



**Town Board of Trustees
Tuesday, April 14, 2020
ON-LINE MEETING**

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

MEETING INSTRUCTIONS

1. Virtual Meeting Procedure
Register in advance for this meeting:
[https://zoom.us/meeting/register/v5cocO6rrj0oPBEz2-1pK19ljZs3MzfXZw](https://zoom.us/join/zoom/register/v5cocO6rrj0oPBEz2-1pK19ljZs3MzfXZw)

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

All votes will be by roll call.

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

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

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

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

PUBLIC COMMENT - 6:10 PM *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk.*

PRESENTATIONS - 6:15 PM

1. Letter of Commendation from the Town Board of Trustees
2. Introduction of New Staff, Chad Phillips Community Development Director/Town Planner and Dennis Wike, Town Engineer
3. Proclamation Arbor Day 2020

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 - March 24, 2020

2. Bill Pay - March 2020
3. Sweet Leaf Pioneer LLC Retail Marijuana Store License and Cultivation License Renewal
4. Resolution 14, Series 2020, "A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado, Adopting An Annexation Plan For The Town Of Eagle, Colorado"
5. Resolution 15, Series 2020, "A Resolution of The Board of Trustees of the Town of Eagle, Colorado Supporting a Grant Application to the Colorado Department of Local Affairs for Project THOR"
6. Resolution 17, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

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

1. Town Manager Update
2. Department Updates
3. Lower Basin Water Treatment Plant Project Report

BUSINESS ITEMS - 6:40 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. LIQUOR LICENSE AUTHORITY - Modification of Premises (Parklet on Third Street), DJ Saxx, Inc. d/b/a Brush Creek Saloon
2. Ordinance 06, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, Regarding Short-Term Rentals"
3. Ordinance 07, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Establishing the Town of Eagle Stormwater Utility Enterprise and Adopting a Stormwater Management Fee"
4. Ordinance 10, Series 2020, "An Emergency Ordinance of the Board of Trustees of the Town of Eagle, Colorado Increasing the Compensation to be Paid to the Newly Elected Council Members and Mayor"
5. Ordinance 15, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Amending Section 3.06.030 and Section 3.04.066 of the Eagle Municipal Code to Increase the Excise Tax on Unprocessed Marijuana From Two and One-Half Percent (2.5%) to Three and One-Half Percent (3.5%) and to Annually Increase the Excise Tax on Unprocessed Marijuana and Sales Tax on Retail Marijuana"
6. Lower Basin Water Treatment Plant – Change Order Authorization Thresholds Amendment from 5% to 8% of the Guaranteed Maximum Price
7. 2020 Budget COVID-19 Financial Impacts Presentation

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 7:55 PM

1. Board Committee Review

EXECUTIVE SESSION - 8:00 PM

1. To hold a conference with the Town's attorney to receive legal advice on specific legal questions, as it relates to Red Mountain Ranch Annexation and Development Agreement and the Eagle River Park pursuant to C.R.S. § 24-6-402(4)(b) and C.R.S. 24-6-402(4)(b)(e) – to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators.

ADJOURN - 8:30 PM

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



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019

April 2, 2020

Ms. Brandy Reitter
Town Manager
Town of Eagle

RE: Message from the Town of Eagle Board of Trustees

Dear Brandy,

We, the Town of Eagle Board of Trustees, are writing to express the Board's commitment and support to you and your staff during these incredibly challenging times. We understand that the coronavirus outbreak is worrying for you and your staff from numerous standpoints, including but not limited to the health of themselves, the health of loved ones and to their financial future. The Board of Trustees feel it is important to openly communicate our thoughts during this crisis.

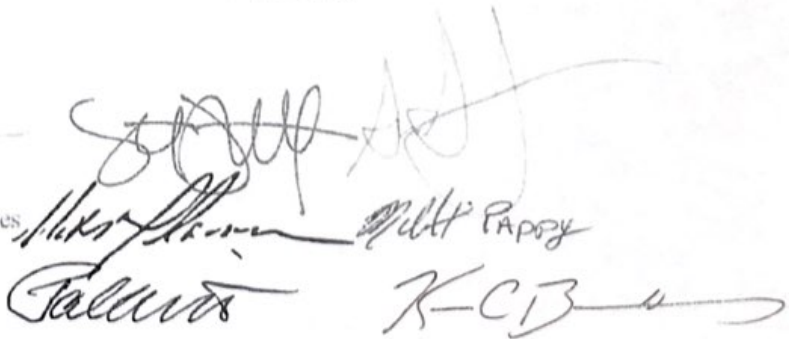
We would like to applaud your leadership and your rightful priority of addressing the health and safety of the Town of Eagle employees, as well as the health and safety of our entire community. Without the former, we can't accomplish the latter. Your actions in closing Town Hall to the public and having employees work remotely in advance of other community closures showed foresight and illustrated the Town of Eagle's overriding commitment to the care and safety of its employees, residents and visitors. The Board remains ready to assist in any way that we can with respect to future decisions with this priority in mind.

We, as a Board realize that there will be some significant budget implications as a result of this crisis and we stand ready to assist and support you and our fine team in formulating appropriate courses of action to ensure the financial health of Eagle. There will be some tough decisions to be made but through open communication and a team spirit, the Board is confident that we can work together to achieve great results.

Thank you and all of your hard-working staff for your dedication and perseverance during this difficult period. Please feel free to share this letter with your staff.

Sincerely,

Town of Eagle Board of Trustees

The block contains several handwritten signatures in black ink. The signatures are written over the printed text "Town of Eagle Board of Trustees". The signatures appear to be: "John Pappas", "K. C. B.", and others that are partially obscured or less legible.

OFFICIAL PROCLAMATION

TOWN OF EAGLE

ARBOR DAY

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Anne McKibbin, Mayor of the Town of Eagle, do hereby proclaim Friday, April 24, 2020, as



In the Town of Eagle, I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

TOWN OF EAGLE, COLORADO

ATTEST:

Jenny Rakow, Town Clerk

Ann McKibbin, Mayor



MEETING MINUTES
Town Board of Trustees
Tuesday, March 24, 2020
ONLINE MEETING

*This agenda and the meetings can be viewed at www.Townofeagle.org.
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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

Mayor McKibbin allowed a few minutes for the public to get connected to the CrowdCast platform and Zoom for tonight's meeting.

1. • Meeting URL: <https://www.crowdcast.io/e/eaglebot03-24-20> and <https://zoom.us/j/397063847>

CALL TO ORDER

Mayor McKibbin called the meeting to order at 6:00 p.m. and provided an overview to the public on providing comments for the meeting.

ROLL CALL

TRUSTEES PRESENT

Anne McKibbin, Kevin Brubeck, Matt Solomon, Andy
Jessen, Mikel, Kerst, Scott Turnipseed, Paul Witt

TRUSTEES ABSENT

None

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
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

Public comment for this meeting was captured within the Zoom platform and will be an addendum at the end of the minutes.

PRESENTATIONS

1. Merv Lapin Food Bank Appeal

Mayor McKibbin introduced the presentation on behalf of the Community Market Food Bank. *Mayor McKibbin called a recess at 6:15 p.m. and the meeting reconnected at 6:30 p.m. after switching meeting platforms.*

Merv Lapin presented his request for funding for the Community Market Food Bank. With the increase in people needing these services, Mr. Lapin is asking several towns for contributions. Request from the Town of Eagle is

\$50,000 with \$25,000 now and additional \$25,000 in two-three months if needed.

Board Comments: acknowledged the needs of the community and issue for funding. Directed staff to look at the budget and provide information to the Board at the next meeting.

CONSENT AGENDA

MOTION: Trustee Kevin Brubeck motioned to Approve the Consent Agenda with corrections. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

1. Minutes - March 10, 2020
Board Comments: Requested correction to John Buxman's name.
2. Minutes - March 19, 2020 Special Meeting
3. Audit Engagement Letter for Maggard & Hood PC, Jill Kane, Finance Director/Treasurer
4. Resolution 13, Series 2020 a Resolution of the Board of Trustees of the Town of Eagle, Colorado, Authorizing Release of Funds in Escrow Due to Completion of Public Improvements (Haymeadow)

STAFF REPORTS

1. Town Manager Update - COVID-19 Report
Brandy Reitter highlighted her update.

Board Comments: The Town is currently doing more than the state order operating with limited services for two weeks until this Friday. Inquiry on opportunities for public works staff to work. Staff is currently working individually; interviews are going as planned for Community Development Director. Brandy will assess operations based upon Eagle County orders. Assurance that essential staff are continuing to work. Brandy will assess the situation on a week by week basis and will inform the Board.

BUSINESS ITEMS

PUBLIC HEARING - LIQUOR LICENSE AUTHORITY

1. Modification of Premises/Addition of Sidewalk Service Area for Katch of the Day LLC; Address: 228 Broadway, Eagle, CO
Mayor McKibbin adjourned the Town Board into the Liquor License Authority.

Board Comments: Discussion on sidewalk area and distance for public access. The applicant will work with staff to assure the required distance is maintained to allow for public access of the sidewalk. Adjacent neighbors were also notified and did not have issues regarding the patio. Inquiry on making changes to the patio location for other events. Staff confirmed that restrictions on the patio will be addressed in the Encroachment Agreement, which the applicant has agreed to. Applicant Kat Conner stated she will put up barriers for the premises so patrons and public know the boundaries and will not block the sidewalk access. Inquiry on allowing use of public property and if the public can use it if this is granted. Town Attorney Matt Mire indicated that the modification and Encroachment/License Agreement does give use of the public property to the entity and we are granting the

exclusive use to those business owners when we approve these types of agreements.

Mayor McKibbin opened public comment.

Derrick Weimer inquired on real estate owned by the Town being given to the businesses. Town Attorney Matt Mire stated there is no precedence being set with this request. Outdoor dining decks are frequently town owned property and granted to business owners for their use.

Mayor McKibbin closed public comment.

Board Comments: Inquired if the Town can revoke the Encroachment/License Agreement if this does not work. Town Attorney Matt Mire stated yes, this is a revocable license.

MOTION: Trustee Scott Turnipseed motioned to Approve the Modification of Premises/Addition of Sidewalk Service Area for Katch of the Day LLC; Address: 228 Broadway, Eagle, CO. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

Mayor McKibbin adjourned as the Liquor License Authority and resumed the meeting as the Board of Trustees.

2. Community Development Budget Request

The Board of Trustees will review a request to reallocate funds to cover a fleet purchase the was not budgeted.

Brandy Reitter presented this item. This request is related to a vehicle that was ordered without a budget for it. Staff is requesting to reallocate funds from the Art Wall project that is being delayed until 2021. This amendment can be part of a larger amendment to be considered related to COVID-19. Timing for proposed amendment is scheduled for April 14th at this time.

Board Comments: Inquiry on consequence of spending money without approval. Brandy Reitter stated that approval from finance is required in the future before ordering. Budget management will be included in performance reviews.

MOTION: Trustee Kevin Brubeck motioned to Approve the reallocation of funds in the community development budget for the purchase of a vehicle. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

Mountain Recreation and Eagle School District Proposal - Noon Ball Program Change Request

3. *The Board of Trustees will review a proposal to make programmatic changes to the IGA for cooperative use of public facilities between Mountain Recreation, School District and the Town of Eagle.*

Trustee Solomon requested to delay this discussion until we get more details.

Mayor McKibbin confirmed consensus delaying this discussion.

Sandy Mutchler from the School District stated that this would not be effective until next school year and there is no urgency to have this discussion tonight. Janet Bartnik from Mountain Recreation agreed there is no issue on postponing this discussion.

Staff will place this item on a future agenda.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Solomon: Would like an update on THOR. Expressed desire to support Brandy and staff and options for plans at the next meeting. Inquiry on a worksession to discuss budget implications and strategic decisions. Interest in holding this worksession with the new board after they are seated at the end of April. Interest in spending freezes on non-critical items, which is currently being implemented by Brandy. Brandy will bring outline of budget and operational updates to the next meeting.

Trustee Brubeck: Would like to direct as much focus we can on helping out the community.

Trustee Turnipseed: Inquiry on challenges for election polling at Town Hall and receiving replacement ballots. Brandy Reitter stated that the Town Clerk has an election plan, messaging includes encouraging people to mail in their ballots or use drop off location. The intent is to have as few voters as possible on the day of the election.

Mick Daly was invited to comment on the candidate’s forum.

ADJOURN - 8:15 PM

MOTION: Trustee Matt Solomon motioned to Adjourn. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

Approved:

Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

ADDENDUM – PUBLIC COMMENTS

18:18:55 From Town of Eagle : I am stopping all video and muting people upon entry until 6:30

18:19:05 From Town of Eagle : We will start recording at 6:30. Thank you all for your patience!

18:22:41 From Town of Eagle : I will be muting everyone by default. Please use the chat to communicate

18:23:35 From Paul Witt : Hello all

18:23:43 From Town of Eagle : I am stopping video for all until 6:30, when I will bring the Trustees up

18:23:44 From Mick Daly : For you zoom newbies your mute and video controls are bottom left.

18:25:12 From Merv Lapin : Hi this is Merv. All the Towns are having the same learning curve.

18:26:10 From Derrick Wiemer : any sound yet? I haven't heard anyone speak. Just checking.

18:26:32 From Andrew Jessen : everyone is purposely muted until 630

18:26:53 From Derrick Wiemer : thx andy.

18:27:35 From Derrick Wiemer : thumbs up.

18:27:38 From Paul Witt : yes, Anne

18:27:41 From Merv Lapin : merv can hear you

18:27:46 From Town of Eagle : trustees unmuted

18:28:12 From J. Brian Hall : I hear you all

18:30:08 From Town of Eagle : ready when you are mayor

18:30:44 From scottschlosser : Sorry, I can't activate my camera because I don't have enough bandwidth.

18:35:40 From Derrick Wiemer : <https://eaglevalleycf.org/the-community-market/>

18:40:35 From Derrick Wiemer : many may know that the weekly simple supper that was hosted at the United Methodist church has also stopped due to gatherings and recent attendance issues and they are working closely with the community market as well to combine resources and is now just doing the community market.

18:40:59 From Town of Eagle : trustees, please mute yourself on your end

18:41:16 From Town of Eagle : it should be under your control now

18:53:57 From Derrick Wiemer : notice that there is mention of migrating servers in the notes---it would be great to perform a post-mortem move analysis on the town's BC planning to learn from things that could be done to always be ready to have applicable positions work remotely---not just from home.

19:10:22 From Kat Conner : That's me! ;)

19:14:17 From Derrick Wiemer : if these tables are on public way--are they available for public use that is not a patron of Katch?

19:19:01 From Derrick Wiemer : so we are then giving a business real estate that is owned by the town.

19:19:46 From Derrick Wiemer : how do not set a precedent of making this type of real estate available to all businesses.

19:22:00 From Derrick Wiemer : there is a town bench in that space today--what happens to that bench?

19:22:32 From Derrick Wiemer : the bench currently sits between the planters.

19:36:30 From Janet Bartnik : I have no issue with postponing discussion a month if you desire.

19:45:28 From Derrick Wiemer : thank you trustees and staff for making this available to the public. Be safe--take care of yourselves and your families. Appreciate your service!!

19:59:47 From Kyle : Thanks you guys for doing a great job through all of this.

20:02:46 From Andrew Jessen : thanks Derrick & Kyle!

20:04:17 From Mick Daly : The chamber today published the candidates' answers to 5 questions. By email, social media and the website.

20:06:45 From Kyle : Is there a sign on the Payment Box that also says it's for ballots?

20:07:27 From Anne McKibbin : Yes, there is a note on the box indicating ballots can be dropped off there.

20:11:24 From Mick Daly : Great work everyone. In some ways it's much better than Tuesday nights at Town Hall! I can hear and the video will be very much better. Oh and ZOOM is great.

20:11:48 From Town of Eagle : Glad to help, thank you all for your patience and flexibility!

20:13:34 From Mick Daly : Bill can police attendees - no problem!

20:13:49 From Town of Eagle : We did have 36 participants

20:14:57 From Janet Bartnik : Exactly, Andy! We hosted our board meeting last week with Zoom. We posted all but the link until 15 minutes before the meeting began to avoid the bots finding the link.

20:15:12 From Mick Daly : We use zoom with 1000 plus people - never an issue.

**BILL SCHEDULE
MARCH 2020**

GENERAL FUND

Town Board

Sandy's Office Supply	Office Supplies	\$	76.28
Forward Tech Solutions, LLC	Computer Support		90.00
Eagle County Housing & Dev. Authority	Special Board Funding		10,000.00
Cirsa	Insurance		232.95
Eagle Valley H.S. Foundation	Community Requests		550.00
Total Town Board		\$	10,949.23

General Government

Hootsuite	Other Accounts Receivable	\$	(348.00)
Meritain Health	Health Insurance		707.33
Amazon	Office Supplies		26.98
Cintas Corporation	Office Supplies		14.56
Costco	Office Supplies		22.49
Sandy's Office Supply	Office Supplies		2.59
Staples	Office Supplies		(7.99)
Eagle County Clerk & Recorder	Election Expense		1,559.93
Gran Farnum Printing	Election Expense		8,334.76
USPS	Election Expense		7.28
Gran Farnum Printing	Communication & Transportation		22.00
Colorado Mtn. News Media	Legal Notices		472.41
Verizon Wireless, Bellevue	Utility Services		52.93
Hoffman, Parker, Wilson & Carberry PC	Legal - General		1,560.00
Kissinger & Fellman, P.C.	Legal - General		396.50
Executech Utah LLC	Computer Support		73.50
Forward Tech Solutions, LLC	Computer Support		1,608.00
Rio Grande B&B	Travel Expense		(45.76)
Yeti's Grind	Meeting Expense		26.62
Cirsa	Insurance		18,503.92
EVHS Foundation	Community Requests		500.00
Total General Government		\$	33,490.05

General Administration

Hartford, The	Disability Insurance	\$	1,291.76
MetLife	Health & Life Ins. Payable		554.49
Colorado Department Of Revenue	Misc Deductions Payable		1,130.60
Andrade-Lizardo, Martin	Facility Usage Deposit Refund		375.00
Baca, Silvia	Facility Usage Deposit Refund		375.00
Braun, Nicole	Facility Usage Deposit Refund		750.00
Calvary Chapel Vail Valley	Facility Usage Deposit Refund		750.00
Camacho, Ashley	Facility Usage Deposit Refund		375.00
Castorena, Jama Whaling	Facility Usage Deposit Refund		375.00
Colorado High Country Enterprises	Facility Usage Deposit Refund		750.00

General Administration (Cont.)

Eagle County Conservation District	Facility Usage Deposit Refund	\$	750.00
Hernandez, Debbie	Facility Usage Deposit Refund		375.00
Martinez, Rosa	Facility Usage Deposit Refund		375.00
Porchlight Players	Facility Usage Deposit Refund		750.00
Calvary Chapel Vail Valley	Facility Usage Fees Refund		400.00
Meritain Health	Health Insurance		1,725.88
Cintas Corporation	Office Supplies		82.50
Costco	Office Supplies		127.46
Sandy's Office Supply	Office Supplies		230.75
US Postal Service	Communication & Transportation		35.00
Colorado Mtn. News Media	Legal Notices		707.18
Impact Development Fund	Dues & Subscriptions		1,500.00
Mail Chimp	Dues & Subscriptions		64.99
Century Link	Utility Services		1,042.86
Chase Paymentech	C.C. Transaction Fees		1,302.70
Xpress Bill Pay	C.C. Transaction Fees		668.10
Caselle, Inc.	Computer Support		2,089.00
Executech Utah LLC	Computer Support		421.29
Forward Tech Solutions, LLC	Computer Support		184.52
TEC Integration, Inc.	Computer Support		600.00
Zoom.Us	Computer Support		62.12
Paper Wise	Contract Payments		60.00
Us Bank Equipment Finance	Contract Payments		394.80
Cirsa	Insurance		2,006.64
Cirsa	Insurance - Pavilion		1,340.94
Total General Administration		\$	24,023.58

Community Development

Meritain Health	Health Insurance	\$	1,414.66
Amazon	Office Supplies		327.86
Costco	Office Supplies		89.97
Staples	Office Supplies		59.96
Fas-Break Auto Glass	Vehicle Repair & Maintenance		185.00
Fleet Services	Gas & Oil		53.19
Costco	Equipment		179.99
Colo Chapter Int'l Code Council	Dues & Subscriptions		36.05
Century Link	Utility Services		181.42
Verizon Wireless, Bellevue	Utility Services		85.94
Colorado Mtn. News Media	Recruitment		100.00
Indeed	Recruitment		295.00
Logan Simpson	Professional Services		3,674.94
Advanced Engineering & Environmental Svc	Planning Reimbursable		5,960.25
Colorado Mtn. News Media	Planning Reimbursable		54.41
McCool Development Solutions, LLC	Planning Reimbursable		517.50
Fas-Break Auto Glass	Repair & Maintenance		125.00
Executech Utah LLC	Computer Support		196.00

Community Development (Cont.)

Forward Tech Solutions, LLC	Computer Support	\$	212.00
Costco	Meeting Expense		124.22
Grand Ave Grill	Meeting Expense		77.67
Moe's Original BBQ	Meeting Expense		60.00
Valley Home Store LLC	Contract Services		60.00
US Bank Equipment Finance	Contract Payments		394.80
Cirsa	Insurance		1,756.51
Total Community Development		\$	16,222.34

Municipal Court

Meritain Health	Health Insurance	\$	47.16
Carlson, Edwards & O'Connor P.C.	Legal		1,500.00
Executech Utah LLC	Computer Support		53.90
Forward Tech Solutions, LLC	Computer Support		25.20
Ace Security And Safety Services LLC	Contract Payments		128.00
Cirsa	Insurance		129.52
Total Municipal Court			1,883.78

Streets

Pinnacol Assurance	Worker's Compensation	\$	42.39
Meritain Health	Health Insurance		2,216.30
Cintas Corporation	Office Supplies		21.26
King Soopers Customer Charges	Office Supplies		8.93
Quill Corporation	Office Supplies		41.31
Alpine Lumber Co.	Repair & Maintenance Supplies		39.07
Colorado Asphalt Services, Inc	Repair & Maintenance Supplies		470.00
Ewing Trucking And Construction LLC	Repair & Maintenance Supplies		9,039.41
Lawson Products	Repair & Maintenance Supplies		663.77
Mountain Communications & Electronics	Repair & Maintenance Supplies		458.00
United Rentals (North America) Inc	Repair & Maintenance Supplies		32.74
Wylaco Supply Co	Repair & Maintenance Supplies		1,678.33
Auto Zone, Inc	Vehicle Repair & Maintenance Supplies		135.84
Fleet Services	Gas & Oil		3,231.15
Lawson Products	Communication & Transportation		48.79
Century Link	Utility Services		815.79
Holy Cross Energy	Utility Services		3,251.96
Safety-Kleen Corp.	Repair & Maintenance Services		391.44
Executech Utah LLC	Computer Support		230.30
Forward Tech Solutions, LLC	Computer Support		78.00
John Boyd	Travel Expense		109.55
Colorado Mountain Medical, LLC	CDL Testing		257.00
Eagle Valley Medical Center	CDL Testing		167.00
Cirsa	Insurance		8,796.09
Total Streets		\$	32,224.42

Public Safety

Pinnacol Assurance	Worker's Compensation	\$	178.22
Meritain Health	Health Insurance		5,304.97
Copy Plus	Office Supplies		4.26
Sandy's Office Supply	Office Supplies		177.91
Vista Print	Office Supplies		29.81
Galls	Operating Supplies		92.97
Laser Technology	Operating Supplies		25.00
Pocket Press	Operating Supplies		(3.39)
Tri County Fire Protection Inc	Operating Supplies		150.00
Jones, Caleb	Uniforms		89.99
Patterson, Jamie	Uniforms		12.00
Berthod Motors	Vehicle Repair & Maintenance Supplies		6.95
Olesen Automotive Services	Vehicle Repair & Maintenance Supplies		72.00
Fleet Services	Gas & Oil		1,926.50
Amazon	Equipment		1,395.98
Motorola Solutions	Equipment - Supplies		8,093.72
Pro Force Law Enforcement	Equipment - Supplies		4,776.00
Costco	Equipment & Supplies - Grants		85.49
King Soopers Customer Charges	Equipment & Supplies - Grants		49.58
Galls	Communication & Transportation		8.95
Laser Technology	Communication & Transportation		5.00
US Postal Service	Communication & Transportation		6.95
Vista Print	Communication & Transportation		6.99
A.L.E.R.T/S.A.M.	Dues & Subscriptions		100.00
CCNC Inc	Dues & Subscriptions		100.00
FBI-LEEDA	Dues & Subscriptions		50.00
S Registration	Dues & Subscriptions		10.00
AT&T Mobility	Utility Services		1,172.60
Century Link	Utility Services		658.51
Indeed	Recruitment		179.57
Truework	Recruitment		139.80
Berthod Motors	Repair & Maintenance Services		139.00
Olesen Automotive Services	Repair & Maintenance Services		44.00
Tri County Fire Protection Inc	Repair & Maintenance Services		93.00
White Water Express Carwash	Repair & Maintenance Services		95.50
Amazon	Computer Support		879.96
Executech Utah LLC	Computer Support		12.25
Forward Tech Solutions, LLC	Computer Support		124.50
Antlers Hotel	Travel Expense		558.65
Hampton Inn	Travel Expense		252.00
Limelight Hotel	Travel Expense		431.14
Stonum, Tyler	Travel Expense		222.81
Grand Avenue Grill	Meeting Expense		83.31
Xerox Financial Services LLC	Contract Payments		190.53
Cirsa	Insurance		29,204.33
Total Public Safety		\$	57,237.31

Buildings and Grounds

Pinnacol Assurance	Worker's Compensation	\$	42.39
Meritain Health	Health Insurance		1,768.32
Cintas Corporation	Office Supplies		21.26
King Soopers Customer Charges	Office Supplies		8.93
Quill Corporation	Office Supplies		41.31
Alpine Lumber Co.	Repair & Maintenance Supplies		99.70
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		85.95
Mac Equipment Inc	Repair & Maintenance Supplies		833.62
Paint Bucket	Repair & Maintenance Supplies		120.64
Recycle Across America	Repair & Maintenance Supplies		36.75
State Industrial Products	Repair & Maintenance Supplies		41.00
Superior Alarm & Electronics	Repair & Maintenance Supplies		144.70
United Rentals (North America) Inc	Repair & Maintenance Supplies		25.38
Wylaco Supply Co	Repair & Maintenance Supplies		33.46
Fleet Services	Gas & Oil		690.32
Home Depot Pro	Janitorial Supplies		69.62
Mac Equipment Inc	Communication & Transportation		182.21
Recycle Across America	Communication & Transportation		9.08
State Industrial Products	Communication & Transportation		4.09
Black Hills Energy	Utility Services		2,954.43
Century Link	Utility Services		1,605.38
Holy Cross Energy	Utility Services		4,370.11
Eagle Ranch Metropolitan Dist.	Irrigation Services Agreement		7,883.89
Jerrymaster Janitorial	Janitorial Maintenance Contracts		2,158.00
Sno-White Linen Rental	Repair & Maintenance Services		213.56
Superior Alarm & Electronics	Repair & Maintenance Services		731.00
Executech Utah LLC	Computer Support		183.75
Forward Tech Solutions, LLC	Computer Support		56.70
John Boyd	Travel Expense		36.52
G H Daniels III & Associates	Contract Payments		14,700.00
Cirsa	Insurance		39,930.93
Total Buildings and Grounds		\$	79,083.00

Information Center

Century Link	Utility Services	\$	203.58
Executech Utah LLC	Computer Support		49.00
Forward Tech Solutions, LLC	Computer Support		42.00
Cirsa	Insurance		67.35
Total Information Center		\$	361.93

Marketing and Events

Meritain Health	Health Insurance	\$	471.55
Google Play	Dues & Subscriptions		1.99
Verizon Wireless, Bellevue	Utility Services		52.72
Adobe Pro DC	Computer Support		24.99
Executech Utah LLC	Computer Support		56.35

Marketing and Events (Cont.)

