



Town Council
Tuesday, August 10, 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.*

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

ADOPTION OF AGENDA *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.*

CONSENT AGENDA - 6:15 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 - July 27, 2021
2. Bill Pay - July 2021
3. Resolution No. 58, Series 2021 "A Resolution Approving an Intergovernmental Agreement Between the Eagle County Clerk and Recorder and Town of Eagle Concerning the Tuesday, November 2, 2021, Coordinated Election"
4. Resolution No. 59, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Declaring a Vacancy on the Town Council as of July 28, 2021, And Establishing the Procedures for Filling Such Vacancy by

STAFF REPORTS - 6:20 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update
2. Department Update
3. Second-Quarter Sales Tax

BUSINESS ITEMS - 6:30 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. Ordinance No. 8, Series 2021, "An Ordinance of the Town of Eagle, Colorado Establishing Regulations for Wireless Communication Facilities."
2. Ordinance No. 11, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100 of the Eagle Municipal Code to Streamline Retail Marijuana Business Zoning Regulations, Section 5.15.150 to Permit Administrative Approvals of Medical Marijuana Business License Renewal Applications and Creating a New Chapter 5.17 to Address the Licensing and Regulation of Retail Marijuana Businesses"

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 7:10 PM

1. Future Agenda Items
2. Council Committee Update

ADJOURN - 7:20 PM

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



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



MEETING MINUTES
Town Council
Tuesday, July 27, 2021
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

CALL TO ORDER - 6:00 PM

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

ROLL CALL - 6:05 PM

COUNCIL MEMBERS PRESENT

Matt Solomon, Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier (via Zoom), David Gaboury, Janet Bartnik, Geoffrey Grimmer

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Matt Mire, Town Attorney
Bill Shrum, Assistant Town Manager
Jenny Rakow, Town Clerk
Kelly Huitt, Acting Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Joey Staufer, Police Chief
Dennis Wike, Town Engineer
Peyton Heitzman, Planner

ADOPTION OF AGENDA

MOTION: Councilmember Janet Bartnik motioned to amend the agenda and remove items 2. and 3. from the Consent Agenda. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

PUBLIC COMMENT

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

CONSENT AGENDA

MOTION: Councilmember David Gaboury motioned to approve the Consent Agenda, consisting of the July 13, 2021 Minutes. The motion was seconded and passed with a vote of 6 in favor (Solomon, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer), 1 abstain (Kerst) and 0 opposed.

1. Minutes - July 13, 2021
2. Resolution No. 55, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Memorandum of Understanding by and Between Abrika Properties LLC and the Town of Eagle"

Council comments: requested further information from staff and town attorney on the purpose of this Resolution. Town staff and attorney provided this Memorandum of Understanding will allow the applicant to apply with the Town to begin the process of seeking approval.

MOTION: Councilmember Matt Solomon motioned to approve Resolution No. 55, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Memorandum of Understanding by and Between Abrika Properties LLC and the Town of Eagle". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

3. Resolution No. 57, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Funding Contribution towards Mountain Recreation's Capital Campaign to make Improvements to the Pool & Ice Rink Facility"

MOTION: Councilmember Matt Solomon motioned to approve Resolution No. 57, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Funding Contribution towards Mountain Recreation's Capital Campaign to make Improvements to the Pool & Ice Rink Facility". The motion was seconded and passed with a vote of 5 in favor (Kerst, Turnipseed, Bodenhemier, Gaboury, and Grimmer), 1 recused (Bartnik) and 1 opposed (Solomon).

STAFF REPORTS

1. Town Manager Update

LIQUOR LICENSE AUTHORITY

1. PUBLIC HEARING: Project 1901 LLC dba Grand Avenue Grill - Request for Transfer of Ownership of a Hotel & Restaurant Liquor License
Mayor Scott Turnipseed convened as the Liquor License Authority. Applicant Doug Wooldridge was present.

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

MOTION: Councilmember Janet Bartnik motioned to approve Findings and Order approving a Transfer of Ownership of a Hotel & Restaurant License for Project 1901 LLC dba Grand Avenue Grill located at 678 Grand Avenue and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

BUSINESS ITEMS

1. East Eagle Sub Area Plan (EESAP) Update and Review
Peyton Heitzman Planner presented this item.

Council comments: council provided a consensus of approval on the map as presented. Confirmation was provided that the roads were illustrative in the plan as shown. Discussion on keeping the commercial area as a revenue-generating entity for the town. The plan itself is intended to be reviewed in the future and updated to ensure it meets the needs of the town. Council supported meeting with the Planning Commission. Council expressed their support for each building to be eligible for mixed-use in the designated areas. Council did not support funding a housing study.

Patrick Adler, RED Development – expressed his support for adding another parcel of mixed-use flexible space.

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

Staff will set up a joint meeting with the Council and the Planning Commission.

2. Resolution No. 56, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting Town-Wide Sustainability Goals"

Mayor Scott Turnipseed opened this item.

Council comments: requested to change the wording in the Resolution to “a” leader, not “the” leader. Further discussion on timelines for these goals and whether they were attainable.

John and Joyce Chizmadia 0119 Sawmill Circle – expressed concern regarding the adoption of climate-related goals and potential costs. Would like additional public input on town funding of initiatives.

Council comments: discussion on prioritization of these goals with town staff and community. Discussion on keeping the dates to keep momentum and align with the strategic plan.

MOTION: Councilmember Janet Bartnik motioned to approve Resolution No. 56, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting Town-Wide Sustainability Goals" with an amendment to the Resolution changing to “a” leader in the fourth whereas statement. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenheimier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

(Councilmember Bodenheimier left the meeting)

3. Outdoor Recreation Economy District Research and Strategy Project Proposal
Bill Shrum presented this item.

Council comments: inquired if staff would be able to secure additional grants to offset the funding request. Bill Shrum provided that staff would continue to seek those opportunities and further clarified the reasoning for seeking this economic study in 2021. Council felt this would support the economic development aspect of the town and assist with the development of the East Eagle Sub Area Plan.

MOTION: Councilmember David Gaboury motioned to Direct Staff to move forward with the Outdoor Recreation Economy District Research and Strategy Project Proposal. The motion was seconded and with a vote of 6 in favor (Solomon, Kerst, Turnipseed, Gaboury, Bartnik, and Grimmer) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Council Committee Updates

Councilmember Janet Bartnik provided that VISTA will be hosting outreach opportunities for the public and encouraged the council to participate.

2. Future Agenda Items

3. Discussion of Development Code Update Process and Appointment of Councilmember to the Land Use Code Committee.

Mayor Scott Turnipseed stated he will fill this position until after the November election.

MOTION: Councilmember Matt Solomon motioned to appoint Mayor Scott Turnipseed to the Land Use Code Committee until a new appointee can be selected after the November election. The motion was seconded and passed with a vote of 6 in favor (Solomon, Kerst, Turnipseed, Gaboury, Bartnik, and Grimmer) and 0 opposed.

Councilmember Matt Solomon indicated his desire to resign his seat before the November election and indicated his wishes to have the voters choose his replacement rather than by council appointment.

ADJOURN - 8:00 PM

Approved:

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk

DRAFT

**BILL SCHEDULE
JULY 2021**

GENERAL FUND

Town Council

CEBT	Health & Insurance Benefits	\$	118.00
Name Tag Country	Office Supplies		93.81
Name Tag Country	Communication & Transportation		5.67
Executech Utah LLC	Computer Support		77.44
Forward Tech Solutions, LLC	Computer Support		119.50
City Market	Meeting Expense		11.58
Pazzo's	Meeting Expense		143.25
Amazon	Tuition & Books		108.22
Bravo! Vail Valley Music Festival	Community Requests		395.00
Eagle Air Alliance	Community Requests		2,975.00
Eagle County Historical Society	Community Requests		1,700.00
Eagle Valley Land Trust	Community Requests		730.00
Eagle Valley Skating Association	Community Requests		2,245.00
Vail Valley Lacrosse Club	Community Requests		65.00
Vail Valley Mountain Trails Alliance	Community Requests		1,100.00
Vail Valley Partnership	Community Requests		2,270.00
Total Town Council		\$	12,157.47

General Government

CEBT	Health & Life Ins. Payable	\$	1,571.87
Rocky Mountain Reserve LLC	Health & Insurance Benefits		9.26
United States Treasury	PCORI Tax		16.55
Amazon	Office Supplies		11.34
Name Tag Country	Office Supplies		13.40
Staples	Office Supplies		14.50
Name Tag Country	Communication & Transportation		0.81
Staples	Communication & Transportation		4.83
Eagle County Government	Dues & Subscriptions		4,339.94
McCool Development Solutions, LLC	Professional Services		4,657.50
Hoffman, Parker, Wilson & Carberry PC	Legal - General		13,151.51
Kissinger & Fellman, P.C.	Legal - General		1,037.00
Executech Utah LLC	Computer Support		116.16
Forward Tech Solutions, LLC	Computer Support		161.58
Mammoth Networks	Computer Support		375.00
Gagen, Timothy J	Travel Expense		83.66
Hotel Denver	Travel Expense		187.72
Moe's BBQ	Meeting Expense		120.76
Eventbrite	Tuition & Books		331.64
Total General Government		\$	26,205.03

General Administration

Barton, Adrian & Stacy	Utility Overpayment Refund	\$	45.62
Christianson Living Trust	Utility Overpayment Refund		21.65
Gonzalez, Joel & Leyla	Utility Overpayment Refund		7.38
K&B Townhome	Utility Overpayment Refund		52.13
Kuhns, Sheldon & Melita	Utility Overpayment Refund		275.97
Lombardi, Peter & Kelli	Utility Overpayment Refund		7.88
Miller, Leslie Michelle	Utility Overpayment Refund		37.84

General Administration (Cont.)

Rush, Jay	Utility Overpayment Refund	52.10
Skoog, Noel & Tomza	Utility Overpayment Refund	163.96
Tomz, Janice	Utility Overpayment Refund	2.80
Morningstar Mountain Property LLC	Performance Guarantee Release	22,710.89
Colorado State Treasurer	State Unemployment Tax	3,022.97
Bravo! Vail Valley Music Festival	Facility Usage Deposit Refund	750.00
Carreon, Roxie	Facility Usage Deposit Refund	1,125.00
Colorado Delta Kappa Gamma Society	Facility Usage Deposit Refund	900.00
Cruz, Laura	Facility Usage Deposit Refund	750.00
Jans Ltd	Facility Usage Deposit Refund	750.00
Johnson Excavation And Telecomm.	Facility Usage Deposit Refund	750.00
Leblanc, Brandon	Facility Usage Deposit Refund	750.00
Muntz, Georgine	Facility Usage Deposit Refund	750.00
Revolution Enduro, LLC	Facility Usage Deposit Payable	375.00
Sanner, Michael	Facility Usage Deposit Refund	750.00
Tena, Andrea	Facility Usage Deposit Refund	375.00
Zamudio, Maria	Facility Usage Deposit Refund	335.28
CEBT	Health & Life Ins. Payable	4,985.82
Rocky Mountain Reserve LLC	Health & Insurance Benefits	22.60
United States Treasury	PCORI Tax	40.39
Amazon	Office Supplies	108.51
Amazon	Equipment (Non-Capital)	64.07
TEC Integration, Inc.	Equipment (Non-Capital)	142.45
Employer's Council Services, Inc.	Dues & Subscriptions	7,200.00
Government Finance Officers Association	Dues & Subscriptions	150.00
Mail Chimp	Dues & Subscriptions	75.46
Century Link	Utility Services	1,082.59
Government Jobs	Recruitment	148.27
Mountain Careers	Recruitment	59.23
Chase Paymentech	C.C. Transaction Fees	35.53
Xpress Bill Pay	C.C. Transaction Fees	15.60
Municipal Code Corporation	Professional Admin Services	1,195.00
Caselle, Inc.	Computer Support	1,510.49
Executech Utah LLC	Computer Support	360.87
Forward Tech Solutions, LLC	Computer Support	294.93
MuniRevs Inc.	Computer Support	952.50
TEC Integration, Inc.	Computer Support	100.00
King Soopers Customer Charges	Meeting Expense	81.92
Colorado Municipal Clerks Association	Tuition & Books	600.00
Lewan & Associates	Contract Payments	48.17
US Bank Equipment Finance	Contract Payments	417.92
Cirsa	Insurance - Pavilion	824.65
Total General Administration		\$ 55,278.44

Community Development

CEBT	Health & Life Ins. Payable	\$ 6,158.76
Rocky Mountain Reserve LLC	Health & Insurance Benefits	37.04
United States Treasury	PCORI Tax	49.07
Name Tag Country	Office Supplies	13.40
Fleet Services	Gas & Oil	70.47
Amazon	Equipment (Non-Capital)	83.21
HomeThreads	Equipment (Non-Capital)	570.10

Community Development (Cont.)

TEC Integration, Inc.	Equipment (Non-Capital)	185.00
Name Tag Country	Communication & Transportation	1.45
Century Link	Utility Services	178.61
Psychological Dimensions, PC	Recruitment	350.00
McCool Development Solutions, LLC	Professional Services	1,504.50
Hoffman, Parker, Wilson & Carberry PC	Planning Reimbursable	8,805.19
McCool Development Solutions, LLC	Planning Reimbursable	876.00
Hoffman, Parker, Wilson & Carberry PC	Legal	1,657.50
Executech Utah LLC	Computer Support	542.08
Forward Tech Solutions, LLC	Computer Support	486.50
Town Of Gypsum	Contract Services	1,247.50
US Bank Equipment Finance	Contract Payments	417.91
Total Community Development	\$	23,234.29

Municipal Court

CEBT	Health & Life Ins. Payable	\$ 245.18
Rocky Mountain Reserve LLC	Health & Insurance Benefits	0.93
United States Treasury	PCORI Tax	1.66
Carlson, Edwards & O'Connor P.C.	Legal	1,500.00
Caselle, Inc.	Computer Support	256.39
Executech Utah LLC	Computer Support	85.19
Forward Tech Solutions, LLC	Computer Support	66.55
Ace Security And Safety Services LLC	Contract Payments	96.00
Total Municipal Court	\$	2,251.90

Streets

CEBT	Health & Life Ins. Payable	\$ 6,729.12
Rocky Mountain Reserve LLC	Health & Insurance Benefits	37.97
United States Treasury	PCORI Tax	59.93
Name Tag Country	Office Supplies	2.68
Quill Corporation	Office Supplies	47.82
Collett Enterprises	Repair & Maintenance Supplies	175.45
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	607.16
Grainger	Repair & Maintenance Supplies	163.71
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	7.14
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	450.85
MacDonald Equipment	Repair & Maintenance Supplies	505.47
United Rentals (North America) Inc	Repair & Maintenance Supplies	12.69
Wear Parts & Equip Co, Inc	Repair & Maintenance Supplies	680.34
Wylaco Supply Co	Repair & Maintenance Supplies	310.50
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	121.03
Glenwood Springs Ford	Vehicle Repair & Maintenance Supplies	216.74
Collett Enterprises	Gas & Oil	397.57
Fleet Services	Gas & Oil	888.52
Glenwood Springs Auto Parts Inc	Gas & Oil	22.58
Amazon	Equipment (Non-Capital)	115.14
MacDonald Equipment	Communication & Transportation	346.93
Name Tag Country	Communication & Transportation	1.46
Century Link	Utility Services	815.54
Holy Cross Energy	Utility Services	2,185.95
APWA	Recruitment	31.45
Government Jobs	Recruitment	19.26

Streets (Cont.)

Mountain Careers
Your Membership
Hoffman, Parker, Wilson & Carberry PC
Glenwood Springs Ford
Safety-Kleen Systems, Inc.
Utility Notification Center Of Colorado
Caselle, Inc.
Executech Utah LLC
Forward Tech Solutions, LLC

Recruitment 7.69
Recruitment 38.61
Legal 78.00
Repair & Maintenance Services 165.00
Repair & Maintenance Services 607.00
Repair & Maintenance Services 59.40
Computer Support 53.37
Computer Support 363.97
Computer Support 279.45

Total Streets \$ **16,605.49**

Public Safety

CEBT
Rocky Mountain Reserve LLC
United States Treasury
Amazon
Vista Print
Amazon
Axon Enterprise, Inc.
Costco
Galls, LLC
Laser Labs
Emblems Inc
Galls, LLC
JB T-Shirts Silkscreen & Embroidery
Glenwood Springs Auto Parts Inc
Fleet Services
Glenwood Springs Auto Parts Inc
Amazon
Galls, LLC
Colorado Department Of Revenue
AT&T Mobility
Century Link
Hoffman, Parker, Wilson & Carberry PC
Galls, LLC
White Water Express Carwash
Atlas Business Solutions, Inc
Executech Utah LLC
Forward Tech Solutions, LLC
Technovia Consulting
Pickled
Red Canyon Café
Bighorn Steakhouse
Dos Locos
Keystone Resort
Eagle County Animal Control
High Country Copiers
Xerox Financial Services LLC

Health & Life Ins. Payable \$ 17,465.18
Health & Insurance Benefits 75.31
PCORI Tax 134.23
Office Supplies 34.61
Office Supplies 34.83
Operating Supplies 683.48
Operating Supplies 132.00
Operating Supplies 75.22
Operating Supplies 606.89
Operating Supplies 67.68
Uniforms 286.00
Uniforms 159.98
Uniforms 288.00
Vehicle Repair & Maintenance Supplies 138.32
Gas & Oil 2,644.38
Gas & Oil 178.99
Equipment (Non-Capital) 72.56
Communication & Transportation 44.61
Dues & Subscriptions 23.62
Utility Services 617.73
Utility Services 654.90
Legal 39.00
Repair & Maintenance Services 3.99
Repair & Maintenance Services 92.41
Computer Support 600.00
Computer Support 19.36
Computer Support 203.78
Computer Support 2,431.00
Meeting Expense 35.66
Meeting Expense 28.06
Training & Travel - Grants 11.87
Training & Travel - Grants 22.25
Training & Travel - Grants 399.43
Animal Control 5,112.00
Contract Payments 32.02
Contract Payments 190.53

Total Public Safety \$ **33,639.88**

Buildings & Grounds

CEBT Health & Life Ins. Payable \$ 4,584.36

Buildings & Grounds (Cont.)

Rocky Mountain Reserve LLC	Health & Insurance Benefits	21.92
United States Treasury	PCORI Tax	40.52
Name Tag Country	Office Supplies	1.34
Quill Corporation	Office Supplies	47.81
JB T-Shirts Silkscreen & Embroidery	Uniforms	240.00
Alpine Lumber Co.	Repair & Maintenance Supplies	285.45
Eagle Valley Glass & Mirror	Repair & Maintenance Supplies	433.72
Ferguson Enterprises, Inc.	Repair & Maintenance Supplies	245.06
G & S Tool Clinic, LLC	Repair & Maintenance Supplies	402.00
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	439.27
Grainger	Repair & Maintenance Supplies	380.56
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	224.71
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	155.30
Native Electric	Repair & Maintenance Supplies	297.60
Pet Pick-Ups	Repair & Maintenance Supplies	720.00
Summit Supply Corporation	Repair & Maintenance Supplies	856.50
Wylaco Supply Co	Repair & Maintenance Supplies	25.35
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	197.30
Collett Enterprises	Gas & Oil	397.58
Fleet Services	Gas & Oil	1,178.55
Glenwood Springs Auto Parts Inc	Gas & Oil	20.09
Amazon	Equipment (Non-Capital)	115.14
G & S Tool Clinic, LLC	Communication & Transportation	9.99
Pet Pick-Ups	Communication & Transportation	88.26
Summit Supply Corporation	Communication & Transportation	329.05
Black Hills Energy	Utility Services	425.13
Century Link	Utility Services	132.48
Holy Cross Energy	Utility Services	2,333.01
APWA	Recruitment	15.72
Government Jobs	Recruitment	9.63
Info Cubic	Recruitment	115.24
Mountain Careers	Recruitment	3.85
Your Membership	Recruitment	19.30
Jerry-master Janitorial	Janitorial Maintenance Contracts	2,158.00
Avalanche Property Maintenance & Service	Repair & Maintenance Services	220.00
Eagle Valley Glass & Mirror	Repair & Maintenance Services	375.00
Mountain Pest Control, Inc.	Repair & Maintenance Services	445.50
Native Electric	Repair & Maintenance Services	220.00
Sno-White Linen Rental	Repair & Maintenance Services	470.93
Vail Honeywagon	Repair & Maintenance Services	136.00
Venzor Carpet Cleaning	Repair & Maintenance Services	829.44
Yarger Services, LLC	Repair & Maintenance Services	212.00
Caselle, Inc.	Computer Support	53.37
Executech Utah LLC	Computer Support	290.40
Forward Tech Solutions, LLC	Computer Support	198.03
Superior Alarm & Electronics	Contract Payments	405.00
TK Elevator Corp.	Contract Payments	681.50
Total Buildings & Grounds		\$ 20,805.46

Information Center

CEBT	Health & Insurance Benefits	\$ 42.00
Century Link	Utility Services	220.84

Information Center (Cont.)

