



Town Council
Tuesday, June 23, 2020
ON-LINE MEETING

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

MEETING ACCESS

1. Register in advance for this meeting:

[ACCESS THE ON-LINE MEETING HERE](#)

After registering, you will receive a confirmation email containing information about joining the meeting.

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

All votes will be by roll call. When it's your turn to speak, the moderator will unmute your line and you will have two (2) minutes for public comment.

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

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

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

PUBLIC COMMENT - 6:10 PM *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

PRESENTATIONS - 6:20 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. QuietKat, Jake Roach
2. Downtown Development Authority, Downtown Business Alliance
3. Lower Basin Water Treatment Plant, SGM and MWH Constructors - Project Update Presentation
4. Public Safety Approaches in Eagle, Chief Joey Stauffer

CONSENT AGENDA - 7:20 PM *Consent agenda items are routine Town business, items which 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. (5 Minutes)*

1. Minutes - June 9, 2020 and June 18, 2020
2. Resolution 34, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

STAFF REPORTS - 7:25 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update

BUSINESS ITEMS - 7:30 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. Source Water Protection Plan - Adoption
2. Resolution No. 35, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Authorizing the Town Manager to Execute a Collaboration Agreement for Disbursement of CARES Act Funding Through Eagle County"
3. Resolution No. 36, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Ridgeway Open Space Project"
4. Discussion of Code Amendment to Create an Automatic Termination Period for Certain Types of Land Use Projects
5. Eagle Ranch Broadband Systems Design and Joint Trench Funding
6. Council Chambers Technology Upgrade
7. U.S. Highway 6/Grand Ave. Corridor Master Plan Study RFP
8. Mobile Vendor Policy Proposal
9. 2020 Event Status and Discussion

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 8:50 PM

1. Council Committee Update
2. Town Council's Newsletter - "Pappy's Points"

EXECUTIVE SESSION - 9:00 PM *Both Executive Session Topics will be discussed.*

1. Executive Session pursuant to C.R.S. Section 24-6-402(4)(b)(e), to receive legal advice on specific legal questions and to determine positions develop a negotiating strategy and instruct negotiators regarding Intergovernmental Agreement dated July 25, 1995 between the Town, Eagle County School District Re-50J and the Western Eagle County Metropolitan District and construction of the Eagle River water park.

ADJOURN - 9:30 PM

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



Jenny Rakow, CMC
Town Clerk



Town of Eagle Partnership and Downtown Development Authority (DDA) Proposal and 2020 DDA Ballot Initiative



broadwaystreeteagle@gmail.com
@broadwaystreeteagle

BROADWAY STREET
eagle

AT A GLANCE

Who we are...

- Revitalization Of Broadway Committee was established Early 2017 via the Business Advocacy Council

BROADWAY STREET *eagle*

- Provided Business Support and Communication through Marketing, Social Media, Newsletters and Events to Downtown Eagle
- Grassroots efforts

- Created 2ND Friday ARTwalks November 2018
- The EagleARTS nonprofit organization was created June 2019 to support ARTwalks and art throughout Eagle

EAGLEARTS

- Tara and Kat received the Community Impact Award for their efforts



Tara Novak, Kat Conner



Troy Fuller, Ryan Murry, Jennifer Filipowski



Mary Ann Morrison

- Kat attended the DCI "In the Game" conference as a stakeholder for Downtown Eagle in April 2019
- The Downtown Business Alliance (DBA) Nonprofit Organization was established in May 2020



Downtown Development Authority

What is a DDA?

- DDAs provide both organizational focus and financing to downtown improvements
-
- DDAs facilitate partnerships, joining businesses and property owners with local government
-
- Tax Increment Financing (TIF) funds generated by the anticipated increase in property taxes in the district. TIF is a reallocation of tax revenue, not an additional tax, that comes from the increase in valuation of properties.
-
- Future TIF projections can be used as collateral to secure loans for immediate funding



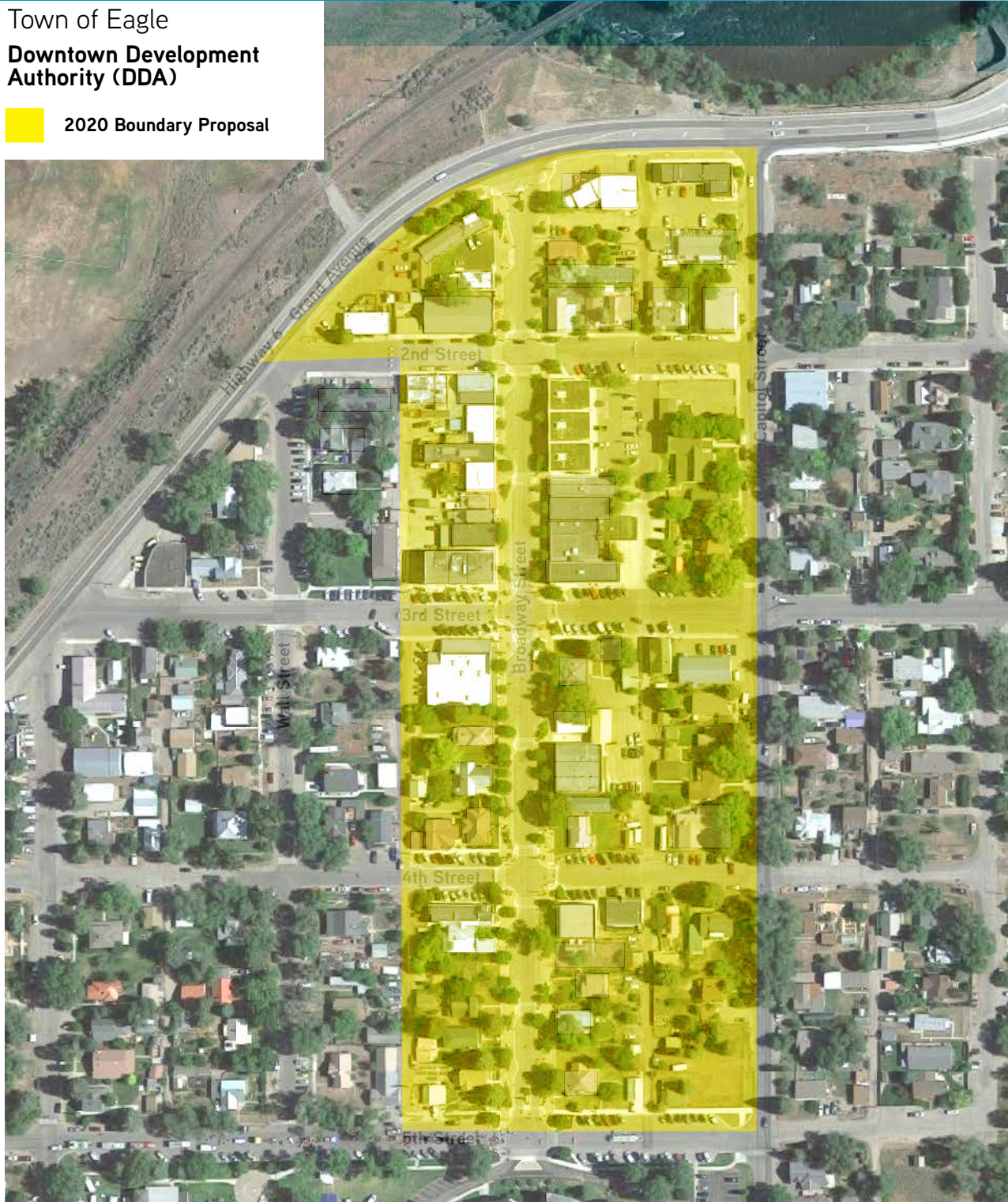
PROPOSED

District Boundary Map

Town of Eagle

**Downtown Development
Authority (DDA)**

 2020 Boundary Proposal

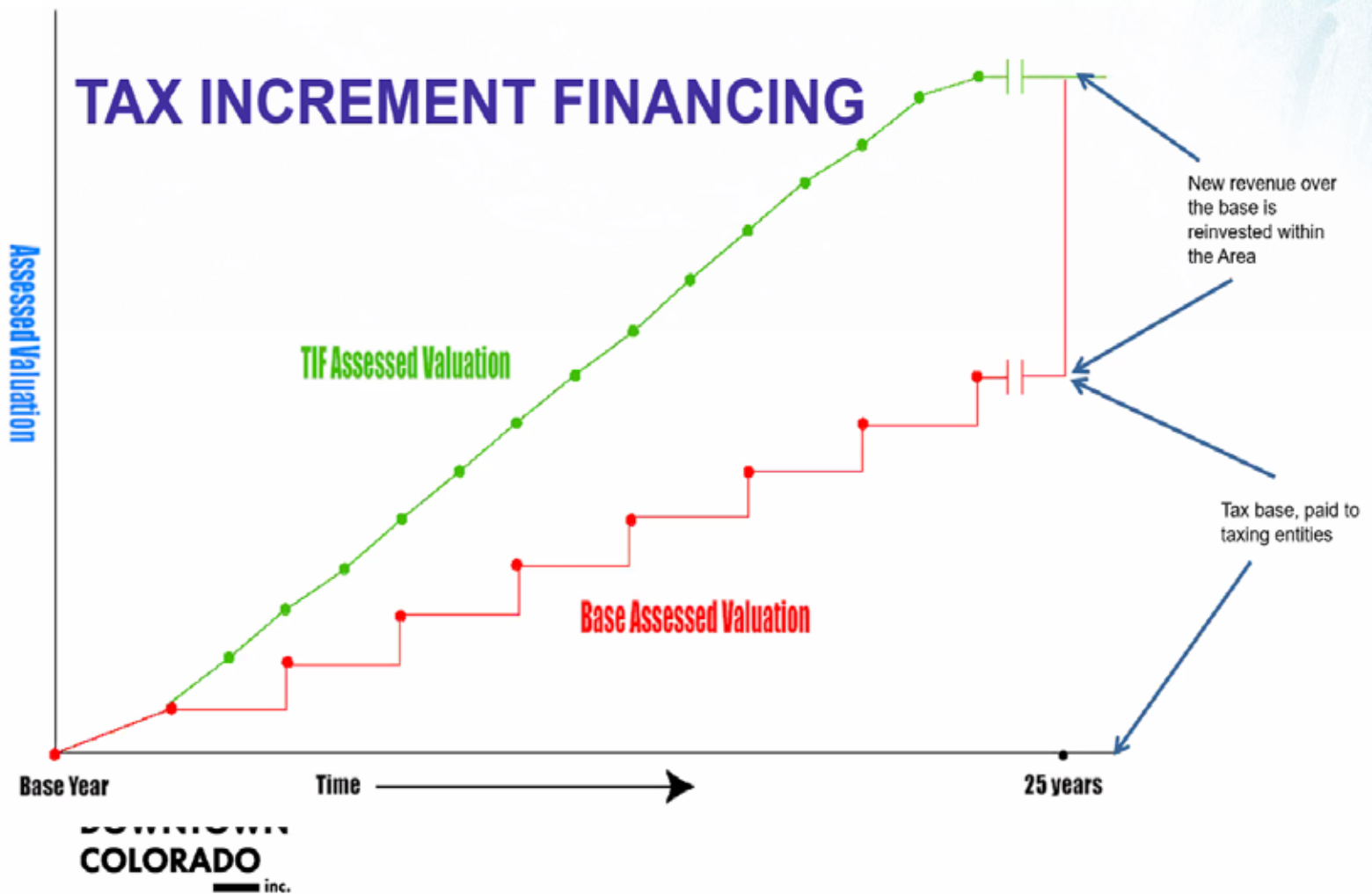


Currently....



CHART

Downtown Development Authority



DEVELOPMENTS

In the Planning Process



Broadway and 2nd Street



Broadway and Grand Ave



410 Broadway



139 Broadway

- Several developments approved by the Town
- 139 Broadway: From nonprofit to for-profit tax entity significant increase to tax valuation
- Estimated \$80,000 in additional tax collection

PROJECT IDEAS

DBA can help Implement and Manage

- Pedestrian/ADA walkability, Parking improvements
- Marketing and promotion of businesses and events within the DDA
- Loans, grants, and rebate programs
- Event Support
- Beautification (public art installations, lighting, native planting and landscaping)
- Mural Projects
- Online Business Directory
- Performing Arts Center/Theatre
- Signage and Wayfinding



DDA

Qualified Electors

- Those who may vote are qualified electors of the DDA, which includes: landowners, business owners, residents, or lessees located within the DDA District Boundaries
- Landowners or lessees that are entities located within the DDA boundaries may officially designate a representative to vote on their behalf



CASE STUDIES

Glenwood Springs DDA



- The Glenwood Springs DDA helped design and build Seventh Street and bridge. After project completion, the tax base for the area increased close to 30%.

CASE STUDIES

Loveland Downtown Partnership & DDA



- Fundraising Events
- Foundry Plaza Rentals
- Used DDA funds to help pay commercial rents for COVID recovery efforts
- Income = Grants, Sponsorships, Membership Dues
- A ten-year partnership with the town - \$500k the LDP



CASE STUDIES

EagleARTS and 2nd Friday ARTwalk

- Started November 8, 2018 as an initiative of the Revitalization of Broadway Committee of the Biz Advocacy Council
- Became the **most profitable night OF THE MONTH** for the downtown businesses

ART^{2nd FRIDAY}walk



525
Instagram and
Facebook
followers



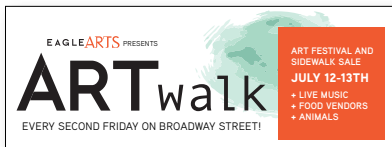
Newsletters
to businesses
Average of
58%
open rate



Printed and Digital Flyers



Digital Town Hall
Graphics Monitor



Large 6x3' banners around town



Newspaper advertising,
editorial and event
calendar submissions



BROADWAY STREET *eagle*



475 Instagram and
Facebook posts
728 followers



Radio Advertisements
and Broadcast Interviews



Numerous
Sandwich
Boards
Throughout
Downtown

*As of April 21, 2020

ASSESSMENT

Downtown Colorado Inc.



DCI's 2019 Eagle Assessment

- Town of Eagle Strategic Plan Major Objective No. 5: Stimulate Economic Vitality, Development
- In December 2019 DCI conducted an assessment on Eagle with a focus on Downtown
- DCI recommended the formation of a DDA
- **The DBA has already implemented numerous items on their list**

REVENUE

Current Downtown Tax Revenue

- Annual Sales tax revenue from Downtown businesses is approximately \$240,000, and has stayed relatively flat for years



SHORT TERM

Downtown Business Alliance



- Obtain Grants
- Event Fundraising
- Manage Projected TIF revenue
- **Town Partnership** (See Working Proposal)

The DBA is requesting that the council find a contribution that they are comfortable with to support the DBA. In exchange for DBA partial management of Downtown Eagle.



DBA

Downtown Business Alliance

Eagle, Colorado



WORKING PROPOSAL

Downtown Business Alliance				
BUDGET		2021	2022	2023
Income				
Town of Eagle		\$75,000.00	\$75,000.00	\$75,000.00
Grants (DCI, Colorado Creative Industries, Board of Tourism)		\$25,000.00	\$45,000.00	\$65,000.00
Event Sponsorship and booth rentals		\$5,000.00	\$15,000.00	\$30,000.00
DDA TIF				\$80,000.00
Expenses				
	Current Town	DDA		
Streetscape, Maintenance				
Summer flowers (54 Planters) x\$30 each planter = \$1620	\$25k	\$5,000.00		
Extra Snow Shoveling (alleys)				
Alleys Improvements		\$5,000.00		
Grants, Loans to Businesses				
Facade Improvements		\$20,000.00		
Biz Startup Cost/Small loan		\$5,000.00		
Commercial Kitchen Install		\$5,000.00		
Marketing				
Website (set up)		\$2,500.00		
Social (3-5 posts week)		\$1,500.00		
Newsletter (Monthly)		\$500.00		
Events				
2ND Fridays ARTwalk EagleARTS		\$6,000.00		
Annual something...				
Bikes on Broadway				
Thursday Nights				
Beautification, Art				
Murals, sculptures		\$5,000.00		
Signage, directory		\$1,000.00		
Lighting		\$4,000.00		
Memberships				
DCI		\$300.00		
VVP		\$500.00		
Positions/ Salaries				
Director		\$24,000.00		
Bookkeeping/Accounting		\$5,000.00		
Grant Writing		\$2,000.00		
		\$92,300.00		

Downtown Business Alliance Bylaws

BYLAWS OF Downtown Business Alliance

The Downtown Business Alliance (DBA) is an organization organized in accordance with the Colorado Revised Nonprofit Corporation Act, as amended. The organization has not been formed for the making of any profit, or personal financial gain. The assets and income of the organization shall not be distributable to, or benefit the trustees, directors, or officers or other individuals. The assets and income shall only be used to promote corporate purposes as described below. Nothing contained herein, however, shall be deemed to prohibit the payment of reasonable compensation to employees and independent contractors for services provided for the benefit of the organization. This organization shall not carry on any other activities not permitted to be carried on by an organization exempt from federal income tax. The organization shall not endorse, contribute to, work for, or otherwise support (or oppose) a candidate for public office. The organization is organized exclusively for purposes subsequent to section 501(c)(3) of the Internal Revenue Code.

ARTICLE I ESTABLISHMENT; PURPOSE

Section 1. Establishment. The Downtown Business Alliance was formed by Eagle business and property owners in May of 2019. The Downtown Business Alliance was effectively granted Internal Revenue Code (IRC) Section 501 (c)(3) tax exemption status August 21, 2019.

Section 2. Purpose. The Downtown Business Alliance was established to address the challenges that cause a struggling business environment and deteriorating physical environment in the downtown Eagle area.

ARTICLE II MEETINGS

Section 1. Annual Meeting. An annual meeting shall be held in the first quarter each calendar year for the purpose of electing directors and for the transaction of such other business as may properly come before the meeting. The annual meeting shall be held at the time and place designated by the Board of Directors.

Section 2. Special Meetings. Special meetings may be requested by the President or the Board of Directors. A special meeting of members is not required to be held at a geographic location, if the meeting is held by means of the Internet or other electronic communications technology in a manner pursuant to which the members have the opportunity to read or hear the proceedings substantially concurrent with the occurrence of the proceedings note on matters submitted to the members, pose questions, and make comments.

Section 3. Board Meetings. The Board of Directors meetings shall be at such time and place as determined by the Board of Directors. The director shall send notice by mail, or electronic mail (e-mail) to each Board member at least five (5) business days in advance of each meeting stating the time and location within the Town of Eagle where the meeting is to be held. By resolution, the Board may direct that a regular meeting not be held, but in no event shall more than three consecutive meetings be canceled unless otherwise approved by the Board. Board meetings may be conducted in all or part by electronic means by one or all of its Board members.

Section 4. Notice. Written notice of all meetings shall be provided under this section or as otherwise required by law. The Notice shall state the place, date, and hour of meeting, and if for a special meeting, the purpose of the meeting. Such notice shall be mailed or electronically mailed (e-mail) to all directors of record at the address shown on the corporate books, at least five (5) business days prior to

Downtown Business Alliance Bylaws

the meeting. Such notice shall be deemed effective when deposited in ordinary U.S. mail, properly addressed, with postage prepaid.

Section 5. Place of Meeting. Meetings shall be held at the organization's principal place of business unless otherwise stated in the notice. Unless the articles of incorporation or bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during this meeting. A director participating in a meeting by this means shall be deemed to be present in person at the meeting.

Section 6. Quorum. A majority of the directors shall constitute at quorum at a meeting. In the absence of a quorum, a majority of the directors may adjourn the meeting to another time without further notice. The directors present at a meeting represented by a quorum may continue to transact business until adjournment, even if the withdrawal of some director's results in representation of less than a quorum.

Section 7. Informal Action. Any action required to be taken, or which may be taken, at a meeting, may be taken without a meeting and without prior notice if a consent in writing, setting forth the action so taken, is signed by the directors with respect to the subject matter of the vote.

ARTICLE III DIRECTORS

Section 1. Number of Directors. The organization shall be managed by a Board of Directors consisting of 5 director(s).

Section 2. Directors. Directors shall be the business or property owners within the designated downtown business area, or his/her representative. A director who owns a business and/or property(ies) shall be limited to one vote on the Board of Directors.

Section 3. Election and Term of Office. The directors shall be elected at the annual meeting, with half of them elected in alternating years. Each director shall serve a term of 3 year(s), or until a successor has been elected and qualified.

Section 4. Quorum. A majority of directors shall constitute a quorum.

Section 5. Adverse Interest. In the determination of a quorum of the directors, or in voting, the disclosed adverse interest of a director shall not disqualify the director or invalidate his or her vote.

Section 6. Election of Directors: Regular Meeting. The Board of Directors shall meet immediately after the election for the purpose of electing its new officers, appointing new committee chairpersons and for transacting such other business as may be deemed appropriate. The Board of Directors may provide, by resolution, for additional regular meetings without notice other than the notice provided by the resolution. A election meeting of the directors is not required to be held at a geographic location if the meeting is held by means of the Internet or other electronic communications technology (email) in a manner pursuant to which the members have the opportunity to read or hear the proceedings substantially concurrent with the occurrence of the proceedings, note on matters submitted to the members, pose questions, and make comments.

Section 7. Special Board Meeting. Special meetings may be requested by the Chairperson, Secretary, or any two directors by providing five (5) days' written notice by ordinary United States mail or electronic mail (e-mail), effective when mailed. Minutes of the meeting shall be sent to the Board of Directors within two (2) weeks after the meeting. A special meeting of the directors is not required to be held at a geographic location if the meeting is held by means of the Internet or other electronic communications technology in a manner pursuant to which the members have the opportunity to read or hear the proceedings substantially concurrent with the occurrence of the proceedings, note on matters submitted to the members, pose questions, and make comments.

Downtown Business Alliance Bylaws

Section 8. Procedures. The vote of a majority of the directors present at a properly called meeting, at which a quorum is present shall be the act of the Board of Directors, unless the vote of a greater number is required by law or by these by-laws for a particular resolution. A director of the organization who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless their dissent shall be entered in the minutes of the meeting. The Board shall keep written minutes of its proceedings in its permanent records.

Section 9. Informal Action. Any action required to be taken at a meeting of directors, or any action which may be taken at a meeting of directors or of a committee of directors, may be taken without a physical meeting if a consent in writing setting forth the action so taken, is signed by all of the directors, as the case may be.

Section 10. Removal / Vacancies. A director shall be subject to removal, with or without cause, at a meeting called for that purpose. Any vacancy that occurs on the Board of Directors, whether by death, resignation, removal or any other cause, may be filled by the remaining directors. A director elected to fill a vacancy shall serve the remaining term of his or her predecessor, or until a successor has been elected and qualified.

Section 11. Committees. To the extent permitted by law, the Board of Directors may appoint from its members a committee or committees, temporary or permanent, and designate the duties, powers and authorities of such committees.

ARTICLE IV OFFICERS

Section 1. Number of Officers. The officers of the organization shall be a Chairperson, a Treasurer, and a Secretary. Two or more offices may be held by one person.

Chairperson. The Chairperson shall be the chief executive officer and shall preside at all meetings of the Board of Directors and its Executive Committee, if such a committee is created by the Board.

Secretary. The Secretary shall give notice of all meetings of the Board of Directors, shall keep an accurate list of the directors, and shall have the authority to certify any records, or copies of records, as the official records of the organization. The Secretary shall maintain the minutes of the Board of Directors' meetings and all committee meetings.

Treasurer/CFO. The Treasurer shall be responsible for conducting the financial affairs of the organization as directed and authorized by the Board of Directors, if any, and shall make reports of corporate finances as required, but no less often than at each meeting of the Board of Directors and Executive Committee.

Section 2. Election and Term of Office. The officers shall be elected annually by the Board of Directors at the first meeting of the Board of Directors, immediately following the annual meeting. Each officer shall serve a two years term or until a successor has been elected and qualified. A special meeting of the directors is not required to be held at a geographic location, if the meeting is held by means of the Internet or other electronic communications technology in a manner pursuant to which the members have the opportunity to read or hear the proceedings substantially concurrent with the occurrence of the proceedings, note on matters submitted to the members, pose questions, and make comments.

Section 3. Removal or Vacancy. The Board of Directors shall have the power to remove an officer or agent of the organization. Any vacancy that occurs for any reason may be filled by the Board of Directors.

Downtown Business Alliance Bylaws

ARTICLE V FINANCES

Section 1. Deposits. All funds of the DBA will be deposited in a special financial/bank account by the Board Treasurer.

Section 2. Annual Budget. At each annual meeting the Board of Directors shall consider and approve a budget with majority vote.

Section 3. Loans. No loans shall be contracted for or on behalf of the Downtown Business Alliance (DBA) and no evidence of indebtedness shall be issued, except by resolution of the Board of Directors. Such resolution may be general or confined to specific instances.

ARTICLE V CORPORATE SEAL, EXECUTION OF INSTRUMENTS

Section 1. Corporate Seal, Execution of Instruments. The organization shall not have a corporate seal. All instruments that are executed on behalf of the organization which are acknowledged, and which affect an interest in real estate shall be executed by the President and the Secretary or Treasurer. All other instruments executed by the organization, including a release of mortgage or lien, may be executed by the President. Notwithstanding the preceding provisions of this section, any written instrument may be executed by any officer(s) or agent(s) that are specifically designated by resolution of the Board of Directors.

ARTICLE VI AMENDMENT TO BYLAWS

Section 1. Amendment to Bylaws. The bylaws may be amended, altered, or repealed by the Board of Directors by a majority of a quorum vote at any regular or special meeting. The text of the proposed change shall be distributed to all board members at least two (2) business days before the meeting.

ARTICLE VII INDEMNIFICATION

Section 1. Indemnification. Any director or officer who is involved in litigation by reason of his or her position as a director or officer of this organization shall be indemnified and held harmless by the organization to the fullest extent authorized by law as it now exists or may subsequently be amended (but, in the case of any such amendment, only to the extent that such amendment permits the organization to provide broader indemnification rights).

ARTICLE VIII INSURANCE

Section 1. Insurance. The Board, upon majority vote of its Board of Directors, shall purchase insurance for the purpose of indemnifying its Board members, officers, and other employees or volunteers of the extent that indemnification is allowed in Article VII, Section 1.

Downtown Business Alliance Bylaws

ARTICLE IX DISSOLUTION

Section 1. Dissolution. The organization may be dissolved only with authorization of its Board of Directors given at a special meeting called for that purpose, and with the subsequent approval by no less than two-thirds (2/3) vote of the members. In the event of the dissolution of the organization, the assets shall be applied and distributed as follows:

All liabilities and obligations shall be paid, satisfied and discharged, or adequate provision shall be made, therefore. Assets not held upon a condition requiring return, transfer, or conveyance to any other organization or individual shall be distributed, transferred, or conveyed, in trust or otherwise, to charitable and educational organization, organized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, of a similar or like nature to this organization, as determined by the Board of Directors.

Certification

President, President of Downtown Business Alliance, and Secretary, Secretary of Downtown Business Alliance certify that the foregoing is a true and correct copy of the bylaws of the above-named organization, duly adopted by the initial Board of Directors on TBD.

I certify that the foregoing is a true and correct copy of the bylaws of the above-named organization, duly adopted by the initial Board of Directors on TBD.

President, President

Secretary, Secretary

Loveland Downtown Partnership/Town Agreement

SERVICES CONTRACT

~~2020~~ This Services Contract ("Contract") is entered into this 17th day of January, ~~2019~~, by and between the City of Loveland, Colorado ("City") and the **LOVELAND DOWNTOWN PARTNERSHIP**, a Colorado nonprofit corporation ("Contractor").

WHEREAS, the parties desire to contract with one another to complete the following project: **Implementation of Downtown Strategic Plan**.

WHEREAS, in January 2014, the City Council of the City ("City Council") directed the staff of the City to assist private sector leaders with the establishment of a robust and durable organization to lead redevelopment efforts in the downtown area of the City; and

WHEREAS, in July 2014, an informal coalition of private sector leaders known as the Downtown Working Group formulated *A Strategic Plan for Revitalizing Downtown Loveland* (the "Strategic Plan") which provides a comprehensive outline for the short and long-term success of downtown; and

WHEREAS, on September 30, 2014, the LDP was organized as a social welfare organization within the meaning of §501(c)(4) of the Internal Revenue Code of 1986 to (a) provide a means for persons interested in the development or redevelopment of the downtown to identify, discuss and act to address issues concerning the downtown; (b) coordinate activities, projects and programs which will enhance the downtown as a civic, cultural, social, and economic center and a place where people can live, work, conduct business and enjoy a better quality of life; (c) promote cooperation among the public and private sectors to promote the downtown; and (d) encourage the commitment of public and private resources to the planning and development or redevelopment and favorable marketing of the downtown; and

WHEREAS, on October 27, 2014, the LDP adopted the Strategic Plan and approved the boundaries of the downtown area, the legal description and depiction of which are attached hereto as **Exhibit A** and **Exhibit B**, respectively, and as amended, and incorporated herein by this reference (the "Downtown"); and

WHEREAS, by Ordinance No. 5906 and Resolution No. #R-82-2014, the City Council called a special election on February 10, 2015 for the purpose of submitting a question regarding the establishment of the Loveland Downtown Development Authority (the "DDA") to the qualified electors of the Downtown and the qualified electors passed such ballot question and the DDA was thereby established; and

WHEREAS, the City Council has committed in principle to financially support the LDP in its efforts to implement the Strategic Plan in the amount of Five Hundred Thousand Dollar (\$500,000) annually for a period of ten (10) years commencing in January of 2015; and

WHEREAS, the City and LDP desire to enter into this Contract for a one-year term, with the intent that this Contract will be extended annually for an additional four (4) year period with such amendments as annually may be needed.

SAMPLE

Loveland Downtown Partnership/Town Agreement

Now, therefore, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Services. The Contractor shall perform the services set forth in **Exhibit C**, attached hereto and incorporated herein by reference ("Services"). The Contractor represents that it has the authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Contract and all applicable laws. The City reserves the right to remove any of the Services from Exhibit C upon written notice to Contractor. In the event of any conflict between this Contract and Exhibit C, the provisions of this Contract shall prevail.

2. Price. [See Paragraph 12, Special Conditions, below.]

3. Term. [See Paragraph 12, Special Conditions, below.]

4. Appropriation. To the extent this Contract constitutes a multiple fiscal year debt or financial obligation of the City, it shall be subject to annual appropriation pursuant to the City of Loveland Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. The City shall have no obligation to continue this Contract in any fiscal year in which no such appropriation is made.

5. Independent Contractor. The parties agree that the Contractor is an independent contractor and is not an employee of the City. [See Paragraph 12, Special Conditions, below.]

6. Insurance Requirements.

a. Policies. The Contractor and its subcontractors, if any, shall procure and keep in force during the duration of this Contract the following insurance policies and shall provide the City with a certificate of insurance evidencing upon execution of this Contract:

(i) Comprehensive general liability insurance insuring the Contractor and naming the City as an additional insured with minimum combined single limits of \$1,000,000 each occurrence and \$1,000,000 aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. The policy shall contain a severability of interest's provision.

(ii) Comprehensive automobile liability insurance insuring the Contractor and naming the City as an additional insured against any liability for personal injury, bodily injury, or death arising out of the use of motor vehicles and covering operations on or off the site of all motor vehicles controlled by the Contractor which are used in connection with this Contract, whether the motor vehicles are owned, non-owned, or hired, with a combined single limit of at least \$1,000,000.

(iii) [See Paragraph 12, Special Conditions, below.]

Loveland Downtown Partnership/Town Agreement

(iv) Workers' compensation insurance and all other insurance required by any applicable law. *(Note: if under Colorado law the Contractor is not required to carry workers' compensation insurance, the Contractor shall execute a Certificate of Exemption and Waiver, attached hereto as **Exhibit D** and incorporated herein by reference.)*

b. Requirements. Required insurance policies shall be with companies qualified to do business in Colorado with a general policyholder's financial rating acceptable to the City. Said policies shall not be cancelable or subject to reduction in coverage limits or other modification except after thirty days prior written notice to the City. The Contractor shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal the Contractor changes to "occurrence," the Contractor shall carry a six-month tail. Comprehensive general and automobile policies shall be for the mutual and joint benefit and protection of the Contractor and the City. Such policies shall provide that the City, although named as an additional insured, shall nevertheless be entitled to recover under said policies for any loss occasioned to it, its officers, employees, and agents by reason of negligence of the Contractor, its officers, employees, agents, subcontractors, or business invitees. Such policies shall be written as primary policies not contributing to and not in excess of coverage the City may carry.

7. Indemnification. The Contractor agrees to indemnify and hold harmless the City, its officers, employees, and agents from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with the Services, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom the Contractor is responsible. The Contractor shall investigate, handle, respond to, and defend against any such liability, claims, and demands, and shall bear all other costs and expenses related thereto, including court costs and attorneys' fees. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage to the extent caused by the act, omission, or other fault of the City. This paragraph shall survive the termination or expiration of this Contract.

8. Governmental Immunity Act. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the notices, requirements, immunities, rights, benefits, protections, limitations of liability, and other provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.* and under any other applicable law.

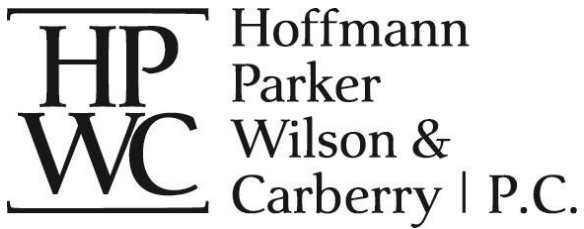
9. Compliance with Applicable Laws.

a. Generally. The Contractor shall comply with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the City. The Contractor shall solely be responsible for payment of all applicable taxes and for obtaining and keeping in force all applicable permits and approvals.

CONCLUSION

Thank you!!





Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
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Hilary M. Graham
Kathryn M. Sellars

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(970) 390-4941

Daniel P. Harvey
Ruthanne H. Goff
Evin B. King
Alexandra N. Slaten
Katie J. Vera

TOWN OF EAGLE
MEMORANDUM

TO: BRANDY REITTER, TOWN MANAGER
BILL SHRUM, ASSISTANT TO THE TOWN MANAGER

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

DATE: JUNE 16, 2020

RE: DOWNTOWN DEVELOPMENT AUTHORITY OVERVIEW

This memorandum provides an overview of the law regarding a Downtown Development Authority ("DDA"), a type of public entity that when properly formed, funded, and operated may enable the Town to assist in facilitating redevelopment activities in its central business district. The Town is interested in possibly pursuing the establishment of a DDA, and this memorandum serves to provide a broad survey of the law with respect to the general requirements of establishing a DDA, the purpose of a DDA, and the governance and financing of a DDA.

General

Codified at C.R.S. § 31-25-801, *et seq.*, the Downtown Development Authority Law (the "DDA Law") governs the establishment and conduct of DDAs. The primary purpose of a DDA is to halt or prevent deterioration of property values or structures within a central business district, or to halt or prevent growth of blighted areas within a central business district, and to assist municipalities in the development and redevelopment of central business districts. C.R.S. § 31-25-801(1). "Central business district" means the area in Town which is and traditionally has been the location of the principal business, commercial, financial, service and governmental center, zoned and used accordingly. C.R.S. § 31-25-802(3). A DDA's boundaries are therefore generally limited to a downtown or central area and are organized entirely within a municipality, and the DDA cannot exist or act outside this part of the municipality.

A primary function of a DDA is to create, propose, and carry out within the central business district, a plan of development for public facilities and other improvements to public and private property including removal, site preparation, renovation, repair, remodeling, and reconstruction, but does not have the power of condemnation in doing so. C.R.S. 31-25-808. However, the DDA has the authority to acquire property by purchase, lease, and gift, and nothing prohibits the Town from exercising its own power of condemnation to meet a public purpose on behalf of the DDA. *Id.*

Formation by the Town

Once the Town Council decides it is necessary to establish a DDA for the public health, safety, prosperity, security and welfare, it must submit the question of organization to the qualified electors of the Town at a regular or special election. C.R.S. § 31-25-804(1). The ballot question must include the proposed DDA boundaries, a description of its powers, and any proposed taxes.

A "qualified elector" is a resident, landowner, any person designated by a corporate entity to vote on its behalf, or a lessee who resides within the proposed DDA boundaries. A "resident" means one who makes his primary dwelling place within the DDA boundaries. A "landowner" means the owner in fee of any undivided interest in real property or any improvement permanently affixed thereto within the DDA boundaries. "Owner in fee" includes a contract purchaser obligated to pay general taxes, an heir, and a devisee under a will admitted to probate, and does not include a contract seller of property with respect to which the contract purchaser is deemed to be the owner in fee. Finally, a "lessee" means the holder of a leasehold interest in real property within the DDA, but a "leasehold interest" does not include a license or mere contract right to use real property within the DDA boundaries. C.R.S. § 31-25-802(6), (9)-(10).

DDA Governance

Once the DDA is approved by majority vote, the Town Council appoints a board of directors. The board of directors can range from 5 to 11 members, but a majority of the board members appointed must reside or own property in the downtown DDA. C.R.S. § 31-25-805. One member must also be a member of the Town Council. *Id.* C.R.S. § 31-25-815(1)(a) also specifically contemplates having staff and a director for the DDA who shall have "general supervision over and be responsible for the preparation of plans and the performance of the functions of the authority..."

Once formed and appointed, the DDA board is required to adopt "rules of procedure," as opposed to bylaws. More particularly, the DDA is required by C.R.S. § 31-25-806(3) to adopt and promulgate rules governing its procedure, and said rules shall be filed in the office of the clerk." The DDA board shall hold regular meetings in the manner provided in the rules, and special meetings may be held when called in the manner provided in the rules of the board. *Id.* The DDA is a "local public body" within the meaning of C.R.S. § 24-6-402(1)(a) and thus subject to the Open Meetings Law, and is also subject to Colorado Open Records Act, C.R.S. § 24-72-200.1, as

a local government financed entity. DDAs are a "body corporate and capable of being a party to suits, proceedings and contracts, the same as municipalities in this state." C.R.S. § 31-25-803.

DDA Budget

The manner in which the DDA pays and approves its bills, including by way of example the DDA director's spending authority, can be included in the rules of procedure of the DDA. In terms of guidelines, the DDA Board may want to consider giving its director some amount of spending authority, which means in practice that the director can pay expenses up to a certain amount, so long as the expenditure is contemplated by the budget. Ultimately, the DDA Board should be aware that all expenditures of the DDA are public records, and there should be procedures in place to account for how such expenditures are made.

The DDA must adopt a budget for each fiscal year and must cause an annual audit to be made pertaining to the fiscal affairs of the authority. C.R.S. § 31-25-816. Administrative review of the proposed budget must be in accordance with the Town's policies, prior to submission of the proposed budget to the Town Council for approval. *Id.* The DDA is subject to the Local Government Budget Law of Colorado" found at C.R.S. § 29-1-101, *et seq.* In a very general sense, the procedural requirements for adopting a budget include having a draft budget submitted to the DDA by October 15 of each year pursuant to C.R.S. § 29-1-105, and then having one public hearing following notice in the newspaper of general circulation prior to adoption of the budget pursuant to C.R.S. § 29-1-106. The budget must be made available for review to the general public prior to the public hearing. *Id.* The difficulty is allowing for the timing to be reconciled with the Town's budgetary process so that the DDA's budget can be approved both by the DDA Board and the Town Council prior to certification of the mill levy.

Development Plan

A DDA must adopt a development plan and no development may be undertaken until the development plan is approved by the Town Council. This requires notice and public hearing, as well as submittal to the Planning Commission for a recommendation. Generally, this usually requires input by an independent consultant to help identify potential areas for a development plan. School districts included in the development area will sit in an advisory capacity only in the formation of a development plan. C.R.S. § 31-25-807(3)(d). Importantly, a DDA may approve a plan of development if it finds there is a need to take corrective measures in order to halt or prevent deterioration of property values or structures within the plan of development area *or* to halt or prevent the growth of blight areas therein, or any combination thereof. C.R.S. § 31-25-807(4)(d). However, while certainly available, a legislative finding of blight is not required in establishing a DDA or development plan.

DDA Project Funding and Financing

A DDA has no authority to issue bonds to finance its own projects. *See* C.R.S. § 31-25-809(1). Rather, the Town has the ability to issue bonds payable either from revenue or from taxes pledged, and to expend those proceeds itself or authorize the DDA to expend those proceeds as an agent for the municipality. C.R.S. § 31-25-809(4). Such bonds must be approved by an ordinance of the Town Council, as well as by an election in accordance with TABOR requirements. Thus, the required debt for the utilization of tax increment financial is actually incurred by the Town.

DDAs, through provisions of a plan of development adopted by the DDA Board and approved by the Town Council, may implement TIF as a source of revenue for repaying bonds issued by the municipality, tied to property levies or municipal sales taxes. A DDA TIF can last 30 years, with a possible extension for another 20 years. The "special fund" of the DDA where TIF proceeds are remitted is actually a "special fund of the municipality," as opposed to a special fund of the DDA, though funds must be used to pay for DDA operations and projects undertaken according to the development plan. C.R.S. § 31-25-807(3)(a)(II).

Finally, the Town for the benefit of the DDA may levy a real or personal property tax of up to 5 mills within the DDA boundaries after approval by qualified electors. C.R.S. § 31-25-817. The structure of putting DDA deals together thus necessarily always requires Town approval and involvement, and the DDA Board is therefore in many respects advisory, with the Town Council maintaining most control over the financial aspects of the DDA.

A DDA may be dissolved by ordinance of the Town Council once the DDA has no outstanding indebtedness or if adequate provisions for the payment of such debt has been provided. C.R.S. § 31-25-803.

Conclusion

The creation of a DDA is a viable way for the Town to address deterioration or blight within its central business district. Formation and funding of DDA activities will require an election be held and approval given by the Town Council and the electorate.

As always, please let us know if you have any questions or need additional information.

Lower Basin Water Treatment Plant Budget Review

*Town Board of Trustees Update
June 23, 2020*

Warren Swanson, PE – President, SGM

warrens@sgm-inc.com

970-384-9051

Budget Discussion Outline

- Construction Contract
 - Current Contract Amounts & Expenditures
- Engineering Services Contract
 - Current Contract Amounts & Expenditures
- Overall Project Forecast
 - Current Total Budget Forecast vs. Previous Forecasts

Construction Contract & Expenditures

Current MWHC Construction Contract Status

Orig. Contract Amount	\$ 22,938,752
Executed COs To-Date	\$ 1,349,646
Current Contract Amount	\$ 24,288,398
Total Invoiced for Work thru 5/31	\$ 15,497,977
Total Invoiced/Current Contract	64%

*** Approx. \$660K (49%) of Total COs to-date is for sewer upgrade, generator upgrade & fire suppression**

Engineering Contract & Expenditures

Current SGM Engineering Contract Status	
Orig. Contract Amount	\$ 1,380,147
Executed COs To-Date	\$ 48,272
Current Contract Amount	\$ 1,428,419
Total Invoiced for Work thru 5/16	\$ 1,059,299
Total Invoiced/Current Contract	74%

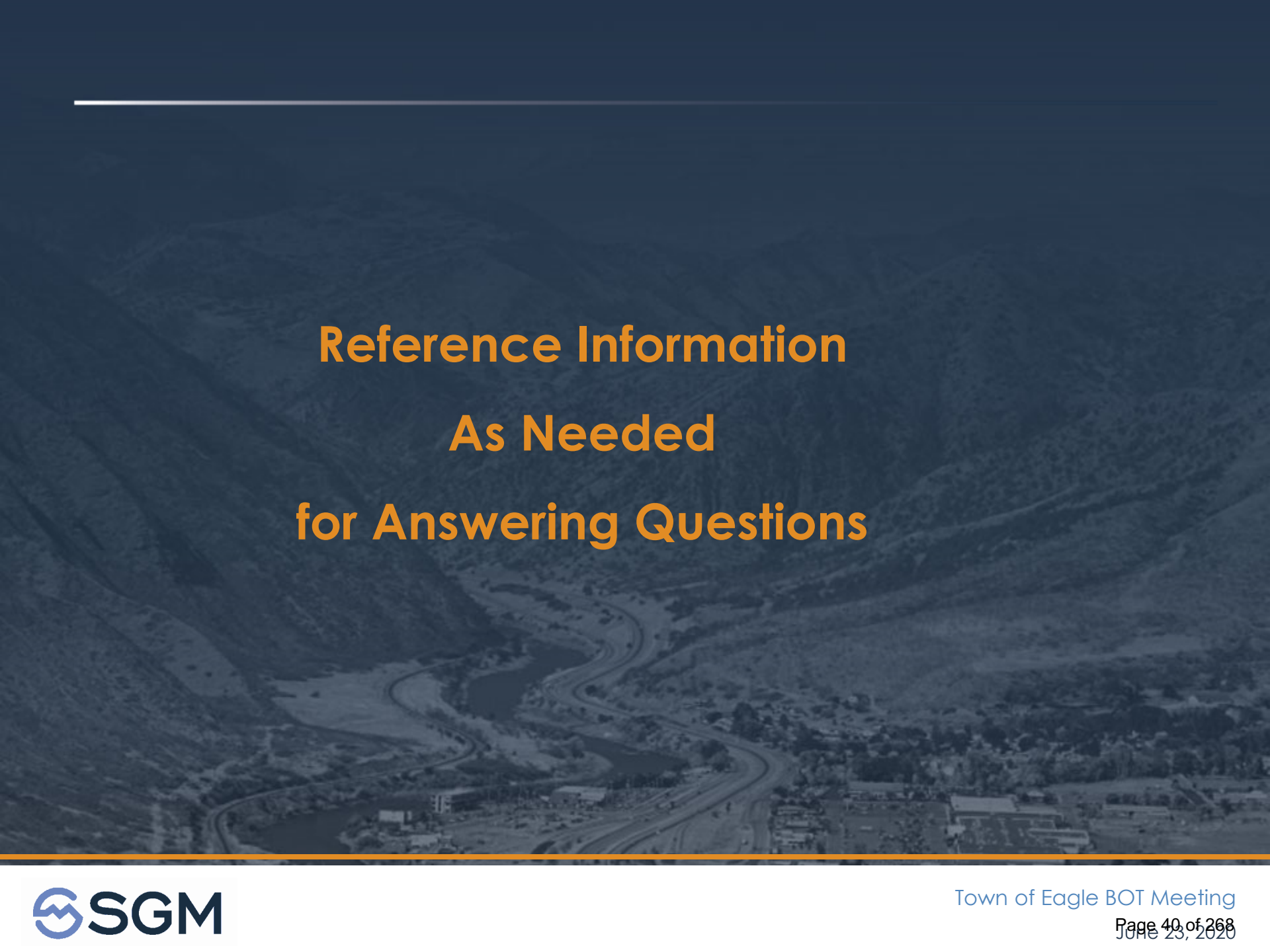
*** A contract amendment will be needed for additional costs associated with extended construction schedule**

LBWTP Budget - Committed & Forecasted Values						
Line Item	Oct. 2017	Apr. 2018	June 2019	Jan. 2020	June 2020 - Low End	June 2020 - High End
CMAR (MWHC) – Related Costs						
MWHC Pre-Construction Services for Value Engineering & CMAR Process	\$152,062	\$152,062	\$152,062	\$152,062	\$152,062	\$152,062
MWHC Rebar Pre-Purchase	\$0	\$0	\$486,000	\$486,000	\$486,000	\$486,000
MWHC Construction GMP	\$23,164,475	\$23,524,732	\$22,938,752	\$22,938,752	\$22,938,752	\$22,938,752
Contingency for Increase from Prelim. to Final GMP at 5% of GMP	\$1,158,224	N/A	N/A	N/A	N/A	N/A
Approved COs	N/A	N/A	\$107,441	\$1,137,053	\$1,349,646	\$1,349,646
Est. Cost for Identified Add'l Changes	\$0	\$0	\$1,378,804	\$343,343	\$287,260	\$638,075
Est. Savings - Unused Allowances	N/A	N/A	\$ (340,000)	\$ (393,216)	(\$423,216)	(\$423,216)
Approved Allowance for Extended Schedule GCs Cost	N/A	N/A	N/A	\$200,000	\$200,000	\$200,000
Contingency for Unknown Future COs	\$1,158,224	\$1,176,236	\$300,000	\$300,000	\$200,000	\$200,000
Sub-total for Forecasted CMAR Costs	\$25,632,989	\$24,853,030	\$25,023,060	\$25,163,994	\$25,190,504	\$25,541,319

Line Item	Oct. 2017	Apr. 2018	June 2019	Jan. 2020	June 2020 - Low End	June 2020 - High End
Engineer (SGM) – Related Costs						
Value Engineering & CMAR Pre-con Services Costs*	\$0 - N/A in Oct. '17	\$132,606	\$132,606	\$132,606	\$132,606	\$132,606
Estimated Engineering Services During Construction Costs	\$1,485,000	\$1,485,000	\$1,451,113	\$1,690,838	\$1,690,838	\$1,690,838
Est. Plant O&M Manual & Record Dwgs	\$75,000	\$75,000	\$42,000	\$42,000	\$42,000	\$42,000
Sub-total for Potential Engineering Costs	\$1,560,000	\$1,692,606	\$1,625,719	\$1,865,444	\$1,865,444	\$1,865,444
Other Costs						
Est. Utility Service/Connect'n Costs	\$80,000	\$80,000	\$80,000	\$48,931	\$48,931	\$48,931
Est. Mat'ls Testing & Geotech Costs	\$80,000	\$80,000	\$50,000	\$65,000	\$45,000	\$45,000
Est. Brown's Hill Engineering Costs	\$0	\$0	\$20,000	\$20,000	\$20,000	\$20,000
Sub-total for Potential Other Costs	\$160,000	\$160,000	\$150,000	\$133,931	\$113,931	\$113,931
Total Forecasted Cost						
<i>Pre-construction + Construction</i>	\$27,352,989	\$26,705,636	\$26,798,778	\$27,163,369	\$27,169,879	\$27,520,694

Overall Project Budget Summary

- See Separate Table for Details
- Forecasted Range at Completion (\$27.2M to \$27.5M) is:
 - Approx. \$180,000 Less to \$170,000 More than Total Forecasted in Oct. 2017
(Start of CMAR Pre-Const. Services; Prelim GMP time)
 - Approx. \$465,000 to \$815,000 More than Total Forecasted in Apr. 2018 (Final Construction GMP time)
 - Approx. \$500,000 to \$800,000 Less than Amount Used for Water Rate Study and SRF Loan Application



Reference Information As Needed for Answering Questions

Original Construction Contract Amounts

	Original Contract Amounts
<u>Item</u>	
Cost of Work	\$ 20,904,201
Allowances*	\$ 698,946
Contractor's Fee	\$ 1,335,605
Total Contract (GMP)	\$ 22,938,752
<u>*Allowances</u>	
Dewatering	\$ 498,946
Office Furniture	\$ 40,000
Laboratory Equipment	\$ 75,000
Startup Chemicals	\$ 45,000
Earthwork	\$ 40,000

(Subject to 75%/25% savings sharing)

(No savings sharing applies)

(Excludes \$486K Rebar Pre-Purchase)

(ear-marked construction contingency)

(Owner discretion item)

(Owner discretion item)

(Owner discretion item)

(ear-marked construction contingency)

Overall Project Budget Summary

Construction Contract Expenditures Projection - Basis for Low End of Range	
Original Total Construction Contract Value	\$ 22,938,752
Executed Change Orders, to-date	\$ 1,349,646
Current Construction Contract Value	\$ 24,288,398
Projected Additional Costs/Savings	
Proposed COs (PCOs) Recommended for Approval	\$ 72,775
PCOs in Review by SGM - Estimate	\$ 232,500
PCOs Being Quoted by MWHC - Estimate	\$ (54,015)
Future PCOs - Estimate	\$ 36,000
<i>Subtotal - Itemized Estimated Add'l CO Amounts</i>	<i>\$ 287,260</i>
Likely Unspent Dewatering Allowance Savings	\$ (375,000)
Likely Unspent Lab Equipment Allowance Savings	\$ (30,000)
Unspent CO No. 1 Sewer Bypass Pumping Allowance Savings	\$ (18,216)
Dewatering Allowance Budget Repurposed for Extended GCs	\$ 200,000
Contingency - Unknown Potential Future Changes	\$ 200,000
<i>Subtotal of All Projected Potential Add'l Changes</i>	<i>\$ 264,044</i>
<i>Subtotal of All Changes, Executed and Projected/Potential</i>	<i>\$ 1,613,690</i>
<i>as % of Orig. Contract</i>	<i>7.0%</i>
Projected Construction Contract Expenditures at Completion	\$ 24,552,442

4.2% w/o Sewer,
Generator & Fire
Suppression

Overall Project Budget Summary

Construction Contract Expenditures Projection - Basis for High End of Range	
Original Total Construction Contract Value	\$ 22,938,752
Executed Change Orders, to-date	\$ 1,349,646
Current Construction Contract Value	\$ 24,288,398
Projected Additional Costs/Savings	
Proposed COs (PCOs) Recommended for Approval	\$ 72,775
PCOs in Review by SGM - Estimate	\$ 583,315
PCOs Being Quoted by MWHC - Estimate	\$ (54,015)
Future PCOs - Estimate	\$ 36,000
<i>Subtotal - Itemized Estimated Add'l CO Amounts</i>	<i>\$ 638,075</i>
Likely Unspent Dewatering Allowance Savings	\$ (375,000)
Likely Unspent Lab Equipment Allowance Savings	\$ (30,000)
Unspent CO No. 1 Sewer Bypass Pumping Allowance Savings	\$ (18,216)
Dewatering Allowance Budget Repurposed for Extended GCs	\$ 200,000
Contingency - Unknown Potential Future Changes	\$ 200,000
<i>Subtotal of All Projected Potential Add'l Changes</i>	<i>\$ 614,859</i>
<i>Subtotal of All Changes, Executed and Projected/Potential</i>	<i>\$ 1,964,505</i>
<i>as % of Orig. Contract</i>	<i>8.6%</i>
Projected Construction Contract Expenditures at Completion	\$ 24,903,257

**\$350K
more than
low-end
estimate**

**4.2% w/o Sewer,
Generator & Fire
Suppression**

Engineering Services During Construction

Original Contract	\$ 1,386,016
Change Orders To-Date	\$ 48,272
Current Contract Amount	\$ 1,434,288
Pending CO for Arc Flash Study	\$ 11,300
Estimated Cost for 7.5 Add'l Months	\$ 245,250
Projected at Completion with Add'l 7.5 Months	\$ 1,690,838

\$32.7K/month, estimated

7% as Compared to Current
Construction Contract Amount

Town of Eagle LBWTP Project Status and Schedule Update

June 23
2020



Agenda

1. Project Schedule Update
2. Water Treatment Building Photos
3. Raw Water Pump Station Photos
4. Upcoming Work
5. Q/A



Project Schedule Update

Update Since Board Presentation in March:

- Masonry Complete.
- Structural Steel Install Complete.
- MEP Trades all mobilized and currently working on jobsite.
- Yard Piping Work started
- TPO Roof Installation 85% Complete

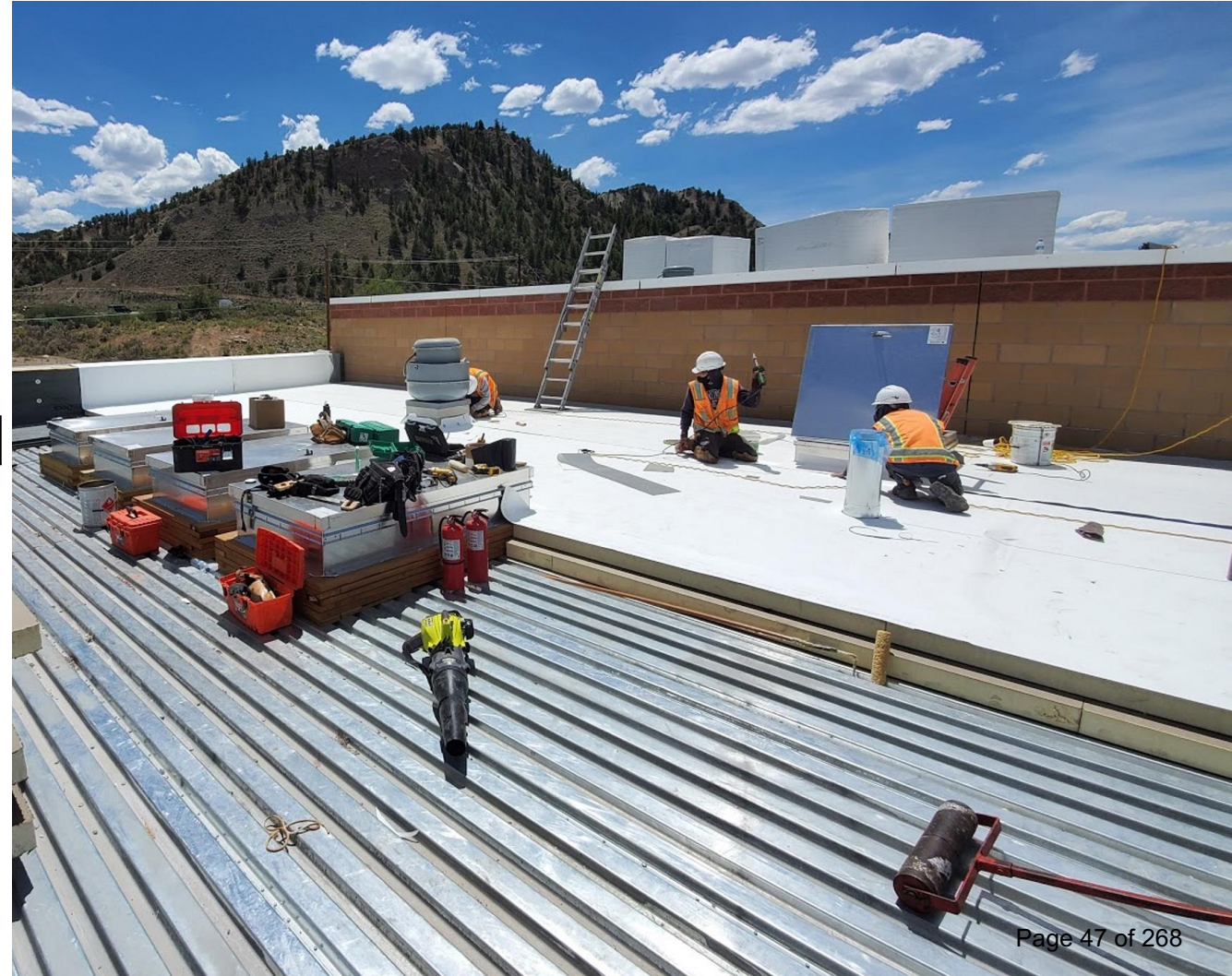




Photo from Previous Meeting



Building
as of June
1st



Water Treatment Building Photos



Water Treatment Building Photos





Water Treatment Building Photos



Raw Water Pump Station Photos





Drying Beds



Upcoming Work

Upcoming Work Schedule:

- Process Mechanical – Chemical Systems
- Yard Pipe Installation
- HVAC Installation
- Interior Finish Work
- Electrical Conduit/Equipment Installation
- Liner Installation at Drying Beds



Questions and Answers



Thanks for
your time.





