



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

AGENDA
Regular Meeting
November 1, 2011 - 7:30 p.m.

City Council meeting packets are prepared several days prior to the meetings. This information is reviewed and studied by the Councilmembers, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. An informational packet is available for public inspection which is posted immediately on the bulletin board adjacent to the Council Chambers, which can be accessed Monday through Friday 8:00 a.m. to 5:00 p.m. excluding holidays.

1. CALL TO ORDER
2. PLEDGE
3. ROLL CALL:
 - Mayor: Lyle Achziger
 - Mayor Pro-Tem: John Morris
 - Council: Laura Brown
 - Fred Burmont
 - April Neibauer
 - Jay Schaffer
 - Matthew Wells
4. AUDIENCE PARTICIPATION (public comment on items not on agenda):

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. Your comments will 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 contains items that can be decided without discussion. Any Councilmember may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under New Business in the order they appear on the agenda (this should be done prior to the motion to approve the agenda).

 - A. Approval of Minutes of the Regular Meeting of October 18, 2011
 - B. Ordinance No. 528-11 – Amends Section 12.20.040 of the Evans Municipal Code concerning methodology for adjusting Street Impact Fees for Inflation (2nd Rd)
 - C. Resolution No. 29-2011 – 2012 Holiday Schedule
7. NEW BUSINESS:
 - A. Public Hearing – New Tavern Liquor License – La Hacienda Rental Hall Corporation – 3001 8th Avenue
 - B. Ordinance No. 529-11 – Amends Exhibit A of Chapter 12.20 and Sections 15.50.100 and 15.52.045 of the Evans Municipal Code concerning Adjustments of Street, Fire and Park Impact Fees (1st Rd)
 - C. Ordinance No. 530-11 - 3rd Quarter Budget Revisions
 - D. Resolution No. 30-2011 – Accepting a Letter of Intent to Purchase Real Property
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

October 2011 - September 2012

Yearly Planner

Oct 2011						
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November

1 Election Day

Worksession/City Council

10 5:00 PM Evans Chamber BAH - VFW

15 Worksession/City Council

21 6:00 PM Weld County Town/County Dinner - Island Grove Events Center

24 City Offices Closed - Thanksgiving Holiday

25 City Offices Closed - Thanksgiving Holiday

December

6 6:00 PM Worksession/City Council

20 6:00 PM Worksession/City Council

23 City Offices Closed - Christmas Holiday

26 City Offices Closed - Christmas Holiday

Apr 2012						
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COUNCIL COMMUNICATION

DATE: November 1, 2011
AGENDA NO.: 6.A.
SUBJECT: Approval of Minutes
PRESENTED BY: City Clerk Staff

AGENDA ITEM DESCRIPTION:

Approval of minutes.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

"I move to approve the minutes as presented."

MINUTES
EVANS CITY COUNCIL
Regular Meeting
October 18, 2011 - 7:30 P.M.

CALL TO ORDER

Mayor Achziger called the meeting to order at 7:30 p.m.

PLEDGE

ROLL CALL:

Present: Mayor Achziger, Mayor Pro Tem Morris, Councilmembers Brown, Burmont, Schaffer and Wells

Absent: Councilmember Neibauer

AUDIENCE PARTICIPATION:

There was no audience participation.

PRESENTATION:

Mayor Achziger presented the City Manager, Aden Hogan, Jr. with a plaque for 35 years of service in Public Administration. At the annual ICMA conference in September, Mr. Hogan was recognized for his years of service.

APPROVAL OF AGENDA:

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve the agenda as presented. Motion passed with all voting in favor thereof.

CONSENT AGENDA:

- A. Approval of Minutes of the Regular Meeting of October 4, 2011
- B. Ordinance No. 526-11 – 2012 Budget Appropriations (2nd Rd)
- C. Ordinance No. 527-11 – Amends Section 1.12.010 of the Evans Municipal Code concerning Ward Boundaries (2nd Rd)

Councilmember Burmont requested the following changes be made to the minutes:

Page 7: Under 2012 Budget, it should reference that the Economic Development budget for 2012 is less than one-fourth (¼) of a percent of the General Fund budget, not one percent (1%).

