



Town Council

IN-PERSON MEETING WITH ONLINE ACCESS FOR THE PUBLIC

Tuesday, June 22, 2021

Public Meeting Room / Eagle Town Hall

200 Broadway Eagle, CO

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

Times listed are approximate and are subject to change.

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This will be an in-person meeting with access for the public to attend via the Zoom link below.

[ACCESS THE ONLINE MEETING HERE](#)

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

When it's your turn to speak, the moderator will unmute your line and you will have three (3) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to Jenny Rakow, Town Clerk, and will be included as part of the record.

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

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

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

PUBLIC COMMENT - 6:05 PM *Citizens are invited to comment on any item, not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.*

PRESENTATIONS - 6:15 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. Proclamation for Pastatively
2. ECO Transit Bus Circulator Pilot Project Proposal, Jeff Shroll and Tanya Allen

CONSENT AGENDA - 6:30 PM *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. Minutes - June 8, 2021

STAFF REPORTS - 6:35 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update

LIQUOR LICENSE AUTHORITY - 6:40 PM

1. PUBLIC HEARING: Landshark Catering LLC dba Roundabout Grill - New Hotel & Restaurant Liquor License

BUSINESS ITEMS - 6:45 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. 2021 Supplemental Budget Amendment Proposal
2. Resolution No. 47, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado Supporting Healthy Rivers and Watersheds."
3. Ordinance No. 8, Series 2021, "An Ordinance of the Town of Eagle, Colorado Establishing Regulations for Wireless Communication Facilities."
4. Mountain Recreation Capital Campaign Funding Request Proposal
5. Resolution No. 48, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Modified Code of Conduct and Ethics Policy"

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 8:15 PM

1. Council Committee Updates
2. Future Agenda Items
3. Draft Work Session Agenda - July 6: Sustainability
4. Town Council Table at Events Proposal

ADJOURN - 8:30 PM

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



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



OFFICIAL PROCLAMATION TOWN OF EAGLE PASTATIVELY

Whereas, the pasta loving people of this prime piece of paradise proudly proclaim their passionate appreciation for the presence of the premium pasta place, Pastatively!

For 14 glorious years you provided us with a palace of pleasure for our palates.

A place to perceive Roberto's passion projects and political positions, and Dave's peaceful, pleasant and proficient personality.

You patiently prepared our pubescents for the perils of employment.

You persisted in promoting the importance of Market Street in the town.

We are truly sorry it took so long, but it has to be said:

We should never have gotten you those twinkle lights; they seem to have chased you away!

Please pardon us!!

However, to recognize all the perfectly prepared pasta you presented professionally with pride to our populace, the Town of Eagle hereby proclaims that *June 22* is positively in perpetuity

PASTATIVELY - Pasta to the People Day!

We will miss you and we wish you well.

We are forever grateful.

Mille Grazie, Buona Fortuna e Ciao!!

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

Eagle-Gypsum Circulator Discussion

6/22/2021



Background

- Pre-COVID discussions about developing an Eagle-Gypsum circulator service to provide additional opportunities to travel in/between these communities
- Interest clear but funding an obstacle
- Coronavirus Response and Relief Supplemental Appropriations (CRRSAA) grant funding is a potential opportunity to operate this service on a 12 month pilot basis and assess cost/viability of future service
- Seeking community input to assess support and refine concept and proposal

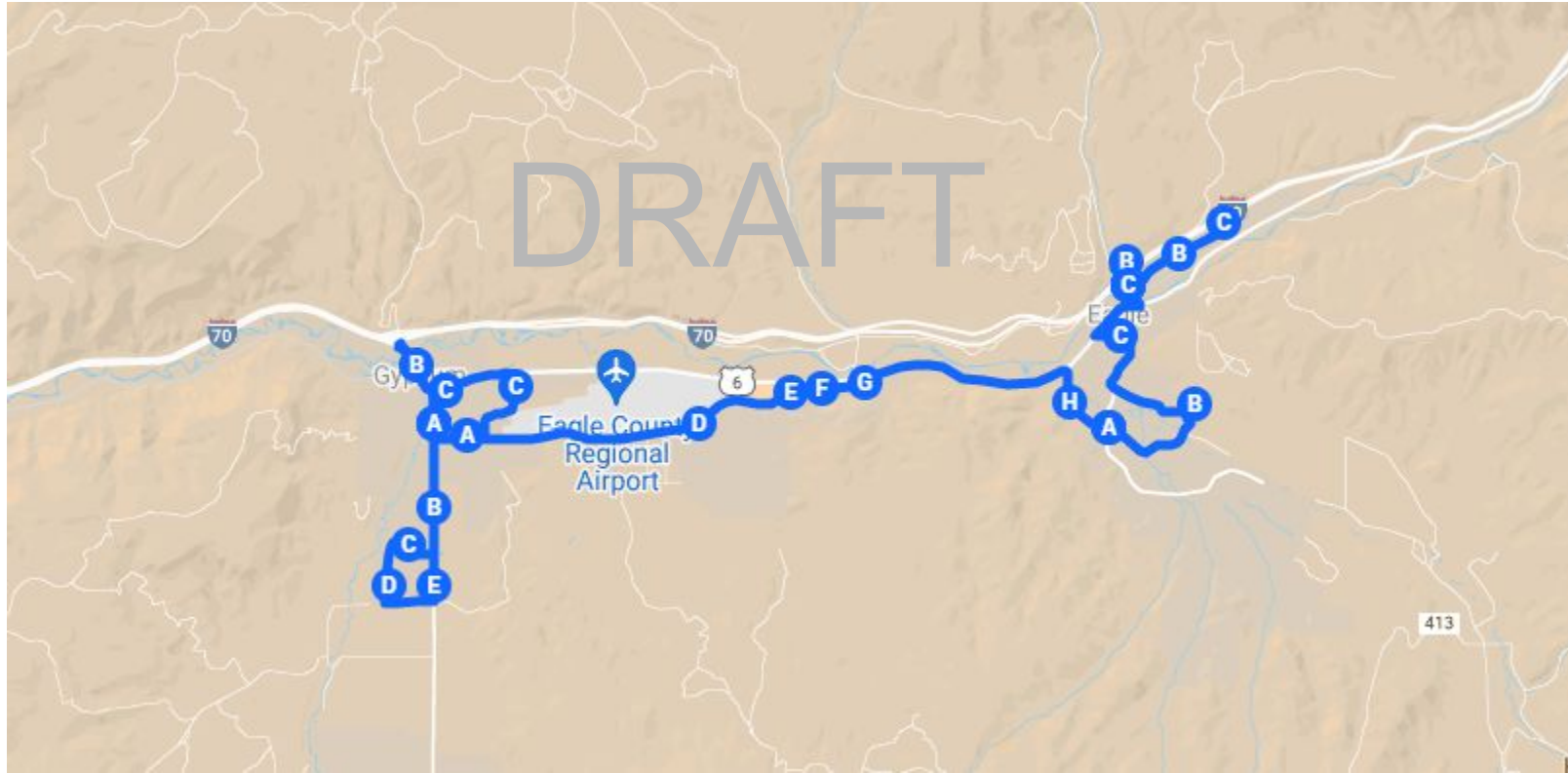
Pilot Goals

- Provide short-term support for community economic recovery by providing additional affordable transportation options
- Collect data to assist planners and decision makers with designing and budgeting for a sustainable future service expansion

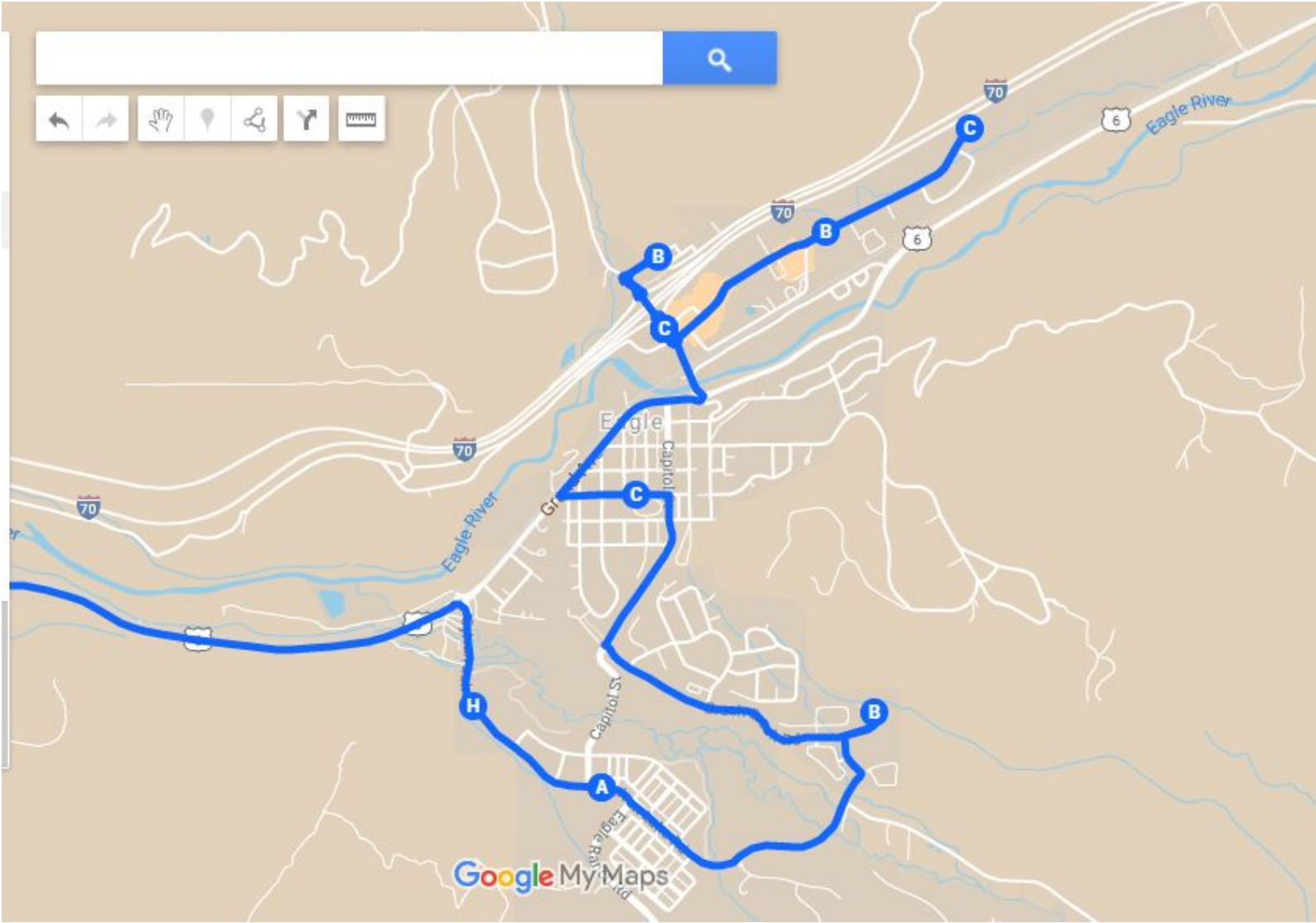
Discussion: Service Need

- Who will use this service? Among these groups, where is the most critical need?
- What are some of the key destinations?
(critical/important/desirable)
- Days/times/seasons this service is most needed?
- Ideal and acceptable wait times for this service?
- Route and critical destinations?
- Contacts for further outreach?

Potential Route and Stops



Town of Eagle Stops (DRAFT)



Next Steps

- Refine Proposal for discussion with BoCC (TBD, estimated July)

If Approved by BoCC:

- Planning, hiring, vehicle acquisition (July-Oct)
- Operation and data collection (Nov 2021-Nov 2022)
- Pilot assessment and development of future operating/budget plans (if desired) (ongoing during operations)

Other Considerations

- Our ability to launch a pilot is contingent on staffing levels.
- In-kind assistance may be requested with stop location/preparation, maintenance, and marketing/promotional activities in the Town of Eagle..

Sample Operating Costs

Scenario 1: General Purpose Service Hourly service from 7am to 7pm, 365 days a year.

Operating Costs:

Approximately \$1,040,250 annually, based on current ECO hourly costs estimates.

Scenario 2: Daytime Circulator Service Hourly service 9am-5pm, weekdays only

Operating Costs:

Approximately \$475,000 annually, based on current ECO hourly costs estimates.

Capital Cost: ~\$285,000

2-3 mid-size transit vehicles @ ~\$90k/vehicle

Signage/prep for bus stops (variable, \$400/stop for basic sign and post, 25 stops estimated)

~\$15,000



MEETING MINUTES
Town Council
Tuesday, June 8, 2021
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an in-person meeting with access to attend via Zoom.

CALL TO ORDER - 6:00 PM

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

ROLL CALL

COUNCIL MEMBERS PRESENT

Matt Solomon, Scott Turnipseed, Ellen Bodenhemier,
Janet Bartnik, Geoffrey Grimmer

COUNCIL MEMBERS ABSENT

David Gaboury, Mikel Kerst

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Peyton Heitzman, Planner
Dennis Wike, Engineer

ADOPTION OF AGENDA

There were no changes to the agenda.

MOTION: Council Member Matt Solomon motioned to adopt the agenda. The motion was seconded and passed with a vote of 5 in favor (Solomon, Turnipseed, Bodenhemier, Bartnik, and Grimmer) and 0 opposed.

PUBLIC COMMENT

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

PRESENTATIONS

1. Mountain Recreation Facility Expansion Proposal, Scott Robinson
Scott Robinson gave his presentation to the Council.

Council comments: discussion on a specific amount being requested by Mountain Recreation. Staff will prepare options for donation on June 22nd.

2. Quasi-Judicial Training, Matt Mire, Town Attorney
Matt Mire the Town Attorney provided the Council with CIRSA training regarding the quasi-judicial situation.

CONSENT AGENDA

Council comments: request to add language in the letter of support to Senator Bennet, staff will make that change.
Discussion on the process to reappropriate funds or cancel a contract approved in 2021 for 2022 services as it related to the Clarion contract.

MOTION: Council Member Janet Bartnik motioned to approve the consent agenda with amendments to the letter to Senator Bennet. The motion was seconded and passed with a vote of 5 in favor (Solomon, Turnipseed, Bodenhemier, Bartnik, and Grimmer) and 0 opposed.

1. Minutes - May 25, 2021
2. Bill Pay - May 2021
3. Resolution No. 43, Series 2021, "Approval of Professional Services Agreement for the Land Use and Development Code Update with Clarion Associates."
4. Resolution No. 45, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado adopting the Open Space and Recreation Advisory Committee Bylaws."
5. Letter of Support to Senator Bennet - Town of Eagle Grand Avenue Corridor Reconstruction

STAFF REPORTS

1. Town Manager Update
Brandy Reitter thanked the community and staff for the Eagle Outside event this past weekend.
2. Department Update

LIQUOR LICENSE AUTHORITY

1. PUBLIC HEARING: New Hotel & Restaurant License Custom Food Works LLC dba Pickled Kitchen & Pantry
Mayor Turnipseed convened as the Liquor License Authority.

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

Applicant Michael Joersz was present.

MOTION: Council Member Matt Solomon motioned to approve the Findings and Order approving a New Hotel & Restaurant License for Custom Food Works LLC dba Pickled Kitchen & Pantry located at 65 Market Street. The motion was seconded and passed with a vote of 5 in favor (Solomon, Turnipseed, Bodenhemier, Bartnik, and Grimmer) and 0 opposed.

BUSINESS ITEMS

1. PUBLIC HEARING: Discussion of the East Eagle Sub Area Plan (EESAP)
Mayor Turnipseed opened the public hearing for this item.

Chad Phillips Town Planner requested direction on the draft EESAP.

Council comments: discussion on updating the icon for river park to river access and park for clarification.

Discussion on maximum residential units in the mixed-use area. Council preference to eliminate special use permits and attempt to create use by right for the zoning. Discussion on including property east of the interchange into this plan, staff confirmed they will include the additional area in the plan. Discussion on the ability to extend services was provided by the Public Works Director. Additional comments from Colorado Parks and Wildlife regarding the wildlife corridor were also requested.

Brett Heron from Red Development presented to the Council. Brett requested to spend more time with planning staff and consultants to come back on July 13th with a revised plan.

Carolynne White presented as land use counsel for Red Development. Carolynne requested that the Council not give final direction but allow them to work with staff on the vision for this property. Red Development is seeking predictability and flexibility.

Council comments: discussion on the polling sample regarding residential may not have understood unbuilt approved residential the Town already has. Discussion on residential versus commercial, with Red Development stating the first phase of residential, would help with infrastructure and create demand for commercial businesses. Further discussion on ensuring the wildlife corridor is sufficient for animal passage.

Staff will work with landowners and consultants on the next revision to be presented on July 13, 2021.

2. PUBLIC HEARING: AN21-01 1819 Brush Creek Road
Mayor Turnipseed recused himself from this item.

Council Member Solomon acting as Mayor Pro Tem opened land-use file AN21-01 1819 Brush Creek Road.

Peyton Heitzman, Planner presented this item.

Council comments: discussion on what the current zoning is on the east and west side of this property. Staff provided it is county resource zoning and that rural residential is on the Eagle County future land use map. Staff confirmed the property was already on town water and sewer services.

Applicant Joanna Hopkins was present.

Mayor Pro Tem Solomon opened public comment. There was no public comment.

