



Town Council
Tuesday, January 11, 2022

ONLINE MEETING

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 online meeting.

[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 jenny.rakow@townofeagle.org and we will do our best to assist you.

CALL TO ORDER - 6:00 PM

ROLL CALL

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

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 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 - 6:05 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. Honoring Local Athletes // EVHS XC Runners Samantha Blair & Jake Drever

CONSENT AGENDA - 6:15 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 - December 14, 2021

2. Minutes - January 6, 2022
3. Bill Pay - December 2021
4. Execute Property Bill of Sale from Vero Fiber Networks for \$12,620.25 to Purchase 2,209 LF of In-place underground 2" HDPE Conduit & 4 qty In-place underground Handholes under TOE Ordinance No. 20 (Series 2020) for Joint Boring in TOE ROW

STAFF REPORTS - 6:20 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update
2. Department Update

EXECUTIVE SESSION - 6:30 PM

1. Executive session to (1) hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session; (2) hold a conference with the Town's Water Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b); regarding water rights dedications related to the Eagle Ranch PUD amendment; and (3) determine positions relative to matters that may be subject to negotiations; develop a strategy for negotiations; and instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e), regarding water rights dedications related to the Eagle Ranch PUD amendment.

BUSINESS ITEMS - 7:00 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. Ordinance No. 02, Series 2022, An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 4.04.030 of the Eagle Municipal Code, to Allow for One Parcel to be Located in More than One Zone District in Limited Circumstances.
2. PUBLIC HEARING: RZ21-02 & S21-01 Eagle County Schools Rezone and Sketch Plan Subdivision
 - a. Ordinance No. 15, Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado, Rezoning the Property Located at 747 East 3rd Street, Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM)
3. PUBLIC HEARING: PUDA21-01 the Eagle Ranch Sixth Amended PUD Guide and amended PUD Zoning Plan
 - a. Ordinance No. 02, Series 2022, An Ordinance of the Town Council of the Town of Eagle, Colorado Adopting the Sixth Amended PUD Guide for Eagle Ranch Planned Unit Development and PUD Zoning Plan
4. PUBLIC HEARING: SU21-06 706 Chambers Avenue Special Use Permit
 - a. Resolution 02, Series 2022, A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Special Use Permit for 706 Chambers Avenue.
5. PUBLIC HEARING: CT21-01 706 Chambers Avenue Condominium Plat
 - a. Resolution 03, Series 2022, A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for 706 Chambers Avenue.
 - b. Resolution 03, Series 2022, A Resolution of the Town Council of the Town of Eagle, Colorado Denying the Application for a Final Plat for 706 Chambers Avenue
6. Parking Fee in Lieu Program
 - a. Ordinance 01, Series 2022 - Amending Title 4 Of The Eagle Municipal Code To Implement A Voluntary Parking Fee In-Lieu Program Within A Defined Area In The Town
 - b. Resolution 01, Series 2022, "A Resolution Amending The Fee Schedule Pursuant to 2.34 Of The Eagle

Municipal Code Concerning Parking Fee in-Lieu"

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 9:00 PM

1. Council Committee Updates
2. 2022 Council Committee Appointments

ADJOURN - 9:30 PM

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



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



MEETING MINUTES
Town Council
Tuesday, December 14, 2021
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with access for the public to attend via Zoom.

CALL TO ORDER

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

ROLL CALL

COUNCILMEMBERS PRESENT

Janet Bartnik, Ellen Bodenhemier, Mikel Kerst,
Scott Turnipseed, Geoffrey Grimmer,
David Gaboury (via Zoom),
Nick Sunday, Sarah Parrish

COUNCILMEMBERS ABSENT

None

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Jill Kane, Finance Director
Joe Stauffer, Chief of Police
Carrie Buhlman, Operations Sergeant
Chad Phillips, Com Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Dennis Wike, Town Engineer
Molly Furtado, Special Events Manager
Peyton Heitzman, Planner I
Jessica Lake, Planner I
Nikki Davis, Administrative Tech II
Jenny Rakow, Town Clerk
Lynette, Horan, Human Resources Manager
Brian Lieberman, Open Space Manager
Stephan Wilson, Utility Manager

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

Mayor Turnipseed requested two amendments to the agenda: 1) move item #6 Building Permit Fee Waiver For Lower Basin Water Treatment Plant from Consent Agenda to Business Items and, 2) advance the Public Hearing for the 2022 Budget Adoption to occur after Consent Agenda.

MOTION: Councilmember Janet Bartnik motioned to approve the amended agenda. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened Public Comment for items not on tonight's agenda. There was no public comment. Public comment closed at 6:12 PM.

PRESENTATIONS

1. New Staff Introduction: Molly Furtado, Special Events Manager
2. Official Proclamation: Best of Vail Valley

CONSENT AGENDA

MOTION: Councilmember Mikel Kerst motioned to approve the amended Consent Agenda. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

1. Minutes – November 9, 2021
2. Bill Pay – November 2021
3. Resolution No. 78, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Amendment of the Raw Water Agreement for 21 & 25 Violet Lane"
4. Ordinance No. 14, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Chapter 5 of the Eagle Municipal Code Regarding Business Licenses and Solicitation Permits"
5. Resolution 79, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado, Ratifying the Town's Three-Mile Plan Adopted by the Planning and Zoning Commission"

PUBLIC HEARING: 2022 BUDGET ADOPTION

1. Adoption of the 2022 Eagle Town Budget
 - a. Ordinance No. 18, Series 2021 "An Ordinance Appropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below, and Setting the 2022 Mill Levy for the Town of Eagle, Colorado for the 2022 Budget Year."

MOTION: Councilmember Ellen Bodenhemier motioned to approve Ordinance No. 18, Series 2021 "An Ordinance Appropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below, and Setting the 2022 Mill Levy for the Town of Eagle, Colorado for the 2022 Budget Year." The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

- b. Ordinance No. 19, Series 2021 " An Ordinance Reappropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below for the Town of Eagle, Colorado for The 2021 Budget Year."

MOTION: Councilmember Janet Bartnik motioned to approve Ordinance No. 19, Series 2021 " An Ordinance Reappropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below for the Town of Eagle, Colorado for the 2021 Budget Year." The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

- c. Resolution No. 76, Series 2021 “A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Eagle, Colorado for the Calendar Year Beginning on the 1st Day of January 2022, and Ending on the Last Day of December 2022.

MOTION: Councilmember Geoffrey Grimmer motioned to approve Resolution No. 76, Series 2021 “A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Eagle, Colorado for the Calendar Year Beginning on the 1st Day of January 2022, and Ending on the Last Day of December 2022. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

- d. Resolution No. 77, Series 2021 “A Resolution of the Town Council of the Town of Eagle, Colorado, Establishing and Adopting a Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code.”

MOTION: Councilmember Mikel Kerst motioned to approve Resolution No. 77, Series 2021 “A Resolution of the Town Council of the Town of Eagle, Colorado, Establishing and Adopting a Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code.” The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

OATH OF OFFICE FOR NEW COUNCILMEMBERS

1. Oath of Office Geoffrey Grimmer
2. Oath of Office Nick Sunday
3. Oath of Office Janet Bartnik
4. Oath of Office Sarah Parrish
5. Selection of Mayor Pro Tem and Acting Mayor Pro Tem

Brandy Reitter performed the Oath of Office for each new council member.

MOTION: Councilmember Ellen Bodenhemier motioned to appoint Mikel Kerst as Mayor Pro Tem. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

MOTION: Councilmember Janet Bodenhemier motioned to appoint Ellen Bodenhemier as Acting Mayor Pro Tem. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

STAFF REPORTS

1. Town Manager Update
2. Department Update

EXECUTIVE SESSION

Mayor Turnipseed recused himself from the Eagle Ranch PUD amendment portion of the Executive Session due to his current role as President of the Eagle Ranch HOA.

MOTION: Councilmember Mikel Kerst motioned to enter into executive session to (1) hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session; (2) hold a conference with the Town's Water Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b); regarding water rights dedications related to the Eagle Ranch PUD amendment; and (3) determine positions relative to matters that may be subject to negotiations; develop a strategy for negotiations; and instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e), regarding water rights dedications related to the Eagle Ranch PUD amendment. The motion was seconded and passed with a vote of 6 in favor (Grimmer, Bodenhemier, Kerst, Gaboury, Bartnik), 1 recused (Turnipseed) and 0 opposed.

1. Executive session to (1) hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session; (2) hold a conference with the Town's Water Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b); regarding water rights dedications related to the Eagle Ranch PUD amendment; and (3) determine positions relative to matters that may be subject to negotiations; develop a strategy for negotiations; and instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e), regarding water rights dedications related to the Eagle Ranch PUD amendment.

BUSINESS ITEMS

1. 2020 Audit Report

Roger Maggard, CPA with Maggard & Hood, P.C. presented the findings of this report.

MOTION: Councilmember Janet Bartnik motioned to accept the 2020 Audit Report. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

2. Wastewater Rate and Tap Fee Study Presentation

Todd Christiano with Raftelis Consulting Firm presented this report.

Council Comment: discussion on federal requirements, an extension of sewer main up Brush Creek Road, and mandatory projects.

3. PUBLIC HEARING: RZ21-02 & S21-01 Eagle County Schools Rezone and Sketch Plan Subdivision

- a. Ordinance No. 15, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving the Application to Rezone the Property Located at 747 East 3rd Street Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM)"

OR

Ordinance No. 15, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Denying the Application to Rezone the Property Located at 747 East 3rd Street, Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM)"

Peyton Heitzman presented this file. There are two requests within this application: rezone and sketch plan subdivision.

Tom Braun, the applicant representative also provided a brief presentation. Sandy Farrell from Eagle County School District along with John Welaj, Emily Peyton, and Caitlin Weis from Habitat for Humanity Vail Valley was also present.

Public Comment opened at 8:15 PM

Pete Thompson, Edwards, CO – In favor of the proposal.

Brenda Saucedo, Avon, CO – In favor of the proposal.

Brad Hooper, 78 N. Penstemon Lane – In favor of the proposal.

Kalie Palmer, Eagle, CO – In favor of the proposal.

Tracie Walters, (address not stated) – In favor of the proposal.

Sandy Farrell, (address not stated) – In favor of the proposal.

John Welaj, (address not stated) – In favor of the proposal.

Rick Beveridge, 306 Howard Street – In favor of the proposal.

Public Comment closed at 8:35 PM

Council Comments: inquiry on net-zero building requirements. Project specifics will be presented during the design and development process. Requested assurances that the project would remain affordable workforce housing.

Matt Mire provided the Council with information regarding decisions and conditions that can be made regarding this file, as conditional zoning is not allowed per state law. The Council was advised to consider updating its code to address the issue with the approval of this file as it is currently presented. Council was advised to table the rezoning application until the first meeting in January when they have the subdivision plan ready.

MOTION: Mayor Scott Turnipseed motioned to recommend the applicant proceed with File # S21-01, the Sketch Plan Subdivision for residential development at the west end of the 3rd street Campus at 747 E 3rd Street, based on the following findings:

1) The conceptual application is in compliance with the Elevate Eagle Comprehensive Plan.

The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenheimier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

MOTION: Councilmember Janet Bartnik motioned to continue the public hearing and table File # RZ21-02, an application to rezone 2.2 acres from Public Area to Residential Medium until January 11, 2022, pending a code amendment. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenheimier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

4. PUBLIC HEARING: Ordinance No. 17, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100.N of the Eagle Municipal Code Establishing Criteria for Accessory Dwelling Units"

Chad Phillips presented this file.

Public Comment opened at 8:50 PM

Rick Beveridge, 306 Howard Street – In favor of the proposal.

Public Comment closed at 8:52 PM

MOTION: Councilmember Janet Bartnik motioned to approve Ordinance No. 17, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100.N of the Eagle Municipal Code Establishing Criteria for Accessory Dwelling Units". The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

5. PUBLIC HEARING: CONTINUANCE of File #PUDA21-01 the Eagle Ranch Sixth Amended PUD Guide and amended PUD Zoning Plan

Mayor Turnipseed recused himself from the Eagle Ranch PUD amendment public hearing due to his current role as President of the Eagle Ranch HOA.

Jessica Lake presented this file. Dominic Mauriello of Mauriello Planning Group, the applicant representative also presented.

Public Comment opened at 9:25 PM

Brian Woods, 210 E Third Street – In favor of the proposal.

Brad Hagedorn, 1200 Capitol – In favor of the proposal.

Steve Lindstrom, 1140 Capitol Street – In favor of the proposal.

Public Comment closed at 9:31 PM

MOTION: Councilmember Janet Bartnik motioned to continue the public hearing and table File # PUDA21-01 the Eagle Ranch Sixth Amended PUD Guide and amended PUD Zoning Plan until January 11, 2022 in order for the Town Manager the negotiate the water rights dedication with the applicant. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

6. Building Permit Fee Waiver For Lower Basin Water Treatment Plant

MOTION: Councilmember Ellen Bodenhemier motioned to direct staff to waive any Town of Eagle fees for the Lower Basin Water Treatment Plant including \$162,041 of expenses to date. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

7. 2021 Community Survey Report

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Adam Palmer Fund Staffing Support

MOTION: Councilmember Ellen Bodenhemier motioned to direct the Town Manager to negotiate with the consultant to launch the Adam Palmer Fund. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

2. Broadband Work Session Follow Up

Council Comments: would like to update the work session with availability and costs of Century Link for downtown businesses. Council will table this discussion until January meeting.

3. Council Committee Updates

Councilmember Bodenhemier updated the Council on the OSRAC wildlife roundtable and consideration to hire a consultant for mapping of new trails. Jessica Foulis has committed \$15,000 towards the contract.

4. Future Agenda Items

5. Work Session Cancellations

Brandy Reitter is proposing a 3-month break on work session to alleviate staff workload. Work sessions will be addressed on a case-by-case basis.

ADJOURN – 9:55 PM

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



MEETING MINUTES
Town Council
SPECIAL MEETING
Thursday, January 6, 2022
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.

CALL TO ORDER - 6:00 PM

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

ROLL CALL

COUNCILMEMBERS PRESENT

Scott Turnipseed, Ellen Bodenhemier, Janet Bartnik,
Geoffrey Grimmer, Sarah Parrish, Nick Sunday

COUNCILMEMBERS ABSENT

Mikel Kerst

STAFF PRESENT

Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Joey Staufer, Police Chief
Lynette Horan, Human Resources Manager

EXECUTIVE SESSION

1. Pursuant to C.R.S. Section 24-6-402(4)(e) to develop a negotiation strategy and instruct negotiators concerning the appointment of an interim Town Manager, and to adjourn the Special Meeting at the conclusion of the Executive Session.

MOTION: Councilmember Scott Turnipseed motioned to enter into Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) to develop a negotiation strategy and instruct negotiators concerning the appointment of an interim Town Manager, and to adjourn the Special Meeting at the conclusion of the Executive Session.. The motion was seconded and Passed with a vote of 6 in favor (Turnipseed, Bartnik, Grimmer, Sunday, Parrish, and Bodenhemier) and 0 opposed.

ADJOURN – 8:30 PM

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk

**BILL SCHEDULE
DECEMBER2021**

GENERAL FUND

Town Council

CEBT	Health & Insurance Benefits	18.00
Signature Signs Inc	Office Supplies	12.00
Executech Utah LLC	Computer Support	68.13
Performance Enhancements, Inc.	Computer Support	70.00
Norris Design, Inc.	Special Council Funding	8,500.00
Castle Lodge #122	Community Requests	1,275.00
Total Town Council		\$ 9,943.13

General Government

CEBT	Health & Life Ins. Payable	786.78
Rocky Mountain Reserve LLC	Health & Insurance Benefits	3.26
Rocky Mountain Reserve LLC	Claims Refunded	-2.53
Standard Insurance Company	Health & Life Ins. Payable	35.54
Cintas Corporation	Office Supplies	15.40
Verizon Wireless, Bellevue	Utility Services	50.53
Hoffman, Parker, Wilson & Carberry PC	Legal - General	5,595.00
Everhart, Dallas D.	Strategic Planning	2,764.26
Executech Utah LLC	Computer Support	102.19
Mammoth Networks	Computer Support	1,900.67
Performance Enhancements, Inc.	Computer Support	33.00
Starting Hearts	Meeting Expense	569.57
Total General Government		\$ 11,853.67

General Administration

Brownlee, Jonathan & Sara	Utility Overpayment Refund	192.04
Eybel, Wade	Utility Overpayment Refund	13.66
Johnson, Steven	Utility Overpayment Refund	564.88
Tierney, Christopher & Sandra	Utility Overpayment Refund	12.97
Vellejos, Dawn & Joseph	Utility Overpayment Refund	151.24
Colorado State Treasurer	State Unemployment Payable	3,225.12
Colorado Department Of Revenue	Misc. Deductions Payable	750.00
Family Support Registry	Misc. Deductions Payable	220.14
Ansfield, Molly	Facility Usage Deposit Refund	750.00
Brown, Will	Facility Usage Deposit Refund	750.00
Green Sky Painting	Facility Usage Deposit Refund	370.00
Mata, Leticia	Facility Usage Deposit Refund	375.00
Mountain Tots Preschool	Facility Usage Deposit Refund	750.00
Pena, Rosa Maria	Facility Usage Deposit Refund	375.00
Polacios, Modesto	Facility Usage Deposit Refund	375.00
Skyline Mechanical, Inc.	Facility Usage Deposit Payable	750.00
Villegas, Laura	Facility Usage Deposit Refund	375.00
Volunteers For Outdoor Colorado	Facility Usage Deposit Refund	750.00
Renewal By Anderson	Building Permits	887.93
Trout, Timothy	Building Permits	374.64

General Administration (Cont.)

CEBT	Health & Life Ins. Payable	5,567.43
Preventive Health Now	Health & Insurance Benefits	240.00
Rocky Mountain Reserve LLC	Health & Insurance Benefits	28.89
Rocky Mountain Reserve LLC	Claims Refunded	-22.40
Standard Insurance Company	Health & Life Ins. Payable	162.89
Cintas Corporation	Office Supplies	87.27
Insight Public Sector Inc.	Office Supplies	105.11
Verizon Wireless, Bellevue	Equipment (Non-Capital)	311.36
Costco	Employee Appreciation	71.17
Municipal Code Corporation	Communication & Transportation	17.36
CGFOA	Dues & Subscriptions	50.00
Mail Chimp	Dues & Subscriptions	77.99
Society for Human Resources	Dues & Subscriptions	219.00
Century Link	Utility Services	1,070.53
Verizon Wireless, Bellevue	Utility Services	96.20
Chase Paymentech	C.C. Transaction Fees	30.70
Forte Payments	C.C. Transaction Fees	5.00
Xpress Bill Pay	C.C. Transaction Fees	17.44
Municipal Code Corporation	Professional Services	2,824.25
Hoffman, Parker, Wilson & Carberry PC	Legal	1,170.00
Maggard & Hood, PC	Auditing & Accounting	23,330.90
Executech Utah LLC	Computer Support	317.46
Go Daddy	Computer Support	-19.17
Performance Enhancements, Inc.	Computer Support	129.46
TEC Integration, Inc.	Computer Support	200.00
Bowlmor, LLC, The	Meeting Expense	3,012.80
Loaded Joes	Meeting Expense	32.50
Pickled	Meeting Expense	34.50
Red Canyon Café	Meeting Expense	113.20
US Bank Equipment Finance	Contract Payments	417.92
Cirsa	Insurance - Pavilion	1,223.78
Total General Administration		\$ 52,936.16

Community Development

CEBT	Health & Insurance Benefits	6,062.76
Rocky Mountain Reserve LLC	Health & Insurance Benefits	39.13
Rocky Mountain Reserve LLC	Claims Refunded	-30.33
Standard Insurance Company	Health & Life Ins. Payable	233.19
Amazon	Office Supplies	280.99
Fleet Services	Gas & Oil	41.25
Certified Mail Envelopes	Communication & Transportation	295.68
Century Link	Utility Services	176.42
Verizon Wireless, Bellevue	Utility Services	284.24
Clarion Associates, LLC	Professional Services	10,176.00
Zehren And Associates, Inc	Professional Services	1,512.00
Alperstein & Covell, P.C.	Planning Reimbursable	27.50
Colorado Mtn. News Media	Planning Reimbursable	67.05
Garfield & Hecht, P.C.	Planning Reimbursable	1,351.50

Community Development (Cont.)

Hoffman, Parker, Wilson & Carberry PC	Planning Reimbursable	3,701.00
Quenon Engineering And Surveying	Planning Reimbursable	1,150.00
Hoffman, Parker, Wilson & Carberry PC	Legal	3,808.81
Executech Utah LLC	Computer Support	476.88
Performance Enhancements, Inc.	Computer Support	232.00
Town Of Gypsum	Contract Services	1,587.50
Valley Home Store LLC	Contract Services	2,500.00
Heitzman, Peyton	Tuition & Books	707.00
US Bank Equipment Finance	Contract Payments	417.91
Total Community Development		\$ 35,098.48

Municipal Court

CEBT	Health & Insurance Benefits	233.06
Rocky Mountain Reserve LLC	Health & Insurance Benefits	0.98
Rocky Mountain Reserve LLC	Claims Refunded	-0.76
Standard Insurance Company	Health & Life Ins. Payable	6.11
Amazon	Equipment (Non-Capital)	219.99
Carlson, Edwards & O'Connor P.C.	Legal	1,500.00
Hoffman, Parker, Wilson & Carberry PC	Legal	1,171.16
Executech Utah LLC	Computer Support	74.94
Performance Enhancements, Inc.	Computer Support	25.30
Ace Security And Safety Services LLC	Contract Payments	320.00
High Country Copiers	Contract Payments	35.64
Total Municipal Court		\$ 3,586.42

Streets

CEBT	Health & Life Ins. Payable	6,960.25
Rocky Mountain Reserve LLC	Health & Insurance Benefits	42.06
Rocky Mountain Reserve LLC	Claims Refunded	-32.61
Standard Insurance Company	Health & Life Ins. Payable	161.85
Amazon	Office Supplies	116.15
Cintas Corporation	Office Supplies	41.00
Staples	Office Supplies	19.99
Alpine Lumber Co.	Repair & Maintenance Supplies	35.35
Amazon	Repair & Maintenance Supplies	67.80
Ewing Trucking And Construction LLC	Repair & Maintenance Supplies	10,693.33
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	308.89
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	469.76
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	107.82
Hardline Equipment	Repair & Maintenance Supplies	2,287.00
J & S Contractors Supply Co.	Repair & Maintenance Supplies	1,750.48
Lawson Products	Repair & Maintenance Supplies	466.41
Paint Bucket	Repair & Maintenance Supplies	64.63
Rexel USA, Inc	Repair & Maintenance Supplies	83.11
Wagner Equipment Co	Repair & Maintenance Supplies	304.86
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	384.51
SKM Services	Vehicle Repair & Maintenance Supplies	365.28
Two Valley Tire LLC	Vehicle Repair & Maintenance Supplies	1.89

Streets (Cont.)

Fleet Services	Gas & Oil	1,096.43
SKM Services	Gas & Oil	269.28
Verizon Wireless, Bellevue	Equipment (Non-Capital)	419.98
Grand Junction Pipe & Supply	Communication & Transportation	78.78
J & S Contractors Supply Co.	Communication & Transportation	14.97
Lawson Products	Communication & Transportation	36.61
Staples	Communication & Transportation	4.99
Century Link	Utility Services	806.86
Holy Cross Energy	Utility Services	5,397.56
Verizon Wireless, Bellevue	Utility Services	140.44
Info Cubic	Recruitment	23.94
Safety-Kleen Systems, Inc.	Repair & Maintenance Services	608.97
SKM Services	Repair & Maintenance Services	890.00
Stripe A Lot & Sweeping	Repair & Maintenance Services	25,594.26
Two Valley Tire LLC	Repair & Maintenance Services	27.00
Utility Notification Center Of Colorado	Repair & Maintenance Services	35.64
Executech Utah LLC	Computer Support	320.19
Performance Enhancements, Inc.	Computer Support	101.40
Total Streets		\$ 60,567.11

Public Safety

CEBT	Health & Life Ins. Payable	18,262.79
Rocky Mountain Reserve LLC	Health & Insurance Benefits	77.93
Rocky Mountain Reserve LLC	Claims Refunded	-60.41
Standard Insurance Company	Health & Life Ins. Payable	429.03
Amazon	Office Supplies	44.82
Best Canvas	Office Supplies	107.00
Buhlman, Carrie	Office Supplies	49.66
Costco	Office Supplies	31.98
Smart Sign	Office Supplies	100.12
Vista Print	Office Supplies	72.00
Amazon	Operating Supplies	339.74
Arrowhead Scientific	Operating Supplies	96.40
Costco	Operating Supplies	89.99
Fire Awards	Operating Supplies	369.00
USAMM	Operating Supplies	9.02
Zazzle	Operating Supplies	161.83
5.11 Tactical	Uniforms	-64.00
Amazon	Uniforms	321.95
Badge & Wallet	Uniforms	40.00
Blue Star Police Supply, LLC	Uniforms	418.99
Galls, LLC	Uniforms	242.49
Public Safety Store	Uniforms	17.97
Amazon	Vehicle Repair & Maintenance Supplies	580.39
Auto Zone, Inc	Vehicle Repair & Mtn Supplies	180.49
Heil, Megan	Vehicle Repair & Maintenance Supplies	23.78
Wanderin Wrench	Repair & Maintenance Supplies	475.18
Fleet Services	Gas & Oil	2,528.48

Public Safety (Cont.)

