



**Town Board of Trustees
Tuesday, June 14, 2016
Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO**

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

6:00 PM – REGULAR MEETING CALLED TO ORDER

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.

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

1. Minutes – May 24, 2016 and June 7, 2016
2. Bill Paying and Payroll May 2016

DISCUSSION, DECISIONS OR DIRECTION REQUESTED

1. Resolution No. 25 (Series 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The Highway 6 Annexation A To The Town Of Eagle, Colorado.
2. Resolution No. 26 (Series Of 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The State Highway 6 Annexation B To The Town Of Eagle, Colorado.
3. Resolution No. 27 (Series Of 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The State Highway 6 Annexation C To The Town Of Eagle, Colorado.
4. Resolution No. 28 (Series Of 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The State Highway 6 Annexation D To The Town Of Eagle, Colorado.
5. Ordinance 16-2016 An Ordinance Of The Town Of Eagle, Colorado, Approving A Subdivision Within The Town Of Eagle To Be Known As The Trotter Minor Subdivision; And Approving A Site Specific Development Plan Establishing Vested Property Rights Pursuant To Article 68 Of Title 24, C.R.S., And Chapter 4.17 Of The Eagle Municipal Code. (Matt Farrar, Assistant Town Planner)



6. Ordinance 17-2016 An Ordinance Of The Town Of Eagle, Colorado Amending Certain Provisions Of Chapter 8.12 Of The Eagle Municipal Code Concerning Animal Control Including Changes To Conform To Recent Changes Made To Eagle County’s Animal Control Regulations (*Chief Stauffer*)
7. Ordinance 18-2016 An Ordinance Of The Town Of Eagle, Colorado Amending Section 2.08.200 Of The Eagle Municipal Code, Concerning Court Fees And Costs, By Imposing A Charitable Organization Fee (*Chief Stauffer*)
8. Appointment of Administrative Hearing Officer (*Chief Stauffer and Ed Sands*)
9. EXECUTIVE SESSION – To hold a conference with the Town's attorney to receive legal advice on specific legal questions and items pertaining to negotiations, pursuant to C.R.S. § 24-6-402(4)(b) (another executive session may be held after Item 11 for the same purposes)
10. Frost Creek PUD Amendment Water and Bike Path Discussion (*Mary Elizabeth Geiger*)
11. Resolution 30 (Series 2016) A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Authorizing The Future Conveyance Of A Temporary Construction Easement On Town Open Space Near Arroyo Drive To Black Hills Corporation Or Its Affiliates (*Kevin Sharkey, Assistant Engineer*)

LAND USE

Project:	Rocky Mountain School of Discovery
File #:	SU16-01
Applicant:	Anne Helene Garberg
Location:	409 Brooks Lane
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Special Use Permit to allow operation of a pre-school and educational facility.
Project:	Colorado Slab & Tile - Outside Storage
File #:	SU16-02
Applicant:	Jason Kaples
Location:	12 Eagle Park East
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Special Use Permit to allow for outside storage.

STAFF UPDATES AND REQUESTS

- Town Clerk Administrative Liquor Approvals (*Staff Report Only*)
- Executive Session consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).
- Manager’s Report



Correspondence for Discussion if necessary:

- State Liquor Compliance Checks Notice
- Vail Valley Partnership Work Force Survey
- Eagle County November Coordinated Election Request
- Salute to the Fans Letter from El Pomar Foundation
- Letters from Students of Brush Creek Elementary for the Playground Equipment Partnership Grant

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Mayor's Update

ADJOURN

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



MINUTES
Town Board of Trustees
Tuesday, May 24, 2016
6:00 P.M.

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

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

Meetings are also aired online at <https://vimeo.com/channels/townofeagle/>.

This meeting is recorded and a CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings as written by Angela Haskins.

PRESENT	STAFF
Andy Jessen	John Schneider, Town Manager
Paul Witt	Jenny Rakow, Town Clerk
Mikel "Pappy" Kerst	Ed Sands, Town Attorney
Matt Solomon	Tom Boni, Town Planner
Kevin Brubeck, Mayor Pro Tem	Matt Farrar, Assistant Town Planner
Doug Seabury	John Staight, Open Space Coordinator
Absent	
Anne McKibben, Mayor	

6:00 PM – REGULAR MEETING CALLED TO ORDER

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.

Michael Caccioppo stated to the Board he is running for State Representative.

PRESENTATIONS

Events on Broadway (Ryan Murray, Red Canyon Café) Trustee Jessen recused himself from this discussion and stepped down from the dais. Ryan Murray presented to the Board his letter and concerns regarding events held on Broadway and their impacts on businesses, mainly loss of access to businesses. He proposed events be held at venues more suitable for crowds and that do not block access to businesses.

Andy Jessen spoke to the Board as owner of Bonfire Brewing and sponsor of the Bonfire Block Party event on Broadway scheduled for June 3rd. Andy provided information regarding what the event promoter extended to Red



Canyon as a means to mitigate the location of the stage and access to his business. The event is growing and is part of a bigger picture of events located in Eagle. A better long term solution will be sought and considered for future events.

The Board agreed it will work and support solutions for down town businesses balanced with events held down town.

Vail Valley Trail Connection Update (*Rich Carroll, President*) Rich Carroll provided the Board with an update and request for a support letter for the IMBA and the VVTC's application for Eagle County and Eagle being an IMBA Ride Center. The Board provided its verbal support and authorized the Mayor Pro Tem to sign the letter of support.

Eagle Valley Land Trust Update (*Jessica Foulis, Stewardship Manager*) This item was canceled by the Land Trust and will be presented at a later date.

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

Minutes – May 10, 2016

MOTION: Trustee Seabury motioned to approve the Consent Agenda with minor correction. Motion was seconded and PASSED unanimously.

EXECUTIVE SESSION – Previous and Current Personnel Actions and Reviews CRS § 24-6-402(4)(f). It was determined the Executive Session was not necessary for tonight's meeting.

DISCUSSION, DECISIONS OR DIRECTION REQUESTED

Reappointment of Officers – Town Manager, Treasurer, Town Clerk, Municipal Judge, Town Attorney.

MOTION: Trustee Witt motioned to appointment Jenny Rakow as Town Clerk and Treasurer, John Schneiger as Town Manager, Buck Allen as Municipal Judge and Ed Sands as Town Attorney. Motioned was seconded and PASSED unanimously.

Oaths of office were read into the audio record and signed by all appointees in attendance.

Resolution 24-2016 A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Approving A Memorandum Of Understanding Between A & R Investment Limited Liability Company And The Town Of Eagle Concerning Certain Easements Requested By Black Hills Corporation.

Ed Sands stated this Resolution is approving a MOU needed for closing slated to take place tomorrow, May 25th at 11:00 a.m. This addresses the lack of agreement between the Ebers and Black Hills Energy on the price negotiated for



an access easement. The Town will own the property tomorrow and it will be the Town’s responsibility to negotiate further. The Ebers have expressed that the Town provide a best effort attempt to collect on the access easement they initially had appraised at \$24,0000 and, if collected, be returned to them.

MOTION: Mayor Pro Tem Brubeck motioned to approve Resolution 24-2016. Motion was seconded and PASSED unanimously.

LAND USE

1. Project:	Eagle Tubing and Photography
File #:	TU16-01
Applicant:	Ken Hoeve
Location:	100 Fairgrounds Road / Chambers Park
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Temporary use permit for a mobile vendor at Chambers Park.

Trustee Solomon stepped down from this item citing personal connections and removed himself from the dais. Tom Boni, Town Planner presented this item pursuant to the Land Use Code and the application submitted by Eagle Tubing and Photography. Considerations for the Board were regarding compatibility with the neighborhood, whether bond or security is needed to return the area to its original condition, and whether the use complies with the Town’s regulations, goals and policies. The Planning Commission denied the application at the Planning Commission Meeting with a 4-3 vote. Letters of support and denial of the application were provided in packets.

The area of proposed operation is owned by the Town of Eagle. Staff is currently unaware of any Town policy prohibiting this request or its use as submitted. The request is a Temporary Use and staff is recommending a four month approval with conditions listed in the staff report.

Applicant Ken Hoeve was presented and provided the Board with his application and answered questions regarding his request. Mr. Hoeve believes this concept fits the Town of Eagle and the location. The unit would be mobile, not left over night, and have private changing rooms. All liability insurance would be obtained.

Staff addressed written public concerns regarding public land for private use and referenced Ski Areas, rafting in general, events held at Town Parks and the uses allowed at Old Town Hall.

Mayor Pro Tem Brubeck opened this item for public comment.

Tom Olden 1864 Eagle Ranch Road stated his concerns with regard to public property for private use, requiring other commercial properties to provide adequate parking and concern with subsidizing one business over another. Overall would like to see the park built first before vendors.

Brian Malone representing Eagle Crossing Shopping Center and tenants. Concerns centered around little to no sales tax or property tax benefit to the Town which all other businesses pay to operate. Also concerned with liability and



the public in the river. Private commercial ventures should not be allowed to use open space. The private parking lot for Eagle Crossing was used for Summer Jam and owners are concerned their parking will be used. There is limited parking in the summer and semi-truck parking will be affected.

Michael Caccippo requested the Town Attorney to cite the legal authority to allow Andy Jessen to vote on this project.

Public comment was closed at 7:23 p.m.

Attorney Ed Sands stated the request is a two-step process. Tonight before the Board is the Land Use issue regarding the temporary use and if this location is appropriate. A lease agreement would be separate and would address the other issues regarding specific uses.

The Town Board in general expressed their desire to have better process and procedures in place to address requests like this. Temporary uses are coming up more and more, like the fruit stand and other temporary or seasonal vendors and it needs to be treated fairly with other businesses in town.

John Schneiger stated he was at the Planning Commission meeting where it was denied and felt they looked at it and believed their decision for denial was appropriate. Ultimately it is a public policy issue.

Since the land use issue was not in question the Board felt it was more the lease and how to address the issues brought up by public comment and the Board. Giving direction to Staff and Attorney to come up with viable lease agreement for discussion. Indemnification and liability was also discussed.

MOTION: Trustee Jessen motioned to approve Land Use File TU16-01 with conditions recommended by staff: Applicant shall locate the trailer outside of the I-70 right-of-way and in a location that does not take up parking spaces for the Visitor Center/Chambers Park. 2. Prior to commencement of operations, the applicant shall obtain a lease from the Town of Eagle in order to locate their operation on town property. Conditions of the lease shall be subject to approval by the Board of Trustees. 3. Applicant shall provide the town with a security, subject to the Town Attorney, to ensure that the area where the trailer is located will be restored to its original condition. Amount of security will be determined by town staff based on potential impacts of the temporary operation. 4. Prior to commencement of operations, applicant shall provide the town with proof of liability insurance that provides coverage for the Town of Eagle. 5. Signage for the temporary operation shall be limited to one (1) sandwich board sign that shall be in conformance with the town's signage regulation. Motion was seconded and PASSED with a 3-2 vote. (Jessen, Witt, Seabury in favor, Brubeck and Kerst opposed and Solomon abstained/recused)

Project:	Second Street Suites Hotel
File #:	DR15-05
Applicant:	Daniel Ritsch (Wall Street Family Partners, LLC)
Location:	120 Second Street & 214 Wall Street
Staff Contact:	Tom Boni (Town Planner)
Request:	Major Development Plan review of a 23-unit boutique hotel.



Project:	Second Street Suites Hotel
File #:	MS15-02
Applicant:	Daniel Ritsch (Wall Street Family Partners, LLC)
Location:	120 Second Street & 214 Wall Street
Staff Contact:	Tom Boni (Town Planner)
Request:	Minor Subdivision to consolidate two tax lots into one larger lot.

MOTION: Mayor Pro Tem motioned to continue this file until June 28, 2016. Motion was seconded and PASSED unanimously.

STAFF UPDATES AND REQUESTS

Charitable Contributions from Municipal Court (*Erin Ivie, Eagle Police Department*) Erin Ivie presented to the Board the history of the court charitable contributions. Direction was requested regarding excess funds and future donations. Some language in our current Code contradicts practices in place and staff would like direction going forward. Ed Sands was asked to update the Code to reflect current practices and intent of the discretionary contributions as part of the penalty and fine assessments in municipal court. The Board commented it likes the notion of this program and prefers that contributions to charities or causes stay within Eagle. One suggestion was to keep the charitable contribution assessment to juvenile cases only. An update to the Town Board with this direction will be forthcoming in a code and/or update.

Eagle River Corridor Project (*Article in American Whitewater, Bond Committee Update*) Ed Sands noted that DA Davidson will underwrite the bonds and we are full speed ahead in the process. Tom Boni expressed a positive meeting with Eagle County personnel regarding the River Park.

Board Retreat Topics (*Draft Agenda*) John Schneiger asked the Board for input on the draft agenda and whether they wanted the retreat facilitated by someone outside of staff. Board agreed a facilitator was a good idea, also suggested was some homework on priorities and strategic planning.

Manager’s Report – John reported he found a place to live and said it has been a good first seven days. Continuing progress on personnel policies and continuing to involve staff in the decisions will be a priority. Attended a CML outreach meeting in Avon and received update regarding the State Energy Impact Program and lack of tax credits currently available for our river front project, however they may be added in the future.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Jessen inquired if the new federal labor laws regarding overtime affected any of the policies the Town was currently working on. Jill Ewing did attend the CML webinar.

Trustee Seabury stated the Flight Days Committee and MEAC are working well together on this year’s Flight Days event. Looking forward to the changes.



Matt Farrar asked for additional direction for the Recreation Committee tomorrow night. Board agreed priorities are landscaping at the River Park, the WECMRD site and parks. Assigning leaders and possibly allowing the committee to elect its own chairperson to conduct and manage the meetings.

ADJOURN (8:58 pm)

Date

Kevin Brubeck, Mayor Pro Tem

Jenny Rakow, CMC Town Clerk



MINUTES
Town Board of Trustees
Tuesday, June 7, 2016
5:30 p.m. – 6:00 p.m.

SPECIAL MEETING

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

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

Meetings are also aired online at <https://vimeo.com/channels/townofeagle/>.

This meeting is recorded and a CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings as written by Angela Haskins.

<u>PRESENT</u>	<u>STAFF</u>
Anne McKibbin, Mayor	Ed Sands, Town Attorney
Paul Witt	Carla Nelson, Administrative Assistant
Mikel "Pappy" Kerst	
Matt Solomon	
Kevin Brubeck	
Doug Seabury	
<u>Absent</u>	
Andy Jessen	

5:30 PM – REGULAR MEETING CALLED TO ORDER

7 Hermits Brewing Company LLC Request for Report of Changes – Change of Location

Mayor McKibbin opened this item for public hearing. There was no public comment. Public hearing was closed.

Applicants were present.

Attorney Ed Sands provided the Board with the findings regarding the application which were as follows:

1. There has not been a denial of an application at the same location by either the State or Local Licensing Authority with the two (2) years preceding the date of the application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.



2. The Applicant has submitted evidence that it is entitled to possession of the premises where the license is proposed to be exercised.
3. The premises where the Applicant proposes to sell alcohol is not in violation of the 500-foot limitation from any public or parochial school or the principal campus of any college, university or seminary.
4. The premises are properly zoned for the activity which will occur therein.
5. The location has been previously decided by a preponderance of evidence that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood are not currently being met by existing outlets.

The premises is currently awaiting its TCO to be issued from the Town of Eagle Building Department. The license will be conditional upon approval of issuance of a TCO.

MOTION: Trustee Kerst motioned to approve the Report of Changes – Change of Location for 7 Hermits Brewing Company LLC conditional upon issuance of TCO by the Town of Eagle Building Department. Motion was seconded and PASSED unanimously.

ADJOURN (5:36 pm)

Date

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

**TOWN OF EAGLE, BILL SCHEDULE
MAY 2016
GENERAL FUND**

Administration	Account	Amount
Barnicoat, Jason	Utility Refund	\$ 99.85
Beagley, Donald	Utility Refund	291.12
Christian, Tracy	Utility Refund	106.75
John McGregor Revocable Trust	Utility Refund	78.79
McCaw, Tim	Utility Refund	11.42
Monica, Matt	Utility Refund	233.87
Shapiro Development	Utility Refund	67.11
Skoog, Noel	Utility Refund	22.54
Unger, Christine	Utility Refund	9.93
Wilson, Alan	Utility Refund	49.79
Winstead, Korrine	Utility Refund	95.29
John Deere Financial	Prepaid Equipment Lease	9,376.53
Assurant Employee Benefits	LTD Insurance	1,521.48
Meritain Health	Health & Life Insurance	48,784.18
MetLife	Vision Insurance	549.00
Colorado Dept of Revenue	Garnishment	875.00
Colorado Dept of Revenue	Garnishment	250.00
Pinnacol Assurance	Workers Comp	348.60
Meritain Health	Health Insurance	21,117.37
Triad EAP	Employee Assistance Program	49.35
Cintas Corp	Office Supplies	149.86
Colorado Bureau of Investigation	Office Supplies	38.50
NewEgg.com,	Office Supplies	113.98
Paper Wise	Operating Supplies	40.00
Sandy's Office Supply	Office Supplies	77.62
Signature Signs	Office Supplies	22.00
Red Canyon Café, Yetis, Batson's	Safety Incentive	50.00
Federal Express	Election Expense	87.59
Red Canyon Café, Nozawa	Election Expense	173.92
Glenwood Springs Ford	Vehicle R&M Supplies	178.05
Fleet Services	Gas & Oil	83.41
Glenwood Springs Ford	Communication & Transportation	12.52
Pitney Bowes	Communication & Transportation	140.22
ACT CGFOA	Annual Dues	45.00
CenturyLink	Utilities	778.03
Chase Paymentech	Credit Card Transaction Fees	619.65
Xpress Bill Pay	Credit Card Transaction Fees	398.10
Moffet Consulting	Professional Services	1,500.00
Sands Law Office	Legal Reimbursable	1,113.50
Sands Law Office	Legal	4,615.08
Safebuilt	Electrical Inspections	842.35
Moffet Consulting	Town Manager Search	9,025.00

Caselle	Computer Support	695.67
Costco	Meeting Expense	119.89
US Bank Equipment Finance	Copier Contract	716.81
Cirsa	Pavilion Insurance	843.58
Bravo! Vail	Community Request	1,000.00
Total Administration		\$ 107,418.30

Streets

Meritain Health	Health Insurance	\$ 16,472.08
Triad EAP	Employee Assistance Program	49.35
Cintas Corp	Office Supplies	189.92
Rocky Mtn Reprographics	Office Supplies	39.58
Sandy's Office Supply	Office Supplies	106.36
Airgas	R&M Supplies	132.80
Alpine Lumber	R&M Supplies	168.80
Grainger	R&M Supplies	297.90
Lawson Products	R&M Supplies	260.59
Oldcastle SW Group	R&M Supplies	724.98
PST Enterprises	R&M Supplies	181.62
Safety & Construction Supply	R&M Supplies	80.00
Thompson Welding	R&M Supplies	88.66
United Rentals	R&M Supplies	47.19
Wylaco Supply	R&M Supplies	313.42
All Data	Data Subscription	1,500.00
Jimenez, Leo	R&M Vehicle Supplies	9.12
PST Enterprises	Vehicle R&M Supplies	401.31
Two Valley Tire	Vehicle R&M Supplies	950.10
Wear Parts	Vehicle R&M Supplies	508.60
Alpine Collision Inc	Vehicle R&M Supplies-Reimb by CIRSA	1,950.80
Fleet Services	Gas & Oil	1,253.58
Lawson Products	Communication & Transportation	25.03
Safety & Construction Supply	Communication & Transportation	18.39
CenturyLink	Utilities	639.12
Holy Cross Energy	Utilities	4,637.66
Verizon Wireless	Utilities	855.07
IMS Infrastructure	Pavement Management Study	1,705.35
McCandless Truck Center	Vehicle R&M Labor	136.00
Safety Kleen	R&M Services	330.85
John Deere Financial	Equipment Lease	28,129.61
Total Streets		\$ 62,203.84

Public Safety

Pinnacol Assurance	Workers Comp	\$ 224.43
Meritain Health	Health Insurance	33,184.44
Triad EAP	Employee Assistance Program	77.55
Amazon Marketplace, Amazon.com	Office Supplies	90.04
Sandy's Office Supply	Office Supplies	104.57

Amazon.com, Vista Print	Operating Expense	112.57
Chema Tox	Operating Supplies	225.00
Paper Wise	Operating Supplies	40.00
Walter F Stephens	Operating Supplies	1,403.39
Olesen Automotive	Vehicle R&M Supplies	148.00
Eagle Sinclair	Gas & Oil	15.40
Fleet Services	Gas & Oil	940.69
Amazon Marketplace	Equipment-Supplies	629.39
US Post Office	Postage	25.35
Walter F Stephens	Communication & Transportation	69.68
CenturyLink	Utilities	391.58
Vail.Net-Colorado.Net	Network Services	118.57
Verizon Wireless	Utilities	793.78
Sands Law Office	Legal	2,392.00
NEI Property Management	R&M Labor	402.00
Olesen Automotive	Vehicle R&M Labor	195.00
Performance Auto	R&M Labor	120.00
Justice Systems	Computer Support	1,127.50
Buhlman, Carrie	Travel Expense	67.45
Quality Inn, Clarion, Hilton	Travel Expense	473.12
Eagle County Animal Control	Animal Control	1,600.00
Eagle County 800Mhz Operations	Radio Access	25,094.17
High Country Copiers	Contract Payments	86.77
Total Public Safety		\$ 70,152.44

Building & Grounds

Meritain Health	Health & Life Insurance	7,259.80
Triad EAP	Employee Assistance Program	14.10
Hunter Benefits	Retirement Fees	50.00
Info Cubic	Operating Supplies	38.00
Aardvac	R&M Supplies	32.96
Alpine Lumber	R&M Supplies	393.49
Eagle Lock & Key	R&M Supplies	252.75
G&S Tool Clinic	R&M Supplies	21.35
Gemplers	R&M Supplies	22.30
Grainger	R&M Supplies	42.36
Grand Junction Pipe	R&M Supplies	1,620.65
HD Supply Facilities	R&M Supplies	208.11
K-D Flags	R&M Supplies	438.63
Paint Bucket	R&M Supplies	295.92
Pet Pick Ups	R&M Supplies	600.00
PST Enterprises	R&M Supplies	25.99
Summit Supply Corp	R&M Supplies	295.00
United Rentals	R&M Supplies	83.03
Van Diest Supply	R&M Supplies	8,365.20
PST Enterprises	Vehicle R&M Supplies	28.86
Two Valley Tire	Vehicle R&M Supplies	95.00

Fleet Services	Gas & Oil	315.54
Sno-White Linen	Janitorial Supplies	74.64
Supply Works	Janitorial Supplies	688.55
G&S Tool Clinic	Communication & Transportation	9.42
K-D Flags	Communication & Transportation	23.91
Pet Pick Ups	Communication & Transportation	98.08
Summit Supply Corp	Communication & Transportation	27.43
CenturyLink	Utilities	126.11
Holy Cross Energy	Utilities	3,479.67
Source Gas	Utilities	4,758.61
JerryMaster	Janitorial Supplies	2,158.00
Call-a-Plumber	R&M Labor	170.00
Drains 24/7	R&M Labor	330.00
Eagle Lock & Key	R&M Labor	405.00
Mi Lomita	R&M Labor	250.00
Rod's Painting	R&M Services	1,210.00
Tri-County Fire Protection	R&M Labor	60.00
Venzor Carpet Cleaning	R&M Services	270.90
Superior Alarm	Contract Payments	399.00
Thyssen Krupp	Contract Payments	578.99
Total Buildings and Grounds		\$ 35,617.35

Information Center

Triad EAP	Employee Assistance Program	\$ 28.20
Costco	Operating Supplies	222.39
Walmart	Operating Supplies	48.46
A.T. Storrs	Supplies for Resale	1,721.25
Adventure Keen	Supplies for Resale	755.74
Alida's	Supplies for Resale	276.28
B&B Glass Creations	Supplies for Resale	774.60
Bead World/Shagwear	Supplies for Resale	619.44
Breckenridge Candle Cabin	Supplies for Resale	450.00
Cedar Ridge Wholesale	Supplies for Resale	706.09
CO School of Mines	Supplies for Resale	243.82
Colorado Candy Kitchen	Supplies for Resale	2,038.41
Colorado Mountain Club	Supplies for Resale	399.82
Costco	Supplies for Resale	347.58
Del Mundo	Supplies for Resale	708.00
Down to Earth Pottery	Supplies for Resale	576.18
Ganz USA	Supplies for Resale	2,493.15
Gold Crest Distributing	Supplies for Resale	1,232.83
GTR Mapping	Supplies for Resale	371.27
H&C Corp	Supplies for Resale	802.92
Impact Photographics	Supplies for Resale	1,972.09
Jilzarah	Supplies for Resale	177.40
Joy Crafters	Supplies for Resale	1,055.65
Jubois Company	Supplies for Resale	45.00

King Soopers Customer Charges	Supplies for Resale	10.49
Kingport Industries	Supplies for Resale	1,166.60
Luark, Mike	Supplies for Resale	340.00
Meadow Gold Grand Junction	Supplies for Resale	432.36
Mountain Press Publishing	Supplies for Resale	214.50
MV Corp	Supplies for Resale	738.28
North West Laser Design	Supplies for Resale	525.00
O'Hara's Jams & Jellies	Supplies for Resale	94.80
Paper & Stone	Supplies for Resale	190.50
Peaceful Village	Supplies for Resale	333.53
Plushland	Supplies for Resale	331.42
Red Canyon Spice	Supplies for Resale	384.00
Sanborn	Supplies for Resale	221.93
Sunburst Companies	Supplies for Resale	810.25
Carol Ann Rasmussen	Supplies for Consignment	25.50
Carol Broere	Supplies for Consignment	5.60
Cynthia Lepthien	Supplies for Consignment	21.00
Derived from Nature	Supplies for Consignment	117.60
Eagle County Historical Society	Supplies for Consignment	354.13
Jennifer Kennedy	Supplies for Consignment	28.50
Jim Salcke	Supplies for Consignment	58.13
John Oliphant	Supplies for Consignment	21.00
Jubois Company	Supplies for Consignment	22.40
Mickey Fried	Supplies for Consignment	51.75
Nature's Details	Supplies for Consignment	418.24
New Song Corporation	Supplies for Consignment	37.50
Pamela Saden	Supplies for Consignment	396.75
Pocadot	Supplies for Consignment	166.40
Rick Olsen	Supplies for Consignment	10.13
Sam Williams	Supplies for Consignment	87.38
Sandy Houghton	Supplies for Consignment	84.00
Teresa Hauser	Supplies for Consignment	101.25
Colorado Dept of Revenue	Sales Tax	1,280.00
US Post Office, CO School of Mines	Communication & Transportation	28.73
CenturyLink	Utilities	308.01
Total Information Center		\$ 27,484.23

Marketing

Meritain Health	Health Insurance	\$ 3,016.77
Triad EAP	Employee Assistance Program	7.05
O G Printer	Promotional Materials	106.80
Resolution Graphics	Promotional Materials	988.94
Signature Signs	Promotional Materials	360.00
Take Aim Marketing	Marketing Service	9,000.00
Colorado Directory	Media	85.00
Elevation Outdoors Magazine	Media	2,000.00
Blizzard Press	Marketing Website	750.00

FlyWheel	Marketing Website	15.00
Rocky Mtn Reprographics	General Marketing	9.65
Resolution Graphics	Design & Production	375.00
Always Mountain Time	Events	792.00
Greenspeed Project	Events	10,000.00
Optimum Event Concessions	Events	4,000.00
Signature Signs	Events	720.00
Total Marketing		\$ 32,226.21

TOTAL ADMINISTRATION **\$ 335,102.37**

WASTEWATER FUND

Meritain Health	Health Insurance	\$ 6,033.53
Triad EAP	Employee Assistance Program	14.10
Proforma	Office Supplies	608.47
Western Slope Supplies	Office Supplies	55.35
Polydyne	Operating Supplies	13,570.00
Alpine Lumber	R&M Supplies	210.94
Fastenal	R&M Supplies	95.82
Grainger	R&M Supplies	116.70
Grand Junction Pipe	R&M Supplies	151.40
Fleet Services	Gas & Oil	272.39
Fastenal	Equipment-Supplies	102.49
Federal Express	Communication & Transportation	254.69
CenturyLink	Utilities	483.56
Holy Cross Energy	Utilities	19,830.82
Source Gas	Utilities	9,176.71
Veris Environmental	Sludge Disposal	5,873.72
Snowbridge	Sewer Camera & Jetting	2,855.00
Hatch Mott MacDonald	Mixing Zone Study	840.00
Accutest	Testing	1,968.00
Eagle River Water & Sanitation Dist	Testing	4,200.00
Seacrest Group	Testing	1,015.00
TOTAL WASTEWATER FUND		\$ 67,728.69

WATER FUND

Elam Construction	Deposits Payable	\$ 635.08
Wynton Homes	Deposits Payable	901.98
Hoeft Builders West	Water Materials & Other	349.58
Garfield & Hecht	Legal Reimbursable	350.20
Meritain Health	Health Insurance	15,083.83
Triad EAP	Employee Assistance Program	35.25
Proforma	Office Supplies	608.47
DPC Industries	Operating Supplies	1,906.86
Alpine Lumber	R&M Supplies	37.36
Manley Brothers	R&M Supplies	277.76
Municipal Treatment	R&M Supplies	136.36

Wylaco Supply	R&M Supplies	50.00
PST Enterprises	Vehicle R&M Supplies	45.71
Fleet Services	Gas & Oil	214.59
Hach	Equipment-Supplies	637.67
Grand Junction Pipe	Inventory	251.40
HD Supply Waterworks	Meters & Related Supplies	3,600.00
Federal Express	Communication & Transportation	7.13
Manley Brothers	Communication & Transportation	650.00
Municipal Treatment	Communication & Transportation	20.00
Amerigas	Utilities	1,601.53
CenturyLink	Utilities	2,010.00
FerrellGas	Utilities	904.98
Holy Cross Energy	Utilities	8,141.87
Garfield & Hecht	Legal Reimbursable	5,051.80
Garfield & Hecht	Legal	1,553.96
Hatch Mott MacDonald	Engineering Reimbursable	4,055.00
Resource Engineering	Engineering Reimbursable	7,748.80
Resource Engineering	Engineering	468.75
Eagle River Water & Sanitation Dist	Testing	300.00
Browns Hill Engineering	Computer Support	2,972.00
OCPO	Training	90.00
US Bank Equipment Finance	Copier Contract	358.40
Colorado Dept of Transportation	Eby Creek I-70 Project	27,495.56
Grand Junction Pipe	Tank Replacement	431.16
Hatch Mott MacDonald	Upper Basing Water Treatment Plant	15,000.00
Alpine Lumber	Brush Creek Main Replacement	89.97
Instrument & Supply West	Brush Creek Main Replacement	135,789.00
Johnson Excavation & Telecomm	Brush Creek Main Replacement	2,280.00
Schofield Excavation Inc	Downtown Water Line Improvements	139,833.95
Wells Fargo Business Banking Group	Water Bond Interest	31,813.17
TOTAL WATER FUND		\$ 413,789.13

CAPITAL IMPROVEMENTS

Eagle Castle Management	Use Tax Refund	\$ 81.07
Contract One	ECO Bus Shelters	22,169.15
Landscape Technology Group	Bus Shelters	2,450.00
Tolar Manufacturing	ECO Bus Shelters	31,059.00
Heartwood Custom Woodworks	Town Hall Improvement	2,807.50
Colorado Dept of Transportation	Eby Creek I-70 Project	1,755.04
Eagle County Clerk & Recorder	New Vehicles	32.94
Glenwood Springs Ford	2016 F150	26,718.86
Glenwood Springs Ford	2016 F150	24,635.88
Glenwood Springs Ford	2016 F150	26,718.86
PST Enterprises	New Pickups	374.92
Signature Signs	4x4 pickups	360.00
United Rentals	4x4 pickups	1,234.00
Eagle County Clerk & Recorder	New Vehicles	32.94

Vehicle Registration	Vehicle Registration	6.22
Wireless Advanced Comm. Inc.	Patrol Vehicles	21,902.43
TOTAL CAPITAL IMPROVEMENTS		\$ 162,338.81
REFUSE FUND		
Proforma	Office Supplies	\$ 608.46
Vail Honeywagon	Refuse	41,842.64
TOTAL REFUSE FUND		\$ 42,451.10
OPEN SPACE FUND		
Alpine Lumber	R&M Supplies	181.69
Mountain Pest Control	Weed & Pest Control	450.00
Heritage Title Company	A&R Investment	144,000.00
Ground Engineering	Eagle River Park Improvements	3,500.00
S20 Design & Engineering	Eagle River Park Improvements	7,202.40
Triad EAP	Employee Assistance Program	7.05
TOTAL OPEN SPACE FUND		\$ 155,341.14
TOTAL BILL SCHEDULE		\$ 1,176,751.24
TOTAL PAYROLL		\$ 243,063.58
TOTAL		\$ 1,419,814.82

TOWN OF EAGLE PAYROLL - MAY 2016

TITLE	GROSS AMOUNT
Building Official	\$ 2,931.16 2,931.17
Administrative Assistant	1,614.58 1,614.58
Town Planner	3,004.63 3,004.62
Open Space Coordinator	1,893.24 2,579.87
Assistant Town Planner	2,067.71 2,067.70
Marketing & Events Coordinator	6,709.05
Finance Director	3,028.85 3,028.85
Town Clerk	3,153.85 2,307.70
Town Manager	14,846.15 -
Administrative Assistant	836.40 -
Town Board Trustee	400.00
Mayor	375.00
Town Board Trustee	250.00
Town Board Trustee	250.00
Town Board Trusteeee	250.00
Town Board Trustee	375.00
Town Board Trustee	375.00

Planning Commission	\$	500.00
Planning Commission		500.00
Planning Commission		500.00
Planning Commission		500.00
Shop Crew Leader		2,414.89
		2,867.68
Administrative Technician		1,938.79
		1,938.79
Assistant Engineer		3,123.23
		3,152.51
Maintenance Worker		1,881.10
		1,863.63
Maintenance Worker		2,351.67
		2,615.76
Assistant Engineer		3,214.50
		3,214.50
Public Works Inspector		2,295.98
		2,661.90
Streets		2,406.49
		3,083.33
Public Works Administrative Assistant		1,617.88
		1,617.89
Streets		1,908.85
		1,973.74
Streets		1,648.00
		1,648.00
Municipal Court Judge		600.00
Police Secretary/Court Clerk		1,814.72
		1,814.72

Court Clerk	\$	531.00
		542.06
Sergeant		2,423.08
		2,423.08
Police Officer		1,941.11
		1,923.08
Lieutenant		2,886.39
		3,346.41
Sergeant		2,434.62
		2,685.69
Police Chief		3,307.70
		3,307.70
Patrol Officer		2,771.59
		3,256.97
Patrol Officer		2,178.85
		2,028.84
Patrol Officer		1,942.30
		5,120.15
Patrol Officer		2,069.73
		2,069.73
Patrol Officer		2,706.09
		3,630.59
Buildings & Grounds Supervisor		2,312.52
		2,312.52
Buildings & Grounds Worker		1,879.70
		1,879.70
Buildings & Grounds Worker		1,600.00
		-
Buildings & Grounds Worker		560.00
		896.00

Buildings & Grounds Worker	\$	560.00
		1,120.00
Information Center		1,152.00
		1,021.50
Information Center		504.00
		577.50
Information Center		644.00
		539.00
Information Center		507.50
		539.00
Public Works		2,480.00
		2,604.00
Public Works		2,199.96
		2,282.46
Public Works Foreman	\$	3,158.19
		3,987.22
Public Works Director		4,139.35
		4,139.35
FICA Taxes	\$	16,576.52
Retirement		10,051.17
misc deduction		(250.00)
TOTAL	\$	243,063.58

RESOLUTION NO. 25
(SERIES OF 2016)

A RESOLUTION OF THE TOWN OF EAGLE BOARD OF TRUSTEES CONCERNING THE ANNEXATION PETITION FOR THE HIGHWAY 6 ANNEXATION A TO THE TOWN OF EAGLE, COLORADO.

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado, finds that a Petition for Annexation of certain territory, more particularly described therein, and to be known as the "State Highway 6 Annexation A," filed with the Town Clerk on December 1, 2015, is in substantial compliance with Section 31-12-107(1), C.R.S., as amended; and

WHEREAS, a public hearing should be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., as amended, or such parts thereof as may be required to establish eligibility under the terms of Sections 31-12-101, *et. seq.*, C.R.S.

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

The Board of Trustees hereby sets a public hearing for such purposes for the 26th day of July, 2016, at 6:00 p.m., at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, and directs the Town Clerk to publish and give notice as required by law.

Dated this 14th day of June, 2016.

TOWN OF EAGLE, COLORADO

By _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**TOWN OF EAGLE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 26th day of July, 2016 at 6:00 p.m. at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, the Eagle Board of Trustees will hold a public hearing on the following described petition for the annexation of certain territory to the Town of Eagle, Colorado, for the purpose of determining and finding whether the area proposed to be annexed as the “State Highway 6 Annexation A” meets the applicable requirements of the Colorado Constitution and the Municipal Annexation Act of 1965, and is considered eligible for annexation.

PETITION FOR ANNEXATION

STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE

ANNEXATION A

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

The undersigned, Colorado Department of Transportation, in accordance with the Municipal Annexation Act of 1965, as amended, as set forth in Article 12, Title 31, Colorado Revised Statutes, hereby petitions (this “*Petition*”) the Board of Trustees of the Town of Eagle, Colorado, a Colorado statutory municipal corporation (the “*Town*” or the “*Town of Eagle*”) to annex to the Town of Eagle the unincorporated territory located in the County of Eagle, State of Colorado known as the State Highway 6 Annexation to the Town of Eagle Annexation A, legally described on Exhibit A attached hereto and incorporated herein by reference (the “*Annexation Property*”), and in support of this Petition, Petitioner alleges that:

1. It is desirable and necessary that Annexation Property be annexed to the Town of Eagle.
2. Not less than one-sixth (1/6) of the perimeter of the Annexation Property is contiguous with the current boundary of the Town of Eagle, which contiguity may be established by the annexation of one or more parcels in a series.
3. A community of interest exists between the Annexation Property and the Town of Eagle; the Annexation Property is urban or will be urbanized in the near future; and the Annexation Property is integrated with or is capable of being integrated with the Town of Eagle.
4. The Petitioner is the landowner of one hundred percent (100%) of the territory included in the Annexation Property, and hereby consents to the establishment of the boundaries of the Annexation Property as shown on the annexation map submitted herewith.
5. This Petitioner satisfies the requirement of Article II, Section 30 of the Constitution of the State of Colorado in that it is signed by persons comprising more than fifty percent (50%)

of the landowners in the Annexation Property area and who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Eagle.

6. The Annexation Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Annexation Property to any other municipality; nor has any election for annexation of the Annexation Property or substantially the same territory to the Town of Eagle been held within twelve months immediately preceding the filing of this Petition.

7. The proposed annexation will not result in detachment of area from any school district or attachment of the same area to another school district.

8. The proposed annexation will not extend the municipal boundary of the Town of Eagle more than three miles in any direction from any point of the current municipal boundary.

9. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town of Eagle but is not bounded on both sides by the Town of Eagle.

10. In establishing the boundaries of the Annexation Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

a. Is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof; or

b. Comprising 20 acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Annexation Property without the written consent of the landowner or landowners.

11. The affidavit of the circulator of this Petition certifying that each signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit B and is incorporated herein by this reference.

12. This Petition is accompanied by four prints of an annexation map containing, among other things, the following information:

- a. A written legal description of the boundaries of the Annexation Property;
- b. A map showing the boundary of the Annexation Property;

c. Within the annexation 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 the plots or of lots and blocks; and

d. Next to the boundary of the Annexation property, a drawing of the contiguous boundary with the Town of Eagle, the annexing municipality, abutting the Annexation Property.

13. The petition satisfies the requirements of C.R.S. Sections 31-12-104 and 31-12-105.

14. The Petitioner hereby reserves the right to withdraw this Petition or its signature therefrom at any time prior to the adopting of a final ordinance effectuating the annexation contemplated in the Petition. In the event the Petitioner withdraws this Petition or its signature therefrom, the effect of such withdrawal shall be as if no petition for annexation had ever been executed and filed with the Town of Eagle.

15. Upon the effective date of the annexation ordinance effectuating the annexation contemplated in this Petition, and subject to the conditions set forth in this Petition all lands within the Annexation Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Eagle.

16. The Petitioner requests that the Town of Eagle institute zoning in accordance with C.R.S. Section 31-12-115, approval of which shall be satisfactory to both Petitioner and the Town of Eagle.

17. 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.

EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE
ANNEXATION A

A parcel of land situated in Tract 50, Section 6, Township 5 South, Range 84 West of the Sixth Principal Meridian being more particularly described as follows:

Commencing at a point monumented by a 2" diameter aluminum cap, set in concrete LS 4551, marking Corner 4 of Tract 50, thence N35°09'50"W 1304.55 feet to the True Point of Beginning, being point from which a witness corner bears N85°24'07"E 5.00 feet, said witness corner monumented by a 2" diameter aluminum cap

LS 23089 on a #5 rebar, thence N08°29'47"W 119.21' feet to a point on the northerly right of way of State Highway 6, monumented by a 2" diameter aluminum cap LS 23089 on a #5 rebar, thence S62°15'32"W 303.05 feet to a point on the southerly Right of Way of State Highway 6, thence along said southerly Right of Way S85°22'01"E 286.80 feet to the POINT of BEGINNING, said parcel containing 0.392 acres more or less.

The above described parcel of land has a perimeter of 709.06 feet of which 119.21 feet (16.81%) is contiguous with the present boundary of the Town of Eagle, according to the plat of the Waste Water Treatment Facility Annexation recorded in Book 703 at Page 912 as Document No. 599898 and have by these presents laid out platted the same as shown hereon and designate the same as the STATE HIGHWAY 6 ANNEXATION A to the Town of Eagle, State of Colorado.

Any person may appear at such hearing and present evidence upon any matter to be considered by the Board of Trustees.

Town of Eagle, Colorado

By: _____
Jenny Rakow, Eagle Town Clerk

Publication Dates:

June 23, 2016
June 30, 2016
July 7, 2016
July 14, 2016

RESOLUTION NO. 26
(SERIES OF 2016)

A RESOLUTION OF THE TOWN OF EAGLE BOARD OF TRUSTEES CONCERNING THE ANNEXATION PETITION FOR THE STATE HIGHWAY 6 ANNEXATION B TO THE TOWN OF EAGLE, COLORADO.

