

Agenda
City Council Work Session
April 21, 2020
6:00 PM
Virtual Meeting
(Meeting will not be held at City Hall)

Conferencing Access Information: <https://us02web.zoom.us/j/86915962361>

Join via phone at: 1-669-900-9128

Meeting ID: 869 1596 2361

CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

- 1. COVID-19 Response Update (10 minutes)**
James L. Becklenberg, City Manager
- 2. City Council Referral: Potential plan to accelerate road maintenance in 2020 (15 minutes)**
James L. Becklenberg, City Manager
- 3. 2020 Potable Water Demand Projection and Greeley IGA CAP Implications (10 minutes)**
James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Rick Pickard, Senior Civil Engineer
- 4. Small Cell Wireless Facilities Update (15 minutes)**
James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney
Anne Best-Johnson, Community Development Director
- 5. Council Discussion**

CITY COUNCIL WORK SESSION REPORT

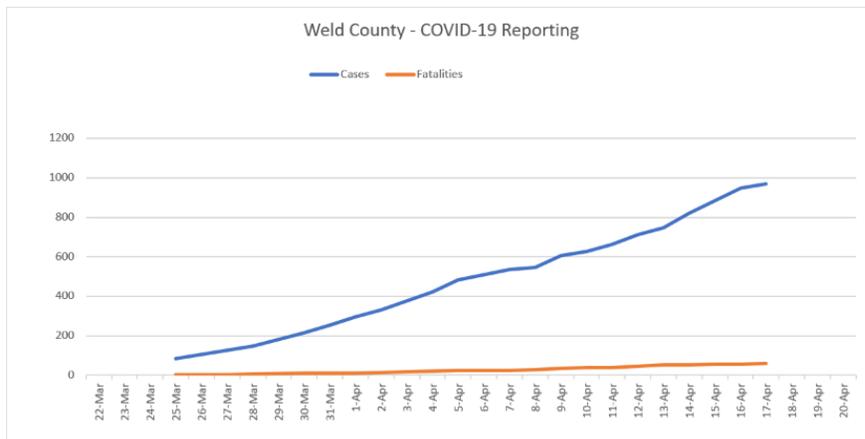
DATE: April 21, 2020
AGENDA ITEM: Work Session Item #1
SUBJECT: COVID-19 Response Update
NAME & TITLE: James L. Becklenberg, City Manager

ISSUE DESCRIPTION:

The City’s response to the COVID-19 virus disaster continues, with continuous Emergency Operations Center (EOC) operations to monitor evolving conditions, coordinate with the Weld County Department of Public Health and Environment, and plan the City’s operational response. The structure of the EOC, along with staffing roles, is attached to this report. Response strategies are consistent with the City’s Emergency Operations Plan (EOP), which is intended to serve as a high-level guide for all emergencies.

In addition to the broader EOP, staff has developed specific responses to the pandemic conditions presented by COVID-19, which are shown in the attached “Pandemic Response Plan.” At the March 17, 2020 staff described the “Operational Response Progression” and noted that at that time, the City was in Phase 3 response. At this time, the City remains in Phase 3, as most City services remain operational, due to capabilities for remote work and social distancing strategies. The remainder of this report provides an update since the April 6th work session on the most significant of the City’s response strategies and impacts.

Public Health Statistics: The City continues to monitor the statistical trends for positive cases and fatalities from COVID-19 in Colorado and Weld County. Staff is aware that approximately 80% of individuals diagnosed with COVID-19 reside in Greeley, Evans, and Garden City. Therefore, the Weld County numbers are most relevant. The trend for positive cases and fatalities in Weld County, as of April 16, 2020, is shown below:



Community Support: In recent weeks, the City Council and staff have engaged with partners in the region to support businesses and vulnerable populations. In this effort, the City has made contributions to the Greeley Area Recovery fund (\$20,000) and the cold weather homeless shelter now serving as a 24-hour shelter for approximately 100 homeless individuals (\$10,000)

Preliminary Planning for Reopening City Facilities: Staff does not believe it would be appropriate to reopen City facilities prior to the current announced closure through May 4th. Further, staff acknowledges that decisions regarding reopening facilities should be driven by public health considerations as circumstances allow. Nevertheless, emergency operations staff have begun developing phased plans that could be implemented when public health factors allow.