Wanderin Wrench	Gas & Oil	52.50
Amazon	Communication & Transportation	8.70
Arrowhead Scientific	Communication & Transportation	15.43
Badge & Wallet	Communication & Transportation	6.00
Blue Star Police Supply, LLC	Communication & Transportation	15.00
Colorado Assn Chief Of Police	Communication & Transportation	17.50
Fire Awards	Communication & Transportation	32.62
Galls, LLC	Communication & Transportation	6.99
Public Safety Store	Communication & Transportation	6.00
USAMM	Communication & Transportation	5.60
USPS	Communication & Transportation	11.90
Vista Print	Communication & Transportation	8.99
Zazzle	Communication & Transportation	12.79
AT&T Mobility	Utility Services	616.56
Century Link	Utility Services	647.55
Colorado Assn Chief Of Police	Recruitment	380.00
Psychological Dimensions, PC	Recruitment	700.00
Stout House	Recruitment	44.45
Pedersen, Lori	Professional Services	145.00
Town Of Avon	Professional Services	1,280.00
Hoffman, Parker, Wilson & Carberry PC	Legal	629.58
Wanderin Wrench	Repair & Maintenance Services	427.50
White Water Express Carwash	Repair & Maintenance Service	66.85
Executech Utah LLC	Computer Support	17.03
Performance Enhancements, Inc.	Computer Support	148.40
Stauffer, Joey	Travel Expense	49.12
City Market	Meeting Expense	79.51
Domino's	Meeting Expense	29.38
Moe's Original BBQ	Meeting Expense	156.40
Stout House	Meeting Expense	19.00
Dolan Consulting Group LLC	Tuition & Books	95.00
FBI-LEEDA	Tuition & Books	350.00
Town Of Vail	Tuition & Books	240.00
Eagle County Animal Control	Animal Control	5,112.00
High Country Copiers	Contract Payments	87.82
Transunion Risk & Alternative Data Solution	Contract Payments	100.00
Total Public Safety		\$ 36,567.79

Buildings & Grounds

CEBT	Health & Insurance Benefits	10.00
CEBT	Health & Life Ins. Payable	5,004.01
Rocky Mountain Reserve LLC	Health & Insurance Benefits	22.82
Rocky Mountain Reserve LLC	Claims Refunded	-17.69
Standard Insurance Company	Health & Life Ins. Payable	113.35
Cintas Corporation	Office Supplies	41.00
Alpine Lumber Co.	Repair & Maintenance Supplies	1,431.48
Display Sales	Repair & Maintenance Supplies	694.00
Ferguson Enterprises, Inc.	Repair & Maintenance Supplies	39.52

Buildings & Grounds (Cont.)

Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	53.12
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	531.84
Mr. Plumber Inc.	Repair & Maintenance Supplies	35.00
Native Electric	Repair & Maintenance Supplies	49.00
Pet Pick-Ups	Repair & Maintenance Supplies	720.00
Potestio Brothers Equipment, Inc	Repair & Maintenance Supplies	368.65
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	40.70
Alpine Lumber Co.	Repair & Maintenance Supplies	26.32
Fleet Services	Gas & Oil	851.58
Glenwood Springs Auto Parts Inc	Gas & Oil	36.98
Verizon Wireless, Bellevue	Equipment (Non-Capital)	45.00
Home Depot Pro	Janitorial Supplies	2,619.65
Alpine Lumber Co.	Communication & Transportation	93.00
Display Sales	Communication & Transportation	63.00
Pet Pick-Ups	Communication & Transportation	90.00
Black Hills Energy	Utility Services	3,858.73
Century Link	Utility Services	131.63
Holy Cross Energy	Utility Services	5,879.73
Verizon Wireless, Bellevue	Utility Services	120.97
Info Cubic	Recruitment	7.98
Jerry-master Janitorial	Janitorial Maint. Contracts	4,486.00
Avalanche Property Maintenance & Service	Repair & Maintenance Services	144.00
Mr. Plumber Inc.	Repair & Maintenance Services	240.00
Native Electric	Repair & Maintenance Services	2,795.00
Northwest Colo Council Of Gov.	Repair & Maintenance Services	420.00
Sno-White Linen Rental	Repair & Maintenance Services	246.52
Thompson Welding	Repair & Maintenance Services	1,687.00
Vail Honeywagon	Repair & Maintenance Services	247.21
Venzor Carpet Cleaning	Repair & Maintenance Services	777.76
Executech Utah LLC	Computer Support	255.47
Performance Enhancements, Inc.	Computer Support	56.00
Total Buildings & Grounds		\$ 34,316.33

Information Center

CEBT	Health & Insurance Benefits	6.00
Century Link	Utility Services	216.02
Info Cubic	Recruitment	109.70
Executech Utah LLC	Computer Support	68.13
Performance Enhancements, Inc.	Computer Support	66.00
Total Information Center		\$ 465.85

Marketing & Events

CEBT	Health & Life Ins. Payable	2,047.37
Rocky Mountain Reserve LLC	Health & Insurance Benefits	7.50
Rocky Mountain Reserve LLC	Claims Refunded	-5.81
Standard Insurance Company	Health & Life Ins. Payable	51.21
Broadcast Music, Inc.	Dues & Subscriptions	368.00
Spotify	Dues & Subscriptions	10.88

Marketing & Events (Cont.)

Verizon Wireless, Bellevue	Utilities	51.24
Executech Utah LLC	Computer Support	78.34
Google Storage	Computer Support	1.99
Performance Enhancements, Inc.	Computer Support	25.30
Boggs, Sean F	Design & Production	2,000.00
Nature's Educators	Event Production	750.00
Vlaar, Luke	Event Production	500.00
Total Marketing & Events		\$ 5,886.02

Engineering

CEBT	Health & Life Ins. Payable	2,577.48
Rocky Mountain Reserve LLC	Health & Insurance Benefits	10.00
Rocky Mountain Reserve LLC	Claims Refunded	-7.75
Standard Insurance Company	Health & Life Ins. Payable	75.19
Cintas Corporation	Office Supplies	41.00
Signature Signs Inc	Office Supplies	56.00
Fleet Services	Gas & Oil	94.75
Verizon Wireless, Bellevue	Utility Services	163.09
Hoffman, Parker, Wilson & Carberry PC	Legal	175.50
Executech Utah LLC	Computer Support	81.75
Performance Enhancements, Inc.	Computer Support	41.73
Total Engineering		\$ 3,308.74

TOTAL GENERAL FUND**\$ 254,529.70****CAPITAL IMPROVEMENTS FUND**

Trout, Timothy	Use Tax	600.00
Zehren And Associates, Inc	Grand Avenue Improvements	112,767.59
Neucomm Solutions, LLC	Project THOR Fiber Shelter	52,229.05
Uptown Services LLC	Project THOR	5,000.00
All State Communications	Multi Purpose Truck	1,183.80
Auto Truck Group, LLC	Multi Purpose Truck	121,030.00
Signature Signs Inc	Multi Purpose Truck	102.50
Transwest Trucks	Multi Purpose Truck	102,750.00
Total CAPITAL IMPROVEMENTS FUND		\$ 395,662.94

WASTE WATER FUND

CEBT	Health & Life Ins. Payable	6,758.96
Rocky Mountain Reserve LLC	Health & Insurance Benefits	28.52
Rocky Mountain Reserve LLC	Claims Refunded	-22.11
Standard Insurance Company	Health & Life Ins. Payable	200.67
Amazon	Office Supplies	8.49
Alpine Lumber Co.	Repair & Maintenance Supplies	195.16
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	116.37
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	122.15
USA Blue Book	Repair & Maintenance Supplies	545.33
Fleet Services	Gas & Oil	232.18
Verizon Wireless, Bellevue	Equipment (Non-Capital)	115.00

WATER WATER FUND (Cont.)

Amazon	Communication & Transportation	2.99
Federal Express Corp.	Communication & Transportation	1,040.07
Nextrust Inc	Communication & Transportation	346.76
USA Blue Book	Communication & Transportation	14.68
Black Hills Energy	Utility Services	4,590.05
Century Link	Utility Services	1,732.97
Holy Cross Energy	Utility Services	18,951.66
Verizon Wireless, Bellevue	Utility Services	209.72
Info Cubic	Recruitment	10.64
Chase Paymentech	C.C. Transaction Fees	623.50
Xpress Bill Pay	C.C. Transaction Fees	305.17
LRE Water	Engineering	1,316.50
Denali Water Solutions LLC	Sludge Disposal	3,337.73
Snowbridge Inc	Sewer Imaging	97,584.80
Utility Notification Center Of Colorado	Repair & Maintenance Services	35.64
Executech Utah LLC	Computer Support	344.71
Performance Enhancements, Inc.	Computer Support	87.91
Eagle River Water & Sanitation District	Testing & Permits	1,975.00
Seacrest Group	Testing & Permits	1,310.00
SGS North America Inc	Testing & Permits	3,364.18
Raftelis	Tap Fee And Rate Study	2,548.75
Total WASTE WATER FUND		\$ 148,034.15

WATER FUND

CEBT	Health & Insurance Benefits	10,374.77
Rocky Mountain Reserve LLC	Health & Insurance Benefits	39.48
Rocky Mountain Reserve LLC	Claims Refunded	-30.60
Standard Insurance Company	Health & Life Ins. Payable	283.27
Amazon	Office Supplies	8.49
Cintas Corporation	Office Supplies	41.00
DPC Industries, Inc.	Operating Supplies	3,566.47
Kubwater Resources, Inc.	Operating Supplies	4,608.00
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	519.52
Grainger	Repair & Maintenance Supplies	1,476.41
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	531.30
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	141.76
USA Blue Book	Repair & Maintenance Supplies	1,062.15
Eagle Sinclair	Gas & Oil	105.92
Fleet Services	Gas & Oil	685.09
Glenwood Springs Auto Parts Inc	Gas & Oil	26.97
Gypsum Eagle Ace Hardware	Equipment (Non-Capital)	319.97
Verizon Wireless, Bellevue	Equipment (Non-Capital)	219.99
Amazon	Communication & Transportation	3.00
Federal Express Corp.	Communication & Transportation	276.86
Kubwater Resources, Inc.	Communication & Transportation	599.28
Nextrust Inc	Communication & Transportation	346.75
USA Blue Book	Communication & Transportation	31.60
AmeriGas	Utility Services	6,435.73

WATER FUND (Cont.)

Black Hills Energy	Utility Services	195.10
Century Link	Utility Services	3,285.17
Holy Cross Energy	Utility Services	17,298.40
Verizon Wireless, Bellevue	Utility Services	242.35
Info Cubic	Recruitment	10.64
Chase Paymentech	C.C. Transaction Fees	969.89
Xpress Bill Pay	C.C. Transaction Fees	479.56
Garfield & Hecht, P.C.	Legal	184.50
LRE Water	Engineering	629.50
Browns Hill Engineering	Repair & Maintenance Services	273.75
Ewing Trucking And Construction LLC	Repair & Maintenance Services	6,060.00
Utility Notification Center Of Colorado	Repair & Maintenance Services	35.64
Vail Honeywagon	Repair & Maintenance Services	346.52
Eagle River Water & Sanitation District	Testing & Permits	250.00
SGS North America Inc	Testing & Permits	5,007.43
Executech Utah LLC	Computer Support	459.84
Performance Enhancements, Inc.	Computer Support	149.47
Hach Company	Contract Payments	14,445.00
US Bank Equipment Finance	Contract Payments	417.91
Mott MacDonald	Tank Replacement	29,053.61
MWH Constructors Inc.	Lower Basin Water Treatment	265,807.00
Schmueser, Gordon, Meyer Inc.	Lower Basin Water Treatment	4,493.90
Total WATER FUND		\$ 381,768.36

REFUSE FUND

CEBT	Health & Insurance Benefits	2.00
Nextrust Inc	Communication & Transportation	346.75
Chase Paymentech	C.C. Transaction Fees	138.55
Xpress Bill Pay	C.C. Transaction Fees	69.75
Vail Honeywagon	Repair & Maintenance Service	117.72
Vail Honeywagon	Contract Services	100,702.96
Total REFUSE FUND		\$ 101,377.73

SALES TAX CAPITAL IMPROVEMENTS FUND

Nv5, Inc	Professional Services	765.00
Timberline Aquatics Inc.	Professional Services	5,144.50
Bushong & Holleman Pc	Legal	50.00
Hoffman, Parker, Wilson & Carberry PC	Legal	125.00
Burnco Colorado LLC	Construction - Beach Sand	13,356.98
Ewing Trucking And Construction LLC	Construction - Beach Sand	43,660.00
S2O Design & Engineering	Construction - Rapid Block Modeling	8,375.00
Total SALES TAX CAPITAL IMPROVEMENTS FUND		\$ 71,476.48

CONSERVATION TRUST FUND

SE Group	Professional Services	4,821.25
Total CONSERVATION TRUST FUND		\$ 4,821.25

OPEN SPACE FUND

CEBT	Health & Insurance Benefits	713.48
Rocky Mountain Reserve LLC	Health & Insurance Benefits	5.93
Rocky Mountain Reserve LLC	Claims Refunded	-4.60
Standard Insurance Company	Health & Life Ins. Payable	42.27
Alpine Lumber Co.	Repair & Maintenance Supplies	46.67
Colorado Barricade	R & M Supplies	435.00
Rockart Industries	Repair & Maintenance Supplies	408.40
Home Depot Credit Services	Equipment (Non-Capital)	268.00
Colorado Barricade	Communication & Transportation	35.00
Rockart Industries	Communication & Transportation	70.00
Birch Ecology LLC	Repair & Maintenance Services	895.00
Vail Honeywagon	Repair & Maintenance Services	361.88
Executech Utah LLC	Computer Support	59.94
Performance Enhancements, Inc.	Computer Support	28.03
Total OPEN SPACE FUND		\$ 3,365.00

TOTAL **\$ 1,361,035.61**

PAYROLL **\$ 398,569.72**

GRAND TOTAL **\$ 1,759,605.33**



To: Mayor and Town Council

From: Dennis Wike, Town Engineer

Date: January 11, 2022

Agenda Item: Execute Property Bill of Sale from Vero Fiber Networks for \$12,620.25 to Purchase 2,209 LF of In-place underground 2" HDPE Conduit & 4 qty In-place underground Handholes under Ordinance No. 20 (Series 2020) for Joint Boring in the ROW

REQUEST:

Staff requests that the Mayor of Eagle execute as the Buyer the attached Property Bill of Sale from Vero Fiber Networks (Vero) for \$12,620.25 to allow the Town to Purchase 2,209 Linear Feet (LF) of In-place underground 2" HDPE Conduit & 4 qty In-place underground Handholes at the Contractor's Incremental Cost under Ordinance No. 20 (Series 2020) for Joint Boring in the ROW.

INTRODUCTION:

In September of 2020, the Town of Eagle approved Ordinance No. 20 (Series 2020) to provide for increased management of public rights-of-way. Section 13.18.430 Public Right-Of-Way Use and Construction in Paragraph C. 4. allows for the Town to request from a Contractor performing construction in the Town's right-of-way (ROW) to share the trenches or bores by installing facilities for the Town at the Contractor's incremental cost to preserve the Town's limited ROW for future uses.

In September 2020, Vero Fiber Networks submitted to the Town an application for a Construction in the Public Right-Of-Way Permit to install approximately 2,250 linear feet of underground conduit along Grand Ave. & McIntire Street in the Town's ROW. The Town notified Vero that in accordance with Ordinance 20 (Series 2020) that the Town wanted Vero to share the trenching & boring in the Town ROW with the Town by installing adjacent to the Vero underground conduits and handholes for the Town one 2" HDPE Conduit and four handholes along the same route to preserve the Town's ROW at Vero's incremental cost.

As this project was the Town's first under this new Ordinance No. 20 (2020), the process took awhile to workout the details with Vero and our Town Counsel.

ANALYSIS:

Implementation of Ordinance No. 20 (Series 2020)

- Our Counsel advised Public Works on the required wording for the attached Property Bill of Sale and other details to implement the new ordinance.
- The attached Property Bill of Sale was drafted by Counsel and accepted by Vero.

COMMUNITY INPUT:

Staff has not received any community comment regarding the Property Bill of Sale. Comments were received and addressed by the TOE Town Council in the adoption of this Ordinance in September of 2020.

BUDGET / STAFF IMPACT:

There is minimal impact on the TOE budget and staff associated with this agenda item.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

This proposal does align with the Town's Ordinance No. 20 (Series 2020) to preserve the Town's ROW.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to direct the Mayor of Eagle to execute the attached Property Bill of Sale as the Buyer to purchase 2,209 LF of In-place underground 2" HDPE conduit & 4 qty In-place underground Handholes at the Contractor's incremental cost under Ordinance No. 20 (Series 2020) for joint boring in the ROW.

ATTACHMENTS:

- Property Bill of Sale, dated November 30, 2021 between Vero Fiber Networks, Seller and the Town of Eagle, Buyer

PROPERTY BILL OF SALE

I. THE PARTIES. This Property Bill of Sale ("Bill of Sale") is effective on November 30, 2021, in the County of Eagle, State of Colorado and is made and entered into between:

Buyer: A Colorado home rule municipality known as the TOWN OF EAGLE ("Buyer"), with a mailing address of 1050 Chambers Avenue, PO Box 609, Eagle, Colorado 81631,

AND

Seller: A business entity known as Vero Fiber Networks, LLC ("Seller") with a mailing address of PO Box 1110, Boulder, Colorado 80306.

II. PROPERTY DESCRIPTION. Buyer agrees to pay \$12,620.25 to the Seller in exchange for the possession and ownership of the following described property:

2,209 linear feet of 2" HDPE conduit 4 of 24"x36"x24" underground handholes as depicted in Exhibit A.

III. WARRANTIES. Buyer and Seller acknowledge that the sale is final without any representations ("AS-IS") and that after the sale the Seller shall not have any liability other than the details in this Bill of Sale.

V. ADDITIONAL TERMS AND CONDITIONS. Subject to applicable law, Buyer agrees to use the conduit for public and municipal purposes only.

Buyer's Signature: _____ **Date:** _____
Scott Turnipseed, Mayor

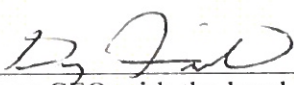
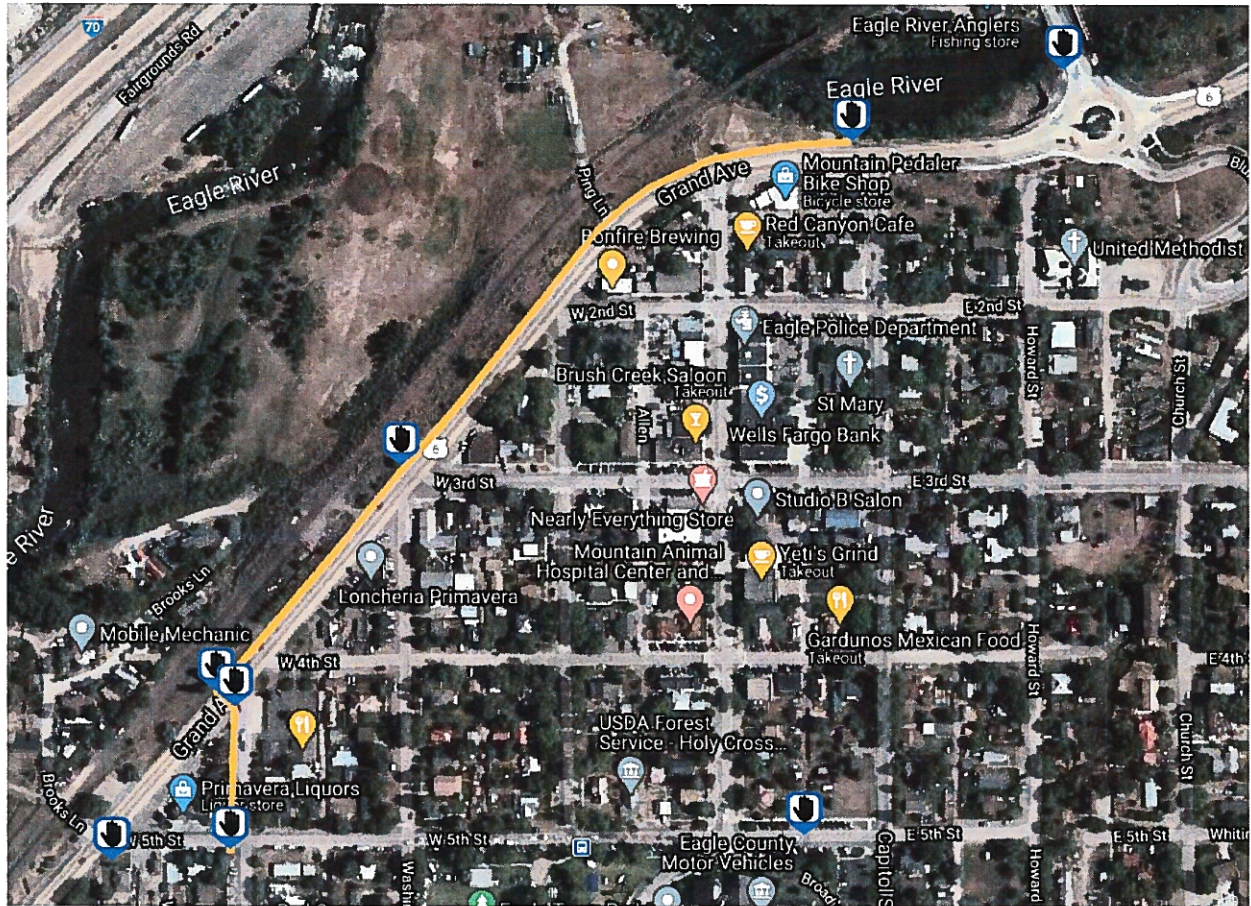
Seller's Signature:  **Date:** 11/27/2021
Greg Friedman acting as CFO with the legal authority to act on behalf of Vero Fiber Networks, LLC.

EXHIBIT A





To: Mayor and Town Council
From: Brandy Reitter, Town Manager
Date: January 11, 2022
Re: Town Manager Report

Administration & Organization

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

- School Resource Officer IGA
- State of Colorado Energy Office IGA
- Rail Pros Contract

Work Session Reminder – Staff is preparing for the phase 2 update of the Grand Avenue Corridor Plan presentation on February 1. The time required will exceed 2 hours. The total time will be closer to 2.5 hours. This meeting will be conducted online.

COVID-19 Operations Update – The Town will likely extend the current operating plan beyond January 17. I will send out an updated operations plan by January 13. COVID-19 cases in our area remain high.

Town Manager Transition – Once the Interim Town Manager is onboard, progress will begin on the transition. I will spend the next two weeks completing the transition document that the Town can use for the next 2 managers. I plan on scheduling transition meetings with each direct report to assist with documentation. I will include the Interim if they are available.

Budget Amendments – On January 24, staff will present budget amendments for 2021 and 2022. Amendments for the previous year are typically during January. Staff needs to make some modifications to 2022 due to last minute policy changes and a few other minor items that were missed. Jill will present those changes.

Developer Meetings – Part of my transition is to meet with developers that I have built solid relationships with over the last 4 years. The purpose of these meetings is to download retailers, prospects, and contacts that I have met that will be useful to them in the future to implement the Town's vision and make their projects happen.

Eagle River Park

The project team met on January 7 to discuss progress on various projects underway. The update is below:

- The RapidBloc analysis and permit submittal process is delayed due to staffing shortages at S2o. The new timeline was pushed out for another month.
- NV5 is hosting a pre-bid conference meeting for the pavilion construction on January 21. The project includes solar and EV stations.
- The donor wall will be completed this month and NV5 reached out to the USACE to receive a status on the river monitoring compliance.
- Eagle County sent a response regarding the Town's conveyance and annexation request. I am meeting with Jeff Shroll over the next week to help with crafting the Town's response. I will share that with you on or by January 24.

LBWTP Ribbon Cutting

- A Doodle Poll was emailed to stakeholders to schedule the ribbon cutting at the end of January or early February. Staff also included the Vail Daily so that this historic event has press coverage.

Grand Avenue Corridor Study

- The Town received feedback from the railroad on the project submittal. The railroad wants to execute a contract for design review. This contract is projected to cost the Town \$100,000. Staff will bring the contract to the Town Council on January 24 as well as budget implications.

Economic Development

- The Downtown Development Authority met this month and voted on their Plan of Development. The group is still working to identify vendors for their website. They also approved annexation forms to allow for additional properties to join the district.
- The Community Survey document was published on the Town's website [here](#). I will work with the EVC this month to publish the dashboard that they worked hard on so that the project is set up before February.

Sustainability

- The Adam Palmer Fund committee will meet on January 14. I will work with our contractor next week to go over the agenda for the meeting.

Regional Transit Authority (RTA)

- While I haven't attended most meetings, the group did meet on January 7 to interview special counsel to assist with the formation of the RTA.

