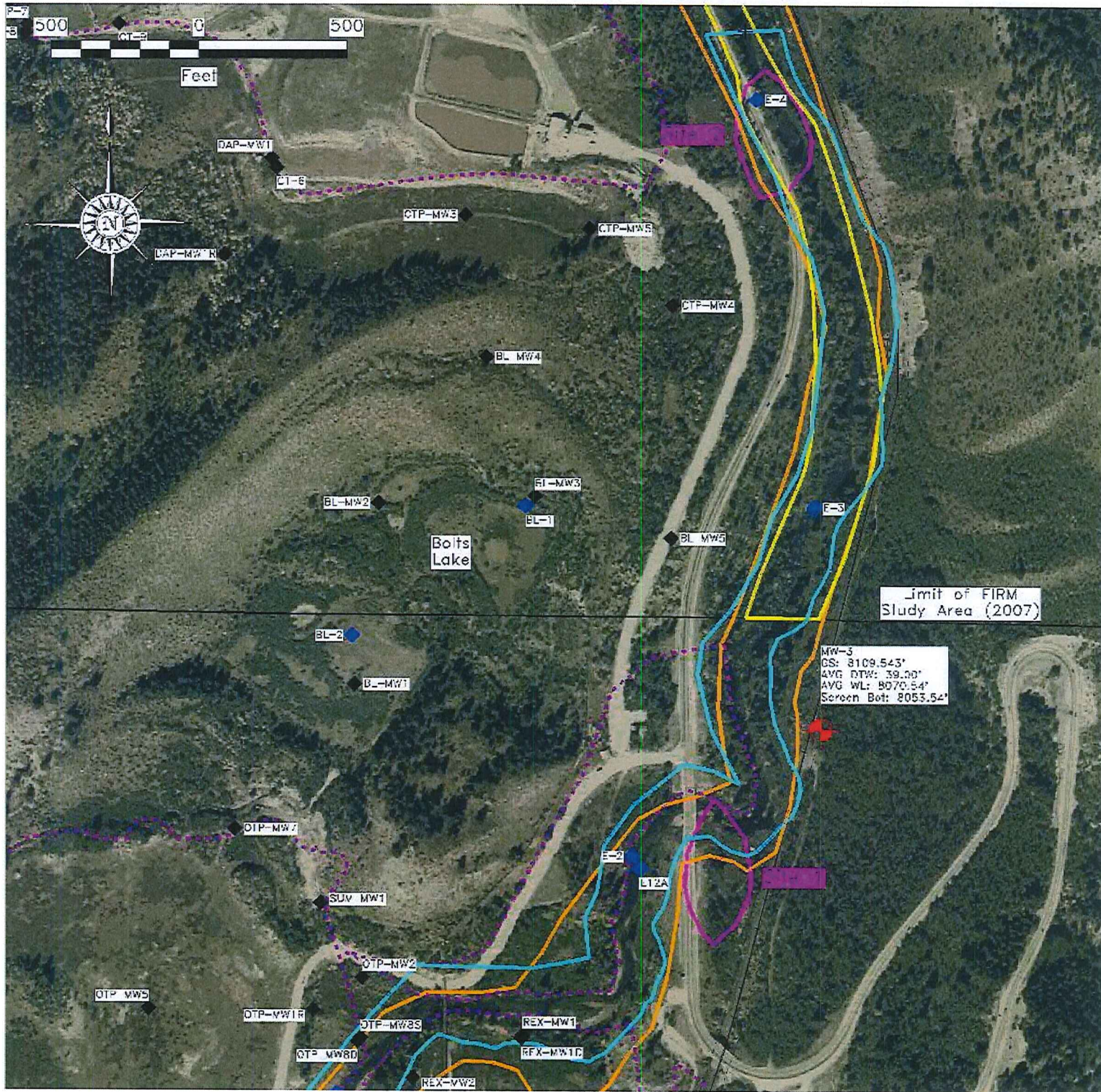


Restrictive Notices

Figure 1. Potential Minturn Wellfield & Battle Mountain Restrictive Notices

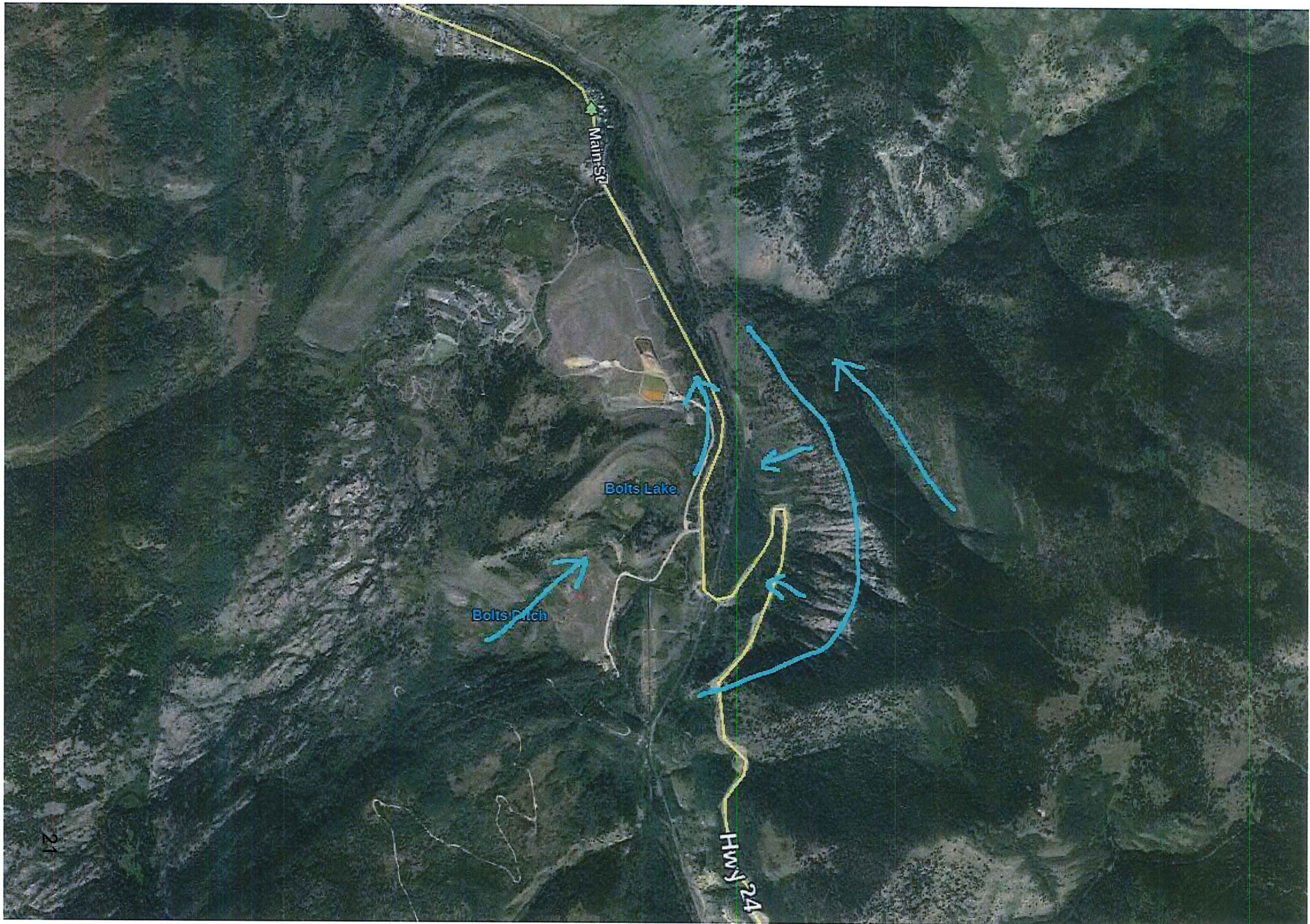
Access & Flood Plain

- Access to drill and maintain wells are complicated by the river, terrain and railroad tracks
- Should avoid placing wells where they will be inundated by flooding



Physical Availability

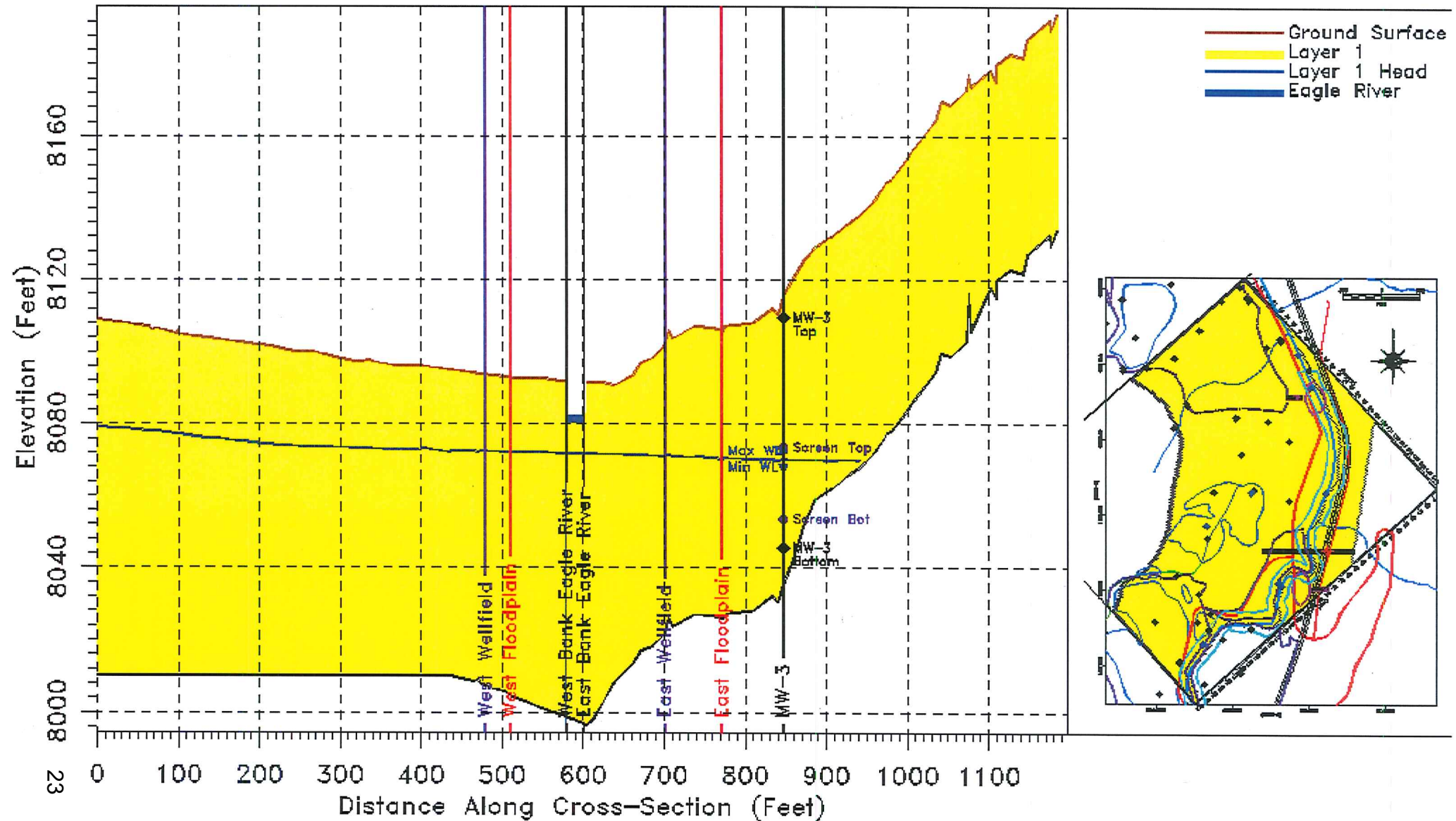
- Sources of water to the aquifer
 - Deep percolation of precip/snow melt
 - Seepage from Eagle river
- Sources of water to wells
 - Transmissivity of aquifer
 - Hydraulic conductivity x saturated thickness
 - Gradient to river
 - Catchment basin





West-East Cross-Section: MW-3

Expanded ERM Bolts Lake Model

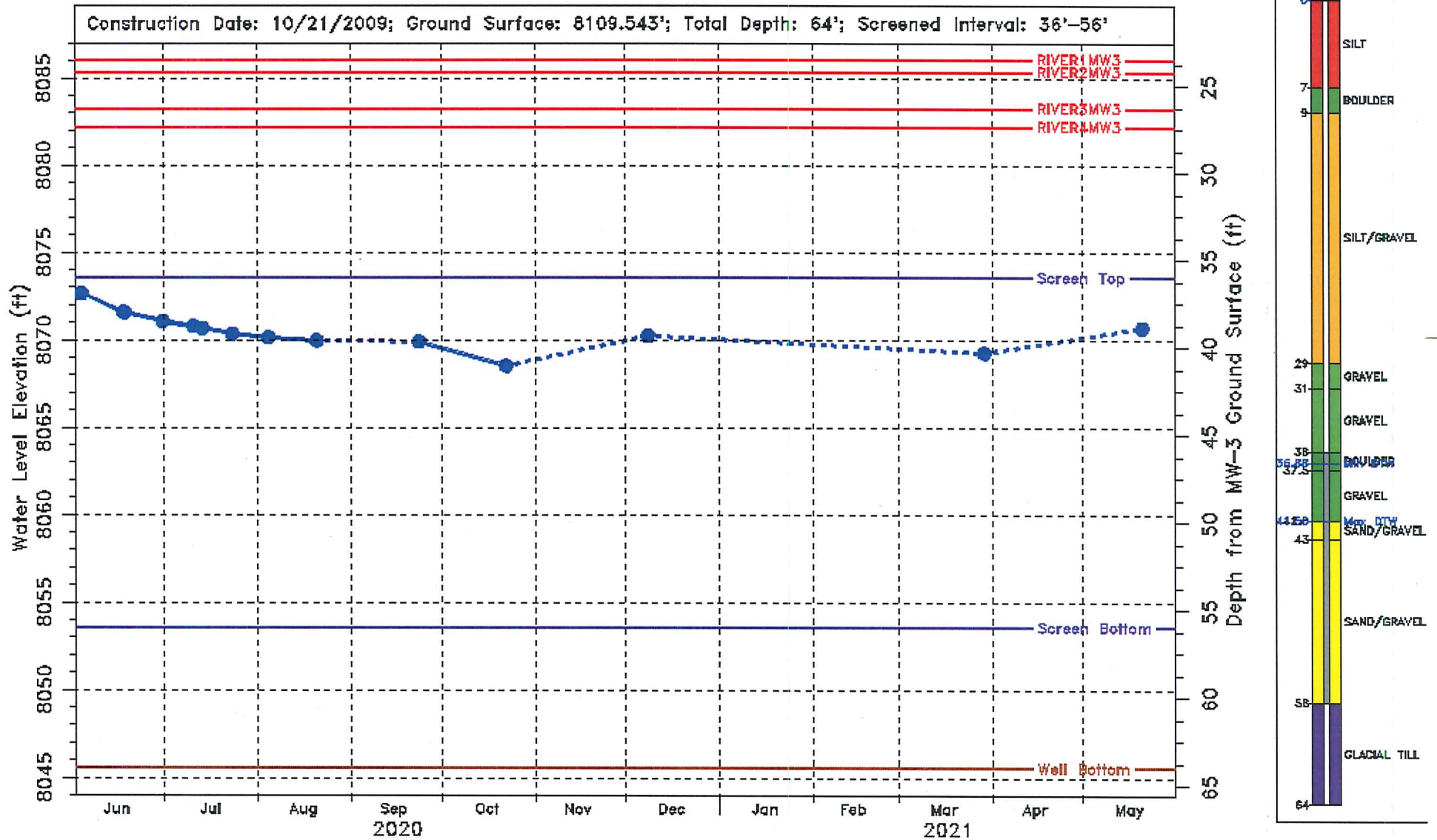




Minturn MW-3 & Eagle River Elevations

MW-3

LITHOLOGY



Well Placement

- Best location at northern end
 - Most likely that river is in direct connection with groundwater
 - Best separation from contamination
 - Less likely to be in flood plain
 - Access probably OK



North Area Potential Minturn Production Wells

- Multiple wells
 - 50-100 gpm each
- Best use of limited saturated thickness
 - Larger but shallower effective cone of depression
- Allow blending and maintenance

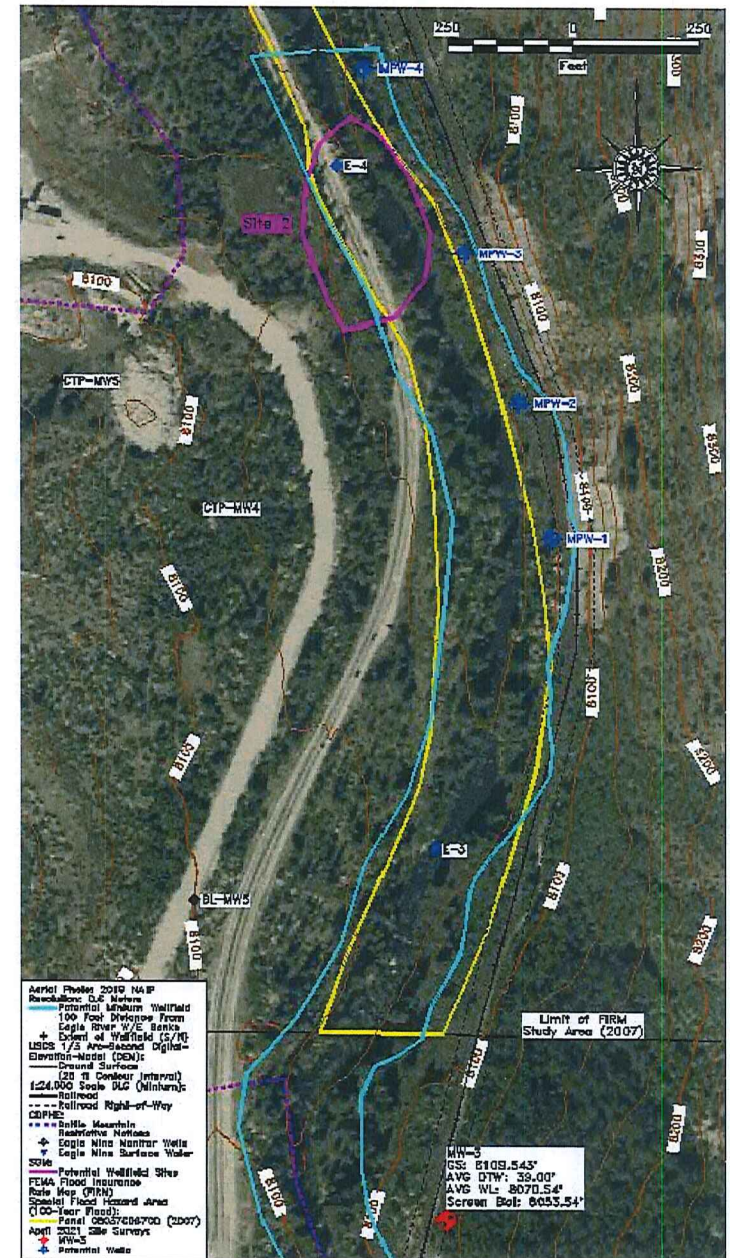


Figure 8. North Area Potential Minturn Production Wells

Recommendation

- Drill a monitor well that can be converted to a production well
 - Confirm river-aquifer connection
 - Confirm aquifer properties and saturated thickness
 - Confirm water quality
 - Pump test to confirm production

Questions?

344 Eagle Street

Minturn, CO. 81645

Revised: July 4, 2021

Letter to Minturn Council Members:

As a resident of Minturn, I have some serious concerns about how the town of Minturn has handled the processing of the Battle Mountain Project. I have owned property in Minturn for 30 years and have been a full-time resident for approximately 14 years. I am a licensed attorney, practicing law in Colorado for 47 years. I am discussing Minturn's rights with respect to this Project and some of the legal issues involved in enforcing these rights with the hope that the Town will take appropriate action to protect the Town.¹

Under the 2008 Annexation Agreement, the Battle Mountain Developer has significant obligations to Minturn, many of which obligations became due last year when Annexation became final. Battle Mountain has refused to honor most of its obligations since 2013. Even though these obligations were insisted upon by voters as a precondition of approval of annexation, even though they are contractual in nature and binding, and even though many of these obligations were required without regard for whether any development occurred, the Town of Minturn has been lax in enforcing them.

Under the 2008 Annexation Agreement and the 2008 water agreement with Battle Mountain, the town has rights REGARDLESS OF WHETHER THERE IS ANY DEVELOPMENT not only to the replenishment of a \$7,210,000 escrow, but also the right to require Battle Mountain to pay for a water treatment plant for the Town and a SPECIFIC EASEMENT RIGHT IN BOLTS LAKE FOR WATER STORAGE FOR TOWN GROWTH in the future. Although it has been represented that the Water Treatment Plant and water storage requirements were intended only for the use of Battle Mountain, that is not true. The agreements specifically provide that the Water Treatment Plant and storage requirements are also to service Town Growth.

These obligations came due following the final Annexation in 2019. Obligations due include a required additional water storage escrow payment by Battle Mountain of \$9,000,000 to the town of Minturn AND security in the amount of 125% of the estimated costs for the Water Treatment Plant, Potable Storage and Town Main replacement. These payments are due and owing NOW.

It appears the town is afraid of the Developer's threat of litigation and threat to De-Annex from the Town. In fact, the Developer's claims against the town are frivolous and the Town has strong claims against the Developer. Moreover, the Developer may well not be successful in any judicial proceeding to de-annex and in any event, would probably be prevented from de-annexation unless many millions of dollars of unpaid money owing to Minturn were paid.

¹ This memorandum is based on my quick review of hundreds of pages of agreements between Battle Mountain and the Town. Some details may be revised later. A group of Minturn residents have hired outside counsel with specialized expertise to review this memorandum to provide the most accurate information and advice available for residents.

It is essential that the Council stand up for the Town and demand Battle Mountain comply with its obligations. The 5,340 acres included a Superfund site and the dangerously contaminated Gilman and Bolts Lake areas. Residents were promised that the environmental dangers in these areas would be remediated and that the land would be made safe for residents. This was an important motivating factor in the annexation approval by Minturn voters, along with a promised new water treatment plant, an easement for water storage in Bolts Lake, and a myriad of other recreational and other benefits for Minturn residents.

I. RIGHTS PROVIDED TO MINTURN IN THE 2008 AGREEMENT ARE BINDING CONTRACTUAL OBLIGATIONS

Municipalities such as Minturn are free to require enactments from a developer as a precondition to annexation. These enactments are contractual in nature and need NOT be reasonable. These enactments are vested requirements and were necessary for Minturn voters to approve the development. It should be noted that the Annexation involved a potential huge negative impact on traffic, wildlife, and the general quality of life enjoyed by Minturn residents. The annexation, which dwarfed the town of Minturn both in terms of planned units and overall acreage, required Minturn to accept responsibility for a high mountain area riddled with mining contamination.

II. THE ANNEXATION AGREEMENT REQUIRES THE DEVELOPER TO PROVIDE CERTAIN RIGHTS TO MINTURN EVEN IF THERE IS NO DEVELOPMENT

The Annexation Agreement specified obligations that the Developer was required to incur as a condition of annexation. Section 1.9 of the agreement provides that Battle Mountain had eleven obligations "NOTWITHSTANDING GINN'S DEVELOPMENT OR NONDEVELOPMENT OF ALL OR ANY PORTION OF THE PROJECT". These obligations included among others, the obligation to provide funds for the bike trail, the obligation to fund the recreation/community center and other obligations.

Significantly, the following obligations are ALSO required REGARDLESS OF DEVELOPMENT:

- * ENVIRONMENTAL OBLIGATIONS pursuant to Section 4.5. ...
- * OBLIGATIONS SET FORTH IN THE WATER SERVICE AGREEMENT THAT ARE CONTINGENT ON FINAL ANNEXATION as defined therein.
- * OBLIGATIONS CONCERNING BOLTS LAKE pursuant to Section 2.2. (Sec 1.9, Capitalization added).

III. BATTLE MOUNTAIN IS REQUIRED TO REPLENISH \$7,210,000 TO THE ESCROW FUND

Under the Agreement, The Developer was required to set up an \$11.6 million escrow, to be paid out to the town when Annexation was final. The Annexation covered the cost of the bike trail, community

center, and other miscellaneous benefits to which the town was entitled. Also included was a \$3,000,000 initial payment towards the Water Storage System.

In 2012, the Annexation was still not final due to the unexpected length of time involved in the Tucker quiet title litigation. Bobby Ginn, the original front person for the development, had gone bankrupt and the real estate firm financing the project with venture fund capital, Lubert-Adler, was proceeding with an all- residential development entitled the "Battle Mountain Project" (hereafter Battle Mountain). Minturn entered into a new escrow agreement with Battle Mountain releasing the escrow amounts being held under the agreement and providing for release of \$4,362,000 to the town for use in securing specific benefits to residents and the remaining \$7.210,000 million to be returned to Battle Mountain.

Although the funds were released to Battle Mountain, Battle Mountain was required to return the disbursed funds it received once Annexation was final. The 2012 Agreement also contemplated the parties would attempt to negotiate a new funding agreement, which agreement would dictate when, and if, the escrow was returned. If negotiations failed, the escrow was to be restored by Battle Mountain.

The 2012 Agreement contained two different concepts: "permitted uses" (Para 5) and "Developer Credit" (Para 11). While Battle Mountain was given wide latitude with respect to spending the funds ("permitted uses"), the ONLY "credit" permitted against the \$11.6 million replenishment requirement upon annexation was for the \$4.362,000 paid out to the town to meet Battle Mountain obligations under the Agreement.

Under Para 9., the town was required to repay certain amounts received under the escrow agreement, but only if there was de-annexation pursuant to the Tucker litigation PRIOR TO THE FINAL ANNEXATION. There is no provision that requires repayment by Minturn following the dismissal of the Tucker litigation and after FINAL ANNEXATION has occurred.

Since annexation has been final for over a year, once negotiations over the future funding agreement are abandoned by the town, Minturn is clearly entitled to replenishment of the Escrow and free to spend it as designated by the Annexation Agreement.

IV. MINTURN RIGHTS RELATING TO WATER

Specific obligations set forth in the 2008 Water Service Agreement with Battle Mountain are expressly NOT CONTINGENT ON DEVELOPMENT and arise immediately upon Final Annexation. These include:

1. Battle Mountain is required to convey WITHIN 30 DAYS of FINAL ANNEXATION APPROVAL all rights owned for Bolts Ditch and Arminda Ditch (Sec. 5.b)
2. Battle Mountain is required to assign their River District Contract to Minturn; (Sec. 5b)
3. Battle Mountain is required to convey WITHIN 30 DAYS OF FINAL ANNEXATION free and clear of any encumbrances or claims by any third party a permanent easement to Minturn in Bolts Lake

together with appropriate easements for Minturn to divert water into and release water from Bolts Lake; (Sec 7c)

4. Battle Mountain is required to construct or fund:
 - a. Bolts Lake Facilities
 - b. A water treatment plant
 - c. Potable water storage, not just for Battle Mountain, but to service "Town Growth";
 - d. The Town Main. (Sec.6)

The Water Treatment Plant was required to have capacity to serve not just the Development, but the Town's existing and future needs. (sec. 8a.) Battle Mountain was also required to pay for a new water main through town. (Sec. 9) Within thirty days of Final Annexation Approval, Battle Mountain was to provide security to Minturn in the amount of 125% of the estimated construction costs for the water treatment plant, potable storage and Town Main. (Sec.14a.)

In addition to the security deposit provided for above, Battle Mountain is obligated to pay a \$9,000,000 security deposit to be paid with 30 days following final annexation. See Sec. 1(b) of Water Storage Escrow Agreement, 4/9/2008.

Section 19i. of the Water Service Agreement provides for termination of the Agreement "in the event of a determination of abandonment of the Project under the Annexation Agreement". The simultaneously executed Annexation Agreement requires the water service obligations regardless of development. When read together, it appears that the "abandonment of the Project" contemplated by Section 19i. was not a major change in the Project, but a complete walking away, including not attempting to build out the project under county jurisdiction.

V. ENVIRONMENTAL REMEDIATION RIGHTS

Minturn has the right to enforce obligations for Bolts Lake and for environmental remediation at Bolts Lake and Gillman. According to Section 4.5 of the Annexation Agreement dealing with the Eagle Mine Superfund Site:

It is very important to the Town that the Bolts Lake Character Area within the Superfund Site be the subject of additional remediation or environmental response activities as proposed by Ginn to accommodate residential and recreational uses and provide for the future health and safety of the Town. It is also critical to the interests of the Town that it be able to store water in Bolts Lake" and that the remedy or environmental response activities approved . . . permit the reconstruction and future use of the historic footprint of Bolts Lake in a manner that is acceptable to the Town. (Sec 4.5a.)

Section 4.5 provides for environmental remediation of the Bolts Lake and Gillman Character areas with remediation plans subject to approval by the town. It is significant that these obligations were expressly required REGARDLESS OF DEVELOPMENT.

VI. BATTLE MOUNTAIN HAS BRAZENLY IGNORED ITS WATER AND ENVIRONMENTAL OBLIGATIONS TO THE TOWN.

Battle Mountain has brazenly ignored its obligations under both Section 4.5 and 2.2 of the Annexation Agreement. First, Battle Mountain has declared that they have no intent to rehabilitate or do environmental remediation in the Gillman character Area. Second, in 2019, Battle Mountain entered into a sales agreement with Eagle River Water District (Water District) to sell the Bolts Lake Property. This agreement flies in the face of Battle Mountain's myriad contractual obligations to Minturn with respect to Bolts Lake. The sales agreement clearly breaches major provisions in the Annexation Agreement, including but not limited to provisions concerning Battle Mountain's Bolts Lake remediation, Battle Mountain's obligation to provide Minturn with water storage rights, Battle Mountain's obligation for "reconstruction and future use of the historic footprint of Bolts Lake in a manner that is acceptable to the Town", Battle Mountain's obligation to pay Minturn for a water storage system, and Battle Mountain's obligation to accommodate recreational use of the lake.

The Bolts Lake Sale is clearly a breach of the Annexation Agreement and Minturn may have a cause of action against the Water District for Tortious Interference with Contract.²

VII. MINTURN HAS THE RIGHT TO PAYMENTS OF \$15,000/MONTH FOR ADMINISTRATION COSTS IN ADDITION TO REIMBURSEMENT FOR LEGAL AND OTHER CONSULTANT EXPENSES.

At the time the Annexation Agreement was approved, town residents were concerned about the inequality between the two parties: Minturn was, and still is, a small town with less than 500 homes and limited financial resources while Lubert-Adler was an international real estate development firm with (in 2021) \$8 billion of capital and investments in over \$18 BILLION of real estate assets. Lubert-Adler is, according to their website, "supported by a team of investment professionals experienced in underwriting, acquiring, repositioning, refinancing and selling real estate assets." The town of Minturn is supported by one planner and a part-time city attorney.

Pursuant to Section 14d. of the 2012 Escrow Agreement, Battle Mountain agreed to pay \$15,000 each month to the town for administrative costs in addition to specific other categories of costs. In March 2019, Battle Mountain indicated that it would refuse to make any additional \$15,000 monthly payments and owes over \$400,000 at this time. Without these payments, Minturn has been unable to negotiate

² Under the Water Services Agreement, Minturn has a right to require Battle Mountain to pay attorney fees and indemnify them from any claims from third parties (such as the Eagle River Water District) associated with the performance of that agreement; the Waste Water Agreement has a similar provision, but without a time limitation.

with Battle Mountain on any equal basis, has been unable to comprehend all its rights arising in 2019 under old agreements involving hundreds of pages, and has been pressured to comply with Battle Mountain demands.

Minturn is also entitled to reimbursement for all costs actually incurred by the Town as a result of any specific written request (such as a request to negotiate a Future Funding Agreement) and under Sec. 14e of the 2012 Escrow Agreement, is entitled to reimbursement from Battle Mountain FOR ALL BUDGETED LEGAL AND CONSULTING COSTS ACTUALLY INCURRED BY THE TOWN IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF THE FUTURE FUNDING AGREEMENT.

Significantly Battle Mountain has informed Minturn that they would NOT agree to reimburse Minturn for the cost of outside counsel to review Battle Mountain's obligations under the agreements to assist Minturn in obtaining information and advice necessary to negotiate the future funding agreement.

VIII. BATTLE MOUNTAIN MAY BE DENIED DE-ANNEXATION BY THE COURTS AND IN ANY EVENT, WOULD BE REQUIRED TO PAY ALL OBLIGATED ASSESSMENTS

Under the applicable Colorado Statute, CRS Sec. 31-12-701, a property owner is entitled to petition the district court for disconnection from a municipality if municipal services have not been provided to the area within three years after annexation on the same terms and conditions as the rest of the municipality. Battle Mountain may not be able to prevail because Minturn would have been able to provide all municipal services, but for Battle Mountain's bad faith breach of the Annexation Agreement.

To qualify for De-Annexation in a judicial proceeding, the property owner must show that "all taxes or assessments lawfully due and payable" upon the land are fully paid. The arrearage owed the town from Battle Mountain would seem to constitute an assessment due on the land. It appears prudent for the Council to assess Battle Mountain and declare all sums due including the amounts due for administration, escrow replenishment and the water storage payment for a total of approximately \$16,610,000. In addition to that amount payment or security for 125% of the estimated cost of a water treatment plant and new Town Main should also be declared due.

Battle Mountain may also choose not to De-Annex because in addition to the requirement that they pay assessments due, for six years by statute, they would be prohibited from subdividing their land into lots of smaller area than the adjoining lots in the Town. Currently the adjoining lots are 5000 square feet or larger. Battle Mountain will argue that they should be entitled to credit for their non-buildable (contaminated areas and wetlands acreage) in the entire development, and it is unclear how the statute would be interpreted. Common sense would seem to require that individual subdivided lots still be limited in size to adjoining lots.

IX. MINTURN MUST MAKE A DEMAND FOR PAYMENT

Under the 2012 Escrow Agreement, the Escrow is not due until negotiations for a Future Funding Agreement fail. Although it was contemplated that the Future Funding Agreement negotiations would conclude in 2012 or certainly soon thereafter, nine years have elapsed and the Town of Minturn has

refused to abandon these negotiations. This is true although Battle Mountain has acted in bad faith, egregiously breaching most obligations under the Annex Agreement and the 2012 Escrow Agreement.

In light of Battle Mountain's Sale of Bolts Lake, its refusal to pay the required \$15,000 administration payments, Battle Mountain's declaration that it would never reimburse the escrow and finally, Battle Mountain's refusal to pay for outside legal assistance for Minturn in connection with the Future Funding Agreement, Minturn is engaged in self-defeating behavior by not declaring an end to negotiations.

X. MINTURN'S LEGAL REMEDY

Under Section 7.7 ii (5) of the Annexation Agreement, Minturn is not entitled to any monetary damages for Battle Mountain's violation of vested rights in the Agreement; however, Minturn is still entitled to enforce the agreement and the payment obligations therein. Minturn is simply not permitted to sue for "consequential damages."

Section 7.7 ii (1) provides that the Town will have as its sole remedy the termination of Battle Mountain's vested rights if Battle Mountain fails to timely deliver the security required for the initial \$11,300,000 escrow. Since Battle Mountain did timely make the escrow payment, this provision no longer applies. Issues with replenishment of the escrow following disbursement are covered by the 2012 Escrow Agreement which has no limitation on remedies.

Language in Paragraph 12 of the 2012 Agreement releases the Developer from obligations under the "GDC" Letters. The language also restricts funding to the Town from the Developer until a Future Funding Agreement is reached relating to costs and expenses other than required by the 2012 Agreement. There is no remedy limitation contained therein.

Under the Water Service Agreement, Battle Mountain is generally responsible for all of Minturn's reasonable legal costs associated with the performance of the agreement. (Sec.14b) Disputes under the Water Service Agreement must be handled through arbitration in the town of Minturn with Battle Mountain required to pay all costs thereof.(Sec. 19c.) In Arbitration, Battle Mountain is required to pay all of Minturn's attorney fees and costs "unless otherwise decided by the arbitrators for good cause shown". (Sec. 19c).

In the event of any dispute arising under the Wastewater agreement, there is no arbitration remedy and the party that is "substantially prevailing" is entitled to its reasonable costs and attorney's fees.

XI. MINTURN COUNCIL CANNOT WAIVE VESTED RIGHTS APPROVED BY MINTURN VOTERS

The enactments required by Minturn voters under the Annexation Agreement are vested rights and as such, the Town is not free to waive them. It is significant that many of these rights apply WHETHER OR NOT THERE IS ANY DEVELOPMENT.

Because Battle Mountain insists on a waiver of these rights, it appears futile for Minturn to engage in negotiations for a future funding agreement. Keeping these negotiations open for nine years despite Battle Mountain's declaration that they would never repay the escrow, despite Battle Mountain's

\$400,000 arrearage on administration payments due, and despite Battle Mountain's egregious sale of Bolts Lake, may constitute an abuse of discretion by the Minturn Council.

