



Town Council
AMENDED AGENDA
Tuesday, May 25, 2021
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access to attend via the Zoom link below.

[ACCESS THE ONLINE MEETING HERE](#)

Please note: All participants are automatically muted. In order to be called upon and unmuted, you will need to use the "raise hand."

When it's your turn to speak, the moderator will unmute your line and you will have three (3) minutes for public comment.

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

For technical difficulties please email bill.shrum@townofeagle.org and we will do our best to assist you.

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

ADOPTION OF AGENDA - 6:05 PM *Opportunity for amendment or deletions to the agenda.*

PUBLIC COMMENT - 6:05 PM *Citizens are invited to comment on any item, not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

PRESENTATIONS - 6:15 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. Bird Scooters Proposal, Kate Shoemaker
2. Blackhills Energy Sustainability Initiatives, Carly West

CONSENT AGENDA - 6:35 PM *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. Minutes - May 11, 2021
2. Resolution No. 42, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Janet Bartnik to the Eagle County Vista Committee"
3. Tumbleweed Eagle LLC Retail Marijuana Store Renewal

STAFF REPORTS - 6:40 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update

BUSINESS ITEMS 6:45 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. PUBLIC HEARING: AN20-02 Base Camp Eagle, RZ20-03 Zoning, and SU20-03 Recreational vehicle park Special Use Permit
 - a. Resolution No. 32, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County"
 - b. Ordinance No. 05, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County, Zoning the Property Rural Residential and Approving the Associated Annexation Agreement (Base Camp Eagle)"
 - c. Resolution No. 33, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for a Recreational Vehicle Park at 3220 Brush Creek Road"
2. PUBLIC HEARING: PUDA20-01 Haymeadow PUD Amendment to renovate an existing cabin and to swap the open space parcel with land equal in size and desirability
 - a. Ordinance No. 07, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Renovate an Existing Cabin Currently Located in Open Space to the East of Neighborhood D an an Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability"
3. Resolution No. 34, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Danita Dempsey, Heather Hower, Anna Robinson, and August Wittenberg to the Town of Eagle Marketing and Events Committee
4. PUBLIC HEARING: LURA21-03 East Eagle Sub Area Plan Public Discussion (rescheduled for June 8th)
5. Draft Resolution No. 44, Series 2021 "A Resolution of The Town Council of the Town Of Eagle, Colorado Approving a Town of Eagle Code of Conduct and Ethics"
6. Municipal Broadband Project Update

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 9:00 PM

1. Letter of Support to Senator Bennet - Mountain Recreation Facility Funding Request
2. Proposed Second Street Lane Closure
3. 2021 Town Council Retreat Agenda - DRAFT
4. Be our Guest Program Review
5. Council Committee Updates
6. Future Agenda Items

ADJOURN - 9:30 PM

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



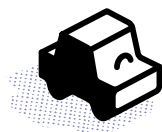
What is Bird?

Bird is a last-mile electric vehicle sharing company dedicated to bringing affordable, environmentally-friendly transportation solutions to communities everywhere. Today Bird serves over 100 cities worldwide.

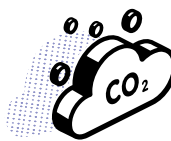
Our mission is to get people out of cars and:



Solve the last-mile problem and connect more residents to transit options



Reduce congestion and over-reliance on cars



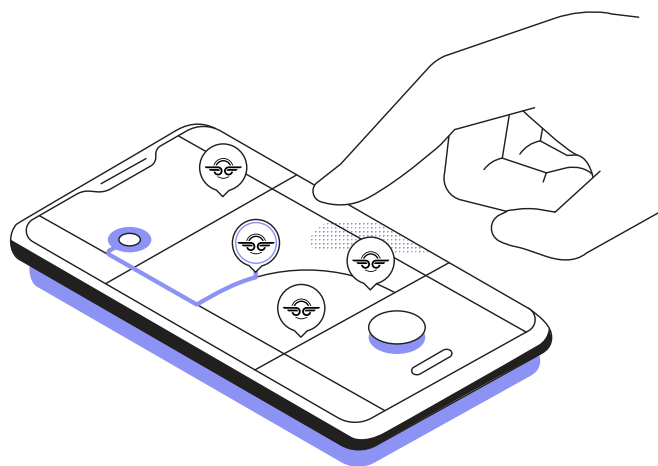
Improve air quality and reduce GHG emissions



Improve the overall quality of life in cities

How it works.

Through the Bird smartphone app, riders can see the closest Bird scooter on a map, unlock it, complete the safety tutorial and ride directly to their desired destination. It costs \$1 to start, then a per minute fee.



1

FIND BIRDS
ON THE MAP

2

SCAN QR TO
BEGIN RIDE

3

WATCH SAFETY
TUTORIAL

4

ENJOY THE
RIDE!



Bird's impact on the communities we serve

Prioritizing safety, first.

Bird partners with cities across the globe to develop programs that maximize the positive impact of micro-mobility.

Starting with less cars on the road

By replacing car trips with convenient options, like Bird, we can remove the biggest safety hazards from the road and make our cities safer today.



Bird leads the industry in safety.

Safety is deeply embedded across all components of our business- from our policy and operations; to our community education and engagement; to our industry leading vehicle design.

One sustainable ride at a time.

Bird's custom vehicles are the most durable micro-mobility options on the road today. **Each Bird One and Bird Two on the road today represents:**



18+ months

OF SUSTAINABLE RIDES



1,500 pounds

OF CO2 AVOIDED

Bolstering the local economy.



58%

of Bird rides ending at local businesses helping connect shops and restaurants with riders in their community.



9X

increase in the reach of transit stations expanding the mobility and job opportunities of more residents.



2.5M

in annual take-home pay for every 1,000 Birds in a city



Leading the way on innovative solutions for cities

Bird is committed to working with cities to manage and maximize the positive impact of our partnerships. That's why we've developed industry-leading technology to measure, innovate, and improve both our fleet and our reporting. Here's just a small sample of our offering for cities:

CUSTOM IN-APP EDUCATION

Bird riders are each shown a comprehensive education program that can be customized to address your city's chief concerns.

COMMUNITY-BASED REPORTING

Every member of your community can access community mode in the Bird app to submit complaints directly to our team for fast resolution.

LOCALIZED POLICY ZONES

Bird's geo-fencing technology allows us to implement no-ride zones, no-parking zones, and reduced-speed zones with custom messaging to increase safe riding.



PARKING MANAGEMENT

Bird offers a comprehensive suite of parking tools that bridges the gap between technology and infrastructure by both directing and incentivizing riders to park in city-designated areas.

INCENTIVES FOR HELMET USAGE

The Bird app encourages—and incentivizes—responsible riding. We even give out rewards to riders who take a #BirdHelmetSelfie, showing us that they wore a helmet on their ride.



INDUSTRY-LEADING VEHICLES

Bird's best-in-class teams create innovative new vehicles from the ground-up. From self-reporting damage sensors and tip detection to an industrial-grade anti-tipping kickstand, Bird offers the most advanced shared e-scooter on the road today.

PROGRAMS FOR EQUITABLE ACCESS

Our city dashboards provide customized information about how our partnership is helping to complement the city's mobility menu. In-depth data APIs provide cities with detailed and historical information on Bird operations and rider movement within their city.

CUSTOMIZED DASHBOARDS AND ROBUST APIS

Bird provides cities with easy-to-read dashboards and in-depth APIs to help cities understand how riders move about the city and how Bird is complementing their mobility menu.

Want to learn more about if Bird would be a good partner to meet your city's goals?

Just reach out to your Bird Government Partnerships Representative.

Bird Scooter FAQs



Bird + City Partnership

Why is Bird choosing to expand now?

Bird's mission is to make cities more livable by reducing car usage, traffic, and carbon emissions. Bird was the first scooter company in the space, and is excited to be in a position where we can meet our company mission and bring microbility to as many cities in the country as possible. Our newest Fleet Manager operating model allows us to provide high touch and focused service to all communities regardless of the size.

Will it cost the city anything to bring Birds to town?

Bird can launch & operate at no cost at all to the city.

Who is the city's main point of contact and who do we contact in the event of an emergency?

Each city we work to launch Bird with will have a dedicated Account Manager who will be their main point of contact at Bird. The Account Manager will work with the city throughout the pre-launch and launch process to ensure a successful scooter program in each city.



Riders & Safety

How old do you have to be to ride?

Riders must be at least 18 years old with a valid driver's license to fly with Bird.

How does Bird prevent underage riding?

All riders must scan their ID or driver's license when signing up with the Bird app on their phone.

How do you address riding these on the sidewalk?

Riders are reminded of safe riding & parking expectations through banner & in-app notifications in the Bird app

How does Bird address Safety?

Safety has been Bird's top priority since day one. Bird has built several features in app to address safety, including Helmet Selfie, Warm-Up Mode, as well as in-app safety tutorials, and a safety video available on our blog and website. Additionally, each city will also have an Account Manager who can work closely with your team to address any safety concerns if they arise. Your dedicated account manager will also be able to walk you through all new safety features, and update you as we release new ones as well



Vehicles & Operations

How much does it cost

Riders are charged a \$1 unlock fee, as well as a per minute rate.

What is the speed of the Bird scooters?

Our scooters are capped at around 15mph, which aligns with the speed of the casual biker.

Where will Birds be able to operate?

When Bird launches in a new city, we create an operating zone on the backend, which will correspond to an area on a map. We will work with the city to align on the operating area that will align with the city's goals of ridership & access to alternative transportation. Birds will only operate in this area and will slow to a stop outside of it. The city can also highlight any specific existing dismount zones or slow zones that they would like to be implemented as well. Once these are configured, Bird scooters will slow down in these specific areas.

Where will the scooters need to be parked?

Bird follows a dockless model, which means riders can park wherever they would like. We do ask riders to park nicely: at a bike rack when available, and not blocking the right-of-way, sidewalks, ADA ramps, or driveways. At the end of each Bird ride, riders will be promoted to take a picture of the parked scooter as proof.

Our Fleet Manager will be notified if a vehicle that is not in a ride is being moved- this will help to keep the fleet organized in case someone moves a parked vehicle out of place

How does Bird manage “clutter” or vehicles being left everywhere?

Our local fleet managers are responsible for rebalancing and moving vehicles throughout the city during operating hours. They pay attention to areas of scooter congestion as well as

demand throughout the day, and rebalance vehicles accordingly. On the rider side, riders are required to take a photo of their appropriately parked Bird after each ride, which adds a layer of accountability. Bird can also display any bike racks or designated scooter parking infrastructure that a city may have in place, in the Bird app for riders to see as they end their ride.

How many scooters will Bird be operating in town?

As we work with cities to plan our Bird launch, we calculate the ideal scooter fleet size generally based on population size of the city as well as other factors such as tourism, commuter traffic, university presence, and more. Generally after launching an initial fleet in town, the Bird team monitors utilization after launch and works with city administrators to get approval to add more to the fleet as demand & usage increases.

How does Bird source their local fleet managers?

Bird works with local businesses, entrepreneurs, or community organizations to help manage our fleets locally and address the unique needs of each community. These individuals are selected based on a number of criteria to help best ensure the success of the fleet and a strong partnership with the city.

Where are the Birds washed, charged and repaired/stored?

Our local Fleet Managers charge, maintain, and store Birds in their own facilities.

Removed Questions & Misc

Why are you interested in our city?

Will you have primary locations of where they will be parked (please show on aerial photos)?

The scooters are deployed dynamically based on a number of circumstances, including day of the week, time of day, temperature, events, etc. As such, there is no primary deployment area, but instead numerous potential staging areas where typically between 1-3 scooters will be placed to ensure easy access by members of the community looking for a commuting option.

Who is responsible for collecting these?

We will have a partnership with a local logistics provider (Fleet Manager) who will check the condition of the scooters multiple times per day and rebalance (IE. move/relocate) the scooters that have been used. They will also charge the scooters at a central location before deploying again the next day.

What are the guidelines/policies you have in place to prevent problems for location and use of these?

We have a number of software features, including ID verification and geofencing, which creates a digital boundary that will prevent scooters from exiting the defined operational area without slowing down and stopping until a user returns to the appropriate location. Moreover, there are a host of sensors that will trigger various notifications to our local logistics provider to ensure we respond extremely rapidly to address any concerns.

Do you anticipate signage associated with them?

No signage required!



ONE Future Welcomes Black Hills Corporation

RAPID CITY, S.D. — April 29, 2021 — Our Nation’s Energy Future (ONE Future) today announced that Black Hills Corp. (operating its utilities under Black Hills Energy) has joined the Coalition. Black Hills Energy serves over 1.3 million electric and natural gas utility customers in more than 800 communities in Arkansas, Colorado, Iowa, Kansas, Montana, Nebraska, South Dakota, and Wyoming.

“Black Hills Energy has shown true commitment to providing safe, reliable and affordable energy in an environmentally friendly manner,” said Richard Hyde, Executive Director, ONE Future. “With this commitment in mind, I look forward to the valuable contributions that I know Black Hills Energy will offer the Coalition.”

The ONE Future Coalition is a group of natural gas companies working together to voluntarily reduce methane emissions across the Natural Gas value chain to 1% (or less) by 2025 and is comprised of some of the largest natural gas production, gathering and boosting, processing, transmission & storage and distribution companies in the U.S. and represents more than 15% of the U.S. natural gas value chain. As a ONE Future member, Black Hills Energy will report its 2020 methane results within the distribution sector and hold a seat on the board of directors.

“Social responsibility and sustainability are inherent to our company’s mission and vision,” said Linn Evans, president and chief operating officer of Black Hills Corporation. “With this focus on safety and reliability, we felt membership with ONE Future was not just logical, but imperative, and we look forward to the positive impact it will have on our efforts.”

Through the efforts of coalition members, ONE Future has surpassed its one percent goal in each of the three years that it has reported its methane intensity. The 2019 Methane Intensity Report, released in November 2020, registered a 2019 methane intensity number of 0.334% beating its one percent goal by 67%. This means that methane emissions by coalition members across the natural gas value chain consisted of only about one-third of one percent of all natural gas produced and delivered, demonstrating that the natural gas industry can minimize methane emissions and increase production and throughput while supplying much needed energy to the U.S. and around the globe for years to come.

About Black Hills Corporation

Black Hills Corp. (NYSE: BKH) is a customer focused, growth-oriented utility company with a tradition of improving life with energy and a vision to be the energy partner of choice. Based in Rapid City, South Dakota, the company serves 1.3 million natural gas and electric utility customers in eight states: Arkansas, Colorado, Iowa, Kansas, Montana, Nebraska, South Dakota and Wyoming. More information is available at www.blackhillscorp.com.

About ONE Future

ONE Future was formed when seven companies came together in 2014 with a focus to collectively achieve a science-based average rate of methane emissions across our facilities equivalent to one percent (or less) of total natural gas production. Since our formation, we have grown to more than 40 companies accounting for some of the largest natural gas producers, transmission, and distribution companies in the U.S. ONE Future members operate in 13 out of the 38 production basins and other segments of the value chain operate in multiple regions of the country, hence ONE Future’s data represent a geographically diverse and material share of the U.S. natural gas supply chain. Its members include Antero Resources, Apache, Ascent Resources, Atmos Energy, Berkshire Hathaway Pipeline Group, BKV Corporation, Black Hills Corporation, Blue Racer Midstream, Boardwalk Pipeline Partners, LP, Caerus Oil & Gas, Crestone Peak

Resources, Crestwood, Consolidated Edison, Inc., Dominion Energy, DTE Energy, Duke Energy, EagleClaw Midstream, Enbridge, Encino, Equitrans Midstream, Hess, Jonah Energy, Kinder Morgan, National Grid, New Jersey Natural Gas, Northeast Natural Energy, NW Natural, ONE Gas, ONEOK, Sempra Energy, Southern Company Gas, Southern Star, Southwestern Energy, Spire Energy, Summit Utilities, TC Energy, Tug Hill Operating, UGI, Western Midstream, Williams, Woodland Midstream and Xcel Energy. For more information visit www.onefuture.us.

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Media Contact ONE Future:

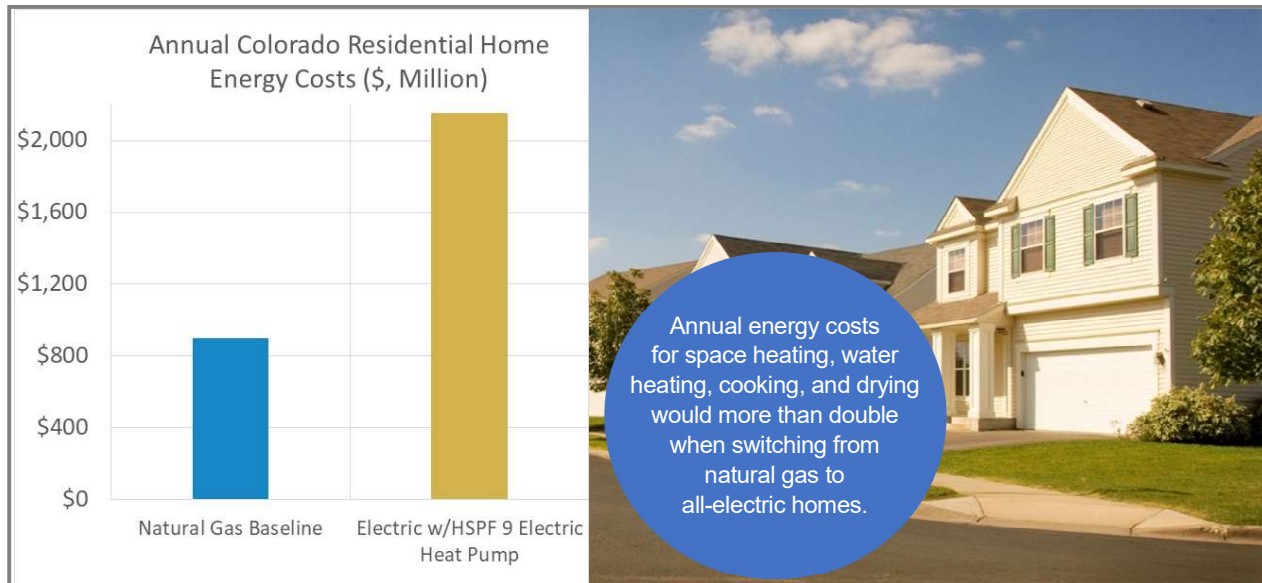
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Comparison of Residential Natural Gas and Electricity Use in Colorado

Residential electrification leads to significant increases in annual energy bills for homeowners. The figure below shows changes in today's energy costs if all existing natural gas homes in Colorado shifted from natural gas space heating, water heating, cooking, and clothes drying to all-electric homes. Homeowners are also likely to face other upfront investments such as increasing the electric service to and inside their home to handle additional electric loads. Electric space heating also has higher lifecycle costs when using electric heat pumps that require more frequent replacement than natural gas furnaces.



Across all types of gas homes in Colorado, residential electrification increases annual energy bills and lifecycle costs for homeowners. Electric heat pumps (HSPF 9) and other electric appliances would increase annual consumer energy costs by 139% for all gas homes in Colorado – an increase of \$1.25 billion dollars per year for the nearly 1.5 million homes now using cost-effective and reliable gas service.

Natural gas pathways for greenhouse (GHG) emission reductions have lower costs (measured in \$/metric ton of CO₂) than residential electrification (see table). Available high-efficiency gas equipment is a very cost-effective GHG abatement option, followed by approaches using renewable gas blends and/or next-generation natural gas heat pumps. Further reductions are possible with home envelope improvements (e.g., insulation, air sealing, high-efficiency windows).

Today, an all-electric home in Colorado home has a higher GHG footprint than a mixed-fuel home using natural gas and electricity. Future Colorado grid decarbonization efforts may lead to lower grid carbon intensity, but consumer costs for all-electric homes are higher than comparable natural gas GHG reduction pathways. Further, residential electrification – in particular, space heating – has significant impacts on power generation sources and electric transmission and distribution lines leading to cost and grid reliability risks as well as the likelihood of lower than anticipated GHG reductions.

GHG Reduction and Cost Examples	% CO ₂ Reduction	\$/Metric Ton
Natural Gas High-Efficiency Gas Equipment	-22%	-\$10
High-Efficiency Gas Equipment with Renewable Gas Blends	-50%	\$95
Emerging Gas Heat Pumps with Renewable Gas Blends	-60%	\$212
Conventional Electric Heat Pumps (HSPF 9)/Appliances and Grid Power Improvements	-39%	\$632

See full report for more scenarios, considerations, and details at www.gti.energy/GHG/Res



**MEETING MINUTES
ONLINE MEETING
Town Council
Tuesday, May 11, 2021**

*This agenda and the meetings can be viewed at www.Townofeagle.org.
The times listed are approximate and are subject to change.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an online meeting.

CALL TO ORDER - 6:00 PM

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

ROLL CALL - 6:05 PM

COUNCIL MEMBERS PRESENT

Matt Solomon, Mikel Kerst, Scott Turnipseed, Ellen
Bodenhemier, David Gaboury, Janet Bartnik, Geoffrey
Grimmer

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Joey Staufer, Police Chief
Lynette Horan, Human Resources Manager
Brian Hall, Marketing & Events Manager
Peyton Heitzman, Planner
Jessica Lake, Planner

ADOPTION OF AGENDA

There were no changes to the agenda.

MOTION: Council Member Janet Bartnik motioned to adopt the agenda as presented. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened public comment. There was no public comment.

CONSENT AGENDA

Council Comments: Inquiry on the voting process for the Haymeadow decision. Matt Mire outlined the process and result of denial by motion failing to secure four votes for approval, which was the functional equivalent of a denial.

Inquiry on the meeting expenses for Pazzo's and credit card charges was explained by Finance Director Jill Kane.

MOTION: Council Member David Gaboury motioned to approve the consent agenda. The motion was seconded and

passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

1. Minutes - April 27, 2021
2. Minutes - May 4, 2021, Special Meeting
3. Bill Pay - April 2021

STAFF REPORTS

1. Town Manager Update
Brandy Reitter stated she will be sending out a poll for Council to tour the Lower Basin Water Treatment Plant.

Council Comments: Discussion on changing work session and retreat date to include work session discussion.
Council agreed to keep the discussions separate.

Discussion regarding manager list of pending and completed items, Brandy will make some modifications and consolidate related items on future reports.

Brandy Reitter stated she will be sending a memo regarding the Second Street closure for discussion on May 25th.
2. Department Update
Council Comments: Jill Kane provided details on the Eagle Bucks budget as it relates to the response by residents using more than originally estimated and a budget amendment will be forthcoming. The Short Term Rental software implementation will take place over the next four months. A request was made to partner with Eagle County on surveillance at Eagle River Park.
3. March 31, 2021, Budget to Actual Report and Revenue Analysis
4. First Quarter Sales Tax Report

LIQUOR LICENSE AUTHORITY

1. PUBLIC HEARING: New Tavern License Application, Roam Enterprises LLC dba Roam
Mayor Scott Turnipseed adjourned as the Town Council and convened as the Liquor License Authority and opened the Public Hearing for this item.

Town Clerk Jenny Rakow provided an overview of the application and process.

Applicant Adrienne Cavallario was present for this item and thanked everyone for welcoming her into the community.

Mayor Scott Turnipseed opened public comment. There was no public comment.

MOTION: Council Member Matt Solomon motioned to approve the Findings and Order approving a New Tavern License for Roam Gourmet LLC dba Roam at 139 Broadway Unit E and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

BUSINESS ITEMS

1. PUBLIC HEARING: AN20-02 Base Camp Eagle Annexation; SU20-03 Recreational Vehicle Park Special Use Permit; RZ20-02 Zoning
Mayor Scott Turnipseed recused himself from this item and removed himself from the meeting.

Mayor Pro Tem Mikel Kerst opened the Public Hearing on SU 20-03 and RZ20-02 at 6:33 p.m.

Town Attorney Matt Mire provided an overview of tonight's process stating the applicant is requesting a continuance until May 25th. The Council is required to open the public hearing and take one hour's worth of testimony. If comments exceed one hour, the Council can request the public comments remaining be taken at the May 25th Town Council meeting on this item. All comments will be part of the public record. The action tonight will be for the Council to motion for a continuance.

Peyton Heitzman Planner provided an update to the Council on the additional public comments received after the packet publication date of Friday, May 7th.

Applicant Shawn Colby gave his presentation.

Tambi Katieb also presented on behalf of the applicant.

Mayor Pro Tem Mikel Kerst opened Public Comment.

Cody and Anne Scott 2941 Brush Creek Road. Expressed opposition to the project.

Barbara and Harry Berman 3221 Brush Creek Road. Expressed opposition to the project.

Kevin Brubeck 123 Snow Goose. Expressed support for the project.

Ted Seipel 6235 Brush Creek Road. Expressed opposition to the project.

Lori Seipel, 6235 Brush Creek Road. Expressed opposition to the project.

Crystal Young 388 Ring Neck. Expressed opposition to the project.

Ryan May 2037 Brush Creek Road. Expressed opposition to the project.

Ryan Geller. Expressed support for the project.

Steve Stalzer Gypsum Colorado. Expressed support for the project.

Stewart Eves 2253 Eagle Ranch Road. Expressed opposition to the project.

At 7:33 p.m. Mayor Pro Tem Mikel Kest announced that all further public comment will be taken at the May 25th Town Council meeting on this item.

MOTION: Council Member Matt Solomon motioned to continue File Number AN20-02 Base Camp Eagle Annexation and File Number SU20-03 Recreational Vehicle Park Special Use Permit and File Number RZ20-02 Zoning until the May 25, 2021, Town Council Meeting. The motion was seconded and passed with a vote of 6 in favor (Solomon, Kerst, Bodenhemier, Gaboury, Bartnik, and Grimmer), 0 opposed and 1 recused (Turnipseed).
 - a. Resolution 32, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County"

Not heard due to continuance.

- b. Ordinance 05, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County, Zoning the Property Rural Residential and Approving the Associated Annexation Agreement"

Not heard due to continuance.

- c. Resolution 33, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for a Recreational Vehicle Park at 3220 Brush Creek Road"

Not heard due to continuance.

2. PUBLIC HEARING: SU21-03 113 E. Fourth Street
Mayor Scott Turnipseed opened this item.

Jessica Lake Planner presented this item.

Council Comments: Discussion on oxygen container storage. Jessica Lake stated the applicant provided she would not be using these devices.

Applicant Susan O'Brien was present for this item and stated the business will be a small animal practice.

Mayor Scott Turnipseed opened public comment.

Diane and Dr. Matthew Ehrlich 165 N Penstemon Lane. Spoke on behalf of the applicant and supported the application.

Council Comments: Discussion on request to remove conditions c. and e. from Section 2.

- a. Resolution 41, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for a Veterinary Clinic at 113 E. Fourth Street"

MOTION: Council Member Ellen Bodenhemier motioned to approve Resolution 41, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for a Veterinary Clinic at 113 E. Fourth Street" and removing conditions c. and e. from Section 2. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

3. Resolution 35, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending the Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code Concerning Fire Impact Fees"

MOTION: Council Member Janet Bartnik motioned to approve Resolution 35, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending the Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code Concerning Fire Impact Fees". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

4. Resolution 36, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado adopting the Climate Action Plan Update 2020".

Bill Shrum Assistant Town Manager presented this item and provided that this Resolution is related to the presentation given to Council on April 13, 2021.

Council Comments: Discussion on the relation of the Climate Action Plan to the Town's Strategic Plan and the potential costs related to adopting the plan. Bill Shrum provided further clarification on the language relating to adopting the plan as recognizing the goals, targets, and updates from the previous version. Additional information was provided by staff regarding studies related to economic impact and the goal of reducing costs. If the Town does not meet the goals or expectations, there are no repercussions for not doing so. Further discussion on the

difference in the meaning of support and adoption as it relates to this plan. Further discussion on having this topic as part of the sustainability work session to allow time to gather more economic impact information related to the town and community, as well as potential code changes needed as it relates to this plan.

5. Resolution No. 39, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado Endorsing the Eagle County Community Wildlife Roundtable Action Plan"
Brian Lieberman, Open Space Manager presented this item along with Jacci McKenna, Kristen Gray Bertuglia, Jessica Foulis, and Ernest Seager.

Council Comments: Inquiry on conservation groups involved with the committee and stakeholders that did not provide support. Additional information was slated to be provided by Colorado Municipal League regarding wolf reintroduction guidance. Currently, the National Forest Foundation is the facilitator and is currently seeking grants to facilitate the action plan. Concern that the plan was too broad and did not have support from key wildlife entities.

MOTION: Council Member Ellen Bodenhemier motioned to approve Resolution No. 39, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado Endorsing the Eagle County Community Wildlife Roundtable Action Plan". The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 2 opposed (Solomon and Kerst).

6. Employee Home Ownership Program Amendments
Jill Kane Finance Director presented this item.

Council Comments: Inquiry on whether a priority is placed on those seeking property in the Town limits vs. Eagle County. Jill Kane provided that the program is on a first come first serve process with no priorities. Discussion on loan payback and risk to Town as a second lien holder. Additional funding sources may be needed to assist with purchases in the current market. Brandy Reitter provided the philosophy on reducing the radius to Eagle County was to keep employees in the local economy.

MOTION: Council Member Matt Solomon motioned to approve the proposed Employee Home Ownership Program amendments and direct staff to make the modifications to the Town EHOP guidelines. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

7. Roof Top Unit Replacement Town Hall Budget Amendment - \$20,000
MOTION: Council Member Janet Bartnik motioned to approve a budget amendment of \$20,000 from the Right of Way Improvements line item to the Town Hall Improvements line item, within the Capital Improvements Funds for use towards the replacement of the rooftop unit at Town Hall. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Council Committee Updates
Mayor Scott Turnipseed requested staff to engage with Eagle Ranch Housing Corporation related to the down payment assistance program.
2. Future Agenda Items
Inquiry about a vacancy tax.
3. Eagle County VISTA Committee Council Appointment
Janet Bartnik volunteered for this committee appointment.

ADJOURN - 9:00 PM

Motion: Council Member Janet Bartnik motioned to adjourn the regular meeting. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: May 25, 2021

Agenda Item: Resolution No. 42, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Janet Bartnik to the Eagle County Vista Committee"

REQUEST: Town Staff is requesting approval of Resolution No. 42, Series 2021 appointing Janet Bartnik to the Eagle County Vista Committee.

BACKGROUND: The Council discussed this appointment at the May 11, 2021 Town Council Meeting, and councilmember Bartnik volunteered to be appointed to this committee.

ANALYSIS: The Eagle County Vista Committee is lead by Eagle County to help identify solutions to challenges created by COVID-19, and design a future for Eagle County with health, equity, and resilience in mind. Information received from Eagle County residents through the Vista process will inform Eagle County's Comprehensive Plan, Strategic Plan, and other community policies, programs, and initiatives. Councilmember Bartnik will serve as a representative on the Stewardship Team.

COMMUNITY INPUT: Appointments to this committee are open to Eagle County residents on the Vail Valley Partnership's website.

BUDGET / STAFF IMPACT: There is no budget impact for this appointment.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: The Vista Committee has expectations that are intended to be an engagement tool for Eagle County's Comprehensive Plan and allows for feedback from committee members in developing policy. The alignment with the Town's Strategic Plan, while indirect, would support Improving Community Responsive Services via community interaction. It is hoped that policy decisions recommended by this committee will have a positive impact on the Town and its residents.

RECOMMENDED ACTION OR PROPOSED MOTION: A motion to approve the Consent Agenda will approve this Resolution.

ATTACHMENTS:

1. Resolution 42 VISTA COMMITTEE JANET BARTNIK

**TOWN OF EAGLE, COLORADO
RESOLUTION NO. 42
(SERIES 2021)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
APPOINTING JANET BARTNIK TO THE EAGLE COUNTY VISTA COMMITTEE**

WHEREAS, the Town of Eagle has been requested to have a Councilmember serve as a member of the Eagle County Vista Committee;

WHEREAS, Eagle County has launched Community Vision and Strategy Project, Vista, by inviting community members to help identify solutions to challenges created by COVID-19, and design a future for Eagle County with health, equity, and resilience in mind. Information received from Eagle County residents through the Vista process will inform Eagle County's Comprehensive Plan, Strategic Plan, and other community policies, programs, and initiatives.

WHEREAS, The Town of Eagle wishes to appoint a stakeholder member to this committee to participate on the Stewardship Team for the Vista Project. This Stewardship Team will help ensure that the process identifies what matters to the community, works towards developing a values-based vision, and creates commitment to action items. The Stewardship Team will represent a wide spectrum of partners and voices to help guide efforts and support and realize a community built upon collective values.

WHEREAS, Council Member Janet Barnik has expressed interest to serve on this Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE EAGLE TOWN COUNCIL:

Section 1. That Janet Bartnik be appointed to the Eagle County Vista Committee and shall serve until replaced.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on May 25, 2021.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: May 25, 2021

Agenda Item: Tumbleweed Eagle LLC Retail Marijuana Store Renewal

REQUEST: Tumbleweed Eagle LLC has requested approval of their local renewal application for a Retail Marijuana Store located at 12 Eagle Park East, Eagle CO.

BACKGROUND: Marijuana Licenses are dually approved locally and by the state. This was a timely renewal and was mailed to the state on May 6, 2021.

ANALYSIS: Town staff has reviewed the application and has determined that it is sufficient for the licensing operations applied for. Staff review includes checking the application for completeness, compliance with special use permit conditions, and reviewing any related police reports or incidences. There were no violations reported to finance staff for tax payments, no issues have been raised or reported to the community development and planning staff regarding their Special Use Permit 19-03.

The Code of Colorado Regulations for Marijuana allows for the Town to consider criminal history background checks relating to any person contracted to manage the overall operation of the licensed premises and must establish that 1: he or she is of Good Moral Character..." "Good Moral Character" means having a personal history that demonstrates honesty, fairness, and respect for the rights of others and for the law. The Eagle Police Department conducted a criminal history search on the applicant and the listed manager and found issues related to the manager that raised considerable concerns relating to moral character. The applicant was contacted and has since replaced the manager with an individual that the Eagle Police Department found to be of Good Moral Character as defined.

COMMUNITY INPUT: Pursuant to EMC 5.15.150 D, this renewal does not require a public hearing, as there were no issues raised by the applicant regarding changes to their license, and the issues related to the manager have been remedied.

BUDGET / STAFF IMPACT: The budget impact is for staff review by Administration, Police, and Community Development. The revenue is \$1,500 per license type which has not changed since established in 2013.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Licensing of Marijuana establishments is a core function performed by town staff and does not directly relate to the Strategic Plan.

RECOMMENDED ACTION OR PROPOSED MOTION: Consent Agenda approval will authorize the issuance of the Retail Marijuana Store License for Tumbleweed Eagle LLC located at 12 Eagle Park East, Eagle CO.

ATTACHMENTS:

1. 2021 STATE RENEWAL APPLICATION
2. 2021 TOE RENEWAL APPLICATION



COLORADO
Department of Revenue
Specialized Business Group—Marijuana

1707 Cole Blvd., Suite 300
Lakewood, CO 80401

May 7, 2021

TUMBLEWEED EAGLE LLC

License Type: Retail Marijuana Store
License #: 402R-00865
Expiration date of license: 05/08/2021
12 Eagle Park Drive
Eagle, CO 81631

To whom it may concern:

The purpose of this correspondence is to inform you that should the renewal license investigation for TUMBLEWEED EAGLE LLC continue past the date of expiration for the current license, the license will be administratively continued by the State Licensing Authority pursuant to 44-10-314 until the completion of the renewal license investigation. At the completion of the renewal license investigation, the Marijuana Enforcement Division will notify you of the outcome of the investigation.

Sincerely,

James Burack
Division Director

M.E.D.-1
 2021 MAY -7 PM 3:10

Colorado Marijuana Licensing Authority
Regulated Marijuana Business License Renewal Application

License Types & Fees (See Application Checklist for details on license types and fees.)			
☒ Retail Marijuana Store	☐ Tier 1 (Up to 1800 plants)	☐ Retail Marijuana Products Manufacturer	
☐ Retail Marijuana Cultivation Facility (Select Tier)	☐ Tier 2 (1801 to 3600 plants)	☐ Retail Marijuana Business Operator	
☐ Retail Marijuana Testing Facility	☐ Tier 3 (3601 to 6000 plants)	☐ Retail Marijuana Transporter	
	☐ Tier 4 (6001 to 10200 plants)		
	☐ Tier 5 (10201 to 13800 plants)		
	☐ Tier 5+ (_____ plants in excess of 13801)		
☐ Medical Marijuana Store	☐ Marijuana Research & Development Facility		
☐ Medical Marijuana Products Manufacturer	☐ Medical Marijuana Cultivation Facility		
☐ Medical Marijuana Testing Facility	☐ Class 1 (1-500 Plants)		
☐ Medical Marijuana Business Operator	☐ Class 2 (501-1500 Plants)		
☐ Medical Marijuana Transporter	☐ Class 3 (1501-3000 Plants)		
	☐ Class 3+ _____ (increments of 3000)		
Applicant's Legal Business Name (Please Print) Tumbleweed Eagle LLC		Marijuana License Number 402R-00865	
Registered Trade Name (DBA) N/A			
Federal Taxpayer ID 84-4222333	Affiliated Colorado Sales Tax License # 65534515	Name of Registered Agent (with CO SoS) Sherri Lynn Marzario	
Physical Address			
Street Address of Marijuana Business 12 Eagle Park Drive			
City Eagle	County Eagle	State CO	ZIP 81632
Business Phone Number 612.865.7096	Email Address sherri.marzario@gmail.com		
Mailing Address (if different from Business Address)			
Address 1187 Gore Trail			
City Edwards	County Moffat	State CO	ZIP 81625
Primary Contact Person			
Primary Contact Person for Business Sherri Marzario		Primary Contact Phone Number 612.865.7096	
Primary Contact Mailing Address 1187 Gore Trail, Edwards, CO 81632			
Primary Contact Email Address sherri.marzario@gmail.com			

1. Is the licensee (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) under the age of twenty-one years?	Yes ☐	No ☒
2. Has the applicant or any business entity owned by the applicant ever owned or applied for a Marijuana license in this or any other jurisdiction, foreign or domestic that has been subject to any of the following actions since the last renewal: (1) denial; (2) surrender; (3) order to show cause; (4) suspension; (5) fine; (6) revocation; (7) stipulation or settlement; (8) withdrawn. If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action.	☐	☒
3. Do you have legal possession of the licensed premises?	☒	☐
4. In the past year, has the licensee (including all parent or subsidiary companies, if any) had a tax lien filed against it, or become delinquent in the payment or filing of any taxes, interest, penalties or judgments owed to the State of Colorado. If Yes, explain in detail on a separate sheet and attach copies of all available documentation.	☐	☒
5. In the past year, has the licensee (including all parent or subsidiary companies, if any) been indicted, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner? Include ALL offenses regardless of class of crime or outcome, even if the charges were dismissed or you were found not guilty. If Yes, explain in detail on a separate sheet and attach it to your application. Provide official documentation from the court showing the final disposition for any felony charge or those related to a controlled substance. (Sealed or expunged non-convictions need not be disclosed).	☐	☒
6. Within the last 12 months, has there been a change in ownership or ownership allocation, a transfer of stock, a change in the incorporation or in the corporate by-laws, or any other change affecting ownership or organizational structure of the licensee or its subsidiaries/affiliates? If yes, explain in detail on a separate sheet and attach copies of all available documentation concerning the changes. (i.e. New operating agreement)	☐	☒

Ownership Structure

List all CBOs 10% or greater and all Executive Officers, Managers and any other individual and/or entity that Controls the RMB.

Name Sherri Marzario	Title Owner	Own. % Entity Associated with N/A	Own. % in Applicant 100%
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant

7. Are there any outstanding options and/or warrants or other contracts, that may be exercised into an Owner's Interest in the RMB within the next 60 days that would constitute a CBO? ☐ Yes ☒ No *If YES, attach list of persons	
8. Are there any other Persons, other than those listed in the Ownership Structure, that can Control the RMB? ☐ Yes ☒ No *If YES, attach list of persons	
9. Are any owners renewing their Owners Licenses with this application? If YES, then each must submit the Owner Renewal Applications (DR 8516 & DR 8581 - see website)	Yes ☐ No ☒

10. Has the applicant exercised reasonable care to confirm that its CBO's, PBO's (that are Non-Objecting PBO's), Qualified Institutional Investors and Indirect Financial Interest Holders are NOT Person(s) prohibited under Section C.R.S. 44-10-307? (Publicly Traded Companies excluded) If NO, explain on a separate sheet	Yes ☒ No ☐
11. Have any CBO's been removed or moved to PBO ownership status since the prior application? If YES, list and explain.	☐ Yes ☒ No

Local Licensing Authority (To be filled out by licensee) Include copy of Local License or Approval			
Local Licensing Authority Town Clerk for the Town of Eagle		Local Licensing Authority Contact Name Jenny Rakow	
Contact Phone 970-328-9623	Contact Email jenny.rakow@townofeagle.org		
Current License Status With Local Authority Active - Submitting local renewal contemporaneously with MED renewal		Date of Expiration 5/8/2021	
Does the local licensing authority permit this type of business in their jurisdiction?			Yes ☒ No ☐

Indirect Financial Interest Holder - List those with 2 or more interests (PBO, lease, Intellectual Property agreements, finance and/or equipment lease agreements, etc.) or loans that are 50% or more of the operating capital as defined in Rule 2-230-1(A)(3).

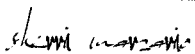
Name of Interest Holder N/A		Date of Birth N/A	FEIN/SSN N/A	
Address N/A	City N/A	State N/A	Zip N/A	
List Types of Interests N/A				
Name of Interest Holder		Date of Birth	FEIN/SSN	
Address	City	State	Zip	
List Types of Interests				
Name of Interest Holder		Date of Birth	FEIN/SSN	
Address	City	State	Zip	
List Types of Interests				
Name of Interest Holder		Date of Birth	FEIN/SSN	
Address	City	State	Zip	
List Types of Interests				

Affirmation & Consent

I, Sherri Lynn Marzario, as an owner for the applicant business, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Renewal License Application statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for denial of the marijuana business application. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority, under oath, with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana License.

Note: 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(s) electronically.

Print Full Legal Name of Owner clearly below:

Applicant's Legal Business Name Tumbleweed Eagle LLC		Trade Name (DBA) N/A	
Applicant's Last Name (Please Print) Marzario	Applicant's First Name Sherri	Applicant's Middle Name Lynn	
Signature 			Date 5/4/2021

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Tax Check Authorization and Request To Release Information

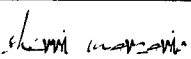
I, Sherri Lynn Marzario am signing this waiver on behalf of Tumbleweed Eagle LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documents that would otherwise be confidential. If I am signing this waiver for someone other than myself, I certify that I have the authority to execute this waiver on behalf of the Applicant/Licensee.

The information and documentation obtained pursuant to this waiver will be used in connection with the Applicant/Licensee's application or licensure with the Colorado Marijuana Enforcement Division, which requires proof of compliance with certain tax obligations pursuant to several statutory provisions, including sections 44-10-202(1) and 44-10-307(1)(e), C.R.S. This waiver is made pursuant to section 39-21-113(4), C.R.S.; and any other similar law or ordinance concerning the confidentiality of tax returns and return information. This waiver shall be valid while the application is pending and, if the application is approved, (1) for one year from the date of licensure or; (2) if applying for an employee license under the medical marijuana code, for two years from the date of licensure. If the license is administratively continued pursuant to section 44-10-314 C.R.S., this waiver shall be valid until the state licensing authority takes final action to approve or deny the renewal of the license. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license.

Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority release the following information and supporting documentation to the Colorado Marijuana Enforcement Division, which is acting as Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to obtain the information specified below.

1. Whether the Applicant/Licensee has failed to file any state tax return with the Colorado Department of Revenue or any other state or local taxing authority by the required due date (determined with regard to any extension(s) of time for filing) for any tax year for which filing of a return might have been required.
2. Whether the Applicant/Licensee has failed to pay any tax, penalty, or interest liability within 30 days of the date on which the Colorado Department of Revenue or any other state or local taxing authority gave notice of the amount due and requested payment.
3. Whether the Applicant/Licensee has entered into a payment plan with the Colorado Department of Revenue or any other state or local taxing authority and whether Applicant/Licensee is current on any payments required by said payment plan.

Applicant/Licensee authorizes the Colorado Department of Revenue and any other state or local taxing authority to release any additional information or documentation necessary to answer the questions above. Applicant/Licensee authorizes the Colorado Marijuana Enforcement Division and its legal representatives to use the information and documentation obtained from the Colorado Department of Revenue and any other state or local taxing authority in any administrative action regarding the application or license. To assist the Colorado Department of Revenue and any other state or local taxing authority locate the tax records, Applicant/Licensee is voluntarily providing the following information (please type or print).

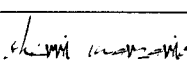
Applicant's Name (Individual/Business) Tumbleweed Eagle LLC		Social Security Number/Tax Identification Number 84-4222333	
Street Address 12 Eagle Park Drive	City Eagle	State CO	Zip Code 81631
Home Telephone Number N/A		Business/Work Telephone Number 612.865.7096	
Legal Last Name (Please Print) Marzario	Legal First Name Sherri	Full Middle Name Lynn	
Applicant's Signature 		Date 05/04/21	
Signature of Marijuana Enforcement Division agent presenting this request		Date	

Investigation Authorization/Authorization to Release Information

I, Sherri Lynn Marzario, as an owner for this licensee, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into the background of the person(s) and/or entity, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I authorize the release of this type of information, even though such information may be designated as "confidential" or "non-public" under the provisions of state or federal laws. I understand by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, unless sealed or expunged by the court of record, even though this record may be designated as "confidential" or "non-public" under the provisions of state or federal laws.