- a. Resolution No. 46 Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County"
MOTION: Council Member Janet Bartnik motioned to approve Resolution No. 46 Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County." The motion was seconded and passed with a vote of 4 in favor (Solomon, Bodenhemier, Bartnik, and Grimmer), 1 recused (Turnipseed) and 0 opposed.
- b. Ordinance No. 9 Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County and Zoning the Property Rural Residential"
MOTION: Council Member Janet Bartnik motioned to approve Ordinance No. 9 Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County and Zoning the Property Rural Residential." The motion was seconded and passed with a vote of 4 in favor (Solomon, Bodenhemier, Bartnik, and Grimmer), 1 recused (Turnipseed) and 0 opposed.
3. Resolution No. 47, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado Appointing Christopher Kehoe to serve as the Alternate Member on the Open Space and Recreation Advisory Committee."

MOTION: Council Member Matt Solomon motioned to approve Resolution No. 47, Series 2021, "A Resolution by the Town Council of the Town of Eagle, Colorado Appointing Christopher Kehoe to serve as the Alternate Member on the Open Space and Recreation Advisory Committee." The motion was seconded and passed with a vote of 5 in favor (Solomon, Turnipseed, Bodenhemier, Bartnik, and Grimmer) and 0 opposed.

4. Resolution No. 48, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Modified Code of Conduct and Ethics Policy"

Brandy Reitter presented this item.

Matt Mire Town Attorney provided an overview of remedies for violations, which would include a letter of censure and a public reprimand. The intent of this would be to alert voters to initiate a recall.

Council comments: discussed removal as a remedy to certain violations. Matt Mire stated the Town could do it but would need to determine the justification. Discussion on reducing attendance percentage from 90% to 80% annually to increase interest in serving on the Council. Further discussion on allowing attendance virtually. Additional discussion on the value of in-person meetings versus virtual. Discussion on emergency absences not counting towards the requirement and allowing the Council to determine as a whole whether to excuse those absence types. Brandy provided staff could create a virtual meeting policy for consideration as the current amendment only addresses in-person meetings. Matt Mire suggested the Council hold off on final direction and decision until a full Council is present.

5. Sweetwater Lake Funding Contribution Request

Brandy Reitter presented this item. In 2020 the Town unfunded this contribution and did not fund it in the 2021 budget. This request was approved by a previous board.

Council comments: inquiry to the Eagle Valley Land Trust on what the funding would be used for. Bergen Tjossem from the Eagle Valley Land Trust provided that the funding would be for long-term stewardship of the property. Discussion to consider the original contribution by the previous Council and support for community partners who rely on continuity from the Town, regardless of the current members.

MOTION: Council Member Ellen Bodenhemier motioned to approve the Sweetwater Lake Funding Contribution Request in the amount of \$10,000. The motion was seconded and passed with a vote of 4 in favor (Turnipseed, Bodenhemier, Bartnik, and Grimmer) and 1 opposed (Solomon).

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Choose Council Member to write for Eagle Today

Geoff Grimmer was selected.

2. Council Committee Updates

3. Future Agenda Items

Matt Solomon provided an overview of the history of the Eagle River Park.

ADJOURN – 8:45 PM

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor and Town Council
From: Brandy Reitter, Town Manager
Date: June 22, 2021
Re: Town Manager Report

Administration & Organization

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

- Municipal Broadband Finance Ordinances
- Glenwood Springs Broadband Service IGA
- Wastewater Rate and Tap Fee Study Presentation
- Downtown Development Plan

2022 Budget Development Schedule:

- July 2, 2021 – Capital Improvement Plan (CIP) due
- July 23, 2021 – Operating budgets due
- September 9, 2021 – Town Council Budget Work Session
- September 23, 2021 – Town Council Budget Work Session
- October 12, 2021 – Official presentation of the 2022 Budget
- November 9, 16, 30, 2021 – Public Hearings on the 2022 Budget
- December 14, 2021 – Adoption of the 2022 Budget

As part of my commitment to the Town Council, I provide regular updates on the boards I participate on outside of my work as the Town Manager. Everything I am involved in supports my work in the community and professionally. As of June 15, I am no longer a member of the Colorado Creative Industries Council housed in the Colorado Office of Economic Development and International Trade. I am proud to have served two governors over 6 years and to be part of economic vitality across the state.

Eagle County implemented Stage One fire restrictions last week. This summer will be hot, dry, and ripe for fire planning, mitigation and response. While the Town hasn't been notified of restrictions on fireworks, it is unlikely that the Town's celebration and the display will move forward. Staff will update the Town Council once this is confirmed.

Staff promised to include a memo as a follow-up to the communications work session in April in this packet. This memo is not included in the packet because staff is finalizing a few quotes from vendors that were delayed. Staff will email the memo to the Town Council next week and will include it in the packet on July 13.

Due to the transition with COVID-19, the School District is interested in providing 50% funding for a School Resource Officer (SRO) utilizing the Eagle Police Department. This was a collaboration that the Town and School District was engaged in and then COVID-19 changed the landscape. The Town enjoys our partnership on this initiative and the need is greater now that students are back in school.

Professional development is a thing again now that public health restrictions have been lifted and I am scheduled to attend the Colorado City-County Manager's Association conference on June 23 and June 24.

Economic Development & Planning

Eagle River Park

- Staff met with NV5 to go over 2021 projects and budgets. S2o started work on modeling for the RapidBlocs and will update the Town in July.
- NV5 is confident the Town will wrap up permits this fall after the maintenance of the fish bypass is completed.
- A meeting is scheduled with Jeff Shroll for June 21 to go over mobile vendors and acquisition.

Downtown Broadway

- CDOT's Revitalizing Main Street Grant is being deployed, Encore Electric has committed to the light installation. Work will begin when the lights are back in stock.
- The Town hosted the DDA and Downtown Alliance Board members and volunteers at a reception on June 14 to celebrate the awards the groups received.
- A survey has been sent to Downtown and Grand Avenue businesses and property owners asking for feedback on parking for the Parking Fee-in-Lieu study in progress.
- The DDA will spend the next few months refining a work plan for 1 to 3-year tactics and action items in alignment with the proposed Plan of Development.
- The DDA Board will discuss proposals to provide a proforma estimate of TIF revenues at the next meeting on July 1.

Economic Development

- The Economic Vitality Committee will have economic assessment proposals to review and make a recommendation for a Town-wide Economic Development Plan in July.

Project THOR, Broadband, and Telecom

- Town Staff met with an install team to walk the site of the fiber installation project for Eagle County. The installation should be completed in early July.
- The City of Glenwood Springs sent the Broadband Intergovernmental Agreement to the Town on June 17. Town legal staff has begun the review.

Sustainability

- The Town of Eagle will headline a “Work from Home Month” in September 2021. Walking Mountains and the Climate Action Collaborative will assist with the program.
- Facility tours will take place July 7-8 with Yearout Energy to help gather data for their performance bond assessment with the Town. Their energy and resource audit will help identify efficiencies in energy and water use in Town facilities.

Information Technology

- The staff has met with MUNIREvs to begin the onboarding process for Short Term Rental licensing. The program is tentatively set to launch on October 1, 2021.
- Network construction within Town Hall will add additional ports for wired and wireless access, improving internet access for new employees.

Grand Avenue Corridor Study

- Council members and the public are encouraged to go to the social pinpoint page for all engagement activities - <https://eaglecolorado.mysocialpinpoint.com/>
- Town Staff will meet with the Project Team for a three-hour charrette on Monday, June 28.
- The Project Team will host a series of community engagement events and design charrettes for the public July 16-20. Town Hall will host most of the activity, with planned pop-ups located around the Town to help solicit feedback.

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

- June 21 – Eagle River Park meeting with the County
- June 22 – LBWTP Town Council Tour
- June 25 – Eagle River Park Executive Committee meeting
- June 28 – Grand Avenue staff charrette
- June 30 – Manager’s Taskforce meeting
- July 1 – Town Council Retreat at Frost Creek
- July 6 – Town Council Work Session

Sincerely,



Brandy Reitter
Town Manager
Town of Eagle, CO

Town Council Requests – Once items are completed; they are deleted from the list Items in Red are new requests.		
Request Date	Request	Status
N/A	Strategy for STR memo	Not Scheduled
N/A	Plan for Mobile vending communication	Not Scheduled
N/A	Agenda Item: Plastic Bag and TREX discussion	Not Scheduled
N/A	Agenda Item: Fairgrounds annexation	Not Scheduled
N/A	Agenda Item: E-bike policies	Not Scheduled
10/13/2020	10% of tobacco funding for mitigation - policy	Not Scheduled
10/27/2020	Schedule Jacob Smith to come to a Town Council Meeting	Not scheduled
11/10/2020	Be Our Guest: Make it look less like a construction site	In Progress
1/12/2021	Work Session on sustainability and the CAC	July 6
3/9/2021	Bring back land donation proposal	Not Scheduled
3/9/2021	EQR Ordinance	Not Scheduled
3/9/2021	Broadband return un-used funds in loan documents	Not Scheduled
4/13/2021	Agenda Item: 2018 Public Presentation Policy	Not Scheduled
4/27/2021	Connect with Scott T's PRV contact	Complete
5/11/2021	Talk to County about ERP surveillance cost share	Not Scheduled
5/11/2021	Clarification on impacts of the CAC 2020 Plan update	Not Scheduled
5/11/2021	Bring back CAC 2020 Plan resolution	Not Scheduled
5/11/2021	Reach out to Eagle Ranch Housing Corp. on partnering	Not Scheduled
5/11/2021	Look into vacancy housing tax	Not Scheduled
5/11/2021	Include final community survey in packet	Not Scheduled
5/25/2021	\$1,500 donation to EVHS basketball program	In Progress
5/25/2021	Evaluate Bird Scooter proposal and bring it back	Not Scheduled
5/25/2021	Bring back street closure and how it fits with planning efforts	Not Scheduled
6/8/2021	Bring back Mountain Recreation funding proposal	Completed
6/8/2021	Update Bennett funding request letter	Completed
6/8/2021	Bring back updated Town Council attendance policy	Completed
6/8/2021	Provide a memo of the history of the Eagle River Park	Not Scheduled



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: June 22, 2021

Agenda Item: PUBLIC HEARING: Landshark Catering LLC dba Roundabout Grill - New Hotel & Restaurant Liquor License

REQUEST: The Mayor should convene as the Liquor License Authority before opening this item. The request is for consideration of approval for a new Hotel & Restaurant License for Landshark Catering LLC dba Roundabout Grill located at 131 Chambers Avenue.

BACKGROUND: Landshark Catering LLC dba Roundabout Grill is owned by Steven Bullock who submitted an application to the Town for a New Hotel & Restaurant License on May 21, 2021.

ANALYSIS: Department Staff has reviewed the application and made preliminary findings to the applicant that included the following:

1. The location of the premises for which the license is sought is 131 Chambers Avenue Eagle Colorado 81631.
2. It appears from the evidence submitted that the applicant is entitled to possession of the premises proposed to exercise the license.
3. The location proposed to sell liquor for on-site consumption is not within 500 feet proximity to a school as defined in Eagle Municipal Code.
4. The applicant has applied for and has possession of a valid Town of Eagle Business License and state-issued Sales Tax License number.
5. The \$100.00 Concurrent Review fee to the State of Colorado has been paid. All other application fees have been waived including the State Fee of \$2050.00 and the local fee of \$1075.00. The renewal fee for 2022 will include \$500.00 to the State of Colorado and \$175.00 to the Town of Eagle.

As of this date, the Town Clerk and the Eagle Police Department have completed their preliminary background investigation concerning the records of the premises, applicants, employees, and persons known to assist or finance the Applicant:

1. Pursuant to 44-3-307 (3)(a), the Town of Eagle shall have access to and consider criminal history record information of the applicants. Based upon this investigation the findings were consistent with the disclosure on the IHR regarding convictions that were more than 20 years old. The applicant has complied with all requirements regarding those charges and has received none since.
2. No undue concentration has been determined with the current class of license and does not require additional law enforcement resources as presented.
3. The neighborhood for which the Local Licensing Authority has determined as the applicable neighborhood is the Town of Eagle.

A sample petition to gather needs and desires from the adult community was provided to the applicant and the completed petition is included as an attachment to the application. Within the neighborhood there are the following

existing liquor outlets:

14 Hotel & Restaurant Licenses (1 pending)	1 Brewpub License
2 Tavern Licenses	3 Beer and Wine Licenses
4 Fermented Malt Beverage Off-Premises Licenses	4 Retail Liquor Store Licenses
1 Brewery (State Licensed)	1 Distillery (State Licensed)

COMMUNITY INPUT: This is a public hearing which was noticed at the location, in the newspaper, and on our website. The applicant will also be present to answer any questions from the Authority.

BUDGET / STAFF IMPACT: There is no budget impact other than revenue to be received for renewal in upcoming years in the amount of \$175.00 annually. All application fees were waived pursuant to Council direction.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This item does not have a direct link to a Major Objective, however, it does support "Stimulating Economic Vitality and Development" in the Market Street area. Approval of this license will allow for an additional liquor license establishment in the Town of Eagle. A denial of this license would limit the applicant's sales to non-alcoholic beverages only.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY: Findings and Order approving a New Hotel & Restaurant License for Landshark Catering LLC dba Roundabout Grill located at 131 Chambers Avenue and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado.

ATTACHMENTS:

1. 2021 STATE APPLICATION_Redacted
2. PETITION
3. NOTICE OF FINDINGS AND ORDER
4. Notice of Public Hearing - website

Page 23 of 98

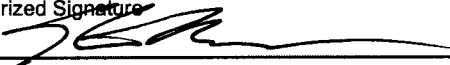
Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: www.colorado.gov/enforcement/liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information ☒ A. Applicant/Licensee identified ☒ B. State sales tax license number listed or applied for at time of application ☒ C. License type or other transaction identified ☐ D. Return originals to local authority (additional items may be required by the local licensing authority) ☐ E. All sections of the application need to be completed ☐ F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
II.	Diagram of the premises ☒ A. No larger than 8 1/2" X 11" ☒ B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) ☐ C. Separate diagram for each floor (if multiple levels) ☐ D. Kitchen - identified if Hotel and Restaurant ☒ E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) ☐ A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk ☐ B. Lease in the name of the applicant (or) (matching question #2) ☐ C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant ☐ D. Other agreement if not deed or lease. (matching question #2)
IV.	Background information (DR 8404-I) and financial documents ☐ A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) ☐ B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: IdentoGO – https://uenroll.identogo.com/ Phone: 844-539-5539 (toll-free) IdentoGO FAQs: https://www.colorado.gov/pacific/cbi/identification-faqs Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 ☐ C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license ☐ D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor/husband and wife partnership (if applicable) ☐ A. Form DR 4679 ☐ B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) ☐ A. Certificate of Incorporation ☐ B. Certificate of Good Standing ☐ C. Certificate of Authorization if foreign corporation (out of state applicants only)
VII.	Partnership applicant information (if applicable) ☐ A. Partnership Agreement (general or limited). ☐ B. Certificate of Good Standing
VIII.	Limited Liability Company applicant information (if applicable) ☐ A. Copy of articles of organization ☐ B. Certificate of Good Standing ☐ C. Copy of Operating Agreement (if applicable) ☐ D. Certificate of Authority if foreign LLC (out of state applicants only)
IX.	Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application ☐ A. \$75.00 fee ☐ B. Individual History Record (DR 8404-I) ☐ C. If owner is managing, no fee required

Name	Type of License	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes ☐ No ☒		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):		☐ ☒ ☐ ☒ ☐ ☒		
a. Been denied an alcohol beverage license?		☐ ☒		
b. Had an alcohol beverage license suspended or revoked?		☐ ☒		
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		☐ ☒		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		☐ ☒		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		☐ ☒		
Waiver by local ordinance? ☐ ☐		or ☐ ☐		
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		☐ ☐		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		☐ ☐		
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		☐ ☐		
13 b. Are you a Colorado resident?		☒ ☐		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		☒ ☐		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?		☒ ☐		
☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord EE Inc.	Tenant Landshark Catering, LLC	Expires 5/31/22		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		☐ ☐		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:		☐ ☐		
Has a local ordinance or resolution authorizing optional premises been adopted?		☐ ☐		
Number of additional Optional Premise areas requested. (See license fee chart) _____				
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.				
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?				
☐ ☐				
If "yes" a copy of license must be attached.				