Forward Tech Solutions, LLC	Computer Support	\$	35.30
Yeti's Grind	Meeting Expense		9.28
Walking Mountains Science Center	Event Production		368.50
Cirsa	Insurance		1,048.08
Total Marketing and Events		\$	2,068.76

Engineering

Pinnacol Assurance	Worker's Compensation	\$	42.39
Meritain Health	Health Insurance		251.49
Cintas Corporation	Office Supplies		21.26
Copy Plus	Office Supplies		29.53
King Soopers Customer Charges	Office Supplies		8.93
Quill Corporation	Office Supplies		41.31
Fleet Services	Gas & Oil		76.18
Indeed	Recruitment		294.00
Advanced Engineering & Environmental Svc	Professional Services		1,996.25
Executech Utah LLC	Computer Support		9.80
Forward Tech Solutions, LLC	Computer Support		21.73
Cirsa	Insurance		1,406.90
Total Engineering		\$	4,199.77

TOTAL GENERAL FUND**\$ 261,744.17****CAPITAL IMPROVEMENTS FUND**

Braun, Tim	Use Tax Refund	\$	1,199.50
Gilbert, Nelson	Use Tax Refund		207.39
Wynton Homes	Use Tax Refund		27,861.79
Eagle Recreation Facility Advisory Corp	Pool & Ice Maintenance Fund		40,000.00
Northwest Colo Council Of Gov.	Project THOR		53,956.40
Uptown Services LLC	Project THOR		5,000.00
Ed Bozarth Chevrolet And Buick Inc	Multi Purpose Truck		57,163.00
Mountain Communications & Electronics	Multi Purpose Truck		458.00
Mountain Communications & Electronics	Loader		458.00
Wagner Equipment Co	Loader		116,762.05
Kustom Signals	Patrol Vehicles		4,026.00
Total CAPITAL IMPROVEMENTS FUND		\$	307,092.13

WASTE WATER FUND

Pinnacol Assurance	Worker's Compensation	\$	42.40
Meritain Health	Health Insurance		2,071.69
Grainger	Operating Supplies		155.78
Glenwood Springs Ford	Vehicle Repair & Maintenance Supplies		520.80
Fleet Services	Gas & Oil		522.67
Federal Express Corp.	Communication & Transportation		282.91
Nextrust Inc	Communication & Transportation		341.08
Black Hills Energy	Utility Services		6,661.60

WASTE WATER FUND (Cont.)

Century Link	Utility Services	\$	4,499.21
Holy Cross Energy	Utility Services		11,405.54
Veris Environmental LLC	Sludge Disposal		1,763.49
Executech Utah LLC	Computer Support		223.44
Forward Tech Solutions, LLC	Computer Support		81.26
SGS North America Inc	Testing & Permits		1,012.34
John Boyd	Travel Expense		48.69
Cirsa	Insurance		33,430.30
Archibeque, Ted	Capital Expenditures		900.00
Total WASTE WATER FUND		\$	63,963.20

WATER FUND

Pinnacol Assurance	Worker's Compensation	\$	42.40
Meritain Health	Health Insurance		2,868.61
Cintas Corporation	Office Supplies		21.25
King Soopers Customer Charges	Office Supplies		8.94
Quill Corporation	Office Supplies		41.32
DPC Industries, Inc.	Operating Supplies		360.00
Ebay	Operating Supplies		139.52
Alpine Lumber Co.	Repair & Maintenance Supplies		25.36
Amazon	Repair & Maintenance Supplies		24.76
Ebay	Repair & Maintenance Supplies		104.39
Ferguson Enterprises, Inc.	Repair & Maintenance Supplies		11.86
Grand Junction Pipe & Supply	Repair & Maintenance Supplies		68.88
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		74.70
Fleet Services	Gas & Oil		614.27
Ebay	Equipment		997.89
Federal Express Corp.	Communication & Transportation		204.48
Nexttrust Inc	Communication & Transportation		341.08
AmeriGas	Utility Services		4,452.37
Century Link	Utility Services		5,957.41
Holy Cross Energy	Utility Services		6,720.22
Brendle Group Inc	Professional Services		712.50
Garfield & Hecht, P.C.	Legal		12.55
Resource Engineering Inc	Engineering		376.50
Browns Hill Engineering	Repair & Maintenance Services		273.75
Eagle River Watershed Council	Water Quality Monitoring		12,000.00
SGS North America Inc	Testing & Permits		661.11
John Boyd	Travel Expense		48.69
Karla Koch	Travel Expense		394.76
Executech Utah LLC	Computer Support		257.25
Forward Tech Solutions, LLC	Computer Support		124.43
Browns Hill Engineering	Contract Payments		2,972.00
Hach Company	Contract Payments		1,670.00
US Bank Equipment Finance	Contract Payments		394.81
Cirsa	Insurance		59,956.45

WATER FUND (Cont.)

Hach Company	Equipment Purchase	\$	24,346.35
Archibeque, Ted	Capital Expenditures		900.00
Archibeque, Ted	Tank Replacement		725.00
Ground Engineering Consultants	Tank Replacement		13,325.00
Ground Engineering Consultants	Lower Basin Water Treatment		970.00
Schmueser, Gordon, Meyer Inc.	Lower Basin Water Treatment		66,044.71
Total WATER FUND		\$	209,245.57

REFUSE FUND

Nexttrust Inc	Communication & Transportation	\$	341.08
Vail Honeywagon	Repair & Maintenance Service		206.00
Vail Honeywagon	Contract Services		97,410.27
Cirsa	Insurance		957.99
Total REFUSE FUND		\$	98,915.34

SALES TAX CAPITAL IMPROVEMENTS FUND

Copy Plus	Design	\$	143.70
S2O Design & Engineering	Design		8,280.00
Gore Range Surveying	Construction		1,237.50
JEV Construction Inc.	Construction		7,637.62
Nv5, Inc	Construction		1,972.50
Total SALES TAX CAPITAL IMPROVEMENTS FUND		\$	19,271.32

OPEN SPACE FUND

Meritain Health	Health Insurance	\$	14.15
Alpine Lumber Co.	Repair & Maintenance Supplies		7.31
Wylaco Supply Co	Repair & Maintenance Supplies		212.70
Signature Signs Inc	Repair & Maintenance Services		61.00
Vail Honeywagon	Repair & Maintenance Services		242.00
Executech Utah LLC	Computer Support		43.12
Forward Tech Solutions, LLC	Computer Support		29.36
Cirsa	Insurance		2,292.45
Total OPEN SPACE FUND		\$	2,902.09

TOTAL	\$	963,133.82
PAYROLL	\$	281,212.69
GRAND TOTAL	\$	1,244,346.51



To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: April 14, 2020

Agenda Item: Sweet Leaf Pioneer LLC Retail Marijuana Store License and Cultivation License Renewal

REQUEST: Sweet Leaf Pioneer LLC has requested approval of their local renewal application for renewal of Retail Marijuana Store and Cultivation located at 825 A Chambers Avenue.

BACKGROUND: Sweet Leaf has submitted their annual renewals for their Retail Licenses that are dually approved locally and by the State. This was a timely renewal already mailed to the state and all application and all fees have been paid. The Town Clerk has reviewed the renewal application and finds documents are in order.

ANALYSIS: With dual licensing, the local review includes confirming the State application has been submitted, which was done on March 4, 2020. Town staff has reviewed the application and has determined that it is sufficient for the licensing operations applied for. Finance has determined it will delay the cash tax payments for Sweet Leaf and inform them when available.

COMMUNITY INPUT: Pursuant to EMC 5.15.150 D this renewal does not require a public hearing, as there were no issues raised by the applicant regarding changes to their license, there were no violations reported to finance staff for tax payments, no issues have been raised or reported to community development and planning staff regarding their Special Use Permit 18-09 and no issues have been reported by or raised by the Eagle Town Police Department after review.

BUDGET / STAFF IMPACT: Budget impact is for staff review by Administration, Police and Community Development. The revenue is \$1,500 per license type which has not changed since established in 2013.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Licensing is referenced in Major Objective No. 2. Enhance the Financial Health of the Town, which is accomplished by funding operational costs and providing service standards with the revenue we receive from licensing.

RECOMMENDED ACTION OR PROPOSED MOTION: Staff Recommends Approval of the Licenses for Sweet Leaf Pioneer LLC that include: Retail Marijuana Store License and Retail Marijuana Cultivation License located at 825 "A" Chambers Avenue. Consent Agenda approval will authorize issuance of both local licenses being issued bearing the Mayor and Town Clerk signatures.

ATTACHMENTS:

1. Application
2. Copy of State Grow Renewal - REDACT
3. Copy of State Store Renewal REDACT



**LOCAL LICENSE NEW AND RENEWAL APPLICATION FOR
MARIJUANA ESTABLISHMENT AND/OR MEDICAL MARIJUANA BUSINESS**

BUSINESS AND TRADE NAME IN FULL		
Sweet Leaf Pioneer LLC		
TYPE OF OWNERSHIP: ☐ Corporation ☒ Limited Liability Company ☐ Partnership ☐ Sole Proprietorship ☐ Franchise ☐ Non-Profit ☐ Other		
APPLICANT NAME		DATE OF BIRTH
David m manzanaras		3/14/71
MAILING ADDRESS		PHONE
PO Box 2225 Eagle, CO 81631		970-904-7277
MANAGER NAME		DATE OF BIRTH
Dieneka Manzanaras		10/29/74
MANAGER ADDRESS		PHONE
389 Green Mountain Dr. Eagle		970 3766248
PROPERTY OWNER NAME		
BUSINESS CONTACT EMAIL ADDRESS		
dieneka@sweetleafpioneer.com		
Submit local application with a copy of the following completed forms:		
MEDICAL MARIJUANA		
State License Application DR 8530 Colorado Business Medical Marijuana License Application		
State License Application DR 8520 Colorado Associated Key Marijuana License Application		
State Form DR 8544 Appendix A Optional Premise Cultivation License		
State Form DR 8524 Colorado Medical Marijuana License Bond		
IRS Form 8821 Tax Information Authorization		
Review: MED Medical Marijuana New Application Checklist, State License Fee Schedule and Town of Eagle Fee Schedule		
RETAIL MARIJUANA		
State License Application DR 8548 Colorado Business Retail Marijuana License Application		
State License Application DR 8520 Colorado Associated Key Marijuana License Application		
State Form DR 8524 Colorado Medical Marijuana License Bond		
IRS Form 8821 Tax Information Authorization		
TYPE OF LOCAL LICENSE(S) Choose all applying for		
☐ MEDICAL MARIJUANA APPLICATION FEE \$1000.00	☐ RETAIL MARIJUANA APPLICATION FEE \$1000.00	☐ LATE RENEWAL FEE \$500.00
☒ RETAIL MARIJUANA STORE New/Renewal \$1500.00	☒ RETAIL MARIJUANA CULTIVATION New/Renewal \$1500.00	☐ RETAIL MARIJUANA PRODUCTS MANUFACTURER New/Renewal \$1500.00
☐ DUALY LICENSED RETAIL AND MARIJUANA PRODUCTS MANUFACTURER New/Renewal \$2000.00	☐ DUALY LICENSED MEDICAL MARIJUANA CENTER & RETAIL MARIJUANA STORE New/Renewal \$2000.00	☐ DUALY LICENSED RETAIL AND MEDICAL MARIJUANA CULTIVATION New/Renewal \$2000.00
☐ MEDICAL MARIJUANA PRODUCTS MANUFACTURER New/Renewal \$500.00	☐ MEDICAL MARIJUANA CENTER New/Renewal \$500.00	☐ MEDICAL MARIJUANA CENTER CULTIVATION /Optional Premises New/Renewal \$500.00

STATE OF COLORADO LICENSE NO.	402R-00211	EXPIRATION DATE	4/14/20
TOWN OF EAGLE LICENSE NO. *		EXPIRATION DATE	4/14/20
STATE OF COLORADO SALES TAX LICENSE NO.	276582680001	FEIN NO.	37-1695151

SUPPLEMENTAL INFORMATION		
☒ TOWN OF EAGLE SPECIAL USE PERMIT NO. *	☒ LANDLORD AUTHORIZATION TO USE PROPERTY FOR A MARIJUANA BUSINESS ATTACHED	☒ PROOF OF OWNERSHIP IF NOT LEASED ATTACHED
EXPIRATION/REVIEW DATE: 4/14/20		

EMC 5.15.100 Personal Requirements for the Licensee, Principals, Business Manager, Persons Holding a Financial Interest and Employees.

In order to be eligible to apply for a Marijuana Enforcement Division (MED) Retail Marijuana Business License all owners must meet *each* of the following statutory requirements (C.R.S. 12-43.4-306):

	True or False
1. Applicant has received a special use permit to operate the proposed Medical Marijuana Business in accordance with the Town's Land Use and Development Code contained in Title 4 of the Eagle Municipal Code;	T
2. May not be a sheriff, deputy sheriff, police officer, prosecuting officer or be an employee of a local or State Licensing Authority, and	T
3. May not be financed in whole or in part by any other person whose criminal history indicates he or she is not a good moral character after considering the factors in section C.R.S. 24-5-101 (2) and reputation satisfactory to the respective licensing authority	T
4. May not employ any person at the Retail Marijuana business that has not passed a criminal history record check (obtained an MED Occupational License)	T
5. May not employ, be assisted by or financed in whole in in part by any other person whose criminal history indicates he or she is not of good character and reputation;	T
6. May not have a criminal history that indicates that he or she is not of good moral character after considering the factors in C.R.S. 24-5-101 (2)	T
7. May not have any other felony convictions that have not been fully discharged for five years immediately preceding his or her application date	T
8. Must be resident of state for two years prior to application,	T
9. No fraudulent, misrepresented or false statement of material or relevant fact is contained within the application or was made to the Local Licensing Authority.	T
10. The applicant and Principals are not in default on any student loan.	T
11. The applicant and Principals are not licensed physicians who recommend Medical Marijuana to Patients.	T

	True or False
12. The applicant and Principals are not peace officers or prosecuting attorneys.	T
13. The applicant and Principals do not have any orders or judgments against them for child support in default or in arrears.	T
14. The applicant is not in arrears in regard to any administrative fines, court fines, assessments, sales tax reporting and/or payment obligations, or fees owed to the Town of Eagle; and	T
15. The applicant, Principals, and Business Manager are not in default on any municipal, county, State, or federal taxes, fees, fines or charges, do not have any outstanding warrants for their arrest, and do not have any outstanding liens or judgments payable to the Town of Eagle.	T
16. The applicant, Principals, Business Manager and employees shall all be over the age of twenty-one (21) years.	T
17. The applicant, Principals, Business Manager, persons holding a financial interest in the business, and employees have not been determined by any Medical Marijuana licensing authority, any other licensing board within the State, or the State Licensing Authority to not be persons of good Character and Record within the preceding three (3) years.	T
18. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business and employees are persons of good Character and Record.	T
19. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business and employees have not discharged a sentence for any felony in the five (5) years immediately preceding the filing of a license application.	T
20. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business and employees have never been convicted of a felony or received a deferred judgment and sentence pursuant to State or federal law regarding the possession, distribution, or use of a controlled substance.	T
21. The applicant, Principals, Business Manager, persons holding a financial interest in the Medical Marijuana Business have not held an interest in any liquor license, Medical Marijuana license or other license issued by any municipality, county, or the State of Colorado that has been revoked, suspended, or fined within the preceding two (2) years.	T
22. The applicant, Principals, Business Manager, persons holding any financial interest in the Medical Marijuana Business, and employees have not had their authority, if any, to act as a Primary Caregiver revoked by the State of Colorado within the preceding two (2) years.	T
*The Licensing Authority may grant a license to a person if the person has a state felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied.	

Any questions with the answer of "False" will stop the application process until resolved.

Applicant Signature

Printed Name

Date

Town Clerk

Date

The Local Licensing Authority shall approve, deny or conditionally approve a pending application within 45 days from the receipt of the application.

DEPARTMENT APPROVALS

EAGLE PD	SIGNATURE	DATE
PLANNING DEPARTMENT	SIGNATURE	DATE
SALES TAX	SIGNATURE	DATE
BUSINESS LICENSE	SIGNATURE	DATE

APPLICATION APPROVED ☐**APPLICATION DENIED ☐**

PUBLIC HEARING/MEETING DATE

PUBLIC NOTICE POSTED DATE

Applicant Signature

Printed Name

Date

Town Clerk

Date

FINGERPRINT/BACKGROUND CHECK NOTICES TO FOLLOW

March 5, 2020

Town Of Eagle

PO Box 609

Eagle, CO 81631

To Whom It May Concern,

We have leased 825 A Chambers Ave to Sweet Leaf Pioneer, LLC for the purpose of operating a Retail Marijuana Cultivation Center and Retail Marijuana Grow. We have signed a 10-year lease till 12/31/2028.

Sincerely,



David Young

D & S Family Holding LLC

PO Box 5113

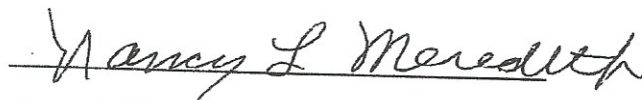
Eagle, CO 81631

State of Colorado

County of Eagle

Subscribed and affirmed before on this 6 day of March, 2020

By David Young

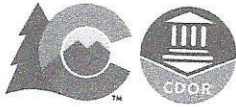


Notary Public

2/6/21

My Commission Expires:

NANCY L. MEREDITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20044034567
MY COMMISSION EXPIRES FEBRUARY 6, 2021



COLORADO
Department of Revenue
Enforcement Division – Marijuana

Regulated Marijuana Business License Renewal Application

GROW

Marijuana Enforcement Division

Colorado Marijuana Enforcement Division

Regulated Business License Renewal Application Instructions

APPLICATION CHECKLIST

☐ 1 Application Fully Completed

Type or clearly print, in English, an answer to every question. If a question does not apply, indicate with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title.

All renewals should be submitted at least 30 days prior to expiration.

☐ 2 Application Contents

- ☐ Required Disclosures
- ☐ Main Application
- ☐ Authorization Forms
- ☐ Publicly Traded Company (PTC)- Addendum A
- ☒ Qualified Private Fund (QPF)- Addendum B
- ☐ Qualified Institutional Investor (QII)- Addendum C

The disclosure requirements and the main application must be completed in full by all applicants. If this is a renewal including a PTC, QPF, or QII, the appropriate addendum must also be attached.

☐ 3 All Forms Signed & Attached

Each of the following accompanying forms must be completed and signed by an authorized representative of the RMB and returned with the application.

- ☒ Affirmation & Consent
- ☒ Tax Check Authorization
- ☒ Investigation Authorization / Authorization to Release Information
- ☒ Applicant's Request to Release Information (leave the "To:" section blank on that page)
- ☒ Affirmation of Reasonable Care

☐ 4 All Requested Information Attached

- ☐ See Renewal Application Required Disclosures (page 1 of application)
 - ☐ Upon request by the Division, an Applicant must provide additional information or documents required to process and investigate the application, within seven (7) days of the request.
- Please note:** This deadline may be extended for a period of time commensurate with the scope of the request.

☐ 5 Application and License Fees

All applications and documentation submitted must be single-sided and on 8.5x11 inch paper.

See fee table on website: www.colorado.gov/revenue/med

Application fees remitted to the State Licensing Authority and/or the Department of Revenue, are non-refundable.

- ☐ Submit complete original or scanned application packet.
- ☐ Cash, checks (in the name of the applicant), money orders and major credit cards (subject to service charge)
- ☐ Mail-in applications can only be paid by check or money order.

NOTE: There will no longer be a grace period for the renewal of RMB licenses. If you let your license expire after January 1, 2020, you will be required to cease operations and reapply for a new RMB license and pay all the required fees.

☐ 6 Application Submittal

Applications can be submitted in person or by mail with all attachments and requisite fees:

Marijuana Enforcement Division
1707 Cole Blvd., Suite 300, Lakewood, CO 80401
ATTN: Business Licensing

NOTE: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the Lakewood office prior to the end of the next business day.

Renewal Application Required Disclosures

- ☐ Provide a copy of the Local Licensing Authority or Local Jurisdiction approval, licensure, and/or documentation demonstrating timely submission of pending local license renewal application.
- ☐ Provide a list of any sanctions, penalties, assessments or cease and desist orders imposed by any securities regulatory agency, including but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators

First Renewal of the year only, for multiple licenses under the same Entity name. Must include Balance Sheet, Income Statement & Cash Flow Statement. If available, provide auditors reports and footnotes.

- ☒ Consolidated Financial Statements - (See separate PTC requirements on PTC Addendum)
- ☐ Audited ☒ Not Audited ☐ If available online, cite location _____
- ☐ A copy of any contracts, agreements, royalty agreements, equipment leases, financing agreement, security contract or any other IFIH required to be disclosed by Rule 2-230(A)(3).
- ☐ A copy of any management agreement(s).
- ☒ **Tax Documents** - Documentation establishing compliant return filing and payment of taxes related to any RMB, in which the Person is, or was, required to file and pay taxes.