Executech Utah LLC	Computer Support	77.44
Forward Tech Solutions, LLC	Computer Support	103.50
Total Information Center		\$ 443.78

Marketing & Events

CEBT	Health & Life Ins. Payable	\$ 3,153.09
Rocky Mountain Reserve LLC	Health & Insurance Benefits	7.10
United States Treasury	PCORI Tax	11.04
Name Tag Country	Office Supplies	13.40
U-Line	Promotional Materials	101.15
Amazon	Communication & Transportation	14.50
Name Tag Country	Communication & Transportation	1.45
U-Line	Communication & Transportation	17.85
Spotify	Dues & Subscriptions	10.53
Executech Utah LLC	Computer Support	89.05
Forward Tech Solutions, LLC	Computer Support	68.43
Google Storage	Computer Support	1.93
Facebook	Media	19.35
Colorado Mtn. News Media	Events	5,000.00
144 Projects LLC	Event Production	1,500.00
Alderson, Teague	Event Production	150.00
Amazon	Event Production	42.06
City Market	Event Production	98.35
Copy Copy	Event Production	68.53
Discount School Supply	Event Production	323.65
Gray, Natalia	Event Production	200.00
Josey, Colyn	Event Production	300.00
King Soopers Customer Charges	Event Production	41.77
Resort Entertainment/Resort Events	Event Production	1,500.00
Signature Signs Inc	Event Production	975.00
Total Marketing & Events		\$ 13,708.23

Engineering

CEBT	Health & Life Ins. Payable	\$ 2,574.80
Rocky Mountain Reserve LLC	Health & Insurance Benefits	9.47
United States Treasury	PCORI Tax	11.21
Quill Corporation	Office Supplies	47.81
Fleet Services	Gas & Oil	94.50
Amazon	Equipment (Non-Capital)	115.14
Executech Utah LLC	Computer Support	92.93
Forward Tech Solutions, LLC	Computer Support	88.73
Total Engineering		\$ 3,034.59

Total GENERAL FUND**\$ 207,364.56****CAPITAL IMPROVEMENTS FUND**

Amazon	Town Hall Improvements	\$ 183.58
Zehren And Associates, Inc	Grand Avenue Improvements	25,156.86
Graybar Electric Company, Inc.	Project THOR	5,579.56
Uptown Services LLC	Project THOR	5,000.00
Ed Bozarth Chevrolet And Buick Inc	Multi Purpose Truck	59,578.00

CAPITAL IMPROVEMENTS FUND (Cont.)

Motorola Solutions	Patrol Vehicles	6,223.12
Wrap Colorado	Patrol Vehicles	1,250.00
Total CAPITAL IMPROVEMENTS FUND		\$ 102,971.12

WASTE WATER FUND

CEBT	Health & Life Ins. Payable	\$ 6,585.44
Rocky Mountain Reserve LLC	Health & Insurance Benefits	24.35
United States Treasury	PCORI Tax	50.19
Costco	Office Supplies	254.94
Name Tag Country	Office Supplies	1.34
Mid-American Research Chemical	Operating Supplies	1,621.50
Water Technology Group	Operating Supplies	665.00
Western Slope Supplies Inc	Operating Supplies	22.35
American Mechanical Services	Repair & Maintenance Supplies	2,031.00
Colorado Energy Systems	Repair & Maintenance Supplies	2,731.82
D Jensen Electric	Repair & Maintenance Supplies	4,995.18
Fleet Services	Gas & Oil	295.75
Amazon	Equipment (Non-Capital)	6.66
TEC Integration, Inc.	Equipment (Non-Capital)	14.80
Colorado Energy Systems	Communication & Transportation	29.36
Federal Express Corp.	Communication & Transportation	112.38
Mid-American Research Chemical	Communication & Transportation	160.01
Nextrust Inc	Communication & Transportation	333.78
Western Slope Supplies Inc	Communication & Transportation	1.75
Black Hills Energy	Utility Services	195.82
Century Link	Utility Services	541.97
Holy Cross Energy	Utility Services	10,076.63
APWA	Recruitment	78.62
Government Jobs	Recruitment	63.54
Mountain Careers	Recruitment	25.39
Your Membership	Recruitment	96.52
Chase Paymentech	C.C. Transaction Fees	540.21
Xpress Bill Pay	C.C. Transaction Fees	273.08
Denali Water Solutions LLC	Sludge Disposal	3,267.11
American Mechanical Services	Repair & Maintenance Services	2,918.00
Colorado Energy Systems	Repair & Maintenance Services	1,072.50
D Jensen Electric	Repair & Maintenance Services	4,687.50
Utility Notification Center Of Colorado	Repair & Maintenance Services	59.40
Caselle, Inc.	Computer Support	257.13
Executech Utah LLC	Computer Support	391.84
Forward Tech Solutions, LLC	Computer Support	269.90
Eagle River Water & Sanitation District	Testing & Permits	2,135.00
SGS North America Inc	Testing & Permits	473.98
CCWP	Tuition & Books	96.76
American Mechanical Services	Contract Payments	808.00
US Bank	Debt Service Interest	56,193.75
US Bank	Debt Service Admin Fee	46,023.65
Total WASTE WATER FUND		\$ 150,483.90

WATER FUND

CEBT	Health & Life Ins. Payable	\$ 9,849.97
Rocky Mountain Reserve LLC	Health & Insurance Benefits	32.62

WATER FUND (Cont.)

United States Treasury	PCORI Tax	68.84
Name Tag Country	Office Supplies	8.03
Quill Corporation	Office Supplies	47.79
Chemtrade Chemicals Corporation	Operating Supplies	5,541.05
DPC Industries, Inc.	Operating Supplies	14,961.42
Kubwater Resources, Inc.	Operating Supplies	4,302.00
Univar USA	Operating Supplies	5,800.00
Browns Hill Engineering	Repair & Maintenance Supplies	39.25
Cummins Rocky Mtn LLC	Repair & Maintenance Supplies	361.04
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	197.74
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	460.12
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	16.99
USA Blue Book	Repair & Maintenance Supplies	1,828.65
Fleet Services	Gas & Oil	352.17
Amazon	Equipment (Non-Capital)	125.13
TEC Integration, Inc.	Equipment (Non-Capital)	22.20
DPC Industries, Inc.	Communication & Transportation	736.96
Kubwater Resources, Inc.	Communication & Transportation	514.73
Nextrust Inc	Communication & Transportation	333.78
USA Blue Book	Communication & Transportation	263.39
AmeriGas	Utility Services	448.24
Black Hills Energy	Utility Services	24.61
Century Link	Utility Services	2,104.84
Holy Cross Energy	Utility Services	10,865.12
APWA	Recruitment	188.68
Government Jobs	Recruitment	138.64
Mountain Careers	Recruitment	55.38
Your Membership	Recruitment	231.64
Chase Paymentech	C.C. Transaction Fees	840.32
Xpress Bill Pay	C.C. Transaction Fees	429.12
Browns Hill Engineering	Repair & Maintenance Services	537.75
Cummins Rocky Mtn LLC	Repair & Maintenance Services	1,090.02
Johnson Excavation And Telecomm.	Repair & Maintenance Services	4,875.00
Utility Notification Center Of Colorado	Repair & Maintenance Services	59.40
Vail Honeywagon	Repair & Maintenance Services	139.78
Forward Tech Solutions, LLC	Computer Support	1.51
Eagle River Water & Sanitation District	Testing & Permits	400.00
Embassy Suites	Travel	514.76
Caselle, Inc.	Computer Support	257.13
Executech Utah LLC	Computer Support	522.71
Forward Tech Solutions, LLC	Computer Support	355.75
CCWP	Tuition & Books	96.76
Lewan & Associates	Contract Payments	27.84
US Bank Equipment Finance	Contract Payments	417.91
MWH Constructors Inc.	Lower Basin Water Treatment	301,380.00
US Bank	Debt Service Interest	87,925.00
US Bank	Debt Service Admin Fee	84,209.41
Total WATER FUND		\$ 544,001.19

REFUSE FUND

CEBT	Health & Insurance Benefits	\$ 8.00
Nextrust Inc	Communication & Transportation	333.77

REFUSE FUND (Cont.)

Chase Paymentech	C.C. Transaction Fees	120.05
Xpress Bill Pay	C.C. Transaction Fees	62.42
Vail Honeywagon	Repair & Maintenance Service	88.00
Caselle, Inc.	Computer Support	257.12
Vail Honeywagon	Contract Services	50,447.50
Total REFUSE FUND		\$ 51,316.86

SALES TAX CAPITAL IMPROVEMENTS FUND

NV5, Inc	Professional Services	\$ 1,275.00
Garfield & Hecht, P.C.	Legal	483.00
Total SALES TAX CAPITAL IMPROVEMENTS FUND		\$ 1,758.00

CONSERVATION TRUST FUND

SE Group	Professional Services	\$ 943.75
Total CONSERVATION TRUST FUND		\$ 943.75

OPEN SPACE FUND

CEBT	Health & Life Ins. Payable	\$ 698.85
Rocky Mountain Reserve LLC	Health & Insurance Benefits	5.43
United States Treasury	PCORI Tax	0.33
Name Tag Country	Office Supplies	13.40
Alpine Lumber Co.	Repair & Maintenance Supplies	94.36
Paint Bucket	Repair & Maintenance Supplies	7.31
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	24.48
Fleet Services	Gas & Oil	386.35
Glenwood Springs Auto Parts Inc	Gas & Oil	28.95
Amazon	Equipment (Non-Capital)	2.51
TEC Integration, Inc.	Equipment (Non-Capital)	5.55
Name Tag Country	Communication & Transportation	1.45
Government Jobs	Recruitment	5.78
Mountain Careers	Recruitment	2.31
Vail Honeywagon	Repair & Maintenance Services	126.00
Executech Utah LLC	Computer Support	68.14
Forward Tech Solutions, LLC	Computer Support	62.74
Mountain Pest Control, Inc.	Weed & Pest Control	2,105.50
Outdoor Services Inc	Weed & Pest Control	5,400.00
Eagle County Solid Waste & Recycling	Trail Construction	70.98
Total OPEN SPACE FUND		\$ 9,110.42

TOTAL		\$ 1,067,949.80
PAYROLL		\$ 355,721.08
GRAND TOTAL		\$ 1,423,670.88



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: August 10, 2021

Agenda Item: Resolution No. 58, Series 2021 "A Resolution Approving an Intergovernmental Agreement Between the Eagle County Clerk and Recorder and Town of Eagle Concerning the Tuesday, November 2, 2021, Coordinated Election"

REQUEST: Staff requests that the Town Council consider adopting Resolution No. 58, Series 2021 to participate in the November 2, 2021, coordinated election with Eagle County.

BACKGROUND: With the adoption of our Home Rule Charter, the Town now conducts its regular elections in odd-numbered years on the first Tuesday of November. With the timing of our election, the town has the option to coordinate its election with Eagle County, simplifying the voting process for our citizens.

ANALYSIS: The town has participated with Eagle County in several coordinated elections in previous years, as needed. Coordinating an election with the county allows the town to present ballots to registered voters during the general election cycle. This will be a mail-in ballot, pursuant to the statutes governing these elections.

There is a financial benefit to the town when coordinating an election, resulting in reduced costs related to ballot printing, mailing costs, and the training and payment of election judges. The county has been a reliable and excellent partner with regard to elections and has a full-time election staff dedicated to overseeing this important function of government. Eagle County has heavily invested in election supplies and technology to meet or exceed the requirements of statutes and best practices.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: The cost estimate for our coordinated election is between \$4,800.00 and \$5,000.00. The cost depends on the total number of registered electors who receive ballots.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Elections are an essential municipal function. All elections are conducted to uphold our business values and to enable the town to pursue its strategic plan.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE THE CONSENT AGENDA. Or if a discussion is required, the council may pull this item from the Consent Agenda for a discussion.

ATTACHMENTS:

1. Resolution Election IGA
2. 2021 Coordinated Election IGA Final PDF JR

RESOLUTION NO. 58

(Series 2021)

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
EAGLE COUNTY CLERK AND RECORDER AND TOWN OF EAGLE CONCERNING THE
TUESDAY, NOVEMBER 2, 2021, COORDINATED ELECTION FOR THE COORDINATED
NOVEMBER 2, 2021 GENERAL ELECTION**

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

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

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

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

The Council approves an Intergovernmental Agreement with Eagle County for the provision of election services attached as Exhibit "A" and directs the Town Clerk to sign as the Designated Election Official on behalf of the Town.

RESOLVED, APPROVED AND ADOPTED THIS 10TH DAY OF AUGUST 2021.

TOWN OF EAGLE, COLORADO

BY: _____
Mayor, Scott Turnipseed

ATTEST:

Town Clerk, Jenny Rakow

**Intergovernmental Agreement
Between the Eagle County Clerk and Recorder and**

Concerning the Tuesday, November 2, 2021 Coordinated Election

THIS Intergovernmental Agreement between the Eagle County Clerk and Recorder and _____ concerning the Tuesday, November 2, 2021 Coordinated Election is made on _____.

RECITALS

WHEREAS, pursuant to C.R.S. § 1-7-116 (1) (a) the Clerk will serve as the coordinated election official for the Coordinated Election, and in accordance with state law, will conduct the Coordinated Election on behalf of all participating political subdivisions having jurisdiction within the boundaries of Eagle County; and

WHEREAS, C.R.S. § 1-7-116 (2) requires each political subdivision for which the Clerk will conduct the Coordinated Election to enter into an agreement with the Clerk concerning the conduct of the Coordinated Election, to be signed no later than seventy (70) days prior to the scheduled election; and

WHEREAS, the Political Subdivision intends to submit one or more ballot issue(s) at the Coordinated Election; and

WHEREAS, the County Clerk and the Political Subdivision wish to clarify their responsibilities and memorialize their agreement with respect to the conduct of the Coordinated Election.

NOW THEREFORE, in consideration of the above premises and the promises contained herein, the parties agree as follows:

I. Coordinated and Designated Election Officials

- A.** Except as otherwise provided in this section, the Eagle County Clerk and Recorder (“Clerk”) shall act as the *Coordinated Election Official* for the conduct of the Election for the Political Subdivision for all matters in the Uniform Election Code which require action by the Coordinated Election Official.

- B.** The Political Subdivision shall name a *Designated Election Official (“DEO”)* who shall act as the
- Eagle County 2021 Coordinated Election IGA

primary liaison between the Political Subdivision and the Clerk. Nothing herein shall be deemed or construed to relieve the Clerk or the Governing Body of the Political Subdivision from their official responsibilities for the conduct of the Election.

C. Jurisdictional Limitation

This Agreement shall apply only to the portion of the Political Subdivision within the boundaries of Eagle County.

D. Clerk's Contact Officer

The Clerk hereby designates Stacey Jones, Eagle County Chief Deputy Clerk and Recorder (stacey.jones@eaglecounty.us; phone 970-328-8726), as the "*Contact Officer*" to act as the Clerk's primary liaison with the Political Subdivision for all purposes relating to the Election. The Contact Officer shall act under the authority of the Clerk.

II. Clerk Responsibilities

The Clerk will perform all duties in substantial compliance with applicable provisions of the Election Code of 1992, Colorado Title 1, C.R.S. as amended ("Election Code"); the Election Rules promulgated by the Colorado Secretary of State, as may be amended from time to time; and any then-current policy directives of the Colorado Secretary of State, if applicable.

A. Preparation for Election

1. The Clerk hereby provides the Political Subdivision with a Street Locator Report (Appendix B), listing all residential street addresses situated within the Political Subdivision's boundaries, as currently configured in Colorado's statewide voter registration database ("SCORE").
2. The Clerk shall manage all voter registration records and correspondence.
3. The Clerk shall supply, deliver, and set-up all voting equipment and other items necessary to conduct the Election.
4. The Clerk shall appoint eligible electors as election judges, arrange for their compensation, and provide election judge training in advance of the Election.
5. The Clerk shall include on the ballot all content timely certified by the Political Subdivision in accordance with law; contract for the printing of ballots, ballot envelopes, and other printed materials reasonably necessary to conduct the Election; and arrange for payment to the printing vendor(s).
6. The Clerk shall publish and post a notice of election as required by 1-5-205 C.R.S. in the *Eagle Valley Enterprise*, the *Vail Daily*, the *Aspen Times Weekly*, and *El Montanes* no later than twenty (20) days prior to the Election.

7. The Clerk shall perform all required acceptance testing, hardware diagnostic testing, and logic and accuracy testing of Eagle County's voting system and components in substantial compliance with Conditions of Use applicable to Eagle County's voting system as certified by the Colorado Secretary of State.

B. Conduct of Election

1. The Clerk shall designate the proper number and locations of voter service and polling centers. All voting locations will be accessible to voters with disabilities.
2. The Clerk shall provide for the security and processing of all mail ballots and for the verification of electors' signatures on the self-affirmation printed on the mail ballot return envelopes.
3. The Clerk shall issue mail ballots and electronic transmission ballots to and accept voted mail and electronic transmitted ballots from military and overseas voters in substantial compliance with the deadlines and delivery methods mandated by applicable provisions of federal and state law, including the Uniformed and Overseas Citizens Absentee Voting Act, all as amended.
4. The Clerk shall conduct the required post-election risk limiting audit.
5. The Clerk shall conduct any mandatory or permissive recount.
6. The Clerk shall appoint canvass board and risk limiting audit board members, oversee the conduct of the canvass and risk limiting audit, and certify official results of the Election.
7. The Clerk shall provide an official Certification of Election to the Political Subdivision after the official close of the Election. Any additional Certificates of Election which are required by law to be forwarded to another division of government shall be the responsibility of the Political Subdivision.
8. The Clerk shall preserve all election records relating to the Election for at least twenty-five months pursuant to 1-7-802 C.R.S.
9. The Clerk shall be the final decision maker on any substantive and procedural issues regarding the conduct of the Election.

C. Ballot Issue Notice ("TABOR Notice")

1. The Clerk shall prepare and mail a combined ballot issue notice in substantial compliance with Article X, Section 20 of the Colorado Constitution ("TABOR") and applicable provisions of the Election Code and Election Rules. As nearly as practicable, the notice shall be in the order the ballot issues will appear on the ballot.
2. The Clerk shall mail the ballot issue notice not less than thirty (30) days prior to the Election, pursuant to Colorado Constitution Article X, Section 20(3)(b) and 1-1-106 C.R.S. The Clerk

shall determine the least cost method for mailing the ballot issue notice, but at a minimum, the ballot issue notice shall be addressed and mailed to eligible voters at each address in Eagle County where one or more registered voters of the Political Subdivision and of any other participating entity resides. Nothing herein shall preclude the Clerk from mailing the TABOR Notice to persons other than voters of the Political Subdivision if such mailing arises from the Clerk's efforts to mail the combined TABOR Notice for all participating entities at the least cost.

III. Political Subdivision Responsibilities

A. Contact Liaison

The Political Subdivision shall identify a "Designated Election Official" (DEO) to act as a liaison between the Political Subdivision and the Clerk/Contact Officer. The DEO shall be responsible for the final approval of ballot content and TABOR Notice content. **To meet statutory and printing deadlines, the DEO shall respond to all Election-related written correspondence, electronic correspondence, phone calls, text message, or any other communication from the Clerk/Contact Officer as soon as possible and no later than four (4) hours from the time of delivery by the Clerk/Contact Officer.** If the DEO cannot respond within 4 hours, an alternative official may respond on the DEO's behalf. Failure to respond to correspondence within 4 hours shall constitute approval allowing the Clerk to move forward.

1. The Political Subdivision has designated Jenny Rakow
whose mailing address is PO Box 609 Eagle CO 81631
and whose phone number is 970-328-9623
and whose cell phone number is 704-230-9536
and whose email address is jenny.rakow@townofeagle.org
and whose fax number is 970-328-5203
as its DEO for the purpose of the Election.

B. Certification of Address Ranges

1. The Political Subdivision shall verify and certify to the Clerk (Appendix C) that all address ranges and street names actually situated in the Political Subdivision are accurately and completely stated in the Address Library Report attached hereto as Appendix B.
2. In connection with such Address Library Report verification and certification, the Political Subdivision shall note any address ranges or street names within the Political Subdivision that are inaccurately or incompletely stated in or omitted from the Address Library Report, and certify on the Statement of Certification (Appendix C) the accuracy and completeness of the remainder of the Address Library Report.
3. If the certification is not provided by the date specified herein, the Political Subdivision may not participate in the Election or the Clerk may build the election on the assumption that the Address Library Report attached hereto as Appendix B is both complete and accurate, as the Clerk in her discretion may decide. The Political Subdivision shall deliver to the Clerk its

Statement of Certification (Appendix C) and accuracy of the Address Library Report, with notations regarding inaccuracies and omissions by the seventy (70) days before the election, no later than **3:00 p.m. Mountain Standard Time on Tuesday, August 24, 2021.**

C. Ballot Content

1. Definitions of Ballot Issue and Ballot Question:
 - a. TABOR “Ballot issue” means a state or local government matter arising under section 20 of article X of the state constitution, as defined in sections 1-41-102(4) and 1-41-103(4), respectively.
 - b. “Ballot question” means a state or local government matter involving a citizen petition or referred measure, other than a ballot issue.
2. The Political Subdivision shall be solely responsible for determining whether a ballot issue, ballot question, candidate contest, or candidate is eligible and properly certified for the ballot.
3. The Political Subdivision shall provide a certified copy to the Clerk of all ballot content (candidate contests, ballot issues, and ballot questions in order) referred by the Political Subdivision for the Election pursuant to section 1-5-203:
 - a. Notwithstanding any other provision of this Agreement, the Political Subdivision shall not certify any single ballot issue or ballot question in excess of two hundred and fifty words (inclusive of the title) unless the Clerk provides written consent in advance.
 - b. Such certified ballot content shall be delivered to the Clerk as an email attachment in Word format (see section C.2.g on pg. 6 for full required formatting of ballot and TABOR content), at the earliest possible time and in no event later than **3:00 p.m. Mountain Standard Time on Friday, September 3, 2021** (Appendix A), pursuant to section 1-5-203, C.R.S., as amended.
 - c. The Political Subdivision that issues certified ballot content pursuant to 1-5-203, C.R.S. shall be solely responsible for the accuracy of the information contained in the certificate. Any error that can be corrected pursuant to 1-5-412, C.R.S. shall be corrected at the expense of the Political Subdivision whose designated election official issued the incorrect certification. Such costs include but are not limited to staff time to reprogram election content, additional required logic and accuracy testing, reprinting of ballot and ballot materials, and staff time required to make corrections.
 - d. All ballot content certified by the Political Subdivision shall utilize the exact language and order as such ballot content is to appear on the printed official and sample ballots for the Election. The list of candidates/questions must be typed exactly as it is to appear on the ballot, including **correct order, title, capitalization, spelling, spacing, and punctuation.**

- i. For candidates, specify exact titles of offices, the order of the names to appear for each office, and the order of offices.
- ii. For issues, specify the ballot title and the order of the issues (per C.R.S., Clerk determines specific numbering on the ballot).
- iii. If the Political Subdivision has a TABOR issue on the ballot, the issue text must be typed in all uppercase as is dictated by law (e.g. TABOR Amendment).
- iv. If the Political Subdivision has a non-TABOR question on the ballot, the question must be typed in mixed case.
- v. Ballot Issues or Questions Vote Choice must be formatted as follows:

_____ YES/FOR _____ NO/AGAINST

It is at the discretion of the Clerk to change the formatting on the ballot to match this formatting if it is not certified in this requested format.