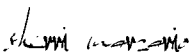
The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant business, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Print Full Legal Name of Owner clearly below:

Applicant's Legal Business Name Tumbleweed Eagle LLC		Trade Name (DBA) N/A	
Applicant's Last Name (Please Print) Marzario	Applicant's First Name Sherri	Applicant's Middle Name Lynn	
Signature 			Date 05/04/21

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Applicant's Request to Release Information

TO: (Leave this Blank)		FROM: (Applicant's Printed Name) Sherri Lynn Marzario	
1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege. 2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege. 3. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets. 4. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit: (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might; (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request: (c) To place the name of the agent presenting this request in the appropriate location on this request. 5. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted. 6. This power of attorney ends twenty-four (24) months from the date of execution. 7. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant. 8. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request. 9. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.			
Applicant's Legal Business Name Tumbleweed Eagle LLC			
Trade Name (DBA) N/A			
Applicant's Last Name (Please Print) Marzario		First Name Sherri	Full Middle Name Lynn
Signature 		Date 05/04/2021	

AFFIRMATION OF REASONABLE CARE – PRIVATE COMPANY

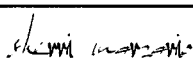
Pursuant to subsections 44-10-309(4) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Passive Beneficial Owners, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, Sherri Lynn Marzario, as Controlling Beneficial Owner or Manager for

Print

Tumbleweed Eagle LLC, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature



Date

05/04/2021

AFFIRMATION OF REASONABLE CARE – PUBLICLY TRADED CORPORATION

Pursuant to subsections 44-10-309(5) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Non-objecting Passive Beneficial Owner, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, _____, as Controlling Beneficial Owner or Manager for

Print

_____, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature

Date

Addendum A - Renewal Business Application

Publicly Traded Company (PTC) Please provide:		
Stock Trading Symbol	Name of Exchange(s) Traded On	NAICS/SIC Code
Identify all regulatory agencies with oversight over the PTC's securities		
Reporting agencies required reports submitted on:		
List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)		
Date of Registration with the Department of Regulatory Agencies (DORA)	Number	
Provide the most recent list of Non-Objecting Beneficial owners possessed by the PTC (First renewal of the year only).		
Have you had any changes in the business objectives of the Publicly Traded Company's business and documents establishing the Publicly Traded Company (PTC) qualifies to hold a RMB license as referenced in 44-10-103 (50).		
Documents requiring divestiture of any CBO that is prohibited by Section 44-10-307 that has had his or her Owner's License revoked or has been found unsuitable.		
If the Applicant or RMB is required to have audited financial statements by another regulator (e.g. United States Securities and Exchange Commission or the Canadian Securities Administrators) the financial statements provided to the Division must be audited and must also include all footnotes, schedules, auditors' report(s), and auditor's opinion(s). If the financial statements are publicly available on a website (e.g. EDGAR or SEDAR), the Applicant or RMB may provide notification of the website link where the financial statements can be accessed in lieu of hardcopy submission. (See Rule 2-225(G)(4)(a))		
Questions		
Confirm that the PTC is current with all required filings pursuant to any applicable requirements by any securities regulatory authority including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators, and has provided notice to the Division of all non-confidential filings within 2-days of filing.		
☐ All Current ☐ Not Current (If not, explain on a separate sheet)		
Confirm that ALL required findings of suitability have been obtained PRIOR TO the PTC becoming a CBO. If No explain on a separate sheet:		
☐ Yes ☐ No		
Confirm that all mandatory filings for CBO's as required by any securities regulatory authority, including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators, have been filed and the MED has been provided concurrent notice with the filing. If No, explain on a separate sheet:		
☐ Yes ☐ No		

Addendum B - Renewal Business Application

Qualified Private Fund (QPF)

Please provide:

Identify all regulatory agencies with oversight over the QPF's securities

Reporting agencies required reports submitted on:

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)

Number

Questions

Please confirm that the QPF is current with all required filings pursuant to any applicable requirements by any securities regulatory.

☐ All Current

☐ Not Current (If not, explain on a separate sheet)

Please confirm that ALL required findings of suitability, including all QPF managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the RMB, have been obtained SINCE the QPF became effective:

☐ Yes

☐ No

Addendum C - Renewal Application

Qualified Institutional Investor (QII)

Please provide:

Identity(ies) of all Regulators with oversight over the QII's securities

Reporting agencies required reports submitted on:

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)	Number
--	--------

Attach the most recent list of Passive Beneficial owners possessed by the QII.

Questions

1. Confirm that the QII is current with all required filings pursuant to any applicable requirements by any securities regulatory.

☐ Current

☐ Not Current

If Not Current, explain.

2. Confirm that ALL required findings of suitability including all QII managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the MRB have been obtained PRIOR TO the QII becoming effective

☐ Yes ☐ No

Renewal Application Required Disclosures

- ☒ Provide a copy of the Local Licensing Authority or Local Jurisdiction approval, licensure, and/or documentation demonstrating timely submission of pending local license renewal application.
- ☐ N/A Provide a list of any sanctions, penalties, assessments or cease and desist orders imposed by any securities regulatory agency, including but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators

First renewal of the year for each entity must include the following:

- ☒ Consolidated Financial Statements - (which may be prepared on either a calendar or fiscal year basis) that were prepared in the preceding 365 days, and which must include a balance sheet, a cash flow statement, and a profit & loss statement. (See separate PTC requirements on PTC Addendum)
- ☐ Audited (required for PTC only) ☒ Not Audited ☐ If available online, cite location _____
- ☐ N/A A copy of any contracts, agreements, royalty agreements, equipment leases, financing agreement, security contract or any other IFIH required to be disclosed by Rule 2-230(A)(3).
- ☐ N/A A copy of any management agreement(s).
- ☒ **Tax Documents** - Documentation establishing compliant return filing and payment of taxes related to any RMB, in which the Person is, or was, required to file and pay taxes. (Please do not send entire tax return).

Provide each of the following (only if changed since the last submission):

- ☒ Organizational Documents - Indicate which document is being provided.
- ☐ Articles of Incorporation ☐ By-Laws ☐ Shareholder agreement
- ☐ Operating Agreement for LLC ☐ Partnership Agreement for partnership ☒ No Change
- ☒ Corporate Governance Documents - Indicate which document is being provided.
- ☐ Required for Publicly Traded Companies ☐ Permitted, but not required for Privately held companies ☒ No Change
- ☒ Certificate of Good Standing from jurisdiction where Entity was formed. (Must be U.S. or country that authorizes the sale of marijuana).
- ☒ No Change
- ☒ Proof of Possession of Licensed Premises Provide all applicable amendments and/or extensions - Indicate which document is being provided.
- ☐ Deed ☐ Lease ☐ Sublease ☐ Rental Agreement ☐ Contract ☒ No Change
- ☒ Facility Diagrams - Provide a Legible and Accurate diagram for the facility. The diagram must include a plan for the Licensed Premises and a separate plan for the Security/Surveillance, including camera location, number and direction of coverage. If the diagram is larger than 8.5x11 inches, the Licensee must also provide a PDF copy of the diagram. (Indicate which document is being provided)
- ☐ Licensed Premises ☐ Security and Surveillance ☒ No Change
- ☒ Organizational Chart, including the identity and ownership percentage of all CBO's.
- ☒ No Change

RMB - Regulated Marijuana Business

CBO - Controlling Beneficial Owner

PBO - Passive Beneficial Owner

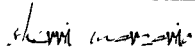
IFIH - Indirect Financial Interest Holder

QII - Qualified Institutional Investor

QPF - Qualified Private Fund

PTC - Publicly Traded Company

Affirmation of complete application

Signature 	Printed Name Sherri Marzario	Date 5/4/2021
--	---------------------------------	------------------



LOCAL LICENSE NEW AND RENEWAL APPLICATION FOR MARIJUANA ESTABLISHMENT AND/OR MEDICAL MARIJUANA BUSINESS

BUSINESS AND TRADE NAME IN FULL

Tumbleweed Eagle, LLC

TYPE OF OWNERSHIP:

☐ Corporation ☒ Limited Liability Company ☐ Partnership ☐ Sole Proprietorship ☐ Franchise ☐ Non-Profit ☐ Other

APPLICANT NAME

Sherri Marzario

DATE OF BIRTH

1/9/1970

MAILING ADDRESS

1187 Gore Trail, Edwards, CO 81632

PHONE

612-865-7096

MANAGER NAME

Ridge Curington

DATE OF BIRTH

8/5/1989

MANAGER ADDRESS

161 Eagle Street Gypsum CO 81637

PHONE

PROPERTY OWNER NAME

Mark Smith/Northgate Eagle LLC

PHONE

612-963-1820

BUSINESS CONTACT EMAIL ADDRESS

austinenergygroup@gmail.com

Submit local application with a copy of the following completed forms:

MEDICAL MARIJUANA

State License Application DR 8530 Colorado Business Medical Marijuana License Application

State License Application DR 8520 Colorado Associated Key Marijuana License Application

State Form DR 8544 Appendix A Optional Premise Cultivation License

State Form DR 8524 Colorado Medical Marijuana License Bond

IRS Form 8821 Tax Information Authorization

Review: MED Medical Marijuana New Application Checklist, State License Fee Schedule and Town of Eagle Fee Schedule

RETAIL MARIJUANA

State License Application DR 8548 Colorado Business Retail Marijuana License Application

State License Application DR 8520 Colorado Associated Key Marijuana License Application

State Form DR 8524 Colorado Medical Marijuana License Bond

IRS Form 8821 Tax Information Authorization

TYPE OF LOCAL LICENSE(S) Choose all applying for

☐ MEDICAL MARIJUANA APPLICATION FEE
\$1000.00

☐ RETAIL MARIJUANA APPLICATION FEE
\$1000.00

☐ LATE RENEWAL FEE
\$500.00

☒ RETAIL MARIJUANA STORE
New/Renew \$1500.00

☐ RETAIL MARIJUANA CULTIVATION
New/Renew \$1500.00

☐ RETAIL MARIJUANA PRODUCTS
MANUFACTURER New/Renew \$1500.00

☐ DUALY LICENSED RETAIL AND MARIJUANA
PRODUCTS MANUFACTURER
New/Renew \$2000.00

☐ DUALY LICENSED MEDICAL
MARIJUANA CENTER & RETAIL
MARIJUANA STORE
New/Renew \$2000.00

☐ DUALY LICENSED RETAIL AND MEDICAL
MARIJUANA CULTIVATION
New/Renew \$2000.00

☐ MEDICAL MARIJUANA PRODUCTS
MANUFACTURER New/Renew \$500.00

☐ MEDICAL MARIJUANA CENTER
New/Renew \$500.00

☐ MEDICAL MARIJUANA CENTER CULTIVATION
/Optional Premises New/Renew \$500.00

STATE OF COLORADO LICENSE NO.
402R-00865

EXPIRATION DATE
5/8/2021 *MED renewal submitted

TOWN OF EAGLE LICENSE NO.
402R-00865

EXPIRATION DATE
5/8/2021

STATE OF COLORADO SALES TAX LICENSE NO.
65534515-0000

FEIN NO.
84-4222333

SUPPLEMENTAL INFORMATION

☒ TOWN OF EAGLE SPECIAL USE
PERMIT NO.

#SU19-03

EXPIRATION/REVIEW DATE:

Annual Review: 5/8/2021

☒ LANDLORD AUTHORIZATION TO USE
PROPERTY FOR A MARIJUANA BUSINESS
ATTACHED

☐ PROOF OF OWNERSHIP IF NOT
LEASED ATTACHED

N/A Lease attached

EMC 5.15.100 Personal Requirements for the Licensee, Principals, Business Manager, Persons Holding a Financial Interest and Employees.

In order to be eligible to apply for a Marijuana Enforcement Division (MED) Retail Marijuana Business License all owners must meet *each* of the following statutory requirements (C.R.S. 12-43.4-306):

- | | True or False |
|--|---------------|
| 1. Applicant has received a special use permit to operate the proposed Medical Marijuana Business in accordance with the Town's Land Use and Development Code contained in Title 4 of the Eagle Municipal Code; | True |
| 2. May not be a sheriff, deputy sheriff, police officer, prosecuting officer or be an employee of a local or State Licensing Authority, and | True |
| 3. May not be financed in whole or in part by any other person whose criminal history indicates he or she is not a good moral character after considering the factors in section C.R.S. 24-5-101 (2) and reputation satisfactory to the respective licensing authority | True |
| 4. May not employ any person at the Retail Marijuana business that has not passed a criminal history record check (obtained an MED Occupational License) | True |
| 5. May not employ, be assisted by or financed in whole or in part by any other person whose criminal history indicates he or she is not of good character and reputation; | True |
| 6. May not have a criminal history that indicates that he or she is not of good moral character after considering the factors in C.R.S. 24-5-101 (2) | True |
| 7. May not have any other felony convictions that have not been fully discharged for five years immediately preceding his or her application date | True |
| 8. Must be resident of state for two years prior to application, | True |
| 9. No fraudulent, misrepresented or false statement of material or relevant fact is contained within the application or was made to the Local Licensing Authority. | True |
| 10. The applicant and Principals are not in default on any student loan. | True |
| 11. The applicant and Principals are not licensed physicians who recommend Medical Marijuana to Patients. | True |

True or False

12. The applicant and Principals are not peace officers or prosecuting attorneys. True
13. The applicant and Principals do not have any orders or judgments against them for child support in default or in arrears. True
14. The applicant is not in arrears in regard to any administrative fines, court fines, assessments, sales tax reporting and/or payment obligations, or fees owed to the Town of Eagle; and True
15. The applicant, Principals, and Business Manager are not in default on any municipal, county, State, or federal taxes, fees, fines or charges, do not have any outstanding warrants for their arrest, and do not have any outstanding liens or judgments payable to the Town of Eagle. True
16. The applicant, Principals, Business Manager and employees shall all be over the age of twenty-one (21) years. True
17. The applicant, Principals, Business Manager, persons holding a financial interest in the business, and employees have not been determined by any Medical Marijuana licensing authority, any other licensing board within the State, or the State Licensing Authority to not be persons of good Character and Record within the preceding three (3) years. True
18. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business and employees are persons of good Character and Record. True
19. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business and employees have not discharged a sentence for any felony in the five (5) years immediately preceding the filing of a license application. True
20. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business and employees have never been convicted of a felony or received a deferred judgment and sentence pursuant to State or federal law regarding the possession, distribution, or use of a controlled substance. True
21. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business have not held an interest in any liquor license, Medical Marijuana license or other license issued by any municipality, county, or the State of Colorado that has been revoked, suspended, or fined within the preceding two (2) years. True
22. The applicant, Principals, Business Manager, persons holding any financial interest in the Medical Marijuana Business, and employees have not had their authority, if any, to act as a Primary Caregiver revoked by the State of Colorado within the preceding two (2) years. True

**The Licensing Authority may grant a license to a person if the person has a state felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied.* True

Any questions with the answer of "False" will stop the application process until resolved.

Sherri Marzario

Applicant Signature

Printed Name

Date


Town Clerk

Jenny Rakow

5.6.21
Date

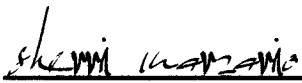
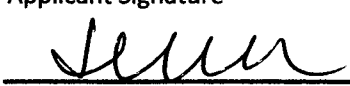
The Local Licensing Authority shall approve, deny or conditionally approve a pending application within 45 days from the receipt of the application.

DEPARTMENT APPROVALS

EAGLE PD	SIGNATURE	DATE
PLANNING DEPARTMENT	SIGNATURE	DATE
SALES TAX	SIGNATURE	DATE
BUSINESS LICENSE	SIGNATURE	DATE

APPLICATION APPROVED ☐ **APPLICATION DENIED** ☐

PUBLIC HEARING/MEETING DATE PUBLIC NOTICE POSTED DATE

	Sherri Marzario	05/04/2021
Applicant Signature	Printed Name	Date
	Jenny Karon	5.6.21
Town Clerk		Date

FINGERPRINT/BACKGROUND CHECK NOTICES TO FOLLOW

COMMERCIAL LEASE

This Lease Agreement (this "Lease") is dated as of April 01, 2020, by and between Northgate Eagle, LLC ("Landlord"), and Tumbleweed Eagle LLC ("Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant Retail space located at 12 Eagle Park Dr for the purpose of a dispensary (the "Premises") located at 12 Eagle Park Dr, Eagle, CO 81631.

TERM. The lease term will begin on April 01, 2019 and will terminate on August 28, 2024.

LEASE PAYMENTS. Tenant shall pay to Landlord lease payments of \$15,000.00, payable in advance, on the first of each quarterly period, for a total lease payment of \$330,000.00. Lease payments shall be made to the Landlord at 1187 Gore Trl, Eagle, Colorado 81632. The payment address may be changed from time to time by the Landlord.

SECURITY DEPOSIT. At the time of the signing of this Lease, Tenant shall pay to Landlord, in trust, a security deposit of \$15,000.00 to be held and disbursed for Tenant damages to the Premises (if any) as provided by law.

POSSESSION. Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peaceably yield up the Premises to Landlord in as good a condition as when delivered to Tenant, ordinary wear and tear excepted.

EXCLUSIVITY. Landlord shall not directly or indirectly, through any employee, agent, or otherwise, lease any space within the property (except the Premises herein described), or permit the use or occupancy of any such space whose primary business activity is in, or may result in, competition with the Tenants primary business activity. The Landlord hereby gives the Tenant the exclusive right to conduct their primary business activity on the property.

PROPERTY INSURANCE. Tenant shall maintain casualty insurance on the Premises in an amount not less than \$100,000.00. Landlord shall be named as an additional insured in such policies. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force issued by companies reasonably satisfactory to Landlord. Landlord shall receive advance written notice from the insurer prior to any termination of such insurance policies. Tenant shall also maintain any other insurance which Landlord may reasonably require for the protection of Landlord's interest in the Premises. Tenant is responsible for maintaining casualty insurance on its own property.

LIABILITY INSURANCE. Tenant shall maintain liability insurance on the Premises in a total

aggregate sum of at least \$1,000,000.00. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force issued by companies reasonably satisfactory to Landlord. Landlord shall receive advance written notice from the insurer prior to any termination of such insurance policies.

RENEWAL TERMS. This Lease shall automatically renew for an additional period of 5 years per renewal term, unless either party gives written notice of termination no later than sixty days prior to the end of the term or renewal term. The lease terms during any such renewal term shall be the same as those contained in this Lease.

TERMINATION UPON SALE OF PREMISES. Notwithstanding any other provision of this Lease, Landlord may terminate this lease upon sixty days' written notice to Tenant that the Premises have been sold.

DEFAULTS. Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 5 days (or any other obligation within 10 days) after written notice of such default is provided by Landlord to Tenant, Landlord may take possession of the Premises without further notice (to the extent permitted by law), and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under this Lease. Tenant shall pay all costs, damages, and expenses (including reasonable attorney fees and expenses) suffered by Landlord by reason of Tenant's defaults. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law.

CUMULATIVE RIGHTS. The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

LANDLORD:

Northgate Eagle, LLC
1187 Gore Trail
Edwards, Colorado 81632

TENANT:

Tumbleweed Eagle LLC
12 Eagle Park Dr
Eagle, CO 81631

Such addresses may be changed from time to time by any party by providing notice as set forth above. Notices mailed in accordance with the above provisions shall be deemed received on the third day after posting.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of Colorado.

ENTIRE AGREEMENT/AMENDMENT. This Lease Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

LANDLORD:
Northgate Eagle, LLC

By: 
Mark Smith,
Owner

Date: February 01, 2020

TENANT:

Tumbleweed Eagle LLC

By: *Sherri Marzario*
Sherri Marzario,
Owner

Date: February 01, 2020



NOTIFICATION OF LAND USE DECISION

FILE NUMBER: SU19-03

This form represents a notification of decisions rendered by the Town of Eagle Board of Trustees and/or the Planning and Zoning Commission in response to the application for land use action described below and pursuant to Title IV of the Eagle Municipal Code.

APPLICANT: Mark Smith, Tumbleweed Eagle LLC

OWNER OF RECORD: Northgate Eagle LLC

DATE OF APPLICATION: March 3, 2019

LOCATION: 12 Eagle Park East, Eagle, CO 81631

DESCRIPTION OF REQUEST: Special Use Permit to operate a retail marijuana store at 12 Eagle Park East Drive within the Commercial General (CG) Zone District.

PLANNING COMMISSION ACTION:

Approval of file SU19-03 with the following conditions:

1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses.
2. Upon issuance of licenses by the State of Colorado, Special Use Permit 13-11 shall become void.
3. The Chambers Avenue access shall not be permitted for exiting the property.
4. A separate sign permit shall be submitted to the Town subject to review and approval for ingress/egress signage.
5. Required perimeter landscape screening shall be depicted on the overall site plan to be reviewed and approved by the Town Planner prior to the issuance of building permit.
6. The applicant shall apply for a building permit within one (1) year of approval or the Special Use Permit shall expire.

DATE: May 21, 2019

BOARD OF TRUSTEES ACTION:

Approval of file SU19-03 with the following conditions:

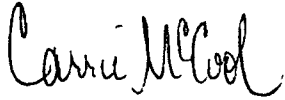
1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses.
2. Upon issuance of licenses by the State of Colorado, Special Use Permit 13-11 shall become void.
3. The Chambers Avenue access shall not be permitted for exiting the property.
4. The applicant shall apply for a building permit within three (3) months of approval or the Special Use Permit shall expire.

DATE: June 11, 2019

DATE OF COMMENCEMENT: June 11, 2019 (via Resolution 20-2019)

TERM: Special Use permit shall expire upon the first occurrence of the following events:

1. In the event no building permit has been applied for by September 11, 2019, the Special Use Permit shall expire.



June 14, 2019

Carrie McCool
Interim Community Development Director-Town Planner

Date



To: Mayor and Town Council
From: Brandy Reitter, Town Manager
Date: May 25, 2021
Re: Town Manager Report

Administration & Organization

Staff continues to work on follow-up from the Town Council meetings. Included is a list of items that staff is tracking in June:

- Municipal Broadband Finance Ordinances
- Glenwood Springs Broadband Service IGA
- Wastewater Rate and Tap Fee Study Presentation
- Small Cell/Communications Tower Ordinance
- Land Use Code Rewrite Contract – Clarion Associates
- Regional Drought Resolution
- Downtown Development Plan

COVID-19 Regional Updates – The pandemic continues to require resources of the Town. Below are a few updates on the impacts to the organization:

- Town Hall is back to normal on June 1 and staff is looking forward to it.
- The administration received great feedback from the employee survey that was sent out to assess the level of comfort the team has for returning to normal. The results were supportive of returning to work.
- The Town is still waiting on guidance regarding the American Recovery Plan.

2022 Budget Development Schedule:

- July 2, 2021 – Capital Improvement Plan (CIP) due
- July 23, 2021 – Operating budgets due
- September 9, 2021 – Town Council Budget Work Session
- September 23, 2021 – Town Council Budget Work Session
- October 12, 2021 – Official presentation of the 2022 Budget
- November 9, 16, 30, 2021 – Public Hearings on the 2022 Budget
- December 14, 2021 – Adoption of the 2022 Budget

Staff was tied up between the last Town Council meeting and will send the Doodle Poll this upcoming week for the LBWTP tours.

Economic Development & Planning

Economic Development

- The Economic Vitality Committee met May 17 and motioned to recommend using \$10,470 in available Economic Development funds for a parking fee-in-lieu study, at the council's discretion. This study will review available parking downtown and along Grand Ave. The nexus will consider three scenarios:

- Additional on-street parking, striping, curb, and gutter improvements
- Acquisition of a surface parking lot for shared use
- Acquisition of a parcel and construction of a parking structure

All three cost scenarios will be studied, and parking need thresholds suggested for when to evolve the strategy to each phase. The study is expected to be completed and presented to Council in November 2021.

- The Economic Vitality Committee subcommittee on strategy will hold a publicly noticed meeting Monday, May 24 at 5 pm to discuss resource allocation and funding strategies.

Project THOR, Broadband, and Telecom

- A draft ordinance for regulating the location and design of small cell / 5g Wireless Communication Facilities (WCF) has been drafted by legal and is receiving staff feedback before revision.
- The Town has come to an effective agreement for the provision of broadband service to the Eagle County Building. Our legal teams are executing the purchase agreements now, and installation of the fiber along the alley between Broadway and Capitol will begin as soon as the logistics make it possible.
- The Town has been working with Comcast to provide weekly updated emails to residents of the Eagle Today newsletter with changes to the Comcast project and neighborhoods where work is taking place. The Town already has an existing page on its website with more information about the Comcast project, and a link to www.colorado.comcast.com/eagle where the most up-to-date information is available.
- The next Project THOR stakeholder meeting is scheduled for June 1.

Art Wall

- The art wall selection committee can announce that Amy Dose has been chosen for all three panels of the Eby Creek Art Wall, and her proposal is included. The selection was limited to artists that reside or maintained significant operations in Eagle County. In the final meeting, the committee voted unanimously for Amy's selection. According to the committee:

The primary reasons given were that this concept felt most inclusive to all Eagle community members and the artwork felt serene and spoke to the community's connection to nature. The Committee discussed the idea of hiring all three artists to create one mural each but ultimately decided against this as they felt the outcome wouldn't feel cohesive because of the variation in aesthetics and themes.

Community Survey

- The EVC is holding a publicly noticed subcommittee meeting on May 26 at 1 pm to discuss the next steps for the Community Survey.
- The full dataset should be transferred to the Town by the end of May.
- A full print report of the survey will be completed by the end of June.

2020 Census Update

- Colorado's resident population as of April 2020: 5,773,141
- Colorado's 2020 population represents a 14.8 percent increase over Colorado's 2010 population. Colorado's 2010-2020 growth percentage was the sixth-highest among U.S. states. Utah, Idaho, Texas, North Dakota, and Nevada saw larger percentage increases in population.
- Colorado will gain an additional seat in the U.S. House of Representatives based on these 2020 Census results.
- The resident population of the United States increased 7.4 percent between 2010 and 2020 to 331,449,281. This was the smallest percentage increase in the United States population since 1930-1940.

Grand Avenue Corridor Study

- Council members and the public are encouraged to go to the social pinpoint page for all engagement activities - <https://eaglecolorado.mysocialpinpoint.com/>
- The Project Team is preparing for the Council work session scheduled for June 1
- Additional outreach to multicultural communities has begun with the assistance of the Eagle Valley Community Foundation and NHI Solutions.
- One-on-one follow-up meetings with interested property owners along Grand Ave will take place through the end of May.
- An in-depth article was published in the Vail Daily about phase 1 of the project, and a link to the article is [HERE](#).
- There will be a corridor walk on Thursday, May 27, and an additional walk might be scheduled but a date has yet to be determined.

Downtown Broadway

- Art Walk's Food Truck Round-Up on May 14 was a huge success, with many food trucks sold out halfway through the event. Hundreds were in attendance, and no major issues were reported.
- The DDA will vote on the final approval of a Downtown Plan of Development at the June 1 meeting. The plan of development will come to Council for review on June 8.
- ArtWalk's "Murder on Broadway" event hosted February 14, 2020, was nominated for a Downtown Colorado Inc. Governor's Award. The award ceremony is being held on May 27.

Marketing and Events

- The Marketing and Events team held a process improvement workshop on May 21 with Town staff, event producers, MEAC members, and members of the public present. This workshop provided several recommendations for improving the internal and external events hosting and permitting process. Details about the implementation of these changes will be announced soon.

Sustainability

- Town Staff will be sharing results from the Community Survey with the Climate Action Collaborative at the May 24 meeting. Notable questions include the desire of Eagle Residents to continue some element of working from home after COVID restrictions have been lifted, and the desire for more multi-modal transportation within the community.

Outreach & Meetings – Updates on participation in community outreach opportunities, regional/community meetings, and project-specific meetings.

- May 26 – Monthly Comcast meeting
- June 1 – Project Thor partner meeting
- June 1 – OSRAC meeting
- June 1 – Town Council Work Session
- June 2 – Comcast project team meeting
- June 11 – Mayor’s Roundtable

Sincerely,



Brandy Reitter
Town Manager
Town of Eagle, CO

Town Council Requests – Once items are completed; they are deleted from the list Items in Red are new requests.		
Request Date	Request	Status
N/A	Strategy for STR memo	Not Scheduled
N/A	Plan for Mobile vending communication	Not Scheduled
N/A	Agenda Item: Plastic Bag and TREX discussion	Not Scheduled
N/A	Agenda Item: Fairgrounds annexation	Not Scheduled
N/A	Agenda Item: E-bike policies	Not Scheduled
10/13/2020	10% of tobacco funding for mitigation - policy	Not Scheduled
10/27/2020	Schedule Jacob Smith to come to a Town Council Meeting	Not scheduled
11/10/2020	Be Our Guest: Make it look less like a construction site	In Progress
1/12/2021	Work Session on sustainability and the CAC	July 6
3/9/2021	Bring back land donation proposal	Not Scheduled
3/9/2021	EQR Ordinance	In progress
3/9/2021	Broadband return un-used funds in loan documents	Not Scheduled
4/13/2021	Future Agenda Item: 2018 Public Presentation Policy	Not Scheduled
4/13/2021	Second Street closure sketch and reprioritization list	Complete
4/27/2021	Connect with Scott T's PRV contact	In Progress
5/11/2021	Talk to County about ERP surveillance cost share	Not Scheduled
5/11/2021	Clarification on impacts of the CAC 2020 Plan update	Not Scheduled
5/11/2021	Bring back CAC 2020 Plan resolution	Not Scheduled
5/11/2021	Reach out to Eagle Ranch Housing Corp. on partnering	Not Scheduled
5/11/2021	Look into vacancy housing tax	Not Scheduled
5/11/2021	Include final community survey in packet	Not Scheduled



To: Mayor Turnipseed and Town Council

From: Peyton Heitzman, Planner I
Chad Phillips, Community Development Director

Date: May 25, 2021 (Continued from May 11, 2021)

Agenda Items: AN20-02 Base Camp Eagle Annexation, SU20-03 Recreational vehicle park Special Use Permit, and RZ20-02 Zoning

Resolution No. 32 Series 2021, A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County.

Ordinance No. 05 Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County, Zoning the Property Rural Residential and Approving the Associated Annexation Agreement.

Resolution No. 33, Series 2021, A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for a Recreational Vehicle Park at 3220 Brush Creek Road.

REQUESTS: For Council to consider the annexation of a 13.5-acre parcel and establish zoning to the Rural Residential (RR) zone district. The application is also accompanied by a request to develop a portion of the property into a Recreational vehicle (RV) park through a Special Use Permit (SUP).

BACKGROUND: The property is located at 3220 Brush Creek Road, southeast of the Town of Eagle. The Haymeadow development surrounds the property north of Brush Creek Road. To the south of the property, across Brush Creek Road, are residential parcels in unincorporated Eagle County. The project consists of one lot under the sole ownership of Shawn and Marci Colby (Applicants). There are currently two homes and a garage on the north end of the property. The proposed RV park will be located to the south of the existing structures.

On February 23, 2021, the Town Council passed Resolution 20, Series 2021, finding the Annexation Petition for Base Camp Eagle to be in substantial compliance with Section 31-12-107(1) C.R.S. On March 13, 2021, the Planning and Zoning Commission heard and considered the SUP and zoning request for the application and recommended approval for both files with conditions. During the April 13, 2021 Town Council meeting, the Public Hearing was continued to May 11, 2021. Town Council held the Public Hearing on May 11th and continued the file to May 25th.

ANALYSIS:

Annexation. The annexation application complies with the requirements of Title 31, Article 12 of the Colorado Revised Statutes and the standards for annexation outlined in Title 4 of the Municipal Code. Staff's analysis of the application

against the State and Municipal standards can be found in the staff report dated April 13, 2021, accessed through this [LINK](#).

The Applicants have modified the Campground and RV Park Management Plan (Management Plan) since the May 11th meeting. The modification is a limitation on the use of generators. The Management Plan is included as an attachment in the packet.

Annexation Agreement

The Annexation Agreement (Agreement) establishes the terms and conditions of the annexation, zoning, and SUP. The Agreement was still being drafted during the April 13th and May 11th public hearings but has been included as an attachment with this report.

The key terms of the Agreement include:

- Zoning of property to Rural Residential (RR).
- Annexing existing structures as legal nonconforming. The duplex on the property will be required, through this agreement, to convert back into a single-family home, the use originally permitted through the County.
- Limiting stay of rental cabins to 14 days to meet definition of “temporary lodging” in Title 4 of Municipal Code.
- Connecting single family homes to Town water services within three months.
- Requiring payment of all fees associated with connecting to Town water. There is a credit (1.0 EQR) for an existing connection to the Town’s water system.
- Use of raw water irrigation from Mathews Ditch. This lease agreement will be negotiated within 180 days of the Effective Date of the Annexation Agreement.
- Acknowledgement of the existing Onsite Wastewater Treatment System (OWTS). Applicants will be required to connect to Town wastewater services within 2 years from the time the wastewater main runs within 400 feet of the property boundary unless the connection is across Brush Creek Road.
- Vault Toilets and Dump Station will be required to connect to Town wastewater services once the property has made the connection to the Town’s wastewater system.
- Conveyance of easements to the Town, including 10’ easement along the southern border of the property for a Utility, Grading & Public Access Easement.
- Construction of public trail on property.

Fiscal Impact Analysis

Staff Comments: The Fiscal Impact Report (Report) remains the same as provided at the April 13, 2021 meeting. The Report can be found through this [LINK](#). The Applicants will be required to pay fees not included in the Report, including a water Plant Investment Fee (PIF) totaling \$19,588.80 and a fee in lieu of water rights dedication totaling \$11,200.00. The sewer PIF fees will be paid at a later date when the Applicants are required to connect to the Town wastewater services as required in the Annexation Agreement.

Zoning. The Applicants are requesting to rezone the lot to Rural Residential zoning (RR) concurrently with the annexation application. The Planning and Zoning Commission unanimously recommended approval of the RR zoning during the March 16, 2021 regular meeting. Further analysis of the proposed zoning can be found in the March 16th Planning and Zoning Commission staff report ([LINK](#)) and the April 13th Town Council staff report ([LINK](#)).

Special Use Permit. The applicants are requesting a SUP for the construction of 53 RV and tent camp sites. This application was reviewed against the standards for a SUP ([Section 4.05.010.A.1.a](#)), standards for RV Parks ([Chapter 4.10](#)), and general zoning standards ([Chapter 4.04](#)). A detailed analysis of the RV Park SUP application is included in the

March 16th Planning and Zoning Commission staff report ([LINK](#)) and the April 13th Town Council staff report ([LINK](#)). The Planning and Zoning Commission recommended approval of the SUP application with conditions of approval. Since the Planning and Zoning Commission meeting, the Town Attorney has reviewed and modified the conditions of approval for the SUP. The conditions of approval are included in Resolution 33, Series 2021 and are also copied below:

- a. No RVs shall be permitted to remain in the RV Park for more than 6 months in any 12-month period.
- b. Prior to opening the RV Park, Applicants shall construct a parking area with 6 additional parking spaces. Parking shall be allowed only in approved areas. No parking shall be permitted on RV Park roadways, on public rights-of-way, or on Brush Creek Road. Automobile parking spaces in the RV Park shall comply with all current Town parking requirements set forth in Code § 4.07.140, as amended.
- c. The RV Park shall be designed, constructed and operated in full compliance with Code § 4.10.030.J, as amended, the currently adopted Uniform Plumbing Code provisions for recreational vehicle parks, the Colorado Department of Public Health and Environment's "Standards and Regulations for Campgrounds and Recreation Areas," as amended, and all other applicable law.
- d. All exterior lighting shall adhere to Town lighting standards.
- e. All conditions of the Annexation Agreement between the Applicants and the Town for annexation of the Property to the Town shall be and remain fully satisfied.
- f. Prior to the Town's issuance of the written Special Use Permit, Applicants shall post the performance guarantee required by Code § 4.05.010.C.
- g. The existing structure on the Property containing 2 unpermitted dwelling units shall be converted to a single-family dwelling prior to any occupancy of such structure.

COMMUNITY INPUT: The annexation application was publicly noticed in accordance with C.R.S. § 31-12-108(2). The Community Development Department noticed the associated land use applications (e.g., Special Use Permit and zoning) according to the provisions of the Town of Eagle Land Use and Development Code. Staff has received 70 public comments as of May 19th, 2021. All previously provided comments can be accessed through this [LINK](#). Since the last public hearing on May 11th, staff has received nine comments from the public, which are included as an attachment in the packet.

BUDGET: None. The proposed annexation has generated review fees; however, the applicants have agreed to reimburse the Town for expenses and fees incurred by the Town in reviewing and processing the land use application.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: The application is in alignment with Major Objectives from the Strategic Plan including, "Enhance the Economic Resiliency" of the Town Government by providing a new revenue source through bed tax generated from the RV Park. The objective to "Attract Visitors" is supported through a new outdoor amenity that provides camping sites for visitors. Finally, the objective to "Focus on Recreation, Events, and Open Space" is supported through the RV Park's expansion of the trail system.

RECOMMENDED ACTION OR PROPOSED MOTION:

Annexation and Zoning

1. Approve Resolution No. 32, Series 2021, A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County (Base Camp Eagle).

2. Approve Ordinance No. 5, Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County, Zoning the Property Rural Residential and Approving the Associated Annexation Agreement (Base Camp Eagle).

Special Use Permit

1. Approve Resolution No. 33, Series 2021, A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for a Recreational Vehicle Park at 3220 Brush Creek Road.

ATTACHMENTS:

- Exhibit A: Annexation, Zoning, and Special Use Permit Applications + Conceptual Plan ([LINK](#))
- Exhibit B: Annexation Petition ([LINK](#))
- Exhibit C: Resolution 20, Series 2021 ([LINK](#))
- Exhibit D: Annexation Map ([LINK](#))
- Exhibit E: Traffic Impact Study ([LINK](#))
- Exhibit F: Environmental Impact Study ([LINK](#))
- Exhibit G: Annexation Impact Report ([LINK](#))
- Exhibit H: Fiscal Impact Report ([LINK](#))
- Exhibit I: 2017 Economic Contributions of Outdoor recreation in Colorado Report ([LINK](#))
- Exhibit J: Public Comments prior to May 11th meeting ([LINK](#))
- Exhibit K: Planning & Zoning Commission Minutes dated March 16, 2021 ([LINK](#))
- Exhibit L: Staff Report for Planning & Zoning Commission meeting dated March 16, 2021 ([LINK](#))
- Exhibit M: Staff Report for Town Council meeting dated April 13, 2021 ([LINK](#))
- Exhibit N: Campground & RV Park Management Plan ([LINK](#))
- Exhibit O: Public comments received after May 11th
- Exhibit P: Annexation Agreement
- Exhibit Q: Resolution 32, Series 2021
- Exhibit R: Ordinance 05, Series 2021
- Exhibit S: Resolution 33, Series 2021

BASECAMP EAGLE

CAMPGROUND & RV PARK MANAGEMENT PLAN

Revised 051721

BASECAMP EAGLE OPERATIONS:

- The campground will be open seasonally depending upon weather – estimated opening in April and closure in November.
- Management is working with the Town of Eagle on trail connectivity in order to allow guests to “park once” and access amenities via alternative means – hiking, biking, etc.
- Management will discourage the use of Brush Creek Road for walking and biking.
- Campers will have a self-serve check-in and management will be on site to ensure the site is supervised, grounds are maintained properly and the park is in a clean and sanitary condition at all times while operating.

CHECK-IN TIME:

- All sites: 2:00 PM

CHECK-OUT TIME:

- All sites: 11:00 AM

LATE CHECK-OUT POLICY:

- The manager may be able to arrange a late checkout per request, if available. Late checkout is 1:00 PM and a \$50 late fee may apply. To ensure availability for incoming guests, please plan prompt departures. Full rates will be charged for checkout after 2:00 PM or if late checkout was not pre-approved.

QUIET HOURS:

- Quiet hours are from 10:00 PM to 7:00 AM.
- Generator use is prohibited in the park at all times, other than as necessary for setup and foldup of RV's on arrival and departure. All sites are provided electric hookups.
- Children are asked to be back at their campsite by 8:00 PM.
- Please be courteous to other guests around you.

DARK SKY POLICY:

- Dark sky hours are from 10:00 PM to 7:00 AM.
- Artificial lighting is restricted to minimal usage.
- No exterior lights on campers permitted.
- Park lighting will be reduced during these hours to afford maximum night sky viewing.

OCCUPANCY GUIDELINES:

- Unless otherwise allowed by management, there is a limit of 6 guests (including children) per RV or tent space.
- Maximum stay per license plate and/or individual is 14 days.

SECURITY:

- Management is not responsible for lost, stolen or damaged articles.
- Keep your valuables locked up.
- Report any problems with your site to the manager immediately.
- We adhere to and maintain all state, county, and local laws on property.

CAMPFIRES:

- Campfires are limited to designated fire rings.
- Only natural firewood allowed. No burning of manufactured lumber or other debris allowed in park.
- All local fire bans and/or restrictions must be observed.
- Fire safety will be strictly enforced, and noncompliance may lead to eviction.

RESERVATION/CANCELLATION POLICY:

- Reservation Policy: Full payment is due upon reservation. No refunds given for early departure.
- Minimum Stay Requirements: A 2- or 3-night minimum stay may be required when booking over a holiday weekend.
- Cancellation Policy: All sites require a 3-day advanced notice or customer forfeits first night.

PARKING AND VEHICLE POLICY:

- Please observe our RV site length restrictions. We will do our best to accommodate your needs. Understand these requirements are in place to protect your vehicles, your equipment and to minimize any property damage. Disregard of measurement guidelines specific to the site you have booked will result in a forfeit of your deposit, eviction, and you will be 100% liable for any damage.
- All RVs must be RVIA certified and are subject to management approval.
- One habitable and one non-habitable vehicle are allowed per site and must be parked completely on the site.
- Extra vehicles may be included for a fee of \$15 per day, subject to availability.
- Our on-site speed limit is 5 mph.
- Working on and washing vehicles is prohibited.
- All vehicle license numbers must be recorded at check-in kiosk upon arrival.
- Anyone operating a motor vehicle must have a valid driver's license.
- Dropping camper shells is prohibited.

PET POLICY

- Pets are welcome and must be registered at check-in kiosk upon arrival.
- A \$100 fine may be charged if pet is not registered at check-in.
- You must obtain permission from management to bring more than two pets.
- Pets must be kept on a maximum 10-foot leash **at all times** and under the control of their owner. Pets may not be left unattended.
- Guests are required to "clean up" after their pet. All pet droppings must be properly disposed of in a trash receptacle. For anyone found not cleaning up after their pet(s), a \$50 fine may be assessed.

- Guests should carry proof of pet's current vaccinations.
- Pets are prohibited in common areas.
- For the protection and consideration of our guests, noisy, vicious or unruly pets are not allowed. Guests who are unable to control their pets must remove them from the premises or the animal may be taken by local animal control authorities.
- Resort is not responsible for and will hold accountable pet owners for any injury or damage caused by pet(s). In addition, owner of pet that causes injury or damage to others is expected to resolve the issue directly with the injured party.
- Exotic pets are strictly prohibited.

WILDLIFE

- The Resort is located in an area that serves as habitat for many species like bear, deer and elk, and as such the management will employ the following practices to avoid human-wildlife conflicts. These include:
 - Trash of all kinds, especially food waste, will be disposed of in designated bear proof trashcans.
 - All food including pet food should be kept in vehicles or in a bear proof containers. No food waste should be left outdoors.
 - Personal BBQ grills should be free of food waste and cleaned after use.

OTHER:

- Drones are not permitted.
- Important notices will be posted on our message board by the check-in kiosk.
- Please keep your campsites and RV sites neat and tidy (i.e. gear and toys put away when not in use). Also, please NO clothes lines, inflatable/kiddie pools, portable shade structures, or excessive outdoor furniture.
- Smoking is strictly prohibited in any of our buildings and common areas. A \$200 cleaning fee will be charged if smoking is apparent in any of our buildings.
- We are a family-oriented campground. Drugs will not be tolerated on grounds and will be cause for immediate eviction and potential law enforcement involvement.
- Please be courteous to other guests around you.
- Children must be supervised by an adult **at all times** and are expected to be at their campsite by 8:00 PM.
- Loud, objectionable noise is not allowed at any time.
- Inconsiderate guests will be asked to leave.
- Profanity or violence towards others and the park team will not be tolerated.
- Alcoholic Beverages must be kept at campsite.
- Use of Firearms is prohibited.
- Riding of bicycles after dark is prohibited, please walk them.
- Electric scooters, skateboards and mini bikes are not to be used in the park.
- Please help us keep our restrooms clean. Children under 7 must be accompanied by an adult in our restrooms.

Park owners reserve the right to change or update this management plan, depending on supervision or operational challenges encountered when the resort is operating.