Provide each of the following (only if changes):

- ☐ Organizational Documents - Indicate which document is being provided.
- ☐ Articles of Incorporation ☐ By-Laws ☐ Shareholder agreement
- ☒ Operating Agreement for LLC ☐ Partnership Agreement for partnership ☐ No Change
- ☐ Corporate Governance Documents - Indicate which document is being provided.
- ☐ Required for Publicly Traded Companies ☐ Permitted, but not required for Privately held companies ☒ No Change
- ☐ Certificate of Good Standing from jurisdiction where Entity was formed. (Must be U.S. or country that authorizes the sale of marijuana).
- ☒ No Change
- ☐ Proof of Possession of Licensed Premises Provide all applicable amendments and/or extensions - Indicate which document is being provided.
- ☐ Deed ☐ Lease ☐ Sublease ☐ Rental Agreement ☐ Contract ☒ No Change
- ☐ Facility Diagrams - Provide a Legible and Accurate diagram for the facility. The diagram must include a plan for the Licensed Premises and a separate plan for the Security/Surveillance, including camera location, number and direction of coverage. If the diagram is larger than 8.5x11 inches, the Licensee must also provide a PDF copy of the diagram. (Indicate which document is being provided)
- ☐ Licensed Premises ☐ Security and Surveillance ☒ No Change
- ☒ Organizational Chart, including the identity and ownership percentage of all CBO's.
- ☐ No Change *operating agreement*

RMB - Regulated Marijuana Business
CBO - Controlling Beneficial Owner
PBO - Passive Beneficial Owner

IFIH - Indirect Financial Interest Holder
QII - Qualified Institutional Investor

QPF - Qualified Private Fund
PTC - Publicly Traded Company

Affirmation of complete application

Signature *David Manzanares* Printed Name *David Manzanares* Date *3/4/20*

Colorado Marijuana Licensing Authority
Regulated Marijuana Business License Renewal Application

License Types & Fees (See Application Checklist for details on license types and fees.)			
☐ Retail Marijuana Store	☒ Tier 1 (Up to 1800 plants)	☐ Retail Marijuana Products Manufacturer	
☒ Retail Marijuana Cultivation Facility (Select Tier)	☐ Tier 2 (1801 to 3600 plants)	☐ Retail Marijuana Business Operator	
☐ Retail Marijuana Testing Facility	☐ Tier 3 (3601 to 6000 plants)	☐ Retail Marijuana Transporter	
	☐ Tier 4 (6001 to 10200 plants)		
	☐ Tier 5 (10201 to 13800 plants)		
	☐ Tier 5+ (_____ plants in excess of 13801)		
☐ Medical Marijuana Store	☐ Marijuana Research & Development Facility		
☐ Medical Marijuana Products Manufacturer	☐ Medical Marijuana Cultivation Facility		
☐ Medical Marijuana Testing Facility	☐ Class 1 (1-500 Plants)		
☐ Medical Marijuana Business Operator	☐ Class 2 (501-1500 Plants)		
☐ Medical Marijuana Transporter	☐ Class 3 (1501-3000 Plants)		
	☐ Class 3+ _____ (increments of 3000)		
Applicant's Legal Business Name (Please Print) Sweet Leaf Pioneer LLC		Marijuana License Number 403R-00277	
Registered Trade Name (DBA) N/A			
Federal Taxpayer ID 37-169-5151	Affiliated Colorado Sales Tax License # 276582680001	Name of Registered Agent David Manzanares	
Physical Address			
Street Address of Marijuana Business 825 A Chambers Ave			
City Eagle		County Eagle	State CO
Business Phone Number (970) 328-9060		ZIP 81631	
Email Address davem@sweetleafpioneer.com			
Mailing Address (if different from Business Address)			
Address PO Box 2225			
City Eagle		County Eagle	State CO
ZIP 81631			
Primary Contact Person			
Primary Contact Person for Business David Manzanares		Primary Contact Phone Number (970) 904-7277	
Primary Contact Mailing Address PO Box 2225 Eagle, CO 81631			
Primary Contact Email Address davem@sweetleafpioneer.com			

1. Is the licensee (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) under the age of twenty-one years?	Yes ☐	No ☒
2. Has the applicant or any business entity owned by the applicant ever owned or applied for a Marijuana license in this or any other jurisdiction, foreign or domestic that has been subject to any of the following actions since the last renewal: (1) denial; (2) surrender; (3) order to show cause; (4) suspension; (5) fine; (6) revocation; (7) stipulation or settlement; (8) withdrawn. If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action.	☒	☐
3. Do you have legal possession of the licensed premises?	☒	☐
4. In the past year, has the licensee (including all parent or subsidiary companies, if any) had a tax lien filed against it, or become delinquent in the payment or filing of any taxes, interest, penalties or judgments owed to the State of Colorado. If Yes, explain in detail on a separate sheet and attach copies of all available documentation.	☐	☒
5. In the past year, has the licensee (including all parent or subsidiary companies, if any) been indicted, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner? Include ALL offenses regardless of class of crime or outcome, even if the charges were dismissed or you were found not guilty. If Yes, explain in detail on a separate sheet and attach it to your application. Provide official documentation from the court showing the final disposition for any felony charge or those related to a controlled substance. (Sealed or expunged non-convictions need not be disclosed).	☐	☒
6. Within the last 12 months, has there been a change in ownership or ownership allocation, a transfer of stock, a change in the incorporation or in the corporate by-laws, or any other change affecting ownership or organizational structure of the licensee or its subsidiaries/affiliates? If yes, explain in detail on a separate sheet and attach copies of all available documentation concerning the changes. (i.e. New operating agreement)	☒	☐

Ownership Structure

List all CBOs 10% or greater and all Executive Officers, Managers and any other individual and/or entity that Controls the RMB.

Name <i>David Manzanares</i>	Title <i>member</i>	Own. % Entity Associated with	Own. % in Applicant <i>90</i>
Name <i>Cory Neilson</i>	Title <i>member</i>	Own. % Entity Associated with	Own. % in Applicant <i>10</i>
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant

1. Are there any outstanding options and/or warrants or other contracts, that may be exercised into an Owner's Interest in the RMB within the next 60 days that would constitute a CBO?	☐ Yes ☒ No *If YES, attach list of persons
2. Are there any other Persons, other than those listed in the Ownership Structure, that can Control the RMB?	☐ Yes ☒ No *If YES, attach list of persons
3. Are any owners renewing their Owners Licenses with this application? If YES, then each must submit the Owner Renewal Application (DR 8516 - see website)	Yes ☐ No ☒

4. Has the applicant exercised reasonable care to confirm that its CBO's, PBO's (that are Non-Objecting PBO's), Qualified Institutional Investors and Indirect Financial Interest Holders are NOT Person(s) prohibited under Sections C.R.S. 44-11-306 and 44-12-305? (Publicly Traded Companies excluded) If NO, explain on a separate sheet	Yes ☒ No ☐
5. Have any CBO's been removed or moved to PBO ownership status since the prior application? If YES, list and explain.	☐ Yes ☒ No

Indirect Financial Interest Holder - List those with 2 or more interests (PBO, lease, Intellectual Property agreements, finance and/or equipment lease agreements, etc.) or loans that are 50% or more of the operating capital as defined in Rule 2-230 (A)(3).

Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			

Local Licensing Authority (To be filled out by licensee) Include copy of Local License or Approval			
Local Licensing Authority <i>Town of Eagle</i>		Local Licensing Authority contact name <i>Jenny Rakow</i>	
Contact Phone <i>(970) 328-6354</i>	Contact Email <i>jenny.rakow@townofeagle.org</i>		
Current License Status With Local Authority <i>ACTIVE</i>	Date of Expiration <i>4/14/20</i>		
Does the local licensing authority permit this type of business in their jurisdiction?			Yes ☒ No ☐

Affirmation & Consent

I, David Montanarres, as an owner for the applicant business, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Renewal License Application statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for denial of the marijuana business application. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority, under oath, with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana License.

Note: If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account(s) electronically.

Print Full Legal Name of Owner/Principal clearly below:

Applicant's Legal Business Name <u>Sweet Leaf Pioneer LLC</u>		Trade Name (DBA) <u>N/A</u>	
Last Name of Owner/Principal (Please Print) <u>Manzanarres</u>	First Name of Owner/Principal <u>David</u>	Middle Name of Owner/Principal <u>Matthew</u>	
Signature <u>David Montanarres</u>			Date <u>3/4/20</u>

Confidential Document: This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

Tax Check Authorization and Request To Release Information

I, David Manzanares am signing this waiver on behalf of sweet leaf pioneers LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documents that would otherwise be confidential. If I am signing this waiver for someone other than myself, I certify that I have the authority to execute this waiver on behalf of the Applicant/Licensee.

The information and documentation obtained pursuant to this waiver will be used in connection with the Applicant/Licensee's application or licensure with the Colorado Marijuana Enforcement Division, which requires proof of compliance with certain tax obligations pursuant to several statutory provisions, including sections 44-10-202(1) and 44-10-307(1)(e), C.R.S. This waiver is made pursuant to section 39-21-113(4), C.R.S.; and any other similar law or ordinance concerning the confidentiality of tax returns and return information. This waiver shall be valid while the application is pending and, if the application is approved, (1) for one year from the date of licensure or; (2) if applying for an employee license under the medical marijuana code, for two years from the date of licensure. If the license is administratively continued pursuant to section 44-10-314 C.R.S., this waiver shall be valid until the state licensing authority takes final action to approve or deny the renewal of the license. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license.

Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority release the following information and supporting documentation to the Colorado Marijuana Enforcement Division, which is acting as Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to obtain the information specified below.

1. Whether the Applicant/Licensee has failed to file any state tax return with the Colorado Department of Revenue or any other state or local taxing authority by the required due date (determined with regard to any extension(s) of time for filing) for any tax year for which filing of a return might have been required.
2. Whether the Applicant/Licensee has failed to pay any tax, penalty, or interest liability within 30 days of the date on which the Colorado Department of Revenue or any other state or local taxing authority gave notice of the amount due and requested payment.
3. Whether the Applicant/Licensee has entered into a payment plan with the Colorado Department of Revenue or any other state or local taxing authority and whether Applicant/Licensee is current on any payments required by said payment plan.

Applicant/Licensee authorizes the Colorado Department of Revenue and any other state or local taxing authority to release any additional information or documentation necessary to answer the questions above. Applicant/Licensee authorizes the Colorado Marijuana Enforcement Division and its legal representatives to use the information and documentation obtained from the Colorado Department of Revenue and any other state or local taxing authority in any administrative action regarding the application or license. To assist the Colorado Department of Revenue and any other state or local taxing authority locate the tax records, Applicant/Licensee is voluntarily providing the following information (please type or print).

Applicant's Name (Individual/Business) <u>David Manzanares / Sweet Leaf Pioneers LLC</u>		Social Security Number/Tax Identification Number [REDACTED]	
Street Address <u>389 Green Mountain drive</u>		City <u>Eagle</u>	State <u>CO</u>
Home Telephone Number <u>(970) 904-7277</u>		Zip Code <u>81631</u>	
Business/Work Telephone Number <u>(970) 328-9060</u>			
Legal Last Name (Please Print) <u>Manzanares</u>	Legal First Name <u>David</u>	Full Middle Name <u>Matthew</u>	
Applicant's Signature <u>David Manzanares</u>		Date <u>3/4/20</u>	
Signature of Marijuana Enforcement Division agent presenting this request		Date	

Investigation Authorization/Authorization to Release Information

I, David Manzanaras, as an owner for this licensee, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into the background of the person(s) and/or entity, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I authorize the release of this type of information, even though such information may be designated as "confidential" or "non-public" under the provisions of state or federal laws. I understand by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, unless sealed or expunged by the court of record, even though this record may be designated as "confidential" or "non-public" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant business, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Print Full Legal Name of Owner/Principal clearly below:

Applicant's Legal Business Name <u>Sweet Leaf Pioneer LLC</u>		Trade Name (DBA) <u>N/A</u>	
Last Name of Owner (Please Print) <u>Manzanaras</u>	First Name of Owner <u>David</u>	Middle Name of Owner <u>Matthew</u>	
Signature <u>David Manzanaras</u>		Date <u>3/4/20</u>	

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Applicant's Request to Release Information

TO: (Leave this Blank)

FROM: (Applicant's Printed Name)

David Manzanares

1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege.
2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
3. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.
4. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit:
 - (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might;
 - (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request;
 - (c) To place the name of the agent presenting this request in the appropriate location on this request.
5. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
6. This power of attorney ends twenty-four (24) months from the date of execution.
7. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant.
8. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request.
9. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.

Applicant's Legal Business Name

Sweet Leaf Pioneer LLC

Trade Name (DBA)

N/A

Applicant's Last Name (Please Print)

Manzanares

First Name

David

Full Middle Name

Matthew

Signature

David Manzanares

Date

3/4/20

AFFIRMATION OF REASONABLE CARE – PRIVATE COMPANY

Pursuant to subsections 44-10-309(4) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Passive Beneficial Owners, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, David Manzanares, as Controlling Beneficial Owner or Manager for

Sweet Leaf Pioneer LLC, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature: David Manzanares

Date

3/4/20

AFFIRMATION OF REASONABLE CARE – PUBLICLY TRADED CORPORATION

Pursuant to subsections 44-10-309(5) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Non-objecting Passive Beneficial Owner, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, N/A, as Controlling Beneficial Owner or Manager for

Print

N/A

N/A, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature

N/A

Date

N/A

Addendum A - Renewal Business Application

Publicly Traded Company (PTC)

Please provide:

Stock Trading Symbol N/A	Name of Exchange(s) Traded On N/A	NAICS/SIC Code N/A
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Identify all regulatory agencies with oversight over the PTC's securities
N/A

Reporting agencies required reports submitted on:
N/A

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)
N/A

Number
N/A

Provide the most recent list of Non-Objecting Beneficial owners possessed by the PTC (First renewal of the year only).

Have you had any changes in the business objectives of the Publicly Traded Company's business and documents establishing the Publicly Traded Company (PTC) qualifies to hold a RMB license as referenced in 44-10-103 (50).

Documents requiring divestiture of any CBO that is prohibited by Section 44-10-307 that has had his or her Owner's License revoked or has been found unsuitable.

Questions

Confirm that the PTC is current with all required filings pursuant to any applicable requirements by any securities regulatory authority including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators, and has provided notice to the Division of all non-confidential filings within 2-days of filing.

☐ All Current ☐ Not Current (If not, explain on a separate sheet)
N/A

Confirm that ALL required findings of suitability have been obtained PRIOR TO the PTC becoming a CBO. If No, explain on a separate sheet:

☐ YES ☐ NO
N/A

Confirm that all mandatory filings for CBO's as required by any securities regulatory authority, including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators, have been filed and the MED has been provided concurrent notice with the filing. If No, explain on a separate sheet:

☐ YES ☐ NO
N/A

Addendum B - Renewal Business Application

Qualified Private Fund (QPF)

Please provide:

Identify all regulatory agencies with oversight over the QPF's securities

N/A
N/A

Reporting agencies required reports submitted on:

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)

N/A

Number

Questions

Please confirm that the QPF is current with all required filings pursuant to any applicable requirements by any securities regulatory.

☐ All Current ☐ Not Current (If not, explain on a separate sheet)

N/A

Please confirm that ALL required findings of suitability, including all QPF managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the RMB, have been obtained SINCE the QPF became effective:

☐ YES ☐ NO

N/A

Addendum C - Renewal Application

Qualified Institutional Investor (QII)

Please provide:

Identity(ies) of all Regulators with oversight over the QII's securities

N/A

N/A

Reporting agencies required reports submitted on

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA) Number

N/A

N/A

Attach the most recent list of Passive Beneficial owners possessed by the QII.

N/A

Questions

1. Confirm that the QII is current with all required filings pursuant to any applicable requirements by any securities regulatory.

☐ Current

☐ Not Current

If Not Current, explain.

N/A

2. Confirm that ALL required findings of suitability including all QII managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the MRB have been obtained PRIOR TO the QII becoming effective

☐ Yes ☐ No

N/A



COLORADO
Department of Revenue
Enforcement Division – Marijuana

Regulated Marijuana Business License Renewal Application

STORE

Marijuana Enforcement Division

Colorado Marijuana Enforcement Division

Regulated Business License Renewal Application Instructions

APPLICATION CHECKLIST

☐ 1 Application Fully Completed

Type or clearly print, in English, an answer to every question. If a question does not apply, indicate with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title.

All renewals should be submitted at least 30 days prior to expiration.

☐ 2 Application Contents

- ☐ Required Disclosures
- ☐ Main Application
- ☐ Authorization Forms
- ☐ Publicly Traded Company (PTC)- Addendum A
- ☐ Qualified Private Fund (QPF)- Addendum B
- ☐ Qualified Institutional Investor (QII)- Addendum C

The disclosure requirements and the main application must be completed in full by all applicants. If this is a renewal including a PTC, QPF, or QII, the appropriate addendum must also be attached.

☐ 3 All Forms Signed & Attached

Each of the following accompanying forms must be completed and signed by an authorized representative of the RMB and returned with the application.

- ☐ Affirmation & Consent
- ☐ Tax Check Authorization
- ☐ Investigation Authorization / Authorization to Release Information
- ☐ Applicant's Request to Release Information (leave the "To:" section blank on that page)
- ☐ Affirmation of Reasonable Care

☐ 4 All Requested Information Attached

- ☐ See Renewal Application Required Disclosures (page 1 of application)
- ☐ Upon request by the Division, an Applicant must provide additional information or documents required to process and investigate the application, within seven (7) days of the request.

Please note: This deadline may be extended for a period of time commensurate with the scope of the request.

☐ 5 Application and License Fees

All applications and documentation submitted must be single-sided and on 8.5x11 inch paper. See fee table on website: www.colorado.gov/revenue/med

Application fees remitted to the State Licensing Authority and/or the Department of Revenue, are non-refundable.

- ☐ Submit complete original or scanned application packet.
- ☐ Cash, checks (in the name of the applicant), money orders and major credit cards (subject to service charge)
- ☐ Mail-in applications can only be paid by check or money order.

NOTE: There will no longer be a grace period for the renewal of RMB licenses. If you let your license expire after January 1, 2020, you will be required to cease operations and reapply for a new RMB license and pay all the required fees.

☐ 6 Application Submittal

Applications can be submitted in person or by mail with all attachments and requisite fees:

Marijuana Enforcement Division
1707 Cole Blvd., Suite 300, Lakewood, CO 80401
ATTN: Business Licensing

NOTE: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the Lakewood office prior to the end of the next business day.

Renewal Application Required Disclosures

- ☐ Provide a copy of the Local Licensing Authority or Local Jurisdiction approval, licensure, and/or documentation demonstrating timely submission of pending local license renewal application.
- ☐ Provide a list of any sanctions, penalties, assessments or cease and desist orders imposed by any securities regulatory agency, including but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators

First Renewal of the year only, for multiple licenses under the same Entity name. Must include Balance Sheet, Income Statement & Cash Flow Statement. If available, provide auditors reports and footnotes.

- ☒ Consolidated Financial Statements - (See separate PTC requirements on PTC Addendum)
- ☐ Audited ☒ Not Audited ☐ If available online, cite location _____
- ☐ A copy of any contracts, agreements, royalty agreements, equipment leases, financing agreement, security contract or any other IFIH required to be disclosed by Rule 2-230(A)(3).
- ☐ A copy of any management agreement(s).
- ☒ **Tax Documents** - Documentation establishing compliant return filing and payment of taxes related to any RMB, in which the Person is, or was, required to file and pay taxes.

Provide each of the following (only if changes):

- ☐ Organizational Documents - Indicate which document is being provided.
- ☐ Articles of Incorporation ☐ By-Laws ☐ Shareholder agreement
- ☒ Operating Agreement for LLC ☐ Partnership Agreement for partnership ☐ No Change
- ☐ Corporate Governance Documents - Indicate which document is being provided.
- ☐ Required for Publicly Traded Companies ☐ Permitted, but not required for Privately held companies ☒ No Change
- ☐ Certificate of Good Standing from jurisdiction where Entity was formed. (Must be U.S. or country that authorizes the sale of marijuana).
- ☒ No Change
- ☐ Proof of Possession of Licensed Premises Provide all applicable amendments and/or extensions - Indicate which document is being provided.
- ☐ Deed ☐ Lease ☐ Sublease ☐ Rental Agreement ☐ Contract ☒ No Change
- ☐ Facility Diagrams - Provide a Legible and Accurate diagram for the facility. The diagram must include a plan for the Licensed Premises and a separate plan for the Security/Surveillance, including camera location, number and direction of coverage. If the diagram is larger than 8.5x11 inches, the Licensee must also provide a PDF copy of the diagram. (Indicate which document is being provided)
- ☐ Licensed Premises ☐ Security and Surveillance ☒ No Change
- ☒ Organizational Chart, including the identity and ownership percentage of all CBO's.
- ☐ No Change *operating agreement*

RMB - Regulated Marijuana Business
CBO - Controlling Beneficial Owner
PBO - Passive Beneficial Owner

IFIH - Indirect Financial Interest Holder
QII - Qualified Institutional Investor

QPF - Qualified Private Fund
PTC - Publicly Traded Company

Affirmation of complete application

Signature *David Manzanarez* Printed Name *David Manzanarez* Date *3/4/20*

Colorado Marijuana Licensing Authority
Regulated Marijuana Business License Renewal Application

License Types & Fees (See Application Checklist for details on license types and fees.)			
☒ Retail Marijuana Store	☒ Tier 1 (Up to 1800 plants)	☐ Retail Marijuana Products Manufacturer	
☐ Retail Marijuana Cultivation Facility (Select Tier)	☐ Tier 2 (1801 to 3600 plants)	☐ Retail Marijuana Business Operator	
☐ Retail Marijuana Testing Facility	☐ Tier 3 (3601 to 6000 plants)	☐ Retail Marijuana Transporter	
	☐ Tier 4 (6001 to 10200 plants)		
	☐ Tier 5 (10201 to 13800 plants)		
	☐ Tier 5+ (_____ plants in excess of 13801)		
☐ Medical Marijuana Store	☐ Marijuana Research & Development Facility		
☐ Medical Marijuana Products Manufacturer	☐ Medical Marijuana Cultivation Facility		
☐ Medical Marijuana Testing Facility	☐ Class 1 (1-500 Plants)		
☐ Medical Marijuana Business Operator	☐ Class 2 (501-1500 Plants)		
☐ Medical Marijuana Transporter	☐ Class 3 (1501-3000 Plants)		
	☐ Class 3+ _____ (increments of 3000)		
Applicant's Legal Business Name (Please Print) <u>Sweet Leaf Pioneer LLC</u>		Marijuana License Number <u>402R-00211</u>	
Registered Trade Name (DBA) <u>N/A</u>			
Federal Taxpayer ID <u>37-169-5151</u>		Affiliated Colorado Sales Tax License # <u>276582680001</u>	Name of Registered Agent <u>David Manzanares</u>
Physical Address			
Street Address of Marijuana Business <u>825 A Chambers AVE</u>			
City <u>Eagle</u>		County <u>Eagle</u>	State <u>CO</u>
Business Phone Number <u>(970) 328-9060</u>		Email Address <u>davem@sweetleafpioneer.com</u>	ZIP <u>81631</u>
Mailing Address (if different from Business Address)			
Address <u>PO Box 2225</u>			
City <u>Eagle</u>		County <u>Eagle</u>	State <u>CO</u>
Primary Contact Person <u>David Manzanares</u>		Primary Contact Phone Number <u>(970) 904-7277</u>	
Primary Contact Mailing Address <u>PO Box 2225 Eagle, CO 81631</u>			
Primary Contact Email Address <u>davem@sweetleafpioneer.com</u>			

1. Is the licensee (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) under the age of twenty-one years?	Yes ☐	No ☒
2. Has the applicant or any business entity owned by the applicant ever owned or applied for a Marijuana license in this or any other jurisdiction, foreign or domestic that has been subject to any of the following actions since the last renewal: (1) denial; (2) surrender; (3) order to show cause; (4) suspension; (5) fine; (6) revocation; (7) stipulation or settlement; (8) withdrawn. If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action.	☒	☐
3. Do you have legal possession of the licensed premises?	☒	☐
4. In the past year, has the licensee (including all parent or subsidiary companies, if any) had a tax lien filed against it, or become delinquent in the payment or filing of any taxes, interest, penalties or judgments owed to the State of Colorado. If Yes, explain in detail on a separate sheet and attach copies of all available documentation.	☐	☒
5. In the past year, has the licensee (including all parent or subsidiary companies, if any) been indicted, served with a criminal summons, charged with, or convicted of ANY crime or offense in any manner? Include ALL offenses regardless of class of crime or outcome, even if the charges were dismissed or you were found not guilty. If Yes, explain in detail on a separate sheet and attach it to your application. Provide official documentation from the court showing the final disposition for any felony charge or those related to a controlled substance. (Sealed or expunged non-convictions need not be disclosed).	☐	☒
6. Within the last 12 months, has there been a change in ownership or ownership allocation, a transfer of stock, a change in the incorporation or in the corporate by-laws, or any other change affecting ownership or organizational structure of the licensee or its subsidiaries/affiliates? If yes, explain in detail on a separate sheet and attach copies of all available documentation concerning the changes. (i.e. New operating agreement)	☒	☐

Ownership Structure

List all CBOs 10% or greater and all Executive Officers, Managers and any other individual and/or entity that Controls the RMB.

