



Town Board of Trustees
Tuesday, February 25, 2020
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.*

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

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

PUBLIC COMMENT - 6:05 PM *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

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

1. Planning Commission Service Acknowledgements, Jason Cowles and Stephen Richards
2. West Eagle Housing Proposal, Tori Franks

CONSENT AGENDA - 6:20 PM *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes)*

1. Minutes - February 11, 2020

STAFF REPORTS - 6:25 PM *The Town Manager and Department Staff prepare and provide internal updates to the Board.*

1. Town Manager Update

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 Board.*

1. **PUBLIC HEARING - LIQUOR LICENSE AUTHORITY**
New Hotel & Restaurant License: The Assembly, LLC Address: 1143 Capitol Street Unit 104 A&B, Eagle, CO, Caleb and Jaimie Mackey
2. Black Hills Energy Gas Pipeline Replacement Project and Request to Expand Asphalt Scope of Work on Highway 6 - \$100,000 (Roll Call Vote Required)
3. Resolution No. 11, Series 2020, " A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Amendment to the Development Improvements Agreement for the Village Market."
4. Marijuana Licensee Feedback

5. Public Investment Fee (PIF) Waiver Request
6. Short Term Rental Policy Proposals
7. Ordinance 05, Series 2020 "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Repealing and Reenacting Section 4.03.080 of the Eagle Municipal Code Concerning Land Use Application Fees and Costs."
8. Resolution 10, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Bill Nutkins, Brent Mcfall, Robert Townsend and Lani Webb to Fill Vacancies on the Town of Eagle Planning and Zoning Commission."

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 8:30 PM

1. Town Board Compensation

ADJOURN - 9:00 PM

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



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019

TOWN OF EAGLE CERTIFICATE OF APPRECIATION

Presented to:

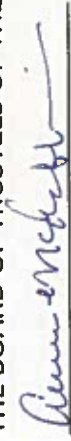
Jason Cowles

PLANNING COMMISSION MEMBER

2012-2020

THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO

ATTEST:



Anne McKibbin, Mayor



Jenny Rakow, Town Clerk



TOWN OF EAGLE CERTIFICATE OF APPRECIATION

Presented to:

Stephen Richards
PLANNING COMMISSION MEMBER
2012-2020

THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO

Anne McKibbin

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow

Jenny Rakow, Town Clerk





To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 25, 2020

Agenda Item: West Eagle Housing Proposal

REQUEST:

Staff requests the Board of Trustees review a West Eagle housing proposal that was presented to the Board of County Commissioners on February 11, 2020.

INTRODUCTION:

The West Eagle area has been a topic the Town of Eagle and Eagle County have planned and discussed for many years. There were two sub area plans completed by both entities that call for affordable housing options. Eagle County has been in the process of acquiring remaining parcels and has completed that process. At the same time, town has been working with Haymeadow on various land use approvals that have now triggered the Brush Creek Road extension through West Eagle. Staff decided to incorporate public input on West Eagle through the comprehensive planning process rather than making an update to existing plans. It was decided that the next logical steps would be to start an RFQ process and set up a steering committee that will include stakeholders for the project. County staff presented the idea to the BoCC and they were supportive. Now staff is making the same presentation to the Board of Trustees to receive direction prior to moving forward. The packet that was presented to the BoCC is attached.

ANALYSIS:

The analysis of the proposal is attached to this memo. The pros and cons of the project are below:

Pros

- Starting the project now will help inform the design and construction of the Brush Creek Road extension.
- Stakeholders will include the School District, Mountain Recreation, Eagle County, Town of Eagle, and other entities that have trouble with housing.
- The project also includes annexation and zoning of the property.
- The project is infill and will support the downtown core.
- The property is close to transportation, parks, and downtown.
- The county will do the heavy lifting as far as administrative and project coordination.
- It will help with affordable housing in the valley.

- The property is owned by Eagle County and doesn't require additional resources by the town for property acquisition.

Cons

- While the project is manageable, it will take staffing resources.
- An argument can be made that it's not the role of government to help with affordable housing.
- Having multiple stakeholders can complicate a project.
- There might be concessions on infrastructure to support the project in the future.

As far as the options that staff presented to the BoCC, they selected the following:

Option 1 - Develop and issue RFQ for a developer in consultation with Town of Eagle to create development parameters and development plan.

This option would establish West Eagle as a high priority and prepare it for development. ECG/ECHDA would need to begin to contemplate what level of subsidy (if any) it is willing to provide the development. Potential delivery of much needed housing units in a relatively short time frame.

COMMUNITY INPUT:

Input was received via the two sub-area plans and the comprehensive plan. The BoCC also provided input.

BUDGET / STAFF IMPACT:

The proposal doesn't have an impact on budget or staff at this point.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with the following business values and is included as an action item in the Eagle Area Community Plan:

Economic Development – Affordable housing is important for economic vitality. It supports workforce that is need for businesses and employers in the region. Housing that is located that is infill supports businesses in commercial corridors. High density infill is a housing product that is lacking in Eagle and is in high demand. Long commutes because workers can't afford to live in Eagle also impact affordability.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to direct staff to work with Eagle County on Option 1 for the West Eagle Housing Proposal.

ATTACHMENTS:

- BoCC West Eagle Housing Proposal Packet

Housing - West Eagle development discussion

Dept POC: Tori Franks

February 11, 2020

Issue

- Town of Eagle staff and Housing and Community Development staff met in fall of 2019. Town of Eagle staff was interested in learning the County's timing and intent regarding the redevelopment of County and Housing Authority owned land in West Eagle.

Background

- Eagle County Government (ECG) purchased a 5.0 acre site in the West Eagle neighborhood from the United States Forest Service (USFS) on June 12, 2009 for \$1,275,000. This lot is currently vacant and is being used by the USFS as a horse pasture. (See attached map.)
- ECG owns three additional parcels of 1.5 acres, .4 acres, and 2.1 acres. The three smaller parcels were used by ECG's road and bridge and facilities departments, these operations have since been relocated to Gypsum. (See attached map.)
- 2016 ECHDA contracted with Zehren and Associates to develop a concept plan for the area. That concept plan contemplated 78 total units with unit types ranging from condos to small single family units. (See attached concept plan.)
- Eagle County Housing and Development Authority (ECHDA) purchased an additional 0.364 acre parcel that is adjacent to ECG owned land in West Eagle March 27, 2019 for \$245,000.
- Total acreage owned by ECG/ECHDA in West Eagle is 9.3 acres

Key Details

- Haymeadow Development per its agreement with the Town of Eagle is required to design and construct the Brush Creek Road Extension (BCRE.) Further the developer must complete the engineering design and construction drawings for the BCRE within two years of approval of Final Plat. Haymeadow's Final Plat was recorded May 2019.
- Housing staff has met with the Haymeadow engineer (Alpine Engineering) to discuss road and infrastructure design components that may affect ECG/ECHDA development plans. Ideally, ECG/ECHDA would collaborate with Haymeadow Developer to ensure the utilities and infrastructure designed and eventually included in the BCRE would be able to accommodate our West Eagle development plan. These items include: utilities, storm water pipes, turn lanes, pedestrian connectivity.
- Town of Eagle has expressed a high level of interest and energy around the development of West Eagle.
 - Town will update the West Eagle sub area plan into the current Comprehensive Plan update to accommodate the West Eagle redevelopment concept.
- Town has requested that the development not include single family unit types
- Housing and Finance staff are currently investigating existing funding options

Decision Options

Option 1 - Develop and issue RFQ for a developer in consultation with Town of Eagle to create development parameters and development plan.

This option would establish West Eagle as a high priority and prepare it for development. ECG/ECHDA would need to begin to contemplate what level of subsidy (if any) it is willing to provide the development. Potential delivery of much needed housing units in a relatively short time frame.

Option 2 - ECG/ECHDA to engage an engineer to identify utility requirements for development to inform BCRE design.

This option would have cost implications to identify the utility requirements. The utility design would likely be based on the 2016 Concept plan that may or may not require updating if/when ECG/ECHDA is ready to move forward with development. This option would allow the utilities required to support the development to be included in the BCRE design.

Option 3 - Continue to land bank West Eagle and prioritize other projects.

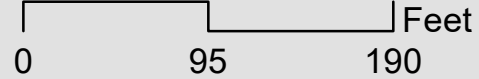
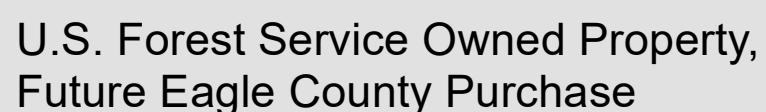
No immediate impacts.

Dept Recommendation

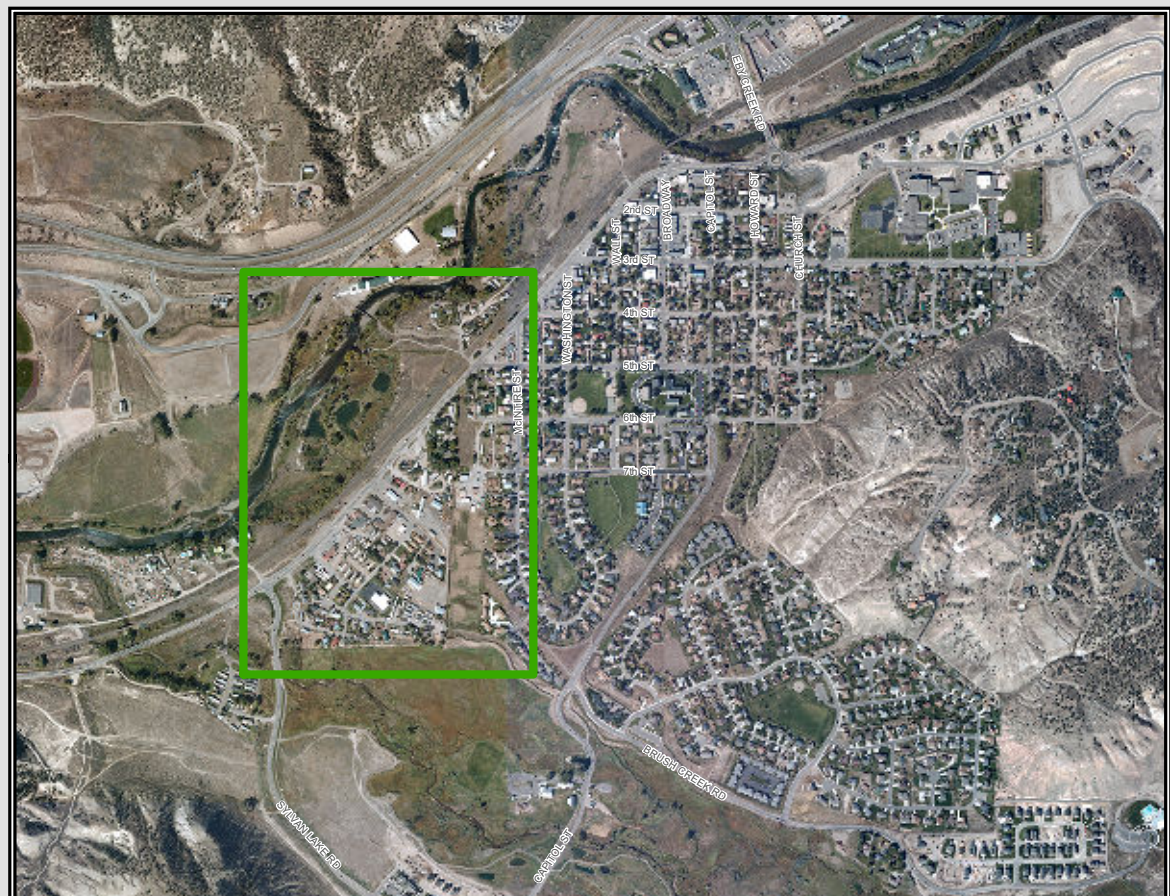
Option 1- Develop and issue RFQ for a developer in consultation with Town of Eagle to create development parameters and development plan.

ECG Decision

A Joint Partnership Between The Town of Eagle & Eagle County

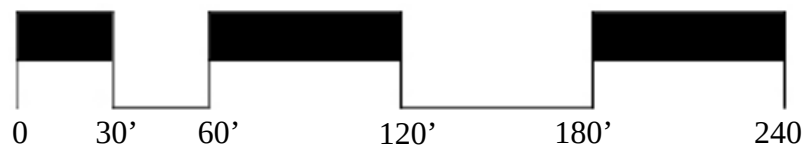


This map was created by the Eagle County GIS Department.
Use of this map should be for general purpose only.
Eagle County does not warrant the accuracy of the data
contained herein.
P:\spec_proj\comm_dev\Yuri\USFS_Parcel
MXD\west_eagle_planning_area_11302009.mxd

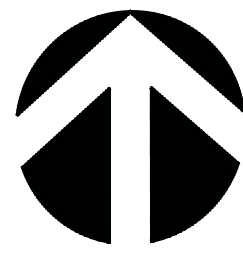




Z E H R E N AND ASSOCIATES, INC.
ARCHITECTURE PLANNING INTERIORS LANDSCAPE ARCHITECTURE
PO Box 1976, Avon, Colorado (970) 949-0257 F. (970) 949-1080 www.zehren.com



SCALE: 1" = 60'-0"



Conceptual Master Plan

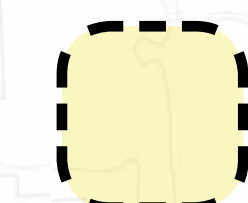
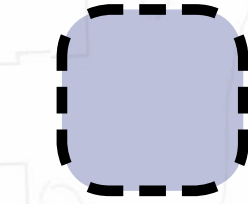
Illustrative Plan / Aerial Image Overlay

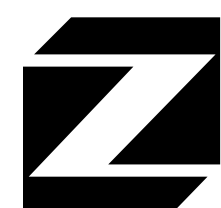
May 31, 2016



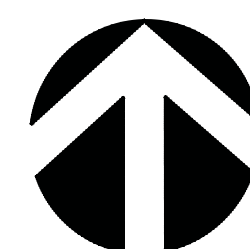
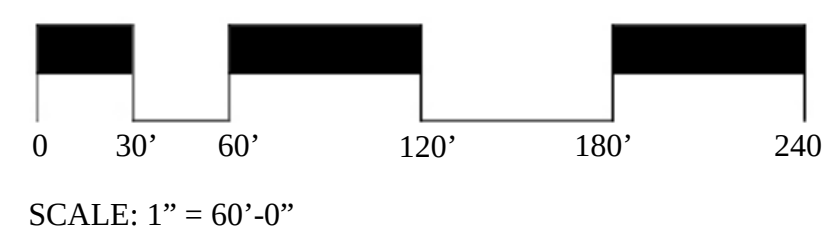


DEVELOPMENT SUMMARY:

-  (24) Stacked Flats
-  (27) Townhomes
-  (16) Small Bungalows
-  (11) Single Family Lots
-
- 78 Dwelling Units Total
-
- Total Area: 8.84 acres
Density: 8.8 d.u. / acre
-
-  Parks, Gardens, and Open Space
1.7 Acres (approx 19% of total area)



Z E H R E N AND ASSOCIATES, INC.
ARCHITECTURE PLANNING INTERIORS LANDSCAPE ARCHITECTURE
PO Box 1976, Avon, Colorado (970) 949-0257 F. (970) 949-1080 www.zehren.com



Conceptual Master Plan

Property Land Use Diagram

May 31, 2016





MEETING MINUTES
Town Board of Trustees
Tuesday, February 11, 2020
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.*

CALL TO ORDER - 6:00 PM

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

ROLL CALL - 6:05 PM

TRUSTEES PRESENT

Anne McKibbin, Kevin Brubeck, Matt Solomon, Andy
Jessen, Mikel, Kerst

TRUSTEES ABSENT

Scott Turnipseed and Paul Witt

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
April Kroner, Town Planner/Comm Dev Director
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Joey Stauffer, Police Chief

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

T. Habler, Bull Pasture HOA had questions regarding the Brush Creek Road extension and obtaining more detailed plans, including update on the design process and timeline on development. Inquiry on landscaping and fencing and whose responsibility that would be. Mayor McKibbin directed her to speak with April Kroner and Brandy Reitter for details on this roadway.

Silus, Shelby and ? from Eagle Valley High School civic engagement class were interested in raising money for cancer patients at Shaw Cancer Center by doing a fundraising run in Eagle. Students were direction to Brandy Reitter and Brian Hall our Events Manager to coordinate.

PRESENTATIONS

1. Greater Eagle Fire Department, Prescribed Burns Update and Proposal 2020, Hugh Fairfield-Smith Wildland Coordinator
John Staight introduced this item. Ross Wilmore provided a presentation on the prescribed burns in Eagle that took place in 2019 and remarked that they were very successful. GEFPD is requesting additional prescribed burns in eagle in 2020.

Board Comments – thanked GEFPD on behalf of town.

There was consensus from the Town Board to allow prescribed burns in 2020.

2. Proclamation in Honor of Jon Jon Asper

Mayor McKibbin read the proclamation into the record for the audience. Jon Jon's memorial will start at 12 at the Eagle Fairgrounds and there is an account at Alpine Bank to assist the family with costs for the memorial.

CONSENT AGENDA

MOTION: Trustee Kevin Brubeck motioned to Approve the consent agenda. The motion was seconded and passed with a vote of 5 in favor and 0 opposed.

1. Minutes - January 28, 2020

2. Bill Pay - January 2020

STAFF REPORTS

1. Town Manager Update

Brandy provided her highlights relating to the River Park and that Eagle County will maintain the intake structure.

Staff will be rescheduling the meeting with Glenwood Springs Town Council relating to THOR intergovernmental agreement.

Board Comments: would like comps from Fraser on short term rental policies and mayor and board pay.

2. Department Update

a. 2019 Sales Tax

3. Lower Basin Water Treatment Plant Project Report

BUSINESS ITEMS

1. Public Investment Fee (PIF) Waiver Request

Brandy Reitter introduced this item. This is a request for a refund on a fee paid for a new permit at 241 Broadway. Attorney Matt Mire stated he was not able to find how to waive or refund this payment as there is not a process or authority to do so in our code. If the board wants to refund, request to give attorney until next meeting and look at authority and what findings would be appropriate in this context.

Board Comments: During that time there may have been a policy or ordinance in place to waive tap fees to incentivize development downtown. Staff will look into this policy. The relevant factor is that this was waived for

whole district and not just one individual. These incentives were waived once and now this owner wants to finish the project that was already started. Board felt okay waiving fees on the same project with no changes. These are unique circumstances. Inquiry on how many other owners might make this same request. Staff provided examples of other projects on Broadway. Staff will get context on program in place and information on policies.

Wendy Sacks 241 Broadway Applicant provided to the board that the waiver in 2007 was an incentive program. This permit is just trimming it out and is not new service. This is a bar sink remodel and finish of space. Board will continue this to the February 25th town board meeting.

2. Town of Eagle Sustainability Initiatives

Brandy Reitter introduced this item. Deron Dirksen highlighted the Climate Action Collaborative segments and the town's initiatives related to them.

Board Comments: would like to use grant funds for some of these initiatives and discuss further at the board retreat. Would like to address transportation issues and those items that are negligible to the budget as priorities. Would like to see a prioritization matrix the board can use to assist with the initiatives and process to implement them.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Solomon received feedback on the board manual. Will be removing sections that Home Rule may require the board to write.

Trustee Jessen discussed the town's encroachment agreement and the potential for liquor licenses to take over portions of the right of way in downtown area. There was clear direction on experimenting with parklet. Would like to see this incorporate planning a large event that uses right of way. Believes that at some point we will need authority ability to say we need the public right of way back during those events. Would like clear expectations on events and liquor licenses that have public right of way and when they are valid. Requested staff to reach out to other communities to see how this is handled.

Mayor McKibbin attended the State of the County 2019 annual report and urged board to review information available on the County's website.

ADJOURN – 7:15 PM

MOTION: Trustee Andy Jessen motioned to Adjourn the COMMENT. Motion was seconded and with a vote of 0 in favor and 0 opposed.

Approved:

Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 25, 2020

Re: Town Manager Report

Administration & Organization

Staff continues to work on follow up from the BOT meetings. Included are a list of items that that staff is tracking in March.

- BOT department budget
- Stormwater Enterprise ordinance
- Broadband Enterprise ordinance
- Parklets and Special Events

The pre-election candidate orientation is scheduled for March 16. At this meeting candidates will receive department overviews as well as a training from CIRSA. This will hopefully help the candidates prepare for the candidate forum on March 18.

Town has hired a Town Engineer. His name is Dennis Wike and he comes with several years of experience in civil engineering. He will start during the middle of March. Town will continue to retain AE2s services for development review for larger projects.

April Kroner resigned her position with the town, and we have started another recruitment process for the Community Development Director. In the meantime, Carrie McCool will continue her services for development review.

The Communications Committee has received a stipend from the Eagle County Complete Count Committee to include Census information in the Water Utility Bills being mailed in March. This information will address issues with residents who receive mail via PO Box and provide alternative ways to complete the census including by phone and online. More information can be found at 2020census.gov/en/ways-to-respond.html

Staff is working with a number of community members on the Town of Eagle's Eagle Outside Branding Exercises as a part of the \$15,000 Colorado Tourism Office grant town received last year. This workshop is scheduled 1-5pm on Thursday, February 27th.

Economic Development, & Planning

Pool and Ice Rink Recreation Campus Master Plan - The final Pool and Ice Rink Master Plan report is expected by the end of February. Future discussions between Mountain Recreation

and the Town of Eagle are needed to coordinate phasing and programming priorities as articulated in the plan.

Downtown Broadway – Below are a few updates on revitalization efforts:

- Town was awarded a grant for \$69,525 from CDPHE to mitigate asbestos at 410 Broadway. Coordination of demolition has begun, and we hope to begin work this summer.
- EagleARTS and ARTWalk hosted their first Immersive Art event “A Murder on Broadway” Friday, Feb. 14th. The event sold out and brought a diverse group of residents to downtown. Feedback from the event has been universally positive and a wrap-up meeting among organizers is planned for Monday, Feb 24th. The next planned immersive art event is tentatively planned for June.
- The Downtown Business Alliance is hosting a DDA information session at the March 4th meeting with guests from neighboring DDA organizations speaking to their experience. Meetings are at 6pm at Yeti’s Grind in the community room and are open to the public.

Economic Vitality – Provided below are various events and projects that staff is working on:

- The Eagle County Investing, Real Estate, and Entrepreneurship Forum scheduled for March 11th has already had nearly 60 RSVP’s. This event may reach capacity and reserving a seat will be essential to attend.
- The Economic Vitality Committee will support the West Slope Startup Week by hosting a Hometown Days event June 1st or 2nd, in coordination with the larger Conference planned June 3-5 in Grand Junction.
- Staff will be presenting at the Eagle Chamber’s Breakfast Briefing on Tuesday March 10th from 8-9:15. The topic will be Demographics as Destiny and how Eagle’s demographics affects our local economy.

Red Development – There are a few updates on this project:

- The Eagle Area Community Plan called for a sub-area plan of the Red Development property. Staff is working on a proposal to complete this. The process will include a scaled down plan that solicits input from the BOT and P&Z.
- The goal is to establish uses for the property to inform the LUC rewrite. Ideally, a potential developer could move forward with straight zoning rather than a PUD. Staff will collaborate with the Red Development on the project.

Art Wall – There are few updates on this project:

- Town learned in December that Alpine Lumber will not replace their shed in 2020 but in 2021. This will delay the project because the current conditions of the wall make it difficult to install art.
- Town is working with the artist on a contract and she is willing to wait. Once we finalize a contract, staff will bring this item to the BOT. After the BOT presentation, staff will announce the artist and project.
- Due to the delay – the project budget will need to be carried over into 2021.

