

If you would like to address City Council, please place your name on the sign-up sheet located at the back of the City Council Chambers. You will be recognized to speak during the "audience participation" portion of the agenda

AGENDA

City Council Regular Meeting
August 03, 2020 - 7:00 PM

An informational packet containing all agenda material is available for public inspection on our website at www.evanscolorado.gov. The agenda is posted on the bulletin board adjacent to the Council Chambers.

VIRTUAL MEETING INFORMATION

Please click on this URL to join virtually: <https://us02web.zoom.us/j/89675030589>

Or join by phone: 1-669-900-9128
Webinar ID: 896 7503 0589

1. CALL TO ORDER

2. PLEDGE

3. ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

4. AUDIENCE PARTICIPATION

The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. Depending on the number of speakers on any given topic, your comments may be limited to two (2) minutes. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the appropriate staff person for follow-up. Thank you!

5. APPROVAL OF AGENDA

6. CONSENT AGENDA

The consent agenda is reserved for matters which are considered to be routine and uncontroversial. Any item may be removed from the consent agenda and placed on the regular agenda at the request of the Mayor or a City Council member.

- [A.](#) Approval of the July 21, 2020 City Council Meeting Minutes
- [B.](#) Consideration of Ordinance Number 728-20 Implementing the Colorado Sales and Use Tax Software System (SUTS) (2nd Reading)

7. NEW BUSINESS

- [A.](#) Consideration of Resolution Number 20-2020 Making Findings of Facts by the City Council of the City of Evans, Colorado, and its Conclusions Relative to the Eligibility for Annexation to the City of Evans, Colorado, of Certain Municipally Owned Property
James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney
- [B.](#) Public Hearing: Consideration of Ordinance Number 723-20 Arrowhead Annexation and Zoning
- [C.](#) Consideration of Resolution Number 22-2020 Approval of Use by Special Review for the Arrowhead Open Space/Park located at 37th Street and 47th Avenue
- [D.](#) Public Hearing: Consideration of Ordinance Number 727-20 an Ordinance Repealing and Replacing Chapter 18.07.120 of the Evans Municipal Code to Provide Transparent Application Processing Standards For Plat Modifications, Replats, Vacations and Lot Line Adjustments in the City of Evans
- [E.](#) Public Hearing: Consideration of Ordinance Number 729-20 an Ordinance Adding Chapter 9.29 to Title 9 of the Evans Municipal Code to Regulate Unmanned Aircraft Systems in the City of Evans (1st Reading)
- [F.](#) Consideration of Resolution Number 26-2020 to Authorize and Approve Evan's Participation in the Metro Mortgage Assistance Plus Program and Authorizing the Execution of the Delegation and Participation Agreement and Other Documents in Connection Therewith
- [G.](#) Consideration of Award of Bid: 2020 Asphalt Treatment Project
- [H.](#) Consideration of Award of Contract for Multi-Modal Master Plan
- [I.](#) Consideration of Award of Bid: Tuscany Non-Potable Pump Skid
- [J.](#) Consideration of the 47th Avenue Widening/23rd Avenue Inspection and Testing Services Contract

8. REPORTS

- [A.](#) City Manager
- B. City Attorney

9. AUDIENCE PARTICIPATION (general comments)

Please review the Audience Participation section listed at the beginning of the agenda for procedures on addressing City Council.

10. ADJOURNMENT

CITY OF EVANS – MISSION STATEMENT

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

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 6.A
SUBJECT: Approval of the July 21, 2020 City Council Meeting Minutes
PRESENTED BY: Julie Roeder, Interim City Clerk

AGENDA ITEM DESCRIPTION:

Approval of minutes

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

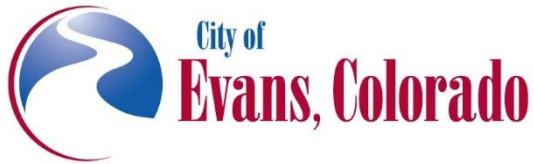
N/A

SUGGESTED MOTIONS:

“I move to approve the minutes as presented”

ATTACHMENTS:

- July 21, 2020 City Council Meeting Minutes



MINUTES

City Council Regular Meeting
July 21, 2020 - 7:00 PM

1. CALL TO ORDER

Mayor Pro-Tem Clark called the meeting to order at 7:00 p.m.

2. PLEDGE

3. ROLL CALL

Mayor:	Brian Rudy – Absent
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

4. RECOGNITION

A. Planning Commission Recognition

Mayor Pro-Tem Clark recognized Ms. Linn and Mr. Bernardo for their services to the community. Ms. Linn was present and accepted her placque. Mr. Bernardo was absent and unable to accept his placque.

B. Water & Sewer Board Recognition

Mayor Pro-Tem Clark recognized Mr. James Krenzler who served on the Water and Sewer board. He was present and accepted his placque.

C. Police Department Recognition: Life-Saving Awards and Medals

Police Chief, Rick Brandt, recognized Officer Luis Garcia, Officer Troy McDaniel, Officer Todd Ediger, Officer Jason Schissler and Officer Jason Peppas with Life-Saving Awards. Officers Luis Garcia, Troy McDaniel, and Todd Ediger were present and accepted their awards. Officers Jason Schissler and Jason Peppas were absent and unable to accept their awards.

5. AUDIENCE PARTICIPATION

There was no audience participation

6. APPROVAL OF AGENDA

Mr. Becklenberg advised Council that a Council Member has requested the July 7, 2020 minutes be amended. He requested that item 7A be removed from the consent agenda so that they can receive separate consideration from the Council.

Council Member Speer made the motion, seconded by Council Member Johnson to approve the agenda as amended. The motion passed with all voting in favor thereof.

7. CONSENT AGENDA

- B. Consideration of Ordinance Number 725-20 An Ordinance Amending the 2020 Budget (2nd Reading)
- C. Consideration of Ordinance No. 726-20 an Ordinance Amending Chapter 13.24 to Protect the Public Water System from Contaminants or Pollutants that Could Enter the Distribution System by Backflow (2nd Reading)
- D. Consideration of Ordinance No. 721-20 Approving a Change of Zone from I-2 to I-3 for MountainTRAX, an Industrial Park located at 7300 47th Avenue (2nd Reading)

Council Member Johnson made the motion, seconded by Council Member Castle to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

- A. Approval of the July 7, 2020 City Council Meeting Minutes

Mr. Becklenberg asked Council Member Neal if he would like to read into record what he would like amended on the July 7, 2020 minutes. Council member Neal accepted, and clarified his comments for the record to include more detail in the minutes.

Council Member Speer asked if the changes being requested were in fact verified on audio recording.

Mr. Becklenberg advised that the recordings were unclear due to the face mask covering.

Council Member Johnson made the motion, seconded by Council Member Neal to approve item 7A, July 7, 2020 City Council Minutes as amended. The motion passed with 5 to 1 vote with council member Speer voting no.

8. OLD BUSINESS

- A. Public Hearing: Consideration of Ordinance No: 722-20 Annexing and Zoning Certain Lands Concurrently in Connection with the MountainTRAX Intermodal LLC Petition for Annexation (2nd Reading)

Mayor Pro-Tem Clark opened the Public Hearing at 7:21 p.m.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to

Speak for this item; no one came forward.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Pro-Tem Clark closed the public hearing at 7:22 p.m.

Council Member Mortenson made the motion, seconded by Council Member Castle to adopt Ordinance No. 722-20 on 2nd Reading as proposed to annex certain territory comprised of 3.86 acres into the City of Evans to concurrently zone the property I-3, with restrictions on certain uses. The motion passed with 5 to 1 vote with Council Member Speer voting no.

9. NEW BUSINESS

A. Consideration of Board of Zoning Appeals and Planning Commission Appointments

Mr. Becklenberg informed the Council that recently an ordinance was approved allowing members of the planning commission and members of the zoning board of appeals to hold other appointed positions within the city. He asked Council to take the action of appointing all members of the planning commission and alternate planning commissioner as members of the zoning board of appeals in order to serve both roles. Second, he requested that Council reappoint planning commissioner, Billy Castillo, to another term of office.

Council Member Speer made the motion, seconded by Council Member Mortenson to appoint the current members of the Planning Commission to also serve as members of the Zoning Board of Appeals. The motion passed with all others voting in favor thereof.

Council Member Speer made the motion, seconded by Council Member Johnson to reappoint planning commissioner, Billy Castillo, as a member of the planning commission and of the zoning board of appeals. The motion passed with all others voting in favor thereof.

B. Consideration of Award of Bid for the 47th Avenue Construction Project

Mr. Becklenberg informed the Council that this was one of the City's largest capital projects of 2020 and asked City Engineer, Mark Oberschmidt to give an overview of the project.

Mark Oberschmidt advised that the City received 11 total bids, and that DeFalco was chosen because of their price, references, and confirmed projects that they have completed.

Council Member Speer expressed her concern with DeFalco missing two items off their original bid.

Mark Oberschmidt advised that the items were not completely left out, but just mislabeled. This did affect the price, however Oberschmidt assure the City Council that staff was able to complete an apples-to-apples comparison of all bids, even with the correction, and DeFalco's final cost was still below many of the other bidders.

Council Member Castle made the motion, seconded by Council Member Neal to award the "47th Avenue Widening Project" to DeFalco Construction and to authorize the Mayors signature on an agreement in the amount of \$3,503,943.74 with a not to exceed amount of \$3,854,300. The motion passed with all others voting in favor thereof.

C. Consideration of Intergovernmental Agreement with the City of Greeley for 47th Avenue Widening Funding

Mr. Becklenberg provided Council with an overview of the project and because approximately 550 feet of the project is located in Greeley, he recommended that Council approve the IGA allowing Greeley to pay for their share of the project for a total of \$214,823.

Council Member Speer asked if the five water service connections that are going to be installed on the Evans' water main are going to be in Evans or Greeley.

Mark Oberschmidt advised that they will all be in Evans.

Council Member Speer made the motion, seconded by Council Member Castle to approve the Intergovernmental Agreement with Greeley for the 47th Avenue Widening Project and authorize the Mayor's signature on the Agreement. The motion passed with all others voting in favor thereof.

D. Consideration of Resolution Number 23-2020 in Support of the Great Outdoors Colorado Grant to Fund Improvements at Arrowhead Lake Open Space and Tract O Open Space

Mr. Becklenberg provided background information of the project and informed Council that Evans has used Great Outdoors Colorado Grant funding for several projects and has developed great relationships with their staff. He also advised that based on the proposal developed by Evans staff, a project improving both parcels outlined appear to be a feasible grant project, and turned the meeting over to Anne B. Johnson, Community Development Director.

Anne B. Johnson provided Council with an overview of the project.

Mayor Pro-Tem Clark expressed his support for this project.

Council Member Castle commended staff on their hard work towards this project.

Council Member Johnson agreed with Council Member Castle.

Council Member Speer is also in support of this project, but asked staff to take into consideration the staffing needs for the maintenance of this project. She also asked staff to ensure that the project is properly fenced in order to prevent trespassing onto the Arrowhead lake.

Council Member Neal added that Arrowhead residents have stressed the need for proper fencing and signage around this project

Mr. Becklenberg ensured both Council Member Speer and Neal that the fence and signage are a priority of the City.

Council Member Johnson made the motion, seconded by Council Member Neal to adopt Resolution No. 23-2020 and authorize the City Manager to sign the Great Outdoors Colorado Resilient Communities application form. The motion passed with all others voting in favor thereof.

- E. Public Hearing: Consideration of Ordinance Number 728-20 Implementing the Colorado Sales and Use Tax Software System (SUTS) (1st Reading)

Mayor Pro-Tem Clark opened the Public Hearing at 7:53 p.m.

Mr. Becklenberg informed the Council that this ordinance would make our code consistent with a recent U.S. Supreme Court decision to require a retailer who is out of state and online to pay sales tax, and turned the meeting over to Finance Director, Jacque Troutd.

Jacque Troutd provided Council with background information on the Colorado Sales and Use Tax Software System.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Pro-Tem Clark asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Pro-Tem Clark asked if there were any questions or comments from the staff.

Council Member Speer asked staff if we were not happy with this software, could we sever ties.

Jacque Troutd advised Council Member Speer that we could in fact end our relationship at any time.

Council Member Neal expressed his support for this software.

Council Member Castle expressed that she is also in favor of proceeding.

Mayor Pro-Tem Clark closed the public hearing at 7:59 p.m.

Council Member Castle made the motion, seconded by Council Member Neal to approve the Sales and Use Tax Software user agreement, and to adopt Ordinance No. 728-20 on first reading. The motion passed with all others voting in favor thereof.

- F. Consideration of Resolution Number 24-2020 A Resolution Rescheduling the October 6, 2020 City Council Meeting

Mr. Becklenberg informed the Council that National Night Out has been rescheduled to October 6, 2020 and requested that the Council reschedule the regular City Council Meeting, which would also be on Tuesday, October 6, 2020 to Monday, October 5, 2020.

Council Member Johnson made the motion, seconded by Council Member Castle to move to adopt Resolution No. 24-2020. The motion passed with all others voting in favor thereof.

- G. Consideration of Resolution Number 25-2020 – Appointment of the Evans Interim City Clerk

Mr. Becklenberg informed the Council that with the departure of our current City Clerk, Evans will need to appoint an Interim City Clerk until we are able to fill the position. He asked Council to appoint Julie Roeder, Administrative Services Director, as Interim City Clerk.

Council Member Speer made the motion, seconded by Council Member Castle to move to adopt Resolution No. 25-2020. The motion passed with all others voting in favor thereof.

10. REPORTS

- A. City Manager

Mr. Becklenberg reported to Council that we are actively recruiting for the City Clerk position. The project to clear debris from the trails on the southern portion of Riverside Park after the flood is going well. Also, weed season is here, and Code Enforcement is diligently working to resolve code issues throughout the City. 17th Avenue has a new water line north of 37th Street and is now clear of any construction activity. The project has come to completion under budget and ahead of schedule. Economic Development and Community Development staff had a successful meeting with Innovative Foods with plans to rebuild in the industrial area.

- B. City Attorney

City Attorney, Scotty Krob, reported that the City continues to be busy with Development items. A memo has been provided to City staff regarding the latest mask wearing order from the governor.

11. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

12. EXECUTIVE SESSION

- A. To Confer with the City Attorney Regarding Possible Purchase, Acquisition, or Transfer of Property, Pursuant to Section 24-6-402(4)(a) and (b), C.R.S.

Council Member Speer made the motion, seconded by Council Member Castle to adjourn into executive session at 8:13 p.m. to Confer with the City Attorney Regarding Possible Purchase, Acquisition, or Transfer of Property, Pursuant to Section 24-6-402(4)(a) and (b), C.R.S. The motion passed with all voting in favor thereof.

The meeting reconvened at 9:01 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

There was no action following the Executive Session.

13. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 6.B
SUBJECT: Consideration of Ordinance Number 728-20 Implementing the Colorado Sales and Use Tax Software System (SUTS) (2nd Reading)
PRESENTED BY: James L. Becklenberg, City Manager
Jacque Troudt, CPA, Finance Director

AGENDA ITEM DESCRIPTION:

A change has occurred as a result of the decision from the United States Supreme Court in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018), where a retailer's obligation to collect sales tax for remote sales is no longer based on the retailer's physical presence in the City, and the City's Sales and Use Tax Code needs to be amended to clearly reflect such obligation consistent with said decision. Evans has previously adopted state standardized sales tax definitions and adopting this additional language into the municipal code will further efforts of uniform guidance.

As a result of this change, Senate Bill 19-006 requires the Colorado Department of Revenue to implement a system for accepting and processing returns and payments for the sales and use tax levied to the State and local tax jurisdictions.

The State of Colorado Sales and Use Tax Software System (SUTS) project led by a taskforce group, selected the vendor MUNIRevs to create a single filing portal. This portal will allow businesses with taxable transactions in the State of Colorado to file a single sales and use tax return, for all participating jurisdictions. A system named TTR will also be utilized for GIS capability to allow businesses to search delivery locations and gain information on taxing jurisdictions and applicable sales and use tax rates.

It is voluntary for Evans to participate, and the main benefit is anticipated timeliness of collections from businesses who do not have a physical presence in the City of Evans. These businesses will easily be able to identify the applicable taxes, file and remit in one single filing.

The payments received on Evans' behalf will be batched and remitted automatically to the City. The MUNIRevs system is a Colorado based company who integrates very well with our current software, Caselle. Staff does not foresee any issues with collection of data, or payments from the MUNIRevs platform.

An agreement is required between the Colorado Department of Revenue and the City of Evans to participate in the software system.

FINANCIAL SUMMARY:

The cost to participate is \$1.00 per ACH batch of payments Evans receives from the State.

The City has a potential for increased sales tax collections as this process will require payment of Evans' sales tax rate for sales into the city limits. Taxpayers with few sales into smaller cities may inadvertently miss remitting proper sales tax if they had to file separate returns specifically for the local jurisdiction.

RECOMMENDATION:

Staff recommends approval of the agreement with Colorado Department of Revenue to participate in the SUTS (Sales and Use Tax Software) System and adoption of Ordinance No. 728-20 to maintain uniform tax guidance with the State definitions.

SUGGESTED MOTIONS:

"I move approve the Sales and Use Tax Software user agreement, and to adopt Ordinance No. 728-20 on second reading."

"I move to deny the Sales and Use Tax Software user agreement and Ordinance No. 728-20."

ATTACHMENTS:

- Ordinance No. 728-20
- SUTS User Agreement

CITY OF EVANS, COLORADO

ORDINANCE NO. 728-20

AN ORDINANCE AMENDING TITLE 3, CHAPTER 3.04 OF THE EVANS MUNICIPAL CODE TO ESTABLISH ECONOMIC NEXUS FOR RETAILERS WITHOUT PHYSICAL PRESENCE IN THE STATE; REQUIRE MARKETPLACE FACILITATORS TO COLLECT; AND REMIT SALES TAXES FOR SALES MADE BY MARKETPLACE SELLERS ON THE MARKETPLACE FACILITATOR'S MARKETPLACE.

WHEREAS, the City of Evans Colorado, (the “City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce sales and use tax is clearly within the constitutional grant of power to the City and is necessary to raise revenue with which to conduct the affairs and render the services performed by the City; and

WHEREAS, pursuant to such authority, the City has adopted and enacted a Sales and Use Tax Code (the “Code”), under which City sales tax is levied on all sales and purchases of tangible personal property at retail unless prohibited, as applicable to the provision of this Ordinance, under the Constitution or laws of the United States; and

WHEREAS, the United States Supreme Court in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018), overturned prior precedent and held that a State is not prohibited by the Commerce Clause from requiring a retailer to collect sales tax based solely on the fact that such retailer does not have a physical presence in the State (“Remote Sales”); and

WHEREAS, based upon such decision, the retailer’s obligation to collect sales tax on Remote Sales is no longer based on the retailer’s physical presence in the City and the City’s Sales and Use Tax Code needs to be amended to clearly reflect such obligation consistent with said decision; and

WHEREAS, the delivery of goods and services into the City rely on and burden local transportation systems, emergency and police services, waste disposal, utilities and other infrastructure and services; and

WHEREAS, the failure to tax remote sales creates incentives for businesses to avoid a physical presence in the state and its respective communities, resulting in fewer jobs and increasing the

share of taxes to those consumers who buy from competitors with a physical presence in the state and its municipalities; and

WHEREAS, it is appropriate for Colorado municipalities to adopt uniform definitions within their sales tax codes to encompass marketplace facilitators, marketplace sellers, and multichannel sellers that do not have a physical presence in the City, but do have a taxable connection with the City;

WHEREAS, this ordinance provides a safe harbor to those who transact limited sales within the City; and

WHEREAS, absent such amendment, the continued failure of retailers to voluntarily apply and remit sales tax owed on remote sales would allow remote sale customers to unfairly evade a lawful tax and permit an inequitable exception that prevents market participants from competing on an even playing field; and

WHEREAS, the City Council adopts this ordinance with the intent to address tax administration, and, in connection with, establish economic nexus for retailers without physical presence in the State and require marketplace facilitators to collect and remit sales tax for sales made by marketplace sellers on the marketplace facilitator's marketplace.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

Section 1: Title 3, Chapter 3.04, Section 3.04.030 of the Evans Municipal Code is hereby amended to add the following underlined language:

“Engaged in Business in the City” means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property, products, or services for storage, use or consumption, within the City. Engaged in Business in the City includes, but is not limited to, any one of the following activities by a person: (1) Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction; (2) Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons; (3) Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction; (4) Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; ~~or~~(5) Makes more than one delivery into the taxing jurisdiction within a twelve month period by any means other than a common carrier; or (6) Makes retail sales sufficient to meet the definitional requirements of economic nexus.

Section 2: Title 3, Chapter 3.04, Section 3.04.030 of the Evans Municipal Code is hereby further amended to add the following underlined language:

“Retailer” means any vendor or person selling, leasing, renting, or granting a license to use tangible personal property or services at retail or otherwise selling articles of tangible personal property or taxable services to purchasers, as defined herein. The term “Retailer” shall include, but is not limited to, any:

- (1) Auctioneer;
- (2) Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;
- (3) Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes;
- (4) Retailer-contractor, when acting in the capacity of a seller of building supplies, construction materials, and other tangible personal property;
- (5) Marketplace facilitator or marketplace seller engaged in business in the city.

Section 3: Title 3, Chapter 3.04, Section 3.04.030 of the Code is hereby further amended by the addition of the following definitions:

“Economic Nexus” means the connection between the City and a person not having a physical nexus in the State of Colorado, which connection is established when the person makes retail sales into the City, and:

- (A) In the previous calendar year, the person has made retail sales into the state exceeding the state threshold; or
- (B) In the current calendar year, 90 days has passed following the month in which the person has made retail sales into the state exceeding the state threshold.

“Marketplace” means a physical or electronic forum, including, but not limited to, a store, a booth, an internet website, a catalog, or a dedicated sales software application, where tangible personal property, taxable products, or taxable services are offered for sale.

“Marketplace Facilitator”

(A) Means a person who:

- (1) Contracts with a marketplace seller to facilitate for consideration, regardless of whether or not the consideration is deducted as fees from the transaction, the sale of the marketplace seller’s tangible personal property, products, or services through the person’s marketplace;

- (2) Engages directly or indirectly, through one or more affiliated persons, in transmitting or otherwise communicating the offer or acceptance between a purchaser and the marketplace seller; and
- (3) Either directly or indirectly, through agreements or arrangements with third parties, collects the payment from the purchaser and transmits the payment to the marketplace seller.

(B) “Marketplace Facilitator” does not include a person that exclusively provides internet advertising services or lists products for sale, and that does not otherwise meet this definition.

“Marketplace Seller” means a person, regardless of whether or not the person is engaged in business in the city, which has an agreement with a marketplace facilitator and offers for sale tangible personal property, products, or services through a marketplace owned, operated, or controlled by a marketplace facilitator.

Section 4: Title 3, Chapter 3.04, Section 3.04.030 of the Code is hereby further amended by deleting the definition of the term *Vendor* as follows:

~~*Vendor* means a retailer, merchant, jobber, dealer or any other person selling articles of tangible personal property or taxable services to purchasers, as defined herein.~~

Section 5: Title 3, Chapter 3.04 of the Evans Municipal Code is hereby amended by the addition of Section 3.04.270 to read in its entirety as follows:

**Title 3, Chapter 3.04, Section 3.04.270
Marketplace Sales**

- Sec. 3.04.270(A) Marketplace Facilitator Liability.
- Sec. 3.04.270(B) Exception to Marketplace Facilitator Liability.
- Sec. 3.04.270(C) Marketplace Seller Liability.

(A)

- (1) A marketplace facilitator engaged in business in the city is required to collect and remit sales or use tax on all taxable sales made by the marketplace facilitator, or facilitated for marketplace sellers to customers in the city, whether or not the marketplace seller for whom sales are facilitated would have been required to collect sales or use tax had the sale not been facilitated by the marketplace facilitator. A marketplace facilitator has all the liabilities, obligations, and rights of a retailer under Chapter 3.04 of the City of Evans Municipal Code.
- (2) The liabilities, obligations, and rights set forth under this article are in addition to any duties and responsibilities of the marketplace facilitator has under this

article if it also offers for sale tangible personal property, products, or services through other means.

- (3) Except as provided in subsection (B)(1) of this section, a marketplace seller, with respect to sales of tangible personal property, products, or services made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this article if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:
 - a. With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit sales tax on all sales subject to tax under this article; or
 - b. From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect sales tax and will collect sales tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.

(B)

- (1) If a marketplace facilitator demonstrates to the satisfaction of the Treasurer that the marketplace facilitator made a reasonable effort to obtain accurate information regarding the obligation to collect tax from the marketplace seller and that the failure to collect tax on any tangible personal property, products, or services sold was due to incorrect information provided to the marketplace facilitator by the marketplace seller, then the marketplace facilitator, but not the marketplace seller, is relieved of liability under this section for the amount of the tax the marketplace facilitator failed to collect, plus applicable penalties and interest. The Treasurer will determine the length of time that the marketplace facilitator is relieved of liability to remit tax hereunder.
- (2) If a marketplace facilitator is relieved of liability under subsection (B)(1) of this section, the marketplace seller is liable under this section for tax the marketplace facilitator failed to collect, plus applicable penalties and interest.
- (3) This subsection (B) does not apply to any sale by a marketplace facilitator that is not facilitated on behalf of a marketplace seller or that is facilitated on behalf of a marketplace seller that is an affiliate of the marketplace facilitator.

(C) With respect to any sale a marketplace seller makes that is not facilitated by a marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing and recordkeeping requirements as any other retailer.

Section 6: This ordinance shall become effective on the first day of the month that is at least thirty (30) days after date of its adoption.

Section 7: Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 21st DAY OF JULY , 2020.

ATTEST: CITY OF EVANS, COLORADO

Karen Frawley, City Clerk

BY: _____
Brian Rudy, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS ___ DAY OF _____, 2020.