MEETING MINUTES
Town Council
Tuesday, June 9, 2020
ON-LINE MEETING

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

MEETING ACCESS

1. [REGISTER FOR THE MEETING HERE](#)

CALL TO ORDER

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

ROLL CALL - 6:05 PM

COUNCIL MEMBERS PRESENT

Matt Solomon, Andy Jessen, Mikel Kerst, Scott
Turnipseed, Ellen Bodenhemier, Adam Palmer, David
Gaboury

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Bryon McGinnis, Public Works Director
Joey Stauffer, Police Chief
Lynette Horan, Human Resources Manager

ADOPTION OF AGENDA

There were no changes to the amended agenda.

MOTION: Council Member Mikel Kerst motioned to approve the Amended Agenda as presented. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier, Palmer, and Gaboury) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed acknowledged the difficult weekend in Eagle and wanted the Castro family to know we care about them. He thanked all volunteers who helped with the search and stated he is proud to live in this community. Mayor Turnipseed also thanked the organizers Megan Peyton and Rachel DeLong of the family walk for solidarity for reaching out to the Town regarding plans for the peaceful event.

PRESENTATIONS

1. Knapp Ranch, Tom Cartwright
Tom Cartwright provided an overview of their operations and the new location on Sylvan Lake Road. The Council thanked Tom for his commitment to Eagle and welcomed him to the community.

CONSENT AGENDA

MOTION: Council Member Matt Solomon motioned to Approve the consent agenda. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenheimier, Palmer, and Gaboury) and 0 opposed.

1. Minutes - May 26, 2020
2. Bill Pay - May 2020

STAFF REPORTS

1. Town Manager Update
Brandy Reitter stated Jenny will be sending out a poll for September budget work sessions, there will be two sessions, one for capital and one for operating.
2. Department Update
Council Comments: Discussion on sales tax revenue and the difference between revenue period and filing period. Request to update budget numbers using most current tax receipts.
3. Lower Basin Water Treatment Plant Project Report
Bryon McGinnis provided that both SGM and MWH will be at the next Council meeting with a project update.

Council Comments: Request for Project Report to include a financial estimate to complete the project.

BUSINESS ITEMS

1. Ordinance 13, Series 2020, "Amending Section 4.04.070 of the Eagle Municipal Code to allow Residential Dwelling Units Above Street Level as a Special Use in the Commercial General Zone District"
Mayor Turnipseed opened this item.

Chad Phillips presented the staff report and Ordinance.

Council Comments: Request for an administrative process for review and approval on these applications in the updated code rewrite.

Mayor Turnipseed opened this item for public comment. There was no public comment.

MOTION: Council Member Matt Solomon motioned to Approve Ordinance 13, Series 2020, "Amending Section 4.04.070 of the Eagle Municipal Code to allow Residential Dwelling Units Above Street Level as a Special Use in the Commercial General Zone District". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenheimier, Palmer, and Gaboury) and 0 opposed.
2. Mobile Vendor Policy Proposal
Bill Shrum reviewed his staff report.
Council Comments: Request for more information and input from vendors. Reasonable consideration for brick and mortar operations and competition. Intention to find locations within the town that will work to designate as

zones for these uses. Council supported the direction staff was going and would like consistent locations.

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

Bill Shrum stated he will create a draft policy for review after reaching out to all vendors to include them in the process with the intent to make it easier to operate within the Town.

3. Open Space Advisory Committee

Brandy Reitter reviewed her memo.

Council Comments: Discussion on including parks and recreation items within this group with the intent to recommend funding priorities and develop a policy on doing so. Expressed interest in including one Council Member and Ellen Bodenhemier was selected. Ideas and discussion were to formalize the group and have meetings quarterly, to include outside agencies that deal with open space and have an application process for citizens to be selected. Request to ensure those outside agencies have a desire to participate, allow the committee to set policies or goals to maintain focus for the group. Staff was asked to return with recommendations on the size of the group and start-up goals.

Mayor Turnipseed opened this item for public comment. There was no public comment.

4. Short Term Rental Registration Application, Self-Compliance Affidavit, and Good Neighbor Guidelines

Jenny Rakow presented this item.

Council Comments: Request to make compliance affidavit clearer on initialing all statements was required. With this change, this item was not requested to be presented to Council for final approval.

5. 2020 COVID-19 Budget Work Session Follow Up

Jill Kane presented this item.

Council Comments: Request to include updates to revenues for the next review. Clarification on sales tax revenue and the portion dedicated to River Park Ballot fund. Request for tobacco tax revenue projections July through end of year. Discussion on Home Rule status and opting out of Gallagher, Town attorney provided that Gallagher relates to property tax. Matt Mire will provide the Council with a memo outlining those taxing structures. Discussion on the movement of items within the general fund to capital fund, i.e. Highway 6 Study, community development vehicle. Additional clarification Highway 6 devolution funds are located in the capital budget and will be used for the paving project with the Black Hills pipeline project. Council intent is to focus on what can be accomplished the remainder of 2020 using the latest revenue and budget information.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. November Election Items

Council Comments: Discussion on Use Tax alignment with sales tax and benefits and concerns for staff and builders. Additional concerns regarding the difficulties and fairness issues regarding the Use Tax structure and alternatives that can be used rationalize a flat fee instead of the current system. A study was discussed, which could take 2-3 months and was not budgeted.

Lodging tax discussion to have a percentage-based tax instead of a flat fee. Request to staff to provide

information on other hotel lodging tax percentages for consideration.

Downtown Development Authority formation and ballot question discussion will be presented at the June 23, Town Council meeting. General support for formation. Concern that it would not generate much revenue. Further discussion that it would build momentum and would support smaller projects and events to benefit the district.

2. Council Committee Updates

3. In-Person Council Meetings

Brandy Reitter requested feedback on in-person council meetings. Matt Mire gave an overview of Town of Vail's in-person meeting last week using Zoom, plexiglass dividers, and public attendance. Concern that Town business may be getting postponed due to not being able to meet in person. Discussion on IT enhancements to the Council meeting room to facilitate better online meetings with the public. Brandy will provide the quote on unbudgeted enhancements that could take 2-3 months to implement. The Council confirmed holding the next June meeting on Zoom and revisit in-person and logistics for in-person for July at that meeting.

Solomon – request for the status of mountain bike and kayak races in Eagle. Recommended reading Raving Fans book before the strategic planning Council retreat.

Gaboury – request for more information on current Broadband status and updates. Brandy will provide a memo.

Palmer – request for consideration of micro-hydro on PRV valves running on Brush Creek to the Upper Basin Water Treatment Plant. Staff will put together an exploratory memo on this idea.

Turnipseed – thanked staff for newly installed speed limit signs and department updates in the packet.

EXECUTIVE SESSION – 8:40 PM

To hold a conference with the Town's attorney to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators, as it relates to the IGA with Mountain Recreation and the Eagle

1. County School District and request to adjourn the regular meeting at the conclusion, pursuant to C.R.S. § 24-6-402(4)(b) and (e).

MOTION: Mayor Scott Turnipseed motioned to hold a conference with the Town's attorney to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators, as it relates to the IGA with Mountain Recreation and the Eagle County School District and request to adjourn the regular meeting at the conclusion, pursuant to C.R.S. § 24-6-402(4)(b) and (e).

Mayor Turnipseed amended the motion to clarify the discussion would include the 1995 IGA dealing with the construction and use of the gymnasium. The amended motion seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenheimier, Palmer, and Gaboury) and 0 opposed.

ADJOURN - 9:30 PM

MOTION: Council Member Matt Solomon motioned to Adjourn. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenheimier, Palmer, and Gaboury) and 0 opposed.

Approved:
Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



MEETING MINUTES
Town Council
Thursday, June 18, 2020
ON-LINE MEETING

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

MEETING ACCESS

1. Register in advance for this meeting:
[ACCESS THE ON-LINE MEETING HERE](#)

CALL TO ORDER - 5:00 PM

Mayor Turnipseed called the meeting to order at 5:08 p.m.

COUNCIL MEMBERS PRESENT

Matt Solomon, Andy Jessen, Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier, David Gaboury

COUNCIL MEMBERS ABSENT

Adam Palmer

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer

ADOPTION OF AGENDA

There were no changes to the agenda.

MOTION: Council Member Mikel Kerst motioned to Adopt the Agenda. The motion was seconded and passed with a vote of 6 in favor (Solomon, Turnipseed, Kerst, Bodenhemier, Jessen, and Gaboury) and 0 opposed.

1. Ordinance 18, Series 2020 "Amending section 3.04 of the Eagle Municipal Code to Codify a Special Sales Tax on Cigarettes, Tobacco Products and Nicotine Products"
Mayor Turnipseed opened this item. Jill Kane presented and stated this Ordinance ensures collection of the voter approved tobacco tax on July 1st.

MOTION: Council Member Andy Jessen motioned to Approve Ordinance 18, Series 2020 "Amending section 3.04 of the Eagle Municipal Code to Codify a Special Sales Tax on Cigarettes, Tobacco Products and Nicotine Products" The motion was seconded and passed with a vote of 6 in favor (Solomon, Turnipseed, Kerst, Bodenhemier, Jessen, and Gaboury) and 0 opposed.

ADJOURN - 5:15 PM

MOTION: Council Member Mikel Kerst motioned to Adjourn. The motion was seconded and passed with a vote of 6 in favor (Solomon, Turnipseed, Kerst, Bodenhemier, Jessen, and Gaboury) and 0 opposed.

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 23, 2020

Agenda Item: Resolution 34, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

REQUEST: Staff is requesting that the Town Council review a proposal to extend the Local Disaster Emergency through July 23, 2020.

BACKGROUND: On March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency by Executive Order D 2020 018 and on March 15, 2020, Mayor McKibbin declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5- 701, et seq. (the "Act");

ANALYSIS: The emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the Town. While still unknown, financial assistance can be sought if a "Local Disaster Emergency" is properly declared and filed. This Resolution is intended to fulfill requirements related to assistance. The declaration has to be extended every 30 days.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: Budget impacts of COVID-19 are being provided to the Council.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Protecting Public Health, Safety, and the Environment – the Town is committed to protecting the well-being of its people and the community using Sound Finances and Increased Efficiency.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE CONSENT AGENDA. **Note this Extension date falls between Council Meetings, and we may need to schedule another extension for July 14 to stay within the 30 day window of extensions**

ATTACHMENTS:

1. 34 Emergency Cont-Reso041020 (1)jmm

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 34
(Series of 2020)

A RESOLUTION OF THE TOWN OF EAGLE EXTENDING THE DECLARED LOCAL DISASTER EMERGENCY

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency by Executive Order D 2020 018;

WHEREAS, on March 15, 2020, Mayor McKibbin declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act");

WHEREAS, on March 19, 2020, by Resolution No. 12, the Town Council ratified the Mayor's declaration and made a declaration of emergency effective for 30 days;

WHEREAS, by Executive Order D 2020 003, amended by Executive Orders D 2020 018, D 2020 032, and D 2020 058, the Governor of the State of Colorado amended and extended the State's emergency declaration until June 7, 2020; and

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the Town.

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

Section 1. Effective June 23, 2020 the declaration of a disaster emergency in and for the Town of Eagle, a copy of which is attached, is extended to July 23, 2020.

Section 2. Pursuant to C.R.S. § 24-33.5-709(1), this Resolution shall be given prompt and general publicity and shall be filed promptly with the Town Clerk, the Eagle County Clerk and Recorder and the Colorado Office of Emergency Management.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 23, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

ORDER DECLARING A LOCAL DISASTER EMERGENCY IN AND FOR
THE TOWN OF EAGLE, COLORADO

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

WHEREAS, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster emergency may be declared unilaterally by the principal executive officer of a political subdivision, here the Mayor;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, the declaration activates the response and recovery aspects of any applicable disaster emergency plans and authorizes the furnishing of aid and assistance under such plans;

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1) the declaration of a local emergency shall not be continued beyond a period of 7 days or removed except by action of the Board of Trustees;

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), any order declaring, continuing, or terminating a local disaster "shall be given prompt and general publicity and shall be filed promptly with the shall be filed promptly with the county clerk and recorder, the clerk...and with the office of emergency management"; and

WHEREAS, because of the COVID-19 pandemic, which was recognized by the Governor of the State of Colorado on March 10, 2020, the Town is suffering and has suffered a disaster emergency as defined in the Act.

NOW, THEREFORE, IT IS HEREBY ORDERED, on this 15th day of March, 2020, that a disaster emergency is declared in and for the Town of Eagle, Colorado, beginning on this day and ending the March 22, 2020, unless extended by action of the Board of Trustees.

IT IS FURTHER ORDERED that this Order shall be given prompt and general publicity, filed immediately with the Town Clerk, and a copy of it shall be sent to the Eagle County Clerk and Recorder and the Colorado Office of Emergency Management.

ATTEST:


Jenny Rakow, Town Clerk



TOWN OF EAGLE, COLORADO


Anne McKibbin, Mayor



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 23, 2020

Re: Town Manager Report

Administration & Organization

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

- CenturyLink Franchise Agreement amendment – July 14
- Lodging tax proposal – July 14
- Broadband financing proposals – July 28
- Open Space/Recreation/Parks Advisory Committee – July 28

Council Follow Up Status and Running List

- July budget work session doodle poll – **Complete**
- Add estimate to completion on the LBWTP report – **Complete**
- Draft mobile vendor policy – **Complete**
- Open Space Advisory Committee Follow up – **Scheduled for July 28**
- What's happening with broadband memo – **Complete and included with this memo**
- IT quote for council chambers – **Complete**
- Status of MTB and kayak events – **Complete**
- Look at PRVs for UBWTP – **Will visit during budget process**
- Tax policy memo – **Scheduled for July 14**

I will be on vacation June 28 – July 8. I am going on a road trip to see family. I won't be available much and will delegate a point person on TM matters while I am away.

Randy Wyrick the Town's reporter from Vail Daily retired and was replaced with Pam Boyd. She has covered Eagle in the past and will do a good job for us.

Staff attended the Mayors and Managers meeting on June 19. Below were a few items that were discussed:

- The group received an update on the CARES Act funding that is included in the packet.
- Invoices for the Front Country Ranger program will be sent out to partners. Most of the communities plan to participate. Summit and Pitkin County have similar programs. The group thinks the program is important for fire safety and economic recovery.
- The group asked if communities are struggling with childcare during COVID-19.
- The municipalities will be asked to make an appointment to the Colorado Water Basin Roundtable in August.

The 2021 Budget development process has started and below is a calendar of where staff is in the process. This list serves as a reminder for the Town Council through the end of the year:

- June 26 – Capital Improvement Plan due to Finance
- June 25 – 26 – Council Retreat
- July 7 – Capital Improvement Plan staff meetings
- July 24 – Operating budgets due to Finance
- August 3 – 7 – Operating budget staff meetings
- SAVE THE DATE: September 24 & 29 – CIP and operating budget work sessions with Town Council
- October 13 – 2021 Budget presentation
- October 27 – Public Hearing
- November 10 – Public hearing
- November 24 – Public hearing
- December 8 – Adopt 2021 Budget

COVID-19 Regional Updates – The pandemic continues to take up a lot of time for the entire organization. Below are a few updates on the impacts to the organization:

- The operations for the Town of Eagle remain the same with no changes.
- Eagle County submitted a variance to enter into the black diamond phase and is still awaiting a response from the State of Colorado.
- Eagle County is not experiencing any spikes in cases and feels comfortable with managing the response.
- Staff is working with event producers to plan modified events through the end of the year based on the black diamond phase.

Economic Development & Planning

Economic Vitality and Development Work

- The Economic Vitality Committee is forming two ad-hoc committees, one to address short-term economic vitality strategy and the other to address a long-term strategy for the Town.

Downtown Broadway

- Downtown Broadway held an in-person ArtWALK June 12th. Brush Creek Saloon opened for a night and many businesses reported their best sales night in months.
- The Downtown Business Alliance is working with Downtown Colorado, Inc. on a project for “Can Do Colorado” which is a \$4 million-dollar grant program with CDOT and Colorado Main Streets.

Project THOR / Broadband

- The Town of Eagle hosted a meeting on June 17th with Holy Cross Energy, Comcast, CenturyLink, Visionary, and Pathfinder. The group discussed ways to collaborate and bring broadband services to Town faster and cheaper.
- Visionary has proposed a solution to provide fiber to Public Works cheaper than initially projected in our DOLA grant application.

Census

- Eagle County's Census Response rate is up to 31.5%. The 2010 County response rate was 40.9% overall.

Eagle Branding & Marketing Grant

- The project "Discovering Eagle's Essence" has gained a lot of attention and 18 additional people are participating online. Stories will be collected through the end of the month.

River Park

There are a few outstanding issues that the Executive Committee (EC) is working on. Those items are below:

- Town heard from the USACE letting us know that they are going to give CPW an opportunity to comment on our response to the USACE regarding the Town's permit. CPW plans on responding and has until July 3 to respond.
- The Johnson family signed off on their CDOT access permit and Town will install a fence and gate along Fairgrounds Road over the next few weeks. The issue has been resolved.
- Staff met with Eagle County's legal team last week on the Use Agreement and is waiting for a response.

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

- June 22 – Eagle County Community Wildlife Roundtable 1-2 PM
- June 25 – 26 – Town Council retreat at Frost Creek

Sincerely,



Brandy Reitter
Town Manager



To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: June 23, 2020

Agenda Item: Update on Town of Eagle Broadband

Broadband service in the Town of Eagle is rapidly evolving in 2020. These are the most impactful projects to the Town currently underway.

PROJECT THOR

RFP's are being published for the Telecommunication Hut to be located at Public Works. Design work is underway on routes to connect Public Works and Town Hall. THOR 1.5 is coming online this summer and will bring additional communities to the THOR network.

Next Steps – Route selection to be chosen and construction will begin late summer 2020.

MUNICIPAL BROADBAND

The Town is still in financial discussions with institutions for a private placement of the bond required to fulfill the proforma presented Dec. 10th, 2019 by Uptown Services.

Next Steps – Proposals from institutions will be presented to Council for a decision.

PUBLIC-SECTOR PARTNERSHIPS

In May, we signed a Letter of Intent between the City of Glenwood Springs and the Town of Eagle describing the operating partnership for broadband services.

Next Steps – An intergovernmental agreement will be codified after funding is secured.

PRIVATE-SECTOR ENGAGEMENT

We are drafting a joint-trenching ordinance to help facilitate fast and cost-effective fiber installation for private Internet Service Providers (ISP's) in Eagle. The Town is hosting a meeting on June 17th with ISP's and Holy Cross Electric to further coordinate future construction and fiber installation. The interested parties invited to this meeting include:

- Comcast – DSL/ Fiber service
- CenturyLink – DSL/ Fiber service
- Visionary Networks – Fixed Wireless
- Pathfinder Internet Service – Fixed Wireless
- Forethought.net – DSL/ Fiber service

Next Steps – Visionary and Pathfinder will start making services available shortly after connecting to the Town of Eagle MMC at Public Works when constructed this Fall. Comcast is scheduling buildout to Eagle Ranch for Jun-Dec 2020.



To: Mayor and Town Council
From: Deron Dirksen, Utility Manager / Sustainability Coordinator
Date: June 23, 2020
Agenda Item: Source Water Protection Plan – Adoption

REQUEST: Staff is requesting the Town Council to adopt the Source Water Protection Plan (SWPP).

BACKGROUND: There is a growing effort in Colorado to protect community drinking water sources from potential contamination. Many communities are taking a proactive approach to prevent pollution of their drinking water sources by developing a Source Water Protection Plan (SWPP).

Town of Eagle was awarded a \$5,000 Development and Implementation Grant from the Colorado Department of Public Health and Environment in December 2018. This funding is available to public water systems to develop and implement a SWPP. Over the past year, the town worked collaboratively with area stakeholders to develop the SWPP. Colorado Rural Water Association's (CRWA) Source Water Protection Specialist, Paul Hempel, assisted the town in the development of the plan by administering the grant and facilitating meetings. The SWPP document was written by Mr. Hempel, town staff, and the steering committee.

ANALYSIS: Staff is requesting the Council adopt the SWPP. This request is because the town values clean, high-quality drinking water. The town recognizes potential contamination of our drinking water sources and realizes that the development of the SWPP is the next step in protecting them. Proactive planning is not only essential to protecting the long-term integrity of the drinking water source, but it can also limit costs and liabilities.

The SWPP was created by a few steps.

1. Area Stakeholders

Town of Eagle's SWPP planning process attracted interest and participation from 27 stakeholders including local citizens and landowners, private businesses, water operators, local, state, and federal governments, and other representatives. During the months of April 2019 through April 2020, eight planning meetings were held at the Eagle Town Hall Council Chambers to encourage local stakeholder participation in the planning process. Information discussed at the meetings helped the town develop an understanding of the issues affecting source water protection for the community.

2. Creation of a Source Water Protection Area

The town's current drinking water source is Brush Creek located approximately 8.5-miles upstream. The current intake structure diverts water and the diverted water is sent to the Upper Basin Water Treatment Plant (UBWTP). The town's future drinking water source is also Brush Creek located at Brush Creek confluence with the Eagle River. That intake has been constructed and the diverted water will be sent to the Lower Basin Water Treatment Plant (LBWTP) which is anticipated to be on-line within the next year. For the LBWTP, the town has an alternate water source to pump water from the Eagle River above the Brush Creek confluence.

Town of Eagle's Source Water Protection Areas are defined as:

Brush Creek Intakes

Zone 1: 75-foot buffer on either side of Brush Creek extending 5-miles upstream of each water intake

Zone 2: The Brush Creek Watershed

Eagle River Pump Location

Zone 1: a 75-foot buffer to the south of the Eagle River and an area to the north encompassing the Interstate-70 corridor to the base of the valley floor, as little as 550 feet and as much as 2,500 feet in distance, both extending 5-miles upstream

Zone 1a: a 75-foot buffer on either side of the Eagle River and its tributaries extending 5-miles upstream

Zone 2: the sub-watersheds encompassing the Eagle River five-mile upstream reach

3. Identification and Prioritization Potential Contamination Sources

Next, the Steering Committee conducted an inventory of potential contamination sources and identified other issues of concern within the Source Water Protection Area. After these were identified, the steering committee evaluated the risk by probability of impact and impact to the public water system. The highest priority of potential contaminant sources and/or issue of concern include wildfire, transportation and roads, security, existing and future subdivisions, riparian areas and instream habitat, and flooding. Other priorities include Onsite Wastewater Treatment Systems, noxious weeds and ANS control, residential practices, agricultural practices, and golf courses.

4. Identification of Best Management Practices

Finally, the Steering Committee identified BMPs to reduce the risks from potential contaminant sources and other issues of concern. The BMPs are centered on building partnerships with community members, businesses, and local decision makers; raising awareness of the value of protecting community drinking water supplies; and empowering local communities to become stewards of their drinking water supplies by taking actions to protect their water sources.

If the Council does not adopt the SWPP, this would save money in the near term, however it would keep current and future risks unaddressed which could potentially cause contamination in the drinking water source and increase costs and liabilities in the future.

COMMUNITY INPUT:

Town of Eagle's SWPP planning process attracted community input and participation from 27 stakeholders including local citizens and landowners, private businesses, water operators, local, state, and federal governments, and other representatives. During the months of April 2019 through April 2020, eight planning meetings were held at the Eagle Town Hall Council Chambers to encourage local stakeholder participation in the planning process.

BUDGET / STAFF IMPACT:

Adopting the SWPP may increase short-term costs due to implementing BMPs, however proactive planning is essential to protecting the long-term integrity of the town's drinking water supply, limiting

costs, and reducing liabilities by eliminating potential contamination and reducing risks to our water sources.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

- Major Objective No 3: Build Lower Basin Water Treatment Plant, Enhance Water Management – The LBWTP will be completed soon and the SWPP has a direct impact on the LBWTP operations. Keeping source water clean and improving water quality is an easy way to enhance water management and reduce LBWTP operating costs.
- Major Objective No 7: Implement Priority Infrastructure Improvements: The SWPP provides Best Management Practices to improve water quality for both water plants which supports sound planning and appropriate investment, reliable and cost-effective services, and protects public health, safety, and the environment.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the staff recommendation to adopt the Source Water Protection Plan.

ATTACHMENTS:

- Paul Hempel Presentation
- Source Water Protection Plan

Town of Eagle

Source Water Protection Plan

Town of Eagle Source Water Protection Plan

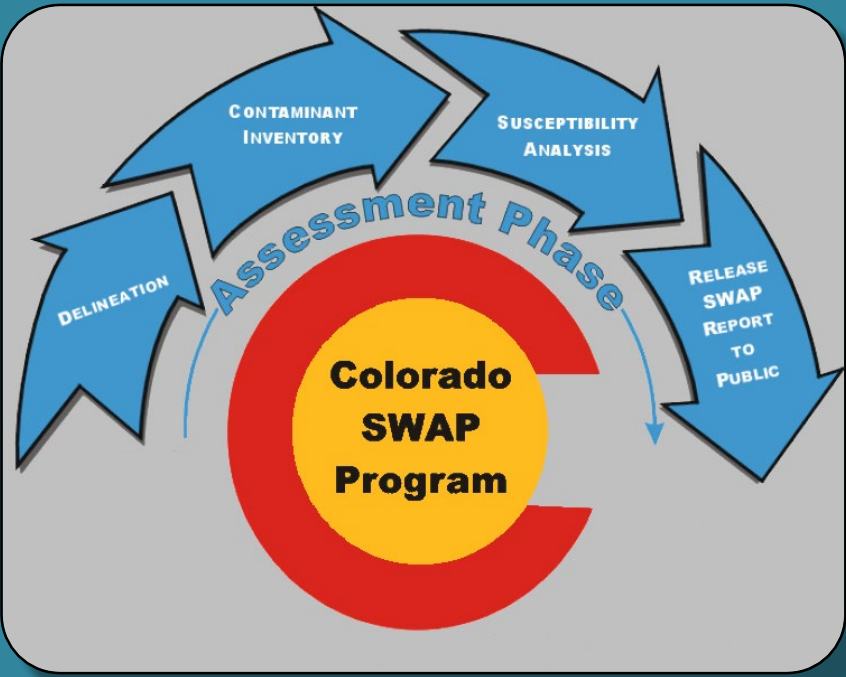
Eagle County, Colorado
April 28, 2020



Written by Paul Hempel
Source Water Specialist, CRWA
For the Community Water Provider:
Town of Eagle, PAWSID# 119233



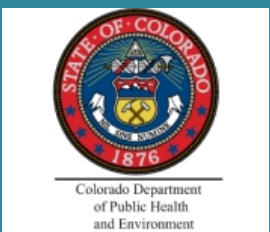
Source Water Protection included in the amendments to the 1996 Safe Drinking Water Act



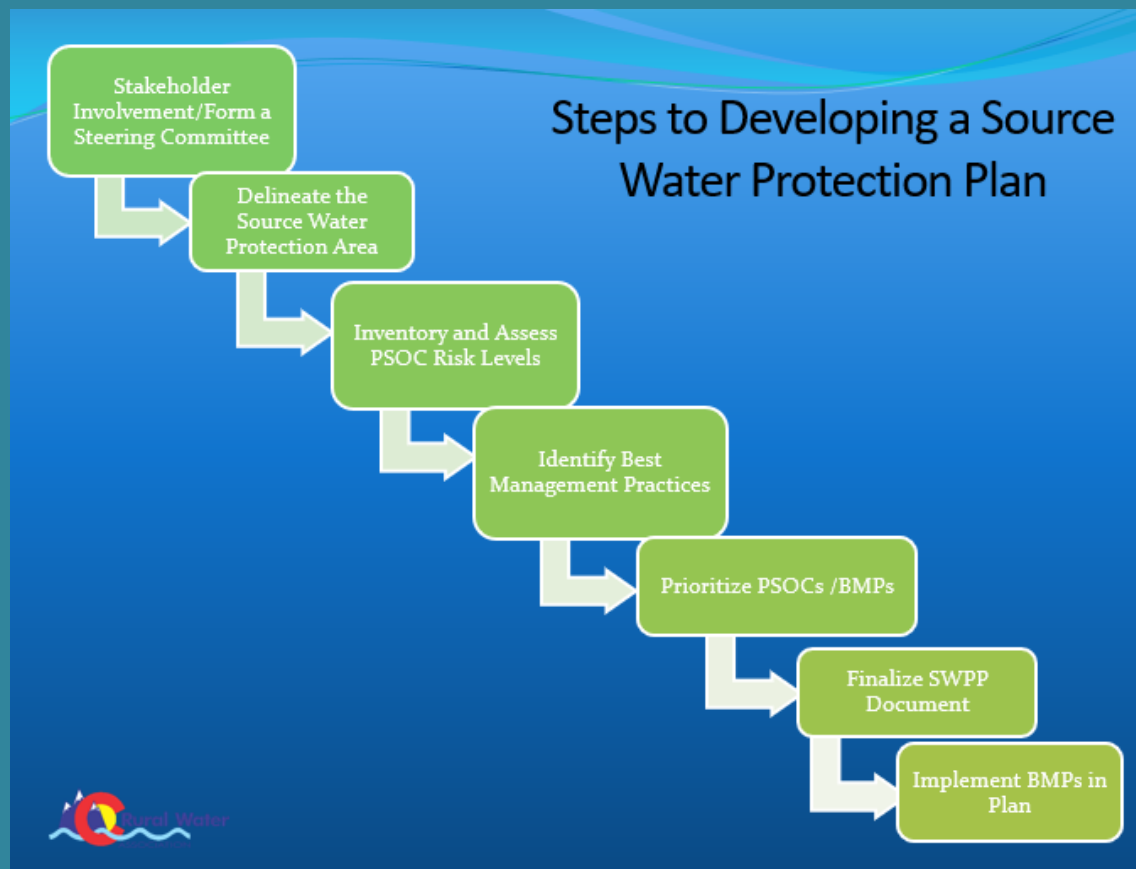
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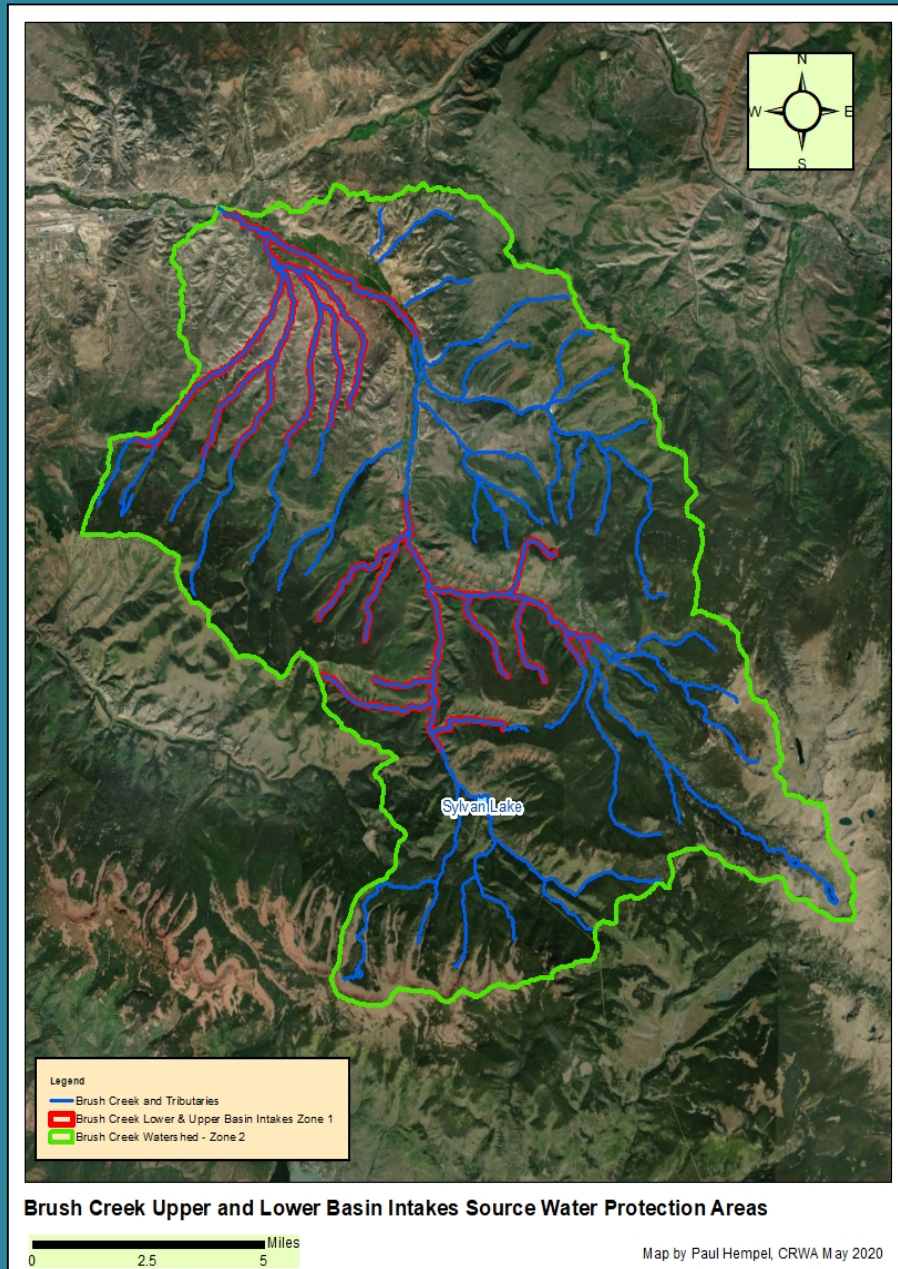


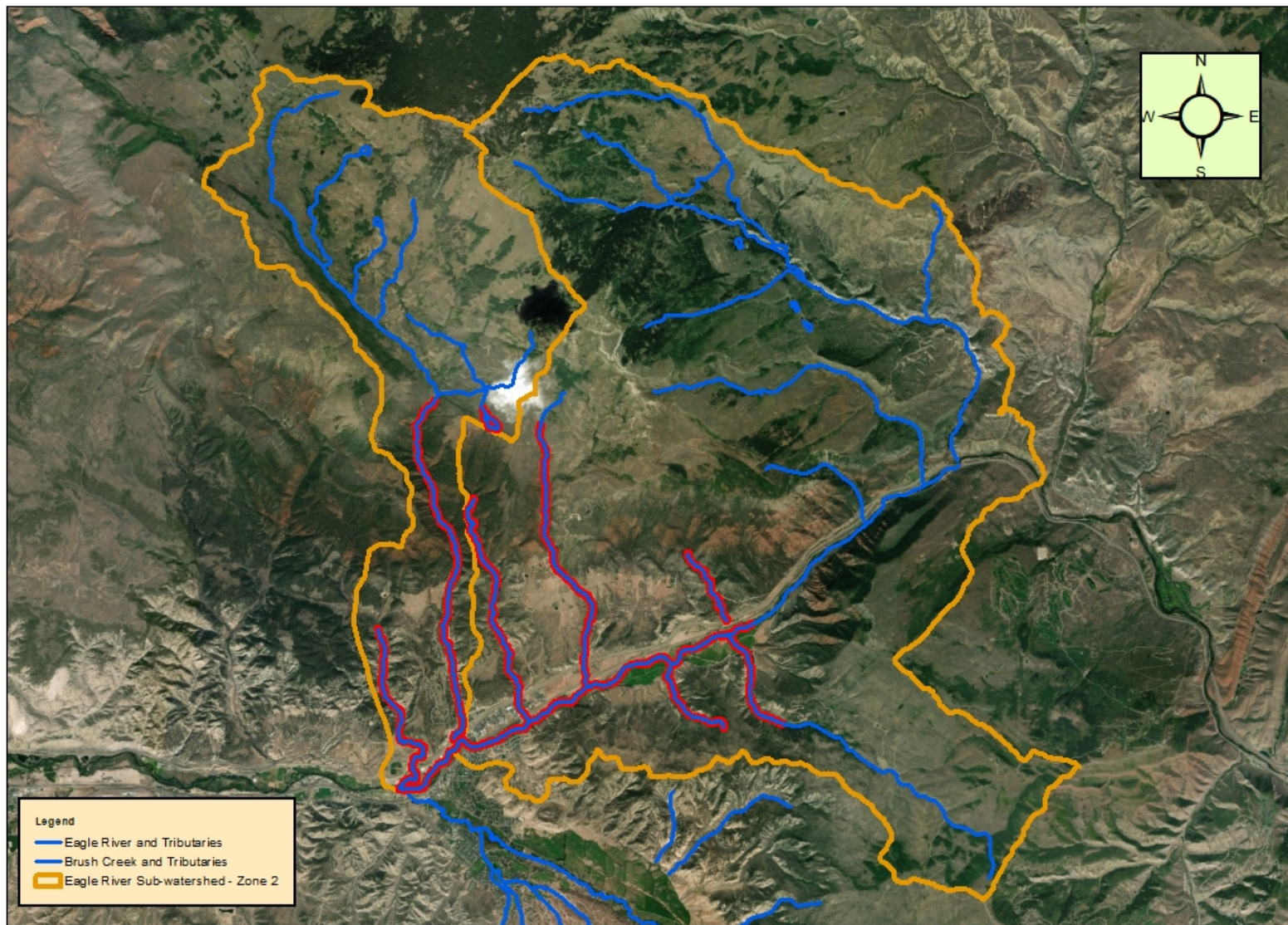
Colorado Rural Water Association



Stakeholder	Affiliation
Deron Dircksen	Town of Eagle
Colton Berck	Town of Eagle
Anne McKibbin	Town of Eagle
Kyle Anderson	Town of Eagle
Karla Koch	Town of Eagle
Doug Riggins	Eagle County
Peter Suneson	Eagle County
Julie Pranger	Eagle County
Maureen Mulcahy	Eagle County
Eric Lovgren	Eagle County
Morgan Hill	Eagle County
Randy Cohen	Greater Eagle FPD
Chris Tennant	Sylvan Lake State Park
Holly Loff	Eagle River Watershed Council
Kate Isaacson	Eagle River Watershed Council
Scott Schlosser	Haymeadow/Brush Creek Ranch
Derek Rose	Eagle Ranch Golf Club
Kim Schaeelpfer	Walking Mountain Science Center
Brad Piehl	JW Associates
Ray Merry	Private Citizen
Shana Devins	Landowner
Rosie Shearwood	Landowner
Erin Vega	Eagle Ranch HOA
Justin Conrad	United States Forest Service
Ryan Hughes	United States Forest Service







Eagle River Pump Location Zone 2

0 2.5 5 Miles

Map by Paul Hempel, CRWA May 2020

SWAP Risk Assessment Matrix

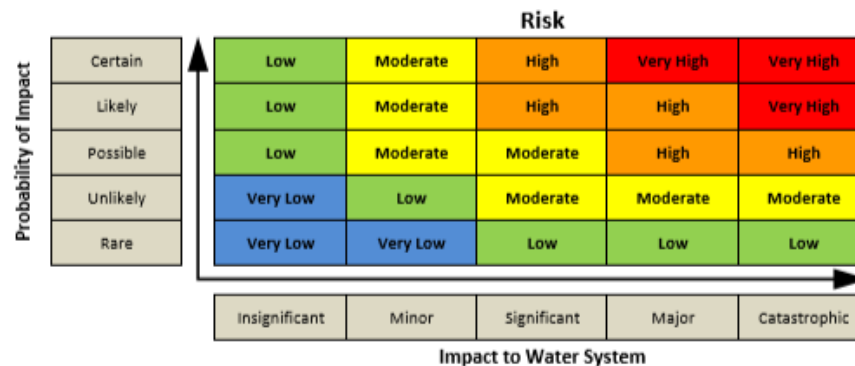


Table 4: Potential Contaminant Sources and Issues of Concern Prioritization Table

Potential Contaminant Source or Issue of Concern	Proximity (SWPA Zone)	Probability of Impact (Rare, Unlikely, Possible, Likely, Certain)	Impact to Water System (Insignificant, Minor, Significant, Major, Catastrophic)	Risk (Very Low, Low, Intermediate, High, Very High)	Control (Direct, Indirect, No)	Priority Ranking
Upper Basin						
Wildfire	1 & 2	Possible	Major	High	Indirect	1
Transportation/Roads	1 & 2	Possible	Major	High	Indirect	1
Security	1	Possible	Major	High	Direct	1
Lower Basin						
Residential Practices	1 & 2	Certain	Major	Very High	Indirect	2
Existing Subdivisions	1 & 2	Certain	Significant	High	Direct	1
Future Subdivisions		Likely	Significant	High	Direct	1
Mobile Home Park		Certain	Significant	High	Indirect	2
Noxious Weed and ANS Control	1	Likely	Significant	High	Indirect	2
Wildfire	1 & 2	Possible	Minor	High	Indirect	1
Eagle River Corridor						
Transportation/Roads	1 & 2	Likely	Major	High	Indirect	1
Stormwater Runoff	1 & 2	Likely	Major	High	Direct	1
Residential Practices	1 & 2	Likely	Major	High	Indirect	2

Best Management Practices

Wildfire

1. **Convene** Federal, State, County and local **wildfire managers** to:
 - **Identify wildfire hazards and values at-risk** within the watershed
 - Determine post-fire hazards and impacts to water quality and values at-risk
 - Develop BMP's to mitigate pre-fire and post-fire hazards
2. **Conduct forest/fuel treatments near infrastructure** and other strategic locations.
3. Work with local fire managers to **create an emergency response protocol** for wildfire events.

Transportation and Roads

1. Investigate the existence of an **Emergency Call Down System (ECDS)** for Brush Creek and Eagle River. If there is not an ECDS, then develop an ECDS.
2. **Utilize a spill time calculator** to measure how long pollutants will take to travel to the intake.

Security

1. **Install fencing and other security measures** to safeguard water facility infrastructure.

Best Management Practices

Existing & Future Subdivisions

1. **Protect riparian areas by maintaining minimum stream setbacks.**
2. Identify, map and **develop cost estimates for recommended stormwater control projects** and evaluate each projects' effectiveness and feasibility.
3. **Assess urban drainage impact risk** and recommend site specific projects.
4. **Update the Town Municipal Code for adequate setbacks and up to date stormwater regulations** to protect the Brush Creek and Eagle River corridors.
5. **Provide training and certification to site inspectors and other Town staff** for temporary and permanent **stormwater control measure design, installation and maintenance** to limit sediment and nutrient impacts to Brush Creek.

Noxious Weed and Aquatic Nuisance Species Control

1. **Collaborate** with Eagle County, USFS, BLM, ERWC, and ECCD **to identify specific noxious weed locations and target them for additional control measures.**
3. **Conduct educational seminars addressing noxious weed spraying** to Town and County personnel, private property owners, golf course managers, etc.



Paul Hempel
Colorado Rural Water Association
719-565-8007
phempel@crwa.net

Town of Eagle

Source Water Protection Plan – Public Version

Eagle County, Colorado
June 23, 2020



Written by Paul Hempel
Source Water Specialist, CRWA
For the Community Water Provider:
Town of Eagle, PWSID# 119233

Primary Contact Information for Town of Eagle

PWS Name	Town of Eagle
PWSID #	CO0119233
Name	Deron Dirksen
Title	Utility Manager
Address	200 Broadway, Eagle, CO 81631
Phone	970-328-6546
Website	https://www.townofeagle.org/

Cover photo: Brush Creek, Eagle River Watershed Council

This Source Water Protection Plan is a planning document and there is no legal requirement to implement the recommendations herein. Actions on public lands will be subject to federal, state, and county policies and procedures. Action on private land may require compliance with county land use codes, building codes, local covenants, and permission from the landowner. This SWPP for the Town of Eagle was developed using version 16.09.09 of the Colorado Rural Water Association's Source Water Protection Plan Template

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COMMON ACRONYMS

ANS	Aquatic Nuisance Species
BMP	Best Management Practice
CDPHE	Colorado Department of Public Health and Environment
CWCQC	Colorado Water Quality Control Commission
CRWA	Colorado Rural Water Association
CWPP	Community Wildfire Protection Plan
FEMA	Federal Emergency Management Agency
GIS	Geographic Information Systems
MCL	Million Gallons per Day
OWTS	Onsite Wastewater Treatment Systems
PSOC	Potential Source of Contamination
RMGCSA	Rocky Mountain Golf Course Superintendents Association
SWAA	Source Water Assessment Area
SWAP	Source Water Assessment and Protection
SWPA	Source Water Protection Area
SWPP	Source Water Protection Plan

EXECUTIVE SUMMARY

There is a growing effort in Colorado to protect community drinking water sources from potential contamination. Many communities are taking a proactive approach to preventing the pollution of their drinking water sources by developing a Source Water Protection Plan (SWPP). A SWPP identifies a source water protection area, lists potential contaminant sources, and outlines Best Management Practices (BMP) to reduce risks to the water source. Implementation of a SWPP provides additional protection at the local level-beyond required drinking water regulations.

The Town of Eagle values a clean, high quality drinking water supply and has worked collaboratively with area stakeholders to develop a Source Water Protection Plan. Public meetings were held at Eagle Town Hall from April 2019 to April 2020. Local citizens and landowners, private business owners, water operators, local and state governments, and agency representatives were among the stakeholders who attended these meetings. Colorado Rural Water Association (CRWA) provided support and technical assistance in the development of this SWPP.

Town of Eagle obtains their drinking water from two surface water intakes in the Brush Creek watershed. The Town of Eagle Source Water Protection Areas are defined as:

Brush Creek Intakes

Zone 1: a 75-foot buffer on either side of Brush Creek extending 5-miles upstream

Zone 2: The Brush Creek Watershed

Eagle River Pump Location

Zone 1: a 75-foot buffer to the south of the Eagle River and an area to the north encompassing the I-70 corridor to the base of the valley floor, as little as 550 feet and as much as 2,500 feet in distance, both extending 5-miles upstream

Zone 1a: a 75-foot buffer on either side of the Eagle River and its tributaries extending 5-miles upstream

Zone 2: the sub-watersheds encompassing the Eagle River five-mile upstream reach

The Town of Eagle has chosen to focus its source water protection measures on these areas to reduce source water susceptibility to contamination. A Steering Committee was appointed to conduct an inventory of potential contaminant sources and identified other issues of concern within the Source Water Protection Area.

The Steering Committee developed several best management practices (BMPs) to reduce the risks from potential contaminant sources and other issues of concern. The BMPs are centered on building partnerships with community members, businesses, and local decision makers; raising awareness of the value of protecting community drinking water supplies; and empowering local communities to become stewards of their drinking water supplies by taking actions to protect their water sources.

The following list highlights the highest priority potential contaminant sources and/or issues of concern and their associated best management practices:

Wildfire

1. Provide a copy of the final Source Water Protection Plan to local Fire Protection Districts, USFS, CSFS, BLM and any other agencies/departments involved in wildfire and land management decision making during the planning of pre-and post-wildfire mitigation strategies.
 - Encourage Agencies to overlay the SWPA's on the Wildfire Susceptibility Analysis maps to identify high-risk areas and to determine recommended action items.
2. Convene Federal, State, County and local wildfire managers to:
 - Identify wildfire hazards and values at-risk within the watershed (e.g. intake facilities, pump stations, other infrastructure)
 - Determine post-fire hazards and impacts to water quality and values at-risk
 - Develop BMP's to mitigate pre-fire and post-fire hazards
3. Conduct forest/fuel treatments near infrastructure and other strategic locations.
4. Work with local fire managers to create an emergency response protocol for wildfire events.
5. Encourage local FPDs and Eagle County to continue to implement their fire prevention plan which includes public education programs like Fire Wise and Project Learning Tree.
6. Consider utilizing the Wildfire Decision Support System (WFDSS) for pre- wildfire planning.
7. Upgrade the upper basin intake to better protect it during post-wildfire debris flow events.
8. Conduct structure protection at the Fulford site.
9. Continue practice of prescribed burns or mechanical treatment in identified drainages.
10. Provide residents in the watershed with outreach material that highlights fire management and safety including creating defensible space around their homes.

Transportation and Roads

1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and Eagle River. If there is not an ECDS, then develop an ECDS.
2. Provide copies of the SWPP and Emergency Response Notification Cards to the Colorado Department of Transportation and the Eagle County Offices of Emergency Management and Road and Bridge.
3. Utilize a spill time calculator to measure how long pollutants will take to travel to the intake.
4. Stay informed on road maintenance practices and schedules within the SWPA including: grading, the application of magnesium chloride and dust abatement activities along with the best management practices utilized during these activities.
5. Post Source Water Protection signage (7).
6. Educate the public on how to report spills or dumping in the SWPA on both public and private lands.
7. Tour the upper watershed with the USFS, BLM, Sylvan Lake SP, Eagle County and Eagle River Watershed Council (ERWC) to assess and list high priority areas for potential road and trail maintenance and improvement activities.

Security

1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and the Eagle River. If there is not an ECDS, then develop an ECDS with local partners.
2. Install fencing and other security measures to safeguard water facility infrastructure.
3. Do not advertise specific water infrastructure locations.

Existing & Future Subdivisions

Existing Subdivisions:

1. Ensure that riparian areas are protected by maintaining minimum stream setbacks.
2. Identify, map and develop cost estimates for recommended stormwater control projects and evaluate each projects' anticipated effectiveness and feasibility.

3. Communicate with Eagle County Road and Bridge in order to prevent snow removal from being piled up adjacent to Brush Creek and the Eagle River.
4. Assess urban drainage impact risk and recommend site specific projects.
5. Provide educational material to construction companies and landscapers on how to utilize BMPs to prevent storm water runoff from entering the source waters.
6. Conduct education to restaurants highlighting waste disposal best management practices.
7. Partner with ERWC to conduct storm drain stenciling.