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado, finds that a Petition for Annexation of certain territory, more particularly described therein, and to be known as the "State Highway 6 Annexation B," filed with the Town Clerk on December 1, 2015, is in substantial compliance with Section 31-12-107(1), C.R.S., as amended; and

WHEREAS, a public hearing should be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., as amended, or such parts thereof as may be required to establish eligibility under the terms of Sections 31-12-101, *et. seq.*, C.R.S.

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

The Board of Trustees hereby sets a public hearing for such purposes for the 26th, day of July, 2016, at 6:00 p.m., at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, and directs the Town Clerk to publish and give notice as required by law.

Dated this 14th day of June, 2016.

TOWN OF EAGLE, COLORADO

By _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**TOWN OF EAGLE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 26th day of July, 2016 at 6:00 p.m. at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, the Eagle Board of Trustees will hold a public hearing on the following described petition for the annexation of certain territory to the Town of Eagle, Colorado, for the purpose of determining and finding whether the area proposed to be annexed as the “State Highway 6 Annexation B” meets the applicable requirements of the Colorado Constitution and the Municipal Annexation Act of 1965, and is considered eligible for annexation.

PETITION FOR ANNEXATION

STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE

ANNEXATION B

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

The undersigned, Colorado Department of Transportation, in accordance with the Municipal Annexation Act of 1965, as amended, as set forth in Article 12, Title 31, Colorado Revised Statutes, hereby petitions (this “*Petition*”) the Board of Trustees of the Town of Eagle, Colorado, a Colorado statutory municipal corporation (the “*Town*” or the “*Town of Eagle*”) to annex to the Town of Eagle the unincorporated territory located in the County of Eagle, State of Colorado known as the State Highway 6 Annexation to the Town of Eagle Annexation B, legally described on Exhibit A attached hereto and incorporated herein by reference (the “*Annexation Property*”), and in support of this Petition, Petitioner alleges that:

1. It is desirable and necessary that Annexation Property be annexed to the Town of Eagle.
2. Not less than one-sixth (1/6) of the perimeter of the Annexation Property is contiguous with the current boundary of the Town of Eagle, which contiguity may be established by the annexation of one or more parcels in a series.
3. A community of interest exists between the Annexation Property and the Town of Eagle; the Annexation Property is urban or will be urbanized in the near future; and the Annexation Property is integrated with or is capable of being integrated with the Town of Eagle.
4. The Petitioner is the landowner of one hundred percent (100%) of the territory included in the Annexation Property, and hereby consents to the establishment of the boundaries of the Annexation Property as shown on the annexation map submitted herewith.

5. This Petitioner satisfies the requirement of Article II, Section 30 of the Constitution of the State of Colorado in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the Annexation Property area and who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Eagle.

6. The Annexation Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Annexation Property to any other municipality; nor has any election for annexation of the Annexation Property or substantially the same territory to the Town of Eagle been held within twelve months immediately preceding the filing of this Petition.

7. The proposed annexation will not result in detachment of area from any school district or attachment of the same area to another school district.

8. The proposed annexation will not extend the municipal boundary of the Town of Eagle more than three miles in any direction from any point of the current municipal boundary.

9. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town of Eagle but is not bounded on both sides by the Town of Eagle.

10. In establishing the boundaries of the Annexation Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

a. Is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof; or

b. Comprising 20 acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Annexation Property without the written consent of the landowner or landowners.

11. The affidavit of the circulator of this Petition certifying that each signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit B and is incorporated herein by this reference.

12. This Petition is accompanied by four prints of an annexation map containing, among other things, the following information:

a. A written legal description of the boundaries of the Annexation Property;

- b. A map showing the boundary of the Annexation Property;
 - c. Within the annexation 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 the plots or of lots and blocks; and
 - d. Next to the boundary of the Annexation property, a drawing of the contiguous boundary with the Town of Eagle, the annexing municipality, abutting the Annexation Property.
13. The petition satisfies the requirements of C.R.S. Sections 31-12-104 and 31-12-105.
14. The Petitioner hereby reserves the right to withdraw this Petition or its signature therefrom at any time prior to the adopting of a final ordinance effectuating the annexation contemplated in the Petition. In the event the Petitioner withdraws this Petition or its signature therefrom, the effect of such withdrawal shall be as if no petition for annexation had ever been executed and filed with the Town of Eagle.
15. Upon the effective date of the annexation ordinance effectuating the annexation contemplated in this Petition, and subject to the conditions set forth in this Petition all lands within the Annexation Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Eagle.
16. The Petitioner requests that the Town of Eagle institute zoning in accordance with C.R.S. Section 31-12-115, approval of which shall be satisfactory to both Petitioner and the Town of Eagle.
17. 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.

EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE
ANNEXATION B

A parcel of land situated in Tract 50, Section 6, Township 5 South, Range 84 West of the Sixth Principal Meridian being more particularly described as follows:

Commencing at a point monumented by a 2" diameter aluminum cap, set in concrete LS 4551, marking Corner 4 of Tract 50, thence N35°09'50"W 1304.55 feet to a point from which a witness corner bears N85°24'07"E 5.00 feet, said witness corner monumented by a 2" diameter aluminum

cap LS 23089 on a #5 rebar, thence along said southerly Right of Way S85°22'01"W 286.80 feet to the True Point of Beginning, thence N62°15'32"E 303.05 feet to a point on the northerly Right of Way of State Highway 6, monumented by a 2" diameter aluminum cap LS 23089 on a #5 rebar, thence along said northerly Right of Way on a curve to the right, having a radius of 7840.00 feet, a delta of 2°57'30", an arc length of 394.48 feet, a tangent of 197.29 feet and a chord which bears S82°42'37"W 394.44 feet, thence along said northerly Right of Way on a curve to the right, having a radius of 2815.00 feet, a delta of 9°41'38", an arc length of 476.27 feet, a tangent of 238.70 feet and a chord which bears N89°39'42"W 475.70 feet, thence S81°05'34"E 606.00 feet to the POINT of BEGINNING, said parcel containing 0.883 acres more or less.

The above described parcel of land has a perimeter of 1779.83 feet of which 303.08 feet (17.03%) is contiguous with the present boundary of the Town of Eagle and have by these presents laid out platted the same as shown hereon and designate the same as the STATE HIGHWAY 6 ANNEXATION B to the Town of Eagle, State of Colorado.

Any person may appear at such hearing and present evidence upon any matter to be considered by the Board of Trustees.

Town of Eagle, Colorado

By: _____
Jenny Rakow, Eagle Town Clerk

Publication Dates:

June 23, 2016
June 30, 2016
July 7, 2016
July 14, 2016

RESOLUTION NO. 27
(SERIES OF 2016)

A RESOLUTION OF THE TOWN OF EAGLE BOARD OF TRUSTEES CONCERNING THE ANNEXATION PETITION FOR THE STATE HIGHWAY 6 ANNEXATION C TO THE TOWN OF EAGLE, COLORADO.

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado, finds that a Petition for Annexation of certain territory, more particularly described therein, and to be known as the "State Highway 6 Annexation C," filed with the Town Clerk on December 1, 2015, is in substantial compliance with Section 31-12-107(1), C.R.S., as amended; and

WHEREAS, a public hearing should be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., as amended, or such parts thereof as may be required to establish eligibility under the terms of Sections 31-12-101, *et. seq.*, C.R.S.

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

The Board of Trustees hereby sets a public hearing for such purposes for 26th day of July, 2016, at 6:00 p.m., at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, and directs the Town Clerk to publish and give notice as required by law.

Dated this 14th day of June, 2016.

TOWN OF EAGLE, COLORADO

By _____

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**TOWN OF EAGLE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 26th day of July, 2016 at 6:00 p.m. at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, the Eagle Board of Trustees will hold a public hearing on the following described petition for the annexation of certain territory to the Town of Eagle, Colorado, for the purpose of determining and finding whether the area proposed to be annexed as the “State Highway 6 Annexation C” meets the applicable requirements of the Colorado Constitution and the Municipal Annexation Act of 1965, and is considered eligible for annexation.

PETITION FOR ANNEXATION

STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE

ANNEXATION C

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

The undersigned, Colorado Department of Transportation, in accordance with the Municipal Annexation Act of 1965, as amended, as set forth in Article 12, Title 31, Colorado Revised Statutes, hereby petitions (this “*Petition*”) the Board of Trustees of the Town of Eagle, Colorado, a Colorado statutory municipal corporation (the “*Town*” or the “*Town of Eagle*”) to annex to the Town of Eagle the unincorporated territory located in the County of Eagle, State of Colorado known as the State Highway 6 Annexation to the Town of Eagle Annexation C, legally described on Exhibit A attached hereto and incorporated herein by reference (the “*Annexation Property*”), and in support of this Petition, Petitioner alleges that:

1. It is desirable and necessary that Annexation Property be annexed to the Town of Eagle.
2. Not less than one-sixth (1/6) of the perimeter of the Annexation Property is contiguous with the current boundary of the Town of Eagle, which contiguity may be established by the annexation of one or more parcels in a series.
3. A community of interest exists between the Annexation Property and the Town of Eagle; the Annexation Property is urban or will be urbanized in the near future; and the Annexation Property is integrated with or is capable of being integrated with the Town of Eagle.
4. The Petitioner is the landowner of one hundred percent (100%) of the territory included in the Annexation Property, and hereby consents to the establishment of the boundaries of the Annexation Property as shown on the annexation map submitted herewith.
5. This Petitioner satisfies the requirement of Article II, Section 30 of the Constitution of the State of Colorado in that it is signed by persons comprising more than fifty percent (50%)

of the landowners in the Annexation Property area and who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Eagle.

6. The Annexation Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Annexation Property to any other municipality; nor has any election for annexation of the Annexation Property or substantially the same territory to the Town of Eagle been held within twelve months immediately preceding the filing of this Petition.

7. The proposed annexation will not result in detachment of area from any school district or attachment of the same area to another school district.

8. The proposed annexation will not extend the municipal boundary of the Town of Eagle more than three miles in any direction from any point of the current municipal boundary.

9. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town of Eagle but is not bounded on both sides by the Town of Eagle.

10. In establishing the boundaries of the Annexation Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

a. Is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof; or

b. Comprising 20 acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Annexation Property without the written consent of the landowner or landowners.

11. The affidavit of the circulator of this Petition certifying that each signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit B and is incorporated herein by this reference.

12. This Petition is accompanied by four prints of an annexation map containing, among other things, the following information:

a. A written legal description of the boundaries of the Annexation Property;

b. A map showing the boundary of the Annexation Property;

c. Within the annexation 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 the plots or of lots and blocks; and

d. Next to the boundary of the Annexation property, a drawing of the contiguous boundary with the Town of Eagle, the annexing municipality, abutting the Annexation Property.

13. The petition satisfies the requirements of C.R.S. Sections 31-12-104 and 31-12-105.

14. The Petitioner hereby reserves the right to withdraw this Petition or its signature therefrom at any time prior to the adopting of a final ordinance effectuating the annexation contemplated in the Petition. In the event the Petitioner withdraws this Petition or its signature therefrom, the effect of such withdrawal shall be as if no petition for annexation had ever been executed and filed with the Town of Eagle.

15. Upon the effective date of the annexation ordinance effectuating the annexation contemplated in this Petition, and subject to the conditions set forth in this Petition all lands within the Annexation Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Eagle.

16. The Petitioner requests that the Town of Eagle institute zoning in accordance with C.R.S. Section 31-12-115, approval of which shall be satisfactory to both Petitioner and the Town of Eagle.

17. 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.

EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE
ANNEXATION C

A parcel of land situated in Tract 50, Section 6, Township 5 South, Range 84 West of the Sixth Principal Meridian being more particularly described as follows:

Commencing at a point monumented by a 2" diameter aluminum cap, set in concrete LS 4551, marking Corner 4 of Tract 50, thence N35°09'50"W 1304.55 feet to a point from which a witness corner bears N85°24'07"E 5.00 feet, said witness corner monumented by a 2" diameter aluminum cap LS 23089 on a #5 rebar, thence along said southerly Right of Way S85°22'01"W 286.80 feet to the True Point of Beginning, thence N81°05'34"W 606.00 feet to a point on the northerly Right

of Way of State Highway 6, thence S89°19'02"E 838.80 feet to a point on the southerly Right of Way of State Highway 6, monumented by a 3.25" diameter brass cap set in a concrete cone, thence continuing along said southerly Right of Way S04°47'26"W 49.14 feet to a point monumented by a 3.25" diameter brass cap set in a concrete cone, thence continuing along said southerly Right of Way S81°58'33"E 502.99 feet to a point monumented by a 3.25" diameter brass cap set in a concrete cone, thence continuing along said southerly Right of Way N08°09'21"E 24.08 feet to a point monumented by a 3.25" diameter brass cap set in a concrete cone, thence continuing along said southerly Right of Way S82°57'37"W 238.22 feet to a point, thence continuing along said southerly Right of Way on a curve to the left, having a radius of 2940.00 feet, a delta of 11°32'53", an arc length of 592.57 feet, a tangent of 297.29 feet and a chord which bears S88°44'04"E 591.56 feet to a point monumented by a 3.25" diameter brass cap set in a concrete cone, thence continuing along said southerly Right of Way N41°19'56"W 24.55 feet to a point monumented by a 3.25" diameter brass cap set in a concrete cone, thence continuing along said southerly Right of Way N85°22'01"E 114.44 feet to the POINT of BEGINNING, said parcel containing 2.877 acres more or less.

The above described parcel of land has a perimeter of 2990.79 feet of which 606.00 feet (20.26%) is contiguous with the present boundary of the Town of Eagle and have by these presents laid out platted the same as shown hereon and designate the same as the STATE HIGHWAY 6 ANNEXATION C to the Town of Eagle, State of Colorado.

Any person may appear at such hearing and present evidence upon any matter to be considered by the Board of Trustees.

Town of Eagle, Colorado

By: _____
Jenny Rakow, Eagle Town Clerk

Publication Dates:

- June 23, 2016
- June 30, 2016
- July 7, 2016
- July 14, 2016

RESOLUTION NO. 28
(SERIES OF 2016)

A RESOLUTION OF THE TOWN OF EAGLE BOARD OF TRUSTEES CONCERNING THE ANNEXATION PETITION FOR THE STATE HIGHWAY 6 ANNEXATION D TO THE TOWN OF EAGLE, COLORADO.

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado, finds that a Petition for Annexation of certain territory, more particularly described therein, and to be known as the "State Highway 6 Annexation D," filed with the Town Clerk on December 1, 2015, is in substantial compliance with Section 31-12-107(1), C.R.S., as amended; and

WHEREAS, a public hearing should be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., as amended, or such parts thereof as may be required to establish eligibility under the terms of Sections 31-12-101, *et. seq.*, C.R.S.

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

The Board of Trustees hereby sets a public hearing for such purposes for the 26th, day of July, 2016, at 6:00 p.m., at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, and directs the Town Clerk to publish and give notice as required by law.

Dated this 14th day of June, 2016.

TOWN OF EAGLE, COLORADO

By _____

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**TOWN OF EAGLE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 26th day of July, 2016 at 6:00 p.m. at the Eagle Town Hall, 200 Broadway, Eagle, Colorado, the Eagle Board of Trustees will hold a public hearing on the following described petition for the annexation of certain territory to the Town of Eagle, Colorado, for the purpose of determining and finding whether the area proposed to be annexed as the “State Highway 6 Annexation D” meets the applicable requirements of the Colorado Constitution and the Municipal Annexation Act of 1965, and is considered eligible for annexation.

PETITION FOR ANNEXATION

STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE

ANNEXATION D

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

The undersigned, Colorado Department of Transportation, in accordance with the Municipal Annexation Act of 1965, as amended, as set forth in Article 12, Title 31, Colorado Revised Statutes, hereby petitions (this “*Petition*”) the Board of Trustees of the Town of Eagle, Colorado, a Colorado statutory municipal corporation (the “*Town*” or the “*Town of Eagle*”) to annex to the Town of Eagle the unincorporated territory located in the County of Eagle, State of Colorado known as the State Highway 6 Annexation to the Town of Eagle Annexation D, legally described on Exhibit A attached hereto and incorporated herein by reference (the “*Annexation Property*”), and in support of this Petition, Petitioner alleges that:

1. It is desirable and necessary that Annexation Property be annexed to the Town of Eagle.
2. Not less than one-sixth (1/6) of the perimeter of the Annexation Property is contiguous with the current boundary of the Town of Eagle, which contiguity may be established by the annexation of one or more parcels in a series.
3. A community of interest exists between the Annexation Property and the Town of Eagle; the Annexation Property is urban or will be urbanized in the near future; and the Annexation Property is integrated with or is capable of being integrated with the Town of Eagle.
4. The Petitioner is the landowner of one hundred percent (100%) of the territory included in the Annexation Property, and hereby consents to the establishment of the boundaries of the Annexation Property as shown on the annexation map submitted herewith.
5. This Petitioner satisfies the requirement of Article II, Section 30 of the Constitution of the State of Colorado in that it is signed by persons comprising more than fifty percent (50%)

of the landowners in the Annexation Property area and who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Eagle.

6. The Annexation Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Annexation Property to any other municipality; nor has any election for annexation of the Annexation Property or substantially the same territory to the Town of Eagle been held within twelve months immediately preceding the filing of this Petition.

7. The proposed annexation will not result in detachment of area from any school district or attachment of the same area to another school district.

8. The proposed annexation will not extend the municipal boundary of the Town of Eagle more than three miles in any direction from any point of the current municipal boundary.

9. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town of Eagle but is not bounded on both sides by the Town of Eagle.

10. In establishing the boundaries of the Annexation Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

- a. Is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof; or
- b. Comprising 20 acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Annexation Property without the written consent of the landowner or landowners.

11. The affidavit of the circulator of this Petition certifying that each signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit B and is incorporated herein by this reference.

12. This Petition is accompanied by four prints of an annexation map containing, among other things, the following information:

- a. A written legal description of the boundaries of the Annexation Property;
- b. A map showing the boundary of the Annexation Property;

- c. Within the annexation 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 the plots or of lots and blocks; and
- d. Next to the boundary of the Annexation property, a drawing of the contiguous boundary with the Town of Eagle, the annexing municipality, abutting the Annexation Property.

13. The petition satisfies the requirements of C.R.S. Sections 31-12-104 and 31-12-105.

14. The Petitioner hereby reserves the right to withdraw this Petition or its signature therefrom at any time prior to the adopting of a final ordinance effectuating the annexation contemplated in the Petition. In the event the Petitioner withdraws this Petition or its signature therefrom, the effect of such withdrawal shall be as if no petition for annexation had ever been executed and filed with the Town of Eagle.

15. Upon the effective date of the annexation ordinance effectuating the annexation contemplated in this Petition, and subject to the conditions set forth in this Petition all lands within the Annexation Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Eagle.

16. The Petitioner requests that the Town of Eagle institute zoning in accordance with C.R.S. Section 31-12-115, approval of which shall be satisfactory to both Petitioner and the Town of Eagle.

17. 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.

EXHIBIT A
TO PETITION FOR ANNEXATION

LEGAL DESCRIPTION OF ANNEXATION PROPERTY
STATE HIGHWAY 6 ANNEXATION TO THE TOWN OF EAGLE
ANNEXATION D

A parcel of land situated in Tract 51, Section 6, Township 5 South, Range 84 West of the Sixth Principal Meridian being more particularly described as follows:

Commencing at a point monumented by a 2" diameter aluminum cap, set in concrete LS 4551, marking Corner 4 of Tract 50, thence N35°09'50"W 1304.55 feet to a point from which a witness corner bears N85°24'07"E 5.00 feet, said witness corner monumented by a 2" diameter aluminum cap LS 23089 on a #5 rebar, thence along said southerly Right of Way S85°22'01"W 286.80 feet, thence N81°05'34"W 606.00 feet to a point on the northerly Right of Way of State Highway 6, the True of Beginning, thence along said northerly Right of Way on a curve to the right, having a

radius of 2815.00 feet, a delta of 1°51'15", an arc length of 91.10 feet, a tangent of 45.55 feet and a chord which bears N83°53'15"W 91.10 feet, thence continuing along said northerly Right of Way N82°57'37"W 238.22 feet to a point, thence continuing along said northerly Right of Way N81°58'33"W 502.99 feet to a point, thence continuing along said northerly Right of Way N82°08'33"W 900.95 feet to a point, thence continuing along said northerly Right of Way on a curve to the right, having a radius of 1860.00 feet, a delta of 15°22'38", an arc length of 499.19 feet, a tangent of 251.10 feet and a chord which bears N74°27'14"W 497.69 feet, thence S23°14'05"W 105.00 feet to a 3.25" diameter brass cap set in a concrete cone on the southerly Right of Way of State Highway 6, thence along said southerly Right of Way on a curve to the left, having a radius of 1965.00 feet, a delta of 00°33'25", an arc length of 19.10 feet, a tangent of 9.55 feet and a chord which bears S67°02'38"E 19.10 feet to a point, thence N22°44'32"E 5.00 feet to a point, thence continuing along said southerly Right of Way on a curve to the left, having a radius of 1960.00 feet, a delta of 14°49'12", an arc length of 506.97 feet, a tangent of 254.91 feet and a chord which bears S74°43'57"E 505.56 feet, thence continuing along said southerly Right of Way S82°08'33"E 900.95 feet to a point, monumented by a 3.25" diameter brass cap set in a concrete cone, thence N89°19'02"E 838.80 feet to the POINT of BEGINNING, said parcel containing 4.162 acres more or less.

The above described parcel of land has a perimeter of 4608.26 feet of which 838.80 feet (18.20%) is contiguous with the present boundary of the Town of Eagle and have by these presents laid out platted the same as shown hereon and designate the same as the STATE HIGHWAY 6 ANNEXATION D to the Town of Eagle, State of Colorado.

Any person may appear at such hearing and present evidence upon any matter to be considered by the Board of Trustees.

Town of Eagle, Colorado

By: _____
Jenny Rakow, Eagle Town Clerk

Publication Dates:

June 23, 2016

June 30, 2016

July 7, 2016

July 14, 2016

ORDINANCE NO. 16
(Series of 2016)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, APPROVING A SUBDIVISION WITHIN THE TOWN OF EAGLE TO BE KNOWN AS THE TROTTER MINOR SUBDIVISION; AND APPROVING A SITE SPECIFIC DEVELOPMENT PLAN ESTABLISHING VESTED PROPERTY RIGHTS PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AND CHAPTER 4.17 OF THE EAGLE MUNICIPAL CODE.

WHEREAS, the Town has enacted Chapter 4.12 of the Eagle Municipal Code concerning the subdivision of property; and

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado has received an application by ILB PARTNERS II, LLC., a Colorado limited liability company (the "Applicant"), to resubdivide certain property within the Town of Eagle presently known as Lot C-12, Eagle Valley Commercial Park, Filing 3, Subdivision, Town of Eagle, County of Eagle, State of Colorado; and

WHEREAS, the Applicant has submitted a proposed Subdivision Final Plat in accordance with Section 4.12.020(K) of the Eagle Municipal Code; and

WHEREAS, on May 31, 2016, following public notice as required by law, the Town of Eagle Planning and Zoning Commission held a public hearing on the application and recommended approval with conditions of the proposed subdivision pursuant to Section 4.12.020(M) of the Eagle Municipal Code; and

WHEREAS, on May 10, 2016 following public notice as required by law, the Board of Trustees of the Town of Eagle held a public hearing on the proposed subdivision pursuant to Section 4.12.020(N) of the Eagle Municipal Code; and

WHEREAS, the Board of Trustees finds and determines that the Applicant and the Town have provided sufficient evidence that the proposed Subdivision Final Plat complies with the Town's land use regulations, goals, policies and plans; and

WHEREAS, it is the intent of the Board of Trustees that approval of the Subdivision Final Plat shall constitute approval of a site specific development plan establishing vested property rights in accordance with Article 68 of Title 24, C.R.S., and Chapter 4.17 of the Eagle Municipal Code.

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

Section 1. That the Board of Trustees of the Town of Eagle, following study and review as required by law, hereby approves the subdivision of certain property described as Lot C-12, Eagle Valley Commercial Park, Filing 3, Town of Eagle, County of Eagle, State of Colorado into two (2) lots, as more fully described on the Subdivision Final Plat for Trotter Minor Subdivision.

Section 2. That the Board of Trustees of the Town of Eagle hereby accepts the dedication of the utility, drainage and ditch easements, as shown on the Subdivision Final Plat of the Trotter Minor Subdivision.

Section 3. The division of property shall hereinafter be known and described as the Trotter Minor Subdivision, Town of Eagle, County of Eagle, State of Colorado.

Section 4. The applicant shall provide, as required by Section 4.12.010(C)(7) of the Eagle Municipal Code, a certificate from an attorney licensed to practice law in the State of Colorado, or a title insurance company licensed to do business in this State, on the Subdivision Final Plat. This certificate shall show that title to the land shown on the Subdivision Final Plat as being dedicated to the public for any public purpose, including but not limited to utility easements, is vested in the Applicant free and clear of all liens and encumbrances except for current property taxes and patent reservations.

In the event that any property dedicated to the public is subject to any lien or encumbrance, the Applicant shall obtain, at its expense, and tender to the Town such documents as are necessary to release the dedicated easement from the lien or encumbrance. Failure of the Applicant to provide assurance as provided in this Section, or obtain the releases required by this Section, may cause the Town to repeal the within Ordinance.

Section 5. The approval of the Subdivision Final Plat for Trotter Minor Subdivision is hereby designated an approved site specific development plan for the Trotter Minor Subdivision, pursuant to Article 68 of Title 24, C.R.S. and Chapter 4.17 of the Eagle Municipal Code.

Section 6. Within thirty (30) days after the approval of this Ordinance and any technical revisions to the Subdivision Final Plat recommended by the Town Engineer or Town Attorney, the Town Clerk, on behalf of the Town of Eagle, Colorado, is directed to:

(a) File one copy of the Final Plat of the Trotter Minor Subdivision, and the original of this subdivision Ordinance in the office of the Town Clerk of Eagle, Colorado; and

Within fourteen (14) days after the approval of this Ordinance, the Town Clerk, on behalf of the Town of Eagle, Colorado, is directed to:

(a) Publish in the newspaper of general circulation within the Town the full text of this Ordinance; and

(b) Publish concurrently with the publication of the within Ordinance a notice advising the general public that approval of the Subdivision Final Plat for the Trotter Minor Subdivision constitutes approval of a site specific development plan establishing vested property rights pursuant to Article 68 of Title 24, C.R.S., and Chapter 4.17 of the Eagle Municipal Code.

Section 7. The approval of the Subdivision Final Plat shall be subject to any technical revisions recommended by the Town Attorney and Town’s Engineering Department.

Section 8. The approval of the Subdivision is further conditioned upon the Applicant designing and obtaining approval from the Town’s Engineering Department of water and wastewater service lines serving Lot C-12B of the Subdivision.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on _____ 2016.

TOWN OF EAGLE, COLORADO

By: _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Publication Date:

Trustee _____ introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, APPROVING A SUBDIVISION WITHIN THE TOWN OF EAGLE TO BE KNOWN AS THE TROTTER MINOR SUBDIVISION; AND APPROVING A SITE SPECIFIC DEVELOPMENT PLAN ESTABLISHING VESTED PROPERTY RIGHTS PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AND CHAPTER 4.17 OF THE EAGLE MUNICIPAL CODE.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee _____ seconded the motion. On roll call, the following Trustees voted "Aye":

_____, _____
_____, _____
_____, _____
_____.

Trustees voted "Nay":

_____, _____
_____.



Town of Eagle Police Department

June 8, 2016

Town of Eagle Town Board of Trustees
200 Broadway
Eagle, CO 81631

RE: Staff Proposed Modifications for Title 8, "Animals" of the Eagle Municipal Code

Dear Town Board of Trustees,

In accordance with new procedures recently adopted by Eagle County Animal Services (ECAS) and as we continue to contract with ECAS for animal control services, it is necessary to update our Town Code to ensure consistency and uniformity with accepted ECAS practice and procedure. The updates include:

- Uniformity of age in which pet animals and working dogs are to be vaccinated
- Uniformity of age and residency requirements when a dog must be licensed
- Requirement to keep a dog licensed when the intent is to maintain a dog in Town
- Ability to license a dog (or voluntary cat identification) with internet vendors, as approved by the TBOT

While the above for mentioned updates ensure uniformity with current procedures, the licensing provisions should also offer our residents an avenue of convenience for licensing options.

Additionally, it has come to our attention that the definition of "Common Ground" had a minor technicality, providing for a lack of clarity when dogs are walked on maintained recreational pathways in the Town of Eagle, which is likely to provide an avenue for a legal challenge. Specifically, there are sections of recreational pathways and sidewalks which are owned by homeowner associations, the school district and other entities which attach to and/or appear to be under control and/or maintained by the Town of Eagle, for which the intent of the original Animal Code necessitated physical control. The update to the definition will provide for the necessary clarity and limit legal scrutiny.

Thank you for your consideration.

Regards,

Joey Staufer

Chief of Police Joey Staufer
Town of Eagle Police Department
Office: 970-328-6351
Fax: 970-328-9659

ORDINANCE NO. 17
(Series of 2016)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING CERTAIN PROVISIONS OF CHAPTER 8.12 OF THE EAGLE MUNICIPAL CODE CONCERNING ANIMAL CONTROL INCLUDING CHANGES TO CONFORM TO RECENT CHANGES MADE TO EAGLE COUNTY'S ANIMAL CONTROL REGULATIONS

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado finds and determines that it is necessary and appropriate to make certain revisions to Chapter 8.12 of the Eagle Municipal Code concerning animal control including changes to conform with recent revisions to Eagle County's Animal Control Regulations.

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

Section 1. That subsection (H) of Section 8.12.020 of the Eagle Municipal Code, concerning definitions, is hereby amended to read as follows:

- H. ""Common Ground" means the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home parks, apartments or condominium developments; or in open space areas of subdivisions that are not owned or operated by the Town of Eagle, or an area that constitutes the access to public right-of-way for other residential or commercial areas. The term "Common Ground" does not include sidewalks, paved recreation paths and maintained recreation paths anywhere within the Town of Eagle which are open and have free access to the public, and which are otherwise not marked "private".

Section 2. That subsection (B) of Section 8.12.030 of the Eagle Municipal Code is hereby amended to read as follows:

- B. Pet animals and working dogs shall be vaccinated when the animal reaches the age of four (4) months or is licensed (if applicable) whichever occurs first, and the vaccinations shall be repeated as necessary in accordance with recommendations of the United States Department of Agriculture or vaccine manufacturer to maintain efficacy of the vaccination.

Section 3. That subsection (A) of Section 8.12.040 of the Eagle Municipal Code, concerning annual dog licensing, is hereby amended to read as follows:

- A. All dogs over the age of four (4) months shall have a valid pet animal license issued by the Town or any agency designated by the Board of Trustees in writing such as the Eagle County Animal Control Department, after the dog has been kept, maintained, or harbored in the Town for any consecutive thirty (30) day period or immediately upon citation for any other violation of this Chapter.

Section 4. That subsection (B) of Section 8.12.040 of the Eagle Municipal Code, concerning annual dog licensing, is hereby amended to read as follows:

- B. An owner or responsible party is required to maintain a valid dog license and shall be responsible for renewal of the license upon expiration when the intent is to keep a dog harbored or maintained in the Town of Eagle.

Section 5. That subsection (E) of Section 8.12.040 of the Eagle Municipal Code, concerning annual dog licensing, is hereby amended to read as follows:

- E. The Town, or any agency designated by the Board of Trustees in writing, such as the Eagle County Animal Control Department and/or any animal licensing vendors of the Eagle County Animal Control Department, will issue a dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination with efficacy extending past the date of license issuance.

Section 6. That Section 8.12.050 of the Eagle Municipal Code is hereby amended to read as follows:

8.12.050 Voluntary Cat Identification. Owners of cats harbored or kept or maintained in the Town of Eagle may obtain an identification tag suitable to be worn on a collar or harness. Cat identification tags will be available from the Town or any agency designated by the Board of Trustees in writing, such as the Eagle County Animal Control Department and/or any animal licensing vendors of the Eagle County Animal Control Department, upon the receipt of the executed application, payment of the identification tag fee and evidence of a current rabies vaccination with efficacy extending past the date of tag issuance.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on May _____, 2016.

TOWN OF EAGLE, COLORADO

ATTEST:

By: _____
Anne McKibbin, Mayor

Jenny Rakow, Town Clerk

Publication Date:

Trustee _____ introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING CERTAIN PROVISIONS OF CHAPTER 8.12 OF THE EAGLE MUNICIPAL CODE CONCERNING ANIMAL CONTROL INCLUDING CHANGES TO CONFORM TO RECENT CHANGES MADE TO EAGLE COUNTY'S ANIMAL CONTROL REGULATIONS

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee _____ seconded the motion. On roll call, the following Trustees voted "Aye":

_____, _____
_____, _____
_____, _____
_____.

Trustees voted "Nay":

_____, _____
_____.



Town of Eagle Police Department

June 8, 2016

Town of Eagle Town Board of Trustees
200 Broadway
Eagle, CO 81631

RE: Staff Proposed Codification of Charitable Organization Fee Imposed on Certain Court Dispositions in the Town of Eagle Municipal Court

Dear Town Board of Trustees,

Per recommendations from staff to continue with charitable donations for certain municipal court dispositions, it is necessary to codify such practice, as judicial discretion with the administration of fees must be founded upon legal standing.

The Office of Ed Sands has researched the fee structure and determined that it is reasonable for focused eligible municipal court actions in which to impose such fees. The manner in which this fee is to be imposed would be limited to the following municipal court actions:

- Deferred judgements
- Deferred sentences
- Deferred prosecutions
- Suspended sentences

Staff recommends a nominal five dollar (\$5.00) fee to maintain a reasonable balance with the viability of funding charitable contributions and the premise of administering a sensible fee structure.

Staff recommends that such fees collected as associated with this ordinance be equally divided among Town of Eagle charitable organizations which are in good standing, registered with the Colorado Secretary of State and qualified as an IRS 501 c (3) exemption; and/or programs for Eagle County Public Schools in the Town of Eagle, either or all of which have notified the municipal court clerk in writing with the intent to be considered as a charitable organization wishing to receive assistance. The charitable organization should ensure assistance remains focused on those residing or attending school in our Town of Eagle community. Staff also recommends distribution of funding once per calendar year to eligible charities.

Thank you for your consideration.

Regards,

Joey Staufer

Chief of Police Joey Staufer
Town of Eagle Police Department
Office: 970-328-6351
Fax: 970-328-9659

ORDINANCE NO. 18
(Series of 2016)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 2.08.200 OF THE EAGLE MUNICIPAL CODE, CONCERNING COURT FEES AND COSTS, BY IMPOSING A CHARITABLE ORGANIZATION FEE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That Section 2.08.200 of the Eagle Municipal Code, concerning Court fees and costs, is hereby amended to include the following additional subparagraph (K):

- K. Charitable Organization Fee. In all actions in which a defendant is granted a deferred judgment and sentence or a deferred prosecution, and in all actions in which a defendant is granted a suspended sentence, the defendant shall be assessed a fee in the amount of five dollars (\$5.00) which shall be donated to a charitable organization as approved by the Board of Trustees.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on June 14, 2016.

TOWN OF EAGLE, COLORADO

ATTEST:

By:

Anne McKibbin, Mayor

Jenny Rakow, Town Clerk

Publication Date:

Trustee _____ introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 2.08.200 OF THE EAGLE MUNICIPAL CODE, CONCERNING COURT FEES AND COSTS, BY IMPOSING A CHARITABLE ORGANIZATION FEE.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee _____ seconded the motion. On roll call, the following Trustees voted "Aye":

_____	_____
_____	_____
_____	_____
_____	_____

Trustees voted "Nay":

_____	_____
_____	_____



Sands Law Office, LLC

Attorney at Law
Edward P. Sands

450 West Avenue
Suite 204
Rifle, Colorado 81650

Telephone: 970-625-1075
Facsimile: 970-625-3989
Email: ed@sandslawoffice.com

MEMORANDUM

TO: Mayor Anne McKibbin and Members of the Town of Eagle Board of Trustees
FROM: Edward P. Sands, Eagle Town Attorney
DATE: June 6, 2016
SUBJECT: Administrative Hearings Regarding Classification of Dangerous and Potentially Dangerous Animals

Section 8.12.100 of the Eagle Municipal Code provides that an animal control officer, the Chief of Police or his designee, or the Municipal Court, based on probable cause, have the authority to determine that a pet animal is “potentially dangerous” or “dangerous”. Written notice must be provided to the owner of the pet animal and the notice must describe the animal, the grounds for its classification, and restrictions applicable to such animal. If the determination is made by an animal control officer or the Chief of Police or his designee, the notice must also state that if a written request for administrative hearing is filed with the Town Clerk within fourteen (14) days after receipt of the notice, an administrative hearing must be conducted to review the classification of the pet animal.

All such administrative hearings shall be held by the Board of Trustees or its designate, pursuant to Chapter 2.20 of the Eagle Municipal Code governing quasi-judicial hearings. The burden of proof is on the owner to show cause why the animal’s behavior does not support the designation of “dangerous” or “potentially dangerous” animal. The Board of Trustees or the hearing officer must state the reasons for the determination and the evidence relied upon and must be made within seventy-two (72) business hours after the close of the hearing.

The Town has never received a request for such an administrative hearing although Chief Staufer believes that could change. I have personally served as a hearing officer for Eagle County Animal Services not involving Town of Eagle cases on many occasions, but cannot serve in such a role for hearings conducted by the Town.

Therefore, the Board of Trustees needs to determine if it wants to conduct such hearings or whether it desires to retain a hearing officer to hear such appeals. If you decide to retain a hearing officer, you will need to establish the compensation, probably on hourly basis, that will be paid to the hearing officer and a process for selecting the hearing officer. Once again, I suspect that the Town will rarely need to use the services of such a hearing officer and it should have no significant impact on the Town’s budget. Nevertheless, both Chief Staufer and I believe it is good to appoint such a hearing officer and have him/her in reserve just in case.



MEMO

To: Town Board of Trustees
From: Kevin J. Sharkey
Date: June 10, 2016
Subject: Black Hills Pipeline Request for Temporary Construction Easement

Black Hills is requesting additional work space for the upcoming pipeline replacement project through Eagle Ranch. The request includes the access easement through the Abrams Creek Open Space (A&R Property) and a staging area near the Arroyo Drive Trailhead.

Staff recommends the Town Board approve the easement requests. It is desirable for Black Hills to access the Abrams Creek Open Space via the proposed easement rather than the existing easement through the golf course, and it is desirable to have a staging area at the Arroyo Drive Trailhead area rather than at the Black Hills yard on Chambers Avenue. With the staging area closer to the project, it will cut down on vehicle traffic through the Town.

RESOLUTION NO. 30
(Series of 2016)

A RESOLUTION OF THE BOARD OF TRUSTEES TOWN OF EAGLE, COLORADO
AUTHORIZING THE FUTURE CONVEYANCE OF A TEMPORARY CONSTRUCTION
EASEMENT ON TOWN OPEN SPACE NEAR ARROYO DRIVE TO BLACK HILLS
CORPORATION OR ITS AFFILIATES

WHEREAS, Black Hills Corporation has requested that Town of Eagle to grant it a temporary work space located on Town of Eagle Open Space near Arroyo Drive generally described in Exhibit "A", attached hereto and incorporated herein by this reference, but has not yet provided a legal description to the Town for a temporary construction easement, in connection with its transmission pipeline replacement project; and

WHEREAS, the area selected by Black Hills Corporation has been agreed to by Town staff based upon its flat topography, its appearance to be previously disturbed terrain, its distance from homes which will mitigate disturbances to residents, and its alignment to avoid removal of any mature plants; and

WHEREAS, the purpose of the temporary workspace is to provide Black Hills Corporation's contractor an area to stage a fifty three foot (53') tool trailer, have a place to park personal vehicles for contractor's employee(s) estimated at seven-fourteen (7-14) vehicles, and a place to conduct morning safety meetings; and

WHEREAS, vegetation within the temporary workspace is proposed to be removed to mitigate future fire hazards and will be fenced off as coordinated with the Town's Public Works Department; and

WHEREAS, the proposed temporary construction easement will be subject to the Restoration Requirements for the Abrams Creek Open Space, Arroyo Trailhead East and Eagle Ranch Road crossing prepared by Western Ecological Resource, Inc.; and

WHEREAS, delaying the granting of the temporary construction easement to the June 28th Board of Trustees meeting could interfere with Black Hills Corporation's construction schedule.

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

Section 1. The Board of Trustees of the Town of Eagle hereby consents to the granting of the temporary construction easement as generally shown on Exhibit "A" attached hereto upon final documents being approved by the Town's Engineering Department, the Town Attorney, the Town Manager, and the Mayor of the Town of Eagle.

Section 2. The Mayor of the Town of Eagle is hereby authorized and directed to execute said a Temporary Construction Easement Deed granted to Black Hills Corporation or its affiliates concerning the property depicted in Exhibit "A" attached hereto, upon approval by Town Engineering Department, Town Attorney, and Town Manager.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on June 14, 2016.

TOWN OF EAGLE, COLORADO

ATTEST:

Jenny Rakow, Town Clerk

Anne McKibbin, Mayor

TEMPORARY CONSTRUCTION AND ACCESS EASEMENT DEED

THIS DEED is made this ____ day of _____, 2016, between TOWN OF EAGLE, COLORADO, a municipal corporation, whose address is 200 Broadway, P.O. Box 609, Eagle, Colorado 81631 (“Grantor”), and ROCKY MOUNTAIN NATURAL GAS, LLC, a Colorado limited liability company, whose address is 1515 Wynkoop, Denver, CO 80202 (“Grantee”).

Grantor, for and in consideration of twenty-four thousand dollars (\$24,000.00) in hand paid by Grantee, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby grant, sell, and convey unto Grantee, its successors and assigns, for the purposes herein stated, the following described easement situated in the County of Eagle, State of Colorado, to wit:

A. Temporary Construction Easement. A temporary construction easement on, under, over, through and across a strip of land fifteen feet (15’) in width, owned by Grantor and described in Exhibit “A”, attached hereto and incorporated herein by this reference, for the purpose of constructing a natural gas transmission pipeline and all appurtenant facilities to be installed by Grantee. Said temporary construction easement shall be for temporary construction purposes only, for the use of employees, contractors or authorized agents of the Grantee, for, by way of example, the movement and piling of dirt, the movement, access and temporary storage of construction equipment and materials and other activities necessary or proper for the construction of the natural gas transmission pipeline and appurtenant facilities. In the event that construction of the natural gas transmission pipeline and appurtenant facilities is not completed by Grantee by October 30, 2016, the temporary construction easement conveyed shall nevertheless terminate on that date unless the Grantee is diligently pursuing construction of the natural gas transmission pipeline and appurtenant facilities, the delay is caused by Grantor, in which case the easement shall continue so long as the Grantee diligently pursues construction for a period of time lost as the result of delays caused by Grantor. In addition, the parties may agree to extend the term of this temporary construction easement.

