

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR OCTOBER 28, 2015- 6:00 PM**



- I. CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA**
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- III. STAFF COMMENTS 1**
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- V. CITIZENS' COMMENTS***
- VI. CONSENT CALENDAR**
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- XI. DISCUSSION ITEMS**
- XII. EXECUTIVE SESSION**
Executive Session pursuant to Charter Section 4.13(C) and CRS 24-6-402(4)(b) and (e) to receive legal advice and instruct negotiators regarding Angler Mountain Sewer Backup and Economic Development matters.
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* Citizens making comments during Citizen's Comments or Public Hearings should state their name and address for the record, be topic specific, and limit comments to 3-5 minutes. Council may add citizen Comment items as an Action Item by motion; however, the general policy is to refer citizen comments for review and recommendation. Public presentations must be pre-arranged a week in advance with the Town Manager and limited to 10 minutes.

COUNCIL WORK SESSION: OCTOBER 27, 2015 – 6:00 P.M.
TOPIC: PUBLIC WORKS STRATEGIC PLAN

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2015**

*The Council Work Sessions are held every 2nd and 4th Tuesday of each month and begin at 6:00 p.m. with open discussions. The following issues will be addressed from 6:15 p.m. until completed. Additional items to be discussed will be scheduled as time permits.
"OPEN" indicates a topic has not yet been selected.*

NOVEMBER 10 OPEN

DECEMBER 8 OPEN

JANUARY OPEN

JANUARY OPEN

**FUTURE WORK SESSION DISCUSSION ITEMS:
HISTORIC SOCIETY**

October 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
		Planning Commission			Payroll	
11	12	13	14	15	16	17
Pumpkin Fest						
		Work Session	Council Meeting	SPORT Meeting	Payroll	
18	19	20	21	22	23	24
		Planning Commission	Court			
25	26	27	28	29	30	31
		Work Session	Council Meeting		Payroll	

November 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 EDAC Meeting	4	5	6	7
		10 Planning Commission	11	12	13	14
8	9	17 Work Session	18 Council Meeting	19 Celebrations Around the World!	20 Payroll	
15	16	24	25 Court	26 SPORT Meeting	27 Payroll	28
22	23		No School		27 TOS Holiday—Thanksgiving	
29 Fitness Screening	30					

December 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Planning Commission	2	3	4	5 Holiday Bazaar
6	7	8	9	10	11	12
		Work Session	Council Meeting		Payroll	
13	14	15	16 Court	17	18	19
				SPORT Meeting		
20	21	22	23	24	25	26
				Rec Center Hours: 6:00 am—6:00 pm	Rec Center Closed	
				TOS Holiday	Payroll	
				TOS Holiday	TOS Holiday	
27	28	29	30	31	1	2
				Rec Center Hours: 10:00 am—6:00 pm	Rec Center Hours: 10:00 am—6:00 pm	
					TOS Holiday	

January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 Rec Center Hours: 10:00 am—6:00 pm	2
					Rec Center Hours: 10:00 am—6:00 pm	
					TIOS Holiday	
3	4	5 EDAC Planning Commission	6	7	8	9
10	11	12 Work Session	13 Council Meeting	14	15 Payroll	16
17	18	19 Work Session	20 Council Meeting	21	22	23
		24/31	25 Court	26 SPORT Meeting	27 Payroll	28 30
			29 Council Meeting			

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Susan Schulman, Executive Assistant to the Town Manager *SS*
DATE: October 22, 2015 for Meeting of October 28, 2015
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the October 28, 2015 Town Council Agenda and Meeting. This includes:

1. Administrative Services Update
2. Public Safety Update
3. Public Works Update
4. Community Development Update
5. Recreation and Culture Update

ACTION REQUIRED

No action is required; these items have been submitted for informational purposes.

Administrative Services – October 22, 2015

2016 Budget – The Town conducts a two-budget process where departments and programs spend much time and effort researching and preparing budget worksheets and making budget requests/presentations. The current budget cycle for the two-year budget is 2015 & 2016. The major efforts for the 2015 & 2016 budget cycle was conducted and approved by Council in 2014. The ‘Off-Year’ of the budget, 2015, is spent focusing on long range planning and implementation and less on work papers. We’re still required by law and charter to present and approve a budget for fiscal year 2016, even though the 2016 budget has been approved through the budget process in 2014.

The 2016 Budget changes were presented to Council at their September 22nd work session. A few minor adjustments have been made based on the 2015 projections changing based on now known information. All operating budgets are balanced.

The Council will officially vote on the 2016 budget in November and December. A Budget in Brief is being prepared and will be placed on the Town’s website and available at the front desk at Town Hall.

Long Range Planning – The 2016 Budget is focusing on fiscal year 2016 plus some known changes to future years beyond 2016. Major capital projects included in the current long range plans includes: Performing Arts Center, Trails, Kayak Park and a portion of the Cottonwood Shop.

Over the last year, and continuing into the next four to five months, the Town has and will have completed several master plans that include: Parks, Open Space & Trails (POST), Park’s Master Plan for Artic Placer, Trent & Angler Mtn. areas, Traffic, Marketing, Arts and the Comprehensive Plan that has encompassed the Town Core area. Many projects and programs have been recommended through these public processes and plans. The next step is to generate a list of the recommended projects/programs and begin to prioritize. What are the projects/programs? How much will they cost to build and provide continual support? Will they generate any revenues? Are they a priority or not? What is the timing?

Staff has started to meet to begin the generation of the list. It’s not intended to be incorporated into the 2016 budget. The purpose is to incorporate the various plans and work towards the long range planning into the 2017 & 2018 budget process. The updated future project/program long range plan will be brought to Council at a future work session.

2016 Non-Profit Grants – The 2016 Non-Profit Grant applications have been received and are being organized for the grant review committee. The committee will be meeting October 19th. Forty-four organizations have applied for grants totaling \$78,500. Seventeen have applied for free Pavilion use, three

for use of fields and two for use of the recreation center. The Council has \$36,000 budgeted to distribute to non-profits.

Employee Survey – Every two years the Town surveys full and part-time employees to determine the Town's strength and weaknesses as an employer. We've used Mountain States Employers Council (MSEC) in the past and will be using MSEC again for the survey this year. The survey link was emailed to employees on September 28th and is open until October 13th. Based on the number of completed surveys, we may extend the deadline date. The results will be presented to management at a later date. Management uses the survey to help find issues and look for ways to make improvements.

2016 Employee Benefits – Staff will be meeting with our benefit advisors, IMA, this coming Monday. We'll be reviewing premium renewal rates from our stop loss health insurance provider as well as our long term disability, dental and vision insurance plans.

Investment Advisor Request for Proposal (RFP) – An RFP has been issued for an Investment Advisor to assist with investing the Town excess funds. The Town has used Davidson Fixed Assets, Inc. in the past. Our investment activities for the last six years has been very passive as there has been limited yield bearing options due to the economy and the limits the Town must follow in terms of investment options. Our priorities for investment are Safety, Liquidity and then Yield. While the market is still considered unstable, it's time for the Town to prepare for the future and look for assistance in our investments. Based on the results from the RFP, a contract will be brought to the Council in the near future.

Public Safety – October 22, 2015

Incidents – On 10-10-15 several officers were dispatched to a domestic at a local hotel. While they were en-route dispatch advised them the suspect in the case had fled in a vehicle. One officer met the victim and found her bloody and battered, as well as, the room in disarray with blood smears on multiple surfaces. Another officer saw the vehicle described leaving the scene. By the time she caught up with the vehicle the driver had crashed into a ditch and fled on foot. After calling out the Sheriff's Office K9, the dog did a search and the suspect was located, arrested and charged with DUI, assault and domestic violence.

On 10-15-15 Officer Ponedel was dispatched to a hit and run accident on Rainbow Drive at Highway 9. A witness to the accident was currently following the run vehicle, which had traveled into the wrong lane, hit another vehicle head-on, slowed, backed up, then drove away as if nothing happened. Thanks to the help of this citizen, our officers were able to contact the driver of the vehicle at a hotel in town. The driver was found in his room, on the bed curled into a fetal position having all the other signs and symptoms of being under the influence of alcohol. A preliminary alcohol test showed the driver to be almost a .5, which is

over six times the legal limit to drive in the State of Colorado. After being medically cleared at the hospital, the driver was arrested for multiple charges and taken to the jail.

On 10-21-15 Officer Ponedel was dispatched to a fraud call at one of our banks. A scammer, known by description through the banking community, appeared to be at the bank. While officer Ponedel was responding, he was advised by a couple of other jurisdictions in Summit County that they were looking for this same suspect from frauds that had occurred in their jurisdictions. When he contacted the suspect, she was found to be in possession of fraudulent paperwork and he was able to make the arrest while he sorted out the rest of the information. After a lot of investigation, with the other agencies participating, it turns out this suspect goes from bank to bank getting cash advances on a fake credit card, using false identification. This suspect has accomplices who man fake customer service call numbers listed on the card to dupe any callers into believing the transaction is authentic. It was also determined this scam, with this suspect, is wanted in multiple jurisdictions, even outside our State.

In addition to the above officers handled; multiple motor vehicle accidents, thefts, disturbances, frauds, harassments, intoxicated persons, road closures, numerous other agency assists, as well as business and area checks. Officers also participated in municipal court and county court proceedings, and initiated many traffic citations and warnings.

Feedback from the community – Our department received feedback from the Denver VA Hospital for the way we handled an older veteran and got him the help he needed whilst in crisis. They were impressed that we took the time, thought outside the box, and got him to the hospital instead of charging him criminally, which would not have served the public good. Officer Quintana received a voicemail thanking him for doing an “Awesome job” with a traffic stop he had.

Department Training – Officer Siderfin attended a tactics training class learning how to properly handle the high risk/low frequency calls. Sergeant Higby attended a class to be able to teach CIT skills to new officers.

Staffing – The department is down one sergeant, which will remain vacant for now. Logan VanDuzer is continuing to do well in his field training program.

Public Works – October 22, 2015

Streets – Concrete repairs and restoration work is happening at various locations around Town as budget permits. This included some small medians in 6th Street near Town Hall at the bike path crossing. Street name sign upgrades continue on Blue River Parkway. Lots of ditch cleaning underway all over town. The County chipping program is complete for this year and the chips currently

stockpiled at Cottonwood are being hauled off. We had plows and sand trucks out today with our first taste of winter, a bit later than usual this year.

Parks – We are nearly complete with our flower bed cleanup and irrigation system blowouts, very time consuming tasks each fall in preparation for the winter. All seasonals are now gone. As the weather turns we will start work on holiday lighting, which will be similar but improved upon last year.

Utilities – Utility staff is busy with various maintenance work to all of our systems, as well as working with contractors on the various construction projects around Town.

JSA – Our JSA Manager has announced he is leaving to work for Frisco Sanitation so we are once again searching for more help at the plant.

Recreation Center Air systems – The Pool Pak replacement unit, the PDU, is operational now providing all air exchanges and dehumidification for the natatorium. The system is not yet fully accepted by the Town, as the installer and the controls people work out a few issues. In addition we are working hard on reducing noise from the system, in recognition of some input from the nearby neighbors. Our Building Maintenance Coordinator has left the Town, so we will be looking to fill that opening in some manner. Meanwhile the remaining staff are yours truly are quite busy keeping up.

Community Development Department – October 22, 2015

Blue River Trail – The design has been modified and the next step would be to acquire the necessary easements, meet with FEMA concerning the flood plain, and Army Corps of Engineers concerning wetlands. Summit County Open Space Advisory Committee (OSAC) has been participating in acquiring an easement from Blue River Valley Ranch Lake Estates.

Town Core Rezoning – Since the District Design Standards have been adopted, the focus shifts to the rezoning of the Town Core. This will help to implement the Comprehensive Plan vision to create a pedestrian friendly downtown.

Summit Sky Ranch (aka South Maryland Creek Ranch) – Town Council approved the Major PUD Amendment and Preliminary Plan for South Maryland Creek Ranch.

Lake Dillon Theatre Company (LDTC) – Design work continues on this exciting new project.

Public Works Strategic Plan – The Final Draft of the Public Works Strategic Plan is complete and has been presented to Town Council for discussion. Future work sessions on the issue will be held.

Transportation Plan Update – Staff is working on the update to the Town Transportation Plan. This includes gathering traffic counts at various intersections as well as modeling the Level of Service.

Colorado Housing NOW Conference – JoAnne Nadalin, Lina Lesmes, and Mark Leidal attended portions of the Colorado Housing NOW Conference in Beaver Creek.

Current Applications – The following is a list of applications which have been submitted to the Community Development Department and are currently being processed (ex parte rules apply):

- Marshall's – Site Plan Modification
- Mattress Firm – Preliminary Site Plan
- Silverthorne Performing Arts Center – Preliminary Site Plan

Recreation and Culture – October 22, 2015

Invitations have gone out for the first Public Relations activity, organized by Ashley Lowe, Principal of Betty Ashley PR, and her team. This first event is an all-day stakeholder meeting called *Discovery Day*. This event will include group conversations that will help Betty Ashley determine three potential branding messages for the Town. Discovery Day is on Thursday, October 29th from 8:30 a.m. until 5:00 p.m. at the Pavilion.

Work on the Arts and Culture Strategic Plan continues with a draft plan in progress. Information from research including stakeholder meetings, the first public meeting, and comparable communities outreach has contributed to the content and direction of the plan. The second public meeting will be held in conjunction with Celebrations Around the World on Thursday, November 19th at the Pavilion.

The annual Pumpkinfest was held on Sunday, October 11th, and with fantastic weather and record breaking attendance. Fifteen hundred pumpkins were distributed and several new attractions were added to the event including a pumpkin catapult and a barrel train for the little ones. This FREE community event received three separate recognitions in the Summit Daily News, including a front page shot taken by Bill Linfield – of course! A huge thank you goes to the event sponsors Kaiser Permanente, the Outlets at Silverthorne, Summit Daily News and Red Buffalo Tea and Coffee.

The Silverthorne Pavilion began hosting Country Western Dances again, which started last Friday, October 16th. Dances will continue on the third Friday of the month through May 2016. Doors will open at 6:30pm, with lessons beginning at 7:00pm with Mike "Tex" DeGarie. Open dancing will begin at 8:00pm and go through 11:00pm. Admission is \$5 at the door and there is a cash bar.

Upcoming Pavilion Events

Oct 22	Wedding
Oct 23	Wedding
Oct 24	Wedding
Oct 25	Domus Pacis Concert
Oct 26	Build A Better CO Meeting
Oct 28	Mindfulness Matters
Oct 30	Howloween Ball
Oct 31	Wedding
Nov 3	Elections
Nov 4	Mindfulness Matter
	SAR Meeting
Nov 5	Yoga
	Video Premier
Nov 6	Wedding
Nov 7	Wedding
Nov 8	Wedding

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Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: October 22, 2015
SUBJECT: Town Council Meeting Minutes from October 14, 2015

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from October 14, 2015.

STAFF RECOMMENDATION: Staff recommends approval of the Minutes from the meeting.

PROPOSED MOTION: Included in the Consent Calendar motion.

ATTACHMENTS:
Meeting Minutes

MANAGERS COMMENTS:

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, October 14, 2015

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members Derrick Fowler, Peggy Long, Russ Camp, JoAnne Nadalin and Stuart Richardson. Ann-Marie Sandquist absent. Staff members present were, Town Manager Ryan Hyland, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Planning Manager Matt Gennett, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Hyland reported on the success of Pumpkinfest.

COUNCIL COMMENTS:

Butler commented on the success of the annual Pumpkinfest October 11th. He reported on Donna Braun's retirement February 2016. He thanked her for her 22 years of service and her commitment to the Town of Silverthorne.

CITIZEN COMMENTS:

Kamil Petric, J & H Mountain Service, spoke to Council on the ongoing parking issues for his business at 205 Warran Avenue. He asked for parking to be allowed in the Town Right of way.

CONSENT CALENDAR:

NADALIN MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM SEPTEMBER 23, 2015 AND RESOLUTION 2015-18; A RESOLUTION AWARDDING THE TOWN OF SILVERTHORNE THEATRE WATER MAIN PROJECT CONTRACT IN THE AMOUNT OF \$60,013. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT.)

PUBLIC PRESENTATIONS:

Summit Public Radio & TV (SPRTV)

John Mirro, President Summit Public Radio and TV, presented his PowerPoint campaign to raise \$435,000 in capital funding to prepare for SPRTV's future. They are trying to run a new power line and a second conduit with fiber-optic cable up to their facilities on top of Bald Mountain. They have requested \$5,000 from the Silverthorne grant program. These funds would be to help with their fundraising campaign and would not be a contribution toward their capital needs. They have an all-volunteer board and are looking for new members with diverse skills.

Long asked if the group would consider hosting a fund raising event at the Town Pavilion.

Mirro feels they can consider that idea, they are trying to achieve public awareness and something like that would help.

Nadalin asked what the timeframe to get the cable in is.

Mirro stated they have a window of five to seven years.

Richardson asked if there are cell phone towers on their land.

Mirro stated no, but their site would be very good site to lease for cell phone towers. With the new installation, they plan to over engineer for their needs and those of others.

Fowler asked if KUNSC is rebroadcast by SPRTV.

Mirro stated they used to, KUNSC has moved their transmitter, but they still maintain a close relationship.

Fowler asked about fundraising efforts by nonprofit radio stations from rebroadcasts. Does the SPRTV receive any benefit from them?

Mirro stated that is not allowed by the FCC.

Nadalin asked if those stations could broadcast advertisements for SPRTV's fundraising events.

Mirro stated yes.

Council thanked Mirro for all of the information.

SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENTS DISTRICT BOARD

A. Ordinance 2015-01; an Ordinance Setting the South Maryland Creek Ranch GID Property Tax Mill Levy for the Taxable Year 2015, 1st Reading.

Donna Braun, Finance Director, presented South Maryland Creek Ranch General Improvements District Ordinance 2015-01, on first reading. She reviewed the staff memo and requested approval.

CAMP MOVED TO APPROVE ORDINANCE NO. 2015-01 ON FIRST READING, AN ORDINANCE LEVYING PROPERTY TAXES FOR THE TAXABLE YEAR 2015 ON THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT.)

LIQUOR BOARD:

A. Local Liquors LLC dba Local Liquors – Renewal of Liquor Store License

NADALIN MOVED TO APPROVE LOCALS LIQUORS, LLC DBA LOCAL LIQUORS – LIQUOR STORE LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT.)

PUBLIC HEARINGS:

A. Final Plat and Site Plan, Angler Mountain Ranch Lakeside Townhomes, Filing No.8

Public hearing opened.

Matt Gennett, Planning Manager presented the project for the applicant. They are requesting approval of the Final Plat and Site Plan for Angler Mountain Ranch Lakeside Townhomes, Filing No. 8. He reviewed his staff report and recommended approval. Planning Commission approved the application on October 6, 2015.

Council questions.

Richardson asked for a geotechnical report on the wall.

Tim Crane, Compass Homes Development, reviewed the application; this is almost the end of the line for the Filings. He reviewed the construction of the retaining wall, engineering and geotechnical letter. There are no major changes to the architecture; these units are consistent with what they have already built. He requested approval.

Camp asked how many units have yet to be built.

Crane stated approximately 35.

Richardson asked when the fishing building would be completed.

October 15, 2015

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Crane stated hopefully this year.

No Public comment, public hearing closed.

Camp has been glad to see this project continue to move forward.

Fowler feels it is impressive how this development has progressed.

Butler thanked Crane; he appreciates him sticking with the project over the tough years. This development is a real asset to the Town.

CAMP MOVED TO APPROVE THE FINAL PLAT AND FINAL SITE PLAN FOR ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES, FILING NO. 8. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT)

ACTION ITEMS:

A. Ordinance 2015-14; an Ordinance Repealing and Reenacting Article XIII, Chapter 4, of the Silverthorne Town Code, Related to Retail Marijuana, and Adding a New Article XIV of Chapter 4 of the Silverthorne Code, Related to Medical Marijuana, 1st Reading.

Matt Mire, Town Attorney, reviewed the staff report and the changes to the Medical Marijuana section of the Town Code. He reviewed the highlights of changes and recommended approval. He read the proposed amendments to Ordinance No. 2015-14 into the record.

1. Amend Section 4-13-10(a) as follows:
A retail marijuana store may only sell marijuana between the hours of 9:00 a.m. and 7:00 ~~7:00~~ **10:00** p.m.
2. Amend Section 4-13-15(e) as follows:
The total licensed premises for a dual operation shall not exceed **7,500** square feet.
3. Amend Section 4-13-21(c) as follows:
A licensee shall report a transfer or change of financial interest in the license holder or in the medical retail marijuana business that is the subject of the license within 30 days. A report shall be required for any transfer of the capital stock of a public corporation totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest.
4. Amend Section 4-14-10(b) as follows:
A medical marijuana center may open no earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day; **provided that, if state law changes to allow a medical marijuana business to remain open later, the medical marijuana business shall close no later than 10:00 p.m.** A medical marijuana center may be open 7 days a week.
5. Amend Section 4-14-24(6)(g) as follows:
A person who is actively engaged in the maintenance, repair or improvement of the licensed premises or in the provision of accounting or other professional **services** directly related to the conduct of the licensee's medical marijuana business; or

Fowler asked for clarification on Dual operations, 4-13-15 and square footage.

Mire reviewed section 4-13-15. A(1) or (2).

Richardson asked about land use in the Town Core.

Leidal stated residential units are a legal use in the Town Core and that precludes a marijuana facility from locating there.

Nadalín thanked Mire for cleaning up the Ordinance and making it clear.

October 15, 2015

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Butler asked Council if they wanted to approve the amendments one by one or by lot. Long asked the other Councilmembers how they feel about adding the petition process for a new applications.

Fowler does not see a downside to requiring a petition process.

Nadalin asked about the definition of schools.

Long stated she would like to see licensed daycare added to the definition of school.

Mire informed Council the Ordinance could be approved "with the amendments" since they have been read into the record

CAMP MOVED TO APPROVE ORDINANCE 2015-14 ON FIRST READING WITH PROPOSED AMENDMENTS. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT.)

B. Ordinance 2015-13; a 2015 Appropriations Ordinance, 1st Reading

Donna Braun, Finance Director, presented Ordinance 2015-13 an appropriation ordinance amending the 2015 budget to allow for the adjustment to revenues and expenditures as related to operations, capital projects, and transfer. She reviewed the staff memo dated October 7, 2015 and recommended approval.

Richardson asked about the change in Compensated Absences Internal Service Fund.

Long is happy to see the increase in funding.

Richardson would like an accounting of Segment 5 of the trail.

CAMP MOVED TO ADOPT ORDINANCE NO. 2015-13 ON FIRST READING, AN ORDINANCE AMENDING THE 2015 BUDGET AS PRESENTED. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (SANDQUIST ABSENT.)

DISCUSSION ITEMS:

None.

INFORMATIONAL:

A. Planning Commission Meeting Minutes, October 6, 2015

CAMP MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 7:06 P.M.

BRUCE BUTLER, MAYOR

ATTEST

MICHELE MILLER, TOWN CLERK

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.

October 15, 2015

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor Bruce Butler and Town Council
THRU: Ryan Hyland, Town Manager
FROM: Joanne Cook, Recreation and Culture Director
DATE: October 22, 2015 for meeting of October 28, 2015
SUBJECT: Resolution No. 2015-20: A Resolution Authorizing the Award of a Professional Services Agreement with Betty Ashley Public Relations

SUMMARY: As a result of the July 1, 2015 Town Council Goal Setting Session, Town Council directed staff to engage a professional consultant to provide Public Relations (PR) Services for the Town.

BACKGROUND: With many new projects being implemented in the Town, staff and Council have discussed the benefit of hiring an outside PR Firm to help the Town craft and deliver messages about the Town's initiatives from October 1, 2015 until March 31, 2017.

Staff drafted a Request For Proposals (RFP) that outlined the Town's key issues, PR vision, and key messages. The RFP identified a general scope of work, with an invitation for proposing firms to suggest action that they determined best met Silverthorne's needs. The RFP was distributed on July 31, 2015, to a list of PR contacts that were provided to us by the Town of Frisco, since they recently advertised for PR contractors. The RFP was also sent to additional known marketers and business contacts and members of the Silverthorne Economic Development Advisory Committee (EDAC) and was listed in the Summit Daily News and on the Town website. Twelve proposals were received. Blair McGary, Pavilion and Marketing Coordinator, Joanne Cook, Recreation and Culture Director, and JoAnne Nadalin, Town Council Member, reviewed the proposals and selected five firms for interviews. The firms were:

1. Branded Consultants Group
2. Betty Ashley + Spin
3. crimson two
4. Sprocket Communications
5. blakely+company

Interviews were held on September 15, 2015. Interview panel members were JoAnne Nadalin and Russ Camp from Town Council, Warren Buettner from EDAC, and staff members Ryan Hyland, Town Manager, Mark Leidal, Assistant Town Manager, Joanne Cook, Recreation and Culture Director, and Blair McGary, Pavilion and Marketing Coordinator.

After the comprehensive interview process, the interview team agreed that Betty Ashley + Spin offer services and expertise that best meet the Town's current tone and trajectory.

Town of Silverthorne
Council Agenda Memorandum

PREVIOUS COUNCIL ACTION: Town Council received an update on this project at the October 13, 2015 Council Work Session meeting.

DISCUSSION: This Professional Services Agreement is accompanied by a detailed Scope of Work (SOW) that has been vetted by staff members and Council member JoAnne Nadalin. Council should note that the anticipated not-to-exceed amount for the entire scope of professional services is expected to be \$144,000. However, this first SOW includes services through the end of 2015 in the amount of \$55,430. An updated SOW will be presented to Council in 2016, after the PR Strategic Plan is developed. This SOW will then include details regarding implementation of that Strategic Plan.

STAFF RECOMMENDATION: Staff recommends that Council approve Resolution No. 2015-20: A Resolution authorizing the award of a Professional Services Agreement with Betty Ashley Public Relations for public relation services in an amount not to exceed \$55,430.

PROPOSED MOTION: *"I move to approve Resolution No. 2015-20: A Resolution authorizing the award of a Professional Services Agreement with Betty Ashley Public Relations for public relation services in an amount not to exceed \$55,430."*

ALTERNATE MOTION: No motion necessary. The Resolution would not be approved, and the plan would not be adopted.

ATTACHMENTS:

Exhibit A: Resolution No. 2015-20

Exhibit B: Professional Services Agreement for Public Relations Services

TOWN OF SILVERTHORNE, COLORADO
Resolution No. 2015-20

A RESOLUTION Authorizing the award of a Professional Services Agreement with Betty Ashley Public Relations for public relations services in an amount not to exceed \$55,430.

