

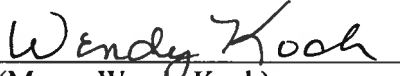
Board of Trustees Work Session Agenda

December 5, 2023 ~ 6:30 pm

Remote Meeting using the Zoom Platform Meeting ID: 885 3376 0056 Passcode: 696132
<https://us02web.zoom.us/j/88533760056?pwd=ak5MOFlvTWtTeU94NmR4ZEsyYkJpdz09>

The Public can observe, but cannot participate or comment at the Work Session, there are no action items voted on at a Work Session.

1. **Call Meeting to Order**
2. **Roll Call** – The Empire Board of Trustees requires a simple majority of four trustees present at the meeting for a quorum.
3. **Approval of Agenda**
4. **Discuss:**
 - a. **Letter of Agreement for JVA** - This scope of work was already approved in an RFP in 2022 and subsequent Water Distribution System Grant awarded in 2023. We are required to keep CDPHE updated on action items that relate to our Sanitary Survey on December 5, 2022. This agreement letter lists the cost for design work from JVA and work that will be subcontracted to begin the project, which is required for updating CDPHE and to submit to HUD for our Water Distribution System Grant.
 - b. **CDPHE & WSP Technical Assistance for Lead and Copper Rule - No Cost Program** from CDPHE to assist small Towns in the required lead service line inventory and replacement plan. We filled out a Service Agreement, and they will call us to find out our specific needs. The deadline to complete the inventory is October 16, 2024.
5. **Discuss to give direction to the Staff:**
 - a. **Business Plan for Hard Rock Café: Proposal by Michal Fagrelus**
 - b. **Updated Logo**
 - c. **Administrative Ordinance Package**
6. **Discuss Changes to the 2024 Town of Empire Proposed Budget:**
 - a. Evaluate Changes to Proposed Budget
 - b. Updated Budget Workbook with 3-year comparison
7. **Board of Trustees Training Program**
8. **New Business from Board of Trustee Members**
9. **The Next Board of Trustees Workshop is January 2nd, 2024, at 6:30 pm.**
10. **The Next Board of Trustees Regular Meeting is Tuesday, December 12th, 2023, at 6:30 pm. In-person with remote access.**
11. **Adjourn Meeting**



(Mayor Wendy Koch)



(Town Clerk Jeannette Piel)

Town of Empire
30 East Park Avenue/P.O. Box 100 Empire, Co 80438
303.569.2978 - 303.569.2282 fax

Board of Trustees Work Session Minutes
December 5, 2023 ~ 6:30 pm

The Public can observe, but cannot participate or comment at the Work Session, there are no action items voted on at a Work Session.

1. Call Meeting to Order - Mayor Wendy Koch called the meeting to order at 6:38 PM. The meeting was held in person and through Zoom.

2. Roll Call – The Empire Board of Trustees requires a simple majority of four trustees present at the meeting for a quorum.

Present: Mayor Wendy Koch, Mayor Pro-Tem Linda Robertson, Trustee Denise Tennant, Trustee Jacob Belcher, and Trustee Randy Horning. Trustee Lorry Singmaster attended virtually via Zoom. Also in attendance was Town Clerk Jeannette Piel.

A quorum was present at the meeting.

3. Approval of Agenda

TRUSTEE TENNANT MOTIONED TO APPROVE THE AGENDA FOR DECEMBER 5, 2023, TRUSTEE HORNING SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Agenda was approved.

4. Discuss:

a. Letter of Agreement for JVA - This scope of work was already approved in an RFP in 2022 and subsequent Water Distribution System Grant awarded in 2023. We are required to keep CDPHE updated on action items that relate to our Sanitary Survey on December 5, 2022. This agreement letter lists the cost for design work from JVA and work that will be subcontracted to begin the project, which is required for updating CDPHE and to submit to HUD for our Water Distribution System Grant.

b. CDPHE & WSP Technical Assistance for Lead and Copper Rule - No Cost Program from CDPHE to assist small Towns in the required lead service line inventory and replacement plan. We filled out a Service Agreement, and they will call us to find out our specific needs. The deadline to complete the inventory is October 16, 2024.