Proceeding with respect to the Future Funding Agreement when Battle Mountain is in arrears with respect to payments due the Town is also a violation of Minturn Municipal Code Section 16-23-30. The Code provides that if any developer fails to remit payment of fees pursuant to a duly executed agreement, the Town SHALL cease any related action.

Lynn D. Feiger, Esq.



To: Mayor and Council
From: Jay Brunvand
Date: July 21, 2021
Agenda Item: Council audio system

REQUEST:

Staff is requesting direction to proceed with replacement of the existing Council Chambers audio system and the procurement of a new system.

INTRODUCTION:

The current system was purchased in April of 2006 and is now 15 years old. It includes wireless/non-rechargeable battery-operated microphones and a mobile mixing and recording setup. For several years the system has presented more and more performance issues that include significant problems with microphone failure, compatibility needs, feedback issues, and cost. Of the seventeen microphones one handheld has died and most have issues with the mute button. The mixing station includes outdated technology that makes it difficult to expand, purchase replacement parts, and pare with other necessary equipment.

In February of 2020 it was agreed to bid out a new system that would completely replace the existing equipment. Staff researched the available vendors and sent RFP's to three qualified vendors. One declined to bid, and two submitted bids of which I have attached for your review. Of these bids we awarded the contract to Audio Video Solutions (Denver).

Then COVID hit in March 2020 and brought with it a world-wide pandemic and essentially closed in-person contact. This resulted in the project being awarded, yet placed on the back burner for the duration. During preparation and review (fall of 2020) of the FY2021 budget \$36,000 was included to cover the bid accepted. This amount was based on the bid but did not include additional install needs such as ethernet wires and ports, and compatibility with newly purchased on-line meeting equipment.

In the last month or so, staff has again picked this program up to move forward with. During the last year, the company, AV Solutions, merged to form, CTI (Conference Technologies, Inc). At this time, we are working with the same contact from AVS indicating that, other than the name, everything else is still the same players and the same bid.

After several emails and phone calls, staff set up an in-person meeting with CTI, HighFive Media, and our IT contractor. During that meeting, needs were discussed and several modifications to the bid were proposed that would allow better connectivity by HighFive, would be more adaptable to the COVID Hybrid in-person/on-line format, and that would enhance the original bid components giving us two options.

Option 1: the original bid which included 12 new wireless gooseneck mic's which are termed "choir" mics as opposed to meeting mics. This would allow to continue using the handheld mics and then better sound catch with the gooseneck mics at about 5 or so feet as opposed to 6-18in and new mixing and recording equipment.

Option 2: using the original bid we would:

- Switch out the wireless gooseneck microphones for wired mic's and maintain our handheld mics. This change would further reduce the feedback issue, reduce the cost of 9-volt batteries (approximately \$100/month currently), reduce the need to charge and then eventually replace the rechargeable batteries, reduce the need for separate channels for the mic frequencies, and reduce the cost of each microphone.
- Add a ceiling mic that would allow for more inclusive public participation
- Add new ceiling speakers, allowing us to use the existing speakers for room overflow, etc.

Because we are switching out mics, wireless for wired and realizing that cost savings, for the most part, the money saved with wired mics would allow for the additional new equipment. It is felt that the wires would not be a significant visual or tripping issue since much would be behind the table skirts, and they would plug to a box under the table and then one or two wires would extend from under the table to the wall behind Council and staff. Again, the newer technology over what we bought in 2006 will assist us in placement and aesthetic beauty. Both options involve moving the mobile equipment (big black box) to become a fixed station rack system contained in the locking closet at the rear of the room, and better compatibility with the hybrid zoom equipment and HighFive Media.

ANALYSIS:

Staff recommends Option 2 and a Not-To-Exceed of \$39,000.

COMMUNITY INPUT:

This has been discussed in several public meetings and was included in the FY2021 budget hearings.

BUDGET / STAFF IMPACT:

The current budget is \$36,000. Staff is recommending Option 2 and a Not-To-Exceed of \$39,000. The additional amount will be used for necessary unanticipated in-ceiling/wall wiring and a small reserve.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is included in the Consent Agenda and would include Option #2 as presented.

ATTACHMENTS:

- Received RFP's proposals

PROPOSAL

Town of Minturn

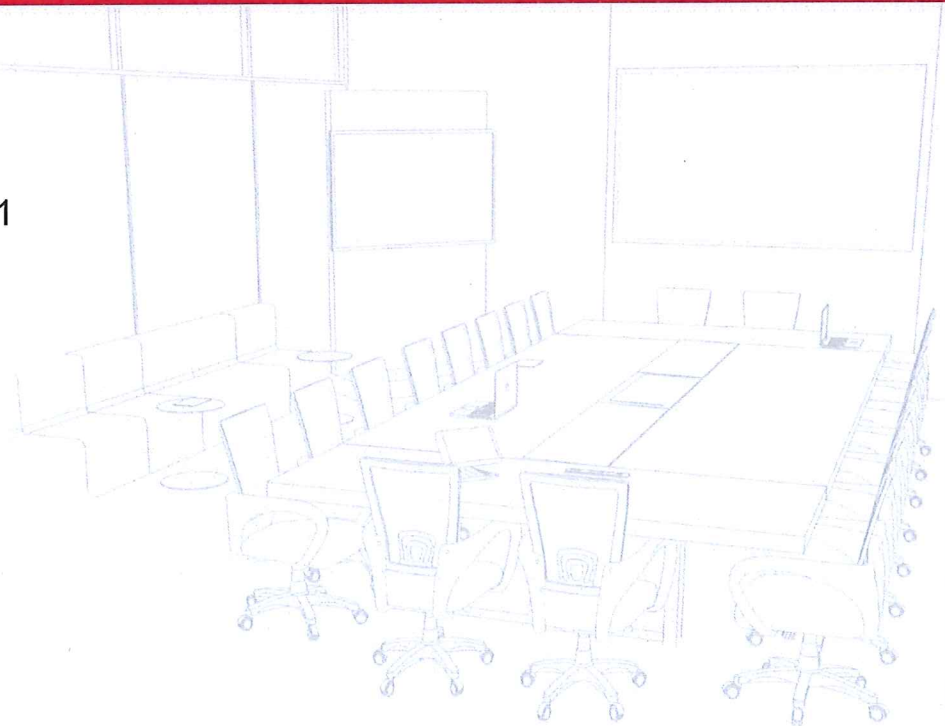
Replacement Audio - Council Chamber

DATE

Monday, 12 July 2021

PREPARED BY

Jeff Brotherston
Design Consultant



Overview and Goals

At Conference Technologies, Inc., we ensure our technology, processes, and people are the most knowledgeable and efficient resource to serve you as your solutions partner.

Dear Jay Brunvand,

It was a pleasure to speak with you regarding your upcoming project. Thank you for the time to review your needs and identify your requirements. Based on our needs analysis we have developed a recommended solution for you. Conference Technologies, Inc. has the industry experience to create customized solutions to meet today's technology challenges. These solutions include consulting, design, implementation, and service.

Enclosed is a project proposal for your review and consideration that outlines scope, timelines, deliverables, and our support plan to care for your investment. After review I will contact you to discuss any questions you or your team may have about this solution. Our team is excited about the opportunity to provide you with a fantastic experience and making your project a success.

Sincerely,

Jeff Brotherston
Design Consultant
Conference Technologies, Inc.

jbrotherston@conferencetech.com

Scope of Work

Proposal Number: J21260098

Proposal Date: 7/12/2021

Prepared for: Town of Minturn

Attn: Jay Brunvand

Phone: (970) 827-5645 x1

Email: treasurer@minturn.org

Prepared by: Jeff Brotherston

Phone:

Email: jbrotherston@conferencetech.com

Bill to: Town of Minturn

Ship to: Town of Minturn

We will remove all of the old wireless microphone components from your existing rack and replace these with new Shure technology gooseneck microphones, charging bases and receivers. The old Shure mixer will be replaced with the new QSC digital processor with touch panel controller. The old speakers, amp, power switcher and rack will be re-used.

Timeframe

To complete the work outlined in the project scope, we will need approximately 6 weeks from proposal acceptance. A project manager will be assigned to communicate with you at critical milestones. Upon notice to proceed, we will begin your project plan immediately.

Phase	Week
Notice to Proceed & Project Kickoff	1
Engineering	2
Procurement	3
Programming & Rack Fabrication	4
Onsite Installation	5
Commissioning & Training	6

Your Investment

Below is the cost of this solution based on the outlined scope of work. If you have questions about the complete solution, please let us know how we can help align this investment with additional needs or changes in scope.

Proposal Summary

Description	Price
Equipment	\$24,451.87
Implementation Services	\$11,141.07
Freight	\$160.00
Subtotal	\$35,752.94
Tax	\$0.00
Grand Total	\$35,752.94

Recommended

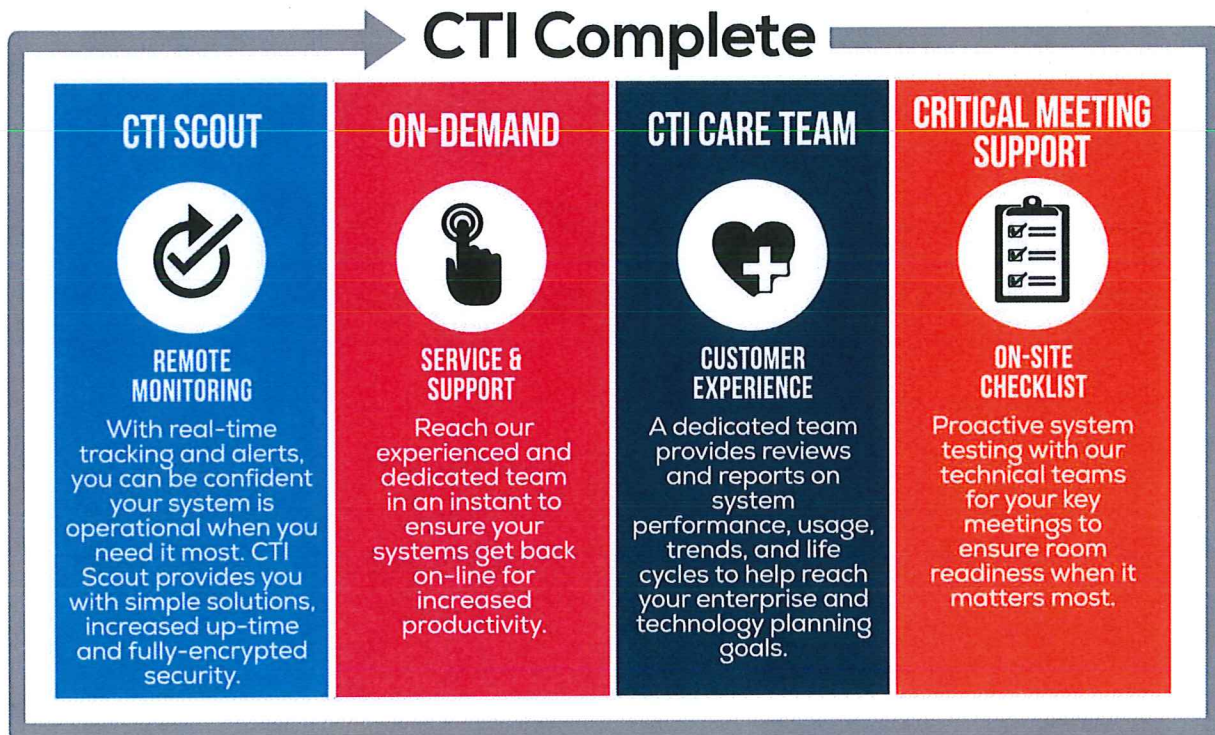
Description	Price
2 Additional Years CTI Complete Service Agreement	\$3,070.15
4 Additional Years CTI Complete Service Agreement	\$6,140.29

Down Payment Requirements

Terms are with approved credit. For orders that exceed ten thousand dollars; 60% to initiate order, 40% NET 30, or progress billing based on purchase agreement at time of order. Payments made by credit card are subject to a 3.0% fee.

Why Us?

Our CTI Complete service is there for you 24/7 through our dedicated CTI Care customer experience team. Through on-site technical service, recommended programming upgrades, and quarterly reliability checks, your system is covered for the unexpected, as well as planned maintenance. Your teams will be trained to operate equipment with confidence. When critical meetings arise, we help ensure system performance with proactive system testing and an on-site checklist, so your systems will be ready when it matters most. Our managed services staff does more than diagnose and repair failures, they help plan for system life cycles.



Bill of Materials

Replacement Audio - Council Chamber

Manufacturer	P/N	Description	Qty	Unit Price	Ext. Price
Audio Systems Equipment: \$21,535.87					
QSC	CORE 110f	PROCESSOR,Q-SYS CORE110f-NA,100-240V,	1	\$2,933.33	\$2,933.33
Shure	MXWAPT8--Z10	8-CH ACCESS POINT TRANSCEIVER	1	\$2,976.67	\$2,976.67
Shure	MXWAPT4--Z10	4-CH ACCESS POINT TRANSCEIVER	1	\$2,301.53	\$2,301.53
Shure	MXWNCS8	8-CH NETWORKED CHARGING STATION	3	\$1,551.67	\$4,655.01
Shure	MXW8--Z10	DESKTOP BASE TRANSCEIVER	12	\$506.67	\$6,080.04
Shure	MX415LPDF/C	15" GOOSENECK MICROPHONE, LESS PREAMP	12	\$196.33	\$2,355.96
Denon Professional	DN-F350	Professional Solid-State Audio Player	1	\$233.33	\$233.33
Control Systems Equipment: \$2,916.00					
QSC	SLQUD-110-P	Q-SYS UCI DEPLOYMENT,CORE110,PERPETUAL	1	\$160.00	\$160.00
QSC	NS10-125+	PROCESSOR,NS10-125+,	1	\$866.67	\$866.67
QSC	SLQSE-110-P	Q-SYS SCRIPTING ENGINE,CORE110,PERPETUAL	1	\$320.00	\$320.00
QSC	TSC-80tw-G2-BK	CONTROL,TSC 8" TABLE TOP SYSTEM	1	\$1,569.33	\$1,569.33

Labor Plan

Description	Labor Hours	Labor Rates	Ext. Price
Audio/DSP Programming	1.00	\$124.00/hour	\$124.00
Drafting	1.00	\$96.00/hour	\$96.00
Engineering	8.00	\$124.00/hour	\$992.00

Programming/Commissioning	3.00	\$124.00/hour	\$372.00
Installation Labor / Training	48.00	\$96.00/hour	\$4,608.00
Project Management	8.00	\$124.00/hour	\$992.00
Rack Certification / Base Code	7.00	\$122.00/hour	\$854.00
Touch panel & Graphic Design	1.00	\$96.00/hour	\$96.00
Travel-Install Labor	12.00	\$96.00/hour	\$1,152.00
Labor: \$9,286.00			

Standard Disclaimer

Conference Technologies, Inc. provides for twelve (12) months of **CTI Complete** on all system purchases. Conference Technologies, Inc. warrants the system implemented is free from defects in material and workmanship, in accordance with the contract, drawings, specifications, alterations and additions thereto, for a period of twelve (12) months from the date of commencement of use, substantial completion, or date of notice of completion, whichever occurs first. This coverage does not protect against consumables, severe weather, and acts of God.

Terms

Installation Description and Requirements

Provided by Conference Technologies, Inc.: If installation is purchased, Conference Technologies, Inc. will install all A/V components. Conference Technologies, Inc. will also perform all programming, alignments, and end-user training. Conference Technologies, Inc. will provide A/V project management, and provide drawings as required. This install price assumes a Monday through Friday 8:00am to 5:00pm install time. Room availability must be in consecutive 8-hour blocks. Any required changes or rushes may affect the final price.

Provided by Others

Electrical requirements are to be provided by others unless specifically included in Conference Technologies, Inc. Scope of Work.

Statement

This system proposal is the property of Conference Technologies, Inc. and is delivered with the sole intent of being viewed by management of Town of Minturn for evaluation purposes only. This proposal or any part of this proposal is not to be presented to, or viewed by any other party, vendor or Conference Technologies, Inc. competitor without the written consent of Conference Technologies, Inc. Any effort to do so will be considered a violation of copyright law.

Next Steps

1. Upon Notice to Proceed, Conference Technologies, Inc. will begin executing the project plan with an internal handoff of the project to our operations team.
2. If you have questions about the process as we move forward, please contact me at jbrotherston@conferencetech.com or .
3. You will be contacted by a Conference Technologies, Inc. Project Manager to schedule a project kickoff meeting to review the project scope and schedule.

Total

J21260098 - \$35,752.94

Customer Signature

CTI Signature

Printed Name

Printed Name

Title

Title

Date

Date



CEDIA
ELECTRONIC
SYSTEMS
CERTIFIED



Custom Engineered Proposal

17 YEARS IN BUSINESS
ESTABLISHED IN 2003

Modified: 3/26/2020
Revision: 0

Meeting Sound and Recording System

Minturn Town Hall

302 Pine Street
Minturn, CO 81645 USA
(970) 827-5645

Presented By:












Vail Valley Office

201 Main Street, Ste. 2A
Minturn, CO 81645
Toll Free: (866) 597-6616
Local: (970) 712-5365
Fax: (970) 712-5367
www.FuturianSystems.com



Town Hall: Ground Floor: Council Chambers

	1	ARAKNIS AN-310-SW-R-16-POE 16 Port L2 Managed Gigabit Switch with Full PoE+ and Rear Ports	\$999.99 *
	2	Binary B6-XLR-3FM-2FT 3P XLR Female to Male Cable with Gold Plated Contacts - 2 Ft (.6 M)	\$34.96
	1	BoxCast Annual Essential Plan Live streaming is complicated, risky, and expensive. BoxCast is the only company that offers an end-to-end streaming platform.	\$1,188.00
	1	BoxCast BoxCaster Pro Working with the BoxCaster Pro, the BoxCast Platform allows you to stream in the highest quality to viewers around the world through it's end-to-end streaming platform.	\$3,495.00 *
	1	Cable Matters XLR Splitter Cable XLR Splitter Cable - Female to 2 Male XLR Y Cable - 18 Inches	\$12.00
	1	CUSTOMER SUPPLIED EV SX80 Customer Supplied EV SX80 Loudspeaker	\$0.00 *
	1	CUSTOMER SUPPLIED QSC Audio RMX 1450 QSC Audio RMX 1450 2-Channel Power Amp	\$0.00 *
	100	Futurian Pre-Wire for TV Coax Location Pre-Wire Plenum RG6 Quad Shielded Coax for Future use a TV Locations	\$66.33
	100	Futurian Pre-Wire Network/Video Pre-Wire for Plenum Shielded Category 6A High Bandwith Cable for Key Data Locations and AV over IP Applications	\$94.17
	1	LiteMatira Lightning Port to 2 RCA Splitter Cable Lightning Port to 2 RCA Splitter Cable	\$20.00
	1	PTZOptics PT20X-SDI-GY-G2 The industry's most advanced live streaming pan, tilt, and zoom network connected cameras. Made for professional video productions.	\$1,700.00 *

* Price Includes Accessories








Presented By: FUTURIAN SYSTEMS

Project Name: Meeting Sound and Recording System

Project No.: FUTUR-0429

3/26/2020

Page 2 of 6

	1	Shure MXW2/VP68 Coupled with the VP68 cartridge, the MXW2 is a handheld transmitter compatible with Microflex Wireless Systems.	\$682.00 *
	1	Shure MXW6 The Shure MXW6 is a boundary microphone transmitter compatible with Microflex Wireless Systems.	\$631.00 *
	2	Shure MXWAPT8 The MXWAPT is a 8-channel wireless access point compatible with Microflex Wireless microphone systems. It uses automated frequency coordination to assign clean frequencies to wireless microphones and manages two-way wireless transmission of encrypted audio and control signals.	\$6,816.00 *
	4	Shure MXWNCS8 8-port networked charging station charges handheld, bodypack, and boundary transmitters and gooseneck bases.	\$7,120.00 *
	2	Shure SCM8200 Includes Dante networked audio, maximum 96 channels, dual mixer, control software to allow configuration of all signals and settings and adds 8-band EQ with high- and low-shelf EQ, and Digital Feedback Reduction.	\$3,998.00 *
	14	Wireless Microphone Components Wireless Microphone Components	\$11,088.00
	14	Shure MX410 The MX410 surface mount version is a gooseneck microphone with a Bi-Color LED as status display. It has a 10" gooseneck and is suitable for boardrooms and other sites where aesthetics are important.	
	14	Shure MXW8 The MXW8 Gooseneck Base Transmitter from Shure is a bi-directional base transmitter for optimal gooseneck microphones and is compatible with Shure's Microflex wireless system.	

Town Hall: Ground Floor: Council Chambers Total: \$37,945.45

Project Subtotal: \$37,945.45

* Price Includes Accessories

Project Summary

Equipment:	\$37,945.45
Misc. Parts Adjustment:	\$1,328.11
Labor:	\$3,469.89
Sales Tax:	\$3,298.98
Grand Total:	\$46,042.43

Terms & Conditions

A. Progress payments will be made according to the payment schedule set forth below in Section B. No equipment will be ordered until the entire equipment deposit has been submitted by Owner and cleared by Contractor's banking facility. These times are subject to the timing of the construction and the lead times required for the ordered equipment to be delivered. Since Contractor will, if possible, open, test and burn-in equipment before delivery, all components must be paid for before delivery to job site or upon arrival to the site. Payments may not be withheld under any circumstances. Any disputes due to legal claims will be settled independently in good faith between the parties. Final payment shall be due thirty days following completion of the Orientation. Contractor will hold Owner harmless with respect to claims of subcontractors and suppliers.

B. The Payment Schedule is as follows:

Payment Schedule	Amount	Due
Initial Deposit	\$23,021.22	
Start of Installation	\$18,416.97	
Final	\$4,604.24	

C. If the Contractor's job is of a retro-fit/remodel nature on an existing structure, and scope of work exceeds time estimated to complete because of unforeseen circumstances, Owner agrees that he or she will pay Contractor for such labor at Contractor's current man hour service rates, which shall not exceed \$195 per man hour for all extra labor involved in completing the job. In addition, if any additional miscellaneous supplies become necessary to complete the job, the Owner agrees that he or she will be pay cost plus 20% for such supplies. All such work and supplies will be discussed and approved by Owner before Contractor begins work or purchases supplies.

D. Contractor reserves the right to replace proposed models in the case of obsolescence, discontinuation, or unavailability with a comparable model of equal or greater value upon customer approval. Contractor will not be held responsible or liable in any way for any said product's obsolescence, discontinuation, or unavailability.

* Price Includes Accessories

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Project No.: FUTUR-0429

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E. Contractor warranties all parts for one (1) year and labor for thirty (30) days from the date of Orientation unless Owner chooses to enroll in any such extended warranty program offered by Contractor. Owner agrees he or she will be responsible for Contractor's current labor rates for any such work performed outside of the standard thirty (30) day labor warranty or extended warranty program, for any reason whatsoever, including but not limited to labor required to service equipment under warranty. Contractor will also be glad to help the client get their manufacturer-warrantied equipment serviced throughout the life of the said warranty for a nominal administrative fee.

F. As there are many uncontrollable variables outside of Contractor's control (including but not limited to power supply issues, internet connectivity issues, user error and misconfiguration, and acts of God), Contractor does not warrant (including via the warranties in Section E above) the consistent operation of the equipment. Owner shall hold Contractor harmless, may not withhold any payments due, and will pay Contractor pursuant to Section C to diagnose, troubleshoot, and/or fix such operational issues.

G. In the event Owner wishes to implement equipment either previously owned or recently purchased by Owner, the warranties in Section E shall be void and any labor performed by Contractor will be paid by Owner pursuant to Section C.

H. Projects frequently require the work of third-party contractors (e.g. trenching, satellite installation, security installation). While Contractor will provide recommendations to Owner for such third-party contractors, Contractor does not warranty such third-party contractors' work. Owner shall hold Contractor harmless for such third-party work. Owner shall have no right to withhold payments due Contractor for reasons arising directly or indirectly from third-party work.

* Price Includes Accessories

Presented By: FUTURIAN SYSTEMS

Project Name: Meeting Sound and Recording System

Project No.: FUTUR-0429

3/26/2020

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Client: Minturn Town Hall

Date

Contractor: FUTURIAN SYSTEMS

Date

* Price Includes Accessories

Presented By: FUTURIAN SYSTEMS

Project Name: Meeting Sound and Recording System

Project No.: FUTUR-0429

3/26/2020

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To: Mayor and Council
From: Madison Harris, Planner I
Date: July 15, 2021

Agenda Item: Recent Planning Commission Recommendations and Actions

REQUEST:

Review and ratification of Planning Commission actions from their regular meeting of July 14, 2021. The following actions were taken by the Planning Commission, acting as the Minturn Design Review Board, which may be called-up for further review by the Minturn Town Council:

482 Eagle River Street – Hutton Residence

- Final Plan DRB Application for Phase II Addition

INTRODUCTION:

482 Eagle River Street Final Plan

At their regular meeting of July 14, 2021, the Planning Commission, acting as the Town of Minturn Design Review Board, reviewed the final plans for an addition at the Hutton Residence located at 482 Eagle River Street. The plans approved by the DRB are for:

- **A New Addition**

Site plans (exterior elevation renderings and floor plans) are attached for reference.

One neighbor spoke who had concerns about adequate parking, snow storage, proper placement of the foundation and structure, and management of the construction site at the DRB hearing where the DRB discussed proposed exterior materials and colors in context to Chapter 16 – *Zoning*, and Appendix ‘B’ *Design Review Standards and Guidelines*, of the Town of Minturn Municipal Code.

The DRB unanimously supported the proposed construction as meeting the objectives and requirements of the MMC and design standards,

Ultimately, the DRB voted 3-0 to approve the new addition as a Final Plan review, with the conditions proposed by Town Staff, with one modification:

1. The Applicant shall revise the site and/or floor plans to show all proposed exterior light locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town’s lighting standards as well as consistency with fixtures found on the already approved residential structure on the subject property.
2. The Applicant shall provide the Town with an encroachment agreement between ERWSD and the owner of the property.

3. The Applicant shall address Intermountain Engineering’s concerns, if any, prior to, or concurrent with, the Building Permit application process.

ANALYSIS:

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. One member of the public spoke at the DRB hearing.

COMMUNITY INPUT:

One neighbor spoke who had concerns about adequate parking, snow storage, proper placement of the foundation and structure, and management of the construction site. 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.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Planning Commission’s review of proposed development projects and their actions to approve final plans for individual projects, acting as the Town of Minturn Design Review Board, 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 application on consent:

1. 482 Eagle River Street – Hutton Residence – Final Plan

ATTACHMENTS:

- Proposed exterior elevation drawings and site plans for 482 Eagle River Street
- Staff Report



Design Review Board Hearing

Hutton Residence – Final Plan Review for Phase II Addition

482 Eagle River Street

Hearing Date:	July 14, 2021
File Name and Process:	Single-Family Residence Final Plan Review
Owner/Applicant:	Emily and Steve Hutton
Representative:	Michael Pukas, MPP Design Shop, Inc.
Legal Description:	Lot 14, Block 2, Booco's 2 nd Addition to Minturn
Address:	482 Eagle River Street
Zoning:	Old Town Character Area – Mixed Use Zone District
Staff Member:	Scot Hunn, Planning Director Madison Harris, Planner I
Recommendation:	Approval, with Conditions

Staff Report

I. Summary of Request:

The Applicants, Emily and Steve Hutton, request Final Plan review of an addition to a previously approved single-family residence located at 482 Eagle River Street in the Old Town Mixed Use Zone District. The DRB reviewed and approved Final Plans for the Hutton Residence - at that time a three bedroom home with room to expand - in March, 2021, and the residence is currently under construction.

At the time of final plan review in March, the Applicants' representative Michael Pukas provided conceptual plans for a future addition of a garage and habitable space above the garage; this was slated as "Phase II" and the Planning Commission only approved final plans for Phase I. The Applicants have now decided to move forward with construction of Phase II while the site is being developed rather than complete that project in the future. The following describes the intent of this application:

"This application is for Design Review approval of a single family residence located at the above mentioned property. The proposed structure is to be completed in one phase, rather than two as previously proposed. The structure will consist of 4 bedrooms, 4 full baths and one half bath, a one-car garage, a great room with the Kitchen, Living, and Dining areas, and a finished basement. The master bedroom suite will be located on the upper level, above the garage. The basement will be utilized as a family room/media room. There will not be a door from the main level to the basement."

Proposed Plans

The original plans were approved showing a two-story, three-bedroom structure with a maximum building height - measured to the midpoint of the roof - of 26 feet above proposed grade, well within the maximum allowable 28-foot limit within the Mixed Use Zone District.

Phase II plans show a single-car garage with habitable space above. Staff has determined that parking is adequate, with two off-street spaces provided within a road base driveway along with the single car garage for four bedrooms. The original plans show an "unfinished basement" with a window well that appears to meet requirements for egress (i.e., the space could be used for a fourth bedroom if finished). As noted in the current application, the Applicant acknowledges that the basement will now be used for a family/media room and that the fourth bedroom will now be located above the proposed garage addition.

The application also highlights the change to building height due to the discovery of ground water at the site and revised foundation design with mitigation which caused the building to be raised one (1') foot; the building still complies with the maximum building height of 28 feet.

According to staff's analysis of development standards and dimensional limitations in Section III below the project appears to meet the Town's standards.

However, staff has identified the following minor issues needing to be addressed prior to or concurrent with building permit application or during the construction process:

Exterior Light Fixtures

The plans should be updated to show exterior light locations. Light fixtures and lighting solutions are to be dark sky compliant.

With the exception of the above issue, staff believes that the Applicants and their representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review.

As a reminder, the Planning Commission has the option to review the proposal as a “conceptual” plan review if the Commission feels that the plans are *not* sufficient or are in need of revisions and additional review prior to final plan approval; or, the Commission may take action to approve, approve with conditions, or deny the Final Plans.

Staff is **recommending approval**, with conditions.

II. Summary of Process and Code Requirements:

This is a final plan-level of review for a new single-family residential structure on a legally created lot within the Town of Minturn. This is a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting as the Design Review Board, and to address the DRB’s concerns or feedback regarding suggested revisions to the project.

As noted above, if the DRB feels that the plans are complete, appropriate, and meet the intent and purposes of the Minturn Municipal Code, Chapter 16, the DRB has the option to take final action to approve or approve with specific conditions and giving the Applicant and staff clear direction on any recommended revisions to the plans. No variances are required or requested at this time.

Design Review Process

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

(d) Administrative procedure.

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*
 - a. The proposal's adherence to the Town's zoning regulations.*
 - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*

c. *The proposal's adherence to the Design Standards.*

(3) *Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*

- a. *That the proposal is in conformance with the Town zoning regulations.*
- b. *That the proposal helps achieve the goals and objectives of the Community Plan.*
- c. *That the proposal complies with the Design Standards.*

Staff suggests that the final plans for 482 Eagle River Street meet or can be revised to meet the required findings 'a,' 'b,' and 'c' or subparagraph 3 – *Necessary findings.*

III. **Zoning Analysis:**

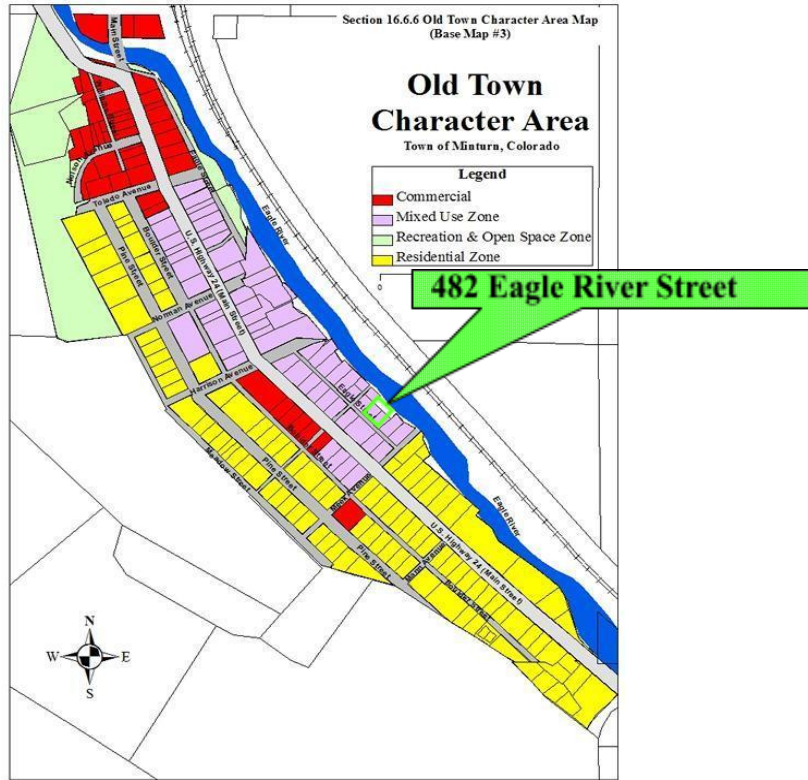
Zoning

The subject property is located within the “Old Town Character Area” Mixed Use Zone District, described as follows:

- (a) *This area allows a compatible mix of **residential uses**, low-impact commercial uses and institutional uses that serve residents and visitors. The Old Town Mixed-Use Zone can accommodate various types of development if found not to significantly impact nearby properties.*
- (b) *The Old Town Mixed-Use Zone is intended to **provide sites for combined residential and low-impact commercial and service uses which maintain a predominantly residential appearance. This area can accommodate reasonable growth where land and services are available and when services and amenities are needed for residents and visitors.***

- Town of Minturn Town Code Section 16-6-40

Figure 1: Old Town Character Area Zoning Map



Dimensional Limitations and Development Standards

The following table summarizes the lot, development and dimensional standards and limitations applicable to the subject property pursuant to Sections 16-2-40. - *General lot requirements and dimensional standards* and 16-16-20 – *Parking Required for Residential and Lodging Uses*.

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	5,270 sq. ft. (.155 ac.)
Maximum Building Height:	28 feet	26 feet
Minimum Front Setback:	10 feet	10 feet
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	10+ feet
Maximum Lot Coverage:	45% (2,371.5 sq. ft.)	1,860 sq. ft. (35.29%) Proposed
Maximum Impervious Coverage:	55% (2,898.5 sq. ft.)	2,543 sq. ft. (48.25%) Proposed
Minimum Snow Storage Area:	5% of Driveway (351 sq. ft. x .05 = 17.55 sq. ft.)	97 sq. ft.
Parking:	3 spaces	3 spaces

Note: the above calculations are based on the following:

Lot 14 = .155 acres x 43,560 sq. ft./acre = 6,751.8 sq. ft.
(Note: a portion of Lot 14 is encumbered by the Eagle River and thus is not counted in the calculation for lot area)
Effective Lot Area is 5,270 sq. ft.

351 sq. ft. parking area x .05% = 17.55 sq. ft. (Required Snow Storage)

IV. **Applicable Standards and Design Guideline Criteria:**

Design

In addition to the development standards listed above, the following general design principles are provided for reference.

Final Site, Grading and Drainage Design

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings – to street frontages and neighboring properties – is considered.

The proposed design maintains the structure and roof forms within required setbacks, with only minor encroachments of roof overhangs of less than 18” into the northern side yard setback. Generally, setbacks are maintained thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading and drainage details generally demonstrate that proper (positive) grading and drainage will be directed in swales away from the structure; that drainage is handled on the subject property.

Mass and Form

The following excerpt from the Design Guidelines is applicable to the proposed home design:

“c. Massing and Scale

“A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures. Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.

“Building mass, form, length and height shall be designed to provide variety and visual interest while maintaining a scale that is similar or compatible to adjacent structures.”

-Town of Minturn Design Guidelines

Staff Response:

Staff believes that the design and scale of the proposed structure incorporates a simple central form with additive features and is complimentary to adjacent single-family residential structures and character on nearby parcels. Staff further suggests that the scale of the project is appropriate and will not overpower surrounding natural and built environments. Proposed roof forms and pitches, materials and textures are compatible and complimentary to the surrounding built and natural environments.

V. Issues and Areas of Non-Conformance:

Issues or Required Plan Revisions

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit submittal:

Encroachments into Easements

The back deck is cantilevered over and into an existing sewer easement. The applicant has indicated that this has been approved by Eagle River Water and Sanitation District.

Staff referred this final plan to the Town Engineer (Intermountain Engineering) and the Town Public Works Department for comments. At this time, staff has not received comments back.

Exterior Light Fixtures

The plans should be updated to show exterior light locations. Light fixtures and lighting solutions are to be dark sky compliant.

VI. Staff Recommendation and Suggested Conditions:

Staff suggests that the Final Plans for 482 Eagle River Street generally **comply** with or exceed the applicable provisions and/or minimum standards of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

Staff is **recommending approval** of the Final Plans, with the following recommended condition(s):

1. The Applicant shall revise the site and/or floor plans to show all proposed exterior light locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town’s lighting standards as well as consistency with fixtures found on the existing residential structure on the subject property.
2. The Applicant shall provide the Town with an encroachment agreement between ERWSD and the owner of the property.
3. The Applicant shall address Intermountain Engineering’s concerns, if any, prior to, or concurrent with, the Building Permit application process.