WHEREAS the Town budgeted for Public Relations services in 2015, and

WHEREAS the Town has met requirements for distribution of a Request For Proposals and related interviewing process, and

WHEREAS the services described in the memo dated October 22, 2015 have been requested and approved by Town Council

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE THAT THE TOWN IS AUTHORIZED TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BETTY ASHELY PUBLIC RELATIONS IN AN AMOUNT NOT TO EXCEED \$55,430 AS OUTLINED IN THE STAFF MEMO DATED OCTOBER 22, 2015.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO THIS 28TH DAY OF OCTOBER, 2015.

Bruce Butler, Mayor

Attest:

By _____
Michele Miller, Town Clerk

TOWN OF SILVERTHORNE, COLORADO
PROFESSIONAL SERVICES CONTRACT

THIS PROFESSIONAL SERVICES CONTRACT (the "Contract") is entered into this 8th day of, October 2015, by and between the Town of Silverthorne, Colorado ("Silverthorne") and Betty Ashley Public Relations ("Contractor"), each individually a "Party" and collectively the "Parties." In consideration of the mutual promises and covenants contained herein, the parties contract and agree as follows:

1. **Purpose of Contract.** The purpose of this Contract is as follows: to obtain professional services to develop a brand identity and subsequent public relations and marketing campaigns/activities.
2. **Services.** Contractor shall perform the services for Silverthorne as described in the Scope of Work.
3. **Scope of Work.** Contractor shall do, perform and carry out all of the activities and shall provide and install all of the products specified in Exhibit A, attached hereto and incorporated herein by this reference.
4. **Contract Price and Payment Terms.** The Contract Price shall not exceed \$144,000 including all labor and expenses. Payment shall be made as outlined in Exhibit B, attached hereto and incorporated herein by this reference. Contractor shall send an invoice in a form acceptable to Silverthorne, detailing, if applicable, the labor performed, the deliverables completed, and the materials and equipment used during the billing period. Silverthorne will accept one invoice monthly. Payment terms are net 30 days from Silverthorne's receipt of Contractor's invoice. Silverthorne is not required to pay any amounts disputed in good faith until such dispute is resolved. Silverthorne shall reimburse Contractor's out-of-pocket expenses including without limitation printing, press clippings, miscellaneous supplies, travel and meeting expenses, and travel associated with media hosting, solely with the prior written approval of Silverthorne. Contractor agrees that Contractor's cumulative out-of-pocket expenses during the Term, defined below, shall not exceed \$4,000. Contractor shall include requests for reimbursement with receipts or other appropriate documentation reasonably acceptable to Silverthorne with its monthly invoices.
6. **Third-Party Vendor Costs and Expenses.** Silverthorne shall be solely liable for all third-party vendor costs, including, without limitation, costs related to the execution of the strategic plan and related activities; provided, however, Contractor shall not commence work on any services pursuant to this Contract prior to obtaining Silverthorne's prior written approval of any third party vendor or advertising agency services or other work and any related costs or fees which are not included in the Scope of Work, but are recommended by Contractor for purposes of executing the strategic plan.
7. **Term.** This Contract shall commence upon execution by the Parties and shall continue in force until completion of the Scope of Work (the "Term"). The Parties

10/23/2015

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recognize and agree that Silverthorne, as a political subdivision of the State of Colorado, is subject to the constitution and laws of the state. Notwithstanding anything in this Contract to the contrary, the obligation of Silverthorne to make payments to Contractor is expressly subject to annual appropriation by Silverthorne of the funds for the next ensuing budget year.

8. Independent Contractor Services. This Contract is one for independent contractor services. Neither Contractor nor any employee of Contractor shall be considered an employee of Silverthorne for the purpose of any federal or state law. Contractor shall perform its duties hereunder as an independent contractor, and not as an employee, agent, joint venture or partner of Silverthorne. Contractor shall pay all required state and federal taxes due.

1. 9. Ownership. Any materials, items, and work specified in the Scope of Work, and any and all related documentation and materials provided or developed by Contractor shall be exclusively owned by Silverthorne. Contractor expressly acknowledges and agrees that all work performed under the Scope of Work constitutes a "work made for hire." To the extent, if at all, that it does not constitute a "work made for hire," Contractor hereby transfers, sells, and assigns to Silverthorne all of its right, title, and interest in such work. Silverthorne may, with respect to all or any portion of such work, use, publish, display, reproduce, distribute, destroy, alter, retouch, modify, adapt, translate, or change such work without providing notice to or receiving consent from Contractor. Silverthorne agrees that Contractor will have the right to use a collection of the work produced for Silverthorne pursuant to this Agreement in a portfolio of Contractor's projects designed to market Contractor's services to third parties.

10. Insurance. Contractor shall maintain worker's compensation, motor vehicle liability, professional liability and general commercial liability insurance with policy limits sufficient to protect and indemnify Silverthorne, its officers, directors, agents, employees, successors, and assigns, from any losses resulting from Contractor's or Contractor's agents, contractors, servants or employees conduct, acts, or omissions throughout the term of this Contract.

11. Time of the Essence. Time is of the essence in the performance of the Scope of Work required of Contractor by this Contract.

12. Termination. Either Party may terminate the Contract by notifying the other party, in writing not less than thirty (30) days prior to the effective date of such termination. Termination of this Contract shall not affect the rights, duties and liabilities which accrue prior to final termination.

13. Indemnification. Contractor agrees to indemnify and hold harmless Silverthorne and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any

manner connected with this Contract if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor, or which arise out of a worker's compensation claim of any employee of Contractor or of any employee of any subcontractor of Contractor. Contractor's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable to Contractor, any subcontractor of Contractor, or any officer, employee, representative, or agent of Contractor or of any subcontractor of Contractor.

14. No Joint Venture. Nothing contained in this Contract or subsequent agreements between the Parties is intended by them to create a partnership or joint venture between them, and any indication to the contract is hereby expressly disavowed. It is understood and agreed that this Contract does not provide for the joint exercise by the Parties of any activity, function, or service, nor does it create a joint enterprise, nor does it constitute either Party as an agent of the other for any purpose whatsoever. Neither Party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

15. Miscellaneous. This Contract shall be governed by the laws of the State of Colorado and venue for any legal action arising out of this Contract shall be in Summit County, Colorado. If any term or provisions of this Contract shall be found to be illegal or unenforceable, such finding shall not affect the remaining provisions of the Contract, which shall remain in full force and effect. This Contract is deemed an integrated Contract, and may not be modified or amended other than by written amendment executed by both parties. This Contract represents the entire agreement of the Parties, no prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto, shall have any force or effect unless embodied in a writing amendatory or other agreement executed by the Parties.

16. No Implied Waivers. In no event shall any performance hereunder constitute or be construed to be a waiver by any Party of any breach of covenant or condition or any default which may then exist, and the rendering of any such performance when any such breach or default shall exist shall in no way impair or prejudice any right or remedy available with respect to such breach or default; and no assent, expressed or implied, to any breach of any one or more covenants, provisions, or conditions of this Contract shall be deemed or taken to be a waiver of any succeeding or other breach. The failure by a Party to enforce any provision of this Contract or the waiver of any specific requirement of this Contract or any provision herein shall not estop the party from subsequently enforcing this Contract according to its terms.

17. Assignment. Contractor may not assign its interest in or duties under this Contract without Silverthorne's written consent, which shall be given or withheld in Silverthorne's sole discretion.

18. Notices. Any notice required or allowed to be given pursuant to this Contract shall be delivered to the parties, either personally or by United States mail, first-class postage prepaid, to the following addresses:

If to Silverthorne: Town of Silverthorne
 P.O. Box 1309
 Silverthorne, Colorado 80498
 Attention: Town Clerk

If to Contractor:

19. Illegal Aliens.

A. Certification. By entering into this Contract, Contractor hereby certifies that, at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform work under this Contract and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment to confirm the employment eligibility of all employees who are newly hired to perform work under this Contract.

B. Prohibited Acts. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract, or enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.

C. Verification.

1. If Contractor has employees, Contractor has confirmed the employment eligibility of all employees who are newly hired to perform work under this Agreement through participation in either the E-Verify Program or the Department Program.

2. Contractor shall not use the E-Verify Program or Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.

3. If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien who is performing work under this Contract, Contractor shall: notify the subcontractor and the Town within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien who is performing work under this Contract; and terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to subsection 1 hereof, the subcontractor does not stop employing or contracting with the illegal alien who is performing work under this Contract; except that

Contractor shall not terminate the subcontract if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien who is performing work under this Contract.

D. Duty to Comply with Investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Contract.

E. Affidavits. If Contractor does not have employees, Contractor shall sign the "No Employee Affidavit" attached hereto. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Contract via the Department Program, Contractor shall sign the "Department Program Affidavit" attached hereto.

20. Governmental Immunity. Silverthorne and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Contract, the monetary limitations or any other rights, immunities or protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to Silverthorne and its officers, attorneys or employees.

21. Rights and Remedies. The rights and remedies of Silverthorne under this Contract are in addition to any other rights and remedies provided by law. The expiration of this Contract shall in no way limit Silverthorne's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

22. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of Silverthorne not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF, the Parties have executed this Contract as of the day and year first above written.

**TOWN OF SILVERTHORNE,
COLORADO**

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

Exhibit A – Scope of Work

Description of Services for October 1, 2015 – December 31, 2015

- **Brand Discovery & Identity:** Discover the essence of who Silverthorne is and who it wants to be through our branding process, enhancing the town's brand image to resonate with key stakeholders.
 - Discovery Day – a full-day session with up to 35 key stakeholders identified by the Town of Silverthorne to:
 - Define category, competition and brand attributes
 - Analyze 3-4 other towns' marketing, messages & campaigns
 - Review of what's working in Silverthorne
 - Understand target markets – qualify and define
 - Review short and long-term business objectives (e.g. 2014 Comprehensive Plan)
 - Define how we want to communicate Silverthorne's brand and how we want constituents to perceive Silverthorne in the next 18-36 months
 - Deliverables – the output from the Discovery Day, including:
 - Report-Out – two-weeks after the Full Day discovery Session, the agency will return with:
 - Brand statement of relevant differentiation
 - Brand golden circle, defining the Who, What and Why behind Silverthorne's brand
 - Key messaging for target markets defined during the Discovery Day
 - Three potential brand narratives and creative treatments including color palettes
 - Brand Identity – Once the Town of Silverthorne selects a narrative and creative treatment direction, we will begin a new identity for either the whole town, or the current efforts. Deliverables include a combination of the following, determined by the outcome of the Discovery Day:
 - Logo
 - Tagline
 - Logo lock-up for the current efforts
- **Strategic Planning:** Develop a strategic communications plan to meet Silverthorne's objectives, outlining strategies and tactics to support:
 - Community engagement
 - Urban renewal efforts
 - Lake Dillon Theatre Company partnership
 - Arts & Culture
 - Economic development

Strategic plan to include:

- Research
 - Similar campaigns, and towns/campaigns that we admire as determined by Town of Silverthorne
 - 3-5 stakeholder interviews
 - Identification of key partners (municipalities, state government agencies, private businesses, etc.)

- Communications audit
 - Situation analysis
 - Brand narrative, statement of differentiation and key messages
 - Audience profiles
 - Measurable goals & objectives, as well as measurement benchmarks
 - Story ideas
 - Strategies and tactics, a strategic mix of some or all of the following:
 - Community outreach & engagement
 - Media relations
 - Grassroots components
 - Event concepts
 - Social & digital content ideation
 - Website content
 - Videos & Photos
 - Collateral
 - Partnerships
 - Newsletters
 - Crisis communications plan
 - Communications toolkit (fact sheets, online newsroom, images, etc.)
 - Metrics for success
- **Additional PR Support:** Support the Town of Silverthorne's internal team with immediate communication, event and public relations needs, including:
 - Theatre "Shovel in the Ground" event support
 - Brainstorm theme, creative ideas, activities, announcements, etc.
 - Press release review and/or development
 - Press release distribution
 - Social media announcement & engagement ideation
 - Theatre, Cultural Complex and Town Core naming
 - Brainstorm ideas
 - Provide input on other suggested names
 - Communication review
 - Review and edit written materials such as press releases, flyers, ads, newsletter articles and social media posts on an as needed basis, and specifically for messaging about the new theatre
 - Media relations
 - Reactively respond to media inquiries on relevant topics for Silverthorne
 - Develop a story pitch highlighting local businesses and activities for a great place to do holiday shopping; proactively pitch to Colorado media, and regional/national media as appropriate
 - Regular client meetings and reporting
 - Weekly client status call
 - Weekly email status reports
 - Monthly in-person meeting
 - Website redesign

- Participate in web site redesign conversations
- Advise website redesign based on content needs and usability

- **Theatre Event Hard Costs:**

- Invitations
- Entertainment
- Refreshments
- Décor
- Audio Visual
- Event photographer

NO EMPLOYEE AFFIDAVIT

[To be completed only if Contractor has no employees]

1. Check and complete one:

I, _____, am a sole proprietor doing business as _____ I do not currently employ any individuals. Should I employ any employees during the term of my Agreement with the Town of Silverthorne (the "Town"), I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

OR

I, _____, am the sole owner/member/shareholder of _____, a _____ [specify type of entity – i.e., corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Contract with the Town, I certify that I will comply with the lawful presence verification requirements outlined in that Contract.

2. Check one.

I am a United States citizen or legal permanent resident.

The Town must verify this statement by reviewing one of the following items:

- A valid Colorado driver's license or a Colorado identification card;
- A United States military card or a military dependent's identification card;
- A United States Coast Guard Merchant Mariner card;
- A Native American tribal document;
- In the case of a resident of another state, the driver's license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card; or
- Any other documents or combination of documents listed in the Town's "Acceptable Documents for Lawful Presence Verification" chart that prove both Contractor's citizenship/lawful presence and identity.

OR

I am otherwise lawfully present in the United States pursuant to federal law.

Contractor must verify this statement through the federal Systematic Alien Verification of Entitlement ("SAVE") program, and provide such verification to the Town.

Signature

Date

Town of Silverthorne
Town Council Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Susan Lee, AICP *smle*
DATE: October 19, 2015, for the meeting of October 28, 2015
SUBJECT: Resolution 2015-19; a Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for the Completion of Arctic Placer Park

SUMMARY: Resolution 2015-19 is presented to Town Council for approval and adoption. This Resolution is to acknowledge Town Council's support of our grant application for a Local Parks and Outdoor Recreation (LPOR) Grant from the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for the completion of the Arctic Placer Park Remodel.

PREVIOUS COUNCIL ACTION: On December 10, 2014, Town Council adopted Resolution 2014-15; a Resolution Amending and Updating the Parks, Open Space and Trails (POST) Master Plan. On September 9, 2015, Town Council adopted Resolution 2015-17; a Resolution to Adopt a Master Plans for Arctic Placer and Trent Parks.

BACKGROUND: The updated POST Plan is an advisory document intended to reflect the Town's values and objectives for park, open space and trail resources. The inventory conducted as part of the POST Plan clearly identified the need to upgrade and refurbish Arctic Placer Park. The first step in accomplishing this goal was to create a new Master Plan for Arctic Placer Park that meets current standards and neighborhood desires. The park was originally built in the early 1980's, around the time the Arctic Placer subdivision was built. Over the past 35 years the play equipment has become outdated and no longer meets current safety standards. In addition, the park does not comply with ADA accessibility criteria. The Master Plan, which included extensive community outreach, was completed this past summer. Town Council reviewed the public input and proposed plans for Arctic Placer Park at their September 9, 2015 meeting and adopted the Arctic Park Master Plan at that time.

STAFF COMMENTS: Mark Wilcox, of DHM Design, provided an estimate of probable costs in the amount of \$256,333 for Arctic Placer Park. The Town has proposed \$125,000 be allocated from the Capitol Expenditures Fund as part of the 2016 budget. An additional \$82,000 is available from the Conservation Trust Fund. In order to supplement these funds, Staff is pursuing grant opportunities. The LPOR Grant offered by GOCO requires that municipalities obtain a Resolution of Support to ensure that the project and proposed grant activities are supported by the Town Council.

Suggested Motion: No motion is necessary, Resolution may be approved as part of the Consent Calendar.

ATTACHMENTS:

Exhibit A: Resolution 2015-19

EXHIBIT A

TOWN OF SILVERTHORNE, COLORADO TOWN COUNCIL RESOLUTION 2015-19

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF ARCTIC PLACER PARK

WHEREAS, the Town of Silverthorne supports the Great Outdoors Colorado grant application for Arctic Placer Park. And if the grant is awarded, the Town of Silverthorne supports the completion of the project.

WHEREAS, the Town of Silverthorne has requested \$180,000 from Great Outdoors Colorado to redevelop Arctic Placer Park to improve facilities and make it comply with ADA and current safety standards.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE THAT:

- Section 1: The Town Council of the Town of Silverthorne strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
- Section 2: If the grant is awarded, the Town Council of the Town of Silverthorne strongly supports the completion of the project.
- Section 3: The Town Council of the Town of Silverthorne authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: The project site is owned by the Town of Silverthorne and will be owned by the Town of Silverthorne for the next 25 years.
- Section 5: The Town Council of the Town of Silverthorne recognizes that as the recipient of a Great Outdoors Colorado Local Government grant the project site must provide reasonable public access.
- Section 6: The Town Council of the Town of Silverthorne will continue to maintain Arctic Placer Park in a high quality condition and will appropriate funds for maintenance in its annual budget.
- Section 7: If the grant is awarded, the Town Council hereby authorizes the Town Manager to sign the grant agreement with Great Outdoors Colorado.
- Section 8: This resolution to be in full force and effect from and after its passage and approval

MOVED, SECONDED AND ADOPTED BY A MAJORITY VOTE OF THE
TOWN COUNCIL, TOWN OF SILVERTHORNE, COLORADO

By: _____
Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

Date: _____

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Susan Schulman, Executive Assistant to the Town Manager 
DATE: October 22, 2015 for Meeting of October 28, 2015
SUBJECT: High Country Conservation Center Funding Proposal

High Country Conservation Center (HC3) will be giving a presentation during the Public Presentations portion of the Town Council Meeting on October 28, 2015. The included proposal was provided by High Country Conservation Center.

ACTION REQUIRED

No action is required during the Town Council Meeting.



EnergySmart

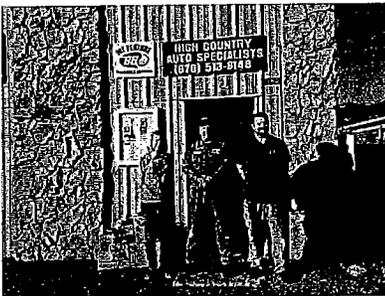
SILVERTHORNE

Overview

The goal of the Silverthorne Energy Smart sustainable business program is to recognize and encourage businesses making environmentally responsible decisions. HC3 staff coaches each business to assist them in selecting a project that not only has a meaningful environmental impact but a positive effect on the business' bottom line. Silverthorne Energy Smart projects often have paybacks of less than three years. The program promotes energy savings and waste reduction for businesses.

Businesses that join the program will be provided the following free services:

- Technical assistance and coaching throughout the program
- Larger incentives for energy and waste improvements
- Public recognition
- Networking opportunities



Program Development

Last year we certified the following eight business: All Valley Storage, FIRC, GoLite, High Country Auto Repair, Horse Cents Thrift Store, JH Mountain Auto Services, Neils Lunceford, Sunshine Café, The Bakers' Brewery. As a result of their green projects, these businesses have saved approximately **20,000 kilowatt hours per year, permanently changed purchasing policies to more sustainable options and diverted 20% of their waste from the landfill.** Because we want to keep businesses that have already been certified

continually engaged in the program, we implemented a new tiered system for those interested in achieving a higher level of certification. This year we are offering a limited number of \$400 rebates to businesses that complete energy efficiency projects and offering this rebate to businesses previously certified.

2016 Town of Silverthorne Proposed Budget

EXPENSES		
Business Recruitment and Marketing	\$300/new business x 5 new businesses. \$160/existing business x 6 existing. Energy efficiency training opportunities, mentoring and quality assurance, facilitate rebates, marketing.	\$2,460
Existing Business Retrofits	\$400/business improvement x 6 improvements.	\$2,400
Audit Incentives	\$460/business sustainability and energy audit x 5 audits.	\$2,300
Direct Business Energy & Sustainability Coaching	Energy audit follow up, connection with contractor, expert unbiased advice. Energy savings, cost savings, carbon emissions tracking.	\$2,880
Total		\$10,040

Silverthorne targets: 5 new businesses recruited, 6 existing businesses served



Summit County Energy Smart Colorado Residential Program

2016 Proposal for Town of Silverthorne

Updated 10.10.2015

Project Update

Since Energy Smart's inception in January 2014, Energy Smart Colorado and the High Country Conservation Center have completed 200 audits through the program. Of those 200 enrollments, 25 (12.5%) are within the town of Silverthorne, (up 6% from last year). Of these 25 enrollments, 8 have proceeded thus far with a home energy improvement. Projects in the program to date have generated \$443,509 for local contractors and generated the following annual savings: 100,350 kWh savings, 13,312 therms saved, and 309,995 lbs. of carbon emissions.

2016 Town of Silverthorne Goals

1. Generate \$45,750 for local contractors.
2. Perform 10 home energy audits
3. Facilitate 5 home energy improvements
4. Reduce carbon emissions by 31,070 lbs. annually.

Deliverables

1. Provide \$50 homeowner incentive for home energy audit. Combined with Xcel rebate, homeowner cost for an audit is \$100.
2. Provide homeowner incentives for improvements. 50% match up to \$400 for improvements from local governments.
3. Assist homeowner from audit through completion of energy improvement.
4. Track energy and cost savings, contractor revenue generated, carbon reduction.
5. Provide outreach and education, including traditional marketing.

Countywide History and 2016 Targets

	2013	2014	2015 YTD (goal)	2016
Energy Audits	105	120	95 (120)	120
Energy Improvements	35	48	32 (60)	60
Conversion Rate From Audit to Improvement	34%	40%	TBD	50%

2016 Town of Silverthorne Proposed Budget

EXPENSES		
Contractor Training	Energy efficiency training opportunities. Mentoring and quality assurance.	\$500
Improvement Incentives	\$400/home improvement x 5 improvements.	\$2,000
Audit Incentives	\$50/home energy audit x 10 audits.	\$500
Energy Coaching and Contractor Training	Energy audit follow up, connection with contractor, expert unbiased advice. Energy savings, cost savings, carbon emissions tracking.	\$1,500
Outreach and Marketing	Newspaper, radio, video and social media support, brochures.	\$500
	Total	\$5,000

Silverthorne targets: 10 Home Energy Audits, 5 Home Energy Improvements

South Maryland Creek Ranch General Improvement District
Town of Silverthorne
Board Agenda Memorandum

To: Mayor and Town Council
From: Donna Braun, Finance Director 
Thru: Ryan Hyland, Town Manager 
Date: October 20, 2015 for meeting on October 28, 2015
Re: Ordinance No. 2015-01 - An Ordinance Setting the South Maryland Creek Ranch GID Property Tax Mill Levy for Taxable Year 2015 – 2nd Reading

SUMMARY:

Ordinance #2015-01 sets the property tax mill levy for South Maryland Creek Ranch General Improvement District (District) for taxable year 2015. Taxable year 2015 is for property assessed in 2015 but bills and collects property tax related to this assessment in 2016 and therefore relates to the 2016 budget. This Ordinance will authorize the District to certify a mill levy of 30 mills with a temporary general property tax credit of 30 mills for net mills of zero.

PREVIOUS COUNCIL/BOARD OF DIRECTORS ACTION:

The Silverthorne Council approved the creation of the District as part of the annexation of South Maryland Creek Ranch (SMCR). This was done at the December 12, 2005 Town Council meeting. The fiscal analysis of SMCR annexation showed that providing SMCR municipal services would continually reflect an annual deficit of revenues to expenses and therefore would cost the Town and its citizen. The District was created in order to collect a property tax from SMCR property owners which in turn would be used to pay the annual deficit to the Town of Silverthorne. The ability to assess a property tax on properties within the District required a vote of the property owner. An election was held on April 4, 2006 at which time the one and only property owner gave a positive vote of acceptance of an annual mill levy not to exceed 30 mills in any given tax year. This mill levy assessment was to begin in taxable year 2006. The Town of Silverthorne Town Council is considered to be the Board of Directors for the District and is given the ability to assess and certify mills on behalf of the District.

This Ordinance was passed on first reading at the October 14th Board meeting.

DISCUSSION:

The annexation of SMCR took place in late 2005. The development of SMCR is to include 71 single family residences on over 300 acres of land. Since the 2005 annexation, the developer requested annexing an additional 61 acres and adding 12 additional single family residences. The additional residences will be placed in the same area as the original 71 single family lots and should have minimal financial impact on the Town. The additional annexation was completed January 9, 2008. The additional land is zoned open space/agricultural and is under the control of the SMCR HOA.

On June 10, 2015, the Silverthorne Town Council approved a major amendment to the SMCR PUD that would increase the number of single family units from 83 to 240 units. The developer is currently planning starting construction of homes in the spring of 2016.

South Maryland Creek Ranch General Improvement District
Town of Silverthorne
Board Agenda Memorandum

The primary purpose of the District is meant to recover any deficits that providing municipal service to the District might bring to the Town. The Town has reviewed the Districts need for municipal services for fiscal year 2016 and determined there will be a need for minimal police and administration services amounting to approximately \$7,372 in costs that will need to be reimbursed to the Town.

The District is allowed to be assessed a mill levy not to exceed 30 mills per taxable year. In order to maintain these 30 mills in future years and in order to follow current State laws on taxation and property tax certification, the Board of Directors will need to certify the full 30 mills and will need to offset the 30 mills with a 30 mills "temporary general property tax credit/temporary mill levy rate reduction." The net result will be 0.00 mills assessed for taxable year 2015. Under this method the Board of Directors will have the ability to assess up to 30 mills in future years.

The 2016 budget for the District was reviewed via email by the GID advisory board. It was decided to recommend to Council that no mills be assessed on the District for taxable year 2015 due to the minimal costs the District would be liable for budget year 2016. The current landowner of SMCR will instead be invoiced directly for the costs of municipal services in 2016.

As the development of SMCR evolves, a long range financial plan will be refined based on the standards stated in SMCR annexation agreement and Ordinance #2005-17.

State statute requires that certified levies and revenues must be submitted to the Board of County Commissioners no later than December 15, 2015 for taxable year 2015.

RECOMMENDATION:

Staff and the Advisory Board recommend the approval of Ordinance No. 2015-01.

PROPOSED MOTION:

"I move to approve Ordinance No. 2015-01 on second and final reading, an ordinance levying property taxes for the taxable year 2015 on the South Maryland Creek Ranch General Improvement District."

ATTACHMENTS:

1. Ordinance# 2015-01
2. Advisory Board Recommendation

**SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT
TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-01**

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2015 TO HELP DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT SERVICES FOR THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT, SILVERTHORNE, COLORADO FOR 2016 BUDGET YEAR.