- e. The Political Subdivision has the responsibility to proofread and edit the text of the ballot proof before the Clerk will authorize printing of the ballots. **From the time the Clerk delivers via email the ballot proof, the Political Subdivision has (four) 4 hours to proofread, correct if necessary, sign, and return the proof to the Clerk.** The Political Subdivision's failure to disapprove and correct errors within that time shall constitute an approval of the ballot proof. After final approval of the ballot proof, the Political Subdivision assumes all responsibility and cost for any judicial proceedings related to any errors within the text of their issue, question, or contest on the printed ballots.
- f. The Political Subdivision authorizes the Clerk to correct typographical errors and omissions and determine the appropriate ballot question number or letter upon designation of the ballot number or letter by the Clerk.
- g. The Political Subdivision shall certify its ballot content via email to the Clerk and Contact Officer in conformance with the following formatting guidelines:
 - i. Software: Microsoft Word '03 or later (not as a PDF)
 - ii. Spacing: Single
 - iii. Font Type: Arial Narrow
 - iv. Font Size: 8 point
 - v. Justification: Left
 - vi. All Margins: 0.5 inches
 - vii. Language: English
 - viii. Delivery Medium: Email attachment to regina.obrien@eaglecounty.us and stacey.jones@eaglecounty.us

Submissions not meeting these requirements may be rejected by the Clerk.

- h. Spanish language translation of the ballot content is required to be submitted by the Political Subdivision to the Clerk by Monday, September 27, 2021. Translation of TABOR Notice content is not required but is strongly encouraged.

- i. The Political Subdivision must provide an audio recording of each candidate's name. The DEO or candidate may leave an audio recording of the candidate's name, exactly as certified for the ballot, on the voicemail of the Clerk (970-382-8783) or Contact Officer (970-328-8726). This audio recording must be provided no later than the deadline to certify ballot content, **Friday, September 3, 2021 by 3:00 p.m. Mountain Standard Time** (Appendix A).

D. Ballot Issue Notice ("TABOR Notice")

1. The Political Subdivision shall receive, store and prepare TABOR Notice content according to the provisions set forth in Article X, Section 20 of the Colorado Constitution (TABOR Amendment) and 1-7-901, 1-7-902, 1-7-903, 1-7-904, and 1-7-908 C.R.S.
2. The Political Subdivision shall transmit via email the summaries, fiscal information, and all other required material to the Clerk no later than forty-three (43) days, **Monday, September 20, 2021** (Appendix A) before the Election in final written form in accordance with the formatting guidelines for ballot certification (see formatting bullet points listed in section C.1.g). Submissions not meeting these requirements will be rejected by the Clerk.
3. The Political Subdivision shall incorporate in its TABOR Notice content a local office address and telephone number specific to the Political Subdivision or the Political Subdivision DEO to enable voters to reach the Political Subdivision directly. The Clerk shall respond to all correspondence and inquiries that the Clerk receives within its expertise relating to election procedures, but the Clerk shall refer inquiries concerning the substance of the ballot issues, ballot questions, candidates, or the operations of the Political Subdivision to the Political Subdivision's DEO.
4. The Political Subdivision has the responsibility to proofread and edit the text of the TABOR Notice proof before the Clerk will authorize printing of the TABOR Notice. **From the time the Clerk delivers via email the TABOR Notice proof, the Political Subdivision has four (4) hours to proofread, correct if necessary, sign, and return the proof to the Clerk.** The Political Subdivision's failure to disapprove and correct errors within that time shall constitute an approval of the TABOR Notice proof. After final approval of the TABOR Notice proof, the Political Subdivision assumes all responsibility and cost for any judicial proceedings related to any errors within the text of their issue or information presented on the TABOR Notice.

E. Cancellation of Election

1. In the event that the Political Subdivision resolves not to hold the Election, notice of such cancellation shall be provided to the Clerk immediately. The Political Subdivision shall not cancel its participation in the Election after the twenty-fifth (25) day before the election, **Friday, October 8, 2021** (Appendix A), pursuant to section 1-5-208(2), C.R.S., as amended.
2. The Political Subdivision shall provide notice by publication of the timely cancellation of the Election and a copy of the notice shall be posted in the Office of the Clerk, in the office of the Designated Election Official, in the primary building of the Political Subdivision, and, if

the Political Subdivision is a special district, in the office of the division of local government. The Political Subdivision is solely responsible for delivering such postings to each entity.

3. The Political Subdivision shall be responsible for all expenses incurred on its behalf to the date that notice was received by the Clerk together with all expenses incurred thereafter which could not be avoided by reasonable effort. All costs incurred or contracted for by the Clerk to support the Political Subdivision's portion of the TABOR Notice shall be reimbursed by the Political Subdivision.
4. Upon receipt of the invoice, the Political Subdivision shall promptly pay the Clerk the full actual costs of the activities of the Clerk relating to the Election incurred both before and after the Clerk's receipt of such notice.

F. Other Responsibilities

1. The Political Subdivision shall exercise all reasonable diligence, care, and control in providing these services to the Clerk.
2. The Political Subdivision's DEO or assigned representative shall assist with equipment logic and accuracy testing, post-election canvass, and risk limiting audit as requested by the Clerk.
3. The Political Subdivision shall give assistance and information to the Clerk on any matter to ensure the smooth and efficient operation of the Election (such information not to include legal advice).
4. The Political Subdivision shall adhere to all applicable provisions of C.R.S. which are necessary or appropriate to the performance of the above duties.
5. The Political Subdivision shall follow the additional responsibilities in which non-resident property owners may be eligible to vote as set forth in Appendix D hereto.

IV. Miscellaneous

A. Costs

1. The Clerk shall keep accurate accounts of all costs incurred to prepare for and conduct the Election, including but not limited to costs incurred for supplies, printing, ballot insertion and mailing, legal and other notices, temporary labor, compensation of election judges, overtime pay for staff, and other expenses attributable to the Clerk's conduct of the Election on behalf of the Political Subdivision. Clerk may give the Political Subdivision general estimates of cost but such estimates are not binding. The Political Subdivision is responsible for the pro rata share of actual costs as determined by the Clerk.
2. The Clerk shall charge to the Political Subdivision its pro rata share of all costs and expenses reasonably incurred in connection with the preparation, printing, labeling, postage, and mailing for the ballot issue notice. Said expenses shall be prorated among all Political Subdivisions participating in the ballot issue notice.

3. The Clerk shall charge and allocate to the Political Subdivision its pro rata share of the direct costs of the Election, and all direct and indirect costs and expenses incurred by the Clerk to remedy, resolve, or reconcile the Political Subdivision's failure or omission to timely perform any of its obligations under this Agreement, without regard to whether the Political Subdivision rescinds its intent to participate in the Election.
4. In the event an interested party is not liable for payment of costs incurred in connection with a mandatory or permissive recount of, or election contest relating to, one or more candidate contests, ballot issues or ballot questions certified by the Political Subdivision, the Clerk shall charge any and all direct and indirect costs and expenses reasonably incurred by the Clerk to conduct or participate in any such recount or ballot contest. If more than one political subdivision participating in the Election is involved in any such recount or election contest, the costs thereof shall be prorated between the Political Subdivision and such other participating entities.
5. The Political Subdivision assumes all responsibility and cost for any judicial proceedings regarding whether or not issues legally belong on the ballot and any other challenges, both pre- and post-election, relating to the question of the Political Subdivision.
6. The Clerk shall submit to the Political Subdivision an invoice for the Political Subdivision's pro rata share of direct and indirect costs incurred in connection with the Political Subdivision's participation in the Election within ninety (90) days after the Election (Appendix A).
7. The minimum charge for coordinating the Election with the Clerk for coordinating entities with 300 or fewer active voters on Election Day shall be \$500.00. The minimum charge for coordinating entities with 301 or more active voters on Election Day shall be \$1000.00.
8. In addition, there will be a surcharge for coordination and administration of non-resident, property owner ballot mailing of \$1000.00.
9. The Political Subdivision shall remit all payments due to the County upon receipt of an itemized statement by **February 28, 2022** (Appendix A).

B. Indemnification

To the extent permitted by law, the Political Subdivision agrees to indemnify, defend, and hold harmless the County, its officers and employees, from any and all losses, costs, demands, or actions arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities relating to the Election and related tasks.

C. Reasonable Care

The County and its employees, agents, representatives, or other persons acting under the direction or control of the County shall use reasonable care in carrying out their obligations under this Agreement.

D. Notices

Any and all notices required to be given by this Agreement, unless otherwise set forth herein, are deemed to have been received and to be effective:

- three days after they have been mailed by certified mail, return receipt requested to the address as set forth below; or
- immediately upon hand delivery to Regina O'Brien, Clerk; or
- immediately upon receipt of confirmation that a fax or e-mail was received.

To Clerk: Regina O'Brien
Eagle County Clerk and Recorder
P.O. Box 537
Eagle, CO 81631
Fax: 970-328-8716
Email: regina.obrien@eaglecounty.us

Time is of the Essence

Per 1-7-116(2) C.R.S. this Agreement must be signed and returned to Regina O'Brien, Clerk and Recorder, seventy (70) days before the Election, **Tuesday, August 24, 2021** (Appendix A).

The statutory time requirements of the Uniform Election Code and the time requirements set by the Secretary of State in the Rules and Regulations Governing Election Procedures shall apply to the completion of the tasks required by this Agreement.

In witness whereof, the Parties hereto have executed this Agreement to be effective this day:

(Date)

Designated Election Official Date
For Town of Eagle

(Political Subdivision)

Regina O'Brien Date
Eagle County Clerk and Recorder

Appendix A

CALENDAR OF EVENTS AND DEADLINES FOR NOVEMBER 2, 2021 COORDINATED MAIL BALLOT ELECTION

While this calendar may not include all election dates, some key dates are identified for reference.

Dates **double underlined** are key delivery dates of information from you to the Clerk's office.

Political Subdivisions planning to coordinate with the Clerk's office should be aware of the following deadlines:

- **Friday, July 23, 2021** – 100 days prior - If by 100 days before the election, a Political Subdivision has taken formal action to participate in an election that will be coordinated by the Clerk, the Political Subdivision shall notify the Clerk in writing. C.R.S. 1-7-116(5), 1-1-106(5)
- **July 26 – 30, 2021** – IGAs will be mailed to participating entities. IGA will include address ranges that need to be verified and certified before or on the date the IGA is due. Political Subdivisions with property owner ballots should also review Appendix D in the IGA and contact the Eagle County Assessor's office to secure the particular property owner list.
- **Tuesday, August 24, 2021 @ 3:00 p.m. MST** – 70 days prior - Political Subdivisions participating in the election must return signed IGAs to the Clerk. C.R.S. 1-7-116(2). Political Subdivisions must verify and certify that all address ranges situated in the Political Subdivision (Appendix B) are accurate and complete, note any changes or inaccuracies, and certify no later than 70 days prior to Election (Appendix C). **Please submit sooner if possible.**
- **Friday, September 3, 2021 @ 3:00 p.m. MST** – Last day for the DEO from each Political Subdivision to certify the ballot text and provide audio recordings of candidate names to the Clerk; deadline is 3:00 p.m. **Please submit sooner if possible.** C.R.S. 1-5-203(3)(a)
- **Monday, September 6, 2021** – Last day for Political Subdivisions with property owner ballots to certify the revised Assessor's property owner list to the Clerk. **Please submit sooner if possible.**
- **Week of September 13, 2021** – Equipment and Logic and Accuracy Testing
- **Tuesday, September 14, 2021** – Deadline for Political Subdivisions with property owner ballots to certify the military and overseas (UOCAVA) voter list to the Clerk.
- **Saturday, September 18, 2021** – No later than 45 days prior – Deadline to send mail ballots to military and overseas voters (UOCAVA voters). C.R.S. 1-8.3-110(1)
- **Monday, September 20, 2021** – 43 days prior - Political Subdivisions shall deliver the full text of any required ballot issue notices (e.g. TABOR Notice) and pro/con statement summaries to the Clerk in order to be included in the issue mailing. C.R.S. 1-7-904
- **Monday, September 27, 2021** - Spanish translation of ballot content due to the Clerk (TABOR Notice content is not required to be translated).
- **Friday, October 1, 2021** – 30 days prior – Last day for the Clerk to mail out TABOR Notice(s). C.R.S. 1-1-106(5)
- **Friday, October 08, 2021** – 25 days prior - Last date for Political Subdivision to cancel election or withdraw ballot issue or question C.R.S. 1-5-208(2)

Appendix A continued on page 2

Appendix A – Continued (page 2)

CALENDAR OF EVENTS AND DEADLINES FOR NOVEMBER 2, 2021 GENERAL MAIL BALLOT ELECTION

- **Friday, October 8 - Friday, October 15, 2021** – Ballots must be mailed, except for UOCAVA voters. C.R.S. 1-7.5-107(3)(a)(I). 24-hour ballot drop boxes open in Avon, Edwards, Eagle, Gypsum, El Jebel, Basalt, and Vail.
- **Monday, October 25, 2021** – Voter Service and Polling Centers open. C.R.S. 1-5-102.9(2)
- **Monday, October 25, 2021** – 8 days prior - Last day to register to vote to receive a mail ballot. After this date voters may pick up ballots in person at any Voter Service and Polling Center. C.R.S. 1-2-201(3)(b)(III)
- **Tuesday, November 2, 2021** – Election Day - Polls open 7:00 a.m. – 7:00 p.m. All ballots must be in the hands of the Clerk by 7 PM on Election Day to be counted.
- **Wednesday, November 24, 2021** – Deadline to certify election results. Official results will be forwarded to Political Subdivisions. C.R.S. 1-10-102(1), 1-10-103(1)
- **Monday, February 7, 2022** – Last day for the Clerk to mail invoices to Political Subdivisions for their share of election as well as any recount costs.
- **Monday, February 28, 2022** – Last day for Political Subdivisions to submit payment for election and recount costs to the Clerk's office.

Appendix B
STREET LOCATOR REPORT FOR
NOVEMBER 2, 2021 COORDINATED MAIL BALLOT ELECTION

Appendix C

STATEMENT OF CERTIFICATION – STREET LOCATOR REPORT FOR NOVEMBER 2, 2021 COORDINATED MAIL BALLOT ELECTION

I, Jenny Rakow, as Designated Election Official
for Town of Eagle, (hereinafter "Political Subdivision") do hereby certify that the
Street Locator Report provided to the Political Subdivision has been reviewed, corrections made, and to the best
of my knowledge, I believe it is a true and complete list of the addresses located within the Political Subdivision.

Designated Election Official Signature

Date

for Town of Eagle
(Name of Political Subdivision)

Appendix D

PROPERTY OWNER BALLOTS – TITLE 32

This appendix defines responsibilities when conducting an election for a Political Subdivision (governed under Title 32) in which property owners who are not Eagle County residents but are registered electors in the State of Colorado may be eligible to vote. Property owner self-affirming oaths must be signed and returned to the County Clerk's Office before ballots are sent to eligible property owners.

Overview - Property Owner Ballots

Property owner ballots are special ballots that contain only those ballot contests certified by Political Subdivisions in which owners (and their spouses or civil union partners) of real and personal property are eligible to vote as long as they reside outside of the Political Subdivision but are registered to vote in Colorado (32-1-103(5) C.R.S.).

If a person resides in and is registered to vote in the Political Subdivision, and also owns additional property in the Political Subdivision, the Clerk will issue the voter a regular Eagle County ballot style that contains all of the contests in which they are eligible to vote in a given election, including the ballot content referred by the Political Subdivision.

If a person resides outside of the Political Subdivision, owns property within the Political Subdivision, and is registered to vote in the State of Colorado, the county will issue a property owner ballot containing only the contests referred by the Political Subdivision. This ballot will be sent only after the self-affirming oath has been returned by the voter to the Clerk and after the Clerk has verified the voter's eligibility in the statewide voter registration system. If the property owner does not specify a ballot mailing address on the self-affirming oath, the property owner ballot will be sent to the mailing or ballot mailing address on record in the statewide voter registration system.

Property owners who are registered voters outside of the State of Colorado are not eligible to vote a property owner ballot.

Responsibilities of the Coordinating Political Subdivision

Street Locator Report

1. Review the Street Locator Report provided from the Clerk's office (Appendix B).
2. Verify and certify all addresses listed in the address library report are within the Political Subdivision and

are accurate and complete (with no omissions). All changes or inaccuracies must be identified by the Political Subdivision, the list certified by the Political Subdivision (Appendix C), and returned to the Clerk no later than **3:00 p.m. Mountain Standard Time on Tuesday, August 24, 2021**, seventy (70) days before the election. Please submit sooner if possible. The Political Subdivision is responsible for the accuracy of this report.

Overseas and Military Voter List

1. Secure the Colorado Statewide Overseas and Military Voter (UOCAVA) list from the Clerk.

Property Owner List

1. Secure the Political Subdivision Property Owner list from the Eagle County Assessor's Office.
2. Remove all non-human property owners (e.g. trusts, LLCs, Corporations, etc.) from the Assessor's list.
3. Certify the revised Assessor's list that excludes non-human entities and UOCAVA voters in Excel format to the County Clerk by **Monday, September 6, 2021**. Please submit sooner if possible. Political Subdivision is responsible for the accuracy of this list.
4. Cross-reference the state-wide Overseas and Military voter (UOCAVA) list with the property owner list to determine if there are any Political Subdivision property owners on the UOCAVA list. It is the responsibility of the Political Subdivision to certify the list of any UOCAVA property owners to the Clerk by **Tuesday, September 14, 2021**, to ensure statutory delivery of UOCAVA property owner ballots (**NOTE:** UOCAVA ballots must be sent by **Saturday, September 18, 2021** (1-8.3-110(1) C.R.S)).
5. Secure the supplemental Political Subdivision Property Owner list from the Eagle County Assessor's Office no later than **Wednesday, October 13, 2021** (20 days before the election). This supplemental list shall contain the names and addresses of all recorded owners who became owners no later than **Monday, October 11, 2021** (22 days prior to the election).
6. Certify the revised supplemental Assessor's list that excludes non-human entities and UOCAVA voters in Excel format to the County Clerk by **Friday, October 15, 2021**. Please submit sooner if possible. Political Subdivision is responsible for the accuracy of this list.

Responsibilities of the County Clerk and Recorder

1. After receiving the certified property owner list from the Political Subdivision, as well as the supplemental list, prepare and send the property owner TABOR Notice to the property owner households listed on the certified property owner list(s). (Article X, Sec.20(3)(b)). This Notice may be combined with other TABOR notices or mailed separately at the discretion of the Clerk.
2. A self-affirming oath will be sent to each household that must be returned by each eligible elector

(1-13.5-202, C.R.S and 32-1-103(5), C.R.S.).

3. Upon return to the Clerk of the signed self-affirming oath, determine if the individual is a registered voter in the State of Colorado but does not reside in the Political Subdivision.
4. Prepare and send property owner ballots to all eligible electors entitled to vote by virtue of a self-affirmation (32-1-806, C.R.S).
5. Record each property owner ballot returned and signature verified.
6. Process ballots in the counting room.
7. Tabulate and certify results.



To: Mayor and Town Council

From: Jenny Rakow, Town Clerk

Date: August 10, 2021

Agenda Item: Resolution No. 59, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Declaring a Vacancy on the Town Council as of July 28, 2021, And Establishing the Procedures for Filling Such Vacancy by Election at the November 2, 2021 Regular Town Election"

REQUEST: This proposed resolution outlines the process whereby the vacancy for Matt Solomon's term, which expires in 2023, is filled. This resolution was created with the input that the Council would like to see this position elected and not appointed.

BACKGROUND: On Tuesday, July 27, 2021, Councilmember Matt Solomon announced his resignation and indicated his wishes to have the remainder of his term decided by the voters at the November 2, 2021, general election. At the time of this announcement, the Council was not prepared with a formal process to accept the resignation and choose how to fulfill the vacancy.

ANALYSIS: The Town's Home Rule Charter requires that the Town Council declare a vacancy. If the Council chooses to adopt the proposed Resolution No. 59, Series 2021, it would formally declare a vacancy and allow for this fourth position to be added to the ballot for the electors to choose the candidate for the remainder of this term.

With the timing of this vacancy, the other option is to appoint the position following the guidance adopted in Resolution 21-2020. To make an appointment, the Council would need to wait until after the November 2021 election to advertise for the vacancy, review applicants, and could then make an appointment until the next General Election in 2023.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: There is no budget impact if the Council chooses to adopt this resolution. This vacancy will simply be made available to the qualified candidates choosing to run for this position and be added to the ballot.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: There is no direct alignment to the Strategic Plan with this request or action. The entirety of the Plan is supported by those who are elected or appointed to the Council to uphold the elements listed in it.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE THE CONSENT AGENDA. If the Council wishes to discuss alternatives to the Resolution, it should remove it from the Consent Agenda for further discussion.

ATTACHMENTS:

1. 59 Vacancy Dec-R080221

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 59
(Series of 2021)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
DECLARING A VACANCY ON THE TOWN COUNCIL AS OF JULY 28, 2021, AND
ESTABLISHING THE PROCEDURES FOR FILLING SUCH VACANCY BY ELECTION AT
THE NOVEMBER 2, 2021 REGULAR TOWN ELECTION

WHEREAS, Section 3.02(4) of the Town of Eagle Home Rule Charter (the "Charter") requires that the Town Council declare a vacancy on the Town Council;

WHEREAS, on July 28, 2021, Councilmember Matt Solomon submitted his letter of resignation, with the intent that his seat on the Town Council be filled by election at the Town's regular municipal election on November 2, 2021;

WHEREAS, pursuant to Section 3.02(4) of the Charter, the Town Council shall adopt by resolution procedures for filling a vacancy;

WHEREAS, on April 28, 2020, the Town Council adopted Resolution No. 21, Series 2020, which established procedures for filling a vacancy on the Town Council by appointment, but did not address filling vacancies on the Town Council by election; and

WHEREAS, the Town Council now wishes to establish procedures for filling the current vacancy by election at the November 2, 2021 regular Town election.