Name	Type of License	Account Number		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		Yes ☐ No ☐		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		Yes ☐ No ☐		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		Yes ☐ No ☐		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes ☐ No ☐		
22. Campus Liquor Complex applicants answer the following:				
a. Is the applicant an institution of higher education?		Yes ☐ No ☐		
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.		Yes ☐ No ☐		
23. For all on-premises applicants.				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager		First Name of Manager		
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes ☐ No ☒		
25. Related Facility - Campus Liquor Complex applicants answer the following:		Yes ☐ No ☐		
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.				
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
26. Tax Information.		Yes ☐ No ☐		
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?		Yes ☐ No ☐		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?		Yes ☐ No ☐		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name	Home Address, City & State	DOB	Position	%Owned
STEPHEN BULLOCK	6008 Lost Lake Cypress Co	5-13-71	OWNER	100%
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☐ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name	Type of License	Account Number
Oath Of Applicant		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.		
Authorized Signature 	Printed Name and Title STEPHEN W. Bullock	Date 4-20-21
Report and Approval of Local Licensing Authority (City/County)		
Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)	
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been: ☒ Fingerprinted ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One) ☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority		
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?		Yes No ☐ ☐
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?		Yes No ☐ ☐
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		Yes No ☐ ☐
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.		
Local Licensing Authority for Town of Eagle	Telephone Number 9703289623	☒ Town, City ☐ County
Signature	Print	Title
Signature	Print	Title
		Date

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit:** www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted

I. Applicant information

- ☐ A. Applicant/Licensee identified
- ☐ B. State sales tax license number listed or applied for at time of application
- ☐ C. License type or other transaction identified
- ☐ D. Return originals to local authority (additional items may be required by the local licensing authority)
- ☐ E. All sections of the application need to be completed
- ☐ F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application

II. Diagram of the premises

- ☐ A. No larger than 8 1/2" X 11"
- ☐ B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- ☐ C. Separate diagram for each floor (if multiple levels)
- ☐ D. Kitchen - identified if Hotel and Restaurant
- ☐ E. Bold/Outlined Licensed Premises

III. Proof of property possession (One Year Needed)

- ☐ A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk
- ☐ B. Lease in the name of the applicant (or) (matching question #2)
- ☐ C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant
- ☐ D. Other agreement if not deed or lease. (matching question #2)

IV. Background information (DR 8404-I) and financial documents

- ☐ A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)
- ☐ B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. **Do not complete fingerprint cards prior to submitting your application.**
The Vendors are as follows:
IdentoGO – <https://uenroll.identogo.com/>
Phone: 844-539-5539 (toll-free)
IdentoGO FAQs: <https://www.colorado.gov/pacific/cbi/identification-faqs>
Colorado Fingerprinting – <http://www.coloradofingerprinting.com>
Appointment Scheduling Website: <http://www.coloradofingerprinting.com/cabs/>
Phone: 720-292-2722 Toll Free: 833-224-2227
- ☐ C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license
- ☐ D. List of all notes and loans (Copies to also be attached)

V. Sole proprietor/husband and wife partnership (if applicable)

- ☐ A. Form DR 4679
- ☐ B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

VI. Corporate applicant information (if applicable)

- ☐ A. Certificate of Incorporation
- ☐ B. Certificate of Good Standing
- ☐ C. Certificate of Authorization if foreign corporation (out of state applicants only)

VII. Partnership applicant information (if applicable)

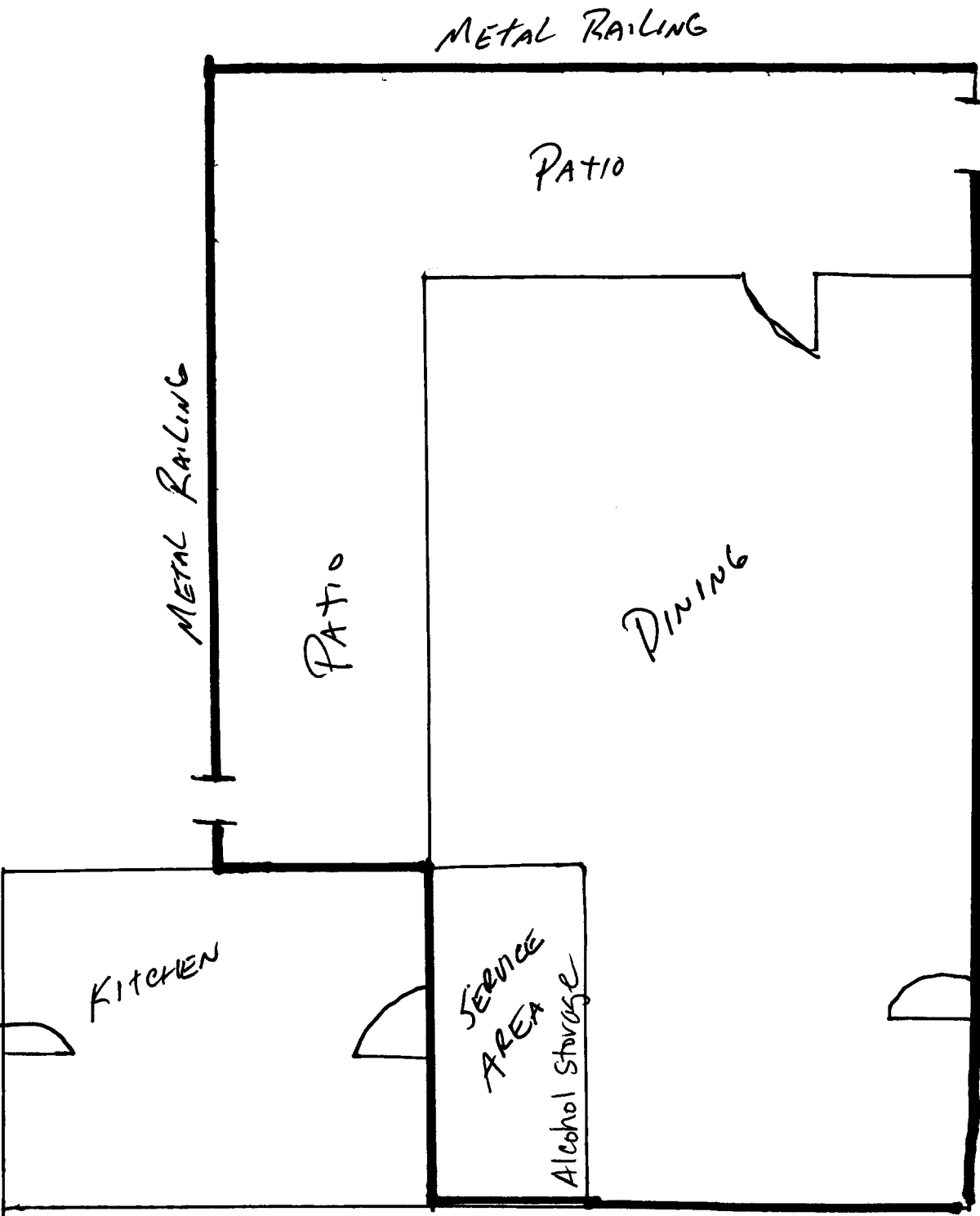
- ☐ A. Partnership Agreement (general or limited).
- ☐ B. Certificate of Good Standing

VIII. Limited Liability Company applicant information (if applicable)

- ☐ A. Copy of articles of organization
- ☐ B. Certificate of Good Standing
- ☐ C. Copy of Operating Agreement (if applicable)
- ☐ D. Certificate of Authority if foreign LLC (out of state applicants only)

IX. Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application

- ☐ A. \$75.00 fee
- ☐ B. Individual History Record (DR 8404-I)
- ☐ C. If owner is managing, no fee required



Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business <i>Landshare Catering LLC</i>		Home Phone Number <i>N/A</i>	Cellular Number <i>970-390-6923</i>	
2. Your Full Name (last, first, middle) <i>BULLOCK STEPHEN WALTER</i>		3. List any other names you have used		
4. Mailing address (if different from residence) <i>P.O. BOX 781 EAGLE, CO 81637</i>		Email Address <i>STEVE@LANDSHARECATERING.COM</i>		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current <i>602 Lost Lane</i>		<i>Copperton, CO 81637</i>		<i>2015</i>
Previous				<i>Present</i>
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)	Position Held	From
To				
<i>LANDSHARE Catering</i>		<i>602 Lost Lane Copperton, CO 81637</i>	<i>OWNER</i>	<i>2014</i>
				<i>Present</i>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) ☒ Yes ☐ No				
<i>HAD A LIQUOR LICENSE IN ARIZONA, CO FOR 5 YEARS. 2008-2013</i>				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) ☐ Yes ☒ No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) ☒ Yes ☐ No

DEFERRED SENTENCE IN FLA. 25 YEARS AGO

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) ☐ Yes ☒ No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) ☐ Yes ☒ No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth *05-13-1971* b. Social Security Number [REDACTED] c. Place of Birth *JACKSONVILLE FLA.* d. U.S. Citizen ☒ Yes ☐ No
 e. If Naturalized, state where f. When g. Name of District Court
 h. Naturalization Certificate Number i. Date of Certification j. If an Alien, Give Alien's Registration Card Number k. Permanent Residence Card Number
 l. Height *5'7"* m. Weight *170lbs* n. Hair Color *BROWN* o. Eye Color *BLUE* p. Gender *MALE* q. Do you have a current Driver's License/ID? If so, give number and state. ☒ Yes ☐ No # [REDACTED] State *CO*

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ *35,000*

* If corporate investment only please skip to and complete section (d)

** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
<i>CASH</i>	<i>BUSINESS</i>	<i>1st BANK</i>	<i>15,000</i>
<i>CASH</i>	<i>CHECKING</i>	<i>1st BANK</i>	<i>12,000</i>
<i>CASH</i>	<i>SAVINGS</i>	<i>1st BANK</i>	<i>10,000</i>

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature *[Signature]* Print Signature *HEATHER BULLOCK* Title *OWNER* Date *5-20-21*

Tax Check Authorization, Waiver, and Request to Release Information

I, STEPHEN Bullock am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Mountain View Cell (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>STEPHEN Bullock / LAMSHARK CATERING</u>		Social Security Number/Tax Identification Number <u>[REDACTED] 46-350-6266</u>	
Address <u>1320 CHAMBERS AVE #3</u>			
City <u>EAGLE</u>		State <u>CO</u>	Zip <u>81631</u>
Home Phone Number <u>970-390-6923</u>		Business/Work Phone Number <u>970-328-4384</u>	
Printed name of person signing on behalf of the Applicant/Licensee			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>[Signature]</u>			Date signed <u>4-20-21</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Landshark Catering

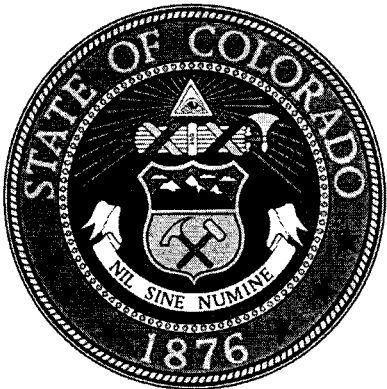
is a

Limited Liability Company

formed or registered on 06/13/2013 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20131348326 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 05/19/2021 that have been posted, and by documents delivered to this office electronically through 05/20/2021 @ 12:08:13 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 05/20/2021 @ 12:08:13 in accordance with applicable law. This certificate is assigned Confirmation Number 13184385 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Document must be filed electronically.
Paper documents are not accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
Date and Time: 06/13/2013 03:27 PM
ID Number: 20131348326
Document number: 20131348326
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Landshark Catering

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

963 Lionsridge Loop

(Street number and name)

504

Vail

(City)

CO

(State)

81657

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

PO Box 2522

(Street number and name or Post Office Box information)

Vail

(City)

CO

(State)

81658

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Bullock

(Last)

Stephen

(First)

Walter

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

963 Lionsridge Loop

(Street number and name)

Vail

(City)

CO

(State)

81658

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO
(State) _____
(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Bullock Stephen Walter
(Last) (First) (Middle) (Suffix)
or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 963 Lionsridge Loop
(Street number and name or Post Office Box information)
504
Vail CO 81658
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in
(Mark the applicable box.)

☒ one or more managers.

or

☐ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Bullock</u>	<u>Stephen</u>	<u>Walter</u>	
(Last)	(First)	(Middle)	(Suffix)
<u>963 Lionsridge Loop</u>			
(Street number and name or Post Office Box information)			
<u>504</u>			
<u>Vail</u>	<u>CO</u>	<u>81657</u>	
(City)	(State)	(ZIP/Postal Code)	
<u>United States</u>			
(Province – if applicable)	(Country)		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

April 29, 2021

Landshark Catering LLC
Stephen Bullock
0131 Chambers Ave.
Eagle, Co 81631

Dear Stephen:

As the Landlord of the property located at 0131 Chambers Ave, Eagle CO., I give you permission to apply for an alcohol license and to serve alcohol in the restaurant and on the patio located on the property.

Handwritten signature of Ed Oyler and the date 4/29/21.

Ed Oyler
Eagle Sinclair

Fixed-Term Commercial Lease

Clause 1. Identification of Landlord and Tenant

This Agreement is entered into on THURS April 29, _____, 2021 _____, between Landshark Catering LLC ("Tenant") and EE Inc. D/B/A/ Eagle Sinclair ("Landlord"). Each Tenant is jointly and severally liable for the payment of rent and performance of all other terms of this Agreement.

Clause 2. Identification of Premises

Subject to the terms and conditions in this Agreement, Landlord rents to Tenant, and Tenant rents from Landlord, for commercial purposes only, the premises located at 0131 Chambers Ave. Eagle, Co _____, ("the premises"), together with the following furnishings and appliances:

Three Door True Cooler

Rental of the premises also includes

Clause 3. Limits on Use and Occupancy

The premises are to be used only as a place of business for Tenant(s) listed in Clause 1 of this Agreement..

Clause 4. Term of the Tenancy

The term of the rental will begin on June 1, 2021, and end on May 31, 2022. If Tenant vacates before the term ends, Tenant will be liable for the balance of the rent for the remainder of the term.

Clause 5. Payment of Rent

Regular monthly rent.

Tenant will pay to Landlord a monthly rent of \$ 3000.00, payable in advance on the first day of each month, except when that day falls on a weekend or legal holiday, in which case rent is due on the next business day. Rent will be paid to Eagle Sinclair at 0131 Chambers Ave, Eagle, Co or at such other place as Landlord designates.

Delivery of payment.

Rent may be paid:

 by mail, to _____
X in person, at 0131 Chambers Ave, Eagle CO

Form of payment.

Landlord will accept payment in these forms:

X personal check made payable to Eagle Sinclair
X cashier's check made payable to Eagle Sinclair
 money order
 cash

Pro-rated first month's rent. N/A

For the period from Tenant's move-in date _____, 2021__, through the end of the month, Tenant will pay to Landlord the pro-rated monthly rent of \$ _____. This amount will be paid on or before the date the Tenant moves in.

Clause 6. Late Charges

If Tenant fails to pay the rent in full before the end of the _____10th_____ day after it's due, Tenant will pay Landlord a late charge of 3% of the unpaid rent amount. Landlord does not waive the right to insist on payment of the rent in full on the date it is due.

Clause 7. Returned Check and Other Bank Charges

If any check offered by Tenant to Landlord in payment of rent or any other amount due under this Agreement is returned for lack of sufficient funds, a "stop payment" or any other reason, Tenant will pay Landlord a returned check charge of \$____30.00_____.

Clause 8. Security Deposit

On signing this Agreement, Tenant will pay to Landlord the sum of \$____3000.00_____ as a security deposit. Tenant may not, without Landlord's prior written consent, apply this security deposit to the last month's rent or to any other sum due under this Agreement. Within _____90_____ after Tenant has vacated the premises, returned keys and provided Landlord with a forwarding address, Landlord will give Tenant an itemized written statement of the reasons for, and the dollar amount of, any of the security deposit retained by the Landlord, along with a check for any deposit balance.

Clause 9. Utilities

Tenant will pay the following charges:

- 1) Telephone
- 2) Electricity
- 3) Internet
- 4) Trash
- 5) Gas

Clause 10. Assignment and Subletting

Tenant will not sublet any part of the premises or assign this Agreement without the prior written consent of Landlord.

Clause 11. Tenant's Maintenance Responsibilities

Tenant will: (1) keep the premises clean, sanitary and in good condition and, upon termination of the tenancy, return the premises to Landlord in a condition identical to that which existed when Tenant took occupancy, except for ordinary wear and tear; (2) immediately notify Landlord of any defects or dangerous conditions in and about the premises of which Tenant becomes aware; and (3) reimburse Landlord, on demand by Landlord, for the cost of any repairs to the premises damaged by Tenant or Tenant's guests or business invitees through misuse or neglect.

Tenant has examined the premises, including appliances, fixtures, and paint, and has found them to be in good, safe and clean condition and repair, except as noted in the Landlord/Tenant Checklist.

Clause 12. Repairs and Alterations by Tenant

a. Except as provided by law, as authorized below or by the prior written consent of Landlord, Tenant will not make any repairs or alterations to the premises.

See Addendum A

b. Tenant will not, without Landlord's prior written consent, alter, re-key or install any locks to the premises or install or alter any burglar alarm system. Tenant will provide Landlord with a key or keys capable of unlocking all such re-keyed or new locks as well as instructions on how to disarm any altered or new burglar alarm system.

Clause 13. Violating Laws and Causing Disturbances

Tenant is entitled to quiet enjoyment of the premises. Tenant and customers will not use the premises or adjacent areas in such a way as to: (1) violate any law or ordinance, including laws prohibiting the use, possession or sale of illegal drugs; (2) commit waste (severe property damage); or (3) create a nuisance by annoying, disturbing, inconveniencing or interfering with the quiet enjoyment and peace and quiet of any other tenant .

Clause 14. Pets

No animal, bird or other pet will be kept on the premises.

Clause 15. Landlord's Right to Access

Landlord or Landlord's agents may enter the premises in the event of an emergency, to make repairs or improvements or to show the premises to prospective buyers or tenants. Landlord may also enter the premises to conduct an annual inspection to check for safety or maintenance problems. Except in cases of emergency, Tenant's abandonment of the premises, court order, or where it is impracticable to do so, Landlord shall give Tenant ____24 hours_____ notice before entering.

Clause 16. Possession of the Premises

a. Tenant's failure to take possession.

If, after signing this Agreement, Tenant fails to take possession of the premises, Tenant will still be responsible for paying rent and complying with all other terms of this Agreement.

b. Landlord's failure to deliver possession.

If Landlord is unable to deliver possession of the premises to Tenant for any reason not within Landlord's control, including, but not limited to, partial or complete destruction of the premises, Tenant will have the right to terminate this Agreement upon proper notice as required by law. In such event, Landlord's liability to Tenant will be limited to the return of all sums previously paid by Tenant to Landlord.

Clause 17. Payment of Court Costs and Attorney Fees in a Lawsuit

In any action or legal proceeding to enforce any part of this Agreement, the prevailing party ____ shall not / ~~X~~ shall recover reasonable attorney fees and court costs.

Clause 18. Authority to Receive Legal Papers

The Landlord, any person managing the premises, and anyone designated by the Landlord are authorized to accept service of process and receive other notices and demands, which may be delivered to:

✓ The Landlord, at the following address:
131 Chambers Ave Eagle, Colo. 81631

___ The manager, at the following address:

___ The following person at the following address:

Clause 19. Additional Provisions

Additional provisions are as follows:

Clause 20. Validity of Each Part

If any portion of this Agreement is held to be invalid, its invalidity will not affect the validity or enforceability of any other provision of this Agreement.