FINANCIAL SUMMARY:

N/A

REQUESTING FROM CITY COUNCIL:

Discussion and questions about the COVID-19 response

ATTACHMENTS:

- None

CITY COUNCIL WORK SESSION REPORT

DATE: April 21, 2020
AGENDA ITEM: Work Session Item #2
SUBJECT: City Council Referral: Potential plan to accelerate road maintenance in 2020
NAME & TITLE: James L. Becklenberg, City Manager

ISSUE DESCRIPTION:

Mayor Rudy requests that the City Council direct staff to develop options for accelerating road maintenance in 2020 by accessing funding that has been reserved for future road widening. With the passage of Measure 2A set to generate revenue beginning in July 2020, the Mayor's concept, as discussed with staff, would rely on money on hand to advance more maintenance in the near future, assuming that Measure 2A road tax revenues could restore the funding for widening in later years.

Pursuant to City Council referral procedures, the Mayor will describe the conceptual proposal in the work session. With City Council concurrence, staff will conduct the analysis necessary to present options to achieve the goal for additional maintenance in 2020.

FINANCIAL SUMMARY:

N/A at this work session.

REQUESTING FROM CITY COUNCIL:

Discussion and direction regarding the City Council referral

ATTACHMENTS:

- None

CITY COUNCIL WORK SESSION REPORT

DATE: April 21, 2020
AGENDA ITEM: Work Session #3
SUBJECT: 2020 Potable Water Demand Projection and Greeley IGA CAP Implications
NAME & TITLE: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Rick Pickard, Senior Civil Engineer

ISSUE DESCRIPTION:

The City owns raw water rights that provide enough water to serve current water users. The City contracts with the City of Greeley for treatment of the raw water through Greeley's treatment plants. Since the amount of water owned by the City is limited, and there are financial consequences for requiring higher and higher amounts of treated water from Greeley, it is important that the City monitor and report on total potable water consumption trends and financially plan for the eventuality of incurring additional costs.

BACKGROUND ON WATER TREATMENT BASE YEAR DELIVERY ("the CAP") and SYSTEM DEVELOPMENT CHARGE

At the time the IGA between the City of Greeley and the City of Evans was executed in 1998, the initial Base Year Delivery quantity or CAP was set at 1,817 acre-feet. A System Development Charge (SDC) is required to be paid if the Base Year Delivery CAP is exceeded. Since 1998, the Base Year Delivery quantity has been exceeded several times most recently in the year 2012 resulting in the current Base Year Delivery quantity of 2,766.41 acre-feet. It is important to note that each time an SDC is paid, the Base Year Delivery quantity or CAP is increased by the amount equivalent to the SDC in terms of acre-feet.

The SDC is a dollar value or rate based on two values 1) Greeley's customer annual residential average demand, and 2) the accompanying residential plant investment fee. The SDC rate charged to the City changes as either or both values change. The 2019 SDC rate per acre-foot was \$21,316. The 2020 SDC rate was reduced approximately 2.9% and is set at \$20,724 per acre-foot.

RECENT HISTORICAL DEMAND TREND

To present the City's recent historical demand trend, staff recommends using the years from 2012 to 2019. The year 2012 was significant in that it was a very dry year with a resulting high demand. As previously discussed, 2012 was the last year the City exceeded the CAP and paid a System Development Charge. The year 2019 includes the last fully reported demand values.

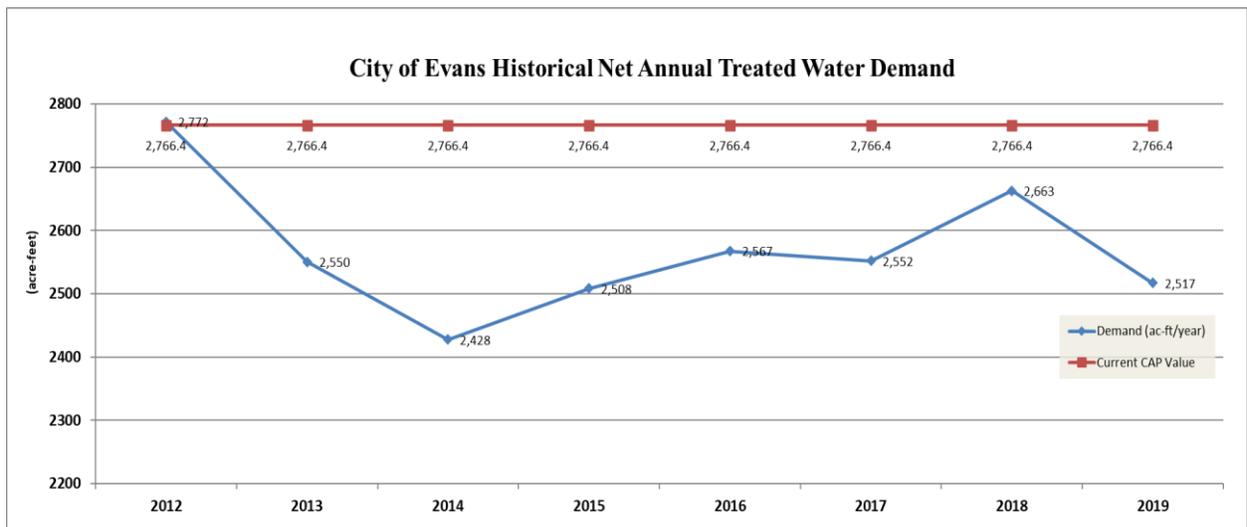
Please refer to the chart titled *City of Evans Historical Net Annual Treated Water Demand*. Staff has noted highlights of the selected demand trend period as follows:

