



2010

Minturn Council Meeting

Wednesday September 15, 2010

Work Session 6:00pm
(Town Center)

Regular Session: 7:00pm
(Town Center)

Council Goals:

TOP FIVE COUNCIL PRIORITIES:

- Transit
- Sidewalks
- Annex School Dist property
- Community communications strategy
- Enforce zoning laws



Agenda

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

Wednesday September 15, 2010

Work Session – 6:00pm
Regular Session – 7:00pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
Matt Scherr

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

Work Session – 6:00pm

- **Oath of Office Discussion – White/Bumgarner (30 min)** *pg 1*
- **Council Appointment Discussion – White/Brunvand (15 min)**
 - Support for this will be distributed at the meeting

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes and Action Report

- Aug 25, 2010 (Executive Session) pg 2
- September 1, 2010 pg 4
- September 2, 2010 (Executive Session w/Red Cliff) pg 13
- Action Item Report pg 15

4. Liquor Authority

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min) pg 16

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

6. Special Presentations/Citizen Recognition

7. Town Manager's Report pg 21

8. Town Council Comments

PUBLIC HEARINGS AND ACTION ITEMS

9. Discussion/Action – Resolution 16 – Series 2010 – A Resolution of the Town Council of the Town of Minturn, CO concerning the petition for Annexation of the Quintana Country Club Parcel – Cerimele (10min) pg 26

10. Discussion/Action – Eagle River Water Shed pg 28

11. Discussion/Action – Approval of contract for Western Pipeway pg 34

EXECUTIVE SESSION

12. Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues and Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager's annual review – White/Christensen pg 69

13. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)

FUTURE AGENDA ITEMS

14. Next Meeting

- Discussion/Action – adoption of 2009 Building Codes – October 6, 2010 - Cerimele
- Budget Review and formal acceptance – October 6 Worksession (45min) Council Action Item (10min) Brunvand/White
- Budget Review – October 6 Worksession (45min)

15. Future Meeting

- Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White (45min)
- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances – Brunvand/White (45min)
- Discussion/Action – 2nd and Final Reading of proposed 2011 Budget Ordinances – Brunvand/White (15min)

16. Set Future Meeting Dates

a) Council Meetings

- October 6, 2010
- October 20, 2010
- November 3, 2010

b) Planning & Zoning Commission Meetings

- September 22, 2010
- October 13, 2010
- November 10, 2010

c) Other

17. Adjournment

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Jay Brunvand, Treasurer/Clerk
Email: treasurer@minturn.org



TOWN COUNCIL
Mayor - Gordon "Hawkeye" Flaherty
Mayor Pro Tem - George Brodin
Councilwoman - Shelley Bellm
Councilman - Earle Bidez
Councilman - Jerry Bumgarner
Councilman - Aggie Martinez
Councilman - Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Work Session discussion regarding Oath of Office
MEETING DATE: September 15, 2010
PRESENTER: White
<ul style="list-style-type: none">• BACKGROUND: At the last Council meeting discussion ensued as to the Oath of Office take by each member of the Council and appointed boards as well as others. Staff feels this issue warrants open discussion by the Council. At the September 15th meeting time has been allotted for this discussion.
CORE ISSUES: Minturn Municipal Code Sec. 2-3-70 states the following: Sec. 2-3-70. Oath. Each of the appointed officers or employees, before entering upon the duties as such officer or employee, shall make oath before some officer qualified by law to administer such oath, that he or she will support the Constitution and laws of the United States and of the State and the ordinances of the Town, and faithfully perform the duties of his or her office. Such oath shall be made and subscribed substantially in the following form: "I, _____, do solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the state of Colorado and the ordinances of the Town of Minturn, and that I will faithfully perform all the duties of the office of _____, upon which I am about to enter. "Sworn to and subscribed before me this ____ day of _____, A.D. 20 ____. _____ (Official Title)"
STAFF RECOMMENDATION/MOTION: Not Applicable



Official Minutes

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

Wednesday August 25, 2010

Regular Session – 5:00 pm

**MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin**

**Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand**

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
Matt Scherr

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Regular Session – 5:00 pm

1. Call to Order

a. Roll Call

The meeting was called to order by Mayor Flaherty at 5:00pm. Those present included Hawkeye Flaherty, Matt Scherr, Aggie Martinez, Shelley Bellm, Earle Bidez, Jerry Bumgarner, and George Brodin.

Also present were Town Manager Jim White, Town Attorney Allen Christensen, and Attorney Boots Ferguson.

b. Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by George B., second by Shelley B., to approve the agenda as presented; all voted in favor.

EXECUTIVE SESSION

3. **Executive Session** – For the purpose of an Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town’s Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues.

Motion by Shelley B., second by Aggie M., to convene in Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town’s Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues; all voted in favor.

4. **Executive Session** – Direction to Staff as a result of the Executive Session (5min)

Council convened back to regular session at 6:37 pm.

As a result of the Executive Session the following directions were given to Staff:

- Write press release regarding Circuit Court of Appeals decision to overturn previous ruling related to the Battle Mountain Development.
- Town Attorney’s to continue with water trial preparation for trial in October.
- Appeal Circuit Court decision to the Colorado Supreme Court by certiorari.
- Check with Town Attorney regarding the procedure for appointment to the Town Council.

5. **Adjournment**

Motion by Shelley B., second by Matt S., to adjourn the meeting at 7:43 pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Official Minutes

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

Wednesday September 1, 2010

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

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
Matt Scherr

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Regular Session – 5:00 pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:07 p.m.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Matt Scherr, and Aggie Martinez.

Staff present: were Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Chief of Police Lorenzo Martinez, Administrative Assistant/Deputy Clerk Michelle Metteer, Planner Chris Cerimele and Attorney Allen Christensen.

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Jerry B., second by Aggie M., to approve the agenda as presented, all voted in favor.

EXECUTIVE SESSION

3. Executive Session – Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager’s annual review – White (60min)

Motion by Jerry B., second by George B., to convene in Executive session Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager’s annual review.

Work Session – 6:00 pm

- **Discussion with Cemetery Board regarding infrastructure issues – White (45min)**

Regular Session – 7:00 pm

4. Executive Session – Direction to Staff as a result of the Executive Session (5min)

Note: the Council reconvened from Executive Session at 7:03pm

Jim W., to submit a response to the evaluation and return to Council for review.

5. Approval of Minutes and Action Report

- Aug 18, 2010
- Action Item Report

Motion by Aggie M., second by Earle B., to approve the Minutes of August 18, 2010 as amended; all voted in favor.

Amendments:

- Vote to appoint George B., to the ECO Transit Board
- Page 8 bullet point one-direction out of Executive Session modification

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

Mr. Lynn Kanakis, 248 Main St, requested the Seniors Group have access to the Middle School facility for use as a lunch facility as well as senior activities. Currently the Seniors use the Council room of the Minturn Town Hall and activity and storage space is limited.

7. Special Presentations/Citizen Recognition

8. Town Manager's Report

School District Update

- August 10 - meeting with Eagle County School District consultant, Tom Braun.
- August 11 - school board meeting, unanimous support to proceed with annexation
- September 1 -Town Council discussion with Minturn residents re: Maloit Park annexation

Radio Tower Contract

The Town Clerk and the Town Manager contacted Dr. Hood regarding a longer term contract for the radio tower when the lease becomes due later this summer. This lease will require the replacement of a vertical tower. Payment for 2010 expected by end of August as well as proposal of new contract terms.

Battle Mountain Update

The draft Feasibility Study (FS) has been submitted to the EPA. The small group meetings involving our staff and two Town Council representatives are temporarily on hold as we prepare for October water court cases.

Minturn Rocks!

Minturn celebrated the final show of a successful first year free Thursday evening concert series at Little Beach Park and Amphitheater. This was a great opportunity to promote our community and enjoy the park with friends, visitors, family and neighbors.

Water Treatment Plant Tour

TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met. TST will have a representative, Don Taranto, available during the tour of the water treatment plant on Saturday, August 28, 2010.

TST Engineering has been working with Timberline Electric and Controls to access problems and to update our telemetry system at the water treatment plant. Kelly Lytle, electrician with Timberline, did a site visit to the water treatment plant and to the two water storage tanks in anticipation of solar and electric power being established at the respective tank sites.

RFP/North Main Street Water Line Design

The design of the waterline project is done at the 100% level to date led by Mark Luna, Project Manager, representing Peak Land Consultants, Inc, Vail, Colorado. We have fulfilled advertising requirements for contractors for Phase One construction. The pre-bid meeting was held on Thursday, August 26th at 2pm. Phase 1 construction is anticipated to begin in mid to late September 2010 and expected to be completed by late October.

Minturn Market

The Minturn Market is scheduled every Saturday, June 26 for eleven weeks through Saturday, September 4, 2010. This upcoming Saturday will be the last 2010 market day!

Downtown Colorado, Inc.

The final draft report was delivered electronically on Wednesday, August 25, 2010. Final comments are due quickly so the Final Report can be printed and distributed.

USFS Decision Notice

On August 25, 2010, the Town received a letter from Scott Fitzwilliams, White River National Forest Supervisor, regarding several amendments to the September 9, 2009 Decision Notice for Forest-wide Hazardous Tree Removal and Fuels Reduction project (see attachment).

2011 Budget Planning

The proposed schedule for our budget process and meeting schedule has been prepared by the Town Clerk/Treasure and reviewed by the Town Manager. This process has been underway at the staff level since early summer and will accelerate in the next few months following the prescribed calendar requirements articulated in the Colorado Revised Statutes for annual budget approval.

Additional item discussed:

Direction was give by the Council for Staff to meet with the Cemetery District to negotiate a schedule for the repayment of \$16,675. The Town Council has stipulated its agreement with the District that this is Minturn's portion of the cost to stub to the Minturn Public Works building the water and sewer infrastructure recently installed by the Cemetery District. It was noted this repayment schedule may be extended over several years as necessary.

9. Town Council Comments

Council Member Jerry B. stated that by passing Resolution 14 – Series 2010 at the August 18th Council Meeting, setting the ballot question for the November 2010 election, the Council went against their oath of office and he requested the Resolution be rescinded. Discussion ensued. No direction was given.

Shelley B., Aggie M., and the entire Minturn Town Council would like to thank Arnold Martinez and the entire Public Works staff for the tour of the water plant facility on Saturday August 28th and the clean-up of the entire area.

Mayor Hawkeye Flaherty noted that there is a zero tolerance policy with school bus traffic violations and to please remember that school is back in session so be cautious of the students trying to get to and from the school bus stop everyday.

PUBLIC HEARINGS AND ACTION ITEMS

10. Discussion/Action – Discussion with the Public regarding the Eagle County School District Board of Education Maloit Park annexation – White (30min)

Hawkeye introduced the agenda item. Others present included Eagle County School District Superintendent Dr. Sandra Smyser with several members of her staff.

Potential uses of land include residential, educational, community oriented and recreational.

Eagle County Seniors group would like to request that twice a week they have the use of the school facility for their weekly lunches and activities.

A consideration may be to have a dedication to the efforts Bill Burnett made in obtaining portions of this land for the Town of Minturn.

Mr. Michael Gallagher, 475 Pine St, Minturn. The first high school of Minturn was located where the Town Hall building sits now. It is important to remember that the Citizens of the Town of Minturn are in desperate need for a community facility and the school building located on the school district land may be a wonderful opportunity for the Citizens of Minturn to have access to such facilities.

Mr. Tom Braun, Attorney representing the Eagle County School District, stated the School District is looking into options of what may be the best use for the school building (currently Minturn Middle School) that will remain on the Maloit Park land. The School District will be open to comments from the Council as well as the Citizens of Minturn as to what may be a needed or best use of the facility.

Mr. Floyd Duran, 643 Boulder Street, believes that the water structure/water tank, will only suffice for the school itself and the pumps are rated at 80gpm/pump. This is something to keep in mind; however, it remains a good opportunity for the Town of Minturn.

George B., agrees that the school building facility will be an opportunity for the children of Minturn to have a place to hold recreational facilities as well as educational groups or activities.

Mr. Aldo Ramanus, Edwards, Executive Director Ski and Snowboard Club Vail. The Vail Ski and Snowboard Academy is the first of its kind. It is three years old and has almost doubled in size since its inception. An ideal use of the building would ideally include the use of the facility by the Academy, keeping in mind the need to allow space for growth of its student base. As this annexation proceeds, he encourages a joint effort in establishing a facility that can be utilized by everyone (students and public alike).

Mr. Gary Gillman, owner, SteamMaster, has a 13 year old nephew who attends the Ski and Snowboard Academy. There are hopes that this school facility may at some point hold a dormitory facility to allow for out-of-town students who attend the school. He encourages the School Board and the Town of Minturn to consider the Academy's use as part of the facility moving forward.

Matt S., discussed the option of an art center as part of the facility.

George B., noted that a recreation facility may be a consideration of a potential use as well.

Jerry B., noted that a key point of interest in the annexation communications has been to ensure employee housing for teachers, bus drivers, life safety service personnel, etc...and to keep these groups in mind as the annexation moves forward.

Ms. Carrie Bangston, Maloit Park resident, would like to stay updated on the communications and decisions being made in regard to the Maloit Park property.

