



Town Council
Tuesday, July 28, 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. [ACCESS THE ON-LINE MEETING HERE](#)

Please note: All participants are automatically muted. In order to be called upon and unmuted you will need to use the "raise hand" 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 - 6:05 PM *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

PRESENTATIONS - 6:10 PM

1. Hardscrabble Trails Coalition Trail Funding Request - Will's Thrills

CONSENT AGENDA - 6:20 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 - July 14, 2020
2. Resolution 40, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Provision of Animal Services"

STAFF REPORTS - 6:25 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update
 - a. 2020 Financial Report

BUSINESS ITEMS - 6:30 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. QUASI JUDICIAL HEARING: Land Use File Number AN17-01 Red Mountain Ranch Annexation
 - a. Resolution 41, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Accepting a Petition For Annexation of a Parcel of Land Located in Unincorporated Eagle County and Setting a Public Hearing on the Annexation (Red Mountain Ranch)"
2. QUASI JUDICIAL HEARING - PUBLIC HEARING: Land Use File Number CT20-02
Soleil Homes at Brush Creek Filing 2, Phase II, Plat to re-subdivide lot 16 into duplex lots 16-A and 16-B
 - a. Resolution 42-2020, "A Resolution of the Town Council of the Town Of Eagle, Colorado Approving the Final Plat for Lot 16, Soleil Homes at Brush Creek Filing 2, Phase II"
3. Mobile Vending Ordinance and Resolution to Adopt Mobile Vending Permit Fee
 - a. Ordinance 14, Series 2020, "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Title 5 of the Eagle Municipal Code by the Addition of a new Chapter 5.17, to Allow Mobile Vending in Designated Areas Within the Town"
 - b. Resolution 43, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Amending the Fee Schedule Concerning Mobile Vending"
4. Open Space and Recreation Advisory Committee Proposal
5. Open Space Staffing Proposal
6. Review of Current Available MEAC and Community Events and Program Funds
7. 2020 Lodging Tax Ballot Proposal

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 8:00 PM

1. Standing Work Sessions
2. Council Committee Updates
3. 4H and Community Food Bank Funding Request

EXECUTIVE SESSION - 8:15 PM

1. EXECUTIVE SESSION: Executive Session pursuant to C.R.S. sections 24-6-402(4)(b) and (e) to receive legal advice on specific legal questions, and to develop a strategy and instruct negotiators regarding Red Mountain Ranch Annexation and request to adjourn the regular meeting at the conclusion..

ADJOURN - 8:45 PM

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



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



MEETING MINUTES
Town Council
Tuesday, July 14, 2020
ON-LINE MEETING

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MEETING ACCESS

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CALL TO ORDER

Mayor Turnipseed called the meeting to order at 6:04 p.m.

ROLL CALL

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Matt Solomon

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 agenda.

MOTION: Council Member David Gaboury motioned to adopt the amended agenda as published. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Palmer, Gaboury, and Jessen) and 0 opposed.

PUBLIC COMMENT

CONSENT AGENDA

Council Comments: Inquiry on NWCCOG payment for six months of meet me center contract.

MOTION: Council Member Andy Jessen motioned to approve the Consent Agenda. The motion was seconded and passed with a vote of 5 in favor (Turnipseed, Bodenhemier, Palmer, Gaboury, and Jessen), 1 abstain (Kerst from Minutes) and 0 opposed.

1. Minutes - June 23, 2020

2. Bill Pay - June 2020
3. 2019 Audit Extension Letter
4. Resolution 39-2020 "A Resolution of the Town of Eagle Extending the Declared Local Disaster Emergency"

STAFF REPORTS

1. Town Manager Update

Brandy Reitter provided her update. Bond counsel did confirm we can get reimbursed from bond proceeds for general fund expenses. Mayor Turnipseed discussed appointing a liaison from the Council for the Highway 6 study and requested Council Member Jessen be that appointee. Jessen accepted and Palmer agreed to be backup. Brandy noted the first task will be to review RFP's on July 20th.

Council Member Gaboury asked about a work session with P&Z on Elevate Eagle, budget, and THOR. Brandy suggested establishing a standing work session each month to enable better scheduling for these items.

2. Department Update for June 2020

Council Comments: Discussion on THOR and service level agreement model for a dedicated amount of service for a set contract price guarantee for speed and uptime. Staff will be bringing new recommendations for joint trenching with a consultant review of costs. Discussion on the process for appointment of planning commissioners. Staff will post the vacancies and schedule interviews on the upcoming agenda. Outstanding municipal court fees were discussed as it relates to amounts in collections. Staff will review those amounts and determine if a write off is appropriate for a portion of older debts.

3. Lower Basin Water Treatment Plant

Bryon McGinnis offered tours of the new water treatment plan. Staff will meet with MWH and SGM on schedule and costs.

BUSINESS ITEMS

1. QUASI JUDICIAL HEARING AND PUBLIC HEARING: Land Use File Number SU20-01 - 263 & 483 Sawatch Special Use Permit (SUP)

Mayor Turnipseed opened Land Use File Number SU20-01 - 263 & 483 Sawatch Special Use Permit.

Jessica Lake provided the staff presentation.

Council Comments: inquiry on differences between current and previous applications. Staff provided the previous approval was for two buildings with all 20 residential divided onto each lot, and the project had underground parking. In this current request, the applicant has requested 19 units spread out in several buildings and there is no underground parking.

Jeff Manley presented for the applicant. The applicant is specifically requesting to review the impervious coverage percentages and how they are calculated.

Applicant Dave Dantas also presented ideas for the detention pond redesign as a community project with the Town.

Council Comments: discussion on uses for the detention pond, which will be addressed during development permit. Inquiry on the timeline for the project, the applicant stated it would be phased and requested four years instead of the current three to obtain a building permit. Confirmation applicant has agreed to not sell the residential or commercial separate from each other, however, they can be leased to third parties. Discussion on parking management, electric vehicle charging rough-in, detention basin reconstruction review by town public works, and homeowner's association establishment.

Mayor Turnipseed opened Land Use File Number SU20-01 for public comment. There was no public comment. Mayor Turnipseed closed public comment.

Applicant Dave Dantas requested a review of his request for the impervious coverage variance which will be part of the development permit. Additional request to have staff expeditiously work on this project to determine the impervious area, due to delays by consultants and town staff since January of this year. Also requested the expiration of the special use permit vesting to be extended one year from three to four.

Chad Phillips offered three more conditions to be included in the Resolution: Dwelling units shall not be sold separately from the associated commercial units; and an improvement plan for the stormwater detention area, as an active recreation area, shall be submitted with the development permit application; and minor modifications to the buildings or site plan may be approved administratively without notice, along with extending the vesting to four years.

- a. Resolution 37, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for 263 and 483 Sawatch Road"

MOTION: Council Member Adam Palmer motioned to approve Resolution 37, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit for 263 and 483 Sawatch Road" with additional conditions articulated by staff. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenheimier, Palmer, Gaboury, and Jessen) and 0 opposed.

2. Resolution 38, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving the Franchise Termination Agreement between the Town of Eagle and CenturyTel Broadband Services, Inc."
Mayor Turnipseed opened this item.

MOTION: Council Member Andy Jessen motioned to approve Resolution 38, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving the Franchise Termination Agreement between the Town of Eagle and CenturyTel Broadband Services, Inc.". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenheimier, Palmer, Gaboury, and Jessen) and 0 opposed.

3. Ordinance 19, Series 2020, "An Ordinance Amending Title 4 of the Eagle Municipal Code to Provide for an Automatic Termination of Certain Land Use Approvals if Conditions of Approval are not Satisfied or Documents are Not Timely Recorded"
Mayor Turnipseed opened this item.

MOTION: Council Member Adam Palmer motioned to approve Ordinance 19, Series 2020, "An Ordinance Amending Title 4 of the Eagle Municipal Code to Provide for an Automatic Termination of Certain Land Use Approvals if Conditions of Approval are not Satisfied or Documents are Not Timely Recorded". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenheimier, Palmer, Gaboury, and Jessen) and 0 opposed.

4. CARES Act Funding Proposal

Brandy Reitter presented this item.

Council Comments: discussion on what a community grant program would entail disbursing funds. Discussion on the process for selection of non – profits. Staff will solicit interest from local non-profits and update the Council at an upcoming meeting. Determination to utilize 53% of the CARES Act funding to reimburse the Town for expenses and 47% for community funding.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Council Retreat Follow Up

Brandy stated she would like to continue moving forward on the strategic plan. Council chose to hold a work session without the consultant to take the next step to connect to the strategic plan. Staff will schedule in the next few weeks.

2. Council Committee Updates

Council Member Gaboury – Economic Vitality Commission is moving forward.

Mayor Turnipseed – stated the high school mountain bike championships have been canceled. MEAC will continue to work with Brian Hall and Brandy Reitter on the MEAC budget to create event strategies.

Council Member Palmer – will be attending a new government policy committee on climate action, two members from each jurisdiction were requested, Palmer and Jessen will attend on behalf of the Town of Eagle.

Council Member Jessen received unsolicited compliments on the fence at Johnson property.

3. 2020 Eagle County 4-H Junior Livestock Virtual Auction

Mayor Turnipseed encouraged people to donate to this great cause.

4. Letter of Support for Uniform COVID-19 Testing Strategy

Council approved for Mayor to sign this letter.

EXECUTIVE SESSION

- 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 the following:
1. The Johnson irrigation system, 2. The Town of Eagle Augmentation Station water right; and 3. Use agreements regarding the Eagle River water park and request to adjourn the regular meeting at the conclusion.

MOTION: Council Member Scott Turnipseed motioned to enter into 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 the following: 1. The Johnson irrigation system, 2. The Town of Eagle Augmentation Station water right; and 3. Use agreements regarding the Eagle River water park and request to adjourn the regular meeting at the conclusion. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Palmer, Gaboury, and Jessen) and 0 opposed. (8:10 p.m.)

ADJOURN - 8:50 PM

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor Turnipseed and Town Council

From: Chief of Police, Joey Staufer

Date: July 24, 2020

Agenda Item: Resolution 40, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Provision of Animal Services"

REQUEST: Staff respectfully requests the continuation of the Intergovernmental Agreement (IGA) between the Town of Eagle and Eagle County Animal Services. This would be in the best interest for our community in maintaining TOE Title 8 provisions consistently and in a financially prudent manner. The current three (3) year IGA with Animal Services is set to expire at the end of 2020.

INTRODUCTION: The Town of Eagle continues to contract with Eagle County Animal Control Services to patrol, inspect, maintain, administer and enforce provisions normally governed under Title 8 of the Town of Eagle Municipal Code. As the Town of Eagle does not maintain an animal shelter, nor does the Town currently have the facility or faculty to quarantine animals, the agreement with Eagle County Animal Control Services continues to provide sufficient resources at a reduced cost, when compared to operating our own facility and/or hiring a certified animal control officer. Additionally, Eagle County continues to employ agreements with neighboring communities in regards to animal services.

According to Director of Animal Services, Nathan Lehnert, the Town of Eagle incorporated the largest bandwidth of animal service calls in the previous years, as compared to other local jurisdictions in our valley. The function of an effective animal services operation for the safety and welfare of a community is an essential need for the Town of Eagle.

ANALYSIS: Upon review by the Office of the Chief of Police and the Town's legal office, the IGA is acceptable in legal terms. The IGA includes a 3% reduction adjustment in the first year, due to a request by the Office of the Chief of Police. Monthly installments of \$5,270.00 (as paid in 2020) will then resume January, 2022.

Please note that if the Town of Eagle was to consider operating its own animal control services unit, the wage, benefits and training alone for two code enforcement officers would average \$165,000.00. This does not include a vehicle properly equipped to transport animals, equipment, certifications or automatic workers compensation increases for agencies with animal control functions.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: Continuing our IGA with Animal Services aligns with our 2017 Town of Eagle Strategic Plan to include:

- *Major Objective No. 6: Invest in Public Safety to Respond to Evolving Community Needs*
 - *Sound Planning and Appropriate Investment*

- *Public Safety*
- *Major Objective No. 9: Continue Investing in Outdoor Activities, Recreation, and Open Space Sound Planning and Appropriate Investment*
 - *Protect Public Health and the Environment*

COMMUNITY INPUT: Propose to open the consideration for public comment during motion considerations.

BUDGET / STAFF IMPACT:

- 1) Compensation:
 - a. 2020 = \$61,344.00 annually *or* \$5,112.00/Mo.
 - b. 2022 & 2023 = \$63,240.00 annually *or* \$5,270.00/Mo.
- 2) Emergency After-Hours Services: Animal Control will not charge the Town a premium hourly rate for after-hours services as in a previous 2017 contract.
- 3) Liability and Insurance: Language was added that the Town of Eagle and Eagle County agree that a claim arising out of the County's enforcement of the Town's ordinance in accordance with the terms of the IGA shall constitute an operation of the Town for purposes of the County's additional insured status under the Town's insurance.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to APPROVE or DENY Resolution 40, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Provision of Animal Services"

ATTACHMENTS:

- Resolution 40, Series 2020 "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Provision of Animal Services"
- Intergovernmental Agreement between Eagle County/Town of Eagle for Animal Services.

RESOLUTION NO. 40

(Series 2020)

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN EAGLE COUNTY AND THE TOWN OF EAGLE FOR THE PROVISION OF ANIMAL SERVICES

WHEREAS, the Town desires to contract with the County for the performance of the described Services in the attached Exhibit "A" on the terms and conditions set forth therein; and

WHEREAS, the County agrees to perform such Services on the terms and conditions set forth in Exhibit "A"; and

WHEREAS, this Intergovernmental Agreement is authorized pursuant to Section 29-1-201 and 30-11-101, Colorado Revised Statutes, as amended, and Article XIV, Section 18, of the Colorado Constitution.

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

The Council approves an Intergovernmental Agreement with Eagle County for the provision of animal services attached as Exhibit "A" and directs the Mayor to sign on behalf of the Town.

RESOLVED, APPROVED AND ADOPTED this 28th day of July 2020.

TOWN OF EAGLE, COLORADO

BY:

Mayor, Scott Turnipseed

ATTEST:

Town Clerk, Jenny Rakow

INTERGOVERNMENTAL AGREEMENT
BETWEEN EAGLE COUNTY AND THE TOWN OF EAGLE
(Animal Services)

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is entered into and made effective as of the _____ day of _____, 2020 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado home rule municipality with an address of P.O. Box 609, Eagle, CO 81631 (the "Town"), and the COUNTY OF EAGLE, a Colorado County with an address of P.O. Box 850, Eagle, CO 81631 (the "County") (each a "Party" and collectively the "Parties").

WHEREAS, the Town desires to contract with the County for the performance of the hereinafter described Services on the terms and conditions set forth herein;

WHEREAS, the County is agreeable to performing such services on the terms and conditions set forth herein; and

WHEREAS, this Agreement is authorized pursuant to C.R.S. §§ 29-1-201 and 30-11-101, as amended, and Article XIV, Section 18 of the Colorado Constitution.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and sufficient consideration, the Parties agree as follows:

1. Definitions. For purposes of this Agreement, the following terms shall have the following meanings:

Eagle County Animal Services Officer means an employee of the County who performs tasks to provide services, among other tasks, described in this Agreement.

Emergency On-Call Service means any Emergency Call, as determined by the Animal Services on-call procedure and answering service filter, received by the County for which Animal Services assistance is required and no Animal Services Officer is on duty to respond.

Shelter means the Eagle County Animal Shelter located at 1400 Fairgrounds Road, Eagle, Colorado, and any other shelter facility operated or designated by the County.

Unclaimed Day means a calendar day or any part thereof during which an unclaimed animal is confined in the Shelter on behalf of the Town.

2. Services. The County agrees to provide General Animal Services, Emergency On-Call Services and After-Hours Patrolling (collectively the "Services") within the municipal boundaries of the Town as follows:

a. General Animal Services shall include:

i. Randomly-scheduled patrols, consisting of inspection tours looking for violations or responding to complaints. The scope of these patrols is to be designed to gain voluntary compliance and uniform administration of the Town of Eagle Animal Ordinance as defined below.

ii. Administration and enforcement of Title 8 of the Eagle Municipal Code (the "Town of Eagle Animal Ordinance") presently in effect and as may be subsequently amended to apply for the control and licensing of animals within the Town boundaries. The Eagle County Animal Services Officer shall be considered the Animal Control Officer of the Town as defined by Section 8.12.020 of the Eagle Municipal Code.

iii. The County shall provide the Town with monthly reports and an annual report of services provided pursuant to this Agreement. Such reports shall include, by way of example only, the number of calls for service, number of animals sheltered, number of Unclaimed Days, and number of citations issued, as they apply to the Town.

iv. Animal sheltering services for animals attributable to the Town, of the nature and quality customarily provided at the Shelter. Animals attributable to the Town are animals impounded within the Town and animals owned by persons dwelling, permanently or temporarily, in the Town.

b. Emergency On-Call Services shall include: Unless otherwise arranged in accordance with Section 2(c) of this Agreement, Emergency On-Call Services will be provided outside normal County business hours. In the event that an Eagle County Animal Services Officer is not immediately available to respond to an incident or emergency, the Town will provide available personnel to secure the scene and administer control of the situation until the Eagle County Animal Services Officer arrives to resolve said incident.

c. After Hours Patrolling. When requested by the Town and if approved by the County, patrolling will be provided outside of normal County business hours.

3. Term and Termination.

a. This Agreement shall commence on January 1, 2021, and shall end at 11:59 p.m. on December 31, 2023.

b. Either Party shall have the right to terminate this Agreement with or without cause at any time by giving the other Party thirty (30) days' prior written notice of termination. Upon termination, the County shall be entitled to compensation for services performed prior to such termination (calculated by prorating the monthly rate for the number of days the County performed Services), and both Parties shall thereafter be relieved of any and all duties and obligations under this Agreement.

c. Obligations of the Town and the County, respectively, after the current fiscal year are contingent upon funds for the purpose set forth in this Agreement being appropriated, budgeted and otherwise made available. 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. The Town shall have no obligations under this Agreement after, nor shall any payment be made to the County in respect to any Service performed after December 31 of any year, without an appropriation therefore by the Town in accordance with a properly adopted budget.

4. Compensation.

- a. The Town agrees to pay the County for its Services in the following amounts:
 - i. January 1, 2021 through December 31, 2021: \$5,112.00/month.
 - ii. January 1, 2022 through December 31, 2023 \$5,270.00/month.
 - b. The Town agrees to pay the County on or before the fifteenth day of each month for Services rendered the previous month.
 - c. All fees and expenses recovered at or for the Shelter will remain with the County.
 - d. All court fines and costs will remain with the court of venue.
5. Official Status. For the purpose of performing the Services set forth in this Agreement, Eagle County Animal Services shall enforce, as the Town's agent, the Town of Eagle Animal Ordinance relating to animal control and licensing now in effect and as amended.
6. Equipment. The County shall furnish and supply, at its sole expense, all necessary labor, supervision, equipment, motor vehicles, office space, and operating and office supplies necessary to provide the Services.
7. Personnel.
- a. The Eagle County Animal Services Officer shall have full cooperation from the Town, its public works, its police officers, agents, and employees, so as to facilitate the performance of this Agreement.
 - b. The rendition of Services provided for herein, the standards of performance, the discipline of officers, and other matters incident to the performance of Services and the control of personnel so employed rest exclusively with the County.
 - c. All persons employed in the performance of such Services for the Town pursuant to this Agreement shall be County employees, except for Town personnel used to secure the scene as described in Section 2(b).
8. Liability and Insurance.
- a. The Town and the County shall each respectively provide its own public liability, property damage, and errors and omissions insurance coverage as each Party may deem adequate and necessary for any potential liability arising from this Agreement. Further, the County and the Town, respectively as named insureds, shall include the other respective Party, its officers, employees, and agents, as additional insureds under the named insured's insurance policies. The named insured's insurance shall be primary and non-contributory as respects any covered claim against an additional insured arising out of the premises or operations of the named insured. The Parties agree that a claim arising out of the County's enforcement of the Town's ordinance in accordance with the terms of this Agreement shall constitute an operation of the Town for purposes of the County's additional insured status under the Town's insurance. A certificate of insurance consistent with the foregoing requirement is attached hereto as Exhibit A. This provision shall survive expiration or termination of this Agreement.