Grantee shall restore all disturbed land within the easement herein described together with all disturbed land in Grantee’s existing easement described in an Order recorded as Reception No. 621378 in the records of the Eagle County Clerk and Recorder, in accordance with the Restoration Requirements for the Abrams Creek Open Space, Arroyo Trailhead East and Eagle Ranch Road crossing prepared by Western Ecological Resource, Inc., attached hereto as Exhibit “B” and incorporated herein by this reference (“Restoration Plan”).

Grantee shall also comply with the construction standards for the construction of its natural gas transmission pipeline set forth in Exhibit “C”, attached hereto and incorporated herein by this reference.

Grantee shall indemnify and hold harmless Grantor, its heirs, successors and assigns, from and against all liability, claims, and demands, including reasonable attorney’s fees and costs, of every kind and nature, for injury, loss or damages, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss, or damage which arise out

of or are in any manner connected with the Grantee's construction, installation, repair, and maintenance of its natural gas transmission pipeline and appurtenant facilities within the easement hereby conveyed or any easement previously conveyed.

B. Temporary Access Easement. A temporary access easement on, over, through and across a parcel of land owned by Grantor and described in Exhibit "A". Said temporary access easement shall be for temporary access purposes only during construction, for the use of employees, contractors or authorized agents of the Grantee. In the event that construction of the natural gas transmission pipeline herein described is not completed by Grantee by October 30, 2016, the temporary access easement shall nevertheless terminate on that date unless the Grantee is diligently pursuing construction of the natural gas transmission pipeline and any appurtenant facilities, the delay is caused by Grantor, in which case the easement shall continue so long as the Grantee diligently pursues construction or for a period of time lost as the result of delays caused by Grantor. In addition, the Parties may agree to extend the term of the temporary access easement. The use of the temporary access easement shall be subject to the same revegetation and restoration requirements as the temporary construction easement set forth above. The use of the temporary access easement shall also be subject to the construction standards set forth in Exhibit "C". This Temporary Access Easement is contingent upon a successful temporary access easement across the property of Stephen H. Boyd Jr. and Tania McBride Boyd. In the event that an agreement with said parties is not successful this temporary access subpart B of this document is to be considered null and void. Company reserves the right to not pay the associated fees with this access easement (\$24,000) until a successful agreement with both parties.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

GRANTOR:
TOWN OF EAGLE, COLORADO, a municipal corporation

By: _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

ACCEPTED BY GRANTEE:
ROCKY MOUNTAIN NATURAL GAS, LLC, a
Colorado limited liability company

By: _____
_____, _____
PRINT NAME TITLE

STATE OF COLORADO)
)ss.
COUNTY OF _____)

Subscribed and sworn to before me this ____ day of _____, 2016,
by Anne McKibbin as Mayor and Jenny Rakow as Town Clerk of the Town of Eagle respectively.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: _____

[SEAL]

Notary Public

STATE OF)
)ss.
COUNTY OF _____)

Subscribed and sworn to before me this ____ day of _____, 2016,
by _____, (Title) _____,
ROCKY MOUNTAIN NATURAL GAS, LLC.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: _____

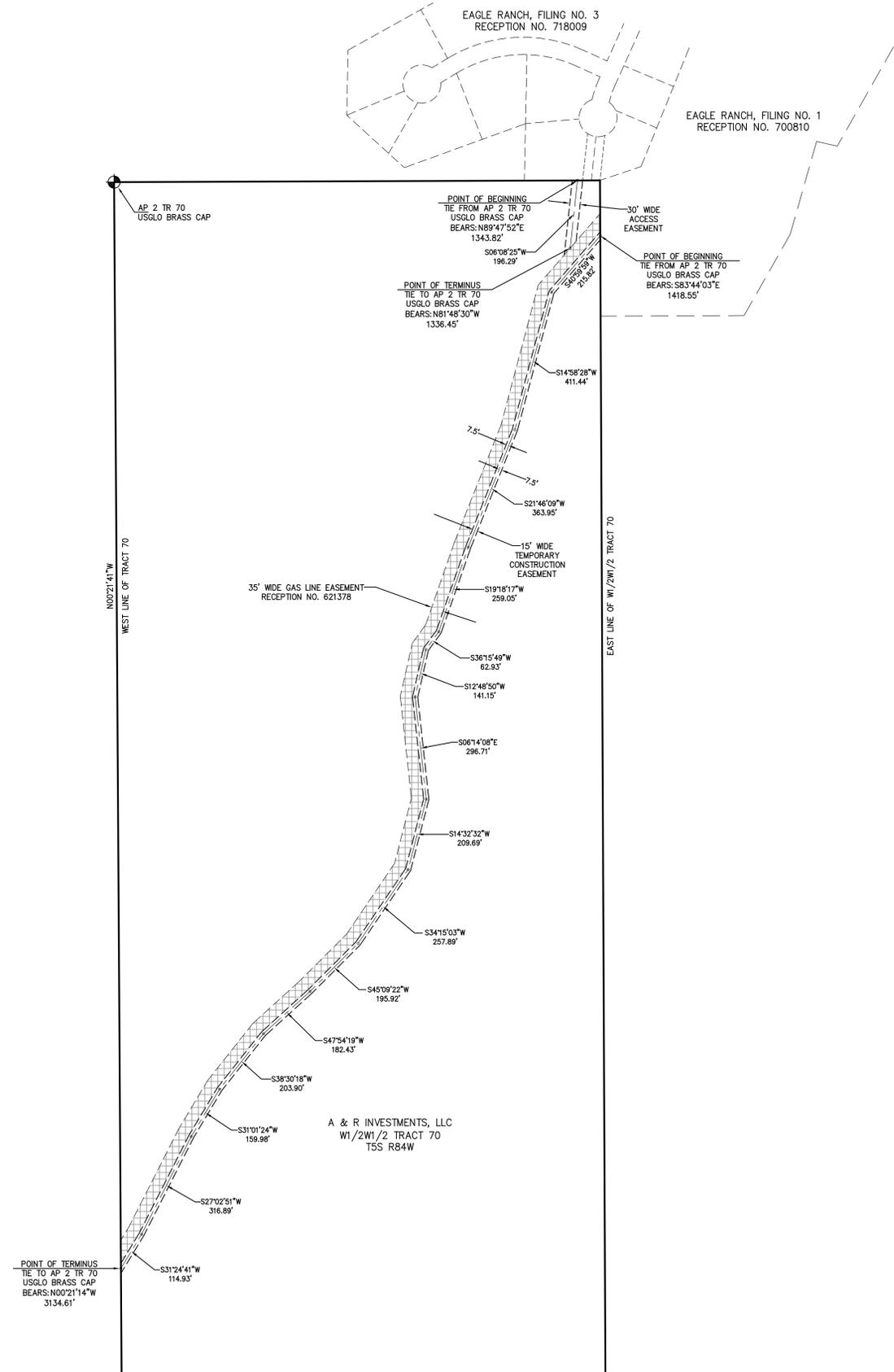
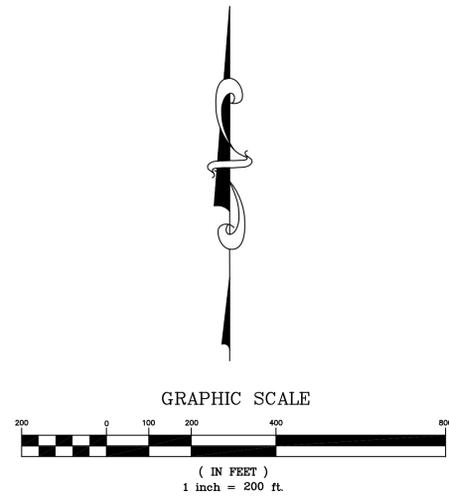
[SEAL]

Notary Public

BLACK HILLS CORPORATION - A & R INVESTMENTS, LLC

EASEMENT EXHIBIT

A PARCEL OF LAND SITUATED IN THE W1/2W1/2 OF TRACT 70
SECTIONS 9 AND 16, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE 6TH P.M.
COUNTY OF EAGLE, STATE OF COLORADO



ACCESS EASEMENT

A 30.00 FOOT WIDE STRIP OF LAND SITUATED IN THE W1/2W1/2 OF TRACT 70, SECTIONS 9 AND 16, TOWNSHIP 5 SOUTH, RANGE 84 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EAGLE, STATE OF COLORADO; SAID STRIP OF LAND BEING 15.00 FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:
COMMENCING AT ANGLE POINT NO. 2 OF SAID TRACT 70, AN USGLO BRASS CAP FOUND IN PLACE; THENCE N89°47'52\"/>

TEMPORARY CONSTRUCTION EASEMENT

A 15.00 FOOT WIDE STRIP OF LAND SITUATED IN THE W1/2W1/2 OF TRACT 70, SECTIONS 9 AND 16, TOWNSHIP 5 SOUTH, RANGE 84 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EAGLE, STATE OF COLORADO; SAID STRIP OF LAND BEING 7.50 FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:
COMMENCING AT ANGLE POINT NO. 2 OF SAID TRACT 70, AN USGLO BRASS CAP FOUND IN PLACE; THENCE S83°44'03\"/>

- 1.) S40°59'59\"/>
 - 2.) S14°58'28\"/>
 - 3.) S21°46'09\"/>
 - 4.) S19°18'17\"/>
 - 5.) S36°15'49\"/>
 - 6.) S12°48'50\"/>
 - 7.) S06°14'08\"/>
 - 8.) S14°32'32\"/>
 - 9.) S34°15'03\"/>
 - 10.) S45°09'22\"/>
 - 11.) S47°54'19\"/>
 - 12.) S38°30'18\"/>
 - 13.) S31°01'24\"/>
 - 14.) S27°02'51\"/>
 - 15.) S31°24'41\"/>
- TO A POINT ON THE WESTERLY OF SAID TRACT 70, THE POINT OF TERMINUS. (WHENCE SAID ANGLE POINT NO. 2 BEARS N00°21'41\"/>

NOTES:

1. BASIS OF BEARINGS FOR THIS EASEMENT EXHIBIT IS A BEARING OF N00°03'04\"/>
- 2. THIS EASEMENT EXHIBIT IS BASED ON THE ROCKY MOUNTAIN NATURAL GAS COMPANY GAS LINE EASEMENT RECORDED AS RECEPTION NO. 621378 AND THE EASEMENT MAP RECORDED AS RECEPTION NO. 579814.

SURVEYOR'S STATEMENT

I, RODNEY P. KISER, DO HEREBY STATE THAT THIS EASEMENT EXHIBIT WAS PREPARED BY HIGH COUNTRY ENGINEERING, INC. FOR BLACK HILLS CORPORATION, THAT SAID EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND RESPONSIBLE CHARGE AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

RODNEY P. KISER, PLS 38215
COLORADO PROFESSIONAL SURVEYOR



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

NO.	DATE	REVISION	BY

HIGH COUNTRY ENGINEERING, INC.
1517 BLAKE AVENUE, STE 101
GLENWOOD SPRINGS, CO 81601
PHONE (970) 945-8676 • FAX (970) 945-2555
WWW.HCENG.COM



BLACK HILLS CORPORATION
EAGLE COUNTY - COLORADO
EASEMENT EXHIBIT
W1/2W1/2 TRACT 70
EAGLE COUNTY - COLORADO

PROJECT NO.
2161628



Restoration Requirements Abrams Creek Open Space, Arroyo Trailhead East & Eagle Ranch Road Crossings Rocky Mountain Natural Gas Eagle Replacement Pipeline Project

Eagle County, Colorado

prepared for:

Town of Eagle

200 Broadway, P.O. Box 609, Eagle, CO 81631

prepared by:

Western Ecological Resource, Inc.

711 Walnut Street, Boulder, CO 80302

June 8, 2016



Table of Contents

<u>Section / Title</u>	<u>Page</u>
1.0 Introduction.....	1
2.0 Project Overview.....	1
2.1 Abrams Creek Open Space.....	1
2.2 Arroyo Trailhead East Restoration Area.....	2
2.3 Road Crossings.....	2
3.0 Existing Condition.....	2
4.0 Project Coordination.....	3
5.0 Restoration Requirements.....	4
5.1 Pre-Construction Weed Control.....	4
5.2 Vegetation Removal.....	4
5.3 Soil Stripping.....	5
5.4 Soil Storage.....	5
5.5 Trenching.....	5
5.6 Soil Replacement.....	5
5.7 Seedbed Preparation.....	6
5.8 Application of Soil Amendments.....	6
5.9 Seed Mixes.....	6
5.10 Seeding Procedures.....	7
5.11 Mulch.....	7
5.12 Erosion Control.....	8
5.13 Fencing.....	8
5.14 Protections for Harrington’s Penstemon.....	8
5.15 Protection of Streams.....	9
6.0 Monitoring.....	10
6.1 Construction Monitoring.....	10
6.2 As-Built Assessment.....	10
6.3 Post-Construction Monitoring & Maintenance.....	10
6.3.1 Seed Germination and Vegetation Establishment.....	10
6.3.2 Weed Management.....	10
6.3.3 Erosion.....	10
6.3.4 Damage from Human or Wildlife Use.....	11
6.4 Annual Monitoring Reports.....	11
6.4.1 Erosion and Slope Stability.....	11
6.4.2 Quantitative Vegetation Monitoring.....	11
6.4.3 Photo Points.....	12
7.0 Weed Control.....	12
8.0 Success Criteria.....	12
9.0 Best Management Practices.....	13
10.0 Figures.....	16
12.0 Tables.....	23
Appendix A. CPW Equipment Disinfection Protocol.....	27
Appendix B. Methods for Quantitative Vegetation Cover Data Collection.....	28

List of Figures

<u>Number / Title</u>	<u>Page</u>
Figure 1. Overview of Pipeline Replacement Area.....	17
Figure 2. Typical Pipeline Installation Sequence.	18
Figure 3. Aerial Overview of the Abrams Creek Open Space Restoration Area.	19
Figure 4. Abrams Creek Open Space Access, Easements, and Restoration Areas.....	20
Figure 5. Aerial Overview of the Arroyo Trailhead East Restoration Area.....	21
Figure 6. Arroyo Trailhead East Restoration Area and Easement.	22

List of Tables

<u>Number / Title</u>	<u>Page</u>
Table 1. Summary of Road Crossing & Staging Restoration Areas.....	24
Table 2. Draft Native Seed Mix, Arroyo Trailhead East and Eagle Ranch Road Crossings	25
Table 3. Draft Native Seed Mix, Abrams Creek Open Space Restoration Area.....	26

1.0 Introduction

Rocky Mountain Natural Gas (RMNG) has plans to upgrade and replace a section of their natural gas transmission pipeline that connects and serves distribution systems from Rifle, Colorado to Vail, Colorado. These upgrades are required for compliance with Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations for pipelines in a Class 3 operating area. The upgraded pipeline sections total approximately 1.5 miles in length. The pipeline upgrade areas would cross Town of Eagle Open Space and Bureau of Land Management (BLM) lands; in addition, pipeline upgrades would be completed at eight road crossings within the Eagle Ranch development. Figure 1 illustrates the extent of the pipeline replacement areas on BLM and Town of Eagle properties.

This report focuses on pipeline replacement and restoration activities on the Abrams Creek Open Space, in the Arroyo Trailhead East Restoration Area on Town of Eagle Open Space, and at the eight road crossings in Eagle Ranch. It provides details of the proposed project; presents a plan to restore the topography and revegetate the pipeline disturbance with desirable native vegetation; outlines procedures to monitor the landform and vegetation of the restoration area; establishes Success Criteria; and identifies Best Management Practices (BMPs) to be employed during the pipeline installation and subsequent restoration. Please note, all Figures are located in Section 10.0 and Tables are located in Section 11.0.

2.0 Project Overview

As described above, the new natural gas pipeline would tie-in to the existing 12-inch pipeline located on BLM and Town of Eagle Open Space lands south of Eagle Ranch (Figure 1). The existing pipeline, which was installed in 1994, would be abandoned in place and the new sections of pipeline would be constructed within the same right-of-way (ROW).

The new natural gas pipeline sections will have a 12¾-inch outer diameter, with a 0.375-inch wall thickness, and would be constructed of X-52 grade coated steel. The pipeline would be buried in accordance with PHMSA regulations, and the depth to the top of the pipe would be a minimum of 36 inches. The pipeline would operate 24 hours a day, 365 days a year. The upgraded thickness will allow an operating pressure of 1,200 psi.

Construction is expected to begin June 6, 2016, and is projected to take approximately four to five months for the entire Eagle Pipeline Upgrade Project, with final cleanup and reclamation to occur prior to winter of 2016/2017. Figure 2 illustrates the typical pipeline installation sequence.

The pipeline replacement on Town of Eagle Open Space would occur in two major areas, referred to as the Abrams Creek Open Space restoration area and the Arroyo Trailhead East restoration area. The proposed pipeline replacement will also include work at eight road crossings within the Eagle Ranch development; however crossings # 7 and 8 are a part of the Arroyo Trailhead East segment.

2.1 Abrams Creek Open Space

The Abrams Creek Open Space encompasses 174.66 acres located in Sections 9 & 16 of Township 5 South and Range 84 West. Approximately 1,988 linear feet of the new pipeline would cross the Abrams Creek Open Space, which was recently acquired by the Town. Figure 3 is an aerial overview of the Abrams Creek Open Space restoration area.

The existing permanent ROW easement on the Abrams Creek Open Space, which contains the pipeline to be abandoned, is 35 feet wide (Figure 4). A temporary easement has been established which provides an additional 15 feet of work space, resulting in a 50-foot-wide easement for the pipeline installation. The work area on the Abrams Creek Open Space would be accessed by a

temporary access road to extend from the end of the cul-de-sac at the terminus of Abrams Creek Drive. The temporary road easement would be 30 feet wide and approximately 196 feet long, as illustrated by Figure 4. No additional staging or work areas have been identified at this time for the Abrams Creek Open Space. No above ground structures would be installed on Town land as part of this project. However, the Abrams Creek Open Space will serve as a construction access route for the project activities to take place on BLM lands to the west (Figure 1). The total area of surface disturbance on the Abrams Creek Open Space would be approximately 4.02 acres.

2.2 Arroyo Trailhead East Restoration Area

The Arroyo Trailhead East restoration area would begin near the Arroyo Trailhead parking lot and would extend to the southeast for approximately 3,510 linear feet to the BLM property line. The Arroyo Trailhead East segment is located in Section 15 of Township 5 South and Range 84 West (Figure 5).

The existing permanent pipeline easement on the Arroyo Trailhead East segment is a combination of two ROWs. The 6" transmission line is located within an existing 35-foot wide easement. The 12" transmission line is located within an existing 50-foot wide easement. Together they comprise a combined ROW footprint ranging from approximately 60 feet to 85 feet wide.

Beginning at the Arroyo Drive Road Crossing (#6 on Figure 1) just east of the Arroyo Trailhead parking area, the pipeline corridor would be located on a north-facing slope just south of Second Gulch, an ephemeral stream, and would parallel the Second Gulch trail for approximately 1,690 linear feet, then cross Second Gulch in the location of an existing culvert. The pipeline would continue northeast from Second Gulch crossing East Haystacker Drive (road crossing #7), then turn southeast along the west side of Mayer Gulch, a deeply eroded ephemeral drainage. The pipeline would cross East Haystacker Drive a second time (road crossing #8), and continue southeast for approximately 670 feet where it would continue onto BLM property. The total area of disturbance along the Arroyo Trailhead East restoration area is anticipated to be 4.39 acres. In addition, an equipment staging area adjacent to Arroyo Drive will disturb an additional area which is anticipated to measure 0.402 acres.

2.3 Road Crossings

The proposed pipeline replacement will also include work at eight road crossings within the Eagle Ranch development; however crossings # 7 and 8 are a part of the Arroyo Trailhead East segment described above, and crossing #6 is at the western end of this segment. To minimize disturbance, RMNG plans to use directional boring to replace the pipeline below the road at some of the crossings. However, surface disturbances would occur at each bored road crossing location due to project staging and construction access, as well as bore disturbances. Table 1 summarizes the locations of the eight road crossings and the area of disturbance at each location. In several cases the temporary disturbance would occur on private parcels rather than Town of Eagle property; however this restoration plan focuses on the disturbances on Town property. Please note, the disturbance areas listed in Table 1 include the total area of disturbance for each road crossing location; the area of disturbance on Town lands is not specified.

3.0 Existing Condition

The original pipeline installation in 1994 created a linear zone of disturbance which was restored with varying degrees of success. On the Abrams Creek Open Space, the disturbance is within sagebrush shrublands dominated by mountain big sagebrush (*Artemisia tridentata* var. *vaseyana*), with areas of Basin big sagebrush (*Artemisia tridentata* var. *tridentata*) on the valley bottom. The restoration on the Abrams Creek Open Space shows good establishment of both mountain big sagebrush and Basin big sagebrush, however it generally lacks the desired composition and cover of native grasses and forbs, and weeds are common.

The Abrams Creek Open Space is bisected by Abrams Creek, a perennial stream. In general, Abrams Creek is located between 100-500 feet east of the pipeline easement, and would not be disturbed within Town of Eagle Open Space. In addition, the Abrams Creek Open Space includes an unnamed, deeply eroded gulley which is tributary to Abrams Creek. This bed and bank drainage begins on BLM lands and flows northeast onto the Abrams Creek Open Space adjacent to the existing pipeline on the east side of the access road. This bed and bank drainage is potentially a water of the U.S. subject to regulation by the U.S. Army Corps of Engineers.

In the Arroyo Trailhead East restoration area, there is poor cover of sagebrush, it lacks the desired cover of native grasses and forbs, and weeds are common. There are two ephemeral streams located within the Arroyo Trailhead East project area, Second Gulch and Mayer Gulch. These two eroded stream channels seldom contain flowing water. The existing pipeline crosses Second Gulch in the location of an existing culvert, as illustrated by Figure 3.

4.0 Project Coordination

In order to ensure the successful restoration of the pipeline disturbance the following will be required:

1. RMNG and their contractor(s) who would complete the pipeline installation and reclamation shall attend a kick-off meeting with representatives from the Town and their restoration consultant, Western Ecological Resource (WER). The purpose of the meeting is to review the terms and conditions of these Restoration Requirements and the ROW permit, discuss the work plan for pipeline replacement, and facilitate coordination between members of the project team. Key personnel from BHE and the contractor(s) shall attend the meeting, which must be held at least one week prior to the initiation of construction.
2. RMNG shall notify representatives from the Town of Eagle (Town) at least 48 hours prior to the initiation of construction.
3. Following installation of the pipeline and backfilling of the trench, an onsite pre-reclamation meeting shall be scheduled to review the reclamation process with BHE and their contractor(s) prior to replacing any topsoil. Key personnel of BHE and their contractor(s) shall meet onsite with representatives of the Town and WER prior to topsoil replacement.
4. All disturbed areas on Town land and associated with the Eagle Replacement project will be restored in accordance with the Restoration Requirements presented in Section 5.0 of this document, including the permanent and temporary access easements, temporary access routes, and any staging areas.
5. Construction activity and ground disturbance shall be limited to areas within the existing RMNG easement boundaries and the boundaries of additional temporary construction easements, access easements, and workspaces subsequently granted to RMNG. The boundaries shall be staked prior to any ground-disturbing activities. Flagged or painted lath would be set at a minimum of 200-foot intervals, or less to maintain a line of sight of project boundaries and construction components; all Point of Intercept would be staked with station identification. All temporary work areas would also be marked in a similar fashion, with all corners marked with flagged or painted lath. BHE inspectors shall be responsible for verifying that the staking has been properly completed prior to construction.

6. RMNG's Inspector will observe topsoil stripping procedures to ensure the topsoil is salvaged and properly stored and segregated from the subsoil. Documentation would be made available to the Town and BLM.
7. RMNG and RMNG's contractors will ensure hand-collection and sowing of local ecotypes of sagebrush seed are performed in the appropriate habitats and using appropriate methods.
8. RMNG will treat for noxious weeds where appropriate and ensure that weed treatments are compatible with the seed mixtures chosen for the site. RMNG will notify the Town at least 48 hours prior to any weed control treatments to be completed on Town lands.
9. At the end of each growing season, until the Restoration Success Criteria set forth in Section 8.0 below are achieved, RMNG or RMNG's qualified contractor will prepare a restoration monitoring report to document conditions in the restoration area with regard to vegetation establishment and the presence of noxious weeds and other undesirable species. In addition, the report will evaluate the progress of the restoration toward achieving the Restoration Success Criteria, will identify whether corrective actions are necessary, and will provide recommendations.
10. If the Town of Eagle identifies problems with progress toward meeting the Restoration Success Criteria, the Town will notify RMNG and RMNG will respond to the Town within 30 days with a plan for addressing the issue or issues.

5.0 Restoration Requirements

Best Practices would be to initiate reclamation of the Arroyo Trailhead East pipeline segment, as defined by establishment of the final grade and topsoil replacement, within 15 days following the completion of construction. However if it is not feasible to reclaim the area within 15 days, then reclamation should be completed no later than November 15, 2016. If reclamation is not initiated within 15 days following the completion of construction, it will be necessary to monitor and control weeds, and to monitor and control erosion until final reclamation is initiated.

All ground-disturbing activities will be subject to the following reclamation standards and monitoring requirements. Achievement of the Restoration Success Criteria will be required for cancellation of the Letter of Credit to be held by the property owner.

5.1 Pre-Construction Weed Control

BHE will treat (spray) noxious weeds within the construction corridor on both Town and BLM lands prior to the start of construction, per guidance from the BLM and Town, following application guidelines established by Colorado Department of Agriculture, and per label direction. Only certified applicators would be contracted to conduct this work. RMNG will notify the Town at least 48 hours prior to any pre-construction weed control on Town lands.

5.2 Vegetation Removal

It is anticipated that vegetation would be cleared from the entire 50-foot-wide ROW for the pipeline installation. Cleared vegetation smaller than four inches in diameter will be stockpiled, shredded, and evenly mixed with the topsoil. If present, cleared vegetation larger than four inches in diameter shall be scattered over restored areas to enhance reclamation objectives. Woody material should be placed in a manner that will discourage recreational use in order to protect the restoration area.

5.3 Soil Stripping

Following vegetation removal, the topsoil from the trench line and the working side of the trench will be stripped for use in the restoration. All topsoil shall be stockpiled separately from the subsoil (trench spoils). A topsoil assessment conducted in March 2016 showed that topsoil depths on the Abrams Creek Open Space vary from approximately 13 to 18 inches; however, topsoil depths along the existing access road are shallower due to erosion. In the Arroyo Trailhead East restoration area, topsoil was found to vary from approximately 10 to about 14 inches deep. All topsoil should be stripped, segregated and stored separately from subsoil material. In areas of thin soil, a minimum of the upper six inches of surficial material will be stripped.

5.4 Soil Storage

The salvaged topsoil shall be stored separately from subsoil or other material excavated from the trench. Windrowing of topsoil and subsoil separately shall be implemented whenever topography allows, and must occur within the existing and temporary ROW for the Arroyo Trailhead East pipeline segment. Topsoil must not be mixed or covered with subsoil material, and should not be used to pad the trench or construct trench breakers.

Dry drainages or washes that cross the construction area, including Second Gulch and Third Gulch, should not be blocked with topsoil or subsoil piles. Specifically, topsoil and subsoil should be placed outside of the Ordinary High Water Mark (OHWM) of drainages. Gaps should be left at regular intervals in the windrowed topsoil to avoid ponding and diversion of natural runoff during storm events.

Best Management Practices shall include dust abatement measures as needed to prevent fugitive dust from topsoil storage, vehicular traffic, equipment operations, or wind events.

5.5 Trenching

During construction, access to open trenches shall be restricted through the use of signage, temporary fencing, or other methods as coordinated with the Town to ensure public safety in the work area.

BHE and their contractors shall keep any major wildlife movement corridors open and passable by adding soft plugs (areas where the trench is excavated and replaced with minimal compaction) during the construction phase. Soft plugs with earthen ramps on either side should be left at all well-defined wildlife trails, and at 0.5 mile increments, to allow access across the trench and provide a means of escape for wildlife or livestock that may fall into the trench.

Trenching at any stream crossings shall be perpendicular to the stream channel where possible, and should be conducted in accordance with the section 404 permit issued for this project. Additional discussion of stream crossings is included below in Section 5.15.

5.6 Soil Replacement

After the pipe has been successfully placed in the trench, backfilling would occur. The trench would generally be backfilled with the subsoil previously excavated from the trench, except in rocky areas where appropriate fill material may be needed. RMNG will notify the Town if any imported soil is to be used at the site. Backfill would be graded and compacted (where necessary for ground stability) by tamping or walking with a wheeled or tracked vehicle. Compaction would be performed until there are no voids in the trench. Any excess excavated materials or materials unfit for backfill should either be utilized elsewhere or shallowly mounded on the trench (to help avoid trenchline settling issues) and then covered with topsoil, as described below.

Soils that have been over-compacted by traffic or equipment, such as in staging areas, access roads, and along the working side of the trench should be tilled or ripped to break up rooting

restrictive layers. Ripping should be to a depth sufficient to accommodate the establishment of native vegetation similar to the surrounding undisturbed area. Due to the width of the easement, it is unlikely that ripping could occur in perpendicular directions; however multiple passes will be required to effectively break up compacted areas.

Once the trench has been backfilled and compacted (to avoid settling), and cut-and-fill slopes regraded to the original contour, a minimum of 12 inches of topsoil would be replaced over the filled trench unless site conditions preclude this depth. All ripped surfaces shall also be covered evenly with 12 inches, unless site conditions would preclude this depth of topsoil. Once replaced, topsoil should be lightly compacted to avoid settling and graded to blend with the adjacent topography.

5.7 Seedbed Preparation

A firm seedbed is essential for the successful establishment of plants. A firm seedbed is one that allows a person's foot to sink no deeper than one-half inch. This ensures close contact between the seed and soil particles and will help retain soil moisture near the surface. Final seedbed preparation shall consist of scarifying (raking or harrowing) the spread topsoil prior to seeding to create the required firm seedbed. Scarifying should occur no more than 15 days before seeding is to occur. Soils should not be worked when wet to avoid compaction. Areas that would be broadcast seeded should be left with a slightly roughened surface.

5.8 Application of Soil Amendments

Recommendations for amending topsoil of the restoration area have been prepared by David Buscher, a certified professional soil scientist, based on the analysis of soil samples submitted for standard agronomic testing in March 2016. The tests evaluated texture, pH, organic matter, cation exchange capacity (CEC), alkalinity, salinity, and basic nutrients (nitrogen, phosphorus, potassium [NPK]).

RMNG's reclamation contractor will acquire and apply soil amendments, and RMNG's onsite Inspector will document the application. Based on this analysis, granular phosphorous (P_2O_5) fertilizer shall be uniformly applied to the Arroyo Trailhead East restoration area at a rate of 120 pounds per acre. In the future it may be necessary to also add nitrogen, however this is not recommended during the first year due to the potential to encourage weed growth.

In addition to fertilizer, MycoApply Endo granular mycorrhizae will be uniformly applied at a rate of 20 pounds per acre, because disturbance can significantly reduce the mycorrhizal inoculum potential of the soil. Mycorrhizae improve the ability of plants to extract nutrients and water from soil, and sagebrush seedlings grown in soils with mycorrhizae exhibit significantly greater tolerance to drought stress. Sagebrush is considered an obligate vesicular-arbuscular mycorrhizal plant.

Soil amendments shall be evenly applied to the restoration area following topsoil replacement, then raked or harrowed to thoroughly incorporate them into the upper few inches prior to seeding.

5.9 Seed Mixes

Seed mix specifications and approved seed vendors will be provided to BHE from the Town for procurement. Seed tags will be emailed from the seed vendor to the Town and BHE prior to delivery of seed, for final approval by the Town and their consultants. If substitutions to the seed mix are necessary due to poor availability, the Town will ensure that any necessary substitutions are appropriate for the project site. Final approved seed will be delivered to BHE, with a copy of the batch seed tag scanned and emailed to the Town for final validation prior to application. A draft version of a habitat-specific native seed mix specified for the Arroyo Trailhead East Restoration Area, staging area, and the road crossings in Eagle Ranch is provided in Table 2.

Table 3 includes a draft native seed mix for the Abrams Creek Open Space Restoration Area. Please note, these seed mixes may be revised slightly based on seed availability and on one additional day of field reconnaissance to be conducted in May 2016.

The drill seeding rates correspond to 78 Pure Live Seeds (PLS) per square foot for the Arroyo Trailhead East restoration area, and 75 Pure Live Seeds (PLS) per square foot for the Abrams Creek Open Space restoration area. These rates should be doubled for broadcast seeding. In addition, QuickGuard Triticale, a sterile cover crop, will be added to the native seed mixture at a rate of three pounds per acre for drill seeded areas, and six pounds per acre for broadcast seeded areas, to improve vegetation cover during drought conditions that may limit germination of the native seed mix, and to compete with early-colonizing weeds.

In order to establish local ecotypes of sagebrush, seed will be hand-collected from the sagebrush shrublands adjacent to the pipeline corridor and will be broadcast over the restoration area. Hand collected seed of mountain big sagebrush (*Atemisa tridentata* var. *vaseyana*) and Basin big sagebrush (*Artemisia tridentata* var. *tridentata*) should be gathered in late fall and immediately broadcast across the pipeline disturbance to blend with the adjacent stands and limit visual contrast. This method will also be used on adjacent BLM lands.

The commercially purchased seed shall contain no prohibited or restricted noxious weed seeds and shall contain no more than 0.5 percent by weight of other weed seeds. Seed may contain up to 2.0 percent of "other crop" seed by weight. Seed tags will be maintained in the project file.

5.10 Seeding Procedures

Seeding shall be conducted as soon as practicable following completion of final seedbed preparation, and following the establishment of final grade and topsoil replacement. Both drill seeding and broadcast seeding methods will be used during the restoration. Drill seeding will be the preferred method where equipment access is feasible. Drill seeding will be performed perpendicular to the slope; seed would be placed in direct contact with the soil at an average depth of 0.5 inch, covered with soil, and firmed to eliminate air pockets around the seeds. For drill seeding applications, small seeds shall be packaged separately to allow for separate application. Small seeds should be planted no deeper than 0.25 inch or should be broadcast.

Broadcast seeding would be employed in areas where drill seeding is not possible, and the drill seeding rate shall be doubled in areas that are broadcast seeded. Seed would be uniformly applied over the disturbed areas with manually operated cyclone-bucket spreaders or mechanical spreaders. Following broadcast seeding, the area will be raked or harrowed to provide 0.25 to 0.5 inch of soil cover.

An exception to these seeding requirements shall be made for seeding of hand-collected sagebrush seed. Seeding of local sagebrush ecotypes shall occur prior to winter snowfall, or on top of shallow (less than 3 inches) snow. Sagebrush shall be sown by a broadcast method.

5.11 Mulch

Mulching will be required to maximize moisture retention, reduce wind and water erosion, and improve the chances for revegetation success. Hydromulch and tackifier shall be used on Town of Eagle Open Space and at the road crossings in Eagle Ranch. Hydromulch shall be applied to the restoration area within 24 hours following the completion of seeding, as conditions allow.

Hydromulch will be applied per manufacturer's specifications with a 100 percent wood mat-fiber mulch at the rate of 2,000 pounds per acre. Startak 600 by Chemstar, a tackifier, is to be applied in accordance with manufacturer's directions at the rate of 100 pounds per ton of mulch. Hydromulch and tackifier will be applied at these rates to all seeded areas with the exception of

areas that will be covered by an erosion control fabric, as described below in Section 5.12. Any exceptions to these requirements must be approved by the Town.

5.12 Erosion Control

In addition to hydromulch, biodegradable fiber rolls (straw wattles, coir logs) and erosion control blankets should be utilized to ensure adequate protection from slope erosion and offsite transport of sediments, to improve reclamation success.

In areas of 4:1 up to 3:1 slopes and areas near drainageways, biodegradable fiber rolls (straw wattles, coir logs) will be installed to shorten slope length and spread runoff as sheet flow. Fiber rolls will be installed per manufacturer's specifications.

Based on field conditions, biodegradable erosion control blankets may also be required to control erosion. RMNG and RMNG's Inspector will work with the contractor to clearly delineate in the field areas requiring erosion control blankets with stakes and flagging, per RMNG's stormwater management plan and permit. Blankets shall be installed in accordance with the manufacturer's recommendations.

On steep slopes where blankets are necessary, tackifier and a trace amount of hydromulch may be applied before the erosion control blanket is installed. In such situation, Startak 600 by Chemstar or an equivalent is to be applied in accordance with manufacturer's directions at the rate of 100 pounds per acre. In addition, 100 pounds per acre of hydromulch should be added to the tackifier to serve as a marker and ensure a uniform and complete coverage of the area.

To prevent the initiation of sheet and rill erosion under the blanket, it is essential that the blanket maintain close soil contact and that it be installed per the manufacturer's recommendations. The edges of the blanket must be buried to prevent wind from lifting it from the soil surface. If the blanket is perched above the soil, erosion will occur beneath the blanket.

All erosion control BMPs must be periodically inspected to ensure they are functioning properly. RMNG or RMNG's qualified contractors will inspect BMPs at a schedule in accordance with the requirements of the project's storm water permit.

5.13 Fencing

Wildlife fencing is not practicable for the restoration area. However, temporary fencing may be necessary during and following construction to discourage recreational use. The need for temporary fencing or signage to discourage recreational use will be determined if human use is observed to be negatively affecting the restoration.

5.14 Protections for Harrington's Penstemon

Harrington's penstemon (*Pentstemon harringtonii*) is a Colorado endemic listed by the BLM as a sensitive plant species. This sensitive species is known to occur in the project area. Surveys conducted by WER in 1998 identified numerous populations of Harrington's penstemon in the vicinity of the Arroyo Trailhead East restoration area. However the abundance within the Arroyo Trailhead East Restoration Area is not known.

Although Harrington's penstemon habitat is common in the vicinity of the proposed work area, the pipeline ROW was previously disturbed during the original pipeline installation in 1994. The disturbed corridor is unlikely to support high numbers of Harrington's penstemon, although a few plants may have re-colonized the area. The BLM conducted extensive surveys of the area as part of the NEPA process, and penstemon re-colonization in the previously disturbed ROW was very marginal, given the occurrence of aggressive reclamation grasses (BLM 2016, Olsson Associates 2016). However the proposed work area on Town lands was not a part of this survey, thus the number of Harrington's penstemon plants in the area of disturbance on Town lands is not known.

If large numbers of Harrington penstemon are identified within the disturbance area, the Town will work with WER and RMNG's reclamation contractor to either avoid or relocate these plants. In addition, the restoration seed mix has been designed to establish appropriate habitat for Harrington's penstemon, which will facilitate re-colonization of the disturbance. Herbicide will be used to control noxious weeds and other undesirable vegetation in the restoration area, however only spot treatments will be used to avoid potential impacts to Harrington's penstemon from broadcast spraying.

5.15 Protection of Streams

Second Gulch and Third Gulch are ephemeral streams which are jurisdictional waters of the U.S. It is the responsibility of BHE to comply with Clean Water Act Protections for any disturbances to these streams. Pipeline installation in waters of the U.S. should be coordinated with the U.S. Army Corps of Engineers and should comply with the terms of Nationwide Wetland Permit No.12 for utility line activities. BHE has acquired a non-reporting Nationwide Permit 12 from the USACE.

Open trenching methods would be used for any dry stream or bed and bank drainage crossings. Trenching should be completed perpendicular to the direction of the channel where possible, to minimize disturbance to the stream bed. Crossings shall be constructed during a period of low or no flow in the channel, and the width of the disturbance should be minimized to the area necessary to complete the pipeline replacement. The affected section of the channel should be promptly recontoured to the approximate original topography and reseeded to minimize the adverse impacts.

Stormwater discharges associated with construction would be authorized under a Colorado Department of Public Health and Environment (CDPHE) General Permit, which requires, among other conditions, the preparation and implementation of a Stormwater Management Plan (SWMP). The SWMP would include BMPs to reduce the potential for the project to contribute pollutants to stormwater discharges. Best Management Practices would be employed to limit the potential for impacts to Second, Third, and Mayer Gulches. It is the responsibility of BHE to obtain the necessary permits from the State of Colorado.

All pipeline construction and maintenance on Town of Eagle Open Space shall follow BLM Gold Book Standards and requirements specified by the U.S. Army Corps of Engineers as part of the authorization under Section 404 of the Clean Water Act. Pipeline crossings through drainage channels shall be constructed to withstand floods of extreme magnitude to prevent rupture and accidental contamination during high-flow events.

Pipelines installed beneath stream crossings shall be buried at a minimum depth of four feet below the channel substrate to avoid exposure by channel scour and degradation. Following burial, the channel grade and substrate shall be returned to the pre-construction topography.

If construction machinery is required to cross any stream channel or bed and bank drainage, spanning structures should be temporarily used to minimize impacts to the stream channel.

Any machinery and tools that may come in contact with a waterway (both before and after the pipeline project) must be cleaned and disinfected per CPW's disinfection protocols (Appendix A).

6.0 Monitoring

6.1 Construction Monitoring

During pipeline replacement, RMNG will have inspectors on-site daily to observe topsoil stripping and storage, topsoil replacement, seedbed preparation, seeding, and other procedures, and ensure BMPs are being employed.

6.2 As-Built Assessment

Within 90 days after the post-construction survey, RMNG and/or RMNG's contractors will prepare a brief As-Built Assessment report to document the work completed to date and existing conditions of the restoration area. The report will identify any changes to the original plan, document the final seed mix, discuss hand collection and sowing of sagebrush seed, and will include graphics to illustrate the limits of disturbance. RMNG will provide the report to the Town for the Town's review and concurrence. The As-Built report will serve as a record for the Town and BHE that all construction phase restoration activities identified in this document, along with any necessary adjustments, were completed.

The graphics in the plan must include a map showing the actual limits of disturbance, the final location of the installed pipeline, and any other surface appurtenances on Town property. RMNG will provide the Town with a survey quality digital AutoCAD or GIS shapefile in a standard coordinate system showing the location of the installed pipeline following completion of construction. Town staff will use a professional grade GPS to map the limits of disturbance if RMNG has not already produced a similar file as part of their project work.