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

Section 1. The Town Council hereby declares a vacancy on the Town Council, as of July 28, 2021.

Section 2. This vacancy on the Town Council shall be filled by election at the November 2, 2021 regular Town election. The term of the seat being filled shall extend through first regular Council meeting following the final certification of the November 2023 election (a two-year term).

Section 3. The procedures set forth herein shall be in lieu of the procedures set forth in Resolution No. 21, Series 2020.

INTRODUCED, READ, PASSED AND ADOPTED ON AUGUST 10, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council
From: Brandy Reitter, Town Manager
Date: August 10, 2021
Re: Town Manager Report

Administration & Organization

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

- DDA Debt Authorization Ballot Measure
- Wastewater Rate and Tap Fee Study Presentation
- School Resource Officer Cost Share with School District IGA

2022 Budget Development Schedule:

- 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

Recently, developers have tried to meet with the Town's advisory committees to present land use files. This goes against the administration's policy and staff have been informed not to honor these requests. If members of the Town Council are approached by developers making this request, please let the developer know that it is not Town's policy to grant these requests.

Now that the Town Council established sustainability goals, staff will begin working on an implementation plan. Plan execution will be included in the budget development process. Regulations are not in the budget; however, staff will make recommendations for greener codes over the next several months.

The State of Colorado has declared an emergency and is seeking emergency disaster funds to assist with the mudslides in Glenwood Canyon. The Town will begin tracking expenses just in case CDOT needs help or resources to address the damage in the canyon. There is no date on when I70 will open.

Staff met with the Eagle Valley Community Foundation on August 4 to discuss lessons learned from the fundraising partnership on the River Park. They addressed many of the Town's concerns and staff feels confident that if a partnership were formed in the future, they are capable of handling it. Matt Solomon joined the meeting, and his historical knowledge was helpful in the discussion.

The Town hosted the staff annual picnic on August 5 for the first time since 2019 at the Town Park. Approximately 30 employees and family members showed up. Some people stayed to watch the Showdown Town later. The administration will continue to host annual events and build a positive culture.

The work session in August was canceled and staff will present e-bike policy examples at a work session in the future. Based on the conversation at the council meeting on July 27, the next work session on September 7 will include P&Z and Town Council to discuss the East Eagle Sub-Area Plan and other topics. Staff will schedule the e-bike work session in October.

The table of action items at the end of this report contains a few items that are dated or were requested by council members who are no longer with the Town. Some older actions are relevant; however, staff has proposed crossing out some actions that may not be relevant to the group anymore. Before they are removed, staff is seeking approval of the items marked off. Staff will add the actions from the July 27 meeting at the next meeting.

Staff met with regional partners and the Rocky Mountain Pre-School Coalition to discuss what a special district looks like in different jurisdictions and how one could work in the region. Other options were discussed as well. Pre-school resources in the region are deficient and the initial discussions included input from stakeholders on the next steps.

Economic Development & Planning

Eagle River Park

- The Town is working to set up a meeting with Eagle County and legal counsel to discuss the conveyance and annexation of the River Park. Summer vacations have prevented the team from setting up a meeting but the end of August or early September is promising.

Grand Avenue Corridor

- In June, the Town sent Senator Michael Bennett a letter of support for \$40 million for Grand Avenue. The Town was informed last month that the request wasn't granted. The Town will not be able to count on federal funding from Bennett's office for this project. Staff is hopeful that more federal funding might become available if the infrastructure bill passes.

Old Town Hall Façade Grant

- The State of Colorado has set aside funding in [SB21-252](#) for shovel-ready projects that will assist with economic recovery. The old Town Hall requires maintenance of the façade, and this project is eligible for the Main Street: Open for Business grant program. The staff is working on obtaining estimates for exterior painting of the façade to include in an application.

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

- August 10 – Grand Avenue staff technical and engineering meeting
- August 11 – Managers Task Force Meeting
- August 12 – Mayor’s Roundtable
- August 12 – 13 – Local Government regional retreat
- August 17 – 28 – Land Use Code project kickoff

Sincerely,

A handwritten signature in cursive script that reads "Brandy Reitter".

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	Plan for Mobile vending communication	Not Scheduled
N/A	Agenda Item: Plastic Bag and TREX discussion	Not Scheduled
N/A	Agenda Item: Fairground's annexation	Not Scheduled
N/A	Agenda Item: E-bike policies	In Progress
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
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
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	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	Provide a memo of the history of the Eagle River Park	Not Scheduled
7/13/2021	Identify additional resources for communications	Completed
7/13/2021	4H funding support	Canceled



To: Mayor and Town Council

From: Brandy Reitter, Town Manager, and Department Leads

Date: August 10, 2021

Re: Department Updates for July 2021

ASSISTANT TOWN MANAGER

IT Director Kevin Aoki and I are attending Mountain Connect August 9-11, 2021.

Broadband/ THOR

- Lightworks Fiber is installing the first section of fiber from Town Hall to the Eagle County Building the week of Aug 2.
- Uptown Services is assisting the Town onboarding Eagle County for service with meetings scheduled weekly until turnup.
- Project THOR had fiber lines compromised by the rockslide in Glenwood Canyon and the fail-over provisions worked to keep the Town online throughout. NWCCOG has been aggressive in securing other fiber circuits to maintain two-way resilient access to major data centers in Denver and Salt Lake City. Planned maintenance will bring down the network in small intervals as these connections are integrated.
- Mammoth Networks has upped their request for bandwidth to serve Verizon from 500mb to 1gb from the Town Meet-Me-Center.

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 met with the Project Team for a large group meeting July 27.
- An engineering technical check-in is scheduled for Aug 10 and will be recurring.
- Pedro Campos and I are meeting with the Stakeholder Committee Chair Martha Miller on August 20.
- The next large staff/project team meeting is scheduled for August 24.

Economic Development

- The Economic Vitality Committee met August 2 and selected Economic Planning Systems to do the Town-wide Economic Development Strategy, with a desire to incorporate Urban3's land use fiscal analysis. I am talking with both firms about the viability and will present back to the EVC at the next meeting scheduled for August 16.
- The CU Outdoor Recreation Study will have an internal kickoff meeting in August, at a time TBD. Members of the EVC will be engaged throughout Phase 1 of the study.

Marketing and Events

- The MEAC committee has launched the Community Funding and MEAC Event Funding Applications. Links to the applications can be found [HERE](#).
- The MEAC committee held a retreat at Frost Creek on August 5.

Town Communication and Engagement

- Town Staff are having a series of meetings and trainings with Sprout Social support.
- Finalists have been selected to provide media buying strategy and services, website design and content support, and event program marketing strategy. Final interviews will take place August 13.

Sustainability

- Yearout Energy presented the preliminary findings from their Performance Financing Eligibility Audit, reviewing the Town's facility energy use, water meters, and potential for solar generation. Water meter and solar generation strategies showed a positive fiscal payback during the usable life beyond the cost of repayment for performance financing. I will assist Public Works with a more thorough review of the preliminary data.
- I am contacting MT2030 and Walking Mountains to assess the Town's local benchmarking needs and inform the 2022 budget process.

FINANCE DEPARTMENT

Administration/Financial:

- Staff continued work on the 2020 Financial Audit
- American Rescue Plan Act (ARPA) – (Total ARPA Funds to Town of Eagle - \$1,755,929.39)
 - o These funds will be considered unearned/unbudgeted revenue until the funds are spent
 - o Funds will need to be committed (i.e., under contract) by 12/31/2024
 - o Funds must be spent by 12/31/2026
 - o Four Broad Eligible Uses (Per Interim Final Rule)
 1. Infrastructure - to make necessary investments in water, sewer, stormwater or broadband infrastructure;
 2. Revenue loss - for the provision of government services to the extent of the reduction in revenue of such local government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;
 3. Public Health and Economic impacts - to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 4. Premium pay - to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal / local government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
 - o Once Final Rule is issued and is analyzed staff will bring options to Council for discussion and planning
- Staff continued work regarding setting up a Real Estate Transfer Assessment process and notifications
 - o Town Attorney has reviewed the guidelines, forms, and communication that will be distributed, to ensure they are in accordance with our annexation and development agreements
 - o Staff will send out notification to local title companies and real estate agencies
- Debt Service
 - o Scheduled 8/1/2020 - 2007 Waste Water Loan Payment - \$426,937 (Last Pmt 2028)
 - o Scheduled 8/1/2020 - 2018 Water SRF payment - \$496,156 (Last Pmt 2040)
- Completed 2022 CIRSA Property & Casualty Insurance Renewal
- Finance Director, Jill Kane, welcomed a healthy baby boy on July 24th and will be out of the office on maternity leave until the end of October. Senior Accountant, Kelly Huitt, will be filling in as the Interim Finance Director until her return.

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID							
	2017	2018	2019	2020	2021	VARIANCE FROM PY	
JANUARY	289	258	303	205	230	25	12%
FEBRUARY	245	272	254	237	217	(20)	-8%
MARCH	340	304	326	234	247	13	6%
APRIL	267	299	215	137	214	77	56%
MAY	277	260	275	162	260	98	60%
JUNE	319	151	298	221	400	179	81%
JULY	256	460	414	314	239	(75)	-24%
YEAR TO DATE	1,993	2,004	2,085	1,510	1,807	297	20%

- The Increase in invoices in 2021 from 2020 is due to the 2020 budget freeze.

- Discovery meeting with Caselle to view and discuss electronic invoice workflow using Caselle Connect Online.

Budget:

- Staff held preliminary Capital Improvement Project meetings with staff
- Updated Capital Improvements Plans were due to Finance on July 2nd
- Personnel Requests/allocations were due to Finance on July 9th
- Operating budgets were due to Finance on July 23rd
- Draft Revenue Projections are scheduled to be completed by August 6th
- Fee Schedule revisions are due to Finance on August 6th

Training:

- Continued cross training with Senior Accountant for maternity leave
- Finance Admin Tech – Continued Advanced Excel Training Course
- CGFOA – ARPA Funds Q&A Session
- Caselle – Municipal Court month end processing Training

Payroll/HR:

- Completed 2nd Quarter Unemployment Tax Report
- Completed 2nd quarter 941 Report
- Positions changes in Payroll
 - o 2 New Hires – IT Manager & Code Enforcement Specialist
 - o 1 Term – Mechanic II
- Discovery meeting with Paylocity regarding timekeeping software
- Created Finance Department New Employee Onboarding Checklist and document library

Utilities:

- New Accounts Setup – 1
- Property Transfers – 19
- Red Tags – 22
- Shut Offs – 2
- Pricing meeting with Invoice Cloud online payment processing

Town Council Department – Budget to Actual:

TOWN OF EAGLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>TOWN COUNCIL</u>					
10-49-110 SALARIES & WAGES	3,550.00	23,100.00	39,600.00	16,500.00	58.3
10-49-142 WORKERS COMPENSATION	.00	38.31	51.00	12.69	75.1
10-49-143 HEALTH & INSURANCE BENEFITS	118.00	118.00	.00	(118.00)	.0
10-49-144 FICA - EMPLOYER'S	271.58	1,787.20	3,029.00	1,261.80	58.3
10-49-210 OFFICE SUPPLIES	93.81	105.81	200.00	94.19	52.9
10-49-310 COMMUNICATION & TRANSPORTATION	5.67	5.67	.00	(5.67)	.0
10-49-320 LEGAL NOTICES	.00	325.50	.00	(325.50)	.0
10-49-340 UTILITY SERVICES	.00	985.12	.00	(985.12)	.0
10-49-347 PROFESSIONAL SERVICES	.00	1,786.84	29,047.00	27,280.16	6.1
10-49-362 COMPUTER SUPPORT	198.94	1,339.52	3,048.00	1,708.48	44.0
10-49-371 TRAVEL EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-49-372 MEETING EXPENSE	154.83	388.34	2,000.00	1,611.66	19.4
10-49-380 TUITION & BOOKS	108.22	108.22	1,750.00	1,641.78	6.2
10-49-450 SPECIAL COUNCIL FUNDING	.00	103,829.50	211,113.00	107,483.50	49.1
10-49-510 INSURANCE	.00	724.32	240.00	(484.32)	301.8
10-49-915 COMMUNITY REQUESTS	11,480.00	23,022.34	54,000.00	30,977.66	42.6
TOTAL TOWN COUNCIL	15,979.05	157,404.69	345,078.00	187,673.31	45.6

SPECIAL EVENTS & MARKETING

July 2021 Report-

Town of Eagle – Marketing & Special Events:

- Executed Town Council Meet & Greet at Eagle ShowDown Town Concerts
- Concluded Eagle Whitewater Throwdown Series at Eagle River Park
- Cancelled Eagle Fireworks Display
- Executed July 4th Kids Bike Parade – Best Ever!
- Updated eagleoutsider.com events calendar
- Continued to develop TOE Events Application Process Evaluation Workshop and event application form improvements
- Executing summer marketing/promotion ad run program with Vail Daily, to include impressions in Vail Daily paper, Vail Daily TV Live and digital platforms.
- Accelerated Event permitting process to adjust for CDC opening after Covid.
- Working with Community Events Funding Program to review/payout funding by Town Council.

July - Executed Events

July	
7/1/21	ShowDown Town Concert
7/2/21	Eagle Farmer's Market & Art Show
7/4/21	Yoga in The Park
7/4/21	Eagle Kid's July 4th Bike Parade
7/4/21	Eagle Fireworks - <i>Cancelled</i>
7/6/21	Eagle Whitewater Throwdown
7/8/21	ShowDown Town Concert
7/9/21	Eagle Farmer's Market & Art Show
7/9/21	ArtWalk
7/10/21	2021 LG Tri Sprint Triathlon
7/11/21	Yoga in The Park
7/9-10/21	The LOVE Ride- <i>Postponed to later in Summer</i>
7/15/21	ShowDown Town Concert
7/16/21	Eagle Farmer's Market & Art Show
7/16/21	USSSA Western Championships
7/18/21	Yoga in The Park
7/21/21	Move Chat Parent
7/22/21	Eagle Town Council SDT Meet & Greet

7/22/21	ShowDown Town Concert
7/23/21	Eagle Farmer's Market & Art Show
7/25/21	Yoga in The Park
7/25-29/2021	Andrie Ram Yoga Week
7/28/21	Veteran's Charity Ride Lunch Event – <i>Cancelled because of Glenwood Canyon.</i>
7/29/21	ShowDown Town Concert
7/30/21	Eagle Farmer's Market & Art Show
7/30/21	Yoga at the River Park
7/31/21	MacDonald Neighborhood Block Party

MEAC:

- -Executed monthly MEAC Meeting.
- Planned MEAC 2021 Strategic Planning Retreat
- Prepared MEAC & Community Funding Program for opening on August 2, 2021.
- Installed new MEAC Committee members onto committee.

Be Our Guests Program:

- Reminded “Be Our Guest” program participants that the program concludes on September 30, 2021

Eagle Info Center:

- Operating Info Center Summer 2021 Days and Hours - Info Center open Wednesdays through Sundays, 10:00am to 3:00pm. All staff has been vaccinated. Preparing to hire one more part timer staff person.
- Met with staff to create plan for Fall & Winter.
- Historical Museum will be open on the same days as the Info Center to create synergy.
- EPW working on better landscaping maintenance.

Digital Sign:

- Created more intermittent scheduled messages.
- Promoting message for Eagle Downtown businesses
- Executing information for summer events and programs to build awareness and promotion.

Vail Daily Media Plan Ads:

Eagle River Park WHITEWATER THROWDOWN

EVERY TUESDAY • JUNE 22 - JULY 13

**DOWN RIVER RACING, FREESTYLE BOATING
& RIVER SURFING COMPETITIONS.**

Eagle River Park WHITEWATER THROWDOWN

EVERY TUESDAY • JUNE 22 - JULY 13

**DOWN RIVER RACING, FREESTYLE BOATING
& RIVER SURFING COMPETITIONS.**

Learn more at
BIT.LY/WHITEWATERTHROWDOWN

SPONSORS






July 4th KIDS Bike Parade



The Kids July 4th Bike Parade and Ride is back and features a **NEW ROUTE**. We'll travel from the Eagle Medical Center to Brush Creek Park along the bike path.

9:15 AM Begin the line up for the Parade. Meet at the Eagle Medical Center North Parking Lot. Decorate your bike for July 4th at home or at the Medical Center.

10:00 AM Parade begins. We ride from the Eagle Medical Center North lot along the bike path to Capitol St. and on to the Brush Creek Park for a little celebration. Little riders and their parents can join the parade where the bike path meets Capitol St. and ride with us to Brush Creek Park.

Once at the Park we'll have some fun with a **BIRDS OF PREY EXHIBIT**, **THE WORLD'S LARGEST SIMON SAYS CONTEST**, some **CRAFTS** and **JULY 4TH ICE POPS**.

We'll give out ice pops as long as they last. Everything will wrap up by noon.

Learn more at EAGLEOUTSIDE.COM/EVENTS

Contact us at events@townpofeagle.org



Social Channel Examples:

Town of Eagle, CO

Published by Hootsuite · June 23 at 11:48 AM

The Town of Eagle is sad to announce the cancellation of the 2021 July 4th Fireworks display. We were very concerned with the increasing fire danger leading up towards July 4th. The outbreak of the wildland fire south of Sylvan Lake left us with little cho... See More

19,058 People Reached 6,111 Engagements [Boost Post](#)

Town of Eagle, CO

Published by Hootsuite · June 30 at 4:42 PM

The July 4th Kids' Bike Ride & Parade is coming up Sunday, July 4th, 2021 - 10:00am to Noon. New Route for the Ride!!! Bigger kids gather at 9:15am at Eagle Medical Center North Lot to ride to Brush Creek Park. Smaller riders gather at 9:15am at the Bike Pat... See More

356 People Reached 5 Engagements [Boost Post](#)

Town of Eagle, CO

Published by J. Brian Hall · July 4

J. Brian Hall is with Kristen Uhlemann.

July 4

Eagle July 4th Kids Bike Parade! Home town fun for everyone. Happy July 4th everyone. Thanks all who helped - Erica, Jeffrey and Angel, Libby and the Eagle Valley High School Devil Dancers! Paul Borillo. Sargent Tyler, Greater Eagle Fire Protection District! The parents and the kids! Happy July 4th neighbors!

583 People Reached 6 Engagements [Boost Post](#)

Please note new route this year! 2 choices of rides...

Eagle July 4th Kids' Bike Ride & Parade

New Route This Year!!!!

Sunday, July 4th
Gathering : 9:15am
Ride & Parade : 10:00am
Followed by fun at Brush Creek Park

Parent's choice of start locations:

- #1 - Older Kids - Eagle Health Center North Lot and Ride Bike Path to Brush Creek Park.
- #2 - Younger Kids - Bike Path & Capitol by Boneyard to Brush Creek Park.

events@townofeagle.org



Town of Eagle, CO

Published by Hootsuite · July 27 at 7:30 AM ·

...



Town of Eagle, CO

Published by Hootsuite · July 21 at 4:34 PM ·

...

Eagle Farmer's Market moves because of Rodeo!!!! Friday, July 23rds Farmer's Market will be hosted at Eagle Town Park 9:00am to 2:00pm. This week only. See you there!

EAGLE FARMER'S MARKET

Friday, July 23, 2021
Moving to the Eagle Town Park
for this week!



Town of Eagle, CO

Published by Hootsuite · July 29 at 7:30 AM ·

...



TOWN CLERK

Communications

- Communications Committee July 2021:
 - Eagle Today was sent July 29th to 3209 subscribers
- IN THIS EDITION:
- [Upcoming Events](#)
 - [Update your Info](#)
 - [November Election](#)
 - [I-70 Closure Info](#)
 - See Something/Say Something
 - [Comcast Update](#)
 - Comcast Updates sent July 5 and 21 and 29

Licenses

- BUSINESS:
 - 10 Licenses Issued in July – 432 licenses issued for 2021
 - 10 Mobile Licenses have been issued in 2021
 - 75 Home Business Licenses have been issued in 2021
- LIQUOR:
 - City Market Fermented Malt Beverage Off Sale License Issued July 20, 2021
 - Colorado Democratic Party Special Event Permit Notice Posted July 20, 2021 (Event is August 20)
- MARIJUANA:
 - No activity

Website – www.townofeagle.org

- Ask the Town questions: 6
 - Utility Inquiry x 2
 - School Project Inquiry
 - Development Inquiry
 - Eagle Ranch Parking Inquiry
 - Lost Wallet Inquiry

Other:

- Records Requests (1)

Sales Tax – The full second-quarter report is also included in the council packet.

We currently have 7,083 unique retailers remitting sales tax in 2021.

Filing Period: this indicates sales tax for the actual month sales occurred. These numbers will fluctuate throughout the year as it is reflecting late payments by the retailer or customer retail returns (deductions). Filing Period numbers are updated quarterly. This is the most accurate picture of sales tax collections for that month.

Revenue Period: this amount indicates the month revenue is received by the Town. Revenue period is all money collected by the state for the previous month and any additional months a retailer remits. This amount is what is deposited in the Town's bank account. These returns also get categorized into a "filing period" and are reflected in the sales tax report. This total amount will not change.