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

9. General Provisions.

a. All notices, requests, consents, approvals, written instructions, reports or other communications by the Parties under this Agreement shall be in writing and shall be deemed to have been given or served if delivered or if mailed by certified mail, postage prepaid or hand delivered to the Parties to the address as set forth on the first page of this Agreement. Either Party may change the address to which notices, requests, consents, approvals, written instructions, reports or other communications are to be given by a notice of change of address given in the manner set forth in this Section.

b. This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceedings against either the Town or the County because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

c. No modification or waiver of this Agreement or of any covenant, condition, or provision herein contained shall be valid unless in writing and duly executed by both Parties.

d. This Agreement embodies the whole agreement between the Parties and there are no inducements, promises, terms, conditions, or obligations made or entered into either by the County or the Town other than those contained herein.

e. This Agreement shall be binding upon the Parties, their successors or assigns and may not be assigned by either Party without the prior written consent of the other.

f. All agreements and covenants herein are severable, and in the event that any of them shall be held invalid by a court of competent jurisdiction, this Agreement shall be interpreted as if such invalid Agreement or covenant were not contained herein.

g. The Parties represent that they possess the legal ability to enter into this Agreement. If a court of competent jurisdiction determines that either Party did not possess the legal ability to enter into this Agreement, this Agreement shall be considered null and void as of the date of such determination.

h. Nothing herein shall be construed as a waiver of any protections or immunities the Parties or their employees, officials or attorneys may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

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

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY
OF EAGLE, COLORADO**

Kathy Chandler-Henry, Chair

ATTEST:

Regina O'Brien, Clerk to the Board



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 28, 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 August:

- Draft – Use Tax Ballot Question – August 11
- Draft – Lodging Tax Ballot Question – August 11
- Draft - DDA Ballot Question – August 11
- Joint Trench Ordinance – August 11
- Draft PIF Timing Revision Ordinance – August 25
- Broadband Ordinance – August 25
- CARES Act Grantee Proposal – August 25
- River Park Use Agreement – August 25

Council Follow Up Status and Running List

- Open Space Advisory Committee follow up – **Completed**
- Doodle Poll for post council retreat work session – **Completed, Thursday August 6, 4PM – 6PM**
- Joint work session on Elevate Eagle – **In progress**
- Standing work session schedule – **In progress**

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:

- 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

Request for Proposal Status

- The Town is publishing a Facilities Capital Needs Assessment and Management plan RFP. The due date for submissions is August 19.
- The review committee for Highway 6 proposals will meet August 12 to select finalists.

Attached to this report is a 2020 budget to actuals budget report. These reports will be in the packet once a month. Finance will conduct a COVID-19 budget analysis at a future meeting.

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 is working with the school district on back to school procedures in August – the year is starting one week later with a hybrid in person and distance learning model.

Economic Development & Planning

Economic Vitality and Development Work

- The Town has approached the CU Boulder Masters of the Environment Department to work with their Outdoor Recreation and Environment program (MORE). The goal is to have an ongoing partnership to accelerate development of the Outdoor Recreation industry in Eagle while providing onsite educational opportunities for students in the master's program.
- CU MORE will submit a full scope of work and project proposal for us to incorporate in our REDI grant application August 11th.
- Members of the Economic Vitality Committee are working through their subcommittees, joining the CU MORE conversations as well as developing benchmarks to measure Town economic development.
- Eagle Ranch is preparing their First Friday sidewalk art and music event for August 7th.

Downtown Broadway

- The Town met with local business owners and members of the DBA on July 23rd to discuss a grant request to CDOT for roadside improvements to assist vehicle and pedestrian safety while increasing outdoor seating capacity for restaurants and businesses.
- 410 Broadway is scheduled to begin abatement of asbestos on August 31st, thanks to the grant award from CDPHE. The structure is scheduled to be demolished and removed shortly after.

Project THOR / Broadband

- The Town of Eagle has sent a formal letter to Holy Cross Electric outlining a partnership to assist both organizations to install fiber in key locations in Town.
- We have talked with Eagle County about providing internet bandwidth and transport service to them with Project THOR. They are reviewing competitive services and will choose a provider soon.
- The Town is working on an Intergovernmental Agreement with Northwest Colorado Council of Governments to facilitate the easy transfer of THOR service to public works.

- The Town has come to provisional agreement on a fiber purchase to speed up service to public works while saving money on the initially budgeted cost of installing it ourselves.
- Staff is working with bond counsel and the Town Attorney to draft the broadband ordinance for the Town Council to review in August.
- Once the ordinance is reviewed, staff can finalize the financing proposal and present it to the Town Council.

Art Wall

- The Town is working with the artist to secure a 2-year option on the artwork. Alpine Lumber has said they do not plan to replace the shed in the next two years due to COVID-19 and the resulting economic impact.

River Park

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

- Staff has followed up on all executive committee items from the last Town Council meeting.
- A meeting with the Mayor and Town Manager with county leadership is scheduled for August 7 to discuss amendments to the Use Agreement.
- The USACE permit process is moving along and staff is scheduling a site visit with their staff to assess the fish bypass structure in August.
- The USACE is requiring the Town to install bollards in feature #4 by the end of September.

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

- July 27 – Eagle County Community Wildlife Roundtable 1PM -3:30 PM
- July 28 – Grand Opening of Two10 with Castle Peak partners from 3:30 PM – 4:30 PM, 210 Freestone Road
- July 29 & August 5 – COVID-19 Managers Taskforce meeting
- August 5 – Quarterly meeting with Erin Vega from Eagle Ranch
- August 7 – Eagle County Use Agreement meeting

Sincerely,



Brandy Reitter
Town Manager

TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020

	GENERAL FUND			
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>% TO BUDGET</u>
TAX REVENUE				
General Property	\$ 221,902	\$ 336,326	\$ 114,424	66%
Specific Ownership	5,948	14,700	8,752	40%
Sales Tax /Special Marijuana Sales Tax	2,776,680	\$ 4,733,613	1,956,933	59%
Severance Tax	382	200	(182)	191%
Federal Mineral Tax	-	200	200	0%
Franchise Tax	75,574	220,000	144,426	34%
Marketing Tax	32,162	143,820	111,658	22%
TOTAL TAX REVENUE	<u>\$ 3,112,647</u>	<u>\$ 5,448,859</u>	<u>\$ 2,336,212</u>	<u>57%</u>
LICENSE & PERMIT REVENUE				
Business Licenses	\$ 19,455	\$ 28,000	\$ 8,545	69%
Liquor Licenses	3,125	6,000	2,875	52%
Tobacco & Marijuana Licenses	8,750	4,000	(4,750)	219%
Marketing Fee - License	1,620	8,000	6,380	20%
Building Permits	178,026	223,000	44,974	80%
Electrical Permits	17,354	25,000	7,646	69%
Road Cut Permits	2,450	500	(1,950)	490%
Sign Permits	-	300	300	0%
Special Event Permits	100	500	400	20%
TOTAL LICENSE & PERMIT REVENUE	<u>\$ 230,880</u>	<u>\$ 295,300</u>	<u>\$ 64,420</u>	<u>78%</u>
INTERGOVERNMENTAL REVENUE				
Motor Vehicle License Fee	\$ 11,778	\$ 30,000	\$ 18,222	39%
Highway Users Tax	87,488	234,305	146,817	37%
Cigarette Tax	6,410	11,000	4,590	58%
Road & Bridge Fund	45,072	83,000	37,928	54%
County Sales Tax	74,469	149,247	74,778	50%
Grants	52,190	95,000	42,810	55%
Intergovernmental Contributions	-	150,000	150,000	0%
TOTAL INTERGOVERNMENTAL REVENUE	<u>\$ 277,406</u>	<u>\$ 752,552</u>	<u>\$ 475,146</u>	<u>37%</u>
CHARGES FOR SERVICES				
Planning & Zoning Fees	\$ 12,700	\$ 15,000	\$ 2,300	85%
Planning & Zoning Reimbursable	56,191	100,000	43,809	56%
Facility Usage Fees	7,765	53,550	45,785	15%
Planning Contributions-Developers	-	100,000	100,000	0%
Sponsorship & Event Revenue	-	22,000	22,000	0%
TOTAL CHARGES FOR SERVICES	<u>\$ 76,656</u>	<u>\$ 290,550</u>	<u>\$ 213,894</u>	<u>26%</u>
FINES & FORFEITURES				
Fines & Forfeits	\$ 23,981	\$ 45,000	\$ 21,019	53%
Police Surcharge	-	3,000	3,000	0%
Police Miscellaneous	739	2,000	1,261	37%
Police Grants	4,552	35,862	31,310	13%
Special Duty Reimbursable	-	40,000	40,000	0%
Charitable Organization Fee	-	400	400	0%
TOTAL FINES & FORFEITURES	<u>\$ 29,272</u>	<u>\$ 126,262</u>	<u>\$ 96,990</u>	<u>23%</u>

**TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020**

GENERAL FUND				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>% TO BUDGET</u>
MISCELLANEOUS REVENUE				
			\$ -	-
Interest & Penalties Total	30,831	100,000	69,169	31%
Information Center Total	7,800	-	(7,800)	-
Rental Income	9,163	15,600	6,437	59%
Sales of Fixed Assets	24,651	-	(24,651)	-
Insurance Proceeds	-	-	-	-
Grants	-	-	-	-
Other Miscellaneous Revenue Total	28,803	75,000	46,197	38%
TOTAL MISCELLANEOUS REVENUE	<u>\$ 101,248</u>	<u>\$ 190,600</u>	<u>\$ 89,352</u>	<u>53%</u>
TRANSFERS FROM OTHER FUNDS				
General Admin. Water	\$ -	\$ -	\$ -	-
General Admin. Wastewater	-	-	-	-
General Admin. Refuse	-	16,281	16,281	0%
TOTAL TRANSFERS FROM OTHER FUNDS	<u>\$ -</u>	<u>\$ 16,281</u>	<u>\$ 16,281</u>	<u>0%</u>
TOTAL GENERAL FUND REVENUES	<u>\$ 3,828,110</u>	<u>\$ 7,120,404</u>	<u>\$ 3,292,294</u>	<u>54%</u>
EXPENDITURES				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>% TO BUDGET</u>
TOWN BOARD	\$ 31,753	\$ 111,281	\$ 79,528	29%
GENERAL GOVERNMENT	176,971	433,328	256,357	41%
GENERAL ADMINISTRATION	285,590	1,412,373	1,126,783	20%
COMMUNITY DEVELOPMENT	366,037	1,025,330	659,293	36%
STREETS	356,679	1,550,839	1,194,160	23%
ENGINEERING	79,222	255,724	176,502	31%
BUILDINGS & GROUNDS	374,275	763,681	389,406	49%
PUBLIC SAFETY	850,217	2,061,530	1,211,313	41%
MUNICIPAL COURT	36,348	84,110	47,762	43%
INFORMATION CENTER	15,483	43,739	28,256	35%
MARKETING & EVENTS	64,401	345,953	281,552	19%
TRANSFERS TO OTHER FUNDS	-	-	-	-
TOTAL GENERAL FUND EXPENDITURES	<u>\$ 2,636,976</u>	<u>\$ 8,087,888</u>	<u>\$ 5,450,912</u>	<u>33%</u>
NET REVENUES OVER(UNDER) EXPENDITURES	<u>\$ 1,191,134</u>	<u>\$ (967,484)</u>	<u>\$ (2,158,618)</u>	<u>-123%</u>

TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020

WATER FUND				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED/ UNEXPENDED</u>	<u>% TO BUDGET</u>
REVENUES				
Debt Service Surcharge	\$ 230,931	\$ 471,600	\$ 240,669	49%
Water Sales - In Town	1,447,098	3,136,102	1,689,004	46%
Water Sales - Out Of Town	221,149	471,097	249,948	47%
Water Materials & Other	42,770	30,000	(12,770)	143%
Plant Investment Fees (Tap Fees)	164,088	275,000	110,912	60%
Water Rights	-	950,000	950,000	0%
Water Fund Interest	68,167	120,000	51,833	57%
Water Rights Interest	433	900	467	48%
Service Charge	2,840	8,000	5,160	36%
Reimbursable Income	1,256	-	(1,256)	#DIV/0!
TOTAL WATER FUND REVENUE	<u>\$ 2,178,731</u>	<u>\$ 5,462,699</u>	<u>\$ 3,283,968</u>	<u>40%</u>
EXPENDITURES				
TOTAL WATER FUND EXPENDITURES	<u>\$ 6,718,600</u>	<u>\$ 20,924,183</u>	<u>\$ 14,205,583</u>	<u>32%</u>
NET REVENUES OVER(UNDER) EXPENDITURES	<u>\$ (4,539,869)</u>	<u>\$ (15,461,484)</u>	<u>\$ (10,921,615)</u>	<u>29%</u>

TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020

WASTEWATER FUND				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED/ UNEXPENDED</u>	<u>% TO BUDGET</u>
REVENUES				
Wastewater Sales	\$ 1,368,487	\$ 2,593,080	\$ 1,224,593	53%
Wastewater Tap Fees	154,000	300,000	146,000	51%
Wastewater Interest	33,501	20,000	(13,501)	168%
TOTAL WASTEWATER FUND REVENUE	\$ 1,555,988	\$ 2,913,080	\$ 1,357,092	53%
EXPENDITURES				
TOTAL WATER FUND EXPENDITURES	\$ 1,379,736	\$ 2,980,748	\$ 1,601,012	46%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 176,252	\$ (67,668)	\$ (243,920)	-260%

TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020

REFUSE FUND				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED/ UNEXPENDED</u>	<u>% TO BUDGET</u>
REVENUES				
Dumpster Rental	-	-	\$ -	-
Trash Fees	\$ 291,883	\$ 583,478	291,595	50%
Yardwaste Fees	10,160	39,481	29,321	26%
Admin Fee	12,788	20,509	7,721	62%
Interest	1,439	3,000	1,561	48%
Eagle County Reimbursable	-	-	-	-
Miscellaneous	-	-	-	-
Service Charge	-	-	-	-
Gain/Loss On Equip Disp	-	-	-	-
TOTAL REFUSE FUND REVENUE	\$ 316,270	\$ 646,468	330,198	49%
EXPENDITURES				
TOTAL REFUSE FUND EXPENDITURES	\$ 298,676	\$ 638,414	\$ 339,738	47%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 17,594	\$ 8,054	\$ (9,540)	218%

TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020

CAPITAL IMPROVEMENTS FUND

	YTD ACTUAL	BUDGET	UNEARNED/ UNEXPENDED	% TO BUDGET
REVENUES				
Capital Improvements Interest	\$ 19,342	\$ 60,000	\$ 40,658	32%
Community Enhancement Interest	1,069	2,000	931	53%
Devolution & Transportation Interest	10,767	32,000	21,233	34%
Community Enhancement Fund	-	44,500	44,500	0%
Public Safety Impact Fees	-	668,000	668,000	0%
Street Impact Fees	-	1,316,465	1,316,465	0%
Use Tax	158,987	250,000	91,013	64%
Transfer From General Fund	-	730,000	730,000	0%
TOTAL CAPITAL IMPROVEMENTS FUND REVENUE	\$ 190,165	\$ 3,102,965	2,912,800	6%
EXPENDITURES				
TOTAL CAPITAL IMPROVEMENT FUND EXPENDITURES	\$ 378,324	\$ 643,284	264,960	59%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ (188,158)	\$ 2,459,681	2,647,839	-8%

TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020

SALES TAX CAPITAL IMPROVEMENTS FUND (STCIF)

	YTD ACTUAL	BUDGET	UNEARNED/ UNEXPENDED	% TO BUDGET
REVENUES				
SALES TAX	\$ 342,162	\$ 585,836	\$ 243,674	58%
GRANTS	-	11,000	11,000	0%
INTEREST - COLOTRUST	5,157	8,000	2,843	64%
INTEREST - PROJECT FUND	-	10,000	10,000	0%
TOTAL STCIF REVENUE	\$ 347,319	\$ 614,836	267,517	56%
EXPENDITURES				
TOTAL STCIF EXPENDITURES	\$ 120,910	\$ 551,774	430,864	22%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 226,410	\$ 63,062	\$ (163,348)	359%

**TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020**

OPEN SPACE FUND				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED/ UNEXPENDED</u>	<u>% TO BUDGET</u>
REVENUES				
LODGING TAX	\$ 32,162	\$ 143,820	\$ 111,658	22%
OPEN SPACE INTEREST	2,034	3,000	966	68%
TOTAL OPEN SPACE FUND REVENUE	<u>\$ 34,196</u>	<u>\$ 146,820</u>	<u>112,624</u>	<u>23%</u>
EXPENDITURES				
TOTAL OPEN SPACE FUND EXPENDITURES	<u>\$ 29,891</u>	<u>\$ 205,527</u>	<u>175,636</u>	<u>15%</u>
NET REVENUES OVER(UNDER) EXPENDITURES	<u>\$ 4,305</u>	<u>\$ (58,707)</u>	<u>(63,012)</u>	<u>-7%</u>

**TOWN OF EAGLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE PERIOD ENDING JULY 17, 2020**

CONSERVATION TRUST FUND				
	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED/ UNEXPENDED</u>	<u>% TO BUDGET</u>
REVENUES				
LOTTERY PROCEEDS	\$ 17,062	\$ 33,785	\$ 16,723	51%
CONSERVATION TRUST INTEREST	484	1,200	716	40%
TOTAL CONSERVATION TRUST FUND REVENUE	<u>\$ 17,546</u>	<u>\$ 34,985</u>	<u>\$ 17,439</u>	<u>50%</u>
EXPENDITURES				
TOTAL CONSERVATION TRUST FUND EXPENDITURES	<u>\$ -</u>	<u>\$ 35,000</u>	<u>\$ 35,000</u>	<u>0%</u>
NET REVENUES OVER(UNDER) EXPENDITURES	<u>\$ 17,546</u>	<u>\$ (15)</u>	<u>\$ (17,561)</u>	<u>-116973%</u>



To: Honorable Mayor Turnipseed and Town Council

From: Chad Phillips, Community Development Director
Carrie McCool, Contract Town Planner

Date: July 23, 2020

Agenda Item: Resolution 2020-41 Finding Substantial Compliance and Initiating Annexation Proceedings for the Red Mountain Ranch Annexation

REQUEST: Annexation of 106.194 acres known as Red Mountain Ranch.

BACKGROUND: The Planning and Zoning Commission considered the Red Mountain Ranch Planned Unit Development (PUD), Subdivision Sketch Plan, Site Specific Development Plan (vesting of property rights), and Community Plan Exception Requests on February 19, 2019, and recommended approval with conditions. On March 5, 2019, the Planning and Zoning Commission considered a revised Subdivision Sketch Plan and recommended approval with conditions. After the Planning and Zoning Commission public hearing, it was discovered that a portion of the property was previously platted. Further, the applicants acknowledged their intent to collateralizing the property in order to fund the required infrastructure improvements. In order to ensure the parcels are free and clear of all liens and encumbrances, the applicant is re-platting the entire property to create nine parcels to align with the seven planning areas in the PUD as well as create two open space parcels in Planning Area 1 (OS-1 and OS-3) and a 3-acre public park (Parcel 5B) to be designated as fee simple parcels for future dedication to the town. The Planning and Zoning Commission unanimously recommended approval of the preliminary plan/final plat with conditions on April 21, 2020.

After the Planning and Zoning Commission public hearing, it had come to staff's attention that the applicant sold portions of the subject property. Since the ownership has changed, the petition was withdrawn and refiled with the correct name(s) of all owners. Red Mountain Partnership, LLP, Griffin Development LLC, and Eagle River Commercial, LLC, are the owners of 100% of the Property as landownerships is defined for the purposes of C.R.S. Section 31-12-107(1)(g).

On July 10, 2020, the three Red Mountain Ranch property owners: Red Mountain Ranch Partnership, LLLP, Griffin Development LLC, and Eagle River Commercial LLC submitted an Annexation Petition to the Town of Eagle for consideration.

ANALYSIS: Staff finds the Annexation Petition for Red Mountain Ranch to be in substantial compliance with Section 31-12-107(1) C.R.S.

COMMUNITY INPUT: The attached resolution initiates the public notice requirement for annexations, which will be conducted by Town Staff. The Community Development Department will also notice the associated land use applications (e.g., zoning and preliminary plan/final plat) according to the provisions of the Town of Eagle Land Use and Development Code.

BUDGET:

None. The applicants have agreed to reimburse the Town for all expenses and fees incurred by the Town in reviewing and processing the land use applications.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: This request is in alignment with Major Objective 10: Address Essential Planning and Land-Use Challenges. Specifically, the project is being reviewed according to the Town of Eagle Land Use and Development Code as well as the Colorado Revised Statutes.