Name <i>David Manzanarez</i>	Title <i>Member</i>	Own. % Entity Associated with	Own. % in Applicant <i>90</i>
Name <i>Cory Nielson</i>	Title <i>Member</i>	Own. % Entity Associated with	Own. % in Applicant <i>10</i>
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant
Name	Title	Own. % Entity Associated with	Own. % in Applicant

1. Are there any outstanding options and/or warrants or other contracts, that may be exercised into an Owner's Interest in the RMB within the next 60 days that would constitute a CBO?	☐ Yes ☒ No *If YES, attach list of persons
2. Are there any other Persons, other than those listed in the Ownership Structure, that can Control the RMB?	☐ Yes ☒ No *If YES, attach list of persons
3. Are any owners renewing their Owners Licenses with this application? If YES, then each must submit the Owner Renewal Application (DR 8516 - see website)	Yes ☐ No ☒

4. Has the applicant exercised reasonable care to confirm that its CBO's, PBO's (that are Non-Objecting PBO's), Qualified Institutional Investors and Indirect Financial Interest Holders are NOT Person(s) prohibited under Sections C.R.S. 44-11-306 and 44-12-305? (Publicly Traded Companies excluded) If NO, explain on a separate sheet	Yes ☒ No ☐
5. Have any CBO's been removed or moved to PBO ownership status since the prior application? If YES, list and explain.	☐ Yes ☒ No

Indirect Financial Interest Holder - List those with 2 or more interests (PBO, lease, Intellectual Property agreements, finance and/or equipment lease agreements, etc.) or loans that are 50% or more of the operating capital as defined in Rule 2-230 (A)(3).

Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			
Name of Interest Holder	Date of Birth	FEIN/SSN	Address
List Types of Interests			

Local Licensing Authority (To be filled out by licensee) Include copy of Local License or Approval			
Local Licensing Authority <i>Town of Eagle</i>		Local Licensing Authority contact name <i>Jenny Rakow</i>	
Contact Phone <i>(970) 328-6354</i>	Contact Email <i>jenny-rakow@townofeagle.org</i>		
Current License Status With Local Authority <i>Active</i>		Date of Expiration <i>4/14/20</i>	
Does the local licensing authority permit this type of business in their jurisdiction?			Yes ☒ No ☐

Affirmation & Consent

I, David Manzanarez, as an owner for the applicant business, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Renewal License Application statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for denial of the marijuana business application. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority, under oath, with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana License.

Note: If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account(s) electronically.

Print Full Legal Name of Owner/Principal clearly below:

Applicant's Legal Business Name <u>Sweet Leaf Pioneer LLC</u>		Trade Name (DBA) <u>N/A</u>
Last Name of Owner/Principal (Please Print) <u>David Manzanarez</u>	First Name of Owner/Principal <u>David</u>	Middle Name of Owner/Principal <u>Matthew</u>
Signature <u>David Manzanarez</u>		Date <u>3/4/20</u>

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Tax Check Authorization and Request To Release Information

I David Manzanares am signing this waiver on behalf of Sweet Leaf Pioneer LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documents that would otherwise be confidential. If I am signing this waiver for someone other than myself, I certify that I have the authority to execute this waiver on behalf of the Applicant/Licensee.

The information and documentation obtained pursuant to this waiver will be used in connection with the Applicant/Licensee's application or licensure with the Colorado Marijuana Enforcement Division, which requires proof of compliance with certain tax obligations pursuant to several statutory provisions, including sections 44-10-202(1) and 44-10-307(1)(e), C.R.S. This waiver is made pursuant to section 39-21-113(4), C.R.S.; and any other similar law or ordinance concerning the confidentiality of tax returns and return information. This waiver shall be valid while the application is pending and, if the application is approved, (1) for one year from the date of licensure or; (2) if applying for an employee license under the medical marijuana code, for two years from the date of licensure. If the license is administratively continued pursuant to section 44-10-314 C.R.S., this waiver shall be valid until the state licensing authority takes final action to approve or deny the renewal of the license. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license.

Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority release the following information and supporting documentation to the Colorado Marijuana Enforcement Division, which is acting as Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to obtain the information specified below.

1. Whether the Applicant/Licensee has failed to file any state tax return with the Colorado Department of Revenue or any other state or local taxing authority by the required due date (determined with regard to any extension(s) of time for filing) for any tax year for which filing of a return might have been required.
2. Whether the Applicant/Licensee has failed to pay any tax, penalty, or interest liability within 30 days of the date on which the Colorado Department of Revenue or any other state or local taxing authority gave notice of the amount due and requested payment.
3. Whether the Applicant/Licensee has entered into a payment plan with the Colorado Department of Revenue or any other state or local taxing authority and whether Applicant/Licensee is current on any payments required by said payment plan.

Applicant/Licensee authorizes the Colorado Department of Revenue and any other state or local taxing authority to release any additional information or documentation necessary to answer the questions above. Applicant/Licensee authorizes the Colorado Marijuana Enforcement Division and its legal representatives to use the information and documentation obtained from the Colorado Department of Revenue and any other state or local taxing authority in any administrative action regarding the application or license. To assist the Colorado Department of Revenue and any other state or local taxing authority locate the tax records, Applicant/Licensee is voluntarily providing the following information (please type or print).

Applicant's Name (Individual/Business) <u>David Manzanares/Sweet Leaf Pioneer LLC</u>		Social Security Number/Tax ID Number [REDACTED]	
Street Address <u>389 Green mountain drive</u>		City <u>Eagle</u>	State <u>CO</u>
Home Telephone Number <u>(970) 904-7277</u>		Zip Code <u>81631</u>	
Business/Work Telephone Number <u>(970) 328-9060</u>			
Legal Last Name (Please Print) <u>Manzanares</u>	Legal First Name <u>David</u>	Full Middle Name <u>Matthew</u>	
Applicant's Signature <u>[Signature]</u>		Date <u>3/4/20</u>	
Signature of Marijuana Enforcement Division agent presenting this request		Date	

Investigation Authorization/Authorization to Release Information

I, David Manzanares, as an owner for this licensee, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into the background of the person(s) and/or entity, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I authorize the release of this type of information, even though such information may be designated as "confidential" or "non-public" under the provisions of state or federal laws. I understand by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, unless sealed or expunged by the court of record, even though this record may be designated as "confidential" or "non-public" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant business, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

Print Full Legal Name of Owner/Principal clearly below:

Applicant's Legal Business Name <u>Sweet Leaf Pioneer LLC</u>		Trade Name (DBA) <u>N/A</u>
Last Name of Owner (Please Print) <u>Manzanares</u>	First Name of Owner <u>David</u>	Middle Name of Owner <u>Matthew</u>
Signature <u>David Manzanares</u>		Date <u>3/4/20</u>

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Applicant's Request to Release Information

TO: (Leave this Blank)

FROM: (Applicant's Printed Name)

David Manzanares

1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege.
2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.
3. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.
4. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit:
 - (a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might;
 - (b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request;
 - (c) To place the name of the agent presenting this request in the appropriate location on this request.
5. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
6. This power of attorney ends twenty-four (24) months from the date of execution.
7. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant.
8. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request.
9. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.

Applicant's Legal Business Name

Sweet Leaf Pioneer LLC

Trade Name (DBA)

N/A

Applicant's Last Name (Please Print)

Manzanares

First Name

David

Full Middle Name

Matthew

Signature

David Manzanares

Date

3/4/20

AFFIRMATION OF REASONABLE CARE – PRIVATE COMPANY

Pursuant to subsections 44-10-309(4) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Passive Beneficial Owners, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, David Manzanares, as Controlling Beneficial Owner or Manager for

Print

SweetLeaf Pioneer LLC, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature

David Manzanares

Date

3/4/20

AFFIRMATION OF REASONABLE CARE – PUBLICLY TRADED CORPORATION

Pursuant to subsections 44-10-309(5) C.R.S. and Rule 2-230(D), Applicant or Licensee affirms that, prior to submission of this application, it exercised reasonable care to confirm its Non-objecting Passive Beneficial Owner, (including any Qualified Institutional Investors) and Indirect Financial Interest Holders, are not Persons prohibited from being issued or holding a license by section 44-10-307 C.R.S., or otherwise restricted from holding an interest under the Colorado Regulated Marijuana Business Code. An Applicant's or Licensee's failure to exercise reasonable care is a basis for denial, fine, suspension, revocation or other sanction by the State Licensing Authority.

I, N/A, as Controlling Beneficial Owner or Manager for

Print

N/A, state under penalty of perjury, pursuant to §18-8-503, that the foregoing is true and correct to the best of my knowledge, information and belief.

Signature

N/A

Date

N/A

Addendum A - Renewal Business Application

Publicly Traded Company (PTC)

Please provide:

Stock Trading Symbol

N/A

Name of Exchange(s) Traded On

N/A

NAICS/SIC Code

N/A

Identify all regulatory agencies with oversight over the PTC's securities

N/A

Reporting agencies required reports submitted on:

N/A

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)

N/A

Number

N/A

Provide the most recent list of Non-Objecting Beneficial owners possessed by the PTC (First renewal of the year only).

Have you had any changes in the business objectives of the Publicly Traded Company's business and documents establishing the Publicly Traded Company (PTC) qualifies to hold a RMB license as referenced in 44-10-103 (50).

Documents requiring divestiture of any CBO that is prohibited by Section 44-10-307 that has had his or her Owner's License revoked or has been found unsuitable.

N/A

Questions

Confirm that the PTC is current with all required filings pursuant to any applicable requirements by any securities regulatory authority including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators, and has provided notice to the Division of all non-confidential filings within 2-days of filing.

☐ All Current ☐ Not Current (If not, explain on a separate sheet)

N/A

Confirm that ALL required findings of suitability have been obtained PRIOR TO the PTC becoming a CBO. If No, explain on a separate sheet:

☐ YES ☐ NO

N/A

Confirm that all mandatory filings for CBO's as required by any securities regulatory authority, including, but not limited to, the United States Securities and Exchange Commission or the Canadian Securities Administrators, have been filed and the MED has been provided concurrent notice with the filing. If No, explain on a separate sheet:

☐ YES ☐ NO

N/A

Addendum B - Renewal Business Application

Qualified Private Fund (QPF)

Please provide:

Identify all regulatory agencies with oversight over the QPF's securities

N/A
N/A

Reporting agencies required reports submitted on:

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA)

N/A

Number

Questions

Please confirm that the QPF is current with all required filings pursuant to any applicable requirements by any securities regulatory.

N/A

☐ All Current ☐ Not Current (If not, explain on a separate sheet)

Please confirm that ALL required findings of suitability, including all QPF managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the RMB, have been obtained SINCE the QPF became effective:

☐ YES ☐ NO

N/A

Addendum C - Renewal Application

Qualified Institutional Investor (QII)

Please provide:

Identity(ies) of all Regulators with oversight over the QII's securities

N/A

Reporting agencies required reports submitted on

List of Sanctions, penalties, assessments, or cease and desist orders by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators. (Separate sheet)

Date of Registration with the Department of Regulatory Agencies (DORA) Number

N/A

Attach the most recent list of Passive Beneficial owners possessed by the QII.

N/A

Questions

1. Confirm that the QII is current with all required filings pursuant to any applicable requirements by any securities regulatory.

☐ Current

☐ Not Current

If Not Current, explain.

N/A

2. Confirm that ALL required findings of suitability including all QII managers, investment advisers, investment adviser representatives, any trustee or equivalent, and any other person that controls the investment in, or management or operations of, the MRB have been obtained PRIOR TO the QII becoming effective

☐ Yes ☐ No

N/A



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager

Date: April 14, 2020

Agenda Item: Three-Mile Annexation Plan

REQUEST: Staff is requesting the board adopt the town's Eagle Area Community Plan as the Three Mile Annexation Plan for the town.

BACKGROUND:

Municipalities in Colorado are required to prepare and adopt a three-mile plan prior to annexing property into their territorial boundaries per C.R.S. 31-12-105 et. seq. The three-mile plan is a long-range plan that outlines where municipalities intend to annex property and describes how they will ensure the adequate provision of services within the newly annexed territory and the remainder of the existing municipality.

ANALYSIS:

The Eagle Area Community Plan was adopted in 2010. Since the adoption of the EACP, the town has used the document as the three-mile plan for the town. Per state statute, the town must adopt a Three Mile Plan on an annual basis. Chapter 4 of the Eagle Area Community Plan outlines future land uses for the areas outside the town boundaries.

COMMUNITY INPUT:

This is not a public hearing. Community input was not sought for this motion.

BUDGET / STAFF IMPACT:

There is no budget impact to this motion.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This motion directly supports the Strategic Plan for the town, specifically, Major Objective #10: Address Essential Planning and Land Use Challenges. The major objective states that the town should maintain standards that support new development while managing risks to the town. Adoption of a three-mile plan allows the town to remain in compliance with state statutes and provide direction to future development applications that petition to annex into the town.

RECOMMENDED ACTION OR PROPOSED MOTION:

A motion to **approve or deny** Resolution XX-2020 "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, ADOPTING AN ANNEXATION PLAN FOR THE TOWN OF EAGLE, COLORADO."

ATTACHMENTS:

[Eagle Area Community Plan \(Adopted 2010\)](#)

RESOLUTION NO. 14
(Series of 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO, ADOPTING AN ANNEXATION PLAN FOR THE TOWN OF EAGLE,
COLORADO.

WHEREAS, Section 31-12-105(1)(e)(I), C.R.S., as contained in the Municipal Annexation Act of 1965, requires municipalities to have in place a plan for a three (3) mile area surrounding the municipality that generally describes, if applicable, the proposed location, character, and extent of streets, subways, bridges, waterways, water fronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the three (3) mile area and such plan must be updated at least once annually; and

WHEREAS, the Planning and Zoning Commission and the Board of Trustees of the Town of Eagle, Colorado has adopted as a component of the Town of Eagle Master Plan the Eagle Area Community Plan (July 2010); and

WHEREAS, the Eagle Area Community Plan (July 2010) contains a three (3) mile annexation plan as required by law which is still applicable.

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

Section 1. The Board of Trustees hereby finds and determines that the annexation plan contained within the Eagle Area Community Plan (July 2010) meets the requirements of Section 31-12-105(1)(e)(I), C.R.S.

Section 2. The Eagle Area Community Plan (July 2010) is hereby approved and re-adopted as the annexation plan for the Town of Eagle, Colorado in accordance with applicable law.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on April 14, 2020.

TOWN OF EAGLE, COLORADO, acting by and
through its Board of Trustees

By: _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Bill Shrum, Assistant to the Town

Date: Manager April 14, 2020

Agenda Item: Resolution 15, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting a Grant Application to the Colorado Department of Local Affairs for Project THOR"

REQUEST:

Staff requests that the Board of Trustees review a resolution providing Town support for a grant to DOLA for Project THOR.

INTRODUCTION:

In March 2019, the Town Board of Trustees approved participation in Northwest Colorado Council of Government's (NWCCO) Project THOR. Since that time staff has worked with NWCCOG and Mammoth Networks to install the local fiber connection to I-70 and build out a Meet-Me Center which would fulfill the intended purpose of making middle-mile broadband access readily available to the Town of Eagle. The Town of Eagle was the most elaborate site build-out required of all Project THOR Meet-Me Centers as the Town did not previously have a data center with appropriate furnishings and access. The initially budgeted amount for the Town MMC build-out did not accommodate unique conditions in Eagle relative to other MMC hosts, and bids solicited through NWCCOG and Mammoth came back outside of the proposed budget. Therefore, the Town of Eagle has applied for an Energy Impact Grant (EIAF) for a 50% matching assistance to install these components and meet the intentions of Project THOR.

ANALYSIS:

The grant would provide for the following:

Telecommunication Shelter

- Telecom Shelter installed at Public Works **\$243,126.50** (EIAF Project Budget)

Public Works Fiber Extension

- Uptown Services proposed cost to bore fiber to PW - **\$127,092.56** (EIAF Project Budget)

The proposed telecommunication Shelter at Public Works would have redundant power generation, redundant HVAC, potential 24/7 secure access, expansion space for multiple public and private partners to locate, and easy conduit access from service to outside plant.

The Public Works Fiber Extension is needed for the Town of Eagle to cease CenturyLink Internet Service, as Public Works uses a direct circuit to access Town Hall file servers and internet access. The Board of Trustees directed staff to allocate funds to build this extension prior to this grant application.

COMMUNITY INPUT:

There is no community input necessary for this resolution.

BUDGET / STAFF IMPACT:

There is no direct budget or staff impact based on this resolution. Approval of the grant would leverage nearly \$200,000 of Town Funds to receive a match to complete the needed infrastructure for the Town and potential public and private partners to best utilize the Project THOR Meet-Me Center. The total project budget is roughly \$400,000.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Implementation of the Project THOR Meet-Me Center and a broadband strategy for the Town of Eagle impacts Economic Development and improves the quality of life for the residents and businesses in the Town.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** adoption of Resolution No. 15, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting a Grant Application to the Town the Colorado Department of Local Affairs for Project THOR."

ATTACHMENTS:

- Resolution No. 15

**TOWN OF EAGLE, COLORADO
RESOLUTION NO. 15
(SERIES 2020)**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO SUPPORTING A GRANT APPLICATION TO THE COLORADO
DEPARTMENT OF LOCAL AFFAIRS FOR PROJECT THOR**

WHEREAS, The Town of Eagle is an active participant in Project THOR and enjoys a partnership with the Northwest Colorado Council (NWCCOG) of Government and the Colorado Department of Transportation (CDOT);

WHEREAS, Project THOR is designed to help facilitate public and private partners to implement middle-mile network connections;

WHEREAS, The Town of Eagle recognizes the need to connect Town facilities through fiber networks and completed a plan with the goal to provide municipal broadband;

WHEREAS, additional funding is required to complete phase one of the buildout to Town Hall and connect Public Works to the newly construction Meet-Me-Center;

WHEREAS, Staff applied for an Energy Impact Grant (EIAF) through DOLA on April 1, 2020 for the remaining funds;

WHEREAS, The Board of Trustees supports the application made to DOLA for funds to complete phase one of Project THOR; and

WHEREAS; The Town of Eagle continually looks to make efficient and prudent long-term investments in infrastructure.

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

Section 1. The Town will support the application of a Tier I EIAF grant from the State of Colorado Department of Local Affairs for \$198,326.

Section 2. The Town of Eagle will apply grant funding to install an underground fiber connection owned by the Town of Eagle between Town Hall and the Town Public Works facility at 1050 Chambers Ave.

Section 3. The Town of Eagle will apply this grant funding to building a telecommunication shelter efficiently designed to provide easy access to public and private partners with the desire to connect to the Project THOR Meet-Me-Center located in Eagle.

Section 4. The Town of Eagle will implement the installation of this infrastructure at a time deemed fiscally responsible by the Town no later than two years from the date of the award.

INTRODUCED, READ, PASSED, AND ADOPTED on April 14, 2020.

TOWN OF EAGLE, COLORADO

By: _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: April 14, 2020

Agenda Item: Resolution No. 17, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

REQUEST:

Staff requests that the Board of Trustees review a resolution extending the declared local disaster emergency for an additional 30 days.

INTRODUCTION:

The Board of Trustees declared a local disaster emergency on March 19, 2020. The declaration was granted for 30 days. There is a need to extend the current declaration another 30 days to address the COVID-19 pandemic. Since the next council meeting is scheduled on April 28, the declaration will expire before the council meeting. Extending the declaration now, ensures that town can continue addressing any issues as a result of the pandemic. The updated declaration expires on May 4, 2020. The resolution and declaration is attached to this memo.

ANALYSIS:

The emergency declaration helps the Town take the following measures:

- It allows the council and organization to take measures to address the pandemic that would normally need to wait until a council meeting for action in between meetings
- The council can ratify any actions at the next scheduled council meeting
- It allows the Town to get reimbursed for expenditures needed to address the pandemic

COMMUNITY INPUT:

Community input is not required for this resolution.

BUDGET / STAFF IMPACT:

The review of the resolution does not impact budget or staffing resources.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal is administrative and aligns with standards for emergency declarations established by the State of Colorado.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Resolution No. 17, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

ATTACHMENTS:

- Resolution No. 17
- Emergency Declaration

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 17
(Series of 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO
EXTENDING THE DECLARED LOCAL DISASTER EMERGENCY

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency by Executive Order D 2020 018;

WHEREAS, on March 15, 2020, Mayor McKibbin declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act");

WHEREAS, on March 19, 2020, by Resolution No. 12, the Board of Trustees ratified the Mayor's declaration and made a declaration of emergency effective for 30 days;

WHEREAS, by Executive Order D 2020 003, the Governor of the State of Colorado amended and extended the State's emergency declaration until May 4, 2020; and

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the Town.

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

Section 1. Resolution No. 12 declaring a disaster emergency in and for the Town of Eagle is hereby extended until May 4, 2020 and may be extended or terminated by additional action of the Board of Trustees.

Section 2. Pursuant to C.R.S. § 24-33.5-709(1), this Resolution shall be given prompt and general publicity and shall be filed promptly with the Town Clerk, the Eagle County Clerk and Recorder and the Colorado Office of Emergency Management.

INTRODUCED, READ, PASSED AND ADOPTED ON APRIL 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

ORDER DECLARING A LOCAL DISASTER EMERGENCY IN AND FOR
THE TOWN OF EAGLE, COLORADO

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

WHEREAS, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster emergency may be declared unilaterally by the principal executive officer of a political subdivision, here the Mayor;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, the declaration activates the response and recovery aspects of any applicable disaster emergency plans and authorizes the furnishing of aid and assistance under such plans;

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1) the declaration of a local emergency shall not be continued beyond a period of 7 days or removed except by action of the Board of Trustees;

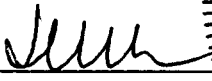
WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), any order declaring, continuing, or terminating a local disaster "shall be given prompt and general publicity and shall be filed promptly with the shall be filed promptly with the county clerk and recorder, the clerk...and with the office of emergency management"; and

WHEREAS, because of the COVID-19 pandemic, which was recognized by the Governor of the State of Colorado on March 10, 2020, the Town is suffering and has suffered a disaster emergency as defined in the Act.

NOW, THEREFORE, IT IS HEREBY ORDERED, on this 15th day of March, 2020, that a disaster emergency is declared in and for the Town of Eagle, Colorado, beginning on this day and ending the March 22, 2020, unless extended by action of the Board of Trustees.

IT IS FURTHER ORDERED that this Order shall be given prompt and general publicity, filed immediately with the Town Clerk, and a copy of it shall be sent to the Eagle County Clerk and Recorder and the Colorado Office of Emergency Management.

ATTEST:


Jenny Rakow, Town Clerk



TOWN OF EAGLE, COLORADO


Anne McKibbin, Mayor



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: April 14, 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 April - May.

- Council member vacancy policy – April 28
- Mobile Vendor Policy – May 12
- Council Policy Document – May 12

Congratulations to all the new council members and Mayor! This election was incredibly successful, and the organization commends Jenny and the election judges for facilitating a historical election for the Town of Eagle. Thank you to the community for granting the Town of Eagle Home Rule status and for letting town keep tobacco taxes.

Thank you to the Board of Trustees for the letter of support for the organization's efforts during the COVID-19 response. It means a lot to know that the leadership at the highest level recognizes and appreciates the steps that were taken to ensure for the safety of staff and the community.

Chad Phillips, Town's new Community Development Director begins work on April 13. The team is excited to have him join staff. Most of my time next week will be dedicated to successfully on-boarding Chad. He and Dennis Wike, the Town Engineer will meet the board on Tuesday.

Coronavirus – The pandemic continues to take up a lot of time for the entire organization. Below are a few updates on the impacts to the organization:

- Town has closed all parks and monitors the updated public health orders.
- The COVID-19 operations plan is extended through April 30 to match the county's public health orders.
- The policy makers are discussing what a re-entry into daily life might look like in May which is positive.
- The social distancing and stay at home orders appear to be working.
- Staff is required to wear masks at work if they can't practice social distancing.

- Town is compliant with all COVID-19 related federal and state legislation.
- Finance still needs more time to work on financial impacts and will send the board information on Monday.

