



Town Board of Trustees
Tuesday, July 9, 2019
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.*

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL - Citizens who are present to comment on any items are reminded to sign in on the sheet provided in the lobby.

ADOPTION OF AGENDA (Opportunity for amendment or deletions to this evenings 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 five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.

PRESENTATIONS Scheduled Presentations are limited to 10 Minutes, unless other arrangements have been made and approved by the Town Clerk.

1. Eagle County Loan Fund Grant Request, Kim Bell Williams Eagle County

CONSENT AGENDA Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes)

1. Minutes - June 25, 2019
2. Bill Pay - June 2019

TOWN MANAGER AND DEPARTMENT UPDATE

1. Town Manager Update
2. Department Update
 - a. Staff Introduction, Mark Herota
 - b. General Government Budget to Actual
3. Eagle River Park Update, John Usery NV5

OLD BUSINESS - NONE

NEW BUSINESS

1. Ordinance 17-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Various Sections Of The Eagle Municipal Code Concerning The Maximum Sentence For Imprisonment For Violations Of The Municipal Code

2. Ordinance 18-2019 An Ordinance Initiating The Adoption Of A Home Rule Charter For The Town Of Eagle, Providing For The Election Of Charter Commission Members, Authorizing Participation In The 2019 Coordinated General Election, And Declaring An Emergency (Roll Call Vote Required)
3. Ordinance 19-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 5.15.110 Of The Eagle Municipal Code Concerning The Hours Of Operation For Medical Marijuana Businesses
4. Pilot Parklet Program Proposal
5. Final EQR Table Implementation Update

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

EXECUTIVE SESSION

1. Executive Session: Pursuant to CRS Section 24-6-402(4)(f) to discuss personnel matters, regarding a mid-year check-in with the Town Manager.

ADJOURN - 7:30 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

Eagle County Downpayment Assistance Programs





EC Down Payment Assistance

- DPA loans are recorded as second mortgages for 15 year terms
- Borrower must contribute at least half of the total DPA loan amount
- Borrower must maintain the home as their primary residence as long as the loan is outstanding
- Most loans are repaid upon sale or refinance
- DPA loans work with deed restricted and free market properties

3 Programs; Fund Summary

Eagle County Loan Fund (ECLF)

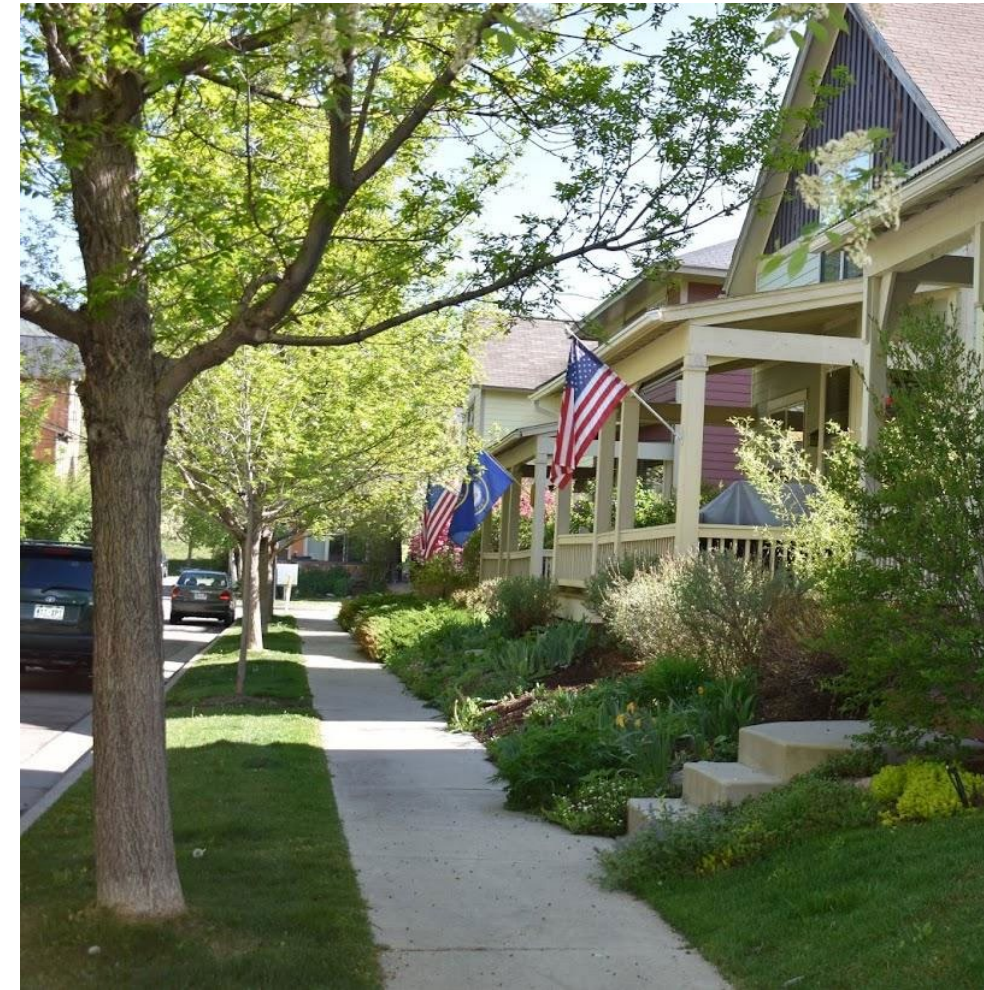
- Homebuyers under 160% AMI
 - \$600,000 max purchase price
 - Owners/buyers must live and work in EC
 - Loan term 15 years, most equity share
-

Colorado Division of Housing (CDOH)

- Homebuyers under 80% AMI
 - Partnership with Habitat for Humanity
 - 2015-2018 23 loans, \$345,000
-

Employee Home Ownership Program (EHOP)

- Eagle County Government employees only
- Can be stacked behind ECLF
- No income cap, no max purchase price



Historical Review

1990's - 2018

53+ families purchase homes in the Town of Eagle

Since 1990's

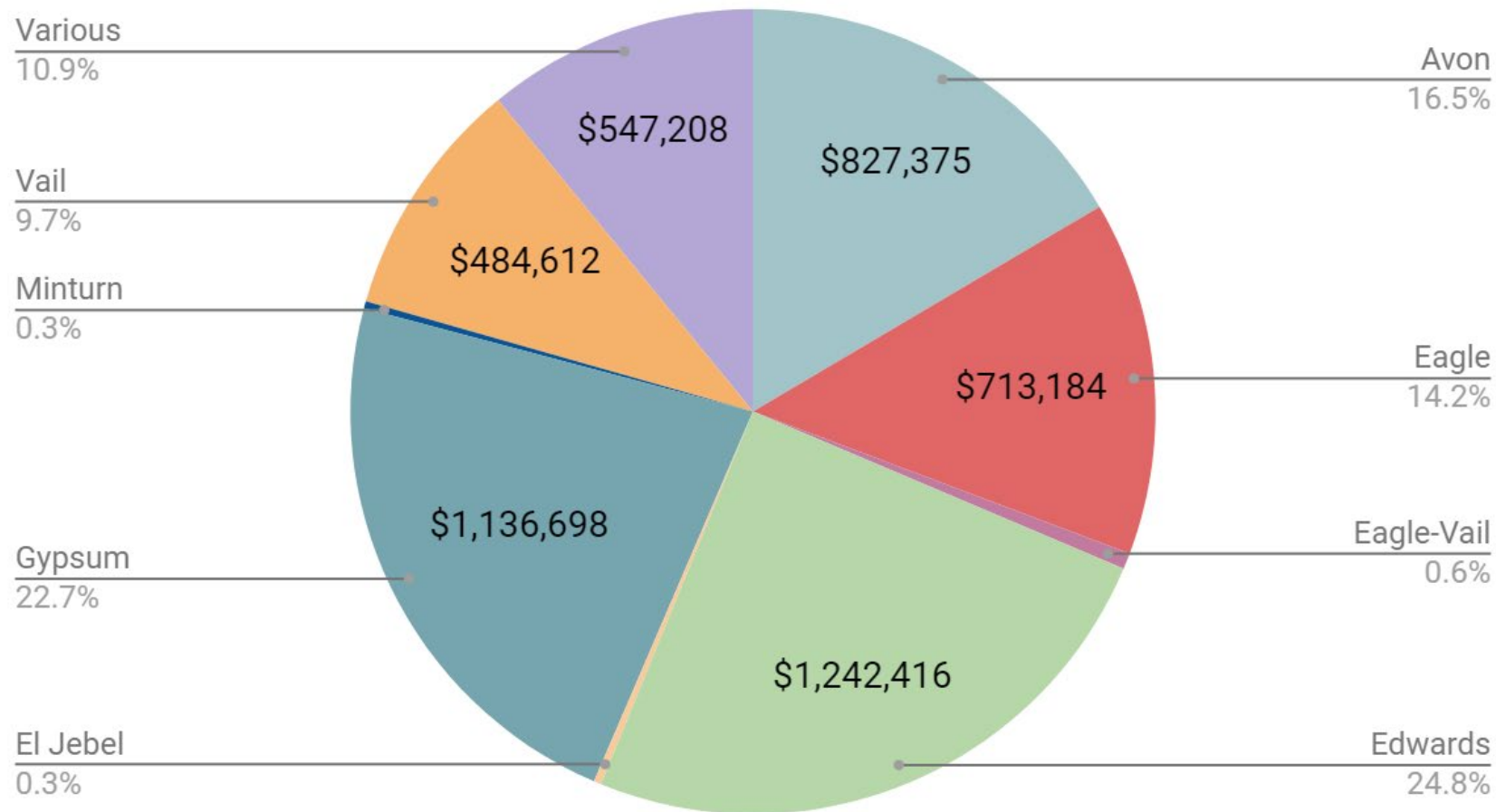
- ❖ 352 loans total
- ❖ \$5,013,118 in loan volume

Today's portfolio

- 146 loans
- \$2,028,967 in loan volume



Utilization by Town since 1999 through 2018 Year End



2018 Overview

A record year!

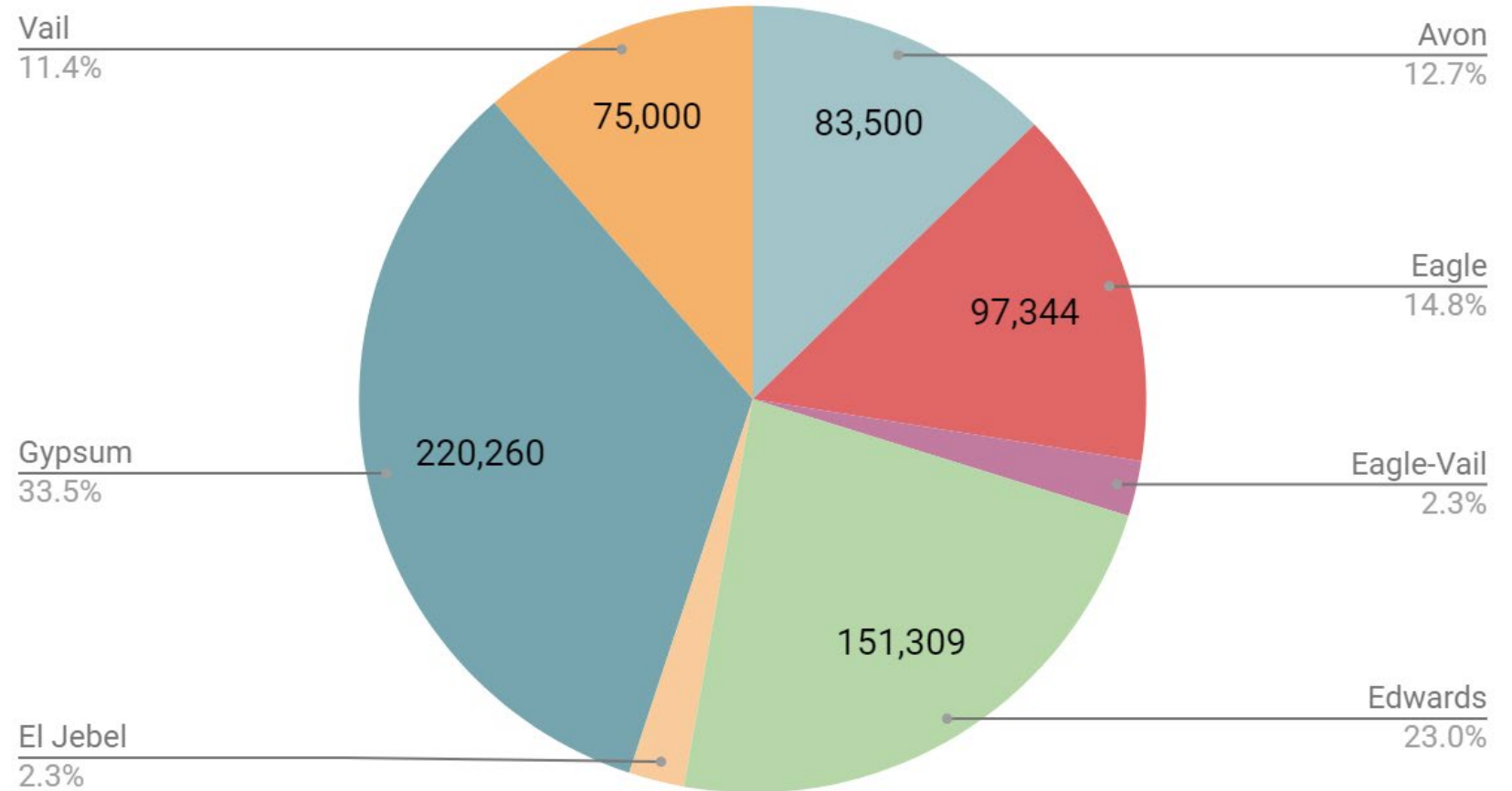
- 50 loans approved
- \$657,413 in loan volume

7 families purchase homes
in Eagle in 2018

- Property Types
 - 1 single family
 - 2 duplexes
 - 3 condos
 - 1 townhome
- Average purchase price \$353,213
- Two of the seven purchases were on deed restricted properties



Utilization by Town in 2018



ECLF Historical Funding

ECLF FUNDING 2005-2018	
<u>Funding Source</u>	<u>Amount</u>
Eagle County and Lake Creek Village Apartments	\$740,000
Donations	\$292,775
Interest Repaid	\$386,805
Principal Repaid	\$2,387,687
Total	\$3,807,267

Due to the self revolving nature of the program there has been a minimal demand for funding

Last time the fund received a substantial grant was 2009

Average ROI is 16%
(\$2,400 in shared appreciation paid for a \$15,000 loan)

Funding Plan in 2019

- 24 Month Repayment (goal \$30,000)
 - Proactive reminder for waived equity share appreciation if paid off within 2 years, potentially 62 borrowers → Goal Met
- Incentive (goal \$70,000)
 - 50% reduction in equity share appreciation to borrowers who payoff before 10/01/2019 → Goal Met
- Lower Loan Amount
 - Maximum loan amount lowered from \$15,000 to \$10,000 as of 3/1/2019 → Maximum loan amount was increased back to \$15,000 on 6/1/2019
- In 2023, 18 loans will be due equalling \$469,221 in principal