Future Subdivisions:

1. Ensure that riparian areas are protected during buildout by adhering to stormwater runoff controls and the creation of minimum stream setbacks.
2. Update the Town Municipal Code for adequate setbacks and up to date stormwater regulations for protection of the Brush Creek and Eagle River corridors.
3. Provide real estate and construction companies with educational material that highlights best management practices at construction sites including the following of stringent stormwater BMPs during build out.
4. Provide training and certification opportunities to site inspectors and other Town staff for temporary and permanent stormwater control measure design, installation and maintenance to limit sediment and/or nutrient impacts to Brush Creek.
5. Encourage Eagle County Community Development and Town of Eagle Community Development to utilize the SWPA GIS data when making future land use decisions or changes to zoning laws.
6. Provide real estate companies with education and outreach material that they can distribute to new home buyers that highlights homeowner best management practices.

Noxious Weed and Aquatic Nuisance Species Control

1. Collaborate with Eagle County, USFS, BLM, ERWC, and Eagle County Conservation District (ECCD) to identify specific noxious weed locations and target them for additional control measures.
2. Encourage all entities to continue to adhere to current regulations and best management practices that address the mitigation of noxious weeds.
3. Conduct educational seminars addressing noxious weed spraying to Town and County personnel, private property owners, golf course managers, etc.
4. Work with farm stores like WYLACO to distribute educational material to customers when they sell over the counter chemicals.
5. Provide Eagle County Vegetation Management and the ECCD a copy of the SWPP.
6. Conduct education and outreach to recreationists who use boats on Sylvan lake.
7. Provide area businesses that sell fishing licenses with CPW educational material to display and distribute to customers to inform them about strategies to prevent the spread of ANS.
8. Support ANS inspection programs for Sylvan Lake SP.

The Steering Committee recognizes that the usefulness of this Source Water Protection Plan lies in its implementation and will begin to execute these BMPs upon completion of this SWPP.

This SWPP is a living document. It should be updated to address changes that will inevitably come. The Steering Committee will review this Plan annually and with CRWA every ten years, or if circumstances change resulting in the development of new water sources and source water protection areas, or if new risks are identified.

INTRODUCTION

Source water protection is a proactive approach to preventing the pollution of lakes, rivers, streams, and groundwater that serve as sources of drinking water. For many generations, water quality was taken for granted. Many people still assume that their drinking water source is naturally protected; however, as water moves through and over the ground, contaminants can easily be carried into a drinking water supply.

While a single catastrophic event may wipe out an entire drinking water source, the cumulative impact of minor contaminant releases over time can also result in the degradation of a drinking water source. Contamination can occur via discrete (point source) and dispersed (nonpoint source) sources. A discrete source contaminant originates from a single point, while a dispersed source contaminant originates from diffuse sources over a broader area. According to the US Environmental Protection Agency, nonpoint source pollution is the leading cause of water quality degradation (GWPC, 2008).

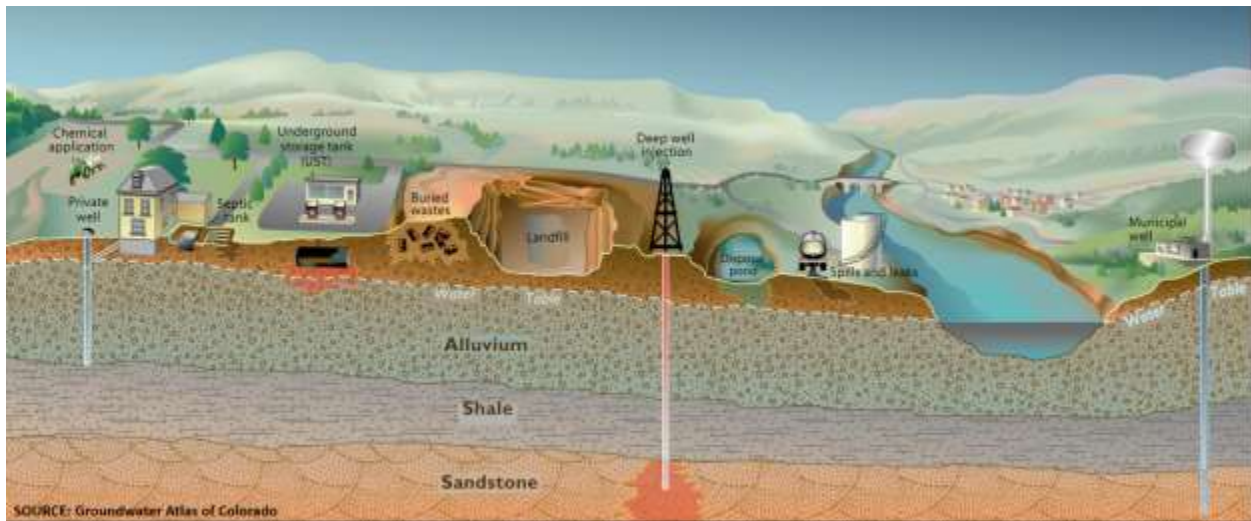


Figure 1: Schematic drawing of the potential source of contamination to surface and groundwater

The Town of Eagle recognizes the potential for contamination of their drinking water sources and realizes that the development of this SWPP is the next step in protecting this valuable resource. Proactive planning is not only essential to protecting the long-term integrity of the drinking water supply, but it can also limit costs and liabilities. Creating a SWPP demonstrates the Town of Eagle's commitment to reducing risks to their drinking water supply.

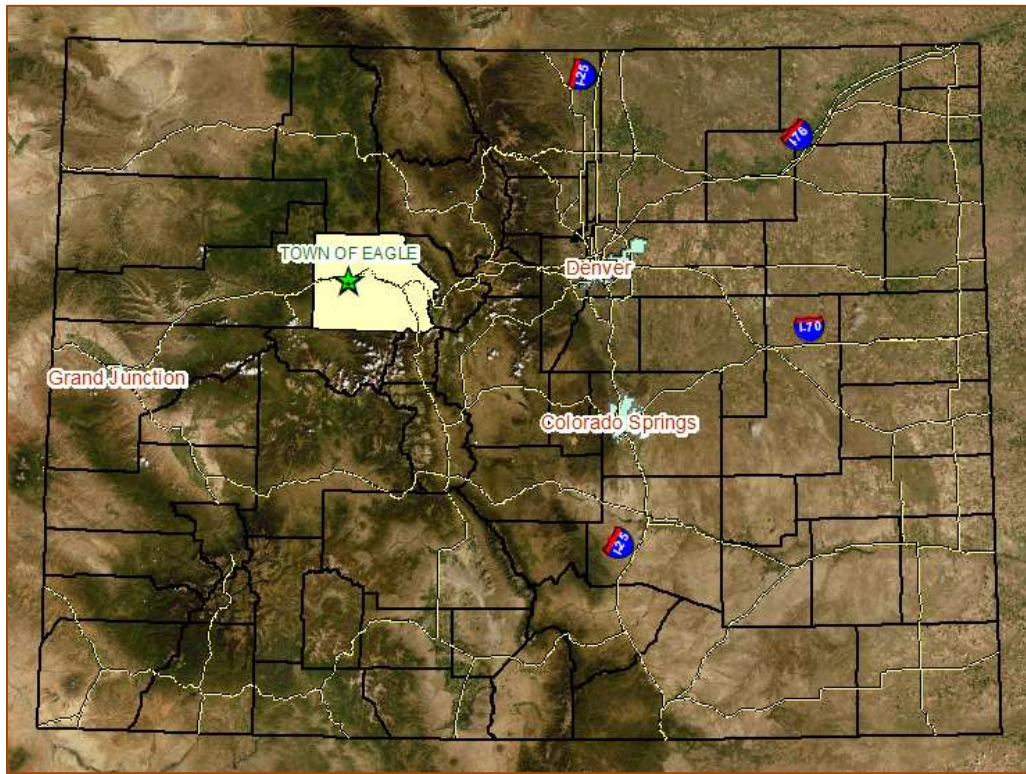


Figure 2: Town of Eagle within Eagle County, Colorado

Source: CRWA

Purpose of the Source Water Protection Plan

The SWPP is a tool for the Town of Eagle to ensure clean and high-quality drinking water sources for current and future generations. This SWPP is designed to:

- Create an awareness of the community's drinking water sources and the potential risks to surface water and/or groundwater quality within the watershed
- Encourage education and voluntary solutions to alleviate pollution risks
- Promote management practices that protect and enhance the drinking water supply
- Provide a comprehensive action plan in case of an emergency that threatens or disrupts the community water supply

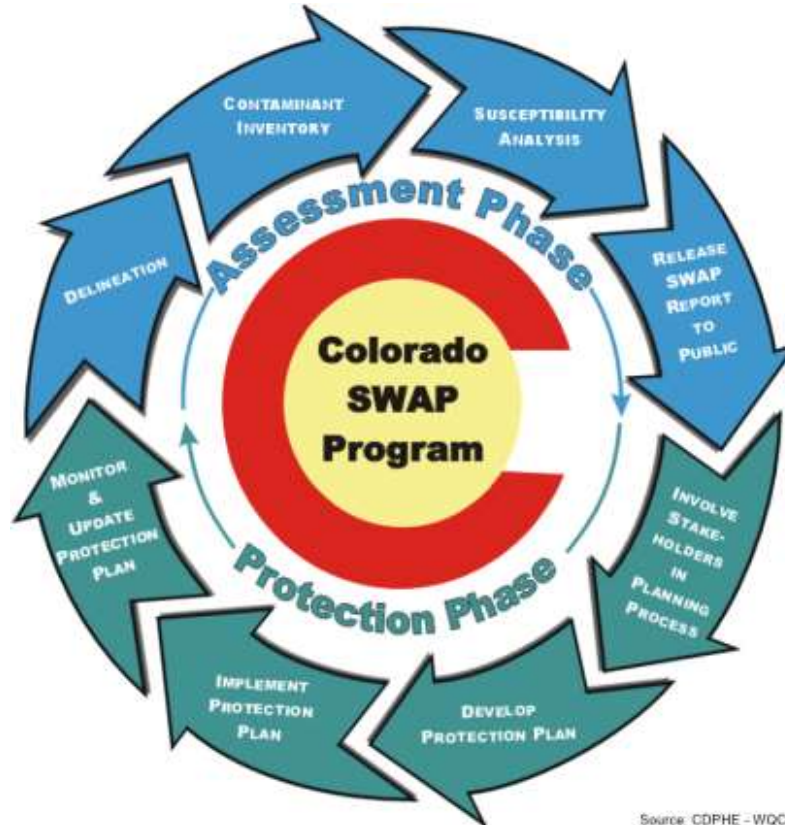
Developing and implementing source water protection measures at the local level (i.e. county and municipal) will complement existing regulatory protection measures implemented at the state and federal governmental levels by filling protection gaps that can only be addressed at the local level.

Background of Colorado's SWAP Program

Source water assessment and protection came into existence in 1996 as a result of Congressional reauthorization and amendment of the Safe Drinking Water Act. These amendments required each state to develop a Source Water Assessment and Protection (SWAP) program. The Water Quality Control Division (WQCD), an agency of the Colorado Department of Public Health and Environment (CDPHE),

assumed the responsibility of developing Colorado's SWAP program and integrated it with the Colorado Wellhead Protection Program.

Colorado's SWAP program is an iterative, two-phased process designed to assist public water systems in preventing potential contamination of their untreated drinking water supplies. The two phases include the Assessment Phase and the Protection Phase as depicted in the upper and lower portions of Figure 3, respectively.



Source: CDPHE - WQCD

Figure 3: Source Water Assessment and Protection Phases

Source Water Assessment Phase

The Assessment Phase for all public water systems was completed in 2004 and consisted of four primary elements:

1. Delineating the Source Water Assessment Area (SWAA) for each of the drinking water sources
2. Conducting a contaminant source inventory to identify potential sources of contamination (PSOC) within each of the SWAA
3. Conducting a susceptibility analysis to determine the potential susceptibility of each public drinking water source to the different sources of contamination
4. Reporting the results of the source water assessment to the public water systems and the general public

A Source Water Assessment Report (Appendices A and B) was provided to each public water system in Colorado in 2004 and outlines the results of this Assessment Phase.

Source Water Protection Phase

The Protection Phase is a non-regulatory, ongoing process in which all public water systems have been encouraged to voluntarily employ preventative measures to protect their water supply from the PSOC to which it may be most susceptible. The Protection Phase can be used to take action to avoid unnecessary treatment or replacement costs associated with potential contamination of the untreated water supply. Source water protection begins when local decision makers use the source water assessment results and other pertinent information as a starting point to develop a protection plan. As depicted in the lower portion of Figure 3, the source water protection phase for all public water systems consists of four primary elements:

1. Involve local stakeholders in the planning process
2. Develop a comprehensive protection plan for all of their drinking water sources
3. Implement the protection plan on a continuous basis to reduce the risk of potential contamination of the drinking water sources
4. Monitor the effectiveness of the protection plan and updating it accordingly as future assessment results indicate

The water system and the community recognize that the Safe Drinking Water Act grants no statutory authority to the CDPHE or to any other state or federal agency to force the adoption or implementation of source water protection measures. This authority rests solely with local communities and local governments.

The source water protection phase is an ongoing process as indicated in Figure 3. The evolution of the SWAP program is to incorporate any new assessment information provided by the public water supply systems and update the protection plan accordingly.

SOURCE WATER SETTING

Location and Description

Eagle is a statutory town that is the county seat of Eagle County, Colorado. Eagle is located west of the center of Eagle County in the valley of the Eagle River, a west-flowing tributary of the Colorado River. The town limits extend southward up the valley of Brush Creek. U.S. Route 6 passes through the center of town, and Interstate 70 passes through the northern side, with access from Exit 147. Vail is 30 miles (48 km) to the east, and Glenwood Springs is 31 miles (50 km) to the west. According to the U.S. Census Bureau the town has a total area of 4.6 square miles (Wikipedia).

Two ranching communities, Eagle and Gypsum, were first settled in 1882. The name “Eagle” became prominent in 1896 and was finally chosen in 1905 as the Towns name. In the late 1890s Eagle served as a supply center for the mining camp of Fulford to the south, but cattle ranching and farming, particularly of potatoes and lettuce, proved to be the mainstay of the local economy thereafter. Today the town is gaining recognition for its extensive trail system for mountain biking, hiking and trail running. Located just 30 miles (48 km) west of the resorts of Vail and Beaver Creek, the town of Eagle and its residents enjoy an abundance of year-round recreational opportunities (Town of Eagle).

The elevation of Eagle is 6601 feet above sea level. The climate of Eagle is characterized by cold winters, hot summers, and relatively little precipitation. Eagle has a warm-summer humid continental climate but it is borderline semi-arid due to low rainfall. As a consequence of the city's high elevation, temperatures drop sharply after sunset. Eagle receives 16 inches of rain, on average, per year and 53 inches of snow, on average, per year.

On average, there are 244 sunny days per year in Eagle. The US average is 205 sunny days. Eagle gets some kind of precipitation, on average, 91 days per year. Precipitation is rain, snow, sleet, or hail that falls to the ground (Sperling’s Best Places).

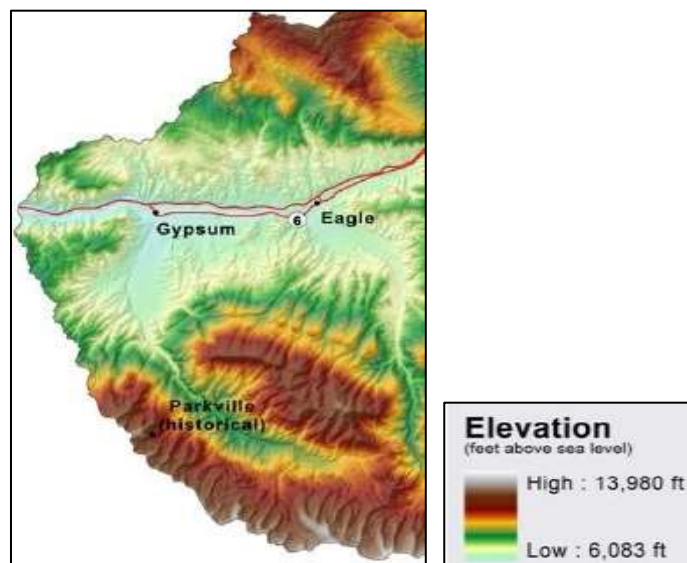


Figure 4: Elevation Surrounding Eagle, CO Source: NRCS Rapid Assessment

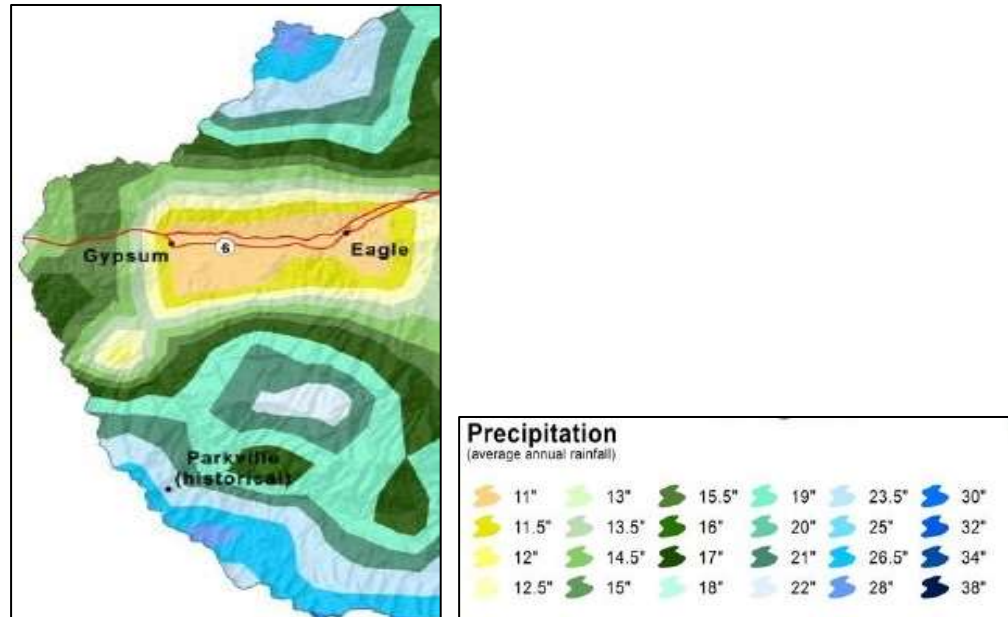


Figure 5: Precipitation near Eagle, CO

Source: NRCS Rapid Assessment



Figure 6: Land ownership surrounding Eagle, CO

Source: NRCS Rapid Assessment

Eagle Area Community Plan

The Eagle Area Community Plan, originally introduced in 1996, is unique in Eagle County as it is jointly adopted by both the Town of Eagle and Eagle County. It covers an extensive area including both the incorporated lands within the Town of Eagle and unincorporated lands surrounding the Town boundaries. The entire drainages of both Brush Creek and Eby Creek, which extend south and north of town, are included as are significant acreages along the Eagle River and Interstate 70 east and west of town. The Plan is intended to work as an extension of the Eagle County Comprehensive Master Plan,

providing planners, officials, landowners and developers with policies and strategies to help formulate land use plans and guide decision making over the course of the next 5 to 10 years. The Plan is a community-based plan that reflects the vision, concerns, ideas and desires of local residents as determined through a detailed public planning process. Major components of the Plan include:

Promoting Stewardship of Natural, Scenic, and Environmentally Sensitive Areas: The unincorporated rural lands that surround the Town of Eagle contribute significantly to the Town's identity and the lifestyles enjoyed by local residents and the experience of visitors to the area. As such, the quality and character of the Eagle River Corridor, the Brush Creek Valley, the agricultural lands east and west of Town, and the Eby Creek and Castle Peak areas north of Town should be preserved. The Town and County should work collaboratively to protect natural, scenic, and environmentally sensitive areas through a variety of means including public education, open space acquisition, the promotion of activities and events related to the area's agricultural heritage, the development of design guidelines for unincorporated areas, the monitoring of land use impacts, and the enforcement of applicable standards.

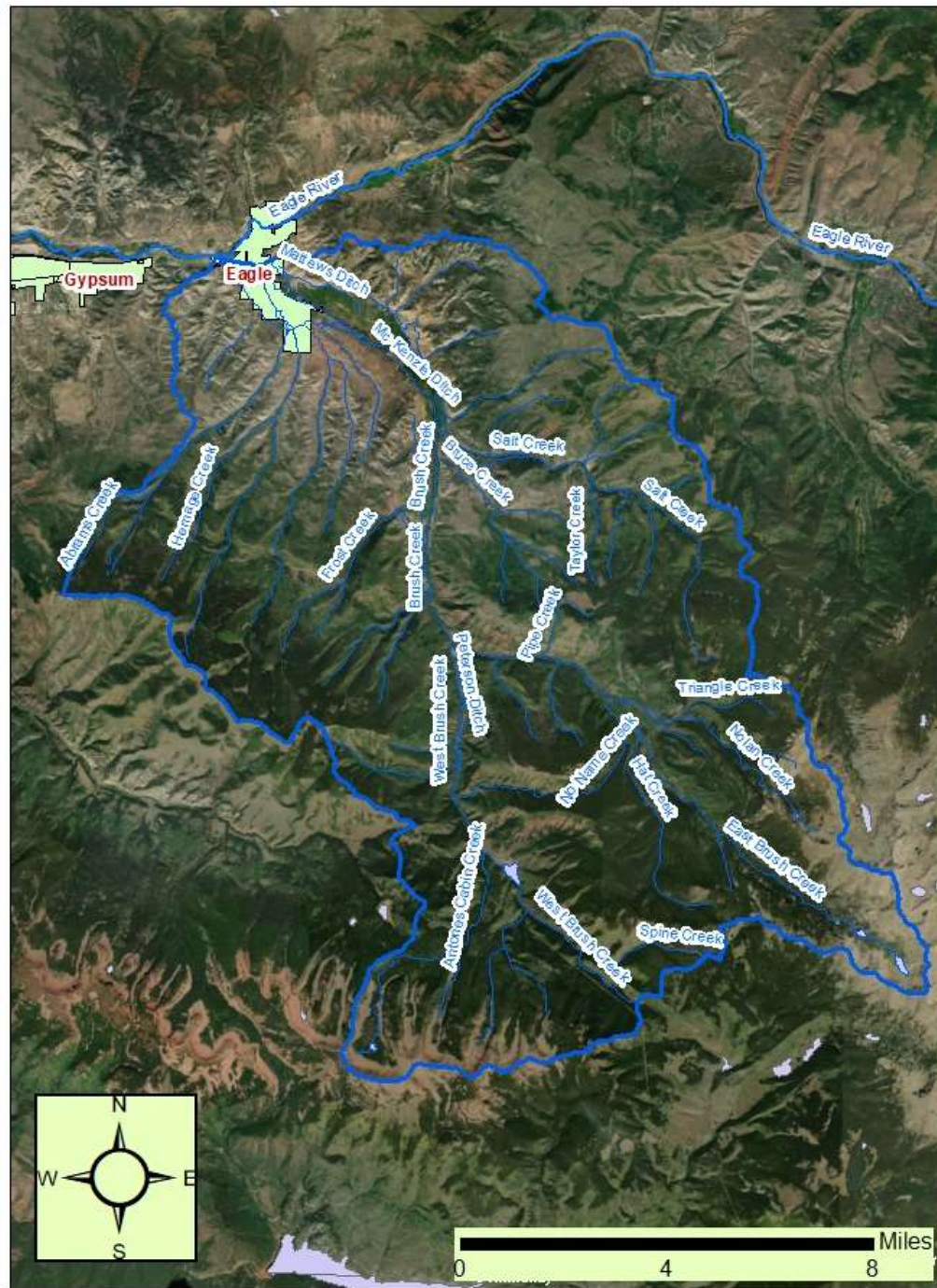
Protecting and Preserving Wildlife Habitat and Corridors: Maintaining the livability of the Eagle Planning Area involves the protection of wildlife habitat and corridors. Activities such as hunting, fishing and wildlife viewing enhance recreational opportunities and bring visitors to the area who contribute to the local economy. The Town and County should continue to work with the Colorado Division of Wildlife, the Bureau of Land Management, and the United States Forest Service to protect and preserve wildlife habitat and movement corridors by implementing necessary strategies and mitigations over time to ensure sustainable and healthy wildlife populations throughout the Planning Area.

Developing a Proactive Open Lands Program: The Town of Eagle and Eagle County should follow the recommendations of their respective open space plans. The Town and County should continue to be proactive in their approach to maintaining open lands, using a variety of techniques to preserve viable agricultural lands, river and stream corridors, critical wildlife habitats, steep slopes, ridgelines, areas of geologic hazard, and quality viewsheds as permanent open space.

In order to protect the scenic, open, and recreation-based character of the community and the quality of life for current and future generations, open lands and environmentally sensitive areas should be preserved to the greatest degree practicable within the planning area boundary. In particular, efforts should be made to avoid adverse impacts to the health and integrity of the Eagle River, Brush Creek, Eby Creek and other waterways, as well as critical habitat and movement corridors for the area's wildlife (Eagle Area Community Plan).

Hydrologic Setting

Town of Eagle obtains its drinking water from two surface water intakes on Brush Creek. Brush Creek is a tributary to the Eagle River and is part of the larger Colorado River Watershed. The headwaters of Brush Creek originate approximately 12 miles from the center of town.



Brush Creek Watershed

Map by Paul Hempel, CRWA
October, 2019

Figure 7: Brush Creek watershed

Source: CRWA

DRINKING WATER SUPPLY OPERATIONS

Water Supply and Infrastructure

Town of Eagle obtains their drinking water from two surface water intakes in the Brush Creek watershed. The treatment system has the maximum capacity to treat 4,300,000 gallons of drinking water per day. Pretreatment of the raw water is coagulation and flocculation followed by sand filtration.

The lower basin intake and associated treatment system will have the maximum capacity to treat 2,500,000 gallons of drinking water per day. That number will increase to 5,000,000 gallons per day once the infrastructure is at final buildout.

Town of Eagle has the maximum capacity to store approximately 6,500,000 gallons of treated drinking water per day and the treated water is stored in nine storage tanks.

Table 1: Surface Water Supply Information

Water System Facility Name	Water System Facility Number	Surface Water Source	Constructed Date
Brush Creek Upper Basin Intake	CO0119233-002	Brush Creek	2017
Brush Creek Lower Basin Intake	TBD	Brush Creek	TBD

Figure Not included in Public Version of Document

Figure 8: Upper Basin Intake

Source: CRWA

Figure Not included in Public Version of Document

Figure 9: Upper Basin Treatment Plant and Water Tank *Source: CRWA*

Figure Not included in Public Version of Document

Figure 10: Lower Basin Intake and Water Treatment Building Sites *Source: CRWA*

Figure Not included in Public Version of Document

Figure 11: Lower Basin Intake

Source: CRWA

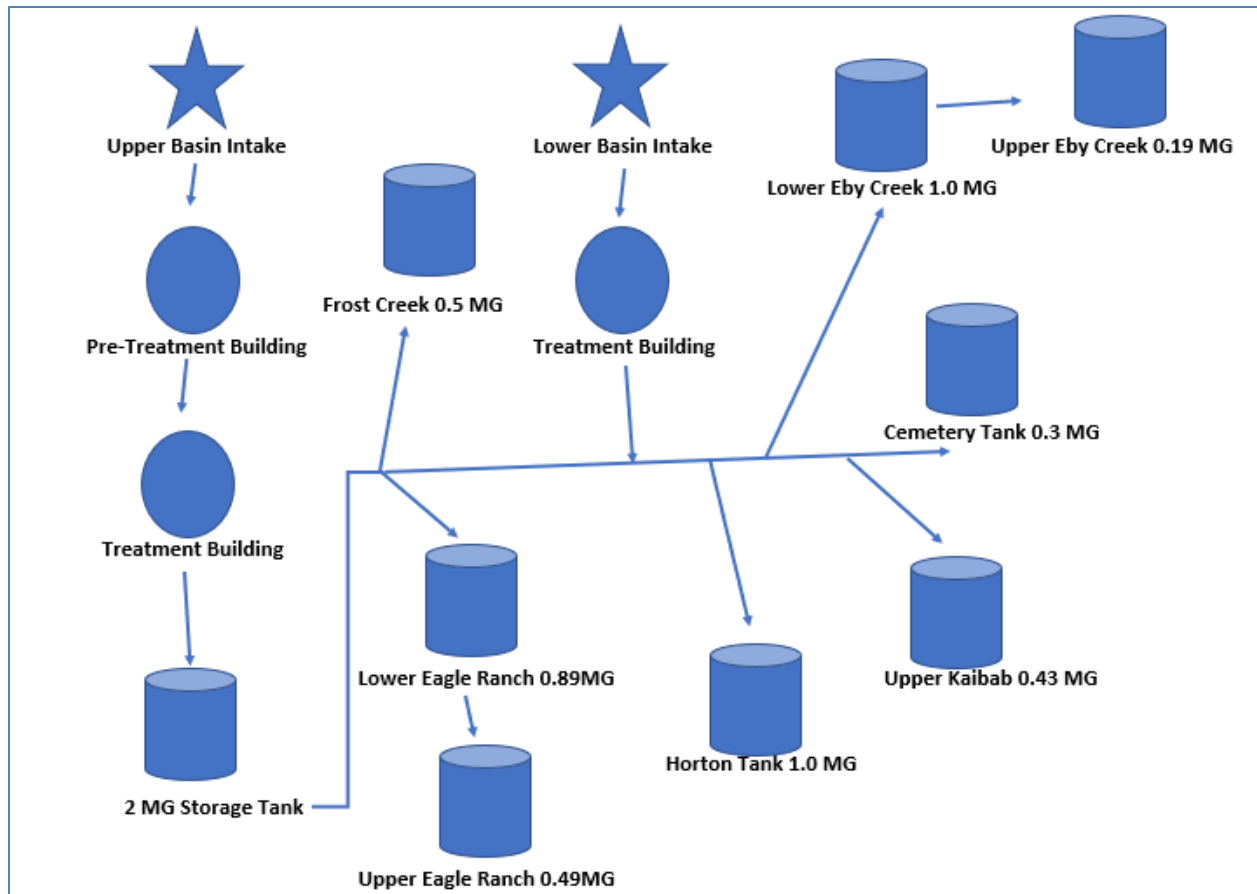


Figure 12: Water System Process Schematic

Source: CRWA

Water Supply Demand Analysis

Town of Eagle serves an estimated 6,050 residents and other users in the service area. As mentioned above, the water system has the current capacity to produce 4,300,000 gallons per day. Current estimates indicate that the average daily demand is approximately 1,200,000 gallons per day, and that the average peak daily demand is approximately 3,200,000 gallons per day. Using these estimates, the water system has a surplus average daily demand capacity of 3,100,000 gallons per day and a surplus average peak daily demand capacity of 1,100,000 gallons per day.

Based on the estimates above, although Town of Eagle would be able to meet the average daily demand of its customers if both of its water sources were to become disabled for an extended period of time due to contamination, they would not be able to meet the average peak daily demand.

Town of Eagle recognizes that potential contamination of its surface water sources could result in having to abandon the water source if treatment proves to be ineffective or too costly. To understand the potential financial costs associated with such an event, Town of Eagle estimates that it could cost \$30,000,000 in today's dollars to replace one of its water sources (i.e., replacement of the intake structure, treatment facilities, and the associated infrastructure). Treatment costs, which can vary depending on the type of contaminant(s) that need(s) to be treated, were not included in this estimate.

The potential financial and water supply risks related to the long-term disablement of one or more of the community's water sources are a concern to the Steering Committee. As a result, the Steering Committee believes the development and implementation of a SWPP for Town of Eagle can help to reduce the risks posed by potential contamination of its water sources.

SOURCE WATER PROTECTION PLAN DEVELOPMENT

The Colorado Rural Water Association's (CRWA) Source Water Protection Specialist, Paul Hempel, helped facilitate the source water protection planning process. The goal of CRWA's Source Water Protection Program is to assist public water systems in minimizing or eliminating potential risks to drinking water supplies through the development and implementation of SWPPs.

The source water protection planning effort consisted of a series of public planning meetings and individual meetings. Information discussed at the meetings helped Town of Eagle develop an understanding of the issues affecting source water protection for the community. The Steering Committee then made recommendations for best management practices (BMPs) to be incorporated into the SWPP. In addition to the planning meetings, data and other information pertaining to the SWPP was gathered via public documents, internet research, phone calls, emails, and field trips. A summary of the meetings is represented below.

Table 2: Planning Meetings

Date	Purpose of Meeting
May 1, 2019	Stakeholder Meeting - Presentation on the process of developing a Source Water Protection Plan for the Town of Eagle. Review of the State's Source Water Assessment for Town of Eagle.
June 18, 2019	1 st Planning Workshop – Discussion of potential contaminant sources throughout the Brush Creek watershed.
July 30, 2019	2nd Planning Workshop – Special presentations: Eagle Ranch Golf Club and wildfire potential.
September 16, 2019	3rd Planning Workshop - Discuss and evaluate risk of potential contaminant sources in Brush Creek upper basin
November 13, 2019	4th Planning Workshop – Discuss and evaluate risk of potential contaminant sources in Brush Creek lower basin.
January 9, 2020	5th Planning Workshop – Discuss and evaluate risk of potential contaminant sources in Brush Creek lower basin and Eagle River corridor.
February 26, 2020	6th Planning Workshop – Discuss and select best management practices
April 7, 2020	7 th Planning Workshop – Review and comment on draft SWPP

Stakeholder Participation in the Planning Process

Local stakeholder participation is vitally important to the overall success of Colorado's SWAP program. Source water protection was founded on the concept that informed citizens, equipped with fundamental knowledge about their drinking water source and the threats to it, will be the most effective advocates for protecting this valuable resource. Local support and acceptance of the SWPP is more likely when local stakeholders have actively participated in its development.

Town of Eagle's source water protection planning process attracted interest and participation from 27 stakeholders including local citizens and landowners, private businesses, water operators, local and state governments, and agency representatives. During the months of April 2019 through April 2020, eight planning meetings were held at the Eagle Town Hall Council Chambers.

A Steering Committee to help develop the source water protection plan was formed from the stakeholder group. The Steering Committee's role in the source water protection planning process was to advise Town of Eagle in the identification and prioritization of potential contaminant sources as well as management approaches that can be voluntarily implemented to reduce the risks of potential contamination of the untreated source water. All Steering Committee members attended at least one meeting and contributed to planning efforts from their areas of experience and expertise. Their representation provided diversity and led to a thorough SWPP. Town of Eagle and CRWA are very appreciative of the participation and expert input from the following participants.

Table 3: Stakeholders and Steering Committee Members

Stakeholder	Affiliation	Steering Committee Member
Deron Dirksen	Town of Eagle	X
Colton Berck	Town of Eagle	
Anne McKibbin	Town of Eagle	
Kyle Anderson	Town of Eagle	X
Karla Koch	Town of Eagle	X
Doug Riggins	Eagle County	
Peter Suneson	Eagle County	
Julie Pranger	Eagle County	X
Maureen Mulcahy	Eagle County	X
Eric Lovgren	Eagle County	X
Morgan Hill	Eagle County	X
Randy Cohen	Greater Eagle FPD	
Chris Tennant	Sylvan Lake State Park	X
Holly Loff	Eagle River Watershed Council	
Kate Isaacson	Eagle River Watershed Council	X
Scott Schlosser	Haymeadow/Brush Creek Ranch	X
Derek Rose	Eagle Ranch Golf Club	X
Kim Schaelpfer	Walking Mountain Science Center	X
Brad Piehl	JW Associates	
Ray Merry	Landowner	X
Shana Devins	Landowner	X
Rosie Shearwood	Landowner	
Erin Vega	Eagle Ranch HOA	
Justin Conrad	United States Forest Service	X
Ryan Hughes	United States Forest Service	X

Development and Implementation Grant

Town of Eagle has been awarded a \$5,000 Development and Implementation Grant from the CDPHE. This funding is available to public water systems and representative stakeholders committed to developing and implementing a source water protection plan. A one to one financial match (cash or in-kind) is required. Town of Eagle was approved for this grant in December 2018 and it expires on December 20, 2020. Town of Eagle intends on utilizing 100% of their grant funds to BMPs that are identified in this Plan.

Source Water Assessment Report Review

Town of Eagle has reviewed the Source Water Assessment Report along with the Steering Committee. These Assessment results were used as a starting point to guide the development of appropriate BMPs to protect the source water of Town of Eagle from potential contamination. A copy of the Source Water Assessment Report for Town of Eagle can be obtained by contacting Town of Eagle or by downloading a copy from the CDPHE's SWAP program website located at:

<https://www.colorado.gov/pacific/cdphe/source-water-assessment-and-protection-swap>

Defining the Source Water Protection Area

A source water protection area is the surface and subsurface areas within which contaminants are reasonably likely to reach a drinking water source. The purpose of delineating a source water protection area is to determine the recharge area that supplies water to a public water source. Delineation is the process used to identify and map the area around a pumping well that supplies water to the well or spring or to identify and map the drainage basin that supplies water to a surface water intake. The size and shape of the area depends on the characteristics of the aquifer and the well, or the watershed. The SWAA that was delineated as part of Town of Eagle's Source Water Assessment Report provides the basis for understanding where the community's source water and potential contaminant threats originate, and where the community has chosen to implement its source water protection measures in an attempt to manage the susceptibility of their source water to potential contamination.

After carefully reviewing their Source Water Assessment Report and the CDPHE's delineation of the SWAA for each of Town of Eagle's sources, the Steering Committee chose to modify it before accepting it as their Source Water Protection Area (SWPA) for this SWPP. The SWPAs include a five-mile upstream reach of the Eagle River and its tributaries to recognize the fact that the Town can withdraw water from the Eagle River in an emergency. Town of Eagle's SWPAs are defined as:

Brush Creek Intakes

Zone 1: 75-foot buffer on either side of Brush Creek extending 5-miles upstream

Zone 2: Brush Creek Watershed

Eagle River Pump Location

Zone 1: 75-foot buffer to the south of the Eagle River and an area to the north encompassing the I-70 corridor to the base of the valley floor, as little as 550 feet and as much as 2500 feet in distance, both extending 5-miles upstream

Zone 1a: 75-foot buffer on either side of the Eagle River and its tributaries extending 5-miles upstream

Zone 2: sub-watersheds encompassing the Eagle River five-mile upstream reach

The Source Water Protection Areas are illustrated in the following maps:

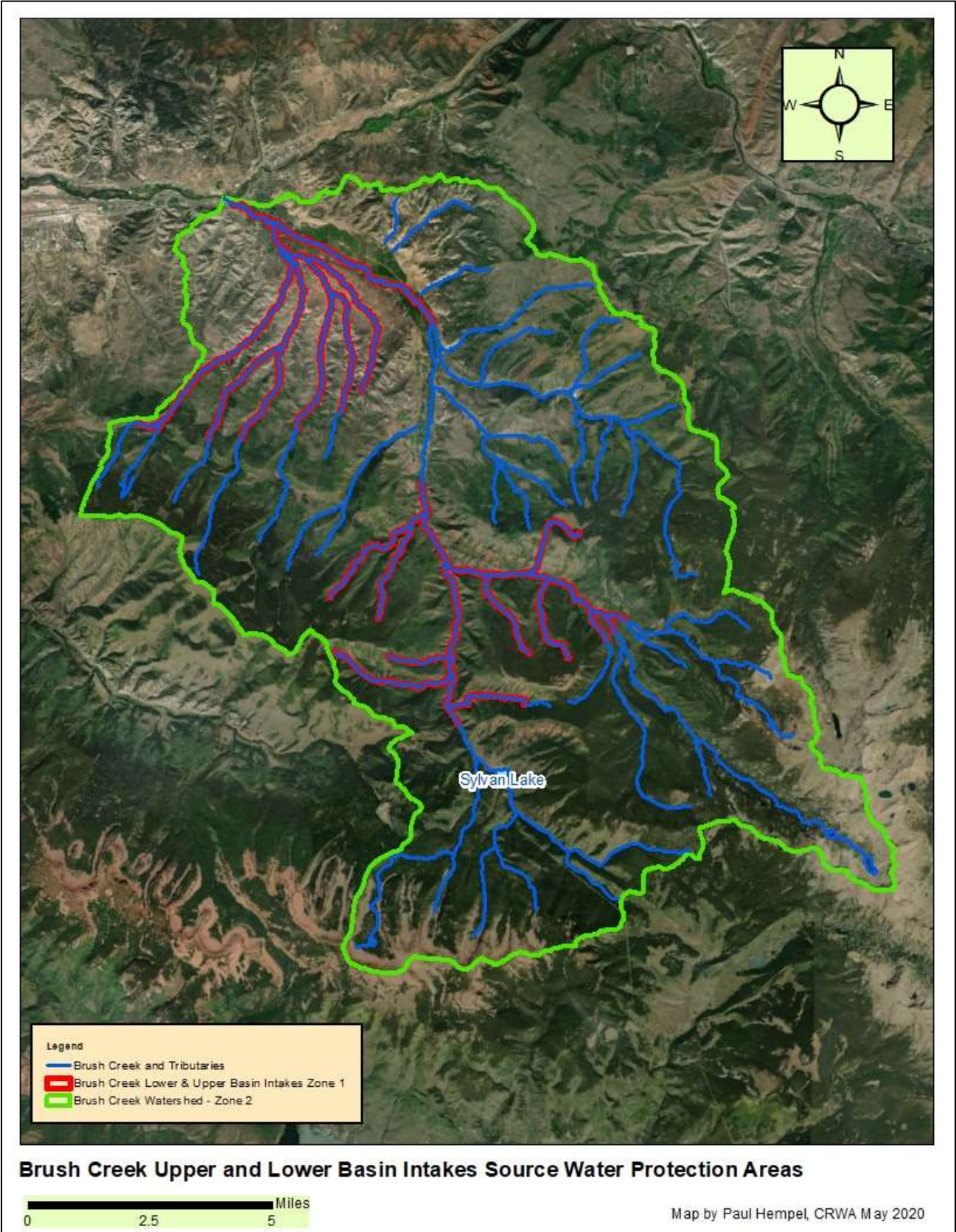


Figure 13: Brush Creek Upper and Lower Basin Intakes Source Water Protection Areas

Source: CRWA

Figure Not included in Public Version of Document

Figure Not included in Public Version of Document

Figure 15: Brush Creek Lower Basin Intake Zone 1

Source: CRWA



Figure 16: Brush Creek Lower Basin Intake Zone 1 at Eagle Ranch

Source: CRWA

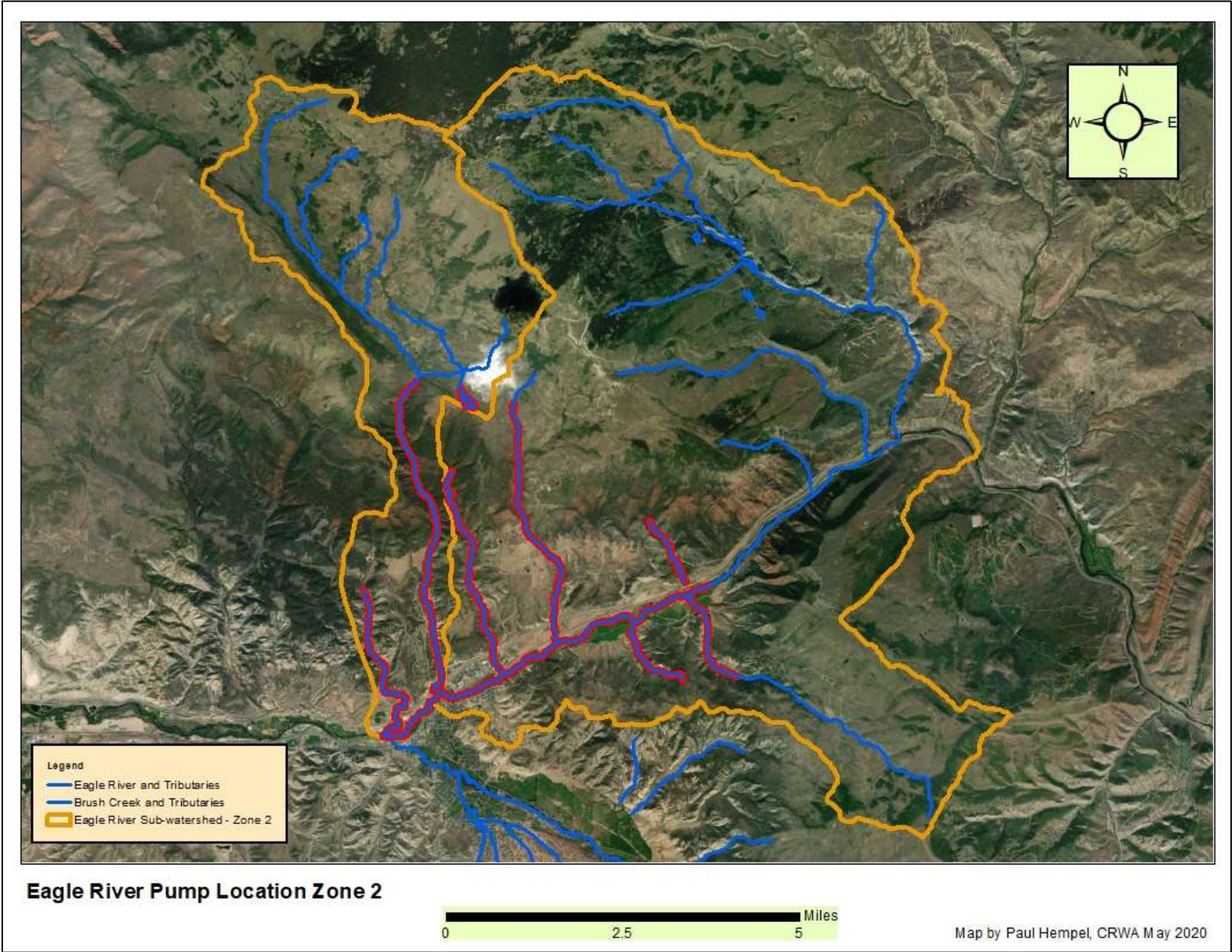


Figure 17: Eagle River Pump Location Zone 2

Source: CRWA

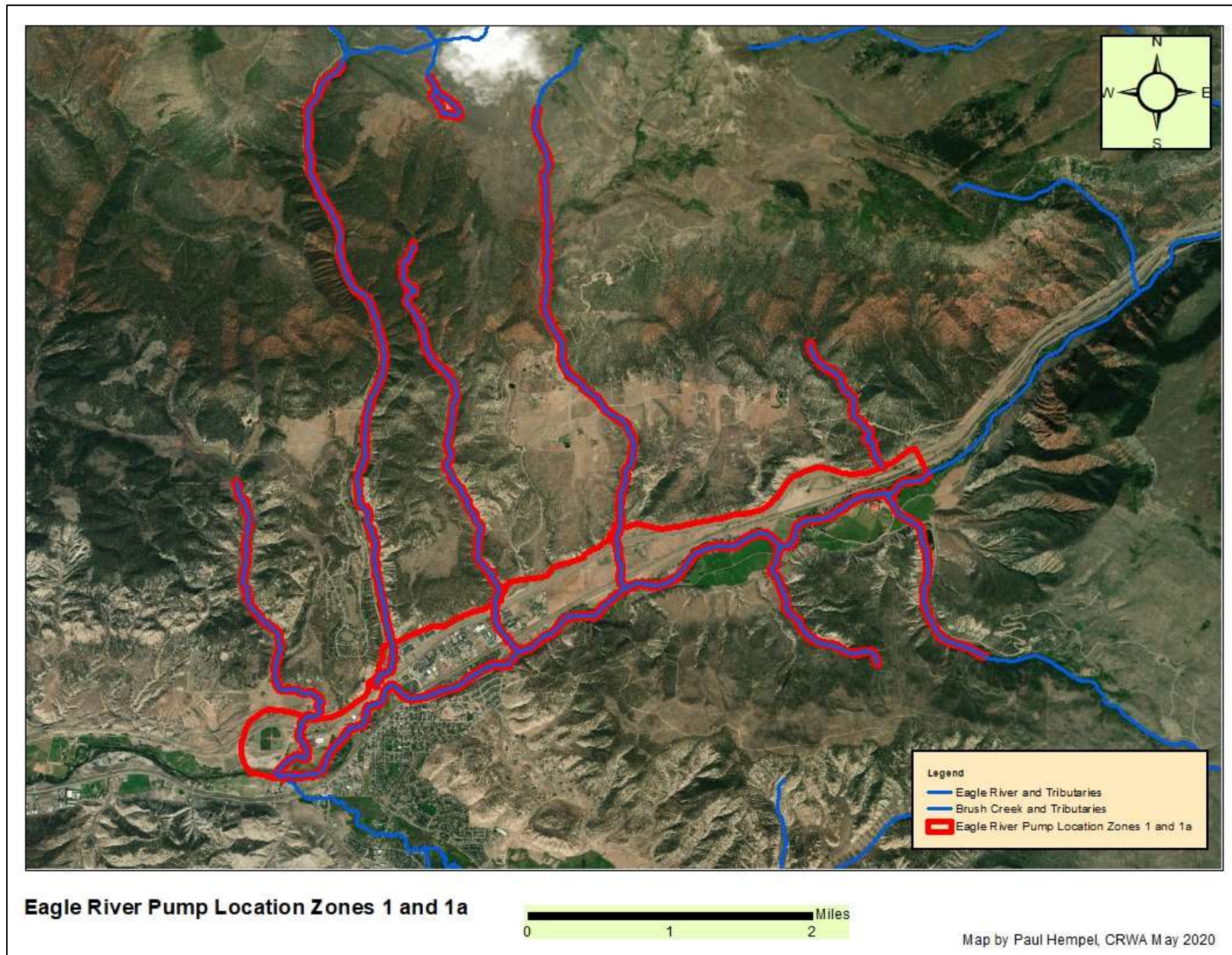


Figure 18a: Eagle River Pump Location Zones 1 and 1a

Source: CRWA

Figure Not included in Public Version of Document

Figure 18b: Eagle River Pump Location Zones 1 and 1a

Source: CRWA

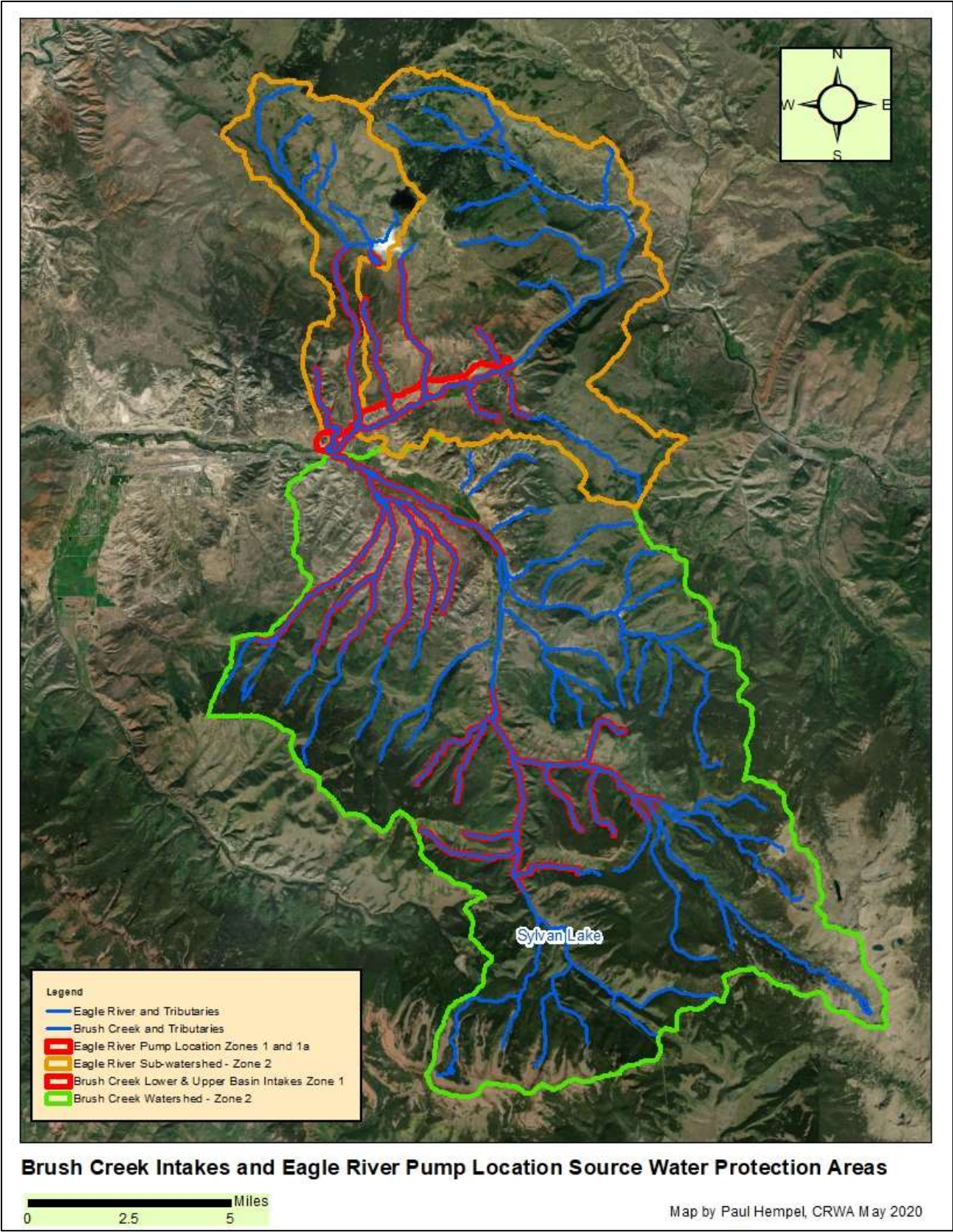


Figure 19: Brush Creek Intakes and Eagle River Pump Location Source Water Protection Areas
Source: CRWA

Inventory of Potential Contaminant Sources and Other Issues of Concern

In 2001–2002, as part of the Source Water Assessment Report, a contaminant source inventory was conducted by the CDPHE to identify selected potential sources of contamination that might be present within the SWAA. Discrete and dispersed contaminant sources were inventoried using selected state and federal regulatory databases, land use / land cover and transportation maps of Colorado. The contaminant inventory was completed by mapping the potential contaminant sources with the aid of a Geographic Information System (GIS).

Town of Eagle was asked by CDPHE to review the inventory information, field-verify selected information about existing and new contaminant sources and provide feedback regarding the accuracy of the inventory. Through this SWPP, Town of Eagle is reporting its findings to the CDPHE.