GENERAL NOTES

- ALL WORK SHALL BE AS SPECIFIED AND IN ACCORDANCE WITH ALL NATIONAL, STATE AND LOCAL CODES, LAWS, PERMITS AND ORDINANCES, AND SHALL BE PERFORMED TO THE HIGHEST STANDARDS OF CRAFTSMANSHIP BY JOURNEMEN OF THE APPROPRIATE TRADES.
- THESE DOCUMENTS ARE NOT INTENDED TO INCLUDE ALL LABOR, MATERIALS, EQUIPMENT, AND SERVICES REQUIRED TO COMPLETE ALL WORK DESCRIBED HEREIN. THE GENERAL CONTRACTOR (G.C.) SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK.
- IT IS THE RESPONSIBILITY OF THE G.C. TO BRING TO THE ATTENTION OF THE ARCHITECT ANY CONDITIONS WHICH WILL NOT PERMIT CONSTRUCTION ACCORDING TO THE INTENTIONS OF THESE CONTRACT DOCUMENTS (CDS), AND TO NOTIFY THE ARCHITECT AT ONCE IF ANY DISCREPANCIES APPEAR IN THE CDS, OR BETWEEN THE CDS AND EXISTING CONDITIONS. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE DETAILS AND/OR DIRECTIONS REGARDING DESIGN INTENT WHERE IT IS ALTERED BY EXISTING CONDITIONS OR WHERE NEGLECTED IN THE DOCUMENTS.
- SHOULD A CONFLICT OCCUR IN OR BETWEEN DRAWINGS AND SPECIFICATIONS, THE SPECIFICATIONS SHALL TAKE PRECEDENCE, UNLESS A WRITTEN DECISION FROM THE ARCHITECT HAS BEEN OBTAINED WHICH DESCRIBES A CLARIFICATION OR ALTERNATE METHOD AND/OR MATERIALS.
- DIMENSIONS: A) ALL DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS; B) ALL PLAN DIMENSIONS ARE TO FACE OF CONCRETE, FACE OF STUD, AND CENTER LINE OF COLUMN/BEAM, U.O.N.; C) FLOOR TO FLOOR DIMENSIONS ARE FROM TOP OF PLYWOOD SUBSURFACE TO TOP OF PLYWOOD SUBSURFACE, U.O.N.; D) VERIFY IN FIELD (V.I.F.) ALL EXISTING CONDITIONS, DIMENSIONS, LOCATIONS AND SITE CONDITIONS PRIOR TO NEW CONSTRUCTION.
- THE G.C. SHALL SUBMIT SAMPLES OF ANY MATERIALS PROPOSED FOR SUBSTITUTION TO THE ARCHITECT FOR REVIEW AND APPROVAL BEFORE THE WORK IS TO BE PERFORMED. WORK SHALL CONFORM TO THE APPROVED SAMPLES.
- THE G.C. SHALL SUBMIT REQUIRED SHOP DRAWINGS TO THE ARCHITECT FOR REVIEW AND APPROVAL BEFORE THE WORK IS TO BE PERFORMED. WORK SHALL CONFORM TO THE APPROVED SHOP DRAWINGS.
- THE G.C. SHALL BE RESPONSIBLE FOR THE SAFETY AND CARE OF ADJACENT PROPERTIES DURING CONSTRUCTION, FOR COMPLIANCE WITH FEDERAL AND STATE O.S.H.A. REGULATIONS, AND FOR THE PROTECTION OF ALL WORK UNTIL IT IS DELIVERED COMPLETED TO THE OWNER.
- THE G.C. SHALL VERIFY AND COORDINATE ALL OPENINGS THROUGH FLOORS, CEILING, AND WALLS WITH ALL ARCHITECTURAL, STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS.
- THE JOB SITE SHALL BE MAINTAINED IN A CLEAN, ORDERLY CONDITION, FREE OF DEBRIS AND LITTER, AND SHALL NOT BE UNREASONABLY ENCLUMBERED. EACH SUB-CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS AS OF RESULT OF HIS/HER OPERATION UPON COMPLETION OF HIS/HER WORK.
- THE G.C. SHALL PERFORM ALL PHASES OF CONSTRUCTION SUCH THAT ALL NEW CONSTRUCTION FITS FLUSH AND SEAMLESSLY WITH ADJACENT EXISTING CONDITIONS, AND SHALL NOT ENDANGER ANY EXISTING CONDITIONS OR OTHER WORK.
- THE G.C. SHALL PROVIDE ALL NECESSARY BLOCKING, BACKING, AND FRAMING FOR LIGHT FIXTURES, ELECTRICAL UNITS, A.C. EQUIPMENT, RECESSED ITEMS, AND ALL OTHER ITEMS AS REQUIRED.
- ALL CONSTRUCTION, STAGING, CONTRACTOR PARKING AND MATERIALS STORAGE SHALL BE CONFINED TO THE LIMITS OF THE EXISTING DRIVEWAY AND THE IMMEDIATE PERIMETER OF THE EXISTING BUILDING. ALL ACTIVITY PERFORMED AS PART OF THIS PROJECT SHALL BE CONTAINED ON THE PROJECT PROPERTY.
- CHANGES TO THESE CONTRACT DOCUMENTS SHALL BE NOTED IN THE FIELD AND MAINTAINED ON-SITE FOR THE DURATION OF THE PROJECT FOR CONSTRUCTION OBSERVATION.
- AS-BUILT DRAWINGS WILL BE PROVIDED TO THE TOWN/COUNTY, IF REQUIRED.
- UTILITY METER LOCATIONS TO BE APPROVED BY UTILITY COMPANIES.
- ALL INTERIOR NON-BEARING WALLS TO BE 2x4, U.O.N.
- ALL INTERIOR BEARING WALLS TO BE 2x6, U.O.N. SEE STRUCTURAL DWG'S FOR SPEC'S
- ALL EXTERIOR WALLS TO BE 2x6, U.O.N. SEE STRUCTURAL DWG'S FOR SPEC'S
- ALL HORIZONTAL FRAMING DIMENSIONS ARE TO THE FACE OF WOOD FRAMING, U.O.N.
- ALL VERTICAL FRAMING DIMENSIONS ARE FROM THE T.O. PLYWOOD, U.O.N.
- ALL HORIZONTAL DIMENSIONS FOR OPENINGS ARE TO THE CENTER LINE OF R.O.
- ALL VERTICAL DIMENSIONS FOR OPENINGS ARE TO THE TOP OF R.O.

GENERAL SITE NOTES

- THE GENERAL CONTRACTOR SHALL PROVIDE EROSION CONTROL IN CONFORMANCE WITH TOWN/COUNTY GUIDELINES.
- THE CONSTRUCTION LIMIT LINE IS THE CONTRACT LINE. DO NOT DISTURB ANY EXISTING TREES OR VEGETATION DESIGNATED TO REMAIN OR LOCATED OUTSIDE OF THE CONSTRUCTION LIMIT LINE WITHOUT APPROVAL OF THE OWNER AND THE TOWN/COUNTY.
- THE GENERAL CONTRACTOR SHALL VERIFY EXISTING SITE INFORMATION, INCLUDING STRUCTURES, UTILITIES, PROPERTY LINES, LIMITS OF ROADWAYS, AND CURBS AND GUTTERS THAT MAY AFFECT THE SCOPE OF WORK PRIOR TO BEGINNING SITE CONSTRUCTION.
- EXISTING UTILITIES ARE INDICATED FOR INFORMATION ONLY AND NOT INTENDED TO SHOW EXACT LOCATION. THE ARCHITECT IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES, OR ANYTHING NOT SHOWN OR DETAILED AND INSTALLED BY ANY OTHER CONTRACTOR. THE GENERAL CONTRACTOR SHALL LOCATE ALL UTILITIES AND MAINTAIN THE LOCATION DURING ALL PHASES OF THE WORK. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES TO UTILITIES OR STRUCTURES AND ANY INJURIES THEREFROM. RESTORATION OF ANY UTILITIES DAMAGED BY THE GENERAL CONTRACTOR SHALL BE AT THE GENERAL CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
- CONFORM TO EAGLE RIVER WATER AND SANITATION DISTRICT SPECIFICATIONS FOR SEWER CONSTRUCTION. PROVIDE SEWER CLEANOUT WITH LOCATION TO BE REVIEWED BY TOWN ENGINEER.
- THE GENERAL CONTRACTOR SHALL PROVIDE DRAWINGS SHOWING PROPOSED UTILITY SERVICE CONNECTIONS FOR THE ENGINEER'S REVIEW PRIOR TO CONSTRUCTION.
- ROAD CUTS AND ANY OTHER CONSTRUCTION IN ROAD RIGHT-OF-WAY SHALL CONFORM TO TOWN GUIDELINES.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SOILS REPORT PREPARED BY THE GEOTECHNICAL ENGINEER.
- PROVIDE WRITTEN NOTIFICATION OF ALL DISCREPANCIES BETWEEN EXISTING AND PROPOSED SITE IMPROVEMENTS.
- CONTRACTOR(S) SHALL TAKE ALL NECESSARY STEPS AS REQUIRED TO PROPERLY PROTECT AND MAINTAIN HIS WORK FOR THE DURATION OF THIS CONTRACT.
- THESE DRAWINGS DO NOT SPECIFY SAFETY MATERIALS, EQUIPMENT, METHODS OR SEQUENCING, TO PROTECT PERSONS AND PROPERTY. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO DIRECT AND IMPLEMENT SAFETY OPERATIONS AND PROCEDURES TO PROTECT THE OWNER, OTHER CONTRACTORS, THE PUBLIC AND OTHERS.
- ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
- CONTRACTOR(S) SHALL EMPLOY A LICENSED SURVEYOR TO ESTABLISH ALL WORK LINES.
- CONTRACTOR(S) SHALL STAKE OUT ALL AREAS, INCLUDING WALKS, PAVEMENTS, WALLS, POOLS AND FENCES AND SHALL OBTAIN THE APPROVAL OF THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
- CONFLICTS OR DISCREPANCIES WITH GRADES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY AND PRIOR TO PROCEEDING WITH WORK.
- ALL FINISHED GRADES SHALL PROVIDE FOR NATURAL RUNOFF OF WATER WITHOUT LOW SPOTS OR POCKETS. SET FLOW LINES ACCURATELY AND PROVIDE A MINIMUM 2.5% GRADIENT UNLESS OTHERWISE NOTED.
- GRADUALLY ROUND OFF TOPS AND TOES OF ALL PLANTED SLOPES, UNLESS SHOWN OTHERWISE IN GRADING DETAILS.
- GRADE AWAY FROM ALL BUILDINGS AT A MINIMUM SLOPE OF 10% IN UNPAVED AREAS AND MINIMUM SLOPE OF 2% IN PAVED AREAS.
- CLEANOUTS SHALL BE PROVIDED FOR ALL CHANGES IN LINES AND/OR GRADE OR THE SANITARY SEWER SERVICE.
- CONFORM TO TOWN/COUNTY STANDARDS FOR WATER CONSTRUCTION. MAINTAIN 10 FEET MINIMUM SEPARATION BETWEEN WATER AND SEWER UNDERGROUND SERVICE PIPES. MAINTAIN SEVEN FEET MINIMUM COVER AT UNDERGROUND WATER SERVICE AND ASSOCIATED LINES. NEW CURB STOPS AND SERVICE LINES SHALL BE INSTALLED FOR EACH UNIT. CURB STOPS SHALL BE LOCATED ON THE PROPERTY LINE IN A SPOT APPROVED BY THE TOWN PUBLIC WORKS DIRECTOR.
- IF UTILITY CONNECTION POINTS ARE NOT KNOWN AT THE TIME OF BUILDING PERMIT SUBMISSION, LOCATIONS TO BE COORDINATED AND APPROVED BY TOWN/COUNTY AND SERVICE PROVIDERS IN ADVANCE.

ENERGY CODE NOTES

GO TO COMPLY WITH ALL REQUIREMENTS OF THE 2015 INTERNATIONAL BUILDING CODE, THE 2015 INTERNATIONAL RESIDENTIAL CODE, AND THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE, AS WELL AS ANY AMENDMENTS ADOPTED BY THE TOWN'S AND/OR COUNTY'S MUNICIPAL CODE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO:

CLIMATE ZONE	1
FENESTRATION U-FACTOR	0.32
CEILING R-VALUE	41
WOOD FRAME WALL R-VALUE	20.9 OR 13+10
MASS WALL R-VALUE	19/21
FLOOR R-VALUE	50
BASEMENT WALL R-VALUE	15/19 - CONTINUOUS/FRAMING CAVITY
SLAB R-VALUE AND DEPTH	10, 4FT
CRAWL SPACE WALL R-VALUE	15/19 - CONTINUOUS/FRAMING CAVITY
HEATED SLAB ON GRADE R-VALUE	15/19

ABBREVIATIONS

A	AND	FND	FOUNDATION
AB	AT	FO	FACE OF
▲	ANCHOR BOLT	FP	FIRE PROTECTION
AC	AIR CONDITIONING	FRS	FIREPROOFING
ACC	ACCESSIBLE	FR	FIRE RESISTANT
ACGUST	ACOUSTICAL	FRG	FIBER REINFORCED CONCRETE
ACT	ACOUSTIC CEILING TILE	FRT	FIRE RETARDANT TREATED AREA DRAIN
AD	ADJACENT	FT	FEET/FOOT
ADJ	ADJACENT	FTS	FOOTING
AFP	ABOVE FINISHED FLOOR	FIS	FINISH
AFS	ABOVE FINISHED GRADE	FURN	FURNITURE
AGGR	AGGREGATE	FURR	FURRING
ALT	ALTERNATE	FVC	FABRIC WALL COVERING
ALUM	ALUMINUM	FVP	FABRIC WRAPPED PANEL
ANOD	ANODIZED		
APC	ACOUSTICAL PANEL CEILING		
APPROX	APPROXIMATE	GA	GAUGE
ARCH	ARCHITECTURAL	GALV	GALVANIZED
ASPH	ASPHALT	GB	GRAB BAR
ATTN	ATTENTION	GC	GENERAL CONTRACTOR
AUTO	AUTOMATIC	GEN	GENERAL
AV	AUDIOVISUAL	GRFC	GLASS FIBER REINFORCED CONCRETE
		GL	GLASS
		GLAZ	GLAZING
		GRD	GRAVEL
		GRS	GRASS
		GRF	GLASS FIBER REINFORCED FIBER
		GRD	GRAND
		GRS	GRASS
		GSM	GALVANIZED SHEET METAL
		GV	GAS VALVE
		GWB	GYPSON WALL BOARD
		GYP	GYPSON
		H	HIGH/HEIGHT
		HB	HOSE BIBB
		HC	HANDCAFFED
		HDWD	HARDWOOD
		HDVDR	HARDWARE
		HGT	HEIGHT
		HM	HOLLOW METAL
		HNDRL	HANDRAIL
		HC	HOLD OPEN
		HORIZ	HORIZONTAL
		HR	HOUR
		HRC	HOSE REEL CABINET
		HTS	HEATING
		HVAC	HEATING VENTILATION AND AIR CONDITIONING
		HA	HOT WATER
		ID	INSIDE DIAMETER
		IN	INCH/INCHES
		INCAND	INCANDESCENT
		INCLD	INCLUDED/INCLUDING
		INFO	INFORMATION
		INSUL	INSULATION
		INSUL	INSULATED OR INSULATION
		INT	INTERIOR
		INTERM	INTERMEDIATE
		INV	INVERT
		CONSTR	CONSTRUCTION
		CONT	CONTINUOUS
		CONTR	CONTRACTOR
		COORD	COORDINATE
		CORR	CORRIDOR
		CPT	CARPET
		CT	CERAMIC TILE
		CTR	CENTER
		CTRSK	COUNTERSUNK
		CA	COLD WATER
		(D)	DEMOLISH OR DEMOLITION
		D	DEEP, DEPTH
		DBL	DOUBLE
		DES	DEGREE
		DEMOL	DEMOLISH OR DEMOLITION
		DEPT	DEPARTMENT
		DF	DRINKING FOUNTAIN
		DA	DIAMETER
		DIFF	DIFFUSER
		DM	DIMENSION
		DMS	DIMENSIONS
		DISP	DISPENSER
		DIV	DIVISION
		DMFF	DAMP PROOFING
		DN	DOWN
		DO	DOOR OPENING
		DR	DOOR
		DRN	DRAIN
		DS	DOWNSPOUT
		DS	DOWN SPOUT
		DTL	DETAIL
		DW	DISHWASHER
		DWG	DRAWING
		DWR	DRAWER
		(E)	EXISTING
		CMU	CONCRETE MASONRY UNIT
		E	EAST
		EA	EACH
		EB	EXPANSION BOLT
		EJ	EXPANSION JOINT
		EL	ELEVATION
		ELEG	ELECTRICAL
		ELEV	ELEVATOR
		EMER	EMERGENCY
		ENCL	ENCLOSURE
		ENG	ENGINEER
		EP	ELECTRICAL PANEL
		EPDM	ETHYLENE PROPYLENE DIENE M-GLASS
		EG	EQUAL
		EQUIP	EQUIPMENT
		EXH	EXHAUST
		EXIST	EXISTING
		EXP	EXPANSION
		EXT	EXTERIOR
		FA	FIRE ALARM
		FB	FACE BRICK
		FD	FLOOR DRAIN
		FD	FLOOR DRAIN OR FIRE DEPARTMENT
		FDC	FIRE DEPARTMENT CONNECTION
		FE	FIRE EXTINGUISHER
		FE	FIRE EXTINGUISHER CABINET
		FFAE	FURNITURE, FIXTURES AND EQUIPMENT
		FFB	FLUSH FLOOR BOX
		FFEL	FINISH FLOOR ELEVATION
		FH	FLAT HEAD
		FHC	FIRE HOSE CABINET
		FIN	FINISH
		FIXT	FIXTURE
		FLASH	FLASHING
		FLR	FLOOR
		FLUOR	FLUORESCENT
		(N)	NEW
		N	NORTH
		NA	NOT APPLICABLE
		NC	NOISE CRITERIA
		NC	NOT IN CONTRACT
		NO	NUMBER
		NOM	NOMINAL
		NON	NON COMBUSTIBLE
		COMB	COMBUSTIBLE
		NTS	NOT TO SCALE
		OA	OUTSIDE AIR
		OC	ON CENTER
		OD	OUTSIDE DIAMETER
		OD	OVERFLOW DRAIN
		OFGI	OWNER FURNISHED, CONTRACTOR INSTALLED
		OFF	OFFICE
		OFI	OWNER FURNISHED, OWNER INSTALLED
		OH	OVERHEAD
		OPNS	OPENING
		OPP	OPPOSITE
		ORD	OVERFLOW ROOF DRAIN
		P	PAINT
		PAV	PAVING
		PBD	PARTICLE BOARD
		PC	PRECAST
		PDF	POWER DRIVEN FASTENER
		PERF	PERFORATED
		PERM	PERIMETER
		PERP	PERPENDICULAR
		PI	PLATE
		PLAM	PLASTIC LAMINATE
		PLAS	PLASTER
		PLBS	PLUMBING
		PLF	POUNDS PER LINEAR FOOT
		PLYWD	PLYWOOD
		PNL	PANEL
		PNT	PAINT OR PAINTED
		POL	POLISHED
		FR	PAIR
		PRFAB	PREFABRICATED
		PROJ	PROJECT
		PSF	POUNDS PER SQUARE FOOT
		PST	POINT
		PT	PRESSURE TREATED
		PTD	PAINTED
		PTN	PARTITION
		PVC	POLYVINYL CHLORIDE
		R	RADIUS/RISER
		RA	RETURN AIR
		RAD	RADIUS
		RB	RESILIENT BASE
		RBR	RUBBER
		RCP	REFLECTED CEILING PLAN
		RD	ROOF DRAIN
		REC	RECESSED
		RECP	RECEPTACLE
		REF	REFERENCE
		REFR	REFRIGERATOR
		REG	REGISTER
		REIN	REINFORCED REINFORCING
		REL	RELOCATE
		REM	REMOVABLE
		RECOM	RECOMMENDED
		REQ	REQUIRED/REQUIRED
		REQD	REQUIRED
		RESIL	RESILIENT
		REV	REVISION/REVISED
		RM	ROOM
		RO	ROUGH OPENING
		RTD	RATED
		RTG	RATING
		RWL	RAIN WATER LEADER
		S	SOUTH
		SA	SUPPLY AIR
		SAF	SELF ADHERED FLASHING
		SC	SOLID CORE
		SCHED	SCHEDULE
		SD	STORM DRAIN
		SECT	SECTION
		SF	SQUARE FEET/FOOT
		SH	SPRINKLER HEAD
		SHT	SHOWER
		SHT	SHEET
		SIM	SIMILAR
		SM	SHEET METAL
		SM	SURFACE MOUNTED
		SPEC	PIPE
		SPEC	SPECIFIED OR SPECIFICATION
		SPK	SPEAKER OR SPEAKER
		SPKR	SPEAKER
		SG	SQUARE
		SS	STAINLESS STEEL
		SSK	SERVICE SINK
		STA	STATION
		STC	SOUND TRANSMISSION COEFFICIENT
		STL	STEEL
		STOR	STORAGE
		STRG	STRINGER
		STRUCT	STRUCTURE OR STRUCTURAL
		SUBCAT	SUBCATEGORY
		SUSP	SUSPENDED
		SYM	SYMMETRICAL
		SYS	SYSTEM
		T	TREAD
		T&B	TOP AND BOTTOM
		T&G	TONGUE AND GROOVE
		TB	TOWEL BAR
		TEL	TELEPHONE/TELECOM
		TELE	TELEPHONE
		TEMP	TEMPERATURE
		TEMP	TEMPORARY
		THK	THICKNESS
		THRU	THROUGH
		T&B	TACK BOARD
		TLT	TOILET
		TMPD	TEMPERED
		TOP	TOP OF
		TOB	TOP OF BEAM
		TOC	TOP OF CONCRETE
		TOS	TOP OF STEEL
		TS	TUBE STEEL
		TV	TELEVISION
		TYP	TYPICAL
		UNFN	UNFINISHED
		UNO	UNLESS NOTED OTHERWISE
		UNO	UNLESS OTHERWISE NOTED
		URNL	URNAL
		VAC	VENTILATION AND AIR CONDITIONING
		VAR	VARIABLE
		VCT	VINYL COMPOSITION TILE
		VERT	VERTICAL
		VEST	VESTIBULE
		VIF	VERIFY IN FIELD
		VP	VISION PANEL
		VR	VAPOR RETARDER
		VT	VINYL TILE
		VNC	VINYL WALL COVERING
		W	WIDE/WEST
		W	WEST
		W	WITHOUT
		WC	WATER CLOSET
		WCD	WOOD
		WIN	WINDOW
		WM	WIRE MESH
		WP	WATERPROOF/WATERPROOF
		WPM	WATERPROOF MEMBRANE
		WS	WEATHER-STRIPPING
		WST	WARRANTY
		WT	WEIGHT
		WV	WATER VALVE
		WVF	WELDED WIRE FABRIC
		WVM	WELDED WIRE MESH

PROJECT DIRECTORY

Project Address
 Lot 14, Block 2, Booco's 2nd Addition to Minturn
 Parcel Number: 2103-263-02-025
 482 Eagle River Street
 Minturn, CO 81645

Owner
 Steve & Emily Hutton
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 shutton@huttons.com

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 Michael Pukas
 PO Box 288
 (970) 340-4431
 michael@mppdesignshop.com

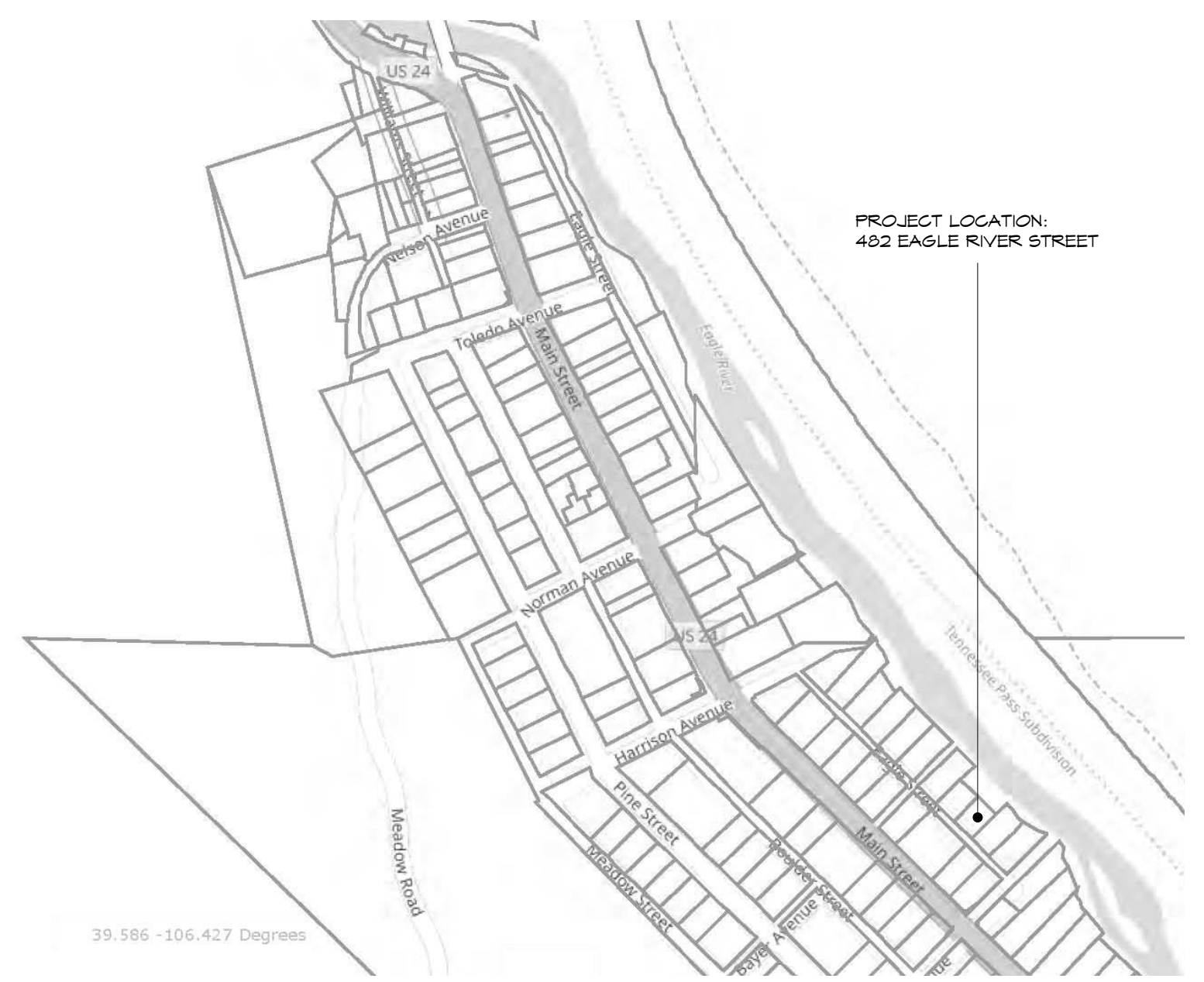
General Contractor
 K2 Mountain Consultants, LLC
 (770) 343-2766
 chrisk@k2mc.co

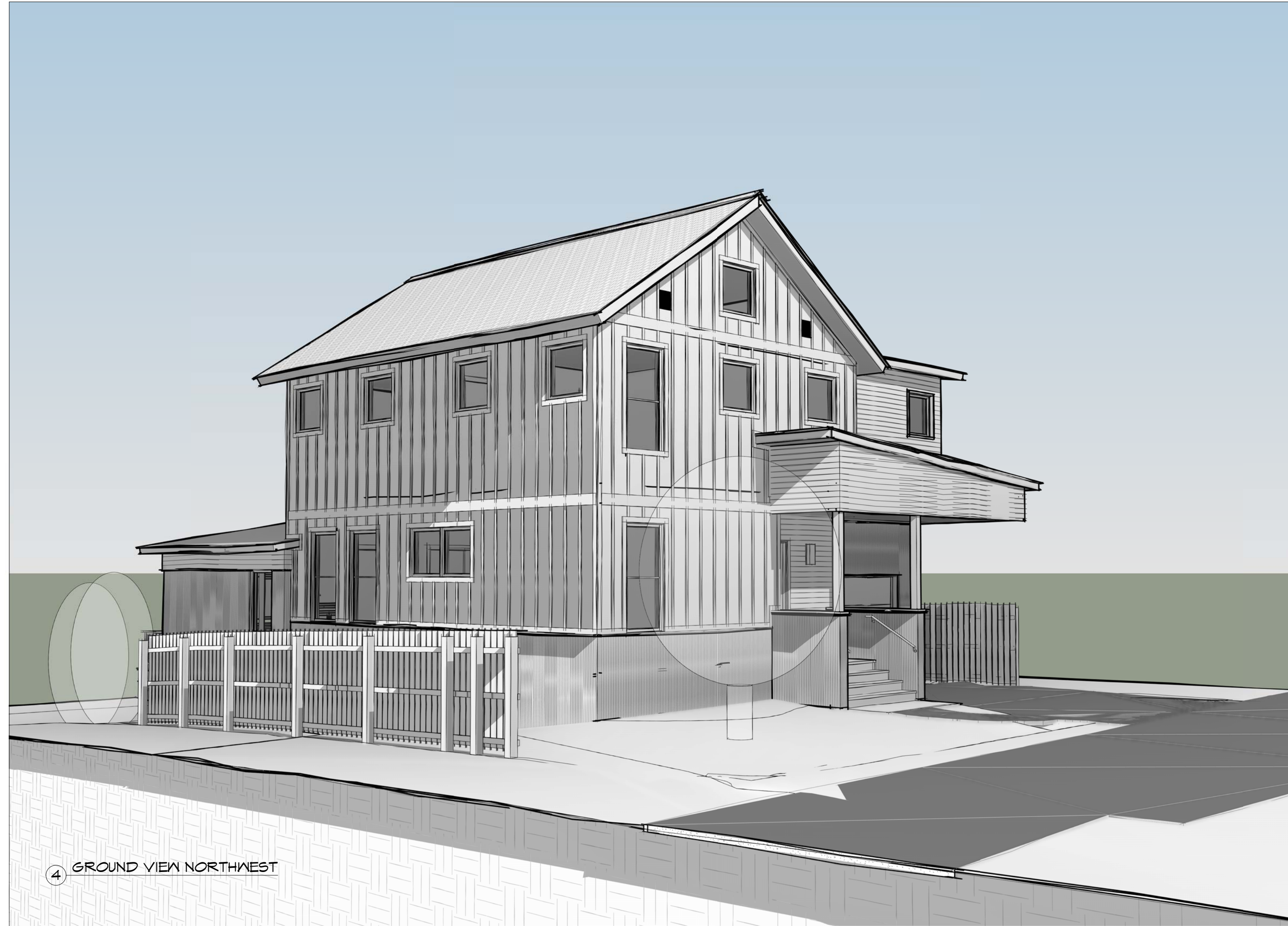
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 Albert Ewing
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 (970) 444-5153
 ewing-vail@comcast.net

Land Surveyor
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 Ted Archibeaue
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 Eagle CO 81631
 (970) 320-6020
 ted@prolandsurvey.com

SHEET INDEX

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4 GROUND VIEW NORTHWEST



2 GROUND VIEW NORTHEAST



3 GROUND VIEW SOUTHWEST



1 GROUND VIEW SOUTHEAST



mpp design shop, inc.
 PO Box 288
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 michael@mppdesignshop.com



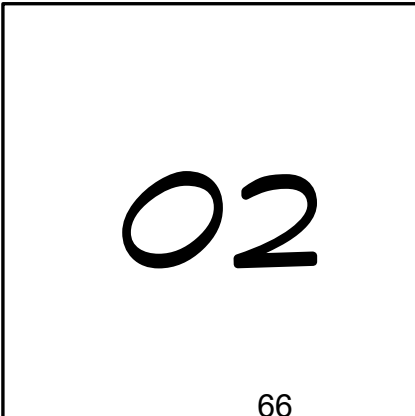
Hutton Residence
 Lot 14, Block 2, Booco's 2nd Addition to Minturn
 Parcel Number: 2103-263-02-025
 482 Eagle River Street
 Minturn, CO 81645

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#	Description	Date
1	DRB Submission	03/01/21
2	Building Permit	04/15/21
3	Design Revisions	05/06/21
4	Bldg Permit Rev's	05/20/21
5	DRB Submission	07/01/21

Project Number: 1908
 Designed by: mpp
 Drawn by: mpp
 Checked by: mpp

GROUND VIEWS



TOPOGRAPHIC SURVEY

LOT 14, BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN

TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

LEGAL DESCRIPTION

PARCEL A:
 LOT 14, BLOCK 2, QUARTER SW SECTION 26 TOWNSHIP 5 RANGE 81 PARCEL IN
 SUBDIVISION BOOCO 2ND, COUNTY OF EAGLE, STATE OF COLORADO.