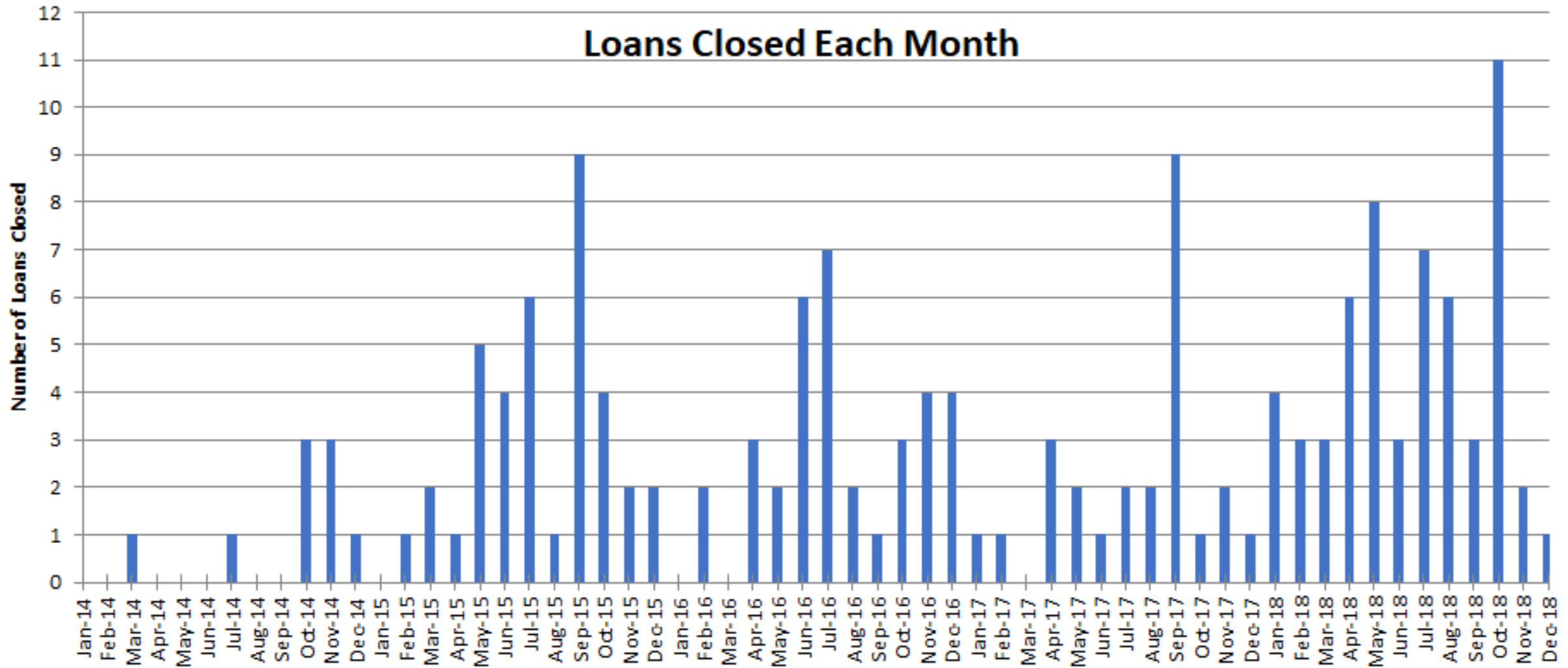
2019 pacing

ECLF off to a busy start

- 17 loans have closed YTD, totaling \$205,500
 - 2 of these loans were on properties in Eagle
- 3 loans are approved and will close in July 2019
- 5 loans are under review and if approved will close in July and August

With loans closed and loans pending,
the estimated fund balance is **\$244,985**

Enough for 16 loans at \$15,000



Ask - \$500,000 donations in 2019

Eagle County Commissioners will match all donations up to \$250,000

- ☒ • \$50,000 Town of Avon - 6/25/2019
- ☒ • 30,000 Vail Board of Realtors - 3/20/2019

Remainder of Goal - \$170,000

- Towns of Eagle, Gypsum, Vail, Minturn, Red Cliff, Metro Districts
- Community Reinvestment dollars from local banks
- Local businesses



**Town Board of Trustees
Tuesday, June 25, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Meetings are also aired online at <https://vimeo.com/channels/Townofeagle/>.*

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL

TRUSTEES PRESENT

Kevin Brubeck, Andy Jessen, Mikel, Kerst, Anne
McKibbin, Matt Solomon, Scott Turnipseed, Paul Witt

STAFF

Brandy Reitter, Town Manager
Jenny Rakow, Town Clerk
Carrie McCool, Interim Town Planner
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Erin Ivie, Eagle Police

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT -

Mick Daly: 1823 East Haystacker Drive. Congratulated the Witt family.

CONSENT AGENDA

Mayor McKibbin noted that there was a minor date change in the Resolution on the Consent Agenda.

1. Minutes - June 11, 2019

MOTION: Trustee Kevin Brubeck motioned to Approve the Minutes from June 11, 2019. Motion was seconded and Passed with a vote of 5 in favor, 0 opposed and two Abstain.

2. Resolution 31-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Setting A Public Hearing On The Reserve At Hockett Gulch Annexation

MOTION: Trustee Kevin Brubeck motioned to Approve the Minutes from June 11, 2019. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

TOWN MANAGER UPDATE

1. Town Manager Update

Brandy presented her report.

Board Comments: clarification that sales tax is up 2.3% over budget and not flat. Requested estimated cost of repairs needed at River Park due to runoff, John Usury will be providing that update. Staff informed the board regarding known issues with path and runoff. A budget will be created for annual repairs and/or alternate surface.

NEW BUSINESS

1. Proposed Final Draft - Employee Handbook

Brandy presented this item.

Board Comments: Confirmed that Board Members are not considered employees as it relates to this handbook. A code of ethics will be discussed at upcoming board retreat. Problem solving and grievance committee was discussed. Attorneys recommended the process included in the handbook. Clarification on the cell phone use should be reviewed for consistency. Concern with capping comp and vacation time. Discussion regarding liability incurred by not capping or paying out annually was discussed. Request for definition in the handbook regarding the Town Board as it relates to employees.

2. Strategic Plan Update

Brandy presented her report. There will be a more in-depth discussion tomorrow night at the retreat.

Board Comments: Requested excel format be sent. Jessen. Request to keep objectives that have been accomplished within the plan as a reference and note as on-going.

3. Proposed Franchise Agreement Code Update

Brandy presented this item. The Town is currently working on franchise agreements with Comcast and Black Hills. Our current code section was created in 1972 and needs to be rewritten for current conditions.

Board Comments: Requested language on how to review an agreement and include termination language if unsatisfactory. Request to reference fee schedule whenever possible. Board approved staff to move forward on creation of Ordinance to update the Municipal Code.

OLD BUSINESS

1. Resolution 25-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Construction Contract With Hobbs Excavating And Trucking, LLC For The Construction Of The Violet Lane Water Line *(Roll Call Vote Required)*

Bryon McGinnis presented this item.

MOTION: Trustee Andy Jessen motioned to Approve the Resolution 25-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Construction Contract With Hobbs Excavating And

Trucking, LLC For The Construction Of The Violet Lane Water Line . Motion was seconded and roll call vote of all members the Motion Passed with a vote of 7 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

1. Board Retreat Final Agenda

Board Comments: Requested to be done earlier than 8:30 p.m.

2. Vail Valley Partnership Eagle County Business Retention and Expansion Summary

No Board Comments.

3. Post Office Update, Mayor McKibbin

Mayor McKibbin reported that she spoke with the Postmaster last week regarding cluster boxes. The post office is moving to expand the facility and not consider other options at this time.

Inquiry as to whether we could privatize the last mile for new developments and create a new zip code. This may be a consideration.

Mayor McKibbin invited members to join her for the Flight Days parade on the Town float.

Trustee Solomon – requested board worksession regarding home rule for the Board and public for more information and discussion regarding possible outcomes and structure. The Town Attorney would need to confirm the board could meet to have that type of meeting.

ADJOURN - 7:10 PM

Approved:

Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

**BILL SCHEDULE
JUNE 2019**

GENERAL FUND

General Government

Meritain Health	Health Insurance	\$	202.76
United States Treasury	ACA PCORI Tax		2.71
Amazon	Office Supplies		55.81
Cintas Corporation	Office Supplies		14.19
Amazon	Communication and Transportation		4.79
Eagle County Government	Dues & Subscriptions		4,580.00
Verizon Wireless, Bellevue	Utility Services		52.60
Hoffman, Parker, Wilson & Carberry PC	Legal - General		3,778.00
Comfort Inn Salida	Travel Expense		248.98
King Soopers Customer Charges	Meeting Expense		5.58
Petals Of Provence	Meeting Expense		60.00
Red Canyon Café	Meeting Expense		200.00
Speak Up Reach Out	Community Requests		550.00
Town Of Gypsum	Community Requests		9,000.00
Total General Government		\$	18,755.42

General Administration

Boseman, Brandon & Jovita	Utility Refund	\$	353.76
Gold Dust Partners	Utility Refund		21.23
Kelamar Group LLC	Utility Refund		301.50
Liken, Kelly & Ricky	Utility Refund		48.40
Shields, Daniel & Lyric	Utility Refund		152.54
Wynton Homes	Utility Refund		222.75
Greater Eagle Fire District	Fire Impact Fee Payable		17,563.39
Hartford, The	Disability Insurance		1,558.67
Colorado Department Of Revenue	Misc Deductions Payable		600.00
Coliz, Lorenzo Almaraz	Facility Usage Deposit Payable		750.00
Flaagan, Therese	Facility Usage Deposit Payable		375.00
Gonzalez, Francisca	Facility Usage Deposit Payable		750.00
Harvey, Annette	Facility Usage Deposit Payable		1,125.00
Hermosillo, Laura Montes	Facility Usage Deposit Payable		375.00
Holy Cross Energy	Facility Usage Deposit Payable		750.00
Jans Ltd	Facility Usage Deposit Payable		750.00
Landgraf, Emalea	Facility Usage Deposit Payable		750.00
Maria Lourdes Quinones	Facility Usage Deposit Payable		375.00
Mena-Espino, Yohenia	Facility Usage Deposit Payable		375.00
Mountain Tots Preschool	Facility Usage Deposit Payable		750.00
Solis, Gladys	Facility Usage Deposit Payable		375.00
Tellez, Elena	Facility Usage Deposit Payable		750.00
Twila Jenkins	Facility Usage Deposit Payable		750.00
Vandenberg, Jeremy	Facility Usage Deposit Payable		750.00
Villegas, Stephany	Facility Usage Deposit Payable		750.00

General Administration (Cont.)

Werner, Robert	Facility Usage Deposit Payable	750.00
Felton, Mervin	Business Licenses Refund	105.00
Meritain Health	Health Insurance	299.44
United States Treasury	ACA PCORI Tax	19.86
Amazon	Office Supplies	38.04
Cintas Corporation	Office Supplies	80.40
Batson's Corner Store	Employee Appreciation	6.88
Grand Avenue Grill	Meeting Expense	132.25
King Soopers Customer Charges	Employee Appreciation	74.95
Personalization Mall	Employee Appreciation	71.69
The Back Bowl	Employee Appreciation	150.00
Mountain Careers	Legal Notices	99.50
Government Finance Officers Association	Dues & Subscriptions	150.00
Mail Chimp	Dues & Subscriptions	75.00
Century Link	Utility Services	1,113.84
Craigslist	Legal Notices	15.00
Chase Paymentech	C.C. Transaction Fees	1,295.87
Xpress Bill Pay	C.C. Transaction Fees	607.74
Municipal Code Corporation	Professional Admin Services	2,258.54
Hoffman, Parker, Wilson & Carberry PC	Legal	1,174.00
Maggard & Hood, PC	Auditing & Accounting	18,500.00
Caselle, Inc.	Computer Support	2,089.00
Forward Tech Solutions, LLC	Computer Support	3,022.30
Gourmet China	Meeting Expense	36.88
Grand Avenue Grill	Meeting Expense	39.33
Pazzo's Pizza	Meeting Expense	318.00
Red Canyon Café	Meeting Expense	106.85
Colorado Municipal Clerks Association	Tuition & Books	40.00
Paper Wise	Contract Payments	50.00
Cirsa	Insurance - Pavilion	1,680.20
Total General Administration		\$ 65,722.80

Community Development

Meritain Health	Health Insurance	\$ 14.93
United States Treasury	ACA PCORI Tax	16.28
Amazon	Office Supplies	149.51
City Market	Meeting Expense	143.95
Certified Mail Envelope	Communication and Transportation	4.95
Indeed	Legal Notices	436.64
PayPal	Legal Notices	50.00
Verizon Wireless, Bellevue	Utility Services	144.53
Logan Simpson	Professional Services	17,565.15
McCool Development Solutions, LLC	Professional Services	15,255.00
Federal Express Corp.	Planning Reimbursable	20.81
Garfield & Hecht, P.C.	Planning Reimbursable	4,405.00

Community Development (Cont.)

Hoffman, Parker, Wilson & Carberry PC	Planning Reimbursable	29,123.50
Icon Engineering Inc	Planning Reimbursable	6,561.33
Mott Macdonald	Planning Reimbursable	1,845.50
Quenon Engineering And Surveying	Planning Reimbursable	350.00
Resource Engineering Inc	Planning Reimbursable	4,418.92
Hoffman, Parker, Wilson & Carberry PC	Legal	136.50
Zoom.U.s	Computer Support	14.99
Town Of Gypsum	Contract Services	1,360.00
Total Community Development		\$ 82,017.49

Municipal Court

Meritain Health	Health Insurance	\$ 20.28
United States Treasury	ACA PCORI Tax	0.81
Carlson & Carlson, Attorneys At Law PC	Legal	1,500.00
Ace Security And Safety Services LLC	Contract Payments	128.00
Total Municipal Court		\$ 1,649.09

Streets

Meritain Health	Health Insurance	\$ 601.52
United States Treasury	ACA PCORI Tax	25.50
Cintas Corporation	Office Supplies	18.58
King Soopers Customer Charges	Office Supplies	4.47
Quill Corporation	Office Supplies	83.69
Alpine Lumber Co.	Repair & Maintenance Supplies	77.93
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	41.93
Lawson Products	Repair & Maintenance Supplies	233.81
Mid-American Research Chemical	Repair & Maintenance Supplies	207.00
SRD Plumbing, Inc.	Repair & Maintenance Supplies	63.11
United Electric, Inc.	Repair & Maintenance Supplies	8,700.00
United Rentals (North America) Inc	Repair & Maintenance Supplies	51.40
Valley Electric Supply Inc	Repair & Maintenance Supplies	20.00
Wylaco Supply Co	Repair & Maintenance Supplies	103.94
MacDonald Equipment	Repair & Maintenance Supplies	1,220.57
Lawson Products	Communication & Transportation	17.19
MacDonald Equipment	Communication & Transportation	188.53
Mid-American Research Chemical	Communication & Transportation	61.18
Craigslist	Legal Notices	7.50
Mountain Careers	Legal Notices	49.75
Century Link	Utility Services	894.39
Holy Cross Energy	Utility Services	57.76
Verizon Wireless, Bellevue	Utility Services	88.78
Safety-Kleen Corp.	Repair & Maintenance Services	190.20
Total Streets		\$ 13,008.73

Public Safety

Meritain Health	Health Insurance	\$ 1,615.32
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Public Safety (Cont.)