2021				Revenue from online sales is included in the Retail sector and OOA. Total retailers includes individual returns and can be duplicate sellers.	
Month	Filing Period	Revenue Period	O/U	Online Sales	Online Retailers
Jan	\$ 552,904.24	\$ 688,558.97	19%	\$67,050.62	1443
Feb	\$ 520,300.19	\$ 576,588.68	20%	\$81,832.64	1311
Mar	\$ 615,238.45	\$ 525,690.74	13%	\$51,489.75	1270
1 Q	\$ 1,688,442.88	\$ 1,790,838.39	18%	\$ 200,373.01	
Apr	\$ 581,662.27	\$ 623,363.57	13%	\$67,089.31	1429
May	\$ 612,474.28	\$ 575,664.72	17%	\$70,368.59	1264
Jun	\$ 678,350.63	\$ 629,801.19	24%	\$61,561.99	1416
2 Q	\$ 1,872,487.18	\$ 1,828,829.48	18%	\$ 199,019.89	
Jul		\$ 686,861.36	23%	\$76,578.81	
2020					
Month	Filing Period	Revenue Period	O/U	Online Sales	Online Retailers
Jan	\$ 376,083.83	\$ 578,686.45	35%	\$58,628.84	905
Feb	\$ 600,020.25	\$ 480,407.70	24%	\$33,124.05	840
Mar	\$ 492,881.75	\$ 463,471.24	16%	\$34,545.98	937
1 Q	\$ 1,468,985.83	\$ 1,522,565.39	25%	\$ 126,298.87	
Apr	\$ 425,304.00	\$ 553,180.68	31%	\$131,519.10	927
May	\$ 505,676.56	\$ 492,253.55	20%	\$51,166.82	1097
Jun	\$ 544,617.55	\$ 508,611.57	18%	\$42,823.92	1102
2 Q	\$ 1,475,598.11	\$ 1,554,045.80	23%	\$ 225,509.84	
Jul	\$ 575,779.73	\$ 558,775.30	12%	\$55,962.03	1178

MUNICIPAL COURT

- Court held July 7th and 21st

July Citations Issued	Current	YTD	2020
Animal Control	1	15	29
Juvenile	1	10	
Misdemeanor/Ordinance	3	5	29
Parking	4	74	97
Traffic	19	129	160
Total	28	226	315

July Fines and Fees Collected (includes collections for previous months)	Current	YTD	2020
Court Costs	60.00	781.25	1,450.00
Criminal Police Equipment and Training Surcharge	0	90.00	601.00
Traffic Surcharge	140.00	1,762.50	0
Deferred Judgment Fee	0	75.00	665.00
Fines	1,370.00	19,057.50	21,651.66
Outstanding Judgement Fee	0	130.00	370.00
Stay of Execution Fee	0	0	25.00
Charitable Contribution (discontinued 2019)	0	0	10.00
Bad Check Fee	0	60.00	0
Warrant Fee	0	0	0
Failure to Appear	70.00	350.00	35.00
Victim Restitution Fee	0	0	371.02
Total	\$1,640.00	\$22,306.25	\$25,178.68

July Dispositions (Payments or Court Appearances)	Current	YTD	2020
Animal Control	1	8	110
Juvenile	1	11	0
Misdemeanor/Ordinance	0	3	72
Parking	4	87	443
Traffic	12	124	205
Total	18	233	830

Outstanding Fines and Fees by Date	
Current	510.00
1-30 Days Past Due	290.00
31-60 Days Past Due	800.00
61-90 Days Past Due	1,280.00
91-180 Days Past Due	5,164.00
Total	\$8,044.00

COMMUNITY DEVELOPMENT

BUILDING DEPARTMENT UPDATES:

Activity:	Status:
General coordination of contractors and projects.	Ongoing
Participation in Pre-Application meetings as needed.	Ongoing
Plan review and inspection services for pending and active permits.	Ongoing
Expired Permits review and follow-up.	Ongoing
Code Adoption Process (2021 International Building Codes) The Building Department has begun the process of reviewing and completing the adopting ordinance for construction code updates with the intent to adopt the 2021 edition of the International Suite of Codes. In our July CITIX Newsletter (<i>Construction Industry Trades Communication Information Exchange</i>), we will solicit input for adoption and/or amendments to the 2021 Codes, including any recommended changes to the current Title 13 of the Town Code. Please contact Building Official, Charlie Davis, directly if there is an interest in being part of this process.	Ongoing
Work with the Town of Gypsum Building Department for Electrical Inspection Services. July – (31) inspections.	Ongoing
Archived plans – department is receiving large numbers of inquiries. Staff continues to electronically archive permits and plans.	Ongoing
Construction Trades Information Exchange (CTIX) CTIX is a way for the Community Development Department to communicate with the Contractor community.	Next issue scheduled to be distributed October 1, 2021

The chart below shows the number of inspections conducted and building permits issued for the current month, the previous month, and the year to date.

Building Department Activity 2021					
	May 2021	June 2021	July 2021	YTD 2020	YTD 2021
Number of Inspections	132	101	114	1970	625
Number of Permits Requiring Plan Review	12	9	14	*	85
Number of Building Permits	27	13	24	498	132
Building	13	11	10	160	68
Electrical	6	0	8	137	36

Plumbing	1	0	0	69	14
Mechanical	5	2	1	107	29
Demo	1	0	0	3	1
Out of Town Water/Sewer Taps	1	0	0	22	5
ALL Commercial*	2	6	3	24	12
SF Detached Residential*	2	0	0	11	5
Multi-Family & Attached SF Residential*	0	0	0	16	0
Residential Remodel/Addition/Basement Finish	1	1	1	49	25
PV	2	3	1	46	17
One Stop	21	4	8	102	73

* YTD 2020 Plan Review Data unavailable.

Major Construction Projects Under Review and Oversight:

- **Broadway Station** – Re-assessing building entrance for proper accessibility grade. No new construction changes to report. Anticipated approval in the Fall of 2021.
- **Talon Flats** – Ongoing exterior work occurring, including stucco and brick. No new construction changes to report. Anticipated occupancy approval for the Fall of 2021.

Upcoming Activities for August 2021:

- Continue procedure for code updates to 2021 Codes, set to be adopted Spring of 2022.
- Continue customizing Community Core Solutions.
- Continue electronic archiving of permits.
- Eagle will be hosting the annual Colorado Chapter of the International Code Council (CCICC) conference August 18-20, 2021 at the Brush Creek Pavilion.

PLANNING DEPARTMENT UPDATES:

PLANNING ACTIVE APPLICATIONS	STATUS
Brush Creek Road Extension	• Design plans have been submitted to Town Engineer for review - approval deadline was May 14th. PW staff to work with Town Attorney, Town Manager, Council on wording/drafting of approvals. • No new information to report (8/5/2021).
Haymeadow	• PUDA21-02 – Haymeadow Amendment - o New application received on 7/28/21 for land swap.
DR21-01 – Sinclair Station	• Applicant submitted updated plans with grading and drainage details. Under staff review.
PUDA21-01 - Eagle Ranch 6th PUD Amendment	• Ongoing completeness review. • Staff has requested a traffic impact study.
Reserve at Hockett Gulch – Subdivision & Major Development Permit	• Staff received new application in July. Completeness review issued and awaiting resubmittal. • Received early grading permit application, under staff review. • Staff has received partial submission for Preliminary Plan/Final Plat & Major Development permit applications.

446 Broadway	Staff received application for a development permit. Application not deemed complete for processing.
341 Broadway	Staff received partial submission for a minor development permit. Application not deemed complete for processing.
PRE-APPLICATIONS	STATUS
295 Eby Creek Rd. (previously Burger King)	- Application for SUP for Rapid Care Clinic forthcoming, summer 2021. - Reviewing parking easement concerns.
1215 Chambers Ave. Innovation Station	- Concept plan and drainage information was sent to Public Works. - No new information to report (8/5/2021).
201 Broadway	Submitted electronic copy of minor development permit application. Awaiting payment prior to processing.
ECSD Employee Housing Project (3 rd Street)	- Waiting for comp plan FLUM amendment to submit applications for rezone, subdivision, and development permit. - Application anticipated late summer 2021. 12-14 units currently proposed.
LONG RANGE PLANNING	STATUS
Elevate Eagle Comprehensive Plan	- Appendix A – connect with Eagle County Housing for housing report – temporarily on hold. - State Demographer report for Appendix A – in progress. - FLUM Amendment (tentative timeline) - P&Z work session 8/31/21 - TC discussion 9/14/21 - P&Z adoption 10/5/21 - TC ratification 10/26/21
Title 4 Land Use Code Update	- Clarion visit scheduled for August 17 & 18, final agenda forthcoming. - Initial requests for sign code and list of specific code amendment items have been submitted.
Hwy 6 Corridor Study	- Project now in Phase 2 (April 2021 – October 2021). - Phase 2 Town & Consultant charette was held on June 28. - Phase 2 Design Charette was held July 15-20.
East Eagle Sub Area Plan	- Continue to revise concept plans and draft plan outline based on public feedback. - TC/PZ joint work session scheduled for September 7.
County West Eagle Property	4 RFQ's received. Favoring Gardner Capital with Norris Design. - No new information to report (8/5/2021).
SolSmart – Bronze Designation	- Temporarily on hold due to workloads. - No new information to report (8/5/2021).
OTHER	STATUS
ORDINANCES	- Impact Fee Ordinance Update - Review of Public Safety and Fire District Nexus studies ongoing. - No new information to report (8/5/2021).

Upcoming Meeting Schedule:

August 2021

August 10th (Town Council) • No files scheduled at this time. • Community Development Department Update.
August 17th (Planning & Zoning Commission) • No files scheduled at this time. • Department & Town Council Update.
August 24th (Town Council) • No files scheduled at this time.
August 31st • Special Meeting: FLUM Amendments.
September 2021
September 7th (Planning & Zoning Commission) • Council / Planning & Zoning Commission joint work session: EESAP.
September 14th (Town Council) • No files scheduled at this time. • Community Development Department Update.
September 21st (Planning & Zoning Commission) • No files scheduled at this time. • Department & Town Council Update.
September 28th (Town Council) • No files scheduled at this time.

POLICE DEPARTMENT



July 2021 Calls for Service: **901**
Calls for Service January – July 2021: 6,006

July 2020 Calls for Service: 1,155
Calls for Service January – July 2020: 6,270

Agency Assist 22
Assault 3
Burglary 1
Child Abuse Investigation 1
Citizen Assist 47
Civil 12
Code violation 3
Crash 15
Damage/Vandalism 5
Death 0
Disturbance 10
Dogs Leash, Welfare or Noise (EPD and not A.C.) 7
Domestic/Disturbance- Harassment or Assault 2
DUI/D 5
DUR 3

Fire/Medical 19
Fraud 6
Harassment 3
Juvenile/Family Incident 5
Missing/Recovered Juvenile – Adult 1 - 1
Noise 8
Protection Order Violation 1
Sex Assault/Misconduct Investigations 3
Sex Offender Check/Registration 3
Suicidal/Welfare 6
Suspicious Person/Vehicle/Occurrence 44
Theft 8
Trespassing 2
Warrant Arrest 2
Wildlife 2

Your Eagle Police Department continues to find opportunities to engage with our citizens and guests at local events and while on community patrol. Officers have been helpful at our local Show Downtown series with inquiries and finding lost family members. Officers enjoyed this month's ArtWalk and participated in a few Corn Hole competitions with neighborhood kids. Officers also went "sticker bombing" at the Whitewater Throwdown series. Officers also had a great time showing off their vehicles at the 4th of July bike race and talking with families while assisting with Fair & Rodeo events. Over the 4th of July and before calls for service began popping up, officers met up with several kids and took some time to teach them how to play kickball (no officer injuries were reported).

Lemonade Stands! Your neighborhood police officers can't resist a good cup of cold lemonade! Several young entrepreneurs set up stands around Eagle this month, resulting in quite a few officers pulling over to buy some refreshing beverages. One lemonade stand received the "That's a First!" verbal award for having cookies, brownies and pet snakes to look at or pet while customers waited.

Your Eagle Police Department continued to remain busy with routine calls for service and investigations. Disturbances, vehicle crashes, impaired drivers, welfare checks and suspicious occurrences were higher than average as well. Some examples of activities this month, include:

A Report Every Drunk Driver Immediately (REDDI) report was called into dispatch about a vehicle driving dangerously. A motorist who was nearly struck, followed the dangerous driver into a commercial area in Eagle. The witness stopped and began to talk with the dangerous driver and noticed the driver was too intoxicated. The witness, fearing the intoxicated driver would harm others, turned off the car and removed the keys. An EPD officer and CSP Trooper arrived at that time and began an investigation. The EPD officer noticed the dangerous driver showed several signs of intoxication and an open liquor container in the cupholder, as well as others in the vehicle. EPD discovered the driver had a revoked license for a previous DUI. EPD arrested the driver, and the vehicle was towed. Law enforcement agencies appreciate when community members immediately call reports into dispatch, especially when behaviors are endangering others.

In a separate REDDI report, a vehicle was reported as driving carelessly. The vehicle was reported to be at a local hotel parking lot, hit a tree, followed by hitting another vehicle and made it into a parking lot of a local liquor store, where EPD officers initiated a traffic stop. The driver was noted as having several signs of being intoxicated, had open containers of liquor inside the vehicle and was driving on a suspended license. The driver was arrested and taken to jail.

At the Eagle interchange of I-70, a suspected impaired driver drove into the median and hit a barrier, causing the vehicle to roll multiple times. The impaired driver, who was not wearing a seat belt, was ejected. The impaired driver was transported to the hospital, where he began his recovery. The driver was not permitted to be operating a vehicle and had already been revoked for three previous alcohol convictions. Charges are pending.

In a separate incident involving a careless driver in downtown, an EPD officer arrested a driver for a felony DUI. Additional charges were added when it was discovered that the driver brought concealed contraband into the jail. Summertime Overindulgence – several intoxicated people were found in or around our parks. Others were found to have passed out while on their journey home. One was on the recreation path near a local elementary school, another near the county building and one who was found near the Town Park stage. These types of calls for service normally require medical intervention. However, one found by a gas station was discovered to have a warrant, which resulted in an arrest and transport to jail.

Mushroom, Sauce. A subject elected to eat some mushrooms...the kind that are not sold at the local mushroom fest or found on your grocery store bought pizza. The subject elected to walk down to a local thoroughfare and become a highway fixture while in the middle of the street. Once the subject stopped a vehicle, the subject took off their shoes, threw them at the vehicle and began to talk to whatever "thing" he believed the vehicle was. Unfortunately, this also terrified the driver in the car, who frantically called 911. EPD officers arrived on scene and tried their best to calm the subject down. An ambulance was summonsed, and the subject eventually elected to lay on the street, where the subject was attended to and transported by medical staff. Following the sober-up time, the subject was charged with violations, to include hindering transportation. Steamboat Police notified local agencies of a fleeing felon who was being tracked and had entered Eagle County. Deputies with ECSO and EPD officers noted the vehicle driving into Eagle and set up to intervene in a safe location, away from congested residential neighborhoods. A high-risk traffic stop was performed, and the suspect surrendered without incident. The suspect was arrested and transported to jail by ECSO.

A subject who passed a forged \$100.00 bill in Eagle was identified through an investigation. The subject was discovered to have been involved in a burglary in Avon as well. Eagle PD and Avon PD wish to locate this subject. Leads are being followed in an attempt to locate.

Roadway agitation continues throughout the region, with an emphasis on I-70. Agencies have noted a general uptick with upset people and agitated drivers. Eagle has not been exempted from this and EPD has received several calls for service regarding road rage events. Many of these are from drivers exiting I-70. Other issues stem from roundabout complaints. Sheriff Van Beek is expected to release an editorial in his routine articles with the Vail Daily in the upcoming weeks to remind some in our valley to be patient and kind.

The missing dog from Bull Run has not been located. His family continues to look for him (photo attached). As of this writing, he was last seen on bike path between Eagle and Wolcott.

An EPD officer assisted a family at a local bank when it was discovered an occupant in the vehicle was having a seizure. Medical was called to transport the occupant, but the family's kids were at Yoman Park, out of cell Range. ECSO was unable to respond. EPD sent an officer to notify the other family members, whom were grateful for the notification.

Round them up Cowboy! EPD received a report of horses running eastbound on Fairgrounds Road. Dispatch received another call stating the horses ran down the on-ramp to Interstate 70. EPD, CSP and the Gypsum Fire Chief temporarily blocked I-70. Fortunately, a family with an empty horse trailer was in the area and had observed the horses on I-70 and offered to help. As police and fire units attempted to corral the horses with vehicles, a cowboy suddenly appeared, riding a horse in full gallop, who was able to assist. His plan was to rope the lead horse in order to stop the other horses from continuing on their riderless adventure. Fortunately, the horses were corralled. The escapees were loaded into horse trailers and brought back to the fairgrounds.

County Court – Available upon request.

Local and Regional Calls for Service – Available at Dispatch

PUBLIC WORKS

Streets

- Our Streets crew has been busy performing normal summer pavement and drainage maintenance, and continue to be busy supporting community events.
- Streets recently demo'd
- Streets is doing research and product investigation to replace the lighting on Broadway that has failed over the years and no longer functions. This lighting is mostly located in the landscape planters and seating walls.

Buildings and Grounds

- Landscape along Eby Creek Road looks fantastic, B&G has been doing a great job!
- B&G has been performing more and more mowing and weed trimming along rights-of-way and at intersections. The Town's ordinance regarding maintenance of landscape in the right-of-way adjacent to private properties is very minimal and only requires property owners to cut down weeds. Longer term I would like to discuss with Council whether we want to maintain the status quo with respect to mowing and upkeep of right-of-way landscape, whether we should amend the ordinance to require property owners to provide a higher level of maintenance, or whether we should devote greater Town resources to this maintenance.

Water/Wastewater

- The Lower Basin Water Treatment Plant is humming along. Overall water usage in Town has dropped due to the recent rainy weather – we had been averaging about 3 million gallons per day of usage, but that has dropped to about 2 million gallons per day over the past two weeks. Currently water production is split about 50/50 between our two water plants.
- One of our two water treatment plant operators lives west of Glenwood Canyon, the extended canyon closure has made his life challenging. We are working to adjust work schedules and accommodate weather conditions as best we can in the face of this tremendous disaster.

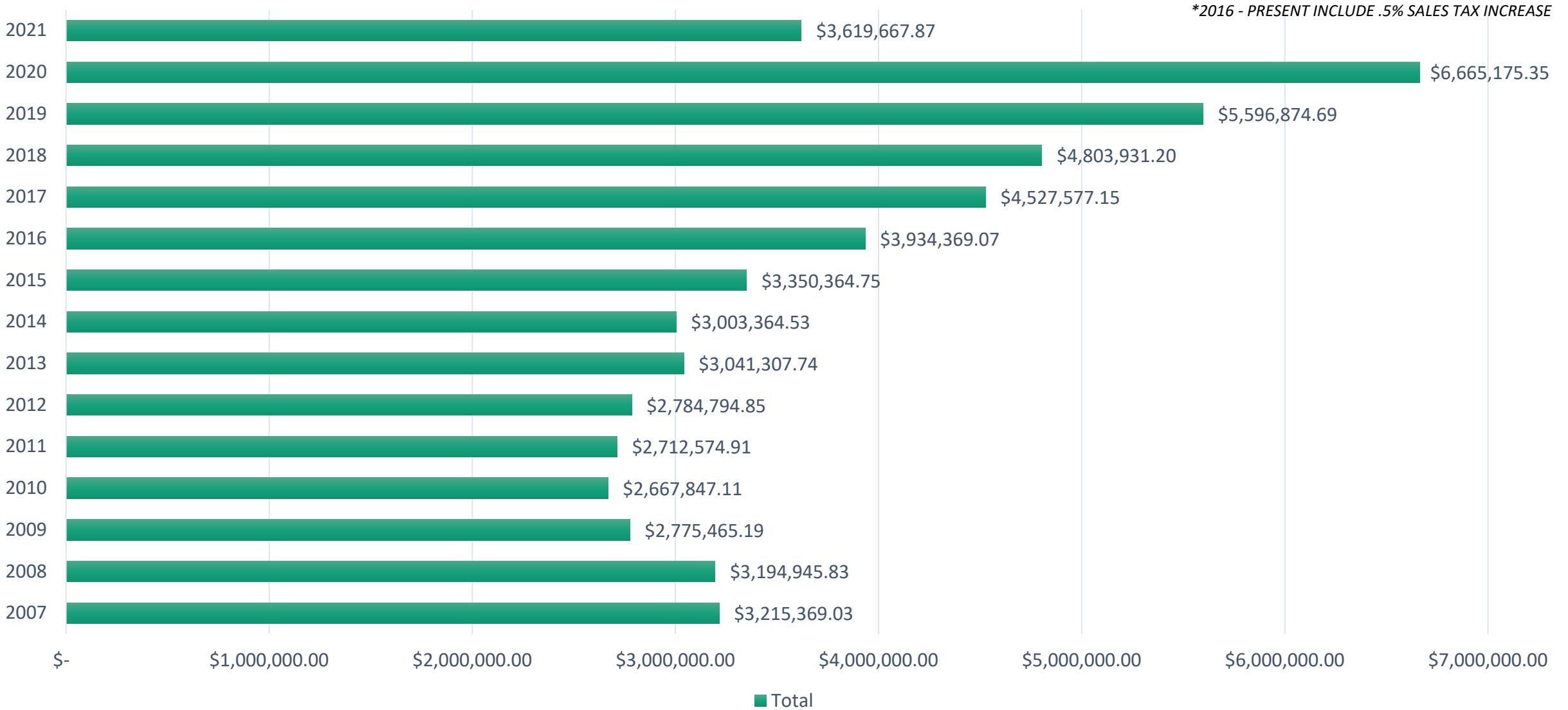
Open Space

- The OST master plan project is in full swing. There was an article in the Vail Daily on August 5th in which Brian Lieberman was nicely quoted. <https://www.vaildaily.com/news/eagle-aims-to-break-down-barriers-to-accessing-open-spaces/>

Engineering

- We continue to have the Town Engineer and two other public works staff people largely devoted to supporting the Comcast project. Many, many, hours are being spent performing underground utility locates as is required by law. We are hopeful that Comcast will begin offering service to customers later this month! <https://www.vaildaily.com/news/eagle-valley/comcasts-downvalley-expansion-eyes-2022-completion/>