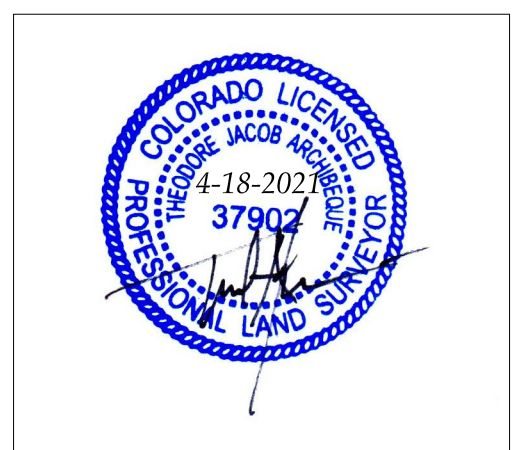
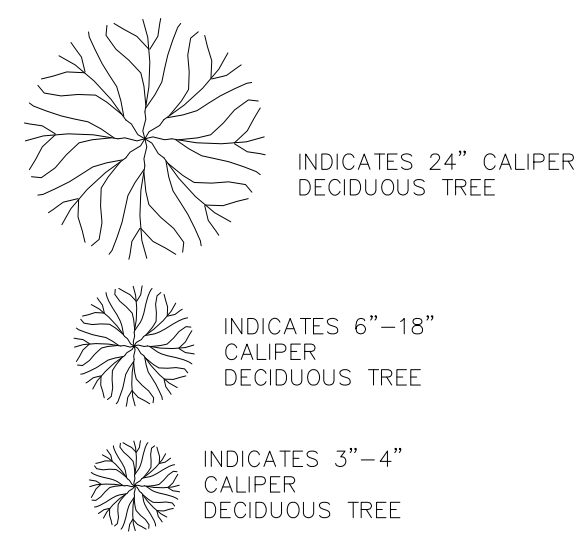
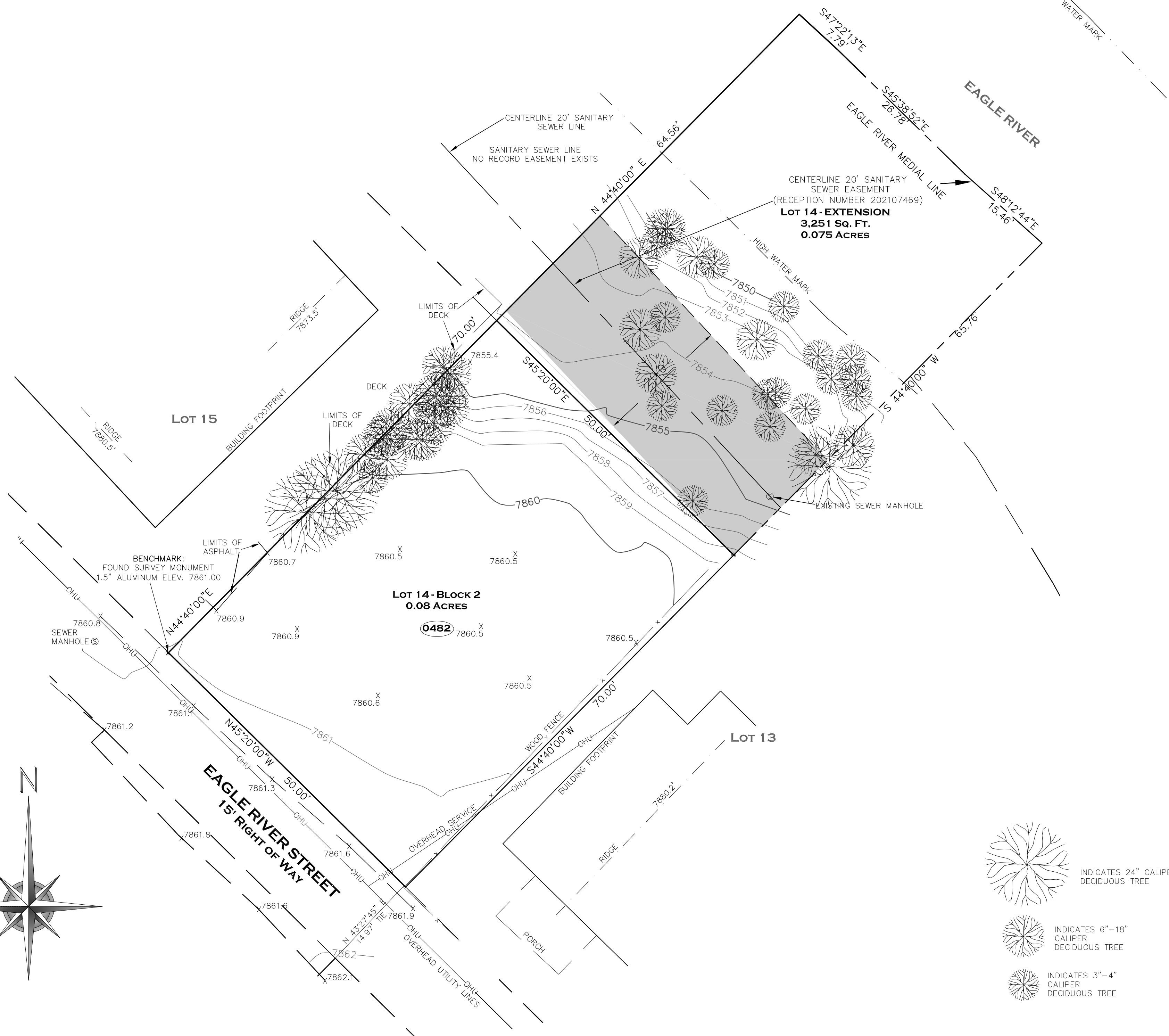
PARCEL B:
 A PARCEL OF LAND SITUATE IN SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST, OF THE
 SIXTH PRINCIPLE MERIDIAN, TOWN OF MINTURN, BEING AN EXTENSION OF LOT 14,
 BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN, ACCORDING TO THE PLAT THEREOF
 AS RECORDED IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER, COUNTY
 OF EAGLE, STATE OF COLORADO, AND LYING SOUTH AND WEST OF THE MEDIAL LINE OF
 THE EAGLE RIVER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AT NORTHERLY CORNER OF SAID LOT 14; THENCE N. 44°40'00"E, 64.56 FEET
 TO THE MEDIAL LINE OF SAID EAGLE RIVER; THENCE UPON SAID MEDIAL LINE THE
 FOLLOWING 3 COURSES: 1) S. 47°22'13"E, 7.79 FEET; THENCE S. 45°38'52"E, 26.78 FEET; THENCE
 S. 48°12'44"E, 15.46 FEET; THENCE DEPARTING SAID MEDIAL LINE S. 44°40'00"W, 65.76 FEET
 TO THE EASTERLY CORNER OF SAID LOT 14; THENCE UPON THE NORTHEASTERLY LINE
 OF SAID LOT 14 N. 45°20'00"W, 50.00 FEET TO THE POINT OF BEGINNING. COUNTY OF
 EAGLE, STATE OF COLORADO

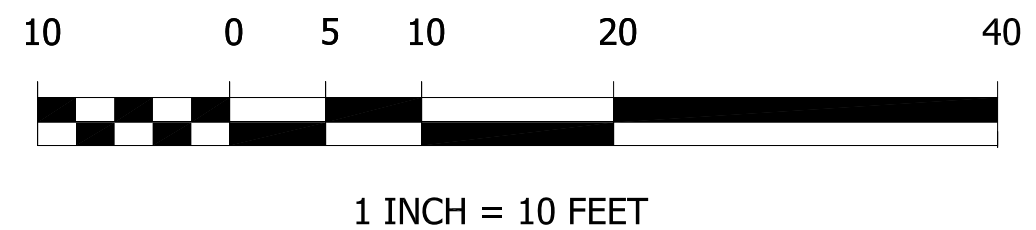
NOTES:

- 1) Survey Date: April 2020
- 2) Location of Improvements, Lot lines, and Easements are based upon the Plat of Booco's Addition to the Town of Minturn & Title Commitment No V50061309 provided by Land Title, and Survey Monuments found, as shown hereon.
- 3) Street Address: 0482 EAGLE RIVER STREET
- 4) Elevation Datum: 7861.00' on the southwest property corner, this NAVD 88 Elevation was interpolated from public data sets.
- 5) Contour Interval: 1 foot.
- 6) Utilities are shown approximately and should be field verified prior to excavation.
- 7) Surveyor does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.
- 8) This Topographic Survey was prepared for the exclusive use of Steve Hutton, and is valid only if print has original seal and signature of surveyor.
- 9) Lineal Units of the U.S. Survey Foot were used herein.

I, Theodore J. Archibeque, a Professional Land Surveyor in the State of Colorado, hereby certify that this Topographic Map was based upon my knowledge, information and belief, and was prepared by me or under my responsible charge, and that it was performed in accordance with standard care and practice used in the area at the time of the survey. This certification is not a guaranty or warranty, either expressed or implied and the Notes hereon are a part of this certification.



Theodore J. Archibeque PLS 37902
 Colorado Professional Land Surveyor



Archibeque Land Consulting, Ltd
 ~ Professional Land Surveying & Mapping ~
 105 Capitol Street, Suite 5 - P.O. Box 3893
 Eagle, Colorado 81631
 970.328.6020 Office 970.328.6021 Fax

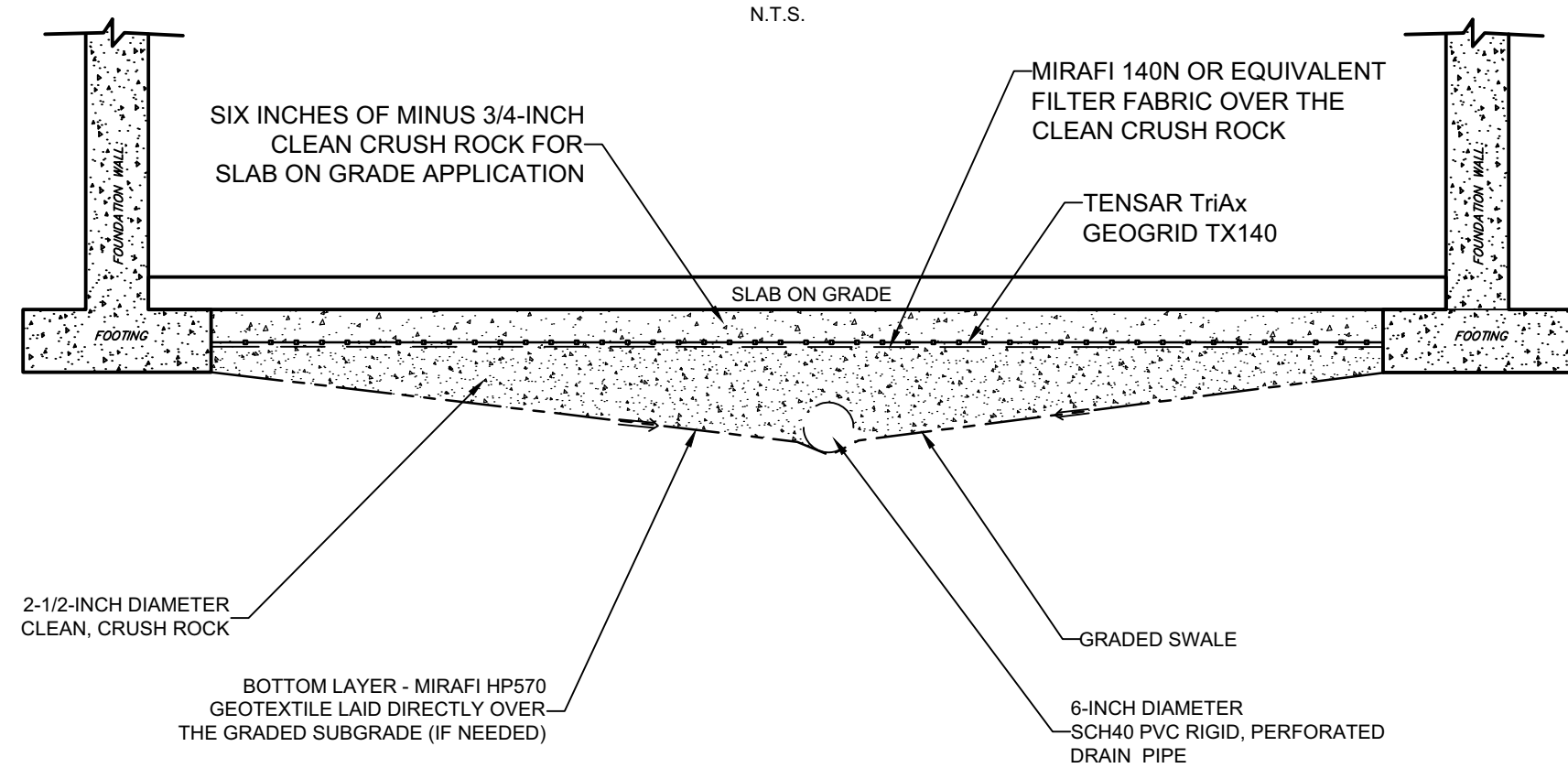
TOPOGRAPHIC SURVEY			
LOT 14, BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN			
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO			
DRAWN BY:	KMD	DRAWING NAME:	05152_TOP 482 EAGLE RIVER ST.dwg
SHEET 1 OF 1	DATE: 4-18-2021	CHECKED BY:	TJA

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgement and agreement to all terms stated herein.

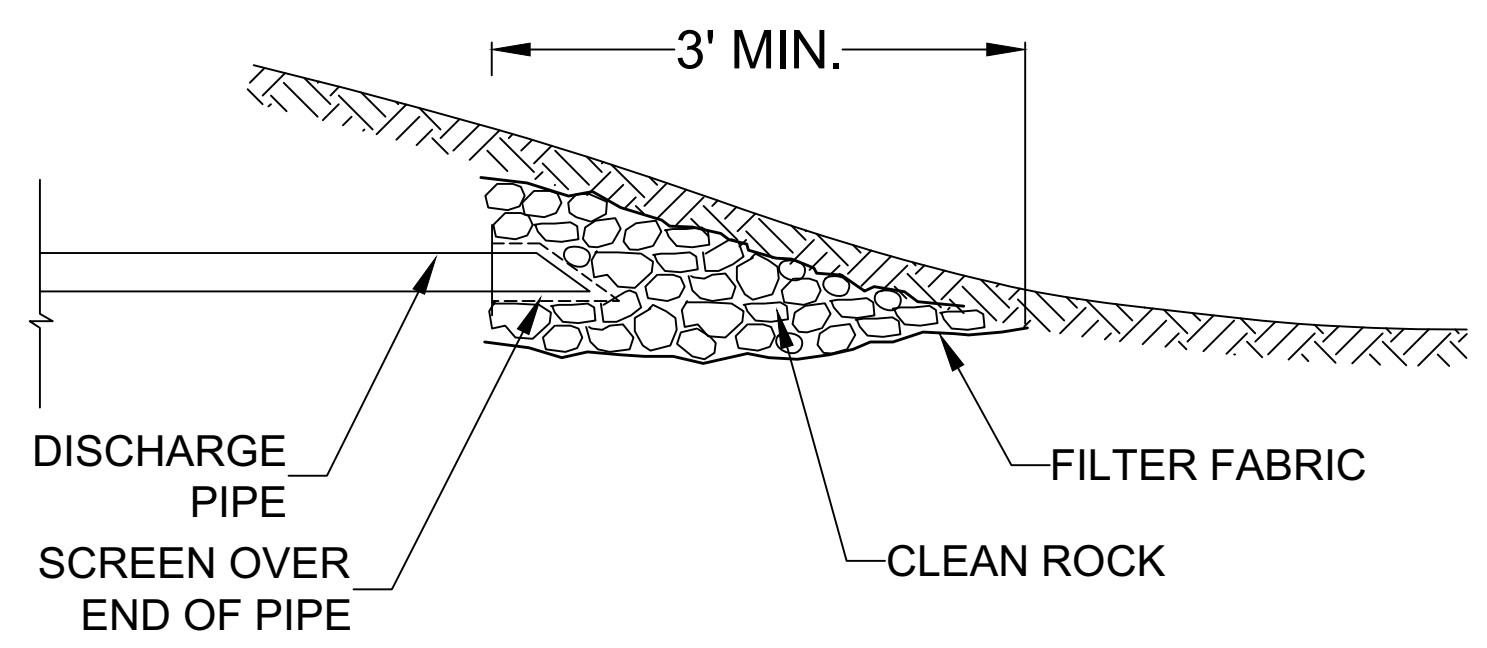
UNDERDRAIN NOTE:

- ALL EXTERIOR (PERIMETER) DRAINS WILL START A MINIMUM OF ONE FOOT AWAY (2 FEET IF POSSIBLE) AND ONE FOOT BELOW THE BOTTOM OF FOOTING ELEVATION
- ALL INTERIOR DRAINS WILL START A MINIMUM OF 12 INCHES BELOW THE BOTTOM OF SLAB ELEVATION AND TWO FEET AWAY FROM THE FOOTINGS.

UNDERDRAIN DETAIL
N.T.S.



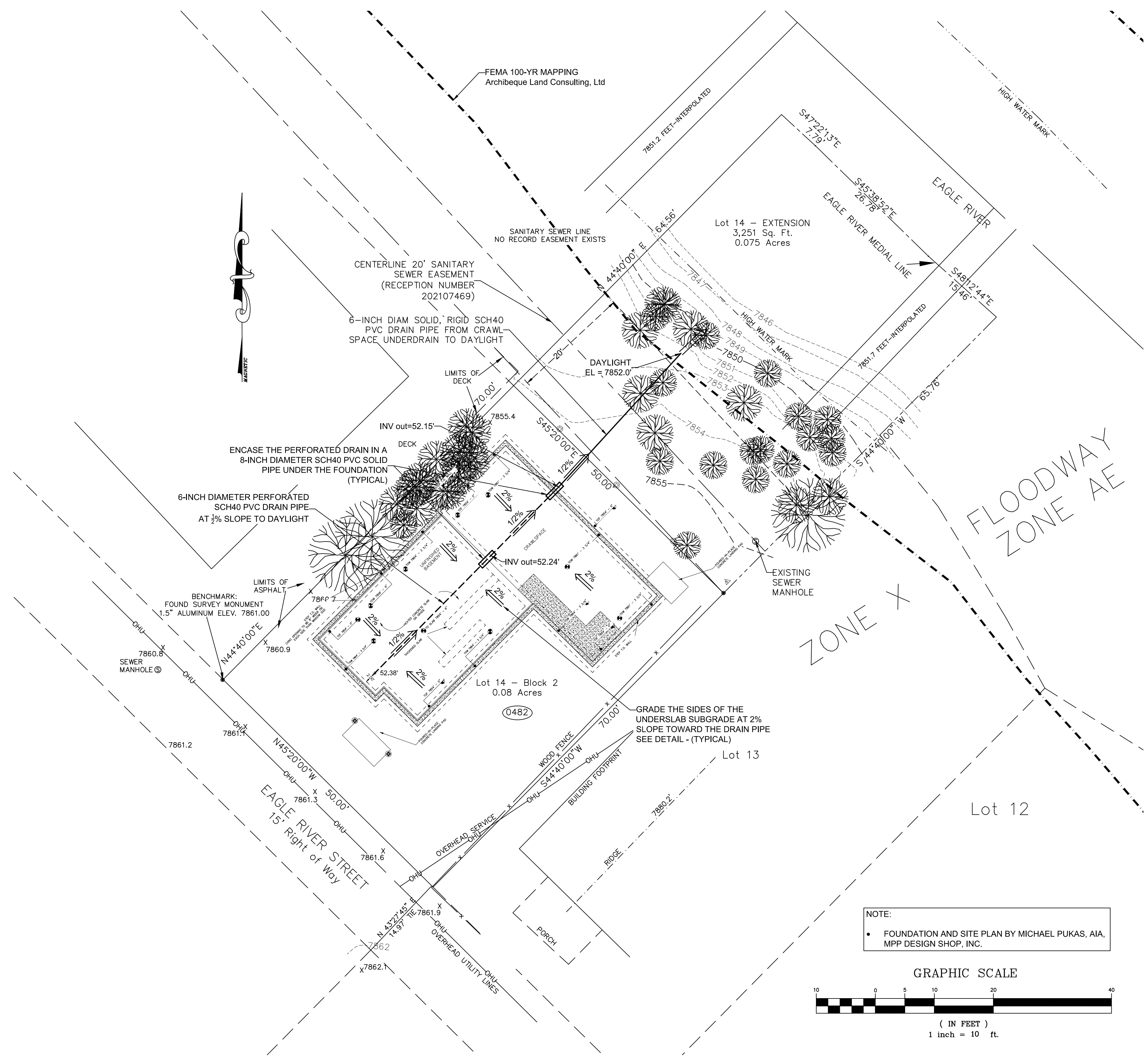
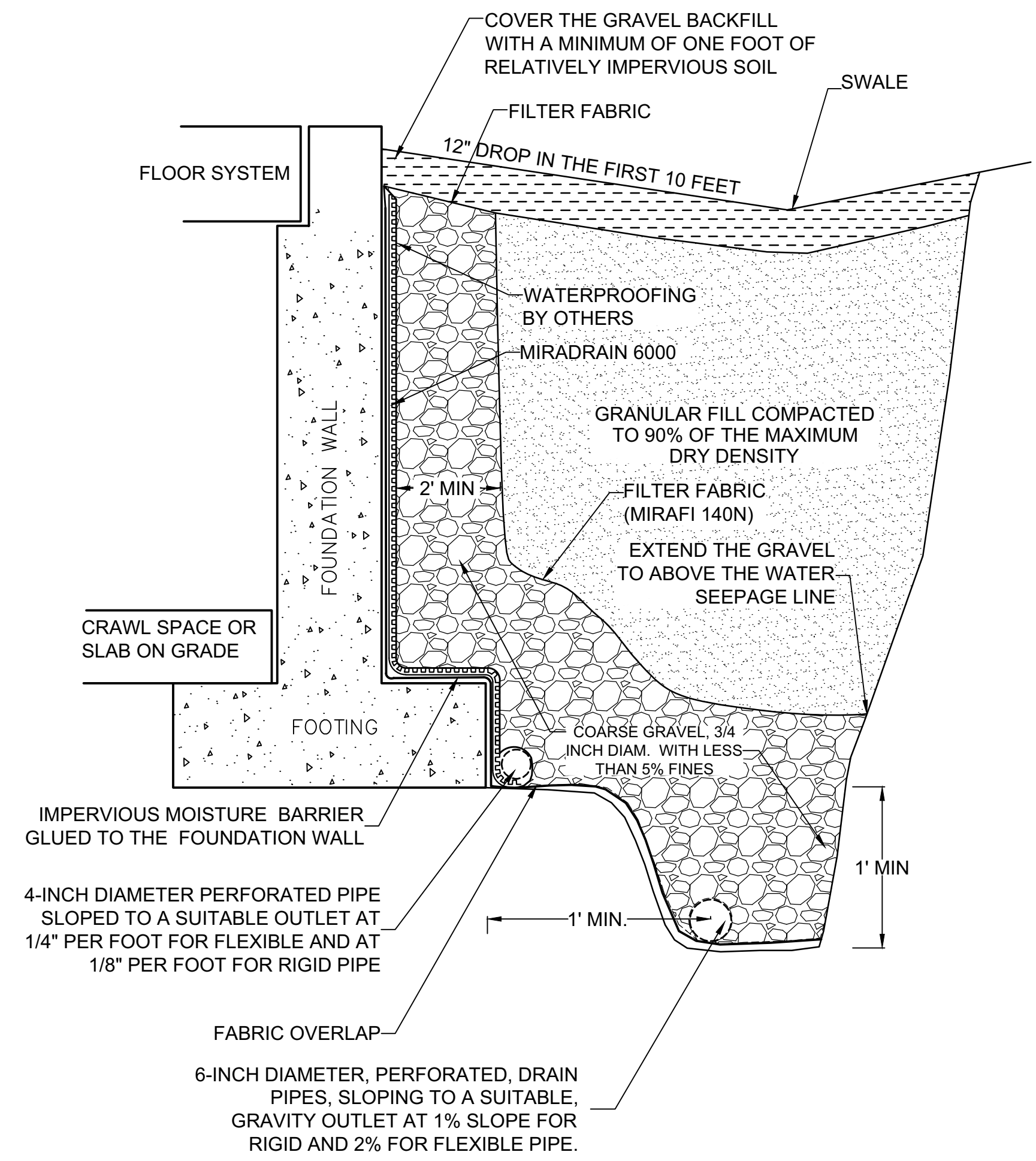
- NOTE:**
- GRADE THE SUBGRADE, INCLUDING THE SWALE FOR THE DRAIN PIPE.
 - CONSTRUCT THE MIRAFIX HP570 GEOTEXTILE OVER THE GRADED SUBGRADE (IF NEEDED for very soft or yielding subgrade soils)
 - CONSTRUCT THE UNDERDRAIN PIPE
 - BACKFILL WITH A MINIMUM OF 12-INCHES OF MINUS 2-1/2-INCH CLEAN CRUSH ROCK.
 - COVER THE CLEAN CRUSH ROCK LAYER WITH MIRAFIX 140N FILTER FABRIC OR EQUIVALENT
 - CONSTRUCT A LAYER OF TENSAR Triax GEOGRID OVER THE FILTER FABRIC
 - BACKFILL WITH 6-INCHES OF MINUS 3/4-INCH CLEAN CRUSH ROCK FOR SLAB ON GRADE APPLICATION.
 - DO NOT VIBRATE THE FILL, THIS WILL BRING OUT THE MOISTURE.
 - ANY SUBSTITUTIONS MUST BE VERIFIED WITH THE ENGINEER.
- THE GEOGRID AND GEOTEXTILE PLACEMENT WILL BE ACCORDING TO THE MANUFACTURERS RECOMMENDATIONS.



DAYLIGHT DETAIL
N.T.S.

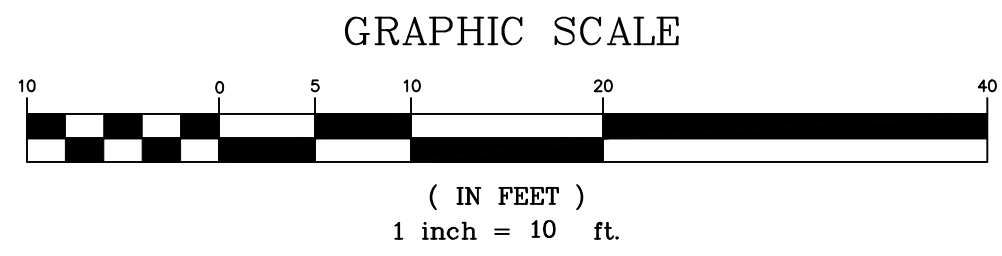
- UNDERDRAIN NOTES:**
- TEMPORARY GROUND WATER DEWATERING MIGHT BE NECESSARY DURING THE CONSTRUCTION OF THE UNDERDRAIN SYSTEM.
 - FOR THE TEMPORARY GROUND WATER DEWATERING, EXCAVATE HOLES OR TRENCHES AS NECESSARY TO CREATE LOW SPOTS. LINE THE HOLES OR TRENCHES WITH FILTER FABRIC AND PLACE CLEAN CRUSH ROCK. PLACE A SUMP PUMP IN THE LOW POINT AREA.
 - ONCE THE EXCAVATION IS RELATIVELY DRY, CONSTRUCT SWALES FOR THE PLACEMENT OF THE COLLECTOR DRAINS IN EACH OF THE SEPARATE FOUNDATION AREAS. LINE THE ENTIRE AREA WITH FILTER FABRIC. CONSTRUCT THE 6-INCH DIAMETER, PERFORATED COLLECTOR DRAINS.
 - BACKFILL THE ENTIRE AREA WITH A MINIMUM OF 12 INCHES OF MINUS 2-1/2-INCH CLEAN CRUSH ROCK. SOME AREAS ON THE DOWNSLOPE OF THE DRAINS WILL REQUIRE MORE GRAVEL.
 - COVER THE GRAVEL WITH FILTER FABRIC.
 - WHERE THE COLLECTOR DRAINS CROSS UNDER FOOTINGS, CHANGE TO SOLID, SCH40 RIGID PIPE.

PERIMETER DRAIN WITH AN UNDERDRAIN



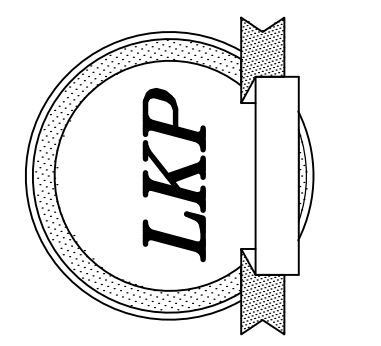
NOTE:

- FOUNDATION AND SITE PLAN BY MICHAEL PUKAS, AIA, MPP DESIGN SHOP, INC.



UNDERDRAIN DESIGN
LOT 14, BLOCK 2, BOOCO'S 2nd ADDITION
482 EAGLE RIVER STREET
TOWN OF MINTURN
EAGLE COUNTY, COLORADO
HUTTON RESIDENCE

CIVIL/GEOTECHNICAL
Engineering, Inc.
P.O. Box 724 Eagle, CO 81631
Tel (970) 390-0307 www.LKPEngineering.com



DRAWN BY:	L.P.
CHECKED BY:	L.P.
PROJECT NO.:	21-3495
SEE REVISIONS BOX	
DATE:	JUNE 30, 2021
DRAWING NO.:	21-3495UNDERDRAIN.DWG
SHEET:	C-1

EFFECTIVE LOT AREA & ALLOWABLE COVERAGES

EFFECTIVE LOT AREA	BUILDING LOT COVERAGE - 40%	IMPERVIOUS SURFACE AREA - 50%
5,210 SF	2,108 SF	2,635 SF

BUILDING LOT COVERAGE

BUILDING FOOTPRINT COVERAGE	1,729 SF
SHED ROOF COVERAGE	131 SF
	1,860 SF

IMPERVIOUS SURFACE AREA

BUILDING FOOTPRINT COVERAGE	1,729 SF
DECK COVERAGE	379 SF
SHED ROOF COVERAGE	131 SF
DRIVEWAY COVERAGE	239 SF
WALKWAY COVERAGE	66 SF
	2,543 SF

SNOW STORAGE

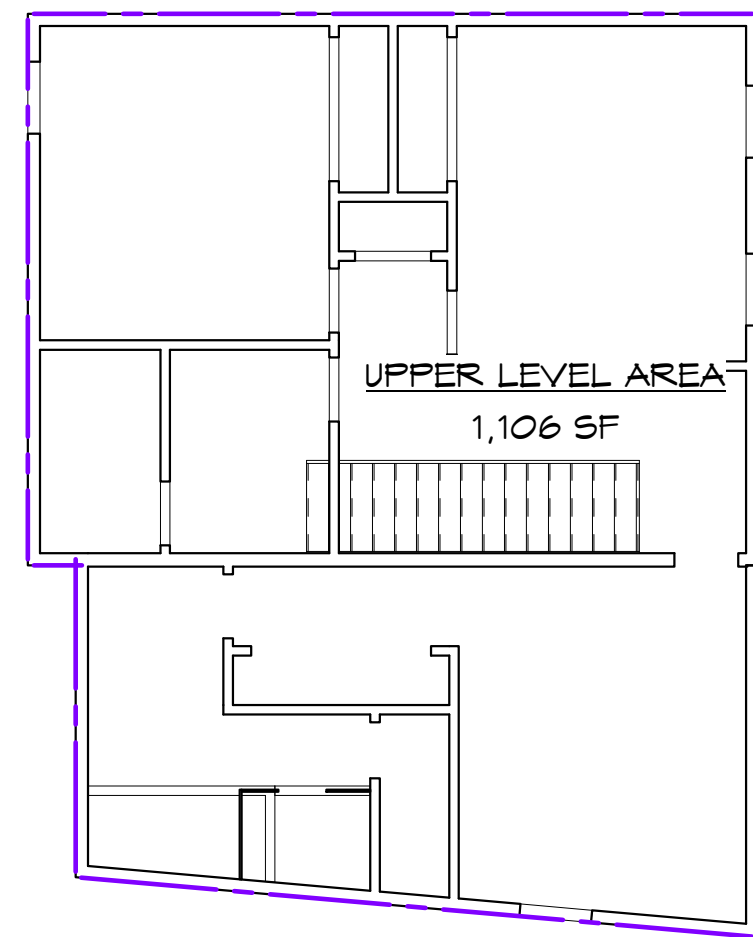
SNOW STORAGE	97 SF
	97 SF

LIVEABLE FLOOR AREA

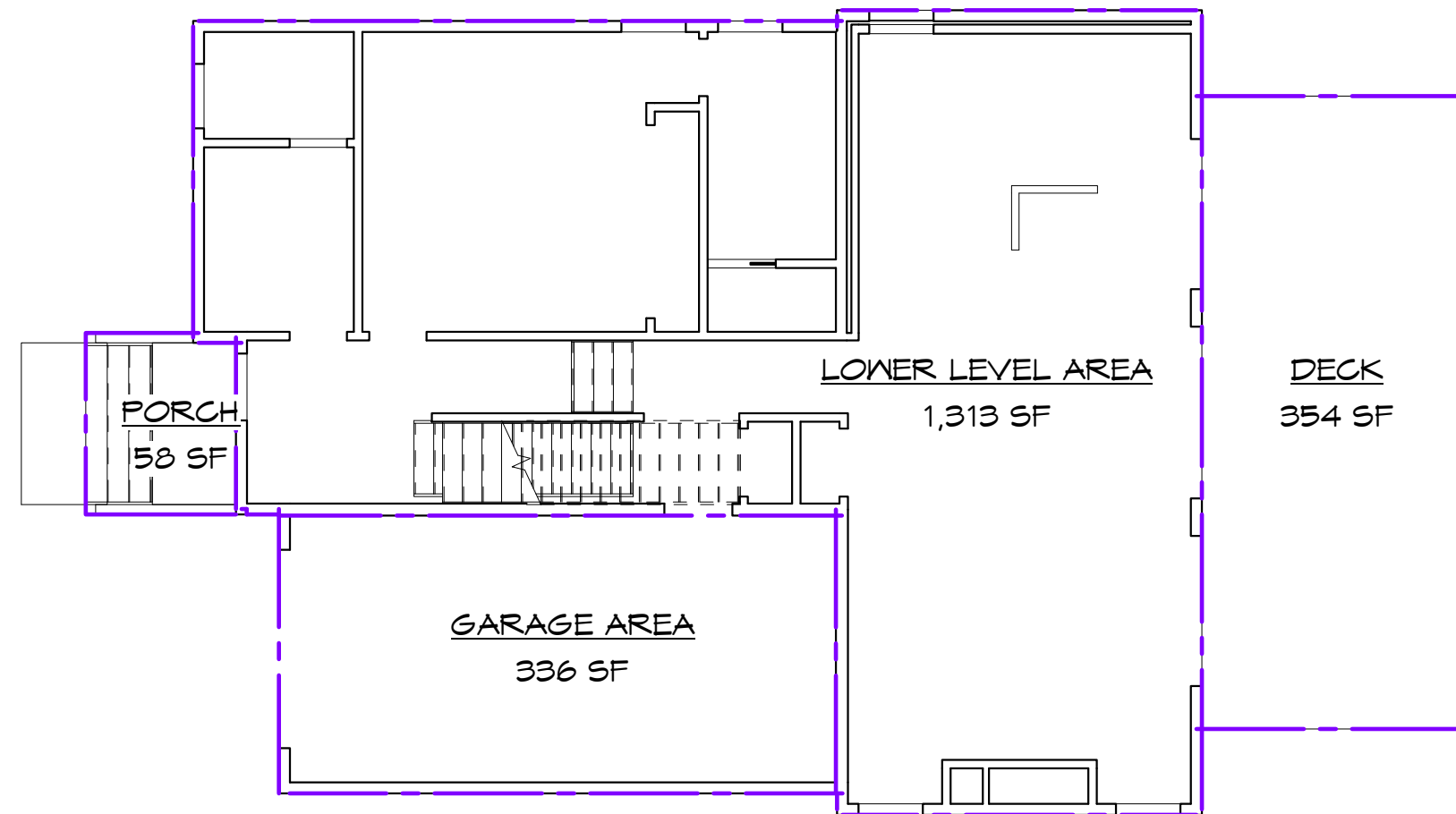
LOWER LEVEL AREA	1,313 SF
UPPER LEVEL AREA	1,106 SF
	2,419 SF

TOTAL BUILDING AREA

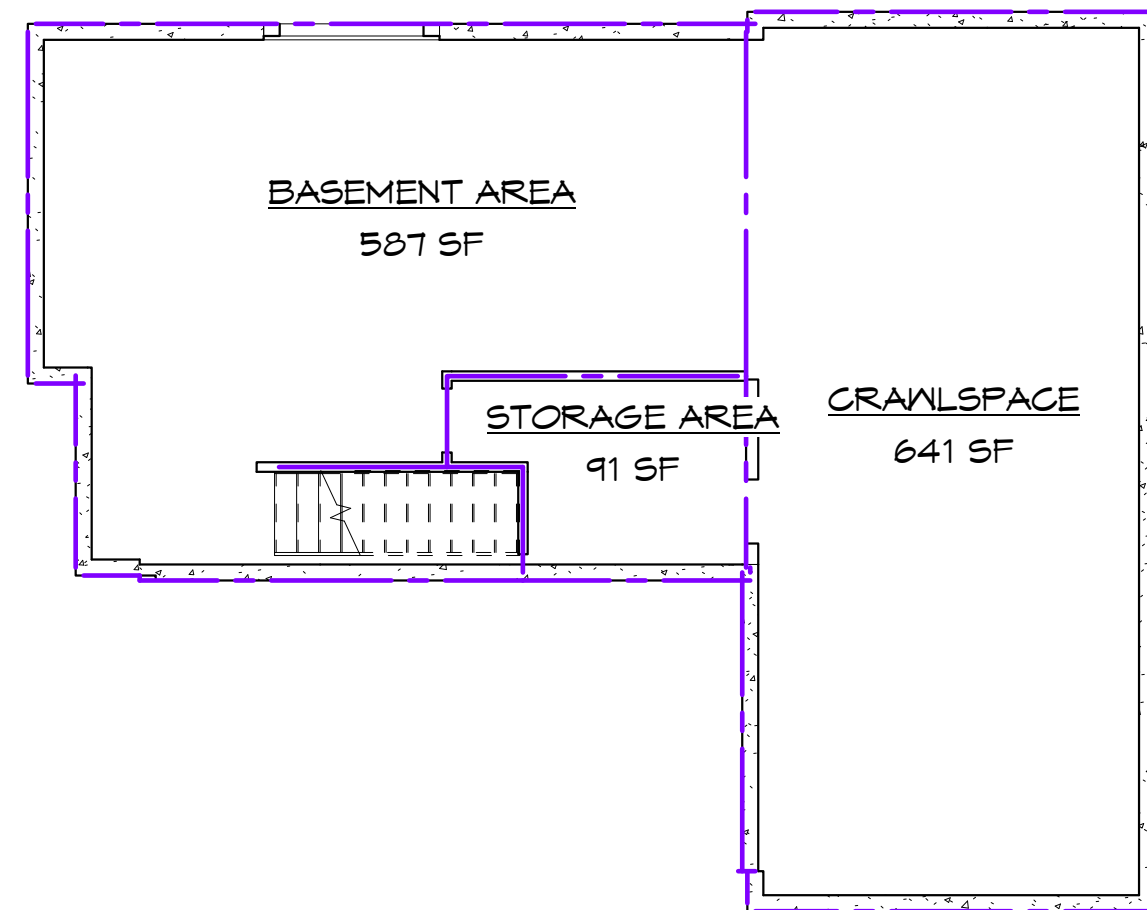
BASEMENT AREA	587 SF
STORAGE AREA	97 SF
GARAGE AREA	336 SF
LOWER LEVEL AREA	1,313 SF
UPPER LEVEL AREA	1,106 SF
	3,434 SF