United States Treasury	ACA PCORI Tax	66.18
Amazon	Office Supplies	10.82
Arrowhead Forensics	Operating Supplies	107.11
Creative Culture Insignia, LLC	Operating Supplies	1,275.00
5.11 Tactical	Uniforms	255.14
Scriber, Dominik	Uniforms	77.92
Auto Zone, Inc	Vehicle Repair & Maintenance Supplies	58.99
Performance Automotive Center	Vehicle Repair & Maintenance Supplies	168.61
Axon Enterprise, Inc.	Equipment - Supplies	2,888.00
Pro Force Law Enforcement	Equipment - Supplies	2,276.05
Creative Culture Insignia, LLC	Communication & Transportation	49.80
Federal Express Corp.	Communication & Transportation	37.16
US Post Office	Communication & Transportation	10.69
Craigslist	Legal Notices	7.50
Mountain Careers	Legal Notices	49.75
AT&T Mobility	Utility Services	537.80
Century Link	Utility Services	721.24
Hoffman, Parker, Wilson & Carberry PC	Legal	837.50
Performance Automotive Center	Repair & Maintenance Services	599.30
White Water Express	Repair & Maintenance Services	76.40
Columbine Café	Travel Expense	31.97
Downstairs at Eric's	Travel Expense	26.34
Empire Burger	Travel Expense	37.38
Fiesta Jalisco Number Dos	Travel Expense	38.18
Keystone Reservations	Travel Expense	50.00
Ivie, Erin	Meeting Expense	202.78
King Soopers Customer Charges	Meeting Expense	44.62
Real Jalisco	Meeting Expense	33.40
Stout House	Meeting Expense	20.29
Colo Assn Of School Resource Officers	Training & Travel - Grants	350.00
Colorado Assn of Chiefs of Police	Tuition & Books	925.00
Kaminsky, Sullenberger & Associates Inc.	Tuition & Books	2,100.00
Eagle County Animal Control	Animal Control	8,126.00
High Country Copiers	Copier Contract	54.95
Total Public Safety		\$ 23,767.19

Buildings and Grounds

Meritain Health	Health Insurance	\$ 473.10
United States Treasury	ACA PCORI Tax	20.34
Cintas Corporation	Office Supplies	18.58
King Soopers Customer Charges	Office Supplies	4.47
Quill Corporation	Office Supplies	83.69
Alpine Lumber Co.	Repair & Maintenance Supplies	350.79
Ferguson Enterprises, Inc.	Repair & Maintenance Supplies	188.42
G & S Tool Clinic, LLC	Repair & Maintenance Supplies	585.41
Grainger	Repair & Maintenance Supplies	209.00

Buildings and Grounds (Cont.)

Grand Junction Pipe & Supply	Repair & Maintenance Supplies	628.81
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	130.20
Mid-American Research Chemical	Repair & Maintenance Supplies	207.00
Pet Pick-Ups	Repair & Maintenance Supplies	720.00
Rick McCoy Plumbing	Repair & Maintenance Supplies	571.45
Valley Electric Supply Inc	Repair & Maintenance Supplies	2,398.14
Van Diest Supply Co	Repair & Maintenance Supplies	3,078.00
G & S Tool Clinic, LLC	Equipment - Supplies	2,910.00
Verizon Wireless, Bellevue	Equipment - Supplies	277.48
G & S Tool Clinic, LLC	Communication & Transportation	4.10
Mid-American Research Chemical	Communication & Transportation	61.18
Pet Pick-Ups	Communication & Transportation	60.72
Craigslist	Legal Notices	7.50
Mountain Careers	Legal Notices	49.75
Black Hills Energy	Utility Services	1,574.18
Century Link	Utility Services	584.85
Holy Cross Energy	Utility Services	19.58
Verizon Wireless, Bellevue	Utility Services	108.11
JerryMaster Janitorial	Janitorial Maint. Contracts	2,158.00
Avalanche Property Maintenance	Repair & Maintenance Services	135.00
Rick McCoy Plumbing	Repair & Maintenance Services	250.00
Skyline Mechanical, Inc.	Repair & Maintenance Services	26,191.00
Sno-White Linen Rental	Repair & Maintenance Services	92.76
Superior Alarm & Electronics	Contract Payments	399.00
Total Buildings and Grounds		\$ 44,550.61

Information Center

Amazon	Operating Supplies	\$ 117.60
Costco	Operating Supplies	24.28
King Soopers Customer Charges	Operating Supplies	24.93
Signature Signs Inc	Operating Supplies	84.00
Store Supply Warehouse	Operating Supplies	71.34
WalMart	Operating Supplies	8.94
Alida's Fruits	Supplies For Resale	339.50
Cedar Ridge Wholesale Distributor	Supplies For Resale	235.66
Colorado Candy Kitchen	Supplies For Resale	1,257.66
Colorado Mountain Club	Supplies For Resale	222.90
Costco	Supplies for Resale	67.52
Creative Consumer Products Inc.	Supplies For Resale	239.10
Eagle Products, Inc	Supplies For Resale	431.02
King Soopers Customer Charges	Supplies For Resale	96.53
Left Hand Studios	Supplies For Resale	1,558.68
Meadow Gold Grand Junction	Supplies For Resale	271.92
Mike Luark	Supplies For Resale	60.00
Mountain Sights, Inc	Supplies For Resale	144.00
MV Corp, Inc	Supplies For Resale	246.24

Information Center (Cont.)

Sarah Morris	Supplies For Resale	360.00
Store Supply Warehouse	Supplies For Resale	65.57
WalMart	Supplies for Resale	103.61
Weissner, Clyde	Supplies For Resale	76.00
Derived From Nature	Supplies - Consignment	16.80
Eagle County Historical Society	Supplies - Consignment	395.96
Fried, Mickey	Supplies - Consignment	73.50
Horn, Rena	Supplies - Consignment	33.60
Iglehart, Becky	Supplies - Consignment	63.75
Nature's Details Photography	Supplies - Consignment	58.50
Pamela Saden	Supplies - Consignment	529.30
Pinyon J	Supplies - Consignment	11.25
Pocadot	Supplies - Consignment	19.50
Rasmussen, Carol Ann	Supplies - Consignment	50.40
Rick Olsen	Supplies - Consignment	11.25
Selcke, Jim	Supplies - Consignment	9.38
Teresa Hauser	Supplies - Consignment	72.00
Vandusen, Richard	Supplies - Consignment	29.25
Williams, Sam	Supplies - Consignment	238.88
Colorado Department Of Revenue	Sales Tax	1,063.16
US Post Office	Communication & Transportation	22.00
Century Link	Utility Services	205.51
Colorado Mountain College	Tuition & Books	148.00
Total Information Center		\$ 9,158.99

Marketing and Events

Meritain Health	Health Insurance	\$ 135.18
United States Treasury	ACA PCORI Tax	5.43
Amazon	Office Supplies	56.29
Say No More! Promotions	Promotional Materials	665.00
Amazon	Minor Equipment	984.35
Colorado Logos	Equipment - Supplies	1,182.50
Gypsum Eagle Ace Hardware	Equipment - Supplies	64.99
Kaleidoscope Productions	Equipment - Supplies	1,097.00
Say No More! Promotions	Communication & Transportation	175.00
Spotify	Dues & Subscriptions	10.98
Verizon Wireless, Bellevue	Utilities	52.51
Hoffman, Parker, Wilson & Carberry PC	Legal	156.00
Colorado Mtn. News Media	Media	544.00
Further Faster Media, LLC	Media	3,749.62
Further Faster Media, LLC	Design & Production	1,636.00
OG Printer Inc	Design & Production	161.50
Further Faster Media, LLC	Contract Services	1,000.00
Colo High School Cycling League	Events	1,500.00
Colorado Mtn. News Media	Events	7,000.00
Cowboys Forever Foundation	Events	1,000.00

Marketing and Events (Cont.)

Ace Security And Safety Services LLC	Event Production	325.00
Amazon	Event Production	124.37
American Carnival Mart	Event Production	(267.00)
Beard, Ron	Event Production	500.00
Cash	Event Production	600.00
City Market	Event Production	15.65
Costco	Event Production	297.57
EVHS Dance Team	Event Production	500.00
Golden Openings	Event Production	229.76
Gore, Timothy	Event Production	600.00
Kaleidoscope Productions	Event Production	1,000.00
King Soopers Customer Charges	Event Production	58.97
Macht, Benjamin J	Event Production	1,000.00
Marsh, Kyla	Event Production	750.00
Meadow Mountain LLC	Event Production	750.00
Red Canyon Café	Event Production	240.00
Reynolds, David M	Event Production	1,000.00
Say No More! Promotions	Event Production	659.95
Signature Signs Inc	Event Production	550.00
Strategic Touring	Event Production	750.00
Webscorer	Event Production	100.00
Wolf, Jake	Event Production	800.00
World Cup Supply Inc	Event Production	3,642.00
Total Marketing and Events		\$ 35,402.62

Engineering

Meritain Health	Health Insurance	\$ 274.85
United States Treasury	ACA PCORI Tax	11.03
Cintas Corporation	Office Supplies	18.58
King Soopers Customer Charges	Office Supplies	4.47
Quill Corporation	Office Supplies	83.69
Alpine Lumber Co.	Operating Supplies	19.49
Copy Plus	Operating Supplies	4.95
Verizon Wireless, Bellevue	Utility Services	164.97
Total Engineering		\$ 582.03

TOTAL GENERAL FUND **\$ 294,614.97**

CAPITAL IMPROVEMENTS FUND

Water Technology Group	Town Parks Improvement	\$ 17,731.61
Eagle County Government	Project THOR	6,250.00
Northwest Colo Council Of Gov.	Project THOR	70,421.59
Axon Enterprise, Inc.	Police Department Equipment	5,500.00
TOTAL CAPITAL IMPROVEMENTS FUND		\$ 99,903.20

WASTE WATER FUND

Meritain Health	Health Insurance	\$	590.08
United States Treasury	ACA PCORI Tax		24.65
Western Slope Supplies Inc	Office Supplies		7.45
ATCO International	Operating Supplies		385.00
Mid-American Research Chemical	Operating Supplies		522.00
Browns Hill Engineering	Repair & Maintenance Supplies		10,223.00
Fastenal Company	Repair & Maintenance Supplies		2,274.60
Grainger	Repair & Maintenance Supplies		1,386.16
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		31.99
MLF Enterprises LLC	Repair & Maintenance Supplies		6,370.00
Verizon Wireless, Bellevue	Equipment - Supplies		138.74
Copy Plus	Communication & Transportation		77.69
Federal Express Corp.	Communication & Transportation		303.14
Nextrust Inc	Communication & Transportation		342.29
Western Slope Supplies Inc	Communication & Transportation		1.75
Craigslist	Legal Notices		3.00
Mountain Careers	Legal Notices		59.70
Black Hills Energy	Utility Services		2,386.29
Century Link	Utility Services		501.40
Verizon Wireless, Bellevue	Utility Services		80.36
Veris Environmental LLC	Sludge Disposal		5,198.89
Browns Hill Engineering	Repair & Maintenance Services		3,096.30
MLF Enterprises LLC	Repair & Maintenance Services		8,800.00
Colo Dept Of Public Health & Environment	Testing & Permits		115.00
Eagle River Water & Sanitation District	Testing & Permits		1,960.00
Seacrest Group	Testing & Permits		1,215.00
SGS North America Inc	Testing & Permits		1,012.34
Railroad Management Company	Contract Payments		536.02
TOTAL WASTE WATER FUND		\$	47,642.84

WATER FUND

Meritain Health	Health Insurance	\$	799.74
United States Treasury	ACA PCORI Tax		34.90
Cintas Corporation	Office Supplies		18.58
King Soopers Customer Charges	Office Supplies		4.46
Quill Corporation	Office Supplies		83.69
DPC Industries, Inc.	Operating Supplies		2,366.50
Parker, Jerad	Operating Supplies		100.97
USA Blue Book	Operating Supplies		152.60
Alpine Lumber Co.	Repair & Maintenance Supplies		194.99
Environmental Products	Repair & Maintenance Supplies		237.84
Fastenal Company	Repair & Maintenance Supplies		157.99
Grand Junction Pipe & Supply	Repair & Maintenance Supplies		217.75
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		7.99
Oldcastle SW Group Inc	Repair & Maintenance Supplies		832.27

WATER FUND (Cont.)

USA Blue Book	Repair & Maintenance Supplies	800.90
Browns Hill Engineering	Equipment - Supplies	430.00
Verizon Wireless, Bellevue	Equipment - Supplies	416.22
Environmental Products	Communication and Transportation	20.13
Federal Express Corp.	Communication & Transportation	246.50
Grand Junction Pipe & Supply	Communication & Transportation	18.00
Nextrust Inc	Communication & Transportation	342.29
USA Blue Book	Communication & Transportation	74.79
Craigslist	Legal Notices	4.50
Mountain Careers	Legal Notices	89.55
AmeriGas	Utility Services	1,446.77
Century Link	Utility Services	1,995.18
Holy Cross Energy	Utility Services	257.44
Verizon Wireless, Bellevue	Utility Services	240.78
Brendle Group Inc	Professional Services	4,455.01
Garfield & Hecht, P.C.	Legal	722.20
Hoffman, Parker, Wilson & Carberry PC	Legal	175.50
Land Title Guarantee Company	LEGAL	216.00
Resource Engineering Inc	Engineering	787.00
Browns Hill Engineering	Repair & Maintenance Services	1,041.30
Inland Potable Services Inc	Storage Tank Maintenance	7,964.00
Eagle River Water & Sanitation District	Testing & Permits	200.00
SGS North America Inc	Testing & Permits	661.11
Red Canyon Café	Meeting Expense	398.19
Browns Hill Engineering	Contract Payments	2,972.00
Railroad Management Company	Contract Payments	1,073.52
Rifle Truck & Trailer	Equipment Purchase	4,175.00
Hoffman, Parker, Wilson & Carberry PC	Violet Lane Water Line	234.00
J.S. Lengel And Associates Inc	Violet Lane Water Line	9,000.00
Ground Engineering Consultants	Lower Basin Water Treatment	2,299.00
MWH Constructors Inc.	Lower Basin Water Treatment	760,690.00
Schmueser, Gordon, Meyer Inc.	Lower Basin Water Treatment	182,979.98
TOTAL WATER FUND		\$ 991,637.13

REFUSE FUND

Nextrust Inc	Communication & Transportation	\$ 342.29
Signature Signs Inc	Repair & Maintenance Service	50.00
Vail Honeywagon	Repair & Maintenance Service	88.00
Vail Honeywagon	Contract Services	47,657.52
TOTAL REFUSE FUND		\$ 48,137.81

SALES TAX CAPITAL IMPROVEMENT FUND

Kumar & Associates Inc	Professional Services	\$ 895.60
McDowell Engineering, LLC	Professional Services	800.00
Alpine Engineering, Inc.	Design	9,073.29
Architectural Engineering Consultants In	Design	600.00
Bear Saver	Construction	7,162.00
Hobbs Excavating	Construction	170,446.73
JEV Construction Inc.	Construction	40,166.00
Nv5, Inc	Construction	4,616.50
Steelog Artistic Metals	Construction	4,400.00
TOTAL SALES TAX CAPITAL IMPROVEMENTS FUND		\$ 238,160.12

OPEN SPACE FUND

Meritain Health	Health Insurance	\$ 4.06
United States Treasury	ACA PCORI Tax	0.16
TOTAL OPEN SPACE FUND		\$ 4.22

TOTAL **\$ 1,720,100.29**

PAYROLL TOTAL

GRAND TOTAL **\$ 1,720,100.29**



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: July 9, 2019

Re: Town Manager Report

Administration & Organization

Flight Days went well, and I would like to thank staff, volunteers and partners for putting on a great event. Event management continues to go well. Brian Hall has stepped in and is helping us. As far as the hiring process goes, we had to reschedule interviews to ensure that MEAC members can assist with the hiring process.