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

- January 10 – Land Use Code Committee meeting
- January 11 – Grand Avenue Corridor Plan weekly project meeting
- January 13 – RTA Technical Committee meeting
- January 13 – I-70 Coalition annual meeting

- January 14 – Adam Palmer Fund meeting

Sincerely,



Brandy Reitter
Town Manager
Town of Eagle, CO

Town Council Requests – Once items are completed; they are deleted from the list Items in Red are new requests.		
Request Date	Request	Status
3/9/2021	Bring back land donation proposal	Not Scheduled
3/9/2021	EQR Ordinance	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	Completed
5/25/2021	Evaluate Bird Scooter proposal and bring it back	Not Scheduled
8/10/2021	Schedule TOE housing strategy work session	February 2022
8/24/2021	Establish incentives for ADUs	Not Scheduled
9/14/2021	Fee waivers for town projects policy	Not Scheduled
9/14/2021	Follow up on Broadway tree grate maintenance	Not Scheduled
9/28/2021	ADU policy change ordinance	Completed
10/5/2021	Create a policy for eBikes on recreation paths in Town and reach out to BLM to let them know what the plans are	Not Scheduled
11/9/2021	Send Council Assistant Town Manager hiring schedule	Completed
11/9/2021	Schedule broadband work session for December	Completed
11/9/2021	Remove Mountain Recreation contribution from the budget	Completed
11/9/2021	Community request budget changes	Completed



To: Mayor and Town Council

From: Brandy Reitter, Town Manager, and Department Leads

Date: January 10, 2022

Re: Department Updates for December 2021

FINANCE DEPARTMENT

December 2021

Administration/Financial:

- GovOS (formerly MuniRevs) was rolled out for Short Term Rental licensing and Lodging Tax payment Process – The Town many now begin accepting permit applications and lodging taxes for January 2022 online [here](#).
 - 25 properties were initially identified
 - 1 emailed to say they are long-term, not short-term, 5 started the registration process but have not yet completed it. The remainder have not responded or started the process
- CivicRec Software Implementation – For Pavilion and Event Permits – *Original estimated Go Live by date: 1/1/22 (Revised to 1/15/22)*
 - Staff is waiting on CivicRec to remove test rentals and permits so we can input all actual rentals scheduled year to date. Once all outstanding rentals are input into the software staff will roll them out to the public.
- Processed all Year End Budgeted Fund Transfers
- Sent Holy Cross annual required letter regarding usage of Community Enhancement proceeds – no usage for 2021.
 - We currently have \$269,208 in our Community Enhancement fund within the Capital Improvements fund. This does not include our 2021 contribution from Holy Cross, which we should receive in February 2022 (anticipating \$48,000) to bring our total Community Enhancement funds available to approximately \$317,208.
 - These are restricted funds that can only be spent on projects outlined in the Community Enhancement Fund guidelines. In 2022, Staff would like to work with the Council on proposed uses for these funds. The budget currently includes several projects that these funds could be used towards.
- Updated and sent out 2021 Finance Calendar and Payroll Schedule to all staff

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID				
	2020	2021	VARIANCE FROM PY	
DECEMBER	286	245	(41)	-14%
YEAR TO DATE	2,744	3,046	302	11%

ACCOUNTS PAYABLE: INVOICES PAID											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Invoices	1,138	2,033	2,406	2,967	3,061	3,099	3,311	3,497	3,468	2,744	3,046
Annual % Change	27.15%	78.65%	18.35%	23.32%	3.17%	1.24%	6.84%	5.62%	-0.83%	-20.88%	11.01%

Budget:

- Staff continued work on finalizing the Budget document with attachments and appendix: Due to the State on January 31, 2021 - Council will review and approve at the 2nd meeting in January
- During an initial 2021 yearend budget to actual review, Finance has found that the Town will need to reappropriate the 2021 and 2022 budgets for the following:

2021 Expenditures		
Fund	Account	Reason for Increase/Decrease
Capital Improvements Fund	Grand Ave Improvements (31-52-780)	The original 2021 budget (\$660,000) for Planning was revised down \$260,000 and the remainder was transferred to 2022. Zehren & Associates was able to accomplish more than anticipated in 2021. Staff will need to reappropriate those funds back to 2021.
Conservation Trust Fund	Professional Services (71-50-347)	The original 2021 budget (\$30,000) for the Open Space master plan was revised down \$28,000 and the remainder was transferred to 2022. SE group just barely exceeded this amount with phase II of the project, however, since it is the only expense in the CTF we have to reappropriate funds so the Town's expenditures in the CTF do not exceed appropriations
2022 Expenditures		
Fund	Account	Reason for Increase/Decrease
DDA Rev	Professional Services (91-50-347)	Staff is requesting that DDA expenses in the general fund be moved to the DDA Fund with a transfer from the general fund to fund the DDA expenses since the Town will not receive property taxes for the DDA until 2023.

- Finance received some other information after our budget deadline from other departments, we still have not had a chance to review it and will do so prior to the next meeting to ensure that we have captured all required budget changes.

Training:

- Leadership Team Retreat (Jill)
- Caselle Year End Webinars – Payroll and Accounts Payable
- Required Continuing Education (Jill)
 - Auditing Inventory and Observations
 - Accounting & Auditing Update
 - The American Rescue Plan Act of 2021 – Key Federal tax implications

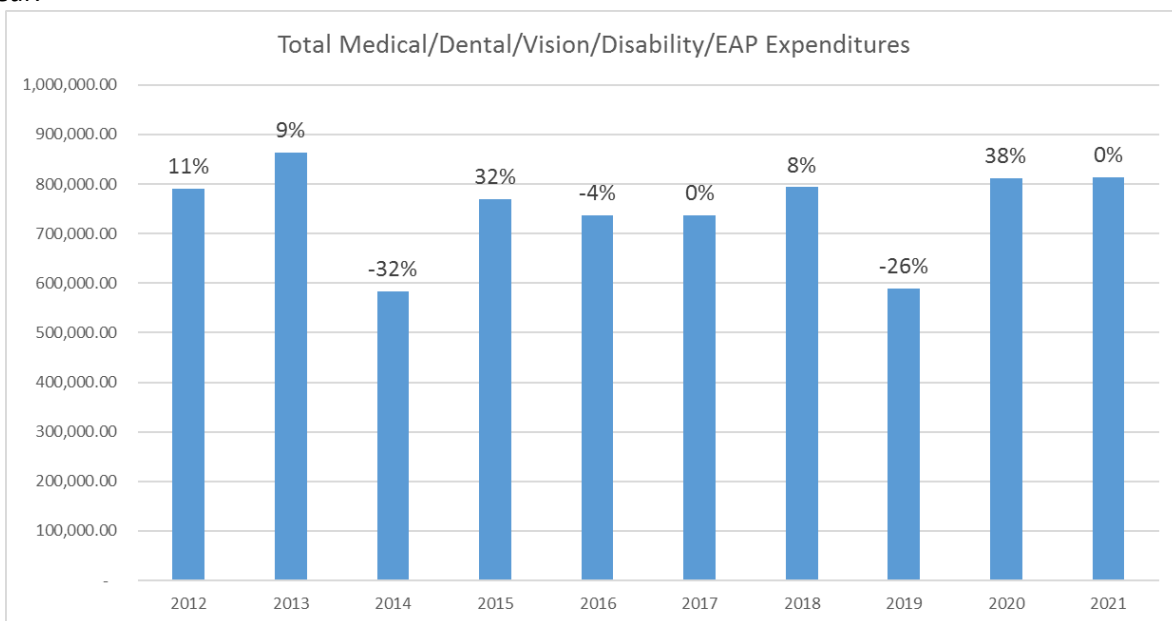
Payroll/HR:

- Holiday Bonuses prepared and issued at Holiday Party
- Completed 4th quarter Unemployment Tax Report
- Completed 4th quarter 941 Report
- Started Year-end Payroll Process
- Workers Compensation 2022 Renewal Meeting with Network Insurance and HR – Premiums increased for 2021 by approximately \$800 to \$68,306 due to an increased Experience modification rate from 1.13 to 1.25 and an increase in projected payroll
- Positions changes in Payroll
 - 5 New Hires:

- 2 – Police Officer II
- Executive Advisor (Temporary)
- 2 – Council Member
- 2 Promotions:
 - B&G – Winter Seasonal Maintenance Tech to Full-Time Streets Maintenance Tech
 - Public Safety Records Information Tech I to Records Information Tech II
- 2 Term:
 - Refuse/Yardwaste – Seasonal Maintenance Tech
 - Council Member
 - Streets Maintenance Worker

Benefits:

Year over year total employee Insurance benefit costs to the Town: *Please note percentages are variances from prior year.*



Utilities:

	December	2021	2020
New Account Set Up	3	27	49
Property Transfers	12	187	179
Red Tags	0	245	187
Shut Offs	0	6	2

*The Town does not process Red Tags/shut off in the month of December

** The significant variance in Red Tags from 2020 to 2021 is due to the Town forgoing the Red Tag process for 4 months during the onset of COVID

- Set up Broadband customer rates/billing in Caselle – Utility billing module (Previously billed in Wave)

Upcoming Activities:

- Finalize 2021/2022 Budget to be sent to State
 - Ordinance to reappropriate 2021 and 2022 budgets – January 25th meeting

- Year End Financials for Council – January 25th meeting
- Fee Schedule Amendments for Fire Impact Fees and Broadband Services – 2nd meeting in January or 1st meeting in February
- Ordinance to amend the Municipal Code for penalties and interest to allow staff to implement the same policy for Red Mountain Ranch, Reserve at Hocket Gulch, and Haymeadow. Currently Haymeadow does not have any penalties and interest designated in the Annexation Agreement.
- Year End Payroll and Accounts Payable
- 2022 Payroll/Insurance Adjustments
 - Implement payroll staff allocation changes
 - Input market and merit increases
 - Input changes for health insurance and wellness changes
 - Increase Employee Retirement contribution from 3% to 4% in the 401A
 - Decrease Unemployment Tax Rate from 0.3% to 0.2% per the State

Town Council Department

Budget to Actual:

TOWN OF EAGLE EXPENDITURES WITH COMPARISON TO BUDGET FOR THE 12 MONTHS ENDING DECEMBER 31, 2021					
GENERAL FUND					
	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>TOWN COUNCIL</u>					
10-49-110 SALARIES & WAGES	4,050.00	40,350.00	39,600.00	(750.00)	101.9
10-49-142 WORKERS COMPENSATION	.00	38.31	51.00	12.69	75.1
10-49-143 HEALTH & INSURANCE BENEFITS	18.00	208.00	168.00	(40.00)	123.8
10-49-144 FICA - EMPLOYER'S	309.83	3,086.83	3,029.00	(57.83)	101.9
10-49-210 OFFICE SUPPLIES	.00	166.82	200.00	33.18	83.4
10-49-310 COMMUNICATION & TRANSPORTATION	.00	5.67	.00	(5.67)	.0
10-49-320 LEGAL NOTICES	.00	325.50	325.00	(.50)	100.2
10-49-340 UTILITY SERVICES	.00	1,930.24	1,930.00	(.24)	100.0
10-49-347 PROFESSIONAL SERVICES	.00	19,789.84	29,047.00	9,257.16	68.1
10-49-362 COMPUTER SUPPORT	138.13	2,075.06	3,048.00	972.94	68.1
10-49-371 TRAVEL EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-49-372 MEETING EXPENSE	.00	1,402.07	2,000.00	597.93	70.1
10-49-380 TUITION & BOOKS	.00	126.20	1,750.00	1,623.80	7.2
10-49-450 SPECIAL COUNCIL FUNDING	8,500.00	130,939.89	211,113.00	80,173.11	62.0
10-49-510 INSURANCE	.00	724.32	724.00	(.32)	100.0
10-49-915 COMMUNITY REQUESTS	1,275.00	26,437.34	54,000.00	27,562.66	49.0
TOTAL TOWN COUNCIL	14,290.98	227,606.09	347,985.00	120,378.91	65.4

** This report includes invoices received/paid as of 12/24/21, as additional invoices are received and paid for 2021 expenses over the next two month, the \$120,379 of unexpended funds will be reduced.*

***Salaries and wages are over budget due to the original 2021 not being revised. At the beginning of 2021, the Town had two Council members remaining at the \$250/month stipend; with the transition to two interim Council members they both received \$500/month, however, we did find some vacancy savings with Solomon's open seat.*

SPECIAL EVENTS & MARKETING

December 2021 Report

December 1, 2021 – Town of Eagle welcomes Molly Furtado as the new Special Events Manager

December Events:

- Christmas on Broadway – December 4
- TOE Holiday Party – December 9
- Holiday Lighting Contest – December 20
- Pond Hockey Tournament – December 31

Upcoming Events:

- 12th Night Bonfire – January 6 (CANCELED)
- Porchlight Players – February 11-14 & February 17-19 (CANCELED)

Training:

- HR Onboarding
- Attended MEAC Meeting December 2
- Assisted with Christmas on Broadway
- Attended Safety Committee – discussed safety issues at COB
- Attended 2nd Friday ArtWalk
- Attended Town Council December 14
- Finance Onboarding
- Caselle/invoicing
- Attended Communications Committee – will be meeting every 2 weeks, starting JAN 2022

Completed:

- Created 2022 Events Calendar – Version 1
- Sent notification letters to community funding recipients
- 12th Night PRE-event meeting/review

MEAC:

- Created agenda for MEAC Meeting January 6 – Zoom Meeting
- Training from Jenny Rakow, published agenda on TOE website
- Meet with MEAC members

Visitor Information Center:

- Met with staff at the Information Center
- Winter - Info Center is open Wednesdays through Sundays, 10:00am to 3:00pm.

Marketing Training:

- Updated Digital Sign
- Sprout Social; FaceBook and Instagram
- WordPress – EagleOutside
- CivicPlus – Town of Eagle

COMMUNITY DEVELOPMENT

December 2021

COMMUNITY DEVELOPMENT

BUILDING DEPARTMENT UPDATES:

Activity:	Status:
Code Adoption Process (2021 International Building Codes) The 2021 Code is set to adopt in the Spring of 2022. The Building Department plans to create a board of interested stakeholders, contractors, designers, council members. This stakeholder group will focus on reviewing current adoption ordinance and amendments as well as the 2021 Code editions for changes and how they impact Eagle. The Building Department will also review with local agencies for consistency of amendments. The first Adoption meeting is aimed for Spring 2022. If you are interested in joining the stakeholder group, please email the Building Official, Charlie Davis.	Ongoing
Work with the Town of Gypsum Building Department for Electrical Inspection Services. December – (28) inspections.	Ongoing
CTIX - Construction Trades Information Exchange CTIX is a way for the Community Development Department to communicate with the Contractor & Developer community. The next issue will be 2022 Quarter 1 Newsletter to be published the week of January 10th.	Ongoing

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					
	October 2021	November 2021	December 2021	YTD 2020	EOY 2021
Number of Inspections	112	142	126	1,970	1,380
Number of Permits Requiring Plan Review	19	8	11	*	174
Number of Building Permits	35	29	18	498	359
Building	12	14	13	160	139
Electrical	5	8	5	137	97
Plumbing	0	6	1	69	49
Mechanical	1	7	3	107	76
Demo	1	0	0	3	4
Out of Town Water/Sewer Taps	5	3	1	22	15
<i>ALL Commercial*</i>	1	3	3	24	47

<i>SF Detached Residential*</i>	5	0	2	11	17
<i>Multi-Family & Attached SF Residential*</i>	0	0	0	16	0
<i>Residential Remodel/Addition/ Basement Finish</i>	1	1	0	49	30
<i>PV</i>	11	5	7	46	51
<i>One Stop</i>	11	12	8	102	111

* YTD Plan Review Data Unavailable

• **Major Construction Projects Under Review and Oversight:**

- **Broadway Station** – Ongoing work on interior punch list and exterior finishes. The developer is aiming for an occupancy certificate by 2/1/22.
- **410 Broadway** – Received second round of applicant responses on 12/20/21. Construction management plan received on 1/4/22.

PLANNING DEPARTMENT UPDATES:

PLANNING ACTIVE APPLICATIONS	STATUS
DR21-02 & PPFP21-01: Reserve at Hockett Gulch – Subdivision & Major Development Permit	• 3rd and 4th post referral meetings occurred on 12/10/21 which focused on landscape design and architecture. • Applicant has received the Town's updated comments as of 12/29/21 and staff is awaiting resubmittal.
PUDA21-01: Eagle Ranch 6th PUD Amendment	• Staff is working with Town Attorney to determine when water fees need to be paid (at time of approval or at time of building permit issuance). • Planning Commission recommended approval of the application with three conditions. • Town Council voted to table the application until 1/11/22 for the Town Manager to negotiate timing of water payment.
SU21-04: 263 Sawatch	• Special use permit application for contractor yard. • Planning Commission recommended approval of the application with eight conditions. • Public hearing schedule: ○ Town Council 1/25/22
RZ21-02 & S21-01: Eagle County School District (ECSD) 3 rd Street Housing	• Proposing 16 units. • Planning Commission recommended approval of both the rezone and sketch plan subdivision applications. • Town Council voted to approve the sketch plan subdivision, however, voted to table the request for rezone until 1/11/22. Town Attorney is drafting a code amendment to support the request for rezoning.
DR21-01 & V21-01: Sinclair Station	• Application was tabled during 11/16/21 Planning Commission meeting. The Commission requested additional information from applicant, including a traffic study. • No new information to report (1/5/22). • Public hearing schedule: ○ Planning Commission 1/18/22 ○ Town Council TBA

CT21-01 & SU21-06: 706 Chambers, Lot D	• An application for condo plat and special use permit. • Planning Commission voted to approve the special use permit during the 12/7/21 public hearing. • No new information to report (1/5/22). • Public hearing schedule: - o Town Council 1/11/22 (special use permit and condo plat)
LLA21-01: 82 Silver Spur Road	• An application for lot consolidation. Application is deemed complete. • No new information to report (1/5/22). • Public hearing schedule: - o Planning Commission 1/18/22 - o Town Council 2/8/22
RZ21-03: 435 Eby Creek Road	• An application to rezone from Commercial General (CG) to Residential Multi-Family (RMF). • Planning Commission recommended approval of the application with no conditions. • Public hearing schedule: - o Town Council 1/25/22
DR21-04: Haymeadow Design Guidelines	• Application materials received and have been sent out for referral comments. • Staff working with applicant to establish project timeline. • Tentative public hearing schedule: - o Planning Commission 1/18/22 - o Town Council 2/8/22
PUDM21-02: Haymeadow Building Height	• Application received and undergoing staff review. • Applicant is requesting an Administrative Hearing with regards to development review of RMF 1 & 2. - o Planning Department Administrative Hearing 1/6/22
DR21-03: 341 Broadway (Mountain Animal Hospital Center)	• Staff received partial submission for a minor development permit. • Application not deemed complete for processing. No new information to report (1/5/22).
SU21-05: 332 Grand Ave (AG Roofing)	• Special use permit application submitted for outdoor storage, but applicant also needs to apply for shop use. • Application not deemed complete for processing. No new information to report (1/5/22).
446 Broadway	• Staff received application for a development permit. • Application not deemed complete for processing. No new information to report (1/5/22).
LONG RANGE PLANNING	STATUS
Title 4 Land Use Code Update	• Staff anticipating Sign Code first draft by 1/7/22. • Next committee meeting scheduled for 1/10/22 to discuss Sign Code draft and appoint committee Chairman & Vice Chairman.
Grand Avenue Corridor Plan	• Project is now in Phase 3 (December 2021 – April 2022). Phase 3 objectives include preliminary design, developing an implementation & phasing plan, and securing Planning Commission and Town Council adoption.

	• A stakeholder group meeting was held on 12/9/21. • Upcoming meeting schedule: - o Town Council work session 2/1/22
SolSmart – Bronze Designation	• Permit Tech will assume lead role. First objective is to establish and implement permitting best practices to provide efficient approval process. • A new PV solar permit application and PV solar procedures guide are now available on the Town's website.
Comprehensive Affordable Housing Assessment RFP ----- HB21-1271 DOLA Innovative Housing Strategies: Planning Grant Program	• RFP was published on 12/17/21. • RFP submittal deadline is 1/14/22. • No bids received as of 1/5/22.
OTHER	STATUS
Code Updates (ahead of comprehensive Title 4 Update)	• <u>1.) Parking Fee in-lieu:</u> Planning Commission voted to approve new program at the 12/7/21 public hearing. • Finance working on parking fund set up and amendment to 2022 fee schedule. • Public hearing schedule: - o Town Council adoption hearing 1/11/22 • <u>2.) Accessory Dwelling Units (ADUs):</u> Planning Commission voted to approve amendments at the 11/16/21 public hearing. Town Council voted to adopt the ordinance at the 12/14/21 public hearing.
ORDINANCES	• Impact Fee Ordinance Update • Review of Public Safety and Fire District Nexus studies ongoing. • No new information to report (1/5/22).

SCHEDULE OF UPCOMING MEETINGS:

January 2022
January 11 th Town Council • Code Amendment, Eagle County Schools Rezone and Sketch Plan Subdivision • Eagle Ranch 6th PUD Amendment • Parking Fee in-lieu Ordinance • 706 Chambers Ave – Special Use Permit & Condo Plat • Community Development Department Update
January 18 th Planning & Zoning Commission • 82 Spur Road Lot Consolidation • Sinclair Station • Haymeadow Design Guidelines • Community Development and Council Update
January 25 th Town Council • 263 Sawatch – Special Use Permit & Condo Plat • 435 Eby Creek Road Rezoning
February 2022
February 1 st Planning & Zoning Commission

No land use files scheduled at this time.
February 1 st Town Council work session Grand Avenue Corridor Plan Phase 2 review
February 8 th Town Council - Haymeadow Design Guidelines 82 Spur Road Lot Consolidation - Community Development Department Update
February 15 th Planning & Zoning Commission - No land use files scheduled at this time. - Community Development and Council Update
February 22 nd Town Council No land use files scheduled at this time.

HUMAN RESOURCES

December 2021

Benefits

- Processing Open Enrollment Election changes
- Updated Holiday Policy for 2022 for Market competitiveness – rolled out to Staff at open enrollment
- Finalized Tuition Reimbursement Policy

Recruiting – Onboarding

- 2 Police Officers, assisted with Hire process, policy orientation conducted and new hire paperwork processed
- 2 New Council Members policy orientation conducted and new hire paperwork processed
- On Hold, Assistant Town Manager position, finalists identified, on hold pending Town Manager Search
- Streets Maintenance Technician Filled – internal promotion
- Posted Interim Town Manager, liaison with consultant on hiring process
- Assist Mayor with Special Meeting to discuss Town Manager initial recruitment with Council

Risk Management, Safety and Work Comp

- Managing 3 General Liability & PC Open claims 2 carry over
- Managing 2 work comp claims, met with agent on rate renewal
- Administering 3 Medical Leave of Absence Requests, 1 Disability claim, 2 light duty accommodations
- Defensive Driving Training Video sent to all Admin. Staff for Cirsa audit compliance.
- Held 4th Quarter Safety Committee meeting
- Finalized CIRSA General Liability & PC 2020 audit and 2021 compliance items

Other

- Continued efforts on 2022 compensation, started merit worksheets for Performance Reviews received, assisted managers with annual review process
- Assisted with and finalized Town Manager Review process
- Assisted with Admin Team Building Lunch
- Participated in Awesome Leadership Team Retreat
- Conducted 1 exit interview

TOWN CLERK
December 2021

Communications

Eagle Today: 12/9/21

- Holiday Lighting Contest

Licenses

- BUSINESS:
 - o Sent renewal notice to all license holders - 568 total
- LIQUOR:
 - o Casa Mexico 3 LLC – renewal
 - o Real Jalisco – renewal
 - o Loaf and Jug - renewal
- MARIJUANA:
 - o No activity

Website – www.townofeagle.org

- Ask the Town questions: 3
 - o Backflow testing inquiry
 - o Easement inquiry

Sales Tax

Filing Period: this indicates sales tax for the actual month sales occurred. These numbers will fluctuate throughout the year as it is reflecting late payments by the retailer or customer retail returns (deductions). Filing Period numbers are updated quarterly. This is the most accurate picture of sales tax collections for that month.

Revenue Period: this amount indicates the month revenue is received by the Town. Revenue period is all money collected by the state for the previous month and any additional months a retailer remits. This amount is what is deposited in the Town's bank account. These returns also get categorized into a "filing period" and are reflected in the sales tax report. This total amount will not change.