Clause 21. Entire Agreement

a. This document constitutes the entire Agreement between the parties, and no promises or representations, other than those contained here and those implied by law, have been made by Landlord or Tenant. Any modifications to this Agreement must be in writing signed by Landlord and Tenant.

b. The failure of Tenant or It's customers to comply with any term of this Agreement is grounds for termination of the tenancy, with appropriate notice to tenants and procedures as required by law.

Date 4/29/21

Landlord or Landlord's Agent 

Title Owner

Street Address 131 Chambers Ave

City, State & Zip Engle 106.87631

Phone 920 328 1611

Date 4-29-21

Tenant LANDMARK Catering LLC.

Phone 970-390-6923

Date 4/29/21

Tenant _____

Phone _____

Affidavit - Restrictions On Public Benefits

I, STEPHEN W. BULL, swear or affirm under penalty of perjury
under the laws of the State of Colorado that (check one):

- ☒ I am a United States citizen.
- ☐ I am not a United States citizen but I am a Permanent Resident of the United States.
- ☐ I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law.
- ☐ I am a foreign national not physically present in the United States.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature



Date (MM/DD/YY)

5-21-21

Hotel & Restaurant
 PETITION FOR ISSUANCE OF A BEER AND WINE LIQUOR LICENSE AT THIS LOCATION:
131 Chambers Ave EAGLE, COLORADO

	NAME	PHYSICAL ADDRESS	PO BOX	OVER 21	DATE
1	Orin Cobb	345 Whitetail Drive Gypsum Co.	3992	✓	11/26/21
2	Walter Knapp	429 Nielsen Gulch Rd Eagle	1911	✓	4/27/21
3	PAULA IMHOFF	1370 SPRING CREEK RD Gypsum Co	498	✓	5/23/21
4	Michael Campbell	40 River Pines CT B-102 Edwards Co 81632	3033 Avon	✓	5/25/21
5	DARE E. NELSON	510 BROADWAY EDWARDS CO 81631	1554	✓	5/25/21
6	Kevin West	700 Last Lane Gypsum Co 81637	2515	✓	5/25/21
7	Brian Smith	5201 Sunset Ridge Ct, Grand Spier Co	5201 Grand	✓	5/25/21
8	Mann Herzbach	105 Edwards Village Blvd Avon, Co 81632	2901	✓	5/26/21
9	MARCA MONTANA	608 Last Lane Gypsum, Co 81631		✓	6/8/21
10	Rolyn Grimes	108 Mira Monte Rd GJ Co 81507		✓	6-13-21
11	Paul Grimes	102 Mira Monte Rd GJ Co 81507		✓	6/18/21
12	Ryan Smith	801 unit 11 Golden eagle pr castle	1457 Avon	✓	6-18-21
13	MARKEN BELLEK	1320 CHAMBERS AVE	701	✓	6-18-21
14	Kayli Johnson	2480 S Fig Ct Lakewood Co 80228		✓	6/18/21
15	Kayla Blood	12526 E Cornell Ave #304 Aurora, CO		✓	6/18/21
16	Curtis A Cook	921 Meadows circle Pikesburg CO 81432	807	✓	6-19-21
17	Phyllis	PO Box 271 Eagle CO 81631	271	✓	6/19/21
18	Anna Granier	950 Valley Road Gypsum, CO 81637	Home delivery	X	06/19/2021
19	JUDY RIMLEY	8291 TANKER DR, EAGLE, CO 81631	878	✓	06/18/21
20	Jane CUMMINS	2802 Brushcreek Rd Eagle Co 81631	5506	✓	6/19/21
21	Lee Smith	1320 CHAMBERS AVE EAGLE CO 81631		✓	6-18-21
22	Brian Dine	230 CHAMBERS AVE EAGLE 81631		✓	6-18-21
23					
24					
25					
26					
27					
28					
29					
30					



BEFORE THE TOWN OF EAGLE LIQUOR LICENSING AUTHORITY

200 BROADWAY
PO BOX 609
EAGLE CO 81631

FINDINGS AND ORDER APPROVING NEW LICENSE

IN THE MATTER OF

New Hotel & Restaurant License
Landshark Catering LLC d/b/a Roundabout Grill
Address: 131 Chambers Avenue

Having considered the application of Steven Bullock Owner of Landshark Catering LLC d/b/a Roundabout Grill for a new Hotel & Restaurant License, and all attachments submitted therewith (the "Application"), having held a public hearing on the Application on June 22, 2021, following due and proper notice, all in accordance with the Colorado Liquor Code, 44-3-101 et seq., C.R.S., and having considered all relevant and competent evidence admitted at the said public hearing, the Local Licensing Authority FINDS AS FOLLOWS:

1. There has not been a denial of an application at the same location by either the State or Local Licensing Authority within two (2) years preceding the date of the application.
2. The Applicant has submitted evidence that they are 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. Approval has or will be provided by the Building Official and Planning Department prior to issuance of State and Local Licenses.
5. The applicant has provided evidence via petition 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.
6. No undue concentration has been determined with the current class of license and does not require additional law enforcement resources as presented.

BASED UPON THE FOREGOING, THE LOCAL LICENSING AUTHORITY HEREBY ORDERS that the application of Steven Bullock Owner of Landshark Catering LLC d/b/a Roundabout Grill for a new Hotel & Restaurant License is hereby GRANTED.

DATED this 22nd day of June 2021

LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF EAGLE

Scott Turnipseed, Chair

ATTEST:

Jenny Rakow, Town Clerk

PUBLIC NOTICE
TOWN OF EAGLE
NEW LICENSE APPLICATION – HOTEL & RESTAURANT LICENSE

Notice is hereby given that the Town Council, acting as the Local Liquor Licensing Authority, shall hold a public hearing on the application of **LANDSHARK CATERING LLC DBA ROUNDABOUT GRILL** dated May 21, 2021, requesting a Hotel & Restaurant License, located at 131 Chambers Avenue, Eagle, Colorado 81631. Said hearing will be held on Tuesday, June 22, 2021 at 6:00 p.m. during a Town Council meeting held either virtual or at the Eagle Town Hall, 200 Broadway. All persons interested in the aforementioned application may appear before the Town Council and present testimony or may submit written correspondence to the Eagle Town Clerk, at clerk@townofeagle.org or PO Box 609 Eagle CO 81631.

By: **Jenny Rakow**
Town Clerk

Published: June 10, 2021 Eagle Valley Enterprise



To: Mayor and Town Council

From: Jill Kane, Finance Director

Date: June 22, 2021

Agenda Item: 2021 Supplemental Budget Amendment Proposal

REQUEST: Staff requests that the Council review the proposed 2021 budget amendments and provide feedback to staff for any adjustments.

BACKGROUND: There have been several items that have come up in 2021, along with carryover projects from 2020, that will require an amendment. This proposal amends the General Fund, Water Fund, Capital Improvement Fund, Sales Tax Capital Improvement Fund, Conservation Trust Fund, and Open Space Fund. The Town must adopt a supplemental budget amendment to authorize spending in excess of the original budget appropriations. If Council is comfortable with the amendments, staff will bring back an ordinance for approval and we will hold a public hearing at the July 13th meeting.

ANALYSIS: A supplemental budget amendment is an amendment where additional revenues/funds are available in excess of amounts budgeted and there is a need to increase the budget for an expense. Supplemental appropriations require a public hearing, Council adoption of a budget amendment by formal action, and filing the adopted resolution or ordinance amending the budget with the Division of Local Government.

Below is a summary of the proposed amendments and the estimated impacts to fund balances. Staff is not currently including revenue adjustments unless the revenue adjustment is correlated to a proposed expenditure. 2021 projected revenue adjustments will be made through the budget process.

General Fund:

The following are proposed revisions to expenditure appropriations in the Town Council department within the General Fund:

- Increase of \$4,000 from \$50,000 to \$54,000 for community request donations to San Jan and La Plata County Search & Rescue teams
- Increase Eagle Bucks Program funding by \$43,630 from \$60,000 to \$103,630

With the proposed amendments, the revised estimated 2021 yearend (YE) General Fund balance is \$2,516,145 which is \$47,630 lower than the original projected ending fund balance.

Water Fund:

Staff proposes rolling over the remaining \$1,778,990 from the 2020 LBWTP budget to the 2021 LBWTP Budget. Since this is a roll over from the prior year there will be no change to the estimated YE 2021 Water Fund balance, it will remain at \$10,007,682.

Capital Improvement Fund (CIF):

The following are proposed revisions to expenditure appropriations in the CIF:

- Increase Project THOR budget by \$423,502 for items that were not included in the original 2021 budget
 - Comcast Joint Trench – Grand Ave & Sylvan Lake - \$3,091
 - Public Works Fiber and Shelter - \$407,791
 - Vero Networks – Grand Ave Joint Trench - \$12,620

The following is a proposed revision to CIF revenue estimates:

- Increase Grant Revenue by \$200,000 for the Public Works Fiber and Shelter Grant

With the proposed amendments, the revised estimated YE 2021 CIF fund balance is \$7,509,188 which is \$223,502 lower than the original projected ending fund balance for 2021.

Sales Tax Capital Improvement Fund (STCIF):

The following are proposed revisions to expenditure appropriations in the STCIF that were discussed during the April 13, 2021 Council meeting totaling a \$13,464 increase to expenditures:

- Add \$12,000 for 404 permit testing
- Add an additional \$1,000 for Macroinvertebrate testing
- Add \$9,000 for NV5 Engineering Services
- Add \$8,000 for additional fish bypass improvement
- Add \$5,000 for the donor wall
- Reappropriate \$5,000 for wetland plantings to the expenses above, reducing the cost from \$15,000 to \$10,000
- Reappropriate \$5,000 for Rapid Blocs to the expenses above, reducing the expense from \$35,000 to \$30,000
- Reappropriate \$11,536 budgeted for Eagle River Water Chemistry Monitoring and Colorado Analytical Lab testing that is no longer required to the other necessary testing expenses

With the proposed amendments, the revised estimated YE 2021 STCIF fund balance is \$1,184,713 which is \$13,464 lower than the original projected ending fund balance for 2021.

Conservation Trust Fund (CTF):

Staff budgeted \$30,000 in the CTF for the Open Space Master Plan, however all bids received have come in closer to \$50,000. Staff is proposing increasing the budget to \$53,000.

With the proposed amendment, the revised estimated YE 2021 CTF fund balance is \$89,417 which is \$23,000 lower than the original projected ending fund balance for 2021.

Open Space Fund:

The following are proposed revisions to expenditure appropriations in the Open Space Fund:

- Add \$10,000 for the contribution to the Eagle Valley Land Trust for the purchase of Sweet Water Lake (*approved at the June 6th Council meeting*)
- The Council transferred \$150,000 to the Open Space Fund from the General Fund in 2020
 - Council requested staff include the \$150,000 in expenditures appropriations
 - The Council identified approximately \$25,000 in spending for Haymaker Trailhead improvements; the remaining \$125,000 remains unidentified at this time

With the proposed amendments, the revised estimated YE 2021 Open Space fund balance is \$139,686 which is \$160,000 lower than the original projected ending fund balance for 2021.

COMMUNITY INPUT: There will be a public hearing on July 13, 2021.

BUDGET/STAFF IMPACT: See budget attachments for additional detail.

BUDGET - ALL FUNDS SUMMARY						SUPPLEMENTAL CHANGE
TOTAL - ALL FUNDS:	2019 ACTUAL	2020 BUDGET	2020 REVISED	2021 BUDGET	2021 REVISED	
BEGINNING FUND BALANCE	\$ 47,513,789	\$ 38,145,274	\$ 41,559,117	\$ 32,699,316	\$ 34,478,306	\$ 1,778,990
REVENUES	18,385,430	19,398,976	20,255,726	20,397,327	20,597,327	200,000
TRANSFERS-IN FROM OTHER FUNDS	366,120	746,281	2,345,641	2,060,000	2,010,000	(50,000)
EXPENDITURES	(24,340,102)	(33,353,537)	(29,115,527)	(23,027,176)	(25,423,762)	(2,396,586)
TRANSFERS-OUT TO OTHER FUNDS	(366,120)	(796,281)	(2,345,641)	(2,070,000)	(2,070,000)	-
ENDING FUND BALANCE	\$ 41,559,117	\$ 24,140,713	\$ 32,699,316	\$ 30,059,467	\$ 29,591,871	\$ (467,596)

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: The 2021 proposed budget amendment items reflect business values and help accomplish the major objectives prioritized by the Town Council.

The actual budget amendment reflects the Town's "transparency and community engagement" guiding principle in which we strive to continue to build public trust by communicating in a timely manner and receiving feedback from the public concerning the Town's budget and any amendments thereto.

RECOMMENDED ACTION OR PROPOSED MOTION:

- Council discussion regarding proposed budget amendments
- Direct staff to draft ordinance for a 2021 Supplemental Budget Amendment and post notice for a public hearing at the next Council meeting on July 13th

ATTACHMENTS:

- 2021 Budget - All Fund Summaries with Budget Amendments

BUDGET - ALL FUNDS SUMMARY

	<u>2019 ACTUAL</u>	<u>2020 BUDGET</u>	<u>2020 REVISED</u>	<u>2021 BUDGET</u>	<u>2021 REVISED</u>	<u>SUPPLEMENTAL CHANGE</u>
GENERAL FUND:						
BEGINNING FUND BALANCE	\$ 3,370,971	\$ 3,188,090	\$ 4,445,369	\$ 4,052,698	\$ 4,052,698	\$ -
REVENUES	7,522,117	7,104,123	8,844,354	8,735,227	8,735,227	-
TRANSFERS-IN FROM OTHER FUNDS	16,120	16,281	115,641	20,000	20,000	-
EXPENDITURES	(6,113,838)	(7,357,888)	(7,122,666)	(8,194,150)	(8,241,780)	(47,630)
TRANSFERS-OUT TO OTHER FUNDS	(350,000)	(730,000)	(2,230,000)	(2,050,000)	(2,050,000)	-
ENDING FUND BALANCE	\$ 4,445,369	\$ 2,220,606	\$ 4,052,698	\$ 2,563,775	\$ 2,516,145	\$ (47,630)
WATER FUND:						
BEGINNING FUND BALANCE	\$ 32,359,003	\$ 23,308,375	\$ 24,360,097	\$ 13,245,133	\$ 15,024,123	\$ 1,778,990
REVENUES	4,904,137	5,462,699	6,205,170	5,177,020	5,177,020	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	-	-	-
EXPENDITURES	(12,903,043)	(20,924,183)	(17,320,134)	(8,414,471)	(10,193,461)	(1,778,990)
TRANSFERS-OUT TO OTHER FUNDS	-	-	-	-	-	-
ENDING FUND BALANCE	\$ 24,360,097	\$ 7,846,891	\$ 13,245,133	\$ 10,007,682	\$ 10,007,682	\$ -
WASTE WATER FUND:						
BEGINNING FUND BALANCE	\$ 5,202,445	\$ 5,779,337	\$ 6,362,271	\$ 6,867,710	\$ 6,867,710	\$ -
REVENUES	3,549,909	2,913,080	3,306,815	3,691,000	3,691,000	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	-	-	-
EXPENDITURES	(2,390,083)	(2,980,748)	(2,801,376)	(2,653,828)	(2,653,828)	-
TRANSFERS-OUT TO OTHER FUNDS	-	-	-	-	-	-
ENDING FUND BALANCE	\$ 6,362,271	\$ 5,711,669	\$ 6,867,710	\$ 7,904,882	\$ 7,904,882	\$ -
REFUSE FUND:						
BEGINNING FUND BALANCE	\$ 224,990	\$ 224,990	\$ 255,570	\$ 233,307	\$ 233,307	\$ -
REVENUES	635,163	646,468	620,828	667,750	667,750	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	-	-	-
EXPENDITURES	(588,463)	(622,133)	(623,091)	(640,899)	(640,899)	-
TRANSFERS-OUT TO OTHER FUNDS	(16,120)	(16,281)	(20,000)	(20,000)	(20,000)	-
ENDING FUND BALANCE	\$ 255,570	\$ 233,044	\$ 233,307	\$ 240,158	\$ 240,158	\$ -
STORMWATER FUND:						
BEGINNING FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES	-	103,000	-	106,000	106,000	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	-	-	-
EXPENDITURES	-	(83,000)	-	(106,000)	(106,000)	-
TRANSFERS-OUT TO OTHER FUNDS	-	-	-	-	-	-
ENDING FUND BALANCE	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ -
CAPITAL IMPROVEMENTS FUND:						
BEGINNING FUND BALANCE	\$ 4,713,587	\$ 4,865,013	\$ 5,024,966	\$ 6,854,522	\$ 6,854,522	\$ -
REVENUES	573,991	2,372,965	461,884	1,169,250	1,369,250	200,000
TRANSFERS-IN FROM OTHER FUNDS	350,000	730,000	2,230,000	1,890,000	1,890,000	-
EXPENDITURES	(612,612)	(593,284)	(766,687)	(2,181,082)	(2,604,584)	(423,502)
TRANSFERS-OUT TO OTHER FUNDS	-	(50,000)	(95,641)	-	-	-
ENDING FUND BALANCE	\$ 5,024,966	\$ 7,324,694	\$ 6,854,522	\$ 7,732,690	\$ 7,509,188	\$ (223,502)
SALES TAX CAPITAL IMPROVEMENT FUND (EAGLE RIVER PARK FUND):						
BEGINNING FUND BALANCE	\$ 1,319,247	\$ 432,961	\$ 709,163	\$ 1,040,953	\$ 1,040,953	\$ -
REVENUES	1,007,234	614,836	706,250	725,200	725,200	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	-	-	-
EXPENDITURES	(1,617,317)	(551,774)	(374,460)	(567,976)	(581,440)	(13,464)
TRANSFERS-OUT TO OTHER FUNDS	-	-	-	-	-	-
ENDING FUND BALANCE	\$ 709,163	\$ 496,023	\$ 1,040,953	\$ 1,198,177	\$ 1,184,713	\$ (13,464)
CONSERVATION TRUST FUND:						
BEGINNING FUND BALANCE	\$ 59,679	\$ 69,664	\$ 75,692	\$ 110,117	\$ 110,117	\$ -
REVENUES	41,013	34,985	34,425	32,300	32,300	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	-	-	-
EXPENDITURES	(25,000)	(35,000)	-	(30,000)	(53,000)	(23,000)
TRANSFERS-OUT TO OTHER FUNDS	-	-	-	-	-	-
ENDING FUND BALANCE	\$ 75,692	\$ 69,649	\$ 110,117	\$ 112,417	\$ 89,417	\$ (23,000)
OPEN SPACE PRESERVATION FUND:						
BEGINNING FUND BALANCE	\$ 263,867	\$ 276,844	\$ 325,989	\$ 294,876	\$ 294,876	\$ -
REVENUES	151,867	146,820	76,000	93,580	93,580	-
TRANSFERS-IN FROM OTHER FUNDS	-	-	-	150,000	150,000	-
EXPENDITURES	(89,745)	(205,527)	(107,113)	(238,770)	(398,770)	(160,000)
TRANSFERS-OUT TO OTHER FUNDS	-	-	-	-	-	-
ENDING FUND BALANCE	\$ 325,989	\$ 218,137	\$ 294,876	\$ 299,686	\$ 139,686	\$ (160,000)

