



**Town Council Agenda
Wednesday December 1, 2021
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/85066577770>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 850 6657 7770**

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

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

CALL TO ORDER

ROLL CALL & PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

1. Executive Session pursuant to C.R.S. § 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) – Eagle River Water and Sanitation District, Battle Mountain, Water Court application – Winokur/Sawyer

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

DECLARATION OF CONFLICTS OF INTEREST

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

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

1. December 1, 2021 Meeting Minutes Pg 4
2. Liquor License – Permit Application and Report of Changes for The Mexican Bar and Grill
160 Rail Road Ave, Juan Flores Owner/Manager – Brunvand Pg 17
3. Resolution 46 – Series 2021 A Resolution approving the annual contract for sewer service with
Eagle River Water and Sanitation District Pg 23
4. Authorization regarding DOLA Challenge Planning Grant Pg 32
5. Accept proposed Scope of Work for a Design Guidelines Booklet approved within the Minturn
Community Plan Pg 38

LIQUOR LICENSE:

1. Temporary Permit for The Minturn Saloon 146 N. Main St, Constance Mazza
Owner/Manager – Brunvand Pg 40

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

COUNCIL COMMENTS & COMMITTEE REPORTS

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

1. Ordinance 21 – Series 2021 Amending the moratorium on DRB applications. - Sawyer Pg 50
2. Resolution 47 – Series 2021 A Resolution approving certain water fees for the Town of
Minturn – Brunvand/Metteer Pg 55

DISCUSSION / DIRECTION ITEMS

1. Water Tank Discussion (continued) – Gordon/Mann Pg 58

STAFF REPORTS

1. Town Manager Update
 - April 2022 Election update Pg 63

FUTURE AGENDA ITEMS Pg 65

ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- January 5, 2022
- January 19, 2022
- February 2, 2022
- February 16, 2022



**Town Council Agenda
Wednesday December 1, 2021
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/83126667292>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 831-2666-7292**

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

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

CALL TO ORDER – 5:30 PM

The meeting was called to order by Mayor Earle Bidez at 5:30pm using a hybrid in-person and ZOOM on-line meeting format.

ROLL CALL & PLEDGE OF ALLEGIANCE

Those present include: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Eric Gotthelf, Gusty Kanakis, and Tom Sullivan. Note: Lynn F. was excused absent.

Staff present: Town Manager Michelle Metteer, Town Attorneys Michael Sawyer (via Zoom), Town Engineers Jeff Spanel of Inter-Mountain Engineering and Ryan Gordan of SGM Engineering and Town Treasurer/Town Clerk Jay Brunvand.

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

Motion by Terry A., second by George B., to approve the Agenda of December 1, 2021 as presented. Motion passed 7-0.

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENT – 5:35 PM *Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

CONSENT AGENDA – 5:40 PM *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. November 17, 2021 Meeting Minutes

Motion by George B., second by Gusty K., to approve the Minutes of November 17, 2021 as presented. Motion passed 7-0.

SPECIAL PRESENTATIONS – 5:45 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

COUNCIL COMMENTS & COMMITTEE REPORTS – 5:45 PM

Terry A. reported on the Colorado Wildlife Roundtable. She noted the closures for wildlife during the winter. She also noted the Town of Vail is looking at a 10ft no-mow zone in the river setback.

Note: Lynn F. joined the meeting (via Zoom) at 5:34pm.

BUSINESS ITEMS – 5:50 PM *Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.*

1. Ordinance 16 – Series 2021 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2021 Town of Minturn Budget – Brunvand

Jay B. gave a brief update on the changes in Ordinance from First Reading and stood for questions.

Public Hearing Opened
No Public Commented
Public Hearing Closed

Motion by Eric G., second by Gusty K., to approve Ordinance 16 – Series 2021 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2021 Town of Minturn Budget as presented. Motion passed 7-0.

2. Ordinance 17 – Series 2021 (Second Reading) An Ordinance Setting the 2022 General Property Tax Mill Levy for the Town of Minturn – Brunvand

Jay B. gave a brief update on the Final Assessed Valuation changes in the Ordinance and stood for questions.

Public Hearing Opened
No Public Commented
Public Hearing Closed

Motion by Gusty K., second by Tom S., to approve Ordinance 17 – Series 2021 (Second Reading) An Ordinance Setting the 2022 General Property Tax Mill Levy for the Town of Minturn as presented. Motion passed 7-0.

3. Ordinance 18 – Series 2021 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2022 for the Town of Minturn – Brunvand

Jay B. gave a brief update on the Ordinance and Michelle M. and Jay B. stood for questions.

Public Hearing Opened
No Public Commented
Public Hearing Closed

Motion by George B., second by Terry A., to approve Ordinance 18 – Series 2021 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2022 for the Town of Minturn as presented. Motion passed 7-0.

4. Ordinance 19 – Series 2021 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2022 Revenues and Expenses by Fund – Brunvand

Jay B. gave a brief update on the Ordinance, there were no changes from First Reading.

Public Hearing Opened
No Public Commented
Public Hearing Closed

Motion by Gusty K., second by George B., to approve Ordinance 19 – Series 2021 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2022 Revenues and Expenses by Fund as presented. Motion passed 7-0.

5. Ordinance 20 – Series 2021 (Second Reading) An Ordinance prohibiting the sale of puppy mill animals to be sold in within the town limits of Minturn – Metteer

Michelle M. gave a brief update on the Ordinance and stated there were no changes from First Reading.

Public Hearing Opened
No Public Commented
Public Hearing Closed

Motion by Terry A., second by Eric G., to approve Ordinance 20 – Series 2021 (Second Reading) An Ordinance prohibiting the sale of puppy mill animals to be sold in within the town limits of Minturn as presented. Motion passed 7-0.

DISCUSSION / DIRECTION ITEMS – 6:30 PM

1. Discussion – Pine Street Repairs (Norman Ave to Mann Ave) – Spanel

Note: this item was taken up after the Water Tank discussion to allow more citizens time to attend.

Jeff Spanel, Inter-Mountain engineering and is the Town Engineer, presented.

Based on the input, the plans were broken into three phases – Phase 1 extends from Norman Avenue to Harrison Avenue, Phase 2 from Harrison Avenue to Meek Avenue and Phase 3 from Meek Avenue to Mann Avenue (please refer to Sheet 1 of 6). The street layout assumes retaining the sidewalk on the west side of the street, replacing broken sections, filling in missing sections, and adding curb & gutter throughout. The proposed street width varies based upon the width of the existing street, making use of the available space to reduce the impact on adjoining properties. The existing asphalt will be demolished, road base and subgrade improved, and then the street will be fully reconstructed (please refer to Sheets 4-6). The Minturn Master Drainage Plan (MMDP) recommendations will be implemented within Pine Street.

Phase 1:

The proposed reconstruction for the northern 200 feet of Phase 1 would include 11’ travel lanes, retain the perpendicular parking in front of Town Hall, and have parallel parking along the west side of the street as space allows. Drainage additions include a concrete pan on the east and curb & gutter on the west. The next 100 feet will not have parallel parking on the west, but will accommodate the existing private parking on the east. Driving lanes would be 11 feet wide with a 3’ wide concrete pan added at the rear of the existing parking spaces in front of 376 Pine St. The sidewalk on the west side of the street will be rehabilitated as necessary. The sidewalk was constructed without a curb section.

The estimated construction cost for Phase 1 is \$145,000. Please keep in mind this cost is based on recent construction costs, without final design, and without contractor input. As you are aware, we are experiencing runaway construction cost inflation which cannot be predicted and will affect the actual cost of the work.

Phase 2:

The proposed reconstruction for Phase 2 would include 11’ travel lanes and have parallel parking along the east side of the street. This plan would interrupt the existing private perpendicular parking at the church. Drainage additions include storm inlets, a concrete pan on the east and curb

& gutter on the west. The alternate section moves the concrete pan to the east, still within the right of way but further into the church parking to better align with existing storm sewer inlets. The sidewalk on the west side of the street will be rehabilitated as necessary. The sidewalk was constructed without a curb section.

The estimated construction cost for Phase 2 is \$565,000. Please keep in mind this cost is based on recent construction costs, without final design, and without contractor input. As you are aware, we are experiencing runaway construction cost inflation which cannot be predicted and will affect the actual cost of the work.

Phase 3:

The proposed reconstruction for Phase 3 would include 11' travel lanes and have parallel parking along the east side of the street. This plan would improve the intersection at Mann Avenue by re-aligning the roadway more centered within the street right of way. This will require the construction of a retaining wall along the west side of the road. A sidewalk on the west side of the street is not proposed based on discussion with the Council at the field visit. Drainage additions include storm inlets, a concrete pan on the east, and curb & gutter on the west.

The estimated construction cost for Phase 3 is \$325,000. Please keep in mind this cost is based on recent construction costs, without final design, and without contractor input. As you are aware, we are experiencing runaway construction cost inflation which cannot be predicted and will affect the actual cost of the work.

We believe the proposed conceptual roadway layout for Pine Street reflects our discussions and look forward to your review and any additional input.

Mr. Jim Whittler, 401 Pine St, confirmed there was proposed to be no parking on the west side of the street and asked how the alternate side of street parking to accommodate snow removal would be accommodated?

Mr. Robert Cusade, Pine St, asked what the width of the street is? It was noted that parking on both sides could be accommodated with a single lane of traffic. Currently there is not a 10ft drive lane going both directions. He felt the repairs and resurface was necessary but was not in favor of taking away front yards just to allow parking and two-way traffic. It was noted that the 200 and 300 blocks work great but it gets much tighter the more south you travel and that portion should be modified to better suit the existing use over sidewalks.

Mr. Tim Lahey, 406 Pine St, outlined how the trees in his yard would need to be removed and other modifications that would affect ONLY him and hurt his property.

Mr. Charles Overy, 501 Pine St (commercial property), expressed this is not a busy street and this is overkill. He felt a narrower lane of traffic was more desirable to the neighborhood as it would calm traffic.

Arnold Martinez, Public Works, spoke to the issues with snow removal. Michelle M. noted the comments coming into the office are indicative of the desire to narrow the travel lanes, and

continue parking on both sides of the street and that the school bus is able to make the drive.

Earle B. assured this is very conceptual and nothing is going to happen immediately. This is a conversation to solicit ideas.

Tom S. stated he doubted we had 8ft lanes possibly and if this was what the neighborhood wanted for the future. He noted there is a safety concern to address as well with kids in the street.

Terry A. noted the snow removal is a nightmare for Public Works and the drainage issue would also be addressed on this.

Earle B. stated he felt the drainage/curb/gutter needed to be addressed and that those repairs could be made and still maintain parking on both sides of the street as well as the neighborhood feel.

Jeff S. noted the curb and gutter would begin with Phase 2 and parking would be into the gutter. This upgrade would be as specified in the Master Drainage Plan.

Direction was to accommodate parking on both sides of the street and modify the drive lane as well as to accommodate drainage.

2. Water Tank Update – Metteer/Gordon/Mann

Mr. Ryan Gordon, SGM, gave a brief history of how we arrived at the current location and design.

Bids for the Minturn Water Tank project were received and opened on Wednesday November 17, 2021. We received three bidders shown below:

- Phoenix Industries (Glenwood Springs, CO) \$4,563,512.71
- Johnson Construction (Rifle, CO) \$4,965,201
- Schofield Excavation (Gypsum, CO) \$5,881,815

Ryan G. stated that the bids were in excess of the cost estimate due to inflation in construction costs and the requirement to haul off the excavated dirt.

Current Design

I have talked at length with the two lowest bidders to inquire if they have value engineering ideas or changes to the design that could reduce the cost of the project as currently designed. The ideas generated are provided below with a range of cost savings. The range takes into consideration of both low bid costs:

1. Eliminate the cable security fencing along the outer edge of the MSE wall and replace with boulders/rocks generated from the excavation. The cost savings is ~\$2,000 - \$25,000; this takes into account the effort to place boulders/rocks.
2. Reduce the cost of excavation by finding a location for excavated material. We required the contractor to truck and dispose of material off-site. It is difficult to determine these costs but estimated savings of \$50,000- \$75,000.