Broadband – There are several updates on broadband in Eagle:

THOR:

- Final construction elements to connect the Town of Eagle MMC with I-70 fiber is expected to be completed by next week. The conduit will be brought over I-70 using the pedestrian bridge, and lane closures for the work should be minimal.
- The THOR communities met in person on Feb. 19th in Frisco to discuss operational needs, partnering with outside ISP and service providers, and growth plans for providing additional service to nearby rural communities.
- The Town of Eagle has retained Butler Snow as bond counsel while doing continued due diligence work regarding broadband financing. Meetings are being scheduled with financial partners in March.
- Staff was not able to connect Public Works via fiber as a part of the Project THOR build. This connection was planned as part of the Uptown Services design and staff will seek to implement that path for service between Public Works and Town Hall.

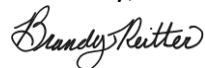
Comcast:

- Comcast is planning a groundbreaking with Gypsum and Eagle elected and appointed officials on March 24 from 2:00 PM – 4:00 PM. Staff will send an agenda once they finalize the details.

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

- February 24 – Ballot initiatives coordination meeting with county leadership
- February 26 – Eagle Source Water Protection Planning meeting
- March 6 – Mayors Managers Commissioners and Partners meeting 8:30 AM – 11:30 AM

Sincerely,



Brandy Reitter
Town Manager



To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: February 25, 2020

Agenda Item: PUBLIC HEARING - LIQUOR LICENSE AUTHORITY

New Hotel & Restaurant License: The Assembly, LLC Address: 1143 Capitol Street Unit 104 A&B, Eagle, CO, Caleb and Jaimie Mackey

REQUEST: The Town Board, acting as the Liquor License Authority, is requested to review and consider approval of a new hotel & restaurant liquor license for The Assembly LLC at 1143 Capitol Street Unit 104 A&B (former Luigi's location). The applicants notified me after the public hearing date was published that they would not be able to attend tonight's meeting in person. With my approval they submitted a letter to the Liquor License Authority and will be sending a representative on their behalf to answer any questions.

BACKGROUND: This application was received on January 10, 2020 and findings performed by town staff is included (Preliminary Findings Report). Applicant has met all conditions for approval pursuant to Colorado Liquor Code, 44-3-101 et seq., C.R.S.

This application was filed as a concurrent review with the State of Colorado. **This application has been approved by the Colorado Department of Revenue Liquor Enforcement Division and is awaiting local approval.**

ANALYSIS: As part of the review process town staff reviews all applications using Colorado Revised Statutes as the guide for requirements. The Town Clerk, Eagle Police and Community Development have reviewed this application and have provided approvals based upon these requirements.

COMMUNITY INPUT: This is a public hearing and should be opened for public comment.

BUDGET / STAFF IMPACT: Budget impact will be additional license fee revenue which is \$175 annually for a hotel & restaurant license.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: The approval process ensures meeting the business values of protecting public health, safety, and the environment and supports economic development.

RECOMMENDED ACTION OR PROPOSED MOTION: PROPOSED MOTION: APPROVE OR DENY the Findings and Order Approving a New Hotel & Restaurant License for The Assembly LLC.

ATTACHMENTS:

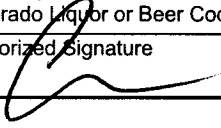
1. 2020 STATE APPLICATION NEW LICENSE REDACTED
2. NOTICE OF FINDINGS AND ORDER
3. The Assembly - Liquor License Hearing Letter
4. Preliminary Findings Clerk 2

5. Notice of Public Hearing

1

Name The Assembly, LLC	Type of License Hotel Restaurant	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes ☐ No ☒		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
a. Been denied an alcohol beverage license?		☐ ☒		
b. Had an alcohol beverage license suspended or revoked?		☐ ☒		
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		☐ ☒		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		☐ ☒		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		☐ ☐		
		or		
Waiver by local ordinance?		☒ ☐		
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		☐ ☐		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		☐ ☐		
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		☐ ☐		
13 b. Are you a Colorado resident?		☒ ☐		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		☐ ☒		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership , lease or other arrangement?		☒ ☐		
☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Capitol and Founders, LLC	Tenant The Assembly, LLC	Expires 09/30/2029		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		☐ ☒		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted? ☐ ☐				
Number of additional Optional Premise areas requested. (See license fee chart)				
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.				
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? ☐ ☐ If "yes" a copy of license must be attached.				

Name The Assembly, LLC		Type of License Hotel Restaurant		Account Number	
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation					
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?					☐
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?					☐
c. How long has the club been incorporated?					
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?					☐
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:					
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)					☐
22. Campus Liquor Complex applicants answer the following:					
a. Is the applicant an institution of higher education?					Yes No ☐ ☐
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.					☐ ☐
23. For all on-premises applicants. a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details. b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.					
Last Name of Manager Mackey			First Name of Manager Caleb		
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.					☐ ☒
25. Related Facility - Campus Liquor Complex applicants answer the following:					Yes No
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.					☐ ☐
b. Designated Manager for Related Facility- Campus Liquor Complex					
Last Name of Manager			First Name of Manager		
26. Tax Information.					
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?					☐ ☒
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?					☐ ☒
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.					
Name	Home Address, City & State	DOB	Position	%Owned	
Caleb Mackey	PO Box 1415, Eagle, CO 81631	03/24/85	Member	51	
Name	Home Address, City & State	DOB	Position	%Owned	
Jaimie Mackey	PO Box 1415, Eagle, CO 81631	01/20/89	Member	49	
Name	Home Address, City & State	DOB	Position	%Owned	
Name	Home Address, City & State	DOB	Position	%Owned	
Name	Home Address, City & State	DOB	Position	%Owned	
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.					

Name The Assembly, LLC		Type of License Hotel Restaurant		Account Number	
Oath Of Applicant					
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.					
Authorized Signature 		Printed Name and Title Caleb Mackey, Member		Date 01/09/2020	
Report and Approval of Local Licensing Authority (City/County)					
Date application filed with local authority January 10, 2020		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) February 25, 2020			
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:					
☒ Fingerprinted ☐ Subject to background investigation, including NCIC/CCIC check for outstanding warrants					
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license					
(Check One)					
☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority					
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?					Yes No ☐ ☐
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?					☐ ☐
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					
☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?					☐ ☐
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.					
Local Licensing Authority for Town of Eagle		Telephone Number 970 328 9623		☒ Town, City ☐ County	
Signature	Print	Title	Date		
Signature	Print	Title	Date		

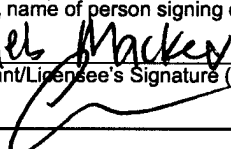
Tax Check Authorization, Waiver, and Request to Release Information

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

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

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

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

Name (Individual/Business) <u>The Assembly, LLC</u>			
Address <u>1143 Capitol St, #104AB</u>			
City <u>Eagle</u>		State <u>CO</u>	Zip <u>81631</u>
Home Phone Number <u>515-708-2587</u>		Business/Work Phone Number	
Printed name of person signing on behalf of the Applicant/Licensee <u>Caleb Mackey</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>12/04/19</u>

Privacy Act Statement

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

Individual History Record

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

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

1. Name of Business THE ASSEMBLY	Home Phone Number —	Cellular Number 617-852-9404
2. Your Full Name (last, first, middle) MACKAY JAIMIE MADELEINE	3. List any other names you have used JAIMIE SCHOEN	
4. Mailing address (if different from residence) P.O. BOX 1415, EAGLE, CO 81631	Email Address JAIMIE.SCHOEN@GMAIL.COM	

5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)			
Street and Number	City, State, Zip	From	To
Current 25 WREN CT	EAGLE, CO, 81631	10/2017	Present
Previous 62 TWENTY GRAND CT	SILVERTHORNE, CO, 80497	06/2016	09/2017

6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business	Address (Street, Number, City, State, Zip)	Position Held	From	To
JAIMIE MACKAY (SELF)	25 WREN CT, EAGLE, CO 81631	SELF	02/2015	Present
BELLA DESIGN + PLANNING	217 S. RIDGE AVE, BRECKENRIDGE CO, 80424	EVENT PRODUCER	02/2015	10/2018
BRIDES MAGAZINE	1500 BROADWAY, FLG NY, NY 10036	Real Weddings Editor	09/2013	05/2015

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.			
Name of Relative	Relationship to You	Position Held	Name of Licensee

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.)	☐ Yes ☒ No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.)	☐ Yes ☒ No

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

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

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

Personal and Financial Information

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

13a. Date of Birth 01/20/1989	b. Social Security Number [REDACTED]	c. Place of Birth NEWTON, MA	d. U.S. Citizen ☒ Yes ☐ No
e. If Naturalized, state where		f. When	g. Name of District Court
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height 5'4"	m. Weight 140	n. Hair Color BROWN	o. Eye Color BROWN
p. Gender FEMALE	q. Do you have a current Driver's License/ID? If so, give number and state. ☒ Yes ☐ No # 16-267-0670 State CO		

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.
\$ 400,000.00

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 300,000.00

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

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

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

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Investments	Oppenheimer	300,000.00

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

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

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

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature <i>Jamie Mackey</i>	Print Signature Jamie Mackey	Title Member	Date 12/01/19
---	---------------------------------	-----------------	------------------

Affidavit - Restrictions On Public Benefits

I, JAIMIE MACKEY, swear or affirm under penalty of perjury
under the laws of the State of Colorado that (check one):

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

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

Signature

Jaimie Mackey

Date (MM/DD/YY)

12/04/2019

Individual History Record

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

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

1. Name of Business The Assembly, LLC		Home Phone Number 515-708-2587	Cellular Number	
2. Your Full Name (last, first, middle) Mackey Caleb Howard		3. List any other names you have used		
4. Mailing address (if different from residence) PO Box 1415, Eagle, CO 81631		Email Address MackeyCaleb@gmail.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current 25 Wren Ct		Eagle, CO 81631		10/2017
Previous 62 Twenty Grand		Silverthorne, CO 80498		06/2016 09/2017
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)	Position Held	From
To				
ANB Bank		50 Chambers, Eagle, CO 81631	Lender	10/2018 08/2019
Rocky Mountain Chocolate Factory		247A Rainbow Dr, Silverthorne, CO 80498	Owner	07/2014 05/2018
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) ☐ Yes ☒ No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) ☐ Yes ☒ No				

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

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

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

Personal and Financial Information

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

13a. Date of Birth 03/24/1985	b. Social Security Number [REDACTED]	c. Place of Birth Ames, IA	d. U.S. Citizen ☒ Yes ☐ No
e. If Naturalized, state where		f. When	g. Name of District Court
h. Naturalization Certificate Number		i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number
k. Permanent Residence Card Number			
l. Height 5'10"	m. Weight 165	n. Hair Color Brown	o. Eye Color Blue
p. Gender Male	q. Do you have a current Driver's License/ID? If so, give number and state. ☒ Yes ☐ No # 09-163-0342 State CO		

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.
\$ **400,000.00**

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ **100,000.00**

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

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

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

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Savings	Wells Fargo	100,000.00

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

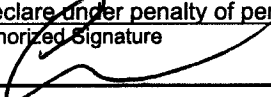
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

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

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature 	Print Signature Caleb Mackey	Title Member	Date 12/04/2019
---	--	------------------------	---------------------------

Affidavit - Restrictions On Public Benefits

I, Caleb Mackey, swear or affirm under penalty of perjury
under the laws of the State of Colorado that (check one):

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

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

Signature

Date (MM/DD/YY)

12/04/19

COMMERCIAL LEASE

THIS LEASE, dated September 20, 2019, is between, Capitol and Founders, LLC a Colorado limited liability company, as the Landlord, and The Assembly, LLC, a Colorado limited liability company, as the Tenant.

The Landlord, in consideration of the covenants of the Tenant hereinafter set forth, hereby leases to the Tenant the following described property: 1143 Capitol Street #104A and #104B, Eagle, Colorado 81631 in the County of Eagle, State of Colorado.

SAID PREMISES are to be leased to the Tenant from September 20, 2019 to September 19, 2029. The Tenant, in consideration of the leasing of the premises as set forth above, covenants and agrees to pay the Landlord as rent equal monthly installments of \$1,107.08, in advance, on or before the 1st day of each and every month during the term of this lease, beginning June 1, 2020.

Tenant shall have the option to extend the term, pursuant to the terms and conditions contained herein, for two additional five (5) year periods. In the event Tenant desires to exercise the option, Tenant shall, at least 180 days before expiration of the term, provide Landlord with written notice of its intent to exercise the option. Rent may be increased at Landlord's sole discretion.

It is agreed that Tenant shall be responsible for paying all of the utilities, repairs, replacement costs, tax costs, and insurance costs for the Premises. The estimated annual 2019 NNN costs for the premises are \$13.00 per rentable square foot or \$34,541, but such amount is an estimate only and is not a cap on additional rent or binding on Landlord.

The Tenant further covenants with the Landlord, that at the expiration of this lease, peaceable possession of said premises shall be given to the Landlord, in as good condition as they now are, the usual wear and tear, inevitable accidents, and loss by fire excepted.

It is agreed that if the Tenant shall be in arrears in the payment of any installment of rent, or any portion thereof, or in default of any of the covenants or agreements herein contained to be performed by the Tenant, which default shall be uncorrected for a period of three (3) days after the Landlord has given written notice pursuant to applicable law, the Landlord may, at Landlord's option, undertake any of the following remedies without limitation: (a) declare the term of the lease ended; (b) terminate the Tenant's right to possession of the premises and reenter and repossess the premises pursuant to applicable provisions of the Colorado Forcible Entry and Detainer Statute; (c) recover all present and future damages, costs and other relief to which the Landlord is entitled; (d) pursue Landlord's lien remedies; (e) pursue breach of contract remedies; and/or (f) pursue any and all available remedies in law or equity. In the event possession is terminated by a reason of default prior to expiration of the term, the Tenant shall be responsible for the rent occurring for the remainder of the term, subject to the Landlord's duty to mitigate such damages. Pursuant to applicable law [13-40-104(d.5), (e.5) and 13-40-107.5, C.R.S.] which is incorporated by this reference, in the event repeated or substantial default(s) under the lease occur, the Landlord may terminate the Tenant's possession upon a written Notice to Quit, without a right to cure. Upon such termination, the Landlord shall have available any and all of the above-listed remedies.

IT IS FURTHER COVENANTED AND AGREED, between the parties aforesaid that

This lease shall be subordinate to all existing and future security interest on the premises. All notices shall be in writing and be personally delivered or sent by first class mail, unless otherwise provided by law, to the respective parties at the address immediately below their signature. If any term or provision of this lease shall be invalid or unenforceable, the remainder of this lease shall not be affected thereby and shall be valid and enforceable to the full extent permitted by law. This lease shall only be modified by amendment

signed by both parties. This lease shall be binding on the parties, their personal representatives, successors and assigns.

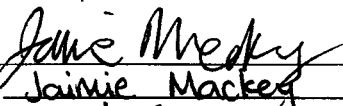
Where used herein, the singular shall include the plural.

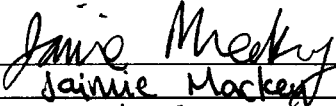
Tenant: The Assembly, LLC

Landlord: Capitol and Founders, LLC

By: 
Name: Caleb Mackey
Title: Member
Address: PO Box 1415
Eagle, CO 81631

By: 
Name: Caleb Mackey
Title: Member
Address: PO Box 1415
Eagle, CO 81631

By: 
Name: Jaimie Mackey
Title: Member
Address: P.O. Box 1415
Eagle, CO 81631

By: 
Name: Jaimie Mackey
Title: Member
Address: P.O. Box 1415
Eagle, CO 81631



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

Colorado Secretary of State
Date and Time: 11/04/2019 10:43 AM
ID Number: 20191884734
Document number: 20191884734
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

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

The Assembly, LLC

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

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

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

Street address

1143 Capitol Street, Unit 104

(Street number and name)

Eagle

(City)

CO

(State)

81631

(ZIP/Postal Code)

Colorado

(Province - if applicable)

United States

(Country)

Mailing address

(leave blank if same as street address)

PO Box 1415

(Street number and name or Post Office Box information)

Eagle

(City)

CO

(State)

81631

(ZIP/Postal Code)

COLORADO (CO)

(Province - if applicable)

United States

(Country)

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

Name

(if an individual)

Mackey

(Last)

Caleb

(First)

(Middle)

(Suffix)

or

(if an entity)

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

Street address

1143 Capitol Street, Unit 104

(Street number and name)

Eagle

(City)

CO

(State)

81631

(ZIP Code)

Mailing address

(leave blank if same as street address)

PO Box 1415

(Street number and name or Post Office Box information)

Eagle CO 81631
(City) (State) (ZIP Code)

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

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

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

Name
(if an individual) Mackey Caleb
(Last) (First) (Middle) (Suffix)

or

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

Mailing address 1143 Capitol Street, Unit 104
(Street number and name or Post Office Box information)

Eagle CO 81631
(City) (State) (ZIP/Postal Code)
Colorado United States
(Province - if applicable) (Country)

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

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

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☐ one or more managers.

or

☒ the members.

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

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

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

☐ This document contains additional information as provided by law.

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

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

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

Notice:

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

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

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

<u>Mackey</u>	<u>Caleb</u>		
(Last)	(First)	(Middle)	(Suffix)
<u>PO Box 1415</u>			
(Street number and name or Post Office Box information)			
<u>Eagle</u>	<u>CO</u>	<u>81631</u>	
(City)	(State)	(ZIP/Postal Code)	
<u></u>	<u>United States</u>	<u>.</u>	
(Province – if applicable)	(Country)		

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

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

Disclaimer:

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

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

The Assembly, LLC

is a

Limited Liability Company

formed or registered on 11/04/2019 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20191884734 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/08/2020 that have been posted, and by documents delivered to this office electronically through 01/09/2020 @ 15:17:06 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/09/2020 @ 15:17:06 in accordance with applicable law. This certificate is assigned Confirmation Number 12007866 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

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

**OPERATING AGREEMENT
OF
THE ASSEMBLY, LLC**

The undersigned organizing members of THE ASSEMBLY, LLC (hereinafter "Company") hereby execute this Operating Agreement to be effective as of November 4, 2019, regardless of the date of execution.

RECITALS

A. The Company was formed pursuant to the Colorado Limited Liability Company Act, Article 80 of Title 7 of the Colorado Revised Statutes, as in effect as of the date hereof (the "LLC Act"), on November 4, 2019, by the filing of Articles of Organization (the "Articles") in the office of the Colorado Secretary of State.

B. The Company and its members desire to enter into this limited liability company agreement pursuant to the LLC Act.

1. PRINCIPAL PLACE OF BUSINESS

The principal place of business of the Company shall be at 1143 Capitol Street, Unit 104, Eagle, Colorado 86131. The Company may have such other offices as the Members may designate or as the business of the Company may require.

2. REGISTERED OFFICE AND REGISTERED AGENT

The registered office of the Company shall be located at c/o Alpenglow Law, 82 E. Beaver Creek Blvd, Suite 201, Avon, Colorado 81620. The registered agent for the Company shall be Dan Reynolds.

The registered office of the Company required by the LLC Act to be maintained in the State of Colorado may be, but need not be, identical with the principal office, and may be changed from time to time by the Members by filing the address of the new registered office or the name of the new registered agent with the Colorado Secretary of State pursuant to the LLC Act.

3. PURPOSE

This Limited Liability Company is organized for all lawful purposes for which limited liability companies may be organized under the laws of the State of Colorado.

4. DURATION OF THE COMPANY

The Company shall commence upon the filing of its Articles of Organization with the Colorado Secretary of State and shall continue in perpetuity unless (a) sooner dissolved by the

Members under this Operating Agreement or (b) dissolved by a statutory event of dissolution under the LLC Act. The right to continue after a statutory event of dissolution is hereby reserved.

5. CAPITAL CONTRIBUTIONS

1. The undersigned Members have made the following capital contributions to the Company:

<u>Member</u>	<u>Amount</u>	<u>Form</u>
Caleb Mackey	\$100.00	cash
Jaimie Mackey	\$100.00	cash

2. Each Member owns an undivided interest in the LLC, business and company and agrees to share in all post formation capital contributions, profits, losses, and surplus of the Company according to the percentage set forth below as follows:

Caleb Mackey	forty-nine percent (51%)
Jaimie Mackey	fifty-one percent (49%)

6. ADDITIONAL CAPITAL CONTRIBUTIONS AND PAYMENTS

The Members may contribute any additional capital deemed necessary only by unanimous consent of the Board and only if all Members contribute equally. Any attempt by a Member to contribute an unequal amount to the Company shall be treated as a loan by such Member to the Company. Unless the Members unanimously consent to the interest rate and other terms of any such loan, the loan shall be deemed interest-free and payable upon demand.

7. DISTRIBUTIONS

Each of the Members shall have an interest in the capital of the Company and share in distributions in proportion to their share ownership, as set forth in Paragraphs 5.1 and 5.2. Prior to dissolution and at least annually as income has been received by the Company, accounts determined, and tax returns filed, the Board of Members shall determine funds available for distribution, if any.

8. MEMBERS

The number of Members of the Company shall initially be two (2), however the number of Members may be amended at any time by a unanimous vote of the Board of Members. The names and addresses of the initial Members of the Company are as follows:

Caleb Mackey	P.O. Box 1415, Eagle, Colorado 81631
Jaimie Mackey	P.O. Box 1415, Eagle, Colorado 81631

9. BOARD OF MEMBERS AND APPOINTMENT OF OFFICERS

Control and management of the business of the Company is vested in the Members acting as the Board of Members. The Board shall consist of Caleb Mackey and Jaimie Mackey. Company decisions and actions shall be decided by a majority in interest of the Board of Members at meetings regularly called with notice to all Members. A quorum for any such meeting shall require the presence in person or by telephone of a majority in interest of the Members. The Board of Members may appoint one or more officers to carry out any act on behalf of the Company, including without limitation the execution of documents on behalf of and binding the Company. Any action which may be taken at a meeting of the Members may be taken without a meeting by a written action signed by all of the Members.

10. MEETINGS - BOARD OF MEMBERS

The annual meeting of the Members shall be held at the registered office of the Company or at such other place as may be designated by the Board on October 1st of each year. Special meetings of the Members, for any purpose or purposes described in the meeting notice, may be called by any Member. Unless waived, as herein provided and allowed, written or printed notice stating the place, day, and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called shall be delivered to each Member not less than ten (10) nor more than sixty (60) days before the date of the meeting. Members may participate in meetings by telephone. Any action which may be taken at a meeting of Members may be taken without a meeting by written consent signed by all the Members.

11. SPECIFIC POWERS OF MEMBERS

Without limiting the generality of section 10, the Members, by and through the Board of Members, shall have the following power and authority on behalf of the Company:

- (a) To acquire property from and convey property to any person as the Members may determine. The fact that a member is directly or indirectly affiliated or connected with any such person shall not prohibit the Members from dealing with that person;
- (b) To purchase liability and other insurance to protect the Company's property and business;
- (c) To hold and own any Company real and/or personal properties in the name of the Company;
- (d) To invest any of the Company funds temporarily in such accounts as time deposits or short-term governmental obligations;
- (e) To sell or otherwise dispose of all or substantially all of the assets of the Company as part of a single transaction or plan so long as such disposition is not in violation of or a cause of default under any agreement to which the Company may be bound;

(f) To execute on behalf of the Company all instruments and documents, including without limitation checks; drafts; notes and other negotiable instruments; mortgages or deeds of trust; security agreements; financing statements; documents providing for the acquisition, mortgage, or disposition of the Company's property; assignments; bills of sale; leases; partnership agreements, operating agreements of other limited liability companies, and any other instruments or documents necessary, in the opinion of the Members, to the business or affairs of the Company;

(g) To open bank accounts in the name of the Company from time to time;

(h) To employ accountants, legal counsel, managing agents, or other experts to perform services for the Company and to compensate them from Company funds;

(i) Subject to the provisions of Article 6, above, to borrow money for the Company from banks, other lending institutions, or the Members, on such terms as the Members deem appropriate, and in connection therewith to hypothecate, encumber, and grant security interests in the assets of the Company to secure repayment of the borrowed sums. No debt shall be contracted or liability incurred by or on behalf of the Company in excess of One Thousand Dollars (\$1,000) except upon unanimous approval by the Board of Members;

(j) To enter into any and all other agreements on behalf of the Company, with any other person for any purpose, in such forms as the Members may approve; and

(k) To do and perform all other acts as may be necessary or appropriate to the conduct of the Company's business.