- From 2012 to 2014 the City experienced a reduction in demand of approximately 14.2%.
- From 2014 to 2018 the City experienced an increase in demand of approximately 9.7%.
- From 2018 to 2019 the City experienced a reduction in demand of approximately 5.5%.

Please refer to the following Table of Values and accompanying Graph representing historical reported net demand. Net demand is total demand minus credit given to Evans by Greeley for water provided by Evans to current Greeley customers.

City of Evans
 Historical Net Treated Water Demands
 (acre-feet)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	% Change from Previous Year
2012	122.5	119.4	144.8	218.8	320.3	371.2	377.4	383.6	301.3	164.9	124.8	123.1	2,772	9.6%
2013	136.5	120.2	133.1	134.9	262.0	388.1	372.1	336.7	263.3	154.2	123.0	126.2	2,550	-8.0%
2014	133.3	120.0	134.0	170.5	252.4	288.7	336.3	310.7	251.4	174.5	129.2	126.9	2,428	-4.8%
2015	132.9	116.8	133.9	173.5	172.2	247.0	379.4	376.1	332.9	195.6	125.6	122.5	2,508	3.3%
2016	129.0	126.7	126.4	145.5	208.4	343.4	384.5	337.2	284.1	206.4	145.6	130.4	2,567	2.4%
2017	128.9	120.9	135.1	188.1	225.8	370.3	379.0	303.9	281.9	156.3	128.6	133.0	2,552	-0.6%
2018	125.1	117.0	135.5	169.7	284.6	372.1	357.6	344.6	310.2	184.6	131.3	130.6	2,663	4.4%
2019	132.9	119.8	133.0	156.8	231.3	287.7	344.2	374.8	305.6	179.1	125.7	125.9	2,517	-5.5%
8-Yr Avg (2012-2019)	130.1	120.1	134.5	169.7	244.6	333.6	366.3	345.9	291.3	176.9	129.2	127.3	2,570	0.1%



PROJECTING DEMAND IN 2020

At the time of the preparation of this report, the City has compiled recorded usage figures for the months of January and February 2020. Staff used these recorded values as a basis for projecting a total demand for the year 2020. To complete the year 2020 demand projection (i.e. the months

of March through December) staff projected demand values using three alternatives as described and summarized below:

- **Alternative 1 – 2,512.0 ac-ft** (projects demand for March through December by using the 2019 Reported demand for the same months). This is the most conservative approach.
- **Alternative 2 – 2,534.6 ac-ft** (projects demand for March through December by using the 2019 Reported demand plus 1% growth for the same months). This approach considers some additional demand.
- **Alternative 3 – 2,557.3 ac-ft** (projects demand for March through December by using the 2019 Reported demand plus 2% growth for the same months). This is the most aggressive approach of the three alternatives.

Projecting demand growth is based on several factors including but not limited to:

- Summer temperatures
- Increase or decrease in the use of non-potable water for irrigation
- Growth (additional demand on the system)
- Prior growth patterns
- Water storage availability
- Natural disasters, floods, pandemics,

The following table illustrates Demand Projection Alternative 1 as an example of these calculations.

PROJECTION ALTERNATIVE 1									
2020 Projection comprised of <u>Reported 2020 Jan - Feb</u> NET demands AND <u>projected Net 2019 Demands from Mar - Dec</u>									
Projected Net 2021-2025 using 2% growth from Projected Net 2020									
Month	Net Historical Demands (ac-ft)			Reported Net 2020 (Jan - Feb) AND Projected Net (Mar - Dec) from 2019	Net Projected Demands (ac-ft)				
	2017	2018	2019		Projected 2021 @ 2.0% Growth from Previous Year	Projected 2022 @ 2.0% Growth from Previous Year	Projected 2023 @ 2.0% Growth from Previous Year	Projected 2024 @ 2.0% Growth from Previous Year	Projected 2025 @ 2.0% Growth from Previous Year
Jan	128.90	125.10	132.90	128.0	130.5	133.2	135.8	138.5	141.3
Feb	120.90	117.00	119.80	119.9	122.3	124.7	127.2	129.8	132.4
Mar	135.10	135.50	133.00	133.0	135.7	138.4	141.1	144.0	146.8
Apr	188.10	169.70	156.80	156.8	159.9	163.1	166.4	169.7	173.1
May	225.80	284.60	231.30	231.3	235.9	240.6	245.5	250.4	255.4
Jun	370.30	372.10	287.70	287.7	293.5	299.3	305.3	311.4	317.6
Jul	379.00	357.60	344.20	344.2	351.1	358.1	365.3	372.6	380.0
Aug	303.90	344.60	374.80	374.8	382.3	389.9	397.7	405.7	413.8
Sep	281.90	310.20	305.60	305.6	311.7	317.9	324.3	330.8	337.4
Oct	156.30	184.60	179.10	179.1	182.7	186.3	190.1	193.9	197.7
Nov	128.60	131.30	125.70	125.7	128.2	130.8	133.4	136.1	138.8
Dec	133.00	130.60	125.90	125.9	128.4	131.0	133.6	136.3	139.0
TOTAL	2,552	2,663	2,517	2,512.0	2,562.2	2,613.5	2,665.7	2,719.0	2,773.4
		Reported readings		check	2,562.2	2,613.5	2,665.7	2,719.0	2,773.4
		Projected readings							

PROJECTING DEMAND IN THE YEARS 2021-2025

As illustrated by the *Historical Net Annual Treated Water Demand graph*, the City has experienced a decline in demand from the year 2012 to 2014, a steady increase in demand from the year 2014 to 2018 and a recent decrease in demand from 2018 to 2019.

Staff recommends a 2% growth factor when projecting growth beyond the year 2020 through the year 2025. Please refer to the following Table of Values illustrating the Demand Projection through 2025 for this Alternative.

PROJECTION ALTERNATIVE 1									
2020 Projection comprised of <u>Reported 2020 Jan - Feb</u> NET demands AND <u>projected Net 2019 Demands from Mar - Dec</u>									
Projected Net 2021-2025 using 2% growth from Projected Net 2020									
	Net Historical Demands (ac-ft)			Net Projected Demands (ac-ft)					
Month	2017	2018	2019	Reported Net 2020 (Jan - Feb) AND Projected Net (Mar - Dec) from 2019	Projected 2021 @ 2.0% Growth from Previous Year	Projected 2022 @ 2.0% Growth from Previous Year	Projected 2023 @ 2.0% Growth from Previous Year	Projected 2024 @ 2.0% Growth from Previous Year	Projected 2025 @ 2.0% Growth from Previous Year
TOTAL	2,552	2,663	2,517	2,512.0	2,562.2	2,613.5	2,665.7	2,719.0	2,773.4

ANALYSIS OF TREATMENT CAP WITH INCREASED DEMAND

To satisfy the projected increase in demand, additional treated water will be required. Additional treatment demand will approach the current IGA treatment CAP of 2,766.41 acre-feet by 2025. Once the current CAP threshold is exceeded, a System Development Charge (SDC) is incurred on an acre-feet basis at \$20,724 per additional acre foot. It is important to note that the SDC is an investment in the quantity of treatment capacity reserved in the name of the City of Evans. Each time an SDC is paid, the CAP amount is increased, thus increasing the quantity of available treatment capacity for Evans in Greeley’s treatment system.

Staff has taken the projections of Demand for the years 2020 through 2025 and projected when the current CAP figure will be exceeded. Please refer to Projection Alternative 1 below which illustrates the results.

PROJECTION ALTERNATIVE 1									
Current CAP	2,766.4	ac-ft	2019	2020	2021	2022	2023	2024	2025
Under Cap			249.6	254.4	204.2	152.9	100.7	47.4	
Over Cap									7.0
CAP cost/ac-ft	\$20,724	<i>(Assuming CAP cost stays constant through 2025)</i>							
Cost									\$145,460
New Cap									2,773.4
					2021	2022	2023	2024	2025

Cap Projection Summary

Based on a review of the Analysis of the Treatment Cap for Projection Alternative 1, staff concludes that it is unlikely that the City will exceed the current CAP prior to the year 2025. In that scenario the City would see a small SDC that would need to be paid in 2025.

CAP Budgetary Summary

The primary funding source for SDC charges is the System Development Fee assessed for new development in Evans to connect into the City's water system. Current practice is to transfer 25% of these revenues to a CAP reserve, which would be used as needed to pay the SDC to Greeley. The CAP reserve is projected to contain \$1.936 million that could be used for Greeley system expansion by the end of 2020.

To avoid budget shortfalls in the future, the CAP reserve fund will need to continue to grow through System Development Fees collected from new development, and efforts to reduce demand will need to be effective in order to forestall the time that the City reaches the 2,766.41 acre feet CAP.

EFFORTS TO AVOID OR FORESTALL EXCEEDING THE CAP THRESHOLD

As previously discussed, there are many factors that can affect the timing of increase in treated water demand such as:

- Summer temperatures
- Increase or decrease in the use of non-potable water for irrigation
- Growth (additional demand on the system)
- Prior growth patterns
- Water storage availability
- Natural disasters, floods, pandemics,

Some of these factors such as growth, summer temperatures and natural disasters cannot be controlled by the City. However, use of non-potable (non-treated) water and water efficiency are two areas where the City can have a strong influence on the future water demand.

Promoting Use of Non-potable Systems for New Developments

The City continues to be proactive in encouraging new developments to utilize non-potable systems for outdoor irrigation usage. Planned developments that will be installing non-potable irrigation systems include the following:

- Mission Village Multi-Family
- Mission Homestead Single-family and Duplexes
- Peakview PUD
- Wildhorse at Tuscany
- Tuscany Villagio PUD
- Reserve at Crescent Cove Apartments
- Infill lots within existing subdivisions that currently offer non-potable service (e.g., Willowbrook, The Ridge at Prairie View, Grapevine Hollow, North Point)

Transferring Existing Irrigation Systems from Potable to Non-potable Water Supplies

The City further recognizes the potential savings in potable water usage by transferring other *existing* irrigation systems from potable to non-potable water supplies. This type of savings can further delay when the City would exceed the CAP. Some of the more significant projects include the following:

- **Tuscany Development** (current and future) – The existing Tuscany subdivision was constructed with an on-site non-potable system. However, necessary off-site improvements were not completed to make the system functional. The City is currently completing the tasks remaining to bring the system on-line. *When completed, the City will realize a savings of up to 100 acre-feet of potable water.*
- **The Verge Apartments** – The Verge apartment complex was constructed with an on-site non-potable system. At the time, the Evans Ditch supplied water to the system. Currently the system is inoperable. The City is working with the Owner to return to irrigation water supply and stop relying on potable water for irrigation. When the Verge is back on Evans Ditch water, the *City would realize a savings in the range of 10-15 acre-feet of potable water.*
- **Crescent Cove Apartments** (existing subdivision) – The City has been approached by the owners with the intent to change the source of water for the existing irrigation system. Currently, they use the City’s potable water and wish to change to non-potable water. *The City would realize a savings of approximately 17 acre-feet of potable water.*

Water Efficiency

The City has over the years promoted the practice of water efficiency particularly through the summer months and through these efforts has achieved a reduction in potable water usage. In recent years the City has become more active in promoting water efficiency using informational flyers delivered in customers’ water bills as well as through social media. These efforts pay dividends in terms of water usage reductions. Currently, the City is completing the update of a Water Efficiency Plan as well as beginning to develop a set of water efficiency measures to be considered in the update of the Comprehensive Plan. The City has also just been awarded a grant from the Northern Colorado Water Conservancy District for a water-efficient landscaping project that can serve as a model at the southwest corner of the intersection of 11th Avenue and Highway 34 by the cemetery. The City will continue to find new ways to inform and educate customers on how water conservation can reduce water bills and decrease the overall demand for treated water.

FINANCIAL SUMMARY:

Staff concludes that based on the projected 2% growth rate it is unlikely the City will exceed the current CAP in the year 2020 and therefore there is no current year need to budget for an additional System Development Charge for Greeley water treatment capacity. However, it will be important to continue to grow the committed fund balance being set aside for Greeley System Expansion expenses. Unless demand is significantly decreased through the conservation and efficiency efforts and favorable water use variables described above, the CAP would be exceeded by a small amount starting in the year 2024 and the City would incur a small SDC. That would be followed by greater CAP exceedances and more SDCs in the subsequent years. Staff recommends continuation of a conservative budgeting approach with appropriate earmarking of System Expansion Fee contingency funds along with proactive measures to decrease the use of potable water for irrigation and other significant water conservation efforts.

REQUESTING FROM CITY COUNCIL:

Additional questions for further research and/or analysis

CITY COUNCIL WORK SESSION REPORT

DATE: April 21, 2020
AGENDA ITEM: Work Session Item #4
SUBJECT: Small Cell Wireless Facilities Update
NAME & TITLE: James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney
Anne Best-Johnson, Community Development Director

ISSUE DESCRIPTION:

“Small Cell” radio equipment is an emerging feature of the wireless communication landscape. It is a component of “5G” wireless service levels that major telecommunications companies require and are increasingly a land use issues for municipalities to manage. The purpose of this work session is to provide a brief overview of the issue, answer City Council questions, and seek the Council’s direction about potentially developing an ordinance regulating certain aspects of the infrastructure deployment. There is currently one active application for an installation in Evans (on a utility pole on 23rd Avenue near Palomino’s). There has also been a recent inquiry from another company about a possible installation on 8th Avenue just north of Highway 34. While staff is learning that municipalities have little choice regarding whether small cell technology may be permitted, there is some flexibility and potential need for policy regarding where and how they may be deployed in a given community.

A small cell installation consists of small radio equipment and antennas that can be placed on structures such as streetlights, the sides of buildings, or poles. Each small cell installation is about the size of a backpack and a network of installations about every 500 feet is essential for transmitting data to and from wireless devices that will operate on the new 5G technology.

Small cells look completely different than typical wireless infrastructure in that they are much smaller than the large cell towers that have been necessary for current cellular service technologies. Whereas larger towers are often placed miles apart, small cell structures need to be installed every few blocks.

Small cell operators have identified public rights of way as the optimal locations for small cell facilities because rights of way have existing infrastructure such as utility poles, street lights and traffic signals. In recent years, state and federal policy makers have adopted rules to promote the unfettered deployment of small cell facilities in public rights of way.

On April 18, 2017 the Colorado State Legislature adopted HB 17-1193, which is codified in C.R.S. Section 29-27-401, et seq and Section 38-5.5-102 et seq. The state law supersedes the Evans Municipal Code where conflicts exist and constitutes a substantial set-aside of local government’s

zoning rules. Key features of the state law include the following:

- Small cells are a use by right in any zone district subject to the exercise of local police powers including zoning requirements.
- State law defines “small cell” as low-powered wireless base stations that include an antenna of no more than three cubic feet and equipment totaling no more than 28 cubic feet, placed on a structure that is either no more than 50 feet in height or no more than 10 percent taller than adjacent structures
- Time constraints of 90 days are placed on application approvals by local governments, after which a small cell provider can proceed without approval.
- Provides for consolidated applications for a network of multiple small cell facilities, instead of requiring individual applications

In September 2018, the U.S. Federal Communications Commission passed a series of orders to further facilitate the deployment of small cells and other wireless infrastructure by superseding other state- and local-level regulations. The new state and federal legislation is intended to encourage rapid deployment of the new 5G technology for economic development, global competition and public safety communication purposes

The primary features of the FCC’s orders are as follows:

- Ban local “moratoria” that would delay or limit wireless infrastructure deployment.
- Establish a national fee structure that cities can charge for reviewing small cell projects.
- Establish a 60-day shot clock for attaching small cells to existing structures and 90 days for new builds.

The FCC regulations are currently being challenged in federal court and are subject to change. In the midst of a complex and changing legal environment, small cities face the challenge of adopting regulations for small cell facilities that meet community aesthetic standards, minimize clutter and make appropriate use of the public rights of way while complying with state and federal law and regulation.

FINANCIAL SUMMARY:

There are no financial implications for the City except for the land use application fees that may be collected and the cost of the staff time to review applications as they come in.

REQUESTING FROM CITY COUNCIL:

City Staff is seeking guidance on proceeding with Land Use Code changes and design guidelines to implement state and federal law regarding small cell wireless facilities.

ATTACHMENTS:

None