Peyton Heitzman

From: Vail Valley Magazine <joette@vailvalleymagazine.com>
Sent: Friday, May 21, 2021 4:13 PM
To: Peyton Heitzman
Subject: Colby RV park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Peyton,

My name is Joette Gilbert and unfortunately, I was not given the opportunity to speak at the meeting because the town council did not have time to listen to two more people. But hopefully I can speak at the next meeting.

If you are in town today and are experiencing this wind...are you as concerned about the fire danger as all of us are who live in this area? The fire danger is one of the top concerns and should be taken very seriously by the planning department and the Town Council.

I am also concerned that the town has not done enough studies about the wildlife corridors. It seems to me that the Eagle County environmental study has identified this as a wildlife corridor in their comprehensive master plan because of property zoning. This zoning change seems to benefit the Colby's plan but doesn't prioritize the animals, including elk, deer, blue heron, and eagles.

The animals migrate through the Colby property and this needs to be studied and addressed.

I have other concerns, but this wind made us sit up and take notice of how dangerous this potential plan is.

Joette Gilbert

Peyton Heitzman

From: crystal young <crystalcolorado@hotmail.com>
Sent: Friday, May 21, 2021 2:06 PM
To: Peyton Heitzman
Cc: Chad Phillips
Subject: Re: Request for Information - Base camp/open space planning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

yes, please. Thank you!

From: Peyton Heitzman <peyton.heitzman@townofeagle.org>
Sent: Friday, May 21, 2021 12:54 PM
To: crystal young <crystalcolorado@hotmail.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>
Subject: RE: Request for Information - Base camp/open space planning

Hi Crystal,

Please find my response below in **red**. Would you like your questions/staff's responses to be included as public comment at the hearing?

Who should I coordinate with regarding planning for a connected wildlife corridor along Brush creek? **We refer all wildlife issues to Colorado Parks and Wildlife (CPW). Our local contact is Brian Wodrich brian.wodrich@state.co.us.** Didn't the applicate already apply for a special use permit with the County and that is why they are requesting to be annexed into the Town of Eagle? **The County and Town have separate processes. For history on the County application, please request information from the County directly. However, past County land use decisions are not considered when processing Town land use applications.** The Environmental Impact Statement does not adequately characterize environmental resources or qualify the proposed impacts to those resources. What is the process to better inform the applicant and town that the EIS did not adequately qualify resources or potential impacts? **The process is sharing your concerns with staff and during public comment at the upcoming meeting.** What is the process to amend the EIS and inform potential impacts? **At this point in time, Council would need to be convinced that such amendments are needed to move forward.** Perhaps an update to the EIS could encourage the application/town to protect the existing wetland and move the proposed Dump Station away from the sub-surface fluvial connection (old meander scar likely a fissure) to Brush creek. How does the applicant plan to mitigate for the Elk calving period which ends June 1st? **We will forward this question to CPW and the applicant.**

Best regards,

Peyton Heitzman

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9619

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: crystal young <crystalcolorado@hotmail.com>
Sent: Friday, May 21, 2021 10:46 AM
To: Peyton Heitzman <peyton.heiztman@townofeagle.org>
Cc: Chad Phillips <chad.phillips@townofeagle.org>
Subject: Re: Request for Information - Base camp/open space planning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Peyton - thank you for the responses. Who should I coordinate with regarding planning for a connected wildlife corridor along Brush creek? Didn't the applicate already apply for a special use permit with the County and that is why they are requesting to be annexed into the Town of Eagle? The Environmental Impact Statement does not adequately characterize environmental resources or qualify the proposed impacts to those resources. What is the process to better inform the applicant and town that the EIS did not adequately qualify resources or potential impacts? What is the process to amend the EIS and inform potential impacts? Perhaps an update to the EIS could encourage the application/town to protect the existing wetland and move the proposed Dump Station away from the sub-surface fluvial connection (old meander scar likely a fissure) to Brush creek. How does the applicant plan to mitigate for the Elk calving period which ends June 1st?

Thank you. I appreciate your time in advance. I recognize everyone is super busy.
Crystal Young
970-471-6848

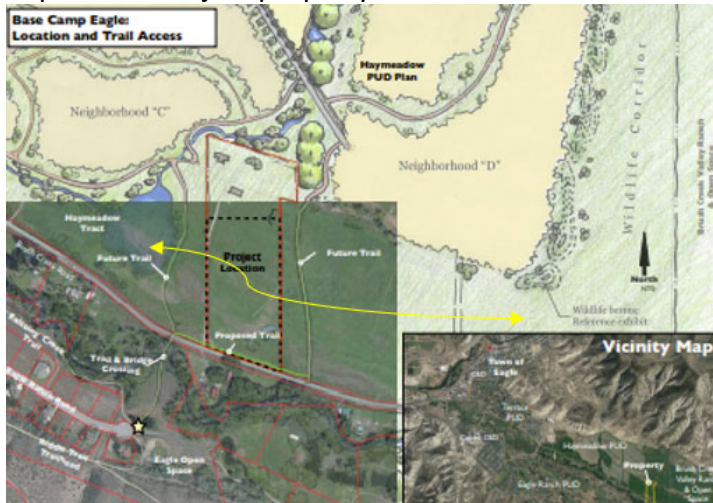
From: Peyton Heitzman <peyton.heiztman@townofeagle.org>
Sent: Thursday, May 20, 2021 9:25 AM
To: crystalcolorado@hotmail.com <crystalcolorado@hotmail.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>
Subject: FW: Request for Information - Base camp/open space planning

Hi Crystal,

Thank you for your public comment and questions. Please find my response below in **red**. I have forwarded your email to other agencies (ex. Colorado Parks and Wildlife and Town of Eagle Public Works Department) for responses to questions I am not able to answer at this time. Your email will be included with other written public comment in Town Council's packet.

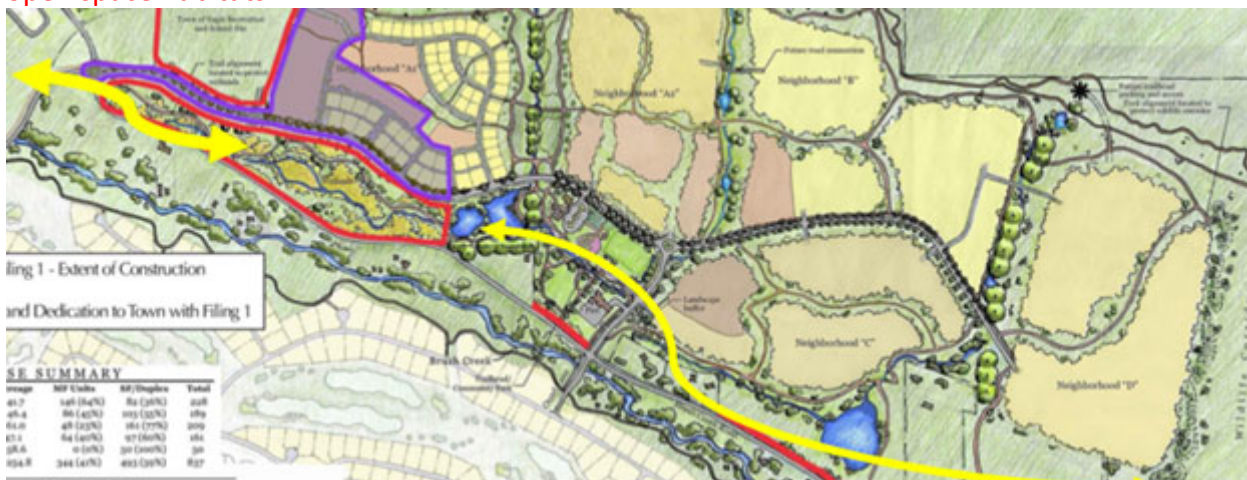
1.) Why does the applicant need to be annexed into the Town of Eagle? **The Town cannot process the zoning or special use permit unless the property has been annexed. Alternatively, if the applicant chose to forgo annexation, they would have to apply for the campground through Eagle County.**

2.) It appears that the greater area plan for a connected wildlife corridor anticipated the Land Uses/Zoning would remain residential and that the subject property would have limited developments. The underlying natural area image below shows that a connected wildlife corridor anticipated the subject property (Base Camp) would remain within the current zoning. An RV park in the middle would sever the connection between the planned for east wildlife corridor open space and the west-side open space. What is the intent of the underlying natural area plan and wildlife corridor/open spaces? To me, the natural area plan/image implies the subject property would remain within current landuse zone regulations.



3.) I am unable to locate good open space maps and I may be ill-informed. What is the plan for a connected wildlife corridor along Brush Creek? How is the town of Eagle and Eagle County working together to ensure a collaborative plan for a continued open space corridor along Brush Creek? It appears the planned for urban developments could be revisited to include a connected corridor and not fragmented habitats. Is there a Vision to connect the lower Brush Creek open space with the upper Brush Creek Valley Ranch open space? **The Town's long-range planning documents do not specifically address an open space corridor along Brush Creek within the Town's boundary. However, the Town's Comprehensive Plan adopted in 2020 does provide a more generalized goals to "Protect and preserve wildlife habitat, movement corridors, and other sensitive lands" and "Utilize the most current analysis tools and mapping to identify critical wildlife habitats and movement corridors" under Goal 4-1 (pg 56).**

Has planning considered revising/relocating the proposed school- fire station locations so that open space habitats would be connected? **I am not aware of any conversations about relocating the school/fire station for open space habitats.**



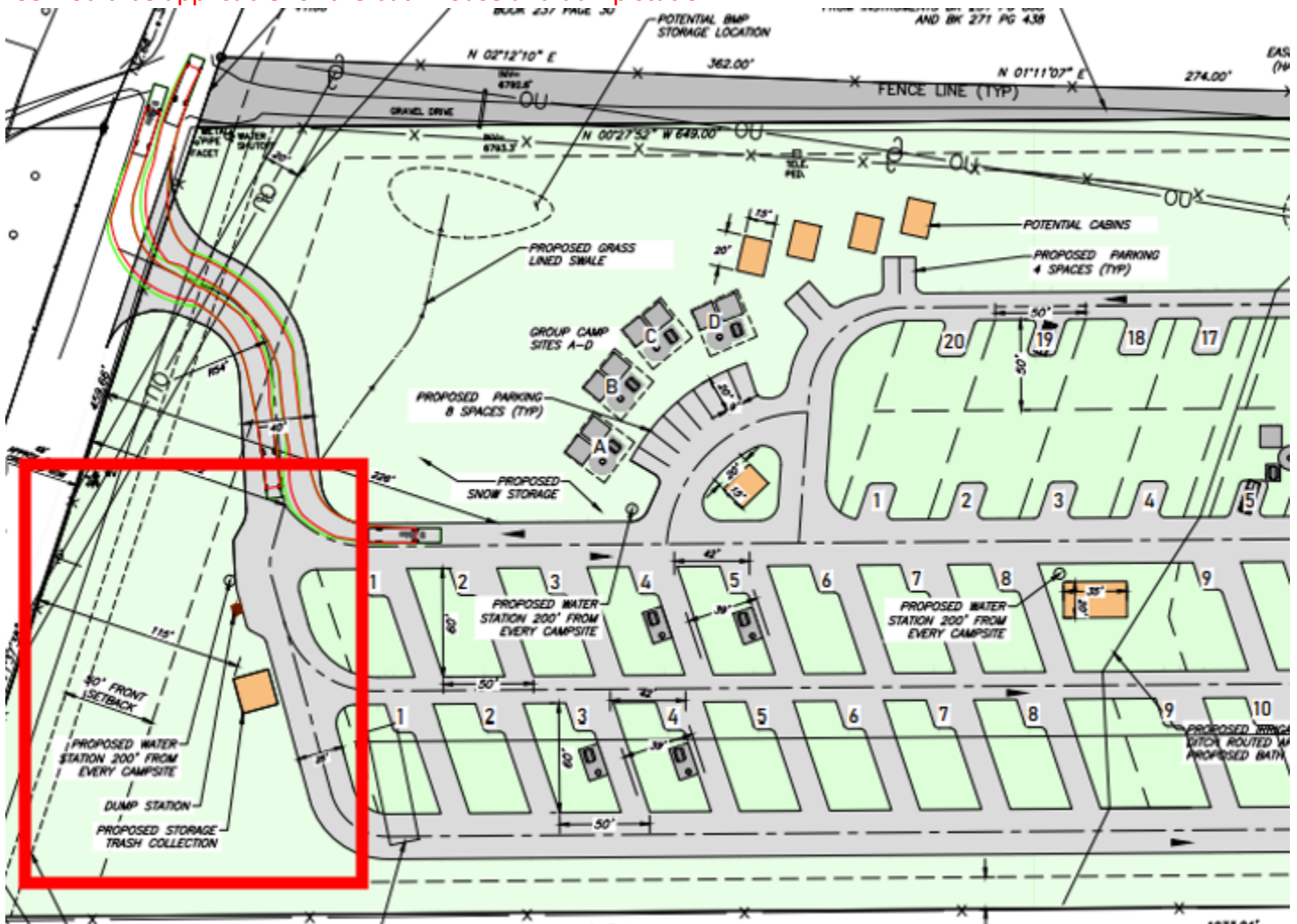


4.) Are there current wildlife studies to know what species these planned for developments would be impacting? Are there any long-term studies to understand the population trends and development impacts to the eagle-brush creek elk herd? How wide of a corridor do elk need to not be crowded out by urban developments?

5.) The Base Camp Environmental Impact Statement is generalized and does not provide the resolution necessary to inform planning. The Base Camp planners/developers say they are "environmental" and planned to maintain those values; however there is no regard to preserve/enhance the existing wetland as a functioning feature. There is not an adequate ground water study - the location of the well on the property is not identified. Where is the location of the well, and how does this adequately characterize the subject property? **If the annexation application is approved the property owners will need to abandon the well and connect to Town water services.** Likely the well is next to the house and at an elevation much greater than the subject property. In addition, the wetland is certainly an old channel scar, supported when the water table is high, and a direct fissure to Brush creek. My professional opinion is the hydrology portion of the EIS does not adequately describe the environmental conditions. The applicant says they are "environmental" however the landscape plan does not diversify food sources or hiding spaces, and the emphasis on the guest orchard does not provide environmental values. The air quality report does not adequately qualify impacts - no detail regarding specific air quality impacts just "yes there will be impacts" and to mitigate the 53 fire rings the use of 3' rings and only wood burning would occur (not realistic as we all know campers will burn beer boxes etc). In addition, there are no wildlife impacts qualified regarding the identified foraging animals (blue heron, bald eagle, and historic sage grouse), and there is no mention of the elk calving period. I would think the elk calving period ends May 30th--- not the April 15th date proposed to mitigate wildlife impacts. The environmental impact statement is not robust and does not include the necessary qualification of impacts to inform planning and decision makers. Specifically, to inform the town to make an important decision where the applicant is requesting a Land Use/Zone change. Do the town planners and council find the EIS adequate to inform making a landuse change decision that has significant potential long-term impacts to our town values?

6.) Please describe the call out "dump station". This is next to a planned for berm which smoothers the existing wetland and is next to the "trash receptacles". Is this a future "dump station"? would the applicant want to tie-into city sewer, or would this "dump station" also be a vault system? **If approved, the dump station will be subject to any applicable County and State regulations for the use of the dump station.** If/when the applicant ties into the city sewer what rate would be applied? **The applicant would pay the then-applicable rate for any sewer connection. Staff does not have future rates on hand, but here is a link to the 2021 fee schedule ([link](#)).** would it be a tap fee for each cabin? **There are no water/sewer connections to the cabins.**

commercial tap fee for each bath house and dump station? I have reached out to Public Works to see if a tap fee would be applicable for the bath house and dump station.



- 7.) Vault toilets leak over time. Is there a maintenance inspection schedule or ground water quality monitoring program to ensure the vault systems function as intended? If approved, the vault toilets will be subject to state and/or county regulations.
- 8.) Has there been consideration for the impact the proposed RV park would have on Property Values? I would think a significant decline in adjacent properties because who wants to live next to transient RV park? Who wants to live next to hundreds of transient cars driving by every day?
- 9.) I am skeptical that the 57 camp sites would only generate 113 extra vehicles on a Saturday and 72 weekday. To me this is saying there would only be ~ 2 trips/day per site---so are they estimating only one vehicle per site and going once up brush creek to camp, once back down to dine/promote business and then back up again---isn't that 3 trips per site and only 1 vehicle per site? how are potential RV users promoting business and not impacting traffic? I live at 388 ringneck and my backyard is brush creek road. The additional vehicle and large RV traffic is a significant impact. There were a few supporters of the project, however the supporters during the meeting did not state where they live. Do any of the supporters live in adjacent neighborhoods that would be directly impacted by the proposed Base Camp? How many of the voiced citizens are "supporters" that live in an address that would be directly impacted by the subject property, and how many are "against" that live in the neighborhood that would be directly impacted by Base Camp? Unknown, but all of the public comments received are available on the Town's website ([link](#)) and if a physical address is listed, you may be able to get an idea of this.

Best regards,

Peyton Heitzman

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9619

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Nikki Davis <nikki.davis@townofeagle.org>

Sent: Thursday, May 13, 2021 11:27 AM

To: crystal young <crystalcolorado@hotmail.com>

Subject: RE: Request for Information - Base camp/open space planning

Dear Crystal,

Thank you for sending us your additional feedback and questions from the last Town Council meeting. I will ensure my Planning Team receives your new comments.

My best,

Nikki Davis

Administrative Tech II

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-9656

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: crystal young <crystalcolorado@hotmail.com>

Sent: Thursday, May 13, 2021 11:17 AM

To: Nikki Davis <nikki.davis@townofeagle.org>

Subject: Request for Information - Base camp/open space planning

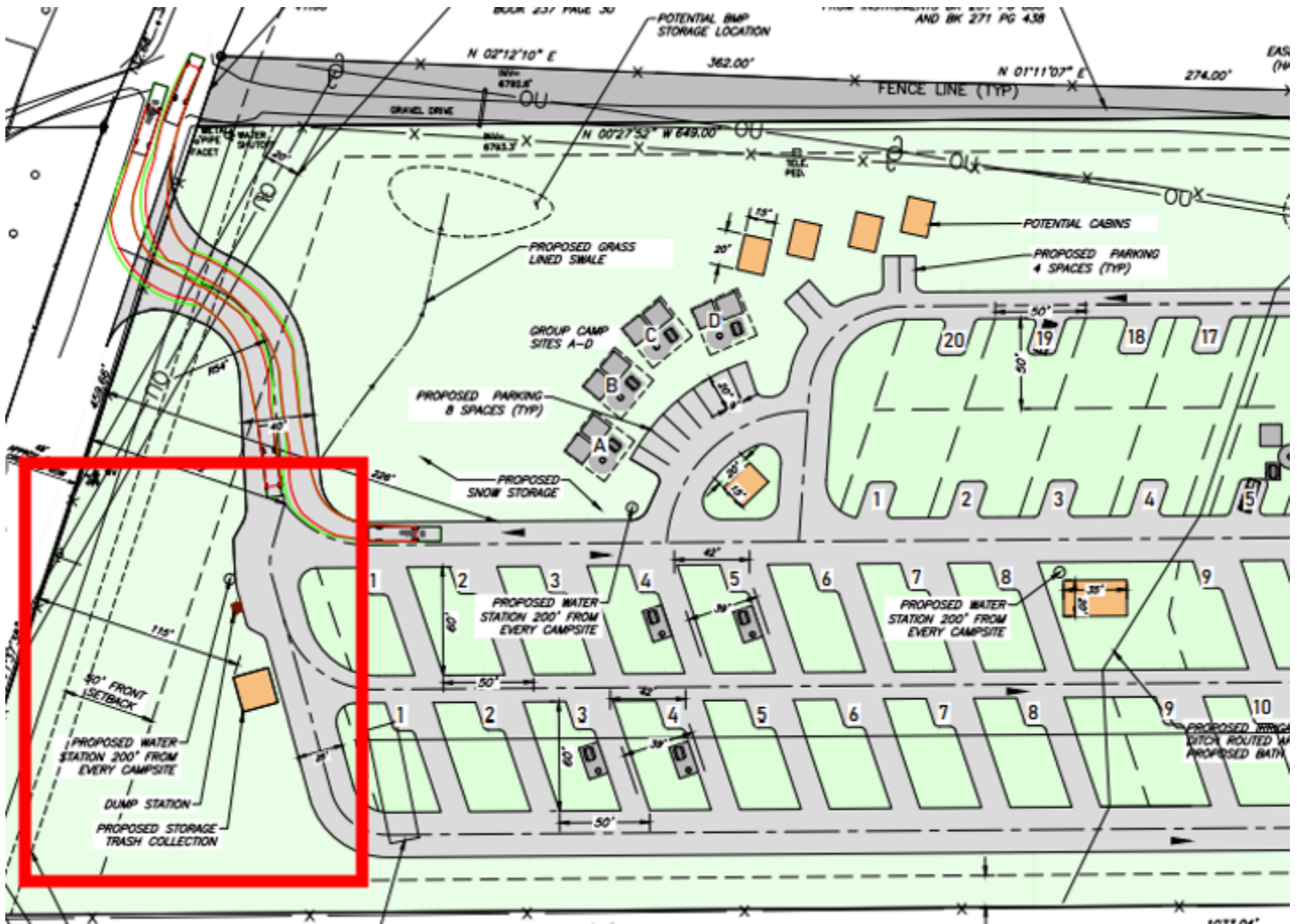
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



4.) Are there current wildlife studies to know what species these planned for developments would be impacting? Are there any long-term studies to understand the population trends and development impacts to the eagle-brush creek elk herd? How wide of a corridor do elk need to not be crowded out by urban developments?

5.) The Base Camp Environmental Impact Statement is generalized and does not provide the resolution necessary to inform planning. The Base Camp planners/developers say they are "environmental" and planned to maintain those values; however there is no regard to preserve/enhance the existing wetland as a functioning feature. There is not an adequate ground water study - the location of the well on the property is not identified. Where is the location of the well, and how does this adequately characterize the subject property? Likely the well is next to the house and at an elevation much greater than the subject property. In addition, the wetland is certainly an old channel scar, supported when the water table is high, and a direct fissure to Brush creek. My professional opinion is the hydrology portion of the EIS does not adequately describe the environmental conditions. The applicant says they are "environmental" however the landscape plan does not diversify food sources or hiding spaces, and the emphasis on the guest orchard does not provide environmental values. The air quality report does not adequately qualify impacts - no detail regarding specific air quality impacts just "yes there will be impacts" and to mitigate the 53 fire rings the use of 3' rings and only wood burning would occur (not realistic as we all know campers will burn beer boxes etc). In addition, there are no wildlife impacts qualified regarding the identified foraging animals (blue heron, bald eagle, and historic sage grouse), and there is no mention of the elk calving period. I would think the elk calving period ends May 30th--- not the April 15th date proposed to mitigate wildlife impacts. The environmental impact statement is not robust and does not include the necessary qualification of impacts to inform planning and decision makers. Specifically, to inform the town to make an important decision where the applicant is requesting a Land Use/Zone change. Do the town planners and council find the EIS adequate to inform making a landuse change decision that has significant potential long-term impacts to our town values?

6.) Please describe the call out "dump station". This is next to a planned for berm which smoothers the existing wetland and is next to the "trash receptacles". Is this a future "dump station"? would the applicant want to tie-into city sewer, or would this "dump station" also be a vault system? If/when the applicant ties into the city sewer what rate would be applied? would it be a tap fee for each cabin? commercial tap fee for each bath house and dump station?



- 7.) Vault toilets leak over time. Is there a maintenance inspection schedule or ground water quality monitoring program to ensure the vault systems function as intended?
- 8.) Has there been consideration for the impact the proposed RV park would have on Property Values? I would think a significant decline in adjacent properties because who wants to live next to transient RV park? Who wants to live next to hundreds of transient cars driving by every day?
- 9.) I am skeptical that the 57 camp sites would only generate 113 extra vehicles on a Saturday and 72 weekday. To me this is saying there would only be ~ 2 trips/day per site---so are they estimating only one vehicle per site and going once up brush creek to camp, once back down to dine/promote business and then back up again---isn't that 3 trips per site and only 1 vehicle per site? how are potential RV users promoting business and not impacting traffic? I live at 388 ringneck and my backyard is brush creek road. The additional vehicle and large RV traffic is a significant impact. There were a few supporters of the project, however the supporters during the meeting did not state where they live. Do any of the supporters live in adjacent neighborhoods that would be directly impacted by the proposed Base Camp? How many of the voiced citizens are "supporters" that live in an address that would be directly impacted by the subject property, and how many are "against" that live in the neighborhood that would be directly impacted by Base Camp?

The citizen supporter statement that the town RV park should be in the mountains is false and contradicts the statement that the RV park would promote business and there would not be traffic impacts. There are already BLM/State/USFS sites for the mountain experience. The town RV park needs to be directly connected to town and near the heart of town, and closer to enter/exit roadways. An RV park closer to town is smart planning to promote economic benefits and to reduce the impacts to the people that live here full time --- our

neighborhoods don't want transient traffic, it will reduce property values, and dimension the environmental values that make our town unique and a place we want to live.

Thank you,
Crystal R. Young
Hydrologist/Fluvial Geomorphologist
Born and Raised Eagle, Colorado. 43 year resident.
970-471-6848

Peyton Heitzman

From: Nikki Davis
Sent: Monday, May 17, 2021 9:49 AM
To: Michael Berman
Subject: RE: The Base Camp Project

Good morning Mr. Berman,

Thank you for sharing your feedback about Base Camp Eagle. I'll ensure my Planning Team receives this comment to be included in the record.

My best,

Nikki Davis

Administrative Tech II

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-9656

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From: Michael Berman <mberman@appliedcap.com>
Sent: Saturday, May 15, 2021 3:54 PM
To: Nikki Davis <nikki.davis@townofeagle.org>
Subject: The Base Camp Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I am a long time resident and property owner in Eagle county. I recently sold my property at Frost Creek to Scott Turnipseed.

Having listened carefully to the discussion around the Base Camp project, a few points are worth noting.

People have spoken for and against the project. It is notable that those who have spoken for the project are those who will be affected the least by it. It's easy to do a favor for friends and testify to their general good qualities, especially when it will have little to no effect on your life. Those who are opposed are the ones who will have to live with the impact of this ill conceived idea every day of their lives. I hope the council takes account of this important

asymmetry.

Also, those who speak for the project largely offer testimonials to the general goodness of the Colbys: multi generational residents, good stewards, etc... What is being requested is not a referendum on the Colbys, but a permanent change in the use of an important piece of property that in no way is tied forever to the Colbys. They would still be free to sell the property for any number of legitimate reasons, and the use would remain regardless of who the new owners are. Also, if the Colby's are such wonderful members of the Eagle community, why do they persist in a project that they have failed to sell to any of their immediate neighbors in Brush Creek? That alone seems to counter this notion that they are such special members of the community. In fact their behavior is not in the least bit neighborly.

And last, the trading of a calving site to hundreds of elk for the asphalt to accommodate RV campers seems like a terrible deal for everyone in Eagle.

The town council has a tremendous responsibility to the residents of Eagle and I hope they take the appropriate leadership role in denying this effort on the part of the Colby's.

Please add me to the list of those vehemently opposed to this project.

Sincerely,

Michael Berman

Applied Capital Management

(480) 262-5212 | mberman@appliedcap.com

Peyton Heitzman

From: Nikki Davis
Sent: Thursday, May 13, 2021 11:23 AM
To: DEBRA DIETER
Cc: Dave; Barbara Berman
Subject: RE: Basecamp

Dear Debra,

Thank you for sending us your feedback and questions regarding Base Camp Eagle. I will ensure my Planning Team receives this to be included in the record.

My best,

Nikki Davis

Administrative Tech II

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-9656

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: DEBRA DIETER <DSDIETER@msn.com>
Sent: Wednesday, May 12, 2021 3:08 PM
To: Nikki Davis <nikki.davis@townofeagle.org>
Cc: Dave <dkfly75@msn.com>; Barbara Berman <barbara.berman18@gmail.com>
Subject: Basecamp

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Nikki Davis: Please add the following to the packet for the May 25th city council meeting.

Having had no “raise hand” icon in the options button, as well as being blocked by the host to open audio or video and no option to chat or comment, I was unable to make the following points in the portion of the May 11th city council meeting that addressed the Basecamp project.. Please consider these items that should be addressed, as well as a couple that probably can’t be addressed and will be altered forever:

- How will the campground be reserved? Can the protections for the surrounding community be something that campers have to agree to before they can make a reservation? If not, some campers

will have a real problem with finding out after the fact about the restrictions being proposed, and enforcement may become an issue the surrounding neighbors will have to address and may create an added burden on the police department.

- What is the timeline for installation of screening along Brush Creek Road? Are there specifications for the size of trees/bushes to be put in?
- I appreciate the clarification regarding the fact that the toilets will be vault, vs. pit toilets. However, there should be a provision for water quality monitoring downstream, including a baseline before the site is developed. That provision should include parameters to be monitored, and required remediation, should any deterioration in quality be traceable to the campground.
- Any agreement should include how limiting the use of generators will be enforced.
- Has the town considered other possibilities for campground sites? Does the fairground provide any possibilities? Having lived near the Boulder County fairground, I know that participants in events at fairgrounds appreciate the opportunity to camp onsite.
- For buffering of headlights, is the driveway onto Brush Creek Road directly across from a home, in which case, there can be no buffering of headlights for that residence? If so, those residents should be compensated for any screening they have to provide on their own.
- What will happen if the Colbys sell the property? Can a provision be included that says any new owners have to abide by the original agreement?
- I have known dump stations to be smelly. Is there a provision for the regular emptying of the station?
- What provisions are in place to insure that the driveway across the street will not be used for large RV's to make wide turns into the campground?
- The elk herd has already been affected. For 6 years we have been monitoring them as we leave Eagle Ranch at the intersection of Ouzel and Brush Creek Road, and they left that area after Haymeadow started infrastructure—even during winter, when there were almost no people in the area. They've had to move further on to survive the winter—a time when they can ill-afford to expend any extra calories. More alteration of the valley will certainly add to this stress.

I will also say that I doubt having this campground will significantly affect the amount of dispersed camping in the area. Dispersed campers typically are looking for a site that is truly isolated in the middle of nowhere, or looking to spend no money on a campsite.

Thank you,
Debra Dieter
17 Fir Court
Eagle
303.549.7857

Peyton Heitzman

From: Nikki Davis
Sent: Wednesday, May 12, 2021 12:05 PM
To: Peyton Heitzman
Subject: FW: Deny Base Camp

-----Original Message-----

From: Joette Gilbert <joette@vailvalleymagazine.com>
Sent: Tuesday, May 11, 2021 8:07 PM
To: Nikki Davis <nikki.davis@townofeagle.org>
Subject: Re: Deny Base Camp

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Hi Nikki,

To say that I am disappointed that the town council could not listen to 6 more minutes is an understatement. This project has a huge impact on everyone who lives on Brush Creek and it should be important enough to listen to as many people as possible, no matter how long it took. The planner brought up many more concerns and it is unfortunate that you didn't hear some of our questions and concerns.

Sincerely,

Joette and James Gilbert

Sent from my iPhone

> On May 10, 2021, at 12:13 PM, Vail Valley Magazine <joette@vailvalleymagazine.com> wrote:

>

>

> To the Town of Eagle and Planning Department,

>

> With due respect to the Colbys, this letter is to express our STRONG OPPOSITION to the Base Camp Eagle RV Park.

>

> We are deeply concerned that the Town of Eagle is considering this spot zoning with no thoughts to the neighbors, the future neighbors in Hay Meadow or the effects it will have on the neighbors upstream of this project. Granting this annexation appears to have a special interest in the project for personal gain or for unrealistic financial goals for the town-neither of which take into concern the majority of the Brush Creek homeowners. This project screams greed.

>

> This project adds no value to the upvalley Brush Creek neighborhood, it is detrimental to the valley residents when it comes to traffic. If Sylvan Lake Campground is full, it is because that is what the number of guests the park can handle. You are actually adding more stress on the park with daily visits to the area. You are going to increase the traffic to the park on a daily basis with campers going back and forth to the park. Have any of you experienced the traffic on Brush Creek Road? It is getting worse by the day. Try crossing the road on foot or horseback to the new open space on the weekend. Keep in mind the road bike riders being passed at 60 miles per hour. Yes, that is what we deal with, traffic driving way over the speed limit of 40. And no, you can't fix that either. But you can help limit the number of additional cars by denying this project.

>

> As Brush Creek valley homeowners, we add much more to the financial stability of the Town of Eagle than a transient group of campers. Quality of neighborhoods, lifestyle, safe roads and wildlife are more important to make Eagle a desirable place to live than the potentially unrealistic financial gain for the Town of Eagle. Trust in our leadership and the planning department to understand these important values has to be taken seriously.

>

> This project will add more stress on the large elk herd, which now has access to the open space, which adjoins the Colby property. Have any of you seen an elk on Arrowhead lately? Arrowhead used to be the home of a large herd. They were pushed out by the development. Reality. People, noise, dogs all add stress to the wildlife. Do you even care?

>

> Fire danger. We are truly baffled after last year's huge wildfire, which could have been disastrous for so many, why in the world would you even consider having open fires next to so many homes and wildlife sanctuaries? Are the financial reasons worth losing everything with one out of control fire? We are dumbfounded over this idea!

>

> Water, sewer, smoke, noise, lighting of our dark sky, pollution...more of the reasons that this needs to be stopped! And trust me the list can go on...like a large campground just past Gypsum!

>

> The Town of Eagle needs to remember that they are not an island, that we all call Eagle our home. Setting a precedent which implies a special interest is a dangerous road to go down without much thought about our future and the reasons we love Eagle. Please deny Base Camp.

>

> Sincerely,

> James and Joette Gilbert

> 310 Mosher Lane

> Eagle

>

>

>

>

>

Peyton Heitzman

From: Jenny Rakow
Sent: Tuesday, May 11, 2021 6:28 PM
To: Peyton Heitzman; ALL COUNCIL; Jessica Lake
Subject: FW: Public comment for 5/11/21 various items

From: c. olden <sylvan1048lake@yahoo.com>
Sent: Tuesday, May 11, 2021 6:27 PM
To: Jenny Rakow <jenny.rakow@townofeagle.org>
Subject: Fw: Public comment for 5/11/21 various items

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this letter in public comments. Thank you

----- Forwarded Message -----

From: c. olden <sylvan1048lake@yahoo.com>
To: Matt Solomon <matt.solomon@townofeagle.org>; Pappy Kerst <pappy.kerst@townofeagle.org>; Scott Turnipseed <scott.turnipseed@townofeagle.org>; Ellen Bodenhemier <ellen.bodenhemier@townofeagle.org>; david.gbours@townofeagle.org <david.gbours@townofeagle.org>; Geoffrey Grimmer <geoffrey.grimmer@townofeagle.org>
Sent: Tuesday, May 11, 2021, 6:25:14 PM MDT
Subject: Public comment for 5/11/21 various items

Hello Council and Mayor;

The following concerns are really about the legacy created by decisions of the Council that heavily impact the residents and taxpayers of the town of Eagle; we cannot stress that enough.

Base Camp Eagle Annexation: Speaking for my husband and myself, we are of the perspective that this proposal is a negative for the wildlife that will be substantially negatively impacted by the intense use of an ever-shrinking open space that is both forage and safety from the surrounding impacts of the nearby roads and trails. A better location for such a campground would be an annexation with the town after a land-swap with Eagle County for the open space proximate to the fairground, which would not destroy the tranquility and wildlife as it does the Brush Creek corridor; placing an RV park near the fairgrounds would result in substantial revenue benefit for the community as a whole in addition to a quality recreation location. Turning 3220 Brush Creek Road over to Eagle County Open Space would continue the heritage of leaving open space "open" and add a valuable inventory to the other open space parcel.

4Th Street veterinary clinic proposal: A Special Use Permit to accommodate a facility to get subvert the use of standard vital safety measures involving explosive oxygen should never even be a consideration, even more so with the proximity of other adjacent dwellings. Additionally, the departure of parking requirements for businesses creates persistent conflict with neighboring dwellings. As this property lacks its own yard area,

where will owners take their pets to urinate and defecate - into the alley or onto adjacent properties? What about the asbestos remediation: is the public clientele to be notified about the ongoing exposure upon entrance, and what about employees who work there daily?

Eagle County VISTA Committee: This program is currently dominated by government staff, at a ratio of 30:7; another government representative of a committee that should be a majority of private citizens is redundant and already out of balance. As a committee member of this group, I will be speaking up about the need for more citizens and *less government representation*.

Thank you,

Celena Olden
resident

Peyton Heitzman

From: Nikki Davis
Sent: Tuesday, May 11, 2021 3:41 PM
To: lauren@bumgarner.co
Subject: FW: Objection to proposed RV park

Dear Lauren,

Thank you for sending us your feedback regarding Base Camp Eagle. I will ensure my Planning Team receives this to be included in the record.

My best,

Nikki Davis

Administrative Tech II

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9655, Fax: 970-328-9656

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



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From: Lauren Bumgarner <lauren@bumgarner.co>
Sent: Tuesday, May 11, 2021 3:39 PM
To: Nikki Davis <nikki.davis@townofeagle.org>
Subject: Objection to proposed RV park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

My name is Lauren and I am a resident of 6455 Brush Creek road and I am looking n strong opposition to the RV park. Though I am not an immediate neighbor to the proposed location, I have many friends who are and have always had a healthy respect and love for the last “country road” of the town of Eagle. The proposed RV park not only disrupts the lives of its immediate neighbors but also overloads the traffic capacity of this small road. In addition, due to noise, smoke and tourist fascination the resident elk herd would be displaced making the attempts to preserve open space for these loved creatures irrelevant. Additionally, it is very concerning that pit toilets would ever be a consideration on land where there is such a high water table that floods many of the residents yards each year. This is not appropriate site for anything of this magnitude and I encourage the board to oppose this project that would completely destroy the peace and quiet of the residents around it. Thank you,

--

Lauren Bumgarner MA, CCC-SLP

Peyton Heitzman

From: Anne Scott <Anne.Scott@mountainbeverage.com>
Sent: Tuesday, May 11, 2021 8:01 PM
To: Peyton Heitzman
Subject: RE: Basecamp

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Peyton-

I live at 2941 Brush Creek Road. I would just like to reiterate the concerns voiced by my husband during tonight's meeting. The bicycle, runner and vehicle traffic along Brush Creek Road is already very busy. This proposed trailer park would exasperate this problem. When was the frequently referenced traffic study completed? Also, **every year** our property floods when the runoff starts. Considering the water table level that we and the applicant share, we are very worried that the toilet situation/dump station at the proposed trailer park will affect the brush creek water quality.

As much as we respect the right for property owners to do what they choose with their land, this proposed project will negatively impact their neighbors to a great degree and destroy the Brush Creek Road "country lane" experience. This project is necessary for the town to accommodate the need but this is a terrible location. I appreciate your time. Thank you.

Very Respectfully,
Anne Scott

From: Peyton Heitzman [mailto:peyton.heitzman@townofeagle.org]
Sent: Thursday, April 1, 2021 9:26 AM
To: Anne Scott <Anne.Scott@mountainbeverage.com>
Cc: Chad Phillips <chad.phillips@townofeagle.org>
Subject: RE: Basecamp

Hi Anne,

Thank you for this public comment. I believe the application was withdrawn from the County process but you can confirm this with the County Planning Department. Morgan Landers may have more history on this. Her email is morgan.landlers@eaglecounty.us. The Planning and Zoning Commission reviewed the Special Use Permit (SUP) and zoning request on March 16th. The video recording for this meeting can be found through this link: [Agendas, Minutes and Packets | Town of Eagle, CO - Official Website](#). Town Council's public hearing for the annexation, the SUP, and the zoning requests are scheduled for April 13th. The agenda and packet materials will be available next Friday (3/9) through the same link.

Prior to the packet going out on Friday, you may access all the application materials through this link: [Active Land Use Applications | Town of Eagle, CO - Official Website](#).

Please reach out with any additional questions.

Best regards,

Peyton Heitzman

Planner I

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9619

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Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Anne Scott <Anne.Scott@mountainbeverage.com>

Sent: Thursday, March 25, 2021 6:18 PM

To: Chad Phillips <chad.phillips@townofeagle.org>

Subject: Basecamp

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Phillips-

My name is Anne Scott. My husband and I own 2941 Brush Creek Road. I am writing in regard to the proposal for the Basecamp RV park. It is very concerning that this has not been presented to the neighboring properties. The impact on Brush Creek traffic (especially with the addition of the Haymeadow development), safety along the road and our property value are all factors in our concern. My understanding is that Eagle County has already denied this proposal. Can you confirm this? When will this proposal be discussed in both the Town Council and P&Z? Thank you for your time.

Very Respectfully,

Anne Scott

850-776-9762

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2021 (the "Effective Date"), by and between SHAWN COLBY and MARCI COLBY, individuals with a legal address of 3220 Brush Creek Road, Eagle, Colorado 81631 (collectively "Petitioners"), and the TOWN OF EAGLE, COLORADO, a Colorado municipality with a legal address of 200 Broadway, Eagle, Colorado 81631 (the "Town") (each a "Party" and collectively the "Parties").

WHEREAS, Petitioners have filed a petition with the Town, pursuant to C.R.S. § 31-12-107(1), for annexation to the Town of the unincorporated lands more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Petitioners are the owner of 100% of the Property, excluding public rights-of-way;

WHEREAS, Petitioners desire to have the Property annexed into the Town to obtain from the Town such municipal services as the Town may now or in the future extend, including without limitation those described herein; and

WHEREAS, the Town has determined that it is in its best interest to annex the Property, to provide municipal services thereto, and to receive revenues from the Property upon the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the foregoing premises and the covenants, promises and agreements of each of the Parties hereto to be kept and performed by each of them, the Parties agree as follows:

1. **Annexation.** The annexation of the Property shall be in accordance with the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, as amended.
2. **Purpose.** The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by Petitioners upon annexation and development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements contained in the Eagle Municipal Code (the "Code") as currently in effect or as hereinafter amended, and any and all applicable state statutes.
3. **Zoning.** Petitioners hereby consent to the zoning of the Property as Rural Residential (RR). Petitioners are entering into this Agreement and are undertaking the obligations imposed upon Petitioners herein in reliance upon the Town's concurrent adoption of an ordinance annexing the Property into the Town and an ordinance zoning the Property as provided in this paragraph. Performance of Petitioners' obligations hereunder is expressly conditioned upon the Town's adoption of the ordinances described in this paragraph, as well as the Town's approval of Petitioners' application for a special use permit ("SUP") to allow Petitioners to operate a Recreational Vehicle Park, as defined below. If the Town fails to adopt the ordinances described in this paragraph, then the petition for annexation will be deemed withdrawn and the annexation process will be terminated and this Agreement shall be of no further force or effect.

4. Subdivision. No subdivision is proposed or required at the time of this Petitioners' application. Any application to subdivide the Property shall comply with any and all applicable provisions of the Code and any plans in place at the time that Petitioners submit their subdivision application. Prior to any development of the Property and upon an application to subdivide the property, if applicable, Petitioners agree to execute a subdivision agreement, development agreement or development addressing the installation of and security for all required public improvements for the Property in accordance with Code § 4.13.240, as amended.

5. Structures.

a. Petitioners acknowledge that there are currently two buildings on the Property that were both issued certificates of occupancy by Eagle County as single-family dwelling units, but at some point, one of the buildings (the "2nd Dwelling Unit") was unlawfully converted to a duplex. Under the Code, a duplex is not permitted in the Town in the RR zone district without a special use permit, and Petitioners have determined not to apply for a special use permit for such a use at this time. As such, the 2nd Dwelling Unit shall not be occupied until the 2nd Dwelling Unit is returned to a single-family dwelling unit. Petitioners agree that, prior to any occupancy of the 2nd Dwelling Unit, Petitioners shall schedule an inspection by the Town to confirm that the 2nd Dwelling Unit has been returned to a single-family dwelling unit in all respects. Petitioners acknowledge that unless the 2nd Dwelling Unit is returned to a single-family dwelling unit, the Property is not eligible for annexation to the Town.

b. Petitioners agree that the rental cabins to be constructed as part of the Recreational Vehicle Park (the "RV Park") will not be rented for more than 14 consecutive days at a time, and as such, the rental cabins shall be considered temporary lodging under the Code.