3. Allow for longer construction schedule. The Contractors indicated that the schedule is tight to complete in a calendar year (May 1 to November 30) and a longer schedule would provide a potential cost savings of \$25,000 - \$75,000.
4. Eliminate spare conduit for future electrical needs. This is a cost savings of \$17,000 - \$21,250. We do not recommend eliminating this element of the design as there is a chance that we will need electrical power at the tanks at a future date and it will be more expensive to install the conduit in the future.

Modify Current Design

There are several material or design changes that could be made to current design that could result in cost reductions. These changes do not include changes to the tank material or the location.

- (1) Change the tanks from concrete to steel. Steel has traditionally been slightly cheaper at the tank sizes that we require. However, the cost of steel has risen dramatically over the past 6-9 months. Recent steel tanks have ranged from \$1.75/gallon to \$2.25/gallon but these quotes are from late 2020 these costs might not be indicative of the current market. Savings may be \$150,000 - \$500,000.
 - a) Pros:
 - ii) Reduced capital cost to construct the tanks
 - iii) Reduced tank platform and staging area
 - iv) Reduced construction time to erect tank
 - b) Cons:
 - i) O&M costs associated with steel tanks are much higher than concrete tanks. Every 15 years it is recommended that steel tanks are sand blasted and recoated. As an example, the 500,000-gallon Cardiff Tank in Glenwood Springs is undergoing this process and the cost is ~\$75,000.
 - ii) All coatings will be required to be NSF approved starting in 2023 which might add some cost to coatings and might lead to longer lead times to procure the material.
 - iii) Cathodic protection systems are recommended to reduce the corrosion potential.
 - iv) Steel tanks are more susceptible to freezing and in-tank mixers might need to be included.
- 2) Reduce the number of tanks from two to one. The cost savings is \$450,000 -
 - (1) \$800,000. Note that these savings are based on a cost to construction the tank from the tank contractor which may not be the same cost the general contractor needs to construct, manage, test and certify the tank.
 - a) Pros:
 - ii) Reduced capital costs by eliminate the tank
 - iii) Reduced size of the platform and associated walls
 - iv) Reduced construction time to erect the tank
 - b) Cons:
 - i) No redundancy in water storage. If the tank is required to be taken offline, the Town would not have water storage.

Discussion ensued on the merits of a concrete vs welded steel tank and one tank vs two tanks. Ryan G. noted the tank platform and the road excavation pose significant costs and discussed the various alternatives and redesign changes.

- 3) Reduce the size of the tanks by removing the 200 SFE from Battle Mountain Phase 1. This results in a reduction of storage by ~80,000 gallons. The cost savings would be ~\$100,000-\$150,000.
 - a) Pros:
 - i) Reduced capital cost of tanks
 - b) Cons:
 - i) Reduced water storage volume that could be used for development, fire flow or other unforeseen uses

Redesign

We have looked at a redesign of the project to decrease costs. The best option would be to relocate the tanks down the slope to adjacent to the water treatment plant. This option would keep the size and material type of the tanks the same as the original design. The advantages for this option are it will eliminate or reduce a substantial amount of grading, walls and utility runs.

The major disadvantage is that we will need a booster pump station to serve the Town. This will add a piece of mechanical equipment to the Town's water system which we were trying to avoid by locating the tank up the slope and relying on gravity to serve the Town.

1. Potential deletions:
 - Downhill wall (MSE wall) would no longer be needed. Savings includes excavation and the cost to construct the wall; \$700,000 - \$900,000
 - Cable Security fencing would no longer be needed. Savings is \$7,000-\$28,800
2. Potential Reductions
 - Rock anchor/Soil nail wall would be reduced and potentially can be eliminated. Based on the slopes, we can likely grade the site to an acceptable slope. We have assumed that we can reduce the soil nail/rock anchor area by 50%. Savings are \$125,000-\$165,000
 - Utility lengths are reduced as the tank is much close to the existing WTP (for electrical conduit and control conduit) and to the distribution pipe. Savings are \$130,000 - \$140,000
 - The tank platform and access road preparation would be reduced. Savings are \$6,000 - \$15,000
3. Potential Reductions
 - We have a rock excavation line item in case we encountered rock during excavation. With much less excavation, we may not encounter as much rock as anticipated.
 - We have a grouting line item in case we had voids behind the soil nail wall. If we reduce or eliminate the soil nail wall, the grouting task may be reduced or eliminated.
 - We have wildlife fencing that was located along the top of the soil nail wall. Discussions will need to occur with CPW to see if wildlife fencing is still necessary or if the security fencing at the property line will meet their requirements.
4. Potential increases or decreases

- We don't anticipate that the lump sum items would change but there is potential that the micropile foundation would increase if the subsurface conditions are substantially different than the previous site.
 - The cost for the tanks may change. We would anticipate that the cost for some bidders would be reduced but we do not know at this time.
5. Cost increases to the project
- A booster pump station would be required to provide domestic and fire flows to the Town. Based on initial analysis, domestic flows would likely be provided by gravity at the new location but gravity would not provide adequate flows under all conditions. The cost of the new booster station would include the construction of a separate building; cost would be \$300,000.
 - A booster pump station is necessary for Maloit Park and will be included in the WTP project. We believe that a combined pump station to serve both the Town and Maloit Park can be designed.
 - An emergency generator is necessary. An emergency generator is planned for the new WTP.
 - In addition to the capital cost to build the pump station, there is an annual O&M cost to test and certify the pumps as well as the annual operation costs. The annual testing costs are ~\$2,000. We have not modeled the booster pump but we have estimated that the annual cost for pumping to be \$5,000.
6. Overhead electrical lines would need to be relocated. We would propose that they be buried in the area of conflict. This cost would be \$60,000
7. A new culvert and energy dissipater would need to be provided to manage overflow and emergency flows from the tank to Cross Creek. The cost would be \$21,000 If the option to redesign the tanks is chosen, we would recommend that the project be re-bid with a short, 2-week window for the contractors to revise their bids.

Gusty K. asked about the old tank, removal of it is not included in the costs presented, He asked if it would be a consideration to build a second tank at the existing tank site rather than at the water plant? It was noted there are significant access issues where a new road would need to be constructed to access the site, the existing site is an option but has its own cost issues. Gusty K. asked about the grants, is there a timeframe that we would need to spend the money within. Michelle M. noted some concerns but not a timeframe issue. She noted in the 1964 School Dist agreement as well as other agreements that allow for the District to pay for some of the pumping costs.

George B. discussed the history of getting the road and platform that we built at the site and the soil tests that were done to date. Discussion ensued on how things can might change with a relaxed construction schedule. It was noted that the size of the project requires increased diligence on excavating in a pristine area.

Jim Mann stated to increase from \$3m to \$4.5 would increase each SFE \$30/mo debt over the existing proposed rate increase of \$50. In summary the Debt Service Fee would go from \$7.50 to about \$80 per SFE to include both loans.

Discussion ensued as to the merits of offering new bid window with consideration of the discussions or to build only one tank at this time on the lower site.

Direction was to reengineering the project to include moving the project to the lower level and one option with two tanks and one with one bigger tank, then take it back to a bid process and then bring back to the Council with the revised project.

5. Minturn North Metro District Discussion - Sawyer

Michael S. provided context that the developer is looking at funding mechanisms for their project. At the last meeting this included discussion on cost share with the town. This meeting they are looking at a Metro District. He stated these can be somewhat skeptical. He stated he felt this infrastructure is a need related to the development and that it should be incurred by the developer. He stated the town would still retain some control over the amount of debt the Metro Dist could incur and that, because it is funded only by those within the district, it would not increase taxes on the rest of the town. The Metro Dist. would create its own revenue stream so that it would not require the town to incur the operation and maintenance expenses of those upgrades.

Mr. William Ankele, Jr, White Bear Ankele Tanaka & Waldron law firm representing the developer. His firm represents projects that are looking for tax exempt funds to build projects through the use of Metro Districts.

Mr. Ankele outlined what a Special District, in this instance a Metro District (District), would mean for the project and the developer. His presentation included how the District would fund with bonds and mill levy. In Colorado a District is allowed up to 50mills operating and debt combined; they are proposing approximately 40mills. The developer, through the District, would also utilize a Model Service Plan that acts as an operating agreement between the Town and the District.

Mr. Ankele presented that the District would be initiating and scheduling as follows:

Minturn North expenses that District would reimburse:
\$5.6m in infrastructure
2.8m tap and other water fees

The projected initial debt for the District would be approximately \$5m, net proceeds \$4.4. the mill levy proceeds are based on the assessed value of the property within the boundaries of the District. This mill levy would be in ADDITION to the town and all other mills that apply. Currently Minturn has a 17.934 mill levy and all the various mill levys from the associated districts that the town encapsulates total 71.747, this would mean homeowners within the District would pay approximately 40mills more than other residents in town that are not in the District for an approximate total of 111.747 mills. Mr. Ankele and Mr. Greg Sparhawk outlined some of the other uses they would apply the funds to within the project.

Mr. Ankele outlined their proposed timeline for this District creation whereby they would seek to draft and adopt the Ordinances for the Model Service Plan between Dec 21, 2021 and early March

2022. By mid-March 2022 they would submit a petition for Organization to the District Court and on May 3, 2022 they would hold a regular election and obtain an order from the Court decaling the District is organized.

Note: by Colorado law, municipal elections are biannual in April of even years, special districts such as this are biannual in May of even years.

Discussion ensued as to who would be voting in the District; to begin with it would be the developer as the property owner, then only those owners and residents within the boundaries of the District. Those outside the area of the District would not vote. It was noted, in a District, the voters are not required to live within the town, voters only need own or reside within the district.

Terry A. asked with the service plan, it is unique in that the area is already within the town limits. She wanted to make sure the town reserves the ability to review the project. Michael S. stated if desired the town would give permission for the formation of the Metro Dist. And would retain the review process. She also felt it important that Taylor St residents have a say in the development because they are across the street. What happens if they can't get five seats to serve on the board. They can operate on three if need per CRS. She asked if this would be a competition where we could not get a council candidate because they are operating on the Metro Dist. She was also concerned about the paving of the county road. Mr. Sparhawk was asked if he had discussed with the County their participation in paving the county portion of the road; he stated they are not interested at this time.

Lynn F. asked that the developer fronts the needed \$5m and then is reimbursed from the District revenue. Mr. Ankele confirmed the Developer takes the liability of funding until such time as the District can take over. She asked if the town were to cost share would there be a recovery paid to the town? Michael S. stated the costs the town might share would be paid by the Use Tax earned from the project itself, not from other projects in town. There would be a performance bond on the costs for the infrastructure and if the project fails the town would use that bond to complete the infrastructure.

Tom S. asked how the value is determined that caps the bond ratio. Greg Sparhawk, representing the developer, gave estimates of potential property values. It was stressed the importance of property owners to understand the costs associated and what their tax liability would be.

Greg Sparhawk asked if once the District gets up and running could/would it be contained within the Service Plan to have the developer step down from the board. Yes, that could be stipulated.

George B. asked what if the development fails. Mr. Ankele stated that is why they have debt limits which are designed to protect the bond holders and the surrounding town. He stated the risk lays with the bond holders.

Tom S. asked who pays to draw up the documents? The developer would do the major work and would reimburse the town for our expenses.

Earle B. asked about infrastructure inspections. Jeff S. stated his firm is able to do this as necessary.

Based on their construction schedule Inter-Mountain would ensure the inspections are complete and timely. The costs and reimbursement of this would also be addressed in the subdivision development agreement.

Lynn F. asked about water taps and that they are not allowed the full number of taps for build out. Michael S. stated much of the infrastructure will be in phases. Further, bonds might need to be issued in phases too in order to maintain the financial stability of the development.

Direction given was for staff and the developer to proceed with the drafting of the Service Plan.