11. Discussion/Action – Country Club Tract/Quintana Annexation Proposal referral to Staff for calendar and compliance review – Cerimele/Christensen (10min)

This is the first step in the annexation process. The next step will be to propose a resolution for annexation. First meeting in November (November 3, 2010) would be the proposed time of proposed approval.

12. Discussion/Action – Discussion regarding possible part time position funding – White/Brunvand (20min)

Staff prepared a memo for review by the Town Council outlining some of the concerns and requesting direction.

Mr. Andy Kaufman, Minturn Saloon Owner, supports the concept of a need to continue with the community events work done thus far by all entities. The Town needs to be an important part of this process and budgetary constraints should not hinder the ability of all groups to move forward with a fully thought-out approach to event coordination and operations. The DCI report discusses the need for a Town to have some type of formulated plan in maintaining an organized/unified front from a marketing perspective, events perspective and promotional perspective.

The Minturn Community Fund has some aspects of community events in place, but their mission is somewhat broader than just this funding request. He does foresee this being able to be the joint effort of the Minturn Community Fund, The MRBA, and the Town of Minturn.

Shelley B., asked about the salary savings that have been achieved by not replacing the Planning Director position that has been vacant for almost a year. And then, how can this group be created in order to achieve the goals being addresses.

George B., asked what is the role of government? He recommended bringing all concerned parties together in a facilitated meeting in an effort to unify the interested parties so that a consensus can be reached on the objective of this position before moving forward. This is an opportunity to address the event needs of the Town, and what type of job description this position would require.

Earle B., brings to attention the need for more Economic Development type work. A facilitated meeting, with the appropriate stakeholders involved, should be the next step in order to keep this idea moving forward.

Matt S., would like to see a clear and organized plan of what it is that needs to be accomplished (what type of position created), how much it will cost and how this will be carried out.

Direction to staff to obtain a facilitator and coordinate a meeting with all concerned parties to help iron out a concise direction.

13. Discussion/Action – Discussion and direction regarding matters concerning the Town Attorney – White/Christensen (10min)

The Council is to reevaluate the contract the Council has with the Town Attorney. There will now be an initial six month review process, first review to take place by November 1, 2010. Having reviewed the functions of the Town Attorney, it has been determined that the Town Attorney will no longer perform the duties of Prosecutor for the Town of Minturn. It is anticipated that the request for applications for a prosecuting Attorney will move forward immediately and most likely be hired by the end of 2010. This position will work directly for the Town Council and will be under the same scrutiny as the Town Attorney. The Council hopes this will address the concerns of the Citizens and will move forward with a review process as well as beginning the process of hiring for a Town Prosecutor. Please note that this was an executive session matter and Council may not be able to answer all questions asked regarding this subject.

Residents can best communicate to the Council regarding matters of contracted positions directly to Council members, write a letter to one or all Council members, or discuss with the Town Manager who can then bring the matter to the attention of the Town Council.

Randy Quintana, 1071 Main Street, discussed that the Citizens did talk to the Town Manager about the purpose of the petition and from the actions of the Town Council tonight, he believes this message was not properly relayed from the Town Manager to the Council. The Council confirmed that all information was relayed and that by implementing a new review process, as well as removing the Town Attorney from his prosecuting duties, the Council has properly addressed the concerns of the Citizens.

14. Discussion/Action – Request for approval of the Colorado River Conservation District Water supply Contract – White (5min)

Boots Ferguson, Holland & Hart Law Firm, worked with the Colorado River Conservation District to establish a water supply contract for the Town of Minturn. He recommends approval of this contract. The only settlement agreement that this contract will be in is with the River District.

Motion by George B., second by Shelley B., to approve the signing of the Colorado River District Water Supply Contract, upon review by the Town Attorney. Motion passed 6-1, Mayor Hawkey Flaherty voted nay.

EXECUTIVE SESSION

15. Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the United States Forrest Service Boneyard property annexation and to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues. – White/Christensen

Motion by Aggie M., second by Shelley B., to convene in Executive Session Pursuant to consult with the Town's Attorney(s) and receive direction regarding the United States Forrest Service Boneyard property annexation and to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues. All voted in favor.

Direction to staff following Executive Session:

- Motion by Shelley B., second by George B., to authorize the Town's Water Attorney to reaffirm and sign the stipulation with the Town of Gypsum, approving limits to 100 acre/feet annually, and removing Gypsum from opposition. ; motion passed 6-1, Mayor Hawkeye Flaherty voted nay.
- Town Manager will work with the Town Council to create a process designed to replace the role of Minturn Prosecuting Attorney.

FUTURE AGENDA ITEMS

16. Next Meeting

- Country Club/Quintana Annexation Petition – September 15, 2010 – Cerimele
- Discussion/Action – adoption of 2009 Building Codes – September 15 - Cerimele

17. Future Meeting

- Budget Review and formal acceptance – October 6 Worksession (45min) Council Action Item (10min) Brunvand/White
- Budget Review – October 6 Worksession (45min)
- Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White (45min)
- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances – Brunvand/White (45min)
- Discussion/Action – 2nd and Final Reading of proposed 2011 Budget Ordinances – Brunvand/White (15min)

18. Set Future Meeting Dates

- a) Council Meetings
- September 15, 2010
 - October 6, 2010
 - October 20, 2010

b) Planning & Zoning Commission Meetings

- September 8, 2010
- September 22, 2010
- October 13, 2010

c) Other

- Town Hall closed for Labor Day – September 6

19. Adjournment

Motion to adjourn by Shelley B., second by Aggie M., to adjourn at 10:45pm. All voted in favor.
(Note: Jerry B. was excused absent)

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand



Minutes

**JOINT MEETING OF THE MINTURN TOWN COUNCIL
AND
RED CLIFF TOWN COUNCIL**

**Red Cliff Town Center, 400 Pine Street
Red Cliff, CO 81648**

Thursday September 2, 2010

Regular Session – 6:00 pm

**MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin**

**Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand**

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
Matt Scherr

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

Regular Session – 6:00 pm

1. Call to Order
a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 6:00 p.m.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Matt Scherr, and Aggie Martinez.

Others present included the Red Cliff Town Council. (*Note: no staff or attorney(s) were present nor included in the Executive Session from either municipality.*)

b. Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

EXECUTIVE SESSION

3. **Executive Session** – For the purpose of an Executive Session Pursuant to CRS 24-6-402(4)(e) for the purposes of discussing the Battle Mountain Resort property annexation contract with the Red Cliff Town Council. Those to be included in the Executive Session are limited to the members of the Minturn and Red Cliff Town Councils

Motion by Shelley B., second by George B., to convene in Executive Session Pursuant to CRS 24-6-402(4)(e) for the purposes of discussing the Battle Mountain Resort property annexation contract with the Red Cliff Town Council. Those to be present in the Executive Session include the Minturn and Red Cliff Town Councils as present; all voted in favor.

4. **Executive Session** – Direction to Staff as a result of the Executive Session (5min)

No direction was taken as a result of the Executive Session

5. **Adjournment**

Motion by George B., second by Jerry B., to adjourn the meeting at 7:15 pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

**Town of Minturn
Council Action Item Memo**

TO: Staff Members/Council Members
FROM: Jim White/ Town Manager
DATE: September 15, 2010
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Action Required	Responsible Party	Progress Report
Nuisance Item Review	Review of nonconforming use of commercial/industrial business operations in residential zones	Cerimele	Staff will provide Oct 6 update.
Land – Acquisition of Boneyard property	Work with the Forest Service to come up with a process/plan to acquire USFS parcels within the Town of Minturn’s Town Limits.	White/Cerimele	Current appraisal lapses Sept 3, 2010
Waterline agreements between the Town and the Cemetery District	Discussion between Town Board and Cemetery Board.	Christensen/White	Agreement reached. Direction for Town Manager to secure payment plan.
Obtain Land Deed for Water Plant	Work with Eagle County School District to annex the land the Town of Minturn’s Water Plant is occupying	White/Christensen	Joint meetings in progress between Town and School Board. Annexation review by attorneys regarding easements, water & access. Sept submission.
Water Line	Repair/replace water line main in Rail Yard north of Turntable.	White/Public Works	Completed, report pending.
Street Assessment	Review completed August 30 th on all Town streets to determine where repairs are needed for implementation. Report pending.	White/Public Works	Review preliminary list and prioritize at staff level during 2010. Town Manager contacted Vail Engineer and meeting Aug 30 or Aug 31
Town Sign Plan	Town entry signage ideas have been reviewed.	White/Brodin	In design phase.

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Email: treasurer@minturn.org



Town Council
MR. HAWKEYE FLAHERTY, MAYOR
MR. GEORGE BRODIN, MAYOR PRO TEM
MR. AGGIE MARTINEZ, COUNCILMAN
MR. MATT SCHERR, COUNCILMAN
MS. SHELLEY BELLM, COUNCILWOMAN
MR. JERRY BUMGARNER, COUNCILMAN
MS. LORRAINE HASLEE, COUNCILWOMAN

AGENDA ITEM COVER SHEET

AGENDA TITLE: – Gail Crowder, DBA The Minturn Mile, annual renewal of a Retail Liquor Store Liquor License; 341 Main Street; Gail Crowder, Owner/manager

MEETING DATE: September 15, 2010

PRESENTER: Brunvand

BACKGROUND: This is an application for annual renewal of a Retail Liquor Store license. The application has been reviewed by the Clerk, Police Chief, and the Town Attorney. Any concerns were addressed at Staff level and this application is clear for approval.

CORE ISSUES:

BUDGET/FINANCE IMPLICATIONS: An annual renewal fee of \$122.50 has been paid to the Town.

STAFF RECOMMENDATION/MOTION: “I move to approve the Gail Crowder, DBA The Minturn Mile, annual renewal of a Retail Liquor Store Liquor License; 341 Main Street; Gail Crowder, Owner/manager as presented.”

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

CROWDER GAIL W
 MINTURN MILE LIQUORS
 PO BOX 1603
 VAIL CO 81658

License Number 26-35821-0000	License Type 1940
Liability Information 44 030 445310 I 111600	
Business Location 341 MAIN ST MINTURN CO	
Current License Expires NOV 15, 2010	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

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.		
Authorized Signature <i>Gail Crowder</i>	Date 8-24-10	Business Phone 827-5220
Title <i>Owner</i>	Sales Tax Number 26-35821-000	
REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.		
Local Licensing Authority for	Date	
Signature	Title	Attest

DO NOT DETACH DO NOT DETACH DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

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

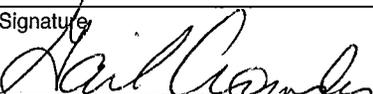
21

Business Name MINTURN MILE LIQUORS	LICENSE NUMBER (Use for all reference) 26-35821-0000		PERIOD 11-11
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 1940-750(999) \$ 50.00	CITY 85% OAP 2180-100(999) \$ 127.50

SUB-TOTAL \$ 227.50
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____
 TOTAL AMOUNT DUE \$ _____

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment MINTURN LIQUOR MART DBA MINTURN MIKE		State License Number 26-35821-000	
1. Operating Manager GAIL CROWDER		Home Address 310 STONE CRK AVON CO 81620	
		Date of Birth 12-22-43	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>OWNED</u> If rented, expiration date of lease: _____			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested. NO CHANGE			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:			Yes No
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			<input type="checkbox"/> <input type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes No <input type="checkbox"/> <input type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
EVIDENCE OF LAWFUL PRESENCE			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input checked="" type="checkbox"/> I am a United States Citizen			
<input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States			
<input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law			
<input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature 		Printed name GAIL CROWDER	
		Date 8-20-10	

LIQUOR LICENSE RENEWAL FORM
LOCAL LICENSING AUTHORITY – TOWN OF MINTURN

Name of Establishment: Minturn Mile 4 1/2 / Gail Croorden

Date of Submittal: 8/22/10 License Expires: 11/15/10

Application is a:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Renewal | <input type="checkbox"/> Change in Corporate |
| <input type="checkbox"/> Manager Registration | <input type="checkbox"/> Partnership or Trade Name |
| <input type="checkbox"/> Modification of Premise | <input type="checkbox"/> Transfer of Ownership |
| <input type="checkbox"/> Change on Corporate | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Change in Location | |

Scheduled for Council meeting on: _____

1. Fees paid: Local \$ 122.50 and State \$ 227.50.
2. N/A Status of Corporation verified with Secretary of State and found to be in good standing. (Town Clerk's Initials)
3. Operating Manager verified and registered.
4. Sales tax submittals current.
5. Water bill submittals current.
6. Business license current.
7. Police Department approval for renewal.
 - a. Officer's report (see attached):
 - b. List of violations within the last year: _____



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

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

MEMORANDUM

To: Chief Lorenzo Martinez
Allen C., Town Attorney (via fax/PDF email)
CC:
Date: 8/30/10 3:55 PM
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for The Minturn Mile located at 341 Main Street. I have reviewed the application and obtained a proof of work status for Ms. Crowder. This Renewal looks fine to me and is ready for your on-site investigation. Let me know if you have any questions.