2021				Revenue from online sales is included in the Retail sector and OOA. Total retailers includes individual returns and can be duplicate sellers.	
Month	Filing Period	Revenue Period	O/U	Online Sales	Online Retailers
Jan	\$ 550,999.37	\$ 688,558.97	19%	\$67,050.62	1443
Feb	\$ 519,851.15	\$ 576,588.68	20%	\$81,832.64	1311
Mar	\$ 616,927.12	\$ 525,690.74	13%	\$51,489.75	1270
1 Q	\$ 1,687,777.64	\$ 1,790,838.39	18%	\$ 200,373.01	
Apr	\$ 588,838.69	\$ 623,363.57	13%	\$67,089.31	1429
May	\$ 617,770.94	\$ 575,664.72	17%	\$70,368.59	1264
Jun	\$ 685,772.95	\$ 629,801.19	24%	\$61,561.99	1416
2 Q	\$ 1,892,382.58	\$ 1,828,829.48	18%	\$ 199,019.89	
Jul	\$ 692,280.65	\$ 686,861.36	23%	\$76,562.82	1418
Aug	\$ 666,272.99	\$ 703,257.97	23%	\$75,027.61	1509
Sep	\$ 674,758.25	\$ 662,179.98	12%	\$80,601.68	1600
3 Q	\$ 2,033,311.89	\$ 2,052,299.31	19%	\$232,192.11	
Oct	\$ 627,412.90	\$ 799,872.60	14%	\$ 51,922.49	1016
Nov	\$ 645,310.77	\$ 646,595.50	13%	\$82,011.89	1560
Dec		\$ 655,381.63	10%	\$88,961.79	1804
4 Q			-100%		
Revenue	\$ 6,886,195.78	\$ 7,773,816.91	17%	\$854,481.18	

MUNICIPAL COURT

- Court held December 1 & 15

August Citations Issued	Current	YTD	2020
Animal Control	2	26	29
Juvenile	3	14	
Misdemeanor/Ordinance	1	18	29
Parking	8	141	97
Traffic	3	198	160
Total	13	384	315

August Fines and Fees Collected (includes collections for previous months)	Current	YTD	2020
Court Costs	30.00	1026.25	1,450.00
Criminal Police Equipment and Training Surcharge	0	190.00	601.00
Traffic Surcharge	80.00	2830.00	0
Deferred Judgment Fee	0	150.00	665.00
Fines	860.00	29152.50	21,651.66
Outstanding Judgement Fee	30.00	-10.00	370.00
Stay of Execution Fee	0	0	25.00
Charitable Contribution (discontinued 2019)	0	0	10.00
Bad Check Fee	0	90.00	0
Warrant Fee	0	50.00	0
Failure to Appear	140.00	1360.00	35.00
Victim Restitution Fee	0	0	371.02
Total	\$1,140.00	\$34,838.75	\$25,178.68

August Dispositions (Payments or Court Appearances)	Current	YTD	2020
Animal Control	0	14	110
Juvenile	0	14	0
Misdemeanor/Ordinance	0	8	72
Parking	6	139	443
Traffic	6	183	205
Total	12	358	830

Outstanding Fines and Fees by Date	
Current	785.00
1-30 Days Past Due	260.00
31-60 Days Past Due	780.00
61-90 Days Past Due	115.00
91-180 Days Past Due	8059.00
Total	\$9,999.00



To: Mayor and Town Council

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

Date: January 11, 2022

Agenda Item: Ordinance No. 02, Series 2022, An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 4.04.030 of the Eagle Municipal Code, to Allow for One Parcel to be Located in More than One Zone District in Limited Circumstances.

Ordinance No. 15, Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Rezoning the Property Located at 747 East 3rd Street, Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM).

REQUEST:

For Town Council to consider 1) an amendment to the Municipal Code to clarify procedural rezoning issues and 2) the rezone application of 2.2-acres of 747 E 3rd Street from Public Area to Residential Medium.

INTRODUCTION:

During the December 14, 2021, regular meeting the Town Council reviewed the Eagle County School's applications to rezone and a sketch plan subdivision. The Town Council recommended the applicants proceed with the Sketch Plan Subdivision. The rezone application was continued to January 11, 2022, in order for the Town Attorney to draft language to amend Section 4.04.030 of the Municipal Code. The purpose of the continuance was to address the procedural concern with the application based on Section 4.04.030 of the Municipal Code that requires, except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines, centerlines of stream beds, and right-of-way centerlines or extensions thereof. The underlined section requires the property to subdivide prior to rezoning so the zone district boundary can follow a lot line. The Eagle County Schools rezone application requests to rezone 2.2-acres of the parcel prior to subdivision.

ANALYSIS:

Amendment to the Municipal Code

The attached Ordinance 02, Series 2022 amends the Municipal Code to allow for one parcel to be located in more than one zone district in limited circumstances, which are outlined in the proposed ordinance.

Rezoning

Included in the packet is Resolution No. 15, Series 2021 approving the ECS Housing rezone application. A full analysis of the application against the standards for the rezoning application can be found in the November 2, 2021 P&Z Commission staff report, accessed through this [LINK](#).

COMMUNITY INPUT:

No additional public comments have been received since the December 14th meeting. All comments received to-date can be accessed through this [LINK](#).

BUDGET / STAFF IMPACT:

None.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This project is supported by the Strategic Plan's major objective to 'Stimulate Economic Vitality and Development' since the development aligns with the policies in the Elevate Eagle Comprehensive Plan that encourage greater densities near downtown. Moderate increases in densities near the downtown may result in more shoppers/customers supporting those local businesses. The project is also supported by the major objective to 'Diversify the Attainable Housing Stock' by providing attainable housing options for the local community.

RECOMMENDED ACTION OR PROPOSED MOTION:

Suggested Motion (Amendment to the Municipal Code):

I move to **APPROVE** Ordinance No. 02, Series 2022, An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 4.04.030 of the Eagle Municipal Code, to Allow for One Parcel to be Located in More than One Zone District in Limited Circumstances.

Suggested Motion (ECS Housing Rezone Application):

I move to **APPROVE** Ordinance No. 15, Series 2021, An Ordinance of the Town Council of the Town of Eagle, Colorado Rezoning the Property Located at 747 East 3rd Street, Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM).

ATTACHMENTS:

- December 14, 2021 Staff Report ([LINK](#))
- Application and Narrative ([LINK](#))
- Ordinance No. 2, Series 2022
- Ordinance No. 15, Series 2021

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 02
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
REPEALING AND REENACTING SECTION 4.04.030 OF THE EAGLE MUNICIPAL CODE,
TO ALLOW FOR ONE PARCEL TO BE LOCATED IN MORE THAN ONE ZONE DISTRICT
IN LIMITED CIRCUMSTANCES

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

Section 1. Section 4.04.030 of the Eagle Municipal Code is hereby repealed in its
entirety and reenacted as follows:

Section 4.04.030. - District boundaries.

A. Except as otherwise expressly provided in this Section, zone district
boundaries shall follow municipal corporation limits, section lines, lot lines,
centerlines of stream beds, and right-of-way centerlines or extensions thereof.

B. No single lot or parcel shall be located within more than one zone district.
Notwithstanding the foregoing, the Town Council may approve a rezoning that
allows for one parcel or lot to be located in more than one zone district if all of the
following conditions are satisfied:

1. The parcel is vacant land;
2. The entire parcel is subject to a development agreement approved
by the Town Council and executed by all owners of the parcel;
3. The development agreement prohibits any development on the
parcel until the parcel is lawfully subdivided so that each subdivided lot or parcel
is only located in one zone district;
4. The development agreement provides that the owner(s) of the
parcel indemnify and defend the Town against any legal challenge related to the
rezoning; and
5. The Town Council finds and determines that the rezoning is in
furtherance of a public purpose, such as attainable housing.

C. Where a zone district boundary coincides with a right-of-way line and said
right-of-way is subsequently abandoned, the zone district boundary shall then
follow the centerline of the former right-of-way.

D. Land not part of a public right-of-way and not indicated as being in any zone district shall be considered to be included in the most restrictive adjacent zone district even when such district is separated from the land in question by a public right-of-way.

Section 2. 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 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 15
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
REZONING THE PROPERTY LOCATED AT 747 EAST 3RD STREET, EAGLE, COLORADO
FROM PUBLIC AREA (PA) TO RESIDENTIAL MEDIUM DENSITY (RM)

WHEREAS, Eagle County Schools is the owner of certain real property located at 747 East 3rd Street, Eagle, Colorado and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, on September 3, 2021, Tom Braun, on behalf of Eagle County Schools (the "Applicant"), submitted an application to rezone the Property from Public Area (PA) to Residential Medium Density (RM);

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

WHEREAS, on December 14, 2021, the Town Council held a properly-noticed public hearing on the Application; and

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

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

Section 1. Findings. The Town Council finds that the Application satisfies all applicable criteria in the Eagle Municipal Code.

Section 2. Decision. Based on the foregoing findings, the Town Council hereby rezones the Property from Public Area (PA) to Residential Medium Density (RM). The Town's official zoning map shall be updated accordingly.

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.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON DECEMBER 14, 2021.

TOWN OF EAGLE, COLORADO

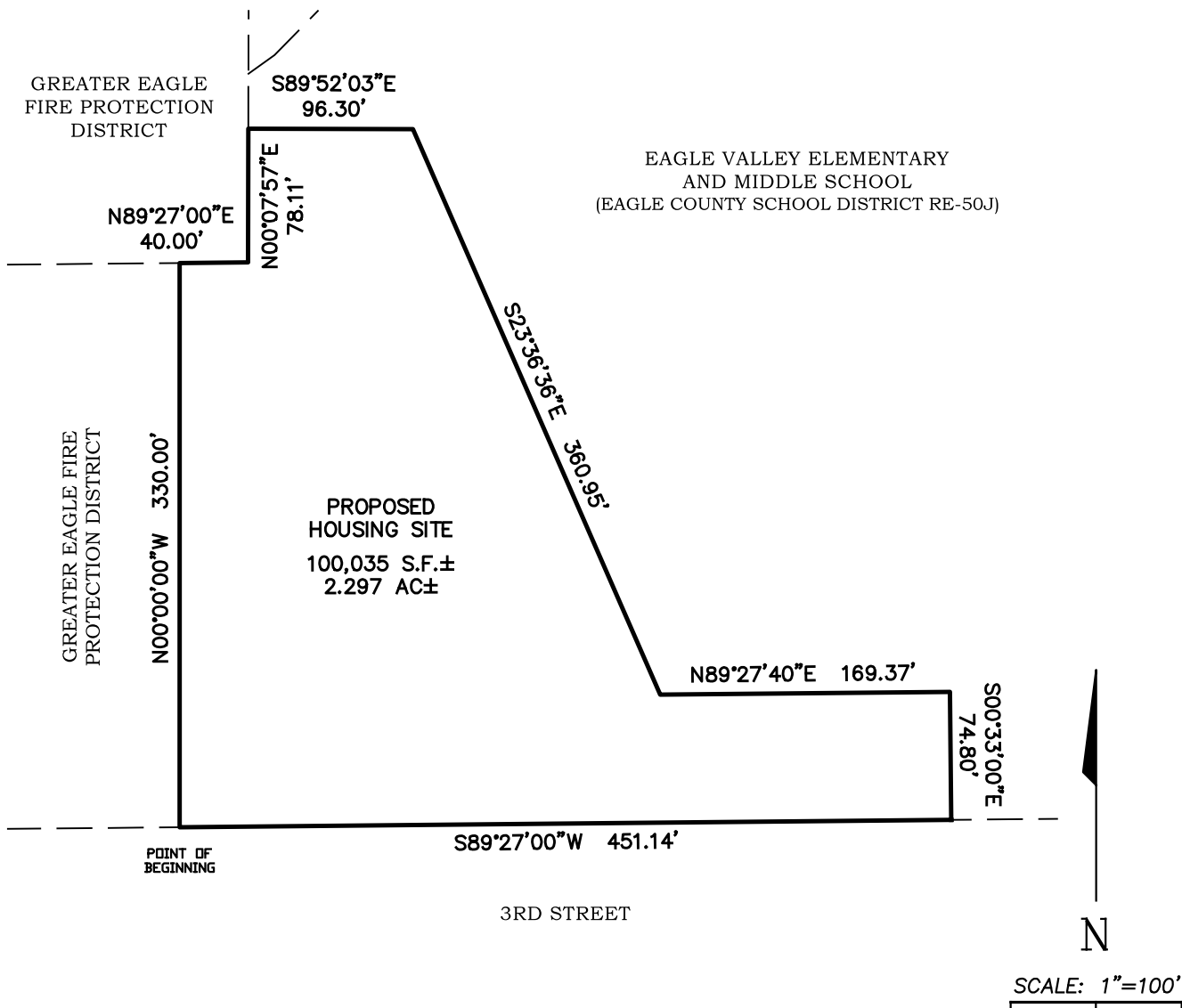
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

2.3 ACRE PROPOSED HOUSING SITE EXHIBIT

A PORTION OF EAGLE VALLEY ELEMENTARY
AND MIDDLE SCHOOL SUBDIVISION



2.3± ACRE DESCRIPTION

A 2.3± ACRE PORTION OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF EAGLE, EAGLE COUNTY, COLORADO, ALSO BEING A PORTION OF THE EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION, ACCORDING TO THE FINAL PLAT OF EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION RECORDED MARCH 11, 2019 AT RECEPTION NO. 201903217, EAGLE COUNTY, COLORADO, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION; THENCE ALONG THE WESTERLY PROPERTY LINE OF THE EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION THE FOLLOWING THREE COURSES; NORTH 330.0 FEET; THENCE N89°27'00"E 40.00 FEET; THENCE N00°07'57"E 78.11 FEET; THENCE DEPARTING THE WESTERLY PROPERTY LINE OF THE EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION AND CONTINUING ALONG THE FOLLOWING FOUR COURSES; S89°52'03"E 96.30 FEET; THENCE S23°36'36"E 360.95 FEET; THENCE N89°27'40"E 169.37 FEET; THENCE S00°33'00"E 74.80 FEET TO A POINT ON THE SOUTHERLY PROPERTY LINE OF THE EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF THE EAGLE VALLEY ELEMENTARY AND MIDDLE SCHOOL SUBDIVISION S89°27'00"W 451.14 FEET TO THE POINT OF BEGINNING; SAID PORTION OF LAND CONTAINING 100,035 SQUARE FEET / 2.297 ACRES MORE OR LESS



2.3 ACRE HOUSING SITE EXHIBIT
A PORTION OF THE EAGLE VALLEY ELEMENTARY
AND MIDDLE SCHOOL SUBDIVISION,
LOCATED IN THE SW 1/4 OF SECTION 33
TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE 6TH P.M.
TOWN OF EAGLE, EAGLE COUNTY, COLORADO

SHEET:
1 OF 1
DATE:
12/02/2021
DWG NO:
21060-01
CLIENT:
BRAUN ASSOC.

MERIDIAN
LAND SURVEYING, L.L.C.
P.O. Box 2225 Gypsum, CO 81637
(970) 524-0963



To: Mayor and Town Council

From: Jessica Lake, Planner I, Community Development Department
Chad Phillips, Director, Community Development Department

Date: January 11, 2022

Agenda Item: Ordinance 02, Series 2022, "An Ordinance of the Town Council of the Town of Eagle Colorado Approving the Eagle Ranch Sixth Amended PUD Guide and PUD Zoning Plan."

REQUEST:

The Eagle Ranch Homeowner's Association (HOA) is requesting a Major PUD Amendment to modify and update the Eagle Ranch PUD Guide and PUD Zoning Plan. The 6th PUD Guide and PUD Zoning Plan will replace the 5th PUD Guide and the PUD Zoning Plan.

BACKGROUND:

On December 14, 2021 staff requested tabling this application until January 11, 2022, in order for the Town Manager to begin negotiations regarding the timing of water rights dedication for the additional 100 dwelling units, as per [Section 12.26.030](#) of the Municipal Code. No changes have been made to the application since the December 14th Council meeting. Negotiations for water rights are ongoing and will be discussed during Executive Session.

ANALYSIS:

The full analysis of this application prepared for the Planning & Zoning Commission hearing is available via the link. ([LINK](#)).

COMMUNITY INPUT:

Staff has received one letter of public comment since December 15th. All letters received are available via the link below. ([LINK](#))

BUDGET / STAFF IMPACT:

No impact to the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Diversify the Attainable Housing Stock – this amendment to the Eagle Ranch PUD will allow for the creation of up to 100 additional dwelling units in the Commercial Core area of Eagle Ranch. Buildings in this area are mixed-use and development will include both commercial and

residential. Residential may be either for sale or for rent, depending on the development, but will contribute to a greater diversified housing stock in Eagle.

RECOMMENDED ACTION OR PROPOSED MOTION:

APPROVE Ordinance 02, Series 2022, “An Ordinance of the Town Council of the Town of Eagle Colorado Approving the Eagle Ranch Sixth Amended PUD Guide and PUD Zoning Plan.”

ATTACHMENTS:

- Ordinance 02, Series 2022, “An Ordinance of the Town Council of the Town of Eagle Colorado Approving the Eagle Ranch Sixth Amended PUD Guide and PUD Zoning Plan.”
- TC Staff Memo dated December 14, 2021 ([LINK](#))
- Project Narrative ([LINK](#))
- P&Z Commission Minutes from November 16, 2021 ([LINK](#))
- Letter from Mauriello Planning Group detailing changes to the PUD Guide dated November 18, 2021 ([LINK](#))
- Letter from Mauriello Planning Group requesting deferred payment of water rights dated November 29, 2021 ([LINK](#))
- Redlined PUD Guide dated December 3, 2021 ([LINK](#))
- Clean PUD Guide dated December 3, 2021 ([LINK](#))
- PUD Zoning Plan (Map) ([LINK](#))
- Commercial Core Parking Analysis dated April 5, 2021 ([LINK](#))
- Commercial Core Parking Map ([LINK](#))
- Traffic Memorandum dated September 2, 2021 ([LINK](#))
- Public Comment Letters ([LINK](#))
- P&Z Commission Staff Report dated November 16, 2021 ([LINK](#))

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 02
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
ADOPTING THE SIXTH AMENDED PUD GUIDE FOR EAGLE RANCH PLANNED UNIT
DEVELOPMENT AND PUD ZONING PLAN

WHEREAS, Eagle Ranch HOA and the Town own the real property as described in Exhibit A, located in the Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on April 5, 2021, Marc Ruh, Community Manager of the Eagle Ranch HOA (the "Applicant") submitted an application for a major amendment to the PUD to amend and update the Eagle Ranch PUD Guide and PUD Zoning Plan (the "Application");

WHEREAS, on November 16, 2021, the Planning and Zoning Commission held a properly-noticed public hearing on the Application and recommended that the Town Council approve the application;

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

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

Section 1. The Town Council finds that the Application complies with 4.11 of the Land Use and Development Code and the 2020 Elevate Eagle Comprehensive Plan.

Section 2. Based on the foregoing findings, the Town Council hereby approves the major PUD amendment amend and update the Eagle Ranch PUD Guide and PUD Zoning Plan.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Exhibit A

EAGLE RANCH No. 1 Legal Description

All of that tract or parcel of land situate in Tracts 43, 44, 47, 48, 49, 53, 54 and 57, Sections 4, 5, 8 and 9, Township 5 South Range 84 West of the Sixth Principal Meridian according to the Independent Resurvey Supplemental Plat thereof as approved by the Survey General on June 20, 1922; County of Eagle, State of Colorado; being a portion of those lands conveyed by special warranty deed from Colorado Eagle Ranch at Brush Creek Limited Liability Company, a Wyoming limited liability company to West Eagle Ranch LLC, a Delaware limited liability company dated February 19, 1997 and recorded in the Eagle County Clerk and Records Office in Book 719 at Page 074 on February 21, 1997; and being more particularly described as follows, with all bearings contained herein based upon N 00°33'00" W between Town of Eagle Street Monuments found at the intersections of Fifth Street and Broadway and at Second Street and Broadway both being an iron pin in a street monument box, to wit:

Beginning at Corner 4 of Tract 47, being also Corner 1 of Tract 49, and being also a point on the West Eagle Addition boundary and Town of Eagle boundary, a 1 inch diameter G.L.O. Iron Pipe found in place upon which was set a 2 1/2 inch diameter Aluminum Pipe Monument, properly marked and stamped "LS 26967-1998" from which said Town of Eagle Street Monument at Fifth Street and Broadway bears N 53°41'45" E, 3548.08 feet; thence along said boundaries N 87°26' 33" E, 1321.54 feet to Corner 7 of said Tract 47, being also Corner 2 of said Tract 48, a 3 1/2 inch diameter Aluminum Cap Monument on a 2 1/2 inch diameter iron pipe, stamped Eagle County Surveyor and dated 1971, found in place; thence departing said boundaries N 87°48'32" E, 242.23 feet along a parcel of land described in Book 135 at Page 085 of the Eagle County Records, being also the 1-2 line of Tract 48 and the 7-8 line of Tract 47; thence departing said Tract line and continuing along said parcel N 01°48'00" E, 55.58 feet to a point on the Eagle Town boundary and The Bull Pasture Subdivision boundary; thence along said boundaries the following eight (8) courses:

- 1) N 88°58'11" E, 124.22 feet
- 2) S 40°07'03" E, 370.67 feet
- 3) S 67°07'15" E, 248.51 feet
- 4) N 58°40'33" E, 94.09 feet
- 5) S 72°21'56" E, 104.82 feet
- 6) S 25°03'38" E, 218.94 feet
- 7) S 62°53'26" E, 535.36 feet
- 8) N 00°00'00" E, 2.92 feet

to the Southwest Corner of The Terrace, Filing 4 as recorded March 31, 1994 in Book 636 at Page 274 of the Eagle County Records; thence departing said The Bull Pasture Subdivision boundary and along the boundary of said The Terrace, Filing 4 the following five (5) courses:

- 1) 125.87 feet along the arc of a curve to the right having a central angle of $05^{\circ}29'31''$, radius of 1313.14 feet, tangent of 62.98 feet and the chord of which bears $S\ 56^{\circ}43'07''\ E$, 125.82 feet
- 2) $S\ 53^{\circ}58'22''\ E$, 56.94 feet
- 3) 443.79 feet along the arc of a curve to the left having a central angle of $13^{\circ}32'53''$, radius of 1876.85 feet, tangent of 222.94 feet and the chord of which bears $S\ 60^{\circ}44'48''\ E$, 442.76 feet
- 4) $S\ 67^{\circ}31'14''\ E$, 257.96 feet
- 5) 144.32 feet along the arc of a curve to the left having a central angle of $7^{\circ}38'37''$, radius of 1081.82 feet, tangent of 72.27 feet and the chord of which bears $S\ 71^{\circ}20'33''\ E$, 144.21 feet

to the Southwest Corner of The Terrace, Filing 6 as recorded October 21, 1994 in Book 652 at Page 993 of the Eagle County Records; thence departing said The Terrace, Filing 4 and along the boundary of said The Terrace, Filing 6, 195.73 feet along the arc of a curve to the left having a central angle of $10^{\circ}21'59''$, radius of 1081.82 feet, tangent of 98.13 feet and the chord of which bears $S\ 80^{\circ}20'50''\ E$, 195.46 feet to the Southwest Corner of those lands described in Quit Claim Deed for Right-of-Way recorded August 13, 1987 in Book 467 at Page 913 in the Eagle County Records; thence departing said The Terrace, Filing 6 and along the boundary of said lands described in Quit Claim Deed the following three (3) courses:

- 1) 56.31 feet along the arc of a curve to the left having a central angle of $2^{\circ}59'02''$, radius of 1081.82 feet and the chord of which bears $S\ 87^{\circ}00'54''\ E$, 56.33 feet
- 2) $S\ 88^{\circ}30'51''\ E$, 285.48 feet
- 3) 171.73 feet along the arc of a curve to the right having a central angle of $25^{\circ}59'34''$, radius of 378.55 feet, tangent of 87.37 feet and the chord of which bears $S\ 75^{\circ}31'05''\ E$, 170.26 feet

to a point on the 1-2 line of Tract 44, being also the South line of Tract 43, from which Corner 4 of said Tract 43, being also Corner 1 of said Tract 44, a 2 1/2" diameter G.L.O. Brass Cap Monument found in place bears $N\ 89^{\circ}48'05''\ E$, 780.65 feet; thence departing said Town of Eagle Boundary and along said Tract line $S\ 89^{\circ}48'05''\ W$, 540.91 feet to Corner 2 of Tract 44, being also Corner 5 of Tract 48, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the 4-5 line of said Tract 48, being also the West line of said Tract 44, $S\ 00^{\circ}33'34''\ W$, 1280.25 feet to Corner 4 of said Tract 48, being also Corner 1 of Tract 54, a 2 1/2" diameter Aluminum Cap Monument, marked "LS 23089", found in place; thence departing said Tract line $S\ 89^{\circ}39'43''\ E$, 1446.19 feet to Corner 8 of said Tract 44, being also Corner 5 of Tract 38,

a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence S 00°23'11" W, 5252.06 feet to a point on the 3-4 line of said Tract 57, being also the 1-2 line of Tract 70; from which Corner 4 of said Tract 57 bears N 89°48'58" E, 4218.48 feet; thence along said line S 89°48'58" W, 1406.16 feet to Corner 3 of said Tract 57, being also Corner 2 of Tract 70, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the 2-3 line of said Tract 57 N 00°06'39" E, 1311.07 feet to Corner 2 of said Tract 57, being also a point on the South line of said Tract 54, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along said South line S 89°52'51" W, 1319.42 feet to Corner 3 of said Tract 54, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the West line of said Tract 54 N 00°02'59" E, 1333.58 feet to Corner 4 of Tract 53, a 2 1/2 inch diameter Aluminum Cap Monument, marked "LS 23089" found in place; thence along the 3-4 line of said Tract 53 S 86°38'34" W, 1500.10 feet to Corner 3 of said Tract 53, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the 2-3 line of said Tract 53 N 01°47'18" E, 2546.97 feet to Corner 2 of said Tract 53, being also Corner 3 of Tract 48 and Corner 4 of Tract 49, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the 3-4 line of said Tract 49 S 89°56'31" W, 1271.85 feet from which Corner 3 of said Tract 49 bears S 89°56'31" W, 1271.85 feet; thence departing said Tract line N 00°52'53" W, 1365.81 feet to Corner 6 of said Tract 49, being also Corner 5 of Tract 47, a 2 1/2 inch diameter Aluminum Cap Monument, marked "LS 23089", found in place; thence along the 1-6 line of said Tract 49, being also the 4-5 line of said Tract 47, N 02°33'00" E, 1225.87 feet to a point on the approximate centerline of Brush Creek, being also a point on the said West Eagle Addition boundary and said Town of Eagle boundary; thence continuing along said Tract line and said boundaries N 02°33'00" E, 83.92 feet to the Point of Beginning; said tract or parcel of land containing 585.532 acres, more or less, in gross.