The Mini Retreat that we held on June 26 was productive. I will send a summary of the evening to the board as soon as I get into town. I debriefed with Tim Gagen afterwards and I think it would be great if we could set up a feedback process where we check in. This would take place in executive sessions to discuss how I am performing on board priorities. I have done this in previous roles and found it helpful to support good communication.

Thanks for the input on the Employee Handbook. Staff will bring the document back to the BOT on July 23 for review. Staff will include a redline version and a clean copy so that the board can see what changed. We will make sure to circulate the revised version by the handbook committee for feedback prior the presentation on July 23.

2020 Budget Development Process:

Staff has been working on the 2020 budget process and the next steps are below:

- All operating and CIP narratives for the budget are due on July 26.
- In August, administration staff is meeting with each department on budget requests.
- September 11 and 12 are budget workshops with the BOT.
- October 15 is when staff will present the proposed 2020 budget.

Economic Development and Planning

Home Rule – This initiative continues to move along. The next steps are:

- On July 8, staff has scheduled a Charter Commission Informational at Town Hall at 5:30 PM. The purpose is to give those who are interested in participating to understand the process and commitment prior to pulling a petition.

- Staff asked about the legal parameters of scheduling another work session on Home Rule and the attorney said that after the ballot is set, the BOT should avoid using town resources, including official meetings to discuss the topic.
- After July 9, the organization is done conducting outreach. A citizen committee will have to conduct outreach and voter education. So far, a committee hasn't been identified.
- In July, staff will begin putting together a charter template for the fall (assuming the election is successful).

River Park – Town is wrapping up the River Park but there are a few items that staff is tracking:

Staff sent the board talking points on the town's response to how we are addressing the flooding at the River Park. I have included those points below for the public:

- Town is not planning on shutting the park down during runoff.
- There are high water sign warnings placed at the park to warn users of the danger and for the sewer pipe downstream.
- Town cannot do anything about the debris floating down the river.
- There are no plans currently to sandbag the park since there are no structures to protect.
- Boaters and paddlers can paddle at their own risk.
- Once the water recedes, we will assess the damage for repairs.
- The park was built in a floodplain and is designed to flood on occasion.
- Mother nature needs to run its course for now.

Elevate Eagle – This project continues to move forward. Below are a few updates:

Staff is working on new dates for committee outreach. Due to summer schedules, the team will identify a new date for the next outreach sessions. We want to make sure we maximize participation and have good results. This will push the schedule about a month. Staff will let everyone know of the new dates.

Broadband – There are several updates on THOR and broadband in Eagle:

- Staff is waiting for Comcast to send us revisions to the draft Franchise Agreement. Once we receive the draft we will have special counsel review the document. If all goes well, we hope to have a draft agreement to the BOT at the end of July or first meeting in August.
- The network equipment for THOR arrived at Mammoth Networks and is being configured and tested. The marketing sub-committee is meeting to discuss pricing models for the resale of THOR in the various communities. The next Project THOR meet-me-center steering committee is on July 18.
- THOR won the Community Project Award at the Mountain Connect Conference on June 24. The communities that are participating in THOR were acknowledge including Eagle.

- Staff is in the process of setting up a small committee for broadband development in Eagle. We have had a lot of interest in THOR and members of the community want to help. The first meeting is on July 30 at 5 PM at Town Hall. This group will also serve as the steering committee for the feasibility study that we are conducting interviews for on July 10.

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

- July 10 – Pool & Ice Rink Recreation Campus Master Plan community input ice cream social 4 PM – 6 PM.
- July 12 – Mayors, Managers, and Partners meeting at Eagle County.
- July 29 – Alpine Lumber ArtWall art selection committee meets to discuss the parameters for art selection.

Reminders – *Updates on events or meetings that might be of interest to the Board of Trustees.*

- July 11 – NWCCOG Council meeting at 10 AM – 2 PM at CMC, 1402 Blake Ave., Glenwood Springs, CO.
- July 11 – I70 Coalition Annual Meeting at 1 PM – 4 PM at 651 Center Circle, Silverthorne, CO.

Sincerely,



Brandy Reitter
Town Manager



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager and Department Leads

Date: June 30, 2019

Re: Department Updates for June 2019

TOWN CLERK

- Communications Committee (PR Studios, Jeremy Gross, Jessica Lake, Erin Ivie, Bill Shrum)
 - June 7, 2019 Home Rule Roundtable Messaging
 - June 24, 2019 Eagle Today
 - June 27, 2019 Communications Meeting
- Licenses
 - BUSINESS: Issued 3 Business License Renewals in April; YTD: 412 Licenses issued
 - LIQUOR:
 - Processed renewal applications for Brush Creek Saloon and Primavera Liquors.
 - Processed one Special Event Liquor License for Vail Valley Charitable Fund at the Pool and Ice Rink for the LG Tri on July 5, 2019.
 - PUBLIC RIGHT OF WAY:
 - Processed 5 applications for vendors at Eagle Outside Festival and Flight Days events.
- Website
 - Ask the Town questions: 5
 - June 27, 2019 PR Studios and Staff are working on Refresh of Website Design with Civic Plus
- Municipal Court
 - Court Dates June 11 and 25.
 - Continuing to train with Court Clerk
 - May Citations:
 - Criminal/Traffic 10; Animal Control 2; Juvenile 1, Parking 28; Outstanding Parking Tickets 59 unpaid.
- Internal Support
 - June 21, 2019 Check signing Accounts Payable
 - June 21, 2019 Jeremy Gross Good-Bye Party
 - June 26, 2019 Board Mini-Retreat

- Sales Tax through May 31st.

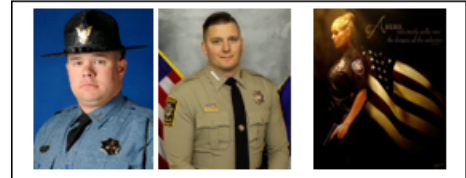
2019				
Month	Filing Period	Revenue Period	4% to General Fund O/U	
Jan	\$ 276,685.77	\$ 428,973.53	\$ 381,309.80	8%
Feb	\$ 383,092.08	\$ 387,365.41	\$ 344,324.81	-5%
Mar	\$ 526,374.04	\$ 400,149.40	\$ 355,688.36	7%
1 Q	\$ 1,186,151.89	\$ 1,216,488.34	\$ 1,081,322.97	3%
Apr	\$ 386,727.10	\$ 422,439.91	\$ 375,502.14	7%
May		\$ 409,836.28	\$ 364,298.92	10%

EAGLE POLICE DEPARTMENT

Please begin the EPD review of service for June with a moment of silence to honor the dedication and sacrifice of two lost heros.

Colorado State Patrol lost trooper William Moden this month after a vehicle crashed into him while he was investigating a crash. Eagle

County Sheriff's Office and Gypsum Fire also lost Taylor Esslinger last week. Services for GF Engineer/ECSO Deputy Esslinger are scheduled for July 8, 2019.



I have been where you fear to go; I have seen what you fear to see; I have done what you fear to do; All these things I've done for you. I am the one you lean upon; The one you cast your scorn upon; the one you bring your troubles to; All these people I've been for you. The one you ask to stand apart; The one you feel should have no heart; The one you call the man or woman in blue; But I am human just like you. And through the years I've come to see that I'm not what you ask of me; so take this badge and take this gun. Will you take it? Will anyone? And when you watch a person die and hear a battered baby cry; Then so you think that you can be all those things you ask of me? -Author unknown; from LawEnforcementToday.com

Calls for Service- 1,143 (June 2018 = 844 ; June 2017 = 817)

Community Policing- Officers are having a great time finding lemonade stands in Eagle! Officer Sriver stayed late to assist with the opening of junior baseball night.

Events- Eagle Outside. Bonfire Block Party. Flight Days. Showdown Town.

Notes- Your Eagle Police Department continues to observe increased calls for service, which has become a trend since year 2014, when EPD had close to 7,600 CFS. Additionally, EPD has noted a 26% increase in activities when compared year to date from 2018. At this pace, EPD is poised to have over 12,000 calls for service for 2019.

As more residents and guests are added to the fabric of our community, EPD continues to observe increases in CFS. When compared to June of 2018, EPD responded to additional animal complaints, civil assists, intrusion alarms, unknown 911 calls and quality of life code calls. Calls to assist other agencies doubled. Domestic disturbances, juvenile problems and medical calls have also doubled since last June. Suspicious occurrences and traffic complaints nearly doubled. With the addition of the water park, security checks and CFS have added to the routine.

EPD continues to focus on community policing activities and response to community quality of life concerns. As a result, EPD noted an increase in directed patrol activities, security patrol efforts, business checks and responses to traffic issues/complaints for areas of concern.

Summary of Investigations and Other Notes of Significance-

1st Degree Trespass. Under investigation.

Agency Assist. EPD back-up ECSO on disturbance in Gypsum involving various subjects.

At-Risk Adult. Joint investigation with DHHS regarding elder neglect.

Burglary Assist. EPD assisted to apprehend burglary suspects in Gypsum. EPD transported one subject to jail.

Counterfeiting. Local business discovered fraudulent cash. Under investigation.

Criminal Mischief. Vandalism at 50 Chambers. Juvenile identified. Charges pending.

Disturbance. Following physical altercation the night prior, cousins and extended family involved in argument.

Disturbance. Local liquor establishment.

Disturbance. *Two subjects in a fight. Neither wished to pursue charges.*

Domestic Assault. *Subject located and arrested.*

Domestic Harassment. *EPD and DHHS assist. Filed with District Attorney for consideration of charges.*

Drugs. *Possession cocaine and under 21 marijuana. Charges pending.*

Drugs. *Under investigation (sales to juveniles)*

DUI Assist. *REDDI report called in by concerned citizen in Eagle. CSP located vehicle. EPD assisted with arrest.*

DUI. *Driver arrested after hitting median of I-70 on ramp.*

DUI. *Near-miss head-on collision HWY 6 with EPD vehicle. Driver arrested for DUI with suspected BAC of .177.*

DUI. *Vehicle 20MPH over speed limit contacted. Driver arrested for DUI with a suspected BAC of .116.*

Family Disturbance. *Resources called to support family during a crisis involving their son. Services rendered.*

Felony Violation Bond. *Warrant issued and subject subsequently arrested and charged with harassment as well.*

Fire. *Subjects started a fire on BLM land with fireworks. EPD located vehicle as it drove into Eagle. Asst. BLM.*

Harassing Wildlife. *Dog reported to have chased wildlife multiple times. Animal Control investigating.*

Juvenile Services. *EPD officers met with family and juvenile following past-due (runaway) report.*

Medical Assists and/or Transports. *X8 assists.*

Missing Person. *Juvenile runaway located.*

Protection Order Violation. *Subject arrested.*

Public Consumption. *EPD worked with staff of licensed liquor establishment to mitigate complaints.*

Recovered Stolen Vehicle. *Located in Eagle. Assist.*

Restrained. *Two subjects contacted. Both summonsed.*

River Rescue. *Subject was okay. Board went down river.*

River Rescue. *Water park. Subject located down river.*

Sex Assault. *EPD working with DHHS. Joint investigation.*

Sex Assault. *Subject located. Charges pending.*

Suicidal. *Co-responder services rendered for adult.*

Suicidal/Welfare Check. *EPD assisted ECSO in search for a suicidal subject.*

Suicidal/Welfare Check. *Services rendered for juvenile.*

Suicide Attempt. *Transported to hospital.*

Theft. *Prescription theft. Under investigation.*

Trespassing. *Subject at local apartment complex warned for trespassing.*

Warrant. *Vehicle observed crossing I-70 median (nearly causing crash) was contacted. Driver had two warrants.*

Training/Grants- 2019/2020 FY In- Service grant is still under review for funding. Usually this grant funding is available soon after July 1 but may not be available until August this year.

Active Shooter- 8 EPD officers participated in a county wide Active Shooter training and exercise.

CCRN/CORA- Erin Ivie and Sgt. Buhlman

CIRSA LE Round table- Sgt. Rich and Sgt. Buhlman

Colorado Association of Chiefs of Police Annual Conference – Chief Staufer and Sgt. Buhlman

Noteworthy Items-

EPD received praise from several members of our community for our Public Works team who put in the flashing pedestrian lights at the Roundabout bus stop location. Some residents continue to ask for these at the Capitol and Sylvan Lake crosswalks.

Officers are stopping into local restaurants and bars with fliers regarding the new vaping state ordinance (no vaping indoors) and the expansion to 25 feet for smoking at public entrances to buildings.

Flight Days parade went well from a public safety view. Two lost children were reunited with their families. EPD will ask for additional staffing, as priority calls were aired during the parade, which resulted in officers and the chief having to leave the event prior to the ending of the parade.

EPD has exhausted all POST certified alternatives for our recruitment process. The cost of living, unemployment rate, and competition (i.e. comparable wages/benefits of local agencies which are also recruiting) continue to impact our agency's ability to lock in a POST certified recruit. Our recruit with a conditional offer withdrew (noting concerns such as cost of living). As a result, a proposal to sponsor two police recruits to the August academy was submitted to our Town Manager. This is the most reasonable alternative with these known conditions (note that it takes about one year to fill a police vacancy with non-POST applicants).

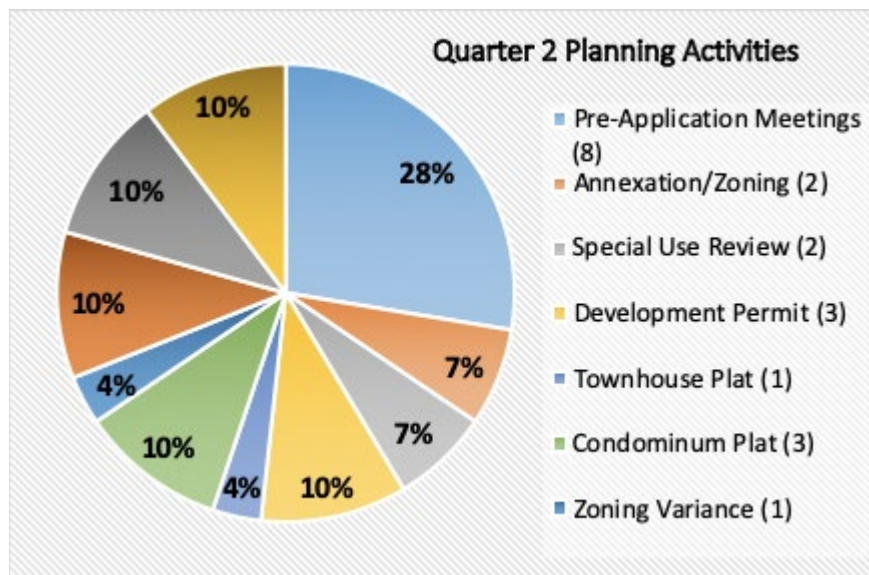
EPD continues to focus on engine compression brake and move over monitoring, when time permits.