PLEASE NOTE: Our standard reviewing process is for both Lorenzo and Allen to review AND approve PRIOR to this being scheduled for a Council meeting. Please inform me if you have any questions when you approve for forwarding to the Council.

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

Thanks, jay

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org



TOWN COUNCIL
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – Jerry Bumgarner
Councilmember – Aggie Martinez
Councilmember – Matt Scherr

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: September 8, 2010
Re: Manager’s Report for the September 15, 2010 Meeting

Potential Position Planning

I have secured the services of Michael Penny, Frisco Town Manager, to facilitate a meeting with all interested parties regarding the options presented to Town Council at the last meeting related to the proposal to fill a position to coordinate events and conduct operations during events. We will schedule a meeting by the end of September.

School District Update

Final conversations about the issues related to the annexation submittal are being discussed by the attorneys of both parties. We anticipate the annexation petition to be submitted in September.

Radio Tower Contract

The Town Clerk and the Town Manager followed up with Dr. Hood regarding a longer term contract for the radio tower when the lease becomes due. This lease will require the replacement of a vertical tower. Payment for 2010 is expected as well as a proposal of new contract terms for the extended contract.

Battle Mountain Update

The draft Feasibility Study (FS) has been submitted to the EPA. The small group meetings involving our staff and two Town Council representatives are temporarily on hold as we prepare for October water court cases. Our water trial is set to begin on Monday, October 4, 2010.

Water Treatment Plant Telemetry

TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met.

TST Engineering has been working with Timberline Electric and Controls to access problems and to update our telemetry system at the water treatment plant. I have been working with the Forest Service to complete a Special Use permit to allow us to remove trees in anticipation of solar power being established at the Maloit Park tank site. The main tank site will have electric power and our Public Works crew has already readied the site for the installation of the electric power.

9/9/2010

RFP/North Main Street Water Line Design

The design of the waterline project is done at the 100% level to date led by Mark Luna, Project Manager, representing Peak Land Consultants, Inc, Vail, Colorado. We have fulfilled advertising requirements for contractors for Phase One construction. The apparent low bidder was identified (Western Pipeway) and the contract will be presented to Town Council this evening for approval. Phase 1 construction is anticipated to begin in mid to late September 2010 and expected to be completed by late October, and wrapped up by November 5th.

Ballot Issues

The Town of Minturn has placed two issues on the November ballot: consideration of use tax and a question to the voters about whether or not medical marijuana dispensaries should be allowed in Town. Please direct staff if you need any additional information related to these issues.

Additionally, the Town Council recently passed resolutions stating its opposition related to Amendments 60 & 61 and also Proposition 101. If you need any further information, please refer to www.cml.org or to www.donthurtcolorado.com

Minturn Market

The Minturn Market wrapped up on Saturday, September 4, 2010.

Downtown Colorado, Inc.

The final draft report was delivered electronically to the Town Council on Wednesday, August 25, 2010. Final comments are due ASAP so the Final Report can be printed and distributed. The annual conference will be held in Glenwood Springs September 22-24, 2010. Mayor Flaherty will participate in a panel discussion on Friday, September 24th.

2011 Budget Planning

The proposed schedule for our budget process and meeting schedule has been prepared by the Town Clerk/Treasure and reviewed by the Town Manager. This process has been underway at the staff level since early summer and will accelerate in the next few months following the prescribed calendar requirements articulated in the Colorado Revised Statutes for annual budget approval.

CML Fall District Meetings Schedule

Beginning September 15, 2010, CML will be hosting District meetings throughout the state. In my role as president, I am expected to attend as many as I am able. I respectfully request your support for my travels during this time. The meetings are scheduled to end on October 25, 2010. I **do not** plan to attend the meetings that conflict with our own Town Council meetings (see attached schedule).

Jim White

From: CML Municipal Managers List [MGRLIST@LIST.CML.ORG] on behalf of Lisa White [lwhite@CML.ORG]
Sent: Thursday, August 26, 2010 7:57 AM
To: MGRLIST@LIST.CML.ORG
Subject: [MGRLIST] Important information for communicating with citizens about 60-61-101
Importance: High

Hello PIOs and managers,

We are all dedicated to keeping 60-61-101 from passing. Your colleagues at CML have been working very hard to educate key municipal staff and elected officials on the impact that these ballot measures would have if they pass. We've even been partnering with the other local government associations to co-host forums statewide to reach as many local government officials as possible. We know many of you are also working hard in your communities to get the word out to your elected officials and citizens as well. Thank you so much for all of your efforts.

Please allow us to provide you with some important information to keep in mind regarding how cities and towns can legally advocate against the ballot measures:

- Be careful about using publically financed municipal newsletters as a means for getting out the word about these amendments because of the likelihood that such use might run afoul of 1-45-117, the restriction on using public funds for campaigning. If you are considering using your newsletter to distribute general info about the amendments, please consult with your municipal attorney before moving forward.

- While the materials CML offers through the "Cities and Towns Make it Possible" campaign could be effective ways to remind citizens of the services you provide them - even if the ads or bill stuffers you run don't specifically mention the ballot measures - using them at this point may pose a problem because it is already August and relatively close to the election. Essentially, if you haven't already been using them as part of an existing campaign, please consult with your municipal attorney before beginning to use them now.

- Additional information on the Fair Campaign Practices Act can be found at http://www.cml.org/pdf_files/ballot_reform.pdf or contact CML's General Counsel Geoff Wilson at gwilson@cml.org.

What you *can* do:

- Encourage your elected officials to visit with citizens to talk about the impact of these measures. CML put together some speaking points that they can use when addressing civic groups and can be found at http://www.cml.org/pdf_files/ballot_talking.pdf

- Related to the above suggestion, CML is putting together pocket-sized brochures that officials can distribute to citizens during their speaking engagements or when casually chatting with citizens one-on-one. They are intentionally small to allow officials to carry them in their pockets, wallets, purses, etc. These will contain the key take-aways that we want citizens to remember. We will be mailing several copies directly to each elected official soon.

- Encourage your elected officials to write letters to the editor for your local newspaper. They can gather material for their piece from CML's Web site at <http://www.cml.org/ballot.aspx>, and encourage them to include local and personal information to demonstrate the direct impacts of your city or town. If they need assistance writing their piece, feel free to contact Lisa White at lwhite@cml.org.

- Visit www.donthurtcolorado.com to learn more about a formal campaign coordinated by Coloradans for Responsible Reform. The Web site contains great information and a "toolkit" of resources that can also be used to connect with citizens.

What you may be able to do:

- If your municipality has adopted a resolution opposing these measures, ask your municipal attorney if you can reprint it in your newsletter. Or ask him/her if you can state in your newsletter that your council adopted a resolution, post it on your Web site and direct people there to view it, along with other public documents about this issue.

Request for a contact in your city or town:

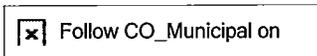
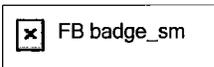
Also, we would like to have a list of individuals we can provide to media containing people who can talk about a specific way their community would be impacted if these measures passed. For example, would your community not be able to finance a major road project? How about replacing your sewage treatment plant? If you have an official in your city or town that can talk for one and a half minutes about a specific impact that these measures would have, please email me their contact information, what they can speak about, etc.

For additional information, please contact Sam Mamet at smamet@cml.org or Mark Radtke at mradtke@cml.org or call them at 303-831-6411.

Thanks,
Lisa



Lisa C. White
Marketing & Communications Specialist
Colorado Municipal League
(p) 303-831-6411 / 866-578-0936 · (f) 303-860-8175
lwhite@cml.org · www.cml.org



This e-mail may contain an advertisement or solicitation. To refuse future commercial e-mail solicitations from this sender, please respond accordingly to lwhite@cml.org.

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Visit www.cml.org Information > **Cities & Towns Make It Possible** for new ways to promote municipal services!

2010 FALL DISTRICT MEETINGS SCHEDULE

Date	Location	District	CML President JIM WHITE
SEPTEMBER			
Wed 9/15	Haxtun	1	
Thur 9/23	Craig	11	Jim White
Mon 9/27	Blanca	8	
Wed 9/29	Windsor	2	Jim White
Thur 9/30	Montrose	10	Jim White
OCTOBER			
Mon 10/4	Ignacio	9	Jim White
Wed 10/6	Central City	3	
Wed 10/13	Avon	12	Jim White
Thur 10/14	Canon City	13	Jim White
Mon 10/18	Walsenburg	7/14	Jim White
Wed 10/20	Holly	6	
Tue 10/19	Cheyenne Wells	5	Jim White
TENTATIVE			
Proposed date: Mon 10/25	Colorado Springs	4	

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 16 – SERIES 2010**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINTURN,
COLORADO CONCERNING THE PETITION FOR ANNEXATION OF THE
QUINTANA COUNTRY CLUB PARCEL**

WHEREAS, Pursuant to Section 31-12-107 (1) (a), C.R.S., a Petition for annexation to the Town of Minturn, Colorado of unincorporated land located in the County of Eagle, State of Colorado as more particularly described in the petition for annexation, a copy of which is attached hereto and incorporated herein by reference, has been submitted to the Town Clerk of the Town of Minturn and is referred therefrom to the Town Council of the Town of Minturn.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:**

Section 1. Findings. The Town Council of the Town of Minturn makes the following findings:

- a. The Petition for Annexation was filed with the Town Clerk of the Town of Minturn on August 20, 2010
- b. The Town Clerk of the Town of Minturn has referred to the Town Council the Petition for Annexation of a certain parcel of real property (herein referred to as the “subject property”, and as more specifically described in the Petition for Annexation, a copy of which is attached hereto and incorporated herein by reference;
- c. The Town Council referred the Petition for Annexation to staff for review, which has submitted a summary of review of the Petition for Annexation, recommending to the Town Council that the Petition is in substantial compliance with the requirements of Section 31-12-107 (1), C.R.S.;
- d. The Town Council specifically finds upon review of the Petition for Annexation, that the Petition is in substantial compliance with the requirements of Section 31-12-107 (1), C.R.S.;
- e. The Town Council finds and determines that a public hearing should be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility for annexation to the Town of Minturn under the terms of Sections 31-12-101, *et. seq.*, C.R.S.;
- f. The Town Council finds the requirements relating to a request for annexation under Minturn’s Three Mile Plan for Annexation have been fulfilled;
- g. The Town Council further finds and determines that passage of this Resolution initiates annexation proceedings in accordance with Sections 31-12-107 (1) and 31-12-108, C.R.S.; and

- h. The Town Council directs that no annexation impact report is required because the proposed annexation is less than ten (10) acres.

Section 2. Hearing. A hearing on the Petition for Annexation shall be held November 3, 2010 at 7:00 p.m. at the Minturn Town Center, 302 Pine Street, Minturn, Colorado, as the time, date, and place of a hearing by the Town Council to determine if the proposed annexation complies with C.R.S. Sec. 31-12-104 and 105 (such date in not less than thirty days nor more than sixty days after the effective date of resolution).

Section 3. Publication. The Town Council directs the Town Clerk to publish and give notice required under C.R.S. S section 31-12-108(2)

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 15th day of September, 2010.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Jim White
Email: manager@minturn.org



TOWN COUNCIL
Mayor - Gordon "Hawkeye" Flaherty
Mayor Pro Tem - George Brodin
Councilwoman - Shelley Bellm
Councilwoman - Earle Bidez
Councilman - Jerry Bumgarner
Councilman - Aggie Martinez
Councilman - Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: Discussion of Eagle River Watershed Council
MEETING DATE: September 15, 2010
PRESENTER: Jim White, Town Manager
BACKGROUND: Kirby Wynn and Melissa Macdonald will be present to discuss the role of the Eagle River watershed Council in our region. They will provide a brief power point presentation and be available to answer Town Council questions. The Town of Minturn is currently unaffiliated with this organization. Future participation as a member in this organization will be addressed.
<ul style="list-style-type: none">• CORE ISSUES:• The activities and functions of the Eagle River Watershed will be presented.
STAFF RECOMMENDATION/MOTION: Review and Discuss
<code>mydoc.townmgr.cover</code>

Summary of Kirby Wynn's water-quality coordinator position

ERWSD, UERWA, Eagle County, and the Eagle River Watershed Council (ERWC) have determined there is a collective need for a water-quality coordinator to provide Eagle River watershed stakeholders with technical water expertise and to engage them about existing data and what it means, data gaps, and watershed issues. The coordinator should also pull together diverse stakeholders to assure coordinated on-going monitoring and to recommend collaborations and actions that could be taken to preserve or enhance the integrity of the watershed.

Kirby Wynn fills this water-quality coordinator role as a consultant to Eagle River Watershed Council and with primary funding support from ERWSD, UERWA, Eagle County, Town of Vail, and Vail Resorts and additional funding from ERWC, Gypsum, Eagle, Aurora Water/Colorado Springs Utilities (Homestake Partners), and Denver Water. In 2011, the partnership should expand and the funding support per entity should be equalized.