EAGLE RANCH No. 2
Legal Description

All of that tract or parcel of land situate in Tracts 44, 55, 56, 57, 58 and 70, Sections 9 and 16, Township 5 South Range 84 West of the Sixth Principal Meridian according to the Independent Resurvey Supplemental Plat thereof as approved by the Survey General on June 20, 1922; County of Eagle, State of Colorado; being a portion of those lands conveyed by special warranty deed from Colorado Eagle Ranch at Brush Creek Limited Liability Company, a Wyoming limited liability company to West Eagle Ranch LLC, a Delaware limited liability company dated February 19, 1997 and recorded in the Eagle County Clerk and Records Office in Book 719 at Page 074 on February 21, 1997; and being more particularly described as follows, with all bearings contained herein based upon N 00°33'00" W between Town of Eagle Street Monuments found at the intersections of Fifth Street and Broadway and at Second Street and Broadway both being an iron pin in a street monument box, to wit:

Beginning at Corner 8 of said Tract 44 being also Corner 5 of Tract 38, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place, from which said Town of Eagle Street Monument at Fifth Street and Broadway bears N 28°55'09" W, 5274.65 feet; thence along the 7-8 line of Tract 44, being also the South line of Tract 38 N89°23'19" E, 335.21 feet to the Southerly Right-of-Way line of Brush Creek Road, being also Eagle County Road P-307 as described in Book 470 at Page 381 of the Eagle County Records; thence along said Right-of-Way the following three (3) courses;

- 1) 118.16 feet along the arc of a curve to the left having a central angle of 07°38'59", radius of 885.00 feet, tangent of 59.17 feet and the chord of which bears S 49°22'48" E, 118.07 feet
- 2) S 53°12'17" E, 40.08 feet
- 3) S 57°07'58" E, 123.21 feet

to a point on the extension of the Westerly line of The Colorado River & Eagle Company Rural Homesites Nos. 1, 2 and 3 subdivision as recorded in Book 377 at Page 893 of the Eagle County Records; thence along said extension and continuing along said Right-of-Way S 22°53'36" W, 8.58 feet to the Northwest corner of said subdivision; thence departing said Right-of-Way and along the boundary of said subdivision the following three (3) courses;

- 1) S 22°53'36" W, 30.74 feet
- 2) S 13°43'27" W, 307.62 feet
- 3) S 08°38'23 W, 118.13 feet

to the centerline of Brush Creek; thence along said Brush Creek centerline and

continuing along the boundary of said subdivision the following eight (8) courses;

- 1) S 53°29'25" E, 176.59 feet
- 2) S 66°46'08" E, 196.66 feet
- 3) S 36°25'58" E, 142.34 feet
- 4) S 71°11'41" E, 106.93 feet
- 5) N 59°17'26" E, 89.27 feet
- 6) S 57°35'51" E, 83.00 feet
- 7) N 79°25'00" E, 132.00 feet
- 8) S 45°59'33" E, 185.78 feet

to the Southeast corner of said The Colorado River & Eagle Company Rural Homesites Nos. 1, 2 and 3 subdivision, being a point on the Westerly boundary of a parcel of land known as the Eichler Tract and described in Book 189 at Page 147 of the Eagle County Records; thence departing said subdivision and Brush Creek centerline and along the said Westerly boundary of the Eichler Tract S 00°05'34" E, 251.83 feet to the Southwest corner of said Eichler Tract, an 8 inch diameter Cedar Post with 2" x 4" Aluminum Tag stamped "AP1 EICHLER TRACT" found; thence continuing along said Eichler Tract boundary S 87°14'13" E, 139.19 feet, being also the point of beginning of Brush Creek Stables subdivision as described in Book 404 at Page 163 of the Eagle County Records; thence departing said Eichler Tract boundary and along said Brush Creek Stables subdivision boundary the following eight (8) courses;

- 1) S 00°01'50" W, 519.37 feet
- 2) S 74°23'52" E, 1943.91 feet
- 3) S 01°19'13" W, 1182.39 feet
- 4) N 88°40'47" W, 759.56 feet
- 5) S 01°19'13" W, 150.00 feet
- 6) N 88°40'47" W, 65.00 feet
- 7) S 01°19'13" W, 3802.00 feet
- 8) N 89°55'00" E, 1744.14 feet

to the 4-1 line of Tract 70, being also the 2-3 line of Tract 88 from which Corner 1 of Tract 70, being a 2 1/2" diameter G.L.O. Brass Cap Monument found in place, bears N 00°04'36" W, 2225.20 feet; thence departing said subdivision and along said Tract line S 00°04'36" E, 461.58 feet to Corner 3 of said Tract 88, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence continuing along said 4-1 line of Tract 70 S 00°15'39" E, 2663.76 feet to Corner 4 of said Tract 70, being also Corner 1 of Tract 71, from which a 2 1/2 inch diameter Aluminum Cap Monument properly marked and stamped 10.00' W.C. - LS 23089 - 1992 bears N 88°29'52" W, 10.00 feet; thence along the 3-4 line of Tract 70 being also the 1-2 line of Tract 71, N 88°29'52" W, 1404.69 feet to Corner 2 of Tract 71, a 2 1/2 inch diameter G.L.O. Brass Cap Monument

found in place, thence along said 3-4 line S 89°18'50" W, 2803.24 feet, from which point Corner 3 of Tract 70, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place, bears S 89°18'50" W, 1401.62 feet; thence departing said line N 00°17'22" W, 5333.78 feet to a point on line 1-2 of said Tract 70, being also the 3-4 line of said Tract 57, from which said Corner 1 of Tract 70, bears N 89°48'28" E, 4218.38 feet; thence N 00°23'11" E, 5252.06 feet to the Point of Beginning;

excepting therefrom; a parcel of land known as PARCEL 1719, described in Book 292 at Page 427 of the Eagle County Records containing 1.00 acres, more or less;

said tract or parcel of land containing 689.598 acres, more or less, in gross.

EAGLE RANCH No. 3

Legal Description

All of that tract or parcel of land situate in Tracts 55, 57, 58, 59, 60 and 70, Sections 9, 10, 15 and 16, Township 5 South, Range 84 West of the Sixth Principal Meridian according to the Independent Resurvey Supplemental Plat thereof as approved by the Survey General on June 20, 1922; Eagle County, State of Colorado.; being all of those lands conveyed by warranty deed from Micah, Ltd., a Colorado limited partnership to West Eagle Ranch LLC., a Delaware limited liability company dated 27 February, 1997 and recorded in the Eagle County Clerk and Records Office in Book 719 at Page 668 on 28 February 1997; and being a portion of Brush Creek Stables subdivision, according to the Final Plat thereof as recorded in the Eagle County Clerk and Records Office in Book 404 at Page 163 on January 4, 1985; and being more particularly described as follows, with all bearings contained herein based upon N 00°33'0" W, between Town of Eagle Street Monuments found at the intersections of Fifth Street and Broadway and at Second Street and Broadway both being an iron pin in a street monument box, to wit:

Beginning at the Northwest corner of said Brush Creek Stables subdivision, and being on the Easterly boundary of a parcel of land known as the Eichler Tract and described in Book 189 at Page 147 of the Eagle County Clerk and Recorder, and being on the centerline of Brush Creek, from which said Town of Eagle Street Monument at Fifth Street and Broadway bears N 35°25'57" W, 7008.66 feet; thence along said centerline of Brush Creek and along the boundary of said Brush Creek Stables, being also the Southerly boundary of the land known as Parcel 2037 and described in Book 298 at Page 803 and in Book 398 at Page 079 of the Eagle County Clerk and Recorder, the following eight (8) courses;

- 1) N 86°24'03" E, 120.10 feet
- 2) S 58°51'44" E, 158.23 feet
- 3) S 85°11'38" E, 94.84 feet
- 4) S 65°46'00" E, 77.04 feet
- 5) S 27°51'02" E, 121.09 feet
- 6) S 85°07'00" E, 88.57 feet
- 7) N 51°47'58" E, 91.31 feet
- 8) N 86°13'14" E, 115.07 feet

to the Southwesterly corner of a parcel of land known as the Yost Parcel and as described in Book 692 at Page 066 of the Eagle County Recorder; thence departing said Brush Creek centerline and along the boundary of said Yost Parcel the following five (5) courses;

- 1) S 77°40'04" E, 50.78 feet

- 2) S 61°46'12" E, 108.64 feet
- 3) S 68° 44'24" E, 177.09 feet
- 4) S 61°30'59" E, 276.03 feet
- 5) N 04°11'33" E, 177.28 feet

to the North line of Tract 58; thence along said North line N 89°13'00" E, 25.10 feet to the Northwest corner of a parcel of land known as the Pearch Parcel and described in Book 135 at Page 087 of the Eagle County Recorder; thence along the Westerly boundary of said Pearch Parcel S 00°45'29" E, 206.20 feet to the centerline of Brush Creek; thence along said centerline of Brush Creek and continuing along the Southerly boundary of said Pearch Parcel the following three (3) courses;

- 1) S 77°28'12" E, 206.56 feet
- 2) N 89°14'20" E, 201.44 feet
- 3) S 72°06'25" E, 52.63 feet

thence departing said Brush Creek centerline and continuing along the Pearch Parcel boundary N 00°46'00" E, 261.49 feet to a point on the Southerly Right-of-Way boundary of Eagle County Road P-103; thence along said Right-of-Way boundary the following two (2) courses

- 1) S 87°23'14" E, 58.33 feet
- 2) 1.77 feet along the arc of a curve to the right having a radius of 507.23 the chord of which bears S 87°17'14" E, 1.77 feet to the Northwest corner of a parcel of land known as the Parcel 2441 and as described in Book 267 at Page 280 of the Eagle County Recorder; thence along the Westerly boundary of said Parcel 2441 S 00°46'00" E, 283.67 feet to the centerline of Brush Creek; thence along said Centerline of Brush Creek and along the Southerly boundary of said Parcel 2441 the following three (3) courses;

- 1) S 44°46'19" E, 103.21 feet
- 2) S 70°55'26" E, 140.37 feet
- 3) S 73°02'09" E, 154.97 feet

thence departing said centerline of Brush Creek and continuing along said Parcel 2441 boundary N 31°58'25" E, 231.83 feet to the Southerly Right-of-Way fence line of Eagle County Road P-307; thence along said fence S 57°18'46" E, 284.09 feet to the extension of the Westerly boundary of a parcel of land known as Parcel 2535 and described in Book 267 at Page 281 of the Eagle County Clerk and Recorder; thence S 02°31'13" W, 13.82 feet to the Northwesterly corner of said Parcel 2535; thence along the Westerly boundary of said Parcel S 02°31'13" W, 285.56 feet to the centerline of Brush Creek; thence along said centerline of Brush Creek and continuing along said boundary S 71°32'40" E, 173.55 feet; thence departing said centerline and along said boundary

N 02°31'13" E, 234.61 feet to the Southerly Right-of-Way fence line of Eagle County Road P-307; thence departing said Parcel and along said fence line S 53°49'02" E, 545.84 feet to the Northwestern corner of a parcel of land known as Parcel 2677 and described in Book 267 at Page 282 of the Eagle County Records; thence along said Parcel 2677 the following five (5) courses;

- 1) S 11°47'13" W, 353.87 feet
- 2) S 79°10'59" E, 150.04 feet
- 3) N 16°31'05" E, 77.52 feet
- 4) N 22°51'16" W, 59.69 feet
- 5) N 17°33'39" E, 100.00 feet

to the Southwest corner of Lot 21 of said Brush Creek Stables subdivision as conveyed in Book 616 at Page 920 of the Eagle County Records; thence departing said Parcel 2677 boundary and along the Southerly boundary of said Lot 21 the following eleven (11) courses;

- 1) S 61°07'40" E, 92.12 feet
- 2) S 38°10'00" E, 81.00 feet
- 3) S 56°30'00" E, 78.00 feet
- 4) S 05°10'00" W, 100.00 feet
- 5) S 71°10'00" E, 291.00 feet
- 6) S 53°40'00" E, 63.00 feet
- 7) S 06°10'00" E, 67.00 feet
- 8) S 68°00'00" E, 53.00 feet
- 9) N 72°40'00" E, 153.00 feet
- 10) S 61°40'00" E, 77.00 feet
- 11) S 36°55'57" E, 77.71 feet

to the Westerly boundary of a parcel of land known as Parcel 2941 and described in Book 267 at Page 284 of the Eagle County Records; thence departing said Lot 21 and along the boundary of said Parcel 2941 the following two (2) courses;

- 1) S 03°44'56" W, 207.00 feet
- 2) S 72°07'36" E, 429.63 feet

to the centerline of Brush Creek and the Westerly boundary of a parcel of land known as Parcel 3021 and described in Book 267 at Page 285 of the Eagle County Records; thence departing said Parcel 2941 and along the centerline of Brush Creek being the Southerly boundary of said Parcel 3021 the following six (6) courses;

- 1) S 31°39'57" E, 53.39 feet
- 2) S 16°59'49" W, 71.60 feet

- 3) S 53°08'26" E, 47.56 feet
- 4) N 61°23'55" E, 71.52 feet
- 5) S 83°17'34" E, 65.14 feet
- 6) S 13°37'22" E, 160.18 feet

thence departing said centerline of Brush Creek and continuing along said Parcel 3021 N 23°28'24" E, 398.03 feet to the Northeast corner of said Parcel 3021; thence N 23°28'24" E, 12.48 feet to the Southerly Right-of-Way fence line of Eagle County Road P-307; thence along said fence line S 49°34'51" E, 413.93 feet; thence along said fence line S 65°18'22" E, 246.49 feet to the Northwest corner of a parcel of land described in Book 214 at Page 083 of the Eagle County Records; thence along said parcel the following two (2) courses;

- 1) S 11°27'00" E, 127.03 feet
- 2) S 21°52'00" E, 62.00 feet

to the Northwest corner of Lot 33 of said Brush Creek Stables subdivision as conveyed in Book 573 at Page 801 of the Eagle County Records; thence along the boundary said Lot 33 and along the boundary of Tract C of the said Brush Creek Stables subdivision the following four (4) courses;

- 1) S 30°22'05" W, 321.32 feet
- 2) S 73°26'25" E, 226.70 feet
- 3) 182.04 feet along the arc of a non-tangent curve to the right having a radius of 50.00 feet, the chord of which bears S 29°08'32" E, 96.90 feet
- 4) S 14°50'27" E, 528.71 feet

to the South boundary of said Brush Creek Stables; thence along said South boundary N 68°30'00" W, 1707.00 feet to Corner 1 of Tract 88, also being Corner 2 of Tract 60, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the North boundary of said Tract 88 also being the South boundary of Tract 59 S 89°58'55" W, 1401.96 feet to Corner 1 of Tract 57 also being Corner 5 of Tract 59, a 3 1/2 inch diameter Brass Cap on a 2 inch diameter iron pipe, stamped "Eagle County Surveyor -1978", found in place; thence along the East boundary of said Tract 57 being also the West boundary of Tract 88 S 01°58'11" E, 1276.98 feet to Corner 1 of Tract 70 being also Corner 4 of Tract 57, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence along the East boundary of Tract 70 being also the West boundary of Tract 88 S 00°04'36" E, 2225.20 feet from which Corner 3 of Tract 88 bears S 00°04'36" E, 461.58 feet; thence departing said Tract lines and continuing along the boundary of said Brush Creek Stables subdivision the following nine (9) courses;

- 1) S 89°55'00" W, 1744.14 feet
- 2) S 01°19'13" E, 3802.00 feet

- 3) S 88°40'47" E, 65.00 feet
- 4) N 01°19'13" E, 150.00 feet
- 5) S 88°40'47" E, 759.56 feet
- 6) N 01°19'13" E, 1182.39 feet
- 7) N 74°23'52" W, 1943.91 feet
- 8) N 00°01'50" E, 519.37 feet

to the Southeast corner of said Eichler Tract; thence N 00°01'50" E, 216.16 feet to the Point of Beginning; containing 300.002 acres, more or less.

EAGLE RANCH No. 2

Legal Description

All of that tract or parcel of land situate in Tracts 44, 55, 56, 57, 58 and 70, Sections 9 and 16, Township 5 South Range 84 West of the Sixth Principal Meridian according to the Independent Resurvey Supplemental Plat thereof as approved by the Survey General on June 20, 1922; County of Eagle, State of Colorado; being a portion of those lands conveyed by special warranty deed from Colorado Eagle Ranch at Brush Creek Limited Liability Company, a Wyoming limited liability company to West Eagle Ranch LLC, a Delaware limited liability company dated February 19, 1997 and recorded in the Eagle County Clerk and Records Office in Book 719 at Page 074 on February 21, 1997; and being more particularly described as follows, with all bearings contained herein based upon N 00°33'00" W between Town of Eagle Street Monuments found at the intersections of Fifth Street and Broadway and at Second Street and Broadway both being an iron pin in a street monument box, to wit:

Beginning at Corner 8 of said Tract 44 being also Corner 5 of Tract 38, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place, from which said Town of Eagle Street Monument at Fifth Street and Broadway bears N 28°55'09" W, 5274.65 feet; thence along the 7-8 line of Tract 44, being also the South line of Tract 38 N89°23'19" E, 335.21 feet to the Southerly Right-of-Way line of Brush Creek Road, being also Eagle County Road P-307 as described in Book 470 at Page 381 of the Eagle County Records; thence along said Right-of-Way the following three (3) courses;

- 1) 118.16 feet along the arc of a curve to the left having a central angle of 07°38'59", radius of 885.00 feet, tangent of 59.17 feet and the chord of which bears S 49°22'48" E, 118.07 feet
- 2) S 53°12'17" E, 40.08 feet
- 3) S 57°07'58" E, 123.21 feet

to a point on the extension of the Westerly line of The Colorado River & Eagle Company Rural Homesites Nos. 1, 2 and 3 subdivision as recorded in Book 377 at Page 893 of the Eagle County Records; thence along said extension and continuing along said Right-of-Way S 22°53'36" W, 8.58 feet to the Northwest corner of said subdivision; thence departing said Right-of-Way and along the boundary of said subdivision the following three (3) courses;

- 1) S 22°53'36" W, 30.74 feet
- 2) S 13°43'27" W, 307.62 feet
- 3) S 08°38'23 W, 118.13 feet

to the centerline of Brush Creek; thence along said Brush Creek centerline and

continuing along the boundary of said subdivision the following eight (8) courses;

- 1) S 53°29'25" E, 176.59 feet
- 2) S 66°46'08" E, 196.66 feet
- 3) S 36°25'58" E, 142.34 feet
- 4) S 71°11'41" E, 106.93 feet
- 5) N 59°17'26" E, 89.27 feet
- 6) S 57°35'51" E, 83.00 feet
- 7) N 79°25'00" E, 132.00 feet
- 8) S 45°59'33" E, 185.78 feet

to the Southeast corner of said The Colorado River & Eagle Company Rural Homesites Nos. 1, 2 and 3 subdivision, being a point on the Westerly boundary of a parcel of land known as the Eichler Tract and described in Book 189 at Page 147 of the Eagle County Records; thence departing said subdivision and Brush Creek centerline and along the said Westerly boundary of the Eichler Tract S 00°05'34" E, 251.83 feet to the Southwest corner of said Eichler Tract, an 8 inch diameter Cedar Post with 2" x 4" Aluminum Tag stamped "API EICHLER TRACT" found; thence continuing along said Eichler Tract boundary S 87°14'13" E, 139.19 feet, being also the point of beginning of Brush Creek Stables subdivision as described in Book 404 at Page 163 of the Eagle County Records; thence departing said Eichler Tract boundary and along said Brush Creek Stables subdivision boundary the following eight (8) courses;

- 1) S 00°01'50" W, 519.37 feet
- 2) S 74°23'52" E, 1943.91 feet
- 3) S 01°19'13" W, 1182.39 feet
- 4) N 88°40'47" W, 759.56 feet
- 5) S 01°19'13" W, 150.00 feet
- 6) N 88°40'47" W, 65.00 feet
- 7) S 01°19'13" W, 3802.00 feet
- 8) N 89°55'00" E, 1744.14 feet

to the 4-1 line of Tract 70, being also the 2-3 line of Tract 88 from which Corner 1 of Tract 70, being a 2 1/2" diameter G.L.O. Brass Cap Monument found in place, bears N 00°04'36" W, 2225.20 feet; thence departing said subdivision and along said Tract line S 00°04'36" E, 461.58 feet to Corner 3 of said Tract 88, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place; thence continuing along said 4-1 line of Tract 70 S 00°15'39" E, 2663.76 feet to Corner 4 of said Tract 70, being also Corner 1 of Tract 71, from which a 2 1/2 inch diameter Aluminum Cap Monument properly marked and stamped 10.00' W.C. - LS 23089 - 1992 bears N 88°29'52" W, 10.00 feet; thence along the 3-4 line of Tract 70 being also the 1-2 line of Tract 71, N 88°29'52" W, 1404.69 feet to Corner 2 of Tract 71, a 2 1/2 inch diameter G.L.O. Brass Cap Monument

found in place, thence along said 3-4 line S 89°18'50" W, 2803.24 feet, from which point Corner 3 of Tract 70, a 2 1/2 inch diameter G.L.O. Brass Cap Monument found in place, bears S 89°18'50" W, 1401.62 feet; thence departing said line N 00°17'22" W, 5333.78 feet to a point on line 1-2 of said Tract 70, being also the 3-4 line of said Tract 57, from which said Corner 1 of Tract 70, bears N 89°48'28" E, 4218.38 feet; thence N 00°23'11" E, 5252.06 feet to the Point of Beginning;

excepting therefrom; a parcel of land known as PARCEL 1719, described in Book 292 at Page 427 of the Eagle County Records containing 1.00 acres, more or less;

said tract or parcel of land containing 689.598 acres, more or less, in gross.

Legal Description of Annexation Property

A portion of Tract 60, within Section 10, Township 5 South, Range 84 West of the Sixth Principal Meridian, Eagle County, Colorado, being more particularly described as follows:

Beginning at corner number 2 of said Tract 60, being also corner number 1 of Tract 88; thence along the westerly line of Tract 60 S 00° 17' 56" W, 1154.01 feet to corner number 3 of Tract 60, being also corner number 8 of said Tract 88; thence along the southerly line of Tract 60 S 87° 27' 26" E, 2263.31 feet to the southwesterly corner of Tract D, Brush Creek Stables, as recorded in Book 404 at Page 163, Eagle County records; thence departing the southerly line of Tract 60 and along the southwesterly line of Tract D and Tract C, said Brush Creek Stables N 46° 41' 49" W, 916.23 feet to the southeasterly corner of Tract T, Eagle Ranch, Filing No. 8, as recorded at Reception No. 764413, Eagle County records; thence along the southerly line of said Tract T N 68° 30' 00" W, 1707.16 feet to the Point of Beginning, said parcel containing 36.618 acres, more or less



To: Mayor and Town Council

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

Date: January 11, 2022

Agenda Item: Resolution No. 02, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Special Use Permit for 706 Chambers Avenue"

REQUEST:

The applicant, Dave Dantas, is requesting a Special Use Permit to change the use category of the second-floor residential units in the existing structure from one single dwelling unit – accessory to a use permitted (Accessory Residential) to Dwelling units – above street level.

INTRODUCTION:

The existing two-story structure at 706 Chambers Avenue contains six 2-bedroom residential units and four commercial units. Two of the residential units are on the first floor and the remaining residential units are on the second floor. The property is located in the Commercial General (CG) zone district. The residential units were originally approved through a Special Use Permit in 2017 as Accessory Residential. The applicant is applying for a new Special Use Permit that would change the use of the upstairs residential units to Dwelling units – above street level.

The current Accessory residential use requires a one-to-one ratio of residential to commercial for each unit to meet the definition of Accessory. This request to change the residential use would remove the one-to-one ratio restriction. Without this restriction, the applicants would have the ability to subdivide the upstairs residential separate from the commercial. The two (2) street level residential units would remain as Accessory residential under the existing Special Use Permit. A similar request was granted in early 2021 for the adjacent property to the west. The staff report from this application can be accessed through this [LINK](#).

The Planning & Zoning (P&Z) Commission reviewed the Application on December 7, 2021 and recommended approval with conditions. Minutes from the meeting are included as an attachment in the packet.

ANALYSIS:

Staff reviewed the application against the four standards for a Special Use Permit outlined in Section 4.05.010.A.1.a of the Land Use and Development Code. The staff report for the December 7, 2021 P&Z Commission meeting provides staff's full analysis of the application against each of the standards. The staff report can be accessed through this [LINK](#). In summary, staff finds the application meets the standards for a Special Use Permit with a condition of approval.

COMMUNITY INPUT:

No public comments have been received as of January 5, 2022.

BUDGET / STAFF IMPACT:

The application does not impact the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This development meets Town Council's major objective to diversify the attainable housing stock. The building on Lot D contains six 2-bedroom residential units that provide an alternative option to the Town's housing stock that is primarily comprised of single-family homes (~80%).

RECOMMENDED ACTION OR PROPOSED MOTION:

The P&Z Commission reviewed the Special Use Permit application during the December 7th meeting and has recommended approval of the application with a condition of approval intended to address concerns with the compatibility between the residential use and the surrounding uses.

The condition of approval is as follows:

1. The common interest ownership declaration for the Property shall include an advisement that the residential units are located in a commercial zone and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.

Suggested Motion:

I move to APPROVE Resolution No. 02, Series 2022, A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Special Use Permit for 706 Chambers Avenue.