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

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Department Activities

During time of transition, the Planning Department managed twenty-nine (29) various case files ranging from special use reviews to encroachment permits, conducted eight (8) pre-application meetings, and kept all development review projects on the previously agreed to public hearing schedule. The more complex annexation and zoning case files remain on track for final Town Board consideration in August of 2019.



Other Planning Department Key Activities included:

- Drafted and issued Environmental Abatement Services Request for Quotes (RFP) for CDPHE Brownfield grant funding for 410 Broadway Redevelopment Project
- Completed EQR Table Implementation Audit
- Maintained monthly invoicing and reimbursable expenses
- Assisted staff to ensure continued momentum of the Comprehensive Plan and Land Use Code Update
- Streamlining of development review processes (internal and external)
- Consistent Code Enforcement activities

Building Department Activities

- General coordination of contractors and projects
- Implementation and Migration to Community Core Solutions (New Meritage Permitting System)
- Participation in Development Review Team meetings as needed
- Plan review and inspection services for pending and active permits
- Refine processes and procedures
- Work with the Town of Gypsum Building Department for Electrical Inspection Services
- 29 electrical inspections completed in May and 25 electrical inspections in June

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 2019					
	April 2019	May 2019	June 2019	YTD 2019	YTD 2018
Number of Inspections	191	200	151	885	732
Number of Permits Requiring Plan Review	19	16	36	*	*
Number of Building Permits	25	20	36	116	193*
<i>ALL Commercial</i>	7	2	4	19	9
<i>SF Detached Residential</i>	2	2	4	9	14
<i>Multi-Family & Attached SF Residential</i>	0	0	1	12	16
<i>Residential Remodel/Addition/Basement Finish</i>	16	16	27	76	25

*YTD Plan Review Data Unavailable

* 2018 YTD data reflects separate MEP permits included in permit count

- **Major Construction Projects Under Review and Oversight:**
 - Lower Basin Water Treatment Plant
 - Eagle Landing at Brush Creek
 - Soleil Homes
 - Outwest Drywall
 - Library Expansion
 - 210 Freestone (Eagle Ranch Apartments)
 - SweetLeaf Pioneer Relocation
- **Upcoming Activities for July and August 2019:**
 - Finalize Contract with the Town of Gypsum Building Department for Electrical Inspection Services
 - Continue department audit of best practices, policies, and procedures
 - Continue customizing Community Core Solutions (New Meritage Permitting System)

ASSISTANT TO THE TOWN MANAGER

Assistant to the Town Manager

- So far this year: wrote applications for \$77,250 in grants; \$16,750 awarded, \$60,000 pending. Researched and assisted organizations in Town to apply for an additional \$265,000 in grants. \$25,000 DOLA Planning Grant expected to be approved in July 2019 for Broadband Feasibility Study. Preparing a \$50,000+ Brownfield grant application with Carrie McCool for 410 Broadway.
- Attended 2019 Mountain Connect conference to learn more about municipal entities and their use/ deployment of broadband fiber. The Project THOR communities were selected as the 2019 “Community of the Year” at the conference, and THOR was a keynote presentation.

Elevate Eagle Comprehensive Plan and Land Use Code update

- Preparing for a Planning and Zoning Commission meeting TBD in July to discuss the summary of “opportunities” and draft framework for the Comprehensive Plan, and a joint Land Use Code and Comprehensive Plan community meeting concurrent with this presentation.
- Pop up boards are at their final location after 2 very good weeks of engagement at the Pool and Ice Rink. More than 200 points of feedback gathered from popup boards this round.
- Suggestions on Comprehensive Plan Framework actively solicited, please send feedback and recommendations to me so I can share with Logan Simpson.

Economic Vitality and Development Work

- Attended the Downtown Broadway Leadership meeting, 14 in attendance. They are actively working on creating a 501c3 for community organization and funding capacity. Their next meeting is July 10th, 4pm at Yeti’s Coffee community room.
- Attended the Eagle Ranch Merchants Association meeting, 12 in attendance. They have asked me to help them assemble their own 501c3, independent of the Eagle Ranch HOA. The Septemberfest 5k has been rebranded and will still take place, other Septemberfest events may not happen this year. Follow meeting scheduled for July 11th.
- The first Economic Vitality Commission meeting is scheduled for July 11th at 2pm.
- Researched and worked with Brandy to assemble Business Retention and Funding strategies with state and federal money to assist in keeping primary employers in Eagle.
- DCI is hosting a Business Finance Summit July 12th from 2-4pm. Businesses will meet with state officials and funding sources to understand how USDA grants, loans, and State of Colorado financing can help rural community businesses and local non-profit organizations.

Project THOR

- Met with Andrew Eubank from Mammoth Networks to map the route from I-70 to Town Hall. The total cost of installation will be slightly less than budgeted, and the downstairs room will be a great location. Andrew suggested preparing conduit and fiber for other parts of the file storage to be amended to allow private carriers the ability to maintain secured racks located next to the meet me center.
- Project THOR communities were awarded the 2019 “Community of the Year” award at the most recent Mountain Connect conference in Keystone.
- First shipment of Ciena network equipment received by Mammoth, installation beginning.

Communications Plan / Website / Social Media

- Website redesign continues to progress, with a new design generally agreed upon. New site will be built in a test environment with expected launch date in September.

Alpine Lumber Art Wall on Eby Creek Road

- The selection committee is meeting July 29th at 5pm to discuss design guidelines in preparation of a call for artists.

Pool-Ice Rink Recreation Campus Master Plan Process

- We have had 2 meetings with Norris Design for the Haymaker Trailhead Area Plan.
- I attended the last Mountain Recreation board meeting June 19th to talk about the Town's involvement and answer questions. We have a very good partnership with Mountain Rec and we were favorably received. Kudos to Janet and Sheryl for all their hard work!
- A survey is available online and was launched at Flight Days.
- Ice-Cream Socials will be held July 10th at the EPIR, and July 11th with Community Navigators at the soccer field on Nogal rd. to further include the Hispanic community in the process. Anyone in the community can come by and share their thoughts.

Finance/ Budget 2020 Work

- Capital budget plans were collected and await funding levels. CIP narratives will be completed at the end of July.

PUBLIC WORKS

LBWTP Construction

- Continued forming, installing rebar and placing concrete for Treatment Building walls
- Started forming and placing rebar for footers at Drying Beds
- Started masonry on Raw Water Pump station
- Next four weeks:
 - Begin forming, installing rebar and placing concrete for Treatment Building Floor Decks
 - Install joists and decking for Raw Water Pump Station roof
 - Continue masonry on Raw Water Pump station

Wastewater Water Treatment Plant Roof Construction

- Start construction on July 1st

Cemetery Tank

- Construction documents are being developed

Violet Lane

- Private property and Eagle County easement acquisition is moving forward
- Hobbs Construction starts work on August 1st
- Union Pacific Railroad ownership and right-of-way easement is being cleaned up – should be completed by August 15th

Public Works Staff

- Sweeping streets
- Source Water Protection Plan completion on June 18th
- Water Efficiency Study: Draft study under review
- RRFB's on Chambers Ave & Eby Creek "flashing lights" were installed June 20th
- Pavement management bids received, start work in August

Grand Avenue Study

- Begin initial RFP document the Summer 2019

GENERAL ADMINISTRATION – FINANCE

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID				
	2018	2019	VARIANCE	
JANUARY	258	303	45	17.4%
FEBRUARY	272	254	(18)	-6.6%
MARCH	304	326	22	7.2%
APRIL	299	215	(84)	-28.1%
MAY	260	275	15	5.8%
JUNE	151	298	147	97.4%
YEAR TO DATE	1,544	1,671	127	8.2%

- Process Improvement: Worked with Caselle so we no longer will need to do month end or year end journal entries to record accounts payable in all funds.

Administration

- Utility Billing & Accounting Specialist (Mark Herota): Started with the Town on 6/17/19 and is off to great start. We are excited with all he will be able to accomplish in moving the Town's Utility billing process forward and as well as other accounting functions. A huge thanks to Carla Nelson who made this a very smooth transition and kept us operating well during this period of transition.
- Insurance: 2020 CIRSA Renewal application Completed – Staff met with CIRSA regarding 2018 reappraisal of Town properties and other renewal questions.

Financial

- Audit: Staff received audit adjustments and will be reviewing audit and adjustments in July - 2018 audit and financials and will be presented to the Board at the July 23rd meeting.
- Sales Tax Capital Improvement Fund:
 - Town officially received \$350,000 GOCO grant proceeds
 - Staff closed UMB Sales Tax Capital Improvement Project Fund (Bond proceeds account) with last pay reimbursement request of \$330,287.38.
- Water Fund: LBWTP Drinking Water Revolving Fund first reimbursement request submitted for \$5,021,238

Budget:

- Personnel requests and reallocations received from staff – June 7th
- Operating budgets and Narratives due from staff – July 26th
- Operating budget review meetings with Staff – August 5th – 9th
- Fee schedule revisions due to Finance – August 9th

Training:

- Ongoing weekly cross training with Senior Accountant and Finance Director
- Cross-training with Finance staff for Utility Billing and Accounting Specialist position
- Information Center – Manager Month End Training
- CGFOA – Ethics Training – CPA requirement

Payroll/HR:

- New Positions:
 - New hire Caselle setup – 3 employees (1 Summer Buildings & Grounds Maintenance Workers, 1 part time information center host and 1 Utility Billing & Accounting Specialist)

GENERAL ADMINISTRATION – FINANCE (continued)

Payroll/HR (continued):

- Retirement:
 - Town contributions were added for 1 employee at their one-year anniversary
 - 2018 annual retirement census and questionnaire completed
 - Offered One-on-ones with Edward Jones at Town Hall for all employees to review

Utilities:

- New Accounts Setup – **2**
- Property Transfers – **17**
- 1st Annual Re-Averaging of the Water Variable Surcharge completed – Customers will see any adjustment in bill received in July for June water.

INFORMATION CENTER

Visitors:

- 2608 visitors signed in at the Visitor Center, up from last month.
 - 54% decrease from June 2018
 - The decrease in visitors may be due to the signage, bad weather and road construction. Parking has not been a problem with opening of river park. Not sure the park is at it's peak use yet with the high waters.

VISITOR NUMBERS

2015		2016		2017		2018		2019	
Month	# of guests	Month	# of guests	Month	# of guests	Month	# of guests	Month	# of guests
Jan	597	Jan	906	Jan	680	Jan	835	Jan	333
Feb	753	Feb	866	Feb	878	Feb	849	Feb	509
Mar	1,508	Mar	2,071	Mar	2,161	Mar	1,645	Mar	894
April	1,808	April	2,422	April	2,599	April	1,390	April	927
May	2,932	May	4,434	May	3,774	May	3,340	May	1,871
June	4,647	June	5,794	June	4,784	June	5,617	June	2,608
6 month total	12,245	6 month total	16,493	6 month total	14,876	6 month total	13,676	6 month total	7,142
July	5,200	July	6,641	July	4,412	July	2,286	July	
August	4,220	August	5,233	August	4,167	August	1,432	August	
Sept	3,588	Sept	5,227	Sept	3,891	Sept	1,335	Sept	
Oct	1,981	Oct	3,575	Oct	2,751	Oct	1,111	Oct	
Nov	983	Nov	1,620	Nov	1,397	Nov	649	Nov	
Dec	866	Dec	1,170	Dec	1,163	Dec	581	Dec	
6 month total	16,838	6 month total	23,466	6 month total	17,781	6 month total	7,394	6 month total	0
Annual Total	29,083	Annual Total	39,959	Annual Total	32,657	Annual Total	21,070	Annual Total	7,142
		Year over Year Change	37%	Year over Year Change	-18%	Year over Year Change	-35%	Year over year Through June	-48%

Referrals:

- There were 89 referrals made to local businesses, up from last month, the staff is doing a great job at driving business to all Eagle locations
 - 52% decrease from June 2018 – and a 48 % decrease year to date over last year which corresponds to drop in visitor numbers.

REFERRALS MADE TO LOCAL BUSINESSES														
YEAR	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL	Year over Year Change
2015							94	119	89	92	23	29	446	
2016	29	28	82	59	153	165	185	170	157	126	77	21	1,252	181%
2017	17	41	111	128	117	132	169	136	237	94	122	41	1,345	7%
2018	47	55	85	90	99	185	96	57	100	66	55	21	956	-29%
2019	32	28	12	55	73	89							289	-48%

Revenue:

Sales were \$ 16,013.00, up from last month

- 52% decrease from June 2018 and 45% decrease year over year through June – corresponds to drop in visitor numbers

EAGLE INFORMATION CENTER REVENUE COMPARISON

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2012	\$3,735	\$4,675	\$6,831	\$9,180	\$14,113	\$22,980	\$21,960	\$21,659	\$20,198	\$12,606	\$7,468	\$6,976	\$152,381
2013	3,938	3,565	7,478	9,407	17,338	23,131	24,266	19,395	19,522	11,294	6,614	7,314	153,262
	5%	-24%	9%	2%	23%	1%	11%	-10%	-3%	-10%	-11%	5%	1%
2014	2,960	3,280	4,056	9,381	17,279	21,467	21,436	20,178	19,735	12,838	6,829	10,883	150,322
	-25%	-8%	-46%	0%	0%	-7%	-12%	4%	1%	14%	3%	49%	-2%
2015	5,461	5,454	11,327	12,977	24,261	30,321	37,186	31,533	25,678	20,771	9,665	13,128	227,762
	84%	66%	179%	38%	40%	41%	73%	56%	30%	62%	42%	21%	52%
2016	6,251	5,199	12,411	15,705	24,972	34,688	39,160	31,997	32,411	22,300	10,364	11,728	247,186
	14%	-5%	10%	21%	3%	14%	5%	1%	26%	7%	7%	-11%	9%
2017	4,772	6,492	14,448	15,930	24,435	30,289	32,217	29,178	27,441	19,812	11,169	14,083	230,266
	-24%	25%	16%	1%	-2%	-13%	-18%	-9%	-15%	-11%	8%	20%	-7%
2018	5,049	6,281	13,080	11,417	22,525	33,115	16,137	15,678	11,083	9,178	6,306	10,945	160,794
	6%	-3%	-9%	-28%	-8%	9%	-50%	-46%	-60%	-54%	-44%	-22%	-30%
2019	3,313	4,862	6,501	7,027	12,357	16,013							50,073
	-34%	-23%	-50%	-38%	-45%	-52%	-100%	-100%	-100%	-100%	-100%	-100%	-45%

Consignors:

- We are continuing our updating of consignors. I should have a completed updated list by August. We had approx. 30 and presently we have received new signed agreements from about 13.

OPEN SPACE

- Haymeadow Construction
 - Haymaker Trail temporary construction reroute - Outbound trail traffic will be redirected around the ice rink building to the Pool & Ice Trail for the first loop due to construction of the Haymeadow water line, bike path, and debris detention basins. The reroute will be in effect July 15 - September 1. PR Studios is helping with the press release and social media outreach. Open Space staff will be placing way finding signage.
- Pump Track - The pump track was resurfaced and some features rebuilt with help from contractor Momentum Trail Concepts. New wildlife proof trash cans were installed.
- Volunteer Trail Maintenance - Staff has been leading weekly volunteer events in coordination with the Eagle County Adopt-A-Trail program.
- Haymaker Winter Closure Gates - permanent green gates have been installed at the end of the second loop on Haymaker so they can be easily closed come December 15.
- Special Events - staff has been supporting all special events, including the River Throwdowns
- Development Review - staff has provided comments on all projects currently under review
- Charlie Brown trail "speed trap" - An s-turn has been added for safety to the end of the trail where it empties on to Polar Star Rd. to slow cyclists.
- Weeds - Staff has been working with Outdoor Services, the Town's weeds contractor, to aggressively spray weeds after this wet spring.