After much consideration, discussion, and input from local stakeholders, Town of Eagle and the Steering Committee have developed a more accurate and current inventory of contaminant sources located within the SWPA and other issues of concern that may impact Town of Eagle’s drinking water sources.¹ In addition to the discrete and dispersed contaminant sources identified in the contaminant source inventory, the Steering Committee has also identified other issues of concern that may impact Town of Eagle’s drinking water sources (see Table 4: Potential Sources of Contamination and Issues of Concern Prioritization Table). Upon completion of this contaminant source inventory, Town of Eagle has decided to adopt it in place of the original contaminant source inventory provided by the CDPHE.

Priority Strategy of Potential Contaminant Sources and Other Issues of Concern

After developing a contaminant source inventory and list of issues of concern that is more accurate, complete, and current, Town of Eagle prioritized each item to guide the implementation of BMPs. The prioritization ranking of each potential contaminant source or other issue of concern factored in the following criteria (as described below): the level of risk, the water system control, and the BMPs associated with each item.

1. **Risk** – The level of risk for each contaminant source is a measure of the water source’s potential exposure to contamination. When prioritizing, a water system may assign a higher priority ranking to a potential contaminant source that has a higher risk level than one of lower risk level. Town of Eagle utilized CRWA’s *SWAP Risk Assessment Matrix* which calculates the level of risk by estimating the following:
 - **Probability of Impact** – The risk to the source waters increases as the relative probability of damage or loss increases. The probability of impact is determined by evaluating the number of contaminant sources, the migration potential or proximity to the water source, and the historical data. The following descriptions provide a framework to estimate the relative probability that damage or loss would occur within one to ten years:
 - **Certain:** >95% probability of impact
 - **Likely:** >70% to <95% probability of impact
 - **Possible:** >30% to <70% probability of impact
 - **Unlikely:** >5% to <30% probability of impact
 - **Rare:** <5% probability of impact

¹ The information contained in this Plan is limited to that available from public records and the Town of Eagle at the time that the Plan was written. Other potential contaminant sites or threats to the water supply may exist in the Source Water Protection Area that are not identified in this Plan. Furthermore, identification of a site as a “potential contaminant site” should not be interpreted as one that will necessarily cause contamination of the water supply.

- **Impact to the Public Water System** – The risk to the source waters increases as the impact to the water system increases. The impact is determined by evaluating the human health concerns and potential volume of the contaminant source. CDPHE developed information tables to assist with this evaluation (Appendices C - F). The following descriptions provide a framework to estimate the impact to the public water system.
 - **Catastrophic** - irreversible damage to the water source(s). This could include the need for new treatment technologies and/or the replacement of existing water source(s).
 - **Major** - substantial damage to the water source(s). This could include a loss of use for an extended period of time and/or the need for new treatment technologies.
 - **Significant** - moderate damage to the water source(s). This could include a loss of use for an extended period of time and/or the need for increased monitoring and/or maintenance activities.
 - **Minor** - minor damage resulting in minimal, recoverable, or localized efforts. This could include temporarily shutting off an intake or well and/or the issuance of a boil order.
 - **Insignificant** - damage that may be too small or unimportant to be worth consideration but may need to be observed for worsening conditions. This could include the development of administrative procedures to maintain awareness of changing conditions.

		Risk				
Probability of Impact	Certain	Low	Moderate	High	Very High	Very High
	Likely	Low	Moderate	High	High	Very High
	Possible	Low	Moderate	Moderate	High	High
	Unlikely	Very Low	Low	Moderate	Moderate	Moderate
	Rare	Very Low	Very Low	Low	Low	Low
		Impact to Water System				
		Insignificant	Minor	Significant	Major	Catastrophic

Figure 20: CRWA's SWAP Risk Assessment Matrix

2. **Control** – The level of water system control describes the ability of the water system to take measures to prevent contamination or minimize impact. A potential contaminant source that falls within a water system's jurisdiction (i.e. direct control), may be of higher priority since they can take direct measures to prevent contamination or minimize the impact.
 - **Direct Control** – The water system can take direct measures to prevent.
 - **Indirect Control** – The water system cannot directly control the issue but can work with another person or entity to take measures to prevent.
 - **No Control** – The PSOC or issue of concern is outside the control of the public water system and other entities.
3. **Best Management Practices** – BMPs are the actions that can be taken within the Source Water Protection Area to help reduce the potential risks of contamination to the community's source waters.

The prioritization of the potential contaminant sources or issues of concern may be affected by the feasibility of implementing the BMPs that Town of Eagle developed (Table 6: Source Water Protection Best Management Practices).

Town of Eagle and the Steering Committee ranked the potential contaminant source inventory and issues of concern in the following way:

Table 4: Potential Contaminant Sources and Issues of Concern Prioritization Table

Potential Contaminant Source or Issue of Concern	Proximity (SWPA Zone)	Probability of Impact (Rare, Unlikely, Possible, Likely, Certain)	Impact to Water System (Insignificant, Minor, Significant, Major, Catastrophic)	Risk (Very Low, Low, Intermediate, High, Very High)	Control (Direct, Indirect, No)	Priority Ranking
Upper Basin						
Wildfire	1 & 2	Possible	Major	High	Indirect	1
Transportation/Roads	1 & 2	Possible	Major	High	Indirect	1
Security	1	Possible	Major	High	Direct	1
OWTS	1 & 2	Unlikely	Significant	Moderate	Indirect	2
Flooding	1	Possible	Minor	Moderate	Indirect	1
Backcountry Recreation	1 & 2	Unlikely	Minor	Low	Indirect	3
Riparian Areas and Instream Habitat	1	Unlikely	Minor	Low	Indirect	1
Noxious Weed and ANS Control	1	Unlikely	Minor	Low	Indirect	2
Residential Practices	1 & 2	Rare	Insignificant	Very low	Indirect	2
Agricultural Practices	1 & 2	Rare	Insignificant	Very Low	Indirect	2
Mining	1 & 2	Rare	Minor	Very Low	Indirect	3
Lower Basin						
Residential Practices	1 & 2	Certain	Major	Very High	Indirect	2
Existing Subdivisions	1 & 2	Certain	Significant	High	Direct	1
Future Subdivisions	1 & 2	Likely	Significant	High	Direct	1
Mobile Home Park	1 & 2	Certain	Significant	High	Indirect	2
Noxious Weed and ANS Control	1	Likely	Significant	High	Indirect	2
Wildfire	1 & 2	Possible	Minor	High	Indirect	1
OWTS	1 & 2	Possible	Significant	Moderate	Indirect	2
Transportation/Roads	1 & 2	Possible	Significant	Moderate	Indirect	1
Agricultural Practices	1 & 2	Possible	Significant	Moderate	Indirect	2
Riparian Areas and Instream Habitat	1	Possible	Significant	Moderate	Indirect	1
Golf Courses	1 & 2	Possible	Significant	Moderate	Indirect	2

Flooding	1	Possible	Minor	Moderate	Indirect	1
Security	1	Unlikely	Major	Moderate	Direct	1
Former Salvage Yard	1	Unlikely	Minor	Low	Indirect	3
Mining	2	Unlikely	Minor	Low	Indirect	3
Airport	2	Unlikely	Minor	Low	Indirect	3
Train Derailment	1 & 2	Rare	Insignificant	Very Low	Indirect	3
Eagle River Corridor						
Transportation/Roads	1 & 2	Likely	Major	High	Indirect	1
Stormwater Runoff	1 & 2	Likely	Major	High	Direct	1
Residential Practices	1 & 2	Likely	Major	High	Indirect	2
Riparian Areas and Instream Habitat	1	Possible	Significant	Moderate	Indirect	1
Agricultural Practices	1 & 2	Unlikely	Significant	Moderate	Indirect	2
OWTS	1 & 2	Unlikely	Significant	Moderate	Indirect	2
Future Development	2	Possible	Significant	Moderate	Direct	1

DISCUSSION OF POTENTIAL CONTAMINANT SOURCES AND ISSUES OF CONCERN

The following section provides a brief description of potential contaminant sources and issues of concern that have been identified in this plan, describes the way in which they threaten the water source(s) and outlines best management practices.

1. Wildfire

Most of Colorado's wildfires are caused by people. Lightning strikes from the many thunderstorms that pass through the state on a regular basis during the summer months are also a contributor. Lightning strikes sometimes create hotspots which can spread into full-fledged fires under the right conditions.

Much of the attention paid to wildfire and its impacts on the hydrologic cycle focuses on increased danger from flooding and mudslides during the immediate post-fire period. While threats to human health and safety posed by floods, debris flows, and mudslides certainly cause the greatest concern, water quality impacts and their associated risks are nonetheless critical for water utilities and regulatory agencies to address. The potential of a watershed to deliver sediments to surface waters after a wildfire depends on forest and soil conditions, the physical condition of the watersheds, and the sequence and magnitude of rain fall on the burned area. In cases of a high-severity fire, normal runoff and erosion processes can be dramatically altered and magnified.

Large post-fire sediment fluxes impact drinking water systems two ways. First and perhaps foremost is the danger that reservoirs, infiltration basins, and treatment works will be filled, damaged, or otherwise disrupted by sediment. Second, high sediment load is likely to increase pre-treatment processing needs (and costs) for suspended sediment removal. These impacts are highest in areas immediately adjacent to fires (Meixner and Wohlgmuth).

In terms of aquatic habitat, large quantities of post-fire sediment can overwhelm the biological habitat available for aquatic organisms such as fish, as well as organisms that depend on water for some life stage, such as amphibians and insects.

The chemicals used in fire retardants can also be a source of contamination should they migrate through runoff into drinking water supplies. The degree of contamination is controlled by the size of the burned area, distance to surface water, remaining vegetation cover, terrain, soil erosion potential, and subsequent precipitation and intensity (Walsh Environmental, 2012).

Wildfires are an annual occurrence throughout Eagle County. It is not a matter of if, but when, the next fire will impact the community. While many fire effects are beneficial and, often, necessary for natural ecosystem health, some wildfires have the potential to catastrophically impact mountain communities.

Eagle County adopted wildfire regulations in January 2003 to provide standards to reduce or minimize impacts of wildfire hazards on properties, the occupants of properties and the occupants of adjacent properties, as well as to facilitate access to buildings by firefighters in the event of a wildfire. These regulations apply to all new development, new construction, and all additions to existing construction. The county also adopted a Community Wildfire Protection Plan (CWPP) in 2005, and a comprehensive revision in 2011. The purpose of the plan is to unite agencies having jurisdiction in Eagle County, including the towns of Vail, Avon, Basalt, Eagle, Gypsum, Minturn, Red Cliff, and the county's five fire

protection districts under a single plan. Since its creation in 2005, the CWPP has been the guiding document behind many wildfire mitigation efforts in Eagle County.

Eagle County facilitates an informal wildfire council. The group meets regularly to review aspects of assessing current wildfire risk and mitigation strategies; funding opportunities to complement private and public land projects; CWPP updates and associated projects; as well as interagency training opportunities. The council consists of agency representatives and stakeholders from throughout Eagle County, including: the USFS/BLM; the Colorado State Forest Service; Eagle County OEM; Basalt FPD; Gypsum FPD; Greater Eagle FPD; Eagle River FPD; Vail Fire and Emergency Services; Rock Creek Volunteer Fire Department; Vail Resorts; Cordillera Metro District; Eagle-Vail Metro District; Eagle River Water and Sanitation District; the Bellyache Ridge HOA, the Colorow HOA, the Pilgrim Downs HOA, the West Lake Creek Company, the Eagle County Watershed Council, the Beaver Creek Resort Company and Beaver Creek Public Safety (Eagle County).

Eagle County Wildfire Hazard Map

The designation of wildfire hazard is an attempt to quantify the severity of negative wildfire outcomes on values at risk within a given community. In 2014, a highly detailed and customized wildfire hazard model was created for Eagle County. Known as the National Hazard and Risk Model (or No-HARM), this state-of-the-art GIS based wildfire hazard model offers citizens, developers, local fire districts, and other stakeholders the most accurate information available to define wildfire threats in Eagle County.

No-HARM utilizes advanced fire behavior modelling coupled with local information about fuels, weather and topography to generate predictions of fire risk and hazard on a landscape scale. Factors such as parcel density, road system complexity, distance to fire stations, and other anthropogenic elements are also incorporated into wildfire hazard ratings. In addition, No-HARM evaluates areas that are susceptible to embers and smoke, in combination with traditional flame exposure. Modeling is used as a tool for implementing wildfire regulations, and to help identify priority areas for wildfire mitigation projects.

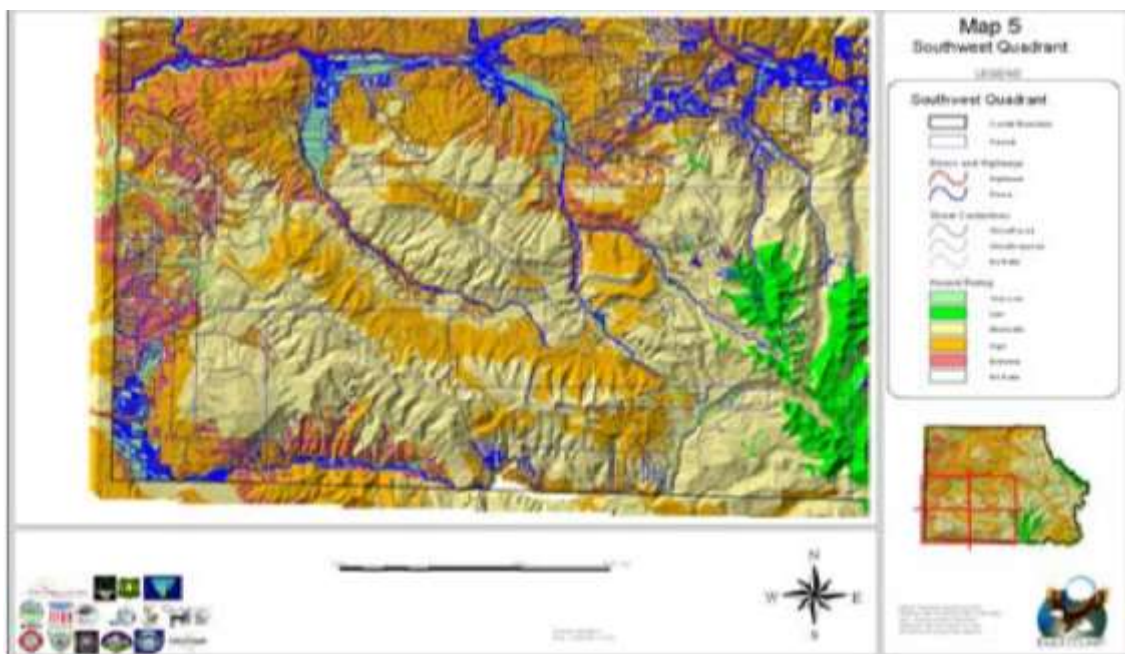


Figure 21: Eagle County Wildfire Hazard Map, Southwest Quadrant Source: Eagle County CWPP

Throughout the western United States, communities are entering the era of mega fires where wildfires are now longer in duration with increased temperatures. There is an increasing number of high elevation fires in beetle kill areas and most of the fires in the region are on the land surface and in tree crowns, where a fire torches the crowns of trees or a group of trees, ignited by the passing front of the fire. Alternately, diverse forests in watersheds that contain aspen & cottonwood are more likely to bounce back from catastrophic fires.

Wildfire managers believe that while fire is a recognized threat to the Town of Eagle's water system, it would have to be a high severity fire to see damaging and detrimental impacts to the Town's water infrastructure. In the upper Brush Creek basin, a thick understory along with the proliferation of Cheatgrass (*Bromus tectorum*) and other surface woody debris contributes to a massive amount of fuels in the Brush Creek watershed. In the Frost Creek drainage along Hardscrabble Road beetle kill and Lodgepole Pine are abundant and a fire there could migrate into the drainages. Post fire impacts in these areas would contribute sediment and debris while firefighting efforts, especially those that require aerial retardant, could persist for the long term.

Fortunately, local fire management agencies including Greater Eagle FPD, Eagle County and White River National Forest, have taken proactive approaches when it comes to managing wildfire risk in their jurisdiction including conducting annual controlled burns and the creation of defensible space around most of the Town's water infrastructure. Sylvan Lake would also act as a natural post-fire deterrent or buffer in protecting the upper West Brush Creek basin intake because the lake, along with beaver ponds and wetlands, would capture debris and potentially slow the movement of flow.

With that being said, the Town believes that some pre-wildfire mitigation could be beneficial. Things to consider when planning mitigation include an understanding of what and where to clear to provide the most effective protection by slowing the spread, intensity and duration of a fire. These practices are accomplished by reducing fuels and protecting soils that can become impermeable as a result of fire.

Wildfire Best Management Practices:

1. Provide a copy of the final Source Water Protection Plan to local Fire Protection Districts, USFS, CSFS, BLM and any other agencies/departments involved in wildfire and land management decision making during the planning of pre-and post-wildfire mitigation strategies.
 - Encourage Agencies to overlay the SWPA's on the Wildfire Susceptibility Analysis maps to identify high-risk areas and to determine recommended action items.
 - ✓ Follow-up with agencies via email and/or phone to encourage them to do so
2. Convene Federal, State, County and local wildfire managers to:
 - Identify wildfire hazards and values at-risk within the watershed (e.g. intake facilities, pump stations, other infrastructure)
 - Determine post-fire hazards and impacts to water quality and values at-risk
 - Develop BMP's to mitigate pre-fire and post-fire hazards
3. Conduct forest/fuel treatments near infrastructure and other strategic locations.
 - Assess lands within the Brush Creek and Eagle River Watersheds for wildfire priority area designation and identify opportunities for fuel treatment that have not been identified or conducted.
4. Work with local fire managers to create an emergency response protocol for wildfire events.
 - Schedule a series of meetings to do so
5. Encourage local FPDs and Eagle County to continue to implement their fire prevention plan which

includes public education programs like Fire Wise and Project Learning Tree.

- Collaborate with these entities in organizing and participating in two programs per year
6. Consider utilizing the Wildfire Decision Support System (WFDSS) for pre-wildfire planning.
 - Work with CRWA in coordinating WFDSS data acquisition
 7. Upgrade the upper basin intake to better protect it during post-wildfire debris flow events.
 - This may include the installation of jersey barriers or rock structures to divert debris flows
 8. Conduct structure protection at the Fulford site.
 - Evaluate the current condition of these structures in regard to existing fireproof materials
 - Fortify the buildings with fireproof roofs, sidings, windows and doors
 9. Continue practice of prescribed burns or mechanical treatment in identified drainages.
 10. Provide residents in the watershed with outreach material that highlights fire management and safety including creating defensible space around their homes.
 - Provide material for review on the Town of Eagle website
 - Have hard copy materials available at Town Hall and at Town sponsored events

2. Transportation and Roads

Motor vehicles, roads and parking facilities are a major source of water pollution to both surface and groundwater. An estimated 46% of vehicles in the United States of America leak hazardous fluids, including crankcase oil, transmission, hydraulic, and brake fluid, and antifreeze, as indicated by oil spots on roads and parking lots, and rainbow sheens of oil in puddles and roadside drainage ditches. An estimated 30-40% of the 1.4 billion gallons of lubricating oils used in automobiles are either burned in the engine or lost in drips and leaks, and another 180 million gallons are disposed of improperly onto the ground or into sewers. Runoff from roads and parking lots has a high concentration of toxic metals, suspended solids, and hydrocarbons, which originate largely from automobiles (Gowler and Sage, 2006). Storm water runoff over these roads can deliver contaminants from the road surface into the nearby groundwater or streams.

Vehicular spills may occur along the transportation route within the SWPA's from trucks that transport fuels, waste, and other chemicals that have a potential for contaminating the groundwater or streams. Chemicals from accidental spills are often diluted with water, potentially washing the chemicals into the soil and infiltrating into the groundwater or streams. Roadways are also frequently used for illegal dumping of hazardous or other potentially harmful wastes.

Outside of visitors to Sylvan Lake State Park (SP) there isn't a lot of heavy transportation in the upper watershed. Brush Creek Road traverses and crosses Brush Creek at several locations but most of the bridge crossings, including those leading to private property, are fortified with guardrails. If there was one area that might need to be investigated, it would be at the curve in the road where the former water tank was located. A vehicle spill or accident along this road has the potential to migrate through the soils into Brush Creek and into the treatment system but Town of Eagle could still supply water to its customers for up to 24 hours before impacts would cause a disruption in service.



Figure 22: Guardrail on Brush Creek Road



Figure 23: Guardrail at a Brush Creek crossing

Transportation Best Management Practices:

1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and Eagle River. If there is not an ECDS, then develop an ECDS.
 - Contact Eagle County OEM and CDOT to find out if an ECDS exists and if not schedule meetings with them to begin the process of creating one
2. Provide copies of the SWPP and Emergency Response Notification Cards to the Colorado Department of Transportation and the Eagle County Offices of Emergency Management and Road and Bridge.
3. Utilize a spill time calculator to measure how long pollutants will take to travel to the intake.
4. Stay informed on road maintenance practices and schedules within the SWPA including: grading, the application of magnesium chloride and dust abatement activities along with the best management practices utilized during these activities.

- Meet with Eagle County Road and Bridge to discuss and evaluate their standard operating procedures
5. Post Source Water Protection signage (7).
 6. Educate the public on how to report spills or dumping in the SWPA on both public and private lands.
 - Provide material for review on the Town of Eagle website
 - Have hard copy materials available at Town Hall and at Town sponsored events
 7. Tour the upper watershed with the USFS, BLM, Sylvan Lake SP, Eagle County and Eagle River Watershed Council (ERWC) to assess and list high priority areas for potential road and trail maintenance and improvement activities.

3. Security

A fairly small number of large drinking water and wastewater utilities located primarily in urban areas (about 15% of the systems) provide water services to more than 75% of the U.S. population. Arguably, these systems represent the greatest targets of opportunity for terrorist attacks, while the larger number of small systems that each serve fewer than 10,000 persons are less likely to be perceived as key targets by terrorists who might seek to disrupt water infrastructure systems.

Attacks resulting in physical destruction to any of these systems could include disruption of operating or distribution system components, power or telecommunications systems, electronic control systems, and actual damage to reservoirs and pumping stations. A loss of flow and pressure would cause problems for customers and would hinder firefighting efforts. Further, destruction of a large dam could result in catastrophic flooding and loss of life. Bioterrorism or chemical attacks could deliver widespread contamination with small amounts of microbiological agents or toxic chemicals and could endanger the public health of thousands. While some experts believe that risks to water systems actually are small, because it would be difficult to introduce sufficient quantities of agents to cause widespread harm, concern and heightened awareness of potential problems are apparent. Factors that are relevant to a biological agent's potential as a weapon include its stability in a drinking water system, virulence in the quantity required, and resistance to detection and treatment. Cyber-attacks on computer operations can affect an entire infrastructure network and hacking in water utility systems could result in theft or corruption of information, or denial and disruption of service (Congressional Research Service).

Overall, security at town water facilities including offices, intakes, and water treatment is getting better. Currently, Town offices are locked and/or fenced. Additional security measures are being investigated and installed, including fencing at town water facilities.

Security Best Management Practices:

1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and the Eagle River. If there is not an ECDS, then develop an ECDS with local partners.
 - Contact Eagle County OEM and CDOT to find out if an ECDS exists and if not schedule meetings with them to begin the process
2. Install fencing and other security measures to safeguard water facility infrastructure.
3. Do not advertise specific water infrastructure locations.

4. Existing and Future Subdivisions

Protecting drinking water sources through better land use management requires strong collaboration among state agencies and between all levels of government and concerned stakeholders. Collaboration

maximizes the effectiveness of initiatives led by land use planners, water utilities, watershed associations, government officials, conservationists, farmers and foresters (Trust for Public Lands, 2008).

As populations increase and land uses change, effective land use planning and watershed management to protect water resources is imperative. Effective watershed management includes developing a watershed management plan as well as implementing the recommendations within the plan. The plan recommendations should include a variety of measures – ranging from changes to local zoning, development regulations and programs, to installation of best management practices at specific priority locations – to protect sensitive watershed resources and restore resources that have already been degraded by agriculture or urbanization. Highly urban watersheds with little remaining undeveloped land will likely focus more on restoration versus a rural watershed with many sensitive pristine areas, but most watershed plans include a combination of both protection and restoration measures. Although protecting natural resources from degradation is generally more successful and cost-effective than trying to restore them after the fact, unfortunately, efforts to protect watersheds are frequently only begun after significant impacts have already occurred. (Center for Watershed Planning, 2015)

Beginning at the headwaters both East and West Brush Creek travel approximately 10.5 and 9.5 miles respectively before their confluence just upstream from the Sylvan Lake SP headquarters. From there moving downstream and through the mouth of the canyon there exists approximately six residential lots, the Frost Creek Golf Course and the Town’s water treatment plant and water tank. It is in this stretch where both Salt and Bruce Creeks confluence with Brush Creek.

Heading downstream for the next 1.5-mile stretch, Brush Creek is bordered to the south by Eagle Ranch Golf Course. Single family homes are situated between the golf course and the creek. The east side of the creek is also bordered by single family homes with Brush Creek Road being the main thoroughfare. The Haymeadow development east of Brush Creek Road started construction in 2019 bringing with it roads, cars, houses and people.



Figure 24: Upper Basin Water Treatment Plant, Storage Tank and southern edge of Frost Creek Golf Club
Source: CRWA

Further downstream for approximately 1.5 miles and adjacent to the east side of the creek, there is considerable open space and preserved wetland habitat. On the west of Brush Creek along that stretch lies the Eagle Ranch development. Eagle Ranch consists of mixed use residential and commercial with a small downtown area.



Figure25: Residential property along Brush Creek and Eagle Ranch Development

Source: CRWA

The Town's downtown core is situated to the northeast of Brush Creek. Just upstream from the confluence lies the Green Acres Mobile Home Park. Minimum setbacks are in place for structures there, but improvements could be made to the riparian area. Also, a new development, Eagle Landing, is going in on the north side of the creek and the Hockett Gulch development is slated to be built to the south of Green Acres MHP. Within the SWPAs, Red Mountain Ranch subdivision is currently going through the town's annexation and development process located on the north side of the Eagle River and south of Highway 6, and Eagle River Station is earmarked for development on the north side of Highway 6 and south of Interstate 70 which is close to the Eagle River.



Figure 26: Lower Basin Intake and wetland open space

Source: CRWA

Both the Town of Eagle and Eagle County have done a good job in planning for growth in the Brush Creek watershed. Measures include planning for the increased traffic, land use changes and stormwater management programs. For example, the Town can have site inspectors certified in Erosion and Sediment Control review and inspection and/or permanent BMP Design Review and Inspection through the Colorado Stormwater Center. This helps reduce potential sediment loading to the system. Additionally, both the Frost Creek and Eagle Ranch Golf Course subdivisions conduct water quality testing and the Eagle Ranch subdivision conducts irrigation workshops.

Existing and Future Subdivisions Best Management Practices:

Existing Subdivisions:

1. Ensure that riparian areas are protected by maintaining minimum stream setbacks.
2. Identify, map and develop cost estimates for recommended stormwater control projects and evaluate each projects' anticipated effectiveness and feasibility.
3. Communicate with Eagle County Road and Bridge in order to prevent snow removal from being piled up adjacent to Brush Creek and the Eagle River.
 - Schedule a meeting with them to do so
4. Assess urban drainage impact risk and recommend site specific projects.
5. Provide educational material to construction companies and landscapers on how to utilize BMPs to prevent storm water runoff from entering the source waters.
 - Post material on Town's website
 - Develop a mailing list and send hard copy material via mail
6. Conduct education to restaurants highlighting waste disposal best management practices.
 - Post material on Town's website
 - Develop a mailing list and send hard copy material via mail
7. Partner with ERWC to conduct storm drain stenciling.

Future Subdivisions:

1. Ensure that riparian areas are protected during buildout by adhering to stormwater runoff controls and the creation of minimum stream setbacks.
2. Update the Town Municipal Code for adequate setbacks and up to date stormwater regulations for protection of the Brush Creek and Eagle River corridors.
3. Provide real estate and construction companies with educational material that highlights best management practices at construction sites including the following of stringent stormwater BMPs during build out.
 - Coordinate meetings with area Real Estate Companies to outline objectives
 - Identify outreach material and provide it to them in both hard copy and electronic formats
4. Provide training and certification opportunities to site inspectors and other Town staff for temporary and permanent stormwater control measure design, installation and maintenance to limit sediment and/or nutrient impacts to Brush Creek.
5. Encourage Eagle County Community Development and Town of Eagle Community Development to utilize the SWPA GIS data when making future land use decisions or changes to zoning laws.
 - Provide Community Development departments with copies of the SWPP and GIS Shapefiles
6. Provide real estate companies with education and outreach material that they can distribute to new home buyers that highlights homeowner best management practices.
 - Coordinate meetings with area Real Estate Companies to outline objectives
 - Identify outreach material and provide it to them in both hard copy and electronic formats

5. Residential Practices

It's a fact of modern life - many of our activities have altered the natural cycles of water movement and purification that give us clean water. And while our individual homes may contribute only small amounts of pollutants, they add up to bigger problems down- stream.

The watershed in which you live probably consists of houses, businesses and undeveloped land. The water from this area drains to a creek or river. As cities develop and streets are paved, the loss of natural vegetation results in much more rapid water runoff. This runoff carries contaminants to our lakes and streams. Cleaning up this polluted water is difficult and can cost taxpayers a lot of money. Keeping our water clean in the first place is much easier and cheaper.

The typical home contains an amazing assortment of cleaning products, paints, solvents, oils, fertilizers and pest control products. If used according to their labels, they can make our lives easier. But many of these products fall within the Environmental Protection Agency's definition of hazardous substances because they can catch fire, explode, corrode or because they are toxic. No matter how beneficial these products are, improper disposal of them can cause serious environmental problems.

A garage, driveway or sidewalk also can be a conduit for water pollution. Anything that drips from your car - oil, gas, antifreeze — can wash off concrete or asphalt into storm drains and end up in our streams and reservoirs. Pet wastes, de-icing salts, pet flea shampoos, water softener chemicals, even car washing detergents can be harmful to aquatic life (CSU Extension, 2002).

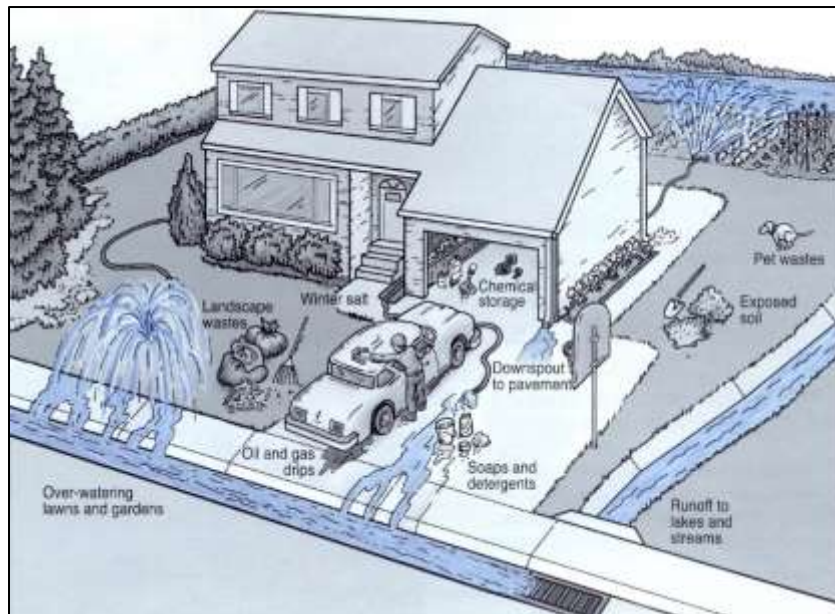


Figure 27: Residential Practices

Source: CSU Extension

Overall, the greater Eagle community appears to be environmentally aware and knowledgeable about protecting the Town's drinking water. The steering committee did believe, however, that an additional layer of messaging was needed to help drive home the point of source water protection especially because of the potential impacts to the new water treatment plant from upstream residential practices.

Residential Practices Best Management Practices:

1. Conduct education and outreach to property owners.
 - Post educational material on the Town's website/social media and distribute in utility bills
 - Continue participation in the Keep It Clean West Slope Partnership
 - Encourage voluntary measures to protect the riparian corridor
 - Integrate messaging into local Adventure Maps
2. Conduct a household hazardous waste clean-up event during the Town Clean-up day.
3. Continue to support the Eagle County prescription drug take back program.
4. Partner with entities to organize a community-wide, Brush Creek celebration and educational event.
 - Schedule a series of meetings to do so
 - Combine celebration with ERWC river clean-up
 - Conduct homeowner best management practices education at event
5. Partner with ERWC and other entities in educating local students about source water protection and the importance of protecting their drinking water.
 - Explore the opportunity to produce a Children's Water Festival
 - Accompany ERWC when they provide educational opportunities at elementary and high schools
6. Utilize the Town's "extraterritorial water service agreement" with property owners to help promote sustainable residential practice ideas for riparian area protection, OWTS maintenance, etc.
7. Submit articles to the "Vail Daily" and "Enterprise" newspapers promoting source water protection.
 - Request to create an article highlighting the Town's SWPP
 - Submit monthly articles highlighting specific source water protection planning activities for homeowners and businesses
8. Have educational materials available at Sylvan Lake State Park and at USFS kiosks.
 - Schedule a meeting to do so
9. Work directly with the property owner of Green Acres MHP to enact BMPs that might include:
 - riparian area enhancement
 - installation of a fence along the back-property line
 - education to residents about the proper amounts and timing of fertilizer application and disposal of hazardous waste
 - parking restrictions within a to be identified stream setback
 - removal of the road within the stream setback

6. Onsite Wastewater Treatment Systems

Onsite Wastewater Treatment Systems (OWTS) are the second most frequently cited source of groundwater contamination in our country. Unapproved, aging, and failing OWTS have a large impact on the quality and safety of the water supply. The failure to pump solids that accumulate in the septic tank will also eventually clog the lines and cause untreated wastewater to back up into the home, to surface on the ground, or to seep into groundwater. If managed improperly, OWTS can contribute excessive nutrients, bacteria, pathogenic organisms, and chemicals to the groundwater. If the storage tank overflows or the leach fields become saturated, runoff to surface waters can also result (Amick and Burgess, 2000).

Properly installed and maintained systems can be a viable method of sewage waste treatment and disposal. Waste materials flow into the septic tank where heavier solids settle out and fatty substances rise to the surface. Bacteria slowly digest the waste and then convert it into simple chemical compounds. Sludge and scum are retained in the septic tank as effluent flows out and into the leach field. Digestion of organic pollutants by bacteria continues in the leach field, where in the presence of oxygen, protozoa

prey on the bacteria and keep the soil pores open. With the soil pores open, the effluent filters down through the unsaturated soil with the removal of bacteria occurring in the first few feet.

Given the applicability of the Colorado Water Quality Control Commission (CWQCC) standards and pollutants typically associated with septic tank/leach field effluent, the primary pollutant of regulatory concern expected to be associated with septic tank/leach field effluent is nitrate. Nitrate was selected as the limiting pollutant from the regulatory perspective for several reasons including: (1) pollutants associated with septic tank/leach field contamination are commonly known to be nitrate and viral/bacterial contaminants (Canter and Knox 1985); (2) nitrate is known to be highly mobile in subsurface environments, while viral/bacterial contaminants are more easily adsorbed onto soils (particularly clayey soils, such as those at the site) (Canter and Knox 1985); (3) the regulatory limit for nitrate is low relative to typical nitrate loadings in septic system effluent; and (4) nitrate concentrations are quite low in undeveloped and uncontaminated stream systems.

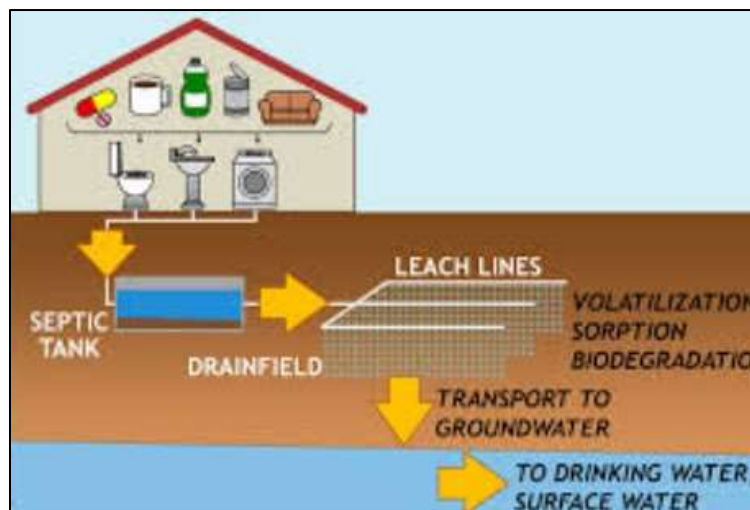


Figure 28: OWTS contaminant pathway to drinking water Source: Silent Spring Institute

The CWQCC interim narrative standards for nitrate correspond to the maximum contaminant levels (MCLs) under the primary drinking water regulations established by the Safe Drinking Water Act the Colorado Public Drinking Water Act and the CWQCC stream water quality standards. The CWQCC interim narrative basic groundwater standard for nitrate is 10 milligrams per liter including for drinking water supplies (Wright Water Engineers, 1996).

In Eagle County, OWTS are permitted by the Environmental Health Department. The County administers and enforces the minimum standards, rules, and regulations outlined in the state of Colorado's Revised Statutes CRS 25-10-103 (12), the CWQCCs Regulation 43 and the Eagle County Public Health Agency OWTS Regulations.

Section 43.2 of the regulations states that "In order to preserve the environment and protect the public health and water quality; to eliminate and control causes of disease, infection, and aerosol contamination; and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish minimum standards and regulations for OWTS in Eagle County and to provide the authority for the administration and enforcement of such minimum standards and regulations."

The purpose of the regulation is to establish minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a capacity less than or equal to 2,000 gallons per day within Eagle County, and establish the minimum requirements for regulations adopted by Board of Health including but not limited to permit application requirements; requirements for issuing permits; the inspection, testing, and supervision of installed systems; the maintenance and cleaning of systems; the disposal of waste material and the issuance of cease and desist orders.

Under the regulations any system that will discharge into surface waters must be designed by a professional engineer. The discharge permit application must be submitted for preliminary approval to the Board of Health. Once approved by the Board of Health, the application must be submitted to the Colorado Water Quality Control Division for review and final approval.

The regulation also establishes minimum distances between components of an OWTS and physical features. Horizontal distances from the various components of a system to pertinent terrain features, including streams, lakes, water courses, springs, wetlands, wells, subsurface drains, cisterns, water lines, suction lines, dry gulches, cut banks, dwellings, other occupied buildings and property lines, must be in accordance with setback requirements.

The setback requirements are applicable for minimum system performance and treatment levels with specific modifications allowed for higher levels of treatment. Acceptable methods of analyzing horizontal separation distances with higher treatment levels include but are not limited to analyzing the intended uses of impacted surface and/or ground waters (Eagle County Public Health Agency).

Eagle County setback requirements are reflected in Table 5, below. The full Eagle County Public Health Agency OWTS Regulations can be found in Appendix G.

Table 5: Minimal horizontal distances in feet between components of an OWTS installed after November 15, 1973 and water, physical and health impact features *Source: Eagle County*

	Spring, Well, Suction Line, Potable Water Supply Cistern ⁴	Potable Water Supply Line 2	Structure w/basement, crawl space or footing drains	Structure without basement, crawl space or footing drains	Property Lines, Piped or Lined Irrigation Ditch, upslope curtain drain	Subsurface Drain, Intermittent Irrigation Lateral, Drywell, Stormwater Structure	Lake, Water Course, Irrigation Ditch, Stream, Wetland	Dry Gulch, Cut Bank, Fill Area (from Crest)	Septic Tank, Higher level treatment Unit, Dosing Tank, Vault or Privy
Septic Tank, Higher Level Treatment Unit, Dosing Tank, Vault or Vault Privy	50 ²	10 ²	5	5	10	10	50	10	--
Building Sewer or Effluent Lines	50 ²	5 ⁶	0	0	10 ²	10 ²	50 ²	10 ²	--
STA Trench, STA Bed, Unlined Sand Filter, Sub-surface Dispersal System, Seepage Pit	100 ³	25 ²	20	10	10	25	50 ³	25	5
Lined Sand Filter	60	10 ²	15	10	10	10	25	10	5
Lined Evapo-transpiration Field or Outside of Berm of Lined Wastewater Pond	60	10 ²	15	15	10	10	25	10	5
Unlined Sand Filter in Soil With a	100	25 ²	15	15	10	25	25	15	10

Eagle County has been very proactive with their OWTS regulations. Although there are unknown or no records for some lots before permitting regulations were in place, the County has required advanced treatment for new and replacement OWTS near sensitive aquatic resources.

There are several properties developed over 25 years ago served by conventional OWTS that accomplish the lowest level of wastewater treatment, and with unknown maintenance frequency. Roughly 20 additional conventional OWTS, several of which are mounded designs, serve other residential properties. Mounded OWTS produce a higher quality effluent compared to conventional OWTS. The subsurface geology of the area consisting primarily of alluvial sands and gravel that groundwater connected with Brush Creek flows through, require mounded OWTS due to the higher water table. A mounded OWTS is a drainfield that is raised above the natural soil surface in a specific sand fill material. Within the sand fill is a gravel-filled bed with a network of small diameter pipes. Septic tank effluent is pumped through the pipes in controlled doses to insure uniform distribution throughout the bed. The effluent leaves the pipes under low pressure through small diameter holes, and trickles downward through the gravel and into the sand. Treatment of the effluent occurs as it moves through the sand and into the natural soil (Humboldt County Department of Human Services).

Extending along the Eagle River for several miles upstream from the pump location there are several more conventional OWTS installed above the Eagle River alluvial fill. Regular maintenance of OWTS is currently the responsibility of individual homeowners which typically occurs when there is a problem with the OWTS. In order to avoid expensive replacement costs and to protect the environment routine maintenance should be formalized.

The Town's current wastewater system collects and treats wastewater from all the homes and businesses located within Town boundaries. However, wastewater is also collected from a few areas located outside of the Town boundaries such as from Eby Creek Mesa which consists of approximately 200 homes. As of the writing of this document, the Town is researching the possibility of expanding the existing wastewater collection system to serve other areas outside the Town boundaries, thus eliminating OWTS in critical source water areas.

OWTS Best Management Practices:

1. Encourage Eagle County to develop a Transfer of Sale and Use Permit program which could incorporate the improvement of OWTS wastewater quality.
2. Utilize the SWPA as a zoning overlay to require additional protection measures to protect the source water.
3. Utilize the Towns "extraterritorial water service agreement" to improve OWTS maintenance and require treatment level upgrades in the event of needed repair or replacement. Also require wastewater connection within a certain timeframe after wastewater collection system is expanded adjacent to the property.
4. Require feasibility assessments for properties with extraterritorial water service agreements to connect to the Town's wastewater collection system when new homes are proposed or when existing OWTS need repair, alteration or replacement.
5. Encourage a schedule of OWTS inspections every three years or sooner depending upon the systems location to the intakes.
6. Distribute OWTS maintenance outreach material to selected homeowners in the SWPA.

* This may include the video produced by CRWA that highlights OWTS regulations, installation and maintenance. <https://www.epa.gov/septic/more-resources-homeowners-septic-systems>

* This may include the Montana State University CD entitled "Taking Care of Groundwater: A

homeowner's guide to well and septic systems". This video connects septic system failure with the maintenance of private wells. <https://www.youtube.com/watch?v=F5rnHSZCYHA>

7. Display OWTS maintenance material/video on the Town's website. This may include a link to the above-mentioned videos.
8. Purchase a sludge monitoring device (sludge judge) for shared use by homeowners so they can evaluate the scum levels in their septic tanks.
9. Work with Eagle County to conduct a study/inventory of OWTS in the Brush Creek and Eagle River watersheds to identify potential problem areas and risks.
 - Schedule a meeting to do so
10. Work with Eagle County to conduct a septic system maintenance demonstration for homeowners.
 - Schedule a series of meetings to do so

7. Noxious Weed and Aquatic Nuisance Species Control

Noxious Weeds

Noxious weeds are non-native invasive plants that displace desirable vegetation and degrade natural and agricultural lands. They threaten our drinking water supply, agricultural crops, pasture lands and native habitats.

Noxious weeds are spread by animals, humans, water, and wind. Noxious weeds can easily be introduced as seeds in soil, ornamental planting mixes, nursery stock, or hitch-hike on vehicles. Prime locations for noxious weeds to become established are on disturbed sites such as roadsides, land cleared for construction, range that is overused by animals or humans, wetlands, along riparian corridors and in lakes and streams. Additionally, noxious weeds are displacing native plants at an alarming rate. When the native plants that wildlife uses for food, shelter, or nesting are gone, wildlife will leave the area.

One common noxious weed found in Colorado's lakes and reservoirs is Eurasian watermilfoil (*Myriophyllum spicatum*). Eurasian watermilfoil is an aquatic plant with feathery underwater foliage that is native to Northern Europe and Asia. Eurasian watermilfoil spreads most commonly by stem fragmentation and runners. The plant roots on the water bottom but survives and is spread as free-floating plants waiting to take root. Eurasian watermilfoil also spreads by seeds. Eurasian watermilfoil starts spring growth before other native aquatic plants giving it competitive advantage over other species. The plant forms very dense mats of vegetation on the surface of the water that interferes with power generation and irrigation by clogging water intakes. These mats also interfere with recreational activities (e.g. swimming, fishing, skiing, boating, etc.), create mosquito habitat, and reduce native vegetation.

Since it was discovered in North America in the 1940s, Eurasian watermilfoil has invaded nearly every U.S. state and at least three Canadian provinces. Milfoil spreads when plant pieces break off and float on water currents. It can cross land to new waters by clinging to sailboats, personal watercraft, powerboats, motors, trailers, and fishing gear. Eradicating established infestations is nearly impossible (Sea Grant Minnesota).

Eurasian watermilfoil is designated as a "List B" species in the Colorado Noxious Weed Act. It is required to be eradicated; some populations may be contained or suppressed depending on State regulations (Colorado Department of Agriculture).

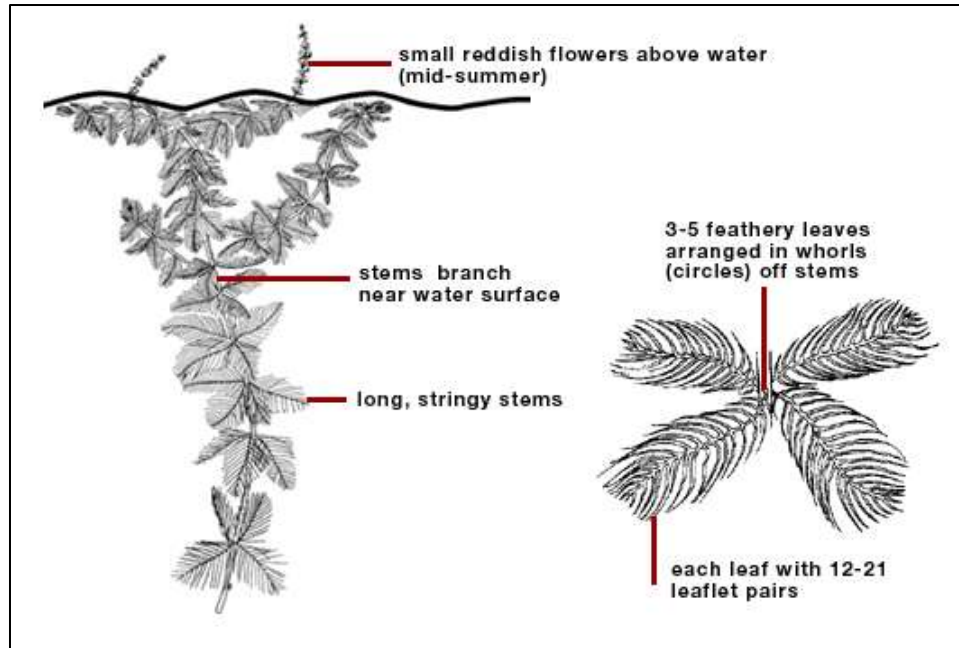


Figure 29: Eurasian watermilfoil

Source: USGS



Figures 30 and 31: Tamarisk and Russian Olive

Sources: honeybeesweet.com and discoverlife.org

The Colorado Noxious Weed Act:

Since 1990 the state's natural and agricultural resources have been protected by the Colorado Noxious Weed Act (35-5.5 CRS). More recent revisions to the Act enable county and city governments to implement management programs aimed at noxious weeds in order to reclaim infested acres and protect weed-free land. These changes included prioritizing the State's noxious weed list into three separate lists, A, B and C.

- List A: plants are designated for elimination on all County, State, Federal and private lands.
- List B: includes plants whose continued spread should be stopped.
- List C: plants are selected for recommended control methods.

In fall 2011 the State added a list of plants known to be invasive in areas near Colorado but are not known to occur here or whose distribution is not yet fully understood.

Colorado's Noxious Weed Act (35-5.5 CRS) establishes a noxious weed list with prioritized management goals for the weeds on the A, B and C Lists. Each noxious weed is required to be eradicated, contained or controlled.

Eradication - The elimination of all plant parts within the current growing season. When populations of noxious weeds that are not normally found in Colorado, or are only found in small areas, are discovered, they are required to be eradicated. By eliminating a noxious weed when its population is small, you save time, money, and much effort in the long run.

Control - If a noxious weed is found in substantial numbers in some parts of the state but not others, a "line in the sand" will be drawn to establish management areas. It may be feasible to eradicate small outlier populations however, in areas of higher density; the management goal may be suppression.

Containment - Some weeds are found in such large numbers that it is no longer realistic to think we will be able to rid the entire state of their presence. Instead we will aim to stop their spread.

Management Methods - Noxious weeds can be managed by using a combination of control methods including mechanical, cultural, biological, preventive and chemical. Different species of noxious weeds grow or spread differently so not all methods will be effective on all weeds. Colorado's Noxious Weed Act requires that certain methods of control be used depending on the level of control that is mandated.

- Mechanical control involves cutting, mowing, disking.
- Cultural controls use materials or techniques that reduce noxious weed populations. Examples include mulching, rotational grazing, and establishing good vegetation cover.
- Biological control uses organisms (insects, mites, diseases and grazing animals) which feed only on specific noxious weeds.
- Since we are dealing with living things, a variety of circumstances come into play that impact the success of the establishment of the biocontrol and ultimately the control of the noxious weed you are targeting. For example, an organism that works well in the plains may not work in the mountains. Although there has been some success on some noxious weeds, bio-control agents are not available for all species and are not allowed for use on species designated for eradication.
- Prevention includes planting weed free seed, mulching with weed free material, cleaning machinery before moving between sites and controlling weeds prior to their setting seed.
- Chemical control involves the use of herbicides

Above all, proper noxious weed identification, monitoring and consistent, diverse control methods are the most important steps to reducing or eradicating infestations. Remember, not all techniques will work in all situations. Refer to the Colorado Department of Agriculture for required controls. Consult with your local weed manager or Licensed Commercial/Professional Applicator for specific recommendations (Colorado Weed Management Association).

Aquatic Nuisance Species

The introduction and spread of the invasive Aquatic Nuisance Species (ANS) Zebra mussel (*Dreissena polymorpha*) and Quagga mussel (*Dreissena rostriformis burgensis*) into the waters of Colorado is a concern for drinking water suppliers. The Zebra and Quagga mussels are invasive non-native freshwater bivalve mollusks. They can be differentiated by morphological differences of their shell. The Zebra mussel is more triangular in shape, usually have a striped pattern on their shells and average one inch in

length. The Quagga mussel has a rounded carina, slightly larger than the Zebra mussel and paler toward the hinge.

Both species of mussels were originally native to the lakes of southeast Russia and were accidentally introduced into other countries from ocean-going ships. The mussels were first discovered in the United States in the Great Lakes in 1988 and spread to a large number of waterways throughout the country.

Zebra and Quagga mussels likely made their way to the Western USA on trailered watercraft. The first discovery west of the 100th meridian was in Lake Mead in 2007. Given their ability to attach to hard surfaces and survive out of water for up to 30 days, many infestations have occurred by adult mussels hitching rides on watercraft.

Both species of mussels are prolific breeders, thus contributing to their spread and abundance. A fully mature female mussel is capable of producing up to one million eggs per season. Their larvae are microscopic. These invasive mussels smother other aquatic organisms and compete with native species for food and habitat. Their massive colonies can clog water intake structures, such as pipes and screens, therefore reducing pumping capabilities for power and water treatment plants, costing industries, companies, and communities. Recreation-based industries and activities have also been impacted; docks, breakwalls, buoys, boats, and beaches have all been heavily colonized (USGS, 2009).



Figure 32: Zebra and Quagga Mussels

Source: USGS

At this time, there are no Zebra or Quagga mussels present in any Colorado water bodies. All waters have been de-listed following five years of no detection per Western Regional Panel Standards (Colorado Parks and Wildlife).

There are stretches along Brush Creek where pesticide application to eliminate noxious weeds occurs from both County officials and private property owners. Yet both the Town and County have Noxious Weed Control Plans that among other things identifies control strategies for mitigation including mechanical or chemical treatment. Although the presence of Tamarisk is minimal in the Brush Creek corridor, Cheatgrass is expanding throughout watershed. Additionally, although many of Colorado's

State Parks have had issues with ANS, Sylvan Lake SP, located above the upper basin intake, to date has not identified any problems.

Noxious Weed and Aquatic Nuisance Species Control Best Management Practices:

1. Collaborate with Eagle County, USFS, BLM, ERWC, and Eagle County Conservation District (ECCD) to identify specific noxious weed locations and target them for additional control measures.
 - Schedule a series of meetings to do so
 - Outline steps to accomplish the tasks
2. Encourage all entities to continue to adhere to current regulations and best management practices that address the mitigation of noxious weeds.
3. Conduct educational seminars addressing noxious weed spraying to Town and County personnel, private property owners, golf course managers, etc.
 - Schedule a series of meetings to do so
4. Work with farm stores like WYLACO to distribute educational material to customers when they sell over the counter chemicals.
 - Have a meeting with WYLACO and others
5. Provide Eagle County Vegetation Management and the ECCD a copy of the SWPP.
6. Conduct education and outreach to recreationists who use boats on Sylvan lake.
 - Schedule a meeting with Sylvan Lake SP to discuss appropriate outreach methods
7. Provide area businesses that sell fishing licenses with CPW educational material to display and distribute to customers to inform them about strategies to prevent the spread of ANS.
 - Acquire appropriate outreach material
 - Contact businesses to see if they want to participate
8. Support ANS inspection programs for Sylvan Lake SP.