STAFF REPORTS – 8:30 PM

1. Town Manager Update

It was noted the Council sound system install is tentatively scheduled for the week of 12/13/21

FUTURE AGENDA ITEMS – 8:40 PM

12/15/21 Agenda – consideration to allow the proposed Mikveh to submit for design review and consideration prior to the 100-block moratorium expiration

EXECUTIVE SESSION – 8:45 PM

1. Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) 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) – Eagle River Water and Sanitation District, Battle Mountain, Water Court application, and request to adjourn the regular meeting at its conclusion.

Motion by Terry A., second by George B., to convene in Executive Session pursuant to C.R.S. § CRS 24-6-402(4)(b) 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) – Eagle River Water and Sanitation District, Battle Mountain, Water Court application, and request to adjourn the regular meeting at its conclusion

There was no direction given as a result of the Executive Session

ADJOURN

Motion by George B., second by Tom S., to adjourn at 10:52pm. Motion passed 7-0.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Council Meetings:

- December 15, 2021
- January 5, 2022
- January 19, 2022
- February 2, 2022



To: Mayor and Council
From: Jay Brunvand
Date: December 15, 2021
Agenda Item: The Mexican Bar and Grill, llc,

REQUEST:

Staff is requesting Council to review and approve the attached Report of Changes for The Mexican Bar and Grill llc located at 160 Railroad Ave.

INTRODUCTION:

The Mexican Bar and Grill has submitted a Change of Corporate structure. This does not affect their daily operations and staff is requesting approval through the Consent Agenda.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

Not Applicable

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved through the Consent agenda and no separate motion is required.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Permit Application and Report of Changes

Current License Number 03-15254-0000
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ 50

1. Applicant is a <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company	Present License Number 03-15254-0000
---	---

2. Name of Licensee Agaves Mexican Bar and Grill LLC	3. Trade Name The Mexican Bar and Grill
---	--

4. Location Address 160 Railroad Avenue		
City Minturn	County Summit	ZIP 81645

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea)..... 100.00 <input checked="" type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input type="checkbox"/> Change Location Permit (ea)..... 150.00 <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____ <input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License..... \$50.00	

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE	\$.00
---	-------------------------	----	-----

Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 5. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.

Storage Permit	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>						
Change Trade Name or Corporate Name	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input checked="" type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="margin-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="margin-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="margin-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name</td> <td style="width: 50%;">New Trade Name</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> <tr> <td style="text-align: center;">Agaves Mexican Bar and Grill LLC</td> <td style="text-align: center;">El Fraile LLC</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name	Agaves Mexican Bar and Grill LLC	El Fraile LLC
Old Trade Name	New Trade Name						
Old Corporate Name	New Corporate Name						
Agaves Mexican Bar and Grill LLC	El Fraile LLC						
Change of Location	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(c) New mailing address if applicable.</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ State _____ Zip _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>						

Change of Manager	<p>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only) Former manager's name _____ New manager's name _____</p> <p>(b) Date of Employment _____ Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, give name and location of establishment _____</p>
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	<p>9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____ _____</p> <p>(b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located 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? (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include 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.</p>
Campus Liquor Complex Designation	<p>10. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Additional Related Facility	<p>11. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge

Signature <i>Juan Estrada Flores</i>	Title <i>OWNER</i>	Date <i>12-06-21</i>
---	-----------------------	-------------------------

Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. **Therefore, This Application is Approved.**

Local Licensing Authority (City or County) <i>Town of Montana</i>	Date filed with Local Authority <i>12/6/21</i>
--	---

Signature	Title <i>mayor</i>	Date <i>12/15/21</i>
-----------	-----------------------	-------------------------

Report of STATE Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.

Signature	Title	Date
-----------	-------	------



To: Mayor and Council
From: Jay Brunvand
Date: December 15, 2021
Agenda Resolution 46 - Series 2021
Item:

REQUEST:

Council is asked to approve Resolution 46 - Series 2021

INTRODUCTION:

For many years the Town and ERWSD have combined to share the expense of billing and account maintenance and the agreements have been very beneficial to both parties and the community at large.

ANALYSIS:

The town assesses fees for our water service system and maintains an intergovernmental agreement with ERWSD in an effort to manage the customer billing process by combining efforts for water, trash, and sewer billing operations. Section 4.6 of the agreement allows for this agreement to automatically renew annually. However, ERWSD has requested this actually be annually addressed for their records.

Normally this is done late the preceding year or very early in the current year, this year it was never forwarded by ERWSD. They have recently requested action be taken.

COMMUNITY INPUT:

N/A

BUDGET/ STAFF IMPACT:

This cost is annually budgeted for.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Approved within the motion to approve the Consent Agenda.

ATTACHMENTS:

- Resolution 46 - Series 2021

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 46 – SERIES 2021**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE
TOWN OF MINTURN TO SIGN AN OPERATIONS
AGREEMENT WITH EAGLE RIVER WATER AND
SANITATION FOR TOWN WIDE WATER AND TRASH
BILLING SERVICES**

WHEREAS, the current contract existing between Eagle River Water and Sanitation District and the Town of Minturn continues to be a valuable benefit to both entities, and;

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado has and continues to enjoy cost savings to the Citizens of Minturn by providing for this agreement, and;

WHEREAS, the Town of Minturn wishes to continue with the benefits of the existing contract with the agreed rate increases as set forth

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF
THE TOWN OF MINTURN, COLORADO THAT THE MAYOR OR HIS DESIGNEE IS
AUTHORIZED TO SIGN ON BEHALF OF THE TOWN OF MINTURN ANY AND ALL
NEGOTIATED DOCUMENTS REQUIRED TO EXECUTE SAID AGREEMENT.**

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this
15th day of DECEMBER, 2021**

TOWN OF MINTURN

**By: _____
Earle Bidez, Mayor**

ATTEST:

Jay Brunvand, Town Clerk

**OPERATIONS AGREEMENT
BETWEEN
EAGLE RIVER WATER & SANITATION DISTRICT AND
TOWN OF MINTURN**

THIS AGREEMENT entered into this 1st day of January, 2022, by and between TOWN OF MINTURN, a quasi-municipal corporation of the State of Colorado ("Town"), and EAGLE RIVER WATER & SANITATION DISTRICT, a quasi-municipal corporation of the State of Colorado ("District").

WITNESSETH:

WHEREAS, among its other functions Town owns and operates a water treatment and distribution system and provides trash collection services substantially within the boundaries of District; and

WHEREAS, District has sufficient experience, personnel and equipment to perform certain services desired by Town; and

WHEREAS, all previous Agreements dated prior to the date first written above, are superseded by this Agreement;

NOW, THEREFORE, in consideration of the premises, the mutual advantages accruing to the parties hereto and the mutual undertakings herein contained, the parties hereto agree as follows:

**ARTICLE 1
GENERAL CONDITIONS**

- 1.1 District shall provide in a good and workmanlike manner the services described in this agreement upon the terms and conditions herein stated.
- 1.2 District shall be an independent contractor and nothing herein contained shall be construed to create the relationship of principal and agent or employer and employee between Town and District. Any person or party hired by District shall be the employee, agent, servant or contractor of District.
- 1.3 District shall comply with all applicable local, State and Federal laws, rules and regulations.
- 1.4 District shall provide the services described in Article 2 herein in accordance with the Rules and Regulations of District and any amendments thereto.

ARTICLE 2 SCOPE OF SERVICES TO BE PERFORMED BY DISTRICT

- 2.1 Billing Services. District shall provide qualified personnel who shall perform billing services for monthly water and trash collection service subject to the following:
- 2.1.1 Billings for water service and trash collection shall be issued at the same time and in the same manner as sewer service billings.
 - 2.1.2 All bills, which remain unpaid twenty-five days from the date of mailing of such bills, will have a Late Charge of one percent (1%) of any Balance Forward added thereto which shall be retained by District. Town authorizes District to pursue all collection procedures outlined in District's Rules and Regulations, to include Certification of the unpaid amounts to the Eagle County Treasurer for collection as property taxes annually, as allowed by Eagle County. Such unpaid amounts may include Town's unpaid water and trash collection service charges and District's unpaid sewer service charges.
 - 2.1.3 Town, at the request of District, shall discontinue water and/or trash service to customers following notice of disconnection to such customers as provided in the Rules and Regulations of District.
 - 2.1.4 In the event a customer's service is unable to be discontinued, Town will contract the work to correct any system deficiencies so that the customer's water service is able to be discontinued. The cost of such work may be added to the customer billing as an adjustment.
 - 2.1.5 Approximately one month after the end of each billing period, District shall remit to Town, an amount equal to the total water and sewer services billed, less all amounts due from customers, which have any amounts in Balance Forward on their bills, which have remained unpaid for more than one hundred twenty (120) days.

ARTICLE 3 COMPENSATION AND PAYMENT

- 3.1 Cost of Services. Town shall pay District for services performed according to the following:
- 3.1.1 The cost for billing services to be performed by District is \$12,731 per year, to be paid in monthly installments of \$1,061 each.
 - 3.1.2 Other services provided by District, at the request of Town, shall be billed at rates listed in Exhibit A or for amounts agreed to by District and Town.
- 3.2 Payment. Payment by Town to District shall be made within three (3) days following the approval of District's payment request in the regular meeting of Town Council following the end of the calendar month in which the services were performed.

ARTICLE 4 SPECIAL CONDITIONS

- 4.1 Insurance Requirements. At all times during the term of this Agreement, District shall carry and maintain in full force, at District's expense, the following insurance coverage. Such policies shall include a provision requiring a minimum of thirty (30) days' notice to Town of substantial change or cancellation of coverage or insurance policies.
- 4.1.1 General Comprehensive Liability insurance in an amount of \$350,000 per person and \$990,000 per occurrence, including the following coverage: property damage; underground explosion and collapse hazard; and personal injury.
- 4.1.2 Comprehensive Automobile Liability insurance on all owned vehicles used in connection with the services in an amount of \$350,000 per person and \$990,000 per occurrence combined single limits for Bodily Injury and Property Damage.
- 4.1.3 Worker's Compensation insurance in accordance with the provisions of the Worker's Compensation Act of the State of Colorado for all employees to be engaged in the services.
- 4.2 Certificates of Insurance. Prior to commencement of services, District shall provide Town with Certificate(s) of Insurance evidencing the insurance required by this Article and naming Town as an additional named insured as its interests may appear for all Comprehensive General Liability insurance.
- 4.3 Indemnity. To the extent of the limits of any insurance coverage maintained by District, District further agrees to indemnify and hold Town harmless from, and defend all actions against, all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising from any negligent act or omission on the part of District, its agents, or employees, provided, however, that any claim for negligent acts or omissions must be brought in accordance with and subject to the limitations of the Colorado Governmental Immunity Act, C.R.S. 24-10-101, et. seq., as amended, as the same may now or hereafter exist, and nothing herein shall be deemed or construed to be a waiver of the rights granted hereunder. Town shall provide District with notice of the commencement of any action, subject to this paragraph, not more than five (5) days following receipt by Town of notice of commencement of such action.
- 4.4 Renegotiation. Duties or services to be performed by District may be added or deleted and charges for services may be renegotiated by either party upon thirty (30) days written notice to the other party.
- 4.5 Assignment. Either party without the express written consent of both parties shall make no assignment of its rights and/or obligations under this Agreement.
- 4.6 Term of Agreement. The effective date of this Agreement shall be January 1, 2021, for a period of twelve (12) months. This Agreement shall be automatically extended for successive one (1) year periods with no notice required to either party unless either party provides written notice of intent to terminate or amend not later than sixty (60) days prior to the annual extension of the Agreement.
- 4.7 Termination. The provisions of Section 4.6 notwithstanding, either party shall have the right to terminate this Agreement thirty (30) days after written notice of any election to terminate.