Kirby brings to the position an extensive background of Eagle River watershed water and ecological resource assessments and stakeholder-engagement since 1995. Central to his ongoing role has been proactively engaging and collaborating with the many water stakeholders to understand and knit together the many different approaches to understanding and addressing water issues. He has designed or conducted numerous local studies on behalf of ERWSD, UERWA and others, including the *Gore Creek watershed assessment of water quantity, quality, and aquatic ecology*, *Fish-community assessment of Gore Creek*, *Macroinvertebrate and algal community assessment of the Eagle River watershed*, *Probability of contamination assessment of the Eagle River watershed valley-fill aquifer*, among others.

Position Highlights: Lead water-quality/quantity education and awareness efforts on behalf of stakeholders. Become a central and go-to resource for local water stakeholders by developing and maintaining a collaborative presence through informal discussions, participation in workshops, public-outreach sessions, council and board meetings, rule-making hearings, and other venues. Lead the local water stakeholder communication and coordination for ongoing water monitoring, assessment, and mitigation partnerships. Facilitate timely discussions to refine monitoring approaches and ensure the programs are adapted to meet changing stakeholder needs. Develop and present a water-quality monitoring 'report card' that describes what we have learned about conditions in the previous year. Review and synthesize monitoring data and studies into summaries useful for water and land managers, planners, boards/councils, and the community. Put monitoring program results to work by engaging stakeholders about recommended actions and collaboration opportunities that could serve to protect or improve water-quality.

Eagle River Watershed Monitoring and Assessment Partnership

2010 Firm funding for the Eagle River Monitoring and Assessment Program

\$20,000	Upper Eagle Regional Water Authority
\$20,000	Eagle River Water and Sanitation District
\$20,000	Eagle County
\$10,000	Eagle River Watershed Council
\$9,000	Vail Resorts Mgmt. Co.
\$13,000	Town of Vail
\$6,500	Homestake Partners (Aurora and Colorado Springs)
\$6,500	Colorado River Water Conservation District
\$6,500	Town of Gypsum
\$6,500	Town of Eagle
\$6,500	Denver Water
\$41,000	U.S. Geological Survey

2011 *Proposed* funding for the Eagle River Monitoring and Assessment Program

\$25,000	Upper Eagle Regional Water Authority
\$25,000	Eagle River Water and Sanitation District
\$20,000	Eagle County
\$10,000	Eagle River Watershed Council
\$9,000	Vail Resorts Mgmt. Co.
\$13,000	Town of Vail
\$13,000	Homestake Partners (Aurora and Colorado Springs)
\$9,000	Colorado River Water Conservation District
\$9,000	Town of Gypsum
\$9,000	Town of Eagle
\$9,000	Denver Water
\$41,000	U.S. Geological Survey

Proposed new partners the Watershed Council will approach

\$13,000	Town of Avon
\$9,000	Crave Real Estate
??	Town of Minturn

Eagle River Watershed Monitoring and Assessment Partnership

Over the years (since 1998) the Partnership's scope of work has included a wide array of water quality and stream ecology monitoring and assessment, stakeholder engagement, and watershed planning activities. The same is true for 2010 and 2011. In 2010, local partner contributions ranged from \$6,000 to \$20,000 and the U.S. Geological Survey provided \$41,000. In 2011 the proposed local partnership levels range from \$9,000 to \$25,000.

Briefly, in 2010 the partnership is supporting the following activities:

- Stream water-quality and macroinvertebrate monitoring at 10 sites throughout the watershed, including just above and below Minturn.
- Assessment of the most recent 2-years of monitoring results into an annual 'report card' that will describe what we are learning about stream conditions.
- Stakeholder engagement and educational outreach to the community on water-quality issues including technical assistance for: I-70 sediment loading to Black Gore and Gore Creeks, nutrient sources and effects, Eagle Mine, and other topics as requested by program partners.
- Co-authorship of the State of the Rivers report and Watershed Plan update.
- Development of a multi-year Monitoring and Assessment Plan to guide and prioritize the long-term activities.

During 2011 the partnership will support the above plus an expanded scope of work to include assessment of a broader collection of data from the many agencies with active monitoring programs; characterization of the key stressors that affect water-quality; and, building project partnerships to address identified water-quality problems. The Watershed Council understands the vested interest the Town of Minturn has in understanding and preserving water quality and stream ecology of the Eagle River and would appreciate the opportunity to meet with Town staff and the Town Council to discuss our program and invite Minturn to join our partnership that is defining and addressing water-quality issues of importance to all stakeholders.

Kirby Wynn, Water Program Director, Eagle River Watershed Council
kirby@kirbywynn.com
(970) 250-2200

Melissa MacDonald, Executive Director, Eagle River Watershed Council
macdonald@erwc.org
(970) 827-5406

Support your watershed...

BECOME A SPONSOR!

The 16th Annual
Eagle River Clean Up
Saturday, September 18, 2010

Join nearly 500 folks to clean the trash from nearly 70 miles of the Eagle River & Gore Creek! This is a great advertising opportunity as your logo will appear on posters, newspaper advertisements, and more.



*Eagle River
2010 Clean up*

For more information, please contact Elena at iones@erwc.org or 970.827.5406

Also consider our other

Sponsorship opportunities:
Community Pride Highway Cleanup
Eagle River WHY

Please visit our website
for more information:

erwc.org

Upcoming Events

August 14th, 6-late

The Evergreen Ball
(www.theevergreenball.org)
Park Hyatt Beaver Creek

August 28th, 10am-2pm

Ghost Towns and Mines
Sylvan Lake Visitor Center

September 18, 9am-2pm

Eagle River Clean Up (9am-12pm)
After-party at the Wolcott Yacht Club (12-2pm)

October 6, 6:30-8:30pm

Jonathon Waterman,
Author of *Running Dry: A Journey
From Source to Sea Down the
Colorado River*



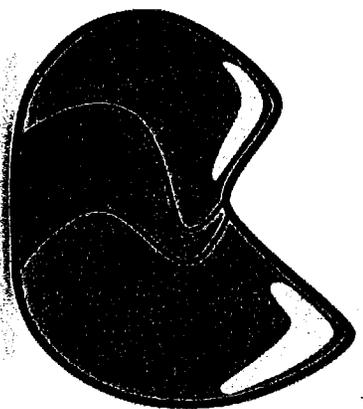
Eagle River
Watershed Council, Inc.

82 E. Beaver Creek Blvd

PO Box 7688

Avon, CO 81621

(970) 827-5406



Eagle River
Watershed Council, Inc.

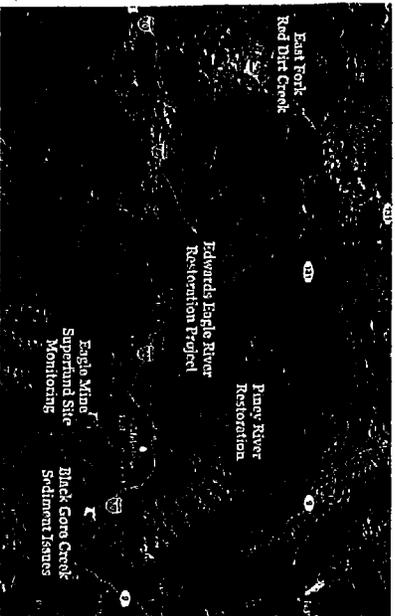
*Advocates for
our Rivers*

**Overview of
Projects &
Programs**

The Eagle River Watershed Council is presently working on 17 programs and projects throughout Eagle County to preserve, protect, restore and improve the health of the Eagle River watershed.

Our mission: Advocate for the health and conservation of the Upper Colorado and Eagle River basins through research, education, and projects and provide a forum where everyone can gain a greater understanding of the Eagle River environment.

Current Restoration Projects



1. Black Gore Creek Sediment Issues
2. Edwards Eagle River Restoration Project
3. Eagle Mine Superfund Site Clean Up Monitoring
4. Piney River Restoration Project
5. East Fork Red Dirt Creek Stream Bank Restoration

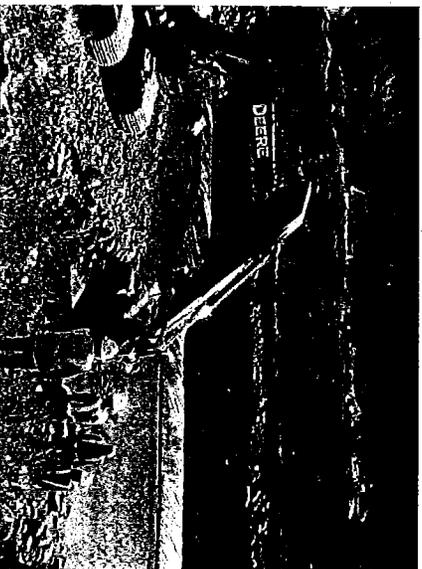
Black Gore Creek Sediment Issues

Traction sand migrating off of I-70 clogs the creek along west Vail Pass degrading habitat. CDOT cleaned sediment from the large in-stream catch basin in 2008, but broken culverts, erosion, & traction sand use continue to cause problems.



Edwards Eagle River Restoration Project

Urbanization & cattle grazing threatened the health of 1.6 miles of the Eagle River near Edwards. Restoration of this stretch of river includes a coordinated program of bank stabilization, instream improvements, & streamside revegetation to improve water quality & fish habitat. The ongoing project will also increase recreational & educational opportunities along the river.



Eagle Mine Superfund Site Water Quality & Fish Health Monitoring

The 235-acre Eagle Mine site was designated a Superfund Site in 1984 by the EPA. Heavy metals such as zinc, copper, & cadmium continue to be present in the river near Minturn. ERWC monitors the health of the river & its fish, working with River Watch to sample the water chemistry and with CDOW to weigh & measure fish.



Piney River Restoration Project

Overuse of the scenic Piney River area, especially "user-created" campsites & roads, degraded the riparian habitat near the river. We improved habitat by relocating campsites; reseeding & revegetating campsites, roads, & stream banks; and installing instream structures for fish habitat.



NEW!

East Fork Red Dirt Creek Project

This project is set to begin in September. To volunteer, please visit erwc.org or call 970-827-5406.

East Fork Red Dirt Creek is located north of Dotsero off of the Colorado River Road. Cattle grazing, historic logging, and unofficial campsites degraded fish & riparian habitat. We plan to reshape the stream bed, install cattle barriers, & revegetate banks to improve stream health and protect native Cutthroat trout populations.

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
manager@minturn.org



Town Council
Mayor – Gordon “Hawkeye” Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilwoman – Earle Bidez
Councilman – Jerry Bumgarner
Councilman – Aggie Martinez
Councilman – Matt Scherr

AGENDA ITEM COVER SHEET

AGENDA TITLE: North Main Street Waterline Project Contract Approval
MEETING DATE: September 15, 2010
PRESENTER: Jim White, Town Manager
BACKGROUND & ATTACHMENTS: Bid Descriptions Bids Submitted at Bid Opening/Dated September 3, 2010 Western Pipeway Bid Bid Bond Western Pipeway Contractor’s Qualification Statement/List of Suppliers Affidavit of Non-Collusion Resumes of Contractor and Project Manager
CORE ISSUES: <ul style="list-style-type: none">• Bids for the Minturn North Main Street Waterline project were received on September 3, 2010. The award was determined on the base bid resulting in Western Pipeway being the apparent low bidder. An interview was conducted on Monday September 6, 2010 with Harry Baum, President of Western Pipeway. Also present were Jim White, Minturn Town Manager; Siri Roman, Engineer, with Peakland Consultants; and Steve Humann, Engineer, with TST Engineering (by conference phone). A thorough review of unit prices and several specific items noted in the bid proposal ensued. Subsequently, staff is recommending approval of the bid submitted by Western Pipeway.
STAFF RECOMMENDATION/MOTION: Motion to approve the proposal from Western Pipeway to complete Phase 1 Construction of the Minturn North Main Street Waterline Project.
mydoc.townmgr.cover



BIDS SUBMITTED AT BID OPENING

PROJECT: Town of Minturn North Main Street Project - 8-Inch Waterline Replacement

BID OPENING DATE: Friday, September 3, 2010 at 2:00 PM

LOCATION: Town of Minturn Offices

Contractor	Bid Bond	Add. #1	Add. #2	Base Bid Amt.
Western Pipeway	yes	yes	yes	\$108,374.10
H&F	yes	yes	yes	\$111,149.38
Shoup Land Development	yes	yes	yes	\$197,707.41
Quintana Exc.	yes	no	no	\$141,033.00
Icon, Inc.	yes	yes	yes	\$143,419.55
Ewing Trucking	yes	yes	yes	\$175,184.00
Schofield Excavation, Inc.	yes	yes	yes	\$197,707.41

Contractor's Qualification Statement

—

Western Pipeway
P.O. Box 2098
0068 Continental Ct. Suite B9
Breckenridge, CO 80424
(970) 453-6176
(970) 453-6756 fax - this is a NEW fax number

The Undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

SUBMITTED TO: Town of Minturn
 302 Pine Street
 Minturn, CO 81645

NAME OF PROJECT: North Main Street Project
 8" Waterline Replacement

TYPE OF WORK:

 XX Water and/or Sewer installation _____ Snowmaking pipe installation

_____ General Construction _____ Main Saver Waterline Rehab.

1. ORGANIZATION

- 1.1 Western Pipeway (WPW) has been in business as a Contractor for 27 years. WPW previously operated under the name of Western SlopeUtilities, Inc. dba WSU, Inc.
- 1.2 The legal name of Western Pipeway is 7.30, Inc., as filed with the Secretary of State in Colorado on July 28, 2010.
- 1.3 The organization of the corporation is as follows:
 - 1.2.1 Date of Incorporation: March 2, 1983
 - 1.2.2 State of Incorporation: Colorado
 - 1.2.3 President: Harry L. Baum
 - Secretary: Terri Z. Johnson
 - Treasurer: Terri Z. Johnson

2. LICENSING

- 2.1 WPW is legally qualified to do business in the following jurisdictions:

States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Nevada, Oregon, Texas, Utah, Washington, and Wyoming.
- 2.2 License numbers, where applicable, are available upon specific request.
- 2.3 WPW is in compliance with the ISO 9001:2008 quality management certification applicable to In Situ Pipeline Rehabilitation.
- 2.4 WPW is certified as a Small Business Enterprise (SBE) through the City of Denver Mayor's Office of Contract Compliance.