8. Riparian Areas and Instream Habitat

Riparian-area restoration is the ecological restoration of riparian-zone habitats of streams, rivers, springs, lakes, floodplains, and other hydrologic ecologies. A riparian zone or riparian area is the interface between land and a river or stream. Riparian zones are significant in ecology, environmental management, and civil engineering because of their role in soil conservation, their habitat biodiversity, and the influence they have on fauna and aquatic ecosystems, including grassland, woodland, wetland or sub-surface features such as water tables. In some regions the terms *riparian woodland*, *riparian forest*, *riparian buffer zone*, or *riparian strip* are used to characterize a riparian zone.

The need for Riparian-zone restoration has come about because riparian zones have been degraded throughout much of the world by the activities of mankind affecting natural geologic forces. The unique biodiversity of riparian ecosystems and the importance of riparian zones in preventing erosion, protecting water quality, providing habitat and wildlife corridors, and maintaining the health of in-stream biota (Aquatic organisms) has led to a surge of restoration activities aimed at riparian ecosystems in the last few decades. Restoration efforts are typically guided by an ecological understanding of riparian-zone processes and knowledge of the causes of degradation. They are often interdependent with stream restoration projects (Wikipedia).

There are no signs of extensive riparian area degradation throughout the upper watershed. Although there can be up to 300 head of cattle in the upper watershed during spring on Hardscrabble Road there is little impact to riparian areas from that activity. Cattle are fenced off from Sylvan Lake State Park, turbidity levels are low throughout the Park and organics and bacteria are not difficult to treat at the Towns upper basin treatment plant.

Overall riparian areas are in good shape in the lower watershed as well. Open space land riparian areas have been surveyed by the Eagle River Watershed Council (ERWC) and there is limited fishing access. The County has imposed setback regulations of 75 feet. The Town's Municipal Code setback regulation is currently at 50 feet, but they hope to adopt the 75-foot setback in the near future since this has been town's policy for many years. The Eagle County Fairgrounds on Eagle River show some riparian area degradation and there are a few other areas where enhancement might be beneficial including at the Eagle County Confluence Park.

Riparian Areas and Instream Habitat Best Management Practices:

1. Collaborate with ERWC to engage in a riparian area assessment of Brush Creek.
 - work with USFS, Eagle County and ECCD and livestock users to identify areas for riparian area enhancement.
 - Utilize National Fish and Wildlife Foundation grant funding and/or explore additional funding options.
2. Expand macroinvertebrate and water chemistry testing upstream and downstream of both intakes to identify changes in water quality.
 - conduct specific projects based on those findings to maximize overall aquatic health
3. Assess Brush Creek and Eagle River historic practices (such as irrigation diversions, etc.) to identify projects which will decrease bank erosion and restore proper stream and riparian area function.
 - Research appropriate documents and past restoration work
 - Schedule a meeting with appropriate agencies and landowners to identify specific projects

9. Agriculture/Small Acreage Farming

Agricultural land use has been a historical mainstay in Colorado for over a century. Even though land use changes have occurred over this time period with development of homes and businesses, agriculture will continue to be a presence in local communities and a key part of local heritage. "Right to Farm" laws and the preservation of private property rights are important to the landowners and will be respected when developing and implementing source water protection plans.

Agriculture is a limited use in the Brush Creek watershed. Cattle grazing and haying occurs primarily in the upper watershed and there are no large tilling operations. A Tilapia Farm is in operation adjacent to Brush Creek and is located below the upper intake and above the lower intake. There are several properties along the Brush Creek corridor to Sylvan Lake SP that do partake in small acreage farming including chickens, cows, sheep, goats and horses but density is very low and the private property owners have historically been good stewards of Brush Creek and its riparian corridor. Along the Eagle River corridor and drainages north of I-70 on Rule Road there are two ranch holdings in the upper drainage along with BLM lands.

Agriculture/Small Acreage Farming Best Management Practices:

1. Continue partnership between Town, Eagle County and others to purchase existing ranches for open space in the Brush Creek and Eagle River valleys.
2. Investigate the establishment of grazing leases as a way to enact education and land management related to source water protection.
3. When opportunities arise, continue to purchase existing ranches for open space and where applicable, allow those ranches to continue their operations.
4. Provide the local NRCS Field Office and ECCD with a copy of the SWPP.

5. Conduct a presentation to the ECCD on Source Water Protection.
6. Partner with Eagle County, ECCD and other appropriate entities in conducting educational events highlighting subjects including grazing management, manure management, irrigation practices, chemical application, animal rendering and chemical use and storage.
 - Create and distribute a brochure to COOP's, ranch stores and other agricultural related businesses highlighting source water protection

10. Golf Courses

The relationship between golf courses, forced ecosystems and the environment is extremely complex and needs to be established carefully because of the social pressures and implications of these types of facilities. The main environmental aspects of golf courses, the way the golf structures exert an influence on the environment, the management practices and the use of pesticides are the main features to be considered. The soil— plant—atmosphere continuum is at the core of the golf course and must be managed in an integrated way to reduce environmental impacts of the whole facility. Many golf courses are located in natural areas which have an influence on the course and vice versa. There is also the need to define the relationships between a course and its surrounding environments (Salgot and Taplas).

Although golf courses are typically large properties ranging in size from 60 to 200 acres, they are just one link in a stormwater management chain. Generally, a quantity of stormwater enters the golf course area, supplemented by what falls on the golf course proper, and then the stormwater leaves the golf course. Therefore, golf courses are realistically capable of having only a small impact on major stormwater flow. That impact should be to add only small increments of water over a given period of time. Engineers call this function “detention.”

When the golf course is properly designed, rain and runoff captured in water hazards and stormwater ponds may provide most or all of the supplemental water necessary under normal conditions, though backup sources may be needed during drought conditions. Capture systems should be considered part of the overall treatment and stormwater capture is desirable where the lowest quality of water is needed to conserve potable water, maintain hydrologic balance, and improve water treatment. This practice uses natural systems to cleanse and improve water treatment

According to the Rocky Mountain Golf Course Superintendents Association (RMGCSA), maintaining water quality in and around the golf courses is essential and they have adopted guiding principles for golf course managers which includes but is not limited to:

- The creation of a Management Plan that includes a water quality monitoring plan to evaluate the state of the environment and the effects the golf course may have on the environment
- Conducting water quality monitoring to determine whether outside events are changing the water quality entering the golf course, or whether the golf course is having a positive, neutral or negative effect on water quality.
 - ✓ Sampling parameters should be determined based on golf course operation and any watershed specific parameters of concern
 - ✓ Monitoring during pre-construction should occur to develop a baseline
 - ✓ Monitoring post-construction should begin with the installation and maintenance of golf course turf and landscaping and samples should be taken at least three times per year
 - ✓ Ongoing, routine water sampling provides meaningful trends over time

The RMGCSA has also come up with numerous BMPs for stormwater management and water quality protection including but not limited to:

- Identifying surface water flow patterns that indicate stormwater flow as well as existing and potential holding capacity
- Identifying major drainages and catch basins that connect to local surface water bodies
- Accommodating natural lake processes in the construction of lakes and ponds
- Using Integrated Pest Management principles to limit excess use of pesticides and fertilizers
- Using appropriate aquatic herbicides to prevent turfgrass injury and to protect water quality and wildlife habitat
- Ensuring that irrigation water should not directly strike or runoff to waterbodies, and no-fertilization buffers should be maintained along water edges (RMGCSA).

The Town of Eagle and the community members that live in the Brush Creek watershed are fortunate in that both golf courses there, Eagle Ranch and Frost Creek, have adopted extensive BMPs to protect water quality.

The Eagle Ranch Golf Club is listed as a “Audubon Cooperative Sanctuary”. The Audubon Cooperative Sanctuary Program is an education and certification program that helps organizations and businesses protect the environment while enhancing their bottom line. The "plan-do-check-act" approach of the program offers information and guidance to implement an environmental management plan that improves efficiency, conserves resources, and promotes conservation efforts. Audubon International awards certification to publicly recognize and reward the environmental achievements and leadership of program members (Audubon International). In order to maintain their certification Eagle Ranch Golf Club has:

- Conducted wildlife habitat management for mammals and birds, particularly for Kestrels.
 - ✓ Fish barrier located on 12th hole to restrict non-native fish introduction
- Conducted water quality monitoring on Brush and Abrams Creeks three times a year.
 - ✓ Test water before and after it enters golf course (Brush Creek)
 - ✓ Nitrites, nitrates, phosphorus and ammonia are filtered as they travel through ponds and wetlands on golf course
 - ✓ 10-foot vegetative buffer zones have been created adjacent to aquatic resources
- Focused chemical use on reduction and safety.
 - ✓ Weeds close to waterways do not get sprayed with herbicides
 - ✓ Slow release fertilizers with biodegradable polymers used in May and September
 - ✓ Utilize hybrid mowers and constantly maintain course equipment
- Engaged in water conservation:
 - ✓ State of the art irrigation system utilizing 2,000 sprinkler heads that are computer controlled
 - ✓ Watered greens as little as possible. As dry spots arise, that specific spot is watered by an employee by hand. Once the entire green is dry, overhead irrigation is used to saturate the root zone.
 - ✓ Monitored soil moisture levels
 - ✓ Shut down the Brush Creek headgate during drought years to satisfy other aquatic resource needs



Figure 33: Location of Frost Creek Golf Club adjacent to Brush Creek Source: CRWA

Figure 34: Frost Creek Golf Club Healthy Riparian Areas along Brush Creek Source: CRWA

Frost Creek Golf Course is not an Audubon Cooperative Sanctuary, but they are conducting extensive water quality testing and macroinvertebrate sampling. As part of the land use approval for the Adam's Rib PUD and subsequent PUD amendment, Frost Creek Golf Course is required to maintain and implement many environmental protection strategies and BMPs, one of which is an on-going Water Quality Monitoring and Mitigation Plan designed to detect and correct adversarial trends in groundwater and surface water quality as well as riparian and macroinvertebrate health.



Figure 35: Eagle Ranch Golf Course Location

Source: CRWA

Golf Courses Best Management Practices:

1. Promote the work that Frost Creek Golf Club and Eagle Ranch Golf Course has accomplished as a benefit to Brush Creek.
 - Co-author an article in the Vail Daily and Enterprise newspapers
 - Highlight the work of the Frost Creek Golf Club and Eagle Ranch Golf Course work on the Town's website
2. Share SWPP with golf course managers.
3. Encourage Frost Creek Golf Club to provide secondary containment for maintenance yard storage tanks.

- Contact the Golf Club to let them know the benefits of doing so to protect the Town's drinking water supply
- 4. Encourage golf courses to either maintain or acquire their Audubon Certification.
- 5. Encourage golf courses to partner with Town and Eagle County to expand both macroinvertebrate and water chemistry testing to identify overall aquatic health of Brush Creek and the Eagle River.
 - Schedule a series of meetings to do so

11. Flooding

Floods are the most common and widespread of all-natural disasters, except fire, according to the Federal Emergency Management Agency (FEMA). Most communities have experienced some degree of flooding following heavy rain or spring and winter thaws.

Floods pose a particular threat to drinking water systems because floodwaters often carry biological and chemical contaminants that can make consumers sick. Contaminants may include bacteria, viruses, protozoa or petroleum products from fuel spills in nearby areas. If source water or any part of the water distribution system flood, these contaminants can end up at consumer taps.

Increased water flow during a flood often makes rivers and streams murky. Elevated turbidity in source water could make it impossible for a water system's treatment plant to treat water. If that occurs, the water system may have to rely on emergency storage capacity or an emergency water source. Even if the water system can overcome high turbidity, the change in disinfection levels may cause taste or odor problems in the treated water (Washington State Department of Health).

Debris from floods is caused by structural inundation and high-velocity water flow. As soon as flood waters recede, people begin to dispose of flood-damaged household items. Mud, sediment, sandbags, and other reinforcing materials also add to the volume of debris needing management, as do materials from demolished and dismantled houses. Surface water intakes run the risk of becoming damaged or blocked because of debris flows.

While wildfires leave less debris than other types of disasters, they still generate much waste. For example, demolished houses contribute noncombustible debris. Burned out cars and other metal objects, as well as ash and charred wood waste, also must be managed. In addition, large-scale loss of plants serving as ground cover can lead to mud slides, adding debris to the waste stream (US EPA).

In September 2013, the front range and plains of eastern Colorado suffered through a catastrophic flooding event. The historic flooding impacted more than 24 counties and more than 2,000 square miles. The floods took 10 lives, and forced the evacuation of more than 18,000 residents, while causing an estimated \$3 billion in damage, including \$1.7 billion to the state's infrastructure, \$623 million to housing and \$555 billion to the state's economy (State of Colorado).

According to FEMA, Brush Creek is susceptible to flooding. Although the upper basin intake is fortified with rock structures it can be inundated with debris during spring flows thus clogging the intake screens. The upper basin water treatment plant and water tank sit 30 feet above the creek so that infrastructure is protected against floods.

Floods could also affect the lower basin intake. A flood would affect the Eagle Ranch Golf Course and after moving through the mouth of the canyon several private properties all the way downstream to the Frost Creek Golf Course. Bridge crossings, both on Brush Creek Road and individual homeowner points

of entry, would be impacted along with homes and structures. Although adequate, Eagle County's 75-foot buffer may not be enough to protect structures during a massive flood event. Irrigation and other diversion structures could also be affected. Fortunately, directly upstream of the intake for approximately 1.5 miles the Town has proactively maintained a healthy wetland area, as much as 4 tenths of a mile wide. This area would help to dissipate flood waters including debris flows dispersion.



Figure 36: Flood potential along Brush Creek in area adjacent to Eagle Ranch Golf Course Source: FEMA

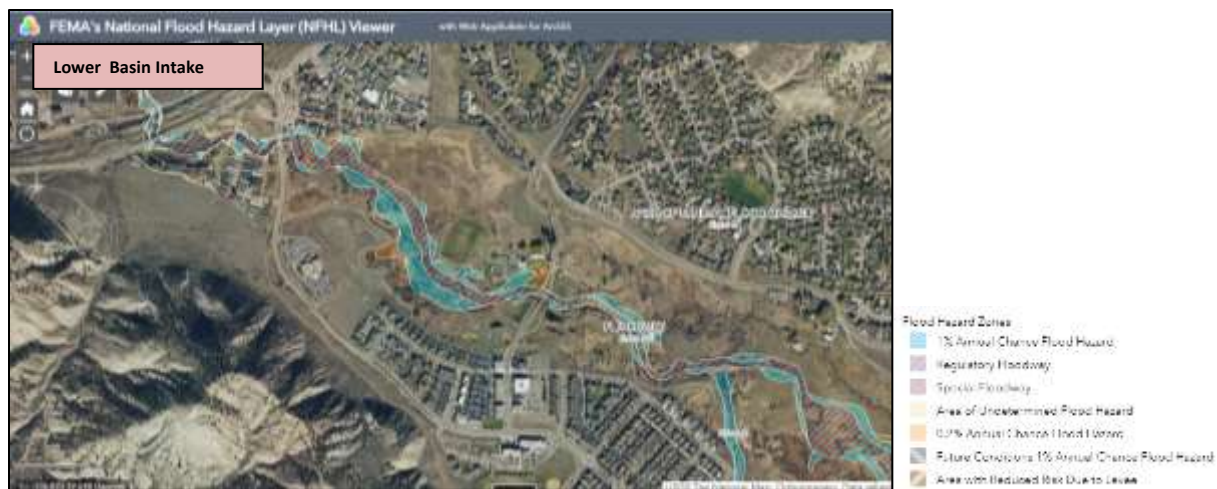


Figure 37: Flood potential in open space wetlands leading to intake Source: FEMA

Flooding Best Management Practices:

1. Utilize the CWCB hazard mapping protocol for Eagle River and apply that to Brush Creek.
2. Explore funding opportunities to upgrade and/or fortify the upper basin intake.
3. Construct levees or other barriers that divert flood waters away from the intake.
4. Create an Emergency Response Protocol for the Brush Creek corridor.
 - Schedule a series of meetings with appropriate agencies to do so
5. Examine the 100-year floodplain and FEMA maps to determine areas that are susceptible to damage.
6. During the update of the Eagle County Land Use regulations evaluate current effectiveness of stream setbacks within the floodplain.
7. Purchase a pump to provide raw water to the water plant in case of an emergency.

The Steering Committee recommends the best management practices listed in the following table be considered for implementation.

[illegible]

	7. Upgrade the upper basin intake to better protect it during post-wildfire debris flow events. - This may include the installation of Jersey barriers or rock structures to divert debris flows 8. Conduct structure protection at the Fulford site. - Evaluate the current condition of these structures in regard to existing fireproof materials - Fortify the buildings with fireproof roofs, sidings, windows and doors 9. Continue practice of prescribed burns or mechanical treatment in identified drainages. 10. Provide residents in the watershed with outreach material that highlights fire management and safety including creating defensible space around their homes. - Provide material for review on the Town of Eagle website - Have hard copy materials available at Town Hall and at Town sponsored events	Town of Eagle
Transportation/Roads <u>Risk</u> UB: High LB: Moderate ER: High Priority Ranking: 1	1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and Eagle River. If there is not an ECDS, then develop an ECDS. - Contact Eagle County OEM and CDOT to find out if an ECDS exists and if not schedule meetings with them to begin the process of creating one 2. Provide copies of the SWPP and Emergency Response Notification Cards to the Colorado Department of Transportation and the Eagle County Offices of Emergency Management and Road and Bridge. 3. Utilize a spill time calculator to measure how long pollutants will take to travel to the intake. 4. Stay informed on road maintenance practices and schedules within the SWPA including: grading, the application of magnesium chloride and dust abatement activities along with the best management practices utilized during these activities. - Meet with Eagle County Road and Bridge to discuss and evaluate their standard operating procedures 5. Post Source Water Protection signage (7). 6. Educate the public on how to report spills or dumping in the SWPA on both public and private lands. - Provide material for review on the Town of Eagle website - Have hard copy materials available at Town Hall and at Town sponsored events 7. Tour the upper watershed with the USFS, BLM, Sylvan Lake SP, Eagle County and Eagle River Watershed Council (ERWC) to assess and list high priority areas for potential road and trail maintenance and improvement activities.	Town of Eagle Town of Eagle, Eagle County, USFS, BLM, Sylvan Lake SP, ERWC
Security <u>Risk</u> UB: High LB: Moderate	1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and the Eagle River. If there is not an ECDS, then develop an ECDS with local partners.	Town of Eagle

<i>Priority Ranking: 1</i>	• Contact Eagle County OEM and CDOT to find out if an ECDS exists and if not schedule meetings with them to begin the process 2. Install fencing and other security measures to safeguard water facility infrastructure. 3. Do not advertise specific water infrastructure locations.	
Existing Subdivisions <u>Risk</u> LB: High <i>Priority Ranking: 1</i>	1. Ensure that riparian areas are protected by maintaining minimum stream setbacks. 2. Identify, map and develop cost estimates for recommended stormwater control projects and evaluate each projects' anticipated effectiveness and feasibility. 3. Communicate with Eagle County Road and Bridge in order to prevent snow removal from being piled up adjacent to Brush Creek and the Eagle River. • Schedule a meeting with them to do so 4. Assess urban drainage impact risk and recommend site specific projects 5. Provide educational material to construction companies and landscapers on how to utilize BMPs to prevent storm water runoff from entering the source waters. • Post material on the Town's website • Develop a mailing list and send hard copy material vis mail 6. Conduct education to restaurants highlighting waste disposal best management practices. • Post material on Town's website • Develop a mailing list and send hard copy material via mail 7. Partner with ERWC to conduct storm drain stenciling.	Town of Eagle Town of Eagle, ERWC
Future Subdivisions <u>Risk</u> LB: High ER: Moderate <i>Priority Ranking: 1</i>	1. Ensure that riparian areas are protected during buildout by adhering to stormwater runoff controls and the creation of minimum setbacks. 1. Update the Town Municipal Code for adequate stream setbacks and up to date stormwater regulations for protection of the Brush Creek and Eagle River corridors. 2. Provide real estate and construction companies with educational material that highlights best management practices at construction sites including the following of stringent stormwater BMPs during build out. • Coordinate meetings with area Real Estate Companies to outline objectives • Identify outreach material and provide it to them in both hard copy and electronic formats 4. Provide training and certification opportunities to site inspectors and other Town staff for temporary and permanent stormwater control measure design, installation and maintenance to limit sediment and/or nutrient impacts to Brush Creek. 5. Encourage Eagle County Community Development and Town of Eagle Community Development to utilize the SWPA GIS data when making future land use decisions or changes to zoning laws. • Provide Community Development departments with copies of the SWPP and GIS Shapefiles	Town of Eagle

	6. Provide real estate companies with education and outreach material that they can distribute to new home buyers that highlights homeowner best management practices. • Coordinate meetings with area Real Estate Companies to outline objectives • Identify outreach material and provide it to them in both hard copy and electronic formats	
Residential Practices <u>Risk</u> <i>UB: Very Low</i> <i>LB: Very High</i> <i>ER: High</i> <i>Priority Ranking: 2</i>	1. Conduct education and outreach to property owners. • Post educational material on the Towns website/social media and distribute material in utility bills • Continue participation in the Keep It Clean West Slope Partnership • Encourage voluntary measures to protect the riparian corridor • Integrate messaging into local Adventure Maps 2. Conduct a household hazardous waste clean-up event during the Town Clean-up day. 3. Continue to support the Eagle County prescription drug take back program. 4. Partner with entities to organize a community-wide, Brush Creek celebration and educational event • Schedule a series of meetings to do so • Combine celebration with ERWC river clean-up • Conduct homeowners best management practices education at event 5. Partner with ERWC and other entities in educating local students about source water protection and the importance of protecting their drinking water. • Explore the opportunity to produce a Children’s Water Festival • Accompany ERWC when they provide educational opportunities at elementary and high schools 6. Utilize the Towns “extraterritorial water service agreement” with property owners to help promote sustainable residential practice ideas for riparian area protection, OWTS maintenance, etc. 7. Submit articles to the “Vail Daily” and “Enterprise” newspapers promoting source water protection. • Request to create an article highlighting the Town’s SWPP • Submit monthly articles highlighting specific source water protection planning activities for homeowners and businesses 8. Have educational materials available at Sylvan Lake State Park and at USFS kiosks. • Request to create an article highlighting the Town’s SWPP • Submit monthly articles highlighting specific source water protection planning activities for homeowners and businesses 9. Work directly with the property owner of Green Acres MHP to enact BMPs that might include: • riparian area enhancement	Town of Eagle Town of Eagle, ERWC Town of Eagle Town of Eagle, Sylvan Lake SP, USFS

[illegible]

<i>Priority Ranking: 2</i>	2. Encourage all entities to continue to adhere to current regulations and best management practices that address the mitigation of noxious weeds. 3. Conduct educational seminars addressing noxious weed spraying to Town and County personnel, private property owners, golf course managers, etc. • Schedule a series of meetings to do so 4. Work with farm stores like WYLACO to distribute educational material to customers when they sell over the counter chemicals. • Have a meeting with WYLACO and others 5. Provide Eagle County Vegetation Management and the ECCD a copy of the SWPP. 6. Conduct education and outreach to recreationists who use boats on Sylvan lake. • Schedule a meeting with Sylvan Lake SP to discuss appropriate outreach methods 7. Provide area businesses that sell fishing licenses with CPW educational material to display and distribute to customers to inform them about strategies to prevent the spread of ANS. • Acquire appropriate outreach material • Contact businesses to see if they want to participate 8. Support ANS inspection programs for Sylvan Lake SP.	Town of Eagle
Riparian Areas and Instream Habitat <u>Risk</u> UB: Low LB: Moderate ER: Moderate <i>Priority Ranking: 1</i>	1. Collaborate with ERWC to engage in a riparian area assessment of Brush Creek. • work with USFS, Eagle County and ECCD and livestock users to identify areas for riparian area enhancement. • Utilize National Fish and Wildlife Foundation grant funding and/or explore additional funding options. 2. Expand macroinvertebrate and water chemistry testing upstream and downstream of both intakes to identify changes in water quality. • conduct specific projects based on those findings to maximize overall aquatic health 3. Assess Brush Creek and Eagle River historic practices (such as irrigation diversions, etc.) to identify projects which will decrease bank erosion and restore proper stream and riparian area function. • Research appropriate documents and past restoration work • Schedule a meeting with appropriate agencies and landowners to identify specific projects	Town of Eagle, Eagle County, ERWC, USFS, ECCD Town of Eagle
Agricultural/Small Acreage Farming <u>Risk</u> UB: Very Low LB: Moderate ER: Moderate <i>Priority Ranking: 2</i>	1. Continue partnership between Town, Eagle County and others to purchase existing ranches for open space in the Brush Creek and Eagle River valleys. 2. Investigate the establishment of grazing leases as a way to enact education and land management related to source water protection. 3. When opportunities arise, continue to purchase existing ranches for open space and where applicable, allow those ranches to continue their operations. 4. Provide the local NRCS Field Office and ECCD with a copy of the SWPP. 5. Conduct a presentation to the ECCD on Source Water Protection.	Town of Eagle

	6. Partner with Eagle County, ECCD and other appropriate entities in conducting educational events highlighting subjects including grazing management, manure management, irrigation practices, chemical application, animal rendering and chemical use and storage. Create and distribute a brochure to COOP's, ranch stores and other agricultural related businesses highlighting source water protection	Town of Eagle, Eagle County, ERWC, ECCD
Golf Courses <u>Risk</u> LB: Moderate Priority Ranking: 2	1. Promote the work that both Frost Creek Golf Club and Eagle Ranch Golf Course have accomplished as a benefit to Brush Creek. - Co-author an article in the Vail Daily and Enterprise newspapers - Highlight the work of the Frost Creek Golf Club and Eagle Ranch Golf Course work on the Town's website 2. Share SWPP with golf course managers. 3. Encourage Frost Creek Golf Club to provide secondary containment for maintenance yard storage tanks. - Contact the Golf Club to let them know the benefits of doing so to protect the Town's drinking water supply 4. Encourage golf courses to either maintain or acquire their Audubon Certification. 5. Encourage golf courses to partner with Town of Eagle, Eagle County and other entities to expand both macroinvertebrate and water chemistry testing to identify overall aquatic health of Brush Creek and the Eagle River. - Schedule a series of meetings with appropriate agencies	Town of Eagle Town of Eagle, Eagle County
Flooding <u>Risk</u> UB: Moderate LB: Moderate Priority Ranking: 1	1. Utilize the CWC hazard mapping protocol for Eagle River and apply that to Brush Creek. 2. Explore funding opportunities to upgrade and/or fortify the upper basin intake. 3. Construct levees or other barriers that divert flood waters away from the intake. 4. Create an Emergency Response Protocol for Brush Creek corridor. Schedule a series of meetings with appropriate agencies 5. Examine the 100-year floodplain and FEMA mapping to determine areas that are susceptible to damage. 6. During the update of the Eagle County Land Use regulations evaluate current effectiveness of stream setbacks within the floodplain 7. Purchase a pump to provide raw water to the water plant in case of an emergency.	Town of Eagle
Backcountry Recreation <u>Risk</u> UB: Low Priority Ranking: 3	1. Post Source Water Protection signage and sub-signs that highlights cleaning up garbage and pet and human waste. 2. Create and distribute a custom brochure and/or fact sheet highlighting source water protection at outdoor recreation stores (aka mountain biking, camping, hiking, AT vehicles). * reference language from Center for Outdoor Ethics web site, "Leave No Trace, Dispose of Waste Properly" found at https://Int.org/learn/principle-3	Town of Eagle
Mining	1. Actively participate in the review process for mining activity permits at the State and County level and in mine land reclamation activities.	

<u>Risk</u> UB: Very Low LB: Low <i>Priority Ranking: 3</i>	2. Provide the Division of Reclamation, Mining and Safety a copy of the final Source Water Protection Plan, GIS shapefiles and maps of the source water protection areas. 3. Research mines that may be vulnerable to wildfire and that may drain heavy metals into surface waters during post-wildfire runoff.	Town of Eagle
Former Salvage Yard <u>Risk</u> LB: Low <i>Priority Ranking: 3</i>	1. No actions needed; Eagle County has verified that the site has been cleaned up. Mediation performed by HG Geotech with final notice August 31, 2011.	Town of Eagle
Airport <u>Risk</u> LB: Low <i>Priority Ranking: 3</i>	1. Investigate the existence of an Emergency Call Down System (ECDS) for Brush Creek and Eagle River. If there is not an ECDS, then develop an ECDS.	Town of Eagle
Train Derailment <u>Risk</u> LB: Very Low <i>Priority Ranking: 3</i>	1. Be informed of any changes in railway usage.	Town of Eagle

EVALUATING EFFECTIVENESS OF SOURCE WATER PROTECTION PLAN

Town of Eagle is committed to evaluating the effectiveness of the various source water best management practices that have been implemented. The purpose of evaluating the effectiveness is to determine if the various source water best management practices are being achieved, and if not, what adjustments to the Source Water Protection Plan will be taken in order to achieve the intended outcomes. It is further recommended that Plan annually and with CRWA every ten years or if circumstances change resulting in the development of new water sources and source water protection areas, or if new risks are identified.

Town of Eagle is committed to a mutually beneficial partnership with the Colorado Department of Public Health and Environment in making future refinements to their source water assessment and to revise the Source Water Protection Plan accordingly based on any major refinements.

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APPENDICES²

- A. Source Water Assessment Report
- B. Source Water Assessment Report Appendices
- C. Table A-1 Discrete Contaminant Types
- D. Table A-2 Discrete Contaminant Types (SIC Related)
- E. Table B-1 Dispersed Contaminant Types
- F. Table C-1 Contaminants Associated with Common PSOC's
- G. Eagle County Public Health Agency OWTS Regulations

² All appendices are located on the CD version of this SWPP.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 23, 2020

Agenda Item: Resolution No. 35, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Authorizing the Town Manager to Execute a Collaboration Agreement for Disbursement of CARES Act Funding Through Eagle County"

REQUEST:

Staff requests that the Town Council review an agreement with Eagle County to receive Coronavirus Relief Funding (CRVF) from the Department of Local Affairs (DOLA).

INTRODUCTION:

As part of the CARES Act, Congress allocated \$275M to counties and local governments in the State of Colorado. DOLA is responsible for distributing funds to local governments. These funds are allocated to Eagle County to distribute to its municipalities. For municipalities to participate, the County and Town need to approve an agreement for how the funds will be distributed. Funds can only be used to reimburse COVID-19 related expenses. This agreement must be executed by July 7 to receive funds. The agreement is attached to this memo.

ANALYSIS:

There are several categories of related expenses outlined in the CVRF and the Town has provided those expenses as well as projections through the end of 2020 to the County. Provided is a summary of the criteria for funding:

1. Necessary expenses incurred due to the public health emergency
2. Expenses not accounted for in the budget approved as of March 27, 2020
3. Expenses incurred beginning March 1, 2020, and ending on December 30, 2020

Funding Allocation and Accounting:

- The jurisdictions agreed to allocate funds based on prorated actual eligible costs incurred or expected to be incurred
- The Town needs to complete an opt-in web form in the DOLA grant portal by July 7, 2020
- Funds that are not expended by September 1, 2020, will revert to the County to ensure that aid stays in the area

COMMUNITY INPUT:

Input was given by all the jurisdictions in Eagle County and it is incorporated in the agreement.

BUDGET / STAFF IMPACT:

This request has a positive impact on the budget. Provided is a funding allocation summary:

Organization	Estimated Costs	Amount Allocated
Eagle County Government	\$ 2,410,000	\$ 2,276,595
Town of Avon	\$ 596,877	\$ 563,837
Town of Basalt	\$ 235,503	\$ 222,467
Town of Eagle	\$ 105,000	\$ 99,188
Town of Gypsum	\$ 36,712	\$ -
Town of Minturn	\$ 46,600	\$ 44,020
Town of Red Cliff	\$ 46,614	\$ 44,034
Town of Vail	\$ 1,534,370	\$ 1,449,435
Total Estimate/Incurred Costs	\$ 5,011,676	\$ 4,699,577

** Gypsum decided to forego their allocation to further assist the County, Vail and Avon, stating that their community benefited from decisions made early on and will benefit from actions that will need to be taken to ensure that we have a successful ski season.*

The Town has incurred \$53,174 so far which will get reimbursed. Staff requested an additional \$46,014 to max out the possible allocation available to the Town of Eagle. Staff is projecting another \$15,000 in COVID-19 related operational expenditures through December for reimbursement. The remaining \$31,014 could be used by the Town Council for community relief according to the eligibility requirements in the CRVF. These funds must be spent no later than September 1, 2020.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does not align with the objectives in the strategic plan. However, it does support sound finances and appropriate investment. Since total projected 2020 yearend revenues are down by 18% and the town has incurred unexpected costs due to COVID-19. Reimbursements will help the Town's financial outlook.

RECOMMENDED ACTION OR PROPOSED MOTION:

There are 2 options and a required motion:

1. Give staff direction on how the Town Council would like to use \$31,014
 - a. Donate funding directly to a cause(s) – doesn't require staff time
 - b. Establish a COVID-19 relief fund like the community requests – requires staff time
 - c. Give it back to the County to use – doesn't require staff time
2. Motion to **approve** or **deny** the adoption of Resolution No. 35, Series, "A Resolution of the Town Council of the Town of Eagle, Colorado Authorizing the Town Manager to Execute a Collaboration Agreement for Disbursement of Cares Act Funding Through Eagle County"

ATTACHMENTS:

- Resolution No. 35
- Agreement

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 35
(Series of 2020)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AUTHORIZING THE TOWN MANAGER TO EXECUTE A COLLABORATION
AGREEMENT FOR DISBURSEMENT OF CARES ACT FUNDING THROUGH EAGLE
COUNTY

WHEREAS, on March 27, 2020, the United States Congress adopted the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, Div. A, Title V (the "CARES Act"), which established a \$150 billion Coronavirus Relief Fund (the "Fund");

WHEREAS, pursuant to the CARES Act, the United States Treasury will make payments from the Fund to States;

WHEREAS, on May 18, 2020, Governor Polis signed Executive Order D2020 070 which authorizes the Colorado Department of Local Affairs ("DOLA") to reimburse costs to counties, municipalities and special districts for necessary expenditures incurred due to the COVID-19 public health emergency, were not accounted for in the budget most recently approved as of March 2, 2020 (the date of enactment of the CARES Act) for the State, and were incurred during the period that begins on March 1, 2020, and end on December 30, 2020;

WHEREAS, DOLA has adopted rules for the disbursement of the Fund that require counties and municipalities to collaborate on requested funding and provide agreement documentation including current and projected expenses to establish place markers for the drawdown of the funds; and

WHEREAS, the Town, Eagle County and the other municipalities within Eagle County have collaborated to document current and project eligible expenses in order to draft initial funding allotments for CARES Act funds.

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

Section 1. The Town Council hereby approves the Collaboration Agreement with Eagle County and the other municipalities within Eagle County for disbursement of CARES Act funds in substantially the form attached hereto, subject to approval of the Town Attorney. Upon approval of the Town Attorney, the Town Manager is hereby authorized to execute the Collaboration Agreement on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 23, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

COLLABORATION AGREEMENT

REGARDING DISBURSEMENT OF CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT FUNDS TO COUNTY AND LOCAL GOVERNMENTS

THIS COLLABORATION AGREEMENT (“Agreement”), is made this ___ day of ___, 2020, by and between COUNTY OF EAGLE, STATE OF COLORADO, a body politic and corporate (“County”) and the TOWNS OF AVON, BASALT, EAGLE, GYPSUM, MINTURN, RED CLIFF, AND VAIL IN THE STATE OF COLORADO, together considered municipal corporations and political subdivisions of the State of Colorado, (“Local Governments”). The County and the Local Governments shall be referred to herein, individually, as a “Party” and, collectively, as the “Parties.”

RECITALS

A. On May 29, 2020, Colorado Department of Local Affairs (“DOLA”) will allocate up to \$275M to Counties and Local Governments across the state from the Coronavirus Relief Fund (“CVRF”), in an effort to reduce the financial impact of the COVID-19 pandemic.

B. The U.S. Congress mandated CVRF as part of the federal CARES Act under Title V. It allows local governments to receive reimbursements for necessary expenditures that were not accounted for in the most recent local government budget and that were incurred as of March 1st due to the COVID-19 public health emergency.

C. The purpose of this Agreement is to provide the structure for how the Parties become eligible and obtain access to funds authorized by Title V, Section 5001(d) of the CARES Act and specifically allows the County and Local Governments to request reimbursement for program payments that: 1) are necessary expenditures incurred due to the public health emergency with respect to the COVID-19 pandemic; 2) were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and 3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Eligible expenditure guidance is provided by the U.S. Treasury (attached as Exhibit A).

D. Section 18(2) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq. and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit.

E. The COVID-19 pandemic has created a myriad of economic distress and unanticipated costs to individuals and families, to businesses, and to the state and local governments addressing the pandemic’s effects.

F. Pursuant to the terms of this Agreement, the Parties wish to be reimbursed individually for COVID-19 pandemic related costs incurred by the Parties.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

I. FUNDING ALLOCATION FORMULA. CARES Act funds are allocated based on the percentage of the population in a given state that resides in the jurisdiction requesting funding from the federal government. The County is allocating CARES Act funds based on prorated actual eligible costs incurred or expected to be incurred as provided by and agreed upon by all parties. The spreadsheet attached as Exhibit B, and incorporated herein, shows the amount of CARES Act funds available to the County and each Local Government pursuant to these prorated eligible costs incurred or expected to be incurred amounts.

II. PROCESS TO OPT-IN. The Parties that desire to participate shall complete a one-time opt-in web-based form, which will be submitted via DOLA's Grant Portal no later than July 7th, 2020. This form requires affirmations of spending, reporting, monitoring, and certain federal requirements of County and Local Government participants for the Coronavirus Relief Funds.

III. REIMBURSEMENT ELIGIBILITY AND ACCOUNTING. The County and Local Governments will separately apply for the funds allocated to them as set forth in Exhibit B. The Parties understand they will need to follow all reimbursement requirements as established by DOLA for those eligible CARES Act reimbursement funds for COVID-19 pandemic related costs as further set forth in guidance provided by the U.S. Treasury, attached as Exhibit A. Generally, CVFR payments may be used for program payments that: 1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; 2) Were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and 3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Nothing in this Agreement is a guarantee that reimbursement applications will be granted.

IV. RETURN OF UNSPENT DOLLARS TO COUNTY. To ensure that the maximum amount of CVRF dollars are expended for the benefit of Eagle County residents and businesses by the deadline of December 30, 2020, Towns agree to report to the County the total amount of funding requests they have submitted to DOLA by September 1, 2020. If Towns have not already requested from DOLA or submitted a plan to the County to showing they will utilize their entire allocation by the deadline, they will forfeit unspent dollars to the County who will utilize the remaining allocation for other eligible expenditures.

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IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

Eagle County

Attest:

Kathy Chandler-Henry, Chair

Town of Avon

Attest:

Sarah Smith Hymes, Mayor

Town of Basalt

Attest:

Bill Kane, Mayor

Town of Eagle

Attest:

Scott Turnipseed, Mayor

Town of Gypsum

Attest:

Steve Carver, Mayor

Town of Minturn

Attest:

John Widerman, Mayor

Town of Red Cliff

Attest:

Duke Gerber, Mayor

Town of Vail

Attest:

Dave Chapin, Mayor

Exhibit A:

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

Exhibit B: Funding Allocation

Organization	Estimated Costs	Amount Allocated
Eagle County Government	\$ 2,410,000	\$ 2,276,595
Town of Avon	\$ 596,877	\$ 563,837
Town of Basalt	\$ 235,503	\$ 222,467
Town of Eagle	\$ 105,000	\$ 99,188
Town of Gypsum	\$ 36,712	\$ -
Town of Minturn	\$ 46,600	\$ 44,020
Town of Red Cliff	\$ 46,614	\$ 44,034
Town of Vail	\$ 1,534,370	\$ 1,449,435
Total Estimate/Incurred Costs	\$ 5,011,676	\$ 4,699,577



To: Mayor and Town Council

From: John Staight, Open Space Coordinator

Date: June 19, 2020

Agenda Item: Resolution 36, Series 2020 "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Ridgeway Open Space Project"

REQUEST:

Council approval of the attached Agreement and Resolution, and signature of the Mayor.

INTRODUCTION:

In 2017, Eagle County purchased the 1,540 acre Brush Creek Valley Ranch in partnership with the Town of Eagle, Great Outdoors Colorado (GOCO), the Eagle Ranch Wildlife Committee, the Eagle Valley Land Trust, and other funding partners. The purchase price for that property was \$1.5 million. The Town of Eagle contributed \$500,000 from its Open Space Fund for the purchase. The Town was involved in the drafting to the conservation easement that was placed on the property at the time of closing, as well as the subsequent Brush Creek Valley Ranch Management Plan that was prepared to guide how the property was to be managed in coming years. The Brush Creek Valley Ranch purchase was a significant conservation achievement, providing opportunities for public recreation, education and forever protecting significant wildlife habitat, wetland plant communities, picturesque scenic open space, senior water rights, and agricultural operations.

The Ridgeway parcel is an inholding surrounded on three sides by the Brush Creek Valley Ranch (see the attached GOCO grant application for a map). This highly developable parcel fronts one mile of Brush Creek Road and contains one mile of Brush Creek and the confluence with the smaller Salt Creek. Due to personal circumstances, the Ridgeway family wanted to promptly sell the approximately 129-acre inholding. Eagle County is currently under contract for purchasing the property as open space, with a closing date of July 22nd. The purchase price, excluding the value of improvements, is \$2,062,720. The Eagle Valley Land Trust submitted an application to GOCO on behalf of Eagle County in August of 2019 for funding to assist with the Ridgeway parcel purchase. Having multiple funding partners listed on a GOCO grant applications is critical for strengthening GOCO grand applications, and Town of Eagle submitted a letter of support at the request of the County. The GOCO grant application was successfully awarded. The funding partners and amounts listed were as follows: \$700,000 from GOCO, \$1,189,705 from Eagle County, \$200,000 from the Eagle Ranch Wildlife Committee, \$10,000 from the Town of Eagle, \$5,000 from EVLT.

ANALYSIS:

This project provides an opportunity to make the Brush Creek Valley Ranch Open Space continuous piece of open space which is not fragmented by a private property inholding. Continuity is always important for the protection of wildlife that migrates from property to property within a habitat area. The County and EVLT are currently finishing the conservation easement for the property, but it will simply be an amendment to the Brush Creek Valley Ranch conservation easement allowing the two properties to be managed as one. That conservation easement includes both outdoor recreation and wildlife preservation as allowed uses. The Ridgeway purchase would allow for a potential future paved recreation path to be build paralleling the east side of Brush Creek Road. Such a path would get cyclists off of the shoulder-less Brush Creek Road, which has been a long-standing safety concern for Eagle residents. This open space purchase would add outdoor recreation and wildlife viewing opportunities which would contribute to Eagle's standing as an outdoor recreation destination.

Keeping the Ridgeway parcel as open space is consistent with the Town's Eagle Area Community Plan, which sets the limits of the Town growth boundary at the east end of the Haymeadow development and envisioned that the lands beyond the boundary would remain agricultural and natural.

The Ridgeway purchase in total costs only 15% as much as Brush Creek Valley Ranch Open Space, but will increase protection of Brush Creek riparian and scenic corridor by nearly 50% (from two miles to three miles).

COMMUNITY INPUT:

The opportunities for input on the Ridgeway Parcel purchase were available at multiple County Commissioner meetings and County Open Space Advisory Committee meetings over the past year. The input was positive, as it was for the Brush Creek Valley Ranch Open Space purchase. The Town's budget approval process provided an opportunity for Town residents to review the 2020 Open Space Fund line items.

BUDGET / STAFF IMPACT:

In anticipation of a successful purchase of the Ridgeway parcel, the Town Board of Trustees approved \$10,000 for the Acquisitions line item in the approved 2020 Open Space budget. COVID19 is of course impacting Open Space Fund revenue in 2020, as it is all Town funds. However, the purchase of the Ridgeway parcel is a one-time opportunity with a fixed closing date. This may be the County's and Town's only opportunity to purchase this property for open space. The Town's \$10,000 contribution will be heavily leveraged, with the majority of the funding provided by the other partners.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This open space purchase is aligned with the following Major Objectives:

Major Objective No. 1: Develop a Long-term Vision for Eagle

Major Objective No. 9: Continue Investing in Outdoor Activities, Recreation, and Open Space

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve or deny Resolution 36, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Ridgeway Open Space Project"

ATTACHMENTS:

Agreement Between Eagle County, Colorado and Town of Eagle for the Ridgeway Open Space Project

Resolution 36, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Ridgeway Open Space Project"

2019 GOCO Grant Application (for reference)

RESOLUTION NO. 36

Series of 2020

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN EAGLE COUNTY
AND THE TOWN OF EAGLE FOR THE RIDGEWAY OPEN SPACE PROJECT**

WHEREAS, Eagle County has entered into an agreement to obtain title to approximately 131 acres of land known as the Ridgway property (the "Property");

WHEREAS, Eagle County is willing to place a conservation easement on the Property that will protect in perpetuity the conservation values of the Property which include the significant wildlife and wildlife habitat that exists on the Property;

WHEREAS, the preservation of the Property from development and management of the Property under the terms described herein will serve the purposes for which the Town's Open Space Fund was established;

WHEREAS, Town desires to contribute toward the acquisition and permanent preservation of the Property and related costs subject to the terms and conditions set forth in the Intergovernmental Agreement (the "IGA"), attached hereto as **Exhibit A** and incorporated herein by this reference.

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

Section 1. The Town Council hereby approves the IGA in substantially the same form as attached hereto as **Exhibit A**, and in a form approved by the Town attorney, and authorizes the Town Manager to execute the IGA on behalf of the Town.

Section 2. This Resolution shall take effect immediately upon its passage.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle held this 23rd day of June 2020.

Scott Turnipseed, Town Mayor

ATTEST:

Jenny Rakow, Town Clerk

AGREEMENT
BETWEEN EAGLE COUNTY, COLORADO
AND
TOWN OF EAGLE
FOR THE
RIDGWAY OPEN SPACE PROJECT

THIS AGREEMENT (hereinafter “Agreement”) is made _____, by and between Eagle County, Colorado, a body corporate and politic, (“County”) and the Town of Eagle, Colorado a municipal corporation (“Town”). The County and Town shall together be referred to as the “Parties”.

WHEREAS, County has entered into an agreement to obtain title to approximately 131 acres of land depicted on Exhibit A known as the Ridgway property (hereinafter the “Property”); and

WHEREAS, County is willing to place a conservation easement on the Property that will protect in perpetuity the conservation values of the Property which include the significant wildlife and wildlife habitat that exists on the Property; and

WHEREAS, the preservation of the Property from development and management of the Property under the terms described herein will serve the purposes for which the Town’s Open Space Fund was established; and

WHEREAS, Town desires to contribute toward the acquisition and permanent preservation of the Property and related costs subject to the terms and conditions set forth herein.

NOW THEREFORE, in consideration of mutual promises and covenants contained in this Agreement, the Parties agree as follows:

1. Funding. Town will transfer, at the time of closing, to Heritage Title Company the sum of ten thousand dollars (\$10,000) from the Town of Eagle Open Space Fund, which will be used to fund the County’s purchase of the Property. The funds will be applied to the purchase price. Town shall have no responsibility for any other payment in connection with the purchase or the management of the Property. In the event that the Property is not purchased, the entire \$10,000 will be refunded to Town.
2. Conservation Easement. Town staff shall be entitled to review and reasonably comment on the form of conservation easement to be recorded against the Property prior to its execution. Town staff will timely provide its comments on the conservation easement to County recognizing that the time for reviewing the document may be limited and that County will have final authority for approving of the form of easement. Further, Town acknowledges that the form of conservation easement is subject to review and approval by Great Outdoors Colorado and language required by Great Outdoors Colorado will be incorporated into the conservation easement and will not be subject to modification. Town acknowledges that the Property may be operated as a working

ranch and may allow for access by the public in connection with certain recreational activities. To that end, the conservation easement will identify conservation values and will include, among other things, the following conditions and restrictions: (a) identification as a conservation value the significant wildlife and wildlife habitat existing on the Property; and (b) subject to operation of the Property as a working ranch, those portions of the Property identified for public recreation and access may be closed on a seasonal basis to public recreation as recommended by Colorado Parks and Wildlife or as determined necessary to protect wildlife.

3. Miscellaneous Provisions.

- a. Eagle County, as well as those who have or may agree in writing with County, will be responsible for all expenses associated with ownership, operation and management of the Property. Town, at the discretion of the Town Council, may allocate funds or personnel time in the future, toward the operation and management of the Property, but is not obligated to do so by this Agreement.
- b. If any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any federal law or law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties hereto shall be construed and enforced as if the Agreement did not contain the particular part, term or provisions held to be invalid.
- c. Nothing in this Agreement is intended to create or grant to any third party or person any right or claim for damages of the right to bring or maintain any action at law.
- d. The County does not waive any immunity at law including immunity granted under the Colorado Governmental Immunities Act.
- e. This Agreement is intended as the complete integration of all understanding between the Parties and constitutes the entire agreement between the Parties.
- f. This Agreement may be changed or modified by written agreement of the Parties.
- g. Any notices or other communications required or permitted to be given hereunder shall be given in writing and delivered personally, by U.S. mail, or by electronic mail to the attention of the individuals below, or to such other addresses as any other parties designate by written notice. Notice shall be deemed given on the date of personal delivery or electronic mailing, or five (5) days from the date of mailing by U.S. mail.

Notice to Association:	Town of Eagle
	c/o Town Manager
	200 Broadway
	P.O. Box 609
	Eagle, CO 81361

brandy.reitter@townofeagle.org

Notice to Eagle County: Katherine King, Open Space Manager
P.O. Box 179
Eagle, Co 81631
katherine.king@eaglecounty.us

And to: Bryan Treu, County Attorney
P.O. Box 850
500 Broadway
Eagle, CO 81631
Bryan.Treu@eaglecounty.us

- h. Notwithstanding anything to the contrary contained in this Agreement, no payment will be made for any obligation set forth herein and for the any period after December 31st of any calendar year without the written approval in accordance with a budget adopted by the Eagle County Board of County Commissioners in compliance with the provisions of Article 25, Title 30 of the Colorado Revised Statutes, the Local Government Budget Law (C.R.S. section 29-1-101 et. seq.) and the TABOR Amendment (Colorado Constitution, Article X, Sec. 20). Similarly, no payment will be made for any obligation set forth herein and for any period after December 31st of any calendar year without the written approval in accordance with a budget adopted by the Town Council in compliance with Article 20 of Title 31 of the Colorado Revised Statutes, the Local Government Budget Law (C.R.S. 29-1-101 et. seq.) and the TABOR Amendment (Colorado Constitution, Article X, Section 20).
- i. The recitals set forth above are incorporated herein by reference.

IN WITNESS WHEREOF, this Agreement is entered into the day and year first written above.