Unless authorized to do so by this Operating Agreement or by the Members of the Company, no attorney-in-fact, employee, or other agent of the Company shall have any power or authority to bind the Company in any way, to pledge its credit, or to render it liable pecuniarily for any purpose.

12. VOTING

Each Member shall have one vote for each percentage point of interest in the Company. Cumulative voting shall not be allowed for any purpose. A quorum consists of a majority of the Members' votes entitled to be cast on the matter. If a quorum exists, action on a matter other than the election of officers is approved if the votes cast favoring the action exceed the votes cast opposing the action.

13. ADMISSION OF NEW MEMBERS

New Members may be admitted only upon the unanimous written consent of all Members. Any new Members so admitted shall have the right to participate in the management of the business and affairs of the Company. In the event a member desires to sell all or any portion of its Membership interest in the Company to a third-party, the remaining Member(s) shall have the right to exercise a right of first refusal to purchase all of the interest proposed to be sold, by giving written

notice to the selling member within twenty (20) days after receiving notice from the selling member of its intention to sell said interest. The failure of all of the remaining Members to exercise this right of first refusal within said twenty (20) day period shall result in the termination of the right of first refusal, and the selling member shall be entitled to consummate the sale of its interest in the Company to the third-party purchaser. This right of first refusal shall not apply to a conveyance of a Member=s interest to a trust for the benefit of that Member or his or her immediate family; provided that such conveyance shall be solely of a financial interest, and the Member conveying to the trust shall retain the voting and management rights in the Company corresponding to the interests conveyed to the trust.

14. BOARD DUTIES AND RESTRICTIONS

The Board of Members are all the Members. No Member, without the consent of the Board, shall endorse any note or act as an accommodation party or otherwise become surety for any person in any transaction involving in the Company. No Member shall mortgage, grant a security interest in the assets or property of the Company without the consent of the Board, or do any act detrimental to the best interests of the Company, or which would make it impossible to carry on the ordinary purpose of the Company. Each Member shall be reimbursed by the Company for all expenses incurred on behalf of the Company and shall be paid a fee for attendance at meetings of the Members in an amount to be determined by the Board.

15. BANKING

All funds of the Company shall be deposited in its name in such bank account or accounts as shall be designated by the Board of Members. All withdrawals therefrom are to be made upon the authority of such person or persons as may be authorized by the Board of Members from time to time.

16. BOOKS

The Company books shall be maintained at the principal place of business, and each Member shall have access thereto. The fiscal year of the Company shall be the calendar year, and the books shall be closed and balanced at the end of each fiscal year. The Company will furnish annual financial statements to the Members, and prepare tax returns in a timely manner, furnishing copies to all Members at least twenty (20) days before they are filed by the Company.

17. DISSOLUTION AND TERMINATION

17.1 Dissolution.

- (a) The Company shall be dissolved upon the occurrence of any of the following events:
 - (1) When the period fixed for the duration of the Company shall expire pursuant to Article 4 hereof;

- (2) Upon the death of a Member (a “Withdrawal Event”), unless the business of the Company is continued by the consent of all the remaining Members within ninety (90) days after the Withdrawal Event, at which time the remaining Members may agree to the appointment of one or more additional Members;
 - (3) Upon the unanimous written agreement of the Members.
- (b) Unless otherwise approved by Members owning a Majority Interest, a Member who resigns (a “Resigning Member”) or whose Membership Interest is otherwise terminated by virtue of a Withdrawal Event, regardless of whether such Withdrawal Event was the result of a voluntary act by such Member, shall not be entitled to receive any distributions to which such Member would have been entitled had such Member remained a Member, including the payment of any interest on such Member’s Capital Contribution. Damages for breach of this Section 17.1(b) shall be monetary damages only (and not specific performance), and such damages may be offset against distributions by the Company to which the Resigning Member would otherwise be entitled.

17.2 Voluntary Dissolution. The Company may be voluntarily dissolved at any time by the unanimous resolution passed at a meeting of its Members.

17.3 Filing Statement of Intent to Dissolve. As soon as possible following the occurrence of any of the events specified in Sections 17.1 or 17.2 effecting the dissolution of the Company, the appropriate representative of the Company shall execute a statement of intent to dissolve in such form as shall be prescribed by the Colorado Secretary of State and file same with the Colorado Secretary of State’s office. Upon the filing by the Colorado Secretary of State of a statement of intent to dissolve, the Company shall cease to carry on its business, except insofar as may be necessary for the winding up of its business, but its separate existence shall continue until a certificate of dissolution has been issued by the Secretary of State or until a decree dissolving the Company has been entered by a court of competent jurisdiction.

17.4 Winding Up, Liquidation, and Distribution of Assets.

- (a) Upon dissolution, an accounting shall be made by the Company’s independent accountants of the accounts of the Company and of the Company’s assets, liabilities, and operations from the date of the last previous accounting until the date of dissolution. The Members shall immediately proceed to wind up the affairs of the Company in compliance with requirements of any applicable law.
- (b) If the Company is dissolved and its affairs are to be wound up, the Members shall:
 - (1) Discharge all liabilities of the Company, including liabilities to Members who are creditors for debts other than for capital and profits, to the extent otherwise permitted by law.

- (2) Pay all liquidating expenses and obligations.
 - (3) Distribute all Capital Contributions, together with the earned interest thereon, to the respective Members.
 - (4) Allocate any profit or loss resulting from such sales to the Members.
 - (5) Distribute the remaining assets to the Members, either in cash or in kind, in proportion to their shares of ownership.
- (c) If a Member who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the Member's executor, administrator, guardian, conservator, or other legal representative may exercise all of the Member's rights for the purpose of settling his estate or administering his property.

17.5 Articles of Dissolution. When all debts, liabilities, and obligations have been paid and discharged, or adequate provisions have been made therefor, and all of the remaining property and assets have been distributed to the Members, articles of dissolution shall be executed in duplicate and verified by the person signing the articles, which articles shall set forth the information required by the LLC Act. Duplicate originals of such articles of dissolution shall be delivered to the Colorado Secretary of State.

17.6 Certificate of Dissolution. Upon the issuance of the certificate of dissolution, the existence of the Company shall cease, except for the purpose of suits, other proceedings, and appropriate action as provided in the LLC Act. The Members shall have authority to distribute any Company property discovered after dissolution, convey real estate, and take such other action as may be necessary on behalf of and in the name of the Company.

17.7 Return of Contribution Nonrecourse to Other Members. Except as provided by law or as expressly provided in this Operating Agreement, upon dissolution, each Member shall look solely to the assets of the Company for the return of its Capital Contribution. If the Company property remaining after the payment or discharge of the debts and liabilities of the Company is insufficient to return the cash contribution of one or more Members, such Member or Members shall have no recourse against any other Member.

18. VIOLATION OF THIS AGREEMENT

Any Member who shall violate any of the terms, conditions, and provisions of this Agreement shall keep and save harmless the Company property and shall also indemnify the other then Members from any and all claims, demands, and actions of every kind and nature whatsoever which may arise out of or by reason of such violation of any of the terms and conditions of this Agreement.

19. INDEMNIFICATION

To the maximum extent permitted under the LLC Act, the Company shall indemnify every Member for payments made and personal liabilities reasonably incurred by that Member in the ordinary conduct of the Company's business or for the preservation of the Company's business or property.

20. MISCELLANEOUS PROVISIONS

20.1 Notices. Any notice, demand, or communication required or permitted to be given by any provision of this Operating Agreement shall be deemed to have been sufficiently given or served for all purposes if delivered personally to the party or to an executive officer of the party to whom the same is directed or, if sent by registered or certified mail, postage and charges prepaid, addressed to the Member's and/or Company's address, as appropriate, which is set forth in this Operating Agreement, which notice shall be deemed to be given three (3) business days thereafter.

20.2 Books of Account and Records. Proper and complete records and books of account shall be kept or shall be caused to be kept by the Members, in which shall be entered fully and accurately all transactions and other matters relating to the Company's business in such detail and completeness as is customary and usual for businesses of the type engaged in by the Company. Such books and records shall be maintained at all times at the principal executive office of the Company as provided in Section 16, subject to reasonable inspection and examination by the Members or their duly-authorized representatives during reasonable business hours.

20.3 Application of Colorado Law. This Operating Agreement, and the application on interpretation hereof, shall be governed exclusively by its terms and by the laws of the State of Colorado, and specifically the LLC Act.

20.4 Amendment. This Operating Agreement may not be amended except by the unanimous written agreement of the Members.

20.5 Execution of Additional Instruments. Each Member hereby agrees to execute such other and further statements of interest and holdings, designations, powers of attorney, and other instruments necessary to comply with any laws, rules, or regulations.

20.6 Construction. Whenever the singular number is used in this Operating Agreement and when required by the context, the same shall include the plural and vice versa, and the masculine gender shall include the feminine and neuter genders and vice versa.

20.7 Counterparts. This Agreement may be executed in counterparts with each counterpart constituting one and the same instrument.

IN WITNESS WHEREOF, the undersigned have executed this operating agreement for THE ASSEMBLY, LLC on the day and year first above written.

THE ASSEMBLY, LLC
a Colorado limited liability company

Members:



Caleb Mackey



Jamie Mackey



BEFORE THE TOWN OF EAGLE LIQUOR LICENSING AUTHORITY

200 BROADWAY
PO BOX 609
EAGLE CO 81631

FINDINGS AND ORDER APPROVING NEW LICENSE

IN THE MATTER OF

New Hotel & Restaurant License
The Assembly, LLC
Address: 1143 Capitol Street Unit 104 A&B, Eagle, CO

Having considered the application of Caleb and Jaimie Mackey – Owners of The Assembly, LLC for a new Hotel & Restaurant License, and all attachments submitted therewith (the “Application”), having held a public hearing on the Application on February 25, 2020 following due and proper notice, all in accordance with the Colorado Liquor Code, 44-3-101 et seq., C.R.S., and having considered all relevant and competence evidence admitted at the said public hearing, the Local Licensing Authority FINDS AS FOLLOWS:

1. There has not been a denial of an application at the same location by either the State or Local Licensing Authority with the two (2) years preceding the date of the application.
2. The Applicant has submitted evidence that they are entitled to possession of the premises where the license is proposed to be exercised.
3. The premises where the Applicant proposes to sell alcohol is not in violation of the 500-foot limitation from any public or parochial school or the principal campus of any college, university or seminary.
4. The premises are properly zoned for the activity which will occur therein. Approval has or will be provided by the Building Official and Planning Department prior to issuance of State and Local Licenses.
5. The location has been previously decided by a preponderance of evidence, including a petition submitted in support, that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood are not currently being met by existing outlets.

BASED UPON THE FOREGOING, THE LOCAL LICENSING AUTHORITY HEREBY ORDERS that the application of Caleb and Jaimie Mackey – Owners of THE ASSEMBLY LLC for a new Hotel & Restaurant License is hereby GRANTED.

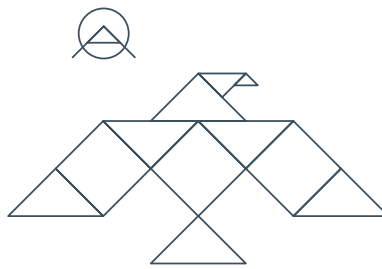
DATED this 25th day of February 2020

LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF EAGLE

Anne McKibbin, Chair

ATTEST:

Jenny Rakow, Town Clerk



THE ASSEMBLY
FOOD + WINE

February 2020

Thank you so much for reviewing our application for a liquor license. We greatly appreciate your time, interest, and support as we go through the process of opening our restaurant, and sincerely apologize that we are unable to attend the hearing in person.

We are Caleb and Jaimie Mackey, the owners of 1143 Capitol Street #104A/B and the future owners and operators of The Assembly. We have lived in Eagle since October of 2017, though our roots here run deep. Jaimie and her family have been visiting Eagle for 22 years, and Caleb has called Colorado home for over a decade. We were married in Eagle in July of 2016, and always knew Eagle would be the perfect place to put down some roots, start a business, and raise a family. A year after we got married, we moved to The Orchards. In August of 2019 (just two days after going under contract to purchase our space in Eagle Ranch), we welcomed our daughter, Bea, and we are thrilled that she will get to grow up in a place we've loved for so long.

When we had the opportunity to purchase commercial real estate and make our dreams of owning a restaurant come true - all right down the street from our house - we jumped at the chance. We can't think of anything better than getting to follow our dreams in the town we call home, surrounded and supported by our friends and neighbors.

We are staunch supporters of local businesses, and are so inspired by the way the town of Eagle and our surrounding community come together again and again to support their own. We love knowing that, whether we're running errands or grabbing a drink on a Saturday afternoon, we're guaranteed to see someone we know. Our mission with The Assembly is to create yet another place where locals will gather, guaranteed to bump into a friend or strike up a conversation with a new acquaintance over a glass of wine or a delicious plate of food. We believe in this community-driven mission so wholeheartedly that we couldn't imagine any better name for our restaurant.

The Assembly is a place where the community gathers: Where stories and plates are shared, where great glasses of wine and thoughtfully crafted cocktails are raised, and where quality and creativity meet. We believe a fantastic drinking and dining experience can - and should - be fun. Our menu will be fresh, seasonal, and globally-inspired, with a beverage program to match. We love exploring new flavors and discovering wines and cocktails we've never tasted before, and will bring that variety and excitement to The Assembly.

We are building a place where our community can gather and relax, finding inspiration and excitement as guests explore our menu and discover something new. The Assembly will be the restaurant we've dreamed about, and we are so excited to finally make it a reality.

Thank you again so much for your time and consideration. We are so thrilled to get to know all of you, to work with you in the years to come as our town grows, and to welcome you to The Assembly this summer.

Yours,

Jaimie and Caleb Mackey



TOWN OF EAGLE
P.O. Box 609
Eagle, Colorado 81631
970-328-6354
970-328-5203 (fax)
clerk@townofeagle.org

PRELIMINARY FINDINGS AND REPORT

IN THE MATTER OF APPLICATION FOR A NEW HOTEL AND RESTAURANT LICENSE BY THE ASSEMBLY, LLC

APPLICANT: THE ASSEMBLY, LLC

MANAGER: CALEB MACKEY

TO THE APPLICANT HEREINABOVE NAMED AND INTERESTED PARTIES:

1. Pursuant to Colorado Revised Statutes, 44-3-312 (1), as amended, you are hereby advised that review of your application for a new hotel & restaurant license is complete. Based on the results thereof, the following have been determined:
 - a. The location of the premises for which the license is sought is 1143 Capitol Street Unit 104 A & B, Eagle Colorado 81631.
2. In the two years preceding January 10, 2020, there has not been a denial of an application by either the Town of Eagle or the State of Colorado for a liquor license at the location because the reasonable requirements of the neighborhood were satisfied by the existing outlets.
3. It appears from the evidence submitted that you are entitled to possession of the premises where you propose to exercise the license.
4. The building where you propose to sell liquor for on-site consumption is not within 500 feet proximity to a school as defined in Eagle Municipal Code.
5. As of this date, the Town Clerk and the Eagle Police Department have completed their preliminary background investigation concerning the records of the premises, applicants, employees and persons known to assist or finance the Applicant:
 - a. Pursuant to 44-3-307 (3)(a), the Town of Eagle shall have access to and consider criminal history record information of the applicants. Based upon this investigation there were no findings or results on either applicant of the LLC.
6. The neighborhood for which the Local Licensing Authority has determined as the applicable neighborhood is the Town of Eagle. A petition is not required due to previous license of same class in this location.

- a. Within the neighborhood there are the following existing liquor outlets:

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

The application is complete and ready for presentation at a Public Hearing on **February 25, 2020 at a meeting to begin at 6:00 p.m.** The Public Hearing will be conducted by the Eagle Town Board of Trustees, sitting as the Local Liquor Licensing Authority, in its Public Meeting Room, 200 Broadway, Eagle, Colorado. At said hearing, you shall have an opportunity to be heard regarding all matters in consideration of your application, including matters herein set forth. **If you wish to supply written materials to the Town Board for consideration, please submit those to the Town Clerk no later than Wednesday, February 19, 2020 so that it may be included in their packets prior to the meeting.**

This letter should not be construed as approving or denying the application. This decision rests solely with the Eagle Liquor Licensing Authority.

Submitted by,



Jenny Rakow, CMC Town Clerk

February 4, 2020

Date



NOTICE OF PUBLIC HEARING

Town of Eagle Liquor License Application

Notice is hereby given that the Town Board of Trustees, acting as the Local Liquor Licensing Authority, shall hold a public hearing on the application of **THE ASSEMBLY, LLC** dated January 10, 2020, requesting a Hotel & Restaurant License, located at 1143 Capitol Street, Unit 104 A & B, Eagle, Colorado 81631. Said hearing will be held on Tuesday, February 25, 2020 at 6:00 p.m. in the Eagle Town Hall, 200 Broadway. All persons interested in the aforementioned application may appear before the Town Board and present testimony or may submit written correspondence to the Eagle Town Clerk, at clerk@townofeagle.org or PO Box 609 Eagle CO 81631.

By: **Jenny Rakow, CMC**
Town Clerk

Published: February 13, 2020 EVE
February 13, 14 and 15, 2020 VD



To: Brandy Reitter – Town Manager

From: Deron Dirksen, P.E. – Utility Manager / Sustainability Coordinator

Date: February 12, 2020

Subject: Black Hills Energy: Gypsum to Eagle RMNG 6” Pipeline Installation Project

REQUEST:

This staff memo is requesting two things from the Board of Trustees for the Black Hills Energy Gypsum to Eagle RMNG 6” Pipeline Installation Project.

First, staff is both informing the Board of Trustees and requesting feedback from the Board of Trustees regarding the Black Hills Energy Gypsum to Eagle RMNG 6” Pipeline Installation Project.

Second, staff is requesting a funding proposal from the Board of Trustees for approximately \$100,000.00 to expand the asphalt scope of work on Highway 6.

BACKGROUND:

Black Hills Energy has an existing 3-inch diameter gas line located along Highway 6 (Grand Avenue). This existing gas line is located in both Eagle and Gypsum. The gas line located in Eagle starts at the western town boundary and runs east to the existing pressure reducing station which is approximately 3,147 linear feet. Black Hills Energy needs a new 6-inch gas line.

ANALYSIS:

Black Hills Energy’s existing 3-inch gas line is undersized. Therefore, a new 6-inch gas line will be constructed. Black Hills Energy and Town staff have worked together to determine best location, timing, constructability, etc. The proposed gas line will be located in the south (east bound) lane of Highway 6 parallel to the existing 3-inch gas line. This location allows future flexibility by reserving the north (west bound) lane of Highway 6. The construction is anticipated to start April 15, 2020 and be completed June 2020. Town of Eagle and Black Hills Energy are working together to minimize construction and traffic impacts with education and outreach.

During the gas line construction, Black Hills Energy will pave the south (east bound) lane of Highway 6 at their expense. Staff would like to expand the asphalt scope of work to include the north (west bound) lane of Highway 6 and meet CDOT’s existing new asphalt located at the recent bridge reconstruction.

This project was not identified in the 2020 budget, and therefore staff is requesting funding. Initial cost estimates are approximately \$100,000.00. This funding could come from either of two funds:

1. Devolution Funds
2. Street Resurfacing Funds

The 2020 Street Resurfacing budget, 10-54-361 is \$550,000.00 which includes finishing Terrace Subdivision (Brush Creek Terrace, Golden Eagle, Snow Owl, Brush Creek Court, Ryshot, Condor Drive, Ringneck, and Canvas Back) and Church Street from Grand Avenue roundabout to 2nd Street ("S-Curve")

Pros:

- Highway 6 gets overlaid from Town boundary to CDOT's bridge for approximately half the cost.
- Highway 6 needs to be addressed in the next few years due to its condition.

Cons:

- Construction impacts such as traffic.
- Opportunity Cost – If funds are removed from Street Resurfacing, then other scopes will be minimized.

COMMUNITY INPUT:

Black Hills Energy will have substantial community outreach and notification with Town of Eagle and Eagle Ranch help. Communication to the public will happen prior to construction and during construction. Communication efforts will include town website and social media, Eagle Ranch HOA messaging, message boards, etc.

BUDGET / STAFF IMPACT:

Impact to staff's time will be approximately 2-hours per day during construction for inspection.

Budget impact will be approximately \$100,000.00. The impact to the budget will depend on which fund is selected.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with the following strategic objectives and/or business values:

Major Objective #7 Implement Priority Infrastructure Improvements

- Sound Planning and Appropriate Investment.
- Economic Development
- Reliable and Cost-Effective Services
- Protecting Public Health, Safety, and the Environment.
- Transportation system that facilitates vehicular movements throughout the Town.

This proposal conflicts with the following strategic objectives and/or business values:

- Opportunity Cost – the town would not be funding other maintenance/capital/personnel costs.