ATTACHMENTS:

- Application and Narrative
- Site Plan ([LINK](#))
- Aerial and Site Photos
- PZ Minutes Dated December 7, 2021
- Resolution No. 02, Series 2022



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION REVIEW
☐ Special Use Permit	☐ Minor Development Permit	☐ Concept Plan
☐ Zoning Variance	☐ Major Development Permit	☐ Preliminary Plan
☐ Rezoning		☐ Final Plat
☐ Temporary Use Permit	PLANNED UNIT DEVELOPMENT (PUD) REVIEW	☐ Lot Line Adjustment
☐ Amendment to Zone District Regulations	☐ PUD Zoning Plan	☐ Condominium / Townhouse
☐ Encroachment Permit	☐ PUD Development Plan	☐ Minor Subdivision

PROJECT NAME Lot 4, Building C, Chambers Avenue Condominiums

PRESENT ZONE DISTRICT _____ PROPOSED ZONE DISTRICT _____
(if applicable)

LOCATION

STREET ADDRESS 700 Chambers Ave, Building D

PROPERTY DESCRIPTION

SUBDIVISION 700 Chambers Ave LOT(S) 3 BLOCK _____
(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE I am seeking approval to change the residential use from "One Single Dwelling Unit - Accessory to a use permitted" to "Dwelling Units Above Street Level." (Please see attached narrative for further information.)

APPLICANT NAME Dave Dantas PHONE 970-376-6111

ADDRESS Po Box 2322, Avon, CO 81620 EMAIL dave@dwdantas.com

OWNER OF RECORD _____ PHONE _____

ADDRESS _____ EMAIL _____

REPRESENTATIVE* _____ PHONE _____

ADDRESS _____ EMAIL _____

*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

APPLICATION SUBMITTAL ITEMS:

The following submittal materials must be submitted in full before the application will be deemed complete (please check all items that are being submitted):

- ☐ Applicable fees and deposits.
- ☐ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☐ Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- ☐ Proof of Ownership & encumbrance report) for subject property.
- ☐ Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- ☐ Project specific checklist.

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

1. Application fees shall be paid in full at the time of the filing of the application and unless paid, the application shall not be deemed complete. All fees are nonrefundable.
2. As described in Eagle Municipal Code § 4.03.080, third-party consultants may be necessary for the review and processing of applications. These costs ("pass-through costs") must be paid by the applicant. If pass-through costs are expected, the applicant must pay a deposit at the time the application is filed. If at any time the deposit does not fully cover the pass-through costs, the applicant must pay another subsequent deposit before the Town will continue processing the application.
3. The Town may withhold the recording of any Subdivision Final Plat or Development Plan or the signing of any Resolution or Ordinance until all pass-through fees are paid in full.
4. Within 30 days of approval or denial of an application, any remaining deposit shall be returned to the applicant. If an application is withdrawn, any remaining deposit shall be returned to the applicant within 60 days.

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

Signature

Date

FOR OFFICE USE ONLY	
DATE RECEIVED _____	BY _____
REVIEW FEE _____	DATE PAID _____
DATE CERTIFIED COMPLETE _____	BY _____
P&Z HEARING DATE _____	DECISION _____
BOT HEARING DATE _____	DECISION _____
FILE NUMBER _____	
RECEIVED BY _____	

Narrative Attachment

For Land Use & Development Application for Lot 4, Building D, Chambers Avenue Condominiums

Date of Application 04/08/2021

We are seeking approval for a new Special Use Permit to change the residential use in Building D, Lot 4, at 700 Chambers Avenue. We would like to change from *One Single Dwelling Unit- Accessory to a use permitted to Dwelling units-above street level*. This new residential use would allow all of the buildings at 700 Chambers Ave and Sawatch Ave to have the same designation. The accessible residential units on the ground floor would each be accessory to one of the commercial spaces to continue their Accessory residential status, since those units do not meet the terms of above street level. This is not necessarily a new application in that this application does continue residential use and has no additional impact on neighboring partners from what was approved prior. In this application, we are reconfiguring how the units within the building are deeded in order to comply with the newer *Dwelling units-above street level* residential use.

Agreed Upon Site/ Plat Information

The final plat for Lot 4, Building D of the 700 Chambers Avenue Subdivision conforms to the preliminary plat that was reviewed and approved by the town. The final plat has addressed any concerns that were voiced by the town staff and town's engineers. Lot 4, Building D completes the development that was previously approved by the Town of Eagle and under the current special use permit (file #SU15-05 A). Some information was updated within SU16-07 demonstrating continued conformance to the Town's regulations, goals and policies.

The proposed project meets the standards as provided in Section 4.07.022, including but not limited to setbacks, building massing/form/orientation, architectural detail, landscape/sidewalks, and parking.

The proposed development is in conformance with the Town's goals and policies. The proposal will meet all of the development standards of the Commercial General zone district, as demonstrated in the sections below:

Cost Estimate for All on-site/off site Public improvements:

No Improvements are being constructed.

Variances: No Variances.

Utilities:

Water and sewer lines were extended to serve Lots 2-4 and was guaranteed in a Subdivision Improvement Agreement, which has been fulfilled. Electric, water and sewer have been extended to an easement serving lots 3 and 4 with the service points/connection points already in place. Adequate water and other services were verified as part of the Subdivision Improvement Agreement/review. The civil drawings are part of the original submittal.

Fire Protection Plan:

Though the project is within the 3 mile driving distance from the fire station, the building design will incorporate a fire sprinkler system and be equipped with a monitored alarm system to serve the whole building. During the design build process/layout of sprinkler heads there shall be a review by the Fire Marshal before installation of the systems. During the Special Use Permitting process the connection of the road through the property to Sawatch was reviewed and approved by the Fire Marshal. This connection was a requirement of the, in place, minor subdivision plan.

Lighting Design for Parking:

The lighting design was completed by RAB lighting and was attached to the original submittal. To comply with the lighting ordinance, the designer has targeted a min of 0.5 fc in the parking lot, and a max of 3 fc, with an avg: min of 4:1. This layout provides a min of 0.5 fc, a max of 4.8 fc, and an avg: min of 3.6:1

Compliance with the Town's Goals, Policies, and Regulations

The vision provided in the 2010 Eagle Area Community Plan states: "Eagle will continue to be a high quality livable community through the implementation of strategies that will enhance the Town's unique identity, its economic vitality, its sense of community and the quality and character of the surrounding rural lands."

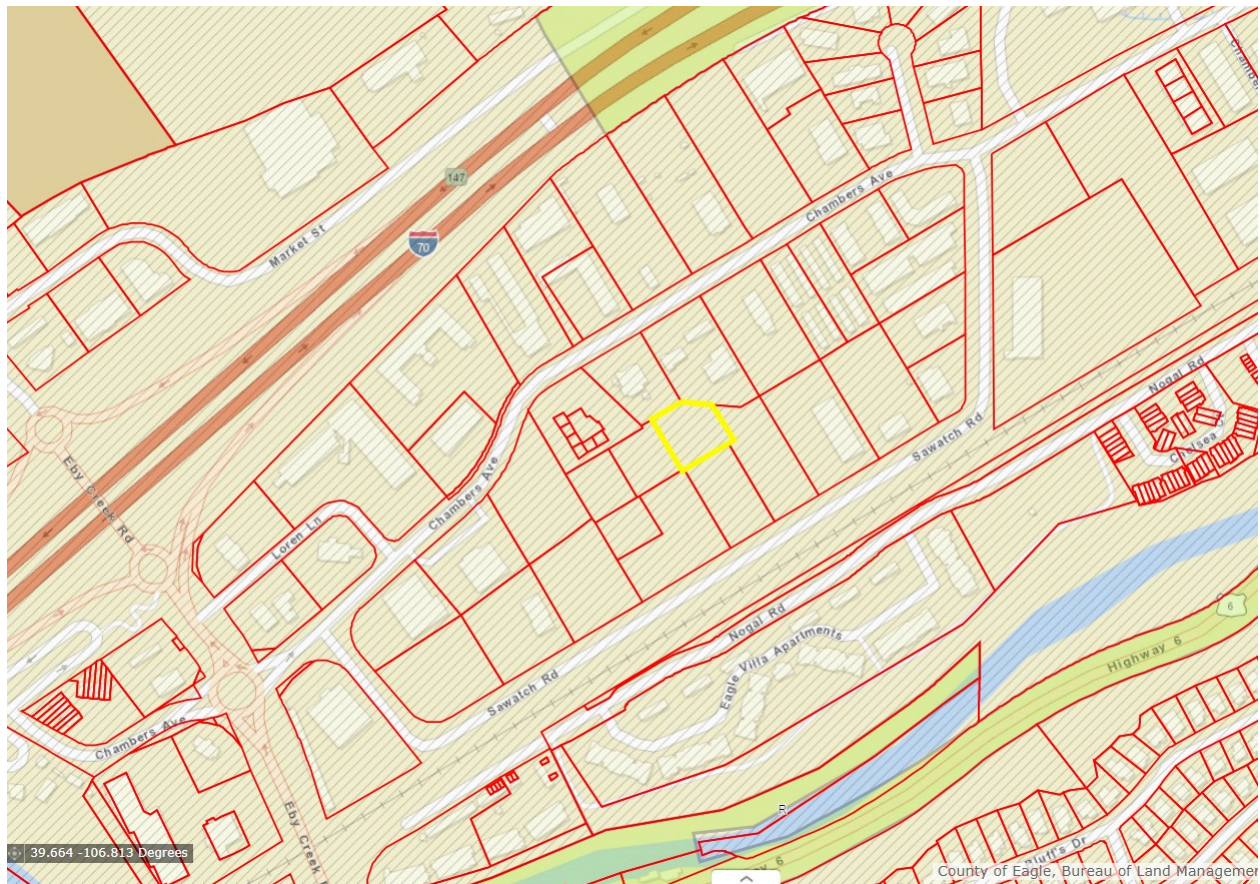
The residential/ commercial park at 700 Chambers is consistent with and in some ways furthers the goals and policies as provided in the 2010 Eagle Area Community Plan. Lot 4, Building D is located close to the town center of Eagle and are located within the Town's Urban Growth Boundary. The building is in a planned residential/ commercial park built with materials and colors that improve the level of appearance in the area of Chambers Avenue through the design of the buildings, the harmonizing colors, and planned landscaping. The signage and future structures will correspond with this level of development and further enhance the appearance of Chambers Avenue.

The Eagle Area Community Plan also provides planning approaches which are vital to the Town's vision statement. Below, we address a few of these approaches we feel our buildings directly influence:

- 1) Concentrate Urban and Infill Development: Lot 4, Building D is located within a platted residential/ commercial subdivision, surrounded by other commercial uses and within walking distance to Eagle town center and other commercial areas located off of Eby Creek Road.
- 2) Maintain the Area's "Sense of Community": the building is located in our residential/ commercial park that is unique, in that it provides recreational opportunities with the climbing gym for the community, which builds on Eagle's reputation for being an active place for residents and visitors. The commercial spaces are attracting businesses that deliver to the

recreational aspect of the town and also businesses that build on the family concept of the climbing gym too. The residential units are attracting tenants who want to be located close to work, those interested in the surrounding businesses, and those wanting to enjoy the local outdoors that are easily accessible via walking, biking, short drives, or the county bus.

- 3) Maintain and Enhance Recreational Opportunities: Recognizing that active recreational opportunities are important to Eagle residents, this residential/ commercial park project provides new opportunities for recreation for families and kids. The climbing gym expands the offerings for families in the valley. Dewey Dabbles is also very popular location for both adults and kids. We are hoping to continue to build upon new family options or businesses that support new options for families.
- 4) Provide Affordable Housing: This project provides a new opportunity for housing within a major commercial center and close to employment opportunities located within walking distance or accessed by the county bus which has a bus stop within a short walking distance. The recreational and family centered businesses have each been a draw for our residential tenants.











MEETING MINUTES
Planning & Zoning Commission
Tuesday, December 7, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

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

PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with access for the public to attend virtually via Zoom.

REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:01 PM.

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins, Jesse Gregg,
Charlie Perkins, Robert Townsend

COMMISSIONERS ABSENT

Kyle Hoiland, Lani Webb, Keegan Winkeller

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner I
Nikki Davis - Administrative Tech II

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

1. Minutes dated November 16, 2021

The approval of the November 16th minutes was tabled to January 4th due to lack of a quorum at the start of the meeting (minimum of four voting members). Chair Hood and Commissioner Perkins both abstained since they were absent from that meeting. Commissioner Nutkins asked for clarification on one of his statements during the Eagle Sinclair Station hearing.

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. Those who are speaking are requested to state their name & address for the record.*

Public comment opened at 6:02 PM. There was no public comment.

PUBLIC HEARING

1. Project: Parking Fee In-Lieu Program
File #: LURA21-05
Applicant: Town of Eagle
Location: Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: For the Planning Commission to provide a recommendation to Town Council on the new Parking Fee In-Lieu Program.

Staff Presentation

Mr. Phillips noted that the current parking standards could inhibit redevelopment or new development on Broadway. In reviewing previous variance approvals, staff uncovered inconsistent application of regulations motivating the Town to initiate a new parking study. Mr. Phillips recapped the findings of the parking study, which built upon a 2017 report and a recent stakeholder group survey. The findings of the new study helped establish the proposed fee of \$23,100 per space along with a new subsection in the Town code for fee in-lieu. The fee will be implemented through the Town's fee schedule; a document adopted annually by Town Council.

Q & A

Commissioner Nutkins asked if this whole section is going to be revamped through Clarion's work and Mr. Phillips replied, that is not the intention.

Chair Hood questioned if the Town's standards require too much parking and if Clarion is assessing the amount of parking required. Mr. Phillips replied that Clarion will review this, however, parking standards will be a minor part of their scope of work.

Public Comment

Public comment opened at 6:10 PM.

Bryan Woods, 212 East Third Street – Mr. Woods believes the parking standards are too high noting that downtown parking only fills up on big event nights. Mr. Woods included that he believes the fee is too high as it relates to maintenance costs for the projected 10 years. Any obligation the Town puts on development is counterproductive to downtown revitalization and the \$23,100 fee per space will impact the cost of living downtown.

Mr. Phillips replied that modifying the proposed \$23,100 fee per space will be a Council decision since it has been removed from Title 4 and added to the fee schedule.

Commissioner Townsend supported the added option which allows a developer to build parking spaces on the Town's right-of-way. Mr. Wike replied this idea came from a recent work session and the Mayor had positive feedback on the proposed fee. Mr. Wike included that the high cost of land, especially downtown, helps offset this fee.

Chair Hood echoed that staff should review the number of parking spaces to ensure the requirement is not too restrictive. This program should be an aid to developers, not a barrier. Mr. Phillips agreed stating the Town is trying to provide another option for developers and possible hardships.

Public comment closed at 6:18 PM.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE THE CODE AMENDMENT TO CHAPTER 4.07, DEVELOPMENT STANDARDS, 4.07.140 PARKING STANDARDS OF THE TOWN OF EAGLE MUNICIPAL CODE, TITLE 4 – LAND USE AND DEVELOPMENT CODE TO IMPLEMENT THE TOWN OF EAGLE PARKING FEE IN-LIEU PROGRAM. THE MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

Chair Hood closed file LURA21-05.

PUBLIC HEARING

2. Project: 706 Chambers Avenue Special Use Permit
 File #: SU21-06
 Applicant: Dave Dantas Chambers 700 LLC
 Location: 706 Chambers Avenue
 Staff Contact: Peyton Heitzman, Planner I
 Request: Request for a Special Use Permit to change the use category of the second-floor residential units in the existing structure from *One single dwelling unit – accessory to a use permitted to Dwelling units above*.

Staff Presentation

Ms. Heitzman presented this file. The Commission heard and recommended approval for a similar application in the spring for Lot D, an adjacent property. In 2017, the undeveloped property received a Special Use Permit which allowed for the construction of a building with residential above commercial units with the exception of two ground floor residential units. The accessory residential units were required to maintain a 1:1 ratio with a commercial unit. Now, the applicant is requesting to reclassify the residential units upstairs from accessory residential to dwelling units above street level. This change would permit residential units to subdivide separate from the commercial units.

Ms. Heitzman reviewed the four conditions for obtaining a Special Use Permit. She noted that while this project is in substantial compliance with the conditions, there may be potential conflicts with a couple standards. The Comprehensive Plan (Comp Plan) states that residential in the commercial zone district should be reserved for workforce housing that directly supports onsite commercial. Staff believes that subdividing residential from commercial would diminish the onsite workforce housing classification as the units will likely house different tenants under individual ownership. Furthermore, there are concerns with incompatibility between residential and nearby commercial uses. There have been noise complaints from an outdoor kennel on an adjacent property. Staff has tried to address this with a condition of approval that requires the property owner to notify residents about the noise.

Staff recommended approval with a condition: that residents are advised they are choosing to live in a commercial zone district where additional noise can be generated.

Applicant Presentation

The applicant representative, Ashley Patriacca, was present on Zoom. Ms. Patriacca noted that their leasing documents address the higher level of noise compared to a residential area. Many of the existing tenants have experienced no problems and new tenants are made aware. As for the reclassification of Building D, Ms. Patriacca reiterated this request was approved for Building C. To comply with the Town's requirements in the past, the property owner constructed two accessory units in the lower level of Building C to meet accessibility standards. Ms. Patriacca added that the change in classification helps with financing these buildings.

Public Comment

Public comment opened at 6:30 PM. There was no public comment.

Discussion

Commissioner Gregg supported the request, commenting that the uses are established and compatible. Commissioner Gregg added that the Commission knew the nearby kennel would be loud, but it should not be a reason for denial. Commissioner Perkins agreed stating the change allows developers more flexibility.

Commissioner Nutkins expressed a different opinion, questioning if this reclassification would lead to an apartment complex in the commercial zone district. He argued that the intent was to create onsite employee housing and this application does not support that concept. The reclassification would enable developers to sell units individually, creating a risk for further increased rental rates. Chair Hood agreed stating this request does not meet the original standards of the 1:1 ratio. The change would not help workforce housing.

Chair Hood invited Dave Dantas, the applicant, to provide additional context to support the request. Mr. Dantas stated they are seeking the same rights as the approval for Building C. Additionally, contrary to previous staff's assessment, Mr. Dantas and his development team do not view the entire project as a whole because the lots have been subdivided. Ms. Patriacca argued they thought they were following the Town's standards by constructing two ground-floor accessible units in Building C. However, those units now make it difficult to comply with the 1:1 vertical model.

Mr. Phillips emphasized that when considering approval or denial of a Special Use Permit, staff's intent is to determine whether the requested use is permitted on the requested site. Mr. Phillips encouraged the Commission to return to the Comp Plan and Title 4 and to cite any policies or regulations that do not support this application.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE FILE # SU21-06: REQUEST FOR A SPECIAL USE PERMIT TO CHANGE THE USE CATEGORY OF THE SECOND-FLOOR RESIDENTIAL UNITS IN THE EXISTING STRUCTURE FROM ONE SINGLE DWELLING UNIT – ACCESSORY TO A USE PERMITTED TO DWELLING UNITS ABOVE STREET LEVEL WITH THE FOLLOWING CONDITION OF APPROVAL:

- 1. THE COMMON INTEREST OWNERSHIP DECLARATION FOR THE PROPERTY SHALL INCLUDE AN ADVERTISEMENT THAT THE RESIDENTIAL UNITS ARE LOCATED IN A COMMERCIAL ZONE AND THAT RESIDENTS SHOULD ANTICIPATE THE NOISE GENERATED FROM COMMERCIAL USES IN THE AREA TO BE GREATER THAN THAT IN A RESIDENTIAL NEIGHBORHOOD.**

MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 3 IN FAVOR (TOWNSEND, PERKINS, GREGG) AND 2 OPPOSED (HOOD, NUTKINS).

Chair Hood closed file SU21-06.

BUSINESS ITEMS

1. Adoption of the 3-Mile Plan

Public comment opened at 6:54 PM. There was no public comment.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE RESOLUTION 04, SERIES 2021 “A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO, ADOPTING A THREE MILE PLAN FOR THE TOWN OF EAGLE, COLORADO.” MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

Chair Hood closed Adoption of the 3-Mile Plan.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE *Staff updated to the Planning & Zoning Commission on recent work, upcoming files, and decisions made by Town Council.*

1. Department and Council Update: December 7, 2021

Mr. Phillips included a brief update on the first Land Use and Development Code (LUDC) Update Committee meeting with Clarion. Mr. Phillips stated the intent was not to get into the details of the process but more simply, to review Clarion’s code assessment report. To comply with Home Rule statutes, a Chair and Vice Chair will be selected though as an advisory group, the committee will not vote on any decisions. Furthermore, as the committee progresses, updates will be shared with both the Planning Commission and Council.

OPEN DISCUSSION

There is no Planning Commission meeting on December 21st. Instead, the next scheduled meeting will be January 4th.

ADJOURN

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. THE MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

MEETING ADJOURNED AT 6:58 PM.

APPROVED:

DATE:

Matthew Hood, Chairman

Nikki Davis
Nikki Davis, Administrative Tech II

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 02
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A SPECIAL USE PERMIT FOR 706 CHAMBERS AVENUE TO ALLOW
DWELLING UNITS ABOVE STREET LEVEL

WHEREAS, CHAMBERS 700 LLC owns the real property located at 706 Chambers Avenue, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on November 2, 2021, Dave Dantas (the "Applicant") submitted an application for approval of a Special Use Permit to change the use category of the second-floor residential units in the existing structure on the Property from Accessory Residential to Dwelling Units – Above Street Level (the "Application");

WHEREAS, on December 7, 2021, the Planning Commission held a properly-noticed public hearing to consider the Application, and recommended approval of the Application;

WHEREAS, on January 11, 2022, the Town Council held a properly-noticed public hearing to consider the Application; and

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

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

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

Section 2. Based on the foregoing findings, the Town Council hereby approves the Special Use Permit for 706 Chambers Avenue, subject to the following conditions: the common interest ownership declaration for the Property shall include an advisement that the residential units are located in a commercial zone and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 02
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A SPECIAL USE PERMIT FOR 706 CHAMBERS AVENUE TO ALLOW
DWELLING UNITS ABOVE STREET LEVEL

WHEREAS, CHAMBERS 700 LLC owns the real property located at 706 Chambers Avenue, Town of Eagle, Eagle County, Colorado (the "Property");

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WHEREAS, on December 7, 2021, the Planning Commission held a properly-noticed public hearing to consider the Application, and recommended approval of the Application;

WHEREAS, on January 11, 2022, the Town Council held a properly-noticed public hearing to consider the Application; and

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

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

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

Section 2. Based on the foregoing findings, the Town Council hereby approves the Special Use Permit for 706 Chambers Avenue, subject to the following conditions: the common interest ownership declaration for the Property shall include an advisement that the residential units are located in a commercial zone and that residents should anticipate the noise generated from commercial uses in the area to be greater than that in a residential neighborhood.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

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

Date: January 11, 2022

Agenda Item: Resolution No. 03, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for 706 Chambers Avenue"

REQUEST:

The applicant, Dave Dantas, is requesting approval of a Final Plat to subdivide 706 Chambers Avenue into eight (8) Condominium Units and defining common and limited common elements.

INTRODUCTION:

The property received approval for a minor development permit in 2019. The structure has since been constructed and occupied. The project was approved for six residential units and four commercial units. Four of the residential units are on the second floor and two are on the ground floor. Each ground floor residential unit will be combined with a commercial unit as one condominium unit.

The approval to divide property into condominium, duplex, and townhouse units typically foregoes the standard public hearing process. Instead, the application is taken through an administrative hearing process and receives Town Council approval via consent agenda. This file is being presented to the Council under Business Items because its approval is subject to a change in use. The previous file on tonight's agenda, file #SU21-06, was a request for a change in use for the upstairs residential units from Accessory residential to Dwelling units – above street level. The new Special Use Permit, if approved, allows the upstairs residential units to be subdivided separate from the commercial units. The ground floor residential units will maintain their Accessory residential use to a permitted commercial use. A similar approval was granted in early 2021 for the adjacent property to the west. The staff report from this application can be accessed through this [LINK](#).

ANALYSIS:

The Final Plat has been reviewed by Public Works, Planning, the Town Attorney, a third-party surveyor, the Building Official, and the Fire District. Comments have been provided to the applicant. Staff recommends a condition of approval requiring all technical changes be adequately addressed prior to recordation.

Should Town Council approve file # SU21-06, 706 Chambers Avenue Special Use Permit, staff will recommend approval of the subdivision application, finding it in compliance with the Town's subdivision and zoning regulations. If Town Council denies file # SU21-06, the approval of this request would result in a non-conforming zoning situation, leading to staff recommendation for denial.

COMMUNITY INPUT:

No public comments have been received as of January 5, 2022.

BUDGET / STAFF IMPACT:

The application does not impact the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Not applicable.