COUNTY OF EAGLE, STATE OF COLORADO
By and through its Board of County Commissioners

By: _____
Kathy Chandler-Henry, Chair

Attest:

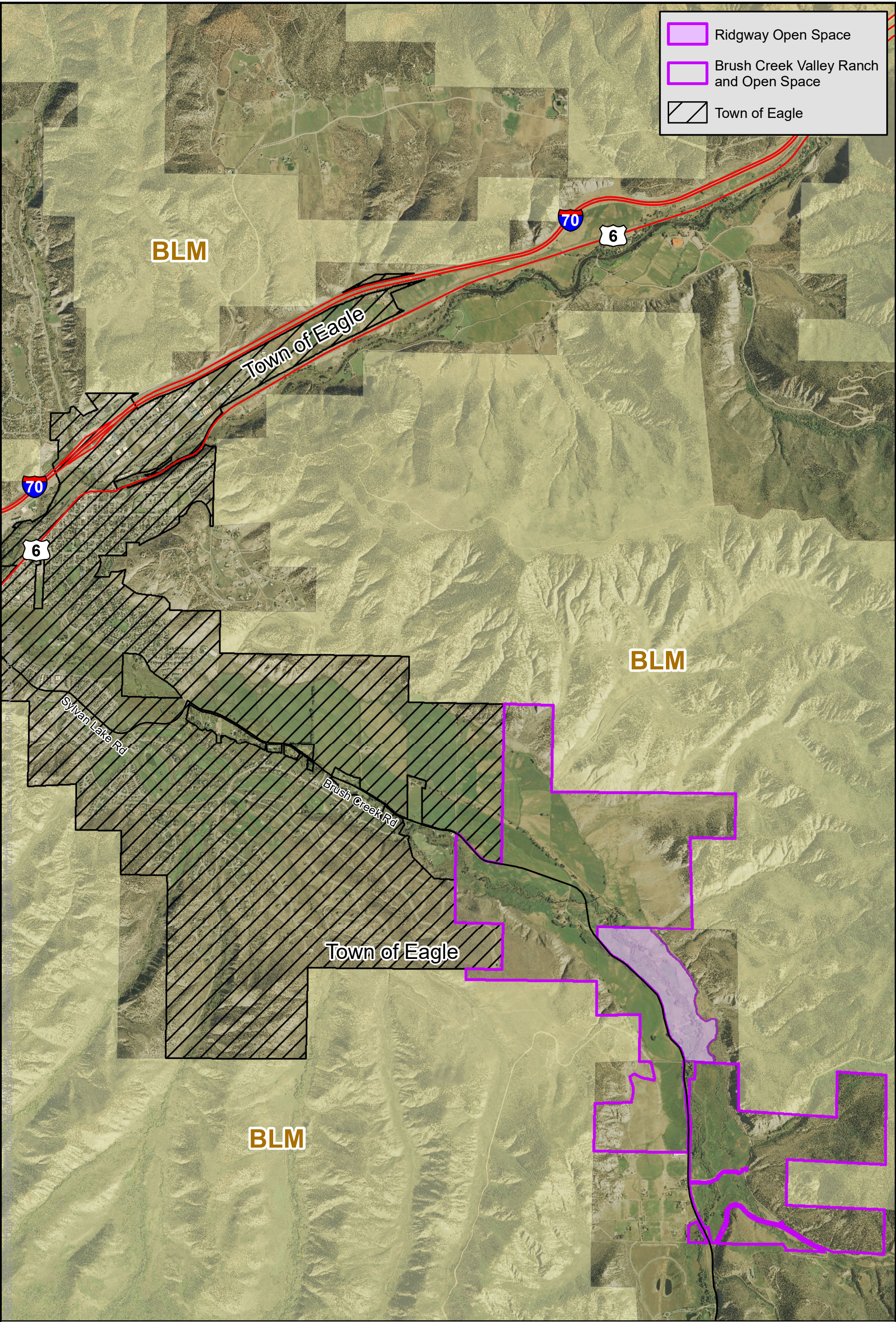
Regina O'Brien, Clerk to the Board

TOWN OF EAGLE, COLORADO a municipal
corporation acting by and through its Town Council

By: _____
Scott Turnipseed, Mayor

Attest:

Jenny Rakow, Town Clerk



Ridgway Open Space

Brush Creek Valley Ranch and Open Space

Town of Eagle

Ridgway Open Space Regional Map

1 inch = 2,500 feet

00.250.5

Miles



2019 Open Space Grant Application



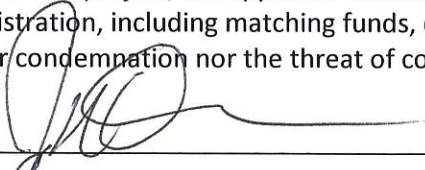
Ridgway Inholding, Eagle County, Colorado

-Inholding to Brush Creek Valley Ranch and Open Space-
(formerly known as Hardscrabble Ranch)

Approximately 129 acres

APPLICANT INFORMATION		
Name: Eagle Valley Land Trust		
Address: P.O. Box 267, Edwards, CO 81632		
Applicant Contact Name: Jim Daus		Title: Executive Director
Phone: 970-748-7654 ☐ Cell ☒ Office	Email: jdaus@evlt.org	Are you the primary contact for this grant? ☒ YES ☐ NO
PARTNER INFORMATION		
Name: Eagle County Open Space		
Address: 500 Broadway, P.O. Box 179, Eagle, CO 81631		
Partner Contact Name: Diane Mauriello		Title: Open Space Manager
Phone: 970-328-8698 ☐ Cell ☒ Office	Email: diane.mauriello@eaglecounty.us	Are you the primary contact for this grant? ☒ YES ☐ NO
PROJECT INFORMATION		
Project Title: Ridgway Inholding		
Grant Request: \$ 700,000		
PLEASE BE SURE THE DOLLAR FIGURES ABOVE MATCH YOUR BUDGET.	Total Project Cost: \$2,130,613	Total Project Value: \$2,130,613
County or Counties: Eagle County		
Estimated Closing Date: April 30, 2020		Number of acres to be protected: ~129
Legal Fees (If you are including more than \$15,000 in legal fees per property in the budget, please explain how you came up with this number.): N/A		
Does the proposed conservation easement holder agree to comply with GOCO's Stewardship and Organizational Health procedure (which applies to all holders of conservation easements on GOCO-funded projects)? ☒ Yes ☐ No		
Who will hold the conservation easement? Eagle Valley Land Trust		

I certify that I am authorized to sign on behalf of the applicant and that, if awarded an open space grant for this project, the applicant will comply with GOCO's requirements for open space grant administration, including matching funds, due diligence, and general requirements. I certify that neither condemnation nor the threat of condemnation is or will be a part of this transaction.



Date: 8/14/19

An authorized person must sign here, such as the applicant's executive director, county commission chairperson, or city council chairperson.

EXECUTIVE SUMMARY

Conservation of the Brush Creek Valley in central Colorado has been a community effort for nearly 50 years. The purchase of the Ridgway Inholding (**Inholding**) will effectively fulfill that goal. In 1972, a developer started assembling land in the valley and made plans for a large ski area, golf courses, and over 1,600 homes (**Adam's Rib**). In 1999, after years of community opposition to the development, GOCO funding helped conserve a portion of the land by expanding Sylvan Lake State Park and United States Forest Service (**USFS**) lands by 1,782 acres halting the ski area concept.

In 2017, with funding from the GOCO Protect Initiative, the remaining undeveloped 1,540 acres was purchased by Eagle County for \$15.5M, ending the developer's vision for a sprawling subdivision in the heart of the wide agricultural valley just south of the Town of Eagle. This parcel, formerly known as Hardscrabble Ranch, has been named the Brush Creek Valley Ranch and Open Space (**BCVROS**), is owned by Eagle County and is protected by a conservation easement held by Eagle Valley Land Trust (**EVL**T).

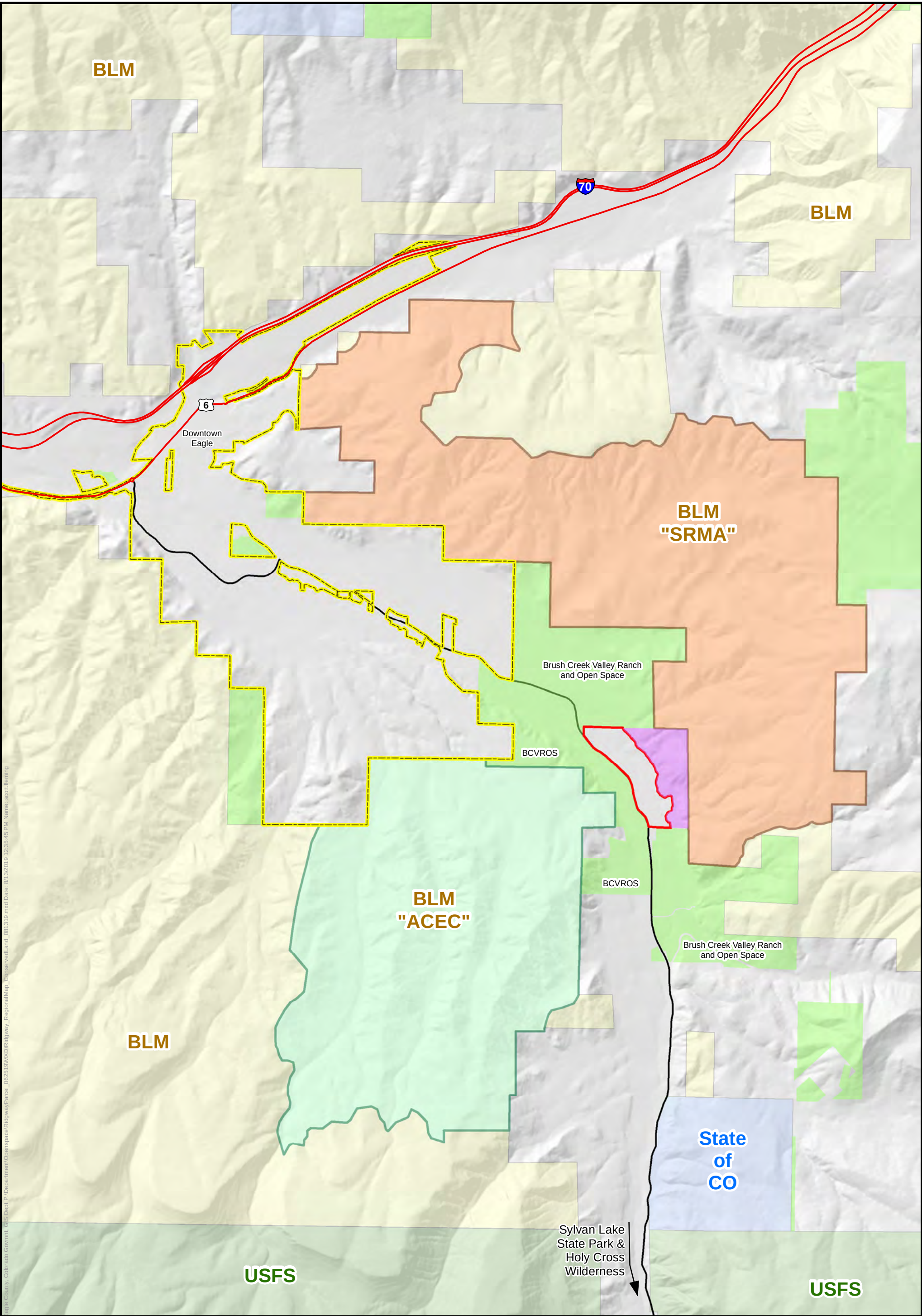
While its extraordinary conservation values stand on their own, the Inholding is the last large parcel in the valley unclaimed for development and is the ecological and scenic centerpiece of the conserved BCVROS and tens of thousands of acres of public lands. Its integration into the surrounding conserved land and agricultural operation is essential to the goal of protecting the valley and is a prudent, complimentary, addition to previous public investments in the valley's protection.

Conservation of the Inholding will offer excellent permanent opportunities for public recreation and education and will forever protect significant wildlife habitat, rare wetland plant communities, picturesque scenic open space, senior water rights, and agricultural operations. This highly developable parcel fronts one mile of Brush Creek Road and contains one mile of Brush Creek and the confluence with the smaller Salt Creek.

Due to personal circumstances, the Ridgway family is interested in promptly selling the approximately 129-acre inholding. To enhance this application, the Ridgways have offered to grant an easement for public access and a restrictive covenant to preserve a critical wildlife corridor through their approximately 124-acre adjacent parcel to the east. This proposed access easement will provide access to thousands of acres of Bureau of Land Management (**BLM**) land. The eastern parcel, which is not for sale, contains the Ridgway's primary residence which they intend to occupy for the remainder of their lives.

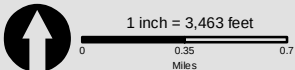
Acquisition of this parcel is critical because Eagle County's population is expected to double to over 100,000 in the next 40 years and the parcel is a prime candidate for development due to its highly desirable location, topography, natural beauty, and easy access from Brush Creek Road. Preservation of the Inholding will leverage past GOCO investments to create expanded opportunities for regional recreation, preservation of our ranching and agricultural heritage, and habitat connectivity. Failure to conserve the Inholding would potentially undermine those investments.

The county and seller have completed negotiations and have entered into a contract to purchase the property, subject to final appraisal and typical due diligence. The purchase price, excluding the value of improvements, is \$2,062,720, based on a preliminary appraisal. EVLT respectfully requests \$700,000 from GOCO, 32.85% of the \$2,130,613 project cost which will be leveraged by \$1,189,705 from Eagle County plus \$200,000 from the Eagle Ranch Wildlife Committee, \$10,000 from the Town of Eagle, \$5,000 from EVLT, and other anticipated cash and in-kind contributions. Despite its planned investment in several other priority projects Eagle County is investing substantial open space funds to complete this purchase due to its urgency and importance. A relative bargain, the Inholding costs only 15% as much as BCVROS but will increase protection of Brush Creek riparian and scenic corridor by nearly 50% (from two miles to three miles).



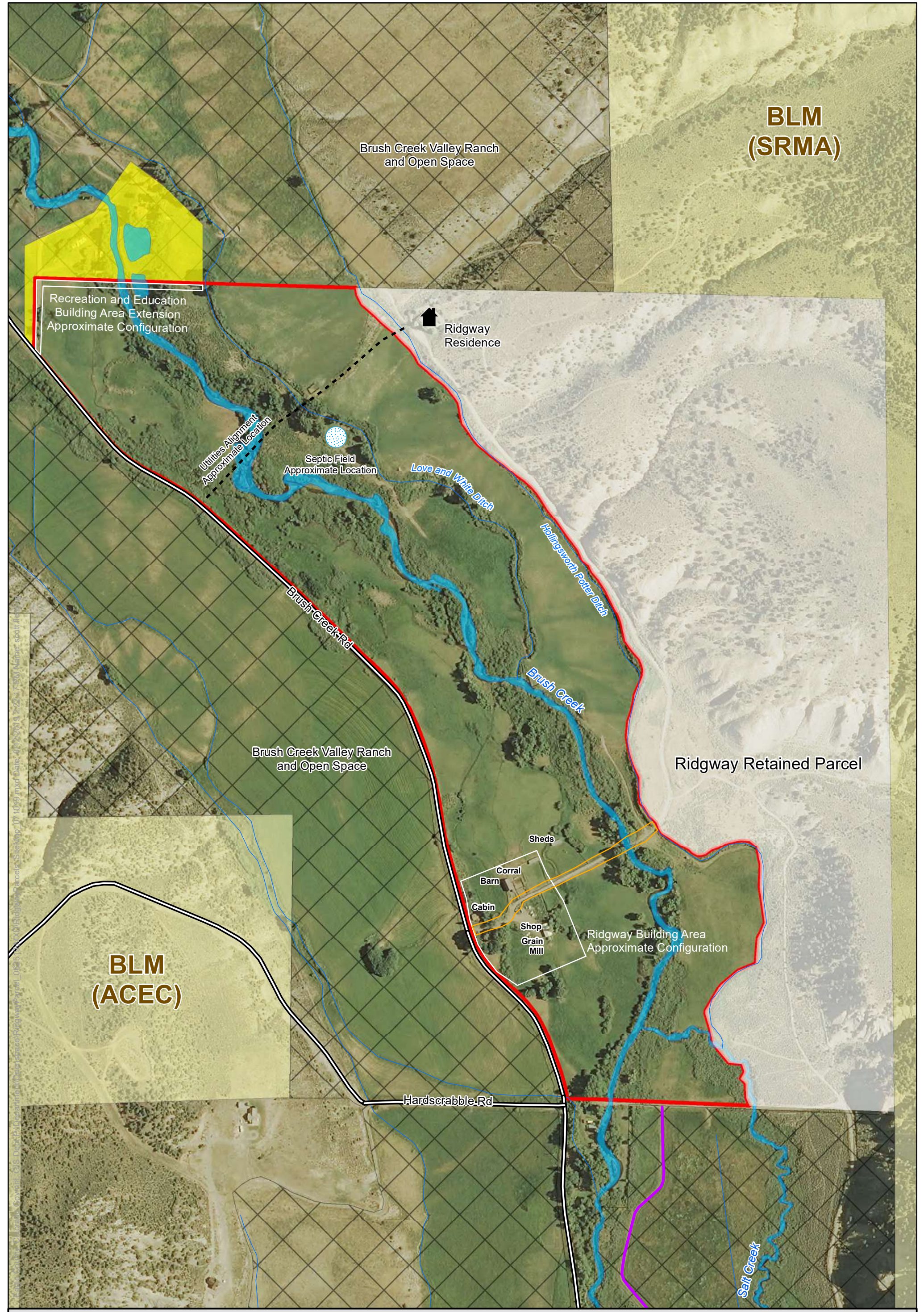
Ridgway Inholding Regional Map

- Ridgway Inholding
- Ridgway Retained Parcel
- Conserved Property
- BLM Hardscrabble ACEC
- BLM Hardscrabble SRMA
- Town Boundary of Eagle
- BLM
- USFS
- State of Colorado



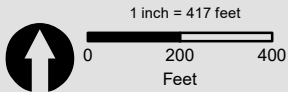
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Maps for discussion purpose / subject to change

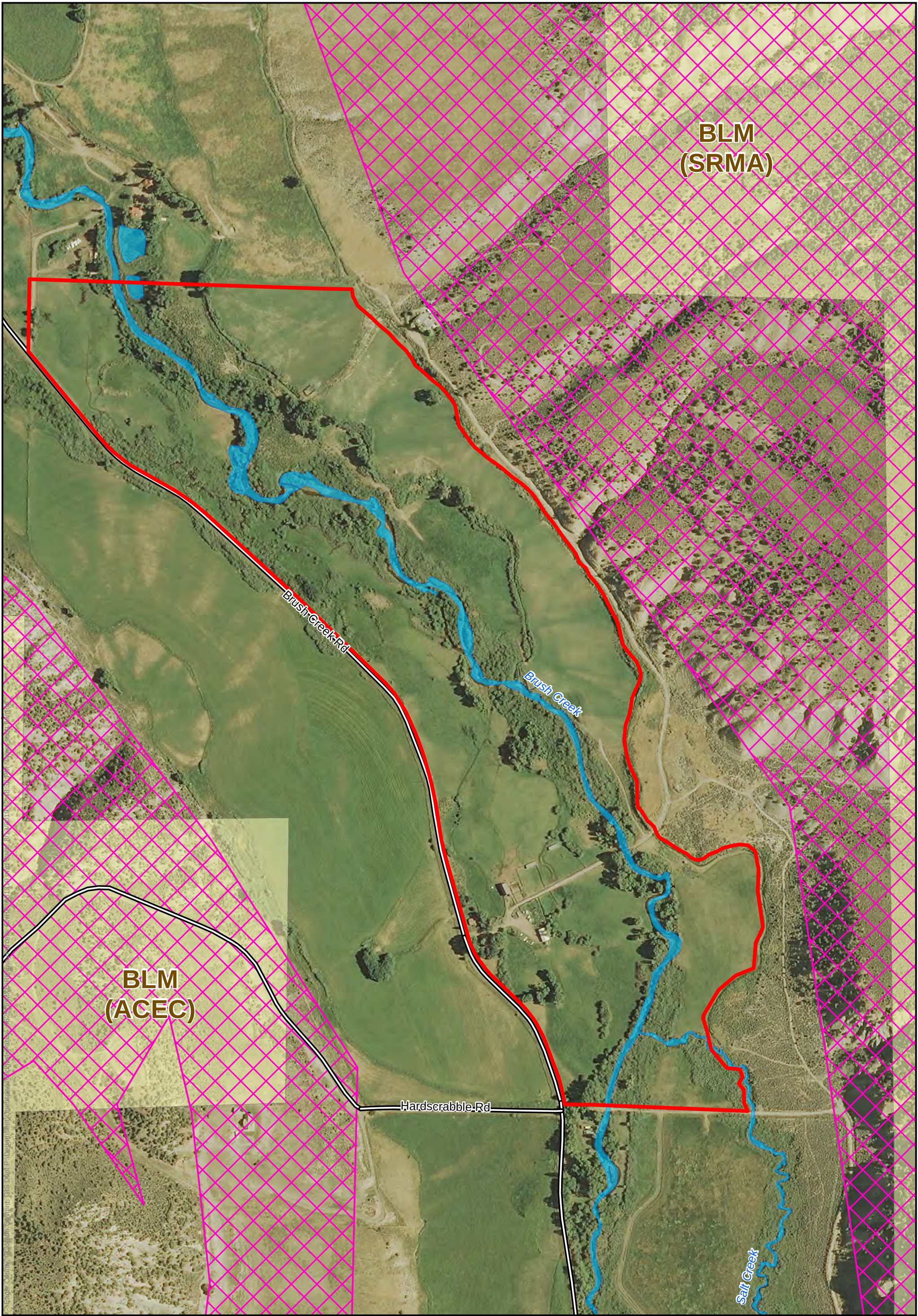


Ridgway Inholding Site Map / Reserved Rights

- Subject Property
- Ridgway Retained Parcel
- Brush Creek Valley Ranch and Open Space
- Anticipated Access Easement to Ridgway Retained Parcel
- BCVROS Recreation & Education Building Area
- Existing Paved Path



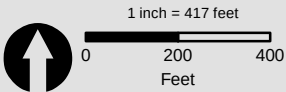
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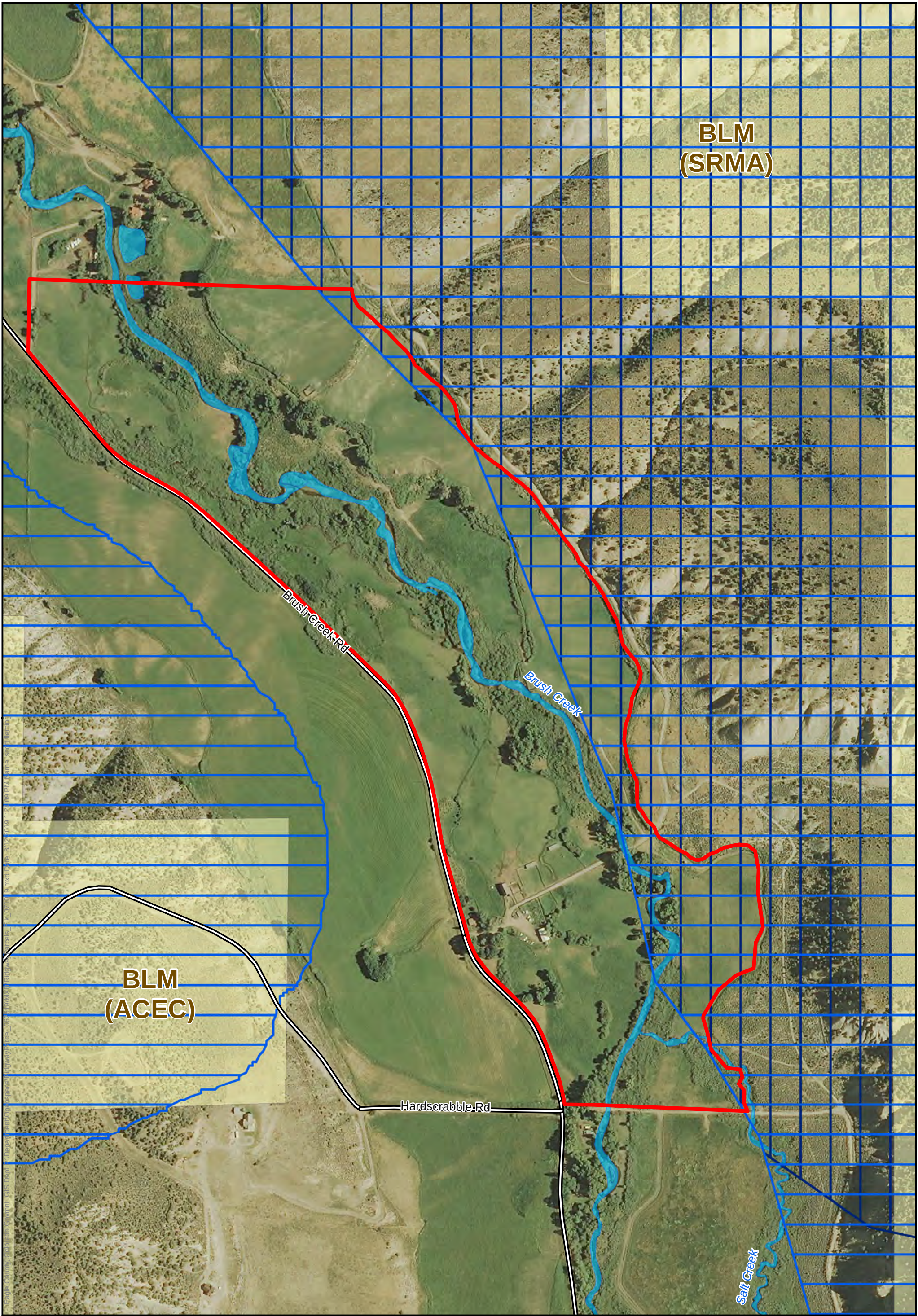
**Ridgway Inholding:
Colorado Natural
Heritage Progarm**

-  Subject Property
-  Bureau of Land Management

-  Colorado Natural Heritage Program
7 Hermits Potential Conservation Area
B2 - Very High Biodiversity Significance



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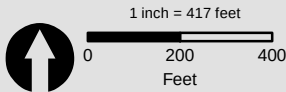
Ridgway Inholding
Wildlife Map:
Elk Habitat

 Subject Property

 Bureau of Land Management

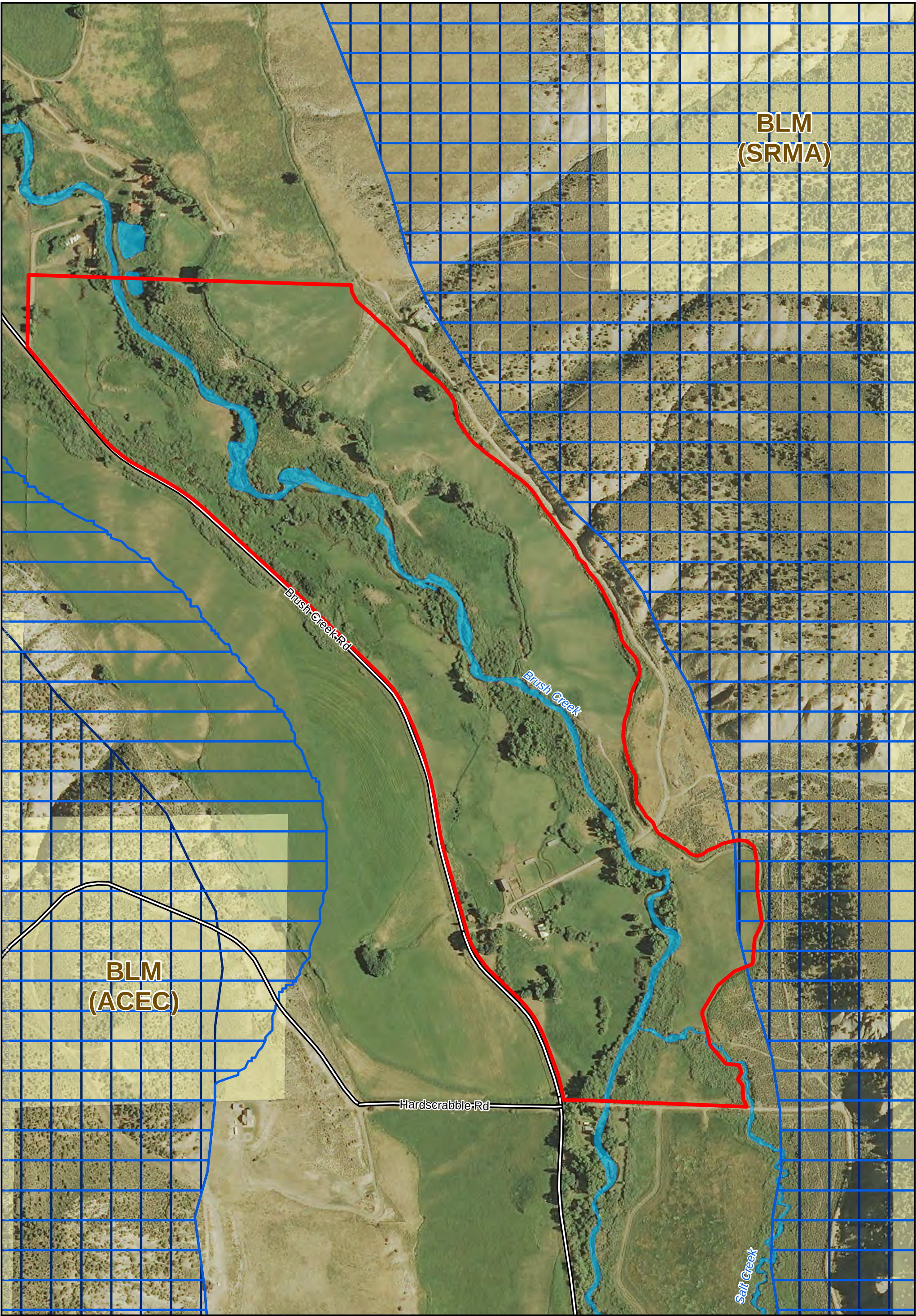
 Winter Concentration Area

 Severe Winter Range



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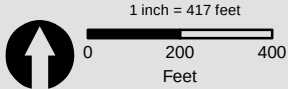




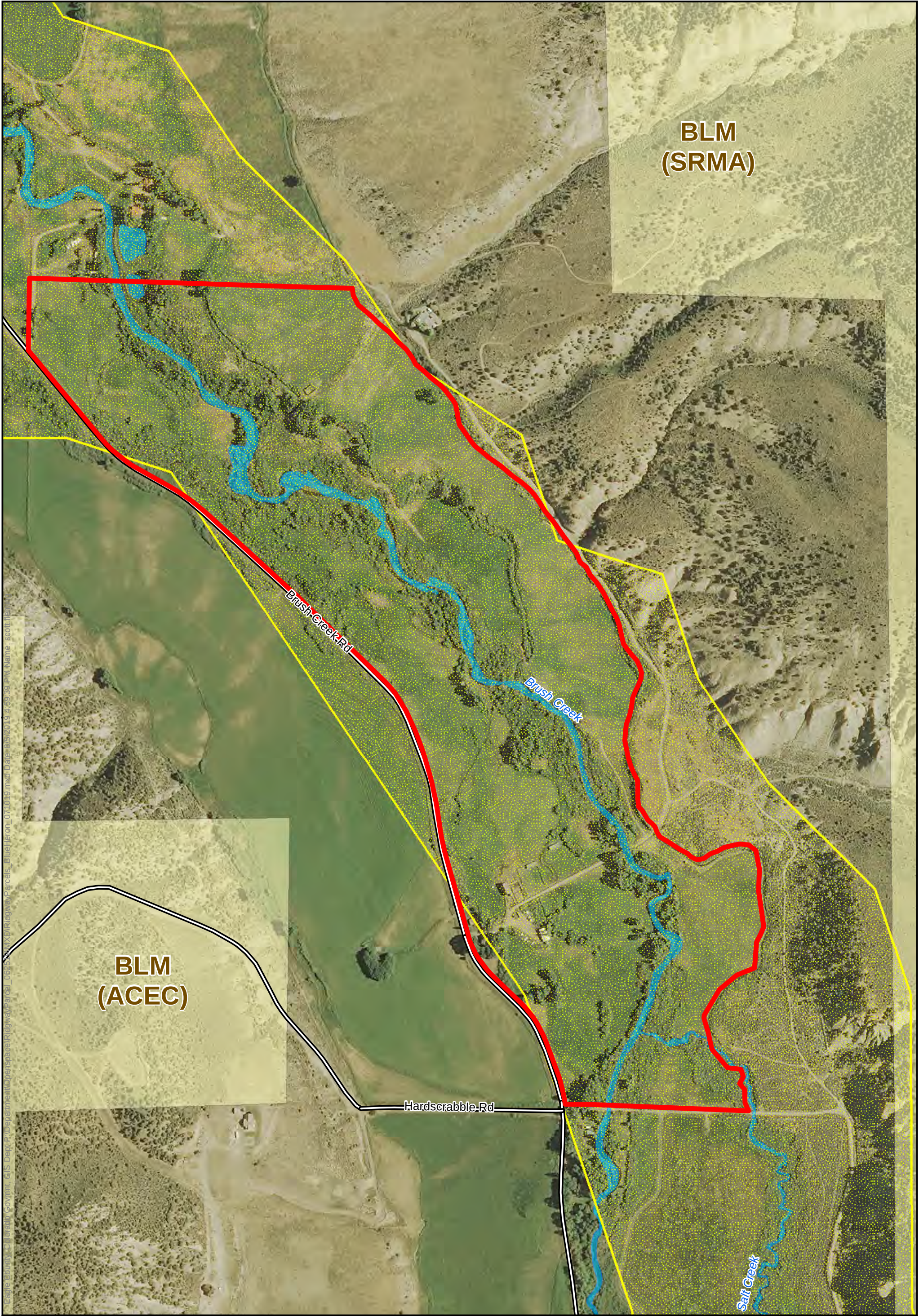
Ridgway Inholding WildlifeMap: Mule Deer Habitat

-  Subject Property
-  Bureau of Land Management
-  Winter Concentration Area
-  Severe Winter Range

* Mule Deer Winter Range comprises the full extent of the map *

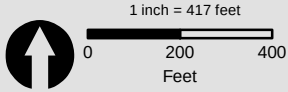


This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.

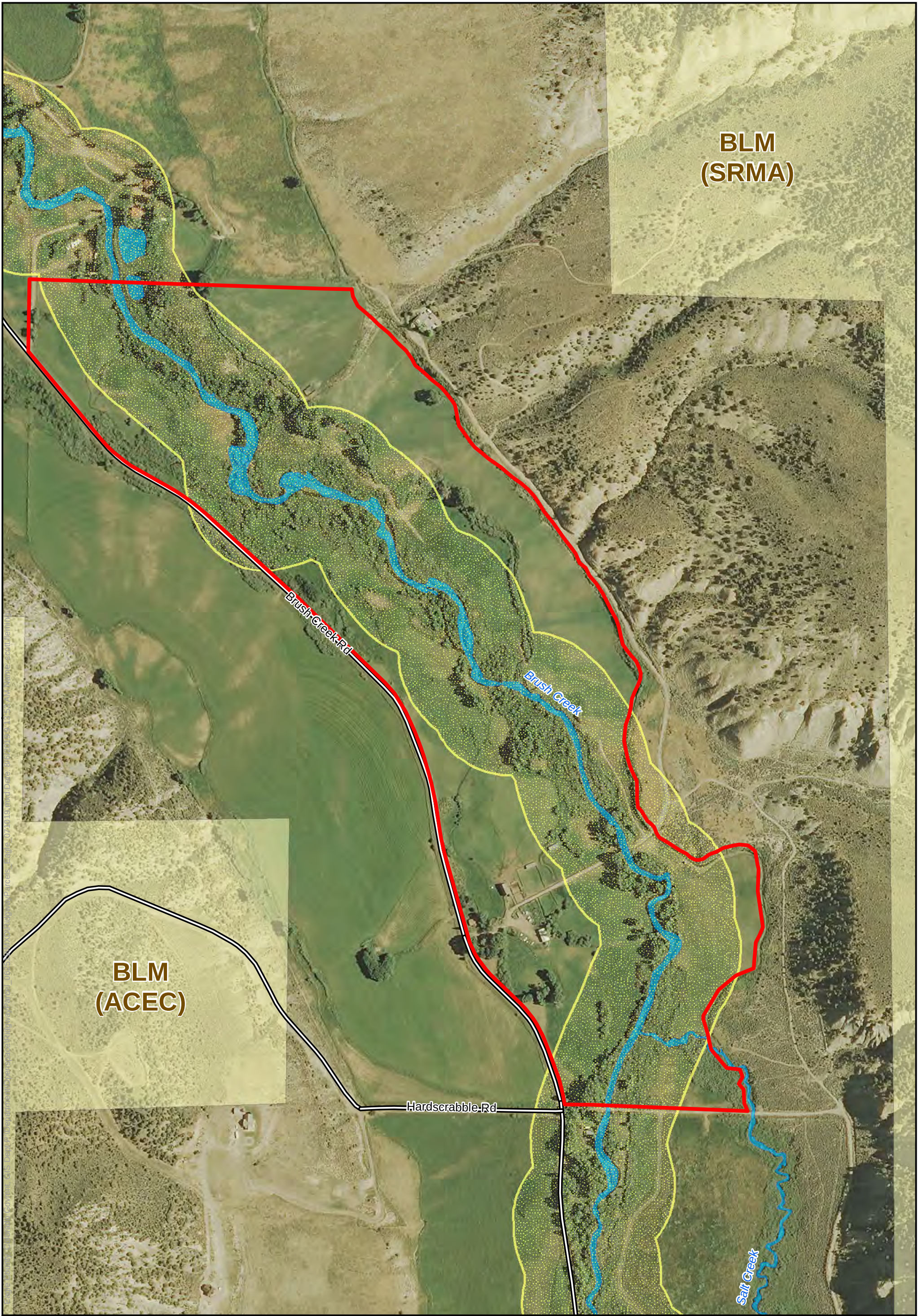


Ridgway Inholding Wildlife Map: Great Blue Heron Habitat

-  Subject Property
-  Forage Area
-  Bureau of Land Management



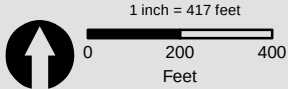
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**Ridgway Inholding
Wildlife Map:
Bald Eagle Habitat**

-  Subject Property
-  Summer Forage
-  Bureau of Land Management

* Bald Eagle Winter and Winter Forage Range comprises the full extent of the map *



This map was created by the Eagle County GIS Department. Use of this map should be for general purpose only. Eagle County does not warrant the accuracy of the data contained herein.



Cover Photo: View to the west overlooking the Brush Creek valley with the Ridgway Inholding (Inholding) in the foreground and Brush Creek Valley Ranch and Open Space (BCVROS) hayfield then BLM Area of Critical Environmental Concern in the background.



Livestock at pasture on the Inholding (foreground). Looking south along the Brush Creek Valley towards Sylvan Lake State Park and the Holy Cross Wilderness in the background.



Looking north (towards the Town of Eagle) with meandering Brush Creek and pastures. BCVROS is to the left of the road and wraps around the Inholding (foreground) to the right in the background. Flat Tops Wilderness (center) and Castle Peak Wilderness Study Area (right) are visible in the background.



Brush Creek Road parallels Brush Creek. Looking south towards Sylvan Lake State Park, USFS, and Holy Cross Wilderness. BCVROS is visible on the right side of the road and wraps around the Inholding (foreground) to the left in background.



Ranching improvements in the Ridgway Building Area looking northeast towards BLM Hardscrabble Special Recreation Management Area and Seven Hermits Potential Conservation Area. The Castle Peak Wilderness Study Area is visible in the background.



High quality riparian corridor along Brush Creek, marked by a diverse composition of wetland plants surrounding Brush Creek, an important cold-water trout fishery.



Within the wet meadows and fen complexes looking at 300+ year old gambel oaks in the background with native spikerush *Eleocharis palustris*, visible in the foreground.

Special thanks to volunteer photographer, Todd Winslow Pierce

A) PROJECT VALUES AND BENEFITS

(30 POINTS)

1) Conservation and Natural Values

- a) What are the conservation values being protected on this property (topographic/aquatic features, rare/imperiled/listed species, agriculture, scenic views, recreation, etc.)? If your project encompasses more than one project type, e.g., a natural area that also serves as a buffer to an existing protected area, please identify all of the characteristics that make your project attractive for GOCO funding.

The Inholding will forever conserve important agricultural and ranching heritage with significant senior and junior water rights, scenic open space, riparian corridors, and wildlife habitat, offering excellent opportunities for public recreation and education. While the Inholding is the centerpiece to the surrounding BCVROS and tens of thousands of acres of public land, these significant conservation values make the conservation of the Inholding regionally outstanding on its own merits.

Wildlife and Riparian Habitat: The Inholding provides one-mile of unique, high-quality riparian habitat on Brush Creek for fish, waterfowl, migratory birds, raptors, reptiles, amphibians, small mammals, and big game. A DHM Design (DHM) Rapid Ecological Assessment confirmed surprisingly diverse, high-quality ecological communities on the property (including emergent wetland, wetland fen, groundwater wetland, narrowleaf cottonwood, thinleaf alder, and willow-dominated riparian woodland) that are rarely found in such density and abundance on agricultural properties in Eagle County. DHM noted two significant attributes: 1) areas of extensive groundwater; and 2) the decades of light grazing and excellent stewardship of the property by the Ridgways. According to DHM, the riparian corridor is “dramatically more diverse, vibrant, and resilient to natural processes” than surrounding properties. Brush Creek is a cold-water stream for rainbow and brown trout and popular for fishing. The creek has been identified by Colorado Parks and Wildlife (CPW) as a candidate for reintroduction of the Eagle River’s indigenous cutthroat trout, which exist today only in Abrams Creek, a nearby tributary to Brush Creek. Brush Creek also provides forage for great blue heron and American bald eagle.

The Inholding is mapped to contain and buffer vital Winter Range and Winter Concentration Areas for mule deer and elk populations. Conservation of BCVROS was supported by CPW because it is large enough to preserve vital movement corridors between tens of thousands of acres of habitat for big game and other wildlife. At times, herds of 300+ elk gather on BCVROS and the Inholding. As they adapt to habitat loss in the area, mule deer and elk increasingly use the Inholding to move to and from adjacent BLM and USFS lands. The Inholding is the ecological hub of this larger conserved landscape.

The Inholding lies adjacent to and buffers the Colorado Natural Heritage Program’s 30,988-acre Seven Hermits Potential Conservation Area (Ranked “B2-Very High Biodiversity Significance”) and just east of the 4,200-acre BLM Hardscrabble Area of Critical Environmental Concern (ACEC), known for the presence of important flora and fauna including the rare Harrington’s Penstemon.

Ron Velarde, now-retired Northwest Regional Manager for CPW, in 2017 called preservation of BCVROS a game changer for wildlife in the region: “...the preservation of movement corridors and connectivity between habitats for a variety of species, and the amount of critical wildlife habitat that exists on the property speak to the importance of this land for the continued health and survival of local wildlife populations.” Current manager, Matt Yamashita adds: “The inclusion of the Ridgeway with [BCVROS] would solidify and establish the opportunity to manage this limited resource for both wildlife and recreation.”

Scenic Open Space: With its highly visible classic red barn and irrigated pastures rolling down to an extensive riparian corridor, the Inholding serves as a scenic focal point for the Brush Creek Valley and BCVROS. Brush Creek Road is raised above the valley floor in this portion of the valley. From this elevated vantage point, the Inholding’s strikingly green riparian corridor and pastures draw the eye to the foreground. Public land in the

background rises up in all directions including the snow-capped peaks of the Holy Cross Wilderness to the south and the Castle Peak Wilderness Study Area and Flat Tops Wilderness to the north making this lush and scenic one-mile stretch along Brush Creek Road the most visible in the valley and unique in the region. The Inholding is also visible from many nearby public roads and trails and from many high ridgelines in the area.

Because the Inholding is located in the middle of BCVROS, its preservation will secure a permanent, three-mile long uninterrupted scenic buffer between the Town of Eagle to the north (including the adjacent Haymeadow subdivision currently being developed for 837 homes) and the Frost Creek golf course community to the south.

Public Recreation and Education: The Inholding provides unique opportunities for public recreation and education. The primary trailhead for BCVROS is planned for the northern border of the Inholding. From that location, the public will be able to access both BCVROS and the Inholding.

The Inholding will protect the missing one-mile riparian segment between the two existing mile-long segments located on BCVROS. This will create a continuous, forever protected three mile stretch for fishing, education, and recreation.

The Inholding presents an opportunity to realize the long-identified community goal of a regional trail between the Town of Eagle and Sylvan Lake State Park. The Town of Eagle has required the developer of the Haymeadow subdivision, located north of BCVROS, to install a recreation path through that development with the goal of ultimately continuing the trail through BCVROS. Conserving the Inholding allows for the possibility of a trail design that is safe and located along only one side of Brush Creek Road, avoiding the need for the public to cross the busy road on multiple occasions.

The anticipated access easement from BCVROS through the Ridgway's retained eastern parcel provides access for dispersed recreation like hiking and horseback riding to thousands of acres of BLM land.

The Inholding alone, and together with BCVROS, can provide exceptional opportunities for education. The aforementioned trailhead provides access to ponds, Brush Creek, and irrigated and dryland pastures, all landscapes ripe with opportunity for educational programming by Eagle County Open Space and its partners. The Ridgway Building Area (see Site Map) is an ideal location for the community to learn about agriculture and ranching due to its existing ranch buildings and proximity to irrigated fields historically used on the working ranch.

Agriculture: The history of Eagle County is fascinating, particularly when its agricultural roots are taken in juxtaposition to later development of its world-famous ski resorts which effectively devoured all the operating ranches between BCVROS and Vail Pass. John Wilkinson, a prominent "cowman" and community leader, homesteaded the Inholding in 1916 and raised cattle, hay, grains and vegetables.

With its red barn and irrigated pasture visible from Brush Creek Road, the Inholding serves as the ranching focal point for the valley. The Inholding and BCVROS provide opportunities for continued agricultural operations—the last of their kind in the Brush Creek Valley. A cabin used as a residence could provide possible opportunities for housing and/or educational programming for the county and its partners. The existing barn and corrals will continue to support the ranching operation. All water rights associated with the Inholding, including substantial senior rights, will be included in the purchase and permanently protected by the conservation easement.

By uniting the ownership of the Inholding with the surrounding BCVROS this project will preserve an important piece of the Brush Creek Valley's agricultural heritage and character. Carefully integrating the two agricultural operations will greatly enhance the overall sustainability of the operation and enhance opportunities for land management and agricultural efficiencies. For example, because the headgates for the Love and White and Hollingsworth Potter ditches originate on the Inholding and provide significant irrigation to both the Inholding

and BCVROS, integration will simplify the maintenance and improvements of the ditches.

b) What about these conservation values makes this property unique?

This project represents the only opportunity to finally accomplish the community's long-standing quest to conserve the Brush Creek Valley, and to completely protect these unique conservation values, all through a single inholding acquisition. Rarely is a single property such a lynchpin to an area's landscape-scale viability for its wildlife, recreation economy, scenic beauty, and agricultural heritage.

The Inholding is the ecological and scenic centerpiece of the Brush Creek Valley due to its uniquely large and intact ecological system. Its diverse and vast riparian corridor, including the confluence of two creeks and rare vegetative communities make it markedly different than surrounding agricultural lands. Conservation of the Inholding will secure the middle mile of three miles of the riparian corridor.

This purchase furthers the landscape-scale conservation values of BCVROS and the tens of thousands of acres of surrounding public lands. It will add to the area's critical habitat and protect migration corridors for species of concern like elk and mule deer. Development of this parcel would bisect habitat and migration corridors and unique and sensitive ecosystems of landscape-scale significance that are currently intact, making the Inholding's conservation indispensable to the State of Colorado.

c) If the conservation values on the property will change (e.g., creating wetlands), what will the new conservation values be, is there a timeline for this change, and how will this affect the existing conservation values?

Limited public recreation will be introduced onto the Inholding. Eagle County has been a recognized statewide leader in the thoughtful integration of recreation, agricultural operations, and wildlife habitat (see 5280 Magazine, August 2019). This kind of integration is increasingly being demanded throughout the state. Eagle County has been pioneering efforts (ecological research, robust public engagement and planning, limited access points, seasonal closures) to minimally affect the existing conservation values (agriculture, riparian corridors, wildlife habitat, etc.) on BCVROS and, the county will continue the practice on the Ridgway Inholding.

2) Significance to State, Region, and Community

a) How would the protection of the property's conservation values be significant to the state?

Eagle County is centrally located in Colorado and a hub for outdoor recreation. The community has hosted international fly-fishing competitions, world-renowned ski races, and the Vail Valley (from Vail Pass to Dotsero) was recently awarded the IMBA Silver Level Ride Center designation for its distinct network of mountain bike trails and corridor connections. For example, state and regional High School Mountain Bike Championships are hosted on the BLM Special Recreation Management Area (**SRMA**) just to the north of BCVROS, bringing hundreds of families to the Brush Creek Valley each year. These outdoor activities, and many more, contribute to Colorado's outdoor recreation economy that annually generates \$28 billion in consumer spending and directly support some 229,000 jobs in the state.

First homesteaded in the late 1800's, Eagle County is also the home to historic agricultural practices and some of the most iconic ranches in Colorado. Newly appointed Colorado Commissioner of Agriculture Kate Greenberg cites the importance of a youth movement in agriculture in an interview with Colorado Public Radio. "We do not have enough young people going into agriculture, and this is a problem not only for those who will grow our food in the future, but how current farmers and ranchers will be able to pass down their operations to the next generation." The acquisition of the Inholding will ensure that the agricultural heritage of Colorado and Eagle County will have the opportunity to remain vibrant and sustainable. Extension Agent Denyse Schrenker elaborates, "As more ranches are lost to development, the rift and misunderstanding

between the general public and ranching community increases. The Brush Creek Valley Ranch and coupled with [The Ridgway Inholding] create a unique opportunity to bring these two communities together to strengthen Eagle County as a whole.” The Inholding allows Eagle County Open Space and EVLT the opportunity to bring the next generation of farmers and ranchers onto a working ranch to learn, experience, and ultimately carry the torch of the Western Slope’s agricultural heritage. “Additionally,” says Schrenker, “Acquiring the Ridgway parcel would create the opportunity to try innovative sustainable agricultural techniques which local ranchers could adopt, improving ranching practices throughout the region.”

The Inholding will unite under conservation three continuous miles of Brush Creek and its confluence with Salt Creek. These waters flow into the Eagle River which is a major tributary to the Colorado River. 40 million people in seven southwestern states rely upon water from the Colorado River and its tributaries, which was named the country’s “Most Endangered River” in 2015 by American Rivers. The health and viability of the Colorado River begins with its tributaries and the land surrounding them. The Inholding offers an opportunity to protect both tributary and surrounding land.

b) Describe the importance of the property to the local community and region and how the project is important to and consistent with local government policies and plans.

The Inholding is a gateway to thousands of acres of surrounding public lands managed by CPW, BLM, and USFS. These include Sylvan Lake State Park, the White River National Forest, the Holy Cross Wilderness, the Tenth Mountain Division Hut System, and BLM Hardscrabble SRMA and ACEC. These areas are extremely popular for both summer and winter recreation. The nearby White River National Forest, with 12 million annual visitors, is the country’s most heavily used, receiving more annual visitation than the Grand Canyon, Yellowstone, and Yosemite national parks combined. As federal land managers see their capacities withering, the void has inspired a sense of responsibility from local governments and stakeholders to support the ever-increasing demand for open spaces and outdoor recreation.

Acquisition of the Inholding for open space is consistent with Eagle County’s Comprehensive Plan, which seeks to preserve agricultural lands, wildlife habitat and scenic qualities. The Inholding was ranked “high” by Eagle County’s Citizen’s Open Space Advisory Committee on every one of their Open Space criteria: Scenic land and vistas; agriculture, ranching and heritage; wildlife habitat and migration routes; sensitive land and environment; physical and visual buffer; and access to streams, rivers, public lands and dispersed recreational opportunities. With BCVROS, Eagle County has demonstrated its commitment to thoughtful and balanced integration of the conservation values including recreation, agricultural operations, wildlife habitat, and scenic qualities. Such thoughtful integration will be continued on the Inholding.

The protection of the Inholding will support the 2010 Eagle Area Community Plan, which identifies the agricultural lands surrounding the Town of Eagle as “significantly contributing to the Town’s identity and the lifestyles enjoyed by local residents and the experience of visitors to the area.”

Eagle County Resolution No. 02-123 created the Mill Levy that funds the Eagle County Open Space Program and was intended to sunset in 2025. However, the Mill Levy supporting the Open Space Program was reauthorized until 2040 by a ballot initiative in 2018 by an overwhelming 82 percent of voters, illuminating the overwhelming support for the Open Space Program’s direction and acquisitions.

3) Catalyst for Additional Conservation Activity

a) Did this project arise from the success of another project in the area?

Success on the surrounding BCVROS project has enabled EVLT, Eagle County, and its partners to pursue a conservation solution for the Inholding. In a public meeting during the due diligence phase of the BCVROS’s acquisition in 2017, the owner of the Inholding stated his support for Eagle County’s acquisition of the adjacent BCVROS and his interest in doing something similar.

- b) What additional conservation activity will this project generate in the surrounding area or region? Please include whether any specific conversations have begun with other landowners.**

As a strategically critical addition to the surrounding BCVROS and in conjunction with the long-standing community goal to conserve the Brush Creek Valley, Eagle County and EVLT will generate goodwill that is likely to provide momentum for future successes on other projects. The Inholding provides opportunities to highlight GOCO's support of statewide conservation and the lasting investments GOCO has made in Eagle County. County and EVLT intend to develop a communications plan that will showcase GOCO's support for this important project. Adding this property to Eagle County's Open Space program will produce partnership opportunities for education, trail building, outdoor activities, and agricultural operations. The Ridgway family intends to live out the remainder of their lives on their 124-acre parcel to the east of the Inholding and has no plans to change the use of the property. The conservation of the Inholding may induce the Ridgway family to further consider placing a conservation easement on this eastern parcel.

4) Connectivity

- a) Is this project part of a defined strategy or priority to connect conserved properties?**

"Concerned Citizens for Eagle County" formed in the 1970s, when Adam's Rib development for the Brush Creek Valley was originally proposed. Since then, the community has been actively involved in the conservation of the valley and surrounding public lands. In the 1990s, 1,782 acres slated for the development were purchased and added to the Sylvan Lake State Park and USFS. Acquisition of BCVROS protected the remainder of the valley with the exception of the Inholding. The Inholding's purchase will complete the conservation of the valley floor and secure BCVROS as the crown jewel in Eagle County's Open Space program and a very significant open space achievement in the region.

- b) Will this project connect to or provide a buffer for other protected properties in the area? Describe the connectivity in terms of types and sizes of adjoining properties, any connections through waterways and/or trails, the total conserved landscape that will result from this project, and whether the project will fill in gaps between other conserved properties. Indicate this information on the area map.**

Yes. The Inholding is bordered on three sides by the 1,540-acre BCVROS which in turn is bordered by 26,100 acres of BLM land (Hardscrabble SRMA and ACEC). Together the Inholding and BCVROS comprise 1,669 acres and are the gateway to the 1,548-acre Sylvan Lake State Park and several trailheads in the 123,409-acre Holy Cross Wilderness and Tenth Mountain Division Hut System. The Inholding serves to further connect and provide a buffer for landscape-scale critical elk and deer habitat and migration corridors. The Inholding also serves as the ecological heart of BCVROS and provides the central mile within a three-mile section of conserved Brush Creek riparian corridor. The Inholding will provide additional access to the riparian corridor and potential for a safer future regional trail alignment. Trail connections will allow access to surrounding county, town, state and federal lands. Preservation of the large, contiguous, historic working ranch will create a permanent buffer between the Town of Eagle on the north (Haymeadow subdivision) and the Frost Creek residential community and golf course on the south if the Inholding can be conserved.

B) RESERVED RIGHTS AND PROPERTY USES (10 POINTS)

1) Current and Proposed Uses

- a) Describe the specific current uses and zoning of the property. Will these uses continue in their current form?**

The Inholding is located in unincorporated Eagle County and has been a working ranch since 1916. The land is zoned Resource, which allows for agricultural operations and a variety of recreational uses as well as one

dwelling per 35-acre subdivision as a use by right. The irrigated pasture has most recently been used to graze horses and grow hay. If purchased by the county, the property would be incorporated into the management of the surrounding BCVROS agricultural operation which may include livestock grazing, hay production, and local small-scale agricultural opportunities.

- b) What additional uses are proposed for the property? Include planned or proposed agricultural, commercial, recreational, educational, renewable energy development, and other uses and whether any access will be part of these uses. If these proposed uses will require more active management than annual monitoring by the conservation easement holder, please describe what other management activities will take place and who will be conducting them. Include a description of how the uses of the property will be compatible with each other (e.g. recreation and wildlife habitat). Depict any existing or proposed trails or other recreational uses on the site map.**

While the majority of the property's use will remain unchanged, limited additional uses focus on: 1) supporting ongoing agricultural operations, and 2) thoughtful integration of public access for recreation and education.

The conservation easement on the property will support these uses and will establish building envelopes at the Ridgway Building Area and an extension of the Recreation and Education Building Area located on BCVROS at the northern boundary of the Inholding (see Site Map).