3. EXPERIENCE

- 3.1 WPW normally performs work with its own forces in the following categories:
 - Sewer and water line installation and repair
 - Snowmaking air and water line installation
 - MainSaver waterline rehabilitation
 - General Construction

4.2 Bank Reference:

Colorado Business Bank
Darlene Evans
821 17th Street
Denver, CO 80202
(303) 383-1229

4.3 Bonding Company:

Willis/HRH Company
Ms. DiLynn Guern
720 S. Colorado Blvd, North Penthouse
Denver, CO 80246
(303) 765-1505

WPW has a bonding capacity of \$10,000,000 aggregate.

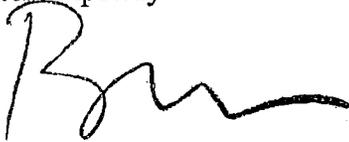
5. FINANCING

5.1 WPW operates as a closely held, private business and as such does not release financial information. The financial statements are audited each year by Baber & Associates, Inc. located in Denver Colorado. Our bonding capacity should evidence our ability to qualify (i.e. working capital), based upon the strict guidelines used in the bonding industry. WPW will release financial information upon specific request of Owner.

6. SIGNATURE

Dated this 8th day of Sept, 2010.

Western Pipeway



By: Harry Baum
President

Mr. Harry Baum, being duly sworn, deposes and says the information provided herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this 8th day of Sept 2010.



Notary Public

My Commission Expires: 12/20/11

Harry Baum
PO Box 586
Frisco, CO 80435
(970) 668-5610

EXPERIENCE

- March 1983 to present WESTERN SLOPE UTILITIES, INC. Breckenridge, CO 80424
President, General Manager, Owner
Manage and direct and supervise all activities associated with the ongoing concern of the company. Prepare bids and conduct negotiations for all conventional work. The company has completed municipal water and sewer projects, installed ski area snowmaking systems, and is a major player in the trenchless sewer rehabilitation business. Company has grown to \$10,000,000 in gross volume.
- January 1981 to March 1983 STAN MILLER, INC. Breckenridge, CO 80424
Pipe Division Manager
Responsible for daily administration, bidding, job supervision and equipment maintenance procedures. Gross volume of projects was \$1,500,000.
- 1979 to 1981 AMERICAN EXCAVATING Frisco, CO 80443
General Manager
Responsible for daily administration, bidding, job supervision and equipment maintenance procedures. Gross volume of projects was \$2,000,000.
- 1975 to 1978 SOCIEDADE BRASILERIA DE RECUPERACAO DE METAIS Rio de Janeiro, Brazil
Assistant to the Superintendent
Implement procedures for the maintenance of heavy equipment. Supervised daily activities to facilitate cleaning slag from the converter/oven areas, in various steel mills throughout Brazil.
- 1965 to 1975 Various pipeline labor, trail maintenance labor, heavy construction and excavating labor jobs.

EDUCATION

- 1964 to 1968 UNIVERSITY OF DENVER, Denver, CO
Bachelor of Arts.

PERSONAL

- Board Member, Frisco Fire Prevention District (1988 - 1992)
Chairman, Board of Directors, Frisco Fire Prevention District (1992 to present)
Frisco Fire Board Representative/Lake Dillon Fire Authority (1995 to present)

Terri Z. Johnson
PO Box 1181
Breckenridge, CO 80424
(970) 453-6220

EXPERIENCE

- January 1996 to present WESTERN SLOPE UTILITIES, INC. Breckenridge, CO 80424
Chief Financial Officer, Treasurer
Supervise, prepare and maintain accounting system and prepare financial statements. Perform all corporate treasury functions. Assist in human resource and legal matters as necessary.
- May 1993 to January 1996 RALSTON RESORTS, INC. Keystone, CO 80435
Assistant Controller
Administer corporate fixed asset system (\$200M). Supervise staff accountants. Coordinate and close monthly financial statements. Chair various committees to review processes and set policies.
- March 1990 to May 1993 VICTORIA U.S.A., INC. Breckenridge, CO 80424
Senior Accounting Manager
Implemented a total accounting system for a parent company plus six subsidiaries. Responsible for monthly consolidation reporting of the entire entity to include managing all inter company transactions and accounts, and foreign currency translation. Developed the variance and budget reporting system, as well as the consolidated statement of cash flows.
- Nov 1981 to March 1990 BRECKENRIDGE SKI CORPORATION Breckenridge, CO 80424
Accountant III
Supervise daily activity of AP and AR staff. Responsible for all payroll duties for approximately 800 employees to include tracking benefit eligibility. Administer corporate fixed asset system.

EDUCATION

- 1987 to 1991 UNIVERSITY OF COLORADO, DENVER Denver, CO
Bachelor of Science, Business Administration, cum laude, with an emphasis in accounting.

PERSONAL

Summit County Branch of the American Red Cross, volunteer (95 - current)
Breckenridge Festival of Film, Treasurer (91, 92, 95) President (93, 94)
Clinton Ditch & Reservoir Company, Treasurer (93, 94, 95, 98 - current)
Enjoy camping, skiing, running, swimming and volunteer work for various community events.

William Ninnemann
Box 10000, #238
Silverthorne, CO
80498
(970) 389-2057

Key Experience

- 15 years experience in construction of water, sewer and shallow bury utilities
- 15 years experience repair and operation of heavy equipment
- 8 years experience supervision of crews
- Experienced working with public and private entities

Summary of Experience

WESTERN SLOPE UTILITIES, INC.-Project Supervisor 1994 - Present

- Supervise crew in complete installation of water, sewer and shallow bury systems, projects to \$4,000,000
- Prepare bids for public and private bid openings
- Work in conjunction with local, state and federal agencies to ensure compliance with regulations
- Installation, testing & disinfection of 6" – 30" diameter water pipe
- Ensure all construction schedules are met
- Ensure quality control of product and installation
- Operate heavy equipment

FJ Kent Pipeline 1993-1994

- Operate heavy equipment
- Maintain Service Logs

Copper Mountain Ski Area 1992-2002

- Operate Snow Cat
- Groom ski trails

LICENSES

- Osha Trenching and Shoring Competent Person

JAMES KEIGLEY
Box 791
Silt, CO
81652
(970) 485-1301

Key Experience

- 15 years experience in construction of water, sewer and shallow bury utilities
- 15 years experience repair and operation of heavy equipment
- 3 years experience supervision of crews
- Experienced working with public and private entities

Summary of Experience

WESTERN SLOPE UTILITIES, INC.

1990 - Present

- Supervise crew in complete installation of water, sewer and shallow bury systems, projects to \$5,000,000
- Work in conjunction with local, state and federal agencies to ensure compliance with regulations
- Installation, testing & disinfection of 6" - 30" diameter water pipe
- Ensure all construction schedules are met
- Ensure quality control of product and installation
- Operate heavy equipment

B & B EXCAVATING

1989

- Operate heavy equipment
- Maintain Service Logs

TARCO

1988

- Operate heavy equipment
- Maintain service logs

LICENSES

- Osha Trenching and Shoring Competent Person

43

Jesus Lopez-Medina
2332 Meadow Circle
Rifle, CO 81650
(970) 390-0613

Key Experience

- 7 years experience in construction of water, sewer and shallow bury utilities
 - 7 years experience repair and operation of heavy equipment
 - 1 years experience supervision of crews
 - Experienced working with public and private entities
-

Summary of Experience

WESTERN SLOPE UTILITIES, INC.-Foreman

2004 - Present

- Supervise crew in complete installation of water, sewer and shallow bury systems, projects to \$3,000,000
 - Work in conjunction with local, state and federal agencies to ensure compliance with regulations
 - Installation, testing & disinfection of 6" – 30" diameter water pipe
 - Ensure all construction schedules are met
 - Ensure quality control of product and installation
 - Operate heavy equipment
-

Licenses and Specialty Training

- Osha Trenching and Shoring Competent Person
- Fluent in English and Spanish
- First Aid/CPR Certified
- Associates Degree-Colorado Mountain College

Exhibit A

YEAR	NAME OF PROJECT	CONTRACT AMOUNT	% COMP	SCHED COMP DATE	ENGINEER	OWNER
	Western Pipeway					
	Work in Progress Year Ending 12/31/2010					
	CIPP Projects in Bold					
2009	Westminster 2009 Wastewater Collection Imps	\$1,658,937.75	100%	3/31/2010	City of Westminster	City of Westminster, CO
2009-10	Bayard RUS System Imps./ Smith Co.	\$133,929.00	100%	3/31/2010	City of Bayard	City of Bayard, NM
2010	Manitou Spgs Sanitary Syst Repairs/Swerdfeger	\$283,464.00	100%	12/31/2010	Nolte Associates	City of Manitou Springs, CO
2010	N Washington 2009 Emergency Sewer Reline	\$151,289.50	100%	1/29/2010	McLaughlin Water Engineers	N Washington St Water & Sanitation Dist, CO
2010	Thornton 2010 Sanitary Sewer Imps - Part 3	\$1,292,849.24	100%	9/30/2010	Burns & McDonnell	City of Thornton, CO
2010	George Family Lot 2 Waterline re-alignment	\$380,000.00	95%	9/30/2010	SGM	George Family, Aspen, CO

YEAR	NAME OF PROJECT	AMOUNT OF CONTRACT	% with own forces	ENGINEER	OWNER

2006-08	Vail's Front Door Project/Hyder Construction	\$1,850,642.00	90%		Vail Resorts Development CO, CO
2007-08	Limelight Lodge/RA Nelson	\$973,215.00	90%		Limelight Redevelopment LLC
2007-08	ASCD 2007 Sewer System Imps	\$990,773.00	100%	68 West Engineering	Aspen Consolidated Sanitation District, CO
2007-08	McQueen Rd Sewer & Manhold Rehab	\$943,378.00	80%	Carollo Engineers	City of Chandler, AZ
2007-08	Metro Wastewater PAR 1023	\$1,127,239.00	100%	Marc Flatt, PE	Metro Wastewater Reclamation Dist, CO
2007-08	Yavapai Hills Sewer Rehab	\$1,048,732.00	100%	Project Engineering Consultants	City of Prescott, AZ
2007-08	Dancing Bear/Shaw Construction	\$144,982.00	90%		Dancing Bear Parkside/Chart House, CO
2008	Lincoln Park Crooked Ditch Rehab	\$731,000.00	100%	Stillwater Engineering	Lincoln Park Crooked Ditch CO, CO
2008	Hoffman Way/Greenwood Blvd/Niver Rd Rehab	\$463,267.00	90%		City of Thornton, CO
2008	UDOT US-6 White River CIPP/WW Clyde	\$174,432.00	100%	UDOT	Utah Dept of Transportation, UT
2008	Jemez Sewer Imps/Marcon Excavating	\$234,720.00	100%	Indian Health Service	Pueblo of Jemez, NM
2008	Big Piney Sewer Line Rehab	\$104,309.00	100%	Forsgren Associates, Inc.	Town of Big Piney, WY
2008	ACSD 2008 Sewer Imps	\$1,646,385.00	90%	68 West Engineering	Aspen Consolidated Sanitation District, CO
2008	Cottonwood Lane Storm Sewer	\$150,000.00	100%	Forsgren Associates, Inc.	City of Holladay, UT
2008	Willow Road Water Main Replacement	\$373,753.00	100%	Peak Civil Engineering	Eagle River Water & Sanitation Dist, CO
2008	Beaver Dam Road Water & Sewer Replacement	\$3,841,351.00	90%	Peak Civil Engineering	Eagle River Water & Sanitation Dist, CO
2008	City Wide Small Dia Sewer Rehab/TLC P&H	\$118,446.00	100%	Boyle Engineering Corp	City of Albuquerque, NM
2008	Stapleton Bros Ditch Headgate Imps	\$340,585.00	100%	Aspen Skiing Co	Aspen Skiing Company, CO
2008	N. Main Street Alley Sewer Rehab	\$180,993.00	100%	Tetra Tech	Frisco Sanitation Dist., CO
2008	Santa Barbara Facilities/ERS Const.	\$219,349.00	100%	Boyle Engineering Corp	Albuquerque Bernalillo Crty WUA, NM
2008	Garnet Ave. Sanitary Sewer Rehab	\$24,900.00	100%	Granby Sanitation Dist	Granby Sanitation Dist., CO
2008	2008 Sanitary Sewer Rehab/RKR	\$33,699.00	100%	Diamondback Engineering	Breckenridge Sanitation Dist., CO
2008	Thornton 2008 Sewer Rehab	\$487,944.00	100%	City of Thornton	City of Thornton, CO
2008	Chandler-Cooper/Pecos Rehab/Achen Gardner	\$911,160.00	75%	Carollo Engineering	City of Chandler, AZ