ANNUAL TOTAL SALES TAX 2007-2021 REVENUE PERIOD TOTALS



TOTAL SALES TAX BY QUARTER

2013-2021

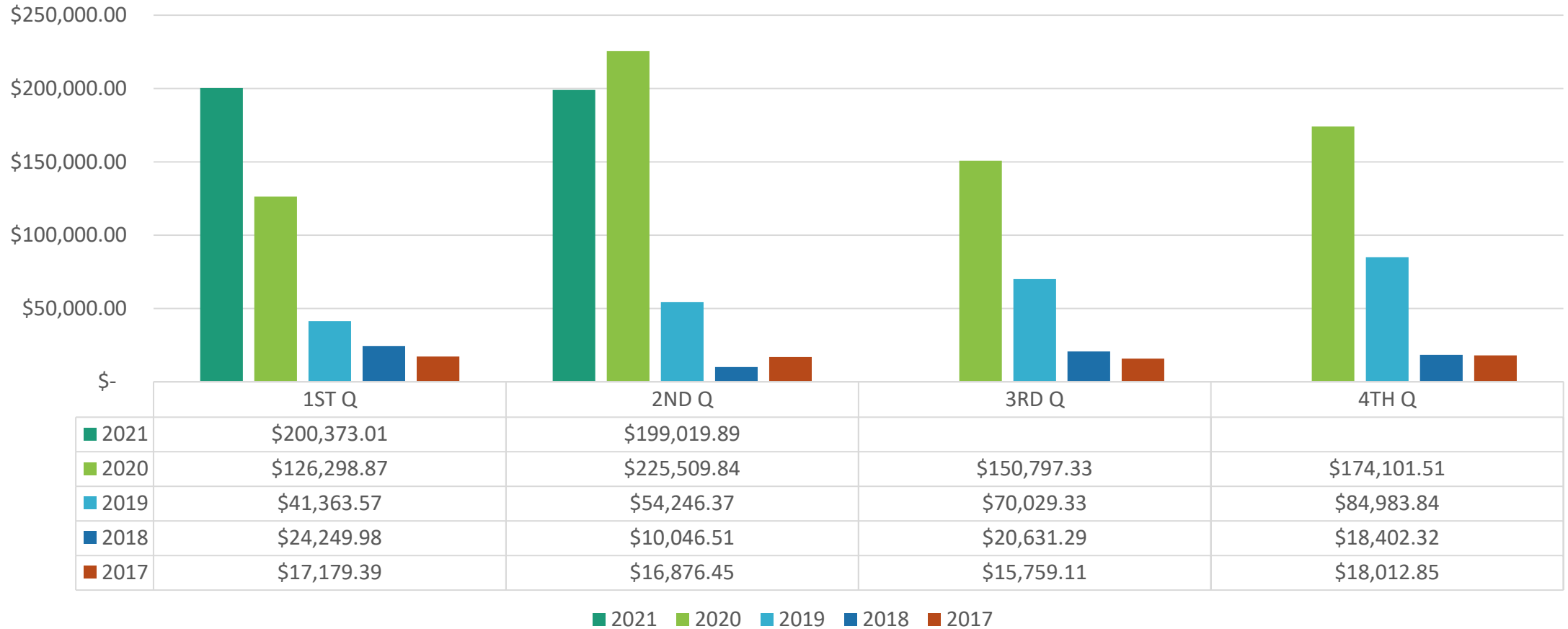
REVENUE PERIOD TOTALS



ONLINE SALES TAX BY QUARTER

2017-2021

REVENUE PERIOD TOTALS

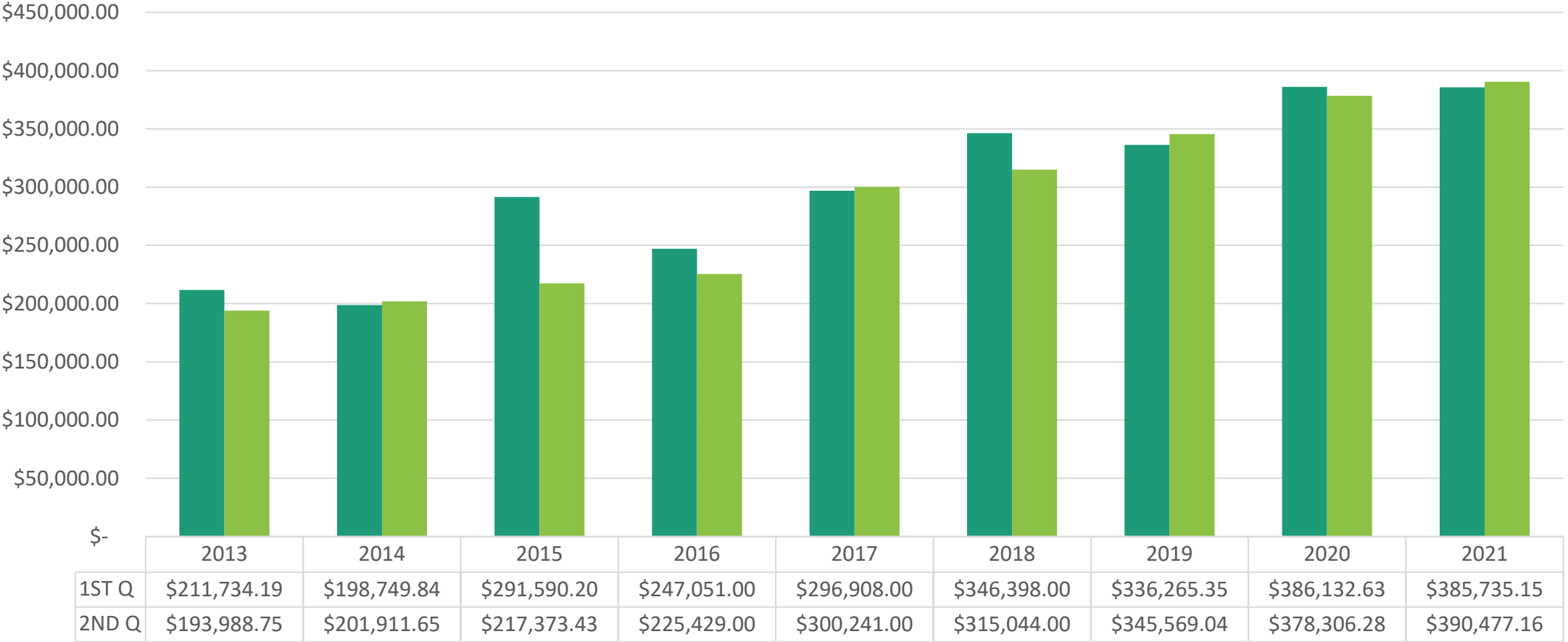


Online sales are included in the retail and out of area sectors.

RETAIL QUARTERLY COLLECTIONS
2013-2021

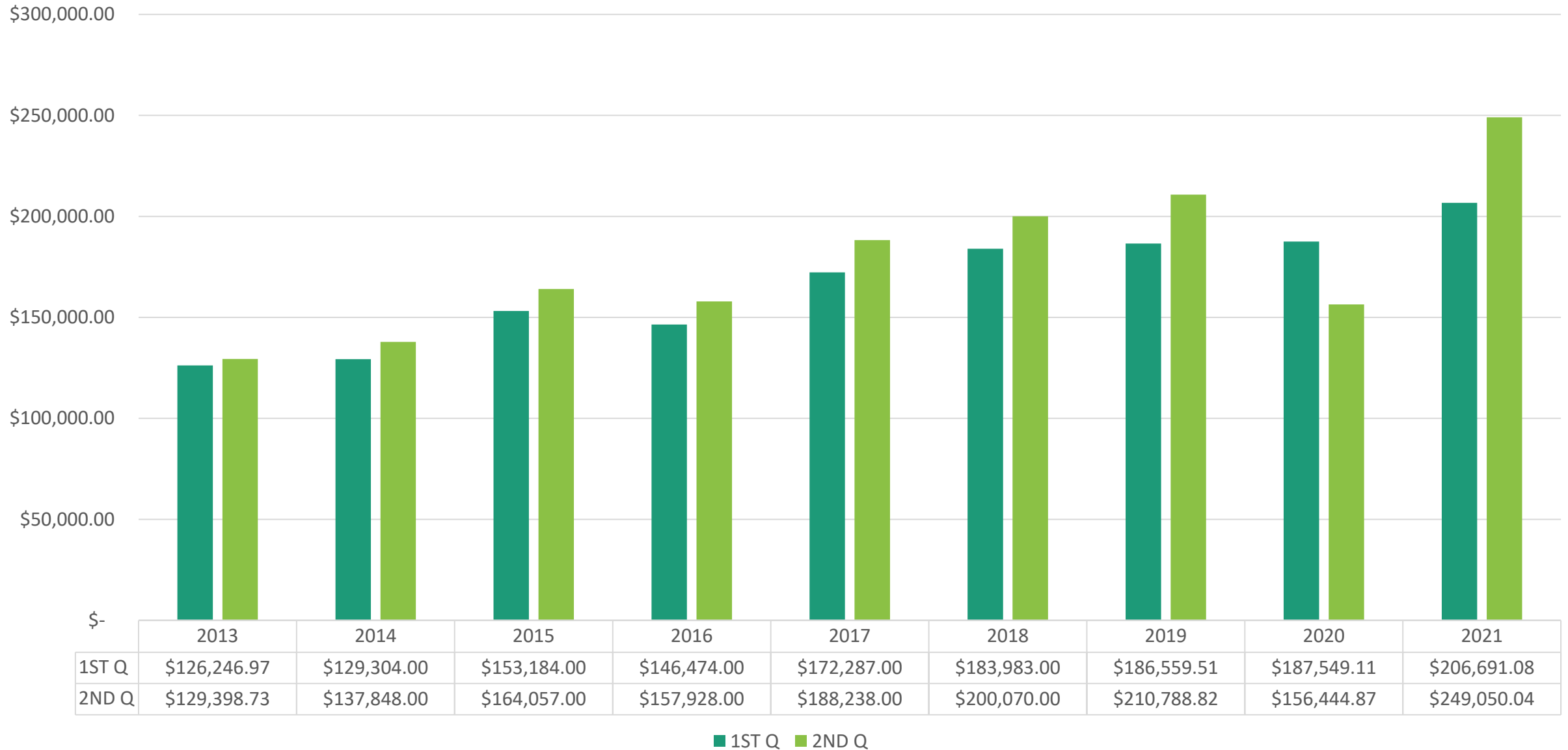


FOOD QUARTERLY COLLECTIONS 2013-2021

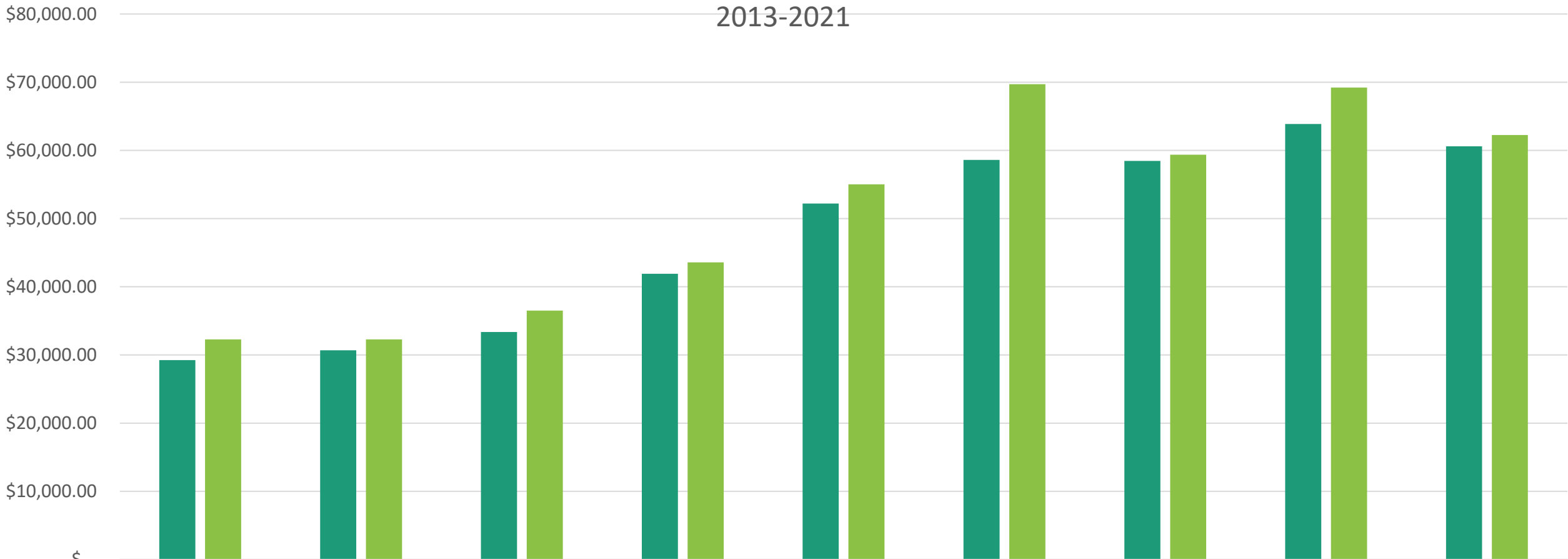


RESTAURANTS & BARS QUARTERLY COLLECTIONS

2013-2021



LIQUOR STORES QUARTERLY COLLECTIONS
2013-2021



	2013	2014	2015	2016	2017	2018	2019	2020	2021
1ST Q	\$29,240.21	\$30,678.33	\$33,366.23	\$41,903.00	\$52,210.00	\$58,597.00	\$58,457.33	\$63,871.12	\$60,597.72
2ND Q	\$32,287.72	\$32,282.04	\$36,503.00	\$43,575.22	\$55,021.00	\$69,704.00	\$59,369.38	\$69,205.68	\$62,261.22