RECOMMENDED ACTION OR PROPOSED MOTION:

Give feedback on

1. Black Hills Energy Gypsum to Eagle RMNG 6” Pipeline Installation Project.

Give feedback and decide on the following options:

1. Motion to direct staff to move forward with funding to expand the asphalt scope of work on Highway 6.
2. How to fund:
 - a. Devolution Funds
 - b. Street Resurfacing Funds

ATTACHMENTS:

- Black Hills Energy Presentation



GYPSUM TO EAGLE RMNG 6" PIPELINE INSTALLATION PROJECT

February 11, 2020

PROJECT OVERVIEW

New 6" Pipeline Length in Hwy 6 - @3,147 feet in East bound travel lane





GYPSUM TO EAGLE RMNG 6" PIPELINE INSTALLATION PROJECT



SCHEDULE

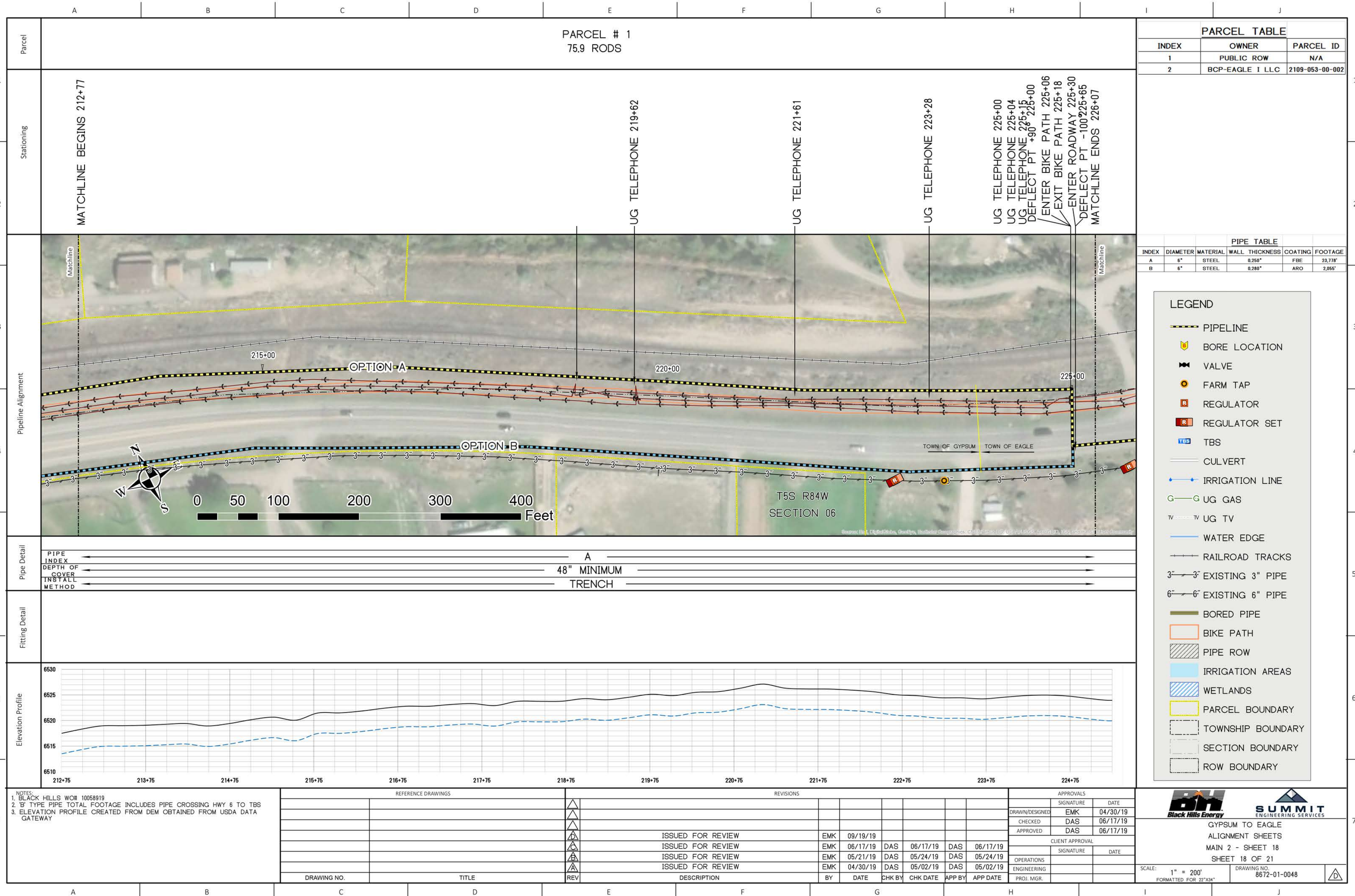
Pipeline Installation- Start: April 15, 2020; Complete: May 15, 2020 (estimated)

TBS Rebuild - TBD

Contractor - TBD

PURPOSE & NEED

To address system integrity requirements from the Colorado Public Utilities Commission and to increase system capacity for future loads, Rocky Mountain Natural Gas (RMNG) dba Black Hills Energy, needs to upgrade their existing 3" natural gas transmission pipeline size with a proposed 6" pipeline. Once the 6" line is installed, the existing 3" line would be de-rated and operated as a distribution line.



Parcel

Stationing

Pipeline Alignment

Pipe Detail

Fitting Detail

Elevation Profile

PARCEL # 1
76.4 RODS

MATCHLINE BEGINS 226+07

CULVERT CROSSING 228+34

MATCHLINE ENDS 238+62

T5S R84W
SECTION 06

PIPE INDEX
DEPTH OF COVER
INSTALL METHOD

A
48" MINIMUM
TRENCH

225+25 226+25 227+25 228+25 229+25 230+25 231+25 232+25 233+25 234+25 235+25 236+25 237+25

INDEX

OWNER

PARCEL ID

1

PUBLIC ROW

N/A

2

BCP-EAGLE I LLC

2109-053-00-002

INDEX

DIAMETER

MATERIAL

WALL THICKNESS

COATING

FOOTAGE

A

6"

STEEL

0.250"

FBE

23,778'

B

6"

STEEL

0.280"

ARO

2,055'

LEGEND

PIPELINE

BORE LOCATION

VALVE

FARM TAP

REGULATOR

REGULATOR SET

TBS

CULVERT

IRRIGATION LINE

UG GAS

UG TV

WATER EDGE

RAILROAD TRACKS

EXISTING 3" PIPE

EXISTING 6" PIPE

BORED PIPE

BIKE PATH

PIPE ROW

IRRIGATION AREAS

WETLANDS

PARCEL BOUNDARY

TOWNSHIP BOUNDARY

SECTION BOUNDARY

ROW BOUNDARY

NOTES:
1. BLACK HILLS WO# 10058919
2. 'B' TYPE PIPE TOTAL FOOTAGE INCLUDES PIPE CROSSING HWY 6 TO TBS
3. ELEVATION PROFILE CREATED FROM DEM OBTAINED FROM USDA DATA GATEWAY

REFERENCE DRAWINGS

REVISIONS

APPROVALS

DRAWING NO.

TITLE

REV

DESCRIPTION

BY

DATE

CHK BY

CHK DATE

APP BY

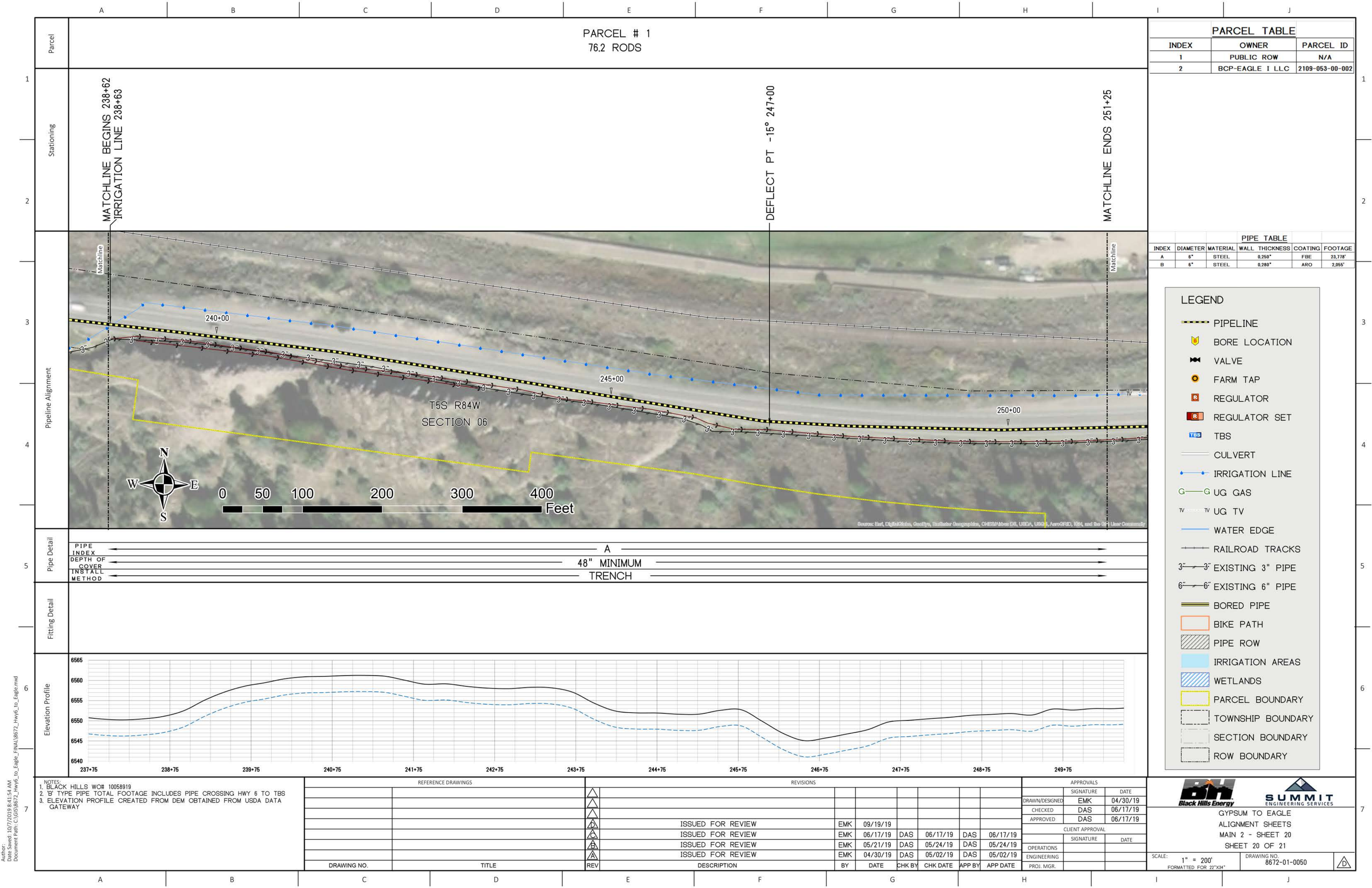
APP DATE

PROJ. MGR.

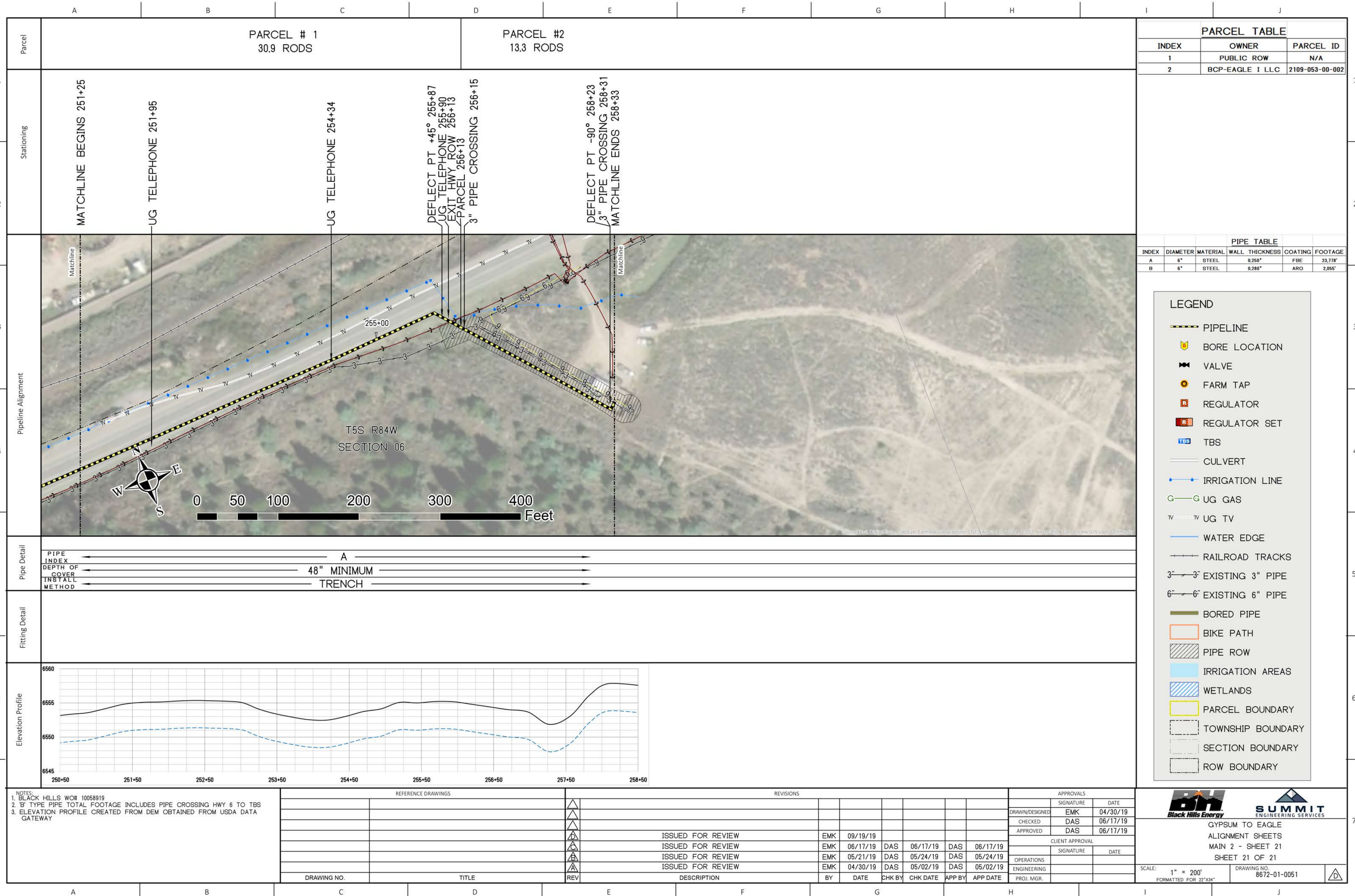
GYPSUM TO EAGLE
ALIGNMENT SHEETS
MAIN 2 - SHEET 19
SHEET 19 OF 21

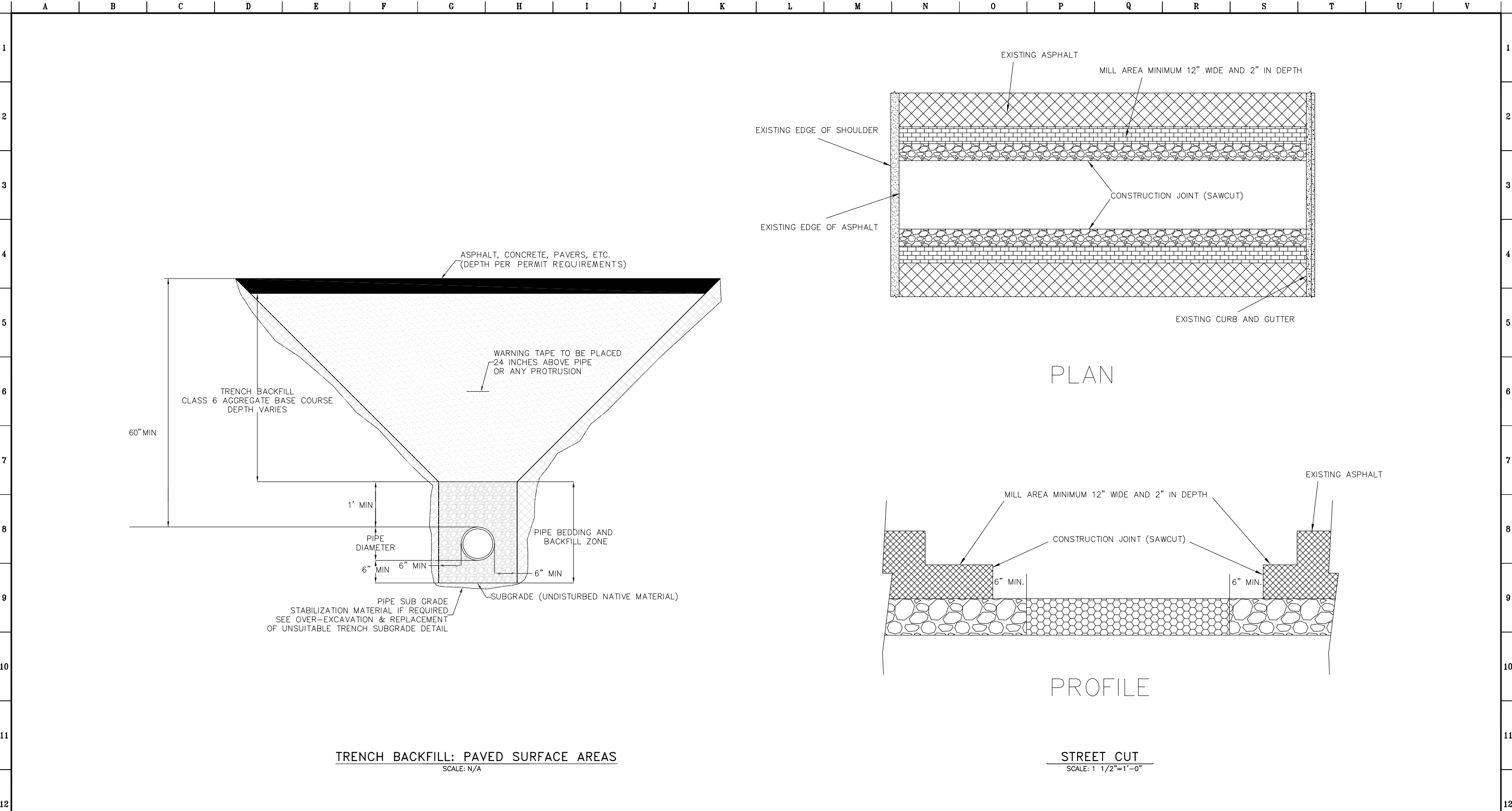
SCALE: 1" = 200'
FORMATTED FOR 22"x34"

DRAWING NO. 8672-01-0049



Author: 10/7/2019 8:41:54 AM
Date Saved: 10/7/2019 8:41:54 AM
Document Path: C:\GIS\8672_Hwy6_to_Eagle_FINAL\8672_Hwy6_to_Eagle.mxd





NOTE:

REFERENCE DRAWINGS		REVISIONS							ENGINEERING RECORD	
NO.	TITLE	NO.	FIRM	DATE	DESCRIPTION	BY	CHK.	APP.	BY	DATE
		A	SESI	01/24/20	ISSUED FOR REVIEW	JTT	BPA	DAS	DRN: JTT	01/24/20
									DES: MRB	01/24/20
									CHK: TKC	01/24/20
									APP: DAS	01/24/20
 400 Inverness Parkway, #200 Englewood, CO 80112 303.768.9191 Office 303.768.9292 Fax									AFE No.	
									SESI JOB NO.	8673
									PROJ. ENGR: TKC	
									SCALE: AS NOTED	



BLACK HILLS ENERGY
GYPSUM, CO
TRENCH BACKFILL



400 Inverness Parkway, #200
Englewood, CO 80112
303.768.9191 Office
303.768.9292 Fax

PLOT SCALE	DWG. NO.	REV
CAD NO.	8673-01-6400	A



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 25, 2020

Agenda Item: Resolution No. 11, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Amendment to the Development Improvements Agreement for the Village Market."

REQUEST:

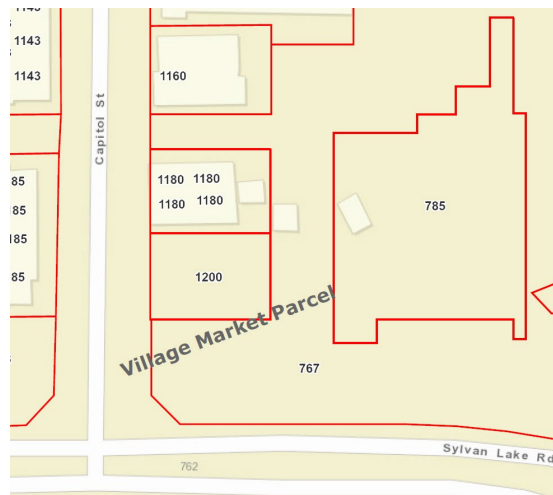
Staff requests that Board of Trustees review an amendment to the Development Improvements Agreement (DIA) for Village Market requesting an extension of vested rights.

INTRODUCTION:

The town approved the DIA for Village Market on June 23, 2015. In 2017, the developer requested an amendment to assign the DIA over to another party. Most recently a representative from NOBUX, LLC requested to extend their vested rights for another 2 years for the Village Market, with a new expiration date of June 23, 2022. Extending vested rights requires an amendment to the DIA. Amendments only go to the Board of Trustees for review. Included with this memo is the amended DIA and resolution.

ANALYSIS:

Below is the location of the parcel:



COMMUNITY INPUT:

No community input required for this analysis.

BUDGET / STAFF IMPACT:

This request does not have an impact on budget or staffing resources.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal does not align with any strategic objectives. The extension request does follow the town's standards for review and approval.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Resolution No. 11, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Amendment to the Development Improvements Agreement for the Village Market."

ATTACHMENTS:

- Resolution No. 11
- DIA Amendment

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 11
(Series of 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO
APPROVING AN AMENDMENT TO THE DEVELOPMENT IMPROVEMENTS
AGREEMENT FOR THE VILLAGE MARKET

WHEREAS, on June 23, 2015, the Board of Trustees adopted Resolution No. 2015-50 approving a Development Improvements Agreement (the "Agreement") with Eagle Ranch Village, LLC for development occurring on Lot 2 and Tract A, Eagle Ranch, Filing No. 30 Subdivision (the "Property"), also known as the Village Market;

WHEREAS, on May 9, 2017, the Board of Trustees adopted Resolution No. 2017-29, which approved the assignment of the Agreement from Eagle Ranch Village, LLC to Nobux, LLC ("Developer");

WHEREAS, the Agreement created vested property rights for a period of five years, or until June 23, 2020, and Developer seeks an extension of those rights until June 23, 2022;

WHEREAS, the Board concludes that the public health, safety, convenience and general welfare of the Town and its residents will be served by approving the proposed amendment of the Agreement.

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

Section 1. The First Amendment is hereby approved in substantially the form attached hereto as Exhibit A and incorporated herein by this reference, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized and directed to execute the First Amendment on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON FEBRUARY 25, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

FIRST AMENDMENT TO DEVELOPMENT IMPROVEMENTS AGREEMENT
Lot 2 and Tract A, Eagle Ranch, Filing No. 30 Subdivision

THIS FIRST AMENDMENT TO DEVELOPMENT IMPROVEMENTS AGREEMENT (the "First Amendment") is entered into and made effective as of the ____ day of _____, 2020 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town"), and NOBUX, LLC, a Colorado limited liability company with an address of PO Box 459, Glenwood Springs, Colorado 81602 ("Developer") (each a "Party" and collectively the "Parties").

WHEREAS, the Town and Eagle Ranch Village, LLC entered into a Development Improvements Agreement (the "Agreement") on or about June 23, 2015, governing the development of certain property located within the Town;

WHEREAS, on May 9, 2017, the Board of Trustees adopted Resolution No. 17-29, which approved the assignment of the Agreement and all rights and responsibilities thereof from Eagle Ranch Village, LLC to Developer; and

WHEREAS, the Town and Developer now wish to amend the Agreement to extend the term and the vested property rights beyond the current expiration date of June 23, 2020.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Section 2 of the Agreement is amended by extending the term of the Agreement and the vested property rights established thereunder by an additional 2 years from the Effective Date of the Agreement, to June 23, 2022.
2. If any terms, conditions and provisions contained in this First Amendment are inconsistent with or otherwise in conflict with any terms, conditions and provisions contained in the Agreement, the terms, conditions and provisions contained in this First Amendment shall control.
3. No other amendments, modifications or alterations to the Agreement, other than the amendments specifically stated herein, are contemplated or made by the execution of this First Amendment. All other terms, conditions, provisions, rights, duties and benefits stated in the Agreement shall continue in full force and effect.

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

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

NOBUX, LLC

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this ____ day of _____, 2020, by
_____ as _____ of Nobux, LLC.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:

Notary Public



To: Mayor and Board of Trustees

From: Bill Shrum, Assistant to the Town Manager

Date: February 21, 2020

Agenda Item: Community Feedback on Marijuana License Discussion

REQUEST: Staff requests that the Board of Trustees review the community feedback presented in the attached letters regarding the recent marijuana license discussion.

INTRODUCTION: This is a follow-up to the discussion about marijuana license held by the Board of Trustees on February 11th, 2020. In that meeting, the Board of Trustees asked for additional feedback from community and business owners involved with the marijuana licenses currently held in Town. The Board of Trustees had also asked for further clarification on the rationale used for the current boundaries for use by right.

ANALYSIS: Since the meeting, staff has met with David and Dieneka Manzanares, owners of The Sweet Leaf Pioneer as well as Mark Smith, one of the partners for Tumbleweed marijuana. Both owners have submitted letters to the Board of Trustees, included with this memo, to provide their feedback as requested.