Western Pipeway					
Completed Contracts as of 12/31/09					
CIPP Projects in Bold					
Mainsaver Water Rehabilitation Projects					
YEAR	NAME OF PROJECT	AMOUNT OF CONTRACT	% with own forces	ENGINEER	OWNER
2008	Winter Park - B Line	\$33,147.00	100%	Winter Park Water & San Dist	Winter Park Water & Sanitation Dist, CO
2008	Craig Reservoir #2 Outfall	\$102,155.00	100%	Wright Water Engineers	Western Sky Investments
2008	Cherry Creek Shopping Center	\$28,000.00	100%		The Taubman Company, CO

2005-07	Albuquerque Small Diameter Rehab 2005	\$ 1,857,839.00	90%	Boyle Engineering Corp	City of Albuquerque, NM
2006-07	Albuquerque Goff Waterline - Mainsaver Pilot Proj.	\$474,059.00	100%	Boyle Engineering Corp	City of Albuquerque, NM
2006	Riverfront/B&B Excavation	\$1,489,106.00	80%		East West Partners, CO
2006-07	Carrillo Neighborhood Sewer Rehab Project	\$3,297,938.00	80%	Pima County Wastewater	Pima County Wastewater, AZ
2006	Aspen Schools Campus Site Imps/GE Johnson	\$385,088.00	90%	Tetra Tech	Aspen School District, CO
2006	Jenny Adair Regional Stormwater Quality Facility	\$988,918.00	95%	City of Aspen	City of Aspen, CO
2006	Spraddle Creek/Town of Vail	\$393,043.00	100%	Peak Land Consultants	Town of Vail/Eagle River Water & San Dist, CO
2007	Buckhorn Valley Phase 4	\$1,553,852.00	80%	Kunkle Associates	Buckhorn Valley Metro District, CO
2006-07	Aspen First Street Sewer Relocation	\$1,060,071.00	100%	68 West Engineering	Aspen Consolidated Sanitation District, CO
2007	Thornton Mainsaver Pilot Project	\$87,681.00	100%	Burns & McDonnell Engineering	City of Thornton, CO
2006	Fairplay Water Storage Facility Pipe Repair	\$62,621.00	100%	Town of Fairplay	Town of Fairplay, CO
2007	CDOT Utah State Line/United Companies	\$153,444.00	100%	CDOT	Colorado Department of Transportation, CO
2007	W. Meadow Drive Water Main Construction	\$1,345,112.00	80%	Eagle River Water & San Dist	Eagle River Water & Sanitation District, CO
2007	Weston Hotel (Riverfront-Avon)	\$103,102.00	100%		East West Partners, CO
2007	Cherokee Metro District	\$130,240.00	100%	Cherokee Metro Dist	Cherokee Metro Dist, CO
2007	Little'n-Englew'd WTP/W. Summit Constructors	\$300,000.00	100%	Brown & Caldwell	Littleton-Englewood Wastewater Treatment Dist, CO
2007	City of Evans 2007 Sanitary Sewer Rehab	\$269,049.00	100%	Dawn Anderson, PE	City of Evans, CO
2007	Syracuse Way Culvert Rehab	\$54,214.00	100%	Suzanne Moore, PE	City of Greenwood Village, CO
2007	UDOT I-70 Gooseberry to Spring Canyon Culvert	\$565,810.00	100%	UDOT	Utah Dept of Transportation, UT
2007	N. Washington 24" S Side Trunk Sewer Rehab	\$249,865.00	100%	McLaughlin Rincon, Ltd.	N. Washington Sanitation District, CO
2007	Manitou Springs-Palisade Circle Rehab	\$41,870.00	100%	Nolte Associates, Inc.	City of Manitou Springs, CO

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Western Pipeline		Completed Contracts as of 12/31/09		CIPP Projects in Bold		Mainsaver Water Rehabilitation Projects	
YEAR	NAME OF PROJECT	AMOUNT OF CONTRACT	% with own forces	ENGINEER	OWNER		
2007	Clifton 2007 Sewer Rehab	\$41,000.00	100%	Clifton Sanitation Dist	Clifton Sanitation Dist, CO		
2007	2007 Streetscapes-Willow Bridge Road/B&B	\$100,130.00	80%		Eagle River Water & Sanitation District, CO		
2007	Evergreen Metro Dist - 6" Mainsaver	\$38,408.00	100%	Evergreen Metro District	Evergreen Metropolitan District, CO		
2007	Chamonix Condos - 6" water service line	\$92,475.00	100%		Chamonix Condominiums, CO		
2007	The Gates @ BC Flow Mgmt/B&B Excavating	\$100,244.00	100%	Craig Robilliard, PE	The Gates @ Beaver Creek, CO		
2007	Manitou Emergency CIPP Rehab	\$32,870.00	100%	City of Manitou Springs	City of Manitou Springs, CO		
2007	Vail Road Water Main	\$767,846.96	90%	Peak Civil Engineering	Eagle River Water & Sanitation District, CO		
2007	Gobbo Reservoir #1 Outfall Pipe	\$76,380.00	100%	Water Resource Consultants	Gobbo Land & Livestock Co, CO		
2007	Alpine Drive Drainage	\$280,766.84	95%		Town of Vail, CO		
2007	Emergency Repair Rec Center Pool CIPP	\$35,742.00	100%	Burns & McDonnell Engineering	City of Thornton, CO		

2004-06	Vail Streetscape/B&B Excavating	\$ 2,409,761.00	80%	Peak Land Consultants	Town of Vail/Eagle River Water & San Dist, CO		
2005	Buckhorn Valley at Aspen Ridge	\$ 2,005,749.00	75%	Johnson Kunkle & Associates	Pacific Communities of Idaho, ID		
2005-06	Thornton 2005 Sanitary Sewer Imps	\$ 459,726.00	95%	City of Thornton	City of Thornton, CO		
2005-06	E. Meadow Drive Utilities, Phase 3	\$ 1,656,204.00	90%	Eagle River Water & San Dist.	Eagle River Water & Sanitation Dist, CO		
2006	Salt River Project Bethany Home Road	\$ 181,860.00	100%	Salt River Project	Salt River Project, AZ		
2006	ACSD 2005 Sewerline Replacement	\$ 541,541.00	100%	68 West Engineering	Aspen Consolidated Sanitation District, CO		
2005	Spraddle Creek Culvert/W/Weitz	\$ 1,082,446.00	100%	Weitz Company	Four Seasons Lodge of Vail, CO		
2006	Great Ridge 2005 Sanitary Sewer Imps	\$ 298,253.00	100%	Martin/Martin, Inc.	Wheat Ridge Sanitation, CO		
2006	Hallenbeck Rez #1 and #2 Outlet Works Rehab	\$ 228,519.00	100%	City of Grand Junction	City of Grand Junction, CO		
2006	Pima County Task Order #8 - incl pipe stripping	\$ 75,438.00	100%	City of Grand Junction	City of Grand Junction, CO		
2006	Pima County Task Order #9	\$ 1,511,146.00	80%	Pima County Wastewater	Pima County Wastewater, AZ		
2006	Pima County Task Order #10	\$ 840,812.00	100%	Pima County Wastewater	Pima County Wastewater, AZ		
2006	Pima County Task Order #10	\$ 447,307.00	100%	Pima County Wastewater	Pima County Wastewater, AZ		
2006	Columbine Water Treatment Plant/Stanek	\$ 125,920.00	100%	Burns & McDonnell Engineering	City of Thornton, CO		
2006	Logan School Sewer Lining/Diamond Cont	\$ 24,439.00	100%	City & County of Denver	City & County of Denver Wastewater, CO		

Western Pipeline		Completed Contracts as of 12/31/09		CIPP Projects in Bold		Mainsaver Water Rehabilitation Projects	
YEAR	NAME OF PROJECT	AMOUNT OF CONTRACT	% with own forces	ENGINEER	OWNER		
2006	Breckenridge Sanitation 06 Sewer Rehab	\$ 798,037.00	100%	Richard Arber Associates	Breckenridge Sanitation Dist, CO		
2006	Arizona Dept of Trans/Haydon Building Corp	\$ 182,286.00	100%	Arizona Department of Transp	Arizona Department of Transportation, AZ		
2006	2006 Sanitary Sewer Improvements	\$ 783,939.00	100%	Burns & McDonnell Engineering	City of Thornton, CO		
2006	S. Frontage Road Water Service/Highland Bidrs	\$ 42,149.00	100%		Highland Builders, CO		
2006	Midway 06 Sewer Rehab Project	\$ 88,445.00	100%	Horrocks Engineers	Midway Sanitation District, UT		
2006	Fairgrounds Interceptor Rehab Project	\$ 415,103.00	100%	Stantec Consulting	City of Loveland, CO		
2006	Winter Park North Bench Rehab	\$ 26,405.00	100%	Alpine Engineering	Intrawest/Winter Park Resort, CO		
2006	Vail Plaza Hotel Storm Sewer/Shaw Const.	\$ 242,335.00	100%	Zehren & Associates, Inc.	Daymer Corporation, CO		
2006	Big Piney WY Sanitary Sewer Rehab	\$ 27,012.00	100%		Town of Big Piney, WY		
2006	Arrabelle 12" Sewer CIPP	\$ 23,904.00	100%		Vail Resorts Development CO, CO		
2006	Orem UT 2006 Sewer Rehabilitation	\$ 85,903.00	100%	City of Orem, Kendall Adamson	City of Orem, UT		
2006	Southgate Emergency Repairs	\$ 22,033.00	100%		Southgate Water & Sanitation Dist, CO		
2006	Town of Lajara Sewer Rehab	\$ 120,007.20	100%		Town of Lajara, CO		
2006	Apollo Park CIPP	\$ 30,492.00	100%	ERWSD, Linn Schorr	Eagle River Water & Sanitation Dist, CO		
2006	Peak 8 Gondola Terminal Sewer Rehab	\$ 33,957.00	100%		Vail Resorts Development CO, CO		

2003	Senac Creek Force Main/AUI	\$ 189,017.00	100%	City of Aurora	Senac Creek Consortium/City of Aurora, CO		
2003-04	Pima County PCWMD #70194	\$ 1,260,843.00	100%	Pima County Design & Const Div.	Pima County, AZ		
2003	Hal Kroeger Utilities to Residential Structures	\$ 253,571.00	100%	Hal Kroeger	Hal Kroeger Snowmass, CO		
2004	Boulder 2003 Sanitary Sewer Rehab	\$ 420,080.00	100%	City of Boulder	City of Boulder, CO		
2004	Lionshead Skier Bridge Sanitary & Storm Sewers	\$ 71,062.00	100%	Edward Kraemer & Sons	Vail Resorts, CO		
2004	Buckhorn Valley PUD Phase 3	\$ 1,298,459.00	80%	Johnson Kunkle & Associates	Buckhorn Valley Metropolitan Dist, CO		
2004	Crestview 2004 Sewer Rehab Project	\$ 175,636.00	100%	Gary Hildebrandt	Crestview Water & Sanitation District, CO		
2004	Ft Carson USACE Contract DACA45-97	\$ 564,192.00	100%	US Army Corps of Engineers	US Army, CO		
2004	Wyoming Blvd Sewer Rehab/Sallis Brothers	\$ 322,768.00	100%	URS Corporation	City of Albuquerque, NM		
2004-05	East Meadow Drive Sewer Repairs/Weitz	\$ 1,699,717.00	100%	Peak Land Consultants	Eagle River Water & Sanitation Dist, CO		

