Town Council
Tuesday, August 26, 2025
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION *This will be an in-person meeting using Teams. Please note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions to the meeting attendees. When it's your turn to speak, you will have three (3) minutes for public comment. PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to Camille Deering, Town Clerk, and will be included as part of the record. For technical difficulties, please email clerk@townofeagle.org and we will do our best to assist you.*

1. **Microsoft Teams** Need help?

Join the meeting now

Meeting ID: 283 067 054 976

Passcode: vE2Az22a

Dial in by phone

+1 469-770-0416,,699859549# United States, Kaufman

Find a local number

Phone conference ID: 699 859 549#

For organizers: Meeting options | Reset dial-in PIN

CALL TO ORDER - 6:00 PM

ROLL CALL

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

PUBLIC COMMENT *Citizen public comment offers an opportunity for citizens to express opinions or ask questions regarding town services, policies, or other matters of community concern, and any items that are not on the agenda. Please attempt to keep comments to three (3) minutes; time limits are established to provide efficiency in the conduct of the meeting and to allow equal opportunity for everyone wishing to speak. When appropriate, any questions by the public during public comment will be followed up on by the Town Manager and Town staff. Those who are speaking are requested to state their name and address for the record.*

PRESENTATIONS - 6:05 PM *Prescheduled presentations from the public are limited to 5 minutes. Invited presentations are limited to 10 minutes. Prior arrangements for presentations are made with the Town Clerk. The Council cannot appropriate funds or waive fees in response to a presentation.*

1. Phillip Morris International, Opposition to Tobacco Flavor Ban- Amanda Wheeler & Pritika Kumar

CONSENT AGENDA - 6:15 PM *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. Minutes
2. Resolution 58, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving the Grant of a Utility Easement to Comcast of Colorado IX, LLC, Over Certain Open Space Parcels Known as Tract OS-G, Eagle Ranch Filing NO. 25, and Tract OS-N6, Eagle Ranch Filing NO. 21."
3. Resolution 59, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Authorizing the Town Manager to Sign All Future Participation and Release Forms for National Opioid Settlements"

STAFF REPORTS *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Report
2. Q2 2025 Sales Tax Report

BUSINESS ITEMS - 6:20 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. Develop Eagle LLC Proposal for Old Town Hall
2. Resolution 60, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Adjusting the Mechanical Permit Fee For the "Heat Beneath Our Feet" Geothermal Project Managed by R&H Mechanical."
3. Ordinance 6, Series 2025, "An Ordinance of the Town Council of the Town of Eagle, Colorado, Amending Town Code Chapter 5.16 - Retail Tobacco Businesses - To Prohibit the Sale of Flavored Tobacco Products."
4. Ordinance 7, Series 2025, "An Ordinance of the Town Council of the Town of Eagle, Colorado, Increasing the Compensation to be Paid to Council Members and Mayor."

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 7:20 PM *Council will use this time to propose future agenda items, provide updates on Council Committees, and address general discussion items.*

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.

_____
Camille Deering
Town Clerk

PUBLIC WIFI – Town of Eagle Public Wi-Fi

PMI US CORPORATE SERVICES

1399 NEW YORK AVENUE, NW, SUITE 400, WASHINGTON, DC 20005 TELEPHONE (202) 495-2661

MEMORANDUM

Date: August 21, 2025
To: Mayor and Members of the Town Council, Town of Eagle
From: PMI, Amanda Wheeler, Director of External Affairs & Head of Southwest Region
Re: Request for Work Session on Proposed Flavor Ban on Nicotine Products, Submission of Presentation for Aug 26 Council Meeting; Request for Packet Inclusion and Work Session

---

Dear Mayor and Councilmembers,

We have reached out several times to the Town Manager to discuss the agenda item scheduled for August 26 regarding a proposed ban on flavored nicotine products but have not yet been offered the opportunity to connect until Tuesday, Aug. 19. We seek to actively participate in the legislative process and help shape a well-informed outcome. To that end, we are formally requesting that this matter be moved to a September work session, where Council and community members can together assess the merits of the proposal and alternative options.

We are concerned that the process is not affording adequate time for community review and that the Council may be working from incorrect or incomplete data provided by Eagle County. Moving forward without full consideration of the risks in creating these regulations is not only flawed but also excludes important voices in the community.

Background & Current Status

On August 19, Town management denied our request for a delay into September to allow for stakeholder input. PMI representatives very much appreciated meeting with Town management in early June to discuss the facts behind FDA-authorized products, how they differ from other nicotine products, and their importance as "appropriate for the protection of public health" with Marketing Granted Orders and Modified Risk Tobacco Product

distinctions. Notably, studies have demonstrated that banning these products results in more cigarette smoking than would have otherwise occurred.

As you are proceeding with the August 26 meeting, we respectfully accept your offer to present to the Town Council. Per the Clerk's guidance, we will submit our presentation materials by 12:00 p.m. MST on August 21 for inclusion in the Council packet.

We have further requested that those opposed to the ban be given equal chance to present to the Council with factual information as that opportunity has not, thus far, been available. We appreciate the opportunity to present on August 26 and request consideration of the process steps as outlined below.

Requests

We respectfully request that the Council:

- Include this memorandum and the attached 10-minute presentation deck in the August 26 Council packet and that this memo be read into the record at the meeting;
- Defer action following our presentation on any ordinance on August 26 and schedule a work session in early September so the Council can fairly evaluate technical corrections, economic impacts, and stakeholder input;
- Direct staff to develop alternative approaches (youth-prevention/compliance measures) and publish an economic and fiscal impact summary for Eagle retailers and Town revenues; and
- Adopt targeted amendment language to exempt FDA-authorized smoke-free products, preserving adult access to these important products while maintaining strong youth protections if the Council proceeds on August 26.

Key Economic Considerations (Local Impacts)

- Two locally owned Town of Eagle businesses would be directly affected — Eagle Sinclair and Smoker's Paradise — and, to our knowledge, Town staff has conducted no outreach to these businesses regarding the proposed action. Furthermore, there are additional retailers of the products to be banned that should be considered and heard from.
- Revenue impact: A Town-only restriction would shift sales (and associated local tax revenues) from Eagle retailers to nearby unincorporated areas and municipalities (e.g., Edwards/Beaver Creek, Gypsum, Avon). As a reminder, state legislation does not allow Eagle County to create such bans in its unincorporated communities, thus creating winners and losers among retailers based on their geographic location. Put

simply, a single-jurisdiction policy creates a competitive imbalance for Eagle businesses relative to adjacent areas where identical products remain available.
- Tourism adjacency: Well-intentioned but unnecessary product bans risk reducing convenience purchases by adult consumers, which are tied to lodging and hospitality at a time of fiscal constraint.
- The tax currently collected on the proposed banned products is significant to early childcare funding.

Critical Corrections and Clarifications to County Presentation (Summary)

- Scientific evidence on importance of flavors for adults switching from combustible cigarettes;
- Data on efficacy of flavor bans on youth use of nicotine products;
- Comparison of nicotine absorption from nicotine pouches and combustible cigarettes;
- Reliance on outdated data and figures related to youth use;
- Inappropriate conflation of smoke-free products and combustible cigarettes; and
- Misunderstanding of the regulatory status of smoke-free products.

Presenters & Logistics

Amanda Wheeler, Director of External Affairs, and Pritika Kumar, Director of Scientific Engagement, will present on technical corrections. We are prepared to present in person. We will coordinate with the Clerk on the preferred file format (PPTX/PDF), any AV requirements, and timekeeping/Q&A procedures.

Materials Provided & Next Steps

- Attachment A — Technical corrections to County presentation (Scientific Engagement)
- Attachment B — Economic impact snapshot (local retailer and tax effects)
- Attachment C — Draft amendment language (if Council proceeds on August 26)
- Attachment D — 10-minute presentation deck (for packet inclusion and screen use on 8/26)

We appreciate the Council's consideration and look forward to participating on August 26. Please contact Kristin Kenney Williams with Commfluent Inc. (kristin@commfluent.com) to coordinate.

###

ATTACHMENT A

TECHNICAL CORRECTIONS TO COUNTY PRESENTATION

Topmost Misleading Findings from the Eagle County Presentation:

1) Eliminating flavored tobacco will help people quit (slide 3); Flavored Tobacco makes it harder to quit (slide 6).
2) Flavors make it easier for youth to get addicted (slide 6); Eliminating flavored tobacco will prevent youth from ever starting (slide 3).
3) Nicotine content of average daily ZYN use (8-12 pouches) is equal to smoking approximately 3 packs of cigarettes per day (slide 5).

Additional Scientific Concerns:

1) Data recency
2) Product conflation
3) Misunderstanding of regulatory status of smoke-free products.

Assertion: Eliminating flavored tobacco will help people quit (slide 3); Flavored Tobacco makes it harder to quit (slide 6).

Facts: The following studies have collectively demonstrated the potential public health benefit of flavored smoke-free products, such as e-cigarettes and nicotine pouches. One of the largest studies of e-cigarettes, published in 2023 by researchers at the Hollings Cancer Center at the Medical University of South Carolina, found that across eleven American cities, flavored e-cigarette use increased one's likelihood of quitting even among the most stubborn smokers who reported no intention of quitting. Users of e-cigarettes were more likely to completely abstain, or to reduce their daily number of cigarettes and their number of quit attempts from conventional cigarettes.

Also, a study conducted by Fucito (2025) showed that in a sample of adult smokers randomized to use flavored nicotine pouches for four weeks, 10% quit smoking completely and used the following flavors: coffee, spearmint, citrus, and cinnamon. The rest of the sample significantly reduced the number of cigarettes they smoked per day. Klemper (2025) found that adult smokers may be more likely to use smoke free products more frequently, and subsequently cigarettes less frequently, if they are able to use their preferred flavors.

Researcher/School	Study & Source	Key Findings / Quote
David Abrams (NYU College of Global Public Health)	Harm Reduction Review, 2020	Flavors may help make non-combustibles a viable and appealing substitute for smoking
Abigail Friedman (Yale School of Public Health)	JAMA Net Open, 2021	Flavor bans associated with *increased* cigarette use among adults
Clifford Douglas (University of Michigan)	Policy Commentary, 2022	Eliminating Flavors risks discouraging smokers from switching to less harmful alternatives
Kenneth Warner et al. (University of Michigan)	Nicotine and Tobacco Research, 2023	Restricting flavors may reduce switching adults who smoke, limiting public health benefits
Fucito et al. (Yale University School of Medicine)	Tobacco Control, 2025	**10% quit smoking completely** and used the following flavors: coffee, spearmint, citrus, and cinnamon. **The rest of the sample significantly reduced the number of cigarettes they smoked per day**.
Klemperer et al (University of Vermont)	Preventive Medicine 2025	Greater frequency of smokefree product use was a mechanism by which preferred-flavor SFP led to reductions in smoking and tobacco-toxicant exposure, demonstrating the potential for reducing harm among high-risk populations who smoke.
Cheng et al. (Harvard University)	JAMA Net Open 2025	Flavor policies were associated with reductions in SFP use and unintended increases in cigarette use, highlighting a need for future work on evaluating substitution effects and prevention of youth tobacco use

Carpenter et al. (Medical University of South Carolina)	eClinical Medicine 2023	Complementing cessation-focused trials, results suggest that unguided e-cigarette use also leads to smoking cessation, allaying the notion that causal effects of e-cigarettes on cessation are not reflective of real-world scenario of self-determined use. For smokers who may not be able to quit using existing pharmacologic approaches, e-cigarettes may be considered to achieve that purpose.
Back et al.	BMC Chemistry 2023	No nitrosamines or polycyclic aromatic hydrocarbons were quantified in the ZYN and NRT products. Overall, the number of quantified HPHCs were similar between ZYN and NRT products and found at low levels.

Assertion: Flavors make it easier for youth to get addicted (slide 6); Eliminating flavored tobacco will prevent youth from ever starting (slide 3).

Facts: Banning flavored nicotine products can produce unintended consequences. A study published in 2025 by Cheng (Harvard University) found that statewide flavor restrictions on e-cigarettes did not meaningfully decrease e-cigarette use among youth overall and were associated with increased cigarette use among young adults for three consecutive years (2021-2023). Another study published in 2024 by Yale University's Abigail Friedman found restricting flavored e-cigarettes was associated with increased cigarette smoking among young adults. These are concerning unintended consequences of prohibitive policies because cigarettes are the most harmful delivery method for nicotine.

Smoke-free products are only for adults 21+. Strong, evidence-based approaches, such as enforcing existing youth access prevention laws, removing illegal products from the marketplace, and enhancing age-verification at points of sale all have proven to help reduce youth tobacco use.

Assertion: Nicotine content of average daily ZYN use (8-12 pouches) is equal to smoking approximately 3 packs of cigarettes per day (slide 5).

Facts: This is an inaccurate comparison. The extraction and absorption of nicotine varies significantly by product type (e.g., inhalable vs. oral).

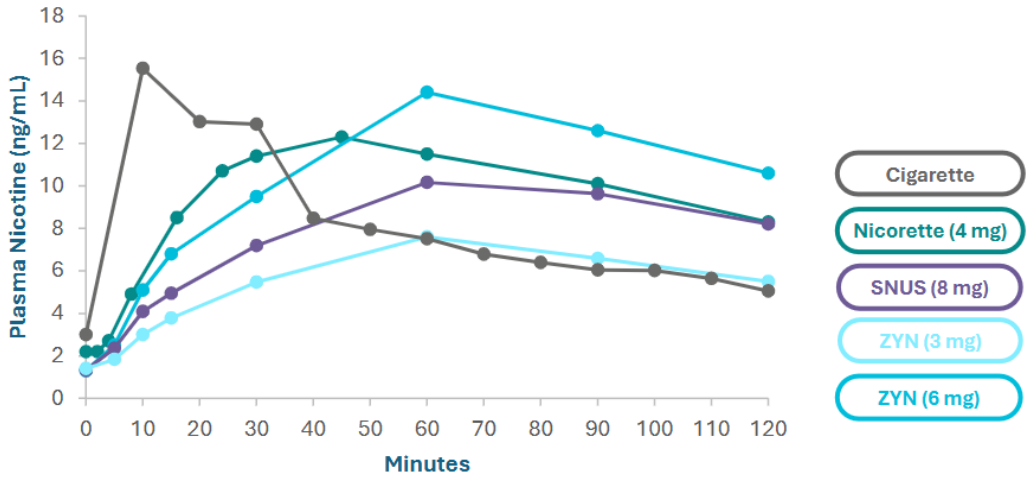
1. Nicotine delivery is not the same as nicotine content: Nicotine pouches list total content, but the proportion of nicotine absorbed is different and lower than the nicotine yield from cigarettes. While the nicotine content in a nicotine pouch can be similar to, or even higher than, a cigarette, the amount of nicotine absorbed (nicotine yield) is generally lower for pouches than for cigarettes. This is due to differences in delivery methods and how nicotine is absorbed into the body.

2. Different absorption routes: Cigarette smoke delivers nicotine to the lungs, creating a rapid spike in blood nicotine levels within seconds. Oral nicotine products deliver nicotine more gradually through the mucous membranes in the mouth.

3. To transition to less harmful alternatives, it is extremely important to have a favorable nicotine delivery profile. While it is essential for smokefree alternatives to be significantly less harmful when compared to combustible cigarettes, it is equally important that these products deliver nicotine effectively to legal age users - the primary reason people turn to tobacco and nicotine products in the first place. Research indicates that the nicotine in ZYN is absorbed relatively quickly, with peak plasma concentrations (Cmax) achieved within a similar timeframe to traditional products.

Additionally, during the FDA's review of ZYN's abuse liability, i.e. the ability to promote continued use, addiction, or dependence – the reviewer mentioned, "it expected to be lower than that of combusted cigarettes and lower than some smokeless tobacco products." The chart below shows the nicotine delivery from cigarettes which has a much higher initial peak meaning greater abuse liability compared to ZYN which has a similar nicotine delivery to that of NRT (nicotine replacement therapy).

Pharmacokinetic (PK) data demonstrates a slower nicotine release from ZYN than cigarettes, similar to other oral tobacco products.



Scientific Concern: Data recency (Several youth-use citations rely on older survey years)

Facts: The Council should consider the most current available data and context, not legacy snapshots.

Current Youth Use: There is no current data on youth use for nicotine pouches specific to Eagle County or the state of Colorado. However, nationally representative data of U.S. middle and high school students (National Youth Tobacco Survey 2021, 2022, 2023, 2024) have consistently reported relatively low prevalence of nicotine pouch use, with the most recent estimate at 1.8% (2024). In the same period, the prevalence of cigarette use hovered around 1.5% and the prevalence of e-cigarette use decreased from 7.6% in 2021 to 5.9% in 2024. The low prevalence of tobacco and nicotine products (TNPs) is supported by data from other national studies, like Monitoring the Future (2025), which show that youth use of TNPs like nicotine pouches is low compared to far greater prevalence of alcohol and cannabis use.

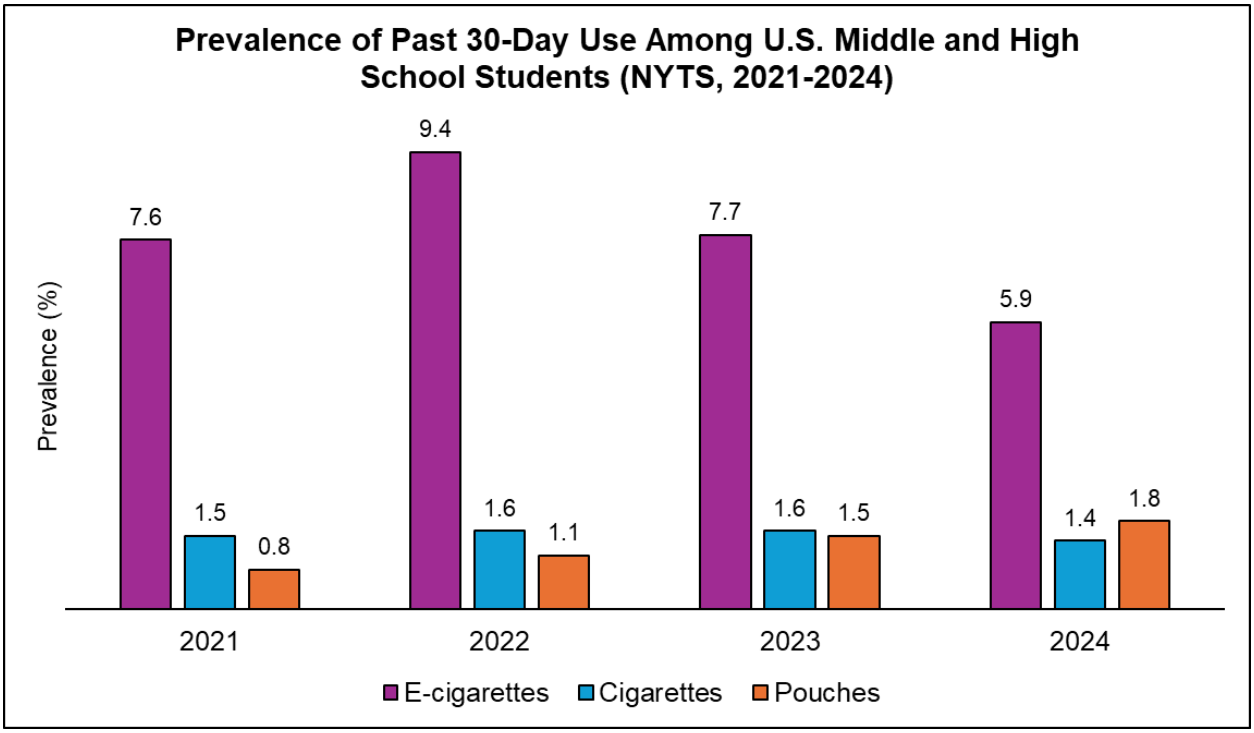


Figure 1: NYTS Latest Data

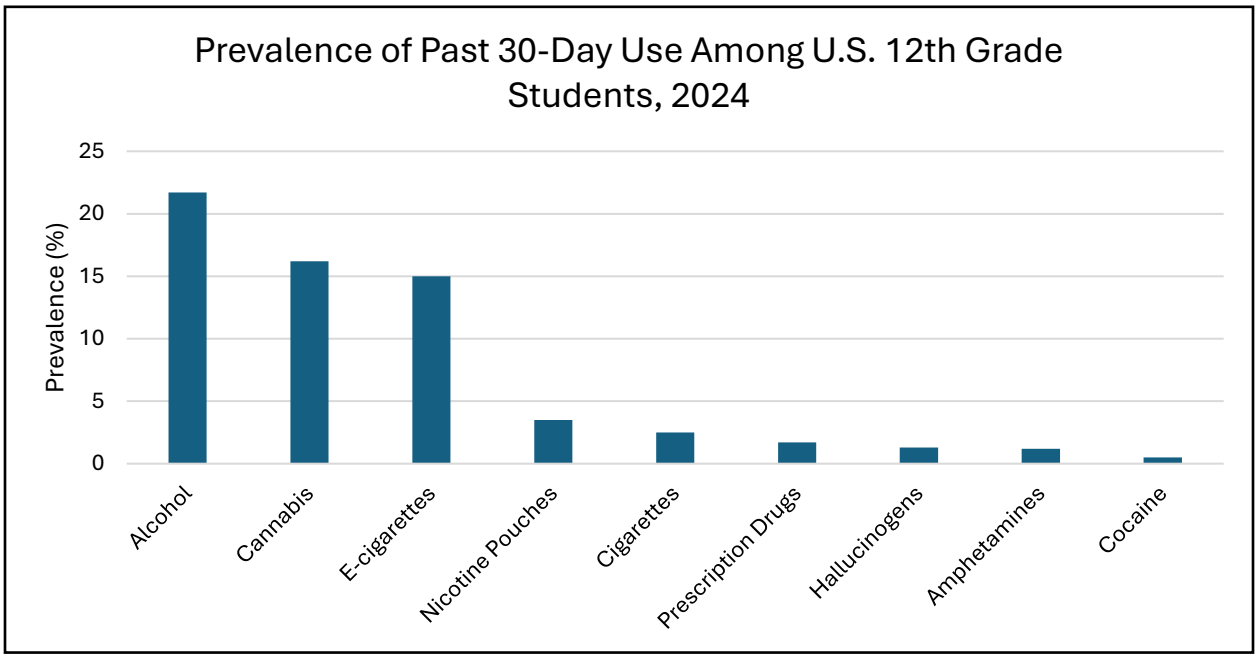


Figure 2: Monitoring the Future Data (2025)

Scientific Concern: Product conflation (Slides at times conflate risks from combustible products with smoke-free alternatives)

Facts: Risk profiles and regulatory status differ among products and should be evaluated separately.

Not all tobacco and nicotine products pose the same level of risk***:*** The Food and Drug Administration (FDA) recognizes a "continuum of risk" with combustible cigarettes ranked as the most harmful and non-combustible products like nicotine pouches and other smoke-free alternatives generally have lower health risks than cigarettes and other combustible tobacco products. For instance, a study published in 2023 found that among the 42 harmful and potentially harmful chemicals (HPHCs) analyzed in ZYN pouches, levels of 36 were too low to be quantified. The researchers also noted that the number of quantified HPHCs were similar between ZYN and NRT products and found at low levels.

Scientific Concern: Misunderstanding of regulatory status of smoke-free products

Facts: To be sold in the United States legally, new, smoke-free products must apply to the FDA through the pre-market tobacco product application (PMTA) pathway. Of the PMTAs ever granted (of over 25 million applicants), only 79 smoke free products have successfully received

authorization. ZYN is the first (and currently only) nicotine pouch with Marketing Granted Orders after the FDA found it is "appropriate for the protection of public health".

Notably, the agency's review included consideration of unintended users and stated: "As part of its evaluation, the FDA reviewed data regarding youth risk and found that youth use of nicotine pouches remains low despite growing sales in recent years." The FDA states on its website, "For adults who smoke, switching completely from cigarettes to nicotine pouches may reduce exposure to many harmful chemicals found in cigarettes."

###

ATTACHMENT B

ECONOMIC IMPACT SNAPSHOT

IMPACT OF A POTENTIAL FLAVOR BAN IN TOWN OF EAGLE, COLORADO

Background

The Town of Eagle, Colorado officials may soon consider a flavor ban for tobacco and nicotine products. A flavor ban like this would reduce total retail sales and tax revenue in the Town of Eagle. Other Colorado communities have already suffered from lost economic activity and tax revenue due to similar bans. For example, Golden, Colorado set up a $100,000 relief fund for stores affected by their ban, indicating a clear negative impact.[1]

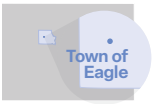
This will impact sales and jobs at local grocery, convenience, and tobacco/ vapor stores.

Projected volume flow of Town of Eagle flavored product sales:

24-27%
Purchases outside the region (in neighboring counties)

41-47%
Illicit/online sales in Town of Eagle

23-25%
Substitution to unflavored products



Outside region and illicit purchases reduce local economic activity

Note: Assumptions sourced from a review of academic studies.

Chmura evaluated the economic and fiscal impact of two possible scenarios:

	Menthol Cigarettes	Cigars	Little Cigars	Snuff	E-vapor	Nicotine Pouches	Snus
Baseline	X	X	X	X	X	X	X
PMTA Exemption Scenario	X	X	X	X	PMTA* Exemption	PMTA* Exemption	X

(X indicates that flavored products of the associated type are assumed to be included in the ban)

*Note: PMTA (Premarket Tobacco Product Application) exemption indicates that products authorized by the FDA via PMTA would not be banned.

Baseline Scenario Results in Town of Eagle

SALES & TAX IMPACTS

-$1.1 Million
Annual Gross Receipts

-$241,365
Annual Local Excise Tax Revenue

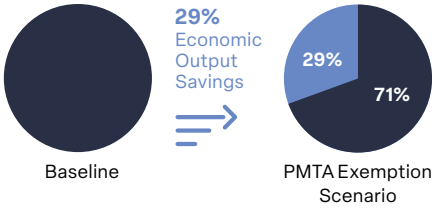
-$21,986
Annual Eagle County Sales Tax Revenue

-$49,470
Annual Eagle Town Sales Tax Revenue

ECONOMIC IMPACTS

-$296,915
Annual Economic Output

The PMTA exemption scenario mitigates the negative impact - a full flavor ban would be **1.4 times more costly**.



PMTA Exemption Scenario Results in Town of Eagle

	CHANGE IN GROSS RECEIPTS	ANNUAL ECONOMIC OUTPUT	ANNUAL LOCAL EXCISE TAX REVENUE	ANNUAL COUNTY SALES TAX REVENUE	ANNUAL TOWN OF EAGLE SALES TAX REVENUE
PMTA Exemption Scenario	**-$780,573**	**-$210,990**	**-$171,375**	**-$15,611**	**-$35,126**

[1]Aguilar, John. "Golden Flavored Tobacco Ban Causes Lost Revenue Concerns." The Denver Post, August 22, 2024. https://www.denverpost.com/2024/08/22/golden-flavored-tobacco-ban-lost-revenue-fund/.

Tax Calculation Notes: Excise tax calculations include municipal taxes. County sales taxes include transit authority taxes. Sales are based on data from the last 52 weeks through May 11, 2025 in the town of Eagle *(Source: MSA Shipments Data, IRI Colorado pricing).*

ATTACHMENT C

DRAFT AMENDMENT LANGUAGE

Attachment C — Draft amendment language

Amendment to Proposed Retail Tobacco Business Licensing Ordinance

On page ___, under the “Flavored Tobacco Product” definition, insert the following:

> "A flavored tobacco product shall not include a tobacco product that has marketing authority from the U.S. Food and Drug Administration and it or its predicate product has been authorized as appropriate for the protection of the public health under Section 387j of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.)."

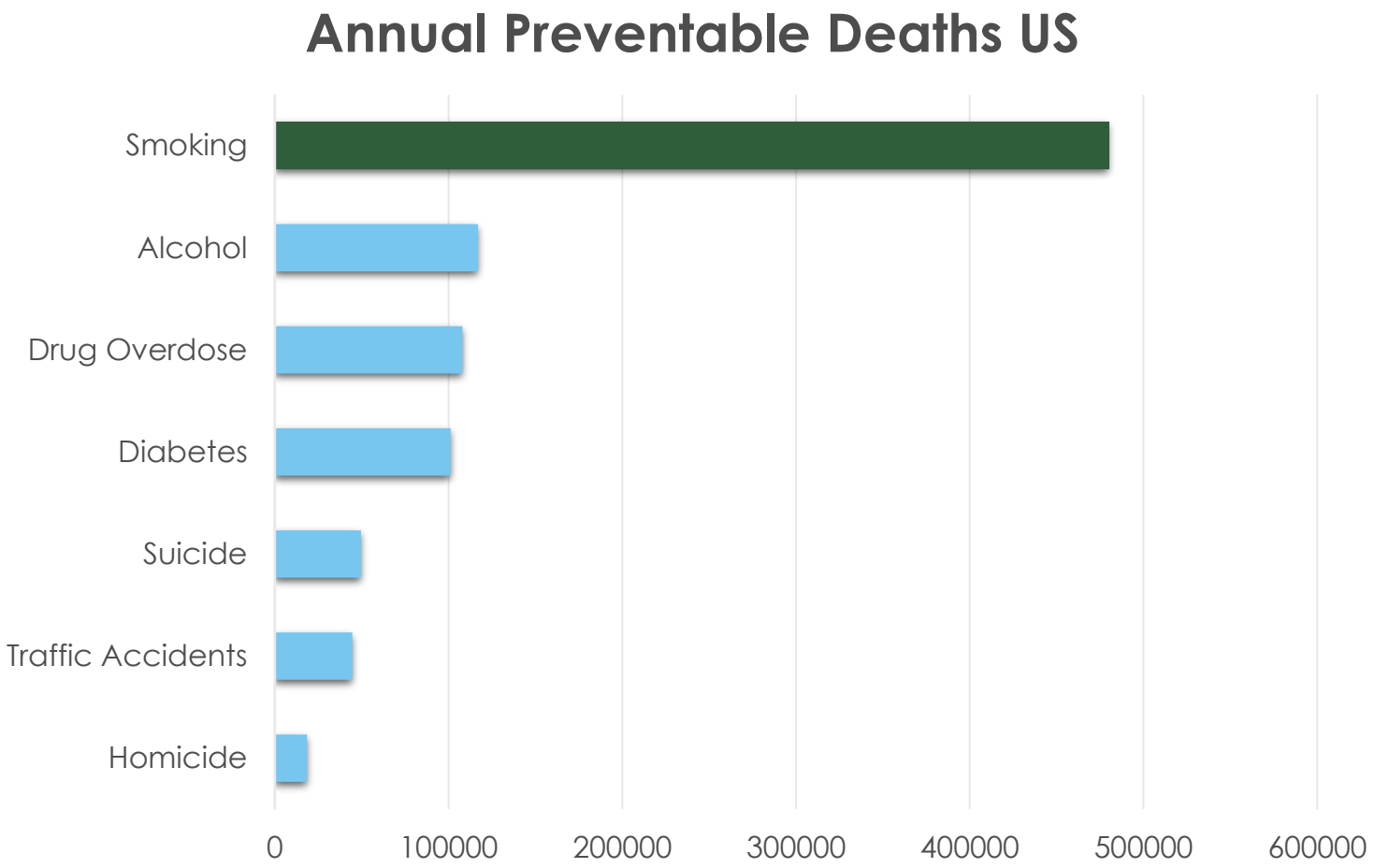
ATTACHMENT D

10-MINUTE PRESENTATION DECK

PMI and Tobacco Harm Reduction

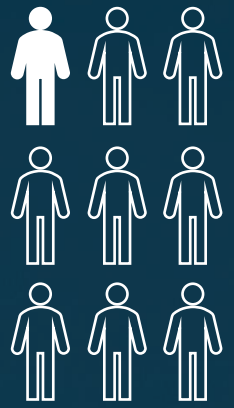
PMI SCIENCE
PHILIP MORRIS INTERNATIONAL

Why is Smoking Still a Leading Public Health Challenge in the U.S.?



Source: Burden of Cigarette Use in the U.S. | Data and Statistics | Campaign Resources | Tips From Former Smokers | CDC

What is the Impact of Smoking in Colorado?



1 IN 9 ADULTS IN COLORADO SMOKE

5070 COLORADANS WILL LOSE THEIR LIVES TO CIGARETTE SMOKING THIS YEAR

- RACIAL AND ETHNIC MINORITIES
- LGBTQ+
- RURAL
- LOWER INCOME
- MENTAL HEALTH CHALLENGES

4X OR MORE, LIKELY TO SMOKE

Source: The Toll of Tobacco in Colorado - Campaign for Tobacco-Free Kids
Source: Tobacco use in Colorado 2023

What is the Cost of Smoking in Colorado?

