Town Council
THE PUBLIC MAY ATTEND IN PERSON OR VIA ZOOM
Tuesday, June 8, 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. Mountain Recreation Facility Expansion Proposal, Scott Robinson
2. Quasi-Judicial Training, Matt Mire, Town Attorney

CONSENT AGENDA - 6:55 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 25, 2021
2. Bill Pay - May 2021
3. Resolution No. 43, Series 2021, "Approval of Professional Services Agreement for the Land Use and Development Code Update with Clarion Associates."
4. Resolution No. 45, Series 2021, “A Resolution by the Town Council of the Town of Eagle, Colorado adopting the Open Space and Recreation Advisory Committee Bylaws.”
5. Letter of Support to Senator Bennet - Town of Eagle Grand Avenue Corridor Reconstruction

STAFF REPORTS - 6:58 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update
2. Department Update

LIQUOR LICENSE AUTHORITY - 7:00 PM

1. PUBLIC HEARING: New Hotel & Restaurant License Custom Food Works LLC dba Pickled Kitchen & Pantry

BUSINESS ITEMS - 7:10 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: Discussion of the East Eagle Sub Area Plan (EESAP)
2. PUBLIC HEARING: AN21-01 1819 Brush Creek Road
    a. Resolution No. 46 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. 9 Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County and Zoning the Property Rural Residential"
3. Resolution No. 47, Series 2021, “A Resolution by the Town Council of the Town of Eagle, Colorado appointing Christopher Kehoe to serve as the Alternate Member on the Open Space and Recreation Advisory Committee.”
4. Resolution No. 48, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Modified Code of Conduct and Ethics Policy"
5. Sweetwater Lake Funding Contribution Request

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 8:30 PM

1. Choose Council Member to write for Eagle Today
2. Council Committee Updates
3. Future Agenda Items

ADJOURN - 9:00 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

PUBLIC WIFI - TOEG – townofeagle2019

Mountain Recreation
ACTIVE | HEALTHY | TOGETHER

Gypsum Recreation Center
52 Lundgren Blvd
Gypsum, CO 81637
(970) 777-8888

Eagle Pool & Ice Rink
1700 Bull Pasture Road
Eagle, CO 81631
(970) 328-5277

Edwards Field House
450 Miller Ranch Rd
Edwards, CO 81632
(970) 766-5555

Board of Directors
Liz Jones - *Board President* | Mikayla Curtis | Tom Pohl | Chris Pryor | Mike McCormack

June 8, 2021

Dear Eagle Town Council,

Town of Eagle and Mountain Recreation have a long history of working together to meet the community's recreation needs since the District was formed in 1980. The current Eagle Pool & Ice Rink was built in 2003 and the cost to build was shared equally by Mountain Rec and the Town of Eagle.

Together, we have been successful at maintaining the current facility through annual capital contributions managed by a joint taskforce that decides how and when those funds are dispersed. Unfortunately, the projected necessary maintenance projects that must be completed well outpace the current capital reserves. This is not uncommon in public recreation facilities. At some point in every facility's lifespan, it needs major upgrades.

Along with the current needs for capital improvements, extensive community surveying was jointly completed by TOE and Mountain Rec in 2019. We learned the amenities at the Eagle Pool & Ice Rink were not meeting the needs of the community. The recent polling conducted in April 2021 via a live statistically valid phone survey and public online survey continue to reinforce the community wants more access to recreation and wants to see it accomplished through partnerships. Below is a summary of what we learned from the April survey.

> *We face a significant challenge in meeting community demand: our current facilities in Edwards, Eagle, and Gypsum were built to serve only half of the current population. With community-driven input over the past two years, we've updated our facilities plan. After pausing to focus on serving our community during COVID, we've taken your input and identified the costs of proposed improvements. We surveyed taxpayers in April 2021 through a phone survey and online bilingual survey. We learned that:*
>
> - *Our community values Mountain Rec and recognizes that recreation and exercise play an important role in individual and community health and wellbeing.*
> - *Our community wants us to provide equitable and year-round access to community spaces to allow residents to engage in wellness and behavioral health programs and social activities.*
> - *There was especially strong support for a further unified, equitable and affordable district-wide pass which would provide access to all three of our facilities for one low rate.*
>
> *We had those in favor and those who were opposed, and many who simply wanted more information. We learned from our outreach that to know Mountain Rec is to support Mountain Rec. Our job is to*

make sure that everyone has the inside scoop. Please help us raise awareness of Mountain Rec along with its capital improvement plans. As always, we pledge to follow the will of the people as they decide how best to address our community's health and well-being.

The work involved is not feasible for Mountain Rec to undertake alone and will require partner assistance to accomplish. All of our community surveying has shown our taxpayers want us to create partnerships to help reduce the tax burden.

Mountain Recreation's Board approved the hiring of a Community Engagement Manager responsible for fundraising and grant-writing activities in an effort to leverage alternative funding to traditional special district resources. The District has formed a non-profit foundation, which just received approval from the IRS to operate as a 501c3 nonprofit. Philanthropic work in the "quiet period" is under way, as is consultation with potential partners who may consider contributing to assist Mountain Rec in funding these community facility improvements. Mountain Recreation is also working with Town of Gypsum, Eagle County Government, Berry Creek Metro District and Edwards Metro District to request funding for this project as well.

Mountain Recreation requests that the Town of Eagle Councilmembers consider supporting the capital projects proposed with a financial contribution.

WHAT IS PROPOSED?

Mountain Recreation's community listening sessions resulted in concept plans that would expand recreation centers to include amenities designed to serve a broader range of the community's residents. Traditionally focused on athletic youth, Mountain Recreation's reach has been limited. Proposed improvements in Eagle add year-round health and wellness spaces, a plethora of flexible multi-purpose spaces for programming, social gathering areas, and indoor walking tracks, effectively converting the existing sports-focused recreation center into a community center and community social hub.

A few details related to inclusions in the planned renovations:

Fitness Center – With new strength training options, cardio equipment, programming space, and indoor walking track, residents in Eagle currently underserved will be able to keep active all year-round.

Indoor Court Spaces –A double gymnasium in Eagle offers a wide variety of uses to all residents and affords the opportunity to host adult noon basketball programming in Eagle.

Multi-purpose Room Spaces – We know that social connections among people are protective factors that prevent mental and behavioral health issues. The large number of multi-purpose spaces are envisioned to be activated by non-profits in the community, for Mountain Rec programming, for licensed school-age childcare, and public meeting or private social meeting space. A large lobby is envisioned that will afford the public, especially teens, a safe place to hang out in a semi-supervised space.

ALL ACCESS REC

The Mountain Recreation Board sees the role of the District to serve as the large public facility operator, providing access to the entire community, regardless of ability to pay, and offering welcoming public

spaces that can be activated by non-profits with expertise beyond that of Mountain Rec's staff. The improved facility would have the opportunity to serve as an upstream prevention strategy encouraging youth and adults to engage in healthy and positive behaviors. It would also provide space to Eagle County Public Health and local non-profits to offer prevention services such as tobacco and marijuana use and a wide array of programming to the community.

Projected outcomes –

- 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

The greatest impact of these is the increase in equitable access. While equity is the cornerstone of any community center, in Eagle the need for equity is present. The improved facility would provide an opportunity to serve those of lower socioeconomic status and to serve a much broader range of ages - youth to seniors. We are an agency welcoming all through its doors, regardless of age, race, ethnicity, gender, sexual orientation, etc.

HOW DO WE KNOW THIS APPROACH CAN WORK?

Public park and recreation agencies create healthy communities and play a fundamental role in enhancing the physical environments in which we live. Through their facilities, outdoor settings, and services provided, agencies like Mountain Recreation support good health for people of all abilities, ages, socio-economic backgrounds, and ethnicities. They foster change through collaborative programs and policies that reach a vast population that are proven to:

- Help reduce obesity and incidence of chronic disease by providing opportunities to increase rigorous physical activity in a variety of forms;
- Provide a connection to nature which studies demonstrate relieves stress levels, tightens interpersonal relationships, and improves mental health;
- Aid in reducing hunger and increasing access to nutritious food options; and
- Foster overall wellness and healthful habits, such as becoming tobacco-free and engaging in enrichment opportunities that add balance to life.

New and existing public health threats, including the increasing prevalence of obesity, heart disease and diabetes, cannot and should not be combatted in silos. At the very core of community health is the community, and only when the entire community comes together and works collaboratively will there be noticeable and sustainable improvements in its health status.

NEXT STEPS

Following the COVID-19 pandemic, Mountain Rec is encouraging the community to build today, for a healthy tomorrow. Mountain Rec is not just about sports anymore – the District intends to offer a much broader reaching range of programs and services.

We are asking you to join us in leading our community to a healthier tomorrow by making a financial contribution towards the capital improvements we have planned together.

Sincerely,

Scott Robinson
Superintendent of Business Operations
Mountain Recreation Metropolitan District

THE POWER OF TOGETHER

Mountain Recreation

ACTIVE | HEALTHY | TOGETHER

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FACILITY VISITATION: 2019

Facility	Memberships	Annual Visits*
Gypsum Rec Center	3,395	134,258
Eagle Pool & Ice Rink	125	17,118
Edwards Field House	712	7,595

** Annual Visits only include visits to a facility to use an amenity and do not include program or user group rental visits.*

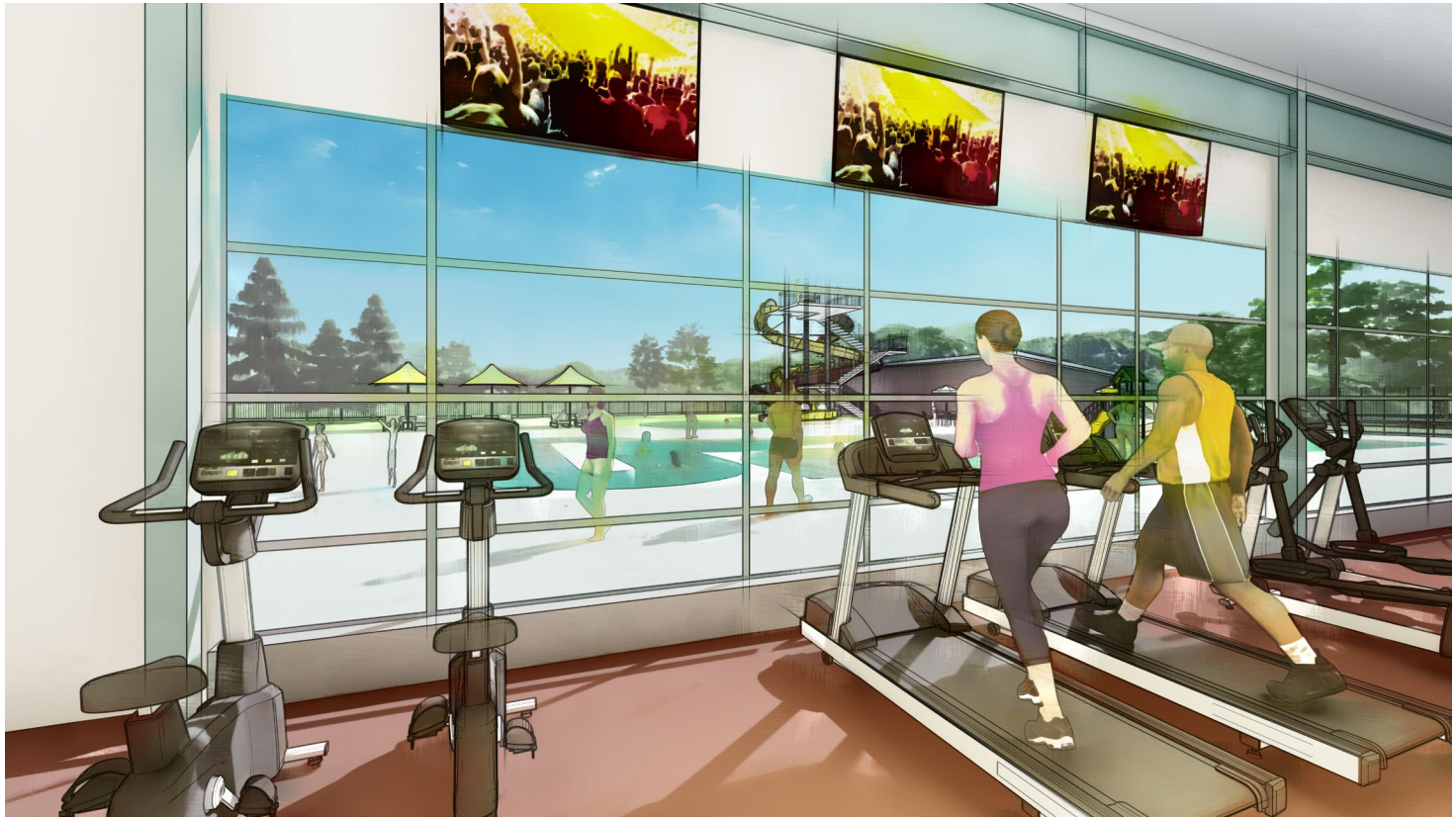
2019 POPULATION

Gypsum: 7,173

Eagle: 6,856

Edwards: 9,350

EAGLE COMMUNITY CENTER



EAGLE COMMUNITY CENTER

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Gypsum Recreation Center
52 Lundgren Blvd
Gypsum, CO 81637
(970) 777-8888

Eagle Pool & Ice Rink
1700 Bull Pasture Road
Eagle, CO 81631
(970) 328-5277

Edwards Field House
450 Miller Ranch Rd
Edwards, CO 81632
(970) 766-5555

MountainRec.org

Mountain Recreation

ACTIVE | HEALTHY | TOGETHER

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

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TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an in-person meeting with access to attend via Zoom.

CALL TO ORDER - 6:00 PM

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

ROLL CALL

COUNCIL MEMBERS PRESENT

Matt Solomon (Via Zoom), 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
Mary Elizabeth Geiger, Special Counsel
Peyton Heitzman, Planner
Jessica Lake, Planner

ADOPTION OF AGENDA

Staff requested to amend the agenda to include a letter of support to Senator Bennet to include municipalities in attending the appropriation committee. Staff provided the Town would like to include Highway 6 in the request.

MOTION: Council Member Geoffrey Grimmer motioned to amend the agenda to include discussion on a letter to Senator Bennet. 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.

Kyle Hoiland 135 Tanager Circle and Mike Connelly from the Vail Valley Eagles Club Basketball requested a donation of $5000.00.

MOTION: Council Member Matt Solomon motioned to approve a donation to the Vail Valley Eagles Club Basketball of $1500.00. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier,

Gaboury, Bartnik, and Grimmer) and 0 opposed.

PRESENTATIONS

1. Bird Scooters Proposal, Kate Shoemaker

   Kate Shoemaker from Bird Scooters gave a presentationn to the council.

   Council Comments: discussion on approvals required to place these vehicles in the public right of way. Request to review the contract before moving forward. Discussion on how the vehicles are classified as it relates to public safety and where they can be ridden. Public works and public safety stated they will need time to review the proposal further.

   MOTION: Council Member David Gaboury motioned to direct staff to look further into the Bird Scooter proposal. The motion was seconded and passed with a vote of 4 in favor (Kerst, Bodenhemier, Gaboury, and Grimmer) and 3 opposed (Solomon, Turnipseed, and Bartnik).

2. Blackhills Energy Sustainability Initiatives, Carly West

   Carly West from Blackhills Energy gave a presentation to the council.

CONSENT AGENDA

MOTION: Council Member Janet Bartnik 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 - 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

1. Town Manager Update

BUSINESS ITEMS

1. PUBLIC HEARING: AN20-02 Base Camp Eagle, RZ20-03 Zoning, and SU20-03 Recreational Vehicle Park Special Use Permit

   Mayor Turnipseed recused himself from this item. Mayor Pro Tem Kerst opened the public hearing for AN20-02 Base Camp Eagle, RZ20-03 Zoning, and SU20-03 Recreational Vehicle Park Special Use Permit.

   Peyton Heitzman, Planner presented this item.

   Council Comments: discussion on wildlife impacts with Brian Wodrich from Colorado Parks and Wildlife on mitigation efforts including extending open space closures, bear-proof trash containers, and requiring the RV Park to be a seasonal operation.

   Applicant representative Tambi Katieb provided their presentation of the project.

   Council Comments: discussion on the solo stove concept for fire pits.

Mayor Pro Tem Kerst opened public comment.

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

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

Joette Gilbert 310 Mosher Lane. Expressed opposition to the project.

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

XX Anthony 321 Brush Creek Road. Expressed opposition to the project.

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

Molly and Mike Ansfield 2476 Eagle Ranch Road. Expressed opposition to the project.

Sam Reichstein 2821 Brush Creek Road. Expressed opposition to the project.

Andy Gould 2441 Brush Creek Road. Expressed opposition to the project.

Rita Skelton 249 Harvester Court. Expressed opposition to the project.

Perry Anthony 321 Brush Creek. Expressed opposition to the project.

Erik Carlson 360 Garfield St. representing Perry and Barbara Berman. Expressed opposition to the project.

Brian Beckett 80 Mosher Lane. Expressed opposition to the project.

Lori Sieple 6235 Brush Creek Road. Expressed opposition to the project.

Mayor Pro Tem Kerst closed public comment at 7:51 p.m.

Council Comments: discussion on the process regarding approving the separate files. Town Attorney Matt Mire provided instruction that each item will need a motion and a second, and the items must all be approved by a majority vote for all three to move forward. Discussion took place on concerns related to traffic on Brush Creek Road and questions relating to wildlife habitat concerns. The applicants were commended on bringing a well-designed project to address the need for camping in the Town of Eagle, however, the location and timing were a concern.

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"

MOTION: Council Member Matt Solomon motioned to 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". The motion failed for a lack of a second.

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"

Mayor Scott Turnipseed called for a recess.

Mayor Scott Turnipseed called the meeting back to order at 8:27 pm

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

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

Janet Bartnik recused herself from this item.

Jessica Lake, Planner presented this item.

Rick Pylman presented on behalf of the applicant.

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

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 Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability"

MOTION: Council Member Matt Solomon motioned to approve 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 Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability". The motion was seconded and passed with a vote of 6 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, and Grimmer), 1 recused (Bartnik) and 0 opposed.

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

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

4. PUBLIC HEARING: LURA21-03 East Eagle Sub Area Plan Public Discussion (rescheduled for June 8th)

Attorney Matt Mire stated this item will get republished for the public hearing on June 8th. No action is necessary.

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”

Town Attorney Matt Mire gave an overview of this item and stated this document does not go any further than state law and by adopting this, it will be the town's policy to enforce. If the council wishes to add things more than the state-imposed, they can amend this document at any time.

MOTION: Council Member David Gaboury motioned to approve 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”. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier,

Gaboury, Bartnik, and Grimmer) and 0 opposed.

6. Municipal Broadband Project Update

   Brandy Reitter provided an update and Troy Bernberg was also present for further clarification on the financing.

   Council Comments: council expressed interest in reviewing the updated concept and the funding term changes.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Letter of Support to Senator Bennet - Mountain Recreation Facility Funding Request

   MOTION: Council Member Matt Solomon motioned to approve the Letter of Support to Senator Bennet - Mountain Recreation Facility Funding Request. The motion was seconded and passed with a vote of 6 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, and Grimmer), 1 abstain (Bartnik) and 0 opposed.

2. Proposed Second Street Lane Closure

   Brandy Reitter presented this item.

   Council Comments: discussion about the polling conducted of downtown businesses and results indicating a desire to continue the closure and make it a public area. Further discussion on the use of grant funds for other needs downtown. Further information is needed on coordinating the closure with the Highway 6 study. Staff will put together a schedule and information on sunsetting the Be Our Guest program and additional options relating to street closures, maintenance items, and grant money with the intent to discuss further at the council retreat.

3. 2021 Town Council Retreat Agenda – DRAFT

   Council was requested to send input to Scott or Brandy on the retreat agenda.

4. Be our Guest Program Review

   Council Comments: consensus to keep the program in place until October 2021.

   Letter to Senator Bennet related to Highway 6 Funding

   Council supported the letter to Senator Bennet.

5. Council Committee Updates

   Councilmember Bartnik provided an update on Eagle County Vista meeting.
   Councilmember Solomon provided an update on the recent NWCCOG meeting.
   Mayor Turnipseed provided an update on the Eagle Ranch Wildlife Committee and upcoming projects.

6. Future Agenda Items

   Discussion on alcohol options for public property. Attorney Matt Mire stated the council has allowed businesses to apply to create an Entertainment District, however, businesses would need to follow the process to form a Professional Association and Common Consumption Area.

ADJOURN - 10:00 PM

MOTION: Council Member Matt Solomon motioned to Adjourn. 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

BILL SCHEDULE
MAY 2021

GENERAL FUND
Town Council

Colorado Mtn. News Media	Legal Notices	$	325.50
Northwest Colo Council Of Gov.	Utility Services -Project THOR		965.12
NHI Solutions LLC	Professional Services		360.12
Executech Utah LLC	Computer Support		154.70
Forward Tech Solutions, LLC	Computer Support		241.15
A Good Sport	Special Council Funding- Eagle Bucks		860.00
Alpine Laser Clinic	Special Council Funding- Eagle Bucks		40.00
Assembly, LLC, The	Special Council Funding- Eagle Bucks		512.68
Batson's Corner Store	Special Council Funding- Eagle Bucks		319.13
Be Good To People LLC	Special Council Funding- Eagle Bucks		100.00
Bonfire Brewing LLC	Special Council Funding- Eagle Bucks		1,667.06
Bowlmor, LLC, The	Special Council Funding- Eagle Bucks		197.40
Cafe SHC LLC-Stout House	Special Council Funding- Eagle Bucks		1,597.30
Chics Couture	Special Council Funding- Eagle Bucks		619.60
Color Coffee Roasters LLC	Special Council Funding- Eagle Bucks		292.00
Copy Plus	Special Council Funding- Eagle Bucks		20.00
DJ Saxx Inc	Special Council Funding- Eagle Bucks		336.00
Eagle Climbing + Fitness, LLC	Special Council Funding- Eagle Bucks		35.00
Eagle Diner LLC	Special Council Funding- Eagle Bucks		838.02
Eagle Ranch Golf Club	Special Council Funding- Eagle Bucks		220.00
Eagle River Anglers	Special Council Funding- Eagle Bucks		439.96
Endorphin	Special Council Funding- Eagle Bucks		236.34
Everyday Outfitters	Special Council Funding- Eagle Bucks		1,458.51
Evolve Spa & Boutique	Special Council Funding- Eagle Bucks		340.00
Grand Avenue Grill	Special Council Funding- Eagle Bucks		812.59
Habitat For Humanity Vail Valley, Inc.	Special Council Funding- Eagle Bucks		136.78
Katch Of The Day	Special Council Funding- Eagle Bucks		100.00
Knapp Ranch	Special Council Funding- Eagle Bucks		540.00
Moe's Barbeque	Special Council Funding- Eagle Bucks		5,662.50
Moontime Cyclery	Special Council Funding- Eagle Bucks		480.00
More2Dance	Special Council Funding- Eagle Bucks		80.00
Mountain Pedaler Of Vail	Special Council Funding- Eagle Bucks		820.00
Owashi LLC	Special Council Funding- Eagle Bucks		5,407.85
Paint Bucket	Special Council Funding- Eagle Bucks		520.00
Pastatively	Special Council Funding- Eagle Bucks		740.00
Pazzo's Pizzeria	Special Council Funding- Eagle Bucks		2,397.31
Petals Of Provence	Special Council Funding- Eagle Bucks		56.89
Red Canyon Cafe	Special Council Funding- Eagle Bucks		1,238.60
Seagull's Cycles	Special Council Funding- Eagle Bucks		160.00
Vail Valley Cares Thrifty Shops	Special Council Funding- Eagle Bucks		757.64
Wanderlust Dog Ranch	Special Council Funding- Eagle Bucks		140.00
Zen Blossom, LLC	Special Council Funding- Eagle Bucks		80.00
Total Town Council		**$**	**32,305.75**

General Government			
Meritain Health	Health Insurance Claims Paid	$	31.74
CEBT	Health & Life Ins. Payable		1,571.87
Rocky Mountain Reserve LLC	Health & Insurance Benefits		8.87
Cintas Corporation	Office Supplies		10.34
Northwest Colo Council Of Gov.	Utility Services -Project THOR		1,447.67
Verizon Wireless, Bellevue	Utility Services		50.64
Ireland Stapleton Pryor & Pascoe P.C.	Legal - General		3,403.00
Kissinger & Fellman, P.C.	Legal - General		1,682.00
Executech Utah LLC	Computer Support		232.04
Forward Tech Solutions, LLC	Computer Support		178.50
Mammoth Networks	Computer Support		750.00
Total General Government		**$**	**9,366.67**
General Administration			
Cushing, Harry	Utility Overpayment Refund	$	180.80
Gold Dust Fund 1, LLC	Utility Overpayment Refund		20.03
Sheika Gramshammer	Utility Overpayment Refund		0.94
Greater Eagle Fire Protection District	Fire Impact Fees		66,930.47
CEBT	Health & Life Ins. Payable		4,986.09
Standard Insurance Company	Health & Life Ins. Payable		1,882.62
Climate Control Company	Facility Usage Deposit Payable		375.00
Marquez, Omar	Facility Usage Deposit Payable		750.00
Meritain Health	Health Insurance Claims Paid		77.44
Rocky Mountain Reserve LLC	Health & Insurance Benefits		21.65
Amazon	Office Supplies		29.37
Cintas Corporation	Office Supplies		58.58
Kelly Huitt	Equipment (Non-Capital)		54.99
Colorado Mtn. News Media	Legal Notices		19.30
Government Finance Officers Association	Dues & Subscriptions		170.00
International Inst. Of Mun. Clerks	Dues & Subscriptions		175.00
Mail Chimp	Dues & Subscriptions		77.99
Northwest Colo Council Of Gov.	Utility Services -Project THOR		3,532.32
Chase Paymentech	C.C. Transaction Fees		1,488.86
Xpress Bill Pay	C.C. Transaction Fees		15.37
Caselle, Inc.	Computer Support		4,345.98
Executech Utah LLC	Computer Support		720.85
Forward Tech Solutions, LLC	Computer Support		570.54
TEC Integration, Inc.	Computer Support		200.00
HR Certification Institute	Tuition & Books		169.00
SHRM	Tuition & Books		100.00
Udemy	Tuition & Books		22.86
US Bank Equipment Finance	Contract Payments		417.92
Total General Administration		**$**	**87,393.97**
Community Development			
Meritain Health	Health Insurance Claims Paid	$	105.80

Community Development (Cont.)			
CEBT	Health & Life Ins. Payable		6,538.62
Rocky Mountain Reserve LLC	Health & Insurance Benefits		29.57
Amazon	Office Supplies		82.40
Staples	Office Supplies		33.09
Fleet Services	Gas & Oil		73.70
Federal Express Corp.	Communication & Transportation		60.08
Staples	Communication & Transportation		4.99
Colorado Mtn. News Media	Legal Notices		28.48
Northwest Colo Council Of Gov.	Utility Services -Project THOR		5,790.69
Verizon Wireless, Bellevue	Utility Services		133.06
Colorado Mtn. News Media	Recruitment		465.00
Info Cubic	Recruitment		377.40
Mountain Careers	Recruitment		79.50
Alperstein & Covell, P.C.	Planning Reimbursable		3,877.50
Colorado Geological Survey	Planning Reimbursable		270.76
Colorado Mtn. News Media	Planning Reimbursable		899.74
Garfield & Hecht, P.C.	Planning Reimbursable		927.50
Quenon Engineering And Surveying	Planning Reimbursable		350.00
Executech Utah LLC	Computer Support		1,082.84
Forward Tech Solutions, LLC	Computer Support		1,030.73
Town Of Gypsum	Contract Services		1,232.50
US Bank Equipment Finance	Contract Payments		417.91
Total Community Development		**$**	**23,891.86**
Municipal Court			
Meritain Health	Health Insurance Claims Paid	$	3.17
CEBT	Health & Life Ins. Payable		231.09
Rocky Mountain Reserve LLC	Health & Insurance Benefits		0.89
Northwest Colo Council Of Gov.	Utility Services -Project THOR		627.33
Carlson, Edwards & O'Connor P.C.	Legal		1,500.00
Caselle, Inc.	Computer Support		512.78
Executech Utah LLC	Computer Support		170.16
Forward Tech Solutions, LLC	Computer Support		155.10
High Country Copiers	Contract Payments		86.04
Total Municipal Court		**$**	**3,286.56**
Streets			
Meritain Health	Health Insurance Claims Paid	$	139.65
CEBT	Health & Life Ins. Payable		7,990.36
Rocky Mountain Reserve LLC	Health & Insurance Benefits		39.04
Cintas Corporation	Office Supplies		43.40
King Soopers Customer Charges	Office Supplies		5.33
Tractor Supply Credit Plan	Uniforms		571.96
Amazon	Street Repair & Mtn Supplies		59.99
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies		116.41
Grand Junction Pipe & Supply	Repair & Maintenance Supplies		88.82
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		8.59

Streets (Cont.)			
United Rentals (North America) Inc	Repair & Maintenance Supplies		107.25
Van Diest Supply Co	Repair & Maintenance Supplies		3,600.00
Wylaco Supply Co	Repair & Maintenance Supplies		38.76
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies		580.20
Two Valley Tire LLC	Vehicle Repair & Maintenance Supplies		2,253.83
Fleet Services	Gas & Oil		1,047.91
Amazon	Communication & Transportation		15.02
Holy Cross Energy	Utility Services		2,569.08
Northwest Colo Council Of Gov.	Utility Services -Project THOR		6,369.76
Castleton Masonry	Repair & Maintenance Services		27,600.00
Eagle County Solid Waste & Recycling	Repair & Maintenance Services		674.40
Utility Notification Center Of Colorado	Repair & Maintenance Services		62.92
Caselle, Inc.	Computer Support		106.74
Executech Utah LLC	Computer Support		727.05
Forward Tech Solutions, LLC	Computer Support		565.50
King Soopers Customer Charges	Meeting Expense		10.26
Total Streets		**$**	**55,392.23**
Public Safety			
Meritain Health	Health Insurance Claims Paid	$	279.32
CEBT	Health & Life Ins. Payable		19,007.98
Rocky Mountain Reserve LLC	Health & Insurance Benefits		78.07
Amazon	Office Supplies		15.50
Vista Print	Office Supplies		153.00
Fire Awards	Operating Supplies		475.50
Galls, LLC	Uniforms		479.94
Huebner, Joseph	Uniforms		150.00
Tractor Supply Credit Plan	Uniforms		27.50
Auto Zone, Inc	Vehicle Repair & Maintenance Supplies		52.71
Berthod Motors	Vehicle Repair & Maintenance Supplies		3.55
Olesen Automotive Services	Repair & Maintenance Supplies		36.00
Two Valley Tire LLC	Vehicle Repair & Maintenance Supplies		1,539.00
Wanderin Wrench	Vehicle Repair & Maintenance Supplies		184.99
Fleet Services	Gas & Oil		2,361.77
Olesen Automotive Services	Gas & Oil		36.00
Axon Enterprise, Inc.	Equipment (Non-Capital)		10,014.70
Motorola Solutions	Equipment (Non-Capital)		6,070.71
Fire Awards	Communication & Transportation		25.00
Galls, LLC	Communication & Transportation		4.99
King Soopers Customer Charges	Communication & Transportation		5.00
Vista Print	Communication & Transportation		11.99
AT&T Mobility	Utility Services		617.73
Northwest Colo Council Of Gov.	Utility Services -Project THOR		11,774.41
Psychological Dimensions, Pc	Recruitment		350.00
Berthod Motors	Repair & Maintenance Services		71.00
Olesen Automotive Services	Repair & Maintenance Services		65.00
Wanderin Wrench	Repair & Maintenance Services		746.00

Public Safety (Cont.)			
White Water Express Carwash	Repair & Maintenance Services		114.60
Axon Enterprise, Inc.	Computer Support		11,649.88
Executech Utah LLC	Computer Support		38.67
Forward Tech Solutions, LLC	Computer Support		397.56
Technovia Consulting	Computer Support		2,431.00
Scriver, Dominik	Travel		93.64
Color Coffee Roasters LLC	Training & Travel - Grants		23.46
Axon Enterprise, Inc.	Tuition & Books		495.00
Dolan Consulting Group LLC	Tuition & Books		95.00
Int'l Assoc. For Property & Evidence Inc	Tuition & Books		395.00
Eagle County Animal Control	Animal Control		10,224.00
High Country Copiers	Contract Payments		97.61
Xerox Financial Services LLC	Contract Payments		571.59
Total Public Safety		**$**	**81,264.37**
Buildings & Grounds			
Meritain Health	Health Insurance Claims Paid	$	78.29
CEBT	Health & Life Ins. Payable		5,306.65
Rocky Mountain Reserve LLC	Health & Insurance Benefits		21.89
Cintas Corporation	Office Supplies		43.40
King Soopers Customer Charges	Office Supplies		5.33
Tractor Supply Credit Plan	Uniforms		373.95
A To Z Recreation, LLC	Repair & Maintenance Supplies		920.00
Alpine Lumber Co.	Repair & Maintenance Supplies		134.18
Amazon	Repair & Maintenance Supplies		29.99
Colorado Barricade	Repair & Maintenance Supplies		50.00
G & S Tool Clinic, LLC	Repair & Maintenance Supplies		146.22
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies		82.46
Grainger	Repair & Maintenance Supplies		266.01
Grand Junction Pipe & Supply	Repair & Maintenance Supplies		997.15
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		15.99
O'Reilly Auto Parts	Repair & Maintenance Supplies		35.96
Paint Bucket	Repair & Maintenance Supplies		47.34
Pet Pick-Ups	Repair & Maintenance Supplies		720.00
Summit Supply Corporation	Repair & Maintenance Supplies		981.80
United Rentals (North America) Inc	Repair & Maintenance Supplies		51.48
Van Diest Supply Co	Repair & Maintenance Supplies		11,420.00
Wagner Equipment Co	Repair & Maintenance Supplies		2,565.40
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies		119.00
Fleet Services	Gas & Oil		907.09
Glenwood Springs Auto Parts Inc	Gas & Oil		206.94
Home Depot Pro	Janitorial Supplies		562.27
A To Z Recreation, LLC	Communication & Transportation		88.00
Colorado Barricade	Communication & Transportation		14.32
Pet Pick-Ups	Communication & Transportation		88.08
Summit Supply Corporation	Communication & Transportation		151.94
Black Hills Energy	Utility Services		1,994.01

Buildings & Grounds (Cont.)			
Holy Cross Energy	Utility Services		3,297.72
Northwest Colo Council Of Gov.	Utility Services -Project THOR		3,570.93
Colorado Mtn. News Media	Recruitment		877.10
Mountain Careers	Recruitment		79.50
Jerrymaster Janitorial	Janitorial Maintenance Contracts		4,316.00
Mountain Pest Control, Inc.	Repair & Maintenance Services		150.50
Sno-White Linen Rental	Repair & Maintenance Services		6.82
Superior Alarm & Electronics	Repair & Maintenance Services		738.00
Thompson Welding	Repair & Maintenance Services		40.00
Caselle, Inc.	Computer Support		106.74
Executech Utah LLC	Computer Support		580.09
Forward Tech Solutions, LLC	Computer Support		399.36
King Soopers Customer Charges	Meeting Expense		10.26
G H Daniels III & Associates	Contract Payments		8,000.00
Thyssenkrupp Elevator Corp.	Contract Payments		681.50
Total Buildings & Grounds		**$**	**51,279.66**
Information Center			
Executech Utah LLC	Computer Support	$	154.70
Forward Tech Solutions, LLC	Computer Support		241.09
Total Information Center		**$**	**395.79**
Marketing & Events			
Meritain Health	Health Insurance Claims Paid	$	24.33
CEBT	Health & Life Ins. Payable		2,047.37
Rocky Mountain Reserve LLC	Health & Insurance Benefits		6.80
City Market	Office Supplies		1.99
Colorado Mtn News Media	Legal Notices		170.00
Colorado Whitewater	Dues & Subscriptions		30.00
IFEA	Dues & Subscriptions		215.00
Spotify	Dues & Subscriptions		10.98
Northwest Colo Council Of Gov.	Utility Services -Project THOR		1,109.88
Verizon Wireless, Bellevue	Utilities		51.35
Executech Utah LLC	Computer Support		177.89
Forward Tech Solutions, LLC	Computer Support		136.85
Google Storage	Computer Support		1.99
Color Coffee Roasters LLC	Meeting Expense		7.99
GoDaddy	Marketing - Website		54.51
Total Marketing & Events		**$**	**4,046.93**
Engineering			
Meritain Health	Health Insurance Claims Paid	$	32.45
CEBT	Health & Life Ins. Payable		2,577.51
Rocky Mountain Reserve LLC	Health & Insurance Benefits		9.07
Cintas Corporation	Office Supplies		43.39
King Soopers Customer Charges	Office Supplies		5.33
Tractor Supply Credit Plan	Uniforms		36.66

Engineering (Cont.)			
Fleet Services	Gas & Oil		111.70
Northwest Colo Council Of Gov.	Utility Services -Project THOR		1,479.84
Executech Utah LLC	Computer Support		185.62
Forward Tech Solutions, LLC	Computer Support		177.46
Total Engineering		**$**	**4,659.03**
Total GENERAL FUND		**$**	**353,282.82**
CAPITAL IMPROVEMENT FUND			
Eagle Recreation Facility Advisory Corp	Pool & Ice Maintenance Fund	$	50,000.00
Zehren And Associates, Inc	Grand Avenue Improvements		71,992.19
Uptown Services LLC	Project THOR		5,000.00
Ed Bozarth Chevrolet And Buick Inc	Multi Purpose Truck		32,899.00
Duval Ford LLC	Patrol Vehicles		74,376.00
Kustom Signals	Patrol Vehicles		4,026.00
Total CAPITAL IMPROVEMENT FUND		**$**	**238,293.19**
WASTE WATER FUND			
Meritain Health	Health Insurance Claims Paid	$	87.67
CEBT	Health & Life Ins. Payable		6,975.37
Rocky Mountain Reserve LLC	Health & Insurance Benefits		24.51
Polydyne Inc.	Operating Supplies		8,418.00
Tractor Supply Credit Plan	Uniforms		344.64
Water Technology Group	Repair & Maintenance Supplies		919.96
Fleet Services	Gas & Oil		336.45
American Mechanical Services	Communication & Transportation		65.00
Federal Express Corp.	Communication & Transportation		432.14
Nextrust Inc	Communication & Transportation		330.42
Gurule, Dale	Dues & Subscriptions		85.00
Water Environment Federation	Dues & Subscriptions		110.00
Century Link	Utility Services		598.15
Holy Cross Energy	Utility Services		9,888.22
Northwest Colo Council Of Gov.	Utility Services -Project THOR		3,998.80
Xpress Bill Pay	C.C. Transaction Fees		268.99
Denali Water Solutions LLC	Sludge Disposal		6,655.57
American Mechanical Services	Repair & Maintenance Services		230.00
Utility Notification Center Of Colorado	Repair & Maintenance Services		62.92
Caselle, Inc.	Computer Support		514.25
Executech Utah LLC	Computer Support		782.73
Forward Tech Solutions, LLC	Computer Support		545.50
Colo Dept Of Public Health & Environment	Testing & Permits		326.83
Eagle River Water & Sanitation District	Testing & Permits		4,600.00
Seacrest Group	Testing & Permits		1,310.00
SGS North America Inc	Testing & Permits		4,004.70
Raftelis	Tap Fee And Rate Study		225.00
Gurule, Dale	Tuition & Books		312.00
Total WASTE WATER FUND		**$**	**52,452.82**

WATER FUND

Meritain Health	Health Insurance Claims Paid	$	116.03
CEBT	Health & Life Ins. Payable		10,440.20
Rocky Mountain Reserve LLC	Health & Insurance Benefits		32.43
Cintas Corporation	Office Supplies		43.39
King Soopers Customer Charges	Office Supplies		5.34
DPC Industries, Inc.	Operating Supplies		360.00
Manley Brothers	Operating Supplies		440.28
Nalco Chemical Co	Operating Supplies		5,856.21
Oldcastle SW Group Inc	Operating Supplies		2,672.97
Tractor Supply Credit Plan	Uniforms		185.15
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies		2.15
Grand Junction Pipe & Supply	Repair & Maintenance Supplies		1,346.26
Water Technology Group	Repair & Maintenance Supplies		11,594.60
Fleet Services	Gas & Oil		331.94
Core & Main LP	Meters & Related Items/Resale		19,664.90
Federal Express Corp.	Communication & Transportation		96.51
Grand Junction Pipe & Supply	Communication & Transportation		12.00
Manley Brothers	Communication & Transportation		1,275.00
Nextrust Inc	Communication & Transportation		330.42
AmeriGas	Utility Services		5,180.46
Black Hills Energy	Utility Services		51.89
Century Link	Utility Services		598.15
Holy Cross Energy	Utility Services		7,666.76
Northwest Colo Council Of Gov.	Utility Services -Project THOR		5,292.05
Xpress Bill Pay	C.C. Transaction Fees		422.69
Utility Notification Center Of Colorado	Repair & Maintenance Services		62.92
Eagle River Water & Sanitation District	Testing & Permits		250.00
Caselle, Inc.	Computer Support		514.26
Executech Utah LLC	Computer Support		1,044.15
Forward Tech Solutions, LLC	Computer Support		737.91
US Bank Equipment Finance	Contract Payments		417.91
Browns Hill Engineering	Lower Basin Water Treatment		8,862.00
Forward Tech Solutions, LLC	Lower Basin Water Treatment		375.00
MWH Constructors Inc.	Lower Basin Water Treatment		186,495.00
Wells Fargo - Comml Operations	2013 Water Bond Interest		15,180.74
Total WATER FUND		**$**	**287,957.67**

REFUSE FUND

Gypsum Eagle Ace Hardware	Operating Supplies	$	17.18
Nextrust Inc	Communication & Transportation		330.42
Xpress Bill Pay	C.C. Transaction Fees		61.48
Caselle, Inc.	Computer Support		514.25
Vail Honeywagon	Contract Services		50,212.10
Total REFUSE FUND		**$**	**51,135.43**

SALES TAX CAPITAL IMPROVEMENT FUND		
Buchanan Sperline & Holleman PC	Legal	$ 350.00
UMB Bank	Debt Service Interest	109,968.75
Total SALES TAX CAPITAL IMPROVEMENT FUND		**$ 110,318.75**
OPEN SPACE FUND		
Meritain Health	Health Insurance Claims Paid	$ 18.62
CEBT	Health & Life Ins. Payable	688.85
Rocky Mountain Reserve LLC	Health & Insurance Benefits	5.21
OPEN SPACE FUND (Cont.)		
Alpine Lumber Co.	Repair & Maintenance Supplies	142.22
Copy Plus	R & M Supplies	16.34
Home Depot Credit Services	Repair & Maintenance Supplies	46.53
Signature Signs Inc	Repair & Maintenance Supplies	292.50
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	98.56
Fleet Services	Gas & Oil	49.04
Traf-X Research Ltd.	Equipment (Non-Capital)	2,280.00
Northwest Colo Council Of Gov.	Utility Services -Project THOR	849.30
Vail Honeywagon	Repair & Maintenance Services	293.46
Executech Utah LLC	Computer Support	136.11
Forward Tech Solutions, LLC	Computer Support	124.72
Mountain Pest Control, Inc.	Weed & Pest Control	3,532.00
Total OPEN SPACE FUND		**$ 8,573.46**
TOTAL		**$ 1,102,014.14**
PAYROLL		**$ 342,318.59**
GRAND TOTAL		**$ 1,444,332.73**

To: Mayor Turnipseed and Town Council

From: Chad Philips, A.I.C.P., Community Development Director

Date: June 8, 2021

Agenda Item: Resolution 43, Series 2021, " A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Professional Services Agreement with Clarion Associates for the Update to the Land Use and Development Code"

REQUEST: For Town Council to review and approve the Professional Services Agreement (PSA) between the Town of Eagle and Clarion Associates.