ARTICLE 5 MISCELLANEOUS

- 5.1. Entire Agreement. This Agreement constitutes the entire Agreement between the parties hereto relating to the services, and sets forth the rights, duties, and obligations of each to the other as of this date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. This Agreement may not be modified except by a writing executed by both parties.
- 5.2. Binding Agreement. This Agreement shall inure to and be binding upon the parties, their successors, and assigns.
- 5.3. No Waiver. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.
- 5.4. Controlling Law. This Agreement shall be governed by and construed in accordance with the law of the State of Colorado.
- 5.5. Subject to Annual Appropriation and Budget. Under no circumstances shall this Agreement constitute, or be considered as, a multiple-fiscal year obligation of either the District or the Town. The Town's and the District's obligations under this Agreement exist subject to annual budgeting and appropriations, and shall remain subject to the same for the entire term of this Agreement.
- 5.6. Governmental Immunity. Nothing in this Agreement shall be construed to constitute a waiver, in whole or in part, of any of either of the parties' rights and protections under the Colorado Governmental Immunity Act, § 24-10- 101, et seq., C.R.S., as amended from time to time.
- 5.7. No Third Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the parties and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.
- 5.8. Counterpart Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

EAGLE RIVER WATER & SANITATION DISTRICT:

By: Bill Lamm
Chair

ATTEST:

Beth Ann O'Brien
Secretary

**EXHIBIT A
 2022 HOURLY FEE SCHEDULE FOR DISTRICT EQUIPMENT AND PERSONNEL**

Equipment	In District Costs	Out of District Costs
1 Ton Utility, Duramax	\$49.50	\$59.40
3" Pump	\$27.50	\$33.00
6" Power Prime Pump Trailer	\$55.00	\$66.00
Air Compressor (180 cfs)	\$22.00	\$26.40
Asphalt Cutter	\$33.00	\$39.60
Backhoe, John Deere #710 (1-1/2 cy, 3/8 cy Hoe)	\$82.50	\$99.00
Camera Locator	\$55.00	\$66.00
Camera Water or Sewer	\$198.00	\$237.60
Chain Saw	\$27.50	\$33.00
Composting Auger	\$33.00	\$39.60
Correlator-DigiCorr	\$88.00	\$105.60
Correlator-Zcorr	\$44.00	\$52.80
Demo Saw	\$27.50	\$33.00
End Dump Trailer	\$71.50	\$85.80
Fork Lift	\$44.00	\$52.80
Generator	\$55.00	\$66.00
Generator-Portable	\$38.50	\$46.20
Hoe/Pack Compactor	\$82.50	\$99.00
Jack Hammer and Hydraulic unit # 105 (1 ton)	\$49.50	\$59.40
Large Jetting Truck	\$121.00	\$145.20
Light Plant (mobile)	\$55.00	\$66.00
Loader	\$82.50	\$99.00
Lowboy Tractor	\$71.50	\$85.80
Lowboy Trailer	\$66.00	\$79.20
Mac-Trailer	\$27.50	\$33.00
Message Boards	\$27.50	\$33.00
Meter Test Bench	\$44.00	\$52.80
Mikasa Jumping Jack	\$49.50	\$59.40
Mini Excavator	\$82.50	\$99.00
Pickup with Plow	\$49.50	\$59.40
Pickup with Plow & Liftgate	\$49.50	\$59.40
Pump Truck	\$132.00	\$158.40
Rock Breaker/Hammer	\$165.00	\$198.00
Skid Steer	\$66.00	\$79.20
Skid Steer w/ Blower or Brush	\$88.00	\$105.60
Small Dump Truck	\$38.50	\$46.20
Small Jetting Truck	\$110.00	\$132.00
Small Portable Welder	\$22.00	\$26.40
Snowblower-Manual	\$16.50	\$19.80

Steamer	\$22.00	\$26.40
Tandem Dump Truck	\$55.00	\$66.00
TV Van	\$110.00	\$132.00
Utility Trailer	\$33.00	\$39.60
Valve Box Cleaner	\$22.00	\$26.40
Valve Box Operator/Cleaner	\$38.50	\$46.20
Valve Maintenance Trailer	\$71.50	\$85.80
Vehicle & Tools	\$38.50	\$46.20

Labor Costs	In District Costs	Out of District Costs
LABOR: Construction Managers, Planning Supervisors, Project Engineers	\$66	\$79
LABOR: Executive Manager	\$139	\$167
LABOR: Field Operations Personnel	\$56	\$68
LABOR: Managers	\$81	\$97
LABOR: Office Administration & Accounting Staff	\$46	\$55
LABOR: Operational Interns/Temps	\$23	\$28
LABOR: Operations Supervisors and Field Operations Leads & Planners	\$56	\$68
LABOR: Water & Wastewater Operations Personnel	\$40	\$48



To: Mayor and Council
From: Cindy Krieg
Date: December 1, 2021
Agenda Item: Council Approval for DOLA Planning Grant Request Letter (as part of the DCI Colorado Community Challenge Program)

REQUEST:

Staff is requesting Council to approve the proposed DOLA (Department of Local Affairs) letter, requesting a \$25,000 planning grant to go toward participation in the DCI Colorado Community Challenge Program, with the overarching goal of creation of a Downtown Development Authority or other / similar downtown improvement district. This would be a 2-year project over 2022-2023.

INTRODUCTION:

The Town of Minturn's goal is to bring together Town staff, elected officials, downtown property and business owners, and downtown residents, to create a unified vision for the growth and viability of downtown Minturn, which will improve the experience for residents, businesses and visitors.

ANALYSIS:

We intend to use this study to shape a long-term program to revitalize the commercial area with sustainable businesses and supportive public-private partnerships. The Town of Minturn would like to establish a Preliminary Redevelopment/Reinvestment plan through participation in the Downtown Colorado, Inc. (DCI) Colorado Challenge Accelerator Program. Our plan will outline the steps the public sector can take to access greater private sector investment toward a unified vision of a sustainable and thriving community. The desired end result will be a coordinated, sustainable / self-funded implementation program for downtown redevelopment, economic development and revitalization honoring the historic character of the Old Town "100 Block" commercial area.

COMMUNITY INPUT:

Participation in this program and development of a downtown plan / downtown improvement district would involve significant community input and public participation. Open houses and other public meetings will be held, and there will be ongoing community outreach, education and communication over the course of the entire program.

BUDGET / STAFF IMPACT:

The Town of Minturn is asking for an administrative planning grant of \$25,000, which will be approximately 60% or less of the total project, for which we will provide a minimum match of at least \$15,000. (Total project costs are expected to be approximately \$40,000 - \$60,000). The Town out of pocket costs will come out of the Planning Budget (reallocated from funds assigned to the Chapter 16 rewrite).

The total amount awarded will be supplementally added into the existing 2022 budget, although this is a 2-year project.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 to advance decisions/projects/initiatives that expand future opportunity and viability for Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve the proposal letter to be submitted, as presented.

ATTACHMENTS: Minturn DOLA Request Letter

Colorado Department of Local Affairs (DOLA)
Attn. Greg Winkler
1313 Sherman St.
Denver, CO 80203



December 1, 2021

Re: Town of Minturn Preliminary Redevelopment Plan

Dear Greg,

The Town of Minturn is incredibly grateful for all of the support of the Department of Local Affairs. The support that you and DOLA have provided has helped us enormously.

As we look to the future, The Town of Minturn is asking for an administrative planning grant of \$25,000, which will be approximately 60% or less of the total project, for which we will provide a minimum match of at least \$15,000. (Total project costs are expected to be approximately \$40,000 - \$60,000). The Town of Minturn is focused on developing a preliminary design around the feasibility to develop and manage a sustainable investment program to help create sustainable property and sales tax revenue from our downtown commercial core, otherwise known as "Old Town."

Project Scope

We intend to use this study to shape a long-term program to revitalize the commercial area with sustainable businesses and supportive public-private partnerships. The Town of Minturn would like to establish a Preliminary Redevelopment/Reinvestment plan through participation in the Downtown Colorado, Inc. (DCI) Colorado Challenge Accelerator Program. Our plan will outline the steps the public sector can take to access greater private sector investment toward our vision of a sustainable and thriving community.

The Colorado Challenge Program is a unique team building accelerator focused on establishing a plan of work and proposal over the course of 12 - 24 months. The program partners a broad range of peer communities, consultants, state agencies, and the economic development class from the University of Colorado Denver School of Public Administration (SPA). The economic development SPA students work with the community, SPA Faculty, and Downtown Colorado, Inc. to develop a preliminary project design and assess the feasibility of various approaches to determine the most impactful action plan and financing strategy.

The program includes five phases of planning and development that will help the Town of Minturn establish a plan for moving forward to attract investment and entrepreneurs. The phases include:

- **Community Selection:** Working with the community to outline the problem statement, issues area, ideal outcomes, and resource assessment.
- **Team Building:** Background material and stakeholder analysis, needs assessment, skills inventory, and profile development.
- **Challenge Studio:** Intensive two-day workshop designed to transform unique and difficult challenges and problems into promising plans with implementation strategies. Town leadership will work side-by-side with leading industry experts and local peer networks to craft action-oriented problem-solving plans that result in improved futures for all.
- **Financing Approach:** Developing and presenting the proposal to a funders network for feedback and guidance. In the process, the participating communities are connected with supporting resources and networks to help them get the job done.
- **Program Continuation:** Coaching and referrals through the project financing and implementation phases.

Background

The Town of Minturn's most pressing challenge is to create a unified vision along with a coordinated, sustainable / self-funded implementation program for downtown redevelopment, economic development and revitalization honoring the historic character of the Old Town "100 Block" commercial area as a distinct place in Eagle County while leveraging new technologies, economic trends and the Town's many assets. The desired outcome is to create a self-sustaining downtown area that is able to reinvest in itself. This will include the following aspects:

1. Creation of a Downtown Development Authority or other improvement district
2. Creation of a downtown parking and management plan
3. Improved aesthetics (building facades, alley treatments, lighting, wayfinding, signage program / guidelines) through creation of design standards and incentive programs
4. Creation of a functional, walkable downtown core, with access between / from Main St. to the river (Eagle River St. / Eagle River Park), active art installations, Innovative or intriguing wayfinding signage and monumentation, ADA access improvements, and public spaces that double as event locations (pop-ups)
5. Better utilization of outdoor space for year-round use
6. Create more demand and innovative occupancy options / incentives for empty retail space
7. Make Minturn a profitable venture for start-up entrepreneurs (encouraging the creation of co-working spaces, start-up spaces)
8. Improved retention of small businesses through training (retailing or small business 101 training), identify barriers, and more coordinated / leveraged but self-guided marketing efforts by the small business community

The following factors play an important role.

1. Business and property ownership patterns (most downtown business owners do not live in Minturn, most downtown business owners do not own their property, and most downtown business "property" owners do not live in Minturn).
2. Zoning and Regulatory Control - The 100 block character area zoning, dimensional limitations, parking requirements, and design standards are not aligned. This creates a confusing review process.
3. Another major challenge is the Town's location.

Although Highway 24 runs right through the heart of Minturn, the Town is located 2 miles off of Interstate 70, in between two major ski resorts (Vail and Beaver Creek). Both of these resorts have strong identities, a strong economic base, and significant marketing resources. While being in between two major ski resorts can be an advantage, and while the Town sees upward of 7,000 vehicle trips per day (forecast to rise to over 7,500 in year 2041 per CDOT) pass through Town on Highway 24, Minturn tends to get lost in the shuffle). Additionally, there is limitation on traffic flow through Town as Highway 24 is the only route through Town. There is no alternate route, and unfortunately some past projects were approved without proper planning (parking, traffic, etc). Having a highway as our Main Street also poses its own challenges.

While the Town envisions new lodging and retail development on a parcel close to I70 in the future, the Old Town area is the lifeblood - culturally, economically - for the Town. The Town would like to find a way to capitalize on its location and increase reach to those coming to Vail and Beaver Creek, as well as to travelers on Highway 24. The Town desires to create and communicate more reasons (art installations, distinctive and/or intriguing wayfinding, additional and more easily accessible parking options, as well as unique commercial or civic offerings) for visitors and passers by to stop, and stay, in Minturn.