While most activities have been suspended due to budget constraints or social distancing, staff is still working on the following:

- Once council is seated April 28 and the last appointment is completed, staff will begin to coordinate the update to the strategic plan.
- Staff has been asked to continue drafting RFPs for projects that do not have budget so that when funds become available, the town can put them on a schedule.
- Departments continue to process permits, developments, licenses, elections, maintenance, law enforcement and other essential business.

Economic Development, & Planning

Broadband – There are several updates on broadband in Eagle:

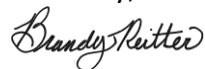
THOR:

- The NWCCOG finally completed the Meet-Me-Center (MMC) at Town Hall and the internet has been switched on. The next steps are to continue the build-out of the MMC to provide services to other town facilities and internet service providers.
- Staff is in the process of setting up a meeting with our financial advisor to pick up where the town left off prior to COVID-19 on municipal broadband.

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

- April 16 – Economic Vitality Committee Meeting
- April 17 – Mayors Roundtable meeting

Sincerely,



Brandy Reitter
Town Manager



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager and Department Leads

Date: April 14, 2020

Re: Department Updates for March 2020

ASSISTANT TO THE TOWN MANAGER

DCI's Annual conference has been postponed to August 25-28. They will be conducting a virtual summit April 14th and 15th where I will make a brief presentation on the progress of Downtown Eagle.

Economic Vitality and Development Work

- The Economic Vitality Committee has three applicants already for the two open seats. Applications are due April 20th, and the EVC will provide recommendations to council for the April 28th council meeting.
- I have been attending numerous economic development and recovery virtual meetings with local, regional, and statewide partners to understand the role of local municipalities in the relief to small businesses and future recovery efforts.

Downtown Broadway

- The Downtown Business Alliance held their March meeting virtually, and active members have chosen to coalesce around forming a seven-member board to bring more structure to Downtown Business efforts.
- I met with volunteers interested in moving the DDA proposal forward in early April. Initial boundary proposals, a draft budget assessment, and business plan should be coming from this subcommittee in the next month.
- CDPHE has approved the request for the additional funds required to start the 410 Broadway asbestos abatement process. I am managing the contracts and will start as soon as possible.
- Broadway Station demolition has begun, and 233 Broadway is still on track for work to begin in the next few months.

Project THOR

- Project THOR 1.0 is installed and complete. Town Hall is lit, though Town internet service is not yet switched over. Additional work needs to be done to connect the Town servers.
- The Town has applied for a Tier I EIAF infrastructure grant through the State of Colorado Department of Local Affairs. This grant would allow the Town to complete a communication shelter and fiber-optic connection between Town Hall and Public Works.

- NWCCOG and Mammoth Networks are drafting Standard Operating Guidelines for THOR meet-me center hosts to address bandwidth allocation, pricing, and community cooperation.

Communication Committee

- The Town Communication committee has been extremely active with COVID-19 changing Town protocol. We have created a Town of Eagle COVID-19 resource page on the Town website, issued press releases from the Town, utilized all of the Town's social media accounts for outreach, and hosted three weekly virtual Town Halls Thursdays at 12pm.
- The committee has also reached out to other local community organizations to coordinate messaging and solicit feedback on Town operations during the change of operations.

Census - Timeline

- Statewide, Colorado is 13th in the nation in Census response rate with 48.5%, but as of 4/1/20 Eagle County was 53rd out of 64 counties in Colorado with a 9% response rate. Residents can still participate on the website at www.my2020census.gov
- Important upcoming dates:
 - April 8-16: Reminder letters and paper questionnaires delivered to households that haven't responded.
 - April 20-27: Final reminder postcards delivered to households that haven't yet responded, before census takers follow up in person.
- Everyone gets the first two mailings. The next three are dependent on completing a response. If a household does not respond to any invitations, a census taker will follow up in person between May 13 and July 31. The Town will continue to share Census information through April.

PUBLIC WORKS

LBWTP Construction

PROJECT UPDATE SUMMARY

- Continue installation of Structural Masonry at WTPB
- Install of Precast Hollow Roof Panels
- Structural Steel Install
- Stage Process Mechanical Pipe in Lower Level
- Process Mechanical Equipment

PLANNED ACTIVITIES FOR THE NEXT 4 WEEKS:

- Start Brick Veneer Install
- Spray on Damp Proofing for Masonry
- Complete Structural Steel for Roof Install
- Begin TPO Roofing Installation

Cemetery Tank

- Construction documents are being developed

Capitol Street Water & Sanitary Sewer

- Construction documents are being developed

Source Water Protection Plan

- Plan will be finalized next week

Water Efficiency Plan

- Draft plan review will be completed by Colorado Water Conservation Board in approximately two weeks

THOR Project

- Review of the preliminary route to PW facility along Chambers and alternative route along Sawatch was completed. Additional study will be needed to optimize route if Grant is approved.

Black Hills Gas Line Along Highway 6

- Project moving forward

Public Works Operations & Maintenance

- Snowplow operations has tapered off.
- New Public Works snow removal equipment has been delivered.
- Trash/Recycle containers distributed at buildings and parks, but still needs signage.
- Crew are sweeping the cinders from the street.
- Crew is in the process of filling potholes.
- Crew is in the process of repairing the streetlights.
- Buildings and Grounds is cleaning the Town Hall and Public Works as a COVID-19 procedure.
- The mechanic is keeping up with the repairs of vehicles as needed.

Public Works Staff

- Thomas LaFleur was promoted to Collections and Distribution Operator.
- Dennis Wike was hired as the Town Engineer.

Upper Basin Water Treatment Plants

- Installation of generators at both Pre-Treatment and Treatment Water Plants scheduled to start Monday April 13 and be completed May 15

FINANCE DEPARTMENT

Financial:

- Staff is continuing to prepare for the 2019 Audit, due to the work related the COVID Response the Audit may be delayed until early May, however, we have not yet made that decision
- Use tax refunds – Staff is working on completing the 19 outstanding use tax refunds since transitioning from community development to Finance – we have 8 remaining to do and are expected to be completed and paid by 4/24/20
- Policies: Upcoming Policies:
 - Revised Travel and Employee Reimbursement Policy – To be completed in 2nd Qrt
 - Cash Drawer management Policy – To be completed in 2nd Qrt
 - Board Approved Policies:
 - Purchasing Policies – To begin in March will not be completed until fall or YE
 - Fund Balance/Reserve Policy – To be completed 3rd Qrt
 - General Revenue Management Policy – To be completed 3rd Qrt
- COVID-19 Response:
 - Staff canceled all events through April 30th and are accepting other cancellations for future dates without charging a cancellation fee – YTD \$5,900 in lost Pavilion/Studio Revenue from cancelations

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID						
	2017	2018	2019	2020	VARIANCE FROM PY	
JANUARY	289	258	303	205	(98)	-32%
FEBRUARY	245	272	254	237	(17)	-7%
MARCH	340	304	326	234	(92)	-28%
YEAR TO DATE	874	834	883	676	(207)	-23%

- COVID-19 Response:
 - Drafted and rolled out remote Accounts Payable Process and Procedures

Budget:

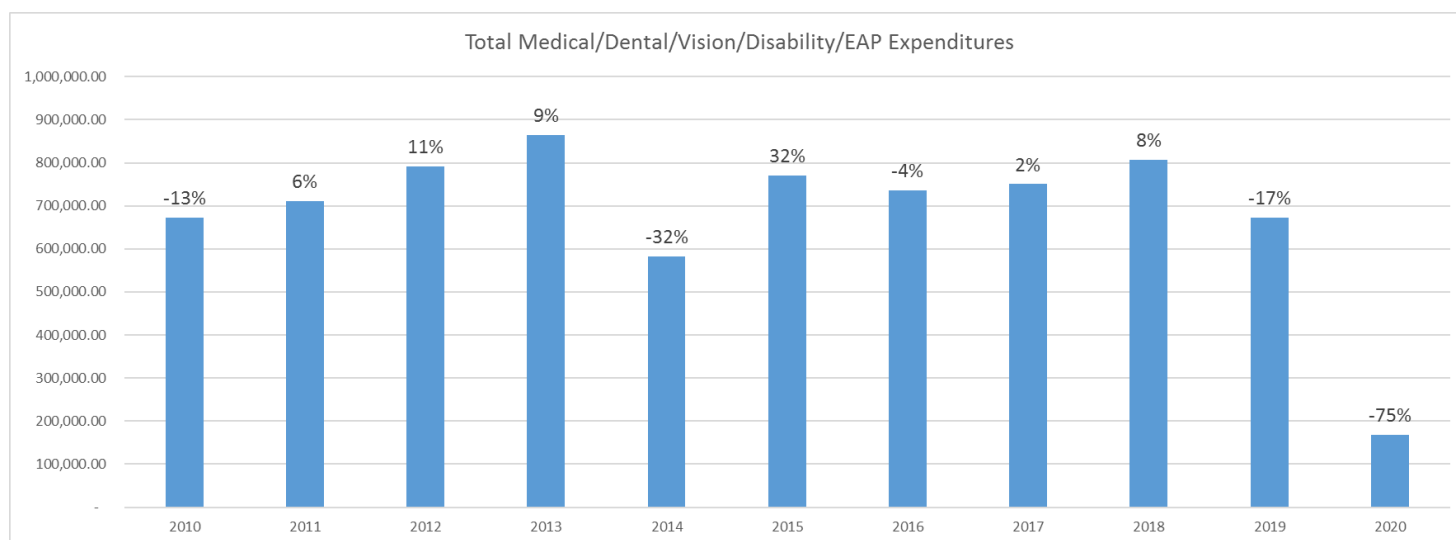
- Staff will be initiating planning for the 2021 budget process in Late May or early June
- COVID-19 Response:
 - Staff is currently under a budget freeze until Staff completes budget analysis and Board reviews
 - 2020 Budget Analysis
 - Updating 2020 revenue projections
 - Projecting budget cuts for different revenue loss scenarios

Payroll/HR:

- Positions – 1 new hire
- COVID-19 Response:
 - Drafted and rolled out remote Payroll Process and Procedures
 - Prepared timesheets with COVID related leave (8 timesheets for different position types)
 - Updated Leave forms for employees
 - Assisted with leave policy rollouts and revisions

Benefits: 1st Quarter Health Insurance Meeting – Reports through 3/31/2020

Year over year total employee benefit costs to the Town (not including retirement): Please note percentages are variances from prior year. For first quarter 2020 the Town's Health Benefits expenditures and claims are \$168,000, compared to \$176,000 in 2019 and \$227,000 in 2018. Although, we are started the year off well, staff will be closely monitoring the effect COVID-19 will have on our 2020 health care costs. There are a lot of assumptions still in play at this time, however, projections that have been provided by Benefit Health Advisors, the Town's health benefit Broker, are estimating between a 1-3% increase to health care costs. This takes into the account the actual COVID19 testing and treatment claims as well as the offset for non-essential and elective procedures and treatment plans that are being cancelled or postponed. Staff is comfortable with our current budgeted health care costs and projections at this time.



Average Monthly health insurance costs to the Town per employee (including premiums and claims) – Please note the 2018, 2019 and 2020 amount does not include the employee contributions.

Average Monthly MEDICAL Cost to Town							
	2014	2015	2016	2017	2018	2019	2020
Single	672.44	\$ 789.33	\$ 734.74	\$ 756.69	\$ 637.52	\$ 664.22	\$ 596.40
%Change from PY		17%	-7%	3%	-16%	4%	-10%
Family *	\$ 1,748.36	\$ 2,052.26	\$ 1,910.34	\$ 1,967.40	\$ 1,657.56	\$ 1,726.97	\$ 1,550.65
%Change from PY		17%	-7%	3%	-16%	4%	-10%

* assuming Family at 2.6 Times the Single cost

% of Claims Paid by Employee – The Town has been able to keep the percentage employees pay for claims down due to the plan design. Over the last six years the Town has slowly been adjusting the plan design in efforts to increase this percentage and redirect spending to increased wages and new positions. Per Benefit Health Advisors, on average, organizations see this percentage between 20% – 25%. 2018 was an anomaly with one significant claim (covered by our stop loss insurance).

EMPLOYEE % OF CLAIMS PAID							
YEAR	YE 2014	YE 2015	YE 2016	YE 2017	YE 2018	YE 2019	2020 through 3/31
%	10.1%	8.3%	9.2%	12.6%	3.9%	12.5%	17.9%

* Percentage will decrease toward the end of the year as employees hit deductibles and stop loss amounts

Utilities:

- New Accounts Setup – 1
- Property Transfers – 4
- Staff rolled out communication to customers to get updated contact information (email/phone), which we previously have not collected; this will assist with delivering relevant utility or emergency information – Staff already received and entered 200 responses back

Utilities (continued)

- COVID-19 Response:
 - Staff communication to customers that the Town would not be charging late fees or initiating water shut offs for unpaid bills until July as of right now
 - Staff will be monitoring revenue collections closely in the coming months

Town Board Department – Budget to Actual:

TOWN OF EAGLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING MARCH 31, 2020

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PONT
TOWN BOARD					
10-49-110 SALARIES & WAGES	1,900.00	5,700.00	22,800.00	17,100.00	25.0
10-49-142 WORKERS COMPENSATION	.00	.00	30.00	30.00	.0
10-49-144 FICA - EMPLOYER'S	145.38	436.14	1,745.00	1,308.86	25.0
10-49-210 OFFICE SUPPLIES	76.28	76.28	200.00	123.72	38.1
10-49-347 PROFESSIONAL SERVICES	.00	.00	18,000.00	18,000.00	.0
10-49-362 COMPUTER SUPPORT	90.00	90.00	756.00	666.00	11.9
10-49-371 TRAVEL EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-49-372 MEETING EXPENSE	.00	41.47	2,000.00	1,958.53	2.1
10-49-380 TUITION & BOOKS	.00	.00	1,750.00	1,750.00	.0
10-49-450 SPECIAL BOARD FUNDING	10,000.00	10,000.00	10,000.00	.00	100.0
10-49-510 INSURANCE	232.95	232.95	.00	(232.95)	.0
10-49-915 COMMUNITY REQUESTS	550.00	550.00	53,000.00	52,450.00	1.0
TOTAL TOWN BOARD	12,994.61	17,126.84	111,281.00	94,154.16	15.4

SPECIAL EVENTS

MEAC:

- Have moved MEAC meeting onto the Zoom platform.
- Election of MEAC Committee Officers
 - Chairperson – Sheryl Staten
 - Vice Chairperson – Holli Snyder
- Reviewed all bylaws and TOE Code of Ethics with committee members
- Created and confirmed MEAC 2020 Funding schedule for 2021 Events Funding Applications
- Reviewing TOE events calendar for activity spread and diversification for offerings.
- Discussed possible Food Assistance Program for largely attended events. Possible food trucks and food vendor tents.
- Discussing movement of events away from dates effected by Corona Virus health restrictions.

Eagle Info Center:

- Closed Eagle Info Center until End of April. Will review situation weekly.
- Developing Summer 2020 plan for Info Center, while waiting to see how summer will play out.
- Creating list of physical improvements to the building inside and out.
- Collecting list and costs for future repairs and upgrades.
- Met with Eagle Historical Society to discuss Summer 2020 operations plan for our Info Center and their Historical Museum.
- Discussed EHS providing list of historical exhibits to fit into exhibit schedule at Info center Historical room over the summer.

Digital Sign:

- Intermittent connection problems between my office and the sign. Went up on roof and fixed transmitter antennae, problem was fixed.
- Updated all messages weekly for TOE and EC office closures.
- Added other info regarding TOE Vote and Thursday's Town Meeting Online Staff Chat events.

Special Events:

- Reviewing all Special Events scheduled for April, May and June with the events producers.
- Moving most events out of these months to a date in August or Fall.
- Eagle Easter Egg Hunt cancelled.
- Eagle Flight Days is still scheduled for Friday and Saturday June 26 & 27, 2020 at this time. Working to on the vendors and entertainment to be involved. Currently have the 10th Army Orchestra for a free concert on the Friday night and they will march in the Flight days parade on Saturday.
- Eagle Kids July 4th Bike Parade is still scheduled for July 4th, 2020 at this time.
- Eagle July 4th Fireworks Display is still Scheduled for July 4th, 2020 at this time.
- Bonfire Brewery rescheduled to August 28-30, 2020.
- Eagle Outside Fest - Is moved to the same weekend as the 2020 Bonfire Block Party, Aug. 28-30, 2020.

HUMAN RESOURCES

Benefits

- Enroll 4 new hires in benefit plans, process benefits changes for 5 staff members
- Adopt Telemedicine new benefit offering and email to all staff along with other COVID-19 changes/updates
- Collaborated with legal and Finance Director on New Leave policies/Leave Request Forms drafted and rolled out to comply with Families First Coronavirus Response Act-FFCRA

Recruiting

- Conducted new hire orientation for Town Engineer, complied documents and mailed to Town Planner for virtual orientation 4/13/2020
- Town Planner position filled initiated onboarding activities for 4/13/2020 start date

Risk Management, Safety and Work Comp

- Manage 3 General Liability & PC claims
- Manage 2 work comp claims
- Post Public Health Order posters for social distancing protocol and distribute to staff
- Collaborate with Town Hall contractors to ensure cleaning and social distancing protocol compliance with Public Health Orders
- Serve as contact for Town Hall access self-identifying protocol required by Public Health Order
- Collaborate with other municipalities and government resources on best practices for COVID-19 policies
- Assist with operational policies for COVID-19
- Assist supervisors with absence management, return to work eligibility due to COVID-19 preventative measures

Other

- Work with I.T. to set up all staff with town email on their devices remotely and transferring town essential phone lines to personal or remote phones
- Respond to 2 unemployment inquiries and 2 verifications of employment
- Training, attended 10 educational webinars to ensure COVID-19 compliance

TOWN CLERK

Communications Committee

- Communications Committee 3/5, 3/12, 3/23, 3/24, 3/25, 3/26, and 3/27
- Eagle Today was sent March 25 and March 28 with the following topics:
 - Operational Updates
 - Message from Chief Staufer
 - Coordinated with CC and Town Manager for COVID-19 Operations Update Page

Licenses

- BUSINESS: License Renewals 8 in March and 334 total licenses issued for 2020
- LIQUOR:
 - Sweet Waters Liquor Renewal for Retail Liquor Store and Tasting Permit
 - Brush Creek Saloon Application for Modification of Premises, Hearing April 14th
 - Pickups Pizza Renewal of Beer and Wine License
 - Eagle Ranch Golf Course Renewal of Hotel & Restaurant License and Optional Premises
- MARIJUANA:
 - Tumbleweed Retail Application, under staff review. Board Hearing currently scheduled for April 28, 2020 for consideration.
 - Sweet Leaf Pioneer LLC Renewal of Retail Store and Grow/Cultivation on Consent Agenda for approval on April 14th

Website – www.townofeagle.org

- Ask the Town questions: 8
 - Electric Sign Inquiry
 - Survey Map Request
 - Paperless Billing Inquiry
 - RV Parking Inquiry
 - Candidate Information Request
 - Construction delay Inquiry
 - Yard Waste opening Inquiry

Meeting Attendance

- Court Staff Meeting 3/11

2020 Election

- Ballots Mailed March 20 and 27
- Processed Replacement Ballot Requests
- Recruited Election Judges
- Created Election Signage for ballot drop box
- Coordinated with Eagle County for ballot pickup

Training

- Zoom and Crowdcast training with staff

Sales Tax

- First Quarter will be available in April.

MUNICIPAL COURT

- Court Dates March 4, 2020 with March 17 – June 3 cancelled.

March Fines and Fees Assessed: \$595.00

Animal Control	0
Misdemeanor	0
Parking	9
Traffic	10
Total	19

March Fines and Fees Collected: \$4210.51 (includes collections for previous months)

Court Costs	210.00
Criminal Police Equipment and Training Surcharge	20.00
Deferred Judgment Fee	75.00
Fines	3385.00
Outstanding Judgement Fee	30.00
Police and Equipment Surcharge Traffic	340.00
Stay of Execution Fee	25.00
Victim Restitution Fee	125.51
Total	\$4210.51

March Dispositions (Payments or Court Appearances)

Animal Control	1
Misdemeanor	2
Parking	8
Traffic	18
Total	29

Outstanding Fines and Fees by Date:

Current	1768.25
1-30 Days Past Due	390.00
31-60 Days Past Due	0
61-90 Days Past Due	305.00
91-180 Days Past Due	935.00
Over 180 Days Past Due	24983.28
Total	\$28381.53

Lower Basin Water Treatment Plant

Project Progress Report – April 14th, 2020

SAFETY

Total manhours worked to date = 80,000+

Health, Safety, and Environmental Incidents			
Incident Type	Details	Total Incidents in the Period	Total To Date
Health & Safety	None for reporting period	0	1
Environmental	None for reporting period	0	0
Community	None for reporting period	0	0

SCHEDULE

Project schedule update provided to team on February 07, 2019

Notice to Proceed: 17 August 2018	<u>Original Contract</u>	<u>Current Contract</u>	<u>Forecast</u>
Total Contract Time	731 Days	874 Days	874 Days
Substantial Completion Date	11 July 2020	01 December 2020	01 December 2020
Final Completion Date	11 September 2020	01 February 2021	01 February 2021

PROJECT FINANCIALS

Payment Application #21 submitted and approved.

Preconstruction Contract Amount	\$638,062
Original Construction Contract Amount	\$22,938,752
Change Orders Approved to Date (CO's 1-10)	\$1,137,053
Overall GMP Including Approved CO's	\$24,075,805
Change Orders Approved to Date	1-10
Payment Applications Submitted	21
Amount Billed to Date	\$11,982,320.00

PROJECT UPDATE SUMMARY

- Continue installation of Structural Masonry at WTPB
- Install of Precast Hollow Roof Panels
- Structural Steel Install
- Stage Process Mechanical Pipe in Lower Level
- Process Mechanical Equipment

PLANNED ACTIVITIES FOR THE NEXT 4 WEEKS:

- Start Brick Veneer Install
- Spray on Damp Proofing for Masonry
- Complete Structural Steel for Roof Install
- Begin TPO Roofing Installation

PROJECT PHOTOS – SEE NEXT PAGE

PROJECT PHOTOS

Set Precast Roof Panels 3-30-20



Setting Plate Packs 3-30-20





To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: April 14, 2020

Agenda Item: LIQUOR LICENSE AUTHORITY - Modification of Premises (Parklet on Third Street), DJ Saxx, Inc. d/b/a Brush Creek Saloon

REQUEST: The Town Board should adjourn into the Liquor License Authority to address this item. Request is for consideration of approval for a modification of premises for DJ Saxx Inc. d/b/a Brush Creek Saloon.

BACKGROUND: In July of 2019 the Town Board was provided with information regarding a pilot parklet program for this location. The board reached a consensus to explore this pilot program for the Brush Creek Saloon. A presentation by the Brush Creek Saloon was provided to the Town Board and it was approved on a trial basis.

ANALYSIS: Town consultants and staff have worked with the applicant on the parklet design and created a Revocable License Agreement to address the use of the parking spaces on 3rd Street. This Agreement is an administrative process. The modification time frame is April 20 through November 2, 2020.

COMMUNITY INPUT: There was no community input solicited to comment on this application. This is not a public hearing. The parklet discussion was held at two public meetings.

BUDGET / STAFF IMPACT: Staff impact has been reviewing the program and drafting the license agreement.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This item does not have a direct link to a Major Objective. It does appear to support the town's long-term vision for Eagle for economic vitality and enhancing the quality of life for everyone in our community.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY: Findings and Order approving modification of premises of licensed premises for DJ Saxx, Inc. d/b/a Brush Creek Saloon and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado.

ATTACHMENTS:

1. 2020 MODIFICATION
2. NOTICE OF FINDINGS AND ORDER - BRUSH CREEK MODIFICATION

Permit Application and Report of Changes

Current License Number 03-10554
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ _____

1. Applicant is a ☒ Corporation ☐ Individual ☐ Partnership ☐ Limited Liability Company		Present License Number <u>03-10554</u>
2. Name of Licensee <u>Jan Balas</u>		3. Trade Name <u>DJ Saxe Inc (dba Brush Creek Saloon)</u>
4. Location Address <u>241 Broadway Street</u>		
City <u>Eagle</u>	County <u>Eagle</u>	ZIP <u>81631</u>

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ ☐ Manager's Registration (Hotel & Restr.) \$75.00 ☐ Manager's Registration (Tavern) \$75.00 ☐ Manager's Registration (Lodging & Entertainment) \$75.00 ☐ Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	☐ Retail Warehouse Storage Permit (ea) \$100.00 ☐ Wholesale Branch House Permit (ea) 100.00 ☐ Change Corp. or Trade Name Permit (ea) 50.00 ☐ Change Location Permit (ea) 150.00 ☒ Change, Alter or Modify Premises \$150.00 x <u>2</u> Total Fee <u>\$300</u> ☐ Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ ☐ Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____ ☐ Campus Liquor Complex Designation No Fee ☐ Sidewalk Service Area \$75.00
Section B – Duplicate License	
• Liquor License No. _____ ☐ Duplicate License \$50.00	

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period
The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.		TOTAL AMOUNT DUE \$.00

Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

☐ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 5. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

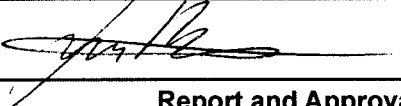
☐ Section C

Check the appropriate box in section C and proceed below.