TOWN OF EAGLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2019

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>GENERAL GOVERNMENT</u>					
10-50-110 SALARIES & WAGES	8,912.00	54,510.48	112,400.00	57,889.52	48.5
10-50-115 TOWN BOARD	1,900.00	11,400.00	22,800.00	11,400.00	50.0
10-50-125 BONUS	.00	.00	7,472.00	7,472.00	.0
10-50-130 CAR ALLOWANCE	250.00	1,500.00	3,000.00	1,500.00	50.0
10-50-141 UNEMPLOYMENT INSURANCE	27.26	171.55	369.00	197.45	46.5
10-50-142 WORKERS COMPENSATION	.00	263.39	264.00	.61	99.8
10-50-143 HEALTH BENEFITS	1,511.70	7,756.88	35,846.00	28,089.12	21.6
10-50-144 F.I.C.A.	840.58	(568.31)	11,144.00	11,712.31	(5.1)
10-50-145 RETIREMENT	373.46	1,720.68	4,462.00	2,741.32	38.6
10-50-210 OFFICE SUPPLIES	77.99	316.01	1,000.00	683.99	31.6
10-50-215 ELECTION EXPENSE	.00	.00	5,000.00	5,000.00	.0
10-50-235 EQUIPMENT (NON-CAPITAL)	.00	2,328.40	6,500.00	4,171.60	35.8
10-50-310 COMMUNICATION & TRANSPORTATION	5.99	173.54	500.00	326.46	34.7
10-50-320 LEGAL NOTICES	.00	150.00	1,000.00	850.00	15.0
10-50-330 DUES & SUBSCRIPTIONS	4,580.00	22,148.44	23,974.00	1,825.56	92.4
10-50-340 UTILITY SERVICES	52.60	210.63	1,758.00	1,547.37	12.0
10-50-347 PROFESSIONAL SERVICES	.00	18,303.65	26,500.00	8,196.35	69.1
10-50-351 LEGAL - GENERAL	3,778.00	16,729.50	40,000.00	23,270.50	41.8
10-50-362 COMPUTER SUPPORT	.00	529.98	5,475.00	4,945.02	9.7
10-50-371 TRAVEL EXPENSE	256.87	2,245.97	1,500.00	(745.97)	149.7
10-50-372 MEETING EXPENSE	871.06	1,107.54	3,700.00	2,592.46	29.9
10-50-376 PUBLIC RELATIONS	.00	4,159.18	6,000.00	1,840.82	69.3
10-50-380 TUITION & BOOKS	71.00	1,136.56	6,800.00	5,663.44	16.7
10-50-395 CONTRACT PAYMENTS	.00	5,180.00	23,000.00	17,820.00	22.5
10-50-510 INSURANCE	.00	27,432.50	31,250.00	3,817.50	87.8
10-50-915 COMMUNITY REQUESTS	9,550.00	24,250.00	50,000.00	25,750.00	48.5
 TOTAL GENERAL GOVERNMENT	 33,058.51	 203,156.57	 431,714.00	 228,557.43	 47.1

Eagle River Park

EXECUTIVE SUMMARY #27 - July 2019

Town of Eagle

NV5

Upland Park Designer: Alpine Engineering & Zehren Architects

White Water Park Designer: S2O Engineering

Contractor: Hobbs Excavating and Trucking, LLC.

Materials Testing: Ground Engineering

Recently Completed

- General
 - Upland Park Substantial Completion
 - ERP Ribbon Cutting Ceremony
 - Restroom Substantial Completion
 - Site Furnishing Installation

- Design

- All Design Deliverables Complete

In Progress

- General
 - Evaluation of Impacts of High Water Runoff
 - Final Punch List Items
 - Wetland Plantings
 - Marquee Sign
 - Dumpster Enclosure
- Design
 - Construction Administration
- Communication
 - Website Updates
 - Eagle Eddie Update

Upcoming

- General
 - In River Velocity Verification Measurements
 - Repairs to High Water Runoff
- Design
 - Design Documents completed

Project Schedule Summary

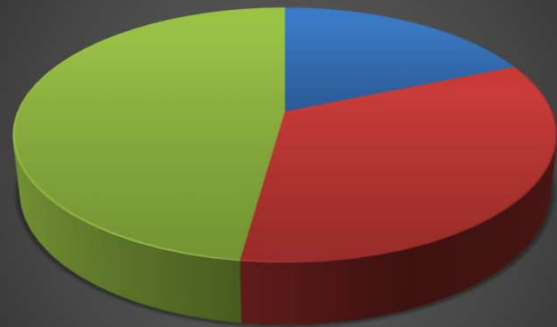
	Start	Completion
White Water Park Design	January-16	July-17
Upland Park Design	January-17	March-18
White Water Construction (Phase 1)	November-17	March-18
Upland Construction	March-18	June-19
White Water Construction (Phase 2)	September-18	February-19

Budget and Expenditures Summary

Description	Budget	Committed	Spent	% Spent	Balance
Soft Costs	\$ 1,194,520	\$ 1,194,520	\$ 1,170,697	98%	\$ 23,824
Construction Upland Park	\$ 2,146,549	\$ 2,146,549	\$ 2,115,412	98%	\$ 31,137
Construction White Water	\$ 3,059,833	\$ 3,059,833	\$ 3,059,833	100%	\$ -
TOTAL	\$ 6,400,902	\$ 6,400,902	\$ 6,345,942	99.1%	\$ 54,960

Total Budget includes GOCO

Projected Costs



Soft Costs Construction Upland Park Construction White Water

Project Schedule



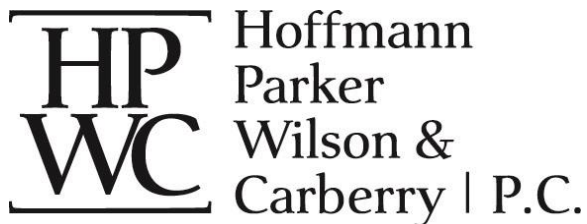
Photos



Eagle River Jam



ERP Ribbon Cutting Ceremony



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TOWN OF EAGLE
MEMORANDUM

TO: MAYOR AND BOARD OF TRUSTEES

FROM: J. MATTHEW MIRE, TOWN ATTORNEY
KENDRA L. CARBERRY, ESQ. 

DATE: JUNE 18, 2019

RE: HB 19-1148 MUNICIPAL COURT SENTENCING

This memorandum discusses House Bill 19-1148 ("HB 1148"), which reduces the maximum days of imprisonment that a municipal court may impose from 365 days to 364 days. HB 1148 was signed by Governor Polis on March 28, 2019, and will become effective on August 2, 2019.

Background and Purpose of HB 1148

HB 1148 reduces the maximum criminal penalty that a municipal court may impose under C.R.S. § 13-10-113 from one year of imprisonment to 364 days. HB 1148 also reduces the state penalty for class 2 misdemeanors and class 2 drug misdemeanors in the same manner. While this is seemingly only a minor change, the one-day difference carries great importance under United States immigration law. Under the federal Immigration and Nationality Act ("INA"), noncitizens become deportable if convicted of one crime involving moral turpitude ("CIMT") committed within five years of admission if the crime has a *potential sentence* of one year or more. 8 U.S.C. § 1227(a)(2)(A)(i). This deportation eligibility is therefore based upon the maximum *possible* sentence that could be imposed, not the *actual* sentence that is ultimately ordered. Prior to HB 1148, almost all Colorado misdemeanors and municipal offenses carried a maximum punishment of 365 days, making many noncitizens deportable for convictions of municipal offenses and misdemeanors.

The result of HB 1148 is that no *single* conviction of a Colorado misdemeanor or municipal offense will cause deportation, because even if the misdemeanor or municipal offense is a CIMT that was committed within five years of admission, it does not have a potential sentence of at least a year. Importantly, noncitizens will still be deportable for felonies and for multiple CIMT convictions, regardless of the potential sentence or when the CIMTs or felony were committed.

Effect of HB 1148 on the Town

Colorado municipal courts are governed by Title 13, Article 10, C.R.S.. Under HB 1148, municipal courts in statutory municipalities are expressly limited to the maximum incarceration of 364 days. C.R.S. § 13-10-113(1)(a); HB 1148 § 1.

Importantly, one change that HB 1148 did *not* make was to amend C.R.S. § 31-16-101(1)(a). This statutory provision addresses the maximum penalty that the governing body of a municipality may impose by ordinance (as opposed to the municipal judge of a municipality, via sentencing) for violations of that ordinance. This amount remains at "not more than one year" of imprisonment. *Id.* This was likely inadvertent, as the omission causes confusion as to what authority a statutory municipality really has to set and enforce the penalty for violations of its own code. We expect that this confusion and possible loophole will be addressed by the legislature in the next session with an amendment to C.R.S. § 31-16-101.

For informational purposes, we have advised our home rule clients that HB 1148 does not currently impact their municipal court practices, because home rule municipalities are only bound by certain provisions in Title 13, Article 10. Without an amendment to C.R.S. § 31-16-101, home rule municipalities have continued authority to set their own penalties for municipal court violations.

Conclusion

As a statutory municipality, the Town must comply with the changes made by HB 1148, and the Town's municipal court may only impose sentences of 364 days or less for municipal violations. We would recommend that the Town amend its code to clarify that all municipal violations are subject to this 364-day maximum. At your direction, we would be happy to assist the Town in drafting an appropriate ordinance.

As always, please let us know if you have any questions.

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 17
(Series of 2019)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO AMENDING VARIOUS SECTIONS OF THE EAGLE MUNICIPAL CODE CONCERNING THE MAXIMUM SENTENCE FOR IMPRISONMENT FOR VIOLATIONS OF THE MUNICIPAL CODE

WHEREAS, the Colorado legislature recently enacted House Bill 19-1148 ("HB 1148"), effective August 2, 2019;

WHEREAS, HB 1148 reduces the maximum days of imprisonment that a municipal court may impose upon violators from one year to 364 days; and

WHEREAS, pursuant to this legislation, the Board of Trustees finds that amendment of the Eagle Municipal Code is necessary for the Town to comply with state law and for the protection of the public health, safety and welfare.

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

Section 1. The chart found in Section 1.12.010(B) of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 1.12.010. General penalties designated.

* * *

B. All municipal offenses are divided into three (3) categories of offenses. The three (3) classifications, and the maximum penalties which may be imposed for each classification, are as follows:

Class	Maximum Fine	Maximum Imprisonment
A	\$2,650.00	364 days
B	\$500.00	6 months
Non-criminal	\$500.00	None

Section 2. Section 3.06.120(A) of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 3.06.120. Enforcement and penalties.

A. It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this Chapter, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this Chapter. Any person convicted of a violation of this Chapter shall be deemed guilty of a municipal offense, punishable by a fine of up to \$1,000.00 and three hundred sixty-four (364) days imprisonment or by both such fine and imprisonment. Each day, or portion thereof, that any violation of this Chapter continues shall constitute a separate offense.

* * *

Section 3. The Class A introductory portion of the chart found in Section 11.04.050(B) of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 11.04.050. Penalties for violation.

* * *

Class A Municipal Offenses (punishable by a maximum fine of \$2,650.00 and/or maximum imprisonment of 364 days)

Section 4. The chart found in Section 12.07.020(A) of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 12.07.020. Enforcement and penalties.

A. Any person or entity violating any of the provisions contained in the policies and regulations promulgated by the Board of Trustees concerning water irrigation conservation shall be subject to the following citations and fines:

Offense	Citation	Municipal Offense	Maximum Fine	Maximum Imprisonment
1	Door hanger and phone call			

2	Door hanger, phone call, and warning letter		\$100.00	
3	Warning letter and site visit	Non-criminal	\$500.00	None
4		Class A	\$2,650.00	364 days

Section 5. 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 Board of Trustees 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 6. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JULY 9, 2019.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: July 9, 2019

Agenda Item: Ordinance 18-2019 An Ordinance Initiating The Adoption Of A Home Rule Charter For The Town Of Eagle, Providing For The Election Of Charter Commission Members, Authorizing Participation In The 2019 Coordinated General Election, And Declaring An Emergency (Roll Call Vote Required)

REQUEST: This Ordinance initiates the Home Rule Special Election process by stating the question of "Shall the Town of Eagle form a home rule charter commission?" This Ordinance also sets the number of Charter Commission Members at nine. The Town has the ability to set the number of members between nine and twenty-one. If this Ordinance is adopted, the nomination petitions will become available for candidates beginning July 19th and due no later than August 19th. A Notice of Election will be published on July 18th.

BACKGROUND: Within the adopted Strategic Plan, the Town Board has determined Home Rule to be a priority. The process is citizen driven and begins with the Charter Commission nomination. Both the nominees and the Ballot Question will appear on the November 5th Ballot for a public vote.

ANALYSIS: Home Rule has been discussed over many years. In 2019, the Town has hosted informational meetings for the board and public to learn more about Home Rule. It has been discussed at several meetings and the determination to move forward with it will be formalized by adopting Ordinance 18-2019. Adoption of this Ordinance will also initiate the Charter Commission nomination process. Adopting as an Emergency Ordinance ensures our timelines are adequate for petition circulation and public noticing.

COMMUNITY INPUT: In February 2019 the Town conducted formal polling with Magellan Strategies to survey voters as to whether or not Home Rule would be a supported measure. The polling results were favorable and staff has been directed to prepare an election timeline and all supporting documents for adoption to move forward with this process.

BUDGET / STAFF IMPACT: The estimate for participating in a coordinated election is approximately \$5000.00. The Town has also expended funds on consultants to conduct outreach and polling for approximately \$13,000.00. If the question passes in November, the charter will be part of the April election, which is a regular election and the costs will be minimal in addition to that. There will be some costs to support the Charter Commission when they meet from November to February creating the Charter.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Home Rule is Major Objective No. 14.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to APPROVE or DENY Ordinance 18-2019 An Ordinance Initiating The Adoption Of A Home Rule Charter For The Town Of Eagle, Providing For The Election Of Charter Commission Members, Authorizing Participation In The 2019 Coordinated General Election, And Declaring An Emergency.