6. Water Service and Water Rights.

a. The Town acknowledges the existence of an existing well (the "Well"), Permit No. 159391, which legally serves a single-family home on the Property and which is legally authorized to only serve one single-family home. Within 90 days of the Effective Date, Petitioners shall plug and abandon the Well, following all State protocol, and complete any required improvements to comply with Chapter 12.16 and all other applicable requirements of the Code to connect all dwelling units on the Property to the Town's water system. Petitioners shall provide all design plans for the potable water service system to the dwelling units, provided by a professional engineer that accounts for backflow prevention in the water service system design, subject to the Town's approval prior to such connection.

b. Prior to any lease or occupancy of the 2nd Dwelling Unit, Petitioners shall complete all improvements and infrastructure required to comply with Chapter 12.16 and all other applicable requirements of the Code, to connect the 2nd Dwelling Unit to the Town's water system. Petitioners shall provide all design plans for the potable water service system to the 2nd Dwelling Unit, prepared by a professional engineer that accounts for backflow prevention in the water service system design, which must be approved by the Town prior to any connection of the 2nd Dwelling Unit to the Town's water system.

c. The Town acknowledges that the Property is served by the Town's water system with one tap that is the equivalent of 1.0 EQR, which shall serve the primary residential dwelling unit on the property. In order to provide potable water service to 2nd Dwelling Unit and the frost free spigots to serve the campground, Petitioners need to provide payment of additional tap fees and cash-in-lieu of water rights dedication pursuant to Chapter 12.16 of the Code and comply with all provisions thereof for an additional 1.6 EQRs, payment of which must occur when they connect the 2nd Dwelling Unit in accordance with Paragraph 6.a, above, to the Town water system. Petitioners acknowledge and agree that if they develop the campground on the Property to include flushable toilets or a bathhouse they will be required to pay additional tap fees and cash-in-lieu payments pursuant to Chapter 12.16 of the Code and comply with all provisions thereof.

d. The Town shall enter into a mutually agreeable lease with Petitioners for raw non-potable water from the Mathews Ditch for landscaping irrigation to be executed within 180 days of the Effective Date. Petitioners shall be responsible for designing a raw water irrigation system to transport the water from the Mathews Ditch to the Property and for use thereon, which raw water irrigation system design shall be approved by the Town prior to operation. Petitioners are responsible for obtaining any easements necessary to allow for the diversion and delivery of water from the Mathews Ditch to the Property.

7. Wastewater Connection.

a. The Town acknowledges the receipt of evidence of two Eagle County permitted OWTs systems to serve two single-family dwelling units on the Property and that the Petitioners intend to construct vault toilets and an RV dump station to serve the RV Park (collectively, the "Wastewater Facilities"). Subject to the Town's sole discretion pursuant to Code § 12.36.020(B) of the Code, Petitioners shall be permitted to operate the Wastewater Facilities solely for use by two existing single-family dwelling units on the Property and the vault toilets and dump station at the campground, until such time as the Town's wastewater collection system main runs within 400 feet of the Property's boundary line; however, Applicants shall not be required to cross Brush Creek Road in order to connect to a sewer main. Within 2 years of the date on which a Town wastewater collection system main is installed within 400 feet of the boundary line of the Property, Petitioners shall be required to make a direct connection to the collection system for the 2 buildings in accordance with the provisions of Chapter 12.36 of the Code. Unless approved by the Town, Petitioners shall not be allowed to construct flush toilets or a bathhouse on the Property until such time as the Property has been connected to the Town's wastewater collection system in accordance with the provisions of Chapter 12.36 of the Code and including payment of all applicable fees.

b. Prior to the effective date of the ordinance annexing the Property to the Town, Petitioners shall provide the Town with evidence that the Wastewater Facilities comply with all applicable federal, State and County laws with regard to the maintenance and operations of the facilities. Petitioners shall provide the Town any inspection and maintenance documentation required by Petitioners to comply with such laws. Petitioners' use of the Wastewater Facilities shall, at all times, be in compliance with any and all applicable federal, State and County laws. Petitioners shall be required to obtain an inspection of the Wastewater Facilities prior to obtaining a development permit.

c. Prior to the installation of vault toilets and the dump station, Petitioners shall provide the Town with all plans and specifications for such improvements completed by professional engineers and evidence of all required permitting for the same. Petitioners shall maintain any vault toilets and dump stations in compliance with any and all applicable State and Eagle County regulations and shall provide a copy of the service contract for the pumping and maintenance of the vault toilets and dump station until the Property is connected to the Town collection system. Such service contract shall remain effective and shall be provided to the Town on an annual basis, and shall include information about the wastewater treatment facility that will be accepting the sewage from the vault toilets and dump station.

8. Dedications.

a. Within 7 days of the effective date of the ordinance annexing the Property to the Town, Petitioners shall convey to the Town all easements shown on **Exhibit B**, attached hereto and incorporated herein by this reference.

b. Prior to opening the RV Park, Petitioners shall, at their own expense, construct a public trail in the location identified on Petitioners' plans as "Base Camp Eagle Location and Trail Access," in compliance with all applicable Town regulations.

9. Town Fees. Upon development of the Property, Petitioners shall make any and all required payment of fees to the Town, including public safety impact fees and street impact fees.

10. Waiver of Prior Vested Rights. Petitioners waive any prior vested property rights acquired in Eagle County so long as the Property remains annexed into the Town.

11. Recordation. This Agreement shall be recorded with the Clerk and Recorder of Eagle County, Colorado, and shall run with the land, and shall be binding upon and shall inure to the benefit of the heirs, successors and permitted assigns of the Parties.

12. Cure of Legal Defects. In the event the annexation or zoning of the Property or any portion of this Agreement is declared void or unenforceable by final court action, the Town and Petitioners shall cooperate to cure any legal defects cited by the court, and immediately upon such cure, the Town shall recommence proceedings to annex the Property, subject to the terms of this Agreement.

13. Remedies. The sole and exclusive remedy of Petitioners against the Town for any breach of this Agreement shall be limited to filing a petition for disconnection with the Town. The Town's remedies under this Agreement include without limitation:

- a. The refusal to issue any building permit or certificate of occupancy;
- b. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party;
- c. A demand that the security given for the completion of the public improvements be paid or honored; or

d. Any other remedy available at law.

14. Authority of the Town. Nothing in this Agreement shall constitute a waiver or abrogation of the Town's legislative, governmental or police powers to promote and protect the health, safety and general welfare of the Town or its inhabitants.

15. Miscellaneous.

a. Notice. Any notice under this Agreement shall be in writing and shall be deemed sufficient when directly presented or sent prepaid, first-class United States Mail to the Party at the address set forth on the first page of this Agreement.

b. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

c. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

d. Third Parties. There are no intended third-party beneficiaries to this Agreement.

e. Severability. If any part, term, or provision of this Agreement is held by any court of competent jurisdiction to be illegal, invalid, or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid, and the Parties shall cooperate to cure any such defect.

f. Governing Law and Venue. Colorado law shall govern the validity, performance, and enforcement of this Agreement. Should any Party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Eagle County, Colorado.

g. Modification. This Agreement may be modified only by written agreement between Petitioners and the Town.

h. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either Party without the written consent of the other, which consent shall not be unreasonably withheld.

i. Governmental Immunity. The Town and its officers, attorneys, and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities or protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys, or employees.

j. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is

subject to annual appropriation shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt, or liability beyond the current fiscal year.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

SHAWN COLBY

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ day of _____, 2021, by Shawn Colby.

My commission expires: _____

(S E A L)

Notary Public

MARCI COLBY

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ day of _____, 2021, by Marci Colby.

My commission expires: _____

(S E A L)

Notary Public

Exhibit B
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN TRACT 61, SECTION 10, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN, ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE APPROVED BY THE SURVEYOR GENERAL IN DENVER, COLORADO ON JUNE 20, 1922, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

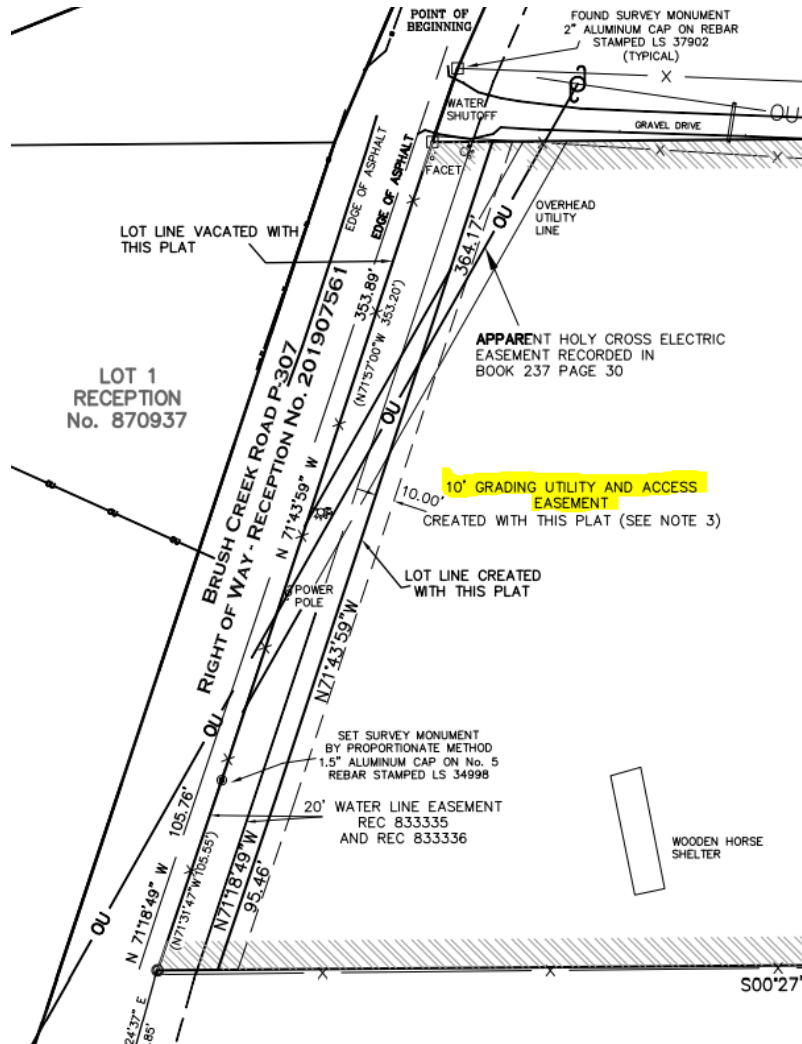
BEGINNING AT CORNER NO. 1 FROM WHICH CORNER NO. 2 OF SAID TRACT 61 BEARS NORTH 0 DEGREES 15 MINUTES 00 SECONDS WEST 3459.19 FEET DISTANT;
THENCE SOUTH 71 DEGREES 57 MINUTES 00 SECONDS EAST 353.20 FEET ALONG THE NORTHERLY BOUNDARY LINE OF EAGLE COUNTY ROAD NO. P-307 TO CORNER NO. 2;
THENCE NORTH 0 DEGREES 15 MINUTES 00 SECONDS WEST 1299.00 FEET TO CORNER NO. 3;
THENCE NORTH 71 DEGREES 57 MINUTES 00 SECONDS WEST 353.20 FEET TO CORNER NO. 4;
THENCE SOUTH 0 DEGREES 15 MINUTES 00 SECONDS EAST 1299.00 FEET TO CORNER NO. 1, THE POINT OF BEGINNING, IDENTIFIED AS THE "KENNETH TRACT",

WITH THE FOLLOWING DESCRIBED LAND JOINED TO THE ABOVE DESCRIBED LAND:

BEGINNING AT CORNER NO. 2 OF TRACT 62 LOCATED IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN;
THENCE SOUTH 0 DEGREES 15 MINUTES 00 SECONDS EAST A DISTANCE OF 2168.69 FEET TO THE NORTHWEST CORNER OF THE KENNETH TRACT DESCRIBED IN BOOK 232 AT PAGE [462](#) OF THE EAGLE COUNTY RECORDS,
THENCE SOUTH 71 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 353. 20 FEET TO THE NORTHEAST CORNER OF THE KENNETH TRACT WHICH IS THE TRUE POINT OF BEGINNING;
THENCE SOUTH 71 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 210.59 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST A DISTANCE OF 226.55 FEET TO A POINT;
THENCE NORTH 71 DEGREES 57 MINUTES 00 SECONDS WEST A DISTANCE OF 105.30 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST A DISTANCE OF 1073.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAGLE COUNTY ROAD NO. P-307;
THENCE NORTH 71 DEGREES 31 MINUTES 47 SECONDS WEST A DISTANCE OF 105.55 FEET TO THE SOUTHEAST CORNER OF THE KENNETH TRACT;
THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF THE KENNETH TRACT A DISTANCE OF 1299.00 FEET TO THE TRUE POINT OF BEGINNING.

Exhibit B EASEMENTS

A 10' wide Public Utility Easement adjacent to and north of the 30'-wide right-of-way dedicated, along the southern border of the property, to the Town (as depicted in the image below). The Public Utility Easement will be renamed to "10' Utility, Grading & Public Access Easement."



TOWN OF EAGLE, COLORADO
RESOLUTION NO. 32
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION
OF REAL PROPERTY LOCATED IN UNINCORPORATED EAGLE COUNTY (BASE CAMP
EAGLE)

WHEREAS, a petition for annexation was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in Eagle County and described in the attached **Exhibit A**, attached hereto and incorporated herein by this reference, also known as Base Camp Eagle Annexation (the "Property");

WHEREAS, by resolution adopted on February 23, 2021, the Town Council found the petition to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, on April 13, 2021, May 11, 2021 and May 25, 2021, the Town Council conducted a properly-noticed public hearing to determine if the Property is eligible for annexation to the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The applicable provisions of C.R.S. § 31-12-104 have been met, in that not less than one-sixth of the perimeter of the Property is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future, and the Property is integrated or is capable of being integrated with the Town.

Section 2. The applicable provisions of C.R.S. § 31-12-105 have been met, in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a Town boundary more than three miles; the Town has in place a plan for said three-mile area; and, in establishing the boundaries of the Property, the entire width of any street or alley is included within the Property.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and no additional terms or conditions are to be imposed upon the area to be annexed other than as contained in the Annexation Agreement, which will be considered and approved separately.

Section 4. The Property is eligible for annexation to the Town, and all requirements of law have been met, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105.

Section 5. An ordinance annexing the Property to the Town will be considered by the Town Council pursuant to C.R.S. § 31-12-111.

INTRODUCED, READ, PASSED AND ADOPTED ON MAY 25, 2021.

TOWN OF EAGLE, COLORADO

Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 05
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
ANNEXING TO THE TOWN CERTAIN UNINCORPORATED TERRITORY LOCATED IN
EAGLE COUNTY, ZONING THE PROPERTY RURAL RESIDENTIAL AND APPROVING
THE ASSOCIATED ANNEXATION AGREEMENT (BASE CAMP EAGLE)

WHEREAS, Shawn Colby and Marci Colby ("Applicants") are the owners of the real property in unincorporated Eagle County described in the attached **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, on January 25, 2021, Applicants filed a petition for annexation of the Property to the Town;

WHEREAS, by resolution adopted on February 23, 2021, the Town Council found the petition to be in substantial compliance with C.R.S. § 31-12-107(1);

WHEREAS, on April 13, 2021, May 11, 2021 and May 25, 2021, the Town Council conducted a properly-noticed public hearing and determined that the Property is eligible for annexation to the Town;

WHEREAS, also on April 13, 2021, May 11, 2021 and May 25, 2021, the Town Council conducted a properly-noticed public hearing on the proposed zoning of the Property as Rural Residential ("RR");

WHEREAS, also on April 13, 2021, May 11, 2021 and May 25, 2021, the Town Council considered the associated Annexation Agreement; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that the Property be annexed to the Town, that the Property be zoned RR and that the Annexation Agreement be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Annexation.

a. The Property is hereby annexed to the Town. Upon the effective date of this Ordinance, the Property shall become subject to the jurisdiction of the Town.

b. Prior to the effective date of this Ordinance, the Town Clerk shall file for recording three certified copies of this Ordinance and three copies of the Annexation Map with the Eagle County Clerk and Recorder, and shall keep one copy of the Annexation Map and the original of this Ordinance in the Town Clerk's office.

c. The Town Clerk shall request that the Eagle County Clerk and Recorder file one certified copy of this Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs and the same with the Colorado Department of Revenue.

Section 2. Annexation Agreement. The Annexation Agreement is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Annexation Agreement on behalf of the Town.

Section 3. Zoning.

a. The Town Council hereby finds and determines that the RR zoning satisfies all applicable criteria in the Eagle Municipal Code.

b. Based on the foregoing, upon the effective date of this Ordinance, the Property is zoned RR.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 5. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 6. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MAY 25, 2021.

TOWN OF EAGLE, COLORADO

Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 33
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A SPECIAL USE PERMIT FOR A RECREATIONAL VEHICLE PARK AT 3220
BRUSH CREEK ROAD (BASE CAMP EAGLE)

WHEREAS, Shawn Colby and Marci Colby (the "Applicants") own the real property located at 3220 Brush Creek Road, Eagle County, Colorado (the "Property"), which Property is located in unincorporated Eagle County;

WHEREAS, the Applicants have submitted a petition to annex the Property to the Town;

WHEREAS, on January 25, 2021, the Applicants submitted an application for approval of a Special Use Permit to operate a Recreational Vehicle Park (the "RV Park") on the Property (the "Application");

WHEREAS, on March 16, 2021, the Planning Commission held a properly-noticed public hearing to consider the Application, and recommended approval of the Application with conditions;

WHEREAS, on April 13, 2021, May 11, 2021 and May 25, 2021, the Town Council held a properly-noticed public hearing to consider the Application; and

WHEREAS, the Town Council, upon reviewing the recommendation of the Planning Commission, and upon hearing the statements of staff and the public, and giving due consideration to the matter, determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. The Town Council finds that, with the conditions below, the Application complies with all applicable provisions of the Eagle Municipal Code (the "Code") and that approval of the Application is in the best interest of the public health, safety and welfare.

Section 2. Based on the foregoing findings, the Town Council hereby approves the Application and authorizes issuance of a Special Use Permit for an RV Park on the Property, subject to the following conditions:

a. No RVs shall be permitted to remain in the RV Park for more than 6 months in any 12-month period.

b. Prior to opening the RV Park, Applicants shall construct a parking area with 6 additional parking spaces. Parking shall be allowed only in approved areas. No parking shall be permitted on RV Park roadways, on public rights-of-way, or on Brush Creek Road. Automobile

parking spaces in the RV Park shall comply with all current Town parking requirements set forth in Code § 4.07.140, as amended.

c. The RV Park shall be designed, constructed and operated in full compliance with Code § 4.10.030.J, as amended, the currently adopted Uniform Plumbing Code provisions for recreational vehicle parks, the Colorado Department of Public Health and Environment's "Standards and Regulations for Campgrounds and Recreation Areas," as amended, and all other applicable law.

d. All exterior lighting shall adhere to Town lighting standards.

e. All conditions of the Annexation Agreement between the Applicants and the Town for annexation of the Property to the Town shall be and remain fully satisfied.

f. Prior to the Town's issuance of the written Special Use Permit, Applicants shall post the performance guarantee required by Code § 4.05.010.C.

g. The existing structure on the Property containing 2 unpermitted dwelling units shall be converted to a single-family dwelling prior to any occupancy of such structure.

Section 3. Effective Date. This Resolution shall take effect upon the effective date of the annexation of the Property to the Town. If the annexation is never effectuated, this Resolution shall be of no force and effect.

INTRODUCED, READ, PASSED AND ADOPTED ON MAY 25, 2021.

TOWN OF EAGLE, COLORADO

Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Jessica Lake, Planner I, Community Development Department

Date: May 25, 2021 (continued from April 27, 2021)

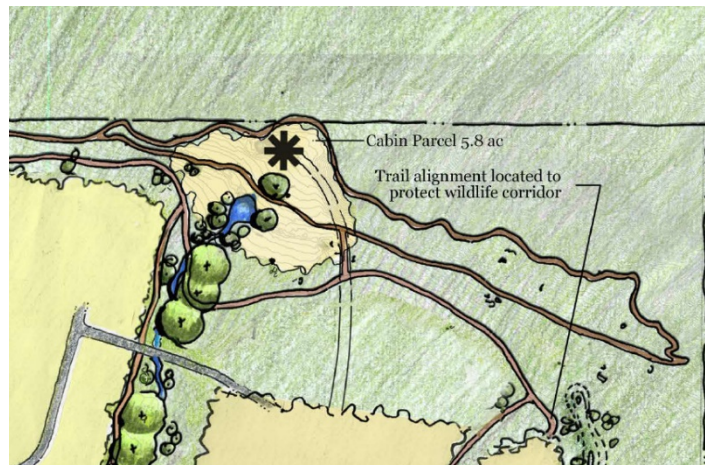
Agenda Item: PUDA20-01 Haymeadow PUD Amendment to renovate an existing cabin and to swap the open space parcel with land equal in size and desirability.

Ordinance No. 07, Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Renovate an Existing Cabin Currently Located in Open Space to the East of Neighborhood D as an Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability.

REQUEST: Request to renovate an existing cabin currently located in open space to the east of Neighborhood D as an event space and to swap this open space parcel with land equal in size and desirability.

INTRODUCTION:

The cabin is an existing building on the Haymeadow property and sits in a tract that is slated as future Town Open Space, to be dedicated when Neighborhood D is subdivided. The cabin was originally used by the Ranch Manager for Adam's Rib, and an agreement was in place between Haymeadow and Adam's Rib to continue use of the cabin for a few years after the Haymeadow property was sold to Abrika. It has been many years now since the cabin has been used for anything and while the structure is good, it will need extensive renovations prior to it being used. The land that the cabin sits on is native land, but it does require weed mitigation. The Haymaker trail loops around this property and crosses the Cabin Access Road.



Town Council previously reviewed this application on April 27, 2021 and requested that staff look into a condition of approval that would require platting and dedication of the new open space

parcel. Staff was also asked to look into the pros and cons of a conservation easement for this land.

The primary purpose of a conservation easement is to *protect our open spaces, particularly those along river valleys and public roads, to conserve important wildlife habitat and migration corridors, to create and protect recreational access and to preserve our few remaining working ranches*. The land in Neighborhood D currently proposed as Town Open Space is used as agricultural land for hay production, as such it does not have the same habitat value as wildlife areas such as the “native land” that is north of the Love and White Ditch, according to Colorado Parks & Wildlife. The proposed land could be a candidate for a conservation easement, but a full review would be extensive and a conservation easement is likely to take time, especially as the land does not currently belong to the Town.

The Annexation and Development Agreement (ADA) between the Town of Eagle and the Developer provides timelines for when Haymeadow open space is dedicated to the Town. Staff is recommending consistency with the terms of the ADA, which would mean that the open space swap would be agreed upon now, but would not be dedicated until the first Subdivision Final Plat of Property within Neighborhood D. Section 14.2 of the ADA states, *Upland Open Space. Developer shall sequentially dedicate or convey to the Town the Upland Open Space, identified as Parcel No. 1 on Exhibit H for public open space purposes, with each Subdivision Final Plat of the Property adjacent to the south of such open space area.*



The Town Attorney has drafted a Development Agreement that incorporates the conditions of approval presented before Town Council during the April 27, 2021 meeting. Staff is proposing the following terms of the agreement to address the open space parcels:

g. Within one year of the Effective Date, Developer shall submit an application for subdivision and development permit of the cabin parcel.

h. Developer shall dedicate to the Town the open space in Neighborhood D as outlined in the development plan in the first Subdivision Final Plat for any property in Neighborhood D.

ANALYSIS:

Staff reviewed this application against the six conditions/standards for an Amendment to a Planned Unit Development outlined in [Section 4.11.050.A.1-6](#) of the Land Use and Development Code. The [staff memo dated April 27, 2021](#) provides staff’s full analysis of this application against each

of the conditions/standards. Staff has updated our analysis of Condition #5 since the April 27th public hearing, the updated condition and analysis is provided below.

CONDITION #5: *The proposed amendment does not contain an open space plan that differs substantially in quantity or quality from that originally approved.*

Staff Comment: The cabin request would create a 5.8-acre parcel (Tract I) around the cabin from land that is projected to be deeded to the Town as open space. To maintain the same acreage of open space in the PUD, 5.8 acres of natural land would be subtracted from the northern portion of Neighborhood D and designated as open space. The additional open space in this area will offer a larger buffer between the Haymaker trail and Neighborhood D for trail users while also benefiting wildlife by providing a larger wildlife corridor.

This land's proximity to a developer/HOA owned and managed wildlife corridor potentially makes it a candidate for a conservation easement. Conservation easements could be appropriate for several areas of the Haymeadow Open Space and as land is dedicated to the Town, we may want to consider conservation easements at that time. However, once this land is dedicated as open space, the Town could ensure its conservation/preservation without the need for a formal conservation easement. As mentioned previously, land is dedicated to the Town via the subdivision process and dedication of open space is phased, as noted in Exhibit H, of the ADA.

The Haymeadow applicants have also requested a small reroute of the Haymaker Trail near the cabin to separate the trail experience from the event venue. The applicant will be responsible for the costs and construction of the reroute, with the Town having final approval of the new alignment. The final plat for Tract I will include a new trail easement protecting access for the trail through the parcel. Further, with the proposed/modified PUD Amendment, the Town would no longer be responsible for taking over an existing events venue and trying to run a business as a local government entity.

The applicant believes this creates an equal or better level of open space quality for the overall PUD, because the area around the cabin is in an upland area that has been identified as weed infested land that requires mitigation and improvement. The renovation of the cabin and surrounding lands will include a full weed mitigation plan within this 5.8-acre parcel. Approximately one acre of the parcel will be improved with irrigated landscaping and the rest will be revegetated with native grasses. The 5.8-acre portion of Neighborhood D that will become open space is irrigated hayfield. This area will create a larger buffer area between the development lands of Neighborhood D and the upland open space and proposed wildlife corridor. This area could also be used as a secondary trailhead for access to the Haymaker Trail and adjacent public lands.

COMMUNITY INPUT:

No public comment has been received since the April 27, 2021 public hearing. All previous public comment has been entered into the public record; the [Public Comment Summary dated April 22, 2021](#) and the [Additional Public Comment dated April 27, 2021](#) are linked and available for review.

BUDGET / STAFF IMPACT:

No impact to the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Staff Comment: This request aligns with the 2020 Town of Eagle Strategic Plan's major objective to attract visitors. The private events venue is likely to bring clients into Eagle, these clients may use local Eagle events companies, hotels, and other local services in addition to the events space.

RECOMMENDED ACTION OR PROPOSED MOTION:

The Planning & Zoning Commission reviewed the application during the March 2nd and April 6th meetings. Through a 7-0 vote, the Commission recommended approval of the Cabin Request.

Town Council may **APPROVE or DENY** Ordinance No. 07, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Renovate an Existing Cabin Currently Located in Open Space to the East of Neighborhood D as an Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability", with the following finding of fact:

Finding of Fact:

That the application complies with [Sections 4.07](#) and [4.11](#) of the Eagle Municipal Code (the "Code") and the 2010 Eagle Area Comprehensive Plan.

The changes made to the conditions of approval since the April 27th meeting can be identified below in **bold**.

Conditions of Approval as listed in the Development Agreement:

- a. When water and wastewater lines are within 400' of the property on which the cabins are located, on-site water and wastewater shall be required to connect to such lines within 2 years.
- b. Prior to submitting an application for any building permits for the cabins, Developer shall work with the Town to create a plan for addressing any potential disputes or conflicts between events held at the cabin and trail users and to determine appropriate access easements, signage and other requirements for the Haymaker Trail re-route, recognizing that the trail shall not be closed to avoid such conflicts.
- c. Developer shall work with the Town to **amend the temporary trail extension agreement for the Extra Credit trail by requiring a 2-year notice of termination.**
- d. On-site parking shall be limited to 20 spaces, and shuttles shall be required for special events that generate more than 20 vehicles. Prior to submitting an application for any building permits for the cabins, Developer shall provide the Town with a site plan for the cabin showing the parking and designating the 20 parking spaces.
- e. Outdoor events at the cabin shall be seasonal and only permitted from **May 1st through October 31st.**

f. Prior to submitting an application for any building permits for the cabins, Developer shall work with Eagle County and Town staff to determine necessary improvements for the left-turn lane on Brush Creek Road to the cabin access road, and any such improvements shall be complete prior to the commencement of any special events at the cabin site.

g. **Within one year of the Effective Date, Developer shall submit an application for subdivision and development permit of the cabin parcel.**

h. **Developer shall dedicate to the Town the open space in Neighborhood D as outlined in the development plan in the first Subdivision Final Plat for any property in Neighborhood D.**

ATTACHMENTS:

- Updated Redlined PUD Guide
- Updated PUD Plan
- ADA Exhibit H – Land Dedication Parcels
- Project Narrative including Site Plans, Conceptual Plans and Development Impact Report ([LINK](#))
- McDowell Engineering Traffic Memo dated March 26, 2021 ([LINK](#))
- Public Comment Summary dated April 22, 2021 ([LINK](#))
- Additional Public Comment dated April 27, 2021 ([LINK](#))
- Town Council Staff Memo dated April 27, 2021 ([LINK](#))
- Development Agreement (Haymeadow Cabins)
- Ordinance No. 07, Series 2021

FIRST AMENDED
PUD GUIDE FOR
THE HAYMEADOW PLANNED UNIT
DEVELOPMENT

Amended and Approved,
(new date)

(May 10 revision draft)

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This document supersedes and replaces the Haymeadow PUD Guide dated March 25, 2014.

**APPROVAL OF THIS PLAN CONSTITUTES A VESTED PROPERTY RIGHT
PURSUANT TO SECTION 24-68-103,C.R.S., AS AMENDED**

1. PURPOSE:

The purpose of the Haymeadow PUD Guide is to serve as the governing land use regulations which will control the development of the Haymeadow PUD. The PUD Guide will serve as the “Zone District Regulations” for the PUD and is in conformance with Section 4.11.030 of the Town of Eagle Land Use and Development Code.

The Haymeadow PUD authorizes a total of 837 dwelling units, a public school facility, a fire station, active and passive parks and recreation areas, community facilities, trails and open space on 660 acres of land within the Town of Eagle, Eagle County, Colorado as described in the approved Haymeadow PUD Development Plan. Development within the PUD is administered by the Town of Eagle through the provisions of the PUD Development Plan and this PUD Guide. Building construction within the PUD is governed by the applicable Town of Eagle ordinances, rules, regulations and codes. Approval of this plan constitutes a vested property right pursuant to section 24-68-103,C.R.S., as amended.

The approved Haymeadow PUD Development Plan Drawing dated March 25, 2014 is attached to this PUD Guide as Exhibit A.

2. DEFINITIONS:

Unless otherwise defined below, all terms used in this document shall be as defined by the Town of Eagle Land Use Regulations.

A. Haymeadow PUD

The Haymeadow PUD is a zone district authorized by the Town of Eagle Ordinance No. _____, Series of 2014, and containing the property commonly known as Haymeadow.

B. Bed and Breakfast

An owner occupied dwelling unit that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation.

C. Neighborhood Parcels

Areas as indicated on the approved Haymeadow PUD Development Plan for residential development, the development of which shall be regulated by this Haymeadow PUD Guide. These parcels are listed as Neighborhood A1, Neighborhood A2, Neighborhood B, Neighborhood C and Neighborhood D.

D. Planning Tracts

Areas as indicated on the approved Haymeadow PUD Development Plan and Preliminary Subdivision Plan for non-residential development, the development of which shall be regulated by this Haymeadow PUD Guide. These Tracts are listed as Tract E:

Recreation/School, Tract F: Park, Tract G: Fire Station, ~~Tract I: Cabin,~~ and Tract H: Future Development. The future resubdivision of Tract K will create additional tracts regulated by the PUD Guide. The Preliminary Plan is attached as Exhibit B.

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E. Special Use

Special Use shall be as defined in Section 4.05 of the Town of Eagle Land Use and Development Code.

3. PUD ZONE DISTRICTS:

A. Residential One – Neighborhood Parcels A1, A2, B and C:

1. Purpose:
To provide sites for single family and multi-family homes on a variety of lot sizes that will maintain and reinforce the existing small town development pattern, character and architectural heritage of the Town of Eagle and to provide for mixed residential neighborhoods in order to serve the needs of the residents of Eagle. The design of neighborhoods in this district is intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional requirements of the community.
2. Uses by Right:
 - a. One single family home on each specifically designated lot.
 - b. One duplex building (two units) on each specifically designated lot.
 - c. Multiple family residential, including condominiums, townhomes, flats or apartments, and single family or duplex cluster units on specifically designated lots.
 - d. Accessory apartment to single family dwelling as defined by the Town of Eagle (TOE) Municipal Code, not to exceed 700 square feet.
 - e. Utility service structures and buildings.
 - f. Home occupations as defined by the TOE Municipal Code.
 - g. Parks, open space and community gardens.
 - h. Model homes.
 - i. Pedestrian and bicycle trails.
 - j. Ponds, reservoirs and irrigation ditches.
 - k. Temporary construction staging areas.
 - l. Additional uses determined by the Town Planner to be similar to uses by right listed above.
 - m. Accessory uses customarily appurtenant to uses by right listed above including special events.
 - n. A Homeowner Association or Metro District operated or contracted enclosed storage building.
 - o. Typical agricultural uses may continue within each neighborhood until residential site development is initiated within the neighborhood.
 - p. Mail box drop boxes or similar mail delivery facilities.

q. Temporary sales office.

3. Special Uses:

- a. Day care of more than 8 children and elderly care.
- b. Special Events

4. Minimum Building Setback Requirements:

- a. Single family with front loaded garage:
 1. Front: 12.5 feet minimum setback to the front porch and /or front of the building facade. Porch steps may encroach up to 5 feet into the 12.5 foot required setback. The minimum distance from the front property line to a garage door shall be 25 feet. The maximum front setback for the front porch shall be 22 feet from the front property line.
 2. Side: 12.5 feet.
 3. Rear: 12.5 feet for one-story elements and 20 feet for two-story elements.
- b. Duplex with front loaded garage:
 1. Front: 12.5 feet minimum setback to the front porch and /or front of the building facade. Porch steps may encroach up to 3 feet into the 12.5 foot required setback. The maximum front setback for the front porch shall be 22 feet from the front property line. The minimum distance from the property line to a garage door facing a front property line shall be 25 feet.
 2. Side: 12.5 feet. The minimum distance from the side property line to a garage door shall be 33 feet for a lot with a shared driveway.
 3. Rear: 12.5 feet. An unenclosed, covered porch or deck may encroach up to 5 feet into the rear setback.
- c. Single family and duplex uses with alley loaded garage:
 1. Front: 12.5 feet to the front porch and /or front of the building facade. Porch steps may encroach up to 3 feet into the 12.5 foot required setback. The maximum front setback for the front porch shall be 22 feet from the front property line.
 2. Side: 12.5 feet
 3. Rear: 12.5 feet, however, the minimum distance from the property line to a garage door shall be 22 feet, or 24 feet to the alley travel way, whichever is more restrictive.
- d. Multiple Family:
 1. Front: 15 feet. The minimum distance from the front property line to a garage door shall be 25 feet.
 2. Side: 15 feet
 3. Rear: 20 feet
- e. Supplementary setback requirements:
 1. Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.

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2. Corner lots shall require compliance with the front setback standards on each side of the lot that fronts a public street.
3. There shall also be a 50 foot building setback from Sylvan Lake Road in Neighborhood A1 and A2.

5. Maximum Building Height:
35 feet.

6. Maximum Lot Coverage:
- a. Residential Multi-Family
 1. Building 60%
 2. All impervious materials - 70%
 - b. Residential Single Family
 1. Building 40%
 2. All impervious materials - 60%

7. Maximum Density:
The maximum density shall not exceed 15 dwelling units per gross acre for development within any Multi-Family Tract as shown on the initial Final Plat for each Neighborhood.

8. Neighborhood A1 Core Trail:
The Multi-Family buildings in west/central area of Neighborhood A-1 shall be configured in such a manner to accommodate an alignment of the future 10 foot wide asphalt trail identified on the Neighborhood A-1, Phase 1 Trails Plan as described below.

This trail will serve as a main route for school children to access the school site at a location close to the north side of the school's vehicular access system. This trail shall be configured to encourage use by children and designed in such a manner that provides direct views of the school site where possible and places a strong emphasis on safety at roadway crossings. This portion of the trail system will be approved by the Town as part of the Development Permit review process for the adjacent multi-family buildings and the trail shall be constructed concurrent with the multi-family units. In the event construction is initiated on the school prior to completion of the trail, the developer shall cause completion of this trail prior to the opening of the school.

9. Supplemental requirements:
The minimum depth for first floor front porches shall be 7 feet.

B. Residential Two – Neighborhood D:

1. Purpose:
To provide sites for lower density single family homesites.
2. Uses by Right:
 - a. Single family dwelling units not to exceed 7,000 square foot maximum size.
 - b. Accessory apartment to single family dwelling as defined by the Town of Eagle

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Municipal Code, not to exceed 700 square feet.

- c. Model homes.
- d. Parks, open space and community gardens.
- e. Home occupations.
- f. Utility service structures and buildings/ maintenance facilities.
- g. Pedestrian and bicycle trails.
- h. Ponds, reservoirs and irrigation ditches.
- i. Temporary construction staging areas.
- j. Additional uses determined to be similar to uses by right listed above.
- k. Accessory uses customarily appurtenant to uses by right listed above.
- l. Accessory buildings may include detached garages, sheds and similar structures.
- m. Temporary tree farm
- n. Typical agricultural uses may continue within the neighborhood until residential site development is initiated.
- o. Mail box drop boxes or similar mail delivery facilities.
- p. Temporary sales office.

3. Special Uses:

- a. Day care of more than 8 children and elderly care.
- b. Bed and breakfast.
- c. Gravel borrow pit for on-site use.
- d. Special Events

4. Minimum Building Setback Requirements:

- a. Front: 25 feet
- b. Side: 15 feet
- c. Rear: 20 feet.

5. Supplementary setback requirements:

- a. Corner lots shall require compliance with the front setback standards on each side of the lot that fronts a public street.
- b. Roof eaves, bay window elements and similar features may encroach up to 30 inches into any required setback.
- c. All garage doors shall be a minimum of 25 feet from the facing property line.

6. Maximum Building Height:
35 feet.

7. Maximum Lot Coverage:

- a. Building - 30%
- b. All impervious materials - 50%

8. Building Envelopes:

The Subdivision Final Plat or Plats for Neighborhood D shall contain appropriate notations requiring building envelopes to be designated on certain lots prior to any site grading or other disturbance of the designated lot. Specifically, any lot over 1/2 acre shall

be limited to a building envelope of 15,000 square feet. Application(s) for Subdivision Final Plat shall include a supplemental exhibit specifying lots requiring building envelopes. Upon approval of such supplemental exhibit by the Town Planner, any modification of such supplemental exhibit shall require approval from the Town. The owner of such lot shall propose a building envelope as part of the application for design review and building permit. The proposed building envelope shall comply with all criteria affecting building envelopes contained in the Design Guidelines as approved by the Town, and shall be so indicated graphically on a landscape/ site plan. This landscape/site plan shall also include calculations to indicate the building envelope does not exceed 15,000 sq. ft. The Town reserves the right not to issue a building or site improvement permit until a building envelope, if required, that complies with all approved Design Guideline criteria has been approved by the Design Review Committee.

As used in this document, the term "building envelope" shall be deemed to include the residence, any allowable accessory buildings, driveways, walkways, patios, and landscaped areas.

All portions of a lot outside of the designated 15,000 square foot building envelope shall maintain the existing pasture grasses or be landscaped in a dryland, native or xeric style that requires minimal irrigation. Any landscaping of this area shall require approval by the DRB.

9. Wildlife Corridor and Berm:

At the time of the first subdivision plat for Neighborhood D a 500 foot wide wildlife corridor shall be established on the adjacent open space to the east of Neighborhood D, as indicated on the approved PUD Development Plan attached as Exhibit A. If at this time a corresponding 500 foot wide wildlife corridor has not been provided or committed on the adjacent Adam Rib Ranch property, then a 1000 foot wide corridor is required on the Haymeadow Planned Unit Development. At the time of this final plat a deed restriction shall be placed on this wildlife corridor to guarantee its protection. This corridor shall be maintained in agricultural production.

The construction of a landscape screening berm shall be included in the public improvements for Neighborhood D. The purpose of this landscape screening berm is to provide visual buffer between the animals using the wildlife corridor and the activity associated with Neighborhood D. The final plat or deed restriction will include language that ensures this landscape screen/ berm is a permanent landscape feature. A conceptual graphic that illustrates the intent of the landscape berm is attached as Exhibit C.

C. Recreation Open Space/School – Tract E, Town of Eagle Recreation and School Site:

1. Purpose:
To provide a land area for a recreation site and a school site to be dedicated to the Town of Eagle.
2. Uses by Right:
 - a. Indoor and outdoor recreation and entertainment facilities.
 - b. Parks and picnic facilities.
 - c. Community Center.
 - d. Cultural and educational buildings and activities.
 - e. Concessions, food and beverage service.
 - f. Special events including sports events and tournaments, entertainment and cultural events.
 - g. Public Administration building.
 - h. Administration/Maintenance facilities.
 - i. Equestrian, pedestrian and bicycle trails.
 - j. Dog park.
 - k. Community gardens.
 - l. Playgrounds, play equipment and water features.
 - m. Temporary structures, tents and trailers associated with special events.
 - n. Landscape improvements.
 - o. Lakes, ponds, reservoirs and irrigation ditches
 - p. Public and/or Private School and related ancillary facilities, which may include, but not be limited to, classrooms, common areas, gymnasiums, cafeterias, theatres, offices, meeting rooms, parking, and outdoor recreation and athletic facilities. A bus barn or overnight vehicle storage area would not be considered a use-by-right.
 - q. Special events utilizing either indoor or outdoor facilities of the school, including sporting, cultural or entertainment events.
 - r. Temporary construction/administration office.
 - s. Agricultural uses.
 - t. Public or private roads and utilities including bridges, utility, improvements, lines and mains, facilities, services and buildings.
 - u. Additional uses determined to be similar to uses by right listed above.
3. Minimum Building Setback Requirement:
There shall be a 25 foot building setback from all lot lines that front public roads, except from Sylvan lake Road where a 50 foot setback shall be required. From other lot lines there shall be no minimum except must be sufficient to accommodate utilities, drainage, access, fire and building code regulations.
4. Maximum Building Height:
35 Feet. Architectural features such as a tower, cupola or other architectural focal point may have a maximum height of 42 feet if approved by the Haymeadow Design Review Board.

5. Density Allowance:
N/A

6. Maximum Site Coverage:
N/A

D. Natural Open Space Tracts - OS-A, OS-B & OS-C, as labeled on the Preliminary Subdivision Plan, as well as future open space Tracts which will be created through resubdivision of Tract H of the PUD Preliminary Subdivision Plan. The approved PUD Development Plan depicts the general location and size of the future Open Space and Neighborhood areas within Tract H. The PUD Preliminary Subdivision Plan is attached as Exhibit B.

1. Purpose:
To provide sites for natural open space, active recreation, agricultural uses, trails and park facilities, water storage and drainage improvements and landscape improvements.

2. Uses by Right:

- Equestrian, pedestrian and bicycle trails.
- Landscape Improvements.
- Lakes, ponds, reservoirs and irrigation ditches.
- Shade shelters and picnic facilities.
- Public or private roads, trailhead parking, restrooms, and utilities including bridges and utility improvements, tanks, lines, mains, pumphouses, facilities, services and buildings.
- Agricultural uses and associated facilities.
- Community gardens and associated facilities.
- Dog parks.
- Special events associated with agricultural facilities, community garden facilities, trails and trailheads, such as athletic, entertainment or cultural events.

3. Building Setback requirement
25 feet

4. Maximum Building Height
35 feet

5. Gross Density Allowance:
N/A

6. Maximum Site Coverage:
N/A

Deleted: j. Weddings and community events hosted at the existing cabin and the surrounding area, which shall include the right to improve said structure and seasonally install an outdoor tent from May through October.¶

7. Supplemental Requirements:
The design and placement of recreation trails adjacent to the eastern wildlife corridor and open space shall minimize the impact of recreation users upon wildlife.

E. Fire Station - Tract G:

1. Purpose:
To provide a site for a fire station and related improvements.
2. Uses by Right:
 - a. Fire station and related ancillary facilities, which may include, but not be limited to, offices, meeting rooms, training areas, crew quarters and temporary residences for fire fighters.
 - b. Additional uses determined to be similar to uses by right listed above.
 - c. Accessory uses customarily appurtenant to uses by right listed above.
3. Building Setback Requirement:
There shall be a 25' building setback from all lot lines.
4. Maximum Building Height:
35 feet. Architectural features such as a tower, cupola or other architectural focal point may have a maximum height of 42 feet if approved by the Haymeadow Design Review Board.
5. Haymeadow DRB approval and Town of Eagle Development Permit approval will be required prior to construction of buildings or alteration of the site.

F. Trailhead Park – Tract F

1. Purpose:
To provide a site for active park and recreation facilities, formal and informal play fields, open space, ponds and water features, stream corridors and recreation trails, community buildings and facilities.
2. Uses by Right:
 - a. Indoor and outdoor recreation and entertainment facilities.
 - b. Parks and picnic facilities.
 - c. Community Center.
 - d. Cultural and educational buildings and activities.
 - e. Concessions, food and beverage service.
 - f. Special events including sports events and tournaments, entertainment and cultural events.
 - g. Administration/Maintenance facilities.
 - h. Homeowner Association or Metro District operated or contracted enclosed

- storage or administration building.
- i. Equestrian, pedestrian and bicycle trails.
- j. Dog park.
- k. Community gardens.
- l. Playgrounds, play equipment and water features.
- m. Temporary structures, tents and trailers associated with special events.
- n. Landscape improvements.
- o. Lakes, ponds, reservoirs, raw water irrigation structures and facilities and irrigation ditches.
- p. Temporary construction/administration/sales office. Public or private roads and utilities including bridges, utility, improvements, lines and mains, facilities, services and buildings.
- q. Agricultural uses.
- r. Additional uses determined by the Town Planner to be similar to uses by right listed above.

3. Building Setback Requirement:
There shall be a 25' building setback from all lot lines.

4. Maximum Building Height:
35 feet. Architectural features such as a tower, cupola or other architectural focal point may have a maximum height of 42 feet if approved by the Haymeadow Design Review Board.