ATTEST: CITY OF EVANS, COLORADO

Karen Frawley, City Clerk

BY: _____
Brian Rudy, Mayor

AGREEMENT REGARDING DEPARTMENT OF REVENUE SALES AND USE TAX SOFTWARE (“SUTS SYSTEM”)

This agreement regarding the SUTS System (“**Agreement**”) is entered between the Colorado Department of Revenue (“**CDOR**”) and the undersigned home rule local taxing jurisdiction (“**Jurisdiction,**” collectively, “**the Parties**”) for the purposes of permitting access to the SUTS System and its related tax information look up tool as described in this Agreement. The SUTS System permits the acceptance of returns and processing of payments for the sales and use tax levied by the state and any local taxing jurisdictions in accord with the objectives of SB19-006. To further those objectives here, the Parties agree to the following:

AGREEMENT

CDOR grants Jurisdiction access to the SUTS System for Jurisdiction’s use in the collection and payment of Sales and Use tax under the terms set forth in this Agreement.

A. Purpose of Agreement

Pursuant to Senate Bill 19-006, CDOR has contracted with vendors, including at this time, MUNIREvs, Inc. and Transaction Tax Resources, Inc., Fast Enterprises, LLC, and others, which may change from time to time (collectively, “Vendors”) to provide a sales and use tax simplification system that allows taxpayers to look up and remit sales and use taxes through a single portal managed by Vendors and held in trust for the benefit of the Jurisdiction.

B. Definitions

- 1) “Confidential Information” means any information derived from the SUTS System, including but not limited to taxpayer information, return information, and “personally identifiable information,” as defined in section 24-73-101(4) (b), C.R.S.
- 2) A "Security Incident," has the meaning set forth in section 24-37.5-402(10), C.R.S., which is “an accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources. Security incidents include but are not limited to: a) detection of a virus, worm, malware, etc; b) unauthorized use of an information resource; c) unauthorized modification of an information resource; d) theft or diversion of an information resource; e) theft or diversion of property using an information resource, and f) vandalism or other damage to an information resource.”

- 3) “Taxpayer” means any individual or business required to remit sales or use taxes to a taxing jurisdiction.
- 4) “Sales and Use Tax” means sales and use tax collected by Taxpayers and remitted to a jurisdiction by Taxpayers. Sales and Use Tax does not include excise taxes or other taxes or fees that a jurisdiction requires taxpayers to pay.

C. Confidentiality.

- 1) CDOR agrees to continually maintain a secure place in which Confidential Information will be stored, regardless of whether Confidential Information is in physical or electronic form and will restrict access to Confidential Information to persons whose duties and responsibilities require such access. All third-party contractors who need such access for purposes consistent with this Agreement shall sign confidentiality agreements with CDOR or Jurisdiction no less restrictive than the confidentiality terms of this Agreement.
- 2) Except as may be ordered by a court of competent jurisdiction, no Confidential Information obtained pursuant to this Agreement shall be disclosed by CDOR or Jurisdiction to any person or entity not authorized to receive such information by the laws of the Jurisdiction or the State of Colorado.
- 3) If CDOR or Jurisdiction is served with a request for Confidential Information, CDOR or Jurisdiction shall use reasonable efforts to provide notice to the other Party within such time that CDOR or Jurisdiction may intervene and seek a protective order or other relief if it so chooses.
- 4) The information obtained pursuant to this Agreement shall be used only for the purpose of administration and enforcement of the sales and/or use tax laws of the Jurisdiction or the State of Colorado.
- 5) Nothing in this agreement shall prevent a Jurisdiction from contacting their Taxpayers for auditing or other purposes.
- 6) If either party becomes aware of any Security Incident, they shall notify the other immediately and cooperate with one another regarding recovery, remediation, and the necessity to involve law enforcement.

D. Payments of Taxes to Jurisdiction.

- 1) All funds deposited by a Taxpayer shall be and shall remain the property of Jurisdiction held in trust until transferred to Jurisdiction. Deposited remittances

shall be transferred to Jurisdiction as soon as the funds have settled with the SUTS bank following NACHA guidelines.

2) If any Taxpayer payment is returned via an ACH or credit card charge-back against the account past the settlement process above, that Jurisdiction will pay applicable amounts back to the SUTS System within five banking days of notification of return.

E. Data and Reports.

1) Jurisdiction will have access to all information from tax forms processed in the SUTS System that involve transactions within the Jurisdiction via CSV file downloads, PDF files or some other manner that is mutually acceptable.

2) The following reports will be available to Jurisdiction with the SUTS System:

- a) Assessment Report: This report shows all assessments, by business and includes several filters.
- b) Form Data Report: The form data report provides the ability to see all data for a taxpayer's form (e.g., gross sales through all deductions).
- c) Business Comparison Reports by Month: Allows review of trends over time for particular businesses, or an audience of businesses.
- d) Business Contact Report.
- e) Missing Account Number Report for validating Jurisdiction's Local Account Number for each registered account in the SUTS System.

F. Support.

CDOR will provide Taxpayer user support during regular, published State business hours. Support to Jurisdiction's administrative users for system questions is provided by Vendor specialists who will be available by email and phone Monday through Friday from 8:00 am to 5:00 pm Mountain Time, excluding Federal and State Holidays.

G. Retention of Data.

The SUTS System will retain, for a minimum of three years, all data, records, returns, and information: a) submitted by Taxpayers to the SUTS System, b) derived from Taxpayer submissions, and c) transferred to Jurisdiction.

H. System Failure.

If the SUTS System becomes disabled, CDOR will use good faith and reasonable

efforts to recover the system and all Jurisdiction data not already in the possession of Jurisdiction This recovery of the SUTS System and data will be conducted at no additional cost to Jurisdiction.

I. Reservation of Rights.

The software, workflow processes, user interface, designs, know-how and other services and technologies which are the sole property provided by Vendors as part of the SUTS System and CDOR's agreements with Vendors will remain with Vendors and Jurisdiction will not have any right, title or interest in or to such items, including all associated intellectual property rights.

J. Restrictions on Use of The SUTS System.

1) Jurisdiction *may not* a) sell, resell, rent or lease the SUTS System, b) use the SUTS System to store or transmit infringing, unsolicited marketing emails, libelous, or otherwise unlawful or tortious material, or to store or transmit material in violation of third-party rights, c) interfere with or disrupt the integrity or performance of the SUTS System, or d) attempt to gain unauthorized access to the SUTS System or its related systems or networks.

2) Jurisdiction may allow its third-party contractors to use the SUTS System solely on behalf of and for the benefit of Jurisdiction and only in compliance with the terms and conditions of this Agreement. Jurisdiction is responsible for compliance with the terms of this Agreement by its contractors.

K. Initial Setup.

Jurisdiction shall furnish the following items in order to use the SUTS System:

1) Jurisdiction Depository Information: Jurisdiction will provide bank deposit information (routing & account number) to CDOR's appropriate Vendors within 5 days of signing this Agreement. This information will be utilized for the deposits of taxes, penalties, and interest from the SUTS System. It is the responsibility of Jurisdiction to provide updated depository information should this account need to be changed at any point in time.

2) Initial Account Number Validation: Jurisdiction will upload their local account numbers for their Taxpayers to the SUTS System using the SUTS standard upload format (e.g. Excel, CSV) as soon as is reasonable after signing this Agreement. CDOR will use this information to validate account numbers for businesses registering on the SUTS System with actual account numbers for each jurisdiction for accurate account information on SUTS System tax returns.

3) The local account numbers will include the Taxpayer's account number, business name, dba, FEIN#, address and any other contact information or the SUTS System to validate and match the registered account to Jurisdiction's account number.

4) The SUTS System will not activate for Jurisdiction for tax receipts until the Existing Account Number Data File has been provided to CDOR, imported to the SUTS System and validated by Vendor.

5) It is the responsibility of Jurisdiction to update the account numbers that need to be added or edited in the SUTS System in order to display the local account number on future tax returns generated from the SUTS System.

L. Use Tax Purchase Details.

Taxpayers filing tax returns through the SUTS System are not required to include use tax purchase details. Purchase details are typically required on Schedule B to tax returns required by local jurisdictions. However, nothing in this Agreement prevents Jurisdiction from requesting these use tax details directly from the Taxpayer.

M. Business Licenses.

The SUTS System will not require any Taxpayer to obtain separate Jurisdiction business licenses or any other license. Jurisdiction may, at Jurisdiction's discretion, use the information provided by the Taxpayer in the SUTS System to reach out separately and independently to their Jurisdiction's Taxpayers for licenses or any other requirements from the Jurisdiction that is not included in the SUTS System.

N. Frequency of Tax Filings.

Taxpayers may file tax returns via the SUTS System at the frequency which is required of Taxpayer for State taxes under CDOR regulations; however, Jurisdiction may request from CDOR that the Taxpayer may be moved to a more frequent filing, which will not be unreasonably denied.

O. Jurisdiction New Account Review.

When a Taxpayer submits a new registration with the SUTS System and does not have a Colorado Account Number, the SUTS System will require that the Taxpayer submit an online Sales Tax License Application and pay the State of Colorado license fee. The application and fee shall be sent to the CDOR for license issuance and account number creation for the Colorado Account Number. It is the

responsibility of the Jurisdiction to use the SUTS reports to include any new businesses in their external system of record and to update their local account number in the SUTS System using the procedures set forth above.

P. Jurisdiction Rate Validation.

- 1) Jurisdiction will provide written confirmation to Vendors of its sales and use tax rates, rules, and boundaries. Jurisdiction will use due care and make best efforts to provide accurate rates, rules, and boundaries.
- 2) Jurisdiction agrees to specify to Vendors authorized Jurisdiction users who are allowed to propose changes within the SUTS System administrative tools.
- 3) Jurisdiction will use best efforts to email Vendors or use the SUTS System administrative tools to notify Vendors of any tax rates, rules, boundaries, or other needed data changes 30 days before they are effective for them to be updated in the system. All notifications must include details on the changes and the period for which changes are effective.

Q. Tax Data Integration.

This Agreement does not provide a direct interface or integration to Jurisdiction's system of record for sales and use tax. If a direct interface or custom format is desired by Jurisdiction to better integrate to Jurisdiction's system of record, Jurisdiction may contact Vendor to discuss custom options, which may entail programming fees to be paid directly to the Vendor by the Jurisdiction.

R. Licensed Documentation.

All SUTS System user guides, sample data, marketing, training and other items provided through the SUTS System or by Vendors ("Licensed Documentation") may be used and copied by Jurisdiction via a non-exclusive license for the duration of the Agreement for Jurisdiction's use solely with the SUTS System according to the terms of this Agreement.

S. Payment and Merchant Fees.

Taxpayer pays credit, debit or any other merchant processor or bank fee associated with Taxpayer's remittance payment, and the Jurisdiction agrees to pay the ACH Credit or Debit *transfer* fees from the SUTS System to Jurisdiction's bank account, which is currently one dollar (\$1) per banking day, or approximately twenty dollars (\$20) per month for a Jurisdiction that gets a payment every banking day. The Jurisdiction will Pre-pay an amount of two hundred and sixty dollars (\$260) during

the SUTS onboarding process as a credit towards the transfer fees. Jurisdiction will replenish any funds used, paying in advance of each CDOR fiscal year on or before July 1 after receiving a notice of account and balance due by June 1.

T. Additional Terms.

- 1) **Governing Law.** This Agreement is governed by Colorado law without regard to conflicts of law principles.
- 2) **Survival of Terms.** Any terms that by their nature survive termination or expiration of this Agreement, will survive.
- 3) **Entire Agreement and Changes.** This Agreement constitutes the entire agreement between the Parties, and supersedes all prior or contemporaneous negotiations, agreements and representations, whether oral or written, related to this subject matter. No modification or waiver of any term of this Agreement is effective unless in a written instrument signed by both Parties.
- 4) **No Assignment.** Neither Party may assign or transfer this Agreement to a third party.
- 5) **Enforceability:** If any term of this Agreement is determined to be invalid or unenforceable, the other terms remain in effect.
- 6) **Notices:** All notices required or permitted to be given under this Agreement shall be in writing, and shall be delivered (a) by hand with receipt required, (b) by certified or registered mail to such Party's principal representative at the address set forth below or (c), as an email with read receipt requested addressed as given herein. This contact information may be changed by notice submitted in accordance with this section.

For CDOR:

Name: Scott McKimmy

Title: Director, Business Information Group

Email: Scott.McKimmy@state.co.us

Address: 1707 Cole Blvd., Lakewood, CO 80401

Phone: 720-793-8117

For Jurisdiction: City of Evans

Name: __Brian Rudy_____

Title: __Mayor_____

Email: _brudy@evanscolorado.gov_____

Address: _1100 37th Street, Evans CO 80620_____

Phone: _970-475-1100_____

7) **Counterparts, Facsimiles and E-Mail.** This Agreement may be signed in any number of counterparts, which together shall constitute one and the same instrument. Original signatures of the Parties on copies of this Agreement transmitted by facsimile or electronically/scanned and e-mailed copies shall be deemed originals for purposes of this Agreement, and such copies shall be binding on all Parties.

8) **Authority to Execute Agreement.** Each person executing this Agreement on behalf of each Party represents, warrants, assures, and guarantees that s/he has full legal authority to execute this Agreement on behalf of the Jurisdiction and CDOR, respectively, and to bind Jurisdiction and CDOR, to all the terms, conditions, provisions, and obligations of this Agreement.

9) **Termination of Agreement:** CDOR or Jurisdiction may terminate this Agreement for any reason on 90 days written notice to the other Party. In the event of a breach of contract, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the breach of contract, at its sole expense, within 30 days after the delivery of written notice, the Party may terminate the contract. Notwithstanding any provision of this Agreement to the contrary, both Parties retain any statutory rights they may have to immediately terminate this Agreement in whole or in part in order to protect the public interest of their citizens.

10) **Limited Financial Obligation.** Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of either party not performed during the current fiscal year is subject to annual appropriation, so the obligation shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

11) **Limitation of Liability for CDOR.** CDOR, its employees, agents, including Vendors and assignees shall not be liable for any costs, expenses, claims, damages, liabilities, court fees and other amounts (including attorneys' fees and related costs) including but not limited to cost of delay, loss of data or information, failure of the SUTS system, loss of moneys remitted to SUTS, direct losses, consequential, special, indirect, incidental, punitive or exemplary loss incurred by Jurisdiction in relation to any services, including database access in connection with this Agreement.

12) **Governmental Immunity.** Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions, committees, bureaus, offices, employees and officials, or of the Jurisdiction, its departments, boards, commissions, committees, bureaus, offices, employees and officials, shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this

Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

Jurisdiction Approval	
By Brian Rudy	Title Mayor
*Signature	Date
Municipality or County of City of Evans	Date 7/21/2020
Jurisdiction Mailing Address 1100 37th Street, Evans, CO 80620	Appointee Phone Number
Appointee Name	Title
Appointee Signature	Appointee Email
Name of Chief Administrative Officer or Designee	Title
Chief Administrative Officer or Designee Signature	Chief Administrative Officer or Designee Email
* <input type="checkbox"/> By checking this box and signing above, I hereby represent, warrant, assure, and guarantee that I have full legal authority to execute this Agreement on behalf of the Jurisdiction and to bind Jurisdiction to all the terms, conditions, provisions, and obligations of this Agreement.	
Colorado Department of Revenue Approval	
By	Title
Signature	Date

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.A
SUBJECT: Consideration of Resolution Number 20-2020 Making Findings of Facts by the City Council of the City of Evans, Colorado, and its Conclusions Relative to the Eligibility for Annexation to the City of Evans, Colorado, of Certain Municipally Owned Property
NAME & TITLE: James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney

AGENDA ITEM DESCRIPTION:

On April 20, 2020, the City of Evans purchased certain real property described in Exhibit A (the “Property”). The Property is a 10-acre parcel adjacent to the south side of and 37th Street and to the immediate west of Arrowhead Drive/47th Avenue.

Pursuant to C.R.S. Section 31-12-106, City-owned Property can be annexed into the City without notice and hearing provided that the property is legally eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105.

The purpose of this resolution is for City Council to make the finding that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City of Evans, Colorado as required by C.R.S. Section 31-12-104.

FINANCIAL SUMMARY:

There is no anticipated financial impact resulting from the proposes resolution.

RECOMMENDATION:

Staff recommends passing this resolution determining that the Property is legally eligible for annexation.

SUGGESTED MOTIONS:

“I move to approve Resolution No. 20-2020 as proposed.”

“I move to deny Resolution No. 20-2020 as proposed for the reasons stated.”

ATTACHMENTS:

Exhibit A: Annexation Map

CITY OF EVANS, COLORADO

RESOLUTION NO. 20-2020

A RESOLUTION MAKING FINDING OF FACT BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, AND ITS CONCLUSIONS RELATIVE TO THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF EVANS, COLORADO, OF CERTAIN MUNICIPALLY OWNED PROPERTY

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, Article II, Section 30 of the Colorado Constitution and Colorado Revised Statutes Section 31-12-106 permits a municipality to annex any unincorporated area owned by said municipality; and

WHEREAS, under C.R.S. Section 31-12-106 when the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109; and

WHEREAS, on April 20, 2020, the City of Evans acquired fee simple title to certain real property described in Exhibit A to this ordinance (“the Property”);

WHEREAS, pursuant to C.R.S. Section 31-12-110 the City Council of the City of Evans, Colorado, is required to find that the property described on the attached Exhibit A is eligible for annexation to the City of Evans, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

That the City Council hereby sets forth its finding of fact and conclusions based on the public hearing with respect to the annexation of the property described on Exhibit A, attached hereto, and incorporated herein by reference:

FINDING OF FACT

Not less than one-sixth of the perimeter of the area proposed to be annexed as described on the attached Exhibit A is contiguous with the existing boundaries of the City of Evans, Colorado as required by law.

CONCLUSIONS

1. The property described in the attached Exhibit A is eligible for annexation to the City of Evans, Colorado, and all requirements of law have been met to make such property eligible for annexation, including section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, C.R.S.

2. No election is required pursuant to C.R.S. Section 31-12-107(2) or any other law of the State of Colorado.

3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

MOVED, SECONDED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO THIS 3RD DAY OF AUGUST 2020.

Votes Approving _____
Votes Opposed: _____
Absent: _____
Abstained: _____

S E A L

THE CITY OF EVANS

Julie Roeder, Interim City Clerk

By: _____
Brian Rudy, Mayor

ALTA/ACSM LAND TITLE SURVEY

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO

LEGAL DESCRIPTION OF RECORD

(A DEED DESCRIBING THE SUBJECT PARCEL HAS NOT BEEN FOUND IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER. THE LEGAL DESCRIPTION OF RECORD HAS BEEN DERIVED FROM A QUIT CLAIM DEED RECORDED AS RECEPTION NUMBER 2890428 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER.)

A PARCEL OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO, BEING A TRACT OF LAND 15 (FIFTEEN) FEET BEYOND THE HIGH WATER LINE OF LAKE ARROWHEAD, BUT IN NO EVENT TO ENCRUCH ON SURVEYED AND PLATTED LOTS ALREADY EXISTING AROUND THE LAKE.

LEGAL DESCRIPTION AS SURVEYED

BEGINNING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 TO BEAR SOUTH 00°00'00" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 A DISTANCE OF 409.16 FEET;

THENCE ALONG THE FOLLOWING 12 COURSES BEING TO POINTS 15.00 FEET BEYOND THE HIGH WATER LINE OF ARROWHEAD LAKE, BUT IN NO EVENT TO ENCRUCH ON SURVEYED AND PLATTED LOTS ALREADY EXISTING AROUND THE LAKE;

1. THENCE SOUTH 72°51'00" WEST A DISTANCE OF 189.98 FEET;
2. THENCE SOUTH 85°28'00" WEST A DISTANCE OF 96.12 FEET;
3. THENCE NORTH 88°40'00" WEST A DISTANCE OF 195.49 FEET;
4. THENCE NORTH 71°36'00" WEST A DISTANCE OF 195.25 FEET;
5. THENCE SOUTH 88°52'00" WEST A DISTANCE OF 112.48 FEET;
6. THENCE SOUTH 24°27'00" WEST A DISTANCE OF 125.09 FEET;
7. THENCE SOUTH 89°47'30" WEST A DISTANCE OF 71.23 FEET;
8. THENCE NORTH 14°09'00" WEST A DISTANCE OF 195.77 FEET;
9. THENCE NORTH 67°56'00" WEST A DISTANCE OF 311.25 FEET;
10. THENCE NORTH 77°57'50" WEST A DISTANCE OF 263.81 FEET;
11. THENCE NORTH 00°02'37" WEST A DISTANCE OF 51.49 FEET;
12. THENCE NORTH 75°50'00" WEST A DISTANCE OF 202.46 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89°46'49" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,670.85 FEET TO THE POINT OF BEGINNING.

COUNTY OF WELD, STATE OF COLORADO.

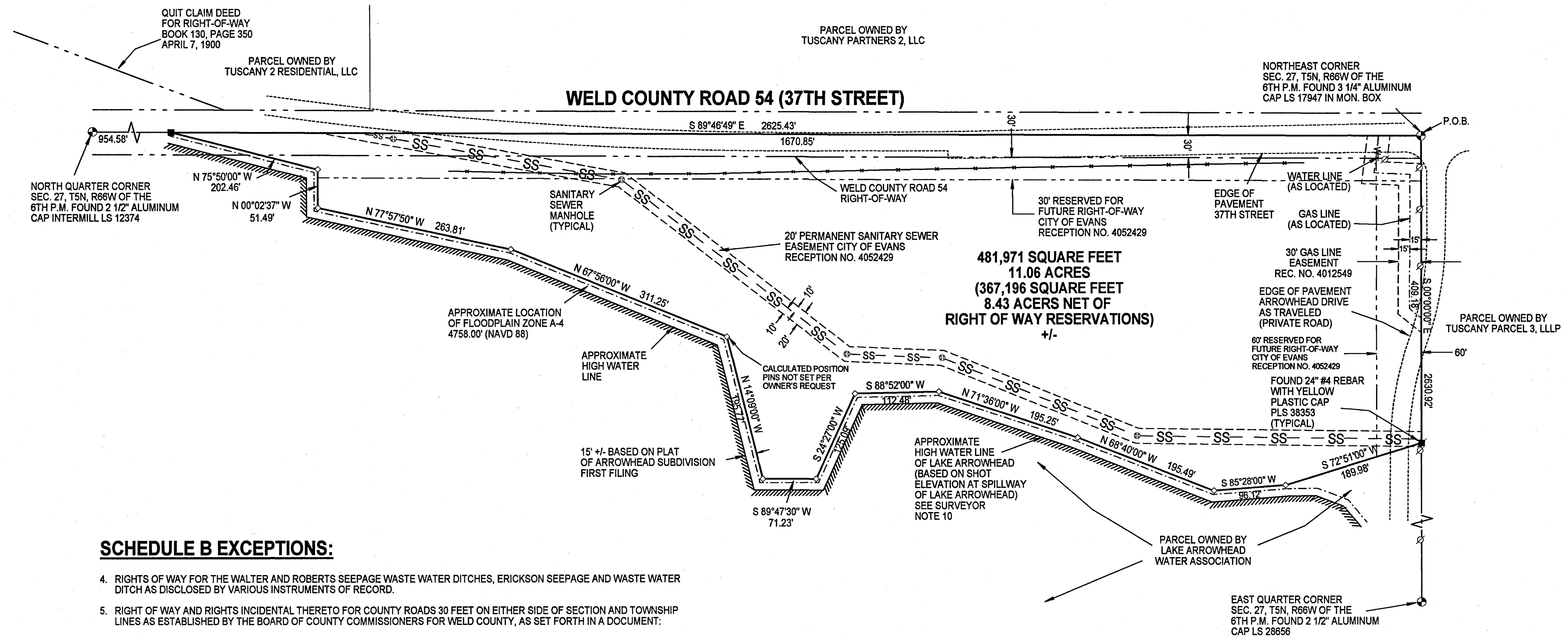
TITLE POLICY NOTE:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE RECORDS, THOMAS LAND SURVEYING, LLC, RELIED UPON TITLE POLICY NUMBER CO-FFAH-IMP-81306-1-14-H0406746, DATED 10/13/2014, 6:00 P.M. AS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY AND HERITAGE TITLE COMPANY TO DELINEATE THE AFORESAID INFORMATION.

SURVEYOR NOTES:

1. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS LAND SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF JEFFERY ENGELMAN, DIANNE ENGELMAN, HERITAGE TITLE COMPANY, AND COMMONWEALTH LAND TITLE INSURANCE COMPANY, NAMED IN THE SURVEYOR'S CERTIFICATE HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC. 18-4-508, WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. 1859 (2009).
5. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
6. DATES OF FIELD WORK: 09/04/2014
7. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 481,971 SQ. FT. OR 11.06 ACRES, MORE OR LESS. AREA AS SHOWN HEREON IS A RESULTANT FACTOR, NOT A DETERMINATIVE FACTOR. IT MAY CHANGE SIGNIFICANTLY WITH MINOR VARIATIONS IN FIELD MEASUREMENTS OR THE SOFTWARE USED TO PERFORM THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A "MORE OR LESS" FIGURE, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE SALES PURPOSES.
8. ARROWHEAD DRIVE WAS ESTABLISHED FOR ACCESS TO THE ARROWHEAD SUBDIVISION ON THE ASSUMPTION THAT WELD COUNTY HAD OPENED THE ROAD 30 FEET ON EACH SIDE OF THE SECTION LINE. THIS PER ELMER LUNDVALL ON 09/04/2014. AFTER RESEARCHING THE ROAD HISTORY AND AFTER SPEAKING WITH JACKIE BARROW AT THE WELD COUNTY OFFICE OF PUBLIC WORKS, IT WAS DETERMINED THAT THE RIGHT OF WAY WAS RESERVED PER THE RESOLUTION OF 1889 BUT THE ROAD WAS NEVER OPENED BY THE COUNTY COMMISSIONERS. HOWEVER, IT WAS DETERMINED THAT WELD COUNTY HAS BEEN MAINTAINING THE ROAD FOR SOME TIME. ON THE NORTH END, THE ROAD LIES ON LAND IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M. SAID PARCEL OF LAND BEING OWNED BY TUSCANY PARCEL 3, L.L.P. ATTEMPTS TO CONTACT TUSCANY PARCEL 3, L.L.P. FOR PURPOSES OF GATHERING ADDITIONAL PARCEL EVIDENCE WERE UNSUCCESSFUL. THE ROAD THEN TRAVELS SOUTHWEST CROSSING ONTO THE SUBJECT PROPERTY. AFTER RESEARCHING EASEMENTS, PLATS AND THE TUSCANY ANNEXATION TO THE CITY OF EVANS, IT APPEARS THAT THERE ARE NO EASEMENTS OR DEDICATIONS ALLOWING ACCESS TO THE ARROWHEAD SUBDIVISION. ARROWHEAD DRIVE IS AN APPARENT SERVITUDE OF ACCESS TO THE ARROWHEAD SUBDIVISION THAT MAY BURDEN THE SUBJECT PROPERTY AS A POTENTIAL PRESCRIPTIVE ACCESS EASEMENT. A RESERVATION OF 60 FEET OF RIGHT OF WAY BY THE CITY OF EVANS IS EVIDENCED BY A DOCUMENT RECORDED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 4052429.
9. THERE ARE POWER POLES RUNNING NORTH TO SOUTH ALONG THE EAST LINE OF THE SUBJECT PROPERTY. THE SURVEYOR WAS UNABLE TO LOCATE ANY RELATED EASEMENTS IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER.
10. THE SUBJECT PROPERTY IS BOUNDED ON THE SOUTH BY A WATER BOUNDARY BEING LAKE ARROWHEAD. THE HIGH WATER LEVEL OF THE LAKE WAS DETERMINED BY THE SURVEYOR USING THE FLOWLINE OF THE EXISTING SPILLWAY LOCATED ON THE EASTERLY SHORE OF SAID LAKE. THE SURVEYOR THEN DETERMINED THE SOUTHERLY BOUNDARY OF THE SUBJECT PROPERTY BY MEASURING 15 FEET NORTHERLY FROM THE DETERMINED HIGH WATER LINE. THE DATE OF FIELD WORK OF THESE MEASUREMENTS WAS FEBRUARY 18, 2014. THE WATER BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND SAID BOUNDARY MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.
11. NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.
12. NONE OF THE SUBJECT PROPERTY APPEARS TO BE A DESIGNATED WETLAND AS DELINEATED BY THE ARMY CORPS OF ENGINEERS AS OF SEPTEMBER 12, 2014.