INTRODUCTION: Town of Eagle consultant selection committee has selected Clarion Associates for the Land Use and Development Code update project. Clarion Associates was one of two consultants who bid for the project. This project is set to begin in June of 2021 and last approximately 17 months. Staff and the Town Attorney has prepared the attached PSA and Resolution 43, Series 2021 for Council's consideration.

ANALYSIS: The majority of Title 4 of the Town of Eagle Municipal Code (Land Use and Development Code) has been in place since its adoption in 1986. While the Land Use and Development Code (LUDC) is supposed to be a dynamic document that changes with the goals of the community, it has never received a comprehensive update. Such updates should ensure that the requirements are not only in compliance with the Town's Land Use Plans, but the latest in community development practices. Within the recently adopted Elevate Eagle Comprehensive Plan are multiple community goals. To achieve those goals, the plan includes numerous policies and action items that provide direction for the LUDC amendments.

In 2018, the Town was under contract with a consulting firm chosen to perform an update to the LUDC. Due to expiration of the contract and performance issues, the Town did not renew the contract. Work performed then, concluded that the LUDC was in need of a comprehensive re-write. A citizen committee was formed to assist in the update process. It is staff's intent to revive the committee for the 2021-22 process.

The Community Development staff describes *some* of the shortcomings and areas for improvement as:

- Incomplete definition section that results in confusion and inconsistency
- Zone districts that do not match the current and future community vision

- Burdensome application processes that result in excessive money being spent by the Town and applicants even before a conceptual review can take place
- Unclear variance criteria that leads to inconsistency
- Out of date sign regulations that could result in enforcement issues
- Lack of criteria for approval of certain types of land use decisions that result in unpredictable outcomes
- Few opportunities for Planning & Zoning Commission or administrative approvals (decisions like Special Use Permits that now are decided by Town Council)
- Poor layout that results in difficulties navigating
- Does not integrate well into a digital workplace (no hotlinks, difficult to search)
- Lacking graphics to assist in describing difficult language

Without a successful completion of a comprehensive LUDC update, the Town will continue to rely on the current LUDC which leads to wasted time, money, enforcement difficulties, and an overall Community Development Department level of service that is less than ideal.

COMMUNITY INPUT: Not applicable at this step.

BUDGET / STAFF IMPACT: Approximately $60,000 of the $100,250 total project cost proposed by Clarion Associates has been approved as part of the 2021 Budget. The remaining project costs will be requested as part of the 2022 Budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Major objectives from the 2020 Strategic Plan are achieved through this project including Stimulate Economic Vitality and Development, Invest in Environmental and Energy Sustainability, and Diversify the Attainable Housing Stock.

RECOMMENDED ACTION OR PROPOSED MOTION:
A motion to **APPROVE** Resolution 43, Series 2021 A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Professional Services Agreement with Clarion Associates for the Update to the Land Use and Development Code.

ATTACHMENTS:
- Professional Services Agreement
- Resolution 43, Series 2021

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES (the "Agreement") is made and entered into this ___ day of _____, 2021 (the "Effective Date"), by and between the Town of Eagle, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town") and Clarion Associates, independent contractor with an address of 1600 Stout Street, Denver, Colorado 80202 ("Contractor") (each a "Party" and collectively the "Parties").

WHEREAS, the Town requires professional services; and

WHEREAS, Contractor has held itself out to the Town as having the requisite expertise and experience to perform the required services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. SCOPE OF SERVICES

A. Contractor shall furnish all labor and materials required for the complete and prompt execution and performance of all duties, obligations, and responsibilities which are described or reasonably implied from the Scope of Services set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

B. A change in the Scope of Services shall not be effective unless authorized as an amendment to this Agreement. If Contractor proceeds without such written authorization, Contractor shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee, or representative of the Town is authorized to modify any term of this Agreement, either directly or implied by a course of action.

II. TERM AND TERMINATION

A. This Agreement shall commence on the Effective Date, and shall continue until Contractor completes the Scope of Services to the satisfaction of the Town, or until terminated as provided herein.

B. Either Party may terminate this Agreement upon 30 days' advance written notice. The Town shall pay Contractor for all work previously authorized and completed prior to the date of termination. If, however, Contractor has substantially or materially breached this Agreement, the Town shall have any remedy or right of set-off available at law and equity.

III. COMPENSATION

In consideration for the completion of the Scope of Services by Contractor, the Town shall pay Contractor $100,250. This amount shall include all fees, costs and expenses incurred by Contractor, and no additional amounts shall be paid by the Town for such fees, costs and

expenses. Contractor may submit periodic invoices, which shall be paid by the Town within 30 days of receipt.

IV. RESPONSIBILITY

A. Contractor hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law. The work performed by Contractor shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community. The work and services to be performed by Contractor hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations.

B. The Town's review, approval or acceptance of, or payment for any services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

C. Because the Town has hired Contractor for its professional expertise, Contractor agrees not to employ subcontractors to perform any work except as expressly set forth in the Scope of Services.

V. OWNERSHIP

Any materials, items, and work specified in the Scope of Services, and any and all related documentation and materials provided or developed by Contractor shall be exclusively owned by the Town. Contractor expressly acknowledges and agrees that all work performed under the Scope of Services constitutes a "work made for hire." To the extent, if at all, that it does not constitute a "work made for hire," Contractor hereby transfers, sells, and assigns to the Town all of its right, title, and interest in such work. The Town may, with respect to all or any portion of such work, use, publish, display, reproduce, distribute, destroy, alter, retouch, modify, adapt, translate, or change such work without providing notice to or receiving consent from Contractor.

VI. INDEPENDENT CONTRACTOR

Contractor is an independent contractor. Notwithstanding any other provision of this Agreement, all personnel assigned by Contractor to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Contractor for all purposes. Contractor shall make no representation that it is a Town employee for any purposes.

VII. INSURANCE

A. Contractor agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Contractor pursuant to this Agreement. At a minimum, Contractor shall procure and maintain, and shall cause any subcontractor to procure and maintain, the insurance coverages listed below, with forms and insurers acceptable to the Town.

1. Workers' Compensation insurance as required by law.

2. Commercial General Liability insurance with minimum combined single limits of $1,000,000 each occurrence and $2,000,000 general aggregate. The policy shall be applicable to all premises and operations, and shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision, and shall include the Town and the Town's officers, employees, and contractors as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.

3. Professional liability insurance with minimum limits of $1,000,000 each claim and $2,000,000 general aggregate.

B. Such insurance shall be in addition to any other insurance requirements imposed by law. The coverages afforded under the policies shall not be cancelled, terminated or materially changed without at least 30 days' prior written notice to the Town. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Any insurance carried by the Town, its officers, its employees, or its contractors shall be excess and not contributory insurance to that provided by Contractor. Contractor shall be solely responsible for any deductible losses under any policy.

C. Contractor shall provide to the Town a certificate of insurance showing the required policies are in full force and effect. The certificate shall identify this Agreement.

VIII. INDEMNIFICATION

A. Contractor agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor, or which arise out of a worker's compensation claim of any employee of Contractor or of any employee of any subcontractor of Contractor. Contractor's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable to Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor or of any subcontractor of Contractor.

B. If Contractor is providing architectural, engineering, surveying or other design services under this Agreement, the extent of Contractor's obligation to indemnify and hold harmless

the Town may be determined only after Contractor's liability or fault has been determined by adjudication, alternative dispute resolution or otherwise resolved by mutual agreement between the Parties, as provided by C.R.S. § 13-50.5-102(8)(c).

IX. ILLEGAL ALIENS

A. Certification. By entering into this Agreement, Contractor hereby certifies that at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform work under this Agreement and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment to confirm the employment eligibility of all employees who are newly hired to perform work under this Agreement.

B. Prohibited Acts. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement or enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

C. Verification.

1. If Contractor has employees, Contractor has confirmed the employment eligibility of all employees who are newly hired to perform work under this Agreement through participation in either the E-Verify Program or the Department Program.

2. Contractor shall not use the E-Verify Program or Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

3. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien who is performing work under this Agreement, Contractor shall: notify the subcontractor and the Town within 3 days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien who is performing work under this Agreement; and terminate the subcontract with the subcontractor if within 3 days of receiving the notice required pursuant to subsection 1 hereof, the subcontractor does not stop employing or contracting with the illegal alien who is performing work under this Agreement; except that Contractor shall not terminate the subcontract if during such 3 days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien who is performing work under this Agreement.

D. Duty to Comply with Investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an

investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Agreement.

E. Affidavits. If Contractor does not have employees, Contractor shall sign the "No Employee Affidavit" attached hereto. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Contractor shall sign the "Department Program Affidavit" attached hereto.

X. MISCELLANEOUS

A. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

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. 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.

F. 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.

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

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.

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, and 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. Rights and Remedies. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this

Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

K. 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.

L. Force Majeure. No Party shall be in breach of this Agreement if such Party's failure to perform any of the duties under this Agreement is due to Force Majeure, which shall be defined as the inability to undertake or perform any of the duties under this Agreement due to acts of God, floods, storms, fires, sabotage, terrorist attack, strikes, riots, war, labor disputes, forces of nature, the authority and orders of government or pandemics.

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

CLARION ASSOCIATES

David L Elliott
DIRECTOR

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Subscribed, sworn to and acknowledged before me this _____ day of _____, 2021, by _____ as _____ of Clarion Associates.

My Commission expires:

(SEAL)

_____
Notary Public

NO EMPLOYEE AFFIDAVIT

[To be completed only if Contractor has no employees]

1. Check and complete one:

☐ I, _____, am a sole proprietor doing business as _____. I do not currently employ any individuals. Should I employ any employees during the term of my Agreement with the Town of Eagle (the "Town"), I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

OR

☐ I, _____, am the sole owner/member/shareholder of _____, a _____ [specify type of entity – *i.e.*, corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the Town, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

2. Check one.

☐ I am a United States citizen or legal permanent resident.

The Town must verify this statement by reviewing one of the following items:

- *A valid Colorado driver's license or a Colorado identification card;*
- *A United States military card or a military dependent's identification card;*
- *A United States Coast Guard Merchant Mariner card;*
- *A Native American tribal document;*
- *In the case of a resident of another state, the driver's license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card; or*
- *Any other documents or combination of documents listed in the Town's "Acceptable Documents for Lawful Presence Verification" chart that prove both Contractor's citizenship/lawful presence <u>and</u> identity.*

OR

☐ I am otherwise lawfully present in the United States pursuant to federal law.

Contractor must verify this statement through the federal Systematic Alien Verification of Entitlement ("SAVE") program, and provide such verification to the Town.

_____ _____

Signature Date

DEPARTMENT PROGRAM AFFIDAVIT

[To be completed only if Contractor participates in the Department of Labor Lawful Presence Verification Program]

I, _____, as a public contractor under contract with Town of Eagle (the "Town"), hereby affirm that:

1. I have examined or will examine the legal work status of all employees who are newly hired for employment to perform work under this public contract for services ("Agreement") with the Town within 20 days after such hiring date;

2. I have retained or will retain file copies of all documents required by 8 U.S.C. § 1324a, which verify the employment eligibility and identity of newly hired employees who perform work under this Agreement; and

3. I have not and will not alter or falsify the identification documents for my newly hired employees who perform work under this Agreement.

_____ _____

Signature Date

STATE OF COLORADO)
) ss.
COUNTY OF _____)

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

My commission expires:

(S E A L)

_____

Notary Public

EXHIBIT A
SCOPE OF SERVICES

Summary and Preliminary Schedule

Town of Eagle Land Use Code Rewrite Project Schedule Summary

Task.Item	Anticipated Start Date	Description	Interim Dates				Complete
			Draft to Staff	Revisions to Clarion	Revisions Complete	Distributed or Posted to Website	
1.1	14-Jun-21	Project Orientation overview memo	6.14	Discuss in Team Meeting			
	late June	Kick-off Meeting/Site Visit/Stakeholder Interviews	Schedule tbd in Team Meeting				
1.2	14-Jun-21	Public Participation Plan finalization	6.14	Discuss in Team Meeting		tbd	
1.3	14-Jun-21	Project Management Meetings scheduling	Schedule tbd in Team Meeting				
2.1	6-Jul-21	Code Assessment, Staff Draft	7.26	7.09	7.16		
2.2	16-Aug-21	Code Assessment, Public Draft	7.16	7.18	7.23	7.23	
	30-Aug-21	Code Assessment Public Outreach	Per Participation Plan, schedule tbd in Team Meeting				
3.1	30-Aug-21	Code Drafting, Installment 1: Districts, Uses, and Signs	10.18	11.1	11.8	11.15	
3.2	29-Nov-21	Installment 1 Public Outreach	Per Participation Plan, schedule tbd in Team Meeting				
3.1	29-Nov-21	Code Drafting, Installment 2: Development Standards	01.17.22	2.07	2.14	2.18	
3.2	21-Feb-22	Installment 2 Public Outreach	Per Participation Plan, schedule tbd in Team Meeting				
3.1	21-Feb-22	Code Drafting, Installment 3: Administration	4.04	4.18	4.25	4.29	
3.2	2-May-22	Installment 3 Public Outreach	Per Participation Plan, schedule tbd in Team Meeting				
4.1	2-May-22	Draft Full Eagle Land Use Code	5.23	6.13	6.27	7.01	
	11-Jul-22	Draft Full LUC Public Outreach	Per Participation Plan, schedule tbd in Team Meeting				
4.2	Mid-August	Adoption Draft Eagle Land Use Code	mid-Sept	2 weeks	1 week	1 week	
	tbd	Adoption Draft Adoption Process	Per Participation Plan, schedule tbd in Team Meeting				

Detailed Scope of Services

Task 1: Project Initialization and Schedule (RFP Scope Tasks 1, 2, and structure for Task 3)

1.1 PROJECT ORIENTATION

This task is designed to serve as a kick-off for the entire project and allows for the collection of background information to lay a foundation for all subsequent project-related work. Our experience working on more than 180 zoning code projects allows us to quickly come up to speed on land use issues. For the Town of Eagle, we will dive deep into recent policy and planning projects to familiarize ourselves with the lay of the land and the various perspectives.

Project Kick-Off Meeting

As a first step, Clarion will work with staff to schedule and facilitate a project kick-off meeting with the Project Leadership Team. Topics will include overall project goals, scope, and schedule; ongoing Town activities that may impact the Land Use Code rewrite; and initial strategies for public involvement. This meeting will include all of the topics as noted on pages 4 and 5 of the RFP.

Project Orientation Meetings and Site Tour

At the same time as the project kick-off meeting, Clarion will hold a series of project orientation meetings in with Town staff and stakeholders. Get-acquainted meetings will be held with the elected and appointed officials as recommended by Town staff. We also recommend a tour of Eagle with Town staff so the team can gain an understanding of how key substantive issues are playing out in practice by, for example, looking at recent development projects and to better understand some of the distinctions between the various planning areas.

- **Initial Planning and Zoning Commission Meeting**. The team will work with the Town Project Leadership Team to arrange an initial meeting and kick-off with the Planning and Zoning Commission (see description of this committee in subtask 1.2 below) as part of the project orientation meetings. During this meeting, the team will provide an introduction to the project scope and schedule, learn about the Commission member's overall goals for this project, and brainstorm with Commission members about how best to generate meaningful stakeholder involvement.

- **Stakeholder Interviews (See Task 2)**. Also on the initial trip, the team will begin the public participation process by facilitating detailed discussions of land development issues with a variety of Town stakeholders. These discussions will be held on one-on-one or in very small groups with individuals who are familiar in some way with the existing code or land use issues generally in Eagle, such as neighborhood advocates, developers, business owners, consultants, and attorneys. If recommended by the Town, we also will facilitate a general meeting or open house on the same trip to introduce the project to the broader public.

1.2 PUBLIC PARTICIPATION PLAN

Public participation related to the drafting of zoning codes is unique. In contrast to comprehensive planning projects, code updates often involve detailed technical discussions. It

takes skill and timing to present such complex materials in an engaging and understandable way, and to avoid "technical topic burnout." We have extensive experience preparing for and moderating these discussions using a wide range of interactive formats and media. The careful attention that Clarion gives to focused public participation will enable us to build momentum and create support throughout the project timeline.

At the beginning of the project, we will discuss and finalize a detailed public participation plan with Town staff. The plan will take full advantage of the various forums available to the Town that we have found helpful in other code projects, including open houses and more interactive methods. In particular, the plan will emphasize public involvement, regular workshop meetings with the Planning and Zoning Commission, regular reports to elected and appointed officials, and public meetings at important milestones during the process.

Other issues the draft public participation plan will address will include, but not be limited to:

- *The role of the Planning and Zoning Commission in helping to educate and inform the public.* Commission members can serve as trusted liaisons to keep various groups informed of project progress and to seek detailed input on targeted issues.

  In addition to the Planning and Zoning Commission, the Town may also wish to appoint a separate ***Technical Advisory Committee*** made up of Town staff from multiple departments that deal with zoning and land-use issues. This group would review all staff-level drafts of work products and help ensure consistent feedback from Town departments.
- *Potential educational opportunities*. "Zoning 101" and similar presentations can be used to help inform the public about the need for an updated Land Use Code and some of the topics the Town is looking to address through the rewrite.
- *How technology will be used to keep Eagle stakeholders informed about project progress.* While the key technological tool will be the project website, we also regularly use social media tools (e.g., Twitter, Instagram, Facebook) to supplement the website. These types of tools can sometimes be effective in reaching new audiences whom may otherwise rarely attend Town meetings.
- *How we will reach more deeply into the community.* We recognize that many communities also include residents and groups whom, for a variety of reasons, are not apt to engage electronically. We will take advantage of Eagle's small size and make sure that we identify both how to engage our "high-touch" participants and then ensure that we specifically invite them into the project.
- *The overall schedule/timeline for public participation activities.* The plan will document key milestones at which the public will be engaged, including the expected materials that will be made available and presented. Our proposed project schedule later in this proposal includes the milestones for which we expect trips and public meetings to occur.

The draft public participation plan will be developed following the project initiation meetings and based on staff comments we will prepare a revised version for implementation throughout the duration of the project.

1.3 ONGOING PROJECT MANAGEMENT

Effective project management is an essential component of getting to adoption. Frequent communication and maintaining momentum are key factors of Clarion's success managing large zoning projects.

Maintaining Project Schedule and Budget

As part of the project orientation task, Clarion will work with Town staff to prepare a detailed drafting schedule that identifies product delivery dates as well as internal review and comment periods. We have found these schedules to be critical to maintaining project momentum. As stated in our preliminary budget, Clarion has an enviable record of completing projects on time and within budget. Our success is due in part to our regular communication with our clients throughout the project and our ability to make adjustments when necessary.

Conference Calls and Meetings

Throughout the duration of this project, Clarion will be available to participate in regular conference calls, as needed, to assist in providing relevant project reviews and updates. With a zoning code rewrite, there can be periods of daily communication and also periods where Clarion is in the background drafting materials. During those drafting times, we like to communicate regularly with our clients to make sure they understand exactly where the project stands in relation to the schedule. We can schedule these meetings via Zoom or the Town's preferred video conferencing platform.

Task 1 Summary: Project Initialization and Schedule

	Clarion Responsibilities	Town Staff Responsibilities
Deliverables		
Task 1.1	• Project kick-off memo	• Provide background materials • Review and comment on draft memo
Task 1.2	• First draft public participation plan • Revised public participation plan	• Review and comment on public participation plan
Task 1.3	• Draft and maintain detailed drafting schedule • Participate and send agendas for regular project management calls	• Review and comment on draft schedule • Participate in regular project management calls
Trips and Meetings		
Trip 1 (Elliott, Garvin, and Flanagan) Project kick-off meetings	• Draft agenda • Participate in meetings • Meet with Town staff • Tour of Eagle • Meet with Planning and Zoning Commission • Conduct stakeholder interviews • Record notes from all meetings	• Review and comment on agenda • Schedule meetings with internal Town staff and officials • Coordinate meeting logistics (scheduling, meeting space, food, etc.) • Organize tour and distribute tour maps/materials in advance (if applicable) • Participate in meetings • Review and comment on trip materials

Task 2: Code Assessment and Outline of Proposed Changes (RFP Scope Tasks 4 and 5)

2.1 CODE ASSESSMENT – STAFF DRAFT

Based on established best practices, our professional experience, and building on information gathered during the project initiation tasks, Clarion will prepare a detailed assessment of the current Land Use Code and related regulations. Generally, this assessment will address:

- The Code's effectiveness in implementing, and consistency with, the adopted Town of Eagle Comprehensive Plan
- Overall organization and user-friendliness of the Code;
- Alignment with local, state, and federal laws;
- Strengths and weaknesses of the existing Code related to specific topics; and
- Regional and national best practices relevant to Eagle.

The assessment report will address in detail how the current regulations respond to the project objectives listed in the RFP and identified through the Phase 1 stakeholder outreach, such as creating Town-specific mixed-use districts and updating standards to address hazards. The report will also identify various related Town projects underway that may need to be integrated into or reflected in the new code in some way.

We will also prepare a detailed, annotated outline of the proposed Land Use Code changes that incorporates feedback we heard during the Task 1 outreach and recommendations made in the overall code assessment. The annotated outline will provide detailed recommendations for an improved organizational structure and describe how the new code will be integrated with other Town regulations and ordinances. The annotated outline will include a description of options to consider, and commentary explaining the rationale for any recommended approaches.

The first draft of the Code Assessment will be for internal staff review only (and the Technical Advisory Committee, if one is formed). That review allows staff time to provide Clarion with substantive feedback and identify any factual errors or major issues that should be clarified or adjusted in the document prior to public review.

2.2 CODE ASSESSMENT – PUBLIC DRAFT

Following staff preparation of one round of consolidated written comments, the Clarion team will prepare and release a public draft of the assessment report. We will convene a meeting with the Planning and Zoning Commission and schedule one general public meeting to discuss the report and collect comments. The general objective of these meetings will be to gain consensus on the general scope and parameters of the issues to be addressed in the drafting of the revised code. We will also use these discussions as an opportunity to identify critical issues where more extensive community-based conversation will be needed to move toward shared resolution. In our experience, obtaining early consensus on how to approach the issues contained in the report is a crucial step toward ensuring that the remainder of the process proceeds smoothly and effectively.

Task 2 Summary: Data Collection and Code Assessment		
	Clarion Responsibilities	**Town Staff Responsibilities**
Deliverables		
Task 2.1	• Staff draft Code Assessment and Outline of Proposed Changes	• Provide one round of consolidated written staff comments
Task 2.2	• Public draft Code Assessment and Outline of Proposed Changes • Presentation materials as necessary (PowerPoints, handouts, boards)	• Review and comment (any edits will be reflected during drafting)
Trips and Meetings		
Trip 2 (Elliott and Flanagan)	• Meet with Town staff • Present assessment and outline to Planning and Zoning Commission • Present assessment and outline to appointed and elected officials	• Coordinate meeting logistics (scheduling, meeting space, food, etc.) • Review and comment on trip materials

Task 3: Prepare Draft Land Use Code (RFP Scope Task 6)

3.1 DRAFT LAND USE CODE – STAFF DRAFTS

Following completion of the Code Assessment, and any subsequent refinements from Task 2, Clarion will begin working on the new draft Land Use Code according to the agreed-upon structure, format, style, and sequencing. Document drafts will be user-friendly and include all the substantive new materials discussed in the earlier reports. The drafts will emphasize the use of graphics, tables, and charts to clearly explain zoning and land use concepts. The drafts will include commentary and footnotes to explain changes from current regulations and practice and the rationale behind each new provision. The commentary and footnotes will also demonstrate how the revised code addresses the issues noted in the Assessment and Outline.

The updated Code will likely include a substantial amount of new information, presented in a new format. Because it would be difficult to read and digest all of the new information in its entirety, we recommend dividing the drafting into three installments based on related material. While the specific order and contents of each is up for discussion, below we suggest a typical breakdown that has worked well in other communities.

- **Installment 1 – Districts and Uses.** This installment will focus on updating the current lineup of zoning districts to align with *Elevate Eagle* along with other Town plans and policies. We will use the Annotated Outline to start charting the path toward alignment with land use designations. Possible outcomes include district consolidations, (where districts have similar purposes and similar standards and uses); new districts to better align with the Town's goals and policies; and elimination of districts that are rarely (or never) applied or are contrary to Town land use policies. Clarion will work closely with the Project Leadership Team to ensure that the future land use designations (as amended) align with the new lineup of districts.

The use regulations will also be included in this installment. That work includes revisiting the categories and specific use types, and the level of permission related to each zoning district. Clarion's proven track record of reducing the number of uses by defining broader categories can help the Town make great strides in streamlining the development review process.

- **Installment 2 – Development Standards**. This installment will focus on the development quality standards, such as parking, landscaping, access and circulation, sensitive area protection, building and site design, and exterior lighting. Context-sensitive design standards will be considered with the development standards and will be integrated and reconciled with any standards drafted during the zoning districts installment. The development standards are often the most complex part of a Land Use Code because of the breadth of standards and their relationship to standards that often live outside the code (such as street standards and other engineering standards). We will work with staff to identify the appropriate location for and potential integration of standards within and outside the Land Use Code.
- **Installment 3 – Administration and Procedures**. This installment will focus on streamlining the current procedures for development review applications. Clarion's expert code drafters are experienced in establishing procedures that are easy to understand, are based on a consistent and predictable foundation, and apply objective approval criteria--while offering flexibility where appropriate. This installment will also include the general provisions of the Land Use Code, which contain important elements to ensure the new code functions effectively (e.g., legal authority to regulate land use, relationship to other codes, nonconformities, and enforcement of the code).

3.2 DRAFT LAND USE CODE – PUBLIC DRAFTS

Following staff delivery of consolidated Town comments to the consultant, Clarion will revise each installment and prepare a public draft for distribution and presentation to the Planning and Zoning Commission, key stakeholders, and the general public according to the public participation plan. Following distribution of the public drafts, Clarion will return to Eagle to facilitate meetings on each installment. County staff will attend and provide input during the meetings. Once the public draft of the first installment is delivered, Clarion will begin working on the staff draft of the second installment, and so forth. Comments from staff and the public on each public draft installment will be collected and addressed the adoption draft in Task 4.

Rounds of Review. In our experience, it is nearly impossible to reach the finish line if you focus on perfecting interim products. Discussions during the drafting of later installments could influence changes necessary to earlier installments. For example, landscaping and parking standards could influence earlier thinking on lot and building standards established during the districts and uses installment.

Collecting Public Comment. Eagle staff should begin thinking early about how to collect, respond, manage, and in some cases distribute public comments. In our experience, comments received typically fall into a few categories: 1) those that are good ideas and should be implemented or discussed further; 2) those that are good ideas, but won't work for one reason or another; 3) those that are questions that require some sort of response; and 4) those that are venting or unrelated to the project. Our clients vary widely in terms of their approach to managing public comment, and Clarion is happy to brainstorm strategies during the early stages of the project. Under any approach, the best use of project resources is to have Town staff manage the logistics of public comment, and seek support from the consulting team when necessary.

Task 3 Summary: Prepare Draft Land Use Code		
	Clarion Responsibilities	**Town Staff Responsibilities**
Deliverables		
Task 3.1	• Staff draft installment 1 • Staff draft installment 2 • Staff draft installment 3	• Provide one round of consolidated written staff comments
Task 3.2	• Public draft installment 1 • Public draft installment 2 • Public draft installment 3	• Review and comment (any edits will be reflected during drafting) • Collect, categorize, and reconcile public comments
Trips and Meetings		
Trips 3 – 5 (Garvin and Flanagan)	• Meet with Town staff • Present Installments to Planning and Zoning Commission • Present Installments to appointed and elected officials as necessary • Public meetings per the public participation plan	• Coordinate meeting logistics (scheduling, meeting space, food, etc.) • Review and comment on meeting materials • Participate in meetings and presentations

Task 4: Adoption Draft Land Use Code and Adoption (RFP Scope Tasks 7, 8, and 9)

4.1 DRAFT LAND USE CODE –FULL DRAFT

Based on comments received from staff, the Planning and Zoning Commission (and Technical Advisory Committee – if established), other stakeholders, and the general public, we will revise the

public draft installments to create a full Draft Eagle Land Use Code. This draft will be the first draft to include all of the components of the new Land Use Code, an important milestone for understanding how each of the installments relate to each other. As with the installments, we will prepare first a staff draft of the full Draft Eagle Land Use Code.

After a final round of stakeholder outreach and written feedback on the staff draft, we will prepare the public draft to be carried forward into the adoption process. This draft will include final versions of illustrations, charts, tables, and revised text and will address any outstanding issues noted in earlier tasks. Following distribution of the adoption draft, Clarion will return to Eagle to present the draft to the Planning and Zoning Commission. We have also budgeted to attend a final adoption hearing with the Town Council.

4.2 LAND USE CODE DOCUMENT

Clarion will prepare a final adopted version of the new Land Use Code based on comments and direction from the meetings on the adoption draft. This final version will be prepared as an interactive and searchable PDF.

Task 4 Summary: Draft Land Use Code and Adoption

	Clarion Responsibilities	County Staff Responsibilities
Deliverables		
Task 4.1	• Adoption draft Land Use Code	• Review and comment (any edits will be reflected in final draft) • Collect, categorize, and reconcile public comments
Task 4.2	• Final Land Use Code	• Review final draft and submit to Town
Trips and Meetings		
Trips 6 and 7 (Elliott and Garvin)	• Meet with Town staff • Present adoption draft Land Use Code to appointed and elected officials as necessary	• Coordinate meeting logistics (scheduling, meeting space, food, etc.) • Review and comment on meeting materials • Participate in meetings and presentations

Task 5: Additional Services

Clarion is available either on-call or on per-task basis to help the Town with continuing Land Use Code implementation. We have worked with communities around the state to educate decision-makers, update application forms, and create web-based information systems that allow users direct access to relevant code and development information.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 43
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH CLARION ASSOCATION FOR THE UPDATE TO THE LAND USE AND DEVELOPMENT CODE

WHEREAS, a strategic goal in the 2020 Strategic Plan for the Town states: Revise the existing code; and

WHEREAS, the Town of Eagle Town Council and Planning and Zoning Commission have directed the Community Development Department to undertake the update of the Land Use and Development Code; and

WHEREAS, THE Town has funds in the 2021 budget for the update of the Land Use and Development Code; and

WHEREAS, staff selected Clarion Associates to perform the work; and

WHEREAS, staff is presenting a Professional Services Agreement to the Town Council in the amount of $100,250.

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

Section 1. The Town Council hereby approves the attached Professional Services Agreement and authorizes the Mayor to execute such Professional Services Agreement for the update of the Land Use and Development Code.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 8, 2021.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Jenny Rakow, Town Clerk

To: Mayor and Town Council

From: Brian Lieberman, Open Space and Trails Manager

Date: June 8, 2021

Agenda Item**:** Resolution No. 45, Series 2021, "A resolution by the Town Council of the Town of Eagle, Colorado adopting the Open Space and Recreation Advisory Committee Bylaws."

REQUEST:

Staff requests that Town Council review the Bylaws for the Open Space and Recreation Advisory Committee and determine if the Bylaws are in the best interest of the Town to govern the Open Space and Recreation Advisory Committee.

BACKGROUND:

Last year, Town Council established the Open Space and Recreation Advisory Committee ("OSRAC") to provide additional expertise to the Town Council and staff necessary to enhance and facilitate open space and outdoor recreation in Town. OSRAC had its first meeting in November 2020 and has met monthly since that point. The Open Space and Trails Manager started in December 2020 and has continued to help the Committee establish its mission, goals, and Bylaws. OSRAC has finalized its Bylaws and the Committee is presenting them to Council for feedback and/or adoption.

ANALYSIS:

OSRAC's Bylaws are loosely based on the bylaws from similar Town Committees. They provide direction and rules for the Committee, outline the Committee's authority, and its exchange with Council. Staff have vetted the Bylaws and recommends that Council adopt the document as it is written.

COMMUNITY INPUT:

The Bylaws were developed by OSRAC with guidance from staff. The public had the opportunity to comment during the development of the Bylaws at several OSRAC meetings earlier this year.

BUDGET / STAFF IMPACT:

No additional impacts to the Town budget or staff. Staff will facilitate the Committee and OSRAC will

provide advisory guidance for the Open Space Budget.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

OSRAC was established to form a group of interested citizens, with relevant backgrounds, to advise staff and Council on matters concerning open space and trails. The Elevate Eagle Comprehensive Plan outlines several extensive goals to support and/or improve open space and trails in the Eagle area. The Bylaws will govern and provide direction for OSRAC as the Committee assists staff and Council with open space planning.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Resolution No. 45, Series 2021, "A resolution by the Town Council of the Town of Eagle, Colorado adopting the Open Space and Recreation Advisory Committee Bylaws."