Staff has also done further research regarding the boundaries of existing licenses, specifically the western boundary of acceptable use by right for marijuana businesses along Chambers. This boundary was adopted from the existing medical marijuana zoning in place when the 2013 election allowed for recreational marijuana in Eagle. There is no regulatory reason for the use of Nogal Road as a boundary, but this was a preference of the Town Board of Trustees when the ordinance was enacted. The zoning at the time stated:

"Currently, medical marijuana businesses are only permitted in the Commercial General (CG) and Industrial (I) zone districts, east of Nogal Road, pursuant to a special use permit"

COMMUNITY INPUT: The business owners mentioned above have had lengthy conversations with staff and have provided the attached letters to reflect their perspective.

BUDGET / STAFF IMPACT: There has been no budget or staff impact to the follow up direction from the Board.

RECOMMENDED ACTION OR PROPOSED MOTION: Staff is providing this additional information at the request of the board in effort to receive direction from the Board of Trustees on marijuana policy.

ATTACHMENTS: Letter from Tumbleweed.pdf, Sweetleaf – Revised Letter.doc

Town of Eagle

Let me address my concerns and issues with respect to the Town of Eagle issuing more marijuana licenses.

1. Is the market underserved -will additional stores translate into additional tax revenue.

Tumbleweed plans to open in March with construction of its dispensary being almost complete. A prudent move would be to see if this additional dispensary increases the total amount of marijuana sales. At some point adding more stores is a diminishing return - meaning we are just trading dollars amongst us. This is hard to determine until we open. My suggestion is to see if the market has expanded with the addition of a second store to warrant in need for additional stores -is the market underserved. If the current store does 3M in sales and when we open, we do an additional 3M -you could argue that the market was underserved. If subsequent years show limited growth- it can be argued that two stores are sufficient.

2. The best solution is a win-win for the Town of Eagle and its corporate partners. As a matter of principle, if the two dispensaries are successful it is more likely that they will give back to the community and be a true partner. Rather than multiple dispensaries just getting by that can't afford to give back to the community.

A case in point is our store in Parachute. In the beginning, we were one of two stores and gave college scholarships to the school, amongst other things. When the town allowed six total licenses for a town of 800 people. We unfortunately had to stop the scholarship program. An interesting fact is the total of marijuana sales have not grown by more than 3% with these additional stores. We are just trading dollars amongst ourselves. In summary, more stores does not guarantee more marijuana sales.

3. Increase the town tax.

- Our Edwards store pays 5% to the county.
- Our Parachute store pays 4.75%.
- Our Debeque store pays 9%.

If increasing revenue is the goal, it may make sense to go to 4.75% immediately. This is still less than Edwards so you're not pricing yourself out of the market. My experience has shown that customers are keenly aware of the taxes they pay and it determines where they shop.

In general, the premise, that more stores translates into more marijuana sales is not valid. The business is a destination not an impulse purchase. It differs from a lot of businesses in the fact using marijuana is a specific lifestyle choice and not one based on changing people to become marijuana users because numerous stores are present. Simply put I don't believe if you have more marijuana store fronts it will translate into creating more customers. Also, this should not be the goal of any community given that

it is still a controlled substance. I don't see a public health safety and welfare argument to add more stores when a new second store is a soon to come on line. The data and information that the store will produce will answer a lot of questions about the size of the market and whether the Town of Eagle is maximizing its revenue from the taxed endeavor.

Respectfully submitted,



Mark CEO Tumbleweed Companies

Town Of Eagle

A few years back when we were looking to expand our business, we came to the town to explore zone changes. We were told by town staff that they would not consider over by City Market and by Moe's. So, with that information we came up with a new plan on Chambers Ave. We brought the plan back to the town and they rezoned up to Taco Bell.

When the town rezoned on Chambers, we then had to raise private money to change locations. If we would have realized that down the road new zoning and more license were going to be issued, we would of reconsider our decision where to move and invest.

The first questions from our local investors were number of licenses available and zoning. To change now after this was voted on from trustees will make our investors regret their decision.

We do believe that this business is still highly regulated. The expense to run these businesses in compliance is very expensive. We do not believe that more retail stores will bring The Town of Eagle more tax money. We believe that it will make it harder to stay in compliance with such big expenses and no banking still available.

The Town of Eagle will be receiving wholesale tax money from the investment that we just did in the town.

The state now has Tier levels when it comes to the cultivation rules. We must prove to the state that we can sell all of what we are growing. So, if we can not prove this they will lower our plant count which will effect wholesale tax revenue for town.

Common sense tells us to allow the dispensary that is right next door to us because of zoning, open and see where the cards may fall.

Sincerely,

Dave and Dieneka Manzanares

Sweet Leaf Pioneer



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 25, 2020

Agenda Item: Public Investment Fee (PIF) Waiver Request

REQUEST:

Staff requests the Board of Trustees review follow up information regarding a PIF waiver request on February 11, 2020.

INTRODUCTION:

On February 11, staff presented a request made by an applicant for a full waiver of PIF required under a new building permit submitted to the town recently. Under the current code, there isn't a process to waive PIF. However, staff was informed that the BOT passed ordinances during the recession that provided for discounts on PIF to stimulate economic investment in town. Those ordinances are attached.

ANALYSIS:

A history of ordinance is provided. The most recent policy is in Ordinance No. 12, Series 2013. The summary of the ordinance is below:

- An applicant can receive a 50% discount on PIF, not 100%
- The discount doesn't apply to initial PIF payments, only existing
- The program expired in July 1, 2015 unless extending by the BOT
- There is no record of extending the program in town records

Per the building code – PIF is regulated under Title 12 ordinance. For 241 Broadway project Section 12.16.090 Subsection B is triggering the PIF fee requirement.

“Any additional service or change in use that nets additional EQR usage from the present EQR usage or previously paid for EQR shall be subject to payment of a supplemental plant investment fee. The additional plant investment fee charge shall be the additional EQR value plus the net change in EQR value multiplied by the current EQR fee.”

COMMUNITY INPUT:

Input was received from Wendy Sacks at the February 11 BOT meeting.

BUDGET / STAFF IMPACT:

Fee waivers have an impact to the budget. PIF payments are used to maintain water and sewer infrastructure. Fee waivers are subsidized by existing rate payers.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with any strategic objectives or business values.

RECOMMENDED ACTION OR PROPOSED MOTION:

Policy consideration options:

1. Waive the full PIF at \$7,703.20 (*roll call vote*)
2. Waive 50% of PIF at \$3,815.60 (*roll call vote*)
3. Don't waive PIF as program expired

ATTACHMENTS:

- Ordinance No. 12, Series 2013
- Ordinance No. 36, Series 2006
- Ordinance No. 02, Series 2010

ORDINANCE NO. 2
(Series of 2010)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO
AMENDING SECTION 5.12.030 OF THE EAGLE MUNICIPAL CODE
CONCERNING THE DURATION OF THE ECONOMIC DEVELOPMENT
ASSISTANCE FOR BROADWAY REDEVELOPMENT PROJECTS.

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

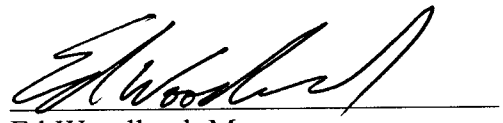
Section 1. That Section 5.12.030 of the Eagle Municipal Code is hereby amended to read
as follows:

5.12.030 Duration of Incentives. The economic development assistance and incentives
established by this Chapter shall apply to buildings for which a complete application for a building
permit is submitted to the Town between September 1, 2006 and December 31, 2010.

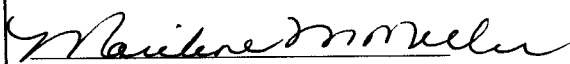
INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular
meeting of the Board of Trustees of the Town of Eagle, Colorado held on January 12, 2010.

TOWN OF EAGLE, COLORADO

By:


Ed Woodland, Mayor

ATTEST:


Marilene M. Miller, Town Clerk

Publication Date:

January 21, 2010

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

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING
SECTION 5.12.030 OF THE EAGLE MUNICIPAL CODE CONCERNING THE
DURATION OF THE ECONOMIC DEVELOPMENT ASSISTANCE FOR
BROADWAY REDEVELOPMENT PROJECTS.

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

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

Trustees voted "Aye":

Woodland, Kerst,
Hunn, Kostick,
_____, _____

Trustees voted "Nay":

Deane _____, Kinney _____,
Richards _____.

ORDINANCE NO. 36
(Series of 2006)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 5 OF THE EAGLE MUNICIPAL CODE BY ENACTING CHAPTER 5.12 CONCERNING ECONOMIC DEVELOPMENT ASSISTANCE FOR BROADWAY REDEVELOPMENT PROJECTS, AND AMENDING CERTAIN OTHER SECTIONS OF THE EAGLE MUNICIPAL CODE CONSISTENT THEREWITH.

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado desires to implement certain goals and policies of the Eagle Area Community Plan, a major component of the Town's Master Plan, by providing economic development assistance and incentives for the development and redevelopment of buildings containing retail sales and restaurant establishments which have frontage on Broadway; and

WHEREAS, the Board of Trustees finds and determines that the provision of economic development assistance and incentives for the development and redevelopment of buildings on Broadway is in the best interest of the public's health, safety and general welfare.

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

Section 1. That Title 5 of the Eagle Municipal Code is hereby amended to include a new Chapter 5.12 which reads as follows:

Chapter 5.12

ECONOMIC DEVELOPMENT ASSISTANCE FOR BROADWAY REDEVELOPMENT
PROJECTS

Sections:

- | | |
|----------|--|
| 5.12.010 | Purpose. |
| 5.12.020 | Eligible Property. |
| 5.12.030 | Duration of Incentives. |
| 5.12.040 | Periodic Reviews by Board of Trustees. |
| 5.12.050 | Declaration of Restrictive Covenant Required. |
| 5.12.060 | Waiver of Building Permit Fees |
| 5.12.070 | Waiver of Water and Wastewater Plant Investment Fees. |
| 5.12.080 | Grants for Preparation of Conceptual Architectural and Site Plans. |

5.12.010 Purpose. This Chapter is intended to encourage new commercial growth, especially retail sales and restaurant development, on Broadway by waiving certain fees payable to the Town, in whole or in part, and by authorizing grants for the costs of preparing conceptual architectural design and site plans for certain new development projects on Broadway. This Chapter implements certain goals and policies of the Eagle Area Community Plan, a major component of the Town's Master Plan, including:

A. Commercial activity should be expanded in "old town" Eagle, providing services and retail shops that are compatible with the current character and image of the Town;

B. Town zoning codes should be revised to focus development of small town service businesses such as walk-in restaurants, gift shops, business services and similar firms in downtown Eagle;

C. Diversification of the local economy should be encouraged;

D. Zone district regulations should be revised to focus small retail, entertainment and business services in the downtown area; and

E. The Town should remove barriers in the Municipal Code to infill and redevelopment projects; and

F. The Town should develop incentives to attract retail uses to the Central Business District (CBD).

5.12.020 Eligible Property. The economic development assistance and incentives established by this Chapter shall apply to all properties which abut Broadway in the 100, 200, 300 and 400 blocks of Broadway ("Eligible Property").

5.12.030 Duration of Incentives. The economic development assistance and incentives established by this Chapter shall apply to buildings for which a complete application for a building permit is submitted to the Town between September 1, 2006 and December 31, 2009.

5.12.040 Periodic Reviews by Board of Trustees. The Board of Trustees shall review the economic development assistance and incentives established by this Chapter to determine if such assistance and incentives should be terminated, continued, or expanded when the Town Administrator certifies to the Board of Trustees that the total cost to the Town of the economic development assistance and incentives established by this Chapter is five hundred thousand dollars (\$500,000.00). In addition, the Board of Trustees may periodically review the economic development assistance and incentives established by this Chapter to determine whether such assistance and incentives should be expanded to include additional properties, continued in the manner currently provided under this Chapter, or terminated. The Board of Trustees reserves the right to restrict, limit or terminate the assistance and incentives established in this Chapter at any time, in its sole discretion, without liability to any person. Provided, however, any such action shall not apply to Eligible Properties that have previously qualified for economic development assistance and incentives at the time any such action is taken by the Board of Trustees.

5.12.050 Declaration of Restrictive Covenant Required. Every owner of Eligible Property who receives a waiver of building permit fees pursuant to Section 5.12.060, or a waiver of water and/or wastewater plant investment fees pursuant to Section 5.12.070 shall execute a declaration of restrictive covenant and record such covenant in the records of the Eagle County Clerk and Recorder. The duration of the declaration shall be three (3) years and shall provide that notwithstanding the zoning provisions contained in Title 4 of the Eagle Municipal Code, only retail sales and/or restaurant uses shall be permitted on the ground floor of any building located on the Eligible Property. Such declaration shall be for the benefit of the Town of Eagle and may not be amended or repealed without the expressed written consent of the Town of Eagle. The form of the declaration shall be approved by the Town Attorney.

5.12.060 Waiver of Building Permit Fees. A. In the event a new building is constructed on an Eligible Property that contains only retail sales and/or restaurant uses on the ground floor, all building plan check and building inspection fees established pursuant to Section 13.13.080 of the Eagle Municipal Code shall be waived in full so long as a certificate of occupancy is issued for such building.

B. In the event an existing building located on an Eligible Property is remodeled to accommodate a change in use from a non-retail sales and/or restaurant use to a retail sales and/or restaurant use on the ground floor of such building, all building plan check and building inspection fees established pursuant to Section 13.13.080 of the Eagle Municipal Code associated with such remodeling shall be waived in full so long as a certificate of occupancy is issued for such remodeling.

5.12.070 Waiver of Water and Wastewater Plant Investment Fees. A. In the event a new building is constructed on an Eligible Property which contains only retail sales and/or

restaurant uses on the ground floor of such building, all water plant investment fees and tapping charges established pursuant to Sections 12.16.040 and 12.16.050 of the Eagle Municipal Code for such retail sales/restaurant uses (including any such uses which may be expanded to a floor other than the first floor) shall be waived in full for such uses. In the event such building also contains permitted non-residential uses above the ground floor, the water plant investment fees and tapping charges due and owing pursuant to Sections 12.16.040 and 12.16.050 of the Eagle Municipal Code shall be reduced by fifty percent (50%).

B. In the event a new building is constructed on an Eligible Property which contains only retail sales and/or restaurant uses on the ground floor of such building, all wastewater plant investment fees established pursuant to Sections 12.36.040 and 12.36.050 of the Eagle Municipal Code for such retail sales/restaurant uses (including any such use which may be expanded to a floor other than the first floor) shall be waived in full. In the event such building also contains permitted non-residential uses above the ground floor, the wastewater plant investment fees due and owing pursuant to Sections 12.36.040 and 12.36.050 of the Eagle Municipal Code shall be reduced by fifty percent (50%).

C. In the event additional water using fixtures are installed in an existing building located on an Eligible Property as a result of a change to, or expansion of, a retail sales and/or restaurant use on the ground floor of such building (including any such uses which may be expanded to a floor above the first floor) including the tenant finish of unoccupied spaces, a change of use in the existing building, and an addition to an existing building, the water plant investment fees and tapping charges established pursuant to Sections 12.16.040 and 12.16.050 of the Eagle Municipal Code shall be waived in full.

D. In the event additional water using fixtures are installed in an existing building located on an Eligible Property as a result of a change to, or expansion of, a retail sales and/or restaurant use on the ground floor of such building (including any such uses which may be expanded to a floor above the first floor) including the tenant finish of unoccupied spaces, a change of use in existing building, and an addition to an existing building, the wastewater plant investment fees established pursuant to Sections 12.36.040 and 12.36.050 of the Eagle Municipal Code shall be waived in full.

5.12.080 Grants for Preparation of Conceptual Architectural and Site Plans. If a building project located on an Eligible Property requires the issuance of a development permit pursuant to Chapter 4.06 of the Eagle Municipal Code, the owner of such Eligible Property, or its designee, may apply to the Town for a development assistance grant in an amount up to five thousand dollars (\$5,000.00) for the cost of preparing architectural design and site plans for the building project. The purposes of such grant shall be to better assure conformance with the Town's rules and regulations concerning architectural and site design standards; and to provide for a more expedient review process for issuance of the development permit. The Town Administrator is authorized to promulgate rules, regulations and application forms for such grants.

Any grant provided by the Town pursuant to this Section shall be conditioned on:

A. The conceptual architectural and site plans shall be prepared by an architect duly licensed by the State of Colorado.

B. The applicant and its consultants shall consult on a regular basis with the Town's Planning staff concerning development of conceptual plans during design of the project;

C. A development permit, building permit and certificate of occupancy are issued by the Town for such building project in accordance with applicable provisions of the Eagle Municipal Code and the Town's regulations; and

D. Grant monies shall be provided by the Town to the applicant on a reimbursement basis.

Section 2. That subsection (A) of Section 12.16.040 of the Eagle Municipal Code, concerning water system plant investment fees, is hereby amended to read as follows:

12.16.040 Plant Investment Fee and Tapping Charges – Building Permits. A. No tap fee shall be issued nor any tap commitment approved, except pursuant to subsections (B) and (C) of this Section, unless the tap commitment is approved, or the tap is issued and paid for pursuant to a phasing agreement, prepayment agreement, or other agreement with the Town to the contrary, unless said fee is waived or reduced pursuant to the provisions contained in Chapter 5.12 of the Eagle Municipal Code.

Section 3. That the first paragraph of subsection (A) of Section 12.16.050 of the Eagle Municipal Code, concerning water system plant investment fees and connection fees, is hereby amended to read as follows:

12.16.050 Plant Investment Fee and Connection Fees. A. No water shall be furnished to a consumer until the plant investment fee and tapping charges or other expenses have been paid to the Town, unless said fee and charges are waived or reduced pursuant to the provisions contained in Chapter 5.12 of the Eagle Municipal Code.

Section 4. That subsection (B) of Section 12.36.040 of the Eagle Municipal Code, concerning applications for connection to the Town's wastewater collection system, is hereby amended to read as follows:

B. No wastewater collection system connection permit shall be issued nor any connection commitment approved except as provided in this Chapter, unless the plant investment and connection fee is paid, or the connection permit is issued and paid for pursuant to a phasing agreement, or other agreement with the Town to the contrary, unless said fee is waived or reduced pursuant to the provisions contained in Chapter 5.12 of the Eagle Municipal Code.

Section 5. That Section 12.36.050 of the Eagle Municipal Code, concerning wastewater plant investment and connection fees, is hereby amended to read as follows:

12.36.050 Plant Investment and Connection Fee. No wastewater collection service shall be furnished to a consumer until the plant investment and connection fee and other applicable expenses have been paid to the Town, unless said fees are waived or reduced pursuant to the provisions contained in Chapter 5.12 of the Eagle Municipal Code. Unless waived or reduced, each applicant shall be required to submit plant investment and connection fees in the amount of three thousand five hundred dollars (\$3,500.00) per EQR, as established in accordance with the Table Equivalent Units contained in Section 12.16.060 of this Title.

Section 6. That the first sentence contained in subsection (A) of Section 13.13.080 of the Eagle Municipal Code, concerning building permit fees, is hereby amended to read as follows:

13.13.080 Building Permit Fees. A. The schedule of fees to be charged for the issuance of permits under this Title, unless waived pursuant to the provisions contained in Chapter 5.12 of the Eagle Municipal Code, are as follows:

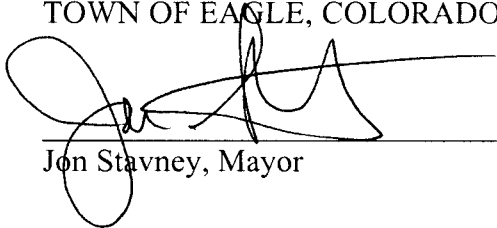
Section 7. Any Section, subsection, phrase, or portion thereof contained in the Eagle Municipal Code that conflicts with the terms and provisions of this Ordinance is hereby repealed to the extent such Section, subsection, phrase, or portion thereof, is in conflict with the terms and provisions of this Ordinance.

Section 8. The provisions of this Ordinance are severable and the invalidity of any Section, phrase, clause or portion of the Ordinance, as determined by a court of competent jurisdiction, shall not affect the validity or effectiveness of the remainder of this Ordinance.

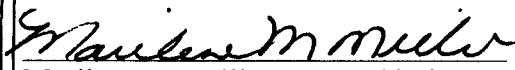
INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on November 28, 2006.

TOWN OF EAGLE, COLORADO

By:


Jon Stavney, Mayor

ATTEST:


Marilene M. Miller, Town Clerk

Publication Date:

December 7, 2006

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

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 5 OF THE EAGLE MUNICIPAL CODE BY ENACTING CHAPTER 5.12 CONCERNING ECONOMIC DEVELOPMENT ASSISTANCE FOR BROADWAY REDEVELOPMENT PROJECTS, AND AMENDING CERTAIN OTHER SECTIONS OF THE EAGLE MUNICIPAL CODE CONSISTENT THEREWITH.

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

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

Trustees voted "Aye":

<u>Stavney</u>	,	<u>Woodland</u>	,
<u>Bryant</u>	,	<u>Hunn</u>	,
<u>Kerst</u>	,	<u>Kinney</u>	,
<u>Richards</u>	,		

Trustees voted "Nay":

<u></u>	,	<u></u>	,
<u></u>	,		

ORDINANCE No. 12
(Series of 2013)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 12.16.050(A) OF THE EAGLE MUNICIPAL CODE CONCERNING DISCOUNTED WATER SERVICE PLANT INVESTMENT FEES AND SECTION 12.36.050 OF THE EAGLE MUNICIPAL CODE CONCERNING DISCOUNTED WASTEWATER SERVICE PLANT INVESTMENT FEES; AND DECLARING AN EMERGENCY

WHEREAS, the Board of Trustees of the Town of Eagle finds that it is necessary, appropriate and in the best interests of the inhabitants of the Town of Eagle to provide economic incentives to existing commercial businesses and new businesses in existing commercial buildings to expand and further develop such businesses; and

WHEREAS, the Board of Trustees finds and determines that it is necessary and appropriate to provide existing commercial businesses that desire to expand or further develop such businesses and new businesses who establish in an existing commercial building with discounted water service and wastewater service plant investment fees for a limited period of two (2) years.

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

Section 1. That subsection (B) of Section 12.16.050 of the Eagle Municipal Code, concerning water plant investment fees and connection fees, is hereby amended to read as follows:

B. For the purposes of plant investment fee computation, the following EQR shall be assessed:

Fee for each EQR unit where both the tap and points of consumption are located within the corporate limits of the Town:	\$7,000*
---	----------

*Any additional service or change in use for existing non-residential buildings and properties that nets additional EQR usage from the present EQR usage or previously paid for EQR shall be entitled to receive a discount of fifty percent (50%) of the payment for a supplemental plant investment fee. Such discounted supplemental plant investment fee shall expire on July 1, 2015, unless said term is extended by the Board of Trustees. Such discount shall not apply to the initial plant investment fee charged for a new water tap. Applicable commercial buildings must be in existence at the time this provision becomes effective and be located in a commercial zone district.

Fee for each EQR unit where the tap or any point of consumption are located outside of the corporate limits of the Town:	\$10,500
--	----------

Fractional EQR units shall be pro-rated on the above schedule.