RECOMMENDED ACTION OR PROPOSED MOTION: A motion to approve Resolution 2020-45 finding the application is in substantial compliance and setting the public hearing on the September 22, 2020, Town Council agenda.

ATTACHMENTS:

Land Use and Development Application
Resolution 2020-41
Annexation Petition



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

LAND USE & DEVELOPMENT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

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

PROJECT NAME Red Mountain Ranch

PRESENT ZONE DISTRICT EC Resource

PROPOSED ZONE DISTRICT PUD
(if applicable)

LOCATION

STREET ADDRESS to be determined

PROPERTY DESCRIPTION

SUBDIVISION see attached

LOT(S) _____

BLOCK _____

(attach legal description if not part of a subdivision)

DESCRIPTION OF APPLICATION/PURPOSE

Annexation, PUD Zoning Plan, Preliminary Plan and Final Plat

APPLICANT NAME see attached

PHONE _____

ADDRESS _____

EMAIL _____

OWNER OF RECORD see attached

PHONE _____

ADDRESS _____

EMAIL _____

REPRESENTATIVE* Merv Lapin

PHONE 9704796001

ADDRESS 232 West Meadow Drive

EMAIL mervlapin@hotmail.com

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

APPLICATION SUBMITTAL ITEMS:

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

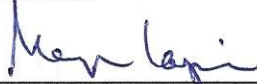
- ☐ Applicable fees and deposits.
- ☐ Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- ☐ Surrounding and interested Property Ownership Report (see project specific checklist for more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

FEES AND DEPOSITS:

See Eagle Municipal Code Section 4.03.080

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

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



Signature

7-10-20

Date

FOR OFFICE USE ONLY

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

LEGAL DESCRIPTION OF PROPERTY

A parcel of land situate in Sections 26, 27, 33, and 34, Township 4 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 58, 59 and 70, of said Township and Range, County of Eagle, State of Colorado, being a portion of those lands described in Land Survey Plat No. 574, 575, and 576, as deposited in the Eagle County Eagle County Land Survey Plat Records, more particularly described as follows: Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73°54'09" E, 166.17 feet; thence N 83°53'51" E, 164.57 feet; thence N 03°16'32" E, 207.75 feet; thence N 88°53'49" E, 1444.68 feet; thence N 00°03'48" E, 1304.45 feet; thence N 89°56'08" E, 1452.88 feet; thence N 01°26'49" W, 410.52 feet to the approximate centerline of the Eagle River; thence along said approximate centerline of the Eagle River S 74°05'42" E, 61.00 feet; thence N 89°29'45" E, 168.06 feet; thence N 60°21'13" E, 237.26 feet; thence N 41°29'08" E, 382.43 feet; thence N 36°38'50" E, 287.00 feet; thence N 47°37'56" E, 301.83 feet; thence N 53°45'25" E, 221.64 feet; thence N 56°52'49" E, 306.49 feet; thence N 67°43'57" E, 484.77 feet; thence S 85°00'54" E, 131.72 feet; thence S 75°53'38" E, 341.87 feet; thence N 83°57'06" E, 341.07 feet; thence N 71°13'40" E, 310.58 feet; thence N 57°40'11" E, 499.51 feet; thence N 42°33'26" E, 259.34 feet; thence N 32°48'52" E, 262.87 feet; thence N 21°21'27" E, 271.70 feet; thence N 18°01'29" E, 171.02 feet; thence N 38°30'11" E, 154.44 feet; thence N 52°40'07" E, 201.11 feet; thence departing said approximate centerline of the Eagle River N 26°50'41" W, 63.81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63°08'01" W, 3932.72 feet; thence in a southwesterly direction with a non-tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61°05'01" W and a chord distance of 816.31 feet, having a central angle of 04°06'00" and an arc length of 816.48 feet; thence S 59°02'01" W, 2572.80 feet; thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2242.00 feet, having a chord bearing of S 42°41'01" W and a chord distance of 1262.26 feet, having a central angle of 32°42'00" and an arc length of 1279.56 feet to a 1350; thence S 26°20'01" W, 267.31 feet to the Point of Beginning.

Containing 106.194 acres more or less.

Attachment to Red Mountain Ranch LUR application form

Ownership, address and legal description information

Ownership and applicant name

Red Mountain Ranch Partnership, LLLP, Griffin Development LLC, and Eagle River Commercial, LLC, are the owners of 100% of the Property as landownership is defined for the purposes of C.R.S. §31-12-107(1)(g)

Address

Red Mountain Ranch Partnership, LLLP
232 West Meadow Dr.
Vail, CO 81657

Griffin Development LLC
P.O. Box 3149
Vail, CO 81658

Eagle River Commercial LLC
232 West Meadow Dr.
Vail, CO 81657

Signatures

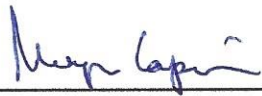
RED MOUNTAIN RANCH PARTNERSHIP, LLLP



Mervyn Lapin, General Partner

Date of Signature: July 10, 2020

EAGLE RIVER COMMERCIAL LLC



Mervyn Lapin, Member

Date of Signature: July 10, 2020

GRIFFIN DEVELOPMENT LLC

By: 

Name: RODRIGO CORTINA
Title: MANAGER

Date of Signature: July 10, 2020

**PETITION FOR ANNEXATION
RED MOUNTAIN RANCH ANNEXATION**

TO: BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO

**RE: PETITION FOR THE ANNEXATION FOR THE RED MOUNTAIN RANCH
ANNEXATION TO THE TOWN OF EAGLE AS DESCRIBED IN EXHIBIT A:
LEGAL DESCRIPTION OF RED MOUNTAIN RANCH ATTACHED HERETO**

The undersigned Petitioners ("**Petitioners**"), in accordance with the provisions of Sections 31-12-101, *et. seq.* Colorado Revised Statutes, ("**C.R.S.**"), the Municipal Annexation Act of 1965, as amended and as in effect on the submission date set forth below ("**Annexation Act**"), hereby petitions the Board of Trustees of the Town of Eagle, Colorado ("**Town**"), for annexation to the Town of land situated in the unincorporated territory located in the County of Eagle, State of Colorado, which property is more particularly described in **Exhibit A: Legal Description of Red Mountain Ranch** attached hereto and incorporated herein by reference ("**Property**").

In support of this Petition, the Petitioners further state to the Board of Trustees of the Town as follows:

1. Annexation of the Property into the Town of Eagle is desirable and necessary.
2. The Property meets the requirements of C.R.S. §31-12-104 and §31-12-105 in that:
 - a. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town's current municipal boundaries.
 - b. A community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future; and the Property is integrated with or is capable of being integrated with the Town.
 - c. The Petitioners, Red Mountain Ranch Partnership, LLLP, Griffin Development LLC, and Eagle River Commercial LLC, are the owners of 100% of the Property as landownership is defined for the purposes of C.R.S. §31-12-107(1)(g); and hereby consent to the establishment of the boundaries of the territory included in the area proposed to be annexed as shown on the annexation plat submitted herewith.
 - d. The Property is not presently part of any incorporated city, city and county, or town; nor have annexation proceedings been commenced for the annexation to another municipality of part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town, been held within twelve (12) months immediately preceding the filing of this Petition.
 - e. The annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.

- f. The annexation of the Property will not have the effect of extending the boundary of the Town more than three (3) miles in any direction from any point of the Town's boundary in any one (1) year.
 - g. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the Property.
 - h. Reasonable access shall not be denied to landowners, owners of an easement, or the owners of a franchise, adjoining any platted street or alley annexed by the Town but not bounded on both sides by the Town.
 - i. The requirement of C.R.S. Sections 31-12-105 exist or have been met.
 - j. Petitioners reserves the right to withdraw this Petition at any time prior to the Town's final approval of the annexation.
 - k. Petitioners reserve the right to withdraw this Petition if the Town imposes terms and conditions which are in addition to this Petition and the Annexation and Development Agreement.
3. This Petition is accompanied by four copies of an annexation map containing, among other things, the following information:
- a. A written legal description of the boundaries of the Property;
 - b. A map showing the boundary of the Property;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or lots and blocks;
 - d. Next to the boundary of the Property, a drawing of the contiguous boundary of the Town abutting the Property and the contiguous boundary of any other municipality abutting the Property.
4. In connection with the processing of this Petition, the Petitioners request that the Town approve and execute an annexation and development agreement ("**Annexation and Development Agreement**") which establishes vested property rights for a site specific development plan for the Property for an agreed upon term pursuant to Article 68, Title 24, Colorado Revised Statutes.
5. Petitioners have filed this Petition subject to the following conditions:
- a. that the Town Board approve an Annexation and Development Agreement concurrently with approval of zoning at the same hearing as and immediately following the Town Board approval of annexation of the Property;

- b. that the Annexation and Development Agreement and zoning approval are acceptable to the Petitioners, including any revisions or conditions approved by the Town Board at the hearing, which determination by Petitioners shall be made at the hearing or by the end of three (3) business days following the hearing;
 - c. that the Town Board approvals become final and non-appealable;
 - d. the annexation shall not become effective, and neither Petitioners nor the Town shall file the annexation ordinance and map with the Eagle County Clerk and Recorder until after the effective date of both the ordinance approving the annexation and the ordinance approving the zoning and Annexation and Development Agreement; and,
 - e. Petitioners reserve the right to withdraw this Petition if Petitioners object to and reject the Annexation and Development Agreement and/or approval of zoning for the Property, which notice of objection and rejection and withdrawal of this Petition shall be provided in writing to the Town by the end of three (3) business days following the final action by the Town Board to approve the Annexation and Development Agreement and zoning for the Property, and which right of Petitioners to withdraw this Petitioners shall thereafter be waived and released if not exercised timely.
6. Upon the annexation of the Property becoming effective, the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in the Annexation and Development Agreement.
7. Except for the terms and conditions of this Petition and of the Annexation and Development Agreement, which terms and conditions the Petitioners expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of C.R.S. §31-12-107(1)(g), Petitioners request that no additional terms and conditions be imposed upon annexation of the Property to the Town.

EXHIBIT A:
LEGAL DESCRIPTION OF RED MOUNTAIN RANCH

A parcel of land situate in Sections 26, 27, 33, and 34, Township 4 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 58, 59 and 70, of said Township and Range, County of Eagle, State of Colorado, being a portion of those lands described in Land Survey Plat No. 574, 575, and 576, as deposited in the Eagle County Eagle County Land Survey Plat Records, more particularly described as follows:

Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73°54'09" E, 166.17 feet; thence N 83°53'51" E, 164.57 feet; thence N 03°16'32" E, 207.75 feet; thence N 88°53'49" E, 1444.68 feet; thence N 00°03'48" E, 1304.45 feet; thence N 89°56'08" E, 1452.88 feet; thence N 01 °26'49" W, 410.52 feet to the approximate centerline of the Eagle River; thence along said approximate centerline of the Eagle River S 74°05'42" E, 61.00 feet; thence N 89°29'45" E, 168.06 feet; thence N 60°21'13" E, 237.26 feet; thence N 41°29'08" E, 382.43 feet; thence N 36°38'50" E, 287.00 feet; thence N 47°37'56" E, 301.83 feet; thence N 53°45'25" E, 221.64 feet; thence N 56°52'49" E, 306.49 feet; thence N 67°43'57" E, 484.77 feet; thence S 85°00'54" E, 131.72 feet; thence S 75°53'38" E, 341.87 feet; thence N 83°57'06" E, 341.07 feet; thence N 71°13'40" E, 310.58 feet; thence N 57°40'11" E, 499.51 feet; thence N 42°33'26" E, 259.34 feet; thence N 32°48'52" E, 262.87 feet; thence N 21°21'27" E, 271.70 feet; thence N 18°01'29" E, 171.02 feet; thence N 38°30'11" E, 154.44 feet; thence N 52°40'07" E, 201.11 feet; thence departing said approximate centerline of the Eagle River N 26°50'41" W, 63.81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63°08'01" W, 3932.72 feet; thence in a southwesterly direction with anon-tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61°05'01" W and a chord distance of 816.31 feet, having a central angle of 04°06'00" and an arc length of 816.48 feet; thence S 59°02'01" W, 2572.80 feet; thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2242.00 feet, having a chord bearing of S 42°41 '01" W and a chord distance of 1262.26 feet, having a central angle of 32°42'00" and an arc length of 1279.56 feet to a 1350; thence S 26°20'01" W, 267.31 feet to the Point of Beginning.

Containing 106.194 acres more or less.

EAGLE RIVER COMMERCIAL LLC

Mervyn Lapin
Mervyn Lapin, Member

Date of Signature: July 10, 2020

MERVYN LAPIN

STATE OF COLORADO

)

) ss.

COUNTY OF EAGLE

)

The foregoing instrument was acknowledged before me this 10th day of July, 2020, by Mervyn Lapin, Member of Eagle River Commercial LLC, a Colorado limited liability company.

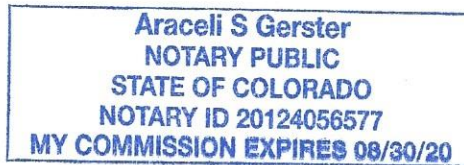
My commission expires: August 30 2020

Witness my hand and official seal

[SEAL]

A. Gerster
Mailing Address of Petitioner:

Eagle River Commercial LLC
232 West Meadow Dr.
Vail, CO 81657



THEREFORE, PETITIONERS RESPECTFULLY REQUEST that the Board of Trustees of the Town of Eagle, Colorado approve and complete the annexation of the Property pursuant to the provisions of the Municipal Annexation Act of 1965, as amended.

SIGNATURE OF LANDOWNER/PETITIONERS:

RED MOUNTAIN RANCH PARTNERSHIP, LLLP



Mervyn Lapin, General Partner

Date of Signature: July 10, 2020

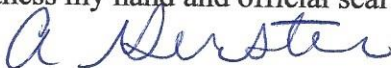
STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 10th day of July, 2020, by Mervyn Lapin, General Partner of Red Mountain Ranch Partnership, LLLP, a Colorado limited liability limited partnership.

My commission expires: August 30 2020

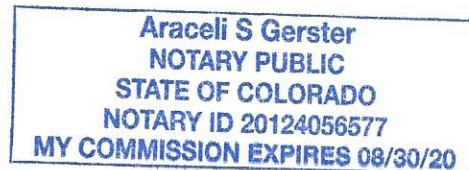
Witness my hand and official seal

[SEAL]



Mailing Address of Petitioner:

Red Mountain Ranch Partnership, LLLP
232 West Meadow Dr.
Vail, CO 81657



GRIFFIN DEVELOPMENT LLC

By: [Signature]
Name: Rodrigo Cortina
Title: MANAGER

Date of Signature: July 10, 2020

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 10th day of July, 2020, by Rodrigo Cortina as Manager of Griffin Development LLC, a Colorado limited liability company.

My commission expires: August 30 2020

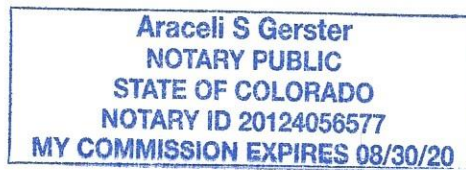
Witness my hand and official seal

[SEAL]

[Signature]

Mailing Address of Petitioner:

Griffin Development LLC
P.O. Box 3149
Vail, CO 81658



TOWN OF EAGLE, COLORADO
RESOLUTION NO. 41
(Series of 2020)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
ACCEPTING A PETITION FOR ANNEXATION OF A PARCEL OF LAND LOCATED IN
UNINCORPORATED EAGLE COUNTY AND SETTING A PUBLIC HEARING ON THE
ANNEXATION (RED MOUNTAIN RANCH)

WHEREAS, on July 10, 2020, Red Mountain Ranch Partnership, LLLP, Eagle River Commercial LLC and Griffin Development LLC, owners of unincorporated territory comprising more than 50% of the area proposed for annexation pursuant to C.R.S. § 31-12-107, filed a petition for annexation (the "Petition") of certain unincorporated land to the Town, which land is more particularly described in Exhibit A attached to the Petition;

WHEREAS, pursuant to C.R.S. § 31-12-108, the Town may accept the Petition, if complete, and establish a date, time and place that the Town Council will hold a public hearing to consider the annexation and the applicable requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, and the Colorado Constitution; and

WHEREAS the Town Council, at its regular meeting on July 28, 2020, reviewed the Petition and various documents submitted in support of the Petition.

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

Section 1. The Petition is hereby accepted as substantially in compliance with the petition requirements set forth under the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*

Section 2. A public hearing is scheduled for Tuesday, September 22, 2020, at 6:00 p.m., at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, at which the Town Council will determine if the proposed annexation complies with the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, and Article II, § 30 of the Colorado Constitution.

Section 3. Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the Town, any resident of a municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Eagle County may appear at such hearing and present evidence upon any matter to be determined by the Town Council.

INTRODUCED, READ, PASSED AND ADOPTED ON JULY 28, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land situate in Sections 26, 27, 33, and 34, Township 4 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 58, 59 and 70, of said Township and Range, County of Eagle, State of Colorado, being a portion of those lands described in Land Survey Plat No. 574, 575, and 576, as deposited in the Eagle County Eagle County Land Survey Plat Records, more particularly described as follows:

Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73°54'09" E, 166.17 feet; thence N 83°53'51" E, 164.57 feet; thence N 03°16'32" E, 207.75 feet; thence N 88°53'49" E, 1444.68 feet; thence N 00°03'48" E, 1304.45 feet; thence N 89°56'08" E, 1452.88 feet; thence N 01°26'49" W, 410.52 feet to the approximate centerline of the Eagle River; thence along said approximate centerline of the Eagle River S 74°05'42" E, 61.00 feet; thence N 89°29'45" E, 168.06 feet; thence N 60°21'13" E, 237.26 feet; thence N 41°29'08" E, 382.43 feet; thence N 36°38'50" E, 287.00 feet; thence N 47°37'56" E, 301.83 feet; thence N 53°45'25" E, 221.64 feet; thence N 56°52'49" E, 306.49 feet; thence N 67°43'57" E, 484.77 feet; thence S 85°00'54" E, 131.72 feet; thence S 75°53'38" E, 341.87 feet; thence N 83°57'06" E, 341.07 feet; thence N 71°13'40" E, 310.58 feet; thence N 57°40'11" E, 499.51 feet; thence N 42°33'26" E, 259.34 feet; thence N 32°48'52" E, 262.87 feet; thence N 21°21'27" E, 271.70 feet; thence N 18°01'29" E, 171.02 feet; thence N 38°30'11" E, 154.44 feet; thence N 52°40'07" E, 201.11 feet; thence departing said approximate centerline of the Eagle River N 26°50'41" W, 63.81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63°08'01" W, 3932.72 feet; thence in a southwesterly direction with anon-tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61°05'01" W and a chord distance of 816.31 feet, having a central angle of 04°06'00" and an arc length of 816.48 feet; thence S 59°02'01" W, 2572.80 feet; thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2242.00 feet, having a chord bearing of S 42°41'01" W and a chord distance of 1262.26 feet, having a central angle of 32°42'00" and an arc length of 1279.56 feet to a 1350; thence S 26°20'01" W, 267.31 feet to the Point of Beginning.

Containing 106.194 acres more or less.



To: Mayor and Town Council

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

Date: July 28, 2020

Agenda Item: Soleil Homes at Brush Creek Filing 2, Phase II

REQUEST:

The applicant, John Purchase, is requesting approval for a Final Plat to subdivide lot 16 into two lots (lot 16-A and lot 16-B) in the Soleil Homes at Brush Creek subdivision.

INTRODUCTION:

The Soleil Homes PUD was originally approved in 2015. In early 2017, an amended PUD and the Preliminary Plan/Final Plat for Soleil Homes at Brush Creek, Filing 2, Phase II was approved by the Town Council. The amended PUD allowed the subdivision to convert 6 single family lots into 4 duplex lots, including lot 16 of this application. The Final Plat proposes to divide lot 16 with an existing duplex into two lots.

The approval to divide property into condominium, duplex, and townhouse units typically foregoes the regular public hearing process. Instead, the application is taken through an administrative hearing process and receives Town Council approval via consent agenda. The other 3 duplex units have been divided through this expedited process. Section 4.12.050 of the Land Use and Development Code requires the application be taken through the public hearing process when the most recent subdivision review has exceeded 3 years. The last subdivision review for this project occurred in February of 2017, which is why this application is being taken before the Planning & Zoning Commission and Town Council for public hearings.