ATTACHMENTS:

1. Resolution No. 45-2021_OSRAC Bylaws_6.2.21

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 45
(SERIES OF 2021)

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO ADOPTING THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE BYLAWS

WHEREAS, in November of 2011, the voters of the Town of Eagle, Colorado approved a lodging occupation tax, part of which is dedicated to preservation and management of Open Space and Trails; and

WHEREAS, the Town Council formed an Open Space and Recreation Advisory Committee ("OSRAC") and directed staff to coordinate the committee; and

WHEREAS, the Open Space and Recreation Advisory Committee shall consist of no more than seven (7) voting members and one (1) alternate member appointed by the Town Council and who shall serve 4-years terms. Non-voting members shall include stakeholder representation, a Town Council member(s), and the appropriate Town staff; and

WHEREAS, the Town Council has reviewed the Open Space and Recreation Advisory Committee Bylaws, attached hereto as Exhibit "A", and incorporated herein by this reference, and finds that the Bylaws are in the best interest of the Town to govern the Open Space and Recreation Advisory Committee.

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

Section 1. That the Open Space and Recreation Advisory Committee ("OSRAC") Bylaws attached hereto as Exhibit "A", are in the best interest of the Town to govern the Open Space and Recreation Advisory Committee.

INTRODUCED, READ, PASSED AND ADOPTED ON _____, 2021.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Jenny Rakow, Town Clerk

EXHIBIT A

TOWN OF EAGLE OPEN SPACE AND RECREATION ADVISORY COMMITTEE (OSRAC) BYLAWS

AS ADOPTED ON_____, 2021.

ARTICLE I. PURPOSE.

The purpose of the Town of Eagle Open Space and Recreation Advisory Committee (the "Committee") is to provide additional expertise to the Town Council and the Town Manager necessary to enhance and facilitate open space and recreation in the Town, and to act as a catalyst between the Town, residents, relevant stakeholders, and the broader community to expand and improve the Town's internal and adjacent open space and recreation opportunities within the context of the Town's commitment to conservation, social, and environmental objectives.

ARTICLE II. MEMBERS.

A. Number; Term. The Committee shall consist of not more than 7 voting members appointed by the Town Council to 4-year terms, and an alternate member appointed to a 4-year term who may act as a voting member in the absence of a regular voting member. Other non-voting members of the Committee shall consist of a Trustee, the Town Manager or designee and other appropriate Town staff. Voting members of the Committee shall be residents of the Town, own real property or own a business within the Town or employed within the Town limits in order to be eligible for appointment. Voting members may be reappointed by the Town Council but shall serve no more than 2 successive 4-year terms.

B. Application; Appointment. The Town Manager shall establish an application process for prospective Committee members, including public notice. The Town Manager shall then present a list of candidates to the Town Council from qualified applicants. The Town Council may interview some, or all, of the applicants and may consider recommendations made by current Committee members. The Town Council shall then vote on the appointment of members by written ballot, with such ballots being tallied by the Town Clerk, followed by a motion to appoint the highest vote-getters and a voice vote on that motion. The written ballots shall include the name of the person voting and shall be public records, as required by the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*

C. Removal. Committee members may be removed by a majority vote of the Town Council for neglect of duty, conflict of interest or malfeasance in office, after notice and an opportunity to be heard.

D. Vacancies. Vacancies shall be filled in the same manner as appointments.

ARTICLE III. OFFICERS.

A. Chair. The Committee shall be led by a Chair, who shall be elected by the voting members of the Committee at the Committee's first meeting of each calendar year. The Chair shall be responsible for scheduling and leading the Committee meetings and activities.

B. Other Officers. The Committee shall elect a Secretary at the same time and in the same manner as it elects a Chair. The Committee may elect a Vice-Chair through the same method, who shall assume the duties of the Chair in the Chair's absence. All officer appointments shall be for a 2-year period.

C. Committee Coordinator. The Committee shall appoint one of its voting members as the Committee Coordinator, who shall act as a liaison between the Committee, the Town Council, and Town Manager. The Chair, Secretary or Vice-Chair may serve concurrently in the role of Committee Coordinator.

ARTICLE IV. AUTHORITY AND DUTIES.

A. Authority. The Committee is authorized to take any of the following actions, consistent with its purpose:

1. Make recommendations to the Town Council regarding open space acquisition, conservation, and recreation programs in line with stated priorities in the Town Comprehensive Plan and adopted Strategic Plan of the Town Council;

2. Promote open space conservation and stewardship in the Town; and

3. Encourage recreation which provides responsible use of open spaces in ways that conserve the land and provide for ongoing quality of life for current and future residents of Eagle.

B. Duties. In exercising its Authority, the Committee shall perform the following duties:

1. Present an annual written report to the Town Council on the ongoing projects under review by the Committee as well as a proposed budget of any funds allocated to the Committee;

2. Provide input to the Town Manager regarding provisions of the Town's Building Code or Land Use Code which may hinder open space conservation and recreation;

3. Formulate and evaluate new open space recreation strategies and policies in furtherance of the environmental and quality of life goals adopted by the Town Council;

4. Review planned open space, recreation, and development proposals in the Town, upon request by the Town Manager; and

5. Perform any other activities related to open space management that could promote a positive environmental and recreational capacity for the Town or will help with

the implementation of the Town's environmental and strategic plan, as assigned by the Town Council or Town Manager.

C. Quorum. Four (4) members of the Committee shall constitute a quorum for any official action, but, in the absence of a quorum, a lesser number may continue any meeting or hearing to a later time or date, and in the absence of all members, Town staff may adjourn any meeting.

ARTICLE V. PARTNER ORGANIZATIONS.

To encourage collaboration, the Committee shall have partner organizations or subject-matter experts whose representatives may also participate in Committee meetings in a non-voting, advisory manner. There shall be no limit to the number of partner organizations or subject-matter experts invited to attend and participate in the Committee's meetings.

ARTICLE VI. MEETINGS.

A. Public Meetings. All Committee meetings shall be open to the public, and noticed as required by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq*. Upcoming agendas shall be posted on the Town's website.

B. Regular Meetings. Regular meetings shall be held monthly at the Eagle Town Hall, unless determined by a majority vote of the Committee as necessary and appropriate to meet at another location. The Chair may cancel any regular meeting when there is no business to be conducted by the Committee.

C. Special Meetings. Special meetings may be called by the Chair or upon written request of 3 members of the Committee filed with the Secretary. The purpose of the meeting shall be stated at the time of the request.

D. Minutes. Action minutes shall be kept for all Committee meetings. Approved minutes shall be posted on the Town's website.

E. Quorum. A majority of the total number of members then holding office shall constitute a quorum of the Committee for purposes of conducting business, and a majority vote of those present shall be necessary to carry any proposition.

ARTICLE VII. EXPENSES.

A. Staff Assistance. The Town Manager will make available to the Committee adequate facilities, staff assistance and discretionary funds to assist with the administrative functions and expenses of the Committee.

B. Budget. Upon request of the Committee, the Town Council may budget a portion of funds for administrative costs and other goals aligned with the direction from Town Council associated with the Committee's duties or meetings. The Committee Coordinator shall work with the Town Manager as needed to propose a Committee budget to the Town Council in a similar format as other Town Departments. Use of funds budgeted for the Committee may be reviewed

and discussed by the Committee and proposed to Town staff as a recommendation by the Committee regarding budgeting or use of such funds.

ARTICLE VIII. AMENDMENTS.

These Bylaws may be amended by resolution of the Town Council in its sole discretion.

ARTICLE IX. SEVERABILITY.

If any part, section, subsection, sentence, clause or phrase of these Bylaws is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

ARTICLE X. DISSOLUTION.

The Committee may be dissolved by resolution of the Town Council in its sole discretion.

June 4, 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.

The Town of Eagle is submitting a request to fund the reconstruction of Grand Avenue formally known as Highway 6 that runs through the heart of our community. Grand Avenue is the western gateway of the Town of Eagle. The Colorado Department of Transportation (CDOT) was the previous owner and transferred ownership of the corridor to the Town of Eagle in 2017. The purpose of this transfer was to reimagine a 2 mile stretch of highway that has become blighted over the years, has fallen into disrepair and is no longer compliant with today's traffic standards. The existing conditions are dangerous and unsafe for motorists and pedestrians in Eagle.

The positive impacts of this project are critical for residents and the socio and economically challenged in our community. Residents will benefit from the reconstruction because the newly designed corridor will allow for new public transportation methods to and from the Town of Gypsum utilizing a circulator bus. This partnership with Eagle County Eco Transit will create last mile bus service to existing transportation systems and increase busing shelters along the corridor. Traffic accidents will decrease for residents with new and improved safety measures. Improving traffic circulation will also mitigate congestion during peak transit times. Constructing traffic calming measures will decrease the use of heavy trucks traveling with equipment along the corridor who will use I70 because its more efficient, making it safer for motorists and pedestrians in Eagle.

In 2020, the Town of Eagle moved forward with design and engineering that included a public process to create a vision for the Grand Avenue Corridor. The purpose of this phase of the project was to design a corridor that was safe for motorists and pedestrians, addresses blight, and creates a beautiful gateway for the Town. The construction of the project will exceed the resources available to fund the vision for the Grand Avenue corridor. The estimated costs for the project are $20 million for construction. At this price point the Town has actively engaged in a capital campaign to start raising money for the project. The project is currently unfunded.

The Grand Avenue corridor planning and construction process is a true community collaboration bringing together stakeholders to create a vision for the future of Eagle. So far, we have solicited input that will result in the following outcomes:

- Implementation of a beautification and landscaping plan for the gateway of western Eagle.
- Construction of multi-modal and pedestrian friendly attributes that encourage residents to use alternative transportation mechanisms for wellness while reducing the Town's carbon footprint.
- Implement a controlled access plan and consolidate egress and ingress making it safer to access Grand Avenue for motorists.
- Acquire the necessary rights-of-way to implement the vision for the corridor.
- Construct roundabouts to ensure safe vehicle circulation while preventing stacking at busy intersections.
- Construct traffic calming measures like pedestrian refuges, crosswalks, and signals for safe passage of pedestrians through the corridor.
- Complete missing trail and sidewalk connections linking them to existing pathway infrastructure.
- Ensure that all attributes comply with the Americans for Disabilities Act making the corridor ADA friendly.
- Implement a plan for land use policies along the corridor that encourage redevelopment of blighted properties, including up zoning to create density for commercial and multi family mixed use developments.
- Require mixed use redevelopment to create affordable housing units close to workforce centers along the corridor.
- Integrate existing plans such as the Eagle River Corridor Plan, Downtown Development Plan, municipal broadband build-out strategy, and the Eagle River White Water Park phasing plans into the Grand Avenue corridor.
- Construction of a pedestrian mall and event space to activate underutilized roadways that link Eagle's historic downtown to Grand Avenue.
- Install municipal broadband fiber along the corridor to provide service to the under-served who live in low income west Eagle neighborhoods.

We urge you to consider how you may be able to support the improvements planned that are critical to the economic recovery and redevelopment of Eagle's core, heart, and soul. Thank you in advance.

Sincerely,

Scott Turnipseed, Mayor
Town of Eagle, CO

To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 8, 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
- 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:

- The transition back was seamless and is going well. Unless there is news on COVID-19, this is the last time a status update will be included in this report.
- The Town received notification that American Recovery Plan allocation to Eagle will be received in 2 installments. The first payment will occur some time this year and the second in 2022. The next steps are for staff to complete the certification paperwork and submit to DOLA for eligibility.

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

The County and Town Managers in the region continue to meet. The focus has shifted from COVID-19 to regional collaborations and high-level policy priorities. The group met on June 2 and the following items were discussed:

- There is interest in forming a regional transportation authority in November without a tax question. The goal is to formalize the group and then determine the priorities for a funding request in the future.
- Transportation priorities might include last mile and e-share programs, trail and recreation path connections, Eagle Air Alliance funding to increase the availability of carriers and improve busing options for residents and the workforce.
- The group also discussed exploring a regional housing authority at some point in the future.

The Town of Eagle won two awards by Downtown Colorado, Inc. The first was for the ArtWalk: Murder on Broadway. The second was for Downtowner of the Year, Bill Shrum. The downtowners are going to host a celebration party on the evening of June 14 at ArtSpace. Staff encourages members from the Town Council to stop by.

As part of the 2022 budget process, the administration is conducting it's first staffing projection and succession planning exercise. As we grow, this data will be important for staff and the Town Council to use as we build capacity to keep up with maintenance and service within the community. As employees age out of the workforce or move up, succession planning will help by maintaining the continuity of government operations.

The administration is working on new employee benefit programs for the 2022 budget. As the labor market becomes more competitive, the organization needs to be the leader on compensation and benefits to retain and attract employees. Below are a few proposals the leadership team is developing:

- Sabbaticals associated with years of service
- Post-pandemic flexible work schedule policy
- Paid family medical leave which is known as FMLA
- Housing stipends to assist with affordable housing

On June 22, Eagle County is going to present a proposal to start a circulator bus that will run between Gypsum and Eagle. This is a pilot program that is fully funded in year one. A circulator bus will connect last mile transportation to the existing middle mile bus system.

Economic Development & Planning

<u>Eagle River Park</u>

- Eagle County approved the management of mobile vendors in the flex space at the River Park and an amendment to the Use Agreement is no longer required.
- Staff is working on a proposal to resolve the co-management operation challenges with Eagle County and schedule this topic for a future agenda in July.
- The next executive committee meeting is scheduled June 18.
- Town wrapped up the RFP process for event production at the Eagle River Park and received two proposals.

Art Wall

- Public Works is in the process of submitting a Special Use Permit to CDOT for the construction of the wall next to Alpine Lumber. This wall will serve as a sight barrier to the Alpine Lumber shed as well as installing art mural panels in 2022.
- Public Works is in the process of procuring a landscaping company to design and install landscaping by the end of the season. This will be included in the CDOT Special Use Permit.

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

- June 11 – Mayor's Roundtable
- June 16 – Managers Taskforce meeting
- June 23 – June 24 – Colorado City County Manager's Association Conference

Sincerely,

Brandy Reitter

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	Not Scheduled
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
4/27/2021	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
5/25/2021	$1,500 donation to EVHS basketball program	In Progress
5/25/2021	Evaluate Bird Scooter proposal and bring it back	Not Scheduled
5/25/2021	Develop Town Council Attendance Policy and bring it back	Completed
5/25/2021	Bring back street closure and how it fits with planning efforts	Not Scheduled
5/25/2021	Bring back Senator Bennet support letter for Grand Avenue	Completed

To: Mayor and Town Council

From: Brandy Reitter, Town Manager, and Department Leads

Date: June 8, 2021

Re: Department Updates for May 2021

ASSISTANT TOWN MANAGER

Northeast Rural Philanthropy Days asked me to lead a workshop on June 9 covering small-town communication techniques. Information about the conference HERE.

I will be attending the Colorado City County Manager's Association Annual meeting June 23-25.

Downtown Broadway

- EagleARTS has been awarded a 2021 Governor's Award from Downtown Colorado Inc for their "Murder on Broadway" immersive event Feb 14, 2020. This is a prestigious award with applicants statewide including Denver, Boulder, Fort Collins, Colorado Springs, and Grand Junction.
- Town staff is planning a celebration for the DDA and the Downtown Alliance on June 14 in recognition of their recent DCI award.

Economic Development

- The Town met with the State of Colorado Department of Outdoor Recreation, and they reaffirmed their commitment to financially support an Outdoor Recreation Industry study in conjunction with the University of Colorado.
- The Economic Vitality Committee subcommittee on strategic planning met and agreed to recommend using Economic Development funds to pay for an Economic Development Assessment to quantify the Town of Eagle's potential in a variety of industries, suggest funding mechanisms and tools for incentivizing business development and retention, and provide a blueprint for intentional development goals.
- The EVC subcommittee on benchmarking and data met to discuss the print copy of the Community Survey, presentation of the follow-up survey dashboard, and questions to include for ongoing community survey engagement.

Project THOR, Broadband, and Telecom

- The Town has a signed contract with Eagle County for the provision of broadband service. Final details of the installation and material orders will take place in the coming week.

- Town staff met with members of Comcast's team to discuss installation in Town over the rest of 2021, opportunities to work together, and ways to further streamline the application process to make Town review easier.
- Project THOR stakeholders met June 1 and discussed future projects with Project THOR, including a robust build in the Roaring Fork Valley assisted by DOLA funding.
- Northwest Colorado Council of Governments is forming a governance subcommittee to review the organizational structure of THOR, its integration to NWCCOG, and stakeholder agency in strategic and financial decisions.
- Project THOR will be publishing an RFP for network management service in the coming months, looking to award the next three-year contract to begin at the end of 2022.

Community Survey

- The interactive slides presenting the Town of Eagle Community Survey are available now at townofeagle.org/survey.

Information Technology

- The Town has posted a job description for an IT Manager position. We hope to complete the hiring process by the end of June.

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/
- One-on-one follow up meetings with interested property owners continue as owners come forward.
- A phase 2 meeting kickoff meeting between Town Staff and the Project Team is tentatively planned for June 17, and for a four or five day period of stakeholder charettes and activities in mid-July. As dates are confirmed council liaisons will be invited to the events.

FINANCE DEPARTMENT

Administration/Financial:

- Staff continued work on the 2020 Financial Audit
- Debt Service Payments: 2016 Sales Tax Revenue Bond Payment - $109,969 (Last Pmt 2046)
  2013 Water Fund Revenue Bond Payment - $15,180.74 (Last Pmt 2024)
- Amended 2021 Fee Schedule with Council approved changes and updated website
- Fire Impact Fees – 1st Quarter Payment ($66,930.47)
- Civic Rec software merchant provider selection – Unfortunately, Civic Rec is not compatible with Caselle and Xpress Billpay. Staff conducted analysis on the four merchant service providers that Civic Rec works with. Due to reviews and pricing staff will be moving forward with Forte (Approximate annual cost will be $2,200 assuming 240 transactions annually)
- Met with EPS Staff who is conducting an economic analysis as a part of the Grand Ave Corridor Study to discuss the Town's current and historical sales tax collections
- Eagle Bucks – Businesses had until May 28th to remit all vouchers for reimbursement. Last payments were issued on Friday, June 4th. The Town spent $103,629.50 on the Eagle Bucks program. Staff's projection was a 53.56% return rate and we finished at just over 59%. Below is a breakdown of the spending:
  - Staff will be bringing options to the Council regarding how to cover the budget shortfall which will include the following:
    - Finding funds within the current 2021 budget to reallocate to the Eagle Bucks Program
    - Utilizing funds that are budgeted to be transferred to the Capital Improvements Fund
    - Utilizing Fund Balance

Eagle Bucks Funding Through 6/4/21	
Eagle Bucks Reimbursements	$ 96,961.92
Printing & Mailing	5,167.58
Advertising	1,500.00
	$103,629.50
Original Budget	**$ 60,000.00**
Budget Amendment Required	**$(43,629.50)**

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID							
	2017	**2018**	**2019**	**2020**	**2021**	**VARIANCE FROM PY**	
JANUARY	289	258	303	205	230	25	12%
FEBRUARY	245	272	254	237	217	(20)	-8%
MARCH	340	304	326	234	247	13	6%
APRIL	267	299	215	137	214	77	56%
MAY	277	260	275	162	260	98	60%
YEAR TO DATE	**1,418**	**1,393**	**1,373**	**975**	**1,168**	**193**	**20%**

- The Increase in invoices in 2021 from 2020 is due to the 2020 budget freeze. However, we are still down from prior years due to removing retail at the info center.

- Staff sent out an Accounts Payable Refresher training email to all staff to discuss the A/P process as staff returns to the office full time, to correct some issues that we have seen over the last year, and to hopefully increase the Town's invoice turnaround to our vendors

Budget:

- The 2022 Budget and Capital Improvement Plan (CIP) Kickoff Meeting was held May 19th
- Budget and CIP materials were distributed to staff
- Updated Capital Improvements Plans are due to Finance on July 2nd
- Personnel Requests/allocations are due to Finance on July 9th
- Operating budgets are due to Finance on July 23rd
- Draft Revenue Projections will be completed by August 6th
- Fee Schedule revisions due to Finance on August 6th

Training:

- Continued cross training with Senior Accountant for maternity leave in mid-late July.
- Finance Admin Tech – Began Advanced Excel Training Course
- Admin Tech conducted training for Marketing & Events regarding Invoicing system and A/R process
- Caselle Software – 2nd Quarter Release Webinar
- Caselle – Connect Online Accounts Payable Training

Payroll/HR:

- Positions changes in Payroll
  - 2 New Hires (2 Seasonal B&G Maintenance Workers)
  - 1 Term (Public Works Operations Manager)

Utilities:

- New Accounts Setup – 2
- Property Transfers – 20
- Red Tags – 28
- Shut Offs – 1
- Implemented Xpress Billpay – Guest Checkout option on website to enable customers to pay their utility bills quickly online without needing to set up a user account

Town Council Department – Budget to Actual:

TOWN OF EAGLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 5 MONTHS ENDING MAY 31, 2021

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	TOWN COUNCIL					
10-49-110	SALARIES & WAGES	3,550.00	16,000.00	39,600.00	23,600.00	40.4
10-49-142	WORKERS COMPENSATION	.00	38.31	51.00	12.69	75.1
10-49-144	FICA - EMPLOYER'S	271.58	1,224.04	3,029.00	1,804.96	40.4
10-49-210	OFFICE SUPPLIES	.00	12.00	200.00	188.00	6.0
10-49-320	LEGAL NOTICES	325.50	325.50	.00	(325.50)	.0
10-49-340	UTILITY SERVICES	965.12	965.12	.00	(965.12)	.0
10-49-347	PROFESSIONAL SERVICES	360.12	966.84	29,047.00	28,080.16	3.3
10-49-362	COMPUTER SUPPORT	395.85	945.73	3,048.00	2,102.27	31.0
10-49-371	TRAVEL EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-49-372	MEETING EXPENSE	.00	233.51	2,000.00	1,766.49	11.7
10-49-380	TUITION & BOOKS	.00	.00	1,750.00	1,750.00	.0
10-49-450	SPECIAL COUNCIL FUNDING	30,259.16	85,771.29	167,483.00	81,711.71	51.2
10-49-510	INSURANCE	.00	724.32	240.00	(484.32)	301.8
10-49-915	COMMUNITY REQUESTS	.00	3,922.34	50,000.00	46,077.66	7.8
	TOTAL TOWN COUNCIL	36,127.33	111,129.00	297,448.00	186,319.00	37.4

SPECIAL EVENTS & MARKETING
May 2021 Report-

Town of Eagle – Marketing & Special Events:

- **NEW EVENT AT THE RIVER PARK** - Have created River Water Safety Day with Sandy Schroeder/Mountain Youth to create valley wide River Water Safety Day. New event at Eagle River Park, to be presented June 27, 2021T at the Eagle River Park.
- **NEW EVENTS AT THE RIVER PARK** - Concluded RFP soliciting new Eagle River Park Summer Events. Received 2 proposals. Both will be produced this summer – 1) Eagle Farmer's Market & Art Show Begins Friday, June 25th, 9:00am to Noon at the River Park – for 10 weeks. 2) Eagle Explore the Outside Festival. Friday & Saturday, July 23 & 24, 2021.
- **NEW EAGLE MARKETING PIECE** - In production with Mary Ann/Chamber on joint Eagle Town map/restaurant guide brochure. 2500 mailers, the rest to be used at Eagle Info Center, at events and by the Chamber.
- Executed first Artwalk of the summer season. Great success.
- Began production to bring back Eagle Flight Days, Eagle July 4th Fireworks and Eagle July 4th Kids' Bike Parade.
- Worked with Bill Shrum to execute TOE Events Application Process Evaluation Workshop with Town Staff and local producers. Goal to create a better and more efficient process.
- Implemented new online invoicing system for event permit fees. Thank you, Carla.
- Finishing summer marketing/promotion ad run program with Vail Daily, to include impressions in Vail Daily paper, and digital platforms.
- Turned in department safety initiatives to Lynette/TOE Safety Committee.
- Accelerated Event permitting process to adjust for CDC opening after Covid.
- -Working with Community Events Funding Program to review/payout funding by Town Council.
- Working to payout Community Programs 2021 funding requests that were approved by Town Council.
- Created/Organizing Spruce Up Eagle Day for May 15, 2021 (Clean Up Day Lite).

May - Executed Events

- Created/Organizing Spruce Up Eagle Day for May 15, 2021 (Clean Up Day Lite).
- 5/1/21, ASCL High School State Climbing Championships
- 5/14/21 – Artwalk & Food Truck Fest
- 5/15/21 - VRD Boneyard Boogie Trail Race
- 5/15/21 - "Spruce Up Eagle Day", 25 volunteers cleaning up Eagle parks and public areas. 65 families participated to clean up their yards.
- 5/16/21 – Acting Out Kids' Showcase
- 5/22/21 -Bikes & BBQ Poker Ride, fundraiser
- 5/25/21 - Changing Minds Walk Down Broadway
- 5/26/21 - Eagle Ranch Classic MTB Race
- 5/27/21 - Mountain Tots Graduation

MEAC:

- -Executed monthly MEAC Meeting. Did review of candidates for M&E committee.
- Concluded search for new committee member search.
- Presented new members to Town Council for official placement on the Marketing & Events Committee.

Be Our Guests Program:

- Existing permits have been renewed – Bonfire 2nd St. Closure, Red Canyon Café Sidewalk use and Brush Creek Saloon.

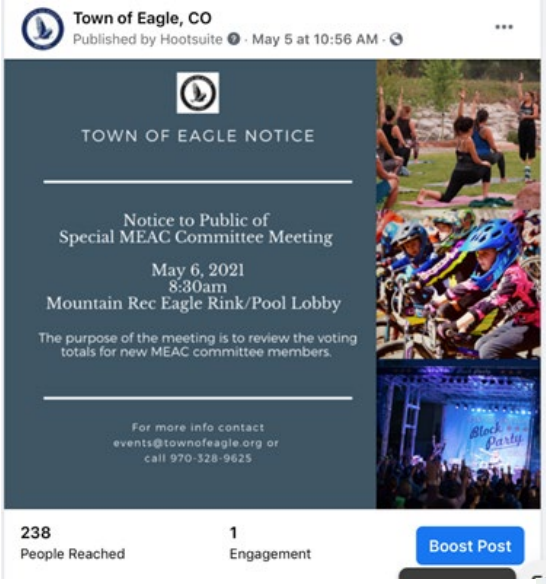
Eagle Info Center:

- Executed Info Center Summer 2021 Days and Hours - Info Center open Wednesdays through Sundays, 10:00am to 3:00pm. All staff is planning on returning. All staff has been vaccinated.
- Met with staff to create plan for 2021 Spring/Summer/Fall.
- Historical Museum will be open on the same days as the Info Center to create synergy.
- Creating list of physical improvements and renovations to the building inside and out for future consideration for 2022 TOE Budget.
- New Eagle promotional piece being created for summer.

Digital Sign:

- Created more intermittent scheduled messages.
- Promoting message for Eagle Downtown businesses
- Preparing slates for summer events and programs to build awareness and promotion.

Social Channel Examples:


Town of Eagle, CO
Published by Hootsuite · May 5 at 10:56 AM ·
TOWN OF EAGLE NOTICE
Notice to Public of
Special MEAC Committee Meeting
May 6, 2021
8:30am
Mountain Rec Eagle Rink/Pool Lobby
The purpose of the meeting is to review the voting totals for new MEAC committee members.
For more info contact
events@townofeagle.org or
call 970-328-9625
238
People Reached
1
Engagement
Boost Post

SPRUCE UP EAGLE DAY!
Your Yard, Our Town
May 15th, 2021
Eagle Residents - Spruce Up Your Yard
- Pick up trash bags from the Eagle Info Center
-*5 bags per family
-Put the filled bags on your front curb.
- The Town of Eagle will pick up the bags!
-Yard waste only, no other trash will be accepted!
Volunteer Needed to Spruce Up Eagle
-Teams or individuals
-Register at townofeagle.org
-Sign in at Brush Creek Pavilion day of event
-We'll supply bags, gloves & breakfast snacks
For more information go to
townofeagle.org
Eagle Ranch

Town of Eagle, CO added an event.
May 8 at 8:20 AM ·
BROADWAY
SAT, MAY 15
Spruce Up Eagle Day 2021
Brush Creek Pavilion - Eagle, Colorado

Town of Eagle, CO
Published by Hootsuite · May 16 at 2:40 PM ·
Thank you to everyone who showed up and volunteered as part of the " 2021 Spruce Up Eagle Day"! You did a great job cleaning up our town! Thank you also to Marc Rue and Eagle Ranch Assoc., the Eagle Welcome Center, Eagle Public Works and Honeywagon for their work to make it a successful day!
The Town of Eagle.
Thank you volunteers!
SPRUCE UP
EAGLE DA

Town of Eagle, CO
Published by Hootsuite · May 24 at 12:57 PM ·

The Eagle Ranch Classic MTB race is coming up on Wednesday, May 26th. For more info go to vailrec.com.

Town of Eagle, CO
Published by Hootsuite · May 13 at 3:56 PM ·

The Town of Eagle announces a RFQ for Marketing Management Services and Creation of Marketing Materials. For more info go to townofeagle.org.

Town of Eagle, CO
Published by Hootsuite · April 29 ·

For more information go to townofeagle.org or contact events@townofeagle.org

440
People Reached

14
Engagements

Boost Post

Town of Eagle, CO
Published by Hootsuite · May 5 at 10:56 AM ·

238
People Reached

1
Engagement

Boost Post

HUMAN RESOURCES

Benefits

- Continued 2021 new COBRA Compliance administration for HRA
- Utilization Meeting conducted for 1st 5 months of CEBT plan
- Researching options for enhancements to current policies and benefits for 2022 roll out

Recruiting – Onboarding

- Lateral Police Officer position filled, starts 6/14/2021
- Code Enforcement Position, PD conducting extended background check on finalist
- B & G Seasonal Maintenance Worker - 6 positions posted, staggered hiring approach
  Goal 6 positions, 4 positions filled and onboarded, 1 position due to start 4/21 and 1 offer pending
- IT Manager Posted
- Utility Manager Posted

Risk Management, Safety and Work Comp

- Managing 6 General Liability & PC Open claims, 3 carry over, 2 new
- No active work comp claims, all previous claims closed

Other

- Respond to 2 verifications of employment
- Conducted Employee Survey regarding return to office concerns
- Planning outside speakers for All Employee Meeting in July
- CivicHR, finalizing contract to implement

TOWN CLERK

Communications

- Communications Committee:

  Eagle Today May 26th 3617 subscribers
  - Message From Town Council - David Gaboury
  - **New Utility Payment Method**
  - **Upcoming Events**
  - **Grand Ave. Update**
  - RFQ Marketing Services
  - **Open Space Committee Member Needed**
  - See Something Say Something
  - **Open Positions**

  Comcast Updates sent May 7, 17, 21 and 28th

Licenses

- BUSINESS:
  - 2 Licenses Issued in May – 402 licenses issued for 2021
  - 10 Mobile Licenses have been issued in 2021
  - 74 Home Business Licenses have been issued in 2021

- LIQUOR:
  - Custom Food Works LLC dba Pickled Kitchen & Pantry – New Retail License Review
    - Public Hearing scheduled for June 8, 2021
  - Primavera Liquors – Retail Liquor Store Renewal
  - Eagle Ranch Golf Course – Hotel & Restaurant with Optional Premises Renewal
  - Kum & Go – Fermented Malt Beverage Off Sale Renewal
  - Eagle Sinclair – Fermented Malt Beverage Off Sale Renewal
  - Color Coffee Roasters – Beer & Wine Renewal
  - Three Hotel & Restaurant Transfer of Ownership Inquiries

- MARIJUANA:
  - Tumbleweed – Retail Marijuana Store Renewal Issued May 26th

Website – www.townofeagle.org

- Ask the Town questions: 13
  - Gas Grill Restrictions x 2
  - Farm Stand Business inquiry
  - Utility inquiry x 2
  - Eagle County Ambulance inquiry
  - Tap Fee inquiry – Frost Creek
  - Town Park reservation inquiry
  - Eagle County Property Tax inquiry
  - Eagle County Environment Health inquiry
  - Municipal Court inquiry
  - Contractor's License inquiry
  - Sewer line inquiry

Other:

- Code Enforcement Officer finalist interviews – May 26th

Sales Tax

- The Sales Tax Report from the State for April receipts was not received in time for this report.

MUNICIPAL COURT

- Court held May 5 and 19

April Citations Issued	Current	YTD	2020
Animal Control	2	15	29
Juvenile	2	7	
Misdemeanor	1	2	29
Parking	6	65	97
Traffic	14	100	160
Total	**25**	**189**	**315**

April Fines and Fees Collected (includes collections for previous months)	Current	YTD	**2020**
Court Costs	90.00	885.00	1450.00
Criminal Police Equipment and Training Surcharge	30.00	70.00	601.00
Traffic Surcharge	250.00	1762.00	0
Deferred Judgment Fee	0	0	665.00
Fines	2625.00	16740.00	21651.66
Outstanding Judgement Fee	0	300.00	370.00
Stay of Execution Fee	0	0	25.00
Charitable Contribution	0	0	10.00
Bad Check Fee	30.00	60.00	0
Warrant Fee	30.00	90.00	0
Failure to Appear	350.00	1015.00	35.00
Victim Restitution Fee	0	0	371.02
Total	**$3405.00**	**$20,922.50**	**$25,178.68**

April Dispositions (Payments or Court Appearances)	Current	YTD	2020
Animal Control	0	4	110
Juvenile	0	6	0
Misdemeanor	0	1	72
Parking	11	78	443
Traffic	16	85	205
Total	**27**	**174**	**830**

Outstanding Fines and Fees by Date	
Current	**800.00**
1-30 Days Past Due	1280.00
31-60 Days Past Due	**1000.00**
61-90 Days Past Due	815.00
91-180 Days Past Due	**3349.00**
Total	**$7244.00**

COMMUNITY DEVELOPMENT

BUILDING DEPARTMENT UPDATES:

Activity:	Status:
General coordination of contractors and projects.	Ongoing
Communications with Construction Community for Upcoming Reach-Out Meetings.	Ongoing
Participation in Pre-Application meetings as needed.	Ongoing
Plan review and inspection services for pending and active permits.	Ongoing
Expired Permits review and follow-up.	Ongoing
Code Adoption Process (2021 International Building Codes) The Building department has begun the process of reviewing and completing the adopting ordinance for construction code updates with the intent to adopt the 2021 edition of the International Suite of Codes. In our July CITIX Newsletter (*Construction Industry Trades Communication Information Exchange),* we will solicit input for adoption and/or amendments to the 2021 Codes, including any recommended changes to the current Title 13 of the Town Code. Please contact Building Official, Charlie Davis, directly if there is an interest in being part of this process.	Ongoing
Work with the Town of Gypsum Building Department for Electrical Inspection Services. o May – (17) inspections	Ongoing
Archived plans – department is receiving large numbers of inquiries. o Staff is now beginning to electronically archive permits.	Ongoing
CITIX JULY TENTATIVE TOPICS: *Construction Trades Information Exchange* • Summary of how the website can help you • PV Systems • Update on current development projects • Impact fee ordinance • New Community Development Staff • Irrigation Systems & Need for 811 Registration/Locating Systems • Broadband Deployment • Joint Excavation Ordinance	• CITIX is a way for the Community Development Department to communicate with the Contractor community. • Last Issue sent March 1, 2021 • Next Issue publication date is scheduled for July 1, 2021

The chart below shows the number of inspections conducted and building permits issued for the current month, the previous month, and the year to date.

Building Department Activity 2021					
	March 2021	April 2021	May 2021	YTD 2020	YTD 2021
Number of Inspections	**110**	**106**	**132**	**1970**	**348**
Number of Permits Requiring Plan Review	12	14	12	*	**38**
Number of Building Permits	**22**	**21**	**27**	**498**	**70**
Building	12	11	13	160	36
Electrical	7	2	6	137	15
Plumbing	3	1	1	69	5
Mechanical	7	1	5	107	13
Demo	0	0	1	3	1
Out of Town Water/Sewer Taps	1	1	1	22	3
*ALL Commercial**	2	0	2	24	4
*SF Detached Residential**	0	3	2	11	5
*Multi-Family & Attached SF Residential**	0	0	0	16	0
Residential Remodel/Addition/ Basement Finish	5	6	1	49	12
PV	5	2	2	46	9
One Stop	10	5	21	102	36

* YTD Plan Review Data Unavailable

- **Major Construction Projects Under Review and Oversight:**
  - **Broadway Station** – Elevator permit received from NWCCOG on 3-30-21. Pre-drywall inspection completed, and the trusses have been added to top floor. No new construction changes to report.
  - **Talon Flats** – Plumbing rough inspection (excluding roof drains) completed, electrical and mechanical rough inspections completed as well. PV System PR on hold, waiting for AOR/EOR information. We received a new mechanical permit application for A/C units. No new construction changes to report.

- **Upcoming Activities for June 2021:**
  - Continue procedure for code updates to 2021 I Codes
  - Continue customizing Community Core Solutions
  - Continue electronic archiving of permits

PLANNING DEPARTMENT UPDATES:

PLANNING ACTIVE APPLICATIONS	STATUS
Red Mountain Ranch	• Landowners working with 1) CDOT on HWY 6 access and 2) water system engineering (no update).

Reserve at Hockett Gulch	• Update under pre-application meetings.
Brush Creek Road Extension	• Design plans have been submitted to Town Engineer for review - approval deadline was May 14th. PW staff to work with Town Attorney, Town Manager, Council on wording/drafting of approvals. • Work with CDOT to raze building for road extension. • No new information to report (6/2/2021).
Haymeadow	• Haymeadow/PW Update Meetings – including Comm Dev Rep. • PUDA20-01 – Haymeadow Amendment o Cabin request approved on May 11th. o Project close-out – recording of ordinance, development agreement, PUD Guide, Dev Plan. • S20-01 - Haymeadow Amended Final Plat o Waiting on mylars to record final plat – extension granted to tax abatement of agricultural parcels until August 2021. • Next Steps: o Platting if PUD amendments are approved. o Major Development Permits for design guidelines and multi-family housing.
700 Chambers, Lot C	• CT20-04 – 700 Chambers, Lot C condo plat o Approved, not recorded. o Project close-out, mylars, recording. • SU21-01 700 Chambers Ave. Lot 3 o Approved, staff to send Resolution to applicant.
DR21-01 – Sinclair Station	• Applicant putting together grading and drainage plan. • Traffic impact study. • Condition of Approval (shared with Kendra & Matt for review). • Application under completeness review – no new information to report (6/2/2021).
SU21-02 – 629 Sawatch Contractor Yard Special Use Permit	• Fence to be completed by June 1st – site inspection forthcoming. • Requesting to relocate driveway entrance – under PW review.
SU21-03 – 113 E. Fourth St. Vet Clinic	• Applicant has applied for an Encroachment Permit. • Reach out to PW, Fire, PD about impact fees (PD has impacts associated with use). • Approved, staff to send Resolution to applicant. • Staff review of Encroachment Permit.
AN21-01- 1819 Brush Creek Rd	• Payment in lieu of water rights dedication – feedback from Tom and Mary Elizabeth. • Public Hearing scheduled for June 8th.
PUDA21-01 - Eagle Ranch 6th PUD Amendment	• Application & deposit submitted in April. • Completeness review – pending. • No new information to report (6/2/2021).
PUDM21-01 – 1028 Hernage Creek Building Envelope	• Asked about process for altering the building envelope for a property in Eagle Ranch – PUD Guide Minor Modification – administrative process (30-day timeline). • Decision due by June 2nd.