Section 2. That Section 12.36.050 of the Eagle Municipal Code, concerning wastewater plant investment and connection fees, is hereby amended to read as follows:

12.36.050 Plant Investment and Connection Fee. No wastewater collection service shall be furnished to a consumer unless the plant investment and connection fee and other applicable expenses have been paid to the Town. Each applicant shall be required to submit plant investment and connection fees in the amount of ten thousand dollars (\$10,000.00) per EQR, as calculated in accordance with the Table of Equivalent Units contained in Section 12.016.060 of this Title. Provided, however, any additional service or change in use that nets

additional EQR usage from the present EQR usage or previously paid EQR for non-residential buildings and properties shall be entitled to receive a discount of fifty percent (50%) for such supplemental plant investment fee. Such discount shall expire on July 1, 2015, unless said period is extended by the Board of Trustees. Such discount shall not apply to the initial plant investment fee for a new wastewater tap.

Section 3. Declaration of Emergency.

The Board of Trustees finds and determines that this Ordinance is necessary to the immediate preservation of the public health, safety and welfare. Enhanced commercial activity and economic health in the Town of Eagle will benefit all of the residents of the Town. Immediately upon the effective date of this Ordinance, the Board of Trustees expects commercial businesses to take advantage of the discounted tap fees herein provided. Pursuant to Section 1-16-105 C.R.S., this Ordinance shall take effect immediately upon adoption if it is adopted by an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees of the Town of Eagle. In the event this Ordinance is adopted by less than an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees, this Ordinance shall become effective thirty (30) days following publication.

INTRODUCED, READ, PASSED, BY AN AFFIRMATIVE VOTE OF AT LEAST THREE-FOURTHS ($\frac{3}{4}$) OF THE MEMBERS OF THE BOARD OF TRUSTEES, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on May 28, 2013.

TOWN OF EAGLE, COLORADO

ATTEST:

By: Yuri A. Kostick
Yuri Kostick, Mayor

Marilene M. Miller
Marilene M. Miller, Town Clerk

Publication Date:

June 6, 2013

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

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 12.16.050(A) OF THE EAGLE MUNICIPAL CODE CONCERNING DISCOUNTED WATER SERVICE PLANT INVESTMENT FEES AND SECTION 12.36.050 OF THE EAGLE MUNICIPAL CODE CONCERNING DISCOUNTED WASTEWATER PLANT INVESTMENT FEES; AND DECLARING AN EMERGENCY

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

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

Trustees voted "Aye":

Knabel, Webster

Kostick, Kerst

Turnipseed, Resa

Trustees voted "Nay":

Absent: McKibbin



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 20, 2020

Agenda Item: Short Term Rental (STR) Policy Proposals

REQUEST:

Staff requests that the Board of Trustees reviews information on how the Town of Eagle could address a short-term rental policy.

INTRODUCTION:

In 2019, the Board of Trustees noted that we were collecting tax on a use that was not specifically ordained in the code. During the 2020 Budget Work session, the question was posed to staff to consider the revenue implications of a STR policy. After researching comparable communities to the Town of Eagle, staff held a discussion with the Planning and Zoning Commission to solicit feedback. The results of our research and community feedback are presented here.

ANALYSIS:

Staff reviewed the financial as well as public health, safety, and community impacts of an STR policy. The revenue projections below are determined through information provided by Host Compliance, a third-party compliance software company. An estimated 44 units fall within Town limits and rent at the average of \$135/day. These projections are based on an occupancy rate of 140 nights per year from an analysis by Evolve Vacation Rentals Network and a 90% compliance rate.

Type of Revenue	Revenue Collected (Yearly)
Business License (\$75/yr)	\$2,970
Sales Tax Collection (4.5%)	\$33,680
Lodging Tax (\$4/day)	\$23,760

Self-administration costs to the Town, compliance, and software costs for staff to oversee STRs have not been calculated but are anticipated to be significant. Many communities rely on software to collect taxes and/or fees from STRs, as well as process yearly license applications. The estimated cost of compliance software ranges from \$10,000 to \$25,000 per year.

Communities also regulate STRs to address health, safety, and welfare. For example, the Town of Fraser requires a local contact to address property problems within an hour and requires that adequate onsite

parking be provided for the property. Below is a table of best practices that exemplifies how regulations may align with community values.

The attached STR Matrix provides policy details of other cities in Colorado facing a growing number of STRs in their community.

<u>Common Short-term Rental Policy Objectives</u>	<u>Regulatory Best Practices</u>
○ Housing Availability	• Only allow permanent residents to operate Short-term Rentals
○ Neighborhood Preservation	• Disallow rentals in subsidized housing
○ Protect Quality of Life	• Set neighborhood quotas
	• Ban signs
	• Require adequate parking and garage disposal
	• Require hosts to post noise ordinance
○ Economic Development	• Require a local contact person
	• Encourage hosting in certain areas and time frames
○ Safety	• Require physical safety and habitability inspections

Source: Host Compliance

COMMUNITY INPUT:

The Planning and Zoning Commission held a discussion on STR policy during the 1/21/2020 meeting. The Commission raised concerns around the loss of residential and workforce housing as long-term rental units convert to STR. Additionally, there was concern around the impact on residential zones. It was noted that Eagle Ranch HOA prohibits STRs. In terms of revenue, Commissioners expressed interest in capturing sales and lodging tax from STRs. There was discussion about earmarking revenues collected from STRs for a housing program.

STR regulations were also discussed at the Marketing and Events Committee in August and have been a topic at other community forums in town. There are members of the community interested in economic development and tourism industries that would be impacted by a STR ordinance, as well as residents in neighborhoods with a distinct character that fear a change should their neighbors predominantly change from owner-occupied. Finally, hotels and other commercial lodging businesses in Town have expressed concern at the perceived inequity between the taxes they pay and contribute to the Town in comparison to what is viewed as a similar commercial use such as STR's.

BUDGET / STAFF IMPACT:

Currently, impact on staff and budget are minimal as we are still only reviewing policy.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

STR policy has the potential to meet all of the business values listed in the Town of Eagle Strategic Plan including sound planning, reliable and cost effective services, economic development, sound finances and increasing efficiency, protecting public health, safety, and the environment, and transparency and community engagement. Depending on the adopted policies, STR licenses can ensure scarce housing stock be maintained for permanent resident housing. Improving housing affordability and availability is listed as number 8 in the List of Major Objectives in the Strategic Plan.

RECOMMENDED ACTION OR PROPOSED MOTION:

Policy consideration and direction:

1. Set up a program to include application with fees and taxes – waiting for legal opinion
2. Notify third party STR vendors to remit taxes/fees to TOE
3. Develop policies in the LUC for SRT
4. Status quo

ATTACHMENTS:

- STR Ordinance Matrix.xlsx; Vacation Rental Performance Report; Short-term Rental Compliance Slide from Host Compliance.

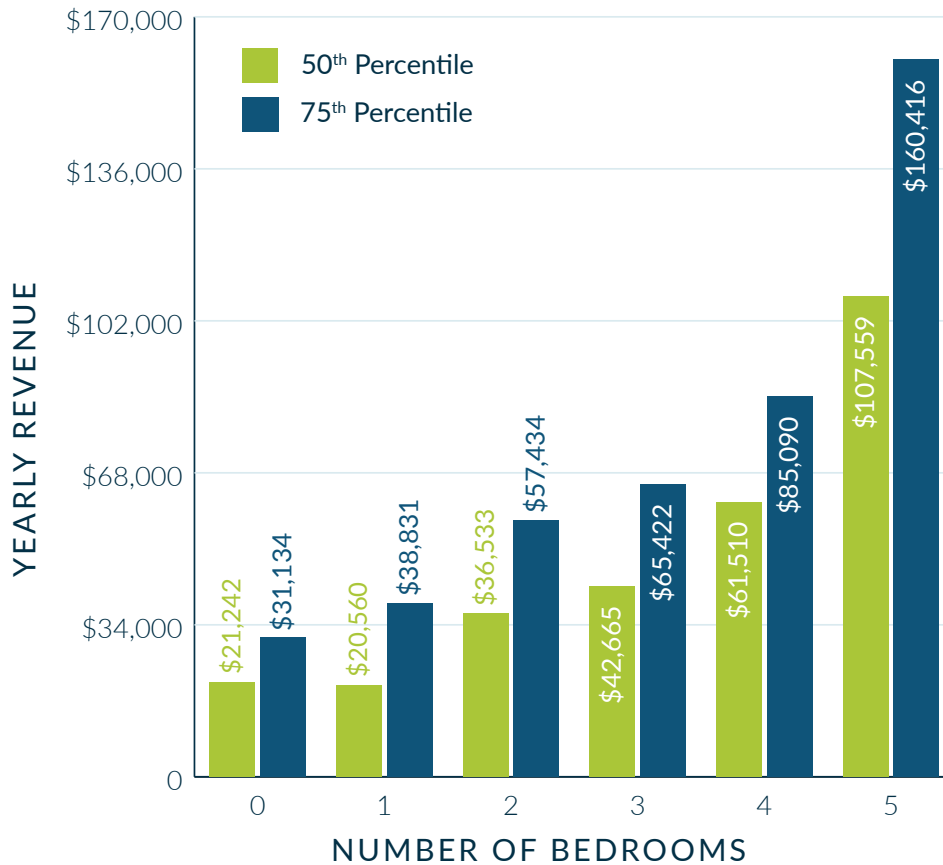
Short-Term Rental Property Ordinance Matrix - March 2019, Amended Nov. 2019

credits: Colorado Association of Ski Towns, CML, City of Fort Collins, Town of Eagle

City	Primary Residence Allowed	Non-Primary Residence Allowed	Which Taxes Required	Tax Collected: by Muni or Listing Agency	Licence Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees	Occupancy Requirement	Require a "local responsible party" for complaints?	Mandatory response time for the responsible party to address complaint?	Utilize a 24 hour call center?	Compliance Efforts?	Weblink to ordinance	Number of Listings
Avon	Yes	Yes	Sales tax	N/A	Yes, non-tranferrable	No	No	Short Term Overlay Districts- Primarily Town Core	Annual Business License is \$75	No	No	No	No	MuniRevs	http://www.avon.org/str	135
Basalt	Yes	May only be rented on a short-term basis with the primary residence	Sales tax	N/A	Business license, safety inspection, annually renewable	No	No on single family, max of 6 short-term rental allowed in multi-family buildings	No	\$150 annually	No more than 3 unrelated people	Resident or business owner in Roaring Fork Valley	N/A	No	N/A	https://www.basalt.net/Documents/Short-Term	n/a
Beaver Creek	No	Yes	5.35% Sales + .96% STR	By BCRC	Yes, annual Business License	No	No	No	\$200 annually	No	Yes	30 days	No	Host Compliance to find owners renting on their own who have not paid the proper tax/ assessment	http://beavercreekresort.com/short-term-rental	1200
Breckenridge	Yes	Yes	Sales tax	Municipality	Yes, non-tranferrable	No	No	None- unless deed restricted workforce housing, then prohibited	BOLT: \$75-\$175 annually/ Admin Fee: \$25-\$150 annually	No	Yes	60 minutes	Yes STR Helper	STR Helper	www.townofbreckendridge.com/shortterm	3781
Crested Butte	Yes	Yes	4.5% lodging sales tax and 5% Vacation Rental Excise tax, the excize tax collected is used to fund affordable housing projects	The Property owner or authorized agent is responsible for collecting and remitting taxes through the Town's on-line licensing and sales tax software program	Vacation Rental License@ Town of Crested Butte Business License both required	Yes, 100ft radius	No. The number is limited to 30% of total freemarket residential units in town located in permitted zone districts. Currently 213 unlimited vacation rental licenses can be issued	Yes. Restricted to permitted zones, Not allowed in deed restricted housing or ADU's that are required to be long-term rentals	Unlimiated Vacation Rental License fee: \$750/ yr. Primary residence License fee of \$200/yr with a maximum of 60 nights of rental per year	2 people per bedrom plus an additional 2 people for the unit with a maximum occupancy of 10 people. Occupancy over 10 people requires additional parking space be provided on site for every four additional people or part thereof.	Yes	1 hour	No. complaints can be lodged via phone or email to the Vacation Rental Inspector at Town Hall	STR Helper generates a monthly list of non-compliant properties based on our licensed properties	https://www.crestedbutte-co.gov/inddex.asp?SEC=0DA56E89-36E1-4A3A-8001-5F16483DEFCD&Type=B_BASIC	209 unlimited, 17 primary
Dillon	Yes	Yes	Sales tax	State collected sales tax but lodging tax remitted to town	yes, renew annually	No	No	No	\$50 annually	No	Yes	No	Yes	STR Helper	https://www.townofdillon.com/business-resources/dillon-short-term-rental-str	113
Durango	Yes	Yes	Sales/lodging	AirBnB collects for listings, taxes remitted to city by owner/ manager in other cases	Yes, non-tranferrable	Yes, 300ft radius	Yes, by zone including total number and by block face	Yes, only allowed in certain zones	\$750 first time and \$100 annually	No	Yes	N/A	No	HostCompliance	http://online.encodeplus.com/regs/durango-co/document-viewer.aspx#secid-273	93
Estes Park	No	Yes	Sales tax	N/A	Yes for in town with fee, operating permit for county with no fee	Yes	No	No	\$200 base + \$50 per bedroom	2 per bedroom, plus 2 up to 8. Large vacation home application available for homes larger than 3 bedroom	Yes	30 minutes- may be changed to 1h	Yes	HostCompliance	www.estes.org/businesslicensing	588 residential and 190 commercially zoned. Waiting list of 37
Fraser	Yes	Yes	Sales/lodging	Do not self collect	Registration	No	No	No	\$150	No	Yes	One hour	No	N/A	https://www.frasercolorado.com/303/Short-Term	
Frisco	Yes	N/A	Yes	N/A	Yes	No	No	No	\$75 business license	No	N/A	N/A	No	N/A	https://www.frisco.gov/document-viewer.aspx#secid-273	N/A
Georgetown	Yes	Yes	Sales/lodging	N/A	Yes, non-tranferrable	Yes	7% per town ward	No	\$500 first time, \$250 annually	Based on sq. ft, must be posted	Yes, within clear creek county	N/A	No	N/A	https://library.municode.com/co/georgetown/codes/municipal_code?nodeId=TIT5BULIRE_CH5.28SHRMREREST	N/A
Grand Lake	Yes	Yes	Nightly rental	Listing agency	Yes, renew annually	Yes	No	No	\$600 annually	No	Yes	15 min	No	STR Helper	http://www.townofgrandlake.com/short-term-rental	N/A
Silverthorne	Yes	Yes	Yes, annual str license in addition to requirement to remit sales & lodging tax to the town	Owners are responsible for collection/ remittance of taxes except for listings on AirBnB VCA with Airbnb. Sales and lodging tax due monthly to the Town of Silverthorne	Yes, short term rental license issued to property owner. Non-transferrable, renews annually on Dec. 1	Only in case of duplex	No	No	Tiered: Studio = \$100, 1br = 150, 2br=200, 3br=250, 4br+=300	Max advertised occupancy= 2/ bedroom+2	Yes	11pm-7am (60 min) 7am-11pm (30 min)	Yes	STR Helper	https://www.silverthorne.org/town-services/finance-administrative-services/business-liquor-licenses	100
Snowmass Village	Yes	Yes	3.5% sales/2.4% lodging	N/A	Yes, non-tranferrable	No	No	No	No	Yes, under the building code	N/A	N/A	No	N/A	https://www.tosv.com/Documents/Short-Term-Rental-Ordinance.pdf	N/A
Steamboat	Yes	Yes	Sales/lodging	Municipality	Sales tax license required; rental permit required for single family homes and duplexes in most zone districts	Yes for rental permits	No	No	\$50 Sales Tax Fee (one time, \$500 rental permit fee, \$75 annual renewal fee	1 per 200 sf; max 16	No	No	No	N/A	http://www.steamboatcolorado.com/DocumentCenter/View/260/short-term-rental-regs	171 active permits, approx 2386 listings in area
Telluride	Yes	Yes	Sales tax	N/A	Yes	No	No	Yes, restrictions in residential zone	\$165 base fee + 22 per bedroom	No	No	No	No	Yes	http://www.telluride-co.gov/DocumentCenter/View/260/short-term-rental-regs	547

Vail	Yes	Yes	Sales/lodging	Property owner or representative/ booking agency remits taxes	Yes, registration required per unit	Yes, for duplex neighbor only, proof of notification required	No	No	Tiered: 150 per unit for unmanaged, \$10 per unit for managed, \$5 per unit for condo/hotel managed (24x7 front desk)	Not permitted in employee housing units, more than three validated complaints in one year could cause revocation of registration for 2 years	Yes, local contact within 1h required, evidenced by copy of drivers license	60 min response time unless between 11pm-7am, then 30 min	STR Helper	STR Helper	https://www.vailgov.com/short-term-rentals	1650
Winter park	Yes	Yes	Sales tax	Municipality	Yes, non-tranferrable	No	No	No	\$60 annually	No	No	No	No	LodgingRevs	https://www.wpgov.com/198	N/A

YEARLY REVENUE BY PROPERTY SIZE



AVERAGE YEARLY OCCUPANCY AND AVERAGE DAILY RATE (ADR)

# Beds	DAYS	%	(ADR)
0	132	36%	\$208
1	177	48%	\$229
2	157	43%	\$397
3	132	36%	\$471
4	116	32%	\$658
5	135	37%	\$1,153

QUICK FACTS



AVERAGE DAYS BOOKED IN ADVANCE:

73 for high season* & **39** for low season*



AVERAGE LENGTH OF STAY:

5.2 for high season* & **3.5** for low season*

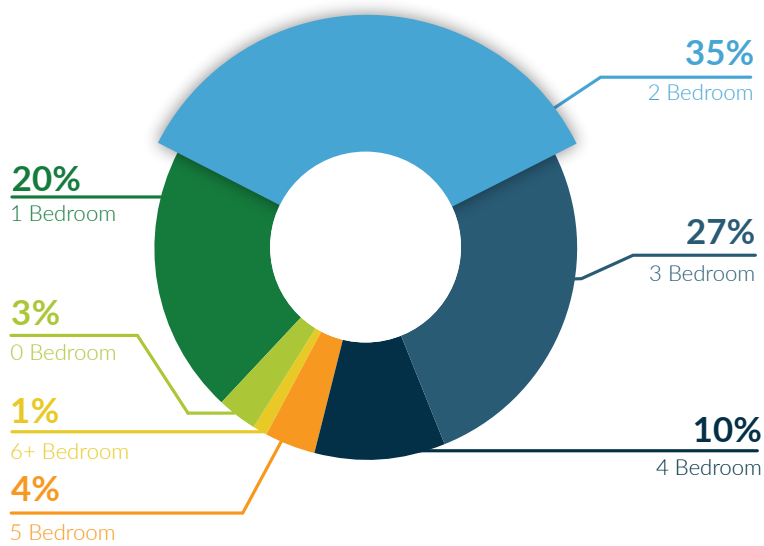


AVERAGE DAILY RATE:

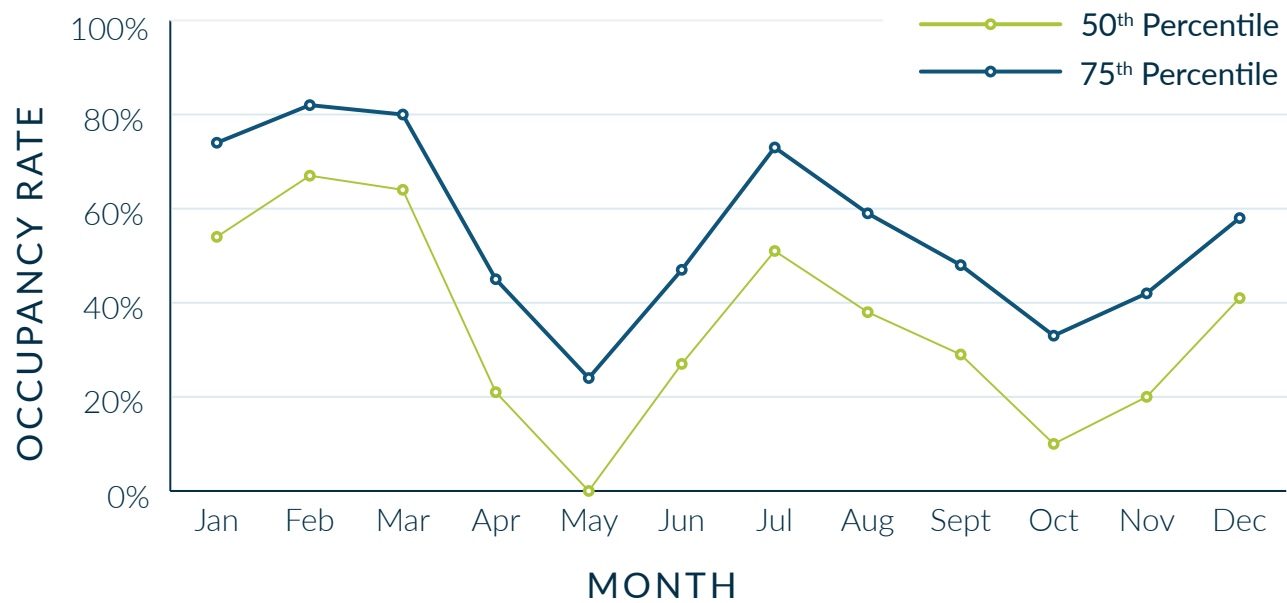
\$530 for high season* & **\$225** for low season*

* High and low seasons determined by highest 4 months and lowest 4 months of annual occupancy.

VACATION RENTAL INVENTORY BY BEDROOM



OCCUPANCY BY MONTH



CONTACT US TODAY TO GET STARTED!

877.881.7584

www.EvolveVacationRental.com

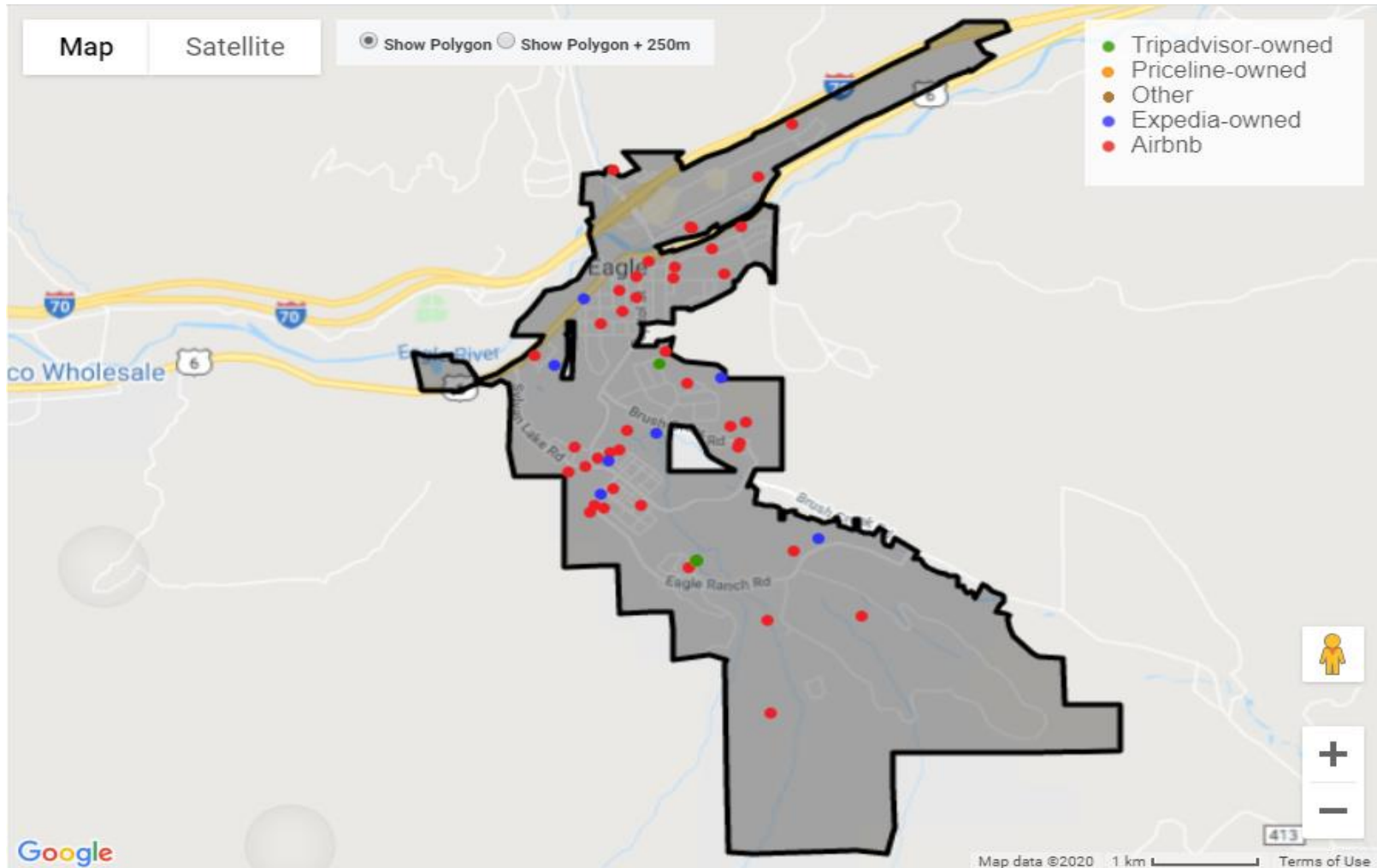
Evolve is different. We are redefining vacation rental management by providing homeowners with better performance, lower fees and unrivaled flexibility.