WHEREAS, the South Maryland Creek Ranch General Improvement District (SCMR GID) was created, approved and accepted by the Town of Silverthorne's Town Council on December 12, 2005; and

WHEREAS, on April 4, 2006, the SCMR GID voted and approved the ability to pay for Town of Silverthorne municipal services through a property tax not to exceed 30 mills; and

WHEREAS, the SMCR GID is a quasi-municipal subdivision of the State of Colorado and the Town of Silverthorne Town Council is the Board of Directors of the SMCR GID; and

WHEREAS, the Silverthorne Town Manager, designated by the Home Rule Charter (Section 6.1.b.4) to prepare the budget, has prepared and submitted to the Mayor and Town Council, seating as the SCMR GID Board of Directors, a proposed annual budget for the SMCR GID, located in Silverthorne Colorado, for the fiscal year beginning January 1, 2016 and ending December 31, 2016; and

WHEREAS, the annual Budget is prepared in accordance with the Home Rule Charter, Article VIII (Town Finances) and Section II (Budget Policies) of the Town of Silverthorne Financial Policies previously approved by the Council; and

WHEREAS, in accordance with the Home Rule Charter (Sections 4.5 - Procedure for passage of Ordinances and 14.13 - Publication of ordinances, notices and other documents) and the Town's Financial Policies (Section II.B.5 - Citizen participation), notice of the proposed budget was published in a newspaper of general circulation in Summit County prior to the public hearing scheduled in November; and

WHEREAS, in accordance with the Home Rule Charter (Section 4.5.c - Public hearing requirements) and the Town's Financial Policies (Section II.B.6 Public Hearing) a public hearing will be held at the regularly scheduled Town Council meeting on October 28th; and

WHEREAS, the adopted budget is available for review in the office of the Finance Director located in Town Hall; and,

WHEREAS, the amount of money necessary to balance the SMCR GID budget for 2016 is \$7,372; and

WHEREAS, the valuation for the assessment for the taxable year of 2015 for the SMCR GID as certified by the County Assessor is \$1,064,570; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT ORDAINS:

Section 1:

That for the purpose of defraying general operating expenses of the SMCR GID during the 2016 budget year, there is hereby levied a tax of 30 mills upon each dollar of the total assessed valuation of all taxable property within the SMCR GID for the taxable year 2015.

Section 2:

That for the uniqueness of the SMCR GID budget year 2016, there is hereby levied a temporary general property tax credit/temporary mill levy rate reduction of 30 mills upon each dollar of the total assessed valuation of all taxable property within the SMCR GID for the taxable year 2015.

Section 3:

That for budget year 2016, the SMCR GID is hereby levying a total net tax of 0.00 mills upon each dollar of total asses valuation of all taxable property with the SMCR GID for the taxable year 2015.

Section 4:

The noted mills for taxable year 2015 are hereby approved and adopted and shall be signed by the Mayor and Town Clerk of the Town of Silverthorne and made a part of the public records of the SMCR GID located at the Town of Silverthorne, Colorado. Additionally, the Board of Directors authorizes and directs the Town Finance Director to certify to the County Commissioners of Summit County, Colorado, the total tax levy for the SMCR GID, as is herein set forth.

INTRODUCED, READ, APPROVED ON FIRST READING THE 14TH DAY OF OCTOBER, 2015.

READ AND ADOPTED ON SECOND AND FINAL READING AFTER CONDUCTING A PUBLIC HEARING ON THE 28TH DAY OF OCTOBER, 2015.

**TOWN OF SILVERTHORNE, COLORADO
SMCR GID BOARD OF DIRECTORS
BY:**

Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

Approved on first reading	_____	, 2015
Published by title only on first reading	_____	, 2015
Approved on second reading	_____	, 2015
Published by title only on second reading	_____	, 2015

October 8, 2015

South Maryland Creek Ranch General Improvement District
Board of Directors

RE: SMCR GID Property Tax Mill Levy for Taxable Year 2015

This letter is in response to Ordinance 2015-01 setting the property tax for the South Maryland Creek Ranch General Improvement District for taxable year 2015.

Under Section 9 of the GID Ordinance, an advisory board made up of three members representing the developer and three members representing the town staff was formed to advise the Board of Directors as to affairs of the District. Therefore, the GID Advisory Board has outlined a recommendation to the Board of Directors regarding the property tax mill levy for taxable year 2015.

Since there were no new items for discussion, the SMCR GID Advisory Board decided that a meeting was not necessary and instead a memo was issued by email to the Advisory Board on October 2, 2015. The memo outlined a proposed mill levy of 0 mills and direct billing to SMCR for \$7,372 was appropriate for this year. All votes were received by October 8, 2015 and were in favor of the recommendation of 0 mills and direct billing.

Therefore, on behalf of the SMCR GID Advisory Board, we hereby recommend approval of Ordinance 2015-01.

Sincerely,



Joanna Hopkins

Ryan Hyland
Donna Braun
Bill Linfield

Bob Knous
Don Hunt

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU : Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: October 22, 2015 for meeting of October 28, 2015
SUBJECT: Liquor license renewal for Local Authority Consideration

SUMMARY:

The Liquor Board is asked to approve the liquor license renewal for Fiesta Jalisco.

BACKGROUND:

A. Fiesta Jalisco Numero Uno, LLC dba Fiesta Jalisco – Renewal of Hotel & Restaurant Liquor License

The applicant has submitted a renewal application for Fiesta Jalisco. The background investigation completed by the Police Department is attached. The Police Department has verified that all employees who sell alcohol have successfully completed a TIPS alcohol training program. The Police Department recommends renewal of the liquor license.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement Division. These fees are submitted with the application materials.

STAFF RECOMMENDATION:

Staff recommends approving the renewal application. Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.

PROPOSED MOTION:

I MOVE TO APPROVE FIESTA JALISCO NUMERO UNO, LLC DBA FIESTA JALISCO – HOTEL & RESTAURANT LIQUOR LICENSE.

ATTACHMENTS:

Liquor license renewal application and Police Department memo.

MANAGERS COMMENTS:



601 Center Circle • P.O. Box 1167 • Silverthorne, CO 80498
(970) 262-7320 • Fax (970) 262-7315

DATE: October 22, 2015
TO: Michele Miller
FROM: Officer AJ Futro
SUBJECT: Background check for Liquor License or 3.2% Fermented Malt Beverage License Application, Fiesta Jalisco Numero Uno, LLC.

Since their last application, Fiesta Jalisco Numero Uno, LLC has not had any alcohol-related incidents. We have had reports of over service in the last year from citizens however the Police Department is unable to substantiate any of the complaints because they were reported days after the incident occurred.

All liquor-serving employees of Fiesta Jalisco attended a TIPS training which Officer Baldwin taught on October 22, 2014. They are all certified until 2017.

Based on the background information of the Silverthorne Police Department, we don't have any objections to this liquor license application.

Reviewed by

Mark Hanschmidt
Chief of Police

10/22/15
Date

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

FIESTA JALISCO
 PO BOX 10000 PMB 297
 SILVERTHORNE CO 80498-1000

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. 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 may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name FIESTA JALISCO NUMERO UNO LLC		DBA FIESTA JALISCO		
Liquor License # 15366600000	License Type Hotel & Restaurant (city)	Sales Tax License # 15366600000	Expiration Date 11/13/2015	Due Date 9/29/2015
Street Address 269 SUMMIT PL SILVERTHORNE CO 80498-8455				Phone Number (970) 468 9552
Mailing Address PO BOX 10000 PMB 297 SILVERTHORNE CO 80498-1000				
Operating Manager JOSE A RODRIGUEZ	Date of Birth 04-18-1991	Home Address 426 BIG HORN CIRCLE SILVERTHORNE CO 80498	Phone Number	

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 03-31-2016
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business JOSE A RODRIGUEZ	Title MANAGER
Signature 	Date 9-28-15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU : Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: October 22, 2015 for meeting of October 28, 2015
SUBJECT: Liquor license renewal for Local Authority Consideration

SUMMARY:

The Liquor Board is asked to approve the liquor license renewal for Bakers Brewery with corporate changes.

BACKGROUND:

A. The Bakers Brewery LLC dba The Bakers Brewery – Renewal of Brew Pub Liquor License

The applicant has submitted a renewal application for The Bakers Brewery. The alcohol education investigation completed by the Police Department is attached, it is dated May 18, 2015 but the Clerk's office verified the information is still accurate. The Police Department recommends renewal of the liquor license.

In regards to question number two on the Renewal Application, there have been a couple of minor changes to Bakers Brewery LLC. The Report of Changes form is attached. One investor became a managing member and one investor increased his investment to more than 10%. Both changes require Form DR8177, fingerprinting and a new individual history submitted to the State of Colorado. There are a couple of new agreements associated with the proposed changes. These documents can be viewed in the Clerk's office.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement Division. These fees are submitted with the application materials.

STAFF RECOMMENDATION:

Staff recommends approving the renewal application. Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.

Town of Silverthorne
Council Agenda Memorandum

PROPOSED MOTION:

I MOVE TO APPROVE THE BAKERS BREWERY LLC DBA THE BAKERS BREWERY – RENEWAL OF BREW PUB LIQUOR LICENSE WITH THE REPORT OF CHANGES.

ATTACHMENTS:

Liquor license renewal application and Police Department memo.

MANAGERS COMMENTS:

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$750.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	\$ 750.00

The Bakers Brewery LLC
 PO Box 2110
 Silverthorne, Co 80498

Make check payable to: Colorado Department of Revenue. 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 may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name The Bakers Brewery LLC		DBA The Bakers Brewery		
Liquor License # 4713816	License Type Brew Pub (City)	Sales Tax License # 29782450	Expiration Date 11/0612015	Due Date 9/22/2015
Street Address 531 Silverthorne Lane, Silverthorne, Colorado 80498				Phone Number 970-389*-6551
Mailing Address PO Box 2110 Silverthorne, Colorado 80498				
Operating Manager Cory Forster	Date of Birth 5/4/70	Home Address 327 N. Chipmunk Cir. Silverthorne		Phone Number 970 389 6551

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease May 1st 2019
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business CORY FORSTER	Title Managing Member
Signature 	Date 10-6-15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest



601 Center Circle • P.O. Box 1167 • Silverthorne, CO 80498
(970) 262-7320 • Fax (970) 262-7315

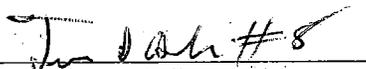
DATE: October 14, 2014
TO: Michele Miller
FROM: Officer Anne Baldwin
SUBJECT: Background check for Brew Pub License application, The Bakers' Brewery, LLC.

Baker's Brewery opened in January, 2015. This restaurant was given a provisional liquor license in October, 2014.

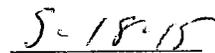
All liquor-serving staff at Baker's Brewery have successfully completed TIPS training. A copy of the employees' certification cards is attached.

Based on the background information of the Silverthorne Police Department, we do not have any objections to the approval of this Brew Pub License application.

Reviewed by



Acting Chief of Police
Tim Osborn



Date

REPORT OF CHANGES **21**

DO NOT WRITE IN THIS SPACE

CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP Liquor and 3.2 Beer Licenses

(2355) LLC/PARTNERSHIP
 (2350) CORPORATION

SEE INSTRUCTIONS AND
 FEE SCHEDULE ON PAGE 2

1. Corporate/L.L.C./Partnership Name The Bakers' Brewery LLC		2. State Tax Account Number 0		3. State Liquor License Number	
4. Trade Name The Bakers' Brewery				5. Telephone Number 970-468-0170	
6. Address of Licensed Premises 531 Silverthorne Ln		City Silverthorne		State CO	ZIP Code 80498
7. Mailing Address if different than above PO Box 2110		City Silverthorne		State CO	ZIP Code 80498

8. LIST ALL officers, directors (corporation) or Managing Members (L.L.C.) or General Partner(s). Each Officer, Director, Managing Member or Partner MUST FILL OUT a DR 8404-I (Individual History Record).

Position Held	Names	Home Address	DPB/	Replaces
Man. Member	Cory Forster	327 N. Chipmunk Cir. Silverthorne		N/A
Member	John B. Marino	726 E Anenome Trail UNIT B, Dillon 80435		N/A
Member	Kerry King	726 E Anenome Trail, UNIT B, Dillon 80435		N/A
Member	Stephanie Sadler	9 20E CT BRECKENRIDGE, CO 80443	2/13/11	N/A
Member	Ira McMahon	9 20E CT, BRECKENRIDGE, CO 80443		N/A - new

9. LIST ALL 10% (or more) Stockholders or 10% (or more) Members or 10% (or more) Limited Partners. Each person listed Must Fill out a DR 8404-I (Individual History Record)

Stockholders/Members/Partners owning 10% (or more) of business	% Owned	Home Address	DOB	Replaces
Wade Arnold	18	604138 Wynnewood Dr. Cedar Falls, 50615		N/A

10. Registered Agent _____ Address For Service _____

OATH OF APPLICANT

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

11. Authorized Signature _____ Title Managing Member Date 10-6-15

REPORT OF LOCAL LICENSING AUTHORITY

The foregoing changes have been received and examined by the Local Licensing Authority.

12. Local Licensing Authority For _____
 County Town/City

Signature _____ Title _____ Date _____
 Attest _____ Date _____

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Period	Cash Fund	TOTAL
		-100 (999)	

Individual History Record

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

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

1. Name of Business The Bakers' Brewery LLC	Home Phone Number N/A	Cellular Number 71
2. Your Full Name (last, first, middle) McMahon, Ira Connor	3. List any other names you have used N/A	
4. Mailing address (if different from residence) N/A	Email Address	

5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)

Street and Number	City, State, Zip	From	To
Current 9 Zoe Ct	Breckenridge, CO 80424	07/2009	Current
Previous			

6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)

Name of Employer or Business	Address (Street, Number, City, State, Zip)	Position Held	From	To
Gungho Yungbok Management	1644 Platte St. Denver, CO 80202	Contract Design	3/2015	10/2015
Move Inc. (NewsCorp)	10 Almaden Blvd. Suite #800 San Jose, CA 95113	Senior UX Designer	7/2011	3/2015
Social Bios (Peep.ly LLC)	Denver, CO	Contract Design	9/2010	7/2011

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

Name of Relative	Relationship to You	Position Held	Name of Licensee
N/A			

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

N/A

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

N/A

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

N/A

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

N/A

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

Personal and Financial Information

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

13a. Date of Birth | b. Social Security Number | c. Place of Birth Boulder, CO | d. U.S. Citizen Yes No

e. If Naturalized, state where | f. When | g. Name of District Court

N/A

N/A

N/A

h. Naturalization Certificate Number | i. Date of Certification | j. If an Alien, Give Alien's Registration Card Number | k. Permanent Residence Card Number

N/A

N/A

N/A

N/A

l. Height | m. Weight | n. Hair Color | o. Eye Color | p. Gender | q. Race | r. Do you have a current Driver's License/ID? If so, give number and state.

5'9"

165

Brown

Hazel

M

Caucasian

Yes No #1 State

14. Financial Information.

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

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 50,000

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

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

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

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash for Shares	checking	Bank	

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

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

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

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

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

Authorized Signature [Signature] | Print Signature Ira McMahon | Title Managing Member | Date 10/1/15

Individual History Record

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

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

1. Name of Business Bakers Brewery		Home Phone Number	Cellular Number 719-330-1577	
2. Your Full Name (last, first, middle) Arnold DAVID Wade		3. List any other names you have used Wade Arnold, David Wade Arnold		
4. Mailing address (if different from residence)		Email Address Wade@Wadearnold.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current 4138 Wynnewood Dr		Cedar Falls, IA 50613		2015
Previous 3422 Wedgewood		Cedar Falls, IA 50613		2008 2015
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Jack Henry		663 W. Hwy 60 Monett MO 65708		Director
				2008 Present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License; or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

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

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

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

Personal and Financial Information

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

13a. Date of Birth		b. Social Security Number		c. Place of Birth <i>Des Moines Iowa</i>		d. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, state where			f. When		g. Name of District Court		
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height <i>6'3"</i>	m. Weight <i>196</i>	n. Hair Color <i>Brown</i>	o. Eye Color <i>Blue</i>	p. Gender <i>Male</i>	q. Race <i>White</i>	r. Do you have a current Driver's License/ID? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. *\$ 200,000*
* If corporate investment only please skip to and complete section (d)
** Section b should reflect the total of sections c and e

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

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
<i>Cash</i>	<i>checking</i>	<i>First National Bank of Iowa</i>	<i>100,000</i>

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

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

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

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature <i>David Wade Arnold</i>	Print Signature <i>David Wade Arnold</i>	Title	Date <i>10-10-2005</i>
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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Michele Miller, MMC, Town Clerk 
DATE: October 22, 2015 for meeting of October 28, 2015
SUBJECT: Liquor License for Local Authority Consideration

SUMMARY: The Liquor Board is asked to grant a new liquor license for Hampton Inn & Suites Silverthorne.

BACKGROUND:

**A. Silverwest Hotel Management, LLC dba Hampton Inn & Suites Silverthorne
– New Application for Hotel & Restaurant Liquor License -**

The Town of Silverthorne Liquor Authority will consider the new liquor application for Hampton Inn & Suites Silverthorne. The applicant submitted a completed application on September 18, 2015. The premise was posted on October 16, 2015. The Police Department does not have any issues granting this liquor license. After the hotel opens, the applicant will have sixty (60) days to come into compliance with the TIPS requirements for their employees. The applicant has submitted a Survey of Needs & Desires, as required by Town Code. This application was sent to the State of Colorado for concurrent review to allow for faster approval. Once the local approval is granted, the Town approval will be forwarded to the State. The license will be held by the Clerk's office until a Certificate of Occupancy is issued by the Building Department.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement division. These fees are submitted with the application materials.

STAFF RECOMMENDATION: Staff recommends approval of the new liquor application. *Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.*

PROPOSED MOTION:

I MOVE TO APPROVE SILVERWEST HOTEL MANAGEMENT, LLC DBA HAMPTON INN & SUITES SILVERTHORNE – NEW APPLICATION FOR HOTEL & RESTAURANT LIQUOR LICENSE.

ATTACHMENTS: Liquor license application and supporting documentation.

MANAGERS COMMENTS:

Colorado Liquor Retail License Application

<input type="checkbox"/> New License <input checked="" type="checkbox"/> New-Concurrent <input type="checkbox"/> Transfer of Ownership			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor • Local License Fee \$ <u>1,000.00</u>			
1. Applicant is applying as a/an		<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships) <input type="checkbox"/> Association or Other	
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation		FEIN Number	
Silverwest Hotel Management, LLC			
2a. Trade Name of Establishment (DBA)	State Sales Tax Number	Business telephone	
Hampton Inn & Suites Silverthorne	30875293 - 0001	970-368-3520	
3. Address of Premises (specify exact location of premises, include suite/unit numbers)			
177 Meraly Way			
City	County	State	ZIP Code
Silverthorne	Summit	CO	80498
4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
101 University Blvd., Suite 200	Denver	CO	80206
5. Email Address			
kmorris@silverwesthotels.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
N/A			
Section A Nonrefundable Application Fees		Section B (Cont.) Liquor License Fees	
<input type="checkbox"/> Application Fee for New License..... \$ 600.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review.... \$ 700.00 <input type="checkbox"/> Application Fee for Transfer..... \$ 600.00		<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50 <input checked="" type="checkbox"/> Manager Registration - H & R \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern..... \$ 75.00 <input type="checkbox"/> Master File Location Fee\$ 25.00 X _____ Total _____ <input type="checkbox"/> Master File Background\$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City)..... \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City)..... \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City)..... \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License (City)..... \$227.50 <input type="checkbox"/> Retail Liquor Store License (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00	
Section B Liquor License Fees			
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex.....\$ 75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City)..... \$351.25 <input type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County)..... \$750.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) \$500.00 <input type="checkbox"/> Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00			
Questions? Visit: www.colorado.gov/enforcement/liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes	No	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver by local ordinance? Other: _____		<input type="checkbox"/>	<input type="checkbox"/>	
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. <i>See attached</i>				
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?				
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:				
Landlord Hotel Silverthorne Partners LLC	Tenant Silverwest Hotel Management LLC	Expires no expiration		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.				
Last Name Hotel Silverthorne Partners LLC	First Name	Date of Birth NA	FEIN or SSN 14	Interest/Percentage Hotel Owner
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Number of additional Optional Premise areas requested. (See license fee chart)		N/A		
15. Liquor Licensed Drug Store applicants, answer the following:				
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>NA</i>
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>NA</i>
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) How long has the club been incorporated?		N/A		
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Brew-Pub License or Vintner Restaurant Applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>NA</i>
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)				
Last Name of Manager Reinhardt	First Name of Manager Christy	Date of Birth		
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Name	Type of License	Account Number		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?				
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If yes, provide an explanation and include copies of any payment agreements.				

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the Applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

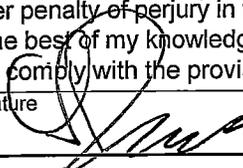
Name	Home Address, City & State	DOB	Position	% Owned
Edward E. Mace	191 University Blvd., #311, Denver, CO 80206	1/5	Member	50
Charles S. Peck	5820 S Gilpin Ct., Greenwood Village, CO 80121	2/11/7	Member	50
<i>See attached Org. Chart</i>				
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title Charles S. Peck, Managing Member	Date 09/18/15
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)
 Date of inspection or anticipated date _____
 Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title
Signature (attest)	Print	Title
		Date

Organization Chart
Silverwest Hotel Partners, LLC
and Subsidiaries

Edward E. Mace
[Individual]

(100%)

Mace Pacific, LLC
[A Colorado LLC]

(50%)

Charles S. Peck
[Individual]

(100%)

CSP Resource, LLC
[A Colorado LLC]

(50%)

Silverwest Hotel Partners, LLC
[A Colorado LLC]

(100%)

Silverwest Hotel Management LLC
[A Colorado LLC]
(the Applicant)

Destination Hotels & Resorts Properties

Charles S. Peck, President & COO 1997-2012

No longer associated

<u>Property</u>	<u>Location</u>	<u>Rooms</u>	<u>Dates</u>
Algonquin Hotel	New York, NY	174	2002 - 2004
Argent Hotel*	San Francisco, CA	667	1998 - 2006
Carolina Inn	Chapel Hill, NC	184	2008 - present
Destination Resorts Hawaii (Condo Hotel)*	Wailea, HI	283	1986 - present
Destination Resorts Snowmass (Condo Hotel)*	Snowmass, CO	251	1986 - present
Destination Resorts Vail (Condo Hotel)*	Vail, CO	111	1986 - present
Doubletree Bedford-Boston*	Bedford, MA	281	2011-present
Doubletree Hotel Chicago O'Hare Airport - Rosemont*	Rosemont, IL	369	2004 -2007
Driskill *	Austin, TX	189	2005 - present
Eden Roc Hotel & Spa*	Miami Beach, FL	350	1998 - 2000
Embassy Suites Hotel at the Chevy Chase Pavilion*	Washington, DC	198	1998 - present
Embassy Suites Chicago North*	Deerfield, IL	237	2011-present
Estancia La Jolla Hotel & Spa**	La Jolla, CA	210	2004 - 2010
* Gant (Condo Hotel)*	Aspen, CO	120	1973 - present
* Garden of the Gods Club	Colorado Springs, CO	108	2000 - 2007
* Hamilton Park Hotel & Conference Center*	Florham Park, NJ	219	2005 - 2013
Hilton Washington (Asset Managed-Managed by Hilton)*	Washington, DC	1070	2007 - present
Hotel del Coronado*	Coronado, CA	692	1997 -2003
Hotel ICON*	Houston, TX	135	2006 - 2010
* Hotel Telluride	Telluride, CO	59	2009 - present
Inn & Spa at Loretto*	Santa Fe, NM	134	2007 - present
InterContinental Tampa Hotel*	Tampa, FL	323	2006 - present
* Inverness Hotel & Conference Center*	Englewood, CO	302	1995 - present
* L'Auberge Del Mar *	Del Mar, CA	120	1994 - present
* Manor Vail Lodge	Vail, CO	123	2009 - present
Milenorth Hotel*	Chicago, IL	215	2012-present
Miramonte Resort & Spa*	Indian Wells, CA	215	2004 - present
Monarch Hotel*	Washington, DC	415	1998 - 2002
* Mountain Lodge at Telluride (Condo Hotel)	Telluride, CO	136	2003 - 2009
NINE ZERO Hotel	Boston, MA	190	2002 - 2006
Oak Brook Hills Hotel and Resort*	Oak Brook, IL	382	1996 - 1998
Palm Coast / Ocean Hammock Resort**	Palm Coast, FL	174	1996 - 2005
Pointe South Mountain Resort (was Hilton)	Phoenix, AZ	640	2000 - 2006
Red Lion Seattle*	Seattle, WA	310	2011-Present
Resort at Squaw Creek*	Olympic Valley, CA	375	2004 - present
Richardson Hotel*	Richardson, TX	342	2004 - 2007
Ritz-Carlton Huntington Hotel*	Pasadena, CA	383	1996 - 1998
Rizzo Conference Center	Chapel Hill, NC	120	2008 - present
Royal Palms Resort and Spa*	Phoenix, AZ	119	1998 - present
Shores Resort & Spa*	Daytona Beach, FL	212	2007 - 2010
Skamania Lodge*	Stevenson, WA	254	2005 - present
* Stonebridge Inn*	Snowmass, CO	93	1986 - present
Stowe Mountain Lodge**	Stowe, VT	139	2008- present
Suncadia Resort*	Cle Elum, WA	272	2005 - present
Sunriver Resort*	Sunriver, OR	604	1993 - present
Tarrytown House Estate & Conference Center*	Tarrytown, NY	212	2005 - present
Tempe Mission Palms Hotel and Conference Center*	Phoenix, AZ	303	1992 - present
Terranea Resort **	Palos Verdes, CA	582	2009 - present
Vail Cascade Condos (Condo Hotel)*	Vail, CO	80	1993 - present
* Vail Cascade Resort & Spa*	Vail, CO	292	1992 - present
Valley River Inn	Eugene, OR	257	2011-present
Wigwam Golf Resort & Spa	Phoenix, AZ	331	2009 - 2010
Wild Dunes Resort - Boardwalk Inn**	Isle of Palm, SC	525	1992 - present
Woodmark Hotel & Spa	Kirkland, WA	100	2011-present

* Owned or Investment Managed in part by Lowe Enterprises, Inc. and/or Destination

** Developed by Lowe Hospitality Group./Destination

Bold- Currently have minority partnership interest

* Colorado hotels and restaurants with liquor licenses .