$ 2.2B

Health care costs

$4.4B

Productivity losses

$2.5B

Medicaid savings in the year following 1% reduction in smoking

Source: Tobacco use in Colorado 2023
NEWS: Who Tobacco Still Hurts in Colorado—and What We Can Do About It - Tobacco Free Colorado
Estimation of 1-Year Changes in Medicaid Expenditures Associated With Reducing Cigarette Smoking Prevalence by 1% | Health Policy | JAMA Network Open | JAMA Network

Does Nicotine Cause Cancer?

FDA

Source: Chemicals in Tobacco Products and Your Health

"Nicotine is a highly addictive chemical found in the tobacco plant itself and is therefore present in all tobacco products. While nicotine is what addicts and keeps people using tobacco products, it is not what makes tobacco use so deadly. Tobacco and tobacco smoke contain thousands of chemicals. **This mix of chemicals—not nicotine—is what causes serious disease and death in tobacco users.**"

Cancer Research UK

Source: Is Vaping Harmful?

"Nicotine is the chemical that makes cigarettes addictive. But it is not responsible for the harmful effects of smoking, and **nicotine does not cause cancer**."

Health Canada

Source: Risks of vaping

"No vaping products have been approved as therapeutics (cessation aids) in Canada. However, nicotine is approved for use in nicotine replacement therapies, (e.g. the patch, inhaler or nicotine gum) to ease withdrawal symptoms and help people quit smoking. **Nicotine itself is not known to cause cancer**."

IARC/WHO

Source: Does nicotine cause cancer?

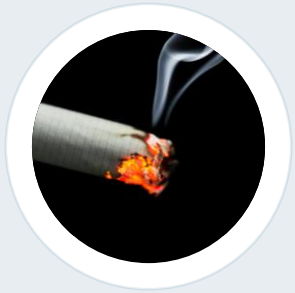
"**Does nicotine cause cancer? No.** Nicotine is a common chemical compound found in tobacco plants, and its effect is to make tobacco addictive rather than to cause cancer directly. People who are addicted are more likely to continue to expose themselves to the carcinogens in smoked or smokeless tobacco."

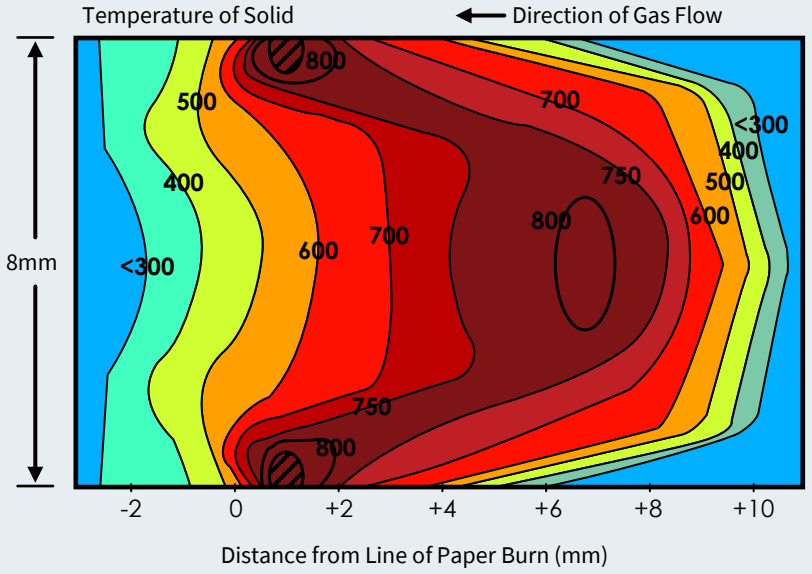
NASEM

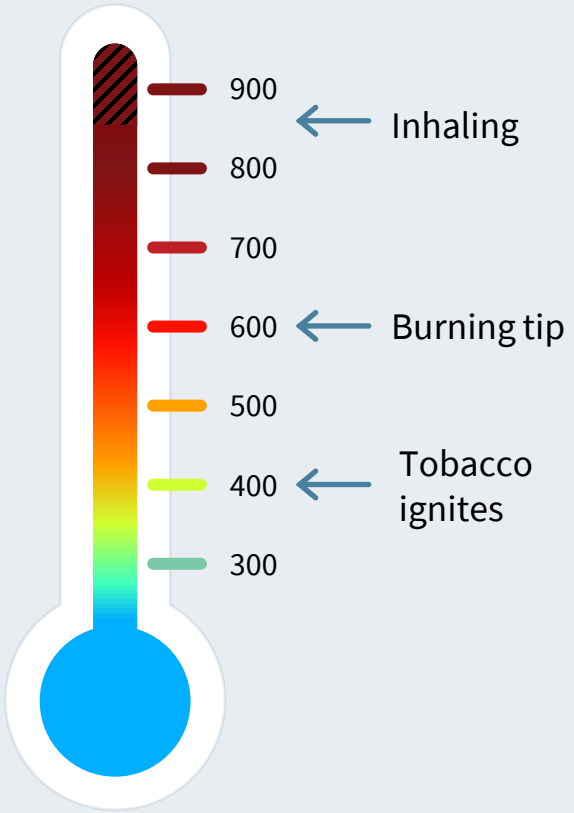
Source: Public Health Consequences of E-Cigarettes

"When the evidence is viewed in total, while there is a biological rationale for how nicotine could potentially act as a carcinogen in humans, **there is no human evidence to support the hypothesis that nicotine is a human carcinogen.**"

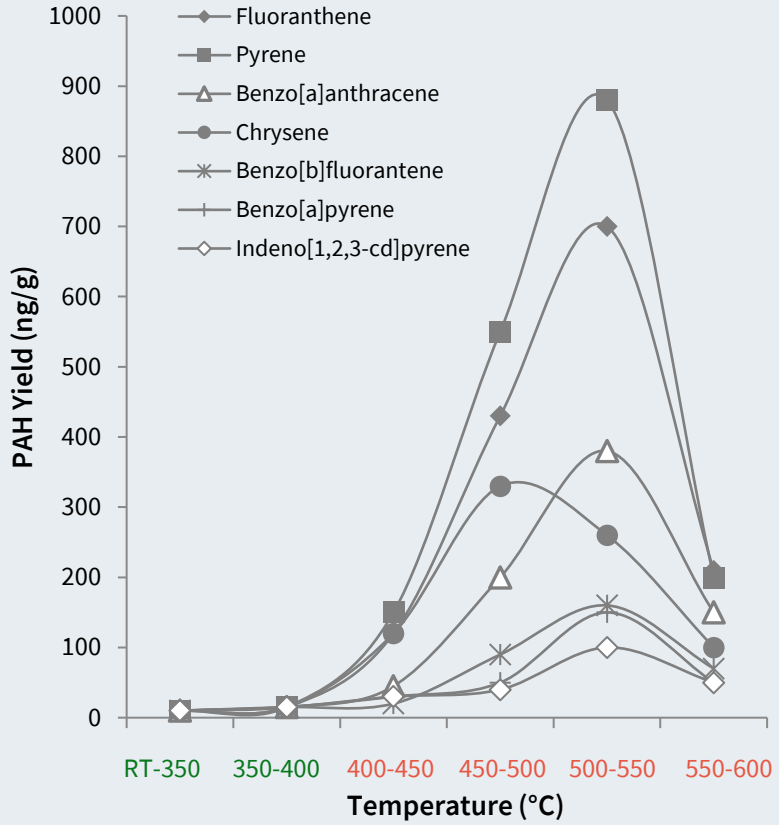
What Makes Cigarettes the Most Harmful Delivery Mechanism of Nicotine?







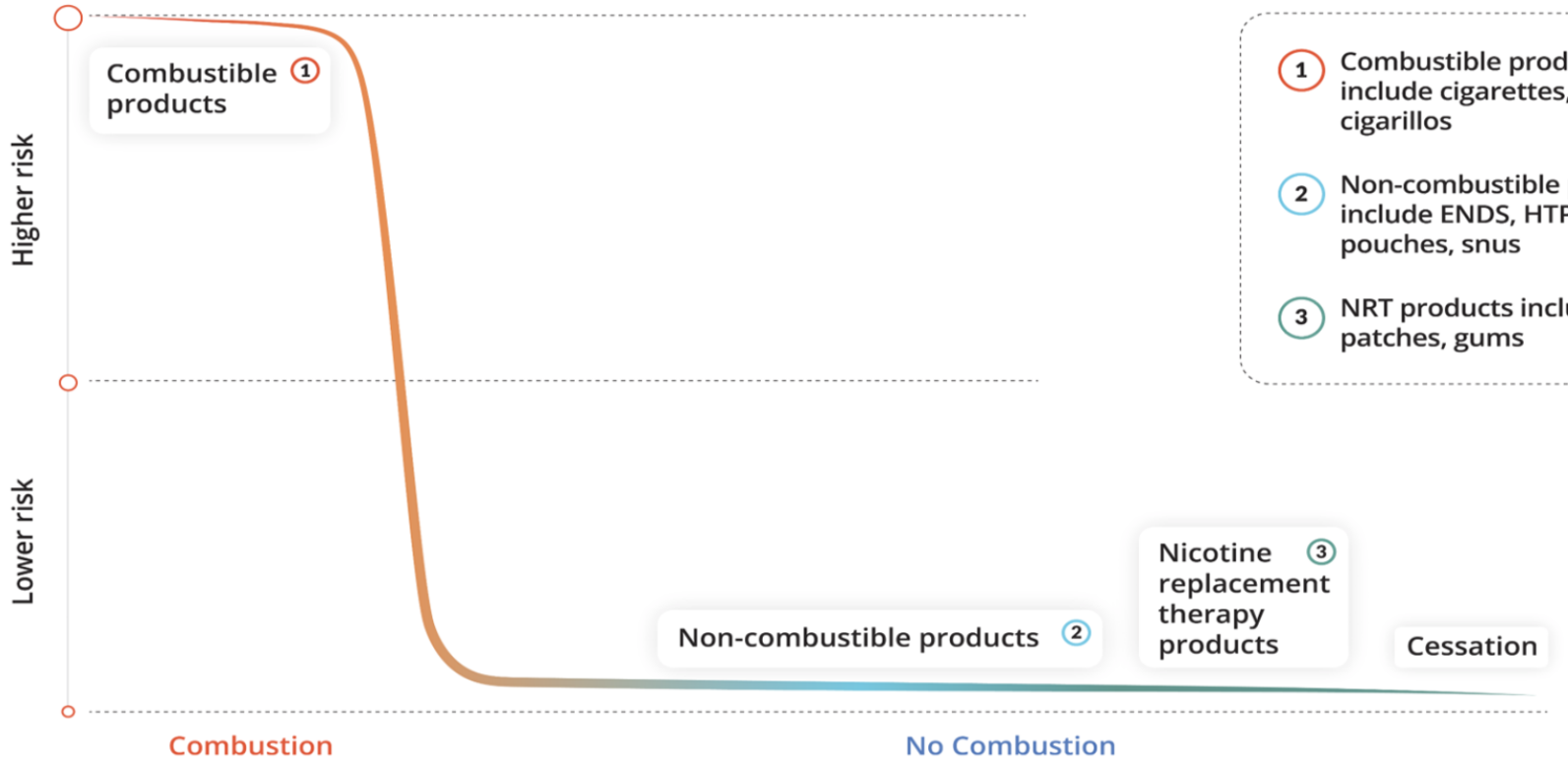
As the Temperature Increases the HPHC emission Increases



1 Source: Baker, 1975, Temperature variation within a cigarette combustion coal during the smoking cycle, High Temp. Sci., 7, 236-247. Coloration by PMI.
2 Source: McGrath, 2007 (DOI: 10.1016/j.fct.2006.12.010)

Does the FDA Consider all Tobacco & Nicotine Products Equally Harmful?

Risk cliff between combustible and non-combustible products

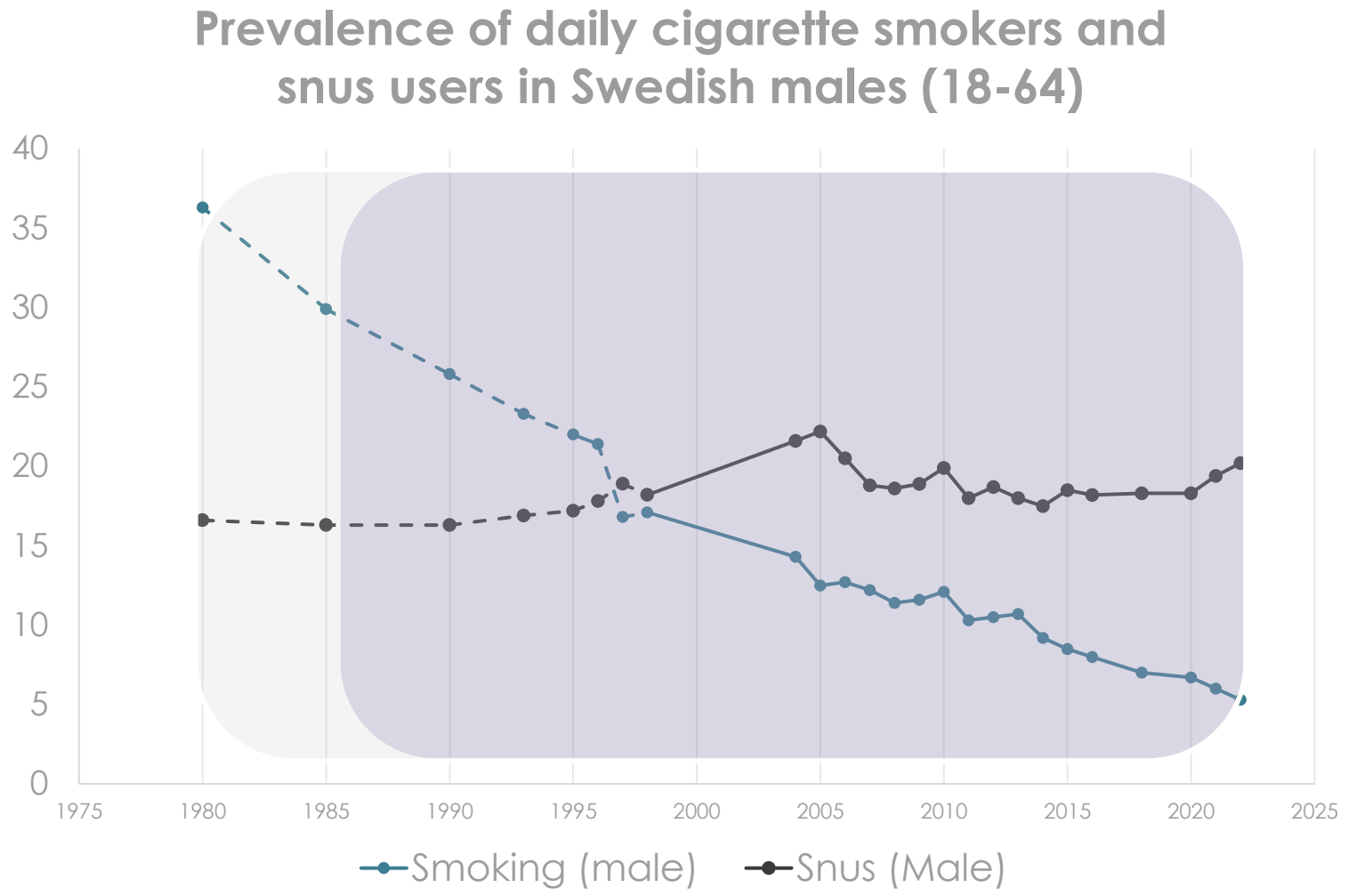


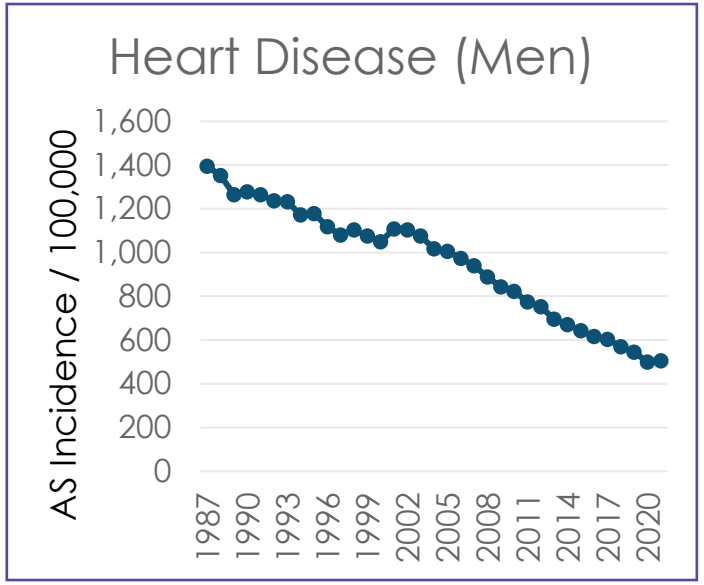
ENDS: Electronic Nicotine Delivery Systems, HTPs: Heated Tobacco Products, NRT: Nicotine Replacement Therapy

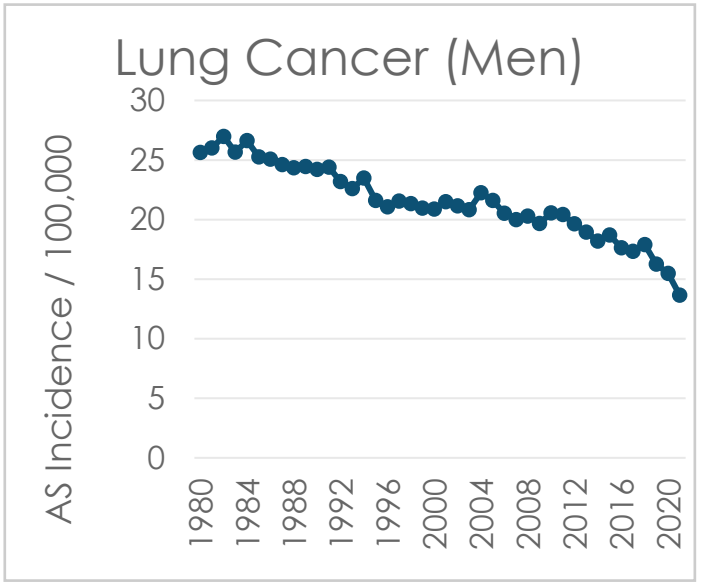
Adapted from Nutt, et. al. Estimating the Harms of Nicotine-Containing Products Using the MCDA Approach. Eur. Addict Res 2014; 20:218-225.

What Does the Swedish Experience Teach us About the Risk Continuum?

Population Health Impact







Source: Incidence Data - Swedish National Board Of Health And Welfare, Statistical Database (Accessed 5/2023); Prevalence Data: 1980-1998 - Henningfield J, Fagerstrom K *Tobacco Control* 2001;**10:**253-257; 2004-2022 – National Public Health Survey/Living Habits/ Tobacco And Nicotine(Accessed 6/2023)

Which of PMI's Products sold in the United States are Authorized by the FDA?

PMI's Product Portfolio of FDA Authorized Smoke- Free Products

What Does it Take to Sell New Tobacco & Nicotine Products Legally in the United States?

APPH Standard and What That Means

Premarket Tobacco Product Application (PMTA) – Standard for Authorization: **Appropriate for the Protection of the Public Health (APPH) -** "with respect to the risks and benefits to the population as a whole, including users and nonuser…and…[the] likelihood that existing users of tobacco products will stop…and…that those who do not use tobacco products will start…"

- **Studies: health risks of the tobacco product itself and health risks compared to other tobacco products**
- **Components, ingredients, additives, properties, and principles of operation of the tobacco product**
- **Manufacturing process**
- **Marketing plans**

Source: Premarket Tobacco Product Applications | FDA

What Does it Take to Make Modified-Risk Claims in the United States?

Modified-Risk Authorization Standard and What That Means

Modified Risk Tobacco Products (**MRTP)** – Standard for Authorization: **Appropriate for the Promotion of the Public Health -** The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

PMI MRTP Authorizations

- **General Snus Authorized Claims:**
  "Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis."

- **IQOS 3 System Authorized Claims:**
  "AVAILABLE EVIDENCE TO DATE:
  The IQOS system heats tobacco but does not burn it.
  This significantly reduces the production of harmful and potentially harmful chemicals.
  Scientific studies have shown that switching completely from conventional cigarettes to the IQOS system significantly reduces your body's exposure to harmful or potentially harmful chemicals."

Source: Modified Risk Tobacco Products | FDA

What Does FDA Authorization of General Snus Tell Us?

PMTA + MRTP

FDA NEWS RELEASE

FDA grants first-ever modified risk orders to eight smokeless tobacco products

FDA concludes completely switching from cigarettes to these authorized products lowers certain health risks

Share Tweet Linkedin Email Print

For Immediate Release: October 22, 2019

The U.S. Food and Drug Administration announced today that, for the first time, it has authorized the marketing of products through the modified risk tobacco product (MRTP) pathway. The authorizations are for eight Swedish Match USA, Inc. snus smokeless tobacco products sold under the "General" brand name.

GRANTED DUE TO:

- Significantly lower levels of HPHCs (TSNAs) than traditional smokeless tobacco*
- Low likelihood of nonuser uptake or decreases in cessation

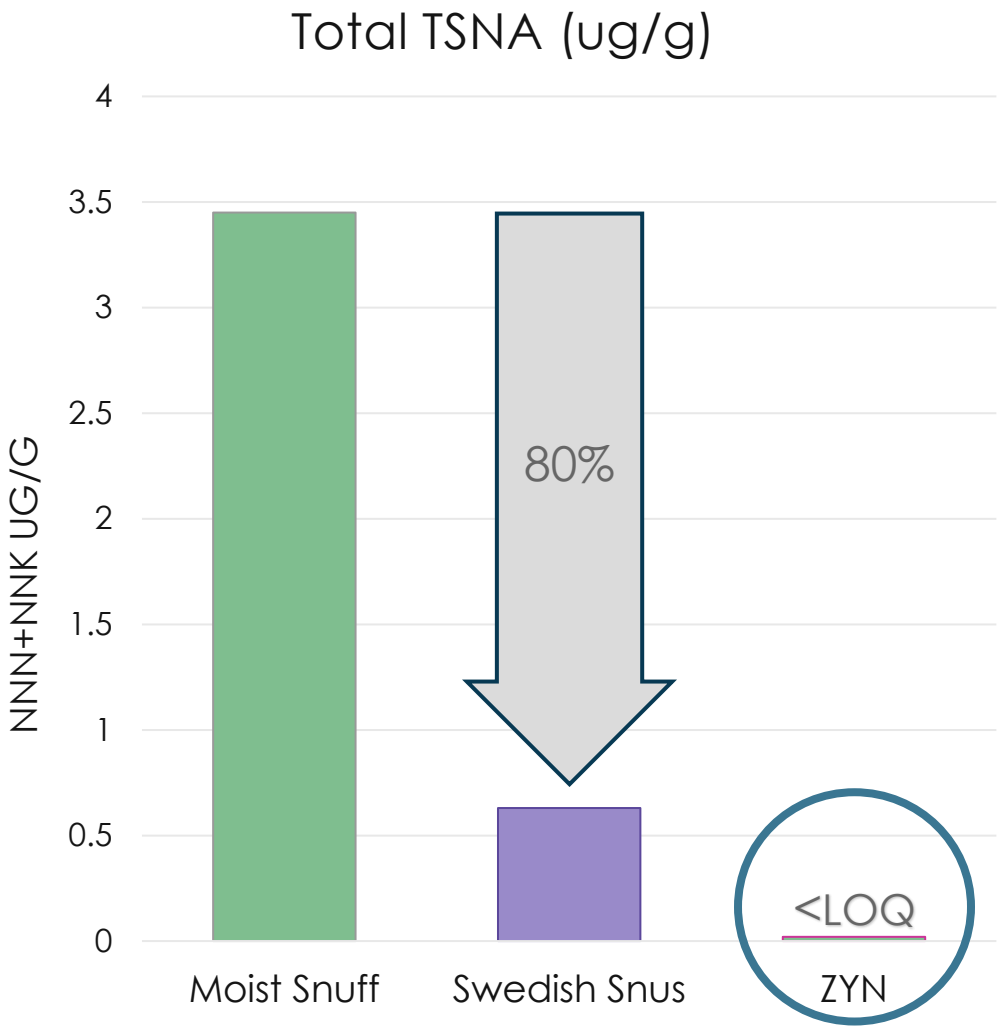
*Tobacco-specific nitrosamines comprise one of the most important groups of carcinogens in tobacco products, particularly cigarettes and fermented dipping snuff.
Source: Wikipedia

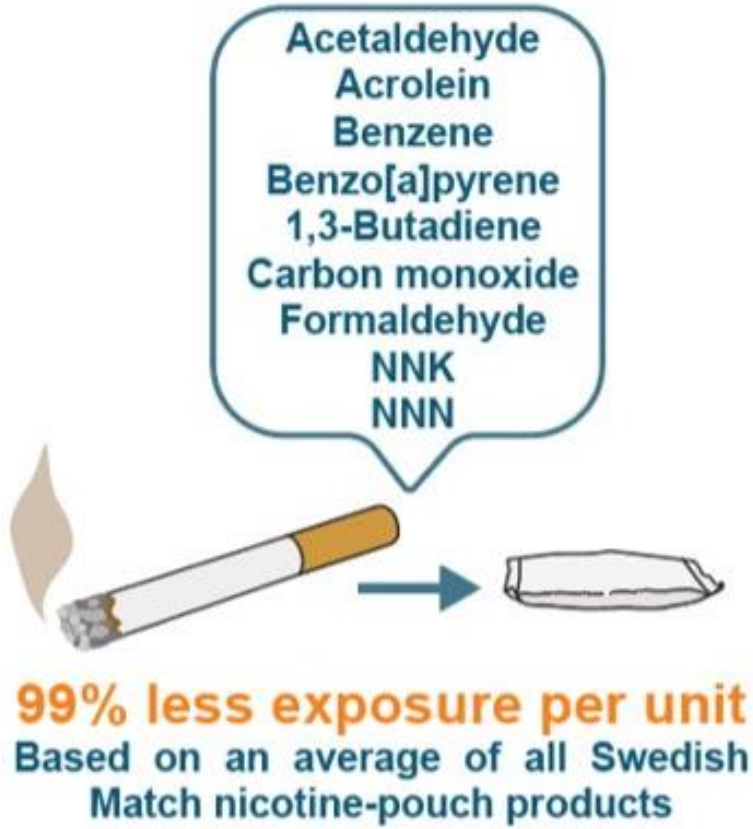
This means General Snus is officially allowed to be marketed with the following modified risk information

Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis

What Should We Know About the Science of Zyn?

Chemistry, Toxicological Profile, Nicotine Delivery Vs. Cigarettes

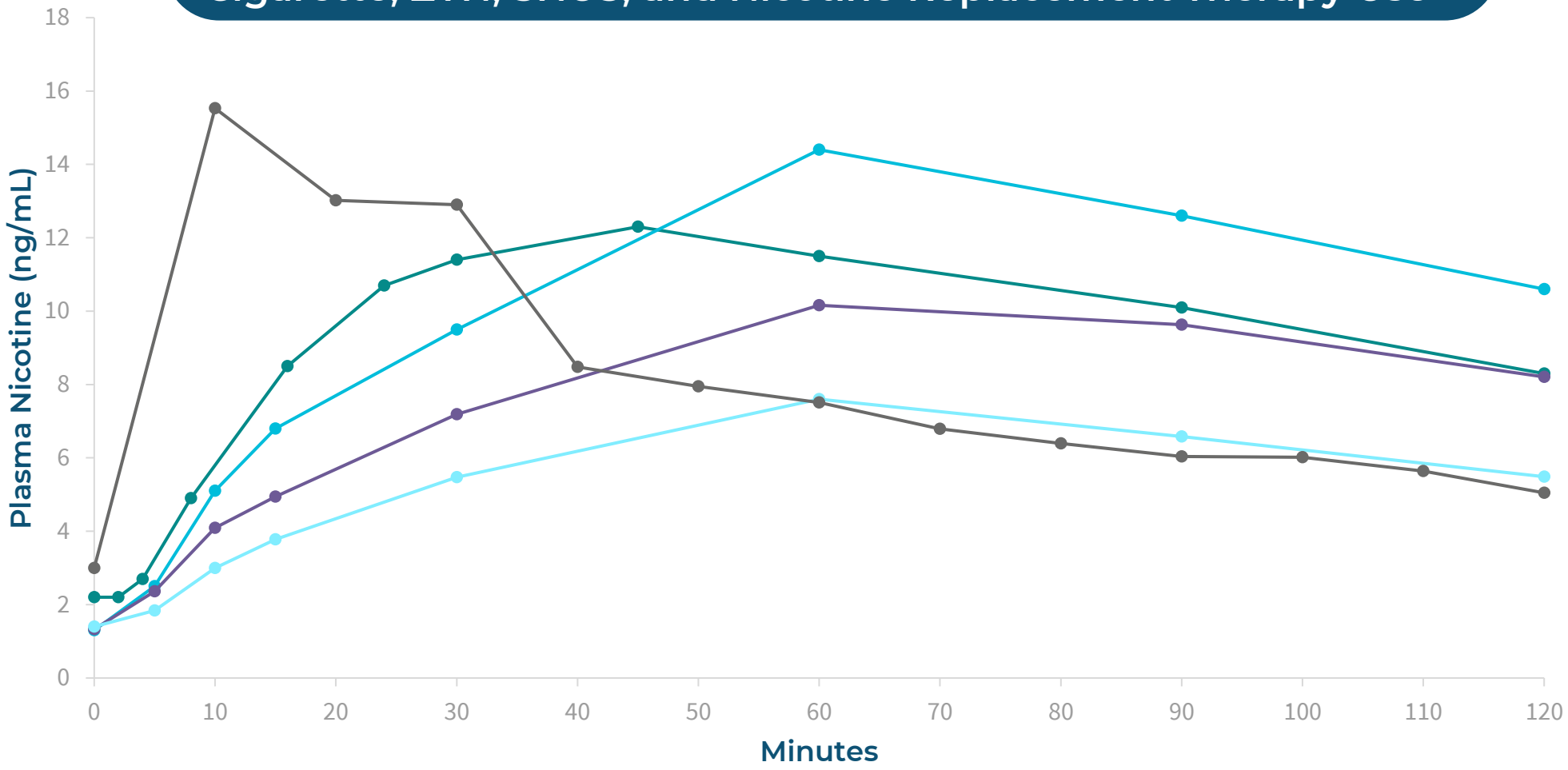




Source: Back S, Masser AE, Rutqvist LE, Lindholm J. Harmful and potentially harmful constituents (HPHCs) in two novel nicotine pouch products in comparison with regular smokeless tobacco products and pharmaceutical nicotine replacement therapy products (NRTs). BMC Chem. 2023 Mar 3;17(1):9.

Is the Nicotine in a Can of Zyn Really Equal to Packs of Cigarettes?