This report is not a guarantee or offer of performance by Evolve. The report is intended to show only an expected range of possible outcomes based on the historical average performance of the market area, is not exclusively based on actual Evolve customer accounts, and does not reflect the effect of future changes in material economic and market factors.

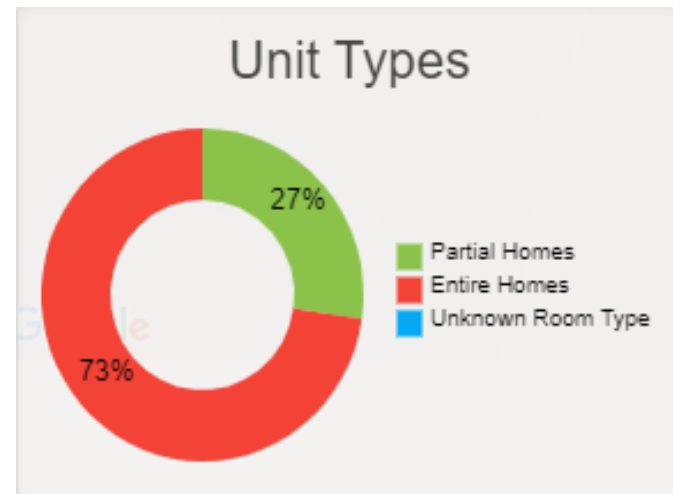
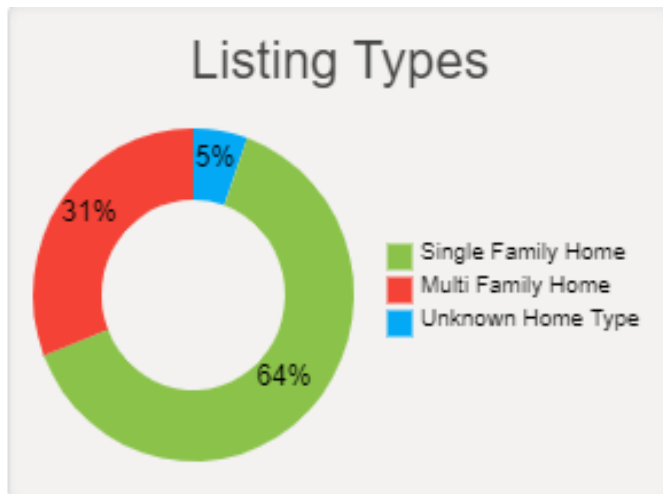
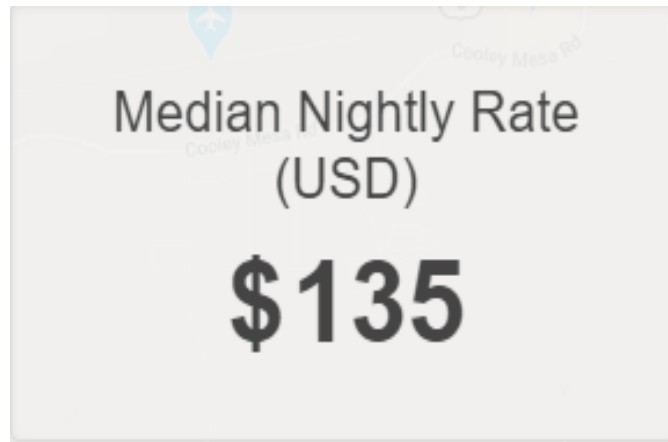
This report includes data for Vail and the surrounding areas of Beaver Creek and Avon.

...and in Eagle we have identified 55 listings, representing 44 unique rental units*

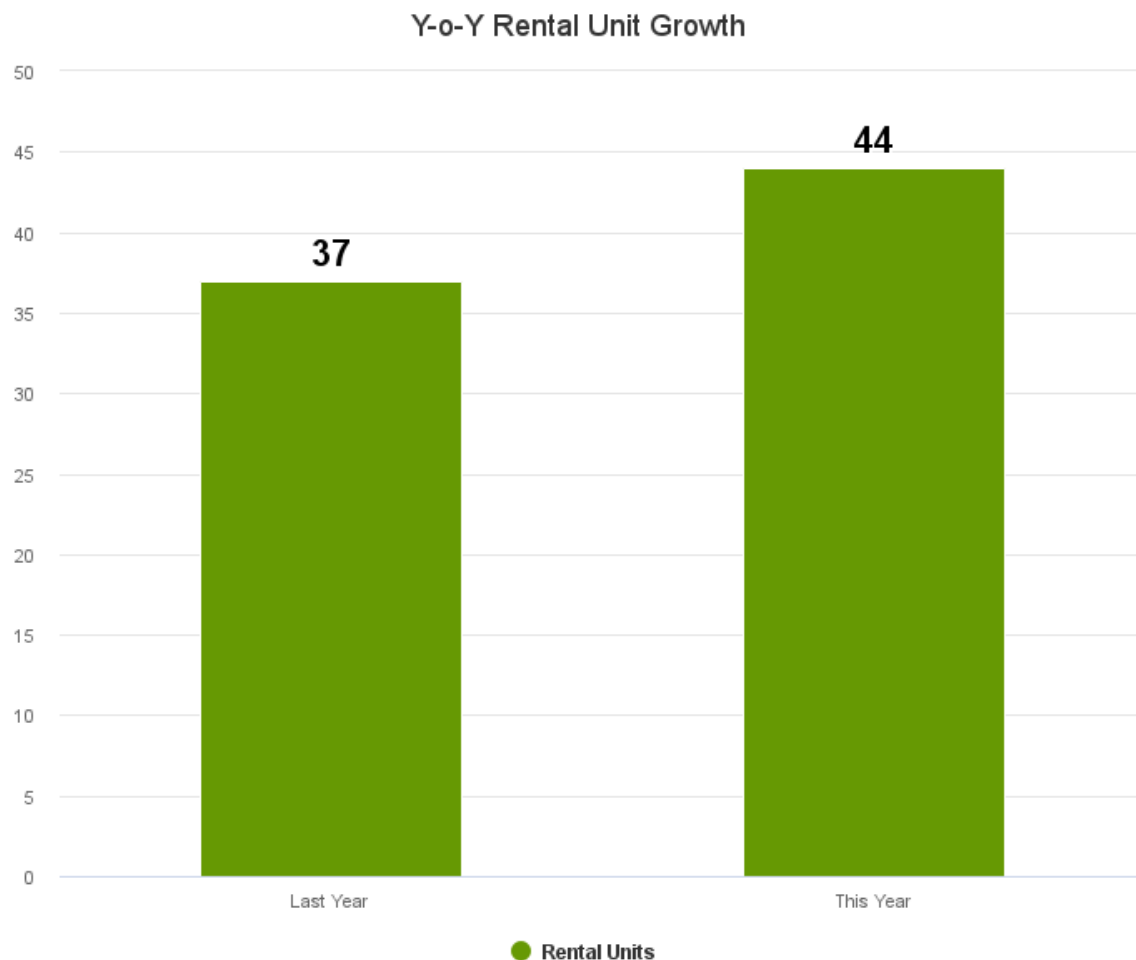
Short-term rentals in Eagle as of February, 2020



Eagle Data Details

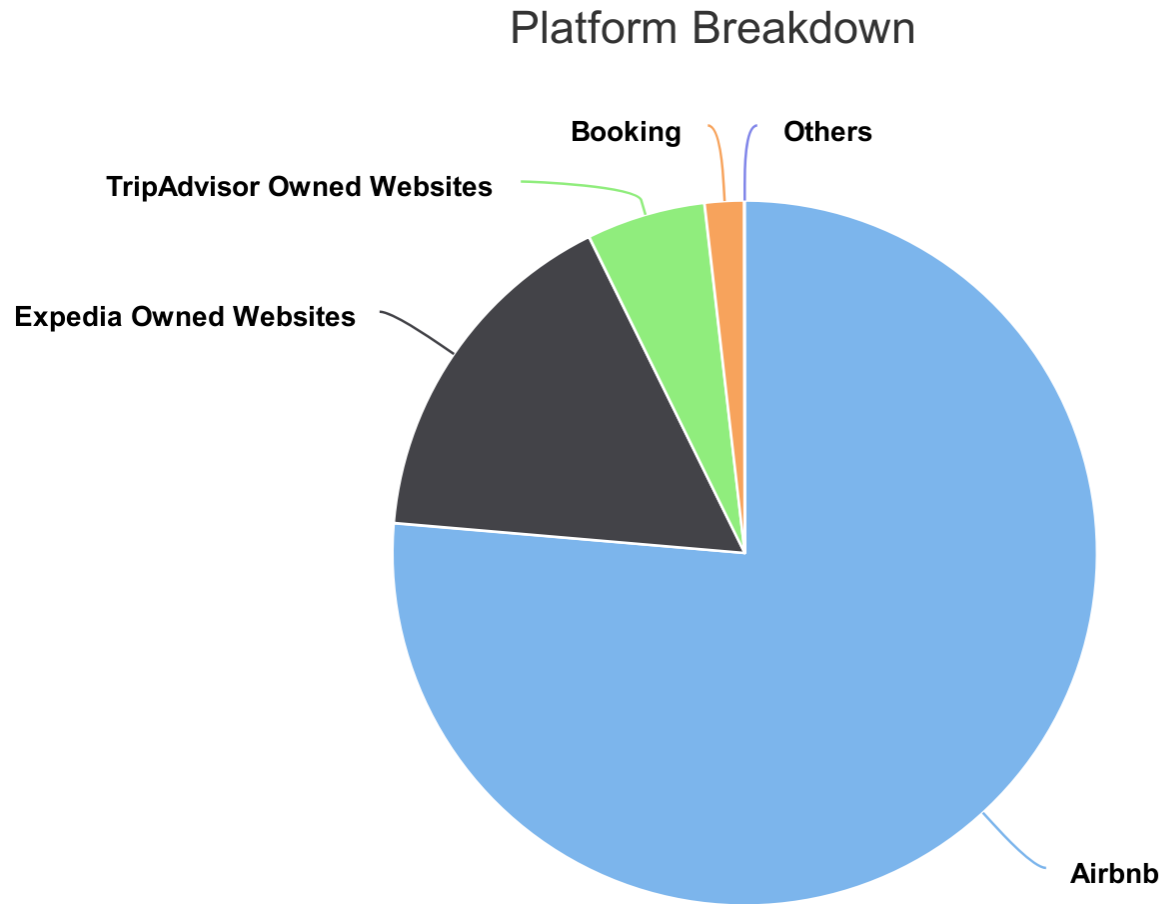


Counting only unique rental units, Eagle has seen 19% growth since last year



19%
*YoY Rental Unit
Growth*

Eagle's short-term rental listings are spread across a number of online platforms





To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 25, 2020

Agenda Item: Ordinance 05, Series 2020 "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Repealing and Reenacting Section 4.03.080 of the Eagle Municipal Code Concerning Land Use Application Fees and Costs."

REQUEST:

Staff requests that the Board of Trustees review an ordinance revising how Community Development handles pass through costs for developers.

INTRODUCTION:

The town collects deposits as part of the fees that are required for the review of various land use applications. The current process and code have resulted in confusion and inconsistencies in the application of the policy. The current code is [here](#). The town has also received negative feedback on how deposits are collected from developers. The purpose of amending this code section is to clarify the standard and process so that the policy can be applied fairly and consistently. This proposal is also business friendly compared to the processes in the past.

ANALYSIS:

Current Process:

- Staff collects a full deposit to bill against.
- In some cases, staff has doubled the amount of the deposit and holds on to it until the project is finished while billing against the first deposit.
- In some cases, staff has kept the deposits and bills directly and doesn't draw from the deposit.
- Reimbursable agreements do not reflect the code.

New Process:

- Staff collects 10% of the estimated pass through costs just in case a developer doesn't pay.
- Staff will bill the developer directly each month.
- If the developer is in good standing, their application will move forward.

COMMUNITY INPUT:

No community input is required, but this policy is a follow up to the concerns that Dave Dantas brought up at the end of the year about deposits.

BUDGET / STAFF IMPACT:

This policy will have a positive impact on staff time. Holding on to large amounts of money for extending periods of time requires significant tracking and accounting for money. The change in policy doesn't impact the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with any strategic objectives as it is an administrative procedure.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** adoption of Ordinance 05, Series 2020 "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Repealing and Reenacting Section 4.03.080 of the Eagle Municipal Code Concerning Land Use Application Fees and Costs."

ATTACHMENTS:

- Ordinance No. 05, Series 2020

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 05
(Series of 2020)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO REPEALING AND REENACTING SECTION 4.03.080 OF THE EAGLE
MUNICIPAL CODE CONCERNING LAND USE APPLICATION FEES AND COSTS

WHEREAS, the Board of Trustees finds and determines that the method by which the Town imposes land use application fees and recovers pass-through costs is in need of amendment.

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

Section 1. Section 4.03.080 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 4.03.080. – Fees and costs.

A. *Application fees.* Application fees shall be established by the Board of Trustees by resolution. Application fees shall be based on the cost of Town staff time and administrative costs associated with the processing of applications. The application fee shall be paid in full at the time of the filing of the application and nonpayment shall render an application incomplete. Application fees are nonrefundable.

B. *Pass-through costs.* The applicant shall reimburse the Town for all actual costs incurred by the Town for work performed by consultants or contractors engaged by the Town to review the application and related documents, including without limitation the Town Attorney, the Town's water attorney, planning consultants and engineering consultants.

1. *Deposit.* For more complex applications, as determined by the Town Planner, a deposit may be necessary to cover pass-through costs incurred by the Town. The applicant shall submit a deposit to the Town in an amount equal to ten percent (10%) of the of total estimated pass-through costs, as determined by the Town Planner in the Town Planner's sole and reasonable discretion. The Town shall return any such deposit to the applicant within thirty (30) days of final disposition or withdrawal of the application, less any unpaid pass-through costs.

2. *Monthly billing.* The applicant shall be billed on a monthly basis by the Town for all pass-through costs incurred by the Town during the prior month.

3. *Payment.* Full payment of pass-through costs shall be due within seven (7) days of receipt of an invoice from the Town. Until all outstanding pass-

through costs are paid, the Town may delay consideration of the application or withhold the recording of any subdivision plat. In addition, any ordinance or resolution approving an application shall not become effective until such costs are paid in full.

C. *Unpaid fees.* All unpaid application fees and pass-through costs shall constitute a lien upon any lot, land, building or premises which is the subject of an application until paid in full. The Town Treasurer may certify the amount of the same to the County Treasurer to be placed on the tax list for the current year and to be collected in the same manner as other taxes are collected, with eighteen percent (18%) interest added thereto to defray the costs of collection, in accordance with C.R.S. § 31-20-105. All laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.

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 Board of Trustees 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.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON FEBRUARY 25, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: February 25, 2020

Agenda Item: Resolution 10, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Bill Nutkins, Brent Mcfall, Robert Townsend and Lani Webb to Fill Vacancies on the Town of Eagle Planning and Zoning Commission."

REQUEST: Due to three terms expiring, the Town Board of Trustees is requested to review and consider the proposed Resolution for appointments to the Planning Commission. Staff has included all applicants submissions of interest and resumes.

BACKGROUND: Jason Cowles (Chair), Stephen Richards (Vice-Chair) and Brent McFall have expiring terms as of February 28, 2020. Brent McFall is seeking reappointment to the Planning Commission; however, Jason Cowles and Stephen Richards are not seeking reappointment on the Town of Eagle Planning and Zoning Commission.

The positions of regular members have been advertised in the Vail Daily, on the Town's website and social media seeking applicants. Three applications were received in interest for the positions by Robert Townsend, Lani Webb and Benjamin Winkeller; along with Bill Nutkins and Brent McFall also seeking interest. All interested applicants were reviewed by the Planning Commission at their regular meeting held on February 18, 2020.

The Planning Commission unanimously voted to recommend to reappoint Brent McFall and Bill Nutkins to a regular member. They also recommend Lani Webb to serve as a regular member and Robert Townsend to serve as First Alternate with a vote of 5-2. There are two members with terms expiring later in 2020 that will need appointment by the Town Board (Charlie Perkins and Kyle Hoiland).

ANALYSIS: The Town Board is authorized by Section 2.24 of the Eagle Municipal Code to appoint the Planning Commission, specifically: subsection (A) of Section 2.24.020 of the Eagle Municipal Code provides that the Town Planning and Zoning Commission shall consist of seven members appointed by the Board of Trustees. The term of each appointed member of the Commission shall be for four years or until his successor takes office and, subsection (D) of Section 2.24.020 of the Eagle Municipal Code provides that if the vacancy is of a regular member, the First Alternate shall fill the remainder of the unexpired term and a new First Alternate shall be appointed by the Board of Trustees.

The Planning Commission appointed Brent McFall as the interim Chair for their next meeting on March 3, 2020. The Commission will appoint the permanent Chair and Vice Chair as their first order of business.

COMMUNITY INPUT: By advertising for these positions, the community was asked to apply for these positions. The commission was very pleased to have three qualified candidates seeking interest in appointment.

BUDGET / STAFF IMPACT: None.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: None directly, the Planning Commission supports the Town's

strategic plan when reviewing applications.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY Resolution 10, Series 2020 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado, Appointing Bill Nutkins, Brent Mcfall, Robert Townsend And Lani Webb To Fill Vacancies On The Town Of Eagle Planning And Zoning Commission.

Proposed Planning and Zoning Commission with Terms

Name	Term Start	Term Expiration
Brent McFall	2/28/2020	2/28/2024
Kyle Hoiland	9/27/2016	9/27/2020
Charlie Perkins	6/12/2016	6/12/2020
Jesse Gregg	7/22/2018	7/22/2022
Matthew Hood	7/22/2018	7/22/2022
Bill Nutkins	2/28/2020	2/28/2024
Robert Townsend (First Alternate)	2/28/2024	7/22/2022
Lani Webb	2/28/2024	2/28/2024

ATTACHMENTS:

1. 10 Planning commission vacancy appointments
2. P&Z Applicants

RESOLUTION NO. 10
(Series of 2020)

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO, APPOINTING BILL NUTKINS, BRENT MCFALL, ROBERT TOWNSEND
AND LANI WEBB TO FILL VACANCIES ON THE TOWN OF EAGLE PLANNING AND
ZONING COMMISSION.**

WHEREAS, Jason Cowles, Stephen Richards and Brent McFall have expiring terms as of February 28, 2020. Brent McFall is seeking reappointment to the Planning Commission; however, Jason Cowles and Stephen Richards are not seeking reappointment on the Town of Eagle Planning and Zoning Commission; and

WHEREAS, Bill Nutkins is currently serving as the First Alternate for the Town of Eagle Planning and Zoning Commission and seeks to be appointed as a regular member for a four-year term; and

WHEREAS, the positions of regular members have been advertised in the Vail Daily, on the Town's website and social media seeking applicants; and

WHEREAS, three applications were received in interest for the positions by Robert Townsend, Lani Webb and Benjamin Winkeller; along with Bill Nutkins and Brent McFall also seeking interest;

WHEREAS, all interested applicants were reviewed by the Planning Commission at their regular meeting held on February 18, 2020 and;

WHEREAS, the Planning Commission is recommending to the Town Board of Trustees that Brent McFall, Bill Nutkins and Lani Webb serve as a regular members and Robert Townsend serve as first alternate and;

WHEREAS, subsection (A) of Section 2.24.020 of the Eagle Municipal Code provides that the Town Planning and Zoning Commission shall consist of seven members appointed by the Board of Trustees. The term of each appointed member of the Commission shall be for four years or until his successor takes office; and

WHEREAS, subsection (D) of Section 2.24.020 of the Eagle Municipal Code provides that if the vacancy is of a regular member, the First Alternate shall fill the remainder of the unexpired term and a new First Alternate shall be appointed by the Board of Trustees.

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

Section 1. That Bill Nutkins, Brent McFall and Lani Webb are hereby appointed to the Town of Eagle Planning and Zoning Commission as regular members with terms to begin on February 28, 2020 and ending February 28, 2024 and Robert Townsend to serve First Alternate to fulfill the remainder of the term to begin on February 28, 2020 and ending July 24, 2022.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on February 25, 2020.

TOWN OF EAGLE, COLORADO

By: _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



AMENDED MEMORANDUM

TO: Planning & Zoning Commission
FROM: Department of Community Development
DATE: February 18, 2020
RE: Planning & Zoning Commission Member Appointments

Background

Three of the current Planning & Zoning Commission member's terms expire on February 28, 2020, including Chairman Jason Cowles, Stephen Richards, and Brent McFall. Mr. McFall has expressed interest in continuing to serve on the P&Z, while Mr. Cowles and Mr. Richards have indicated they do not wish to be considered for another term. In addition to Mr. McFall expressing his interest to continue to serve on the Commission, the current Alternate, Bill Nutkins, has also expressed interest in becoming a regular member.

Town staff has reached out to the public to recruit citizens that may be interested in serving on the P&Z as well, and has received two interested applicants, Benjamin Winkeller and Robert Townsend. The applications and resume's of Mr. Winkeller and Mr. Townsend are attached for your review. In addition, both applicants have been invited to attend the upcoming meeting if at all possible, though their presence is not required.

A third application was submitted over the weekend, and I am attaching her application and resume for consideration.

Future Organizational Items to Be Addressed

At the first P&Z meeting in March 2020, the Commission will need to elect its Chairman from the appointed members, and create/fill any other offices as it may determine. The term of the Chairman shall be one year, with eligibility for re-election. Staff recommends that the Commission also consider filling a position of Vice-Chair, so in the absence of the Chairman, there is someone to run the meeting. We will include these action items on the March agenda.

Consideration

The Planning & Zoning Commission needs to provide a recommendation to the Town Board for new appointments to the Commission. Currently, there are three regular commissioner terms to be filled. The recommendation by the Commission will be made to the Town Board of Trustees for appointment at the February 25th, 2020 meeting. The following provides an example motion:

Recommend to the Town Board of Trustees that _____, _____, and _____ be appointed to the Town of Eagle Planning and Zoning Commission as regular members with terms to begin on February 28, 2020 and ending February 28, 2024, and _____ to be appointed to serve as the First Alternate to fulfill the remainder of the term to begin on February 28, 2020 and ending July 24, 2022.