BUDGET - ALL FUNDS SUMMARY (continued)

	<u>2019 ACTUAL</u>	<u>2020 BUDGET</u>	<u>2020 REVISED</u>	<u>2021 BUDGET</u>	<u>2021 REVISED</u>	<u>SUPPLEMENTAL CHANGE</u>
TOTAL - ALL FUNDS:						
BEGINNING FUND BALANCE	\$ 47,513,789	\$ 38,145,274	\$ 41,559,117	\$ 32,699,316	\$ 34,478,306	\$ 1,778,990
REVENUES	18,385,430	19,398,976	20,255,726	20,397,327	20,597,327	200,000
TRANSFERS-IN FROM OTHER FUNDS	366,120	746,281	2,345,641	2,060,000	2,010,000	(50,000)
EXPENDITURES	(24,340,102)	(33,353,537)	(29,115,527)	(23,027,176)	(25,423,762)	(2,396,586)
TRANSFERS-OUT TO OTHER FUNDS	(366,120)	(796,281)	(2,345,641)	(2,070,000)	(2,070,000)	-
ENDING FUND BALANCE	\$ 41,559,117	\$ 24,140,713	\$ 32,699,316	\$ 30,059,467	\$ 29,591,871	\$ (467,596)

GENERAL FUND SUMMARY

	ACTUAL 2019	BUDGET 2020	REVISED 2020	BUDGET 2021	REVISED 2021	% CHANGE	\$ CHANGE
FUND BALANCES (Beginning):							
RESTRICTED FOR: TABOR RESERVE	\$ 186,500	\$ 199,650	\$ 190,500	\$ 208,091	\$ 208,091	0%	\$ -
NON-SPENDABLE: 1	195,309	195,309	223,825	219,000	219,000	0%	-
UNASSIGNED FUND BALANCE:	2,989,162	2,793,131	4,031,045	3,625,607	3,625,607	0%	-
TOTAL FUND BALANCES (Beginning)	\$ 3,370,971	\$ 3,188,090	\$ 4,445,369	\$ 4,052,698	\$ 4,052,698	-9%	\$ -
REVENUE							
Taxes	5,734,133	5,448,859	6,746,542	7,322,242	7,322,242	0%	-
Licenses and Permits	405,978	295,300	362,160	467,740	467,740	0%	-
Intergovernmental Revenue	666,394	752,552	896,386	574,045	574,045	0%	-
Charges for Services	286,461	290,550	177,250	233,100	233,100	0%	-
Fines & Forfeitures	99,151	126,262	104,000	94,000	94,000	0%	-
Misc. Revenues	329,999	190,600	558,016	44,100	44,100	0%	-
Transfers from Other Funds							
From Refuse	16,120	16,281	20,000	20,000	20,000	0%	-
From Capital Improvements	-	-	95,641	-	-	0%	-
TOTAL REVENUE	\$ 7,538,237	\$ 7,120,404	\$ 8,959,995	\$ 8,755,227	\$ 8,755,227	0%	\$ -
TOTAL SOURCES	\$ 10,909,208	\$ 10,308,494	\$ 13,405,364	\$ 12,807,925	\$ 12,807,925	0%	\$ -
EXPENDITURES							
Town Council	-	111,281	141,622	307,918	355,548	15%	47,630
General Government	442,036	433,328	425,589	452,757	452,757	0%	-
General Administration	589,478	682,373	638,913	789,256	789,256	0%	-
Community Development	836,103	1,025,330	903,587	1,109,557	1,109,557	0%	-
Streets	1,187,519	1,550,839	1,603,529	1,610,074	1,610,074	0%	-
Engineering	238,149	255,724	224,841	294,525	294,525	0%	-
Buildings & Grounds	676,880	763,681	785,634	940,702	940,702	0%	-
Public Safety	1,642,487	2,061,530	2,068,448	2,174,667	2,174,667	0%	-
Municipal Court	64,011	84,110	82,942	83,586	83,586	0%	-
Information Center	144,954	43,739	36,906	50,794	50,794	0%	-
Marketing & Events	292,221	345,953	210,655	380,314	380,314	0%	-
TOTAL EXPENDITURES	\$ 6,113,838	\$ 7,357,888	\$ 7,122,666	\$ 8,194,150	\$ 8,241,780	1%	\$ 47,630
TRANSFERS TO OTHER FUNDS							
Transfer to Open Space Fund	-	-	-	150,000	150,000	0%	-
Transfer to Capital Improvements Fund	350,000	730,000	2,230,000	1,900,000	1,900,000	0%	-
TOTAL TRANSFERS TO OTHER FUNDS	\$ 350,000	\$ 730,000	\$ 2,230,000	\$ 2,050,000	\$ 2,050,000	0%	\$ -
TOTAL EXPENDITURES & TRANSFERS	\$ 6,463,838	\$ 8,087,888	\$ 9,352,666	\$ 10,244,150	\$ 10,291,780	0%	\$ 47,630
FUND BALANCES (Ending):							
RESTRICTED FOR: TABOR RESERVE	190,500	213,537	208,091	244,685	251,753	3%	7,069
NON-SPENDABLE: 1	223,825	168,600	219,000	219,000	219,000	0%	-
UNASSIGNED FUND BALANCE:	4,031,045	1,838,469	3,625,607	2,100,091 ²	2,045,392	-3%	(54,699)
TOTAL FUND BALANCES (Ending)	\$ 4,445,369	\$ 2,220,606	\$ 4,052,698	\$ 2,563,775	\$ 2,516,145	-2%	\$ (47,630)

1 Non-Spendable: Prepaid Expenditures and EHOP (Long-term notes and funds held with fiscal agent for the Town's Employee Home Ownership Program)

2 Ending 2021 budgeted unassigned fund balance is 25.63% of total expenditures not including transfers to other funds

WATER FUND SUMMARY

	ACTUAL 2019	BUDGET 2020	REVISED 2020	BUDGET 2021	REVISED 2021	% CHANGE	\$ CHANGE
FUND BALANCES (Beginning):							
RESTRICTED FOR:							
DEBT SERVICE ¹	\$ 480,600	\$ 480,600	\$ 816,346	\$ 729,729	\$ 729,729	0%	\$ -
ASSIGNED FUND BALANCE	31,878,403	22,827,775	23,543,751	12,515,404	14,294,394	14%	\$ 1,778,990
TOTAL FUND BALANCES (Beginning)	\$ 32,359,003	\$ 23,308,375	\$ 24,360,097	\$ 13,245,133	\$ 15,024,123	13%	\$ 1,778,990
REVENUE							
Operating Revenues	\$ 3,947,087	\$ 4,078,799	\$ 4,474,900	\$ 4,169,900	\$ 4,169,900	0%	\$ -
Interest on Investments	285,614	120,900	75,520	12,120	12,120	0%	-
Other Revenue	90,350	38,000	85,000	109,000	109,000	0%	-
Plant Investment Fees (Tap Fees)	581,014	275,000	616,000	886,000	886,000	0%	-
Water Miscellaneous Revenue	72	-	-	-	-	0%	-
Water Rights, Cash in Lieu	-	950,000	953,750	-	-	0%	-
Transfers-In	-	-	-	-	-	0%	-
TOTAL REVENUE	\$ 4,904,137	\$ 5,462,699	\$ 6,205,170	\$ 5,177,020	\$ 5,177,020	0%	\$ -
TOTAL SOURCES	\$ 37,263,140	\$ 28,771,074	\$ 30,565,267	\$ 18,422,153	\$ 20,201,143	10%	\$ 1,778,990
EXPENDITURES							
Operating Expenditures	\$ 1,342,812	\$ 1,690,890	\$ 1,645,345	\$ 2,045,661	\$ 2,045,661	0%	\$ -
Capital Expenditures	10,309,724	17,959,724	14,401,220	5,102,533	6,881,523	35%	1,778,990
Debt Service	1,250,507	1,273,569	1,273,569	1,266,277	1,266,277	0%	-
TOTAL EXPENDITURES	\$ 12,903,043	\$ 20,924,183	\$ 17,320,134	\$ 8,414,471	\$ 10,193,461	21%	\$ 1,778,990
FUND BALANCES (Ending):							
RESTRICTED FOR:							
DEBT SERVICE ¹	\$ 816,346	\$ 480,600	\$ 729,729	\$ 827,985	\$ 827,985	0%	\$ -
ASSIGNED FUND BALANCE	23,543,751	7,366,291	12,515,404	9,179,697	9,179,697	0%	\$ -
TOTAL FUND BALANCE (Ending)	\$ 24,360,097	\$ 7,846,891	\$ 13,245,133	\$ 10,007,682	\$ 10,007,682	0%	\$ -

¹ Per the 2018 loan agreement the Town shall maintain an operations and maintenance reserve in an amount equal to three months operations and maintenance expenses (not to exceed \$1,250,000)

CAPITAL IMPROVEMENTS FUND SUMMARY

	ACTUAL 2019	BUDGET 2020	REVISED 2020	BUDGET 2021	REVISED 2021	% CHANGE	\$ CHANGE
FUND BALANCES (Beginning):							
RESTRICTED FOR:							
COMMUNITY ENHANCEMENT	\$ 169,863	\$ 216,363	\$ 219,931	\$ 268,031	\$ 268,031	0%	\$ -
TRANSPORTATION EXPENDITURES	1,710,263	1,742,263	1,750,652	1,666,511	1,666,511	0%	-
ASSIGNED FOR:							
GRAND AVENUE	200,000	550,000	550,000	2,780,000	2,780,000	0%	-
OTHER CAPITAL PROJECTS	2,633,461	2,356,387	2,504,383	2,139,980	2,139,980	0%	-
TOTAL FUND BALANCES (Beginning)	\$ 4,713,587	\$ 4,865,013	\$ 5,024,966	\$6,854,522	\$ 6,854,522	0%	-
REVENUE							
31-430-45 Capital Improvement Interest	\$ 66,629	\$ 60,000	\$ 23,000	\$ 6,000	\$ 6,000	0%	\$ -
31-430-46 Community Enhancement Interest	4,011	2,000	1,100	250	250	0%	-
31-430-47 Devolution & Transportation Interest	40,389	32,000	11,500	3,000	3,000	0%	-
31-430-50 Community Enhancement 1	46,056	44,500	47,000	48,000	48,000	0%	-
31-430-74 Developer Contribution to Grand Ave.	-	-	-	360,000	360,000	0%	-
31-430-77 Eagle County Contributions	-	-	-	150,000	150,000	0%	-
31-430-84 Public Safety Impact Fees	7,503	668,000	34,830	35,000	35,000	0%	-
31-430-85 Street Impact Fees	63,150	1,316,465	44,454	103,000	103,000	0%	-
31-430-86 Use Tax	317,253	250,000	300,000	464,000	464,000	0%	-
31-430-87 Grants	29,000	-	-	-	200,000	-	200,000
31-437-10 Transfer from General Fund	350,000	730,000	2,230,000	1,890,000	1,890,000	0%	-
TOTAL REVENUE	\$ 923,991	\$ 3,102,965	\$ 2,691,884	\$3,059,250	\$ 3,259,250	7%	\$ 200,000
TOTAL SOURCES	\$ 5,637,578	\$ 7,967,978	\$ 7,716,850	\$9,913,772	\$10,113,772	2%	\$ 200,000
EXPENDITURES							
Capital Expenditures	\$ 612,612	\$ 593,284	\$ 766,687	\$2,181,082	\$ 2,604,584	19%	\$ 423,502
Transfers to Other Funds	-	50,000	95,641	-	-	0%	-
TOTAL EXPENDITURES	\$ 612,612	\$ 643,284	\$ 862,328	\$2,181,082	\$ 2,604,584	19%	\$ 423,502
FUND BALANCES (Ending):							
RESTRICTED FOR:							
COMMUNITY ENHANCEMENT	\$ 219,931	\$ 262,863	\$ 268,031	\$ 316,281	\$ 316,281	0%	\$ -
TRANSPORTATION EXPENDITURES	1,750,652	1,774,263	1,666,511	1,669,511	1,669,511	0%	-
ASSIGNED FOR: CAPITAL PROJECTS:							
GRAND AVENUE	550,000	1,280,000	2,780,000	4,170,000	4,170,000	0%	-
OTHER CAPITAL PROJECTS	2,504,383	4,007,568	2,139,980	1,576,898	1,353,396	-14%	(223,502)
TOTAL FUND BALANCES (Ending):	\$ 5,024,966	\$ 7,324,694	\$ 6,854,522	\$7,732,690	\$ 7,509,188	-3%	\$ (223,502)

1 Per Holy Cross 2010 Franchise agreement

SALES TAX CAPITAL IMPROVEMENT FUND (EAGLE RIVER PARK FUND) SUMMARY

	ACTUAL 2019	BUDGET 2020	REVISED 2020	BUDGET 2021	BUDGET 2021	% CHANGE	% CHANGE
FUND BALANCES (Beginning):							
RESTRICTED FOR:							
RESERVE	\$ 161,619	\$ 161,619	\$ 161,619	\$ 161,619	\$ 161,619	0%	\$ -
CAPITAL IMPROVEMENTS	611,676	-	-	-	-	0%	-
ASSIGNED FOR CAPITAL PROJECTS/DEBT SERVICE	545,952	271,342	547,544	879,334	879,334	0%	-
TOTAL FUND BALANCES (Beginning)	\$ 1,319,247	\$ 432,961	\$ 709,163	\$ 1,040,953	\$ 1,040,953	0%	\$ -
REVENUE							
61-431-30 Sales Tax	\$ 623,223	\$ 585,836	\$ 700,000	\$ 724,000	\$ 724,000	0%	\$ -
61-433-10 Grants	350,000	11,000	-	-	-	0%	-
61-436-10 Interest - ColoTrust STCIF	25,600	8,000	6,250	1,200	1,200	0%	-
61-436-20 Interest - UMB Project Fund	8,410	10,000	-	-	-	0%	-
61-436-42 Contributions & Donations	-	-	-	-	-	#DIV/0!	-
TOTAL REVENUE	\$ 1,007,234	\$ 614,836	\$ 706,250	\$ 725,200	\$ 725,200	0%	\$ -
TOTAL SOURCES	\$ 2,326,481	\$ 1,047,797	\$ 1,415,413	\$ 1,766,153	\$ 1,766,153	0%	\$ -
EXPENDITURES							
CHARGES FOR SERVICES							
61-50-372 Meeting Expense	\$ 940	\$ -	\$ -	\$ -	\$ -	0%	\$ -
61-50-347 Professional Services	4,845	13,536	15,536	15,536	17,000	9%	1,464
61-50-351 Legal	59	1,000	15,000	15,000	15,000	0%	-
61-50-354 Engineering	-	-	8,000	-	9,000	0%	9,000
61-50-360 R&M Services	-	-	-	-	55,820	0%	55,820
TOTAL CHARGES FOR SERVICES	\$ 5,844	\$ 14,536	\$ 38,536	\$ 30,536	\$ 96,820	217%	66,284
CAPITAL OUTLAY							
61-50-745 Town Park Improvements	\$ -	\$ 218,000	\$ -	\$ 217,000	\$ 164,180	-24%	\$ (52,820)
61-50-750 Design	55,647	-	-	-	-	0%	-
61-50-760 Construction	1,232,789	-	16,686	-	-	0%	-
TOTAL CAPITAL OUTLAY	\$ 1,288,436	\$ 218,000	\$ 16,686	\$ 217,000	\$ 164,180	-24%	(52,820)
DEBT SERVICE							
61-50-815 Debt Service	\$ 95,000	\$ 95,000	\$ 95,000	\$ 100,000	\$ 100,000	0%	\$ -
61-50-816 Debt Service Interest	227,538	223,738	223,738	219,940	219,940	0%	-
61-50-820 Agent Fees	500	500	500	500	500	0%	-
TOTAL DEBT SERVICE	\$ 323,038	\$ 319,238	\$ 319,238	\$ 320,440	\$ 320,440	0%	-
TOTAL EXPENDITURES	\$ 1,617,317	\$ 551,774	\$ 374,460	\$ 567,976	\$ 581,440	2%	13,464
FUND BALANCES (Ending):							
RESTRICTED FOR:							
RESERVE	\$ 161,619	\$ 161,619	\$ 161,619	\$ 161,619	\$ 161,619	0%	\$ -
CAPITAL IMPROVEMENTS	-	-	-	-	-	0%	-
ASSIGNED FOR CAPITAL PROJECTS/DEBT SERVICE	547,544	334,404	879,334	1,036,558	1,023,094	-1%	(13,464)
TOTAL FUND BALANCES (Ending):	\$ 709,163	\$ 496,023	\$ 1,040,953	\$ 1,198,177	\$ 1,184,713	-1%	(13,464)