ANALYSIS:

The Final Plat has been reviewed by Public Works, Planning, the Town Attorney, and a third-party surveyor whose comments have been shared with the applicant to ensure that the document has been prepared accurately. Staff recommends a condition of approval requiring the applicant to incorporate all comments into the Final Plat prior to recording.

The subdivision has a few outstanding improvements that are required per the Subdivision Improvement Agreement. Another condition of approval is recommended; which requires the developer to complete the improvements or provide a performance guarantee prior to recording the Final Plat.

Staff finds the application complies with the Town's subdivision and zoning regulations.

COMMUNITY INPUT:

No public comments have been received for this application.

BUDGET / STAFF IMPACT:

No impact to budget or staff.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The project supports Major Objective 8 (Improve Housing Availability and Affordability) to create a more balanced and affordable housing mix that supports young people and young families.

RECOMMENDED ACTION OR PROPOSED MOTION:

The Planning and Zoning Commission reviewed this application in a public hearing on July 21, 2020 and unanimously recommended approval.

Approval of application CT20-02 and Resolution No. 42, Series 2020, based on staff's findings, with the following conditions of approval:

1. Prior to recording the Final Plat, the applicant shall complete all outstanding public improvements, as approved by staff, or provide a performance guarantee for any outstanding public/private improvements.
2. All redline changes from staff, Town Attorney, and third party-surveyor shall be incorporated into the Final Plat prior to recording.
3. The plat shall be recorded before January 16, 2021. Extensions may be approved administratively without notice if it is proven to the Town Planner that due diligence is being performed towards recordation of the plat.

***The Town Attorney has recommended modifications to the conditions of approval from what was recommended by the Planning and Zoning Commission as reflected in Resolution No. 42, Series 2020.**

ATTACHMENTS:

- Final Plat Soleil Homes at Brush Creek Filing 2, Phase II
- Resolution No. 42, Series 2020
- Staff Report from Planning & Zoning Commission meeting dated July 21, 2020
- Minutes from July 21, 2020 P&Z Meeting including approval recommendation for CT20-02

FINAL PLAT
SOLEIL HOMES AT BRUSH CREEK, FILING 2, PHASE II
A RESUBDIVISION LOT 16, SOLEIL HOMES AT BRUSH CREEK, FILING 2
ACCORDING TO THE FINAL PLAT RECORDED MARCH 08, 2017 AS RECEPTION NO. 201704025
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

PURPOSE STATEMENT:

THE PURPOSE OF THIS FINAL PLAT IS TO RE-SUBDIVIDE LOT 16 INTO LOTS 16-A AND 16-B.

NOTES:

1) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, EASEMENTS AND BUILDING SETBACKS OF RECORD, OR IN PLACE AND EXCEPTIONS TO TITLE AS SHOWN IN THE TITLE COMMITMENTS PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. V50056449, DATED EFFECTIVE MARCH 31, 2020.

2) SURVEY DATE: MARCH 15, 2019.

3) UNITS OF MEASURE FOR ALL DIMENSIONS SHOWN HEREON IS U.S. SURVEY FEET.

4) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF S02°59'06"W BETWEEN AP2 TRACT 38, A 1917 GLO BRASS CAP FOUND IN PLACE AND AP7 TRACT 44, A 2 1/2" ALUMINUM CAP L.S. #26967 FOUND IN PLACE.

5) THIS SURVEY IS BASED ON THE SOLEIL HOMES AT BRUSH CREEK, FILING 1 FINAL PLAT RECORDED APRIL 06, 2015 AS RECEPTION NO. 201505752, THE SOLEIL HOMES AT BRUSH CREEK, FILING 1 CORRECTION PLAT RECORDED NOVEMBER 16, 2016 AS RECEPTION NO. 201619459 AND THE SOLEIL HOMES AT BRUSH CREEK, FILING 2 FINAL PLAT RECORDED MARCH 08, 2017 AS RECEPTION NO. 201704025 OF THE EAGLE COUNTY CLERK AND RECORDERS' OFFICE AND MONUMENTS FOUND IN PLACE.

6) AT THE TIME OF SURVEY LOT 15 WAS STILL UNDER CONSTRUCTION.

7) THIS PROPERTY IS SUBJECT TO THE FOLLOWING DOCUMENTS RECORDED IN THE EAGLE COUNTY CLERK AND RECORDERS OFFICE:

A) RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JANUARY 02, 1891, IN BOOK 35 AT PAGE 457 AND IN UNITED STATES PATENT RECORDED APRIL 30, 1892, IN BOOK 48 AT PAGE 172.

B) RIGHT OF WAY EASEMENT AS GRANTED TO KINDER MORGAN, INC., A KANSAS CORPORATION IN INSTRUMENT RECORDED NOVEMBER 05, 1999, AT RECEPTION NO. 714041.

C) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 14 (SERIES OF 2002) RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803392.

D) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 15 (SERIES OF 2002) RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803393.

E) TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803386 AND RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803387 AND AGREEMENT RELATING TO THE ANNEXATION RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803390.

F) TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION IMPROVEMENT AGREEMENT RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803394 AND AMENDMENT RECORDED NOVEMBER 12, 2002 AT RECEPTION NO. 813411 AND AMENDMENT RECORDED MARCH 14, 2003 AT RECEPTION NO. 826858.

G) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 23 (SERIES OF 2002) RECORDED NOVEMBER 12, 2002 AT RECEPTION NO. 813409.

H) EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF BRUSH CREEK MEADOWS RECORDED AUGUST 02, 2002 AT RECEPTION NO. 803395.

I) TERMS, CONDITIONS AND PROVISIONS OF DRAINAGE EASEMENT DEED AND VACATION RECORDED AUGUST 10, 2004 AT RECEPTION NO. 887225.

J) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 6 (SERIES OF 2012) RECORDED JUNE 01, 2012 AT RECEPTION NO. 201211316.

K) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 4 (SERIES OF 2012) RECORDED JUNE 01, 2012 AT RECEPTION NO. 201211318.

L) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 8 (SERIES OF 2012) RECORDED JUNE 01, 2012 AT RECEPTION NO. 201211322.

M) EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF BRUSH CREEK MEADOWS, FILING NO. 4 RECORDED JUNE 01, 2012 UNDER RECEPTION NO. 201211319.

N) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 14 (SERIES OF 2014) RECORDED JUNE 13, 2014 AT RECEPTION NO. 201409815.

O) RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OF FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JANUARY 24, 2008 AS RECEPTION NO. 200801657 AND RE-RECORDED JANUARY 29, 2008 AS RECEPTION NO. 200801097 AND AS AMENDED IN INSTRUMENT RECORDED MARCH 12, 2008 AS RECEPTION NO. 200805319 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 14, 2008 AS RECEPTION NO. 200807879 AND AS AMENDED IN INSTRUMENT RECORDED MAY 14, 2008 AS RECEPTION NO. 200810122 AND AS AMENDED IN INSTRUMENT RECORDED MAY 23, 2008 AS RECEPTION NO. 200810914 AND AS AMENDED IN INSTRUMENT RECORDED JULY 11, 2008 AS RECEPTION NO. 200814602 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 15, 2008 AS RECEPTION NO. 200821100 AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 29, 2009 AS RECEPTION NO. 200921355 AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 11, 2010 AS RECEPTION NO. 201015711 AND 201015712 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 20, 2011 AS RECEPTION NO. NO. 201107238 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 17, 2012 AS RECEPTION NO. 201220994 AND AMENDMENT RECORDED OCTOBER 31, 2012 AS RECEPTION NO. 201221885 AND AMENDMENT RECORDED MARCH 01, 2013 AS RECEPTION NO. 201303943 AND AS AMENDED IN INSTRUMENT RECORDED MAY 17, 2013 AS RECEPTION NO. 201309999 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 04, 2013 AS RECEPTION NO. 201311501 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 06, 2013 AS RECEPTION NO. 201311718 AND AS AMENDED IN INSTRUMENT RECORDED FEBRUARY 24, 2014 AS RECEPTION NO. 201402773 AND AS AMENDED IN INSTRUMENT RECORDED MARCH 31, 2014 AS RECEPTION NO. 201404840 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 23, 2014 AS RECEPTION NO. 201410258 AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 12, 2014 AS RECEPTION NO. 201415669 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 14, 2014 AS RECEPTION NO. 201417580 AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 18, 2014 AS RECEPTION NO. 201421760 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 02, 2015 AS RECEPTION NO. 201505699 AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 03, 2015 AS RECEPTION NO. 201516753 AND AS AMENDED IN INSTRUMENT RECORDED NOVEMBER 15, 2015 AS RECEPTION NO. 201520996 AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 01, 2015 AS RECEPTION NO. 201522341 AND AS AMENDED IN INSTRUMENT RECORDED MARCH 22, 2016 AS RECEPTION NO. 201606900 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 20, 2016 AS RECEPTION NO. 201606542 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 20, 2016 AS RECEPTION NO. 201606542 AND AS AMENDED IN INSTRUMENT RECORDED MAY 24, 2016 AS RECEPTION NO. 201607925 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 14, 2016 AS RECEPTION NO. 201617168 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 31, 2016 AS RECEPTION NO. 201618420 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 21, 2017 AS RECEPTION NO. 201706962 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 08, 2017 AS RECEPTION NO. 201710933 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 31, 2017 AS RECEPTION NO. 201711934.

P) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 2 (SERIES OF 2015) RECORDED MARCH 18, 2015 AS RECEPTION NO. 201504607.

Q) EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SOLEIL HOMES AT BRUSH CREEK, FILING 1 RECORDED APRIL 06, 2015 AS RECEPTION NO. 201505752 AND NOTICE OF ADDRESSES RECORDED SEPTEMBER 16, 2015 AS RECEPTION NO. 201517581 AND CORRECTION PLAT RECORDED NOVEMBER 16, 2016 AS RECEPTION NO. 201619459.

R) ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE WESTERN EAGLE COUNTY METROPOLITAN RECREATION DISTRICT, AS EVIDENCE BY INSTRUMENT RECORDED APRIL 30, 2015 AS RECEPTION NO. 201507223.

S) TERMS, CONDITIONS AND PROVISIONS OF TRENCH, CONDUIT AND VAULT AGREEMENT RECORDED MAY 22, 2015 AS RECEPTION NO. 201509055.

T) TERMS, CONDITIONS AND PROVISIONS OF IRRIGATION WATER FACILITIES AGREEMENT RECORDED JUNE 04, 2015 AS RECEPTION NO. 201510067.

U) TERMS, CONDITIONS AND PROVISIONS OF CERTIFICATION OF FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AND OTHER REQUIRED SUBDIVISION IMPROVEMENTS FOR SOLEIL HOMES AT BRUSH CREEK, FILING 1 RECORDED DECEMBER 17, 2015 AS RECEPTION NO. 201523491.

V) TERMS, CONDITIONS AND PROVISIONS OF QUIT CLAIM DEED AND BILL OF SALE RECORDED DECEMBER 17, 2015 AS RECEPTION NO. 201523492.

W) TERMS, CONDITIONS AND PROVISIONS FOR ORDINANCE NO. 29 (SERIES OF 2016) RECORDED NOVEMBER 16, 2016 AS RECEPTION NO. 201619458.

X) RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANT OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OF FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED FEBRUARY 27, 2017 AS RECEPTION NO. 201703304.

Y) TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION IMPROVEMENTS AGREEMENT SOLEIL HOMES AT BRUSH CREEK, FILING 2 RECORDED MARCH 08, 2017 AS RECEPTION NO. 201704024.

Z) EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SOLEIL HOMES AT BRUSH CREEK, FILING 2 RECORDED MARCH 08, 2017 AS RECEPTION NO. 201704025.

AA) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 04 (SERIES OF 2017) RECORDED MARCH 09, 2017 AS RECEPTION NO. 201704070.

AB) TERMS, CONDITIONS AND PROVISIONS OF DRAINAGE EASEMENT AGREEMENT RECORDED APRIL 04, 2017 AS RECEPTION NO. 201705816.

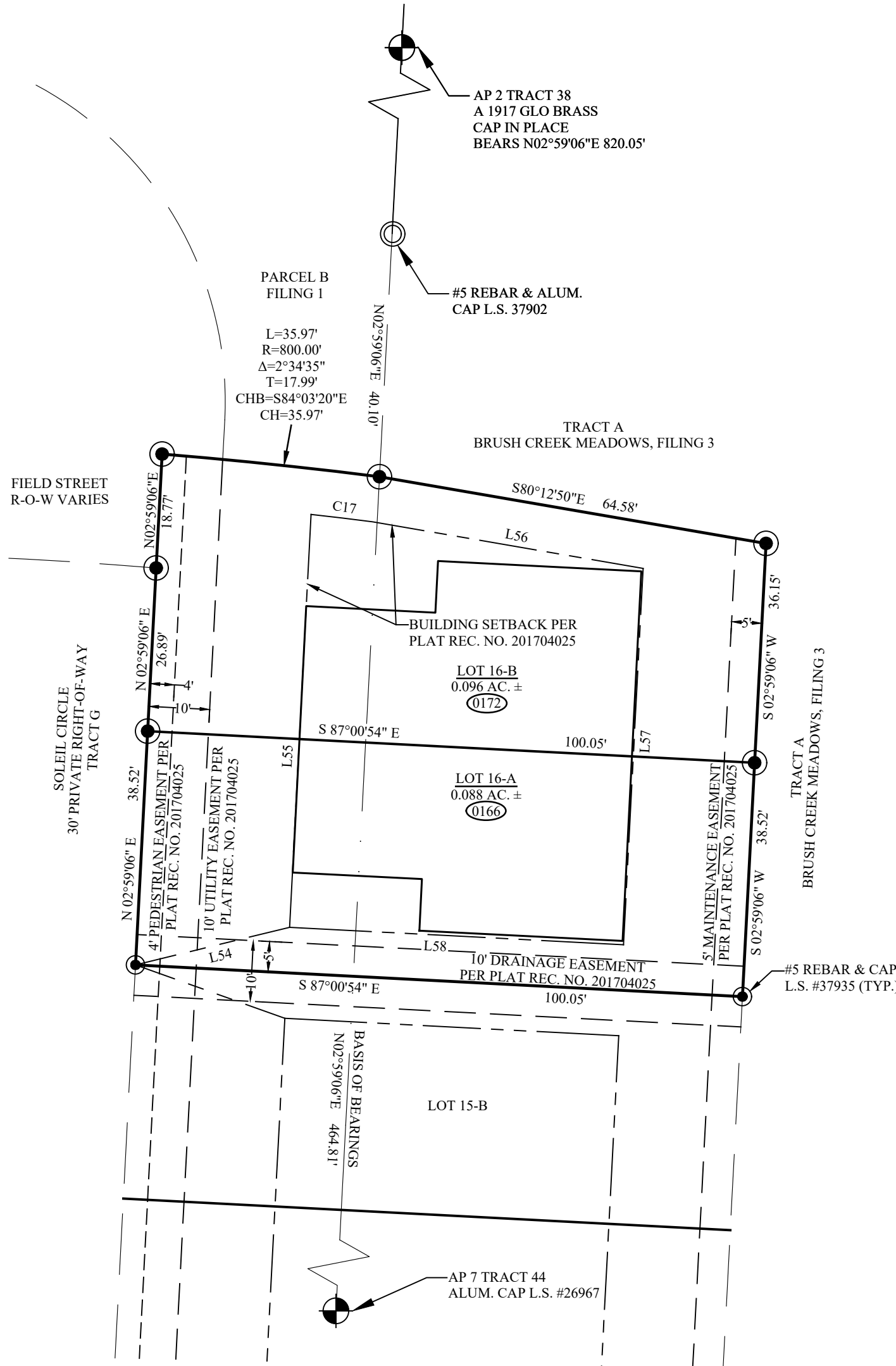
AC) TERMS, CONDITIONS AND PROVISIONS OF TRENCH, CONDUIT AND VAULT AGREEMENT RECORDED APRIL 26, 2017 AS RECEPTION NO. 201707348.

AD) RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANT OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OF FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JULY 14, 2017 AS RECEPTION NO. 201713497.

AE) DEED OF TRUST DATED AUGUST 21, 2019 FROM WYNTON HOMES, LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF EAGLE COUNTY FOR THE USE OF U.S. BANK NATIONAL ASSOCIATION TO SECURE THE SUM OF \$731,495.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED AUGUST 23, 2019, UNDER RECEPTION NO. 201913806.

AF) DISBURSERS NOTICE IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED AUGUST 23, 2019, UNDER RECEPTION NO. 201913806.

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. NO DEFENDANT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



LINE TABLE		
LINE #	BEARING	DISTANCE
L54	N76°17'09"E	26.10'
L55	S02°59'06"W	68.04'
L56	N80°12'50"W	45.17'
L57	S02°59'06"W	62.00'
L58	S87°00'54"E	55.05'

CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING
C17	10.22'	792.50'	0°44'21"	N83°08'57"W

LAND USE TABLE			
PARCEL	ACRES	LAND USE	ADDRESS
LOT 16-A	0.088 AC. ±	RESIDENTIAL TOWNHOME	0166 SOLEIL CIRCLE
LOT 16-B	0.096 AC. ±	RESIDENTIAL TOWNHOME	0172 SOLEIL CIRCLE
TOTAL	0.184 AC. ±		

TOWN COUNCIL CERTIFICATE:

THIS PLAT APPROVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, THIS _____ DAY OF _____, 2020, FOR FILING WITH THE CLERK AND RECORDER OF EAGLE COUNTY, COLORADO, SUBJECT TO THE PROVISIONS THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF EAGLE FOR FINANCING OR CONSTRUCTING OF IMPROVEMENTS ON SAID LANDS, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE TOWN COUNCIL OF THE TOWN OF EAGLE. FURTHER, SAID APPROVAL IN NO WAY OBLIGATES THE TOWN OF EAGLE FOR MAINTENANCE OF PUBLIC IMPROVEMENTS UNTIL CONSTRUCTION OF SAID IMPROVEMENTS HAS BEEN COMPLETED IN ACCORDANCE WITH THE TOWN OF EAGLE'S SPECIFICATIONS AND THE TOWN OF EAGLE HAS AGREED TO ACCEPT SAID IMPROVEMENTS. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, SUB-SURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, DEVELOPMENT PERMIT, OR ANY OTHER REQUIRED PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE OWNERS DESIGNATED HEREON AND NOT THE TOWN OF EAGLE, UNLESS OTHERWISE SPECIFICALLY AGREED TO IN WRITING BY THE BOARD OF TRUSTEES.

TOWN OF EAGLE, COLORADO

BY: _____
SCOTT TURNIPSEED, MAYOR

WITNESS MY HAND AND SEAL OF THE TOWN OF EAGLE, COLORADO.

ATTEST:
JENNY RAKOW, TOWN CLERK

LIENHOLDER'S CERTIFICATE:

US BANK NATIONAL ASSOCIATION DOES HEREBY CERTIFY THAT IT IS THE HOLDER OF THE DEEDS OF TRUST RECORDED AUGUST 23, 2019 AS RECEPTION NO. 201913806 IN THE OFFICE OF THE CLERK AND RECORDER OF EAGLE COUNTY, COLORADO AGAINST THE LANDS SHOWN ON THIS PLAT AND HEREBY CONSENTS TO THE SUBDIVISION OF THE LANDS SHOWN HEREON.

EXECUTED THIS _____ DAY OF _____, A.D., 2020.