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Western Pipeline		AMOUNT		OWNER	
YEAR	NAME OF PROJECT	OF CONTRACT	% with	ENGINEER	OWNER
2004	Albuquerque Small Diameter Rehab/RMCI	\$ 379,982.00	100%	Boyle Engineering Corp	City of Albuquerque, NM
2004	Warriors Mark Sanitary Sewer Rehab	\$ 70,166.00	100%	Alpine Engineering, Inc.	Breckenridge Sanitation Dist, CO
2004-05	Vail CCTV Lateral Survey	\$ 34,887.00	100%	Eagle River Water & San Dist.	Eagle River Water & Sanitation Dist, CO
2004-05	Shallow Bury Utilities-E. Meadow Drive	\$ 78,767.00	100%	Peak Land Consultants	Town of Vail/Eagle River Water & San Dist, CO
2004	One Willow Bridge Road/Weitz	\$ 141,569.00	100%	Peak Land Consultants	Town of Vail/Eagle River Water & San Dist, CO
2004	2004 Wastewater Collection Syst Imps	\$ 298,845.00	100%	City of Westminster	City of Westminster, CO
2005	Metro PAR 947 - Platte River Interceptor	\$ 279,835.00	100%	Metro Wastewater Reclamation Dist	Metro Wastewater Reclamation Dist, CO
2005	Sewer Line Reconstruction	\$ 141,340.00	100%	City of Alliance	City of Alliance, NE
2005	Ursula Street Sanitary Sewer MH Rehab/AUI	\$ 35,140.00	100%	City of Aurora	City of Aurora, CO
2005	Avon Railroad Sewer	\$ 576,575.00	100%	Schmueser, Gordon & Meyer	Eagle River Water & Sanitation Dist, CO
2005	Vail Road Watermain Replacement	\$ 622,838.00	100%	Peak Land Consultants	Eagle River Water & Sanitation Dist, CO
2005	Stapleton Sewer Shield MH Project/Twin Peaks	\$ 15,000.00	100%	MA Mortenson	Park Creek Metro District, CO
2005	Thornton 26" Sewer Emergency Rep/BT Const	\$ 164,430.00	100%	City of Thornton	City of Thornton, CO
2005	Branther Gulch Containment Manhole/Edge Cont	\$ 4,005.00	100%	Metro Wastewater Reclamation Dist	Metro Wastewater Reclamation Dist, CO
2005	Eubanks Drainage PH I/INM Underground	\$ 94,450.00	100%	URS Corporation	City of Albuquerque, NM
2005	I-70 S. Frontage Sewer Installation	\$ 1,414,256.00	100%	Eagle River Water & San Dist.	Eagle River Water & Sanitation Dist, CO
2005	Winter Park J-Line Sewer Rehab	\$ 125,000.00	100%	Dan Drohan	Winter Park Resort, CO
2005	Winter Park San Dist Rehab Project	\$ 43,838.00	100%	Winter Park San District	Winter Park Sanitation District, CO
2005	Crestview 2005 Sewer Rehab Project	\$ 221,465.00	100%	Gary Hildebrandt	Crestview Water & Sanitation District, CO
2005	Bancroft-Clover CIPP Sanitary Sewer Project	\$ 129,192.00	100%	Merrick & Company	Bancroft-Clover Sanitation Dist, CO
2005	Pima County Task Order #7	\$ 423,361.20	100%	Pima County Wastewater	Pima County Wastewater, AZ
2005	Evansville Interceptor Sewer Rehab, PH 2	\$ 372,509.00	100%	Michael Bell, PE	City of Casper, WY
2005	Cheyenne 2005 Sewer Lining Project	\$ 359,716.00	100%	Jeff Pacenka, BOPU	Board of Public Utilities, WY
2005	Eagleridge Blvd-CDOT/Kiewit Western	\$ 53,972.00	100%	Kiewit Western Co.	Colorado Department of Transportation, CO
2005	Vail Valley Jet Center/Vaughan Construction	\$ 285,249.00	100%	Benchmark Engineering Services	Vail Valley Jet Center, CO
2005	Metro Wastewater Plant Rehab/Stanek Const.	\$ 86,747.00	50%	Stanek Construction	Metro Wastewater Reclamation Dist, CO

BID DESCRIPTIONS

1) Mobilization and Demobilization: PER LUMP SUM

Mobilization includes the mobilization of personnel, equipment, and supplies at the project site in preparation for work on the project. This item includes establishment of offices, and other necessary facilities, and all other costs incurred or labor and operations which must be performed prior to beginning the work required for the completion of this item. This item shall also include costs for Contractor's quality control. Demobilization includes the removal of personnel, equipment, and supplies off the project site at completion of the work on the project. The Contractor shall work with the TOM to find staging in the right-of-way or the Contractor may acquire staging by other means. If additional staging area is needed, this item shall also include the costs associated with obtaining the additional staging area. This item also includes any costs associated with the maintenance, clean-up, restoration of the staging area, removal of offices, necessary facilities, and all other costs incurred or labor and operations which must be performed to restore and vacate the site. Payment shall be made at 70% on the first pay application and 30% after the demobilization and restoration is complete, measured per lump sum.

2) Traffic Control: PER LUMP SUM

This item shall be the complete cost to furnish and place cones, barrels, advance warning signs, certified flaggers, detour signs, fencing to protect construction areas, and barricades in accordance with the most current Manual of Uniform Traffic Control Devices (MUTCD). All traffic control shall be performed by certified flaggers. Construction and warning signs for any situation to be encountered must be available at all times. This item also includes the removal upon completion of traffic control devices as directed by the Town of Minturn. All roadway closures must be coordinated with the Town of Minturn Public Works Department, the Minturn Fire Department and all affected parties. This item also includes all necessary temporary pedestrian pathways and vehicle trench protection per TOM requirements. The contractor is required to prepare a construction schedule and detailed traffic control plan for submittal and approval by the Town of Minturn and the Minturn Fire Department prior to mobilization. Payment is based upon project % completion, measured per lump sum.

3) Erosion Control: PER LUMP SUM

This item includes the installation, continuous maintenance, and removal upon completion of silt fencing, straw bale dikes, silt sack inlets, stabilized construction entrances and other related items necessary to prevent erosion and/or contamination of the work site and adjacent properties. This item also includes providing and maintaining adequate dust control at all times during construction. Payment shall be made at 70% upon installation of erosion control measures and at 30% upon removal and final cleanup, measured per lump sum.

4) Construction Surveying: PER LUMP SUM

This line item is to include all construction surveying necessary to complete improvements based upon control points provided by the Owner. Payment is based upon project % completion, measured per lump sum.

5) Connection to Existing Water System: PER EACH

This item includes the verification of location and depth, excavation, bedding and backfill, cutting and removal of existing pipe, connection piping (all sizes), splicing, primer, wax tape, poly wrap, concrete

thrust blocks, removal and abandonment of existing piping, testing and disinfection. Payment is to be measured per each, complete and in place.

6) 8" C909 Polyvinyl Chloride Pipe (PVC): PER LINEAR FOOT

This item includes the installation of pipe at all depths including excavation, pipe laying, primer, wax tape, poly wrap, bedding, backfill, compaction, testing, disinfecting and all related appurtenances necessary for testing, disinfection, flushing, clean-up and all incidental work and materials. This item also includes all necessary lengths of 8" C909, fittings, bends, tees, reducers, concrete thrust blocks, restrained joints, and all related appurtenances. This item does not include hydrant tees (included in line item no. 12 and 13). Payment is to be measured per linear foot, complete and in place.

7) 8" Gate Valve (GV): PER EACH

This item includes the installation of the gate valve and box at all depths including excavation, primer, wax tape, poly wrap, bedding, backfill, compaction, clean-up and all incidental work and materials. All valve lids shall be adjusted to finished grade in accordance with the District and Town of Minturn requirements. Payment is to be measured per each, complete and in place.

8) Insulation: PER LINEAR FOOT

This item includes the installation of insulation over/around the water line when the minimum bury depth cannot be achieved or when the water line is within two feet of any drainage culvert. Also includes any additional excavation, bedding and all rigid styrofoam insulation board necessary. Payment is to be measured per linear foot, complete and in place.

9) Water Service Connection: PER EACH

This item includes the saddle on the mainline, corporation stop, all necessary lengths of Type K Copper, compression fittings, thrust block, tracer wire and all related appurtenances. All existing water services shall be field verified. This item includes the installation of service line at all depths including excavation, pipe laying, primer, wax tape, poly wrap, bedding, backfill, compaction, testing, disinfecting and all related appurtenances necessary for testing, disinfection, flushing, clean-up and all incidental work and materials. All work shall be completed in accordance with the ERWSD detail W-02. **No connection to an existing water service is to be completed without a representative of the Town of Minturn present.** Payment is to be measured per each, complete and in place.

10) Water Service Connection with New Curb Stop: PER EACH

This item includes the saddle on the mainline, corporation stop, all necessary lengths of Type K Copper, compression fittings, curb stop, thrust block, tracer wire and all related appurtenances. All existing water services shall be field verified. This item includes the installation of service line at all depths including excavation, pipe laying, primer, wax tape, poly wrap, insulation, bedding, backfill, compaction, testing, disinfecting and all related appurtenances necessary for testing, disinfection, flushing, clean-up and all incidental work and materials. All work shall be completed in accordance with the ERWSD detail W-02. **No connection to an existing water service is to be completed without a representative of the Town of Minturn present.** Payment is to be measured per each, complete and in place.

11) Combination Air Valve/Vac and Manhole: PER EACH

This item includes the installation of the combination air valve/vac and manhole including excavation, bedding, backfill, compaction, testing, disinfecting and all related appurtenances necessary for testing, disinfection, flushing, clean-up and all incidental work and materials. This item includes the concrete manhole, saddle, air release valve and all related appurtenances as shown in the ERWSD detail W-01. The manholes shall be insulated. This item also includes all necessary lengths of the 3" galvanized steel or DIP vent. The location of the vent is to be field located in coordination with the Owner. Payment is to be measured per each, complete and in place.

12) Remove Cribbing Wall and Regrade: PER LUMP SUM

This item includes the removal and disposal of the existing cribbing wall at approximate Station 5+40 and regrading the slope as shown on the plans. Payment is to be measured per lump sum, complete and in place.

13) Relocate, Rotate and Adjust Existing Fire Hydrant: PER EACH

This item includes the installation of the fire hydrant branch line, relocation, rotation and adjustment of the existing fire hydrant at all depths including excavation, pipe laying, primer, wax tape, poly wrap, bedding, backfill, compaction, flushing, clean-up and all incidental work and materials. This item also includes all necessary 6" C909, 6" guard valve, main-line 8"x 6" tee, bends, thrust block and all related appurtenances. All hydrants shall face the travelled way. All hydrants will be installed such that the breakable flange is 6" minimum to 12" maximum above the finished surface in accordance with the ERWSD detail W-07. Payment is to be measured per each, complete and in place.

14) Reconnect Existing Fire Hydrant: PER EACH

This item includes the installation of the fire hydrant branch line and reconnection of the existing fire hydrant at all depths including excavation, pipe laying, primer, wax tape, poly wrap, bedding, backfill, compaction, flushing, clean-up and all incidental work and materials. This item also includes all necessary 6" C909, 6" guard valve, main-line 8"x 6" tee, bends, thrust block and all related appurtenances. All hydrants will be installed such that the breakable flange is 6" minimum to 12" maximum above the finished surface in accordance with the ERWSD detail W-07. Payment is to be measured per each, complete and in place.

15) Inspect and Televis Sanitary Sewer Main from Manhole 0500 to Manhole 0520: PER LUMP SUM

This item includes all costs associated with the inspection and televising of the ERWSD sanitary sewer main at the proposed water main crossing located between manhole #0500 to manhole #0520. All inspection and televising shall be completed pursuant to ERWSD standards and specifications and under supervision of ERWSD personnel. The sewer main shall be inspected and televised prior to construction to determine the existing condition, internally and externally. Upon completion of the work shown on the plans, the sewer main shall be inspected and televised to ensure that the original condition is preserved. Payment is to be measured per lump sum, complete and in place.

16) Remove/Dispose or Abandon in Place Existing Water Mains, and Valve Boxes: PER LUMP SUM

Includes physically disconnecting existing water mains, abandoning existing water mains in place, placing caps on abandoned water mains, lowering valve boxes and the removal and offsite disposal

(including disposal fees) of valve boxes and related appurtenances. Water valves shall be abandoned pursuant to Detail D-02 on sheet C2.1 of the plans. Disconnections will occur only after permanent replacement water main and water services are installed, or contractor provided temporary water main and water services are in place and approved by the Owner. Payment is to be measured per lump sum, upon complete removal of all items.

17) Flowfill as Backfill: PER CUBIC YARD

All locations shall be approved by the Owner. This item includes the installation of flowfill at the storm sewer crossings when conventional compaction methods cannot be achieved. All work and materials shall be in accordance with Town of Minturn requirements. Weight tickets for all loads shall be provided to the Owner. Payment shall be measured per cubic yard, complete and in place.

18) Construction Dewatering: PER DAY

This item includes dewatering by continuous pumping when the use of pumps greater than 2" is required. Removal of water by bucketing, sump or trench diversion, intermittent pumping with a 2" pump is considered incidental and is included in the work. Payment shall be measured per day, complete and in place.

19) ALTERNATE Mountain Fire Hydrant Assembly: PER EACH

This item includes the installation of the mountain fire hydrant at all depths including excavation, pipe laying, primer, wax tape, poly wrap, bedding, backfill, compaction, flushing, clean-up and all incidental work and materials. This item also includes all necessary 6" DIP, 6" guard valve, main-line 6" tee, bends, thrust block, mountain fire hydrant assembly and all related appurtenances. All hydrants will be installed such that the breakable flange is 6" minimum to 12" maximum above the finished surface in accordance with the ERWSD detail W-07. Payment is to be measured per each, complete and in place.

20) ALTERNATE Flowfill Abandoned Water Main: PER LUMP SUM

Includes all costs associated with installing flowfill inside all abandoned water mains. This item includes location of existing mains, excavation, cutting, draining, backfilling, pumping flowfill, restoration, clean-up and all incidental work and materials required for proper execution of the work. Payment is to be measured per lump sum, upon complete removal of all items.