G. Cabin – Tract I

1. Purpose:

To provide a venue for special events including but not limited to weddings, community and corporate events including overnight stays by guests for no more than two consecutive nights.

2. Uses by Right:

- a. Cabin with kitchen, bathrooms and dressing/bedroom rooms.
- b. Indoor and outdoor special events limited to a maximum of 170 attendees.
- c. Landscape Improvements
- d. Seasonal tents for special events
- e. Parking for no more than 20 vehicles
- f. Portable self contained restrooms.
- g. Equestrian, bicycle and pedestrian trails.

3. Building setback requirement: 25 feet from all lot lines

4. Maximum Building Height 24 feet

5. Gross Density Allowance: One Dwelling Unit not to exceed 2,500 square feet floor area

6. Maximum site coverage: N/A

7. Supplementary Regulations:

- a. Special Events utilizing outdoor space shall not be allowed on a seasonal basis between the dates of December 1 to May 15.
- b. No amplified music shall be allowed between the hours of 11:00 pm and 9:00 am.

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- c. ~~Water and wastewater connection to the cabin shall be completed within two years of the time those utilities are extended to within 400 feet of the cabin parcel.~~
- d. ~~Special Event parking for events larger than 20 attendees shall be accommodated on ABRIKA owned Haymeadow property or guests shall be shuttled in from private offsite locations. ABRIKA will require that special events organizers agree not to utilize public parking lots, Town of Eagle property or road right of ways without express permission from the Town of Eagle.~~

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4. DENSITY CONTROL

Allowable maximum densities for each Neighborhood Parcel are set forth within the following density chart; provided however, that any Neighborhood Parcel may contain up to 1.25 times the total number of allowable dwelling units as described below. Any such increase in density of a Neighborhood Parcel shall be offset by an equal decrease in density from another Neighborhood Parcel. The intent of this provision is to allow flexibility in planning to take into account varying site conditions, market conditions and other design factors. There shall be no transfer of density allowed into Neighborhood D.

In no event shall the total number of residential units in all planning parcels within the Haymeadow PUD combined exceed 837 units. Accessory dwelling units not exceeding seven hundred (700) square feet appurtenant to single family dwellings shall not be included in such limitation.

The combination of two or more existing residential units into a lesser number of units shall first be approved by the Haymeadow Design Review Board and the Town Planner if any of such units have been designated as an affordable housing unit pursuant to the Town of Eagle Local Employee Residence Program. Approval by the Town shall be granted if such combination is in conformance with this PUD Guide and any applicable building codes. However, residential units designated as affordable housing units shall not be combined if such combination would reduce the total number of affordable housing units below the minimum number of required affordable housing units required under the Town's Local Employee Residence Program.

The Haymeadow Homeowners (Design Review Board) and the Town of Eagle shall have all remedies available to them at law or in equity to enforce the provisions of this Section.

Accompanying each Final Plat and Development Permit application shall be an inventory of dwelling units that have been approved by previously final plats and/or Development Permits for each respective Neighborhood.

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Neighborhood	Single Family/Duplex	Multi-Family	Total # D.U.
A1	82	146	228
A2	103	86	189
B	161	48	209
C	97	64	161
D	50	0	50
TOTAL	493	344	837

Density within each neighborhood has been defined in the PUD Development Plan and the PUD Guide as two unit types: Multi-Family and Single Family/Duplex. Up to 25% of the units identified as Multi-Family may be converted to Single Family/Duplex units and allowed in areas referenced as Multi-Family on the PUD Zoning Plan. No additional density beyond the 837 approved units is allowed.

5. PARKING REQUIREMENTS

All uses within Haymeadow will be subject to the parking standards of the Town of Eagle Land Use & Development Code with the following exceptions. Any on-street parking spaces shall be constructed as guest or park parking and may not be counted toward fulfilling residential parking requirements. Each single-family or duplex residence shall have a minimum of two on site parking spaces in addition to any garage space. These parking spaces shall fit within the property and not overhang any public walkway or travel way. Any accessory dwelling associated within a single family residence shall have one dedicated on-site parking space. A Bed and Breakfast use as defined in this PUD Guide shall provide the required single family parking plus one additional parking space per guest room. [Parking requirements for Cabin-Tract I shall be as specified in Section 3G, Cabin-Tract I.](#)

6. DESIGN REVIEW

Design guidelines shall be prepared which will establish architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow. These guidelines shall be approved and in place for any area of the Haymeadow PUD prior to the approval of any Subdivision Final Plat for that area. The Design Guidelines shall be submitted to the Town for review and approval by the Town Board using the Major Development Permit Review process. Subsequent major revisions to the guidelines shall be subject to the same review and approval process of the Town of Eagle.

The Haymeadow Home Owners Association shall establish a Haymeadow Design Review Board that shall have authority and responsibility over the design review process. In the event that the Haymeadow Design Review Board ceases to fulfill its duties as described in the guidelines the Town of Eagle may assume the role of the Design Review Board.

All projects requiring a Town of Eagle permit shall adhere to the standards of this PUD and, where not specifically covered, the provisions of the Town of Eagle Land Use Code.

Applicants for all new development proposals, new buildings or building modifications, new landscaping or landscaping modifications, as defined in the adopted design guidelines, shall submit such proposals for review and approval by the Design Review Board.

The Town of Eagle shall not issue a building permit or grading permit without prior approval by the Design Review Board as demonstrated by drawings stamped as approved by the Design Review Board.

1. **Architectural Design Standards:**

The site design concept for Haymeadow, and for Neighborhood A in particular, is to create pedestrian friendly, walkable well-connected neighborhoods. A streetscape plan that includes a wide planting strip with street trees and sidewalks along both sides of the street will frame the residential development.

In the single family and duplex neighborhoods relatively narrow lots with uniform building setbacks, recessed garages and a well-established front porch element will create a strong neighborhood pattern. As the development progresses into Neighborhoods B, C and D the approved PUD Development Plan density decreases and the narrow lot pattern and streetscape design may become more relaxed.

Multi-family buildings will also be oriented to respect the streetscape while providing off-street parking. The buildings will be arranged to also focus on courtyard and open space access that will maintain a less formal but equally inviting pedestrian neighborhood quality.

The architecture of the Haymeadow community will both integrate with and enhance the beauty of the Town of Eagle and the Brush Creek valley. The intended goal is to develop a series of neighborhoods at ease with the surrounding ranching setting that look and feel like a natural evolution of the greater Eagle community. This will be assured through the development, adoption and enforcement of design guidelines that:

- a. Establish design and construction standards that both fit in the setting and ensure a consistent high level of quality across a wide array of housing types;
- b. Respond to the unique attributes and sensitivities of the site which are reflected in the design tenets underlying the plan;
- c. Implement a diverse but cohesive, unified and balanced architectural and landscape theme;
- d. Control massing of buildings to be appropriate in scale and context;
- e. Site structures in a manner which responds to existing physical site features, maximizes vistas, privacy and addresses energy usage ;
- f. Utilize forms and materials that honor the site's cultural history.

The Applicant has begun to develop housing designs that are illustrative of its vision for the property and are attached as Exhibit D.

These illustrative drawings:

- are examples of the type and style of housing that can be achieved in each residential building type. The architectural character will offer variety but will also include a style that ties together the single family and multi-family building types;
- reflect the general design principals outlined above which are the framework to be expanded upon and implemented in future design guidelines.

The architecture of the Haymeadow Community is inspired by the natural materials and simple gathered forms of the surrounding historic Colorado ranch compounds. These typical asymmetric historic buildings which evolved over time have a casual and intimate architecture which is at harmony with the land. The proposed palette of natural earth colored stucco, timbers and stained wood sidings will give the buildings a natural patina that will blend in with the surroundings. The architecture of the community will be rooted in the history of the place.

The main element of the house should typically be two stories in height and typically have gable roof(s) with smaller attached one-story elements with typical shed roofs. Buildings are generally taller in the middle and step down at ends with typically one and a half story massing at the sides of the house and should step with grade to minimize site grading.

Primary building materials/colors must be muted tones derived from the earth, trees and rock outcroppings of the surroundings environment.

2. **Environmental Building Practices:**

- Low environmental impact and energy efficiency approaches to site planning, design, landscaping and construction are highly encouraged.
- Owners are encouraged to review LEED guidelines published by the US Green Building Council (www.usgbc.org) which encourage energy efficiency, resource efficiency and healthy indoor air quality.
- Passive and active solar is highly encouraged. Hot water and photo voltaic solar panels are encouraged to be well planned and integrated in to the architectural design. Panels should be installed in the same plane as the roofs and close to flush with the roof. Solar panels and all associated mounting brackets and hardware shall be all black. No bright shiny metal elements are allowed.

3. **Landscape Design Standards:**

Landscape Design Standards will be written and adopted as an integral part of the overall design guidelines. The intent of the landscape design guidelines will be provide standards for landscaping and water conservation within the PUD that enhance and maintain the character of the residential neighborhoods and public spaces of the Haymeadow PUD. The Landscape Design Guidelines shall comply with the Town of Eagle Water Efficiency & Conservation plan as applicable. This will be accomplished by:

- Setting minimum and maximum standards for planting within residential and

- public spaces.
- b. Promoting the conservation of water through selection of proper plant palettes and the use of efficient irrigation techniques.
- c. Controlling the spread of noxious weeds and invasive plant species.

4. **Illumination Design Standards:**

Illumination design standards for residential and public uses shall be included within the approved design guidelines. The intent of these standards will be to provide compliance with adopted Town of Eagle lighting requirements and appropriate dark sky practices.

5. **Fencing Design Standards:**

Fencing design standards shall be included within the approved design guidelines. The intent of these standards will be to provide a compatible appearance among residential properties and to regulate the structure, location, height, color and materials of fencing prior to installation. Where appropriate and as required, wildlife friendly fencing will be specified.

6. **Specific Design Considerations:**

Specific design considerations have been discussed with the Town of Eagle through the Haymeadow PUD Development Plan approval process. This section of the PUD provides a commitment to incorporate certain design considerations into the Haymeadow Design Guidelines.

- a. Final Plat and Development Permit applications shall include site and landscape design considerations for each Sylvan Lake Road intersection that creates key visual corridors into the adjacent neighborhood, creating a sense of welcome and entry. This is of specific importance at the school road intersection.
- b. Any development plan that includes an enclosed storage building or a HOA/Metro District maintenance yard shall include appropriate landscape screening to screen the view from the public street. Any yard and building plan structures shall require approval of the Haymeadow Design Review Board.
- c. Cedar or other wood shake shingle products shall not be allowed as a roofing material.
- d. Multi-Family development and Fire Station shall be subject to Town of Eagle Development Permit review as outlined in Section 4.06 of the Town of Eagle Land Use and Development Code.

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7. SIGNS

Sign regulations shall meet the Town of Eagle sign code; unless a comprehensive Haymeadow Sign Program is approved by the Town of Eagle.

8. DOGS AND PET CONTROL

Each dwelling unit will be permitted to house up to two dogs and offspring up to three months old. Residents will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., animals kept in residence, a fenced yard, an electronically fenced yard,

dog run, or kennel) to contain the animals. Enclosed runs must be located immediately adjacent to the home, within the lot's building envelope if an envelope is required, and shall not exceed 1,000 square feet. If facilities are inadequate to contain the dog(s), the animals will be immediately removed from the subdivision until adequate structures can be built.

At no time are dogs to be allowed to run freely, other than within designated leash free dog parks. Haymeadow shall be subject to any and all leash laws and other pet regulations as adopted by the Town of Eagle.

Stray dogs may also be controlled by the Town and/or County and Colorado Department of Parks and Wildlife (CDPW). Homeowners not in compliance with these dog restrictions will be responsible for any and all costs incurred by the Town, County, and/or CDPW for enforcing these provisions.

Contractors, subcontractors and other construction related visitors shall be prohibited from bringing dogs onto the Haymeadow PUD.

9. FENCING

Any fencing separating a residential lot from adjacent natural open space shall be required to meet the wildlife friendly fencing guidelines of Colorado Parks and Wildlife.

The Haymeadow Metro District and/or Homeowners Association shall be responsible for maintaining a fence at appropriate perimeter sections of the PUD to keep cattle grazing on adjacent lands from entering the Haymeadow PUD.

10. TOWN OF EAGLE DEVELOPMENT PERMIT

All multi-family buildings, the fire station, school and Trailhead Park pavilion building shall be required to obtain a Development Permit pursuant to Section 4.06 of the Town of Eagle Land Use and Development Code

11 TRASH RECEPTACLES

Single family residences within the Haymeadow PUD shall be restricted from storing or leaving trash receptacles outside overnight. Trash receptacles shall be placed outside on the day of pick-up and shall be returned to an indoor location the same day.

Multi-family buildings shall provide wildlife resistant trash enclosure structures consistent with the approved Design Guidelines.

12. CONFLICTS

The specific provisions of this Guide shall supersede those of the Town of Eagle Land Use Regulations. However, where the Guide does not address an issue, the specific provisions of the Town of Eagle Land Use Regulations shall prevail. In cases of dispute or ambiguity, the Board

of Trustees shall act to interpret.

Deleted: j

13. AMENDMENTS TO THE HAYMEADOW PUD GUIDE, PUD DEVELOPMENT PLAN AND SUBDIVISION PLANS

It is anticipated that modifications or amendments to this PUD Guide, the PUD Development Plan, and Subdivision Plans will be necessary from time to time as Haymeadow progresses. This PUD Guide provides for two types of modifications or amendments: minor and major.

A. Minor Modifications:

Minor modifications are those changes which will not alter the original project concept but which may result in minor changes in the design of Haymeadow. Minor modifications include, but are not limited to internal road alignment alterations, minor adjustments to parcel boundaries, building envelope changes, and additions of land uses not previously listed but determined to be similar to listed uses. Minor adjustments to Planning Parcel boundaries shall be defined as:

Change in land use of a parcel of property not to exceed 20,000 square feet to conform to the land use of property immediately adjacent to it, provided however, that the provisions of this article shall not apply to property adjacent to any parcel of property the land use of which has previously been changed pursuant to the provisions of this article. Minor modification shall also include any decrease in size of a Neighborhood Residential parcel that is offset by an equal increase in an open space parcel.

Minor modifications may be authorized by the Town of Eagle Zoning Administrator upon written request. The Zoning Administrator shall act upon any minor modification request within 30 days of such a request. Any decision by the Zoning Administrator may be appealed in writing to the Eagle Board of Trustees within 30 days of such decision.

B. Major Modifications:

Major modifications are those changes not considered to be minor modifications and are changes that could alter the character or land use of a portion of the project.

Major modifications shall include:

1. Any increase in the total number of residential units.
2. Any change in land use designation of any parcels within the PUD, except as provided above.
3. Any additional of land into the PUD.

Major modifications shall be under the authority of the Eagle Board of Trustees. Applications for major modifications shall be heard in public hearing by the Board after receiving a recommendation from the Planning and Zoning commission. The Town Board shall approve the modification if it is found that the modification is consistent with the efficient development of the entire PUD and does not substantially affect the

enjoyment of land abutting the PUD or the public interest.

Approved by Abrika Properties, LLC, the developer of the Haymeadow PUD, this _____ day of _____, 2014.

By: _____

TOWN of EAGLE Signature block:

Approved by the TOWN OF EAGLE, COLORADO, a municipal corporation acting by and through its Board of Trustees, this _____ day of _____, 2014.

_____, Mayor

ATTEST:

Town Clerk



LAND USE SUMMARY

Parcel	Acreage	MF Units	SF/Duplex	Total
A1	41.7	146 (64%)	82 (36%)	228
A2	46.4	86 (45%)	103 (55%)	189
B	61.0	48 (23%)	161 (77%)	209
C	47.1	64 (40%)	97 (60%)	161
D	52.8	0 (0%)	50 (100%)	50
I	05.8	0 (0%)	0 (0%)	0
Subtotal:	254.8	344 (41%)	493 (59%)	837

	Tract	Acreage	Use
T.O.E Recreation/ School	E	32.733	
Community Park	F	20.501	Recreation Open Space
Fire Station	G	1.675	Fire Station
Subtotal:		54.83	
Road ROW		15 Ac.	

Development Parcels	254.8 Ac.
Tracts	54.83 Ac.
ROW	15.00 Ac.
Open Space	335.37 Ac.
Total:	660.00 Ac.

- Multi-Family
- Single Family / Duplex Lots



LAND DEDICATION PARCELS

PARCEL #		
1		Upland Open Space
2		Haymaker Trail Easement
3		Fire Station
4		Wildlife Corridor
5		Willow Tree Corridor
6		Trailhead Park
7		Wetland Open Space
8		Combined School/ Town Site
9		30' ROW Dedication

Haymeadow

LAND DEDICATION DIAGRAM

dhm design | berglund architecture | pylman assoc. | alpine engineering
scale = 1" = 300'
03.25.14



DEVELOPMENT AGREEMENT
(Haymeadow Cabin)

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into and made effective as of the ____ day of _____, 2021 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town"), and ABRIKA PROPERTIES, a Florida limited liability company with an address of 8250 Southwest 27th Avenue, Ocala, Florida 34476 ("Developer") (each a "Party" and collectively the "Parties").

WHEREAS, Developer and the Town own the real property described as Tracts E, 37, 38, 44, 55, 59, 61, 62 and 63, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on March 25, 2014, the Town approved an Annexation and Development Agreement (the "ADA") for the Property, which ADA was amended on February 27, 2018 and March 12, 2019, and the ADA as amended controls the future development of the Property;

WHEREAS, on October 26, 2020, Rick Pylman (the "Applicant") submitted an application for an amendment to the existing Planned Unit Development for the Property to renovate the cabin as an events space and to swap the existing open space parcel with land equal in size and desirability (the "PUD Amendment"); and

WHEREAS, the Parties wish to set forth the terms under which the PUD Amendment will proceed, without affecting the terms of the ADA, as amended.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Developer's Obligations. Developer agrees to the following with respect to the PUD Amendment:

a. When water and wastewater lines are within 400' of the property on which the cabin is located, on-site water and wastewater shall be required to connect to such lines within 2 years.

b. Prior to submitting an application for any building permits for the cabin, Developer shall work with the Town to create a plan for addressing any potential disputes or conflicts between events held at the cabin and trail users and to determine appropriate access easements, signage and other requirements for the Haymaker Trail re-route, recognizing that the trail shall not be closed to avoid such conflicts.

c. Developer shall work with the Town to amend the temporary trail extension agreement for the Extra Credit trail by requiring a 2-year notice of termination.

d. On-site parking shall be limited to 20 spaces, and shuttles shall be required for special events that generate more than 20 vehicles. Prior to submitting an application for any building permits for the cabins, Developer shall provide the Town with a site plan for the cabin showing the parking and designating the 20 parking spaces.

e. Outdoor events at the cabin shall be seasonal and only permitted from May 1st through October 31st.

f. Prior to submitting an application for any building permits for the cabin, Developer shall work with Eagle County and Town staff to determine necessary improvements for the left-turn lane on Brush Creek Road to the cabin access road, and any such improvements shall be complete prior to the commencement of any special events at the cabin site.

g. Within one year of the Effective Date, Developer shall submit an application for subdivision and development permit of the cabin parcel.

h. Developer shall dedicate to the Town the open space adjacent to Neighborhood D as outlined in the development plan in the first Subdivision Final Plat for any property in Neighborhood D.

2. ADA. This Agreement shall not affect or modify any term of the ADA; provided that, if a conflict arises between this Agreement and the ADA, this Agreement shall control.

3. Miscellaneous.

a. *Assignment*. This Agreement shall not be assigned by Developer in whole or in part without the prior written authorization of the Town.

b. *Governing Law and Venue*. The laws of the State of Colorado shall govern this Agreement, and the exclusive venue for any legal proceeding arising out of this Agreement shall be Eagle County, Colorado.

c. *No Third-Party Beneficiaries*. There are no intended third-party beneficiaries to this Agreement.

d. *Modification*. This Agreement may only be modified upon written agreement of the Parties.

e. *Severability*. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

f. *Governmental Immunity*. Nothing herein shall be construed as a waiver of any protections or immunities of the Town or its employees, officials or attorneys may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

g. *No Joint Venture.* Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

h. *Integration.* This Agreement constitutes the entire understanding and agreement of the Parties, integrates all the terms and conditions mentioned herein or incidental thereto, and supersedes all negotiations or previous arrangements between the Parties with respect to any and all of the subject matter hereof.

i. *Recordation.* This Agreement shall be recorded in the real estate records of the Eagle County Clerk and Recorder.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

ABRIKA PROPERTIES

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this ____ day of _____, 2021, by
_____ as _____ of Abrika Properties.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: _____

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 07
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT FOR THE HAYMEADOW DEVELOPMENT TO RENOVATE AN EXISTING CABIN CURRENTLY LOCATED IN OPEN SPACE TO THE EAST OF NEIGHBORHOOD D AS AN EVENT SPACE AND TO SWAP THIS OPEN SPACE PARCEL WITH LAND EQUAL IN SIZE AND DESIRABILITY

WHEREAS, Abrika Properties, LLC and the Town own the real property described as Tracts E, 37, 38, 44, 55, 59, 61, 62 and 63, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on October 26, 2020, Rick Pylman (the "Applicant") submitted an application for an amendment to the existing Planned Unit Development (the "PUD Amendment") for the Property to renovate the cabin as an events space and to swap the existing open space parcel with land equal in size and desirability (the "Application");

WHEREAS, on March 2, 2021 and April 6, 2021, the Planning and Zoning Commission held a properly-noticed public hearing on the Application and recommended that the Town Council approve the PUD Amendment with conditions;

WHEREAS, on April 27, 2021 and May 25, 2021, the Town Council held a properly-noticed public hearing on the Application;

WHEREAS, the Applicant has agreed to the conditions recommended by the Planning and Zoning Commission, by way of a separate Development Agreement in the form attached hereto; and

WHEREAS, the Town Council, upon reviewing the recommendation of the Planning and Zoning Commission, and upon hearing the statements of staff and the public, and giving due consideration to the matter, determines as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Town Council finds that the Application complies with Chapters 4.07 and 4.11 of the Eagle Municipal Code (the "Code") and the 2010 Eagle Area Comprehensive Plan.

Section 2. Based on the foregoing findings, the Town Council hereby approves the PUD amendment as set forth in the Application.

Section 3. The Town Council hereby approves the Development Agreement in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon

such approval, the Mayor is authorized to execute the Development Agreement on behalf of the Town.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 5. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MAY 25, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

DEVELOPMENT AGREEMENT
(Haymeadow Cabin)

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into and made effective as of the ____ day of _____, 2021 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town"), and ABRIKA PROPERTIES, a Florida limited liability company with an address of 8250 Southwest 27th Avenue, Ocala, Florida 34476 ("Developer") (each a "Party" and collectively the "Parties").

WHEREAS, Developer and the Town own the real property described as Tracts E, 37, 38, 44, 55, 59, 61, 62 and 63, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on March 25, 2014, the Town approved an Annexation and Development Agreement (the "ADA") for the Property, which ADA was amended on February 27, 2018 and March 12, 2019, and the ADA as amended controls the future development of the Property;

WHEREAS, on October 26, 2020, Rick Pylman (the "Applicant") submitted an application for an amendment to the existing Planned Unit Development for the Property to renovate the cabin as an events space and to swap the existing open space parcel with land equal in size and desirability (the "PUD Amendment"); and

WHEREAS, the Parties wish to set forth the terms under which the PUD Amendment will proceed, without affecting the terms of the ADA, as amended.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Developer's Obligations. Developer agrees to the following with respect to the PUD Amendment:

a. When water and wastewater lines are within 400' of the property on which the cabin is located, on-site water and wastewater shall be required to connect to such lines within 2 years.

b. Prior to submitting an application for any building permits for the cabin, Developer shall work with the Town to create a plan for addressing any potential disputes or conflicts between events held at the cabin and trail users and to determine appropriate access easements, signage and other requirements for the Haymaker Trail re-route, recognizing that the trail shall not be closed to avoid such conflicts.

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e. Outdoor events at the cabin shall be seasonal and only permitted from May 1st through October 31st.

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g. Within one year of the Effective Date, Developer shall submit an application for subdivision and development permit of the cabin parcel.

h. Developer shall dedicate to the Town the open space adjacent to Neighborhood D as outlined in the development plan in the first Subdivision Final Plat for any property in Neighborhood D.

2. ADA. This Agreement shall not affect or modify any term of the ADA; provided that, if a conflict arises between this Agreement and the ADA, this Agreement shall control.

3. Miscellaneous.

a. *Assignment*. This Agreement shall not be assigned by Developer in whole or in part without the prior written authorization of the Town.

b. *Governing Law and Venue*. The laws of the State of Colorado shall govern this Agreement, and the exclusive venue for any legal proceeding arising out of this Agreement shall be Eagle County, Colorado.

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d. *Modification*. This Agreement may only be modified upon written agreement of the Parties.

e. *Severability*. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

f. *Governmental Immunity*. Nothing herein shall be construed as a waiver of any protections or immunities of the Town or its employees, officials or attorneys may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

g. *No Joint Venture.* Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

h. *Integration.* This Agreement constitutes the entire understanding and agreement of the Parties, integrates all the terms and conditions mentioned herein or incidental thereto, and supersedes all negotiations or previous arrangements between the Parties with respect to any and all of the subject matter hereof.

i. *Recordation.* This Agreement shall be recorded in the real estate records of the Eagle County Clerk and Recorder.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

ABRIKA PROPERTIES

[Signature]

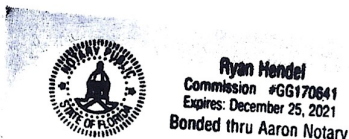
STATE OF FLORIDA)
)ss.
COUNTY OF BROWARD)

Subscribed and sworn to before me this 22nd day of May, 2021, by
Brandon Cohen as President of Abrika Properties.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 12/25/21

[Signature]





To: Mayor and Town Council

From: Brian Hall, Marketing & Events Manager

Date: May 25, 2021

Agenda Item: Resolution No. 34, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Appointing Danita Dempsey, Heather Hower, Anna Robinson, and August Wittenberg to the Town of Eagle Marketing and Events Committee"

REQUEST:

Staff requests that the Town Council review the 2021 MEAC applicants to fill the current open committee member positions on MEAC as presented.

INTRODUCTION:

The Town of Eagle MEAC presently has 5 members. The committee had lost several members over the summer and fall of 2020. The MEAC Bylaws state that the committee shall consist of 9 members. We are working to fill those empty seats and ask for your review and confirmation of the MEAC choices to fill the open Committee positions.

ANALYSIS:

The search for new Committee members took place over the course of 9 weeks beginning March 3, 2021. After that time, we had 6 individuals turn in applications for the positions. MEAC has reviewed the 6 applications, interviewed them in our regular open MEAC meeting on May 5, 2021. Following the interviews, the Committee discussed and rated each applicant using a scoring grid created by the Committee covering different areas and talents the Committee felt were important to the success of working on the MEAC. This scoring grid was an objective way to rate each applicants' talents, skills and experience in events and marketing.

On Thursday, May 6, MEAC held a special public meeting to further review the total scores of each applicant and discuss. The Committee then made their decision on the top 4 candidates that they would recommend to the Town Council. Staff agrees with and supports the suggestions of the existing Committee members for the seating of new members.

COMMUNITY INPUT:

The MEAC members and the TOE Coordinator began the search process for additional committee members by reaching out to residents, business associates and local organizations to identify people who others felt would be a good addition to the MEAC. Staff spoke to the Eagle Chamber and a couple of other individuals in local businesses who we felt may know of people in the community who might be appropriate to consider.

We also created a promotional plan to get the word out about our open positions. This plan included the posting of information on the Town of Eagle website, Eagle Today, the Eagle Chamber Newsletter,

announcements in the Vail Daily, distribution of a digital flier to local groups and businesses, as well as Facebook and Instagram. Applications were collected and reviewed by MEAC members and interviews were held at the monthly MEAC public meeting on May 5, 2021.

BUDGET / STAFF IMPACT:

This process has no impact to the Town of Eagle Budget as all committee members are volunteers serving the Town of Eagle per their choice.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The Marketing and Events Committee Bylaws states that the Committee shall consist of 9 voting members, one non-voting Town of Eagle Representative and the TOE Marketing & Events Manager serving as the MEAC Coordinator. The placement of 4 applicants to this committee would fulfill the required number of committee members required by the bylaws.

MEAC directly reflects the 2020 Strategic Plan Guiding Principle of Transparency and Community Engagement by allowing community members to provide advice and recommendations on the allocations made on Marketing and Events funding.

This work by MEAC is focused on creating local events and life style experiences. This follows principles established in the Town of Eagle Strategic plan to engage our community and increase our dialogue with residents as to what kind of events and experiences they would like to see in Eagle. It also better positions MEAC to take advantage of opportunities and develop a stronger sense of community through thoughtful and engaging events and gatherings. This work will also contribute to the economic growth and security of our town and our residents.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff requests a motion to approve or deny Resolution No. 34, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado appointing Danita Dempsey, Heather Hower, Anna Robinson and August Wittenberg to the Town of Eagle Marketing and Events Committee".

ATTACHMENTS:

- 1) Resolution 34, Series 2021.pdf
- 2) MEAC Applications 2021.pdf

**TOWN OF EAGLE, COLORADO
RESOLUTION NO. 34
(SERIES 2021)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, APPOINTING DANITA DEMPSEY, HEATHER HOWER, ANNA ROBINSON & AUGUST WITTENBERG TO THE TOWN OF EAGLE MARKETING AND EVENTS ADVISORY COMMITTEE.

WHEREAS, pursuant to Article IV Section 2. of the Bylaws, which provides for the membership terms and appointment process by the Town Council; and

WHEREAS, the Marketing and Events Advisory Committee (MEAC) has reviewed all applicants and has recommended the following for appointment; and

WHEREAS, DANITA DEMPSEY, HEATHER HOWER, ANNA ROBINSON & AUGUST WITTENBERG have applied and expressed interest to be reappointed/appointed for two-year terms.

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

Section 1. That DANITA DEMPSEY, HEATHER HOWER, ANNA ROBINSON & AUGUST WITTENBERG are hereby appointed to Marketing and Events Advisory Committee for two-year terms that expire on June 1, 2023.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on May 25, 2021.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Town Council, Planning Commission & Committee Application Form

Select the Council, Commission, or Committee applying for

Marketing & Events Advisory Committee (MEAC)

PERSONAL INFORMATION

First Name	Eddie
Last Name	Campos
Address1	PO Box 3883
Address2	<i>Field not completed.</i>
City	Gypsum
State	CO
Zip	81637
Email Address	eddiecampos19@gmail.com
Contact Phone Number	970-319-4656
Business Address	52 Lundgren Blvd
Business Phone Number	970-999-0274
Occupation	Marketing & Communications Manager

(Section Break)

TOWN COUNCIL ELIGIBILITY AFFIRMATION

By answering these questions for a council vacancy, the applicant is affirming all criteria are met pursuant to the Town's Charter.

Are you a United States Citizen?	No
Are you a registered elector of the Town of Eagle?	No

Have you been an Eagle resident no less than 12 consecutive months?

No

Length of Residency in Eagle

Gypsum Resident for 23 years

Are you a registered voter and eligible to vote in the Colorado General Election?

No

(Section Break)

EDUCATION AND HOBBIES

High School

Eagle Valley High School

College

Utah State University

Trade or Business School

Field not completed.

Hobbies

Mountain bike, road bike, camping, hiking, snowboarding, snowshoeing, etc

(Section Break)

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?

Yes

If yes, which

Neighborhood Navigators - Board Chair

Please list organization memberships and positions held

Field not completed.

Please List Areas of Special Interest

Recreation, Diversity, Equity, and Inclusion, Community building

(Section Break)

ADDITIONAL QUESTIONS

1. What opportunities does the Town of Eagle have?	Major growth in the next 10 years positioning Eagle as a central hub.
2. What challenges currently exist in the Town of Eagle?	A division of communities, events being impacted heavily by pandemic.
3. As a Council/Committee Member, how would you approach these challenges?	I would ensure everyone gets a seat at the table and work closely with key partners further strengthening the Town.
Please attach a cover letter or experience information	<i>Field not completed.</i>

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EDDIE CAMPOS

CONTACT

(970) 319-4656
eddiecampos19@gmail.com
100 McBrayer St, Gypsum CO

SOFTWARE KNOWLEDGE

- Adobe Photoshop
- Adobe InDesign
- Adobe Illustrator
- Adobe Acrobat
- DSLR Photography
- Videography & Editing
- Wordpress
- Google Suite

COMMUNITY INVOLVEMENT

Neighborhood Navigators
Board of Directors - Chair

SOS Outreach
Mentor 2018-Present

EDUCATION

UTAH STATE UNIVERSITY

Caine College of the Arts
BS in Art Graphic Design Emphasis

Jon Huntsman School of Business
Minor in Marketing

REFERENCES

Angelo Fernandez
Eagle County Government
Deputy County Manager
Angelo.Fernandez@eaglecounty.us

Faviola Alderete
Eagle County Public Health
Community Health Strategist
Faviola.Alderete@eaglecounty.us

Ursula Hayden
Eagle County Human Services
Financial Manager
Ursula.Hayden@eaglecounty.us

*Additional References
Available Upon Request

WORK EXPERIENCE

Mountain Recreation

8/2020 - PRESENT

MARKETING & COMMUNICATIONS MANAGER

Very recently I was promoted to manage marketing and communications for Mountain Rec. This includes all of the duties stated in the additional work experience entry below, as well as; managing a \$120,000 marketing budget, setting up annual media contracts, public relations point of contact and lastly crisis management.

Eagle County Government

3/2020 - 5/2020

LATINX COMMUNITY OUTREACH COORDINATOR

Upon the arrival of COVID-19 in Eagle County I was honored to lead LatinX outreach efforts on behalf of Eagle County. This highly intensive experience presented many immediate challenges such as a steep learning curve of county departments, leading weekly calls of 50+ community partners, setting up systems and processes, as well as conducting media buys and coordinating partner collaboration. The position required creative problem solving under pressure, meeting deadlines across many projects simultaneously, working with the translation coordinator and Eagle County Communications Director, hosting Live Facebook segments and radio interviews, and lastly providing support to set up and contribute to One Valley Voice & MsMc.

Mountain Recreation

1/2019 - 8/2020

CONTENT MARKETING COORDINATOR

Coming into the organization my role very quickly evolved as my responsibilities grew far beyond my initial job description. I began by creating content, managing the website, coordinating email marketing, print and digital advertising, social media, radio interviews, and newspaper articles; all while photographing and designing all marketing collateral. This was further enhanced by cultivating relationships across organizations in Eagle County, face to face community engagement, and bilingual communication. My mission was to create a diverse, equitable, and inclusive space by being welcoming, transparent, and by reducing many barriers to entry.

Squash Blossom

7/2015 - 12/2018

MARKETING MANAGER

Working in the Vail Village and with the Squash Blossom's affluent target audience, nothing short of exceptional was acceptable. This luxury jewelry and fine art gallery demanded elevated design and meticulous attention to detail. Responsibilities included creating marketing collateral, product photography, email marketing, press releases, facilitation of special events, and managing the e-commerce website. Here I managed my own \$95,000 budget and campaigns, as well as assisted with administrative support, training of staff, and some light bookkeeping.

Latino Student Union @Utah State University

8/2014 - 5/2015

CLUB PRESIDENT

My final undergrad year I managed this student lead organization, club officers and worked with university supervisors to ensure project completion. This required community outreach, bilingual communication, fundraising, and event planning a year in advance. We were successful and received outstanding campus and community participation at events - hosting and dining between 500-1200 people.

Jon M. Huntsman School of Business

1/2013 - 5/2015

MARKETING CASE COMPETITIONS

ZenPrint

9/2010 - 9/2012

GRAPHIC DESIGNER

Jenny Rakow

From: noreply@civicplus.com
Sent: Sunday, March 28, 2021 4:25 PM
To: Clerk Group; Brandy Reitter; Brian Hall
Subject: Online Form Submittal: Town Council, Planning Commission & Committee Application Form

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Town Council, Planning Commission & Committee Application Form

Select the Council, Commission, or Committee applying for Marketing & Events Advisory Committee (MEAC)

PERSONAL INFORMATION

First Name	Danita
Last Name	Dempsey
Address1	14 Flat Tops Court
Address2	<i>Field not completed.</i>
City	Eagle
State	COP
Zip	81631
Email Address	dldempsey@outlook.com
Contact Phone Number	970-471-0168
Business Address	<i>Field not completed.</i>
Business Phone Number	<i>Field not completed.</i>
Occupation	Festival and Event Production, Marketing, Culture & Arts

(Section Break)

TOWN COUNCIL ELIGIBILITY AFFIRMATION

By answering these questions for a council vacancy, the applicant is affirming all criteria are met pursuant to the Town's Charter.

Are you a United States Citizen?	Yes
Are you a registered elector of the Town of Eagle?	Yes
Have you been an Eagle resident no less than 12 consecutive months?	Yes
Length of Residency in Eagle	Moved from Avon area to Eagle in October 2020
Are you a registered voter and eligible to vote in the Colorado General Election?	Yes

(Section Break)

EDUCATION AND HOBBIES

High School	Columbine HS
College	Metropolitan State - 2yrs.
Trade or Business School	<i>Field not completed.</i>
Hobbies	hiking, SUP, camping, biking

(Section Break)

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?	Yes
If yes, which	V.P of Vail Valley Business Women, Manager of Culture, Arts & Special Events in Avon
Please list organization memberships and positions held	Belong to International Festival & Events Association, Colorado Festival & Events Association, Event Safety Alliance Association
Please List Areas of Special Interest	Active and contributing member of my community, helping to shape where my children will hopefully raise their children, volunteerism is important to me either at the Community Market or participating on a board or commission, helping other event producers either through consultant work or just offer my time and friendship.

(Section Break)

ADDITIONAL QUESTIONS

1. What opportunities does the Town of Eagle have? *Field not completed.*

2. What challenges currently exist in the Town of Eagle? *Field not completed.*

3. As a Council/Committee Member, how would you approach these challenges? Not applying for a council position

Please attach a cover letter or experience information [Resume Danita Dempsey April 2019 Short.pdf](#)

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Highly passionate, confident, experienced and results-oriented professional with an extensive background and impressive record of achievement in event development, marketing, implementation and evaluation of multiple and single-day, large and small scale, community and signature events; spanning both public and private sector. A subject matter expert in concept and strategic planning, problem-solving, team leadership and management, brand management and positioning, marketing and communications; and, professional relationship building through special events.

Professional Skills Summary

Leadership

- ✓ Ad Hoc Special Event Advisory Committee: Strategic Role in Developing Application, Review Criteria and Requirements
- ✓ Community Grant Committee: Application Review and Funding Recommendations
- ✓ Volunteer Recruitment, Leadership & Management
- ✓ Staff Workload Development & Administration
- ✓ Interview Panel Member

Marketing & Communications

- ✓ Development of Event and Recreation Department Creative, Communications & Marketing Plan
- ✓ Destimetrics & MuniRev Data Review & Analytics
- ✓ Video Creation for Website
- ✓ Website Administration for Events (Civic Plus)
- ✓ Sponsorship Development & Solicitation
- ✓ Community Banner Program Design, Implementation & Management
- ✓ Marketing For Event Venues

Event Development & Implementation

- ✓ Request for Proposal Design & Development
- ✓ Third Party Producer Proposal Review, Recommendation & Reporting to Town Council
- ✓ ROI Analysis & Post Event: Economic Impact, Community Enrichment, Brand Fit and Reporting to Town Council
- ✓ Third Party Producer Contract Negotiations & Administration
- ✓ Research Admission Fee & Asset Administration
- ✓ Host City Proposal Development, Submittal & Administration

Strategic Planning

- ✓ Event Budget Development, Administration & Tracking
- ✓ Special Event Funding Application Creation and Management
- ✓ Avon Performance Pavilion: License Agreement Creation, Management & Execution
- ✓ Capital Projects Related to Event Venues & Infrastructure
- ✓ Strategic Marketing Plan Development Committee Member
- ✓ Sound and Alcohol Code Research, Reporting to Town Council, Implementation & Management
- ✓ Mobile Vendor Cart/Food Truck Research, Reporting to Town Council, Implementation & Management

Professional Experience

FEST, LLC

April 2017 – Current

Founder and owner of FEST, LLC a consulting, planning and execution company specializing in single and multiple day festivals and special events. FEST, LLC has worked on a variety of projects with a broad range of scope. Please see the list below which is not all inclusive yet provides clear insight as to projects and scope of work.

WinterWonderGrass: (Colorado, California and Vermont)

- Brewery contracting, reporting, compliance, on-site execution and post event reporting
- Food vendor recruitment, application, vetting, contracting, compliance, on-site execution, reconciliation and post event reporting
- All lodging coordination, budget tracking, post event reporting, etc. for production, artists, sponsors and staff
- Catering bid request, vetting, contracting, on-site management, etc. for artist, VIP and staff, post event reporting

Optimum Events:

- Bonfire Block Party - Box Office/Credential Manager/Vendor Manager
- Borderland Music Festival – Manager of Culinary Partners
- Memphis Music Festival - Food Vendor Manager
- Septemberfest - Box Office/Credential Manager

Septemberfest, LLC:

- Event Producer

Radiate Live Events:

- Breckenridge Beer Festival (April and July events) - pre-event coordination for security, breweries. sponsorship sales, etc. as well as on site logistics/load-in
- Winter Park Beer Festival - same as above

Colorado Mountain News Media:

- Western Colorado Outdoor & Sportsman Expo - Director of Operations

Sonic Bloom:

- Cash Manager - all aspects of on-site cash management and reporting to Festival Finance Team

Big Gear Events / Team Evergreen:

- Triple Bypass Finish Celebration - Manager of on-site operations and logistics

Vail Valley Charitable Fund:

- BecTri Sprint Triathlon - Manager of Volunteers and Operations

Big Beers Belgians & Barleywines:

- Sponsorship Manager

Director of Festivals and Special Events

February 2013 – March 2017

Town of Avon, Colorado

Avon, Colorado is a year-round mountain resort community with 6,500 year-round residents, 3,500 part-time residents and easily swells to over 20,000 in the busy ski-season. Avon is the gateway to the world-renowned Beaver Creek Resort located on Interstate 70, eight miles west of Vail, Colorado. Avon is a full service municipality, governed by a home-rule charter, with a Council-Manager for of government with a total budget of \$28 million. The Director of Festival & Special Events reports directly to the Town Manager and is supported by a Special Event Production Assistant.