	• Application approved June 2nd. • Upload decisions to Community Core for records when applicant submits for building permit.
PRE-APPLICATIONS	**STATUS**
226 Capitol	• Pre-app meeting complete. No update from applicant.
446 Broadway	• Pre-app meeting complete. No update from applicant.
341 Broadway Mountain Animal Hospital Center	• Pre-app meeting complete. • Proposing re-development of site – maintaining existing SUP approval for veterinary clinic.
306 Howard St.	• Applicant is still bidding on the project. Pre-app meeting TBD.
295 Eby Creek Rd. (previously Burger King)	• SUP for Rapid Care Clinic forthcoming, summer 2021.
263 & 483 Sawatch Contractor Yard Special Use Permit	• Pre-app meeting complete. No update from applicant.
1215 Chambers Ave. Innovation Station	• Concept Plan and drainage info was sent to PW. • PUD application expected late summer/early fall.
Reserve at Hockett Gulch – Subdivision & Major Development Permit	• Prelim/Final Plat & Major Development Permit. • RHG would like to use a planning consultant. • Public Works trying to utilize Mac Hall for technical review. • Carrie McCool – lead planner / Jess – staff planner. • No new information to report (6/2/2021).
332 Grand Ave. AG Roofing Co.	• Early process of designing a replacement building. Pre-app meeting TBD. • No new information to report (6/2/2021).
LONG RANGE PLANNING	**STATUS**
Elevate Eagle Comprehensive Plan	• Appendix A – talk to Eagle County Housing for housing report – on hold. • State Demographer report for Appendix A – in progress. • FLUM Amendment – tweaks to the Future Land Use Map based on updates made to the zoning map not completed at time of FLUM adoption/ratification. • No new information to report (6/2/2021).
Title 4 Land Use Code Update	• Selection Committee confirmed Clarion Associates. • Signing of Clarion PSA scheduled for June 8th.
Hwy 6 Corridor Study	• Town Council work session was held on June 1st. • Project now in Phase 2 (April 2021 – October 2021).
East Eagle Sub Area Plan	• Dates in Calendar (tentative). • PZ Commission work session was May 4th. • Continue to revise concept plans and draft plan outline based on public feedback. • Town Council work session was held on June 1st. • No new information to report (6/2/2021).
County West Eagle Property	• 4 RFQ's received. • Presentations heard on April 23rd. o Favoring Gardner Capital with Norris Design.

SolSmart – Bronze Designation	• Zoning review and baseline assessment complete – schedule meeting with Rep to review. • Staff reviewed baseline assessment on March 25th. • Planning staff to work with Permit Tech to designate responsibilities and to do lists. • No new information to report (6/2/2021).
ECSD Employee Housing Project (3rd Street)	• Need comp plan FLUM amendment, rezone, subdivision, dev. permit. • Application likely submitted in early summer. • 12-14 units currently proposed.
OTHER	**STATUS**
MOBILE VENDING / ENCROACHMENT	• Eagle County will now manage vendor assignment within the Flex Space. ○ 6 vendors applied for River Park, 4 are awaiting final County approvals and site allocation.
ORDINANCES	• Impact Fee Ordinance Update (no update). • Review of Public Safety and Fire District Nexus studies underway. • Master Traffic and Circulation Plan (1998?) missing from files. Dennis to look for study. • No new information to report (6/2/2021).

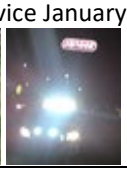
Upcoming Meeting Schedule:

June 2021
June 8th (Town Council) • AN21-01 1819 Brush Creek Road Annex Public Hearing • Clarion Associates PSA and resolution • Public Hearing for Discussion of EESAP • Department Update
June 15th (Planning & Zoning Commission) – *in-person meeting at Town Hall* • Adoption Hearing: EESAP • Department & Council Update
June 22nd (Town Council) • Two10 Freestone – performance guarantee release • Chambers Lofts – performance guarantee release
July 2021
July 6th (Planning & Zoning Commission) • No files scheduled at this time.
July 13th (Town Council) • Ratification Hearing EESAP • Department Update
July 20th (Planning & Zoning Commission) • No file scheduled at this time. • Department / Council Update
July 27th (Town Council) • No files scheduled at this time.

POLICE DEPARTMENT

May 2021 Calls for Service: **900**
Calls for Service January – May 2021: 4,194

May 2020 Calls for Service: 1,000
Calls for Service January – May 2020: 4,090



Agency Assist 18	*Fraud 3*
Assault 2	*Harassment 7*
Burglary 1	*Juvenile/Family Incident 20*
Citizen Assist 34	*Missing/Recovered Juvenile – Adult 2 - 3*
Civil 9	*Noise 8*
Crash 13	*Protection Order Violation 2*
Damage/Vandalism 1	*Sex Assault/Misconduct Investigations 2*
Death 1	*Sex Offender Check/Registration 4*
Disturbance 5	*Suicidal/Welfare 16*
Dogs Leash, Welfare or Noise (EPD and not A.C.) 5	*Suspicious Person/Vehicle/Occurrence 31*
Domestic/Disturbance- Harassment or Assault 6	*Theft 5*
DUI/D 4	*Trespassing 1*
DUR 5	*Warrant Arrest 1*
Fire/Medical 9	

With summer starting in June and Public Health Orders lifted, Officers with your Eagle Police Department have been excited to get back into the pre-covid community engagement routines. Officers have been hanging out with kids at our local schools, checking in with families at local parks, letting kids show our team how to fish (Eagle Ranch fishing pond) and taking more walkabouts throughout town, looking for "sticker bomb" opportunities. Our team helped with a community engagement event at Eagle Villas and attended the monthly "Cars and Coffee" meet. One of our dayshift officers stopped by the BCES field for baseball practice, where he struggled to keep up with the elementary-aged baseball players (yep, he was schooled by the 8-year-olds!). Our bicycle-certified officer also polished up our patrol bike and began putting on the miles this month as well.
Your Eagle Police Department utilized the Ring APP request with our neighbors in a community where a mountain bike was stolen. Several neighbors offered their videos in an effort to identify a suspect. Unfortunately, for this particular case, the cameras were not at an angle to capture images of the suspect. This APP will prove to be a useful tool in the future. Great idea!

Your Eagle Police Department continues to receive inquiries from new residents about off-road vehicles (OHV), the number of OHVs on Town roads seen this spring and the access to 2nd Gulch. Some were unaware of the Town Code allowing access to trails. EPD has noticed an increase in the amount of OHVs (likely due to covid) and the amount of people wanting to be outside. EPD has already stopped a few riders to educate them about OHV permitted speed and after-hours headlamp requirements.

Colorado State Patrol (CSP) pursued a stolen truck and trailer on I-70. EPD staff set up at the Eagle off-ramp in an effort to stop the vehicle from exiting into Town. CSP used spike strips to deflate the tires of the stolen truck, which was stopped just East of Eagle. EPD briefly shut down the Interstate. CSP discovered the suspects had multiple warrants and also discovered firearms in the stolen truck.

An Avon resident elected to get into a racially motivated altercation with customers at a local drive-through restaurant. EPD responded to the disturbance. The suspect attempted to flee in his vehicle but was stopped before he could access the Interstate. The suspect was discovered to be intoxicated, had been previously revoked and was on probation for a previous offense. The suspect was arrested on multiple charges, including DUI, DUR and five counts of bias-motivated harassment.

EPD investigated a report of employee theft. Following a review of records, receipts and video footage of the store, evidence revealed at least $1,300 in stolen items. A records check revealed the employee was already on felony bail bond conditions for a previous case. The employee was arrested on felony theft.

Listen to your spouse! A resident learned a lesson when told that he could not borrow or drive his wife's car, then took it without permission anyway. She called dispatch and explained the situation, adding that he didn't have a license. An EPD officer spotted the vehicle and made a traffic stop. While our officer was able to mediate the situation between husband and wife, the husband was issued a summons for driving on a revoked license from a previous DUI arrest.

Lesson, learned! A loving father granted his son permission to ride his expensive mountain bike for an outing with friends as long as the son locked the bike up when he wasn't riding it. Son agreed and happily took off on his adventure. Son ended up going to a movie with friends and forgot to lock up his dad's mountain bike. At the conclusion of the movie, son walked outside to discover the mountain bike was stolen. Son frantically checked the surrounding areas without finding his dad's mountain bike and called EPD for assistance. EPD began an investigation and contacted the father. Father stated he was on his way home, drive past the movie theater, saw his mountain bike unlocked and took the bike home to teach his son a lesson.

Third time's a…ticket? After it was discovered that a mobile vendor operated at the Art Walk without a business license, Community Development discovered the vendor operating again and kindly guided the operator through the process to obtain a license. Yet again, the mobile vendor was said to be operating in Town without a license and EPD was contacted. The Chief of Police attempted to use his charm to get the operator into compliance, noting the ease of obtaining a license with our Town Clerk and even dropped off the paperwork. Our Town Clerk noted the vendor still had not obtained a license, was again operating and EPD was contacted. EPD issued a summons to appear in municipal court.

Come on, man! A subject was issued a Court Order of Protection from a Sheriff's Deputy, directing a subject living in Eagle to refrain from contacting a specified person. Although there are over 7.8 billion other people on our planet the subject could have contact with, this subject chose to violate the Court Order within about five minutes after being served. ECSO drafted a warrant and EPD assisted ECSO in an attempt to locate the subject. The subject eventually turned themselves in at the jail later that night.

Caught bear handed! EPD was called out to a bear that damaged a vehicle. Due to the amount of bear calls in recent years, EPD has reached out to the Department of Wildlife to assist with modifying our Town Code, as our Code applies to restrictions upon leaving trash cans out too long and restrictions regarding rodents, but not other animals. DOW indicated they would be happy to assist with education and enforcement if we had an applicable Town Code, as there are a few select residents who have been educated numerous times, but refuse to modify their behavior, leaving trash cans out for days. EPD will keep our Council posted on this progress.

Ah! EPD was asked to help out a neighbor who had a kitten stuck in a tree for nearly 24-hours. Unfortunately, the kitten crawled too high up the tree and since cops & ladders don't mix well, the pros were called to help out. Greater Eagle Fire responded with a ladder truck and rescued the kitten…a true Mayberry moment 😊.

County Court – *Available upon request.* ***Local and Regional Calls for Service –*** *Available at Dispatch*

PUBLIC WORKS

General

- Water, Irrigation and Watering Restrictions – so far this season the peak flow on the Eagle occurred on May 23rd. Cooler and wetter weather after that date slowed the snowpack melt. We're headed into a period of very warm weather and I suspect that the peak of runoff for this year may occur before our upcoming Council meeting. Based on the snowpack criteria contained in our Code we could have initiated Stage 2 water use restrictions as early as April, but I recommended to Brandy that we hold off until after the peak of runoff – it's hard for the public to understand and accept restrictions when they see the river continuing to rise. It is a VERY dry year with flows in the Eagle currently running less than half of normal. We will initiate the Stage 2 restriction very soon. The real impact of going to Stage 2 is curtailment of some commercial water uses, most notably golf course irrigation at Eagle Ranch and Frost Creek. In addition to the Town Code, we have a document called the Brush Creek Management Plan that restricts raw water diversions from Brush Creek, and these restrictions kicked in on June 1. This Plan effects non-potable irrigation at the Frost Creek development, on the Brush Creek Ranch open space, on Haymeadow, and on the Eagle Ranch golf course.

Streets

- June is a big month for special events in Eagle, and Public Works is happy to support these events. During this month our Streets Crew (along with the Buildings & Ground crew) will assist with events on 9 of 22 working days (primarily with setup and takedown of street closures).
- Gravel/soil road shoulder maintenance work is ongoing, currently in the Hernage Creek Road area.

Buildings and Grounds

- Planting of annual flowers will occur in the next week, you should be seeing flowers by the time the Council meeting occurs.
- We have been able to fill ALL SIX seasonal maintenance workers within B&G! Had I known we would have this much luck I would have bought lotter tickets, but we are super happy to have full crew!

Water/Wastewater

- Lower Basin Water Treatment Plant is deep in the testing and startup phase. We will probably begin to make actual potable water at this plant in about two weeks, but it will be some more time after this before we begin to pump that water to our customers.

Open Space

- We have secured a contractor for the construction of improvements at the Haymaker Trailhead and work has begun. Lumber shortages are a real issue, specifically obtaining fencing material.
- We have completed interviews with consultants for our Open Space Master Plan and will have likely made a selection by the Council meeting. We are excited to begin this work.

Engineering

- Comcast has made application for a right-of-way permit for the remainder of Eagle Ranch and will begin work in those areas soon. We anticipate that they will soon apply for their final right-of-way permit which will cover the area of Town north of I-70 and they will then be permitted for construction in the entirety of the Town.
- Dennis is working contractors on obtaining design/build proposals for the art wall along Eby Creek Road and will be obtaining the necessary permits.

To: Mayor and Town Council

From: Jenny Rakow, Town Clerk

Date: June 8, 2021

Agenda Item: PUBLIC HEARING: New Hotel & Restaurant License Custom Food Works LLC dba Pickled Kitchen & Pantry

REQUEST: The Mayor should convene as the Liquor License Authority before opening this item. The request is for consideration of approval for a new Hotel & Restaurant License for Custom Food Works LLC dba Pickled Kitchen & Pantry located at 65 Market Street.

BACKGROUND: Custom Food Works LLC dba Pickled Kitchen & Pantry is owned by Michael Joersz who has submitted an application to the Town for a New Hotel & Restaurant License on April 28, 2021.

ANALYSIS: Department Staff has reviewed the application and made preliminary findings to the applicant that included the following:

1. The location of the premises for which the license is sought is 65 Market Street Eagle Colorado 81631.
2. It appears from the evidence submitted that you are entitled to possession of the premises where you propose to exercise the license.
3. The building where you propose to sell liquor for on-site consumption is not within 500 feet proximity to a school as defined in Eagle Municipal Code.
4. The applicant has applied for and has possession of a valid Town of Eagle Business License and state-issued Sales Tax License number.
5. The $100.00 Concurrent Review fee to the State of Colorado has been paid. All other application fees have been waived including the State Fee of $2050.00 and the local fee of $1075.00. The renewal fee for 2022 will include $500.00 to the State of Colorado and $175.00 to the Town of Eagle.
6. As of this date, the Town Clerk and the Eagle Police Department have completed their preliminary background investigation concerning the records of the premises, applicants, employees, and persons known to assist or finance the Applicant:
7. Pursuant to 44-3-307 (3)(a), the Town of Eagle shall have access to and consider criminal history record information of the applicants. Based upon this investigation the findings were consistent with the disclosure on the IHR regarding a 2008 conviction for a Driving Under the Influence Charge for the applicant. The applicant has complied with all requirements regarding those charges.
8. No undue concentration has been determined with the current class of license and does not require additional law enforcement resources as presented.
9. The neighborhood for which the Local Licensing Authority has determined as the applicable neighborhood is the Town of Eagle. A petition is not required as this location has had a license of a similar type in the past.
10. Within the neighborhood there are the following existing liquor outlets:

14 Hotel & Restaurant Licenses	1 Brewpub License
1 Tavern Licenses (1 pending)	3 Beer and Wine Licenses

4 Fermented Malt Beverage Off-Premises Licenses	4 Retail Liquor Store Licenses
1 Brewery (State Licensed)	1 Distillery (State Licensed)

COMMUNITY INPUT: This is a public hearing. The applicant will also be present to answer any questions from the Authority.

BUDGET / STAFF IMPACT: There is no budget impact other than revenue to be received for renewal in upcoming years in the amount of $175.00 annually. All application fees were waived pursuant to Council direction.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This item does not have a direct link to a Major Objective, however, it does support "Stimulating Economic Vitality and Development" in the Market Street area.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY: Findings and Order approving a New Hotel & Restaurant License for Custom Food Works LLC dba Pickled Kitchen & Pantry located at 65 Market Street. and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado.

ATTACHMENTS:

1. 2021 RETAIL APPLICATION - redact for meeting_Redacted
2. Notice of Public Hearing - website
3. NOTICE OF FINDINGS AND ORDER

DR 8404 (01/22/20)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
(303) 205-2300

Colorado Liquor Retail License Application

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

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

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

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation: Custom Food Works LLC — FEIN Number: 85-2059291

2a. Trade Name of Establishment (DBA): Pickled Kitchen & Pantry — State Sales Tax Number: 94536378 — Business Telephone: (970) 328-2544

3. Address of Premises (specify exact location of premises, include suite/unit numbers): 65 Market Street
City: Eagle — County: Eagle — State: CO — ZIP Code: 81631

4. Mailing Address (Number and Street): PO Box 4728 — City or Town: Edwards — State: CO — ZIP Code: 81632

5. Email Address: pickledmarket@gmail.com

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

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

Section A — **Nonrefundable Application Fees***

- ☐ Application Fee for New License $1,550.00
- ☐ Application Fee for New License w/Concurrent Review $1,650.00
- ☐ Application Fee for Transfer $1,550.00

Section B — **Liquor License Fees***

- ☐ Add Optional Premises to H & R ..... $100.00 X _____ Total _____
- ☐ Add Related Facility to Resort Complex $75.00 X _____ Total _____
- ☐ Add Sidewalk Service Area $75.00
- ☐ Arts License (City) $308.75
- ☐ Arts License (County) $308.75
- ☐ Beer and Wine License (City) $351.25
- ☐ Beer and Wine License (County) $436.25
- ☐ Brew Pub License (City) $750.00
- ☐ Brew Pub License (County) $750.00
- ☐ Campus Liquor Complex (City) $500.00
- ☐ Campus Liquor Complex (County) $500.00
- ☐ Campus Liquor Complex (State) $500.00
- ☐ Club License (City) $308.75
- ☐ Club License (County) $308.75
- ☐ Distillery Pub License (City) $750.00
- ☐ Distillery Pub License (County) $750.00
- ☒ Hotel and Restaurant License (City) $500.00
- ☐ Hotel and Restaurant License (County) $500.00
- ☐ Hotel and Restaurant License w/one opt premises (City) $600.00
- ☐ Hotel and Restaurant License w/one opt premises (County) $600.00
- ☐ Liquor–Licensed Drugstore (City) $227.50

Section B (Cont.) — **Liquor License Fees***

- ☐ Liquor–Licensed Drugstore (County) $312.50
- ☐ Lodging & Entertainment - L&E (City) $500.00
- ☐ Lodging & Entertainment - L&E (County) $500.00
- ☐ Manager Registration - H & R $75.00
- ☐ Manager Registration - Tavern $75.00
- ☐ Manager Registration - Lodging & Entertainment $75.00
- ☐ Manager Registration - Campus Liquor Complex $75.00
- ☐ Optional Premises License (City) $500.00
- ☐ Optional Premises License (County) $500.00
- ☐ Racetrack License (City) $500.00
- ☐ Racetrack License (County) $500.00
- ☐ Resort Complex License (City) $500.00
- ☐ Resort Complex License (County) $500.00
- ☐ Related Facility - Campus Liquor Complex (City) $160.00
- ☐ Related Facility - Campus Liquor Complex (County) $160.00
- ☐ Related Facility - Campus Liquor Complex (State) $160.00
- ☐ Retail Gaming Tavern License (City) $500.00
- ☐ Retail Gaming Tavern License (County) $500.00
- ☐ Retail Liquor Store License–Additional (City) $227.50
- ☐ Retail Liquor Store License–Additional (County) $312.50
- ☐ Retail Liquor Store (City) $227.50
- ☐ Retail Liquor Store (County) $312.50
- ☐ Tavern License (City) $500.00
- ☐ Tavern License (County) $500.00
- ☐ Vintners Restaurant License (City) $750.00
- ☐ Vintners Restaurant License (County) $750.00

*** Note that the Division will not accept cash**

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

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

Liability Information

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

DR 8404 (01/22/20)

Application Documents Checklist and Worksheet

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

Items submitted, please check all appropriate boxes completed or documents submitted

I. Applicant information

- ☒ A. Applicant/Licensee identified
- ☒ B. State sales tax license number listed or applied for at time of application
- ☒ C. License type or other transaction identified
- ☒ D. Return originals to local authority (additional items may be required by the local licensing authority)
- ☒ E. All sections of the application need to be completed
- ☐ F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application

II. Diagram of the premises

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

III. Proof of property possession (One Year Needed)

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

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

- ☒ A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)
- ☐ B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. **Do not complete fingerprint cards prior to submitting your application.**
  The Vendors are as follows:
  IdentoGO – *https://uenroll.identogo.com/*
  Phone: 844-539-5539 (toll-free)
  IdentoGO FAQs: *https://www.colorado.gov/pacific/cbi/identification-faqs*
  Colorado Fingerprinting – *http://www.coloradofingerprinting.com*
  Appointment Scheduling Website: *http://www.coloradofingerprinting.com/cabs/*
  Phone: 720-292-2722 Toll Free: 833-224-2227
- ☐ C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license
- ☐ D. List of all notes and loans (Copies to also be attached)

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

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

VI. Corporate applicant information (if applicable)

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

VII. Partnership applicant information (if applicable)

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

VIII. Limited Liability Company applicant information (if applicable)

- ☒ A. Copy of articles of organization
- ☒ B. Certificate of Good Standing
- ☐ C. Copy of Operating Agreement (if applicable)
- ☐ D. Certificate of Authority if foreign LLC (out of state applicants only)

IX. Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application

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

Name	Type of License	Account Number

	Yes	No
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	☐	☒
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):		
a. Been denied an alcohol beverage license?	☐	☒
b. Had an alcohol beverage license suspended or revoked?	☐	☒
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?	☐	☒
If you answered yes to 8a, b or c, explain in detail on a separate sheet.		
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. _____	☐	☒
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	☐	☒
or		
Waiver by local ordinance?	☐	☐
Other: _____		
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,0000? **NOTE**: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.	☒	☐
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,0000? **NOTE**: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.	☒	☐
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?	☐	☐
13 b. Are you a Colorado resident?	☒	☐
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.	☐	☒
15. Does the applicant, as listed on line 2 of this application, **have legal possession of the premises by ownership**, lease or other arrangement?	☒	☐

☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord	Tenant	Expires
Clueless Investments LLC	Custom Food Works LLC	11/01/2023

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.	☐	☒

c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?	☐	☐
Number of additional Optional Premise areas requested. (See license fee chart)		

18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: **a.** Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? **If "yes" a copy of license must be attached.**	☐	☐

Name	Type of License	Account Number

20. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

	Yes	No
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?	☐	☐
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?	☐	☐
c. How long has the club been incorporated?		
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?	☐	☐

21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:

a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	☐	☐

22. Campus Liquor Complex applicants answer the following:

a. Is the applicant an institution of higher education?	☐	☐
b. Is the applicant a person who contracts with the institution of higher education to provide food services? **If "yes" please provide a copy of the contract with the institution of higher education to provide food services.**	☐	☐

23. For all on-premises applicants.

a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record
- DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.

b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application
- DR 8000 and fingerprints.

Last Name of Manager	First Name of Manager

24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes ☐ No ☐

25. Related Facility - Campus Liquor Complex applicants answer the following: ☐ ☐

a. Is the related facility located within the boundaries of the Campus Liquor Complex?

If yes, please provide a map of the geographical location within the Campus Liquor Complex.
If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.

b. Designated Manager for Related Facility- Campus Liquor Complex

Last Name of Manager	First Name of Manager

26. Tax Information.

	Yes	No
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	☐	☒
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	☐	☒

27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the applicant. All persons listed below** must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

Name	Home Address, City & State	DOB	Position	%Owned
Michael Joersz	1102 Montgomerie Cir,Eagle,CO 81631	07/27/66	owner	100%
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.
** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)
** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

DR 8404 (01/22/20)

Name	Type of License	Account Number

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature	Printed Name and Title	Date
	Michael Joersz, Owner	4.12.21

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)
APRIL 28 2021	JUNE 8, 2021

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

- ☒ Fingerprinted
- ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

- ☐ Date of inspection or anticipated date _____
- ☒ Will conduct inspection upon approval of state licensing authority

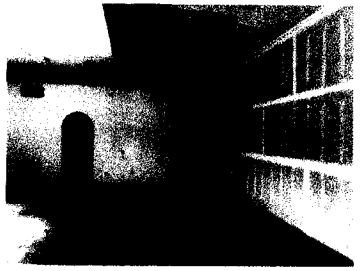
	Yes	No
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?	☐	☐
☐ Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?	☐	☐
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?	☐	☐

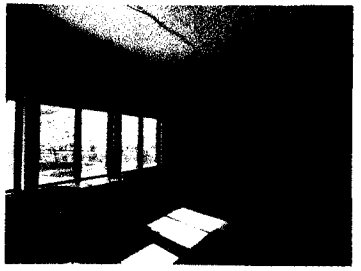
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

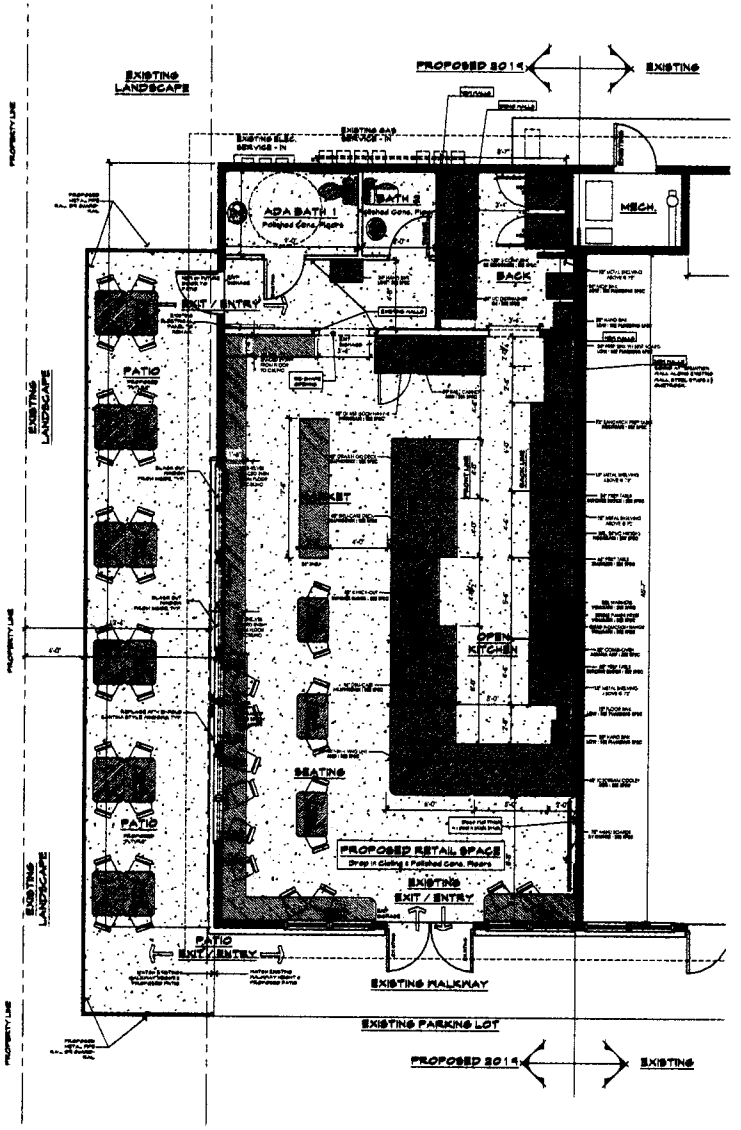
Local Licensing Authority for	Telephone Number	☒ Town, City ☐ County
Town of Eagle	970 328 9623	

Signature	Print	Title	Date
Signature	Print	Title	Date

EXISTING PHOTOS







PROPOSED TENNANT FINISH PLAN
A2.3 SCALE: 1/4" = 1'-0"

*** PROPOSED EQUIPMENT LIST ***
ALSO INCLUDED IN SUBMITTAL W/ INDIVIDUAL CUT SHEETS

BUILDING PERMIT -1 : OCT. 30, 2019

TURNIPSEED
ARCHITECTURE CONSTRUCTION INTERIOR DESIGN

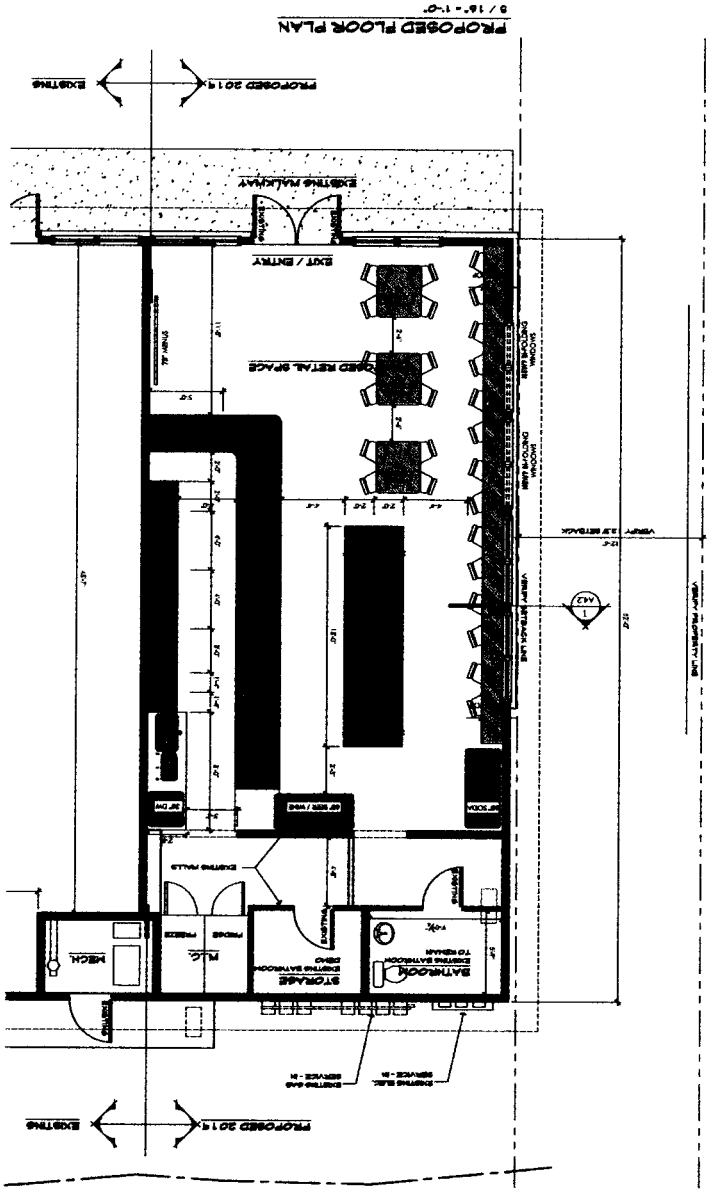
TENNANT FINISH PLAN

Unit #1 Retail Space
65 MARKET STREET
EAGLE, COLORADO 81631

ISSUE:	DATE:
CLIENT REVIEW	8-15-2019
CLIENT REVIEW	9-4-2019
CLIENT REVIEW	10-17-2019

SCOTT S. TURNIPSEED AIA
ARCHITECTURE
& CONSTRUCTION INC.

A2.3
PROPOSED FLOOR PLAN


PROPOSED FLOOR PLAN
1/16" = 1'-0"
EXISTING
PROPOSED 2014
EXISTING WALKWAY
EXIT / ENTRY
PROPOSED RETAIL SPACE
EXISTING WALLS
BATHROOM
STORAGE
W.C.
MECH.
EXISTING 6x6 SERVICE - IN
EXISTING 8x8 SERVICE - IN
VISION PROPERTY LINE
VISION 3.5' SETBACK
A4.2

DR 8495 (07/23/19)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

Tax Check Authorization, Waiver, and Request to Release Information

I, Michael Joersz am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Custom Food Works LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business)	Social Security Number/Tax Identification Number
Michael Joersz / Custom Food Works LLC	522-21-1265 / 85-2059291

Address
PO Box 4728

City	State	Zip
Edwards	CO	81632

Home Phone Number	Business/Work Phone Number
970-331-3126	970-328-2544

Printed name of person signing on behalf of the Applicant/Licensee
Michael Joersz

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)	Date signed
[signature]	4.12.21

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

THIS LEASE HAS IMPORTANT LEGAL CONSEQUENCES. THE PARTIES SHOULD CONSULT LEGAL COUNSEL BEFORE SIGNING.

COMMERCIAL LEASE
(NNN)

This Commercial Lease (the "**Lease**") is made on November 1, 2020 and is entered into by and between Landlord (as defined below) and Tenant (as defined below). In consideration of the payment of the Rent (as defined below); all costs, charges, and expenses which Tenant assumes, agrees, or is obligated to pay to Landlord pursuant to the Lease (the "**Additional Rent**"); and the performance of the promises by Tenant set forth below, Landlord hereby leases to Tenant, and Tenant hereby accepts, the Premises (as defined below), subject to the terms and provisions set forth in the Lease.

PARTIES, PREMISES, AND DEFINED TERMS

1. **Landlord**: Clueless Investments, LLC (the "**Landlord**").

2. **Tenant**: Custom Food Works, LLC d/b/a Pickled Kitchen & Pantry (the "**Tenant**").

3. **Premises**: Landlord is the owner of certain real estate legally described as 65 Market Street, Unit 1, Eagle, CO 81631 in Eagle County (the "**Premises**"). Landlord hereby leases and demises to Tenant the Premises.

4. **Term**: Landlord Leases the Premises to Tenant from twelve o'clock noon on the 1st day of November 2020 and until 11:59 p.m. on the 31st day of October ~~2025~~ (the "**Term**"). Subject to Tenant's performance of all obligations under the Lease, including, without limitation, payment of Rent and Additional Rent, Tenant shall enjoy quiet possession of the Premises. October 31 of 2023

5. **Rent**: Rental for the first year of the Term is Thirty Thousand and 00/100 Dollars ($30,000.00) payable in equal installments of Two Thousand Five Hundred and 00/100 Dollars ($2,500.00) in advance to Landlord on the first day of each calendar month for that month's rental before twelve o'clock noon, without notice (the "**Rent**"). Unless otherwise provided in the Lease, all payments due under the Lease, including Additional Rent, shall be mailed, or delivered to Landlord at the following address: PO Box 249, Wolcott, CO 81655. Rent for subsequent years of the Term shall not be increased. *NOTE: the first two rental payments for the first year of the Term are not due on the first of the month. Those first two rental payments totaling $5,000.00 are due no later than the end of the first year of the term (October 31, 2021). Those first two rental payments totaling $5,000.00 may be paid as a lump sum at the end of the first year, or may be paid throughout the first year as Tenant is able.

6. **Option**: Tenant shall have the option to extend the Term, pursuant to the terms and conditions contained herein, for an additional six month period (the "**Option**"). In the event Tenant desires to exercise the Option, Tenant shall, at least 60 days days before expiration of the Term, provide Landlord with written notice of its intent to exercise the Option. Rent shall be adjusted and will increase at Landlord's discretion. The option shall only be exercisable provided that no Tenant Defaults currently exist and that no Tenant Defaults have occurred over the Term of the Lease which have not been cured by Tenant as provided by the Lease.

7. **Security Deposit**: Prior to occupying the Premises, Tenant shall keep on deposit with Landlord a security, cleaning, and damage deposit in the amount of Two Thousand Five Hundred and 00/100 Dollars ($2,500.00) as security for the return of the Premises at the expiration of the Term in as good condition as when Tenant entered the Premises, normal wear and tear excepted, as well as the faithful, timely, and complete performance of all other terms, conditions, and covenants of the Lease (the "**Security Deposit**").

8. **Use**: The Premises shall be used as a restaurant or coffee shop business, provided this use conforms with applicable zoning regulations. Tenant shall not, without the prior written consent of Landlord, permit the Premises to be used for any other purpose.

Initials: _____ Landlord _____ Tenant

9. Utilities/Additional Rent: Tenant shall pay all of the utilities for the Premises as Additional Rent and shall pay Tenant's Pro Rata Share of all other items in this Paragraph 9 as Additional Rent.

a. Utilities: Tenant shall be responsible for paying the following utilities on the Premises: ☒ Electric ☐ Gas ☐ Water ☐ Sewer ☒ Phone ☒ Cable/ Satellite T.V. ☒ Internet Access ☒ Refuse Disposal. Tenant shall contract directly with all utility providers and all utility payments shall be directed to the respective utility providers. The Premises shares meter facilities for Black Hills Gas. Black Hills Gas charges shall be allocated to Tenant by Landlord on a reasonable basis and shall be payable to the Landlord as Additional Rent.

b. CAM Costs: Tenant shall be responsible for paying Tenant's Pro Rata Share of the annual common area operation and maintenance costs of the Property (**"CAM Costs"**). CAM Costs are all expenditures made by Landlord to operate and maintain the Property, including, but not limited to, repairs, replacement costs (due to ordinary and extraordinary wear and tear or catastrophe), trash and snow/ice removal (including removal from parking areas, abutting roadways, and walkways), landscaping and lawn maintenance, painting, repair and replacement of utility systems, depreciation of machinery and equipment used in such repair and replacement, and cost of all personnel to implement such services. The foregoing list of items is provided for illustrative purposes only and shall not be deemed a full, complete, or exhaustive list of all possible CAM Costs. Annual CAM Costs for the year 2020 are estimated to be $2.40/sq.ft.

c. Landlord's Insurance Costs: The Landlord shall procure and maintain such fire and casualty, loss of rents, and liability insurance on the Property as it deems proper and appropriate (**"Insurance Costs"**). Tenant shall be responsible for paying Tenant's Pro Rata Share of Insurance Costs. Such insurance shall not be required to cover any of the Tenant's property and the Tenant shall have no interest in any of the proceeds of such insurance.