Comparing Levels of Nicotine in the Blood Following Cigarette, ZYN, SNUS, and Nicotine Replacement Therapy Use



Source: 1: Modified from Garrett, 2001 (DOI: 10.1517/14656566.2.10.1545)

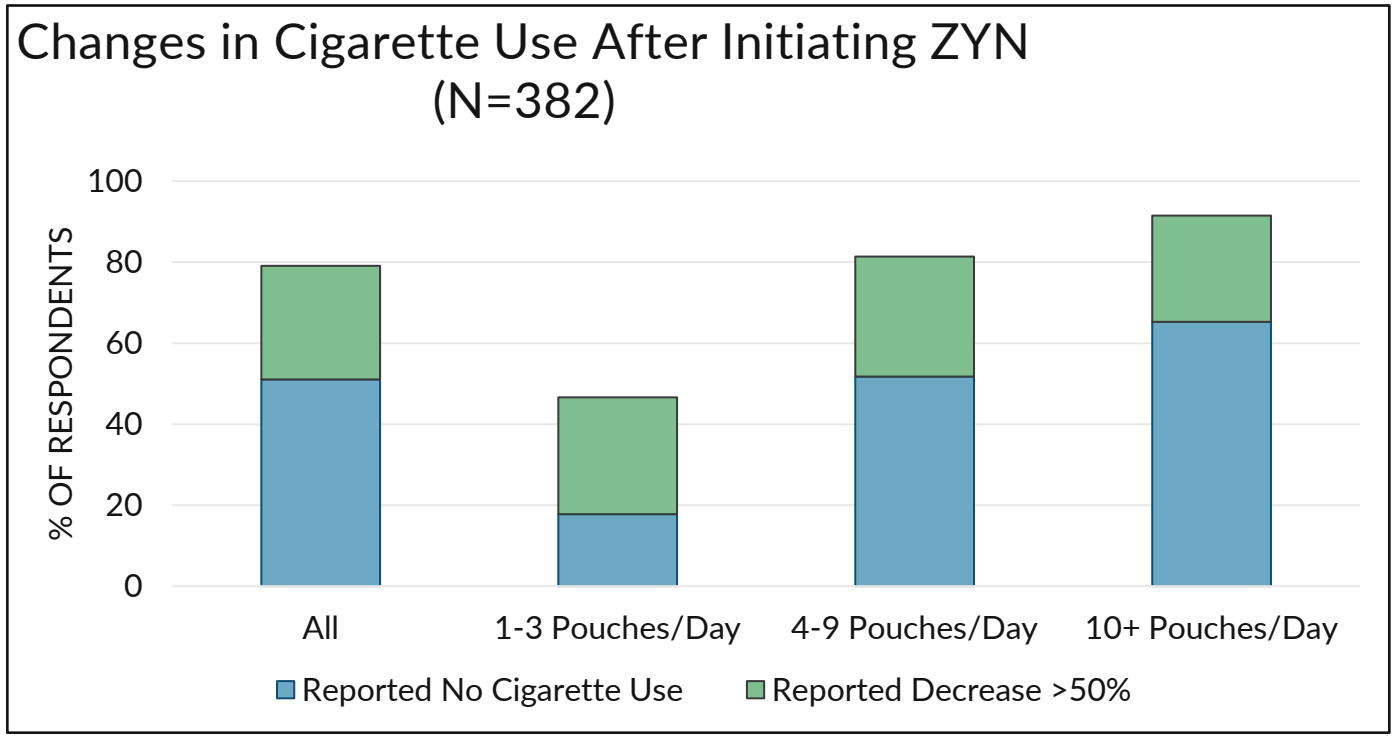
What The Science Says

The Role of Flavors in Supporting Tobacco Harm Reduction

Researcher/s	Study & Source	Key Findings/ Quote
David Abrams (NYU College of Global Public Health)	Harm Reduction Review, 2020	Flavors may help make non-combustibles a viable and appealing substitute for smoking
Abigail Friedman (Yale School of Public Health)	JAMA Net Open, 2021	Flavor bans associated with *increased* cigarette use among adults
Clifford Douglas (University of Michigan)	Policy Commentary, 2022	Eliminating Flavors risks discouraging smokers from switching to less harmful alternatives
Kenneth Warner et al. (University of Michigan)	Nicotine and Tobacco Research, 2023	Restricting flavors may reduce switching adults who smoke, limiting public health benefits
Fucito et al. (Yale University School of Medicine)	Tobacco Control, 2025	**10% quit smoking completely** and used the following flavors: coffee, spearmint, citrus, and cinnamon. **The rest of the sample significantly reduced the number of cigarettes they smoked per day**.
Klemperer et al (University of Vermont)	Preventive Medicine 2025	Greater frequency of smokefree product use was a mechanism by which preferred-flavor SFP led to reductions in smoking and tobacco-toxicant exposure, demonstrating the potential for reducing harm among high-risk populations who smoke.
Cheng et al. (Harvard University)	JAMA Net Open 2025	Flavor policies were associated with reductions in SFP use and unintended increases in cigarette use, highlighting a need for future work on evaluating substitution effects and prevention of youth tobacco use

Is Switching to Zyn Helping Adults Who Smoke Off-Ramp Successfully?

Data from a Sample of Adults who Smoke



The 'Swedish Experience' is real world evidence that smokefree products can change product use behavior at the population level

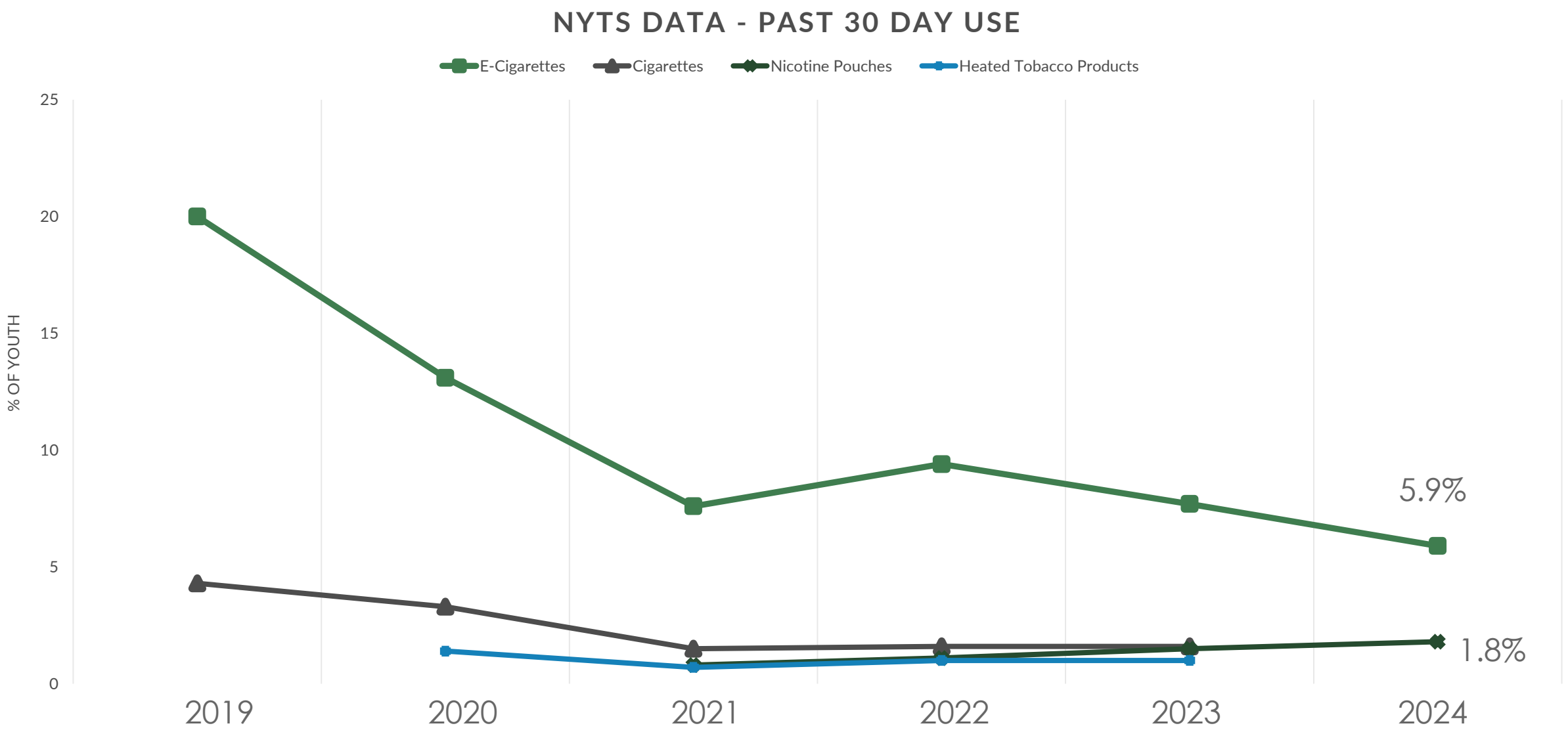
This mass behavior change can have real public health impacts

Nicotine Pouches are the next evolution in oral nicotine products:

- Use behavior like smokeless tobacco
- Very low levels of toxic chemicals compared to other nicotine products
- Delivers nicotine in line with other oral products (smokeless, snus, NRT)
- Product use studies show conversion of combusted users to nicotine pouches

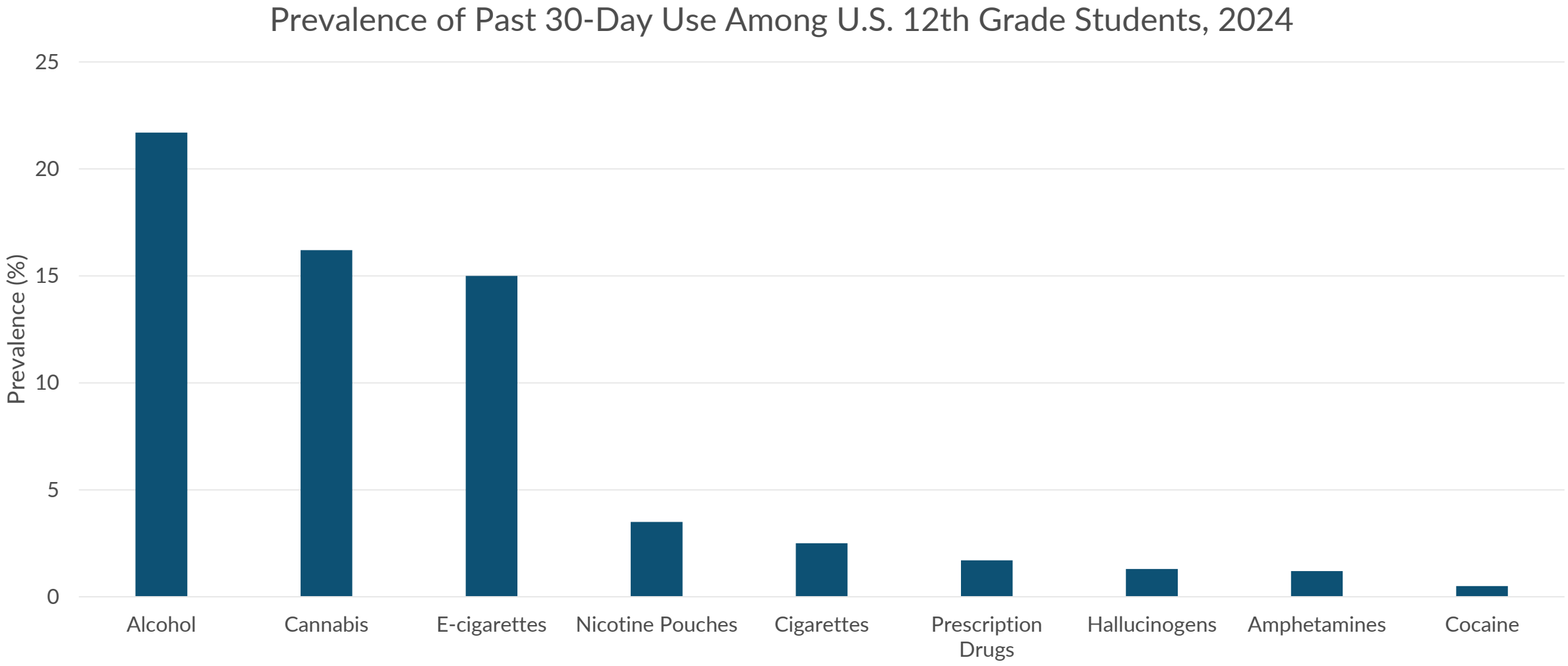
What is the Youth Use Pattern of Tobacco Use Vs. Other Substances?

Latest Data from National Youth Tobacco Survey and Monitoring the Future Survey



What is the Youth Use Pattern of Tobacco Use Vs. Other Substances?

Latest Data from National Youth Tobacco Survey and Monitoring the Future Survey



Miech, R. A., Johnston, L. D., Patrick, M. E., O'Malley, P. M. (2025). Monitoring the Future national survey results on drug use, 1975–2024: Overview and detailed results for secondary school students. Monitoring the Future Monograph Series. Ann Arbor, MI: Institute for Social Research, University of Michigan.

INVESTED IN RESPONSIBILITY

Our 10-Point Approach

Age-gated website access
We enforce rigorous online age verification (21+) for our branded websites, deploying third-party systems to independently confirm the age of every visitor.

Monitoring underage usage
We closely monitor reports of underage use through the CDC and FDA National Youth Tobacco Survey. The reported use rates for nicotine pouches remain relatively low.

Responsible marketing
Our marketing and advertising are strictly directed to adult (21+) current nicotine consumers. We employ robust age verification systems like DoubleVerify to help prevent access to digital advertising from those under 21. Our advertising features only individuals aged 35 and over.

Retail technology advancement
We're a founding board member and investor in TruAge®, a free retail technology that gives stores a more accurate way to detect fake IDs and restrict underage access.

Mystery shopping
We support the FDA's mystery shopper program to check retailer compliance with the federal law for minimum age of purchase. We regularly monitor inspection reports and take appropriate actions with our retail partners.

Responsible social media
Our policies prohibit the use of paying social media influencers to endorse our products. We routinely request the removal of inappropriate content online.

Innovation for age restriction
We invest in exploring new technologies to limit the visibility and restrict access to nicotine products for those under 21, such as TruAge®.

Enforcement
We work with U.S. Customs and other authorities to support efforts to curtail the sale of illicit products.

Responsible retail practices
We serve as an Advisory Council member for We Card, championing comprehensive training for retail employees, alongside in-store signage emphatically underscoring the minimum age of 21 for purchasing nicotine products.

FDA regulation
Our goal is to offer a comprehensive portfolio of FDA-authorized smoke-free products. Our portfolio includes the first nicotine pouch to receive premarket tobacco product authorization, as well as the first snus and heated tobacco products authorized as modified risk tobacco products.

Questions?

MEETING MINUTES
Town Council
Tuesday, August 12, 2025
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION *This was an in-person meeting using Teams*

CALL TO ORDER - 5:59 PM

Mayor Turnipseed called the meeting to order at 5:59 p.m.

ROLL CALL

COUNCIL MEMBERS PRESENT

Scott Turnipseed, Ellen Bodenhemier (arrived late), Geoffrey Grimmer, Jamie Woodworth Foral, Bryan Woods

COUNCIL MEMBERS ABSENT

Mikel Kerst

STAFF PRESENT

Larry Pardee, Town Manager
Melissa Daruna, Assistant Town Manager
Richard Peterson-Cremer, Town Attorney
Camille Deering, Town Clerk
Rachel Tand, Finance Director/Treasurer
Carrie Buhlman, Police Chief
Tom Gosiorowski, Public Works Director
Peyton Heitzman, Community Development Director
Lynette Horan, Human Resources Manager
Kira Koppel, Sustainability Specialist
Ryan Goebel, IT Analyst
Kevin Aoki, Information Technology Manager

ADOPTION OF AGENDA

MOTION: Council Member Bryan Woods motioned to approve the adoption of the agenda. The motion was seconded and passed with a vote of 4 in favor (Turnipseed, Grimmer, Woodworth Foral, Woods) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened Public Comment for items not on tonight's agenda, there was no public comment.

PRESENTATIONS

1. 2024 Audit Report and Management Letter

   Council member Bodenheimer arrived and was switched to present at 6:04 p.m.

   MOTION: Council Member Ellen Bodenhemier motioned to approve the 2024 audit report and management letter. The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Grimmer, Woodworth Foral, Bodenhemier, Woods) and 0 opposed.

2. Mountain Dreamers Introduction

CONSENT AGENDA

MOTION: Council Member Bryan Woods motioned to approve the consent agenda. The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Grimmer, Woodworth Foral, Bodenhemier, Woods) and 0 opposed.

1. Minutes

2. Bill Pay

3. Resolution 54, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving an Intergovernmental Agreement Between the Eagle County Clerk and Recorder and the Town of Eagle Concerning the Tuesday, November 4, 2025, Coordinated November General Election."

4. Resolution 57, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Members to the Eagle Valley Transit Authority's CORE Transit Board.

STAFF REPORTS

1. Town Manager Update

   Council commented that they were pleased to see new bear-proof trash containers around town, strong visitor numbers to the new pool, and praised the Summer Studio program.

2. Department Update

   Council gave kudos to the Town of Eagle Event Coordinator for the successful events Tube-a-palooza, National Night Out, and the Children's Business Fair.

BUSINESS ITEMS 1

1. Resolution 56, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Interfund Loan from the Water Fund to the Broadband Fund"

   MOTION: Council Member Bryan Woods motioned to approve Resolution 56, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Interfund Loan from the Water Fund to the Broadband Fund." The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Grimmer, Woodworth Foral, Bodenhemier, Woods) and 0 opposed.

2. Rodeo Rink Funding Recommendation

This item was presented by Finance Director Rachel Tand. Council discussed the funding recommendation for the rodeo rink. Katie Santambrogio provided additional information, and council members debated the amount to allocate. Ultimately, they approved the $50,000 amount, pulling the funds from existing projects that will not be completed in 2025.

MOTION: Council Member Jamie Woodworth Foral motioned to approve the allocation of $50,000 from existing approved 2025 projects and/or existing operating budget within the Sales Tax Capital Improvement Fund, with no net impact to the 2025 budget, to support the Rodeo Rink project. The motion was seconded and passed with a vote of 4 (Turnipseed, Woods, Bodenhemier, Woodworth Foral) in favor and 1 opposed (Grimmer).

3. Increasing Council Pay Discussion

This item was presented by Human Resources Manager Lynette Horan. Council discussed increasing council pay and the possibility of indexing it to staff salary raises or CPI. They decided to gather more information and come back with a staff memo for further discussion.

EXECUTIVE SESSION - 6:58 PM

Council entered into the Executive Session at 6:58 p.m. and adjourned from the Executive Session at 7:47 p.m.

MOTION: Council Member Bryan Woods motioned to enter into an Executive Session pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice from the Town's Water Attorney regarding Case No. 25CW3023 and the Town's water rights in Yeoman Park Reservoir and the Hat Creek and Nolan Creek Feeder Canals; An executive session to receive legal advice from the Town's Water attorney pursuant to CRS 24-6-402(4)(b) and to develop strategy for negotiations and inform negotiators pursuant to CRS 24-6-402(4)(e) regarding the possible acquisition of water rights from the Colorado River Water Conservation District; An executive session to receive legal advice from the Town's water attorney pursuant to CRS 24-6-402(4)(b) and to develop strategy for negotiations and inform negotiators pursuant to CRS 24-6-402(4)(e) regarding the installation of a stream gage required by the Brush Creek Water Management Plan. The motion was seconded and with a vote of 5 in favor (Turnipseed, Grimmer, Woods, Bodenhemier, Woodworth Foral) and 0 opposed.

1. An executive session pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice from the Town's Water Attorney regarding Case No. 25CW3023 and the Town's water rights in Yeoman Park Reservoir and the Hat Creek and Nolan Creek Feeder Canals

2. An executive session to receive legal advice from the Town's Water attorney pursuant to CRS 24-6-402(4)(b) and to develop strategy for negotiations and inform negotiators pursuant to CRS 24-6-402(4)(e) regarding the possible acquisition of water rights from the Colorado River Water Conservation District.

3. An executive session to receive legal advice from the Town's water attorney pursuant to CRS 24-6-402(4)(b) and to develop strategy for negotiations and inform negotiators pursuant to CRS 24-6-402(4)(e) regarding the installation of a stream gage required by the Brush Creek Water Management Plan.

BUSINESS ITEMS 2

1. Resolution 55, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Authorizing the Abandonment of Town Water Rights."

MOTION: Council Member Bryan Woods motioned to approve Resolution 55, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Authorizing the Abandonment of Town Water Rights." The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Grimmer, Woodworth Foral, Bodenhemier, Woods) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

Council members discussed the possibility of making staff participation mandatory for the Flight Days and Christmas on Broadway events due to difficulties in getting volunteers.

Council members also discussed the BLM's NEPA study on allowing e-bikes on BLM land. The study is expected to wrap up in December, and there is significant emotion among members regarding this topic.

ADJOURN – 7:51 PM

MOTION: Council Member Jamie Woodworth Foral motioned to adjourn the meeting. The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Grimmer, Woodworth Foral, Bodenhemier, Woods) and 0 opposed.

Date: 8/26/2025

Scott Turnipseed, Mayor

Camille Deering, Town Clerk

To: Town Council

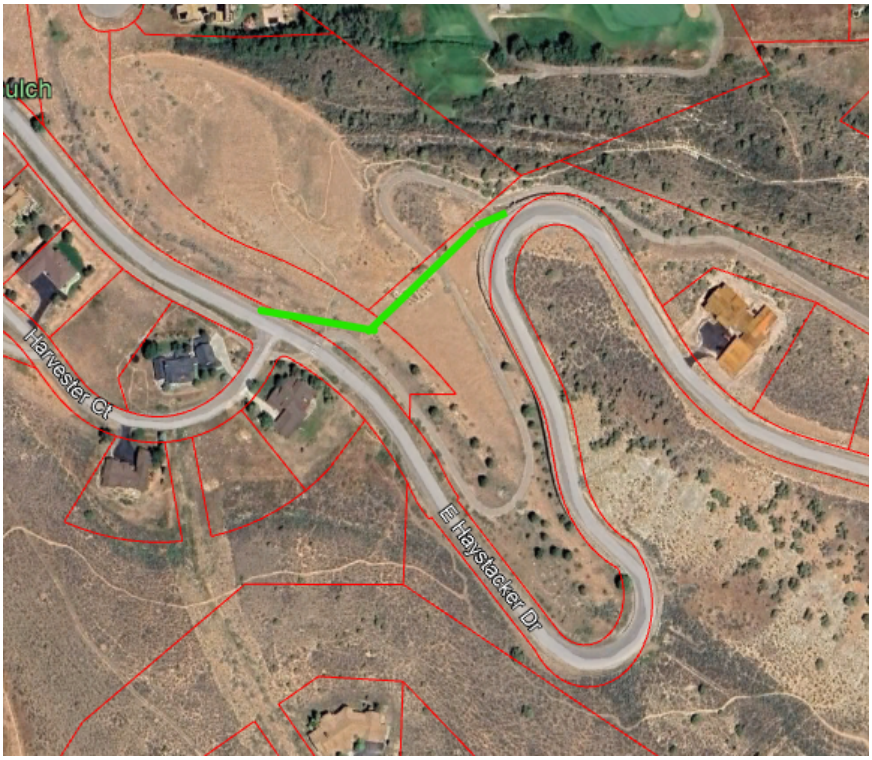
From: Ryan Johnson P.E., Town Engineer

Date: August 26, 2025

Agenda Item: Resolution 58, Series 2025, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, APPROVING THE GRANT OF A UTILITY EASEMENT TO COMCAST OF COLORADO IX, LLC, OVER CERTAIN OPEN SPACE PARCELS KNOWN AS TRACT OS-G, EAGLE RANCH FILING NO. 25, AND TRACT OS-N6, EAGLE RANCH FILING NO. 21.

REQUEST: Town Council approval of a non-exclusive utility easement dedicated Comcast on an open space parcel known as Tract OS-G Eagle Ranch Filing No. 25. and Tract OS-N6 Eagle Ranch Filing No. 21.

INTRODUCTION: Comcast is extending internet and cable service capabilities in the upper portions of East Haystacker Drive. To do this with minimal disturbance they have proposed an alignment across two open space parcels Tract OS-G Eagle Ranch Filing No. 25. and Tract OS-N6 Eagle Ranch Filing No. 21 shown below.



ANALYSIS: Public works is supportive of this easement agreement and utility alignment because it minimizes impact to the public and follows a utility corridor already established when this area was initially developed. The easement agreement was reviewed by the Town's legal counsel.

COMMUNITY INPUT: N/A

BUDGET / STAFF IMPACT: Approval of this easement does not negatively impact the Town's Budget nor is there a staff Impact

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

1. Match Infrastructure to Quality of Life
    a. Expands another broadband option to a greater area in the community.

RECOMMENDED ACTION OR PROPOSED MOTION: A motion to APPROVE Resolution 58 Series 2025, "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, APPROVING THE GRANT OF A UTILITY EASEMENT TO COMCAST OF COLORADO IX, LLC, OVER CERTAIN OPEN SPACE PARCELS KNOWN AS TRACT OS-G, EAGLE RANCH FILING NO. 25, AND TRACT OS-N6, EAGLE RANCH FILING NO. 21.

ATTACHMENTS:

- Resolution 58, Series 2025
- Utility Easement Agreement

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 58
(Series of 2025)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, APPROVING THE GRANT OF A UTILITY EASEMENT TO COMCAST OF COLORADO IX, LLC, OVER CERTAIN OPEN SPACE PARCELS KNOWN AS TRACT OS-G, EAGLE RANCH FILING NO. 25, AND TRACT OS-N6, EAGLE RANCH FILING NO. 21.

WHEREAS, the Town of Eagle, Colorado ("Town") is the owner of certain real property within the Town limits, including open space parcels described as Tract OS-G, Eagle Ranch Filing No. 25 and Tract OS-N6, Eagle Ranch Filing No. 21 (collectively, the "Parcels"); and

WHEREAS, COLORADO IX, LLC ("Comcast") has requested a non-exclusive utility easement over portions of the Parcels for the installation, operation, maintenance, and repair of telecommunications facilities and related infrastructure; and

WHEREAS, the requested utility easement is necessary to provide improved telecommunications service to residents and businesses in the Town; and

WHEREAS, the Town Council finds that the proposed utility easement will not materially interfere with the use or enjoyment of the Parcels as open space, and that granting the easement serves a public benefit by enhancing telecommunications infrastructure within the community; and

WHEREAS, the Town has prepared a Utility Easement Agreement describing the easement location, terms, and conditions, which has been reviewed by Town staff and legal counsel; and

WHEREAS, the Town Council desires to approve the execution and delivery of said Utility Easement Agreement to Comcast.

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

1. Approval of Easement. The Utility Easement Agreement granting Comcast a non-exclusive utility easement over portions of Tract OS-G, Eagle Ranch Filing No. 25 and Tract OS-N6, Eagle Ranch Filing No. 21, substantially in the form presented to the Town Council and incorporated herein by this reference, is hereby approved.

2. Authorization to Execute. The Mayor and Town Clerk are hereby authorized and directed to execute the Utility Easement Agreement and any related documents necessary to complete the grant of the easement to Comcast, with such changes as may be approved by the Town Attorney, not materially inconsistent with this Resolution.

INTRODUCED, READ, PASSED AND ADOPTED ON AUGUST 26, 2025.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Camille Deering, Town Clerk

UTILITY EASEMENT AGREEMENT

This UTILITY EASEMENT AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 2025 (the "Effective Date"), by and between the **Town of Eagle**, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, CO 81631 (the "Town"), and **Comcast of Colorado IX, LLC** with an address of 8000 E Iliff Ave, Denver, CO 80231 ("Grantee") (each a "Party" and collectively the "Parties").

WHEREAS, the Town owns the real property more particularly described in **Exhibit A** (the "Easement Property");

WHEREAS, Grantee desires to acquire an easement for the purpose of the installation, relocation, operation, and maintenance of communication lines and appurtenant utility facilities on, over, across and under the Town's property more particularly described and as depicted in **Exhibit A**, attached hereto and incorporated herein by this reference (collectively the "Facilities"); and

WHEREAS, for this purpose, the Town is willing to convey a utility easement to Grantee, which allows Grantee to install, operate, use, repair, and maintain the Facilities upon and beneath the surface of the Easement Property.

NOW THEREFORE, for and in consideration of the mutual promises and covenants contained here, the Town and Grantee mutually agree as follows:

1. Grant of Easement.

a. The Town hereby grants to Grantee, its successors and assigns, lessees, licensees, and agents, a permanent, perpetual, non-exclusive easement (the "Easement") to enter, re-enter, occupy and use the Easement Property to install, reconstruct, use, operate, maintain, repair, patrol, replace, enlarge and remove the Facilities in, through, over, across, under and above the Easement Property.

b. Grantee and its employees, agents, contractors, representatives, successors, and assigns shall have and exercise the right of ingress and egress in, to, through, over, under, above and across the Easement Property for access to perform construction, reconstruction, operation, installation, use, maintenance, repair, replacement, upkeep, monitoring, and removal of the Facilities.

2. Non-exclusive Use. Grantee agrees, that other utilities and facilities may be installed in the Easement Property so long as such utilities do not interfere with Grantee's rights as herein granted or use of the Easement and Easement Property. All surface and subsurface uses of the Easement Property must be approved in writing by the Town prior to installation.

3. No Interference. The Town shall not construct or place any structure or building, shrub, tree, woody plant or nursery stock, whether temporary or permanent, of any kind or nature on the Easement Property that will interfere with or obstruct the Easement granted herein.

4. Retained Rights. The Town shall have all rights to the Easement Property not granted hereby.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of the Town, and its successors and assigns, as follows:

a. Grantee shall cause any of the Easement Property, including landscaping and fences, which is disturbed by Grantee during Grantee's activities on the Easement Property to be returned to its original condition, or as near thereto as may be reasonably accomplished, all at the expense of Grantee or its contractors or agents.

b. Grantee shall protect the Easement Property, from damage caused, in whole or in part, by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

c. Grantee shall be solely responsible for maintenance of the Facilities.

6. Warranty. The Town warrants that it has the full right and legal authority to make the grant of Easement contained in this Agreement.

7. Relocation. Grantee hereby agrees that, should the Town determine that the installed communication lines and appurtenant facilities require relocation to accommodate a public project, Grantee shall relocate, at its own cost, communication lines, and appurtenant facilities within 30 days of written notice from the Town.

8. Indemnification. Grantee agrees to indemnify and hold harmless the Town, its officers, employees, insurers, and insurer, harmless from and against all liability, claims, and demands, on account of any injury, loss, damage, costs or expenses (including without limitation reasonable attorney fees and court costs), or any other loss of any kind whatsoever which arise out of or result from Grantee's use of the Easement Property, or any act, omission, condition, or other matter related to or occurring on or about the Easement Property under this Agreement.

9. Recordation. Except as otherwise expressly provided herein, all provisions of this Agreement, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties. Grantee shall record this Agreement in timely fashion in the official records of Eagle County and may re-record it at any time as may be required to preserve its rights in this Agreement.

10. No Merger. It is the express intent of the Parties that the doctrine of merger shall not apply to this Agreement and there will be no merger of estate between the Easement and the Easement Property or the Property.

11. Miscellaneous.

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

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

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

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

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

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

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

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

i. *Subject to Annual Appropriation*. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt, or liability beyond the current fiscal year.

j. *Force Majeure*. No Party shall be in breach of this Agreement if such Party's failure to perform any of the duties under this Agreement is due to Force Majeure, which shall be defined as the inability to undertake, or perform any of the duties under this Agreement due to

acts of God, floods, storms, fires, sabotage, terrorist attack, strikes, riots, war, labor disputes, forces of nature, the authority and orders of government or pandemics.

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

TOWN OF EAGLE

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Camille Deering, Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF _____)

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

My commission expires:

(SEAL)

_____

COMCAST OF COLORADO IX, LLC

Travis E. Thetford
Travis Thetford
Vice President of Engineering, MWR

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 15th day of July, 2021, by Travis Thetford as the Vice President of Engineering, MWR of Comcast of Colorado IX, LLC.