The planned reserved rights for the Inholding mirror the conservation values of wildlife and riparian habitat; scenic open space; agriculture and ranching; and public recreation and education. Eagle County Open Space engaged in a lengthy management planning process for BCVROS to carefully balance these values. That effort was recognized in an August 2019 article in 5280 magazine which quotes local CPW Wildlife Manager Craig Wescoatt as saying, "this is the most progressive attempt I've seen to balance recreation and wildlife needs ahead of time..." regarding the management of BCVROS. Eagle County intends to again carefully balance the values identified for the inholding. For example, trail closures to prevent disturbances to wildlife during calving season or as large game are present can be implemented through a planned education and outreach effort supported by enforcement by Eagle County's Natural Resources Ranger with as-needed support from the sheriff and CPW. Agricultural operations can be tailored to ensure appropriate livestock and grazing rotations are implemented and the use of off-site summer grazing leases can help ensure the land is not negatively impacted and that conflicts with recreational users accessing the stream or a trail are minimized. Eagle County Open Space expects to adapt its management to address challenges as they arise.

Limited commercial activity may be allowed in the form of a farm stand and permission to professional guides and outfitters if determined to be appropriate during the management planning effort. Some renewable energy to serve the improvements on the Inholding may be considered.

- c) For conservation easement acquisitions, has the landowner allowed any public access in any form in the past? Have you discussed potential public access with the landowner? If so, what is the landowner willing to provide or consider? If public access is not appropriate for this property, please explain why. (Please note that access includes educational and recreational access such as hunting or fishing leases, trail access, or other limited or managed passive uses that may be available to the public, as well as many agritourism activities.) N/A**
- d) Are there any permits, easements, or other legal requirements necessary for the proposed uses (e.g. access)? Please describe these requirements and how they have been satisfied or how you plan to satisfy them. None**
- e) If a component of your project includes limited development or reserved development rights, fill out the Reserved Development Rights table below. If the number and size of the envelopes have not**

yet been determined, please maximize the number and estimated size of any building envelopes as well as any existing or proposed buildings within each envelope. Indicate this information on the site map, including any proposed building envelopes. In addition to any possible building envelopes, please list on the Reserved Development Rights table any anticipated or possible structures that could fall outside of building envelopes, such as agricultural structures, etc.; indicate these areas on the site map. Please note that if your project is awarded a grant, the GOCO Board is approving these reserved rights as proposed in the application. Any changes to the proposed development rights will have to be approved by GOCO and could result in a reduction or rescission of the grant award.

See Reserved Development Rights Table and Site Map.

- f) Are there any constraints on development on any areas of the property? Constraints could include floodplain, steep topography or other issues that may make development impossible or require additional legal or physical steps to move forward. GOCO encourages applicants to check records such as FEMA floodplain maps. If so, what are they and where? Designate these areas on the site map.

The Inholding's riparian corridors and wetlands may provide some constraints on development. No FEMA mapping is available for this section of Brush Creek.

- g) Will there be any subdivision allowed for any reason? No If so, describe the circumstances and depict the subdivision boundaries on the site map, if they have been determined. N/A
- h) Describe how the proposed reserved development rights have been tailored to have minimal impacts to the conservation values on the property.

The two building areas on the Inholding are identified in areas of historic disturbances, forever conserving the natural features of the property while helping grow agriculture, education and programs. Also, the Inholding building areas will allow more thoughtful and sustainable design at the adjacent Recreation and Education Building Area on BCVROS which was constrained by the Inholding in the past. The Ridgway Building Area will encompass the existing ranching structures and will support the potential for new agricultural programs to be developed. The building envelope in this case could positively impact the conservation values of the Inholding by promoting sustainable agricultural practices. Minor dispersed agricultural accessory structures outside the building envelope (such as hay or loafing sheds) will support the existing agricultural operation and be located in areas containing current agricultural use and, therefore, will result in no impacts to the conservation values.

2) Adjacent and Nearby Land Ownership and Uses

- a) Identify all adjacent and nearby public and private lands on the area map, including private properties protected by conservation easement, and the current zoning for each.

Identify which public agency stewards the public property and what current and potential future uses are possible pursuant to the agency's current policies.

The adjacent BCVROS is owned by Eagle County and will be managed as open space in perpetuity. The nearby BLM Hardscrabble ACEC is managed to protect its sensitive environmental attributes including "one of the highest known concentrations of excellent quality occurrences (a core population) of... Harrington's penstemon." The nearby BLM Hardscrabble SRMA is managed to provide recreational experiences including "enjoying the areas for wildlife, scenery, views, and aesthetics" and protect big game species by prohibiting mechanized travel from December 1 – April 15. (Source: BLM Colorado River Field Office Resource Management Plan)

Is a zoning change proposed for any of these lands? No

What development proposals exist or are possible for these lands?

The 1,900-acre, 1,200-lot Eagle Ranch Subdivision is located to the west of the Inholding and is fully subdivided and largely built out. Only 275 lots remain undeveloped. The 660-acre Haymeadow Property is located adjacent to BCVROS to the northwest and has recently received approval to build 147 homes of a total of 837 homes in four phases. Soleil Homes has completed 28 of 35 planned homes just north of the Haymeadow Property. The Frost Creek golf course community (a planned unit development) and Mosher subdivision (5-10-acre lots) to the south and west of BCVROS demonstrate that development of the Inholding is a currently viable alternative to conservation. The Frost Creek golf course community contains a clubhouse, eight of a total possible 13 guest cabins and 17 of a possible 137 houses. The Ridgway Family's 124 acres to the east of the Inholding comprises four separate lots, one large enough to be subdivided into two lots, for a total of five potential dwellings and subdivisions.

b) How will current and potential uses of the surrounding land impact this property?

Fortunately, the parcel is surrounded by open space on the north, west and south sides. This adjacent open space enhances the conservation values of the Inholding by providing landscape-scale habitat connectivity, opportunities for limited recreation connections, and a buffer to the Inholding from non-complementary uses, such as development, that would undermine its conservation values. Additional development of the nearby existing and planned subdivisions will place greater pressure on the community to provide the open space benefits offered by the Inholding and surrounding BCVROS. Additional road traffic will make the creation of the desired regional trail, and the additional public safety it would afford, all the more necessary. The Ridgway family intends to live out the remainder of their lives on their 124-acre parcel to the east and has no plans to change the use of the property. The expected restriction on the wildlife corridor on that property will prevent vertical development in a known elk and deer movement corridor, helping to maintain landscape-scale habitat connectivity.

C) TRANSACTION AND DUE DILIGENCE REQUIREMENTS (15 POINTS)

Please supply as much information as you have as of the date of your application to answer the following questions; if you do not have the information requested because it will be discovered through due diligence following the grant award, please note that in your answer. We recommend you request and review a title commitment and exception documents to make sure you are aware of any issues with the legal ownership including mortgages, mineral leases, water rights, boundary disputes, or any other encumbrances. A thorough site reconnaissance is also recommended to discuss and visually identify any potential issues with the landowner. Please limit answers to the transaction and property involved in this grant request unless otherwise noted.

***For multiple-property projects:* If you are proposing a multiple-property project, please address the details about each property in your answers to the questions below.**

1) Transaction Details

- a) Please describe how the entire transaction will work. If this transaction is part of a larger transaction that involves other properties, include an explanation of how any other properties may be involved and how those parts of the transaction will work.**

The proposed action is a fee simple purchase of the Inholding. Eagle County has entered into a purchase agreement for the Inholding for \$2,062,720 plus \$162,280 for the cabin, the only improvement of value, and shall manage the purchase transaction and due diligence with support from EVLT. The agreement's appraisal contingency provides the purchase price not exceed the appraised value of the land. EVLT is managing fundraising and community engagement in collaboration with the county. A conservation easement will be conveyed to EVLT at closing.

- b) Describe the ownership structure of the property. If it is in an LLC or LLP, describe how many**

partners are involved and what the voting structure is. If the structure will change because of this project, please explain how.

The Inholding is currently owned by the Charles P Ridgway Trust and The Julianne Tolbert Ridgway Trust and would be owned by Eagle County. Charlie and Julie Ridgway are the two decision-makers for the Trust.

- c) Is this property part of a larger parcel or adjacent to another parcel owned or controlled by the seller? If so, how does the seller plan to use his/her remaining property? Identify that remaining property on the site and/or area map.**

The Ridgway Family intends to live out the remainder of their lives on their 124-acre parcel to the east and has no plans to change the use of the property. Our hope is that the conservation of the Inholding will induce the Ridgway family to further consider placing a conservation easement on this eastern parcel. The value of the cabin improvement is a source of ongoing discussion between county and seller and will either be included in the Ridgway Building Area (see Site Map) and owned by county or alternatively will be the subject of a subdivision of approximately 1 acre to be retained by the seller.

- d) What is the status of the acquisition or negotiations with the landowner? Are there provisions in the purchase/option contract or conservation easement that are still under negotiation? If so, what are they?**

The Inholding is under contract to the county based on a preliminary appraisal and is subject to typical due diligence, inspection, and final appraisal contingencies.

2) Encumbrances

- a) Disclose any known encumbrances on the property. For example, include information on mortgages, utility easements, agricultural or other leases, liens, or HOA covenants.**

If there is a mortgage on the property, what steps have been taken to ensure it will be released or subordinated to the conservation easement?

A preliminary title commitment has been reviewed by EVLT. The only known encumbrances include utility easements for electrical and telecommunications service to the Ridgway's home and gas and fiberoptic lines through the property's southern boundary. The cabin, if acquired by County, and horse grazing leases will be terminated at closing and the county will determine appropriate uses thereafter.

- b) Are there any access easements on the property? If so, where are they located and to whom do they provide access? Please designate any access easements on the site map.**

There are no known access easements crossing the property currently. However, the driveway, water line, and septic system serving the Ridgway's residence are located on the Inholding. Easements will be created so that the Ridgways are able to use and maintain these items. An emergency access easement to grant a second point of egress to Ridgways in the event of an emergency is anticipated.

- c) Are there any existing or potential boundary disputes with neighbors? Please mark the location of any boundary disputes on the site map. None**

3) Access

- a) Does the property have adequate physical and legal right of access for monitoring purposes and for any proposed uses? Please designate the location(s) of legal access on the site map. If there is an exception for lack of legal access on the title commitment, please explain how you intend to resolve this issue.** The Inholding has excellent physical and legal access from Brush Creek Road, a public road.

4) Environmental Hazards

- a) Describe all known historic uses of the property and any hazardous conditions that may exist. The Inholding has been used historically as a ranching operation. No known hazardous conditions exist.
- b) Has a hazardous materials assessment been performed? If so, what were the results? What actions were recommended, if any, and what remedial activities have occurred? While no hazardous materials are suspected, a Phase I or Transaction Screen Report will be performed.

5) Mineral Rights and Energy

- a) Have any mineral rights been severed from the property, including sand and gravel, oil and gas, and other mineral rights? No If so, describe the severed rights and identify who currently owns the rights, if current ownership is known. If no, then skip the next two questions.
 - (i) Will these rights be acquired or otherwise controlled or restricted when fee title or the conservation easement is acquired? How will you ensure that the conservation values are protected? N/A – minerals are not severed.
- b) Are there any proposed or active permits, leases, or other agreements that would allow for development of mineral, timber, or energy resources on the property? If so, please describe their status and how the conservation easement holder and/or landowner will legally ensure that any development under these permits or leases will be compatible with the conservation values on the property. N/A – minerals are not severed or leased.
- c) Is there mineral development currently occurring on the property? If so, what kind? Please designate the location of the development on the site map. N/A.
- d) If mineral development is occurring or is likely to occur, what impacts will it have on the conservation values of the property? N/A– minerals extraction will be prohibited by conservation easement.
- e) Has a professional geologist issued a mineral assessment about the possibility of extracting minerals by surface mining methods, and if so, what were the results of that opinion? Same as above.
- f) Is there any mineral development, renewable energy development, or other land conversion happening or proposed in the area? No If so, what kind and how close? N/A

6) Water Rights

- a) Please list all known water rights associated with the property. Indicate any current or potential disputes over the water rights and what kind of investigation has been done to determine the water rights.

The Hollingsworth Potter ditch delivers substantial water rights to the Inholding, the exact amounts of which will be determined during the due diligence period. These rights will be conveyed to Eagle County. No disputes are known. The county anticipates formal investigation by a water engineer during due diligence period.

- b) Describe how the associated water rights support the conservation values both on the property and in the associated watershed.

These water rights are vital to continued agricultural use on the Inholding; providing water to sustain the irrigated fields, recharge aquifers, and return flows to Brush Creek over time. Ditches provide additional riparian habitat and cover to help sustain a variety of birds and mammals. By providing a sizeable and uninterrupted natural habitat spreading north and south onto adjacent conserved land, the Inholding's water rights are vital to the region's biodiversity of plants and animals. The property is subject to the Brush Creek Watershed Management Plan which can require irrigation diversions to be reduced in dry years to maintain

minimum stream flows in Brush Creek for trout habitat and other species dependent upon the health of the riparian corridor.

c) Will they be acquired or tied to the property in the conservation easement? If not, why not?

The water rights will be acquired and tied to the property by the conservation easement.

d) If any water rights will be tied to the land, are they represented by shares in a mutual ditch or reservoir company? No. If so, have you started the actions required by C.R.S. § 38-30.5-104(5) to legally encumber the water rights with the conservation easement? Please describe what actions have been taken and what still needs to be done. If not, answer "Not Applicable." N/A

e) If water rights will be tied to the property in the conservation easement, describe how you plan to steward the water rights.

Ditches and ditch infrastructure will be documented in the conservation easement baseline. Eagle County, as owner, shall ultimately be responsible for the maintenance of the water rights. It is anticipated that the pasture on the Inholding may be leased to the agricultural operator of BCVROS and the County will require any lessee to continue irrigation of the property or adjust for in-stream flow enhancements. EVLT will monitor the Inholding annually following its standard protocol to visually inspect the property for use of the water rights, interview the landowner to confirm water rights usage, and interview the District Water Commissioner to confirm diversion records.

D) MEETING GOCO'S STRATEGIC PLAN (10 POINTS)

Explain how this project fits within the following components of GOCO's 2015 Strategic Plan. If your project does not contain aspects that meet a certain component, write "Not Applicable." Please see the Instructions for information about each of these components. Each may receive different weight in the scoring process.

a) Projects that achieve landscape-scale conservation by connecting conserved properties/public lands and/or projects that are part of a defined strategy to connect conserved properties/public lands in a specific area

Substantial private lands along Brush Creek have been conserved as part of a decades-long community effort to conserve the Brush Creek Valley in large part as a migratory corridor for struggling populations of elk and mule deer. The Inholding is at the epicenter of one of the largest contiguous blocks of conserved and public land in the region. Conservation of the Inholding as proposed would guarantee perpetual connection of conserved lands and effectively prevent a one-mile obstruction to an otherwise landscape-scale area of conservation of statewide significance.

b) Projects along river and riparian corridors

The Inholding provides the confluence of Brush Creek and Salt Creek which are tributaries to the Eagle River, which in turn is a tributary to the Colorado River. DHM's assessment found high-quality wetland fen, emergent wetland, ground water wetland, and riparian complexes with "excellent vegetative species composition and distribution" providing excellent habitat for fish, waterfowl and other migratory birds. The riparian corridor was found to have "rich diversity," "important ecological features" of "local and regional importance" and potentially greater significance pending additional study.

c) Strategic investments in the preservation of urban parcels

The Brush Creek Valley is experiencing consistent, significant growth pressure and urbanization which is expected to continue well into the future. With completed and new subdivisions both up and down valley from the Inholding and surrounding conserved land, the few remaining parcels in the area, including the

Inholding, have reached “urban” pricing.

- d) Projects that provide public access, including access for education, fishing, hunting, passive recreation, and youth groups (e.g., 4-H, Youth Corps, schoolchildren, etc.)**

The Inholding will provide access for these activities on it or by access through it. It provides new access to one mile of Brush Creek and provides an opportunity for a safer regional trail alignment. The anticipated access easement through the Ridgway’s retained eastern parcel will provide public access to thousands of acres of BLM lands. The Inholding is a great potential field site for collaborative education opportunities such as EVLT’s Future Conservationists program. This all helps families and children safely connect to nature.

E) PROJECT URGENCY AND OPPORTUNITY (15 POINTS)

- 1) Why does the property need to be protected now rather than later? Please describe how the project presents a unique opportunity in time (either from threat of development, current situation with the landowner, or other factors).**

The Inholding has been owned by the Ridgway family for over 50 years and is available for sale now at a reasonable price due to family circumstances. The owner has been patient, waiting for two years as the county rebuilt its open space fund balance after the purchase of BCVROS depleted it. The Ridgways are willing to wait only so long and have said that if the county does not purchase the land, their next step is “to put a for sale sign out front.”

According to the Colorado State Demography Office, Eagle County is expected to double in population in approximately 40 years. Uniting the Inholding with BCVROS under Eagle County ownership will help conserve an already dramatically changing landscape. The nearby Town of Eagle’s current growth boundary is just north of BCVROS and the town is experiencing rapid growth including the recent ground-breaking of the 837-unit Haymeadow development on 660 acres of former agricultural land adjacent and to the northwest of BCVROS.

As the county begins to implement the management plan recommendations for BCVROS including agriculture and recreation improvements, now is the time to incorporate the Inholding into the larger plan before significant investment is made and collaborative opportunities are lost.

- 2) What attributes of the surrounding land would be adversely affected if this property were not protected, due to threats in the area or other causes?**

Because of its development potential, failing to conserve the Inholding could create future land use conflicts and open space degradation (eg. water quality/fishery impacts) on the adjacent BCVROS. Its development would forever bisect and impair what is now an intact scenic and landscape-scale migratory habitat corridor.

F) LEVERAGING OF FUNDS (10 POINTS)

Leveraging points are awarded based on the applicant’s ability to bring cash and in-kind match to the project. In addition, GOCO will award points in this section for projects that involve a landowner donation of part of the land value.

- 1) Value of Property/Conservation Easement**

- a) What is the appraised or estimated full fair market value of the property?**

\$2,062,720 (based on a preliminary appraisal, excluding the value of improvements)

What is the appraised or estimated full fair market value of the conservation easement? N/A

If no appraisal has been done but a purchase price has been determined, how did you arrive at your estimate of value (for example, did a local realtor or appraiser make an educated guess)? N/A

Please note that if you are applying for a reimbursement, you must provide an appraisal summary with the application. N/A

2) Matching Funds

- a) Describe the status of confirmed and potential funding sources including any applications for funding and the dates those funds are awarded. Please keep GOCO updated as sources are confirmed.**

Eagle County has committed \$1,189,705.

The Eagle Ranch Wildlife Committee has committed \$200,000.

Town of Eagle is planning to approve approximately \$10,000 in its upcoming 2020 budget.

The CPW Habitat Protection Program will be considering a request of \$10,000 for conservation easement transaction costs in September.

EVLTL has committed \$5,000 toward the project.

- b) Provide commitment letters from those partners who have already committed cash and in-kind funds to this project. Please note that landowners may not contribute more than is needed to cover transaction costs (i.e., the landowner cannot contribute funds toward the purchase price). Please list those letters below.**

See letters attached from Eagle County, Town of Eagle, and the Eagle Ranch Wildlife Committee.

3) Local Funding Source

- a) Please describe in detail any existing local funding sources for open space. If these local funds are not being used as match, please explain why.**

In 2002, Eagle County voters approved a 1.5 mill property tax levy that generates about \$4.6 million per year for the Open Space Program. Last November, voters extended this tax to 2040 with an overwhelming 82 percent support. This fund was depleted by the BCVR0S project completed in 2017 with assistance from GOCO Inspire grant funds and is only just now recovering. The county is donating its internal legal services to the project, however such a donation is not eligible to be included in the budget as match. Eagle County is actively pursuing other high-priority open space conservation projects. The purchase of the Inholding will diminish the county's limited Open Space Fund balance which it must leverage heavily to keep pace with development pressure in this extremely popular destination community.

Because of the importance of this project, the Town of Eagle and the Eagle Ranch Wildlife Committee (whose charter is to fund nearby projects designed to prevent, minimize, and mitigate impacts on wildlife from development) will virtually deplete their entire fund balances for open space acquisition projects.

- b) For local government applicants, if funds will be used from an open space tax, explain the basics of the tax. N/A**

4) If the landowner is not donating a portion of the value of this project, please explain why.

The landowners are retired and due to a variety of personal reasons must capture appraised market value from the sale.

G) PARTNERSHIP AND NON-MONETARY SUPPORT (10 POINTS)

- 1) If this project is part of an established program or partnership, please describe the program, its accomplishments to date, and all the partners involved. This can include specific conservation**

initiatives, efforts by an established group of partners, or any other large-scale strategic effort.

This acquisition would complete the community's campaign to protect the rural character and scenic beauty of the Brush Creek Valley, which started nearly 50 years ago with a grassroots conservation effort in response to the proposed Adam's Rib development. These efforts most recently brought together GOCO, Colorado Parks and Wildlife, USFS, BLM, Eagle County, EVLT, the Town of Eagle, community groups and other partners to support the conservation of the 1,540-acre BCVROS surrounding the Inholding. These efforts complement additional regional efforts by the county and its municipalities to provide educational and recreational access to the public. Many significant projects have been completed by EVLT and Eagle County, often in partnership with GOCO and many of these other partners. These include Bair Ranch, Gates Ranch, the West Avon Preserve, and the Horn Ranch.

2) Attach letters of support or non-opposition from all local governments having land use authority over the property. *GOCO requires applicants to seek letters of support or non-opposition from the county in which a property is located and also from the town or city, if the property is within town or city limits. These letters must be on official letterhead. Please list those letters below.* Letter from Eagle County is attached.

3) Please list all letters of support below that are included in this application, letters that will be forthcoming, and any other letters of support not included due to the limit of six. The letters from the local governments with land use authority over the property do not count against the limit.

Note: The most valuable letters of support are those that are individually prepared and represent the community and potential users groups of the property, as well as those that demonstrate the significance of the project to the region and statewide.

See support letters attached from CPW, BLM, CSU Extension, State Representative Dylan Roberts, Trout Unlimited, and the Eagle County Historical Society. Additional letters of support have been received from Eagle River Watershed Council, American Rivers, and the Mule Deer Foundation.

H) ABILITY TO ACCOMPLISH GOALS (NOT SCORED¹)

1) Staff Experience

You may delete questions 1(a) and 1(b) if you answered them on an open space grant application in the previous cycle and your pertinent staff members have not changed since then.

a) Describe your ability to complete the specific transaction(s) that will be necessary to accomplish this project. How have you demonstrated your ability with similar transactions?

EVLT and Eagle County Open Space are established programs with highly experienced full-time staff members capable of managing all transaction due diligence and perpetual property monitoring and stewardship. The two organizations have closed on similar transactions in recent years such as BCVROS.

b) Describe your staff expertise that will be used to manage and/or steward the land protected through this project and similar information about partners who will assist you.

Jim Daus, Executive Director of EVLT, has been with EVLT since August 2014 and has over 14 years of conservation and stewardship experience. Jessica Foulis, Stewardship and Outreach Manager, has been with

¹ Although this section is not included in the 100-point scoring system, GOCO staff may deduct points from the application if you: 1) do not satisfactorily answer any of the questions; 2) in GOCO staff's opinion, do not have the requisite staff or project experience *and* GOCO staff has concerns, or 3) in GOCO staff's opinion, have too many open or overdue grants *and* GOCO staff has concerns.

EVLT for 4 years; she handles all monitoring and landowner relations. Diane Mauriello, Eagle County Open Space Manager has worked with Eagle County for 11 years, 6 of which were spent supporting the Open Space program and an additional 2 years in her current role as Open Space Manager. Phil Kirkman, Natural Resource Specialist and Ranger, oversees land management and has been with the program for 5 years. Peter Suneson is the county's Open Space Education and Outreach Coordinator and has 12 years of related experience.

2) Project Experience

- a) For fee title acquisition projects, list and describe similar lands that you own and manage as open space and describe how you will fund land management costs for this property.**

Eagle County owns several similar properties including BCVROS and Horn Ranch Open Space which protects over one mile of the Eagle River for fishing and recreational access along the I-70 corridor. Eagle County's open space tax is described in section F)3). A portion of this funding is allocated annually to management costs.

- b) For conservation easement projects, if the conservation easement holder has not participated in a previous GOCO project, please attach a representative list of conservation easements the organization monitors as well as its mission statement. N/A**

3) Project Stewardship

- a) How do you plan to fund future management and/or stewardship costs?**

EVLT is nationally accredited by the Land Trust Alliance and requires a stewardship fund contribution for every conservation easement it accepts. Our dedicated stewardship fund balance is \$831,414 (\$23,094/conservation easement) which far exceeds the Land Trust Alliance's standards and best practices (currently approximately \$3,500/easement). Eagle County's open space tax is described in section F)3) above. A portion of this funding is allocated annually to land management costs for all county-owned properties.

- b) If applicable, please document your calculations of the total endowment needed in an attachment to your application. Consider the following variables: time required for monitoring, travel costs, equipment, any other hard costs, and the frequency of need to monitor a landowner's reserved rights and to negotiate resolutions to potential violations. If you are not seeking endowment funds from GOCO, please explain how you will fund the endowment needed for this easement. If you elect not to set aside any funding for an endowment, please explain why an endowment is not necessary for this project. What other guaranteed source of funding will be used to cover monitoring costs?**

As detailed in the Endowment Calculation which is attached, Eagle County will contribute the required stewardship and defense endowment funds at closing which are reduced because the Inholding will be added to the existing BCVROS, for which substantial endowment contributions were already received by EVLT.

4) Other

- a) If you are purchasing a conservation easement, has the landowner reviewed the completed selection criteria answers in this application? If not, please explain why. N/A**
- b) Do you have outstanding grants from Great Outdoors Colorado (from any grant program)? This includes current and overdue grants. If yes, describe the status of these grants and if they are overdue, why these projects have been delayed and when you anticipate completing them. N/A**

Please use the table below to list the anticipated or possible reserved development rights for the property, as described in question B(1)(e). See the Instructions for an example. If the landowner does not wish to reserve any development rights on the property, please indicate this is not applicable.

Ridgway Inholding Project

Envelope or Area Name	Number and Kind of Existing Structures	Number and Kind of Additional Structures	Size of Envelope (acreage)	Other Information
Ridgway Building Area	1 residence (cabin)*, 1 barn, 1 shop, 2 sheds, other outbuildings and corrals	New hoop house(s), a residence not to exceed 2,500 square feet (if the existing cabin is not acquired by County), fruit/vegetable farm stand(s); educational or agricultural building(s), restroom facilities; parking, trailhead, and shelters as needed. Such new structures not to exceed 12,500 square feet (10,000 if the existing cabin is acquired by County).	Not to exceed 8 acres	
Recreation and Education Building Area Extension	none	Restroom facilities, shelters, parking and trailhead. Any new structures not to exceed 2,000 square feet.	Not to exceed 2 acres	

*Note the purchase agreement contemplates an appraisal of the cabin improvement. The cabin may be included in the building envelope if County elects to purchase the cabin improvement after the appraisal; alternatively, the cabin may be excluded from the purchase along with a new (to be created) cabin parcel of approximately one (1) acre of land that would be retained by the seller. The grant request to GOCO does not include any value for the cabin.

Improvements located outside of an envelope

Minor agricultural improvements supporting the agricultural conservation values may be located outside a building area and include corrals, pens, fenced or unfenced haystack yards, feeding troughs or stations and not more than one (1) shed which shall be limited to 1500 square feet in size, irrigation ditches and structures and watering ponds.



Board of County Commissioners

970-328-8605

970-328-8629(f)

eagleadmin@eaglecounty.us

www.eaglecounty.us

August 13, 2019

Board of Directors
Great Outdoors Colorado
1900 Grant Street, Suite 725
Denver, CO 80203

Dear Board of Directors:

We have a unique opportunity to protect the Ridgway property, the last parcel of its kind in the Brush Creek Valley, located south of the Town of Eagle, in unincorporated Eagle County. We are writing this letter as a partner, in support of Eagle Valley Land Trust's application to Great Outdoors Colorado for Seven Hundred Thousand Dollars (\$700,000) and encourage your careful consideration and support.

The approximately 129 acre property is located in the middle of the existing Brush Creek Valley Ranch and Open Space which would not have been realized without your generous support. Today we ask that Great Outdoors Colorado help Eagle Valley Land Trust, Eagle County and its residents complete the effort.

The Ridgway property is not only the centerpiece to the existing Brush Creek Valley Ranch and Open Space but is spectacular in its own right. The project is visible, scenic, honors our ranching and agricultural heritage, and offers important access to Brush Creek as well as nearby public land. The property provides opportunities for recreation in a remarkable natural setting. The property is host to wetland fen systems, avian habitat, abundant wildlife and Brush Creek, an important cold water fishery. The property meets each of the County's identified open space criteria.

The Eagle County Open Space Fund has finally recovered from the Brush Creek Valley Ranch Open Space purchase, and is excited for the opportunity to preserve the Ridgway property. The Town of Eagle has indicated that it expects to budget a small amount from its modest open space budget and Eagle Ranch Wildlife Committee is contributing \$200,000 toward the effort. Additional contributions are anticipated from grassroots fundraising efforts by Eagle Valley Land Trust. These contributions illustrate the strong community support for the project and desire to see the preservation of the Brush Creek Valley brought to conclusion.

Thank you for your generous support to date and we urge you to approve the Eagle Valley Land Trust's Open Space grant application.

Sincerely,

Board of County Commissioners

Jeanne McQueeney
Chair

Kathy Chandler-Henry
Commissioner

Matt Scherr
Commissioner

EAGLE RANCH WILDLIFE COMMITTEE

c/o Eagle Ranch Association

PO Box 1630

Eagle CO 81631

July 24, 2019

Ms. Diane Mauriello
Eagle County Open Space Manager
PO Box 850
Eagle, CO 81631

Dear Diane,

This letter serves to confirm the commitment of the Eagle Ranch Wildlife Fund (through the Eagle Ranch Wildlife Committee) to contribute \$200,000 toward the Open Space Program's purchase of a portion of the Ridgway property on Brush Creek. This constitutes the vast majority of available funds and therefore demonstrates the Committee's strong support for this project. This commitment is contingent upon: (a) the County's review and approval of all due diligence associated with the purchase (including, but not limited to, the title commitment, water rights, and mineral rights); and (b) the Committee's reasonable review and approval of a conservation easement and management plan for the property which we understand will be operated and managed as part of Brush Creek Valley Ranch and Open Space.

The Eagle Ranch Wildlife Fund was established in 1999 in connection with the approval of the Eagle Ranch PUD. The purpose of the Fund (which is funded through a transfer tax on all property transfers in Eagle Ranch) is to fund projects within and near Eagle Ranch that are designed to prevent, minimize and mitigate impacts on wildlife from development. The Committee has previously funded a variety of projects, including habitat restoration, fence removal, and open space purchases.

The Committee is unanimous in its conclusion that the purchase of the Ridgway property will meet the goals established for the Fund and will provide outstanding benefits for wildlife. This purchase will create an open space corridor between Eagle Ranch and the recently-acquired Brush Creek Ranch and Open Space. Removing this parcel from potential development will enhance the movement of wildlife in the valley and considerably mitigate the impact on wildlife from the nearby Eagle Ranch development.

Sincerely,



Kent Rose

Chair

Eagle Ranch Wildlife Committee



July 11, 2019

Diane Mauriello
Eagle County Open Space Manager
P.O. Box 179
500 Broadway
Eagle, CO 81631

RE: Town of Eagle's support for the Ridgeway parcel acquisition for open space

Dear Diane,

The Town of Eagle is submitting this letter of support for the acquisition of the Ridgeway parcel by the County for future open space. This parcel is an island of privately owned land surrounded by County open space and BLM. By acquiring this parcel, the protections for wildlife, the Brush Creek riparian corridor, and scenic vistas currently in place on the Brush Creek Valley Ranch and Open Space would be extended and made continuous.

The Town has long envisioned a paved recreation path running parallel to Brush Creek Road. The Town has been receiving complaints for years about how dangerous bicycle travel is on Brush Creek Road. As you are aware, Brush Creek Road is a popular cycling route due its scenic, rural character and connectivity with Sylvan Lake State Park and U.S. Forest Service lands beyond. By building a separate recreation path, safety for both cyclists and motorists would be greatly improved. Acquisition of the Ridgeway parcel would allow for the recreation path to stay on the northeast side of the road and avoid road crossings. This recreation path would tie into recreations paths to be built in Haymeadow residential development, which is within the Town limits and currently under construction.

Keeping the Ridgeway parcel as open space would also be consistent with the Town's Eagle Area Community Plan, our master planning document, which set the limits of the Town boundary at the east end of the Haymeadow development and envisioned that lands beyond the boundary would remain agricultural and natural in nature. Preservation of water quality along Brush Creek is critical to Town, as Brush Creek is the Town's primary domestic water source.

The Town would be a willing funding partner for this acquisition. Although our Open Space funds are very limited, The Town will plan on budgeting funds in our 2020 budget in the hopeful anticipation that this open space purchase will become a reality.

Sincerely,

Brandy Reitter
Town Manager



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652



IN REPLY REFER TO:
(8354) CON040

July 30, 2019

Eagle County Open Space
P.O. Box 179
500 Broadway
Eagle, Colorado 81631

Dear Board of Directors,

The BLM Colorado River Valley Office would like to extend our full support for the 128 acre Ridgway Inholding project south of Eagle along Brush Creek. The property is contiguous with the recently protected and conserved Brush Creek Valley Ranch and Open Space. BLM and Eagle County Open Space have been long-term partners in the coordinated conservation and management of lands in the Eagle area. The BLM believes this acquisition aligns with GOCO's overarching goals of protecting urban and rural land for people and wildlife, notably areas with significant biological diversity and access to inspire more kids and families to explore the outdoors, cultivating the next generation of land steward.

Acquiring the Ridgway Inholding, the final piece of the Brush Creek Valley Ranch and Open Space, will support achievement of 2015 BLM Colorado River Valley Field Office Resource Management Plan objectives. The surrounding BLM lands are designated as Hardscrabble-East Eagle Special Recreation Management Area (SRMA). SRMA's produce recreation opportunities and maintain landscape characteristics that are recognized for their unique value, importance, and distinctiveness. Completing the protection of the Brush Creek Watershed through this acquisition will only increase the distinctness of this local, and highly used SRMA.

The Ridgway Inholding will allow the BLM and Eagle County Open Space to connect trails and improve access along the eastern portion of the SRMA while at the same time protecting important wildlife habitat and maintaining the aesthetics of a rural, Western Colorado landscape. Increasing access to Public Lands helps BLM and community partners meet the increasing demand for outdoor recreational opportunities in Colorado's high country. With the increase in connectivity and use of protected public lands, comes an increased opportunity for active engagement, learning from the land, and overall greater community stewardship of recreational opportunities and natural resources.

If the board has any questions please contact Miles Gurtler (Outdoor Recreation Planner) at (970)876-9068.

Sincerely,

Brian R. Hopkins
Assistant Field Manager



COLORADO

Parks and Wildlife

Department of Natural Resources

Glenwood Springs Service Center
0088 Wildlife Way
Glenwood Springs CO 81601
P 970-947-2920 | F 970-947-2936

July 27, 2019

GOCO Board

Eagle County Commissioners

To Whom It May Concern,

Colorado Parks and Wildlife would like to take this opportunity to voice resounding support for the acquisition of the Ridgeway property. This property represents an in-holding surrounded by the recently acquired Brush Creek Valley Ranch Conservation Easement and would be an asset on several levels to the existing easement and is also a unique, valuable, and diverse section of habitat in its own right.

Perhaps the primary benefit gained from the acquisition of the Ridgeway parcel is increased connectivity of the riparian habitat. This not only has the potential to benefit the diverse variety and numbers of wildlife species that utilize the area for movement and their survival but may also accommodate a primary goal of the local municipality. That being the design and construction of a non-motorized access, either trail or path, which would allow access up Brush Creek and keep it off of a very narrow and dangerous county road. The property does have some unique habitat for wildlife, primarily the fens. The fens do not occur in many locations along Brush Creek and are rich in diversity and number of wildlife species attracted to and using the habitat. These species include diverse bird life, amphibian and reptiles, along with the more recognized small and large mammals. The additional creek attained enhances both the potential for public fishing near a municipality along with interpretive education opportunities.

The purchase of Brush Creek Valley Ranch was a significant step toward ensuring that wildlife habitat and the connectivity between habitat will be preserved into perpetuity and that land can be managed for conservation but still accommodate other activities. Acquisition of the Ridgeway parcel would further perpetuate this philosophy and management by providing a further unimpaired riparian corridor, a unique fen habitat, and potential for a recreational connectivity from the Town of Eagle to Salt Creek away from the dangerous county road. While the acreage is not as vast as Brush Creek Valley Ranch the inclusion of the Ridgeway



parcel with the existing easement would solidify and establish the opportunity to manage this limited resource for both wildlife and recreation. Opportunities like a willing landowner with highly diverse habitat in a location that would blend into the management philosophy of the adjacent properties are rare and should be capitalized on.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Yamashita', with a stylized, cursive script.

Matt Yamashita
Area Wildlife Manager

Cc: JT Romatzke - Regional Manager
Craig Wescoatt - District Wildlife Manager



COLORADO STATE UNIVERSITY
EXTENSION

Eagle County Extension Office
441 Broadway Street
Eagle, CO 81631
(970) 328 - 8630

July 7

TO:
Great Outdoors Colorado Board of Directors
1900 Grant St. Suite 725
Denver, Colorado 80203

RE: Eagle Valley Land Trust and Eagle County Open Space Open Space Grant Application

Dear Board of Directors,

Colorado State University Extension in Eagle County supports Eagle Valley Land Trust and Eagle County Open Space in their pursuit of the Great Outdoors Colorado Open Space grant to assist funding the acquisition of approximately 126 acres of private land along Brush Creek in Eagle, CO. We believe their grant request is important because acquiring this land would help ensure the preservation of the ranching history and heritage of the area, along with providing quality outdoor recreation opportunities for the residents of Eagle County and conserving valuable and vulnerable ecosystems.

The mission statement of Colorado State University Extension is to 'empower Coloradans to address important and emerging community issues using dynamic, science-based educational resources.' We are valued for providing inclusive and impactful community engagement through educational outreach and programs such as 4-H. In Eagle County, we support the community and offer expertise in the areas of family and consumer sciences, 4-H youth development, and horticulture and agriculture.

Preservation of this land by Eagle Valley Land Trust and ownership by Eagle County through its Open Space Program would help guarantee the long term success of the Brush Creek Valley Ranch and Open Space. The land has historically been a successful ranch and the community is very passionate about preserving that history and heritage. This parcel would increase the opportunities for the Brush Creek Valley Ranch and Open Space (formerly Hardscrabble Ranch) to become a showcase of agriculture and ranching in the county. The location is ideal to hold education and outreach events to teach the public more about ranching and its important role in land conservation. As more ranches and land are lost to development, the rift and misunderstanding between the general public and the ranching community increases. The Brush Creek Valley Ranch and Open Space coupled with this possible project create a unique opportunity to bring these two communities together to strengthen Eagle County as a whole. Additionally, acquiring the Ridgeway parcel would create the opportunity to try innovative sustainable agriculture techniques which local ranchers could adopt, improving ranching practices throughout the region.

Therefore, Colorado State University Extension in Eagle County supports Eagle Valley Land Trust and Eagle County Open Space in their request for the Great Outdoors Colorado Open Space grant to help purchase the Ridgeway land parcel. We not only support this grant but are also committed to providing guidance and expertise in agriculture. To reiterate, acquisition of this land would improve the recreation opportunities in Eagle County, ensure the protection of unique and sensitive ecosystems, enable public outreach and education about a variety of conservation topics, preserve the ranching heritage of the area, and provides the novel opportunity to make impactful connections in the community.

Respectfully,

Denyse Schrenker
Extension Agent - Horticulture and Small Acreage Management
Colorado State University
(970) 328-8633
denyse.schrenker@eaglecounty.us



State Representative
DYLAN ROBERTS
Colorado State Capitol
200 East Colfax Avenue, Room 307
Denver, Colorado 80203
Office: 303-866-2923
dylan.roberts.house@state.co.us



Chair:
Rural Affairs & Agriculture
Committee
Member:
Judiciary Committee

COLORADO
HOUSE OF REPRESENTATIVES
State Capitol
Denver
80203

July 24, 2019

Eagle Valley Land Trust
34215 US-6 #205
Edwards, CO 81632

Dear Eagle Valley Land Trust:

I write today to offer my strongest support for the purchase and conservation of the Ridgeway Parcel of the Hardscrabble Ranch Open Space. The addition of this important land will only serve to further the value of the open space in the Hardscrabble Ranch Open Space area and provide great benefit to Eagle County and its residents as you implement our community's open space goals.

As the State Representative for Eagle County but also as an Eagle County resident myself, I am confident in saying that one of the top reasons that people live in this part of the state and country is because of its natural beauty. As you are well aware, conserving open space is an excellent way to preserve this natural beauty and ensure that Eagle County can remain a desirable location for residents and visitors for generations to come. The Ridgeway Parcel should join that effort.

Specifically, the Ridgeway Parcel fits well into already-existing efforts. By conserving this parcel, the Land Trust will create three miles of uninterrupted conservation and public access to Brush Creek by adding the middle one mile of Hardscrabble Ranch to county ownership. It also helps create a contiguous open space that will help critical habitat for wildlife, simplified trails, and more access to thousands of acres of public lands.

Finally, I am keenly aware that housing is another critical issue facing the county and I would not advocate taking any out of the realm of possibility for affordable housing lightly. However, as much as I am in favor of affordable housing, I am equally as in favor of smart planning and conservation. I believe the purchase and conservation of the Ridgeway Parcel will not stifle any affordable housing goals because this parcel is not appropriate for that kind of housing. The only realistic development that could occur on this parcel would be large, private homes. I believe there is already enough room in the county for that kind of development.

I appreciate your consideration of this letter and for strongly considering the purchase and conservation of the Ridgeway Parcel.

Sincerely,

A handwritten signature in black ink, appearing to read "Dylan Roberts", written over a horizontal line.

Dylan Roberts
State Representative
House District 26



P.O. Box 192
Eagle, Colorado 81631
ECHS@eaglecountyhistoricalsociety.com

July 8, 2019

Re: Eagle County Open Space grant application for Ridgway Ranch

To Whom it May Concern:

Most people are unaware that Eagle County's economy was driven by agriculture for over 80 years. Before our world-renowned ski resorts were developed, the Eagle Valley was cattle and farm country. Agriculture heritage is a key part of our local history. This opportunity to ensure that the county's agricultural heritage will be preserved for future generations is also the reason that the Eagle County Historical Society strongly supports Eagle County's request for GOCO grant funding for the purchase of the Ridgway ranch on Brush Creek.

In fact, the Ridgway property is tied to some of the county's most prominent "cowmen."

George Sumner Wilkinson, one of the cowboys who first brought cattle into the county in 1880, patented the Ridgway property in 1916. Wilkinson's life is a classic pioneer tale. He came west with a wagon train at the age of 14 (1873), worked in the Leadville silver mines, engaged in some logging and sawmilling, and eventually homesteaded a ranch in the Brush Creek Valley.

Wilkinson's arrival in the Brush Creek Valley is something of a local history legend. He and a fellow cowboy, Webb Frost, drove a herd of cattle from Park County to Brush Creek, arriving in November. The men and cattle were immediately assaulted by a severe snowstorm. The men holed up in a cabin for the winter and turned the cattle loose to survive on their own. When spring weather arrived, the livestock was scattered from Brush Creek to Dotsero. Reportedly, only one cow, drowned in the river, was lost.

Wilkinson went on to homestead what is now the Ridgway property, where he raised cattle, hay, grains and vegetables. In 1901, in typically pioneer "can-do" style, Wilkinson and neighboring ranchers volunteered their time and equipment to make improvements to the stagecoach road serving the Fulford mining camp. The ranchers shortened the driving distance by a mile and eliminated a challenging uphill grade. A leader in the community, Wilkinson also served as president of the Eagle Valley Stockgrowers Association.

The property changed hands numerous times over the decades and was owned and ranched by the Rule family from the 1940s through the 1960s. One of the Rule Hereford heifers was a source of community pride after it earned grand champion honors at the 1940 Eagle County Fair, then went on to win a purple (champion) ribbon at the Colorado State Fair.

Recently, the Eagle County Historical Society received a treasure trove of photographs from the 1880s and early 1900s featuring many images of ranching and farming on Brush Creek. We look forward to working with the county on piecing together a meaningful history of our agricultural heritage.

In our experience, both residents and visitors to the county value the sense of place that local history knowledge can provide. When citizens identify with a community, they are also more willing to invest in it. Towns become communities when there is a general awareness of shared history.



P.O. Box 192
Eagle, Colorado 81631
ECHS@eaglecountyhistoricalsociety.com

The acquisition of the Ridgway parcel as open space will also benefit wildlife by protecting riparian land and migration corridors. Sadly, it sometimes appears that the county is on the verge of losing its wildlife heritage.

The Brush Creek Valley is a treasure, both historically and today, that is worthy of preservation. We applaud Eagle County's efforts to preserve one of the few remaining agricultural parcels.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen L. Heicher".

Kathy Heicher
President
Eagle County Historical Society



(Left): Threshing crew on Brush Creek, circa 1912. A antique threshing machine is located on the adjacent Brush Creek Ranch Open Space.

(Right): Cattle on the Rule ranch (Ridgway parcel), circa 1940.





August 1, 2019

Jim Daus
Executive Director
Eagle Valley Land Trust

Eagle Valley Trout Unlimited writes in support of the Eagle County Open Space (ECOS) program acquiring the “Ridgeway Inholding Parcel.”

This highly desirable parcel, located along Brush Creek outside of Eagle, is surrounded by public lands on virtually all sides with BLM property to the East and an existing Eagle County Open Space property comprising all other property boundaries. ECOS acquisition of this private parcel would increase public access for recreation along Brush Creek, a very popular trout stream. Based on my own personal frequent use of other sections of this stream, providing more public access to this amazing fishery will benefit EVTU members, the general public, and most importantly the fishery itself.

In addition, while EVTU’s conservation efforts are directed at maintaining and improving cold water fisheries, we also recognize the fact that added development pressure in the Eagle area has had severe negative impacts on wintering Elk and Deer herds. This parcel lies directly within a very critical wintering range that is seeing substantial pressure for development. With this parcel surrounded by public lands, EVTU feels this property would be of substantial interest to land developers and any development on this property would be very detrimental to our local ungulate herds.

For many reasons, Eagle Valley Trout Unlimited urges you to strongly consider supporting the acquisition of the Ridgeway priority parcel as soon as possible. We are excited about this opportunity to increase public access on Brush Creek, protect water quality, and preserve critical lands for future generations. It is our shared responsibility to maintain and improve the cold water fisheries we are so fortunate to have in our backyard. Thank you all for your continued mutual support of our Colorado watersheds.

Sincerely,

Nick Noesen
EVTU President
Eagle Valley Trout Unlimited Chapter #102
970.343.9010

	B	C	D	E	F	G	H	I	K	N	O	P	Q	R	S	T	U	V	W	X
1	Eagle Valley Land Trust																			
2	Worksheet Calculating the Costs of Stewardship and Defense of a Conservation Easement and the Endowment Needed to Support it																			
3	Ridgway Inholding																			
4	A. Assumptions										B. Formulas									
5																				
6	Commentary: The numbers in Section A are designed specifically for this easement										Commentary : The following computations are used to calculate the overall expenses for certain rates or									
7	and are called the Assumptions. These assumptions are estimates drawn from experience.										activities used in the final calculation. Assumptions from Section A above are used in the formulas.									
8																				
9	1. Staff Salary, Benefits, & Overhead Costs										1. Hourly staff rate (including benefits and overhead)									
10																				
11	Annual Average Salary										Annual salary									
12	Hours worked per year (50 wks x 40 hrs/wk less 7 holidays x 8 hrs/day)										Hours worked per year (50 wks x 40 hrs/wk less 7 holidays x 8 hrs/day)									
13	Salary per hour (annual salary / hours worked per year)										Salary per hour (annual salary / hours worked per year)									
14	Benefits and Overhead										Benefits and Overhead									
15											Total: Salary per hour (includes benefits and overhead)									
16																				
17	2. Travel Costs for Each Site Visit										2. Travel Costs for Each Site Visit									
18											Commentary: Only those costs associated with travelling to and from an easement have been									
19											calculated here.									
20																				
21	Reimbursement per mile (as of 01.01.15 per IRS)										Mileage reimbursement: mileage x reimbursement rate									
22	Average miles for a round trip (office to property and return)										Staff costs for travel time:									
23	Average vehicular speed for entire trip										hourly staff rate x (mileage divided by average vehicular speed)									
24	Reimbursable travel expenses (lodging, meals, parking)										Reimbursable travel expenses									
25											Total: Travel Costs for Each Site Visit									
26																				
27	3. Annual Monitoring Expenses										3. Annual Cost of Monitoring									
28	Monitoring Hard costs										Monitoring: hard costs									
29	Cost of annual supplies																			
30	(includes batteries, replacement of equipment e.g. cameras and gps)										Pre-monitoring staff costs: hourly staff rate x staff time needed									
31											Monitoring staff costs: hourly staff rate x staff time needed									
32	Staff time for Monitoring										Post-monitoring staff costs: hourly staff rate x staff time needed									
33	Average pre-monitoring time										Travel costs for each site visit (see formula #2 above)									
34	Average time spent monitoring																			
35	Average post-monitoring time										Total Annual Monitoring Expenses									
36																				

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
37	4. Frequency of Exercise of Reserved Rights												4. Annual Cost of Exercise of Reserved Rights											
38	How often will reserved rights etc. be exercised in a 10 year period?										1	Staff costs: hourly staff rate x hours needed										\$246.91		
39	Therefore the likelihood of exercise of reserved right etc. in any											Travel costs for each site visit (see formula #2 above)										\$2.26		
40	one year is:										10%	Costs of exercise of reserved right.										\$249.17		
41	Average staff hours needed for exercise of reserved rights etc. per time										10	x percentage likelihood of right being exercised in any 10 years										10%		
42	Number of site visits required to review change per time										2	Total: Per year cost of exercise of reserved right										\$24.92		
43																								
44	5. Management Plan Updates												5. Annual Cost of Management Plan Updates											
45	How often will management plan be updated in a 5 year period										0	Staff costs: hourly staff rate x hours needed										\$197.53		
46	Therefore the likelihood of a management plan being updated in											Costs of updating management plan once every 5 years										\$197.53		
47	any one year is:										0%	x percentage of management plan update frequency										0%		
48	Average staff hours needed for updating a management plan										8	Total: Per year cost of exercise of reserved right										\$0.00		
49																								
50	6. Annual Landowner Relations												6. Annual Cost of Landowner Relations											
51	Staff time needed for annual landowner relations										4	Staff costs: hourly staff rate x hours needed										\$98.77		
52	Hard costs per landowner per year (e.g. newsletter, postage, etc.)										\$5.00	Costs of supplies										\$5.00		
53												Total Annual Landowner Relations Costs										\$103.77		
54																								
55	7. Additional Costs for Subdividing the Property												7. Annual Costs for a Subdivided Property											
56	Enter the number of times the easement may be subdivided (0 = no subdivision,											Staff costs: hourly staff rate x hours needed										\$0.00		
57	1= may be subdivided once, etc)										0	Cost of supplies										\$0.00		
58	Additional staff hours needed yearly for multiple landowners										2													
59	Additional landowner relations hard costs										\$5.00	Total: Annual Costs for a Subdivided Property										\$0.00		
60																								
61	8. Additional Costs for Hydrocarbon Development												8. Annual Costs for Mineral Development											
62	How often will hydrocarbon rights be exercised in a 10 year period?											Staff costs: hourly staff rate x hours needed										\$0.00		
63	Therefore the likelihood of hydrocarbon development in any one year is:										0	x percentage likelihood of right being exercised in any 10 years										\$0.00		
64	Additional staff hours needed for hydrocarbon development										10													
65												Total: Annual Cost of Mineral Development										\$0.00		
66																								
67	9. Easement Enforcement Action Costs												9. Annual Cost of Enforcement Actions											
68	Negotiations prior to obtaining counsel											Staff costs: hourly staff rate x hours needed										\$246.91		
69	How often will negotiations be anticipated in a 20 year period?										1	Travel costs for each site visit (see formula #2 above)										\$1.13		
70	Therefore likelihood of negotiations in a 20 year period is:										5%	Cost of one negotiations over violations every 20 years										\$248.04		
71	Average staff hours needed for violation negotiations										10	x percentage likelihood of negotiations within 20 years										5.0%		
72	Number of site visits required for a violation										1	Total: Annual Cost of Negotiations										\$12.40		
73																								
74	Total Annual Expenses																						\$267.90	

	A	B	C	D	E	F	G	H	I	K	N	O	P	Q	R	S	T	U	V	W	X
75	C. Endowment Needed to Fund Annual Expenses																				
76	1. Endowment Assumptions										1. Endowment Calculation										
77	<i>Commentary: The derivation of these numbers is shown on the last page of this spreadsheet.</i>										Total Annual Costs (see above)										\$267.90
78	Average 30 year Treasury Bond rate of return										divided by the difference between Treasury Bond rate										
79	Average inflation rate										and the interest rate (see assumption above where 4.0% = .040)										0.026
80	Therefore the Treasury Bond rate less the inflation rate is:																				
81											Total: Endowment Needed										\$10,367.11
82											NOTE: Because this project will be integrated into adjacent conservation easement for which										
83	D. Costs of Defending an Easement										a substantive Defense Fund contribution has been received, EVLT requests only \$10,000.00										
84	<i>Commentary: The better the relationship between the landowner and the land trust, the less likely the</i>																				
85	<i>two parties will ever have to go to court. Each land trust must, however, recognize that even with the best</i>																				
86	<i>efforts, sometimes it is necessary to go to court.</i>																				
87	<i>From the assumptions it costs almost \$50,000 to defend an easement.</i>																				
88	1. Costs of defending an easement										1. Costs of defending an easement										
89	<i>Commentary: These numbers are estimates. See Section E. below for explanation.</i>																				
90	Easement Defense insurance (\$60 per easement per year)																				
91	Easement Defense insurance for each subdivision permitted										Costs of easement defense insurance										0.00
92											Costs of additional premium for permitted subdivision										0.00
93	Staff time needed to defend an easement										Staff costs: hourly staff rate x hours needed										617.28
94	Costs of obtaining legal counsel										Costs of obtaining legal counsel										\$50,000.00
95	Additional costs (e.g. expert witnesses etc.)										Additional costs (e.g. expert witnesses etc.)										\$5,000.00
96																					
97											Total: Cost of Defending an Easement										\$55,617.28
98																					
99											Maximum Defense Fund										\$100,000.00
100											divided by number of easements held by EVLT										36
101											Total: Contribution needed to Defend an Easement										\$2,777.78
102																					
103											NOTE: Because this project will be integrated into adjacent conservation easement for which										
104											a substantive Defense Fund contribution has been received, EVLT requests only \$1,000.00										
105																					
106	E. Total Funds Needed to Accept, Monitor, and Defend the Easement																				
107																					
108	Total: Stewardship Endowment Needed to Fund Annual Costs										\$10,000.00										
109	Total: Costs of Defending an Easement										\$1,000.00										
110	Total: Funds needed to accept, monitor and defend the e										\$11,000.00										



To: Mayor Turnipseed and Town Council

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

Date: June 23, 2020

Agenda Item: Discussion with staff regarding a possible amendment to the code to create an automatic termination period for certain types of projects.