CONSERVATION TRUST FUND SUMMARY

	ACTUAL 2019	BUDGET 2020	REVISED 2020	BUDGET 2021	REVISED 2021	% CHANGE	\$ CHANGE
FUND BALANCES (Beginning):							
RESTRICTED FUND BALANCE	\$ 59,679	\$ 69,664	\$ 75,692	\$ 110,117	\$ 110,117	0%	\$ -
TOTAL FUND BALANCES (Beginning)	\$ 59,679	\$ 69,664	\$ 75,692	\$ 110,117	\$ 110,117	0%	\$ -
REVENUES							
71-430-10 Lottery Proceeds	\$ 39,232	\$ 33,785	\$ 33,785	\$ 32,000	\$ 32,000	0%	\$ -
71-430-20 Interest on Investments	1,781	1,200	640	300	300	0%	-
TOTAL REVENUES	\$ 41,013	\$ 34,985	\$ 34,425	\$ 32,300	\$ 32,300	0%	\$ -
TOTAL SOURCES	\$ 100,692	\$ 104,649	\$ 110,117	\$ 142,417	\$ 142,417	0%	\$ -
EXPENDITURES							
71-50-347 Professional Services	\$ -	\$ 15,000	\$ -	\$ 30,000	\$ 53,000	77%	\$ 23,000
71-50-746 Camping	-	20,000	-	-	-	0%	\$ -
71-50-750 Park Improvements	25,000	-	-	-	-	0%	-
TOTAL EXPENDITURES	\$ 25,000	\$ 35,000	\$ -	\$ 30,000	\$ 53,000	-	\$ 30,000
FUND BALANCES (Ending):							
RESTRICTED FUND BALANCE	\$ 75,692	\$ 69,649	\$ 110,117	\$ 112,417	\$ 89,417	-20%	\$ (23,000)
TOTAL FUND BALANCE (Ending)	\$ 75,692	\$ 69,649	\$ 110,117	\$ 112,417	\$ 89,417	-20%	\$ (23,000)

OPEN SPACE PRESERVATION FUND SUMMARY

	ACTUAL 2019	BUDGET 2020	REVISED 2020	BUDGET 2021	REVISED 2021	% CHANGE FROM PY	\$ CHANGE FROM PY
FUND BALANCES (Beginning):							
COMMITTED FUND BALANCE	\$ 263,867	\$ 276,844	\$ 325,989	\$ 294,876	\$ 294,876	0%	\$ -
TOTAL FUND BALANCES (Beginning)	\$ 263,867	\$ 276,844	\$ 325,989	\$ 294,876	\$ 294,876	0%	\$ -
REVENUES							
81-430-10 Lodging Tax	\$ 143,666	\$ 143,820	\$ 73,000	\$ 84,000	\$ 84,000	0%	\$ -
81-430-15 Penalty & Interest	10	-	-	-	-	0%	-
81-430-20 Interest on Investments	7,191	3,000	2,500	600	600	0%	-
81-430-30 Usage Fees	-	-	-	-	-	0%	-
81-431-00 State Grants (GOCO)	-	-	-	-	-	0%	-
81-433-00 Other Grants	-	-	-	8,980	8,980	0%	-
81-434-10 Reimbursable Revenue	-	-	-	-	-	0%	-
81-436-70 Miscellaneous	1,000	-	500	-	-	0%	-
81-437-31 Transfer from Capital Improvements Fund	-	-	-	-	-	0%	-
81-437-81 Transfer from Open Space Fund	-	-	-	-	-	0%	-
81-437-10 Transfer from General Fund	-	-	-	150,000	150,000	0%	-
TOTAL REVENUES	\$ 151,867	\$ 146,820	\$ 76,000	\$ 243,580	\$ 243,580	0%	-
TOTAL SOURCES	\$ 415,734	\$ 423,664	\$ 401,989	\$ 538,456	\$ 538,456	0%	-
EXPENDITURES							
Operating Expenses	\$ 89,745	\$ 155,527	\$ 97,113	\$ 193,810	\$ 203,810	5%	\$ 10,000
Capital Expenditures	-	50,000	10,000	44,960	194,960	334%	150,000
TOTAL EXPENDITURES	\$ 89,745	\$ 205,527	\$ 107,113	\$ 238,770	\$ 398,770	67%	160,000
FUND BALANCES (Ending):							
COMMITTED FUND BALANCE	\$ 325,989	\$ 218,137	\$ 294,876	\$ 299,686	\$ 139,686	-53%	(160,000)
TOTAL FUND BALANCE (Ending)	\$ 325,989	\$ 218,137	\$ 294,876	\$ 299,686	\$ 139,686	-53%	(160,000)



To: Mayor and Town Council

From: Bill Shrum, Assistant Town Manager

Date: June 22, 2021

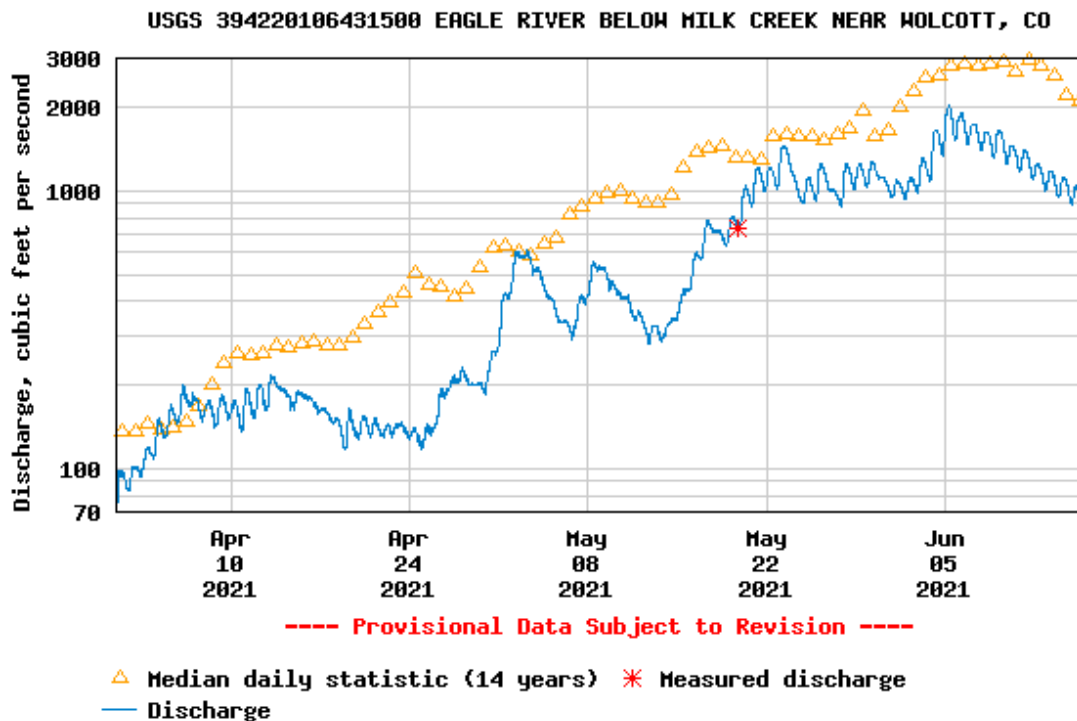
Agenda Item: Resolution 49, Series 2021, "A Resolution of the Town of Eagle, Colorado supporting healthy rivers and watersheds."

REQUEST:

Staff is requesting that the Council review Resolution 49, Series 2021 stating support for healthy rivers and watersheds during the current and projected drought conditions in 2021.

INTRODUCTION:

Eagle County has experienced some element of drought conditions since 2019, with 2020 recording significant D4 impacts. Early projections in 2021 indicated a similar level of severe drought along the Eagle and Colorado River watersheds. The Town of Minturn developed a resolution shared with municipalities along the Vail and Eagle River Valley recognizing the current drought conditions and messaging to reflect the severity of the potential impacts.

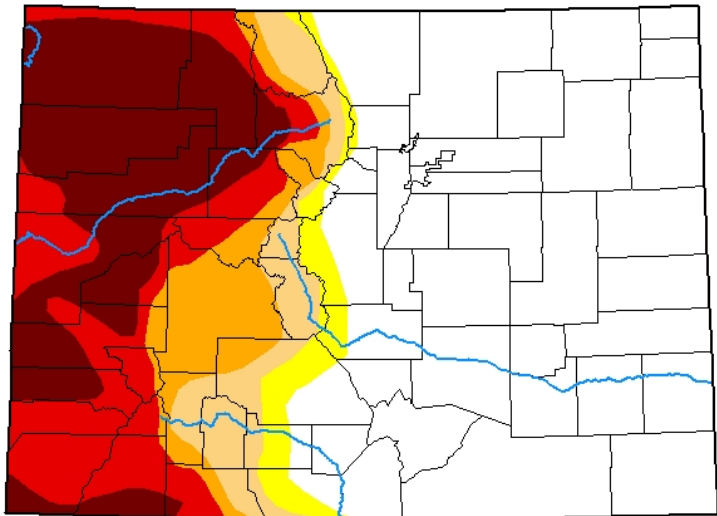


ANALYSIS:

The Eagle River discharge below Milk Creek (shown above) indicates a potential crest on June 05, below the median peak discharge by nearly 30%. The U.S. Drought Monitor has been consistent with D3 and D4 impacts to Eagle County over the past 3 months. Characteristics of D3 classification include dying city landscapes, large fires, reduced rafting, fishing, hunting, and skiing, and low reservoir levels. D4 classification includes dust storms, topsoil removal, and large agricultural and recreational economic loss.

U.S. Drought Monitor
Colorado

June 8, 2021
(Released Thursday, Jun. 10, 2021)
Valid 8 a.m. EDT



Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	54.98	45.02	41.42	35.54	29.15	17.53
Last Week 06-01-2021	51.10	48.90	43.36	35.53	29.15	16.39
3 Months Ago 03-09-2021	0.00	100.00	98.57	88.76	56.64	15.89
Start of Calendar Year 12-29-2020	0.00	100.00	100.00	93.73	76.17	27.60
Start of Water Year 09-29-2020	0.00	100.00	99.29	89.35	52.88	2.64
One Year Ago 06-09-2020	23.22	76.78	63.64	49.38	25.49	0.00

Intensity:

None	D2 Severe Drought
D0 Abnormally Dry	D3 Extreme Drought
D1 Moderate Drought	D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:
Brian Fuchs
National Drought Mitigation Center



droughtmonitor.unl.edu

Resolution 49 presents shared language to local municipalities to encourage responsible water use, a commitment to carefully analyzing outdoor water use, and an ongoing conversation with regional, statewide, and federal partners to learn more about the potential impacts of the current drought and steps to protect and maintain a healthy watershed for the Eagle River.

COMMUNITY INPUT:

Community input has not been gathered for this resolution, though it was supported by the Climate Action Collaborative.

BUDGET / STAFF IMPACT:

There is no budget or staff impact related to this resolution.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The proposed resolution promotes protecting public health, safety, and the environment, a guiding principle of the 2020 Strategic Plan. A major objective of the Strategic Plan is to focus on environmental impacts of decision making and reflect a focus on improving and sustaining natural resources. This resolution clearly states the Town's desire to improve and sustain our natural resources using the existing regulations and regional partnerships currently in place.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff requests that the Town Council **APPROVE** or **DENY** Resolution 49, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado supporting healthy rivers and watersheds".

ATTACHMENTS:

Resolution 49, Series 2021 – Supporting Healthy Rivers.pdf

TOWN OF EAGLE, COLORADO
RESOLUTION No. 49
(SERIES 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO SUPPORTING
HEALTHY RIVERS AND WATERSHEDS

WHEREAS, a collective effort to reduce water use helps to keep more water flowing in our streams; and

WHEREAS, the drinking water provided throughout Eagle County originates from local rivers and streams; and

WHEREAS, the waters of the Eagle River, which reside entirely within Eagle County, are under increasing pressure from urbanization, climate change and transmountain diversions at the same time that the flow of the river is decreasing due to long term drought; and

WHEREAS, local river recreation, such as, but not limited to, fishing, tubing, kayaking, rafting, paddle boarding and swimming, is dependent upon healthy rivers and streams; and

WHEREAS, residents and visitors associate healthy rivers and streams with Eagle County's identity and value the aesthetics and beauty of such rivers and streams; and

WHEREAS, the communities of Eagle County rely on healthy rivers and watersheds for economic health; and

WHEREAS, downstream users, such as, but not limited to, urban and rural communities, industrial and agricultural production, wildlife and habitat is largely dependent upon the good practices of upstream water users, including those in Eagle County; and

WHEREAS, outdoor water use has the greatest potential for loss, due to evaporation and other causes; and

WHEREAS, regardless of whether users receive water from the town or through private water rights, overuse and misuse of water anywhere in the valley ultimately impacts the Eagle River; and

WHEREAS, all local wildlife depends on the water in local rivers and streams for sustaining their habitat; and

WHEREAS, local mountain resorts make snow utilizing water from local rivers and streams.

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

Section 1: We encourage all water users, whether residential, commercial, golf courses, school grounds, municipal or public spaces and parks, to use the least amount of water as possible at any given time, but in particular during drought; and

Section 2: Our community should scrutinize its outdoor water use with lawn watering being one example of a practice worthy of review; and

Section 3: Our community is encouraged to learn more about irrigation, xeriscaping and more through local, regional, and state resources, such as Eagle River Watershed Council (erwc.org), Colorado State University Eagle County Extension (eaglecounty.us/csueextension), Colorado River Water Conservation District (coloradoriverdistrict.org), Colorado Water Conservation Board (cwcb.colorado.gov), and Water Education Colorado (watereducationcolorado.org).

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on June 22, 2021.

TOWN OF EAGLE, COLORADO

By: _____
Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Bill Shrum, Assistant Town Manager

Date: June 22, 2021

Agenda Item: Ordinance No. 8, Series 2021, "An Ordinance of the Town of Eagle, Colorado establishing regulations for Wireless Communication Facilities."

REQUEST:

Staff is requesting that the Council review and provide feedback on the draft Ordinance outlining regulations on the location, design, and installation of Wireless Communication Facilities (WCF's) in the Town right of way.

INTRODUCTION:

Rapid evolution of wireless communication technology, namely small-cell and 5G networks, have brought new questions to communities about the use of public right of way to support these networks. Colorado is one of a few states who have passed legislation ([HB 17-1193](#)) that preempts local control on wireless communication facilities, and according to the National Conference of State Legislatures, these effects generally:

- Streamline applications to access public rights of way
- Cap costs and fees
- Streamline timelines for the consideration and process of cell site applications

Combined with other Federal Law and recent orders from the FCC, communities are faced with limited control on location and design of WCF's and have a limit of 90 days to review new applications or face approval by default if the proposed WCF is found to meet state and federal law. Local governments cannot prohibit WCF deployment but can adopt policy that meets three principles; 1) must be reasonable, 2) no more burdensome than those applied to other types of infrastructure deployments, and 3) publish the policy in advance. Adoption of an ordinance establishing WCF regulations would meet the third requirement.

ANALYSIS:

Many communities in the State have adopted local codes to regulate WCF's for the reasons outline above. The draft ordinance proposed for the Town Council is modeled on legislation crafted by the Colorado Communications and Utility Alliance, and is intended to meet the following goals:

- Promote and protect public health, safety and welfare
- Provide high coverage through the fewest necessary installations
- Encourage the deployment of smaller, less intrusive WCFs
- Encourage wall mounted panel antennas
- Encourage roof mounted antennas when other options are not feasible

- Encourage tower location in non-residential areas
- Strongly encourage collocation of facilities on existing sites
- Locate facilities to minimize adverse impact to the community
- Enhance service providers to enable service quickly, effectively, and efficiently
- Effectively manage WCFs in the right of way

The proposed legislation allows for the Town to review and permit applications for WCF installation, and through this the Town is encouraged to grant Master License Agreements (MLA) with applicants. Using MLAs provide more discreet ability for the Town to implement site-specific guidance without committing to broad adoption. Issues of design, existing facilities, necessary infrastructure, and more can be addressed through an MLA and coordinated permit process, as long as the process meets the three key principles of local enforcement. Permitting and oversight of WCFs would be a joint process between the Community Development Department and Public Works, via the Town Engineer.

Not adopting a WCF policy would make installation more predictable for WCF service providers because cities and towns must approve all legal applications presented by the service providers without condition, regardless of design and location.

COMMUNITY INPUT:

Community input has not been gathered prior to this first reading.

BUDGET / STAFF IMPACT:

There is no budget or staff impact with the first reading of the draft ordinance.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Adopting a Wireless Communication Facility ordinance meets two guiding principles according to the 2020 Town Council Strategic Plan. First, it helps public health, safety, and the environment by giving the Town more oversight on the location and design of WCFs. Second, this ordinance would meet the principle of sound planning by creating a clear and predictable process to review and facilitate reliable infrastructure while preserving quality of life for Eagle residents.