RECOMMENDED ACTION OR PROPOSED MOTION:

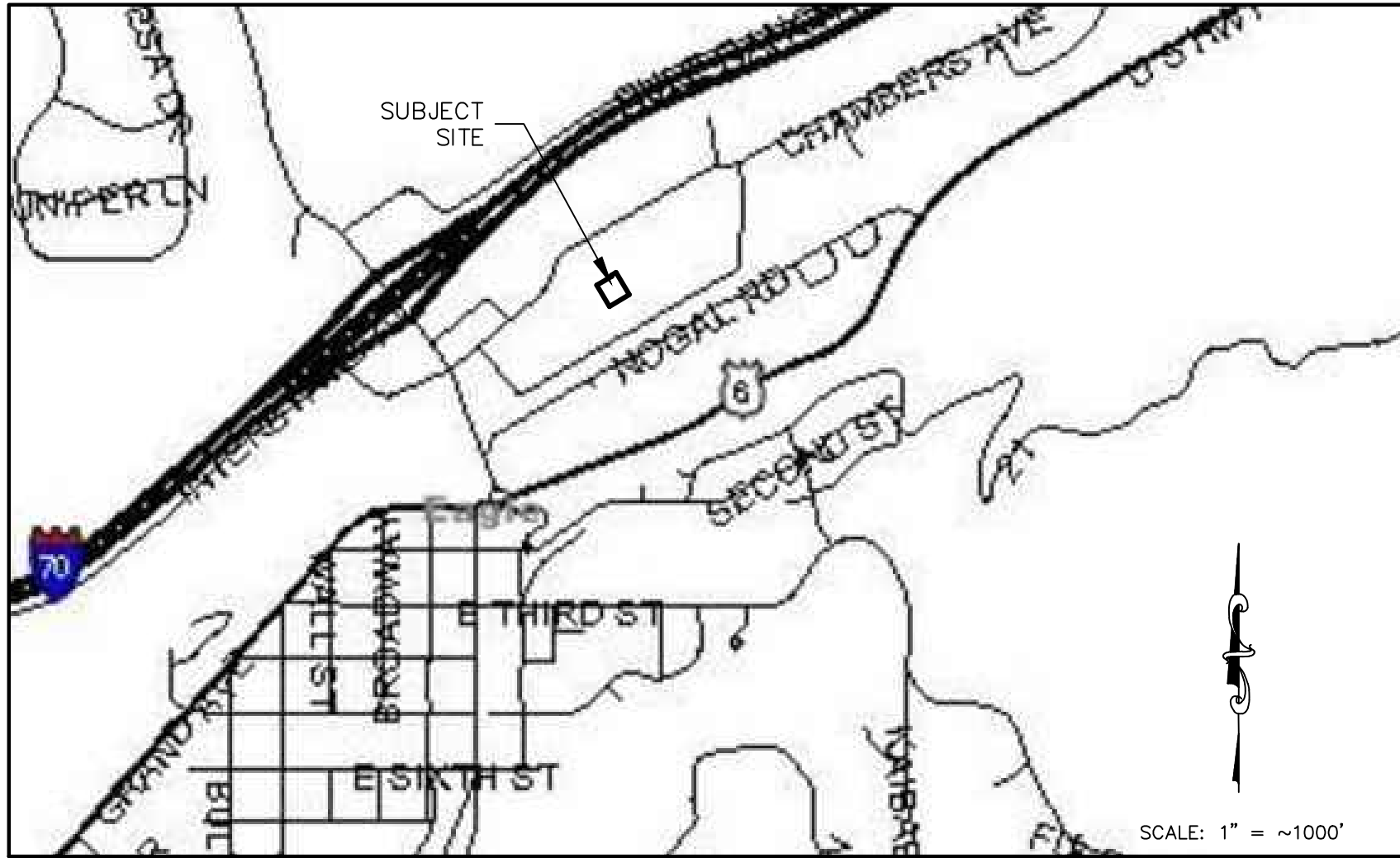
Below are the Town Council's options related to the 700 Chambers Avenue, Lot 3 Final Plat.

1. Approval of Application: I move to APPROVE Resolution No. 03, Series 2022 A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for 706 Chambers Avenue based on the findings and with the conditions of approval set forth in the Resolution of Approval.
2. Tabling of Application: I move to TABLE Resolution No. 03, Series 2022 A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for 706 Chambers Avenue until a future date when the application comes into compliance with all applicable provisions of the Eagle Municipal Code.
3. Denial of Application: I move to APPROVE Resolution No. 03, Series 2022 A Resolution of the Town Council of the Town of Eagle, Colorado Denying the Final Plat for 706 Chambers Avenue, based on the findings of fact set forth in the Resolution of Denial.

ATTACHMENTS:

- Final Plat
- Resolution No. 03, Series 2022

FINAL PLAT
CHAMBERS AVENUE CONDOMINIUMS, LOT D
A RESUBDIVISION OF LOT 4
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



VICINITY MAP

Town Council Certificate

This plat approved by the Town Council of the Town of Eagle, Colorado, this ____ day of _____, A.D., 2021, for filing with the Clerk and Recorder of Eagle County, Colorado; subject to the provisions that approval in no way obligates the Town of Eagle for financing or constructing of improvements on said lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council of the Town of Eagle. Further, said approval in no way obligates the Town of Eagle for maintenance of public improvements until construction of said improvements has been completed in accordance with the Town of Eagle's specifications and the Town of Eagle has agreed to accept said improvements. This approval does not guarantee that the size, soil conditions, sub-surface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit, development permit or any other required permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the owners designated hereon and not the Town of Eagle, unless otherwise specifically agreed to in writing by the Town Council.

Town of Eagle, Colorado

By: _____
Mayor

Witness my hand and seal of the Town of Eagle, Colorado

ATTEST:

Town Clerk

Title Certificate

Land Title Guarantee Company does hereby certify that it has examined the title to all lands shown on this Plat and that title to such lands is vested in Chamber 700 LLC, a Colorado limited liability company, free and clear of all liens and encumbrances, except as follows:

Executed this ____ day of _____, A.D., 2021.

Title Examiner

Certificate of Ownership

We, Chambers 700 LLC, a Colorado limited liability company, the sole owner in fee simple of all that real property described as follows:

Lot 4, 700 Chambers Avenue Subdivision, a Resubdivision of Lot 1, according to the plat thereof recorded September 8, 2014 at Reception No. 201415291, County of Eagle, State of Colorado

have by these presents laid out, platted and subdivided the same into units as shown on this plat and designate the same as Chambers Avenue Condominiums, Lot D, situated in the Town of Eagle, County of Eagle, State of Colorado.

We hereby accept the responsibility for the completion of all required public improvements for the Subdivision, and further, hereby grant the right to install and maintain all necessary structures to the entity responsible for providing the services for which the easements are established.

We further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the offices of the Clerk and Recorder of Eagle County, Colorado, in Book ____ at Page _____, as Document No. _____.

EXECUTED this ____ day of _____, A.D., 2021.

Owner: Chambers 700 LLC
a Colorado limited liability company

By: _____

Title: _____

STATE OF _____)

_____)SS

COUNTY OF _____)

The foregoing Certificate of Ownership was acknowledged before me this ____ day of _____, A.D., 2021, by _____ as _____ of Chambers 700 LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

Mortgagee or Lienholders Certificate

Creekside DTS, LLC does hereby certify that it is the holder of a deed of trust against the lands shown on this plat and hereby consents to the subdivision of the lands shown hereon.

EXECUTED this ____ day of _____, A.D., 2021.

By: _____

Title: _____

STATE OF _____)

_____)SS

COUNTY OF _____)

The foregoing Certificate of Ownership was acknowledged before me this ____ day of _____, A.D., 2021, by _____ as _____ of Creekside DTS, LLC.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

Surveyor's Certificate

I, Samuel H. Ecker, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of Chambers Avenue Condominiums, Lot C, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and/or under my supervision and correctly shows the location and dimensions of the units, and lot staked upon the ground in compliance with Title 38, Article 51, C.R.S., as amended, and all other regulations governing the subdivision of land.

Executed this 7th day of June, A.D., 2021.

Samuel H. Ecker
Colorado P.L.S. No. 30091



GENERAL NOTES:

- 1) DATE OF SURVEY: JUNE, 2021.
- 2) BEARINGS BASED UPON THE LINE CONNECTING THE MONUMENTS FOUND IN PLACE MARKING THE SOUTHWESTERLY CORNER OF THE SUBJECT PROPERTY, A No. 5 REBAR WITH A 1 1/2" ALUMINUM CAP, P.L.S. No. 37924 AND THE NORTHWESTERLY CORNER OF THE SUBJECT PROPERTY, A No. 5 REBAR WITH A 1 1/2" ALUMINUM CAP, P.L.S. No. 37924, SAID BEARING BEING N30°52'00"W (ASSUMED) (SEE SHEET 2).
- 3) MONUMENTATION AS INDICATED HEREON.
- 4) THE PURPOSE OF THIS PLAT IS TO CREATE THE CONDOMINIUM UNITS AND THEIR ASSOCIATED LIMITED COMMON ELEMENTS AND GENERAL COMMON ELEMENTS AS INDICATED HEREON.
- 5) THE BOUNDARY DIMENSIONS, EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE PER THE RECORD PLAT FOR THE SUBJECT PROPERTY AND TITLE SEARCH PERFORMED BY LAND TITLE GUARANTEE COMPANY, ORDER No. V50061874, DATED MAY 26, 2021 AT 5:00 P.M.
- 6) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- 7) ALL REFERENCES TO RECORD DOCUMENTS ARE TO THOSE OF THE REAL ESTATE RECORDS OF THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER.
- 8) UNITS INDICATED HEREON ARE IN U.S. SURVEY FEET.
- 9) DECLARATIONS OR PROTECTIVE COVENANTS FOR THIS SUBDIVISION RECORDED _____ UNDER RECEPTION No. _____.
- 10) UNITS 1A & 1B ARE TO BE TREATED AS ONE UNIT AND CANNOT BE SOLD SEPARATELY.
- 11) UNITS 4A & 4B ARE TO BE TREATED AS ONE UNIT AND CANNOT BE SOLD SEPARATELY.

Certificate of Taxes Paid

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable upon all parcels of real estate described on this plat are paid in full as of _____, A.D., 2021.

Treasurer of Eagle County

Clerk and Recorder's Certificate

This Plat was filed for record in the office of the Eagle County Clerk and Recorder at ____ o'clock ____, on the ____ day of _____, 2021 and is duly recorded at Reception No. _____.

EAGLE COUNTY CLERK AND RECORDER

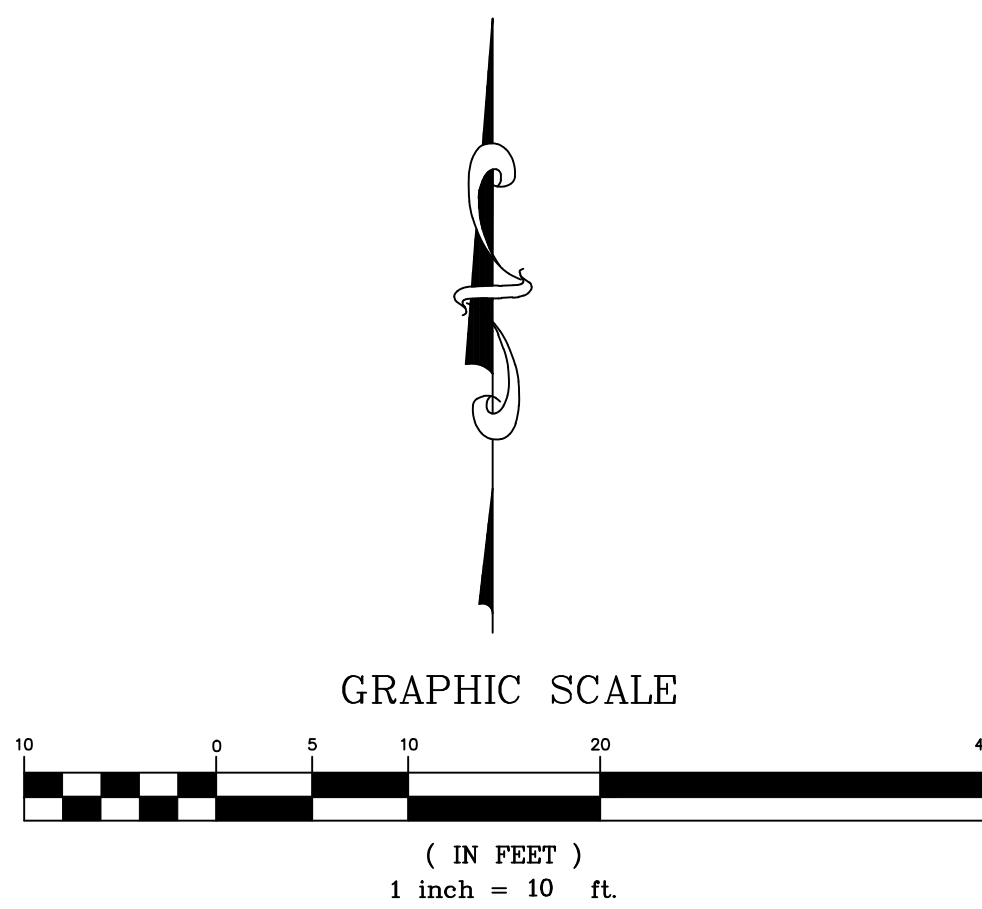
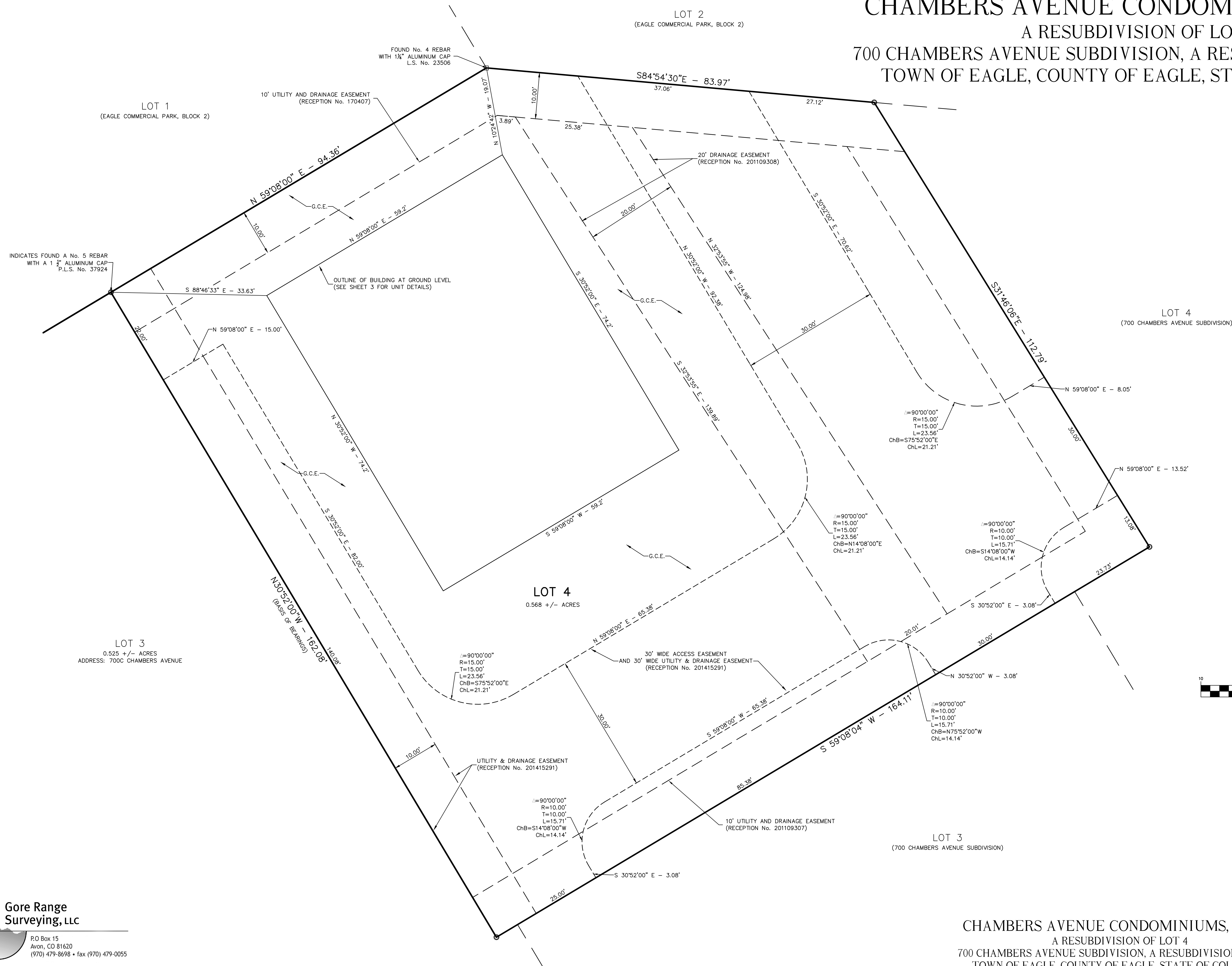
By: _____, Deputy

Declarations or Protective Covenants are filed at Reception No. _____

CHAMBERS AVENUE CONDOMINIUMS, LOT D
A RESUBDIVISION OF LOT 4
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY: SE	DATE: 6/7/2021
CHECKED BY: SE	DRAWING NO.: 17-957 lot D
JOB NO.: 17-957	SHEET 1 OF 3

FINAL PLAT
CHAMBERS AVENUE CONDOMINIUMS, LOT D
A RESUBDIVISION OF LOT 4
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

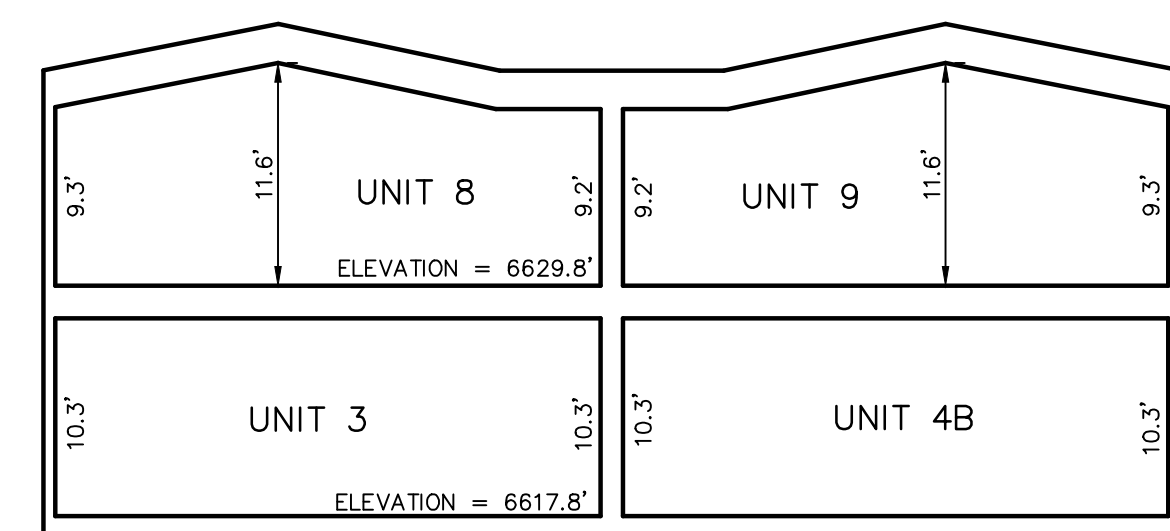
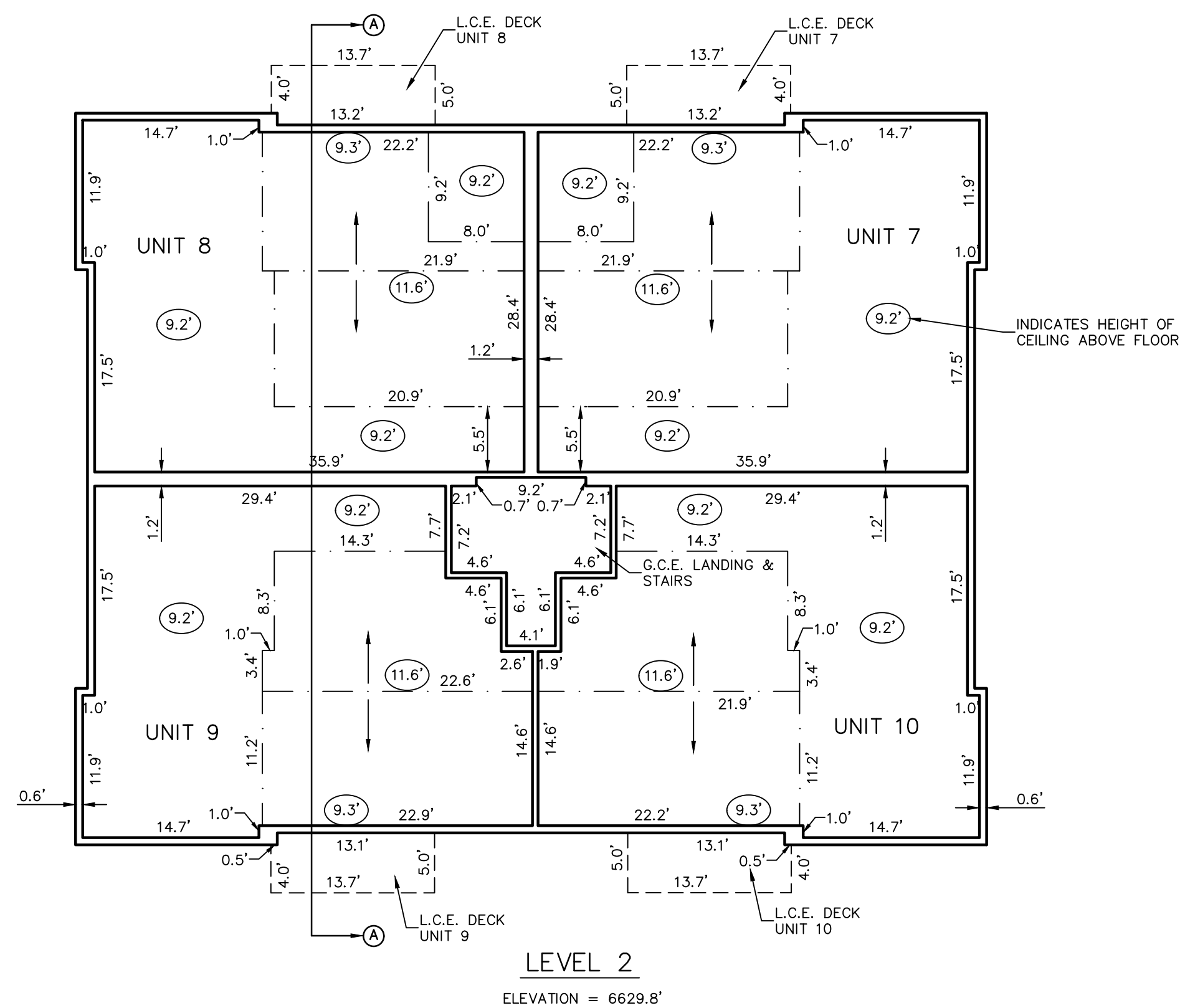
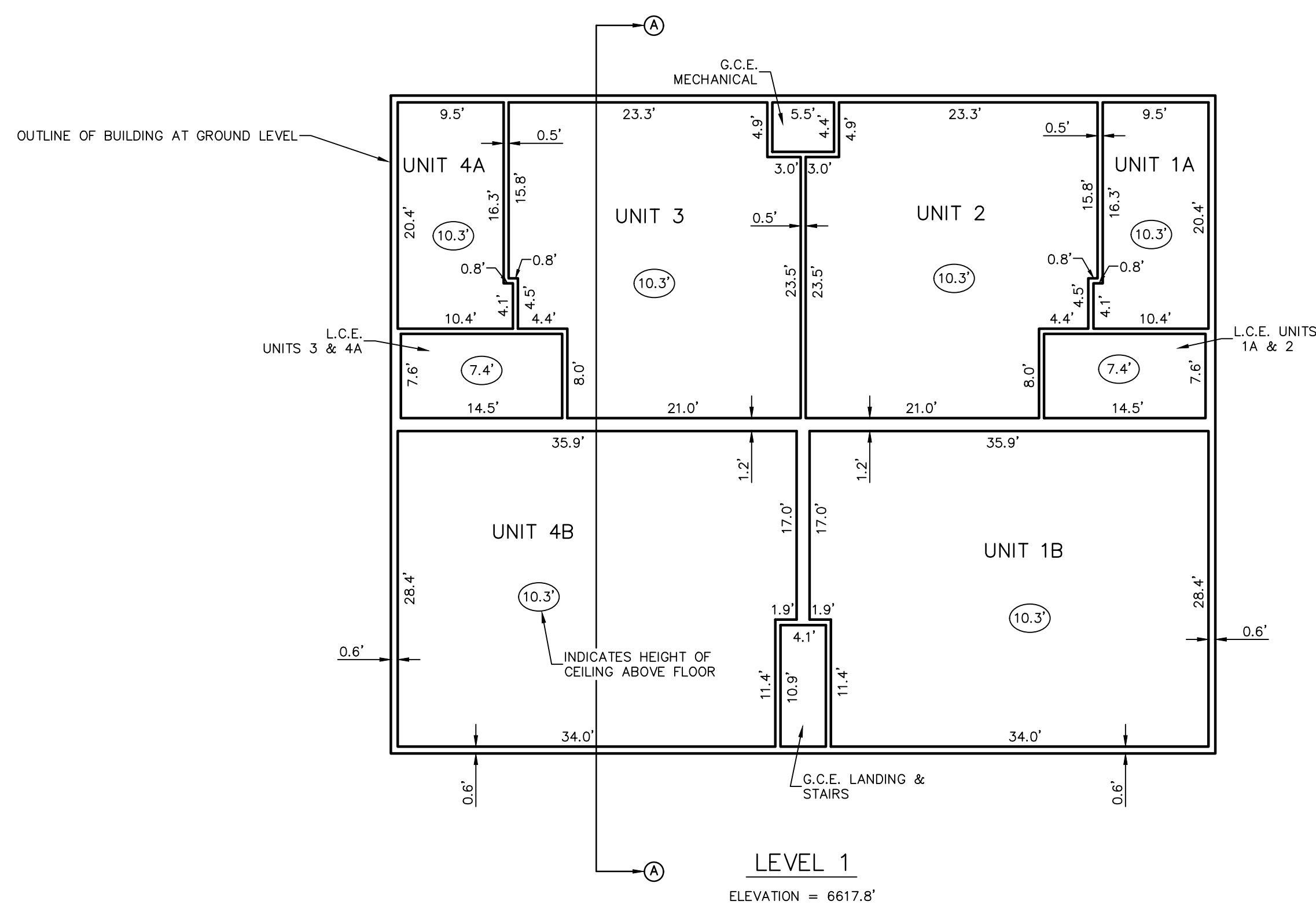
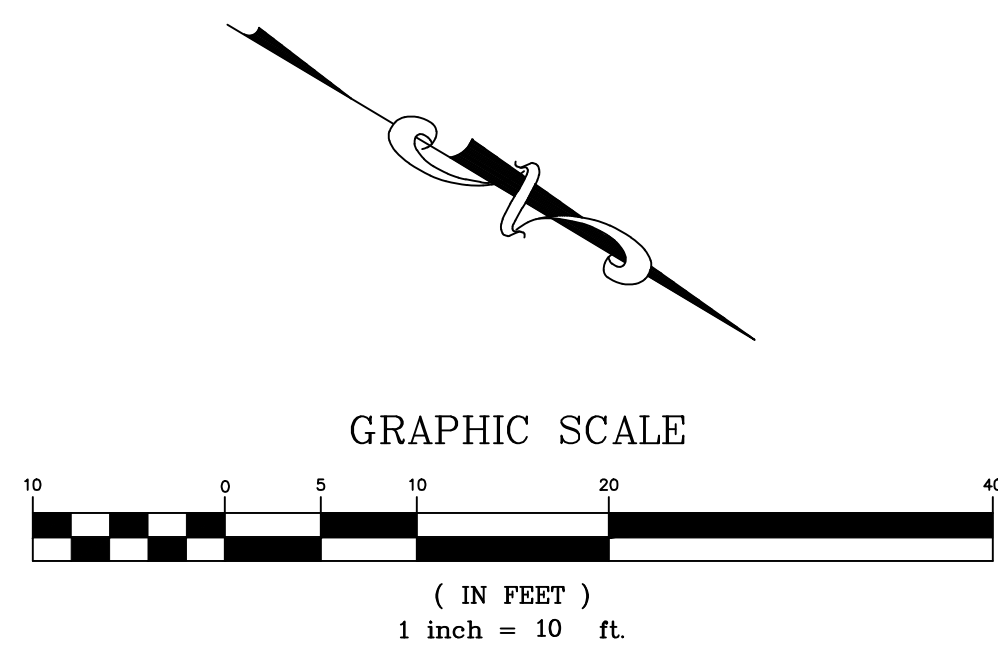