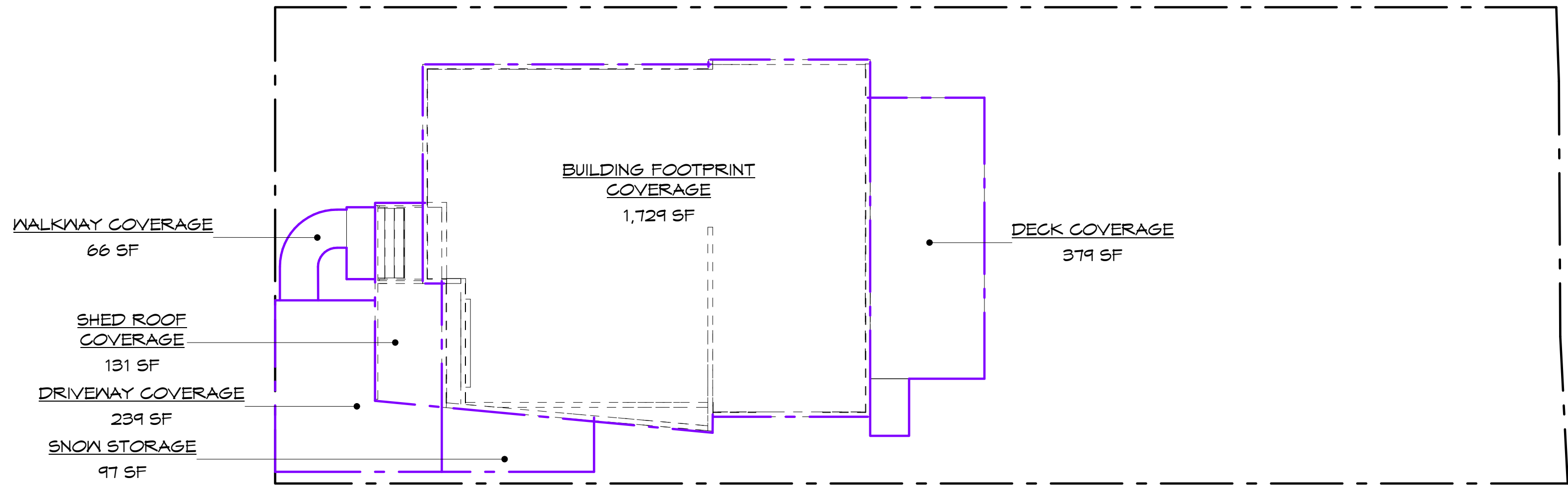
① UPPER LEVEL AREA
1/8" = 1'-0"



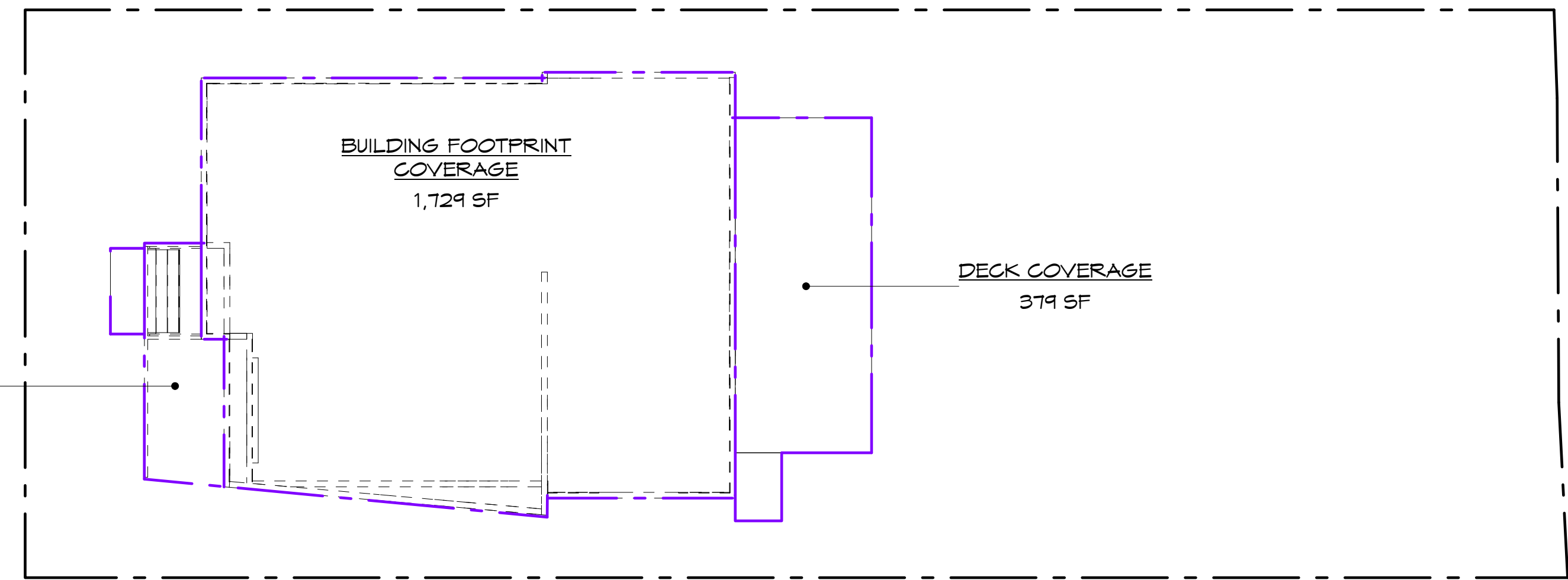
② LOWER LEVEL AREA
1/8" = 1'-0"



③ BASEMENT AREA
1/8" = 1'-0"



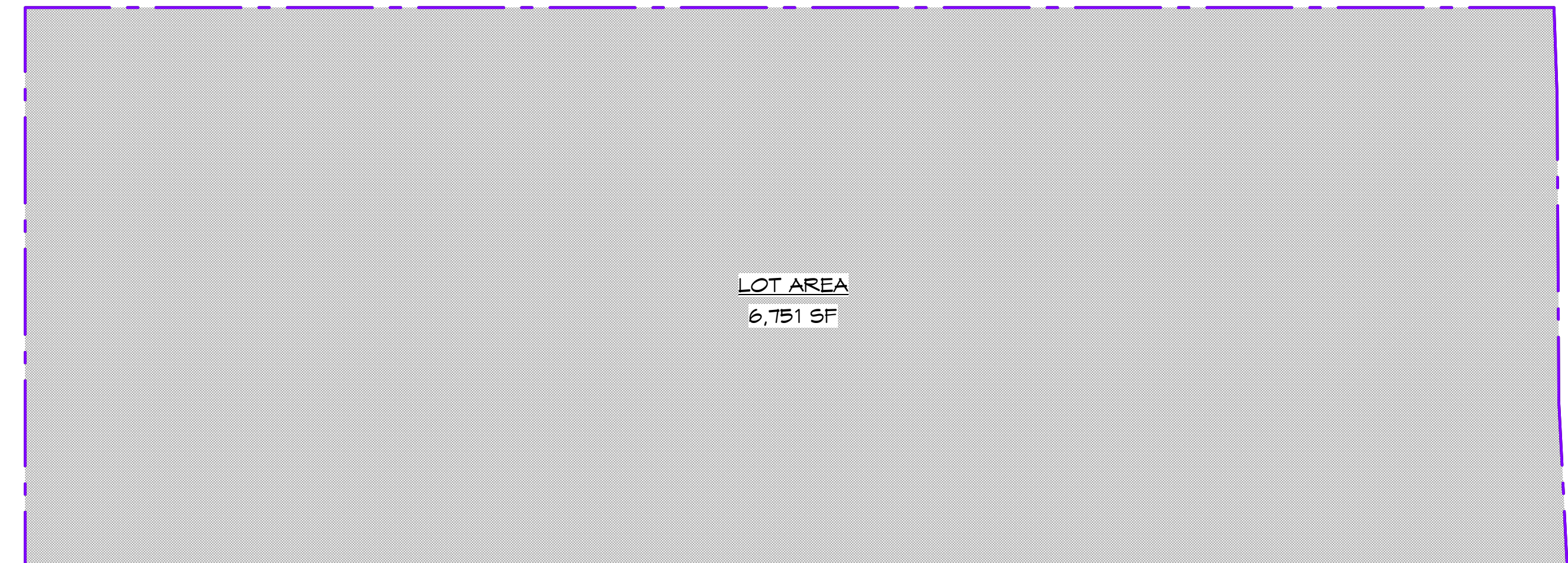
④ IMPERVIOUS SURFACE AREA
1" = 10'-0"



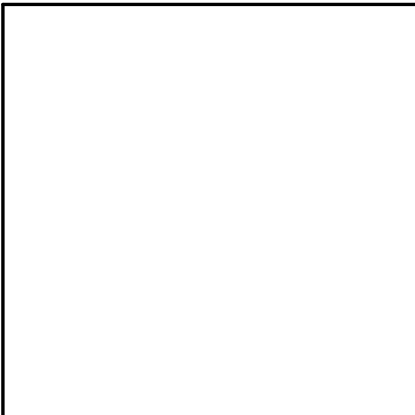
⑤ BUILDING LOT COVERAGE
1" = 10'-0"



⑥ EFFECTIVE LOT AREA
1" = 10'-0"



⑦ LOT AREA
1" = 10'-0"



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(970) 390-4931
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Hutton Residence
Lot 14, Block 2, Booco's 2nd Addition to Minturn
Parcel Number: 2103-263-02-025
482 Eagle River Street
Minturn, CO 81645

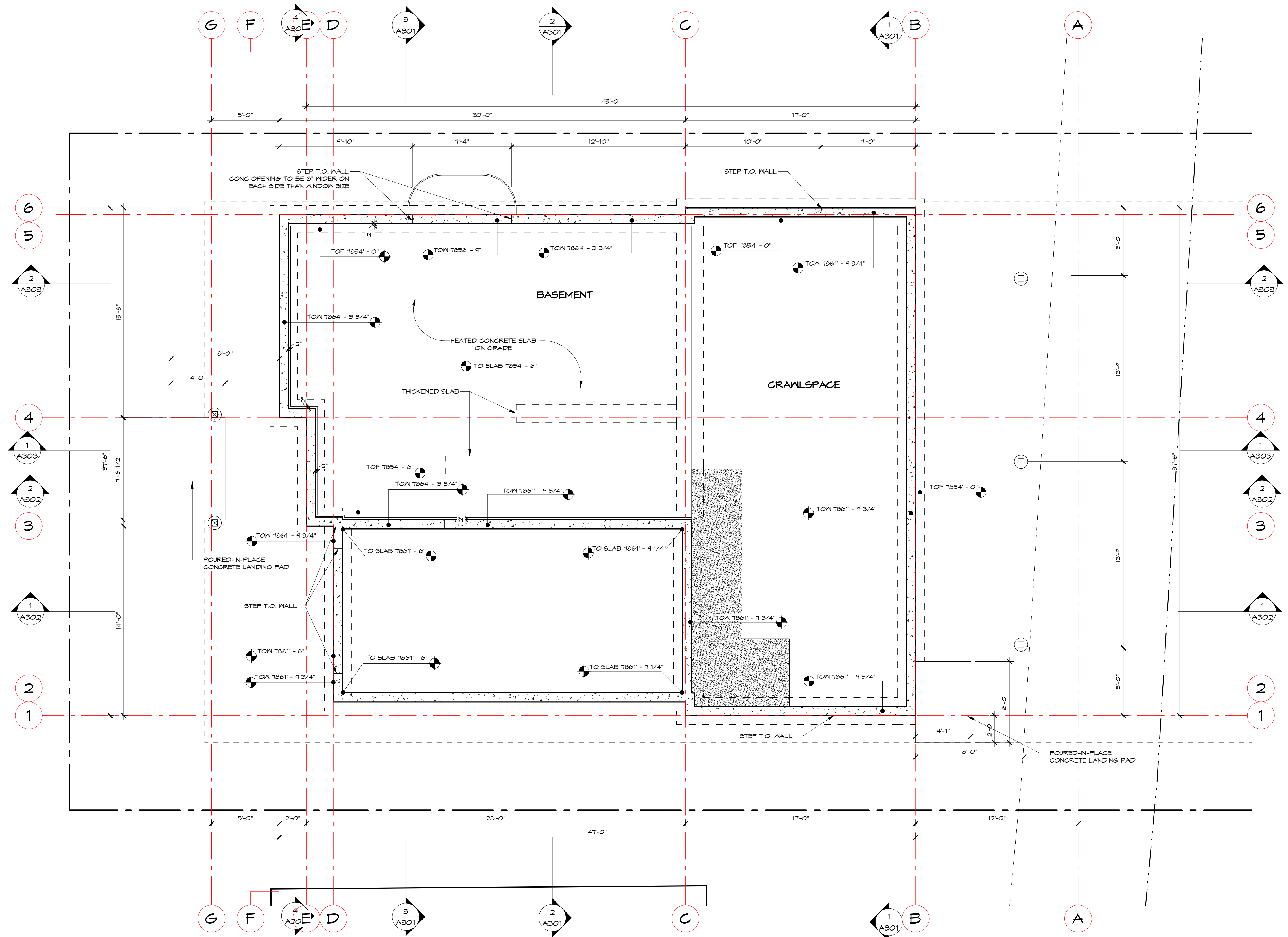
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3	Design Revisions	05/06/21
4	Blgd Permit Revs	05/20/21
5	DRB Submission	07/01/21

Project Number: 1908
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Drawn by: mpp
Checked by: mpp

LOT & BUILDING ANALYSIS

A001



1 FOUNDATION PLAN
1/4" = 1'-0"

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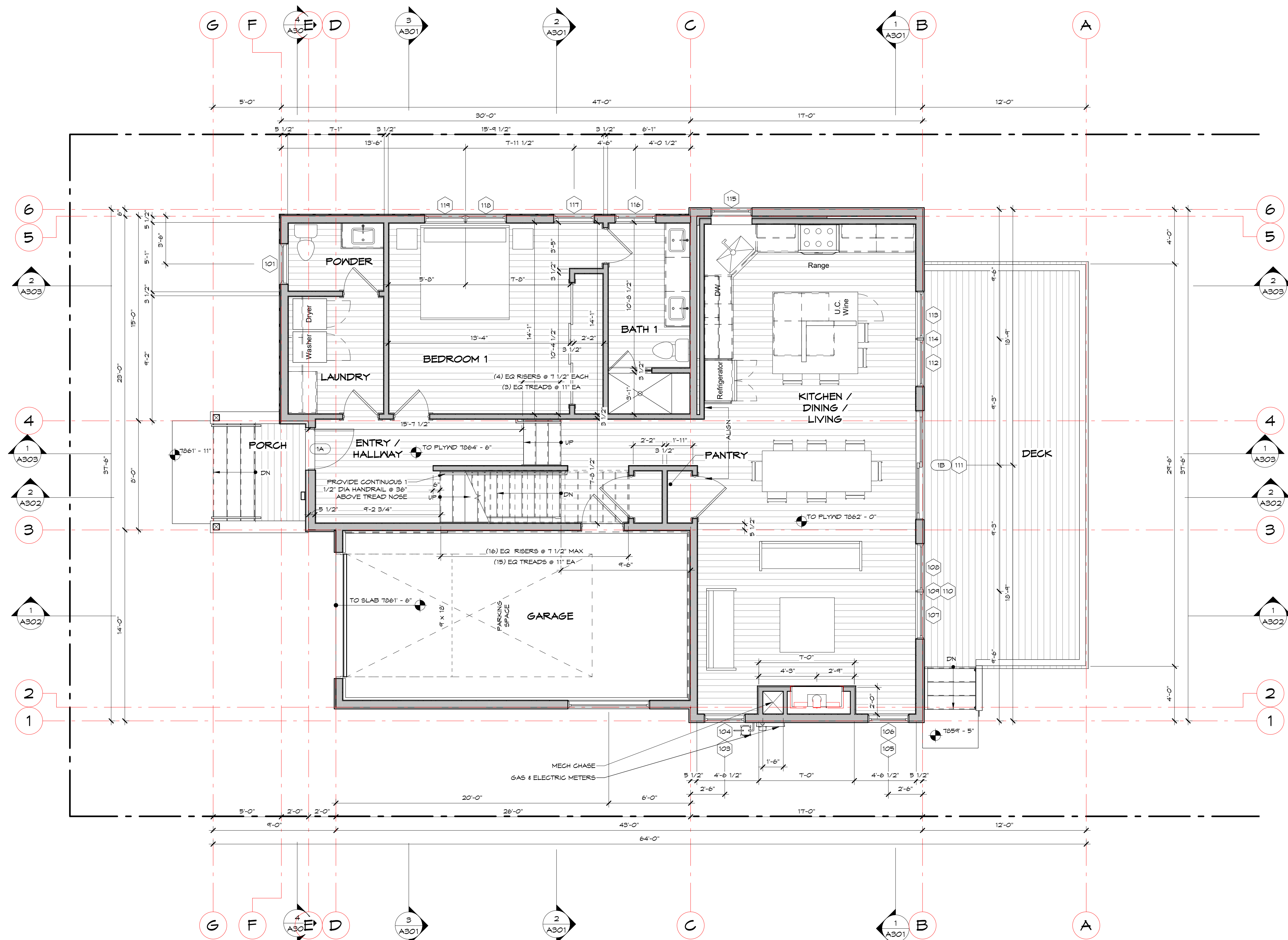
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3	Design Revisions	05/06/21
4	Bldg Permit Revs	05/20/21
5	DRB Submission	07/01/21

Project Number: 1908
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FOUNDATION PLAN

A101
71



1 LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

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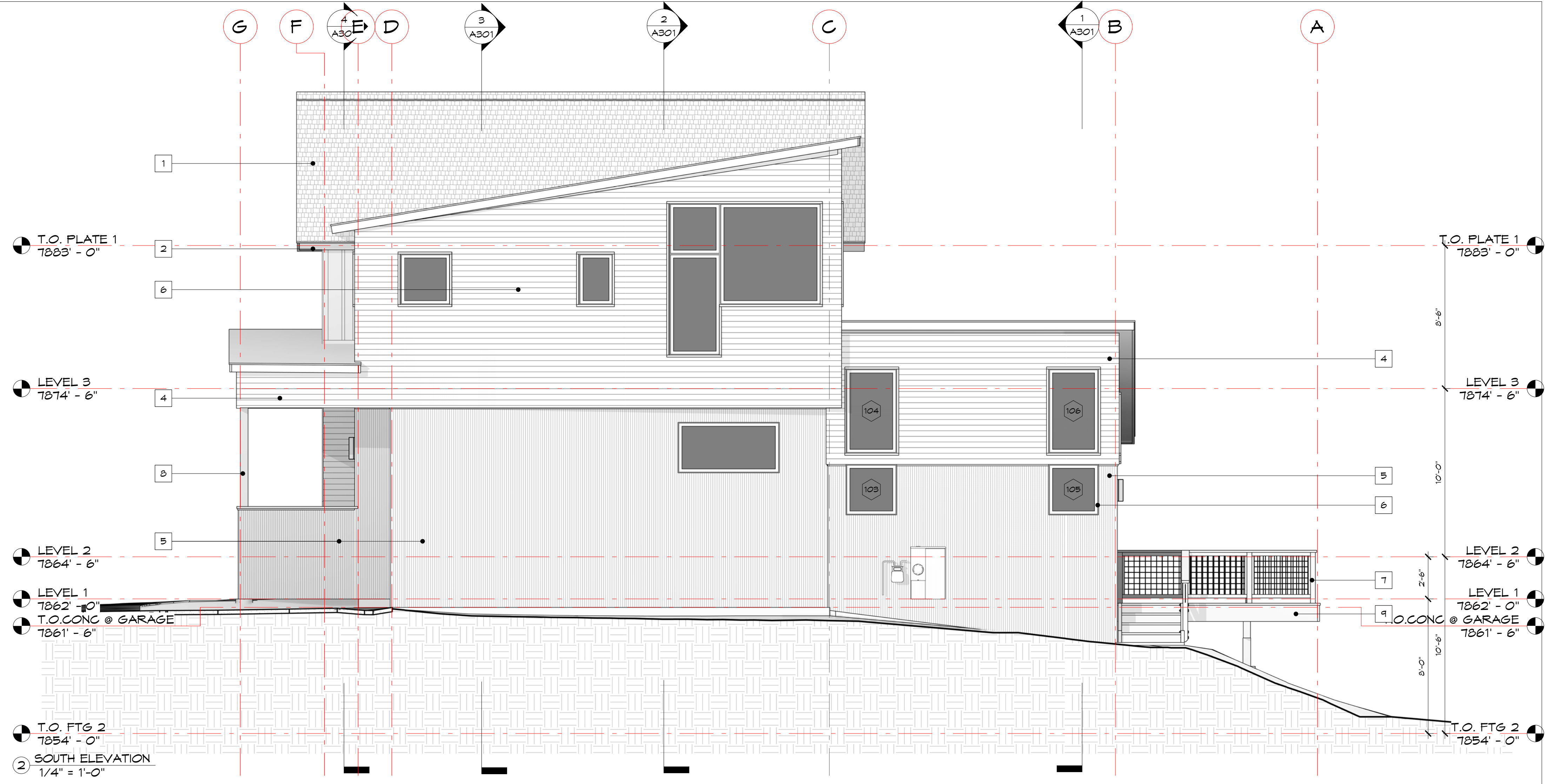
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LOWER LEVEL FLOOR PLAN

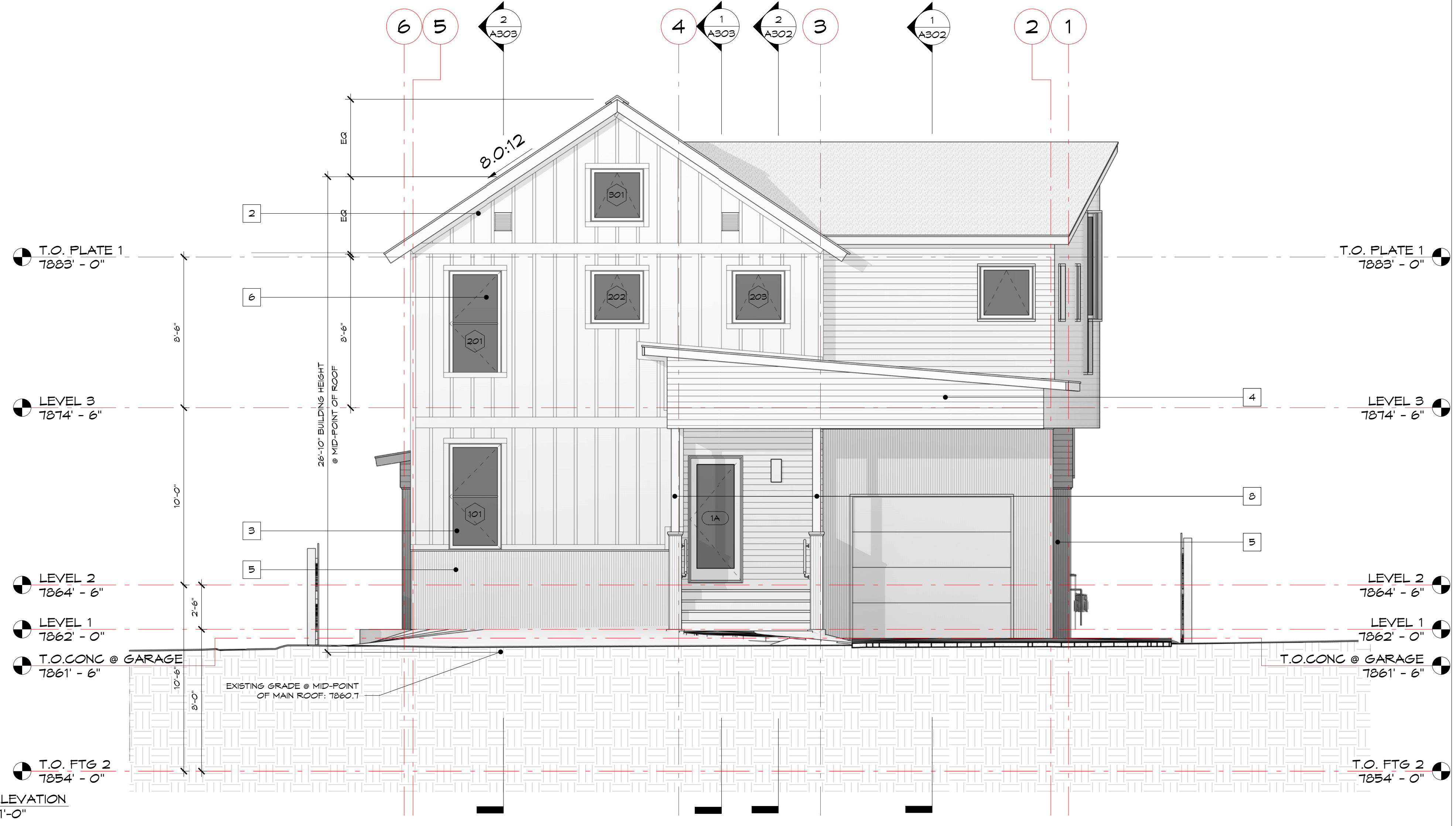
A103

WINDOW SCHEDULE							
Mark	Type #	Description	Width	Height	U-Factor	Glass Type	Type Comments
47		3612 CSMT	3'-0"	6'-0"		IG Low E II with Argon	
48		6060 FIXED	6'-0"	3'-0"		IG Low E II with Argon	
71		6060 FIXED	6'-0"	6'-0"		IG Low E II with Argon	
73		4040 FIXED	3'-0"	3'-0"		AIR-FILLED, LOW-E	
75		3612 CSMT	3'-0"	6'-0"		IG Low E II with Argon	
103		4040 FIXED	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
105		4040 FIXED	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
217		2424 AWING	2'-0"	3'-0"		IG Low E II with Argon	AWING
8							
001	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH
002	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH
101	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH
116	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH
117	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH EGRESS
201	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH EGRESS
207	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH EGRESS
209	1	CASEMENT	3'-0"	6'-0"	<0.3	AIR-FILLED, LOW-E	2-LITE HIGH EGRESS
8							
115	2	CASEMENT	3'-0"	4'-6"	<0.3	AIR-FILLED, LOW-E	
1							
43	3	AWING	3'-0"	3'-0"		AIR-FILLED, LOW-E	
44	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
118	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
119	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
202	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
203	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
206	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
208	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	EGRESS
210	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	EGRESS
211	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	EGRESS
212	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	EGRESS
301	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
302	3	AWING	3'-0"	3'-0"	<0.3	AIR-FILLED, LOW-E	
13							
107	4	AWING	3'-6"	2'-0"	<0.3	AIR-FILLED, LOW-E	
108	4	AWING	3'-6"	2'-0"	<0.3	AIR-FILLED, LOW-E	
112	4	AWING	3'-6"	2'-0"	<0.3	AIR-FILLED, LOW-E	
113	4	AWING	3'-6"	2'-0"	<0.3	AIR-FILLED, LOW-E	
104	5	FIXED	3'-0"	5'-0"	<0.3	AIR-FILLED, LOW-E	
106	5	FIXED	3'-0"	5'-0"	<0.3	AIR-FILLED, LOW-E	
2							
109	6	FIXED	7'-0"	4'-6"	<0.3	AIR-FILLED, LOW-E	
114	6	FIXED	7'-0"	4'-6"	<0.3	AIR-FILLED, LOW-E	
2							
110	7	FIXED	7'-0"	3'-6"	<0.3	AIR-FILLED, LOW-E	
1							
111	8	FIXED	8'-0"	2'-0"	<0.3	AIR-FILLED, LOW-E	
1							

Grand total: 41



EXTERIOR MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	ASPHALT SHINGLES	GAF		WEATHERED WOOD		LIFE TIME WARRANTY; APPROVED FOR LOW SLOPE ROOF APPLICATIONS
2	2x6 FASCIA, WOOD			CHARCOAL GRAY	OPAQUE STAIN	
3	BOARD & BATTEN SIDING		CEMENT BOARD	CHARCOAL GRAY	PAINT, PRE-FINISHED	
4	HORIZONTAL COMPOSITE SIDING			MIXED BROWN		
5	CORRUGATED METAL SIDING	CORE-TEN		NATURAL RUST		SEALED TO PREVENT LEACHING OF RUST
6	WOOD FRAME ALUMINIUM GLAD WINDOWS			BROWN	PAINT	
7	WOOD & METAL RAILING			BROWN	OPAQUE STAIN	4"x4" WIRE MESH 1/4" 6X6 POSTS, 2x6 TOP RAIL
8	6x6 WOOD COLUMN			BROWN	OPAQUE STAIN	
9	2x12 RS DECK FASCIA			BROWN	OPAQUE STAIN	



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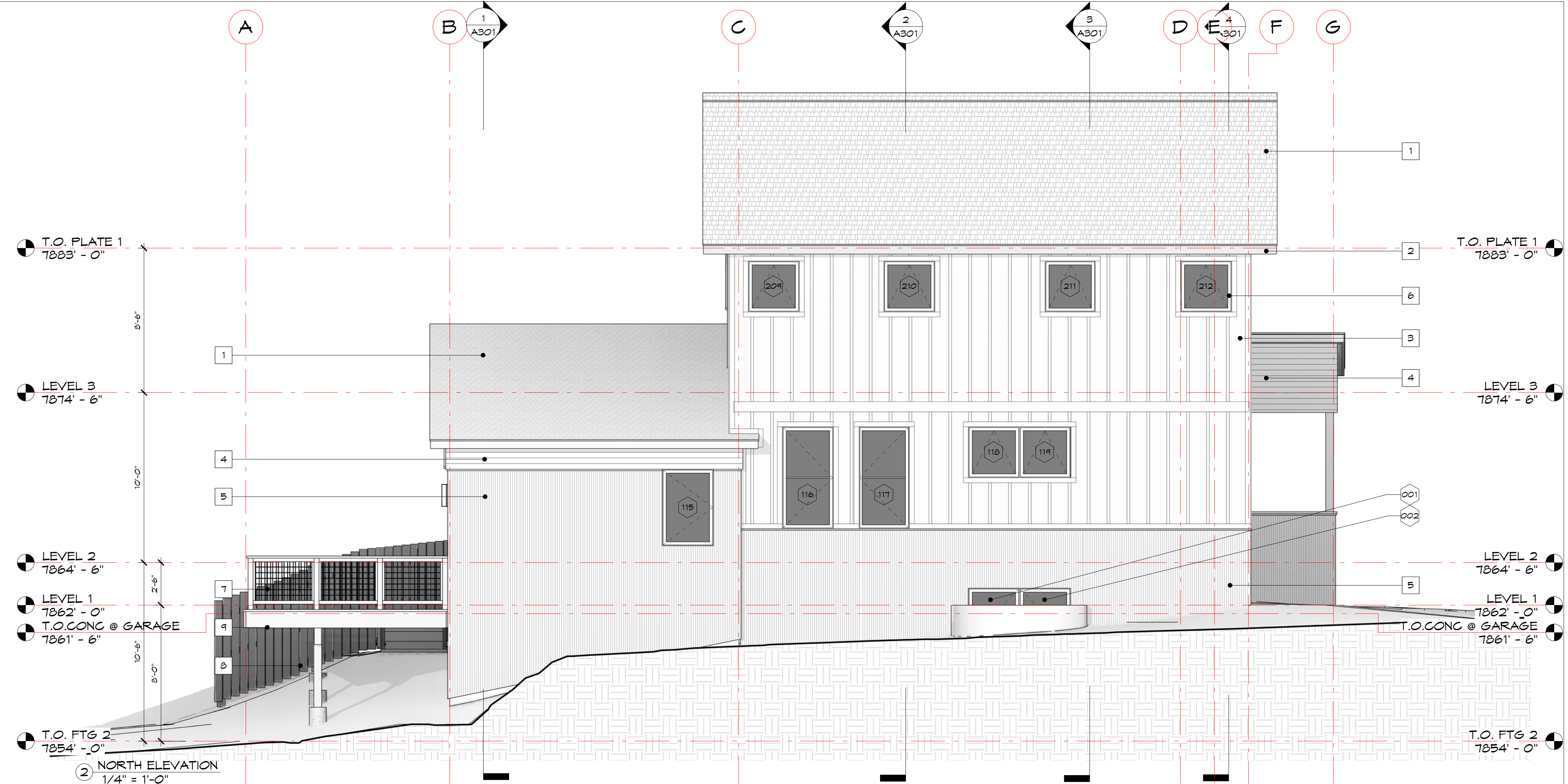
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 Checked by: mpp

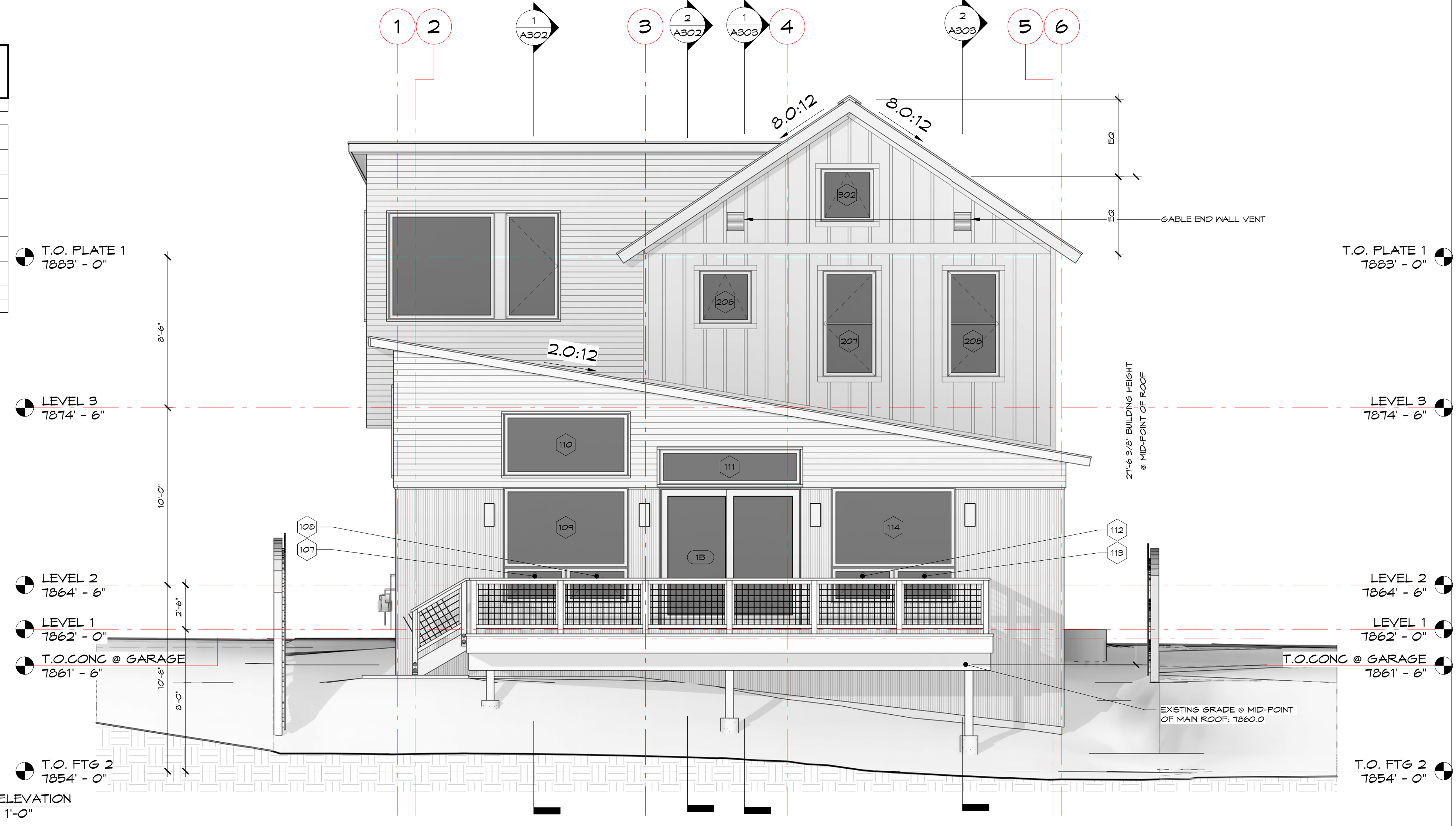
ELEVATIONS

A201

76



EXTERIOR MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	APHALT SHINGLES	GAF		WEATHERED WOOD		LIFE TIME WARRANTY; APPROVED FOR LOW SLOPE ROOF APPLICATIONS
2	2x6 FASCIA, WOOD			CHARCOAL GRAY	OPAQUE STAIN	
3	BOARD & BATTEN SIDING		CEMENT BOARD	CHARCOAL GRAY	PAINT, PRE-FINISHED	
4	HORIZONTAL COMPOSITE SIDING			MIXED BROWN		
5	CORRUGATED METAL SIDING		CORE-TEN	NATURAL RUST		SEALED TO PREVENT LEACHING OF RUST
6	WOOD FRAME ALUMNIUM GLAD WINDOWS			BROWN	PAINT	
7	WOOD & METAL RAILING			BROWN	OPAQUE STAIN	4"x4" WIRE MESH IV/ 6x6 POSTS, 2x6 TOP RAIL
8	6x6 WOOD COLUMN			BROWN	OPAQUE STAIN	
9	2x12 RS DECK FASCIA			BROWN	OPAQUE STAIN	