10. Payment of Additional Rent: All Additional Rent shall be paid by Tenant to Landlord in equal monthly installments concurrent with the Rent. Payments of Additional Rent shall be calculated as follows: on, or before the commencement date of this Term, Landlord shall give Tenant a statement of the estimated annual CAM Costs, and Insurance Costs for the Property (**"Estimate of Costs"**). Tenant shall pay Additional Rent to Landlord based upon the Estimate of Costs divided by twelve (12). The Estimate of Costs shall be the basis of such Additional Rent calculated until Tenant is notified by Landlord of a change thereof. Within ninety (90) days of the end of each calendar year, Landlord shall compute actual CAM Costs, and Insurance Costs for the preceding year (the **"Actual Costs"**). Landlord shall provide Tenant with a statement of Actual Costs. In the event that Tenant's payment of Additional Rent for said calendar year totals less than the Tenant's pro-rata share of the Actual Costs, Tenant shall be obligated to pay Landlord, within ten (10) days of receipt of statement, the difference between Tenant's pro-rata share of Actual Costs and the Additional Rent actually paid for said calendar year. In the event Tenant's Additional Rent actually paid for said calendar year exceeds Tenant's pro-rata share of Actual Costs, such excess shall be credited to Tenant's account. The Actual Costs of the prior calendar year shall be used for the purpose of calculating the Estimate of Costs for the then current year.

11. Late Payments: If any Rent, Additional Rent, or other payment is received later than 5 days after the date when due, the parties agree that Additional Rent in the amount of $75.00 per day shall also be due and payable. The addition of such amount and the collection thereof shall not operate to waive any other rights of Landlord for nonpayment of Rent, or for any other reason.

12. Repairs and Maintenance of the Premises: The Landlord shall maintain the foundation, exterior walls, and roof of the Premises in good repair. The Tenant agrees to keep all the other improvements (including plate glass and other windows, window frames, and doors) upon the Premises repaired and maintained in good order as described in the Lease. The Tenant shall keep all driveways, sidewalks, and parking areas on the Premises free and clear of ice and snow.

13. Parking: Tenant shall be entitled to use 10 parking spaces for the parking of Tenants customers and guests. Tenant shall have the use of two parking spaces located in the common area directly in front of the Premises for the purpose of providing parking to Tenant's carry-out customers. (Please note, the two spaces for carry-out are part of Tenant's 10 total parking spaces). The location of these two carry-out spaces shall be

Initials: _____ Landlord _____ Tenant

designated by Tenant. Tenant shall bear the responsibility for enforcing the use of the carry-out spaces and other parking spaces. Tenant's employees must park off property and are not permitted to park at 65 Market Street, Eagle, CO. There is ample public parking in the area.

PREMISES

14. Common Areas: The common areas are all areas outside of the Premises upon the Property designated by Landlord for common use of Tenant, its employees, licensees, invitees, contractors, and Landlord (the "**Common Areas**"). Landlord grants to Tenant, its employees, licensees, invitees and contractors a non-exclusive license over such Common Areas of the Property necessary to the use and occupancy of the Premises and Parking License (the "**Common Area License**"). Said License shall be effective for the Term of the Lease. Tenant shall not use Common Areas for any type of storage, or parking of trucks, trailers, or other vehicles without the advance written consent of Landlord. All parking and Common Areas of Property shall at all times be subject to the management of Landlord, and are not part of the Premises. All use of the Common Areas shall be at the sole risk of Tenant, and Landlord is not liable for any damages, or injuries occasioned by such use. Landlord shall have the right, power, and authority to compile, promulgate, change, and modify all rules and regulations that it may, in its sole discretion, deem necessary for use of the Common Areas. Tenant agrees to abide by and conform with all rules and regulations pertaining to such Common Areas. Landlord shall have the right to construct, maintain, and operate lighting facilities; to police and from time to time change the area, location, and arrangement of the Common Areas and facilities; to restrict employee parking to certain areas; to temporarily close all, or any portion of the Common Areas; to discourage non-customer parking; and to do and perform any and all such other acts in and to said Common Areas and facilities as Landlord shall determine in its sole and absolute discretion.

15. Condition of Premises and Representations: Tenant is familiar with the physical condition of the Premises and the Property. Except as may otherwise be provided in the Lease, Landlord makes no representations, or warranties as to the physical condition of the Premises, or the Property, or their suitability for Tenant's intended use. Landlord further makes no representations, or warranties as to whether Tenant's intended use will necessitate changes, or alterations to the Premises in order to comport with local, state, or federal laws and regulations. Such laws and regulations include, but are not limited to: health code regulations, access regulations (including, but not limited to, the Americans with Disabilities Act), and zoning regulations. Tenant understands and agrees that in the event actions, alterations, or improvements are required in order to bring the Premises into compliance with any local, state, or federal laws and regulations because of Tenant's intended use, Tenant shall be solely responsible for any and all associated costs and expenses relative thereto. Tenant further indemnifies and agrees to hold Landlord harmless from any and all claims and liabilities that may arise by virtue of Tenant's use of the Premises in violation of any local, state, or federal laws and regulations.

16. Use of Premises: Tenant, in consideration of the leasing of the Premises, agrees as follows:

a. Use of Premises: To use and occupy the Premises solely as and for the use specified in this Lease. Landlord's consent to the aforementioned use is not an assurance, or warranty that the Premises' attributes are sufficient for Tenant's use. Tenant represents and warrants that it has conducted sufficient due diligence to assure itself that the Premises are suitable for its use, and that such use is permitted by applicable law. Landlord expressly reserves its right to lease space within the Property as it sees fit, unless explicitly prohibited by other provisions in the Lease. Landlord's demise of the Premises to Tenant does not preclude Landlord from leasing other parts of the Property to other tenants who may be viewed objectively, or subjectively as competing with Tenant.

b. Signage: Tenant shall be permitted to erect a sign or signs upon the Premises, provided all signage is in compliance with size and other requirements of Landlord and as may be set forth by applicable ordinances and regulations including, but not limited to, sign and design ordinances. All signage shall conform to aesthetic and design criteria, themes, and standards of the Property and the Improvements.

c. Storage/Trash: Tenant shall store all personal property entirely within the Premises. Tenant shall store all trash and refuse in adequate containers within the Premises, which Tenant shall maintain in a

Initials: _____ Landlord _____ Tenant

neat and clean condition, or within designated Common Areas so as not to be visible to members of the public in, or about the Property, and so as not to create any health or fire hazard.

d. **Quiet Enjoyment**: Landlord agrees that upon Tenant paying the Rent and performing Tenant's obligations under the Lease, Tenant shall peacefully and quietly have, hold, and enjoy the Premises throughout the Term or until the Lease is terminated pursuant to its terms. Landlord shall not be responsible for the acts or omissions of any other tenant or third party that may interfere with Tenant's use and enjoyment of the Premises. In the event of any transfer or transfers of Landlord's interest in the Premises or in the Property, other than a transfer for security purposes only, the Landlord shall be automatically relieved of any and all obligations and liabilities accruing from and after the date of such transfer.

e. **Rules and Regulations**: Landlord shall provide Tenant with a copy of all rules and regulations, if any, affecting the Premises, and Tenant shall abide by all such rules and regulations.

17. **Subletting or Assignment:** Tenant shall not sublet the Premises or any part thereof, nor assign the Lease or any interest therein, without the prior written consent of Landlord. Such consent shall be at the sole discretion of Landlord..

18. **Surrender of Premises:** Tenant will return the Premises to Landlord at the expiration of the Term in as good order and repair as when Tenant took possession, loss by casualty and normal wear and tear excepted. Any deterioration or damage caused by accident, abuse, carelessness, or negligence shall not be considered normal wear and tear. In the event that Tenant fails to redeliver the Premises in appropriate condition, Landlord may restore the Premises to appropriate condition, including repair, replacement, and cleaning. The cost of any work necessitated shall be deducted from the Security Deposit; if the Security Deposit is insufficient to cover work performed, Tenant shall be obliged to pay the additional balance.

19. **Removal of Fixtures/Redelivery**: Tenant shall remove, at the termination of the Lease, provided Tenant is not in Default, Tenant's moveable trade fixtures and other items of personal property that are not permanently affixed to the Premises. Tenant shall remove the alterations and additions and signs made by Tenant as Landlord may request and repair any damage caused by such removal. Tenant shall peaceably yield up the Premises and all alterations and additions thereto (except such as Landlord has requested Tenant to remove); and all fixtures, furnishings, floor coverings, and equipment that are permanently affixed to the Premises which shall thereupon become the property of the Landlord. Any personal property of Tenant not removed within five (5) days following such termination shall, at Landlord's option, become the property of Landlord.

PAYMENTS

20. **Payments/Dishonored Checks**: Payments shall be deemed received when actually delivered to, and received by, Landlord at the payment location. Dishonored checks and any checks received late in the mail will be treated as late payments. Additional bank and handling charges may also be assessed in the event of a dishonored check. The foregoing items shall be deemed Additional Rent. Landlord may require Tenant to replace such dishonored check with a money order, cashier's check, or other good funds. Landlord may further require that all subsequent payments after a dishonored check be paid with a money order, cashier's check, or other good funds.

21. **Partial Payment**: If any partial payment is made by Tenant, it shall be allocated first to the payment of Additional Rent, including, without limitation, utilities (if applicable) and other expenses; and second to unpaid Rent. Acceptance by Landlord of any partial payment shall not waive the right of Landlord to require immediate payment of the unpaid balance of Rent or waive or affect Landlord's rights to institute legal proceedings including, without limitation, an eviction action.

REPAIRS AND MAINTENANCE

22. **Common Area Maintenance**: Landlord shall use reasonable efforts to maintain and repair Common Areas of Property, including walks and parking lots. The cost of any maintenance, repairs, or replacements

Initials: Landlord Tenant

necessitated by the act, neglect, misuse, or abuse by Tenant, its employees, licensees, invitees, or contractors shall be paid by Tenant to Landlord. Landlord shall use reasonable efforts to cause any necessary repairs to be made promptly; provided, however, that Landlord shall have no liability whatsoever for any delays in causing such repairs to be made, including, without limitation, any liability for injury to or loss of Tenant's business, nor shall any delays entitle Tenant to any abatement of Rent or damages, or be deemed an eviction of Tenant in whole or in part.

23. Waste/Rubbish Removal: Tenant shall not lay waste to the Premises. Tenant shall not perform any action or practice that may injure the Premises. Tenant shall keep the Premises and the area surrounding the Premises free and clear of all debris, garbage, and rubbish.

DEFAULT, NOTICE AND REMEDIES

24. Default: If Tenant is in arrears in the payment of any installment of Rent, any Additional Rent, or any portion thereof, or is in violation of any other covenants or agreements set forth in the Lease (a "**Default**") and the Default remains uncorrected for a period of three (3) days after Landlord has given written notice thereof pursuant to applicable law, then Landlord may, at Landlord's option, undertake any of the following remedies without limitation: (a) declare the Term of the Lease ended; (b) terminate Tenant's right to possession of the Premises and reenter and repossess the Premises pursuant to applicable provisions of the Colorado Forcible Entry and Unlawful Detainer statute; (c) recover all present and future damages, costs, and other relief to which Landlord is entitled; (d) pursue Landlord's lien remedies; (e) pursue breach of contract remedies; and (f) pursue any and all available remedies in law or equity. In the event possession is terminated by reason of a Default prior to expiration of the Term, Tenant shall remain responsible for the Rent and Additional Rent, subject to Landlord's duty to mitigate such damages. Pursuant to §§ 13-40-104(d.5) and (e.5), and 13-40-107.5, C.R.S., hereby incorporated by reference, in the event repeated or substantial Defaults(s) under the Lease occur, Landlord may terminate Tenant's possession upon a written Notice to Quit, without a right to cure. Upon such termination, Landlord shall have available any and all of the remedies listed above.

25. Abandonment: In the event of an abandonment of the Premises, Landlord may, without being obligated to do so and without terminating the Lease, retake possession of the Premises and exercise any of the remedies contained below.

26. Re-Entry: In the event of re-entry by Landlord as a result of abandonment or a Default by Tenant:

a. Tenant shall be liable for damages to Landlord for all loss sustained, including, without limitation, the balance of the Rent and Additional Rent, court costs, and reasonable attorneys' fees;

b. Tenant's personal property and the personal property of any guest, invitee, licensee, or occupant may be removed from the Premises and left on the street or alley, or, at Landlord's option, it may be removed and stored, or disposed of at Landlord's sole discretion. Landlord shall not be deemed a bailee of the property removed and Landlord shall not be held liable for the property. Tenant shall indemnify Landlord for any expense in defending against any claim by Tenant or third party and for any legal expense, cost, fine, or judgment awarded to a third-party as a result of Landlord's action under the term of the Lease;

c. Landlord may attempt to relet the Premises for such rent and under such terms as Landlord believes appropriate;

d. Landlord may enter the Premises, clean and make repairs, and charge Tenant accordingly;

e. Any money received by Landlord from Tenant shall be applied first to Rent, Additional Rent, and other payments due; and

f. Tenant shall surrender all keys and peacefully surrender and deliver up possession of the Premises.

Initials: _____ Landlord _____ Tenant

INSURANCE AND INDEMNIFICATION

27. Negligent Damages: Tenant shall be responsible for and reimburse Landlord for any and all damages to the Premises and persons and property therein caused by the negligent, grossly negligent, reckless, or intentional acts of itself, its employees, agents, invitees, licensees, or contractors.

28. Liability Indemnification/Insurance: Tenant shall hold Landlord, Landlord's agents, and their respective successors and assigns, harmless and indemnified from all injury, loss, claims, or damage to any person or property while on the Premises, or any other part of the Property, or arising in any way out of Tenant's business, which is occasioned by a negligent, intentional, or reckless act, or omission of Tenant, its employees, agents, invitees, licensees, or contractors. Tenant shall maintain public liability insurance insuring Landlord and Landlord's agents, as their interest may appear, against all claims, demands, or actions for injury to or death in an amount of not less than one million dollars ($1,000,000) arising out of any one occurrence, made by, or on behalf of any person, firm, or corporation, arising from, related to, or connected with the conduct and operation of Tenant's business, including, but not limited to, events on the Premises and anywhere upon the Property. Tenant shall also obtain coverage in the amount of one million dollars ($1,000,000) per occurrence covering Tenant's contractual liability under the aforesaid indemnification clauses.

29. Landlord Insurance: Insurance shall be procured by Landlord in accordance with its sole discretion. All awards and payments thereunder shall be the property of the Landlord, and Tenant shall have no interest in the same. Notwithstanding the foregoing, Landlord agrees to obtain building liability and hazard insurance required to be carried for the Property and Premises and adequate hazard insurance, which covers replacement cost of the Property and Premises.

30. Indemnification Fees and Costs: In case any claim, demand, action, or proceeding is made or brought against Landlord, its agents, or employees, by reason of any obligation on Tenant's part to be performed under the terms of the Lease or arising from any act of negligence of Tenant or its agents or employees, or which gives rise to Tenant's obligation to indemnify Landlord, Tenant shall be responsible for all costs and expenses, including, but not limited to, reasonable attorneys' fees incurred in defending or prosecution of the same, as applicable.

OTHER PROVISIONS

31. Destruction, or Condemnation of Premises: Landlord's and Tenant's duties and responsibilities are as follows when destruction or condemnation of the Premises occurs:

a. Partial Destruction of the Premises: In case of partial destruction of the Premises by fire, or other casualty, Landlord at its discretion may repair the Premises with reasonable dispatch after notice of said partial destruction. Tenant shall remain responsible for payment of Rent. Subparagraph (d) of this Paragraph shall apply if Landlord determines that the partial destruction will not be repaired.

b. Premises Untenable: If the Premises are made totally untenable by fire, the elements, or other casualty, or if the building in which the Premises are located is partially destroyed to the point where Landlord, within a reasonable time, decides not to rebuild, or repair, then Subparagraph (d) of this Paragraph shall apply.

c. Condemnation: If the whole or part of the Premises are taken by any authority for any public or quasi-public use, or purpose, then Subparagraph (d) of this Paragraph shall apply. All damages and compensation awarded for any taking shall be the sole property of Landlord.

d. Termination of Term: Tenant agrees that if Landlord decides not to repair, or rebuild the Premises where the destruction has occurred as described in Subparagraphs (a) and (b) of this Paragraph, the Term hereby granted by the Lease shall cease and the Rent and Additional Rent shall be prorated and payable up to the time of the cessation of the Term. A refund will be given for the balance of any Rent paid in advance for which Tenant did not have use of the Premises due to the cessation of the Term under the conditions of this Paragraph. Where the Premises have been taken due to condemnation as described in Subparagraph (c) of this Paragraph, the

Initials: _____ Landlord _____ Tenant

Term of the Lease shall cease and terminate upon the date that possession of the Premises is taken by the authority. Rent and Additional Rent shall be prorated and payable up to the time of the cessation of the Term. Tenant shall not hold Landlord liable for any damages as a result of any of the acts or events described in this subparagraph.

32. Holdover: Tenant shall vacate the Premises and remove all of Tenant's personal property from the Premises prior to 11:59 p.m. on the date the Term expires. Landlord may immediately commence eviction proceedings at its sole discretion. If, after the expiration of the Lease, Tenant shall remain in possession of the Premises and continue to pay Rent without a written agreement as to such possession, then such tenancy shall be regarded as a month-to-month tenancy, at a monthly rental, payable in advance, equivalent to the last month's Rent paid under the Lease, and subject to all the terms and conditions of the Lease.

33. Entry by Landlord: Landlord may enter the Premises at reasonable hours for reasonable purposes (such as repairs, inspections, or re-letting to prospective new tenants), upon reasonable notice to Tenant. Landlord may also enter the Premises in the event of emergency, without notice, or in the event of vacancy of the Premises, as described below.

34. Attorneys' Fees: In the event Tenant or Landlord fails to perform any of its obligations under the Lease, or in the event a dispute arises concerning the meaning or interpretation of any provision of the Lease, the defaulting party, or the party not prevailing in such dispute, as the case may be, shall pay any and all costs and expenses incurred by the other party in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorneys' fees.

35. Governing Law: The Lease shall be governed by and construed in accordance with the laws of the State of Colorado. Venue shall be proper in the county where the Premises are located.

36. Amendments and Termination: Unless otherwise provided in the Lease, the Lease may be amended, modified, or terminated only by a written instrument executed by Landlord and Tenant.

37. Captions: The paragraph titles or captions in the Lease are for convenience only and shall not be deemed to be part of the Lease.

38. Severability: If any term, covenant, condition, or provision of the Lease, or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of the Lease, or the application of such term, or provision to persons, or circumstances other than those to which it is held invalid, or unenforceable, shall not be affected thereby, and each provision of the Lease shall be valid and shall be enforced to the fullest extent permitted by law.

39. Additional Provisions: In the event that there are any additional agreements between the parties or provisions with respect to the Premises, an Addendum may be attached to the Lease, which shall be incorporated by this reference as a part of the Lease. A Furniture, Fixtures, and Equipment List is attached as an Addendum. The Lease and the attached Addendum constitute the entire agreement between the parties.

A list of Landlord's Furniture, Fixtures, and Equipment shall be provided in concert with this Lease. The items contained in the Furniture, Fixtures, and Equipment list belong to Landlord and not to Tenant.

THE PARTIES SHOULD INITIAL EACH PAGE OF THE LEASE AND SIGN BELOW. EACH PARTY SHOULD RECEIVE A SIGNED COPY OF THE LEASE AND ANY ADDENDA.

Initials: _____ _____
Landlord Tenant

TENANT:

CUSTOM FOOD WORKS, LLC d/b/a PICKLED KITCHEN & PANTRY

By: _____

Its: MICHAEL S. FIERS

10.30.20

LANDLORD:

CLUELESS INVESTMENTS, LLC

By: _____

Its: Beverly Barnes 10.30.2020

Initials: _____ _____
Landlord Tenant

DR 8404-I (07/25/11)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1881 PIERCE STREET RM 108A
DENVER CO 80261

INDIVIDUAL HISTORY RECORD

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

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. **All** questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.**

1. Name of Business
Custom Food Works LLC

2. Your Full Name (last, first, middle)
Michael Joersz

3. List any other names you have used.

4. Mailing address (if different from residence)
PO Box 4728, Edwards, CO 81632

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 1102 Montgomerie Circle	Eagle, CO 81631	07/2019	current
Previous 47 Chelsea Court	Eagle, CO 81631	12/2015	07/2019

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Custom Food Works	1102 Montgomerie Circle, Eagle, CO 81631	owner	05/17	current
Cordillera Lodge & Spa	2205 Cordillera Way, Edwards, CO 81632	executive chef	06/15	05/2017

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
Todd Joersz	brother	managing partner	13 and Downing, LLC

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. ☐ Yes ☑ No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. ☐ Yes ☑ No

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

☑ Yes ☐ No

driving while ability impaired - convicted on please deal (2008) - met all conditions of probation appointed by court

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

☐ Yes ☑ No

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

☐ Yes ☑ No

PERSONAL AND FINANCIAL INFORMATION

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

13a. Date of Birth	b. Social Security Number SSN	c. Place of Birth	d. U.S. Citizen?
[redacted]	[redacted]	Omaha, NE	☐ Yes ☑ No

e. If Naturalized, State where	f. When	g. Name of District Court

h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number

l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race	r. Do you have a current Driver's License? If so, give number and state
[redacted]					caucasian	☑ Yes ☐ No [redacted]

14. Financial Information.

a. Total purchase price $_____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other $ 90,000.00

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid $ 90,000.00

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

Type: Cash, Services or Equipment	Source	Amount
cash	personal savings	$90,000.00

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

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature	Title	Date
[signature]	owner owner Custom Food Works	4/12/21

Document must be filed electronically.
Paper documents are not accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.sos.state.co.us.

E-Filed

Colorado Secretary of State
Date and Time: 03/15/2020 03:58 PM
ID Number: 20201239582

Document number: 20201239582
Amount Paid: $50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Custom Food Works LLC.

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address: 65 Market Street
(Street number and name)

Eagle *(City)* CO *(State)* 81631 *(ZIP/Postal Code)*

(Province – if applicable) United States *(Country)*

Mailing address
(leave blank if same as street address): PO Box 4728
(Street number and name or Post Office Box information)

Edwards *(City)* CO *(State)* 81632 *(ZIP/Postal Code)*

(Province – if applicable) United States. *(Country)*

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name
(if an individual): Joersz *(Last)* Michael *(First)* *(Middle)* *(Suffix)*

or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Street address: 65 Market Street
(Street number and name)

Eagle *(City)* CO *(State)* 81631 *(ZIP Code)*

Mailing address
(leave blank if same as street address): PO Boc 4728
(Street number and name or Post Office Box information)

Edwards (City) CO (State) 81632 (ZIP Code).

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name (if an individual): Joersz (Last) Michael (First) _____ (Middle) _____ (Suffix)

or

(if an entity) _____

(Caution: Do not provide both an individual and an entity name.)

Mailing address: 65 Market Street *(Street number and name or Post Office Box information)*

Eagle (City) CO (State) 81631 (ZIP/Postal Code)

_____ (Province – if applicable) United States (Country).

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☐ one or more managers.

or

☒ the members.

6. *(The following statement is adopted by marking the box.)*

☒ There is at least one member of the limited liability company.

7. *(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

☐ This document contains additional information as provided by law.

8. *(Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)*

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____. *(mm/dd/yyyy hour:minute am/pm)*

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Joersz Michael
(Last) *(First)* *(Middle)* *(Suffix)*

65 Market Street
(Street number and name or Post Office Box information)

Eagle CO 81631
(City) *(State)* *(ZIP/Postal Code)*

(Province – if applicable) United States.
(Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:
This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Custom Food Works LLC

is a

Limited Liability Company

formed or registered on 03/15/2020 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20201239582 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/24/2021 that have been posted, and by documents delivered to this office electronically through 03/25/2021 @ 13:15:32 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/25/2021 @ 13:15:32 in accordance with applicable law. This certificate is assigned Confirmation Number 13049059 .

Jena Griswold

Secretary of State of the State of Colorado

**********End of Certificate**********

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, http://www.sos.state.co.us biz/CertificateSearchCriteria.do entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, http: / www.sos.state.co.us/ click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

PUBLIC NOTICE
TOWN OF EAGLE
NEW LICENSE APPLICATION – HOTEL & RESTAURANT LICENSE

Notice is hereby given that the Town Council, acting as the Local Liquor Licensing Authority, shall hold a public hearing on the application of **CUSTOM FOOD WORKS LLC DBA PICKLED KITCHEN & PANTRY** dated April 28, 2021, requesting a Hotel & Restaurant License, located at 65 Market Street, Eagle, Colorado 81631. Said hearing will be held on Tuesday, June 8, 2021 at 6:00 p.m. during a Town Council meeting held either virtual or at the Eagle Town Hall, 200 Broadway. All persons interested in the aforementioned application may appear before the Town Council and present testimony or may submit written correspondence to the Eagle Town Clerk, at clerk@townofeagle.org or PO Box 609 Eagle CO 81631.

By: **Jenny Rakow**
Town Clerk

Published: May 27, 2021 Eagle Valley Enterprise

BEFORE THE TOWN OF EAGLE LIQUOR LICENSING AUTHORITY

200 BROADWAY
PO BOX 609
EAGLE CO 81631

FINDINGS AND ORDER APPROVING NEW LICENSE

IN THE MATTER OF

New Hotel & Restaurant License
Custom Food Works LLC dba Pickled Kitchen & Pantry
Address: 65 Market Street

Having considered the application of Michael Joersz Owner of Custom Food Works LLC dba Pickled Kitchen & Pantry for a new Hotel & Restaurant License, and all attachments submitted therewith (the "Application"), having held a public hearing on the Application on June 8, 2021, following due and proper notice, all in accordance with the Colorado Liquor Code, 44-3-101 et seq., C.R.S., and having considered all relevant and competent evidence admitted at the said public hearing, the Local Licensing Authority FINDS AS FOLLOWS:

1. There has not been a denial of an application at the same location by either the State or Local Licensing Authority within two (2) years preceding the date of the application.
2. The Applicant has submitted evidence that they are entitled to possession of the premises where the license is proposed to be exercised.
3. The premises where the Applicant proposes to sell alcohol is not in violation of the 500-foot limitation from any public or parochial school or the principal campus of any college, university or seminary.
4. The premises are properly zoned for the activity which will occur therein. Approval has or will be provided by the Building Official and Planning Department prior to issuance of State and Local Licenses.
5. The location has been previously decided by a preponderance of evidence that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood are not currently being met by existing outlets.
6. No undue concentration has been determined with the current class of license and does not require additional law enforcement resources as presented.

BASED UPON THE FOREGOING, THE LOCAL LICENSING AUTHORITY HEREBY ORDERS that the application of Michael Joersz Owner of Custom Food Works LLC dba Pickled Kitchen & Pantry for a new Hotel & Restaurant License is hereby GRANTED.

DATED this 8th day of June 2021

LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF EAGLE

_____
Scott Turnipseed, Chair

ATTEST:

_____
Jenny Rakow, Town Clerk

To: Mayor and Town Council

From: Chad Philips, Director, Community Development Department
Jessica Lake, Planner I, Community Development Department
Peyton Heitzman, Planner I, Community Development Department

Date: June 8, 2021

Agenda Item: Council Discussion for the East Eagle Sub Area Plan (EESAP)

REQUEST: Staff is requesting additional direction regarding the draft plan, land use categories, and concept plans for EESAP.

BACKGROUND: The Town of Eagle is working with Zehren and Associates to draft the EESAP to identify and define desired future land uses for the 95-acre planning area located in the furthest northeast section of Town. The planning area is east of the Chambers Avenue Commercial and Industrial Park and sits between I-70 to the north and Highway 6 to the south.

Town Council held a work session on June 1, 2021 to provide feedback on the draft EESAP. Feedback provided to staff during the work session is outlined in the Analysis section of this report.

ANALYSIS: During the June 1st work session, Town Council provided direction to staff on the draft EESAP. Staff is looking for confirmation from Town Council that what staff heard, as outlined below, is what Council intended to communicate at the June 1st meeting. The changes include:

- The I-70 interchange should be included in the Conceptual Land Use Diagram.
- The temporary land use should be removed from the EESAP considering that a temporary use may be difficult to keep temporary. Additionally, the temporary uses listed in the Interim/Temporary Use description may not support EESAP's goal for an eastern gateway.
- The Conceptual Land Use Diagram shows too much land for the residential land use. Direction was given to change the eastern residential section to a mixed-use land use, though not a new town center. Direction was also given to change the western residential section to the Commercial/Light Industrial land use. Certain residential uses can be allowed as a use by right in the Commercial/Light Industrial land use, however, those uses will need to be defined.
- Commercial recreation should be a component of the plan and incorporated in the commercial land use categories.

Staff is looking for Town Council's guidance on the existing goals outlined in the draft EESAP. Do the goals reflect Council's vision for East Eagle? Are there goals missing from the draft EESAP? Goals in the EESAP include:

- Direction with Flexibility.
- Address traffic circulation/congestion.
- Avoid the creation of a new town center.
- Appropriate type of residential homes.
- Preserve our Natural Open Space and Wildlife Habitats.

- Encourage commercial recreational opportunities in East Eagle.

COMMUNITY INPUT: Staff has published notice of the work sessions and the public hearings in the local newspapers, emailed flyers, and sent notification to property owners within the plan boundaries as well as adjacent properties. Public input has also been solicited through live Zoom polling during the Planning Commission work session and a survey made available from May 7th – May 21st. The results of this public input can be accessed through this LINK.

BUDGET / STAFF IMPACT:
This project has been approved as a part of the 2021 Budget.

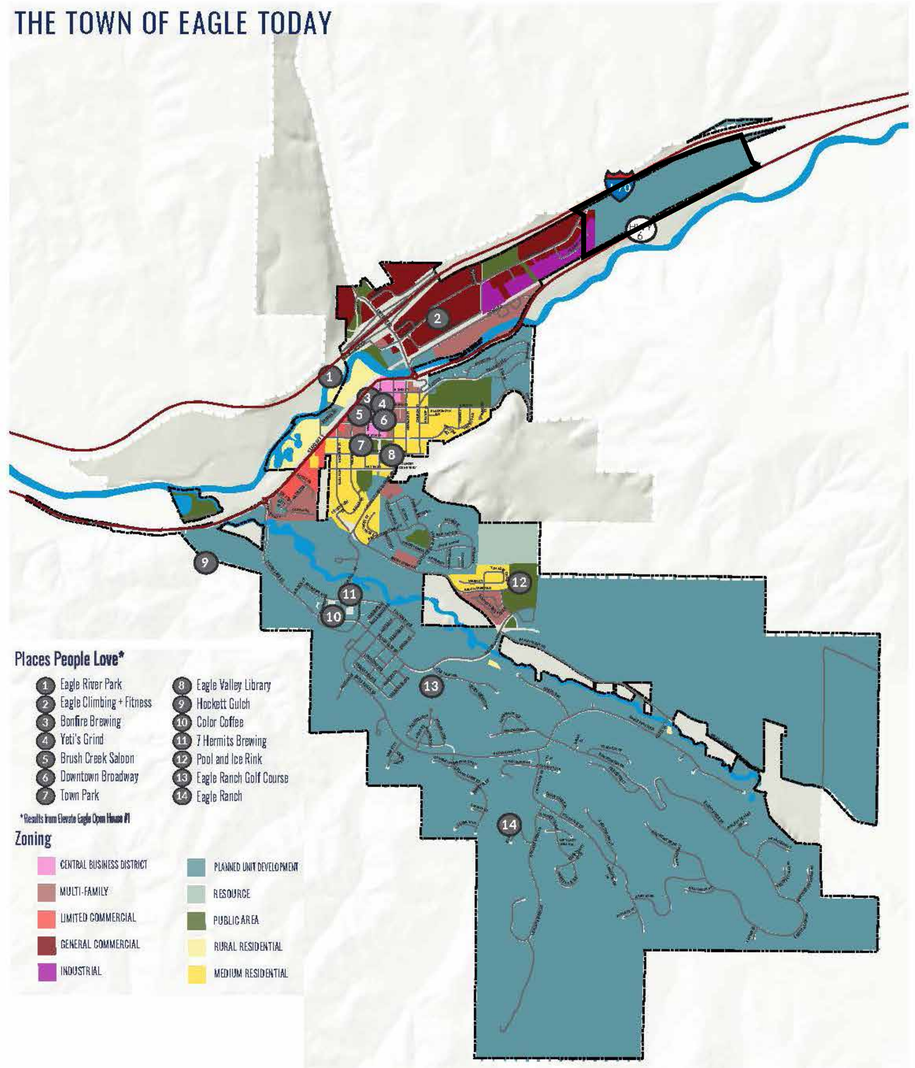
STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:
The EESAP supports a number of major objectives in the 2020 Strategic Plan including Improve Community Responsive Services through the adoption of policies that support local businesses (existing and in the future) through thoughtful planning that considers a growing population and the need for large lots to support commercial needs. The major objective to Enhance the Economic Resiliency of the Town Government. The EESAP provides land uses that will support a variety of future business, diversifying revenue sources and enhancing the Town's resiliency. The major objective to Stimulate Economic Vitality and Development is supported in the EESAP as it plans for future land uses that will benefit visitors and businesses alike through thoughtful infrastructures to support land designated for commercial uses.

RECOMMENDED ACTION OR PROPOSED MOTION:
Not applicable. Staff is looking for feedback on the draft EESAP.