Gore Range
Surveying, LLC
P.O. Box 15
Avon, CO 81620
(970) 479-8698 • fax (970) 479-0055

CHAMBERS AVENUE CONDOMINIUMS, LOT D
A RESUBDIVISION OF LOT 4
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY:	SE	DATE:	6/7/2021
CHECKED BY:	SE	DRAWING NO.:	17-957 lot D
JOB NO.:	17-957	SHEET	2 OF 3

FINAL PLAT
CHAMBERS AVENUE CONDOMINIUMS, LOT D
A RESUBDIVISION OF LOT 4
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



SECTION A

ADDRESS TABLE:	
UNIT	ADDRESS
UNIT 1A	706 CHAMBERS AVENUE, UNIT 1
UNIT 1B	706 CHAMBERS AVENUE, UNIT 6
UNIT 2	706 CHAMBERS AVENUE, UNIT 2
UNIT 3	706 CHAMBERS AVENUE, UNIT 3
UNIT 4A	706 CHAMBERS AVENUE, UNIT 4
UNIT 4B	706 CHAMBERS AVENUE, UNIT 5
UNIT 7	706 CHAMBERS AVENUE, UNIT 7
UNIT 8	706 CHAMBERS AVENUE, UNIT 8
UNIT 9	706 CHAMBERS AVENUE, UNIT 9
UNIT 10	706 CHAMBERS AVENUE, UNIT 10



CHAMBERS AVENUE CONDOMINIUMS, LOT D
A RESUBDIVISION OF LOT 4
700 CHAMBERS AVENUE SUBDIVISION, A RESUBDIVISION OF LOT 1
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY:	SE	DATE:	6/7/2021
CHECKED BY:	SE	DRAWING NO.:	17-957 Lot D
JOB NO.:	17-957	SHEET	3 OF 3

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 3
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING THE FINAL PLAT FOR 706 CHAMBERS AVENUE

WHEREAS, CHAMBERS 700 LLC owns the real property located at 706 Chambers Avenue, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on November 2, 2021, Dave Dantas (the "Applicant") submitted an application for approval of a Final Plat to create 8 condominium units and define common and limited common elements on the Property (the "Application");

WHEREAS, on December 15, 2021, the Town Planner held a properly-noticed administrative hearing to consider the Application, and recommended approval of the Application;

WHEREAS, on January 11, 2022, the Town Council held a properly-noticed public hearing to consider the Application; and

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

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

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

Section 2. Based on the foregoing findings, the Town Council hereby approves the Final Plat for 706 Chambers Avenue, subject to the following conditions:

a. Within 30 days of the date of this Resolution, the Applicant shall make technical changes to the Final Plat as directed by Town staff; and

b. The Final Plat shall be recorded on or before March 1, 2022. The Town Planner may grant one administrative extension of this deadline, of up to 180 days, upon good cause shown. Any further extensions must be considered by the Town Council.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 3
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
DENYING THE APPLICATION FOR A FINAL PLAT FOR 706 CHAMBERS AVENUE

WHEREAS, CHAMBERS 700 LLC owns the real property located at 706 Chambers Avenue Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on November 2, 2021, Dave (the "Applicant") submitted an application for approval of a Final Plat to create 8 condominium units and define common and limited common elements on the Property (the "Application");

WHEREAS, on December 15, 2021, the Town Planner held a properly-noticed administrative hearing to consider the Application, and following that hearing, recommended denial of the Application;

WHEREAS, on January 11, 2022, the Town Council held a properly-noticed public hearing to consider the Application; and

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

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

Section 1. The Town Council finds as follows:

a. The Application does not comply with Resolution No. 56, Series 2017, which Resolution approved an amendment to an existing Special Use Permit for the Property to allow residential units only as accessory uses, and if the Application were approved, the residential units would no longer be accessory uses;

b. Approval of the Application is not in the best interest of the public health, safety and welfare.

Section 2. Based on the foregoing findings, the Town Council hereby denies the Application for a Final Plat for 706 Chambers Avenue.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor Turnipseed and Town Council

From: Chad Phillips, A.I.C.P., Director, Community Development Department
Carrie McCool, Eagle Contract Planner
Peyton Heitzman, Planner I, Community Development Department
Jessica Lake, Planner I, Community Development Department

Date: January 11, 2022

Agenda Item: Ordinance No. 01, Series 2022 “An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Title 4 of the Eagle Municipal Code to Implement a Voluntary Parking Fee In-Lieu Program within a Defined Area in the Town.”

REQUEST:

For Town Council to consider amendments to Chapter 4.07, Development Standards, Section 4.07.140 Parking Standards of the Town of Eagle Municipal Code, Title 4 - Land Use and Development Code to implement the Town of Eagle Parking Fee In-Lieu Program within a defined area in the town.

BACKGROUND:

WALKER Consultants completed a Downtown Parking Study for the Town in 2017. The study's goals were to evaluate the supply and demand conditions within the downtown core, bounded by Grand Avenue to the north and west, Capitol Street to the east, and 5th Street to the south. In 2021, the town initiated an update to the WALKER Downtown Parking Study with the goal of verifying and implementing the recommendations outlined in the WALKER study by developing a parking strategy that leverages existing unimproved right of way dedicated to on-street parking. The 2021 Downtown Parking Study ([LINK](#)) defines the purpose, rationale, and structure of a new voluntary parking in-lieu fee program for Downtown Eagle and includes the content of November 2, 2021, Town Council staff report ([LINK](#)). A critical element of the 2021 Downtown Parking Study includes evidence of the fee's rational nexus (“reasonable relationship”) between the in-lieu fee amount and the costs associated with constructing, operating, and maintaining the new parking spaces in the right-of-way. Finally, the study includes recommended amendments to the Land Use and Development Code to implement the parking fee in-lieu program.

ANALYSIS:

The objective of the proposed Code amendment is to update the Eagle Municipal Code to do the following:

- Provide downtown projects or uses the option to pay an in-lieu fee rather than providing on-site parking spaces with the exception of providing accessible parking spaces.
- Leverage existing unimproved right-of-way dedicated to on-street parking.
- Address downtown parking supply sufficiency by paving, striping, and installing signage in unimproved rights-of-way dedicated to on-street parking.
- Ensure parking for the disabled is provided on-site.

- Provide property owners or applicants the ability to construct public parking in the Town's right-of-way instead of paying the fee in-lieu of providing the required parking.

Staff has provided the attached draft Ordinance amending Section 4.07.140 Parking Standards stemming from community, Planning and Zoning Commission, and Council input. Below is an overview of the proposed Land Use and Development Code changes to implement the parking fee in-lieu program:

- Provide clarification that the requirements contained in the parking standards apply to the Central Business Zone District (CBD) and Broadway Districts.
- Define the Town's Parking Fee In-Lieu Parking Program boundary.
- Allow flexibility of a property owner or applicant to satisfy all or a portion of a property's parking as required by the Town's parking regulations on-site or by providing a fee in-lieu payment to the Town.
- Maintain the requirement to provide parking for the disabled on-site.
- Set forth the timing of payment of the fee in-lieu prior to issuance of a development permit, special use permit or building permit, whichever comes first.
- Establish the parking fund to receive and disburse funds to conduct parking studies or evaluations, construct parking facilities, the operation and maintenance of parking facilities, and administrative services related to parking within the parking fee in-lieu program boundaries.
- Set forth the fee amount of \$23,100 (capital cost of \$16,100 and operating cost of \$7,000 per space). The fee will be automatically adjusted on January 1st of each year by the percentage that the construction cost index has increased or decreased. The current amount of each year will be shown in the fee schedule adopted by the Town Council by resolution.
- As of January 1, 2032, the Town will assume all operating costs of on-street parking in the town right-of-way within the Parking Fee In-Lieu Program boundaries.
- Set forth an option for property owners or applicants to construct public parking and all associated infrastructure improvements in the Town's right-of-way instead of paying the fee in-lieu of providing the required parking. Such parking shall adhere to the Section 4.07.140 Parking Standards and Chapter 13.18 Construction within the Public Right-of-Way of the Land Use and Development Code. In these instances, property owners or applicants would be required to pay to town's operating costs of \$7,000 per space fee in-lieu.

COMMUNITY INPUT:

Town Staff spearheaded community outreach efforts that included regular discussions related to downtown parking issues and possible solutions with the newly formed Downtown Development Authority and Economic Vitality Committee. Other public input opportunities included a digital survey distributed to eighty (80) downtown stakeholders. The community outreach summary of the Parking Fee In-Lieu Program is part of the November 2, 2021, Town Council staff report ([LINK](#)).

The Planning and Zoning Commission received public comment from two citizens at the October 19, 2021, public hearing. Minutes of this meeting can be viewed here ([LINK](#)).

Town Council reviewed the Parking Fee In-Lieu Program at a work session on November 2, 2021, wherein three citizens provided public comment as summarized below:

- Overall support for the Parking Fee In-Lieu Program; however, the fee may be too low.
- Concerns with the potential for too much pavement and removal of existing trees in the right-of-way.

- Support for landscaping and beautification.
- Support for the in-lieu approach to allow for the acquisition of a surface lot in the future.
- Support for developers to provide on-site parking.
- Support for installation of electric charging stations in town right-of-way.
- During build out of the parking in the right-of-way, consider beautification (landscaping), addressing drainage (stormwater), and adding bike lanes to encourage all modes of travel.
- Support for parking enforcement and permits downtown.
- Consider partnering with the DDA to purchase land for parking in the future.
- Consider utilizing alternative construction materials to address stormwater concerns like grass brick as permeable asphalt is expensive.

The Planning and Zoning Commission considered the proposed amendments to the Land Use and Development Code at the December 7, 2021, public hearing and unanimously recommended approval (vote 5-0). Minutes of this meeting can be viewed here ([LINK](#)).

BUDGET:

Funding for the 2021 Downtown Parking Study and resulting Parking Fee In-Lieu Program was allocated in the 2021 budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

2020 Town of Eagle Strategic Plan

The following is an overview of the major objectives for which the subject proposal is found to further the goals and objectives of the community and Strategic Plan.

Major Objective 1: Stimulate Economic Vitality and Development

Staff Comment – The proposed Code amendments have the potential to stimulate economic vitality and development by providing a developer or property owner the option to pay a fee if they choose not to provide all or a portion of the required parking spaces on-site as required by the Town’s parking regulations; thereby, relieving the barriers to downtown’s continued revitalization.

Major Objective 3: Match Infrastructure to Quality of Life

Staff Comment – The proposed Code amendments represent the Town’s investment and implementation of infrastructure improvements within the town’s right-of-way that will increase Eagle’s high quality of life and vibrant economy without creating an undue burden on residents of the Town.

RECOMMENDED ACTION OR PROPOSED MOTION:

I move to APPROVE or DENY Ordinance No. 01, Series 2022 “An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Title 4 of the Eagle Municipal Code to Implement a Voluntary Parking Fee In-Lieu Program within a Defined Area in the Town.”

ATTACHMENTS:

- Ordinance No. 01, Series 2022



To: Mayor Turnipseed and Town Council

From: Chad Phillips, A.I.C.P., Director, Community Development Department
Jill Kane, Finance Director
Carrie McCool, Eagle Contract Planner

Date: January 11, 2022

Agenda Item: Resolution No. 01, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending the Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code Concerning Parking Fee In-Lieu"

REQUEST:

Staff requests that the Council review the resolution to amend the fee schedule, which provides for the addition of parking in-lieu fees to the Town Fee Schedule.

BACKGROUND:

The Town conducted a Downtown Parking Study ([LINK](#)) in 2021 that defines the purpose, rationale, and structure of a new voluntary parking in-lieu fee program for Downtown Eagle. The program sets forth an in-lieu fee proposed to be voluntary in nature meaning, a developer or owner will have the option to pay a fee if they choose not to provide all or a portion of the required parking spaces on-site as required by the Town's parking regulations. A critical element of the Parking Study includes evidence of the fee's rational nexus ("reasonable relationship") between the in-lieu fee amount and the costs associated with constructing, operating, and maintaining the new parking spaces in the right-of-way. Since the Town will collect the parking in-lieu fee, an amendment to the Town's fee schedule is necessary.

ANALYSIS:

Section 2.34 of the Eagle Municipal Code provides that Council shall adopt a schedule of fees by resolution from time to time. Based on the recommendation provided by the 2021 Downtown Parking Study, the fee amount is \$23,100 (capital cost of \$16,100 and operating cost of \$7,000 per space). The fee would be automatically adjusted on January 1st of each year by the percentage that the construction cost index has increased or decreased. The fee schedule as contained in Resolution No. 77, Series 2021, concerning Planning Department Fees, would be amended to read as follows:

PLANNING DEPARTMENT FEES			
FEE TYPE	FEE TITLE	2021 FEE	2022 FEE
PARKING FEE IN-LIEU	Parking Fee In-Lieu (Operating)	N/A	\$7,000 / Parking Space within the Parking Fee In-Lieu Program Boundary
PARKING FEE IN-LIEU	Parking Fee In-Lieu (Capital)	N/A	\$16,100 / Parking Space within the Parking Fee In-Lieu Program Boundary

COMMUNITY INPUT: Extensive community outreach was conducted throughout the Parking Fee In-Lieu Program development. The community outreach summary of the Parking Fee In-Lieu Program is included in the 2021 Downtown Parking Study ([LINK](#)).

BUDGET/STAFF IMPACT:

Collection of the fee will increase the Town's budget to conduct parking studies or evaluations, construct parking facilities, the operation and maintenance of parking facilities, and administrative services related to parking within the parking fee in-lieu program boundaries.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

2020 Town of Eagle Strategic Plan

Major Objective 1: Stimulate Economic Vitality and Development

Staff Comment – The proposed amendment to the fee schedule has the potential to stimulate economic vitality and development by providing a developer or property owner the option to pay a fee if they choose not to provide all or a portion of the required parking spaces on-site as required by the Town's parking regulations; thereby, relieving the barriers to downtown's continued revitalization.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** adoption of Resolution No. 01, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending the Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code Concerning Parking Fee In-Lieu."

ATTACHMENTS:

- Resolution 01, Series 2022 Amending the Fee Schedule Concerning Parking Fee In-Lieu

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 01
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE TO IMPLEMENT A VOLUNTARY PARKING FEE IN-LIEU PROGRAM WITHIN A DEFINED AREA IN THE TOWN

WHEREAS, the Town has determined that parking is a financial and logistical deterrent to development in the Town;

WHEREAS, the Town desires to allow developers or property owners within the Parking Fee In-Lieu Program Boundary to pay a fee instead of providing all or a portion of the parking spaces required by the Town's parking regulations;

WHEREAS, the Town has conducted a study to determine the cost of providing a parking space in the Town, and calculated an appropriate fee-in-lieu based on that study; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that a Parking Fee In-Lieu Program be implemented to encourage development in the Town.

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

Section 1. Section 4.07.140(A)(3) of the Eagle Municipal Code is hereby amended as follows:

Section 4.07.140. – Parking standards.

A. Applicability.

1. Except as provided herein, this Chapter shall apply to all uses established or commenced on or after the effective date of the ordinance from which this Title is derived. For uses existing on this date, parking spaces or areas existing on this date shall not be diminished in number or size to less than that required for such use under this Chapter.

2. When an existing use or building is expanded, as measured in floor area used, off-street parking, loading areas and landscaping shall be provided as required for the added floor area, whether or not they were provided for the existing use or building.

3. When the use of an existing building or space is changed to either:

a. A use in a different use category as set forth in subsection (C) hereof; or

b. A use in the same use category which requires more off-street parking than the existing use; off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use.; ~~provided, however, the requirements contained in this subsection shall not apply in the Central Business Zone District (CBD) or Broadway District.~~

Section 2. Chapter 4.13 of the Eagle Municipal Code is hereby amended by the addition of a new Section 4.13.260, to read as follows:

Section 4.13.260. – Voluntary parking fee-in-lieu program.

A. Applicability. For properties located within the Town's Parking Fee-In-Lieu Program Boundary (the "Program Boundary"), defined by Grand Avenue to the north and west, Howard Street to the east, and 5th Street to the south (Figure 3), a property owner or applicant may voluntarily satisfy all or a portion of a property's parking requirements by providing a cash in-lieu payment to the Town; provided that the required parking for the disabled shall be constructed on the subject property.

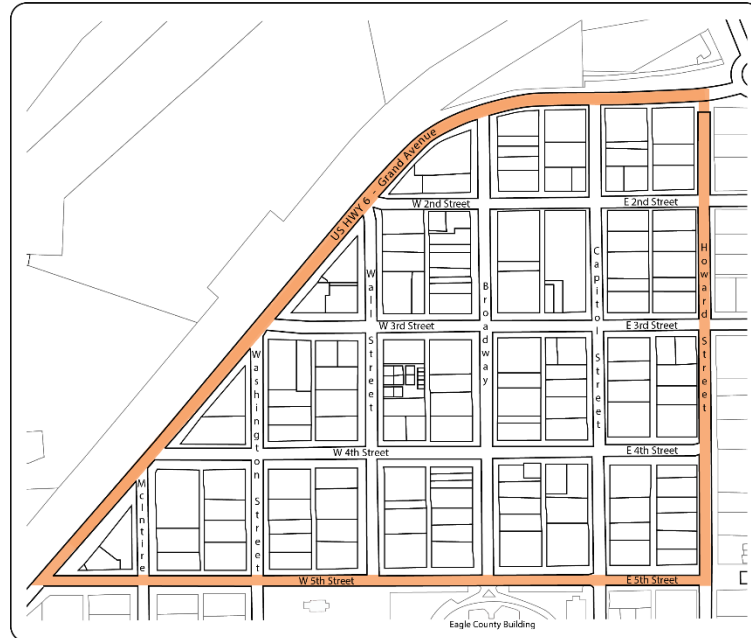


Figure 3: Parking Fee In-Lieu Program Boundary

B. Amount. The amount of the parking fee in-lieu shall be twenty-three thousand one hundred dollars (\$23,100) per space. The fee shall be automatically adjusted on January 1st of each year by the percentage that the construction cost

index has increased or decreased. The current amount for each year shall be shown in the fee schedule adopted by the Town Council by resolution.

C. Payment. The fee-in-lieu shall be due and payable with the application for a development permit, special use permit or building permit, whichever comes first.

D. Partial Payment. A property owner or applicant, at its expense, may construct public parking adjacent to its property, with all associated infrastructure and improvements required by the Town. If such parking is constructed, the fee-in-lieu shall be reduced to sixteen thousand one hundred dollars (\$16,100) per space, adjusted on January 1st of each year by the percentage that the construction cost index has increased or decreased. All such parking shall comply with the parking standards set forth in Section 4.07.140 and the standards for construction within the public right-of-way set forth in Chapter 13.18.

E. Use of Funds. All funds collected pursuant to this Section shall be used to conduct parking studies or evaluations, construct parking facilities, operate and maintain parking facilities, and administrative services related to parking, all within the Program Boundary.

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 JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 01
(Series of 2022)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
AMENDING THE FEE SCHEDULE PURSUANT TO 2.34 OF THE EAGLE MUNICIPAL
CODE CONCERNING PARKING FEE IN-LIEU

WHEREAS, Section 2.34 of the Eagle Municipal Code provides that the Council shall adopt a schedule of fees by resolution from time to time; and

WHEREAS, Section 4.13.260 of the Eagle Municipal Code provides for properties located within the Town's Parking Fee In-Lieu Program Boundary to pay a fee instead of providing all or a portion of the parking spaces required by the Town's parking regulations; and

WHEREAS, based upon the recommendation provided by the parking study conducted by the Town to determine the cost of providing a parking space in Town, and calculate an appropriate fee-in-lieu, the Town desires to revise the schedule of fees to include Parking in Lieu Fees and to adopt the same.

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

Section 1. That the Fee Schedule as contained in Resolution No. 77, Series 2021, concerning Planning Department Fees, be amended to read as follows:

PLANNING DEPARTMENT FEES			
FEE TYPE	FEE TITLE	2021 FEE	2022 FEE
PARKING FEE IN-LIEU	Parking Fee In-Lieu (Operating)	N/A	\$7,000 / Parking Space within the Parking Fee In-Lieu Program Boundary
PARKING FEE IN-LIEU	Parking Fee In-Lieu (Capital)	N/A	\$16,100 / Parking Space within the Parking Fee In-Lieu Program Boundary

INTRODUCED, READ, PASSED, AND ADOPTED by the Town Council of the Town of Eagle, Colorado at a regular meeting held on the 11th day of January 2022.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, CMC
Town Clerk



To: Mayor and Town Council

From: Jenny Rakow, Town Clerk

Date: January 11, 2022

Agenda Item: 2022 Council Committee Appointments

REQUEST: The Council is requested to discuss the vacated committee positions of David Gaboury, Brandy Reitter, and Matt Solomon for the upcoming 2022 vacancies and terms as listed in this memo.

BACKGROUND:

<u>Organization Name</u>	<u>Member</u>	<u>Alternate</u>	<u>Term</u>
Eagle Recreation Facility Advisory Corporation Board	Brandy Reitter	Dennis Wike	Town Manager and Town Engineer
Economic Vitality Committee	David Gaboury	Scott Turnipseed	Until Replaced
Lower Basin Water Treatment Plant/Town Staff	David Gaboury	Scott Turnipseed	Until Replaced
Downtown Development Authority	David Gaboury		Until Replaced
Vail Valley Partnership Economic Advisory	David Gaboury		Until Replaced
Eagle River Park Citizens Committee	Matt Solomon		Until Replaced
Eagle River Park Steering Committee	Matt Solomon		Until Replaced
NWCCOG	Matt Solomon	Brandy Reitter	January Annually
Regional Transportation Authority	Vacant		Until Replaced
Open Space and Recreation Advisory Committee	Ellen Bodenhemier		Until Replaced
MEAC	Scott Turnipseed		Until Replaced

ANALYSIS: Once a new Council Member has been selected, staff will prepare a corresponding Resolution to formalize the appointment for approval in the Consent Agenda at the next meeting.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: Attendance of committee meetings is included in the Town Council budget if expenses are necessary.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: There is no direct reference in the Strategic Plan to

committees. However, participating on these committees gives the Council information to assist with fulfilling the Strategic Plan by allowing for information gathering to assist with consideration of the major challenges and opportunities likely to arise during the planning horizon and increases the confidence among Eagle's Town Council, community leaders, and residents that the Town is appropriately addressing opportunities, future risks, and needed investments.

RECOMMENDED ACTION OR PROPOSED MOTION: Discuss, then nominate the appointee. The formal appointment will take place at the next meeting via Resolution.

ATTACHMENTS: None