PREPARED BY:
THOMAS LAND SURVEYING, LLC
2619 WEST 11TH STREET, SUITE 24
GREELEY, COLORADO 80634
(970)304-0984



SCHEDULE B EXCEPTIONS:

4. RIGHTS OF WAY FOR THE WALTER AND ROBERTS SEEPAGE WASTE WATER DITCHES, ERICKSON SEEPAGE AND WASTE WATER DITCH AS DISCLOSED BY VARIOUS INSTRUMENTS OF RECORD.
5. RIGHT OF WAY AND RIGHTS INCIDENTAL THERETO FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS FOR WELD COUNTY, AS SET FORTH IN A DOCUMENT.

RECORDING DATE: OCTOBER 14, 1889
RECORDING NO.: BOOK 88 AT PAGE 273.

6. RIGHT OF WAY FOR EAST 37TH STREET AS CURRENTLY ESTABLISHED AND USED.

7. RESERVATIONS MADE BY THE UNION PACIFIC RAILROAD COMPANY IN THE DEED SET FORTH BELOW, PROVIDING SUBSTANTIALLY AS FOLLOWS: RESERVING UNTO THE COMPANY AND ITS ASSIGNS ALL COAL THAT MAY BE FOUND UNDERNEATH SURFACE OF THE LAND AND THE EXCLUSIVE RIGHT TO PROSPECT AND MINE FOR SAME, ALSO SUCH RIGHT OF WAY AND OTHER GROUNDS AS MAY APPEAR NECESSARY FOR PROPER WORKING OF ANY COAL MINES THAT MAY BE DEVELOPED UPON THE LAND, AND FOR TRANSPORTATION OF COAL FROM SAME, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN;

RECORDING DATE: SEPTEMBER 28, 1908
RECORDING NO.: BOOK 233 AT PAGE 167

8. UNDIVIDED FULL INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS RESERVED IN THE INSTRUMENT SET FORTH AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN;

RESERVED BY: COUNTY OF WELD
RECORDING DATE: JANUARY 3, 1944
RECORDING AT: BOOK 1124 AT PAGE 214

9. ALL MATTERS DISCLOSED BY LAND TRUST AGREEMENT AND DECLARATION OF TRUST RECORDED MARCH 7, 1963 IN BOOK 1640 AT PAGE 232 AND QUIT CLAIM DEED RECORDED AUGUST 19, 1992 AT RECEPTION NUMBER 2300593.

10. RIGHTS OF OTHERS IN AND TO THE IRRIGATION PUMP LOCATED ON THE EAST BANK OF LAKE ARROWHEAD AS DISCLOSED BY DEED RECORDED APRIL 4, 1978 AT RECEPTION NUMBER 1749415.

RECORDING DATE: JULY 13, 1995
RECORDING NO.: 2446322

12. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO: DCP MIDSTREAM, LP
PURPOSE: PIPELINE
RECORDING DATE: APRIL 29, 2014
RECORDING NO.: 4012549

13. ANY RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY SURVEY,

JOB NO.: 1409.001
PREPARED BY: THOMAS LAND SURVEYING, LLC

- MATTERS SHOWN:
- A. POSSIBLE RIGHT OF WAY FOR ARROWHEAD DRIVE ALONG THE EASTERLY LINE.
 - B. ALL MATTERS DISCLOSED IN NOTE NOS. 8 AND 10
 - C. FENCE LINES DO NOT COINCIDE WITH PROPERTY LINES.
 - D. WATER LINE, GAS LINES AND POWER POLES.

14. ANY INCREASE OR DECREASE IN THE AREA OF THE LAND ANY ADVERSE CLAIM TO ANY PORTION OF THE LAND WHICH HAS BEEN CREATED BY OR CAUSED BY ACCRETION OR RELICTION, WHETHER NATURAL OR ARTIFICIAL, AND THE EFFECT OF THE GAIN OR LOSS OF AREA BY ACCRETION OR RELICTION UPON THE MARKETABILITY OF THE TITLE OF LAND.

15. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE AGREEMENT AND DEED FOR EASEMENT AND RIGHT-OF-WAY AS SET FORTH BELOW.

RECORDING DATE: OCTOBER 8, 2014
RECORDING NO.: 4052428.

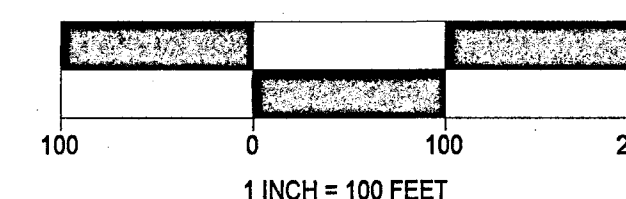
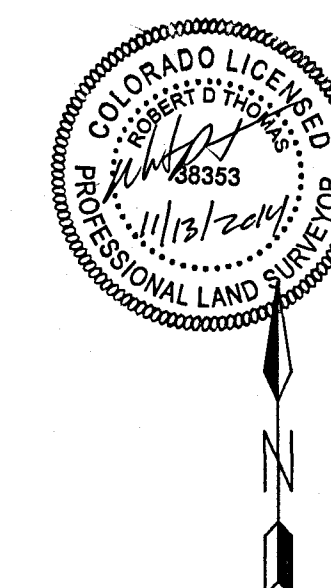
SURVEYOR'S CERTIFICATE

TO JEFFERY ENGELMAN, DIANNE ENGELMAN, HERITAGE TITLE COMPANY, AND COMMONWEALTH LAND TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 11(b), 17, 18, 19, 20(a), 20(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 4, 2014.

DATE OF PLAT: 11/13/2014

ROBERT D THOMAS
COLORADO LICENSED PROFESSIONAL
LAND SURVEYOR #38353
PLS 38353



BASIS OF BEARING:

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO IS ASSUMED TO BEAR SOUTH 00°00'00" EAST AND IS MONUMENTED AS INDICATED.

PREPARED BY: THOMAS LAND SURVEYING, LLC
2619 WEST 11TH STREET, SUITE 24
GREELEY, COLORADO, 80634
TELEPHONE: (970) 304-0984
PROJECT NO: 1409.001
DRAWING: ENGELMAN NORTH LAKE ARROWHEAD ALTA

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.B
SUBJECT: Public Hearing: Consideration of Ordinance Number 723-20 Arrowhead Annexation and Zoning
NAME & TITLE: James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney

AGENDA ITEM DESCRIPTION:

On April 20, 2020, the City of Evans acquired fee simple title to certain real property described in Exhibit A to this ordinance (“the Property”). The 10-acre property is located south of and adjacent to 37th Street and west of and adjacent to Arrowhead Drive/47th Avenue. Thus, the Property can be annexed without notice and hearing.

Under C.R.S. Section 31-12-106 when a city owns property that that it desires to annex and the property is eligible for annexation in accordance with Colorado law, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109.

Pursuant to Evans Municipal Code Section 18.06.030, annexation and zoning requests are processed concurrently. Under Evans Municipal Code Section 18.06.040, the matter was referred to the Planning Commission to obtain a recommendation as to the appropriate zoning of the Property if it is annexed to the City. At its meeting on July 28, 2020, the Planning Commission considered the appropriate zoning of the Property. Based on the applicable criteria, the matters presented to the Planning Commission by the City, and the comments of staff and the public, the Planning Commission has recommended that the Property be zoned in the Agriculture Zone District with the Special Use of Recreations facilities, outdoor extensive.

The purpose of this ordinance annex the City-owned Property and zone the Property according to the recommendations of the Planning Commission.

FINANCIAL SUMMARY:

None.

RECOMMENDATION:

Staff recommends that the City annex the Property to the City of Evans. At their July 28, 2020 meeting, the Planning Commission voted to send their recommendation of approval of the Rezoning to Agricultural to the City Council.

SUGGESTED MOTIONS:

“I move to approve Ordinance No. 723-20 as proposed to annex certain municipally owned property into the City of Evans and to zone the property to Agricultural.”

“I move to deny Ordinance No. 723-20 as proposed for the reasons stated.”

ATTACHMENTS:

Exhibit A

CITY OF EVANS

ORDINANCE NO. 723-20

**AN ORDINANCE ANNEXING CERTAIN MUNICIPALLY OWNED PROPERTY
TO THE CITY AND ZONING SUCH LANDS**

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, Article II, Section 30 of the Colorado Constitution and Colorado Revised Statutes Section 31-12-106 permits a municipality to annex any unincorporated area owned by said municipality; and

WHEREAS, under C.R.S. Section 31-12-106 when the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109; and

WHEREAS, on April 20, 2020, the City of Evans acquired fee simple title to certain real property described in Exhibit A to this ordinance (“the Property”); and

WHEREAS, the Property is owned by the City and is not solely a public street or right-of-way; and

WHEREAS, the perimeter of the area to be annexed is more than one-sixth contiguous with the City of Evans; and

WHEREAS, the City Council has considered that the proposed annexation complies with Article II, Section 30 of the Colorado Constitution, and has otherwise determined that such annexation complies with Colorado state law; and

WHEREAS, pursuant to the provisions of the Evans City Code, including but not limited to Sections 18.06.030 and 18.06.040, the matter was referred to the Planning Commission to obtain a recommendation as to the appropriate zoning of the Property if it is annexed to the City; and

WHEREAS, the criteria to be considered by the Planning Commission and the City Council in zoning property, as set forth in Section 18.06.040D of the Evans City Code are:

1. A need exists for the proposed uses,
2. The particular parcel of ground is indeed the correct site for the proposed development,
3. There has been an error in the assigned zoning or
4. There have been significant changes in the area to warrant a zone change,
5. Adequate circulation exists and traffic movement would not be impeded by the development,
6. Additional municipal service costs will not be incurred which the City is not prepared to meet,
7. There are minimal environmental impacts or impacts can be mitigated,
8. The proposal is consistent with the Evans Comprehensive Plan, maps, goals and polices and
9. There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land use.

WHEREAS, at its meeting on July 28, 2020, the Planning Commission considered the appropriate zoning of the Property; and

WHEREAS, based on the criteria set forth above, the matters presented to the Planning Commission by the City, and the comments of staff and the public, the Planning Commission has recommended that the Property be zoned in the Agriculture Zone District with the Special Use of Recreations facilities, outdoor extensive; and

WHEREAS, following proper notice, the matter was presented to the City Council at its regular meeting on August 3, 2020; and

WHEREAS, based on the matters presented to it, including comments from staff and the public, and all applicable criteria and requirements, the City Council concludes that it is in the best interest of the City to annex the Property to the City of Evans; and

WHEREAS, based on the recommendation of the Planning Commission, comments from staff and the public, and applying the criteria set forth above, the Council concludes that, the Property should be zoned Agricultural.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

1. The Property described in Exhibit A, attached hereto and incorporated herein by reference, shall be and hereby is annexed to, incorporated in and made a part of the City of Evans, Colorado.
2. The annexation of the Property to the City of Evans shall be complete and effective on the effective date of this ordinance, except for purposes of General Property Taxes, and shall be effective as to General Property Taxes on and after the first day of January 2020.
3. The Property shall be zoned Agricultural, and the zoning map for the City of Evans shall be amended to reflect such zoning.
4. The City Clerk is hereby directed to record this Ordinance with the Weld County Clerk and Recorder.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
6. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 3RD DAY OF AUGUST 2020.

ATTEST:

CITY OF EVANS, COLORADO

Julie Roeder, Interim City Clerk

BY: _____
Brian Rudy, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS ___ DAY OF

_____, 2020.

ATTEST:

CITY OF EVANS, COLORADO

Julie Roeder, Interim City Clerk

BY: _____
Brian Rudy, Mayor

ALTA/ACSM LAND TITLE SURVEY

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO

LEGAL DESCRIPTION OF RECORD

(A DEED DESCRIBING THE SUBJECT PARCEL HAS NOT BEEN FOUND IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER. THE LEGAL DESCRIPTION OF RECORD HAS BEEN DERIVED FROM A QUIT CLAIM DEED RECORDED AS RECEPTION NUMBER 2890428 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER.)

A PARCEL OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO, BEING A TRACT OF LAND 15 (FIFTEEN) FEET BEYOND THE HIGH WATER LINE OF LAKE ARROWHEAD, BUT IN NO EVENT TO ENCRUCH ON SURVEYED AND PLATTED LOTS ALREADY EXISTING AROUND THE LAKE.

LEGAL DESCRIPTION AS SURVEYED

BEGINNING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 TO BEAR SOUTH 00°00'00" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 A DISTANCE OF 409.16 FEET;

THENCE ALONG THE FOLLOWING 12 COURSES BEING TO POINTS 15.00 FEET BEYOND THE HIGH WATER LINE OF ARROWHEAD LAKE, BUT IN NO EVENT TO ENCRUCH ON SURVEYED AND PLATTED LOTS ALREADY EXISTING AROUND THE LAKE;

1. THENCE SOUTH 72°51'00" WEST A DISTANCE OF 189.98 FEET;
2. THENCE SOUTH 85°28'00" WEST A DISTANCE OF 96.12 FEET;
3. THENCE NORTH 88°40'00" WEST A DISTANCE OF 195.49 FEET;
4. THENCE NORTH 71°36'00" WEST A DISTANCE OF 195.25 FEET;
5. THENCE SOUTH 88°52'00" WEST A DISTANCE OF 112.48 FEET;
6. THENCE SOUTH 24°27'00" WEST A DISTANCE OF 125.09 FEET;
7. THENCE SOUTH 89°47'30" WEST A DISTANCE OF 71.23 FEET;
8. THENCE NORTH 14°09'00" WEST A DISTANCE OF 195.77 FEET;
9. THENCE NORTH 67°56'00" WEST A DISTANCE OF 311.25 FEET;
10. THENCE NORTH 77°57'50" WEST A DISTANCE OF 263.81 FEET;
11. THENCE NORTH 00°02'37" WEST A DISTANCE OF 51.49 FEET;
12. THENCE NORTH 75°50'00" WEST A DISTANCE OF 202.46 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89°46'49" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,670.85 FEET TO THE POINT OF BEGINNING.

COUNTY OF WELD, STATE OF COLORADO.

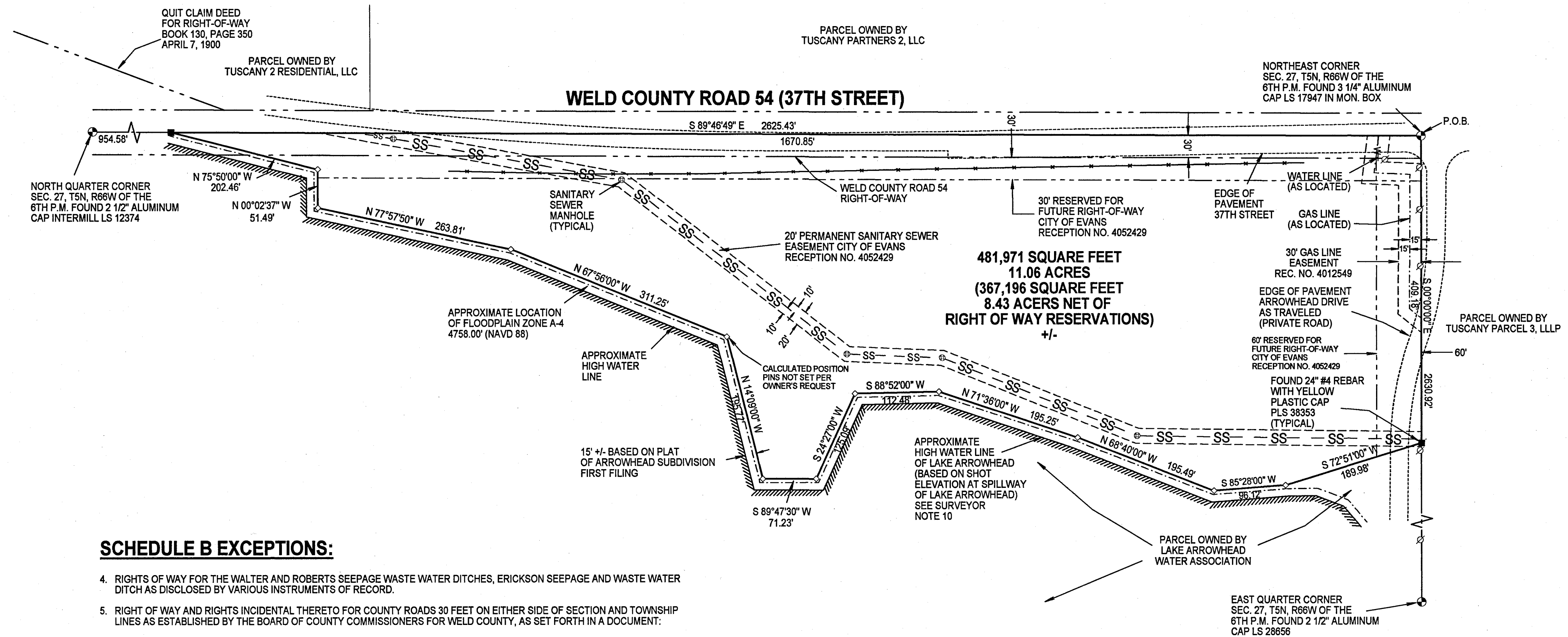
TITLE POLICY NOTE:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE RECORDS, THOMAS LAND SURVEYING, LLC, RELIED UPON TITLE POLICY NUMBER CO-FFAH-IMP-81306-1-14-H0406746, DATED 10/13/2014, 6:00 P.M. AS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY AND HERITAGE TITLE COMPANY TO DELINEATE THE AFORESAID INFORMATION.

SURVEYOR NOTES:

1. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS LAND SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF JEFFERY ENGELMAN, DIANNE ENGELMAN, HERITAGE TITLE COMPANY, AND COMMONWEALTH LAND TITLE INSURANCE COMPANY, NAMED IN THE SURVEYOR'S CERTIFICATE HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC. 18-4-508, WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. 1859 (2009).
5. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
6. DATES OF FIELD WORK: 09/04/2014
7. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 481,971 SQ. FT. OR 11.06 ACRES, MORE OR LESS. AREA AS SHOWN HEREON IS A RESULTANT FACTOR, NOT A DETERMINATIVE FACTOR. IT MAY CHANGE SIGNIFICANTLY WITH MINOR VARIATIONS IN FIELD MEASUREMENTS OR THE SOFTWARE USED TO PERFORM THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A "MORE OR LESS" FIGURE, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE SALES PURPOSES.
8. ARROWHEAD DRIVE WAS ESTABLISHED FOR ACCESS TO THE ARROWHEAD SUBDIVISION ON THE ASSUMPTION THAT WELD COUNTY HAD OPENED THE ROAD 30 FEET ON EACH SIDE OF THE SECTION LINE. THIS PER ELMER LUNDVALL ON 09/04/2014. AFTER RESEARCHING THE ROAD HISTORY AND AFTER SPEAKING WITH JACKIE BARROW AT THE WELD COUNTY OFFICE OF PUBLIC WORKS, IT WAS DETERMINED THAT THE RIGHT OF WAY WAS RESERVED PER THE RESOLUTION OF 1889 BUT THE ROAD WAS NEVER OPENED BY THE COUNTY COMMISSIONERS. HOWEVER, IT WAS DETERMINED THAT WELD COUNTY HAS BEEN MAINTAINING THE ROAD FOR SOME TIME. ON THE NORTH END, THE ROAD LIES ON LAND IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M. SAID PARCEL OF LAND BEING OWNED BY TUSCANY PARCEL 3, L.L.P. ATTEMPTS TO CONTACT TUSCANY PARCEL 3, L.L.P. FOR PURPOSES OF GATHERING ADDITIONAL PARCEL EVIDENCE WERE UNSUCCESSFUL. THE ROAD THEN TRAVELS SOUTHWEST CROSSING ONTO THE SUBJECT PROPERTY. AFTER RESEARCHING EASEMENTS, PLATS AND THE TUSCANY ANNEXATION TO THE CITY OF EVANS, IT APPEARS THAT THERE ARE NO EASEMENTS OR DEDICATIONS ALLOWING ACCESS TO THE ARROWHEAD SUBDIVISION. ARROWHEAD DRIVE IS AN APPARENT SERVITUDE OF ACCESS TO THE ARROWHEAD SUBDIVISION THAT MAY BURDEN THE SUBJECT PROPERTY AS A POTENTIAL PRESCRIPTIVE ACCESS EASEMENT. A RESERVATION OF 60 FEET OF RIGHT OF WAY BY THE CITY OF EVANS IS EVIDENCED BY A DOCUMENT RECORDED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 4052429.
9. THERE ARE POWER POLES RUNNING NORTH TO SOUTH ALONG THE EAST LINE OF THE SUBJECT PROPERTY. THE SURVEYOR WAS UNABLE TO LOCATE ANY RELATED EASEMENTS IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER.
10. THE SUBJECT PROPERTY IS BOUNDED ON THE SOUTH BY A WATER BOUNDARY BEING LAKE ARROWHEAD. THE HIGH WATER LEVEL OF THE LAKE WAS DETERMINED BY THE SURVEYOR USING THE FLOWLINE OF THE EXISTING SPILLWAY LOCATED ON THE EASTERLY SHORE OF SAID LAKE. THE SURVEYOR THEN DETERMINED THE SOUTHERLY BOUNDARY OF THE SUBJECT PROPERTY BY MEASURING 15 FEET NORTHERLY FROM THE DETERMINED HIGH WATER LINE. THE DATE OF FIELD WORK OF THESE MEASUREMENTS WAS FEBRUARY 18, 2014. THE WATER BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND SAID BOUNDARY MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.
11. NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.
12. NONE OF THE SUBJECT PROPERTY APPEARS TO BE A DESIGNATED WETLAND AS DELINEATED BY THE ARMY CORPS OF ENGINEERS AS OF SEPTEMBER 12, 2014.

PREPARED BY:
THOMAS LAND SURVEYING, LLC
2619 11TH STREET ROAD, SUITE 24
GREELEY, COLORADO 80634
(970)304-0984



SCHEDULE B EXCEPTIONS:

4. RIGHTS OF WAY FOR THE WALTER AND ROBERTS SEEPAGE WASTE WATER DITCHES, ERICKSON SEEPAGE AND WASTE WATER DITCH AS DISCLOSED BY VARIOUS INSTRUMENTS OF RECORD.
5. RIGHT OF WAY AND RIGHTS INCIDENTAL THERETO FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS FOR WELD COUNTY, AS SET FORTH IN A DOCUMENT.

RECORDING DATE: OCTOBER 14, 1889
RECORDING NO.: BOOK 88 AT PAGE 273.

6. RIGHT OF WAY FOR EAST 37TH STREET AS CURRENTLY ESTABLISHED AND USED.

7. RESERVATIONS MADE BY THE UNION PACIFIC RAILROAD COMPANY IN THE DEED SET FORTH BELOW, PROVIDING SUBSTANTIALLY AS FOLLOWS: RESERVING UNTO THE COMPANY AND ITS ASSIGNS ALL COAL THAT MAY BE FOUND UNDERNEATH SURFACE OF THE LAND AND THE EXCLUSIVE RIGHT TO PROSPECT AND MINE FOR SAME, ALSO SUCH RIGHT OF WAY AND OTHER GROUNDS AS MAY APPEAR NECESSARY FOR PROPER WORKING OF ANY COAL MINES THAT MAY BE DEVELOPED UPON THE LAND, AND FOR TRANSPORTATION OF COAL FROM SAME, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN;

RECORDING DATE: SEPTEMBER 28, 1908
RECORDING NO.: BOOK 233 AT PAGE 167

8. UNDIVIDED FULL INTEREST IN ALL OIL, GAS AND OTHER MINERAL RIGHTS RESERVED IN THE INSTRUMENT SET FORTH AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN;

RESERVED BY: COUNTY OF WELD
RECORDING DATE: JANUARY 3, 1944
RECORDING AT: BOOK 1124 AT PAGE 214

9. ALL MATTERS DISCLOSED BY LAND TRUST AGREEMENT AND DECLARATION OF TRUST RECORDED MARCH 7, 1963 IN BOOK 1640 AT PAGE 232 AND QUIT CLAIM DEED RECORDED AUGUST 19, 1992 AT RECEPTION NUMBER 2300593.

10. RIGHTS OF OTHERS IN AND TO THE IRRIGATION PUMP LOCATED ON THE EAST BANK OF LAKE ARROWHEAD AS DISCLOSED BY DEED RECORDED APRIL 4, 1978 AT RECEPTION NUMBER 1749415.