6.3 Post-Construction Monitoring & Maintenance

It is expected that seeding of the pipeline disturbance would be completed prior to December 1, 2016. Post-construction monitoring of the restoration area would be initiated following final reclamation and would continue until the Restoration Success Criteria have been achieved. During the monitoring period, RMNG's qualified restoration consultant will periodically visit the pipeline restoration area to observe vegetation establishment, locate populations of noxious or undesirable weeds, identify any areas of detrimental erosion, and provide recommendations for corrective actions.

6.3.1 Seed Germination and Vegetation Establishment

RMNG's qualified consultant will evaluate the seeded area to determine if the seed mix is germinating adequately and producing a uniform cover. Any areas with inadequate seed germination and cover will be identified. Recommendations will be provided to adequately revegetate these areas, which may include reseeding or overseeding. In addition, plant species lists will be compiled during monitoring visits to more thoroughly document the species diversity of the restoration area. These species lists will be used to augment the species richness data gathered during quantitative vegetation monitoring, and would be included in the evaluation of Restoration Success Criteria described below in Section 8.0.

6.3.2 Weed Management

A RMNG-selected qualified consultant will identify and map any populations of introduced plants including Colorado noxious weeds and other undesirable plants within the restoration area. Appropriate control procedures will be recommended based on the ecology of the problematic species. Control procedures may include hand pulling or eradication with hand tools, mowing, or the use of herbicides. RMNG will notify the Town at least 48 hours prior to controlling for weeds.

6.3.3 Erosion

Wind and water erosion have the potential to alter the success of the pipeline restoration, and the erosion control blankets may need repair. Therefore, RMNG and/or RMNG's qualified consultant

will thoroughly inspect the restoration to identify any areas of erosion and present a plan to the Town to repair any damage. Hand tools would be used to restore small areas of erosion and to repair the erosion control blankets. Any erosion damage beyond the scope of hand tools will be coordinated with the Town and RMNG, and could require re-contouring and reseeding. RMNG would be responsible for completing any repairs.

6.3.4 Damage from Human or Wildlife Use

RMNG, through coordination with the Town will determine if human or animal use is negatively impacting the restoration. If impacts are occurring, recommendations will be provided for procedures to eliminate or mitigate these impacts. Such procedures could include signage to keep pedestrians, mountain bikers, livestock, and vehicles out of the restoration, and/or temporary fencing. Wildlife fencing is not practicable for this restoration, and heavy wildlife or livestock damage may require reseeding of impacted areas. RMNG would be responsible for completing any repairs.

6.4 Annual Monitoring Reports

At the end of each growing season, until the Restoration Success Criteria are achieved, RMNG or RMNG's qualified contractor will prepare a detailed Restoration Monitoring Report to document conditions in the restoration area with regard to erosion and slope stability, vegetation establishment, the presence of noxious weeds and other undesirable species. In addition, the report will evaluate the progress of the restoration toward achieving the Restoration Success Criteria. It will identify whether corrective actions are necessary, and will provide recommendations. Monitoring will be in accordance with the methods described below. The goal of monitoring is to ensure that any corrective measures that need to be completed are identified early on to minimize the time required to achieve the Success Criteria.

6.4.1 Erosion and Slope Stability

Soil surface stability will be determined by the absence or limited degree of surface erosion and plant pedestals. The restoration area will be visually inspected to locate rills, slumping, or other erosional features, and silt fences, wattles, and other erosion control measures will be inspected to ensure they are functioning properly and do not need repair.

6.4.2 Quantitative Vegetation Monitoring

Quantitative vegetation monitoring data will be collected annually to document the progress of the restoration. Vegetation data will be collected in the late summer or early fall of each year and will be incorporated into the annual monitoring reports. As noted above, if during the first growing season it appears upon visual inspection that the quantitative Success Criteria will not yet be met because vegetation establishment is in the early stages, the Town may waive the requirement for quantitative vegetation monitoring and detailed reporting.

Permanent vegetation monitoring transects will be established for the collection of quantitative vegetation cover, species richness, and shrub count data in the pipeline restoration area. Three permanent transects will be established within the Arroyo Trailhead East Restoration Area, and three will be established on the Abrams Creek Open Space Restoration Area. Transects will be 50 meters long, with 2-meter-wide quadrats centered on the transect for collection of species richness and shrub count data. For details on the methods of quantitative vegetation cover data collection, please refer to Appendix B.

Species richness is the total number of species observed in a given area. Species richness data will be collected for each transect area by recording all vascular plant species present within a 2 meter wide band centered on the 50-meter long transect. Thus, the total area inventoried for species richness is 100 square meters per transect. Finally, all shrubs present within the 2-meter by 50-meter quadrat will be inventoried, and the average height will be measured.

6.4.3 Photo Points

A series of fixed photo points will be established for visual comparison of revegetation success. Photos will be taken from each photo point on an annual basis and will be included in the annual monitoring reports. The photo point locations will be marked with a hand-held GPS or similar method and coordinates will be provided.

7.0 Weed Control

Careful weed control will be essential to the success of the pipeline restoration. RMNG or RMNG's qualified contractor will visit the restoration site several times during the growing season to determine if noxious or undesirable weeds are becoming problematic, and will provide recommendations for weed control, focusing on Integrated Weed Management. Control measures may include mowing, cutting, hand eradication, or spraying with herbicide. Spot herbicide treatments will be used to promote diverse communities of forbs and to protect populations of Harrington's penstemon which could be present in the shrublands adjacent to the pipeline corridor. RMNG or RMNG's qualified contractor will coordinate and oversee all weed management activities in the restoration area. RMNG will notify the Town at least 48 hours prior to spraying or other weed control.

8.0 Success Criteria

The goal of the following reclamation standards and Success Criteria is to mitigate anticipated impacts to vegetation, soil and water resources from ground-disturbing activities by re-establishing a self-sustaining, diverse vegetation community composed of species native to the region in sufficient density and diversity to approximate a natural, undisturbed community type. Achievement of these Success Criteria will be required for cancellation of the Letter of Credit to be held by the property owner.

The Pipeline Restoration will be considered successful when the following criteria are achieved:

1. The site has been re-graded to the approximate pre-disturbance topography and blends with the adjacent landscape.
2. The disturbed soil surface has been stabilized to reduce erosion and runoff to at or below natural background levels. There are no rills deeper than three inches, or spaced closer than on adjacent undisturbed hillsides.
3. No slumping or subsidence is present along the backfilled trench or fill slopes, other than incidental, limited areas of minor earth movement that might be expected in the months after construction, and there is no trench settling greater than 3 inches..
4. The site is dominated by plants of the seed mix and/or by desirable native colonizers common to sagebrush shrublands in Eagle County.
5. The plant species diversity includes at least 15 desirable native plants common to sagebrush shrublands in Eagle County. Species richness will include plant inventories compiled during regular monitoring visits, and data collected during year-end quantitative vegetation monitoring. This method will more accurately capture the species diversity of the site, since many early-blooming forbs are not evident late in the growing season.
6. The plant species diversity shall include at least 2 species of shrubs, 6 desirable native grasses, and 6 desirable native forbs.

7. The absolute vegetation cover, as measured by point intercept data collected along the quantitative vegetation monitoring transects, totals at least 50%.
8. At least 50 sagebrush shrubs are present within a 200 square meter quadrat. The average height shall be at least 6 inches.
9. The combined absolute cover of all State of Colorado A, B, or C listed noxious weeds and the undesirable plant species (e.g., kochia and Russian-thistle) shall be less than 5%, with no areas larger than 25 square feet in which noxious weeds are the dominant plants. If cheatgrass is present adjacent to the disturbed area in overall concentrations of less than 50% absolute vegetative cover, the absolute cover of cheatgrass on the reclaimed site will not exceed 5%. In areas where adjacent lands have greater than 50% absolute cover of cheatgrass, the absolute cover on reclaimed lands will not exceed 20%.

Once the Town of Eagle has reasonably determined that the Restoration Success Criteria have been satisfied, such determination not to be unreasonably withheld, any then-existing Security will be released by the Town of Eagle in accordance with the separate agreement between RMNG and the Town of Eagle.

9.0 Best Management Practices

- a. All construction, operation and maintenance shall be located within the authorized limits of the ROW and temporary access easement.
- b. Limit surface disturbance to the minimum area necessary and when possible avoid disturbances on steep slopes.
- c. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of 6 inches deep, the soil shall be deemed too wet to adequately support the construction equipment. When saturated soil conditions exist on access roads or along the ROW any type of construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
- d. Any temporary construction access routes shall be constructed and maintained using BMPs.
- e. The operator shall implement dust abatement measures as needed to prevent excessive fugitive dust from vehicular traffic, equipment operations, or wind events.
- f. To prevent the spread of invasive, noxious weeds and other undesirable species, all construction equipment and vehicles shall be power-washed, including the under carriage, to remove all soil, mud, and vegetation material prior to entering the project area. Driving through or parking on weed infestations in the project area shall be avoided.
- g. Stockpile topsoil when possible and prudent (not in areas of seleniferous or erosive soils, or in areas with noxious weed populations), following topsoil salvage and storage BMPs.
- h. Minimize the area necessary for construction activities; determine the minimal area needed to facilitate necessary activities, and initiate restoration as quickly as practicable after construction.

- i. Silt fencing or another appropriate sediment barrier may be necessary in areas in proximity to water features such as streams, ponds and wetlands or in other situations where wind or water erosion may otherwise move sediments into sensitive or valuable surrounding habitat.
- j. Seed the disturbed area with a seed mix of species native to the local area at a rate sufficient to achieve site stabilization and achieve desired cover following adequate soil preparation that includes removal of weeds and undesirable species, de-compaction of compacted soil, and harrowing to prepare the seedbed.
- k. Drill seeding will be the preferred method on Town of Eagle Open Space, except where equipment access is not feasible, and broadcast seeding will be used at twice the drill seeding rate. Hydroseeding methods shall not be used on Town of Eagle Open Space.
- l. Seed drills shall be cleaned to remove all remaining seed from previous use prior to adding seed for use on Town of Eagle Open Space.
- m. Small seed shall be placed in a separate seed box and shall be drill seeded to a depth of 0.25 inches, or broadcast and then raked or harrowed to provide soil cover.
- n. Mulching will be required to stabilize soil, maximize moisture infiltration, and improve the chances for revegetation success. Hydromulch and tackifier will be the preferred method on Town of Eagle Open Space.
- o. Control for all State of Colorado A-, B-, and C-listed noxious weeds and undesirable species within reclaimed areas, with the exception of cheatgrass in areas where cheatgrass is a component of the adjacent undisturbed vegetation. One aspect of reducing the potential for noxious weed establishment is consideration of the sequence and timing of revegetation.
- p. The operator shall comply with all applicable regulations for the protection of wildlife, including the Bald and Golden Eagle Protection act, Migratory Bird Treaty Act, Endangered Species Act, and raptor nest buffer distances and big game timing limitations established by Colorado Parks and Wildlife that restrict activities between December 1st and April 15th. The operator is responsible for understanding and complying with the terms of these laws and regulations.
- q. The operator shall undertake measures to avoid unnecessary noise pollution, such as limiting unnecessary idling by heavy equipment and scheduling activities to minimize vehicle trips. Construction shall be limited to daytime hours (7:00 am to 7:00 pm) unless otherwise approved by the Town.
- r. All pipeline construction and maintenance shall follow the Gold Book Standards and requirements specified by the U.S. Army Corps of Engineers as part of any authorization of the project under Section 404 of the Clean Water Act. Buried pipelines shall have a minimum cover of four feet at road and drainage crossings. BHE is responsible for burying the pipeline to a depth that safely accommodates existing land and road uses. At drainage crossings, the pipeline shall be constructed to withstand floods of extreme magnitude to prevent rupture and accidental contamination of runoff during high-flow events.
- s. Cuts and fills shall be minimized when working on slopes in excess of 30% and on fragile soils. Cut and fill slopes shall be stabilized through revegetation practices with an approved seed mix shortly following construction activities to minimize the potential for slope failures, erosion, and soil loss. Slopes adjacent to drainages shall be protected with

BMPs designed to minimize sediment transport. The Town may require the holder to utilize special construction or reclamation techniques to ensure subsequent slope stability and facilitate revegetation success.

- t. The operator shall comply with its Stormwater Management Plan and shall install and maintain such other adaptive BMPs as necessary and appropriate for the location. Specific attention shall be given to avoiding or minimizing the transport of eroded soils and other surficial materials to drainages that could transport the eroded materials into perennial stream reaches. Stormwater BMPs must reduce or avoid the transport of chemical pollutants spilled or released in proximity to drainages. Staging, refueling and storage areas shall be located at least 300 feet away from any reservoir, lake, wetland, or natural perennial or seasonally flowing stream.
- u. Any machinery and tools that may come in contact with a waterway (both before and after the pipeline project) must be cleaned and disinfected per CPW's disinfection protocols (Appendix A).
- v. Portable sanitary facilities shall be appropriately located to minimize the potential for discharge to stormwater conveyances and shall be staked to prevent blow-over, tipping by vandals, and leakage.
- w. Construction workers and contractors shall be prohibited from having firearms or pets onsite during all phases of construction.
- x. Once the site has been seeded and mulched, vehicular traffic should be minimized in the restoration area to critical and necessary tasks in order to facilitate restoration objectives, including revegetation.
- y. Best practices would be to seed the pipeline disturbance within 15 days of the completion of construction. However if this is not feasible, the pipeline disturbance shall be seeded and hydromulched prior to November 15, 2016.
- z. If final reclamation would not be initiated within 15 days of the completion of pipeline construction, as defined by topsoil replacement and establishment of the final grade, then it will be necessary to monitor and control weeds, and to monitor and control erosion in the disturbed area until final reclamation is initiated.

10.0 Figures

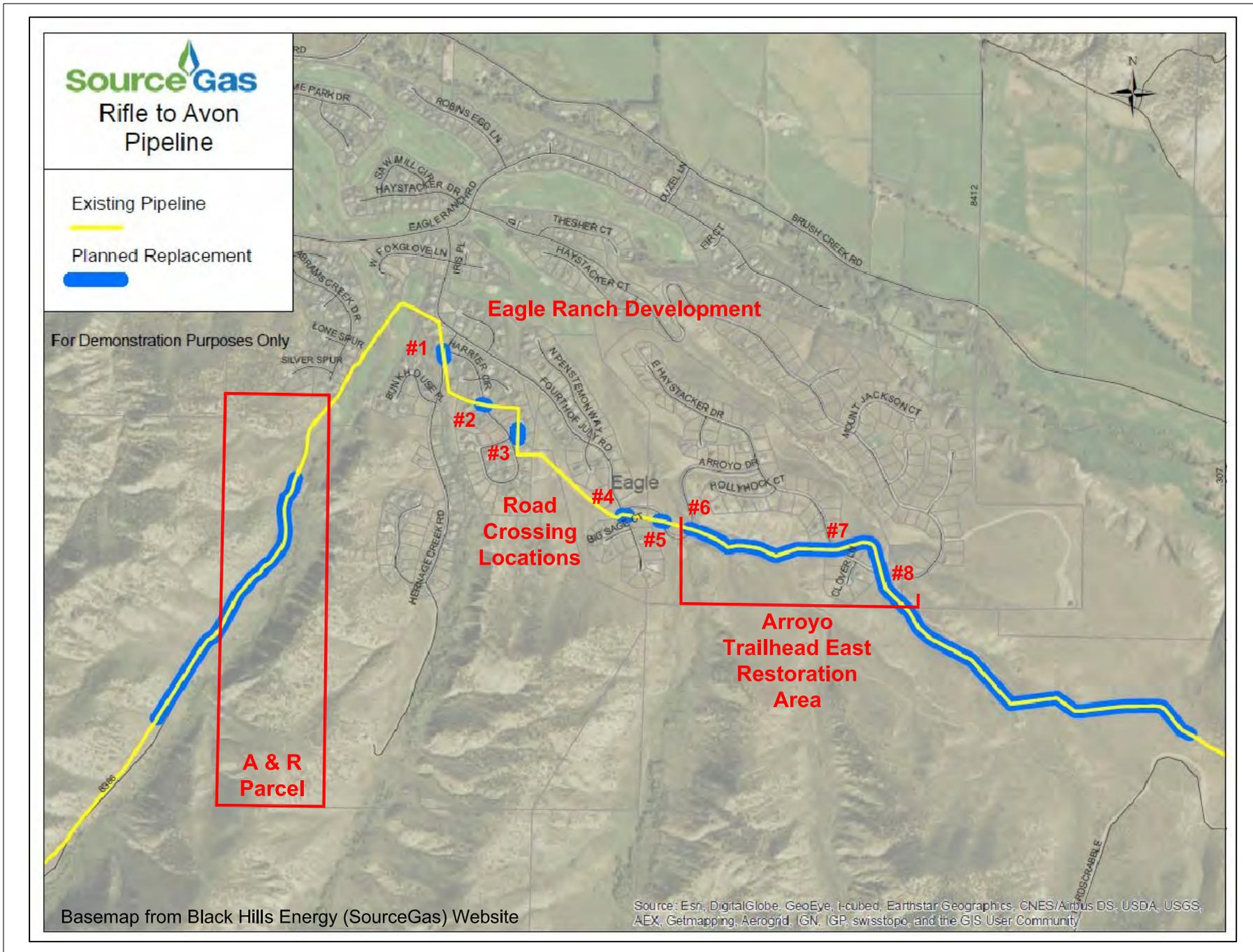
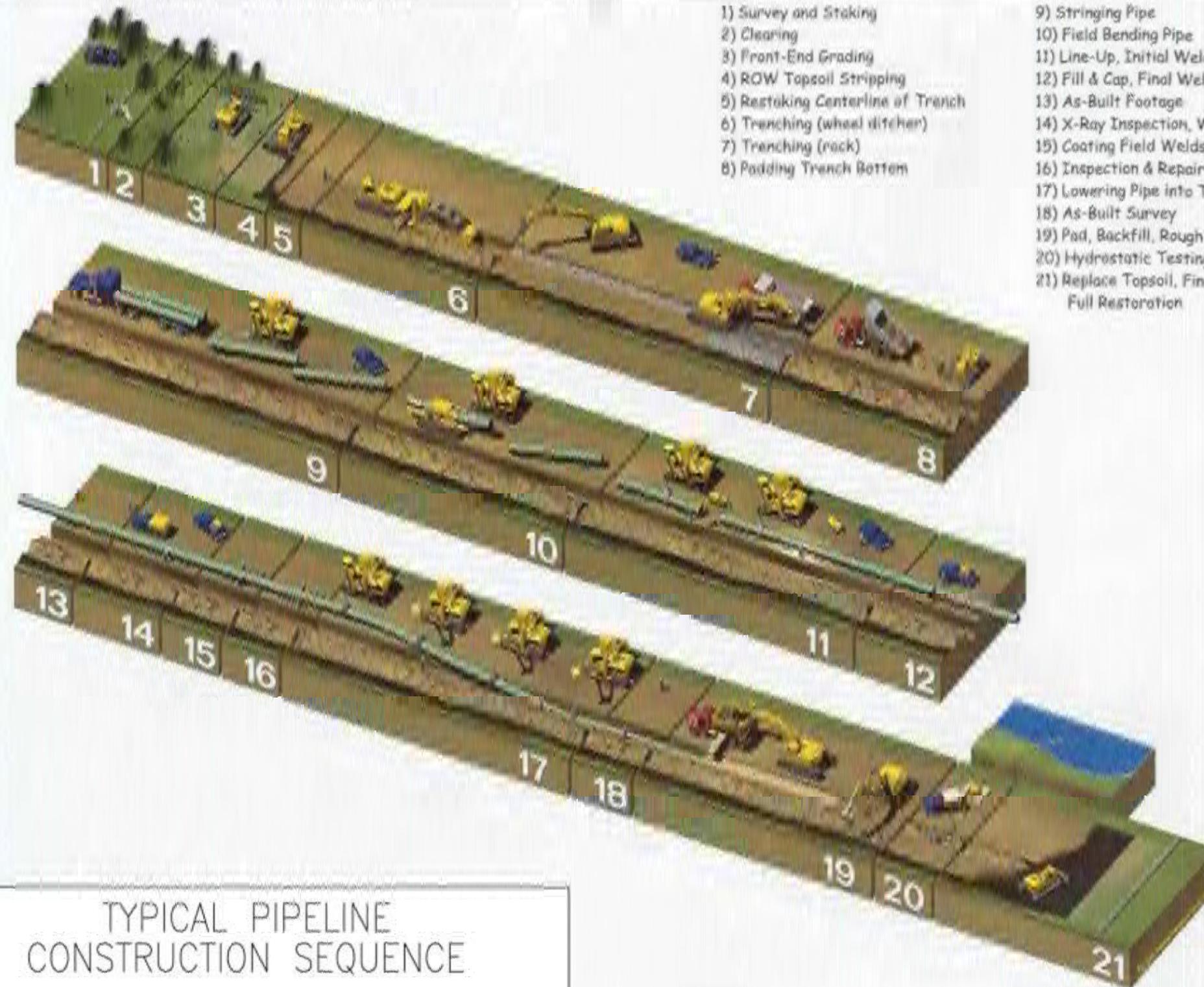


Figure 1. Overview of Pipeline Replacement Area
Black Hills Energy Eagle Pipeline Project





TYPICAL PIPELINE
CONSTRUCTION SEQUENCE

REVISIONS				
NO.	DATE	DESCRIPTION	BY	CHKD/APPR
1	7/1/07	SS INITIAL RELEASE	NS	NS / SSC

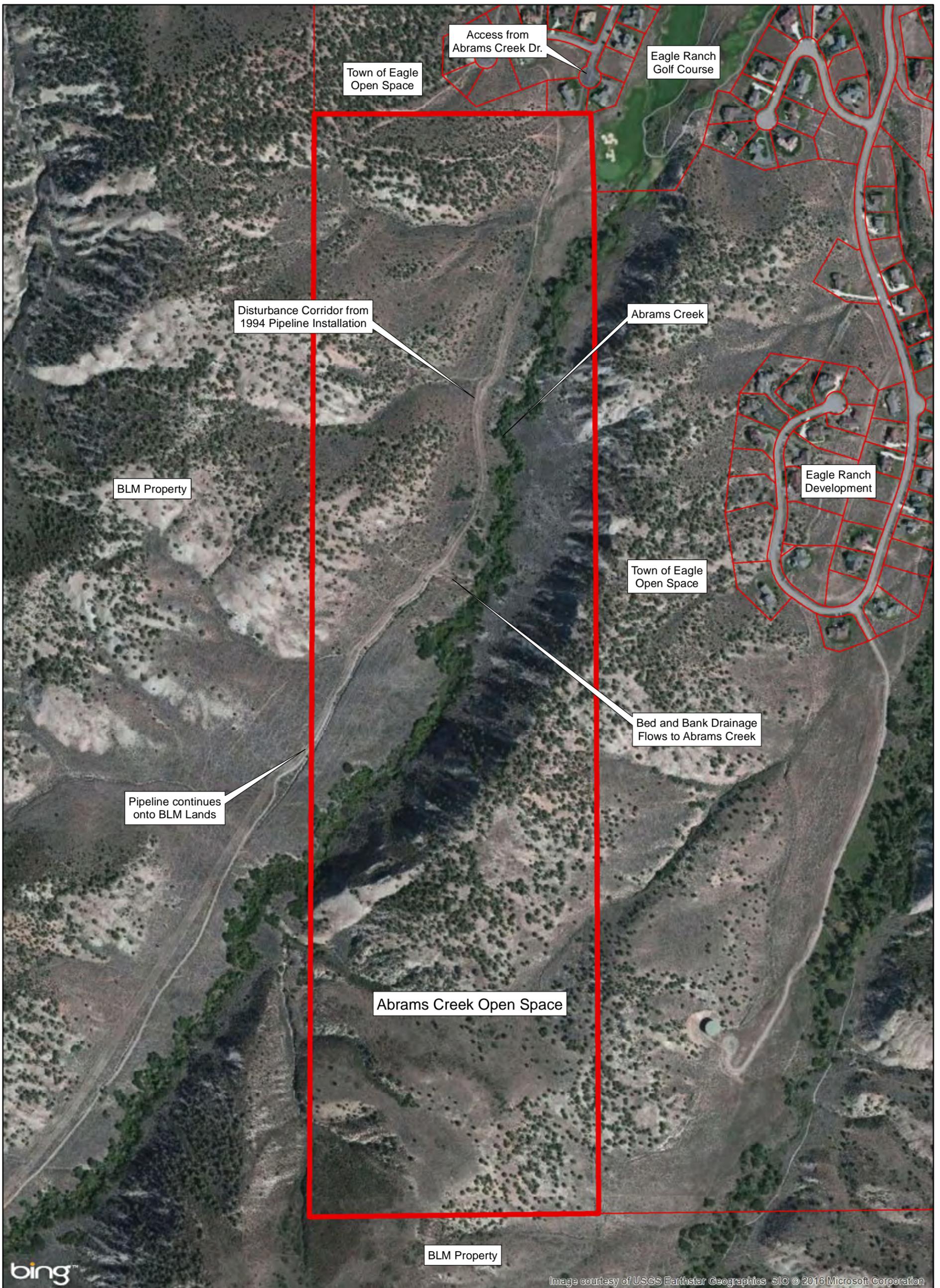
DESIGNED IN ACCORDANCE WITH TITLE 49-PART 192 OF MINIMUM FEDERAL SAFETY STANDARDS AND OPTIC GUIDE FOR GAS TRANSMISSION AND DISTRIBUTION PIPING SYSTEMS, LATEST EDITION.



TYPICAL PIPELINE
CONSTRUCTION SEQUENCE

DATE: 7/1/07	APPROVED BY:
SCALE: N.T.S.	CST-P-1000-0000 SH. 1 OF 1

Figure 2. Typical Pipeline Construction Sequence
Black Hills Energy Eagle Pipeline Project



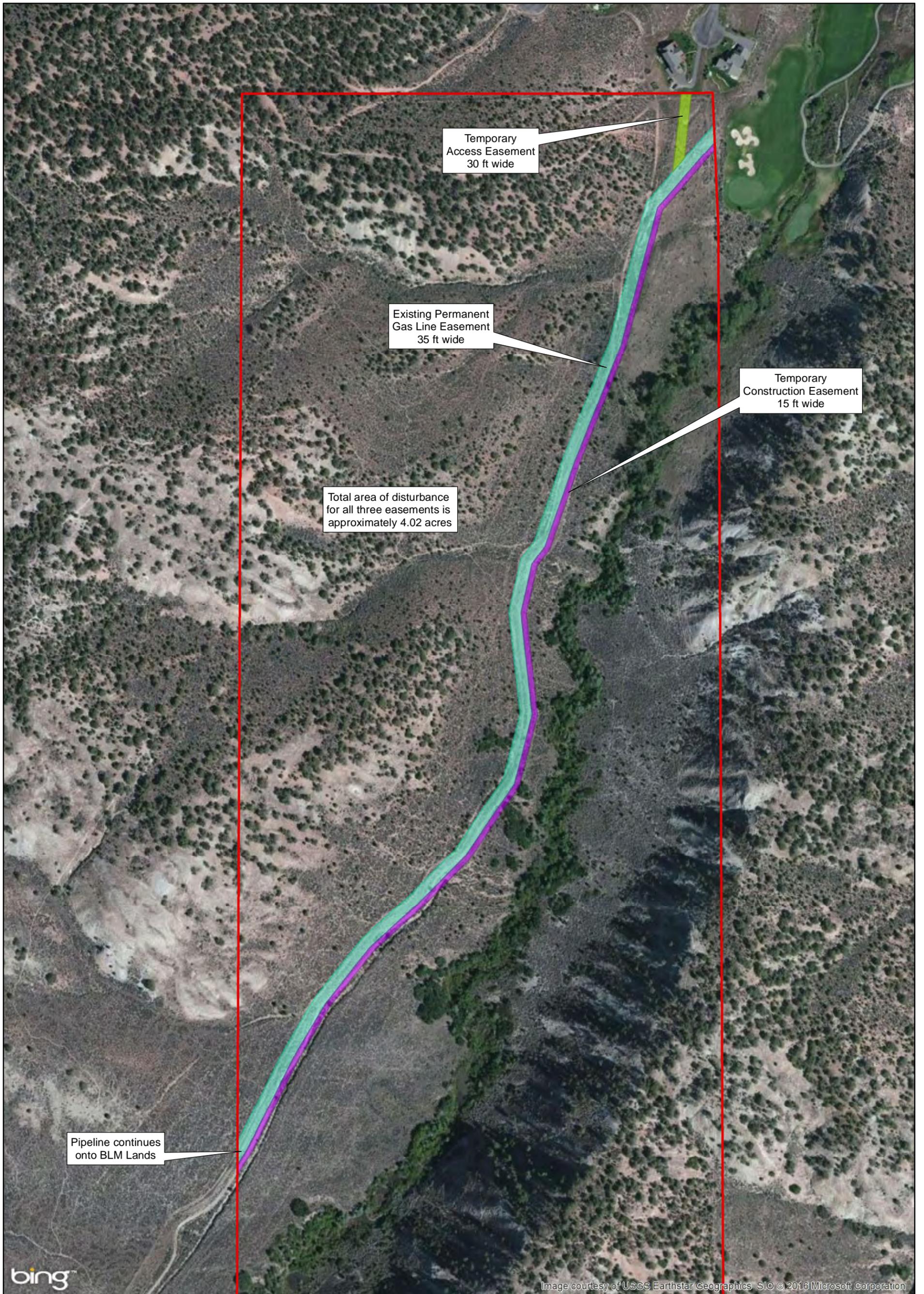
Legend

 Abrams Creek Open Space

**Figure 3. Abrams Creek Open Space Restoration Area
Aerial Overview
Black Hills Energy
Eagle Pipeline Project**



Scale 1:7,000



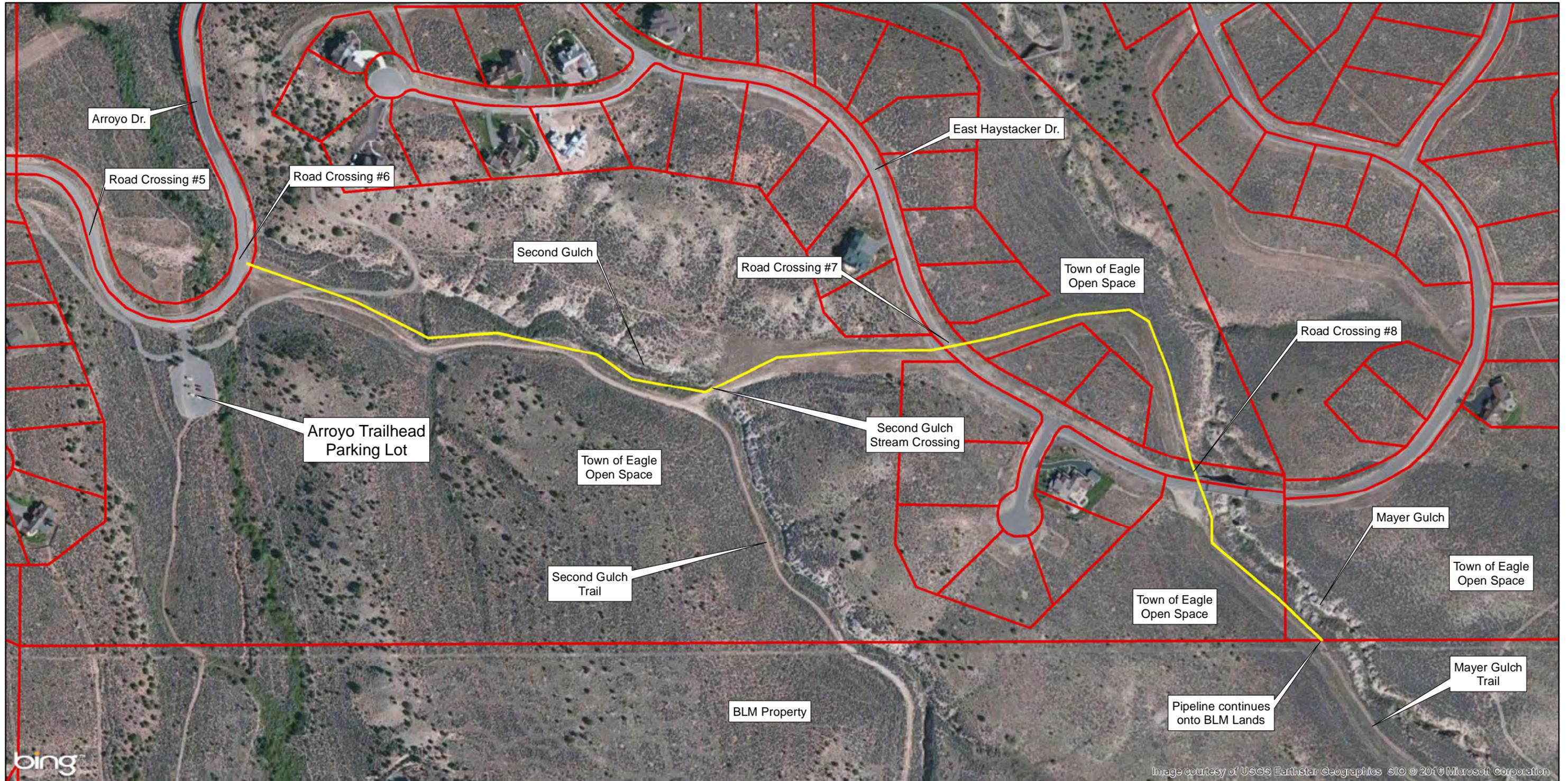
Legend

- Abrams Creek Open Space
- Temporary Access Easement
- Temporary Construction Easement
- Permanent Gas Line Easement

N

 Scale 1:4,000
 20

Figure 4. Abrams Creek Open Space Access, Easements & Restoration Area Black Hills Energy Eagle Pipeline Project



Legend

- Parcel Boundaries
- Approximate Location of Existing Pipeline

N

 Scale 1:4,000
 21

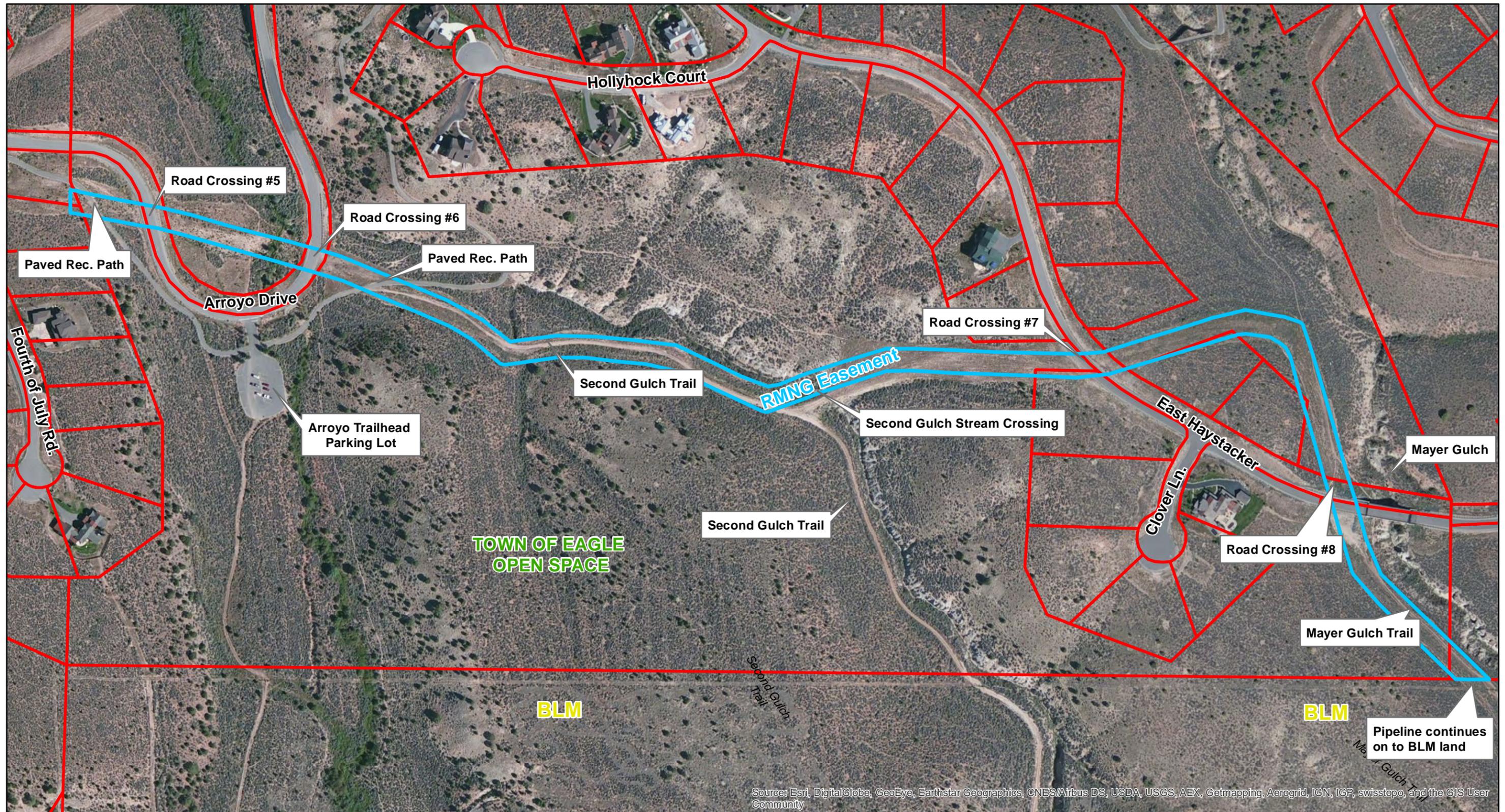
Figure 5. Arroyo Trailhead East Restoration Area Aerial Overview Black Hills Energy Eagle Pipeline Project

prepared by:
 Western Ecological Resource, Inc.
 711 Walnut Street
 Boulder, CO 80302
 (303) 449-9009 mar@westernecological.com



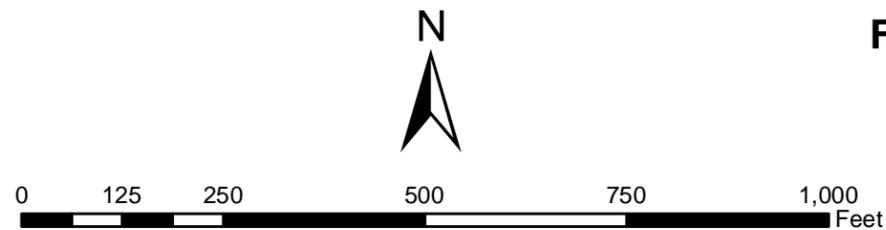
Page 86 of 201

Image courtesy of USCS Earthstar Geographics SIO © 2010 Microsoft Corporation



Legend

- Approximate RMNG Easement
- Parcel Boundaries



**Figure 6. Arroyo Trailhead East Restoration Area and Easement
Black Hills Energy
Eagle Pipeline Project**

Prepared by the Town of Eagle.
Easement information provided
by Black Hills Energy.

12.0 Tables

TABLE 1
Summary of Road Crossing & Staging Restoration Areas
Black Hills Energy Eagle Reroute Project

<u>Road Crossings</u>	<u>Location</u>	<u>Anticipated Disturbance</u>
# 1	Hernage Creek Road between Harrier Circle and Bunkhouse Place	8,500 ft ² (0.195 ac)
# 2	Harrier Circle between Left Lady Belle Place and Camp Fancy Spur	5,375 ft ² (0.123 ac)
# 3	Camp Fancy Spur east of Harrier Circle	7,250 ft ² (0.166 ac)
# 4	4 th of July Road between Arroyo Drive and Big Sage Court	6,625 ft ² (0.152 ac)
# 5	Arroyo Drive between 4 th of July Road and the Arroyo Trailhead Parking Lot	1,000 ft ² (0.023 ac)
# 6	Arroyo Drive east of the Arroyo Trailhead Parking Lot	Located within the larger Arroyo Trailhead East restoration area.
# 7	East Haystacker Drive west of Clover Lane	Located within the larger Arroyo Trailhead East restoration area.
# 8	East Haystacker Drive east of Clover Lane	Located within the larger Arroyo Trailhead East restoration area.
Staging Area	Adjacent to Arroyo Drive north of Trailhead Parking Lot	17,500 ft ² (0.402 ac)

TABLE 2
Draft Native Seed Mix*
Arroyo Trailhead East Restoration Area, Staging Area & Eagle Ranch Road Crossings
Black Hills Energy Eagle Reroute Project

<u>Scientific Name</u>	<u>Common Name</u>	<u>Variety</u>	<u>PLS Seeding Rate (Lbs/acre)</u>
Shrubs			
<i>Artemisia tridentata</i> var. <i>vaseyana</i>	Mountain big sagebrush	Native CO or UT	0.125
<i>Artemisia tridentatum</i> var. <i>tridentata</i>	Big sagebrush	Native CO or UT	0.0625
<i>Chrysothamnus nauseosus</i>	Rubber rabbitbrush	Native CO or UT	0.0625
Total Shrubs			0.25
Perennial Grasses			
<i>Elymus elymoides</i>	Squirrel tail	State Bridge or Tusas	1
<i>Elymus trachycaulus</i>	Slender wheatgrass	Pryor	2
<i>Hesperostipa comata</i>	Needle-and-thread grass	Native CO or UT	1
<i>Koeleria macrantha</i>	Junegrass	Native CO or UT	0.125
<i>Leymus cinereus</i>	Basin wildrye	Native CO or UT	1
<i>Oryzopsis hymenoides</i>	Indian ricegrass	Paloma	2
<i>Pascopyrum smithii</i>	Western wheatgrass	Arriba	2.5
<i>Poa fendleriana</i>	Muttongrass	UP Ruin Canyon	0.125
<i>Pseudoroegneria spicata</i>	Bluebunch wheatgrass	Anatone	2
Total Perennial Grasses			11.75
Perennial Forbs			
<i>Artemisia frigida</i>	Fringed sage	Native CO or UT	0.03125
<i>Blasamorhiza saggitata</i>	Arrowleaf balsamroot	Native CO or UT	2
<i>Erysimum capitatum</i>	Western wallflower	Native CO or UT	0.25
<i>Ipomopsis aggregata</i>	Scarlet gilia	Native CO or UT	0.125
<i>Lupinus argenteus</i>	Silvery lupine	Native CO or UT	4
<i>Oenothera caespitosa</i>	Evening primrose	Native CO or UT	0.0625
<i>Oxytropis lambertii</i>	Purple locoweed	Native CO or UT	0.5
<i>Sphaeralcea coccinea</i>	Scarlet globemallow	Native CO or UT	0.25
Total Perennial Forbs			7.22
GRAND TOTAL			19.22**
Sterile Cover Crop			
QuickGuard Triticale			3

* Draft Seed Mix may be revised based on seed availability and additional field reconnaissance to be completed in May 2016.