5. Discuss to give direction to the Staff:

a. Business Plan for Hard Rock Café: Proposal by Michal Fagrelus

The following presentation was given to the Planning Commission last week and Mayor Koch read it into the record:

Presentation of Business Plan for Hard Rock Café: Proposal by Michal Fagrelus

Michal and her husband have submitted a business plan for a wholesale bakery and bar. She and her husband have lived in Empire for 5 years. She has 20 years of involvement in the restaurant industry,

including tourism. Her training is in baked goods and bread, so she will be bringing in her restaurant experience and is interested in providing a community space, with a bar eventually as she seeks her liquor license.

The plan is rudimentary but she intends to build upon this, and she has a great desire to make the business succeed in the long-term. She has found support from friends, family and would like to bring a business the people in Empire feel welcome to come to, as well as providing a marketplace for County artists and creators in the big space in the future to show off our local talent to the tourists passing through.

She has plans for carry-out travel meals, like a breakfast box to purchase at night for the next morning, to encourage tourists to stop in Empire as they travel through. In addition to lunch and the bar in the evening, she would like to provide weekend breakfasts. The original plan is to start small in the slow season and build it by heavy tourism season. She recognizes the other local cafe, The Edge, provides coffee shop and menu items, and her model is more of a sit-down breakfast, without pre-made food but instead offering quality items made from kitchen to table.

The menu will be simple, but seasonal and rotating. She wants to use what she has in the kitchen, so a nacho plate of the week idea will encourage using all resources. She is putting together financial statements now, and is seeing projections that the business can be profitable. The first year profits will be put back into the business with marketing and staff. She will be hiring 2 staff members (bartender and line cook) at 30 hours a week at \$20/hour. She would like to support our community and build a business she is proud of.

Discussion ensued about her reputation as a baker in town, early morning ski and miner traffic through town is a missing piece and will be looking into ways to help with meal items. Will start being open 2 full days and 4 half days, with the goal of 5 full days and 2 half days by spring break. She and her husband will be the major owner/operators to begin with, along with the 2 part-time employees. She wants to help Empire become a destination for others in the County. She may source local small breweries for a changing and rotating tap, but will also be desiring cost effectiveness by offering a cheap lager on tap. Final note: she can provide quality over quantity in the town's unique space.

The Board directed Town Staff to begin the process of creating an ordinance to negotiate the lease agreement.

b. Updated Logo – Item tabled until January meeting.

c. Administrative Ordinance Package

The following items were discussed to provide guidance to town staff and attorneys in creating ordinances and resolutions:

- Town Administrator – Discussion about the level of specificity in the job description/ordinance to create a Town Administrator included:
 - Consensus of the Board is to provide more structure up front, and it was suggested the ordinance could be amended if needed.
 - Including specific duties provides more transparency and accountability and clearly defines the roles of the Board of Trustees and the Town Administrator. To that end, other job description items were discussed and the Board provided direction for their inclusion in the Ordinance, including:
 - The Board prefers that the candidate live in Clear Creek County, or at least within a 30 mile radius from Empire.

- Salary ranges are being established to set the 2024 budget, and may be included in future personnel policies.
 - Financial Health – Monthly bills will be posted on the town website with the Board of Trustees meeting packets; quarterly totals will also be posted to help with the year-end budget process; and a new budget ‘workbook’ compilation will be created at the direction of the Town Administrator.
 - Goals are to have staff provide information on town programs and projects so the Board can provide proper oversight; and consult with Town Attorney to include more specific language on overseeing financial policies and addressing Open Meeting Law requirements.
- Term Lengths for Board of Trustees: would be an ordinance that must be passed 180 days before elections. Can have 2-year terms now, and the next terms would be 4-year. The consensus of the Board was to begin working on 4-year terms, holding elections only every 4 years.
 - Term Limits for BOT: will wait on eliminating term limits discussion, and since the 2024 election creates 2-year terms, could stagger terms after that if researched more. The consensus of the Board was to avoid staggering terms, and hold on to this until term limits are resolved. This requires a resolution and a ballot initiative and will need to be explained to the public clearly. Staff will investigate if this can be done in January (for February) to prepare for the April election.
 - The rest could be in policy or a ‘code of conduct’ (and then in a resolution:)
 - Attendance: number or PERCENTAGE of excused/unexcused absences for volunteer boards OR make it vague and performance is affected OR After 5 missed meetings a conversation is triggered.
 - Consensus of the Board is to require attending 70% of meetings (ex. If 23 meetings per year are required, a Trustee can miss 7 and are still in good standing) and if a 30% threshold of missed meetings occurs, that triggers the conversation (not immediately removed.)
 - Spouses. Or Domestic Partners. Consensus of the Board is to preclude spouses from serving on the same governing body unless a vacant seat cannot be filled.