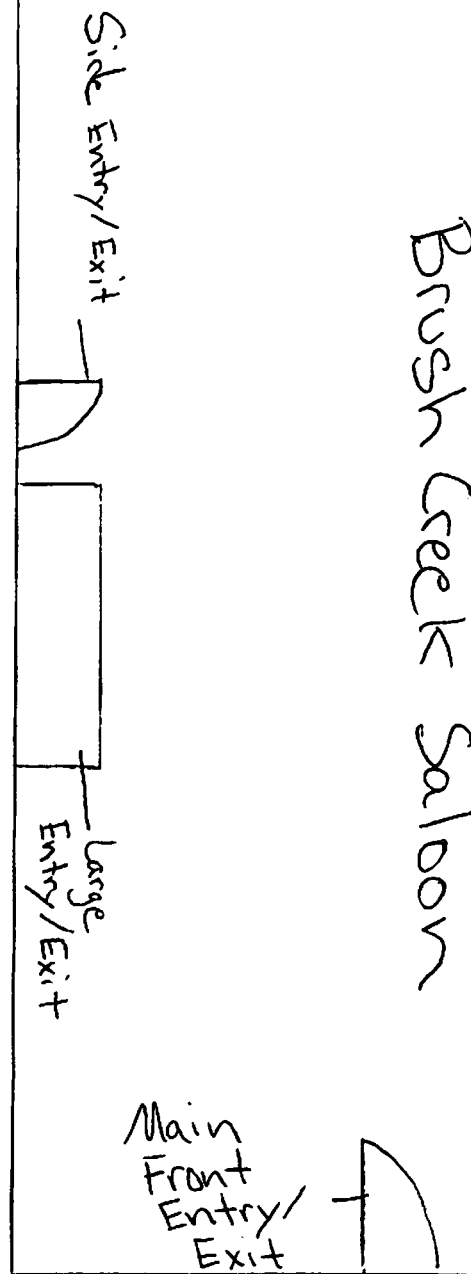
- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.

Storage Permit	5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit ☐ Retail Warehouse Permit for: ☐ On-Premises Licensee (Taverns, Restaurants etc.) ☐ Off-Premises Licensee (Liquor stores) ☐ Wholesalers Branch House Permit Address of storage premise: _____ City _____, County _____, Zip _____ Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.								
Change Trade Name or Corporate Name	6. Change of Trade Name or Corporation Name ☐ Change of Trade name / DBA only ☐ Corporate Name Change (Attach the following supporting documents) 1. Certificate of Amendment filed with the Secretary of State, or 2. Statement of Change filed with the Secretary of State, <u>and</u> 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name</td><td style="width: 50%;">New Trade Name</td></tr> <tr> <td> </td><td> </td></tr> <tr> <td>Old Corporate Name</td><td>New Corporate Name</td></tr> <tr> <td> </td><td> </td></tr> </table>	Old Trade Name	New Trade Name			Old Corporate Name	New Corporate Name		
Old Trade Name	New Trade Name								
Old Corporate Name	New Corporate Name								
Change of Location	7. Change of Location NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held. Date filed with Local Authority _____ Date of Hearing _____ (a) Address of current premises _____ City _____ County _____ Zip _____ (b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee) Address _____ City _____ County _____ Zip _____ (c) New mailing address if applicable. Address _____ City _____ County _____ State _____ Zip _____ (d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.								

Change of Manager	8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8). (a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only) Former manager's name _____ New manager's name _____ (b) Date of Employment _____ Has manager ever managed a liquor licensed establishment? Yes ☐ No ☐ Does manager have a financial interest in any other liquor licensed establishment? Yes ☐ No ☐ If yes, give name and location of establishment _____
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities. (a) Describe change proposed <u>Outdoor Patio on 3rd Street Side.</u> (b) If the modification is temporary, when will the proposed change: Start <u>04/20/2020</u> (mo/day/year) End <u>11/02/2020</u> (mo/day/year) NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00 (c) Will the proposed change result in the licensed premises now being located 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? (If yes, explain in detail and describe any exemptions that apply) Yes ☐ No ☒ (d) Is the proposed change in compliance with local building and zoning laws? Yes ☒ No ☐ (e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes ☐ No ☒ (f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises. (g) Attach any existing lease that is revised due to the modification. (h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include 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.
Campus Liquor Complex Designation	10. Campus Liquor Complex Designation An institution of higher education or a person who contracts with the institution to provide food services (a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes ☐ No ☐
Additional Related Facility	11. Additional Related Facility To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises. (a) Address of Related Facility _____ (b) Outlined diagram provided Yes ☐ No ☐

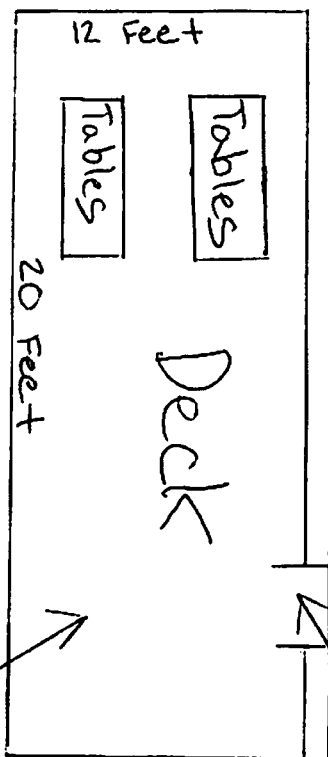
Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature 	Title President	Date 3-12-2020
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date

Brush Creek Saloon



Public Side Walk

Public Side Walk



Entry/Exit for deck
32 inch entry which is
wheelchair Accessible

- Proposed changes for the licensed Premises would be adding Deck to current licensed premises.

← 3rd Street →

Change, Alter or
Modification of Premises

← Broadway Street →



BEFORE THE TOWN OF EAGLE LIQUOR LICENSING AUTHORITY

200 BROADWAY
PO BOX 609
EAGLE CO 81631

FINDINGS AND ORDER APPROVING MODIFICATION OF LICENSED PREMISES

IN THE MATTER OF

Modification of Premises
DJ Saxx Inc d/b/a Brush Creek Saloon
Address: 241 Broadway, Eagle, CO

Having considered the application of Jan Balas Owner of DJ Saxx Inc. d/b/a Brush Creek Saloon for a Modification of Premises for an addition of an outdoor patio, and all attachments submitted therewith (the "Application"), having held a public hearing on the Application on April 14, 2020 following due and proper notice, all in accordance with the Colorado Liquor Code, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S. and having considered all relevant and competence evidence admitted at the said hearing, the Local Licensing Authority FINDS THE PROPOSED MODIFICATION WILL MEET THE FOLLOWING:

1. The reasonable requirements of the neighborhood and desires of the adult inhabitants;
2. The licensee will have possession of the premises with a Revocable License Agreement.
3. The proposed modification is immediately adjacent to the licensed premises and will comprise a definite contiguous area;
4. The proposed modification is in compliance with the applicable zoning laws of the Town of Eagle;
5. The proposed modification protects the economic and social welfare and the health, peace, and morals of the people.
6. Plans and specifications identifying the area accompany the form and fee.

BASED UPON THE FOREGOING, THE LOCAL LICENSING AUTHORITY HEREBY ORDERS that the application of Jan Balas Owner of DJ Saxx, Inc. d/b/a Brush Creek Saloon for a Modification of Premises is hereby GRANTED.

DATED this 14th day of April 2020

LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF EAGLE

Anne McKibbin, Chair

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Bill Shrum, Assistant to the Town Manager

Date: April 14, 2020

Agenda Item: Ordinance 06, Series 2020: An Ordinance of the Board of Trustees of the Town of Eagle Colorado, Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, Regarding Short-Term Rentals

REQUEST:

Staff is requesting that the Board of Trustees review and ordinance establishing a policy for short-term rentals (STR).

INTRODUCTION:

In 2019, the Board of Trustees noted that town was not 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. Staff then brought comparable implementation strategies to the Board of Trustees and received guidance on fees collected and the intent to use third-party software to assist in program management. The Board directed staff to propose an ordinance to regulate STR and it is attached to this memo.

ANALYSIS:

Staff has provided a proforma and forecast for the STR program and an explanation of the assumptions that were used. The financial model forecasts the revenues and expenses as directed by the Town Council. Assumptions include:

- Conservative growth estimate for the program
- Average of currently listed properties in Eagle
- Compliance growing from 70%-90%

The revenue projections assume:

- \$135/ day listing average
- 140 nights of use / year

Expense projections include:

- One-time setup costs
- Ongoing annual software costs

- Annual oversight costs.

Short Term Rental Proforma and Forecast Table:

5 Year Forecast	2020	2021	2022	2023	2024
Total # STR's in Eagle	65	72	79	87	96
# of Licensed STR's	49	58	71	78	86
Revenue					
Transfer from GF	\$23,153	\$19,572	\$22,827	\$26,568	\$31,088
\$75 Licensing fee	\$3,675	\$4,350	\$5,325	\$5,850	\$6,450
4.5% Sales Tax	\$26,849	\$63,561	\$77,807	\$85,478	\$94,245
\$4/ day Lodging Tax	\$17,170	\$40,646	\$49,757	\$54,662	\$60,269
Total Revenue	\$70,847	\$128,129	\$155,716	\$172,559	\$192,053
Expenses - LodgingRevs					
Transfer to GF	\$23,153	\$19,572	\$22,827	\$26,568	\$31,088
Software	\$14,100	\$9,600	\$11,040	\$12,144	\$13,358
Staff - One time set up	\$638	\$0	\$0	\$0	\$0
Staff - Ongoing Annual	\$12,090	\$14,322	\$17,112	\$20,274	\$24,180
Total Expenses	\$49,981	\$43,494	\$50,979	\$58,986	\$68,627
Net Revenue to Town	\$20,866	\$84,635	\$104,737	\$113,573	\$123,426
Net Revenue to Town by Fund					
MEAC	\$8,584.80	\$20,323.20	\$24,878.40	\$27,331.20	\$30,134.40
Open Space Fund	\$8,584.80	\$20,323.20	\$24,878.40	\$27,331.20	\$30,134.40
General Fund	\$3,696	\$43,989	\$54,980	\$58,910	\$63,157
*Transfers from the General Fund coupled with the licensing fees will cover the cost of program operation. Sales Tax collections from the program will cover the transfer back to GF.					

COMMUNITY INPUT:

Many groups and commissions have provided feedback and insight on this proposed ordinance, including the Marketing and Events Committee, Planning and Zoning Committee, and the Board of Trustees. This ordinance also respects individual HOA covenants and defers to any restrictions or allowances imposed on individual lots based on HOA affiliation and bylaws.

BUDGET / STAFF IMPACT:

Implementing this ordinance would create a new program for staff, and much like current licensing programs Community Development, the Town Clerk, and Finance Departments would all have a role in operations. Software platforms to help the maintenance, community outreach, complaints, and compliance will lower the burden on staff.

The Lodging Tax will confer money to the MEAC Fund as well as the Open Space Fund. The STR license fee does not cover the cost of operation for this program and requires a transfer of General Fund money. General Fund revenue above and beyond the transfer amount is anticipated to be used for additional health and safety inspections, staff review, and program assistance as required.

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:

Motion to **approve** or **deny** adoption of Ordinance No. 06, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle Colorado, Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, Regarding Short-Term Rentals."

ATTACHMENTS:

- Ordinance 06-2020 Regarding Short-Term Rentals

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 06
(Series of 2020)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO, AMENDING TITLE 5 OF THE EAGLE MUNICIPAL CODE BY THE
ADDITION OF A NEW CHAPTER 5.17, REGARDING SHORT-TERM RENTALS

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

Section 1. Title 5 of the Eagle Municipal Code “Code” is hereby amended by the
addition of a new Chapter 5.17. to read as follows:

CHAPTER 5.17. – SHORT-TERM RENTALS

Section 5.17.010 – Purpose and Applicability.

A. The purpose of this Chapter is to establish comprehensive registration regulations to safeguard the public health, safety, and welfare by regulating and controlling the use, occupancy, location, and maintenance of short-term rentals in the Town.

B. This Chapter shall apply to short-term rentals only, as defined herein. This Chapter shall not supersede or affect any private conditions, covenants, or restrictions applicable to a short-term rental property.

C. This Chapter shall allow the use of short-term rentals within the Town of Eagle as a permitted use, pursuant to Title 4, Chapter 4.04 of the code.

Section 5.17.020. – Definitions.

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

Lease means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Professional Property Management Firm means an entity comprised of one or more professional property managers with all required licenses in good standing.

Professionally Managed STR means an STR that is managed, operated or controlled by a professional property management firm.

Short-Term Rental ("STR") means a residential dwelling unit, or any room therein, available for lease for a term of less than thirty (30) consecutive days, but excluding bed and breakfasts.

Section 5.17.030. – Registration required.

A current, valid registration is required for each STR in the Town, as well as a Town of Eagle Business License pursuant to section 5.04.020.

Section 5.17.040. – Registration procedure.

A. At least thirty (30) days prior to any advertising of an STR, the owner or property management firm shall register the STR with the Community Development Director or designee, on forms supplied by the Town. For professionally managed STRs, registration for multiple STRs may be made by filing a complete list of all the STRs in the Town managed by such firm, on forms supplied by the Town, and the list shall be updated at least quarterly.

B. The fee for STR registration shall be set by resolution of the Town Council.

C. If the STR is located within a unit which shares a wall with another unit, the registration form shall include a copy of a written notice of planned STR use provided by the owner or property manager to the last known address of the record owner of the adjoining residential dwelling unit. The written notice shall be sent by first-class mail at least seven (7) days prior to registering the STR.

D. No registration form shall be accepted without an affidavit, signed by the owner or the property management firm, under penalty of perjury, certifying that the STR is in habitable condition and complies with the health and safety standards set forth in Section 5.17.060.

E. Each STR registration is nontransferable.

F. An STR registration shall expire on December 31 of each calendar year, or when title of the STR transfers to a new owner, whichever occurs first. Each change in ownership of a STR shall require a new registration.

Section 5.17.050. – Local representative required.

Each owner or property management firm shall appoint a natural person who remains within a reasonable distance of the STR and is available twenty-four (24) hours per day, seven (7) days per week, to serve as the local representative for the STR. The owner or property management firm shall notify the Community Development Director or designee in writing of the appointment of a local representative within five (5) days of such appointment or modification of any such appointment, including contact information.

Section 5.17.060. – Health and safety standards.

A. Each STR shall comply with all of the following standards, at a minimum, at all times while the STR is occupied:

1. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended;

2. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected and shall be kept in sound condition and in good repair;

3. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis;

4. STR must comply with local building and fire codes;

4. An operable toilet, sink, and either a bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy;

5. There shall be a sufficient number of trash receptacles to accommodate all trash generated by the occupants;

6. Occupancy of an STR shall comply with Title 4, Chapter 4.04. of this Code;

7. The use of portable outdoor fireplaces is prohibited;

8. Electrical panels shall be clearly labeled; and

9. All pets shall be subject to Title 8, Chapter 8.12. of this Code.

Section 5.17.070. – Parking.

Parking for each STR shall comply with all applicable provisions of the Code. All vehicles shall be parked in designated parking areas, and parking is prohibited in any landscaped area.

Section 5.17.080. – Signage.

An owner or property management firm shall post a sign conspicuously inside each STR. The sign shall include the local representative's current contact

information, the street address of the STR and the STR registration number. Entrance and exit ways must also be clearly identified and posted.

Section 5.17.090. – Advertising.

Advertising for an STR shall include the STR registration number or, for all professionally managed STRs, the Town business license number, immediately following the description of the STR.

Section 5.17.100. – Taxes.

A. For each STR, all applicable sales and lodging taxes shall be timely collected and remitted.

B. Professionally managed STRs may submit one tax payment for multiple properties, so long as there is enough supporting information to identify each individual STR and the taxes collected on such STR.

Section 5.17.110. – Notice.

Any notice required by this Chapter is sufficient if sent by first-class mail to the address provided by the owner or property management firm on the most recent registration form or registration list, provided that notice to the local representative shall also be sufficient to satisfy any required notice to the owner under this Chapter.

Section 5.17.120. – Liability.

A. An owner shall be liable for any and all violations occurring on the STR.

B. A property management firm shall be jointly and severally liable for any and all violations occurring on any of its professionally managed STRs in the Town.

Section 5.17.130. – Initial complaints.

Initial complaints concerning a short-term rental property shall be directed to the local representative. The local representative shall resolve the issue that was the subject of the complaint within (30) minutes, or within sixty (60) minutes if the problem occurs between 11:00 p.m. and 7:00 a.m., including visiting the site if necessary.

Section 5.17.140. – Violations, penalties, and enforcement.

A. It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be a “Non-criminal civil offense”. Each day of violation shall be deemed a separate offense and be punishable as such.

B. The Town of Eagle or its designee retains the right to conduct an inspection of the premises at any time.

C. Violations of this Chapter shall be subject to the following fines and penalties, per STR:

First violation in a 12-month period:	\$500
Second violation in a 12-month period:	\$1,500
Third violation in a 12-month period:	\$2,500
Additional violation in a 12-month period:	STR prohibited for two years

D. Enforcement of this Chapter may be initiated in any of the following ways:

1. A citation may be served by posting on the front door of the STR, or by personal service on the owner or the local representative, if present, or by mailing first-class or certified mail to the last known address of the owner, local representative or property management firm;

2. A summons and complaint may be served on the owner of the STR as provided in the Colorado Municipal Court Rules of Civil Procedure; or

3. A summons and complaint may be served on the associated property management firm or local representative for the STR as provided in the Colorado Municipal Court Rules of Civil Procedure.

E. In addition to the penalties described above, the Town shall have all remedies provided by law for a violation of this Chapter, including without limitation: damages; specific performance; and injunctive relief, including an injunction requiring eviction of any occupants of the STR and an injunction to prohibit the occupancy of the STR. All remedies shall be cumulative.

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.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MARCH 24, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: April 14, 2020

Agenda Item: Ordinance No. 07, Series 2020, "An Ordinance of The Board of Trustees of the Town of Eagle, Colorado, Establishing the Town of Eagle Stormwater Utility Enterprise and Adopting a Stormwater Management Fee"

REQUEST:

Staff requests that the Board of Trustees review an ordinance establishing the Town of Eagle's Stormwater Utility Enterprise.

INTRODUCTION:

The purpose of enterprise funds is to provide for a specific service. Most enterprise funds are created for utility operations and allow for a municipality to charge user fees to cover the costs of operations, maintenance and capital needed to provide the service. During the 2020 budget process, staff proposed a Stormwater Utility Enterprise Fund to support the impact of new and existing development on water quality and to mitigate damage to property due to flooding.

The Town doesn't not have the funding to maintain existing stormwater infrastructure or to mitigate impacts. By establishing an official Stormwater Management program, Town can adequately address the need to improve water quality and conduct mitigation. Since the Board of Trustees approved the enterprise in the 2020, staff is proposing the ordinance attached to this memo to execute this priority.

ANALYSIS:

Ordinance No. 7 adds a Stormwater Utility Fund to Chapter 3.09 – Special Funds to the Municipal Code. Highlighted is a brief summary of what the ordinance provides:

- Stormwater facilities and systems that are clearly defined and comprehensive
- The utility is empowered to coordinate all activities to manage the utility, including the ability to establish a fee for residential and non-residential properties
- All fees are dedicated to provide the service and cannot be used for any other purpose
- The enterprise is authorized to issue revenue bonds in a manner that is consistent with the water and wastewater enterprise funds
- The ordinance provides for a grievance process for users for certain determinations made by the Town and addresses governmental immunity

Pros of the Stormwater Utility Enterprise:

- It establishes a comprehensive stormwater management program that gives the town the ability to build and maintain infrastructure

- The enterprise can be used to mitigate potential flooding to public and private property, including damage to trails and riverbanks due to runoff
- The program will assist with emergency preparedness
- Improvements to stormwater improve water quality and assist the town with implementing the recommendations from the Brush Creek Management Plan and Source Water Protection Plan
- Funds can be used for outreach and education for stormwater and water quality best practices

Cons of Stormwater Utility Enterprise:

- It provides for more regulation which some users might not agree with
- A fee is necessary to financially support the program which could be a burden from some people
- It's another program that staff will manage over the long-term

COMMUNITY INPUT:

Community input was indirectly solicited through various long-range planning efforts the town has engaged in that call for more management of water quality, preparedness, and flood mitigation.

BUDGET / STAFF IMPACT:

Due to COVID-19, staff is not proposing a fee until the financial outlook is positive. This request does have an impact on the budget. The revenue generated from the increase is approximately \$103,000 annually. As a result of funding, staff will have the ability to work on projects that are required to improve water quality and to conduct mitigation.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with the following values, policies and standards:

Reliable and Cost-Effective Services: This policy will provide an essential service that does not exist. This program will assist the Town with developing standards, policies and provide for an operation that is needed to improve water quality and flood mitigation.

Protecting Public Health, Safety, and the Environment: Addressing stormwater has positive impacts to water quality and the environment. Since Eagle's potable water comes from surface water, anything that Town can do to improve runoff water quality is positive for water users and the environment. Additionally, flood mitigation supports public safety.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Ordinance No. 07, Series 2020, "An Ordinance of The Board of Trustees of the Town of Eagle, Colorado, Establishing the Town of Eagle Stormwater Utility Enterprise and Adopting a Stormwater Management Fee."

ATTACHMENTS:

- Ordinance No. 7

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 7
(Series of 2020)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO, ESTABLISHING THE TOWN OF EAGLE STORMWATER UTILITY
ENTERPRISE AND ADOPTING A STORMWATER MANAGEMENT FEE

WHEREAS, the Board of Trustees is authorized by the laws of the State of Colorado to establish a stormwater utility enterprise and to adopt a system of charges to fund the implementation of stormwater facilities and systems;

WHEREAS, the Town wishes to establish a stormwater utility enterprise and to enact a dual stormwater management fee based on the fact that residential parcels tend to have less impervious surface than non-residential parcels;

WHEREAS, all real property in the Town, including property owned by public and tax-exempt entities, contributes to runoff and either uses or benefits from the stormwater system, with a greater contribution of runoff coming from non-residential parcels that generally have more impervious surface;

WHEREAS, stormwater runoff contributes to nonpoint source pollution to the streams of the Town's watersheds and a stormwater management program can reduce this type of pollution;

WHEREAS, the Town is subject to certain stormwater and drainage requirements imposed by the Environmental Protection Agency ("EPA") and the Federal Emergency Management Administration ("FEMA") requirements, which the Town wishes to fund by adoption of a stormwater management fee;

WHEREAS, a stormwater management fee system offers additional financial management options that could assist the Town in improving stormwater and drainage services and to comply with federal mandates and other requirements concerning the control and management of stormwater and runoff; AND

WHEREAS, it is in the interest of the public to fund stormwater management with a fee system that allocates the costs of stormwater management to all property owners in the Town and bases the amount of the stormwater management fee on the cost of needed capital improvement projects and the residential or non-residential character of a parcel.

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

Section 1. Title 3 of the Eagle Municipal Code is hereby amended by the addition of a new Chapter 3.09 to read as follows:

CHAPTER 3.09. – SPECIAL FUNDS

Section 3.09.010 – Stormwater Utility Fund.

There is established a special fund to be known as the Stormwater Utility Fund, which shall be segregated from the general and other funds of the Town, and into such fund shall be deposited all stormwater management fees collected pursuant to Chapter 12.05 of this Code. Monies in the Stormwater Utility Fund shall not be transferred therefrom to any other account of the Town and shall be used only for purposes authorized by Chapter 12.05.

Section 2. Title 12 of the Eagle Municipal Code is hereby amended by the addition of a new Chapter 12.05., which reads as follows:

TITLE 12.05. – STORMWATER UTILITY ENTERPRISE

Section 12.05.010. – Definitions.

Director means the Town Manager or designee.

Impervious surface means a surface area that is compacted or covered with material that is resistant to infiltration by water, including without limitation most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any oiled, compacted, or other surface that impedes the natural infiltration of surface water.