The Town of Minturn's goal is to bring together Town staff, elected officials, downtown property and business owners, and downtown residents, to create a unified vision for the growth and viability of downtown Minturn, which will improve the experience for residents, businesses and visitors.

Budget

The Town of Minturn's Colorado Challenge Planning process will cost approximately \$40,000 - \$60,000 to include a two-year planning process to establish a plan and financing strategy as well as implementation guidance and plan updates. The Town will plan to contribute at least \$15,000 as a match for these services and we request a \$25,000 planning grant from DOLA to support our planning effort that will outline our approach to establishing a sustainable economy in Minturn in the future.

Timeline

Date	Task	Deliverable / Notes
January 2022	Downtown Assessment / Valuation by DCI	
January, 2022	Project Coordinators are assigned their community	Community submission material shared with students
Feb – Mar 2022	1st visit with community (May be scheduled at CCCMA)	
March 2022	Colorado Challenge Program DCI Board Leader, Project Manager, and Community	
March 2022	Colorado Challenge Program Project Manager develops Community Profile	Community Profile
Mar 15 – Apr 5 2022	2nd visit/call with community	
April 12, 2022	Presentation to community for review	Presentation and Pitch Desk
April 12-15, 2022	Challenge Studio workshops and Financing Summit	Pitch Presentation
April 30, 2022	Final Report draft to DCI and community	Draft Report
May 15, 2022	Final Report to DCI and community, with community edits	Final Report
Summer / Fall 2022	1st Public Meeting / Open House	Identification of Goals
Sept - Oct 2022	Follow-up Meetings/Activations	Mid-Year Report
Nov - Dec 2022	Begin development of a Downtown Plan	Draft Plan
January, 2023	Bring on VISTA volunteer	TBD (VISTA may not be within the scope / budget)
January - October 2023 (Ongoing)	Outreach and education in community	Ongoing public meetings / open houses / community
January - October 2023 (Ongoing)	Continued / Final Development of a Downtown Plan	Final Plan
November 2023	Election	Voter approval of a DDA or similar district

Financial need jurisdiction's financial data

Minturn was originally developed as a railroad, mining and agricultural segment (beginning in the late 1800s / early 1900s). With the loss of all three, Minturn has become more economically entwined with the Eagle River Valley and surrounding communities that have developed since the ski industry came to the area in the 1960's. Minturn's economic future will clearly be impacted by this larger economy of which it is a part.

Our population is just over 1100, and just over 500 housing units. The town is quite small geographically by most standards, but is surrounded by national forest. The Eagle River runs through Town, and outdoor recreational opportunities abound. We like to say "Small Town, Big Backyard." This is what draws people to Minturn, and we need to find a way to support this thoughtfully, to meet the needs of our residents, our businesses, and our visitors.

The Town has a median household income of \$90,521, with a diverse background of residents, however much of our community commutes out of town to work. Our community struggles with attracting investment in our buildings and vacant parcels and in our business community that could help support housing, small business development efforts, or mobility and access to the resources we hope to provide our citizens. We are missing important revenues that could support our efforts to engage and build a stronger community.

The Town's Annual Operating Budget is approximately \$2.5M. Approximately 38% of the revenue generated as part of the Town's budget comes from sales tax, with approximately 20% of the capture currently coming from the downtown area.

Project urgency and readiness to begin work;

The Town of Minturn has struggled with these challenges for years and without a comprehensive, cohesive design and holistic approach to move forward, community leaders fear that change will come in the form of deterioration and continued apathy.

Importantly, the Town has taken other steps recently including a comprehensive update to the Minturn Community Plan along with sub-area master planning for areas such as the historic downtown. We see urgency in moving forward now as a chance to build on the momentum already created within the Town of Minturn as part of these master planning efforts and to take advantage of the support and lessons learned of neighboring communities who have participated in the Colorado Challenge Accelerator Program and are now moving forward and attracting investment. Supporting our efforts now will assist us in developing a cluster of activity in this area with guidance and partners to help us grow together. We are ready to shape our own change and a project design and feasible action plan will enable us to move forward.

Sincerely,

Earle Bidez, Mayor
Town of Minturn



December 10, 2021

Re: Minturn Community Plan – Design Guidelines Booklet additional SOW

Dear Town of Minturn,

We are pleased to offer this additional scope of work to supplement the work being done on the community plan. This memo outlines the work that will be completed towards the creation of a Design Guidelines Booklet for the 100-block downtown zone district.

SCOPE OF WORK

This scope of work outlines a process for the analysis and development of map products around natural resources, terrain, land management, and existing uses to inform future recreation and conservation decisions. This work would be conducted in ArcGIS using Spatial Analyst tools. All cost estimates are based on anticipated 2022 billing rates. Based on our conversation, we understand the following tasks:

TASK 1 – ENHANCED 100-BLOCK CHARETTE

A downtown charette is already included in the scope of work for the Community Plan. However, there is a need to have a more detailed charette to focus on issues in the 100-block district and to come up with design solutions. This will take additional preparation and analysis.

Estimated Cost: \$5,000

TASK 2 – DESIGN CONCEPTS

This task includes Massing and Design concepts for the 100-block. Studio Seed will create a model of the zone district and also model proposed changes to the dimensional standards of the zone district.

Estimated Cost: \$5,000

TASK 3 – APPENDIX B LANGUAGE AND DESIGN GUIDELINES BOOKLET

This task includes the creation of language to be adopted into the unified development code. We estimate two rounds of review by staff and committee members. This task also includes a design booklet with visualizations and diagrams of what can be built in the 100-block downtown zone.

Estimated Cost: \$9,000

TASK 4 – ADDITIONAL MEETINGS

We anticipate additional sub-committee meetings, Planning Commission Meetings, and Town Council Meetings to adopt and review the deliverables for this scope. We had already included 2 sub-committee meetings for the Community Plan project, so this task covers two additional Planning Commission and one Town Council meeting.

Estimated cost: **\$1,000**

COST SUMMARY

	Estimated Cost
Task 1: Enhanced 100-block charette	\$5,000
Task 2: Design Concepts	\$5,000
Task 3: Appendix B Language and Design Guidelines Booklet	\$9,000
Task 3: Additional Meetings	\$1,000
Total	\$20,000



To: Mayor and Council

From: Jay Brunvand

Date: December 15, 2021

Agenda Item: Approval of a Temporary Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached Temporary Liquor License for The Minturn Saloon LLC., 146 N. Main St, Constance Mazza Owner/Manager.

INTRODUCTION:

FM Saloon, Inc is selling both the building and the business and the new owners have filed for a Temporary Permit to allow them to continue operations while their permanent Hotel and Restaurant liquor license is applied for and reviewed. I have reviewed the application and have received the necessary finger print report from CBI and have no concerns with this request.

A Temporary Permit is valid for up to 120days, it may be extended an additional 40days if good reason, and allows the establishment to remain open and operating while the applicant pursues the permanent Hotel and Restaurant license.

At this point I have received most of the documents for the permanent license however the sale has not closed between the current owners and the applicant. The closing is scheduled for 12/17/21, in the event the transaction fails, the original license will automatically transfer back to the current owners and the Temporary will not be issued.

A neither a Temporary Permit nor a Transfer of License requires a public hearing. A Transfer of Ownership is a process which allows the sale of a liquor establishment and review of all required supporting documentation. This process, although does not require a public hearing or a review of the needs of the neighborhood, does require submittal of many of the same documents and the process can take several months from start to finish.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Although no public hearing is required Council will review the application for the Transfer of License.

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$900.00.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

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

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

TOWN OF MINTURN
APPLICATION FOR TEMPORARY LIQUOR LICENSE PERMIT
PENDING TRANSFER OF OWNERSHIP

NOTICE: Any individual or corporation applying for a temporary permit is charged with the responsibility of having knowledge of the pertinent Colorado State Statutes and Regulations as set forth in C.R.S. Title 12, Articles 46 and 47.

APPLICANT NAME: Constance Mazza

TRADE NAME: The Minturn Saloon,

MAILING ADDRESS: PO Box 2653, Edwards, CO, 81632

PHYSICAL ADDRESS: 146 Main St., Minturn, CO, 81645

BUSINESS PHONE: 970-827-5954

HOME PHONE: _____

TRADE NAME OF EXISTING LICENSE (IF DEFFERENT FROM ABOVE):

LICENSE # OF ESTABLISHMENT BEING PERMITTED: _____
 EXPIRATION DATE: 12/26/21 TYPE OF LICENSE: HOTEL + RESTAURANT (CITY)
Constance Mazza Owner-operator 11/27/21
 APPLICANT TITLE DATE

NOTE: A temporary liquor license permit may be issued only if a completed application for a transfer of ownership along with all required documentation and associated fees has been submitted to the Town of Minturn, Town Clerk's Office, 302 Pine St, Minturn, CO 81645

A temporary liquor license permit is **valid for no more than one hundred twenty days** C.R.S. 44-3-303(4) from the date of issuance and is automatically void upon completion of the transfer of ownership and issuance of a new permanent liquor license in the name of the above applicant by the Colorado Division of Liquor Enforcement and the Town of Minturn Local Licensing Authority.

This permit may be canceled, revoked, or summarily suspended if the Local or State Licensing Authority determines there is probable cause to believe that the transferee has violated any provision of the Colorado Liquor/Beer Code or has violated any rule or regulation adopted by the Local or State Licensing Authority or has failed to truthfully disclose those matters required pursuant to the application forms

FOR OFFICE USE ONLY	
DATE PERMIT APPLICATION FILED: _____	
DATE COMPLETED PAPERWORK ACCEPTED: _____	
PERMIT FEE COLLECTED (\$100.00/LOCAL ONLY): _____	
EFFECTIVE DATE: <u>12/17/21</u>	EXPIRATION DATE: <u>4/16/22</u>
APPROVED BY: _____	ATTEST: _____

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
THE MINTURN SALOON LLC FEIN Number

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
THE SALOON **(970) 827-5954**

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
146 N MAIN STREET

City County State ZIP Code
MINTURN **EAGLE** **CO** **81645**

4. Mailing Address (Number and Street) City or Town State ZIP Code
PO BOX 2653 **EDWARDS** **CO** **81632**

5. Email Address
THEMINTURNSALOON@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
MINTURN SALOON (**HOTEL & REST** **12/26/2021**

Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
<input type="checkbox"/> Application Fee for New License.....\$1,550.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County)\$312.50
<input type="checkbox"/> Application Fee for New License w/Concurrent Review\$1,650.00	<input type="checkbox"/> Lodging & Entertainment - L&E (City)\$500.00
<input checked="" type="checkbox"/> Application Fee for Transfer\$1,550.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County)\$500.00
Section B Liquor License Fees*	<input type="checkbox"/> Manager Registration - H & R\$75.00
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X Total _____	<input type="checkbox"/> Manager Registration - Tavern\$75.00
<input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X Total _____	<input type="checkbox"/> Manager Registration - Lodging & Entertainment\$75.00
<input type="checkbox"/> Add Sidewalk Service Area.....\$75.00	<input type="checkbox"/> Manager Registration - Campus Liquor Complex\$75.00
<input type="checkbox"/> Arts License (City).....\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Arts License (County).....\$308.75	<input type="checkbox"/> Optional Premises License (County).....\$500.00
<input type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (County).....\$500.00
<input type="checkbox"/> Brew Pub License (City).....\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (City).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City).....\$160.00
<input type="checkbox"/> Campus Liquor Complex (County).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County).....\$160.00
<input type="checkbox"/> Campus Liquor Complex (State).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City).....\$500.00
<input type="checkbox"/> Club License (County).....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input type="checkbox"/> Distillery Pub License (City).....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50
<input type="checkbox"/> Distillery Pub License (County).....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50
<input checked="" type="checkbox"/> Hotel and Restaurant License (City).....\$500.00	<input type="checkbox"/> Retail Liquor Store (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License (County).....\$500.00	<input type="checkbox"/> Retail Liquor Store (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City).....\$600.00	<input type="checkbox"/> Tavern License (City).....\$500.00
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00	<input type="checkbox"/> Tavern License (County).....\$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City).....\$227.50	<input type="checkbox"/> Vintners Restaurant License (City).....\$750.00
	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00