RECORDING DATE: JULY 13, 1995
RECORDING NO.: 2446322

12. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO: DCP MIDSTREAM, LP
PURPOSE: PIPELINE
RECORDING DATE: APRIL 29, 2014
RECORDING NO.: 4012549

13. ANY RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY SURVEY,

JOB NO.: 1409.001
PREPARED BY: THOMAS LAND SURVEYING, LLC

- MATTERS SHOWN:
- A. POSSIBLE RIGHT OF WAY FOR ARROWHEAD DRIVE ALONG THE EASTERLY LINE.
 - B. ALL MATTERS DISCLOSED IN NOTE NOS. 8 AND 10
 - C. FENCE LINES DO NOT COINCIDE WITH PROPERTY LINES.
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15. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE AGREEMENT AND DEED FOR EASEMENT AND RIGHT-OF-WAY AS SET FORTH BELOW.

RECORDING DATE: OCTOBER 8, 2014
RECORDING NO.: 4052428.

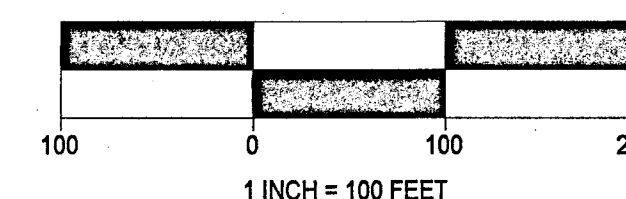
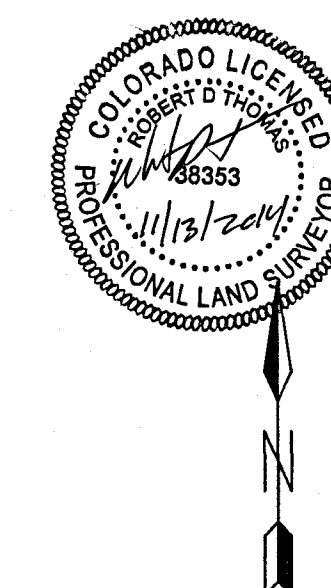
SURVEYOR'S CERTIFICATE

TO JEFFERY ENGELMAN, DIANNE ENGELMAN, HERITAGE TITLE COMPANY, AND COMMONWEALTH LAND TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 11(b), 17, 18, 19, 20(a), 20(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 4, 2014.

DATE OF PLAT: 11/13/2014

ROBERT D THOMAS
COLORADO LICENSED PROFESSIONAL
LAND SURVEYOR #38353
PLS 38353



BASIS OF BEARING:

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO IS ASSUMED TO BEAR SOUTH 00°00'00" EAST AND IS MONUMENTED AS INDICATED.

PREPARED BY: THOMAS LAND SURVEYING, LLC
2619 WEST 11TH STREET RD, SUITE 24
GREELEY, COLORADO, 80634
TELEPHONE: (970) 304-0984
PROJECT NO: 1409.001
DRAWING: ENGELMAN NORTH LAKE ARROWHEAD ALTA

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020

AGENDA ITEM: 7.C

SUBJECT: Consideration of Resolution Number 22-2020 Approval of Use by Special Review for the Arrowhead Open Space/Park located at 37th Street and 47th Avenue

PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Anne Best Johnson, Community Development Director
Lauren Richardson, City Planner

AGENDA ITEM DESCRIPTION:

This agenda item represents the only reading required for Resolution 22-2020 for a Use by Special Review application. The City of Evans seeks approval of a Use by Special Review application for the property located south of and adjacent to 37th Street and west of and adjacent to Arrowhead Drive/47th Avenue. The City is requesting a Special Use Permit to allow *Recreational, Outdoor, Extensive* land uses for a public park. The Future Land Use Map found in the 2010 Comprehensive Plan indicates this parcel is appropriate for open space/park uses.

Planning Commission heard the application at its July 28, 2020 meeting and has sent its recommendation of approval of the application to City Council.



The property was purchased by the City of Evans on April 20, 2020 for use as a passive park/open space. The property had an approved Site Plan for a mini-storage facility through Weld County. Upon annexation to the City of Evans, this previously-approved land use will no longer be valid.

The intent of the Special Use Permit process including the application requirements, processing standards and review procedures is found in Title 18.06.060.C of the Evans Municipal Code. Staff followed these procedures as well as the public notice procedures found in Title 18.10.010 and 18.10.020.

Title 18.06.060.C.2 provides a clear outline of eleven Criteria to be met for City Council to approve an application request. These Criteria are listed in the attached Staff Report with narrative detailing how staff has found each criterion to be met or can be met with the Conditions of Approval found in the attached Staff Report, and Resolution. Application materials are found in Attachment 4.

Staff, referral agencies and the Planning Commission found that the application materials illustrate compliance with the Land Use Code and Comprehensive Plan. Planning Commission Minutes are found in Attachment 3.

Conditions of Approval are found in the Staff Comments and Resolution (Attachments 1 and 2).

FINANCIAL SUMMARY:

The approval of the Special Use Permit does not negatively impact the City from a financial perspective. The improvements proposed through the Special Use Permit can be phased in consideration of City budgeting and opportunities for grants.

RECOMMENDATION:

Planning Commission recommends City Council approve Resolution No. 22-2020 with the recommended Conditions of Approval for the Arrowhead Park/Open Space Use by Special Review. Planning Commission Minutes can be found in Attachment 3.

SUGGESTED MOTIONS:

Section 18.06.060.B.12 states that City Council shall make an action on the Special Use by Resolution. Sample motions are included below.

“I move to approve Resolution No. 22-2020 as proposed with the Conditions of Approval.”

“I move to deny Resolution No. 22-2020 as proposed for the reasons stated.”

ATTACHMENTS:

Attachment 1: Staff Report

Attachment 2: Resolution 22-2020

Attachment 3: Planning Commission Minutes

Attachment 4: Application Materials

CITY OF EVANS, COLORADO

RESOLUTION NO. 22-2020

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW PARK/OPEN SPACE USES AT THE ARROWHEAD LAKE PROPERTY OWNED BY THE CITY OF EVANS

WHEREAS, the City Council of the City of Evans, Colorado, (the “City Council”) pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the “City”); and

WHEREAS, City of Evans (“the Owner”) is the owner of certain property described on the attached Exhibit A (“the Property”) located in the City; and

WHEREAS, the Property is currently being considered for Annexation and Zoning; and

WHEREAS, the City is seeking approval of a Use by Special Review for the property; and

WHEREAS, City of Evans staff has reviewed the application and deemed it to be complete; and

WHEREAS, staff has reviewed the Application and deemed it to satisfy all requirements for a Use by Special Review under the Evans City Code, including but not limited to Title 18.06.060.C; and

WHEREAS, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed all concerns raised by the referral agencies; and

WHEREAS, the Applicant has notified adjacent landowners and homeowners associations concerning the Application; and

WHEREAS, the criteria considered by the Planning Commission and the City Council in determining whether to approve an application for Use by Special Review are set forth in Title 18.06.060.C of the Evans City Code. Those criteria include:

1. The proposed use is found to be unlikely to harm the health, safety and welfare of the City or its residents.
2. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.
3. The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.

4. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.
5. The site shall be physically suitable for the type and intensity of the proposed land use.
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.
7. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.
8. Not applicable, only for mini-storage facilities.
9. Not applicable, only for car-wash facilities.
10. Not applicable, only for oil and gas facilities.
11. Not applicable, only for outdoor storage.

WHEREAS, based on the Application, referral comments, staff report, representations by the Applicant, public comment, and the recommendation of the Planning Commission, the City Council has considered the criteria set forth above and concludes that the criteria have been satisfied, as indicated, provided that the conditions set forth below are satisfied, as indicated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, AS FOLLOWS:

1. The Use by Special Review is hereby approved subject to the conditions set forth below.
 - A. Prior to construction:
 - a. All signs require permits. Coordination with the City of Evans Building Department is required.
 - b. Grading Permit(s) and Access Permit(s) are required.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF EVANS ON THIS 3RD DAY OF AUGUST, 2020**

ATTEST: CITY OF EVANS, COLORADO

Julie Roeder, Interim City Clerk

BY: _____

Brian Rudy, Mayor

EXHIBIT A: LEGAL DESCRIPTION

(A DEED DESCRIBING THE SUBJECT PARCEL HAS NOT BEEN FOUND IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER. THE LEGAL DESCRIPTION OF RECORD HAS BEEN DERIVED FROM A QUIT CLAIM DEED RECORDED AS RECEPTION NUMBER 2990428 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER.)

A PARCEL OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO, BEING A TRACT OF LAND 15 (FIFTEEN) FEET BEYOND THE HIGH WATER LINE OF LAKE ARROWHEAD, BUT IN NO EVENT TO ENCROACH ON SURVEYED AND PLATTED LOTS ALREADY EXISTING AROUND THE LAKE.

Detailed Parcel Description(s):

BEGINNING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 TO BEAR SOUTH 00°00'00" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27 A DISTANCE OF 409.18 FEET;

THENCE ALONG THE FOLLOWING 12 COURSES BEING TO POINTS 15.00 FEET BEYOND THE HIGH WATER LINE OF ARROWHEAD LAKE, BUT IN NO EVENT TO ENCROACH ON SURVEYED AND PLATTED LOTS ALREADY EXISTING AROUND THE LAKE;

1. THENCE SOUTH 72°51 '00" WEST A DISTANCE OF 189.98 FEET;

2. THENCE SOUTH 85'28'00" WEST A DISTANCE OF 96.12 FEET;

3. THENCE NORTH 68°40'00" WEST A DISTANCE OF 195.49 FEET;

4. THENCE NORTH 71'36'00" WEST A DISTANCE OF 195.25 FEET;

5. THENCE SOUTH 88'52'00" WEST A DISTANCE OF 112.48 FEET;

6. THENCE SOUTH 24'27'00" WEST A DISTANCE OF 125.09 FEET;

7. THENCE SOUTH 89'47'30" WEST A DISTANCE OF 71.23 FEET;

8. THENCE NORTH 14'09'00" WEST A DISTANCE OF 195.77 FEET;

9. THENCE NORTH 67'56'00" WEST A DISTANCE OF 311.25 FEET;

10. THENCE NORTH 77°57'50" WEST A DISTANCE OF 263.81 FEET;

11. THENCE NORTH 00°02'37" WEST A DISTANCE OF 51.49 FEET;

12. THENCE NORTH 75°50'00" WEST A DISTANCE OF 202.46 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89°46'49" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,670.85 FEET TO THE POINT OF BEGINNING.

COUNTY OF WELD, STATE OF COLORADO.



AGENDA

Planning Commission Regular Meeting

Tuesday, July 28, 2020, at 6:30 pm

Evans Community Complex, City Council Chambers, 1100 37th Street

REGULAR MEETING

1. **CALL TO ORDER: -- 06:31 pm**
2. **ROLL CALL: -- 06:31 pm**
 - Chairman: Billy Castillo – present
 - Vice-Chairman:
 - Commissioners: Lyle Achziger – present
Mark LeClere – present
Kalen Myers – present
Robert Phillips – present
Dan Usery – not present
3. **APPROVAL OF THE AGENDA: -- 06:32 pm**
 - A. ****Motion to amend the agenda. Lauren Richardson will present both Arrowhead Lake open space. Second. Passes unanimously.**
 - B. ****Motion to approve amended agenda. Second. Passes unanimously.**
4. **APPROVAL OF THE MINUTES: -- 06:34 pm**
 - A. 06/04/2020 ****Motion to approve 06.04.2020 minutes/Second. Passes unanimously.**
5. **AGENDA ITEMS: -- 06:35 pm**
 - 5.A **Arrowhead Project Overview**

Anne Best Johnson for City of Evans. Gives overview of project. 11-acre parcel that is designated as future park in the City's 2010 Comprehensive Plan. Annexation and change of zone happen simultaneously and need to be approved through both Planning Commission and City Council.

Question: Can you confirm acreage of the parcel?
Answer: Acreage is 11 acres with extensive ROW.
6. **PUBLIC HEARING: -- 06:39 pm**
 - 6.A **Arrowhead Change of Zone – 20-ZA-02**

Lauren Richardson for City of Evans. Lauren Richardson, City Planner, identifies location and size of Arrowhead Park. Ten acres plus, or 11 acres, depending on level of water. City is requesting a zone of Agriculture, and the intended use of the land is as a public park. City does not currently have a zone district for parks or open space. That use requires a use by special review application within the agriculture zone district.

Reviews pre-application and application process. SPO Notice was sent out 07.01.2020; Notice was published in the paper on 06.26.2020, and Notice was posted on property



07.01.2020. Staff intends to take next step of this process to City Council on 08.03 and 08.18.

Reviews review criteria in the Municipal Code and explains how proposed site meets those criteria. See .pptx for details (attached).

Question: Are we going to create a Park zone within the City? Or does Agriculture zone work for this purpose?

Answer: City may consider adding a zone district for parks and open space in a future code change. Riverside Park was zoned PUD, but a PUD designation requires more intensive permitting including a Neighborhood Development Plan that may be too intensive for a small space such as Arrowhead. The Agriculture Zone District seemed like it was the most compatible with the surrounding area.

Question: What do they use the water in the lake for?

Answer: The water association for Arrowhead uses that water for irrigation of the Arrowhead subdivision.

Question: So Evans has no rights to that water?

Answer: Correct.

Comment: We want to be careful in our zoning that we don't negatively impact our neighbors at Arrowhead.

City Response: The City has been working closely with lake owners association and the homeowners association and we have had quite a bit of interaction with surrounding property owners, including residents of Arrowhead, about our intended use of this property.

Open the floor for public comment: **06:50 pm**

No public comment.

Public comments closed: **06:51 pm**

Commission Discussion: **06:51 pm**

Comment: Zone seems to make sense the way Staff has presented it.

06:52 pm **I move to forward a recommendation of approval of the Rezoning request as found in case file 20-ZA-02, for the Arrowhead Park/Open Space as proposed with Conditions of Approval and Development Standards to City Council (Phillips). Second (Myers). Motion passes unanimously.

6.B Arrowhead Use by Special Review – 20-USR-02 – 06:53 pm

Lauren Richardson for City of Evans. Presents Arrowhead Park use by special review application. City is requesting permission to allow recreation facilities and outdoor extensive land use. Shows existing conditions of property and a proposed amenities map. Kite flying field should be identified on the map as in any area that shows as



green on the map. Identifies top uses as voted on by the public at several public engagement events. City wants to keep the land fairly natural.

Describes pre-application and application process within City Staff. SPO Notice was provided by mail on 07.01.2020. Notice was published in the newspaper on 06.26.2020, and Notice was posted on the property on 07.01.2020. Staff intends to take next step of this process to City Council on 08.03.

Reviews criteria of approval and explains how proposed property use meets those criteria. See .pptx for details (attached).

Addresses conditions of approval: Sign permit, grading permit.

Question: Will there be designated trails to protect wetlands?

Answer: Shows 10-ft. concrete trail planned with 3-ft. crusher fines shoulder. Trail will not touch the wetlands.

Question: If there's no City water at this property, how will water for landscaping be accessed?

Answer: The water in Arrowhead Lake is managed by Arrowhead Lake Association. The City does not have rights to that water at all. We are looking at options to possibly have some rights to that water, but that is not guaranteed or assumed. The water quality pond in the SE corner of the parcel is for storm water management to settle storm water before outfall into Arrowhead Lake. City does have a non-potable line nearby that could be extended south and under 37th Street. But at this point, there isn't any available water to the City for use at this location. That's why we aren't showing a lot of landscaping other than native and drought tolerant grasses. Our City Engineer has asked Arrowhead neighborhood to see if this parcel can use the water.

Question: As an entryway to the City, is there a thought that in the future we might do a City sign on the property?

Answer: Not at this point. Good idea.

Question: When you did your public outreach events, were there any concerns from the residents?

Answer: Most concerns were about no trespassing signs and a fence to keep people from going into the water. They were also concerned about parking along the side street. Considering this is low use area and parking will be provided on the property, Staff is not anticipating this will be a problem.

Question: What kind of fence will mark off the lake?

Answer: Split rail.

Question: Is the grant geared toward developing phase one?

Answer: GOCO opened up a special round this year called Resilient Communities for these COVID-times. We are asking for funding for this space and Tract O in Tuscany in one application. The City is intending on applying for a grant in early August and should hear about our success in this funding cycle in September. We don't have a



guarantee for any funding. If we aren't successful this year, we'll apply again next year. We do want to be responsible to our neighbors, so no trespassing on their property is the biggest concern. This property is intended to be passive land use, not active (like a playground).

Open the floor for public comment: **07:15 pm**

No public comment.

Closed the floor for public comment: **07:15 pm**

Commission Discussion: **07:15 pm**

Comment: Think it's a great project. Driven by it for many years and always thought it should be improved. Great opportunity for Evans to have a showpiece property where residents can have a little bit of fun.

Comment: Agreed. Good keystone property further west than Riverside.

07:17 pm ****I move to forward a recommendation of approval of the Special Use Permit request as found in case file 20-USR-02, for the Arrowhead Park/Open Space as proposed with Conditions of Approval to City Council (Achziger). Second (Phillips). Passes unanimously.****

7. **OTHER ITEMS:** -- **07:18 pm**

7.A Discussion of appointment of Vice-Chairman of Planning Commission

In August, staff would like to confirm whether Castillo would like to continue to serve as Chair and we need to nominate a vice-chair.

Question: Is there a resource that describes the duties of each role?

Castillo: Chair runs the meeting. Vice-chair is the backup for that. Be prepared to step in in an absence or coach the chair.

Question: Has Council ever asked for the chair to come present at a work session?

Answer: No. But Council does like to receive minutes in their packets. Assumption that if there was a controversial decision or recommendation, council could ask for chair to appear and speak.

Staff Comment: Chair and Staff speak briefly about agenda in advance. Items getting moved, public testimony expectations based on contact with staff, etc.

7.B Appointment of second Planning Commission member to Master Plan Steering Committee

Currently Achziger is on Steering Committee. We need one more from Planning Commission. Phillips, Castillo, and Myers all interested. Review anticipated Steering Committee schedule: 14-18 months in duration, two evenings per month and occasional weekend time when there is public engagement event.

Question: What would it look like for the Planning Commissioners who come to the meeting who aren't on the Steering Committee?



Answer: They would sit in the audience and listen, but they wouldn't take part in discussion or recommendations.

Phillips withdraws. Commissioner Myers appointed by name draw.

- 7.C** Master Plan Steering Committee meetings
All meetings will be pre-published. All Planning Commissioners are always invited.

- 8. ADJOURNMENT: -- 07:28 pm**
****Motion to adjourn the meeting. Second. Passes unanimously.**

Attachments: Arrowhead ZA .pptx
Arrowhead USR .pptx

DRAFT



City of
Evans, Colorado

Planning Commission

Hearing – Arrowhead Change of Zone
July 28, 2020



Vicinity Map



Arrowhead Park/Open Space Change-of-Zone

- Location: south and adjacent to 37th Street and west of and adjacent to Arrowhead Drive/ 47th Avenue.
- The property is +/- 10 acres.
- Previously a part of Weld County.
- Location had an approved Site Plan for Mini-Storage Units.
- Is a major entry point into the City of Evans

Sign Posting



Change of Zone

Vicinity Map

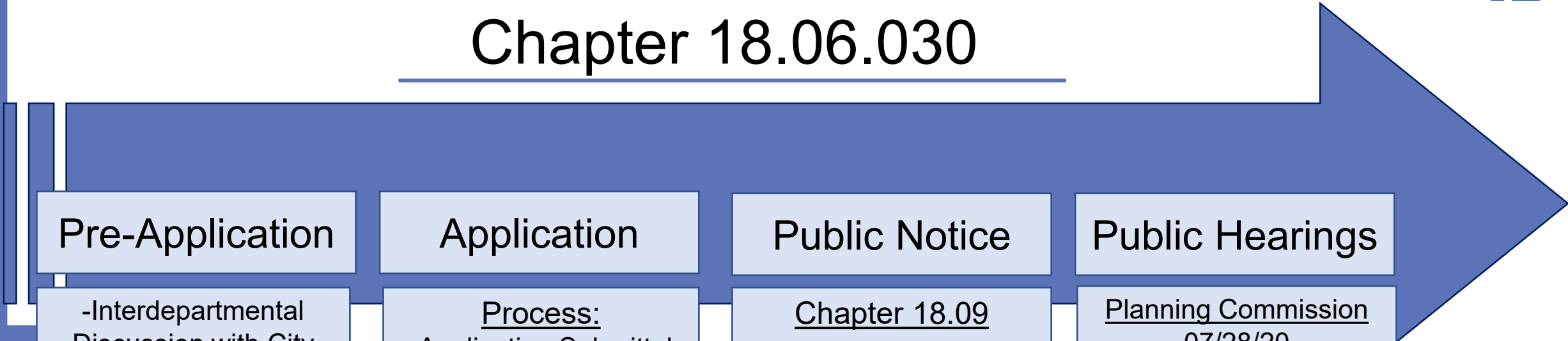


- **City is requesting a zoning classification of Agriculture, AG.**
- The intended land use for this property is that of a public park.
- Currently, the City does not have a zone district that is separate for Parks.
- Future, final land use of Recreational facilities, Outdoor Extensive is a use that requires a Use by Special Review within the Agriculture district.



Process Flow

Chapter 18.06.030



Pre-Application

- Interdepartmental Discussion with City Staff
- Application requirements
- Processing standards
- Review criteria

Application

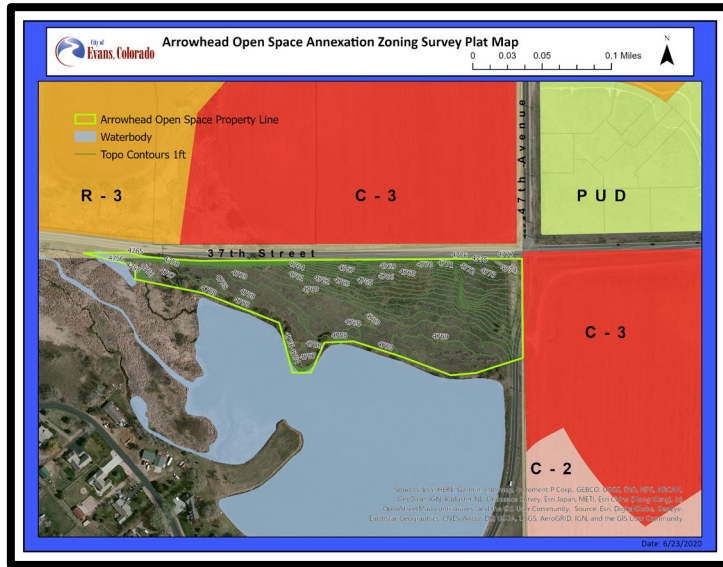
- Process:
- Application Submittal
 - Completeness Review
 - Public Notice
 - Referral Responses
 - Development Review Team
 - Staff Comments
 - Schedule Hearings

Public Notice

- Chapter 18.09
- SPO Notice
07/01/20
 - Published Notice
Greeley Tribune 06/26/20
 - Sign Posted
07/1/20

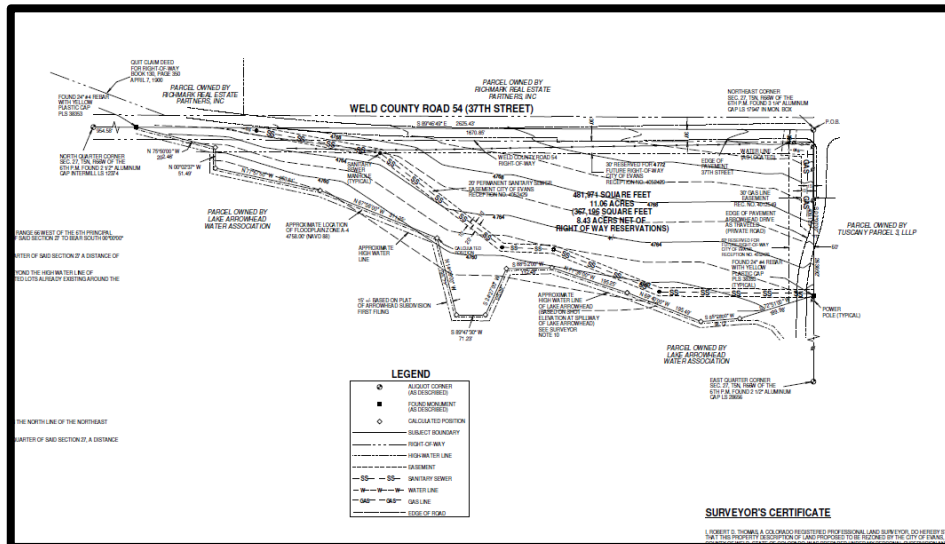
Public Hearings

- Planning Commission
07/28/20
- City Council
08/03/20
08/18/20



Criteria for Review & Approval

- ✓ 18.06.030.D1 *That a need exists for the proposal*
- ✓ 18.06.030.D2 *The particular parcel is indeed the correct site for the proposed development*
- ✓ 18.06.030.D3 & 4 *There has been an error in the original zoning OR 4. There have been significant changes in the area to warrant a change of zone*
- ✓ 18.06.030.D5 *Adequate circulation exists and traffic movement would not be impeded by development*
- ✓ 18.06.030.D6 *Additional municipal service costs will not be incurred which the City cannot meet*
- ✓ 18.06.030.D7 *There are minimal environmental impacts or impacts can be mitigated*
- ✓ 18.06.030.D8 *The proposal is consistent with the Evans Comprehensive Plan maps, goals and policies*
- ✓ 18.06.030.D9 *There is adequate waste and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.*





City of
Evans, Colorado

Planning Commission

Hearing – Arrowhead Special Use Permit/ Use
by Special Review

July 28, 2020



Vicinity Map



Arrowhead Park/Open Space SUP

- The Applicant is requesting a Special Use Permit to allow Recreation Facilities, Outdoor Extensive land use.

Existing Condition



Photo by: Heather Utrata

- This would be the only approved land use on the site.
- The desired outcome of the site is to be a passive park, no structures are planned for the site.