My commission expires: April 1st, 2028

(SEAL)

WHITNEY PALMA
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20244012938
MY COMMISSION EXPIRES APR 1, 2028

Notary Public

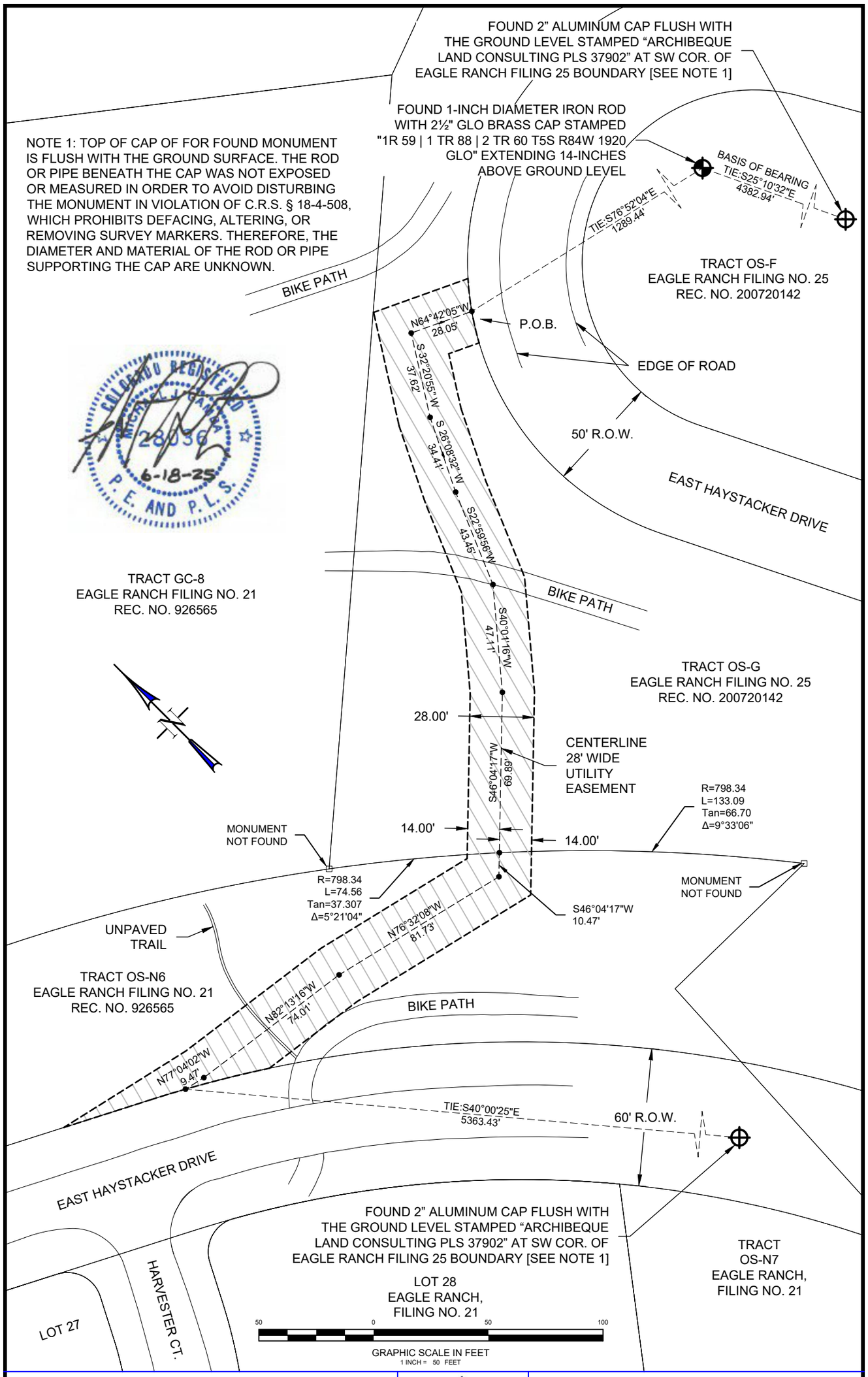


EXHIBIT A - 28' WIDE UTILITY EASEMENT

COMCAST OF COLORADO IX, LLC

SCALE: 50	DATE: JUNE 18, 2025	DRAWN BY: BK
SHEET: 1 of 2	PROJECT: 25203	CHKD BY: MJG

DRAWING: Eagle Ranch Filing No 25 Final Plat - Comcast Easement 20250618 Acad 2007.dwg
DIRECTORY: I:\GVWF\25203\

GAMBA ENGINEERING & SURVEYING

GAMBA & ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
970/945-2550 WWW.GAMBAENGINEERING.COM
1001 GRAND AVE., UNIT. 003 P.O. BOX 1458 GLENWOOD SPRINGS, CO 81602

EXHIBIT A – LEGAL DESCRIPTION

A 28.00-foot-wide utility easement, being 14.00 feet on each side of the following described centerline, located in Tracts OS-N6 of *Eagle Ranch Filing No. 21*, recorded August 18, 2005, as Reception No. 926565, and Tract OS-G of *Eagle Ranch Filing No. 25*, recorded July 31, 2007, as Reception No. 200720142, situated in Section 10, Township 5 South, Range 84 West of the Sixth Principal Meridian, Town of Eagle, County of Eagle, State of Colorado; the sidelines of said easement shall be extended or shortened as necessary to terminate at the existing road rights-of-way of East Haystacker Drive to the east and west. The centerline of said easement is more particularly described as follows:

Commencing at a point on the northwesterly boundary of the 50.00-foot-wide right-of-way of East Haystacker Drive as shown on said *Final Plat of Eagle Ranch Filing No. 25*, said point also lying on the southeasterly boundary of said Tract OS-G, from which a found 1-inch diameter iron pipe with a 2½-inch GLO brass cap stamped "1R 59 | 1 TR 88 | 2 TR 60 T5S R84W 1920 GLO", projecting 14 inches above ground level, bears S76°52'04"E, a distance of 1,289.44 feet; and from which a found 2-inch aluminum cap stamped “ARCHIBEQUE LAND CONSULTING PLS 37902”, flush with ground surface at the southwest corner of the Eagle Ranch Filing No. 25 boundary, bears S25°10'32"E, a distance of 4,382.94 feet. The line connecting these two monuments is designated as the basis of bearing for this description.

Thence, from the Point of Beginning, along said centerline the following six (6) courses within said Tract OS-G of *Eagle Ranch Filing No. 25*:

1. N64°42'05"W a distance of 28.05 feet;
2. S32°20'55"W a distance of 37.62 feet;
3. S26°08'32"W a distance of 34.41 feet;
4. S22°59'56"W a distance of 43.45 feet;
5. S40°01'16"W a distance of 47.11 feet;
6. S46°04'17"W a distance of 69.89 feet to a point on the northeasterly boundary of said Tract OS-N6, *Eagle Ranch Filing No. 21*;

Thence, along said centerline the following four (4) courses within said Tract OS-N6 of *Eagle Ranch Filing No. 21*:

1. S46°04'17"W a distance of 10.47 feet;
2. N76°32'08"W a distance of 81.73 feet;
3. N82°13'16"W a distance of 74.01 feet;
4. N77°04'02"W a distance of 9.47 feet to a point on the southwesterly boundary of said Tract OS-N6, also being on the northeasterly boundary of the 60.00-foot-wide right-of-way of East Haystacker Drive as described on said *Final Plat of Eagle Ranch Filing No. 21*.

From said endpoint, a found 2-inch aluminum cap stamped “ARCHIBEQUE LAND CONSULTING PLS 37902,” flush with the ground and marking the southwest corner of *Eagle Ranch Filing No. 25*, bears S40°00'25"E, a distance of 5,363.43 feet.

This description was prepared by:

Michael J. Gamba, PE & PLS 28036
Gamba & Associates, Inc.
1001 Grand Avenue, Suite 003
Glenwood Springs, Colorado 81602
Phone: (970) 945-2550

To: Mayor and Town Council

From: Jill Kane, Finance Department

Date: August 26, 2025

Agenda Item: Resolution 59, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Authorizing the Town Manager to Sign All Future Participation and Release Forms for National Opioid Settlements"

REQUEST: Staff requests that Council review Resolution 59, Series 2025 for approval, which authorizes the Town Manager to sign all future national opioid settlement participation forms.

INTRODUCTION/ANALYSIS: On October 12, 2021, Council approved Resolution 69-2021. The resolution approved the "Colorado opioids settlement memorandum of understanding (MOU) and the associated Colorado subdivision escrow agreement and subdivision participation forms". At that time, the Town was approving participation in settlements obtained from the "Big 3" opioid distributors (McKesson, Cardinal Health, and AmerisourceBergen) and opioid manufacturer Johnson & Johnson to resolve claims by state and local government that these companies contributed to the opioid epidemic.

The Colorado Opioid MOU established a framework to distribute current and future opioid settlement funds between the State of Colorado and local governments in a way that maximizes resources for opioid abatement strategies statewide, while encouraging collaboration and early resolution of litigation.

Since 2021, the Town has approved participation in several additional settlements, including:

- **2023:** Teva, Allergan, CVS, Walgreens, and Walmart
- **2024:** Kroger

The Town has now been notified of two additional settlements:

- **Purdue Pharma and the Sackler family**
- **Eight additional manufacturers:** Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus

As with prior settlements, Colorado can only maximize its share of proceeds if local governments participate by releasing their opioid-related claims. If the Town does not participate, Eagle's allocation is excluded from the State's distribution.

Under the MOU, the Town has elected to **opt out of receiving settlement funds directly**, redirecting its share to the Regional Opioid Abatement Council. This approach ensures a greater impact by pooling resources with other jurisdictions.

To streamline the process going forward, staff recommends delegating authority to the Town Manager to sign all future opioid settlement participation and release forms on behalf of the Town. The Town Manager will ensure that Council is notified of all such actions through the Town Manager bi-monthly

Council updates. This will allow the Town to continue participating in these settlements in a timely manner, while keeping Council informed and reducing the need for separate resolutions for each new settlement.

COMMUNITY INPUT: None received.

BUDGET / STAFF IMPACT: There is no budget/staff impact with this current resolution.

According to the Colorado Attorney General's Office, Colorado is currently expected to receive more than **$854 million** from opioid-related settlements to date. Under the State-Local MOU allocation formula:

- **Eagle County** - will receive **0.6187%** of the statewide distribution.
- **Town of Eagle** - will receive **3.1376%** of Eagle County's allocation.

Based on current settlements, the Town's share would total **$165,781 over 18 years**, averaging approximately **$9,210** annually.

All funds must be used for "Approved Purposes" related to opioid abatement, including prevention, treatment, and harm reduction. Given the small annual allocation, the administrative reporting burden, and the regional benefits of pooled funding, staff recommends the Town continue redirecting its share to the regional pool at this time. The Town may revisit this decision in the future.

STRATEGIC PLAN ALIGNMENT: N/A

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to **approve** or **deny** adoption of Resolution 59, Series 2025, "A Resolution of the Town Council of the Town of Eagle, Colorado, Authorizing the Town Manager to Sign All Future Participation and Release Forms for National Opioid Settlements"

ATTACHMENTS:

- Resolution 59-2025

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 59
(Series of 2025)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AUTHORIZING THE TOWN MANAGER TO SIGN ALL FUTURE PARTICIPATION AND RELEASE FORMS FOR NATIONAL OPIOID SETTLEMENTS

WHEREAS, the State of Colorado has filed lawsuits against opioid manufacturers, distributors, and others, resulting in settlement agreements to provide funds to address the opioid epidemic; and

WHEREAS, on October 12, 2021, the Town Council adopted Resolution No. 69-2021 to approve the Colorado Memorandum of Understanding (MOU) to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Colorado and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Colorado; and

WHEREAS, The Town of Eagle has previously authorized participation in specific settlements by resolution; and

WHEREAS, in the interest of efficiency and to reduce the administrative burden of bringing forward individual resolutions for each new opioid settlement, the Town Council wishes to delegate authority to the Town Manager to execute all required participation and release forms on behalf of the Town; and

WHEREAS, the Town Council finds that it remains in the best interests of Eagle citizens to participate in these settlements to ensure that funds are maximized and directed toward regional opioid abatement efforts.

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

Section 1. The Town Council approves the Town of Eagle's participation in all future National Opioid Settlements entered into by the State of Colorado that are subject to the Colorado Memorandum of Understanding.

Section 2. The Town Manager is hereby authorized to sign and complete all required Participation and Release Forms, together with any additional documents necessary to carry out the will of the Council with respect to such settlements.

Section 3. The Town Manager shall ensure that all opioid settlement participation is reported to Town Council through regular bi-monthly updates.

INTRODUCED, READ, PASSED, AND ADOPTED by the Town Council of the Town of Eagle, Colorado at a regular meeting held on the 26th day of August 2025.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

_____
Camille Deering, Town Clerk

To: Mayor and Town Council
From: Larry Pardee, Town Manager
Date: August 26, 2025
Re: Town Manager Report

Water Restrictions Update: The Town of Eagle has implemented **Stage 2 Water Restrictions** to safeguard Brush Creek—our Community's primary drinking water source—during this period of low streamflows and dry conditions. When flows in Brush Creek fall below 16 cubic feet per second (cfs), conservation measures are required to prevent ecological damage, ensure shared responsibility, and maintain compliance with Town law. Brush Creek provides critical habitat for cold-water fish and other aquatic life and is legally protected by a minimum instream flow of 12.0 cfs. Without conservation, municipal, agricultural, and recreational demands could reduce flows below this threshold, harming the ecosystem. Major landowners, including Ranchers, Developers, Eagle Ranch Golf Course, and Frost Creek Golf Course, are contractually obligated to reduce irrigation during these times, and Stage 2 ensures that residents also do their part in supporting basin-wide conservation. Early action reduces the likelihood of moving to more severe restrictions and upholds the Town's Water Conservation Ordinance (21-2018): *Link: (Ordinance-21-2018-Concerning-Water-Irrigation-Conservation)*

Key restrictions under Stage 2 include limiting outdoor irrigation to the hours of 5:00 p.m. to 10:00 a.m., with residential watering permitted on designated days—Tuesdays, Thursdays, and Saturdays for even-numbered addresses, and Wednesdays, Fridays, and Sundays for odd-numbered addresses. Spas larger than 700 gallons and swimming pools may only be refilled once during the restriction period, and vehicle washing is limited to once per week using a flow-control device. These measures are essential to protect Brush Creek, ensure a reliable water supply for our Community, and avoid the need for stricter emergency measures later in the season. By working together, Eagle residents can help protect our water resources today and into the future. Also, attached is the Brush Creek Management Plan: *Link: (Brush-Creek-Watershed-Plan-2011.04.11)*

Eagle County Fire Restrictions Current Status - Stage 2 in Effect: Eagle County remains in Stage 2**,** with no automatic upgrades to Stage 3 when "Red Flag Warnings" are in effect, as the county has temporarily suspended automatic escalation to Stage 3**.** Instead, a heightened version of Stage 2 is in place that incorporates additional safeguards. The Heightened Stage 2 **Fire Restrictions ordered herein expressly PROHIBIT** any activity that produces or maintains, or attempts to produce or maintain, sparks, flames, or any known ignition source for open fires, including but not limited to the following link: *(Eagle County-E.C.Emergency-Fire-Restrictions).* It takes all of us to protect what we love. *Thank you.*

Administration and Organization Update:

Public Safety Impact Fee Fund Reallocation – Police Department 2025 CIP Projects: The Eagle Police Department requests the allocation of approximately $94,500 in Public Safety Impact Fee (PSIF) funds from the Haymeadow development to support three priority projects identified in the 2025 Capital Improvement Plan (CIP). These investments will address pressing needs for functional space, modern equipment, and secure storage, ensuring the department can keep pace with community growth and evolving public safety demands.

1. **Basement Renovation – $40,000:** The current basement space in Town Hall is unfinished and underutilized. Renovating this area will provide organized storage with modern shelving and cabinets, a secure armory and uniform area, and dedicated space for training, fitness, e-bikes, and recovered property. These upgrades will improve day-to-day operations, enhance officer wellness, and provide a safer, more secure working environment while the Town evaluates long-term space solutions for the Police Department.

2. **Drone (UAV) Program – $24,000:** To modernize operations, the department plans to acquire two drones (DJI Mavic 3T and DJI Avata 2) and establish a UAV program. This technology will expand capabilities in search and rescue, missing person investigations, crime scene documentation, event and traffic monitoring, and emergency evacuations. Drones will also improve officer safety during high-risk incidents and provide a valuable tool for community engagement and recruitment.
3. **Secured Storage Container – $15,000:** With no ground-level storage available at Town Hall, the department lacks secure space for large equipment such as radar trailers. A 40-foot storage container with side doors will be placed at the Public Works secure yard to provide safe, accessible, and weather-protected storage. This solution will reduce overcrowding, preserve equipment, and ensure quick access to mission-critical resources during emergencies or planned operations.

Summary: These projects represent a strategic use of PSIF resources, aligning growth-related revenues with the infrastructure and tools needed to protect the community. By investing in functional space, advanced technology, and secure storage, the Town will strengthen the Police Department's capacity to serve residents effectively and maintain high standards of safety and preparedness as Eagle continues to grow.

Recruitment and Onboarding Update – Building the Future, One Great Teammate at a Time: The Town of Eagle continues to build momentum in strengthening our workforce and organizational culture. Since the start of 2025, we have welcomed **16 new employees** across multiple departments, each contributing fresh skills, perspectives, and a shared dedication to public service. From their very first day, new team members are supported through thoughtful onboarding, with a focus on connection, empowerment, and alignment with Eagle's values.

Recruitment remains an active priority as we work to fill several key positions that keep our Community running smoothly. Seven positions are currently in progress, including Street Maintenance Equipment Operators, a Police Records Technician, a Building Official, a Communications Specialist, an Engineer I/II Project Manager, and a Water Operator. Interviews are already underway for the Building Official and Communications Specialist roles, with additional candidate evaluations and advertising efforts continuing for the remaining positions.

Looking ahead, two positions are pending launch as capacity allows: a Utility Engineer and a Water/Wastewater Operator (C License). These additions reflect both necessary replacements and strategic investments in new full-time roles that will help us meet future service demands.

Our recruitment efforts are more than filling vacancies—they represent a continued investment in creating a collaborative, capable, and resilient workforce that embodies Eagle's vision and commitment to service. Each hire brings us closer to ensuring that the Town of Eagle is staffed with the right talent to support our residents today and into the future.

Grand Avenue Multimodal Corridor Project – Federal Grant Opportunity: The reinstated BUILD (Better Utilizing Investments to Leverage Development) program offers $1.5 billion nationwide for traditional infrastructure projects, with awards up to $25 million for eligible local governments. Unlike recent programs, BUILD emphasizes safety, congestion reduction, economic impact, and project readiness—making it a strong fit for Eagle's Grand Avenue Multimodal Corridor Project**.** The U.S. Department of Transportation is expected to release the Notice of Funding Opportunity (NOFO) this fall, with applications due 60–90 days later.

To compete successfully, staff are refining the project's benefit-cost analysis, strengthening partnerships, and emphasizing the Grand Avenue project's measurable benefits, including improved safety, enhanced multimodal connections, and regional economic value. These efforts align directly with the Town Council's strategic priorities of advancing transportation infrastructure, supporting economic vitality, and ensuring a safe, connected community.

2026 Town Council Budget Update: The Town has officially launched the 2026 budget process, and most departmental operating submissions have now been received. Staff are working to finalize the draft budget in August, with early projections showing a flat budget—holding at a 0% operating increase—apart from payroll adjustments and required contractual obligations. Over the next several months, Council will engage in a series of critical discussions and public hearings to shape and adopt the budget.

Key Town Council dates include:

- **September 9** – Operating Budget Work Session (before the start of the Town Council Meeting)
- **September 9** – Employee Compensation Plan / Insurance & Benefits presentation by Human Resources
- **September 23** – Capital Improvement Projects (CIP) Budget Work Session (before the start of the Town Council Meeting)
- **October 14** – Budget Public Hearing
- **October 28** – Budget Public Hearing
- **November 12** – Final Budget Public Hearing and Adoption

Economic Development:

Ice Castles – Winter 2025/2026 Season Update: The Town has been notified that Ice Castles will not be returning to Eagle for the 2025/2026 winter season. In correspondence with Molly, Ice Castles CEO, Kyle Standifird, explained that despite the strong collaboration and positive working relationship with the Town, attendance during the 2024/2025 season did not meet expectations. This shortfall prompted the company to pursue other options for the upcoming winter.

While this outcome is disappointing, Ice Castles expressed sincere appreciation for the Town's partnership throughout the planning, permitting, and event operations. They highlighted Eagle's professionalism and community support in hosting the attraction.

MEAC had requested a post-event report, though final attendance figures and comparative performance across Ice Castles' other locations were not provided. Staff will follow up with the company to obtain any additional data that may help us better understand the challenges and inform future winter event planning.

The Town remains committed to supporting innovative programming and events that bring vitality to our Community, and staff will continue working with partners and stakeholders to explore new opportunities for winter activation in Eagle.

The Town of Eagle continues to make strides in advancing projects and partnerships that strengthen our local economy, support businesses, and plan for the Community's future.

The Town is moving ahead with the **East Eagle Annexation,** where discussions with property owners have evolved into a shared vision for growth with purpose. Beyond establishing boundaries, conversations now focus on sustainable water solutions, attractive gateway improvements, resilient infrastructure, and a mix of land uses that reflect Eagle's long-term goals. The next phase of work will include sketch plan implementation, a traffic study to inform phasing, and updated service plans for the metropolitan district to align with anticipated development. These steps will ensure that as East Eagle grows, it does so deliberately, balancing opportunity with community benefit.

The Wayfinding Study and Implementation Plan has reached a significant milestone with the selection of Michael Baker International as the lead consultant. Their proposal stood out for its clear vision, budget alignment, and extensive experience working in Colorado's mountain towns. With the project kickoff now underway, this effort will guide the design and installation of consistent signage that improves navigation, strengthens our brand identity, and enhances the visitor experience across Eagle.

The Economic Vitality Committee (EVC) convened in July to discuss several forward-looking initiatives,

including implementation of new residential density limits in commercial areas, the launch of the Business Advancement Program (BAP) supported by a REDI grant, and early planning for 2026 budget priorities. To keep momentum, the Committee will hold additional meetings this fall to help refine policies and ensure timely input into these critical initiatives.

Downtown is also seeing renewed energy. The Downtown Development Authority (DDA) introduced Eagle Rising, a new women-owned business collective focused on collaboration, shared resources, and event coordination. Staff are working with Eagle Rising to explore reactivating the dormant Downtown Business Alliance (DBA), which could provide an organized nonprofit structure to support downtown businesses. DDA board members also partnered with CU Denver Summer Studio students, providing insight into Eagle's vision and priorities as students developed creative strategies for enhancing downtown vibrancy, connectivity, and long-term economic vitality.

Finally, the Eagle Chamber Business Advocacy Committee continues to focus on member engagement, survey planning, and potential collaborations with partners like Elevar. Recruitment efforts are ongoing, with several new prospects expressing interest in joining the Committee, while others are redirecting their energy toward supporting the Eagle Rising initiative. These efforts reflect a growing network of business leaders dedicated to ensuring Eagle's downtown and broader business community remains strong and resilient.

Community Engagement & Meetings: This report highlights our recent community outreach efforts and critical regional and project-specific meetings. Our top priority is to engage with stakeholders, stay informed about developments, and contribute to the growth of our Community.

Thank you, Eagle – Brush Creek Playground Renovation: The renovation of the Brush Creek Playground is nearly complete, with just a few finishing touches still ahead, and it would not have been possible without the incredible support of our Community. From local businesses and skilled tradespeople to families, volunteers, and staff who shared their time, energy, and creativity, each of you played a vital role in bringing new life to this beloved space.

What began as a call to "be a part of playground history" has become a lasting example of what Eagle can achieve together. Thanks to your hard work and generosity, the playground will once again inspire joy, laughter, and memories for generations of families. More than a renovation, this project stands as a true celebration of community spirit, and we are deeply grateful to everyone who made it possible.

Staying Bear-🐻-Aware in Eagle: Summer in Eagle brings warm days, busy trails, and — as many of us have noticed, visits from our wild neighbors. Recently, a bear was spotted near Brush Creek Park and Founders Avenue after rummaging through an unsecured trash can. Encounters like this are an essential reminder that our everyday choices directly impact the safety of both people and wildlife. When food or trash is left accessible, bears learn to associate neighborhoods with easy meals, a dangerous habit that puts them, and us, at risk.

We can all do our part to keep Eagle safe and wild. Please use bear-resistant containers or store trash indoors until collection day. Avoid leaving pet food, bird seed, or food scraps outside, as these are irresistible attractants. If you do see a bear, give it space, keep pets leashed and children nearby, and never attempt to approach or feed it. For sightings where a bear appears aggressive or overly comfortable around people, contact Colorado Parks and Wildlife immediately at 970-947-2920**.**

By taking these small but essential steps, we protect our Community and preserve the natural character that makes Eagle such a special place to live. Let's all stay **Bear-🐻-Aware** this season and share the responsibility of living respectfully alongside our wildlife.

WORK SESSIONS: *To help the Town Council stay informed about upcoming work sessions, the following table outlines topics to be discussed over the next several months. Preparing in advance is helpful, as it allows for effective planning and execution of a work session. Staff will maintain this table in the report and make any necessary adjustments. The topics are subject to change:*

Date	Topic
September 2, 2025 – Work Session	
October 7, 2025 – Work Session	Fire Resiliency (WUI) code 2-hrs
November 4, - Work Session - ***Election Day***	
December 2, - Work Session	

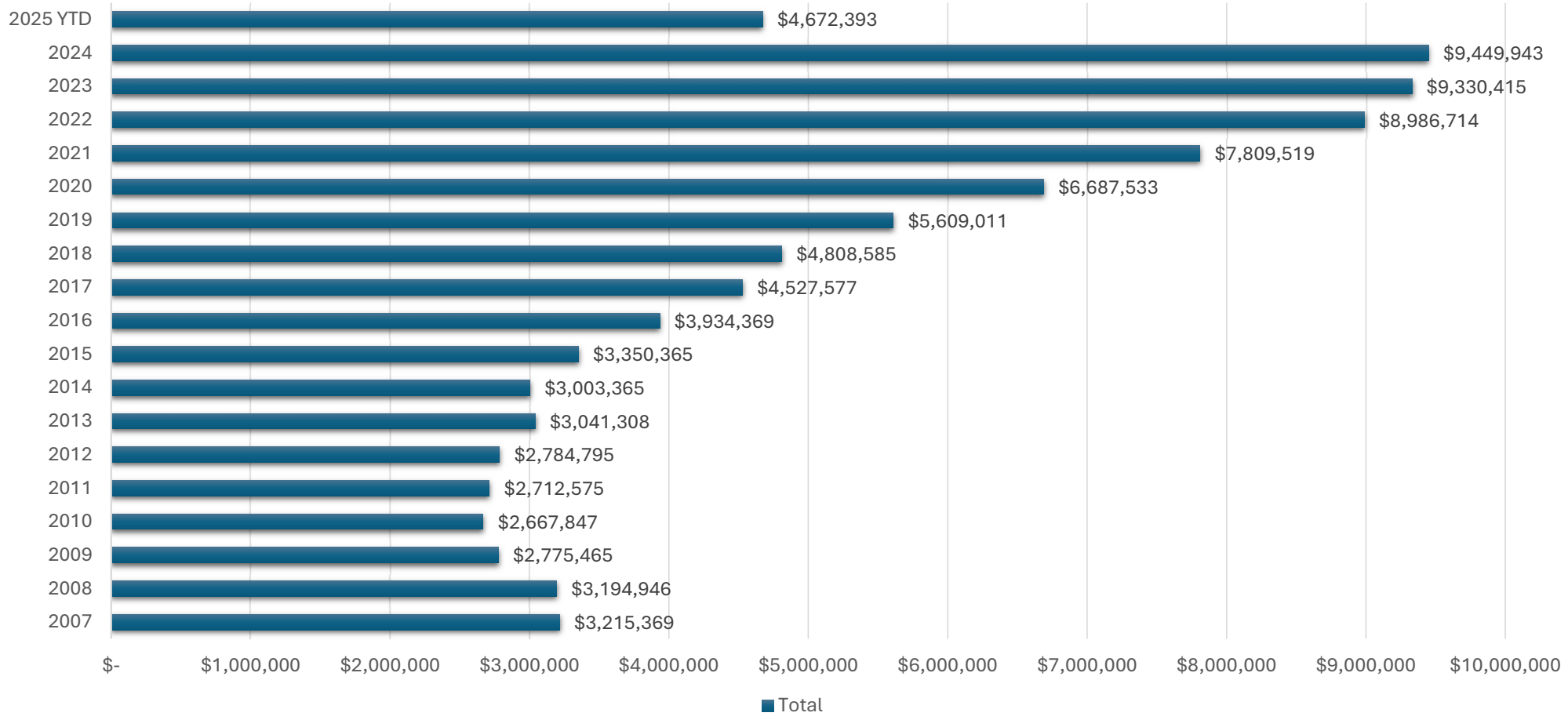
Town of Eagle

Sales Tax Report

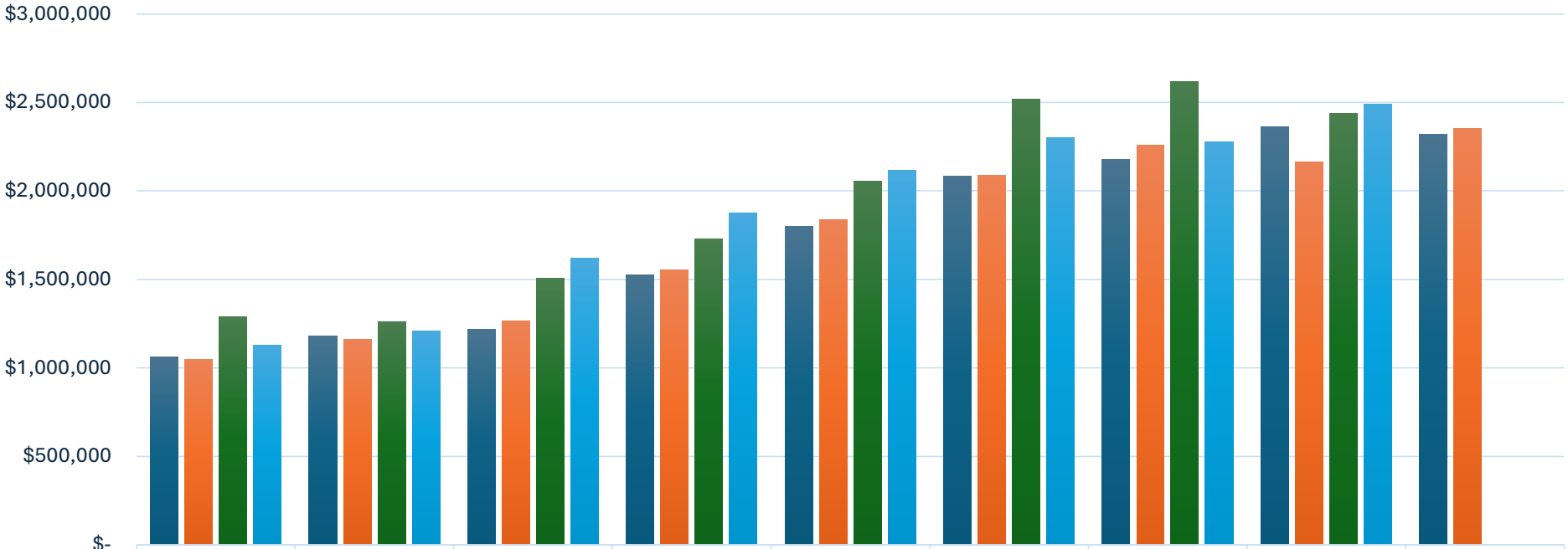
YTD 6/30/2025

ANNUAL TOTAL SALES TAX INCLUDING MOTOR VEHICLES
2007-2025
REVENUE PERIOD TOTALS

**2016 - PRESENT INCLUDES 0.5% SALES TAX INCREASE*

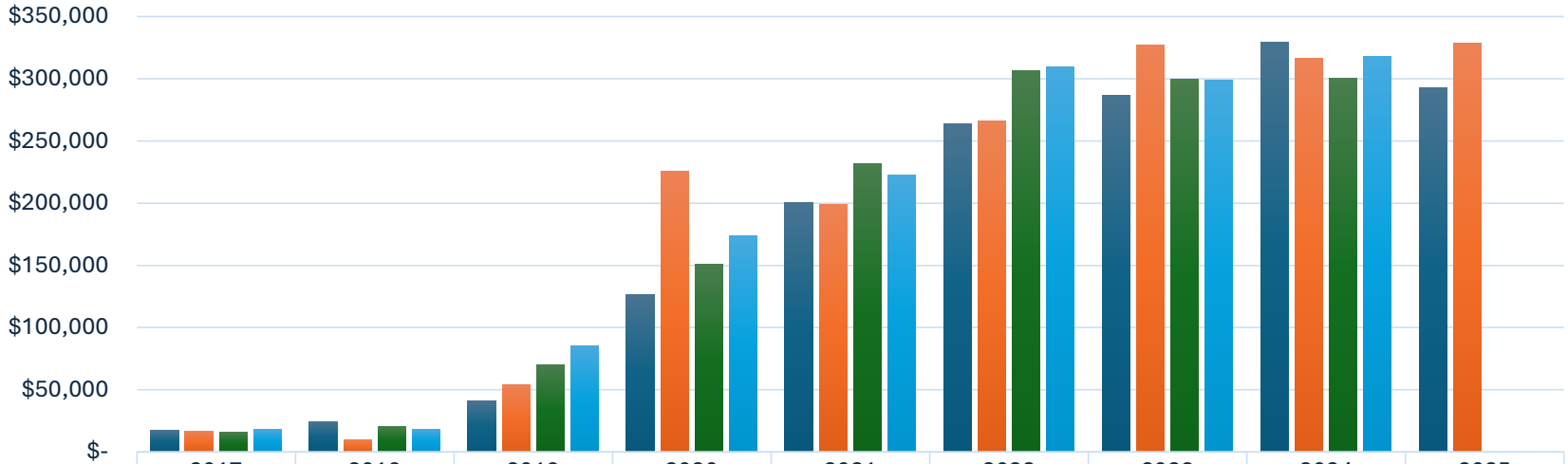


TOTAL SALES TAX BY QUARTER INCLUDING MOTOR VEHICLES
2017-2025
REVENUE PERIOD TOTALS



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$1,063,301	$1,178,719	$1,216,660	$1,524,520	$1,798,342	$2,082,888	$2,177,138	$2,360,246	$2,318,365
SECOND QUARTER	$1,046,588	$1,162,266	$1,265,853	$1,555,060	$1,838,623	$2,088,121	$2,259,724	$2,164,519	$2,354,029
THIRD QUARTER	$1,289,013	$1,260,442	$1,509,011	$1,730,598	$2,057,099	$2,516,655	$2,617,098	$2,436,291	
FOURTH QUARTER	$1,128,675	$1,207,159	$1,617,487	$1,877,355	$2,115,455	$2,299,051	$2,276,455	$2,488,887	

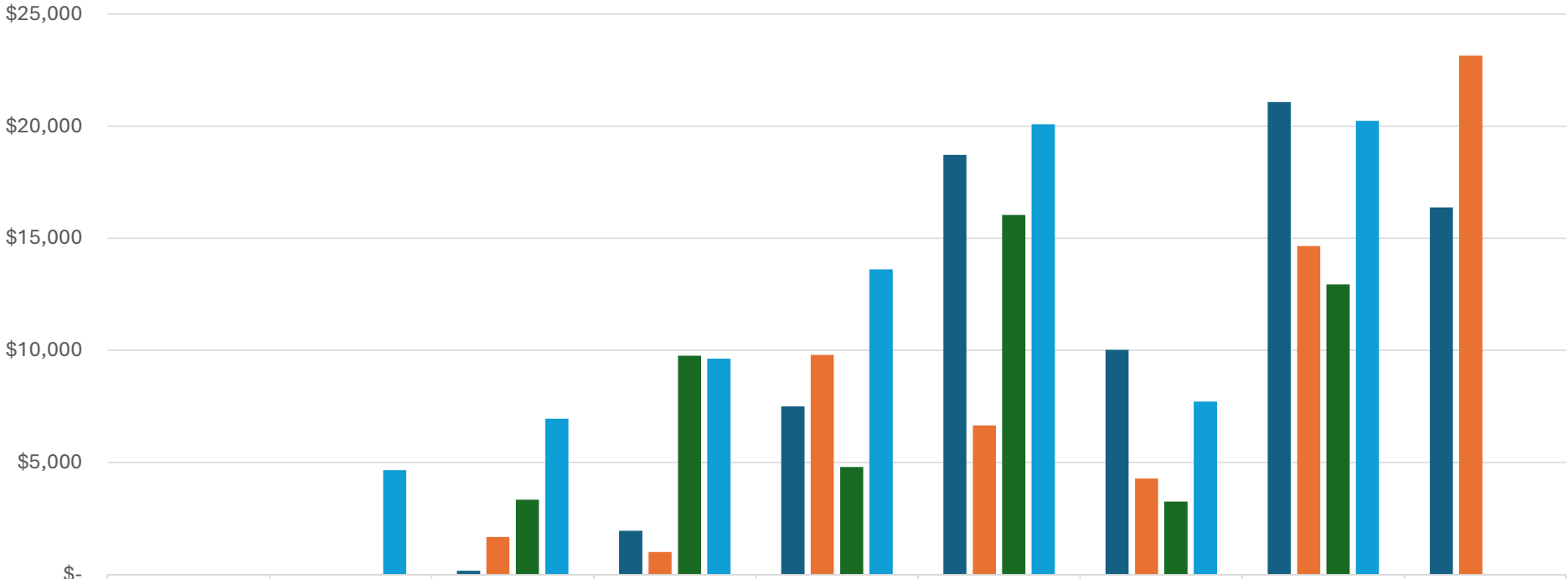
ONLINE SALES TAX BY QUARTER
2017-2025
REVENUE PERIOD TOTALS



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$17,179	$24,250	$41,364	$126,299	$200,373	$264,177	$286,437	$329,524	$293,092
SECOND QUARTER	$16,876	$10,047	$54,246	$225,510	$199,020	$266,072	$326,860	$316,560	$328,855
THIRD QUARTER	$15,759	$20,631	$70,029	$150,797	$232,192	$306,341	$299,787	$300,503	
FOURTH QUARTER	$18,013	$18,402	$84,984	$174,102	$222,896	$309,340	$298,504	$317,880	

Online sales are included in the retail and out of area sectors.