** Drill Seeding Rate corresponds to 78 seeds per square foot, excluding the sterile cover crop. Seeding rate should be doubled for broadcast applications.

This native seed mix will be supplemented by hand-collected sagebrush seed to be gathered adjacent to the pipeline disturbance and broadcast over the restoration area to establish local ecotypes and reduce visual contrast.

TABLE 3
Draft Native Seed Mix*
Abrams Creek Open Space Restoration Area
Black Hills Energy Eagle Reroute Project

<u>Scientific Name</u>	<u>Common Name</u>	<u>Variety</u>	<u>PLS Seeding Rate (Lbs/acre)</u>
Shrubs			
<i>Artemisia tridentata</i> var. <i>vaseyana</i>	Mountain big sagebrush	Native CO or UT	0.125
<i>Artemisia tridentatum</i> var. <i>tridentata</i>	Big sagebrush	Native CO or UT	0.0625
<i>Chrysothamnus nauseosus</i>	Rubber rabbitbrush	Native CO or UT	0.0625
Total Shrubs			0.25
Perennial Grasses			
<i>Elymus elymoides</i>	Squirrel tail	State Bridge or Tusas	1
<i>Elymus trachycaulus</i>	Slender wheatgrass	Pryor	2
<i>Hesperostipa comata</i>	Needle-and-thread grass	Native CO or UT	1
<i>Koeleria macrantha</i>	Junegrass	Native CO or UT	0.125
<i>Leymus cinereus</i>	Basin wildrye	Native CO or UT	2
<i>Pascopyrum smithii</i>	Western wheatgrass	Arriba	2.5
<i>Poa fendleriana</i>	Muttongrass	UP Ruin Canyon	0.125
<i>Pseudoroegneria spicata</i>	Bluebunch wheatgrass	Anatone	2
Total Perennial Grasses			10.75
Perennial Forbs			
<i>Artemisia frigida</i>	Fringed sage	Native CO or UT	0.03125
<i>Blasamorhiza saggitata</i>	Arrowleaf balsamroot	Native CO or UT	2
<i>Erysimum capitatum</i>	Western wallflower	Native CO or UT	0.25
<i>Ipomopsis aggregata</i>	Scarlet gilia	Native CO or UT	0.125
<i>Lupinus argenteus</i>	Silvery lupine	Native CO or UT	4
<i>Oenothera caespitosa</i>	Evening primrose	Native CO or UT	0.0625
<i>Oxytropis lambertii</i>	Purple locoweed	Native CO or UT	0.5
<i>Sphaeralcea coccinea</i>	Scarlet globemallow	Native CO or UT	0.25
Total Perennial Forbs			7.22
GRAND TOTAL			18.22**
Sterile Cover Crop			
QuickGuard Triticale			3

Draft Seed Mix may be revised based on seed availability and additional field reconnaissance to be completed in May 2016.

** Drill Seeding Rate corresponds to 75 seeds per square foot, excluding the sterile cover crop. Seeding rate should be doubled for broadcast applications.

This native seed mix will be supplemented by hand-collected sagebrush seed to be gathered adjacent to the pipeline disturbance and broadcast over the restoration area to establish local ecotypes and reduce visual contrast.

Appendix A. CPW Equipment Disinfection Protocol

When working in active waterways, disinfect heavy equipment, hand tools, boots, and any other equipment that was previously used in a river, stream, lake, pond, or wetland prior to moving the equipment to another water body. The disinfection practice should follow this outline:

- Remove all mud and debris from equipment and spray/soak equipment with a 1:15 solution of disinfection solution containing the following ingredients:
 - Dialkyl dimethyl ammonium chloride, 5-10% by weight;
 - Alkyl dimethyl benzyl ammonium chloride, 5-10% by weight;
 - Nonyl phenol ethoxylate, 5-10% by weight;
 - Sodium sesquicarbonate, 1-5%;
 - Ethyl alcohol, 1-5%; and
 - Tetrasodium ethylene diaminetetraacetate, 1-5%
 - and water, keeping the equipment moist for at least 10 minutes and managing
 - rinsate as a solid waste in accordance with local, county, state, or federal
 - regulations; or:

- Spray/soak equipment with water greater than 140 degrees Fahrenheit for at least 10 minutes.

- Sanitize water suction hoses and water transportation tanks (using methods described above) and discard rinse water at an appropriately permitted disposal facility.

Appendix B. Methods for Quantitative Vegetation Cover Data Collection

Cover will be estimated using a point-intercept method (Mueller-Dombois and Ellenberg, 1974) by viewing vegetation through a tripod-mounted sighting device with fine cross hairs. An adjustable mirror on the sighting device allows vegetation sampling in the canopy above as well as the understory layers below the scope.

Data will be recorded on both sides of the 50-meter-long transects at one meter intervals, for a total of 100 data points per transect. The sampling points will be located approximately $\frac{1}{2}$ meter from the centerline of the transect, at 90 degree angles.

During cover data collection, the mirror of the sighting device is first directed upward, then downward to record the first species sighted in the cross hairs, or first "hit." If the cross hairs do not intercept a plant, then rock, litter, standing dead, soil, or water is recorded for the first "hit." When a tree or shrub is first intercepted, a second data point is recorded in the next layer of vegetation below, and possibly also a third data point below that, until the herbaceous understory vegetation appears in the cross hairs. These subsequent data points will be separately recorded as "second hits." All vegetation hits will be recorded by species.

The absolute percent cover of each species and the cover of litter, rock, soil, and standing dead will be calculated using first hits. The relative cover of each species will be calculated using both first and second vegetation hits. Specifically, the percent absolute cover of a species is the number of first hits recorded divided by 100, the total number of first hits for each transect. The percent relative cover for a species is the sum of first and second hits recorded for that species divided by the total number of first and second vegetation hits for the transect. Litter, soil, rock, and standing dead hits are only used in the calculations of absolute cover.



The Town of Eagle

Box 609 • Eagle, Colorado 81631
(970) 328-6354 • Fax 328-5203

Meetings:
2nd and 4th Tuesdays

June 9, 2016

Ms. Gretchen Giesler
Rocky Mountain Natural Gas
Gretchen.Giesler@blackhillscorp.com
www.blackhillsenergy.com

Re: Special Conditions for Permit for Construction within the Public Right-of-Way and Public Lands in Eagle, Colorado.

Dear Ms. Giesler,

This is a list of Special Conditions for the Rocky Mountain Natural Gas Pipeline Replacement Project to obtain a permit for such work.

1. All work, permit fees, and reimbursement of such costs shall conform to all Town of Eagle ordinances, permits, rules, regulations and stipulations while accessing through or working in the Town.
2. Rocky Mountain Natural Gas shall provide the Town with a construction schedule and update as necessary and shall coordinate all work with the Town. In the case of street and utility crossings, Rocky Mountain Natural Gas shall furnish a set of engineer drawings in plan and profile showing all utilities and bore pit location and limits of disturbance. The drawings shall be stamped by a professional engineer, and delivered at least 2 weeks prior to construction. The plan for street and utility crossings shall be approved by the Town of Eagle prior to construction of the crossing.
3. Rocky Mountain Natural Gas shall notify The Town at least 48 hours prior to any construction.
4. A MUTCD compliant traffic control plan must be approved by the Town of Eagle for all work on public streets.
5. Construction Hours shall conform to Town of Eagle Municipal Code Chapter 13.02.060: Monday through Friday: 7:00 a.m. to 7:00 p.m.; and Saturday 9:00 a.m. to 6:00 p.m. Rocky Mountain Natural Gas reserves the right to request extended

hours for critical work functions, i.e. hydro testing, tie-in's, to be coordinated through the Public Works Department.

6. Construction vehicles shall use Sylvan Lake Road and Eagle Ranch Road to access the project sites. Construction vehicles shall not use Capitol Street.
7. All construction vehicles working on the Rocky Mountain Natural Gas Pipeline Replacement Project shall be marked with a visible identification tag approved by the Town.
8. Water courses shall be reshaped to the original grade and cross-section and all debris removed. Where required to prevent erosion, the bottom and sides of the water course shall be protected.
9. The restoration of Town Open Space lands shall conform to the:

*Restoration Requirements
Abrams Creek Open Space, Arroyo Trailhead East
& Eagle Ranch Road Crossings
Rocky Mountain Natural Gas Eagle Replacement Pipeline Project
Prepared by Western Ecological Resource, Inc.
Dated June 8, 2016*

10. A gate shall be installed in the existing boundary fence on the gas pipeline easement for the purpose of future gas pipeline maintenance access at the boundary of the golf course near Abrams Gulch and the A&R property.
11. All construction activities on mountain bike trails shall be coordinated with the Town. Trails must be open and in good riding condition for special events.
12. Rocky Mountain Natural Gas shall provide geotechnical reports to the Town of Eagle for backfill and pavement reconstruction.
13. Prior to construction and subject to all applicable statutes, ordinances, rules, and regulations, Rocky Mountain Natural Gas shall enter into a reimbursable agreement with the Town for staff time and for contracted work for the Gas Line Replacement Project including:
 - a. Attorney fees at \$190/hour, not to exceed \$1,500.
 - b. Revegetation Consultant fees not to exceed \$26,000, John Staight and Monica Genadio will coordinate the Revegetation Consultant work to minimize duplication of services.Consultant fees shall be invoiced with all appropriate documentation: including time sheets, mileage, and receipts.
14. Subject to all applicable statutes, ordinances, rules, and regulations, Rocky Mountain Natural Gas shall reimburse the Town for staff time spent on

inspections according to the following rates. The hours shall be paid for actual time. The following is an estimate of staff time:

Town Open Space Coordinator:

12 hours/ week * 19 weeks * \$40.00/hour = \$9,120.00

Town Public Works Inspector

9 hours/week * 5 weeks * \$43.05/hours = \$1,937.25

Town Assistant Town Engineer

6 hours/week * 5 weeks * \$58.56/hour = \$1,756.80

Public Works Director

1.5 hour/week * 5 weeks * \$77.61/hour = \$582.08

Reimbursables for staff time shall not exceed \$13,400. The Town will send one final invoice to for all reimbursable work before December 1, 2016.

15. All hydrostatic test water shall tanked and disposed off-site at an appropriate disposal facility.
16. Subject to all applicable statutes, ordinances, rules, and regulations, Rocky Mountain Natural Gas shall issue a letter of credit in favor of the Town of Eagle for an initial amount of \$300,000 as determined by 150% of the cost of estimated revegetation (\$106,000) and the eight road cuts associated with the project (\$94,000) prior to issuing a construction permit. The letter of credit will be renewed and reduced on an annual basis as Rocky Mountain Natural Gas completes its construction, but the renewal amounts under the renewed letter of credit will not expire until the Town has reasonably determined the project to be completed successfully per the requirements of the Public Works Department in regards to the road work and the success criteria defined in the restoration plan for the revegetation, where such Town approval shall not be unreasonably withheld. After the road cuts are completed, the amount under the Letter of Credit shall be reduced by \$141,000 to an amount of \$159,000. Each year thereafter, the amount shall reduce as Rocky Mountain Natural Gas completes additional requirements under the Permit conditions. Once the Town has determined the project has been completed successfully, Rocky Mountain Natural Gas shall send notification to the Eagle Ranch HOA and publish notice in the paper for 30 days prior to the Town of Eagle releasing the letter of credit. Eagle Ranch Address is:

Eagle Ranch Association
1143 Capitol Street, Suite 208
PO BOX 5905
Eagle, CO 81631

17. The Town shall review and approve an access and construction staging plan prior to construction.

18. All construction activities shall be on existing easements. If additional work space is needed. The Town of Eagle will work with Rocky Mountain Natural Gas to obtain a temporary workspace easement.

Sincerely,



Kevin J. Sharkey, P.E.
Assistant Town Engineer

CC: Dusty Walls, Public Works Director
John Staight, Open Space Coordinator



Arroyo Drive Work Space

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX,

0.287 Acres

85'

67'

21'

48'

39'

36'

97'

71'

38'

24'

37'

71'



Eagle Replacement Work Space Details



CERTIFICATE OF RECOMMENDATION

TO: Board of Trustees

FROM: Department of Community Development

DATE: June 14, 2016

PROJECT NAME: Rocky Mountain School of Discovery

FILE NUMBER: SU16-01

APPLICANT: Anne Helene Garberg

LOCATION: 409 Brooks Lane

APPLICABLE SECTION(S) OF MUNICIPAL CODE:
Section 4.05.010 (Special Use Permit)
Section 4.04 (Zoning)

EXHIBIT(S): A. Application Packet
B. Aerial Photographs
C. Record of Decision
D. Town of Eagle Letter to Commission
E. Planning Commission Summary

PUBLIC COMMENT:

1. John Hardesty
2. Karen Harkins
3. Mellissa Carpenter
4. Rick Commitz (Owners Association Manager)
5. Ami Fountain
6. Jeanine Kenney
7. Rebecca Haseltine
8. Dana Stiles
9. Devra DiDominico*
10. K Denning*
11. Amy Schesney

12. Bridgett Carter
13. John Hardesty (two)
14. Nicoll Dewell
15. Sarah MacKenzie
16. Tom Pohl
17. Kristin Anderson
18. Plymel Family

STAFF CONTACT: Tom Boni, Town Planner

REQUEST: Applicant is requesting a Special Use Permit to allow for a pre- school to serve up to a maximum of 80 children on a +/- one-acre parcel of land zoned Rural Residential. Phase One: 40, Phase Two: 80.

DISCUSSION:

There is a critical need for pre-schools in the Eagle Community with the recent closure of the Sunshine Pre-School at the Methodist Church on Second Street. The Montessori School on the corner of Arts Court and Highway 6 has also closed. Given the educational philosophy of Anne Helene Garberg and the Rocky Mountain School of Discovery this large property is attractive.

The property is included in the Brooks Lane Neighborhood of the Riverside Mixed Use Area of the Eagle River Corridor Plan (Plan). While a school is not a use specifically mentioned in the Plan, staff believes that it would provide a community service to the future residents of this area and is compatible with the overall land use direction provided by the Plan for this area.

However, the most significant constraints to the further development of any property accessed from Brooks Lane are the limitations of the Public Railroad Crossing and access to Highway 6. Please see attached record of decision by the Hearing Judge related to an application by the Town to make Brooks Lane a Public Railroad Crossing. One of the most relevant conditions associated with the Decision of the Public Utilities Commission (PUC) is the requirement for the Town to construct improvements at this crossing in sufficient time to prevent a significant increase in the use of the existing, unimproved Brooks Lane Crossing. The Town has notified the Commission regarding this application and as of this time the Commission has not responded. Please see attached letter from the Town to the Commission.

It is likely that the Commission will deem the drop-off and pick-up of 80 children (Phase One and Phase Two) or for Phase One of 40 children a significant increase in traffic. The Court Proceeding related to the Brooks Lane Crossing reported 16 existing homes and an average daily vehicle count of 157 trips. Forty children would potentially result in 80 trips or a 50% increase in traffic using the crossing. Eighty children would potentially result in 160 trips or 100% increase. The applicant has indicated she is open to being creative in the management of the school in order to reduce traffic. One suggestion to minimize additional traffic at the crossing is for parents to park in the Fairgrounds Parking Lot and walk children across the bridge and to the school. This is an approximately 800-foot distance. Another alternative discussed with staff was to pick up the children at an off-site location and “bus” them to the school.

There also exists an option for the Town to make application with the PUC for an upgraded public rail road crossing. There may be a delay period between administrative approval of the design of the improvements to the crossing and timing of the required construction of significant improvements because there are not revenue trains currently operating on the Union Pacific Rail Road. A similar deferment of construction was included in the two rail road crossing approvals granted by the PUC for Eagle River Station. This improvement to the Brooks Lane Rail Road crossing is referenced in the Plan as needed in order to develop the Riverside Mixed Use Area and mentions that the Town will assist in this process.

There are also concerns with traffic exiting Brooks Lane onto Highway 6. Traffic on Highway 6 is significant and continues to increase over time as the Eagle Valley grows. Additional cars exiting from Brooks Lane onto Highway 6 or making a left turn from Highway 6 onto Brooks

Lane are problematic particularly during rush hour. One potential mitigation of this problem would be to sign Brooks Lane prohibiting left turns exiting the street onto Highway 6 in the morning and afternoon rush hours. In discussions with Chief Stauffer, this technique is being used in several communities on the Front Range.

There are not any easy answers to these traffic problems related with Brooks Lane. During the preparation of the Plan, we anticipated the rail road crossing and access to Highway 6 would be addressed by a larger development and likely involve the formation of some type of public improvement district financing. We were also anticipating the Town would commence a comprehensive study of Highway 6 to identify overall improvements required and a phasing plan for implementation. This study of Highway 6 was referenced in the Haymeadow Annexation and Development Agreement.

There was considerable discussion of this application at the Planning and Zoning Commission's consideration of this file with most of the discussion focused on the impact of the traffic on the neighborhood and the constraints of further development included in the PUC's conditional approval of this public railroad crossing.

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010):

Listed below are the findings required by Section 4.05.010 of the Land Use & Development Code for approval of a Special Use Permit:

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans, and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.

FINDINGS FOR SPECIAL USE PERMIT:

Standard #1:

Subject property is zoned Rural Residential. Chapter 4.04.060 (Schedule of Uses Permitted in Residential Zone Districts) identifies a Child Care Facility or School as a Special Use within the Rural Residential Zone District.

As referenced previously this property is located within the Brooks Lane Neighborhood of the Riverside Mixed Use Area in the River Corridor Plan (Plan). This Area is envisioned as a compact, walkable, vibrant, mixed use neighborhood that complements existing development within the CBD. Staff believes that a child care facility fits within the overall vision for this area and would serve the residential development anticipated by the Plan. Chapter 6 of the Eagle Area Community Plan places a strong emphasis on "Quality of Life" and "Family Oriented Community" and references the priority placed on these values by respondents of the Community Survey. The availability of high quality, convenient child care supports these values.

Standard #2:

The surrounding land use to the east is medium density residential and to the west is low density residential. The property on south is also residential. The Eagle County Fairgrounds are located across the Eagle River to the north. Staff believes that the requested child care facility is compatible with the surrounding neighborhood.

Standard #3:

Street Improvements, Parking & Access:

As discussed earlier, staff has concerns that this additional traffic related to the pre-school would constitute a significant increase in traffic and warrant the construction of improvements to the Brooks Lane Railroad Crossing as referenced in the conditions of approval of the existing Brooks Lane Public Rail Road Crossing. Adequate parking could be provided on site.

Based on existing information Staff cannot report to the Board of Trustees that adequate street improvements are in place or will be constructed to accommodate the proposed use.

Planning and Zoning Commission

There was considerable public input and discussion of this application at the Commission's Hearing on June 7. Please see Memo attached as Exhibit E.

Planning and Zoning Commission Recommendation (Unanimous):

1. Applicant to negotiate access improvements with the Town at Brooks Lane/Highway 6 intersection conceptually to include lane widening and a pedestrian access to (School) bus stop.
2. Approval of an access from the PUC
3. Submittal of a drop-off, pick-up management plan by applicant
4. Submittal of a Traffic Impact Report
5. Number of students to be limited to 30

Board of Trustees

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

Tom Boni

From: cjhard69@aol.com
Sent: Wednesday, June 01, 2016 10:37 AM
To: Tom Boni
Subject: Planning and Zoning.

TOWN OF EAGLE PLANNING AND ZONING COMMISSION:

MR. TOM BONI:

RE: ROCKY MOUNTAIN SCHOOL OF DISCOVERY.

- 1) We do not believe Owners of 409 Brooks Lane have a Permit from the Union Pacific Railroad to cross their tracks to access their property.
- 2) Do not believe Brooks Lane is a dedicated street in the Town of Eagle.
- 3) Brooks Lane is a dead end street. How are 80 cars dropping off 80 children at mostly the same time going to get in and out?
- 4) Brooks Lane over the Railroad Tracks and turning towards 409 Brooks Lane is only ONE LANE.
- 5) Brooks Lane is access for walkers, bicycles, children from Town to access the Fairgrounds.
- 6) Do not believe it is appropriate location for any commercial activity much less one that required 80 cars twice a day to access in and out at the same time frame.
- 7) The Railroad Crossing is crossing (Brooks Lane) over rail active traffic and has no security guards or signals as required by law for all dedicated street rail crossings.
- 8) Read communication from Willie Powell in 1995-1997 informing Property at 407 Brooks Lane could not be developed because of the way 5th Ave. interaction with Hwy. 6 and Brooks Lane.
- 9) No one is maintaining the Railroad Crossing from Hwy. 6 to 20 feet East of the Railroad Tracks.
- 10) One can only imagine the back up on Hwy. 6 in both directions trying to turn into Brooks Lane. Currently in the morning traffic is back up to Brooks Lane from the Roundabout.

Tom:

Could you also give a copy of my comments to the Board of Trustees and the Mayor.

Owner of 407 Brooks Lane.
Thermo Dynamics Inc.
John R. Hardesty, Pres.

6/1/16

To The Town of Eagle,

Hello,

I am writing in regards to Rocky Mountain School of Discovery & their new location at 409 Brooks Lane, Eagle.

I wanted to express the importance of this school & the ways it has already impacted my 4.5 year old. My son had previously gone to Sunshine Mountain Preschool, which as you know was being forced to close their doors. Myself & other parents had formed a board & were desperately trying to save the school (which is NOT an easy task) as 90% of our children had nowhere to go if the school was closed. After reaching out to Anne Helene, our school was saved & our children still had a school to attend.

Rocky Mountain School of Discovery, not only saved a 20+ year pre school from being closed, it has also brought a new learning style to school. My son was excelling at Sunshine, but has blossomed just in the short time that the school has transferred. The curriculum & love that is poured into the school has him excited to go to school (which I hope last through college).

Allowing Rocky Mountain to continue on Brooks Lane, will allow for more children to experience a great curriculum & be connected more to the earth & community. Eagle County is in need of more schools that teach children about life, not just books. The possibility of a more farm like school to teach children where food comes from, how to care for & respect animals & the freedom of expression will have such a positive impact on the future of our children.

The passion that Anne & her staff have for not only the program, but the children cannot be touched by any other school that I have experienced. It takes a special group of people, & you have it with this school.

I urge you to look at the positive impacts this school, it's grounds, the teachers & the current & future curriculum will do for our community. It's time to start at the beginning with our children & let them learn the way children should learn. Let their brains grow, let their curiosity shine. This can all be accomplished with The Rocky Mountain School of Discovery.

Please feel free to contact me anytime & I thank you for your time,

Karen Harkins
Associate Broker, BHHS Colorado Properties, mom & eagle county citizen
970-390-3319
karenh@vail.net

June 1, 2016

To Whom It May Concern:

I am writing this letter as a reference for Red Hill Playschool, now known as Rocky Mountain Discovery School. I have been affiliated with this learning program for 14 years and have had 2 children graduate from her program. I would recommend this school to anyone that believes in the development of the whole child. Anne will develop a child that is creative, has initiative, respects and loves the environment, understands the cycle of life, is self-confident and believes in themselves. You need to allow the Rocky Mountain Discovery School to develop and grow in Eagle.

The philosophy behind RMDS is to build children that are connected to the natural world. Some ways that Anne did this for my children was by raising llama's, chickens and goats. The children were responsible for taking care of the animals, feeding the animals, milking the animals and collecting the eggs. Both my children, couldn't wait to get to school each day to see how the animals were doing, to see which job they might get to help take care of the animals. In our present society, kids don't understand where milk and eggs come from. My children were fortunate enough to experience Anne's school and understand that milk and eggs don't come from the grocery store. As older children, they are now very nurturing and loving to animals. I believe this is a direct connection to learning to care for them at a young age.

Another way that Anne teaches kids to connect to the natural world is by creating a beautiful garden. My kids had the opportunity to plant the seeds inside and watch them sprout, then take them outside and plant them in the garden, watch the garden grow and then harvest the crops. They helped water the garden, weed the garden and tend to the garden. Once crops were ready, they would harvest the crops and make recipes with the crops. This teaches children where food comes from, how to create your own food source and use it. My children, now young adults, still create their own garden on their own. They have learned from RMDS to nurture their natural environment, create their own food and crops.

These types of experiences at a very young age help to develop citizens that have a strong work ethic. Giving children valuable responsibility is important. Both my children were given this responsibly and have wonderful strong work ethics. Teachers, parents and people comment constantly on how hard my children work. They ask me what I have done to create such a strong work ethic in my children, and I tell them without a doubt that it can be contributed to being a part of an important and valuable preschool community, where responsibility for growth of food and animals was an important role.

The most important aspect of RMDS is that Anne fosters creativity, and self-directed learning. She follows a Montessori philosophy, where children are allowed to decide, facilitate and make their own decisions about play. She has different areas where students can choose to play and they decide what they want. PLAY -PLAY-

PLAY is her philosophy. Being an educator myself for 20 years, play is how children develop during the preschool years. Children at RMDS are allowed to grow and develop through play! She has created some pretty amazing artist through the years, performers, musicians and thespians come out of her school. She encourages kids to really get to their creative side and they do.

You may be concerned with all this time spent playing, taking care of animals, singing, painting, playing with play dough, making their own food and tending vegetables, that kids are not taught how to read, write and be mathematicians. You are incredibly mistaken. Both my children started kindergarten knowing all their letters, numbers, reading way above grade level and are still well above grade level. Literacy is integrated into all activities at Anne's school. If you see a student at the Honors Tea at the High School, they probably came from Anne's.

I hope you will allow the Rocky Mountain Discovery School to be a part of the Eagle Community. You will certainly be rewarded as these children grown, develop and turn into wonderful citizens in the community. If you need anything else from me, my husband or my children, feel free to contact me at 471-0172.

Sincerely,

Melissa Carpenter

Tom Boni

From: annehelenegarberg <annehelenegarberg@yahoo.com>
Sent: Friday, June 03, 2016 1:54 PM
To: Tom Boni
Subject: Fwd: Please forward to Tom
Attachments: OutlookEmoji-1459547833965_Harvest.png

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Rick Colomitz <rick@kellylikem.com>
Date: 05/25/2016 9:23 PM (GMT-07:00)
To: annehelenegarberg <annehelenegarberg@yahoo.com>
Subject: Please forward to Tom

Tom,

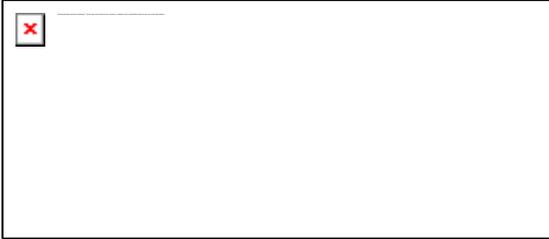
I am thrilled to have the opportunity to write a letter regarding the Rocky Mountain School of Discovery and their expansion to the new site in Eagle. My wife Kelly Liken and I have interviewed several schools for our daughter Lucy and we feel RMSD is by far the best fit for our family. During our research trips we discovered that there is a lack of hands on experiential learning models to choose from. The concept of connecting children to the natural world in a farm setting is not currently an option in Eagle. What better way to encourage our children to be stewards of the beautiful valley we live in that to teach them that they are an important part of the natural world around them.

Upon meeting Anne Helene Kelly and I were struck by her unique approach to learning and her ability to build a team of like minded educators. We immediately placed Lucy on the waiting list and told all our friends about this special approach to education that was happening right here in our valley. Unfortunately most of our friends have not been able to find adequate schools due to the lack of classrooms in Eagle. We have several friends that have been unable to find space for their children because there is a general lack of preschool facilities in our area.

We would strongly encourage you to approve the Rocky Mountain School of Discovery's "farm to classroom" concept and open up a world of possibilities for our children and their community.

If I can be of any further assistance please don't hesitate to contact me. Thanks you for your time and consideration in this matter,

Sincerely,



Rick Colomitz

Restaurateur

Harvest by Kelly Liken

970-390-3321

Tom Boni

From: annehelenegarberg <annehelenegarberg@yahoo.com>
Sent: Friday, June 03, 2016 1:55 PM
To: Tom Boni
Subject: Fwd: Letter

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Ami Fountain <amifountain@gmail.com>
Date: 05/16/2016 11:51 PM (GMT-07:00)
To: annehelenegarberg@yahoo.com
Subject: Letter

To whom It May Concern,

Please do what is necessary for The Rocky Mountain School of Discovery to establish their Eagle farm location.

As a mother of 3 young children, I cannot say enough how important it is to me that my children get a chance to be children. To play and to connect with the "natural" world in a way that is lead by innate curiosity while being held with nurturing and love. They get this at RMSD. And an even greater farm experience would be even better! I never wanted to send them anywhere until I met Anne Helene and we discovered having a shared philosophy around most of the preschool and education. I feel comfortable having my children attend I have not wanted to leave them anywhere before.

In fact, I am a stay at home mom and I mostly home school, and I am grateful to have found a place which aligns with my values and philosophy. I have seen growth and maturity in them and a joy that I had not seen before. I knew it was a fit when we visited the school and they didn't want to leave. There is a great need in our community for more forward thinkers like Anne Helene; who value and understand the importance of play and the out doors, connections with nature/animals and work These things are foundational for children to grow, learn and thrive. P
She has proven that it works as have others.

My mother is a preschool teacher, so I grew up seeing how valuable preschool is....especially for those who rely on it. This school is unique and very different than what I knew growing up. I would have loved this type of regular connection to nature. Eagle is an ideal location, especially since we live in Eagle.

We have a lack of child care in the Eagle Valley. And even more so, there is no place like RMSD. To me it is above and beyond what is traditionally offered in any schools and I very much support the movement for its growth.

I am absolutely behind having a farm setting where my children can learn about ways of life that our technological, modern world has fallen so far away from. In fact nature deficit disorder is a very really thing.

Also a place where children can freely think and learn in the best ways that suits them, is far better than what is currently provided in our educational systems. To begin one's "learning" experience this way is a great start.

There is a lot that needs to be fixed in education, and so I home school to do what I can for my children where I know the system cannot. Yet I also choose to utilize RMSD for an enriched schooling experience, as it gives my family balance.

I have nothing but good things to say about RMSD AND Anne Helene. My boys love her school and I appreciate all that we gain from participating in what they have going on.

Sincerely,
Ami Fountain

Tom Boni

From: Anne Helene Garberg <annehelenegarberg@yahoo.com>
Sent: Friday, June 03, 2016 3:49 PM
To: Tom Boni
Subject: Fw: Rocky Mountain School of Discovery special use permit

On Friday, June 3, 2016 3:15 PM, Jeanine Kenney <jeanine.kenney@gmail.com> wrote:

Dear Mr. Boni,

I am urging you to support the special use permit for 409 Brooks Lane in Eagle.

My daughter attends Rocky Mountain School of Discovery and my second will when she is old enough. I am very excited about the program that Anne Helene and her staff provide and even more excited about the prospect of the farm opportunity. There has been much information in recent years about how our children are losing touch with the natural world and the repercussions that this will have on our society and our planet. This school will be one part of the solution.

I was also in attendance at all of the meetings surrounding the changes and potential closure of what then Sunshine Mountain Preschool. Parents were extremely stressed by the thought of losing a preschool/daycare here in Eagle. There are not enough slots in the area for the number of children that need care. We need this school and the church needs their space by mid-September at the latest so the use of this property is necessary for the continuance of care.

Please approve this permit so that Eagle can gain a wonderful opportunity in this educational farm and school and our town can maintain and even grow the number of childcare/preschool slots available.

Thank you!

Sincerely,

Jeanine Kenney
534 E 3rd St #E102
PO Box 1703
Eagle, CO 81631

To Whom It May Concern:

I live here in Eagle and love how in touch we are with nature in our community. We drive Monday-Friday to Gypsum to take our two kids to preschool at Rocky Mountain School of Discovery. We chose this school for our kids because the teachers genuinely love our children, the teachers provide a hand-on approach to learning where our kids are empowered and inspired to take an active role in their adventures (learning). At school they get to play outside and experience nature with the garden, animals, and with cooking. I completely support and encourage Anna Helene Garberg's vision of having a Farm based school facility here in Eagle. I see this being a beautiful and natural way for kids to experience learning in a fun and vibrant way. We need more preschools like this and one in Eagle. Please consider this preschool's vision in our towns zoning plans.

Respectfully,

Rebecca Hesseltine

June 7, 2016

Town of Eagle
Board of Trustees

RE: Proposed Daycare Facility located on Brooks Lane

Dear Board of Trustees:

I am unable to attend tonight's meeting but I would like to voice my thoughts and concerns regarding the proposed daycare facility to be located on Brooks Lane. I did not receive the notice of this meeting that the other residents did, so I am unable to address specific points that may have been detailed in said letter although, I have been told the amount of children attending this daycare would be significant. (Please add my address to the group so I can receive further notifications on this subject. Dana Stiles P.O. Box 968 Eagle, CO 81631)

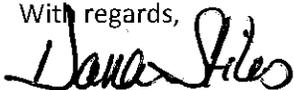
The trailer park where this facility is to be located (known as Barz or Brooks Lane Trailer Park) has only one way in or out and the road that services this location is narrow and crosses the railroad tracks where only one car can safely travel at a time. At the present time it can take up to 10-15 minutes to be able to cross Highway 6 or turn against on-coming traffic. Mornings and early evening are the worst times but it is just luck if you don't have to wait several minutes while waiting for a clear shot any given time of day. This wait time is increased if the pedestrian crossing button is pushed or a school bus stops to pick up children which causes traffic on 6 to stop and creates a long line of cars-all in a hurry to get to work or wherever they are going and few who will let someone in. Many times I find myself going right onto the highway so I can turn around at one of the businesses or go through the round-a-bout just so I can get where I am going. Additional traffic caused by parents dropping off and picking up their children will make this situation a nightmare for the local people who live in the park.

(Note: line I of the Land Use and Development Code under Purpose states "Separating incompatible uses and densities so as to avoid negative impacts of uses on each other" and Line A states "lessening congestions in the streets and reducing the waste of excessive amounts of roads.") I only see the congestion being significantly increased as well as the dust and noise pollution caused by this business.

I applaud any person who undertakes the challenges of starting a new business and I have nothing against free enterprise, but the location of said enterprise needs to be appropriate for the business. I know of other businesses who have had to re-locate due to the impact on the residential neighborhoods around them. We ARE a neighborhood and the people who live here work and struggle, just like other folks to have a decent place to live. It may not look like much but it is home and as such, we deserve the same considerations as the residents who live in the other neighborhoods in Eagle.

Thank you for your time and consideration. If you have any questions for me, please do not hesitate to contact me at 970-471-2330.

With regards,



Dana Stiles
400 Brooks Lane #7 P.O. Box 968
(or 407 or whatever other address has been used over the years)
Eagle, CO 81631
970-471-2330

Tom Boni

From: Devra DiDomenico <devra_di@hotmail.com>
Sent: Thursday, June 09, 2016 9:00 AM
To: Tom Boni
Subject: Rocky Mountain School of Discovery

Good morning,

I am writing to you in support of Anne Helene Garberg and the Rocky Mountain School of Discovery. My two older children, one who is now an entering sophomore and the other who will be going in to 6th grade this year, both attended her school when it was on Red Hill in Gypsum. She is an amazing teacher and her program is unmatched in this area. Eagle is in dire need of more educational options for pre-school, and her program would be an asset to our town.

Additionally, I have an almost two year old who I would be thrilled to be able to send to her school if she were to be able to open it in Eagle. I am a 15 year resident of Eagle and my husband grew up here. We both ask you to show your support to Rocky Mountain School of Discovery by allowing them to open a campus in Eagle.

Thank you for your consideration of this important issue.

Sincerely,

Devra DiDomenico and Tug Birk
424 3rd St.
Eagle, CO 81631

(970)390-6515

Tom Boni

From: K Denning <eaglekden@yahoo.com>
Sent: Thursday, June 09, 2016 8:20 AM
To: Tom Boni
Subject: Preschool

Good Morning,

It has come to my attention that Anne Helena Garberg would like to create a farmhouse preschool in the Town of Eagle.

I write to you in support of this type of preschool being Eagle- especially with Anne Helena at the helm.

I had the pleasure of taking my music program into her preschool in the early 2000s when she also had a farm type of environment. I also substituted for her during this time and saw first hand the positive benefits the organic environment had on the children. Our world needs more of this natural environment being taught to children and having this type of preschool in Eagle would be a blessing for our little town, the parents and the children who would be participating.

I have not spoken with Anne Helena in some time, but via social media we stay connected as she does with the parents that I knew during the time I worked with her with my Kindermusik program. Those children will be seniors in high school now and she maintains good relations with them still from what I can see. It truly was a special preschool experience for them.

I would love to see Eagle get the benefit of this type of preschool!

All my best,
Kim Denning
Business Owner
10 year resident of Eagle Ranch
25 year resident of Eagle County

Sent from my iPhone

Tom Boni

From: Amy Szczesny <amy.szczesny@eaglecounty.us>
Sent: Thursday, June 09, 2016 5:00 PM
To: Tom Boni
Cc: annehelenegarberg; rockymountainschoolofdiscovery@yahoo.com;
<Mark.Szczesny@wellsfargo.com>
Subject: Letter supporting special use permit for 409 Brooks Lane
Attachments: Letter_to_Tom.pdf

Dear Tom:

[There is a signed PDF copy of this letter attached to this email]

I hope your summer is going well so far. Finally the rain stopped, so we are gearing up for some fun camping trips!

I am writing this letter in regards to and in support of the special use permit application for 409 Brooks Lane. My children currently attend the Rocky Mountain School of Discovery (RMSD) in Eagle. It is a wonderful school with a unique teaching philosophy that cannot easily be found currently in Eagle County. Anne Helene is an extremely qualified director, is passionate about providing children with a nurturing and hands-on learning environment, and has been providing families in Eagle County with a valuable preschool experience since 2001.

As mentioned, RMSD provides a unique teaching philosophy. It has been described as a combination of Montessori and Waldorf teaching philosophies, and is similar to teaching philosophies found in Europe. I do not know of any other schools within Eagle County, beyond the Eagle and the Gypsum RMSD locations, that can provide my children with this style of education that emphasizes nature, creativity, and hands-on learning, while developing their character, spirit, and practical life skills. Keeping an Eagle RMSD “campus” provides families with, in my opinion, a unique school option that greatly adds value to the Town of Eagle.

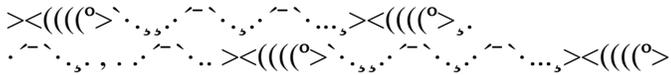
Regardless of the type of preschool philosophy that is preferred by parents or available as an option, there is currently a shortage of preschools in our community. I am not sure of the official count, but I was able to count 7 preschool child care centers and 8 home-based preschools within the Town of Eagle. The total capacity of these 15 preschools I believe totals 248 children (based on capacity numbers listed on <http://childcarecenter.us>).

As of July 2014, the population of the Town of Eagle was 6,570 people (source: Census data and CO State Demographers Office). There is also population data broken down by age at the Census Block Group level. There are three U.S. Census block groups that cover the Town of Eagle and areas directly adjacent to the town boundary (including for example Eby Creek neighborhood and Upper Kaibab). The total population in 2014 for these three block groups (Census Tract 4.03, Block Groups 1,2, and 3) was 8,232 people. Of this population group, 741 were children under the age of 5 years old. **The total capacity of existing preschools in the Town of Eagle (capacity of 248 children) only covers 34% of the total population of children under the age of 5 within the community (741 children).** Granted, not all of these children need access to preschool, but I would venture to guess that more than 34% of the preschool age children in this community have parents that need or want some kind of child care.

The site at 409 Brooks Lane provides the perfect location for the RMSD Eagle “campus”. Not only does the geography of the parcel suit the needs of the school, but the improvements being proposed to the structures and land will benefit the area and the Town. I do not see traffic as being an issue. Currently children are dropped off at a variety of times. They do not all get dropped off at the same time. Drop off and pick up is probably spaced out between 7:30 – 9:30am and 3:30 – 5:30pm.

I sincerely hope that the Town allows the special use permit for 409 Brooks Lane and for the Rocky Mountain School of Discovery. It will be an added benefit to the residents of the Town of Eagle.

Thank you,
Amy Szczesny



Amy Szczesny, GISP
GIS Department Manager
Eagle County GIS Dept
P.O. Box 850
500 Broadway
Eagle, CO 81631-0850
Voice: 970-328-3552
Fax: 970-328-8789
E-mail: amy.szczesny@eaglecounty.us

Tom Boni

From: Brigette Carter <brigette.carter@hotmail.com>
Sent: Thursday, June 09, 2016 10:02 PM
To: Tom Boni
Subject: PreSchool support

I am writing to you today to support the Rocky Mountain School of Discovery in Eagle. There is a lack of schools that provide the environment that Anne wants at her school. I have moved my little one to her school to have more outdoor time and learn about gardening, animals and be a more well rounded child. Please let Anne move forward with her philosophy at the new Eagle location.

Sincerley,
Brigette and Thomas Carte
Cell: [248-408-6462](tel:248-408-6462)

Sent from my Verizon 4G LTE Smartphone

Tom Boni

From: cjhard69@aol.com
Sent: Thursday, June 09, 2016 4:58 PM
To: Tom Boni
Cc: ronbates1@live.com
Subject: Future Traffic of Brooks Lane.
Attachments: Decision R06-0285 05 09 16.pdf

Tom Boni:

In summary; on July 29, 2005 town of Eagle filed an application for authority to establish a public crossing status at the Brooks Lane at Railroad mile post 329.3

The Public Utilities Commission of the State of Colorado entered decision No. R06-0285 "Granting application with conditions"

I have attached certain pages from the "Recommended decision" which I have highlighted.

I bring special attention to paragraph 36,31,32 on page 9; 38, 40, 41 on page 12; 44 page 14; 45 Page 15.

In page 44 Item (G) requires "The implementation of the Safety Moratorium Program" I do not believe this has ever been done.

Based upon my knowledge and reading the decision it does not appear that the Town of Eagle has ever been in compliance nor satisfied the conditions of the agreement for Ten years. I would like the Town's Attorney's opinion as to what this means.

Tom; I have no interest in getting into a disagreement with the Town and whether a Day Care Center is there, does not necessary affect me but that crossing and Brooks Lane will not support that traffic and the Town, in ten years, has made no attempt to improve this crossing

This crossing is used by young and old bikes, mothers pushing strollers, children in wheel chairs. Time for some common sense and the Town doing what has promised

Thank you,

John

Please provide this to the Town Counsel, Mayor and Town Attorney.