ATTACHMENTS:

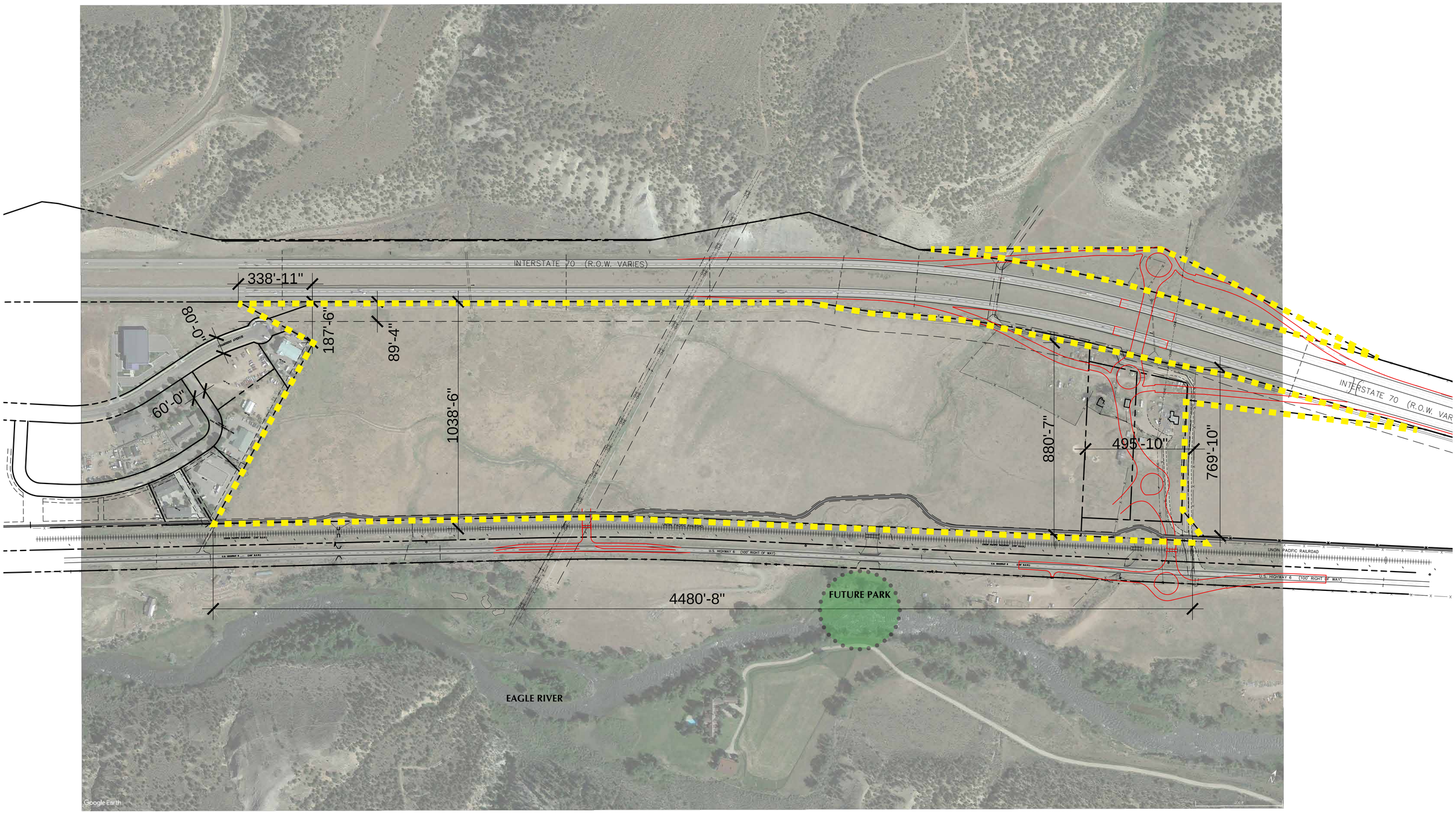
- EESAP Concept Plans dated June 8, 2021 (updated one)
- EESAP Initial Draft Plan dated May 27, 2021
- Public Survey (LINK)
- Public Comment (LINK)

East Eagle Subarea Plan
Town Council Meeting



Prepared for the Town of Eagle

By Zehren and Associates
June 8, 2021



ZEHREN AND ASSOCIATES
ARCHITECTURE • PLANNING
INTERIORS • LANDSCAPE ARCHITECTURE

East Eagle Subarea Plan
June 8, 2021

Site Overlay with Dimensions and Aerial 1:200

1 ACRE

SCALE: 1"=200'
0 100' 200' 400'

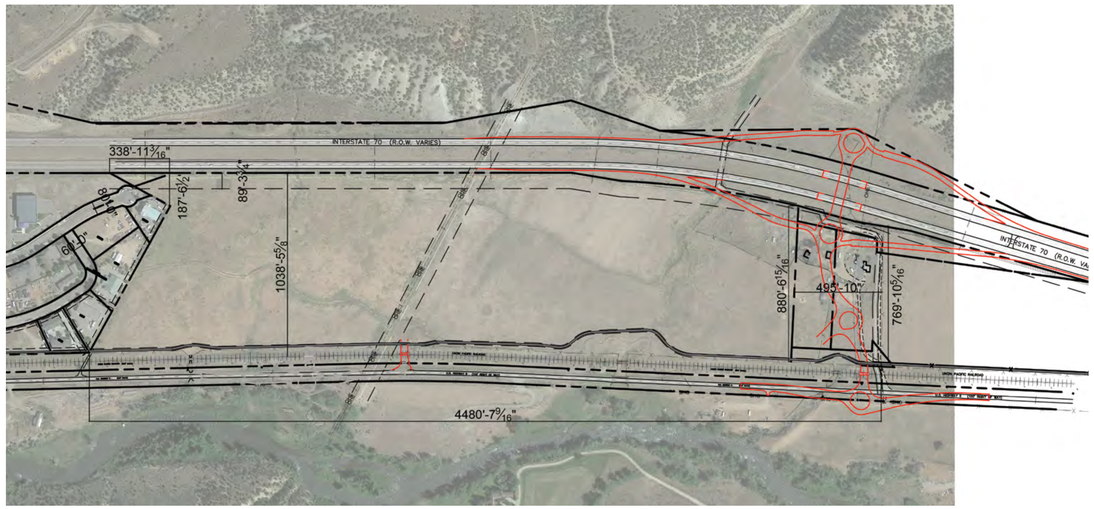
ZEHREN AND ASSOCIATES
ARCHITECTURE • PLANNING
INTERIORS • LANDSCAPE ARCHITECTURE

East Eagle Subarea Plan
June 8, 2021

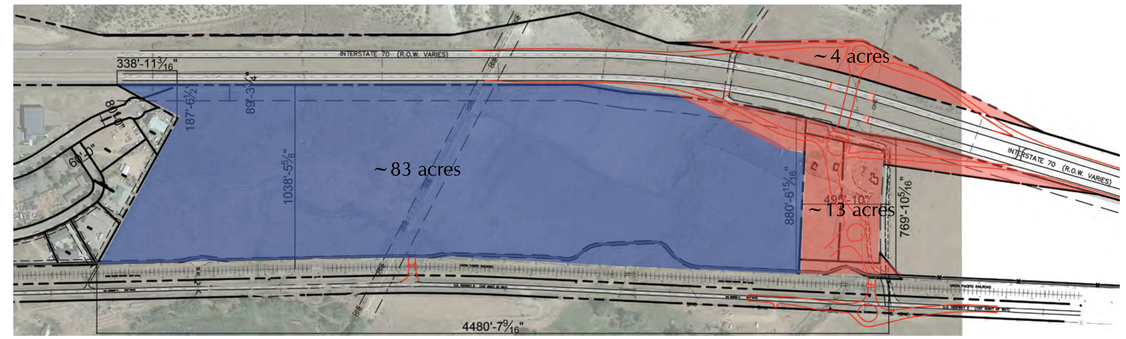
Context Map: Chambers Ave and East Eagle Land

Site Map 1:400 scale

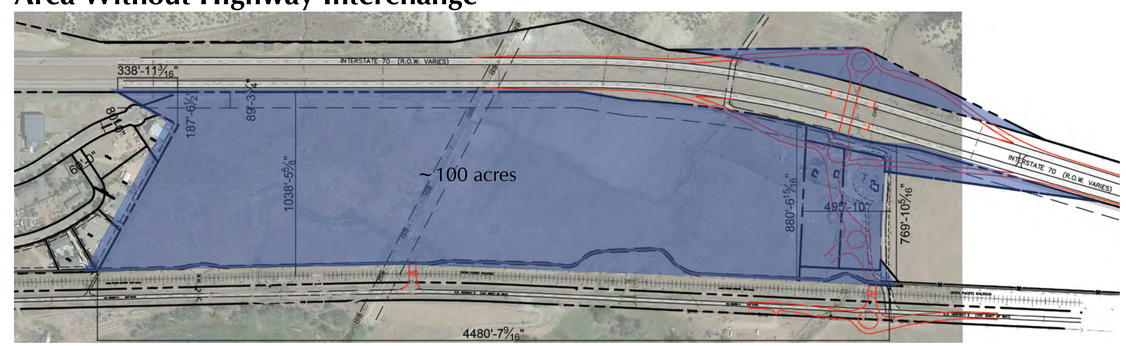
1 Acre



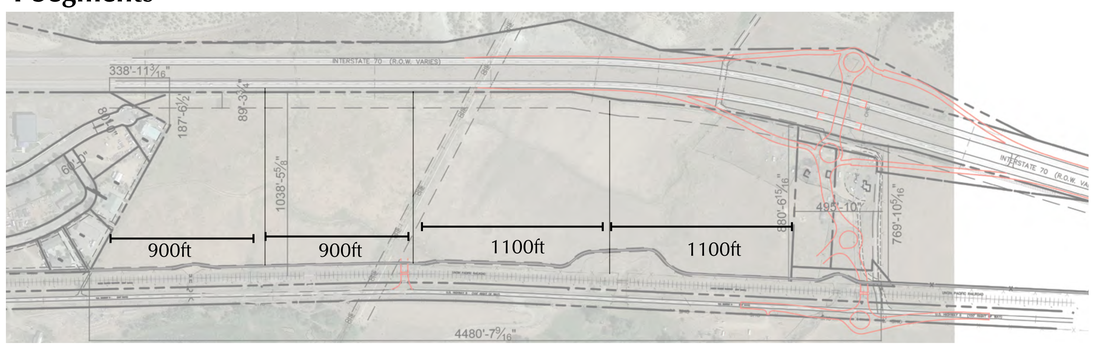
Area With Highway Interchange

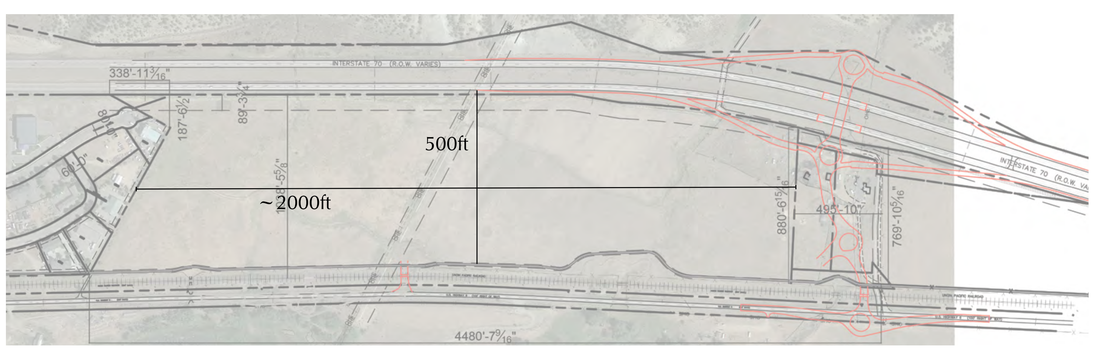


Area Without Highway Interchange



4 Segments





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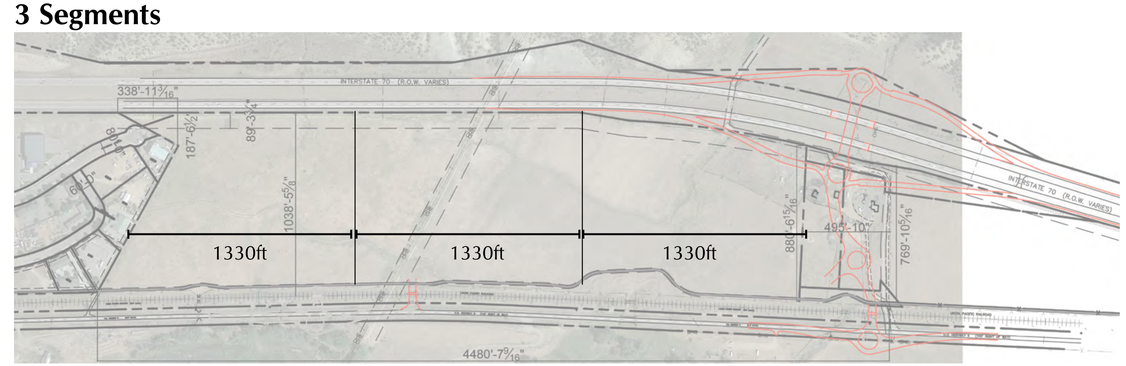
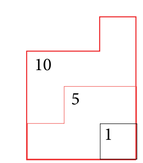
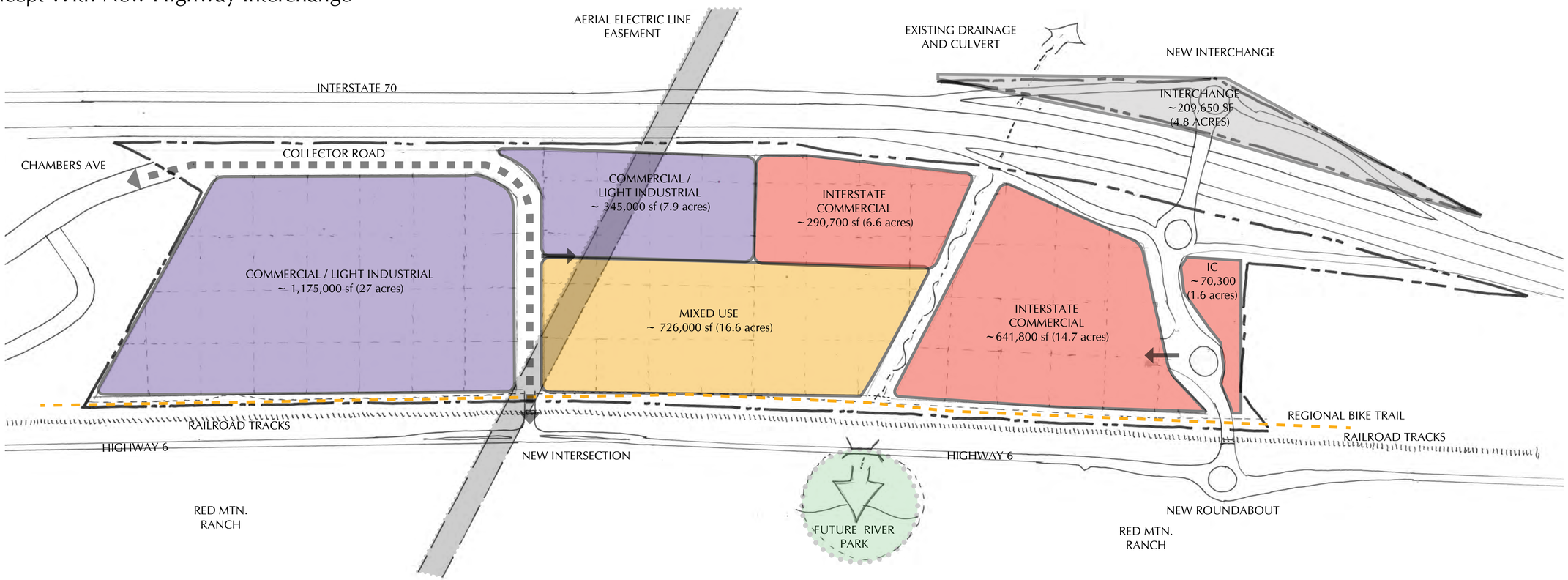
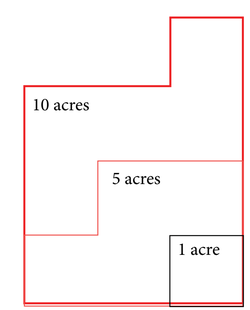




Conceptual Land Use Diagram
Preferred Concept With New Highway Interchange





ZEHREN AND ASSOCIATES
ARCHITECTURE • PLANNING
INTERIORS • LANDSCAPE ARCHITECTURE

East Eagle Subarea Plan
June 8, 2021

Conceptual Land Use Diagram
Preferred Concept

1 ACRE

SCALE: 1"=200'
0 100' 200' 400'

Eagle Climbing and Fitness

Alan Bradley Windows and Doors

Tumbleweed Dispensary

Chambers Ave Commercial Building

Outwest Drywall Supply

Timberline Tours

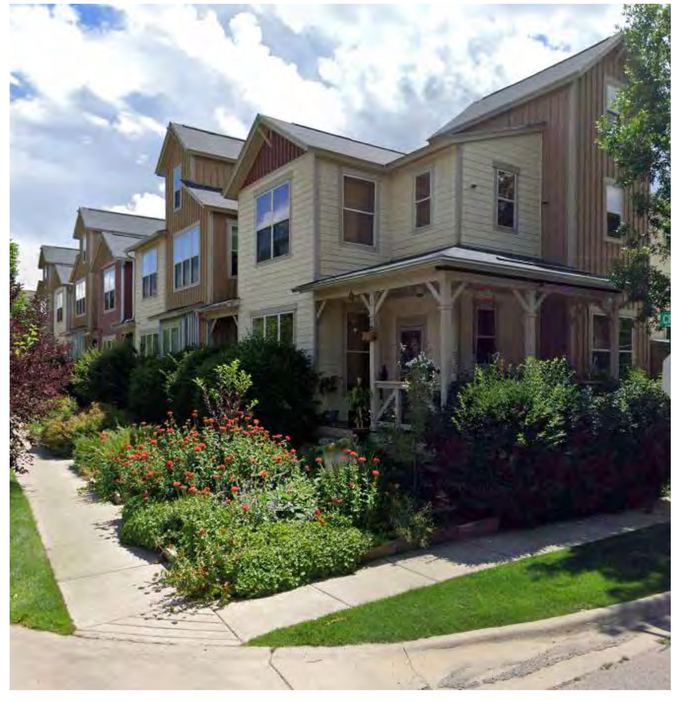
R & H Mechanical

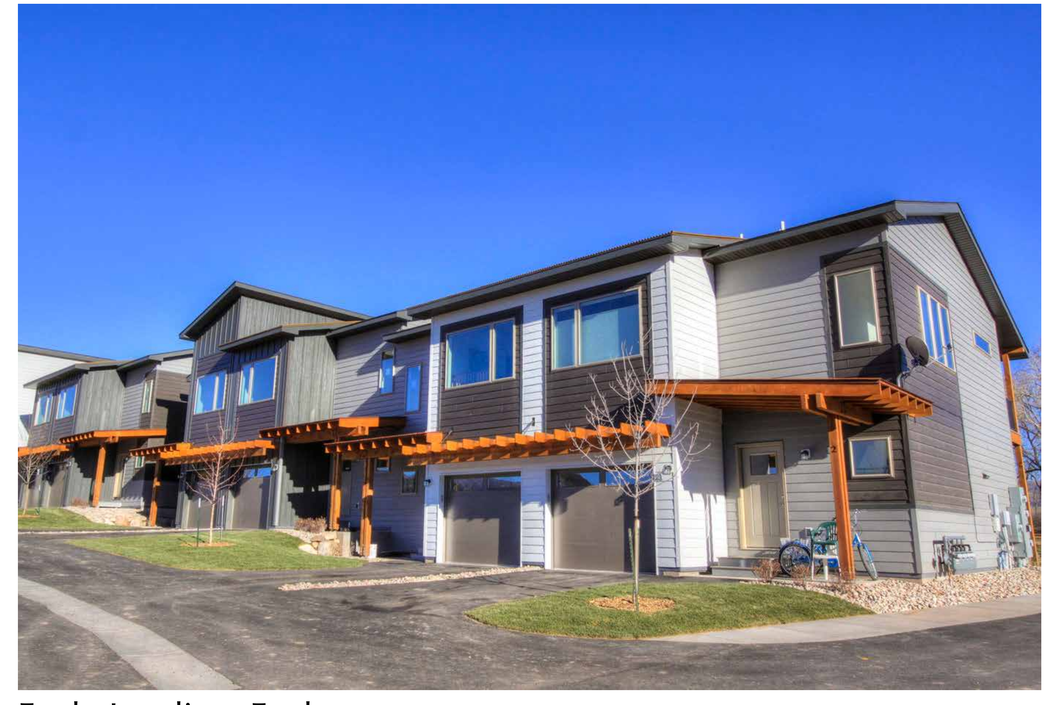
Eagle Town Hall

241 Broadway

330 Broadway

Miller Ranch, Edwards

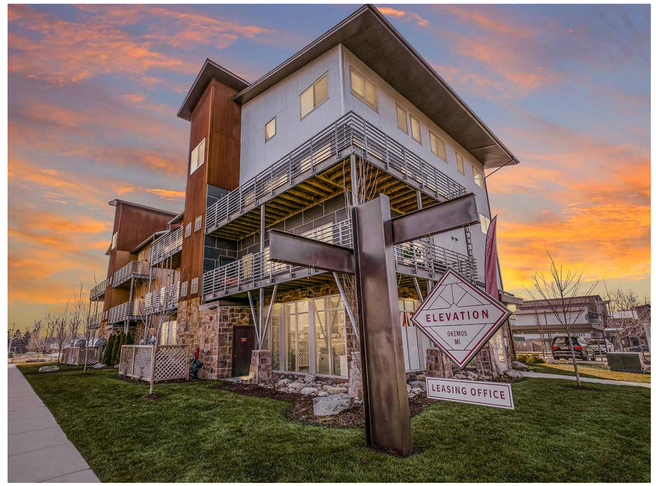




Eagle Landing, Eagle

Gambel St. Townhomes, Eagle

Chamonix, Vail



Elevation - Okemos, MI

Grow Community - Bainbridge Island, WA

Pitchfork - Crested Butte, CO

Piedmont - Avon, CO

EAST EAGLE SUB AREA PLAN

April 2021 DRAFT

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Constraints and Parameters ..... **Error! Bookmark not defined.**
Regional Context ..... **Error! Bookmark not defined.**
Related Plans ..... **Error! Bookmark not defined.**
Goals and Policies 14
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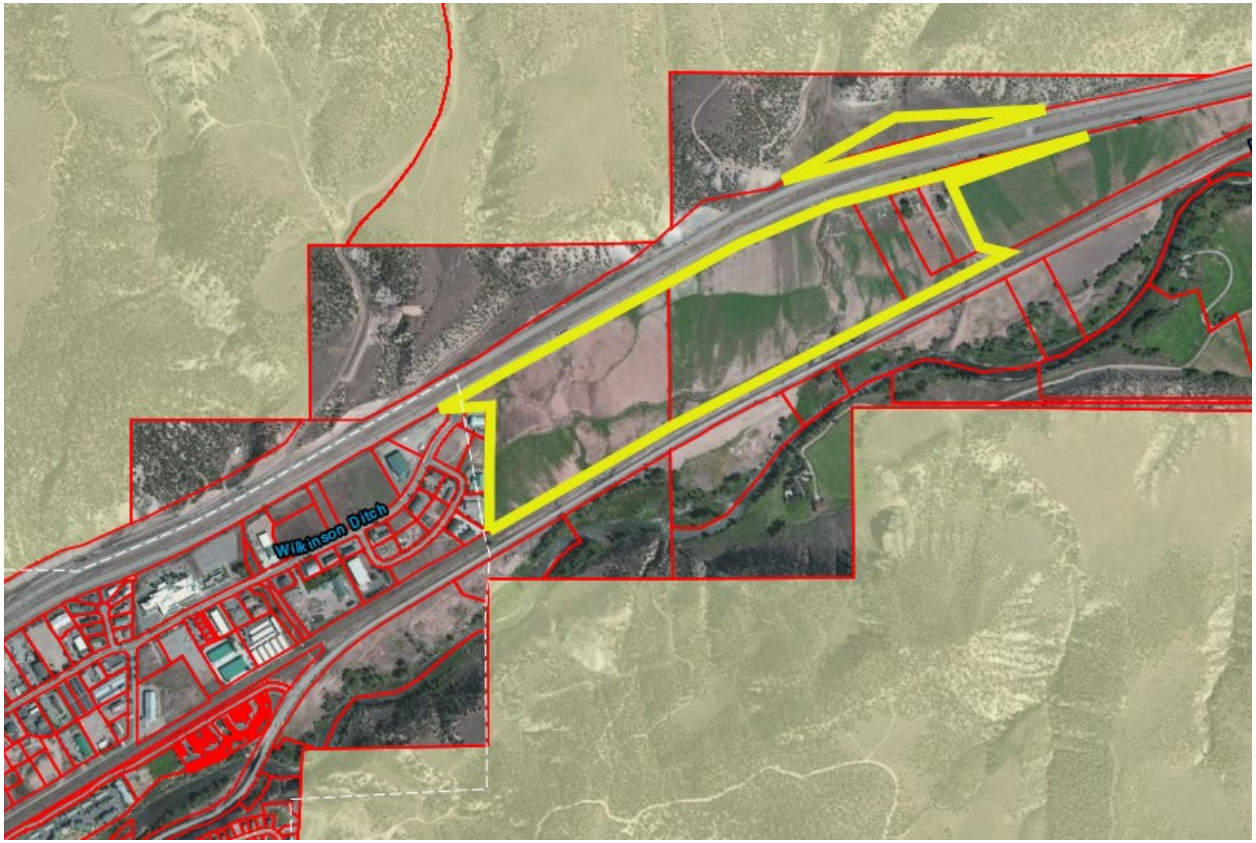
Area Map



Purpose

The Town of Eagle adopted the 2020 Elevate Eagle Comprehensive Plan (Comprehensive Plan) on December 15, 2020, as a policy document to aid decisions on land use, development, public services, and economic development within the Town's boundary and Urban Growth Boundary. Within the Comprehensive Plan is the Future Land Use Map (FLUM) that provides future land uses within the Town of Eagle. Sections of the FLUM refer to subarea plans for future land use designations. The FLUM refers to this East Eagle Subarea Plan for the future land use designations of this planning area, known as "East Eagle". The purpose of this subarea plan is to identify and define desired future land uses and guide future growth that will meet the needs of the community today and for decades to come.

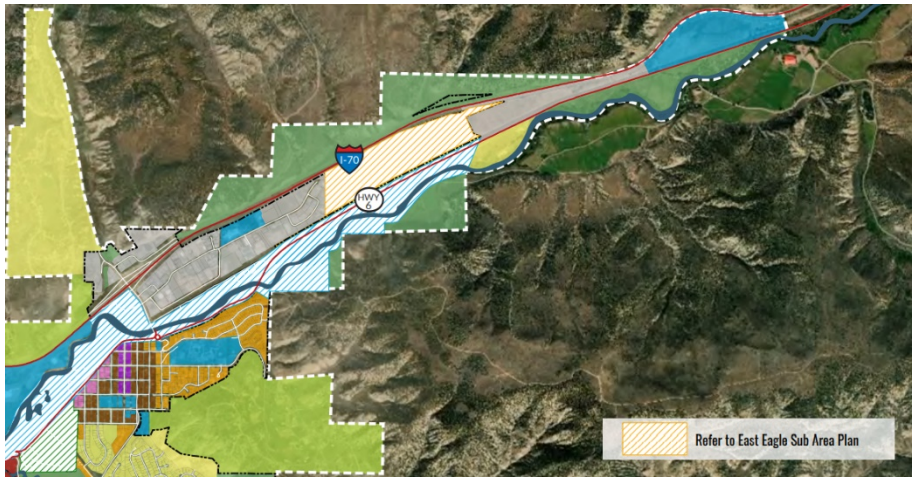


***Image from Elevate Eagle Comprehensive Plan.*

The East Eagle property is approximately 95 acres, located in the furthest northeast section of town. The planning area is east of the Chambers Avenue Commercial and Industrial Park and sits between I-70 to the north and Highway 6 to the south.

Land availability for auto-oriented commercial and industrial uses is limited within the Town. The Chambers Avenue Character Area has few vacant lots remaining. East Eagle provides a large tract of land that can meet the community's future needs for heavier commercial and industrial development. I-70 and Highway 6 both provide locals with ingress and egress to Eagle, this property is uniquely situated and will provide access to both. The size of the property and close proximity to I-70, spurs an opportunity for highway-oriented development unlike what exists at the Eby Creek Rd interchange. The East Eagle Sub Area Plan also includes plans for a future highway interchange, further supporting highway-oriented development.

East Eagle will be the first development that welcomes westbound visitors as they drive into the Town of Eagle. This plan was designed to include an attractive eastern gateway as supported by the Comprehensive Plan. There is also a residential component in the East Eagle Subarea Plan. Design elements have been incorporated into this plan to create cohesion and encourage high quality development among the different uses in East Eagle.

Introduction

Background

The 95 acres that make up East Eagle were annexed into the Town of Eagle in 2006. Current zoning is Resource (R) and the land is currently used as pasture. Once developed, this property will provide a connection from the east end of Chambers Avenue with Highway 6, enhancing the connectivity to this part of town.

Initial development of this property included a mix of uses, an I-70 interchange on the eastern most edge of the property, and connection from Chambers Avenue to Highway 6. Eagle has changed substantially from 2006, with the build-out of Eagle Ranch and approval of other large Planned Unit Developments throughout the Town. From 2005 to 2010 the Town of Eagle's population increased by 2,200 people. From 2010 to 2019 Eagle's population increased by roughly another 500. While growth certainly slowed over the past 9-10 years, the demand for housing continues to increase and home prices continue to rise. Since 2014, Eagle has annexed an estimated additional 795 acres to the Town, most of this land is slated for residential development and roughly 1,500 dwelling units are approved as of 2021.

Heavy commercial and light industrial development in Eagle has been limited to Chambers, Eby Creek and Market, with some light commercial along Highway 6 and in West Eagle. Interstate Commercial is currently limited to Eby Creek, Market and the western end of Chambers Avenue. Eagle's downtown is Broadway Street, which connects to Grand Avenue (Highway 6). The East Eagle property is located roughly 1.25 miles from Broadway Street. Walking/running/biking connectivity exists through this property to the Town Center area via the Regional Trail.

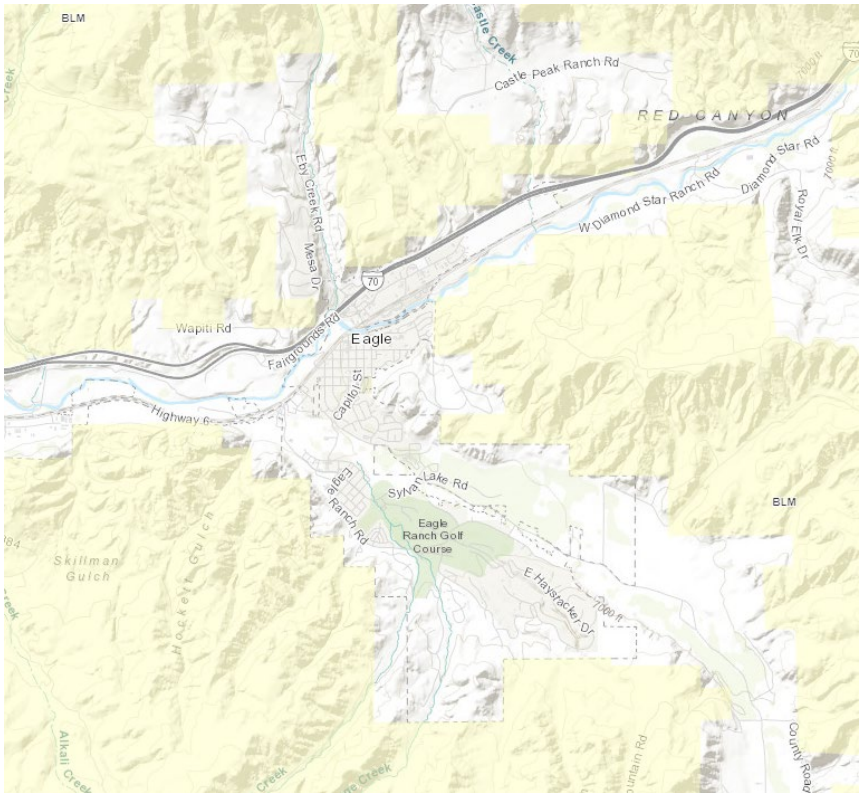
Site Analysis

Size
The length of East Eagle along I-70 is comparable to the length of Chambers Avenue, as depicted in the Context map. East Eagle is 4,480 linear feet while Chambers Avenue is 5,550 linear feet. In terms of depth, the distance from the property boundary abutting I-70 to the boundary abutting the railroad track ranges from 769-1038 lineal feet. Of the total 100 acres of the property, approximately 17 acres is designated for the future highway interchange, leaving 83 acres for other land uses.

Surrounding Properties
To the north and east of the East Eagle planning area, are properties in unincorporated Eagle County with Resource zoning. Across Highway 6 to the south is the Red Mountain Ranch (RMR) development, which is zoned Planned Unit Development within the Town of Eagle. The Red Mountain Ranch development is currently undeveloped but has received approvals for up to 153 residential units; this development will include both multi-family and single family residential. A future river park is planned in RMR and will provide active recreation within close proximity to East Eagle. To the west is the Chambers Avenue Commercial and Industrial Park with mixed Commercial General and Industrial Town of Eagle zoning. The Eagle Valley Trail and Railroad run parallel between the East Eagle property and Highway 6.

Constraints and Parameters

Though the EESAP focuses on the area identified as East Eagle, there is recognition that the Town of Eagle has limited options for expansion, especially expansion and/or annexation of land for commercial and industrial uses. The Town is surrounded by land owned by the Bureau of Land Management (BLM) as depicted in pale yellow in the graphic to the right.



Eagle County GIS Layers: Public Lands.

Aside from the surrounding terrain, East Eagle has its own set of constraints that have impacted this planning process and the conceptual design of the property. These constraints include:

- Utility Easement
- Rail line
- Highway 6 Access Permits
- Drainage
- Future I-70 Interchange
- Regional Trail (ECO Trail)
- Visibility from I-70
- Market Influences

Utility Easement
There is a 100’ utility easement near the center of the property. The easement is used by a powerline running through the property.

Railroad Crossing
There has been community effort to revive the Tennessee Pass rail line for freight and/or passenger use. The rail line stretches from Eagle to Canon City. If the rail line becomes operational, the community may want to consider a location for a future

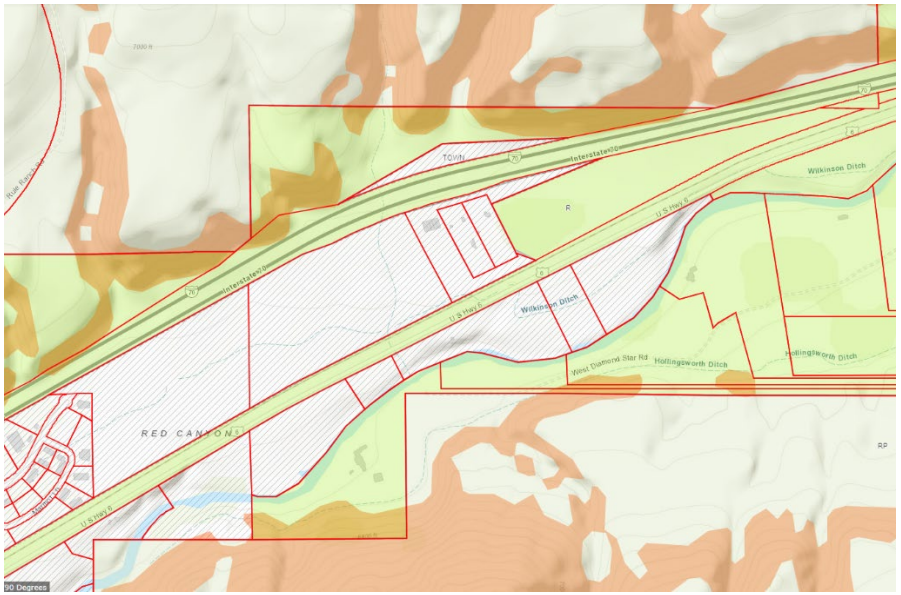
transit center for the loading and unloading of freight and passengers.

Highway 6 Access Permits
Access permits onto the property from Highway 6 have already been issued by the Colorado Department of Transportation (CDOT). There are two points of access from Highway 6 that are depicted in the Site Overlay with Dimensions and Aerial in Exhibit A.

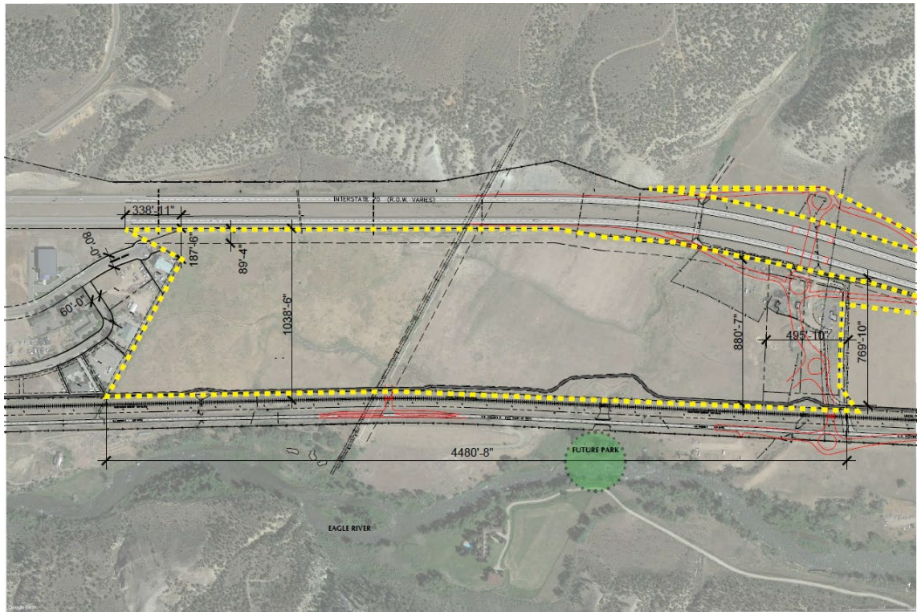
Drainage
A drainage feature runs through the property. The drainage is located north of the Future Park depicted on the Site Overlay with Dimensions and Aerial in Exhibit A.

Future I-70 Interchange
The Town has identified a need for a future highway interchange that will provide additional access points to the property. The future interchange is intended to address problems with congestion, safety, and facilitate the flow of traffic on Chambers Avenue. The location of the highway interchange is restricted to the east end of the property due to the slope to the north of I-70, that limits the location of the highway on/off ramp. The highway interchange is a large capital investment that may not be constructed in the near future.

Regional Trail
The Eagle County ECO Trail is location along the southern border of the property. The ECO Trails is a popular trail that provides public access throughout the Eagle Valley.



Eagle County GIS Layers: parcels, County zoning, slope greater than or equal to 30%

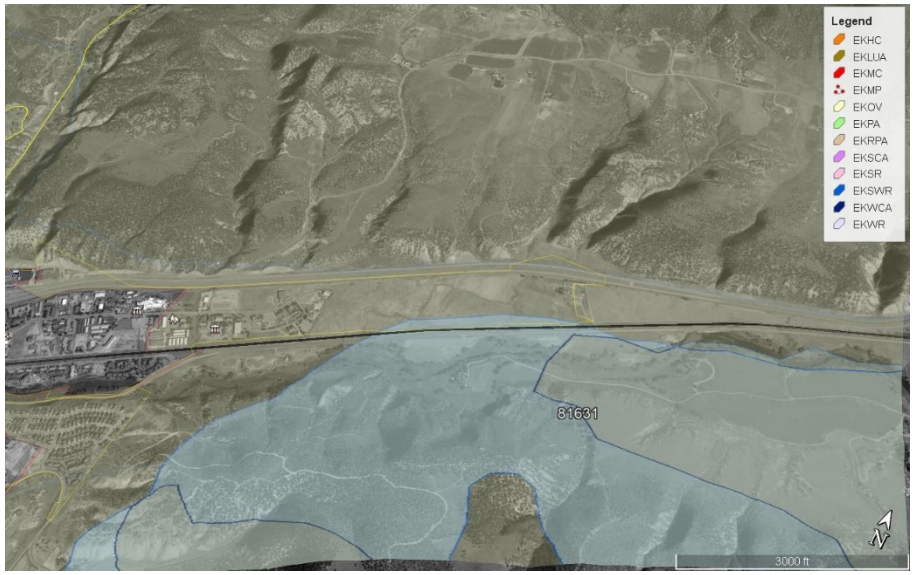


High Visibility
With tens of thousands of vehicles driving on I-70 each day, East Eagle is highly visible to locals and visitors alike. This visibility has shaped various elements of this planning document such as the eastern gateway, the need for design standards, and importance of landscaping.

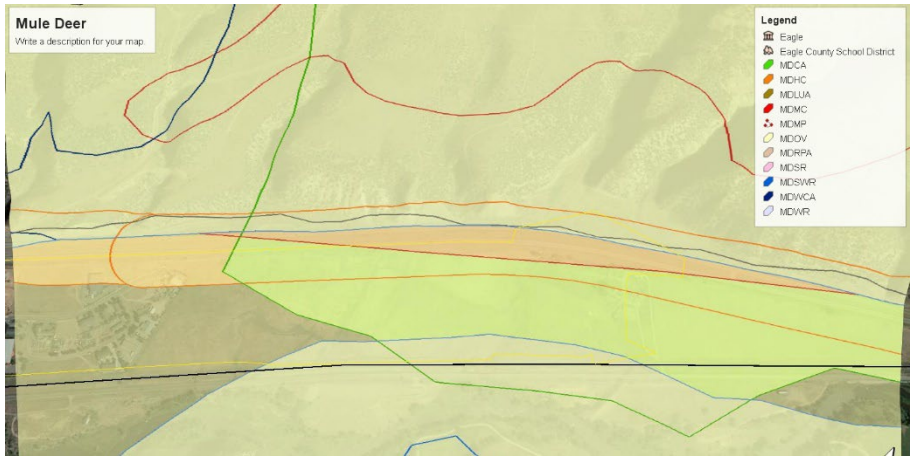
Market Influences
Other constraints taken into consideration during this planning process were changes to markets resulting from a shift to online shopping, only accelerated by the recent COVID-19 pandemic. The shift to online shopping begged the question, will big box be profitable in the future? These questions come with the recognition that the markets change and predicting the future can be an impossible task. The East Eagle Subarea Plan provides flexibility to future commercial land uses by allowing for a variety of commercial uses, rather than restricting the area to large lots for big box/chains.

Wildlife
A vision of the community is to celebrate and preserve its unique connection with the environment by minimizing growth impacts to water and wildlife resources. Numerous goals in the 2020 Elevate Eagle Comprehensive Plan focus on preserving and protecting habitat for wildlife as well as riparian areas. Through this planning process, potential impacts to water and wildlife resources were identified and addressed in the Goals/Policies section of the plan.