REQUEST: Staff is requesting direction regarding amendments to the Municipal Code (Code) for the purpose of providing clarity, creating a simplified process, and supporting the policies of the Community Plan and other guiding documents.

INTRODUCTION:

Upon review of the code, Town Planning staff and attorneys have noted that there is no process in the Code for applicants who would like to rescind their project after approval, but prior to final action. The only option available to these applicants is to go through the original process again. After several conversations between staff, attorneys and members of the community, we are proposing to add a process to the development code to allow applicants a way out should circumstances change that would no longer make a project viable. Such process is proposed as an automatic lapse, without the need to take the project back to the approval authority.

Staff understands that there is a general reluctance of the Commission and Council to make code amendments prior to the adoption of a new Development Code. However, this change will open up a recourse to those applicants who have previously had no recourse other than to start the process over from scratch. If approved, this change to Title 4 will be included in the draft of the amended Code, so action today will reduce time spent during the whole Title 4 update process.

Staff is working towards providing consistency and standards that will be easier for the development community to understand and will provide a simplified process for current and future staff to implement.

Questions for Discussion:

- What types of files might this process be most appropriate for?
 - Suggestions of appropriate file types include:
 - Subdivisions including Lot Line Adjustments
 - Variances
 - Others?
- What are the potential consequences of adopting this addition to the Code?
 - Staff will need to tighten up post-approval actions and timeframes and effectively communicate these with applicants. Staff sees this as an advantage.

- It could be challenging for some applicants to meet conditions of approval within a specific timeframe. However, this could help to keep applicants and staff accountable.
- What is a reasonable timeframe to impose on applicants, after which time the file would automatically terminate?
 - 60 days?
 - 6 months?
 - 1 year?
- Planning Commissioners brought up a grace period or extension option for applicants who may need this option. What would be an appropriate grace period? Should the applicant come back to Planning & Zoning or Town Council for an extension?

ANALYSIS:

To aid in this discussion of amending the Code, staff has identified several areas of the 2010 Eagle Area Community Plan and the Town of Eagle Strategic Plan for consideration.

2010 Eagle Area Community Plan

Chapter 3: Land Use

#6 Community Needs

Meeting the needs of an evolving community is a strong factor in local land use decisions.

COMMUNITY INPUT: Input will be solicited through the noticing process for the Ordinance.

BUDGET / STAFF IMPACT: Minimal.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

2017 Eagle Strategic Plan

Standards – to provide consistent value to the community, and to be transparent in its decision making and communications, it is essential that the Town develop and comply with standards... They also provide a mechanism for having a more meaningful dialogue with the community and empowering the Town's staff to enhance quality of life in Eagle.

Transparency and Community Engagement – The Town is committed to maintaining on ongoing, meaningful, and substantive dialogue with the community that is based on clearly defined standards and compelling arguments for proposed policies and investments.

RECOMMENDED ACTION OR PROPOSED MOTION:

We look forward to our conversation and the Planning and Zoning Commission's comments and direction at our meeting on June 16th.

ATTACHMENTS:

None.



To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: June 23rd, 2020

Agenda Item: Eagle Ranch Broadband Systems Design and Joint Trench Funding

REQUEST: Staff requests the Town Council review option to fund the Broadband Systems Design and installation of conduit for Eagle Ranch in 2020, out of the Capital Improvements Fund, to take advantage of saving in joint trenching opportunity with Comcast.

INTRODUCTION: Comcast is planning to begin work installing conduit in Eagle Ranch in June 2020. The Town seeks to do two things:

1. Limit the disruption that future communications/broadband related work might have on the community by installing open conduit in strategic locations impacted by the planned construction.
2. Provide Town Broadband infrastructure savings of up to \$500,000 from joint trenching with Comcast.

The Town has a Joint Trench provision with Comcast in the Franchise agreement ratified in 2019. Per the Comcast Franchise agreement:

2.2 (B) Grantee must follow Town established nondiscriminatory requirements for placement of Cable System facilities in Rights-of-Way, including the specific location of facilities in the Rights-of-Way, and must in any event install Cable System facilities in a manner that minimizes interference with the use of the Rights-of-Way by others, including others that may be installing communications facilities. Within limits reasonably related to the Town's role in protecting public health, safety and welfare, the Town may require Grantee to cooperate with others to minimize adverse impacts on the Rights-of-Way through joint trenching and other arrangements.

ANALYSIS: The Town of Eagle has requested insight on joint trenching procedures from Comcast and has studied other model joint trenching procedures from the Colorado Communications and Utility Alliance as well as other municipal ordinances nationwide. The common objectives in these model joint trenching policies are:

- Collecting Master Plans from ISP's intending to build in Town
- The Town would have a right of refusal to install shared use conduit at an incremental cost
- A general moratorium on similar road cuts/ boring/ trenching for 3 years

Should master plans indicate private party intentions to use the same path, the Town can coordinate a pro-rata construction project. If a private entity would like to use a path with Town conduit installed, they can expand service cheaper and easier than retrenching by paying a lease fee to the Town for use.

For the Town of Eagle to take advantage of joint trenching opportunities, our own master plan needs to be developed. Uptown Services has built the cost of this plan into the proforma presented to council Dec 10, 2019. This cost would normally be realized once financing is fully secured for a municipal fiber network and would be funded through the Town Broadband fund. Unfortunately, Comcast's timeline does not match up with the Town's broadband timeline. To build the master plan for Eagle Ranch now, Uptown Services would require an hourly fee that would be capped at the cost of design proposed in the proforma. There is also an up-front cost for installation labor and conduit that would be strategically deployed now, prior to full network financing.

- Eagle Ranch System Design - \$200/hr. capped at \$35,000
- Pedestal and Conduit materials and installation - \$835/passing in Eagle Ranch (decreased from \$1,935 per feasibility study) – Not to exceed \$835,000 in 2020

According to Uptown Services, there would be significant savings to the Town of up to 27% or \$500,000 (original feasibility study projection \$1,850,013) in Eagle Ranch with this Master Plan and Joint Trenching in place. Also, any future communication network expansion in the service area would be at an incremental cost, which may include cellular service towers, fixed wireless broadband, and other communication services.

COMMUNITY INPUT: There is no community input required at this time.

BUDGET / STAFF IMPACT: The Town's Capital Improvement Fund balance, with a projected 2020 ending fund balance of \$6,40,796, may be used to provide the up-front capital for this proposed work. Once the Broadband Enterprise Fund is created and financing in place the capital outlay would be repaid to the Capital Improvement Fund and future infrastructure costs would be funded through the Broadband Enterprise Fund. The potential lost to the Capital Improvements Fund would be potential interest earned during the period between the outlay and repayment (current interest rate 0.62% or \$5,177 annually on \$835,000)

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Sound Planning and Appropriate Investment – Joint Trenching was included in the Comcast Franchise agreement and taking advantage of the cost savings to the Town as well as making future public and private deployment more accessible represents sound planning and appropriate investment.

Major Objective 7: Implement Priority Infrastructure Improvements – This proposal directly serves major objective 7 by investing in cost-effective infrastructure serving broadband and other communication needs of the Town and its residents.

RECOMMENDED ACTION OR PROPOSED MOTION: Staff recommends the Council make a motion to **approve** or **deny** a System Design for Eagle Ranch and allocate funds for conduit and infrastructure investment in joint-trenching scenarios, to be paid by the Capital Improvement Fund balance until the creation of the Broadband Enterprise Fund.



To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: June 23rd, 2020

Agenda Item: Council Chambers Technology Upgrade

REQUEST:

Staff requests that the Town Council review bids to add and upgrade A/V technology for the Town Council Chambers.

INTRODUCTION:

The Town Council chambers have been slated for an audio/ video upgrade in the Capital Improvement Budget for 2020. The 2020 Capital Improvement Budget designated \$15,000 for this project. Due to COVID-19 and the subsequent public health orders, Town Council meetings have moved to an online platform. The Town Council has discussed returning to in-person meetings and maintaining the successful engagement of an online platform during Council meetings, and that requirement reaffirms the need for planned audio/ video upgrades to the Council chambers.

ANALYSIS:

The Town's IT management company, ForwardTech Solutions, has compiled a bid for the cost to purchase and install the required A/V equipment in the Council chambers. The following is a breakdown of expenses:

- Equipment purchased and installed by ForwardTech (TV's, Computers, Cables, Power Supply) - **\$14,707**
- Paramount A/V Hardware (4k Video Scaling, Audio/Video presentation/ transmission) - **\$17,097**
- Paramount A/V Labor and Programming - **\$1,380**
- Microsoft Surface Tablets for Council - **\$6959**

Total as bid - \$40,170

2020 CIP Budget - \$15,000

Deficiency - \$25,170

Information describing each component of the bid is included as attachments to this memo. The ForwardTech bid used a quantity of 10 for the Council Surface procurement, and the number has been adjusted to reflect 7 necessary surface tablets.

Because of the nature of both the wiring and audio/video presentation hardware required for this installation, these components cannot be installed as phases. They must be purchased and installed concurrently. The surface tablets are the only component of this bid that can be procured separately.

For this installation to move forward in 2020, the balance of \$25,170- or \$18,184 (without tablets) will need to be allocated from fund balance. This means there are two scenarios for this project.

- 1) \$25,170 or \$18,184 will need to be allocated from an existing fund balance. Installation of the equipment will happen 4-6 weeks after approval, pending inventory availability.
- 2) The 2021 Capital Improvement budget can include a \$40,170 line item for purchase and installation of the planned A/V upgrades. The existing \$15,000 budgeted this year would be carried over to 2021.

The existing A/V system in the Council chambers is not equipped to provide Zoom service during an in-person meeting. Without additional upgrades, in-person meetings will only be streamed online.

COMMUNITY INPUT:

There is no community input required at this time.

BUDGET / STAFF IMPACT:

If approved for immediate purchase, \$25,170 or \$18,184 will be paid with Capital Improvements fund balance. The Capital Improvements Fund 2020 yearend fund balance is projected at \$6,040,000. The Town's Capital Improvement Plan is projecting \$2,645,159 in spending over the next 5 years; however, this does not include the Grand Ave project that is projected to cost approximately \$20,000,000.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Major Objective 11: Enhance the Town's Communications, Build Eagle's Brand – The proposed upgrades will facilitate online engagement during Town Council meetings, directly improving the opportunities for residents to engage and provide input on major strategies and policy decisions as stated in strategic objective 11.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff recommends the Council make a motion to **approve** or **deny** either scenario 1 (with or without tablets) or scenario 2 as described above.

ATTACHMENTS

ForwardTech Council Chambers Quote.pdf

Paramount AV Council Chambers Quote.pdf



We have prepared a quote for you

Council Chambers A/V

Quote # 000129
Version 1

Prepared for:

Town of Eagle

Jenny Rakow
jenny.rakow@townofeagle.org

FTS

Description	Price	Qty	Ext. Price
Samsung Digital Signage Display - 82" LCD Cortex 4K	\$3,100.00	2	\$6,200.00
5 Year Upgrade Advanced Exchange Warranty and Support	\$900.00	2	\$1,800.00
HP Business Desktop ProDesk 600 G5 Desktop Computer	\$870.00	4	\$3,480.00
HP Business E243 23.8" Full HD LED LCD Monitor	\$175.00	6	\$1,050.00
HP Mounting Bracket for Mini PC, Flat Panel Display	\$43.00	4	\$172.00
Eaton 5S UPS - Tower 1500 Watt	\$195.00	2	\$390.00
Eaton 5PX 1440VA Tower/Rack Mountable UPS	\$1,065.00	1	\$1,065.00
Cables, adapters, wiring, mounting hardware	\$300.00	1	\$300.00
Shipping	\$250.00	1	\$250.00
Professional Services no charge if FTS is current technical support provider	\$1,500.00	1*	\$1,500.00

Subtotal: \$14,707.00

Paramount A/V

Description	Price	Qty	Ext. Price
Hardware see Paramount quote for details	\$17,097.50	1	\$17,097.50
Installation and Programming see Paramount quote for details	\$1,380.00	1	\$1,380.00

Subtotal: \$18,477.50

Council Tablets

* Optional

Description	Price	Qty	Ext. Price
Microsoft Surface Go 2 Tablets	\$679.99	10	\$6,799.90
3 Year Complete for Business Extended Warranty	\$179.00	10	\$1,790.00
Surface Go Type Cover	\$99.00	10	\$990.00
Logitech Padded H390 USB Headset	\$39.95	10	\$399.50



Council Tablets

* Optional

Description	Price	Qty	Ext. Price
Professional Services no charge if FTS is current technical support provider	\$1,500.00	1*	\$1,500.00

* Optional Subtotal: \$9,979.40

Council Chambers A/V

Prepared by:

Forward Tech Solutions
Thomas Boyken
7208834209
thomas@forwardtechsolutions.com

Prepared for:

Town of Eagle
200 Broadway
Eagle, CO 81631
Jenny Rakow
(970) 328-9623
jenny.rakow@townofeagle.org

Quote Information:

Quote #: 000129
Version: 1
Delivery Date: 06/09/2020
Expiration Date: 06/30/2020

Quote Summary

Description	Amount
FTS	\$14,707.00
Paramount A/V	\$18,477.50
Total:	
	\$33,184.50

*Optional Expenses

Description	One-Time
Council Tablets	\$9,979.40
Optional Subtotal:	
	\$9,979.40

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Forward Tech Solutions

Town of Eagle

Signature: _____
Name: Thomas Boyken
Title: Owner/CEO
Date: 06/09/2020

Signature: _____
Name: Jenny Rakow
Date: _____

Paramount Audio Video

970-471-4979

Town meeting room AV equipment

6-1-2020

Thomas,

Thank you for your consideration on this project. I have included in this proposal all of the equipment and installation to connect and control 2 large format TV's (provided by the town). A new 4K HDMI transmitter will be installed at the presentation computer location and CAT6 shielded cabling routed to the existing equipment rack in the closet. A new DM media presentation switcher will route the video to 2 new DM 4K scaling receivers. The scaling receivers allow for the system to ignore lower resolution inputs and scales them to the best resolution for your connected displays. It removes the need to make changes to incoming resolutions to match the system for the simplest connection possible.

The DM media presentation switcher also has a built in amplified DSP mixer that we will layer into the existing audio equipment. This allows us to get the benefit of the DSP audio controls and mixing ability without having to immediately replace the existing microphone mixer or amplifier at this time, reducing initial cost.

The Video cabling to the new TV's will be surface mount non metallic raceway. The Connect-It drop in integration boxes will have a hanging HDMI cable for connection to an external device to the system and has a lit button which will provides a quick switch to that location for video routing. This is a nice and simple "quick switch" when a presenter wants to connect a laptop at the commissioner's desk and change the video without having to use the touch panel. The 7" touch panel will control the power to the TV's, video and audio routing as well as audio level control for the speakers (it does not adjust the microphone inputs from the existing equipment, but will adjust the overall output volume).

Sincerely,
Matt Marple

Paramount Audio Video		 Paramount Audio Video Cutting Edge Technical Services
PO Box 337 Eagle, Colorado 81631	Phone: (970) 471-4979 www.paramountvail.com	

Crestron Audio Video and control switch

Description:
Install a new Crestron DMPS media presentation switcher in the existing equipment rack. Install 2 new Crestron 4K scaling DM receivers at 2 new TV location via CAT6 shielded cabling from the equipment rack to the TV locations with surface mount non metallic raceway. Install 2 new (owner provided) 80" TV's on tilt mounts above the existing projection screens at adjacent walls from the commissioner seating areas. Install new CAT6 shielded cabling to 2 new 4K DM transmitters (1 at center of commissioner seating area, and 1 at presenter seating location) connected with Connect-It drop in station points. Install a new 7" tabletop touchscreen to control the power, video selection and audio control for the room. Please not that this proposal utilizes the existing line/mic mixers and amplifier in conjunction with the new DSP audio control.

Equipment summary:

- 1- Crestron DMPS3-4K-350-C-AIRMEDIA presentation switcher
 - 1- Crestron TSW-760 color touchscreen with table top kit
 - 2- Crestron DM-RMC-4KZ-Scaler-C video scaling receivers
 - 1- Crestron DM-TX-4K-202-C transmitters
 - 1- Crestron TT-110 Connect-It input stations with HDMI cables
 - 2- Tilting razor mounts for up to 90" flat panels
 - 2- 1 meter HDMI cables
 - 1- 2 meter HDMI cable
 - CAT6 shielded cabling
 - Legrand non metallic raceway from the equipment rack to the TV locations
- Pricing includes cabling, installation, programming and setup.

	Crestron DMPS3-350 • 6x2 4K video switch • Amplified DSP audio switch/mixer • Built in AirMedia wireless presentation system
--	--

Paramount Audio Video		 Paramount Audio Video Cutting Edge Technical Services
PO Box 337 Eagle, Colorado 81631	Phone: (970) 471-4979 www.paramountvail.com	



2- Crestron DM 4K scaling receivers

- Automatically scales image to the best matching output to connected displays
- Extends video from switch via CAT6 shielded cabling



1- Crestron DM 4K transmitter

- 4K HDMI transmitter over CAT6



Crestron 7" tabletop touch screen

- Available in white or black

Paramount Audio Video

PO Box 337
Eagle, Colorado 81631

Phone: (970) 471-4979
www.paramountvail.com



Paramount Audio Video
Cutting Edge Technical Services



1- Crestron Connect-It

- Cut into table top for cable access
- Quick select button to transfer video to that station
- Convenient power connection



Tilt mounts

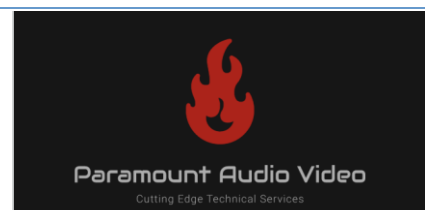
- Tilt mount for up to 90" flat display

Materials:	\$17,097.50
Installation and programming:	\$ 1,380.00
Tax:	Exempt
Total:	\$18,477.50

Paramount Audio Video

PO Box 337
Eagle, Colorado 81631

Phone: (970) 471-4979
www.paramountvail.com





To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: June 23rd, 2020

Agenda Item: U.S. Highway 6 / Grand Ave. Corridor Master Plan Study RFP

REQUEST:

Staff requests the Town Council review the draft Highway 6 / Grand Ave. Corridor Master Plan Study and provide feedback prior to publication.

INTRODUCTION:

The Highway 6 Corridor Master Plan will be an elaborate and complicated study performed on the stretch of Highway 6 from the Eby Creek roundabout on the east to the Sylvan Lake roundabout on the west. This plan will need to address several infrastructure and utility investments by the Town, recommended zoning and design standards to promote economic vitality, and how traffic accesses and moves through this main thoroughfare. Because of the complex nature of this study and the variety of impacts to the Town, review and guidance from various departments and stakeholders is essential to the success of the study.

ANALYSIS:

The Scope of Work sets the parameters of the Corridor Master Plan. Based on other successful Corridor Master Plans, and the feedback of Town staff, the following scope of work is proposed.

The primary goals of the Corridor Master Plan are to:

- Create a positive image along the corridor through thoughtful and high-quality development that is unique to the Town and consistent with the community's goals.
- Set the location and design guidelines for the Town's western Highway 6 gateway.
- Generate private investment in the Highway 6/ Grand Ave. Corridor.
- Facilitate the redevelopment of deteriorated areas.
- Increase jobs and generate new tax revenue through new development.
- Create a gateway employment and commercial corridor to Eagle.
- Identify, understand, and recommend improvements for public infrastructure required to support development, including water, wastewater, power, stormwater control, parking, and road networks.
- Create an access control plan that includes suggestions for street and driveway attachments, multi-modal transportation, and recommendations for strategic property acquisition.
- Multi-modal applications need to include pedestrian friendly attributes that encourage alternative transportation like bike lanes, sidewalk/trail connections, pedestrian refuges, properly signaled cross

walks, and traffic calming measures.

- The plan needs to consider current efforts to design the Brush Creek Road extension and intersection at Highway 6/Grand Avenue as well as a pedestrian bridge that connects the Eagle River Park to Highway 6/Grand Avenue and downtown.
- Ensure a coordinated and collaborative approach with other city departments, public agencies, and other relevant interests including Eagle County, CDOT, and Union Pacific Railroad.
- Recommend a zone district(s) for the corridor that would support the intent of the study.
- Ensure community buy-in through a public engagement process that includes a minimum of three public meetings.
- Create an infrastructure plan that is coordinated with other city department and public agency initiatives for Highway 6/ Grand Ave. and includes implementation strategies and a timeline for improvement of public infrastructure along the corridor.
- Define an implementation strategy that includes short-term and long-term strategies as well as public, private and public-private financing options, and provide specific recommendations for Town Council action.

COMMUNITY INPUT:

There is no community input required at this time.

BUDGET / STAFF IMPACT:

There is no budget or staff impact at this time.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff requests the Council provide feedback on the proposed scope of work or other elements of the Highway 6 Corridor Master Plan.



Request for Proposals

Town of Eagle, Colorado

U.S. Highway 6 / Grand Ave. Corridor Study

Published: June 30th, 2020

DRAFT

Town of Eagle Highway 6 Corridor Study

The Town of Eagle, Colorado, invites all qualified consultants to submit a proposal to develop a Master Corridor Plan for Highway 6/ Grand Ave. This plan will serve as a guide for residents, property owners, developers, City Staff, and elected officials in making sound land use, infrastructure, design, and development decisions in the corridor study area.

Proposals are due no later than July 29th, 2020 at 12:00 pm MDT. A principle of the firm must sign the proposal cover letter and the proposal itself. Late submittals will not be accepted. Please submit one digital copy in PDF format to:

Bill Shrum, Assistant to the Town Manager
Town of Eagle
PO Box 609, 200 Broadway
Eagle, CO 81631
970-386-9652
Bill.shrum@townofeagle.org

Introduction and Background

The Town of Eagle (Town) is requesting proposals from qualified consultants for a highway corridor master plan. The selected firm will have demonstrated experience in similar surveys for comparable communities.

The Town of Eagle is located approximately 120 miles west of Denver in Eagle County. The Town has a population of approximately 6,670 people and is currently experiencing high growth pressures. Influenced by western slope ranching, federal lands, and two world-class ski resorts (Vail and Beaver Creek), the Town has a mix of rich historical agriculture and new recreation economies that influence the growth and development of the community.

The study site is U.S. Highway 6 from the Eby Creek roundabout on the east to the Sylvan Lake roundabout on the west in Eagle, Colorado. The road is bordered by rural residential zoning and the Union Pacific Railroad running parallel on the north, with the Eagle River just beyond. On the south is Eagle's historic Downtown, along Broadway Ave, and a mix of commercial and low density residential through the center of Town and into the West Eagle neighborhoods. Some state and county facilities are along this route, as well as some new residential development planned along the route and to the southeast of the Sylvan Lake roundabout. The Haymeadow development south of the study site has a requirement to construct a Brush Creek Road extension which will intersect US Hwy 6 roughly in the middle of the study site.

The Town recently received control of this portion of Highway 6 from the Colorado Department of Transportation and is now responsible for infrastructure and maintenance costs. The current state of the infrastructure is poor, and the Town anticipates the need to improve water, wastewater, stormwater, communications, electrical and lighting infrastructure along this route. The Town has also had exploratory conversations about locating a commuter rail stop and pedestrian tunnel to Downtown in Town-owned land on the north of US Hwy 6.

Scope of Work

The primary goals of the Corridor Master Plan are to:

- Create a positive image along the corridor through thoughtful and high-quality development that is unique to the Town and consistent with the community's goals.
- Set the location and design guidelines for the Town's western Highway 6 gateway.
- Generate private investment in the Highway 6/ Grand Ave. Corridor.
- Facilitate the redevelopment of deteriorated areas.
- Increase jobs and generate new tax revenue through new development.
- Create a gateway employment and commercial corridor to Eagle.
- Identify, understand, and recommend improvements for public infrastructure required to support development, including water, wastewater, power, stormwater control, parking, and road networks.
- Create an access control plan that includes suggestions for street and driveway attachments, multi-modal transportation, and recommendations for strategic property acquisition.
- Multi-modal applications need to include pedestrian friendly attributes that encourage alternative transportation like bike lanes, sidewalk/trail connections, pedestrian refuges, properly signaled cross walks, and traffic calming measures.
- The plan needs to consider current efforts to design the Brush Creek Road extension and intersection at Highway 6/Grand Avenue as well as a pedestrian bridge that connects the Eagle River Park to Highway 6/Grand Avenue and downtown.
- Ensure a coordinated and collaborative approach with other city departments, public agencies, and other relevant interests including Eagle County, CDOT, and Union Pacific Railroad.
- Recommend a zone district(s) for the corridor that would support the intent of the study.
- Ensure community buy-in through a public engagement process that includes a minimum of three public meetings.
- Create an infrastructure plan that is coordinated with other city department and public agency initiatives for Highway 6/ Grand Ave. and includes implementation strategies and a timeline for improvement of public infrastructure along the corridor.
- Define an implementation strategy that includes short-term and long-term strategies as well as public, private and public-private financing options, and provide specific recommendations for Town Council action.

Expected Deliverables

The Consultant team will be responsible for providing the Town with all raw data, maps, GIS layers, reports, etc. produced throughout this project in their original native format. All GIS data generated during the project and included in the final document will be provided back to the Town for use in form of both Map Packages (.mpk) for all map documents created and Layer Packages (.lpx) files for all GIS feature data created. If ArcMap 10.5 is not available, then all GIS data should be provided with both shapefiles and layer files. Deliverables should include a 30% design with cost estimates and possible phasing plan based on public input.

The Consultant team will provide at least 2 copies of all draft documents, including technical reports, memos, maps, etc. in original native format. The Consultant will provide one reproducible copy of the final Highway 6/ Grand Ave. Corridor Master Plan as approved by the Town and electronic copies of all documents. The Consultant will also provide all reports, draft documents, maps, and the final Plan in electronic form in both PDF and true native format (i.e. Microsoft Word, Adobe Illustrator, etc.). All files generated shall become the property of the Town.

Proposal Content

Interested consultants shall submit proposals that clearly demonstrate the ability to provide the services as outlined in this Request for Proposals (RFP). The following information shall be organized in the order listed below to facilitate fair and equal evaluation to the responses. Proposals must be no more than 15 pages plus a cover letter in 8.5" x 11" format and should include the information below. If selected, the contents below will become exhibits in the Town's Professional Services Contract. Proposals shall be formatted to include the following information under tabs/ sections organized and labeled as follows:

1. Cover Letter: A cover letter shall be provided which succinctly explains the consultant's interest in the project. The letter shall contain the name, address and phone number of the person who will serve as the consultant's principal contact with the Town and shall identify individuals(s) who will be authorized to make presentations on behalf of the consultant.
2. Technical Scope of Work: Provide a technical scope of work that includes a detailed discussion of the process to be used, including public involvement.
3. Detailed Project Deliverables: Describe in detail the project deliverables (reports, maps, charrettes, meetings, materials for meetings, data, spatial data, etc.) and format.
4. Schedule: A proposed timeline for completing the work, including milestones and proposed products/ deliverability in sufficient detail to allow an assessment of the firm's ability to provide the resources necessary to meet the schedule. Include a chart with start and end months.
5. Town Responsibilities: Identify all products/ services that are expected to be provided by the Town.
6. Cost for Services: The Scope of Work is estimated to not exceed \$xxx,xxx. Each proposal shall include a fee schedule for services with hourly rates of all personnel involved on the consultant team. The project budget must include an itemized breakdown of all the tasks/ items contained in the scope of work.
7. Qualifications and References: Submit summarized resumes of all personnel who will be involved in completing the scope of services. Please include their experience in performing the required and necessary services or functions. Provide at least two (2) references for completed projects of similar size by the Consulting team during the past three (3) years, preferably involving members of the consultant team.
8. Conflict of Interest & Litigation: Statement regarding any conflicts of interest and listing of any litigation involving the firm in the past five (5) years and lawsuit dismissal and/or termination outcomes.

Communications and Resources

The Assistant to the Town Manager, Bill Shrum, will be the project lead for the Town. The department staff is available as a resource for the following areas of the project:

The Town is accustomed to file sharing platforms such as DropBox, Google Drive, and Sharepoint.

Applicant questions: Questions shall be sent via email to Bill Shrum, Assistant to the Town Manager at bill.shrum@townofeagle.org. Questions with responses will be emailed to all parties who express interest via email to the same address.

Waiver of Informalities:

The Town may, at its election, waive any minor informalities or irregularities in proposals received or reject any or all proposals.

Proposed Timeline

The submittal process and will follow the scheduled dates for delivery:

1. RFP Issued June 30, 2020
2. Written requests for additional information due..... July 20, 2020
3. Responses to requests for additional information to be posted..... July 23, 2020
4. Proposals due July 29, 2020
5. Interviews scheduled for finalists (if needed) Mid- August, 2020
6. Town selects firm and enters into a Services Contract..... August 21, 2020

Criteria for Selection

The contract will be awarded to the team that best demonstrates the ability to complete the Highway 6/ Grand Ave. Master Corridor Plan and meet the expectations of the Town. The project team must have experience working with Union Pacific Railroad or an equivalent, as well as the State of Colorado Department of Transportation. Cost will be a consideration in evaluating proposals; however, the Town is not required to award the contract to the lowest cost proposal. All proposals will be evaluated based on the following:

- Demonstrated ability to complete the Plan and meet the expectations of the Town.
- Project understanding.
- Experience and proficiency of the project manager and team with economic analysis, business development strategies, western rural/resort design, and corridor plans.
- Assurance that the final product will include design elements that will maintain or enhance the character of the Town and reinforce branding.
- Proposed project budget.
- Proposed project approach, including methods for community engagement. Attention will be paid to technical and innovative solutions.
- Feedback from professional references and reputation of Consultant team.
- Responsiveness of Proposal.

RFP Terms and Conditions

1. Proposals that do not include all submittal requirements outlined herein shall not be considered;
2. At the Town's sole discretion, the Town may choose to republish this RFP;
3. The Town reserves the right to accept or reject any and/or all proposals and to waive any informalities or irregularities in said proposals. The RFP does not bind the Town to hire a consultant when, in the Town's sole discretion, the Town determines not to do so;

4. Funding for study is contingent on a grant award from the Department of Local Affairs. The Town cannot engage contract services until proper authorization for the award is provided by the State of Colorado;
5. Until such time the professional services agreement is executed, there are no express or implied obligations or commitments on the part of either the Town or the Consultant concerning either this RFP or any proposal associated with it;
6. At the Town's sole discretion and with notice being provided to the Consultants, the Town may amend the Selection Process and/or Tentative Project Schedule at any time;
7. By submitting materials for the Town's consideration pursuant to this RFP, the Consultant is waiving any claim of confidentiality, trade secrets or privilege with respect to materials submitted. All submittal materials are subject to disclosure under the Colorado Open Records Act;
8. If warranted, any updates, revisions or modifications to this RFP shall be posted on the Town of Eagle's website at: www.townofeagle.org during the advertising period, and it shall be the responsibility of the Consultant to review the website during the advertising period to verify if any such updates, revisions or modifications have been made to this RFP; and
9. No oral questions will be answered. If additional information or clarification is desired, email requests should be made to the Town at the email address listed above.
10. The selected firm will work under a Professional Services Agreement (see Attachment A) once an Agreement is negotiated, the following documents will be required by the selected firm prior to the commencement of any work:
 - Signed contract by both the Town and the consultant(s).
 - Proof of insurance per Professional Services Agreement.
 - A Town of Eagle Business License. A Town of Eagle Business License is required of any person who transacts or carries on any business, trade, profession, or occupation in the Town of Eagle.
11. Being selected under this solicitation will not preclude the firm from being considered for any other projects advertised by the Town.

Additional Information

The Town of Eagle has the following AutoCAD layers available for use: Water, Wastewater, Property Line, and Stormwater.

Other documents and plans that should be reviewed and taken into account as part of this planning process. Documents published by the Town of Eagle are available online at <https://www.townofeagle.org/727/Long-Range-Planning-Projects>

1. Elevate Eagle – The Town of Eagle's Comprehensive Plan and Land Use Code Update (in progress)
2. Eagle River Corridor Study (2015)
3. Eagle Area Community Plan (2010)

4. Downtown Colorado Inc. Community Assessment (2019)
5. West Eagle Sub-Area Plan (2011)
6. Eagle County Housing Needs Assessment (2016)
7. Downtown Parking Study (2017)
8. Brush Creek Road Extension Map and Files
9. Last Mile Study (2019) – ECO Transit
10. ECO Trails Study (2019) – Eagle County
11. Climate Action Collaborative (2016) – Walking Mountains and Eagle County

DRAFT

ATTACHMENT A
Sample Professional Services Agreement &
Standard Contract Terms and Conditions

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES (the "Agreement") is made and entered into this XXth day of April, 2019 (the "Effective Date"), by and between the Town of Eagle, 200 Broadway, Eagle, CO 81631, a Colorado statutory municipal corporation (the "Town"), and _____, an independent contractor with a principal place of business at _____, City, CO ZIP _____ ("Contractor") (each a "Party" and collectively the "Parties").

WHEREAS, the Town requires professional services; and

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

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

I. SCOPE OF SERVICES

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

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

II. TERM AND TERMINATION

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

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

III. COMPENSATION

In consideration for the completion of the Scope of Services by Contractor, the Town shall pay Contractor \$XX,XXX for work as described in Exhibit A. This amount shall include all fees, costs and expenses incurred by Contractor, and no additional amounts shall be paid by the Town for such fees, costs and expenses. Contractor shall not be paid until the Scope of Services is completed to the satisfaction of the Town.

IV. PROFESSIONAL RESPONSIBILITY

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

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

C. Because the Town has hired Contractor for its professional expertise, Contractor agrees not to employ subcontractors to perform any work under the Scope of Services.

V. OWNERSHIP

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

VI. INDEPENDENT CONTRACTOR

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

VII. INSURANCE

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

procure and maintain, the insurance coverages listed below, with forms and insurers acceptable to the Town.

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

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

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

VIII. INDEMNIFICATION

Contractor agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor, or which arise out of a worker's compensation claim of any employee of Contractor or of any employee of any subcontractor of Contractor. Contractor's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable to Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor or of any subcontractor of Contractor. If Contractor is providing architectural, engineering, surveying or other design services under this Agreement, the extent of Contractor's obligation to indemnify and hold harmless the Town may be determined only after Contractor's liability or fault has been determined by adjudication, alternative dispute resolution or otherwise resolved by mutual agreement between the Parties, as provided by C.R.S. § 13-50.5-102(8)(c).

IX. CONFIDENTIAL INFORMATION

The Town expressly acknowledges that the Contractor now possesses or will possess information of a confidential or secret nature in both written and unwritten form that has unique commercial value ("Confidential Information"). For purposes of this Agreement, Confidential Information includes, without limitation, trade secrets, processes, methods, computer programs or databases, data, know-how, inventions, improvements, techniques, marketing plans, product plans, strategies, and forecasts. The Town expressly acknowledges that the Town's relationship with the Contractor creates a relationship of trust and confidence between the Town and the Contractor with respect to the Confidential Information and covenants not to use, disclose, disseminate, re-brand or solicit the use of said Confidential Information unless mandated by law or governing statutes, or the Contractor provides prior written consent.

X. ILLEGAL ALIENS

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

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

C. Verification.

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

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

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

D. Duty to Comply with Investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Agreement.

E. Affidavits. If Contractor does not have employees, Contractor shall sign the "No Employee

Affidavit" attached hereto. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Contractor shall sign the "Department Program Affidavit" attached hereto.

XI. MISCELLANEOUS

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

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

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

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

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

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

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

H. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either Party without the written consent of the other.

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

J. Rights and Remedies. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

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

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

Town Manager

EXHIBIT A
SCOPE OF SERVICES

[The Scope of Services will be inserted here once finalized.]

DRAFT

NO EMPLOYEE AFFIDAVIT

[To be completed only if Contractor has no employees]

1. Check and complete one:

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

OR

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

2. Check one.

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

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

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

OR

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

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

Signature

Date

DEPARTMENT PROGRAM AFFIDAVIT

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

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

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

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

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

Signature

Date

STATE OF COLORADO)

) ss.

COUNTY OF _____)

The foregoing instrument was subscribed, sworn to and acknowledged before me this ____ day of _____, 2019, by _____ as _____ of _____.

My commission expires:

(S E A L)

Notary Public

PROPOSAL FORM A

PROPOSAL VALIDITY AND COMMITMENT TO SIGN AGREEMENTS

I (authorized agent) _____ having authority to act on behalf of (Company name) _____ do hereby acknowledge that (Company name) _____ will be bound by all terms, costs, and conditions of this proposal for a period 90 days from the date of submission; and commit to sign the Agreements.

FIRM NAME: _____

ADDRESS: _____
Street

ADDRESS: _____
City State Zip

PHONE: _____

DATE: _____
(Month-Day-Year) Signature of Officer/Title

DATE: _____
(Month-Day-Year) Signature of Officer/Title

Indicate Minority Ownership Status of Bidder (for statistical purposes only):
Check One:

_____ MBE (Minority Owned Enterprise)
_____ WBE (Women Owned Enterprise)
_____ Small Business

PROPOSAL FORM B
CONTRACTOR DISCLOSURES

The Contractor submitting this RFP shall answer the following questions with regard to the past five (5) years.

If any question is answered in the affirmative, the Firm shall submit an attachment, providing details concerning the matter in question, including applicable dates, locations, names of projects/project owners and circumstances.

1. Has the Firm been debarred, suspended or otherwise prohibited from doing business with any federal, state or local government agency, or private enterprise?
Yes ___ No ___
2. Has the Firm been denied prequalification, declared non-responsible, or otherwise declared ineligible to submit bids or proposals for work by any federal, state or local government agency, or private enterprise?
Yes ___ No ___
3. Has the Firm defaulted, been terminated for cause, or otherwise failed to complete any project that it was awarded?
Yes ___ No ___
4. Has the Firm been assessed or required to pay liquidated damages in connection with work performed on any project?
Yes ___ No ___
5. Has the Firm had any business or professional license, registration, certificate or certification suspended or revoked?
Yes ___ No ___
6. Have any liens been filed against the Firm as a result of its failure to pay subcontractors, suppliers, or workers?
Yes ___ No ___
7. Has the Firm been denied bonding or insurance coverage, or been discontinued by a surety or insurance company?
Yes ___ No ___
8. Has the Firm been found in violation of any laws, including but not limited to contracting or antitrust laws, tax or licensing laws, labor or employment laws, environmental, health or safety laws?
Yes ___ No ___

**With respect to workplace safety laws, this statement is limited to willful federal or state safety law violations.*
9. Has the Firm or its owners, officers, directors or managers been the subject of any criminal indictment or criminal investigation concerning any aspect of the Firm's business?
Yes ___ No ___
10. Has the Firm been the subject to any bankruptcy proceeding?
Yes ___ No ___

Legal Matters

1. Claims, Judgments, Lawsuits: Are there or have there been any claims, judgments, lawsuits or alternative dispute proceedings involving the Firm that involve potential damages of \$10,000 or more in the past 48 months?

☐ Yes ☐ No If yes, provide details in an attachment.

2. Complaints, Charges, Investigations: Is the Firm currently or has the firm been the subject of any complaint, investigation or other legal action for alleged violations of law pending before any court or governmental agency within the past 48 months ?

☐ Yes ☐ No If yes, provide details in an attachment.

Required Representations

In submitting this RFP, the Firm makes the following representations, which it understands are required as a condition of performing the Contract Work and receiving payment for same.

1. The Firm will possess all applicable professional and business licenses required for performing work in Eagle, Colorado.
2. The Firm satisfies all bonding and insurance requirements as stipulated in the solicitation for this project.
3. The Firm and all subcontractors that are employed or that may be employed in execution of the Contract Work shall be in full compliance with the Town of Eagle's requirements for Workers' Compensation Insurance.
4. If awarded the Contract Work, the Firm represents that it will not exceed its current bonding limitations when the Contract Work is combined with the total aggregate amount of all unfinished work for which the Contractor is responsible.
5. The Firm represents that it has no conflicts of interests with the Town of Eagle if awarded the Contract Work, and that any potential conflicts of interest that may arise in the future will be disclosed immediately to the Town.
6. The Firm represents the prices offered and other information submitted in connection with its proposal for the Contract Work was arrived at independently without consultation, communication, or agreement with any other offeror or competitor.
7. The Firm will ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.

PROPOSAL FORM C

EXPERIENCE / REFERENCES

Please provide a minimum of 3 references where your firm has performed similar work to what is being requested in the RFP and within the past 36 months. Please include ONLY the following information:

- Name
- Contact
- Title
- Mailing Address
- Telephone Number
- Project Name, Amount and Date completed

*Please list any Municipalities that you have done work for in the past 48 months.

PROPOSAL FORM D

PROPOSED PRICING SCHEDULE

Proposal of Cost Based on Proposed Scope of Services:

Broadband Assessment and Feasibility Study Professional Services:

Proposed Services	Rate/Hour	Est. Quantity/Hrs	Extended Cost

Total Cost as Proposed:

\$ _____

In blank above insert numbers for the sum of the bid.

Firm Name

Name of Firm Representative

Representative Signature



To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: June 23rd, 2020

Agenda Item: Policy Proposal for Mobile Vending

REQUEST:

Staff requests that the Town Council review and provide feedback on key components of a proposed Mobile Vending Policy.

INTRODUCTION:

Staff brought Mobile Vending to Council for guidance on a policy proposal. The previous material presented can be found in the June 9th packet, linked here -

<https://eagleco.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=132>

Additional information and relevant discussion was held May 14th, and that memo is linked here -

<https://eagleco.civicclerk.com/Web/GenFile.aspx?ad=233>

This memo collects feedback provided by council and proposes elements of mobile vending policies enacted by comparable towns to the Town of Eagle that align with the intentions of the Council.

ANALYSIS:

Comparable communities with mobile vending policies have common elements that they regulate. Those subheadings are listed below with suggestions fitting the Town of Eagle.

- **License fees and taxing**
 - The Town can require a business license, collect sales tax, and require a mobile vending permit subject to the annual fee schedule.
- **Location and frequency**
 - Proposed locations include all Town Right-of-Ways in non-commercial zones where parking does not impact traffic or pedestrian egress.
 - Mobile Vendors are encouraged to locate in zones as determined by the Town to be amenable to commercial or mobile vending use.
 - Any public parking lot shall be available for use with the conditions above.
 - Private property is always available at the discretion of the owner.

- A location cannot be used concurrently for more than 16 hours unless additional site review is conducted (i.e. Eagle River Park).
 - Locating and vending at special events or in a special event space is at the discretion of the event manager.
 - Mobile Vending operations shall be conducted at a reasonable distance from similar brick and mortar businesses.
- **Saturation of Licenses**
 - The Town of Eagle shall retain the right to limit the number of available permits each year.
 - Mobile Vending permits are not limited by adjacent, concurrent mobile uses.
 - **Health and Safety**
 - Vendors must comply with all applicable state and county regulations.
 - Vendors may distribute street furniture consistent with use if it does not impede pedestrian or vehicle mobility.
 - Vendors are responsible for providing trash and sanitation stations.
 - Vendors are responsible for any environmental impacts caused by their operation.

COMMUNITY INPUT:

Town Staff has reached out to several mobile vendors through this process and their suggestions are reflected in the proposed policies.

BUDGET / STAFF IMPACT:

There is no budget or staff impact at this time.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

A mobile vending program aligns with the following standards, values, and policies:

Economic Development – A proper mobile vendor permit program supports economic development and helps startup businesses operate in the community. Proper regulations eliminate confusion and is business friendly. More businesses generate revenues and creates jobs. Better regulations ensure accurate and consistent application of the code. More competition might not be good for struggling businesses.

Public Health, Safety, and the Environment – A proper mobile vendor permit programs ensures that structures, vehicles, and equipment can exists safely on public and private property. Mobile vendors will go through the same process as brick and mortar establishments depending on specific uses. A proper program guarantees equity in the permitting process.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff recommends the Council provide feedback on the proposed Mobile Vending Policies.



Town of Eagle Special Events

Presentation to Town Council June 23, 2020

Discussion of Events for Summer 2020

We are pleased to have an opportunity to discuss the events work done over the past few months in response to the Covid 19 health challenge and to give you a glimpse into the summer events that are current planned.

When we were faced with the Covid 19 pandemic challenge and the information regarding it changing hourly, daily and weekly - we had to create a plan for assessing where we might be in the spring and summer and how that could impact our planned events. We began a quick review of all spring and summer events – both ones we as the Town of Eagle produce and the events produced by 3rd party producers.

We looked at the events that we are responsible for producing – Eagle Flights Days, The July 4th Fireworks and the July 4th Kids Bike Parade. With Eagle Flights Days, The July 4th Fireworks and the July 4th Kids Bike Parade, we had to consider that though these events were a couple of months away, we had already begun the planning process for them and this would involve a lot more work going forward from all Town of Eagle Departments.

In my conversations with Chief Stauffer, he brought up his concerns about having enough of his own officers available for work during our events. He also had talked to other departments in the valley and many of the officers who would usually take the extra shifts at our events, had expressed they would not be available because on extra work in their communities and also their desire to do extra work that would put them in at risk health wise.

There were also financial concerns – money that would be due prior to the events. There would be contracts and upfront deposits to be given to key vendors like sound, bands, entertainers, attractions/rides and fireworks. The cost of the fireworks being \$10,000. Other costs included advertising plans, signage, promotional materials and staffing. We also had many of our regular food and retail vendors – many who travel from out of town - telling us they were not sure they would be able to participate this year.

And all of this with the strong possibility we would have to cancel at the last minute due to concerns or restrictions we could not identify at the present time. Consideration was given regarding the safety of our citizens who would attend these events.

We also talked to and looked at the other events planned in neighboring communities to see what they were thinking. Avon and Minturn Fireworks, Glenwood Springs Strawberry Days, Gypsum Days, Frisco BBQ Challenge all were canceled early also.

With this information and the feeling that we it would be very unlikely we could produce large scale events in early Summer that involved lots of moving parts, expenses and a large expected attendance – we had some final discussions with staff and we decided to cancel these events for this year.



We were also speaking with 3rd party producers to see what their plans were with their events and to assess if their events would be feasible. This lead to some cancellations of events that had lot of front end work, upfront costs - and involved bringing a lot of people and families and young people in from outside our area. This included the Community Table, a baseball tournament, High School Rodeo and some other sports tournaments. CHASSA, the governing body for high school sports, cancelled all sports seasons and tournaments.

At this time we have a good idea of the events that will go forward this summer and we are working with them to help them make adjustments to comply with current health guidelines and restrictions. Once we have these events and producers locked in, we will produce some marketing/promotional materials to support and get the word out about these events this summer if the budget allows. This may include an updated Eagle Outside events calendar poster, events calendar postcard, updated eagleoutside.com events calendar, social media push and press release to the Vail Daily and other local media.

We have attached a list of the current planned events list. Please let us know if you have any questions or feedback on our event plans for the summer.

Thank you for your time,
Brian Hall
Special Events Manager



Town of Eagle Special Events

Events Schedule as of June 18, 2020

Dates	Event Name	Status
JUNE		
6/12/20	ArtWalk	Under Review
6/28/20 0:00	Yoga in the Park	Reviewing site plan
6/30/20 0:00	Eagle Ranch Classic 2020 - VRD Mountain Bike Race Series	Approved
JULY		
7/1/20 0:00	Eagle Ranch Classic 2020 - VRD Mountain Bike Race Series	Approved
7/10/20	ArtWalk Festival (Broadway)	Under review
7/11/20 0:00	2020 LG Triathlon	Under Review
7/12/20 0:00	Yoga in the Park (Town Park)	Under Review
7/12/20 0:00	Eagle Enduro Race	Approved
7/12/20 0:00	Eagle Enduro Race (BCP/Hardscramble)	Approved
7/16/20 0:00	2020 ShowDown Town Concert Series	Reviewing new proposal
7/18/20 0:00	Go Run Eagle	Under Review
7/23/20 18:30	2020 ShowDown Town Concert Series	Reviewing new proposal
7/26/20 0:00	Yoga in the Park	Under Review
7/30/20 18:30	2020 ShowDown Town Concert Series	Reviewing new proposal
AUGUST		
8/2/20 0:00	Yoga in the Park (Town Park)	Under Review
8/6/20 0:00	2020 ShowDown Town Concert Series	Reviewing new proposal
8/13/20 0:00	2020 ShowDown Town Concert Series	Reviewing new proposal
8/14/20	ArtWalk (Broadway)	Under Review
8/20/20	2020 ShowDown Town Concert Series	Reviewing new proposal



8/28/20	Bonfire Block Party	Working on new plan with multiple smaller concerts
8/28/20 0:00	EagleOutside Fest	Working on new plan
SEPTEMBER		
6/12/20	ArtWalk (Broadway)	Under Review
9/11/20 8:00	Haymaker Classic - High School Mtn Bike Race	Under Review
9/19/20	Eagle Ranch Amazing Race	Under Review
9/26/20 0:00	Boneyard Boogie	Under Review
OCTOBER		
6/12/20	ArtWalk (Broadway)	Under Review
10/9/20 8:00	Haymaker Classic – High School Mtn Bike Race	Under Review

Other Events Under Development

Tuesday, June 30	Eagle Whitewater Throwdown 2020	At Eagle Water Park
Tuesday, July 7	Eagle Whitewater Throwdown 2020	At Eagle Water Park
Tuesday, July 14	Eagle Whitewater Throwdown 2020	At Eagle Water Park
Tuesday, July 21	Eagle Whitewater Throwdown 2020	At Eagle Water Park
Tuesday, July 28	Eagle Whitewater Throwdown 2020	At Eagle Water Park
Mid July	Eagle Historical Bike Tour (Families and Adults)	Downtown Eagle
Mid July	Kids White Water Safety Workshop	At Eagle Water Park
Early August	Eagle Family Whitewater Splash Rodeo	At Eagle Water Park

Message from Pappy Kerst:

Hello, this will be the views from my eyes of over 14 years on the Town of Eagle Town of Trustees to a Town Councilperson. Holy cow how things have changed since first coming to Eagle in the late 1970s, and moving here full time in the early 1990s. Eagle is the greatest town on the western slope by far.

I first came to Eagle with a friend who was here to rodeo. I then had the greatest opportunity of all, being hired as a firefighter by the Avon Fire Department (Eagle River Fire Protection District) in 1989. I lived in Avon and Eagle-Vail until 1991, then moved fulltime to Eagle. 1995 my wife had graduated from nursing college. We decided to make Eagle our home and are here fulltime.

During my first run for the town board, in 2004, I was defeated, but they had an appointment come open and I was the only one to apply. I was appointed for a 2-year term. We had a huge fire that was opened for a big box center east of town. It was voted down and went away (for a while). This was my introduction to Town government and we had a great group of Trustees to work with. I will never forget the time we needed to add to the sidewalk on Brush Creek Road which required we do condemnation of a small area, some 10 square feet. To finalize this sidewalk, we had to guarantee that the tree in this area would survive for at least 3 years. That tree is still alive and doing well. Thanks to Stephanie for this!

In 2006 I ran for a 4-year term and was elected. What an experience to be on the board of trustees at that time. We had excess in the budget that needed to be used and we chose to replace waterlines down Broadway, creating the new streetscape to Broadway. We also built the Town of Eagle Park stage for Flight Days, which brought us concerts in the park. In 2008 came the first setback in tax revenue and the trustees had to get creative with revenue streams during this time frame. We were still able to work with Gypsum on a short-term tax-sharing plan, worked with Eagle County to get the Eagle River Center indoor arena completed, and worked to upgrade Eby Creek Road by adding Roundabouts replacing our stoplights, which were 10 years in the making.

During most of my time on the board, we had the same town manager for 29 years. After his retirement, it required that we interview and hire his replacement. During this transition, I was term-limited and took 2 years hiatus from 2014 to 2016. I ran again in 2016 and was reelected and the town was again in a town manager search. With the assistance of a hiring team, Eagle was able to attract several candidates for the open Town Manager position. In 2017 and 2018 the Town Trustees and community interviewed and selected for our current Town Manager Brandy Reitter with the intent to keep this manager for many years to come.

In closing, I have worked with many great employees of the Town of Eagle. Most being asked to do more with less. Thank you for that.

I have attended at least 8 or 9, town retreats. These retreats allow us the ability to help cast the direction of the Town of Eagle with the assistance of at least 19 other members of the elected body. One directive that was recently achieved with the approval of Eagle voters, was becoming home rule in April of 2020.

Fun facts:

Population 1991: 1700, when I first moved to Eagle
Population 2018: 7000

Eagle was incorporated on April 5, 1905. The same date as my birthday, but not the same year 😊 The hours of meetings I have attended are currently well over 2000. With 5.5 years to go, I will continue to add to those hours, thanks to the voters for their confidence in me.

Some of the latest items that make the Town of Eagle the greatest:

Seeing our town come together and volunteer many hours in the search for a young child that is missing. Some were with physical help and others in monetary help. Watching agencies work together, too many to list and I would not want to forget someone. We see them out there say "Thank You". These agencies are the silent helpers within our community.

During the search, the town experienced a peaceful march down Broadway. Thanks to marchers, the town employees, and the police department for helping to keep order.

Mikel "Pappy" Kerst
Eagle Town Council
pappy.kerst@townofeagle.org