CS Peck 7/29/15

Individual History Record

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

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)				
1. Name of Business Hampton Inn & Suites Silverthorne		Home Phone Number	Cellular Number	
2. Your Full Name (last, first, middle) Mace, Edward Earl		3. List any other names you have used N/A		
4. Mailing address (if different from residence) 101 University Blvd., #200, Denver, CO 80206		Email Address emace@silverwesthotels.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current 350 Arrowhead Dr.		Edwards, CO 81632		2002
Previous				PRESENT
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Silverwest Hotels LLC		101 University Blvd #200, Denver, CO80206		CEO
Mace Pacific Holding Co		191 University Blvd #311, Denver, CO80206		President
				2015
				2006
				PRESENT
				2015
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
None				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Applied for Colorado Liquor License for Element Basalt Hotel as a Member of Silverwest Hotel Management LLC				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

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

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

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

Personal and Financial Information

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

13a. Date of Birth		b. Social Security Number		c. Place of Birth Springfield MO USA		d. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, state where N/A				f. When N/A		g. Name of District Court N/A	
h. Naturalization Certificate Number N/A		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number N/A		k. Permanent Residence Card Number N/A	
l. Height 5'10"	m. Weight 170	n. Hair Color Brown	o. Eye Color Blue	p. Gender M	q. Race Caucasian	r. Do you have a current Driver's License/ID? If so, give number and state. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # _____ State <u>Colorado</u>	

14. Financial Information.

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

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 95,000.00

* If corporate investment only please skip to and complete section (d)
** Section b should reflect the total of sections c and e

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

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Investment	Wells Fargo Bank	

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

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
CASH	NA	CHECKING	WELLS BANK	7.00

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

Name of Lender	Address	Term	Security	Amount
None				

Oath of Applicant

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

Authorized Signature 	Print Signature Edward E. Mace	Title Member	Date 10/05/15
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Individual History Record

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

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

1. Name of Business		Home Phone Number	Cellular Number	
		N/A	36	
2. Your Full Name (last, first, middle)		3. List any other names you have used		
Reinhardt Christy Helen				
4. Mailing address (if different from residence)		Email Address		
PO Box 6655 Jackson, WY 83002		reinhardt416@yahoo.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current	755 E Hansen #114	Jackson, WY 83001	5-14	Present
Previous	425 E. Pearl	Jackson WY 83001	6-08	5-14
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Wort Hotel		50 N. Glenwood Jackson, WY 83001		Hotel MGR
				5-05
				15-15
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.)				
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.)				
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

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

Personal and Financial Information

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

13a. Date of Birth _____ b. Social Security Number _____ c. Place of Birth _____ d. U.S. Citizen Yes No

e. If naturalized, state where _____ f. Written _____ g. Name of District Court _____

h. Naturalization Certificate Number _____ i. Date of Certification _____ j. If an Alien, Give Alien's Registration Card Number _____ k. Permanent Residence Card Number _____

l. Height 5'6" m. Weight 170 n. Hair Color Blonde o. Eye Color Blue p. Gender F q. Race White r. Do you have a current Driver's License/ID? If so, give number and state. Yes No e 6-17

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

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ _____
 * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

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

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

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

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

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

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

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

Authorized Signature Christy H.R. Print Signature Christy H Reinhardt Title General Manager Date 9-17-15

Individual History Record

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

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

1. Name of Business Hampton Inn & Suites Silverthorne		Home Phone Number	Cellular Number	
2. Your Full Name (last, first, middle) Peck, Charles Shelton		3. List any other names you have used N/A		
4. Mailing address (if different from residence) 101 University Blvd., #200, Denver, CO 80206		Email Address ilverwesthotels.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
Current 5850 S Gilpin Ct.		Greenwood Village, CO 80121		1998
Previous				PRESENT
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
CSP Resource, LLC		101 University Blvd #200, Denver, CO80206		Owner
Destination Hotels & Resorts, Inc		10333 E Dry Creek Rd, Englewood, CO80111		President
				2012 PRESENT
				1998 2012
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
None				Name of Licensee
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
See attached				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

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

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

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

Personal and Financial Information

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

13a. Date of Birth		b. Social Security Number		c. Place of Birth Glen Cove, New York, USA		d. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, state where N/A				f. When N/A		g. Name of District Court N/A	
h. Naturalization Certificate Number N/A		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number N/A		k. Permanent Residence Card Number N/A	
l. Height 6'	m. Weight 175	n. Hair Color Brown	o. Eye Color Blue	p. Gender M	q. Race Caucasian	r. Do you have a current Driver's License/ID? If so, give number and state. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # _____ State <u>Colorado</u>	

14. Financial Information.

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

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 95,000.00

* If corporate investment only please skip to and complete section (d)
** Section b should reflect the total of sections c and e

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

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
	Investment	JP Morgan Bank	

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

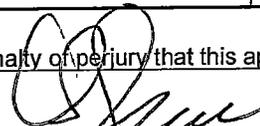
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
CASH	NA	Checking	US Bank	

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

Name of Lender	Address	Term	Security	Amount
None				

Oath of Applicant

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

Authorized Signature 	Print Signature Charles S. Peck	Title Member	Date 10/05/15
---	------------------------------------	-----------------	------------------

Destination Hotels & Resorts Properties

No longer associated

Charles S. Peck, President & COO 1997-2012

<u>Property</u>	<u>Location</u>	<u>Rooms</u>	<u>Dates</u>
Algonquin Hotel	New York, NY	174	2002 - 2004
Argent Hotel*	San Francisco, CA	667	1998 - 2006
Carolina Inn	Chapel Hill, NC	184	2008 - present
Destination Resorts Hawaii (Condo Hotel)*	Wailea, HI	283	1986 - present
Destination Resorts Snowmass (Condo Hotel)*	Snowmass, CO	251	1986 - present
Destination Resorts Vail (Condo Hotel)*	Vail, CO	111	1986 - present
Doubletree Bedford-Boston*	Bedford, MA	281	2011-present
Doubletree Hotel Chicago O'Hare Airport - Rosemont*	Rosemont, IL	369	2004 -2007
Driskill *	Austin, TX	189	2005 - present
Eden Roc Hotel & Spa*	Miami Beach, FL	350	1998 - 2000
Embassy Suites Hotel at the Chevy Chase Pavilion*	Washington, DC	198	1998 - present
Embassy Suites Chicago North*	Deerfield, IL	237	2011-present
Estancia La Jolla Hotel & Spa**	La Jolla, CA	210	2004 - 2010
* Gant (Condo Hotel)*	Aspen, CO	120	1973 - present
* Garden of the Gods Club	Colorado Springs, CO	108	2000 - 2007
Hamilton Park Hotel & Conference Center*	Florham Park, NJ	219	2005 - 2013
Hilton Washington (Asset Managed-Managed by Hilton)*	Washington, DC	1070	2007 - present
Hotel del Coronado*	Coronado, CA	692	1997 -2003
Hotel ICON*	Houston, TX	135	2006 - 2010
* Hotel Telluride	Telluride, CO	59	2009 - present
Inn & Spa at Loretto*	Santa Fe, NM	134	2007 - present
InterContinental Tampa Hotel*	Tampa, FL	323	2006 - present
* Inverness Hotel & Conference Center*	Englewood, CO	302	1995 - present
L'Auberge Del Mar *	Del Mar, CA	120	1994 - present
* Manor Vail Lodge	Vail, CO	123	2009 - present
Milenorth Hotel*	Chicago, IL	215	2012-present
Miramonte Resort & Spa*	Indian Wells, CA	215	2004 - present
Monarch Hotel*	Washington, DC	415	1998 - 2002
* Mountain Lodge at Telluride (Condo Hotel)	Telluride, CO	136	2003 - 2009
NINE ZERO Hotel	Boston, MA	190	2002 - 2006
Oak Brook Hills Hotel and Resort*	Oak Brook, IL	382	1996 - 1998
Palm Coast / Ocean Hammock Resort**	Palm Coast, FL	174	1996 - 2005
Pointe South Mountain Resort (was Hilton)	Phoenix, AZ	640	2000 - 2006
Red Lion Seattle*	Seattle, WA	310	2011-Present
Resort at Squaw Creek*	Olympic Valley, CA	375	2004 - present
Richardson Hotel*	Richardson, TX	342	2004 - 2007
Ritz-Carlton Huntington Hotel*	Pasadena, CA	383	1996 - 1998
Rizzo Conference Center	Chapel Hill, NC	120	2008 - present
Royal Palms Resort and Spa*	Phoenix, AZ	119	1998 - present
Shores Resort & Spa*	Daytona Beach, FL	212	2007 - 2010
Skamania Lodge*	Stevenson, WA	254	2005 - present
* Stonebridge Inn*	Snowmass, CO	93	1986 - present
Stowe Mountain Lodge**	Stowe, VT	139	2008- present
Suncadia Resort*	Cle Elum, WA	272	2005 - present
Sunriver Resort*	Sunriver, OR	604	1993 - present
Tarrytown House Estate & Conference Center*	Tarrytown, NY	212	2005 - present
Tempe Mission Palms Hotel and Conference Center*	Phoenix, AZ	303	1992 - present
Terranea Resort **	Palos Verdes, CA	582	2009 - present
Vail Cascade Condos (Condo Hotel)*	Vail, CO	80	1993 - present
* Vail Cascade Resort & Spa*	Vail, CO	292	1992 - present
Valley River Inn	Eugene, OR	257	2011-present
Wigwam Golf Resort & Spa	Phoenix, AZ	331	2009 - 2010
Wild Dunes Resort - Boardwalk Inn**	Isle of Palm, SC	525	1992 - present
Woodmark Hotel & Spa	Kirkland, WA	100	2011-present

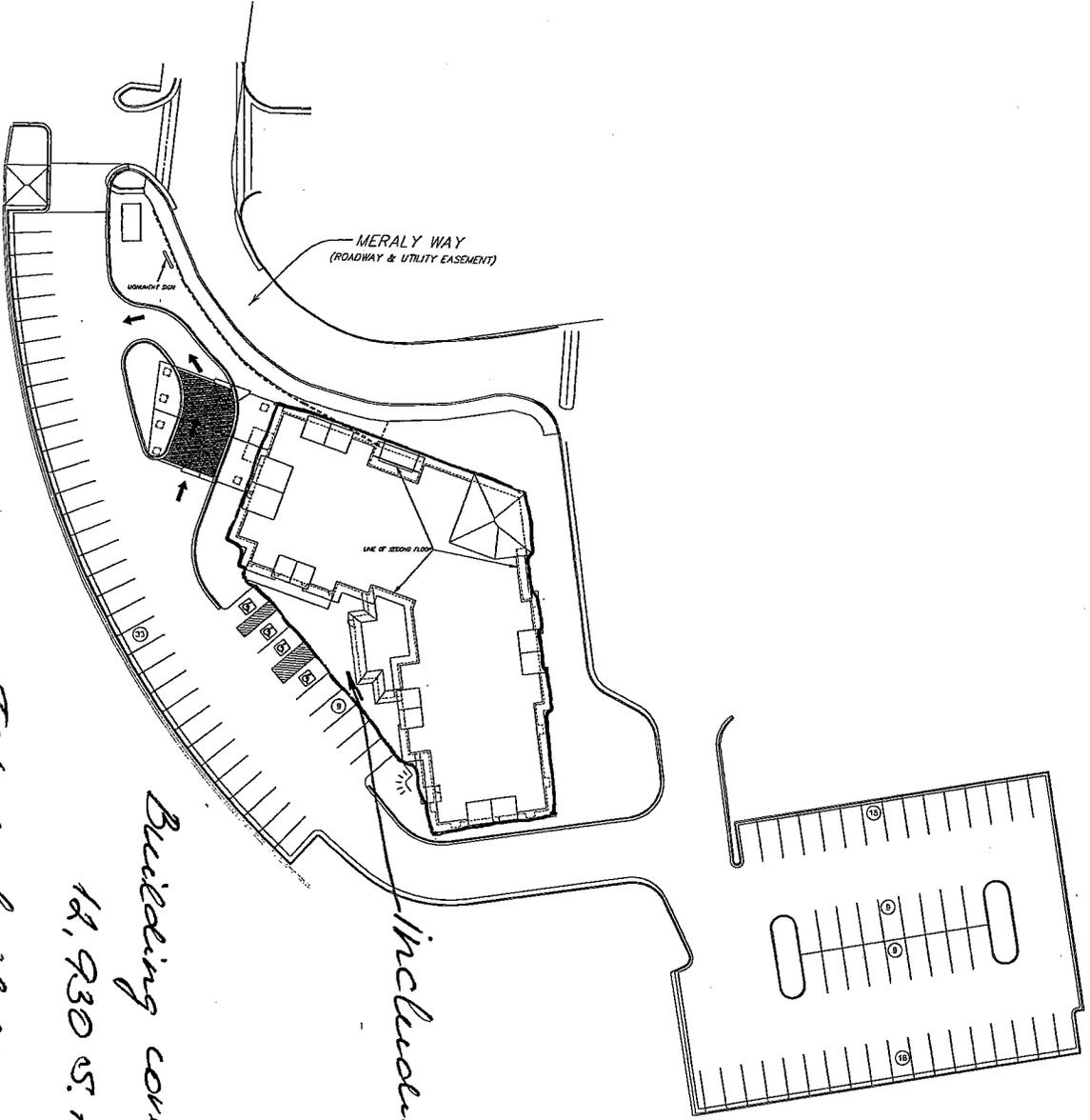
* Owned or Investment Managed in part by Lowe Enterprises, Inc.and/or Destination

** Developed by Lowe Hospitality Group./Destination

Bold- Currently have minority partnership interest

* Colorado hotels and restaurants with liquor licenses .

CS Peck 7/29/15 69



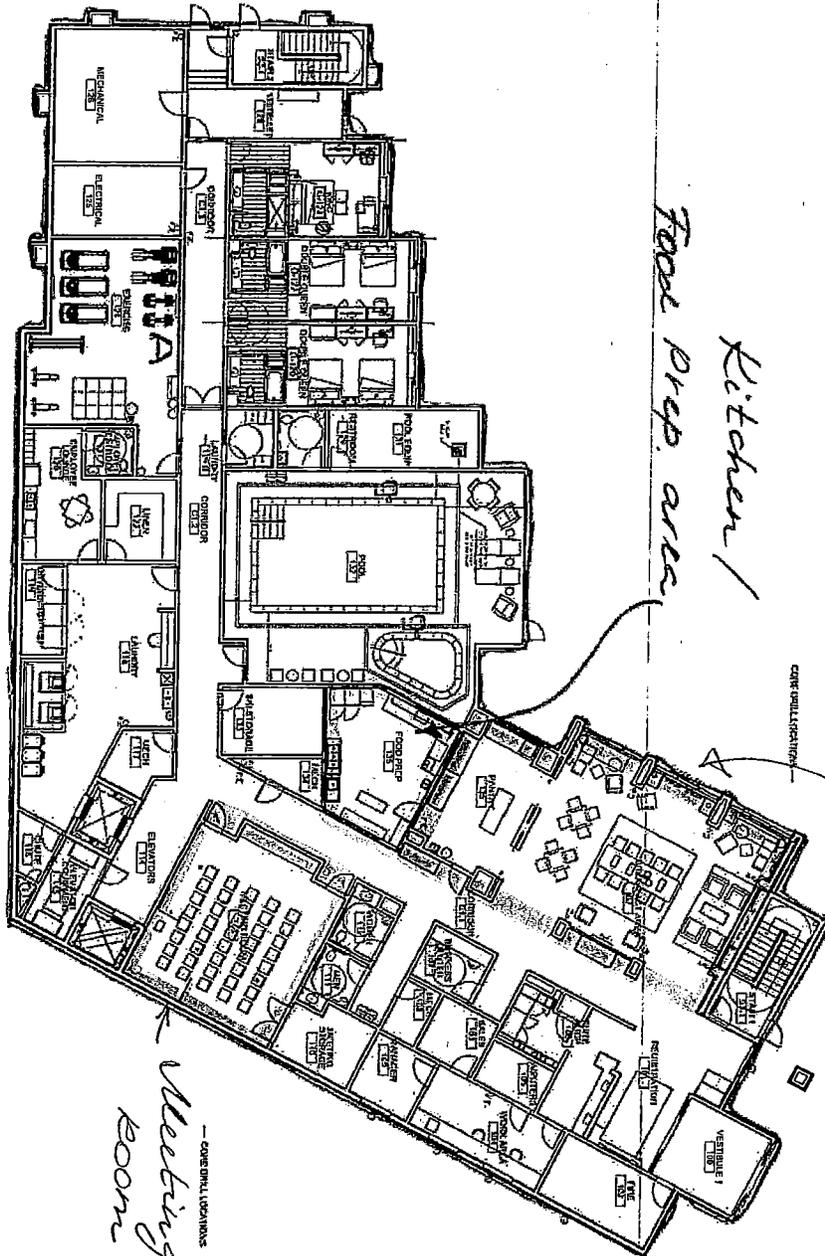
including patio area

Building coverage

14,930 S.F.

Total building square footage.

58,886 S.F. (floors 1-5)



Food Prep area

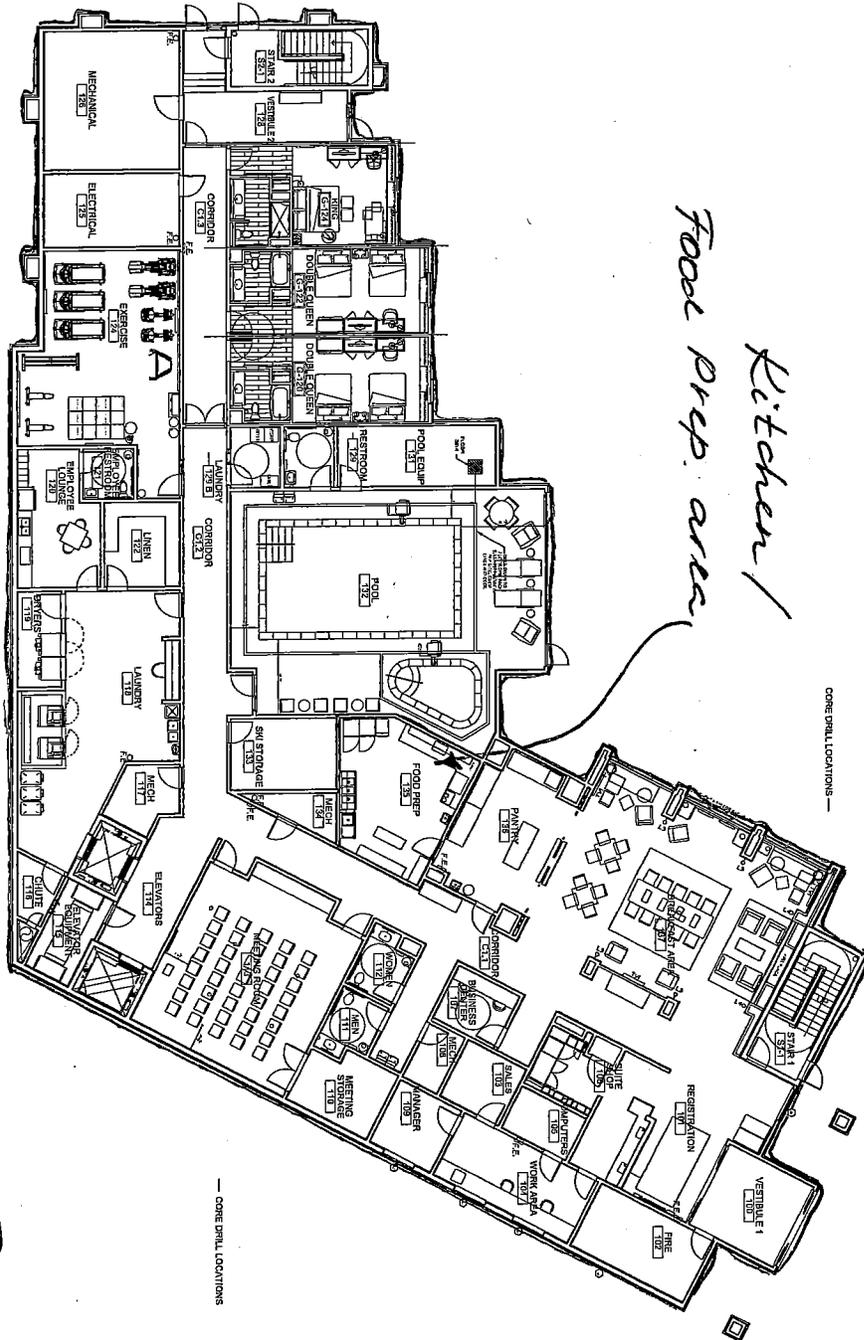
Kitchen /

Breakfast area

Meeting Room

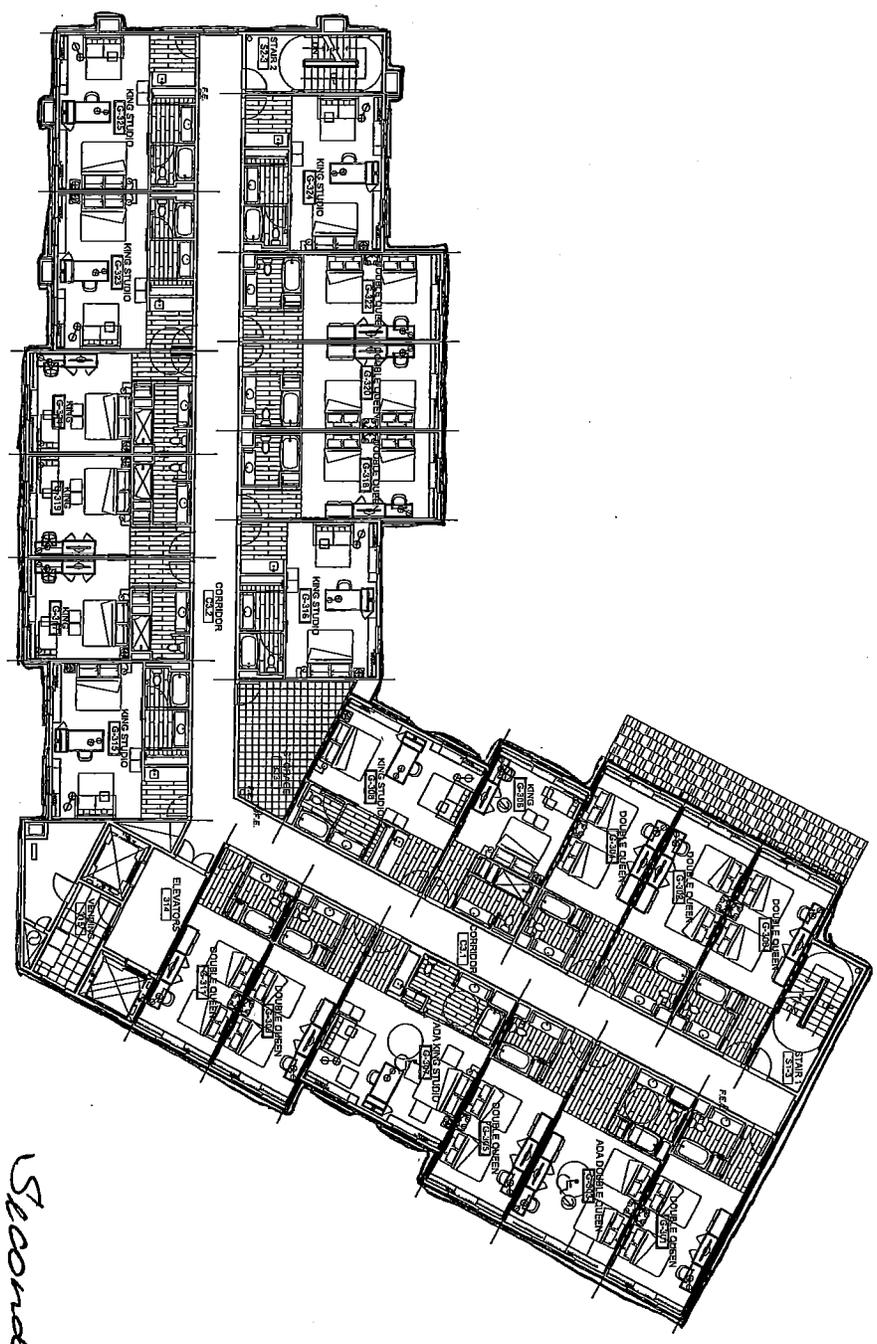
First Floor
12,977 S.F.

1 FIRST FLOOR REVISIONS
XX SCALE: 1/8" = 1'-0"



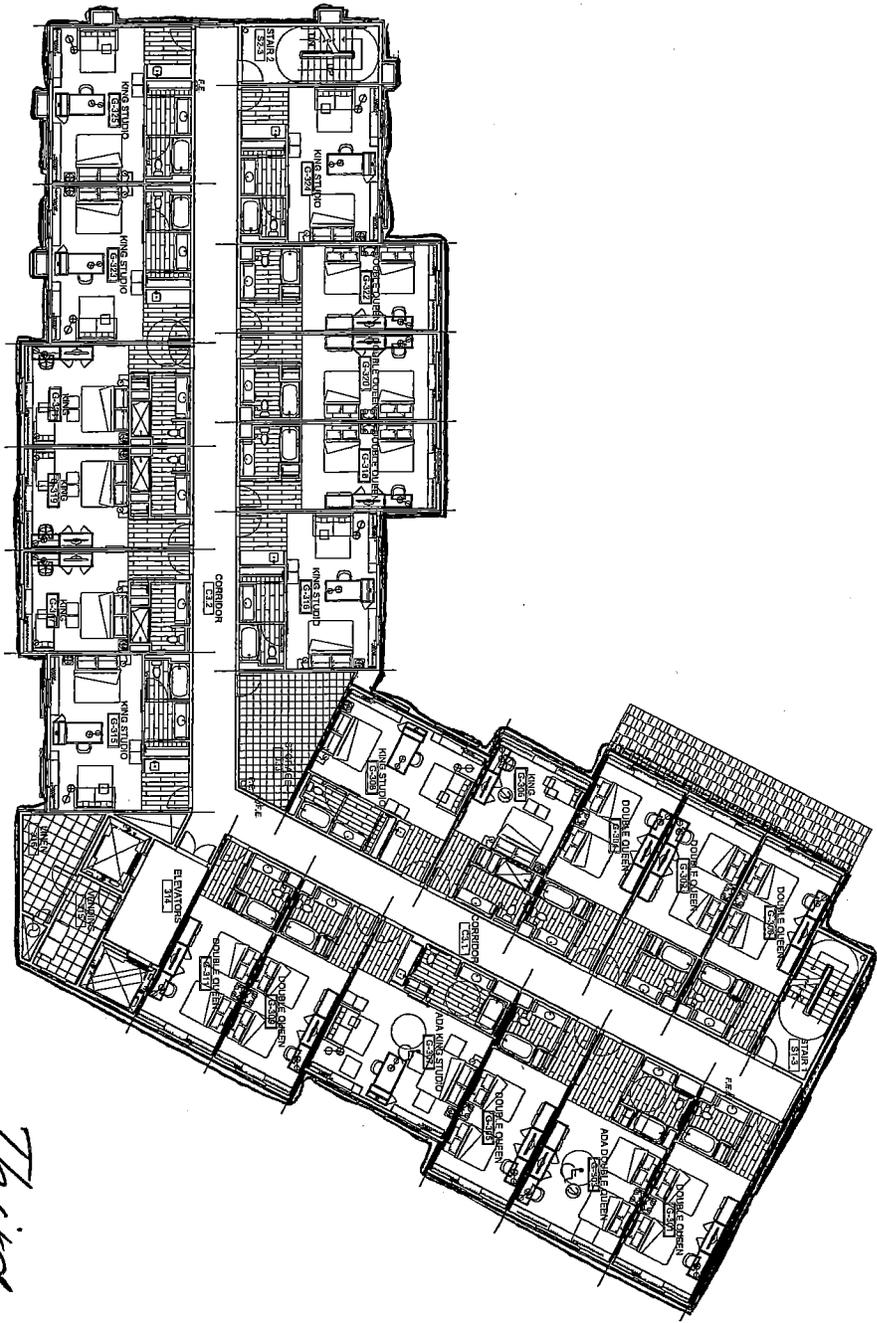
1 FIRST FLOOR REVISIONS
 XX SCALE: 1/8" = 1'-0"

First Floor
 1A, 977 S.F.