The Elk population uses the East Eagle area during the winter months. The graphic shows that the southern section of the property is used as Elk winter range.



A map of Elk movement from CPW: [Colorado Parks & Wildlife - Google Earth (KMZ) Species Maps (state.co.us)]



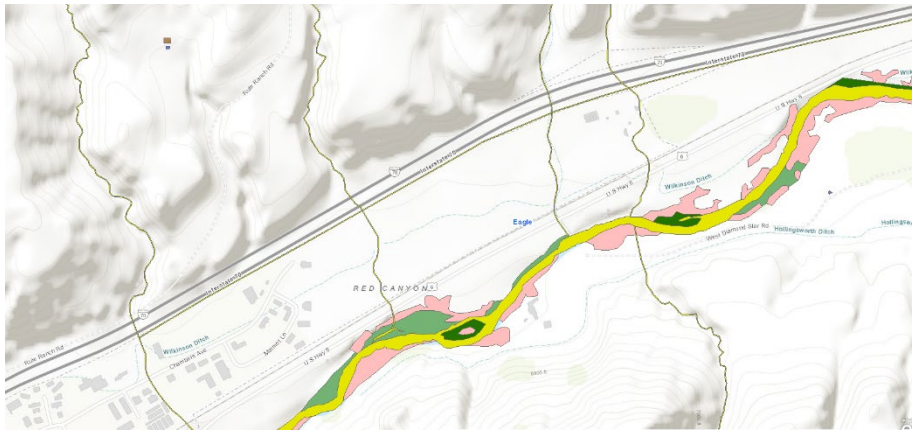
Map of Mule Deer movement. Source: CPW [Colorado Parks & Wildlife - Google Earth (KMZ) Species Maps (state.co.us)]

The Mule Deer population are also active in East Eagle. Mule Deer use a significant portion of the property as a concentration area and the southern portion as a winter range.

Wildlife utilizes the underpass at mile markers 147 and 150. The community recognizes that development of East Eagle will disrupt wildlife movement through the property, however efforts can be made to minimize any negative impacts.

Water Resources

Eagle River is south of East Eagle across Highway 6. Mapping provided by the Colorado Wetland Inventory depicts riparian zones and other water resources. While East Eagle has three streams feeding into the water sources to the south, there are no riparian zones within the planning area.



Colorado Wetland Inventory (arcgis.com)

Regional Context

Commercial businesses in East Eagle will serve the valley with their proximity to the Eagle County Airport that enplaned (origin and destination) 194,905 passengers in 2019. Visitors arriving at the Eagle-Vail Airport currently drive through Eagle's Grand Avenue (Highway 6) to the Eby Creek / I-70 interchange to get to up-valley destinations. Upon returning to the airport, visitors must currently take the same return trip, as Eagle has one interchange.

The Town of Eagle is also within an hour's drive of world class ski resorts that draws in visitors from around the world. During the summer, visitors come to the area for access to camping, hiking, mountain biking, fly fishing, rafting, river surfing, etc.

The Town of Eagle is surrounded by BLM land and natural attractions such as Sylvan Lake State Park, the White River National Forest and the mining town of Fulford.

In addition to serving the visitors of the area, East Eagle will serve nearby communities. The closest municipality to the west is the Town of Gypsum with a population of 7,582 in the year 2019. To the east are unincorporated areas of Wolcott and Edwards. Unincorporated Eagle County had a population of 24,038 in 2019. The total population for Eagle County as of 2019 was 55,070; this population number includes unincorporated Eagle County, Avon, Basalt(partial), Eagle, Gypsum, Minturn, Red Cliff, and Vail.

Related Goals

Current planning documents used in the development of EESAP:

2020 Elevate Eagle Comprehensive Plan

This tract of land is located between the Eastern Gateway area and the I-70 Influence Character Area.

Summarized from Elevate Eagle Goal: (relevant) Policies for the West and East Gateway areas

- Support the installation and maintenance of attractive, well-managed landscaping at the gateways.
- Provide and maintain landscape screening or other enhancements to improve visual quality.
- Ensure that new development in these areas includes architectural elements and treatments consistent and compatible with established design guidelines for the Town of Eagle.

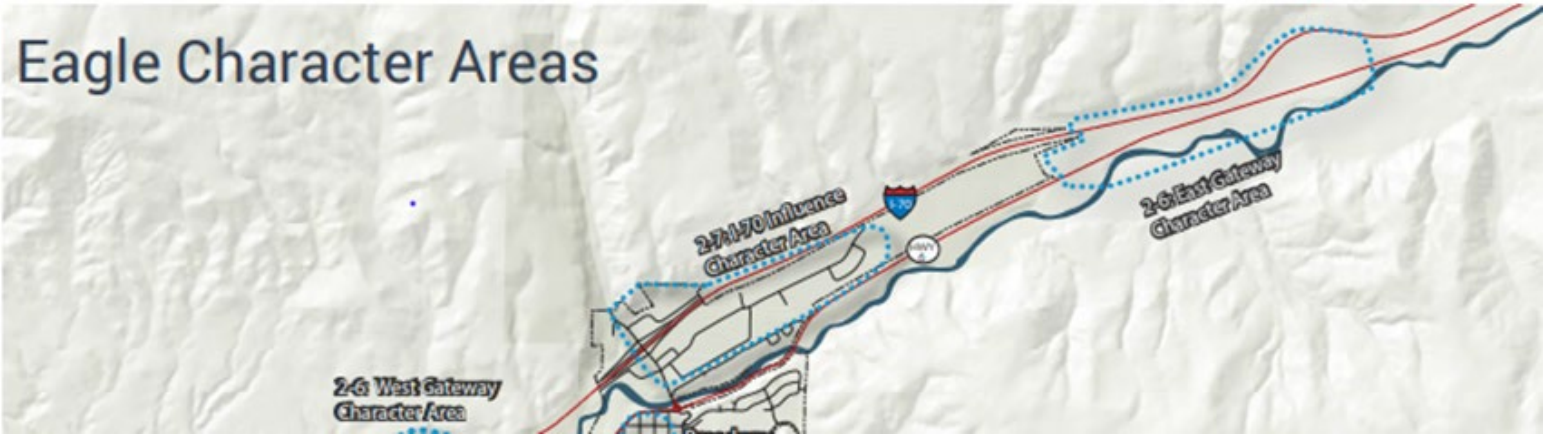
Summarized from Elevate Eagle Goal: (relevant) Policies for I-70 Influence Character Area:

- Within allowances established by the Town's level of service (LOS) standards, promote additional highway-oriented businesses (which may also serve local needs).
- Encourage the development of vacant or underutilized lots with more intensive uses that would benefit from their accessibility to the interstate corridor.
- Maintain existing commercial and industrial zoning in the Chambers Avenue, Market Street, Sawatch Road, and Marmot Lane areas.

The importance of locating highway-oriented businesses in the vicinity of Eby Creek Road is documented in the Elevate Eagle Comprehensive Plan. The East Eagle Sub Area Plan will also include plans for a future highway

Landscaping and aesthetics are important components of the Elevate Eagle Comprehensive Plan and this sub area plan seeks to incorporate design standards for this highly visual land.

interchange and should also include a land use category for highway-oriented businesses.



2018 Eagle County Housing Study (relevant takeaways)

- Local households, both owners and renters, have an overwhelming desire to remain or become homeowners, regardless of income.
- A diversity of attached and detached housing product is needed, with a range of price points, upgrade options and amenities.
- Affordability is the key obstacle for locals seeking to buy in the Eagle River Valley. Numerous tools will be needed to overcome the affordability gap for most locations and product types.
- Affordability and location are the highest priorities for buyers. If homes are located in desirable communities and priced affordably, buyers will make tradeoffs on unit type and size.
- 90% of down valley homes are occupied year-round.
- Mid and down valley are home to a higher percentage of households with children and adults in the prime working years of 30-64.
- Looking at the presence of children in the household provides a striking contrast: almost half (48%) of down valley households include children.
- Down valley has larger households, especially those with four or more individuals.
- Proximity to work is the second highest consideration for homeowners.
- Community amenities - schools, parks, libraries, etc., amenities rate high in importance among homeowners.
- The ability to have pets is also a top consideration with two-thirds of owners rating pets as very or extremely important.
- Owners who live alone generally place less importance on character and proximity attributes but rank availability of bus service and proximity to skiing/recreation higher than other types of households.

- Regardless of where in the valley buyers are seeking to live, community character is the most important location attribute local households consider – underscoring the need to integrate housing efforts in comprehensive community planning that preserves and enhances sense of place, locals or family-orientation, social opportunities, and proximity to services and entertainment.
- Up valley and mid valley should be the prioritized for new rental development, as 82% of current renters prefer those locations.
- Couples with children generally rank location attributes higher than other households, especially availability of day care and quality of schools. They place lower than average importance on bus service and proximity to skiing/recreation.
- The importance ratings by other types of households tend to fall in between the preferences of people living alone and couples with children.
- Playgrounds or parks on site are also important to owners, especially households with children, and considerably more important to owners than renters.

Goal and Policy Topics

1) Direction with Flexibility
   1.1 Ensure the Plan provides direction for the development of the property; while maintaining flexibility with the land use categories and policies.
2) Address traffic circulation/congestion
   2.1 Streets should provide for free-flowing circulation and allow for access to Chambers, Highway 6 and I-70.
   2.2 Streets that access commercial property should be wide enough to accommodate large semi-trucks.
   2.3 Commercial lots should accommodate onsite deliveries and large semi-trucks and trailers.
   a) Staff Note: Meet needs of commercial use/businesses ex. with lots large enough for delivery truck (current issue on Chambers Avenue with trucks loading and unloading from center turning lane).
   2.4 Plan for future public transportation enhancements.
   2.5 Ensure adequate access to and appropriate mobility options within the Town.
   b) Design the vehicular network to anticipate future development and transportation needs.
   c) Locate high traffic generating land uses close to collector and arterial roadways and transit centers.
3) Avoid the creation of a new town center.
   3.1 Residential and commercial uses should be separated by strong landscape buffers.
   3.2 Landscaping should be utilized to insulate residential areas from impacts such as commercial activity, interstate or train impacts.
   3.3 This is an area that can accommodate mid-size to large-size retailers.
   3.4 Promote commercial development that fits the desired character of the community.
4) Encourage outdoor recreational in East Eagle.
   4.1 Larger scale commercial recreation uses should be encouraged.
   4.2 Continue to utilize, and build on, the Eagle Outside brand to promote the Town as a year-round destination.
5) Appropriate type of residential homes (not traditional single-family or mixed-use found in a town center - ie: no residential above <u>small</u> retail)
   5.1 Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.
   5.2 Support the workforce through more attainable high-density housing.

5.3 Amenities commonly found in residential neighborhoods should be incorporated into any area where residential is included.

5.4 This area is appropriate for higher density residential housing types.

5.5 Promote residential development that fits the desired character of the community.

6) Temporary uses prior to construction of interchange.

6.1 Any temporary uses should have a clearly defined termination date.

6.2 Any temporary uses should include substantial screening and landscaping to provide an attractive transitory eastern gateway.

7) Preserve our Natural Open Space and Wildlife Habitats

7.1 Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.

7.2 Ensure residents have access to recreation amenities.

a) Support efforts to enhance and expand parks, trails, and recreation amenities.

b) Require new development to provide adequate parks, trails, other recreational facilities, and connections to pedestrian/bicycle-oriented amenities such as the River Park proposed for the Red Mountain Ranch Development.

7.3 Protect and preserve wildlife habitat, movement corridors, and other sensitive lands. Remove unnecessary fencing and encourage the use of wildlife-friendly fencing according to CPW standards.

7.4 Mitigate impacts to the natural environment and native species.

7.5 Enhance or create a tree canopy in new development areas or existing urban areas where tree cover is lacking.

7.6 Promote energy efficient designs and building codes that encourage energy conscious lifestyles and reduce overall energy consumption. Encourage all construction efforts to utilize green building practices.

Future Land Use Map / Circulation Plan

The Future Land Use Map (FLUM) portrays the study area's desired future. It is a tool to guide zoning decisions in East Eagle. The FLUM identifies locations of anticipated, and community-supported land uses over the next 10 to 20 years.

Division between land use categories generally follows parcel lines, roadways, and other geographic boundaries. Future land use and zoning category changes shall generally adhere to the FLUM, but may vary due to development constraints or other factors that would make strict adherence difficult or impossible. Flexible interpretation of the boundaries may be granted by the Town Planning staff, Planning and Zoning Commission, and Town Council, provided the proposed change is consistent with the overall vision, goals, and strategies contained in this Plan.

LAND USE CATEGORIES

- **Commercial/Light Industrial.** This area will include uses common to those that exist in the Chambers Ave area but with larger lots that are more accessible to delivery trucks. Such uses include those seen in light industrial areas such as manufacturing, assembly, storage, distribution, repair, service, contractor's yards, outdoor retail, and kennels, AND commercial/retail uses typically not found on Broadway Street such as restaurants with drive up windows, grocery stores, gas stations, and service establishments. Multi-family residential projects may be allowed through the Special Use Permit process, but the total land utilized shall not exceed 10% of the Commercial/Light Industrial category.
- **Residential.** The East Eagle residential areas will consist of multi-family dwellings and/or projects that will result in a minimum density of 10 dwellings per acre. Due to the abundance of detached single family residential approved in the south Eagle area, this category shall not include Single Family Dwellings.
- **Interstate Commercial.** To take advantage of the vehicular traffic present at interstate interchanges and to provide the Town's citizens options to driving out of town for certain goods and service, this area shall primarily include lodging, regional retail, large-format restaurant, and convenience stores/gas stations. Because this will also be the west bound gateway to the Town of Eagle, uses should reflect the character of the Town's active/outdoor branding in addition to maintaining high quality design elements.
- **Interim/Temporary Use Area.** This area consists of land that will eventually be utilized as transportation infrastructure for the future I-70 interchange. Knowing that this land may not be developed as an interchange for many years, temporary uses may be approved. Such uses would be limited to those that can be easily removed when development of the interchange begins. Being the eastern

gateway to the Town (even though the interchange could be years away), landscaping, screening (with berms or fences) and overall design quality remain important considerations. Because the Town does not have a zone district specifically established to only address temporary uses, the Planned Unit Development zoning and process should be utilized for this area to include uses such as: storage, landscape nursery, campground, or a solar photo-voltaic provided they are screened adequately.

Conceptual Design Direction

Landscaping

- I-70 landscape buffer.
    - A strong landscape buffer should be incorporated along I-70 and at the planned eastern interchange, in order to screen commercial and industrial uses, reduce noise impact of the interstate and provide a visually appealing eastern gateway to visitors and residents.
- Massing to visually screen commercial and industrial buildings.
    - Types of trees include evergreen and trees appropriate for Colorado environment.
    - Xeriscape landscaping should be utilized whenever possible.
    - High desert landscaping is most reflective of Eagle and should be incorporated into any landscape design for commercial or residential applications.

Eastern Gateway - (I-70 Eastern Interchange Portion)

Direction from this portion of the plan came directly from the public (through public meetings and surveys). The Eastern Gateway Character Area is defined in the Elevate Eagle Comprehensive Plan and is further east of East Eagle. However, several policies are applicable to development in East Eagle, including the following elements:

- 2-6.6. Require screening or other enhancements to building facades and outdoor storage areas to improve visual quality. Maintain vegetation that provides screening of less-attractive sites.
- 2-6.8 Ensure that new development in these areas includes architectural elements and treatments consistent and compatible with established design guidelines for the Town of Eagle.

Utilize xeriscape and high desert landscaping to create a notable Eastern Gateway area to the Town, drawing on elements of the existing Eby Creek Rd highway interchange.

Create a strong landscape buffer between businesses and I-70 to enhance the appearance of Town for interstate travelers, visitors and residents.

Aesthetics Character

Eagle is an eclectic mix of architectural styles and residents prefer a mix of styles throughout Town and our various neighborhoods. In the East Eagle area of Town, the architectural style should be reflective of the Town's Outdoor Recreation Brand and should pay tribute to the Historic Mountain West as well as incorporate a Mountain Modern aesthetic where appropriate.

Aesthetic Examples: **Insert Images**

Streetscape Character

A mix of trees and shrubs should be incorporated into the streetscape in East Eagle. Evergreen trees or large shrubs should be limited to the I-70 buffer zone and as screening for commercial uses. Low rocks, grasses and flowers should be utilized along streets and roadways. Streets and roadways should be constructed to handle large semi-trucks and trailers (and other vehicles with large turning radius).

Implementation

Action Items

(Brief description of purpose of these action items and how it serves the overall plan)

***After direction received at the June 1st and June 8th meeting staff and consultant will add to this section.

- Explore funding/partnership opportunities for development of the I-70 interchange.
- Incorporate design standards into the updated land use code
- Access points on Hwy 6 are conceptual only and will need to be coordinated with RMR and CDOT for actual locations.
- Explore options for a pedestrian connection under Hwy 6 to future river park.
-
-

Public Outreach

To be summarized in the final version of EESAP.

- Collaboration with property owner
- Open House
- P&Z worksession with polling
- Survey
- TC worksession
- What have we heard? Summary

To: Mayor Turnipseed and Town Council

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

Date: June 8, 2021

Agenda Items: AN21-01 1819 Brush Creek Road Annexation; RZ21-01 Zoning

Resolution No. 46 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. 9 Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County and Zoning the Property Rural Residential.

REQUESTS: For Council to consider the annexation of 1819 Brush Creek Road and zone the property to Rural Residential (RR) zoning.

BACKGROUND: On April 27, 2021, the Town Council passed Resolution 38, Series 2021 finding the Annexation Petition for 1819 Brush Creek Road to be in substantial compliance with Section 31-12-107(1) C.R.S. The annexation application was accompanied by a request to zone the property to RR zoning. The property is currently in unincorporated Eagle County and zoned Resource (R).

The property is located south of the Brush Creek Road and Sylvan Lake Road intersection. There is one single-family home on the property with accessory structures. No development is proposed for this property.

On May 18, 2021, the Planning and Zoning Commission heard and considered the zoning request for the application and recommended approval. Analysis of the proposed zoning is detailed later in the staff report.

ANALYSIS:
Annexation. Annexation is a discretionary action on the part of the Town. Annexations must be in compliance with Title 31, Article 12 of the Colorado Revised Statutes and the Colorado Constitution. Title 4 of the Municipal Code, along with Town of Eagle Long Range Planning documents were considered in the review of this application.

Standard #1: Compliance with the provisions of Title 31, Article 12 of the Colorado Revised Statutes.

***Staff Comment**:* During the April 27, 2021 Town Council meeting the Town accepted a petition from Joanna Hopkins of Hopkins Development Strategies on behalf of Little Horn, LLC. Little Horn, LLC is the owner of 100% of the entire property seeking annexation.

The property's boundaries are contiguous with the Town of Eagle boundary for 862.28 feet of its 1802.06-foot total exterior boundary (or 47.8% of its perimeter) as demonstrated on the Annexation Map; thereby exceeding the one-sixth contiguity requirement per C.R.S. § 31-12-104(a). Staff finds the proposed annexation meets the statutory urbanization and integration requirements, and the majority of the property is within the Urban Growth Boundary as defined in the Elevate Eagle Comprehensive Plan (2020). Lastly, the proposed annexation would not extend the Town's boundary more than three miles in any direction.

Standard #2: Conformance with the Eagle Municipal Code Chapter 4.15.

The Town's Municipal Code reiterates the requirements of the Colorado Revised Statutes as it relates to Annexations and adds that "All petitions for annexation shall also be accompanied by a statement setting forth the proposed water rights to be dedicated to the Town at the time of annexation."

Staff Comment: The property has already satisfied the water rights dedication requirement. In 1984 the Town of Eagle entered into an agreement with the property owners, extending Town water services to 1819 Brush Creek Road. In exchange for the water service, the property owners agreed to pay applicable tap fees and a fee for water rights dedication. The 1984 Agreement can be accessed through this LINK.

The Municipal Code requires any area annexed into the Town to be brought under the Town's zoning ordinance and map within 90 days from the effective date of the annexation ordinance.

Staff Comment: The annexation application is accompanied with a request for zoning. Should Town Council approve the annexation and the zoning request, staff will modify the Town zoning map within 90 days from the approval of Ordinance No. 9, Series 2021.

Standard #3: Conformance with the Elevate Eagle Comprehensive Plan (2020).

Staff Comment: The property is in the Urban Growth Boundary as defined within the Elevate Eagle Comprehensive Plan (Comprehensive Plan). Staff finds the proposed annexation furthers the goals and policies of the Comprehensive Plan.

The property and the proposed RR zoning is supported by policies in the Comprehensive Plan including:

- Policy 2-8.1. Support and preserve the attributes and quality of the "country lane" experience along Brush Creek Road.

Staff Comment: The property contains low density residential with a setback from the street that is far greater than the 25' minimum for the zone district. This is similar to other lots along Brush Creek Road, supporting the "country lane" experience.

- Policy 4-2.1 Preserve and protect the quality of and integrity of wetlands, rivers, streams, and riparian areas.

Staff Comment: The structures on the property maintain a 75' setback from Brush Creek. This setback is greater than currently required under existing Town of Eagle regulations.

Annexation Agreement

No annexation agreement is associated with this application. The property already receives Town water and wastewater services. The structures on the property will be annexed as legal nonconforming structures as permitted under Section 4.04.100.G of the Municipal Code. The Municipal Code allows the structures to assume a legal nonconforming status if the structures were permitted under county zoning regulations at the time of annexation. The County permit has been received and is included with the application materials for this application.

Fiscal Impact Report

The application includes a Fiscal Impact Analysis. The analysis is based upon the annexation of one lot with one single-family home. The fiscal impact report utilized the same per household assumptions as the Red Mountain Ranch Fiscal Impact analysis to calculate anticipated expenses. Town staff generally supports the methodology of the Fiscal Impact Analysis.

Zoning. The applicant is requesting to rezone both lots to Rural Residential zoning (RR) concurrently with the annexation application. The Planning and Zoning Commission unanimously recommended approval of the RR zoning in the May 18, 2021 regular meeting. Standards and requirements for RR zoning are set forth in Section 4.05.030 of the Municipal Code and summarized below. Additional details can be found in the Planning and Zoning Commission staff report included as an attachment and accessed through this LINK:

Standard #1: That the zoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans.
Staff Comment: The zoning proposed for 1819 Brush Creek Road is compatible with the surrounding low-density residential land uses. The proposed zoning is supported by the Future Land Use Map (FLUM) that provides the future land use designations for the Town. The property is identified as Rural Residential in the FLUM. The Rural Residential land use on the FLUM is comparable to the Municipal Code's Rural Residential zone district in terms of density and allowed uses.

Standard #2: That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town's goals, policies and plans.
Staff Comment: The existing County R zoning is inconsistent with the Town of Eagle Urban Growth Boundary in the Comprehensive Plan.

Standard #3: That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; OR
Staff Comment: If the annexation application is approved, 1819 Brush Creek Road will have changed substantially through incorporation into Town of Eagle boundaries. The proposed zoning better meets the needs of the community through its alignment with the Town's long-range planning documents.

Standard #4: That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.
Staff Comment: There has not been a comprehensive revision to the Town's zoning map. This standard is not applicable to the zoning application.

COMMUNITY INPUT: The annexation application (AN21-01) was publicly noticed in accordance with C.R.S. § 31-12-108(2). Staff noticed the associated zoning application according to the provisions of the Municipal Code. As of June 2, 2021, staff has received 1 comment from the general public on this application.

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: Not applicable. While the application is supported by the Comprehensive Plan, the annexation and zoning applications are not supported by the Major Objectives outlined in the Strategic Plan.

RECOMMENDED ACTION OR PROPOSED MOTION:

1. Approve Resolution No. 46 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 (1819 Brush Creek Road).

2. Approve Ordinance No. 9 Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County and Zoning the Property Rural Residential (1819 Brush Creek Road).

ATTACHMENTS:

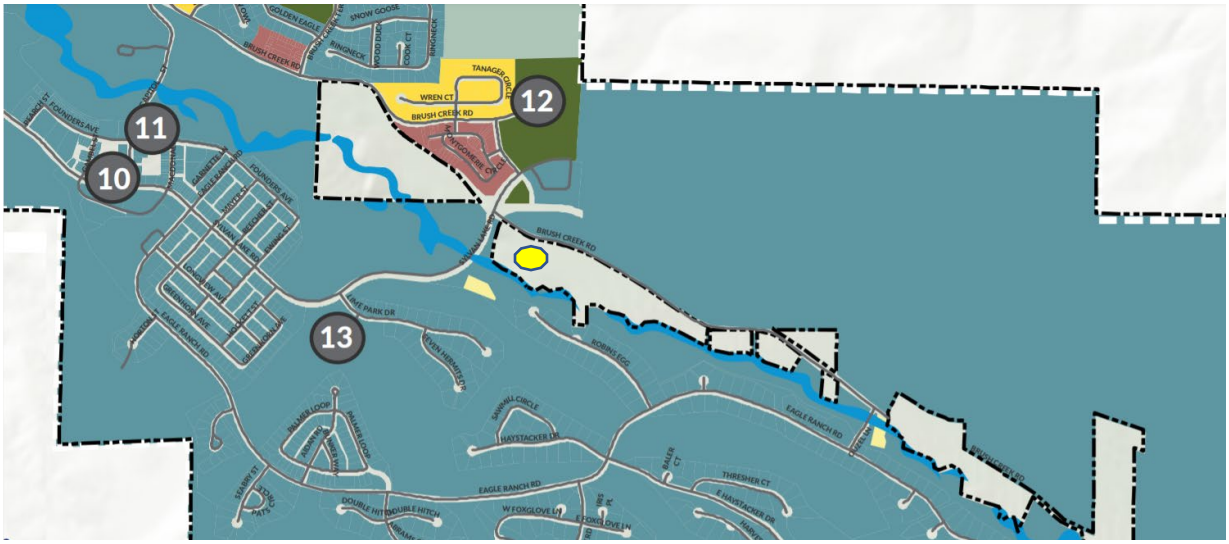
- Exhibit A: Annexation and Zoning Land Use Applications (and related documents)
- Exhibit B: Annexation Petition (LINK)
- Exhibit C: Annexation Map (LINK)
- Exhibit D: Resolution 38, Series 2021 Annexation Petition (LINK)
- Exhibit E: Staff Report for P&Z Commission Meeting dated May 18, 2021
- Exhibit F: Planning & Zoning Commission Minutes dated May 18, 2021
- Exhibit G: Public Comment
- Exhibit H: Resolution 46, Series 2021
- Exhibit I: Ordinance 9, Series 2021

1819 Brush Creek Road

Annexation and Rezoning Application

Project Narrative

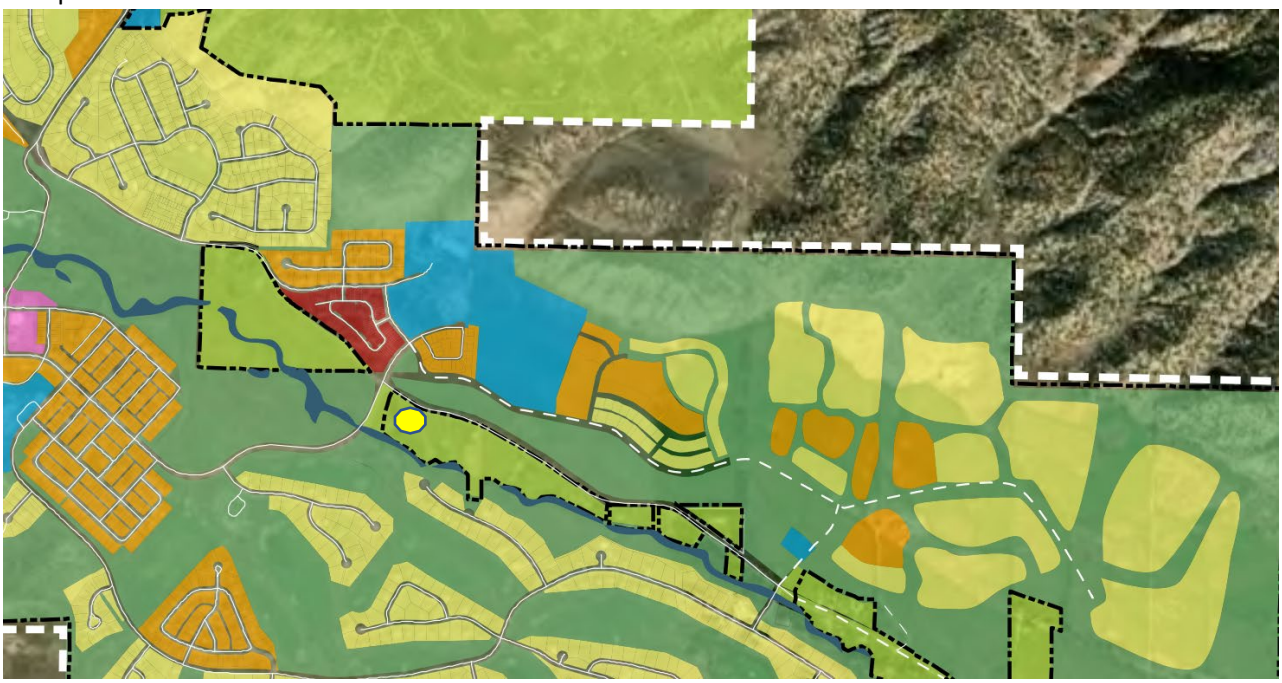
The subject property containing 4.38 acres was purchased in 2018 originally containing two manufactured homes. Since 2018, the property owners have designed and are in the process of constructing a single-family residence and an outbuilding on Town of Eagle water and sewer utilities and adjacent to the Town of Eagle boundary via Brush Creek. The property owners are requesting annexation of this property as it is a logical extension of the town bordered by PUD zoned areas (Haymeadow and Eagle Ranch) on two sides, as it is currently served by town utilities and typifies the intent of the Rural Residential land use designation as defined in the recently adopted Elevate Eagle Comprehensive Plan.



This annexation request does not require any additional extension of town utilities or roadways. Access is currently provided via Brush Creek Road and all existing access and utility easements as shown on the Annexation Map will remain.

The property owners are concurrently requesting a rezoning of the subject property to Rural Residential as it is consistent with the Elevate Eagle Comprehensive Plan future land use designation and the property uses are consistent with Rural Residential development standards.

Comprehensive Plan Conformance



Elevate Eagle Comprehensive Plan

Description:	PRIMARY USES	SECONDARY USES
Rural lands include, but are not limited to, those generally developed to lower residential densities, agricultural activities, resource extraction, timber harvesting, resource conservation, public or private recreation or open space. They may include cluster homes to preserve large pieces of open space.	Agriculture, farming, single family units.	Neighborhood, community parks, recreation, on site employee housing.
	APPROXIMATE DENSITY	
	Up to 1 DU/2 Acres	

The subject property is located within the Three Mile Plan, has a Rural Residential future land use designation, and is currently zoned Rural Residential under Eagle County. The proposed uses for Town of Eagle Rural Residential properties are listed above. The property owners' intent is to utilize the property for single family unit(s) at or less dense than the 1 dwelling unit per 2 acres density target. The single-family residence and outbuilding under construction meets or exceeds the development standards for Rural Residential zoned properties. Please reference the Site Plan exhibit for details on building size, setbacks, location of existing easements, water/sewer service lines and lot size. There are no development standards for lot coverage or maximum floor area under the Rural Residential zone district. The building height is 18 feet, well below the 35 foot maximum.

Existing Utilities and Infrastructure

The subject property and single-family residence is currently served by town water and sewer. No additional water rights will be associated with this annexation request. The property was issued a water tap when the subdivision was created in 1984 and taps were paid for at that time under the out-of-town

rate with water rights being purchased to supply these taps. The current property owner purchased a sewer tap at the time of building permit. The sewer service was installed in 2020-2021 and will be in use following issuance of the certificate of occupancy of the home. The property is accessed by a town owned and maintained road (Brush Creek Road) and therefore, no additional road maintenance or services will be necessary to serve the property. There will be no additional impact on the school district as this is a single family residence with no current school aged child occupants. Black Hills and Holy Cross Energy serve the gas and electric needs of the property.

Proposed Utilities and Infrastructure

There are no new proposed utilities or infrastructure required to serve this property. Water and sewer services are in place and as stated previously, the access from Brush Creek Road is already maintained by town of Eagle. This property will require trash, police and other town related services recognized in the Fiscal Impact Report. These costs are minimal and are largely offset by sales and property tax generated by the property and the occupants.

1819 Brush Creek Road
Fiscal Impact Report

	Proposed Development		Notes
			One household proposed
General Fund			
Ongoing Revenues			
Property Tax	138.41	Annual	Based on building permit value and land
Sales Tax	407	Annual	Red Mountain study
Totals	545.41		
One Time Fee Payment			
Fire Impact Fee	n/a		
School Land Dedication Fee	n/a		
Building Permit Fee	n/a		
Totals	0		
Expenses			
General Government	21.03	Annual	Red Mountain study
General Administration	121.07		
Building, Zoning, Planning	n/a		
Streets	64		
Engineering	44.67		
Building & Grounds	144.55		
Public Safety	740		
Municipal Court	7		
Information Center	32.31		
Marketing and Events	15		
Totals	1189.63		
Enterprise Funds			
Plant Investment fee water	n/a	Paid in 1984	
Plant investment fee sewer	10,000	One-time	
Water fees	599.28	Annual	
Sewer fees	744	Annual	
Refuse fees	323.04	Annual	
Cash in lieu/water rights	n/a		
Totals	11666.32		
Capital Fund			
Use Tax	n/a		
Public Safety Fee	n/a		
Totals	0		

Certificate of Occupancy
County of Eagle
Community Development Department
Building Division

This certificate issued pursuant to the requirements of Section R110.3 of the of the International Residential Code certifying that at the time of issuance this structure was in compliance with the various resolutions of the county regulating building construction or use for the following:,

Bldg Permit No. RES-018997-2020

Type Type V B

Permit Type Residential Building

Use Classificatior R-3 Residential, U Utility

Owner of Bldg Little Horn LLC

Building Address

1819 BRUSH CREEK RD
EAGLE AREA, CO

Date Finaled 05/18/2021

EAGLE COUNTY

Building Official

Not Transferable

POST IN A CONSPICUOUS PLACE

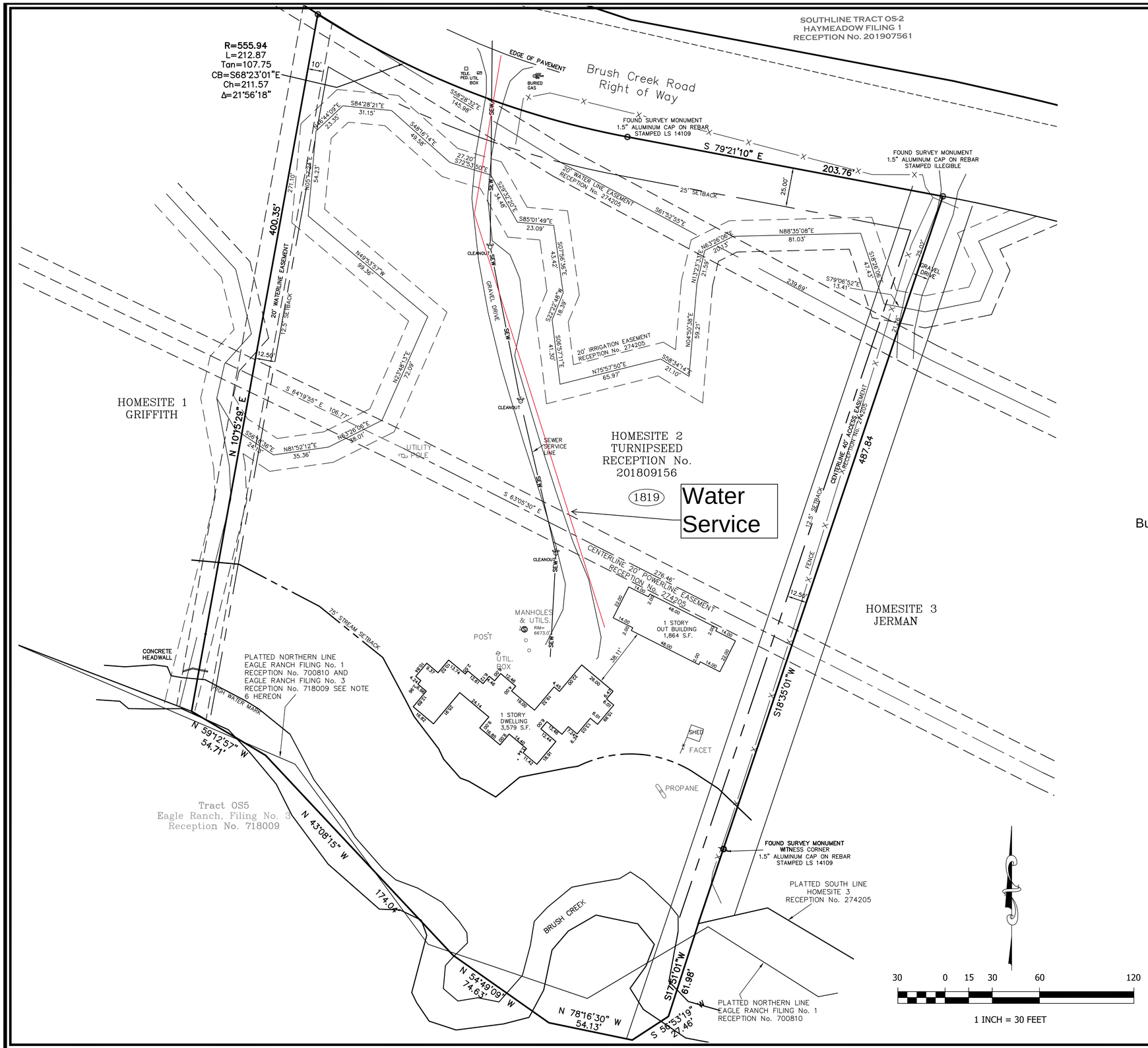
SITE PLAN FOR ZONING

Homesite 2,
The Colorado River & Eagle Company
Rural Homesites Nos 1, 2 & 3

Part of Northeast Quarter of Section 9,
Township 5 South, Range 84 West 6 th P.M.
County of Eagle, State of Colorado

LEGAL DESCRIPTION:
Homesite 2, The Colorado River & Eagle Company Rural Homesites, Eagle county Colorado, according to the Final Plat thereof, as filed for record on February 6, 1984 at Reception No. 274205 in the Clerk and Recorder's Office, County of Eagle, State of Colorado.