Key Responsibilities:

- Managed a total operational budget of \$450,000 with funding generated from government taxes, and proceeds from ticketed admission fees

- Play a key role in oversight and administration of the \$400,000 of Town public funds for special events as well as in-kind support services and staff work loads
- Manage all aspects of day-to-day operations including solicitation, development, implementation, marketing, event coordination, staffing, quality and financial control, client satisfaction, facilities management and tactical planning of special event and multi-day festival programs
- Work closely with lodging partners and DestiMetrics to ensure understanding of reporting tools, access to resources and Town use of data
- Work attentively with MuniRevs to plan and analyze sales and accommodation taxes related to special events and develop reporting used as directional tool in making event decisions
- Create user-friendly reporting on retail, restaurant and lodging sales tax collection related to special event impacts and effectively communicate and disseminate the information to businesses
- Prepare annual budget and monitor budget revenue and expenditures for special event programs
- Oversee team of volunteers, staff and event contributors, including performers, photographers, caterers, transportation services, and security
- Cultivate and preserve relationships with third party event producers and production companies to solicit new events; including concept development, negotiation of agreement terms and contractual administration
- Develop beneficial alliances between leaders and outside agencies; implement preventative and concurrent logistics and operations management control measures, tools and processes; and, proactively resolve issues to effectively drive growth and achieve goals

Key Accomplishments:

- Secured corporate, local and grant sponsorship dollars for the Town's signature festival, *Salute to the USA*, defined and refreshed the event program, marketing and promotions and successfully solicited performers
- Developed work-plan, implemented and managed 86 Town staff and 30 volunteers for the *Salute to the USA*; the largest Independence Day event on the western slope, hosting 20,000 people
- Source, screen, and work with all vendors and other contractual entities to ensure continuity and establish maximum efficiency in spending providing the Town with the highest return
- Successfully recruited, contracted with and implemented over twenty new single and multi-day festivals and events within the last 3.5 years
- Researched and co-drafted an admission fee resolution, and revised archaic sound and liquor ordinances, adopted by Avon Town Council
- Developed reports and analytics of retail, lodging and restaurant sales tax data during special events providing a data-driven directional tool and return on investment analytics
- Collaborated with key staff and local business to broaden the scope of mobile vendor cart program and implementation of food truck program
- Development and release of three (3) festival/event producer RFP's, Strategic Marketing Plan RFP and Pyrotechnic Design & Development RFP
- Successfully collaborated with third-party producers to organize and implement multiple outdoor festivals for a variety of demographics

List of Special Event Accomplishments in Avon: *(Played a key role in recruitment and bringing to fruition – shaded in gray.)*

Major League Triathlon / New in 2017 / 3-days / projected 45 professional triathletes	USA Pro Cycling / 2011 to 2013 / 1 & 2-day / 5,000 attendees
Tenth Mountain Story Tellers Event / New in 2017 / 2-days / projected 500 attendees	Flavors of Colorado / 2013 to 2014 / 2-days / 3,500 attendees
Haute Route Rockies / New in 2017 / 3-days / projected 600 participants	Après Avon Spring Concerts / 2016 / 2 single-day events / 500 attendees
Missoula Children's Theatre / New in 2017 / 6-days / 75 youth participants	Cielito Lindo Heritage & Music Festival / 2015 / 3-days / 1,500 attendees
Pop-Up Performances / 2016 to present / 6 single-day events / 40 attendees each	Après Avon 2015 World FIS Championships / 2015 / 12-days / 1,200 attendees each
Salute to the USA / 2006 to present / 1-day / 20,000 attendees	Audi Test Drive Experience / 2015 / 13-days / 75 participants

Egg Hunt / 2006 to 2010; revived in 2017 / 1-day / 2,500 attendees	IronKids Triathlon / 2008 to 2010 / 3-days / 400 youth athletes
Avon Live Summer Concert Series / 2015 to present / 4 single-day events / 1,500 attendees each	Mini Cooper Madness / 2013 / 1-day / 140 participants
Dancing in the Park / 2015 to present / 2 single-day events / 600 attendees each	Lakeside Cinema / 2006 to 2011/ 5 single-day events / 75 to 250 attendees each
Dunk-n-Dash / 2006 to present / 6 single-day events / 45 participants each	Ride the Rockies / 2014 / 2-days / 2,500 participants
BecTri Sprint Triathlon / 2007 to present / 1-day / 80-200 participants	Dive In Movie Night / 2006 to 2009 / 8 single-day events / 75 attendees each
XTERRA Mtn. Championship / 2007 to present / 1-day / 600 participants	Teen Night / 2007 to 2009 / 4 single-day events / 85 attendees each
Triple Bypass Finish Celebration / 2006 to present / 1-day / 5,000 participants	Fall Family Fun Night / 2006 to 2010 / 1-day / 3,000 attendees
WinterWonderGrass Festival / 2014 to 2016 / 3-day / 4,000 attend	Snowball Music Festival / 2011 to 2012 / 3-days / 9,000 attendees
Outlaws & Legends Music Festival / 2016 / 3-day / 800 attendees	
Reds, Whites & Brews / 2010 to 2016 / 1-day / 1,500 attendees	

Special Events and Fitness Supervisor

February 2006- 2013

Town of Avon, Colorado

Key Responsibilities:

- Oversaw all aspects of large and small community events operations, marketing, promotions, sponsorship sales, and special event permit administration
- Continually prospected new event sponsorships; precisely designed and presented sales proposals which judiciously aligned and complemented sponsorship and event relations
- Seamlessly and meticulously planned special events, encompassing logistics, budget, sponsorships, promotions, and marketing
- Established and directed work assignments for event volunteers and public works staff and operated in concert with police and outside emergency personnel during planning and execution of events
- Managed an operational budget of \$150,000 in support of the largest Independence Day celebration on Colorado's western slope
- Integrated creative concepts in support of Recreation Department multi-media marketing campaign, hired creative vendors and implemented and managed marketing dollars
- Composed and disseminated electronic newsletter and marketing, and produced and maintained recreation content for the website and social media outlets
- Recruited, trained, scheduled, and managed upwards of twenty-five part-time fitness staff and instructors
- Monitored fitness programs and implemented fresh ideas for fitness classes

Professional Affiliations & Volunteerism

- International Festival and Events Association – Member and conference attendee
- Colorado Festival and Events Association – Conference attendee
- Summit County Chamber of Commerce - Member
- Vail Valley Foundation – Local Organizing Committee USA Pro Challenge / 2011, 2012, 2013
- Volunteer work in greater Denver Metropolitan Area (Volunteers for Outdoor Colorado; Big Sisters of Colorado, etc.)

Jenny Rakow

From: noreply@civicplus.com
Sent: Wednesday, March 17, 2021 3:33 PM
To: Clerk Group; Brandy Reitter; Brian Hall
Subject: Online Form Submittal: Town Council, Planning Commission & Committee Application Form

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Town Council, Planning Commission & Committee Application Form

Select the Council, Commission, or Committee applying for Marketing & Events Advisory Committee (MEAC)

PERSONAL INFORMATION

First Name	Heather
Last Name	Hower
Address1	316 Brush. Creek Terrace
Address2	<i>Field not completed.</i>
City	Eagle
State	CO
Zip	81631
Email Address	hbhower@gmail.com
Contact Phone Number	9703909513
Business Address	<i>Field not completed.</i>
Business Phone Number	970.748.6718
Occupation	Habitat for Humanity Vail Valley, Marketing + Communications Manager

(Section Break)

TOWN COUNCIL ELIGIBILITY AFFIRMATION

By answering these questions for a council vacancy, the applicant is affirming all criteria are met pursuant to the Town's Charter.

Are you a United States Citizen?	Yes
Are you a registered elector of the Town of Eagle?	Yes
Have you been an Eagle resident no less than 12 consecutive months?	Yes
Length of Residency in Eagle	12+ years
Are you a registered voter and eligible to vote in the Colorado General Election?	Yes

(Section Break)

EDUCATION AND HOBBIES

High School	Wamogo Regional High School
College	Providence College
Trade or Business School	<i>Field not completed.</i>
Hobbies	Running, biking, hiking, baking, reading, exploring, family time

(Section Break)

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?	Yes
If yes, which	Women's Foundation, School Accountability, PTA,
Please list organization memberships and positions held	<i>Field not completed.</i>
Please List Areas of Special Interest	Communications and marketing, outdoor activities, educational opportunities

(Section Break)

ADDITIONAL QUESTIONS

1. What opportunities does the Town of Eagle have?	The secret is out about Eagle: people know about its trails for hiking and biking. The climate is fabulous, the town has a positive vibe and has so much going for it. The community itself is amazing.
2. What challenges currently exist in the Town of Eagle?	Development: Is there infrastructure; how will the infrastructure be updated? How will the town maintain its integrity and close-knit feel as it expands? The population is quite homogenous, how do we expand our events beyond outdoor events, be inclusive and continue to generate excitement?
3. As a Council/Committee Member, how would you approach these challenges?	Asking a lot of questions (both of the committee and towns people), determine a rubric and follow it without being so stringent that great opportunities are missed.
Please attach a cover letter or experience information	Hower_MEAC.pdf

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March 17, 2021

Dear Marketing + Events Advisory Committee:

I love all the town offers and have enjoyed participating in many community events over the years. Now I would love to give back and be part of the vibrant town. I would be thrilled to be part of the ambitious plan of elevating Eagle.

I will bring more than two decades of marketing, communications, nonprofit and editorial experience with me to the committee. In addition, as a resident of Eagle, mother, trail user and event goer, I feel like I understand the different events people get psyched over—but know we need to listen and learn as we move forward bringing events to the town.

Thanks to my longevity working and living in Eagle County, I have cultivated many relationships. I have worked on world-class events including Birds of Prey and mountain bike championships, as well as smaller homegrown events. I believe this work history in nonprofits, marketing and public relations would help me be a productive MEAC member.

Thank you for the consideration.

Best,

Heather Hower

Communications specialist known for exceptional organizational and prioritization abilities while managing multiple, concurrent projects; deadline-oriented editor and marketer with well-established relationships.

- | | | |
|------------------------------|--|--|
| 2021 to present | Habitat for Humanity Vail Valley
<ul style="list-style-type: none"> • Create and implement communications strategies for ReStore, homeowners and business partners • Write and submit communications including web copy, press releases, newsletters, blogs • Increase exposure through public relations and marketing efforts | Marketing + Communications Manager |
| 2020 | Cordillera
<ul style="list-style-type: none"> • Devised consistent communications strategies including identification of audiences, messages and vehicles for Metro District and Property Owners Association • Wrote, edited and managed production of written communications including annual report, web copy, press releases, newsletters and other informational pieces • Developed and implemented strategies that engage, align and inspire employees, property owners and board members | Communications Manager |
| 2010 to 2020 | Hower INK
<ul style="list-style-type: none"> • Created communications strategies for a variety of publications and businesses • Researched, wrote and submitted newsletters, blogs, press releases and website content <p>Created and tracked social media plans and strategies with frequent and consistent posts</p> | Freelance Writer/Editor |
| September 2016 to March 2020 | Mountain Youth
<ul style="list-style-type: none"> • Oversaw rebranding; creating brand guidelines with updated mission, vision and values • Directed the communications strategy through compelling copy with consistent messaging for monthly newsletters, press releases, advertising copy, social media, live interviews, annual report and website • Integral in significantly increased attendance, media exposure and awareness of programs through marketing campaigns and public relations efforts • Oversaw logistics for events, including procuring sponsors, working with graphic artists, negotiating budgets, establishing venue logistics and coordinating volunteers | Events/Marketing/Communications Manager |
| April 2014 to March 2020 | Slifer Designs
<ul style="list-style-type: none"> • Organized and executed national ad and PR campaigns for both retail and interior design • Created content for weekly blog and bi-weekly newspaper articles that resulted in positive feedback and increased business • Redesigned and maintained website and accompanying print materials | Marketing Manager |
| April 2010 to March 2014 | The Youth Foundation
<ul style="list-style-type: none"> • Worked with businesses and community organizations in creating a volunteer program with 500+ volunteers annually • Organized, tracked and maintained detailed records of volunteer participation | Volunteer Coordinator |

Education

B.S. Marketing, Providence College

Community Service

Women's Foundation of Colorado, Vail Valley Foundation, Eagle County Schools, Education Foundation of Eagle County, Our Community Foundation.

Jenny Rakow

From: noreply@civicplus.com
Sent: Wednesday, March 24, 2021 1:12 PM
To: Clerk Group; Brandy Reitter; Brian Hall
Subject: Online Form Submittal: Town Council, Planning Commission & Committee Application Form

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Town Council, Planning Commission & Committee Application Form

Select the Council, Commission, or Committee applying for Marketing & Events Advisory Committee (MEAC)

PERSONAL INFORMATION

First Name	Anna
Last Name	Robinson
Address1	29 Redhaw Close
Address2	<i>Field not completed.</i>
City	Eagle
State	CO
Zip	81631
Email Address	acrobenson11@gmail.com
Contact Phone Number	9704458154
Business Address	<i>Field not completed.</i>
Business Phone Number	<i>Field not completed.</i>
Occupation	Vail Valley Partnership - Program Manager

(Section Break)

TOWN COUNCIL ELIGIBILITY AFFIRMATION

By answering these questions for a council vacancy, the applicant is affirming all criteria are met pursuant to the Town's Charter.

Are you a United States Citizen?	Yes
Are you a registered elector of the Town of Eagle?	Yes
Have you been an Eagle resident no less than 12 consecutive months?	Yes
Length of Residency in Eagle	3 years
Are you a registered voter and eligible to vote in the Colorado General Election?	Yes

(Section Break)

EDUCATION AND HOBBIES

High School	<i>Field not completed.</i>
College	Georgia Tech
Trade or Business School	<i>Field not completed.</i>
Hobbies	<i>Field not completed.</i>

(Section Break)

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?	Yes
If yes, which	TOE Comprehensive Plan Update Committee
Please list organization memberships and positions held	Learning Tree of Eagle - Board Treasurer; Vail Valley Young Professionals - Member; Western Slope Rodeo Royalty Clinic - Volunteer Presenter
Please List Areas of Special Interest	Events, festivals & programs are my passion and I have a solid event planning & marketing background. I am interested in using events to bring economic vitality to our community and enhance the quality of life for locals. Events/activities geared towards kids and families are also of special interest.

(Section Break)

ADDITIONAL QUESTIONS

1. What opportunities does the Town of Eagle have?	Location & setting, community support, recreation options, multiple venue options.
2. What challenges currently exist in the Town of Eagle?	1) Communication - there is currently very little communication from Eagle Outside and event information comes from a hodgepodge of different places. Not much feedback has been requested from the community in regards to events. 2) Creativity - there was very little effort made to adjust events amidst COVID, they were simply cancelled with very little notice or reasoning. We need to think creatively to bring back our robust slate of events, or look at new options that allow Eagle residents to congregate safely. 3) Funding
3. As a Council/Committee Member, how would you approach these challenges?	1) Establish a long term communications plan, whether that's through the TOE, Eagle Outside or other communication platform. 2) Identify staff and partners that are willing to think creatively in order to meet challenges head on 3) Discuss current and potential sources of funding for events. (i.e. - is there potential for some funding from the new TIF district that is being established?)
Please attach a cover letter or experience information	Experience List For MEAC_A Robinson.pdf

Email not displaying correctly? [View it in your browser.](#)

**Event & Marketing Experience Information
TOE Marketing & Events Advisory Committee**

Anna Robinson

acrobinson11@gmail.com ▪ (970) 445-8154 ▪ [linkedin.com/in/annacrobinson](https://www.linkedin.com/in/annacrobinson)

Vail Valley Partnership ▪ Edwards, Colorado
Program & Event Manager ▪ 2017 – Current

- Develop and run the ongoing programs at the VVP including the One Valley Healthcare Program, Vail Valley Works Professional Development Programming, Merchant Ski Pass Program and Leads Group.
- Conceptualize & organize VVP networking events (After Hours Mixers, Hospitality Days) and educational events (Business-2-Breakfast, Business Insight Series)
- Work with marketing manager to create a marketing plan for each program & event.
- Identify & develop new ways to communicate with members.
- Collaborate with appropriate community partners at every opportunity.
- Solicit feedback from members and adapt event offerings accordingly to best serve business needs.

Beaver Creek Resort Company (Vail Resorts) ▪ Beaver Creek, Colorado
Sr. Specialist – Events & Communications ▪ 2011 – 2017

Events:

- Plan, execute & market over 200 days of annual programming for audiences ranging from 10 to 14,000.
- Negotiate contracts with event venues and service providers.
- Craft new event concepts, field event proposals and continually improve existing festivals and events.
- Develop, plan and execute events for a variety of target audiences.
- Recruit and manage event volunteer teams.
- Work closely with multiple departments and partners to ensure flawless event execution.
- Ensure all events are meeting the goals and expectations of key stakeholders.
- Manage event operating budgets exceeding \$2,000,000 per year.

Communications & Marketing:

- Manage annual marketing budget of \$1,000,000+
- Develop multifaceted event marketing strategies (Digital, Print, Radio, TV, OOH, Social Media, Signage).
- Manage accuracy and timeliness of communications with all stakeholder groups.
- Manage content of digital assets such as website, kiosk, mobile app and text alerts.
- Responsible for seasonal updates to Beaver Creek print collateral.
- Develop content for press releases, social media posts and weekly emails.
- Appear in interviews with local TV and radio outlets to promote Beaver Creek festivals and events.
- Act as liaison between lodging and merchant communities to provide information on group bookings.
- Manage bi-annual resort-wide employee update meeting.

RMEL (Electric Energy Trade Association) ▪ Centennial, Colorado
Events, Education & Member Services Manager ▪ 2009 – 2010

- Coordinated over 30 annual education and networking events for 15 – 350 participants.

- Simultaneously developed calendar and venues for upcoming year's events.
- Managed logistics of each event including preparations and day-of-event execution.
- Planned events in locations throughout the western United States.
- Developed and published event marketing materials.

Aramark, Sports and Entertainment - Coors Field ▪ Denver, Colorado

Event Sales Manager ▪ 2007 - 2009

- Sold, planned and executed large scale events such as the 2007 World Series & 2008 DNC
- Planned wide spectrum of events from weddings and conferences to corporate and city-wide events.
- Coordinated all aspects of stadium event planning including catering, operations, security, engineering, promotions and facility management.
- Balanced client needs with stadium limitations, regularly negotiating the best case scenarios for both parties.

Jenny Rakow

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Town Council, Planning Commission & Committee Application Form

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PERSONAL INFORMATION

First Name	August
Last Name	Wittenberg
Address1	330 Broadway St.
Address2	Unit E
City	Eagle
State	CO
Zip	81631
Email Address	august@saynomorepromotions.com
Contact Phone Number	9703735382
Business Address	330 Broadway St., Unit E
Business Phone Number	9703735382
Occupation	Business Owner - SayNoMore! Promotions

(Section Break)

TOWN COUNCIL ELIGIBILITY AFFIRMATION

By answering these questions for a council vacancy, the applicant is affirming all criteria are met pursuant to the Town's Charter.

Are you a United States Citizen?	Yes
----------------------------------	-----

Are you a registered elector of the Town of Eagle?	Yes
--	-----

Have you been an Eagle resident no less than 12 consecutive months?	No
---	----

Length of Residency in Eagle	18 years
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Are you a registered voter and eligible to vote in the Colorado General Election?	Yes
---	-----

(Section Break)

EDUCATION AND HOBBIES

High School	<i>Field not completed.</i>
-------------	-----------------------------

College	<i>Field not completed.</i>
---------	-----------------------------

Trade or Business School	SayNoMore! Promotions
--------------------------	-----------------------

Hobbies	<i>Field not completed.</i>
---------	-----------------------------

(Section Break)

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?	Yes
---	-----

If yes, which	<i>Field not completed.</i>
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Please list organization memberships and positions held	Eagle Ranch Village Homes HOA, 3 Rivers Little League Vice President, Eagle River Presbyterian Church Board.
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Please List Areas of Special Interest	Events & Marketing
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(Section Break)

ADDITIONAL QUESTIONS

1. What opportunities does the Town of Eagle have?	The Town of Eagle has unlimited opportunities to grow its marketing and events. I believe that our town has so much to offer but that little is known about us, even by people living up valley. With a longer spring/summer/fall than the rest of Eagle County, we can offer so many different types of events and activities when Vail & Beaver Creek are not very active, and we can compete with them on events even during the summer.
2. What challenges currently exist in the Town of Eagle?	Attitude. The attitude from residents up valley that they would not drive to Eagle. The mentality that we are small so we should think small. Eagle has so much to offer, we need to showcase our great town.
3. As a Council/Committee Member, how would you approach these challenges?	I think the town has done a great job growing events over the last 5 years, but I think we can do bigger and better. We need to be continually looking around and see what other towns are doing that have been successful and use those as models.
Please attach a cover letter or experience information	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Jenny Rakow

From: Jenny Rakow
Sent: Thursday, October 8, 2020 4:47 PM
To: Brandy Reitter
Subject: Fwd: Online Form Submittal: Town Council, Planning Commission & Committee Application Form

Get [Outlook for iOS](#)

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, August 14, 2020 2:59:12 PM
To: Clerk Group <clerk@townofeagle.org>; Brandy Reitter <brandy.reitter@townofeagle.org>
Subject: Online Form Submittal: Town Council, Planning Commission & Committee Application Form

Town Council, Planning Commission & Committee Application Form

Select the Council, Commission, or Committee applying for Town Council (vacancies only)

PERSONAL INFORMATION

First Name	Lizzy
Last Name	Owens
Address1	PO Box 1827
Address2	PO Box 1827
City	Eagle
State	CO
Zip	81631
Email Address	elizabeth.z.owens@gmail.com
Contact Phone Number	2025571673
Business Address	49 Soleil Circle
Business Phone Number	<i>Field not completed.</i>
Occupation	Community Engagement Manager

ELIGIBILITY AND RESIDENCY INFORMATION

Are you a United States citizen?	Yes
Have you been an Eagle resident no less than 12 consecutive months?	Yes
Length of Residency in Eagle	20 months
Are you a registered voter and eligible to vote in the Colorado General Election?	Yes

EDUCATION AND HOBBIES

High School	Choate Rosemary Hall, Wallingford, CT
College	Smith College, Northampton, MA
Trade or Business School	MA in Latin American Cultural Studies at the University of Manchester, UK
Hobbies	Reading, hiking, skiing, camping, spending time with my family

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Please list organization memberships and positions held	<i>Field not completed.</i>
Please List Areas of Special Interest	<i>Field not completed.</i>

(Section Break)

ADDITIONAL QUESTIONS

1. What opportunities does the Town of Eagle have?	The Town of Eagle has opportunities to protect the wildlife, enhance the existing trail system, protect the natural resources and make our community even more vibrant. We can make Eagle a destination and an even stronger and safer trail system is a great way to help us get there.
--	--

2. What challenges currently exist in the Town of Eagle?

The biggest challenge I see is the increased housing without plans in place for wildlife mitigation and protection. That being said, other challenges include the differing points of view between those who have lived in Eagle for a long period of time and the newcomers; and ensuring that the LatinX population has a voice in any TOE decisions.

3. As a Council/Committee Member, how would you approach these challenges?

I am a big proponent of collaboration. Nothing can be done--nor should it be done--within a vacuum. Communication, partnerships, and collaboration is the best way to approach challenges. I like people, I like connecting with them, and I love talking with them. Working and talking with stakeholders and residents will be the most effective way to ensure that we are able to work through those challenges.

CONFLICT AND DISCLOSURES

Nominations and appointments may require individuals to complete and sign an Affidavit of Acceptance and Conflict of Interest Disclosure forms. The Town Clerk will make these available when appropriate and necessary.

Please attach a cover letter or experience information

[OSRAC-Owens.pdf](#)

Email not displaying correctly? [View it in your browser.](#)

April 5, 2021

Dear Members of the Marketing and Events Advisory Committee:

I moved to Eagle in December 2018 with my husband, two daughters who attend Brush Creek Elementary School, and our dog. In this short time, we have been welcomed with open arms and feel like members of this great small-town community. We love living in Eagle and wish we had moved here many years ago. And now that we're here, I want to give back to this amazing place.

Since March 2020, I have been employed by Mountain Rec as the Community Engagement Manager. This role permits me to fundraise for Mountain Rec through grants, sponsorships and dasher boards, and individual gifts. Additionally, during Normal Times, it would allow me to create and manage events with my colleagues to benefit the community of Eagle and throughout Mountain Recreation's District. Being a part of the Marketing and Events Advisory Committee (MEAC) would be a wonderful way for me to give back to this community who has embraced me and to think strategically about Mountain Rec's events vis-à-vis those from the Town of Eagle. I would love to leverage a role on MEAC to meet more people, offer even more events for our community, enhance and improve the ones we already have, and be in the know about what's going on, as so many parents and friends rely on me for upcoming events—in large part due to my role at Mountain Rec.

I have a background in fundraising, and if you're even remotely aware of that industry, you are aware that I have a lot of event-related experience. Working in fundraising/development for nearly 15 years, I have imagined, created, executed, and managed events from small group walks to quarter-million-dollar galas with over 400 people in attendance. I know what the differences are that make one event good and another great, and I believe I can offer that experience to MEAC.

I am passionate about events, about community, and about Eagle. It would be an honor and a privilege to serve on this committee, and I sincerely hope I am chosen for this exciting group.

Thank you for considering my application to join the Marketing & Events Advisory Committee.

Sincerely,

Lizzy Z. Owens
202-557-1673
elizabeth.z.owens@gmail.com



To: Mayor and Town Council

From: Chad Philips, Director, Community Development Department
Peyton Heitzman, Planner I, Community Development Department
Jessica Lake, Planner I, Community Development Department

Date: May 25, 2021

Agenda Item: LURA21-03 East Eagle Sub Area Plan Public Discussion (rescheduled for June 8th)

REQUEST:

For Town Council to reschedule the East Eagle Sub Area Plan (EESAP) Public Hearing to June 8th.

INTRODUCTION:

The Town has hired Zehren and Associates to help create a subarea plan for East Eagle, the area of land west of Chambers Avenue comprised of approximately 95 acres. Since the planning process was initiated, there have been numerous meetings between Town staff and the property owners. There was a Zoom open house on March 31, 2021 to gain public input on the vision for the planning area. On May 4, 2021, the Planning and Zoning Commission held a work session to discuss the draft EESAP as well as the draft conceptual land use diagram for East Eagle.

After the EESAP discussion was scheduled and advertised for the May 25th Town Council meeting, staff received direction to combine this project with the Grand Avenue Corridor Plan for discussion on the June 1st work session agenda.

ANALYSIS:

Staff would like to present the draft EESAP and conceptual land use diagram to Town Council at the upcoming June 1st work session for feedback and direction.

COMMUNITY INPUT:

Details will be provided at the June 1st work session.

BUDGET / STAFF IMPACT:

Details will be provided at the June 1st work session.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

Details will be provided at the June 1st work session.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to reschedule the Public Hearing for the East Eagle Sub Area Plan to June 8th.

ATTACHMENTS:

None.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: May 25, 2021

Agenda Item: Code of Ethics Policy Review

REQUEST:

Staff requests that the Town Council review a draft Code of Ethics Policy for adoption.

INTRODUCTION:

As part of the Home Rule Charter process, the Commission emphasized including a local Code of Ethics Policy approved by the Town Council. Adopting a local Code of Ethics Policy is required under [Section 3.06](#) of the Home Rule Charter. Sam Light from CIRSA made a presentation to the Town Council on March 23 to discuss the laws and regulations related to ethics and conduct. The purpose of the policy is to establish guidelines for ethics and conduct of all Town officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town and to outline sanctions for violation of this Code of Ethics Policy.

ANALYSIS:

The draft Code of Ethics is for the Town Council's consideration and approval. The approach staff took was to include the laws and regulations that the Town Council is already subject to. Additional feedback would go above and beyond what is proposed and required of the law. Below is a breakdown of what the Code of Ethics Policy addresses:

- Public Trust – Breach of Fiduciary Duty
- Code of Conduct
- Disclosure of Conflict of Interest
- Gift Ban
- Board of Ethics and Investigations
- Violation of Penalty

COMMUNITY INPUT:

Community input is not required with this proposal. However, input was solicited through the Home Rule Charter process in 2019/2020.

BUDGET / STAFF IMPACT:

There is no budget impact with this proposal.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with the strategic plan. However, it does align with the Home Rule Charter and the policy is required.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** the adoption of the Town of Eagle's Code of Ethics Policy.

ATTACHMENTS:

- Town of Eagle Code of Ethics Policy
- [Sam Light's March 23 Presentation Materials](#)

TOWN OF EAGLE CODE OF ETHICS

I. Purpose.

The purpose of this Code of Ethics is to establish guidelines for the conduct of all Town officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town, and to outline sanctions for violation of this Code of Ethics.

II. Definitions.

A. *Business* means any corporation, limited liability company, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

B. *Compensation* means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered, or to be rendered, by himself or another.

C. *Contract* means any express or implied agreement which creates, modifies, or terminates a particular relationship with the Town and shall include the designation of a depository for public funds.

D. *Employee* means any temporary or permanent employee of the Town.

E. *Financial Interest* means a substantial interest held by an individual which is:

1. An ownership interest in a business;
2. A creditor interest in an insolvent business;
3. An employment or a prospective employment for which negotiations have begun;
4. An ownership interest in real or personal property;
5. A loan or any other debtor interest; or
6. A directorship or officer-ship in a business.

F. *Official* means any person holding a position by election or appointment in the service of the Town, whether paid or unpaid.

G. *Official Act or Action* means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

H. *Relative* shall mean any person related to the official or employee by blood or marriage, and includes without limitation parents, spouses, children, brothers and sisters, parents-in-law, siblings-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A divorce or separation between spouses shall not be deemed to terminate any such relationship.

III. Public Trust – Breach of Fiduciary Duty.

A. All officials and employees must carry out his or her duties for the benefit of the people of the Town.

B. An official or employee who departs from his or her fiduciary duty shall be liable for the abuse of such trust. The district attorney for Eagle County may bring appropriate judicial proceedings on behalf of the people. Any money collected in such action shall be paid to the general fund of the Town. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such official or employee.

C. It shall not be considered a breach of fiduciary duty for an official or employee to use Town facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or to accept or receive a benefit as an indirect consequence of transacting Town business.

IV. Code of Conduct.

An official or employee of the Town shall not do any of the following:

A. Disclose or use confidential information acquired during their official duties to substantially further their personal financial interest.

B. Accept a gift of substantial value, or of substantial economic benefit tantamount to a gift of substantial value, which: would tend improperly to influence a reasonable person in their position to depart from the faithful and impartial discharge of his or her public duties; or they know, or which a reasonable person in their position should know, under the circumstances is primary for the purpose of rewarding their official action. The following shall not be considered gifts of substantial value for the purpose of this section:

1. A campaign contribution and contributions in kind reported as required by C.R.S. § 1-45-108.
2. An occasional nonpecuniary gift, insignificant in value.
3. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.

4. Payment of, or reimbursement for, actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such official or employee is scheduled to participate.
 5. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such official or employee which is not extraordinary when viewed considering the position held by such official or employee.
 6. Items of perishable or nonpermanent value, including without limitation meals, lodging, travel expense, or tickets to sporting, recreational, education, or cultural events.
 7. Payment for speeches, appearances, or publications reported pursuant to C.R.S. § 24-6-203.
 8. Payment of salary from employment, including other government employment, in addition to that earned from being an official.
- C. Acquire or hold an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency of which they have substantive authority.
- D. Within 6 months following termination of their office or employment, obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during their term of employment. These matters include rules, other than rules of general application, which they actively helped to formulate and applications, claims, or contested cases in the consideration of which they were an active participant.
- E. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the official or employee has a substantial financial interest in a competing firm or undertaking, or is engaged as counsel, consultant, representative, or agent.
- F. Engage in a substantial financial transaction for their private business purposes with a person whom they inspect or supervise in the course of their official duties.
- G. Vote or attempt to influence the decisions of other members of the Town Council in voting on a matter where the official or employee has a personal or private interest in any matter proposed or pending before the Town Council.
- H. Be interested in any contact made by them in their official capacity or by any body, agency, or board of which they are members or employees.
- I. Be purchasers at any sale or vendor at any purchase made by them in their official capacity.

J. Purchase or sell or in any manner receiving to their own use or benefit whatever the Town warrants, scrips, orders, demands, claims, or other evidence of intendedness against the Town, except evidence of indebtedness issues to or held by them for services rendered as such official or employee and evidence of the funded indebtedness of the Town.

V. Disclosure of Conflict of Interest.

A. An official or employee who has a personal or private interest in any matter proposed or pending before the Town Council or any other Town board, commission or committee that the official or employee is a member of, shall disclose such interest to the Town Council, board, commission or committee and may not vote or attempt to influence other members in the matter.

B. Notwithstanding the above subsection, the official or employee may vote if their participation is necessary to obtain a quorum or otherwise enable the body to act so long as they comply with the voluntary disclosure procedures set forth below.

C. An official or employee who has a personal or private interest in any matter should disclose the nature of such interest. Such disclosure must be in writing to the Secretary of State, and shall list: the amount of financial interest, if any; the purpose and duration of their services, if any, and the compensation received for such services; or such other information as necessary as to describe the interest.

D. If the official or employee discloses the interest as described above, and then performs the official act involved, they must state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

VI. Gift Ban.

A. No official or employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the official or employee who accepted or received the money, forbearance, or forgiveness of indebtedness.

B. No official or employee either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept, or receive any gift or other thing of value having a fair market value or aggregate actual cost greater than \$65.00 in any calendar year, including without limitation gifts, loans, rewards, promise or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discount, from a person, without the person receiving lawful consideration of equal or greater value in return from the official or employee who solicited, accepted, or received the gift or other thing of value.

C. The prohibitions in subsections (A) and (B) of this section do not apply if the gift or thing of value is:

1. A campaign contribution as defined by law;
2. An unsolicited item of trivial value of less than \$50.00, such as a pen, calendar, plant, book, note pad or other similar item;
3. An unsolicited token or award of appreciation in the form of plaque, trophy, desk item, wall memento, or similar item;
4. Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
5. Admission to, and the cost of food and beverage consumed at, a reception, meal, or meeting held by an organization when the recipient appears to speak or to answer questions as part of a scheduled program;
6. Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, making a presentation, participate on a panel, or represent the Town, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;
7. Given by an individual who is a relative or personal friend of the recipient on a special occasion; or
8. A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

D. Except for campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any official or employee or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such official or employee, whether or not such gift or meal, beverage, or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offer or giving to an official or employee who is a member of their immediate family any such gift, thing of value, meal, beverage, or other item.

E. The limit set forth in this section shall be adjusted by an amount based on the percentage change over a 4-year period in the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar.

VII. Board of Ethics and Investigations.

The Town Council shall serve as the Board of Ethics for the Town. Any apparent violation of this policy may be referred to the Town Council for investigation and discussion. In all cases, the determination of the Town Council as to whether there has been a violation shall be final.

VIII. Violation and Penalty.

Any official or employee who violates any of the provisions of this code shall be subject to the following penalties:

A. In the case of a Town Council member, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for an official reprimand by the Town Council.

B. In the case of a board, committee or commission member, if a violation is established to the satisfaction of the majority of the Town Council, such violations shall be grounds for an official reprimand by the Town Council and grounds for removal of such person from any board or commission of which they are a member.

C. In the case of an employee, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for discipline and/or termination of employment, depending on the severity of the violation.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 44
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A TOWN OF EAGLE CODE OF CONDUCT AND ETHICS

WHEREAS, Section 3.06 of the Town Charter requires that the Town Council adopt by resolution a Code of Conduct and Ethics; and

WHEREAS, the Town Council wishes to approve a Code of Conduct and Ethics as set forth in **Exhibit A**, attached hereto and made a part hereof by this reference.

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

Section 1. The Town Council hereby approves the Code of Conduct and Ethics in substantially the same form as attached hereto as **Exhibit A**, and in a form approved by the Town Attorney.

INTRODUCED, READ, PASSED AND ADOPTED ON MAY 25, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**TOWN OF EAGLE
CODE OF CONDUCT AND ETHICS**

I. Purpose.

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B. *Compensation* means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered, or to be rendered, by himself or another.

C. *Contract* means any express or implied agreement which creates, modifies, or terminates a particular relationship with the Town and shall include the designation of a depository for public funds.

D. *Employee* means any temporary or permanent employee of the Town.

E. *Financial Interest* means a substantial interest held by an individual which is:

1. An ownership interest in a business;
2. A creditor interest in an insolvent business;
3. An employment or a prospective employment for which negotiations have begun;
4. An ownership interest in real or personal property;
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6. A directorship or officer-ship in a business.

F. *Official* means any person holding a position by election or appointment in the service of the Town, whether paid or unpaid.

G. *Official Act or Action* means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

H. *Relative* shall mean any person related to the official or employee by blood or marriage, and includes without limitation parents, spouses, children, brothers and sisters, parents-in-law, siblings-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A divorce or separation between spouses shall not be deemed to terminate any such relationship.

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B. An official or employee who departs from his or her fiduciary duty shall be liable for the abuse of such trust. The district attorney for Eagle County may bring appropriate judicial proceedings on behalf of the people. Any money collected in such action shall be paid to the general fund of the Town. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such official or employee.

C. It shall not be considered a breach of fiduciary duty for an official or employee to use Town facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or to accept or receive a benefit as an indirect consequence of transacting Town business.

IV. Code of Conduct.

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A. Disclose or use confidential information acquired during their official duties to substantially further their personal financial interest.

B. Accept a gift of substantial value, or of substantial economic benefit tantamount to a gift of substantial value, which: would tend improperly to influence a reasonable person in their position to depart from the faithful and impartial discharge of his or her public duties; or they know, or which a reasonable person in their position should know, under the circumstances is primary for the purpose of rewarding their official action. The following shall not be considered gifts of substantial value for the purpose of this section:

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2. An occasional nonpecuniary gift, insignificant in value.
3. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.

4. Payment of, or reimbursement for, actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such official or employee is scheduled to participate.
 5. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such official or employee which is not extraordinary when viewed considering the position held by such official or employee.
 6. Items of perishable or nonpermanent value, including without limitation meals, lodging, travel expense, or tickets to sporting, recreational, education, or cultural events.
 7. Payment for speeches, appearances, or publications reported pursuant to C.R.S. § 24-6-203.
 8. Payment of salary from employment, including other government employment, in addition to that earned from being an official.
- C. Acquire or hold an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency of which they have substantive authority.
- D. Within 6 months following termination of their office or employment, obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during their term of employment. These matters include rules, other than rules of general application, which they actively helped to formulate and applications, claims, or contested cases in the consideration of which they were an active participant.
- E. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the official or employee has a substantial financial interest in a competing firm or undertaking, or is engaged as counsel, consultant, representative, or agent.
- F. Engage in a substantial financial transaction for their private business purposes with a person whom they inspect or supervise in the course of their official duties.
- G. Vote or attempt to influence the decisions of other members of the Town Council in voting on a matter where the official or employee has a personal or private interest in any matter proposed or pending before the Town Council.
- H. Be interested in any contact made by them in their official capacity or by any body, agency, or board of which they are members or employees.
- I. Be purchasers at any sale or vendor at any purchase made by them in their official capacity.

J. Purchase or sell or in any manner receiving to their own use or benefit whatever the Town warrants, scrips, orders, demands, claims, or other evidence of intendedness against the Town, except evidence of indebtedness issues to or held by them for services rendered as such official or employee and evidence of the funded indebtedness of the Town.

V. Disclosure of Conflict of Interest.

A. An official or employee who has a personal or private interest in any matter proposed or pending before the Town Council or any other Town board, commission or committee that the official or employee is a member of, shall disclose such interest to the Town Council, board, commission or committee and may not vote or attempt to influence other members in the matter.

B. Notwithstanding the above subsection, the official or employee may vote if their participation is necessary to obtain a quorum or otherwise enable the body to act so long as they comply with the voluntary disclosure procedures set forth below.

C. An official or employee who has a personal or private interest in any matter should disclose the nature of such interest. Such disclosure must be in writing to the Secretary of State, and shall list: the amount of financial interest, if any; the purpose and duration of their services, if any, and the compensation received for such services; or such other information as necessary as to describe the interest.

D. If the official or employee discloses the interest as described above, and then performs the official act involved, they must state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

VI. Gift Ban.

A. No official or employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the official or employee who accepted or received the money, forbearance, or forgiveness of indebtedness.

B. No official or employee either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept, or receive any gift or other thing of value having a fair market value or aggregate actual cost greater than \$65.00 in any calendar year, including without limitation gifts, loans, rewards, promise or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discount, from a person, without the person receiving lawful consideration of equal or greater value in return from the official or employee who solicited, accepted, or received the gift or other thing of value.

C. The prohibitions in subsections (A) and (B) of this section do not apply if the gift or thing of value is:

1. A campaign contribution as defined by law;
2. An unsolicited item of trivial value of less than \$50.00, such as a pen, calendar, plant, book, note pad or other similar item;
3. An unsolicited token or award of appreciation in the form of plaque, trophy, desk item, wall memento, or similar item;
4. Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
5. Admission to, and the cost of food and beverage consumed at, a reception, meal, or meeting held by an organization when the recipient appears to speak or to answer questions as part of a scheduled program;
6. Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, making a presentation, participate on a panel, or represent the Town, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;
7. Given by an individual who is a relative or personal friend of the recipient on a special occasion; or
8. A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

D. Except for campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any official or employee or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such official or employee, whether or not such gift or meal, beverage, or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offer or giving to an official or employee who is a member of their immediate family any such gift, thing of value, meal, beverage, or other item.

E. The limit set forth in this section shall be adjusted by an amount based on the percentage change over a 4-year period in the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar.

VII. Board of Ethics and Investigations.

The Town Council shall serve as the Board of Ethics for the Town. Any apparent violation of this policy may be referred to the Town Council for investigation and discussion. In all cases, the determination of the Town Council as to whether there has been a violation shall be final.

VIII. Violation and Penalty.

Any official or employee who violates any of the provisions of this code shall be subject to the following penalties:

A. In the case of a Town Council member, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for an official reprimand by the Town Council.

B. In the case of a board, committee or commission member, if a violation is established to the satisfaction of the majority of the Town Council, such violations shall be grounds for an official reprimand by the Town Council and grounds for removal of such person from any board or commission of which they are a member.

C. In the case of an employee, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for discipline and/or termination of employment, depending on the severity of the violation.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: May 25, 2021

Agenda Item: Municipal Broadband Project Update

REQUEST:

Staff requests that the Town Council review an update on the Town's broadband project.

INTRODUCTION:

A lot has occurred since the last time staff gave the Town Council an update on municipal broadband. The financing portion of the project is moving along, and staff is vetting every element of the financing plan. Over the last several weeks there have been detailed discussions with a local, Colorado bank that is considering the Town's request for broadband financing. The bank has considered funding the broadband without the additional security of net wastewater revenues but ultimately turned that option down. So, the wastewater refundings were revisited and reevaluated to provide the security needed to gain credit approval.

ANALYSIS:

Below is a summary and analysis of what the bank is working on as well as the next steps. The bank has provided indicative pricing for what would be four separate issues:

- Broadband revenue bond (tax-exempt)
- Broadband working capital note (taxable, applicable to all loans used for operations)
- Wastewater revenue refunding of CWRPDA 2007 Loan (must be refunded on taxable basis due to 2017 tax reform)
- Wastewater revenue refunding of CWRPDA 2011 Loan (tax-exempt)

The 2007 wastewater loan has a "call date" on which it can be refinanced, which in this case, happens to be about five years out. So, this refinancing will fund an escrow invested in treasury securities to make payments on that loan until the call date at which time the remaining balance is paid off. The 2011 wastewater loan can be refinanced with 90 days' notice and may not require any escrow at all.

The reevaluation of the wastewater refundings determined a cash contribution from the wastewater fund decreases the amount being refinanced making the 2007 loan refunding a viable option (i.e. cash flow savings are achieved). This arrangement was discussed with bond counsel with no initial concerns expressed. As of May 21, CWRPDA has been emailed – not yet replied - confirming their requirements for a taxable advance refunding of the 2007 wastewater loan.

“Advance” means the existing loan or bond is refunded 90 days before the call date. Before 2017 tax reform “advance” refundings could be done on a tax-exempt basis. There is proposed legislation and support to re-instate this tool for municipalities.

Formal credit approval is underway, officially starting the week of May 17. The indicative pricing (or interest rates) the bank provided for the broadband bond and note are in line with expectations and currently contemplated in the Uptown Services proforma.

Next Steps:

- Initial conceptual consideration of a cash contribution to affect the 2007 wastewater loan refunding, which along with the 2011 wastewater loan refunding, provides the additional security pledge of net wastewater revenues, available only on an as-needed basis.
- Receive formal credit approval and term sheet outlining the bank’s pricing, terms, and conditions for all four issues. Review and analysis by staff and Northland.
- Detailed presentation of the term sheet, final financing parameters for Town Council review and approval. An ordinance authorizing the four separate issues will be presented for initial consideration.

COMMUNITY INPUT:

Community input is not required with this update.

BUDGET / STAFF IMPACT:

There is no impact with this update.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Since this is an update on where staff is in the process of financing broadband, the presentation doesn’t include an analysis of plan and standards alignment. More detail will be provided once the financing package is finalized.

RECOMMENDED ACTION OR PROPOSED MOTION:

No action is required.

ATTACHMENTS:

- 1) None



June 1, 2021

Senator Michael Bennet
Cesar E. Chavez Memorial Building
1244 Speer Boulevard
Denver, CO 80204

Senator Bennet:

Please accept this letter as an indication of our support for consideration of the project described below requesting your support for federal funding and assistance.

Following a name change and freshly distilled vision and mission for the Mountain Recreation Metropolitan District in 2018, the Mountain Rec Board also approved a strategic plan with seven priorities. One of which is centered around converting recreation centers into community centers and expanding district facilities to meet the community's needs.

Eagle's Pool and Ice Rink, built in 2003 when the Town's population was half the size it is today, is in need of maintenance and expansion that the Mountain Recreation Metro District and the Town are not able to fund alone. The aging facilities no longer meets the needs of the growing rural community.

A joint Town of Eagle - Mountain Rec concept planning project was employed in 2019 to discover community interest in a variety of indoor and outdoor improvements that could be included in a master site plan for the Haymaker Trailhead Area. An online survey was conducted in 2019 and was followed by focus group sessions with a wide array of stakeholders and user groups. Open house-style listening sessions held at both the Eagle Pool and Ice Rink and the Eagle Villas in July. Concept plans have been developed that will provide the community with an indoor space that can serve as the community's social hub year-round.

Projected outcomes from the improvement project –

- Greater equity in provision of health-promoting services and programming for the Community
- Provision of affordable access to healthy living services
- Increased range of services and program offerings both in age and interest
- Greater year-round use of public spaces, growing opportunity for social connection and reduced social isolation which results in improved mental and behavioral health
- Continued relationship-building that ensures everyone feels welcome in a Mountain Rec facility

We urge you to consider how you may be able to support the improvements planned that are critical to the health of residents in Eagle. Thank you in advance.

Sincerely,

Elizabeth Jones, Mountain Recreation Metropolitan District

Mayor Scott Turnipseed, Town of Eagle



To: Mayor and Town Council

From: Bill Shrum, Assistant Town Manager

Date: May 25, 2021

Agenda Item: Council Discussion: Proposed Second Street closure.

REQUEST:

Staff is requesting that the Council review the research and outreach compiled regarding a proposed closure at Second Street and provide direction on implementation of a temporary closure.

INTRODUCTION:

At the Town Council meeting on April 13 the Council discussed the idea of a temporary closure on Second Street, from Broadway west to the alley, to create a space for public use. The proposed location is east of an existing “Be Our Guest” permitted closure alongside Bonfire Brewing. It is also in front of the location of a new restaurant, Roam, who will be opening soon. Currently, Second St. is closed to traffic coming from Wall St. and Grand Ave., but a one-way access route is provided for the residents of 120 Second St. This access is on the southern, eastbound lane of Second St. Concurrent to this project but separate from this discussion, the Town was awarded \$50,000 from the CDOT “Revitalizing Main Streets” program, with the scope of work including the installation of lighting features at the intersections of Second St. and Fourth St. on Broadway, bike and pedestrian safety features, barriers to create more public use in the right-of-way downtown, and beautification efforts.