RECOMMENDED ACTION OR PROPOSED MOTION:

Staff requests that the Town Council review Ordinance 8, Series 2021 and provide feedback as well as approve a second reading of Ordinance 8, Series 2021 to be scheduled July 13, 2021.

ATTACHMENTS:

Ordinance 8, Series 2021 – Wireless Communication Facilities.pdf

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 8
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO ESTABLISHING
REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES

WHEREAS, the Town of Eagle (the “Town”) is a home-rule municipality incorporated and organized pursuant to the provisions of Section 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, Section 29-20-104, C.R.S., grants municipalities the authority to plan for and regulate the planned and orderly use of land on the basis of the impact thereof on the community; and

WHEREAS, the Town is authorized pursuant to Section 31-15-401, C.R.S., to exercise its police powers to promote and protect the health, safety, and welfare of the community and its inhabitants; and

WHEREAS, the Town has no existing regulations concerning Wireless Communications Facilities that are consistent with Federal Law; and

WHEREAS, in furtherance of the best interests of the Town and the preservation and protection of the health, safety, prosperity, security, and general welfare of residents and landowners, the Town Council desires to amend the Town Code as described herein.

Chapter 4.19

Wireless Communications Facilities

Section 4.19.010 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alternative Tower Structure means any man-made trees, clock towers, bell steeples, light poles, water towers, farm silos, or similar alternative design mounting structures that conceal where technically feasible the presence of WCFs to make them architecturally compatible with the surrounding area pursuant to this Chapter. A stand-alone pole in the Right-of-Way that accommodates Small Cell Facilities is considered an Alternative Tower Structure provided it meets the concealment standards of this Chapter. Alternative Tower Structures are not considered Towers, for the purposes of this Chapter.

Antenna means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip

antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised and configurations.

Antennas, panel means an array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.

Antenna, whip means a single antenna that is cylindrical in shape and omni-directional.

Base Station means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

A. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the Town under this Chapter, does not support or house equipment described in paragraphs A and B above.

Camouflage or Camouflage Design Techniques means measures used in the design and siting of Wireless Communication Facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF Site utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, while still appearing to some extent as a WCF. This definition does not include the use of Concealment design elements so that a facility looks like something other than a wireless Tower or Base Station.

Concealment means utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless Tower or Base Station. Language such as

“stealth,” “camouflage,” or similar in any permit or other document required by the Town Code is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site’s approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate Concealment design elements so that the facility looks like something other than a wireless Tower or Base Station.

Collocation means:

- A. For the purposes of Eligible Facilities Requests, means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.
- B. For the purposes of facilities subject to shot clocks governed by 47 U.S.C. Sec. 332, means attachment of facilities to existing structures, regardless of whether the structure or location has previously been zoned for wireless facilities.

Eligible Facilities Request means any request for modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station involving:

- A. Collocation of new Transmission Equipment.
- B. Removal of Transmission Equipment.
- C. Replacement of Transmission Equipment.

A request for modification of an Existing Tower or Base Station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an Eligible Facilities Request.

Eligible Support Structure means any Tower or Base Station as defined in this Section, provided that it is Existing at the time the relevant application is filed with the City under this Chapter.

Equipment Cabinet means a cabinet or building used to house equipment used by telecommunication providers at a Wireless Communications Facility. This definition does not include relatively small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted behind antennas, if they are not used as physical containers for smaller, distinct devices.

Existing means for purposes of this Chapter, a constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an Eligible Facilities Request, provided that a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

OTARD means over-the-air receiving device.

OTARD Antenna means:

- A. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
- B. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
- C. An antenna that is designed to receive television broadcast signals.

OTARD antenna structure means any pole, Tower, or other structure designed and intended to support an OTARD Antenna.

Related Accessory Equipment means the Transmission Equipment customarily used with, and incidental to Wireless Communication Facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Right-of-Way means in the context of this Chapter any public street or road that is dedicated to public use for vehicular traffic except for those rights-of-way owned by the Colorado Department of Transportation within the Town limits.

Site means in the context of this Chapter for Towers and Eligible Support Structures, a Site means the current boundaries of the leased or owned property surrounding the Tower or Eligible Support Structure and any access or utility easements currently related to the Site. For Alternative Tower Structures, Base Stations and Small Cell Facilities in the Right-of-Way, a Site is further restricted to that area comprising the base of the structure and to other Related Accessory Equipment already installed on the ground.

Small Cell Facility means a WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume:

electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

Substantial Change means a modification substantially changes the physical dimensions of an Eligible Support Structure if after the modification, the structure meets any of the following criteria:

A. For Towers other than Alternative Tower Structures, it increases the height of the Tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other Eligible Support Structures, it increases the height of the structure by more than ten percent or more than ten (10) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;

B. For Towers, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

C. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the Eligible Support Structure but not to exceed four cabinets per application; or for Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

D. For any Eligible Support Structure, it entails any excavation or deployment outside the current Site;

E. For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;

F. For any Eligible Support Structure, it does not comply with record evidence of conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs A, B, and C of this definition.

For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the Tower or Base Station, inclusive of approved appurtenances and any modifications that were approved prior to February 22, 2012.

Tower means any structure that is designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated Site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers and the like. Alternative Tower Structures and Small Cell Facilities in the Rights-of-Way are not Towers.

Transmission Equipment means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless Communications Facility or WCF means a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directions and parabolic antennas, Base Stations, support equipment, Small Cell Facilities, Alternative Tower Structures, and Towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Section.

Section 4.19.020 Purpose and Goals. The purpose of these provisions is to establish requirements for the siting of Wireless Communications Facilities. The goals of these provisions are to:

- A. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in

the Town with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs.

- B. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to concealment design techniques and undergrounding of WCFs and the equipment associated therewith.
- C. Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs.
- D. Encourage the use of wall mounted panel antennas.
- E. Encourage roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible.
- F. Encourage the location of Towers in non-residential areas, in a manner that minimizes the total number of Towers needed throughout the community.
- G. Encourage strongly the collocation of WCFs on new and existing Sites.
- H. Encourage owners and users of antennas and Towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized.
- I. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently.
- J. Effectively manage Small Cell Facilities in the Right-of-Way.

Section 4.19.030 Applicability; Waiver; Exemptions. The requirements set forth in this Section shall apply to all WCF applications for Base Stations, Alternative Tower Structures, Alternative Tower Structures located within Right-of-Way, and Towers as defined elsewhere herein. The Town shall have the authority to waive any requirement or standard set forth in this Section, if the Town makes a determination that the specific requirement or standard is preempted by federal or state law. Prior to applying the waiver to any pending application, the Town shall, in consultation with the Town Manager and Town Attorney, make a written preemption determination which written determination shall identify the specific requirement or standard that is being waived and cite to the specific federal or state law provision that

preempts the specific Town requirement or standard set forth in this Section. The requirements set forth in this Section shall not apply to:

- A. *Amateur Radio Antennas.* Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met. The Town or his or her designee has the authority to approve modifications to the height restriction, if in the reasonable discretion of the Town, modifications are necessary to comply with federal law.
- B. *Pre-existing WCFs.* Any WCF for which a permit has been properly issued prior to July 1, 2017, shall not be required to meet the requirements of this Section, other than the requirements of Section IV(A), Section IV(E) and Section IV(F) below. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this Section.
- C. *Miscellaneous Antennas.* Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that the requirement that the height be no more than the distance from the base to the property line are met. The Town Manager or her/his designee has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the Town, modifications are necessary to comply with federal law.

Section 4.19.040 Operational Standards.

- A. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
- B. *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with

radio frequency emissions standards for a WCF have been made to the Town, the Town may request that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the Town, to demonstrate compliance, the Town may request and the owner or operator of the WCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject Site, and which compares the results with established federal standards. If, upon review, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to subparagraph IV(A) above. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the Applicant.

- C. *Signal Interference.* All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The Applicant shall provide a written statement ("Signal Interference Letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems, and shall allow the Town to monitor interference levels with public safety communications during this process.
- D. *Legal Access.* In all applications for WCFs outside of the Right-of-Way, an Applicant shall demonstrate that it owns or has lease rights to the Site.
- E. *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the Town determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Town may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

- F. *Abandonment and Removal.* If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the Town of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The Town, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the Town. If such WCF is not removed within said thirty (30) days, the Town may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

Section 4.19.050 Design Standards. The requirements set forth in this Section shall apply to the location and design of all WCFs governed by this Section as specified below; provided, however, that the Town may waive any one or more of these requirements if it determines that the goals of this Section are better served thereby. WCFs shall be designed and located to minimize the impact on surrounding properties and residential neighborhoods and to maintain the character and appearance of the Town, consistent with other provisions of this Code.

- A. *Camouflage/Concealment.* All WCFs and any Related Accessory Equipment shall, to the maximum extent possible, use Concealment design techniques, and where not possible utilize Camouflage Design Techniques. Camouflage Design Techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment.

1. Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
2. A concealment design may include the use of Alternative Tower Structures should the Town determine that such design meets the intent of this Code and the community is better served thereby.
3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and Towers shall be constructed of non-reflective materials (visible exterior surfaces only).

- B. *Siting.*

1. No portion of any WCF may extend beyond the property line.
2. WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative

design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or Site.

3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.
4. WCFs shall not encroach into any sight triangles.

- C. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

- D. *Landscape and Fencing Requirements.*

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable Code standards including without limitation, Planned Unit Development standards.
2. The Site of the WCF shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the Site.
3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Town.
4. Existing mature tree growth and natural landforms on the Site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the Site perimeter may be sufficient to buffer.
5. No trees larger than four (4) inches in diameter measured at 4½ feet high on the tree may be removed, unless authorized by the Town. To obtain such authorization the Applicant shall show that tree removal is necessary, the Applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of 2 to 1.

- E. *Specific Design Requirements.*

Additional design requirements shall be applicable to the types of WCFs as specified below:

1. *Base Stations –*

- a. Base Stations shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
- b. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet;
- c. Wall mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
- d. Roof mounted WCFs shall be approved only where an Applicant demonstrates a wall mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 - i. Roof mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - ii. Roof mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - iii. Other roof mounted Related Accessory Equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

2. *Alternative Tower Structures (ATS) and Small Cell Facilities –*

- a. ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the WCF is concealed.
- b. Height or size of the proposed ATS or Small Cell Facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
- c. ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
- d. ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
- e. ATS and Small Cell Facilities shall be compatible with the surrounding topography, tree coverage, and foliage;
- f. ATS and Small Cell Facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness; and
- g. Visual impacts of the proposed ingress and egress shall be minimized.

3. *Alternative Tower Structures and Small Cell Facilities located in the Right-of-Way –*

- a. No ATS pole shall be higher than thirty five (35) feet including any cannister or antennas located on top of a pole;
- b. No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure;
- c. Any new pole for ATS or Small Cell Facilities shall be separated from any other existing WCF facility by a distance of at least six hundred (600) feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Town;
- d. With respect to pole-mounted components, Small Cell Facilities shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;
- e. ATS must be concealed consistent with other existing natural or manmade features in the Right-of-Way near the location where the ATS will be located;
- f. To the extent reasonably feasible, be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
- g. When placed near a residential property, any ATS or Small Cell facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets;
- h. Small Cell Facilities shall:
 - i. be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered; and
 - ii. be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure; and
 - iii. be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS; and
 - iv. require that any ground mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the Town, unless a use by special review is obtained subject to the requirements of the Town Code; and

v. not alter vehicular circulation or parking within the Right-of-Way or impede vehicular, bicycle, or pedestrian access or visibility along the Right-of-Way; and

vi. comply with the federal Americans With Disabilities Act and all applicable local, state, and federal law and regulations; and

vii. not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the Right-of-Way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the Right-of-Way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the Right-of-Way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4. *Towers -*

- a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the Town;
- b. Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- c. Monopole support structures shall taper from the base to the tip;
- d. All Towers shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material; and
- e. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet.
- f. Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
- g. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the Tower to these uses;
- h. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- i. Visual impacts of the proposed ingress and egress shall be minimized;
- j. No new Towers shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Town that no

existing WCFs can accommodate the needs that the Applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing WCFs can accommodate these needs may consist of the following:

- i. No existing WCFs are of sufficient height and are located within the geographic area required to meet the Applicant's engineering requirements;
 - ii. Existing WCFs do not have sufficient structural strength to support Applicant's proposed WCF;
 - iii. The Applicant's proposed WCF would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCFs would cause interference with the Applicant's proposed WCF; or
 - iv. The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
- k. A Tower shall meet the greater of the following minimum setbacks from all property lines:
- i. The setback for a principal building within the applicable zoning;
 - ii. Twenty-five (25) percent of the facility height, including WCFs and Transmission Equipment; or
 - iii. The Tower height, including antennas, if the Tower is in or adjacent to a residential district or residential zoned property.
 - iv. Towers over forty (40) feet in height shall not be located within one-quarter mile from any existing Tower that is over forty (40) feet in height, unless the Applicant has shown to the satisfaction of the Town that there are no reasonably suitable alternative sites in the required geographic area which can meet the Applicant's needs.
- l. No Towers shall be permitted in the Right of Way.
5. *Related Accessory Equipment* - Related Accessory Equipment for all WCFs shall meet the following requirements:
- a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
 - b. The total footprint coverage area of the WCF's Related Accessory Equipment shall not exceed three hundred fifty (350) square feet;
 - c. No Related Accessory Equipment or accessory structure shall exceed twelve (12) feet in height; and

- d. Related Accessory Equipment shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the Related Accessory Equipment shall be concealed where technically feasible or otherwise camouflaged in a manner appropriate for the specific site.

Section 4.19.060 Review Procedures and Requirements. No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an Applicant, reviewed and approved by the Town in accordance with this Section. All WCFs, except Eligible Facilities Requests, shall be reviewed pursuant to the following procedures:

- A. *Submittal Requirements.* Each Applicant for a WCF shall be required to submit the following information:
 - 1. Completed application as required by the appropriate section of the Town Code, depending upon whether the matter requires a land use application, rights of way application or both;
 - 2. Submittal Fee;
 - 3. Signal Interference Letter (Section 4.19.040(C));
 - 4. Inventory of Existing Sites (Section 4.19.060(B)); and
 - 5. Any other information deemed necessary by the Town to determine compliance with this Section.
- B. *Inventory of Existing Sites.* Each Applicant for a WCF shall provide to the Town a narrative and map description of the Applicant's existing or then currently proposed WCFs within the Town, and outside of the Town within one mile of its boundaries. In addition, the Applicant shall inform the Town generally of the areas of the Town in which it believes WCFs may need to be located within the next three years. The inventory list should identify the Site name, Site address, and a general description of the facility (e.g., rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the Applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the Town. Rather, it is an attempt to provide a mechanism for the Town and all Applicants for WCFs to share general information, assist in the Town's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

The Town may share such information with other Applicants applying for administrative approvals or conditional permits under this Section or other organizations seeking to locate WCFs within the jurisdiction of the

City, provided however, that the Town is not, by sharing such information, in any way representing or warranting that such Sites are available or suitable.

- C. *Applications for Base Stations, Alternative Tower Structures, and Alternative Tower Structures within Right-of-Way.* In all zoning districts and Planned Unit Developments, each application for a Base Station, Alternative Tower Structure, or Alternative Tower Structure within Right-of-Way shall be reviewed and considered for approval by the Town for conformance to this Section. Except for WCFs in the Right-of-Way that meet all requirements of this Section or Eligible Facilities Requests, the Town may refer the application to Planning and Zoning Commission for approval if the Town finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features) or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Section.
- D. *Applications for Towers.* In all zoning districts and Planned Unit Developments, Towers may be permitted only as a special use approved by Planning Commission. Such Towers shall be reviewed for conformance to this Section using the use by special review procedures set forth in Section 4.05.010 of the Town Code in conjunction with the applicable sections of this Section. All applications for Towers shall demonstrate that other alternative design options such as Base Stations or Alternative Tower Structures are not viable options.
- E. *Administrative Review Procedures for Eligible Facilities Requests.*
 - 1. Application. In all zoning districts and Planned Unit Developments, Eligible Facilities Requests for collocation on or modification of an Existing Tower or Base Station shall be considered a use by right subject to administrative review and determination by the Town. The Town shall prepare, and from time to time revise and make publicly available, an application form which shall be limited to the information necessary for the Town to consider whether an application for collocation or modification is an Eligible Facilities Request. Such information may include, without limitation, whether the project:
 - a. Would result in a Substantial Change;
 - b. Violates a generally applicable building, structural, electrical, or safety code or other law codifying objective standards reasonably related to public health and safety.

The application may not require the Applicant to demonstrate a need or business case for the proposed modification or collocation.

2. *Type of Review.* Upon receipt of an application for an Eligible Facilities Request pursuant to this Section, the Town shall review such application to determine whether the application so qualifies.
3. *Timeframe for Review.* Subject to the tolling provisions of subparagraph (4) below, within sixty (60) days of the date on which an Applicant submits an application seeking approval under this Section, the Town shall approve the application unless it determines that the application is not covered by this Section.
4. *Tolling of the Timeframe for Review.* The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the Town and the Applicant, or in cases where the Town determines that the application is incomplete:
 - a. To toll the timeframe for incompleteness, the Town must provide written notice to the Applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - b. The timeframe for review begins running again when the Applicant makes a supplemental written submission in response to the Town's notice of incompleteness; and
 - c. Following a supplemental submission, the Town will notify the Applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraph 4(a) of this Subsection E. In the case of a second or subsequent notice of incompleteness, the Town may not specify missing documents or information that were not delineated in the original notice of incompleteness.
5. *Failure to Act.* In the event the Town fails to act on a request seeking approval for an Eligible Facilities Request under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant of approval becomes effective when the Applicant notifies the Town in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
6. *Interaction with Telecommunications Act Section 332(c)(7).* If the Town determines that the Applicant's request is not an Eligible Facilities Request as delineated in this Section the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the

Town's decision that the application is not a covered request. To the extent such information is necessary, the Town may request additional information from the Applicant to evaluate the application under Section 332(c)(7) review. The Town shall identify the need for any such additional information together with the notice that the request is not an Eligible Facilities Request, and if such additional information is requested, the reasonable time frame under Section 332 (c)(7) will begin to run beginning on the date that such additional information is received by the Town.