6. Discuss Changes to the 2024 Town of Empire Proposed Budget:

a. Evaluate Changes to Proposed Budget

Clerk Piel reviewed contingency funds and some recent tax issues where vendors outside of town limits have been charged state sales tax to the Town of Empire. Town staff are communicating with state officials to resolve this and prevent future incidents.

Clerk Piel feels that even with surprises, the numbers are healthy. As the year wraps up and final numbers are set, it looks as if every estimate in each fund has come in under what was budgeted. Operational numbers going forward are still sustainable without dipping into reserves.

b. Updated Budget Workbook with 3-year comparison

Clerk Piel explained recent changes and she will update and submit the workbook to Trustees later this week. The Board indicated informally they felt comfortable with the overall numbers and were instructed to email her with any questions over the next week to prepare for the public hearing and vote on December 12, 2023.

7. Board of Trustees Training Program

The Board will hold a January 2, 2024 training workshop. Election packets may be ready by then.

8. New Business from Board of Trustee Members

No new business.

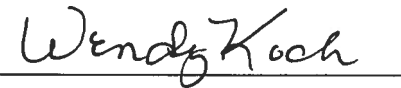
9. The Next Board of Trustees Workshop is January 2nd, 2024, at 6:30 pm.

10. The Next Board of Trustees Regular Meeting is Tuesday, December 12th, 2023, at 6:30 pm. In person with remote access.

11. Adjourn Meeting

TRUSTEE HORNING MOTIONED TO ADJOURN, TRUSTEE BELCHER SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The meeting was adjourned at 9:26 PM.



(Mayor Wendy Koch)



(Town Clerk Jeannette Piel)



JVA, Incorporated
 1319 Spruce Street
 Boulder, CO 80302
 303.444.1951
 Info@jvajva.com

October 30, 2023

www.jvajva.com

Ms. Wendy Koch, Mayor
 Town of Empire
 P.O. Box 100 – 311 E. Park Ave
 Empire, CO 80438

Reference: Town of Empire – 2024 Water Line Replacement Project
 Letter Agreement for Engineering Services
 JVA Job No. 1085.5e

Dear Wendy:

JVA, Inc. (JVA) is pleased to present this letter agreement to the Town of Empire (Town) for the design of the 2024 Water Line Replacement Project. A sanitary survey of the Town of Empire water system was conducted on December 5, 2022. The Colorado Department of Public Health and Environment (CDPHE) documented findings including significant deficiencies requiring a written response. Ramey Environmental and JVA have responded to all deficiencies except for Part c and Part d listed below.

Event	Description	Due Date
Part a: Completed Map Book	Collected field and historical distribution data documented and presented in GIS and a printed Map Book.	June, 2023
Part b: Meter Remote Read Improvement Plan	Prepare plan to improve the remote reading and data logging of customer meters.	September, 2023
Part c: Improve Valves in HWY 40 Corridor	Plan is to provide design drawings for inclusion into the CDOT road improvements project	December, 2024
Part d: Improve Distribution Mains in HWY 40 Corridor	Plan is to provide design drawings for inclusion into the CDOT road improvements project	December, 2024

The purpose of this project is, in part, to respond to the two remaining corrective actions. The Colorado Department of Transportation (CDOT) will be constructing HWY 40 road improvements through the Town of Empire in 2024 and 2025. JVA has coordinated with CDOT and the water line drawings will not be included in their bid set, therefore an independent design will be completed with a coordinated construction. This plan will be communicated to CDPHE.

As a result of the recent water delivery challenges, the Town worked with the State and has secured a \$4 million congressional grant for water system improvements. Using the recently completed water and sewer map book, JVA worked with Town staff to identify priority water line replacements, including segments in HWY 40 with a total disturbed area of about 4 acres. These replacements and associated paving improvements have an estimated construction cost of \$3.5 million. The proposed scope of work for the 2024 Water Main Replacement Project is detailed below. The following subconsultants have been included on the design team.

Flatirons Survey – Utility locates, field survey and development of base mapping.
 Martinez Associates – Geotechnical Investigations for pavement design.



SCOPE OF WORK

The scope of services below are based on our discussions to date, our previous experience with the Town, and our understanding of the overall water system. The project tasks include grant funding documentation, design, and bidding phase services.