2 SECOND FLOOR REVISION
 XX SCALE: 1/8" = 1'-0"

Second Floor
 10,761 S.F.



3 THIRD FLOOR REVISION
 XX SCALE: 1/8" = 1'-0"

Third Floor
11, 745 S.F.



State Documentary Fee
 Date: November 11, 2014
 \$ 99.50

Special Warranty Deed
 (Pursuant to 38-30-115 C.R.S.)

THIS DEED, made on **November 11, 2014** by **SILVERWEST SUMMIT PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantor(s), of the County of **ARAPAHOE** and State of **COLORADO** for the consideration of **(\$995,000.00) *** Nine Hundred Ninety Five Thousand and 00/100 ***** dollars in hand paid, hereby sells and conveys to **HOTEL SILVERTHORNE PARTNERS LLC, A DELAWARE LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **191 UNIVERSITY BLVD. #311 DENVER, CO 80206, CITY AND** County of **DENVER**, and State of **COLORADO**, the following real property in the County of **Summit**, and State of **Colorado**, to wit:

PARCEL A:

LOT 3R, SUMMIT PARK COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT FILED JUNE 26, 2014 UNDER RECEPTION NO. 1057601, COUNTY OF SUMMIT, STATE OF COLORADO.

PARCEL B:

EASEMENTS BENEFITTING PARCEL A AS CONTAINED IN DECLARATION OF EASEMENT RECORDED OCTOBER 9, 1984 UNDER RECEPTION NO. 285433

PARCEL C:

ACCESS EASEMENTS FOR INGRESS AND EGRESS AS CONTAINED IN INSTRUMENTS RECORDED JUNE 26, 2014 UNDER RECEPTION NO. 1057639 AND RECORDED JUNE 26, 2014 UNDER RECEPTION NO. 1057641

also known by street and number as: **177 MERALY WAY SILVERTHORNE CO 80498**

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s) **GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2014 AND SUBSEQUENT YEARS AND THOSE ITEMS PER EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE INCORPORATED HEREIN.**

SILVERWEST SUMMIT PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY
 By: **SILVERWEST HOTEL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGING MEMBER**
 By: **CSP RESOURCE, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGING MEMBER**

CHARLES S. PECK, MANAGING MEMBER

State of **COLORADO**)
) ss.
 County of **ARAPAHOE**)

The foregoing instrument was acknowledged before me on this day of **November 11, 2014** by **CHARLES S. PECK, MANAGING MEMBER OF CSP RESOURCE, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGING MEMBER OF SILVERWEST HOTEL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGING MEMBER OF SILVERWEST SUMMIT PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal.
 My commission expires 11-24-17

LUCINDA G. BRAY
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20134002785
 MY COMMISSION EXPIRES 01/24/2017

When Recorded Return to: **HOTEL SILVERTHORNE PARTNERS LLC, A DELAWARE LIMITED LIABILITY COMPANY**
191 UNIVERSITY BLVD. #311 DENVER, CO 80206



OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Silverwest Hotel Management, LLC

is a **Limited Liability Company** formed or registered on 03/02/2014 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20141145960.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/27/2015 that have been posted, and by documents delivered to this office electronically through 07/29/2015 @ 10:25:58.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 07/29/2015 @ 10:25:58 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9260444.



Secretary of State of the State of Colorado

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

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/61/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Silverwest Hotel Partners, LLC

is a **Limited Liability Company** formed or registered on 08/14/2013 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20131468309.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/27/2015 that have been posted, and by documents delivered to this office electronically through 07/29/2015 @ 10:25:05.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 07/29/2015 @ 10:25:05 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9260442.



A handwritten signature in cursive script that reads 'Wayne W. Williams'.

Secretary of State of the State of Colorado

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

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

**TOWN OF SILVERTHORNE, COLORADO
NEW ALCOHOL BEVERAGE LICENSE**

**SURVEY OF NEEDS & DESIRES OF ADULT
RESIDENTS OF THE NEIGHBORHOOD**

An application has been filed with the Town of Silverthorne, Colorado for:

- a new 3.2% beer license
- a new liquor license *for Hampton Inn & Suites*

For premises located at 177 MERALY WAY
Silverthorne, Colorado.

The applicant for the license is:
Silverwest Hotel Management LLC

The purpose of this survey is to determine whether the needs and desires of the adult residents of the neighborhood (in this case, within the corporate boundaries of the Town of Silverthorne) support the issuance of the new license.

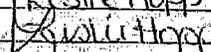
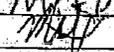
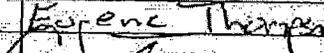
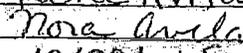
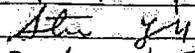
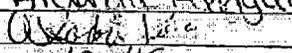
Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Joanna Procko	246 Rainbow Dr.	✓	
Signature	<i>[Signature]</i>	Silverthorne		
Date	10/20/15			
Print Name	Odesa Ardia	Silverthorne	✓	
Signature	<i>[Signature]</i>	246 - P Rainbow Dr		
Date	10-20-15			
Print Name	Dimitri Cassin	304-M Rainbow Dr.	✓	
Signature	<i>[Signature]</i>	Silverthorne, CO		
Date	10/20/15			
Print Name	10/20/15 Maureen Lathrop	1206 Mesa Dr Silverthorne, CO 80498	✓	
Signature	<i>[Signature]</i>			
Date	Maureen Lathrop			

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Karen Seitz	309- N Rainbow Dr	X	
Signature	<i>[Signature]</i>	Silverthorne, CO 80498		
Date	10/20			
Print Name	Joshua Ortiz	309 E Rainbow Dr	X	
Signature	<i>[Signature]</i>	Silverthorne CO 80498		
Date	10/20/15			
Print Name	Jared Lischka	4200 Lodgepole Circle	X	
Signature	<i>[Signature]</i>	Silverthorne, CO 80498		
Date	10/19/2015			
Print Name	Linda Kinnon	227 N. Blue River	X	
Signature	<i>[Signature]</i>	Silverthorne, CO 80498		
Date	10/19/15			
Print Name	Lynn Caffrey	P.O. Box 3300	X	
Signature	<i>[Signature]</i>	Dillon CO 80435		
Date	10/20/2015			
Print Name	Adam Moore	180 Stephens Way	X	
Signature	<i>[Signature]</i>	Silverthorne 80498		
Date	10/20/15			
Print Name	Math Hulse	167 R. Meryly Way	✓	
Signature	<i>[Signature]</i>	Silverthorne, CO 80498		
Date	10/20/15			
Print Name	Tina Edwards	54 Boxglass	✓	
Signature	<i>[Signature]</i>	Silverthorne, CO 80498		
Date	10/20/15			
Print Name	T. Johnson	265 R/F	X	
Signature	<i>[Signature]</i>	S.C. 80498		
Date	10-20-15			
Print Name	Chris Campbell	247 Summit Place	✓	
Signature	<i>[Signature]</i>	Silverthorne, CO 80498		
Date	10/20/15			

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____ ?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	ANDREW PETERSEN	249 Summit Place	X	
Signature		Silverthorne		
Date	10/20/15			
Print Name	Lestie Hopp	452 Cascade Cir	X	
Signature		Silverthorne, CO		
Date	10/20/15	804198		
Print Name	Mike Ashburn	161 Piney Acres	X	
Signature		Dillon, CO		
Date	10/20			
Print Name	Eugene Thompson	145 Lone wolf Ct	X	
Signature		Dillon, CO		
Date	10/21/15			
Print Name	Jim Cawceles	375 NIGHTHAWK	X	
Signature		FRISCO, CO 80443		
Date	10/21/15			
Print Name	Nora Avila	268 Summit Place	X	
Signature		Silverthorne		
Date	10/20/15			
Print Name	MIKE ABED	296 Summit Place	X	
Signature		Silverthorne		
Date	10/20/15			
Print Name	Brianna Nelson	253 Summit Place	X	
Signature		Silverthorne CO		
Date	20/10/15			
Print Name	Steven Y4	190 MENTAL WAY	X	
Signature		SILVERTHORNE		
Date	20/10/15			
Print Name	Alexandra Terhiguff	933 straightcreek Dr	X	
Signature		Dillon,		
Date	10/22/15			

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

Name & Date		Address (street & town)	Favor	Oppose
Print Name	Jeanne Severin	Ryan Gulch, Silverthorne	X	
Signature	Jeanne Severin			
Date	10/20/15			
Print Name	Michael Spay	250 Summit Place		
Signature	[Signature]	SILVERTHORNE, CO 80498	X	
Date	10/21/15			
Print Name	Anabel Flutes	280 Summit place		
Signature	Anabel Flutes	Silverthorne CO 80498	X	
Date	10/21/15			
Print Name	PETE LAWSON		X	
Signature	[Signature]	54 Cattick Place		
Date	10/21/15	Silverthorne		
Print Name	Heidi Clark	192 Buffalo Dr	X	
Signature	[Signature]	Silverthorne		
Date	10/21/15			
Print Name	Chris Pelen	220 Summit Pl	X	
Signature	[Signature]	Silverthorne CO 80498		
Date	10/21/15			
Print Name				
Signature				
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Print Name				
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Print Name				
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Print Name				
Signature				
Date				

**TOWN OF SILVERTHORNE, COLORADO
NEW ALCOHOL BEVERAGE LICENSE**

**SURVEY OF NEEDS & DESIRES OF ADULT
RESIDENTS OF THE NEIGHBORHOOD**

An application has been filed with the Town of Silverthorne, Colorado for:

- a new 3.2% beer license
- a new liquor license *for HAMPTON INN & SUITES*

For premises located at 177 MERALY WAY
Silverthorne, Colorado. 80498

The applicant for the license is: SILVERWEST HOTEL
MANAGEMENT LLC

The purpose of this survey is to determine whether the needs and desires of the adult residents of the neighborhood (in this case, within the corporate boundaries of the Town of Silverthorne) support the issuance of the new license.

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Jennifer Hill	LaBonte, Dillon	✓	
Signature	<i>Jennifer Hill</i>			
Date	10-14-15			
Print Name	Alexandra Rodriguez	Straight across Dillon	✓	
Signature	<i>Alexandra Rodriguez</i>			
Date	10/19/15			
Print Name	Lyette Gumpman	Adams Ave. Silverthorne, CO	✓	
Signature	<i>Lyette Gumpman</i>			
Date	10/15/15			
Print Name	Anthony Benz	2100 Codge road cir Silverthorne, CO 80498	✓	
Signature	<i>Anthony Benz</i>			
Date	10/15/15			

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Bud Phillips	Hwy 6, Dillon, CO 80448	X	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	J. Anna Wilmes	Hwy 6, Dillon, CO 80448	X	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	Bob Maxwell	1301 LAGODA LN SILVERTHORNE, CO	X	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	Drew Geene	Silverthorne	X	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	Ashley Doss	Silverthorne, CO	X	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	Jayne Esser	Dillon, CO	X	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	Catherine T. Rainold		X	
Signature	<i>[Signature]</i>			
Date	10-15-15			
Print Name	Patricia Sanchez		X	
Signature	<i>[Signature]</i>			
Date	10-15-15			
Print Name	Guadalupe Del Carmen		X	
Signature	<i>[Signature]</i>			
Date	10-15-15			
Print Name	MARIX BENT		X	
Signature	<i>[Signature]</i>			
Date	10-15-15			

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at _____?

	Name & Date	Address (street & town)	Favor	Oppose
Print Name	Ronald Zornius 10/15/15	440 W. BURGESS DR. SILVERTHORNE	✓	
Signature	<i>[Signature]</i>			
Date	10/15/15			
Print Name	Sharon Leavitt	291 Now-Inside Circle	✓	
Signature	<i>[Signature]</i>	Silverthorne CO 80418		
Date	10/15/15			
Print Name	Jana Woodward	P.O. Box 591		
Signature	<i>[Signature]</i>	Silverthorne CO 80498	✓	
Date				
Print Name				
Signature				
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Signature				
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Print Name				
Signature				
Date				

Do you favor or oppose the issuance, by the Silverthorne Town Council sitting as the Silverthorne Liquor Authority, of a new 3.2% beer and/or liquor license at Hampton Inn & Suites by Hilton Silverthorne?

Name & Date		Address (street & town)	Favor	Oppose
Print Name	Thania Vanessa Gutierrez	Blue Ridge	X	
Signature	<i>[Signature]</i>	SILVERTHORNE		
Date	10/15/15			
Print Name	Evelyn Garcia	Blue Ridge	X	
Signature	<i>[Signature]</i>	SILVERTHORNE		
Date	10/15/15			
Print Name	Sonia Adar	Blue Ridge	X	
Signature	<i>[Signature]</i>	SILVERTHORNE		
Date	10-15-15			
Print Name				
Signature				
Date				
Print Name				
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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Matt Gennett, AICP, Planning Manager *MG*
DATE: October 9, 2015, for the meeting of October 14, 2015
SUBJECT: Second Reading of Ordinance No. 2015-14, an Ordinance Repealing and Reenacting Article XIII, Chapter 4, of the Silverthorne Town Code, Related to Retail Marijuana, and Adding a New Article XIV of Chapter 4 of the Silverthorne Town Code, Related to Medical Marijuana

SUMMARY: Ordinance No. 2015-14 is attached for second reading, and incorporates the recommended changes to the Silverthorne Town Code related to retail and medical marijuana.

BACKGROUND: To provide the Town with an ordinance reflecting the current status of the law and regulations associated with retail marijuana, Staff determined that it would be best to repeal and reenact the Town's retail marijuana code provisions. Staff is also recommending adding a new, separate article to properly regulate medical marijuana (Article XIV).

PREVIOUS COUNCIL ACTION: The Town Council adopted Ordinance No. 2009-19 concerning Medical Marijuana Dispensaries on October 28, 2009. On February 13, 2013, the Council adopted a moratorium on location of Retail Marijuana Establishments; that moratorium expired on November 1, 2013. On September 11, 2013, Council passed on second reading Ordinance No. 2013-10, which regulates the sale of recreational marijuana. On June 11, 2014, the Council approved, on first reading, Ordinance No. 2014-6. Council approved Ordinance No. 2014-6, on second reading, on June 25, 2014. On October 14, 2015, Council approved Ordinance No. 2015-14 on first reading.

DISCUSSION: *Retail Marijuana* - The following is a brief summary of the substantive changes to Town Code:

- Sec. 4-13-3. Definitions were added, including the definition of marijuana club. The definition of medical marijuana dispensary was deleted and replaced by medical marijuana center in the new Article XIV, see below.
- Sec. 4-13-6. The application process and requirements were clarified and now reflect current state law.
- Sec. 4-13-11. This section allows for retail marijuana cultivation facilities under limited circumstances. We included a size limitation of 7,500 square feet, but that limitation may be modified as the Town Council sees fit. This section also prohibits a stand-alone retail cultivation facility – all retail marijuana cultivation facilities must share a location with a retail marijuana store.

Town of Silverthorne
Town Council Agenda Memorandum

- Sec. 4-13-12. This section was clarified to state that the location requirements apply only at the time of issuance of the initial license. If the neighborhood changes after issuance, the facility needs not close or move.
- Sec. 4-13-14. This section prohibits the establishment of any new marijuana clubs, but allows existing marijuana clubs to continue so long as a permit is obtained from the Town (and only so long as state law allows such clubs). The permits for marijuana clubs would be granted administratively by the Town Manager.
- Sec. 4-13-15. This section allows for dual operations (retail marijuana stores and retail marijuana cultivation facilities) in the same location. The maximum size was left blank, and should be determined by the Town Council.

Medical Marijuana

The Town's original provisions related to medical marijuana dispensaries (old term), and lacked much of the substantive regulations established by the Colorado Medical Marijuana Code and the rules and regulations adopted by the Colorado Department of Revenue. The revisions create an entirely new article to govern medical marijuana, and the regulations mirror the regulations related to retail marijuana stores and retail marijuana cultivation facilities.

THC Extraction/Openly and Publicly Use and Display

The ordinance also amends the section related to marijuana offenses, Section 2-4-35, by the addition of two new definitions and two new offenses.

On May 19, 2015, state law changed to make it a felony to manufacture marijuana concentrate by using an inherently hazardous substance in an unregulated environment. As a result, a person who is not licensed under the Colorado Retail or Medical Marijuana Codes is not permitted to manufacture marijuana concentrate using any liquid chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including butane, propane, and diethyl ether. This bill expanded the types of substances and expanded the prohibition on the manufacturing of marijuana concentrate to all those who are not licensed. Therefore, the language from this statute was used.

In addition, a definition of "openly and publicly" was added to address the occasions where use and display of marijuana would not be permitted.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 2015-14, on second reading.

PROPOSED MOTION: *"I move to approve Ordinance No. 2015-14, on second reading."*

ALTERNATIVE MOTION: No motion is necessary should the Council decide not to approve Ordinance No. 2015-14, on second reading.

Town of Silverthorne
Town Council Agenda Memorandum

ATTACHMENTS:

EXHIBIT A: Ordinance No. 2015-14

MANAGER'S COMMENTS:

TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-14

AN ORDINANCE REPEALING AND REENACTING ARTICLE XIII OF CHAPTER 4 OF THE SILVERTHORNE TOWN CODE, RELATED TO RETAIL MARIJUANA, AND ADDING A NEW ARTICLE XIV OF CHAPTER 4 OF THE SILVERTHORNE TOWN CODE, RELATED TO MEDICAL MARIJUANA

WHEREAS, the Town Council finds that it is in the best interests of its citizens to update its regulations on retail and medical marijuana to reflect changes in the applicable state law since the implementation of the Town's original regulations; and

WHEREAS, the Town Council finds that the following regulations reflect the desires of the community related to retail and medical marijuana, and that the adoption of this ordinance promotes the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

Section 1. Article XIII of Chapter 4 of the Silverthorne Town Code is hereby repealed in its entirety and reenacted as follows:

ARTICLE XIII
Retail Marijuana

Sec. 4-13-1. Purpose.

The purpose of this Article is to implement the Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101, *et seq.*, which authorizes the licensing and regulation of retail marijuana establishments and affords local governments the option to determine whether to allow retail marijuana establishments within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

Sec. 4-13-2. State law.

(a) The Colorado Retail Marijuana Code and any rules and regulations promulgated thereunder, as amended, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article. In addition to the regulations set forth in this Article, the Town may enforce any provision of the Retail Marijuana Code and any rules and regulations promulgated thereunder applicable to licensees.

(b) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution

of retail marijuana or retail marijuana products, the additional or stricter regulation shall control in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with an applicable state law or regulation shall be grounds for revocation or suspension of a license issued hereunder.

(c) A licensee may be required to demonstrate, upon demand by the Authority, the Silverthorne Police Department, law enforcement officers, or such other departments or individuals duly authorized by the Town, that the source and quantity of marijuana found upon the licensed premises are in full compliance with applicable state law or regulation.

(d) If the state prohibits the sale, cultivation or other distribution of marijuana, a license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal.

(e) The issuance of a license pursuant to this Article shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

Sec. 4-13-3. Definitions.

Unless otherwise defined herein, the terms in this Article shall have the same meaning as set forth in § 16 of Article XVIII of the Colorado Constitution and Article 43.4 of Title 12, C.R.S., and any implementing regulations. The following terms shall have the following meanings:

Advertise, advertising or advertisement means the act of drawing the public's attention to a premises or name to promote the sale of marijuana or marijuana products.

Colorado Retail Marijuana Code means Article 43.4 of Title 12, C.R.S., and any rules or regulations promulgated thereunder.

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

Financial interest means an ownership interest including without limitation a membership, directorship or officership; or any creditor interest, whether such interest is evidenced by any written document.

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

Good cause means:

- a. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Article or the Colorado Retail Marijuana Code;
- b. The licensee or applicant has failed to comply with any special term or condition that was placed on its license by the state or the Authority; or
- c. The licensee's retail marijuana store has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood. Evidence to support such a finding can include: a continuing pattern of offenses against the public peace; a continuing pattern of drug-related criminal conduct within the premises or in the immediate area surrounding the premises arising out of the operation of the store; or a continuing pattern of criminal conduct directly related to or arising from the operation of a retail marijuana store or retail cultivation facility.

Marijuana club means a place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as edible products, ointments, and tinctures.

Retail marijuana establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility or a retail marijuana testing facility.

School means a public or private elementary, middle, junior high or high school; or a licensed preschool or licensed child care facility.

State licensing authority means the Executive Director of the Department of Revenue or the Deputy Director of the Department of Revenue, as set forth in C.R.S. § 12-43.4-201.

Sec. 4-13-4. License required.

(a) It is unlawful for any person to test, cultivate, produce, manufacture, sell or otherwise distribute, for remuneration, any marijuana or marijuana products for nonmedical use in the Town without first obtaining a license to operate a retail marijuana establishment pursuant to the Colorado Retail Marijuana Code and this Article; provided that this

Section shall not apply to an individual 21 years of age or older acting in conformance with § 16(3) of Article XVIII of the Colorado Constitution.

(b) The requirements of this Article shall be in addition to, and not in lieu of, any other requirements imposed by any state or local law.

(c) The only type of retail marijuana establishments permitted in the Town are retail marijuana stores and retail cultivation facilities. All other types of retail marijuana establishments are expressly prohibited.

Sec. 4-13-5. Local licensing authority.

(a) For the purpose of regulating and controlling the licensing of the sale of retail marijuana in the Town, there is hereby created a local licensing authority. The local licensing authority shall be the Town Council and is referred to herein as the "Authority."

(b) The Authority shall have such powers and duties as are set forth in this Article, the Colorado Retail Marijuana Code and § 16(5)(e) of Article XVIII of the Colorado Constitution.

(c) The Authority may examine at any time the records of each licensee which the Authority determines are necessary to verify license requirements, provided that the contents of such records remain confidential.

(d) The Authority may adopt, amend, alter and repeal administrative rules and regulations as necessary for the proper administration of this Article.

Sec. 4-13-6. Application.

(a) An application for a retail marijuana store or retail cultivation facility license shall be made to the Authority upon forms created and provided by the Authority, and shall include the following:

(1) Proof of ownership or legal possession of the premises for the term of the license;

(2) Consent from the landowner if the premises will be leased;

(3) Name, social security number and address of the applicant;

(4) If the applicant is a corporation, partnership, limited liability company or other business entity, the name, social security number and address of each officer or director of the entity and of

any person holding 1% or more of the issued and outstanding capital stock or other ownership interest of the entity;

(5) A complete set of fingerprints for each person specified in subsections (3) and (4);

(6) A state and Town sales tax number, if applicable;

(7) Name and address of the proposed manager(s) of the establishment;

(8) An operating plan, including the following:

a. A description of the products and services to be provided;

b. A floor plan showing all interior dimensions and the layout, including all limited access areas, areas of ingress and egress, all security cameras and the principal uses of each floor area;

c. A security plan; and

d. An area map, drawn to scale, indicating, within a ¼-mile radius of the boundaries of the property upon which the establishment is located, the proximity of the property to any school or to any residential zone district.

(9) A statement of whether or not any person holding any ownership interest in the establishment has:

a. Been denied an application for a medical or retail marijuana establishment license by the state in this or any other jurisdiction, or had such a license suspended or revoked; or

b. Been convicted of a felony or has completed any portion of a sentence due to a felony charge within the preceding 5 years.

(10) Proof that the premises is located on an appropriately zoned lot;

(11) The application fee; and

(12) Any additional documents or information reasonably requested by the Authority.

(b) Upon receipt of the application, the Authority may circulate the application to the Community Development Department, the Police Department, the local fire protection district or any other department or agency the Authority deems necessary to determine whether the proposed facility is or will be in compliance with any and all laws, rules and regulations administered by these respective departments and agencies.

Sec. 4-13-7. Public hearing.

(a) Upon receipt of an application, except an application for renewal or for transfer of ownership or location of a previously issued license within the Town, the Authority shall schedule a public hearing upon the application.

(b) Not less than 10 days prior to the hearing, the Authority shall give public notice by the posting in a conspicuous place on the licensed premises, by publication in a newspaper of general circulation in Summit County, Colorado, and by first-class mail to all property owners and tenants within 500 feet of the boundaries of the real property upon which the retail marijuana store or retail cultivation facility is proposed to be located in accordance with Article VII of this Code.

(c) Prior to commencement of the public hearing, an applicant may withdraw its application, and the public hearing shall be cancelled.

(d) At the public hearing, the Authority shall consider the following:

(1) Whether the proposed retail marijuana business complies with this Code and applicable law.

(2) Whether the application contains a material falsehood or misrepresentation;

(3) The criminal history of the applicant and the applicant's owners, officers and managers;

(4) Whether the applicant is of good moral character; and

(5) Whether the applicant is capable of meeting any conditions placed on the license by the Authority.

Sec. 4-13-8. Issuance or denial.

(a) The Authority, in its sole discretion, may issue and grant to the applicant a retail marijuana store or retail cultivation facility license, subject to the provisions of this Article, § 16 of Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, with or without

conditions. The Authority shall deny any application for a license that is not in compliance with this Article, the Colorado Retail Marijuana Code or any other applicable state or local law or regulation.

(b) After approval of an application and prior to the issuance of a license, the premises may be inspected by the Building Official to determine compliance with the Town's building and technical codes. No license shall be issued if the premises does not comply with such codes as identified by the Building Official in writing. Throughout the term of the license, the Building Official may inspect the licensed premises to determine continuing compliance with the Town's building and technical codes.

(c) Upon approval or denial of an application, the Authority shall promptly forward its decision to the state licensing authority.

Sec. 4-13-9. Fees.

(a) Licensing fees, operating fees, renewal fees and all other fees necessary for the administration, regulation and implementation of this Article shall be set by the Authority by resolution.

(b) At least annually, the fees shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the Town in connection with the administration and enforcement of this Article, including costs of unannounced compliance checks; provided that the failure of the Town to perform such review shall not affect the validity of any fees.

Sec. 4-13-10. Retail marijuana stores.