1ST Q

2ND Q

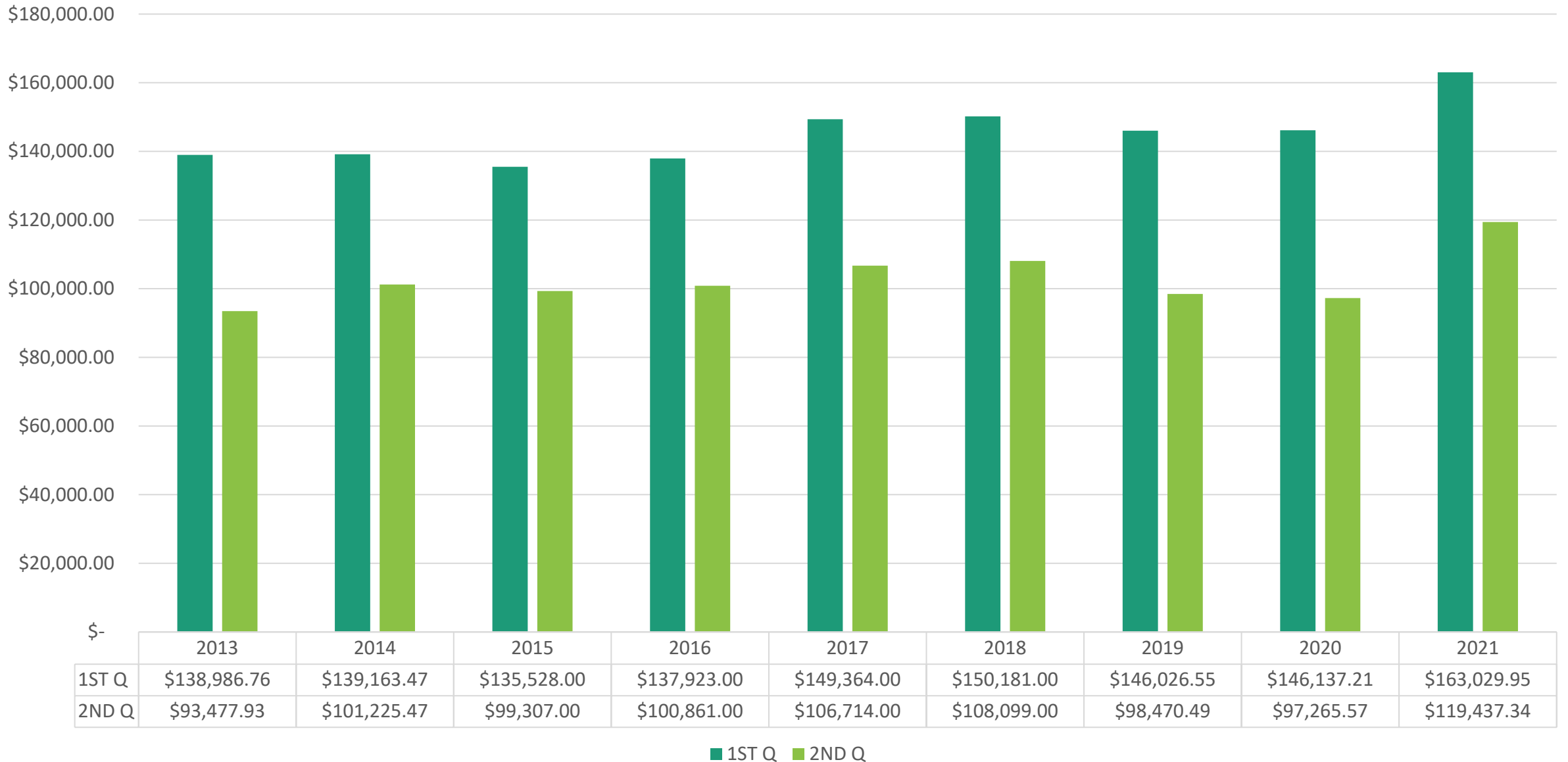
LODGING QUARTERLY COLLECTIONS

2013-2021



UTILITIES QUARTERLY COLLECTIONS

2013-2021



AUTOMOTIVE QUARTERLY COLLECTIONS
2013-2021



MISCELLANEOUS QUARTERLY COLLECTIONS
2013-2021



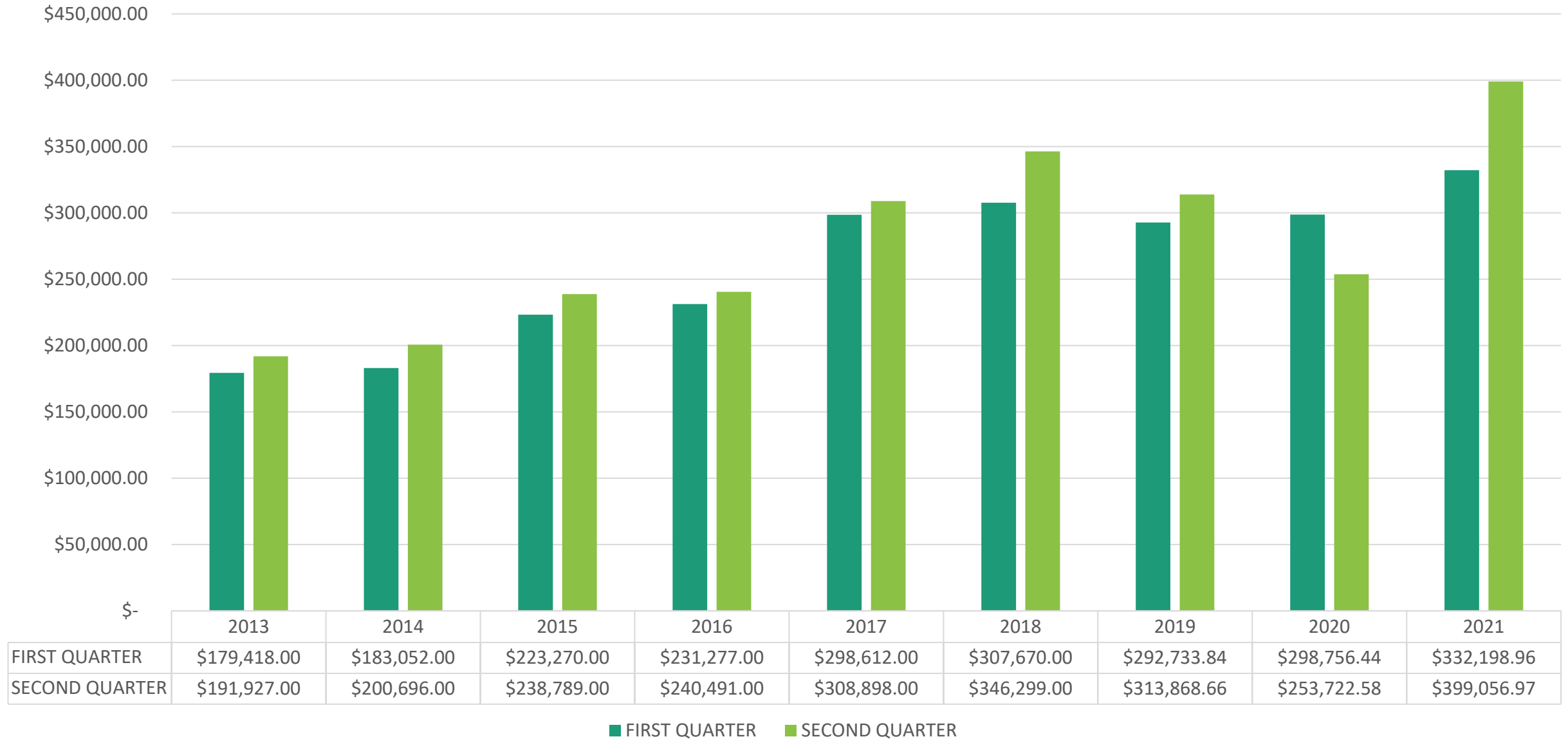
BUILDING/CONSTRUCTION QUARTERLY COLLECTIONS
2013-2021



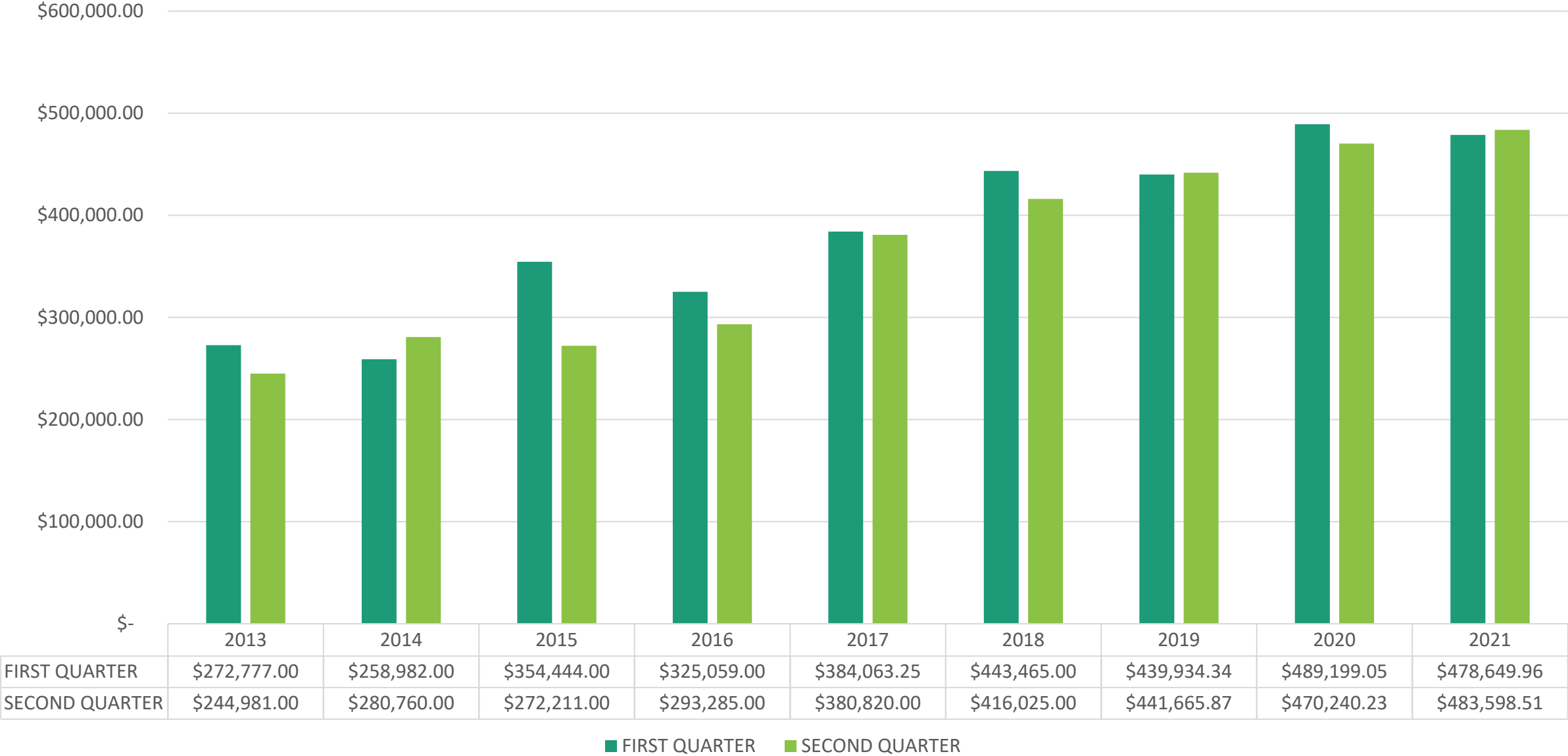
DOWNTOWN DISTRICT QUARTERLY 2013-2021



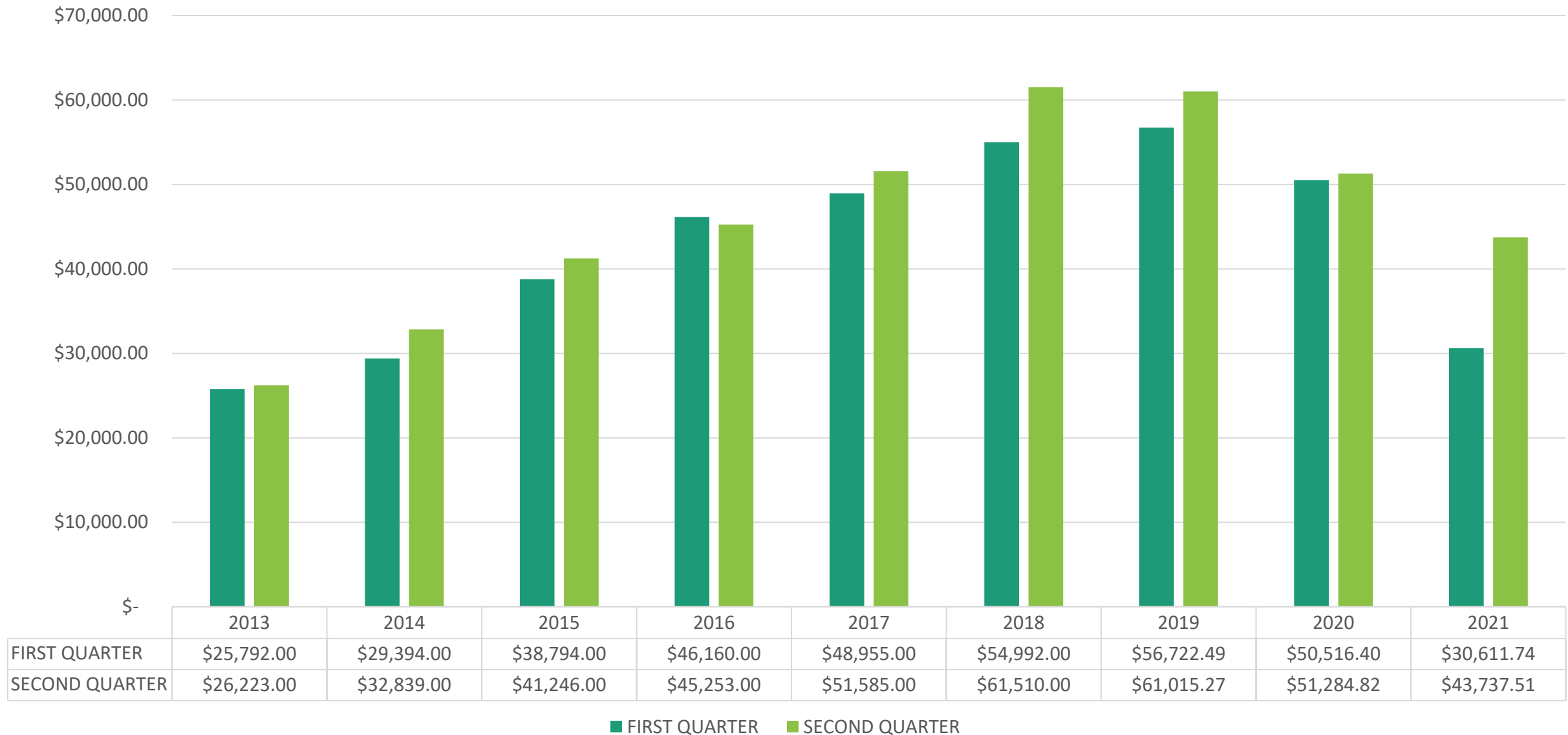
CHAMBERS AVENUE QUARTERLY 2013-2021



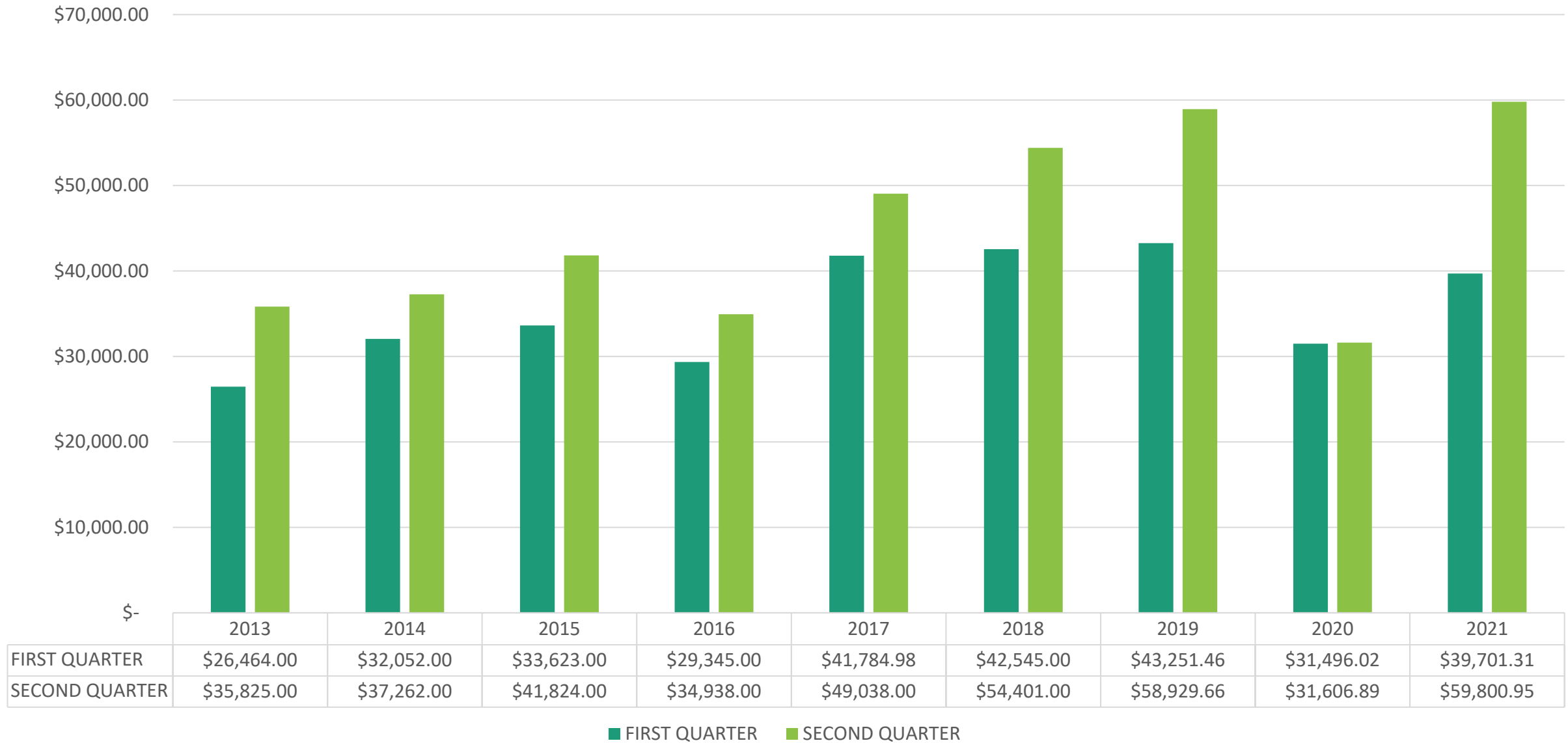
MARKET STREET QUARTERLY
2013-2021



HIGHWAY 6/GRAND AVE. QUARTERLY 2013-2021



EAGLE RANCH QUARTERLY 2013-2021



OTHER AREAS QUARTERLY 2013-2021





To: Mayor and Town Council

From: Bill Shrum, Assistant Town Manager

Date: August 10, 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 the Ordinance outlining regulations on the location, design, and installation of Wireless Communication Facilities (WCF's) in the Town right of way.

INTRODUCTION:

The first reading of Ordinance 8, Series 2021 was June 22, 2021. Feedback from the Town Council, Community Development Department, Public Works, and Town legal support has led to slight revisions in the final Ordinance, though the core elements are still in-tact. 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

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:

After feedback and discussion from the Council and administrative support, the following changes have been made to the ordinance from the first reading:

- The ordinance now creates a new chapter in the Town Code, Chapter 4.19 Wireless Communication Facilities
- Definitions are not limited by the chapter. This provides continuity through the code as currently written and is expected to be embedded more holistically in the Land Use Code rewrite.
- Section 4.19.080 Miscellaneous has been removed. References to codification and the effective date of the ordinance have been removed and will follow regular Town procedures.

- Section 3 of 4.19.070 Standards for Approval has been added, stating the ordinance is necessary for public health and safety.
- Severability has been moved from 4.19.080 to 4.19.070 “Standards for Approval” and labeled as Section 2.
- Applications will not be approved by the Planning Commission, as previously stated.

Other points of clarification that were brought up in the internal discussion of the ordinance include the following:

- In Section 4.19.050.E.4.k.i Design Standards the setback is measured from the base of the tower.
- An application form will be created by the Community Development Department. Language enforcing this in the code will likely be dropped in a code rewrite as the process will no longer be new.

The changes have been made with a mind toward the Land Use Code rewrite currently underway. It was the opinion of the administrative review team and Community Development that the final ordinance facilitates proper execution of WCF applications but will be further integrated as a part of the code revision.

COMMUNITY INPUT:

Staff has not received any community input on the draft or final versions of the ordinance.

BUDGET / STAFF IMPACT:

There is no budget impact with the adoption of the ordinance. Staff will need to create a new application and review process to implement the 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 motion to **APPROVE** or **DENY** Ordinance 8, Series 2021, An Ordinance of the Town of Eagle, Colorado establishing regulations for Wireless Communication Facilities.

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
AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE BY THE ADDITION OF A NEW
CHAPTER 4.19, ESTABLISHING REGULATIONS FOR WIRELESS COMMUNICATION
FACILITIES

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;

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;

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 Eagle Municipal Code as described herein.

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

Section 1. Title 4 of the Eagle Municipal Code is hereby amended by the addition of a new Chapter 4.19, to read as follows:

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 Town 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 this 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 and 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. Section 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; or
- 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 Town 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 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 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 for Towers and Eligible Support Structures, 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; or

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 in 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 Chapter.

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 Chapter 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 Chapter, 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 Chapter. The requirements set forth in this Chapter 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 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.

D. In the event that any requirement of this Chapter conflicts with other provisions of this title, the requirements of this Chapter shall apply.

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 Chapter 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 4.19.040(F) below. 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 Town 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 Chapter 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 Town 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 applicable 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 Town 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 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, sides, 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 four and one-half (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 two (2) to one (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 shall 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; and

g. When placed near a residential property, any ATS or Small Cell facilities shall be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility shall 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;

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;

iii. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;

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 this Code;

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;

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;

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 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 Chapter.

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 (3) 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 Town, 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 Rights-of-Way.* In all zone districts and Planned Unit Developments, each application for attachments of WCFs to Base Stations, and deployment of Alternative Tower Structures, or Alternative Tower Structures within Right-of-Way shall be reviewed and considered for administrative 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 with the approval of a Special Use Permit. Such Towers shall be reviewed for conformance to this Chapter using the Special Use review procedures set forth in Section 4.05.010 of this 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) business 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 (6) 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) business 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 this Code, and any other applicable regulations. In addition, all WCF applications shall comply with the following:

1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;

2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

3. 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

4. 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) business days from the time of notification by the Town or after discovery by the owner or operator of the Site.

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

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

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON _____, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Council

From: Jenny Rakow, Town Clerk

Date: August 10, 2021

Agenda Item: Ordinance No. 11, Series 2021, “An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100 of the Eagle Municipal Code to Streamline Retail Marijuana Business Zoning Regulations, Section 5.15.150 to Permit Administrative Approvals of Medical Marijuana Business License Renewal Applications and Creating a New Chapter 5.17 to Address the Licensing and Regulation of Retail Marijuana Businesses”

REQUEST: Staff is requesting the council to review a proposed Ordinance to update the Eagle Municipal Code as it relates to streamlining the retail marijuana business zoning regulations, permit administrative approvals of medical marijuana business license applications, and create a new chapter that addresses retail marijuana businesses.

BACKGROUND: Earlier this year, the council inquired if staff could approve marijuana license renewals. In a review of the municipal code, references to retail marijuana were directed to statute for the licensing process and medical licensing did not specifically allow renewals to be done administratively. The town attorneys assisted in the review of our current code and created this ordinance to outline our renewal process. During the review, some minor changes were made to other sections as necessary.

ANALYSIS: Currently, all renewals are submitted to the council for approval due to the lack of language allowing for them to be administratively approved. Adoption of this ordinance will allow staff approval and renewals will only be referred to an agenda if the staff determines a public hearing is necessary. If a renewal is referred to the council, they would then act as the Local Licensing Authority to determine if additional conditions should be required to satisfy the renewal or if violations occurred that would prevent the town from renewing the license. The Local Licensing Authority will continue to approve any **new** license applications submitted to the town.

Other minor changes to the code will be in Chapter 4.04 to consolidate the information on location and limitations for both types of marijuana businesses. Currently, they are referenced separately and make it difficult to find. The only change to Chapter 5.15 will be to include language allowing administrative approval for renewals of medical marijuana licenses. A new Chapter 5.17 titled Licensing and Regulation of Retail Marijuana Businesses is designed to provide clear language taken from the state statute that can be accessed by the public and staff to assist with the licensing process. The process will not change from what is currently done, other than specifically align the town with the state marijuana regulations and allow for administrative approval of renewals. Going forward, having all marijuana-related code language housed within the Eagle Municipal Code will allow for easier updates and changes as the council deem necessary.

COMMUNITY INPUT: No input has been solicited. However, the only change for applicants will be removing the council approval process for renewals, with the intent of making it easier and faster for applicants to obtain approval.

BUDGET / STAFF IMPACT: The budget impact will include attorney's fees to create this ordinance and costs associated with publishing our code with MuniCode. Staff impacts have been department review of the ordinance and, if approved, applying the new code for future renewals.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This ordinance is proposed to streamline a process with the intent of increasing the efficiency of the town. It also places all locations and limitations for marijuana businesses in one location, creating more transparency for applicants. Regulations that relate to licensing are designed to protect public health, safety, and the environment. This ordinance specifically relates to safety, which is referenced in Section 5.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY Ordinance No. 11, Series 2021 “An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100 of the Eagle Municipal Code to Streamline Retail Marijuana Business Zoning Regulations, Section 5.15.150 to Permit Administrative Approvals of Medical Marijuana Business License Renewal Applications and Creating a New Chapter 5.17 to Address the Licensing and Regulation of Retail Marijuana Businesses.”

A denial of the ordinance would keep the current process in place and all renewal applications would continue to be scheduled for approval by the council acting as the Local Licensing Authority.

ATTACHMENTS:

1. 11 Retail MJ-O070921 JR

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 11
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 4.04.100 OF THE EAGLE MUNICIPAL CODE TO STREAMLINE RETAIL MARIJUANA BUSINESS ZONING REGULATIONS, SECTION 5.15.150 TO PERMIT ADMINISTRATIVE APPROVALS OF MEDICAL MARIJUANA BUSINESS LICENSE RENEWAL APPLICATIONS AND CREATING A NEW CHAPTER 5.17 TO ADDRESS THE LICENSING AND REGULATION OF RETAIL MARIJUANA BUSINESSES

WHEREAS, retail and medical marijuana are permitted in the Town where the business obtains the requisite license;

WHEREAS, licenses must be renewed periodically through the Local Licensing Authority;

WHEREAS, the Eagle Municipal Code does not currently specifically address the licensing or regulation of retail marijuana businesses; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that permitting administrative approvals of medical marijuana business license renewal applications and a separate chapter addressing retail marijuana businesses be approved.

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

Section 1. Section 4.04.100(U) of the Eagle Municipal Code is hereby repealed and reenacted as follows:

U. Retail marijuana businesses.

1. *Limitation on the number of retail marijuana stores within the Town.*

a. The number of retail marijuana stores permitted within the Town is based on population. A maximum of one retail marijuana store shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.

b. In the event more than one land use application for a retail marijuana store of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter, Chapter 5.17 of this Code and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the

applications because of the limitations set forth in this Subsection (U), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

2. *Retail marijuana cultivation facilities within the Town.*

a. The number of retail marijuana cultivation facilities permitted within the Town is based on population. A maximum of one retail marijuana cultivation facility shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.

b. In the event more than one land use application for a retail marijuana cultivation facility of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter, Chapter 5.17 of this Code and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (U), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

3. *Limitation on the number of retail marijuana products manufacturing facilities within the Town.*

a. The number of retail marijuana products manufacturing facilities permitted within the Town is based on population. A maximum of two retail marijuana products manufacturing shall be permitted for every 5,000 people or fraction thereof. Population shall be determined by the most recent data available from the U.S. Census Bureau and the State demographer's office.

b. In the event more than one land use application for a retail marijuana products manufacturing facility of the same classification are submitted to the Town in close proximity to one another, the applications comply with all the requirements of this Chapter, Chapter 5.17 of this Code and the Colorado Retail Marijuana Code, but the Town is not permitted to approve all of the applications because of the limitations set forth in this Subsection (U), the Board of Trustees shall first review for approval the application which was first submitted and determined to be complete by the Town Planner, or their designee.

4. *Permitted locations.*

a. Retail marijuana stores and retail marijuana cultivation facilities shall only be located in the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. Refer to map at the end of this section labeled Exhibit A.

b. Retail marijuana products manufacturing facilities shall only be located on properties along Chambers Avenue that are within the Commercial General (CG) and Industrial (I) Zone Districts and are located a minimum of 1,750 feet from the centerline of Eby Creek Road pursuant to a special use permit. If any portion of such property is within the required minimum distance from Eby Creek Road, no retail marijuana products manufacturing facility shall be permitted on that property. Refer to map at the end of this Section labeled Exhibit A.

5. *Distance from schools, licensed childcare facilities, alcohol or drug treatment facilities and college campus.* All retail marijuana businesses shall be located a minimum of 1,000 feet from schools, as defined in the Colorado Retail Marijuana Code, licensed childcare facilities, alcohol or drug treatment facilities, and the campus of a college or university.

6. *Distance from residential zone district.* All retail marijuana businesses shall be located a minimum of 100 feet from any residential zone district which shall be measured from the zone district boundary line to the subject property line.

Section 2. Section 5.15.150 of the Eagle Municipal Code is hereby amended with the addition of subsection 5.15.150(E) as follows.

Section 5.15.150. – Renewal of medical marijuana business license.

* * *

E. The Local Licensing Authority may renew a license by an administrative approval process whereby a public hearing is not necessary.

Section 3. Chapter 5.17 of the Eagle Municipal Code is hereby created and enacted as follows:

CHAPTER 5.17. – LICENSING AND REGULATION OF RETAIL MARIJUANA BUSINESSES

Section 5.17.010. – Legislative intent and purpose.

The purpose of this Chapter is to implement the provisions of the Colorado Retail Marijuana Code, C.R.S. § 44-12-101, *et seq.*, which authorizes the licensing and

regulation of retail marijuana businesses and affords local government the option to determine whether to allow retail marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in State law.

Section 5.17.020. – Authority.

The Town Council hereby finds, determines and declares that it has the power to adopt this Chapter pursuant to:

1. Article XVIII, Section 16 of the Colorado Constitution;
2. The Colorado Retail Marijuana Code, C.R.S. § 44-12-101, *et seq.*;
3. The Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101, *et seq.*;
4. The Town's Home Rule Charter; and
5. C.R.S. §§ 31-15-103, -401, and -501.