Task 1 – Project Kick-off

- JVA will meet with Town and discuss the overall project goals and receive input concerning project specifics.
- JVA will review grant funding requirements and needed coordination to provide proper documentation and communication with the funding agency.
- JVA will coordinate and meet with the surveyor and geotechnical engineer in the field.

Task 2 – Grant Funding Documentation

- JVA has assumed that a broad-level tiered environmental review will be sufficient for the Housing and Urban Development (HUD) documentation. National Environmental Policy Act (NEPA) and HUD regulation 24 CFR Part 50 and Part 58 documentation is not included.
- JVA will coordinate a meeting with the Town and HUD to review the full project and proposed disturbances, with the goal of refining the required documentation requirements.
- JVA will coordinate with the Town and use HUD's Environmental Review Online System (HEROS) to submit the required HEROS access form.
- JVA will document the project in HEROS and participate in the HUD site-specific review.

Task 3 – Colorado Department of Transportation Coordination

- JVA will set up an initial "Teams" meeting to let CDOT know our project schedule and receive any updates on the HWY 40 project.
- JVA will transfer relevant design drawings and information to CDOT to coordinate the two projects.
- JVA will coordinate periodic "Teams" meeting with the Town and CDOT thorough the design process.
- JVA will coordinate with CDOT and the selected contractor and review project overlaps with the Town.

Task 4 – Design

- JVA will provide 60%, 90% and Final submittals for Town review.
- The 60% submittal will include drawings and an opinion of probable cost (OPC)
- The 90% and Final submittals will include drawings, specifications, and an OPC.
- JVA will review and incorporate applicable Town comments into the design documents.



Task 5 – Bidding Services

- JVA will assist the Town with project advertisement
- Attend Prebid meeting and prepare notes
- Prepare addenda
- Provide a recommendation of award

BASIS OF PAYMENT

JVA proposes to complete this scope of work for the lump sum fee of \$210,000. The basis of payment will be a percentage of the lump sum completed to date, including reimbursable expenses. The total fee is summarized below:

Design		\$ 184,150
Flatirons Survey	Utility locates	\$ 5,050
	Field work and base map generation	\$ 14,300
Martinez Associates	Geotechnical Investigation and Report	\$ 6,500
	Total	\$ 210,000

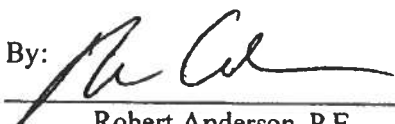
These fees are based on the above scope and communication with the Town. Services resulting from significant changes to the project scope will be considered additional and may require contract modifications. This proposed fee does not include county permitting, grant documentation fees, easements, construction phase services and NEPA environmental reviews.

SCHEDULE

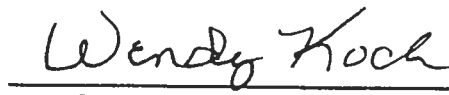
We proposed to begin immediately, starting with the field topographic survey and geotechnical work scheduled in November 2023. Our plan is to complete the design over the winter months and bid the project in early spring with the goal of starting construction in May 2024. We will also coordinate the overlapping impacts with CDOT as they start in on the HWY 40 project.

If you are in agreement with the scope in this letter, please indicate by signing below and returning a copy to this office as our authorization to proceed. We have assumed the general conditions of our on-call agreement will apply. We look forward to continuing our ongoing relationship with the Town.

Sincerely,
 JVA, Incorporated

By: 
 Robert Anderson, P.E.
 Sr. Project Manager

Accepted by:
 TOWN OF EMPIRE


 Mayor 10/31/23
 Title Date

Business Plan for 18 Park Ave Empire, CO 80438

**Empire's Hard Rock:
Bar and Market**

Prepared by:

Michal Fagrelus

(970) 417 – 9475

michalfagrelus@gmail.com

I. Executive Summary

Empire's Hard Rock Cafe (referred to from hereon in as the "Company") is intended to be established as a Limited Liability Company at 18 Park Ave, Empire, Colorado 80438 with the expectation of expansion in the restaurant industry.

Mission: As a family owned and operated company, our mission is to provide a warm space for community gathering, offer affordable eats and drinks, host events, and integrate a community market space where locals can showcase their art, homemade products, and skills.

Product: The Company's primary products will be seasonal provisions (preliminary menu attached), full service bar, and local goods.