Hutton Residence

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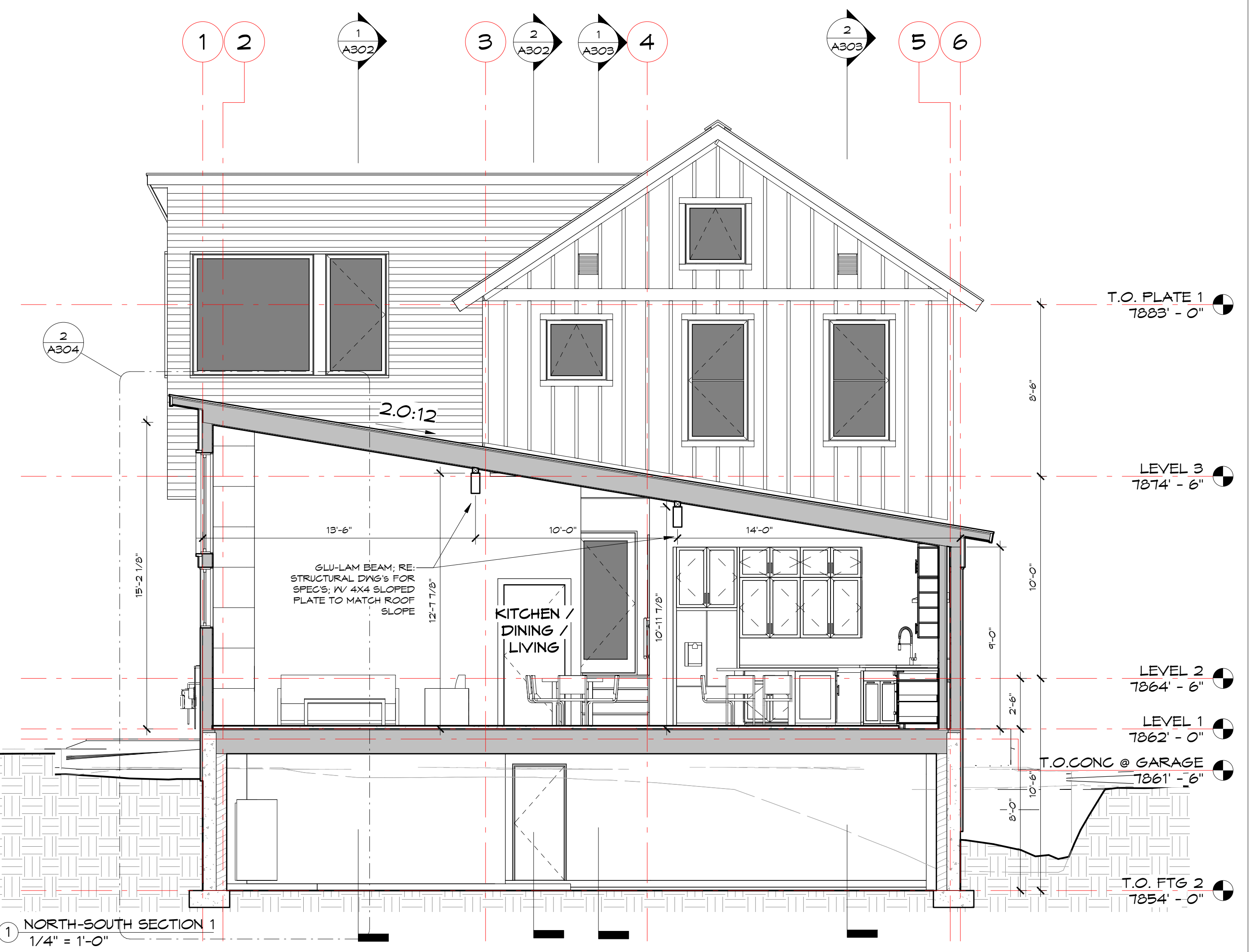
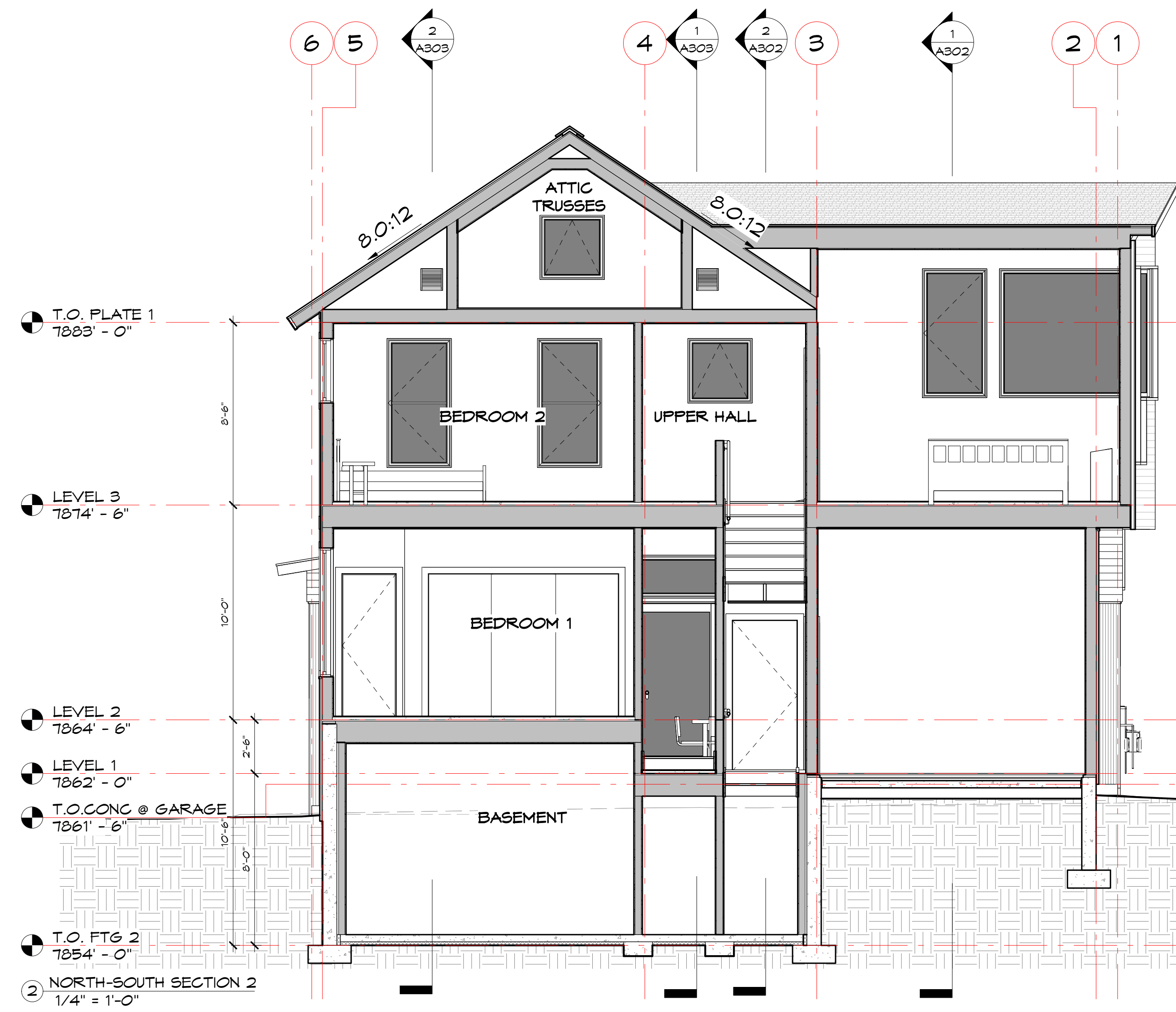
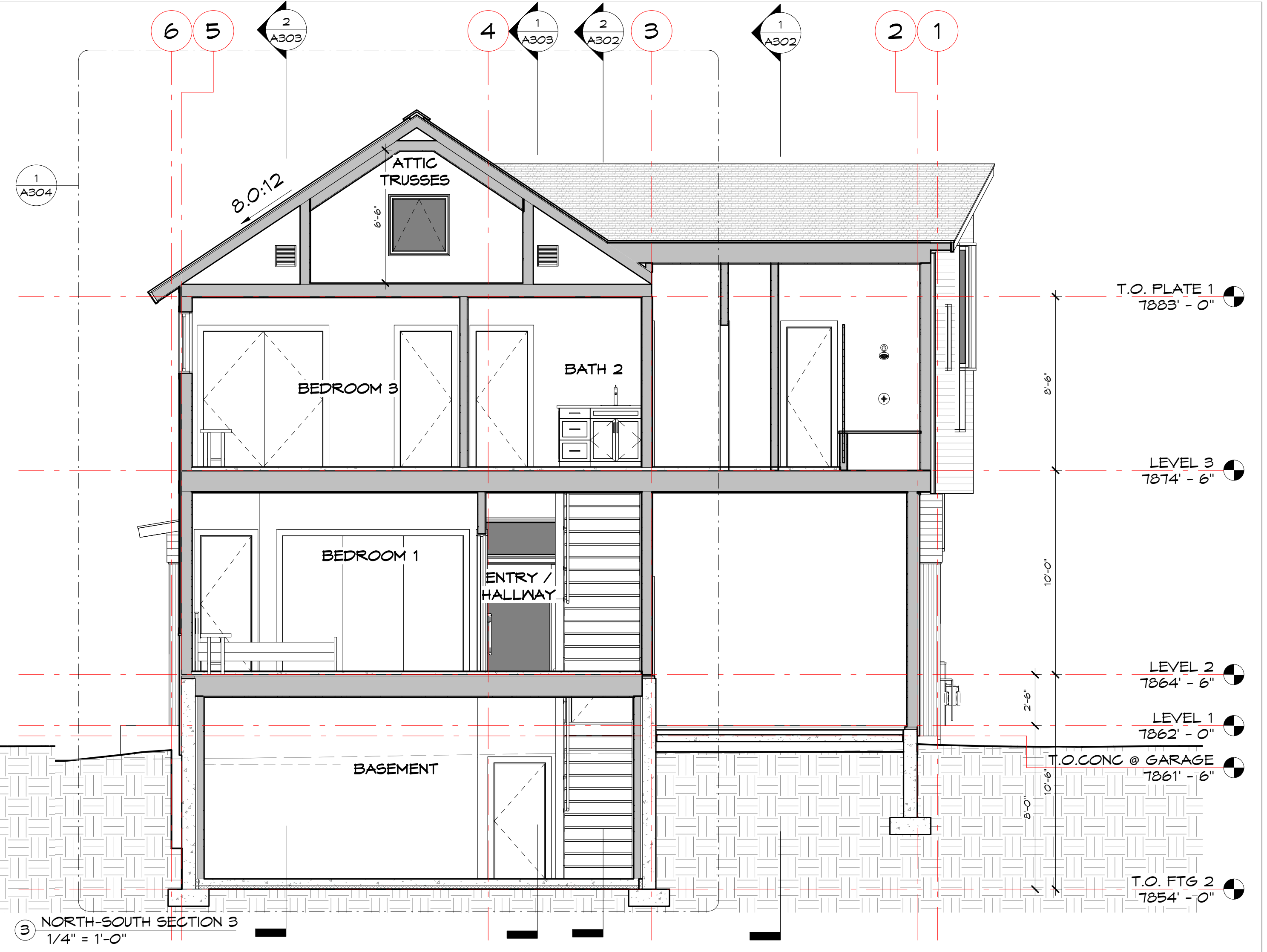
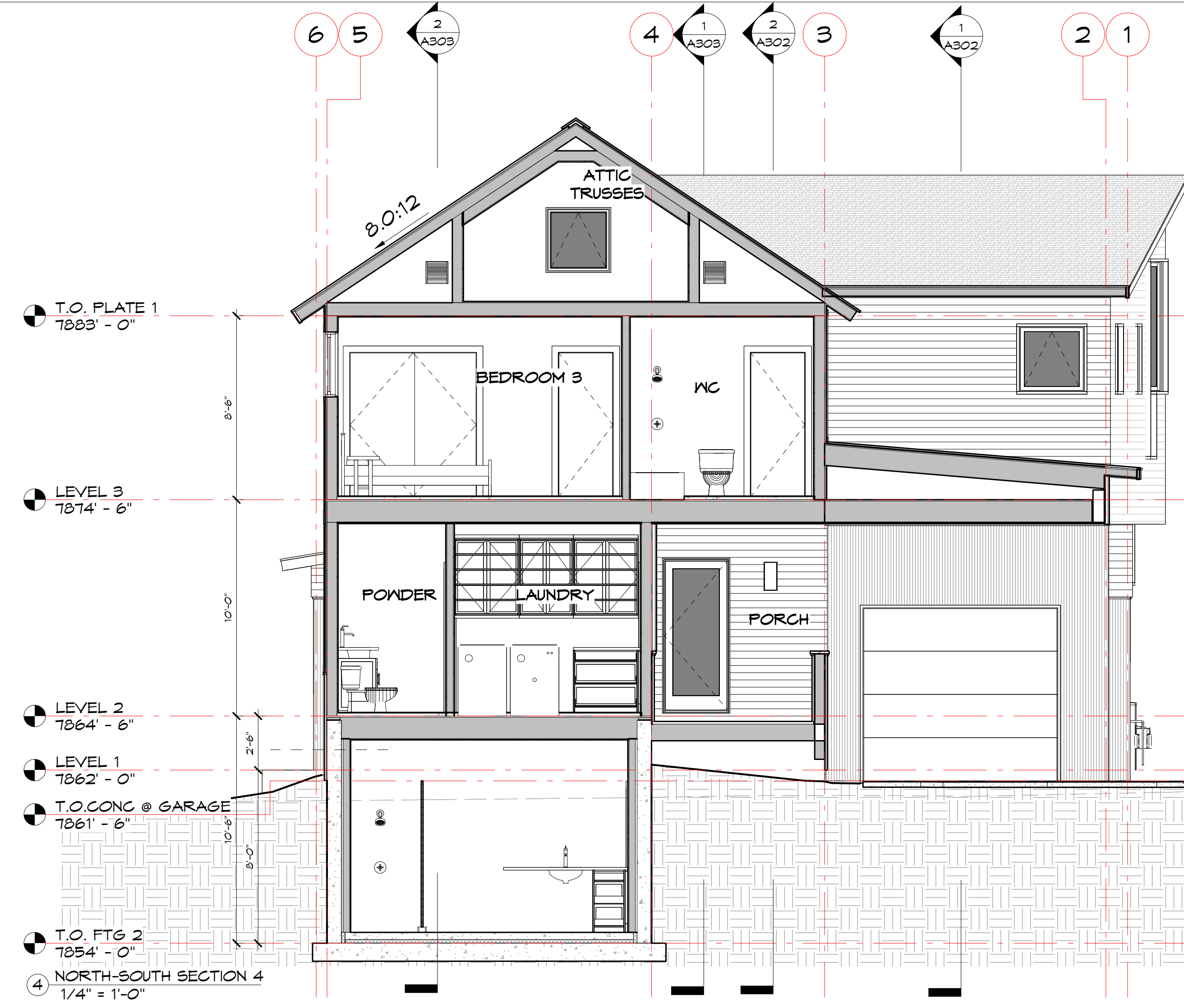
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Project Number: 1908
Designed by: mpp
Drawn by: mpp
Checked by: mpp

ELEVATIONS

A202

77



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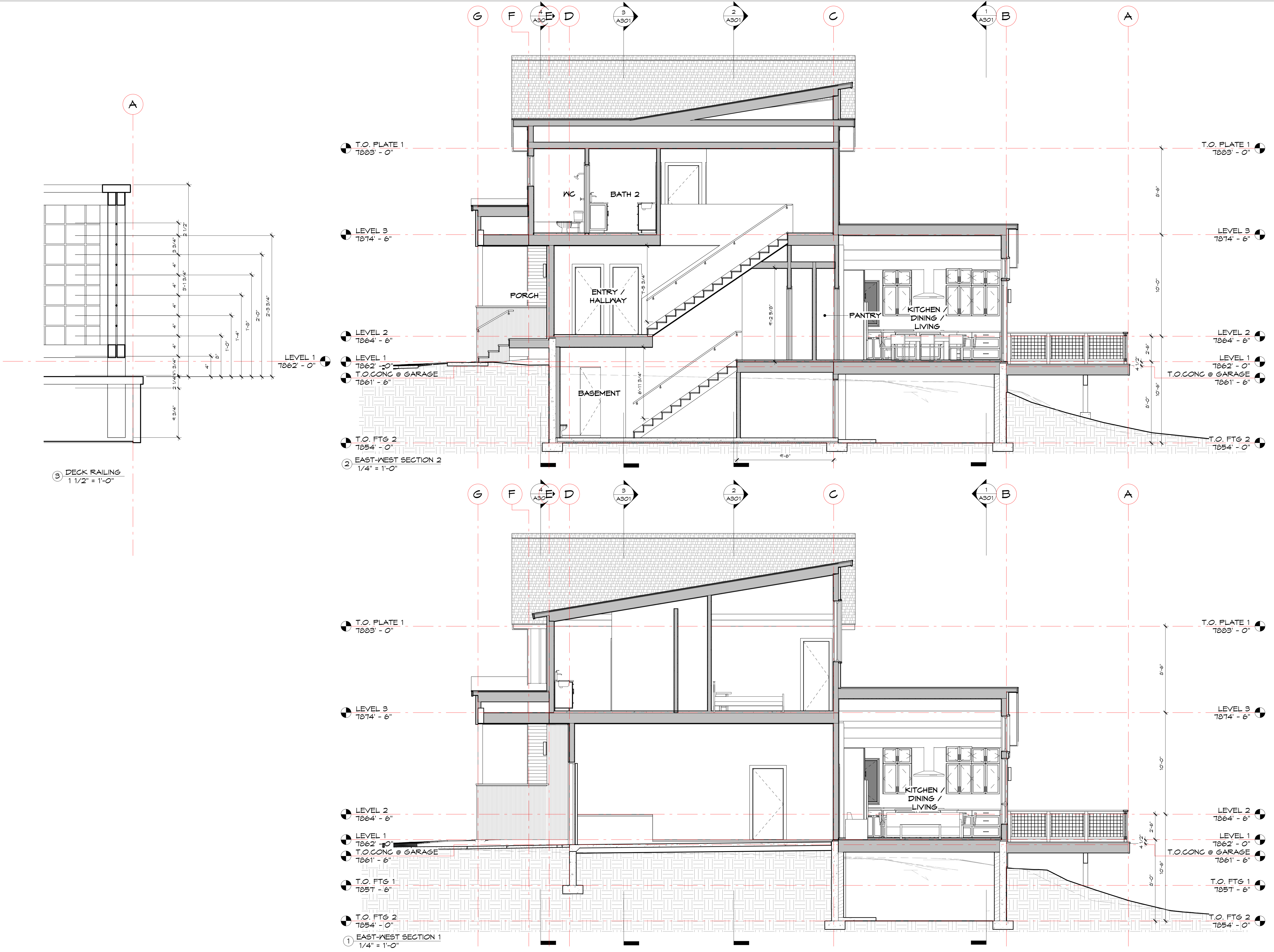
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 Checked by: mpp

BUILDING SECTIONS

A301

78



③ DECK RAILING
1 1/2" = 1'-0"

② EAST-WEST SECTION 2
1/4" = 1'-0"

① EAST-WEST SECTION 1
1/4" = 1'-0"

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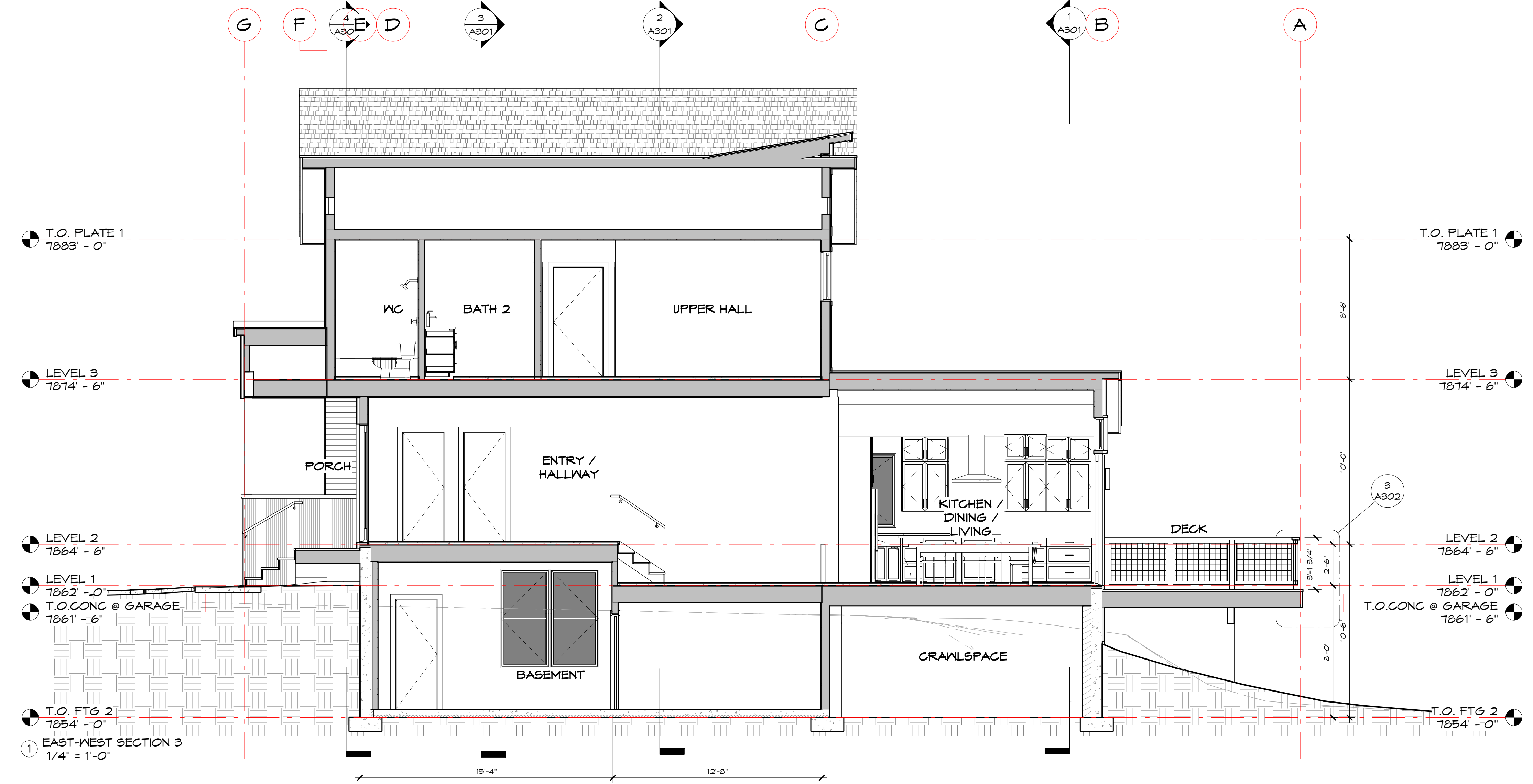
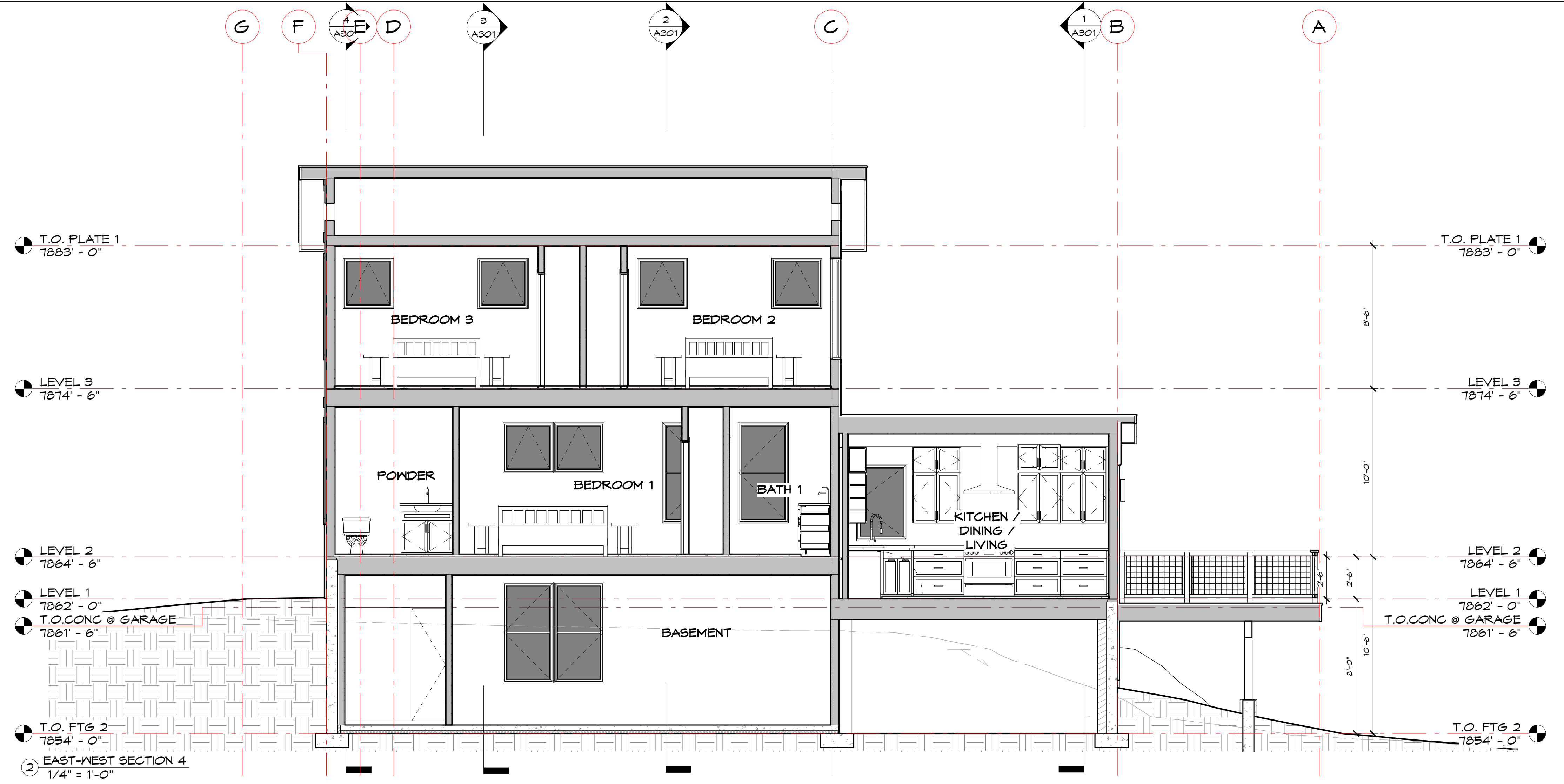
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Project Number: 1908
Designed by: mpp
Drawn by: mpp
Checked by: mpp

BUILDING SECTIONS

A302



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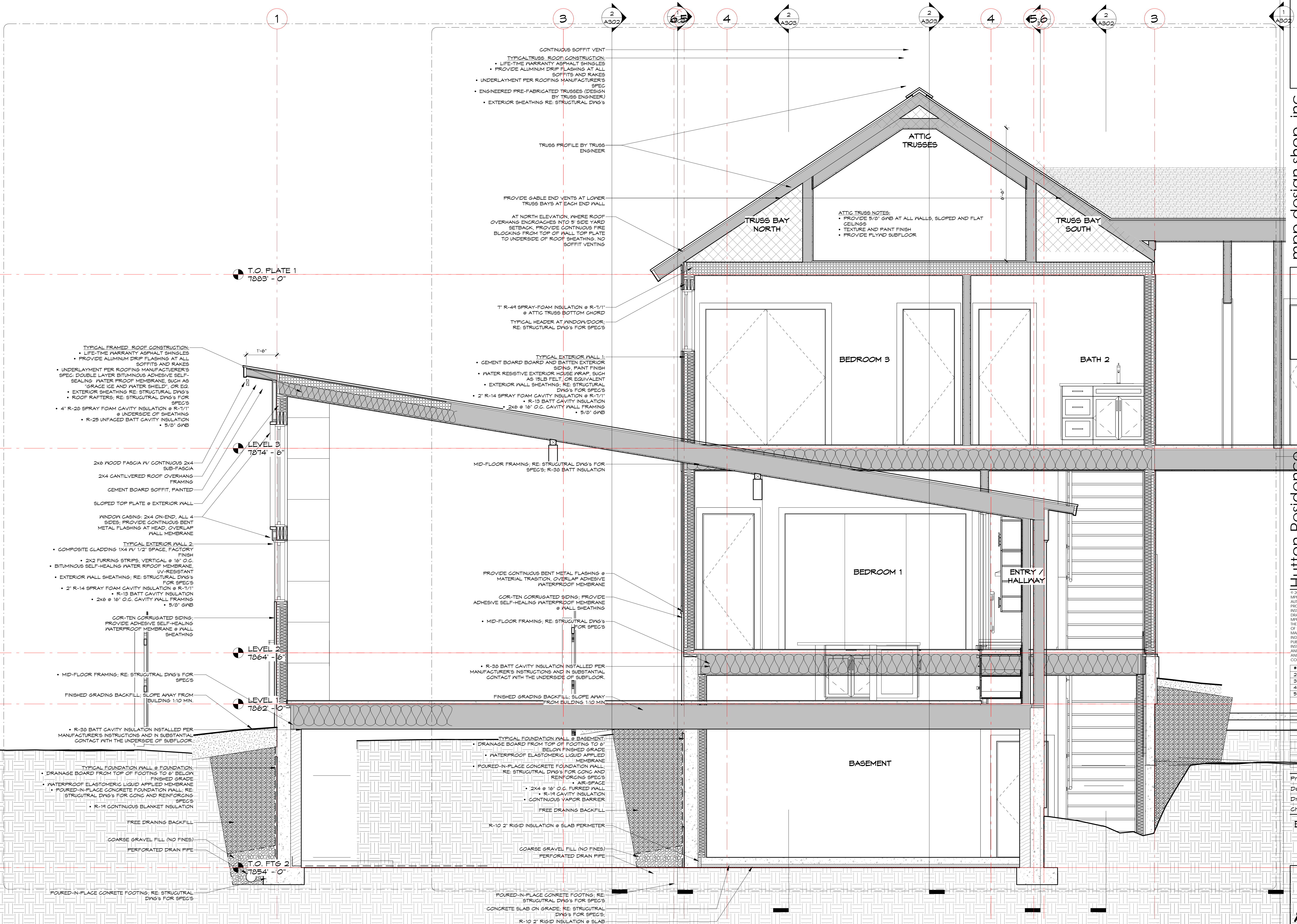
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Project Number: 1908
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BUILDING SECTIONS

A303
 80



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BUILDING & WALL SECTIONS

A304

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Elliot Hovey
Chris Manning
Tom Priest
Jena Skinner

To: Planning Commission
From: Scot Hunn, Planning Director
Madison Harris, Planner I
Date: July 2, 2021
Re: Eagle River Enclave - Landscaping Plan Approval

Cristian Basso, with permission from the Eagle River Enclave Homeowners Association, requests review of a new landscaping plan for the land adjacent to the sidewalk along Highway 24. This intent of this project, per the applicant’s application:

“Replace [the] majority of existing landscape material including soil structure and plant material in the existing berm that separates the existing sidewalk with the existing parking lot. Add raised berm to [the] north parking area to add visual consistency to property facing main street.”

The Eagle River Enclave property is zoned within the Old Town Character Area - Residential Zone District. This project will not change impervious surface area or building coverage for the Enclave development.

Section 16-17-150 - Landscape standards and plan submittal required for multi-family, mixed-used, commercial developments, subdivisions and planned unit developments, provides the following requirements and direction applicable to this review:

- (a) **Applicability.** The landscape plan shall accompany an application for a proposed multi-family, mixed-use, commercial developments, subdivisions and Planned Unit Developments.

Staff Response:

Staff suggests that since the Eagle River Enclave is an existing residential development, several of the standards in this section may not apply or be relevant.

- (b) The landscape plan shall address the following issues and standards and contain the following information:
 - (1) The landscape plan submitted shall illustrate the overall intent of the applicant with regard to landscaping of the property subject to the application.
 - (2) Erosion control. The landscape plan shall include a description of how erosion will be controlled on site during and after construction.

- (3) The landscape plan shall include a description of how the application will re-vegetate all disturbed areas.
- (4) The landscape plan shall include description of how bordering properties will be buffered or screened from surrounding land uses and streets.
- (5) The landscape plan shall include a design of pervious and impervious surfaces and open space on the property. The percentage of pervious, impervious and open space area required is dependent on zoning and storm water management requirements.
- (6) The landscape plan shall include a description of the proposed landscape vegetation which shall be labeled, identifying the type of landscaping planned and the size, number and species of plants (identified by both common name and scientific botanical name).
- (7) Only Native Plant Species Zoned 2 by the U.S. Department of Agriculture, Plant Hardiness Zone Map, can be used in the landscape plan. Ornamental plants can be added upon discretion of the homeowner as decoration to be added after the completed landscape plan. Native species to Zone 2 promote water wise use and to ensure plants are appropriate for the Town's unique high altitude mountain climate.
- (8) The landscape plan shall depict areas where plant materials will be preserved, removed or replaced (including the river/creek setback). The drawing shall identify all existing deciduous trees of six (6) inches in caliper or greater (measured four (4) inches from the ground) and coniferous trees six (6) feet in height or greater, and shall identify which trees will be preserved and which will be removed or relocated. Where it would be impractical to identify each tree, the drawing shall outline the dimensions of existing groves and proposed trees.
- (9) The landscape plan shall be designed so that healthy tree, native vegetation and natural or significant rock outcroppings and other valued features are preserved and integrated with planted areas.
- (10) When plantings occur on hillsides, slopes, drainage ways or similar natural areas, plant materials should duplicate adjacent plant communities both in species composition and spatial distribution patterns. Plants should be planted in clusters to maximize their chance for survival.

Staff Response:

Standards B 6-10 apply to this review. The plans show all existing and proposed conditions and clearly detail areas where plans are proposed, any areas where trees or other plant material are to be removed, as well as the proposed sizes and amounts of plantings. It also appears that proposed plantings - deciduous trees, coniferous trees and perennial plantings - are native and/or common to this zone.

- (c) The Planning Director and Town can request additional landscaping be added to a proposed landscape plan in order to effectuate the intent of this Article.

Staff Response:

___ No recommendation is proposed at this time to require additional landscaping as part of this landscaping renovation proposal.

- (d) Maintenance program. A description of the proposed program to maintain the landscaping after it has been installed shall be provided. The maintenance program shall demonstrate that landscaping receives irrigation water for at least two (2) years after planting.

Staff Response:

— This standard applies to this review. Staff suggests that this be a condition of approval. The Applicant should submit a description of the maintenance program describing irrigation, fertilizer schedule, and winter preparation.

- (e) Trees and shrubs depicted on the landscape plan shall be of at least the following minimum size at the time of planting unless a larger tree size is specified in any applicable development permit for buffering, screening or planting on the subject property.

- (1) Deciduous trees: Deciduous trees shall be a minimum of one and one-half (1½) inches in caliper, measured four (4) inches above the ground.
- (2) Coniferous trees: Coniferous trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.

Staff Response:

This landscape proposal shows 3” caliper deciduous trees, and 10-12’ evergreens.

- (f) Trees within a paved area. Any tree planted within a paved area shall be placed in a tree vault and shall have a tree grate installed around its trunk.

Staff Response:

This standard is not applicable.

- (g) Parking and storage prohibited. Required landscaped areas shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if properly designed for this function.

Staff Response:

— This landscape proposal is not indicating that the landscaped areas will be used for parking or outdoor storage.

- (h) Obstructions prohibited in clear vision area. Plant materials shall be limited to thirty (30) inches in height within the clear vision area, so as to avoid visibility obstructions or blind corners at intersections.

Staff Response:

— The landscape plan does show proposed landscape plantings within the entrance to the Eagle River Enclave property. The Applicant should verify that the plantings and all other improvements (signs) will not interfere with the clear vision area.

- (i) Street trees. Any tree planted along the street shall be located a minimum of five (5) feet from the curb or the edge of the street, to provide room for snow plowing, street maintenance and opening of car doors.

Staff Response:

— The sidewalk that runs along the west property line of the Eagle River Enclave is 5 feet wide. The proposed tree plantings are located beyond this sidewalk, away from the edge of the street, and so this is not a concern for staff.

- (j) Landscaping within off-street parking areas.

(2) All off-street parking areas containing fifteen (15) or more spaces, except for enclosed or subgrade parking structures, shall provide the following forms of landscaping:

- i. Planting strips. There shall be a planting strip provided along all property lines where a street right-of-way is located adjacent to the parking area.
- ii. Width. The planting strip shall have a minimum width of eight (8) feet.
- iii. Screen. A minimum of seventy-five percent (75%) of the length of the planting strip shall be used to screen the parking area from the street. The screen shall be a minimum of thirty (30) inches in height and may consist of a berm, wall, plant materials or combination thereof; however, the clear vision area shall be maintained.
- iv. Trees. A minimum of one (1) tree shall be planted for every thirty (30) lineal feet of planting strip. The trees may be massed together, provided that the massing does not leave a gap between individual trees or tree masses that exceeds fifty (50) feet.

Staff Response:

The planting strip at the narrowest point is approximately 6.5', but because this is an existing landscape area, staff is not proposing to require the Applicant to widen it to meet the 8' requirement. It appears that more than 75% of the length of the strip is being used for screening, however the Applicant should clarify the overall height of the renovated planting strip, considering berming and planting. The plans show planting of trees at approximately every 10-15 feet, rather than the minimum of every thirty (30) lineal feet.

