

First Amendment to Agreement for Professional Services
(Village at Coal Creek Planning Services)

This First Amendment to Agreement for Professional Services (the "First Amendment") is made and entered into this ____ day of _____, 2025 (the "Effective Date"), by and between the Town of Erie, a Colorado home rule municipality with an address of 645 Holbrook Street, P.O. Box 750, Erie, CO 80516 (the "Town"), and Dig Studio, Inc., an independent contractor with a principal place of business at 1521 15th Street Denver, CO 80202 ("Contractor") (each a "Party" and collectively the "Parties").

Whereas, on December 11, 2024, the Parties entered into an Agreement for Professional Services (the "Agreement"); and

Whereas, the Parties wish to amend the Agreement.

Now Therefore, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Exhibit A** to the Agreement is hereby replaced with **Exhibit A-1**, attached hereto and incorporated herein by this reference.

2. The compensation amount in Section III of the Agreement is hereby reduced to \$171,896.

3. Section IX of the Agreement is hereby amended by the addition of a new subsection M, to read as follows:

M. *Accessibility.* Contractor shall comply with the accessibility standards for an individual with a disability adopted by the State Office of Information Technology pursuant to C.R.S. § 24-85-103, and shall indemnify, hold harmless and assume liability on behalf of the Town and its officers, employees, agents and attorneys for all costs, expenses, claims, damages, liabilities, court awards, attorney fees and related costs, and any other amounts incurred by the Town in relation to Contractor's noncompliance with such accessibility standards.

4. Except as expressly modified herein, the Agreement shall remain in full force and effect as written.

In Witness Whereof, the Parties have executed this First Amendment as of the Effective Date.

Town of Erie, Colorado

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk

Contractor

By: _____

State of Colorado)
) ss.
County of _____)

The foregoing instrument was subscribed, sworn to and acknowledged before me this ____ day of _____, 2025, by _____ as _____ of Dig Studio, Inc.

My commission expires:

(Seal)

Notary Public

Exhibit A-1 Scope of Services

Contractor shall provide Concept and Planned Development (PD) services as follows:

Task 1: Project Management

Contractor shall schedule and coordinate bi-weekly project team meetings with Contractor's team and key Town staff. During each bi-weekly meeting, Contractor shall document an agenda and meeting notes for clarity, key decisions, open items and action items. These shall be primarily virtual, unless special circumstances require in-person meetings. Contractor shall also set up and manage a file-sharing platform to serve as the "project library" for both background information and project deliverables. Contractor shall also provide content for posting on the Town's website project page.

Meetings:

- Biweekly Project Management Team meeting (virtual, unless otherwise noted for special cases)

Deliverables:

- Meeting agendas and minutes

Task 2: Concept Plan (Sub Tasks A-F)

2A: Background Information Review

Contractor shall review and document all relevant background information that could impact the project site, including without limitation the Elevate Erie Comprehensive Plan, the Unified Development Code, Town Engineering Standards and Specifications, the Housing Needs Assessment, nearby utility reports, drainage and flood plain documents, pond evaluation memo, Phase 1 & 2 Environmental Site Assessment, Threatened and Endangered Species and Wetland Report, and economic market development and housing profiles study.

Meetings:

- None

Deliverables:

- Background Information Summary to be included with Site Analysis Summary Memo (Task 2B)

2B: Site Analysis

Contractor shall organize a site tour with the Town, document the key issues discussed during the site walk in a memorandum, and create diagrammatic analysis drawings that document key physical features including vegetation, high-level soil information, drainage, utility easements, topography, adjacent edge conditions, and a high-level Cheesman Street bridge analysis (not including structural engineering assessment). These diagrams shall build upon and refine the work previously completed through the

CU Denver capstone project in 2023-2024. Contractor shall evaluate potential open space against the following criteria for use of funds:

- Protect natural areas along Coal Creek and Boulder Creek
- Conserve scenic landscapes and views
- Create and enhance hiking, biking, and walking trails
- Protect wildlife habitat
- Acquire natural areas to separate Erie from other communities
- Construct, improve and maintain trails, parks, parkland infrastructure and open space

Meetings:

- Site tour with Project Management Team and others as needed
- Second site tour to identify specific scenic landscapes and views

Deliverables:

- Site Analysis & Background Information Report

2C: Initial Stakeholder Interviews

Contractor shall work with the Town to organize the appropriate project stakeholder group, including representatives of the following: the Open Space Trails Advisory Board; Erie Housing Partnership; adjacent neighbors (Erie Meadows, Northridge and Colliers Hill HOA representative); St. Vrain Valley School District; Mountain View Fire Protection District; Xcel Energy; Black Hills Energy; and others the Town deems are appropriate to make the Stakeholder group efficient, representative and effective. Contractor shall organize a series of stakeholder interviews.