Page 8: Under Ordinance No. 527-11, it should state that the motion passed 6-0 since he abstained from voting on the ordinance.

The City Clerk noted that on Page 10, under Executive Session, Councilmember Shaffer seconded the motion.

Councilmember Burmont made motion, seconded by Mayor Pro Tem Morris to approve the Consent Agenda with the recommended corrections to the minutes. Motion passed with all voting in favor thereof.

NEW BUSINESS:

- A. Ordinance No. 527-11 – Amends Section 12.20.040 of the Evans Municipal Code concerning methodology for adjusting Street Impact Fees for inflation (1st Rd)

Earl Smith, Director of Public Works, reported the following:

Currently Chapter 12.20 of the Evans Municipal Code governs the application of Street Impact Fees. Street Impact Fees are charged on building permits when a development creates a traffic impact to the City's transportation system. Each type of development is assessed a street impact fee based upon the amount of impact that development would create.

Section 12.20.040 D specifies the methodology in adjusting street impact fees for inflation. The current methodology is inconsistent with the method we typically utilize and it is cumbersome to apply. For these reasons staff is proposing to revise this section.

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve Ordinance No. 527-11 on first reading. Motion passed with all voting in favor thereof.

- B. Resolution No. 27-2011 – Exchange of Quit Claim Deeds between Borchert Pointe, LLC and City of Evans

Earl Smith, Director of Public Works, reported the following:

This resolution approves an exchange of Quit Claim Deeds between Borchert Pointe, LLC and the City of Evans. This exchange deeds 0.17 acre of City owned right-of-way along the west service road, north of 42nd Street to Borchert Pointe, LLC and the City receives Outlot B of the Country Meadows Subdivision, also 0.17 acre of land.

The exchange facilitates the construction of Burlington Avenue from 42nd Street north to the Anadarko facility currently under construction. Construction of Burlington Avenue is a development requirement of Anadarko but will become a public street once constructed.

Mayor Pro Tem Morris made motion, seconded by Councilmember Schaffer to adopt Resolution No. 27-2011. Motion passed with all voting in favor thereof.

- C. Resolution No. 28-2011 – Quit Claim Deed between City of Evans and WTM I, LLC

Earl Smith, Director of Public Works, reported the following:

This resolution approves a Quit Claim Mineral Deed wherein the City would relinquish any rights it may have in the mineral rights underlying City-owned park property south of 37th Street and west of 65th Avenue.

The parcel of land was acquired in early 2005 when the City purchased the overlying water rights and the landowner subsequently donated the land to the City. The parcel is approximately 15 acres in size and will be a part of a future community park, adjacent to a future School District 6 campus. It was the intent of the previous landowner to retain the mineral rights under the parcel, however due to an oversight in the purchase contract the mineral rights were not clearly retained by the previous owner. The Quit Claim Mineral Deed clears up the ownership issue and clarifies the original intent of the previous land owner and the City.

There will be no financial impact to the City. The previous landowner has been receiving royalty payments from Noble Energy ever since the land was transferred to the City.

Councilmember Wells made motion, seconded by Councilmember Brown to adopt Resolution No. 28-2011. Motion passed with all voting in favor thereof.

REPORTS:

The City Manager had nothing to report.

The City Attorney had nothing to report.

AUDIENCE PARTICIPATION:

There was no audience participation.

EXECUTIVE SESSION:

Mayor Pro Tem Morris made motion, seconded by Councilmember Brown to adjourn to an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to CRS 24-6-402(4)(e). Motion passed with all voting in favor thereof.

City Council adjourned into Executive Session at 7:46 p.m.

City Council came out of Executive Session at 8:55 p.m.

ADJOURNMENT:

Mayor Achziger adjourned the meeting at 8:57 p.m.

Kim Betz, City Clerk

COUNCIL COMMUNICATION

DATE: November 1, 2011

AGENDA NO.: 6.B

SUBJECT: Ordinance No. 528-11 – Amends Section 12.20.040D of the Evans Municipal Code concerning methodology for adjusting Street Impact Fees for Inflation (2nd Rd)

PRESENTED BY: Earl H. Smith, P.E., Director of Public Works

AGENDA ITEM DESCRIPTION:

Currently Chapter 12.20 governs the application of street impact fees. Street impact fees are charged on building permits when a development creates a traffic impact to the City’s transportation system. Each type of development is assessed a street impact fee based upon the amount of impact that development would create.

Section 12.20.040 D specifies the methodology in adjusting street impact fees for inflation. The current methodology is inconsistent with the method we typically utilize and it is cumbersome to apply. For these reasons staff is proposing to revise the section to read as follows:

12.20.040 Updating fees for inflation.

D. Annually, the fees will be updated and adjusted, by Ordinance, to reflect inflation utilizing the most recent actual historical factor for the previous fully completed year for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area.

This change will make the street impact fee ordinance consistent with the way we have applied inflationary adjustments in the past and make it easier to calculate the inflationary adjustment.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

Staff recommends that City Council approve Ordinance No. 528-11.

SUGGESTED MOTIONS:

“I move to adopt Ordinance No. 528-11 on second reading.”

“I move to deny adoption of Ordinance No. 528-11.”

CITY OF EVANS, COLORADO

ORDINANCE NO. 528-11
(SECOND READING)

AN ORDINANCE AMENDING SECTION 12.20.040 PARAGRAPH D OF THE
EVANS MUNICIPAL CODE CONCERNING METHODOLOGY FOR
ADJUSTING STREET IMPACT FEES FOR INFLATION

WHEREAS, the City has the authority to enact rules and regulations pursuant to the City's general police powers, the authority granted to the City by Colorado Revised Statutes, 29-20-104.5(3), and other relevant laws of the State of Colorado; and

WHEREAS, Chapter 12.20 applies to all development within the territorial limits of the City, unless specifically exempted; and

WHEREAS, the intent of this ordinance is to revise Section 12.20.040 D concerning the methodology for adjusting street impact fees for inflation.

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

Section 1. Section 12.20.040 paragraph D of the Evans Municipal Code shall be amended to read as follows:

12.20.040 Updating fees for inflation.

D. Annually, the fees will be updated and adjusted, by ordinance, to reflect inflation utilizing the most recent actual historical factor for the previous fully completed year for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area.

Section 2. Publication and Effective Date: 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 the City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Evans on this 18th day of October, 2011.

CITY OF EVANS, COLORADO

By _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 1st day of

November, 2011.

CITY OF EVANS, COLORADO

By _____
Mayor

ATTEST:

City Clerk

COUNCIL COMMUNICATION

DATE: November 1, 2011

AGENDA NO.: 6.C

SUBJECT: Resolution No. 29-2011 - 2012 Holiday Schedule

PRESENTED BY: Julie Roeder, Human Resources & Risk Management Director

AGENDA ITEM DESCRIPTION:

This resolution establishes City holidays for 2012.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

Staff recommends the adoption of the resolution.

SUGGESTED MOTIONS:

“I move to adopt Resolution No. 29-2011.”

“I move to deny the adoption of Resolution No. 29-2011.”

CITY OF EVANS, COLORADO

RESOLUTION NO. 29-2011

A RESOLUTION OF THE CITY OF EVANS, COLORADO ESTABLISHING CITY HOLIDAYS FOR THE CITY OF EVANS, COLORADO FOR 2012

WHEREAS, the City established that there are eleven (11) days during 2012 that will be classified as holidays; and

WHEREAS, the City employees shall be granted these holidays off with pay, provided that an employee may be required to work on a holiday, if necessary, to maintain essential services to the public; and

WHEREAS, the City offices shall be closed on such holidays.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, that the following days shall be observed as holidays for 2012:

1. Monday, January 2, 2012 (Day after New Year's Day)
2. Monday, February 20, 2012 (Presidents' Day)
3. Monday, May 28, 2012 (Memorial Day)
4. Wednesday, July 4, 2012 (Independence Day)
5. Monday, September 3, 2012 (Labor Day)
6. Monday, November 12, 2012 (Day after Veterans Day)
7. Thursday, November 22, 2012 (Thanksgiving Day)
8. Friday, November 23, 2012 (Day after Thanksgiving)
9. Monday, December 24, 2012 (Christmas Eve)
10. Tuesday, December 25, 2012 (Christmas Day)
11. Floating Holiday - allow the employees to take a day off of their choice within the calendar year, with supervisory approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 1st day of November, 2011.

CITY OF EVANS, COLORADO

By _____
Mayor

ATTEST:

City Clerk

COUNCIL COMMUNICATION

DATE: November 1, 2011

AGENDA NO.: 7.A

SUBJECT: Public Hearing - New Tavern Liquor License for
La Hacienda Rental Hall Corporation

PRESENTED BY: Kim Betz, City Clerk

AGENDA ITEM DESCRIPTION:

Juan and Elia Perez, representing La Hacienda Rental Hall Corporation, submitted an application for a Tavern Liquor License located at 3001 8th Avenue (TriPointe building). The nature of the proposed establishment is a rental hall for special events.

The preliminary findings and report submitted for this Tavern liquor license application is as follows:

The application was filed on September 16, 2011.

The City Attorney and Staff find that the applicant has submitted all the necessary information for a complete application.

The evidence submitted by the applicant entitles them to possession of the premises where they propose to exercise the license applied for.

No licensing authority has denied an application for a liquor license at this location within two years preceding the date of filing of this application.

That selling liquor in the manner proposed in the application is not in violation of the zoning, fire and other applicable laws of the City of Evans or the State of Colorado.

That the investigation reports from the Fire Department and Building Inspection Department indicates the premises are in compliance with the Building, Zoning and Fire Codes.

That the building where the applicant proposes to exercise the privilege of selling liquor is not in violation of the 500 foot limitation from any public or parochial school or principal campus of any college, university or seminary.

The neighborhood for purposes of determining the reasonable requirements of the neighborhood was established as a one (1) mile radius from the location.

The applicant submitted petitions addressing the needs and desires of the neighborhood. The petitions submitted reflect 100 signatures in favor of the proposed liquor license and there are no signatures showing opposition to the proposed liquor license. The petitions are attached.

The memo from the police department indicates no information was found relating to the applicants of a criminal history nature or which would reflect on the moral character of the applicants.

Notice of Public Hearing was posted on the property on October 20, 2011 by the applicant's representative and publication was made in the Greeley Tribune on October 21, 2011.

Before granting any license, the local licensing authority shall consider the reasonable requirements of the neighborhood, the desires of the adult inhabitants, the moral character of the applicants and any other pertinent matters affecting the qualifications of the applicants.

FINANCIAL SUMMARY:

Applicant has paid all the fees.

RECOMMENDATION:

Staff is satisfied that the application for a new tavern liquor license is complete and that all requirements regarding the new license application have been met. Staff recommends approval.

SUGGESTED MOTIONS:

"I move to approve the Tavern Liquor License for La Hacienda Rental Hall Corporation."

"I move to deny the approval of the Tavern Liquor License for La Hacienda Rental Hall Corporation for the following reasons . . ."

PUBLIC HEARING PROCEDURE

NOTE: Public Hearings are a quasi-judicial process and the City Council is required to refrain from public input or comment until the Public Hearing is conducted.

- A. Mayor opens Public Hearing.
- B. City Staff gives report.
- C. Applicant presents his/her position.
- D. Mayor asks to hear from anyone in the audience who wishes to speak in support of the issue.
* In order to afford all members of the public an equal opportunity to comment on this issue, we respectfully request that you limit your comments to **2 minutes**.
- E. Mayor asks to hear from anyone in the audience who wishes to speak in opposition of the issue.
* In order to afford all members of the public an equal opportunity to comment on this issue, we respectfully request that you limit your comments to **2 minutes**.
- F. Applicant rebuttal
- G. Mayor asks Council if there are any questions that need clarified that were brought up during the Public Hearing.
- H. Mayor closes the Public Hearing.
- I. Mayor asks for Council discussion.
- J. Council will then take action on the issue.