Building Height - 18 foot maximum

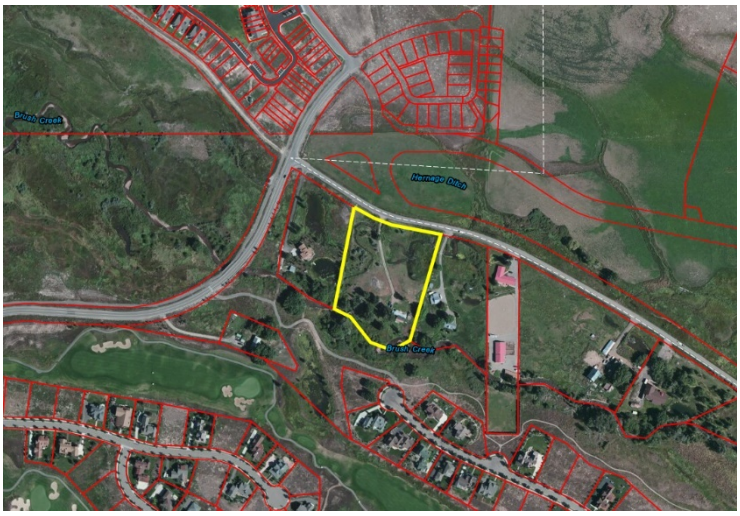


STAFF REPORT AND
CERTIFICATE OF RECOMMENDATION

TO:	Planning & Zoning Commission
FROM:	Community Development Department
DATE:	May 18, 2021
FILE NUMBER:	RZ21-01
PROJECT:	1819 Brush Creek Road
REQUEST:	Request to zone one parcel of land in unincorporated Eagle County to Town of Eagle Rural Residential (RR) zoning.
APPLICANTS:	Big Horn, LLC
LOCATION:	1819 Brush Creek Road
CODE:	Chapter 4.04 Zoning Chapter 4.05 Zoning Review
ZONING:	(Existing) Resource (R) in unincorporated Eagle County
EXHIBITS:	A: Project Narrative B: Petition for Annexation C: Site Plan D: Aerial Map E: Site Photos
PUBLIC COMMENT:	No public comments received as of May 12, 2021.
STAFF:	Peyton Heitzman, Planner I – peyton.heitzman@townofeagle.org

INTRODUCTION

On April 27, 2021, the Town Council passed Resolution 38, Series 2021 finding the Annexation Petition for 1819 Brush Creek Road to be in substantial compliance with Section 31-12-107(1) C.R.S. The annexation application was accompanied by a request to zone the property to Rural Residential (RR) zoning. The property is currently zoned Resource in unincorporated Eagle County.



The property is located south of the Brush Creek Road and Sylvan Lake Road intersection. The project consists of one lot under the sole ownership of Little Horn, LLC, managed by Catherine Turnipseed and Scott Turnipseed. There is one single-family home on the property with accessory structures. No development is proposed for this property.

Should Town Council approve the annexation application for 1819 Brush Creek Road at the upcoming Public Hearing on June 8th, 2021, the Planning & Zoning Commission's recommendation for zoning will be considered as part of a subsequent zoning approval for the property.

DISCUSSION ITEM(S)

1. Is the proposed RR zoning supported by the Town of Eagle's long range planning documents?

STANDARDS FOR APPROVAL (SECTION 4.05.030.A.)

The conditions for zoning as described in Section 4.05.030 of the Land Use and Development Code are:

STANDARD #1: *That the rezoning is compatible with surrounding land uses, and is consistent with the Town's goals, policies and plans.*

Staff comment: Staff believes the proposed residential zoning is appropriate for this property because it complements the surrounding residential land uses. The adjacent properties to the east and west are large lots (greater than 2 acres) containing single-family homes. To the north across Brush Creek Road is the Soleil Homes at Brush Creek subdivision with single-family homes and duplexes. To the south, across Brush Creek, are single-family homes in the Eagle Ranch Planned Unit Development.

When reviewing the project for consistency with the Town's goals, policies, and plans, staff was guided by the Elevate Eagle Comprehensive Plan (2020). The property is within the Town's Urban

Growth Boundary. The proposed Rural Residential zoning is supported by the Future Land Use Map (FLUM) that provides future land use designations for the Town. The property is identified as Rural Residential in the FLUM. The Rural Residential land use on the FLUM is comparable to the Municipal Code's Rural Residential zone district in terms of density and allowed uses. The proposed zoning of the property is supported by policies in the Comprehensive Plan including:

- Policy 2-8.1. Support and preserve the attributes and quality of the "country lane" experience along Brush Creek Road.

Staff comment: The property contains low density residential with a setback from the street that is far greater than the 25' minimum for the zone district. This is similar to other lots along Brush Creek Road, supporting the "country lane" experience.

- Policy 4-2.1 Preserve and protect the quality of and integrity of wetlands, rivers, streams, and riparian areas.

Staff comment: The structures on the property maintain a 75' setback from Brush Creek. This setback is greater than currently required under existing Town of Eagle regulations.

STANDARD #2: *That the land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the Town's goals, policies and plans.*

Staff Comment: The application meets this standard. The existing Resource zoning in the County is inconsistent with the Town of Eagle's FLUM.

STANDARD #3: *That the area for which rezoning is requested has changed substantially such that the proposed rezoning better meets the needs of the community; OR*

Staff Comment: If the annexation application is approved by Town Council, 1819 Brush Creek Road will have changed substantially through incorporation into the Town boundary. The proposed zoning better meets the needs of the community through its alignment with the Town's Comprehensive Plan.

STANDARD #4: *That the rezoning is incidental to a comprehensive revision of the Town's zoning map which recognizes a change in conditions and is consistent with the Town's goals, policies and plans.*

Staff Comment: There has not been a comprehensive revision to the Town's zoning map. This standard is not applicable to application.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** for the zoning of 1819 Brush Creek Road from Eagle County PUD zoning to Town of Eagle Rural Residential zoning based on Standards (1), (2), and (3) of Section 4.05.030. of the Municipal Code.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to the zoning of file number RZ21-01:

1. Recommend approval with no conditions.

2. Recommend approval with conditions.

3. Continue (table) the application. (Provide staff and the applicant detail regarding information needed for a decision).

4. Recommend Denial. (Cite all Code sections and/or Plan policies that resulted in motion for denial).

SUGGESTED MOTION:
I move to RECOMMEND APPROVAL File # RZ21-01 Zoning 1819 Brush Creek Road with no conditions, based on the following findings:

FINDINGS OF FACT
The application meets the requirements of Title 4 of the Land Use and Development Code, and is in conformance with the 2020 Elevate Eagle Comprehensive Plan.

MINUTES
Planning & Zoning Commission
Tuesday, May 18, 2021
6:00 PM

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an online meeting.
   ACCESS THE ON-LINE 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 the Planning Department at planning@townofeagle.org and will be included as part of the record.
- For technical difficulties please email nikki.davis@townofeagle.org and we will do our best to assist you.

6:00 PM – REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:00pm.

COMMISSIONERS PRESENT

Matthew Hood, Kyle Hoiland, Bill Nutkins
Robert Townsend, Lani Webb, Charlie Perkins
Keegan Winkeller

COMMISSIONERS ABSENT

Jesse Gregg

STAFF

Chad Phillips – Community Development Director
Nikki Davis - Administrative Tech II
Jessica Lake - Planner I
Peyton Heitzman – Planner I

DRAFT

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated April 20, 2021 – Amended

   MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER LANI WEBB AND PASSED WITH A VOTE OF 5 (HOILAND, WEBB, TOWNSEND, PERKINS, NUTKINS) IN FAVOR AND 0 OPPOSED. COMMISSIONERS KEEGAN WINKELLER AND MATTHEW HOOD ABSTAINED.

2. Minutes dates May 4, 2021

   MOTION: COMMISSIONER KYLE HOILAND MOTIONED TO APPROVE THE MINUTES. MOTION WAS SECONDED BY COMMISSIONER LANI WEBB AND PASSED WITH A VOTE OF 3 (HOILAND, WEBB, WINKELLER) IN FAVOR AND 0 OPPOSED. COMMISSIONERS BILL NUTKINS, CHARLIE PERKINS, ROBERT TOWNSEND AND MATTHEW HOOD ABSTAINED.

PUBLIC COMMENT *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.*

Public comment opened at 6:06pm. There was no public comment.

PUBLIC HEARINGS

1. Project: RZ21-01 1819 Brush Creek Road
   File #: RZ21-01
   Applicant: Joanna Hopkins on behalf of Little Horn, LLC
   Location: 1819 Brush Creek Road
   Staff Contact: Peyton Heitzman, Planner I
   Request: Request to zone one parcel of land in unincorporated Eagle County to Town of Eagle Rural Residential (RR) zoning.

Staff's presentation began with a summary of the property describing its location which is east of Sylvan Lake Road and south of the Soleil Homes development. An aerial image as well as current property photos were included for reference. After reviewing the application against the Municipal Code's four standards for rezoning, staff believes the application is compliant with Standards #1-3. Staff commented that Standard #4 is not applicable to this application since there have been no significant revisions to the Town zoning map. Staff's final recommendation is to approve the application based on the aforementioned Standards #1-3.

Joanna Hopkins spoke briefly after staff's presentation. Ms. Hopkins illustrated how the property is the last remaining strip of land surrounded by Eagle Ranch, Haymeadow and other large developments and that the property has been operating from Town utilities since it was platted in the 1980's. Ms. Hopkins echoed how the application meets the development and rezoning standards.

Commissioner Hoiland asked for clarification on the applicant's title as Little Horn, LLC and not Big Horn, LLC. Ms. Hopkins confirmed the applicant is Little Horn, LLC.

Commissioner Nutkins inquired what the applicant's future development plans are for this property. Ms. Hopkins commented that there is a newly built single-family home on the property. Prior to the land being purchased, there were two manufactured homes on the property and the intent is to further develop the single-family home on this site.

Commissioner Hoiland asked if the applicant intends to live on property and Ms. Hopkins confirmed that the applicant will be occupying the home as a full-time resident.

PUBLIC COMMENT *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.*

Public comment opened at 6:14pm. There was no public comment.

DELIBERATION

The deliberation was brief as each Commissioner echoed similar sentiments on the quality of the application, that the application meets the rezoning standards and that the application is consistent with Town policies. All members of the Commission voiced their support of approving the file.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE FILE #RZ21-01 1819 BRUSH CREEK ROAD UPON STAFF'S RECOMMENDATION OF APPROVAL AND THAT IT MEETS STANDARDS #1-3 OF THE MUNICIPAL CODE'S REZONING STANDARDS.

> **STANDARD #1: THAT THE REZONING IS COMPATIBLE WITH SURROUNDING LAND USES, AND IS CONSISTENT WITH THE TOWN'S GOALS, POLICIES AND PLANS.**
>
> **STANDARD #2: THAT THE LAND TO BE REZONED WAS PREVIOUSLY ZONED IN ERROR OR THE EXISTING ZONING IS CONSISTENT WITH THE TOWN'S GOALS, POLICIES AND PLANS.**
>
> **STANDARD #3: THAT THE AREA FOR WHICH REZONING IS REQUESTED HAS CHANGED SUBSTANTIALLY SUCH THAT THE PROPOSED REZONING BETTER MEETS THE NEEDS OF THE COMMUNITY.**

MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 7 (HOOD, HOILAND, NUTKINS, TOWNSEND, WEBB, PERKINS, WINKELLER) IN FAVOR AND 0 OPPOSED.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE *Staff update to the Planning & Zoning Commission on recent work, upcoming files and decisions made by Town Council.*

1. Department and Council Update

Mr. Phillips asked the Commission if everyone felt comfortable resuming in-person sessions beginning with the next scheduled Planning & Zoning meeting, June 15th. Mr. Phillips described how the Town is working towards a hybrid meeting which would accommodate virtual public attendance.

Additionally, Mr. Phillips shared that the Community Development department will be hiring a Code Enforcement Specialist soon.

OPEN DISCUSSION

Commissioner Hoiland directed the discussion towards a public comment letter from the Haymeadow file. The letter expressed concerns about how members of the Commission might influence each other. Specifically, the letter emphasized how Commissioner Webb is the only female on the Commission and how this could affect her decision-making or vote. Commissioner Webb asserted that she does not feel influenced by the rest of the Commission just because she is the only woman on the Commission. Mr. Phillips conveyed the important purpose of deliberation and that it is appropriate to use finding of facts to impress upon other Council members. Chair Hood concluded by affirming good decisions are made from active discussions.

ADJOURN

COMMISSIONER KYLE HOILAND MOTIONED TO ADJOURN. MOTION WAS SECONDED BY COMMISSIONER BILL NUTKINS AND PASSED WITH A VOTE OF 7 (HOOD, HOILAND, NUTKINS, TOWNSEND, WEBB, PERKINS, WINKELLER) IN FAVOR AND 0 OPPOSED.

MEETING ADJOURNED AT 6:45 PM.

APPROVED:
DATE:

_____
Matthew Hood, Chairman

_____
Nikki Davis, Administrative Tech II

DRAFT

Peyton Heitzman

From: Peyton Heitzman
Sent: Wednesday, June 2, 2021 6:47 PM
To: Doug DeChant
Subject: RE: 1819 Brush Creek Road Annexation

Hi Doug,

Thank you for this email and my apologies for the late response. The property is within the Town's Urban Growth Boundary outlined in the Elevate Eagle Comprehensive Plan, so annexation of the property is supported by Town policy documents. The Comprehensive Plan can be accessed through this link. Staff's report for the application will be published with the packet this Friday and provides analysis of the application. The meeting packet will be posted here: Agendas, Minutes and Packets | Town of Eagle, CO - Official Website.

Please reach out with any additional questions. Thanks!

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: Doug DeChant <doug@sriarchitect.com>
Sent: Tuesday, May 18, 2021 11:57 AM
To: Peyton Heitzman <peyton.heitzman@townofeagle.org>
Subject: 1819 Brush Creek Road Annexation

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, as property owners within 250' of the subject property, we've received notice of the process; thanks. We have no objection, but curious about benefit of annexation of this property, to both Scott and town?

Thank you,

Douglas M. DeChant, AIA, Principal
dougd@sriarchitect.com

SHEPHERD RESOURCES, INC/AIA
T 970 949 3302
www.sriarchitect.com

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 46
(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 (1819 BRUSH CREEK ROAD)

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 1819 Brush Creek Road (the "Property");

WHEREAS, by resolution adopted on April 27, 2021, the Town Council found the petition to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, on June 8, 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.

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 JUNE 8, 2021.

TOWN OF EAGLE, COLORADO

_____

Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:

_____

Jenny Rakow, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION

HOMESITE 2, THE COLORADO RIVER & EAGLE COMPANY RURAL HOMESITES

Nos. 1,2 & 3

Part of Northeast Quarter Section 9, Township 5 South, Range 84 West 6th P.M.

County of Eagle, State of Colorado

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 09
(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 AND ZONING THE PROPERTY RURAL RESIDENTIAL (1819 BRUSH CREEK ROAD)

WHEREAS, Little Horn, LLC ("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 March 29, 2021, Applicants filed a petition for annexation of the Property to the Town;

WHEREAS, by resolution adopted on April 27, 2021, the Town Council found the petition to be in substantial compliance with C.R.S. § 31-12-107(1);

WHEREAS, on June 8, 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 June 8, 2021, the Town Council conducted a properly-noticed public hearing on the proposed zoning of the Property as Rural Residential ("RR");

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, and that the Property be zoned RR.

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

Section 5. 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 JUNE 8, 2021.

TOWN OF EAGLE, COLORADO

_____

Mikel "Pappy" Kerst, Mayor Pro Tem

ATTEST:

_____

Jenny Rakow, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION

HOMESITE 2, THE COLORADO RIVER & EAGLE COMPANY RURAL HOMESITES

Nos. 1,2 & 3

Part of Northeast Quarter Section 9, Township 5 South, Range 84 West 6th P.M.

County of Eagle, State of Colorado

To: Mayor and Town Council

From: Brian Lieberman, Open Space and Trails Manager

Date: June 8, 2021

Agenda Item**:** Resolution No. 47, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Christopher Kehoe to serve as the Alternate Member on the Open Space and Recreation Advisory Committee."

REQUEST:

Staff requests that Town Council review Resolution No. 47, Series 2021, appointing Christopher Kehoe as the Alternate Member of the Open Space and Recreation Advisory Committee ("OSRAC").

BACKGROUND:

With Janet Bartnik moving to Town Council, a vacancy opened on the OSRAC for the alternate member. According to OSRAC's Bylaws, staff establishes an application process to fill a vacancy which can involve input from OSRAC. Council ultimately makes the appointment to the Committee.

ANALYSIS:

Staff opened and advertised the vacancy during the first full week of May. The application period closed on May 26, with four applications received. As all four applicants were qualified for the appointment, the voting members of OSRAC developed and completed a scoring rubric, with the highest-scoring applicant recommended to Council for the appointment.

COMMUNITY INPUT:

Staff advertised the application period for just over three weeks on the Town and partner outreach platforms, including Vail Valley Mountain Trails Alliance and Eagle Valley Land Trust.

BUDGET / STAFF IMPACT:

No additional impacts to the Town budget or staff.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

The Elevate Eagle Comprehensive Plan outlines several extensive goals to support and improve open

space and trails in the Eagle area. OSRAC was established in November 2020 to form a group of interested citizens with relevant backgrounds to advise staff and Council on matters concerning open space and trail planning.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Resolution No. 47, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Christopher Kehoe to serve as the Alternate Member on the Open Space and Recreation Advisory Committee."

ATTACHMENTS:

1. Resolution No. 47-2021_OSRAC Alternate Appointment_6.8.21

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 47
(SERIES OF 2021)

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPOINTING CHRISTOPHER KEHOE TO SERVE AS THE ALTERNATE MEMBER ON THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE

WHEREAS, in November 2020, Town Council formed the Open Space and Recreation Advisory Committee ("OSRAC") to provide additional expertise to the Town Council and staff necessary to enhance and facilitate open space and outdoor recreation in Town; and

WHEREAS, the OSRAC Bylaws establish that staff shall create an application process to fill vacancies on the Committee, that can include input from current Committee members; and

WHEREAS, staff and OSRAC have evaluated the applications received and recommend Christopher Kehoe to be appointed as the alternate member on OSRAC to serve a 4-year term.

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

Section 1. Christopher Kehoe is hereby appointed to the Open Space and Recreation Advisory Committee as the Alternate Member by the Town Council of the Town of Eagle, Colorado, for his expertise and background in open space and trails management beginning immediately and expiring in May 2025 or upon resignation.

INTRODUCED, READ, PASSED AND ADOPTED ON _____, 2021.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Jenny Rakow, Town Clerk

To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 8, 2021

Agenda Item: Resolution No. 48, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Modified Code of Conduct and Ethics Policy"

REQUEST:

Staff requests that the Town Council review a draft amendment of the Code of Conduct and Ethics to include a council member attendance policy proposal.

INTRODUCTION:

On May 25 the Town Council adopted a Code of Conduct and Ethics Policy which is required under Section 3.06 of the Home Rule Charter. The Town Council discussed including an attendance policy and directed staff to bring a proposal back on June 8. Staff researched policies in other communities in Colorado and across the country. The outcome of the research was that each community was unique, and policies were determined based on various charters and state statutes. Staff developed the policy by including elements from different communities and applying them to Eagle, since there wasn't a standard template. Matt Mire included the proposal in the amended Code of Conduct and Ethics Policy attached to this memo.

ANALYSIS:

Provided below is a summary of the changes to the Code of Conduct and Ethics Policy:

Town Council Meeting Absence Policy:

- The policy of the Town Council is that all Town Council members should attend all regular and special Town Council meetings in person.
- Each Town Council member is allocated 3 absences per calendar year from regular and special Town Council meetings. At least 2 of the allocated absences must be excused. An absence is excused if a Town Council member notifies the Town Manager, Town Clerk and Mayor by email, text, or phone prior to the meeting. The other absence may be excused or unexcused. Unused absences do not rollover to the next year.
- The Mayor may waive or modify provisions of this Section as necessary to provide disabled Town Council members with full and equal access to the Town Council meetings.

The Violation and Penalty section establishes a disciplinary process. As proposed, the disciplinary process includes a reprimand by the Town Council. Another option that Town Council can consider is a removal process of an individual which would require an ordinance. If there is a desire by the Town Council, staff needs feedback and direction to proceed forward with an ordinance for removal due to a violation of the policy.

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:

There are two actions required:

1. Does the Town Council want to include a removal process for violation of the policy?
    a. If yes, staff will bring back a revised draft of the Code of Ethics and Conduct with an ordinance.
    b. If no, then motion to adopt the policy as proposed in item 2 below.

2. Motion to **approve** the adoption of the amendment to the Town of Eagle's Code of Conduct and Ethics Policy.

ATTACHMENTS:

- Resolution No. 48, Series 2021
- Town of Eagle Code of Conduct and Ethics Policy-Revised

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 48
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPROVING A MODIFIED CODE OF CONDUCT AND ETHICS POLICY

WHEREAS, pursuant to Section 3.06 of the Eagle Home Rule Charter, the Town Council shall adopt by resolution a Code of Conduct and Ethics;

WHEREAS, on May 25, 2021, the Town Council adopted the Code of Conduct and Ethics Policy (the "Policy");

WHEREAS, the Town Council now wishes to modify the Policy to include a provision regarding Town Council meeting absences; and

WHEREAS, the Town Council finds it in the best interest of the Town to approve the Policy with such modifications.

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

Section 1. The Town Council hereby approves the Code of Conduct and Ethics Policy, as modified, in the form attached hereto and incorporated by this reference.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 8, 2021.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Jenny Rakow, Town Clerk

TOWN OF EAGLE
CODE OF CONDUCT AND ETHICS

I. Purpose.

The purpose of this Code of Conduct and Ethics (the "Code") 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.

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. C*ontract* 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 their duties for the benefit of the people of the Town.

B. An official or employee who departs from their 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. Prohibitions.

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 bending 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. Town Council Meeting Absence Policy.

A. The policy of the Town Council is that all Town Council members should attend all regular and special Town Council meetings in person.

B. Each Town Council member is allocated 3 absences per calendar year from regular and special Town Council meetings. At least 2 of the allocated absences must be excused. An absence is excused if a Town Council member notifies the Town Manager, Town Clerk and Mayor by email, text, or phone prior to the meeting. The other absence may be excused or unexcused. Unused absences do not rollover to the next year.

C. The Mayor may waive or modify provisions of this Section as necessary to provide disabled Town Council members with full and equal access to Town Council meetings.

IX. 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: June 8, 2021

Agenda Item: Sweetwater Lake Funding Contribution Request

REQUEST:

Staff requests that the Town Council review a request from the Eagle Valley Land Trust to restore funds allocated from 2020 to the 2021 budget for the acquisition of Sweetwater Lake.

INTRODUCTION:

In 2019, the Board of Trustees set aside $10,000 from the Open Space Fund in the 2020 budget to contribute money towards a $3.5 million local fundraising effort to purchase the Sweetwater Lake for public use. However, due to COVID-19 and declining revenues in the Opens Space Fund, the funds were swept to stabilize the Town's finances. The Eagle Valley Land Trust reached out to the Town and is expecting the $10,000 contribution this year and has submitted an invoice. The Town Council didn't restore funding in 2020 or include the contribution in the 2021 budget. Staff needs to know if the Town Council wants to fund this request made by the Eagle Valley Land Trust. If so, the approval should come from the Open Space Fund since it was not prioritized in 2021, and that was where the money was originally budgeted.

ANALYSIS:

History from this funding request dates to 2019. The Town submitted a letter of support to the U.S. Forest Service to conserve the lake. At the same time, the Eagle Valley Land Trust made a presentation to the Board of Trustees regarding the proposed acquisition. Below is a summary of facts associated with the fundraising campaign:

- Sweetwater Lake is a 488-acre private inholding within the White River National Forest, the most visited national forest in the country with approximately 15 million visitors per year.
- The cost to acquire the property is $9.5 million.
- After funds allocated by federal partners, the local fundraising requirement is $3.5 million.
- The Town is being asked to contribute $10,000.

Attached to this memo are documents provided by the Eagle Valley Land Trust that were presented in 2019. This information provides more detail of the project and fundraising campaign.

COMMUNITY INPUT:

Community input is not required with this proposal.

BUDGET / STAFF IMPACT:

There is a budget impact of $10,000 to the Open Space Fund. As a reference, below is the 2021 budget for the Open Space Program:

Type	**2021 Adopted Budget**
Beginning Balance	$294,876
Revenues including the $150,000 General Fund Transfer	$243,580
Total Expenses	$238,770
Net Variance	$4,810
Fund Balance	$299,686

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with the strategic plan since the request doesn't directly support Eagle's Open Space Program. Sweetwater Lake is also located outside of Eagle County. The Town already vetted the use of funds outside of the Town of Eagle and the ballot language grants flexibility. Approval of funds does support maintaining positive relationships among the Town's regional partners. The opportunity cost of allocating funding towards this request, is reducing the resources available for operating and maintenance of the Town's Open Space portfolio.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** Eagle Valley Land Trust's request to contribute $10,000 from the Open Space Fund for the acquisition of Sweetwater Lake.

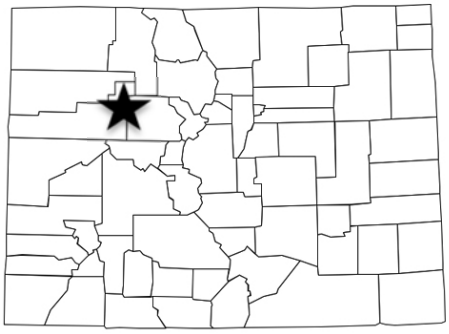
ATTACHMENTS:

- Fact Sheet for Local Government Campaign
- Sweetwater Lake Talking Points
- U.S. Forest Service Support Letter

THE CONSERVATION FUND

White River National Forest
Sweetwater Lake Property

EAGLE VALLEY LAND TRUST



Garfield County
U.S. Senators Bennet and Gardner
U.S. Representative Tipton (CO-3)

The White River National Forest (WRNF) is the most visited national forest in the country with approximately 15 million visitors per year, boasting some of the most renowned ski areas in the world, e.g. Vail and Breckenridge. Visitors flock to the iconic Maroon Bells, Hanging Lake, and explore the communities of Aspen and Glenwood Springs. As visitor numbers increase, there is growing pressure to create new recreational access and amenities.

The Forest's top acquisition priority is the Sweetwater Lake property, which—if acquired—will provide new access to the stunning, high-mountain Sweetwater Lake. The Land and Water Conservation Fund (LWCF) and a local fundraising campaign will allow the U.S. Forest Service to purchase the property from a willing seller and prevent incompatible private development. The property contains 1.5 miles of lake shoreline, which includes the best location for a future public boat launch, and access to public trails near the property. Its incredible scenic qualities include the towering limestone cliff formations, half a mile of Sweetwater Creek, and the lake itself. The property also contains a Ute Indian Cave, which is eligible for the National Register of Historic Places as it's one of only two known pictograph sites that portray a historical record of the Utes in the region.

The addition of this 488-acre property to the National Forest will allow the U.S. Forest Service to create a new recreational area for the public to enjoy boating, fishing, hiking, and camping. It will also protect the local watershed and important wildlife habitat, including for elk and deer and fishing grounds for bald eagles and osprey. Furthermore, this acquisition will ensure the vitality of local businesses that could offer hunting and outfitting on the property. Outdoor recreation contributes over $62 million to Colorado's economy.

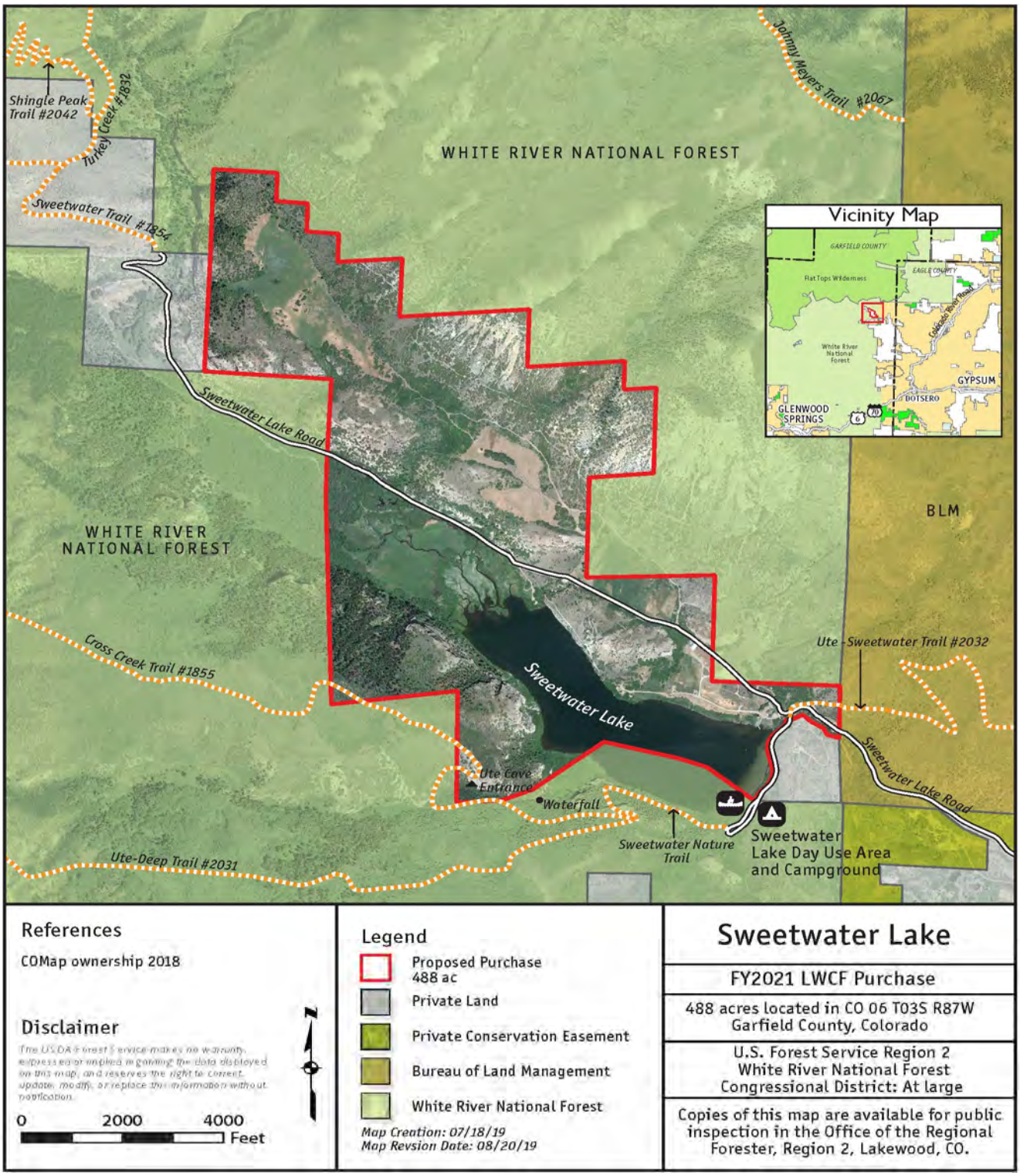
Funding Partnership
USFS—$9,000,000 requested; $6,000,000 expected
Local Community Campaign—$3,500,000 Goal

Total Funding Need
$9.5 million need

Status
The Conservation Fund has a contract to purchase the 488-acre Sweetwater Lake property from a willing seller and will transfer it to the USFS for inclusion into the White River National Forest when funding is available.

Key Features
- **Recreational Access:** The purchase increases public access to the White River National Forest, as well as recreation on the Sweetwater Lake property and legal access to the Ute Indian Cave.
- **Habitat Protection:** The acquisition will allow for the protection of the watershed and important wildlife habitat, including for bald eagles, osprey, elk and deer.

Partnership
Garfield County, Brink Outfitters, U.S. Forest Service, Eagle Valley Land Trust, Colorado Parks and Wildlife, Sweetwater Lake Community, Walking Mountain Science Center



About The Conservation Fund

At The Conservation Fund, we make conservation work for America. By creating solutions that make environmental and economic sense, we are re-defining conservation to demonstrate its essential role in our future prosperity. Top-ranked for efficiency and effectiveness, we have worked in all 50 states since 1985 to protect over 8 million acres of land.

The Conservation Fund
Justin Spring
Senior Project Manager
jspring@conservationfund.org; 303-444-4369

Eagle Valley Land Trust - Local Project Partner
Jim Daus, Executive Director
jdaus@evlt.org; 970-748-7654

THE CONSERVATION FUND

EAGLE VALLEY LAND TRUST

SWEETWATER LAKE –TALKING POINTS

- Sweetwater Lake is a 488-acre private inholding within the White River National Forest, the most visited national forest in the country with approximately 15 million visitors per year.
- Approximately 75% of the lake and nearly all the accessible shoreline are included.
- The lake and the surrounding area are under threat from private development and extractive commercial uses.
- Cultural resources significant to Native American tribes and local history are found on the property.
- After the latest development effort to build over 240 homes and an 80-room hotel and golf course failed, the original investors took over ownership and shut down access to the lake and cabins and list the property for sale.

- The Conservation Fund (TCF), a national non-profit land conservation organization, secured a contract to purchase the property from the sellers amidst competing bids from private developers.
- A partnership is being formed consisting of The Conservation Fund (TCF), Eagle Valley Land Trust (EVLT), the U.S. Forest Service (USFS), and community partners. Our collective goal is to prevent the private development of the property by eventually selling it to the USFS to integrate it into the surrounding White River National Forest.
- Assuming enough private pledges and favorable support from the USFS, local partners, and leading philanthropists can be gathered within the coming months, TCF anticipates buying and holding the property until sufficient funds are in place to allow the USFS to purchase the property from TCF. The USFS dollars will come from the Land and Water Conservation Fund (LWCF).
- EVLT is raising awareness and support for this extraordinary project in our community. EVLT is also leading a private fundraising effort to secure the additional funding needed to ensure this unique property can be transferred to the USFS, securing numerous public benefits.
- Together, we will protect and enhance an extraordinarily rare and unique scenic, natural asset that is of statewide and national importance and an essential part of the fabric of the local community by:

- Creating new recreational access to Sweetwater Lake (one of Colorado's largest natural lakes) for the general public to enjoy boating, fishing, swimming, paddleboarding and camping.
- Providing better public access to the lake (over 1.5 miles of shoreline) and surrounding federal land, such as the Flat Tops Wilderness and the Ute Trail, including upgraded trailheads and campsites.
- Expanding and creating new recreation opportunities. This project will increase the economic impact of outdoor recreation-based tourism which contributes over $62 billion to Colorado's economy.
- Supporting protection for the Upper Colorado watershed by placing the lake and its significant water rights under management of the USFS.
- Protecting and creating legal, public access to the historic Ute cave on the property (currently the public trespasses on private land to see the cave).
- Preserving important wildlife habitat, including the fishing grounds for osprey and bald eagles; and critical habitat for elk and deer.

October 21, 2019

The Honorable Vicki Christiansen, Chief
United States Forest Service
c/o Eagle Valley Land Trust
P.O. Box 3016
Edwards, CO 81632

Dear Chief Christiansen:

We are writing in support of the White River National Forest's (WRNF) request for up to $9 million in fiscal year (FY) 2021 funding through the Land and Water Conservation Fund (LWCF), to acquire the approximately 488-acre Sweetwater Lake property. We understand that Sweetwater Lake is the WRNF's top acquisition priority and we that The Conservation Fund (TCF) intends to acquire Sweetwater Lake and hold it until WRNF has sufficient funds to acquire from TCF and we strongly support this acquisition. Conserving this property will create new public access to one of the most spectacular and accessible lakes in Colorado. Like much of the West, water is precious in Colorado and it's rare to find opportunities to protect land with lakes, let alone a natural lake the size of Sweetwater.

The Conservation Fund is a national, non-profit organization that makes conservation work for America by creating solutions that make environmental and economic sense. TCF works closely with government agencies to protect lands across the country. TCF helps the agencies to secure LWCF monies through their national expertise and by demonstrating strong local community.

The WRNF is the most visited national forest in the country with approximately 15 million visitors per year. Visitors flock to the world-famous ski resorts such as Vail and Breckenridge, hike the iconic Maroon Bells and Hanging Lake, and explore communities such as the famous Glenwood Springs. However, as visitor numbers increase there is growing pressure to create new recreational access and invest in sustainable natural resource management. Acquisition of private inholdings, such as Sweetwater Lake, within the WRNF accomplishes both goals by reducing property boundary issues while adding high profile recreation amenities.

If protected, the Sweetwater Lake property will provide expanded public access to the 77-acre lake, open up 1.5 miles of shoreline previously inaccessible, and preserve a key launching point for hunting, non-motorized boating, fishing, camping, and hiking. The property includes wildlife habitat for osprey, bald eagles, mule deer, elk, rainbow trout, and Kokanee salmon. The property also contains a Ute Indian Cave, which is eligible for the National Register of Historic Places as it's one of only two known pictograph sites portraying a historical record of the Utes in the region.

This acquisition will ensure the vitality of local businesses that offer outfitting and horseback riding from the property as well as create new opportunities for Colorado's thriving outdoor recreation industry. If we can add Sweetwater Lake to the WRNF, many hunters will use the Sweetwater Lake property as a launching point for excursions into the nearby Flat Tops Wilderness. This is a significant contributor to the local economy and will likely increase if we can protect the property. According to the State Comprehensive Outdoor Recreation Plan, the total economic output associated with outdoor recreation amounts to $62.5 billion dollars, supporting over 511,000 jobs in Colorado.

We encourage you to prioritize this nationally significant LWCF project by requesting up to $9 million for the White River National Forest in FY2021. We understand that this project is being supported locally by the Eagle Valley Land Trust and many other partners, and we enthusiastically wish to join that list of supporters.

Sincerely,

TOWN OF EAGLE
On Behalf of the Town Board of Trustees

Anne McKibbin, Mayor

cc: Brian Ferebee, Regional Forester, Rocky Mountain Region, U.S. Forest Service
Scott Fitzwilliams, Supervisor, White National Forest, U.S. Forest Service
The Honorable Michael Bennett, U.S. Senator
The Honorable Cory Gardner, U.S. Senator
The Honorable Scott Tipton, U.S. Representative

DRAFT