- F. *Abandonment and Removal.* Prior to approval, affidavits shall be required from the owner of the property and from the Applicant acknowledging that each is responsible for the removal of a WCF, including Related Accessory Equipment, that is abandoned or is unused for a period of six months.
- G. *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing, supported by substantial evidence in a written record, and shall be provided to the Applicant within ten (10) days of the decision. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.
- H. *Compliance with Applicable Law.* Notwithstanding the approval of an application for collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Town Code, and any other applicable regulations. In addition, all WCF applications shall comply with the following:
 - a. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 - b. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - c. Be maintained in good working condition and to the standards established at the time of application approval or as otherwise required by applicable law; and
 - d. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) days from the time of notification by the City or after discovery by the owner or operator of the Site.
- I. *Compliance Report.* Upon request by the City, the Applicant shall provide a compliance report within forty-five (45) days after installation of a WCF,

demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Town requirements and standard regulations.

Section 4.19.070 Standards for Approval. No WCF, including Related Accessory Equipment, shall be approved unless it meets the following approval criteria:

- A. Visual impacts are minimized and view corridors are protected to the greatest extent feasible.
- B. Unless a Tower site, or otherwise waived pursuant to this Section, the WCF utilizes concealment design techniques to avoid adverse impacts on the surrounding area, by ensuring that the facility looks like something other than a Tower or Base Station;
- C. The WCF meets the applicable design standards for the type of WCF in accordance with Section 4.19.050, Design Standards; and
- D. The WCF is and will be operated at all times in accordance with Section 4.19.040.

Section 4.19.080 Miscellaneous

A. *Severability.* If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

B. *Codification Amendments.* The codifier of the Town Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Town Code.

C. *Effective Date.* This Ordinance shall take effect and be in force immediately upon final adoption. In the event, this Ordinance is approved by majority vote, but without a minimum of six affirmative votes of Town Council, it shall be deemed approved and effective thirty (30) days after publication following final adoption.



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 22, 2021

Agenda Item: Mountain Recreation Capital Campaign Funding Request Proposal

REQUEST:

Staff requests that the Town Council review a funding request from Mountain Recreation to support the capital fundraising campaign for the Pool & Ice Rink Expansion.

INTRODUCTION:

On January 8, Mountain Recreation made a presentation to the Town Council to provide an update on the status of the project and fundraising strategy. Mountain Recreation has pursued this initiative for a little over 2 years and has transitioned into fundraising. At the last meeting, Mountain Recreation didn't provide a specific contribution request because their team wanted to meet with staff first to finalize the details. Staff met on June 7 and came up with the plan in the analysis section. This information was included in the Town Council Weekly Update email. Mountain Recreation has also attached a letter with a specific request.

ANALYSIS:

Mountain Recreation is requesting \$3,500,000 over 20 years as a contribution to the Pool & Ice Rink Expansion Project. This amount includes the \$103,000 noon ball settlement funding. Staff did not negotiate the total amount with Mountain Recreation because the funding allocation is ultimately up to the Town Council. Below is a proposal of the terms and conditions:

- Approximately \$175,000 annual payment to Mountain Recreation for 20 years
- Allow for the ability to pay the obligation off early if Town's financial position is positive
- Funding will come from the Capital Improvement Fund as this is a capital expense
- For maximum flexibility and ease of administration, appropriate funds annually as part of the budget process rather than dedicating specific revenues towards the project
- Develop an Intergovernmental Agreement (IGA) that covers the terms and conditions

The proposal above is what staff and Mountain Recreation developed. The next steps are for the Town Council to give feedback on the following items:

1. The total amount requested
2. Term duration

3. Expensing the project from the Capital Improvement Fund
4. Flexible use of revenues to cover the annual payment
5. Direct staff to move forward with an IGA

COMMUNITY INPUT:

Community input is not required with this proposal.

BUDGET / STAFF IMPACT:

There is a budget impact associated with this proposal. At the proposed amount, the Town will dedicate \$175,000 every year from the Capital Improvement Fund and is a long-term obligation for 20 years. As a result of investing, Town could see a reduction in the capital costs associated with maintaining aging and obsolete infrastructure. Currently, the Town makes an annual payment of \$40,000 - \$50,000 to support capital maintenance. This number will increase over time if improvements are not made. The Town Council should discuss the current maintenance arrangement. The proposal doesn't require staffing resources.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

While this project and request are not listed as a goal under the major objectives, this request does align with matching infrastructure to the quality of life of residents in Eagle. Through a public process, this proposal was identified as a major priority that will improve quality of life. The current recreation facility doesn't support the current needs or demands for high-quality recreation and wellness amenities. Town's contribution and fundraising will offset the need to raise more property taxes to cover the funding gap. This proposal is an investment in expanding recreation opportunities in Eagle.

Contributing \$3,500,000 million over 20 years does impact the town's financial stability over the long term. Assuming revenues support an annual contribution, long-term obligations committed to an outside organization compete with existing and future operational and capital priorities of the Town.

RECOMMENDED ACTION OR PROPOSED MOTION:

There are two actions:

1. Does the Town Council approve the terms and conditions as proposed or some version of the request?
2. Motion to **approve** or **deny** Mountain Recreation's Capital Funding Request.

ATTACHMENTS:

- Mountain Recreation Capital Funding Request Letter

June 22, 2021

Dear Eagle Town Council,

As a follow up from our presentation at the June 8, 2021 council meeting, we would like to make the below request.

Mountain Recreation would like to respectfully request a financial contribution of \$3.5 Million over the next 20 years from the Town of Eagle to support the capital improvement projects at the Eagle Pool & Ice Rink/Haymaker Trailhead area.

Next steps in the project for Mountain Recreation:

1. Continue to work with community partners (government and private) for financial support to reduce the burden on taxpayers.
2. Continue the public education process to ensure Mountain Recreation taxpayers are familiar with the improvements proposed and the estimated cost.
3. September 3, 2021 – Deadline for Mountain Recreation Board to ratify ballot language to have a ballot question on the November 2021 ballot.

We look forward to partnering once again to meet the recreation needs of Eagle residents. Thank you for your consideration.

Sincerely,



Scott Robinson
Superintendent of Business Operations
Mountain Recreation Metropolitan District



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: June 22, 2021

Agenda Item: Resolution No. 48, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Modified Code of Conduct and Ethics Policy"

REQUEST:

Staff requests that the Town Council review a draft amendment of the Code of Conduct and Ethics to include a council member attendance policy proposal.

INTRODUCTION:

On May 25 the Town Council adopted a Code of Conduct and Ethics Policy which is required under [Section 3.06](#) of the Home Rule Charter. The Town Council discussed an amendment to the policy on June 8 that covered attendance. Based on the discussion, the staff is including an amendment to the attendance policy to include virtual attendance. Matt Mire included the proposal in the amended Code of Conduct and Ethics Policy attached to this memo.

ANALYSIS:

Provided below is a summary of the changes to the Code of Conduct and Ethics Policy:

Town Council Meeting Absence Policy:

- The policy of the Town Council is that all Town Council members should attend all regular and special Town Council meetings in person.
- Each Town Council member is allocated 4 unexcused absences per calendar year from regular and special Town Council meetings. The Town Council may, by vote, excuse an absence if the Town Council determines that the absence is justified by an emergency or other extenuating circumstance.
- Each Town Council member may attend up to 2 meetings per year virtually, and such virtual attendance shall not be counted as an absence.
- The Mayor may waive or modify provisions of this Section as necessary to provide disabled Town Council members with full and equal access to Town Council meetings.

COMMUNITY INPUT:

Community input is not required with this proposal.

BUDGET / STAFF IMPACT:

There is no budget impact with this proposal.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with the strategic plan. However, it does align with the Home Rule Charter and the policy is required.

RECOMMENDED ACTION OR PROPOSED MOTION:

1. Motion to **approve** the adoption of the amendment to the Town of Eagle's Code of Conduct and Ethics Policy.

ATTACHMENTS:

- Resolution No. 48, Series 2021
- Town of Eagle Code of Conduct and Ethics Policy

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 48
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A MODIFIED CODE OF CONDUCT AND ETHICS POLICY

WHEREAS, pursuant to Section 3.06 of the Eagle Home Rule Charter, the Town Council shall adopt by resolution a Code of Conduct and Ethics;

WHEREAS, on May 25, 2021, the Town Council adopted the Code of Conduct and Ethics Policy (the "Policy");

WHEREAS, the Town Council now wishes to modify the Policy to include a provision regarding Town Council meeting absences; and

WHEREAS, the Town Council finds it in the best interest of the Town to approve the Policy with such modifications.

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

Section 1. The Town Council hereby approves the Code of Conduct and Ethics Policy, as modified, in the form attached hereto and incorporated by this reference.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 22, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE CODE OF CONDUCT AND ETHICS

I. Purpose.

The purpose of this Code of Conduct and Ethics (the "Code") is to establish guidelines for the conduct of all Town officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town, and to outline sanctions for violation of this Code.

II. Definitions.

A. *Business* means any corporation, limited liability company, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

B. *Compensation* means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered, or to be rendered, by himself or another.

C. *Contract* means any express or implied agreement which creates, modifies, or terminates a particular relationship with the Town and shall include the designation of a depository for public funds.

D. *Employee* means any temporary or permanent employee of the Town.

E. *Financial Interest* means a substantial interest held by an individual which is:

1. An ownership interest in a business;
2. A creditor interest in an insolvent business;
3. An employment or a prospective employment for which negotiations have begun;
4. An ownership interest in real or personal property;
5. A loan or any other debtor interest; or
6. A directorship or officer-ship in a business.

F. *Official* means any person holding a position by election or appointment in the service of the Town, whether paid or unpaid.

G. *Official Act or Action* means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

H. *Relative* shall mean any person related to the official or employee by blood or marriage, and includes without limitation parents, spouses, children, brothers and sisters, parents-in-law, siblings-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A divorce or separation between spouses shall not be deemed to terminate any such relationship.

III. Public Trust – Breach of Fiduciary Duty.

A. All officials and employees must carry out their duties for the benefit of the people of the Town.

B. An official or employee who departs from their fiduciary duty shall be liable for the abuse of such trust. The district attorney for Eagle County may bring appropriate judicial proceedings on behalf of the people. Any money collected in such action shall be paid to the general fund of the Town. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such official or employee.

C. It shall not be considered a breach of fiduciary duty for an official or employee to use Town facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or to accept or receive a benefit as an indirect consequence of transacting Town business.

IV. Prohibitions.

An official or employee of the Town shall not do any of the following:

A. Disclose or use confidential information acquired during their official duties to substantially further their personal financial interest.

B. Accept a gift of substantial value, or of substantial economic benefit tantamount to a gift of substantial value, which: would tend improperly to influence a reasonable person in their position to depart from the faithful and impartial discharge of his or her public duties; or they know, or which a reasonable person in their position should know, under the circumstances is primary for the purpose of rewarding their official action. The following shall not be considered gifts of substantial value for the purpose of this section:

1. A campaign contribution and contributions in kind reported as required by C.R.S. § 1-45-108.
2. An occasional nonpecuniary gift, insignificant in value.

3. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
 4. Payment of, or reimbursement for, actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such official or employee is scheduled to participate.
 5. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such official or employee which is not extraordinary when viewed considering the position held by such official or employee.
 6. Items of perishable or nonpermanent value, including without limitation meals, lodging, travel expense, or tickets to sporting, recreational, education, or cultural events.
 7. Payment for speeches, appearances, or publications reported pursuant to C.R.S. § 24-6-203.
 8. Payment of salary from employment, including other government employment, in addition to that earned from being an official.
- C. Acquire or hold an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency of which they have substantive authority.
- D. Within 6 months following termination of their office or employment, obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during their term of employment. These matters include rules, other than rules of general application, which they actively helped to formulate and applications, claims, or contested cases in the consideration of which they were an active participant.
- E. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the official or employee has a substantial financial interest in a competing firm or undertaking, or is engaged as counsel, consultant, representative, or agent.
- F. Engage in a substantial financial transaction for their private business purposes with a person whom they inspect or supervise in the course of their official duties.
- G. Vote or attempt to influence the decisions of other members of the Town Council in voting on a matter where the official or employee has a personal or private interest in any matter proposed or pending before the Town Council.
- H. Be interested in any contact made by them in their official capacity or by any body, agency, or board of which they are members or employees.

I. Be purchasers at any sale or vendor at any purchase made by them in their official capacity.

J. Purchase or sell or in any manner receiving to their own use or benefit whatever the Town warrants, scrips, orders, demands, claims, or other evidence of intendedness against the Town, except evidence of indebtedness issues to or held by them for services rendered as such official or employee and evidence of the funded indebtedness of the Town.

V. Disclosure of Conflict of Interest.

A. An official or employee who has a personal or private interest in any matter proposed or pending before the Town Council or any other Town board, commission or committee that the official or employee is a member of, shall disclose such interest to the Town Council, board, commission or committee and may not vote or attempt to influence other members in the matter.

B. Notwithstanding the above subsection, the official or employee may vote if their participation is necessary to obtain a quorum or otherwise enable the body to act so long as they comply with the voluntary disclosure procedures set forth below.

C. An official or employee who has a personal or private interest in any matter should disclose the nature of such interest. Such disclosure must be in writing to the Secretary of State, and shall list: the amount of financial interest, if any; the purpose and duration of their services, if any, and the compensation received for such services; or such other information as necessary as to describe the interest.

D. If the official or employee discloses the interest as described above, and then performs the official act involved, they must state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

VI. Gift Ban.

A. No official or employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the official or employee who accepted or received the money, forbearance, or forgiveness of indebtedness.

B. No official or employee either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept, or receive any gift or other thing of value having a fair market value or aggregate actual cost greater than \$65.00 in any calendar year, including without limitation gifts, loans, rewards, promise or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discount, from a person, without the person receiving lawful consideration of equal or

greater value in return from the official or employee who solicited, accepted, or received the gift or other thing of value.

C. The prohibitions in subsections (A) and (B) of this section do not apply if the gift or thing of value is:

1. A campaign contribution as defined by law;
2. An unsolicited item of trivial value of less than \$50.00, such as a pen, calendar, plant, book, note pad or other similar item;
3. An unsolicited token or award of appreciation in the form of plaque, trophy, desk item, wall memento, or similar item;
4. Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
5. Admission to, and the cost of food and beverage consumed at, a reception, meal, or meeting held by an organization when the recipient appears to speak or to answer questions as part of a scheduled program;
6. Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, making a presentation, participate on a panel, or represent the Town, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;
7. Given by an individual who is a relative or personal friend of the recipient on a special occasion; or
8. A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

D. Except for campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any official or employee or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such official or employee, whether or not such gift or meal, beverage, or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offer or giving to an official or employee who is a member of their immediate family any such gift, thing of value, meal, beverage, or other item.

E. The limit set forth in this section shall be adjusted by an amount based on the percentage change over a 4-year period in the United States bureau of labor statistics consumer

price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar.

VII. Board of Ethics and Investigations.

The Town Council shall serve as the Board of Ethics for the Town. Any apparent violation of this policy may be referred to the Town Council for investigation and discussion. In all cases, the determination of the Town Council as to whether there has been a violation shall be final.

VIII. Town Council Meeting Absence Policy.

A. The policy of the Town Council is that all Town Council members should attend all regular and special Town Council meetings in person.

B. Each Town Council member is allocated 4 unexcused absences per calendar year from regular and special Town Council meetings. The Town Council may, by vote, excuse an absence if the Town Council determines that the absence is justified by an emergency or other extenuating circumstances.

C. Each Town Council member may attend up to 2 meetings per year virtually, and such virtual attendance shall not be counted as an absence.

D. The Mayor may waive or modify provisions of this Section as necessary to provide disabled Town Council members with full and equal access to Town Council meetings.

IX. Violation and Penalty.

Any official or employee who violates any of the provisions of this code shall be subject to the following penalties:

A. In the case of a Town Council member, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for an official reprimand by the Town Council.

B. In the case of a board, committee or commission member, if a violation is established to the satisfaction of the majority of the Town Council, such violations shall be grounds for an official reprimand by the Town Council and grounds for removal of such person from any board or commission of which they are a member.

C. In the case of an employee, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for discipline and/or termination of employment, depending on the severity of the violation.



Town Council
Tuesday, July 6, 2021

ONLINE MEETING

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

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

TOWN COUNCIL WORK SESSION ACCESS INFORMATION AND PUBLIC PARTICIPATION *This will be an in-person work session. Work sessions of the Town Council are not meetings requiring public comment. The public is allowed to attend, however, public comment will not be scheduled and will only be taken at the discretion of the Mayor. The Council shall take no final or official action, vote, nor make any motions.*

WORK SESSION ITEMS - 4:00 PM

1. Introduction - 5 Minutes
2. Mountain Towns 2030 Overview, Luke Cartin, Park City Environmental Sustainability Manager - 30 Minutes
3. Adam Palmer Sustainability Fund Update - 10 Minutes
4. Local Sustainability Initiatives & Success Stories - 5 Minutes
5. Sustainability Philosophy, Principles and Goal Setting Development - 70 Minutes

ADJOURN - 6:00 PM

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

Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019