US BANK NATIONAL ASSOCIATION

BY: _____
_____, AS VICE PRESIDENT

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020, BY _____ AS VICE PRESIDENT OF US NATIONAL BANK ASSOCIATION.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

TITLE CERTIFICATE:

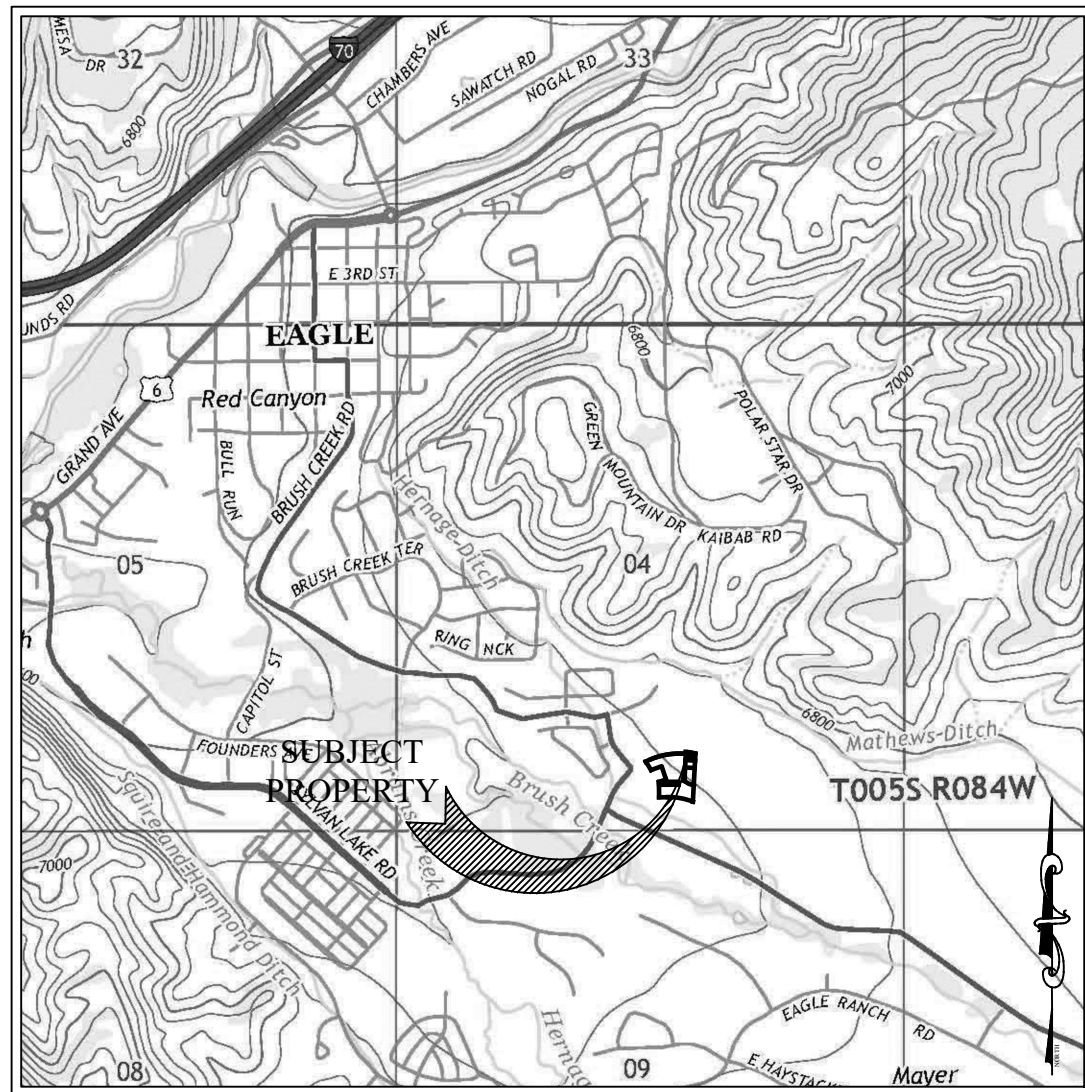
LAND TITLE GUARANTEE COMPANY, DOES HEREBY CERTIFY IT HAS EXAMINED THE TITLE TO ALL LANDS SHOWN ON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN WYNTON HOMES, LLC, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

EXECUTED THIS _____ DAY OF _____, 2020.

BY: _____
LAND TITLE GUARANTEE COMPANY



Drawn By:	JRN	NO.	Date	Revision	By
Checked By:	JRN				
Date:	JUNE 30, 2020				
Computer File:	044-F2-L16-FP				



VICINITY MAP
SCALE: 1" = 2000'

CERTIFICATE OF OWNERSHIP:

THE UNDERSIGNED, WYNTON HOMES, LLC, A COLORADO LIMITED LIABILITY COMPANY, THE SOLE OWNER IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN SECTION 4, TOWNSHIP 5 SOUTH, RANGE 84 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, OF SAID TOWNSHIP AND RANGE, COUNTY OF EAGLE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 16, SOLEIL HOMES AT BRUSH CREEK, FILING 2, ACCORDING TO THE FINAL PLAT RECORDED MARCH 08, 2017 AS RECEPTION NO. 201704025 IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER, COUNTY OF EAGLE, STATE OF COLORADO.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AS SHOWN ON THIS PLAT AND DESIGNATE THE SAME AS THE SOLEIL HOMES AT BRUSH CREEK, FILING 2, PHASE II SUBDIVISION IN THE TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO.

WE FURTHER STATE THAT THIS SUBDIVISION SHALL BE SUBJECT TO THE PROTECTIVE COVENANTS FILED AND RECORDED FOR THIS SUBDIVISION IN THE OFFICE OF THE CLERK AND RECORDER OF EAGLE COUNTY, COLORADO, AS RECEPTION NO. _____

EXECUTED THIS _____ DAY OF _____, 2020.

OWNER: WYNTON HOMES, LLC,
A COLORADO LIMITED LIABILITY COMPANY
PO BOX 3908
EAGLE, COLORADO 81631

BY: _____
NAME: _____

STATE OF _____)
COUNTY OF _____) SS.

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020, BY JOHN L. PURCHASE AS MANAGER OF WYNTON HOMES, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE:

I, JASON R. NEIL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF SOLEIL HOMES AT BRUSH CREEK, FILING 2, PHASE II, AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, IN COMPLIANCE WITH THE ARTICLES OF THE C.R.S., AS AMENDED. I FURTHER CERTIFY THAT THIS PLAT CONTAINS ALL OF THE INFORMATION REQUIRED BY SECTION 38-33.3-209, C.R.S., CONTAINED WITHIN THE COLORADO COMMON INTEREST OWNERSHIP ACT.

EXECUTED THIS _____ DAY OF _____, 2020.

BY: _____
JASON R. NEIL, P.L.S. NO. 37935
FOR AND ON BEHALF OF
PEAK SURVEYING, INC.

CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER AT _____ O'CLOCK _____ M. ON THE _____ DAY OF _____, 2020, AND IS DULY RECORDED AT RECEPTION NO. _____

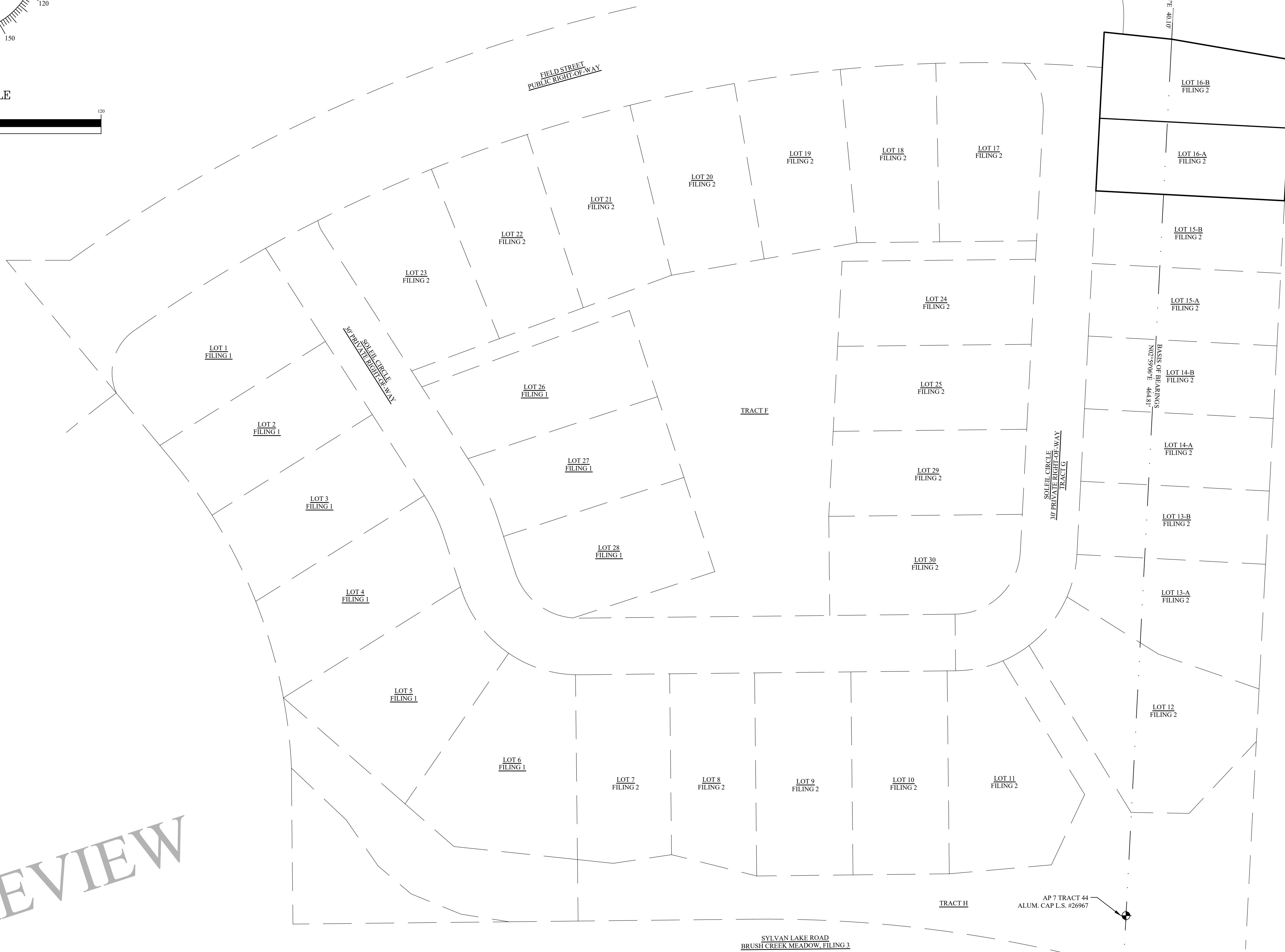
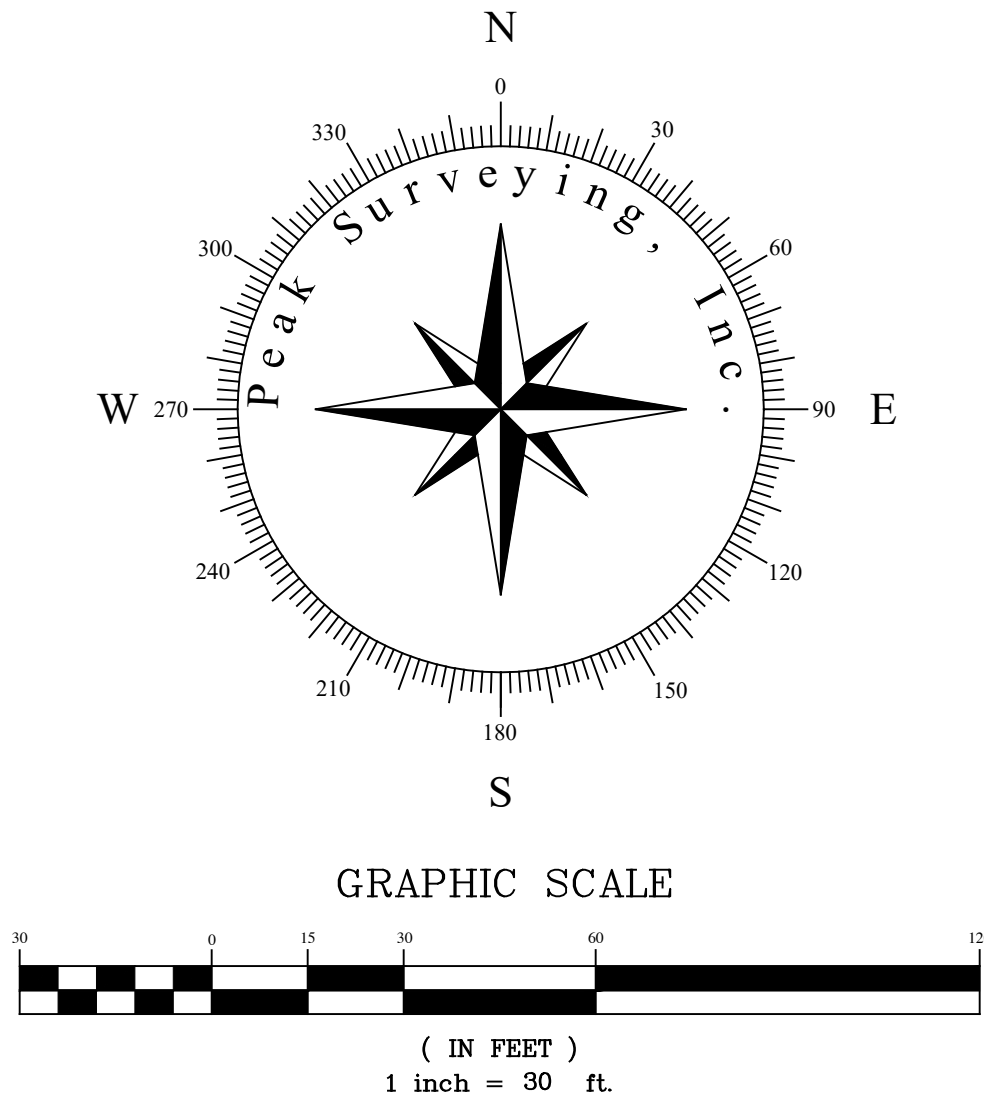
EAGLE COUNTY CLERK & RECORDER

BY: _____
DEPUTY

DECLARATION OF PROTECTIVE COVENANTS ARE FILED AT RECEPTION NO. _____

WYNTON HOMES, LLC, TOWN OF EAGLE, COLORADO	Project NO. 15044-16
FINAL PLAT SOLEIL HOMES AT BRUSH CK, FLG 2 PHASE II, RESUB. OF LOTS 16	1 OF 2

FINAL PLAT
SOLEIL HOMES AT BRUSH CREEK, FILING 2, PHASE II
A RESUBDIVISION LOT 16, SOLEIL HOMES AT BRUSH CREEK, FILING 2
ACCORDING TO THE FINAL PLAT RECORDED MARCH 08, 2017 AS RECEPTION NO. 201704025
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



FOR REVIEW

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drawn By:	JRN	NO.	Date	Revision	By
Checked By:	JRN				
Date:	JUNE 04, 2020				
Computer File:	044-F2-L16-FP				

WYNTON HOMES, LLC. TOWN OF EAGLE, COLORADO FINAL PLAT SOLEIL HOMES AT BRUSH CK, FLG 2 PHASE II, RESUB. OF LOT 16	Project NO. 15044-16 2 OF 2
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CERTIFICATE OF RECOMMENDATION

TO: Planning & Zoning Commission

FROM: Community Development Department

DATE: July 21, 2020

PROJECT NAME: Soleil Homes at Brush Creek Filing 2, Phase II

FILE NUMBER: CT20-02

APPLICANT: John Purchase of Wynton Homes, LLC

LOCATION: 166 & 172 Soleil Circle

CODE: Section 4.12.050 (Division of property into condominium or townhouse units)

ZONING: Soleil Homes Planned Unit Development (PUD)

EXHIBIT(S): A: Final Plat for Soleil Homes at Brush Creek Filing 2, Phase II

PUBLIC COMMENT: Staff has not received any letters of public comment as of July 17, 2020. Letters received after this time will be gathered and entered into the public record at the hearing.

STAFF CONTACT: Peyton Heitzman, Planner I – peyton.heiztman@townofeagle.org

REQUEST: Final Plat to subdivide lot 16 into lots 16-A and 16-B.

INTRODUCTION:

The Soleil Homes PUD was originally approved in 2015 allowing the development of 32 residential units. In early 2017, an amended PUD and the Preliminary Plan/Final Plat for Soleil Homes at Brush Creek, Filing 2 was approved by the Town Council. The amended PUD allowed for 2 additional residential units within the subdivision by converting 6 single family lots into 4 duplex lots located in the northeast section of the subdivision. Lot 16, of this application, is one of the four previously approved duplex lots. The request to divide Lot 16 will allow each unit in the duplex to be sold individually as lots 16-A and 16-B.



The approval to divide property into condominium and townhouse units typically foregoes the regular public hearing process. Instead, the application is taken through an administrative hearing process and receives Town Council approval via consent agenda. The other 3 duplex units have been divided through this process. Section 4.12.050 of the Land Use and Development Code (Code) requires the application be taken through the public hearing process when the most recent subdivision review has exceeded 3 years. The last subdivision review for this project occurred in February of 2017, which is why this application is being taken before the Planning & Zoning Commission and Town Council for public hearings.

The Subdivision Improvement Agreement (SIA) that was signed with the 2017 approval expired February 28, 2020. This Agreement was administratively extended as a result of outstanding public improvements that are anticipated to be completed this summer. These outstanding improvements include landscaping to the south of the property along Brush Creek Road as well as a fence to the rear of the duplex unit. The letter of credit associated with the SIA also has expired. Staff has included a condition of approval for the applicant, prior to recording the Final Plat, to either complete the outstanding improvement or provide a performance guarantee for remaining improvements in the amount of 110% of the costs; per Section 4.13.240.F.1.a of the Code.

STANDARDS FOR DIVISION OF PROPERTY INTO CONDOMINIUM OR TOWNHOUSE UNITS

The application has been reviewed by Public Works, Engineering, and Planning to ensure that the plat has been prepared to meet Code requirements outlines in Section 4.12.050. All comments provided to the applicant have been adequately addressed. The Final Plat is still under review for accuracy by a third-party surveyor and the Town Attorney whose feedback will be incorporated into the plat prior to recording.

Section 4.12.050

The final plat is subject to the plat requirements set forth in Section 4.12.020(C).

Staff Comment: The Final Plat has been reviewed and meets the requirements of the Code which include project title, arrow, scale, vicinity map, legal description, basis for establishing bearing, acreage, labeling for ROW and streets, signature blocks, and other specifics found in Section 4.12.020.C.2.f.

The final plat for condominium or townhouse units shall show the location of the existing or proposed building to be divided.

Staff Comment: The location of the building is reflected in the final plat. The location has been reviewed by staff for conformance with the previously approved subdivision plan.

The Town's Engineer or surveying consultant shall compare the legal description of the subject property with the county records to ensure that:

- a. The property described contains all contiguous single ownership;*
- b. The lots and parcels have descriptions which both close and contain the area indicated; and*
- c. The plat is correct in accordance with surveying and platting standards of the State.*

Staff Comment: The third-party surveyor is reviewing the legal description and subsequent requirements. Staff recommends that the condition of approval be included in the decision; that feedback from the surveyor be incorporated into the final plat prior to recording.

STAFF RECOMMENATION

Staff finds the application complies with the Town's subdivision and zoning regulations and recommends that the Planning and Zoning Commission approve application CT20-02 with the conditions set forth below.

PLANNING AND ZONING COMMISSION POTENTIAL MOTIONS

Below are the Planning and Zoning Commission options related to division of duplex CT20-02:

1. Approve with no conditions: I find the application substantially meets the standards for approval, and move to APPROVE the subdivision of Lot 16, based on the following findings:

<insert findings>

2. Approve with conditions: I find the application substantially meets the standards for approval, and move to APPROVE the subdivision of Lot 16, based on the following findings and with the following conditions(s) of approval:

<insert findings>

<insert conditions of approval>

3. Continue (table) the application: I find that the applicant has not provided sufficient information to review the application per the standards for approval and move to CONTINUE the request for the subdivision of Lot 16 to the next regularly scheduled meeting. (Provide staff and the application details regarding information needed for a decision).

4. Denial: I find the application does not substantially meet the standards for approval and move to DENY the subdivision of Lot 16, based on the following findings. (Cite all Code sections that resulted in motion for denial).

FINDINGS FOR APPROVAL

1. The proposed application is consistent with the provision of Section 4.12 of the Land Use and Development Code and
2. The proposed application supports the previous approval of the Preliminary Plan/Final Plat for Soleil Homes at Brush Creek, Filing 2.

IF APPROVED, P&Z MAY CHOOSE TO CONSIDER THE FOLLOWING SUGGESTED CONDITIONS OF APPROVAL:

1. Prior to recording the Final Plat, the applicant shall complete all outstanding public improvements, as approved by staff, or provide a performance guarantee for any outstanding public/private improvements.
2. All redline changes from staff, Town Attorney, and third party-surveyor shall be incorporated into the Final Plat prior to recording.
3. The plat shall be recorded before January 16, 2021. Extensions may be approved administratively without notice if it is proven to the Town Planner that due diligence is being performed towards recordation of the plat.