Special Use Permit



Photo by:
Martha Richmond and Dale Richardson



Photo by:
Martha Richmond and Dale Richardson



GOCO Application



Photo by:
Martha Richmond and Dale Richardson



Photo by:
Martha Richmond and Dale Richardson





Process Flow

Chapter 18.06.060

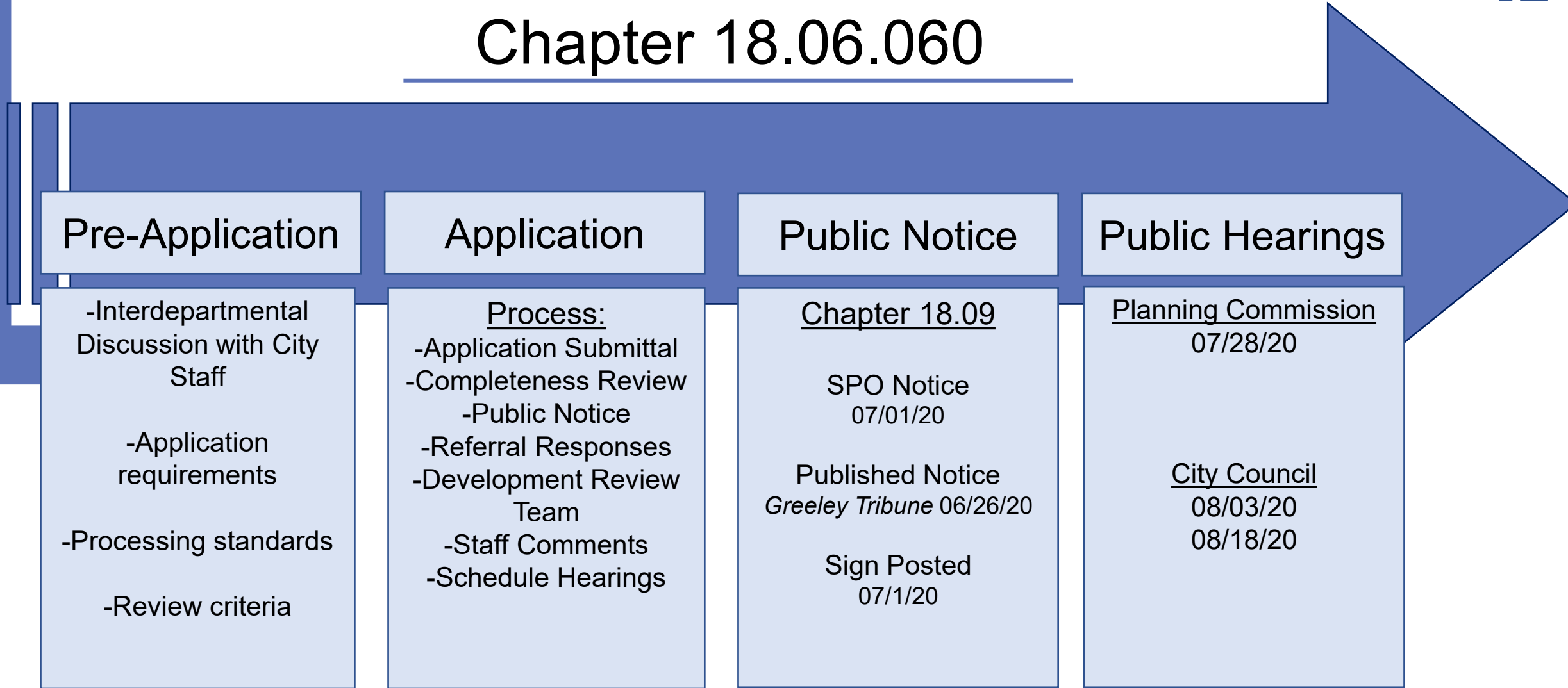




Photo by: Heather Utrata

Criteria for Review & Approval

- ✓ **18.06.060.C2.1** *The proposed use is found to be unlikely to harm the health, safety and welfare of the City or its residents.*
- ✓ **18.06.060.C2.2** *The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.*
- ✓ **18.06.060.C2.3** *The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.*
- ✓ **18.06.060.C2.4** *The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.*



Photo by: Heather Utrata

Criteria for Review & Approval



Photo by: Heather Utrata



Photo by: Heather Utrata

- ✓ 18.06.060.C2.5 *The site shall be physically suitable for the type and intensity of the proposed land use.*
- ✓ 18.06.060.C2.6 *The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*
- ✓ 18.06.060.C2.7 *The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*
- ✓ 18.06.060.C2.8 *Not applicable, only for mini-storage facilities.*
- ✓ 18.06.060.C2.9 *Not applicable, only for car-wash facilities.*
- ✓ 18.06.060.C2.10 *Not applicable, only for oil and gas facilities.*
- ✓ 18.06.060.C2.11 *Not applicable, only for outdoor storage.*

Arrowhead Open Space Project Narrative

Introduction

The Arrowhead property is located on the Southwest Corner of 37th Street and 47th Avenue. The 10.07+/- acre Arrowhead Property was purchased by the City of Evans in 2019. The property is currently vacant. The property is outlined in the aerial image below.



The City of Evans intends to use this property as a public open space. The intended uses will be more passive than a traditional City Park. The intention is to provide space for watching wildlife and enjoying the open field.

Public Engagement

The City is applying for a Great Outdoors Colorado (GOCO) Grant to help fund site improvements. The grant program encourages applicants to engage in public outreach to gain resident input. Several engagement opportunities will take place to acquire this input. Residents will choose potential amenities to be included in the Open Space. Outside of the GOCO Grant process, the City is interested in hearing from residents regarding amenities requested in future public spaces.

1100 37th Street • Evans, CO 80620 • (970) 475-1167

Site Amenities

Several amenities are planned for the site such as a parking lot, a port-a-let, trash cans, a 10-foot-wide concrete trail with a 3-foot-wide crusher fine shoulder, and benches. The City is working with the public through engagement campaigns and the additional amenities voted on by participants include raptor posts and bird boxes, hammock stands, a grassy area for play, a kite-flying field, or fitness stations. Final and formal inclusion of amenities relies upon the City receiving the GOCO grant or a phased installation approach as budget allows. The Special Use Permit process requires public notice and hearings before both Planning Commission and City Council.

Contiguity

This property satisfies the requirement to have 1/6 contiguity with the City. The northern boundary runs parallel to 37th Street and has a shared boundary line of approximately 1,663 feet. The eastern boundary runs perpendicular to 37th Street and has a shared boundary line of approximately 379 feet. The property itself is estimated to have a perimeter of over 4,000 feet. With approximately 2,000 feet of contiguity, this property exceeds the 1/6 contiguity requirement.

Relationship to the Comprehensive Plan 2010

The proposed 10-foot-wide concrete trail with 3-foot-wide crusher fine shoulder would function as a detached sidewalk on the side running parallel with 37th Street. The offset of the proposed trail is 85-feet from the road centerline. This offset places the future trail within the safety requirements for detached sidewalks. The proposed trail will add to the City's desired connected trail system. As mentioned in the Comprehensive Plan 2010 Goals, Policies and Actions, Goal 2 names policies that encourage the implementation of parks, trails, and open space. This project complies with goals set forth by the Comprehensive Plan 2010.

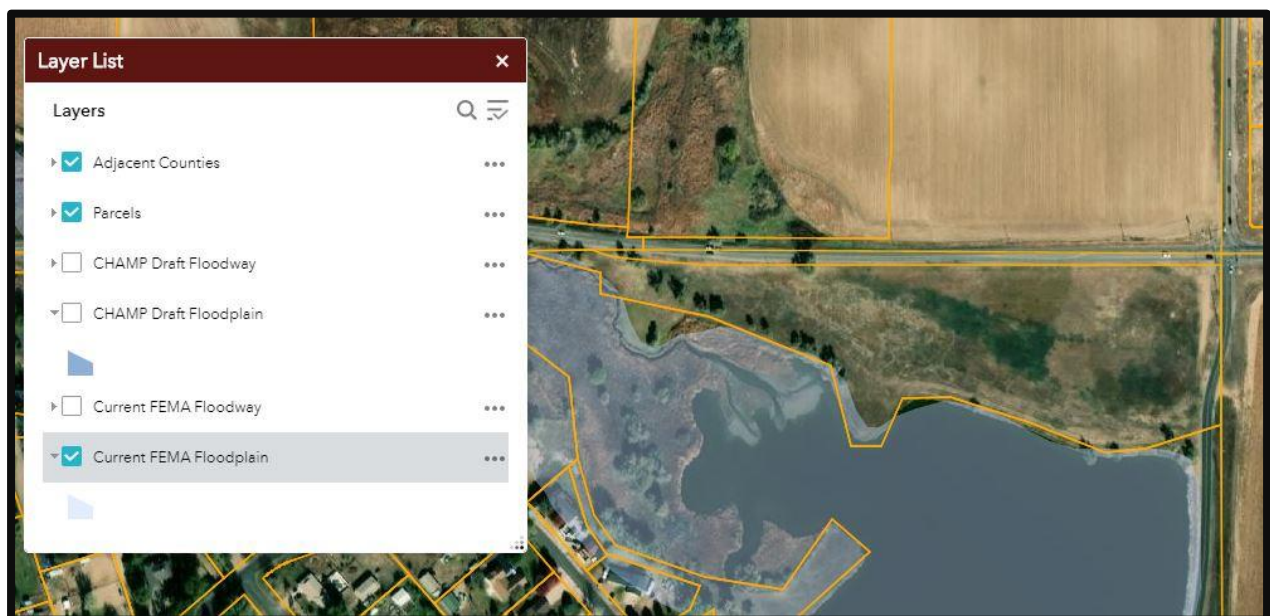
1100 37th Street • Evans, CO 80620 • (970) 475-1167

Water Information

The Arrowhead Open Space will have access to non-potable water after the 47th Street Expansion project is complete. The non-potable water will be connected to a landscaping irrigation system. Potable water is not contemplated at this time.

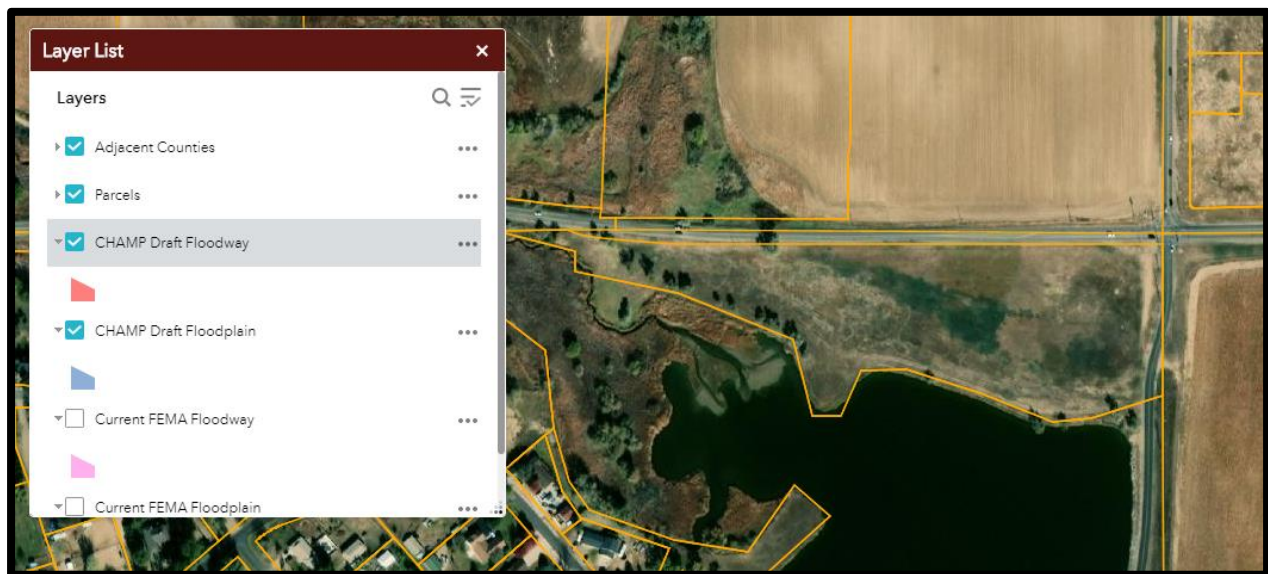
A water quality pond is part of a new drainage system extending north along 47th Avenue to reduce the flooding at the intersection with 37th Street. The intent of the water quality feature (pond) is to clean the stormwater before it reaches Arrowhead Lake. There is no detention included in the pond design, only water quality. This water quality feature has been designed for the eastern portion of the property providing stormwater management for the new road improvements on 47th Avenue and 37th Street. There will be a small parking area located on the site, but initially, it will not be paved. The preliminary parking lot will be made of porous, crusher fine material. In the future, it could be paved.

The site in relation to the current 2019 FEMA floodplain maps show minor overlap between this parcel and the floodplain and floodway. A current map captured from the Weld County Floodplain Review illustrates below:



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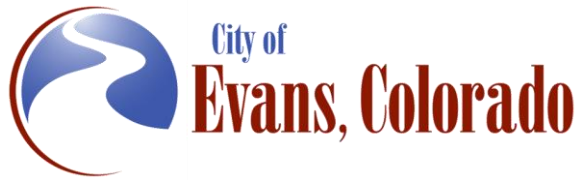
An updated floodplain and floodway map, to be released in August 2020, does not categorize any land or water near the Arrowhead Open Space as having overlap into either the floodplain or the floodway. An updated map captured from the Weld County Floodplain Review illustrates below:



The City did not purchase the lake and access to the lake will be posted as prohibited. A fence offset by 25” from the north shoreline will be installed in 2020. This distance was agreed to by the [Arrowhead Lake Owners Association](#) and the City to allow the Association adequate room for maintenance.

Wildlife Habitat

The western tip of the property contains wetlands as well as the bank of the lake. These areas will be protected and will not be disturbed. The proximity to wetland areas accounts for the many species of wildlife that are found here. This site sits within a region of Bald Eagle Wintering Range and other raptors also have been seen feeding in the area. Ducks and geese are frequent visitors of the lake, along with several snapping turtles. Many residents of the neighboring Arrowhead subdivision consider conservation of the existing wildlife habitat of top priority. Raptor posts and bird boxes are planned to allow for wildlife viewing.



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Collaborative Process

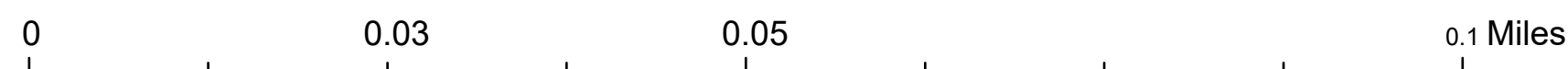
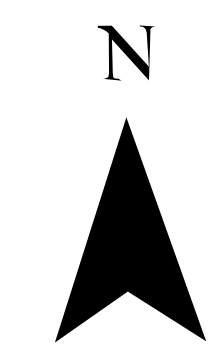
In addition to public engagement, interdepartmental teamwork has played a large role in the conception of this site. During this process of this application and project, many City Departments, such as Finance, Engineering, Operations, Planning, Neighborhood Services, Public Works and Recreation have collaborated on concepts and plans for the site.

Zoning

The Arrowhead Open Space will be zoned Agricultural with specified land uses. This is due to the absence of an Open Space zone district or other Park zone district in the City's Municipal Code. The only allowed land use on this site will be Recreation Facilities, outdoor, intensive. This ensures the site remains an open space for the foreseeable future.

Landscaping

Once non-potable water becomes available to the site, native landscaping will be installed including grasses and trees, as well as, drought-tolerant shrubs. There will be taller grasses planted between the trail and the fencing to be installed in 2020 along the north shore of the lake. The full landscape design will be submitted at a later date for approval by City Engineering and Operations Staff.



LEGEND

- | | | |
|------------------------------------|----------------------------|------------------------------------|
| ① Raptor Post/ Perch | ⑥ Kite Flying Field | ⑪ Water Quality Pond |
| ② Benches | ⑦ In-Ground Hammock Stands | *Bird Boxes in Scattered Locations |
| ③ Picnic Shelter/Table | ⑧ Interpretive Sign | |
| ④ Boulder | ⑨ Screened Restroom | |
| ⑤ Trash Can & Dog Waste Receptical | ⑩ Parking Lot | |

VICINITY MAP



47th Avenue

Arrowhead Drive

37th Street

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020

AGENDA ITEM: 7.D

SUBJECT: **Public Hearing: Consideration of Ordinance Number 727-20 an Ordinance Repealing and Replacing Chapter 18.07.120 of the Evans Municipal Code to Provide Transparent Application Processing Standards For Plat Modifications, Replats, Vacations and Lot Line Adjustments in the City of Evans**

PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Deputy City Manager
Anne Best Johnson, Community Development Director

AGENDA ITEM DESCRIPTION:

The current Municipal Code provides a Chapter with the purpose of directing the processing, criteria for approval and application requirements for plat modifications, replats, vacations and lot line adjustments in the City of Evans. This Chapter of the Code is somewhat confusing and is not explicitly clear regarding criteria for approval, application material requirements and processing requirements.

The public hearing on this item needs to be continued to September 15th for the 1st Reading in order for staff to finalize the proposed language and present to Planning Commission on August 25.

RECOMMENDATION:

Staff recommends that the public hearing on Ordinance Number 727-20 to consider a repeal and replacement of Chapter 18.07.120 of the Evans Municipal Code to allow transparent application processing standards for plat modifications, replats, vacations and lot line adjustments in the City of Evans be continued to the September 15, 2020 City Council meeting.

SUGGESTED MOTIONS:

“I move to continue the public hearing on Ordinance 727-20 to September 15, 2020 for consideration of the repeal and replacement of Chapter 18.07.120 of the Evans Municipal Code regarding plat modifications, replats, vacations and lot line adjustments in the City of Evans.”

“I move to deny the continuance of the public hearing on Ordinance 727-20.”

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.E
SUBJECT: Public Hearing: Consideration of Ordinance Number 729-20 an Ordinance Adding Chapter 9.29 to Title 9 of the Evans Municipal Code to Regulate Unmanned Aircraft Systems in the City of Evans
PRESENTED BY: James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney

AGENDA ITEM DESCRIPTION:

The City Council deliberated at the June 2, 2020 and July 21, 2020 work sessions about amending the Evans Municipal Code to include laws regulating the recreational use of Unmanned Aircraft Systems (UAS), also known as drones. The purpose of the July 21, 2020 Work Session is to consider a proposed ordinance regulating UAS in the City.

This ordinance adds Chapter 9.29 to Title 9 of the Evans Municipal Code and incorporates comments from City Council from the July 21 Work Session as well as comments from the Evans Police Department. Under this ordinance, the following acts are prohibited in the recreational or hobby operation of an unmanned aircraft system anywhere in the City or City airspace at an altitude from the ground level up to 400 feet:

The following acts are prohibited in the recreational or hobby operation of an unmanned aircraft system anywhere in the City or City airspace at an altitude from the ground level up to 400 feet:

- (A) No person shall operate a UAS to endanger or harm the life or property of any person nor shall any person operate a UAS in a reckless or careless manner.
- (B) No person shall operate a UAS who is under the influence of alcohol, marijuana, or one (1) or more controlled substances as defined in Article [18](#) of Title [18](#) of the Colorado Revised Statutes.
- (C) No person shall operate a UAS if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a UAS, or if he or she knows or has reason to know that UAS equipment is not in proper working order.
- (D) No person shall operate a UAS near any person, pedestrian, bicyclist, or motorist without the consent of such person, pedestrian, bicyclist, or motorist with the intent to harass, alarm or annoy such person, pedestrian, bicyclist, or motorist;
- (E) No person shall knowingly operate a UAS near any wild animal, farm animal, fowl or livestock in manner that intentionally causes movement of such wild animal, farm animal, fowl, or livestock.
- (F) No person shall knowingly enter, hover, land or otherwise operate any unmanned

aircraft system on or over another person's private property without the prior consent of such property owner. Such unauthorized entry, hovering or landing on or over another person's private property shall be deemed a trespass.

FINANCIAL SUMMARY:

There is no financial impact anticipated by the ordinance.

RECOMMENDATION:

Staff recommends that City Council adopt the proposed Ordinance 729-20 to add Chapter 9.29 to the Evans Municipal Code.

SUGGESTED MOTIONS:

"I move to adopt Ordinance No. 729-20 as proposed to add Chapter 9.29 to the Evans Municipal Code to regulate unmanned aircraft systems in the City of Evans."

"I move to deny Ordinance No. 729-20 as proposed for the reasons stated."

ATTACHMENTS:

Ordinance No. 729-20

CITY OF EVANS, COLORADO

ORDINANCE NO. 729-20

AN ORDINANCE ADDING CHAPTER 9.29 TO TITLE 9 OF THE EVANS MUNICIPAL CODE TO REGULATE UNMANNED AIRCRAFT SYSTEMS IN THE CITY OF EVANS

WHEREAS, the City of Evans is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Evans Home Rule Charter; and

WHEREAS, pursuant to its home rule authority, the City may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the use of unmanned aircraft systems (“UAS”), commonly known as drones, is no longer limited to military and government uses and there is evolving a wide range of civilian, commercial, and recreational uses; and

WHEREAS, the City Council recognizes there is a strong market growth predicted for the use of UAS by hobbyists for recreational purposes as well as by commercial operators; and

WHEREAS, the City Council acknowledges that the Federal Aviation Administration (“FAA”) has exclusive sovereignty of navigable airspace of the United States; and

WHEREAS, the pursuant to the FAA Reauthorization Act of 2018 the FAA has adopted and updated regulations of UAS within navigable airspace; and

WHEREAS, currently, no federal law expressly prohibits or preempts municipalities from establishing laws concerning the recreational use of UAS in a manner that causes nuisance and trespass issues within municipalities’ specific borders; and

WHEREAS, the City Council has determined that the improper use of unmanned UAS within the City is detrimental to the rights of private property owners, personal privacy, and welfare of the inhabitants; and

WHEREAS, the improper use of UAS in the City is the cause of nuisances to wildlife, livestock, and domesticated animals; and

WHEREAS, City Council finds it necessary to regulate the improper use of recreational UAS by adding to Title 9, which governs public peace, morals and welfare in the City, Chapter 9.29 to regulate the recreational use of UAS in the City of Evans for limited purposes including the prevention of intentional trespass over private property and intentional nuisance to wildlife, livestock and domesticated animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Title 9, Chapter 9.29 of the Evans Municipal Code is hereby by the added to read in its entirety as follows:

**Title 9, Chapter 9.29
Regulation of Unmanned Aircraft Systems**

Sec. 9.29.010	Purpose and Intent
Sec. 9.29.020	Definitions
Sec. 9.29.030	Prohibited Acts
Sec. 9.29.040	Enforcement and Penalties

Sec. 9.29.010 Purpose and Intent.

The purpose of this Chapter is to establish regulations to prohibit certain uses of recreational or hobby unmanned aircraft systems operating within the jurisdictional borders of the City of Evans. It is the intent of this Chapter to be interpreted in conformity with any existing or future federal or state laws or regulations that address the operation of unmanned aircraft systems. This Chapter does not apply to the commercial operation of unmanned aircraft systems.

Sec. 9.29.020 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Aircraft means any contrivance invented, used, or designed to navigate or fly in the air.

Livestock shall have the same meaning as set forth in Section 6.04.010 of this Code.

Model aircraft means an unmanned aircraft that is: (a) capable of sustained flight in the atmosphere; (b) flown within visual line of sight of the person operating the aircraft; and (c) flown for hobby or recreational purposes.

Operate means to fly, use, launch, land, employ or navigate an unmanned aircraft system.

City airspace means and includes all airspace above the jurisdictional boundaries of the City, to the full extent such airspace can legally be regulated by the City.

Unmanned aircraft system or *UAS* means an aircraft, powered aerial vehicle, or other device without a human pilot on board, the flight of which is controlled either autonomously by on board computers or by remote control of a pilot operator on the ground or in another vehicle or aircraft, and all associated equipment and apparatus. It includes model aircrafts and drones.

Sec. 9.29.030 Prohibited Acts.

The following acts are prohibited in the recreational or hobby operation of an unmanned aircraft system anywhere in the City or City airspace at an altitude from the ground level up to 400 feet:

- (A) No person shall operate a UAS to endanger or harm the life or property of any person nor shall any person operate a UAS in a reckless or careless manner.
- (B) No person shall operate a UAS who is under the influence of alcohol, marijuana, or one (1) or more controlled substances as defined in Article 18 of Title 18 of the Colorado Revised Statutes.
- (C) No person shall operate a UAS if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a UAS, or if he or she knows or has reason to know that UAS equipment is not in proper working order.
- (D) No person shall operate a UAS near any person, pedestrians, bicyclists, motorists without the consent of such person, pedestrian, bicyclist, or motorist.
- (E) No person shall knowingly operate a UAS near any wild animal or livestock in manner that causes movement of the animal.
- (F) No person shall knowingly enter, hover, land or otherwise operate, any unmanned aircraft system on or over another person's private property without the prior consent of the property owner. Such unauthorized entry onto another's property shall be deemed a trespass.

Sec. 9.29.040 Enforcement and Penalties.

Any person who violates any of the provisions of this Chapter shall be punished as provided in Chapter 1.16 of this Code.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective

of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

Section 5. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 3RD DAY OF AUGUST, 2020.

ATTEST: CITY OF EVANS, COLORADO

Julie Roeder, Interim City Clerk BY: _____
Brian Rudy, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS ___ DAY OF _____, 2020.

ATTEST: CITY OF EVANS, COLORADO

Julie Roeder, Interim City Clerk BY: _____
Brian Rudy, Mayor

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.F
SUBJECT: Consideration of Resolution Number 26-2020 to Authorize and Approve Evan's Participation in the Metro Mortgage Assistance Plus Program and Authorizing the Execution of the Delegation and Participation Agreement and Other Documents in Connection Therewith
PRESENTED BY: James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney

AGENDA ITEM DESCRIPTION:

The City of Denver has established a revolving pool of \$50 million to support the metroDPA program, a special down payment assistance program for low and moderate-income individuals and families that seeks to bring the dream of home ownership within reach. Lacking the funds for a down payment is often a barrier to home ownership. The program provides down payment assistance to first time homebuyers as a zero-interest, forgivable second mortgage. As homebuyers apply for a 30-year fixed rate mortgage, the metroDPA program helps with down payment and closing cost assistance of up to 5% of the loan.