Print

**Town Board (vacancies only), Commission or Committee Application Form -
Submission #1474**

Date Submitted: 2/6/2020



Select the Board, Commission, or Committee applying for*

Planning & Zoning Commission ▼

PERSONAL INFORMATION

First Name*

Robert

Last Name*

Townsend

Address1*

732 Prince Alley

Address2

City*

Eagle

State*

CO

Zip*

81631

Email Address*

4towns@gmail.com

Contact Phone Number*

859-391-9694

Business Address**Business Phone Number****Occupation****RESIDENCY INFORMATION****Length of Residency in Eagle**

22 months

Are you a registered voter

☒ Yes

☐ No

EDUCATION AND HOBBIES**High School**

Dixie Heights

College

Northern Kentucky University

Trade or Business School

Hobbies

Skiing, Biking, Hiking

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?

☒ Yes

☐ No

If yes, which

Sunriver Condominiums HOA Avon, CO

Please list organization memberships and positions held

Retired Public Works Director-Provided staff support to City of Florence's Planning and Zoning committee and provided plan review of all City projects. Worked with Boone County Planning and Zoning on the Comprehensive Plan update.

Please List Areas of Special Interest

Interested in the Town's success and prosperity through aesthetics, maintenance and proper development.

PLANNING COMMISSION QUESTIONS

1. What opportunities does the Town of Eagle have?

To ensure all development/redevelopment projects reflect the Town's vision now and in the future.

2. What challenges currently exist in the Town of Eagle?

Balancing development/redevelopment projects need for success against the impacts on neighboring properties, Town's vision and environmental/infrastructure impacts.

3. As a Commissioner, how would you approach these challenges?

Work within the rules and regulations of the Town Code to ensure the best project is developed while continuing to evaluate existing code and regulations to ensure they provide the vision the Town has established now and in the future.

Attach Resume

PZResume.pdf

Please attach resume in .pdf format.

Robert W. Townsend
732 Prince Alley
Phone: 859.391.9694
Email: 4towns@gmail.com

Objective: To provide public service to my community.

Work Experience:

Vail Resorts
Avon, CO

Dates: 02/2014 – Present
Part-time Employee

Parking Lot Attendant

The City of Florence
Florence, KY
Director of Public Services

Dates: 07/1999 – 08/2013

Duties:

Responsible for the complete oversight of the 65 person public services department.

The City of Florence
Florence, KY
Public Services Superintendent

Dates: 04/1993 – 07/1999

Duties:

Responsible for the maintenance operation of the public services department.

Education:

Northern Kentucky University
Bachelor of Science
Construction Management

References: Available upon request

Print

**Town Board (vacancies only), Commission or Committee Application Form -
Submission #1504**

Date Submitted: 2/13/2020



Select the Board, Commission, or Committee applying for*

Planning & Zoning Commission ▼

PERSONAL INFORMATION

First Name*

Benjamin

Last Name*

Winkeller

Address1*

172 Longview Ave

Address2

PO Box 5874

City*

Eagle

State*

CO

Zip*

81631

Email Address*

keegan@bkwarch.com

Contact Phone Number*

970-306-2175

Business Address

172 Longview Ave

Business Phone Number

970-306-2175

Occupation

Architects

RESIDENCY INFORMATION**Length of Residency in Eagle**

8 years

Are you a registered voter

☒ Yes

☐ No

EDUCATION AND HOBBIES**High School**

Battle Mountain

College

University of Colorado at Boulder

Trade or Business School

Hobbies

Running, Kayaking, Skiing

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?

☐ Yes

☒ No

If yes, which

Please list organization memberships and positions held

As a new business this is my first opportunity to be part of an organization outside of my full time employment.

Please List Areas of Special Interest

Architecture, Planning and Construction

PLANNING COMMISSION QUESTIONS

1. What opportunities does the Town of Eagle have?

The Town of Eagle is an engaged, family-friendly community that provides an amazing mountain lifestyle. Nearby ski resorts like Vail and Beaver Creek, Eagle also has world class mountain biking, hiking, fishing, camping and even a whitewater park in our back yard. News is spreading providing a huge opportunity for the heart of Eagle to grow.

2. What challenges currently exist in the Town of Eagle?

The Town of Eagle is a growing community, however it seems the boundaries (Reserve at Hockett Gulch for example) are developing at a faster rate than the city centers. Capital has too many vacant street-level storefronts and Broadway has buildings that are falling apart. This atmosphere isn't appealing to business owners looking for space. These core centers should be full of retail shops, restaurants and daily visitors.

3. As a Commissioner, how would you approach these challenges?

As a Commissioner, my largest goal will be to create a unique downtown atmosphere similar to Salida, Carbondale and Glenwood Springs. I believe this can be done by:

1. I will push for town legislation that provides incentives to developers to improve their buildings in the heart of Eagle creating a unique charm for locals and visitors to enjoy.
 2. Elevate support for existing building owners on Capitol and Broadway to fill their street level storefronts with retail/restaurant spaces that will add energy in the heart of Eagle. I will explore ways in which we can discourage building owners from having vacant storefronts for extended periods of time.
 3. I will explore ways in which local businesses can engage and capitalize on our community events.
- With a strong town core, we will have a greater sense of community and connection. Limiting sprawling development would protect our finite mountain resources that draw people to our community for both short and long-term stays.

Attach Resume

Keegan Winkeller Resume.pdf

Please attach resume in .pdf format.

B. KEEGAN WINKELLER, ARCHITECT

0172 Longview Ave, Eagle, CO 81631 | (970)306-2175 | keegan@bkwarch.com

DESIGN THEORY

My passion for design draws from a diverse experience in world travel, art and construction resulting in high-quality, well balanced and cost-effective design solutions. My distinctive projects integrate timeless, bold designs infused with contemporary influences and make people more attuned with their mountain surroundings. I encourage collaboration and carefully curate functional homes that inspire a balanced lifestyle.

COMPUTER SKILLS

Proficient in AutoCAD, Revit, 3D Studio Max, Indesign, Photoshop, Acrobat, Word, Excel, and Bluebeam. Capable of self-learning computer programs with minimal learning curve.

EXPERIENCE

- | | | |
|-----------------------------|---|--|
| July 2019- Present | Owner/Principle, BKW Architects, LLC | <i>Eagle, Colorado</i> |
| | <ul style="list-style-type: none">· Specializing in high end custom residential homes throughout the US and the Caribbean. Designing luxurious resort homes with a common goal to bring balance to each unique project and site. Utilizing latest technology for better client communication and simplified design process.· Creating comprehensive construction documents | |
| February 2005-
June 2019 | Architect/Project Manager, Berglund Architects, LLC | <i>Edwards, Colorado</i> |
| | <ul style="list-style-type: none">· Manage the architectural design process for high end custom residential projects from Conceptual Design to Construction Documents and Construction Observations.· Responsible for client relations and design approvals for all levels of local jurisdictions· Managed interoffice organization, architectural drafting standards, billing, in-house IT repair and coordination, and training | |
| October 2000- May
2007 | Sergeant of Marines, U.S. Marine Corps | <i>Buckley Airforce base, Aurora, Colorado</i> |
| | <ul style="list-style-type: none">· Deployed to Iraq in 2006-2007 for Operation Iraqi Freedom.· Attached to 4th Civil Affairs Group (CAG) to work with the Iraqi people to provide them with everything they need to survive and redevelop the Iraqi infrastructure.· Worked with local contractors to develop water treatment plants, medical facilities, school, and electrical infrastructure. | |
| May 2000 - August
2004 | Journeyman Carpenter, Wink Construction | <i>Vail, Colorado</i> |
| | <ul style="list-style-type: none">· Specializing in remodel construction, tasked with foundations, framing, and finish carpentry· Always completed projects ahead of schedule or on time | |

EDUCATION

2001-2005	Environmental Design with emphasis in Architecture, University of Colorado, Boulder, Colorado
-----------	---

2015	Licensed Architect, AIA, Colorado
2018	Certified Quality Assurance Technician, CQAT

REFERENCES

Stephanie Lord-Johnson	Principle - Berglund Architects, LLC (970)471-2348 stephanie@berglundarchitects.com
John Perkins	Principle - JMP Architects, LLC (970)471-2348 perk.jmparchitect@gmail.com

Lani Webb

P.O. BOX 3475, EAGLE, CO • 81631 • 970.331.1258 • <https://www.linkedin.com/in/lani-webb-8270b37>

PROFILE

Dynamic and motivated management professional with superb skills in customer service, sales support, office administration, business computing, management, and general accounting. Developed and implemented all company print, point-of-sale, and digital advertising with a budget of \$100,000 for top-producing Eagle County real estate firm. Personally produced over \$8.3 million in sales for a company in role as office manager, listing agent, and broker associate. Short sale & REO properties experience closing 321 short-sale and REO properties resulting in \$105MM in five counties. Passionate about baking, I had my own cheesecake company in Denver. I'm a third-generation descendent of Hawaii when it was still a territory. My great-grandfather started the athletic program at Hawaii University. Naturally I have a special bond to Hawaii.

CAREER SUMMARY

Management & Leadership

- Supervisor and managing staff since 2000 (up to 10)
- 20 years strategy experience
- Administered large budgets for 20 years (up to \$1.2 million)
- Performed accounting activities for 20 years
- **Staff Training:** Patient and precise training of new employees, developing training materials and conducting informal training sessions on Microsoft Excel®, Word®, Access®, sales and customer service, and general office administration

Skills

- **Business Communications:** articulate, direct, and professional interpersonal style, working effectively with colleagues and customers of all backgrounds and cultures
- **Technical Proficiencies:** Microsoft® Windows® operating system 1997, 2000, XP and 7; Microsoft® Office® (advanced in Word, Excel, Publisher, and proficient in Access); advanced in MLS system, QuickBooks, Peachtree Accounting, various real estate programs, website development, and Internet navigation
- **Productivity:** Superb planning and organization skills. Proven ability to prioritize, delegate, and accomplish heavy workloads in demanding, accuracy-oriented environments

Sales & Business Development

- **Achievement-Focused:** Recognized by managers as a "go to" person who takes initiative, makes effective business decisions, and follows through
- 14 years of sales experience in commission sales

Associations

- Member, Vail Board of Realtors, 2006-present
- Member, Piñon Valley HOA board, 2009 – 2011

WORK HISTORY

MERCURY ALLIANCE MOUNTAIN PROPERTIES

Broker/Owner

Avon, CO

3/10 – present

- Manage a staff of 4 while actively selling distressed properties and managing all paperwork and expenses
- Closed 341 properties totaling \$105,075,206 in five counties
- Manage expenses including utilities, repairs, liens, HOA dues, etc. for each of those 341 sales in average of \$600,000 per year in addition to managing the transaction from list to sale

Lani Webb

P.O. BOX 3475, EAGLE, CO • 81631 • 970.331.1258 • <https://www.linkedin.com/in/lani-webb-8270b37>

VAIL MOUNTAIN REALTY

Office Manager/Listing Manager/Broker Associate

Eagle, CO

2006 – 01/10

- Managed all administration functions with a direct accountability for a staff of 7-10 for two extremely busy residential real estate offices
- Hired, trained, and managed administrative and sales staff members
- Personally produced over \$4.3 million in sales for the company
- Oversaw all company sales, customer service, marketing, and accounts payable
- Developed and implemented all company print, point-of-sale, and web-based advertising a budget of \$100,000 while consistently staying ahead of the competition in state-of-the-art technology and breakthrough marketing techniques
- Entered and managed clients' properties on various real estate applications including MLS, coordinated closings, customer service, property showings, created comparative market analyses, sales, and corporate accounting

ASSIST 2 SELL, BUYERS & SELLERS REALTY

Office Manager/Licensed Assistant/Broker Associate

Castle Rock, CO

2001 – 2006

- Managed all administrative functions with a direct accountability for a staff of 4 for a busy residential real estate office
- Hired, trained, and managed administrative staff members
- Provided sales support for 5-10 real estate agents, including processing contracts and working with title companies
- Entered and managed client's properties, created comparative market analyses, submitting broker price opinions, and corporate accounting

FAST TRAC BUILDINGS, INC.

Advertising Manager/Office Manager

Greenwood Village, CO

2000 - 2001

- Managed all administrative functions with a direct accountability for a staff of 5 for a manufacturer of steel buildings used in commercial and residential applications
- Developed and implemented radio, point-of-sale and print advertising campaigns a budget of \$1.2 million
- Hired and trained administrative staff members
- Provided sales support for an inside department of 30, including contract development and sales order administration
- Oversaw sales, customer service, customer correspondence, business banking, accounts payable, and accounts receivable
- Assisted corporate accountant with budget development and reporting

EDUCATION & TRAINING

- **Kaplan Professional School**, Broker Associate License, February – April 2006. Passed Colorado State broker exam April 2006
- **Van Education Center**, Managing Brokers License, May 2018. Passed Colorado State managing broker exam.
- **Toastmasters International**, 2004 – present, continuing education for public speaking, effective communication skills, and to better lead and manage teams
- **Employer-sponsored training** in management, office administration, Peachtree Accounting, QuickBooks, Microsoft Access, Word, Excel, Publisher, Print Shop, Adobe Print Shop, and website development

Lani Webb

P.O. BOX 3475, EAGLE, CO • 81631 • 970.331.1258 • <https://www.linkedin.com/in/lani-webb-8270b37>

- **Colorado State University**, Certified Family Leader, January 2020-present. Family Leadership Training Institute community leadership class that focuses on training individuals to have the civic skills they need to make a difference in the community and make it a better place.

VOLUNTEER ACTIVITIES

- Volunteer, Children's Hospital
 - Extraordinarily connected to Children's Hospital
 - Active volunteer and frequent visitor to two special patients: a family member's son receiving cancer treatment and my best friend's son receiving care treating a brain injury
- My husband and I collect blankets, children's items, etc. when we travel to other countries & donate to children at foundations or shelters in need.
- Founder the Avery Muma Foundation in 2013
 - Organized & threw two benefits for the foundation with over 250 attending, raising over \$30,000

Print

**Town Board (vacancies only), Commission or Committee Application Form -
Submission #1507**

Date Submitted: 2/15/2020



Select the Board, Commission, or Committee applying for*

Planning & Zoning Commission ▼

PERSONAL INFORMATION

First Name*

Lani

Last Name*

Webb

Address1*

103 Brush Creek Ter

Address2

PO box 3475

City*

Eagle

State*

CO

Zip*

81631

Email Address*

laniwebb@hotmail.com

Contact Phone Number*

9703311258

Business Address

25 Eby Creek Rd, Eagle, CO 81631

Business Phone Number

970-328-6622

Occupation

Real Estate

RESIDENCY INFORMATION

Length of Residency in Eagle

14

Are you a registered voter

☒ Yes

☐ No

EDUCATION AND HOBBIES

High School

Elizabeth High School

College

Trade or Business School

Kalpan Real Estate School

Hobbies

Cooking, Yoga, Hiking, Reading, Traveling

ORGANIZATION MEMBERSHIP INFORMATION

Are you or have you served on other Boards, Commissions, or Committees?

☐ Yes

☒ No

If yes, which

Please list organization memberships and positions held

Please List Areas of Special Interest

Looking for an opportunity to serve my community in a way that helps our town continue to thrive.

PLANNING COMMISSION QUESTIONS

1. What opportunities does the Town of Eagle have?

The town of Eagle has multiple opportunities both professionally & personally. The Town of Eagle is a close knit community that offers many entertainment events, highly ranked school system, sought out outdoor activities, recently updated library, & many outdoor spaces for play & private events. Eagle also strongly supports & has many opportunities for local business owners.

2. What challenges currently exist in the Town of Eagle?

The ever present hot topic is always housing. We need more housing but also stainable housing & finding the right blend of that can be tough. Obtaining & keeping qualified workers has been a struggle for local business owners. We're also challenged when it comes to local transportation around the town of Eagle itself.

3. As a Commissioner, how would you approach these challenges?

As a commissioner, facing the housing issue in Eagle I feel you need to look at the problem objectively from both sides of the spectrum. One possible resolution would be providing homeownership programs and assisting low income renters by offering housing subsidies. Adding more deed restricted properties & loosening restrictions on ADU's would bring more work force to Eagle which would in turn help the work force problem. By adding both more affordable housing & bringing more workforce to the town our tax dollars would naturally increase. Therefore, eventually you could start talking about implementing a public transportation system for Eagle proper.

Attach Resume

Lanis Resume.pdf

Please attach resume in .pdf format.



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: February 25, 2020

Agenda Item: Town Board Compensation

REQUEST:

Staff requests that the Board of Trustees discuss follow up on compensation for the Mayor and Trustees.

INTRODUCTION:

The Board of Trustees brought up compensation of members at the last meeting. It's been since 2016 that the board increased pay. The current compensation is \$400 for Mayor and \$250 for Trustees. Staff has provided compensation from a few communities to compare. Compensation changes are established by resolution or ordinance. Included with this memo are previous ordinances passed by the BOT regarding compensation.

ANALYSIS:

Below is the compensation of communities surrounding Eagle for Mayor and Council positions:

Community	Mayor/Pro-Tem	Council	Benefits
Vail	\$1,000 per month	\$625 per month	Yes
Gypsum	\$500 per month	\$300 per month	N/A
Red Cliff	\$150 per month	\$150 per month	N/A
Avon	\$1,000 per month/\$750 per month	\$500 per month	N/A
Eagle	\$400 per month	\$250 per month	N/A

Timing for Pay Increase

Depending on what the BOT decides there are a few options:

1. Pay increase effective after the April 2020 election
2. Pay increase included in the 2021 budget development – effective 1/1/2021

COMMUNITY INPUT:

No community input required for this analysis.

BUDGET / STAFF IMPACT:

Depending on the timing of pay increases it could impact the budget. If the BOT approves an increase right after the election an amendment to the budget is required. If the BOT includes the increase in the 2021 budget development process, funds will be appropriated at the beginning of the year.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with any strategic objectives as it is an administrative procedure.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to direct staff to bring back an ordinance revising the Board of Trustee's compensation amount and effective date.

ATTACHMENTS:

- Ordinance No. 13, Series 2004
- Ordinance No. 11, Series 2016

ORDINANCE NO. 13

(Series of 2004)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, AMENDING CHAPTER 2.04 OF THE EAGLE MUNICIPAL CODE BY REVISING THE DUTIES OF THE MAYOR AND BY INCREASING THE COMPENSATION PAID TO MEMBERS OF THE BOARD OF TRUSTEES AND THE MAYOR

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

Section 1. That Chapter 2.04, Town Officers, of the Eagle Municipal Code is hereby amended to include a new additional Section 2.04.013 to read as follows:

2.04.013 Board of Trustees-Compensation. Each member of the Board of Trustees shall receive compensation in the amount of \$150.00 per month during his or her term of office.

Section 2. That Section 2.04.035 of the Eagle Municipal Code is hereby amended to read as follows:

2.04.035 Mayor-Duties; Term; Compensation.

A. The Mayor or, in his absence, one of the Trustees, who may be elected Mayor Pro Tem, shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of said Board. The Mayor shall be considered a member of the governing body and the Board of Trustees for all purposes.

B. The Mayor shall be recognized as the political head of Town government and together with other members of the Board of Trustees shall supervise all appointed officers of the Town, examine the grounds of all reasonable complaints made against any of them, and cause any violations or neglect of duty to be promptly corrected or reported to the proper tribunal for action. The Mayor shall sign all documents on behalf of the Town which by statute, ordinance, or custom may require his signature, and shall also perform such other duties compatible with the nature of his office, as the Board of Trustees may from time to time require.

C. At its first meeting following any regular municipal election, the Board of Trustees shall choose one of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of said Board, or during the Mayor's absence from the Town, or his inability to act, shall perform the duties of Mayor.

D. At the April 6, 1976, election, and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four (4) year term.

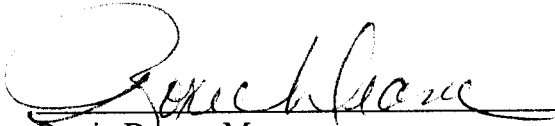
E. The Mayor shall receive compensation in the amount of \$300.00 per month during his term of office.

Section 3. In accordance with the requirements of Section 31-4-405, C.R.S., Section 2.014.013 and subsection (E) of Section 2.04.035 of the Eagle Municipal Code, as set forth in this Ordinance, concerning the compensation of members of the Board of Trustees and the Mayor shall only be effective and applied to members of the Board of Trustees and the Mayor elected to office after the date of adoption of this Ordinance. The compensation of any member of the Board of Trustees and the Mayor shall not be increased during the term which he or she has been elected.

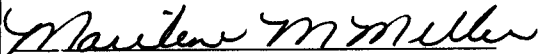
Section 4. Any ordinance in conflict herewith is hereby repealed except as to the compensation of existing members of the Board of Trustees and Mayor which shall remain in effect for such limited purpose.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on March 30, 2004.

TOWN OF EAGLE, COLORADO

By: 
Roxie Deane, Mayor

ATTEST:


Marilene M. Miller, Town Clerk

Publication Date:

APRIL 8, 2004

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

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, AMENDING CHAPTER 2.04 OF THE EAGLE MUNICIPAL CODE BY REVISING THE DUTIES OF THE MAYOR AND BY INCREASING THE COMPENSATION PAID TO MEMBERS OF THE BOARD OF TRUSTEES AND THE MAYOR

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

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

Trustees voted "Aye":

Deane, Ehrenberg,
Gregg, Hasbrouck,
Witt, Stavney,
Stephens.

Trustees voted "Nay":

_____, _____,
_____.

ORDINANCE NO. 11
(Series of 2016)

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 2.04.013 OF THE EAGLE MUNICIPAL CODE AND SUBSECTION (E) OF SECTION 2.04.035 OF THE EAGLE MUNICIPAL CODE CONCERNING THE COMPENSATION TO BE PAID TO MEMBERS OF THE BOARD OF TRUSTEES AND TO THE MAYOR OF THE TOWN OF EAGLE

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

Section 1. That Section 2.04.013 of the Eagle Municipal Code is hereby amended to read as follows:

2.04.013 Board of Trustees – Compensation. Each member of the Board of Trustees shall receive compensation in the amount of two hundred fifty dollars (\$250.00) per month during his or her term of office.

Section 2. That subsection (E) of Section 2.04.035 of the Eagle Municipal Code, concerning Mayor-Duties-Term, is hereby amended to read as follows:

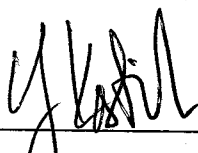
E. The Mayor shall receive compensation in the amount of four hundred dollars (\$400.00) per month during his or her term of office.

Section 3. This Ordinance shall become effective and shall apply to members of the Board of Trustees and the Mayor elected or appointed on or after April 5, 2016.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on April 12, 2016.

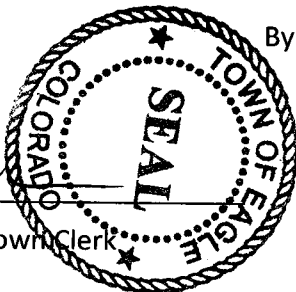
TOWN OF EAGLE, COLORADO

By:


Yuri Kostick, Mayor

ATTEST:


Jenny Rakow, Town Clerk



Publication Date:

April 21, 2016

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

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 2.04.013 OF THE EAGLE MUNICIPAL CODE AND SUBSECTION (E) OF SECTION 2.04.035 OF THE EAGLE MUNICIPAL CODE CONCERNING THE COMPENSATION TO BE PAID TO MEMBERS OF THE BOARD OF TRUSTEES AND TO THE MAYOR OF THE TOWN OF EAGLE

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

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

_____, _____
_____, _____
_____, _____
_____.

Trustees voted "Nay":

_____, _____
_____.