MINUTES
Planning & Zoning Commission
Tuesday, July 21, 2020
6:00 PM

COMMISSIONERS PRESENT

Lani Webb, Jesse Gregg, Matthew Hood, Kyle
Hoiland, Charlie Perkins, Bill Nutkins, Robert
Townsend

STAFF

Chad Phillips – Community Development Director
Jessica Lake - Planner I
Peyton Heitzman – Planner I

COMMISSIONERS ABSENT

Brent McFall

PUBLIC HEARINGS

1. Project: Soleil Homes at Brush Creek Filing 2 Phase II
File # CT20-02
Applicant: John Purchase of Wynton Homes, LLC
Location 166 & 172 Soleil Circle
Staff Contact: Peyton Heitzman, Planner I
Request: Final Plat to subdivide lot 16 into lots 16-A and 16-B

Chair Hood opened file CT20-02 the Soleil Homes at Brush Creek Filing 2, Phase II at 6:10 pm.

STAFF PRESENTATION

Peyton Heitzman, Planner I, reviewed the staff report from the packet for the condo/townhome plat.

Q&A

Commissioner Perkins asked if Soleil Homes had established an HOA yet?

- Heitzman commented that John Purchase could answer that question.
- Purchase commented that the HOA has been operational for roughly five years as a condition of approval with the SIA.

Commissioner Perkins asked if the HOA had approved the subdivision duplex plat?

- Purchase answered that no they have not been involved in this process before.
- Philips answered that HOA's are typically involved in Design Review but not in platting/subdivisions.

Commissioner Hoiland asked if the applicant has any concerns regarding staff and attorney redline comments?

- Purchase said that so far they have no concerns regarding any of staff's comments.

Commissioner Hood asked John Purchase if he had any comments for this file?

- Purchase said no, they are happy with the comments received so far and the conditions of approval. They are looking to get this plat recorded quickly as they cannot sell the properties until the plat is recorded.

PUBLIC COMMENT

Chair Hood opened public comment at 6:17pm. There was no public comment.

DELIBERATION

Commissioner Hoiland says that he has no concerns regarding this subdivision plat.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE APPLICATION CT20-02 BASED ON STAFF'S FINDINGS AND WITH THE FOLLOWING CONDITIONS OF APPROVAL, MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 6 (WEBB, GREGG, HOOD, PERKINS, NUTKINS, AND HOILAND) IN FAVOR AND 0 OPPOSED:

1. Prior to recording the Final Plat, the applicant shall complete all outstanding public improvements, as approved by staff, or provide a performance guarantee for any outstanding public/private improvements.
2. All redline changes from staff, Town Attorney, and third party-surveyor shall be incorporated into the Final Plat prior to recording.
3. The plat shall be recorded before January 16, 2021. Extensions may be approved administratively without notice if it is proven to the Town Planner that due diligence is being performed towards recordation of the plat.

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 42
(Series of 2020)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING THE FINAL PLAT FOR LOT 16, SOLEIL HOMES AT BRUSH CREEK FILING
2, PHASE II

WHEREAS, Wynton Homes, LLC owns the real property located at Lot 16, Soleil Homes at Brush Creek Filing 2, Town of Eagle, Eagle County, Colorado (the "Property");

WHEREAS, on June 8, 2020, John Purchase (the "Applicant") submitted an application to subdivide the Property into two lots (the "Application");

WHEREAS, Town staff has determined that the Application complies with the Town's subdivision and zoning regulations;

WHEREAS, the Planning and Zoning Commission held a properly-noticed public hearing on July 21, 2020 and recommended that the Town Council approve the Application with conditions; and

WHEREAS, on July 28, 2020, the Town Council held a properly-noticed public hearing to consider the Application.

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

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

Section 2. Based on the foregoing findings, the Town Council hereby approves the Application and the Final Plat for Lot 16, Soleil Homes at Brush Creek Filing 2, Phase II, subject to the following conditions:

a. Prior to recording the Final Plat, the Applicant shall complete the following improvements in compliance with all Town ordinances as well as the standards set forth in the Subdivision Improvements Agreement dated February 28, 2017: landscaping north of Sylvan Lake Road; restoration of the area adjacent to duplex that was used for a staging area; and installation of a fence at the rear of the duplex. In the alternative, Applicant shall provide a performance guarantee to the Town for such improvements in compliance with the Code.

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

c The Final Plat shall be recorded on or before January 16, 2021. The Town Planner may grant one administrative extension of this deadline, of up to 180 days, upon good cause shown. Any further extensions must be considered by the Town Council.

INTRODUCED, READ, PASSED AND ADOPTED ON July 28, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Bill Shrum, Assistant to the Town Manager

Date: July 28, 2020

Agenda Item: Mobile Vending Ordinance and Resolution to Adopt Mobile Vending Permit Fee

REQUEST: Staff requests that the Town Council review Ordinance 10, Series 2020 adding Chapter 5.17 to the Town Code to allow Mobile Vending.

INTRODUCTION: The Town has continually evolved the process used for granting mobile vending opportunities in Town but had had to do so with other code and policy not specifically written to efficiently handle mobile vending. This year, staff has had multiple conversations with Town Council, May 14th, June 9th, and June 23rd. Based on policy feedback from Council on June 23rd, Town Staff has drafted this Ordinance.

ANALYSIS: Direction from Council was clear to make this process as simple and easy as possible, while still attending to public health and safety concerns. This direction is manifest in the proposed ordinance in the following ways:

- This draft ordinance accommodates short-term and long-term mobile vending.
Staff can work with site-specific vendors at the Eagle River Park as well as mobile vendors who are active in a location for only brief periods at a time.
- This draft ordinance accommodates food and retail mobile vending.
All mobile vendors will use the same process, regardless of product.
- This draft ordinance allows more choices for locating a mobile business in Town.
Licensed businesses can use any private property with written permission, and Town rights-of-way in non-residential zones while following general rules for traffic safety.
- This draft ordinance grants special event managers the ability to manage mobile vending present at their event.

Permit holders are required to follow all applicable State and Local health and safety rules and regulations while holding a mobile vending permit. The permit fee will be updated annually with the proposed fee schedule. Site and design review of mobile vending applications will be handled through the Community Development Department.

COMMUNITY INPUT: There is no community input required at this time.

BUDGET / STAFF IMPACT: The cost to the Town for administering mobile vending permits is expected be offset by the fee collected from the applicants. Resolution 43, Series 2020 is drafted to adopt a mobile vending permit fee.

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 make a motion to **approve** or **deny** Ordinance 14, Series 2020, “An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, to Allow Mobile Vending in Designated Areas Within the Town.”

Staff recommends the Council make a motion to **approve** or **deny** Resolution 43, Series 2020, “A Resolution of the Town Council of the Town of Eagle, Colorado Amending the Fee Schedule Concerning Mobile Vending.”

ATTACHMENTS:

Ordinance 10-2020 Chapter 5.17 Mobile Vending.pdf
Resolution 43-2020 Adopting Mobile Vending Fee.pdf

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 14
(Series of 2020)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 5 OF THE EAGLE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 5.17, TO ALLOW MOBILE VENDING IN DESIGNATED AREAS WITHIN THE TOWN

WHEREAS, allowing mobile vending in the Town will support economic development and help new businesses operate in the community;

WHEREAS, developing a mobile vendor permit program ensures that structures, vehicles, and equipment can coexist safely on public and private property; and

WHEREAS, the Town Council wishes to amend the Eagle Municipal Code to allow for and regulate mobile vending on both public and private property in the Town.

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

Section 1. Chapter 5 of the Eagle Municipal Code is hereby amended by the addition of the following new Chapter 5.17, entitled Mobile Vending:

CHAPTER 5.17
MOBILE VENDING

Section 5.17.010. – Definitions.

Long-term mobile vending means mobile vending other than short-term mobile vending.

Mobile food vendor means a retail food establishment that is a wheeled vehicle (such as a mobile truck, trailer, or pushcart) that is readily movable and designed for the service of food from the interior of the unit.

Mobile vendor means a person who sells or attempts to sell, or offers to the public, any services, goods, wares or merchandise, including without limitation food or beverage, from a mobile truck, mobile trailer, or mobile cart.

Mobile vendor vehicle means a truck, trailer, pushcart, wagon, mobile stand, motor vehicle or other vehicle, or other appurtenances used to conduct mobile food vendor operations.

Short-term mobile vending means mobile vending that occurs for a time period not exceeding five (5) consecutive days, and not totaling more than one hundred eighty (180) days per year.

Section 5.17.020. – License and permit required.

- A. It is unlawful for any person to operate as a mobile vendor within the Town without first obtaining a business license and a mobile vending permit.
- B. Mobile vendors must conspicuously display their business license and mobile vending permit at all times during operation.
- C. Each January, the Town Manager shall set the number of permits to be issued that year.
- D. The issuance of a mobile vending permit is not limited by adjacent, concurrent mobile uses.

Section 5.17.030. – Permit application.

An application for a mobile vending permit shall be submitted to the Town on forms provided by the Town, and shall include the following information at a minimum:

- 1. An application fee as set by resolution of the Town Council;
- 2. A statement as to whether the applicant is requesting a short-term or long-term mobile vending permit;
- 3. A scaled drawing of the dimensions of the proposed mobile vendor vehicle, and any displays, signage, furniture, or other appurtenances thereto;
- 4. A site plan of the property or properties in which the mobile vendor intends to operate, including an indication of whether the applicant is applying for a specific site designated for such use by the Town;
- 5. A written plan for waste disposal;
- 6. If on private property, proof of ownership or written permission from the property owner;
- 7. If on public property, a certificate of insurance naming the Town as an additional insured in amounts no less than one million dollars (\$1,000,000) per person and two million dollars (\$2,000,000) per incident;

8. Evidence of all required permits and licenses, including without limitation a Colorado sales tax license, a Town business license, Town building permits, Town special use permits, and if the mobile vending activity includes any food product, a Mobile Retail Food Establishment License from the Eagle County Department of Public Health and Environment; and

9. Any other information deemed necessary by the Town to make a determination as to whether the application meets the requirements of this Chapter.

Section 5.17.040. – Review and approval.

A. Short-term mobile vending. The Town may administratively approve an application for a short-term mobile vending permit if the following criteria are satisfied:

1. The application, including fees and insurance evidence, is complete;
2. The mobile vending activity is consistent with the zoning of the property;
3. The applicant has demonstrated the ability to comply with the requirements of this Chapter and any necessary permit conditions; and
4. The applicant is not delinquent in the payment of any permit fees or sales or use tax payments to the Town or the state.

B. Long-term mobile vending. The Town may administratively approve an application for a long-term mobile vending permit if the application satisfies the criteria set forth in subsection A hereof and is appropriate based on the following criteria:

1. Compatibility with this Code;
2. Compatibility with the character of the surrounding area;
3. Orientation and siting with respect to impact on adjacent properties and public ways;
4. Landscaping, including without limitation surface materials, plants, benches, tables and trash receptacles;
5. Design, size and placement of signage and awnings; and
6. Appropriateness of lighting.

C. Conditional approval. The Town may approve a mobile vending permit with reasonable conditions if such conditions would allow the application to comply with the above-referenced criteria, including without limitation modifying the term of the permit. Such conditions shall be specified in the mobile vending permit.

D. Indemnity. As a condition of every permit, mobile vendors agree to indemnify and hold harmless the Town, its officers, employees and agents against any and all claims for damage to persons or property arising out of or resulting from the mobile vendor's actions or omissions in carrying out the mobile vending.

E. Conflicts. The Town occasionally authorizes activities or special events that may impact specific designated sites. Mobile vendors who have been granted a permit for a designated site shall not be allowed to vend during those permitted special events unless specifically authorized in writing by the event producer.

Section 5.17.050. – Term and renewal.

A. A short-term vending permit shall be valid only for the period stated in the application, unless revoked or suspended prior to expiration. A long-term vending permit shall be valid through December 31st of the year in which it is issued.

B. An application for renewal of a mobile vending permit shall be submitted to the Town on forms provided by the Town and shall be processed in the same manner as an initial application, provided that any information previously submitted that has not changed need not be resubmitted with a renewal application.

Section 5.17.060. – Location; hours.

A. Mobile vendor vehicles shall abide by all Town parking rules and standards.

B. Mobile vendors may operate on public rights-of-way and public parking lots in any non-residential zone district. Mobile vendors may operate on private property with written permission of the property owner.

C. It is unlawful for a mobile vendor to stop or operate within twenty (20) feet of an intersection, or to sell or attempt to sell to any person who is standing in the street or roadway, or operate in any area so as to interrupt or interfere with the normal flow of vehicular or pedestrian traffic.

D. It is unlawful for a mobile food vendor to stop or to place a mobile food vending apparatus, food, tables, chairs or other fixtures, furniture, devices, generators or awnings used to conduct mobile food vendor operations so as to

obstruct the free travel of pedestrians or vehicles in, on, near or above any public street, sidewalk, or other public right-of-way.

E. It is unlawful to engage in mobile food vendor operations upon any private property without the express written permission of the owner.

F. It is unlawful for a mobile food vendor to operate within fifty (50) feet of an open brick-and-mortar restaurant without written permission from the restaurant's property owner.

G. Mobile food vendors shall only operate between the hours of 9:00 a.m. and 10:00 p.m.

H. Mobile vendors shall comply with all applicable state and county regulations, including health mandates and sanitation requirements.

I. Mobile vendors shall be responsible for providing trash and sanitation stations and for any environmental impacts resulting from their operation.

J. Mobile vendors shall maintain the permitted area and immediate area surrounding the permitted area free of debris, trash, and hazards.

K. Short-term mobile vendors shall move their vehicle to a new location at least once every 24 hours.

Section 5.17.070. – Suspension and Revocation.

A. Grounds for suspension or revocation of a permit issued under this Chapter shall include without limitation:

1. A violation by a permittee of any provision of the permit, this Chapter or any other applicable law;

2. Conducting mobile vending activities in such a manner as to create a public nuisance or constitute a danger to the public health, safety and welfare;

3. Failure to pay state or local taxes that are related to the operation of the business associated with the permit; or

4. Fraud, misrepresentation or a false statement of material fact contained in the original or renewal permit application.

B. The Town shall deliver written notice to the permittee stating the action taken and the reason supporting such action. The written notice may be hand delivered to the permittee or mailed to the permittee's last known address.

Section 5.17.080. – Violation and Penalties.

A. Violations of this Chapter may result in the immediate suspension or revocation of a vending permit. In addition, a violation of this Chapter shall be subject to the civil penalties set forth in Chapter 1.12 of this Code.

B. Each day of violation of this Chapter shall constitute a separate offense.

Section 5.17.090. – Appeal.

An appeal of any decision by the Town made pursuant to this Chapter, including denial, suspension, or revocation of a permit, may be made by filing with the Town a written notice of appeal within fourteen (14) days of the date of the decision being appealed. The Town Council will hear such appeal on a *de novo* basis within thirty (30) days of the filing of the appeal. Failure to file an appeal within the time allotted shall be a jurisdictional bar to the Town Council's authority to hear such appeal. The decision of the Town Council shall be final, subject only to judicial review under C.R.C.P. 106(a)(4).

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

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

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON
_____, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 43
(Series of 2020)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING THE FEE SCHEDULE CONCERNING MOBILE VENDING.

WHEREAS, Section 2.08.200 of the Eagle Municipal Code provides that fees and costs shall be set by the Town Council by Resolution from time to time; and

WHEREAS, the mobile vending fee was established and adopted by Ordinance 14, Series 2020, to establish a permitting process to allow mobile vendors in Town; and

WHEREAS, the Town Council desires to amend certain fees and to adopt the same.

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

Section 1. That the Fee Schedule as contained in Resolution No. 50, Series of 2019 concerning Planning Department Fees, be amended to read as follows:

Fee Type	Fee Title	Town of Eagle Fees
Mobile Vending Permit	Mobile Vending Permit Fees	\$250.00

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on July 28, 2020.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 28, 2020

Agenda Item: Resolution No. 44, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Establishing the Open Space and Recreation Advisory Committee"

REQUEST:

Staff requests that the Town Council review a resolution establishing the Open Space and Recreation Advisory Committee.

INTRODUCTION:

Earlier this summer, the Town Council discussed the desire to establish an advisory committee to help inform the priorities of the Town of Eagle as it relates to open space management, trails, and recreation. In Article V of the Town Charter, the Town Council establishes committees/board/commissions by resolution and makes appointments based on feedback from the committee. The Open Space and Recreation Committee is a committee of the Town Council and is advisory. All policy and financial decisions must be approved by the Town Council. In addition to reviewing the resolution, the Town Council needs to appoint the initial committee members listed in the resolution attached.

ANALYSIS:

The process for establishing the Open Space Advisory Committee is as follows:

- The initial membership in the resolution will facilitate the review of applicants to recruit additional members.
- The applications to seek additional members will be announced after approval of the resolution and the committee will make a recommendation for appointment.
- The committee will develop and approve the bylaws that will govern how the group engages with each other, community, council and staff.
- The committee will bring their recommended bylaws to the Town Council for approval.

COMMUNITY INPUT:

Community input was given by reaching out to community members who were interested in participating in the initial committee process. Community members are in the process of developing purpose, mission and vision statements that will be incorporated in the bylaws once a full committee is selected.

BUDGET / STAFF IMPACT:

There is not a budget impact. However, staff support will be required once the committee is established.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does align with the current strategic plan as well as other community planning documents listed below:

Major Objective No. 9: Continue to Invest in Outdoor Activities, Recreation and Open Space – An advisory committee helps the Town coordinate outdoor recreation and the use of open space. Under this objective, one of the action items was to develop an open space focused citizen outreach plan. This effort accomplishes that action item. The advisory committee is the next step in developing long term plans for open space and recreation.

Other plans that prioritize open space and recreation in Eagle are listed below:

- [2010 Eagle Area Community Plan – Chapter 9: Open Space, Recreation and Trails](#)
- [Elevate Eagle Existing Conditions and Feedback Draft](#)

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** adoption of Resolution No. 44, Series 2020, “A Resolution of the Town Council of the Town of Eagle, Colorado Establishing the Open Space and Recreation Advisory Committee”

ATTACHMENTS:

- Resolution No. 44
- Draft – Open Space and Recreation Advisory Committee – Developed by the initial committee

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 44
(Series of 2020)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
ESTABLISHING THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE

WHEREAS, on September 26, 2017, the Board of Trustees adopted the Town of Eagle Strategic Plan (the "Strategic Plan") by Resolution No. 55-2017;

WHEREAS, the Strategic Plan sets forth the Town's business values, which are intended to protect and enhance the interests of the residents and businesses in the Town and include providing reliable and cost-effective services, engaging in economic development, applying sound financial management, implementing sound planning and appropriate investments, and practicing transparency and community engagement;

WHEREAS, applying the business values, the Strategic Plan identifies continuing to invest in outdoor activities, recreation and open space to improve and enhance the quality of life for the citizens and guests of Eagle;

WHEREAS, the Town Council has established various committees for the purpose of advising the Town Council concerning matters of importance to the Town;

WHEREAS, the Town Council believes that forming an Open Space and Recreation Advisory Committee will be helpful in determining best practices for achieving the objectives of the Strategic Plan; and

WHEREAS, the Town Council wishes to establish such Open Space and Recreation Advisory Committee and set forth the duties, responsibilities and membership terms of that committee in order to align the Committee's functions with the needs to the Town.

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

Section 1. The Town Council hereby establishes the Town of Eagle Open Space and Recreation Advisory Committee, to be governed and ruled by the Town of Eagle Open Space and Recreation Advisory Committee Bylaws.

Section 2. The following individuals are hereby appointed and shall serve as the initial members of the Open Space and Recreation Advisory Committee, with terms commencing on the date of this Resolution and continuing until December 31, 2024, unless earlier removed:

(a) Phillip Kirkman

(b) Craig Wescoatt

(c) Ernest Saeger

INTRODUCED, READ, PASSED, AND ADOPTED on July 28, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

DRAFT- Open Space and Recreation Advisory Committee

Mission Statement:

Ensure continuing investment, preservation and sound management practices of open space, trails and natural resources within the town of Eagle with the goal of maintaining our community's quality of life for present and future generations.

Strategic Vision:

Through sustainable management practices the program actively preserves and enhances public open space lands that may contain trails, parks, sensitive natural resources, historical sites, view corridors or other open space or community values and appropriately invests in open space and recreational opportunities.