Section 5.17.030. – Definitions.

A. For purposes of this Chapter, the following terms shall have the following meanings:

Applicant means a person 21 years of age or older who has submitted an application for a license or renewal of a license issued pursuant to this Chapter. If the applicant is an entity and not a natural person, *applicant* shall include all persons who are the members, managers, officers and directors of such entity.

Consumer means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by a person 21 years of age or older, but not for resale to others.

Controlling beneficial owner shall have the same meaning as provided in the Colorado Retail Marijuana Code and any rules and regulations that may be promulgated by the Colorado Department of Revenue.

Criminal justice agency means any federal, State, or municipal court or any governmental agency or sub-unit of such agency that performs the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

Cultivation or cultivate means the process by which a person grows a marijuana plant.

Dual operation means a business that operates as both a licensed medical marijuana business and a licensed retail marijuana establishment.

Good cause (for the purpose of refusing or denying a license renewal under this Chapter) means: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this Chapter and any rule and regulation promulgated pursuant to this Chapter; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or (3) the licensee's retail marijuana establishment has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the retail marijuana establishment is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace, as defined in Chapter 9.12; (ii) a continuing pattern of drug-related criminal conduct within the premises in the immediate area surrounding the premises arising out of the operation of the establishment; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana establishment.

Industrial hemp product means a finished product containing industrial hemp that:

1. Is a cosmetic, food, food additive, or herb;
2. Is for human use or consumption;
3. Contains any part of the hemp plant, including naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, or derivatives; and
4. Contains a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent.

License means a document issued by the Town officially authorizing an applicant to operate a retail marijuana establishment pursuant to this Chapter.

Licensed premises means the premises specified in an application for a license under this Chapter, which is owned or in possession of the licensee and within which the licensee is authorized to distribute or sell retail marijuana or retail marijuana products in accordance with State and local law.

Local licensing authority means the Town Council of the Town of Eagle.

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

Person means a natural person, partnership, association, company, corporation, limited liability company or organization.

Retail marijuana means marijuana that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment.

Retail marijuana cultivation facility means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Retail marijuana establishment means a retail marijuana store, a retail marijuana cultivation facility, or a retail marijuana products manufacturing operation.

Retail marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Retail marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, such as but not limited to, edible products, ointments and tinctures.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Retail marijuana testing facility means an entity licensed by the Town and by the State of Colorado to analyze and certify the safety and potency of marijuana.

State licensing authority means the authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale and testing of retail marijuana in the State of Colorado pursuant to C.R.S. § 44-12-201.

B. In addition to the definitions provided in Subsection (A) hereof, other terms used in this Chapter shall have the meaning ascribed to them in Article XVIII, § 16 of the Colorado Constitution, or the Colorado Retail Marijuana Code, and such definitions are hereby incorporated into this Chapter by reference.

Section 5.17.040. – License required.

It is unlawful to establish or operate a retail marijuana establishment in the Town without first having obtained a license for such business from the Local Licensing Authority pursuant to this Chapter.

Section 5.17.050. – Application.

A. Applications for a license shall be submitted to the Town Clerk, with a nonrefundable application fee in the amount set by resolution of the Town Council. The applicant shall additionally present one of the following forms of identification:

1. An operator's, chauffer's or similar type of driver's license issued by any state within the United States or a U.S. territory;
2. An identification card, issued by any state for purpose of proving age using requirements similar to those in C.R.S. §§ 42-2-302 and 42-2-303;
3. A United States military identification card;
4. A valid passport; or
5. An enrollment card issued by the government authority of a federally recognized tribe.

B. Each applicant shall also provide all of the following information on a form approved by, or acceptable to the Town, which information shall be

required for the applicant, and all persons having a 10% or more financial interest in the retail marijuana establishment that is the subject of the application or, if the applicant is an entity, having a 10% or more financial interest in the entity:

1. Name, address and date of birth;
2. Suitable evidence of proof of lawful presence and good character and reputation that the Town may request;
3. An acknowledgment and consent that the Town will conduct a background investigation, including a criminal history check, and that the Town will be entitled to full and complete disclosure of all financial records of the retail marijuana establishment, including records of deposit, withdrawals, balances and loans;
4. If the applicant is a business entity, information regarding the entity, including without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
5. The name and complete address of the proposed retail marijuana establishment, including the facilities to be used in furtherance of such business, whether or not such facilities are, or are planned to be, within the territorial limits of the Town;
6. If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a retail marijuana establishment;
7. A copy of any deed, lease, contract or other document reflecting the right of the applicant to possess the proposed licensed premises along with any conditions of occupancy of the premises;
8. Evidence of a valid sales tax license for the business;
9. If the retail marijuana store will be providing retail marijuana products in edible form, evidence of at a minimum a pending application for any food establishment license or permit that may be required by the State;
10. A "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, all entry ways and exits to the marijuana establishment, loading zones and all areas in which retail marijuana will be stored or dispensed;

11. A comprehensive business operation plan for the retail marijuana establishment which shall include, at a minimum, the following:

- a. A copy of the Articles of Incorporation or Partnership/Operating Agreement for the licensee's business entity;
- b. A security plan meeting the requirements of Section 5.17.220;
- c. A description by category of all products to be sold;
- d. A signage plan in compliance with all applicable requirements of this Chapter, other applicable provisions of this Code and other applicable law;
- e. A plan for the disposal of marijuana and related byproducts; and
- f. Minimum hours of operation consistent with this Chapter.

12. Any additional information that the Local Licensing Authority reasonably determines to be necessary in connection with the investigation and review of the application.

C. The applicant shall verify the truthfulness of the information required by this Section by the applicant's signature on the application.

D. A license issued pursuant to this Chapter does not eliminate the need for other required permits or licenses related to the operation of the retail marijuana establishment, including without limitation a license from the State and any development approvals or building permits required by this Code.

E. Upon receipt of a complete application, the Town Clerk shall circulate the application to all affected departments of the Town to determine whether the application is in full compliance with all applicable laws, rules and regulations.

F. Upon receipt of an application for a new license, the Town Clerk shall schedule a public hearing on the application to be held not less than 30 days after the date of the completed application. The Local Licensing Authority shall cause a notice of such hearing to be posted in a conspicuous place upon the proposed licensed premises and published in a newspaper of general circulation within the Town not less than 10 days prior to the hearing. Such posted notice given by posting shall include a sign of suitable material, not less than 22 inches wide and 26 inches high, composed of letters of not less than one inch in height. Both the posted and the published notice shall state the type of license applied for, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application.

G. Not less than 5 days prior to the date of the public hearing for a new license, the Local Licensing Authority shall cause its preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The Local Licensing Authority shall deny any application that does not meet the requirements of this Chapter. The Local Licensing Authority shall also deny any application that contains any false, misleading or incomplete information. The Local Licensing Authority may also deny or refuse to issue a license for good cause. Denial of an application for a license shall not be subject to further administrative review but only to review by a court of competent jurisdiction.

H. Before a decision approving or denying the application for a local license, the Local Licensing Authority may consider, except where this Chapter specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type and availability of retail marijuana establishments located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. The Local Licensing Authority shall issue its decision within 90 days of the receipt of the complete license application. Such decision shall state the reasons for the decision and shall be sent via certified mail to the State and the applicant at the address shown in the application.

I. The Town shall, prior to issuance of a license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Code.

Section 5.17.060. – Retail marijuana stores.

A. A licensed retail marijuana store may sell up to one ounce of retail marijuana or its equivalent in retail marijuana concentrate or retail marijuana products to persons 21 years of age or older during a single sales transaction.

B. The following forms of identification may be accepted for purposes of determining the requisite age of 21 years or older: a valid driver's license or any other valid government-issued picture identification that demonstrates that the holder of the identification is 21 years of age or older.

C. All retail marijuana offered for sale and distribution shall be packaged and labeled in accordance with State law.

D. Retail marijuana stores are prohibited from selling retail marijuana or retail marijuana products over the internet.

E. Retail marijuana stores are prohibited from selling or giving away any consumable product that is not a retail marijuana product or industrial hemp product, including without limitation cigarettes or tobacco products, alcohol beverages, and food products other than non-alcohol beverages that are not retail marijuana products or industrial hemp products.

F. No fermented malt beverages and no alcohol beverages, as defined in the Colorado Beer Code and Colorado Liquor Code, respectively, shall be kept, served or consumed of the premises of a retail marijuana business.

G. Retail marijuana stores shall be open for business according to the hours of operation set forth in the licensee's business operation plan and not to exceed the hours set forth in this Chapter.

H. Retail marijuana stores may sell or transfer industrial hemp products to a consumer only after the licensee has confirmed:

1. That the industrial hemp product has passed all required testing pursuant to the Colorado Retail Marijuana Code and the regulations promulgated in conformance therewith; and

2. That the person transferring the industrial hemp product to the retail marijuana store is registered with the Colorado Department of Public Health and Environment pursuant to C.R.S. § 25-5-426.

Section 5.17.070. – Restrictions on mobile facilities and deliveries.

No retail marijuana business shall be located in a movable or mobile vehicle or structure and no retail marijuana products shall be delivered in the Town unless such delivery is specifically permitted by the Colorado Retail Marijuana Code.

Section 5.17.080. – Persons prohibited as licensees and employees.

A. No license shall be issued to, held by, or renewed by any of the following:

1. Any person until all applicable fees have been paid;
2. Any person who is not of good moral character satisfactory to the Local Licensing Authority;
3. Any corporation, any of whose officers, directors or stockholders are not of good moral character satisfactory to the Local Licensing Authority;
4. Any partnership, association or company, any of whose officers are not of good moral character satisfactory to the Local Licensing Authority;

5. Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the Local Licensing Authority;

6. Any sheriff, deputy sheriff, police officer, prosecuting officer, and State or Local Licensing Authority or any of its members, inspectors or employees;

7. Any natural person under 21 years of age;

8. Any person who has discharged a sentence for a felony conviction within the past 5 years;

9. Any person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date they applied for the license;

10. Any entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above;

11. Any person who employs another person at a retail marijuana establishment who has not submitted fingerprints for a criminal record history check or whose criminal record history check reveals the employee is ineligible; or

12. Any person who has made a false, misleading or fraudulent statement on their application.

B. No licensee shall employ or contract with any of the following to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana:

1. Any person who is not of good moral character satisfactory to the Local Licensing Authority;

2. Any person who is under 21 years of age;

3. Any person who has discharged a sentence for a felony conviction within the past 5 years;

4. Any person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a

felony if the person were convicted of the offense on the date they applied for the license; or

5. Any sheriff, deputy sheriff, police officer, prosecuting officer, and State or Local Licensing Authority or any of its members, inspectors or employees.

C. Jurisdiction.

1. In investigating the qualifications described herein, the Local Licensing Authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Local Licensing Authority takes into consideration information concerning the applicant's criminal history record, the Local Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including without limitation evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

Section 5.17.090. – Issuance of license; duration; renewal.

A. Upon issuance of a license, the Town shall provide the licensee with one original of such license for each retail marijuana establishment to be operated by the licensee in the Town. Each such copy shall show the name and address of the licensee, the type of facility or establishment for which it is issued, and the address of the facility at which it is to be displayed.

B. Each license shall be valid for one year from the date of issuance and may be renewed for additional annual terms as provided in this Chapter. An application for renewal shall be made at least 45 days prior to the date of expiration of the license. A licensee may submit to the Local Licensing Authority a late renewal application on the prescribed forms and pay a non-refundable late application fee in an amount of \$500 for a renewal application made less than 45 days prior to the date of the expiration of the license. All other provisions concerning renewal applications apply to a late renewal application. The timely filing of a completed renewal application or a late renewal application shall extend the current license until a decision is made on the renewal.

C. Notwithstanding State law to the contrary, a licensee whose license expires and for which a renewal application has not been received by the expiration date shall be deemed to have forfeited its license under this Chapter. The Town shall not accept renewal applications after the expiration date of such license.

D. A licensee whose license expires shall not distribute or sell retail marijuana or retail marijuana products until all necessary new licenses have been obtained.

E. The Local Licensing Authority may renew a license by an administrative approval process whereby a public hearing is not necessary.

Section 5.17.100. – Authority to impose conditions on license.

The licensed marijuana premises and adjacent grounds of a retail marijuana business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare. The Local Licensing Authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Chapter and applicable law, including without limitation:

1. Additional security requirements;
2. Limits and requirements on parking and traffic flows;
3. Requirements for walls, doors, windows, locks and fences on the licensed marijuana premises and adjacent grounds;
4. Limits on retail marijuana products that may be sold;
5. Requirements and limits on ventilation and lighting;
6. Limits on noise inside the licensed premises or on the adjacent grounds;
7. Prohibitions on certain conduct in the retail marijuana business;
8. Limits on hours of operation that are more restrictive than prescribed in this Chapter;
9. A requirement that the applicant temporarily close the retail marijuana business to the public until certain changes, inspections or approvals are made; and
10. A limitation on the square footage of the retail marijuana business.

Section 5.17.110. – Fees.

At the time of submittal of an application for a license or renewal of a license, the licensee shall pay to the Town a fee in an amount determined by the Town by separate resolution to be sufficient to cover the annual cost of inspections conducted pursuant to Section 5.17.310, or the purpose of determining compliance with the provisions of this Chapter and any other applicable State or local laws or regulations; and

Section 5.17.120. – Display of license.

- A. Each license shall be limited to use at the premises specified in the application for such license.
- B. Each license shall be continuously posted in a conspicuous location at the retail marijuana establishment.

Section 5.17.130. – Management of licensed premises.

- A. Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the Local Licensing Authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the Local Licensing Authority.
- B. All managers shall be natural persons who are at least 21 years of age. No manager shall be a person who has discharged a sentence for a felony conviction within the past 5 years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date they applied for the license.

Section 5.17.140. – Change in manager; change in financial interest.

- A. A licensee shall report any change in managers to the Local Licensing Authority within 30 days after the change. Such report shall include all information required by this Chapter.
- B. A licensee shall report in writing to the Local Licensing Authority any change in the license holder's Controlling Beneficial Owner(s) within 45 days of the change. A report shall be required for any transfer of the capital stock of a public corporation totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in the retail marijuana establishment that is the subject of a license shall be a person

who has discharged a sentence for a felony conviction within the past 5 years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date they applied for the license.

C. When a licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the State, an application fee as set forth by separate resolution shall be paid to the Town at the time of filing the addendum with the Town.

Section 5.17.150. – Transfer of ownership; change of location.

A. Transfer of ownership. For a transfer of ownership, a license holder shall apply to the State and Local Licensing Authority on forms provided by the State Licensing Authority. In considering whether to permit a transfer of ownership, the Local Licensing Authority shall consider only the requirements of this Chapter, the Colorado Retail Marijuana Code, and the regulations promulgated in conformance therewith. The Local Licensing Authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until a notice of such hearing has been posted on the licensed premises for a period of at least 10 days prior to such hearing, and the applicant has been provided at least 10 days prior notice of such hearing.

B. Change of location. A licensee from another jurisdiction that has previously obtained a license from the State and any other local licensing authority as applicable may move their permanent location to the Town so long as the applicant and the new location conform to the requirements of this Chapter.

Section 5.17.160. – Hours of operation; dual operations.

A. A retail marijuana business may open no earlier than 8:00 a.m. and shall close no later than midnight the same day. A retail marijuana business may be open 7 days a week.

B. A retail marijuana business shall be open for business at least 30 hours per week and at least 49 weeks per year.

C. A person may operate any medical marijuana business and any retail marijuana business at a single location if in full compliance with this Code and with the requirements of the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code.

Section 5.17.170. – Signage and advertising.

All signage and advertising for a retail marijuana establishment shall comply with all applicable State laws as well as this Chapter and other applicable provisions of this Code, including without limitation Chapter 4.08.

Section 5.17.180. – Security.

A. Security measures at retail marijuana establishments shall include at a minimum the following:

1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
2. Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;
3. A locking safe room within the licensed premises that is suitable for storage of all marijuana and cash stored overnight on the licensed premises;
4. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Chapter and other applicable provisions of this Code; and
5. Deadbolt locks on all exterior doors.

B. All security recordings shall be preserved for at least 72 hours and made available to the Eagle Police Department upon request for inspection.

Section 5.17.190. – Required notices.

There shall be posted in a conspicuous location in each retail marijuana establishment, a legible sign containing the following warnings:

1. That the use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;
2. That loitering in or around a retail marijuana establishment is prohibited by law;
3. That possession and distribution of marijuana is a violation of federal law; and

4. That no one under the age of 21 years is permitted on the premises.

Section 5.17.200. – On-site consumption of marijuana.

The use, consumption, ingestion or inhalation of retail marijuana or retail marijuana products, including smoking, on or within the premises of a retail marijuana establishment is prohibited.

Section 5.17.210. – Prohibited acts.

It is unlawful for any licensee to:

1. Employ any person at a retail marijuana establishment who is not at least 21 years of age or who has a criminal history as described in Section 5.17.120;
2. Purchase or otherwise obtain retail marijuana from any source that is not properly authorized under State and local law to sell or dispense retail marijuana;
3. Permit the sale or consumption of alcohol beverages on the licensed premises; or
4. Dispense marijuana to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana.

Section 5.17.220. – Visibility of activities; paraphernalia; control of emissions.

- A. All activities of retail marijuana establishments, including, without limitation, processing, displaying, selling and storage, shall be conducted indoors and on-site.
- B. Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including without limitation, rolling papers and related tools, water pipes and vaporizers may lawfully be sold at a retail marijuana store. No retail marijuana or paraphernalia shall be displayed or kept in a retail marijuana store to be visible from outside the licensed premises.
- C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the premises must be provided at all times. If any odors, debris, dust, fluids or other substances exit the premises, the owner and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items

and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, State and local laws and regulations.

Section 5.17.230. – Prevention of emissions and disposal of materials.

A. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the business premises shall be provided at all times. If any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.

B. Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations and county landfill regulations.

C. As applicable, retail marijuana businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Building Official.

D. If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease, and shall be inspected and approved by the Building Official and the Greater Eagle Fire Protection District.

E. All State regulations concerning ventilation systems shall be followed.

Section 5.17.240. – Sales and business license required.

At all times that a business is validly operating under this Chapter, the licensee shall also possess a valid Town business license.

Section 5.17.250. – Sales tax.

Each licensee shall collect and remit Town sales tax on all retail marijuana, retail marijuana products, paraphernalia and other tangible personal property sold by the licensee and shall further collect and remit any specific tax imposed on retail marijuana, retail marijuana products and paraphernalia.

Section 5.17.260. – Required books and records.

A. Every licensee shall maintain an accurate and complete record of all retail marijuana and retail marijuana products purchased, sold or dispensed by the

retail marijuana establishment in any usable form. Such record shall include the following:

1. The total quantity of, and amount paid for, the retail marijuana or the retail marijuana product(s); and

2. The date, time and location of each transaction.

B. All transactions shall be kept in a numerical register in the order in which they occur.

C. All records required to be kept under this Chapter shall be kept in the English language in a legible manner and must be preserved and made available for inspection for a period of 3 years after the date of the transaction. Information inspected by the Eagle Police Department or other Town departments pursuant to this Chapter shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

Section 5.17.270. – Inspection.

During all business hours and other times of apparent activity, each licensed premises shall be subject to inspection by the Eagle Police Department and all other Town departments designated by the Local Licensing Authority for the purpose of investigating and determining compliance with this Chapter and any other applicable State and local laws or regulations. Said inspection may include without limitation the inspection of books, records and inventory. If any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

Section 5.17.280. – Nonrenewal, suspension or revocation of license.

A. The Local Licensing Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause, including suspension or revocation of the licensee's State license. The Local Licensing Authority is authorized to adopt rules and procedures governing the conduct of such hearings.

B. The Local Licensing Authority may, in its discretion, revoke or elect not to renew any license if it determines that the licensed premises has been inactive, without good cause, for at least one year.

Section 5.17.290. – Violation and penalty.

In addition to denial, suspension, revocation or nonrenewal of a license under this Chapter, any person, including without limitation any licensee, manager or employee of a retail marijuana establishment, or any customer of such business,

who violates any provision of this Chapter shall be subject to the following penalties:

1. It shall be a misdemeanor offense for any person to violate any provision of this Chapter, and upon conviction, the penalties set forth in Section 1.12.010 shall apply.

2. The operation of a retail marijuana establishment without a valid license issued pursuant to this Chapter may be enjoined by the Town in an action brought in a court of competent jurisdiction, including the Eagle Municipal Court.

3. The operation of a retail marijuana establishment without a valid license issued pursuant to this Chapter is also specifically determined to be a public nuisance under Section 9.24.030.

Section 5.17.300. – No Town liability; indemnification.

A. By accepting a license issued pursuant to this Chapter, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of retail marijuana establishment owners, operators, employees, clients or customers for a violation of State or federal laws, rules or regulations.

B. By accepting a license issued pursuant to this Chapter, all licensees, jointly and severally, if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana establishment that is the subject of the license.

C. In adopting this Chapter, the Town Council is relying on and does not waive or intend to waive by any provision of this Chapter, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the Town, its officers or its employees.

Section 5.17.310. – Other laws remain applicable.

A. To the extent the State has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any retail marijuana establishment in the Town. Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Chapter, and noncompliance with any applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

B. Any licensee may be required to demonstrate, upon demand by the Local Licensing Authority or by law enforcement officers that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable State law or regulation.

C. If the State prohibits the sale or other distribution of marijuana through retail marijuana establishments, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

D. The issuance of any license pursuant to this Chapter shall not be deemed to create an exception, defense or immunity to any person regarding any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

Section 5.17.320. – Rules and regulations.

The Town Manager is authorized to adopt, amend, alter and repeal administrative rules and regulations, and file the same with the Town Clerk, as may be necessary for the proper administration of this Chapter.

Section 5.17.330. – Judicial review.

In accordance with Article 18, § 16 of the Colorado Constitution, decisions by the Local Licensing Authority are subject to judicial review pursuant to C.R.S. § 24-4-106.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 5. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 6. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON AUGUST 10, 2021.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk