

**CITY OF GLENWOOD SPRINGS**

101 W. 8<sup>th</sup> Street  
P O Box 458  
Glenwood Springs, CO 81602  
(970) 384-6400



**APPLICATION FOR TIER ONE & TWO  
SALES TAX REBATE PROGRAM**

(Municipal Code 040.020.170, copy attached)

**PLEASE PRINT CLEARLY.**

Name of business applying for rebate program: \_\_\_\_\_

Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Business telephone number: \_\_\_\_\_ Other contact number \_\_\_\_\_

Address of property for which sales tax rebate will be requested: \_\_\_\_\_

First day of taxable sales at this location after improvements were completed: \_\_\_\_\_

What year will you be applying for your first rebate of taxes filed in the previous year? \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Title \_\_\_\_\_

<b>Sales Tax Rebate Worksheet</b>		
	Tier 1	Tier 2
<b>Qualifications:</b>		
Business can apply for 5 consecutive years	Yes	Yes
Amount available for rebate:	up to 20% of sales tax remitted in the previous year	up to 80% of sales tax remitted in the previous year
Total rebates won't exceed cost of eligible fees	Yes	Yes
<b>Fees being rebated:</b>		
Water & Sewer Improvement Fees	Yes	Yes
Fire Impact Fees	Yes	Yes
Electric Line Extension Fees	Yes	Yes
Building Fees	---	Yes
City Public Improvement Fees -50% of installation costs up to \$200,000	---	Yes
<b>Requirements:</b>		
Sales, Use & Accommodation Taxes paid on time	Yes	Yes
Applicant not in violation of Bldg. permit	Yes	Yes
Applicant not in default of any City agreement	Yes	Yes
Applicant has paid all City-imposed fees	Yes	Yes
Applicant used local contractors as defined	---	Yes
-at CO they provided spreadsheet to Bldg. Dept. showing all costs of the project	---	Yes
-provided spreadsheet showing amounts paid to local contractors & suppliers, or local contractors.	---	Yes
<b>Determination of Rebate Amount:</b>		
-Bldg. Dept. will determine percentage of rebate	---	Yes
-if used 25%-50% of total costs for local contractors,	---	Eligible for 40% rebate
-if used more than 50% of total costs for local contractors,	---	Eligible for 80% rebate
<b>Application:</b>		
Applies to Finance Director	Yes	Yes
Application must be received before July 15 for rebate of previous year's taxes	Yes	Yes
Acceptance dates	After Feb. 20, 2004	May 22, 2009 - July 15, 2014
<b>Notes:</b>		
At the first year's application, the Finance Dept. will obtain the amounts eligible for rebate from each of the departments involved. After receiving each year's application, a questionnaire will be sent around asking each department to verify that the applicant is still not in violation with any agreements. When the questionnaire is returned to the Finance Dept. they will determine the amount of rebate due for that year and issue the check.		

040.020.170 - Economic incentives; sales tax rebate.

- (a) Qualified businesses may apply for a Tier one or Tier two City sales tax rebate for up to five (5) consecutive years provided that:
  - (1) The amount of the annual Tier one rebate shall not exceed twenty (20) percent of their annual City sales tax remittance in any one year; and
  - (2) The amount of the annual Tier two rebate shall not exceed eighty (80) percent of their annual City sales tax remittance in any one year, as further detailed in Subsection (c)(5) below; and
  - (3) The total amount of all rebates received shall not exceed the total amount of fees and costs identified in Paragraph (b) below.
- (b) The City sales tax rebate may be applied against the following City-imposed fees, costs and tax:
  - (1) Water and sewer system improvement fees may be available for Tier one and Tier two rebates.
  - (2) Fire and emergency services impact fees may be available for Tier one and Tier two rebates.
  - (3) Cost incurred pursuant to the City Electric Department's Line Extension Policy may be available for Tier one and Tier two rebates.
  - (4) Building fees may be available for Tier two rebates only.
  - (5) The costs of City required public improvements at fifty (50) percent of the installation costs to a maximum of two hundred thousand dollars (\$200,000.00) may be available for Tier two rebates only.
- (c) *Qualifications for application.*
  - (1) If applicable, the applicant has collected and remitted on time to the City all applicable sales, use or accommodation taxes; and
  - (2) The applicant is not currently in violation of any development permit or building permit conditions; and
  - (3) The applicant is not in default under any agreement with the City; and
  - (4) The applicant has paid all other applicable City-imposed fees including those for which the rebate is being applied; and
  - (5) Tier two applicants shall use either (a) local contractors and suppliers or (b) local contractors, as defined in Subsection 010.050.080(b) of the Municipal Code, for construction of the project. At issuance of the certificate of occupancy the applicant shall

provide documentation of the amounts paid to local contractors and suppliers or local contractors as a percentage of the total costs of the project excluding land. Projects using either (a) local contractors and suppliers or (b) local contractors for less than fifty (50) percent but more than twenty-five (25) percent of the total costs of the project, excluding land, will be eligible for a forty (40) percent Tier two rebate. Projects using either (a) local contractors and suppliers or (b) local contractors for fifty (50) percent or more of the total costs of the project, excluding land, will be eligible for an eighty (80) percent Tier two rebate. Tier two applicants must provide detailed calculation documentation upon request by the City.

(d) *Application for rebate.*

- (1) All businesses which qualify for such City sales tax rebates shall apply for the same by making application to the Director of Finance upon forms to be provided by him/her.
- (2) All applications for City sales tax rebate shall be made to the Director of Finance on or before July 15 of the year following the year for which the tax rebate is sought.

(e) *Effective date.* This section shall apply to all City-imposed fees after the effective date of Ordinance No. 27, Series of 2005.

(f) Tier two applicants will only be accepted from May 22, 2009 until July 15, 2016. To apply for a Tier two rebate, an applicant must have a building permit issued on or before July 15, 2016. The amendments contained in Ordinance No. 8, Series of 2009, Ordinance No. 11, Series of 2010, Ordinance No. 12, Series of 2011, Ordinance No. 5, Series of 2012 and Ordinance No. 14, Series of 2014 shall be repealed, effective July 15, 2016, unless otherwise extended by further action of City Council.

(4-04 § 2; 27-05, § 2; 8-09, § 2; 11-10 § 2; 12-11, § 2; 5-12, § 2)

**010.050.080 Local preference.**

(a) Legislative intent. It is the intention of the City Council whenever possible to use, without significant additional cost to the taxpayers or ratepayers, local businesses and/or subcontractors for construction services or procurement of goods and supplies (excluding sole source procurement [010.050.110], emergency procurements [010.050.120], small purchase procurement [010.050.130], used supplies procurement [010.050.140] or professional service procurement [010.050.150] and any procurement made with external funding source requirements that preclude application of local preference) in those instances when awarding contracts in the amount of twenty-five thousand dollars (\$25,000.00) or more, pursuant to competitive procurement (010.050.090), with City funds. The City Council intends to give local businesses an advantage in the bidding process so that monies received from such contracts will be spent by the employees of local businesses in the local economy. Local business preference may be used as one (1) factor in determining the award of a bid over twenty-five thousand dollars (\$25,000.00). This local preference will only be available to responsible and responsive bidders and/or subcontractors that meet all applicable bid evaluation criteria. (Ad 29-03 §1; A 1-10 §1)

(b) Definition of local business.

(1) When applied to construction contracts *Local Business* shall mean a business and/or a subcontractor individually applying for Local Business designation which meets criteria in either Subsections a. and c. or Subsections b. and c. as listed below:

a. The business headquarters must be located and primarily doing business within a forty-five (45) mile radius of the intersection of 8th Street and Grand Avenue in Glenwood Springs. In the event the business is incorporated or otherwise registered, it must be incorporated or otherwise registered in Colorado. (A 19-02 §3; A 1-10 §1)

b. At least seventy-five percent (75%) of the business work force, at the time of application, must reside within a forty-five (45) mile radius of the intersection of 8th Street and Grand Avenue in Glenwood Springs. (A 19-02 §3; 1-10 §1)

c. The business shall have at least seventy-five percent (75%) of business vehicles registered, at the time of the application, with the government agency having jurisdiction over areas within a forty-five (45) mile radius of the intersection of 8th Street and Grand Avenue in Glenwood Springs. (A 19-02 §3; A 1-10 §1)

d. (A 14-98 §1; Ad 19-02 §3; R 1-10 §1)

(2) When applied to procurement of goods, supplies, construction equipment and other vehicles, *Local Business* shall mean a business that is located and primarily doing business in the corporate limits of the City. In the event the business is incorporated or otherwise registered, it must be incorporated or otherwise registered in Colorado. (A 14-98 §1; A 19-02 §3; A 1-10 §1)

(c) Local Business Designation. Prior to submitting a bid, any business and/or subcontractor wishing to obtain the Local Business Designation shall apply for such designation by submitting sufficient written documentation to the City Manager which supports a request for such designation. The owner of the business and/or subcontractor seeking a Local Business Designation shall submit a signed, sworn affidavit affirming the truthfulness of all information supplied to the City with the application for Local Business Designation. To receive Local Business Designation of any subcontractor amounts included in its bid, a business must certify the accuracy of the contents of the subcontractor's Local Business Designation application submitted pursuant to this Section. The City Manager may grant a Local Business Designation to a business and/or subcontractor if such business and/or subcontractor has satisfied the criteria set forth in Subsection (b). In the event the City Manager does not grant a Local Business Designation upon request, such business and/or subcontractor may appeal the decision by providing a written explanation of the basis of the appeal to the City Council within five (5) business days of receiving the City Manager's decision. A decision by a majority of the City Council present shall be made at the time of the award of the contract for which the appeal is made. (A 1-10 §1)

(d) Local Business preference. In the event that a determination is made that a submitted bid is from a responsible and responsive bidder and that the business submitting the bid and/or a subcontractor included in the bid has a Local Business Designation, the bid comparison and award shall be made after taking any applicable local preference into consideration.

All portions of the submitted bid attributable to a Local Business shall be aggregated for application of the local preference as follows: if the aggregate Local Business portion of the submitted bid contract amount is equal to or less than Two Hundred Thousand Dollars (\$200,000.00), the Local Business preference will be five percent (5%); if the aggregate Local Business portion of the submitted bid contract amount is more than Two Hundred Thousand Dollars (\$200,000.00), the Local Business preference will be Ten Thousand Dollars (\$10,000.00) plus two and one-half percent (2.5%) of the aggregate Local Business portion in excess of Two Hundred Thousand Dollars (\$200,000.00); no Local Business preference, in any event, shall exceed One Hundred Thirty Five Thousand Dollars (\$135,000.00). Determination of the lowest responsible and responsive bidder shall be made after any appropriate Local Business preference amount is applied to the submitted full bid contract amount.

(A 19-02 §3; A 7-04 §1; A 1-10 §1)

(e) Notice. Every invitation for bids shall contain notification of this Section setting forth this Local Business Preference and shall require a bidder to submit, at a time to be specified, the manner in which, if at all, such business and/or subcontractor may qualify for Local Business Designation under this Local Business preference policy. (A 14-98 §1; A 1-10 §1)

(f) Timing. No Local Business Designation shall be allowed unless such designation has been given in writing prior to the award of bid. (A 1-10 §1)

(g) Challenge. In the event any person wishes to challenge the Local Business Designation of a business and/or subcontractor which has received such designation, such challenge shall be submitted in writing to the City Manager. The written documentation supporting such challenge must set forth, with specificity, the reasons supporting the allegation that the business an/or subcontractor should not continue to receive the Local Business Designation. The City Manager, at his/her discretion, shall investigate such allegations and may seek the imposition of the remedies set forth in this Section. (A 1-10 §1)

(h) Civil penalty. In the event a business and/or subcontractor has been given the Local Business Designation and the City Manager determines that such designation is erroneous, such business shall be penalized in the same monetary amount as the Local Business preference advantage which was applied to the bid from such business when it was awarded the contract. In addition, such business and subcontractor shall be subject to debarment for a period of three (3) years in accordance with the provisions of Section 010.050.040. (A 1-10 §1)

(i) False affidavit. It shall be unlawful for any person to make a false statement in the affidavit or to provide false information supporting application for the Local Business Designation. (A 1-10 §1)

(j) Violations. In addition to the other remedies provided in Subsection (h) (Civil Penalty), any person violating Subsection (i) (False Affidavit) shall be deemed guilty, per occurrence, of a misdemeanor and, upon conviction of the same, shall be punished, per occurrence, in accordance with the provisions of Section 010.020.080 in the Municipal Court. Violations of any provision of Section 010.050.080 shall be deemed to be a strict liability offense as defined in Subsection 120.010.010. Culpable mental state is not required with respect to any material element of a violation of this Subsection. (A 1-10 §1)

(R 23-84 §1; R & Re 2-94 §1; A 14-98 §1; A, Ad 19-02 §3; A 1-10 §1)

## ORDINANCE NO. 11

Series of 2016

### **AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTION 040.020.170 OF THE GLENWOOD SPRINGS MUNICIPAL CODE THAT PROVIDES FOR AN ADDITIONAL ECONOMIC INCENTIVE PROGRAM OPTION FOR NEW DEVELOPMENT, TO EXTEND THE SUNSET PROVISION FOR TWO YEARS TO JULY 15, 2018.**

**WHEREAS**, through Ordinance No. 8, Series 2009 and amended through Ordinance No. 11, Series of 2010, Ordinance No. 12, Series of 2011, Ordinance No. 5, Series of 2012, and Ordinance No. 14, Series of 2014, Section 040.020.170 of the Glenwood Springs Municipal Code was amended to provide an additional option for a quicker recovery of allowed reimbursable City-imposed fees and costs to encourage business development and to encourage developers to use local businesses for construction services or procurement of goods and supplies; and

**WHEREAS**, the additional economic incentive program was set for repeal on July 15, 2016 unless otherwise extended by the City Council; and

**WHEREAS**, City Council has determined the need to continue to offer this additional economic incentive program to encourage new development within the City and, at the same time, encourage the use of local area labor, goods, and supplies to complete this development; and

**WHEREAS**, City Council further finds that it is in the best interests of the City to extend the time frame to July 15, 2018, during which the additional economic incentive program is available and upon completion of which the additional program shall be repealed, unless otherwise extended; and

**WHEREAS**, the City Charter of the City of Glenwood Springs requires that an ordinance be enacted to effectuate the amendment.

**NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF GLENWOOD SPRINGS, COLORADO, THAT:**

**Section 1.** The recitals made above are hereby incorporated as the findings of City Council.

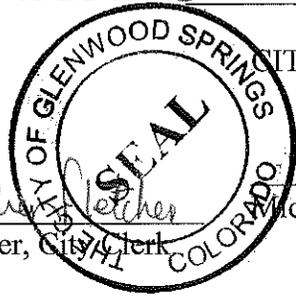
**Section 2.** Section 040.020.170 of the City's Municipal Code is hereby amended, as provided for on Exhibit A attached hereto and incorporated herein.

**Section 3.** Any and all ordinances or parts of ordinances in conflict herewith shall hereby be repealed to the extent of the conflict only.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED  
PUBLISHED BY TITLE ONLY THIS 2nd DAY OF June, 2016.

ATTEST:

Catherine Mythen Fletcher  
Catherine Mythen Fletcher, City Clerk



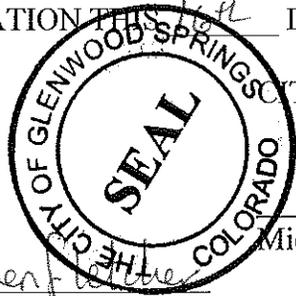
CITY OF GLENWOOD SPRINGS, COLORADO

Michael Gamba  
Michael Gamba, Mayor

INTRODUCED, READ ON SECOND READING, PASSED, AND ORDERED  
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE  
OF SECOND PUBLICATION THIS 14th DAY OF June, 2016.

ATTEST:

Catherine Mythen Fletcher  
Catherine Mythen Fletcher, City Clerk



CITY OF GLENWOOD SPRINGS, COLORADO

Michael Gamba  
Michael Gamba, Mayor

## EXHIBIT A

**Bold text is added language.**

~~Strike-through language is deleted.~~

040.020.170 Economic incentives; sales tax rebate.

...

(f) Tier two applicants will only be accepted from May 22, 2009 until July 15, **2018**. ~~2016~~. To apply for a Tier two rebate, an applicant must have a building permit issued on or before July 15, **2018**. ~~2018~~. The amendments contained in Ordinance No. 8, Series of 2009, Ordinance No. 11, Series of 2010, Ordinance No. 12, Series of 2011, Ordinance No. 5, Series of 2012, Ordinance No. 14, Series of 2014, **and Ordinance No. 11, Series of 2016** shall be repealed, effective July 15, **2018**, ~~2016~~, unless otherwise extended by further action of City Council.