21) ALTERNATE Offsite Hauling and Disposal of Unsuitable or Excess Material from the Trench: PER CUBIC YARD

This item shall include the removal, haul-off and disposal of unsuitable or excess materials excavated from the trench. Unsuitable materials include material that is found to be too soft or unstable or includes ashes, cinders, refuse or organic material, concrete and rock greater than 18" in diameter. Weight tickets for all loads shall be provided to the Owner. Payment shall be measured per cubic yard, complete and in place.

22) ALTERNATE Suitable Backfill Material Import: PER CUBIC YARD

Suitable backfill material is to be imported in the event that there is not excess material onsite. This item shall include import, placement and compaction of backfill pursuant to the Town of Minturn

requirements. Weight tickets for all loads shall be provided to the Owner. Payment shall be measured per cubic yard, complete and in place.

23) ALTERNATE Class 6 Roadbase; PER TON

This item includes preparing subgrade, and furnishing, placing, grading, and compacting the aggregate base course layer for the asphalt and concrete sections pursuant to the plans. All work shall be completed pursuant to the Town of Minutun requirements. Weight tickets for all loads shall be provided to the Owner. Payment shall be measured per ton, complete and in place.

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

*Town of Minturn
Attn: Jim White, Town Manager
302 Pine Street/PO Box 309
Minturn, CO 81645*

2.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

3.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

4.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged.

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>8-24-10</u>
<u>2</u>	<u>9-01-10</u>
_____	_____

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in SC-4.02, and (2) reports and drawings of Hazardous Environmental Conditions that have been identified in SC-4.06.
- E. Bidder has obtained and carefully studied (or accepts the consequences for not doing so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.

- F. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- K. Bidder will submit written evidence of its authority to do business in the state where the Project is located not later than the date of its execution of the Agreement.

ARTICLE 4 – FURTHER REPRESENTATIONS

5.01 Bidder further represents that:

- A. this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

ARTICLE 5 – BASIS OF BID

6.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

SEE EXHIBIT A and B

TOTAL BASE BID One Hundred Eight Thousand Three Hundred Seventy Four (\$108,374),
 (Words) Hundred Seventy Four

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 14.07.B of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of Bid Bond
 - B. List of Proposed Subcontractors
 - C. List of Proposed Suppliers
 - D. Affidavit of Non-Collusion

ARTICLE 8 – DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

9.01 This Bid submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____ (SEAL)
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: 730 Inc. DBA Western Pipeline (SEAL)

State of Incorporation: Colorado

Type (General Business, Professional, Service, Limited Liability): Gen Bus

By: _____
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Harry BAUM

Title: President (CORPORATE SEAL)

Attest: A. Johnson

Date of Authorization to do business in Colorado is 03/2/1983

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address _____

Phone No. _____ Fax No. _____

SUBMITTED on _____, 20__.

State Contractor License No. _____ (If applicable)

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**"EXHIBIT A"
BID FORM**

ITEM NO.	DESCRIPTION OF ITEM / UNIT COST IN WORDS	UNIT	APPROX. QUANTITY	UNIT COST	TOTAL COST
<u>BASE BID ITEMS</u>					
1	Mobilization and Demobilization <u>Six Thousand Four Hundred Forty Nine</u> per lump sum (unit cost in words)	dollars LS	1	\$ <u>6,449</u> numerals	\$ <u>6,449</u> numerals
2	Traffic Control <u>Three Hundred Seventy Five</u> per lump sum (unit cost in words)	dollars LS	1	\$ <u>375</u> numerals	\$ <u>375</u> numerals
3	Construction Surveying <u>One Thousand Six Hundred Twenty</u> per lump sum (unit cost in words)	dollars LS	1	\$ <u>1,620</u> numerals	\$ <u>1,620</u> numerals
4	Connect to Existing Water System <u>One Thousand Nine Hundred Ninety Nine & 50/100</u> per each (unit cost in words)	dollars EA	2	\$ <u>1,999⁵⁰</u> numerals	\$ <u>3,999</u> numerals
5	8" C909 Polyvinyl Chloride Pipe (PVCO) <u>Twenty</u> <u>52/100</u> per linear foot (unit cost in words)	dollars LF	1,153	\$ <u>40⁵²</u> numerals	\$ <u>46,719⁵⁶</u> numerals
6	8" Gate Valve (GV) <u>One Thousand Eighty Two</u> <u>50/100</u> per each (unit cost in words)	dollars EA	3	\$ <u>1,082⁵⁰</u> numerals	\$ <u>3,247⁵⁰</u> numerals
7	Insulation <u>Twelve &</u> <u>70/100</u> per linear foot (unit cost in words)	dollars LF	157	\$ <u>12⁷⁸</u> numerals	\$ <u>2,006⁴⁶</u> numerals

ITEM NO.	DESCRIPTION OF ITEM / UNIT COST IN WORDS	UNIT	APPROX. QUANTITY	UNIT COST	TOTAL COST
8	Water Service Connection <u>One Thousand Three Hundred Nine 30/100</u> per each (unit cost in words)	dollars EA	2	\$ <u>1,309³⁰</u> numerals	\$ <u>2,618⁵⁰</u> numerals
9	Combination Air Valve/Vac and Manhole <u>Six Thousand One Hundred Fifty + 07/1100</u> per each (unit cost in words)	dollars EA	1	\$ <u>6,150⁰⁷</u> numerals	\$ <u>6,150⁰⁷</u> numerals
10	Remove Cribbing Wall and Regrade <u>One Thousand Eight Hundred Seventy</u> per lump sum (unit cost in words)	dollars LS	1	\$ <u>1,870</u> numerals	\$ <u>1,870</u> numerals
11	Relocate, Rotate and Adjust Existing Fire Hydrant <u>Three Thousand Nine Hundred Seventy Eight</u> per each (unit cost in words)	dollars EA	2	\$ <u>3,978</u> numerals	\$ <u>7,956</u> numerals
12	Reconnect Existing Fire Hydrant <u>Five Thousand Two Hundred Forty One</u> per each (unit cost in words)	dollars EA	1	\$ _____ numerals	\$ <u>5,241</u> numerals
13	Inspect and Televis Sanitary Sewer Main from Manhole 0500 to Manhole 0520 <u>One Thousand One Hundred</u> per lump sum (unit cost in words)	dollars LS	1	\$ _____ numerals	\$ <u>1,100</u> numerals
14	Remove/Dispose or Abandon in Place Existing Water Mains, and Valve Boxes <u>One Thousand Eight Hundred Seventy Seven 37/1100</u> per lump sum (unit cost in words)	dollars LS	1	\$ _____ numerals	\$ <u>1,877³⁷</u> numerals
15	Class 6 Roadbase <u>ETW</u> per ton (unit cost in words)	dollars TON	535	\$ <u>11</u> numerals	\$ <u>5,885</u> numerals

ITEM NO.	DESCRIPTION OF ITEM / UNIT COST IN WORDS	UNIT	APPROX. QUANTITY	UNIT COST	TOTAL COST
16	Haul-off Excess Material <u>Fan</u> + <u>38/100</u>	dollars	783	\$ <u>14³⁸</u>	\$ <u>11,259</u> ⁵⁴
	per ton (unit cost in words)	TON		numerals	numerals
TOTAL BASE BID					
<u>One Hundred Eight Thousand Three Hundred</u>				\$ <u>108,374</u>	numerals
(total cost in words)					

Seventy Four

BID ALTERNATE ITEMS

ALT 1	Flowfill as Backfill <u>One Hundred Thirty Two</u>	dollars	5	\$ <u>132</u>	\$ <u>660</u>
	per cubic yard (unit cost in words)	CY		numerals	numerals
ALT 2	Construction Dewatering <u>Two Thousand One</u> <u>Hundred</u>	dollars	5	\$ <u>2,100</u>	\$ <u>10,500</u>
	per day (unit cost in words)	DAY		numerals	numerals
ALT 3	Mountain Fire Hydrant Assembly <u>Six Thousand Six Hundred</u> <u>Eleven</u>	dollars	3	\$ <u>6,600</u>	\$ <u>19,833</u>
	per each (unit cost in words)	EA		numerals	numerals
ALT 4	Flowfill Abandoned 8" Water Main <u>Seven</u> + <u>37/100</u>	dollars	1,150	\$ <u>7³⁷</u>	\$ <u>8,470</u>
	per linear foot (unit cost in words)	LF		numerals	numerals
ALT 5	Suitable Backfill Material Import <u>Seventeen</u> <u>+ 86/100</u>	dollars	1,000	\$ <u>17⁸⁶</u>	\$ <u>17,860</u>
	per cubic yard (unit cost in words)	CY		numerals	numerals
TOTAL BID ALTERNATE					
<u>Fifty Seven Thousand Three</u>				\$ <u>57,323</u>	numerals
(total cost in words)					

Hundred Twenty Three

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

7.30, Inc. dba Western Pipeway
P.O. Box 2098
Breckenridge, CO 80424

SURETY (Name and Address of Principal Place of Business):

Liberty Mutual Insurance Company
175 Berkeley Street
Boston, MA 02116

OWNER (Name and Address):

Town of Minturn
302 Pine Street
Minturn, CO 81645

BID:

Bid Due Date: September 3, 2010
Project (Brief Description Including Location):
North Main Street Project - 8-Inch Waterline Replacement - Installation of approximately 1150 linear feet of PVC C-909 Waterline

BOND:

Bond Number : Bid Bond
Date: (Not Later than Bid Due Date): September 3, 2010
Penal Sum: Five Percent of Amount Bid \$ 5%
(Words) (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER:

7.30, Inc. dba Western Pipeway (Seal)
Bidder's Name and Corporate Seal

By:

Signature

Print Name

Title

Attest:

Signature

Title

SURETY:

Liberty Mutual Insurance Company (Seal)
Surety's Name and Corporate Seal

By:

Signature (Attach Power of Attorney)

DiLynn Guert
Print Name

Attorney-in-Fact
Title

Attest:

Signature

Melissa Nesavich
Melissa Nesavich, Witness
Title



Note: Above addresses are to be used for giving any required notice. Provide execution by any additional parties, such as joint venturers, if necessary.

Bid Bond - 1
Project #

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint, DiLynn Guern its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any location within the United States, the following surety bond:

Principal Name: 7.30, Inc. dba Western Pipeway

Obligee Name: Town of Minturn

LMS Surety Bond Number: Bid Bond

Bond Amount: See Bond Form

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 28th day of MARCH, 2009.

LIBERTY MUTUAL INSURANCE COMPANY



Garnet W. Elliott

By _____
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 28th day of MARCH, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013

By *Teresa Pastella*
Teresa Pastella, Notary Public

CERTIFICATE

Member, Pennsylvania Association of Notaries

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 3rd day of September, 2010.



By *David M. Carey*
David M. Carey, Assistant Secretary

WESTERN PIPEWAY

CONVENTIONAL PIPELINE INSTALLATION
MAINSAYER WATERPIPE REHABILITATION

North Main Street Project
8-Inch Waterline Replacement
Minturn, Colorado

List of Proposed Subcontractors:

At this time there are no proposed subcontractors

List of Proposed Suppliers:

Aggregate & Concrete – LaFarge Industries
Pipe and Fittings- HD Hughes Supply

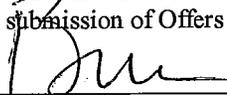
AFFIDAVIT OF NON-COLLUSION

I state that I am President (title) of 7.30 Inc. DBA Western Pipeway (name of firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this Offer.

I state that:

- (1) The price(s) and amount of this Offer have been arrived at independently and without consultation, communication or agreement with any other Proposer or potential Proposer.
- (2) That neither the price(s) nor the amount of this Offer, and neither the approximate price(s) nor approximate amount of this Offer, have been disclosed to any other firm or person who is a Proposer or potential Proposer, and they will not be disclosed before Solicitation opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit an Offer higher than this Offer, or to submit any intentionally high or noncompetitive Offer or other form of complementary Offer.
- (4) The Offer of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive Offer.
- (5) 7.30 Inc. DBA Western Pipeway (name of firm), its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted of or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as described in the attached appendix.

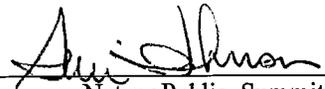
I state that 7.30 Inc. DBA Western Pipeway (name of firm) understands and acknowledges that the above representations are material and important, and will be relied on by the Town of Minturn CO in awarding the contract(s) for which this Offer is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the Town of Minturn CO of the true facts relating to the submission of Offers for this contract.



(Authorized Signature)

President 7.30 Inc. DBA Western Pipeway

Sworn to and subscribed before me this 2nd day of September, 2010.



Notary Public Summit County Colorado

My Commission Expires: 12/20/11



TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-5545
treasurer@minturn.org

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

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Thursday, September 09, 2010
RE: Executive Session

At tonight's meeting the Council will need to convene in Executive Session to discuss recent developments in the Battle Mountain Resorts annexation including water rights. The following motion is recommended:

"Recommended motion: "I move to convene in Executive session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues and Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager's annual review."

The Mayor will announce for the record if any decision is to be made as a result of the Executive Session once the Regular Session meeting reconvenes.

Please contact me in the event you have any questions.

Thank You, Jay