(a) A retail marijuana store may only sell marijuana between the hours of 9:00 a.m. and 10:00 p.m.

(b) A retail marijuana store license shall be issued for a specific fixed location, which shall be considered the licensed premises. No licensed premises for a retail marijuana store shall exceed 7,500 square feet in gross floor area.

(c) Each retail marijuana store shall post a sign in a conspicuous location stating:

IT IS ILLEGAL TO TRANSFER MARIJUANA TO ANYONE
UNDER THE AGE OF 21. IT IS ILLEGAL TO SEND OR
TRANSPORT MARIJUANA TO ANOTHER STATE. THE
POSSESSION OF MARIJUANA REMAINS A CRIME
UNDER FEDERAL LAW.

(d) It is unlawful for a retail marijuana store to employ any person at the licensed premises who is younger than 21 years of age.

(e) The name and contact information for the owner and any manager of the retail marijuana store shall be conspicuously posted in the store, together with the name and contact information of a person designated by the owner to be contacted in the event of an emergency.

(f) All product storage shall be indoors in a sealed/locked cabinet except when being accessed for distribution. Products, accessories and associated paraphernalia shall not be visible from a public sidewalk or right-of-way.

(g) Cultivation of marijuana may take place within a shared premises licensed as a retail marijuana store under this Article by a licensee who has also obtained a retail cultivation facility license from the state and the Town and subject to the requirements of this Article.

(h) Each retail marijuana store shall contain a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the lot on which the licensed premises is located.

(i) No change shall be made to the floor plan of the interior of a licensed premises unless such modification is first approved by the Authority.

(j) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the licensed premises.

(k) A retail marijuana store shall provide adequate security on the premises. The premises shall be monitored and secured 24 hours per day, including, at a minimum, the following measures:

(1) Cameras to monitor all areas where persons may gain or attempt to gain access to marijuana, marijuana products or monies maintained by the facility.

(2) Cameras to monitor the main entrance along the interior and exterior of the premises.

(3) Surveillance video to be preserved for at least forty (40) days in a format that can be easily accessed for viewing by law enforcement, in an off-site location.

(4) Exterior lighting to illuminate the exterior of the premises;

(5) A locking safe permanently affixed to the premises that is suitable for storage of marijuana and cash stored overnight; and

(6) A security alarm system in compliance with the Colorado Retail Marijuana Code.

Sec. 4-13-11. Retail marijuana cultivation facilities.

(a) A retail cultivation facility license shall be issued for a specific fixed location, which shall be considered the licensed premises. No licensed premises for a retail marijuana cultivation facility shall exceed 7,500 square feet in gross floor area.

(b) A retail marijuana cultivation facility may propagate, cultivate, harvest, prepare, cure, package and label retail marijuana, whether in concentrated form or otherwise.

(b) A retail marijuana cultivation facility may only sell its marijuana to a retail marijuana store that is located on a shared licensed premises with the retail marijuana cultivation facility and only if the retail marijuana cultivation facility is owned by the same person or entity owning the retail marijuana store.

(c) A retail marijuana cultivation facility shall not sell retail marijuana to any consumer.

(d) A retail marijuana cultivation facility shall remit any applicable excise tax due in accordance with Article 28.8 of Title 39, C.R.S., based on the average wholesale prices set by the state. A retail marijuana cultivation facility shall track the marijuana it cultivates from seed or immature plant to wholesale purchase. Prior to delivery of any sold retail marijuana, the retail marijuana cultivation facility shall provide evidence that it paid any applicable excise tax on the retail marijuana due pursuant to Article 28.8 of Title 39, C.R.S.

(e) Retail marijuana or retail marijuana products may not be consumed on the premises of a retail marijuana cultivation facility.

(f) It is unlawful for any retail cultivation facility to employ any person at the licensed premises who is younger than 21 years of age.

(g) A retail marijuana cultivation facility shall comply with the security requirements set forth in Section 4-13-10(k).

(h) No change shall be made to the floor plan of the interior of any licensed premises unless such modification is first approved by the Authority.

Sec. 4-13-12. Location.

- (a) No retail marijuana business shall be located:
 - (1) Within 500 feet of a licensed child care facility;
 - (2) Within 500 feet of an educational institution or school, either public or private;
 - (3) Within 500 feet of a halfway house or correctional facility;
 - (4) Within 500 feet of a residential dwelling, whether located within or outside of the Town;
 - (5) Within five 500 feet of a public park, recreation center or any publicly owned or maintained building open for use to the general public;
 - (6) In a building containing residential units;
 - (7) No retail marijuana store or retail cultivation facility shall be located in a moveable or mobile structure;
 - (8) Within 1,000 feet of another retail marijuana store or retail cultivation facility, whether such business is located within or outside of the Town;
 - (9) In a building containing a pediatrician's office;
 - (10) In a residential zone district; or
 - (11) In a building that contains a hotel, motel, condominium hotel, boarding facility or rooming facility.

(b) Distances shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the unit within a building or structure housing the licensed premises.

(c) The suitability of a location shall be determined at the time of the issuance of the first license for such business. The fact that changes in the neighborhood that occur after the issuance of the first license for the location might render the site unsuitable shall not be grounds to suspend, revoke or refuse to renew the license so long as the license remains in effect.

Sec. 4-13-13. Persons prohibited as licensees and managers.

- (a) No license shall be issued to or held by any of the following:

(1) A person whose criminal history indicates he or she is not of good moral character;

(2) A corporation, any of whose officers, directors or stockholders whose criminal histories indicate that they are not of good moral character;

(3) A partnership, association or company, any of whose officers, whose criminal history indicates that they are not of good moral character;

(4) A person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates that he or she is not of good character and reputation satisfactory to the Authority;

(5) A sheriff, deputy sheriff, police officer, prosecuting officer, and state or Authority or any of its members, inspectors or employees;

(6) A natural person under 21 years of age;

(7) A person for a licensed location that is also a retail food store or wholesale food registrant;

(8) A person who has not been a resident of Colorado for at least 2 years prior to the date of the application;

(9) A person who has discharged a sentence for a felony conviction within the past 5 years;

(10) A person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license;

(11) An entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above;

(12) A person who employs another person at a retail marijuana store who has not submitted fingerprints for a criminal record history check or whose criminal record history check reveals the employee is ineligible; or

(13) A person who has made a false, misleading or fraudulent statement on his or her application.

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

(c) No licensee shall employ or contract with to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana for a licensed retail marijuana store or retail cultivation facility, any of the following:

- (1) A person who is not of good moral character;
- (2) A person who is under 21 years of age;
- (3) A person who is not currently a resident of Colorado;
- (4) A person who has discharged a sentence for a felony conviction within the past 5 years;
- (5) A person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license; or
- (6) A sheriff, deputy sheriff, police officer, prosecuting officer, and the Authority or any of its members.

Sec. 4-13-14. Marijuana clubs.

(a) A marijuana club operating on the effective date of the ordinance codified in this Article shall be permitted to continue to operate in its current location upon compliance with this Section. No new marijuana clubs shall be permitted in the Town.

(b) Within 30 days of the effective date of the ordinance codified in this Section, the marijuana club shall submit a permit application to the Town on forms provided by the Town Clerk, along with a nonrefundable application fee as established by resolution. The application fee shall be used by the Town to defray the costs incurred by the Town for inspection, administration and law enforcement.

(c) No permit may be held by any person prohibited as a licensee as described in Section 4-13-12.

(d) An initial application and application for renewal of a permit issued under this Section shall be submitted to the Town Manager or designee. In determining whether renewal of the permit is appropriate, the Town Manager shall consider the following:

- (1) Any nuisances created by the marijuana club;
- (2) Any complaints received by the Town regarding the marijuana club; and
- (3) Any change in the applicable law regarding marijuana clubs.

(e) If the Town Manager determines that issuance or renewal of the permit is in the best interests of the public health, safety and welfare, the Town Manager shall approve the application. The Town Manager shall have the authority to impose such reasonable terms and conditions on a permit as may be necessary to protect the public health, safety and welfare.

(f) A permit issued under this Section shall be valid for one year from the date of issuance, shall be limited to the premises specified in the application, and shall not be assignable or transferable to any other person.

(g) An application for the renewal of an existing permit shall be made to the Town not more than 60 days and not less than 30 days prior to the date of expiration of the permit. The timely filing of a completed renewal application shall extend the current permit until a decision is made on the renewal.

(h) If applicable law changes to prohibit marijuana clubs, or to determine that marijuana clubs are actually retail marijuana establishments subject to the Retail Marijuana Code, any permit issued pursuant this Section shall automatically expire, without any action by the Town and without any opportunity for appeal.

Sec. 4-13-15. Dual operations.

(a) The following dual operations are permitted within the Town:

- (1) A medical marijuana center that does not authorize patients under the age of 21 years to be on the premises may hold a retail marijuana store license and operate a dual operation at the

same licensed premises if the two operations are commonly owned.

(2) A medical marijuana optional premises cultivation and a retail marijuana cultivation facility may share a licensed premises if the two operations are commonly owned; provided that no medical marijuana optional premises cultivation may operate without a medical marijuana center, and no retail marijuana cultivation facility may operate without a retail marijuana store, as otherwise provided in this Article and Article XIV of this Code.

(b) Provided that a medical marijuana center displays signage that clearly conveys that persons under the age of 21 years may not enter, such center may share the same entrances and exits to the shared premises with the retail marijuana store, and medical and retail marijuana may be separately displayed on the same floor. Recordkeeping for the operations of both businesses must allow the Town to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

(c) Licensees who operate dual operations under this Section shall maintain separate and distinct inventory tracking processes for medical and retail marijuana inventories and plants. The inventories must be clearly tagged or labeled so that the products can be reconciled to a particular medical or retail business.

(d) A licensee that operates an optional premises cultivation operation and a retail marijuana cultivation facility shall maintain either physical or virtual separation of the facilities, marijuana plants, and marijuana inventory.

(e) The total licensed premises for all dual operations at one location, including cultivation facilities, shall not exceed 7,500 square feet.

Sec. 4-13-16. Advertising.

(a) A licensee may not cause advertisements, signs, displays or other promotional material depicting marijuana use or symbols to be shown or exhibited off the premises or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, other public places, including advertising utilizing any of the following media: a billboard or other outdoor general advertising device; a sign mounted on a vehicle; a hand-held or other portable sign; or a handbill, leaflet or flier directly handed to any person in a public place, left on a motor vehicle or posted upon any public or private property without the consent of the property owner.

(b) The prohibition set forth in this Section shall not apply to:

(1) A sign located on the same zone lot as a retail marijuana store which exists solely for the purpose of identifying the location of the retail marijuana store and which otherwise complies with this Code;

(2) An advertisement in a newspaper, magazine or other periodical; or

(3) Advertising which is purely incidental to sponsorship of a charitable or community event.

(c) No signage associated with a retail marijuana business shall use the words "marijuana," "cannabis" or other word or phrase commonly understood to refer to marijuana.

(d) Advertising shall not be misleading, deceptive or false.

(e) Advertising, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, shall not be designed to appeal to minors.

(f) An advertisement for marijuana or any marijuana-infused product shall include the following language: "For adults 21 and over only"; provided that this language shall not be required to be displayed upon a sign identifying the retail marijuana business.

Sec. 4-13-17. License.

(a) Upon issuance of a license, the Town shall provide the licensee with one original.

(b) A license is valid for one year from the date of issuance and may be renewed only as provided in this Article. An application for the renewal shall be made to the Authority not more than 60 days and not less than 30 days prior to the date of expiration of the license. The timely filing of a completed renewal application shall extend the current license until a decision is made on the renewal.

(c) All renewals are subject to a renewal fee in the amount established by the Authority.

Sec. 4-13-18. Visibility of activities; control of emissions.

(a) All activities of retail marijuana businesses shall be conducted indoors.

(b) No retail marijuana or paraphernalia shall be displayed or kept in a retail marijuana business so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a retail marijuana business must be provided at all times. If any odors, debris, dust, fluids or other substances exit a retail marijuana business, the owner and licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate and complete clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 4-13-19. Books and records.

(a) A licensee shall maintain an accurate and complete record of all retail marijuana purchased, sold or dispensed by the retail marijuana business, including the following:

(1) Identity of the seller and purchaser involved in each transaction;

(2) Total quantity of and amount paid for the retail marijuana or the retail marijuana product(s); and

(3) Date, time and location of each transaction.

(b) Transactions shall be kept in a numerical register in the order in which they occur.

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

Sec. 4-13-20. Inspection.

During business hours and other times of apparent activity, a licensed premises shall be subject to inspection by the Authority and the Silverthorne Police Department for the purpose of investigating and determining compliance with this Article and other applicable state and local laws.

Sec. 4-13-21. Management.

(a) Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the Authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the Authority. A manager shall be a natural person at least 21 years of age.

(b) A licensee shall report a change in manager to the Authority within 30 days after the change. Such report shall include all information required for managers under this Section.

(c) A licensee shall report a transfer or change of financial interest in the license holder or in the retail marijuana business that is the subject of the license within 30 days. A report shall be required for any transfer of the capital stock of a public corporation totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest.

(d) When a licensee causes a change in its officers or directors, and a license addendum is required to be filed with the state, an application fee shall be paid to the Authority at the time of filing the addendum with the Authority.

Sec. 4-13-22. Change in financial interest.

(a) A licensee shall report in writing to the Authority a transfer or change of financial interest, within 30 days after any such transfer or change. A transfer application shall be required for any transfer of the capital stock of a corporation or any other interest totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in licensee shall be a person who has discharged a sentence for a felony conviction within the past 5 years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license.

(b) When a licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the state that does not require a transfer application, a fee shall be paid to the Town at the time of filing the addendum with the Town.

Sec. 4-13-23. Transfer of ownership.

(a) For a transfer of ownership, a licensee shall apply to the Authority on forms provided by the state.

(b) In considering whether to permit a transfer of ownership, the Authority shall consider the requirements of this Article, the Colorado Retail Marijuana Code and applicable regulations.

(c) The Authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until notice of such hearing has been posted on the licensed premises for at least 10 days prior to such hearing, and the applicant has been provided at least 10 days prior written notice of such hearing.

Sec. 4-13-24. Change of location.

(a) A licensee from another jurisdiction may not transfer its license to a location within the Town without approval from the Authority.

(b) A licensee with a permanent retail store in the Town may transfer its license to another location within the Town so long as the applicant and the new location conform to the requirements of this Article.

Sec. 4-13-25. Suspension, revocation, expiration and nonrenewal.

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

(b) A license for a retail cultivation facility shall automatically expire if there ceases to be a licensed retail marijuana store located on the shared premises.

(c) The Authority may, in its discretion, revoke or elect not to renew a license if it determines that the licensed premises has been inactive, without good cause, for at least 3 months.

Sec. 4-13-26. Violation and penalty.

In addition to the possible denial, suspension, revocation or nonrenewal of a license, a person, including without limitation, a licensee, manager or employee of a retail marijuana business or any customer of such business who violates this Article shall be subject to the penalties set forth in Section 1-1-19 of this Code. Each day of violation shall be a separate offense. The operation of a retail marijuana business without a valid license is also deemed to be a nuisance.

Sec. 4-13-27. Indemnification, release and immunity.

(a) By accepting a license, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana store that is the subject of the license, and such licensees waive and release the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of a licensee, operator, employee, client or customer for a violation of state or federal laws, rules or regulations.

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

Section 2. Chapter 4 of the Silverthorne Town Code is hereby amended by the addition of the following Article XIV:

**ARTICLE XIV
Medical Marijuana**

Sec. 4-14-1. Purpose.

The purpose of this Article is to implement the provisions of the Colorado Medical Marijuana Code, C.R.S. § 12-43.3-101, which authorizes the licensing and regulation of medical marijuana businesses and affords local government the option to determine whether to allow medical marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

Sec. 4-14-2. State law.

(a) The provisions of the Colorado Medical Marijuana Code and any rules and regulations promulgated thereunder, as amended, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article. In addition to the regulations set forth in this Article, the Town may enforce any provision of the Medical Marijuana Code and any rules and regulations promulgated thereunder applicable to licensees.

(a) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marijuana or medical marijuana-infused products, the additional or stricter regulation shall control the establishment or operation of a medical marijuana business in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(c) A licensee may be required to demonstrate, upon demand by the Authority or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

(d) If the state prohibits the sale or other distribution of marijuana through medical marijuana centers, a license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(e) The issuance of a license under this Article shall not be deemed to create an exception, defense or immunity to any person for any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

(f) Nothing in this Article shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution, and consistent with C.R.S. § 25-1.5-106, and rules promulgated thereunder, as amended.

Sec. 4-14-3. Definitions.

Unless otherwise defined herein or in Article XIII of this Code, the terms in this Article shall have the same meaning as set forth in § 14 of Article XVIII of the Colorado Constitution and Article 43.3 of Title 12, C.R.S., and any implementing regulations. The following terms shall have the following meanings:

Colorado Medical Marijuana Code means Article 43.3 of Title 12, C.R.S., and any rules or regulations promulgated thereunder.

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

Good cause means:

a. The licensee has violated, does not meet, or has failed to comply with this Article;

b. The licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in disciplinary proceedings; or

c. The licensee's medical marijuana business has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical marijuana business is located. Evidence to support such a finding can include: a continuing pattern of offenses against the public peace; a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana business or in the immediate area surrounding the medical marijuana business; or a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business.

Limited access area means a building, room, or other contiguous area upon the licensed premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the state licensing authority.

Medical marijuana business means a licensed Medical Marijuana Center, a Medical Marijuana-Infused Products Manufacturer, or an Optional Premises Cultivation Operation.

Minor patient means a patient less than 18 years of age.

Sec. 4-14-4. License required.

(a) It is unlawful to establish or operate a medical marijuana business in the Town without a current license from the Authority.

(b) The requirements of this Article shall be in addition to, and not in lieu of, any other requirements imposed by any state or local law.

(c) The only type of medical marijuana businesses permitted and licensable in the Town are medical marijuana centers and optional premises cultivation operations. All other types of medical marijuana businesses are expressly prohibited.

Sec. 4-14-5. Local licensing authority.

(a) For the purpose of regulating and controlling the licensing of the sale of marijuana in the Town, there is hereby created a local licensing

authority. The local licensing authority shall be the Town Council and is referred to herein as the "Authority."

(b) The Authority shall have such powers and duties as are set forth in this Article, the Colorado Medical Marijuana Code and § 14 of Article XVIII of the Colorado Constitution.

(c) The Authority may examine at any time those records of each licensee which the Authority determines are necessary to verify license requirements, provided that the contents of such records remain confidential and not a part of the public records.

(d) The Authority may adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this Article.

Sec. 4-14-6. Application.

(a) A person seeking a license or renewal of a license shall submit an application to the Authority on forms provided by the Town, including all information required in Section 4-13-6 of this Code.

(b) Upon receipt of an application, the Authority may circulate the application to the Community Development Department, the Police Department, the local fire protection district or any other department or agency the Authority deems necessary to determine whether the proposed facility is or will be in compliance with any and all laws, rules and regulations administered by these respective departments and agencies.

Sec. 4-14-7. Public hearing.

(a) Upon receipt of an application, except an application for renewal or for transfer of ownership or location of a previously issued license within the Town, the Authority shall schedule a public hearing not less than 30 days after the date of submittal of a complete application.

(b) Not less than 10 days prior to the hearing, the Authority shall give public notice by the posting in a conspicuous place on the licensed premises, by publication in a newspaper of general circulation in Summit County, Colorado, and by first-class mail to all property owners and tenants within 500 feet of the boundaries of the real property upon which the medical marijuana center or optional premises cultivation operation is proposed to be located, in accordance with Article VII of this Code.

(c) Not less than 5 days prior to the date of the public hearing for a new license, the Authority shall cause its preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The local licensing authority has authority to refuse to issue a

license provided for in this section for good cause, subject to judicial review.

(d) Prior to commencement of the public hearing, an applicant may withdraw its application, and the public hearing shall be cancelled.

(e) At the public hearing, the Authority shall consider the following:

(1) Whether the proposed medical marijuana center or optional premises cultivation operation complies with this Code;

(2) Whether the application contains a material falsehood or misrepresentation;

(3) The criminal history of the applicant and the applicant's owners, officers and managers;

(4) Whether the applicant is of good moral character; and

(5) Whether the applicant is capable of meeting any conditions placed on the license by the Authority.

Sec. 4-14-8. Issuance or denial.

(a) The Authority, in its sole discretion, may issue and grant to the applicant a medical marijuana center or optional premises cultivation license, subject to the provisions of this Article, § 14 of Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, with or without conditions. The Authority shall deny any application that is not in compliance with this Article, the Colorado Medical Marijuana Code or any other applicable state or local law or regulation.

(b) After approval of an application and prior to the issuance of a license, the premises may be inspected by the Building Official to determine compliance with the Town's building and technical codes. No license shall be issued if the premises does not comply with such codes as identified by the Building Official in writing. Throughout the term of the license, the Building Official may inspect the licensed premises to determine continuing compliance with the Town's building and technical codes.

(c) Upon approval or denial of an application, the Authority shall promptly forward its decision to the state licensing authority.

Sec. 4-14-9. Fees.

(a) License fees, operating fees, renewal fees and all other fees necessary for the administration, regulation and implementation of this Article shall be set by the Authority by resolution.

(b) At least annually, the amount of fees charged pursuant to this Section shall be reviewed and, if necessary, adjusted to reflect the direct and indirect costs incurred by the Town in connection with the administration and enforcement of this Article, including costs of unannounced compliance checks; provided that the failure of the Town to perform such review shall not affect the validity of any fees.

Sec. 4-14-10. Medical marijuana centers.

(a) A medical marijuana center may sell marijuana and marijuana-infused products only to registered patients or primary caregivers.

(b) A medical marijuana center may open no earlier than 9:00 a.m. and shall close no later than 7:00 p.m. the same day; provided that, if state law changes to allow a medical marijuana business to remain open later, the medical marijuana business shall close no later than 10:00 p.m. A medical marijuana center may be open 7 days a week.

(c) The medical marijuana offered for sale and distribution shall be labeled with a list of all chemical additives including non-organic pesticides, herbicides and fertilizers used in cultivation and production.

(d) With the exception of medical marijuana-infused products, all medical marijuana offered for sale and distribution shall be comprised of medical marijuana grown at the medical marijuana center's own optional premises cultivation licensed facility.

(e) Medical marijuana centers may not be co-located with facilities used to prepare, produce or assemble food, whether for medical or nonmedical purposes.

Sec. 4-14-11. Optional premises cultivation operations.

(a) A license for an optional premises cultivation operation may only be issued to a currently licensed medical marijuana center licensee.

(b) A licensed optional premises cultivation operation may only sell its marijuana to a licensed medical marijuana center owned by the same licensee.

(c) An optional premises cultivation operation license may only be issued for the same licensed premises as its own medical marijuana center.

Sec. 4-14-12. Location.

(a) No medical marijuana center or optional premises cultivation operation shall be located:

- (1) Within 500 feet of a licensed child care facility;
- (2) Within 500 feet of an educational institution or school, either public or private;
- (3) Within 500 feet of a halfway house or correctional facility;
- (4) Within 500 feet of a residential dwelling, whether located within or outside of the Town;
- (5) Within 500 feet of a public park, recreation center or publicly owned or maintained building open for use to the general public;
- (6) In a building containing residential units;
- (7) In a moveable or mobile structure;
- (8) Within 1,000 feet of another medical marijuana center or optional premises cultivation, whether such business is located within or outside of the Town;
- (9) In a building containing a pediatrician's office;
- (10) In a residential zone district; or
- (11) In a building containing a hotel, motel, condominium hotel, boarding facility or rooming facility.

(b) Distances shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the unit within a building or structure housing the license premises

(c) The suitability of a location shall be determined at the time of the issuance of the first license for such location. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable shall not be grounds to suspend, revoke or refuse to renew the license so long as the license remains in effect.

Sec. 4-14-13. Persons prohibited as licensees.

- (a) No license shall be issued to, held by, or renewed by:
- (1) A person whose criminal history indicates that he or she is not of good moral character;
 - (2) A corporation, if the criminal history of any of its officers, directors, or stockholders indicates that the officer, director, or stockholder is not of good moral character;
 - (3) A partnership, association or company, any of whose officers are not of good moral character;
 - (4) A person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates he or she is not of good character and reputation satisfactory to the respective licensing authority;
 - (5) A sheriff, deputy sheriff, police officer, prosecuting officer or member of the Authority;
 - (6) A natural person under 21 years of age;
 - (7) A person who fails to file any tax return with a taxing agency, stay out of default on a government-issued student loan, pay child support, or remedy outstanding delinquent taxes;
 - (8) A person for a licensed location that is also a retail food establishment or wholesale food registrant;
 - (9) A person who has not been a resident of Colorado for at least 2 years prior to the date of the application;
 - (10) A person who has discharged a sentence for a felony conviction within the past 5 years;
 - (11) A person who has ever been convicted of a felony for drug possession, distribution or use;
 - (12) A person whose license for a medical marijuana business in another Town, Town and county or state has been revoked;
 - (13) A licensed physician making patient recommendations;

(14) An entity whose directors, shareholders, partners or other persons having a financial interest in said entity do not meet the criteria set forth above; or

(15) A person who has made a false, misleading or fraudulent statement on his or her application.

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

(c) No licensee shall employ or contract with to perform work functions directly related to the possession, cultivation, dispensing, selling, serving or delivering of marijuana for a licensed medical marijuana center or optional premises cultivation operation, any of the following:

(1) A person who is not of good moral character;

(2) A person who is under 21 years of age;

(3) A person who is not currently a resident of Colorado;

(4) A person who has discharged a sentence for a felony conviction within the past 5 years;

(5) A person who, at any time, has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license; or

(6) A sheriff, deputy sheriff, police officer, prosecuting officer, or member of the Authority.

Sec. 4-14-14. Advertising.

(a) A licensee may not cause advertisements, signs, displays or other promotional material depicting marijuana use or symbols to be shown or exhibited off the premises or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, other public places, including advertising utilizing any of the following media: a

billboard or other outdoor general advertising device; a sign mounted on a vehicle, a hand-held or other portable sign; or a handbill, leaflet or flier directly handed to any person in a public place, left on a motor vehicle or posted upon any public or private property without the consent of the property owner.

(b) The prohibition set forth in subsection (a) shall not apply to:

(1) A sign located on the same zone lot as a medical marijuana business which exists solely for the purpose of identifying the location of the medical marijuana business and which otherwise complies with this Code;

(2) An advertisement in a newspaper, magazine or other periodical; or

(3) Advertising which is purely incidental to sponsorship of a charitable or community event.

(c) No signage associated with a medical marijuana business shall use the words "marijuana," "cannabis" or other word or phrase commonly understood to refer to marijuana.

(d) Advertising shall not be misleading, deceptive or false.

(e) As evidenced either by the content of the advertising or by the medium or the manner in which the advertising is disseminated, advertising shall not be designed to appeal to minors.

Sec. 4-14-15. Issuance of license; duration; renewal.

(a) Upon issuance of a license, the Town shall provide the licensee with one original.

(b) A license is valid for one year from the date of issuance and may be renewed only as provided in this Article. An application for the renewal shall be made to the Authority not more than 60 days and not less than 30 days prior to the date of expiration of the license. The timely filing of a completed renewal application shall extend the current license until a decision is made on the renewal.

(c) Renewals are subject to a renewal fee in the amount established by the Authority.

Sec. 4-14-16. Visibility of activities; emissions.

The activities and emissions of a medical marijuana business operation shall comply with Section 4-13-18 of this Code.

Sec. 4-14-17. Books and records.

(a) Each licensee shall maintain an accurate and complete record of all medical marijuana purchased, sold or dispensed by the medical marijuana business in any usable form, including:

(1) The identity of the seller and purchaser involved in each transaction;

(2) The total quantity of, and amount paid for, the medical marijuana and the medical marijuana-infused product(s); and

(3) The date, time and location of each transaction.

(b) A patient or primary caregiver shall provide to the licensee, and the licensee shall record, the following information:

(1) The patient or primary caregiver's name, date of birth, and current street address, including municipality, state and zip code;

(2) The form of identification that was presented by the patient or primary caregiver, which may include any of the following, and the identifying number, if any, from such form: an identification card issued in accordance with C.R.S. § 42-2-302; a valid state driver's license; a military identification card, or an alien registration card;

(3) A registry identification card and, in the case of a primary caregiver, the date the primary caregiver was designated by the patient for whom the medical marijuana was purchased.

(c) Information provided to the licensee by a patient or primary caregiver need not include any information regarding the patient's physical or medical condition.

(d) Transactions shall be kept in a numerical register in the order in which they occur.

(e) All records shall be kept in the English language in a legible manner and preserved and made available for inspection for 3 years after the date of the transaction. Information shall be used for regulatory and law enforcement purposes only and shall not be a matter of public record.

Sec. 4-14-18. Inspection.

During business hours and other times of apparent activity, a licensed premises shall be subject to inspection by the Authority and the

Silverthorne Police Department for the purpose of investigating and determining compliance with this Article and other applicable state and local laws.

Sec. 4-14-19. Management.

(a) Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the Authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the Authority. A manager shall be a natural person at least 21 years of age.

(b) A licensee shall report a change in manager to the Authority within 30 days after the change. Such report shall include all information required for managers under this Section.

(c) A licensee shall report a transfer or change of financial interest in the license holder or in the medical marijuana business that is the subject of the license within 30 days. A report shall be required for any transfer of the capital stock of a public corporation totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest.

(d) When a licensee causes a change in its officers or directors, and a license addendum is required to be filed with the state, an application fee shall be paid to the Authority at the time of filing the addendum with the Authority.

Sec. 4-14-20. Change in financial interest.

(a) A licensee shall report in writing to the Authority a transfer or change of financial interest in the licensee within 30 days after any such transfer or change. A transfer application shall be required for any transfer of the capital stock of a corporation or any other interest totaling more than 10% of the stock in any one year, as well as any transfer of a controlling interest in the corporation whenever a sufficient number of shares have been transferred to effectuate the transfer of a controlling interest. No person having or acquiring a financial interest in a licensee shall be a person who has discharged a sentence for a felony conviction within the past 5 years, or who has been convicted of a felony for drug possession, distribution or use, unless such felony drug charge was based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for the license.

(b) When a licensee causes a change in its officers, directors or manager, and a license addendum is required to be filed with the state that does not require a transfer application, a fee shall be paid to the Town at the time of filing the addendum with the Town.

Sec. 4-14-21. Transfer of ownership.

(a) For a transfer of ownership, a license holder shall apply to the state and the Authority on forms provided by the state.

(b) In considering whether to permit a transfer of ownership, the Authority shall consider the requirements of this Article, the Colorado Medical Marijuana Code and regulations promulgated thereunder.

(c) The Authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until notice of such hearing has been posted on the licensed premises for at least 10 days prior to such hearing, and the applicant has been provided at least 10 days prior written notice of such hearing.

Sec. 4-14-22. Change of location.

(a) A licensee from another jurisdiction may not transfer its license to a location within the Town without approval from the Authority.

(b) A licensee with a permanent medical marijuana center or optional cultivation facility in the Town may transfer its license to another location within the Town if the applicant and the new location conform to the requirements of this Article.

Sec. 4-14-23. Suspension, revocation, expiration and nonrenewal.

(a) The Authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause. The Authority may adopt rules and procedures governing the conduct of such hearings.

(b) A license for an optional premises cultivation operation shall automatically terminate if there ceases to be a medical marijuana center located on the shared premises.

(c) The Authority may, in its discretion, revoke or elect not to renew a license if it determines that the licensed premises has been inactive, without good cause, for at least 90 days.

Sec. 4-14-24. Violation and penalty.

(a) It is unlawful for a licensee to:

(1) Sell, give, dispense or otherwise distribute medical marijuana to anyone other than a patient, primary caregiver, licensee or medical marijuana business that is licensed in another jurisdiction in the state;

(3) Purchase or otherwise obtain medical marijuana from a source that is not properly authorized under state and local law to sell or dispense medical marijuana;

(4) Permit the sale or consumption of alcohol beverages on the licensed premises;

(5) Dispense marijuana to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana; or

(6) Permit on the licensed premises any person other than:

a. The licensee, the licensee's manager, employees and financial interest holders;

b. A patient in possession of a registry identification card or its functional equivalent;

c. A minor patient accompanied by a parent or lawful guardian in possession of the minor patient's registry identification card;

d. A minor accompanied by a parent or legal guardian who is a patient;

e. A primary caregiver in possession of his or her patient's registry identification card and the patient's written designation of said person as the patient's primary caregiver, as submitted to the Colorado Department of Public Health and Environment;

f. A person whose physical presence and assistance are necessary to assist a patient;

g. A person who is actively engaged in the maintenance, repair or improvement of the licensed premises or in the provision of accounting or other professional services directly related to the conduct of the licensee's medical marijuana business; or

h. Law enforcement officers, inspectors and other officials or employees of any federal, state or local government or agency engaged in the lawful performance of official duties.

(b) In addition to the possible denial, suspension, revocation or nonrenewal of a license, a person who violates this Article shall be subject to the penalties set forth in Section 1-1-19 of this Code. The operation of a medical marijuana business without a valid license issued pursuant to this Article is also deemed to be a nuisance.

Sec. 4-14-25. Indemnification, release and immunity.

(a) By accepting a license, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license, and such licensees further waive and release the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of center owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

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

Section 3. Section 2-4-35 of the Silverthorne Town Code is hereby repealed in its entirety and reenacted as follows:

Sec. 2-4-35. Possession or use of marijuana.

(a) For purposes of this Section, the following terms shall have the following meanings:

Openly or publicly means the consumption or growing of marijuana in a place commonly or usually open to or accessible by the general public, or to which members of the general public may resort, including without limitation public ways, streets, sidewalks, alleys, bicycle paths, trails, golf courses, public buildings, parks, open spaces, parking lots, shopping

centers, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places, but excluding the interior or enclosed yard area of private homes, residences, condominiums or apartments. For purposes of this Code, "openly or publicly" expressly includes the consumption or growing of marijuana in any place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee, and which does not have a valid permit pursuant to Section 4-13-14 of this Code.

Inherently hazardous substance means a liquid chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including butane, propane, and diethyl ether and excluding all forms of alcohol and ethanol.

(b) It is unlawful:

(1) For a person without a license to display, purchase, transport, possess or transfer more than one ounce of marijuana in the Town.

(2) For a person without a license to possess, grow, process or transport in the Town more than 6 marijuana plants, with 3 or fewer being mature, flowering plants. A person may possess the marijuana produced by these plants, provided that such possession is limited to the premises where the plants were grown and further provided that the growing takes place in an enclosed locked space and is not conducted openly or publicly or made available for sale.

(3) For a person under the age of 21 to use, display, purchase, transport, possess or transfer marijuana, marijuana products or marijuana accessories anywhere in the Town; except pursuant to § 14 of Article XVIII of the Colorado Constitution.

(4) For a person 21 years of age or older to purchase on behalf of, transfer to, or otherwise assist a person under the age of 21 in obtaining marijuana, marijuana products or marijuana accessories in the Town.

(5) For a person to openly or publicly consume or grow marijuana or to consume marijuana in a manner that endangers others in the Town.

(6) For a person to knowingly manufacture marijuana concentrate using an inherently hazardous substance.

(7) For a person who is not licensed pursuant to Article XIII or Article XIV of Chapter 4 of this Code, who owns, manages, operates, or otherwise controls the use of any premises, to knowingly allow marijuana concentrate to be manufactured on the premises using an inherently hazardous substance.

Section 4. Severability. If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5. Safety Clause. The adoption of this ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 6. Effective Date. This ordinance shall be effective upon adoption at second reading, pursuant to Sections 4.5 and 4.7 of the Silverthorne Home Rule Charter.

READ AND PASSED ON FIRST READING THIS 14TH DAY OF OCTOBER, 2015.

ADOPTED ON SECOND AND FINAL READING THIS ____ DAY OF _____, 2015.

TOWN OF SILVERTHORNE, COLORADO

Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

Approved on the first reading: October 14, 2015

Published by title only: _____, 2015

Approved on the second reading: _____, 2015

Published by title only: _____, 2015

(with amendments, if amended on second reading): _____, 2015

Town of Silverthorne
Council Agenda Memorandum

To: Mayor and Town Council
From: Donna Braun, Finance Director *DB*
Thru: Ryan Hyland, Town Manager *RH*
Date: October 20, 2015 for meeting of October 28, 2015
Subject: Ordinance# 2015-13 – 2015 Appropriations Ordinance – 2nd Reading

SUMMARY:

The Town Council is asked to consider Ordinance No. 2015-13, an appropriations ordinance amending the 2015 budget to allow for the adjustment to revenues and expenditures as related to operations, capital projects and transfers.

PREVIOUS COUNCIL ACTION:

The Town's Charter allows for additional appropriations by ordinance during the fiscal year for adjustments required of the Town. Note that the Ordinance complies with the Charter regulation Section 8.7 in that "the additional appropriations do not exceed the amount by which actual and anticipated revenues of the year and prior year available cash exceed the expenditures as estimated in the budget" (updated long range plans, Exhibit B, are provided whereby the 2015 budget column reflects the requested appropriations.)

Town Council approved this Ordinance on first reading at their October 14th Council meeting.

BACKGROUND:

We're now down to the last three months of fiscal year 2015. Revenues and expenditures have become more known as we've moved through the year. Most of the adjustments in this Ordinance reflect actual results and projections for the remainder of the year. Prior Council approved expenditures are also included. An explanation of Exhibit A is as follows:

General Fund (GF)

General Fund Revenues.

- Sales Tax revenues are seeing greater results than originally budgeted. This is specifically true in the building and consumer retail category. - **\$275,000**
- The 2014 Town's MJ excise tax was \$34,000 greater than the amount allowed by the 2013 MJ excise tax election question. Even though the tax is exempt from TABOR rules, the 1st year of the new revenue is not exempt. The additional \$34,000 was rebated back to customers of our one retail MJ business by way of a tax holiday which began in July and was completed by mid-September. - **(\$34,000)**
- Building related permits continue to exceed revenue expectations. This is mostly due to new residential construction – **\$153,000**
- Real estate sales in the Angler Mtn Development have outpaced the Real Estate Transfer Assessment budget estimations – **\$112,000**

Town of Silverthorne
Council Agenda Memorandum

- The US Forest Service rent rates were renegotiated and a new contract was completed. Back rents we're paid based on the new rent sq. ft. increase. - **\$118,500**
- Interest on investments and bank accounts remain low and are less than budgeted – **(\$69,000)**
- Additional administrative fees from the Water and Sewer Funds due to the additional building development – Water Fund - **\$33,990** & Sewer Fund - **\$16,000**

General Fund Expenditures

Supplies and Services

- Enhance Sales Tax Incentive Program (ESTIP) results for Lowes are higher than expected plus two new agreements (Baker's Brewery and Starbucks) were added in 2015 – **\$50,000**
- Due to the completion of the Hampton Inn and increase in building activity, the need for building review and inspection services from Summit County has increased from budget – **\$75,000**
- The Town Council wants to develop a marketing and public relation program. A marketing firm is being hired for an 18-month period of time. The contract begins in October of 2015 – **\$18,000**

Lodging Tax Fund

Lodging Tax Fund Revenues

- The Transfer from the Development Excise Tax Fund to the Lodging Tax Fund to assist in the costs of the Blue River Trail Segment 5 legal settlements requires a decrease of **\$40,000**.

Development Excise Tax Fund

Development Excise Tax Fund Revenues

- More than expected residential building permits were issued which means an increase in development excise tax revenues of **\$150,000**.

Development Excise Tax Fund Expenditures

- The Transfer from the Development Excise Tax Fund to the Lodging Tax Fund to assist in the costs of the Blue River Trail Segment 5 legal settlements requires a decrease of **\$40,000**.

Housing 5A Fund

Housing 5A Fund Revenues

- Building related permits (which translates to 5A impact fees) continue to exceed revenue expectations. Increase 5A Impact Fees – **\$55,000**

Town of Silverthorne
Council Agenda Memorandum

Conservation Trust Fund

Conservation Trust Fund Expenditures

- There is no major POST project being completed this year. The funds available for 2015 will be carry forward to 2016.- (\$41,237)

Water Fund

Water Fund Revenues

- More than expected building permits were issued which means an increase in Tap Fee revenues of **\$226,600**.

Water Fund Expenses

- Increase in building permits has brought in more building related fees, including Tap Fees, beyond their current budgets. This has increased the Transfer to General Fund Administrative Fees - **\$33,990**

Sewer Fund

Sewer Fund Revenues

- More than expected building permits were issued which means an increase in Tap Fee revenues of **\$160,000**.

Sewer Expenses

Budget adjustments to the Sewer Fund Expenses include:

- The Town expects to offer "good will" reimbursements to the Angler Mtn Ranch homes and HOA that had experienced a sewer backup. – **\$50,000**
- Increase in building permits has brought in building related fees, including Tap Fees, beyond their current budgets. This has increased the Transfer to General Fund Administrative Fees - **\$16,000**

Compensated Absences Internal Service Fund

Compensated Absences Fund Revenues

- Earned Compensated Absences - The Auditors and the Finance Director agree to eliminate this fund. There will be some accounting changes but in the end will net plus or minus \$10,000 or less annually. The General Fund normally has surplus funds to cover this or reflect budget savings. – **(\$525,200)**

Compensated Absences Expenses

- Used Compensated Absences - The Auditors and the Finance Director agree to eliminate this fund. There will be some accounting changes but, in the end, will net plus or minus \$10,000 or less annually. The General Fund normally has surplus funds to cover this or reflect budget savings. – **(\$520,000)**

Town of Silverthorne
Council Agenda Memorandum

Insurance Claims Internal Service Fund

Insurance Claims Fund Revenues

- Due to employee turn-over and vacancies, health claims premiums will be less than budgeted. – (\$40,000)

Insurance Claim Expenses

- Health insurance claims are trending less than expected – (\$150,000)

CURRENT ISSUES & FINANCIAL IMPLICATOINS

The enclosed Long Range Plans (Exhibit B) reflect the additional items and reductions of prior budgeted items of this Appropriation Ordinance. The Town continues to be in a financial position whereby funding the items identified in this Ordinance is possible. Unreserved fund balances are being used to accommodate additional projects for this year. In capital related funds, some available fund balances (cash) is used to address one-time capital related projects.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2015-13 on second reading.

PROPOSED MOTION:

“I MOVE TO ADOPT ORDINANCE NO. 2015-13 ON SECOND AND FINAL READING, AN ORDINANCE AMENDING THE 2015 BUDGET AS PRESENTED.”

ATTACHMENTS:

1. Ordinance #2015-13
2. Exhibit A – Appropriation breakdown
3. Exhibit B – Updated Long Range Plans for Funds

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-13**

AN ORDINANCE AMENDING THE 2015 BUDGET RECOGNIZING ADDITIONAL GENERAL FUND REVENUES OF \$605,490, APPROPRIATING GENERAL FUND EXPENDITURES OF \$143,000, REDUCING LODGING TAX FUND REVENUES BY \$40,000, RECOGNIZING ADDITIONAL DEVELOPMENT EXCISE TAX FUND REVENUES BY \$150,000, RECOGNIZING A REDUCTION TO DEVELOPMENT EXCISE TAX FUND EXPENDITURES BY \$40,000, RECOGNIZING ADDITIONAL 5A HOUSING FUND REVENUES BY \$55,000, RECOGNIZING A REDUCTION TO CONSERVATOIN TRUST FUND EXPENDITURES BY \$41,237, RECOGNIZING ADDITIONAL WATER FUND REVENUES BY \$226,600, APPROPRIATING WATER FUND EXPENSES OF \$33,990, RECOGNIZING ADDITIONAL SEWER FUND REVENUES BY \$160,000, APPROPRIATING SEWER FUND EXPENSES OF \$66,000, RECOGNIZING A REDUCTION TO THE COMPENSATED ABSENCES FUND REVENUES OF \$525,200, RECOGNIZING A REDUCTION TO THE COMPENSATED ABSENCES FUND EXPENDITURES BY \$520,000, RECOGNIZING A REDUCTION TO THE INSURANCE CLAIMS FUND REVENUES OF \$40,000 AND RECOGNIZING A REDUCTION TO THE INSURANCE CLAIMS FUND EXPENDITURES BY \$150,000

WHEREAS, in accordance with Section 8.7 of the Silverthorne Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year; and

WHEREAS, the Town Manager has certified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves; and

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO THE FOLLOWING:

Section 1:

Upon the Town Manager's certification that there are current year revenues available for appropriation in the General Fund, Lodging Tax Fund, Development Excise Tax Fund, 5A Housing Fund, Conservation Trust Fund, Water Fund, Sewer Fund, Compensated Absences Fund and Insurance Claims Fund and the Town Council hereby makes supplemental appropriations as itemized in Exhibit "A" attached hereto.

Section 2:

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations, capital projects

and transfers within this budget as amended in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3:

The adoption of this Ordinance will promote the health, safety and general welfare of the Silverthorne community.

Section 4:

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5:

All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Silverthorne in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 6:

This Ordinance shall be effective following the adoption by Section 4.5 of the Home Rule Charter.

INTRODUCED, READ, APPROVED ON FIRST READING THE 14TH DAY OF OCTOBER, 2015.

READ AND ADOPTED ON SECOND AND FINAL READING AFTER CONDUCTING A PUBLIC HEARING ON THE 28TH DAY OF OCTOBER, 2015.

TOWN COUNCIL

BY: _____
Bruce Butler, Mayor

ATTEST:

BY: _____
Michele Miller, Town Clerk

Approved on first reading:	_____	2015
Published by title only on first reading:	_____	2015
Approved on second reading:	_____	2015
Published by title only on second reading:	_____	2015

Town of Silverthorne, CO
Ordinance No. 2015-13
Exhibit A

GENERAL FUND	Account #	Amount
<u>Recognize General Fund Revenues</u>		
Taxes:		
Sales Tax	01-11-0000-60015	\$ 275,000
Excise Tax	01-11-0000-60022	(34,000)
Permits & Licenses:		
Building Permits	01-51-0000-63045	153,000
Charges for Services:		
US Forest Service Rent	01-11-0000-64015	118,500
Real Estate Transfer Assessment	01-11-0000-64900	112,000
Interest	01-11-0000-66010	(69,000)
Transfers In:		
Water Fund	01-96-0000-76041	33,990
Sewer Fund	01-96-0000-76042	16,000
Total Additional General Fund Revenue		<u><u>\$ 605,490</u></u>
<u>Appropriate General Fund Expenditures</u>		
Administrative Services		
ESTIP - Econ Dev	01-11-1135-84115	\$ 50,000
Marketing - Econ Dev	01-11-1135-84140	18,000
Community Development		
Professional Services - Bldg - Contracting Inspections	01-51-5150-81000	75,000
Total Additional General Fund Expenditures		<u><u>\$ 143,000</u></u>
LODGING TAX FUND		
<u>Recognize Lodging Tax Revenues</u>		
Transfer In from Development Excise Tax Fund	21-96-0000-76022	\$ (40,000)
Total Additional Lodging Tax Fund Revenues		<u><u>\$ (40,000)</u></u>
DEVELOPMENT EXCISE TAX FUND		
<u>Recognize Development Excise Tax Revenues</u>		
Development Excise Tax	22-22-0000-60012	\$ 150,000
Total Additional Development Excise Tax Fund Revenue		<u><u>\$ 150,000</u></u>
<u>Appropriate Development Excise Tax Expenditures</u>		
Transfer out to Lodging Tax Fund	22-98-0000-98021	\$ (40,000)
Total Additional Development Excise Tax Fund Expenditures		<u><u>\$ (40,000)</u></u>
HOUSING 5A SPECIAL REVENUE FUND		
<u>Recognize Housing 5A Fund Revenues</u>		
5A Impact Fee	23-23-0000-64500	\$ 55,000
Total Additional Housing 5A Fund Revenue		<u><u>\$ 55,000</u></u>
CONSERVATION TRUST FUND		
<u>Appropriate Conservation Trust Fund Expenditures</u>		
POST Project	24-71-4132-82410	\$ (41,237)
Total Additional Conservation Trust Fund Expenditures		<u><u>\$ (41,237)</u></u>

Town of Silverthorne, CO
Ordinance No. 2015-13
Exhibit A

WATER FUND		
<u>Recognize Water Revenues</u>		
Tap Fees - Capital	41-46-0000-66000	\$ 226,600
Total Additional Water Fund Revenues		\$ 226,600
<u>Appropriate Water Expenses</u>		
Transfer out to General Fund	41-98-0000-98001	\$ 33,990
Total Additional Water Fund Expenses		\$ 33,990
SEWER FUND		
<u>Recognize Sewer Revenues</u>		
Tap Fees - Sewer	42-47-0000-66000	\$ 160,000
Total Additional Sewer Fund Revenues		\$ 160,000
<u>Appropriate Sewer Expenses</u>		
Insurance Claims	42-42-4310-82210	\$ 50,000
Transfer out to General Fund	42-98-0000-98001	16,000
Total Additional Sewer Fund Expenses		\$ 66,000
COMPENSATED ABSENCES FUND		
<u>Recognize Compensated Absences Fund Revenues</u>		
Earned Compensated Absences	51-52-0000-68200	\$ (525,200)
Total Additional Compensated Absences Fund Revenues		\$ (525,200)
<u>Appropriate Compensated Absences Fund Expenses</u>		
Used Compensated Absences	51-52-5210-85200	\$ (520,000)
Total Additional Compensated Absences Fund Expenses		\$ (520,000)
INSURANCE CLAIMS FUND		
<u>Recognize Insurance Claims Fund Revenues</u>		
Health Claims Premiums	52-53-0000-64552	\$ (40,000)
Total Additional Insurance Claims Fund Revenues		\$ (40,000)
<u>Appropriate Insurance Claims Fund Expenses</u>		
Medical Claims	52-53-5310-82681	\$ (150,000)
Total Additional Insurance Claim Fund Expenses		\$ (150,000)

TOWN OF SILVERTHORNE
GENERAL FUND
LONG RANGE PLANS

BUDGET A

REVENUES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Adj	2017	2018	2019
Taxes	6,288,146	6,924,802	7,461,463	7,757,950	7,798,289	7,666,815	8,064,969	8,183,437	8,303,715	8,425,832
Licenses & Permits	232,596	488,217	442,276	422,533	430,950	269,533	311,533	311,533	311,533	311,533
Charges for Services	1,974,088	2,073,093	2,183,215	2,433,509	2,386,360	2,079,794	2,319,438	2,378,315	2,422,829	2,467,990
Fines	83,922	124,730	102,943	125,000	110,299	125,000	125,000	125,000	125,000	125,000
Interest	28,503	15,170	11,759	12,266	12,146	108,537	93,378	152,800	161,213	167,048
Miscellaneous	115,829	156,303	178,659	70,000	87,518	52,000	52,000	52,000	52,000	52,000
REVENUES	8,723,085	9,782,315	10,380,316	10,821,258	10,825,562	10,301,679	10,966,318	11,203,086	11,376,291	11,549,404
OTHER SOURCES										
BRWF Admin Fees	140,319	141,524	143,916	145,405	145,457	149,935	145,923	146,215	151,870	157,682
Water/Sewer Tsfrs	303,240	409,375	376,288	368,638	368,110	333,201	332,973	354,606	359,002	370,713
Proceeds from Sale of Land	-	-	1,115,000	-	-	-	-	-	-	-
Housing Reimbursement	-	-	269,522	-	-	-	-	-	-	-
TOTAL REVENUES	9,166,643	10,333,214	12,285,042	11,335,302	11,339,128	10,784,815	11,445,214	11,703,907	11,887,163	12,077,799
EXPENDITURES										
Administrative Services	1,507,232	2,010,796	1,921,932	2,319,075	2,272,619	2,219,799	2,519,974	2,574,610	2,599,374	2,434,693
Public Safety	1,726,112	1,777,197	1,827,666	1,906,655	1,873,280	1,997,607	1,973,428	2,018,204	2,076,768	2,143,752
Public Works	2,126,862	2,120,050	2,274,968	2,615,830	2,513,882	2,623,639	2,625,774	2,691,792	2,769,641	2,849,701
Community Develop.	676,672	750,395	844,267	790,248	736,681	874,851	824,642	845,414	864,904	885,126
Recreation & Culture	2,577,156	2,666,719	2,781,363	3,123,254	3,118,985	3,034,165	3,209,486	3,293,435	3,381,973	3,478,427
EXPENDITURES	8,614,034	9,325,157	9,650,196	10,755,062	10,515,447	10,750,061	11,153,303	11,423,455	11,692,661	11,791,699
OTHER USES	252,888	3,450,983	801,790	460,000	360,000	-	1,500,000	-	-	-
TOTAL EXPENDITURES	8,866,922	12,776,140	10,451,986	11,215,062	10,875,447	10,750,061	12,653,303	11,423,455	11,692,661	11,791,699
INC (DEC) FUND BAL.	299,721	(2,442,927)	1,833,055	120,240	463,681	34,754	(1,208,089)	280,452	194,502	286,100
PRIOR FUND BALANCE	6,147,886	6,447,607	4,004,681	5,837,736	5,837,736	5,957,977	6,301,418	5,093,329	5,373,780	5,568,282
CURRENT FUND (less cfwrtd)	6,447,607	4,004,681	5,837,736	5,957,977	6,301,418	5,992,731	5,093,329	5,373,780	5,568,282	5,854,382
RESERVE TARGET	4,307,017	4,662,579	4,825,098	5,377,551	5,257,724	5,375,031	5,576,652	5,711,728	5,846,330	5,893,849
	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)	(6 mo.)
AVAILABLE FUND BAL.	2,140,590	(657,898)	1,012,638	580,446	1,043,694	617,700	(483,323)	(337,947)	(278,048)	(41,467)

Fleet ~~1800000~~ Annual Payment
TOTAL CAPITAL EXP.