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or) ✓
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license applica (in this license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease: CORPORATION

Landlord	Tenant	Expires
One for the Future Foundation	La Hacienda Rental Hall	05-31-17

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Yes No

 Has a local ordinance or resolution authorizing optional premises been adopted?
 Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. Liquor Licensed Drug Store applicants, answer the following: Yes No

 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. Club Liquor License applicants answer the following and attach: Yes No

 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

16. Brew-Pub License or Vintner Restaurant Applicants answer the following: Yes No

 (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

17a. Name of Manager (for all on-premises applicants) JUAN G. PEREZ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth
[REDACTED]

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes No

 If yes, provide an explanation and include copies of any payment agreements.

19. If applicant is a corporation, partnership, association or limited liability company, applicant must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant must list any stockholders, partners, or members with OWNERSHIP OF 10% OR MORE IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
JUAN PEREZ	11935 ROSETON AVE NORWALK, CA 90650	[REDACTED]	OWNER	50
ELIA PEREZ	11935 ROSETON AVE, NORWALK, CA 90650	[REDACTED]	OWNER	50

*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)

Address for Service

OATH OF APPLICANT

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

Authorized Signature

Title

Date

[Handwritten Signature]

OWNER

06-16-11

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)

9/16/2011

November 1, 2011

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

That each person required to file DR 8404-I (Individual History Record) has:

- | | | |
|---|---|-----------------------------|
| <input type="checkbox"/> Been fingerprinted | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| <input type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

(Check One)

- Date of Inspection or Anticipated Date _____
 Upon approval of state licensing authority.

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

Local Licensing Authority for

Telephone Number

- TOWN, CITY
 COUNTY

Signature

Title

Date

Signature (attest)

Title

Date

Attachment to Liquor/3.2% Beer Retail License Application

(Please type or print legibly.)

1. Describe the nature of the proposed establishment and the target market. (restaurant, tavern, sports bar, families, college students, etc.)

SEE ATTACHED

2. What are the proposed hours and days of operation for this establishment?

MONDAY - SUNDAY 12 pm - 2 am

3. How many individuals will be employed at this proposed establishment and how many will be full time versus part time? (please provide responsibilities, for example, manager, assistant manager, bartender, wait staff, etc.)

1 FULL TIME

2-3 PART TIME based on need

4. Describe your past training and experience in the sale/service of alcohol beverages. (include any special or certified training received)

NO SPECIFIC PAST EXPERIENCE

5. Describe your proposed operating manager's past training and experience in the sale/service of alcohol beverages. (include any special or certified training received)

NO SPECIFIC PAST EXPERIENCE WILL
GET T.I.P.S. CERTIFIED PRIOR TO OPENING
DOORS

6. What type of training is proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?

T.I.P.S.

7. Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of this proposed establishment.

WEEKLY meetings

8. What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)?

ALL STAFF WILL BE T.I.P.S. TRAINED & A
PROFESSIONAL SECURITY COMPANY WILL BE HIRED

9. What types of entertainment will be offered, if any, at this proposed establishment? (for example, music, pool, darts, etc.)

D.J. OR LIVE MUSIC

10. What type of security, if any, will be provided at this proposed establishment?

PROFESSIONAL UNIFORMED LICENSED SECURITY WILL
BE HIRED

11. If security is planned, who will provide such service, and have all applicable licenses been obtained?

STILL INTERVIEWING COMPANIES AT THIS POINT

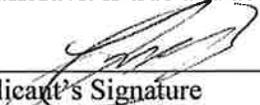
12. What types of alternate beverages and food/snacks will be provided at this proposed establishment?

POP, WATER, RED BULL, TACOS, PIZZA, HOT DOGS, BURRITOS

13. What is the estimated ratio of food sales to alcohol beverage sales at this establishment?

ALCOHOL 60% FOOD 40%

I hereby certify, under penalty of perjury, that the information provided to the City of Evans in this affidavit is true and accurate to the best of my knowledge.