Meetings:

- Stakeholder Interviews (up to 8)

Deliverables:

- Summary Meeting Notes

2D: Concept Plan

Contractor shall develop 3-4 alternative concept plans to explore land use areas, open space areas and trail connections. Contractor shall host a "pin-up" review session with the Town and Stakeholder Group to understand the pros and cons of each alternative. Contractor shall also develop and illustrate housing typologies to communicate massing, overall project density and yield in relationship to open space viewsheds and natural area protection. Contractor shall hold a final "pin-up" review with the Town and Stakeholder Group to refine and confirm direction for a preferred Concept Plan.

Meetings:

- 2 Pin-ups with Stakeholder Groups and Town Staff

- Town Council Study Session to present 3-4 alternative concept plans for selection of preferred concept plan for refinement

Deliverables:

- 3-4 Alternative Concept Plans

2E: Concept Plan Refinement

Contractor shall prepare a draft Preferred Concept Plan, which shall identify land use areas, open space areas, and trail connections. The draft Preferred Concept Plan shall be presented to the broader Erie community, the Stakeholder Group, Planning Commission, and Town Council.

Meetings:

- Preferred Concept Plan Presentations to:
 - o Stakeholder Group
 - o Community Open House
 - o Planning Commission
 - o Town Council
- Concept Plan Public Charrette (add alternative if requested by the Town)

Deliverables:

- Preferred Concept Plan Presentation materials

2F: Final Concept Plan

Based on feedback from these groups, Contractor shall prepare a Final Concept Plan for the Planning Commission and Town Council. In addition to all of the plan content outlined above, the Final Concept Plan shall include the summaries of the site analysis, stakeholder engagement, concept plan charrette and alternative concept plans.

Meetings:

- Final Concept Plan Presentation to Town Council

Deliverables:

- Final Concept Plan

Task 3: Rezoning (Sub Tasks A-C)

3A: Draft Rezoning Application

Contractor shall develop the Zoning Map and application materials as required by the Town's User Guide and based on the approved final concept plan. Draft documents include:

- Written Narrative
- ALTA Title Survey and Boundary Survey Plat
- Zoning Map

- Concept Plan
- Project Phasing Plan
- Internal Open Space Plan illustrating all parks, natural open space, drainage-ways, trails and trail connections
- Utility Concept Plan (if needed based on Building Feasibility Study)

Meetings:

- None other than designated bi-weekly meetings

Deliverables:

- Draft Rezoning Application

3B: Draft Development Reports and Studies

Draft documents include:

- Assessment of Impact Report
- Phase 1 Drainage Report
- Preliminary Utility Report (if needed based on Building Feasibility Study)
- Traffic Impact Analysis Report based on the approved layout and density of the final concept plan
- Native Tree and Vegetation Protection Plan developed in conjunction with the Park and Open Space Division
- High-Level Soils and Geological Report

Meetings:

- 2 Meetings with Town staff after each submittal
- Neighborhood Meeting after 1st submittal as required for Rezoning

Deliverables:

- Draft Reports and Studies
- 1st submittal for Rezoning, not to exceed three rounds of submittal

3C: Final Zoning Map, Reports and Studies

Contractor shall incorporate feedback on Tasks 3A and 3B deliverables into the Final Zoning Map and Reports for submittal to the Planning Commission and Town Council for approval. Contractor's full team shall attend one meeting each for presentations to the Planning Commission and Town Council and additional continuation hearings, if needed.

Meetings:

- 1st Presentation to Planning Commission
- 1st Presentation to Town Council
- 2nd Presentation to Planning Commission, if needed
- 2nd Presentation to Town Council, if needed
- 3rd Presentation to Planning Commission, if needed
- 3rd Presentation to Town Council, if needed

Deliverables:

- Final Zoning Map as required for adoption and Reports/Studies