Vision: The Hard Rock is a central building in Empire which provides a unique opportunity to couple food and drink with an avenue for local musicians, artists, and makers to showcase their work to a broader audience. This will open the door for hosting live music, as well as artist and makers "Master Classes". We seek to have an assortment of events to retain interest in our company and community.

Empire sees many travelers leaving and returning to the I70 corridor. The two rooms in the Hard Rock will allow one room to be a space to eat and drink and the other to showcase local art, crafts, and products to be sold. Because the building is a community building it is important to integrate more community into its manifestation. First-rate service is intended to be the focus of the Company and a cornerstone of the brand's success. All patrons will receive conscientious, one-on-one, timely service in all capacities. This is expected to create a loyal brand following and return business.

Owners Qualifications: Michal Fagrelus has 20 years of experience in the restaurant industry, serving small communities such as Empire. This experience is not limited to one aspect of the restaurant business but encompasses all positions required to operate successfully. These positions include front of house manager, wait staff, host, bartender, line cook, and baker. This experience will provide the framework for the success of a small restaurant and bar. Michal's experience is not limited to restaurants but includes the management of retail stores and business accounting. These skills will complement each other in building a successful operation with mindful growth for the future. Her partner, Michael Halajcsik, has established a reputation, over the past 13 years in this county, as a skilled first responder, carpenter, and small business owner. He spent 10 years as a Ski Patroller at Loveland Ski Area where he trained an avalanche rescue dog and led avalanche mitigation work. Recently, he has grown his small business working in Georgetown, CO restoring the Silver Brick building and currently restoring the Historic Ram. His dedication to community and successful small business will provide a solid direction for this next business venture.

Goals: Our short-term goal for the company is to open a successful business that is set up for organic growth within the next few months. This business will add to our town's integrity. In the long term we would like to have financial freedom to provide desirable jobs and living wages to locals. As well as establish a place that attracts artists from all over to bring their latest projects to our town.

II. Marketing Summary

Target Markets: Our target market will be Empire and Clear Creek County residents because we want to provide a local space where people can come and feel comfortable and taken care of while being able to afford good eats and drinks. Clear Creek is a unique county where differing towns and greater communities commune frequently. This space will attract locals to come support Empire and integrate us as a local destination.

We will also be targeting traveling tourists coming and going to the I70 corridor. The unique seasonal eats and drinks will attract the thousands that pass through our town and the local market will showcase our communities' talents. We believe this model will help grow the company by providing quality provisions people will stop for, every time they pass through town, and the opportunity to support local artists and craftspeople.

III. Service

Hours will expand/change as soon as business demands

Hours of Operation: Monday – Wednesday 4pm – 9pm

Thursday – Closed

Friday 2pm – 9pm

Saturday – Sunday 7am -11am Breakfast

2pm – 9pm

Distribution Strategy: Counter and bar service

Empire's Hard Rock Bar & Market

All food is prepared from scratch with quality ingredients

All Day Eats

Soup of the day

\$8 Bowl - Add bread bowl for \$7

Hot Honey Chicken

\$16 Sandwich – with choice or chips or sweet potato waffle fries

\$20 Dinner – with smashed golden, garlic potatoes and seasonal veggie

Italian Beef

\$15 Sandwich – with choice of chips or sweet potato waffle fries

BLT

\$15 Sandwich – with choice of chips or sweet potato waffle fries

Teriyaki Glass Noodles

\$15 Bowl - Add Chicken, Pork, or fish for \$8

Weekly dinner special

\$20 plate served with smashed golden, garlic potatoes and seasonal veggie

Baked Goods

\$5 Brownie GF/Vegan

\$5 Scrap Cookie

\$5 Slice of Pie – rotating/ seasonal

\$8 Sandwich Loaf – Sourdough, Jalapeno Cheddar, Rye, Sugar/

Cinnamon

\$7 Bread Bowl

\$6 ½ dozen biscuits

Menu is subject to change with seasons and availability of products. Integrity of ingredients will not be compromised

Weekend Breakfast

\$10 Biscuits & Gravy

\$12 Belgian Waffle – fresh fruit and whipped cream

\$12 French Toast – fresh fruit and whipped cream

\$15 Omelet of the week – rotating seasonal omelet

\$10 Breakfast Burrito – choice of bacon, sausage, or veggie

\$10 Breakfast Sandwich – choice of bacon, sausage, or veggie

\$10 Classic Eggs and Toast - choice of bacon, sausage, or veggie

Menu is subject to change with seasons and availability of products. Integrity of ingredients will not be compromised