Objectives (long term):

- Advisory to council to ensure adequate open space and parks dedications in land use code and adherence during approval process.
- Bring in referring agencies to advise the council on land use decisions and best use practices for open space dedications.
- Create a communication conduit for cross governmental entities and trail user groups to communicate with council and move forward initiatives.
- Create and establish an open space management plan to be presented to council.
- Enhance quality of life of citizens and sense of place of Eagle by managing open space creating paths, nature preserves and outdoor spaces.
- Create a "Coexist with Wildlife Plan" and educate the public. Raise community awareness of Wildlife Ambassador programs in TOE
- Winter wildlife management plan for Brush Creek and wintering Elk herd and support habitat improvement initiatives.
- Advise council of potential land acquisitions that would improve quality of life and trail connectivity for citizens.
- Collaborate with partner affiliates for cohesive trail network among different land jurisdictions
- Provide input and direction to Council with regard to Trails maintenance, new trail construction, winter Elk closures
- Research and application for grants to support and aid objectives
- Fire Mitigation (Brandy).
- Protection of Brush Creek Watershed (Brandy).
- Programming- River Park Events, Naturalist Nights, Wildlife Ambassador Evenings, Walking Mountains (Brandy).

Objectives (near term):

- Identify Dedicated Funding stream.
- Strategic Plan
- 5 and 10 year Funding Plan.
- Hire Director

Partner Affiliates:

BLM

Eagle Valley Land Trust

Eagle Ranch Wildlife Committee

Eagle County Open Space Department

Proposed Members:

Ernest Saeger, Vail Valley Mountain Trails Alliance

Craig Wescoatt, CPW

Phil Kirkman, Eagle County Open Space

Ellen Bodenhemier, Town Council Liaison

3 Citizen positions to be selected through an application process and appointed.

Craig's comments:

I would suggest that we review properties and try to prioritize TOE goals (safe bike access Eagle to Sylvan or whatever). Also look at priorities on other adjoining lands, Eagle Co Open Space and BLM so we can diverge consistent management.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 28, 2020

Agenda Item: Open Space Staffing Proposal

REQUEST:

Staff requests that the Town Council review a proposal to revisit staffing resources in the open space program.

INTRODUCTION:

There is a vacancy in the position that leads the open space program. The standard practice of the administration is to review the current and future needs of the Town when looking to fill a vacant position. The last time the position was reviewed was 9 years ago and since then the needs of the Town have changed. Given the growth of the open space program, additional resources are required to manage the program. The program lead is currently a part-time position and staff is proposing to classify the position as full-time. This is not in the 2020 budget and requires the Town Council to approve the modification. The budget and pay plan will be amended at the end of the year to reflect the change.

ANALYSIS:

Proposed Staffing Summary

- Classify position to full-time and program will remain in public works for now.
- Change the title to Open Space and Trails Manager.
- Essential job functions include open space and natural resources management, trail development and planning, and supervision of staff

PROJECTED COST OF OPEN SPACE COORDINATOR POSITION					
YEAR	2017 Actual	2018 Actual	2019 Actual	Current Budget	FT Proposal *
HRS/WEEK	19.19 hrs/week	20.5 hrs/week	13.37 hrs/week	28 hrs/week	40 hrs/week
ANNUAL WAGES	\$ 34,685	\$ 45,173	\$ 30,331	\$ 66,109	\$ 94,442
RETIREMENT					6,611
BONUS	325	325	325	325	652
UNEMPLOYMENT INS	105	136	92	199	285
FICA TAXES	2,678	3,481	2,345	5,082	7,275
HEALTH, DENTAL, & VISION INS.					23,330
DISABILITY INSURANCE					337
Triad EAP	28.20	28.20	28.20	28.20	28
WORKERS COMP INSURANCE	1,001	1,301	877	1,900	1,507
LIFE INSURANCE					452
TOTAL	\$ 38,823	\$ 50,445	\$ 33,998	\$ 73,644	\$ 134,920
* Proposed at current hourly wage \$45.4048/HR					

COMMUNITY INPUT:

Community input has been somewhat informal. However, the administration has received feedback on the need to increase resources and capacity in the Open Space program.

BUDGET / STAFF IMPACT:

Below is an updated 2020 Open Space Fund budget reflecting the change in position type. Because revenues are insufficient to cover the program, the budget shows a deficit. This deficit will need to be covered by the General Fund or by drawing down Open Space Fund balance. Funding that comes from the General Fund reduces resources for general government operations. Under normal years, revenues would only fund personnel and no maintenance or capital expenses.

TOWN OF EAGLE				
REVISED 2020 BUDGET SUMMARY				
OPEN SPACE FUND	2020	2020 Revised	2021	
	Adopted	Projected	Projected	%
	Budget	Budget	Budget	Change
REVENUE				
Lodging Tax	\$ 143,820	\$ 71,910	\$ 64,719	-55%
Interest on Investments	3,000	2,500	500	-83%
Other Grants	-	7,500	-	
TOTAL REVENUE	\$ 146,820	\$ 81,910	\$ 65,219	-56%
EXPENSES				
Personnel	\$ 76,463	\$ 76,463	\$ 134,920	76%
Materials & Supplies	17,850	17,850	7,000	-61%
Charges for Supplies	46,506	46,506	35,000	-25%
Discretionary Funding	10,000	-	-	-100%
Fixed Charges	4,708	4,708	5,000	6%
Capital Expenditures	50,000	10,000	40,000	-20%
TOTAL EXPENSES	\$ 205,527	\$ 155,527	\$ 221,920	8%
Beginning Fund Balance*	\$ 317,200	\$ 317,200	\$ 243,583	-23%
Net Revenue (Expenses)	\$ (58,707)	\$ (73,617)	\$ (156,701)	167%
TOTAL ENDING FUND BALANCE	\$ 258,493	\$ 243,583	\$ 86,882	-66%
* Unaudited				

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does align with the current strategic plan:

Major Objective No. 9: Continue to Invest in Outdoor Activities, Recreation and Open Space – An investment by increasing staffing capacity would create bandwidth to plan, organize, and maintain town's open space and recreation assets. An increase in staffing resources is the only way that the Town will be able to properly manage the program.

RECOMMENDED ACTION OR PROPOSED MOTION:

There are two actions required of Town Council:

1. Motion to approve or deny the request to classify the position to full-time with proposed title.
2. If approved, determine how the Town will cover the deficit – General or Open Space Funds

ATTACHMENTS:

- None.



To: Mayor and Town Council

From: Brian Hall, Special Events Manager

Date: July 28, 2020

Agenda Item: Review of Current Available MEAC and Community Events & Program Funds

REQUEST:

Staff requests that Town Council review the current MEAC and Community Events & Programs funding budget regarding opportunities to utilize available funding dollars for newly proposed events and programs.

INTRODUCTION:

We have approximately \$26,000.00 in available special event and program funding dollars that could be allocated to community producers to allow them to create or enhance new event proposals for the economic benefit of their businesses and the general Eagle community. Several event producers have asked the Town to consider allocating additional funding for the creation and enhancement of their local events and programs.

ANALYSIS:

With the \$26,000.00 in available funding dollars, we could give the Town of Eagle – through our producer partners an opportunity to help drive some incremental dollars through the last part of the 2020 Summer and into Fall. This could also offer some much-needed animation and morale building activities in and around town. This is a timely program and needs to be considered as soon.

Process for allocating funds

This available money can be put into a new events & programming special program for funding additional event funding requests. This would call for the promotion of the availability of the funding, the collection of requests for funding, the reviewing of requests, the deciding of allocations of funding and distribution of funding. Our suggestion would be for the Town Council to make the decisions on allocating of these funds.

Applications of new funding could include the following information:

- Description of event or program
- Individuals, partners or business involved
- Benefits to the community – economic and cultural within your group and beyond

Criteria for approval could include:

- Positive impact on the business and general community
- Demonstrated partnerships in execution and funding
- Use of TOE funding as seed money to create positive economic impact in community

COMMUNITY INPUT:

We have received requests for additional funding for new events from the people listed below. We would promote and solicit additional requests from the public.

- Yuri Kostick and group – Eagle Ranch Music Fest - \$ 5,000.00
- Erin Vega and Group – Eagle Ranch 1st Fridays Music & Food – Founders Street road closure - Funding TBD and soft dollars to cover set up and strike labor by TOE Public Works.
- Yvonne Schwartz, Yoga Off Broadway – Yoga at the Eagle River Park - \$ 250.00
- Yvonne Schwartz, Yoga Off Broadway – Free Yoga on Eagle Ranch 1st Fridays - \$ 450.00

BUDGET / STAFF IMPACT:

2020 MEAC Funding Review

Original MEAC 2020 Budget: \$65,000.00

Total Amount planning to be spent: \$ 27,500.00
6/9/20 projected budget cuts to cover revenue shortfall: \$ 23,500.00
Additional savings as of 7/17/20 that may be use on special programming: \$ 14,000.00
Total: \$ 65,000.00

2020 Community Events & Programs

Original Community Events 2020 Budget: \$ 33,000.00
Original Community Program 2020 Budget: \$ 20,000.00
Total \$ 53,000.00

Total Amount planning to be spent: \$ 53,000.00
6/9/20 projected budget cuts to cover revenue shortfall: \$ 21,900.00
Additional savings as of 7/17/20 that may be use on special programming: \$ 12,000.00
Total: \$ 53,000.00

Amounts available for an additional funding special program:

MEAC \$ 14,000.00
Comm. Events & Programs \$ 12,000.00
Total: \$ 26,000.00

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with the objectives in the strategic plan. It can assist economic development by taking dollars that were intended to help create and enhance local events for the purpose of generating additional revenue to own businesses and the Town. The outcome of this program can also add to the animation and energy within the town.

RECOMMENDED ACTION OR PROPOSED MOTION:

- 1) Give staff direction on how the Town Council would like to use the \$26,000.00.
 - a. Utilize this program to allocate these available funds to event producers to create and enhance events and programs for the 2020 Summer and Fall.
 - b. Direct the available funds to be utilized in another way.

ATTACHMENTS:

- Updated Budget showing MEAC and Community Events & Programs funds created by Jill Kane.

MEAC 2020 Special Events Funding Requests 10-58-400				
Event:	2020 Request	Approved	Paid	Revised: Anticipated Payout
11th Annual Eagle Mushroom and Wildfood Fest	\$ 5,000	\$ 2,000		-
2020 LG Tri Sprint Triathlon	\$ 1,000	\$ 500		500
American Scholastic Climbing League (ASCL) High School Championships	\$ 4,500	\$ 3,000	\$ 3,000	3,000
Bonfire Block Party	\$ 10,000	\$ 10,000		10,000
Colorado High School Cycling League Annual Coach Summit - 2020	\$ 2,000	\$ 1,000	Canceled	-
Colorado High School Cycling League Haymaker Classic - S. Conference Championship	\$ 7,500	\$ 7,000		-
Colorado High School Cycling League Haymaker Classic - N. Conference Championship	\$ 7,500	\$ 7,000		-
Eagle Outside Funduro	\$ 4,000	\$ 2,000		-
Revolution Enduro	\$ 3,000	\$ 2,000		2,000
USSSA Western Championships	\$ 4,500	\$ 4,500		-
Western Colorado Outdoor and Sportsman Expo	\$ 7,500	\$ 7,500		-
Eagle Outside Festival	\$ 7,500	\$ 7,500		7,500
CSHSRA Eagle High School Rodeo	\$ 2,500	\$ 1,100		-
Mountain Rats Trail Festival & Ultra Races	\$ 2,500	\$ 1,500		1,500
Dynafit Boneyard Boogie	\$ 500	\$ 500		500
VRD Mountain Bike Race Series	\$ 1,000	\$ 500		500
Eagle Winter Market & Holiday Fair	\$ 1,000	\$ 500		500
Vail Valley Cup, Cindy Eskwith Memorial Tournament	\$5,000	\$1,500		1,500
TOTAL:	\$76,500	\$ 59,600	\$3,000	\$27,500
AVAILABLE BUDGET:	\$65,000	\$65,000	\$65,000	
CONTINGENCY:	(\$11,500)	\$5,400	\$62,000	
6/9/20 PROJECTED BUDGET SAVINGS TO COVER REVENUE SHORTFALL				\$23,500
ADDITIONAL SAVINGS AS OF 7/17/20 TO BE USED ON SPECIAL PROGRAM				\$14,000

* Contingency Used

2020 Community Requests Funding 10-50-915				
EVENTS	2020 Request	Approved	Paid	Revised: Anticipated Payout
Porchlight Players Theatre Company	\$ 1,000	\$ 550	550	\$ 550
Show DownTown	12,000	12,000		-
Castle Lodge #122 Toy Store	2,000	1,000		1,000
July 4th Fireworks	10,000	10,000		-
Our Community Table	1,500	1,500		-
Yoga in the Park	1,200	700		700
Community Concerts & Programming	3,000	650		650
Eagle County Historical Society	1,500	800		800
Christmas on Broadway - Chicken Soup	1,000	650		650
Vail Valley Walk to End Alzheimer's	5,000	1,000		1,000
Eagle Valley High School Fire & Ice Gala - Board approved 1/28/20	-	550	550	550
TOTAL:	\$ 38,200	\$ 29,400		
AVAILABLE BUDGET:	\$ 33,000	\$ 33,000		
CONTINGENCY:	(\$5,200)	\$ 3,600		
PROGRAMS				
Vail Valley Mountain Trails Alliance	1,500	550		550
EagleARTS	4,800	1,400		1,400
EGE Air Alliance	5,000	4,600		4,600
Eagle Valley Land Trust (funded in 2018 for 5,000)	5,000	1,500		1,500
Eagle Chamber	6,500	4,250	4250	4,250
Walking Mountains	5,000	900		900
TOTAL:	\$ 27,800	\$ 13,200	\$5,350	19,100
AVAILABLE BUDGET:	\$ 20,000	\$ 20,000		
CONTINGENCY:	(\$7,800)	\$ 6,800		
TOTAL REQUESTED / APPROVED / PAID:	\$ 66,000	\$ 42,600	\$ 5,350	\$ 19,100
6/9/20 PROJECTED BUDGET SAVINGS TO COVER REVENUE SHORTFALL				\$ 21,900
ADDITIONAL SAVINGS AS OF 7/17/20 TO BE USED ON SPECIAL PROGRAM				\$ 12,000

Updated: 7/17/2020

Town of Eagle - Community Funding Requests for 2020

Organization	Event Date or Programming	Contact	2019 Approved	2019 Received	2020 Request	Average (rounded up to nearest 50)	Notes
EVENTS							
Porchlight Players Theatre Company	Feb. 13-16 & 21-22, 2020	Ann Olin	500	\$ 500	\$ 1,000	\$ 550	
Show DownTown	Summer Series	Sacha Kostick, Vail Valley Foundation	12,000	\$ 12,000	12,000	\$ 12,000	
Castle Lodge #122 Toy Store	December 2020, 19th Annual	Luke Causey	-	1,000	2,000	1,000	Contingency Used in 2019
July 4th Fireworks		Gypsum/Eagle	10,000	9,000	10,000	10,000	Was not included in Events and should have been
Our Community Table		Friends of Eagle	1,000	4,000	1,500	1,500	Contingency Used \$3,000 in 2019 per Brandy noted extra \$3,000 in 2020
Yoga in the Park	Yoga in the Park, Sundays in July August 2020	Yvonne Schwartz/Yoga off Broadway	750	375	1,200	700	have not been completely invoiced in 2019
Community Concerts & Programming	July 6 & 30, 2020	Beth Pantzer	-	-	3,000	650	
Eagle County Historical Society	One time event, TBD	Kathy Heicher	-	-	1,500	800	
Christmas on Broadway - Chicken Soup	Dec. 7, 2019	Robyn Spain	-	-	1,000	650	
Vail Valley Walk to End Alzheimer's					5,000	1,000	moved from MEAC Events
Eagle County Fair & Rodeo			1,000	1,000	-	-	
Bravo Vail			200	200	-	-	
Highway and River Cleanup		Eagle River Watershed Council	500	500	-	-	
EVHS Project Graduation			500	500	-	-	
Snowshoe for Peru			500	500	-	-	
Craftsmans Holiday Market			300	-	-	-	have not been invoiced in 2019
Crawlin' to a Cure			1,250	-	-	-	have not been invoiced in 2019
Eagle Ranch - Pumpkin Patch		Cub Scouts Pack 229	500	-	-	-	have not been invoiced in 2019
Free Family Fun Fair			1,000	2,000	-	-	Invoiced 2x from different vendors
Total Requests			\$ 30,000	\$ 31,575	\$ 38,200	\$ 28,850	
Available Funds			\$ 30,000	\$ 30,000	\$ 33,000	\$ 33,000	
Contingency			\$ -	\$ (1,575)	\$ (5,200)	\$ 4,150	
PROGRAMS							
Vail Valley Mountain Trails Alliance	On going program supoport.	Ernest Saeger	-	-	1,500	550	
EagleARTS	Ongoing program support	Tara Novak	1,000	1,000	4,800	1,400	
EGE Air Alliance	Ongoing program support	Chris Romer	4,675	4,675	5,000	4,600	
Eage Valley Land Trust (funded in 2018 for 5,000)	Ongoing program support	Jim Daus	-	-	5,000	1,500	
Eagle Chamber	Ongoing program support	Mick Daly	4,675	4,675	6,500	4,250	
Walking Mountains	Energy Smart program	Nikki Maline	-	-	5,000	900	
Colorado Drive Safe			250	250	-	-	
Red Ribbon Project	Ongoing program support		300	300	-	-	
Speakup Reachout	Ongoing program support		550	550	-	-	
Vail Valley Partnership	Ongoing program support		4,650	4,650	-	-	
Eagle County Historical Society	Ongoing program support	Kathy Heicher	1,200	500	-	-	have not been completely invoiced in 2019
Eagle River Youth Coalition	Ongoing program support		400	-	-	-	have not been invoiced in 2019
Eagle Valley High School Foundation	Ongoing program support		500	-	-	-	have not been invoiced in 2019
Vail Valley Art Guild	Ongoing program support		300	-	-	-	have not been invoiced in 2019
Total Requests			\$ 18,500	\$ 16,600	\$ 27,800	\$ 13,200	
Available Funds			\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	
Contingency			\$ 1,500	\$ 3,400	\$ (7,800)	\$ 6,800	
Total Requests			\$ 48,500	\$ 48,175	\$ 66,000	\$ 42,050	

Average includes Jesson v1
(11/19/19)