* 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

- A. Applicant/Licensee identified
- B. State sales tax license number listed or applied for at time of application
- C. License type or other transaction identified
- D. Return originals to local authority (additional items may be required by the local licensing authority)
- E. All sections of the application need to be completed
- 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

- A. No larger than 8 1/2" X 11"
- B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- C. Separate diagram for each floor (if multiple levels)
- D. Kitchen - identified if Hotel and Restaurant
- E. Bold/Outlined Licensed Premises

III. Proof of property possession (One Year Needed)

- A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk
- B. Lease in the name of the applicant (or) (matching question #2)
- C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant
- D. Other agreement if not deed or lease. (matching question #2)

IV. Background information (DR 8404-I) and financial documents

- A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)
- 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
- C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license
- D. List of all notes and loans (Copies to also be attached)

V. Sole proprietor/husband and wife partnership (if applicable)

- A. Form DR 4679
- B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

VI. Corporate applicant information (if applicable)

- A. Certificate of Incorporation
- B. Certificate of Good Standing
- C. Certificate of Authorization if foreign corporation (out of state applicants only)

VII. Partnership applicant information (if applicable)

- A. Partnership Agreement (general or limited).
- B. Certificate of Good Standing

VIII. Limited Liability Company applicant information (if applicable)

- A. Copy of articles of organization
- B. Certificate of Good Standing
- C. Copy of Operating Agreement (if applicable)
- 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

- A. \$75.00 fee
- B. Individual History Record (DR 8404-I)
- C. If owner is managing, no fee required

Name	Type of License	Account Number		
THE MINTURN SALOON LLC	HOTEL AND RESTAURANT			
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"/>		
		or		
Waiver by local ordinance?		<input type="checkbox"/> <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 type="checkbox"/>		
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 type="checkbox"/>		
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		<input type="checkbox"/> <input type="checkbox"/>		
13 b. Are you a Colorado resident?		<input 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 <u>current</u> financial interest in said business including any loans to or from a licensee.		<input checked="" type="checkbox"/> <input 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 type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) <u>Lease will begin 12/17/21 when landlords close on Building Sale</u>				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord	Tenant	Expires		
Los Amigos - Property Company, LLC	The Minturn Saloon LLC	1/31/2036		
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	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	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:				
Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
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:				
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?		<input type="checkbox"/> <input type="checkbox"/>		
If "yes" a copy of license must be attached.				

Name THE MINTURN SALOON LLC	Type of License HOTEL & RESTAURANT	Account Number		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
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 type="checkbox"/>		
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 type="checkbox"/>		
c. How long has the club been incorporated?				
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 type="checkbox"/>		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	<input type="checkbox"/>	<input type="checkbox"/>		
22. Campus Liquor Complex applicants answer the following:				
a. Is the applicant an institution of higher education?	<input type="checkbox"/>	<input type="checkbox"/>		
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.	<input type="checkbox"/>	<input type="checkbox"/>		
23. For all on-premises applicants.				
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.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager <i>MAZZA</i>	First Name of Manager <i>Constance</i>			
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.				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
25. Related Facility - Campus Liquor Complex applicants answer the following:				
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.				
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager	First Name of Manager			
26. Tax Information.				
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"/>		
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"/>		
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.				
Name	Home Address, City & State	DOB	Position	%Owned
CONSTANCE LEAF MAZZA	510 BRUSH CREEK TERR, EAGLE, CO	2/22/88	OWNER	55
Name	Home Address, City & State	DOB	Position	%Owned
SEE ATTACHED.				
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input checked="" 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.				

Name THE MINTURN SALOON, LLC	Type of License HOTEL & 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 <i>Connie Mazza</i>	Printed Name and Title CONNIE MAZZA, OWNER	Date 12/8/2021	
Report and Approval of Local Licensing Authority (City/County)			
Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)		
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 <u>12/17/21</u> <input 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 No <input type="checkbox"/> <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

EXPLANATIONS FOR ANSWERS TO DR 8404:

14) I already have a current liquor license for Village Bagel LLC in Edwards, CO. I will be the owner operator and manager of both restaurants, Village Bagel and The Minturn Saloon. The two businesses do not have any financial interest in each other. They are separately run.

There are six total owners of The Minturn Saloon, LLC.
Constance Leaf Mazza owns 55% (the only **managing** member).

The following individuals own 9% each of The Minturn Saloon, LLC, equaling 45% between the five of them. (The same five individuals own 100% of the real estate (20% each) and have formed "Los Amigos - Property Co LLC" for the **real estate sale, separate from the restaurant sale.**)

RESTAURANT OWNERSHIP PERCENTAGE:

Constance Mazza (55%)
Robert K. deVeer III (9%)
Michael J. Arougheti (9%)
Michael L. Smith (9%)
Mitchell S. Goldstein (9%)
Rajat Dhanda (9%)

The 9% owners will share in the profit of this establishment.

EXPLANATIONS FOR ANSWER TO QUESTION # 14 – FINANCIAL INFORMATION – IN FORM 8404-1 (INDIVIDUAL HISTORY):

14. A
Total purchase price being made by The Minturn Saloon LLC is \$_____

14. B.
The building will be owned by Los Amigos - Property Company, LLC. This LLC is separate from the Restaurant LLC, The Minturn Saloon. My (C. Mazza) **personal investment** is \$5,000 cash as well as intellectual property valued at approximately \$200,000.

14. C
CASH INVESTMENT
ACCOUNT TYPE : PERSONAL CHECKING
BANK NAME: ALPINE BANK
AMOUNT: \$5,000

14. D
CASH INVESTMENT
ACCOUNT TYPE: PERSONAL CHECKING
BANK NAME: _____
AMOUNT: \$_____

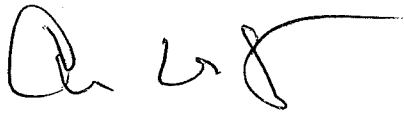
14. E
N/A

THE MINTURN SALOON

Wednesday, December 8, 2021

To whom it may concern:

Fine Mess LLC, the owners of 146 North Main Street, Minturn, Colorado, are in the process of selling our real estate property to Los Amigos-Property Company, LLC. They will be the landlord to Minturn Saloon, LLC who will be the Operator + Tenant and hold the liquor license moving forward. Our scheduled closing date is 12/17/21 and the intent is to ensure Minturn Saloon, LLC acquire a temp liquor license to sufficiently operate the business on the 17th.



Andrew W. Kaufman
Member, Fine Mess LLC

Karp Neu Hanlon^{PC}

ATTORNEYS AT LAW

www.mountainlawfirm.com

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

Aspen
323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261
Fax: 970.945.7336

**Direct Mail to Glenwood Springs*

DATE: December 10, 2021
TO: Minturn Mayor and Town Council
FROM: Karp Neu Hanlon, P.C.
RE: 100 Block Moratorium Amendment

Under cover of this memo is an ordinance to amend the moratorium on acceptance and processing of various land use applications in the 100 Block, enacted via Ordinance 2021-14. This ordinance restates the existing moratorium and then excepts from its application any properties that received a zoning approval prior to September 1, 2021 – the date of the initial emergency ordinance and moratorium in the 100 Block. There is also a redline included to show the changes from Ordinance 2021-14.

The particular approval exempted is called a Certificate of Zoning Compliance, issued pursuant to Code Sec. 16-21-630 Limited Use Review. The property at 151 Main received this approval prior to September 1. That applicant wishes to proceed with its plans under its zoning approval, which we believe would be fair under the circumstances. We do not believe any other properties in the 100 Block would fall under this exception.

The applicant has indicated that it is willing to move the previously discussed structure to the parcel across Williams Street in order to avoid demolition of the existing structure at 151 Main. Of interest to Council is how that applicant's construction would be managed so as not to interfere with the Summer Minturn Market on Williams Street. Town staff is working on conditions to be included with consideration of any design review application and other necessary approvals that would protect the Minturn Market from negative construction impacts. These include construction day and hour timing stipulation, requirements for completing work that would impact the pavement of Williams Street, site cleanliness, and equipment and material storage. Preliminary conversations indicate that the applicant understands the Town's concerns and is amenable to working with staff to address these and other issues that may arise.

We recommend that Council adopt this ordinance to ensure that this property owner is able to develop the parcel as permitted under the Minturn Code and staff interpretation of an allowed limited use.

TOWN OF MINTURN, COLORADO
ORDINANCE NO. ~~14~~21 – SERIES 2021

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO ENACTING AND EXTENDING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DESIGN REVIEW, CONDITIONAL USE REVIEW, LIMITED USE REVIEW OR THE PROCESSING AND ISSUANCE OF A BUSINESS LICENSE FOR NON-RETAIL AND NON-COMMERCIAL ACCOMODATIONS USES ON THE STREET LEVEL WITHIN THE 100 BLOCK COMMERCIAL ZONE OF THE OLD TOWN CHARACTER AREA.

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

WHEREAS, the Minturn Municipal Code provides that a primary purpose of the 100 Block Commercial Zone is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district; and

WHEREAS, the Town has in recent weeks and months received applications for new structures and modifications to existing structures which would allow for non-retail and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone; and

WHEREAS, the Town deems the establishment of non-retail and non-commercial accommodations uses on the street level of the 100 Block Commercial Zone to be a material threat to the Town’s ability to meet the commercial and retail needs of its citizens and to generate sales and lodging tax revenue; and

WHEREAS, all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval pursuant to Section 16-21-615 of the Minturn Municipal Code (“Code”) to ensure that the proposed structures and additions are constructed in compliance with the Code, including the Town’s Design Standards and Guidelines, and other regulations adopted by the Town; and

WHEREAS, the zoning code for the 100 Block Commercial Zone contemplates that applications for conditional use and limited use review may be filed for non-retail and non-commercial accommodations uses in street level locations; and

WHEREAS, property owners in the 100 Block may have applied for and received certificates of zoning compliance prior to the enactment of this and the preceding emergency moratorium; and

WHEREAS, the Code allows business licenses to be issued to businesses for street level spaces in the 100 Block Commercial Zone even if they are not retail businesses; and

WHEREAS, the Town Council desires to review and invite public comments on Code provisions relating to the use of street level spaces within the 100 Block Commercial Zone; and

WHEREAS, after the opportunity to review, take public comment on and facilitate meetings with the Town Planning Commission regarding the Code, the Town's Design Standards and Guidelines and related regulations, the Town Council may consider amendments to the Code, the Town's Design Standards and Guidelines and the related regulations; and

WHEREAS, at a regular meeting of the Town Council held on September 1, 2021, the Council adopted an emergency ordinance, Ordinance No. 8, Series 2021 enacting a moratorium on the acceptance and processing of applications for design review, conditional use review, limited use review, and processing and issuance of business licenses for non-retail uses on the street level within the 100 Block Commercial Zone District of the Old Town Character Area; and

WHEREAS, at a joint Town Council and Planning Commission meeting held on October 28, 2021, the Council and Commission took public comment and directed staff to undertake efforts to update the Code relating to historic preservation in the 100 Block Commercial Zone and elsewhere in town; and

WHEREAS, at a regular meeting of the Town Council held on November 17, 2021 the Council adopted on second reading Ordinance No. 14, Series 2021 extending and enacting a moratorium on the acceptance and processing of applications for design review, conditional use review, limited use review, and processing and issuance of business licenses for non-retail and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone District of the Old Town Character Area; and

WHEREAS, the Town Council finds that failure to enact a moratorium could result in permanent negative changes to the Town's character, loss of retail sales tax base, and as such constitutes an emergency; and

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 through 29-20-108, C.R.S., as amended, and Section 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town's jurisdiction; and

WHEREAS, Section 31-15-401, C.R.S., authorizes the Town to enact regulations necessary to promote the health and well-being of its citizens; and

WHEREAS, the Town Council hereby finds and determines that enacting a moratorium to provide sufficient time in which to undertake and complete the review and amendment of the Code, the Town's Design Standards and Guidelines and related regulations is required; and-

WHEREAS, the Town Council finds it necessary and proper to amend the existing moratorium to provide for the acceptance and processing of design review applications for any property that received a certificate of zoning compliance for non-retail or non-commercial accommodation uses prior to September 1, 2021; and

WHEREAS, the Town Council finds and determines that adoption of this Ordinance is necessary for the preservation of the public peace, health, safety and property.