Outstanding Issues or Questions for the Applicant

Screening:

The requirements for screening of a parking area require a minimum of thirty (30) inch tall screening between the street and the parking area, for a minimum of 75% of the length of the planting strip. Staff believes that the proposal meets this requirement - with a combination of berming and planting. However, the Applicant's representative should clarify the height of proposed plantings and any proposed berming.

Guest Parking:

On the far northern side of the property, guest parking spaces exist along with a drive aisle and trash enclosure. The plans show the addition of a new planting strip along the sidewalk (between existing guest parking and the existing sidewalk) which will necessitate a shift in parking stalls toward the building (Building A). Staff has conducted a site visit and believes that this shift will still allow adequate access to the trash enclosure by a trash truck and will still permit adequate maneuvering of vehicles in and out of the guest parking stalls. However, staff recommends a condition of approval requiring the Applicant to show turning motions/radii for each of the spaces, particularly those closest to the trash enclosure.

Maintenance Plan:

This project is being proposed to address several issues related to the existing planting strip along Hwy. 24; notably, the health of trees, shrubs and groundcover that have been impacted over the years by plowing and snow storage. Staff suggests that if the Eagle River Enclave Homeowners Association does not have a landscape maintenance program in place, working with the Applicant's landscape consultant to provide such a plan or program addressing fertilization, winterization of planting beds, and spraying of trees for disease will be well advised.

Clear Vision Requirements:

The landscape plan does show proposed landscape plantings within the entrance to the Eagle River Enclave property. The Applicant should verify that the plantings and all other improvements (signs) will not interfere with the clear vision area.

Staff is recommending **approval with the following conditions:**

1. The Applicant will provide an engineered drawing showing adequate maneuvering and turning radii for pulling in/out of the guest parking spaces.
2. The Applicant shall submit a description of the maintenance program describing irrigation, fertilizer schedule, and winter preparation.
3. The Applicant shall verify that the plantings and all other improvements (signs) will not interfere with the clear vision area.
4. The Applicant shall clarify the height of proposed plantings and any proposed berming.



To: Mayor and Council

From: Jay Brunvand

Date: July 21, 2021

Agenda Item: Public Hearing and consideration for approval – NEW Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and consider the attached New Hotel and Restaurant Liquor License for Agaves Mexican Bar and Grill llc located at 160 Railroad Ave.

INTRODUCTION:

Although closed for several years, this location has long been a small restaurant/coffee house establishment in Minturn, which closed in 2018. When this restaurant was most recently open, it held a Hotel/Restaurant liquor license between 2016 and 2018. With this application they are reopening the restaurant and are applying to include spirits, wine and beer sales.

In addition to the restaurant, this location houses the Minturn Motel and provides long-term lodging which will be unaffected by this application.

The recommended procedure to follow during the formal consideration of this agenda item should include:

- Public Hearing is Opened
- Staff Presentation
- Applicant Presentation
- Citizen comment
- Council Comment and/or questions
- Close Public Hearing
- Council vote

I have included the formal Findings of Fact for Council's review and summarized below:

1. The Neighborhood for the application has been established by historical practice as the complete boundaries of the Town of Minturn and as such the approval of this establishment would not create an undue concentration of licensed establishments, thereby finding:
 - The current use of this premise is that of a retail restaurant/bar but is currently closed and not in operation. The applicant intends to reopen the restaurant and bar in a use by right zone to sell a full restaurant and full strength spirits, wine and beer by single serving for consumption on premises.
 - The granting of this license meets the desires of the adult inhabitants of the town as evidence that the Town has not received any remonstrances verbally or written. The applicant has been requested to circulate a petition further proving the desires of the adult citizens but said petition has not been received by the Clerk's office as of our packet deadline.
 - The application has been previously reviewed by the Planner over the years as both a restaurant and motel and was found:

- i. To meet the needs of the Town of Minturn Zoning as reviewed. The Planner has confirmed that parking be provided of the scale of one parking space per six seats in the restaurant pursuant to MMC 16-16-30. The address has been reviewed and it has plenty of serviceable parking spaces to continue this additional use.
 - ii. That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Minturn Municipal Building Code – Chapter 16.
2. That the application was filed on June 16, 2021 in the Town Clerk/Treasurer’s office and a public hearing has been scheduled for Wednesday July 21, 2021. In accordance with C.R.S. 44-3-311(1) the Town must hold the application for not less than 30 days; this hearing date represents 36 days.
3. The liquor license applied for is for that of a Hotel and Restaurant Liquor License as defined by the State of Colorado and that the type of Liquor License is appropriate for the needs and desires of the applicant.
4. That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on June 21, 2021 at least 30 days prior to the hearing, and that the publication of the hearing was published in a newspaper of general circulation on July 1, 2021 at least 10 days prior to the Public Hearing.
5. That from the evidence submitted the applicant is sub-leasing the premises where the proposed liquor license is proposed from Railroad Rocks, LLC, and that Railroad Rocks, LLC is the lawful lease holder of the premises from the Union Pacific Railroad, owner of the premises, and is authorized to sublease. Further, the premise lease exceeds the term of the proposed license as required by Colorado State Law.
6. That pursuant to C.R.S. 44-3-313(1)(d) – Restrictions for applications for new license, the building where the applicant proposes selling liquor is not within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
7. Fingerprints of the applicant(s) holding 10% or more ownership have been taken and sent to the Colorado Bureau of Investigation. No issues were found that would affect the character of the applicants.
8. That Minturn Police/ECSO has conducted a background investigation on Mr. Juan Estrada and Ms. Johana Trigueros, the owners of Agaves Mexican Bar and Grill llc. During this investigation, Minturn Police/ECSO did not find any unresolved issues that would preclude obtaining a liquor license. Although, staff recommends approval by the Minturn Town Council it is recommended the following conditions to be placed on the license approval:
 - It is recommended at a minimum the licensee/manager, and a server be server trained by an authority such as T.I.P.S and that a certified server be on duty at all times while alcoholic beverages are served.
 - the Liquor Authority emphasize the requirement of operating an orderly establishment.
 - The public hearing on this application will be held on Wednesday, September 2, 2020 at 5:30pm in the Council Chambers of the Minturn Town Hall, 302 Pine St, Minturn, CO. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to this application, including all matters set forth herein.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

As of this writing I have not received any remonstrances from the public in any form.

BUDGET / STAFF IMPACT:

The applicant has submitted the required fees for a new Hotel and Restaurant Liquor License in the amount of \$2,125.00 to the state and \$1,150.00 to the Town.

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:

Motion to approve the proposed Hotel and Restaurant Liquor License application for Agaves Mexican Bar and Grill llc, 160 Railroad Ave as presented with the following conditions:

- The Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer June 21, 2021 at least 30 days prior to the hearing, and the publication for the hearing was published in a newspaper of general circulation on July 1, 2021 at least 10 days prior to the Public Hearing.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license: the physical location where the applicant proposes to exercise the privilege of selling liquor is not within 500 feet from any public or parochial school or principal campus of any college, university, or seminary.
- That Minturn Police Dept/ECSO and the Colorado Bureau Of Investigation have conducted background investigations on the listed owner(s). These investigations were not able to identify any conditions or information, which in and of itself would forbid the approval of the applicant’s license. However, the following considerations will be attached to the approval:
 - The Local Liquor Authority has duly emphasized the requirement of operating an orderly establishment as related to noise and or live entertainment and the wellbeing of the neighborhood.
 - Staff recommends the establishment maintain server training certification on all servers.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership
 State Property Only
 Master file

• All answers must be printed in black ink or typewritten
 • Applicant must check the appropriate box(es)
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor

1. Applicant is applying as a/an
 Individual
 Limited Liability Company
 Association or Other
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

2a. Trade Name of Establishment (DBA) Agaves Mexican Bar & Grill - LLC
 State Sales Tax Number 94897520
 FEIN Number XXXXXXXXXX
 Business Telephone (970) 333-9933

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
160 Railroad Ave.

City Minturn
 County Eagle
 State CO
 ZIP Code 81645

4. Mailing Address (Number and Street) Pbox 3351
 City or Town Dillon
 State CO
 ZIP Code 80435

5. Email Address
Agavesmexicanbg@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date

Section A Nonrefundable Application Fees*	Section B (Cont.)	Liquor License Fees*
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<input checked="" type="checkbox"/> Application Fee for New License\$1,550.00 <input type="checkbox"/> Application Fee for New License w/Concurrent Review\$1,650.00 <input type="checkbox"/> Application Fee for Transfer\$1,550.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County)\$312.50 <input type="checkbox"/> Lodging & Entertainment - L&E (City)\$500.00 <input type="checkbox"/> Lodging & Entertainment - L&E (County)\$500.00	<input type="checkbox"/> Manager Registration - H & R\$75.00 <input type="checkbox"/> Manager Registration - Tavern\$75.00 <input type="checkbox"/> Manager Registration - Lodging & Entertainment\$75.00 <input type="checkbox"/> Manager Registration - Campus Liquor Complex\$75.00
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Section B Liquor License Fees*	
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<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex\$75.00 X _____ Total _____ <input type="checkbox"/> Add Sidewalk Service Area..... \$75.00 <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City)..... \$351.25 <input type="checkbox"/> Beer and Wine License (County)..... \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County)..... \$750.00 <input type="checkbox"/> Campus Liquor Complex (City)..... \$500.00 <input type="checkbox"/> Campus Liquor Complex (County) \$500.00 <input type="checkbox"/> Campus Liquor Complex (State)..... \$500.00 <input type="checkbox"/> Club License (City)..... \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City)..... \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City)..... \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County)..... \$600.00 <input type="checkbox"/> Liquor-Licensed Drugstore (City) \$227.50	<input type="checkbox"/> Retail Gaming Tavern License (City)\$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00 <input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50 <input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50 <input type="checkbox"/> Retail Liquor Store (City).....\$227.50 <input type="checkbox"/> Retail Liquor Store (County).....\$312.50 <input type="checkbox"/> Tavern License (City).....\$500.00 <input type="checkbox"/> Tavern License (County).....\$500.00 <input type="checkbox"/> Vintners Restaurant License (City)\$750.00 <input type="checkbox"/> Vintners Restaurant License (County).....\$750.00
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* Note that the Division will not accept cash

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. **All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed.** Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: www.colorado.gov/enforcement/liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
II.	Diagram of the premises <input type="checkbox"/> A. No larger than 8 1/2" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
IV.	Background information (DR 8404-I) and financial documents <input type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: IdentoGO – https://uenroll.identogo.com/ Phone: 844-539-5539 (toll-free) Identogo FAQs: https://www.colorado.gov/pacific/cbi/identification-faqs Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor/husband and wife partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input checked="" type="checkbox"/> A. Certificate of Incorporation <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
VIII.	Limited Liability Company applicant information (if applicable) <input type="checkbox"/> A. Copy of articles of organization <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
IX.	Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input checked="" type="checkbox"/> C. If owner is managing, no fee required

Name Agaves Mexican Bar & Grill LLC		Type of License Hotel Restaurant		Account Number	
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):					
a. Been denied an alcohol beverage license?				<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Had an alcohol beverage license suspended or revoked?				<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?				<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.					
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.				<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?				<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Waiver by local ordinance?	<input type="checkbox"/>
				Other:	
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?				<input checked="" type="checkbox"/>	<input type="checkbox"/>
13 b. Are you a Colorado resident?				<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.				<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) Sub-lease Agreement					
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:					
Landlord Rail Road Rocks, LLC		Tenant Agaves Mexican Bar & Grill LLC		Expires 05-31-24	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.				<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".					
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.					
Last Name N/A		First Name		Date of Birth	
Last Name N/A		First Name		Date of Birth	
				FEIN or SSN	
				Interest/Percentage	
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.					
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has a local ordinance or resolution authorizing optional premises been adopted?					
Number of additional Optional Premise areas requested. (See license fee chart)					
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.					
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?					
If "yes" a copy of license must be attached.					

Name Agaves Mexican Bar & Grill LLC	Type of License Hotel-Restaurant	Account Number		
<p>20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation Yes No</p> <p>a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>c. How long has the club been incorporated?</p> <p>d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? <input type="checkbox"/> <input checked="" type="checkbox"/></p>				
<p>21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: <input type="checkbox"/> <input type="checkbox"/></p> <p>a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)</p>				
<p>22. Campus Liquor Complex applicants answer the following:</p> <p>a. Is the applicant an institution of higher education? <input type="checkbox"/> <input type="checkbox"/></p> <p>b. Is the applicant a person who contracts with the institution of higher education to provide food services? <input type="checkbox"/> <input type="checkbox"/> If "yes" please provide a copy of the contract with the institution of higher education to provide food services.</p>				
<p>23. For all on-premises applicants.</p> <p>a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.</p> <p>b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.</p>				
Last Name of Manager Juan Estrada	First Name of Manager Juan			
<p>24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> FA</p>				
<p>25. Related Facility - Campus Liquor Complex applicants answer the following: <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.</p> <p>b. Designated Manager for Related Facility- Campus Liquor Complex</p>				
Last Name of Manager	First Name of Manager			
<p>26. Tax Information. Yes No</p> <p>a. 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"/> <input checked="" type="checkbox"/></p> <p>b. 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"/> <input checked="" type="checkbox"/></p>				
<p>27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.</p>				
Name Juan Estrada	Home Address, City & State 160 Railroad Dr Apt 3 Mintmo. 81645	DOB 01-28-83	Position owner	%Owned 75
Name Johana Trigueros	Home Address, City & State 395 Ave bly, AS Dillon CO 80435	DOB 11-10-88	Position owner	%Owned 25
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
<p>** If applicant is owned 100% by a parent company, please list the designated principal officer on above.</p> <p>** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)</p> <p>** If total ownership percentage disclosed here does not total 100%, applicant must check this box:</p> <p><input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.</p>				

Name Agaves Mexican Bar & Grill LLC		Type of License Hotel and Restaurant	Account Number		
Oath Of Applicant					
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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.					
Authorized Signature Juan Estrada		Printed Name and Title Juan Estrada owner		Date 06-15-2021	
Report and Approval of Local Licensing Authority (City/County)					
Date application filed with local authority 6/16/2021		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) 7/21/2021			
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:					
<input checked="" type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants					
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license					
(Check One)					
<input type="checkbox"/> Date of inspection or anticipated date _____ <input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority					
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?				Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?				<input type="checkbox"/>	<input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?				<input type="checkbox"/>	<input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.					
Local Licensing Authority for		Telephone Number		<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date		
Signature	Print	Title	Date		

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business <i>Agaves Mexican Bar & Grill, LLC</i>		Home Phone Number	Cellular Number	
2. Your Full Name (last, first, middle) <i>Juan Francisco Estrada</i>		3. List any other names you have used		
4. Mailing address (if different from residence)		Email Address		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current <i>160 Paul Road #3</i>		<i>Monte Vista CO 81645</i>		<i>06-15-21</i>
Previous <i>150 W 4th St Silverthorne CO 80498</i>		<i>Silverthorne CO 80498</i>		<i>02-2014</i>
<i>MAY 31 21</i>				
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
<i>Hacienda Real Mexican Restaurant</i>		<i>842 N Summit Blvd Frisco CO</i>		<i>Server</i>
<i>02-2014</i>		<i>15-05-21</i>		
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
<i>N/A</i>				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.
The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth		d. U.S. Citizen?	
[REDACTED]		[REDACTED]		Guadalajara Jalisco Mexico		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race	r. Do you have a current Driver's License? If so, give number and state	
6' 2"	220	brown	black	M	Hispanic	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [REDACTED] state Colorado	

14. Financial Information.

a. Total purchase price \$ 20,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 20,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 15,000 Fifteen thousand dollars.

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Services	Rent building / Equipment	\$15,000
Services	Supplies / fees licences	\$5,000
Personal savings.	First Bank	

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <u>Juan Estrada</u>	Title <u>Owner</u>	Date <u>06.2.21</u>
---	-----------------------	------------------------

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business Agaves mexican Bar and grill LLC		Home Phone Number	Cellular Number		
2. Your Full Name (last, first, middle) Johanna Gabriela Trigueros Castillo		3. List any other names you have used			
4. Mailing address (if different from residence) 395 cove Blvd A5 dillon co 80435		Email Address			
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)					
	Street and Number	City, State, Zip	From	To	
Current	395 cove blvd	Dillon, CO 80435	12/04/17		
Previous	1081 adams Ave	Silverthorne CO 80498	06/16/11	12/04/17	
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)					
	Name of Employer or Business	Address (Street, Number, City, State, Zip)	Position Held	From	To
	FIRC	251 4th street silverthorne co 80498	Parent educator	10/01/14	09/23/19
	Walmart	840 summit blvd Frisco CO 80443	Team lead	03/23/20	
	All season cleaning services	395 cove blvd dillon co 80435	Self employee	11/21/19	
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.					
	Name of Relative	Relationship to You	Position Held	Name of Licensee	
	None				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.)					
				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.)					
				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No
 I got 4 charges for domestic violence, stocking, and others in 2013 but the charges were dismissed.

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth: 11/10/88
 b. Social Security Number: [REDACTED]
 c. Place of Birth: Costa Rica
 d. U.S. Citizen: Yes No
 e. If Naturalized, state where: Colorado
 f. When: March 1 2021
 g. Name of District Court: Centennial, Colorado
 h. Naturalization Certificate Number: [REDACTED]
 i. Date of Certification: 03/01/21
 j. If an Alien, Give Alien's Registration Card Number: [REDACTED]
 k. Permanent Residence Card Number: [REDACTED]
 l. Height: 5'1
 m. Weight: 137
 n. Hair Color: Brown
 o. Eye Color: Hanzel
 p. Gender: F
 q. Do you have a current Driver's License/ID? If so, give number and state. Yes No # [REDACTED] State: Colorado

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ 20000

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 5000

* If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Personal Savings	wells fargo / Bank of the west		

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
	0			

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature: [Signature] Print Signature: Johanna Trigueros Title: Owner Date: 06/15/21

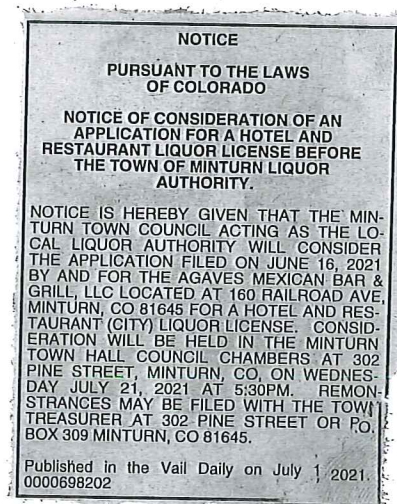
NOTICE

PURSUANT TO THE LAWS OF COLORADO

NOTICE OF CONSIDERATION OF AN APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE BEFORE THE TOWN OF MINTURN LIQUOR AUTHORITY.

NOTICE IS HEREBY GIVEN THAT THE MINTURN TOWN COUNCIL ACTING AS THE LOCAL LIQUOR AUTHORITY WILL CONSIDER THE APPLICATION FILED ON JUNE 16, 2021 BY AND FOR THE AGAVES MEXICAN BAR & GRILL, LLC LOCATED AT 160 RAILROAD AVE, MINTURN, CO 81645 FOR A HOTEL AND RESTAURANT (CITY) LIQUOR LICENSE. CONSIDERATION WILL BE HELD IN THE MINTURN TOWN HALL COUNCIL CHAMBERS AT 302 PINE STREET, MINTURN, CO, ON WEDNESDAY JULY 21, 2021 AT 5:30PM. REMONSTRANCES MAY BE FILED WITH THE TOWN TREASURER AT 302 PINE STREET OR P.O. BOX 309 MINTURN, CO 81645.

Pub 7/1/21



Wilderness Workshop – July 21 Minturn Town Council Homestake Presentation

- I. Brief Wilderness Workshop background
- II. Homestake background
 - a. Homestake I and the Elliott water rights
 - b. Homestake II – community action, litigation, and Eagle County’s use of Colorado HB 1041
 - c. 1998 Eagle River Memorandum of Understanding
 - d. Whitney Reservoir proposal
- III. Geotechnical investigation and WW’s 2020 comments
 - a. Was a categorical exclusion appropriate?
 - b. Impact on fens, other wetlands, wilderness and roadless areas
 - c. Whitney Reservoir as a “connected action” under NEPA (40 C.F.R. § 1508.25(a)(1)(iii)) and requirement that USFS consider “cumulative impact” (40 C.F.R. § 1508.7) of the geotechnical investigation
 - d. Homestake Shear Zone, Endangered Species Act
 - e. Drilling locations for the geotechnical investigation and USFS’s March 2021 issuance of a special use permit allowing that investigation to proceed, probably beginning in August 2021
- IV. 60-day Notice of Intent to Sue under the Endangered Species Act
 - a. Our Homestake coalition partners
 - b. ESA requirement that USFS consider effects of the geotechnical investigation “together with the effects of other activities that are interrelated or interdependent with that action” – i.e. Whitney Reservoir (50 C.F.R. § 402.02)
 - c. Green lineage cutthroat trout in Homestake Creek and USFS’ “no effect” determination
 - d. Canada lynx habitat in Homestake Valley and USFS’ “may affect but is not likely to adversely affect” determination
 - e. Process moving forward
- V. Whitney Reservoir
 - a. Wilderness boundary change
 - b. Roadless rule violations for proposed alignments B and C
 - c. Fens and wetlands
 - d. Pumpbacks from Eagle River at Camp Hale as well as Fall Creek and Peterson Creek in the Holy Cross Wilderness
 - e. Implications of a 6,850-20,000 acre-foot reservoir – and transbasin diversion – for the Eagle River watershed

- VI. Community Engagement/Organizing
 - a. WW events: Homestake Education Day on Thursday, July 22; Homestake Peak Hike on Saturday on Saturday, July 24; Save the Homestake Valley Rally on Saturday, August 7
 - b. Importance of local elected spokespeople
 - c. Potential advocacy targets: USFS, Eagle County

Clean Water. Quality Life.™



Water Resources Master Plan

Linn Brooks, General Manager



EAGLE RIVER
WATER & SANITATION
DISTRICT

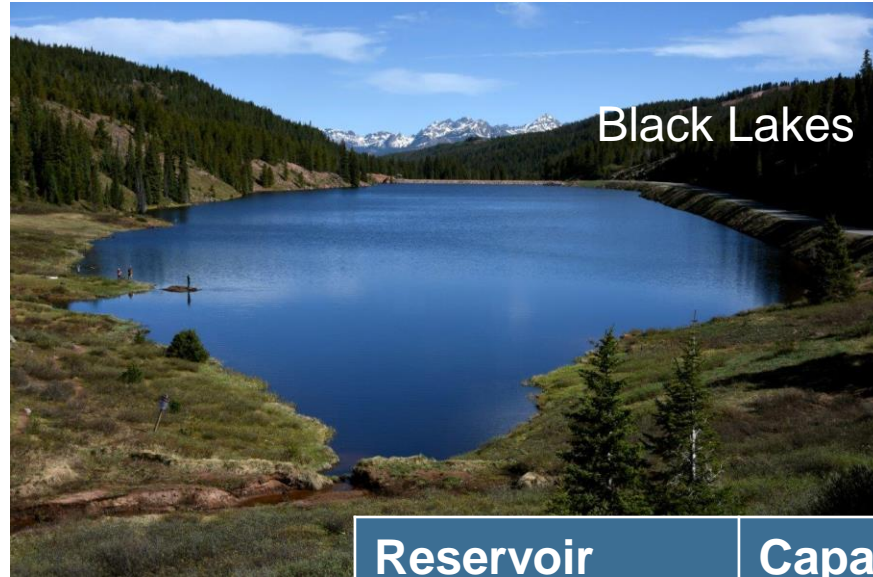
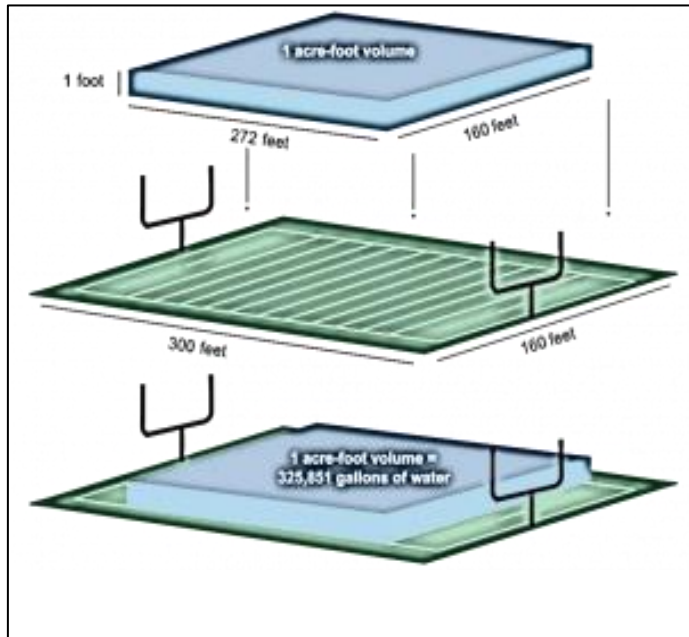
Review of previous presentation

- Political structure of District and Authority
- History of water development and water rights
- Where our water comes from
- How we use water, reservoir storage, and efficiency
- Why outdoor water use disproportionately impacts the water resource
- Threats to our water supply (urbanization, wildfires, climate change)



Definitions and Concepts

Acre-foot: unit of measure of reservoir storage, one acre covered with water one foot deep; equal to ~326,000 gallons



Reservoir	Capacity (acre-feet)
Lake Dillon	257,000
Homestake	43,000
Eagle Park	3,301
Black Lakes 1 and 2	475
Bolts Lake	1,200

% Water Supply Reliability: minimum frequency that water is available.

District and Authority Target Reliability is **95%**, which equates to the ability to cover our needs in 19 of 20 years on average.



Strategic Reserve: a reserve, or savings account, of water that is not committed to a specific use but is intended to mitigate risk. The strategic reserve can be drawn upon to provide a supply of water when the normal operating accounts run out, such as in a multiyear drought.

District and Authority Target Strategic Reserve is 10% of annual customer water demand.



Definitions and Concepts

Efficiency: ensuring water is used for a specific need, and not expended in ways that have no value.

Efficiency is the opposite of waste.

Examples of efficiency efforts in water use include:

- Reducing irrigation use to just what is needed by the plants
- Not watering pavement
- Reusing water where possible (recycling car washes)
- Water efficient fixtures (one flush = 1 gallon, instead of 3 gallons)



Conservation: reduce water use by changing the way we use water.

Examples of water conservation efforts:

- Replace old fixtures with water-efficient fixtures
- Convert formal landscaping to native and drought tolerant plants



Definitions and Concepts

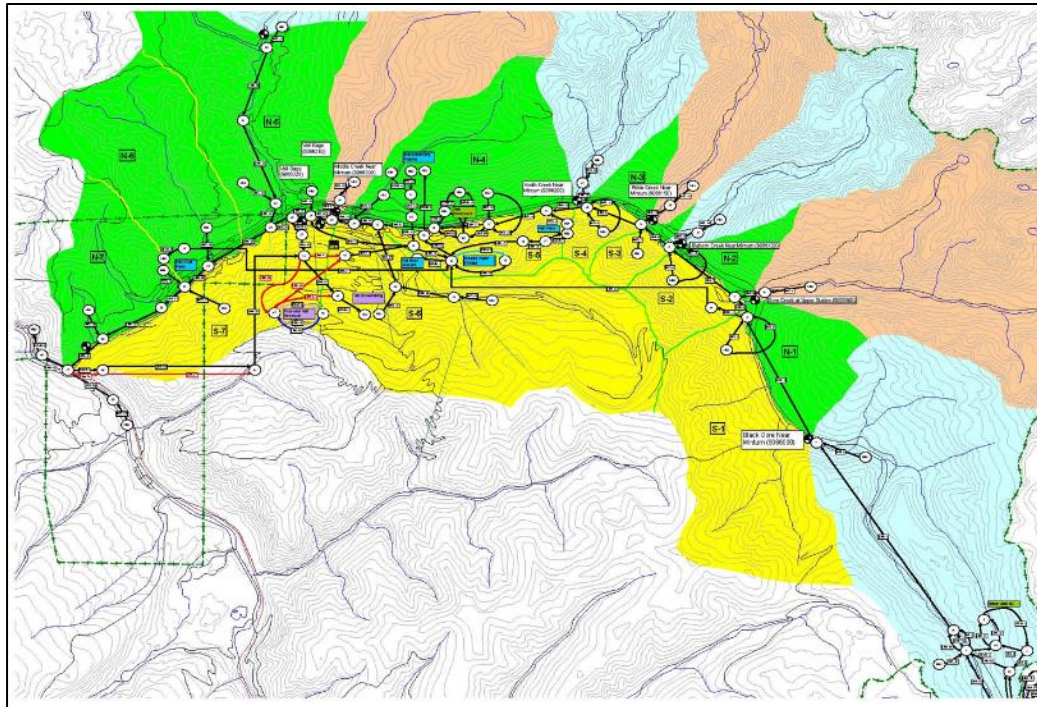
New Growth/Development: newly-approved zoning requiring a new commitment of water supply.



- Water rights decrees
- Streamflow gage data
- Historical water diversions
- Aggregated customer use data
- Forecasted diversion rates and customer demand
- Climate change model information
- 30-year planning period



- How much of our water supply meets the 95% criterion
- Help us see what options we have to meet future needs
- Are our system operations protective of streamflows
- Various “what-if” scenarios (droughts, climate change)

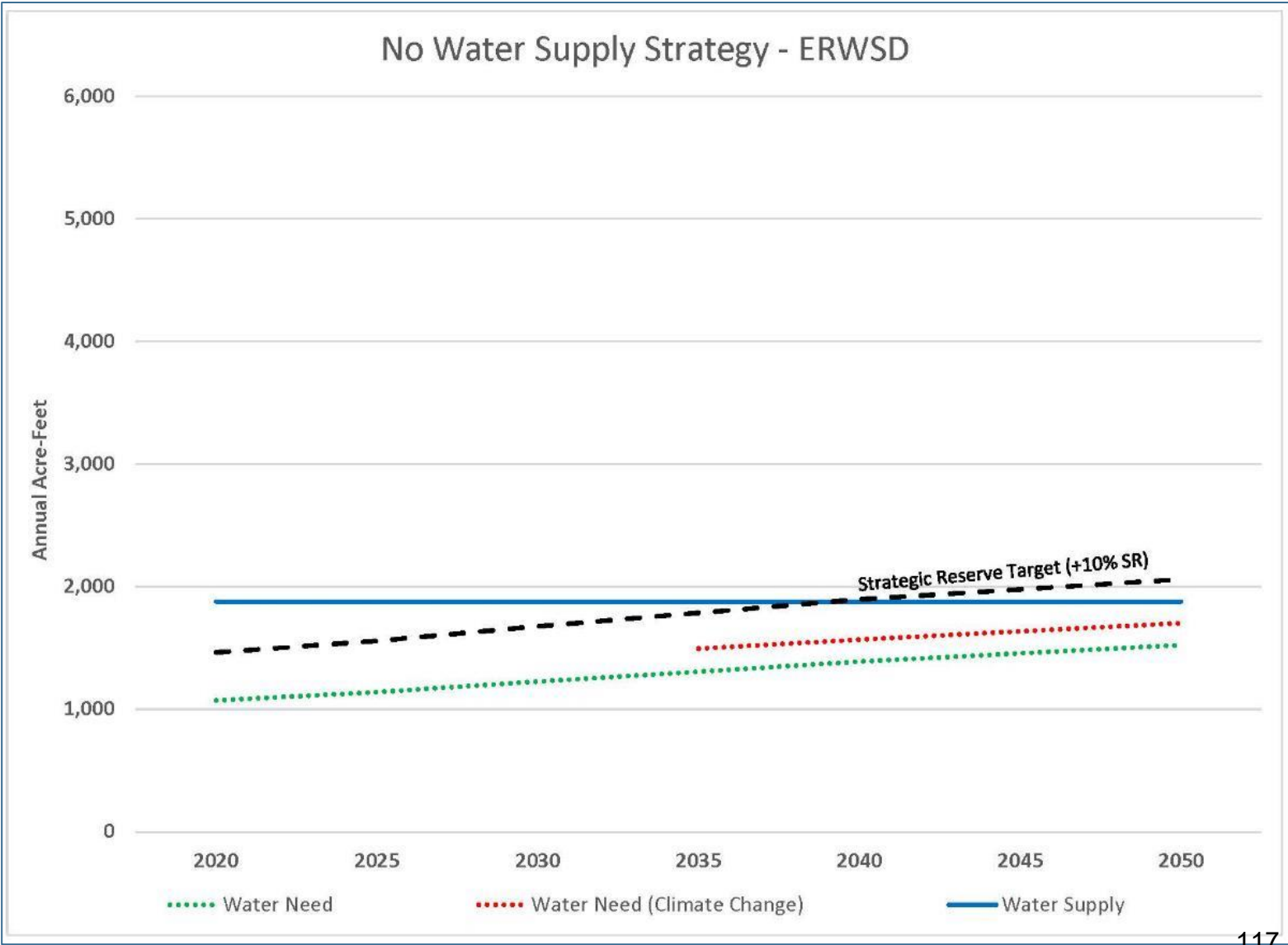


Model Assumptions

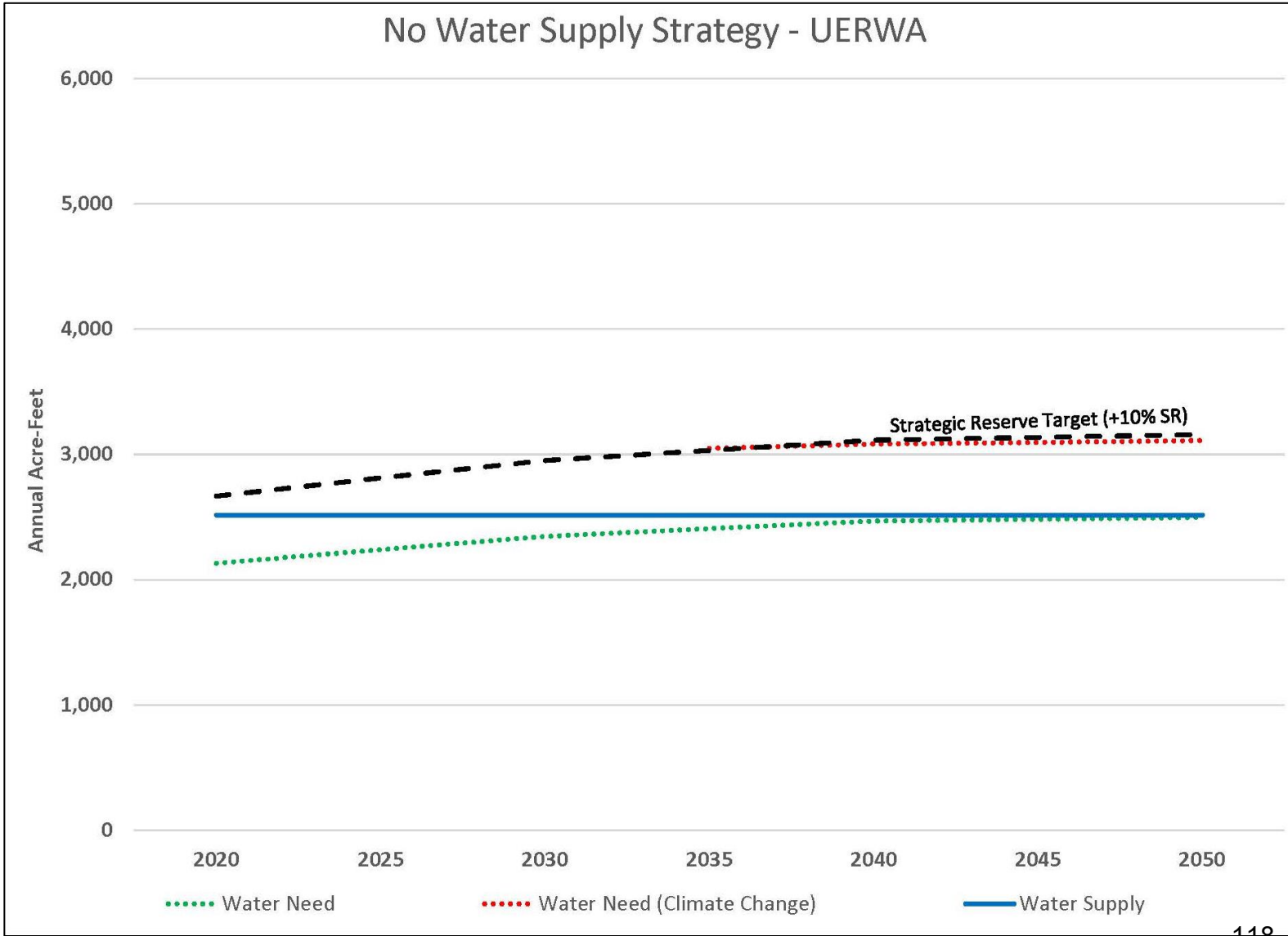
- Hot/dry climate model
- Annual long-term growth rate:
1.1% for ERWSD,
2.1% for UERWA
- 1.5% annual water conservation
- Strategic Reserve
Target is 10% of
customer need
- Bolts Lake is
constructed and online
in 2030



Model Conclusions



Model Conclusions



Water Resources Master Plan: Objective



EAGLE RIVER
WATER & SANITATION
DISTRICT

To ensure a reliable physical and legal water supply to existing and approved development and adequate future water supply to meet the land use goals of local land use authorities (LUAs), while protecting environmental and recreational uses of streamflows.