Updated: 5/26/2020

MEAC 2020 Special Events Funding Requests							
Event:	Producing Entity:	Proposed Location(s):	2019 Fund Approved	2019 Funds Received	2020 Request	2020 Suggested by MEAC Board & Approved by Town Board	Notes
11th Annual Eagle Mushroom and Wildfood Fest	Also: Joy Ariel, Tom Boni, and Maryanne Morisson	Eagle Town Hall/Brush Cree	\$ 1,250	\$ 1,250	\$ 5,000	\$ 2,000	
2020 LG Tri Sprint Triathlon	Brooke Skjonsby, Vail Valley Charitable Fund	Eagle Pool & Ice Rink	\$ 500	\$ 500	\$ 1,000	\$ 500	
American Scholastic Climbing League (ASCL) High School Champion	Larry Moore, Eagle Climbing & Fitness	Eagle Climbing & Fitness, Ea	\$ 2,500	\$ 2,500	\$ 4,500	\$ 3,000	
Bonfire Block Party	Ted Wenninger, Optimum Events & Entertainment	Downtown Eagle on Broadw	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	
Colorado High School Cycling League Annual Coach Summit - 2020	Colorado High School Cycling League	Brush Creek Pavilion & Stud	\$ 1,500	\$ 1,500	\$ 2,000	\$ 1,000	
Colorado High School Cycling League Haymaker Classic - South Con	Colorado High School Cycling League	Haymaker Trail System, Eag	\$ -	\$ -	\$ 7,500	\$ 7,000	
Eagle Outside Funduro	Ernest Saeger, Vail Valley Mountain Trails Alliance	Eagle - Pool & Ice gravel par	\$ 2,000	\$ 2,000	\$ 4,000	\$ 2,000	
Revolution Enduro	David Sculley, Revolution Enduro	Eagle CO and surrounding tr	\$ 2,000	\$ 2,000	\$ 3,000	\$ 2,000	
USSSA Western Championships	Christopher Harguth, USSSA West Championships -	Eagle County Fairgrounds	\$ 3,500	\$ 3,500	\$ 4,500	\$ 4,500	
Vail Valley Walk to End Alzheimer's	Catie Davis, Alzheimer's Association	Brush Creek Park and Pavili	\$ 2,000	\$ 2,000	\$ -	\$ -	Moved to Community Requests for 2020
Western Colorado Outdoor and Sportsman Expo	Krista DeHerrera, Colorado Mountain News Media	Eagel River Events Center	\$ 7,000	\$ 7,000	\$ 7,500	\$ 7,500	
Eagle Outside Festival	Mike McCormack, The Greenspeed Project	Eagle Ranch	\$0-\$15,000: Funded through Event Production		\$ 7,500	\$ 7,500	
CSHSRA Eagle High School Rodeo	Rocky Mountain Shooters Rodeo	Eagle County Fairgrounds	\$ 1,500	\$ 1,500	\$ 2,500	\$ 1,100	
Eagle Half Marathon and 10K	Endurance Race Series		\$ 750	\$ 750	\$ -	\$ -	
Melee in the Mountains	10th Mountain Roller Dolls		\$ 1,000	\$ 1,000	\$ -	\$ -	
Mountain Rats Trail Festival & Ultra Races	Clark Gundlach, Color Coffee Roasters	Eagle Trail System & Eagle R	\$ -	\$ 1,000	\$ 2,500	\$ 1,500	Contingency Used in 2019
Cowboys Forever Rodeo Series	Cowboys Forever Foundation	Eagle County Fairgrounds	\$ -	\$ 1,000	\$ -	\$ -	Contingency Used in 2019
CO High School Championship-Extra Duty Officers	Town of Avon		\$ -	\$ 698	\$ -	\$ -	Contingency Used in 2019-Should not be used in this way going forward
Dynafit Boneyard Boogie	Kip Tingle - Vail Rec	Bellyache Trailhead, Boneya	\$ 500	\$ -	\$ 500	\$ 500	have not been invoiced in 2019
Colorado High School Cycling League Haymaker Classic - North Con	Colorado High School Cycling League	Haymaker Trail System, Eag	\$ 7,500	\$ -	\$ 7,500	\$ 7,000	have not been invoiced in 2019
VRD Mountain Bike Race Series	Beth Pappas, Vail Recreation District	Eagle Ranch	\$ 500	\$ -	\$ 1,000	\$ 500	have not been invoiced in 2019
Eagle Winter Market & Holiday Fair	Krista Benedetti, Radiate Live Events	Eagle River Center	\$ 500	\$ -	\$ 1,000	\$ 500	have not been invoiced in 2019
Flying Eagle Open			\$ 1,500	\$ -			have not been invoiced in 2019
Vail Lax Jam - Fall			\$ 1,500	\$ -			have not been invoiced in 2019
Vail Lax Jam - Spring			\$ 1,500	\$ -			have not been invoiced in 2019
Vail Valley Cup, Cindy Eskwith Memorial Tournament	Vail Valley Soccer Club: Kerri Thelen		\$ 2,500	\$ -	\$ 5,000	\$ 1,500	have not been invoiced in 2019
Septemberfest			\$ 10,000	\$ -			Canceled Event in 2019
		TOTAL:	\$ 61,500	\$ 38,198	\$76,500	\$59,600	
		AVAILABLE BUDGET:	\$ 65,000	\$ 65,000	\$65,000	\$65,000	
		CONTENGENCY:	\$ 3,500		(\$11,500)	\$5,400	

Updated: 5/26/2020



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: July 28, 2020

Agenda Item: 2020 Lodging Tax Ballot Proposal

REQUEST:

Staff requests that the Town Council review a proposal for lodging tax options to consider for a ballot question for the 2020 November election.

INTRODUCTION:

On June 9, staff presented potential ballot questions the Town Council might consider for the November 2020 election. The proposal incorporated ideas that the previous Board of Trustees and current council members discussed. One of the proposals was to explore changing how the Town assesses lodging tax. The Town has a lodging occupational tax that equals \$4 per room per night at local hotels. Of the total, \$2 funds marketing and events and the other \$2 funds the open space program. Staff is in the process of setting up a system to collect lodging tax on short-term rentals in 2021.

Because the Town was statutory, charging a percentage was not available to the Town of Eagle. Now that the Town is Home Rule, this option is available. For the Town Council to decide on the appropriate percentage to ask the voters, staff has included a survey of what other communities assess as well as an analysis of past and current tax collections with revenue scenarios. Once the Town Council decides the appropriate percentage, staff will bring back a draft ballot question on August 11. All ballot questions must be final by August 25.

ANALYSIS:

Local Comparisons Summary

Staff selected 11 communities to compare lodging tax and the programs that the proceeds fund. Below is a summary of the report:

- While there is a low and a high, the average lodging tax is roughly between 3% - 5%.
- In most of the communities, the tax pays for marketing, events, tourism, and economic development activities.
- There are a few communities that pay for general government and capital improvements.
- All communities assess lodging tax on non-traditional lodging establishments, i.e. Airbnb, bed and breakfasts.

Projected Scenarios Summary

Staff has provided funding scenarios based on different percentages. In 2019, Town collected \$287,332. To collect the same amount, the percentage needs to be 3.41%. All things being the same, the current lodging revenue does not keep up with inflation or adequately fund current programs. Provided below is a table showing a summary of the 2019 lodging tax revenues, expenses and deficit spending.

Program	Revenues	Expenses	Deficit
Marketing & Events	\$143,666	\$364,591	-\$220,925
Open Space	\$143,666	\$210,456	-\$66,790
Total (deficits are paid by the General Fund)			-\$287,715

Pros and Cons of Changing the Lodging Tax

Pros of Changing the Lodging Tax (if increased)

- A percentage is fairer and more equitable because revenues can adjust as room prices fluctuate.
- If increased, the potential to pay for the lodging tax programs improves, therefore reducing the General Fund subsidy.
- Generating more revenue will increase capacity in the lodging tax programs, which would allow for the administration to be less conservative due to balancing the General Fund subsidy.
- Reducing the General Fund subsidy will assist with building organizational capacity to provide for core services that are currently underfunded.
- The tax is not new and established by voters, so it could be an easier sell during the election.
- Lodging establishments already pay the occupation tax of \$4 and the process is set up.
- Changing the lodging is a benefit to the Town as a result of being a Home Rule municipality, and this policy gives the Town the ability to take advantage of the new governing structure.

Cons of Changing the Lodging Tax (if increased)

- An increase in tax makes lodging more expensive because the tax is passed on to the customer.
- The tax could make lodging in Eagle less competitive resulting in a decrease in bookings.
- Hotels could resist and make it challenging to pass the tax during the November election.
- The timing of the ballot question will be challenging since it is the general election and people who typically don't vote in local elections will participate in November.

COMMUNITY INPUT:

Community input is not required at this point, since staff is providing general information. Once the Town Council provides direction, staff will reach out to lodging establishments.

BUDGET / STAFF IMPACT:

Depending on the direction given to staff, there is a positive impact to the budget if the ballot question is successful. A change in tax policy doesn't require more time from staff because the systems is already set up.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does align with the following business values:

Sound Planning and Appropriate Investment – To maintain a minimum level of service, town should identify revenue generating activities that pay for services. When appropriate, revenues should cover the cost of providing a service. Revisiting lodging tax under Home Rule, could help the Town generate more revenue to support marketing, events and open space programs. By reducing the General Fund subsidy, funding would go to other general government services that do not have adequate investment from the Town.

Economic Development – If the Town Council increases the revenues from lodging tax and funds the same programs, it would be an investment in economic development activities. Investments in open space, trails, recreation, marketing and events typically have a return on the investments made by the Town.

RECOMMENDED ACTION OR PROPOSED MOTION:

There are two actions required for staff to propose a draft ballot question on August 11:

1. Determine the percent that will be assessed on lodging establishments.
2. Determine or confirm the programs the lodging tax will pay for.

ATTACHMENTS:

- Local comparisons report
- Lodging tax projected scenarios report
- Current ballot language

Municipality	Lodging Tax Rate	What Lodging Tax funds	2019 Lodging Tax Revenue	How many establishments?	Collects on Short Term Rentals?	Municipal Population	Notes
Town of Minturn	4.0%	General Fund (not ear-marked)	\$ 10,523	2 bed & breakfast 20 AirBnB	Yes	1,100	Anything 30 days or less is considered short term rental. They collect Lodging Tax and Sales Tax on them Requires license for short term rentals
Town of Pagosa Springs	4.9%	50% on marketing to areas outside of town Event Funding & Advertising Infrastructure (signage, wayfinding plans) Salaries Running Visitor Center Fish stocking	\$615,000 (Town) + \$81,000 (County) County gives the Town its proceeds to spend	40 (inclusive of hotel, motel, cabins, campground, vacation rentals) 100 Short Term Rentals *Note: they have agreements with AirBnB and VRBO to submit directly to Town	Yes	1,900 (Town) 12,000 (County)	They use a company called Host Compliance (link below) to scrub the internet for short term rentals Requires license for short term rentals https://hostcompliance.com/?gclid=Cj0KCQjwo6D4BRDgARIsAA6uN1-rv6EPA9QNPh0pxHK99fjN5pVU5ZU0VnHkUTLwkZrFKvRgGPJcbilaAqYZEALw_wcB
Basalt	4.0%	1% Basalt Chamber 1% capital construction for lodging based upon approved agreements 1% Parks maintenance 1% Marketing and business support	\$ 282,765	14	Yes	4,412	They did not break out lodging vs short term rental
Manitou Springs	2.0%	Tourism & Economic development (through Chamber of Commerce) Public Events (organization, management, promotion and marketing)	\$ 242,484	65	Yes	5,300	They did not break out lodging vs short term rental
Town of Vail	1.4%	Business recruitment Tourism promotion	\$ 3,700,000	Did not answer	Yes	5,450	They noted: It is restricted by state statute to marketing, special events and information centers. Vail uses our lodging tax to market summer (May-October). We do not use it to fund special events or information centers.
Town of Avon	4.0%	General Fund (not ear-marked)	\$ 1,486,482	2 hotel 12 timeshares 195 vacation rentals	Yes	6,365	
Town of Carbondale	2.0%	100% pass through to the Tourism Council for Promotion, development and marketing of tourism	\$ 13,164	30	Yes	6,921	Looked up on Website - Did not respond to request
City of Glenwood Springs	2.5%	Tourism Promotion	\$ 1,100,000	30 hotel/motel 55 short term rentals	Yes	10,000	
Town of Wheat Ridge	6.5% (10% rate - 3.5% city tax rate exemption)	40% general governance 30% fighting crime 20% capital improvement projects	\$ 1,507,324	13	Not yet	31,400	
City of Grand Junction	6.0%	Promoting tourism Increased air services Visitor center	\$ 3,263,676	230	Yes	63,597	They did not break out lodging vs short term rental
City of Aurora	8.0%	87.5% of first \$5m - General Fund 12.5% of first \$5m + all amounts >\$5m - visitor promotion	\$16,000,000 Note: \$7.4 m paid in incentives; net revenue = \$8.6 m	49 Lodging 300 short term rentals	Yes (through agreements with AirBnB and Expedia)	381,000	

Lodging Occupation Tax Projected Scenarios								
	2013	2014	2015	2016	2017	2018	2019	2020 Projected
Lodging Occupation Tax Collected	\$ 197,944	\$ 224,948	\$ 243,252	\$ 268,254	\$ 281,218	\$ 299,226	\$ 287,332	\$ 143,666
Lodging Sales Tax Collected	\$ 201,673	\$ 212,995	\$ 255,314	\$ 312,824	\$ 338,844	\$ 360,074	\$ 337,399	168,699
Lodging Total Revenues	\$ 5,041,825	\$ 5,324,875	\$ 6,382,850	\$ 7,820,600	\$ 8,471,100	\$ 9,001,850	\$ 8,434,966	\$ 4,217,483
Lodging tax projections if the change is made to a percentage based tax:								
2%	100,837	106,498	127,657	156,412	169,422	180,037	168,699	84,350
3%	151,255	159,746	191,486	234,618	254,133	270,056	253,049	126,524
4%	201,673	212,995	255,314	312,824	338,844	360,074	337,399	168,699
5%	252,091	266,244	319,143	391,030	423,555	450,093	421,748	210,874
6%	302,510	319,493	382,971	469,236	508,266	540,111	506,098	253,049
Breakeven % to agree to current collections	3.93%	4.22%	3.81%	3.43%	3.32%	3.32%	3.41%	3.41%
Lodging Tax and Sales Tax difference	3,729	(11,953)	12,062	44,570	57,626	60,848	50,067	25,033

RESOLUTION NO. 7
(Series of 2014)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS VOTING IN THE APRIL 1, 2014 REGULAR MUNICIPAL ELECTION CONCERNING THE USE OF FUNDS GENERATED BY THE TOWN'S LODGING OCCUPATION TAX AND DEPOSITED IN THE TOWN'S OPEN SPACE PRESERVATION FUND.

WHEREAS, one half of the revenues derived from the Town of Eagle's occupation tax on the provision of lodging is currently placed in the Town's Open Space Preservation Fund; and

WHEREAS, presently all expenditures from such Fund are used exclusively for the preservation of agricultural lands and for the acquisition, maintenance and management of lands and easements in and around the Town for open space buffer zones, trails within open space areas, wildlife habitats and wetland preservation; and

WHEREAS, the use of funds in the Town's Open Space Preservation Fund were restricted by the original ballot issue approved by the electors of the Town of Eagle at the April 2, 1996 regular municipal election; and

WHEREAS, the Board of Trustees of the Town of Eagle finds and determines that it is necessary and appropriate to submit to the registered electors voting at the April 1, 2014 regular municipal election the question of whether the uses of lodging occupation tax revenues deposited in the Town's Open Space Preservation Fund should be expanded.

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

Section 1. The following ballot issue shall be submitted to the registered voters of the Town of Eagle voting at the April 1, 2014 regular municipal election:

"Shall the revenue generated by the Town's existing lodging occupation tax and placed in the Town's Open Space Preservation Fund for the preservation of agricultural lands and the acquisition, maintenance and management of lands for open space, wildlife habitat, and wetland preservation, also be used for: (1) Construction and maintenance of soft path recreation trails connecting to the existing Eagle area trails system; and (2) The construction of facilities which will serve open space users such as restrooms, parking areas, and other physical improvements which improve the quality of the user's experience when utilizing Town open space and adjacent lands?

Yes: _____

No: _____"

Section 2. All actions here before taken (not inconsistent with the provisions of this Resolution) by the Town and the officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 3. The officers and employees of the Town are hereby authorized and directed to take any other actions necessary or appropriate to effectuate the purposes of this Resolution.

INTRODUCED, READ, PASSED AND ADOPTED by the Board of Trustees of the Town of Eagle, Colorado at a regular meeting held on February 25, 2014.

BOARD OF TRUSTEES OF THE TOWN
OF EAGLE, COLORADO

ATTEST:

By: _____

Yuri Kostick, Mayor

Sarah Braucht
Sarah Braucht, Town Clerk

RESOLUTION NO. 2
(Series of 1996)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE REGULAR MUNICIPAL ELECTION, TO BE HELD APRIL 2, 1996, A BALLOT ISSUE CONCERNING WHETHER THE TOWN OF EAGLE SHOULD ADOPT AN OCCUPATION TAX ON THE SHORT TERM RENTAL OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE ROOM OR OTHER SIMILAR ACCOMMODATION.

WHEREAS, the Town of Eagle, Colorado, ("Town"), is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the Members of the Board of Trustees of the Town (the "Board") have been duly elected and qualified; and

WHEREAS, the Town has experienced an accelerated growth rate and expects to receive land for further growth in and around the Town of Eagle; and

WHEREAS, the Eagle Valley has seen a rapid decrease in the amount of lands used for agricultural purposes; and

WHEREAS, the Town together with Eagle County is preparing the Eagle Area Community Plan which will guide future development and land uses in the Eagle area; and

WHEREAS, the Eagle Area Community Plan endorses as its primary goals the following:

1. Concentrating future development around the existing Town center,
2. Controlling parcellization of the Brush Creek Valley and Castle Peak area,
3. Maintaining a small town, not resort, atmosphere,
4. Protecting riparian corridors,
5. Preserving open space and provide access to public land,
6. Protecting wildlife habitat and corridors; and

WHEREAS, the Board has discussed the advisability of developing an active open space acquisition program to assist in achieving the Eagle Area Community Plan goals; and

WHEREAS, the Town has applied to the Great Outdoors Colorado Trust Fund for monies to conduct an inventory of potential open space acquisition lands and prioritization thereof; and

WHEREAS, the Board finds and determines that it is desirable to provide a dedicated revenue source to be used exclusively for an open space acquisition program; and

WHEREAS, Article X, Section 20, of the Colorado Constitution ("TABOR Amendment") limits the ability of the Town to enact new taxes; and

WHEREAS, the TABOR Amendment permits the eligible electors of the Town to approve the adoption of new taxes and to authorize the expenditure of revenues from such taxes; and

WHEREAS, April 2, 1996, is the biennial election for the Town and is one of the election dates at which Ballot Issues may be submitted to the eligible electors of the Town pursuant to the TABOR Amendment; and

WHEREAS, the Town will conduct its regular Municipal Election on April 2, 1996, pursuant to Title 31, Article 10, Part 1, C.R.S., (the "Municipal Election Code"); and

WHEREAS, the Board finds and determines that it is necessary and desirable to submit to the electors of the Town voting at the regular Municipal Election to be held on April 2, 1996, the question of enacting an occupation tax on the short term rental of any hotel room, motel room, lodging room, motor hotel room, guest house room or other similar accommodation located within the Town.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Town and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. The following Ballot Issue shall be submitted to the qualified electors of the Town voting in the regular Municipal Election to be held on April 2, 1996:

"SHALL THE TOWN OF EAGLE'S TAXES BE INCREASED BY \$100,000.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE ADOPTION OF AN OCCUPATION TAX IN THE AMOUNT OF \$ 2.00 PER DAY ON THE SHORT TERM RENTAL (LESS THAN 30 CONSECUTIVE DAYS) OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE ROOM OR OTHER SIMILAR ACCOMMODATION LOCATED IN THE TOWN; AND SHALL ALL REVENUES DERIVED FROM SUCH OCCUPATION TAX BE USED EXCLUSIVELY FOR THE PRESERVATION OF AGRICULTURAL LANDS AND FOR ACQUISITION, MAINTENANCE AND MANAGEMENT OF LAND AND EASEMENTS IN AND AROUND THE TOWN OF EAGLE FOR OPEN SPACE BUFFER ZONES, TRAILS WITHIN OPEN SPACE AREAS, WILDLIFE HABITATS AND WETLAND PRESERVATION, SUCH REVENUES TO BE COLLECTED AND SPENT, AS A VOTER APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

_____ YES _____

_____ NO" _____

Section 3. In addition to the Notice of Election required to be published by the Colorado Municipal Election Code, the Town Clerk shall also cause to be published a notice stating that written comments for or against the Ballot Issue described above may be filed with the Town Clerk on or before 5:00 P.M. on March 1, 1996, and that a summary of such comments will be distributed to registered voters in accordance with law. The Town Clerk is further directed to prepare and mail to registered electors a notice concerning the Ballot Issue in accordance with Article X, Section 20, of the Colorado Constitution and other applicable law.

Section 4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. Upon approval of the above Ballot Issue by the majority of the registered electors voting thereon, the Board shall enact an implementing ordinance consistent with all of the terms and conditions contained in the above Ballot Issue.

INTRODUCED, READ, PASSED, AND ADOPTED, at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on February 13, 1996.

TOWN OF EAGLE, COLORADO,

By: _____

Bill Cunningham
Mayor

ATTEST:

Marlene M. Johnson
Town Clerk-Deputy

Trustee Deane introduced, read and moved the adoption of the

Resolution titled,

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE REGULAR MUNICIPAL ELECTION, TO BE HELD APRIL 2, 1996, A BALLOT ISSUE CONCERNING WHETHER THE TOWN OF EAGLE SHOULD ADOPT AN OCCUPATION TAX ON THE SHORT TERM RENTAL OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE ROOM OR OTHER SIMILAR ACCOMMODATION.

Trustee Dunford seconded the motion. On roll call, the following

Trustees voted "Aye":

<u>Cunningham</u>	<u>Ewing</u>
<u>Heicher</u>	
<u></u>	<u></u>
<u></u>	

Trustees voted "Nay":

<u>McKinzie</u>	<u></u>
<u></u>	

Absent: Johnson