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

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

SECTION 2. A moratorium until August 31, 2022 is hereby imposed on the acceptance and processing by the Town of applications for design review, conditional use review, and limited use review and for processing and issuance of business licenses for non-retail and non-commercial accommodations uses on the street level within the 100 Block Commercial Zone of the Old Town Character Area.

SECTION 3. Exemption. Any property that received a certificate of zoning compliance pursuant to Sec. 16-21-630 prior to September 1, 2021, shall be exempt from the application of this Ordinance and the enacted moratorium.

SECTION 43. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE ____ DAY OF _____ 2021. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE ____ DAY OF _____ 2021 AT ____ p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN

FULL ON THE OFFICIAL TOWN WEB SITE THIS ___ DAY OF _____ 2021.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Mayor and Council
From: Jay Brunvand
Date: December 15, 2021
Agenda Item: Resolution 47 – Series 2021

REQUEST:

Council is asked to discuss and consider Resolution 47 – Series 2021 adjusting the fee charged for Debt Service in the Enterprise fund.

INTRODUCTION:

The town sets our fee schedule as part of the annual budget process. as a result of the Enterprise Fund debt starting with one payment in 2022 and then increasing to two payments in 2023 and in that the Debt Service will be increasing dramatically due to the issuance of debt for the water tank replacement project our Bond Council has asked for this two-year fee schedule.

ANALYSIS:

This revised fee ONLY affects the estimated 2023 fee and is in line with the accepted Capital Improvements schedule. Further, in the event additional debt is issued, water taps are sold, or some other unknown occurs the Council would be able to adjust this fee as necessary.

The concern of those involved with the issuance of the debt stems from the need to recognize upfront that the fees will need to be set in order to cover the 120% value of the existing debt. This Resolution is in line with that need and is in line with the Capital Improvements schedule.

COMMUNITY INPUT:

The community will have a chance to review and comment on any fee prior to enactment in the annual budget process. Because this change only affects 2023 they will comment with the approval process of the 2023 budget process.

BUDGET / STAFF IMPACT:

The 2022 Debt Service fee will remain unchanged at \$7.81/sfe/month. The 2023 Debt Service will be set at \$27.72. As stated, the 2023 Debt Service fee will be reviewed to ensure it is sufficient to cover the anticipated debt payments.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff is asking only for discussion and direction at this time. Based on this direction Staff will pursue allocation of funds in the FY2022 budget.

ATTACHMENTS:

- Resolution 47 – Series 2021

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 47 – SERIES 2021**

**A RESOLUTION SETTING AND APPROVING
CERTAIN WATER FEES FOR THE TOWN OF
MINTURN, COLORADO EFFECTIVE JANUARY 1, 2022**

WHEREAS, The Town of Minturn reviews and approves such fees by Resolution annually and as necessary, and;

WHEREAS, The fees have been set for the Enterprise Fund and it is the desire of the Council to modify those established rates to better conform with the needs of the Enterprise Capital Improvement Plan schedule.

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

Section 1.

The following schedule of fees are hereby set and adopted as follows effective as of the dates specified below:

WATER DEBT SERVICE FEE	
Per SFE/Month:	Effective Date:
\$7.81	As of January 1, 2022
\$27.72	As of January 1, 2023

Section 2.

All other rates previously adopted for the Fiscal Year 2022 and thereafter will remain unchanged.

Section 3.

In the event of a conflict between the fees, rates and charges listed herein and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED
THIS 15th DAY OF DECEMBER, 2021**

ATTEST:

EARLE BIDEZ, MAYOR

JAY BRUNVAND, TOWN CLERK



MEMORANDUM

TO: Michelle Metteer
FROM: Ryan Gordon
DATE: December 10, 2021
RE: Minturn Water Tank Options

Michelle,

Please see the construction cost estimates pulled for the options listed below. I based my estimate on costs from the tank contractor and average unit costs from the 3 bidders we received on other elements besides the tanks. If we move the tanks from the current location, the tank contractor will likely bid as the prime and there will be a lot less administrative and PM costs to construct the tanks.

The scenario to build one tank instead of two at the current design location (i.e. higher on the slope) is quite challenging to estimate for the construction of the tank. The tank contractor would not be the prime and would rather be a subconsultant to the local contractor so I am not sure how the local contractors would price out the tank. We saw with the original bids that the local contractors significantly increased the cost of the tanks beyond what the tank contractors says it will cost them to construct; on average, they marked up the cost by 38%. I have tried to estimate what that cost is but ultimately the local contractors would make this determination based on multiple variables. I feel a lot more confident about the costs to move the tanks to the bottom of the slope.

Two tanks at the bottom of the hill - ~\$3,400,000
One tank at the bottom of the hill - ~\$3,000,000
One tank at current platform location ~\$4,300,000

The detailed breakdown of the construction cost is provided following this memo. The breakdown of the original bids is also included.

Please contact me if you have any questions regarding this invoice at 970-384-9034.

Sincerely,

Ryan Gordon, PE
Project Manager



MINTURN WATER STORAGE TANKS
Project No. 2017-258.010 - Bid Date November 17, 2021

Phoenix Industries Ltd Johnson Construction Inc Schofield Excavation Inc

Item #	Estimated Quantity	Unit	Description	Unit Price	Total Price	Phoenix Industries Ltd		Johnson Construction Inc		Schofield Excavation Inc		Average Unit Cost
						Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
Lump Sum Items												
1	1	LS	Mobilization & Demobilization	442,073.19	442,073.19	325,000.00	325,000.00	550,000.00	550,000.00	\$550,000.00	\$325,000.00	\$439,024.40
2	1	LS	Erosion Control	14,845.56	14,845.56	5,000.00	5,000.00	33,000.00	33,000.00	\$33,000.00	\$5,000.00	\$17,615.19
10	1	LS	Boulder Removal	43,571.69	43,571.69	30,000.00	30,000.00	40,000.00	40,000.00	\$43,571.69	\$30,000.00	\$37,857.23
17	1	LS	Micropile	450,990.02	450,990.02	265,000.00	265,000.00	500,000.00	500,000.00	\$500,000.00	\$265,000.00	\$405,330.01
Total of Lump Sum Items					951,480.46		625,000.00		1,123,000.00			
Unit Price Items												
3	3850	SY	Clearing and Grubbing	5.65	21,752.50	3.00	11,550.00	5.50	21,175.00	\$21,752.50	\$11,550.00	\$4.72
4	2550	SY	Site Grading	3.65	9,307.50	5.00	12,750.00	3.00	7,650.00	\$12,750.00	\$7,650.00	\$3.88
5	3,210	CY	Unclassified Excavation	80.94	259,817.40	35.00	112,350.00	95.00	304,950.00	\$304,950.00	\$112,350.00	\$70.31
6	3,130	CY	Temporary Excavation	28.30	88,579.00	42.00	131,460.00	75.00	234,750.00	\$234,750.00	\$88,579.00	\$48.43
7	1,810	CY	Structural Excavation	78.32	141,759.20	30.00	54,300.00	75.00	135,750.00	\$141,759.20	\$54,300.00	\$61.11
8	3,130	CY	Fill	37.73	118,094.90	107.00	334,910.00	125.00	391,250.00	\$391,250.00	\$118,094.90	\$89.91
9	100	CY	Rock Removal	450.51	45,051.00	300.00	30,000.00	725.00	72,500.00	\$72,500.00	\$30,000.00	\$491.84
11	2,083	SY	Access Road & Tank Platform Construction (Class 6 base & filter fabric)	9.79	20,392.57	30.00	62,490.00	87.00	181,221.00	\$181,221.00	\$20,392.57	\$42.26
12	4,500	SF	MSE Wall	79.30	356,850.00	90.00	405,000.00	155.00	697,500.00	\$697,500.00	\$356,850.00	\$108.10
13	910	SF	Rock Anchor Wall	65.06	59,204.60	72.00	65,520.00	92.00	83,720.00	\$83,720.00	\$59,204.60	\$76.35
14	2,728	SF	Soil Nail Wall	103.21	281,556.88	72.00	196,416.00	92.00	250,976.00	\$281,556.88	\$196,416.00	\$89.07
15	150	CY	Grout (Voids behind soil nail wall)	686.04	102,906.00	725.00	108,750.00	440.00	66,000.00	\$108,750.00	\$66,000.00	\$617.01
16	2	EA	0.337 MG AWWA D110 Wire-Wound Concrete Tank & Appurtenances	836,377.93	1,672,755.86	1,225,000.00	2,450,000.00	900,000.00	1,800,000.00	\$2,450,000.00	\$1,672,755.86	\$987,125.98
18	405	LF	12" DIP Waterline	378.69	153,369.45	400.00	162,000.00	540.00	218,700.00	\$218,700.00	\$153,369.45	\$439.56
19	170	LF	4" DIP Waterline	169.68	28,845.60	255.00	43,350.00	160.00	27,200.00	\$43,350.00	\$27,200.00	\$194.89
20	170	LF	8" DIP Waterline	178.41	30,329.70	335.00	56,950.00	214.00	36,380.00	\$56,950.00	\$30,329.70	\$242.47
21	500	LF	3" PVC Conduit with shielded wires	93.56	46,780.00	65.00	32,500.00	156.00	78,000.00	\$78,000.00	\$32,500.00	\$104.85
22	2	EA	Level Sensors	12,513.01	25,026.02	3,500.00	7,000.00	8,750.00	17,500.00	\$25,026.02	\$7,000.00	\$8,254.34
23	425	LF	3" Conduit for Lighting/Power	42.05	17,871.25	50.00	21,250.00	153.00	65,025.00	\$65,025.00	\$17,871.25	\$81.68
24	168	LF	Rip Rap Channel	64.89	10,901.52	80.00	13,440.00	36.00	6,048.00	\$13,440.00	\$6,048.00	\$60.30
25	2,550	SY	Revegetation	9.57	24,403.50	3.00	7,650.00	5.00	12,750.00	\$24,403.50	\$7,650.00	\$5.86
26	265	LF	Wildlife Fencing	255.19	67,625.35	50.00	13,250.00	105.00	27,825.00	\$67,625.35	\$13,250.00	\$136.73
27	209	LF	Cable Security Fencing	138.05	28,852.45	35.00	7,315.00	105.00	21,945.00	\$28,852.45	\$7,315.00	\$92.68
Total of All Unit Price Bid Items					3,612,032.25		4,340,201.00		4,758,815.00			
Total of Lump Sum and Unit Price Bid Items = Total Bid Price					4,563,512.71		4,965,201.00		5,881,815.00			



MINTURN WATER STORAGE TANKS - 2 Tanks at base fo slope
Project No. 2017-258.010 - Bid Date November 17, 2021