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024	BUDGET A
	1,885,154	3,556,189	2,722,423	4,130,504	3,974,339	4,728,586	12,166,351	5,693,590	3,302,762	4,714,709	3,463,596	4,506,486	4,343,170	4,308,233	4,161,218	
INC / DED CASH	949,031	(731,390)	398,536	(683,081)	(606,706)	245,526	(88,617)	(784,405)	(172,487)	(1,448,302)	(160,637)	(1,234,639)	(1,121,941)	(971,514)	(781,759)	
INC / DED FUND BALANCE	949,031	(731,390)	398,536	(683,081)	(606,706)	245,526	(88,617)	(784,405)	(172,487)	(1,448,302)	(160,637)	(1,234,639)	(1,121,941)	(971,514)	(781,759)	
LESS CARRYFORWARDS & AMP	635,566	1,584,596	853,207	1,251,743	1,251,743	568,662	645,037	556,419	(227,986)	(400,473)	(1,848,775)	(2,009,412)	(3,244,051)	(4,365,992)	(5,337,506)	
PRIOR FUND BALANCE	1,584,596	853,207	1,251,743	568,662	645,037	814,188	556,419	(227,986)	(400,473)	(1,848,775)	(2,009,412)	(3,244,051)	(4,365,992)	(5,337,506)	(6,119,265)	
CURRENT FUND BALANCE																
* Budget Columns "Current Cash" also deducts the prior years carry forwards)																
RESERVE TARGET																
DEBT PAYMENT RESTRICTED					39,555		478,224	478,224	478,224	458,447	438,669	438,669	438,669	438,669	438,669	
CAPITAL REPLACEMENT	500,000	500,000	500,000	500,000	500,000	500,000	0									
RESTRICTED FOR WETLANDS/S:	126,669	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	68,455	
AVAILABLE FUND BALANCE	957,927	284,752	683,288	207	37,027	245,733	9,740	(774,665)	(947,152)	(2,375,677)	(2,516,536)	(3,751,175)	(4,873,116)	(5,844,630)	(6,626,389)	

Exhibit B

TOWN OF SILVERTHORNE, COLORADO
DEVELOPMENT EXCISE TAX
LONG RANGE PLANS

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Revenues:															
Development Excise Tax	129,080	409,336	231,332	290,000	290,000	140,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
South Maryland Creek	-	-	-	-	-	125,000	-	125,000	-	-	-	-	-	-	-
Interest	4,827	3,471	2,927	15,655	2,495	24,331	24,331	32,799	18,633	23,692	25,903	31,180	36,615	42,214	47,980
5A Loan Repayment	134,000	162,500	205,000	21,000	21,000	-	-	-	-	-	-	-	-	-	-
Prior Year Carryfwd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Revenue Total	267,907	575,307	439,259	326,655	313,495	289,331	174,332	307,799	168,633	173,692	175,903	181,180	186,615	192,214	197,980

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Expenditures:															
Public Works															
Storage Building/New Shop	9,928	863	1,760	18,750	-	750,000	18,750	750,000	-	-	-	-	-	-	-
Traffic Master Plan	-	-	-	40,000	40,000	-	-	-	-	-	-	-	-	-	-
Additional Trackless	48,926	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other															
Trails	-	762,500	255,000	10,000	10,000	150,000	500,000	30,000	-	100,000	-	-	-	-	-
Loan to 5A Land	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Expenditure Total	58,854	763,363	256,760	68,750	50,000	900,000	518,750	780,000	-	100,000	-	-	-	-	-

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
INC / DED FUND BALANCE	209,053	(188,056)	182,499	257,905	263,495	(610,669)	(344,418)	(472,201)	168,633	73,692	175,903	181,180	186,615	192,214	197,980
PRIOR FUND BALANCE	970,731	1,179,784	991,728	1,174,227	1,174,227	1,432,132	1,437,722	1,093,304	621,103	789,736	863,428	1,039,331	1,220,511	1,407,126	1,599,340
CURRENT FUND BALANCE	1,179,784	991,728	1,174,227	1,432,132	1,437,722	821,463	1,093,304	621,103	789,736	863,428	1,039,331	1,220,511	1,407,126	1,599,340	1,797,320

TOWN OF SILVERTHORNE, COLORADO
HOUSING SA SPECIAL REVENUE FUND
LONG RANGE PLANS

Exhibit B

BUDGET A

	2007 Act	2008 Act	2009 Act	2010 Act	2011 Act	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	Total
Revenues:																
Impact Fees	242,106	209,408	40,696	56,334	280,893	58,860	130,757	216,459	145,000	148,000	90,000	112,500	-	-	-	1,496,012
Sales Tax	253,051	273,858	234,339	230,643	227,863	243,209	257,693	272,148	282,030	292,000	287,671	298,000	-	-	-	2,582,804
Interest	9,476	15,734	2,862	1,001	770	373	208	172	727	147	3,642	3,642	22,988	20,924	18,723	97,019
Excise & Sever Fund Advancement		2,000,000					0	0								2,000,000
Revenue Total	504,633	2,499,001	277,897	287,978	509,525	302,442	388,658	488,778	427,757	440,147	381,313	414,142	22,988	20,924	18,723	6,175,855
Expenditures:																
General:																
SHA Administrative Fee	29,270	37,764	41,553	45,991	41,746	37,374	43,764	43,446	45,612	31,570	47,893	47,893	50,287	52,802	55,442	558,902
Housing Assessment/Consulting	5,000	25,598	-	1,267	1,075	70	17,725	635	1,500	1,500	1,500	1,500	1,500	1,500	1,500	58,869
Housing Loan Program		40,000		40,000					40,000		40,000	40,000	40,000	40,000	40,000	240,000
Housing Permits/Fees-Solorado			39,372													39,372
Projects:																
Smith Ranch Land Purchase		2,700,000	22,866	4,511						42,000						0
Advancements - Excise & Sever Fund			275,000	220,000	460,000	268,000	325,000	410,000	42,000							2,727,377
Misc.	5,443															5,443
Expenditure Total	39,713	2,803,361	378,791	311,769	502,821	305,444	386,489	454,081	129,112	75,070	89,393	89,393	91,787	94,302	96,942	5,629,965
INC/DED FUND BALANCE	464,920	(304,361)	(100,894)	(23,791)	6,704	(3,002)	2,169	34,697	298,645	365,077	291,920	324,749	(68,799)	(73,378)	(78,219)	
PRIOR FUND BALANCE	-	464,920	160,559	59,665	35,874	42,578	39,575	41,744	76,441	76,441	375,086	441,519	766,268	697,468	624,091	
CURRENT FUND BALANCE	464,920	160,559	59,665	35,874	42,578	39,575	41,744	76,441	375,086	441,519	667,006	766,268	697,468	624,091	545,872	

TOWN OF SILVERTHORNE, COLORADO
CONSERVATION TRUST FUND
LONG RANGE PLANS

Exhibit B

	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Revenues:														
Lottery Funds	42,166	38,016	41,212	40,261	41,624	41,624	42,040	42,461	42,885	43,314	43,747	44,185	44,627	45,073
Interest	84	2	25	25	25	25	25	25	25	25	25	25	25	25
Transfer in from Lodging Tax Fund	39,103	0	-	-	-	-	-	-	-	-	-	-	-	-
Revenue Total	81,353	38,018	41,237	40,286	41,649	41,649	42,065	42,486	42,910	43,339	43,772	44,210	44,652	45,098

Expenditures:

Parks, Trails & Open Space

Projects:

Rainbow Park Tot Lot Restrooms
Rainbow Park - Sod & Irrigation
POST Projects

81,353	38,018	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	41,649	81,935	42,065	42,486	42,910	43,339	43,772	44,210	44,652	45,098	45,098

Expenditure Total

81,353	38,018	-	-	41,649	81,935	42,065	42,486	42,910	43,339	43,772	44,210	44,652	45,098	45,098
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INC / DED FUND BALANCE

-	-	41,237	40,286	-	(40,286)	-	-	-	-	-	-	-	-	-
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PRIOR FUND BALANCE

-	-	-	-	41,237	40,286	-	-	-	-	-	-	-	-	-
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CURRENT FUND BALANCE

-	-	41,237	40,286	41,237	-	-	-	-	-	-	-	-	-	-
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TOWN OF SILVERTHORNE, COLORADO
HEALTH, DENTAL & SHORT-TERM DISABILITY INTERNAL SERVICE FUND
LONG RANGE PLANS

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
Revenues:										
Medical	951,134	677,074	685,303	682,002	680,000	758,102	714,000	749,700	790,934	830,480
Dental	57,702	60,308	-	-	-	-	-	-	-	-
Short-Term Disability	20,836	18,613	17,937	18,447	20,735	19,000	19,000	19,950	20,948	21,995
Premiums - Claims Portion	1,029,672	755,995	703,240	700,449	700,735	777,102	733,000	769,650	811,881	852,475
Misc	5,278	1,106	752	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Interest	273	865	661	200	600	200	200	8,696	8,563	8,576

Revenue Total	1,035,224	757,967	704,653	701,649	702,335	778,302	734,200	779,346	821,444	862,051
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Expenditures:

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
Medical Claims	1,026,634	715,829	611,821	525,000	525,000	551,250	708,750	744,188	781,397	820,467
Dental Claims	67,142	59,327	1,129	-	-	-	-	-	-	-
Short-term Disability Claims	15,631	16,759	15,770	15,000	20,000	15,000	15,000	15,000	15,000	15,000
Wellness Program	23,586	22,654	19,915	23,500	20,000	23,500	23,500	23,500	23,500	23,500
AHCA Fees	-	-	12,379	14,652	14,652	14,874	14,874	1,110	1,110	1,110

Expenditure Total	1,132,994	814,570	661,014	578,152	579,652	604,624	762,124	783,798	821,007	860,077
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	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
INC / DED FUND BALANCE	(97,770)	(56,603)	43,639	123,497	122,683	173,678	(27,924)	(4,451)	437	1,974
PRIOR FUND BALANCE	305,850	208,080	151,478	195,116	195,116	318,613	317,799	289,875	285,424	285,861
CURRENT FUND BALANCE	208,080	151,478	195,116	318,613	317,799	492,291	289,875	285,424	285,861	287,835

TOWN OF SILVERTHORNE, COLORADO
 COMPENSATED ABSENCES
 LONG RANGE PLANS

	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019
Revenues:										
Earned Compensated Absences	500,950	507,615	518,071	-	-	-	-	-	-	-
Interest Income	286	(286)	0	-	-	-	-	-	-	-
Revenue Total	501,236	507,329	518,071	-	-	-	-	-	-	-
Expenditures:										
Compensated Absences Used	495,932	517,679	484,838	-	-	-	-	-	-	-
Expenditure Total	495,932	517,679	484,838	-	-	-	-	-	-	-
INC / DED FUND BALANCE										
PRIOR FUND BALANCE	5,305	(10,350)	33,233	-	-	-	-	-	-	-
CURRENT FUND BALANCE	413,533	418,838	408,488	441,721	441,721	441,721	441,721	441,721	441,721	441,721
	418,838	408,488	441,721	441,721	441,721	441,721	441,721	441,721	441,721	441,721

Sewer Fund
Capital Projects Fund
10/7/2015

Exhibit B

REVENUES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Sewer Tap Fees	130,307	539,984	362,286	287,600	315,000	132,000	150,000	155,000	160,000	165,000	170,000	175,000	180,000	185,000	190,000
Opportunity Fees/Misc/Grants	-	-	-	-	-	350,000	-	350,000	-	-	-	-	-	-	-
Interest	8,300	4,177	2,000	27,350	4,580	37,005	37,873	79,693	51,529	57,241	63,241	69,539	76,141	83,057	90,295
Transfer in from O & M	-	700,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Advancement Payment from Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUES	138,607	1,244,161	364,286	314,950	319,580	519,005	187,873	584,693	211,529	222,241	233,241	244,539	256,141	268,057	280,295
EXPENDITURES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Administrative (10% of revs)	13,861	54,416	36,429	31,495	31,958	16,901	18,787	23,469	21,153	22,224	23,324	24,454	25,614	26,806	28,029
Sewer Plant/Paper Expansion	-	1,064,190	-	-	-	-	-	-	-	-	-	-	-	-	-
Utility Shop - Cottonwood	9,928	1,725	3,521	37,500	4,000	1,500,000	37,500	1,500,000	-	-	-	-	-	-	-
Sewer Lines/Interceptors	-	-	8,553	100,000	100,000	-	-	-	-	-	-	-	-	-	-
Advancement to Water Capital Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL EXPENDITURES	23,789	1,120,331	48,502	168,995	135,958	1,516,901	56,287	1,523,469	21,153	22,224	23,324	24,454	25,614	26,806	28,029
OPERATING INCREASE (DEC) CASH	114,818	123,829	315,783	145,955	183,622	(997,896)	131,585	(938,777)	190,376	200,017	209,917	220,085	230,527	241,251	252,265
PRIOR CASH BALANCE	1,786,786	1,901,604	2,025,433	2,341,217	2,341,217	2,487,172	2,524,839	2,656,424	1,717,647	1,908,024	2,108,040	2,317,958	2,538,042	2,768,570	3,009,821
CURRENT CASH	1,901,604	2,025,433	2,341,217	2,487,172	2,524,839	1,489,276	2,656,424	1,717,647	1,908,024	2,108,040	2,317,958	2,538,042	2,768,570	3,009,821	3,262,086

Water Fund
Capital Projects Fund
10/7/2015

Exhibit B

REVENUES	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Water Tap Fees	158,962	654,341	480,928	385,000	385,000	162,800	185,000	190,000	195,000	200,000	205,000	210,000	215,000	220,000	225,000
Interest	4,299	3,133	1,000	3,859	753	3,014	3,014	6,646	6,410	7,796	9,345	11,061	12,948	15,010	17,253
Misc Income	19,060	-	-	5,000	-	-	-	-	-	-	-	-	-	-	-
Advancement from Sewer Cap Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer in From Operations/Grants	-	-	-	-	-	700,000	-	700,000	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUES	182,321	657,474	481,928	393,859	385,753	865,814	188,014	896,646	201,410	207,796	214,345	221,061	227,948	235,010	242,253
EXPENDITURES															
Administrative (15% of revs)	24,489	98,621	72,289	59,079	57,863	24,872	28,202	29,497	30,212	31,169	32,152	33,159	34,192	35,252	36,338
Wells	248,476	2,110	173,847	100,000	96,092	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Water Line extension & replacement	13,990	-	-	50,000	44,190	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Valve Trailer	-	-	-	55,000	57,946	-	-	-	-	-	-	-	-	-	-
Utility Shop - Cottonwood	19,856	863	1,760	18,750	2,000	750,000	18,750	750,000	-	-	-	-	-	-	-
Solar Garden	-	185,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Rights - Smith Ranch	-	-	1,170,942	-	-	-	25,000	-	-	-	-	-	-	-	-
Water Rights/Old Dillon Resv.	157,003	60,481	1,028	-	1,089	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL EXPENDITURES	463,815	347,075	1,419,866	282,829	259,180	899,872	196,952	904,497	155,212	156,169	157,152	158,159	159,192	160,252	161,338
CAPITAL INCREASE (DEC) CASH	(281,494)	310,399	(937,938)	111,030	126,573	(34,058)	(8,938)	(7,851)	46,199	51,627	57,193	62,902	68,756	74,759	80,915
PRIOR CASH BALANCE	1,012,920	731,426	1,041,825	103,887	103,887	214,918	230,460	221,522	213,671	259,870	311,496	368,690	431,591	500,347	575,106
CURRENT CASH	731,426	1,041,825	103,887	214,918	230,460	180,859	221,522	213,671	259,870	311,496	368,690	431,591	500,347	575,106	656,021
AVAILABLE CASH	731,426	1,041,825	103,887	214,918	230,461	180,859	221,521	213,671	259,870	311,496	368,690	431,591	500,347	575,106	656,021

Water Fund
Capital Projects Fund
10/7/2015

Exhibit B

Capital Projects	2012 Act	2013 Act	2014 Act	2015 Bud	2015 Proj	2016 Bud	2016 Rev	2017	2018	2019	2020	2021	2022	2023	2024
Wells & Tanks															
Well Rehabilitation Projects	37,144	2,110	227,000	100,000	96,092	-	-	-	-	-	-	-	-	-	-
Willow Creek High. Generator/Encl	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Angler Mountain - Genetor	-	-	15,000	-	-	-	-	-	-	-	-	-	-	-	-
Mesa Cortina Tank - Atl Valve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Eagles Nest Pumpthouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zone 3W Water System En	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rainbow Pumpthouse	114,575	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Well 6 - Bighorn	8,554	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wells 5 & 6 Constr. Pumphouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Master Plan Update	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Equipment	107	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Master Plan/Upgrades/As Builts	88,096	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Projects to be determined	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Base Zone Tank Eagles Nest Filling 5	-	-	-	-	-	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Total Wells & Tanks	248,476	2,110	242,000	100,000	96,092	75,000									
Lines															
Ponds to Hamilton Creek water main	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Eagles Nest Blue River Crossing - 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pressure reducing valve -New	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8" line Adams - 2nd to Buff Mtn Dr	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upgrade 4" to 8" CR 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12" main - Annie to 9th in Adams	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upgrade 8" to 12" Tanglewood Lane	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Replace water main lines - Brian/Steph	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Valve Replacement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AbandonLine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Misc Upgrades & Extensions	13,990	-	100,000	50,000	44,190	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Total Lines	13,990	-	100,000	50,000	44,190	50,000									

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**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
OCTOBER 20, 2015 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on October 20, 2015, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioners present and answering Roll Call were: Susan Byers, Jenny Gloudemans, Stan Katz, Robert Kieber, Tanya Shattuck and Brian Wray. Donna Pacetti was absent. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner and Mark Leidal, Assistant Town Manager.

3. WORKSESSION ITEM :

A. Town Core Zone District and Use Schedule Update.

Lina Lesmes led the Planning Commission through a worksession discussion on the Town Core Zone District and Use Schedule Update.

4. ADJOURNMENT:

MEETING ADJOURNED AT 7:00 P.M.

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate maintained in the office of the Planning Commission Secretary.

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MINUTES OF SPORT COMMITTEE
September 17, 2015

I. PROCEDURES

1. Attendance: Tom Dopplick, Frank Gutmann, Don Hansen, Bob Mayerle, Mary Kay Rachwalski, Marty Richardson, Kathy Swanson
2. Staff: Russ Camp, Joanne Cook, Liz Hodson,
Absent: Don Langmuir, Susan Lee, JoAnne Nadalin, Marilyn Raymond, John Taylor, Pat Taylor
Guests: Marie Orlin, Silverthorne Resident
Don Hansen opened the meeting at 6:00 p.m. in the Schmidt Room at Town Hall.
3. Previous minutes: Motion to approve, by Bob Mayerle, second by Russ Camp.

CITIZEN COMMENTS

II: PRESENTATIONS

1. Fish Hike, Greg Hardy
2. Water Walk, Dave Miller, KSS
-Dave Miller and Greg Hardy "partnered" up and decided their two projects complement each other. Dave gave committee members a handout titled "Silverthorne Water Walk—Education in Action" which gave an overview of the proposed walk. SPORT liked their ideas and asked them to come back with more details when they have them.

III: PLANNING DEVELOPMENT PROJECTS

- 1.

IV: OLD BUSINESS

1. Updates from 2015 Goals Action list
 - a. Bicycle Friendly Community
-Marie Orlin asked the trail be relabeled as Rec Trail, and not Bike Path.
 - b. Trent, Angler & Arctic Placer Master Plans
-A Planning Commission meeting is scheduled for October 6th at 5:30 to review plans at Angler Mountain Open Space. SPORT members are encouraged to attend.
-Marty asked about park construction timelines, Joanne stated they are involved in the budget process at this time.
 - c. Rainbow Park Tennis, Basketball, and Pickleball court – **Complete**
 - d. Rainbow Drive parking - **Complete**
 - e. Raven Golf Course
-The Raven staff has reached out in preparation for the upcoming 2015-2016 season.
 - f. Open Space inventory
-No report
 - g. Willow Grove
-Walking tour taking place next Wednesday, will update at next meeting.
 - h. Ptarmigan Trail - **Tabled**
 - i. Salt Lick Trails

-This will be two separate projects; 1 is to overhaul/rework the existing trails and 2; will be to keep bikers from entering the wilderness. USFS indicated a special use permit will be required.

~~j. Website information - **Tabled until completion of Town website upgrade**~~

~~k. Bird Watching - **Complete**~~

l. Sidewalk Network

m. Open Space Land Acquisitions

-No update

~~n. Blue River Trail Public Access - **Tabled**~~

o. Blue River Trail Segment 6

-BRVRL talks continue

p. Events

-MADD was a great success. Thank you to Don for overseeing, Jess, and her crew as well as the many volunteers who were able to make it.

V: NEW BUSINESS:

1. Planning Commission review of Angler Mountain Open Space 5:30pm, Tuesday, October 6.

OTHER:

-Erin Young from Red Buffalo Coffee mentioned that we need a mirror at the top of the Silverthorne switchbacks on the Blue River Trail. Liz will follow up.

-Does the Transportation Plan include bikes? This is a SPORT goal and we weren't positive that this is being considered.

-Several questions arose regarding the Zamboni, Joanne will pass along to Paul to see if we can get an update.

Motion to adjourn 7:02 pm by Bob Mayerle, second by Kathy Swanson
Next Meeting: September 17, 2015 - 6:00 p.m.

MINUTES OF SPORT COMMITTEE
October 15, 2015

I. **PROCEDURES**

1. Attendance: Frank Gutmann, Don Hansen, Don Langmuir, Bob Mayerle, JoAnne Nadalin, Marilyn Raymond, Marty Richardson, Kathy Swanson, John Taylor, Russ Camp
2. Staff: , Liz Hodson, Susan Lee
Absent: Joanne Cook, Tom Dopplick, Mary Kay Rachwalski, Pat Taylor
Guests: Marie Orlin, Silverthorne Resident
Don Hansen opened the meeting at 5:59 p.m. in the Schmidt Room at Town Hall.
3. Previous minutes: Motion to approve, with correction, JoAnne Nadalin, second by John Taylor.

CITIZEN COMMENTS

II: **PRESENTATIONS**

- 1.

III: **PLANNING DEVELOPMENT PROJECTS**

1. Theatre Plans, Susan
-Susan said that the preliminary plans for the new theatre will soon be available for review by the committee.
2. Town Core Rezoning
-Public meetings will happen in the near future.

IV: **OLD BUSINESS**

1. Updates from 2015 Goals Action list
 - a. Bicycle Friendly Community
-Don H. mentioned he'd like to see a bike rack at NPP. Committee in favor, but would like to consider an "artsy" one similar to the one at Red Buffalo Coffee. Don will meet with Joanne C. to discuss.
 - b. Trent, Angler & Arctic Placer Master Plans
-Angler Mtn. plan was reviewed by Planning Commission at their regular meeting. PC decided not to act on the resolution and gave no motion to adopt. This will move forward toward completion of Master Plan, budgeting, and grant funding sources.
 - c. Raven Golf Course
-John mentioned it will take anywhere from \$300-\$500 to replace/produce trail signage necessary. John made a motion to proceed with purchasing signs necessary for the north and south courses, but not to exceed \$500. Russ Camp second, all in favor.
 - ~~d. Open Space inventory – ***Tabled until 2016***~~
 - e. Willow Grove
-Mary Kay and Pat walked the area and said it looked pretty good. According to CDLT there are still violation issues. Marie Orlin stated that as a citizen walking the area she is unsure of where she can go, what is public and what is private. After discussion Susan Lee said that she would pursue

ways to identify clear boundaries and the committee suggested reposting rule signs closer to the lake and public areas.

f. Salt Lick Trails

-Susan, Don H., Don L., and John met with FDRD, who were very receptive and stated they will help facilitate improvements to the trail next summer. It was mentioned that this could be a project incorporated in the national Trails Day event, by partnering with Silverthorne. John said he'd like to meet with Buffalo Mtn Metro District for possible partnership as well.

~~g. Sidewalk Network – Tabled until 2016~~

h. Bird Watching – Bird City Certification

-Bob said there are 3 major components to achieving a Bird City Certification;

1. Creation of focus group (SPORT already established)
2. Recognize migratory day during the year (Osprey Day already established)
3. Complete registration of bird sanctuary program

-The committee encouraged Bob to proceed.

i. Blue River Trail Segment 6

-BRVRL e easement negotiations continue

j. Events

-No events scheduled

k. Make A Difference Day Recap

-Susan thought MADD was an awesome success. Thank you to Don for overseeing, Jess, and her crew as well as the many volunteers who were able to make it.

-John mentioned it would be nice to be able to recognize the volunteers more. Consider small give away to volunteers next year. Ask volunteers to sign in so we can follow up with a formal thank you.

l. River/Water Walk Update

-Greg is working on the framework of signs, pursuing grant opportunities from Trout Unlimited and will get back to the committee with more info as he has it.

V: NEW BUSINESS:

1. NPP Fishing Regulation Signage

-Mark Stauffer, Silverthorne resident, has asked the fishing signage at NPP be updated to reflect accurate rules and regulations. The committee thought that signage should also be available in English and Spanish. The committee asked if the pond/fish could be reevaluated prior to any signage being done. Susan will speak to Elissa Knox, our local CPW Wildlife Manger, for assistance.

2. Open Space Land Acquisition

-Susan brought up the fact that if land acquisitions (asking Council for money) are to be considered, we must follow Town rules/regulations by going into Executive Session. This means excusing guests and Town Council members so only SPORT members may discuss.

OTHER:

-John mentioned there has been some vandalism of the signs on Angler Mtn trail. Not sure what can be done, but some signs will need to be replaced.

OTHER UPDATE from previous meeting:

-Don L. asked what the status of the Town's website update was. **Liz checked with Susan from the Manager's office and was told by the end of the year.**

-Erin Young from Red Buffalo Coffee mentioned that we need a mirror at the top of the Silverthorne switchbacks on the Blue River Trail. Liz will follow up. **Mirror has been installed!**

-Does the Transportation Plan include bikes? This is a SPORT goal and we weren't positive that this is being considered. **Yes, the plan is being updated this summer.**

-Several questions arose regarding the Zamboni, Joanne will pass along to Paul to see if we can get an update. **Email response from Paul: "I have spoken with Bill and David. David and I have not been able to get together to finalize what needs to be done due to conflicting schedules. Bill and I have spoken and would like to have a better idea of what the town is looking at as well as how David's ideas will fit into these plans."**

Motion to adjourn 7:12 pm by Kathy Swanson, second by John Taylor

Next Meeting: November 19, 2015 - 6:00 p.m.

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