Tom Boni

From: Nicole Dewell <nicoleedewell@gmail.com>
Sent: Thursday, June 09, 2016 5:22 PM
To: Tom Boni
Subject: Anna-Helene Garberg is a gem!

Dear Tom,

My now 14-year-old daughter Caroline attended Anna-Helena Garberg's exceptional preschool countless years ago. We were so grateful for the extraordinary experience Caroline received at Anna-Helena's hands. We are much indebted to Anna-Helena for the care, love and wonderful experience our daughter had with Anna. A lovelier woman you'll never meet! A mother to two brilliant adult sons of her own, Anna loves her students as if they were her own. Sh

Caroline loved every minute she spent there. She'd return home with eggs from school and photos of herself holding hens. She adored being given the privilege of collecting eggs & just absolutely loved being surrounded by animals, which included fish, a turtle and lamas. Anna's philosophy of the importance of outside play and interaction with nature meant the world to our entire family. Anna taught the students to nurture gardens, to harvest their own food and to actually like eating veggies. Long before it was trendy to "eat organic", Anna Helena had preschoolers cooking organic breakfasts and snacks with her, learning beside her how to cook and make healthy food choices & the importance of good health. Anna's preschool is an oasis in busy, "plugged-in" lives. Anna teaches children to explore nature with each other, to get up close to animals, learn compassion for all beings, get to read, to play, to respect our environment and simply live a joyful life, grateful for all we have. Preschoolers (& *their parents*) all love Anna-Helena. Caroline is still friends with children she met at her preschool. Caroline absolutely reveled in every minute spent at Anna's preschool-it was truly a wonderful adventure that I hope & pray countless other local students get the opportunity to experience!

Anna-Helene's preschool is a gift to whichever community is lucky enough to have it located. If every child attended a preschool modeled after Anna-Helene's, we'd have a healthier, happier, more sane world. Please allow Anna-Helena permission to run her preschool in Eagle. Then you have to go visit it – it's unlike any other preschool I've ever seen & it truly is a gem. You'll see kids blissfully playing outside, hugging chickens, and simply rejoicing in their childhood. Watching preschoolers at Anna's preschool is a beautiful experience.

Best regards,

Nicole E. Dewell

--

Best regards,
Nicole (Sordi) Dewell
PO Box 747, Eagle, CO 81631

(970) 376-4630 cell
nicoleedewell@gmail.com

Tom Boni

From: Sarah Mackenzie <sarahmackenzieblaser@gmail.com>
Sent: Thursday, June 09, 2016 4:32 PM
To: Tom Boni
Subject: Rocky Mountain School of Discovery

Hello, Tom -

I'm writing to express my support of Rocky Mountain School of Discovery's move to its proposed new location. Childcare has always been an issue in Eagle County, and quality childcare from an established provider (AnneHelene Garberg has run an absolutely fantastic preschool in Gypsum for 12+ years) would be such an asset to the community. AnneHelene is loving, creative, and dedicated to her work, and the new location would allow her to provide an even better experience to the children in her care.

Thank you for your consideration of this matter.

Best,

Sarah Blaser Murray

Tom Boni

From: Thomas P. Pohl <tp@pohl-law.com>
Sent: Thursday, June 09, 2016 3:23 PM
To: Tom Boni
Subject: letter in support of Rocky Mountain School of Discovery

Dear Tom,

Regrettably, I will be out of town on the 14th when I understand this matter will be addressed by the Town Board, so I'm writing now to voice my support for the Rocky Mountain School of Discovery's request for a special use permit at 409 Brooks Lane in Eagle.

As a parent of two young children and longtime resident of Eagle County who commutes daily from Gypsum to Avon I can personally speak to the incredible need for quality preschools in Eagle County, particularly in Eagle. Our daughter, Kate, was fortunate enough to attend Sunshine Mountain Preschool in Eagle before continuing her education at Eagle Valley Elementary. Our son, Reynolds, was on a similar track until we learned Sunshine Mountain would be closed, leaving us and many parents scrambling to find alternatives elsewhere in Eagle County. We found there were no other options with open spaces which would satisfy our family's needs and were at a loss as to what we might do. Needless to say, we felt blessed when we discovered that Anne Helenne was willing and able to incorporate Sunshine Mountain in Eagle into her Rocky Mountain School of Discovery and that as a result Reynolds would be able to continue attending preschool in Eagle.

I have known Anne Helenne for approximately 8 years, as well as parents of many children who have attended Anne's school in Gypsum. Her philosophy for teaching encourages children to get outside, develop a joy for learning, and fosters a healthy curiosity for discovery. In my opinion, the property and use at issue in Eagle would be an ideal location for the school, as well as a great fit for the community as the town continues to grow. The unique type of school which Anne will run will be a tremendous asset to Eagle, the children who are fortunate enough to be able to attend the school, and I believe, is well deserving of the full support of the Town and its residents.

If you or any of the members of the Town Board have any questions concerning this letter of support, please do not hesitate to contact me directly at (970) 331-0341.

Thank you,
Tom

Thomas P. Pohl



111 Swift Gulch Road, Suite 302 | P.O. Box 9390 | Avon, CO 81620
(970) 331-0341 (phone) | (970) 797-1196 (eFax, area code required)

**** CONFIDENTIALITY NOTICE - This message including attachments, if any, is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this message and are not the intended recipient, please notify the sender by reply e-mail or by telephone at (970) 331-0341 and destroy all copies of the original message and any attachments immediately. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender. ****

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used,

for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

To Whom It May Concern:

June 9, 2016

I am writing this letter in support of the Rocky Mountain School of Discovery (RMSD). My child has been attending preschool at the Gypsum location since September of 2014. When we toured potential preschools this one stuck out to her because of the animals. She said she really wanted to go to the "Chicken School." She is now 4 and is a proud chicken catcher and caretaker. She really loves them along with the other animals at her school.

Along with it being a wonderful learning environment, I also believe there is a need for additional preschools/daycare centers in the Eagle/Gypsum area. I am on the Vail Moms Facebook group and constantly see moms asking about more childcare/preschool options. I believe opening a RMSD in Eagle is a needed addition to the community.

During my daughter's time at RMSD she has become more confident and outgoing around her peers. I believe the school's philosophy has given her great guidance in all areas. When children are taught to nurture animals and growing life, they use those skills in their relationships with humans.

She has also learned a lot through the instruction at the school. She knows about the water cycle, the stages a butterfly goes through, gardening, volcanoes, cooking and many other subjects. She can write almost every letter, knows how to count past 20 and is working on reading. Their teaching method is very hands on and makes the ideas easy to grasp.

I will never forget dropping off my daughter one morning to a table full of fresh produce and other foods. I thought maybe they were making a soup, but it was Anna Helene's way to teach the kids about different food groups. She had a large selection of vegetables and fruit, along with starches and other food groups. She only had a couple pieces of candy to show them that's not as healthy as the others. I thought the whole concept was brilliant and something you wouldn't see at an average preschool.

RMSD is an excellent place for children to spend their early formative years. They learn a lot through hands on experiences and the natural world. Please approve the opening of RMSD in Eagle. It would be a huge benefit for the community.

Sincerely,

Kristin Anderson
Gypsum, CO
(720) 936-2750
kristinanderson15@gmail.com



John & Christie Plymell



June 9, 2016

Dear Town of Eagle Representatives:

My daughter was lucky to attend preschool with Anne-Helene Garber in 2005 and 2006. It was a wonderful place for her to be. Back then it was just outside of Gypsum. It had fruit trees, a garden, a chicken coop, a turtle, a llama, some dogs and cats, and endless opportunities for learning, playing, having fun, and being outside getting dirty. I felt so blessed for her to have been able to attend. My daughter is 13 now and she still loves being outdoors. She doesn't mind getting dirty. She's not afraid to muck around a bit, and that very well could be from her early start at Anne-Helene's school. Without those learning opportunities, she might still believe that eggs and milk and fruit come from the grocery store, rather than the land. Nothing like being on a farm to make a child appreciate her world a bit more.

I feel that all children deserve such a safe, wonderful, organic environment. Study after study has shown the importance of outdoor play time and outdoor exercise. I think we are all realizing the importance of getting back to the small farm, learning to love our land and respect our environment. In an era of screen time, TV, mobile phone addiction, and too much "indoors" this type of setting is invaluable to open little hearts and minds to a whole other world.

A preschool like this in our community would be an excellent asset *right now*. In addition, as these children who are privileged to attend grow up in our schools and communities with an increased understanding of our world, we all benefit from a better educated and more understanding youth population.

Thank you for your time and please consider allowing this preschool in the Town of Eagle.

Thank you!

Christie Plymell
plymellfamily@colorado.net

P.O. BOX 3697 ∞ Eagle, CO 81631
(970) 328-0288 ∞ (970) 390-1518

Exhibit A

Anne Hele Garberg/Kelly Anderson
Rocky Mountain School of Discovery
PO Box 1289
Gypsum, CO 81637

Tom Bone/Town Planner
The Town of Eagle
Box 609
Eagle, CO 81631

We are applying for a special use permit for 409 Brooks Ln Eagle, CO 81631. We are the owners of Rocky Mountain School of Discovery (RMSD) which has been serving families in Gypsum and Eagle since 2001. On the first of April 2016, RMSD took over Sunshine Mountain Preschool in Eagle when the school was on the verge of closing due to losing the director. The Methodist Church, which was the owner of Sunshine Mountain Preschool also need the space occupied by the preschool from September 2016.

In the process of finding a new location for the school we found 409 Brooks Lane ideal for the school and its philosophy.

The Need for Preschools in Eagle County.

There is a desperate need for preschools in Eagle County. Families have to look as far away as Avon and Vail for preschool care for their children. Many say that driving to Gypsum is simply too far in the wrong direction and do not want to add another hour on to their day just to drop off and pick up their children. Having a central location in Eagle will help those families and keep revenue in Eagle.

Location

409 Brooks Lane is located in the town of Eagle which is important for parents to save time at drop off and pick up of their children. With it being on the north side of highway 6, impact is minimal while providing great benefit because it will not disrupt the flow of traffic with safety zones or overcrowded parking. When development continues further east alongside highway 6 as indicated in the town planning, those families will benefit as well.

School on a Farm.

RMSD has a philosophy that differs from existing schools in the valley. At RMSD we want to provide children with experiences that will connect them to the natural world. The earth has a finite amount of resources that human life depends on and we are facing serious environmental challenges. The education of our children has to be a part of the long term solutions to these problems. We believe that instilling values and giving our children hands-on learning experiences in a natural setting is crucial to develop their understanding of, a concern for, and a sense of stewardship of the natural environment.

The Historical Perspective

The original Farm house on 409 Brooks Lane is built in 1912. We want to restore this building to its original architecture and we see that as an important part in giving future generations a historical perspective and a chance to be connected to their heritage. Already there are houses recognized by the Historical Society; we want to preserve this as well before it falls into disrepair and is lost to future generations.

Open Farm

We want to offer families in the valley a place where they can visit and get a taste of what farm life is in a historical setting. Many people have never had the pleasure of interacting with animals beyond the family dog or cat, nor have they seen where our food comes from first hand.

Space Requirement for New Building

The minimum space requirement for children aged 2.5-5yrs is 25sq ft per child. We are planning two classrooms at a maximum capacity of twenty children per classroom. We are going to increase the size to 30sq ft per child to make 600sq ft total in each room. Kitchen, bathrooms, and utility rooms will occupy an additional 200sq ft. The building will be 52ftx27ft, or 1404sq ft total.

Access to Property

To access the property, we will need to cross the railroad tracks between the property and Highway 6. We are aware of the concerns of the railroad company and the increased traffic and the need for a special permit addressing the increased use. An alternative to this is to have a drop-off point on the north side of the river at the fairgrounds and use the pedestrian bridge and path that runs alongside the property on the west and south sides.

Phase II

An additional building is planned for the premises to increase the capacity to add an additional 40 children.

We truly believe that our proposed special use of 409 Brooks Lane will be an attraction to the town of Eagle and the surrounding area.

Sincerely,
Aimee Helene Garberg
Kay Krosser

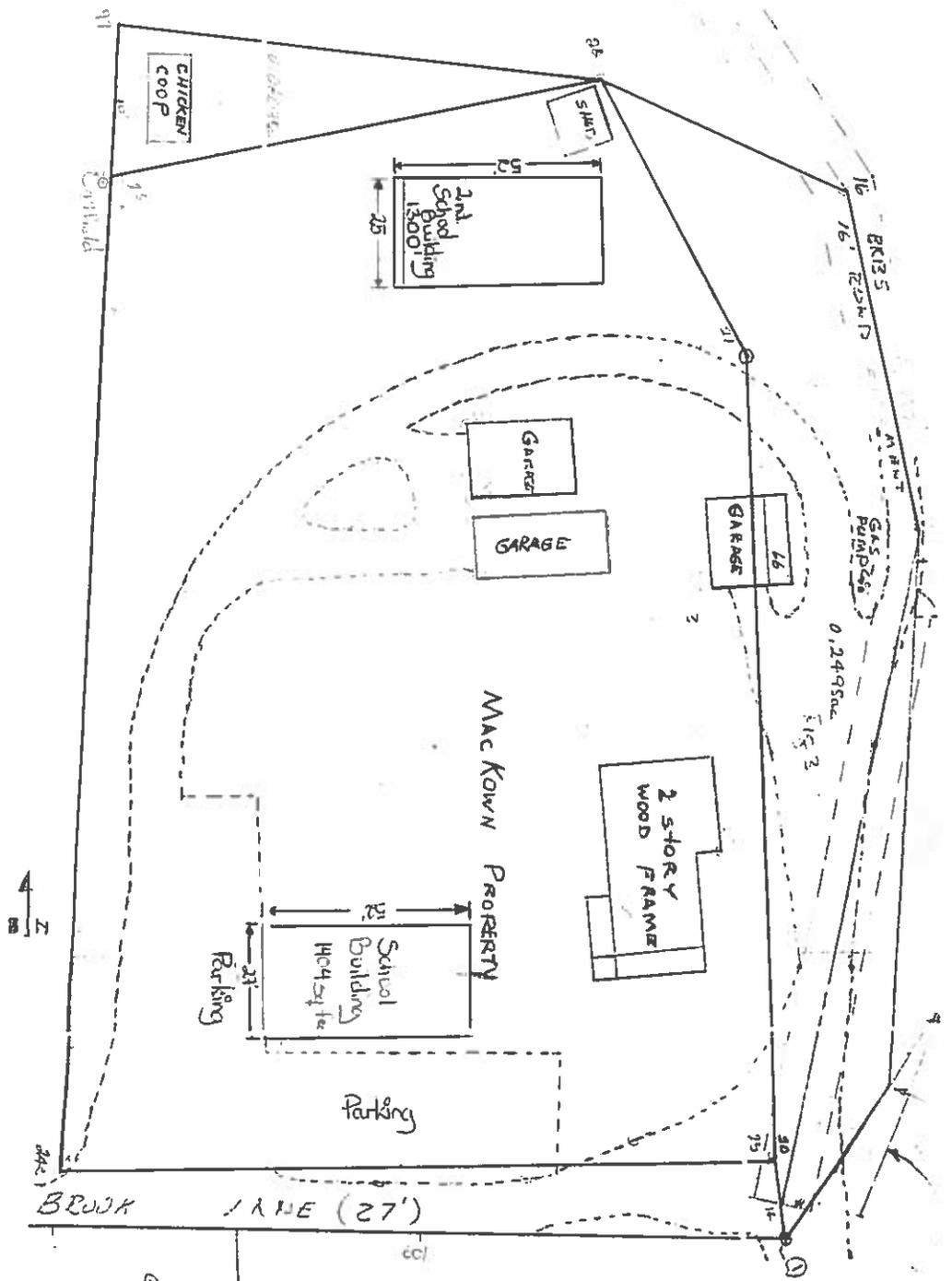


Exhibit B

406 Brooks Ln



Exhibit B



Exhibit C

Decision No. R06-0285

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 05A-325R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF EAGLE, P.O. BOX 609, EAGLE, COLORADO 81631, FOR AUTHORITY TO ESTABLISH A PUBLIC CROSSING STATUS AT THE CROSSING OF BROOKS LANE AT RAILROAD MILEPOST 329.3, IN THE TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
ACCEPTING STIPULATION IN PART;
GRANTING APPLICATION WITH CONDITIONS;
AND NOTING WAIVER OF § 40-6-109.5, C.R.S.**

Mailed Date: March 28, 2006

Appearances:

Edward P. Sands, Esq., Rifle, Colorado, on behalf of Applicant
Town of Eagle, Colorado;

Kathleen M. Snead, Esq., Denver, Colorado, on behalf of
Intervenor Union Pacific Railroad Company; and

Michael R. Dunlevie, Esq., Edwards, Colorado, on behalf of
Intervenor Each Valley Conservation Trust.

TABLE OF CONTENTS

I. <u>STATEMENT</u>	2
II. <u>FINDINGS OF FACT</u>	3
III. <u>DISCUSSION AND CONCLUSIONS</u>	11
A. Application	11
B. Stipulation	15
IV. <u>ORDER</u>	17
A. The Commission Orders That:	17

I. STATEMENT

1. On July 29, 2005, the Town of Eagle (Town or Applicant) filed an application for authority to establish a public crossing status at the crossing of Brooks Lane at Railroad Milepost 329.3, in the Town of Eagle (Application). That filing commenced this docket.

2. The Commission gave public notice of the Application. Notice of Application Filed, dated August 2, 2005. Union Pacific Railroad Company (UPRR) and Eagle Valley Conservation Trust (EVCT) intervened. The Town, UPRR, and EVCT (collectively, Parties) are the only parties in this proceeding.

3. By Decision No. C05-1123, the Commission scheduled this matter for hearing before an Administrative Law Judge (ALJ) and deemed the Application complete as of September 16, 2005. By Decision No. R05-1305-I, the ALJ vacated the hearing date.

4. On October 7, 2005, the ALJ held a prehearing conference. Following that prehearing conference, the parties submitted a proposed procedural schedule, including new hearing dates. The ALJ adopted the proposed procedural schedule, with changes and clarifications, and scheduled the hearing in this matter for February 23 and 24, 2006 in Eagle, Colorado. Decision No. R05-1305-I.

5. On November 15, 2005, Applicant filed a statement waiving the provisions of § 40-6-109.5, C.R.S., in this proceeding.

6. On February 16, 2006, the Parties filed a Stipulation. If accepted, the Stipulation would not settle all issues in this proceeding.

7. A hearing in this matter was held as scheduled on February 23, 2006. The ALJ heard the testimony of three witnesses on behalf of Applicant¹ and the testimony of one witness on behalf of Intervenor UPRR.² Intervenor EVCT did not present testimony. Hearing Exhibits A through E, G, H, M, No. 1 through No. 6, and No. 8 were identified, offered, and admitted into evidence. At the conclusion of the hearing, the ALJ took the case under advisement.

8. In accordance with § 40-6-109, C.R.S., the undersigned ALJ now transmits to the Commission the record and exhibits in this case along with a written recommended decision.

II. FINDINGS OF FACT

9. The Town is a municipality located in Eagle County within the State of Colorado.

10. Intervenor UPRR is the railroad which owns the track at the Brooks Lane crossing at issue in this proceeding.

11. Intervenor EVCT, either in its own right or on behalf of a third party (*i.e.*, Mr. John Hardesty), holds property to the north of the Brooks Lane crossing at issue in this proceeding.³

12. The crossing at issue in this proceeding is located in the Town and is the location at which Brooks Lane crosses two UPRR tracks, one of which is the Tennessee Pass Line and one of which is a siding.

¹ The witnesses were: Mr. William P. Powell, Town Manager for the Town of Eagle; Mr. Tom Gosiorowski, P.E., Town Engineer for the Town of Eagle; and Mr. Bob Silva, a police officer for the Town of Eagle.

² The witness was Ms. Susan Grabler, Manager of Industry and Public Projects for UPRR.

³ In its Notice of Intervention, EVCT represented that it is "the holder of the private crossing license" for the crossing at issue in this proceeding. The Private Way License (Hearing Exhibit No. 8 at 1) states that the licensee is "Dixon, Inc., A Colorado Corporation and John R. Hardesty, an individual[.]" There is no record evidence which establishes *either* that EVCT and Dixon, Inc., are one and the same *or* that EVCT and Mr. Hardesty are one and the same.

13. The crossing is located approximately 80 feet north of the intersection of U.S. Highway 6 and Brooks Lane. Based on the Town's standard, this distance is sufficient for four vehicles to stop between U.S. Highway 6 and the railroad tracks.

14. Brooks Lane is located on the north side of the highway and intersects with the highway at approximately a 90-degree angle. On the south side of the highway and roughly opposite Brooks Lane is Fifth Street, which intersects with Highway 6 at an acute angle.

15. The specifics of the Brooks Lane crossing are: U.S. Highway 6, a two-way and two-lane paved roadway, runs roughly northeast-southwest at this location; and the UPRR tracks parallel U.S. Highway 6. Brooks Lane is a two-way and two-lane asphalt-paved roadway which is maintained by the Town. The asphalt goes to the north side and to the south side of the tracks, and there are wooden ties between the rails. Brooks Lane crosses the tracks at-grade and at approximately a 90-degree angle. The crossing is 16 feet in width⁴ and, although it has existed for at least 30 years, has been a private crossing since 1994. The only signage at the crossing at present is a stop sign located on the north side of the crossing (*i.e.*, faces south-bound traffic). The sight distances from the crossing to the first point of curvature along the track are at least 1400 linear feet to the northeast and at least 900 linear feet to the southwest. There are neither street lights nor other lighting at the crossing. There are trees and grasses near the crossing.

16. The main line is out-of-service to revenue trains.⁵ Thus, there is no regular or scheduled revenue train traffic on the line.⁶ It is possible, however, that UPRR may reopen this line in the relatively near future as UPRR is negotiating with at least two companies to operate

⁴ In the opinion of the Town, this is sufficient for two automobiles to pass one another.

⁵ Revenue trains are those for which UPRR is compensated to move railroad cars from point A to point B.

⁶ There is no evidence as to the year in which UPRR placed this line out-of-service to revenue trains.

revenue trains on the Tennessee Pass Line from Minturn, through the Town, to Dotsero. If the main line were to be reopened to revenue trains, UPRR would look at all crossings on the line with an eye toward safety-related upgrades which might be needed.

17. The side track is disconnected and cannot be used.⁷ If the main line were to be reopened to revenue trains, the side track would be reconnected, upgraded, and used.

18. On an irregular schedule, UPRR operates work trains and hi-rail vehicles to perform maintenance and to check for rocks on the tracks. These trains and vehicles use the main line. The speed at which, and the time of day at which, these trains and vehicles cross the Brooks Lane crossing are unknowns.

19. At present there are 16 residences located to the north of the Brooks Lane crossing. This crossing is the only point of access for the occupants of these residences, and they have used the crossing for an unknown period of time. The majority of the occupants who use the crossing are not the licensee named in the Private Way License.

20. In a traffic study conducted by the Town over the seven-day period October 14 through 20, 2005,⁸ the average vehicular traffic count at the Brooks Lane crossing was 157 trips (*i.e.*, one vehicle crossing in one direction). Hearing Exhibit E. The average speed of a vehicle at the crossing is approximately ten miles per hour.

⁷ There is no evidence as to the year in which UPRR disconnected the side track.

⁸ Hearing Exhibit H is a traffic analysis presented in mid- to late-2003 to the Town by Knight Planning Services, Inc., which was acting on behalf of Mr. Hardesty. Given the age of the analysis and lack of information concerning both who prepared it and the factual bases for the assumptions used, the ALJ does not rely on the Knight Planning Services traffic analysis because the ALJ finds the Town traffic study to be more recent and, on balance, more reliable. As a result, the ALJ relies on the Town's traffic study (Hearing Exhibit E) to the exclusion of the Knight Planning Services traffic analysis (Hearing Exhibit H).

21. There is also pedestrian and bicycle traffic which uses the Brooks Lane crossing.⁹ The Eagle County fairgrounds, some recreation areas (e.g., a Town park, baseball fields), and a pedestrian path are north of the crossing and can be accessed by using the crossing. In addition, there is a school bus stop near, and to the south of, the crossing.¹⁰ A student who resides north of the crossing must use the crossing to go between her residence and that school bus stop. The record is silent as to the number of students, if any, who must use the crossing on the way to and from the bus stop.

22. The pedestrian traffic averages 10 to 20 persons per day. There are days during the year, however, when that number increases substantially. The Town holds a July 4th celebration and fireworks, and as many as 150 to 200 persons¹¹ may use the Brooks Lane crossing. When the Eagle County fair is held, there are Professional Rodeo Cowboy Association-sanctioned rodeos on four nights and a bull riding competition on one night. As many as 150 to 200 persons¹² may use the Brooks Lane crossing on each of these five nights. For those leaving after the end of the July 4th fireworks, after the end of each rodeo, and after the end of the bull riding competition, it is night when they cross the Brooks Lane crossing.

23. The existing pedestrian path is a part of the ECO¹³ Trail system in Eagle County, but it is a spur trail and not a core (or principal) trail. Although there are plans to extend the core

⁹ This Recommended Decision refers to pedestrian and bicycle traffic collectively as pedestrian traffic for ease of reference and to differentiate this traffic from vehicular traffic.

¹⁰ The bus stop is between the railroad tracks and U.S. Highway 6.

¹¹ This number may cross going to, and this number may cross leaving, the celebration and fireworks. It is unclear how many of these persons are in cars and how many are pedestrians. For purposes of this decision, however, the ALJ assumes that at least one-half are pedestrians.

¹² This number may cross going to, and this number may cross leaving, each rodeo and the bull riding competition. It is unclear how many of these persons are in cars and how many are pedestrians. For purposes of this decision, however, the ALJ assumes that at least one-half are pedestrians.

¹³ ECO refers to the Eagle County Regional Transportation Authority.

ECO Trail through the Town in the near future, the preferred route for that extension will not use the pedestrian path near the Brooks Lane crossing. As a result, it is unlikely that this planned extension will increase the number of pedestrians using the Brooks Lane crossing.¹⁴

24. From the Town's perspective, the Fifth Street intersection with U.S. Highway 6 presents safety issues due to, in part, the limited sight distance which results from the angle of the intersection with the highway. To address these issues, the Town plans in the future to realign Fifth Street so that the intersection is perpendicular to U.S. Highway 6. When that realignment occurs, the Town has tentative plans to move the north side of the intersection (that is, what is now Brooks Lane) to the east.¹⁵ Moving the north side of the intersection will move the railroad crossing to the east as well.¹⁶ See generally Hearing Exhibit D (location of the future crossing as shown is approximate). If and when this occurs, the Town will apply to the Commission for authority to open a new crossing and for permission to close the Brooks Lane crossing at issue here.

25. To a large extent, the timing of the street realignment and whether the crossing is relocated depend on the plans for development of the 22.8-acre parcel owned by Mr. Hardesty (or held by EVCT on his behalf). The present zoning would allow up to 11 single-family units on this parcel, and the Town has held informal discussions with Mr. Hardesty/EVCT about

¹⁴ Hearing Exhibit No. 4 is a summary of the results of an on-the-ground survey conducted by ECO personnel and shows the number of persons using a pedestrian trail at an unidentified pedestrian bridge in the Town. The evidence is undisputed that the referenced trail/bridge is located at Eby Creek Road and not near Brooks Lane. Thus, because the data are not relevant in this proceeding, the ALJ did not rely on this exhibit. The ALJ notes that, had she relied on the exhibit (which she did not), the survey results are not inconsistent with the evidence that, on average, 10 to 20 people use the pedestrian path near Brooks Lane on a daily basis.

¹⁵ This will result in two T-intersections: one on the south side of U.S. Highway 6 at Fifth Street and one on the north of U.S. Highway 6 at a now-unknown location to the east of Fifth Street. Hearing Exhibit D.

¹⁶ Given the present uncertainty surrounding the realignment of Fifth Street and the relocation of the railroad crossing, Applicant has not budgeted for the capital construction; has not secured right-of-way for the new crossing; and has no firm plans with respect to this overall project.

changing the zoning to allow substantially greater residential density (e.g., 50 to 90 units). During the Town's review of an application for a permit to develop the parcel, the Town plans to examine the impact of the proposed development on traffic safety and traffic flow in order to determine, *inter alia*, the need for, and the timing of, a street and crossing relocation.

26. Although there is no pending application for a permit to develop this parcel, the Town believes it is likely that this 22.8-acre parcel will be developed within the next five years. The Town estimates that, depending on factors such as the nature and scope of the permit application filed and the zoning variance sought, it could process an application for permit to develop the parcel within two to nine months from the Application's filing.

27. The Town has received no reports of train-vehicle incidents, and no reports of train-pedestrian incidents, related to the Brooks Lane crossing. In addition, notwithstanding the proximity of the school bus stop to the crossing, the Town has received no complaints, either from the school district or from the parents of students, concerning the crossing's safety. Further, the Town has received no complaints regarding the ability of the public, including members of the public who are physically challenged, to use the Brooks Lane crossing. Finally, this absence of reports and complaints goes back at least 21 years.

28. The Brooks Lane crossing does not meet UPRR's specifications for crossings because, at a 16-foot width, it is too narrow; UPRR requires a crossing width of 22 to 24 feet. In addition, the crossing lacks UPRR's preferred signage: crossbucks and a stop sign on each side of the crossing. If the crossing becomes a public crossing, UPRR would like to see a minimum crossing width of 24 feet (two 11-foot lanes and two 1-foot shoulders), two crossbucks, two stop signs, and a concrete surface between the rails and in the crossing.

29. To upgrade the crossing to meet UPRR's specifications for crossings is estimated to cost at least \$100,000 (2006\$). The Town has not budgeted for this capital improvement outlay in its Fiscal Year 2006 budget.

30. The Town has agreed to improve the Brooks Lane crossing to prevailing public crossing standards when the Town issues a permit for two or more additional residential units or for any commercial activity in the area north of that crossing. The Town plans immediately to begin to assess the best location for the crossing, and the necessary improvements, when it receives an application for a permit for two or more additional residential units or for any commercial activity in the area north of that crossing. The Town will file an application with the Commission to obtain the authorizations necessary to relocate and/or to upgrade the Brooks Lane crossing. It appears that the Town plans to have necessary authorization from the Commission in sufficient time to prevent a significant increase in use of an unimproved crossing.

31. The Town agrees that crossbucks ought to be installed at the Brooks Lane crossing. The Town has agreed to pay for the installation of these signs. In addition, the Town agreed that the signage at the crossing should comport with the Manual on Uniform Traffic Control Devices for Streets and Highways (Manual)¹⁷ and with Commission requirements.

32. If the Application is granted and the Commission does not require upgrades to the Brooks Lane crossing in this proceeding, the Town has agreed to implement a Safety Monitor Program (SMP) at the Brooks Lane crossing. Although the SMP is largely conceptual at present, the basics are: (a) for so long as the line remains out-of-service to revenue trains, the Town will

¹⁷ The Manual is published by the Federal Highway Administration and, as pertinent here, contains standards and recommendations for signage at railroad/road crossings.

provide -- on an as-needed basis, for high-volume events¹⁸ only, and in its sole discretion -- a Safety Monitor at the crossing; (b) if the line is reopened to revenue trains, the Town will provide -- during high volume events only and non-discretionary with the Town -- a Safety Monitor at the crossing; and (c) the Safety Monitor will be a person sanctioned by the Town, will be stationed at the crossing at least before and after each high-volume event, and will perform several duties (e.g., watch for trains, group people and vehicles, and allow people and vehicles to cross the crossing as appropriate).

33. There is no evidence in this record to support the construction of a grade-separated crossing at Brooks Lane.¹⁹ Likewise, there is no evidence to support the construction of an elevated pedestrian overpass at the crossing.

34. The Parties filed a Stipulation in this matter. Hearing Exhibit No. 6. The Parties stipulated that the Brooks Lane crossing should be a public crossing. *Id.* at ¶ 1. The Stipulation also provides that

[a]ny expense of any improvements which might be ordered now or in the future shall not in any way be a cost of Union Pacific and shall be borne by other parties.

Id. at ¶ 3. The Town and UPRR²⁰ agree that this provision covers capital improvement costs but does not cover maintenance expenses;²¹ applies to improvements made at the present Brooks Lane location and, in the event the crossing is relocated, to those made at another location; and

¹⁸ These are at least the rodeos, the bull riding competition, and the July 4th celebration/fireworks. There may be other high-volume events.

¹⁹ The ALJ notes that, even if the evidence did support the need for construction of a grade-separated crossing (which it does not), there is insufficient distance between U.S. Highway 6 and the crossing within which to build the grade-separated crossing.

²⁰ Intervenor EVCT, which signed the Stipulation, did not offer a witness. Thus, its understanding of the import of this paragraph is unknown.

²¹ The Town and UPRR agree that each would pay its maintenance expenses as ordered by the Commission. Generally speaking and typically, UPRR would maintain, at its expense, the track, appurtenances, and warning devices; and the Town would maintain the public traffic surface and the public approaches to the crossing.

would apply in this proceeding and, if accepted by the Commission, would govern the anticipated future crossing application discussed above. In the opinion of Town witness Powell, this provision makes the Town, and not others, the party responsible to pay for capital construction costs; and the Town, in turn, is free to negotiate with third parties (other than UPRR) for contributions to defray those costs. In the opinion of UPRR witness Grabler,²² this provision would supersede § 40-4-106(2)(b), C.R.S., to the extent that provision might be applicable, both in this proceeding and in the subsequent crossing proceeding discussed above.

III. DISCUSSION AND CONCLUSIONS

35. The Commission has subject matter jurisdiction and has personal jurisdiction over the Applicant.

A. Application

36. Section 40-4-106, C.R.S., provides the jurisdictional basis for the Commission to act in applications for approval of railroad crossings and the protective devices to be installed. In this case, Applicant bears the burden of proof to establish by a preponderance of the evidence that the Brooks Lane crossing should be a public crossing and that the requested improvements to the railroad crossing are "reasonable and necessary to the end, intent, and purpose that accidents may be prevented and the safety of the public promoted." *Id.* Applicant has met its burden of proof in this matter.

37. The evidence of record establishes, and it is found, that the Brooks Lane crossing should be a public crossing. The Parties agree that the crossing should be a public crossing. The record shows that this crossing already is, in all but name, a public crossing; and it will be ordered to be a public crossing.

²² Ms. Grabler is not an attorney.

38. The evidence of record establishes, and it is found, that the proposal to install crossbucks on either side of the Brooks Lane crossing should be approved. There is no dispute that this signage is reasonable and necessary to prevent accidents and to promote the public safety. The record supports the need for the crossbucks, and they will be ordered.

39. The Parties were unable to reach agreement on the question of what safeguards, in addition to the crossbucks, are necessary. This was the issue left for determination as a result of the hearing.

40. Applicant's position is that, at present, no improvements to the Brooks Lane crossing (beyond the addition of the crossbucks) are necessary and that implementation of the Safety Monitor Program will suffice to protect the public. In support of this position, the Town cites the unblemished safety record of the crossing; the absence of any complaints regarding the safety of the crossing; the relatively low volume of vehicular and of pedestrian traffic; the fact that the line is out-of-service to revenue trains; the sight distances at the crossing; the fact that the grade at the crossing is reasonably smooth and level; the absence of any vertical obstruction which could make it difficult to stop and to start; the cost of the necessary upgrades; and the fact that the crossing may be moved in the not-too-distant future. The Town argues that, given these circumstances, the Safety Monitor Program will provide the necessary safeguards without the expense attendant to constructing crossing upgrades. The Town acknowledges that upgrades will be needed in the future. In the Town's opinion, however, adoption of the approach it proposes will protect the crossing's users over the near-term (defined as two to five years).

41. Notwithstanding its preference with respect to upgrades to the Brooks Lane crossing (discussed above), the minimum level of safeguards which UPRR believes necessary,

and is willing to support in this proceeding, is: crossbucks, a stop sign on the north side of the crossing, and a stop sign on the south side of the crossing.

42. EVCT advocates immediate upgrade of the crossing to Commission and UPRR standards and immediate installation of all necessary safeguards.²³ From EVCT's perspective, this is an issue of protecting the users of the public crossing (that is, the general public). Thus, EVCT argues that, notwithstanding the cost and the possibility that the crossing may be moved in the future, the improvements must be made at the time the crossing is made public (that is, ordered in this proceeding). According to EVCT, this is the only approach which will guarantee the safety of the crossing and, thus, fulfill the Commission's mandate.

43. The Commission's function in this proceeding is to determine the best method of control at the Brooks Lane crossing in order to prevent accidents and to promote public safety. In performing this function, the statute instructs the Commission that the improvements it orders must be "*reasonable and necessary to*" those ends. Section 40-4-106(2)(a), C.R.S. (emphasis supplied). The statute requires the Commission to determine which specific safeguards are necessary to prevent accidents and to promote the public safety at the particular crossing under review; this, in turn, requires the Commission to consider and to balance site-specific factors and data. The Commission's decision is of necessity predictive because it deals with prevention of accidents and promotion of public safety when the crossing is used in the future. Needless to say, no one predicts the future with absolute certainty and accuracy. Rather, one makes the best judgment one can based on the data available. This is the Commission's charge and responsibility in a case such as the one presented in this proceeding.

²³ The precise nature of those safeguards -- especially the way(s) in which they may differ from, or are more stringent than, Commission and UPRR requirements -- is unclear.

44. In this case, the evidence is convincing that accidents are likely to be prevented and the public safety will be promoted if the Application is granted subject to these conditions: (a) installation of crossbucks, stop signs, and signage necessary to meet the Manual's standard for two-track crossings; (b) implementation of the Safety Monitor Program as described above with the following addition: the safety monitor (i) must be a person authorized to direct traffic at the Brooks Lane crossing, (ii) must be on duty at the crossing for not less than one hour before the beginning of the high-volume event, and (iii) must be on duty at the crossing for not less than one hour after the conclusion of the high-volume event;²⁴ (c) vegetation management (*e.g.*, tree trimming, grass/weed cutting) as necessary to ensure that the sight distances at the crossing are unimpeded; (d) requirement that the Town file an application, either for authority to construct improvements at the Brooks Lane crossing or for authority to construct a new crossing, in sufficient time to prevent a significant increase in the use of the existing, unimproved crossing; and (e) requirement that the Town file reports with the Commission Staff. The Town will be ordered to file a report with the Commission Staff: (a) if and when the Town receives information that the Tennessee Pass Line through the Town will be reopened to revenue trains; (b) if and when the Town issues a permit for two or more additional residential units or for any commercial activity in the area north of the Brooks Lane crossing; and (c) if and when the Town learns that Brooks Lane will be used as part of the core ECO Trail through the Town. The reporting obligation will be ordered to cease if and when the Commission grants either an application to upgrade the Brooks Lane crossing or an application to close the Brooks Lane crossing. Finally, so that the Commission's records in this matter are complete, Applicant will be

²⁴ The safety monitor need not, but may, be stationed at the crossing during the high-volume event itself.

ordered to file its written agreement with UPRR, when signed, containing the specifics of the signage and of the responsibility of the Town and of UPRR for signage and for maintenance.

45. The immediate upgrade of the Brooks Lane crossing will not be ordered. EVCT's concerns can and will be addressed when the Commission considers the Town's application, either for authority to construct improvements at the Brooks Lane crossing or for authority to construct a new crossing. If it wishes to do so, EVCT can participate in this process. In addition, although the present circumstances, on balance, do not require upgrades, the Town and UPRR each has a vested interest in responding to a change in circumstances (for example, a greater-than-anticipated increase in vehicular or pedestrian traffic) which may necessitate construction of upgrades at the crossing. Finally, UPRR has testified that, should revenue trains resume, it will review the main line to determine the necessary safety-related upgrades. Certainly, as a practical matter, this information will be communicated to the Town which then can take appropriate action. At present, the evidence does not support a finding that there is a need for safety-related upgrades at this location.

46. The safeguards proposed by Applicant, as augmented by the conditions set out above, are reasonable; are necessary to prevent accidents and to promote public safety; are appropriate; and are in the public interest. The record supports the need for these conditions, and they will be ordered.

B. Stipulation.

47. As discussed above, the Stipulation provides that

[a]ny expense of any improvements which might be ordered now or in the future shall not in any way be a cost of Union Pacific and shall be borne by other parties.

Hearing Exhibit No. 6 at ¶ 3 (emphasis supplied). On its face, that language is overly-broad to the extent that it: (a) includes more than capital construction costs; (b) binds parties in future proceedings even though those parties are not before the Commission in this docket; and (c) is an impermissible attempt to supersede the requirements of § 40-4-106(2)(b), C.R.S.²⁵ In addition, based on the testimony given by the Town and UPRR, the language of ¶ 3 does not reflect those parties' understanding of the agreement. See discussion at ¶ 34, *supra*. It appears that the Town and UPRR did not share a common, clear understanding of the scope and import of the agreement. Because these two signatories did not have the same understanding of what they were agreeing to or signing, the Commission cannot accept that portion of the Stipulation as to which there was no agreement. Consequently, the Stipulation will be amended by deleting ¶ 3; with that amendment, the Stipulation will be accepted.

48. To preserve the essence of the agreement, as testified to at the hearing and as appropriate to this proceeding, the ALJ will order Applicant to pay for the required signage and for maintenance of the roadway surface and the public approaches to the crossing and will order UPRR to maintain, at its expense, the track, appurtenances, and warning devices. This allocation of responsibility is consistent with Commission policy in railroad matters.

49. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

²⁵ This statutory provision, as relevant here, requires the Commission, *after hearing*, to allocate costs associated with, *inter alia*, installation of specified types of crossing safety devices. The statute establishes factors which the Commission must consider. The Commission cannot accept, in this proceeding, a Stipulation which limits or eliminates its ability to make, in a future proceeding, the required fact-dependent allocation determination.

IV. ORDER**A. The Commission Orders That:**

1. The Application of the Town of Eagle (Town) is granted, subject to the following conditions: (a) installation of crossbucks, stop signs, and signage necessary to meet specifications for two-track crossings, as those specifications are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways; (b) implementation of the Safety Monitor Program as described in this Order; (c) vegetation management as described in this Order; (d) requirement that the Town file an application, either for authority to construct improvements at the Brooks Lane crossing or for authority to construct a new crossing, in sufficient time to prevent a significant increase in the use of the existing, unimproved Brooks Lane crossing; and (e) requirement that the Town file reports with the Commission Staff as set out in Ordering Paragraph No. 2. The reporting obligation shall cease if and when the Commission grants either an application to upgrade the existing Brooks Lane crossing or an application to close the Brooks Lane crossing.
2. The Town will file a report with the Commission Staff if and when each of the following occurs: (a) the Town receives information that the Tennessee Pass Line through the Town will be reopened to revenue trains; (b) the Town issues a permit for two or more additional residential units or for any commercial activity in the area north of the Brooks Lane crossing; and (c) the Town learns that Brooks Lane will be used as part of the core Eagle County Regional Transportation Authority Trail through the Town.
3. The crossing of Brooks Lane at Railroad Milepost 329.3, in the Town is declared and determined to be a public crossing.