Recently, a participating lender reached out to the City of Denver requesting efforts to expand the metroDPA program into the City of Evans. The City of Denver contacted Staff to request that Evans allow expansion of the metroDPA program into the City of Evans by adopting this resolution and agreement to participate in the program.

The purpose of this resolution is to benefit the residents of the City of Evans by authorizing and approving Evans' participation in the metroDPA Program in connection with the financing of residential mortgage loans for eligible low-and moderate-income families or persons by delegating to Denver the authority of the City to take action and exercise power on behalf of the City with respect to the Program.

To date, 33 cities and 8 counties are actively participating in this Front Range program. Participating municipalities include the following: Arvada, Aurora, Bennett, Boulder, Brighton, Broomfield, Castle Rock, Centennial, Commerce City, Dacono, Deer Trail, Denver, Edgewater, Englewood, Erie, Federal Heights, Firestone, Frederick, Golden, Greeley, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Mead, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster and Wheat Ridge. Participating counties include the following: Adams County, Arapahoe County, Boulder County, Broomfield County, Denver County, Douglas County, and Jefferson County.

FINANCIAL SUMMARY:

There is no foreseeable financial impact upon the City.

RECOMMENDATION:

Staff recommends that City Council adopt the proposed Resolution 26-2020 to authorize and approve Evans' Participation in the Metro Mortgage Assistance Plus Program and to Authorize the Mayor to Execute the Participation Agreement.

SUGGESTED MOTIONS:

"I move to approve Resolution No. 26-2020 as proposed."

"I move to deny Resolution No. 26-2020 as proposed for the reasons stated."

ATTACHMENTS:

- Attachment 1: MetroDPA Flyer

CITY OF EVANS, COLORADO

RESOLUTION NO. 26 -2020

A RESOLUTION AUTHORIZING AND APPROVING CITY OF EVANS' PARTICIPATION IN THE METRO MORTGAGE ASSISTANCE PLUS PROGRAM AND AUTHORIZING THE EXECUTION OF THE DELEGATION AND PARTICIPATION AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Evans, Colorado (the "City") is a home rule Colorado municipal corporation, duly organized and existing under Section 6, Article XX of the Colorado Constitution; and

WHEREAS, the City Council of the City of Evans, Colorado (the "City Council"), pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, the State of Colorado (the "State") Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State's political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, the City and County of Denver, Colorado ("Denver") is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate-income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the "Program"); and

WHEREAS, Denver has invited the City to participate in the Program; and

WHEREAS, the City has the full legal authority to participate in the Program pursuant to the Evans Home Rule Charter and the general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended; and Title 31, Article 15, Section 101 *et seq.*, Colorado Revised Statutes, as amended (collectively, the "Act"); and

WHEREAS, the City desires to delegate to Denver the authority of the City to take action and exercise power under the Act on behalf of the City with respect to the Program within the City's boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

Section 1. To benefit the residents of the City, the City Council authorizes and approves its participation in the Program in connection with the financing of mortgage loans for low-and moderate-income families or persons intended for use as the sole place of residence by the owners or intended occupants thereof, and the City delegates to Denver the authority of the City to take action and exercise power under the Act on behalf of the City with respect to the Program.

Section 2. Brian Rudy, Mayor of the City, is hereby authorized and directed to execute and deliver and the City Council is hereby authorized and directed to attest and deliver the Delegation and Participation Agreement attached hereto as Exhibit A and such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the City's participation in the Program.

Section 3. Nothing contained in this Resolution or the Assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the City within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid. This Resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 3RD DAY OF AUGUST 2020

ATTEST:

CITY OF EVANS, COLORADO

Julie Roeder, Interim City Clerk

BY: _____
Brian Rudy, Mayor

Metro Mayors Caucus Administered by the
City & County of Denver, Colorado

metroDPA

down payment assistance

metroDPA.org | metroDPA.org | metroDPA.org | metroDPA.org

- ✓ EXPAND HOUSING AFFORDABILITY IN YOUR COMMUNITY
- ✓ NO RISK OR COST FOR MUNICIPALITIES TO PARTICIPATE
- ✓ DESIRED BY REALTORS, LENDERS AND HOME BUYERS IN YOUR AREA

- ✓ SEVERAL DOWN PAYMENT ASSISTANCE OPTIONS
- ✓ MORTGAGES FOR LOWER FICO BORROWERS (FHA 640+)
- ✓ 30- YEAR FIXED RATE MORTGAGES AND
 - ASSISTANCE UP TO 6% FOR HOMEBUYERS
 - MULTIPLE ASSISTANCE OPTIONS

The Basics

- ✓ Government and Conventional, 30-year fixed rate loans
- ✓ Up to 6% assistance as 3-year forgivable 2nd lien
- ✓ Primary residence, purchase only, no first-time homebuyer requirement
- ✓ No purchase price limits (set by Agency guidelines)
- ✓ Helps borrowers with income up to \$150,000

REQUEST FOR PARTICIPATION

Exclusive Program for Front Range Communities

metroDPA Ambassadors from Stifel Financial:

C. Scott Riffle, DeDe Cross, Koen Browning and Diana Minardi
riffles@stifel.com; crossde@stifel.com; browningko@stifel.com; minardid@stifel.com

City & County of Denver: *Andrew Johnston: (303) 335-6338*



Member FNRA SIPC

DELEGATION AND PARTICIPATION AGREEMENT

This DELEGATION AND PARTICIPATION AGREEMENT, dated as of August 3, 2020 (this “Delegation and Participation Agreement”), is by and between Evans, a city and political subdivision duly organized and existing under the laws and Constitution of the State of Colorado (“Evans”) and the CITY AND COUNTY OF DENVER, COLORADO, a legally and regularly created, established, organized and existing home rule charter city and political subdivision under the Constitution and statutes of the State of Colorado (“Denver”);

RECITALS:

WHEREAS, the State of Colorado (the “State”) Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State’s political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, Denver is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants and to promote the public health, welfare, safety, convenience and prosperity of the people of Denver; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the “Program”); and

WHEREAS, Denver has invited Evans to participate in the Program; and

WHEREAS, Evans has the full legal authority to participate in the Program pursuant to [the general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended; Title 31, Article 15, Section 101 *et seq.*, Colorado Revised Statutes, as amended; and the Resolution adopted by Evans City Council authorizing Evans’ participation in the Program pursuant to this Delegation and Participation Agreement (collectively the “Act”); and

WHEREAS, Evans desires to delegate to Denver the authority of Evans to take action and exercise power under the Act on behalf of Evans with respect to the Program within Evans’ incorporated boundaries.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, Evans and Denver hereby agree as follows:

Section 1. Evans hereby delegates to Denver the authority of Evans to take action and exercise power under the Act on behalf of Evans with respect to the Program within Evans’ boundaries.

Section 2. Denver hereby accepts the delegation of authority from Evans pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation and Participation Agreement in connection with the use of such delegation. Denver agrees to make the Program available to Evans for the origination of home mortgages within Evans' incorporated boundaries.

Section 3. If the Program is discontinued by Denver, this Delegation and Participation Agreement, and all duties, obligations and rights of Denver and Evans hereunder, shall terminate. If the Program is terminated, Evans agrees to hold Denver harmless for any costs or any other liabilities incurred by Evans with respect to the adoption and approval of this Delegation and Participation Agreement or any other Evans actions related thereto.

Section 4. Either party may terminate this Delegation and Participation Agreement by providing the other party written notice of termination using the contact information listed below. Such notice is adequate if (a) hand-delivered or (b) provided by certified mail, return receipt requested. Termination is effective thirty (30) days after such written notice is provided. Denver and Evans shall promptly notify the other party if the appropriate contact information for notice changes.

For the City of Denver: Brendan J. Hanlon
Chief Financial Officer
City and County of Denver
201 W. Colfax Avenue
Department 1010
Denver, Colorado 80202

For the City of Evans: James Becklenberg
City Manager
City of Evans
1100 37th Street
Evans, Colorado 80620

With copy to: Scotty P. Krob
Evans City Attorney
8400 E. Prentice Ave, Penthouse
Greenwood Village, CO 80111

Section 5. Evans' participation in the Program pursuant to this Delegation and Participation Agreement shall not be construed as creating or constituting a general obligation or multiple fiscal year direct or indirect indebtedness or other financial obligation whatsoever of Evans nor a mandatory payment obligation of Evans in any fiscal year during which this Delegation and Participation Agreement shall be in effect.

IN WITNESS WHEREOF, Evans and Denver have caused this Delegation and Participation Agreement to be executed and be effective as of August 3, 2020.

City of Evans

[SEAL]

By _____
Brian Rudy, Mayor

Attest:

By _____
Julie Roeder, City Clerk

CITY AND COUNTY OF DENVER, COLORADO

By _____
Chief Financial Officer

[Signature Page to Delegation and Participation Agreement]

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.G
SUBJECT: Consideration of Award of Bid: 2020 Asphalt Treatment Project
PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Deputy City Manager
Mark Oberschmidt, P.E., City Engineer

AGENDA ITEM DESCRIPTION:

The 2020 Capital Improvement Program (CIP) Budget includes \$750,000 for roadway surface treatment which consists primarily of asphalt sealing of various streets within the community. Together with the concrete repair contract and the asphalt patching contract that have already been awarded, these projects make up the City's pavement management program for 2020.

Surface treatments are the appropriate process to stabilize and extend the life of road surfaces that are in reasonably good structural condition. This year, to take advantage of the most cost-effective process with the limited funding available, staff recommends chip sealing to cover and strengthen the most street asphalt area possible. This includes selecting roadways where these treatments are the appropriate surface treatment method based on the road condition. Chip seals will be used in locations where there is higher traffic on collector and local roadways. In accordance with professional street maintenance principles, the recommended approach follows the adage, "The right treatment at the right time on the right road."

Streets that staff identified as priority areas for surface treatments are noted on the attached map. Based on the budget and the bids received, the City will be able to treat all of the streets identified as priority areas. The streets to be treated as part of this contract are identified on the attached map. Some additional work may be needed adjacent to the identified areas that would be funded by the contract contingency with city manager approval.

Per the City's purchasing policies this project was advertised on BidNet and the City Website on June 26, 2020. Bids were opened on July 10, 2020, with results as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Vance Brothers, Inc.	\$ 553,080.00
A-1 Chipseal Company	\$ 646,300.00

Both contractors submitting bids are experienced and in good standing. Vance Brothers is recommended as the successful bidder on this project. The City has an excellent working relationship with Vance Brothers and they have done quality work in performing the City's chip sealing work during the last two years.

FINANCIAL SUMMARY:

It is important to note that due to the greater volume of work to be done this year, the unit price for the work is \$0.50 per square yard lower than the unit price for last year's chip sealing work. That allows all of the streets ready for chipsealing to be completed this year.

In light of the successful April ballot question to increase street widening and maintenance funding, during the work session on May 19, the City Council reviewed and approved a proposal to shift \$500,000 of CIP Streets funding from the street widening reserve to pavement management this year. The repurposing of that amount of funding does not jeopardize availability of the funding needed for widenings in the future. Given the very significant road construction workload to which the City has already committed this summer, staff can responsibly manage the additional maintenance funding this summer without risking overcommitment of project management resources.

The additional \$500,000 has been added to the previously-approved \$850,000 pavement management plan budget for this year (with \$350,000 of the remaining 2020 funding earmarked for surface treatment), for a total of \$1,350,000 of work in 2020, which more than doubles the amount of maintenance completed in any year before. \$100,000 of the new funding is being used for extensive asphalt patching work, and \$400,000 is available to add to the \$350,000 originally-budgeted for surface treatment.

Therefore, \$750,000 remains in the budget for expenses related to the asphalt treatment program and other programs including striping which will be contracted for and completed after the chip sealing is complete.

Staff recommends that the funds remaining after the chip sealing and striping work is completed be carried forward into the 2021 pavement management program since additional streets are not ready for surface treatment this year and the City project manager's time is needed on the three major street projects that will be underway yet this summer. Additional funding available next year can help to advance other work like the reconstruction of the Community Complex parking lot or the mill and overlay of 65th Avenue north of the Peakview project. However, if City Council directs staff to use the entire 2020 pavement management budget amount this year, additional patching or a small mill and overlay project can be done.

RECOMMENDATION:

Staff recommends that the project be awarded for a not to exceed amount of \$608,000 (including a 10% contingency available only with City Manager approval), based on the successful unit price bid. This will allow the City to accomplish as much asphalt resurfacing work as possible with the budgeted funds. Staff recommends that City Council award the 2020 Asphalt Surface Treatment contract to Vance Brothers, Inc and authorize the Mayor's signature on a contract in the amount of \$553,080 with a contingency of \$54,920 for a total not to exceed amount of 608,000. This will allow the City the flexibility with the bidder to do minor additional work at the same unit cost without exceeding total contract authority.

SUGGESTED MOTIONS:

“I move to award the 2020 Asphalt Surface Treatment Contract to Vance Brothers, Inc and to authorize the Mayor’s signature on an agreement in the amount of \$553,080 with a not to exceed amount of \$608,000.”

“I move to deny award of the 2020 Asphalt Surface Treatment Contract.”

ATTACHMENTS:

- Bid Tab
- 2020 Asphalt surface treatment project priority map

BID TABULATION 2020 ASPHALT SURFACE TREATMENT PROJECT

Vance Brothers, Inc.						A1 - Chipseal Co			
Item	Description	Quantity	Units	Unit Cost	Total	Quantity	Units	Unit Cost	Total
2020 Surface Treatment									
1	MOBILIZATION	1	LS	\$ 5,000.00	\$ 5,000.00	1	LS	\$ 1,500.00	\$ 1,500.00
					Mobilization				\$ 1,500.00
Ashcroft Height's Subdivision (Select Streets) (Priority 1)									
2	CHIP SEAL (3/8")	60000	SY	\$ 2.21	\$ 132,600.00	60000	SY	\$ 2.60	\$ 156,000.00
					Ashcroft Height's Subdivision Total				\$ 156,000.00
Tuscany Subdivision (Select Streets) (Priority 2)									
3	CHIP SEAL (3/8")	48000	SY	\$ 2.21	\$ 106,080.00	48000	SY	\$ 2.60	\$ 124,800.00
					Tuscany Subdivision Total				\$ 124,800.00
North Point Subdivision (Select Streets) (Priority 3)									
4	CHIP SEAL (3/8")	22000	SY	\$ 2.21	\$ 48,620.00	22000	SY	\$ 2.60	\$ 57,200.00
					North Point Subdivision Total				\$ 57,200.00
Willowbrook Subdivision (Select Streets) (Priority 4)									
5	CHIP SEAL (3/8")	30000	SY	\$ 2.21	\$ 66,300.00	30000	SY	\$ 2.60	\$ 78,000.00
					Willowbrook Total				\$ 78,000.00
East Evans (Select Streets) (Priority 5)									
6	CHIP SEAL (3/8")	14000	SY	\$ 2.21	\$ 30,940.00	14000	SY	\$ 2.60	\$ 36,400.00
					East Evans Total				\$ 36,400.00
The Ridge at Prairie View Subdivision (Select Streets) (Priority 6)									
7	CHIP SEAL (3/8")	35000	SY	\$ 2.21	\$ 77,350.00	35000	SY	\$ 2.60	\$ 91,000.00
					The Ridge at Prairie View Subdivision Total				\$ 91,000.00
Platte Valley Subdivision (Select Streets) (Priority 7)									
8	CHIP SEAL (3/8")	30000	SY	\$ 2.21	\$ 66,300.00	30000	SY	\$ 2.60	\$ 78,000.00
					Platte Valley Subdivision Total				\$ 78,000.00
The Cove Subdivision (Select Streets) (Priority 8)									
9	CHIP SEAL (3/8")	4000	SY	\$ 2.21	\$ 8,840.00	4000	SY	\$ 2.60	\$ 10,400.00
					The Cove Subdivision Total				\$ 10,400.00
The Cottages Subdivision (Select Streets) (Priority 9)									
10	CHIP SEAL (3/8")	5000	SY	\$ 2.21	\$ 11,050.00	5000	SY	\$ 2.60	\$ 13,000.00
					The Cottages Subdivision Total				\$ 13,000.00
					Project Grand Total				\$ 646,300.00

- X The Contractor shall be responsible for notifications to all businesses, residents and land owners where necessary.
- X Traffic control shall be the responsibility of the Contractor, approved by the City, and be included in unit costs per job location (as required).
- X Unit Price descriptions are as follows: LS = Lump Sum; EA = Each; SY = Square Yard; 1 TON = 2000 LBS.

The undersigned, if awarded the Contract, at the prices shown in the bid, agrees to complete the work within Thirty (30) working days after the Notice to Proceed is issued.

Date

Company

Company

Official Address:

Signature

Signature

Title

Title



2020 Asphalt Surface Treatment Project

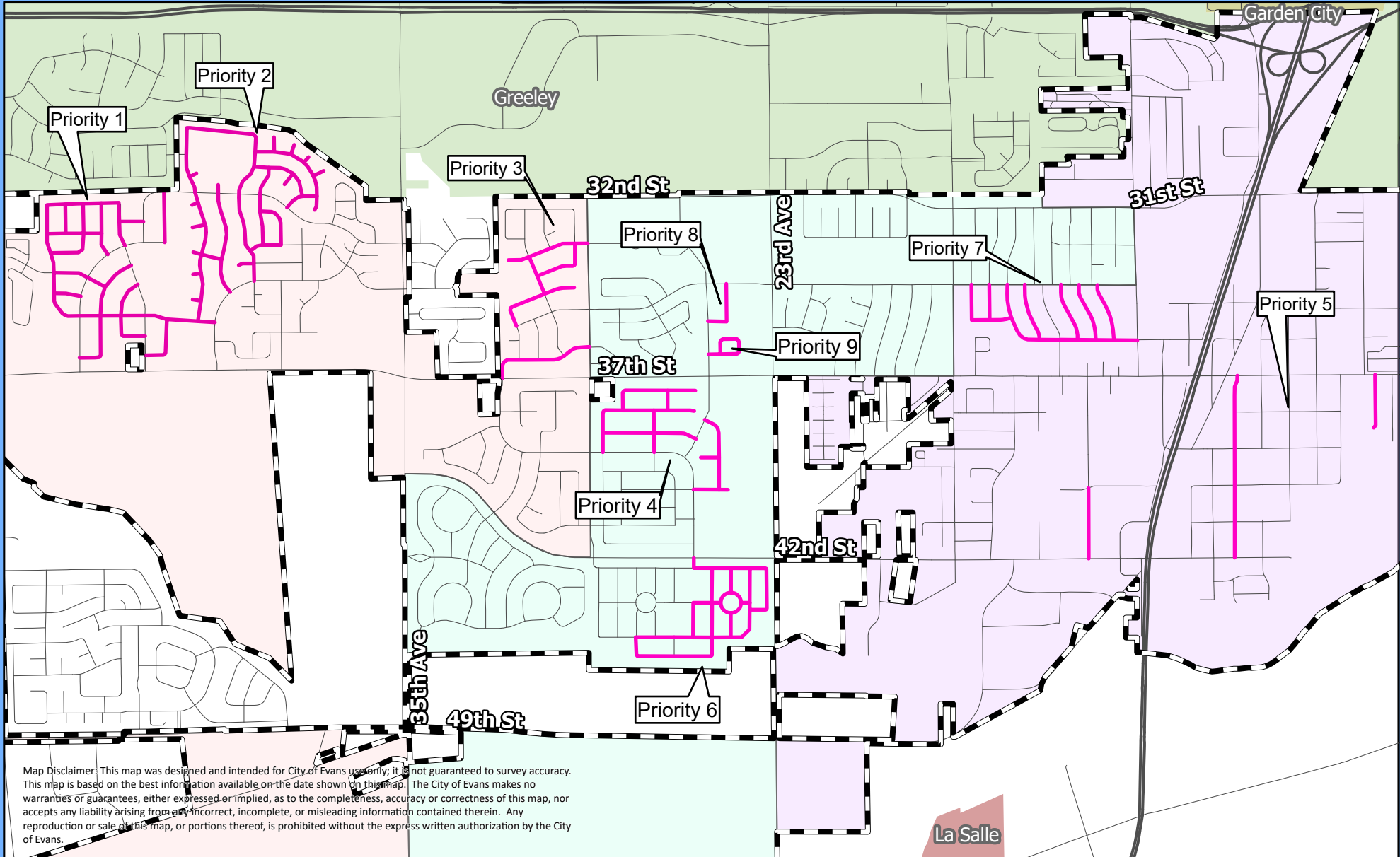
Chip Seal

Wards

- Ward I
- Ward II
- Ward III

- Priority 1: Ashcroft Heights
- Priority 2: Tuscany
- Priority 3: North Point
- Priority 4: Willowbrook
- Priority 5: East Evans

- Priority 6: The Ridge at Prairie View
- Priority 7: Platte Valley
- Priority 8: The Cove
- Priority 9: The Cottages



Map Disclaimer: This map was designed and intended for City of Evans use only; it is not guaranteed to survey accuracy. This map is based on the best information available on the date shown on this map. The City of Evans makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of this map, nor accepts any liability arising from any incorrect, incomplete, or misleading information contained therein. Any reproduction or sale of this map, or portions thereof, is prohibited without the express written authorization by the City of Evans.



CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020

AGENDA ITEM: 7.H

SUBJECT: Consideration of Award for Consulting Contract for Multi-Modal Transportation Plan

PRESENTED BY: Jim Becklenberg, City Manager
Randy Ready, Deputy City Manager
Anne Best Johnson, Community Development Director

AGENDA ITEM DESCRIPTION:

The City has budgeted to update the Community Master Plan. A significant portion of the Master Plan is focused on trails, transportation and mobility. The City received a grant from the North Front Range Metropolitan Planning Organization (NFRMPO) and CDOT to fund an update to the Transportation and Trails Master Plan. The City approved the IGA with CDOT through Resolution No. 19-2020 on July 7, 2020 and is awaiting executed documents from CDOT and an official “Notice to Proceed.”

In the interim and with CDOT’s approval, the City published a Request for Qualifications and received five applicant packages to complete the work associated with the Transportation Master Plan. This was a qualifications-based proposal and fees were not evaluated. A selection committee composed of Scott Sandridge, Mark Oberschmidt, Randy Ready, Lauren Richardson and Anne Best Johnson reviewed submitted materials according to a published process to the prospective consultants and selected Fehr and Peers as the selected consulting group. References were called and each community provided positive feedback regarding this firm.

The firms who submitted materials in response to the Request for Qualifications include:

- Fehr & Peers
- Felsburg, Holt & Ullevig
- Mead & Hunt
- Keller Group
- Carlos Hernandez

A qualifications-based selection process was performed by the selection committee and vetted through CDOT. Each proposal was individually evaluated and scored by the selection committee and then combined for cumulative scores. A large component of the evaluation process was predicated upon how each team responded to the City’s requests made in the published RFQ. The selection committee scored Fehr & Peers highest and they were determined to be the best qualified candidate. In particular, the Fehr and Peers team qualifications and relevant project experience were noted as outstanding. The firm recently completed transportation and transit plans for the Cities of Ft. Collins and Loveland and for the Town of Windsor. The City checked with references including the municipalities noted above. Evans staff members have also worked with Fehr and Peers on projects in other locations and had very favorable experiences. All referral responses provided positive

remarks and indicated that Fehr & Peers also provided cost-savings recommendations both for the studies themselves and for cost-effective implementation strategies during their projects that were beyond their scope of services.

The attached task and budget allocation sheet provides details regarding the amount of effort to be attributed to each task. As to be expected, the majority of work effort will be focused in tasks 3- 6 inclusive of future state analysis, establishing goals and objectives; implementation modelling and developing the draft and final plans for presentation. Additional time will be allocated in working with neighboring communities for a regional approach, working with stakeholders within the community, and performing the trail gap analysis.

The City of Evans cannot execute the attached contract for services with Fehr & Peers until the IGA with CDOT has been returned and only after CDOT has issued a “Notice to Proceed” to the City. CDOT is aware of the City’s selection of Fehr and Peers, received the selection committee score sheets, and participated in a scope and budget review meeting with the City along with and Fehr & Peers.

FINANCIAL SUMMARY:

A total of \$168,000 is budgeted for the update to the Multimodal Transportation Master Plan from the following sources:

Weld County Local Match	\$ 3,000
City of Evans Local Match	\$ 15,000
CDOT Grant	<u>\$150,000</u>
Project Total	<u>\$168,000</u>

ATTACHMENTS:

Attachment 1: Agreement inclusive of all Exhibits

RECOMMENDATION:

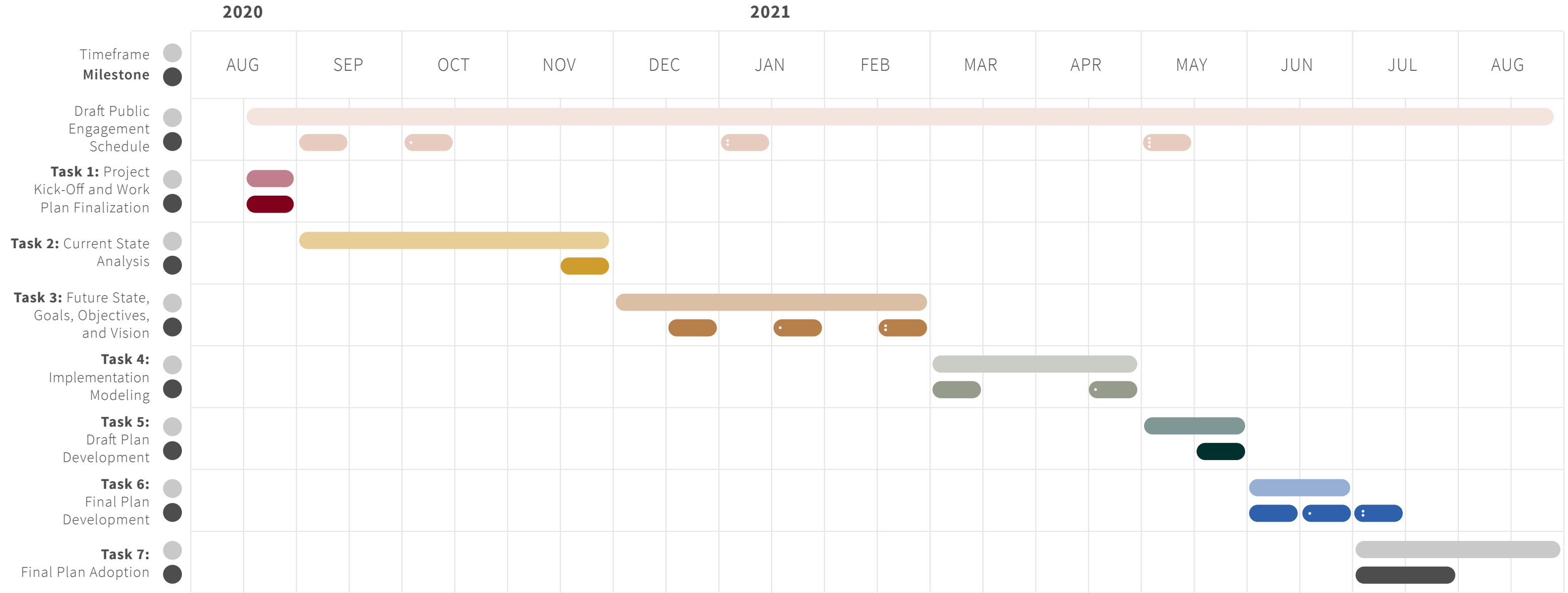
Staff recommends approval of the contract with Fehr & Peers, contingent upon receiving a Notice to Proceed from CDOT. Staff recommends that City Council approve the Mayor to execute the contract with Fehr & Peers upon receipt of the executed IGA and formal Notice to Proceed from CDOT.