ATTACHMENTS:

1. 18 Initiating Home Rule-O062619 CLEAN USE
2. ADOPTING A HOME RULE CHARTER JENNY TIMELINE

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 18-2019
(Series of 2019)

AN EMERGENCY ORDINANCE INITIATING THE ADOPTION OF A HOME RULE CHARTER FOR THE TOWN OF EAGLE, PROVIDING FOR THE ELECTION OF CHARTER COMMISSION MEMBERS, CALLING A SPECIAL MUNICIPAL ELECTION, AUTHORIZING PARTICIPATION IN THE 2019 GENERAL ELECTION, AND DECLARING AN EMERGENCY

WHEREAS, the Municipal Home Rule Act of 1971, C.R.S. § 31-2-201, *et seq.*, as amended, authorizes the Town Board of the Town of Eagle to initiate by ordinance the adoption of a home rule charter;

WHEREAS, the process for adopting a home rule charter requires an initial election to form a charter commission and to elect members thereof;

WHEREAS, the electors of the Town will have opportunity to comment on a proposed charter at public meeting(s) to be held by the charter commission prior to a second election to approve or reject the proposed charter;

WHEREAS, following extensive research and study sessions concerning the advantages of home rule, including local governance on local issues, the Town Board desires to initiate the adoption of a home rule charter for the Town of Eagle;

WHEREAS, November 5, 2019, is a general election date under state law;

WHEREAS, the Town may call a special election pursuant to C.R.S. § 31-1-108;

WHEREAS, C.R.S. § 1-7-116(5) requires a political subdivision participating in a general election to notify the county clerk and recorder in writing of its participation 100 days before the election;

WHEREAS, an intergovernmental agreement will be executed between Eagle County and the Town of Eagle for the provision of coordinated election services; and

WHEREAS, an emergency exists, and the immediate effectiveness of this Ordinance is necessary to meet election deadlines and to protect the public welfare by avoiding a costly special election.

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

Section 1. Initiation of Home Rule. The following question shall be submitted to a vote of

the registered electors of the Town of Eagle in accordance with the provisions of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, at the special municipal election to be coordinated with the general election to be held on November 5, 2019:

Shall the Town of Eagle form a home rule charter commission?

Section 2. Commission Members. At the special municipal election to be coordinated with the general election to be held on November 5, 2019, , the registered electors shall also elect nine (9) members to the home rule charter commission, which members shall be elected at-large. If the formation of the home rule charter commission is approved by the qualified electors at the November 5, 2019, special municipal election, the candidates that receive the greatest number of votes shall be elected to the home rule charter commission.

Section 3. Call of Special Election; Uniform Election Code. The Town Board calls a special election pursuant to C.R.S. § 31-10-108, which shall be coordinated with Eagle County at the November 5, 2019, general election. At the special election called hereunder, in lieu of the Colorado Municipal Election Code of 1965, the requirements and procedures of the Uniform Election Code of 1992, articles 1 to 13 of title 1, C.R.S., to the extent applicable, shall be utilized in coordination with Eagle County. The Town Board authorizes the Town Clerk to take whatever action is necessary to effect coordination of the special election, including providing the Eagle County Clerk and Recorder in writing of the Town's participation and otherwise complying with all applicable state and local elections laws, as appropriate. The Designated Election Official for the Town for the 2019 Town special election is Jenny Rakow, Town Clerk.

Section 4. Publication of Election Notice. The Town Board hereby directs the Town Clerk to publish the first election notice and notice of thirty-day period for candidates for charter commission to file nomination petitions.

Section 5. Initial Meeting of the Charter Commission. Contingent upon the approval of the qualified electors at the November 2019 municipal special election to form a charter commission and to elect the members thereof, the charter commission shall have an initial meeting not more than twenty (20) days after certification of the November 2019 coordinated election results for the purpose of organizing itself and otherwise as set forth in C.R.S. § 31-2-206(4).

Section 6. 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 Board of Trustees 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 7. Emergency Declared. This Ordinance is deemed necessary for the protection of the public health, safety and welfare. The Town Board finds that immediate effectiveness of this Ordinance is fiscally necessary because, without the immediate effectiveness of this Ordinance calling an election for the purpose of deciding whether to form a charter commission and electing members thereof, the Town will be unable to meet the statutorily prescribed deadlines for the

holding of a charter commission election as part of the coordinated general election in November 2019, necessitating a more expensive special election.

Section 8. Effective Date. Upon passage by three quarters (3/4) of the members of the Town Board, this Ordinance shall become effective immediately. If this Ordinance is not passed by three-quarters (3/4) of the members of Town Board as required by C.R.S. § 31-16-105, then it is the intent of the Town Board that this Section be severed from the Ordinance and, if approved by a majority of members of the Town Board constituting a quorum, the Ordinance is adopted as a non-emergency measure effective thirty days after final publication.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JULY 9, 2019.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

PUBLISHED ON:

Eagle Valley Enterprise: July 18, 2019

ADOPTING A HOME RULE CHARTER

1. Within 30 days after initiation
 - a. Call an election on forming the charter commission and on commission members. C.R.S. § 31-2-204(2).
 - b. JULY 9, 2019 INITIATE AND CALL FOR ELECTION**
 - c. ORDINANCE INITIATING PROCESS AND CALL ELECTION, SET NUMBER OF COMMISSIONERS AND AUTHORIZATION TO PARTICPATE IN COORDINATED ELECTION WITH EAGLE COUNTY**
2. At least 60 days prior to the election
 - a. Publish first notice of the election. C.R.S. § 31-2-204(2).
 - b. PUBLICATION JULY 18, 2019**
3. Within 30 days after publication of the first election notice
 - a. Nomination petitions and consent to serve statements must be filed with the municipal clerk. C.R.S. § 31-2-204(3).
 - b. NOMINATION PETITIONS AVAILABLE JULY 19, 2019 AND DUE AUGUST 19, 2019 AND DUE NO LATER THAN AUGUST 19, 2019**
4. As soon as possible after the filing of nomination petitions is completed
 - a. Publish a second notice of election with names of nominated candidates. C.R.S. § 31-2-204(3).
 - b. PUBLICATION AUGUST 29, 2019**
5. Within 120 days after publication of the call for an election
 - a. Election on charter commission and commission members to be held. C.R.S. § 31-2-204(2).
 - b. ELECTION NOVEMBER 5, 2019**
6. Within 20 days after the election
 - a. Governing body must call the first meeting of the charter commission to be held within said twenty days. C.R.S. § 31-2-206(4).
 - b. NO LATER THAN DECEMBER 17, 2019**
7. While preparing the charter
 - a. Charter commission must hold one or more public hearings. C.R.S. § 31-2-206(9).
 - b. ANY TIME BETWEEN DECEMBER 17 AND JANUARY 27TH**
8. Within 180 days after the election
 - a. Charter commission must submit proposed charter to the governing body. C.R.S. § 31-2-206(10).
 - b. JANUARY 28, 2020 LAST REGULAR TBOT MEETING TO FORMALLY RECEIVE PROPOSED CHARTER**

9. Within 30 days after submission of the proposed charter
 - a. Call an election on the charter and publish notice of the election including the text of the proposed charter. C.R.S. § 31-2-207(1).
 - b. **PUBLISH NOTICE OF ELECTION NO LATER THAN FEBRUARY 7, 2020**
10. Not less than 60 nor more than 185 days after publication of the notice of election on the charter must be held. C.R.S. § 31-2-207(1).
 - a. **ELECTION DATE: APRIL 7, 2020**
11. [If the charter is defeated, the time limits for submitting and voting on a revised proposed charter are the same as for submitting and voting on the original proposed charter. C.R.S. § 31-2-207(3)]
12. Within 20 days after election approving proposed charter or revised proposed charter
 - a. File a certified copy of the adopted charter with the secretary of state and the municipal clerk. C.R.S. § 31-2-208(1).
13. Within 45 days after the election approving the proposed charter or revised proposed charter
 - a. Proceedings to contest adopted charter must be commenced. C.R.S. § 31-2-218.
14. Within 12 months after rejection of the revised proposed charter
 - a. No substantially similar proposal shall be initiated. C.R.S. § 31-2-214.



To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: July 9, 2019

Agenda Item: Ordinance 19-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 5.15.110 Of The Eagle Municipal Code Concerning The Hours Of Operation For Medical Marijuana Businesses

REQUEST: Request for approval of Ordinance 19-2019 to correct conflicting language in the Town's Municipal Code.

BACKGROUND: This conflict was discovered recently while researching hours of operation for medical marijuana businesses in Town. Ordinance 26 was passed in 2016 and updated the Land Use Code 4.04.100 as it relates to the hours of operation and expanding hours to 8:00 a.m. to 12:00 midnight (previous hours were from 11:00 a.m. to 7:00 p.m.). Upon further reading, hours of operation are also listed in the Town Municipal Code in Section 5.15.110 and that section was not revised, thus creating a conflict. This Ordinance will correct the conflict.

ANALYSIS: It is staff's position that this was an error and omission in 2016. Approval of this Ordinance will make our language consistent between the Land Use Code Chapter 4.04.100 and Chapter 5.15.110.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: Drafting of Ordinance. Updating of Town Code with MuniCode.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This was not an anticipated Ordinance, it is a correction to ensure we are protecting public health, safety and welfare with our Eagle Municipal Code.

RECOMMENDED ACTION OR PROPOSED MOTION: Approve or Deny Ordinance 19-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 5.15.110 Of The Eagle Municipal Code Concerning The Hours Of Operation For Medical Marijuana Businesses

ATTACHMENTS:

1. 19 Marijuana Hours-0062519

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 19
(Series of 2019)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO AMENDING SECTION 5.15.110 OF THE EAGLE MUNICIPAL CODE
CONCERNING THE HOURS OF OPERATION FOR MEDICAL MARIJUANA BUSINESSES

WHEREAS, a conflict exists in the Eagle Municipal Code regarding permissible hours of operation for a medical marijuana business; and

WHEREAS, the Board of Trustees finds that the amendment of the Eagle Municipal Code to remedy the conflict as set forth herein is necessary to protect the public health, safety and welfare.

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

Section 1. Section 5.15.110.L. of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 5.15.110. Special restrictions and requirements.

* * *

L. Hours of Operation. The hours of operation for a medical marijuana business shall be limited to between 8:00 a.m. and 12:00 midnight, Monday through Sunday, or as otherwise provided in the applicable special use permit.

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 Board of Trustees 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
_____, 2019.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: July 9, 2019

Agenda Item: Pilot Parklet Program Proposal

REQUEST:

Staff is requesting the Board of Trustees review a pilot program to allow for the temporary use of ROW for parklets in downtown Eagle.

INTRODUCTION:

Town received a request from a downtown business to install a temporary parklet outside their establishment for outdoor dining. While the town issues encroachments for ROW for various reason, this is a new policy idea for Eagle. The concept requires a building permit, encroachment permit, and a possible parking lease. There are several models out there from communities who currently have a parklet program in their downtowns. However, staff felt it was important for the BOT to decide if this is a program that accomplishes specific policy goals prior to approval.

ANALYSIS:

Staff has included information on parklets for the board to review:

What are Parklets:

Parklets are small public spaces that are an extension of the sidewalk over curbside parking spaces. The goal of a parklet is to provide more amenities to pedestrians using the street. Although there are many different designs for parklets, they typically incorporate seating, green areas, and bike racks. Parklets typically provide spaces for pedestrians to eat, rest, and shop and to take in the activities of the street. The creation of parklets usually consists of a partnership between the town and local businesses, residents, or neighborhood associations in order to ensure that they are properly developed and maintained. Town staff has received a request from a downtown



Figure 1 Carbondale Parklet

business that would like to construct a parklet within three parking spaces in the downtown area. As such, staff has provided the information below to gauge support for adopting a parklet program in downtown Eagle.

Pros of Parklets:

Various communities across the nation have adopted parklet programs to achieve their downtown revitalization, economic vitality and business retention and expansion goals. In addition to their aesthetically pleasing features, numerous studies have shown that parklets help increase foot traffic and even revenues for adjacent businesses. Parklets enhance public spaces, which helps to retain pedestrians and expand services beyond the conventional store or restaurant. Parklets provide opportunities for businesses to install patios that they would otherwise have no space for, which creates vibrancy along the street. They also prioritize the pedestrian experience by providing an array of amenities that can help break up hard surfaces by accommodating more green spaces in a normally more built environment. In addition to this, parklets provide people with spaces to spend time and take in their surroundings. The more time people spend in downtown, the higher the probability they will shop, eat and enhance the economic vitality of downtown.

Potential Issues:

In addition to the pros, there are also some cons that have been voiced about parklets. Many of these concerns revolve around parklets utilizing public parking spaces and ensuring that they do not fall into disarray and are properly maintained. Additionally, there is the idea that if they are allowed for one business, then all businesses should be entitled to one, which can also cause issues. Other challenges could include aesthetics, maintenance and repair, noise all of which could be addressed within a Revocable Encroachment License Agreement. A sample Agreement from Buena Vista is attached hereto for your reference.

Case Studies: Parklets in Action

Louisville:

The Louisville Downtown Business Association, an all-volunteer organization, began a seasonal pilot program in 2009 that virtually lined the 800 block of Main Street with parklets (which they dubbed patios). The parklets/patios are in place every year from around Memorial Day through the first week of November. The experiment proved to be wildly successful luring customers from near and far to spend money at downtown restaurants and retailers and padding municipal budgets with an impressive injection of much-needed sales tax revenue. (<https://www.moderncities.com/article/2016-sep-did-this-quiet-colorado-town-invent-parklets>)

Grand Junction:

In 2017, the Downtown Development Authority (DDA) partnered with PNCI, All Metals Wilding, the City of Grand Junction, and an architect to produce the city's first parklet. The parklet, which is located in Downtown Grand Junction, includes built-in benches and planters, and extends roughly forty (40) feet, or five (5) parking spaces. The intent of the parklet was to draw more pedestrian traffic to other parts of downtown and to create a more vibrant experience in the area. The intent of the parklet was also to slow down both drivers and pedestrians alike to slow down and take in their surroundings. It also had enforced hours in order to discourage people from sleeping on the benches overnight.

Other Studies:

“The Green Line Café in Philadelphia saw a 20% increase in revenue and the Mojo Café in San Francisco experienced a 30% increase. Increased bicycle and pedestrian traffic has been observed in post-analysis at numerous parklet installations. A study by the Great Streets Project in San Francisco indicated increases in foot traffic of up to 37% and increases in the number of people stopping and sitting by 30%.

The Great Streets Project conducted a study in 2011 about the impacts of San Francisco parklets that found generally positive results relating to economics. Liza Pratt, Parklet Impact Study (San Francisco: SF Great Streets Project, 2011).”

COMMUNITY INPUT:

Input from the community hasn’t been included in this analysis.

BUDGET / STAFF IMPACT:

This proposal doesn’t require additional resources from town. It has the potential to generate revenue in additional sales tax and permit fees.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

While this proposal doesn’t align with any specific strategic outcome identified in the strategic plan, it does accomplish a few priorities for the Board of Trustees:

1. Economic Development – This program supports the expansion and retention of existing businesses.
2. Economic Vitality in Downtown – The program is activating space in downtown and adds vibrancy to the core of Eagle.
3. Revenue Generation – This program has the potential to generate some revenue for the town because it increases the revenue to square footage ratio for a business.

RECOMMENDED ACTION OR PROPOSED MOTION:

Review the information and give staff feedback on the proposed pilot parklet program.

ATTACHMENTS:

- Revocable Encroachment License Agreement Template

REVOCABLE ENCROACHMENT LICENSE AGREEMENT

THIS REVOCABLE ENCROACHMENT LICENSE AGREEMENT (the "Agreement") is made this _____ day of _____, 20____, by and between the Town of Buena Vista, Colorado (the "Town") and _____ ("Licensees").

WHEREAS, the Licensees applied for and obtained approval from the Town for an encroachment permit for outdoor dining as described herein and in the application to the Town;

WHEREAS, as a condition of that approval the Licensees was required to enter into this Agreement with the Town; and

WHEREAS, the Town and the Licensees desire to enter into this Agreement pursuant to the terms and conditions set forth herein.