Project costs means those costs of administration, operation, management, planning, financing, engineering, testing, installation, construction, maintenance, reconstruction, replacement, land acquisition, contingencies, fiscal and legal costs of stormwater facilities, including those costs incurred to comply with federal, state or local laws regulating stormwater facilities or runoff.

Property owner means the current owner as shown in the records of the Eagle County Assessor, including an individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

Revenue bonds means bonds, notes or other obligations lawfully issued or otherwise contracted for, payable from the revenues derived or to be derived from the functions, services, benefits, or facilities of the stormwater utility enterprise or from other available funds of the stormwater utility enterprise.

Runoff means that part of snowfall, rainfall or other stormwater that is not absorbed, transpired, evaporated, or left in surface depressions and that then flows controlled or uncontrolled into a watercourse or body of water.

Stormwater facilities means any one or more of the various devices used in the collection, disposition, or treatment of storm, flood or surface drainage waters, including without limitation manmade structures and natural watercourses for the conveyance of runoff, conduits and appurtenant features, canals, ditches, streams, gulches, gullies, flumes, culverts, streets, curbs, gutters, detention areas, pumping stations, pipes and related equipment and appurtenances; all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interest in such stormwater facilities.

Stormwater management fee means the fee imposed by this Chapter in the amount set by resolution of the Board of Trustees.

Stormwater system means the network of stormwater facilities located in whole or in part in the Town, including without limitation inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities and other components, as well as all-natural waterways.

Section 12.05.020. - Stormwater utility enterprise.

- A. There is hereby created a stormwater utility enterprise in the Town.
- B. The stormwater utility enterprise is empowered to coordinate, design, conduct, manage, operate and maintain the stormwater and flood management systems and stormwater facilities of the Town; and implement the provisions of this Chapter;
- C. The Board of Trustees shall act *ex officio* as the governing body of the stormwater utility enterprise. It shall not be necessary for the governing body to meet separately from the regular and special meetings of the Board of Trustees, nor shall it be necessary for the governing body to specifically announce or acknowledge that actions taken thereby are taken by the governing body of the enterprise.

Section 12.05.030. – Stormwater utility fee.

- A. There is hereby imposed a stormwater management fee that allocates the costs of stormwater management to all property owners in the Town. The amount of such fee shall be set by resolution of the Board of Trustees, with one fee applicable to residential parcels of land within the Town and another fee applicable to non-residential parcels of land within the Town. All fees collected

shall be placed in the Stormwater Utility Fund established in Section 3.09.010 of this Code.

B. Monies in the Stormwater Utility Fund and income earned thereon shall be used only for the following purposes:

1. The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater facilities;

2. Costs of administration and implementation of the Town's stormwater management program, including the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

3. Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement or existing facilities;

4. Operation and maintenance of the stormwater system;

5. Monitoring, surveillance, and inspection of stormwater control devices;

6. Water quality monitoring and water quality programs;

7. Retrofitting developed areas for pollution control;

8. Inspection and enforcement activities;

9. Billing and administrative costs;

10. Implementation of programs designed for education, public involvement, elimination of illicit discharges, construction site erosion control, post-construction monitoring, and municipal operations; and

11. Other activities reasonably required to manage stormwater runoff in the Town or to comply with applicable federal and state laws, rules and regulations that regulate the flow, treatment and discharge of runoff into the waters of the United States or the waters of the State of Colorado.

Section 12.05.040. – Debt issuance.

A. The stormwater utility enterprise is authorized to issue revenue bonds for the payment or other financing of eligible project costs or for the purpose of refunding any revenue bonds issued for such purpose.

B. The Town may pledge all or any portion of the Stormwater Utility Fund, including revenues anticipated to be collected, to the payment of principal, interest, premiums, if any, and reserves for revenue bonds, issued for the payment or other financing of any of the activities of this Chapter, including without limitation to eligible project costs, or for the purpose of refunding any revenue bonds issued for such purposes.

Section 12.05.050. – Administration and review.

A. The Director shall administer this Chapter and may prescribe forms and rules and regulations in conformity with this Chapter.

B. Every determination of the Director shall be in writing and notice thereof shall be served upon or mailed by first-class mail, postage prepaid to the affected person at his or her address shown on the records of the Town. Service by first-class mail as provided herein shall be conclusive evidence of service of such decision or determination.

C. Any person aggrieved by any determination of the Director may petition the Director for a hearing on such determination no later than thirty (30) days after the date of the determination, on a form provided by the Director.

D. The petition shall specify in detail the reasons that the determination should be modified or overturned and shall be accompanied by all documents or other evidence supporting the petition.

E. The Director shall schedule a hearing on the petition not less than sixty (60) days from the date the Director receives the petition, before the Board of Trustees or an appointed hearing officer. Notice of the hearing shall be given to the petitioner by first-class mail addressed to the petitioner at the address shown on the petition. At the hearing, the petitioner shall have the burden of proof.

F. Failure to timely file a petition or the failure of the petitioner or his or her representative to appear at the hearing shall constitute and be deemed to be a waiver of the right to a hearing by the aggrieved person.

G. Within thirty (30) days after the hearing, the Board of Trustees or hearing officer shall make findings of fact based upon information and evidence submitted

at the hearing. The decision after hearing shall be final, subject only to judicial review as permitted by state law.

H. A petition may be filed only once in connection with any decision or determination of the Director.

Section 12.05.060. – Nonliability of Town.

Runoff may occur that exceeds the capacity of Town's stormwater facilities. This Chapter does not imply that real property liable for the charges and fees established herein will be free from runoff or flood damage. This Chapter does not create any liability on the part of, or cause of action against, the Town or any officer or employee thereof for runoff or flood damage. This Chapter does not reduce the need or necessity for property owners to obtain flood insurance.

Section 3. 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 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MARCH 24, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: April 14, 2020

Agenda Item: Ordinance No. 10, Series 2020, "An Emergency Ordinance of the Board of Trustees of the Town of Eagle, Colorado Increasing the Compensation to be Paid to the Newly Elected Council Members and Mayor"

REQUEST:

Staff requests that the Board of Trustees review an ordinance establishing compensation of newly elected members of the Town Council.

INTRODUCTION:

The Board of Trustees discussed compensation of members on the board in February. Staff presented comparable compensation from neighboring towns in the analysis. Now that the election is completed, the timing is right for the board to finalize the compensation for future council members. Compensation has not been decided yet, however, staff has drafted an ordinance in preparation of finalizing the compensation. The sections that are left blank in the ordinance will be filled in once the board decides on compensation. Included in the memo is the information provided during the last conversation as a reference.

ANALYSIS:

At the last meeting, the Board of Trustees asked staff to follow up on a few questions regarding compensation. Those items are below:

1. Can the board increase compensation by the Consumer Price Index (CPI)?
No, the board cannot. Compensation is addressed in the Colorado Constitution and this applies to all municipalities regardless of being a Home Rule or Statutory community.
2. Can the board apply updated compensation to all members of council regardless of who is rolling off or not?
No, compensation only applies to those members who roll off the board and not existing council members.
3. Can an increase be considered in the 2021 budget and not immediately?
No, increases take effect immediately but the board can hold off on being paid.

COMMUNITY INPUT:

Community input not required for this ordinance.

BUDGET / STAFF IMPACT:

Increases to compensation does have an impact on the budget. Once the board decides on compensation, staff can provide an analysis of the impact to the budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal is administrative and is not required to align with plans and standards.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the adoption of Ordinance No. 10, Series 2020, “An Emergency Ordinance of the Board of Trustees of the Town of Eagle, Colorado Increasing the Compensation to be Paid to the Newly Elected Council Members and Mayor”

ATTACHMENTS:

- Ordinance No. 10
- Staff memo from February 25

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 10
(Series of 2020)

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
EAGLE, COLORADO INCREASING THE COMPENSATION TO BE PAID TO THE NEWLY
ELECTED COUNCIL MEMBERS AND MAYOR

WHEREAS, pursuant to Section 4.04.040 of the Eagle Municipal Code and C.R.S. § 31-4-301, compensation for members of the Board of Trustees shall be set by ordinance;

WHEREAS, the current Board of Trustees is transitioning to a Town Council, pursuant to the home rule charter approved by the registered electors of the Town on April 7, 2020;

WHEREAS, Section 3.07 of the new home rule charter also requires that the compensation of Council Members be set by ordinance; and

WHEREAS, the Board of Trustees desires to increase the compensation for the newly elected Mayor and Council Members.

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

Section 1. Each Council Member shall receive compensation in the amount of _____ dollars (\$ _____.00) per month served in office.

Section 2. The Mayor shall receive compensation in the amount of _____ dollars (\$ _____.00) per month served in office.

Section 3. 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 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 5. Emergency Declared. Pursuant to C.R.S. § 31-4-405, the emoluments of any member of the governing body, including the Mayor and Trustees, shall not be increased or diminished during the term for which the member has been elected or appointed. This emergency Ordinance is therefore necessary for the immediate preservation of the public health and safety, because in the interest of fairness and for the safety of the public, the Town's elected officials should be fairly compensated for public services rendered, which compensation must be established before the newly elected Council members enter office.

Section 6. Effective Date and Applicability. This Ordinance shall take effect immediately upon adoption and shall apply only to those elected officials entering office after April 14, 2020.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON APRIL 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



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



To: Mayor and Town Board of Trustees

From: Jill Kane, Finance Director

Date: April 14, 2020

Agenda Item: Ordinance 15-2020 – Amending Section 3.06.030 and Section 3.04.066 of the Eagle Municipal Code to Increase the Excise Tax on Unprocessed Marijuana from Two and One-Half Percent (2.5%) to Three and One-Half Percent (3.5%) and to Annually Increase the Excise Tax and Sales Tax on Retail Marijuana.

REQUEST: Staff requests the Board review ordinance 15-2020 which increases the excise tax on unprocessed marijuana from 2.5% to 3.5% to match the 3.5% sales tax on retail marijuana, as well as allows for both the marijuana excise tax and sales tax to increase annually by 0.5%, until both taxes reach 5%.

BACKGROUND: On November 7, 2017, voters approved imposing a 2.5% special sales tax on the sale of retail marijuana and retail marijuana products, and a 2.5% excise tax on unprocessed retail marijuana commencing January 1, 2018. The collection rate for both taxes was set at 2.5% and allowed an increase by 0.5% annually each year thereafter to a maximum of 5%, thereby providing 6 years to phase in the new tax rate.

This ordinance does two things:

1. Increases marijuana excise tax from 2.5% to 3.5%

Since 2018, the Board has approved the 0.5% increase to special retail marijuana sales tax annually. The marijuana sales tax rate is currently at 3.5%. The Town did not have a business with the ability to sell unprocessed marijuana and charge excise tax until recently. Although both taxes should have been presented together to be increased annually, the excise tax was missed and currently remains at 2.5%. The ballot language allows for an increase to excise tax by 0.5% each year and since it has been two years, we can increase the excise tax by a 1% for 2020.

Staff has confirmed with Eagle County that they are increasing both rates annually to be at the 5% maximum in 2023. If the Town does not increase by at least the same rate as the County, then the County will receive the difference in sales and/or excise tax. For example, if the County increased to 3.5% and the Town stayed at 2.5% the vendor would have to collect a full 3.5% and the Town would collect 2.5% and the County would collect the other 1%.

2. Automatically increases retail marijuana sales tax and marijuana excise tax by 0.5% annually until both taxes reach 5%

Staff had been presenting the increase to the marijuana sales tax on an annual basis, however the County's resolution automatically increases both taxes on an annual basis, so it would be in the best

interest of the Town to do the same. If we put language in the code to automatically increase both taxes by 0.5% it will save staff time to produce the new ordinances and staff reports on an annual basis.

COMMUNITY INPUT: Voters approved Taxation of Retail Marijuana and Excise tax on unprocessed marijuana on November 7, 2017 with 60.69% of the vote.

BUDGET / STAFF IMPACT: Since the Town only has one retail marijuana business, the actual sales tax and excise tax revenue collected is confidential, however increasing both will increase the Town's revenues. Also, implementing language to increase box taxes by 0.5% automatically will save staff and Board time on an annual basis.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

- Enhance the Financial Health of the Town – Increasing the retail marijuana sales tax and marijuana excise tax on an annual basis to a maximum of 5% will increase the Town's General Fund revenues.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** adoption of ordinance 15-2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado amending section 3.06.030 and section 3.04.066 of the Eagle Municipal Code to increase the excise tax on unprocessed marijuana from two and one-half percent (2.5%) to three and one-half percent (3.5%) and to annually increase the excise tax on unprocessed marijuana and sales tax on retail marijuana."

ATTACHMENTS:

- Ordinance 15-2020

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 15
(Series of 2020)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 3.06.030 AND SECTION 3.04.066 OF THE EAGLE MUNICIPAL CODE TO INCREASE THE EXCISE TAX ON UNPROCESSED MARIJUANA FROM TWO AND ONE-HALF PERCENT (2.5%) TO THREE AND ONE-HALF PERCENT (3.5%) AND TO ANNUALLY INCREASE THE EXCISE TAX ON UNPROCESSED MARIJUANAN AND SALES TAX ON RETAIL MARIJUANA

WHEREAS, at the coordinated election held on November 7, 2017, the Town's electors approved the levy of an excise tax on unprocessed marijuana products and a sales tax on retail marijuana products, commencing on January 1, 2018 and increasing by a half percent each year, up to a maximum of five percent (5%);

WHEREAS, on November 28, 2017, the Board of Trustees adopted Ordinance 28-2017, codified in Section 3.04.066 of the Eagle Municipal Code, to implement the marijuana sales tax;

WHEREAS, on November 27, 2018, the Board of Trustees adopted Ordinance 35-2018, codified in Section 3.060.030 of the Eagle Municipal Code, to implement the marijuana excise tax;

WHEREAS, the Board of Trustees wishes to amend Section 3.06.030 of the Eagle Municipal Code to increase the marijuana excise tax for 2020 from two and one-half percent (2.5%) to three and one-half percent (3.5%); and

WHEREAS, the Board of Trustees wishes to amend Section 3.06.030 and Section 3.04.066 to allow for the excise tax and sales tax to increase at a rate of half a percent (0.5%) each year, up to a maximum of five percent (5.0%).

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

Section 1. Section 3.06.030 of the Eagle Municipal Code is hereby amended as follows:

Section 3.06.030. – ~~The~~ Imposition and Rate of Tax.

Commencing January 1, 2020, ~~there~~ is hereby levied an excise tax of ~~2½~~ three and one half percent (3.5%) upon the average market rate of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility located in the Town to a retail marijuana store or retail marijuana products manufacturer. The rate of the tax shall increase by one-half (0.5%) percent on January 1st of each year until the rate reaches five percent (5%).

Section 2. Section 3.04.066 of the Eagle Municipal Code is hereby amended as follows:

Sec. 3.04.066 Levy of Special Sales Tax on the Sale of Retail Marijuana and Retail Marijuana Products.

In addition to the regular municipal sales tax described in this Chapter, there is hereby imposed, and shall be collected and paid a special sales tax on retail marijuana and retail marijuana products equal to three percent (3%) of gross receipts upon the sale at retail of retail marijuana and retail marijuana products commencing January 1, 2019. ~~Said rate~~ *The rate of tax shall increase one-half percent (0.5%) on January 1st of each year thereafter so long as such rate does not exceed 5.0 percent until the rate reaches five percent (5%).*

Section 3. 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 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON APRIL 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Bryon McGinnis, Public Works Director
Jill Kane, Finance Director

Date: April 14, 2020

Agenda Item: Lower Basin Water Treatment Plant (LBWTP) – Change Order Authorization Thresholds Amendment from 5% to 8% of the guaranteed maximum price

REQUEST: Staff is requesting the Board authorize the Town Manager to approve LBWTP change orders up to a cumulative 8% (\$1,835,100) of the guaranteed maximum price (GMP).

BACKGROUND: During the August 14, 2018 meeting, the Board approved the Town Manager to approve LBWTP change orders up to a cumulative 5% (\$1,176,237) of the GMP and for the Town Manager to authorize the Public Works Director to approve LBWTP change orders, in the same amount, in the Town Manager's absence.

To date change orders are a cumulative \$1,137,053 (listed below). Since the project's change orders are now almost up to the originally approved 5% of GMP, any additional change orders would need to be presented to the Board. When Boards are required to review and approve all change orders for projects it can be time consuming, delay projects, and increase costs. Staff wants to ensure we have the necessary authority from the Board to approve change orders for the LBWTP and keep the project moving forward.

ANALYSIS: Staff is requesting the authorized change order amount be increased by 3%, from 5% to 8% of GMP. This request is due to fact that a majority of the authorized change order threshold has been utilized by three staff proposed change orders, totaling 2.9% of GMP, during the beginning of the project which change the scope of the LBWTP; the sewer line upgrades (\$107,441), the larger generator (\$411,205), and the fire suppression system (\$140,867).

LBWTP TOTAL CHANGE ORDERS			
Change Order:		Amount:	% of GMP
1	Sewer Line Upgrades/Phase	\$ 107,441	0.5%
2	Schedule Ext. 19 Days	-	0.0%
3	Contract Admin.	-	0.0%
4	Misc. Items - Group 1	72,776	0.3%
5	Generator Upsizing	411,205	1.8%
6	Misc. Items - Group 2	158,815	0.7%
7	Fire Suppression System	140,867	0.6%
8	Changes from GMP to Construction Dwgs (WCD 9)	245,949	1.1%
9	Schedule Ext. 124 Days & Change in Allowance \$ Uses	-	0.0%
Total Change Orders		\$ 1,137,053	5.0%
Additional Requested Change order authorization		\$ 698,047	3.0%
Total Change Orders Authorization Requested		\$ 1,835,100	8.0%

Staff requested scope change orders

April 2018 Budget Projection:

Lower Basin Water Treatment Plant - Estimated Budget		
Line Item	Budget	Notes
MWHC Pre-Construction Services for Value Engineering & CMAR Process	\$ 152,062	<i>Actual executed contract value</i>
MWHC Construction GMP	23,524,732	<i>MWHC final construction contract GMP</i>
Contingency for Future Change Orders during Construction at 5% of GMP	1,176,236	<i>SGM-Suggested contingency for cost increases due to: Town-approved scope changes unknown existing conditions, design issues, etc. SGM expects actual</i>
Subtotal for CMAR Costs	\$ 24,853,030	
Engineer (SGM)-Related Costs	1,692,606	<i>Includes value engineering, engineering services during construction cost, and Plant O&M Manual & record drawings</i>
Estimated Utility Service/Connection Costs	80,000	
Estimated 3rd-party materials & Geotech Testing during construction	80,000	
Total Estimated LBWTP Pre-Construction & Construction Costs	\$ 26,705,636	

Current Budget Projection:

Lower Basin Water Treatment Plant - Estimated Budget		
Line Item	Budget	Notes
MWHC Pre-Construction Services Contract Cost	\$ 152,062	<i>Actual executed contract value</i>
MWHC Rebar Pre-Purchase Contract Amendment Cost	\$ 486,000	
MWHC Construction GMP	22,938,752	<i>MWHC final construction contract Guaranteed Max Price</i>
Contingency for Change Orders during Construction at 8.0% of GMP	1,835,100	
Forecasted Savings in Unspent Construction Contract Allowance	(193,216)	
Subtotal for CMAR Costs	\$ 25,218,698	
Estimated Engineer (SGM)-Related Costs	1,865,444	<i>Includes value engineering, engineering services during construction cost, and Plant O&M Manual & record drawings</i>
Estimated Utility Service/Connection Costs	48,931	<i>Updated based on actual contract for Holy Cross plus estimates for Black Hills and Century Link</i>
Estimated 3rd-party materials & Geotech Testing during Construction	65,000	<i>Updated based on Ground Engineering expenditures to-date + projection to complete</i>
Estimated Browns Hill Engineering	20,000	<i>Best guess for services related to overall system SCADA/communications integration.</i>
Total Estimated LBWTP Pre-Construction & Construction Costs	\$ 27,218,073	

Authorization threshold Options:

1. Cumulative option - Authorize Town Manager to approve change orders (combined) up to 8% of the GMP (\$1,835,00) and for the Town Manager to authorize the Public Works Director to approve change orders, in the same amount, in the Town Manager's absence. The Board would approve any change orders that would exceed 8% of GMP. *(This would be an additional \$698,047 in change orders)*
2. Original authorization threshold plus additional single change order option:
Authorize the Town Manager to approve cumulative change orders (combined) up to 5% of GMP and additional single change orders up to \$250,000; up to 8% of GMP and for the Town Manager to authorize the Public Works Director to approve change orders, in the same amount, in the Town Manager's absence. The Board would approve any change order exceeding \$250,000.
 - The Board has authorized the Town Manager to approve budgeted capital improvement contracts up to \$250,000.
3. No change to original change order authorization option:
The Board does not authorize to increase Town Manager change order threshold and would like to have presented any additional change orders for the LBWTP.

If the Board decides to not increase threshold amounts, this would give the Board more control over change orders, however, could potentially delay the project and increase costs. Although the Board would be authorizing the Town Manager to approve change orders up to a certain threshold, the Board will still be notified of all change's orders in the project update reports provided by SGM.

COMMUNITY INPUT: None

BUDGET / STAFF IMPACT: Authorizing the Town Manager to approve change orders at a higher level will save staff time and project time which will reduce total project costs.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

- Build Lower Basin Water Treatment Plant
- Sound planning and appropriate investment

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** the staff recommendation to authorize the Town Manager to approve LBWTP change orders up to a cumulative 8% (\$1,881,978) of the guaranteed maximum price (GMP).

ATTACHMENTS:

- None



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager
Jill Kane, Finance Director

Date: April 14, 2020

Agenda Item: Budgetary Impacts of COVID-19 and Revised 2020 Budget Projections

REQUEST: Review attached COVID-19 budget analysis with revised 2020 budget projections.

INTRODUCTION: With the Town's declaration of a state of emergency along with the local, national and world-wide events occurring related to the Corona Virus (COVID-19) pandemic, staff felt it was prudent to respond quickly. The purpose of this memo is to provide a summary of impacts to revenue projections and corresponding budget reductions. Although staff is reviewing and monitoring all Town funds, this analysis mainly focuses on the General Fund and other funds that will be affected.

The Town of Eagle's General Fund is approximately 68% reliant on sales tax. Other revenues sources include franchise tax, lodging tax, property tax, charges for services, licenses and permits, intergovernmental revenue, fines and forfeitures, and other revenue such as investment income. It is likely that we will see most sources of revenue reduced to some extent. It is unclear what the immediate future will look like, but it is clear that a budget adjustment is necessary.

Therefore, staff has reviewed the 2020 budget and has provided adjustments based on our current projections in the attachment. It is important to note that these changes don't come without impacts to Town services, impacts to some of our local vendors, and impacts to our employees. The decisions have been difficult, and these factors were taken into consideration while still trying to achieve the goal of reducing the budget.

ANALYSIS:

General Fund Revenues Projections: Total General Fund revenues for the Town are projected to decrease by approximately \$1,800,000, or 25% of original 2020 budgeted revenues. Of that total, taxes are projected to decrease 22% with sales tax representing most of the decrease (\$1,034,000). Staff is projecting licenses and permits to decrease 17% from budget. Intergovernmental revenues may potentially decrease 40%; \$150,000 of the decrease is from the Eagle County contribution to the Highway 6 study that was pulled due to COVID-19. Staff is projecting charges for service to decrease by 52%, fines and forfeitures to decrease by 41%, and miscellaneous revenue to decrease 36% from budget.

GENERAL FUND REVENUE	2020 BUDGET	2020 FORECAST	\$ DECREASE	% DECREASE
Taxes	\$ 5,448,859	\$ 4,273,253	\$ (1,175,606)	-22%
Licenses & Permits	295,300	244,240	(51,060)	-17%
Intergovernmental Revenue	752,552	450,692	(301,860)	-40%
Charges For Services	290,550	139,840	(150,710)	-52%
Court Fine & Fees	126,262	74,377	(51,885)	-41%
Miscellaneous Revenue	190,600	122,164	(68,436)	-36%
Contributions & Transfers	16,281	16,281	-	0%
TOTAL REVENUE	\$ 7,120,404	\$ 5,320,847	\$ (1,799,557)	-25%

Sales tax is projected to drop 28% from 2019. Below is a revised forecast of sales tax for the remainder of the year based on collection month and by district. Fortunately, the Town saw positive increases to sales tax from 2019 for first three months of 2020. Staff is assuming impacts to begin in March and increase to 60% sales tax loss for April and then begin to slowly increase, ending the year with a 30% loss compared to 2019. Staff will continue to monitor economic indicators and adjust as necessary.