SUGGESTED MOTIONS:

“I move to award the contract for services to prepare the Multi Modal Transportation Master Plan to Fehr & Peers and authorize the Mayors signature on the contract agreement in the amount not to exceed \$168,000 upon receipt of the executed IGA and an official Notice to Proceed from CDOT.”

“I move to deny the award of the contract for services to prepare the Multi Modal Transportation Master Plan.”

City of Evans Multi-Modal Transportation Master Plan Schedule



Public Engagement*	Mid-August Kick-Off Meeting	Future State Analysis	Modeling	Final Plan Development	Plan Adoption
Project Website & Social Media Launch	Public Engagement and Work Plans	Performance Measures Memorandum	Scenario Development	1st Round of Review	Council Presentation PowerPoint, physical plan copies, and electronic copies delivered
First Public Meeting (format TBD)	Current State Analysis	Vision, Goals, and Objectives	Scenario Modeling Result Summaries	2nd Round of Review	
Second Public Meeting (format TBD)	Existing Conditions Report	Traffic Safety Countermeasures Memorandum	Draft Plan Development	Final Submission	
Project Website & Social Media Launch		Future Conditions Report Multi-Modal Design Guidelines	Draft Plan		

*The schedule for all project management and outreach related meetings will be listed in the Public Engagement Plan, which will be finalized following project kick-off. The public outreach events shown here are draft; a final list of outreach strategies and events, along with dates, will be provided in the Public Engagement Plan.

City of Evans Multi-Modal Transportation Master Plan Consultant Fee

TASK	DESCRIPTION	TOTAL COST BY TASK
1	Project Kick-off and Work Plan Finalization	\$14,770*
2	Current State Analysis	\$16,950
3	Future State, Goals, Objectives, and Vision	\$24,150
4	Implementation Modeling	\$30,860
5	Draft Plan Development	\$34,835
6	Final Plan Development	\$28,120
7	Final Plan Adoption	\$5,590
Total Hours / Labor Cost		\$155,275
Data Collection (traditional traffic counts)		\$9,600
Direct Costs (travel, copies, etc.)		\$3,125
Total Fee		\$168,000

*Task 1 includes project management meetings, stakeholder committee meetings, and other plan-related meeting commitments that will occur throughout the process.



City of Evans Transportation Plan Consultant Fee

Task	Description	Chris	Ann	Krystian	Patrick	Carly	Kwasi	Jason	Sydney	Allee	Nadia
		<i>Principal-in-Charge</i>	<i>Project Manager</i>	<i>Deputy PM</i>	<i>Lead Planner</i>	<i>Outreach Lead</i>	<i>Modeling Lead</i>	<i>Transit Lead</i>	<i>Planning Support</i>	<i>Graphic Designer</i>	<i>Administrative Assistant</i>
Rate		\$290	\$250	\$135	\$150	\$170	\$190	\$185	\$120	\$125	\$85

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.1
SUBJECT: Consideration of Award of Bid: Tuscany Non-Potable Pump Skid
PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Mark Oberschmidt, P.E., City Engineer

AGENDA ITEM DESCRIPTION:

At its August 5, 2019 work session and September 3, 2019 Regular Meeting, the City Council discussed and approved all components of a plan to complete the non-potable irrigation system in the Tuscany neighborhood. .

Design of the irrigation system and the geotechnical investigation have been completed. The remaining work to make the ponds and irrigation system operable includes site grading, repairing erosion damage, purchase and installation of the pumping system and making drainage improvements. During the design of the Tuscany Tract O non-potable irrigation system, staff became aware that some of the potential pump suppliers are experiencing unusually long equipment manufacturing times of up to 18-20 weeks. In order to ensure system completion and functionality for the 2021 irrigation season, the City solicited bids for the pumps, system filter, and pump control equipment as separate “owner supplied” equipment to be provided to the General Contractor for the overall pond grading & pump installation project when that contract is awarded later this year.

The City received a total of five (5) pump system bids as follows:

Bid Amount	Company Name
\$151,998.99	SiteOne Landscape Supply
\$162,383.00	Watertronics
\$182,826.00	Precision Pumping Systems
\$197,666.00	Motor Controls Inc.
\$208,000.00	Cascade Industries, Inc

The lowest bid received (SiteOne Landscape Supply) failed to be able to provide the requisite filtration unit as requested by the Parks/Operations staff. It is to the City’s advantage to be able to maintain spare parts and operator training for one specific filter system. SiteOne Landscape Supply has acknowledged that their submittal did not conform to the bid requirements as explicitly stated in Addendum #1 to the Bid Documents.

Watertronics is in good standing with the City and they are the company that installed the pump system at Riverside Ball fields. The City also has two booster pump systems, one at the library and one at the Cemetery, by Watertronics. Watertronics pump systems also come with a "Watervision" component that monitors pumps, water usage and flow, all connected through a website interface that allows staff to monitor, adjust and control pumps and parameters. Staff is fully trained on the operation of Watertronics products.

FINANCIAL SUMMARY:

This work is part of the overall project to bring the Tuscany Non-Potable irrigation system to a functional condition and install a new non-potable pumping station for delivery of irrigation services to the Tuscany Subdivisions.

The total 2020 budget for all components of the non-potable system project is \$925,000. Some of this funding has been spent or encumbered to design the pump station and non-potable system, design the final grading of the site, and complete a geotechnical investigation. After purchase of the pump skid, the remaining budget amounts to \$398,896 to be used for the site grading and construction work.

RECOMMENDATION:

To coordinate equipment delivery with pond grading and lining for a functional stormwater/irrigation water storage facility in a timely manner for operation starting with the 2021 irrigation season, staff recommends proceeding with purchasing a manufactured pump skid, complete with pumps, motors, filtration unit, control valves, process logic/motor control center and SCADA system for integration with the City's non-potable delivery system. Staff recommends purchase of the system from Watertronics in the amount of \$162,383 for procurement, delivery and startup services.

SUGGESTED MOTIONS:

"I move to award the Tuscany Non-Potable Pump Skid contract to Watertronics, and to authorize the Mayor's signature on a contract in an amount not to exceed \$162,383.00."

"I move to deny the Tuscany Non-Potable Pump Skid Contract."

ATTACHMENTS:

Bid Tabulation summary

Bid Amount	Company Name	Date Received	Time Received	Meets Addendum #1 (Amiad Filter)	Notes
\$151,998.99	SiteOne Landscape Supply	7/7/2020	8:59	yes	did not include proper filter in quote
\$162,383.00	Watertronics	7/2/2020	17:25	Yes	lowest responsive bidder
\$182,826.00	Precision Pumping Systems	7/7/2020	9:48	Yes	Includes \$8,900 for option for installation of pump station
\$197,666.00	Motor Controls Inc.	7/2/2020	9:28	No - VAF vs Amiad	Submitted prior to closing, but no acknowledgement of Addendum #1 Send Addendum #1 directly to Jay
\$208,000.00	Cascade Industries, Inc	7/6/2020	15:07	Yes	

CITY COUNCIL AGENDA REPORT

DATE: August 3, 2020
AGENDA ITEM: 7.J
SUBJECT: Consideration of the 47th Avenue Widening/23rd Avenue Inspection and Testing Services Contract
PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Deputy City Manager
Mark Oberschmidt, P.E. City Engineer

AGENDA ITEM DESCRIPTION:

The City has been budgeting and planning to widen sections of 47th Avenue and 37th Street for several. 47th Avenue is the first of these projects to be ready for construction. The project extends from just north of 37th Street on the south into the City of Greeley. The road will be widened to be a 4-lane arterial along the entire length of the project.

City Council has also approved the funding necessary to construct the western half of 23rd Avenue as a two-lane roadway as part of the development agreement with the developers of Mission Springs Apartments and Mission Homestead. The developers are constructing the southern two lanes of 23rd Avenue from Quay Street to 42nd Street and the City will construct the northern end from Quay Street to 37th Street.

The City requested proposals from qualified construction management/testing professionals to assist staff with day to day field inspections and materials testing for these two projects. City staff will perform overall project management work and will be visiting the sites on a daily basis. The expectation from this scope of work is that the selected consultant will be on site about half-time during utility work and full-time during the road construction portion of each project. City staff will review product submittals, coordinate weekly meetings, review pay applications, coordinate and run weekly tailgate meetings and handle all the administrative duties.

The City received eight (8) proposals for this project ranging from \$139,415 to \$215,851. A summary of the proposals is provided below.

1. Kumar & Associates	\$16,305***
2. Geocal	\$139,415
3. Cesare	\$141,545
4. JUB/Terracon	\$178,285
5. RockSol	\$180,717.50
6. Ditesco/CTL	\$197,860
7. Yeh & Associates	\$199,600
8. Benesch	\$215,851

*** proposal rejected as it did not fulfill the required scope

FINANCIAL SUMMARY:

The City has budgeted \$4,225,000 for 47th Avenue and \$900,000 for 23rd Avenue, for a total of \$5,125,000. The lowest responsive bid on the project (\$139,415), plus a 10% contingency for unforeseen circumstances, is \$153,356. This translates to 3.0% of the total project for daily inspection and quality control.

The unencumbered budget amounts for both projects, in total, is \$326,896. Additionally, based on bids received, staff expects that the 23rd Avenue project will be completed under budget, which could provide additional unencumbered funding, if necessary. Those available funds are more than enough to cover the cost of the proposed inspection and testing services with a 10% contingency of \$153,356.

RECOMMENDATION:

Staff contacted Weld County and CDOT for references concerning Geocal work on their respective projects. Both entities provided positive references, and Geocal's level of construction experience far exceeds that of the next lowest proposal.

Staff recommends that City Council approve the contract with Geocal in the amount of \$139,415 with a contingency of \$13,941 to be accessed with City Manager approval to handle unforeseen circumstances that may occur with the testing and inspection services, for a total not-to-exceed amount of \$153,356.

SUGGESTED MOTIONS:

"I move to award the "Inspection and Testing Services Contract for 47th Avenue Widening and 23rd Avenue Construction" to Geocal and to authorize the Mayors signature on an agreement in the amount of \$139,415 with a not to exceed amount of \$153,356."

"I move to deny the award of the Inspection and Testing Services Contract for 47th Avenue Widening and 23rd Avenue Construction."

ATTACHMENTS:

- Attachment A – Geocal Scope
- Attachment B – Geocal Fee



47th Avenue / 23rd Avenue
Inspection and Testing Services
EXHIBIT A

GEOCAL

City of Evans
Construction Inspection & Materials Testing Services for
47th Avenue Widening & 23rd Ave Construction
Solicitation No.: 2020-10
Solicitation Date: June 18, 2020
Submittal Date: July 9, 2020

Contact Information:
Greg Perzinski
Vice President
Office: 303-337-0338
Email: gregp@geocal.us
(QR Code Business Card on back cover)



July 9, 2020

Mark Oberschmidt, P.E. City Engineer
1100 37th Street
Evans, CO 80620

received 07/09/2020
meo
15:01

**RE: Inspection and Materials Testing Services for
47th Avenue Widening and 23rd Avenue Widening Projects
City of Evans, Colorado
Proposal # 2020-10**

Dear Mr. Oberschmidt:

Enclosed is our proposed response to provide the City of Evans Inspection and Testing Services for the 47th Avenue Widening and 23rd Avenue Construction Projects. ***Geocal has provided this type of service to Colorado as one of the premier firms in the region for over 30 years.*** We have been the prime or lead engineering firm responsible for Construction Management, Inspection and Testing on infrastructure projects for various municipalities, counties and CDOT throughout the Front Range of Colorado.

With in-house geotechnical engineers and roadway pavement experts leading our company, ***Geocal has the invaluable experience to understand the various elements of both widening projects and the typical issues that arise as improvements are implemented on infrastructure projects.*** The degree of technical competence needed, responsiveness, amount of documentation involved, organizational skills required, and the level of communications that the City relies on for these types of Public Works projects will be delivered to Evans by Geocal when given the privilege to deliver this project. This submittal and all required qualifications in this Request for Proposal are in accordance with the requirements of the City of Evans Specifications. We have reviewed all the proposal documents and acknowledge both addendum to the RFP and have no exceptions to any of the documents. **Geocal is an equal opportunity employer and does not discriminate against race, religion, creed, color, sex, national origin, ancestry or physical or mental disability.** As Vice President, I will commit the resources needed to meet or exceed the requirements outlined in the RFP. We look forward to a favorable review of our proposal, and to working with the City of Evans on this contract. If you have any questions or need additional information, please feel free to give me a call.

Sincerely,
GEOCAL

Gregory M. Perzinski
Vice President

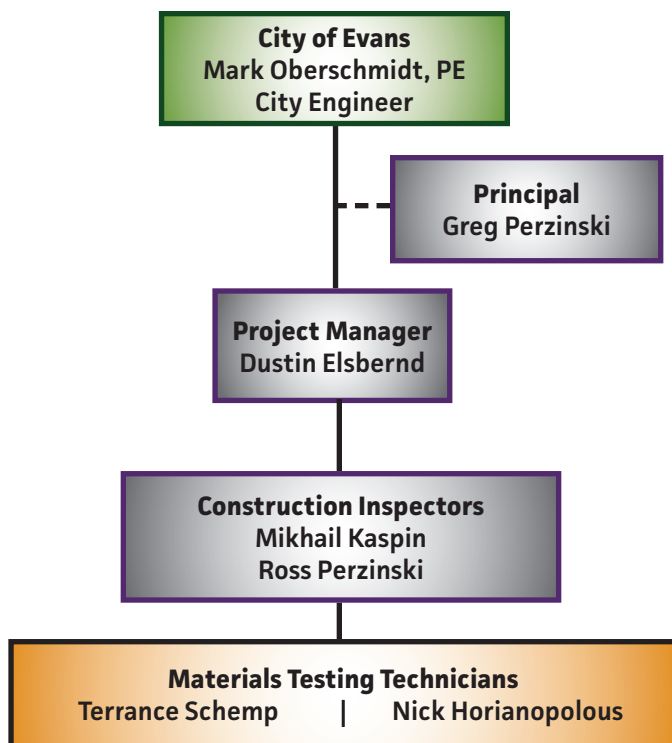
Attachments:
Table 1 - 47th Ave Widening Fees
Table 2 - 23rd Ave Widening Fees
Key Team Member Resumes
Exhibit A - RFP Receipt Acknowledgement

EXECUTIVE SUMMARY

Geocal, Inc. is a professional services engineering firm providing expertise in construction management, inspection and testing services, and geotechnical engineering. We have completed over 6,000 projects in Colorado with most projects located along the Front Range of Colorado, primarily associated with infrastructure and transportation design and construction. We have been in business for over 30 years and offer full-service offices in Loveland, Centennial, and Colorado Springs, Colorado.

We currently have a staff of 56 people that include: professional engineers, engineering interns, professional geologists, construction managers, construction inspectors, technicians and laboratory staff, and administrative staff. **With this depth of staff, we will easily be able to meet the needs of the project with qualified and experienced staff.** We regularly provide construction management, inspection, and material testing services on transportation infrastructure projects. More importantly, we have provided these services for numerous cities and counties along the Front Range in Colorado. Within our Construction services line, Geocal's Centennial laboratory has been reviewed and inspected by the Colorado Department of Transportation, the Regional Transportation District, AASHTO Materials Reference Laboratory (AMRL) and the Cement & Concrete Reference Laboratory (CCRL). We are accredited by AASHTO and CCRL and are part of proficiency testing programs with AASHTO and CDOT.

ORGANIZATION CHART



TEAM INFORMATION & EXPERIENCE

In order to deliver this project successfully by Geocal's standards, we have identified a project team for each project that will consist of one dedicated Inspector and a Materials Testing Technician available on-call. These team members will be supported by our Loveland office manager. Geocal has the capacity to supplement the project with additional managers, inspectors, and technicians as required by the activities, however the individuals specifically highlighted in this proposal will be fully available for these projects. Each of the following team members not only knows how to handle projects with this scope and setting but have completed these tasks on other local agency efforts. We have included resumes within the attachments to illustrate the experience and certifications each staff member possesses.

PRINCIPAL IN CHARGE



Greg Perzinski will be the Principal in Charge for the project. He specializes in construction project management procedures and documentation with an emphasis in streamlining project closeout. **Greg drives team excellence using a cross-trained staff who approach projects with new technologies to improve safety and enhance quality, as well as deliver cost savings.**

PROJECT MANAGER



Dustin Elsbernd will communicate regularly with the City and our field staff to ensure the projects needs are being met. Further, he will oversee all cost controls and resource allocation for the contract. He will be available as needed. His responsibilities and tasks include:

- ❖ Maintaining regular communication with the City of Evans and the project team regarding the status of the project, costs, and percent of budget and percent of construction that are complete.
- ❖ Provide the City of Evans with monthly progress reports that detail expected versus actual costs, percent complete of budget, and estimated percent complete of construction in order to identify any potential issues with our budget.
- ❖ Collaborate with Ross and Mikhail and the City's staff to develop solutions to any identified issues.

Dustin will coordinate Geocal's staffing with Ross and Mikhail and the City's team to confirm that appropriate personnel are available and scheduled for the project. He will also reallocate personnel that are not being utilized to different projects to manage the project costs.

PROJECT INSPECTORS



Ross Perzinski



Mikhail Kaspin

Our Inspector for the 47th Avenue project will be Ross Perzinski, and Mikhail Kaspin will be Geocal's inspector for the 23rd Avenue project. Ross's 17 years in the industry have provided him a wealth of knowledge regarding infrastructure construction, as well as insights into the construction management aspects of projects. Mikhail also has over 30 years of experience. Both of these individuals are **cross-trained to provide inspection and material testing**, as needed.

Both inspectors will work directly with the City of Evan's Project Manager, and our Materials Technician, and any other City staff to provide necessary inspection services required for the various work elements. These services will include:

- ❖ review of COCs,
- ❖ field measurements of constructed materials,
- ❖ determination of compliance with project specifications,
- ❖ project documentation,
- ❖ verification of constructed items,
- ❖ review of contractor submittals for compliance to specifications and/or plans,
- ❖ special tests and inspections,
- ❖ coordination with material tester(s) to review and
- ❖ inspection of traffic plans and SWMP's.

"Mr. Kaspin is knowledgeable of transportation construction methods, has quality work ethic, dependability, and consistently professional communication. He is committed to ensuring the construction contractors are delivering high-quality work." – Mike Bedell, PE, Senior Engineer, Weld County

As soon as they are identified, Ross or Mikhail will alert City staff of potential issues that pose a threat to cause a delay such as poor workmanship, improper placement, wrong material, or other issues. Preventative measures that both inspectors will regularly take include checking batch tickets for concrete and asphalt to assure that the proper mix is being supplied, verifying mill certifications and COC's when materials are delivered to the site, and reviewing contractor quality control programs.

Ross and Mikhail will communicate with Dustin and schedule appropriate testing based on the project quantities and the Design and Construction Standards and Specifications of the City of Evans Public Works Department schedule.

Much of the testing can be completed by Ross and Mikhail, but if production rates are such that testing is expected to be at too high a frequency for them alone, our Materials Testing Technicians will be scheduled to assist. Both inspectors are very experienced with the CDOT Local Agency Manual requirements and procedures, as well as ADA specifications, CDOT Road and Bridge Standard Specifications, the CDOT Field Materials Manual, and the CDOT Construction Manual. Before construction begins, Ross and Mikhail will review the City's specifications on testing frequencies and requirements with the MTT and the Project Manager to make sure our entire team is knowledgeable of them.

MATERIALS TESTING TECHNICIANS



Terrance Schemp



Nicholas Horianopoulos

Terrance Schemp and Nicholas Horianopoulos, will be our Technicians assigned to this project. They will work directly with our inspector and other members to provide necessary materials testing services and project documentation required for the project. Both are a **well-certified Materials Technician with experience on large transportation infrastructure projects** and will be assigned to these projects on an as-needed basis. These services range from field measurements of constructed materials, determination of compliance with project specifications, project documentation, to field and laboratory testing of soils, concrete, and aggregates. Additional certified materials technicians will be available to assist Terrance and Nick if project demands warrant it. Both technicians along with the rest of our Materials Technician staff, has the necessary certifications and experience in providing all the required materials testing services outlined in the RFP. Terrance and Nick are familiar with the CDOT Field Materials Manual, CDOT Road and Bridge Standard Specifications, and the CDOT Construction Manual.

"I wanted to express how impressed I was with Geocal's dedication to protecting project personnel and the public. Upon your team's inspection, it was determined that the traffic control provider on the State Highway 7 drilling project was inadequately protecting your personnel and the public. Utilizing their discretion, they shut down the project until adequate traffic control could be provided. This is very commendable in a society that has emphasized completion speed of projects." – Steve Heimmer, CDOT Region 4

PROJECT EXPERIENCE AND ACCOMPLISHMENTS

Geocal has a 31-year history of providing construction management, inspection, and materials testing, to various municipalities, counties, CDOT, and the federal government across Colorado and the Rocky Mountain Region. In the last five years alone, we have supported approximately a half billion dollars in infrastructure improvements across the State of Colorado.

Please see our relevant project experience below for a summary of our unique qualifications to meet the City of Evans needs under this contract. We have also included name, email and phone number of the primary references associated with each project for your review.



SH7 Culvert Replacement and Asphalt Paving **Keith Wakefield | CDOT Project Manager | 970-350-2327 | keith.wakfield@state.co.us**

Geocal was the provided construction management, inspection, and materials testing. Construction of this \$35 Million project included updating 14 culverts, of which many were either clogged or damaged during the historic flooding in 2013. In addition, the fourteen miles of aged pavement was replaced and widened to accommodate increased traffic on the road. The challenges of this project included coordinating efforts in a rural mountainous setting with poor cellphone coverage while minimizing the impediment on tourist traffic. This required meticulous management of traffic control and keeping the contractor on schedule. This project was delivered in two phases. **Phase I of the project won the 2017 CAPA Project Smoothness Award.**

Weld County Road 49 & Bridge over South Platte River

Michael Bedell, P.E. | Weld County Senior Engineer | 970-304-6496 ext. 3706 | mbedell@co.weld.co.us

Geocal provided construction management and inspection services on this project that included the construction of a new concrete-paved parkway Highway 34 to across the



South Platte River. This included two multi-span bridges over the river. These improvements make up the largest road construction project in Weld County history. Inspection work included confirming quantities, proof rolls for the embankment materials and base course, concrete pavement inspection, as well as structural inspections of the caissons, pier caps, abutments, decking, and wing walls of the primary structure. Our project engineer saved the project \$110,000 in additional traffic control costs after proposing changes to signing and striping plans. This project was completed on time in the spring of 2015.



CDOT RI Santa Fe/Lipan to Hampden Avenue

Alan Wagenknecht, P.E. CDOT Project Engineer, 303-757-7452, alan.wagenknecht@state.co.us

Geocal provided construction management, inspection, and materials testing as prime under our current CDOT Front Range CM, CI, MT NPS contract Construction includes widening southbound Santa Fe to add an acceleration lane to westbound Hampden Avenue to accommodate two 16-foot lanes of travel. This includes the construction of two sound walls, the placement of embankment, asphalt paving, and improvements to several stormwater structures. Incorporated within the scope of work includes inspection of erosion control devices as per the SWMP and MHTs per the Traffic Plan. The project was expected to be completed in December of 2018, however due to a delay in the fabrication of traffic lighting poles the project was not completed until February of 2019.





CDOT RI C470 Express Lanes DB, I-25 to Wadsworth

Mike Keleman, CDOT Program Engineer | 720-388-9588 | mike.keleman@state.co.us

Geocal is providing the leadership and staffing for the Independent Contractor Quality Control (ICQC) for this \$225M project. We currently have 12 inspectors and materials testers. The project includes replacing seven bridges on C470, multiple precast and MSE walls, soil nail walls, widening of both east and west bound of C470, and resurfacing of existing pavements. Other inspection scopes of the project features include: utilities, Methods of Handling Traffic (MHT), survey, signing and striping, curb and gutter, guard-rail replacement, the construction of a temporary bridge for traffic phasing, new lighting, new storm sewer drainage system and extensive erosion control including water quality ponds and sheet piling.



CDOT Region 2 South, I-25 Resurface Treatment, \$8 million, Inspection Services.

Brian Barrera, CDOT CEPM I | 719-251-1843 | [Brian.barrera@state.co.us](mailto:barrera@state.co.us)

Geocal provided a Construction Inspector for all activities associated with this project in order to provide support to CDOT with overseeing quantities for pay items, monitor daily activities, micro surface treatment and enter daily work reports and time counts into site Manager. The scope of the project included the milling and filling of asphalt paving for the north bound section of I-25 from MP 79.6 to 92. The south bound section of I-25 had a micro surfacing treatment placed on the top of the asphalt. Guardrail was updated along with minor bridge repair associated with the project, striping and other enhancements were also associated with

the project. Our appointed staff performed inspections on the majority of the structural elements of the bridge repairs and observations associated with environmental concerns on the project. With quantities accounted for, the inspector assisted the Project Engineer with inputting the documentation into the Site Manager and assisted in EEO interviews, and approving contactors estimates. This project was originally scheduled to be completed in November of 2019, but was completed in October of 2019 due to rephasing of the project streamlining the rehabilitation of the one bridge structure on the project.