4. The Town shall be responsible for the cost of the signage required for the Brooks Lane crossing.

5. The Town shall maintain, at its expense, the signage and the roadway approaches to the Brooks Lane crossing.

6. The Union Pacific Railroad Company will maintain, at its expense, the track and appurtenances.

7. The Town shall file the written agreement, when signed, containing the specifics of the signage and of the responsibility for paying for the signage and for maintenance.

8. The Stipulation filed in this proceeding (Hearing Exhibit No. 6) is amended by the deletion of ¶ 3, consistent with the discussion above.

9. As amended, the Stipulation (Hearing Exhibit No. 6) is accepted.

10. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

11. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

 a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If

no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

12. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

G:\ORDER\325R.doc:SRS



Public Utilities Commission



E-Filings
Decision Detail

Details of Decision R06-0285

Number: R06-0285

Title: Recommended Decision Accepting Stipulation in Part

Attachment: Errata Notice

Mailed Date: 03/28/2006 12:00am

Decision Type: Recommended

Author: Jennings-Fader, Mana L.

Proceeding(s):	Proceeding Number	Proceeding Title	Industry
	<u>05A-325R</u>	Eagle - UPRR - Brooks Lane - pvt to pub	Railroad

Description: 1. The Application of the Town of Eagle (Town) is granted, subject to the following conditions: (a) installation of crossbucks, stop signs, and signage necessary to meet specifications for two-track crossings, as those specifications are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways; (b) implementation of the Safety Monitor Program as described in this Order; (c) vegetation management as described in this Order; (d) requirement that the Town file an application, either for authority to construct improvements at the Brooks Lane crossing or for authority to construct a new crossing, in sufficient time to prevent a significant increase in the use of the existing, unimproved Brooks Lane crossing; and (e) requirement that the Town file reports with the Commission Staff as set out in Ordering Paragraph No. 2. The reporting obligation shall cease if and when the Commission grants either an application to upgrade the existing Brooks Lane crossing or an application to close the Brooks Lane crossing. 2. The Town will file a report with the Commission Staff if and when each of the following occurs: (a) the Town receives information that the Tennessee Pass Line through the Town will be reopened to revenue trains; (b) the Town issues a permit for two or more additional residential units or for any commercial activity in the area north of the Brooks Lane crossing; and (c) the Town learns that Brooks Lane will be used as part of the core Eagle County Regional Transportation Authority Trail through the Town. 3. The crossing of Brooks Lane at Railroad Milepost 329.3, in the Town is declared and determined to be a public crossing. 4. The Town shall be responsible for the cost of the signage required for the Brooks Lane crossing. 5. The Town shall maintain, at its expense, the signage and the roadway approaches to the Brooks Lane crossing. 6. The Union Pacific Railroad Company will maintain, at its expense, the track and appurtenances. 7. The Town shall file the written agreement, when signed, containing the specifics of the signage and of the responsibility for paying for the signage and for maintenance. 8. The Stipulation filed in this proceeding (Hearing Exhibit No. 6) is amended by the deletion of ¶ 3, consistent with the discussion above. 9. As amended, the Stipulation (Hearing Exhibit No. 6) is accepted. 10. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above. 11. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it. a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S. b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed. 12. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

Result(s) of Decision R06-0285

Result Date: March 28, 2006

Result Type: Granted

Details: 1. The Application of the Town of Eagle (Town) is granted, subject to the following conditions: (a) installation of crossbucks, stop signs, and signage necessary to meet specifications for two-track crossings, as those specifications are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways; (b) implementation of the Safety Monitor Program as described in this Order; (c) vegetation management as described in this Order; (d) requirement that the Town file an application, either for authority to construct improvements at the Brooks Lane crossing or for authority to construct a new crossing, in sufficient time to prevent a significant increase in the use of the existing, unimproved Brooks Lane crossing; and (e) requirement that the Town file reports with the Commission Staff as set out in Ordering Paragraph No. 2. The reporting obligation shall cease if and when the Commission grants either an application to upgrade the existing Brooks Lane crossing or an application to close the Brooks Lane crossing.

Result Date: March 28, 2006

Result Type: Information Requested

Details: 2. The Town will file a report with the Commission Staff if and when each of the following occurs: (a) the Town receives information that the Tennessee Pass Line through the Town will be reopened to revenue trains; (b) the Town issues a permit for two or more additional residential units or for any commercial activity in the area north of the Brooks Lane crossing; and (c) the Town learns that Brooks Lane will be used as part of the core Eagle County Regional Transportation Authority Trail through the Town.

Result Date: March 28, 2006

Result Type: Information Requested

Details: 7. The Town shall file the written agreement, when signed, containing the specifics of the signage and of the responsibility for paying for the signage and for maintenance.

Close

Exhibit D



May 31, 2016

Colorado Department of Regulatory Agencies
Public Utilities Commission
Rail Division
Attn.: Pam Fischhaber
1560 Broadway #250
Denver, CO 80202

Re: SU16-01 Rocky Mountain School of Discovery

Please find attached an application for a pre-school on property located at 409 Brooks Lane. There is a Brooks Lane Public Railroad Crossing of the Union Pacific Railroad governed by Decision No. R06-0285 which requires the Town of Eagle to notify the Commission if and when the Town issues a permit for two or more residential units or for any commercial activity in the area north of the Brooks Lane crossing. The application for a pre-school is being presented by a nonprofit organization requesting permission for a school of up to 40 children. First phase request is for 20 children. They intend to remove an existing mobile home from the property and live in the existing stick built house. In discussion with the applicant concerning the limitations of the existing railroad crossing they have indicated a willingness to a smaller number of children if required or have suggested that the drop off for children could occur on the north side of the property at the Eagle County Fairgrounds Parking Lot which would not require crossing of the rail road. There is a public path from that location approximately 800 feet to the site.

The Order of the Commission requires that the Town file an application to construct new crossing in sufficient time to prevent a significant increase in the use of the existing, unimproved Brooks Lane crossing. The Town would like to discuss with the Commission's representatives what would constitute a significant increase in traffic and therefore require the construction of an upgraded crossing and what improvements would be required to be constructed. This application has been scheduled for hearings in June.

Looking forward to discussing this application with you.

Sincerely



Tom Boni
Town Planner

Cc: John Schneiger, Town Manager

Anne Hele Garberg/Kelly Anderson
Rocky Mountain School of Discovery
PO Box 1289
Gypsum, CO 81637

Tom Bone/Town Planner
The Town of Eagle
Box 609
Eagle, CO 81631

We are applying for a special use permit for 409 Brooks Ln Eagle, CO 81631. We are the owners of Rocky Mountain School of Discovery (RMSD) which has been serving families in Gypsum and Eagle since 2001. On the first of April 2016, RMSD took over Sunshine Mountain Preschool in Eagle when the school was on the verge of closing due to losing the director. The Methodist Church, which was the owner of Sunshine Mountain Preschool also need the space occupied by the preschool from September 2016.

In the process of finding a new location for the school we found 409 Brooks Lane ideal for the school and its philosophy.

The Need for Preschools in Eagle County.

There is a desperate need for preschools in Eagle County. Families have to look as far away as Avon and Vail for preschool care for their children. Many say that driving to Gypsum is simply too far in the wrong direction and do not want to add another hour on to their day just to drop off and pick up their children. Having a central location in Eagle will help those families and keep revenue in Eagle.

Location

409 Brooks Lane is located in the town of Eagle which is important for parents to save time at drop off and pick up of their children. With it being on the north side of highway 6, impact is minimal while providing great benefit because it will not disrupt the flow of traffic with safety zones or overcrowded parking. When development continues further east alongside highway 6 as indicated in the town planning, those families will benefit as well.

School on a Farm.

RMSD has a philosophy that differs from existing schools in the valley. At RMSD we want to provide children with experiences that will connect them to the natural world. The earth has a finite amount of resources that human life depends on and we are facing serious environmental challenges. The education of our children has to be a part of the long term solutions to these problems. We believe that instilling values and giving our children hands-on learning experiences in a natural setting is crucial to develop their understanding of, a concern for, and a sense of stewardship of the natural environment.

The Historical Perspective

The original Farm house on 409 Brooks Lane is built in 1912. We want to restore this building to its original architecture and we see that as an important part in giving future generations a historical perspective and a chance to be connected to their heritage. Already there are houses recognized by the Historical Society; we want to preserve this as well before it falls into disrepair and is lost to future generations.

Open Farm

We want to offer families in the valley a place where they can visit and get a taste of what farm life is in a historical setting. Many people have never had the pleasure of interacting with animals beyond the family dog or cat, nor have they seen where our food comes from first hand.

Space Requirement for New Building

The minimum space requirement for children aged 2.5-5yrs is 25sq ft per child. We are planning two classrooms at a maximum capacity of twenty children per classroom. We are going to increase the size to 30sq ft per child to make 600sq ft total in each room. Kitchen, bathrooms, and utility rooms will occupy an additional 200sq ft. The building will be 52ftx27ft, or 1404sq ft total.

Access to Property

To access the property, we will need to cross the railroad tracks between the property and Highway 6. We are aware of the concerns of the railroad company and the increased traffic and the need for a special permit addressing the increased use. An alternative to this is to have a drop-off point on the north side of the river at the fairgrounds and use the pedestrian bridge and path that runs alongside the property on the west and south sides.

Phase II

An additional building is planned for the premises to increase the capacity to add an additional 40 children.

We truly believe that our proposed special use of 409 Brooks Lane will be an attraction to the town of Eagle and the surrounding area.

Sincerely,
Aimee Helene Garber
Kay Krosser



Memorandum

To: Board of Trustees
From: Tom Boni
Re: Rocky Mountain School of Discovery
Date: June 9, 2016

At the Planning and Zoning Commission Hearing there was significant public comment of this application, questions by the Commission of the applicant and staff and a deliberations by the Planning and Zoning Commission. Eight people had submitted written comment that were presented to the Commission. These include comments by:

1. John Hardesty -
 2. Karen Harkins
 3. Mellissa Carpenter
 4. Rick Commitz (Owners Association Manager)
 5. Ami Fountain
 6. Jeanine Kenney
 7. Rebecca Haseltine
 8. Dana Stiles
 9. Devra DiDominico*
 10. K Denning*
- Received after P&Z Hearing

We have also attached these written comments to the Trustee's Staff Report as well as additional written comments received since the Commission's Hearing.

Many owners and renters living in the neighborhood expressed their concerns with the safety of adding traffic to a narrow road with a rail road crossing. They testified that there is a long wait to get on Highway 6 from Brooks Lane and the additional traffic related to the school will add to that long delay. They were concerned that parents would be in a rush to drop off their children and this could cause a danger to neighborhood children and vehicles using the roadway. They also mentioned that stacking distance on Brooks Lane is limited and that the roadway is narrow. Comments were made that in adverse weather conditions or when time was pressing, many parents would not use the suggested drop-off and pick-up suggested at the County Fairgrounds.

Public Testimony in favor of the application focused on the need for a quality pre-school, praised the other pre-school's run by the applicant and mentioned that not everyone arrives at the same time and usually there were not more than three parking spaces occupied at any one time at the Sunshine Pre-School that operated at the Methodist Church. Several people indicated a willingness to walk their children to the pre-school and others indicated that a drop off pick up management plan could be prepared to avoid congestion.

The Planning and Zoning Commission discussed many aspects of the application. They were concerned with understanding the impacts on the neighborhood. The request for 80 children seemed high for this neighborhood. There were questions asked about the minimum number of children that would work for the applicant. One of the points mentioned during deliberations was that traffic on Highway 6 is problem for the entire Eagle Community and is not caused by the applicant. The Union Pacific Railroad and the limitations of this Public Rail Road Crossing is recognized in the Eagle River Corridor Plan and needs to be addressed as we move forward with any development on the north side of Highway 6. Given the size of the property the applicant and work with staff to identify the appropriate amount of on- site parking.

Jason Cowles focused on the fact that the Sunshine Pre-School has closed and created a real need in the community. He restructured the conversation to come up with a plan that addressed the impacts for the neighborhood and the requirements of the Public Utilities Commission conditional approval of this public railroad crossing. He and other commissioners believed that drop-off and pick up of children could be managed and that children would arrive at various times rather than all at once.

Jason Cowles made a motion to approve with the following conditions:

1. Applicant to negotiate access improvements with the Town at Brooks Lane/Highway 6 intersection conceptually to include lane widening and a pedestrian access to (School) bus stop.
2. Approval of an access from the PUC
3. Submittal of a drop-off, pick-up management plan by applicant
4. Submittal of a Traffic Impact Report
5. Number of students to be limited to 30

The Planning and Zoning Commission requested the staff to prepare a memo summarizing the concerns that Commission expressed at the meeting as well as the thinking of those in favor of the application and the public testimony provided.



CERTIFICATE OF RECOMMENDATION

TO: Board of Trustees

FROM: Department of Community Development

DATE: June 14, 2016

PROJECT NAME: Colorado Slab & Tile – Outside Storage

FILE NUMBER: SU16-02

APPLICANT: Jason Kaples

LOCATION: 12 Eagle Park East

APPLICABLE SECTION(S) OF MUNICIPAL CODE:
Section 4.05.010 (Special Use Permit)
Section 4.04.100 (Supplementary Regulations and Standards)
Section 4.07 (Development Standards)

EXHIBIT(S): A. Application Packet
B. Staff's recommendations for outside storage areas
C. Aerials

PUBLIC COMMENT: 1. Email from Bob & Katherine Senn

STAFF CONTACT: Matt Farrar (Assistant Town Planner)

REQUEST: Special Use Permit to allow for outside storage of stone slabs.



DISCUSSION:

The applicant currently leases the property located at 32 Eagle Park East Drive, where they operate Colorado Slab and Tile. The applicant recently purchased 12 Eagle Park East Drive, the former location of Sinton Dairy. The applicant purchased 12 Eagle Park East Drive with the intent of having a corner location along Chambers Avenue to showcase their business. The applicant has expressed that this facility will be used as a location to allow customers to design slabs for their kitchens and bathrooms, as well as a location to show customers the slabs that have been designed for them. The applicant also plans to use space in the building for their office.

The applicant has expressed a desire to install a 6' tall chain-link fence around the perimeter of the property to allow their stone slabs to be visible from Chambers Avenue, while also keeping non-customers out of the on-site storage areas. Please refer to *Exhibit A*.

When contacted by the applicant, staff informed the applicant that "Outside Storage" in the Commercial General (CG) zone district necessitated a Special Use Permit and that a 6' tall fence in a required front yard (i.e., the sides of the property that front on Eagle Park East Drive and Chambers Avenue) would require a Zoning Variance. Therefore, the applicant has submitted applications for both a Special Use Permit and a Zoning Variance. The applicant's Zoning Variance application was approved by the Planning and Zoning Commission at their meeting on June 7, 2016.

STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010):

Listed below are the findings required by Section 4.05.010 of the Land Use & Development Code for approval of a Special Use Permit:

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans, and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.



FINDINGS FOR SPECIAL USE PERMIT:

Standard #1:

Chapter 4.04 of the Land Use & Development Code permits “Outside Storage” as a Special Use within the Commercial General (CG) Zone District. The subject property is zoned Commercial General (CG) and therefore requires issuance of a Special Use Permit to allow for the desired outside storage.

Section 4.04.100 (M) provides standards for outside storage, which include:

- As a general rule, outside storage shall be situated in the rear yard.
- Outside storage areas in the front yard or on lots with no, or minimal, structures shall be required to provide a front yard street buffer as provided in Section 4.07.010(B).
- Businesses that sell, rent, or lease outside storage items may create a display area in the front yard not to exceed a single area 25 feet by a length of 25% of the lot frontage for the purpose of displaying representative items. All other outside storage items are subject to the requirements in subparagraphs (1) and (2) above.

In addition, Section 4.07.022 (4) states “Chain-link fencing may be used for demonstrated security purposes only and must be vinyl-coated black or green and used in conjunction with plant material that is tightly spaced to create a visual screen. Chain-link fencing shall be restricted to rear yards.”

Staff believes that if the applicant is agreeable to the storage areas shown in *Exhibit B*, and the landscaping recommended along the area fenced in by the chain-link fence, that the proposed outside storage complies with the regulations set forth in the Land Use & Development Code.

12 Eagle Park East Drive is located within an area designated as “Commercial” on the Future Land Use Map of the 2010 Eagle Area Community Plan (2010 EACP). Under the “Intent” of the “Commercial” land use designation, it states:

- A. Provide opportunity for a broad variety of commercial uses important to the local and regional economy.

Under “Character” of the “Commercial” land use designation, it states:

- B. Outdoor storage areas and loading bays are located on the back or sides of properties, and are generally screened from view.

12 Eagle Park East Drive is also located within the “Interstate 70 Influence Character Area.” In the discussion of the I-70 Influence Character Area, the Eagle Area Community Plan emphasizes the importance of encouraging more intensive uses on underutilized properties along Chambers Avenue, while also ensuring that the aesthetic values of the eastern gateway of the town are maintained.



In the “Economic Development and Sustainability” chapter of the 2010 EACP there are variety of recommended strategies that are listed. Some of the recommended strategies that are relevant to this application include:

- Promote businesses and activities that benefit from Eagle’s proximity to the I-70 corridor.
- Work to create more local jobs and additional outlets for goods and services.

In Staff’s opinion, the proposed Special Use Permit helps to facilitate the growth of a local business and therefore complies with many of the objectives of the 2010 EACP. The 2010 EACP also emphasizes the importance of ensuring that development is done in an aesthetic manner and therefore reducing the visual impact of the chain-link fencing around the outside storage area is important in achieving this objective.

Standard #2:

Existing uses neighboring 12 Eagle Park East include:

- The existing location of Colorado Slab & Tile at 32 Eagle Park East Drive.
- An office building at 11 Eagle Park East Drive.
- An office building at 850 Chambers Avenue.
- An office building at 31 Eagle Park East Drive.
- A vacant lot at 882 Chambers Avenue.
- The Eagle County Justice Center at 885 Chambers Avenue.

It is staff’s opinion that the proposed outside storage at 12 Eagle Park East Drive, which is adjacent to many other Commercial General (CG) zoned properties, is generally compatible with existing and allowed uses in this part of Eagle.

Standard #3:

Street Improvements & Access: The design of Eagle Park East Drive and Chambers Avenue is adequate to accommodate any additional traffic generated by the proposed outside storage.

Staff believes that the parking provided at 12 Eagle Park East is adequate to meet the needs of the outside storage and the office space.

Standard #4:

Not Applicable.



PLANNING COMMISSION DISCUSSION:

The Planning Commission's discussion on the requested Special Use Permit included the following:

- The Commissioners wanted to ensure that the outside storage areas allowed on the property worked for the applicant's business operations. Several of the Commissioners raised questions regarding the functionality of the outdoor storage areas being recommended by staff.
- The Commissioner's discussed various options for fencing in portions of the property, to limit the need to fence the entire perimeter of the property. Ultimately the Commission voted 5-1 in favor of allowing the entire perimeter of the property to be fenced with the proposed chain-link fence.
- The Commissioner's expressed a need for landscaping around the perimeter of the fence to reduce the visual impact of the chain-link fencing. The Commissioner's recommended that landscaping be provided along the perimeter of the fence both on the interior and exterior of the fence and that the landscaping plan be approved by town staff.
- A few Commissioner's raised questions regarding the design of the chain-link fence gates. These Commissioner's questioned if the fence gates could be designed to be more aesthetically pleasing. The Commissioner's did not include a condition regarding the design of the fence gates in their recommendation to the Board.
- The Commissioner's suggested a "tree green" paint color for the fence. The Commissioner's ultimately recommended that the green color of the fence be approved by town staff.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of file number SU16-02 based on compliance with Special Use Permit Standards 1, 2 and 3 with the following condition:

1. The chain-link fence shall be painted black or green. Green color to be approved by town staff.
2. Fence shall be setback two (2') feet from the property line to allow for landscaping between the property line and the exterior of the chain-link fence.
3. Landscaping be provided along the fence perimeter, both on the interior and exterior of the fence. Landscaping plan to be approved by town staff.



STAFF RECOMMENDATION:

Staff recommends approval of file number SU16-02 based on compliance with Special Use Permit Standards 1, 2 and 3 with the following condition:

4. The outside storage and 6' tall chain-link be limited to those areas shown in *Exhibit B*.
5. The chain-link fence shall be painted black or green.
6. Landscaping be provided along the exterior of the chain-link fence to minimize the visual impact of the fencing. Shorter landscaping materials (e.g., shrubs, bushes and/or ornamental grasses) are appropriate along the fencing adjacent to Chambers Avenue to allow for the stone slabs to be seen from the public right-of-way. Taller landscaping materials are to be planted along the fencing on the eastern edge of the property. Chain-link fencing should be setback from the property line a minimum of 2' to allow for landscaping to be planted along the exterior of the fencing.

BOARD OF TRUSTEES:

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations



Colorado Slab & Tile LLC

0032 Eagle Park East, Eagle CO 81631

970.328.0557

Property : 0012 Eagle Park East, Eagle CO 81631

Our Proposal,

We would like to fence around our property for safety, liability and security. Fence will be a 6" chain-link fence similar to the storage facility across the street by taco bell.

Within the fence line we would like to store and display our stone and remnants. This is not a scrap yard. We will have full size slabs, remnants on display and organized for our customers.

We have already started on cleaning, we are preparing to paint the building and landscape the property by trimming trees and weeding.

We also want to it the property to look nice as it represents both Colorado Slab and Tile as well as the Town of Eagle.

Thank you for your assistance in helping us with this process.

Jason Kaples,

COLORADO SLAB & TILE LLC



— Fence.
6' chain link.



Slab
Marble + Granite
6' x 13' ea.
x 30 ?

Remnants
30" x 4'-10"
x 200.

Court Yard -
fenced / wood.
and painted.
to match
Building

Office Building
to be painted
same as existin

Area for "display" slabs. No chain-link fencing.

Shorter landscaping materials.

Outside storage area with 6' tall chain-link fence.

Taller landscaping materials.



Use of this map should be for general purposes only. The Town of Eagle does not warrant the accuracy of the data contained herein.

0 12.5 25 Feet

1 inch = 50 feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar (imagery), AeroGRID, IGN, and the GIS User Community

EXHIBIT
C



Use of this map should be for general purposes only.
The Town of Bagley does not warrant the accuracy of
the data contained herein.

1 inch = 200 feet

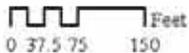
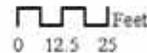


EXHIBIT
C



Use of this map should be for general purposes only.
The Town of Eagle does not warrant the accuracy of
the data contained herein.

1 inch = 50 feet





MEMO

To: Town Board
From: Jenny Rakow, Town Clerk
Date: June 14, 2016
Re: Administrative Liquor License Approvals

Kum & Go
Fermented Malt Beverage
Expire: June 24, 2016

Paradigms
Hotel & Restaurant
Expire: April 11, 2016

Luigi's Pasta House
Hotel & Restaurant
Expire: May 6, 2016

Sweet Waters Liquor
Retail Liquor Store & Tasting Permit
Expire: June 19, 2016

Eagle Ranch Golf
Report of Changes / New Member
Hotel & Restaurant Off Premises
Expire: May 23, 2016

Eagle Valley Land Trust
Special Event Permit
August 6, 2016

Vail Amphitheater Corporation
Special Event Permit
June 10, 2016

EVHS Foundation
Special Event Permit
May 21, 2016

10th Mountain Roller Dolls
Special Event Permit
April 30, 2016

Edwards Rotary Club
Special Event Permit
May 16, 2016

10th Mountain Roller Dolls
Special Event Permit
June 25, 2016

Western Eagle Rotary Foundation
Special Event Permit
June 30, 2016
July 7, 2016
July 14, 2016
July 21, 2016
July 28, 2016
August 4, 2016
August 11, 2016

From: [Maestas - DOR, Lisa](#)
To: [Dan Loya](#); [Kathy Scriver](#); [Ryan Toy](#); [Joe Stauffer](#); [Jenny Rakow](#); [melody harrison](#)
Subject: Compliance Checks
Date: Monday, June 06, 2016 10:37:19 AM

Good morning,

Just wanted to let you know we came through a few of your locations last Wednesday evening to do compliance checks on the establishments that open in the evening time. We checked the following establishments in the following towns, all establishments that were checked passed:

Minturn

The Saloon
Minturn Country Club

Edwards

Bookworm of Edwards
Crazy Mountain Brewing
EAT!
Juniper Restaurant
Sato Sushi
Tacorico
Vail Valley Pharmacy
Zino Ristorante

Eagle

Bonfire Brewing
Back Bowl
Paradigms
Pastativiley
Luigis Pasta House

New Castle

Grove's Black Dog Saloon
Chapman Club
Hacienda El Patron

Please let me know if you have any questions!

Lisa

--
Lisa Maestas
Criminal Investigator
Liquor & Tobacco Enforcement



P 970.248-7134 | F 970.248.7124 | C 970-985-6111
632 Market Street, Suite G3, Grand Junction, CO 81506

2016 Workforce Survey Report

May 2016



Prepared by:

Vail Valley Partnership/Vail Valley Economic Development

101 Fawcett Rd., Ste. 240 | Avon, CO 81620 | 970-476-1000

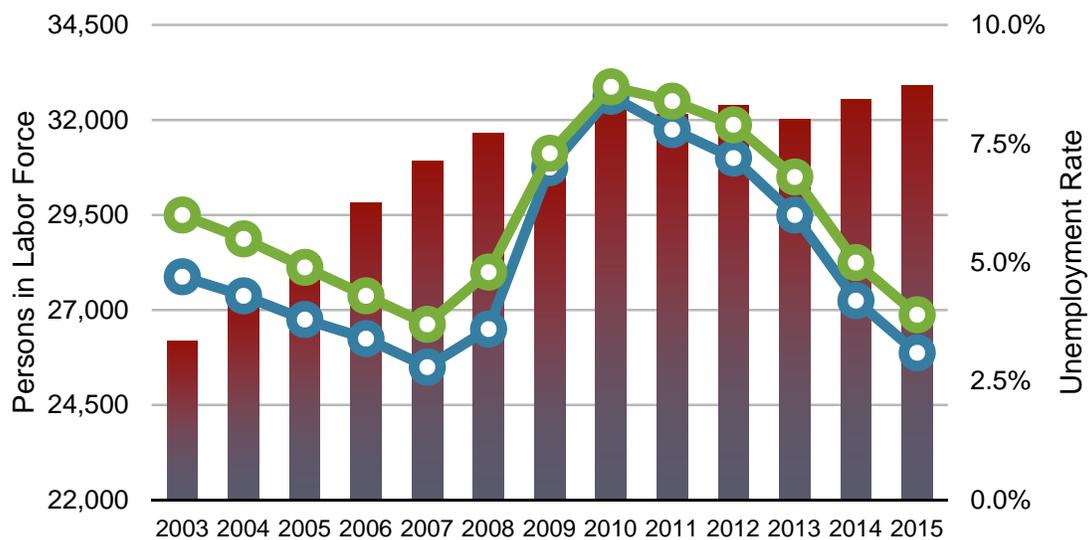
vailvalleypartnership.com | vailvalleymeansbusiness.com

Report Author: Andrej A. Birjulin, Ph.D., Research Director | 970-328-0299

Eagle County's Labor Force: Conditions Continue to Improve

After relatively high unemployment rates in 2009-2012, which also exceeded the state rates in 2010-2012, unemployment saw a solid decline in 2013 and that has continued through the current year. In 2015, the Eagle County unemployment rate was 3.1%, which is below the state rate of 3.9%. The current local unemployment rate has also closed the gap between the rate in 2008, which was 3.6%. The number in the labor force increased 10.9% between 2014 and 2015 to 32,910.

The county's population continues to grow at a slow and steady pace, about 1.8% per year (State Demographer estimates 2010 - 2015; the population is currently estimated at 53,303). School enrollment in K-12 for fall of 2015 grew 1.3% from the previous year to 6,550.



■ Eagle County Labor Force ● Eagle County Unemployment ● Colorado Unemployment

As a rural resort county, employment is disproportionately comprised of the accommodation and food services; retail trade; arts, entertainment and recreation; and construction. About a quarter of the County's employees work in accommodations and food services, another 11% in retail trade and 11% in arts, entertainment and recreation. Construction, a once robust sector of the economy, now employs about 11% of the workforce, which is up somewhat from 2012. Additionally, many residents are challenged to find suitable employment to carve out a sustainable living in the county since the average wage is lower than in Denver, yet the cost-of-living is high. The cost for housing is especially high, ranging from about two times the

national average in the Gypsum and Eagle area and increasing dramatically as one gets closer to the prestigious skis areas of Vail and Beaver Creek.

Eagle County has 31,675 housing units and 19,961 households. Almost 2 in 5 homes in the county are classified as “vacant,” primarily second homes. While median household income in the county is higher than the statewide average (\$73,774 compared to \$59,448), weekly wages are low: \$812 a week in Eagle County compared to \$1,005 per week average statewide.

It’s against this backdrop of an economy continuing to gain strength slowly, but steadily, that we take a look at what employers in Eagle County are saying about business and workforce.

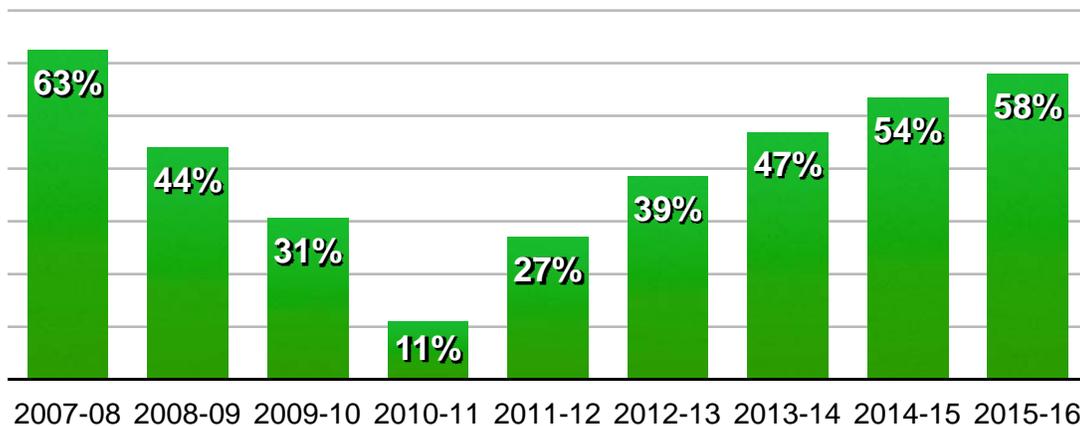
10th Annual Workforce Survey

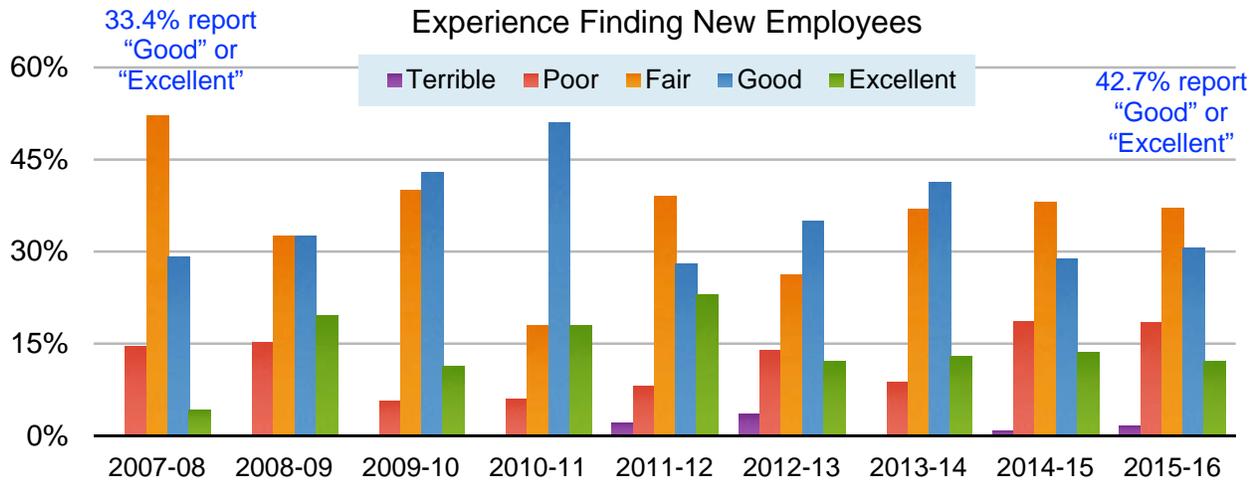
Vail Valley Economic Development (formerly The Economic Council of Eagle County) has been conducting a workforce survey in Eagle County since 2006-07. Although there has been some variation in items and response choices across administration years, core items on the current version of the survey have been collected since 2007-08 and ask employers about their business outlook, their employees, and their forecasts for the future. Prior survey results can be found at www.vailvalleymeansbusiness.com. In 2015-16, 128 businesses responded to the Workforce Survey, remaining steady over the previous year. This summary report compares those responses with data from prior surveys.

Hiring New Employees

The chart below shows the percentage of responding businesses with vacant positions. While still below the 2007-08 boom-year level of nearly 2 out of 3 of businesses with unfilled positions, 2015-16 saw a fifth yearly increase and shows that well over half of the businesses have current vacancies.

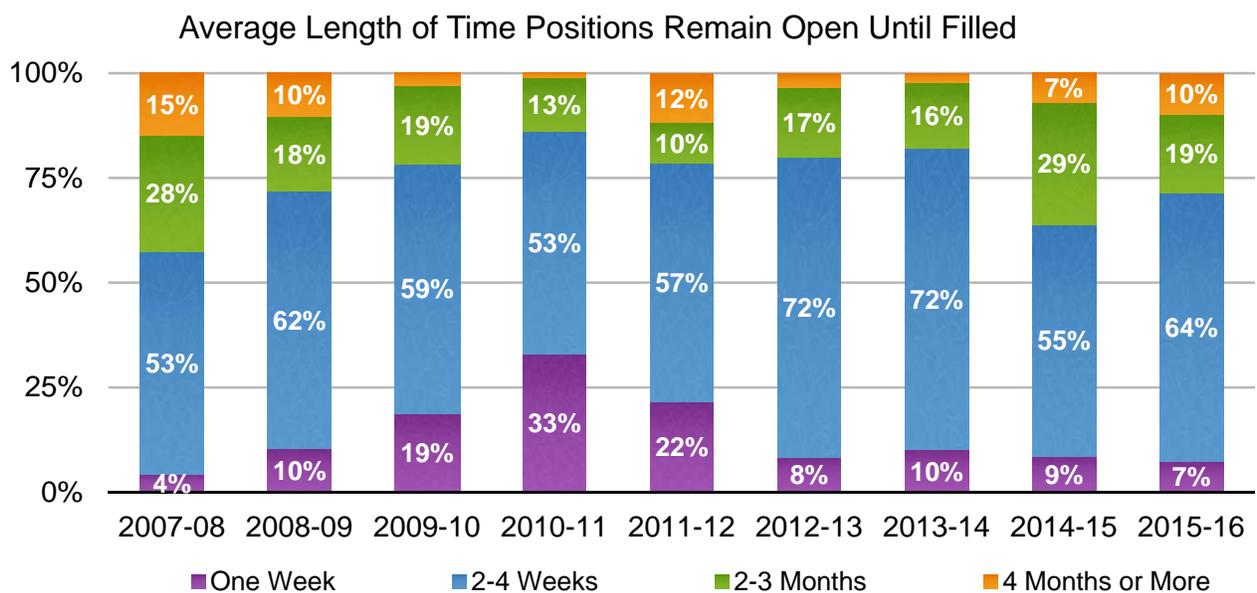
Percentage of Businesses with Vacant Positions





Respondents were asked to rate their company's experience in finding the employees it needs. As seen in the chart above, the experience of hiring new employees held relatively steady over the previous year, but was still well below the most positive year that was seen in 2010-11. In 2015-16, 20% indicated that the experience was "terrible" or "poor" and 43% indicated that it was "good" or "excellent."

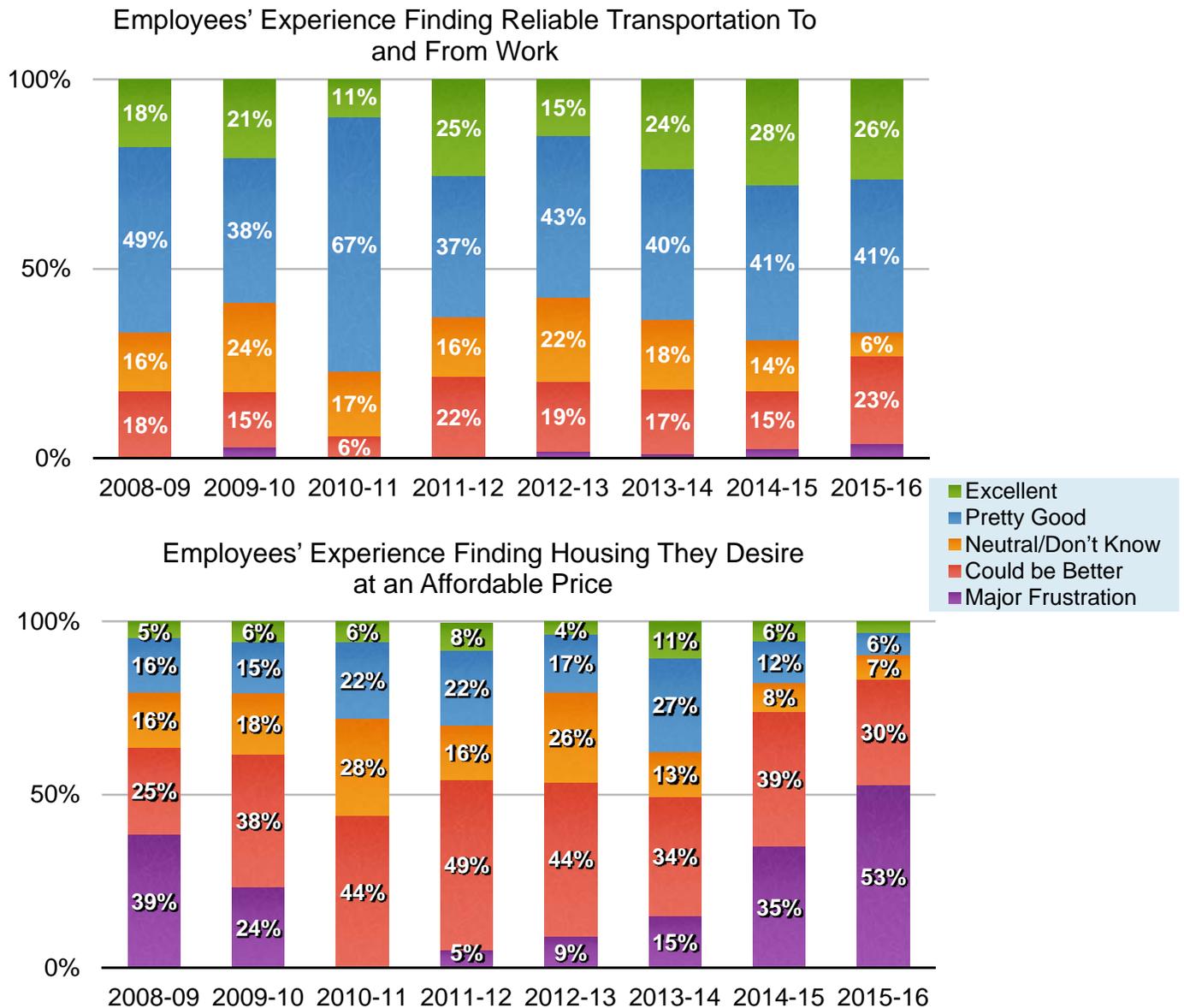
As seen in the chart below, in 2015-16, 71% of businesses reported that they can fill positions in within 4 weeks, an increase over the previous year. Those that indicated it took more than a month declined to 29%. While these results indicate a modest improvement over the previous year, the overall hiring results show that the days of easy hiring seem to have peaked in 2010-11.



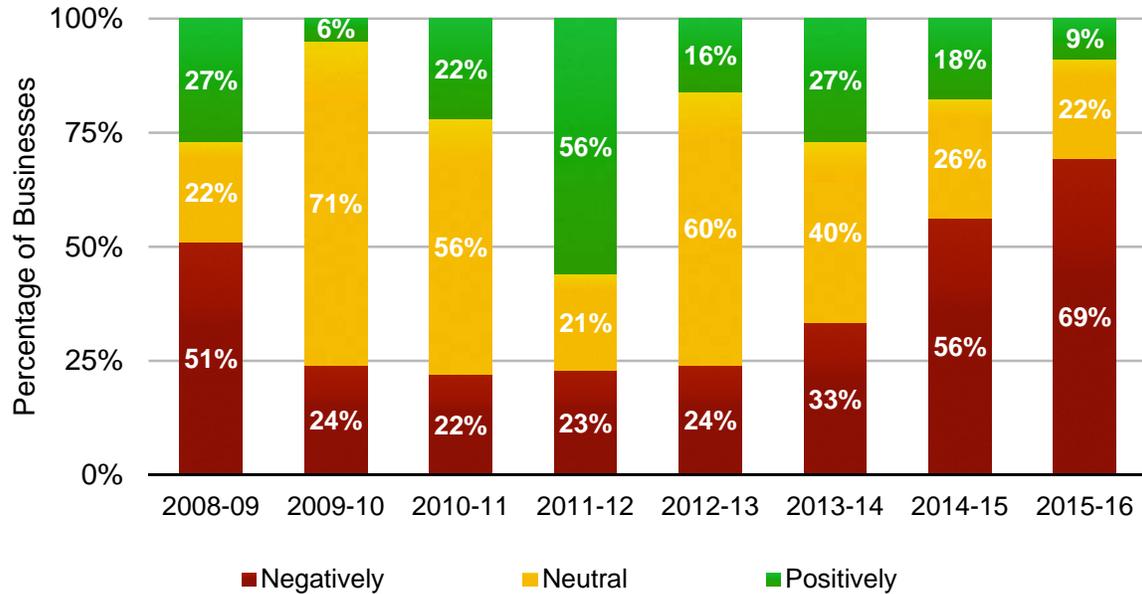
Employee Experiences with Housing and Transportation

Perception of employees' experiences in finding reliable transportation and housing continue to change. Transportation saw a small decline over the previous year, with 67% of employers saying their employees' experience finding reliable transportation to and from work is "excellent" or "pretty good", but 27% giving a negative rating.