MOTOR VEHICLE SALES TAX BY QUARTER
2017-2025
REVENUE PERIOD TOTALS

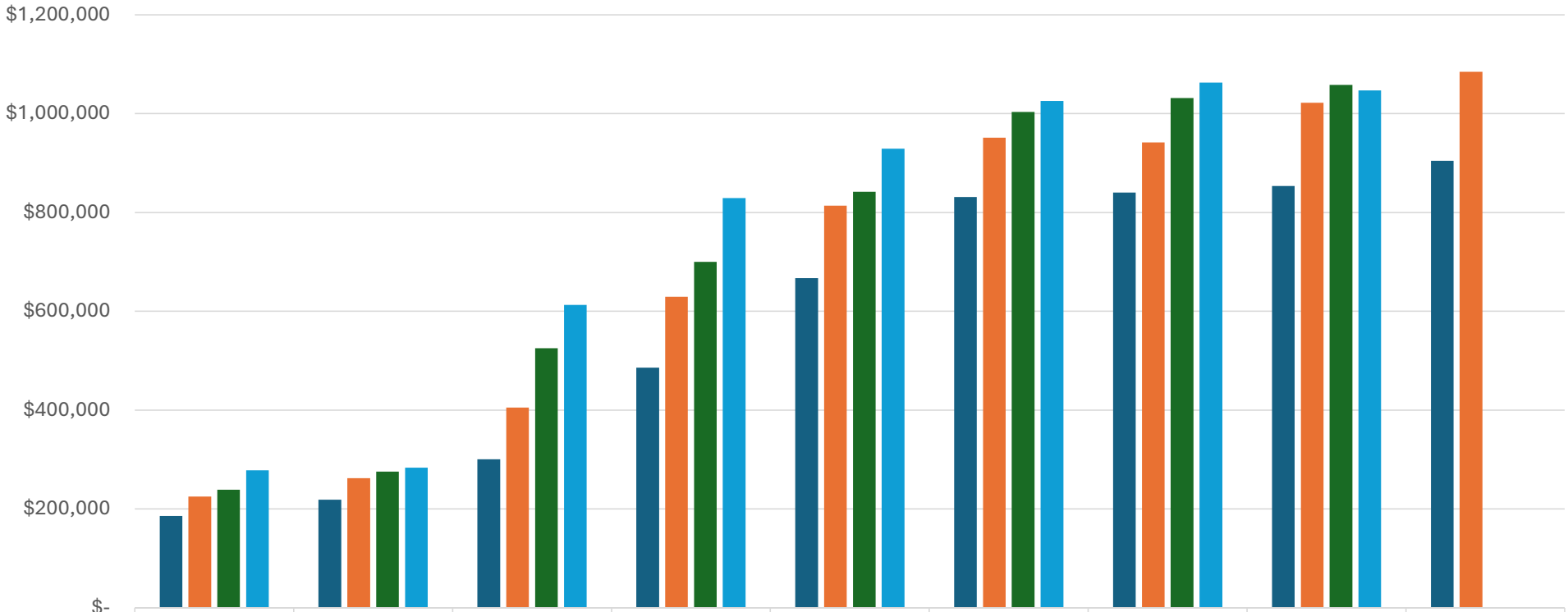


	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER			$172	$1,954	$7,504	$18,717	$10,021	$21,075	$16,374
SECOND QUARTER			$1,677	$1,014	$9,794	$6,652	$4,285	$14,647	$23,142
THIRD QUARTER			$3,338	$9,760	$4,799	$16,033	$3,258	$12,937	
FOURTH QUARTER		$4,654	$6,950	$9,628	$13,606	$20,077	$7,717	$20,237	

Sales Tax Collected by Source Type

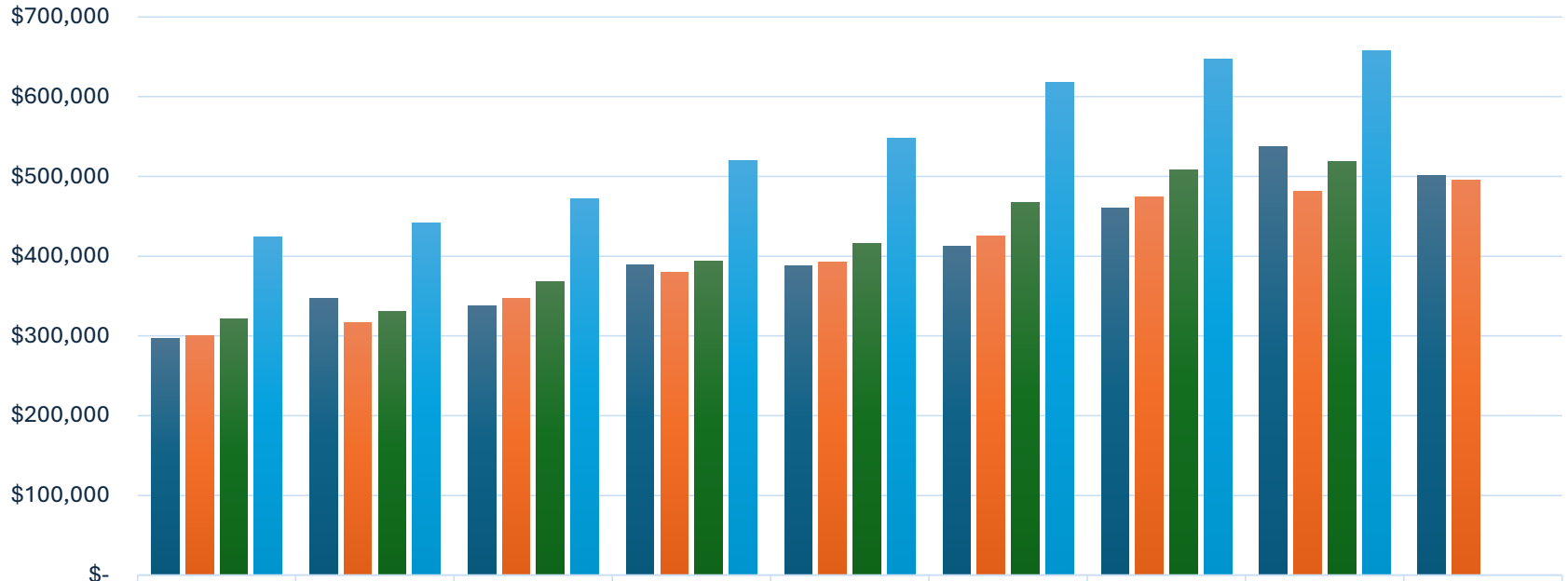
- Retail
- Food
- Restaurants & Bars
- Liquor Stores
- Lodging
- Utilities
- Automotive
- Building / Construction

RETAIL QUARTERLY COLLECTIONS
2017-2025



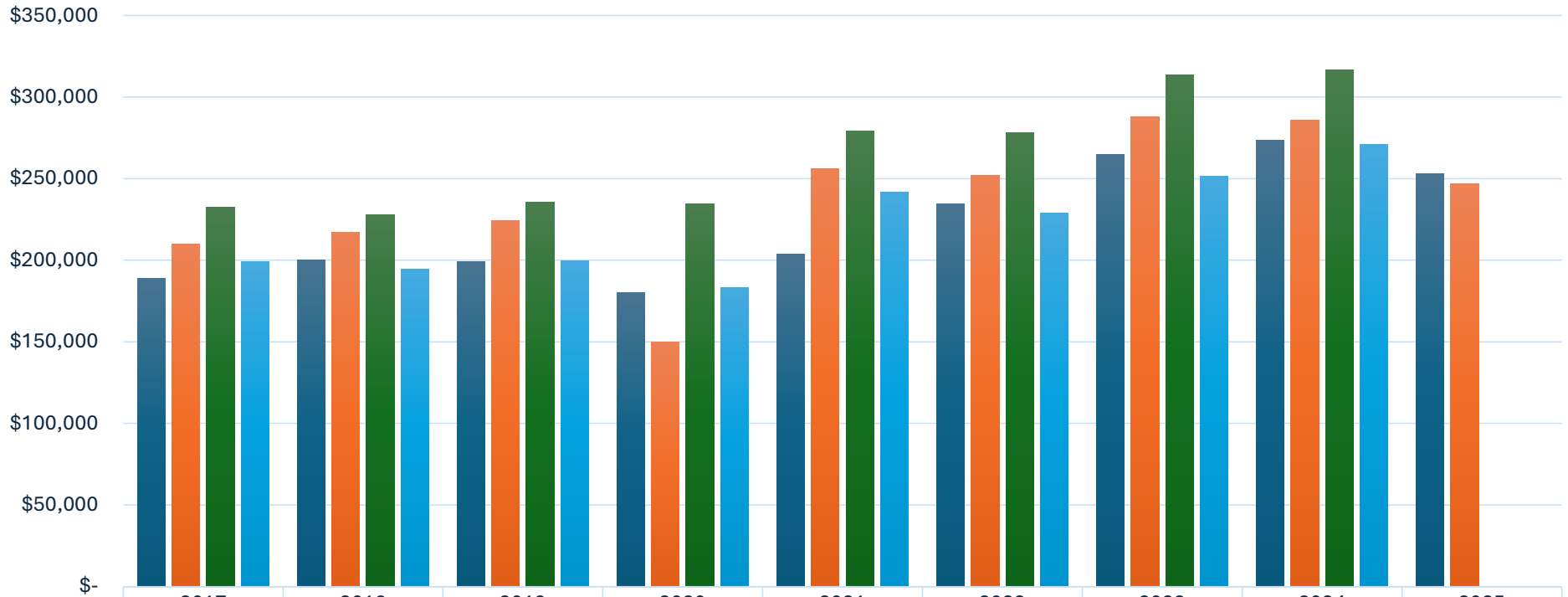
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$185,714	$218,784	$300,364	$485,838	$667,134	$831,233	$840,350	$853,385	$904,221
SECOND QUARTER	$225,023	$262,236	$405,199	$629,208	$813,291	$951,083	$941,415	$1,021,712	$1,084,633
THIRD QUARTER	$238,598	$275,314	$525,347	$699,684	$841,445	$1,003,368	$1,031,240	$1,058,127	
FOURTH QUARTER	$277,948	$283,475	$612,820	$828,970	$929,026	$1,025,240	$1,062,505	$1,046,596	

FOOD QUARTERLY COLLECTIONS
2017-2025



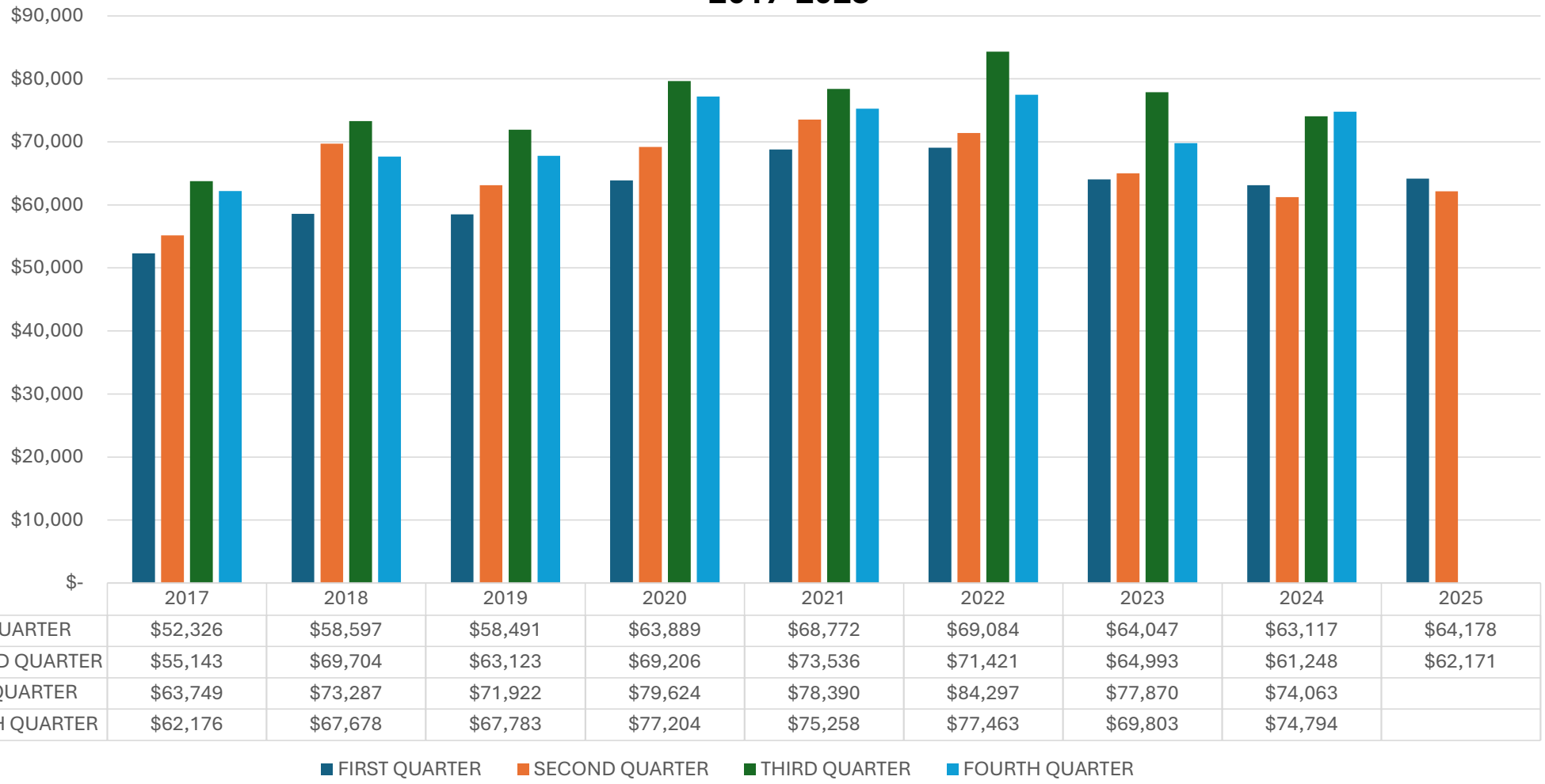
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$296,864	$347,751	$338,156	$389,097	$387,599	$412,769	$460,777	$536,980	$501,519
SECOND QUARTER	$300,118	$316,229	$347,465	$379,809	$392,970	$424,952	$474,875	$481,093	$495,871
THIRD QUARTER	$321,577	$330,363	$367,876	$394,504	$416,289	$467,454	$508,883	$518,949	
FOURTH QUARTER	$424,063	$442,328	$472,068	$519,361	$547,593	$617,970	$646,937	$657,617	

RESTAURANTS & BARS QUARTERLY COLLECTIONS
2017-2025



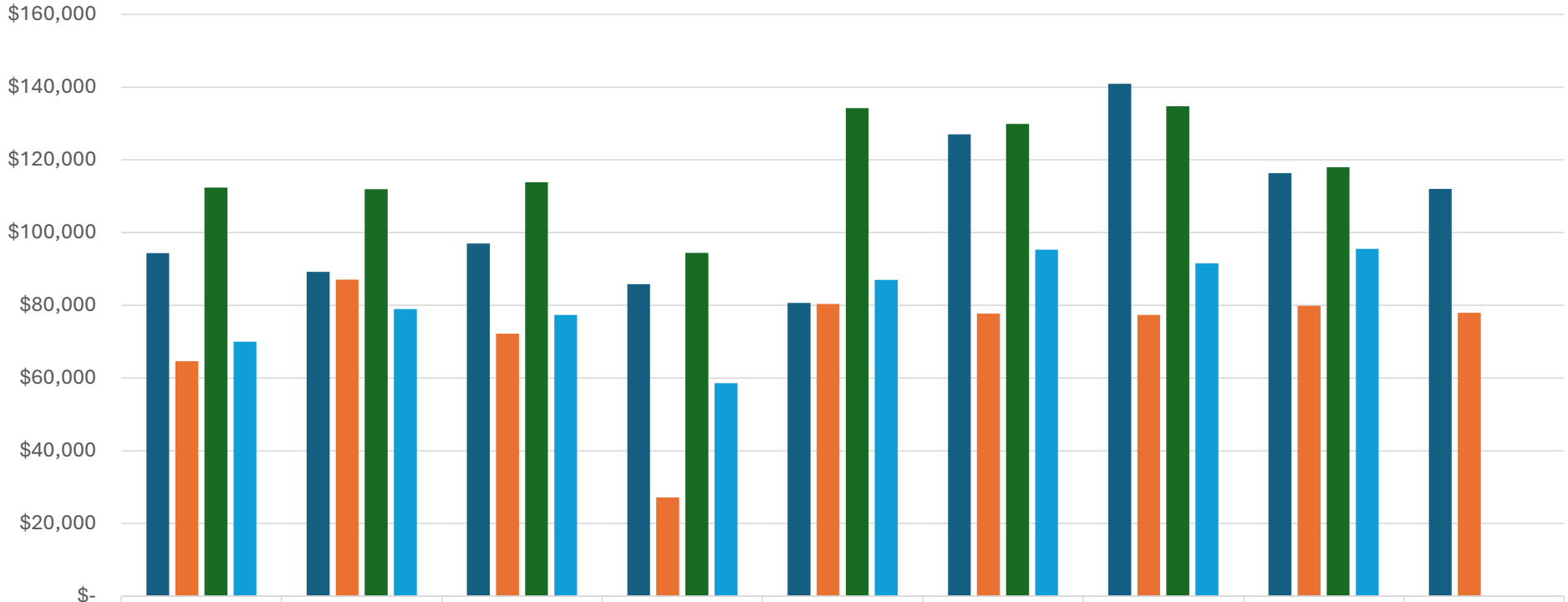
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$189,058	$200,313	$199,299	$180,124	$203,592	$234,517	$264,928	$273,490	$252,752
SECOND QUARTER	$209,724	$217,359	$224,332	$149,892	$256,096	$251,820	$288,175	$285,961	$246,846
THIRD QUARTER	$232,501	$228,013	$235,608	$234,503	$279,407	$278,420	$313,717	$316,542	
FOURTH QUARTER	$199,271	$194,688	$199,759	$183,111	$241,998	$229,164	$251,486	$270,951	

LIQUOR STORES QUARTERLY COLLECTIONS
2017-2025



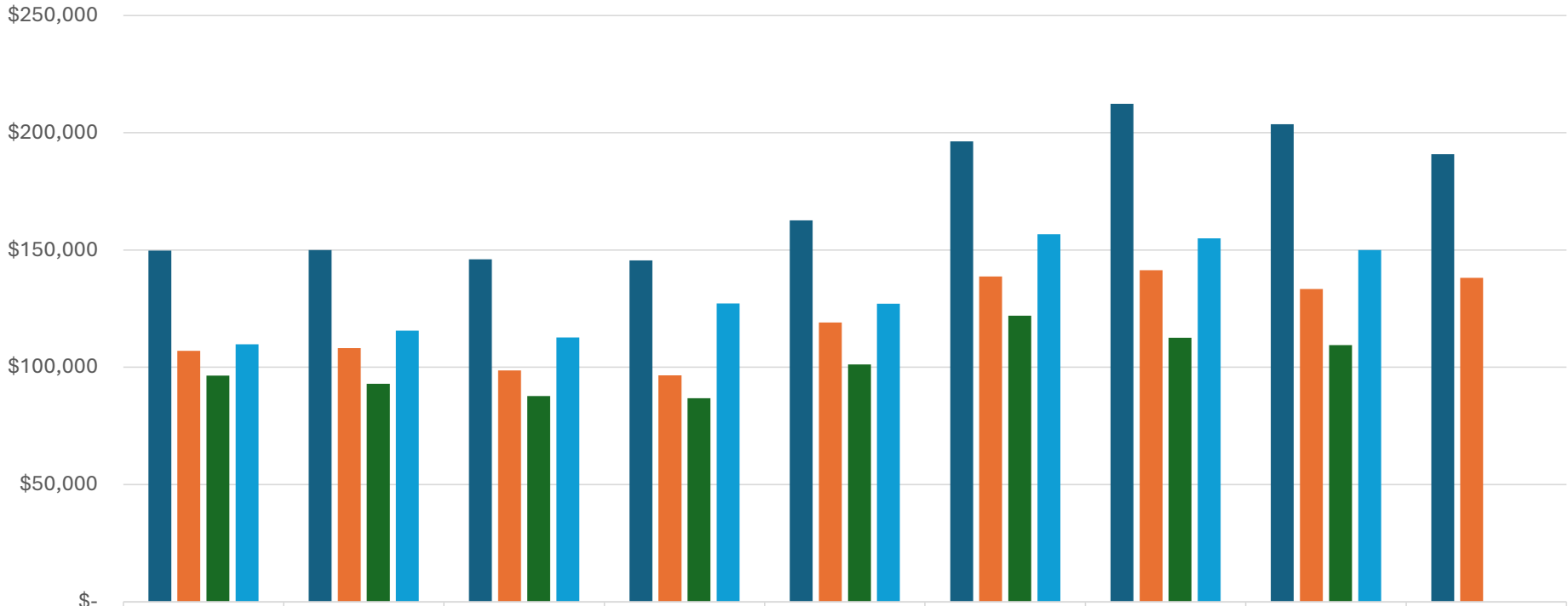
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$52,326	$58,597	$58,491	$63,889	$68,772	$69,084	$64,047	$63,117	$64,178
SECOND QUARTER	$55,143	$69,704	$63,123	$69,206	$73,536	$71,421	$64,993	$61,248	$62,171
THIRD QUARTER	$63,749	$73,287	$71,922	$79,624	$78,390	$84,297	$77,870	$74,063	
FOURTH QUARTER	$62,176	$67,678	$67,783	$77,204	$75,258	$77,463	$69,803	$74,794	

LODGING QUARTERLY COLLECTIONS
2017-2025



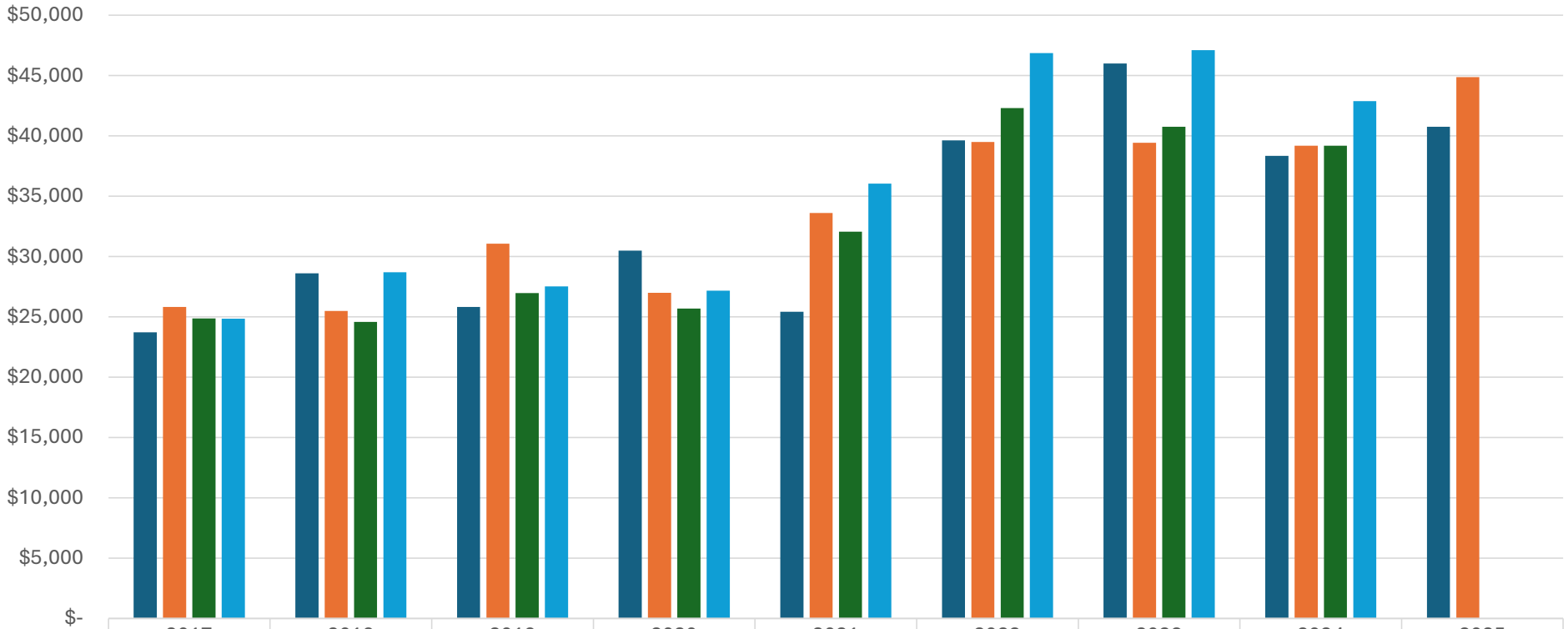
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$94,372	$89,160	$96,980	$85,821	$80,629	$126,999	$140,925	$116,340	$112,014
SECOND QUARTER	$64,638	$87,051	$72,203	$27,146	$80,373	$77,712	$77,376	$79,877	$77,954
THIRD QUARTER	$112,350	$111,926	$113,819	$94,412	$134,246	$129,902	$134,756	$117,970	
FOURTH QUARTER	$69,950	$78,929	$77,357	$58,593	$86,960	$95,327	$91,551	$95,494	

UTILITIES QUARTERLY COLLECTIONS
2017-2025



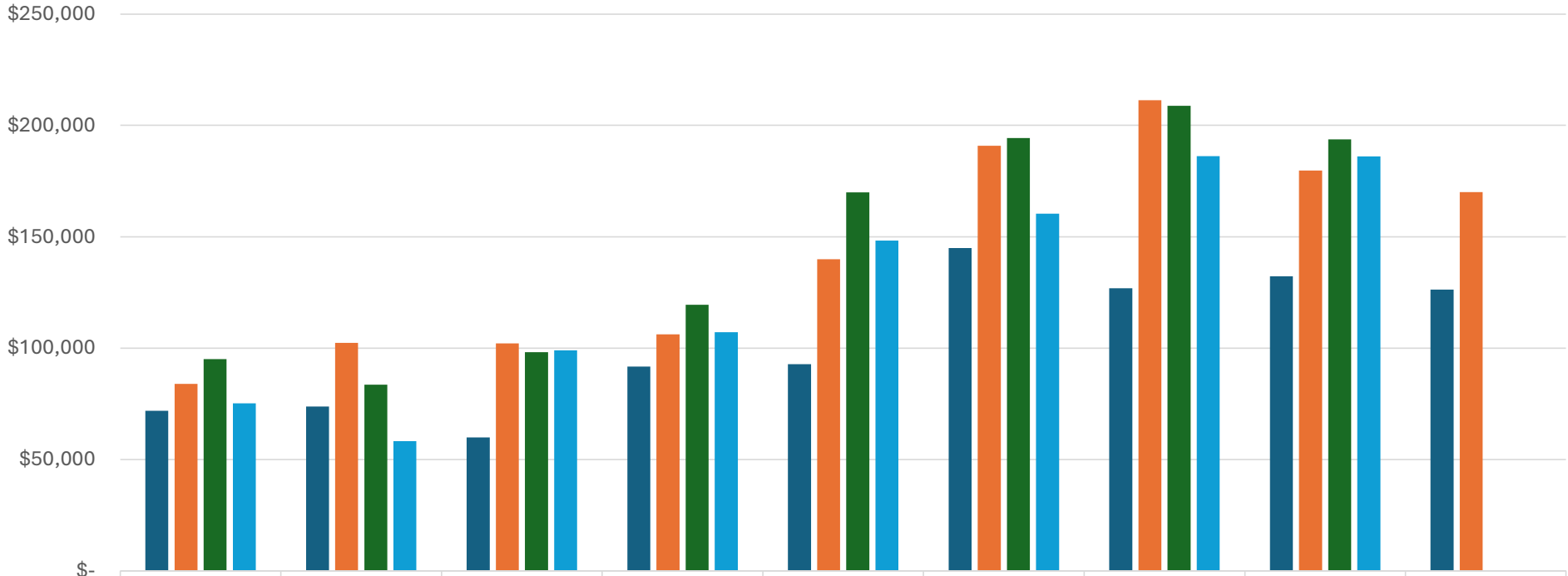
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$149,695	$150,009	$146,036	$145,603	$162,687	$196,324	$212,275	$203,634	$190,791
SECOND QUARTER	$107,004	$108,122	$98,660	$96,551	$119,038	$138,751	$141,436	$133,361	$138,135
THIRD QUARTER	$96,443	$92,931	$87,733	$86,790	$101,187	$121,995	$112,640	$109,416	
FOURTH QUARTER	$109,859	$115,593	$112,684	$127,204	$127,159	$156,758	$154,981	$149,995	