SCOPE OF SERVICES

We have a full understanding of what the City of Evans is asking of their consultants to provide in support of the 47th Avenue widening and the 23rd Avenue widening project. In addition to the anticipated scope we have reviewed the plans, attended the pre-proposal meeting, and drove each section of the projects for familiarity and greater understanding. We identified a few critical issues that could have an impact on the success of the project. We want to highlight these potential issues and pre-emptively provide possible solutions.

1. TRAFFIC CONTROL AND CONSTRUCTION PHASING

Traffic control and incident management is a critical issue to prioritize safety. In review of the project and driving through the various intersections on both projects. We understand that traffic control and phasing of the project will be a large focus on this project.

Solution

A large amount of vigilance will need to be had, and a lot of consideration in approving the Traffic Control Plan and verifying that necessary MHTs will be applied. Our team will assist the City of Evans to communicate alternate routes to the traveling public, if needed. Our team members will also assist the City of Evans in advise the contractors Traffic Control Supervisor (TCS) to post notices well in advance to alert traffic to the roadwork ahead, and will lead the team in inspection and enforcement of traffic control requirements. They will be in constant contact with the TCS to keep both parties notified of delays such as during mobile traffic signal set-up or other issues like oversized vehicles needing to pass through the site. To increase visibility, all work vehicles on-site will be equipped with roof-mounted LED light bars and keep front/rear flashers on when in a work zone. Additionally, Mr. Perzinski and Mr. Kaspin will have work trucks equipped with Digital Measuring Instruments (DMIs) allowing for accurate, efficient, and safe measuring of tapers and sign spacings. Our team will take a proactive role in review of the MHTs to not just confirm specifications are being met, but that they make sense for the travelling public.

2. STAKEHOLDER INVOLVEMENT

A significant element of success to a project is considering local stakeholders and their needs while the project is built. We understand that there are some local residents that will be impacted by the construction activities.

Solution

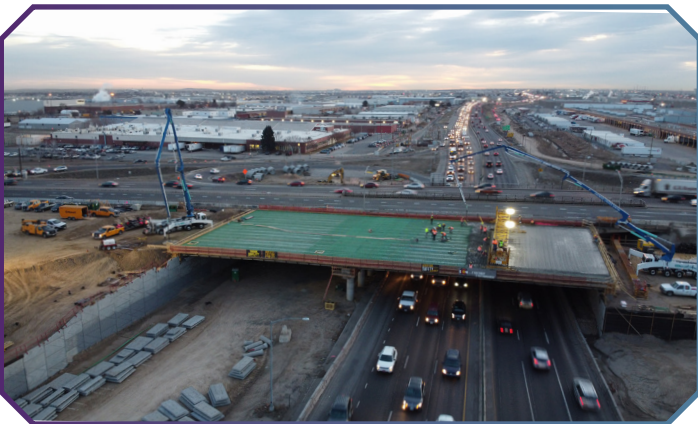
With almost 50 years of combined experience including serving various infrastructure projects, Mr. Perzinski and Mr. Kaspin are beyond well-equipped to communicate with the local stakeholders. Our team will keep the City of Evans apprised of the project's progress with regular submittals of daily diaries, and videos/photos of the project site. Furthermore, they will help the Contractor to inform the affected local communities of upcoming work well in advance of start dates.

3. IMPECCABLE DOCUMENTATION

While many inspection service deliverables are intangible, a vital physical element is delivery of a complete and comprehensive documentation package. The purpose of this it not only to meet the projects requirements, but also to protect the project team, the Contractor, and the stakeholders.

Solution

Our team will complete the documentation and organized in a way that it is easily searchable and referenced in the case of a contractor dispute or audit upon completion. We do this with the consideration of the end of the project in mind. Our entire team, but especially Mr. Perzinski and Mr. Kaspin, know all forms and documents that must be completed and how they should be organized. Additional technological advances we have recently deployed, such as truck-mountable 360-view cameras and a drone equipped with a high-resolution camera, elevate our documentation to new levels of diligence. These visual forms of documentation are very helpful when used in a Project First approach to resolving conflicts before they become formal disputes. Additionally, they can be shared with the public.



Our drone-mounted camera provides invaluable documentation, as well as a neat perspective of the project for the public!



Our staff will promote a safety first attitude through example throughout the project team. After all, an ounce of prevention is greater than a pound of cure.

4. SAFETY

Our approach would not be complete without mentioning safety. Roadway construction can be high-risk, and no project is considered a success if there is a serious injury or fatality involving project personnel or the traveling public. It takes a cohesive team mindset to prioritize safety planning in every work element.

Solution

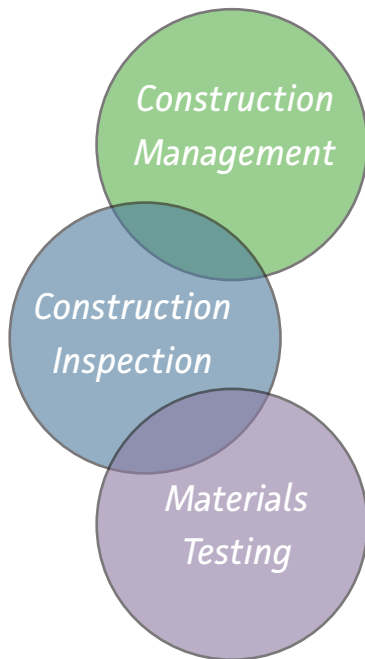
Our inspectors will lead the team in developing a project-specific task hazard analysis (safety plan) for every field assignment that our personnel follow. We align this plan with client requirements and the contractor's safety plan. When a job hazard analysis identifies a risk, it is remedied right away through corrective actions, avoidance, or protection. When safety hazards are identified and properly mitigated, accidents can be greatly reduced. When this holistic attitude is shared across the organization, adoption is second nature for our team. This means when they arrive on site, they bring that same commitment to the entire project. Our experience has shown that if the team consistently enforces a safety-first mentality, everyone is less likely to cut corners or neglect following their own safety plan. This keeps staff healthy, on site, and ready to work towards completing the project.

PROJECT APPROACH

With the award of this contract, Geocal intends to provide Inspection and Materials Testing Services for the 47th Avenue Widening and 23rd Avenue Widening. Geocal understands the goals of both projects are to relocate and improve the adjacent utilities, widen and reconstruct the roadway from station 3008+34.00 to 3034+33.00 on 47th Avenue and widen and reconstruct 23rd Avenue for 0+47.73 to 15+87.49. These efforts include the reconditioning of the immediate pavements, 0.3 miles of new roadway, and construction of site concrete such as medians, curbs and sidewalk.

Geocal's approach is not only going to be one of providing talented and experienced individuals to deliver your project, and work as an extension of the staff of the City of Evans, but we understand that efficiency and careful management of cost will also be critical factor in successfully delivering this project.

With this approach, we know that the city will get very qualified inspectors and materials testers, with the best value merely because of Geocal's unique position within the industry. ***That uniqueness is predicated upon cross-trained field staff that have a full complement of inspection capabilities but also experienced and certified to perform materials testing.*** This approach saves the City of Evans in several instances where one individual can fill the needs of the project where otherwise two people are mobilizing, performing services, writing reports and ultimately billing the project. This approach will save on mobilization costs, and un-necessary duplication of staff.



Our team will be led by our Loveland Office Manager, Dustin Elsbernd, who will be providing support for the project. The proposed day in and day out configuration of Geocal's onsite project personnel will consist of one Consultant Inspector for each project onsite during the anticipated workdays spelled out in Exhibits B & C of the projects RFP. These Inspectors, Ross Perzinski and Mikhail Kaspin, are well equipped to perform the civil inspections these projects will require as well as monitor conformance of Traffic Control and Erosion Control Items.

Occasions when a materials technician is needed to supplement our inspector could be when multiple tasks are being performed or there is a heavy workload for the day. In these instances, Geocal will provide the materials technicians to handle the materials testing and materials documentation efforts to ensure that the project is properly supported and staffed. This should easily be handled considering the prox-

imity of the two projects to our Loveland office. In addition to the onsite staff, our team has capacity to provide supplemental construction management, inspection and testing if the City of Evans requests it.

By selecting the Geocal team, the City of Evans has a crew with a proven history of success and extensive experience working on similar infrastructure projects and will work with you, the contractors, their sub-contractors and other stakeholders to assist in delivery of a successful project. Further, the City of Evans will not see any duplicated and unnecessary subconsultant charges as multiple managers and supervisors are implemented to manage the field staff.

STANDARD CONTRACT

Geocal has reviewed the Standard Contract included within the RFP and find no exceptions or issue with the Special Provisions.

FEES

As required by the RFP, Geocal has put together two separate fees; one for each project. These estimates are presented in two tables, which are included in the Appendix.

CONCLUSION

The Geocal team brings experienced individuals with a proven track record on infrastructure projects and the unique qualification of extensive experience. Our demonstrated ability to work with little supervision and the availability of additional staff/capacity will be an asset to the City of Evans team and the project overall. We go beyond simply performing work assigned to us. We understand the critical items, proactively look for opportunities to identify issues before they become problems, keep communications open and free, control costs and enhance quality. We look forward to demonstrating our capabilities on both the 47th Avenue Widening & the 23rd Avenue Widening projects by delivering unmatched value to the project, the City of Evans, and the immediate communities and residents in the area.

"I was always able to rely on GEOCAL's team to not only help in succesful resolution of problems but also to continue to deal with the day-to-day construction inspection and testing. It was a tremendous relief knowing that the rest of the project was always in capable hands. As time passed on the project, I became more comfortable with their knowledge of the critical project elements and they became more familiar with my leadership style. This resulted in knowing we could depend on each other to know our roles and responsibilities."
 - Larry Quirk, PE, CDOT Region 1

47th Avenue / 23rd Avenue Inspection
and Testing Services

EXHIBIT B



Table 1
Cost Estimate for Inspection, & Materials Testing
47th Avenue Widening
Evans, Colorado

7/9/2020

Personnel	Unit	Rate	Estimated Quantity	Amount
Phase - 47th Utility Construction				
Inspector - Utilities Construction Activities 4 hours/day x 95 day	Hour	\$82.00	380	\$ 31,160.00
Materials Testing Technician 4 hours/day x 35 days	Hour	\$48.00	140	\$ 6,720.00
Phase - 47th Road Construction				
Inspector - Road Construction Activities 8 hours/day x 50 day	Hour	\$82.00	400	\$ 32,800.00
Materials Testing Technician 4 hours/day x 20 days	Hour	\$48.00	80	\$ 3,840.00
Contract Administration				
Project Manager	Hour	\$120.00	70	\$ 8,400.00
Drone Flight (not automatically included)	Hour	\$100.00	4	\$ 400.00
Laboratory Testing				
<u>Soils</u>				
Standard Proctor (Embankment, Utility Backfill, subgrade)	Each	\$125.00	4	\$ 500.00
Modified Proctor (ABC)	Each	\$140.00	1	\$ 140.00
Relative Density	Each	\$225.00	2	\$ 450.00
Gradation	Each	\$90.00	0	\$ -
Atterberg Limits (LL and PI)	Each	\$85.00	0	\$ -
Water Soluble Sulfates (Embankment, Backfill)	Each	\$50.00	0	\$ -
<u>Concrete Lab</u>				
Concrete cylinders, set of 5 at \$20 per cylinder	Set	\$100.00	24	\$ 2,400.00
<u>Asphalt Lab</u>				
AC Content	Each	\$150.00	0	\$ -
Gradation	Each	\$90.00	0	\$ -
Maximum Specific Gravity (Rice)	Each	\$140.00	0	\$ -
Estimated Total Cost:				\$ 86,410.00

This estimate is based on the material quantities provided in the design drawings and the anticipated day count in the RFP . We have also assumed that the contractor will perform coring on the HMA for thickness/density verifications, and that the field office trailer will be available for the initial storage of concrete specimens if necessary. Actual invoiced amount will be a function of contractors' efficiency and the total will be more or less than the estimated total shown. Services will be charged portal to portal from our office in Colorado Springs and the unit rates identified include vehicle mileage, standard tools and equipment. These rates suitable for overtime services as well. Other civil inspections and tests requested and not identified in this proposal will be performed in accordance with Geocal's standard fee schedule which is attached.



Table 2
Cost Estimate for Inspection & Materials Testing
23rd Avenue Widening
Evans, Colorado

7/9/2020

Personnel	Unit	Rate	Estimated Quantity	Amount
23rd Utility & Road Construction				
Inspector - Construction Activities 8 hours/day x 60 day	Hour	\$82.00	480	\$ 39,360.00
Materials Testing Technician 8 hours/day x 20 days	Hour	\$ 48.00	160	\$ 7,680.00
Contract Administration				
Project Manager	Hour	\$120.00	40	\$ 4,800.00
Drone Flight	Hour	\$100.00	4	\$ 400.00
Laboratory Testing				
<u>Soils</u>				
Standard Proctor (Embankment, Utility Backfill, subgrade)	Each	\$ 125.00	3	\$ 375.00
Modified Proctor (ABC)	Each	\$ 140.00	1	\$ 140.00
Relative Density	Each	\$ 225.00	2	\$ 450.00
Gradation	Each	\$ 90.00	0	\$ -
Atterberg Limits (LL and PI)	Each	\$ 85.00	0	\$ -
Water Soluble Sulfates (Embankment, Backfill)	Each	\$ 50.00	0	\$ -
<u>Concrete Lab</u>				
Concrete cylinders, set of 5 at \$20 per cylinder	Set	\$ 100.00	2	\$ 200.00
<u>Asphalt Lab</u>				
AC Content	Each	\$ 150.00	0	\$ -

\$ 53,405
includes drone
\$53,005 without
drone

City Managers Weekly City Council Update

July 31, 2020

- | | |
|--|--|
| Communications | <ul style="list-style-type: none"> Staff continued working on the Evans Express revamp Staff shot video for City Manager Staff notified public to traffic control on 37th Ave Staff managed social media channels Staff produced Evans Express |
| Finance | <ul style="list-style-type: none"> Finance staff issued an RFP for Independent Financial Auditing services. Submissions are required by September 3rd, and it is anticipated that City Council will approve a contract for the selected firm on October 20th. |
| Human Resources/Risk Management | <ul style="list-style-type: none"> Staff continues to work with Weld County and State resources to manage the City's COVID-19 Response and update the City's Hazard Mitigation Plan with Weld County. Staff continues to work on the 2021 property/casualty insurance renewal process. |
| Recreation | <ul style="list-style-type: none"> SilverSneakers has added three new times for classes during the week bring the total to 11 classes. Over 150 children have registered for youth fall sports so far! Registration will close on August 9. |

Planning	City of Evans Land Use Applications							
	Name	Case #	Acres	Location	Brief description	Planning Commission	City Council	City Council
Submitted Applications								
	Ridge at Prairie View Replat	Incomplete, submitted 1/3/2020	<1	West of Yellowbells Drive in Prairie View	Vacating Noble ROW	TBD	TBD	NA
	ACME Oil Field Services	20-USR-01	<1	Lots 1-4 and 16-18, Block 4, Evans Industrial Park		TBD	TBD	NA
	Arrowhead Lake Annexation, COZ, SUP		11	South of 37th Street, west of 47th Ave	City Open Space/Park	7/28/2020	8/3/2020	8/18/2020
	H&H Excavation (Hojo)	20-SP-02	<1	Industrial Park	Site plan for business/storage	TBD	TBD	NA
	Grapevine Hollow, Outlot 5	Incomplete, submitted 2/20	<1	Grapevine Hollow	3 Lots from Outlot	TBD	TBD	TBD
	Village Park Apartments	20-SPR-04	<1	1655 37th St	4-Plex, Infill	Administrative		
	Jr's Trucking	To be set up after completeness review	<1	1240 43rd Street	Truck Parking in the Industrial Park	Administrative		
Approved, pending recording, Development Agreement, Etc.								
	Crescent Cove Apartments, expansion	20-SP-01 ; 20-AP-07	17.83	32nd St between 29th Ave and Harbor Lane	12 buildings, clubhouse/pool; 288 units - 72 1B, 144 2B, 72 3B; Site Plan is administratively reviewed; replatting for easement is administratively approved; Waiting for final documents and DA from applicant			
	Mountain TRAX	20-ANNX-01; 20-COZ-01	3.84	22744 WCR 33	Annexing the northern Colorado headquarters building into the greater site; Rezoning all to I-3 with exceptions; Waiting for final documents from applicant			
	Quality Lube	20-AP-06; 19-USR-03	<1	3303 23rd Ave	AmSUP to expand existing business footprint will be heard by PC and CC; Minor Replat to remove a lot line is administratively approved; Replat has been recorded; Waiting for SUP and SIA from applicant			
	Extraction Oil and Gas	SUP	20.1	NW corner 47th & 37th	Oil and gas operations; SUP approved by PC and CC; Minor Replat to dedicate ROW was approved administratively and recorded; Waiting for SUP and DA from applicant			
	Dr. Patsi Lowe, 3524 Central Street			3524 Central Street	CDL Driver's Physical Testing; Awaiting plat to be finalized for recording			
	Peakview Final Plat, Filing 1	18-SUB-01	225	Two Rivers Parkway & 37th	1097 Res, 20 Acres C, 50 acres OS; Final Plat approved by CC; DA language is finalized, waiting for DA and all attachments along with Final Plat			
	Kum & Go	19-AP-08		US 85 & 31/32nd St.	Minor Replat due to 8th Avenue closure at US85; Awaiting plat for recording			
	Peerless Tires	18-SP-04 and 19-AP-06		11th Ave and 37th St.	Site Plan and Replat approved administratively; Have Replat, awaiting Site Plan and SIA			

- The Developer of BestWay2Store, Evans' newest storage unit facility, requested the signatures of City Staff on their hardhat. A collection of signatures was gathered and an official hat-hand-off was made.
- The City will be home to two new drive-through coffee shops. Site activities continue at Roasty's Coffee Shop located on 11th Avenue at 31st Street, and have started at Ziggi's Coffee Shop located on 37th Street at 35th Avenue just east of Walgreens.
- The positions on the Master Plan Steering Committee have been filled. Members include Mayor Brian Rudy, Council Member Tammy Mortenson, Planning Commissioners Lyle Achziger and Kalen Myers, Assistant School District Superintendent Kent Henson, and Michael Thuener.
- The Master Plan Steering Committee and Planning Commission met on 7/28 to discuss Evans' demographic profile.
- The DOLA contract to award the City with funds to assist with the Master Plan update has been finalized. Four consultant teams submitted proposals and selection of the consultant team will proceed in early August.
- The Master Plan Steering Committee will meet on August 13 and 28 from 5 – 7:30 pm in the Council Chambers to discuss the physical development, opportunities and constraints facing future development in Evans. Understanding the community's constraints and opportunities will enable the community to guide future development.
- The outcome to the Water Conservation Survey is posted on the City's website. The July survey topic is Natural Resources and this survey closes on Friday. The Trails/Transportation will surely spark lively conversation in August. Visit the link to provide your input and view results from previous months' surveys: <https://www.evanscolorado.gov/masterplan/monthly-surveys>
- The selected consultant for the Multi-Modal Transportation Master Plan will be presented to Council on August 3.
- City staff continues to work with tenants and property owners in the Industrial Park. Collaboration is occurring between Economic Development, Neighborhood Services and Community Development.

Neighborhood Services

- Between Thursday, July 23, and Wednesday, July 29, Code Enforcement completed 89 activities including 12 citations. The before and after photos below show a weed violation resolved this week.



- With assistance from the police department, nearly 10 abandoned vehicles were removed from the Union Pacific right-of-way near 39th and State Street.



- WCYCC has approximately one week of work remaining in the area of Riverside Park. The crew will be removing cut logs, spreading wood chips, and removing any remaining debris. The images below show work completed this week in the area to the west of the lake.



Engineering

- 2020 Asphalt Patch Project – Work is completed for the Subdivision patches. The next phase will be skin patching on 37th Street west of 35th Avenue and east of 65th Avenue. There will be five (5) large milled and overlaid areas where potholes are unable to be controlled by conventional repairs. Variable message boards will be set up in advance to let the public know of the traffic disruptions. Work will begin the week of August 3rd
- 2020 Surface Treatment Project - Staff received two bids for the project and are preparing staff reports for the 08/03 City Council meeting. The apparent low bidder is Vance Brothers (They have been awarded the previous two years of contracts. City staff has been spraying weeds on the roadways that will be re-surfaced.
- Staff is working with Building Division to approve Final Grading Certificates.
- Staff is working with WL Contractors to upgrade the camera systems of 5 traffic signals in the City. 3 along 37th Street and 2 along 32nd St. Staff also working with finance to use approximately \$126,000 of traffic calming funds for these traffic improvements. Cameras have been ordered and delivered. Traffic Signal Heads for 32nd St and 11th Avenue to be ordered.

- Traffic Signal 34th Street / 35th Avenue – Morton Electric has scheduled the caisson and pole installations for 09/08 and 09/30/2020 respectively. Morton Electric has coordinated each installation with XCEL so that XCEL can shut down the power in the lines during each installation for safety purposes.
- XCEL 35th Avenue – XCEL has connected the power to the irrigation system on 35th Avenue. Additional work is needed by the contractor before we can test the irrigation system. This is scheduled to happen in the next few weeks.
- XCEL 23rd Avenue – XCEL is working on scheduling the relocation of the poles in the proposed 23rd Avenue to happen concurrently with our road / waterline construction.
- XCEL 47th Avenue – XCEL is completing the design to underground the distribution lines so that these power lines along with Century Link lines can be removed from the poles and placed underground ahead of the road construction in 2021. The transmission poles will also be moved out of the future roadway.
- XCEL 11th Avenue – Staff is waiting to hear back from XCEL as to the schedule of the work putting the distribution lines underground between 32nd and 30th Streets.
- East Side Storm Sewer – Staff is reviewing 30% plans for 31st Street improvements. The design team will have surveyors out the week of August 3rd to pick up field data for 31st Street and 35th Street projects
- Lagoon Decommissioning – Staff & our consultant are working on the decommissioned grading plan for approval by CDPHE. · Staff continues to work on development reviews and development agreements as they are received. · East Side Storm Sewer Environmental Assessments – Staff is done with this project unless we receive any further comments from CDPHE.
- Evans Ditch flume project- Staff is continuing to investigate metering options to address the submergence condition of the flume.
- Neville’s Crossing Non-Potable Direct Supply – Minor maintenance work is in progress on the pump backwash valve and piping.
- Greeley Customer Transfer to Evans - Greeley completed a raw water credit to Evans associated with the Greeley customers adjacent to 49th St. Staff has evaluated the specifics of the raw water Greeley proposes to dedicate to the City and has found that it meets the City’s criteria. A final agreement is being prepared for consideration.
- Water Efficiency Plan – Staff presented the Draft report to the Water and Sewer Board which recommended approval. The WEP report will be presented to the City Council for consideration in the month of August. Staff has presented a copy of the WEP to the Division of Water Resources to begin their review.
- 17th Avenue Waterline – The project is complete and being advertized for Contractor’s Settlement prior to final payment.
- Prairie Heights Middle School - Staff has completed an analysis for the purpose of consideration of granting credit for unused, dedicated water in compliance with the IGA and has forwarded to Management for consideration.
- 37th St. Overlay Project – Deadline for questions is 07/30/2020. Bid are scheduled to be received on 08/05.

	<ul style="list-style-type: none"> • Tuscany Non-Pot – Staff prepared a Staff Report for 07/21/2020 City Council meeting recommending going ahead with the purchase of the pump station and equipment to order that so it will be ready for construction when the City has a contractor on board. • Staff is working with CDOT to close out 31st Street and 35th Avenue projects. • 47th Avenue –A pre-construction meeting is scheduled for August 4th. Staff is working with the Lake Arrowhead Water Association to complete the agreement on the permanent easement acquisition for the stormwater outfall from the water quality pond on the City owned property • 37th Street Widening – Staff is working with the RockSol team to start putting the plans together for the phased construction of this project from 35th to 47th Avenue over multiple years. We are anticipating up to 6 phases of construction, which is more than the original 3 phases of construction in the contract with RockSol. Staff has directed RockSol to plan on having final construction packages ready for the area between 35th Avenue and 47th Avenue. Rocksol will take the plans to the 30% level for the section between 47th Avenue and 65th Avenue and this project final design will be completed in coming years as funds are available. • Staff is working on multiple EQR requirement evaluations.
Parks	<ul style="list-style-type: none"> • Staff repaired a John Deere 1445 mower with a broken gear box. • Staff mowed 37th street ROW this week moving it up a week from its regularly scheduled date. • Staff continue the turf mowing schedule. • Staff continue to spray weeds as weather allows. • Staff repaired an irrigation lateral leak at Riverside Lake near the pavilion. • Staff met with Quality Well and Pump to troubleshoot a pressure maintenance pump, the part to correct the problem has been ordered and will be installed when the part arrives. • Staff completed locates for several headstone markers at the Cemetery.
PW Operations	<ul style="list-style-type: none"> • Staff repaired potholes at various locations. • Staff sprayed for mosquitoes on Thursday night 7/30/2020. • Staff has been mowing right-of-way and detention ponds. • Staff operated the street sweeper in the Grapevine Subdivision, on 37th St, 42nd St, Harbor Ln, Anchor Dr, 17th Ave, 32nd St and 34th St. • Staff replaced signs that were damaged. • The Water Department completed 17 water meter installs and replacements/repairs. • Water department staff completed 13 work orders related to high usage and meter questions. • Staff conducted two (2) inspections of three-quarter inch taps into the mainline system. • Staff also participated in a final walk-through with the contractor GLH concerning The Ridge subdivision watermain lines and distribution systems.

Waste Water Operations

- Staff performed repairs on the diffuser grid in the out of service aeration basin and began filling the basin.
- Staff collected and transported WET test sample to Fort Collins for analysis.
- Season grounds maintenance and irrigation system repair is ongoing.
- Staff resumed draining the out of service secondary clarifier for cleaning and inspection.