ANALYSIS:

Council discussed doing a temporary closure on Second Street through the fall of 2021. In the April 13 meeting, Council requested that staff survey the Downtown Business Alliance (DBA) to gauge the interest in the closure. Staff presented the results of the survey to the Downtown Development Authority at the Board meeting on May 5. Staff has also worked with Norris Design to compile graphic examples of the proposed closure, and to assess the applicability of grant funds to be used to help facilitate street furniture and programming in the proposed space.

The DBA survey had 39 responses between April 26 and April 30. A summary of the results is below:

- 66% of responses were in favor of a proposed closure of the north lane
- 54% felt the closure should go through the beginning of November, 32% through beginning of July
- There was a 60%/40% preference for more public space on Broadway over parking space
- The following are measure of importance out of 100.
 - 62/100 for more food trucks and mobile vendors in the public space
 - 60/100 for more decoration on the barriers
 - 63/100 for programming, seating, outdoor games, and free-to-use public features

In the full survey report, short answer questions report feedback on ideas for beautification and additional amenities, with popular suggestions being the inclusion of local artists in the effort, seating, picnic tables, food trucks, and shade. A concern often expressed is that a lack of common consumption of alcohol in the space will be detrimental to the success. The trade-off of public space for parking was also mentioned often in short answer comments.

At the May 5 DDA Board meeting, the board reviewed the survey data and discussed the need for access, parking, public space, and programming. They proposed a full closure, from sidewalk to sidewalk, of the site in question on a temporary basis. This option is the first presented in the Norris Design Second St. Concept Graphics attachment. Should a full sidewalk to sidewalk closure not be recommend for public health and safety reasons, the DDA supported a closure that left one lane of one-way access eastbound on Second St., represented as the second scenario in the Norris Designs. These motions to recommend the street closure passed unanimously.

The scenarios suggested by the DDA have been considered by Town staff, and after a review of vehicle access to 120 Second St., engineering, and public safety perspectives are taken into consideration, staff does not recommend a full sidewalk to sidewalk closure as discussed by the DDA board.

The Revitalizing Main Street Grant available to the Town has an authorized budget of \$63,262. These funds are to purchase and install lighting for Second and Fourth St. intersections, beautification of public space, bike and pedestrian safety elements, and additional barriers to facilitate use of public space. Public Works has reviewed the proposed closures and could create the suggested closure of one lane with available materials. This would free up some of the total grant proceeds to be used for beautification, amenities, and programming. Additional funds may be available depending on the results of electrical contractor labor rates, which are still pending.

COMMUNITY INPUT:

The analysis details community input gathered from the DBA survey and the DDA Board discussion. In addition, staff has received two emails regarding the potential closure. Both emails are from interests located to the north of the proposed site. Their concern was poignantly related to the representation of food trucks located in this public space and located directly outside of a new restaurant, Roam, opening up at 139 Broadway St. Food trucks were in the initial survey graphics as a representation of programming and use of space, not as a certainty. The emails are included as attachments.

BUDGET / STAFF IMPACT:

Should the Council choose to move forward with a temporary closure, the council can choose to have funds from the CDOT grant cover expenses for beautification, amenities, and programming. If the council chooses to use a different source of funds, there would be an impact to the budget in a manner determined by council.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The proposed Second Street closure would assist the Town's Strategic Goal of Stimulating Economic Vitality and Development, as well as meeting the use of space called out in Elevate Eagle for Downtown Broadway.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **APPROVE** or **DENY** implementing a temporary closure of Second Street, with a use of funds:

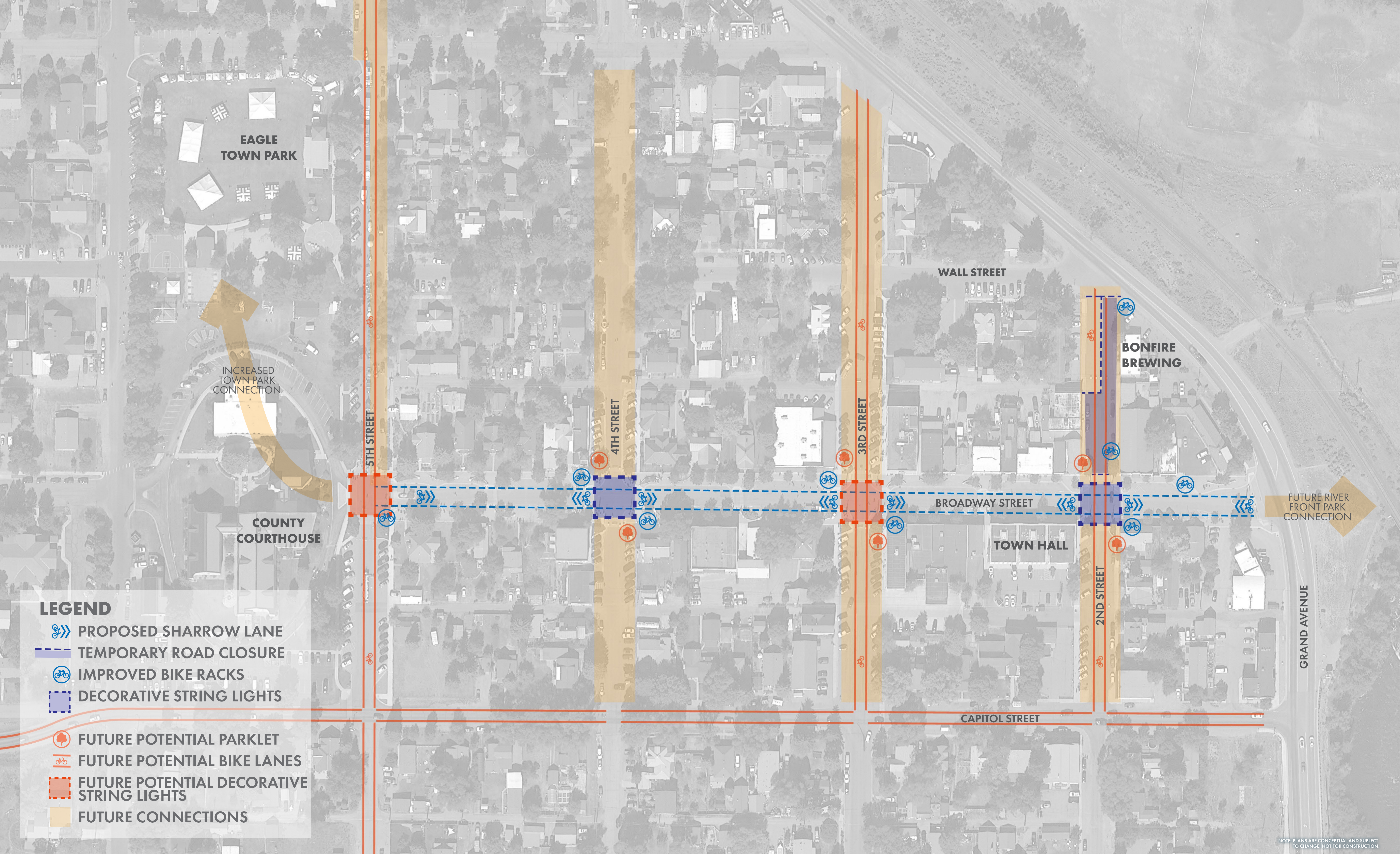
A) from available funding as a part of the Revitalizing Main Streets grant.

Or

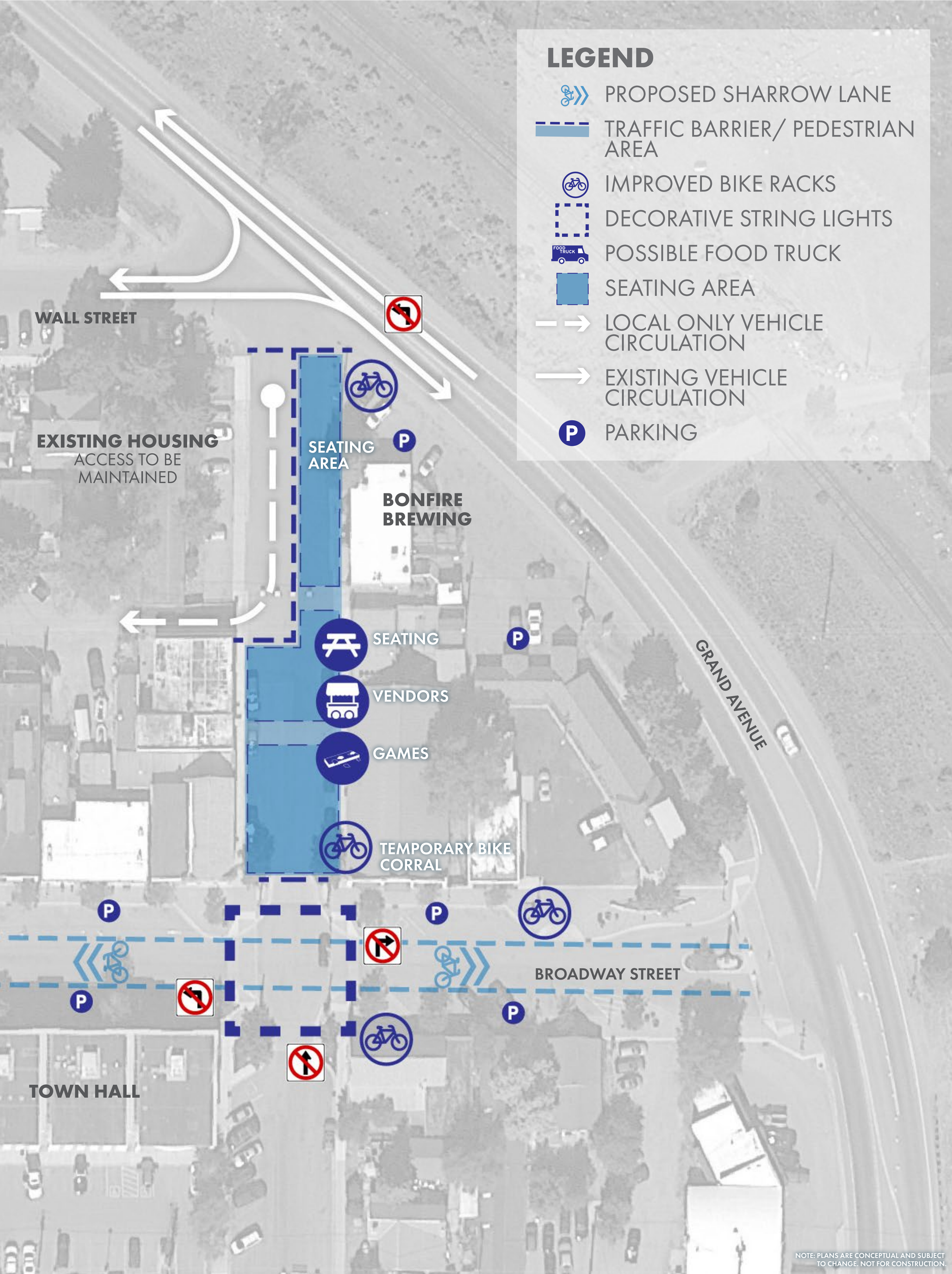
B) Of a certain amount used from accounts determined by council, and to have this adjustment reflected in a budget amendment if required.

ATTACHMENTS:

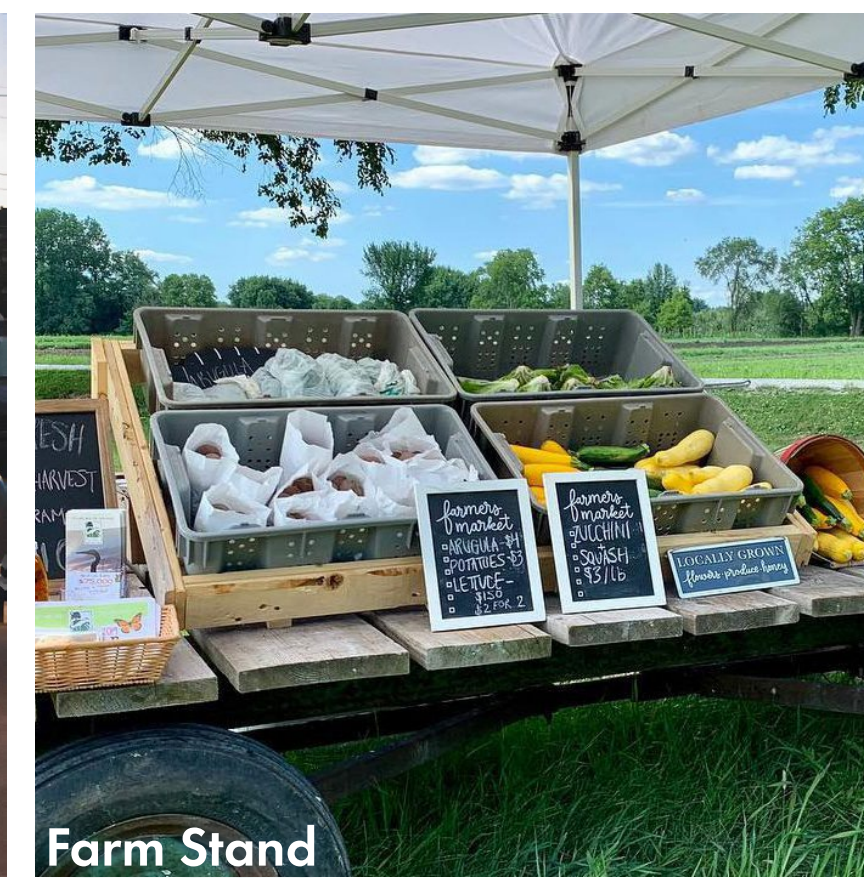
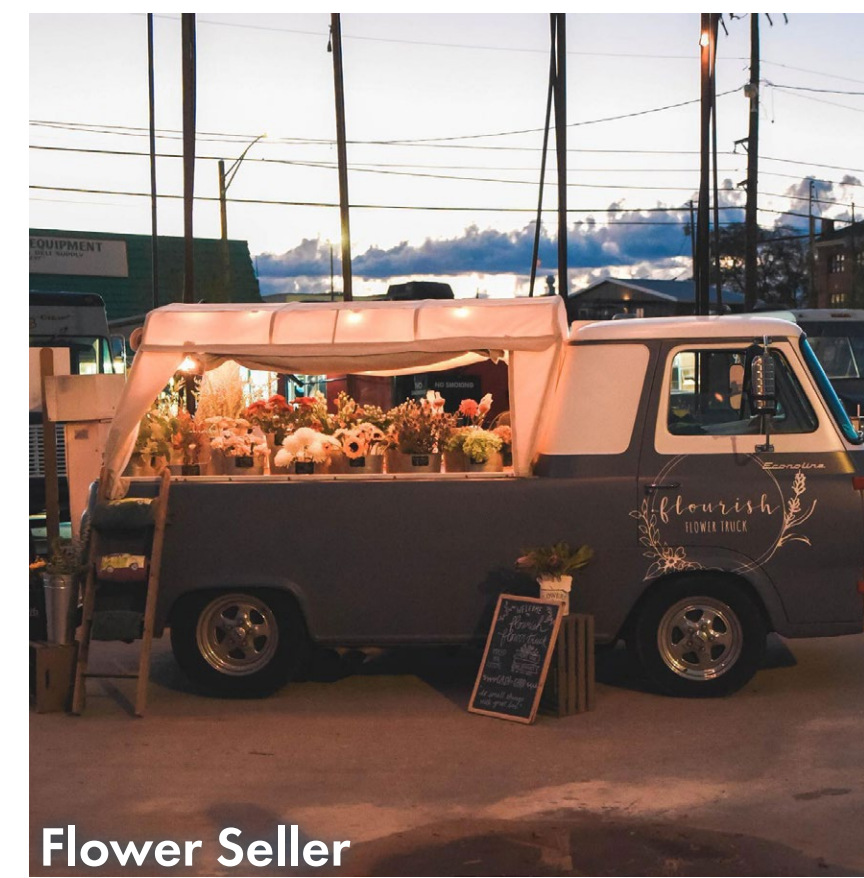
- Norris Design 2nd St Concept Graphics.pdf
- DBA 2nd St. Survey Results 050421.pdf
- CE-201210_CDOTGrant_Expenses.pdf
- Emails regarding Second Street Closure.pdf



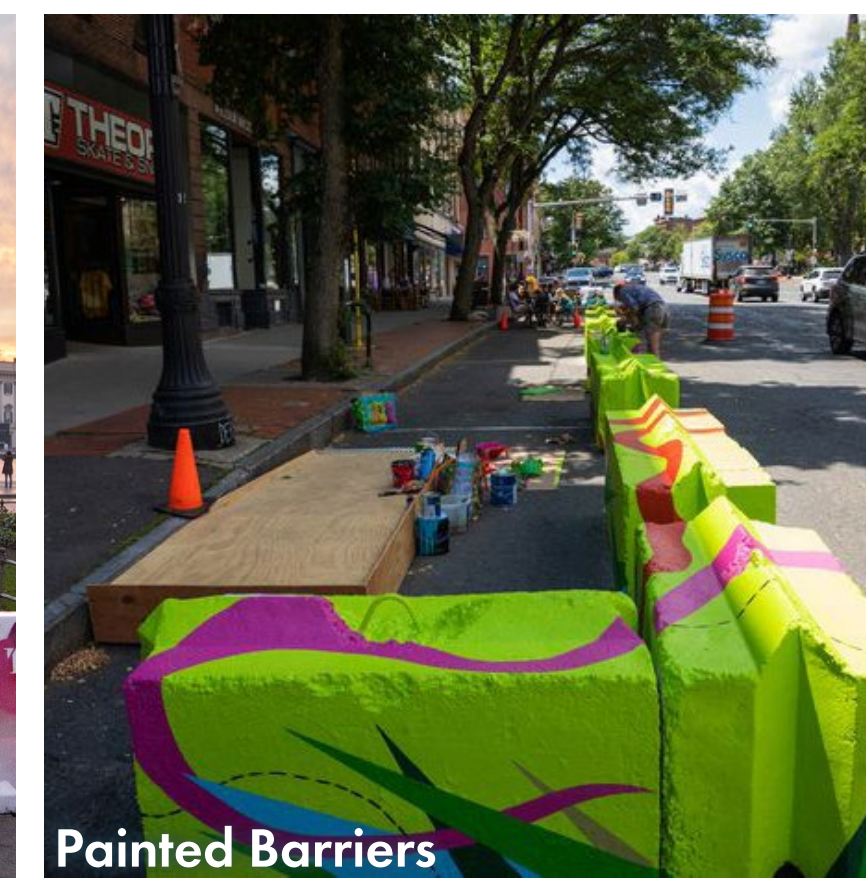
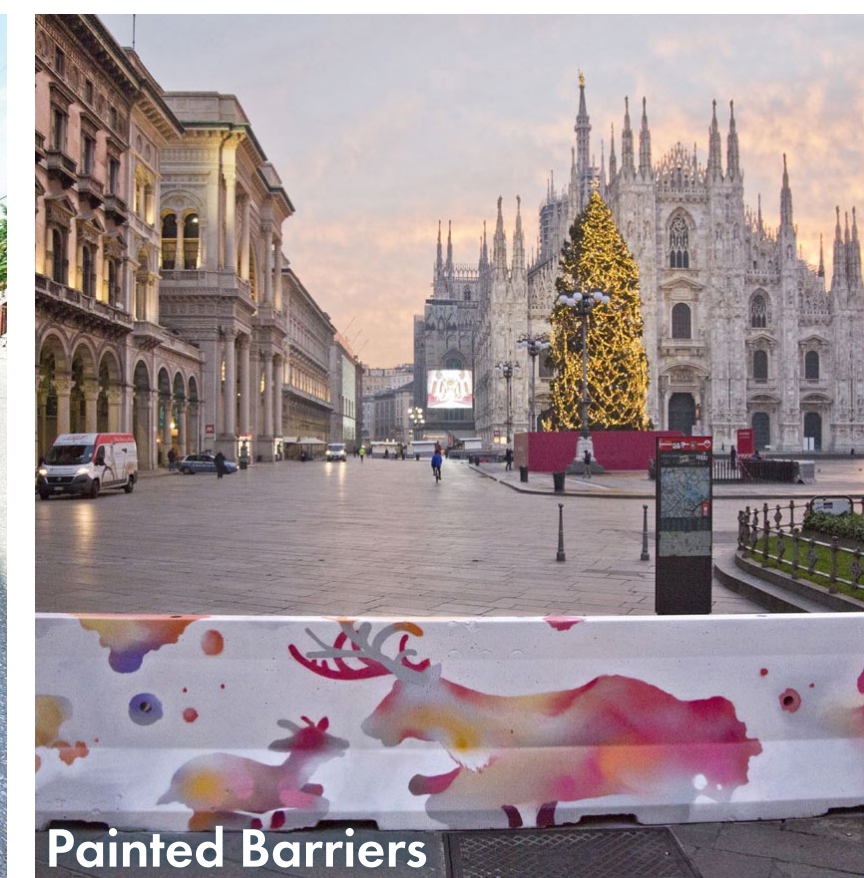
NOTE: PLANS ARE CONCEPTUAL AND SUBJECT TO CHANGE. NOT FOR CONSTRUCTION.



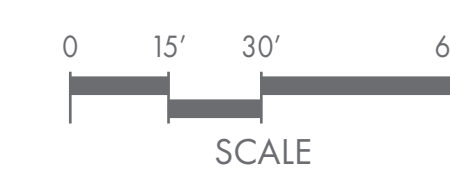
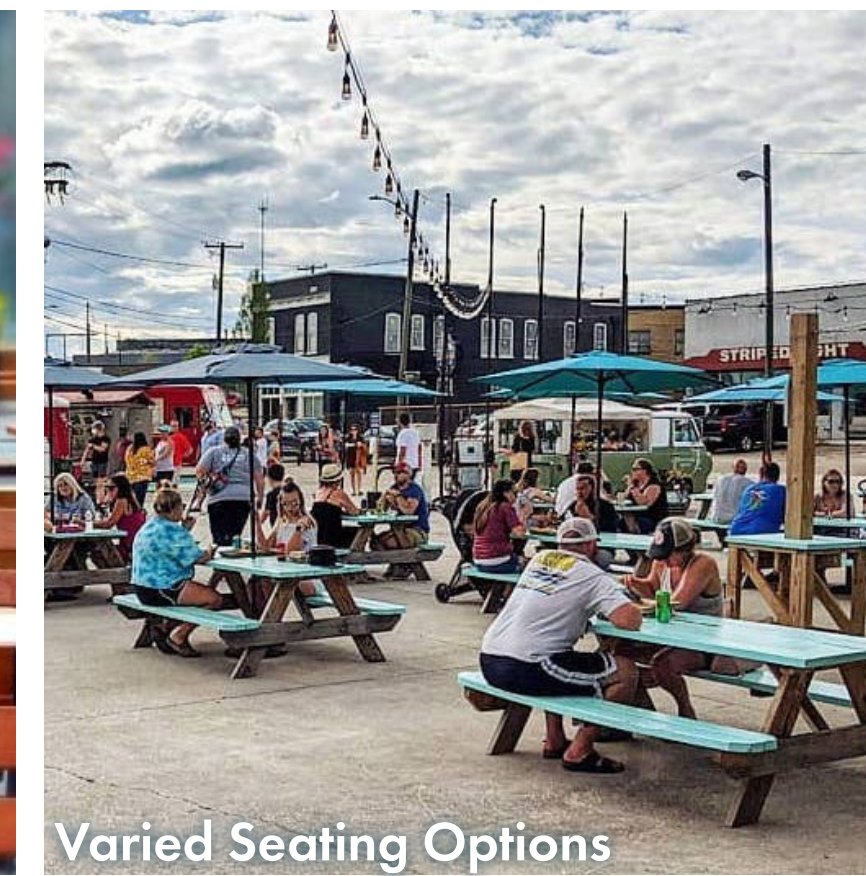
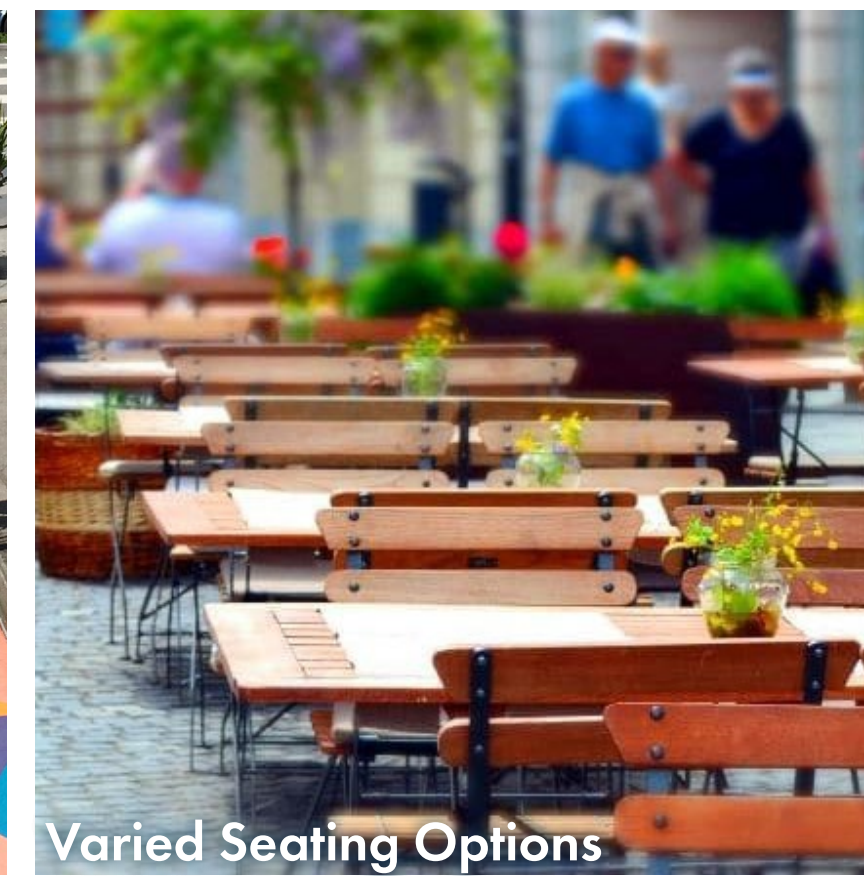
MOBILE BUSINESSES AND VENDORS



DECORATED TRAFFIC BARRIERS AND PEDESTRIAN SAFETY



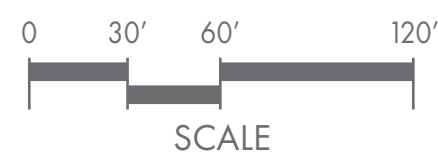
BIKES, COMMUNITY AND AMENITIES

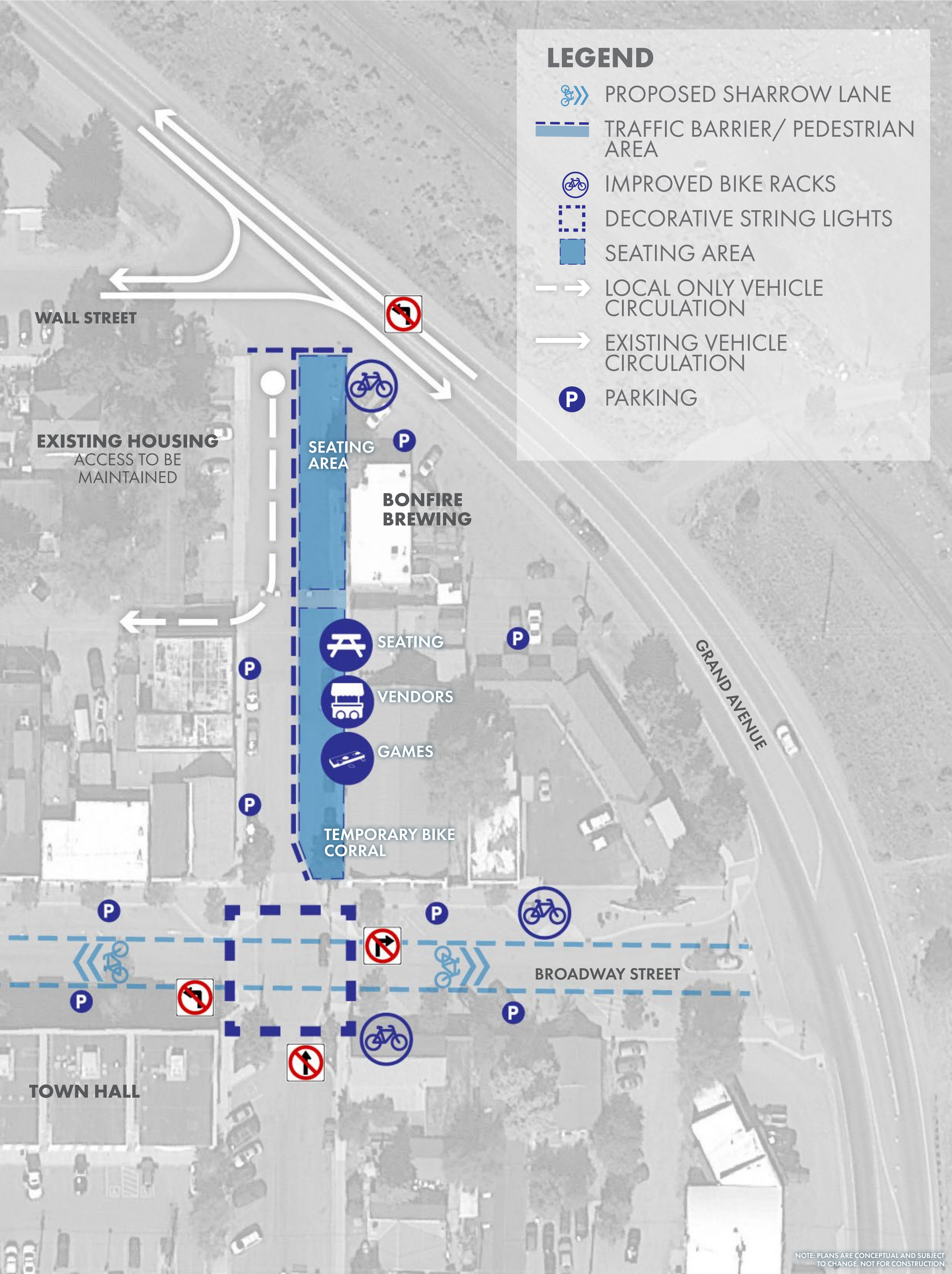




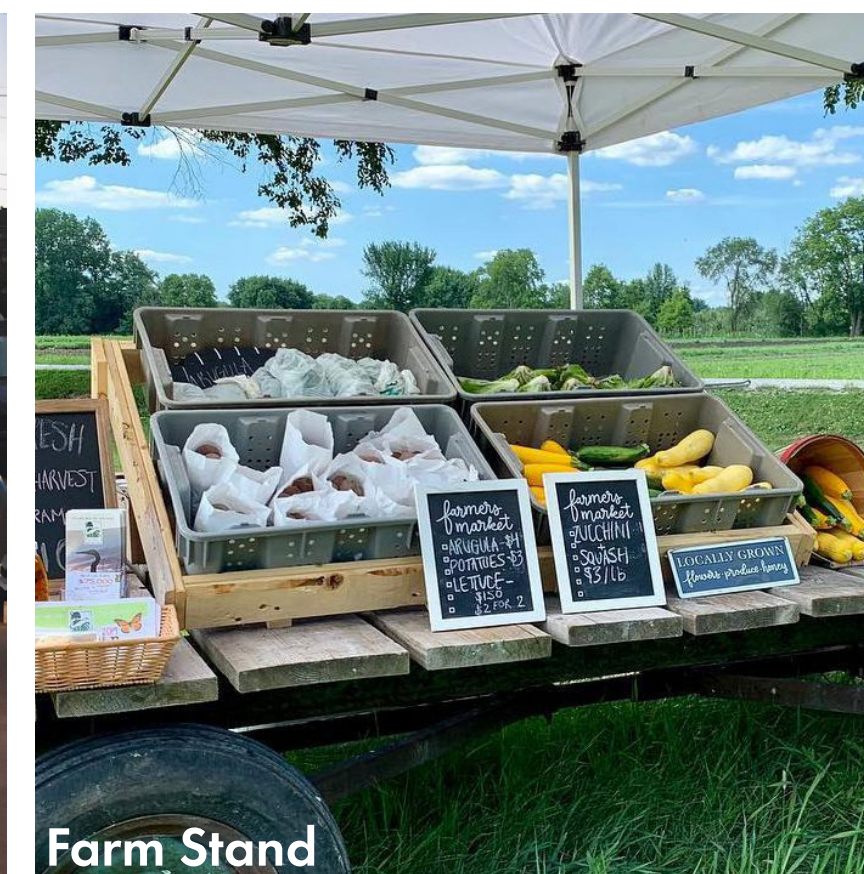
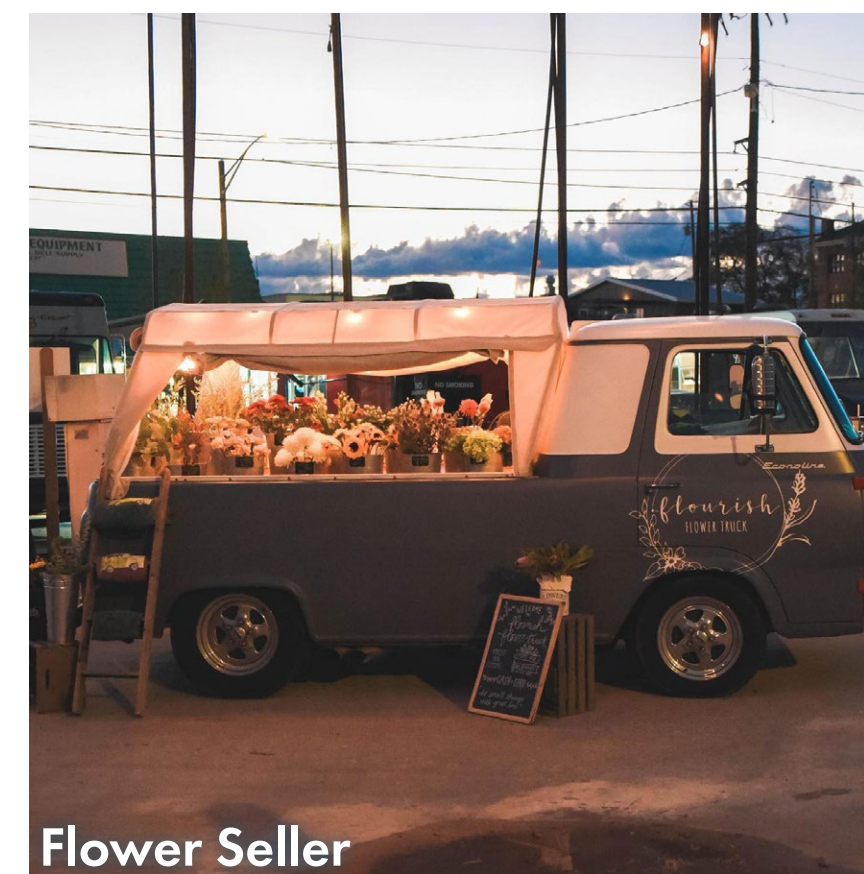
LEGEND

- PROPOSED SHARROW LANE
- TEMPORARY ROAD CLOSURE
- IMPROVED BIKE RACKS
- DECORATIVE STRING LIGHTS
- FUTURE POTENTIAL PARKLET
- FUTURE POTENTIAL BIKE LANES
- FUTURE POTENTIAL DECORATIVE STRING LIGHTS
- FUTURE CONNECTIONS

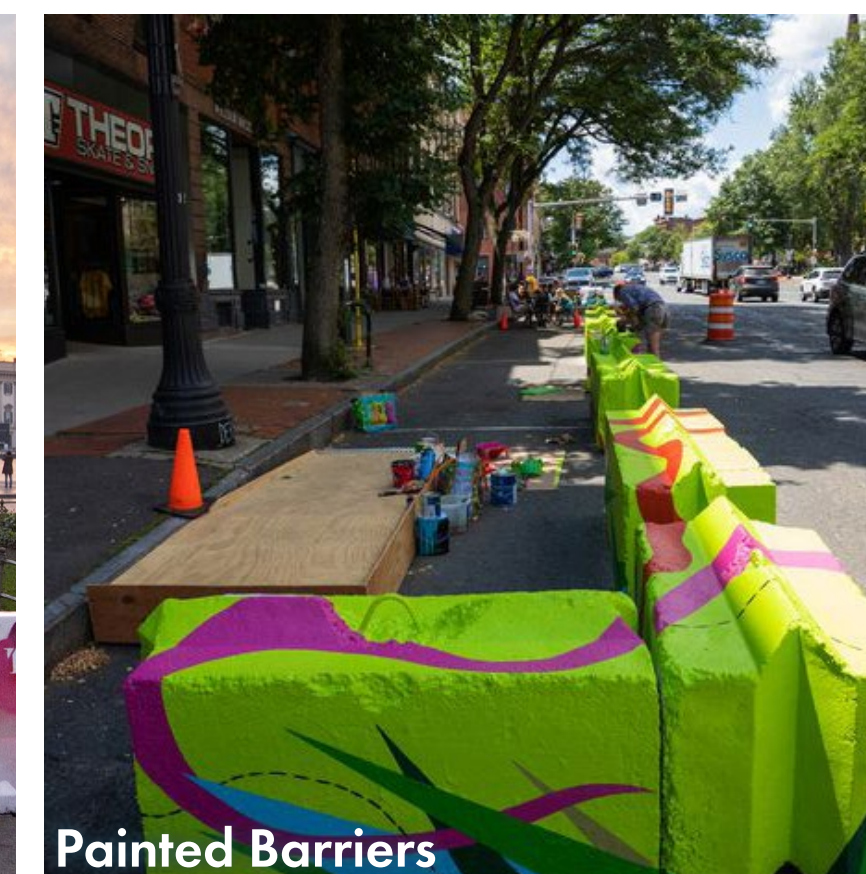
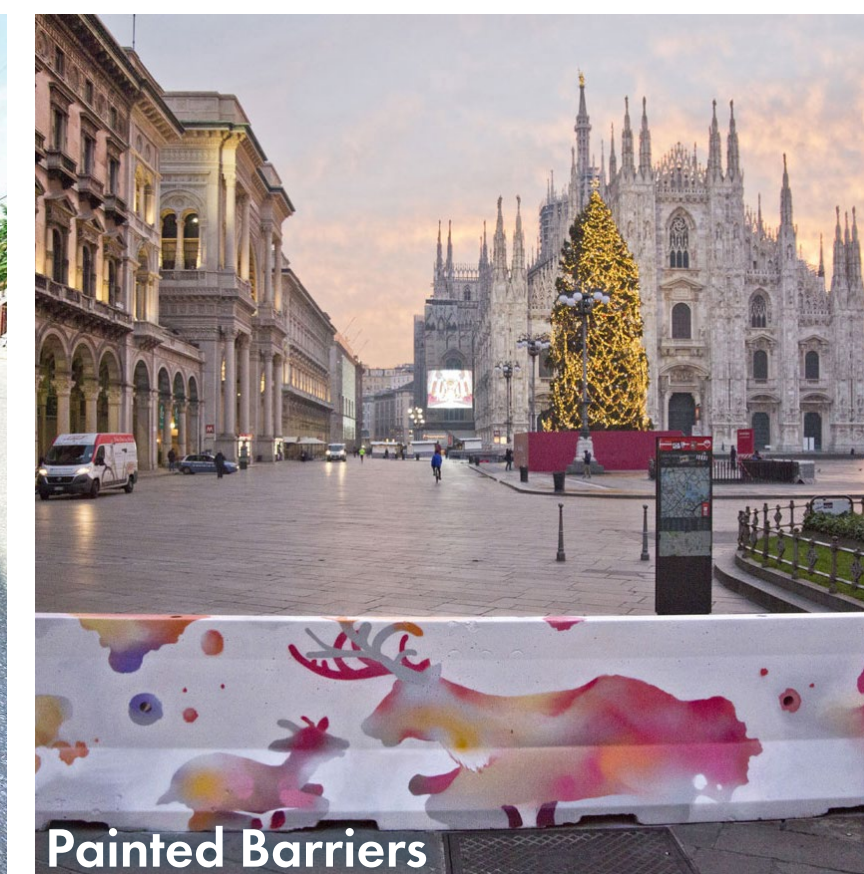




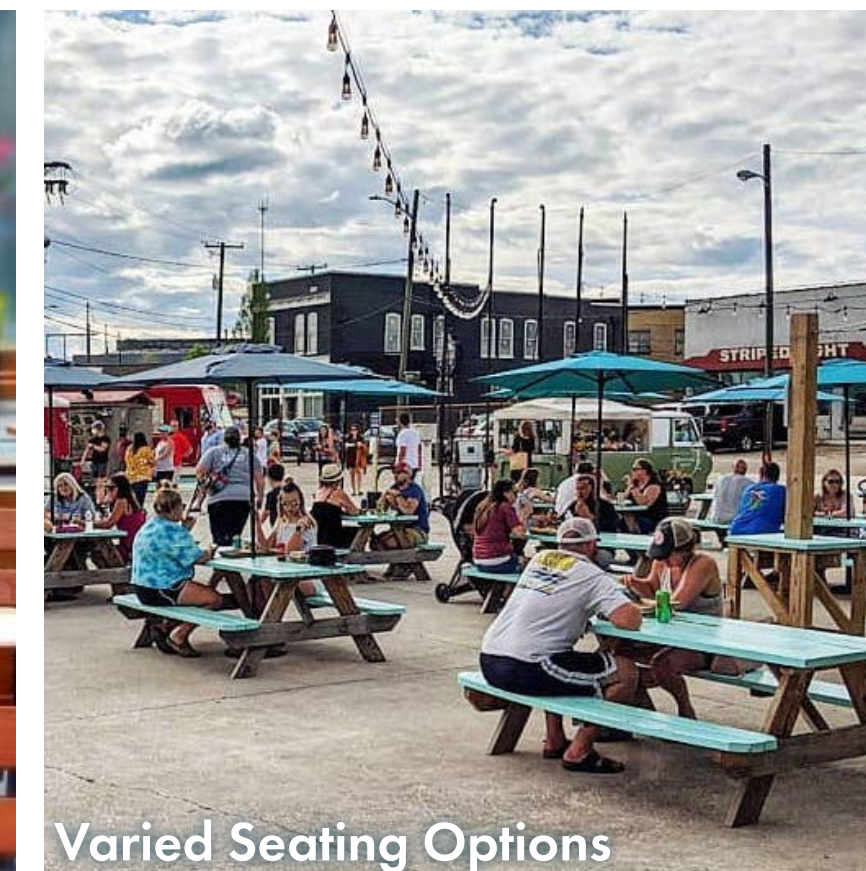
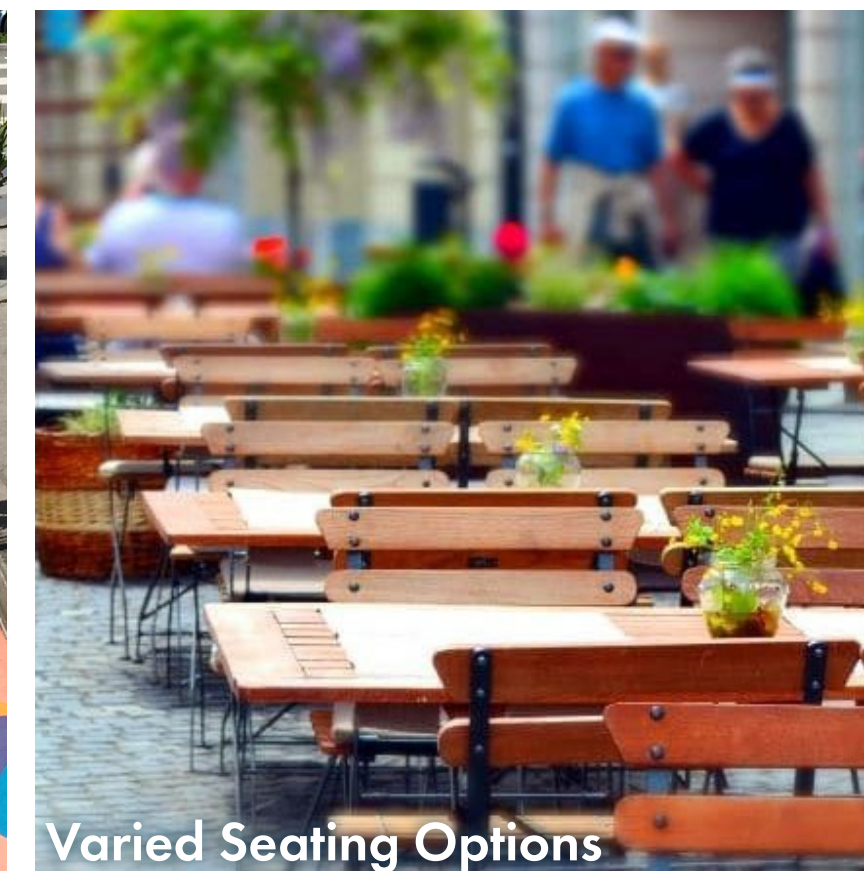
MOBILE BUSINESSES AND VENDORS



DECORATED TRAFFIC BARRIERS AND PEDESTRIAN SAFETY



BIKES, COMMUNITY AND AMENITIES





Partnerships with existing businesses to activate temporary street closures.