Photo credit: Chris MacLennan

Six Aspects of the Master Plan





Policy

- The 95% reliability target and a target strategic reserve of 10% of customer demand
- Water conservation goals, % per year
- Definitions of reasonable, inefficient, and unsustainable water use
- Priority lists and timelines for Programs and Projects

Tools

(Model & Reports)

- The model
- Data reports
- Goals
- Performance metrics

Resources

(Funding & People)

- Budgeted funds
- Grants
- Additional in-house skills



Programs

- Eliminate water use in billing tiers 4 and 5 (unsustainable)
- Reduce water use by subdivisions that are using more water than they are entitled to
- Water Budgeting



Projects

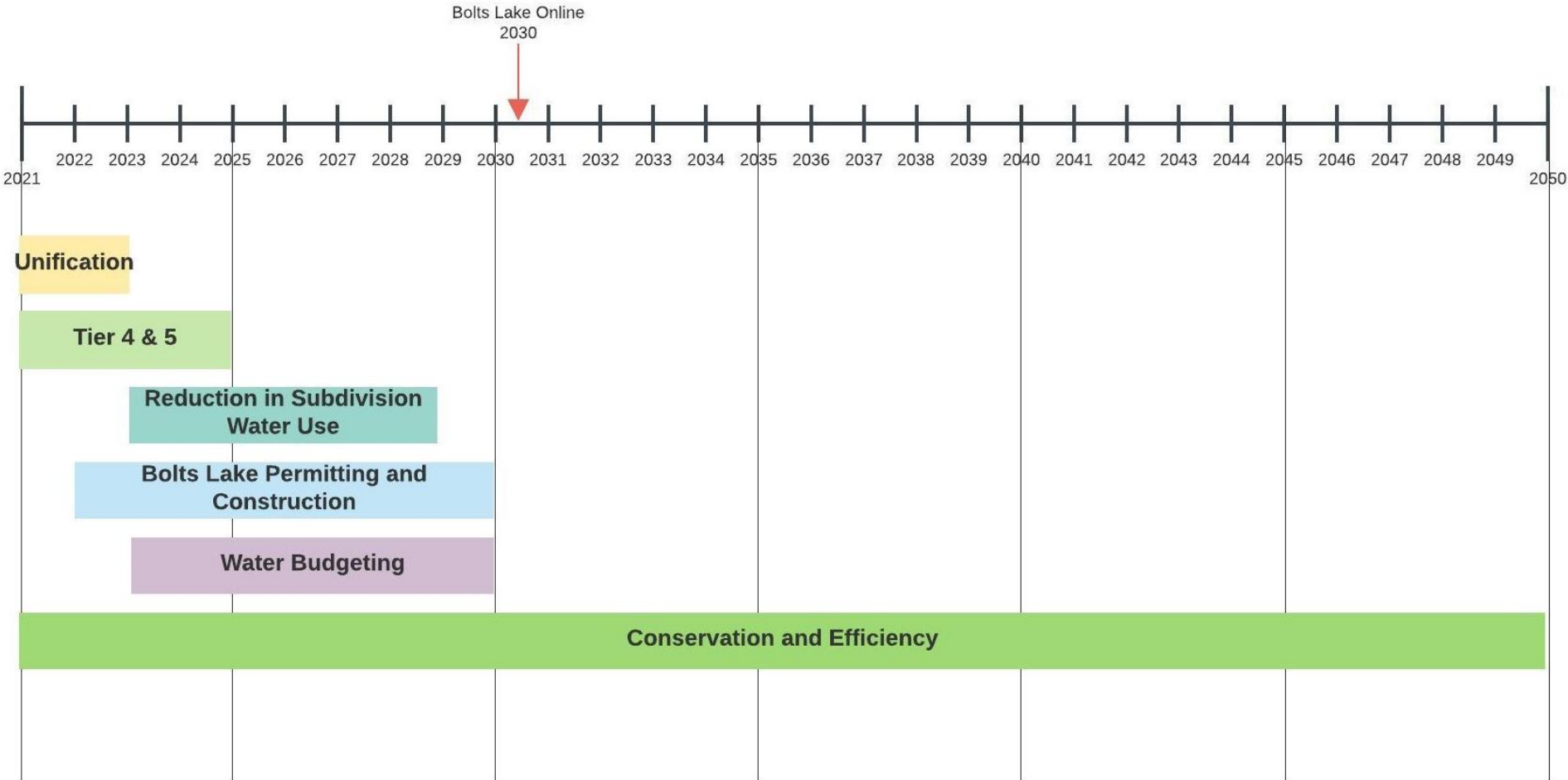
- Political unification of the District and Authority
- Bolts Lake



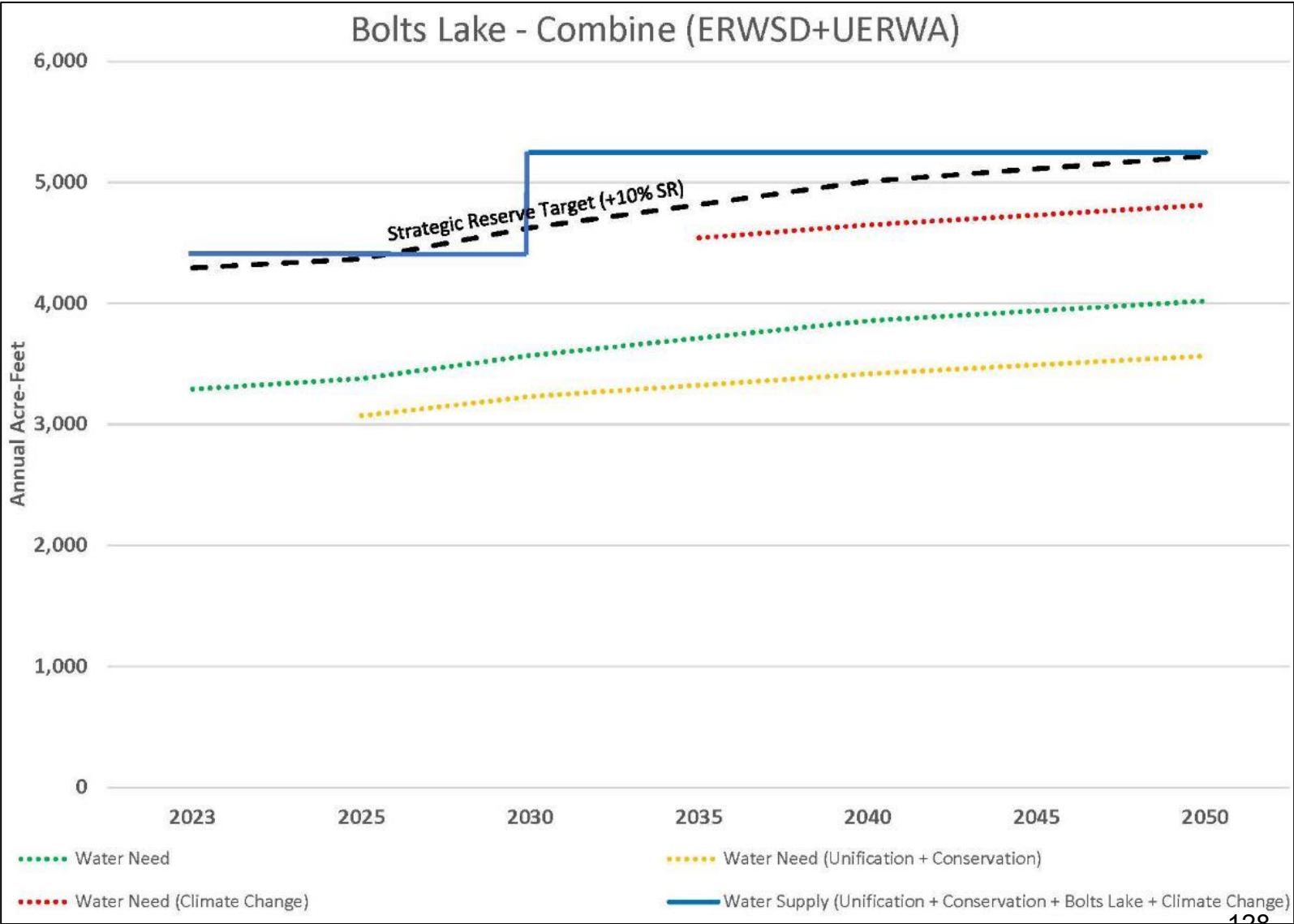
Outreach

- Land Use Agencies
- Customers
- We are never done communicating the importance of water to our community

Timeline



Master Plan Outcome



Questions/Discussion





To: Mayor and Council
From: Jay Brunvand
Date: July 21, 2021
Agenda Item: Resolution 24 – Series 2021

REQUEST:

The County is requesting the appointment of a Member and an Alternate Member to the Eagle County Transit Regional Authority (ECTRA) as voting and representing members of that board.

INTRODUCTION:

Currently the members are John Widerman as Member and George Brodin a Alternate. These terms have expired and ECTRA is asking for the appointment. This can be the same current members if so desired by the Council.

This Board advises the County Commissioners on budget, operations, schedules, capital spending, and other items of the County bus system.

ANALYSIS:

This board meets quarterly in Gypsum. The appointed representation can be two Council members or one Council and one staff.

COMMUNITY INPUT:

N/A

BUDGET / STAFF IMPACT:

N/A

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

“Motion to approve Resolution 24 – Series 2021 a Resolution appointing _____ as Member and _____ as Alternate Member to the ETCRA Board as representatives for the Minturn Town Council.

ATTACHMENTS:

- Resolution 24 – Series 2021

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 24 – SERIES 2021**

**A RESOLUTION APPOINTING TOWN COUNCIL
MEMBERS AS VOTING AND REPRESENTING MEMBERS
OF THE EAGLE COUNTY TRANSIT REGIONAL
AUTHORITY**

WHEREAS, The Minturn Town Council desires to appoint Council Member _____ as Member and _____ as Alternate Member as voting representatives to the Eagle County Transit Regional Authority; and

WHEREAS, these Council Members have accepted the respective appointments to the Eagle County Transit Regional Authority.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT _____ AS MEMBER AND _____ AS ALTERNATE MEMBER ARE APPOINTED TO THE EAGLE COUNTY TRANSIT REGIONAL AUTHORITY FROM THE TOWN OF MINTURN.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 21ST day of July, 2021.

TOWN OF MINTURN

**By: _____
Mayor**

ATTEST:

Town Clerk



To: Mayor and Council
From: Michelle Metteer, Meghan Winokur & Cristy Radabaugh
Date: July 21, 2021
Agenda Item: Water Presentation

REQUEST: Presentation followed by Q & A.

INTRODUCTION:

Staff and consultants will continue the water update from the July 7, 2021 Council meeting. This update will include an overview of secondary water sources, diversion and consumptive use limitations, and limitations caused by Minturn's inability to augment Cross Creek.

ANALYSIS:

Minturn will need to continue work toward the secondary water source. This will take place via the research on the feasibility of a wellfield on the Eagle River as well as potentially seeking a new surface diversion water right on the Eagle River.

COMMUNITY INPUT: Ongoing

BUDGET / STAFF IMPACT: TbD

STRATEGIC PLAN ALIGNMENT:

Practice fair, transparent and communicative local government

Long-term stewardship of the natural beauty and health of Minturn's environment

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: Council to provide staff direction in regular session after the presentation and executive session.

ATTACHMENTS: N/A

Michelle Metteer
Town Manager
301 Boulder St. #309
Minturn, CO 81645
970-827-5645
manager@minturn.org
www.minturn.org



Town Council
Mayor – John Widerman
Mayor Pro Tem – Earle Bidez
Council Members:
Terry Armistead
George Brodin
Eric Gotthelf
Gusty Kanakis
Tom Sullivan

July 21, 2021
Manager Report

Secondary Legal Review of Battle Mountain Development Agreements

We have secured the services of Geoff Anderson of Anderson Notarianni McMahon LLC for the review of prior Battle Mountain Development legal agreements. We expect this review to be complete by mid to late September. Mr. Anderson's CV is included for reference of his experience in this field.

Recycling Resources Economic Opportunity Program – Grant Application Submitted

The Recycling Resources Economic Opportunity (RREO) Program provides funding that promotes economic development through the management of materials that would otherwise be landfilled. Funds are available to support recycling, composting, anaerobic digestion, source reduction, and beneficial use/reuse. Grants and rebates are overseen by the Pollution Prevention Advisory Board and its corresponding Assistance Committee.

Minturn has applied for a total replacement of all public trash receptacles to replace with a dual recycle/trash bearproof receptacles. Cindy expects to hear the results of the application late this fall.

Restart Destinations Grant Application – AWARDED!

Minturn and Red Cliff submitted a joint application for the Restart program. Cindy Krieg will be the lead on this project. The Restart Destinations program supports Colorado tourism destinations to drive faster recovery as they emerge from the COVID-19 pandemic.

Awarded destinations will receive:

- a full-day recovery workshop to convene local tourism stakeholders, prioritize recommendations from the Roadmap to Recovery to drive faster recovery, and develop a recovery action plan
- 75 hours of customized technical assistance to implement priority tactics within the destination's recovery action plan
- \$10,000 in Colorado Tourism Office marketing support (no match required)

RAISE Grant Application Submitted

The RAISE grant application was submitted yesterday afternoon. Many organizations supported Minturn's application including the Director of CDOT, VVMTA, Eagle River Watershed Council,

ECO Transit, Vail Valley Partnership, Climate Action Collaborative, Eagle County School District, the Minturn Community Fund and the Eagle County Sheriff's Office.

Water Treatment Plant – State Revolving Fund Loan Application

The application for a \$3M loan toward two cement water tanks has been submitted. Jay and I are now working with Colorado Water Resources and Power Development Authority in preparation of the Authority Board approval in August. This is looking to be a 20-year loan at 2.25% interest.

Bolts Ditch Headgate USFS Permit

We continue to move through the USFS 299-Permitting process for the Bolts Ditch Headgate. As a reminder, congress has approved use of this headgate however the USFS is still requiring a complete 299-Permit application which includes several studies. Currently the ecological study from the headgate to the Wilderness boundary is underway.

Minturn Market

The Minturn Market is up and running. Because we didn't know what covid restrictions would or would not look like until mid-May, we planned on maintaining a downsized market for the season. Cindy is actively accepting additional applications which are being reviewed on a case-by-case basis. By next summer we hope to have a full food area back along with seating, umbrellas for shade and music.

Minturn Bike Park Pavilion

Minturn has received approval from CDOT to utilize approximately \$20k(ish) in funds from the recent \$50,000 Revitalizing Main St grant award toward the installation of a pavilion at the Minturn Bike Park. We're now getting the volunteer engineer from Zehren to connect with the pavilion manufacturer to confirm the product Minturn orders will be in compliance with wind and snow loads. VVMTA is also cross checking with Gallegos Corp to ensure the integrity of the pavers are not compromised when the pavilion is installed. We're hoping for an installation by sometime this fall.

Minturn Fitness Center

Minturn staff has been working with SSCV staff to identify to ability to implement a key fob system at the Minturn Fitness Center for use by the public membership. This would allow the MFC to extend the morning and evening open gym times to better accommodate the schedules for members needing shoulder-time use. Cindy has confirmed key fob system costs, security system costs and annual maintenance. SSCV has confirmed there is no initial increase to the insurance. We are hopeful to have MFC Board approval and installation by the fall is all goes as planned.

EV Charging Station – Town Hall/Post Office Location

The Town Hall EV charging station is now operational!

Department of Local Affairs – EIAF Grant Award (Community Plan Update)

Contracts for the Community Plan update grant have now been fully executed and Minturn is approved for retaining a firm or team of firms for the process of updating the Community Plan. The ad hoc commit is submitting individual reviews of each proposal this week and interviews should be starting by the middle to end of next week.

Code Compliance

ACE Security has been secured for the enforcement of MMC Chapters 7 & 8. As Council has directed in the past, the team will begin with educational efforts and if efforts to reach compliance are not achieved cooperatively then the team will move toward the issuance of tickets and fines. It is always best to achieve compliance through cooperation so although there are inevitably folks who don't follow the rules, we will remain hopeful for everyone's cooperation.

GEOFFREY P. ANDERSON

PROFESSIONAL EXPERIENCE:

Shareholder, *Anderson Notarianni McMahon LLC*, Denver, Colorado. Partner and founding member of Anderson Notarianni McMahon LLC. Private practice in areas of real estate and commercial litigation and real estate transactions. Representation of individuals, and companies both large and small. Complex civil litigation including commercial contracts, real estate title matters, quiet title actions, title insurance, mechanics' lien litigation, mined land reclamation issues, water rights and enforcement of security interests. Emphasis on road and access law. Expert witness work in various areas of real estate law including, among other areas, title, easements and roads. Appeals before the U.S. Court of Appeals for the Tenth Circuit, Colorado Supreme Court and Colorado Court of Appeals. **2021 to present.**

Shareholder, *Sweetbaum Sands Anderson PC*, Denver, Colorado. Private practice in areas of real estate and commercial litigation and real estate transactions. Representation of individuals, and companies both large and small. Complex civil litigation including commercial contracts, real estate title matters, quiet title actions, title insurance, construction defect and mechanics' lien litigation, mined land reclamation issues, water rights and enforcement of security interests. Emphasis on road and access law. Appeals before the U.S. Court of Appeals for the Tenth Circuit, Colorado Supreme Court and Colorado Court of Appeals. **2011 to 2021.**

Shareholder, *Burns, Figa & Will, P.C.*, Greenwood Village, Colorado. Private practice in areas of real estate and commercial litigation and real estate transactions. Representation of individuals, and companies both large and small. Complex civil litigation including commercial contracts, real estate title matters, quiet title actions, title insurance, construction defect and mechanics' lien litigation, mined land reclamation issues, water rights and enforcement of security interests. Emphasis on road and access law. Appeals before the U.S. Court of Appeals for the Tenth Circuit, Colorado Supreme Court and Colorado Court of Appeals. **1988 to 2011.**

Attorney, *Katch, Anderson and Wasserman*, Denver, Colorado. Private practice in areas of bankruptcy, debtor-creditor relations, real estate litigation, general civil litigation and foreclosures. Chapter 7 bankruptcy trustee 1986-1987. **1986 to 1988.**

EDUCATION:

Legal:	University of Denver , Denver, Colorado	J.D. 1985
Undergraduate:	Colorado State University , Denver, Colorado	B.S. 1979

GEOFFREY P. ANDERSON

ADMISSION TO PRACTICE:

Colorado	1985
U.S. District Court, District of Colorado	1986
U.S. Court of Appeals, Tenth Circuit	1988

TREATISES:

2008, Author, *Quiet Title Actions in Colorado*, originally published by Bradford Publishing Co. Updated 2010, 2011, 2012. Third Edition published May 2016, now available through CLE of Colorado.

2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Author/Editor, Chapter 75, “Actions Concerning Real Estate – Foreclosing Mortgages and Other Liens Under Rule 105,” *Colorado Methods of Practice*, Cathy Stricklin Krendl, editor, West Publishing.

2009, Author, Chapter 6, “Easements,” *Colorado Real Estate Forms Deskbook*, James G. Benjamin, Editor, originally published by Bradford Publishing Co. now published by CLE of Colorado. Updated for 2016, 2018, 2019 and 2020.

2017, Author Chapter 12, “Quiet Title Actions,” *Colorado Real Estate Practice*, Deanne Stodden, Editor, published by CLE of Colorado. Updated for 2018, 2019, 2020 and 2021.

2017, Author Chapter on “Judicial Foreclosures” in *Foreclosure Law in Colorado*, Richard Krohn, Editor, published by CLE of Colorado.

MEMBERSHIPS:

Real Estate Section Council, Colorado Bar Association, 2004–present;
Chair, Real Estate Section Council 2010-2011;
Vice Chair, Real Estate Section Council 2009-2010;
Secretary, Real Estate Section Council, 2008 – 2009;
Colorado Bar Association, Real Estate and Titles Section;
Title Standards Committee, 2007 – present;
Forms Committee, Colorado Real Estate Commission, 2013 – present;
Chapter 7 Bankruptcy Panel Trustee, 1986-1987.

GEOFFREY P. ANDERSON

RECOGNITION/AWARDS:

2021, “Lawyer of the Year – Litigation Real Estate in Denver,” Best Lawyers
2018, “Lawyer of the Year – Denver Litigation – Real Estate,” Best Lawyers
2015 – 2021, Best Lawyers, Commercial Litigation, Litigation – Real Estate
2021, Named in Top 100 Lawyers in Colorado by Super Lawyers.
2011 – 2021, Super Lawyers, Real Estate.
2002 – 2021, AV Rating, Martindale Hubble

PUBLICATIONS AND SPEECHES:

2021, Speaker and paper, 39th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “The Panic of 1893 and How it Changed Colorado.”

2021, Speaker and chapter author/editor, Colorado Real Estate Practice, “Quiet Title Actions.”

2020, Speaker and paper, 38th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “So You Thought it was Impossible to Lose the Family Farm Without Notice in this Country? Guess Again.”

2020, Speaker and chapter author/editor, Colorado Real Estate Practice, “Quiet Title Actions.”

2019, Speaker and Powerpoint, Land Title Association of Colorado Fall School, “Scandals, Shenanigans, Mining Claims: So Many Different Ways to Make Money in Real Estate.”

2019, Speaker and chapter, Colorado Bar Association, Foreclosure Law in Colorado, “Judicial Foreclosures.”

2019, Speaker and paper, 37th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Mining Claims: A 19th Century Concept Collides with the 21st Century.”

2019, Speaker and chapter author/editor, Colorado Real Estate Practice, “Quiet Title Actions.”

2019, Speaker and chapter author, Colorado Real Estate Forms Deskbook; Easements.

2018, Speaker and paper, Real Estate Fall Update, Colorado Bar Association, “How Did We Get Here, Anyway? Real Estate History’s Greatest Hits.”

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2018, Speaker and paper, 36th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “For Whom the Road Tolls: A History of Early Toll Roads in Colorado and Their Effect on the Development of the State.”

2018, Speaker, CLE of Colorado, Colorado Real Estate Practice, “Quiet Title Actions.”

2018, Speaker, “Scandals & Shenanigans: Patents in Downtown Denver,” Webinar for Land Title Association of Colorado.

2017, Speaker and book chapter, “Foreclosure Law in Colorado,” Judicial Foreclosures, CBA – CLE of Colorado.

2017, Speaker and paper, 35th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “A Land of Many Uses...And Conflicts; A Look at the History of Public Lands in the West and What May be in Store for the Future.”

2017, Speaker, CLE of Colorado, Colorado Real Estate Practice, “Quiet Title Actions.”

2017, Speaker and paper, Half Moon Education seminar, “Boundaries and Easements.”

2016, Speaker and paper, NBI seminar, “Road and Easement Law from A to Z.”

2016, Speaker and paper, 34th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “A Mine? A Farm? How about a Whole Town? A Look at the Federal Government’s Program to Give Away Entire Towns and How it Affected Colorado.”

2016, Speaker and materials author, CBA-CLE seminar, “Colorado Quiet Title Actions; The Basics Plus Selected Advanced Topics.”

2016, Speaker and paper, CBA-CLE seminar, “Anatomy of a Residential Real Estate Transaction,” “Understanding and Using the Commission Approved Residential Forms.”

2015, Speaker and paper, Half Moon seminar, “Determining Land Ownership and Access Rights.”

2015, Speaker and paper, 33rd Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Private Land Ownership: The Most Destructive and Creative Force in History; The Evolution of Land Ownership, Governments and Cultures.”

2014, Speaker and paper, NBI seminar, “Resolving Real Estate Related Disputes in Colorado.”

2014, Speaker and paper, 32nd Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Easements: The Goldilocks Conundrum.”

GEOFFREY P. ANDERSON

- 2013, Speaker and paper, NBI seminar, “Resolving Local Road and Access Disputes.”
- 2013, Speaker and paper, NBI seminar, “Advanced Issues in Real Estate Law.”
- 2013, Speaker and paper, 3rd Annual Rocky Mountain Surveyors Summit, “Real Estate Litigation: Where the Surveyor Fits In.”
- 2012, Speaker and paper, NBI seminar “Road and Easement Law from A to Z.”
- 2012, Speaker and paper, 30th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Trust the Trust or Trust the Trustee? Where to Put the Title.”
- 2011, Speaker and paper, NBI seminar “Road and Easement Law from A to Z.”
- 2011, Speaker and paper, Colorado Bar Association Continuing Legal Education, “Fall Real Estate Update, Title Standards.”
- 2011, Speaker and paper, Colorado Bar Association Continuing Legal Education, “Quiet Title Actions: The Basics Plus Selected Advanced Topics.”
- 2010, Speaker and paper, NBI seminar, “Road and Easement Law from A to Z.”
- 2010, Program Chair, 28th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association.
- 2010, Speaker and paper, “Quiet Title Actions in Colorado” presented to the Western Colorado Land Surveyors.
- 2009, Speaker and paper, Colorado Bar Association Continuing Legal Education Annual Fall Real Estate Update, “Legislative Update.”
- 2009, Speaker and paper, 27th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Annual Legislative Update.”
- 2009, Co-author (with Frederick B. Skillern) Real Property Law chapter of 2008 Annual Survey of Colorado Law published by the Colorado Bar Association.
- 2008, Co-author (with David M. (“Merc”) Pittinos) “Adverse Possession After HB 1148,” The Colorado Lawyer, November 2008.
- 2008, Speaker, CBA/CLE Luncheon, “What Real Estate Lawyers Need to Know About the New Adverse Possession Law – H.B. 1148.”

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2008, Speaker and paper, NBI Seminar, “Road and Access Law: Successfully Handling Disputes.”

2008, Speaker and paper, Colorado Bar Association Continuing Legal Education, “Quiet Title Actions: The Basics Plus Selected Advanced Topics.”

2008, Speaker and paper, Colorado Bar Association Continuing Legal Education Fall Real Estate Update, “Case Law Update.”

2008, Co-author (with Frederick B. Skillern) Real Property Law chapter of 2007 Annual Survey of Colorado Law published by the Colorado Bar Association.

2008, Speaker and paper, 26th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Annual Real Estate Case Law Update.”

2008, Speaker, Colorado Bar Association Luncheon, “Real Estate Case Law Update.”

2007, Speaker and paper, Colorado Bar Association Continuing Legal Education course, “Case Law Update.”

2007, Speaker and paper, 25th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Annual Real Estate Case Law Update.”

2007, Speaker and paper, Boulder County Bar Association, Real Estate Section, “Road and Access Law.”

2007, Speaker and paper, NBI Seminar, “Road and Access Law: Successfully Handling Disputes.”

2007, Speaker and paper, Lorman Seminar, “Law of Easements: Legal Issues and Practical Considerations in Colorado.”

2007, Co-author (along with Frederick B. Skillern) Real Property Law chapter of 2006 Annual Survey of Colorado Law published by the Colorado Bar Association.

2007, Speaker, Colorado Bar Association Luncheon, “Real Estate Case Law Update.”

2006, Speaker and paper, Colorado Bar Association Seminar, “2006 Real Estate Update; Recent Developments.”

2006, Speaker and paper, 24th Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Annual Real Estate Case Law Update.”

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2006, Speaker and paper, Lorman Seminar, “Law of Easements: Legal Issues and Practical Considerations in Colorado.”

2006, Speaker, Colorado Bar Association Luncheon, “Real Estate Case Law Update.”

2005, Speaker and paper, NBI Seminar, “Road and Access Law; How to Research and Resolve Access Disputes.”

2005, Speaker and paper, Lorman Seminar, “Title Examination in Colorado.”

2005, Speaker and paper, 23rd Annual Real Estate Symposium presented by the Real Estate Section of the Colorado Bar Association, “Investigating Public Roads, Private Roads and Boundary Disputes – What the Clerk and Recorder Won’t Tell You.”

2005, Speaker and paper, Lorman Seminar, “Law of Easements: Legal Issues and Practical Considerations in Colorado.”

2005, Speaker and paper, Third Annual Attorneys Title Guaranty Fund Knowledge Assembly, Topic: “Access Problems and Title Issues.”

2005, Speaker and paper, Lorman Seminar, “Real Estate Title Information in Colorado: How Do You Get It and What Do You Do With It?”

2004, Speaker and paper, NBI Seminar, “Road and Access Law; How to Research and Resolve Access Disputes.”

2004, Speaker and paper, NBI Seminar, “Keys to Success in a Real Estate Transaction.”

2004, Speaker and paper, Lorman Seminar, “A Year in the Life of a Real Estate Development Deal: Land Use Impacts on Real Estate Transactions in Colorado.”

2004, Speaker and paper, Lorman Seminar, “Real Estate Litigation in Colorado.”

2004, Speaker and paper, NBI Seminar, “Boundary Law in Colorado.”

2004, Speaker and paper, NBI Seminar, “Mastering Real Estate Titles and Title Insurance in Colorado.”

2004, Speaker and paper, Lorman Seminar, “Title Examination in Colorado.”

2004, Speaker and paper, Lorman Seminar, “Law of Easements: Legal Issues and Practical Considerations in Colorado.”

2003, Paper: “The Ghost of R.S. 2477: Does it Haunt Your Neck of the Woods?”

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2003, Speaker and paper, Colorado Association of County Assessors, “Law of Easements.”

2003, Speaker and paper, NBI Seminar, “Road and Access Law in Colorado: How to Research and Resolve Access Disputes.”

2003, Speaker and paper, NBI Seminar, “Real Estate Title Examination in Colorado.”

2003, Speaker and paper, NBI Seminar: “Boundary Law in Colorado.”

2003, Speaker and paper, CLE International Seminar: “Real Estate Development;” Topic: “Your Development: Can You Get There From Here?”

2003, Speaker and paper, Lorman Seminar: “Law of Easements: Legal Issues and Practical Considerations in Colorado.”

2003, Speaker, Debate with Colorado Attorney Regulation Counsel regarding recording of attorneys’ liens, before luncheon seminar of Denver Bar Association.

2003, Speaker and paper, Lorman Seminar: “Commercial Real Estate in Colorado.”

2002, Speaker and paper, NBI Seminar: “Effective Boundary Dispute Resolution in Colorado.”

2002, Speaker and paper, CLE International Seminar: “Real Estate Development” Topic: “Your Development: Can You Get There From Here?”

2002, Speaker and paper, NBI Seminar: “Boundary Law in Colorado.”

2002, Speaker and paper, NBI Seminar: “Real Estate Title Examination in Colorado.”

2001, Speaker and paper, NBI Seminar: “Road and Access Law in Colorado: How to Research and Resolve Access Disputes.”

2001, Speaker and paper, Lorman Seminar: “Commercial Real Estate in Colorado.”

2000, Speaker and paper, NBI Seminar: “Colorado Real Estate Title Law; Problems and Solutions.”

2000, Speaker and paper, NBI Seminar: “Road and Access Law in Colorado: How to Research and Resolve Access Disputes.”

2000, Speaker and paper, Lorman Seminar: “Commercial Real Estate in Colorado.”

1999, Speaker and paper, NBI Seminar: “Keys to Success in a Real Estate Transaction in Colorado.”

GEOFFREY P. ANDERSON

1998, Speaker and paper, CLE International Seminar: “Third Annual Conference; Real Estate Development.”

1998, Speaker and paper, NBI Seminar: “Road and Access Law in Colorado: How to Research and Resolve Access Disputes.”

1997, Speaker and paper, NBI Seminar: “Road and Access Law in Colorado: How to Research and Resolve Access Disputes.”

1996, Speaker and paper, NBI Seminar: “Boundary Law in Colorado.”

“*Hecla Mining: Not Applicable in Federal Court*”, 23 *Colorado Lawyer* 1323, June 1994.

COMMUNITY ACTIVITIES:

Volunteer announcer, public radio station KUVO, 89.3 FM, jazz, Tuesdays 8 to 10 pm, every other week on All Blues, Saturdays 4 to 6 pm, 1988 to present.

Officer, Member of Board of Directors, Governor’s Estates Homeowners’ Association, 1997 -- 2006.

Occasional contributor of concert reviews to allaboutjazz.com and kuvo.org.

EXPERT WITNESS:

Shadow Mountain Ranch Homeowners Association, Inc. v. Fitzgerald, et al., Douglas County District Court, Case No. 05CV295; trial testimony, 2007

Northwest Pipeline Corporation v. #11 Enterprises, Ltd., Garfield County District Court, 05CV253, deposition testimony, 2007.

Wolniewicz et. al. v. Fidao et. al., Boulder County District Court, Case No. 99CV1500; expert report presented to court at trial pursuant to stipulation of counsel, 2008.

James A. Harders Individual Trust v. Attorneys Title Guaranty Fund, Inc., District Court, Gilpin County, Case No. 04CV100, expert report attached to summary judgment pleadings, on appeal, Case No. 08CA32, decided December 24, 2008.

Colorado Nublado Vista, Inc. v. Caldwell, Gilpin County District Court, Case No. 07-CV-93, testimony at hearing on attorneys’ fees, 2010.

Breitenbach v. Ireland, Stapleton, Pryor and Pasco, Denver District Court, Case No. 2009-CV-4956; expert report, 2011.

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Crisler v. Woodman Hills Filing No. 11 Design Review Counsel, El Paso District Court, Case No. 11 CV 2953, trial testimony, 2012.

Kittle v. St. Jude's Co., Garfield County District Court, Case No. 2008 CV 44, report and hearing testimony, 2013.

The Wanda L. Pettersen Trust Dated June 11, 1998 v. Pettersen et. al., Case No. 2013CV32257, Jefferson County, Colorado, expert report, 2014.

Meeper, LLC v. Powers, et. al., Case No. 12-CV-1732-WYD-KMT, U.S. District Court for the District of Colorado, expert report, 2015.

Colorado Hospitality Service, Inc. v. Auto-Owners Insurance Company, Case No. 2014-CV-1858-WJM-BNB, U.S. District Court for the District of Colorado, expert report, 2015.

City of Lakewood, Colorado v. Armstrong, Case No. 2015 CV 31593, Jefferson County District Court, expert report, 2016.

Parkview Gardens Building Owners Association also known as the Park View Gardens Building Condo Association v. Owners Insurance Company and Flood & Peterson Insurance Co., Inc., Boulder County District Court, Case No. 2014 CV 31519, expert report, 2016, rebuttal report, 2017, deposition testimony, 2018.

Horizon Park Partners, LLC v. Gator Horizon Partners, LTD., Boulder County District Court, Case No. 2013 CV 31577, expert report, deposition testimony, trial testimony, 2016.

Margaret E. Calder, et al. v. Bernal B. Madison, et al., Case No. 2010CV956, Weld County District Court, expert report and rebuttal report, trial testimony, 2017.

FD Interests, LLC v. Fairways at Buffalo Run Homeowners Association, Inc., Case No. 2016CV31316, Adams County District Court, expert report, trial testimony, 2017.

Maven Properties, LLC, v. Cherry Hills Village, Case No. 2017CV30551, Arapahoe County District Court, expert report, 2018.

In re the Marriage of Tatyana Podnosova and Boris Lipkind, Case No. 2009DR1603, Arapahoe County District Court, expert report, trial testimony, 2018.

Gregory v. Fidelity National Title Insurance Company, Case Number 2018CV31927, District Court, City and County of Denver, expert report, 2019.

Board of County Commissioners of Jefferson County v. Sawyer, Case Number 2018CV30493, District Court, Jefferson County, expert report and trial testimony, 2019.

GEOFFREY P. ANDERSON

Glover v. Resource Land Holdings, LLC, Case Number 2018 CW 3166, District Court, Water Division 1, expert report, 2019.

Jay Brunvand
 Clerk/Treasurer
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 Minturn, CO 81645
 970-827-5645 x1
treasurer@minturn.org
www.minturn.org



Town Council
 Mayor – John Widerman
 Mayor Pro Tem – Earle Bidez
 Council Members:
 Terry Armistead
 George Brodin
 Brian Eggleton
 Eric Gotthelf
 Gusty Kanakis

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 21, 2021
Wilderness Workshop – Whitney Creek Reservoir Discussion – Erin Riccio
ERWSD Special Presentation – Eagle River Water Resources Master Plan
Liquor License – Agaves Mexican Bar & Grill 160 Railroad Ave.
August 4, 2021
Discussion/Direction: American Rescue Plan appropriation
Ord __ - Series 2021 Holy Cross Electric Franchise Agreement (First Reading)
Discussion/Direction: Water Tap Moratorium Request – Belden Place
ECSO Update – ECSO Deputy Loya
August 18, 2021
Ord __ - Series 2021 Holy Cross Electric Franchise Agreement (Second Reading)
DATE TO BE DETERMINED
Future Funding Agreement – Battle Mountain
An Ordinance adopting Specified Sustainability Building Codes
CUP regulation review – Fall 2021