Item #	Estimated Quantity	Unit	Description	Average Unit Cost	Total Price based on ave unit cost
Lump Sum Items					
1	1	LS	Mobilization & Demobilization	\$439,024.40	439,024.40
2	1	LS	Erosion Control	\$17,615.19	17,615.19
10	1	LS	Boulder Removal	\$37,857.23	37,857.23
17	1	LS	Micropile	\$405,330.01	405,330.01
Total of Lump Sum Items					899,826.82
Unit Price Items					
3	777	SY	Clearing and Grubbing (3850 sy)	\$4.72	3,664.85
4	2550	SY	Site Grading (2550 sy)	\$3.88	9,902.50
5	2,600	CY	Unclassified Excavation (3210 cy)	\$70.31	182,814.67
6	0	CY	Temporary Excavation (3130 cy)	\$48.43	0.00
7	0	CY	Structural Excavation (1820 cy)	\$61.11	0.00
8	0	CY	Fill (3130 cy)	\$89.91	0.00
9	100	CY	Rock Removal (100 cy)	\$491.84	49,183.67
11	1,222	SY	Access Road & Tank Platform Construction (Class 6 base & filter fabric) (2083 sy)	\$42.26	51,655.19
12	0	SF	MSE Wall (4500 sf)	\$108.10	0.00
13	0	SF	Rock Anchor Wall (910 sf)	\$76.35	0.00
14	0	SF	Soil Nail Wall (2728 sf)	\$89.07	0.00
15	0	CY	Grout (Voids behind soil nail wall) (150 cy)	\$617.01	0.00
16	2	EA	0.337 MG AWWA D110 Wire-Wound Concrete Tank & Appurtenances	\$800,000.00	1,600,000.00
18	150	LF	12" DIP Waterline (405 lf)	\$439.56	65,934.50
19	125	LF	4" DIP Waterline (170lf)	\$194.89	24,361.67
20	125	LF	8" DIP Waterline (170 lf)	\$242.47	30,308.75
21	175	LF	3" PVC Conduit with shielded wires (500 lf)	\$104.85	18,349.33
22	2	EA	Level Sensors	\$8,254.34	16,508.67
23	150	LF	3" Conduit for Lighting/Power (425 lf)	\$81.68	12,252.50
24	150	LF	Rip Rap Channel (168 lf)	\$60.30	9,044.50
25	1,778	SY	Revegetation (2550 sy)	\$5.86	10,411.85
26	265	LF	Wildlife Fencing (265 lf)	\$136.73	36,233.45
27		LF	Cable Security Fencing (209 lf)	\$92.68	0.00
28	1	EA	Booster Pump Station	\$300,000.00	300,000.00
29	300	LF	Bury/Relocate Overhead Power	\$200.00	60,000.00
30	20	LF	24" culvert	\$300.00	6,000.00
31	1	ea	Energy Dissapator at Creek	\$15,000.00	15,000.00

Total of All Unit Price Bid Items	2,501,626.09
Total of Lump Sum and Unit Price Bid Items = Total Bid Price	3,401,452.91

MINTURN WATER STORAGE TANKS - 1 tank at base of slope
Project No. 2017-258.010 - Bid Date November 17, 2021



**Average
Unit
Cost**

Item #	Estimated Quantity	Unit	Description	Average Unit Cost	Total Price based on ave unit cost
Lump Sum Items					
1	1	LS	Mobilization & Demobilization	\$439,024.40	\$439,024.40
2	1	LS	Erosion Control	\$17,615.19	\$17,615.19
10	1	LS	Boulder Removal	\$37,857.23	\$37,857.23
17	1	LS	Micropile	\$405,330.01	\$405,330.01
Total of Lump Sum Items					899,826.82
Unit Price Items					
3	1000	SY	Clearing and Grubbing (3850 sy)	\$4.72	\$4,716.67
4	3500	SY	Site Grading (2550 sy)	\$3.88	\$13,591.67
5	3,210	CY	Unclassified Excavation (3210 cy)	\$70.31	\$225,705.80
6	0	CY	Temporary Excavation (3130 cy)	\$48.43	\$0.00
7	0	CY	Structural Excavation (1820 cy)	\$61.11	\$0.00
8	0	CY	Fill (3130 cy)	\$89.91	\$0.00
9	100	CY	Rock Removal (100 cy)	\$491.84	\$49,183.67
11	1,000	SY	Access Road & Tank Platform Construction (Class 6 base & filter fabric) (2083 sy)	\$42.26	\$42,263.33
12	0	SF	MSE Wall (4500 sf)	\$108.10	\$0.00
13	0	SF	Rock Anchor Wall (910 sf)	\$76.35	\$0.00
14	0	SF	Soil Nail Wall (2728 sf)	\$89.07	\$0.00
15	0	CY	Grout (Voids behind soil nail wall) (150 cy)	\$617.01	\$0.00
16	1	EA	0.68 MG AWWA D110 Wire-Wound Concrete Tank & Appurtenances	\$1,200,000.00	\$1,200,000.00
18	100	LF	12" DIP Waterline (405 lf)	\$439.56	\$43,956.33
19	100	LF	4" DIP Waterline (170lf)	\$194.89	\$19,489.33
20	100	LF	8" DIP Waterline (170 lf)	\$242.47	\$24,247.00
21	175	LF	3" PVC Conduit with shielded wires (500 lf)	\$104.85	\$18,349.33
22	1	EA	Level Sensors	\$8,254.34	\$8,254.34
23	150	LF	3" Conduit for Lighting/Power (425 lf)	\$81.68	\$12,252.50
24	150	LF	Rip Rap Channel (168 lf)	\$60.30	\$9,044.50
25	2,500	SY	Revegetation (2550 sy)	\$5.86	\$14,641.67
26	265	LF	Wildlife Fencing (265 lf)	\$136.73	\$36,233.45
27	0	LF	Cable Security Fencing (209 lf)	\$92.68	\$0.00
28	1	EA	Booster Pump Station	\$300,000.00	\$300,000.00
29	300	LF	Bury/Relocate Overhead Power	\$200.00	\$60,000.00
30	20	LF	24" culvert	\$300.00	\$6,000.00
31	1	ea	Energy Dissapator at Creek	\$15,000.00	\$15,000.00

Total of All Unit Price Bid Items	2,102,929.59
Total of Lump Sum and Unit Price Bid Items = Total Bid Price	3,002,756.41

RETURN WATER STORAGE TANKS - 1 tank at designed location



017-258.010 - Bid Date November 17, 2021

				Average Unit Cost	
Item #	Estimated Quantity	Unit	Description	Average Unit Cost	Total Price based on ave unit cost
Lump Sum Items					
1	1	LS	Mobilization & Demobilization	\$439,024.40	\$439,024.40
2	1	LS	Erosion Control	\$17,615.19	\$17,615.19
10	1	LS	Boulder Removal	\$37,857.23	\$37,857.23
17	1	LS	Micropile	\$405,330.01	\$405,330.01
Total of Lump Sum Items					899,826.82
Unit Price Items					
3	3850	SY	Clearing and Grubbing	\$4.72	\$18,159.17
4	2550	SY	Site Grading	\$3.88	\$9,902.50
5	3,210	CY	Unclassified Excavation	\$70.31	\$225,705.80
6	3,130	CY	Temporary Excavation	\$48.43	\$151,596.33
7	1,810	CY	Structural Excavation	\$61.11	\$110,603.07
8	3,130	CY	Fill	\$89.91	\$281,418.30
9	100	CY	Rock Removal	\$491.84	\$49,183.67
11	2,083	SY	Access Road & Tank Platform Construction (Class 6 base & filter fabric)	\$42.26	\$88,034.52
12	4,500	SF	MSE Wall	\$108.10	\$486,450.00
13	910	SF	Rock Anchor Wall	\$76.35	\$69,481.53
14	2,728	SF	Soil Nail Wall	\$89.07	\$242,982.96
15	150	CY	Grout (Voids behind soil nail wall)	\$617.01	\$92,552.00
16	1	EA	0.68 MG AWWA D110 Wire-Wound Concrete Tank & Appurtenances	\$1,242,000.00	\$1,242,000.00
18	375	LF	12" DIP Waterline	\$439.56	\$164,836.25
19	150	LF	4" DIP Waterline	\$194.89	\$29,234.00
20	150	LF	8" DIP Waterline	\$242.47	\$36,370.50
21	475	LF	3" PVC Conduit with shielded wires	\$104.85	\$49,805.33
22	1	EA	Level Sensors	\$8,254.34	\$8,254.34
23	400	LF	3" Conduit for Lighting/Power	\$81.68	\$32,673.33
24	168	LF	Rip Rap Channel	\$60.30	\$10,129.84
25	2,550	SY	Revegetation	\$5.86	\$14,934.50
26	265	LF	Wildlife Fencing	\$136.73	\$36,233.45
27		LF	Cable Security Fencing	\$92.68	\$0.00
Total of All Unit Price Bid Items					3,450,541.39
Total of Lump Sum and Unit Price Bid Items = Total Bid Price					4,350,368.21



To: Mayor and Council
From: Jay Brunvand
Date: December 15, 2021
Agenda Item: Election – April 5, 2022

REQUEST:

This is an informational only update regarding the April Election

INTRODUCTION:

The town will hold its biannual election on Tuesday April 5, 2022. As it stands, we have three Council seats with a term of four (4) years each and the Mayor's seat which is always a two (2) year term. Although we have had several appointments since the 2020 election, the timing has been in the second half of the term so there are no two-year seats this time around.

The town is Home Rule and generally the town has adopted the state election code. The election will be a Polling Place election and I plan to again this year have a strong Get-Out-the-Vote campaign to allow folks to vote by absent ballot much like we did in 2020. This allowed many to request absent ballots and return them prior to the election and also allowed those that like to vote in-person on the day of to do so. This multi option process allows for a strong voter turnout while still keeping it small town.

In December we will run several ads in the paper, on our website, in the newsletter, etc to encourage citizens to run.

- The first day nomination packets may be picked up and circulated is Tuesday **January 4, 2022**. Packets are available in the Town Clerk's Office along with complete instructions.
- The candidate has **20 days** to collect a minimum of Ten (10) valid signatures and submit their completed nomination petition. Petitions are due back by 4pm on Monday **January 24, 2022**.
- Minturn runs a Polling Place Election. The designated polling place is the Town Hall. All ballots cast will be either in-person on April 5th or the voter may apply for an Absentee Ballot whereby a ballot will be mailed to the voter beginning March 14th.
- Pursuant to Resolution 02-2012 the Town Clerk is appointed the Designated Election Official and will appoint Election Judges for the Election. If you know anyone desiring to be an election judge please see me.

- Council Pay: The Council is paid \$200 per month plus \$100 for any additional posted meeting attended and the Mayor is paid \$400 per month plus \$200 for any additional posted meeting.

Staff is asking Council Direction to maintain the current pay structure or not.

- Candidate Qualifications:
 - Citizen of the United States for not less than seven (7) years
 - 25 years of age
 - Resident of the Town of Minturn for Mayor not less than five (5) years; for Council not less than two (2) years
 - A person who has been convicted of a felony shall not be eligible to become a candidate nor serve for an elected Town Office
 - Must maintain residency within the Town of Minturn during the entire term of service
- In addition to the Mayor's seat, three seats are up for election on the Council. Those current Council seats up for election are:
 - Earle Bidez – Mayor – 2 year term
 - Eric Gotthelf – Council Member 4 year term
 - Lynn Feiger – Council Member 4 year term
 - Tom Sullivan – Council Member 4 year term

ANALYSIS:

N/A

COMMUNITY INPUT:

As a candidate or a voter the citizens will have plenty of opportunity to comment on this matter.

BUDGET / STAFF IMPACT:

The election normally runs approximately \$2500 and is included in the 2022 budget.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDED ACTION OR PROPOSED MOTION:

No motion is requested

ATTACHMENTS:

N/A

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



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

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

REGULAR TOWN COUNCIL MEETINGS
December 15, 2021
Liquor License – Temporary Permit Minturn Saloon
Consent Agenda – Liq Lic Corp change for The Minturn Bar & Grill
Operation Agreement with ERWSD
January 5, 2021
Consent Agenda: Resolution No. 01 – Series 2020 A Resolution setting a Resolution setting the official posting sites for the Town of Minturn – Brunvand
Ordinance No. __ - Series 2022 (First Reading) regarding livestock (Chickens)
January 19, 2021
Ordinance No. __ - Series 2022 (Second Reading) regarding livestock (Chickens)
DATE TO BE DETERMINED
30’ River Setback Policy Review & Eagle River Park (MMC Sec. 16-2-50(b)) – waiting on Planning Commission review
2021-23 Strategic Plan Amendment – Building Code Updates
Ordinance regarding Livestock – Waiting on Planning Commission review
Potential legislation regarding Mobile homes
Car Idling