AUTOMOTIVE QUARTERLY COLLECTIONS
2017-2025



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$23,719	$28,610	$25,813	$30,473	$25,423	$39,617	$45,996	$38,338	$40,750
SECOND QUARTER	$25,819	$25,478	$31,055	$26,989	$33,596	$39,497	$39,423	$39,171	$44,863
THIRD QUARTER	$24,874	$24,573	$26,977	$25,688	$32,051	$42,305	$40,749	$39,174	
FOURTH QUARTER	$24,835	$28,682	$27,509	$27,162	$36,035	$46,862	$47,099	$42,871	

BUILDING/CONSTRUCTION QUARTERLY COLLECTIONS
2017-2025

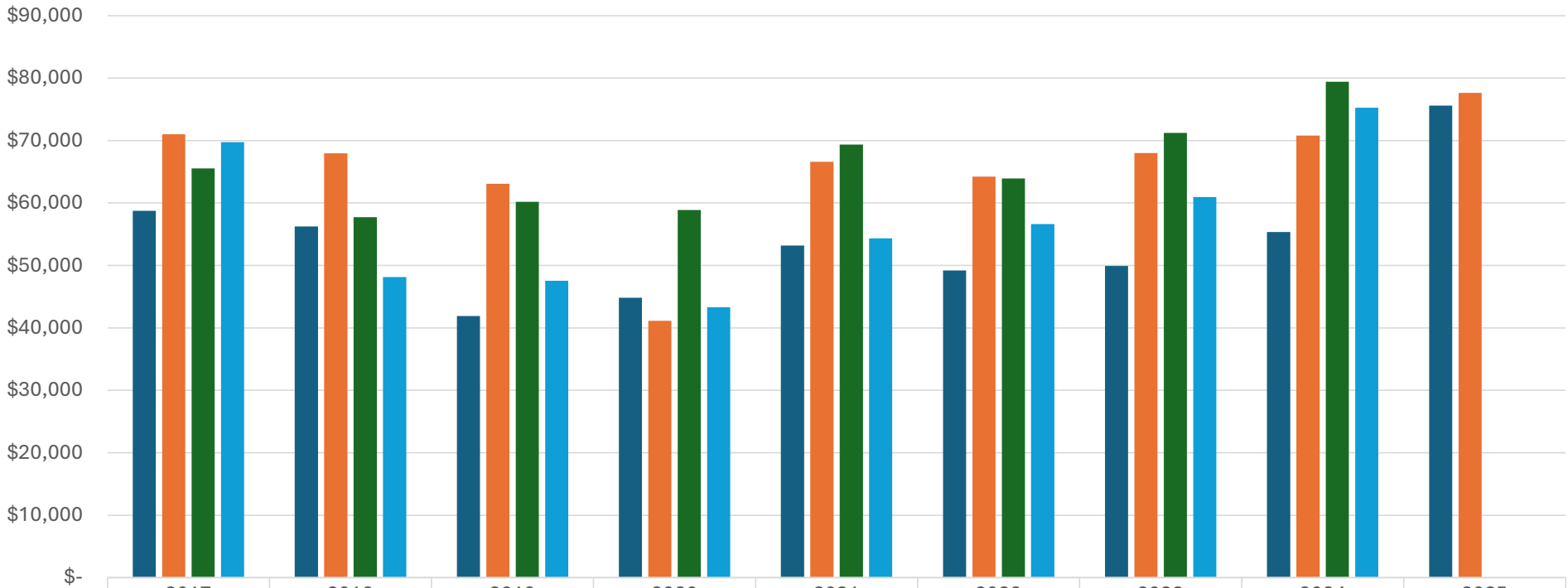


	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$71,879	$73,751	$59,892	$91,684	$92,785	$144,912	$126,856	$132,227	$126,292
SECOND QUARTER	$83,986	$102,372	$102,171	$106,204	$139,968	$190,859	$211,299	$179,764	$170,029
THIRD QUARTER	$95,046	$83,570	$98,198	$119,426	$169,972	$194,263	$208,757	$193,754	
FOURTH QUARTER	$75,180	$58,283	$99,065	$107,130	$148,291	$160,417	$186,145	$186,083	

Sales Tax Collected by Location

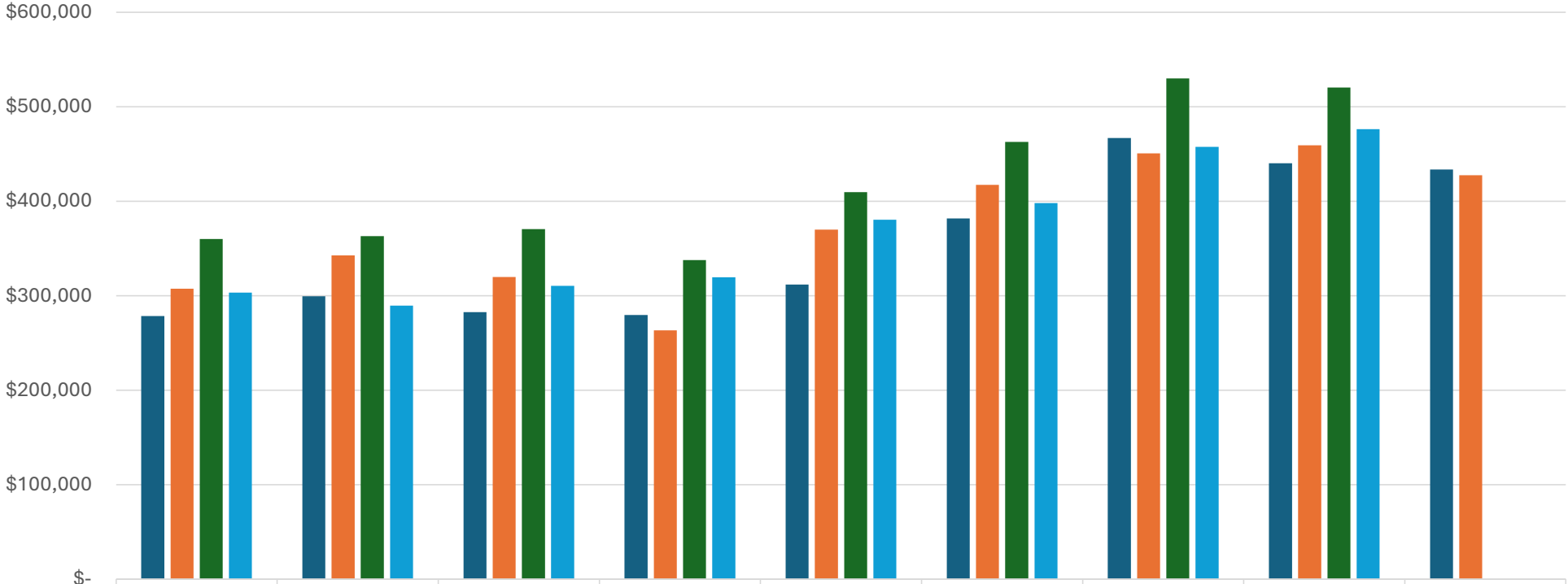
- Downtown District
- Chambers Avenue
- Market Street
- Grand Avenue
- Eagle Ranch
- Other Areas, including Online

DOWNTOWN DISTRICT QUARTERLY COLLECTIONS
2017-2025



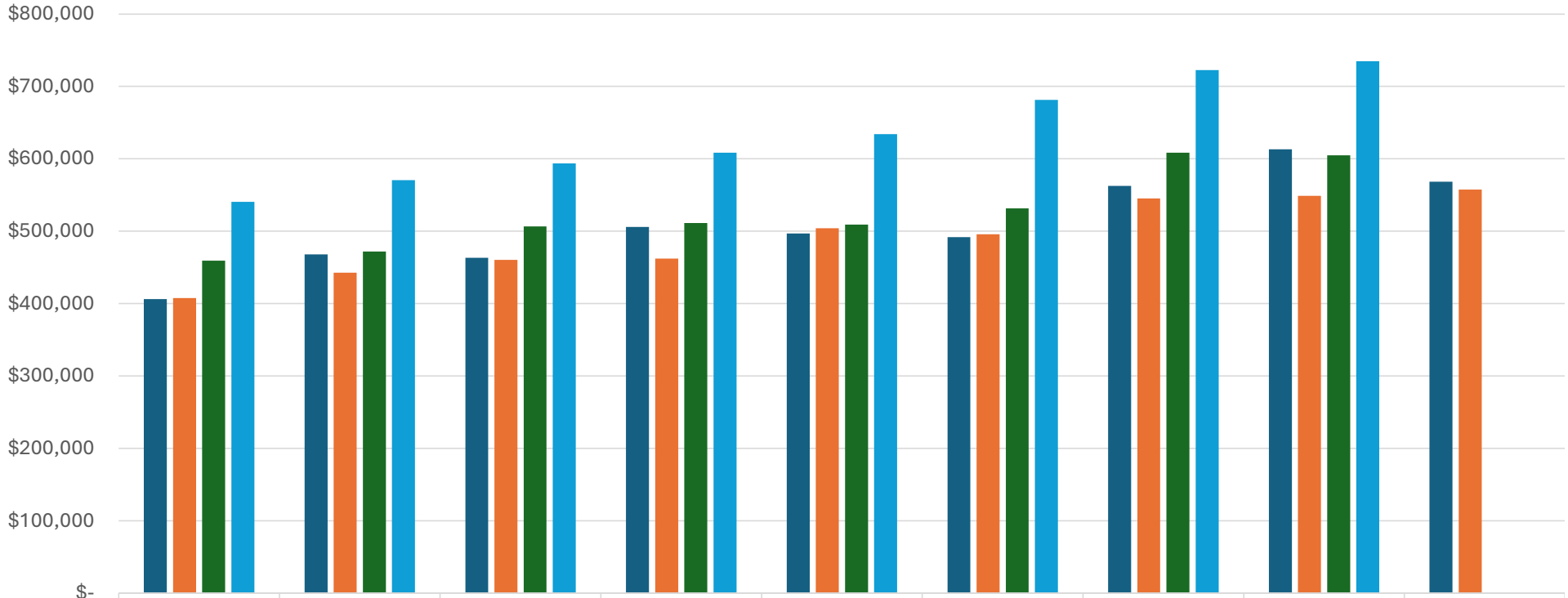
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$58,726	$56,255	$41,909	$44,842	$53,161	$49,191	$49,896	$55,354	$75,602
SECOND QUARTER	$71,022	$67,948	$63,054	$41,142	$66,589	$64,210	$67,998	$70,798	$77,628
THIRD QUARTER	$65,524	$57,727	$60,171	$58,851	$69,347	$63,907	$71,195	$79,415	
FOURTH QUARTER	$69,714	$48,139	$47,533	$43,289	$54,306	$56,606	$60,948	$75,244	

CHAMBERS AVENUE QUARTERLY COLLECTIONS
2017-2025



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$278,305	$299,453	$282,401	$279,462	$311,820	$381,757	$466,810	$440,213	$433,403
SECOND QUARTER	$307,442	$342,713	$319,743	$263,188	$369,869	$417,112	$450,626	$459,209	$427,532
THIRD QUARTER	$359,888	$362,859	$370,526	$337,620	$409,666	$462,781	$529,836	$520,291	
FOURTH QUARTER	$303,287	$289,482	$310,328	$319,542	$380,289	$398,070	$457,545	$476,242	

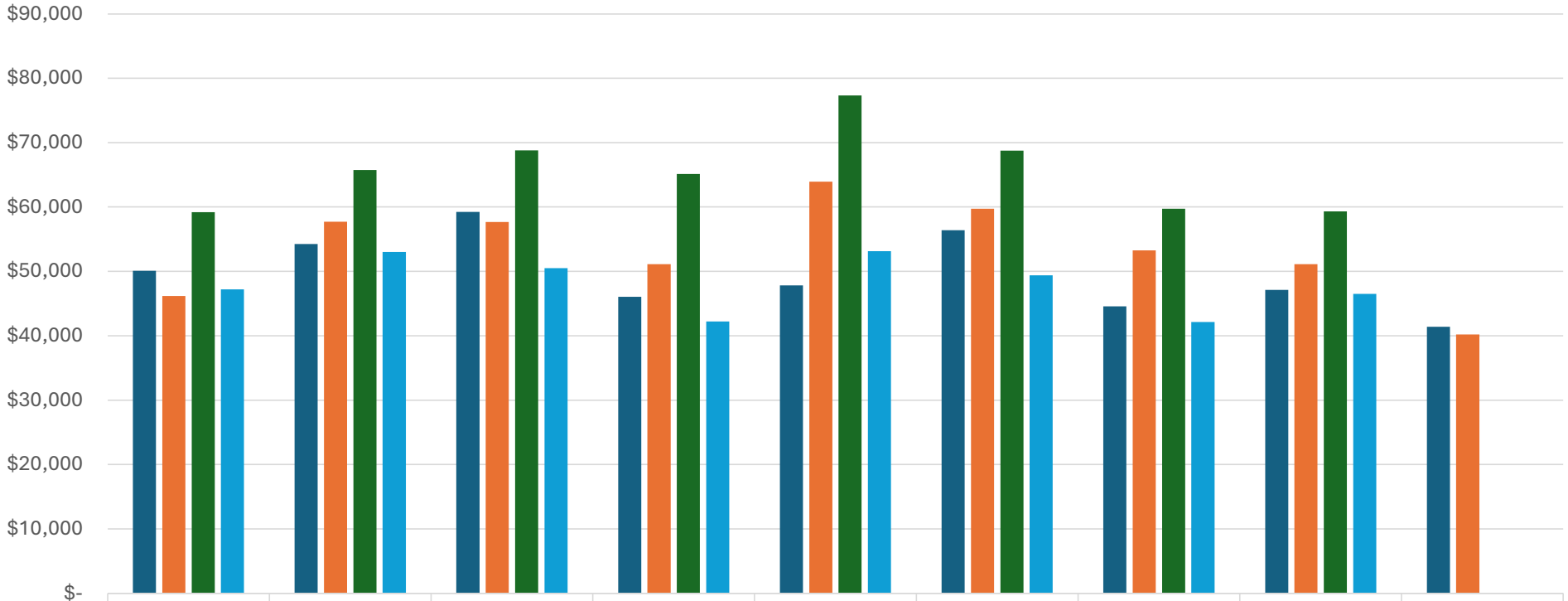
MARKET STREET QUARTERLY COLLECTIONS
2017-2025



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$406,079	$468,081	$463,202	$506,046	$496,753	$491,811	$562,713	$613,018	$568,437
SECOND QUARTER	$407,657	$442,609	$460,439	$462,266	$503,915	$495,918	$545,072	$548,854	$557,383
THIRD QUARTER	$459,153	$472,037	$506,568	$511,422	$509,102	$531,569	$608,460	$604,946	
FOURTH QUARTER	$540,557	$570,535	$593,440	$608,591	$634,037	$681,435	$722,502	$734,782	

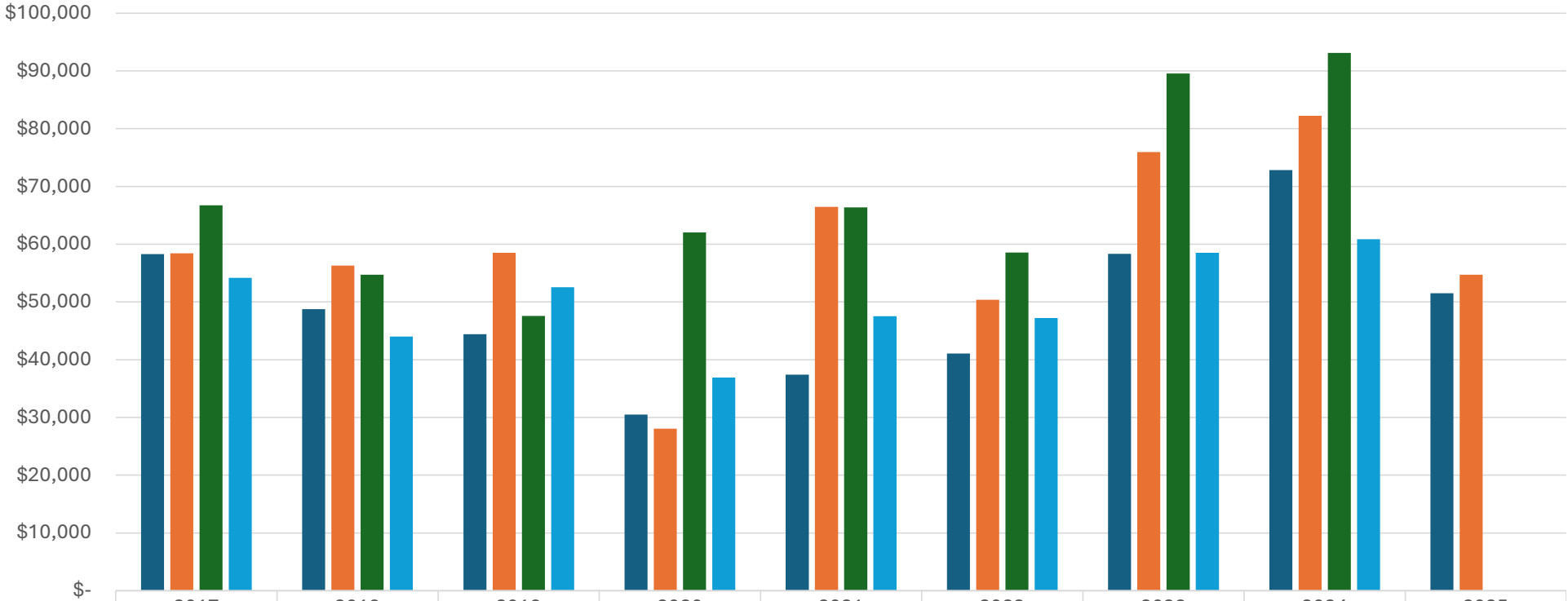
FIRST QUARTER SECOND QUARTER THIRD QUARTER FOURTH QUARTER

GRAND AVENUE QUARTERLY COLLECTIONS
2017-2025



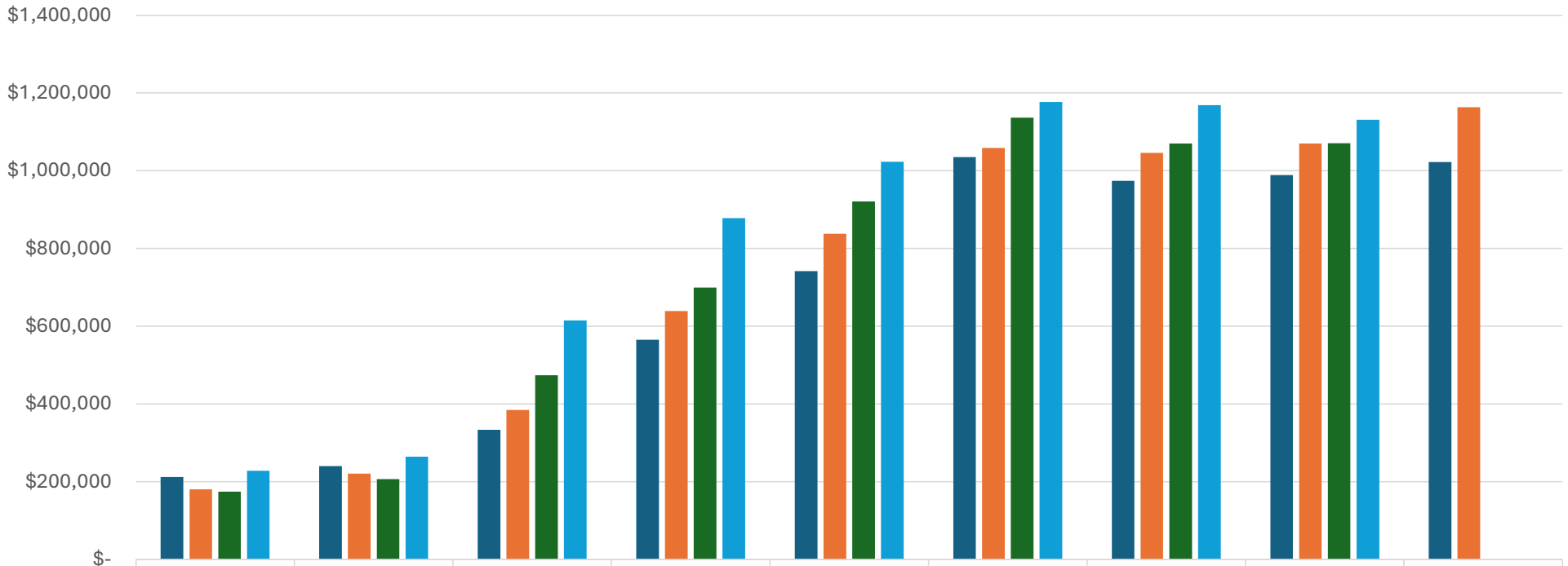
	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$50,075	$54,259	$59,240	$46,061	$47,824	$56,402	$44,580	$47,142	$41,396
SECOND QUARTER	$46,171	$57,711	$57,679	$51,140	$63,951	$59,713	$53,245	$51,117	$40,208
THIRD QUARTER	$59,191	$65,734	$68,802	$65,119	$77,335	$68,745	$59,713	$59,329	
FOURTH QUARTER	$47,213	$52,996	$50,489	$42,232	$53,140	$49,397	$42,159	$46,509	

EAGLE RANCH QUARTERLY COLLECTIONS
2017-2025



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$58,275	$48,754	$44,392	$30,505	$37,393	$41,053	$58,324	$72,814	$51,502
SECOND QUARTER	$58,434	$56,287	$58,527	$28,071	$66,461	$50,362	$75,936	$82,231	$54,695
THIRD QUARTER	$66,712	$54,703	$47,554	$62,014	$66,371	$58,543	$89,545	$93,136	
FOURTH QUARTER	$54,180	$44,015	$52,532	$36,903	$47,514	$47,198	$58,492	$60,858	

OTHER AREAS INCLUDING ONLINE QUARTERLY COLLECTIONS
2017-2025



	2017	2018	2019	2020	2021	2022	2023	2024	2025
FIRST QUARTER	$212,168	$240,173	$333,886	$565,613	$741,669	$1,035,241	$973,831	$988,971	$1,022,178
SECOND QUARTER	$180,727	$221,284	$384,766	$639,199	$838,084	$1,058,780	$1,046,116	$1,069,977	$1,163,055
THIRD QUARTER	$174,670	$206,916	$473,859	$699,606	$921,168	$1,136,457	$1,069,863	$1,070,878	
FOURTH QUARTER	$228,331	$264,489	$614,722	$878,179	$1,023,035	$1,176,495	$1,168,861	$1,130,767	

FIRST QUARTER SECOND QUARTER THIRD QUARTER FOURTH QUARTER

To:	Mayor Turnipseed and Town Council
From:	Nikki Davis, Economic Development & Housing Specialist Larry Pardee, Town Manager
Date:	August 26, 2025
Agenda Item:	Consideration of Develop Eagle LLC Presentation and Negotiation Direction for Proposed Sale of Old Town Hall (112 West 2nd Street)

REQUEST: Staff requests that the Town Council hear a presentation from Develop Eagle LLC (developer) on their proposal to purchase and redevelop the Old Town Hall property, and provide direction on whether to continue discussions and what priorities or conditions should guide potential negotiations.

BACKGROUND: The Old Town Hall property at 112 West 2nd Street has long been recognized as an underutilized but catalytic redevelopment opportunity in the heart of downtown Eagle. Earlier this summer, the Town received an offer from Develop Eagle LLC to purchase the property for $559,000, which is 24% below the appraised market value of $737,000.

In Executive Session on July 8, 2025, Council reviewed a staff memorandum outlining the developer's Letter of Intent (LOI). The proposal included both near-term building activation and a longer-term redevelopment concept:

- Immediate investment of $150,000–$200,000 in interior and roofing improvements;
- Interim activation by leasing commercial space to 2–3 tenants;
- A long-term vision to redevelop the site into a boutique hotel and guest lodging destination; and
- A buyback clause allowing the Town to reacquire the property if specific benchmarks are not met (2029 for entitlements, 2032 for construction).

Following that discussion, Council directed staff to respond with the following counterterms:

- Move up the buyback deadlines, requiring entitlements by 2027 and construction by 2029;
- Establish a reacquisition price equal to the original closing price, without adjustments for interest, inflation, or other monetary factors; and
- Have the developer assume the lead role in drafting a Purchase and Sale Agreement (PSA).

Develop Eagle LLC responded that the accelerated buyback deadlines would not be feasible due to existing lease obligations at adjacent properties through 2029, in addition to the scale of the redevelopment. They reaffirmed their original timeline of 2029 for entitlements and 2032 for construction as more realistic.

The group also suggested that any buyback provision account for their financial and time commitments, including reimbursement of the purchase price, financing costs, CPI adjustments, and documented improvements. In addition, they indicated a willingness to lead the drafting of the PSA, contribute 60% of legal fees, and collaborate with the Town throughout the process.

This feedback summarizes areas for the Council's consideration. The developer has requested the opportunity to present their proposal in person and respond to the Council's questions before negotiations proceed.

ANALYSIS: The proposed transaction balances discounted sale pricing with meaningful public return on investment through private capital improvements, downtown activation, and potential long-term tax revenues. Staff's previous evaluation noted alignment with the Downtown Development Authority (DDA) Plan of Development, the Town's Economic Development Plan, and broader Main Street and placemaking principles. At this stage, Council input is essential to determine:

- Desired community benefits (e.g., tenant mix, public space or placemaking elements, design standards);
- Conditions that should be reflected in a negotiated PSA;
- The strength and enforceability of the buyback provision; and
- Any additional terms the Council believes are necessary to safeguard the public interest.

Hearing directly from Develop Eagle LLC provides an opportunity for the Council to clarify expectations before staff advances further discussions.

COMMUNITY INPUT: Community input has not been gathered for this matter.

BUDGET / STAFF IMPACT: If the sale were executed, the Town would receive one-time revenues of $559,000 in sale proceeds. Over the long term, the proposed boutique hotel could generate recurring tax revenues estimated at approximately $550,000 annually at full buildout. Advancing this proposal would also require staff time to negotiate terms, coordinate with legal counsel, and prepare draft agreements for Council consideration.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This proposal positions the Town to strengthen economic vitality by activating downtown, fostering reinvestment, and establishing new revenue streams. It advances the DDA's goals by catalyzing redevelopment within the district's boundary. It also supports community character and placemaking by reinvesting in the historic downtown and creating a destination-oriented use that enhances Eagle's long-term appeal.

RECOMMENDED ACTION OR PROPOSED MOTION: At this time, staff requests that Town Council listen to the presentation from Develop Eagle LLC, hold a discussion to share questions and priorities, and provide general direction to staff on whether and how to proceed with further negotiations.

ATTACHMENTS:

1. Develop Eagle LLC Presentation
2. Letter of Interest
3. Letters of Support: DDA, EVC, Eagle Chamber of Commerce

OLD TOWN HALL PROPOSAL

Develop Eagle LLC

DEVELOP EAGLE PARTNERS

PATRICK CONNOLLY

- 22 YEARS IN EAGLE
- 28 YEARS SALES & MARKETING
- LOCAL BUSINESS OWNER
- OWNS MULTIPLE PROPERTIES IN EAGLE

CODY O'KELLY

- 22 YEARS IN EAGLE
- 25 YEARS IN BUILDING & DESIGN
- LOCAL BUSINESS OWNER
- OWNS MULTIPLE PROPERTIES IN EAGLE

JAKE ROACH

- 25 YEARS IN EAGLE
- 26 YEARS IN BUSINESS STARTUPS
- LOCAL BUSINESS OWNER
- OWNS MULTIPLE PROPERTIES IN EAGLE

JUSTIN ROACH

- 18 YEARS IN EAGLE
- 26 YEARS IN BUSINESS STARTUPS
- LOCAL BUSINESS OWNER
- OWNS MULTIPLE PROPERTIES IN EAGLE

CURRENT SCENARIO

LIMITED DEVELOPMENT OPPORTUNITY

Building is surrounded by 201 and 215 lots

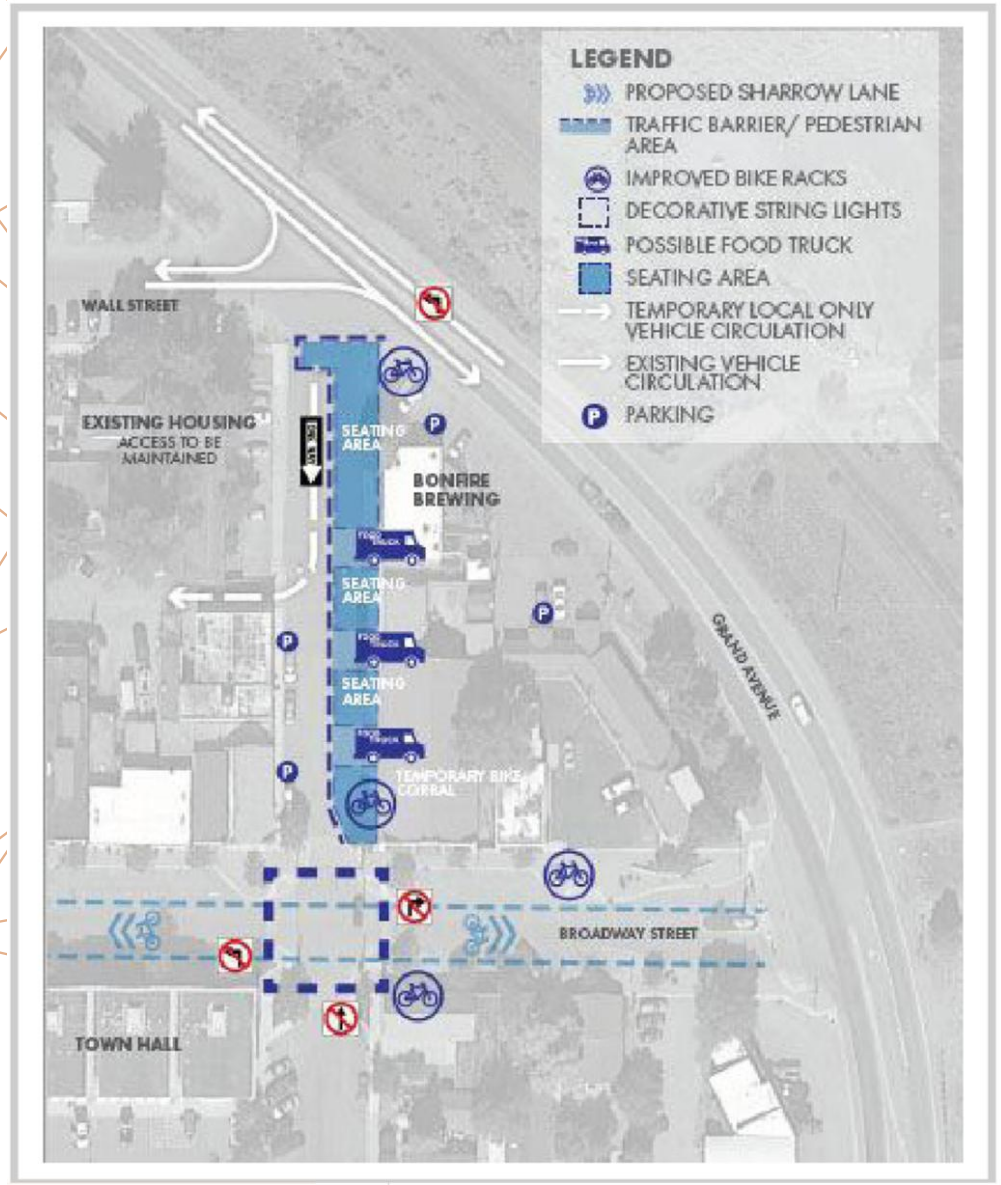
BUILDING CONDITION AND AGE

Requires major investment to generate market rent

MINIMAL TAX GENERATION

Limited sales tax if any

2ND STREET ACTIVATION



FOOD TRUCKS AND MOBILE BUSINESSES

DECORATED TRAFFIC BARRIERS AND PEDESTRIAN SAFETY

BIKES, COMMUNITY AND AMENITIES

PROPOSAL OVERVIEW

PURCHASE PRICE

Offering $560,000 for the property, a 30% premium over the Appraised land value

INTENDED USE

Boutique hotel with residential on the site, which will directly benefit the residents of Eagle. MORE OPEN ENDED

BUYBACK CLAUSE

Town would reserve the right to buy back property if project has not commenced in 5 years

TIMELINE

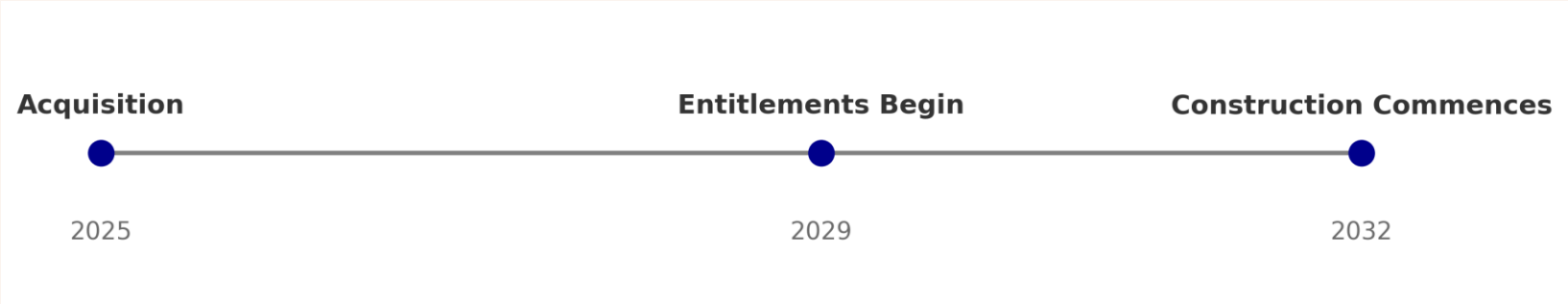
Finalize purchase in next 60 days. Entitlements finalized within 3 years.