SECTION 1. THE LICENSE

1. The Town grants the Licensees a revocable license allowing certain existing structures to encroach on Town-owned property, which is a portion of E. Main Street right of way, in front of the property located at _____ (the "Property") as depicted on the attached **Exhibit A**. The license is granted subject to the terms and conditions of this Agreement.

2. The Licensees shall pay to the Town an annual license fee in the amount of _____ upon the execution of this Agreement and on or before January 1st of each subsequent year that this Agreement remains in effect. If the first year of this Agreement is not a full calendar year, the initial payment should be prorated accordingly.

SECTION 2. USE OF PROPERTY

1. The Property may be used by the Licensees for the sole and exclusive purpose of constructing, installing, operating, maintaining and repairing a patio for food and beverage service, such patio to consist of decking, fencing, tables, chairs, and other necessary facilities (the "Encroachment"), as described in this application and as depicted on **Exhibit A**. All installation on the Property of the Encroachment shall consist of decking, fencing, tables, chairs and other necessary facilities as described and depicted on **Exhibit A**. Any changes shall require additional advance approval by the Town. All work shall be completed in compliance with all codes, ordinances, rules, and regulations of the Town. Except for the improvements specifically authorized by the Town, Licensees shall not place, build, expand, or add to any structures or other items on the Premises.

2. Licensees shall strictly comply with the following:

- a. Main street patios operated under this program are allowed year-round. Outdoor dining is permitted only when the primary food establishment or its kitchen is open.

- b. Main street patios operated under this program must comply with adopted Town of Buena Vista regulations governing noise. No amplified sound shall be permitted on the patio.
 - c. The sidewalk adjacent to a main street patio shall be located so that the public sidewalk has a minimum 6-foot wide continuous pedestrian throughway free from all obstructions.
 - d. Covered patios may be allowed at the discretion of the Town of Buena Vista. Covered patios may be subject to additional review and subject to the approval of a building permit.
 - e. At the end of license term, or upon termination of the lease agreement, the patio including all fixtures and furnishings associated with the patio shall be removed and the area returned to original condition at the sole expense of the lessee or building owner. Any damage to the sidewalk or street as a result of installation or removal shall be repaired by the property owner associated with the patio.
 - f. The patio may not be used for storage. All furnishings shall be contained within the patio area.
 - g. No signs or banners shall be permitted on the patio without separate sign permit approval from the Town. Any violations of signage will be evaluated for grounds of removal of the patio.
 - h. The licensee shall at its sole expense promptly remove from the patio and adjacent areas all snow and trash.
 - i. No utility connections shall be permitted. Lighting may be used, only if electrical connections do not create any trip hazards on public sidewalks or streets.
 - j. The licensee shall be responsible at its sole expense for the construction, installation, operation, maintenance, repair, and removal of any and all improvements associated with the placement of a main street patio.
 - k. The licensee shall be responsible for the payment of all applicable sales and property taxes.
 - l. Main Street Patios shall be constructed primarily of durable architectural or decorative metals. Acceptable colors shall include black or other naturally dark earth toned colors. Decorative railings are encouraged, except for those serving alcohol. Wood railings may be acceptable depending on design. Patio decking material must be metal, engineered wood/plastic composite, or other similarly attractive and durable material. Wood construction will be prohibited.
3. Licensees acknowledge that its use and occupancy hereunder is of the Property in its present, as-is condition with all faults, whether patent or latent, and without warranties or

covenants, express or implied. Licensees acknowledge the Town shall have no obligation to repair, replace, or improve any portion of the Property in order to make such Property suitable for Licensees' intended uses.

SECTION 3. TERMINATION

Either party may terminate this Agreement by giving written notice to the other party specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date specified therein. Licensees' obligations under Sections 4, 5, and 6 of this Agreement survive its termination until the Town excuses such obligations by written notice. The Licensees, at their sole expense, shall be required to remove the Encroachment, at the direction of the Town upon termination of this Agreement.

SECTION 4. MAINTENANCE

1. Licensees agree to take such actions, at its sole expense, as are necessary to maintain the patio improvements and Property in good and safe condition at all times. Licensees shall also maintain and keep clean and hazard-free the area between the Property and the Licensees' property located at _____, including disposal of all trash and removal of snow, Licensees further agree to comply at all times with the ordinances, resolutions, rules, and regulations of the Town in Licensees' use and occupancy of the Property.

2. Notwithstanding any other provisions of this Agreement to the contrary, the Town shall at all times have the right to enter the Property to inspect, improve, maintain, alter or utilize the Property in any manner authorized to the Town. If such entry requires disturbance of any items placed upon the Property under this Agreement, the Town shall not be required to repair or replace any such disturbance. In the exercise of its rights pursuant to this Agreement, Licensees shall avoid any damage or interference with any Town installations, structures, utilities, or improvements on, under, or adjacent to the Property.

SECTION 5. DAMAGE TO PROPERTY

Licensees shall be responsible for all damage to the Property arising out of or resulting from the Encroachment. Licensees shall make all repairs in accordance with the direction of the Town's Director of Public Works.

SECTION 6. INDEMNIFICATION

Licensees agree to indemnify and hold harmless the Town, its officers, employees and insurers, from and against all liability, claims and demands arising out of the existence of the Encroachments on the Property. Licensees agree to investigate, handle, respond to, and to provide defense for and defend against any such liability, claims or demands at his sole expense, or, at the option of the Town, agrees to pay the Town or reimburse the Town for the defense costs incurred by the Town in connection with any such liability, claims or demands. Licensees also agree to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent.

TEMPLATE

SECTION 7. INSURANCE

Licensees agree to procure an insurance policy which includes and covers the Property that is the subject of this Agreement, and to name the Town of Buena Vista as an additional insured thereon. Such insurance policy shall at a minimum include liability and property damage insurance, with a combined single limit for bodily injury and property damage of five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000.00) per occurrence. A Certificate of Insurance showing the Town as an additional insured thereon shall be provided to the Town within thirty (30) days of execution of this Agreement and annually thereafter on the same date that the License Fee is due under Section 1 above. The failure to provide the Certificate of Insurance shall be grounds for immediate revocation of this Agreement.

SECTION 8. GOVERNMENTAL IMMUNITY

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

SECTION 9. NOTICES

Any notice given pursuant to this Agreement by either party to the other shall be in writing and mailed by certified mail, return receipt requested, postage prepaid, and addressed as follows:

To the Town: Town Administrator
 Town of Buena Vista
 210 E. Main Street
 PO Box 2002
 Buena Vista, CO 81211

To Licensees:

SECTION 10. MISCELLANEOUS

1. Agreement Binding. This Agreement shall inure to the benefit of and be binding upon the heirs, successors and assigns of the parties hereto, subject to any other conditions and covenants contained herein. However, this Agreement is only transferable or assignable as provided herein.

2. Applicable Law and Venue. The laws of the State of Colorado and applicable federal, state and local laws, rules, regulations and guidelines shall govern this Agreement. Any

action arising out of this Agreement shall be brought in a court of competent jurisdiction in Chaffee County, Colorado.

3. Amendment. This Agreement may not be amended except in writing by mutual agreement of the parties, nor may rights be waived except by an instrument in writing signed by the party charged with such waiver.

4. Headings. The headings of the sections of this Agreement are inserted for reference purposes only and are not restrictive as to content.

5. Assignment. Licensees may not assign or transfer this Agreement, except upon the express written authorization of the Town.

IN WITNESS WHEREOF, the parties have duly executed this Agreement, effective the day and year first above written.

[Remainder of page intentionally blank – Signatures on following page]

TOWN OF BUENA VISTA, COLORADO

By: _____
Joel Benson, Mayor

ATTEST:

Janell, Sciacca, Town Clerk

LICENSEES:

Name and Title

Name and Title

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 2016, by
_____.

My commission expires: _____

(S E A L)

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 2016, by
_____.

My commission expires: _____

(S E A L)

Notary Public



MEMORANDUM

To: Mayor and Town Board of Trustees

CC: Brandy Reitter, Town Manager

From: Carrie McCool, Interim Town Planner

Re: EQR Table Implementation Update – Assessing Plant Investment Fees for Building Permit Application

Date: July 9, 2019

Background

In November 2016, SGM completed a DRAFT Water Rate and Tap Fee Study in anticipation of the upcoming Lower Basin Water Treatment Plant. Since that time, staff has been working with SGM to refine and finalize the report to make recommendations on future Plant Investment Fees (PIF) and water rates. In that document, it outlined the current condition that the Plant Investment Fee (PIF) currently charged is not adequately covering the share of the infrastructure cost and perpetual use of the Town of Eagle's water distribution system.

In review of the potential increase in PIF, town staff identified inequities in the way EQRs were allocated to residential projects (MF and SF). The Board also requested that staff review the EQR schedule for residential projects and recommend changes. On January 23, 2018, the Board approved the 2018 Fee Schedule increasing the in-town Plant Investment Fee (tap fee) rate and a revised Table of Equivalent Units (EQR Table) for calculation of Plant Investment Fees. ([Ordinance No. 1 Series of 2018](#)).

The revised EQR Table for single family residential projects allocates EQRs based on the number of bedrooms; the inclusion of a wet bar or more than one kitchen; and irrigated landscaped area. Previously, the EQR Table for single family residential projects allocated EQRs based on lot size. With the revised EQR Table for multi-family projects the method in which EQRs are assessed did not change; however, the allocation of EQRs for each type of multi-family unit **was reduced**.

Since this ordinance was implemented, the EQR rates have increased along with our fee schedule each year as recommended. The current EQR rate for In Town water is \$9,258.00/EQR. Through the building permit review process, staff has encountered various implementation challenges. As such, the fiscal impacts of the revised EQR table have been thoroughly analyzed and possible solutions explored as provided in the narrative below.

Challenges with Implementation

The revised allocation method has proven to be challenging to implement, is time consuming, and leads to difficult conversations with applicants in some cases.

- **With this revision, it was determined that the PIF for both water AND SEWER applies to all types of building permits including basement finishes, whereas in the past, PIF only applied to new construction because it was based on lot size.**
 - Many remodel projects (basement finishes) where bedrooms are being added are in existing properties where PIFs were paid based on lot size. It has been argued that the additional fees are not being fairly assessed in these cases.
 - Plans are being modified to eliminate bedrooms or hide wet bars to avoid PIFs
 - Permit estimates are given for proposed projects and in some cases, the proposed project is either abandoned or completed without permits.
- **There is no definition of bedroom in our municipal code.**
 - We are seeing plans come in with areas that look like a bedroom, being labeled as workout room, sewing room, study room, etc. This is true for both remodel projects and new single-family homes. We do not have a code reference to justify a case to apply PIF to a space that is not labeled a “bedroom” on submitted plans.
 - The number of existing bedrooms in a home has been challenged by applicants in some cases. For example, the original building plans indicate three bedrooms in the home, but the applicant claims that one of the bedrooms is being used as a study and should not count toward the bedroom total. That way, one more bedroom can be added without having to pay additional PIFs.
 - This creates inequity in many cases where applicants who are not aware of the implications submit plans showing bedrooms and are subject to paying the PIFs, while those that are aware, submit plans showing other types of uses in rooms that could easily be converted to bedrooms, but are not subject to the PIFs.
- **It is difficult to determine total square footage of irrigated landscaped area.**
 - Drip irrigation can cover large areas and add significantly to the PIF cost; however, plans may state that outer lying shrub and tree planting areas will not be irrigated permanently.
 - There are variations in landscape plans and what is labeled as “permanent irrigation”. Some plans that have been submitted show “maintained-lawn areas” that will only be irrigated temporarily.
 - Landscaping can be modified or expanded at any point after the plans are submitted.
 - In some cases, landscaping plans are submitted showing irrigated area large enough to apply additional water PIF. Once the estimate is provided, the plans are modified to reduce the landscaping shown on the plans.

Fiscal Impacts of Revised EQR Table

It appears the revised EQR table is not achieving the desired fiscal impacts if the intention was to create increased PIF revenue. Below is a comparison table illustrating some recent real examples of new single-family homes. It is notable that in each case, the EQR assessment was greater using the past EQR assessment based on lot size.

Single Family Home	Past EQR Assessment based on lot size	PIF @ \$9,258/EQR	Current EQR assessment based on bedrooms/wet bars/irrigated area	PIF @ \$9,258/EQR	Difference in water PIF using current method
Single Family Home with ADU and >2,500sqft of permanently	1.5 lot size > .28 acre= 1.3 EQR ADU= .2 EQR	\$13,887.00	1.45 3-bedroom home=1 EQR ADU= .2	\$13,424.10	\$462.90 LESS

Single Family Home	Past EQR Assessment based on lot size	PIF @ \$9,258/EQR	Current EQR assessment based on bedrooms/wet bars/irrigated area	PIF @ \$9,258/EQR	Difference in water PIF using current method
irrigated landscaping			Landscaping > 2,500sqft= .25		
Single Family Home with 3 bedrooms	1.3 lot size > .28 acre= 1.3 EQR	\$12,035.40	1 Home with 3 "bedrooms"	\$9,258.00	\$2,777.40 LESS
Single Family Home with 4 bedrooms and a wet bar	1.3 lot size > .28 acre= 1.3 EQR	\$12,035.40	1.25 3-bedroom home=1 EQR Additional Bedroom= .15 Wet bar= .10	\$11,572.20	\$463.20 LESS
Single Family Home with 4 bedrooms and an ADU	1.5 lot size > .28 acre= 1.3 EQR ADU= .2 EQR	\$13,887.00	1.35 3-bedroom home=1 EQR Additional Bedroom= .15 ADU= .20	\$12,498.30	\$1,388.70 LESS
Single Family Home with 4 bedrooms	1.3 lot size > .28 acre= 1.3 EQR	\$12,035.40	1.15 3-bedroom home=1 EQR Additional Bedroom= .15	\$10,646.70	\$1,388.70 LESS

It is worth repeating that with the revised EQR Table for multi-family projects, the allocation of EQRs for each type of multi-family unit **was reduced**.

Staff has identified inequities in the way EQRs are allocated to residential remodel projects. The PIF cost burden has shifted to existing homeowners adding finished space. For example, the PIF for adding an accessory dwelling unit (ADU) is .2 EQR while the PIF for finishing a basement and adding two bedrooms in an existing 3-bedroom home in the basement is .3 EQR.

Possible Solutions:

Town staff has identified the following possible solutions for Town Board consideration and direction.

Revert back to a PIF assessment for single family homes based on lot size and inclusion of an ADU.

- It is a fixed target that will rarely change.
- It is a straight forward simplistic way to calculate PIFs which promotes transparency and is easy to administer.
- PIF will be paid upfront capturing the total amount for the allowed buildable area for the lot unless an ADU is added later
- It would eliminate any ambiguity around the intended use of space
- It would eliminate any ambiguity around size of irrigated landscaped area
- It would eliminate the need to assess fees for adding additional finished space

Assess PIF based on total Square Footage

- It is a straight forward simplistic way to calculate PIFs which promotes transparency and is easy to administer.
- It would eliminate any ambiguity around the intended use of space
- It would eliminate any ambiguity around size of irrigated landscaped area
- If finished square footage is added, additional PIF fees would possibly be assessed

Stay with the current EQR Table and adopt a codified definition of bedroom

- This solves one problem but others such as assessing landscaping will remain
- Remodel projects may still incur PIF