Improved bike racks make biking around town more accessible.

Future bikelanes on cross streets will better connect Broadway to existing trails.

Lighting at intersections make Broadway safer and more inviting at night.

Sharrow striping on Broadway promotes a multi-modal street and improves crosswalk safety.

NOTE: GRAPHICS ARE CONCEPTUAL AND SUBJECT TO CHANGE. GRAPHICS ARE INTENDED TO CONVEY POTENTIAL DESIGN IDEAS AND NOT TO IDENTIFY EXACT DESIGNS.





Temporary and permanent bike racks and bike corrals on second street promote walking on Broadway.

Partnerships with existing businesses to activate temporary street closures.

Decorated temporary barriers provide a safe flexible pedestrian space.

Potential for food trucks & other vendors promote On-street gathering.

Future bikelanes on cross streets to better connect to existing trails.

Narrowed lanes and one-way traffic slows traffic, making the road safer for pedestrians.

NOTE: GRAPHICS ARE CONCEPTUAL AND SUBJECT TO CHANGE. GRAPHICS ARE INTENDED TO CONVEY POTENTIAL DESIGN IDEAS AND NOT TO IDENTIFY EXACT DESIGNS.





Painted traffic barriers with flower pots create welcoming pedestrian spaces.

Partnerships with existing businesses to activate temporary street closures.

Potential for food trucks & other vendors promote street gathering.

Future bikelanes on cross streets to better connect to existing trails.

Narrowed lanes and one-way traffic slows traffic, making the road safer for pedestrians.

NOTE: GRAPHICS ARE CONCEPTUAL AND SUBJECT TO CHANGE. GRAPHICS ARE INTENDED TO CONVEY POTENTIAL DESIGN IDEAS AND NOT TO IDENTIFY EXACT DESIGNS.





Improved bike racks make biking around town more accessible.

Future bikelanes on cross streets will better connect Broadway to existing trails.

Lighting at intersections make Broadway safer and more inviting at night.

Improvements to the south on 4th street extend the downtown experience and connect to the park.

Sharrow striping on Broadway promotes a multi-modal street and improves crosswalk safety.

NOTE: GRAPHICS ARE CONCEPTUAL AND SUBJECT TO CHANGE. GRAPHICS ARE INTENDED TO CONVEY POTENTIAL DESIGN IDEAS AND NOT TO IDENTIFY EXACT DESIGNS.





Improved bike racks make biking around town more accessible.

Future bikelanes on cross streets will better connect Broadway to existing trails.

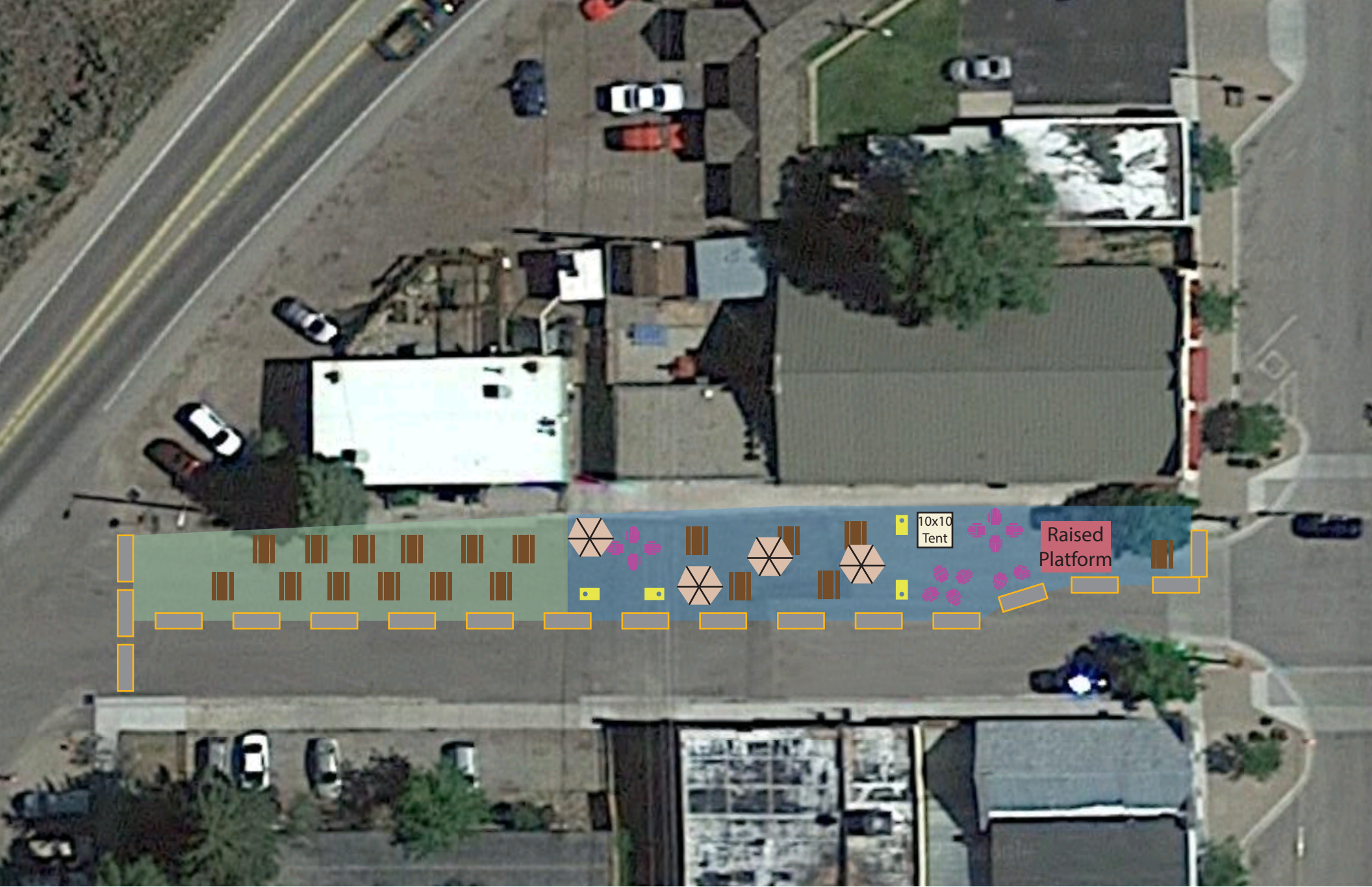
Lighting at intersections make Broadway safer and more inviting at night.

Future parklets provide activity off Broadway

Sharrow striping on Broadway promotes a multi-modal street and improves crosswalk safety.

NOTE: GRAPHICS ARE CONCEPTUAL AND SUBJECT TO CHANGE. GRAPHICS ARE INTENDED TO CONVEY POTENTIAL DESIGN IDEAS AND NOT TO IDENTIFY EXACT DESIGNS.

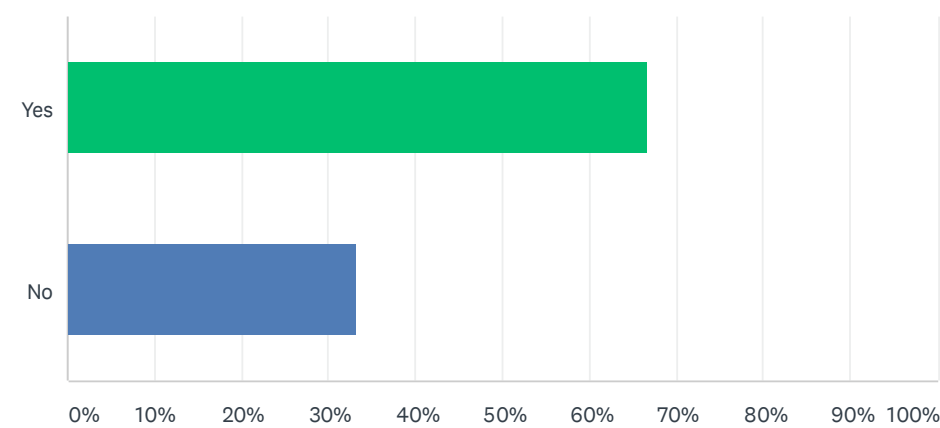




This is only a representation of the proposed closure area in BLUE, and what it may look like with shade, tables, chairs, and other uses at play.
This is not a proposed or final design.

Q1 Are you in favor of extending the temporary closure of 2nd Street along the length of the North lane to end at Broadway?

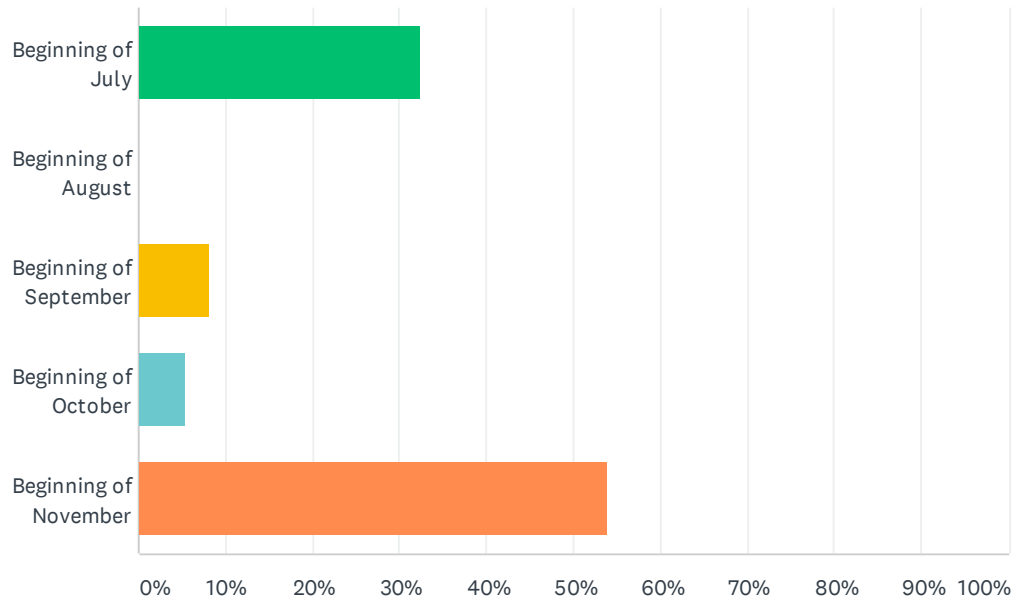
Answered: 39 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	66.67%	26
No	33.33%	13
TOTAL		39

Q2 If the temporary lane closure is installed, how long should it be closed?

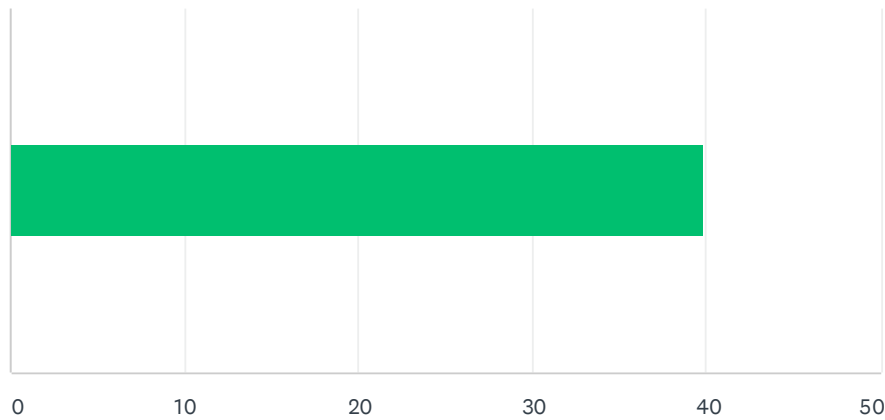
Answered: 37 Skipped: 2



ANSWER CHOICES	RESPONSES	
Beginning of July	32.43%	12
Beginning of August	0.00%	0
Beginning of September	8.11%	3
Beginning of October	5.41%	2
Beginning of November	54.05%	20
TOTAL		37

Q3 What is more important to you? More parking on the street or more tables and public space on the street?

Answered: 37 Skipped: 2



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	40	1,476	37
Total Respondents: 37			

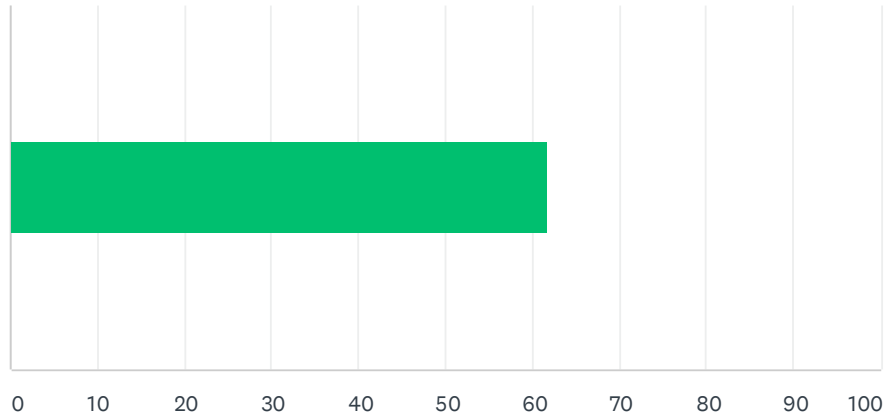
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3	98	4/29/2021 2:38 PM
4	100	4/29/2021 1:32 PM
5	100	4/29/2021 9:31 AM
6	100	4/29/2021 9:19 AM
7	80	4/29/2021 9:03 AM
8	0	4/28/2021 9:58 PM
9	100	4/28/2021 10:46 AM
10	0	4/28/2021 8:47 AM
11	0	4/28/2021 8:44 AM
12	1	4/27/2021 6:04 PM
13	11	4/27/2021 5:48 PM
14	50	4/27/2021 2:01 PM
15	0	4/27/2021 1:48 PM
16	0	4/27/2021 12:21 PM
17	60	4/27/2021 11:54 AM
18	0	4/27/2021 11:27 AM
19	50	4/27/2021 10:57 AM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

20	48	4/27/2021 10:55 AM
21	27	4/27/2021 10:16 AM
22	100	4/27/2021 10:12 AM
23	0	4/27/2021 10:11 AM
24	0	4/27/2021 10:10 AM
25	0	4/27/2021 10:09 AM
26	100	4/27/2021 10:09 AM
27	100	4/27/2021 10:08 AM
28	1	4/27/2021 9:47 AM
29	0	4/27/2021 9:44 AM
30	98	4/27/2021 9:39 AM
31	0	4/27/2021 9:31 AM
32	0	4/27/2021 9:24 AM
33	99	4/27/2021 9:23 AM
34	22	4/27/2021 9:15 AM
35	48	4/27/2021 9:15 AM
36	0	4/27/2021 9:06 AM
37	0	4/26/2021 7:31 PM

Q4 How important is it to you that the temporary closure add more capacity for food trucks and mobile vendors (including temporary 10'x10' pop up tents at events)

Answered: 38 Skipped: 1



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	62	2,344	38
Total Respondents: 38			

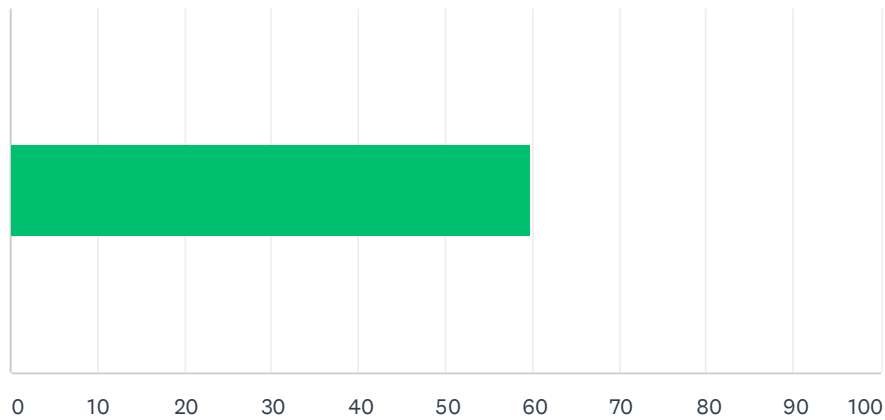
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4	0	4/29/2021 1:32 PM
5	0	4/29/2021 9:31 AM
6	0	4/29/2021 9:19 AM
7	50	4/29/2021 9:03 AM
8	33	4/28/2021 9:58 PM
9	0	4/28/2021 10:46 AM
10	100	4/28/2021 8:47 AM
11	100	4/28/2021 8:44 AM
12	100	4/27/2021 6:04 PM
13	100	4/27/2021 5:48 PM
14	21	4/27/2021 2:01 PM
15	84	4/27/2021 1:48 PM
16	100	4/27/2021 12:21 PM
17	85	4/27/2021 11:54 AM
18	85	4/27/2021 11:35 AM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

19	84	4/27/2021 11:27 AM
20	70	4/27/2021 10:57 AM
21	0	4/27/2021 10:55 AM
22	86	4/27/2021 10:16 AM
23	100	4/27/2021 10:12 AM
24	50	4/27/2021 10:11 AM
25	82	4/27/2021 10:10 AM
26	90	4/27/2021 10:09 AM
27	4	4/27/2021 10:09 AM
28	52	4/27/2021 10:08 AM
29	100	4/27/2021 9:47 AM
30	0	4/27/2021 9:44 AM
31	0	4/27/2021 9:39 AM
32	100	4/27/2021 9:31 AM
33	85	4/27/2021 9:29 AM
34	100	4/27/2021 9:24 AM
35	100	4/27/2021 9:15 AM
36	51	4/27/2021 9:15 AM
37	99	4/27/2021 9:06 AM
38	100	4/26/2021 7:31 PM

Q5 How important is it to you that the temporary closure add more decorated traffic barriers and pedestrian safety?

Answered: 38 Skipped: 1



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	60	2,274	38
Total Respondents: 38			

#		DATE
1	100	4/30/2021 8:40 PM
2	100	4/30/2021 6:23 PM
3	20	4/29/2021 2:38 PM
4	0	4/29/2021 1:32 PM
5	27	4/29/2021 9:31 AM
6	0	4/29/2021 9:19 AM
7	39	4/29/2021 9:03 AM
8	0	4/28/2021 9:58 PM
9	99	4/28/2021 10:46 AM
10	80	4/28/2021 8:47 AM
11	100	4/28/2021 8:44 AM
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13	100	4/27/2021 5:48 PM
14	100	4/27/2021 2:01 PM
15	100	4/27/2021 1:48 PM
16	26	4/27/2021 12:21 PM
17	25	4/27/2021 11:54 AM
18	50	4/27/2021 11:35 AM
19	100	4/27/2021 11:27 AM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

20	100	4/27/2021 10:57 AM
21	0	4/27/2021 10:55 AM
22	100	4/27/2021 10:16 AM
23	0	4/27/2021 10:12 AM
24	100	4/27/2021 10:11 AM
25	53	4/27/2021 10:10 AM
26	50	4/27/2021 10:09 AM
27	1	4/27/2021 10:09 AM
28	11	4/27/2021 10:08 AM
29	50	4/27/2021 9:47 AM
30	71	4/27/2021 9:44 AM
31	0	4/27/2021 9:39 AM
32	100	4/27/2021 9:31 AM
33	50	4/27/2021 9:29 AM
34	98	4/27/2021 9:24 AM
35	100	4/27/2021 9:15 AM
36	25	4/27/2021 9:15 AM
37	99	4/27/2021 9:06 AM
38	100	4/26/2021 7:31 PM

Q6 What are your ideas for how to decorate the barriers and add to pedestrian safety?

Answered: 34 Skipped: 5

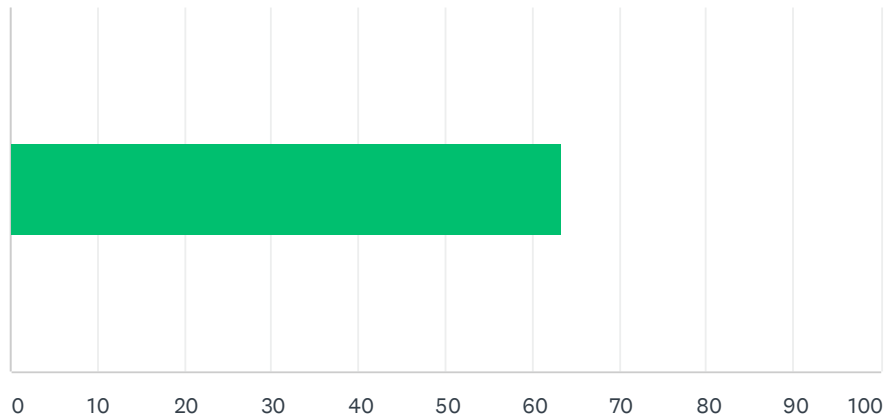
#	RESPONSES	DATE
1	Bright visible markers	4/30/2021 8:40 PM
2	Planters with flowers, fence like in downtown Fruita	4/30/2021 6:23 PM
3	Flowers and find someone with actual good taste who is not color blind. The owner of Petals of Provence has great taste.	4/29/2021 2:38 PM
4	It is and or was, a main route in and out of town. It should be maintained as such. We already have a parking problem in the immediate downtown area. This effects shops, visitors and residents. Once the new building on second and Broadway is completed, it will compound the parking problem. Negatively effecting downtown business and residents. The parking study, done for aforementioned building, was inherently inaccurate, as the study was conducted for the immediate area but was conducted as the entire town of eagle. No closer should be permitted and the temporary closure should not continue, as it only has one business interest in mind.	4/29/2021 1:32 PM
5	None	4/29/2021 9:31 AM
6	PARKING SPACES	4/29/2021 9:19 AM
7	Clear marking of traffic patterns	4/29/2021 9:03 AM
8	Get local artists to create colorful signs!	4/28/2021 9:58 PM
9	Art classes from the schools?	4/28/2021 10:46 AM
10	As Bonfire did with fo-grass or use it as a canvas for local artist!	4/28/2021 8:47 AM
11	Offer individuals or groups to submit ideas for making the barriers into art, murals, or universal messages.	4/27/2021 6:04 PM
12	Painting by local artists	4/27/2021 5:48 PM
13	Install large planters that also provide additional seating.	4/27/2021 2:01 PM
14	Feature local artists or cover with faux foliage like the barriers at Bonfire.	4/27/2021 1:48 PM
15	Planters filled with edible and pollinator plants!	4/27/2021 12:21 PM
16	I think it would be cool to have businesses sponsor a barrier and feature art by local art students. Be Good to People would LOVE to sponsor one where a student does a "mural" on the barrier featuring our message. We could actually do multiple murals around kindness and being a Good neighbor. I have BIG ideas for having Instagram photo spots on downtown walls - would REALLY love a prominent mural and photo spot with the Be Good to People message as we have a large national following and I believe that people would come find the spots to take photos and post on their social. We would encourage it and have contests, incentives around our worldwide community coming to the BGTP mural in Downtown Eagle, where it all started. Lots of thoughts around this and I hadn't gotten around to talking to someone about it but here you go. :-)	4/27/2021 11:54 AM
17	Local art, mountain canvases, mountain biking art	4/27/2021 11:35 AM
18	Work with local artist to paint and such.	4/27/2021 11:27 AM
19	Simple design, Colorful base, maybe a continuous simple stencil pattern along them.	4/27/2021 10:57 AM
20	not important	4/27/2021 10:55 AM
21	Solicit local artists or local schools' arts classes to decorate--make it fun and colorful.	4/27/2021 10:16 AM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

22	Remove the barriers, Open the roads and Stop All Town favoritism towards selected businesses & individuals. RIP.	4/27/2021 10:12 AM
23	Painted Murals and Planter Boxes. Lighting. Bike Parking.	4/27/2021 10:11 AM
24	Have a contest to paint them, all with a theme like mountain biking	4/27/2021 10:10 AM
25	Keep pedestrians out of street and onto sidewalks.	4/27/2021 10:09 AM
26	Murals	4/27/2021 10:08 AM
27	let local artists paint them, graffiti, give the area more character and culture. put a crosswalk light on broadway and 2nd	4/27/2021 9:47 AM
28	Flowers	4/27/2021 9:44 AM
29	We have already added a food truck destination at the Eagle River location. Not only will this 2nd Street proposal be extremely devastating for new businesses on 2nd Street but the food trucks will be extremely loud due the use of generators.	4/27/2021 9:39 AM
30	Great question! Maybe some big flower pots like along Broadway	4/27/2021 9:31 AM
31	Bike theme	4/27/2021 9:29 AM
32	Mountain bike murals, ColoRADO themed	4/27/2021 9:24 AM
33	Natural materials would be ideal: wood, stone, plants. And lighting of course!	4/27/2021 9:06 AM
34	Local artists and craftsmen should be able to design these structures.	4/26/2021 7:31 PM

Q7 How important is it to you that the temporary closure add more amenities for bikes, seating capacity, outdoor games, and other free-to-use functions for the public?

Answered: 37 Skipped: 2



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	63	2,343	37
Total Respondents: 37			

#		DATE
1	43	4/30/2021 8:40 PM
2	100	4/30/2021 6:23 PM
3	20	4/29/2021 2:38 PM
4	0	4/29/2021 1:32 PM
5	12	4/29/2021 9:31 AM
6	0	4/29/2021 9:19 AM
7	10	4/29/2021 9:03 AM
8	77	4/28/2021 9:58 PM
9	75	4/28/2021 10:46 AM
10	100	4/28/2021 8:47 AM
11	100	4/28/2021 8:44 AM
12	51	4/27/2021 6:04 PM
13	84	4/27/2021 5:48 PM
14	23	4/27/2021 2:01 PM
15	100	4/27/2021 1:48 PM
16	80	4/27/2021 12:21 PM
17	50	4/27/2021 11:54 AM
18	55	4/27/2021 11:35 AM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

19	100	4/27/2021 11:27 AM
20	100	4/27/2021 10:57 AM
21	0	4/27/2021 10:55 AM
22	99	4/27/2021 10:16 AM
23	0	4/27/2021 10:12 AM
24	100	4/27/2021 10:11 AM
25	100	4/27/2021 10:10 AM
26	75	4/27/2021 10:09 AM
27	1	4/27/2021 10:09 AM
28	21	4/27/2021 10:08 AM
29	100	4/27/2021 9:47 AM
30	95	4/27/2021 9:44 AM
31	0	4/27/2021 9:39 AM
32	100	4/27/2021 9:31 AM
33	90	4/27/2021 9:29 AM
34	100	4/27/2021 9:15 AM
35	83	4/27/2021 9:15 AM
36	99	4/27/2021 9:06 AM
37	100	4/26/2021 7:31 PM

Q8 What are your ideas for the types of amenities that we should include? Please refer to the associated graphic for guidance.

Answered: 30 Skipped: 9

#	RESPONSES	DATE
1	More parking	4/30/2021 8:40 PM
2	Public Seating area where you can eat food purchase at multiple restaurants, corn hike, string lights, bike racks, water filling station	4/30/2021 6:23 PM
3	Tasteful food trucks. Downtown has horrible design. Eagle Ranch is definitely more tasteful. It would be nice to clear out the trailers on Wall Street; the restaurants with tacky signage and fountains. Eagle has such potential if people would step up and give it charm, not trash!	4/29/2021 2:38 PM
4	No ammenits should be added. The closure of this street, will negatively impact first responders, for this area. This proposal, only has one company's best interest in mind. The bonfire, should not supersede, the interest of the public or first responders.	4/29/2021 1:32 PM
5	More parking, there are numerous residents that live on second that park on the street. Also when the new building is finished where will those people park?	4/29/2021 9:31 AM
6	MORE PARKING	4/29/2021 9:19 AM
7	Open alcohol carry areas	4/28/2021 9:58 PM
8	All those listed below.	4/28/2021 8:47 AM
9	Food trucks, bike racks and lighting.	4/28/2021 8:44 AM
10	All of the above.	4/27/2021 6:04 PM
11	Food trucks and table seating	4/27/2021 5:48 PM
12	Food trucks, decorate barriers, tables and chairs	4/27/2021 2:01 PM
13	Both covered and open seating areas, rotating food trucks, bistro or other fun lighting all the way down the street, signs to list businesses and food trucks that are located down the street, more bike racks, and a community art project.	4/27/2021 1:48 PM
14	This is such a cool plan. I love the idea of creating this hub of awesomeness. there could be cornhole, hula hoops, chalk/bubbles. More fire pits seating areas when the weather turns colder. Some kind of ordinance where you could get various food and bev from all your fav downtown places and chill together with people in the setting area. Thank you for your tireless work to make our downtown amazing	4/27/2021 12:21 PM
15	LOVE the food trucks and temporary (pop-up) idea. Would love to see some awesome Instagram photo spots (see my above comment) around Downtown.	4/27/2021 11:54 AM
16	Food, Bikes, Games, Created and Crafted by ARTS	4/27/2021 11:27 AM
17	Picnic tables, Adirondack chairs, fires pits, over sized games, public piano(which we have coming), misters on hot summer days, colorful shade sails, creative lighting...	4/27/2021 10:57 AM
18	Gathering spaces with seating, some shade. Outdoor eating spaces (tables, umbrellas). More bike racks, storage spots for other mobility devices (skateboards, etc.). Figure out how to wrap this out onto Broadway so that there is flow and interest and increased vitality to especially the restaurants and coffee shops on Broadway. Over-the-street strings of lights need to extend at least into/across the intersection of 2nd and Broadway.	4/27/2021 10:16 AM
19	In order to close PUBLIC PROPERTY the public should know about it and have the oportunity to put it to a vote!	4/27/2021 10:12 AM
20	Painted murals on the traffic barriers. Planter boxes. String lighting. Bike Parking. Picnic Tables. Trash & recycle. Dog waste station. Public restrooms?	4/27/2021 10:11 AM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

21	Water filling station could be helpful; area to drink or eat from multiple vendors; live music option?	4/27/2021 10:10 AM
22	Food Trucks, Bike Parking and Outdoor Seating	4/27/2021 10:09 AM
23	Side show Clowns and free balloons.	4/27/2021 10:09 AM
24	bike parking stations, picnic tables, food trucks, overhead string lights, doggie watering station, platform for musicians	4/27/2021 9:47 AM
25	Seating	4/27/2021 9:44 AM
26	I just love the idea of more food trucks and seating	4/27/2021 9:31 AM
27	Tables, chairs and activities are great, however, if there is no alcohol allowed, byob, or the ability for a vendor to sell it. It does not make much sense. Have to go all in and allow an entertainment district. Additionally, businesses on Broadway, may suffer if they can't sell to go drinks to go that area. Bonfire shukud not be the only one to benefit	4/27/2021 9:24 AM
28	Bikes, art, seating, artificial turf, and trees in planters, shade!!!!	4/27/2021 9:15 AM
29	Common consumption is a must if the entire closed off area is going to be shared by all businesses and patrons.	4/27/2021 9:06 AM
30	I like barriers with art and shade structures built on top of them. Then strung solar lights. No live plants for water conservation.	4/26/2021 7:31 PM

Q9 Do you have any other comments about a proposed temporary lane closure at 2nd Street?

Answered: 29 Skipped: 10

#	RESPONSES	DATE
1	I propose it be located by the river park and not in town to potentially hinder other businesses	4/30/2021 8:40 PM
2	This idea, was born out of good intentions. Initially, as it pertains to covid19, to help small businesses stay open. The same closer was not extended to other business, in the downtown area. An extension of this closer, serves to benefit only one business, the bonfire. Our town should not cater, to one businesses profit margin. This closer, has already, negatively impacted downtown parking and an extension, for said closer, will continue to negatively impact the immediate area, into our busiest time of year. With the random construction closers on the east side of second and Broadway and the closer of the north side, parking is bad enough. Once the new building has been completed and tenants begin to occupy the building, you will have 4x the vehicles, that need to park in the area, on a nightly basis. This will only compound the parking issue, our town already has. Negatively effecting, our local economy. The parking study done for this new building, was skewed purposefully or conducted incorrectly, to benefit the construction of this new building. Anyone who spends a significant amount of time, downtown, knows that parking is an issue in our town. It doesn't take a parking study to prove that. The parking study should be done again. It should only contain Broadway, second, third and fourth street, within a one block radius of Broadway. It should be conducted without bias and over the period of one week. Beginning on Monday and extending till sunday, during all hours. This will give you an accurate representation of the parking situation downtown. This study should keep in mind, that a single bedroom apartment, will typically have at minimum, two cars each. This accounts for couples, living together. The more bedrooms a unit has, the more potential for additional cars, associated with that dwelling. I'm afraid for the towns future, if we continue to cater to one business, even if said business, produces alot of revenue for the town. I am afraid for the towns liability, if the continued closure of this street, negatively impacts the response of first responders and in that instance, is held liable for property damage or death, due to improper and or skewed parking studies, to support new construction or road closures. My hope, is that the town council can look at this issue, without bias and make the right decision, for the future of our town, the safety of its residents and visitors and the vitality of all it's small businesses.	4/29/2021 1:32 PM
3	Please don't do it	4/29/2021 9:31 AM
4	MORE PARKING	4/29/2021 9:19 AM
5	As a resident of second street, parking is already a frequent challenge. While a pedestrian area is a nice idea, it seems like this would only further extend the limited space available	4/29/2021 9:03 AM
6	Keep it closed! The extra space is great	4/28/2021 9:58 PM
7	It's already closed on the other side. Traffic and parking is a big problem. Food trucks and clothing vendors are a bit of a bummer for those of us who own restaurants and retail stores. We pay a ton for rent and utilities that they don't have to pay.	4/28/2021 10:46 AM
8	This should absolutely happen. Turning onto Route 6 from any of these streets is a nightmare, as well as for anyone crossing the street as a pedestrian or biker. This closure would force traffic to either round about rather than cutting through a highly residential downtown. Also, it would allow an opportunity to give awareness to drivers that the area they are passing through is highly trafficked by residents, and would provide an opportunity for a crosswalk to be installed for pedestrians and bikers.	4/28/2021 8:47 AM
9	It has been working out well so far with the temporary lane currently closed.	4/28/2021 8:44 AM
10	ENCOURAGING recycling AND picking up trash AND after your dogs/pets throughout EAGLE.	4/27/2021 6:04 PM
11	This is great!	4/27/2021 5:48 PM

Downtown Business Feedback on Proposed 2nd Street Temporary Use

12	Street closures should benefit all businesses in the immediate area; not just those within the enclosed area; how can this be accomplished?	4/27/2021 2:01 PM
13	I think this is a great idea that will make spending time in downtown Eagle more fun and appealing to locals and tourists alike!	4/27/2021 1:48 PM
14	Can we close all of Broadway and have a pedastrain down town?	4/27/2021 12:21 PM
15	I love it. I would like to see it 100% closed	4/27/2021 11:27 AM
16	Although I am in favor of a public lounge space, I think it's a good idea to test it for a bit. From my several years of talking/listening to local folks, I think people would enjoy a space like this. I am concerned tho that although this placement is an "ok" spot and kind of the only spot potential available as I can see for something like this, and it will be a helpful thing for some businesses, my brightest concern is that it will certainly be EvenMore helpful to a particular business who is already getting a lot more help than any other businesses downtown have gotten since this COVID situation has happened. So it will be the biggest advantage to them. I also want to be sure that the property owners in the immediate vicinity are fully on board, as this effects their properties the most.	4/27/2021 10:57 AM
17	Helping only Bonfire hurts all!! the other business in Downtown	4/27/2021 10:55 AM
18	All for it!	4/27/2021 10:16 AM
19	It is my experiance the nothing the government does is TEMPORARY.	4/27/2021 10:12 AM
20	Please close the entire street and modify the parking lot for the apartments or assign them on-street spaces. This space should be open to the public. Get feedback after the trial. Do not make it look like a construction zone. The street should be a common consumption area.	4/27/2021 10:11 AM
21	I think it should be permanent. It would be great to have a "mall" type atmosphere for community gathering in our town.	4/27/2021 10:09 AM
22	It's been long enough it's time to call it over and let everyone operate under their own volition.	4/27/2021 10:09 AM
23	Should be expanded to other streets as well	4/27/2021 9:44 AM
24	I am new business owner on 2nd Street and have invested my time and financial resources to add a new and exciting eatery to Eagle Colorado that will be absolutely ruined by this potential blockade in front of my business. This will not only hurt my business but ruin any new potential businesses to rent space from 139 Broadway facing 2nd. Had I been aware of this huge threat, I would have NEVER rented this space in Eagle.	4/27/2021 9:39 AM
25	No	4/27/2021 9:24 AM
26	I do believe that the closure only benefits the Bonfire which is a total injustice to the other businesses on Broadway. Parking is also very limited on Broadway that our clients don't have anywhere close to park once the Bonfire is open. It's a nightmare. Get rid of the special closure.	4/27/2021 9:23 AM
27	It's working great and would like to see it permanent	4/27/2021 9:15 AM
28	The one-way lane in the attached drawing does not for the residents in the existing studio units facing 2nd street/Bonfire Brewing. The would need access from Wall street to the alley to make it one way. I suggest closing off Wall Street as well. It would be much safer for the the barrier on Grand. And if those residents exit through the alley and the entire street is closed off past the alley to Broadway, it would be much safer for pedestrian traffic too.	4/27/2021 9:06 AM
29	This pilot project should for the basis of determining the potential future closure of other streets including Broadway.	4/26/2021 7:31 PM

Town of Eagle - Right of Way Improvements

12.14.2020 Improvements Pricing

NOTES:

1. This is an opinion of probable cost prepared during the design development level of design. Pricing is preliminary. Prices, quantities and scope of work is not final and is subject to change.
2. Assumes all existing electrical power supplies and connections will handle additional load of string lights.
3. Assumes structural engineering for existing lightpoles and light bases can handle additional wind and lateral movement load of string lights. String lights are proposed only where existing cable for signage and banners is present.
4. Pricing as shown below is based on competitive pricing and historic data for similar project scope of work in similar geographic regions. Pricing is provided for reference - Final pricing to be determined by Contractor.

GENERAL CONDITIONS

Item	Quantity	Unit	Unit Cost	Extension
Permits, Fees, and Surveying (Bill - electrical permit cost)	0	lump	\$ -	\$ -
Traffic Control (1 day)	1	lump	\$ 3,000.00	\$ 3,000.00
			Subtotal	\$ 3,000.00

SITE FURNISHINGS / AMENTITIES

Item	Quantity	Unit	Unit Cost	Extension
Provide and Install String Lighting (1 piece - 132')(2) pieces per intersection. 2nd and Broadway				-
Labor for string lights - 2nd and Broadway	1	lump	\$ 8,900.00	\$ 8,900.00
Materials - string lights power connection, wiring and attachment (assumes power connection and existing electrical are adequate to handle additional load) 2nd and Broadway	1	lump	\$ 15,600.00	\$ 15,600.00
Provide and Install String Lighting (1 piece - 132')(2) pieces per intersection. 4th and Broadway				
Labor for string lights 4th and Broadway	1	lump	\$ 8,900.00	\$ 8,900.00
Materials - string lights power connection, wiring and attachment (assumes power connection and existing electrical are adequate to handle additional load) 4th and Broadway	1	lump	\$ 15,600.00	\$ 15,600.00
Water wall Traffic barrier from Traffix Devices, Inc.	12	each	\$ 320	\$ 3,840.00
			Subtotal	\$ 52,840.00

SOFT COSTS

Item	Quantity	Unit	Unit Cost	Extension
Site Design	1	ea	\$ 1,500.00	\$ 1,500.00
Project Management	1	ea	\$ 4,500.00	\$ 4,500.00
			Subtotal	\$ 6,000.00

TOTAL	\$ 61,840.00
CO Tax at 2.3%	\$ 1,422.32
GRAND TOTAL	\$ 63,262.32

GRAND TOTAL	\$ 63,262.32
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Butters Investments, LLC
1177 Colorado River Road
Gypsum, CO 81637

April 29, 2021

Mr. Bill Shrum
Assistant Town Manager
Town of Eagle
P.O. Box 609
Eagle, CO 81631

RE: Temporary Closure of 100 Block of West 2nd Street

Good morning Bill,

This letter is in response to a survey we received by email earlier this week regarding the temporary closure of the north half of the 100 block of West 2nd Street.

We are the owners of the city block that encompasses 115 Broadway, 129 Broadway, 139 Broadway and 127 West 2nd Street. These properties are also managed by our daughter, Katy Butters.

We have been advocates of some form of 2nd Street closure for several years. However, we are concerned with the graphic depicting the temporary closure and also the closure of only the north side of the street. We are the only property owner of the entire block adjacent to the closure. This includes 139 Broadway and 127 W 2nd Street.

Our vision of the street closure would ideally include the complete closure of 2nd Street from Hwy 6 to Broadway. This would allow for a public area that would be big enough to accommodate many short term uses and a more pedestrian friendly downtown. It is our opinion that the closure of only the north side of the street will not accomplish this. It will, however, take away several street parking spaces in an area that will face a real parking problem when Broadway Station is completed. When planning a closure such as this, the Town should consider parking alternatives. We need both parking and public spaces like this and they are not mutually exclusive to one another.

We are currently in the process of remodeling 139 Broadway with 2 store front units facing 2nd Street. The Town has supported our idea of increasing pedestrian traffic along 2nd Street and adding a total of 5-7 spaces in our building will help. A lease was just recently signed with Adrienne Cavallario for a bar/patio and food truck in the unit adjacent to Bonfire Brewing. This closure may directly impact her business before she even gets her licenses approved from the Town. It may also limit our ability to lease our other spaces.

In summary, we support the concept of the closure of 2nd Street but feel the timing is not right and ask that the Town delay the temporary closure at this time.

Thank you, Bill, for your pragmatic approach to these issues. You are a great addition to the Town Staff!

Sincerely,

Jerry, Ruth and Katy Butters

2nd Street proposal

Adrienne Sirianni-Cavallario <eat@theroaminggourmet.com>

Wed 4/28/2021 12:58 PM

To: Bill Shrum <bill.shrum@townofeagle.org>

Cc: Kathryn Butters <kustomdesignskdllc@gmail.com>; Jerry Butters <jerry@butterscopy.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bill,

My name is Adrienne Cavallario. I am the business owner of The Roaming Gourmet and Roam Enterprise. My food trailer is located outside of Bonfire Brewing and my new brick and mortar, Roam, is located at 139 Broadway (2nd Street entrance) and is slated to open for business the last week of May.

To my surprise, I have been made aware of this 2nd Street proposal to add food trucks (3) to 2nd Street, 2 of which would block any visibility to my new restaurant as well as block the sidewalk, create obnoxious generator noise and exhaust fumes and lastly, create a fire hazard. When I received this email and rendering of this proposal, I honestly thought it was a joke. It appears as as though this "blockade" in front of my entrance was a humorous ploy to shock me. Well, although not humorous, it does appear to be a ploy of some nature and I am shocked to say the least.

My relationship with Andy at Bonfire was an honest and forthright relationship that was to work together to keep Bonfire open during COVID, and hopefully add to the wonderful matrix of current businesses in this beautiful town. I believe whole heartedly we have been successful in this endeavor. With the town and the current businesses taken into consideration, we made an impact and succeeded during this very challenging business climate.

We had an electrical connection made so my generator would never need to be used. We made certain that fuel and all deliveries wouldn't block entrances or create a hazard to anyone or any business. Andy always made me feel like a partner, we discussed obstacles and ideas openly and honestly and I was never made to feel like an outsider. Until now.

These "plans" were made with no regard to my new business or any potential new tenants that the Butters could potentially rent to. Who would rent space that has entrances blocked, or loud generators and truck pumping fuel into the air non stop. How is this a community working together to create a synergistic destination for locals and newcomers? It's not. It's scary and disturbing and I believe that Andy would be appalled.

All this being said, as you can deduce, I am opposed. My business will suffer if not die immediately. Is this how a new business that will pay taxes year round and add to a community will be welcomed?

I hope you and I can meet soon. So you can put a name with a face. An educated woman opening a new business with hopes of success and hopes of becoming more and more a fixture of this beautiful community that I was initially welcomed into. Maybe these discussions can help people understand how difficult these times have been for businesses. The unknown obstacles have been extremely challenging. Why then are we creating more?

I look forward to hearing from you and getting some help to resolve this potential damage.

Best,

Adrienne Cavallario

Owner

The Roaming Gourmet & Roam Eagle

970.401.2344

Eat@theroaminggourmet.com

Sent from my iPad

Town Council Retreat



Thursday, July 1st

8:00 am – 5:00 pm

Frost Creek

1094 Frost Creek Drive, Eagle CO 81631

Purpose of the Retreat: Together as a team, review roles and responsibilities, 2021 Budget, Strategic Plan, new initiatives, and policy priorities

7:30 Breakfast will be available

8:00 Welcome and Purpose

8:10 Introductions

8:30 Town Council Roles & Responsibilities

9:30 Break

9:45 2021 Budget Update & Review

10:45 Break

11:00 Strategic Plan Review

12:00 Lunch Break

1:00 Strategic Plan Review

3:00 Break

2:15 New Initiatives

- Quality of Life Ballot Measure

3:15 Break

3:15 Establish Priorities for Big Policy Ideas

4:45 Wrap up and Close