BOUTIQUE HOTEL CONCEPT

- Units/Sq Ft retail
- Commercial/Hotel/Condo mix
- Commercial uses TBD
- Aligned to town standards
- Similar Concepts
  - Buena Vista's Surf Hotel
    - https://surfhotel.com/
  - Golden's The Eddy
    - https://www.theeddygolden.com/

CLEAR & RESPONSIBLE TIMELINE

- Entitlements Within 4 Years
- Construction Within 7 Years
- Aligned With Existing Leases For A Smooth Transition



SAFE GUARDS FOR BOTH SIDES

- Town Retains Right To Reacquire if Milestones Are Not Met
- Reacquisition Includes Original Price + Improvements + CPI
- Protects The Town While Ensuring Fairness For Investment

LOCAL ECONOMIC IMPACT

- Construction Project - $25M
- Hotel Guest Spending - $1M/YR
- Hotel Guest Sales Tax - $150K/YR
- Lodging Tax - $300K/YR
- F&B Tax - $100K/YR
- Jobs – Hotel (10) F&B (15)
- Property Tax Exempt to Tax Generating

BENEFITS TO TOWN

COMMUNITY ENHANCEMENT

This project will provide a valuable public amenity, enhancing the quality of life for our community.

ECONOMIC IMPACT

Development of the site will generate additional local revenue through sales and lodging taxes.

ALIGNMENT TO MASTER PLAN

The future use as a hotel was outlined in the Economic Vitality Report as a key way to increase guest visitation.

DEVELOP EAGLE UNIQUE ADVANTAGES

- Endorsed By DDA, EVC, and Chamber
- Location Of Adjacent Properties
- Experience Of Team in Large Scale Developments
- Ties To Local Community
- Replace 3 Aging Buildings With Limited Tax Generation

CLOSING

Develop Eagle is uniquely positioned to optimize the utilization of the Old Townhall space. Backed by dedicated partners with an unwavering commitment to the community and a history of successful, impactful projects, we are excited to explore opportunities for collaboration.

June 9, 2025

Subject: Updated Proposal to Purchase 112 West 2nd Street

To: Larry Pardee, Town of Eagle

Dear Mr. Pardee,

Develop Eagle LLC is writing to express our continued interest in purchasing the town-owned property located at 112 West 2nd Street. Following our recent discussions, we have refined our proposal to provide greater clarity and alignment with the town's objectives, incorporating updated economic impact projections.

Key Points of Proposal:

- **Purchase Price**: We offer $559,000 for the property, representing a 30% premium over the estimated land value per the appraisal, acknowledging the required $150,000–$200,000 in improvements to achieve market-rate condition.
- **Buyback Clause**: The town reserves the right to buy back the property if the public process for development has not commenced by June 2029 (within four years of acquisition) or if construction has not begun by June 2032 (within seven years).
- **Intended Use**: We plan to develop a boutique hotel with top units available to sell, delivering significant economic benefits to Eagle. Note: The development will require variances from existing zoning or building regulations, which we will address during the public entitlement process.
- **Timeline**:
    - Finalize purchase within 30 days of acceptance of this proposal.
    - Initiate the public entitlement process by June 2029.
    - Commence construction no later than June 2032.
- **Interim Plans**: Post-acquisition, we will invest in interior improvements to secure quality tenants at competitive rents, ensuring the property remains active and attractive during the planning phase.

Benefits to the Town:

- **Community Enhancement**: The boutique hotel will address Eagle’s need for high-end lodging, attracting visitors and retaining local spending currently lost to nearby towns like Vail and Avon.
- **Economic Impact**: Based on early projections, the project is estimated to generate:
    - **Hotel Revenue**: $2,555,000 annually from 40 rooms at $250/night with 70% occupancy, yielding ~$300,213 in lodging tax.
    - **Occupant Spending**: $1,533,000 annually from occupants at $150/day with 70% occupancy, contributing ~$153,300 in sales tax.
    - **Food & Beverage Revenue**: $1,003,750 annually from 50 people at $55/day with 100% participation, generating ~$100,375 in F&B taxes.
    - **Total Annual Tax Revenue**: ~$553,888 from lodging, sales, and F&B taxes.

    - **Jobs**: ~10 hotel jobs and 15 food and beverage jobs.
- **Alignment with Community Master Plan**: The hotel aligns with the Economic Vitality Report's emphasis on increasing guest visitation and supports downtown revitalization, complementing projects like the Hay Meadow development.
- **Parking Plan**: The project will incorporate a double-stack parking solution to address parking needs, ensuring accessibility for guests and residents, as outlined in our preliminary plans.

Unique Advantages of Develop Eagle LLC:

- **Location of Adjacent Properties**: Our ownership of adjacent properties enables a cohesive development strategy, potentially integrating with neighboring projects (e.g., discussions with Daniel Rich for complementary development).
- **Experience of Team in Large-Scale Developments**: Our team, including Cody (experienced in hotel projects like the Buenavista Surf Hotel), brings proven expertise in executing high-impact projects.
- **Ties to Local Community**: As local stakeholders, we are committed to Eagle's long-term growth, evidenced by our engagement with the Chamber of Commerce, DDA, and EVC, and our endorsements from these groups.

Next Steps:

- **Submission for Review**: We will submit this updated LOI for council review by June 10, 2025, for discussion in an executive session.
- **Public Presentation**: We are prepared to present at a public council meeting (June 24 or July 8, 2025) to address questions, provide sketches, and detail parking and economic impacts.
- **Collaboration**: We will engage with Daniel Rich to explore synergies with his adjacent property, ensuring a unified approach to downtown development.

We are confident this proposal aligns with Eagle's vision for economic growth and community enhancement. We welcome the opportunity to discuss further and address any council questions.

Sincerely,

Jake Roach
Develop Eagle LLC

Eagle Downtown Development Authority
PO Box 6802,
Eagle, CO 81631

April 7, 2025

Town of Eagle
200 Broadway
Eagle, CO 81631

Dear Town Council Members,

The Downtown Development Authority (DDA) is writing to express support for Develop Eagle LLC's proposed acquisition of the Old Town of Eagle building, located at 112 West Second Street. This purchase represents a strategic and forward-thinking opportunity that will benefit both the company and the broader Eagle community.

Develop Eagle LLC (and a consortium) currently owns the surrounding properties on this block, with the exception of the Old Town building. Acquiring this final parcel would complete their ownership of the entire space, enabling a more cohesive and efficient development plan.

Unified ownership of this block would allow for thoughtful planning, streamlined infrastructure improvements, and cohesive architectural design—elements that are far more difficult to achieve through fragmented ownership. It also positions Develop Eagle LLC to approach redevelopment with a master-planned vision that aligns with the Town's objectives for smart growth, revitalization, and community character.

The DDA believes this acquisition supports long-term economic vitality and enhances the ability to create a vibrant, connected downtown district. Develop Eagle LLC has demonstrated a commitment to high-quality, community-minded development, and completing this purchase will empower them to fully realize that vision.

The Downtown Development Authority encourages the Town of Eagle to support this acquisition and is available for any further discussion or collaboration that may assist in advancing this opportunity.

Sincerely,

Greg Schroeder
Chair, Downtown Development Authority
Town of Eagle

CC:
Scott Schlosser, Board Member
Marci Leith, Board Member
Collin Huggins, Board Member
Lachie Thomas, Board Member

Recused:
Jake Roach, Board Member
Bryan Woods, Town Council Liaison

April 17, 2025

Eagle Town Council
200 Broadway
Eagle, CO 81631

Dear Mayor and Members of the Eagle Town Council,

On behalf of the Economic Vitality Committee, we are writing to express our support for the proposed sale of the Old Town Hall to allow for redevelopment of the site by Develop Eagle Partners. Importantly, this project aligns directly with the Town's Strategic Plan and the Economic Development Plan.

The Develop Eagle Partners team—comprising long-standing local business owners with deep ties to the community—has presented an exciting vision for transforming the 201 Broadway property into a hotel with residential and commercial components.

The projected economic impact of this development is significant:

- An estimated $25 million construction project will generate significant use tax and other fees for the Town.

- Annual hotel guest spending is estimated $1 million

- Annual hotel guest sales tax estimated at $150,000

- Annual lodging tax estimated at $300,000

- Annual food and beverage tax estimated at $100,000

- Creation of approximately 25 new jobs

These benefits will generate substantial new revenue for the Town of Eagle and create quality employment opportunities for local residents.

Beyond the direct economic benefits, the proposed project will provide a valuable public amenity, enhancing the quality of life for Eagle residents. The redevelopment will replace three aging buildings with limited tax generation, revitalizing a key area of our downtown and supporting the vibrancy of our business community.

Importantly, this project aligns directly with the Town's Strategic Plan and the Economic Development Plan, which identified a hotel as a key strategy to increase guest visitation and further strengthen Eagle's position as a destination for visitors and residents alike.

Develop Eagle Partners brings together decades of experience in business, real estate, and large-scale development, coupled with a proven track record of successful projects in Eagle.

Their ownership of adjacent properties and deep community roots uniquely position them to deliver a project that reflects local values and maximizes the potential of this important site.

The Economic Vitality Committee believes this proposal represents a rare opportunity to catalyze economic growth, enhance downtown Eagle, and advance the Town's strategic goals. We urge the Town Council to support the sale and redevelopment of the Old Town Hall property as outlined in the Develop Eagle Partners proposal.:

We also encourage counsel to direct Community Development to revise the definition of a boutique hotel in Eagle's ReCode. The definition should focus on the character of the hotel, rather than limiting the number of rooms, in order to encourage development proposals. The economic justification for the required number of rooms should be addressed within the development plan itself.

Thank you for your consideration.

Sincerely,

Eric Eves, Chair, The Economic Vitality Committee -Town of Eagle

EAGLE TOWN COUNCIL
200 Broadway St., PO Box 609
Eagle, Colorado 81631

August 20, 2025

Dear Members of the Eagle Town Council,

On behalf of the Eagle Chamber Board of Directors, I am writing to formally express our endorsement of Develop Eagle Partners' proposed mixed-use development in downtown Eagle. This project—featuring a boutique hotel, private residences, and commercial retail space—has been thoroughly reviewed by the Eagle Chamber's Business Advocacy Committee, Board of Directors, and key economic stakeholders.

The Chamber has conducted outreach to several Eagle business owners, economic development partners, and adjacent property stakeholders to assess this proposal's alignment with our Public Policy Criteria. The feedback has been primarily supportive, with most business owners recognizing this project as a catalyst for economic revitalization, increased foot traffic, and enhanced downtown vibrancy.

This development aligns strongly with the Chamber's strategic priorities, specifically:

- Enhancing Business Competitiveness by adding unique lodging and retail options to attract new customers and elevate downtown Eagle's appeal.
- Fostering a Conducive Business Environment through thoughtful redevelopment that supports tourism, commerce, and community identity.
- Supporting Smart Growth by unifying property ownership and enabling cohesive, master-planned development in collaboration with the Town of Eagle's objectives.
-

Given Develop Eagle Partners' demonstrated commitment to high-quality, community-minded development—and their strategic ownership of adjacent properties—this project presents a rare opportunity to realize a cohesive vision for downtown revitalization.

The Eagle Chamber Board of Directors unanimously supports this project and respectfully urges Eagle Town Council to approve Develop Eagle Partners' proposal, recognizing its potential to advance economic vitality, enhance downtown vibrancy, and align with the Town's long-term strategic goals.

Thank you for your consideration. The Chamber remains committed to collaborating with the Town and stakeholders to ensure the project's success.

MICHELLE MORGAN
EXECUTIVE DIRECTOR

(970) 306-2262
100 Fairgrounds Rd., PO Box 0964
Eagle, Colorado 81631
www.eaglechamber.co
michelle.morgan@eaglechamber.co

To: Mayor Turnipseed and Town Council

From: Kira Koppel, Sustainability Specialist

Date: August 26, 2025

Agenda Item: "Heat Beneath our Feet" Mechanical Permit Fee Waiver Discussion

REQUEST: Staff asks that Council considers a partial or full mechanical permit fee waiver for the "Heat Beneath our Feet" geothermal project currently under development at the Eagle County Government Complex at 500 Broadway St and provides direction to town staff.

BACKGROUND: This geothermal construction project is unique in that Eagle County Government has secured over $7.5 million from state grants and state to make a geothermal system possible for their HVAC replacement project. This will ensure that their heating and cooling will be powered by renewable energy from the geothermal system well into the future (the typical underground infrastructure system lifetime lasts at least 50 years). The permit fee currently sits at $34,608. Brian Bahr with R&H Mechanical, who is leading the project, provided public comment at the July 22nd Town Council meeting to request a permit fee waiver in full and submitted a written request to the Mayor on July 28th, 2025. His formal request is attached.

ANALYSIS: Because this project is government-funded through local tax dollars, state grants and state tax credits, benefits public facilities that serve the entire Eagle County community, and is well-aligned with the town's net zero goals, Town management would like Council to discuss and consider a partial or full fee waiver for this project. It is important to note that the Town does not yet have a formal policy to address requests such as these at this time. Staff will be working to develop one for council's consideration at a future meeting, as we anticipate additional requests will come through for those building above our current code and in line with our net zero goals.

COMMUNITY INPUT: None at this time.

BUDGET / STAFF IMPACT: Waiving this fee in full will result in a reduction of $34,608 in General Fund building permit fee revenue for the town. This will reduce 2025 General Fund ending fund balance by ($34,608). Staff is working to develop a formal policy for future Council consideration to ensure consistency in the way these requests are evaluated. It is critical that each request be evaluated against the many competing priorities for Town funds, since approving this request will reduce available funding for future Town needs and strategic priorities.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Eagle County's choice to install a geothermal system aligns with the Town's net zero carbon emissions by 2030 goal, by establishing a renewable and zero emissions energy source well into the future.

RECOMMENDED ACTION OR PROPOSED MOTION: Council may choose to discuss or take action:

- OPTION 1 – Partial fee waiver at a value determined by the Council

- OPTION 2 – Full fee waiver at a value of $34,608
- OPTION 3 – Denial of any mechanical fee waiver

ATTACHMENTS:

- R&H Mechanical “Heat Beneath our Feet” Geothermal Project Mechanical Fee Waiver Request
- Resolution 60, A Resolution of the Town Council of the Town of Eagle, Colorado, Adjusting the Mechanical Permit Fee for the “Heat Beneath our Feet” Geothermal Project Managed by R&H Mechanical.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 60
(Series of 2025)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO ADJUSTING THE MECHANICAL PERMIT FEE FOR THE "HEAT BENEATH OUR FEET" GEOTHERMAL PROJECT MANAGED BY R&H MECHANICAL

WHEREAS, Brian Bahr of M&H Mechanical provided public comment at the July 22nd Town Council meeting requesting a mechanical permit fee waiver for the Eagle County Government Complex "Heat Beneath our Feet" geothermal project;

WHEREAS, The Town Council adopted Resolution No. 56 in 2021, setting a goal to achieve net zero carbon emissions by 2030 for the Eagle community;

WHEREAS, the County will be installing ground-source heat pumps as a part of this project that will be powered by renewable energy from the geothermal system and electric grid, making the campus HVAC a zero-emissions system;

WHEREAS, installing heat pumps and pursuing commercial building electrification is a strategy within the Commercial Buildings section of the Town of Eagle Net Zero Action Plan;

WHEREAS, the Town Council finds that it is in the best interest of the public's health, safety and welfare to reduce or waive the mechanical permit fee for the "Heat Beneath our Feet" Geothermal Project;

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

Section 1. The Mechanical permit fee associated with the Eagle County Government Complex "Heat Beneath our Feet" Geothermal Project, managed by R&H Mechanical, is hereby reduced by the amount of _____.

INTRODUCED, READ, PASSED AND ADOPTED ON August 26, 2025.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Camille Deering, Town Clerk

R & H MECHANICAL

"People & Products You Can Count On"

Brian R Bahr
Vice President
R & H Mechanical
1119 Chambers Ave
Eagle, CO 81601
brianb@randhmechanical.com
970-471-5677

Date: July 28, 2025

Mayor Scott Turnipseed
Town of Eagle
P.O. Box 609
Eagle, CO 81631

RE: Request to Waive Mechanical Permit Fee for the "Heat Beneath Our Feet" Geothermal Project

Dear Mayor Turnipseed,

On behalf of R & H Mechanical, I am writing to respectfully request that the Town of Eagle waive the Mechanical Permit fee in the amount of **$34,608.00** associated with the **"Heat Beneath Our Feet"** geothermal project currently under development to serve the Eagle County Government Complex at the Town of Eagle.

This innovative project is fully funded through federal and state government grants and is designed to advance renewable energy infrastructure within our community. Once operational, it will significantly reduce greenhouse gas emissions and heating costs for public buildings, while furthering both the Town of Eagle's and Eagle County's sustainability goals.

Given that this project is:

- Government-funded through non-local tax dollars,
- Intended to benefit public facilities serving our entire community,
- Aligned with local and regional climate action and energy efficiency goals,

we kindly request your consideration to waive the applicable permit fee as a demonstration of the Town's support for public sustainability initiatives.

R & H MECHANICAL

"People & Products You Can Count On"

We understand and value the importance of permitting and compliance with municipal codes. Our project team remains committed to full adherence to all inspection and technical standards. This request is solely in regard to the financial aspect of the permit.

Thank you for your leadership and ongoing support of collaborative, forward-thinking infrastructure projects in the Town of Eagle.

Sincerely,

Brian R Bahr
Vice President
R & H Mechanical

1119 Chambers Ave. / P.O. Box 810
Eagle, Colorado 81631
Phone: 970-328-2699 / Fax: 970-328-0234 / Email: info@randhmechanical.com
Website: www.randhmechanical.com

Karp.Neu.Hanlon PC
ATTORNEYS AT LAW

LEGAL MEMORANDUM

DATE: August 22, 2025

TO: Town of Eagle

FROM: Karp Neu Hanlon, P.C.

RE: Flavored Tobacco Ban Ordinance and Potential Amendments for Additional Regulation of Retail Tobacco Businesses

---

This memorandum provides an overview of the draft ordinance banning flavored tobacco products. If adopted, the ordinance would amend Town Code, Article 5, Chapter 16, regulating retail tobacco businesses. The amendment follows Town Council direction after its May 2025 meeting with Tobacco Free Kids (the "Advocate") to reduce youth tobacco use by prohibiting the sale of flavored tobacco products. Legal counsel consulted with the Advocate in preparing the draft. During that process, the Advocate also suggested additional revisions beyond the scope of the requested flavor ban. A summary of those potential amendments, with draft language for future consideration, is included below.

A. Ordinance 2025- 06 - Flavored Tobacco Ban

The proposed amendment to the code prohibits the sale of flavored tobacco products. The Town is authorized to ban flavored tobacco products under state and federal law. To ensure effective implementation of the ban, the ordinance revises existing definitions in Section 5.16.020 (e.g., "electronic smoking devices" and "tobacco products") and includes new definitions (e.g., "flavored tobacco," "commercial tobacco," "nicotine," and "accessories / components") to address product changes and loopholes identified in the Code's current definitions. As part of this effort, the ordinance cleans up minor inconsistencies in the Code (e.g., references to "licensing authority") and clarifies the intent of Chapter 16 is to limit sales for all retail tobacco businesses, whether not they are licensed (see change to Section 5.18.080). We have left the effective date blank subject to Council direction on when to implement the ordinance.

B. Summary of Potential Amendments

The Advocate also identified several further amendments modeled on provisions recently adopted in Dillon, Summit County, and other jurisdictions. These recommendations extend beyond

Council's directive but are presented here for your consideration, as some may overlap with issues discussed at the May meeting. Certain amendments are technical clarifications, while others would require additional policy direction and further research ensure compliance with existing Town policies. The provisions are summarized below in order of increasing substantive significance.

- Non-fixed locations. Expands and clarifies Section 5.16.030 regarding sales in "locations other than a fixed location," including movable businesses such as kiosks, vans, or trucks, as well as tobacco festivals and delivery sales. While the Code is currently broad, these revisions would specify which locations are not considered fixed.

- Cigar / vending machine definitions. Clarifies definitions of cigar, little cigar, and premium cigar, responding to issues identified with sales. The Advocate also recommends clarifying that vending machines are a subset of "self-service displays" in recognition of changing technology. The sale of tobacco products in vending machines remains prohibited under current law.

- No coupons. Prohibits the use of coupons, discounts, or other promotional materials for the purchase of tobacco products.

- Liability explained. Places responsibility for compliance on licensees and their employees, preserves governmental immunities under state law, and releases the Town and its officials from liability arising from enforcement actions or prosecutions. While consistent with state law, we do not see a need to restate existing authority.

- Police power. Affirms the Town's police power by classifying the failure to obtain or maintain a license as a nuisance, thereby expressly linking violations to enforcement authority under the Code. While not strictly necessary, this provision would strengthen existing enforcement mechanisms.

- Compliance checks. Requires twice-yearly compliance checks using underaged operatives (under 21), supervised by law enforcement or designated personnel. Violations would trigger additional compliance checks and potential license revocation. This would represent a significant departure from current practice and require additional Town resources.

- Pharmacies. Prohibits the sale of tobacco products in all pharmacies and bars renewal of existing licenses.

- Proximity restrictions. Requires retail tobacco establishments to be located more than

1,500 feet from youth-oriented facilities and marijuana businesses. Youth-oriented facilities include schools, libraries, parks, playgrounds, recreation centers, and childcare facilities. Exceptions would apply only to businesses lawfully operating prior to the ordinance's effective date and would not extend to transfers of ownership. This restriction could be highly limiting for existing and prospective businesses.

- Packaging. Requires liquids used in electronic smoking devices to be sold in child-resistant packaging.

C. Proposed Language for Potential Amendments

Clarifying cigar definitions

- **5.16.080 – Limitations on Sales** "No retail tobacco business shall sell: (a) any little cigar unless it is sold in a package of at least twenty (20) little cigars; or (b) any cigar unless it is sold in a package of at least six (6) cigars; provided, however, that this requirement shall not apply to a premium cigar."

- **5.16.020 – Definitions**
    - *Cigar* means any roll of tobacco other than a cigarette that is wrapped entirely or in part in leaf tobacco or any other substance containing tobacco. For purposes herein, cigar includes without limitation little cigars and premium cigars. ~~tobacco products known or labeled as a "cigar," "cigarillo," or "little cigar."~~
    - *Little Cigar* means any cigar weighing 4.5 pounds per thousand or less ~~roll of tobacco other than a cigarette wrapped entirely or in part in tobacco and weighing no more than 3 pounds per thousand~~. Little cigar includes, but is not limited to~~,~~ ~~any~~ products known or labeled as "small cigar," "cigarillo," "filtered cigar," or "little cigar."
    - *Premium cigar* means a cigar that meets all of the following characteristics: (1). is handmade or hand rolled; (2.) is not mass produced through the use of mechanization; (3.) has a wrapper that is made entirely from whole tobacco leaf; (4.) has a filler composed of at least fifty (50) percent natural, long-leaf filler tobacco; (5.) does not have a filter, tip or non-tobacco mouthpiece; (6. does not impart a taste or smell other than tobacco, and does not impart a cooling or numbing sensation, either prior to or during consumption; (7.) weighs more than six (6) pounds per thousand units; and (8.) has a wholesale price per cigar of twelve dollars ($12), for the calendar year ending December 31, 2025, and. for each

calendar year thereafter, twelve dollars ($12) plus the amount reflecting any percentage increase in the U.S. Department of Labor's Consumer Price Index for all items and all urban consumers or its successor index."

Clarifying vending machines as subcomponents of self-service displays.

- **5.16.080 - Limitations on Sales**: "The sale of tobacco products from a ~~vending machine~~ self-service display is prohibited."
- **5.16.020 – Definitions**
  - *Self-service display* means the open display or storage of tobacco products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct face-to-face transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.
  - *Vending Machine* means any mechanical, electric or electronic or other type of device that dispenses tobacco products upon payment by any form by a person seeking to purchase a tobacco product(s).

Coupons and discounts

- **5.16.080 - Limitations on Sales**
  - No retail tobacco business shall: (1) honor or redeem or offer to honor or redeem any coupon to allow a consumer to purchase a tobacco product for less than the full retail price; (2) sell any tobacco product to a consumer through a multi-package discount or otherwise provide such product to a consumer for less than the full retail, or (3) provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.
  - No retail tobacco business shall distribute samples of tobacco products to the general public free of charge or at nominal cost.
- **5.16.020 – Definitions**
  - *Coupon* means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.

- *Full retail price* means the price listed for a tobacco product on its packaging or on any related shelving, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

Conflicts of interest

- **5.16.060 – Consideration of Application "**No license shall be issued or be renewed to a sheriff, police officer, prosecuting officer or an officer or employee of the authority, state licensing authority, or Town."

Police power

- **Section 6.16.030 – License required**: "Failure to obtain and maintain a license is declared a public nuisance which may be abated pursuant to the provisions for the abatement of nuisance pursuant to Chapter 9.24 of this Code."

Clarifying liability for businesses and the Town

- **Section 5.16.110 – Liability.** Retail tobacco businesses and licensees shall be liable for the actions of their officers, agents, representatives and employees, regarding the sale of tobacco products on the premises.
- **Section 5.16.120. – No Waiver of Government Immunity.** In adopting this chapter, the Town is relying on and does not waive or intend to waive any provision of this chapter, the monetary or any other rights, immunities or protections provided by the Governmental Act, Section 24-10-101, et seq., C.R.S. or any other limitation, right, immunity or protection otherwise available to the Town, its officers or employees.
- **Section 5.16.130. – No Town Liability.** By accepting a license pursuant to this chapter, a licensee releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for failure to comply with local, state or federal laws, rules or regulations

Pharmacies

- **5.16.060 – Consideration of Application**: "No license shall be issued or be renewed to a pharmacy."
- **5.16.020 – Definitions**: "*Pharmacy* means any retail establishment in which the profession of pharmacy by a pharmacist licensed by the State of Colorado and in accordance with the Professions and Occupations Code of the C.R.S, is practiced and where prescriptions are offered for sale. A pharmacy may also offer other retail goods in addition to prescription pharmaceuticals."

Proximity restrictions

- **5.16.080 - Limitations on Sales**:
    - The proximity of the retail tobacco establishment is less than one-thousand-five hundred (1,500) feet from a youth-oriented facility as measured by a straight line from the nearest point of the property line of the parcel where the applicant's establishment is located to the nearest point of the property line of the parcel where the youth-oriented facility is located. An exception for the issuance of a license is available at the discretion of the licensing authority for an existing retail tobacco establishment operating and selling tobacco products prior to the effective date of this Ordinance that is located less than one-thousand-five hundred (1,500) feet from a youth-oriented facility if all other licensing requirements pursuant to this chapter are met. This exception is not available if the retail tobacco establishment is transferred to a new owner in an arm's length transaction.
    - The proximity of the retail tobacco establishment is less than one-thousand-five hundred (1,500) feet from a medical marijuana business or retail marijuana business as defined in Title 44 Article 10, C.R.S., measured by a straight line from the nearest point of the property line on the parcel on which the applicant's establishment is located to the nearest point of the property line of the parcel where the medical or retail marijuana establishment is located. An exception for the issuance of a license is available at the discretion of the licensing authority for an existing retail tobacco establishment operating and selling tobacco products prior to the effective date of this Ordinance that is located less than one-thousand-five hundred (1,500) feet from a from a medical marijuana business or retail marijuana business as defined in Title 44 Article 10, C.R.S., if all other licensing requirements pursuant to this chapter are met. This exception is not available if the retail tobacco establishment is transferred to a new owner in an arm's length transaction.

- **5.16.020 – Definitions**:
    - *Youth-oriented facility* means a parcel in the Town that is occupied by: (1.) a private or public kindergarten, elementary, middle, junior high, or high school; (2.) a library open to the public; . (3) a playground open to the public; . (4) a youth center, defined as a facility where children, ages 6 to 17, meet for programs and activities; (5) a recreation facility open to the public, defined as an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes; (6) a park open to the public or to all the residents of a private community; or (7) a licensed child-care facility or preschool.
    - *Arm's length transaction* means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing partners, neither of which is under any compulsion to participate in the transaction. "

Child-resistant packaging:

- **5.16.080 - Limitations on Sales**: "No retail tobacco business shall sell any liquid intended for use in an electronic smoking device unless such liquid is contained in a child resistant packaging. "
- **5.16.020 – Definitions**: "*Child resistant packaging* means packaging that meets the specifications set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015"

Non-fixed Locations

- **5.16.030.C – License Required**: "A separate license is required for each location of a retail tobacco business, and the license shall only be valid for the location designated in the application. No license may be issued to any moveable business or any location other than a fixed location, including, but not limited to tobacco festivals. Licenses are not transferrable between persons or locations."
- **5.16.080 – Limitations on Sales**:
    - Delivery sales are prohibited.

- The delivery of tobacco products from a licensed retail tobacco business to an unlicensed retail tobacco business is prohibited. This subsection does not apply to the direct shipment of cigars or pipe tobacco that is not restricted pursuant to 44-7-104.7, C.R.S.

- **5.16.020 – Definitions**:

  - *Moveable place of business* means any form of business operation, event or occurrence related to tobacco products that is operated out of a kiosk, truck, van, automobile or any other type of vehicle or any transportable shelter or other transitory or temporary location including, but not limited to, any event or festival intended to occur at any location that does hold a license.

  - *Tobacco festival* means an age-restricted off-site tobacco event pursuant to 44-7-105.5, C.R.S.

  - *Delivery sale* means the sale of any tobacco product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a tobacco retail establishment. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.

Enforcement / compliance checks

- **5.16.090 – Compliance Checks on Sales**

  A. All licensed premises must be open to inspection by law enforcement or other authorized official during regular business hours. From time to time, but at least two (2) times per year, the Town will conduct compliance checks by engaging with persons under the age of twenty-one (21) to attempt to purchase tobacco products at each licensed retail location where tobacco products are sold.

  1. The licensing authority may perform a compliance check by engaging a person who is under twenty-one (21) years of age to enter a retail location to purchase tobacco products.
  2. Prior written consent is required for any underaged individual who participates in a compliance check. Under-aged individuals participating in compliance checks will be supervised by law enforcement or other designated personnel and will not be guilty of illegal possession or illegal procurement when those items are obtained as a part of the compliance check. The Town shall not enforce any law establishing a minimum age for tobacco product purchases or possession against an individual

who otherwise might be in violation of such law because of the individual's age (hereinafter "underage operative") if the potential violation occurs when:

a. the underage operative is participating in an inspection supervised by a peace officer, code enforcement official, or an official from the licensing authority;
b. the underage operative is acting as an agent of the Town, the licensing authority or an entity designated by the Town to monitor compliance with this chapter; or
c. the underage operative is participating in an inspection funded in part, either directly or indirectly through subcontracting, by the Eagle County Health Department, the Colorado Department of Public Health and Environment or the Colorado Department of Revenue.