Frustration with housing rose dramatically in 2015-16 and has exceeded the previous high point set in 2008-09. Currently, those indicating it's a "major frustration" is 14% higher than 2008-09 and those feeling "it could be better" is 5% higher, while those using the positive end of the scale is 11% lower. Use of the neutral point on both scales is at the lowest point ever.



Effect of Housing on Ability to Attract, Hire and Retain Employees



As seen in the chart above, the number of businesses saying housing negatively affects their ability to attract, hire and retain employees grew by 13% over the previous year and those saying housing is a positive factor decreased by 9%. Specific comments made in this area include:

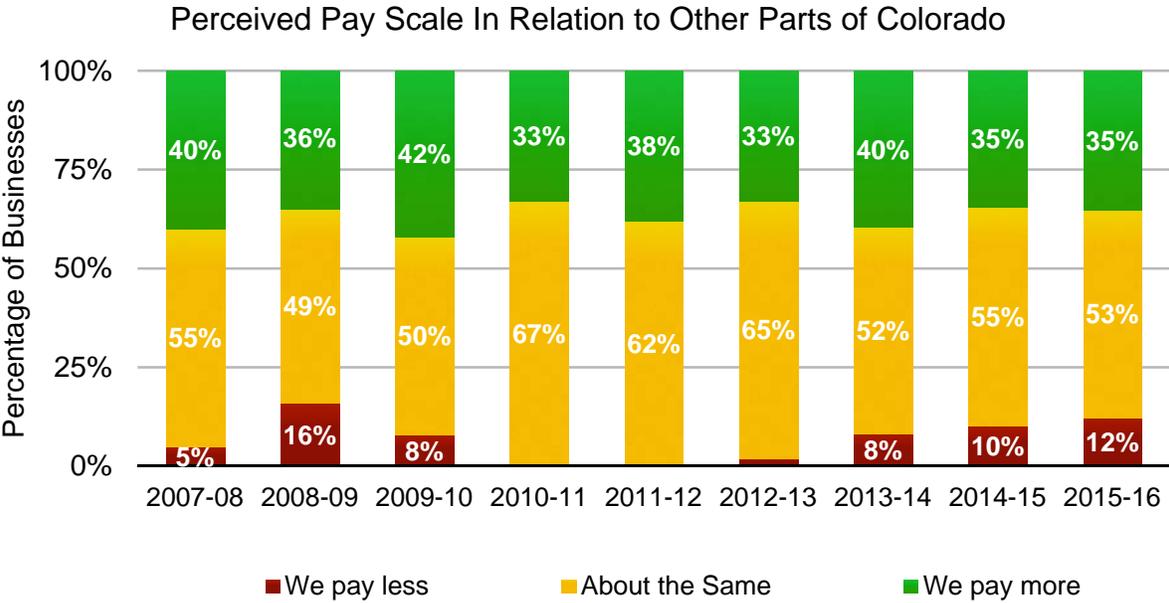
At this point however the situation is of great concern as we grow.
Because we often pull from candidates that are out of Eagle County, housing cost is a big consideration when negotiating offers and salary requirements.
Directly affecting my transportation business.
For new hires recruited from out of state, we lack affordable housing.
For the seasonal role we relay the challenge with finding housing.
Housing has always been a problem, but we have managed because of our ability to provide for some.
I hire students who live with their parents.
It is hard to keep teachers in Eagle County Schools in general because the housing is pricey and teachers do not make a lot.
More information is needed, but we do not know of many issues in regards to housing.
Most of my associates have to work two and three jobs in order to live up here.
Most own homes, but some rent.
Probably the biggest obstacle we face.
They can find rental property. But some who wish to purchase a home are unable to qualify for a mortgage amount needed in this area.
We can house 50% of our staff.
With only 1 employee she is fine...but I know that's an issue for other business owners.
With the exception of our managers, our employees spend the majority of their monthly income on

housing and have a longer commute from the places that they are able to find. Living and working in the Vail Valley gets more expensive every year. Vail Resorts is slowly pushing out the local and making it to where only the rich can afford to live in the Eastern part of the county.

Pay and Benefits

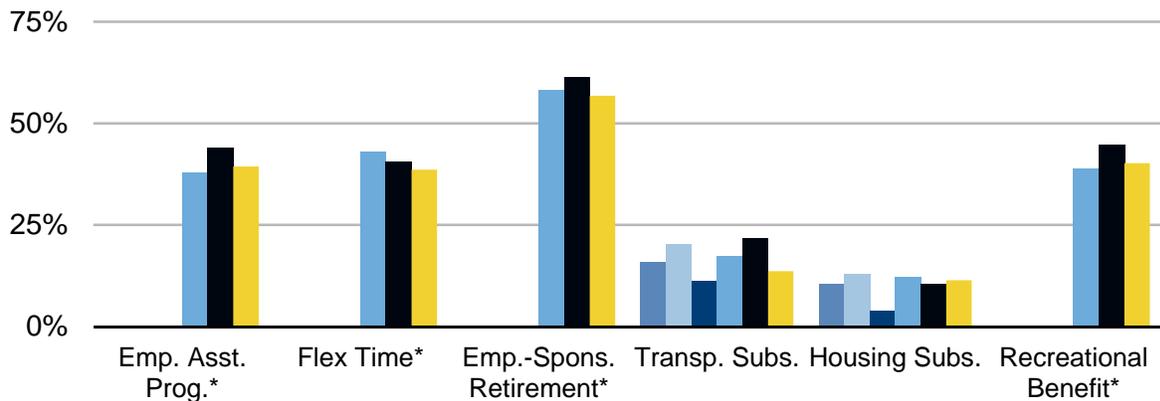
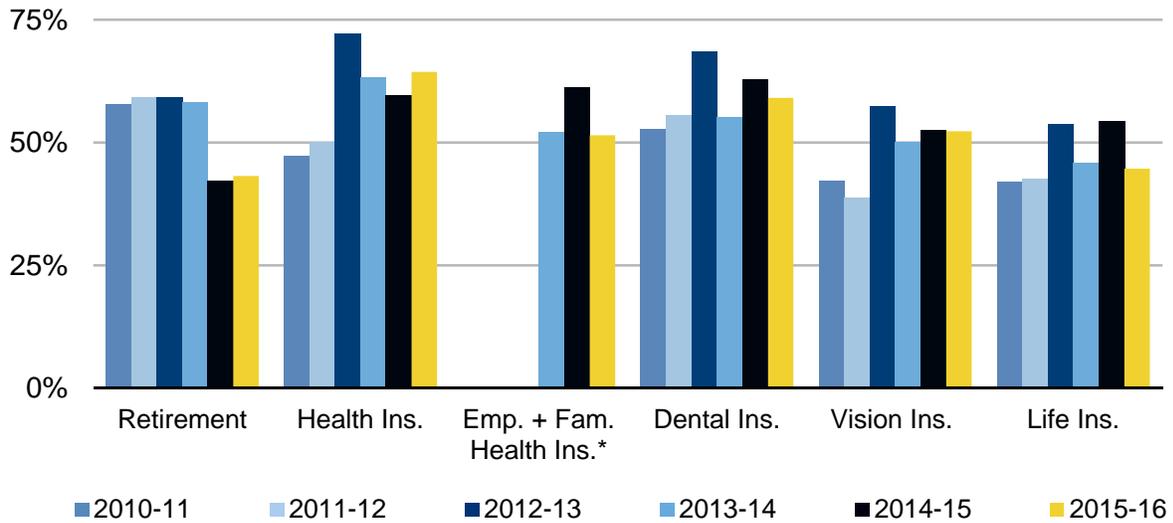
The survey asked employers about their pay scale and about benefits they provide. Almost all (96%) respondents say they provide job training and other professional development (PD) to new employees as well as those that have worked for them more than six months. Over half (53%) say they provide “considerable” PD to new employees and 40% to employees working more than six months.

Most entities in Eagle County tend to pay the same, or more, than similar businesses in other parts of the state. As shown in the chart below, those who say they pay more than other parts of the state stayed steady over the previous year and those who say they pay less grew by 2%.



The charts on the following page show the percentage of businesses that offer various benefits asked about in the survey. Health insurance, dental insurance, vision insurance, life insurance, and employer sponsored retirement plans are offered by over half of the entities surveyed. The percentage of businesses offering employee health insurance peaked in 2011-12, but came up slightly this past year.

Percentage of Businesses Offering the Following Benefits:

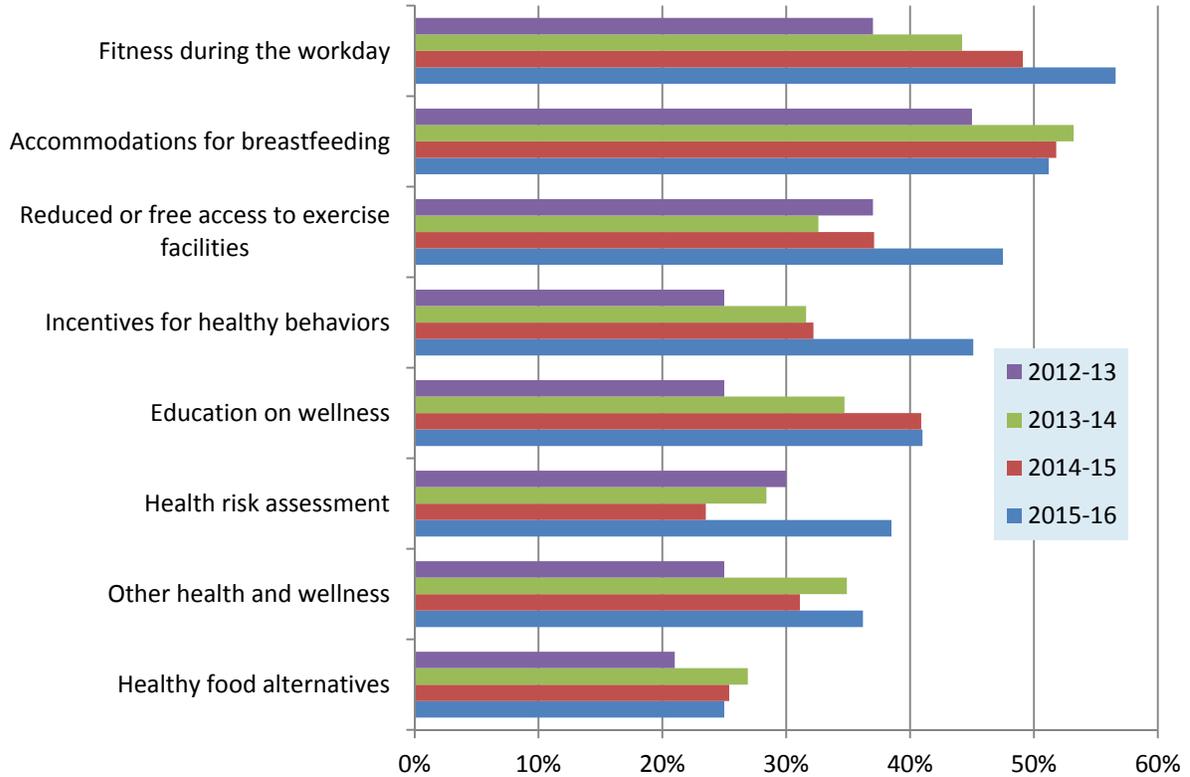


* New in 2013-14.

Health and Wellness Programs

There are a number of programs that have been implemented by businesses and other employers throughout the County stressing workplace wellness over the last few years. These efforts are driven primarily by the desire to increase employee satisfaction and improve recruitment and retention, but also to increase productivity as well as moderate spiraling health care costs. Starting in 2012-13, survey items were created to capture the percentage of businesses across the county that has adopted each program. These rates are shown below for each of four years that they were included on the survey. The chart shows that adoption of most programs has generally increased over the years or stayed relatively steady. Fitness during the workday and education wellness saw the strongest gains, while accommodations for breastfeeding and healthy food alternatives saw a small decline.

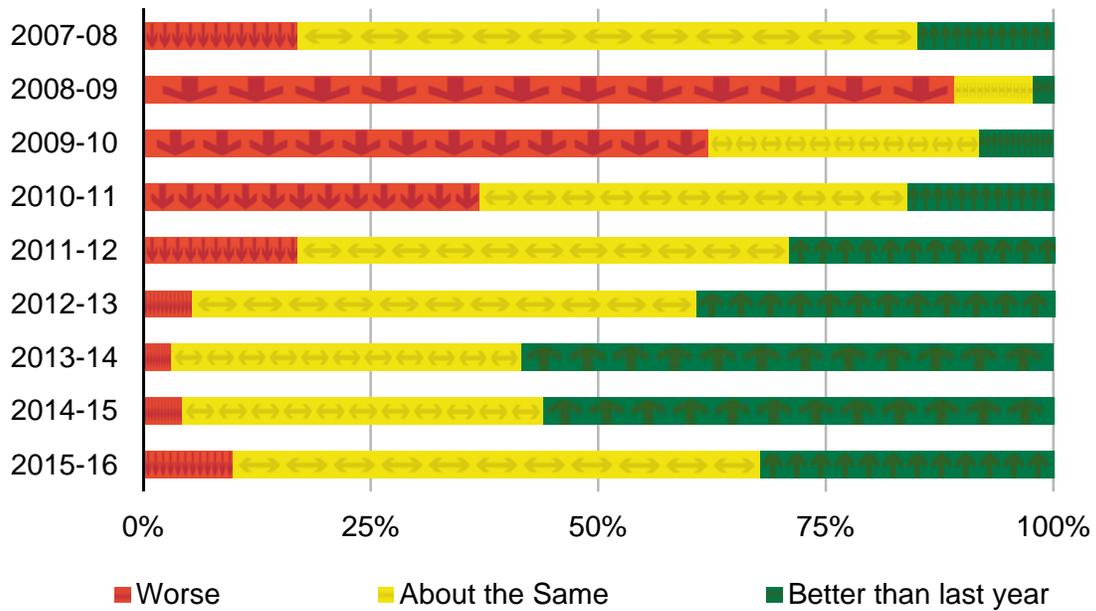
Percentage of Businesses Offering the Following Health and Wellness Programs



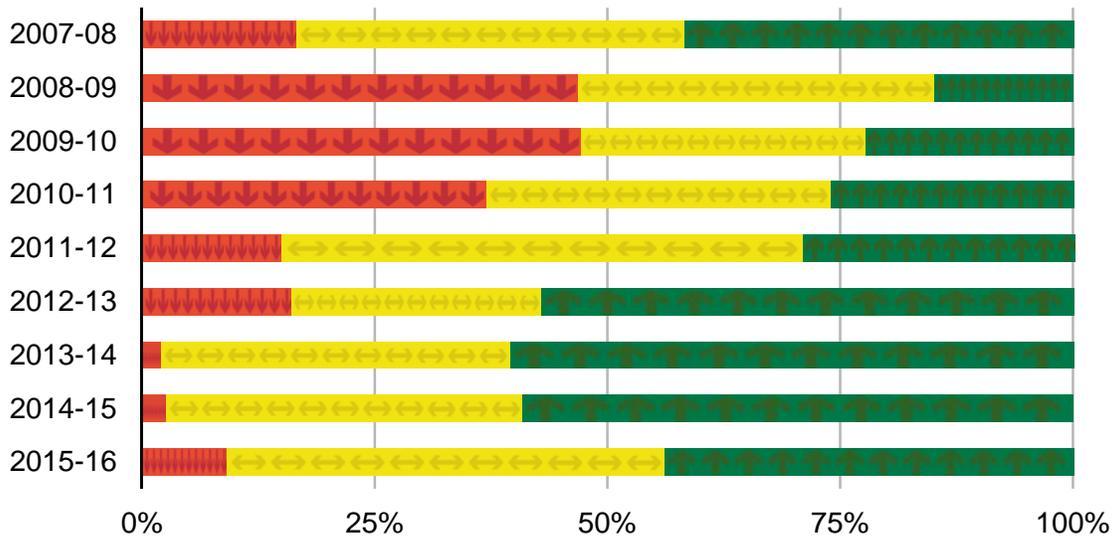
The Economy

As shown in the two charts below, business owners and managers continue to feel pretty good about the Eagle County Economy in general as well as their own business health, but the results overall moved in a negative direction from 2014-15. On both measures, those that felt the current year was better than the previous year declined, and those that felt the current year was worse, increased. Those that felt the current year was about the same as the previous year also increased when compared to the 2014-15 survey results.

Businesses Indicating the EC Economy in General
is Better or Worse Off than in the Previous Year



Businesses Indicating their Own Business Health
is Better or Worse Off than in the Previous Year



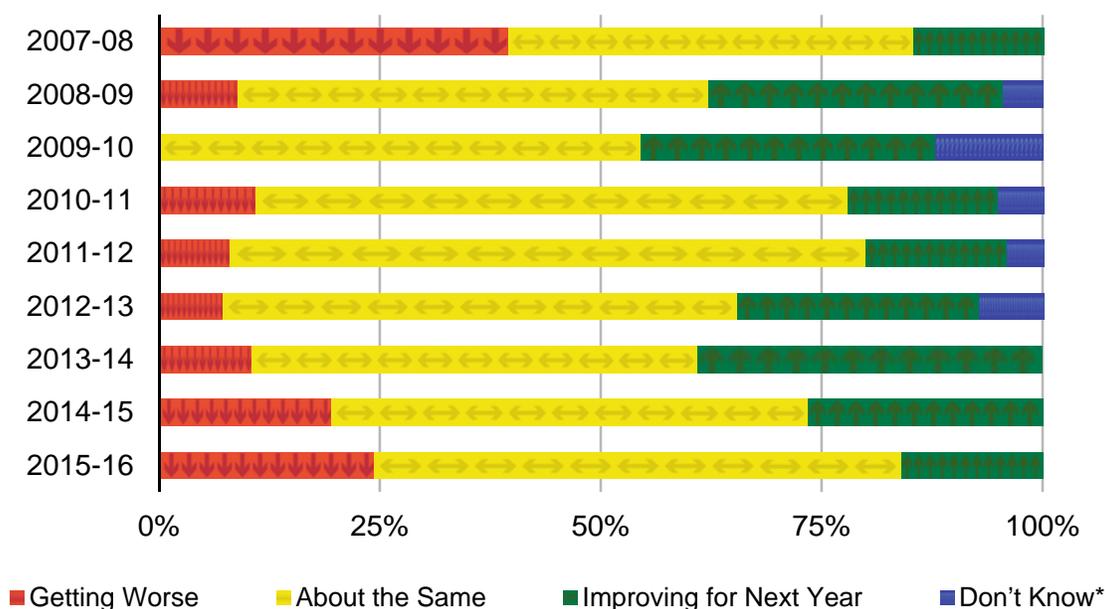
Comments from survey respondents regarding their own business health include the following:

Depends on business type. i.e.: our hotel ops are better; property management / rental more challenged.
The reduction in oil and gas taxes impact select sectors of the economy negatively as increases in property taxes will not be felt until Summer 2017.
The prices of lift ticket and the value of the Euro/Peso had a significant impact on our business this year.
We are growing.
We had about 50 percent staff turnover last year with tenured employees who moved on to their next life challenge. We've just settled in with a new team.
We have added a safety committee, and we are researching ways to help our employees have higher health and wellness in a responsible way.
We have been through some unexpected personnel changes, but are improved for the experience and change.

Finding and Keeping Employees

About 16% of respondents say the outlook for finding and keeping employees is improving for next year, an 11% decrease from 2014-15. Those who say it will be “about the same” increased by about 6%, but those who say it will be worse has grown by about 5%.

Predictions for Your Ability to Hire and Retain Employees in the Coming Year

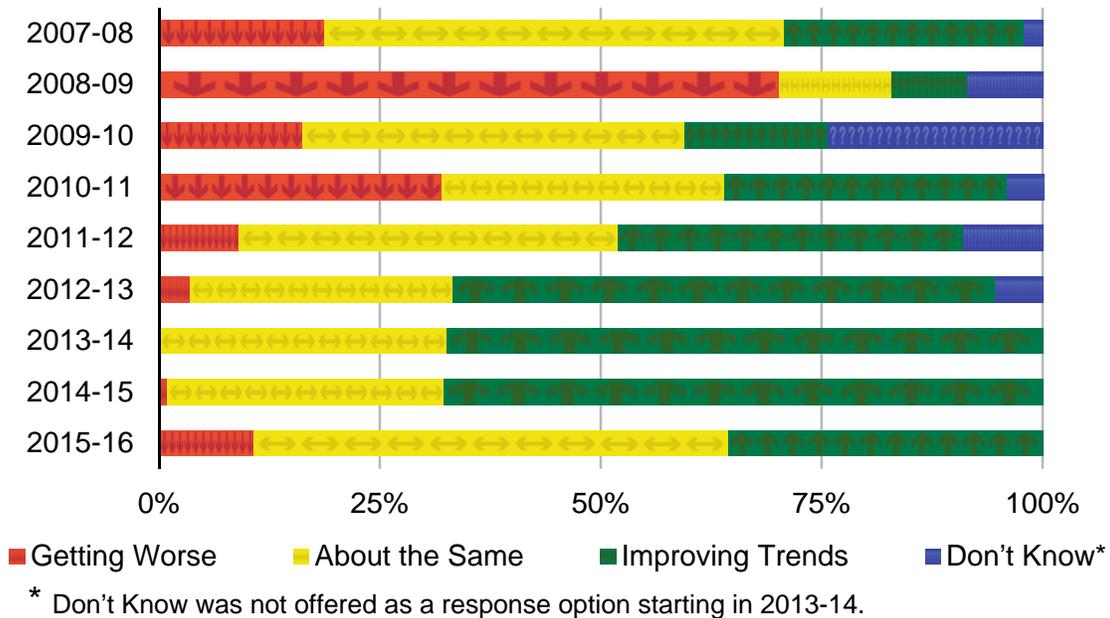


* Don't Know was not offered as a response option starting in 2013-14.

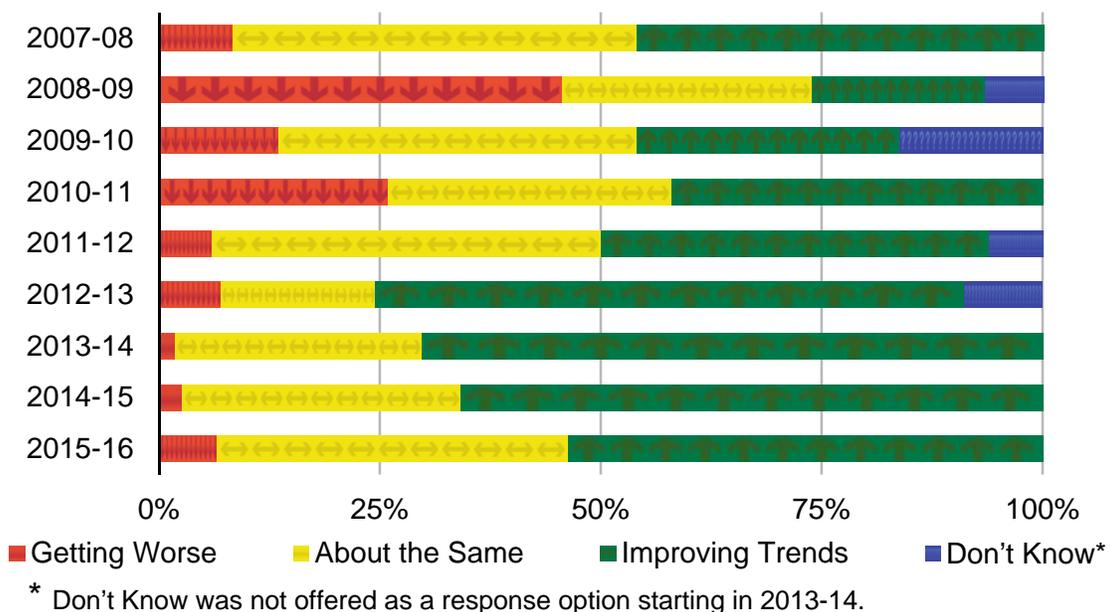
Predicting the Future

The outlook for the economy has declined when compared to the previous year, with 11% of respondents feeling that the County's economy will be worse in the upcoming year and 7% feeling that their own business health and vitality will be worse. Those that felt optimistic about the County's economy in the upcoming year decreased dramatically (32%) from 2014-15, although the decline in optimistic predictions for respondents' own business health and vitality was much less (12%).

Predictions for EC's Economy for the Coming Year



Predictions for Own Business Health for the Coming Year



Current Business Growth and Expansion

The percent of businesses that say they are considering expanding or diversifying into a different service sector is 19%, which is the same as the previous year. When asked what resources might be beneficial for business owners or managers during the current survey administration, the responses were as follows:

A holistic, county-wide housing solution
A resource for employees to assist in finding housing and/or roommates.
A workforce housing clearinghouse, one-stop shop for options.
ABILITY TO PROVIDE HEALTH BENIFITS
Access to group health insurance at a reduced rate.
Affordable health care and housing options. Greater investment in education.
Affordable Housing Diversified Transportation options
Affordable housing and living are most important to attracting and keeping good employees in the service industry.
Affordable housing is the biggest issue right now. Without it my overhead is inflated along with a diminished pool of human capital.
Affordable housing options for year round employees.
Affordable professional development opportunities
An ability attract a qualified workforce that can balance work and play.
As a non-profit, administrative support is always needed, but hard to fund...
Assistance with recruiting outside the valley, assistance with customer service training for existing associates, assistance with helping new associates find housing.
BANKS THAT HAVE SOME INTELLIGENCE
Better affordable housing scenario
Better bus systems for Edwards, Avon, and Minturn employees or better parking options.
Better transportation service(s) in Minturn to Vail/Beaver Creek. It affects us a lot.
Cheaper housing.
Continue to enhance Avon, add more for our guests' experiences, promote worldwide.
Continued application and integration of new technology as it comes along.
Customers complain to me when shopping how expensive it is to ski, shop, eat and visit Vail/Beaver Creek. The Riverwalk is the last stop on their vacation, typically (most comments). They are surprised my prices are lower than in Vail/Beaver Creek and I have more "word of mouth" advertising because of it. However, there is less to spend because they are on the end of their vacation - my issue not a resource issue due to my location.
Eagle County taking a more active and financial role in supporting the business community.
Having easier access to affordable and possibly subsidized evening child for individuals in specific circumstances.
Health care assistance and affordable housing for employees
Housing Options, More Bus Lines/ Time Options outside of Vail- Edwards routes. More lines/ better schedules to Leadville, Minturn, Eagle and beyond.
Housing subsidies
Housing. Leveraging reciprocal relationships for employee recruiting (partner with summer resort operations to move ee's back and forth). Continue to drive tourism to Eagle County in summer and off seasons.

Human. A qualified, motivated workforce.
If we could tap into a group health insurance plan it would be immensely helpful. Our board and I feel horrible that this benefit had to go ahead- staff was compensated in their salaries for the loss, but we still wish we could offer this.
Incentives for locally owned companies to grow.
Inexpensive, effective advertising options.
Job Boards.
More affordable housing.
More affordable housing for our associates so they would not have to work so many jobs to survive up here. We have a very good starting rate, so it would be nice if our associates could have more time with their families.
More affordable housing throughout the county.
More affordable housing, better child development options, and more robust consumer options from healthcare to groceries to get and keep a more modern, informed workforce.
More affordable housing/renting. Stronger talent pool.
More housing options for staff.
More housing options that employees can afford.
Online employee screenings that categorize skill and experience to fit local jobs better. I believe there are too many good potential employees doing the wrong jobs in Vail. If we had a system that everyone moving to the valley, renters and owners, that would position them in front of the right type of job this would raise the level of employee engagement within their job choice. I have developed this screening system in a very basic format with in my hiring protocol.
Our company has a multitude of resources that daily benefit the progress of each day. We share these resources with other companies, as often as possible and in as many different forums as possible.
Resources to evaluate purchasing employee housing.
Small business development support.
Staffing is the challenge beyond our control.
The Town of Vail cracking down more on the people who rent their homes on a short term basis without paying taxes. These people are under cutting our nightly rates by a significant amount.
Training opportunities on how to improve aspects of business, but the VVP Partnership provides that to us.
Training opportunities, as a group, need facilitators, individual, leadership, progressive think tank .
Training seminars in important HR or business topics (new laws and regulations, management skills).
Trainings in HR best practices.
Understanding statewide issues, challenges and opportunities is important when looking at the big picture of our community. Keeping a finger on the pulse of the state legislature and understanding the state economy are important to our community.
Understanding who is looking for a job, and what types of wages they are looking for.
We see Destimetrics for Beaver Creek to better understand business levels, but would be nice to see the whole Vail Valley and also a separate retail report.
Would love to see more professional development opportunities for our young workforce. The Vail Symposium has great offerings but is often too expensive for younger professionals.
Your economic forecasting and reporting is excellent. Local political election polling would be informative.

Survey Methodology

Vail Valley Economic Development invited employers to participate in this research by sending them an email link to an online survey. Staff then placed follow-up “invitation to participate calls” to those companies and other entities that had not yet completed the survey, but were considered highly representative of local business climate. The Vail Valley Partnership and its member associations included information and the survey link in their online newsletters, and area non-profit organizations were invited to weigh in.

The survey was designed and tested by research staff, and distributed through Survey Monkey, an internet-based survey tool. Data was tabulated and analyzed using SPSS, the Statistical Package for Social Sciences.

This was an opt-in rather than a random sample or census survey, so a margin of error cannot be calculated. However, survey respondents represented small and large businesses of different types employing a large number of workers throughout the valley, and results can be used to assess trends in the Eagle County workforce.

Conclusions

Some conclusions from the 2015-16 Workforce Survey:

- ✓ Business owners and managers have reduced confidence about the economy in general and their own business health when compared to the 2014-15 results. A modest decline was seen among respondents in terms of opinions regarding current conditions versus the previous year. Optimistic predictions for the upcoming year declined more dramatically, especially for the Eagle County economy in general.
- ✓ Frustration with housing continues to grow and is substantially higher than in 2014-15. Negative opinions about housing are higher than ever found in the history of conducting the survey. More than 2 out of 3 respondents feel that the housing situation negatively impacts their ability to hire and retain employees and this issue was mentioned frequently when asked about additional resources that are needed.
- ✓ Providing health insurance for employees continues to be a challenge.
- ✓ Companies throughout Eagle County provide a variety of workforce wellness options and the percentage of businesses offering various options has generally increased or stayed the same over the past three years. Some of the most common options include accommodations for fitness possibilities during the work day, breastfeeding, reduced or free access to exercise facilities, and incentives for healthy behaviors.
- ✓ Businesses that report plans to expand and/or diversify are the same as in 2014-15, but are higher than they have been during the 2013-14 or 2012-13 survey years.
- ✓ The percentage of businesses that pay more than other parts of the state has stayed steady when compared to the previous year and those that pay less increased slightly.

TEAK J. SIMONTON
Eagle County Clerk & Recorder



P.O. Box 537
500 Broadway
Eagle, Colorado 81631-0537
(970) 328-8710
www.eaglecounty.us/clerk
Recording: (970) 328-8723
Fax: (970) 328-8716

May 31, 2016

Jenny Ellringer
Town of Eagle
Town of Eagle
P.O. Box 609
Eagle, CO 81631-0609

Dear District Administrator,

This year's General Mail Ballot Election date is Tuesday, November 8th. If your district will be coordinating questions or candidate races with us, we need to make you aware of some important dates and deadlines.

It is helpful for our planning to know how many entities will be coordinating with us. As soon as possible, and no later than July 29th, please complete the attached form completely and return it to us via email scan, fax or mail.

- **July 29, 2016** 100 days prior - The date by which a political subdivision must notify the clerk's office of intent to participate in the November 8, 2016 Coordinated Mail Ballot Election. C.R.S. 1-7-116(5).
- **August 8, 2016** IGA's will be mailed to participating entities
- **August 30, 2016** 70 Days prior - Political subdivisions participating in the election must return signed Intergovernmental Agreements to the county clerk and recorder. C.R.S. 1-7-116(2) Failure to do so by the deadline will prohibit district from coordinating with Clerk's office.
- **September 9, 2016** 60 Days prior - Last day for the designated election official from each political subdivision to certify the ballot text to the county clerk and recorder. C.R.S. 1-5-203(3)(a)
- **September 27, 2016** 42 Days prior – Political subdivisions shall deliver the full text of any required ballot issue notices (pro/con statements) to the county clerk and recorder in order to be included in the issue mailing. C.R.S. 1-7-904
- **October 17, 2016** First mailing of ballots; continued mailing of ballots through October 31st.
- **November 8, 2016** Election Day – First Tuesday of November in odd-numbered years
- **February 6, 2017** Last day for Eagle County Clerk and Recorder to mail invoices to districts for their share of election costs.
- **March 6, 2017** Last day for districts to submit payment for election costs to Clerk's office.

Sincerely,

Teak J. Simonton

Teak J. Simonton
Encl.

Teak Simonton
Eagle County Clerk and Recorder
May 31, 2016

Please print or type corrections and responses below and email to Stacey.jones@eaglecounty.us or fax your response to 970-328-8716 on or before July 29, 2016.

Is this information correct?

Town of Eagle

Town of Eagle
P.O. Box 609
Eagle, CO 81631-0609

Make any corrections in the space below

Contact name and phone # _____

Mailing Address: _____

E-mail address _____

Designated Election Official: _____

Telephone: _____ Fax: _____ E-Mail: _____

DO YOU INTEND TO PARTICIPATE IN THE NOVEMBER 8, 2016 COORDINATED MAIL BALLOT ELECTION WITH THE EAGLE COUNTY CLERK AND RECORDER?

yes _____ no _____ maybe _____

If coordinating with clerk's office:

- Will you have candidate races? yes _____ no _____
- Will you have a ballot issue or question on the ballot? yes _____ no _____
 - How many? _____
- Will your ballot issues or questions require TABOR notification? yes _____ no _____
(all debt or tax increase questions)

If you're not participating with this office:

- Will you be conducting your own mail ballot election? yes _____ no _____
- Will your mail ballot election require TABOR notification? yes _____ no _____

Appendix B
CALENDAR OF EVENTS AND DEADLINES
for
NOVEMBER 8, 2016 GENERAL MAIL BALLOT ELECTION

**While this calendar may not include all significant dates,
some key dates are identified for your reference.**

Special districts and political subdivisions planning to coordinate with the clerk's office should be aware of the following deadlines:

- **July 28, 2016** If by 100 days before the election, a political subdivision has taken formal action to participate in an election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder in writing. C.R.S. 1-7-116(5)
- **August 8 2016** IGA's will be mailed to participating entities
- **August 30, 2016** 70 Days prior - Political subdivisions participating in the election must return signed Intergovernmental Agreements to the county clerk and recorder. C.R.S. 1-7-116(2)
- **September 9, 2016** 60 Days prior - Last day for the designated election official from each political subdivision to certify the ballot text to the county clerk and recorder. C.R.S. 1-5-203(3)(a)
- **Week of September 19, 2016** Equipment and Logic and Accuracy Testing
- **September 27, 2016** 42 Days prior – Political subdivisions shall deliver the full text of any required ballot issue notices (pro/con statements) to the county clerk and recorder in order to be included in the issue mailing. C.R.S. 1-7-904
- **October 14, 2016** Last date to for political subdivision to cancel election or withdraw ballot issue or question. C.R.S. 1-5-208(2)
- **October 19, 2016** No later than 20 days prior to Election Day, the County Clerk will publish notice of election.
- **October 17, 2016** Ballots mailed
- **October 3, 2016** Deadline to mail ballots. After this date voters have the option of picking up ballots in person at any Voter Service and Polling Center.
- **October 17, 2016** 24-hour ballot drop boxes and interior ballot boxes available in Avon, Eagle and El Jebel Clerk and Recorder locations.
- **October 24 – November 8, 2016** Voter Service and Polling Centers open in all county clerk locations.
- **November 8, 2016** Election Day – First Tuesday following the first Monday of November.
- **November 25, 2016** Deadline to certify election results. Official results will be forwarded to political subdivisions.

Please keep this list of dates for your reference.



THEOPHILUS D. GREGORY
Senior Vice President

June 1, 2016

Anne Mckibbin
PO Box 609
Eagle, CO 81631

Dear Anne,

On behalf of Chairman/CEO William J. Hybl and the Trustees of El Pomar Foundation, I would like to thank you for your outstanding service to the community of Eagle. Your assistance in making the Denver Broncos/El Pomar Health and Wellness Initiative helped to make the experience great for all parties involved.

The Salute to fans tour served over 1,200 children through the Junior Training Camp, and hosted thousands more during the City Celebrations. Your efforts have truly made a difference in the lives of the people served.

Your leadership and dedication to the state and its youth is what makes Colorado great.

Sincerely,

A handwritten signature in black ink that reads "Theo Gregory". The signature is fluid and cursive, with the first name "Theo" and last name "Gregory" clearly legible.

Theo Gregory

EL POMAR FOUNDATION
10 LAKE CIRCLE
COLORADO SPRINGS, COLORADO 80906
TEL: (719) 577-7081 FAX: (719) 577-7037
tgregory@elpomar.org
www.elpomar.org

4-1-16

Hi I'm Charlie and even though I will be in middle school next year I'm still thankful for our new playground that you will be building. You guys have been fundraising and donating to our school and I'm excited to see what the playground looks like. We really need a new playground because the paint on ours is going away and some equipment is broken.

Thanks again,
Charlie



Broken equipment

Thank you
for donating money

to our new playground.

Our new playground
really needs the
money for all the

new structure. I am

really excited about

all the new nice →

Eagle Valley Elementary School

Thank you very much for donating money for our new playground. Although it will be in middle school I hope I will still be able to go!

From: Yarely Salinas



Ella

3/30/16

Hi, my name is Ella
and I am in third grade
and I go to Eagle Valley
Elementary School and I work
for the committee to help build
the playground! The Committee
thanks you so so so much!
I really look forward to see
how you like it (Oh, and
the kids school!)

Hola mi nombre es carlos.

Yo quiero que tenemos

que tener otro parque

porque sea que este

tiene mucho años x

porque hay muchos

niños y todos no podemos

jugar en el mismo

lugar.

Kelsi

Thank you! For the money for our new play ground. I hope the younger kids will have fun on the playground. The money was very helpful because every summer we have been on the playground and the red slide has been here since my mom went to school here.

Thank

You!

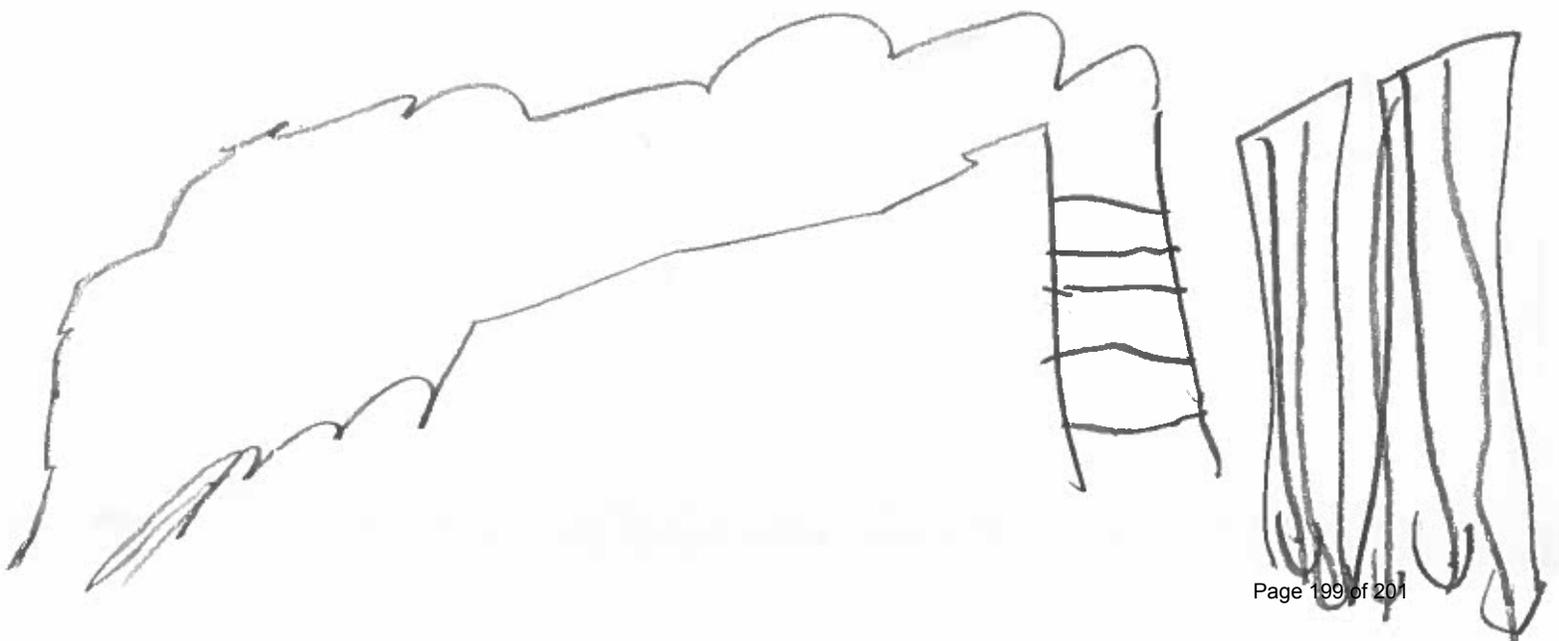
Thank you

for bringing money to

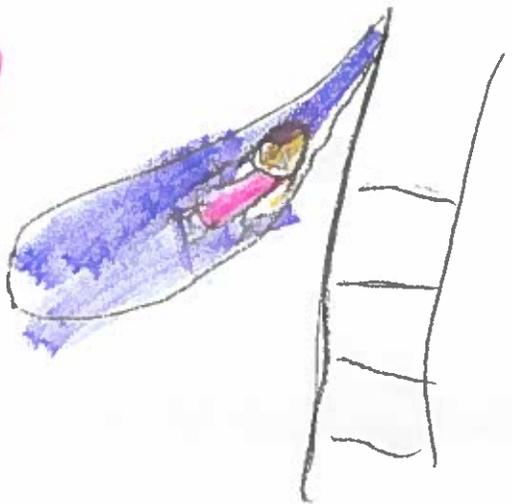
Our School for the new

Playground!

Daniel



Thank you
for giving
money for the
new playground
nd
Ale-tia





Julie

Thank for
the new
pink