Eagle General Fund Sales Tax Collections								
REVENUE MONTH	ACTUAL 2017	ACTUAL 2018	ACTUAL 2019	BUDGET 2020	FORECAST 2020		FORECAST COMPARED TO 2019 ACTUAL	FORECAST COMPARED TO 2020 BUDGET
Dec	\$ 329,893	\$ 356,334	\$ 384,830	357,817	\$ 515,565	*	34%	44%
Jan	318,426	364,950	349,123	323,207	435,215	*	25%	35%
Feb	296,838	338,149	361,680	333,822	416,974	*	15%	25%
Mar	327,392	353,771	381,203	353,042	228,722		-40%	-35%
Apr	290,855	335,228	370,006	342,303	148,003		-60%	-57%
May	312,054	355,468	388,865	360,535	174,989		-55%	-51%
Jun	354,059	374,750	451,755	417,834	203,290		-55%	-51%
Jul	357,707	369,836	458,201	425,926	252,010		-45%	-41%
Aug	434,023	389,167	448,159	414,943	268,896		-40%	-35%
Sep	361,904	342,720	452,766	419,049	294,298		-35%	-30%
Oct	331,585	425,581	551,042	513,771	385,729		-30%	-25%
Nov	309,778	316,874	449,925	416,365	314,947		-30%	-24%
Total	\$4,024,513	\$4,322,828	\$5,047,555	\$4,678,613	\$3,644,767		-28%	-22%

* Actuals

SALES TAX COLLECTION DISTRICT	ACTUAL 2019	FORECAST 2020	FORECAST COMPARED TO 2019 ACTUAL	PERCENTAGE OF TOTAL SALES TAX FORECAST	AVERAGE COLLECTION OF TOTAL SALES TAX PER DISTRICT (2017-2019)
Broadway/DownTown	\$ 204,078	\$ 89,794.41	-56%	2%	5%
Chambers	\$1,182,777	\$ 724,930.44	-39%	20%	26%
Eagle Ranch	\$ 164,840	\$ 82,420.05	-50%	2%	4%
Hwy 6/Grand Ave	\$ 198,269	\$ 116,978.87	-41%	3%	4%
Market	\$1,731,147	\$1,471,475.29	-15%	40%	37%
Other Areas	\$1,566,443	\$1,159,167.56	-26%	32%	24%
TOTAL	\$5,047,555	\$ 3,644,767	-28%	100%	100%

General Fund Projected Budget Reductions: In response to the revenue impacts and the rapid changing environment we are in, staff has put together separate budget reduction scenarios to enable the Board and staff to move swiftly. The scenarios range from a 20% to a 50% reduction in General Fund revenues.

All scenarios, except for scenario F do not utilize general fund reserves to offset the projected revenue loss. During the 2020 budget process the Board approved increasing the general fund unassigned reserve to 25% of operating expenditures to begin preparing for a potential recession. Due to the favorable 2019 budget outcome, the Town's current unassigned general fund reserve is 37% of budgeted operating expenditures. If the Board desires to utilize reserve to cover a portion of the projected revenue loss, while maintaining an unassigned reserve of 25% of original budgeted operating expenditures, \$1,113,000 would be available.

Options to balance the General Fund budget:

Option 1:

- **Utilize fund balance** to help offset the projected revenue loss. The 2019 budget resulted in a surplus of \$1,113,000 going to the General Fund reserves from both a combination of revenues exceeding budget (\$313k) and savings in operating expenditures (\$800k). Applying \$500,000 of fund balance against the loss would reduce the “need” to \$1,300,000 and would keep the unassigned fund balance at 33% of budgeted operating expenditures.
- **Hiring Freeze for any position not currently filled and refrain from any future merit increases** for the remainder of the year, unless the local economy and revenue expectations turn around. Staff will re-assess later this summer. This will save approximately \$165,000 as of right now and reduce the “need” to \$1,135,000.
- **Reduce one-time operating expenditures** for the remainder of the year. This would include the community survey, community requests, US Forest Service donation, Highway 6 corridor study, Street resurfacing and the \$730,000 transfer to the capital improvements fund.

OR

Option 2:

- **Do not Utilize fund balance** to offset the projected revenue loss.
- **Reduce operating expenditures based on Scenario B** (see budget cut scenarios attached)

General Fund Historical Analysis: To give the Board perspective, staff wanted to provide a historical analysis over the past 15 years to see the effect of the great recession on general fund revenues. Over a three-year period, from 2007 – 2010, the Town had an 18% decrease in General Fund revenues compared to our 25% projected loss in one year. See historical analysis attached.

Capital Improvements Fund (CIF): The 2020 budget projected \$3,100,000 in CIF revenues. Staff is currently projecting a 38%, or \$1,191,000, decrease in those revenues. The 2020 budget included \$643,000 in expenditures. Staff is recommending delaying capital projects that have not been started and that are non-essential, totaling \$273,284, listed below:

- Town Hall Improvements - \$38,125 (Board Room IT Upgrades, CivicRec Software, Civic Plus ATS software)
- Town Shop Improvements - \$25,000 (Public Works Fencing, Pavilion LED lighting)
- Public Art - \$50,000
- Weed Sprayer & Fertilizer Hopper - \$16,000
- Police Equipment - \$24,585
- Patrol Vehicles - \$119,574

Sales Tax Capital Improvement Fund (STCIF): The 2020 budget projected \$614,836 in STCIF revenues. Staff’s revised projection showing a 24%, or \$145,542, decrease. The 2020 budget included \$551,774 in expenditures. Staff is recommending reducing capital expenditures to \$32,000 which would include spending on the dumpster enclosure, wetland plantings and an air compressor. The \$186,000 reduction in capital expenditures would include the following:

- Beach Sand - \$50,000
- Rapid Blocs - \$50,000
- Other Projects - \$86,000

Open Space Fund: The 2020 budget projected \$146,820 in Open Space revenues. Staff is projecting a decrease of 57% of revenues, or \$83,820. Staff is recommending corresponding reduction in expenditures of \$115,850 as follows:

- Materials & Supplies - \$16,850
- Charges for Supplies - \$39,000
- Discretionary Funding - \$10,000 (EVL Sweetwater Lake contribution)
- Capital Expenditures - \$50,000
 - *Acquisitions* - \$10,000
 - *Brush Creek Inventory & Enhancement* - \$10,000
 - *Trail Construction* - \$10,000

The revenue projection included year to date receipts for lodging tax and interest and then projected lodging tax collection at 5% to 10% for the remainder of the year. Since the Open Space Fund has such a small ending fund balance, the projected decrease in revenue is significant. The original 2020 budget projected utilizing \$58,707 of fund balance for one-time expenses and capital projects. However, with the projected reduction in revenues and proposed savings in expenditures, the open space fund will still be utilizing \$26,677 of fund balance. However, the fund balance would be utilized for ongoing expenses instead of one-time, which is not a habit that staff would recommend normally. The Board as a couple options:

- Option 1: Utilize \$26,677 of fund balance for ongoing expenses
- Option 2: Reduce staff time to ensure fund balance is not utilized for ongoing expenses

Conservation Trust Fund (CTF): The 2020 budget projected \$34,985 in CTF revenues. Staff's revised projection showing a 39%, or \$13,634, decrease. Staff is recommending postponing all spending in the CTF until the economy stabilizes and we understand the extent of the potential recession.

Delayed expenditures would include the following:

- Open Space Master Plan - \$15,000
- Camping - \$20,000

Enterprise Funds: Staff will be closely monitoring revenues and accounts receivables in our Water, Wastewater, and Refuse funds. Although the Town's cash flows in the enterprise funds may be affected, staff is not concerned about a reduction in revenues and did not complete a full analysis at this time. The Water Fund may have a potential to see a decrease in revenues due to customers increased conservation efforts. Staff is recommending delaying capital projects in the enterprise funds that are non-essential with a combined savings of \$319,724, listed below:

- Water Fill Station - \$60,000
- Fencing for Water Properties - \$75,000
- GIS - \$40,000
- Eby Creek Mesa Access Road - \$30,000
- Town Hall – Water Conservation Model - \$25,000
- Xeriscape Opportunities – Market Street Roundabout - \$14,724
- Wastewater Treatment Plant Replumbing - \$75,000

COMMUNITY INPUT: None as of right now, any budget amendment will require public notice.

BUDGET / STAFF IMPACT: The revised 2020 budget projects a 25% or \$1,800,000 decrease in revenues. Staff will be impacted by the budget reduction and projects that they may or may not be working on depending on the economic impact that COVID-19 has on the Town of Eagle budget.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

- Sound planning and appropriate investment
- Sound finances

RECOMMENDED ACTION OR PROPOSED MOTION:

- General Fund Options:
 - Option 1 or Option 2
- Capital Improvements Fund – Change to Staff’s recommendation?
- Sales Tax Capital Improvements Fund – Change to Staff’s recommendation?
- Open Space Fund:
 - Option 1 or Option 2
- Conservation Trust Fund – Change to Staff’s recommendation?
- Enterprise Funds – Changes to staff’s recommendation?

ATTACHMENTS:

- General Fund 2020 Revised Budget Summary
- General Fund Historical Analysis
- General Fund Budget Cut Scenario descriptions
- Capital Improvement Fund 2020 Revised Budget Summary
- Sales Tax Capital Improvement Fund 2020 Revised Budget Summary
- Open Space 2020 Revised Budget Summary
- Conservation Trust Fund 2020 Revised Budget Summary

TOWN OF EAGLE
REVISED 2020 BUDGET SUMMARY

GENERAL FUND									
	Adopted Budget	Projected Budget	% Change	20% Scenario A	25% Scenario B	30% Scenario C	35% Scenario D	40% Scenario E	50% Scenario F
REVENUE									
Taxes	\$ 5,448,859	\$ 4,273,253	-22%						
Licenses & Permits	295,300	244,240	-17%						
Intergovernmental Revenue	752,552	450,692	-40%						
Charges For Services	290,550	139,840	-52%						
Court Fine & Fees	126,262	74,377	-41%						
Miscellaneous Revenue	190,600	122,164	-36%						
Contributions & Transfers	16,281	16,281	0%						
TOTAL REVENUE	\$ 7,120,404	\$ 5,320,847	-25%	\$ 5,696,323	\$ 5,320,847	\$ 4,984,283	\$ 4,628,263	\$ 4,272,242	\$ 3,560,202
REVENUE REDUCTION		\$ (1,799,557)	-25%	(1,424,081)	(1,799,557)	(2,136,121)	(2,492,141)	(2,848,162)	(3,560,202)
EXPENSES									
Town Board	\$ 111,281	\$ 22,236	-80%	\$ 23,736	\$ 22,236	\$ 22,236	\$ 22,236	\$ 22,236	\$ 22,236
General Government	433,328	386,378	-11%	421,328	386,378	364,378	355,533	355,533	334,240
General Administration	682,373	673,220	-1%	682,373	673,220	657,453	622,628	548,504	491,414
Community Development	1,025,330	755,732	-26%	775,942	755,732	719,434	650,279	613,129	572,554
Streets	1,550,839	1,088,168	-30%	1,218,441	1,088,168	901,039	813,593	692,752	728,174
Engineering	255,724	242,474	-5%	255,724	242,474	239,868	229,928	229,928	217,624
Buildings & Grounds	763,681	735,681	-4%	763,681	735,681	702,554	639,661	589,601	568,451
Public Safety	2,061,530	2,030,370	-2%	2,061,530	2,030,370	2,016,630	1,941,145	1,867,300	1,693,308
Municipal Court	84,110	81,030	-4%	84,110	81,030	81,030	78,751	78,751	75,333
Information Center	43,739	42,139	-4%	43,739	42,139	17,411	17,411	17,411	17,411
Marketing & Events	345,953	230,903	-33%	333,203	230,903	229,734	224,582	224,582	218,023
Transfer to Capital Improvements Fund	730,000	-	-100%	-	-	-	-	-	-
TOTAL EXPENSES	\$ 8,087,888	\$ 6,288,331	-22%	\$ 6,663,807	\$ 6,288,331	\$ 5,951,767	\$ 5,595,747	\$ 5,239,727	\$ 4,938,766
Beginning Fund Balance*	\$ 4,299,591	\$ 4,299,591		\$ 4,299,591	\$ 4,299,591	\$ 4,299,591	\$ 4,299,591	\$ 4,299,591	\$ 4,299,591
Net Revenue (Expenses)	\$ (967,484)	\$ (967,484)	0%	\$ (967,484)	\$ (967,484)	\$ (967,484)	\$ (967,484)	\$ (967,484)	\$ (1,378,564)
TOTAL ENDING FUND BALANCE	\$ 3,332,107	\$ 3,332,107	0%	\$ 3,332,107	\$ 3,332,107	\$ 3,332,107	\$ 3,332,107	\$ 3,332,107	\$ 2,921,027
Use of General Fund Reserves		-		-	-	-	-	-	(411,080)
* Unaudited									
FUND BALANCES									
Tabor	\$ 220,737	\$ 188,650		\$ 199,914	\$ 188,650	\$ 178,553	\$ 167,872	\$ 157,192	\$ 148,163
Non-Spendable	158,600	158,600		158,600	158,600	158,601	158,602	158,603	158,603
Unassigned Fund Balance	2,952,770	2,984,857		2,973,593	2,984,857	2,994,953	3,005,632	3,016,312	2,614,261
Total Ending Fund Balance	\$ 3,332,107	\$ 3,332,107		\$ 3,332,107	\$ 3,332,107	\$ 3,332,107	\$ 3,332,107	\$ 3,332,107	\$ 2,921,027

GENERAL FUND HISTORICAL ANALYSIS:

General Fund Revenues	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 Budget
Taxes	3,872,543	3,904,032	3,668,632	3,715,853	3,749,423	3,844,436	3,679,758	3,640,291	4,068,749	4,502,493	4,849,905	4,994,438	5,615,217	5,448,859
Licenses & Permits	599,728	414,292	133,595	95,427	118,616	74,211	145,513	215,855	304,906	274,270	454,694	382,524	411,253	295,300
Intergovernmental Revenue	400,640	448,252	446,903	473,675	470,375	439,782	448,109	450,965	473,575	500,318	487,386	561,864	624,382	752,552
Charges For Services	187,784	223,470	241,730	119,643	87,149	185,620	63,107	97,076	115,085	110,089	163,826	187,728	255,841	290,550
Court Fine & Fees	24,040	32,867	51,350	49,900	49,697	47,695	49,760	55,332	91,225	160,688	106,164	101,606	97,106	126,262
Miscellaneous Revenue	422,442	261,125	109,833	40,978	32,405	212,875	203,619	197,707	299,724	351,959	339,845	500,595	334,608	190,600
Contributions & Transfers	110,000	110,000	110,000	110,000	110,000	110,000	108,000	123,500	148,000	148,750	134,465	169,877	16,120	16,281
Total Revenue	5,617,177	5,394,038	4,762,043	4,605,476	4,617,665	4,914,619	4,697,866	4,780,726	5,501,264	6,048,567	6,536,285	6,898,632	7,354,526	7,120,404
<i>Taxes</i>	11%	1%	-6%	1%	1%	3%	-4%	-1%	12%	11%	8%	3%	12%	-3%
<i>Licenses & Permits</i>	-34%	-31%	-68%	-29%	24%	-37%	96%	48%	41%	-10%	66%	-16%	8%	-28%
<i>Intergovernmental Revenue</i>	7%	12%	0%	6%	-1%	-7%	2%	1%	5%	6%	-3%	15%	11%	21%
<i>Charges For Services</i>	-6%	19%	8%	-51%	-27%	113%	-66%	54%	19%	-4%	49%	15%	36%	14%
<i>Court Fine & Fees</i>	4%	37%	56%	-3%	0%	-4%	4%	11%	65%	76%	-34%	-4%	-4%	30%
<i>Miscellaneous Revenue</i>	65%	-38%	-58%	-63%	-21%	557%	-4%	-3%	52%	17%	-3%	47%	-33%	-43%
<i>Contributions & Transfers</i>	0%	0%	0%	0%	0%	0%	-2%	14%	20%	1%	-10%	26%	-91%	1%
% Change	5%	-4%	-12%	-3%	0%	6%	-4%	2%	15%	10%	8%	6%	7%	-3%
<i>Years w/ negative Change from Prior Year</i>														

Annual Sales Tax			Transfers from G/F to
Year	Amount	% Change	
2006	\$ 2,934,514		\$ 1,000,000
2007	3,184,288	9%	1,900,000
2008	3,124,351	-2%	1,200,000
2009	2,830,262	-9%	-
2010	2,760,391	-2%	400,000
2011	2,654,022	-4%	400,000
2012	2,791,803	5%	300,000
2013	3,041,308	9%	80,000
2014	3,013,019	-1%	-
2015	3,350,365	11%	-
2016	3,736,495	12%	650,000
2017	4,024,513	8%	1,217,246
2018	4,274,298	6%	200,000
2019	4,985,787	17%	350,000
2020 Budget	4,733,613	-5%	750,000
<i>Years w/ negative Change from Prior Year</i>			

COVID-19 General Fund Budget Cut Scenarios:

Scenario A: 20% - \$750,000 transfer from general fund to capital improvements fund, town board wages, community survey, community requests, department minor equipment, US Forest Service donation, Code Enforcement Officer, PT permit tech, Highway 6 corridor study, \$330,000 of street resurfacing, and walking mountains zero waste events

Scenario B: 25% - Scenario A plus all department travel, meeting and training expenses, CIP assessment, Employee Appreciation, additional minor equipment, appraisal services, \$10,000 in vehicle R&M, hand tools for the shop, \$428,321 in street resurfacing, traffic counter, \$7,500 in Engineering consultant, \$20,000 in pathway maintenance, B&G maintenance, Detox Center expenses, Muni Court expenses reduction in court dates, Info Center operating expenses, \$20,000 in media, \$10,500 for the municipal holiday party, \$7,500 in marketing & events contract services, and \$5,400 MEAC events (contingency)

Scenario C: 30% - Scenarios A and B plus Red development sub area plan, Broadway streetscape repairs, ROW improvements, Historical Society Barn Roof, car allowance, \$16,000 in computer replacement, external investigations, \$30,000 of comp plan and land use code revisions, \$10,000 in streets R&M, \$550,000 in street resurfacing, B&G \$10,000 R&M, additional pathway maintenance, additional police minor equipment, close info center operations for remainder of the year, \$25,000 reduction in streets R&M supplies and service

Scenario D: 35% - Scenarios A, B, and C, plus 10% wage reductions for all positions, and one position (1/2 year)

Scenario E: 40% - Scenarios A, B, C, and D, plus 4.3 positions

Scenario F: 50% - Scenarios A, B, C, D, and E, plus 4 positions, 25% wage reductions for all positions, and use of general fund reserves

TOWN OF EAGLE
REVISED 2020 BUDGET SUMMARY

CAPITAL IMPROVEMENT FUND

	Adopted <u>Budget</u>	Projected <u>Budget</u>	% <u>Change</u>
<u>REVENUE</u>			
Capital Improvement Interest	\$ 60,000	\$ 54,000	-10%
Community Enhancement Interest	2,000	1,800	-10%
Devolution & Transportation Interest	32,000	28,800	-10%
Community Enhancement	44,500	40,000	-10%
Public Safety Impact Fees	668,000	534,400	-20%
Street Impact Fees	1,316,465	1,053,172	-20%
Use Tax	250,000	200,000	-20%
Transfer from General Fund	730,000	-	-100%
TOTAL REVENUE	\$ 3,102,965	\$ 1,912,172	-38%
REVENUE REDUCTION		\$ (1,190,793)	-38%
<u>EXPENSES</u>			
Capital Expenditures	\$ 593,284	355,000	-40%
Transfer to Other Funds	50,000	50,000	0%
TOTAL EXPENSES	\$ 643,284	\$ 405,000	-37%
Beginning Fund Balance*	\$ 5,051,908	\$ 5,051,908	0%
Net Revenue (Expenses)	\$ 2,459,681	\$ 1,507,172	-39%
TOTAL ENDING FUND BALANCE	\$ 7,511,589	\$ 6,559,080	-13%

*Unaudited

TOWN OF EAGLE
REVISED 2020 BUDGET SUMMARY

SALES TAX CAPITAL IMPROVEMENT FUND

	Adopted <u>Budget</u>	Projected <u>Budget</u>	% <u>Change</u>
<u>REVENUE</u>			
Sales Tax	\$ 585,836	\$ 451,094	-23%
Grants	11,000	11,000	0%
Interest-ColoTrust STCIF	8,000	7,200	-10%
Interest-UMB Project Fund	10,000	-	-100%
<i>TOTAL REVENUE</i>	\$ 614,836	\$ 469,294	-24%
<i>REVENUE REDUCTION</i>		\$ (145,542)	-24%
<u>EXPENSES</u>			
Charges for Service	\$ 14,536	14,536	0%
Capital Expenditures	\$ 218,000	32,000	-85%
Debt Service	319,238	319,238	0%
<i>TOTAL EXPENSES</i>	\$ 551,774	\$ 365,774	-34%
Beginning Fund Balance*	\$ 728,433	\$ 728,433	0%
Net Revenue (Expenses)	\$ 63,062	\$ 103,520	64%
<i>TOTAL ENDING FUND BALANCE</i>	\$ 791,495	\$ 831,953	5%

**Unaudited*

TOWN OF EAGLE
REVISED 2020 BUDGET SUMMARY

OPEN SPACE FUND

	Adopted Budget	Projected Budget	% <i>Change</i>
<u>REVENUE</u>			
Lodging Tax	\$ 143,820	\$ 60,000	-58%
Interest on Investments	3,000	3,000	0%
<i>TOTAL REVENUE</i>	\$ 146,820	\$ 63,000	-57%
<i>REVENUE REDUCTION</i>		\$ (83,820)	-57%
<u>EXPENSES</u>			
Personnel	\$ 76,463	\$ 76,463	0%
Materials & Supplies	17,850	1,000	-94%
Charges for Supplies	46,506	7,506	-84%
Discretionary Funding	10,000	-	-100%
Fixed Charges	4,708	4,708	0%
Capital Expenditures	50,000	-	-100%
<i>TOTAL EXPENSES</i>	\$ 205,527	\$ 89,677	-56%
Beginning Fund Balance*	\$ 317,200	\$ 317,200	0%
Net Revenue (Expenses)	\$ (58,707)	\$ (26,677)	-55%
<i>TOTAL ENDING FUND BALANCE</i>	\$ 258,493	\$ 290,523	12%

* Unaudited

TOWN OF EAGLE
REVISED 2020 BUDGET SUMMARY

CONSERVATION TRUST FUND

	Adopted Budget	Projected Budget	% <i>Change</i>
<u>REVENUE</u>			
Lottery Proceeds	\$ 33,785	\$ 20,271	-40%
Interest	1,200	1,080	-10%
<i>TOTAL REVENUE</i>	\$ 34,985	\$ 21,351	-39%
<i>REVENUE REDUCTION</i>		\$ (13,634)	-39%
<u>EXPENSES</u>			
Professional Services- <i>Open Space Master Plan</i>	\$ 15,000	\$ -	-100%
Camping	20,000	-	-100%
Park Improvements	-	-	#DIV/0!
<i>TOTAL EXPENSES</i>	\$ 35,000	\$ -	-100%
Beginning Fund Balance*	\$ 75,692	\$ 75,692	0%
Net Revenue (Expenses)	\$ (15)	\$ 21,351	-142440%
<i>TOTAL ENDING FUND BALANCE</i>	\$ 75,677	\$ 97,043	28%

* Unaudited

EAGLE TOWN BOARD COMMITTEES

Organization Name	Member	Member2	Member3	Term
CML Legislative Committee	Andy Jessen			Until Replaced
Compact of Colorado Communities	Andy Jessen			Until Replaced
Eagle County Climate Action Plan	Andy Jessen	Anne McKibbin		Until Replaced
Eagle County Housing and Developmment Authority Advisory Committee (ECHDA)	Bret Hooper	Dominic Mauriello		By Resolution
Eagle Ranch Housing Corporation	Anne McKibbin	Scott Turnipseed	Grant Murphy	By Resolution
Eagle Recreation Facility Advisory Corporation Board	Brandy Reitter	Dennis Wike		Town Manager and Town Engineer
Eagle River Park Citizens Committee	Matt Solomon			
Eagle River Park Steering Committee	Matt Solomon	Andy Jessen		
ECO Transit Advisory Board		Anne McKibbin		By Resolution
Lower Basin Water Treatment Plant/Town Staff	Kevin Brubeck	Scott Turnipseed		Until Replaced
MEAC	Scott Turnipseed			Until Replaced
NWCCOG	Anne McKibbin	Brandy Reitter		January Annually
Vail Valley Partnership Economic Advisory	Anne McKibbin			Until Replaced