3. If the compliance check results in a violation pursuant to this chapter, the licensing authority may conduct an additional compliance check of the retail location where the violation occurred within forty-five (45) days of the compliance check resulting in the violation.

B. Any decision made by the licensing authority to approve, conditionally approve, or deny a license application, to revoke or suspend a license, or to renew or not renew a license shall be a final decision which may be appealed to the District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. No defense or objection may be presented for judicial review unless it is first presented to the licensing authority prior to the effective date of the licensing authority's decision.

- **5.16.020 – Definitions**: "*Compliance checks* means the systems the licensing authority uses to investigate and ensure that retail tobacco businesses follow and comply with the requirements of this chapter. Compliance checks may involve the use of persons under twenty one (21) years of age who purchase or attempt to purchase tobacco products. Compliance checks may also be conducted by other units of government or designees of the licensing authority for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations related to tobacco products."

TOWN OF EAGLE, COLORADO

ORDINANCE NO. 06

(Series of 2025)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 5.16 TO THE EAGLE MUNICIPAL CODE REGARDING THE LICENSING OF RETAIL TOBACCO BUSINESSES

WHEREAS, pursuant to C.R.S. § 31-15-103, municipalities shall have power to make and publish ordinances which are necessary and proper to provide for the safety, to preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state; and

WHEREAS, the Town of Eagle (the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Eagle Home Rule Charter; and

WHEREAS, pursuant to Section 1.01.080 of the Eagle Town Code (the "Code"), the Town Council may amend the Code; and

WHEREAS, Section 5.16.080 of the Code sets forth the limitations on sale of tobacco and the related definitions in Section 5.16.020; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, C.R.S. § 31-15-501 further allows the Town the authority to regulate businesses within the Town limits, further Article 7 of Title 44 of the Colorado Revised Statutes provides the Town with the authority to regulate tobacco sales; and

WHEREAS, cigarette smoking in the U.S. has declined substantially since the Surgeon General's 1964 report, from 42 percent smoking to now about 11 percent for adults; and

WHEREAS, despite such declines, tobacco use remains one of the greatest public health challenges in the United States where almost 500,000 Americans still die prematurely each year from diseases related to cigarette smoking, comprising 85 percent of lung cancer deaths, which in Colorado is the number one cause of preventable death and accounts for 5,100 deaths per year; and

WHEREAS, it is estimated that smoking directly causes $2.19 billion in annual health care costs in Colorado; and

WHEREAS, 90% of adult smokers started smoking before the age of 18 and each year more than 7,900 adolescents in Colorado try their first cigarette; and

Draft

WHEREAS, youth use of electronic cigarettes (e-cigarettes), flavored tobacco, and similar products is associated with future cigarette use; and

WHEREAS, according to the Centers for Disease Control and Prevention, there were 1.6 million current youth e-cigarette users in 2024; and

WHEREAS, 8.7% of Colorado high school students use e-cigarettes according to a 2023 Colorado Survey;

WHEREAS, 42.1% of high school e-cigarette users are frequent or daily users, an indicator of addiction;

WHEREAS, e-cigarettes are available in a wide variety of kid-friendly flavors like cotton candy, gummy bear and pink lemonade.

WHEREAS, the U.S. Food and Drug Administration has concluded that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking;

WHEREAS, half of youth who have ever tried smoking initiated with menthol-flavored cigarettes.

WHEREAS, the Town Council discussed the special interest in reducing the number of individuals of all ages, but particularly young people, from the use of tobacco products and determined that it was in the best interest of the health, safety, and welfare of the Town to disallow the sale of flavored tobacco products; and

WHEREAS**,** in light of the foregoing, the Town Council wishes to institute an amendment to the retail tobacco business license regulations in the interest of the health, safety, and welfare of the Town.

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

Section 1. **Amendment to Code**. Section 5.16.010 of the Code is hereby amended with additional language shown in double underlined text.

Section 5.16.010. – Purpose.

The purpose of this Chapter is to ensure compliance with the business standards and practices of the Town, to regulate the sale of tobacco products at retail and thereby prohibit sales of tobacco products to youth, to prohibit the sale of flavored tobacco products, and to encourage responsible tobacco product retailing.

Section 2. Amendment to Code. Section 5.16.020 of the Code is hereby amended with additional language shown in double underlined text and deleted language in ~~strikethrough text~~ as follows. All sections not deleted, added to, or modified remain as if set out at length in the original form.

Draft

Section 5.16.020. – Definitions.

A. For purposes of this Chapter, the following terms shall have the following meanings:

Accessory means any product that is intended or reasonably expected to be used with or for the human consumption of a tobacco product; does not contain tobacco and is not made or derived from tobacco; and meets either of the following:

1. Is not intended or reasonably expected to affect or alter the performance, composition, constituents, or characteristics of a tobacco product; or

2. Is intended or reasonably expected to affect or maintain the performance, composition, constituents, or characteristics of a tobacco product but:

    a. Solely controls moisture and/or temperature of a stored tobacco product; or

    b. Solely provides an external heat source to initiate but not maintain combustion of a tobacco product.

Accessory includes, but is not limited to, carrying cases, lanyards and holsters.

*** * * ***

Commercial tobacco means tobacco that is manufactured and sold for profit for use in cigarettes, smokeless tobacco, pipe tobacco, cigars, hookah and other products. Commercial tobacco is regulated by the Food and Drug Administration (FDA) under the Family Smoking and Prevention Act which gives the FDA the authority to regulate the manufacture, distribution and advertising of commercial tobacco. The word “tobacco” when referenced in this chapter, unless indicated otherwise, refers to commercial tobacco.

Component or *part* means any software or assembly of materials intended or reasonably expected:

1. To alter or affect the tobacco product's performance, composition, constituents, or characteristics; or

2. To be used with or for the human consumption of a tobacco product or electronic smoking device. Component or part excludes anything that is an accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software and flavorings for electronic smoking devices.

Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, devices manufactured, marketed or sold as an e-cigarette, e-cigar, e-pipe, electronic smoking device, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include medical marijuana as defined in 44-10-103 C.R.S. or retail marijuana as defined in 44-10-103 C.R.S., provided such product does not contain nicotine; or drugs, devices, or

Draft

combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act ~~product containing or delivering nicotine intended for human consumption that can be used by an individual to simulate smoking in the delivery of nicotine or any other substance, even if marketed as nicotine-free, through inhalation from the product. Electronic smoking device includes any refill, cartridge or component part of a product, whether or not marketed or sold separately. Electronic smoking device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medically approved or certified purposes.~~

Flavored tobacco product means:

1. Any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice; or

2. Any tobacco product that imparts a cooling or numbing sensation either prior to during the consumption of the tobacco product.

Any public statement or claim, whether express or implied, made or disseminated by the manufacturer or retailer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco or a cooling or numbing sensation will constitute presumptive evidence that the product is a flavored tobacco product. Presumptive evidence may include but is not limited to the use of terms such as, "cool," "chill," "ice," "fresh," "artic, or "frost" to describe the product.

License refers to a retail tobacco business license.

Licensing authority or *authority* means the retail tobacco business licensing authority created pursuant to Section 5.16.040 below.

*** * * ***

Manufacturer means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution in the United States.

Nicotine means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived, and includes nicotinic alkaloids and nicotine analogs.

Retail tobacco business means a person or entity ~~engaged in the retail sale of tobacco products~~ that sells a tobacco product to the general public, whether or not such person or entity is licensed, and includes, but is not limited to, grocery stores, tobacco product shops, convenience stores, liquor stores, and gasoline service stations.

Draft

Sale or *Sell* means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

Tobacco product means:

~~1. Any product which contains, is made or derived from tobacco or used to deliver nicotine, synthetic nicotine or other substances intended for human consumption, whether heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, bidis, snus, nicotine products, mints, hand gels;~~

~~2. Electronic smoking devices; and~~

~~3. Notwithstanding any provision of subsections (1) and (2) hereof to the contrary, tobacco product includes any component, part, accessory or associated tobacco paraphernalia of a tobacco product whether or not sold separately.~~

~~Tobacco product does not include any product that contains marijuana or any product made from or derived from tobacco and approved by the Food and Drug Administration for use in connection with cessation of smoking.~~

1. Any product containing, made of, or derived from commercial tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, products commonly known as a cigarette, a cigar, pipe tobacco, chewing tobacco, electronic smoking device, snuff, or snus; and pouch;

2. Any electronic smoking device as defined in this section and any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

3. Any component, part, or accessory of (1) or (2) of this subsection, whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, flavor enhancers, and pipes.

Tobacco product does not mean: medical marijuana, as defined in 44-10-103 C.R.S. or retail marijuana as defined in 44-10-103 C.R.S. provided such product does not contain nicotine; or drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Section 3. **Amendment to Code**. Section 5.16.030 of the Code is hereby amended with additional language shown in double underlined text as follows. All sections not deleted, added to, or modified remain as if set out at length in the original form.

Section 5.16.040. – **Local Licensing Authority.**

A. For the purpose of regulating and controlling the licensing, distribution and sale of tobacco products within the Town, there is hereby created the retail tobacco business licensing authority (the "authority" or "licensing authority"). The Town Council shall serve as the authority, and the authority shall have such powers and duties as are provided for in this chapter.

*** * * ***

Section 4. Amendment to Code. Section 5.16.050 of the Code is hereby amended with additional language shown in double underlined text and deleted language in ~~strikethrough text~~ as follows. All sections not deleted, added to, or modified remain as if set out at length in the original form

Section 5.16.050. – **Application.**

A. Applications for a ~~retail tobacco business~~ license shall be made to the Town Clerk upon forms provided by the Town Clerk for that purpose. At a minimum, the application shall include the following information:

*** * * ***

C. Upon receipt of an application for a ~~retail tobacco product~~ license, the Town Clerk shall circulate the application to the Town Planner, Building Official and the Police Department to determine whether the business is or will be in full compliance with all applicable laws, rules and regulations.

*** * * ***

Section 5. Amendment to Code. Section 5.16.060 of the Code is hereby amended with additional language shown in double underlined text and deleted language in ~~strikethrough text~~ as follows. All sections not deleted, added to, or modified remain as if set out at length in the original form.

Section 5.16.060. – **Consideration of Application.**

*** * * ***

E. The authority shall issue a written order within 30 days following the meeting at which the application was considered, and shall provide a copy of such order to the applicant by first-class U.S. mail addressed to the address shown on the application. If the application is granted, the ~~Town~~ authority shall forward a copy of the license to the applicant. If the application is denied, the authority shall set forth in writing the grounds for denial.

*** * * ***

Section 6. Amendment to Code. Section 5.16.080 of the Code is hereby amended with additional language shown in double underlined text and deleted language in ~~strikethrough text~~

Draft

as follows. All sections not deleted, added to, or modified remain as if set out at length in the original form.

Section 5.16.080. – Limitations on Sales.

A. It is unlawful to sell or distribute a tobacco product to a person under the age of 21. No ~~licensee~~ retail tobacco business shall sell or transfer a tobacco product without first examining the government-issued photographic identification of the recipient to confirm that the recipient is at least 21 years of age. The minimum legal age for the purchase of tobacco products shall be prominently displayed in the entrance or other clearly visible location of the ~~licensed~~ premises.

B. A ~~licensee~~ retail tobacco business shall not allow any person who is younger than 18 years of age to sell a tobacco product during the course of operation of the business.

C. A ~~licensee~~ retail tobacco business shall stock and display all tobacco products in a manner so they are inaccessible to customers without the assistance of a retail clerk, thereby requiring a direct face-to-face exchange of the tobacco product from an employee of the business to the customer.

*** * * ***

G. No retail tobacco business shall sell any flavored tobacco product, or display, market, or advertise for sale in the Town any flavored tobacco product.

Section 7. Safety Clause. This Ordinance is deemed necessary for the protection of the public health, safety, and welfare.

Section 8. Severability. If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 9. Conflicts. All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Eagle in conflict with this Ordinance are hereby repealed, except that this repeal shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 10. Effective Date. This Ordinance shall become effective __ (__) days after publication.

INTRODUCED, READ, MOVED, AND ORDERED PUBLISHED ON AUGUST 26, 2025.

TOWN OF EAGLE, COLORADO

By:_____
Scott Turnipseed, Mayor

Draft

ATTEST:

By: _____
Camille Deering, Town Clerk

Draft

Colorado Wyoming Petroleum Marketers Association
& Convenience Store Association

Dear Mayor and Councilmembers,

On behalf of the retailers and distributors represented by CWPMA in Eagle, I am writing to respectfully express concerns regarding the proposed ordinance to enact a broad flavor ban. While we recognize and share your commitment to protecting youth from accessing age-restricted products, we believe the current approach will carry significant unintended consequences for local businesses and does not reflect the full range of policy options available to the Town.

Key Concerns:

- **Economic Impact on Local Businesses:** Retailers in Eagle who operate responsibly and in compliance with existing laws rely on the sale of these products as part of their business model. A full flavor ban would unfairly penalize them, potentially leading to reduced revenues, job losses, and diminished economic activity within the Town.
- **Lack of Stakeholder Engagement:** To date, our local members have not been consulted on how this ban would impact their operations, employees, or customers. The rapid pace at which this ordinance has been advanced highlights the absence of meaningful participation from the very businesses who will be most directly affected.
- **Competitive Disadvantage to Eagle Retailers:** A local ban would create an uneven playing field. Retailers in unincorporated Eagle County or neighboring jurisdictions not subject to this ordinance would continue to sell flavored products, diverting sales away from compliant Eagle businesses. This would not reduce overall access but would simply shift business outside Town limits.
- **Loss of Local Tax Revenue:** When sales are pushed outside Town boundaries, Eagle stands to lose associated tax revenue that currently supports vital community services. This policy would not stop access but would diminish the Town's financial resources while benefiting businesses in unincorporated areas.
- **Data Reliability Issues:** Much of the information relied upon by public health organizations contains methodological flaws and often overstates the impact of flavored products on youth usage. While youth access remains a challenge, broad bans are not a proven solution, and other, more targeted approaches have demonstrated greater effectiveness.
- **Limited Consideration of Alternatives:** The Council's deliberations appear to be narrowly focused on a full ban, without considering balanced alternatives that could better achieve public health objectives while avoiding severe consequences for compliant retailers.

Colorado Wyoming Petroleum Marketers Association
& Convenience Store Association

Alternative Proposal for Consideration:
In place of a broad flavor ban, we respectfully submit the attached *Alternative Proposal* for your review. This evidence-based approach is designed to combat youth vaping while preserving access for adult consumers and protecting Eagle's local businesses. Key provisions include:

- ✅ **Targeted Flavor Restrictions:** Limiting bans to non-FDA PMTA authorized flavored vaping products, aligning local policy with federal standards.
- ✅ **Strict Enforcement of Tobacco 21:** Strengthening retailer compliance to prevent underage sales.
- ✅ **Retailer Accountability:** Enhancing penalties for businesses that violate age-restriction laws while supporting compliant operators.
- ✅ **Confiscation of Illicit Products:** Empowering local authorities to seize illegal or counterfeit nicotine products that target youth.
- ✅ **Education & Prevention Initiatives:** Supporting youth-focused education campaigns and addressing social sourcing of nicotine products.

This framework provides a balanced, enforceable path forward that addresses youth access concerns without inflicting disproportionate harm on Eagle's businesses, tax base, or adult consumers.

We urge the Council to consider this more effective, collaborative approach and to engage with local stakeholders before moving forward. CWPMA and our members stand ready to work with you to ensure that any policy changes protect both public health and the vitality of Eagle's economy.

Thank you for your time and consideration.

Respectfully,
Grier Bailey
Colorado Wyoming Petroleum Marketers Association (CWPMA)
gbailey@cwpma.org

To: Mayor and Town Council

From: Lynette Horan, HR Manager
Larry Pardee, Town Manager

Date: August 22, 2025

Agenda Item: Town Council Pay Considerations for 2026, Additional Information

---

REQUEST: As requested, staff have reviewed current compensation practices for elected officials in comparable communities during the council meeting on August 12, 2025. Our report outlined market data and provided options for adjusted compensation for the Mayor and Town Council Members beginning in 2026.

Following direction from Council, we are returning with additional information, including the Town's Budgeted Pay Increases for the past five years. To further support the analysis, we have also included Consumer Price Index for All Urban Consumers (CPI-U) data specific to Colorado for the same five-year period.

INTRODUCTION: Fair and equitable compensation for elected officials promotes inclusivity, accountability, and good governance. By ensuring that public service does not come at a personal financial sacrifice, the Town of Eagle can foster broader participation in civic leadership—particularly among working individuals, parents, and those from underrepresented backgrounds.

Per Ordinance No. 10-2020 and the transition from statutory to home rule, the Board of Trustees was formally restructured as a Town Council. Section 3.07 of the Home Rule Charter requires that the compensation of Council Members be set by ordinance before newly elected officials take office.

3.07 Compensation of Mayor and Council Members.

(1) The Mayor and Council Members shall receive such compensation as the Council shall by ordinance prescribe.

(2) The Council shall neither increase nor decrease the compensation of the Mayor or any Council Member during their term of office.

(3) The Mayor and Council Members may, upon order of the Council, be paid such necessary *bona fide* expenses incurred in service on behalf of the Town as are authorized by the Council.

ANALYSIS: See attached market data and charts. Comparisons indicate that current compensation levels are significantly below regional and statewide averages. Many similar-sized communities have adopted increases to support equity in representation, reduce financial barriers to public service, and reflect the evolving expectations placed on local elected officials. Communities such as Vail, Gypsum, Silverthorn,

Basalt, and Carbondale, along with a few others, have increased compensation to encourage diverse candidate pools and support the time commitments required for effective governance.

COMMUNITY INPUT: None to date.

BUDGET / STAFF IMPACT: The budget impact will depend on the Council's chosen compensation level. Since April 14, 2020, Council Members have received $500 per month, and the Mayor has received $800 per month, totaling $6,000 and $9,600 annually, respectively. Any proposed change will be included in the 2026 budget planning process and must be approved before the new officials are seated.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Reviewing and potentially adjusting elected official compensation every other year supports the Town's commitment to:

- Promoting a highly effective workforce
- Being an Employer of Choice
- Maintaining positive employee/employer relations
- Offering competitive compensation
- Supporting inclusive civic engagement and leadership development

This action also aligns with the Strategic Plan priority of organizational excellence and leadership capacity.

RECOMMENDED ACTION OR PROPOSED MOTION: Council may choose to discuss or take action:

- Action 1: Discuss or approve adjusted compensation for newly elected 2026 members and approve draft ordinance Section 1 and 2 prepared by Town Attorney.

Section 1. Proposed monthly compensation for newly elected 2026 Council Members: $_____
Section 2. Proposed monthly compensation for newly elected 2026 Mayor: $_____

- Action 2: Discuss or approve draft ordinance Section 3 prepared by Town Attorney which states:

Section 3. Beginning January 1, 2028, and on each January 1st thereafter, each elected officials pay shall be increased by the same amount as the percentage increase, if any by (choose one):

1. the CPI-U Denver-Aurora, Lakewood, CO
2. the Town's budgeted pay adjustment annually

ATTACHMENTS:

- Ordinance No. 10-2020 (last approved compensation).
- PowerPoint presentation with market data.
- 5 Year History of Town's Budgeted Pay Adjustments and CPI-U Colorado
- Draft Ordinance No. 7-2025

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 10
(Series of 2020)

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO INCREASING THE COMPENSATION TO BE PAID TO THE NEWLY ELECTED COUNCIL MEMBERS AND MAYOR

WHEREAS, pursuant to Section 4.04.040 of the Eagle Municipal Code and C.R.S. § 31-4-301, compensation for members of the Board of Trustees shall be set by ordinance;

WHEREAS, the current Board of Trustees is transitioning to a Town Council, pursuant to the home rule charter approved by the registered electors of the Town on April 7, 2020;

WHEREAS, Section 3.07 of the new home rule charter also requires that the compensation of Council Members by set by ordinance; and

WHEREAS, the Board of Trustees desires to increase the compensation for the newly elected Mayor and Council Members.

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

Section 1. Each Council Member shall receive compensation in the amount of five hundred dollars ($ 500.00) per month served in office.

Section 2. The Mayor shall receive compensation in the amount of eight hundred dollars ($ 800.00) per month served in office.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The 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 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 5. Emergency Declared. Pursuant to C.R.S. § 31-4-405, the emoluments of any member of the governing body, including the Mayor and Trustees, shall not be increased or diminished during the term for which the member has been elected or appointed. This emergency Ordinance is therefore necessary for the immediate preservation of the public health and safety, because in the interest of fairness and for the safety of the public, the Town's elected officials should be fairly compensated for public services rendered, which compensation must be established before the newly elected Council members enter office.

Section 6. Effective Date and Applicability. This Ordinance shall take effect immediately upon adoption and shall apply only to those elected officials entering office after April 14, 2020.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON APRIL 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin

Anne McKibbin (Apr 16, 2020)

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

OFFICIAL SEAL TOWN OF EAGLE Est. 1905

Town Council Compensation Review
August 12, 2025

Prepared by:
Lynette Horan, HR Manager

Purpose of Review

- Evaluate and consider adjustments to the compensation of newly elected Mayor and Council Members
- Align with strategic goals and promote broader community engagement
- Ensure compensation reflects time commitment and evolving expectations of elected leadership

Background

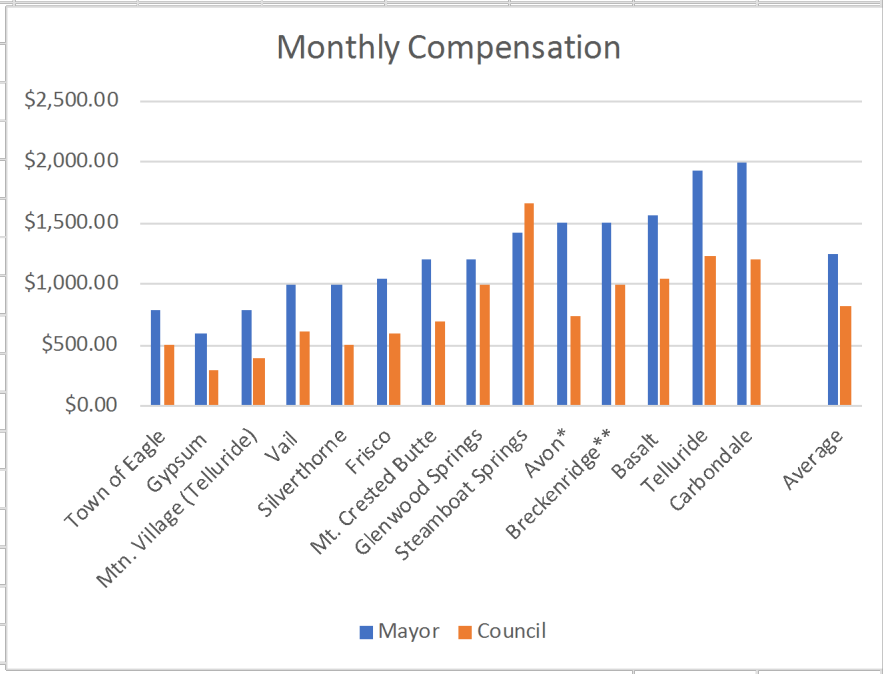
- Transition to Home Rule in 2020 (Ordinance No. 10-2020)
- Section 3.07 of the Home Rule Charter requires compensation to be set by ordinance
- Current monthly compensation:
  - Council Members: $500
  - Mayor: $800
- Compensation has remained unchanged since April 2020

Strategic Alignment

- Promote a highly effective workforce
- Be an Employer of Choice
- Maintain positive employee/employer relations
- Offer competitive compensation
- Encourage equitable access to civic leadership
- Align with Strategic Plan priorities: organizational excellence & leadership development

Market Data Summary Monthly

MONTHLY COMPENSATION		
Entity	**Mayor**	**Council**
Town of Eagle	**$800.00**	**$500.00**
Gypsum	$600.00	$300.00
Mtn. Village (Telluride)	$800.00	$400.00
Vail	$1,000.00	$625.00
Silverthorne	$1,000.00	$500.00
Frisco	$1,050.00	$600.00
Mt. Crested Butte	$1,200.00	$700.00
Glenwood Springs	$1,200.00	$1,000.00
Steamboat Springs	$1,423.00	$1,666.67
Avon*	$1,500.00	$750.00
Breckenridge**	$1,500.00	$1,000.00
Basalt	$1,563.00	$1,041.67
Telluride	$1,943.00	$1,243.00
Carbondale	$2,000.00	$1,200.00
Average	**$1,255.64**	**$823.31**

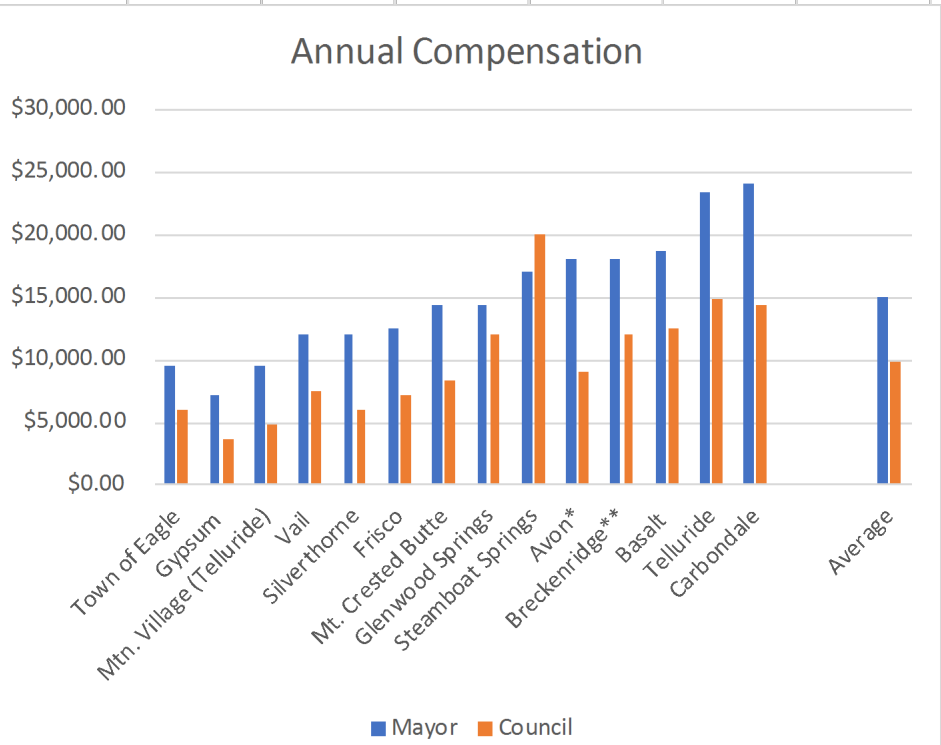


* Avon offers benefits including Avon Recreation Center Family Pass, Medical-Dental-Vision Insurance, cell phone stipend

** Breckenridge offers Health Benefits and a $500 recreation stipend to use at their Recreation center

Market Data Summary Annual

ANNUAL COMPENSATION		
Entity	**Mayor**	**Council**
Town of Eagle	**$9,600.00**	**$6,000.00**
Gypsum	$7,200.00	$3,600.00
Mtn. Village (Telluride)	$9,600.00	$4,800.00
Vail	$12,000.00	$7,500.00
Silverthorne	$12,000.00	$6,000.00
Frisco	$12,600.00	$7,200.00
Mt. Crested Butte	$14,400.00	$8,400.00
Glenwood Springs	$14,400.00	$12,000.00
Steamboat Springs	$17,074.00	$20,000.00
Avon*	$18,000.00	$9,000.00
Breckenridge**	$18,000.00	$12,000.00
Basalt	$18,750.00	$12,500.00
Telluride	$23,316.00	$14,916.00
Carbondale	$24,000.00	$14,400.00
Average	**$15,067.14**	**$9,879.71**



* Avon offers benefits including Avon Recreation Center Family Pass, Medical-Dental-Vision Insurance, cell phone stipend

** Breckenridge offers Health Benefits and a $500 recreation stipend to use at their Recreation center

Budget Impact

- Current annual cost:
  - Council Members: $6,000 each
  - Mayor: $9,600
- Budget impact will vary based on the Council's decision
- Adjustments to take effect for newly elected officials in 2026

Recommendation

- Review market data and strategic goals
- Consider adjustment to remain competitive
- Provide direction for ordinance preparation

Options for Council Consideration

Option 1:
Maintain current compensation

Option 2:
Adjust compensation for newly elected 2026 officials

- Council Members: $_____ / month
- Mayor: $_____ / month
- Ordinance to be prepared for August 26, 2025 meeting

Discussion, Q & A

2020-2025 Pay Budget/CPI-U Data

Year	Budget	CPI-U Colorado
2021	3%	3.5%
2022	3%	8.2%
2023	5%	4.7%
2024	4%	1.9%
2025	3%	2.1%
Total	18%	20.4%

CPI-U Colorado

CPI_U Mayor Pay $800 x 20.4%	$ 963.20
CPI_U Council Pay $500 x 20.4%	$ 602.00

Aggregate

TOE Budget Mayor Pay $800 x 18%	$ 944.00

Aggregate

TOE Budget Council Pay $500 x 18%	$ 590.00

TOE Budget Mayor Pay Impact Compounded

2020 Mayor Pay $800 x 03%	$ 824.00	2021 pay
2021 Mayor Pay $824 x 03%	$ 848.72	2022 pay
2022 Mayor Pay $848.72 x 05%	$ 891.16	2023 pay
2023 Mayor Pay $891.16 x 04%	$ 926.80	2024 pay
2024 Mayor Pay $926.80 x 03%	$ 954.61	2025 pay

TOE Budget Council Pay Impact Compounded

2020 Council Pay 500 x 03%	$ 515.00
2021 Council Pay $515 x 03%	$ 530.45
2022 Council Pay $530.45 x 05%	$ 556.97
2023 Council Pay $556.97 x 04%	$ 579.25
2024 Council Pay $579.25 x 03%	$ 596.63

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 07
(Series of 2025)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO INCREASING THE COMPENSATION TO BE PAID TO TOWN COUNCIL MEMBERS AND MAYOR.

WHEREAS, pursuant to Section 4.04.040 of the Town of Eagle Municipal Code (the "Code"), Section 3.07 of the Town of Eagle Home Rule Charter, and C.R.S. 31-4-301, compensation for members of the Town Council of the Town of Eagle ("Council") shall be set by ordinance; and

WHEREAS, by ensuring that public service does not come at a personal financial sacrifice, the Town of Eagle (the "Town") can foster broader participation in civic leadership, particularly among working individuals, parents, and those from underrepresented backgrounds; and

WHEREAS, many similar-sized communities have adopted increases to support equity in representation, reduce financial barriers to public service, and reflect the evolving expectations placed on local elected officials; and

WHEREAS, Council has not had an increase in compensation since 2020; and

WHEREAS, Council desires to increase compensation for the Mayor and Council beginning with newly elected officials in 2026.

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

Section 1. **Council Member Compensation**. Each Council Member shall receive compensation in the amount of _____ dollars ($_____.00) per month served in office.

Section 2. **Mayor Compensation**. The Mayor shall receive compensation in the amount of _____ dollars ($_____.00) per month served in office.

Section 3. **Annual increases**. Beginning on January 1, 2028, and on each January 1st thereafter, each elected official's pay shall be increased (but not decreased) by the same amount as the percentage increase, if any, [in the Consumer Price Index during the applicable adjustment period for All Urban Consumers (CPI-U), Denver-Aurora-Lakewood, CO Metropolitan Area, issued by the United States Department of Labor, Bureau of Labor Statistics] OR [in the salary range adjustment for the executive job family as published in the town's pay plan for that year].

Section 4. **Severability**. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council

hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 5. **Effective Date and Applicability**. This Ordinance shall become effective ten (10) days after publication and shall apply only to those elected officials whose terms commence subsequent to the Town's regular 2025 municipal election.

INTRODUCED AS AN ORDINANCE, READ, MOVED, AND ORDERED PUBLISHED ON _____, 2025.

TOWN OF EAGLE, COLORADO

_____
Scott Turnipseed, Mayor

ATTEST:

_____
Camille Deering, Town Clerk