Applicant's Signature

06-16-2011
Date

- 1. The nature of the proposed establishment is a rental hall for special events. Including, but not limited to quincineras (which are the equivalent to a sweet 16), weddings, baptisms, anniversaries, etc. Our target market is the Latino demographic, but certainly not limited to this demographic.**



CITY OF EVANS, LICENSING AUTHORITY, WELD COUNTY, COLORADO

PRELIMINARY FINDINGS AND REPORT UPON APPLICATION FOR A NEW TAVERN LIQUOR LICENSE

IN RE:

La Hacienda Rental Hall Corporation
dba La Hacienda Rental Hall Corporation
3001 8th Avenue, Unit 295, 295A, 295B
Evans CO 80620

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

You are hereby advised that with regard to your application for a new Tavern Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

- 1) That the application was filed on September 16, 2011.
- 2) That the Notice of Public Hearing on this matter was posted on the property on October 20, 2011 by the applicant's representative and publication was made in the Greeley Tribune on October 21, 2011.
- 3) That there has not, within two years preceding the date of your application, been a denial of an application by either the State Licensing Authority or the Local Licensing Authority of the City of Evans for a Tavern Liquor license application at the location for which you make application for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfactory by the existing outlets.
- 4) That it appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.
- 5) That selling liquor in the manner proposed in the application is not in violation of the zoning, fire and other applicable laws of the City of Evans or the State of Colorado.
- 6) That the investigation reports from the Fire Department and Building Inspection Department indicate that before a Certificate of Occupancy will be issued, the premises will be in compliance with the Building, Zoning and Fire Codes.
- 7) That the building where you propose to exercise the privilege of selling liquor at retail is not in violation of the 500 foot limitation from any public or parochial school or principal campus of any college, university or seminary

- 8) That according to the information submitted by the Evans Police Department, there exists the following record:

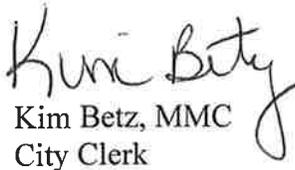
The memorandum from Chief Rick Brandt of the Evans Police Department dated September 21, 2011 is hereby attached.

- 9) That the Public Hearing on your application will be held on Tuesday, November 1, 2011 at 7:30 p.m. at the Evans Community Complex, Council Chambers, 1100 37th Street, Evans CO. At said hearing, you will have an opportunity to be heard regarding all matters related to your application, including all matters herein set forth.

You are advised to obtain and read a copy of the State of Colorado Liquor Code and Regulations and Chapter 5.08, Alcoholic Beverages of the Evans Municipal Code.

Dated this 25th day of October, 2011.

Sincerely,


Kim Betz, MMC
City Clerk



TO: Kim Betz, City Clerk
FROM: Rick Brandt, Chief of Police 
DATE: September 21, 2011
SUBJ: Hacienda Rental Hall Corporation Liquor License Application

A standard background investigation was conducted for a liquor license application for Hacienda Rental Hall Corporation and the below listed corporate officers:

Juan Gerardo Perez
Juan Perez Cruz
Elia Perez



No information was found relating to the applicants of a criminal history nature.

No information was found which would reflect on the moral character of the applicants.

A fingerprint identification search has been submitted for applicants, which will take 8 to 10 weeks to complete. In the event additional information is obtained which would reflect in this application, a memorandum will be forwarded to your office.

Kim Betz

From: Ansonofc <ansonofc@aol.com>
Sent: Monday, October 03, 2011 8:13 AM
To: Kim Betz
Subject: La Hacienda Rental Hall -- Tavern License

Kim:

I have reviewed the documentation that you provided for the La Hacienda Rental Hall Liquor License application, and everything appears to be in order to me. I have no additional comments or concerns.

Russ

Kim Betz

Subject: FW: Liquor License Inspection

From: Dave Tilley
Sent: Monday, September 26, 2011 3:40 PM
To: Kim Betz
Subject: RE: Liquor License Inspection

La Hacienda has been approved for there Tavern Liquor license by the Building dept. Thanks Dave.

Kim Betz

From: Warren Jones
Sent: Thursday, September 22, 2011 4:04 PM
To: Kim Betz
Cc: Dave Tilley
Subject: RE: Liquor License Inspection

Fire inspection done. Minor fire code issues to be corrected on re-inspection. Clear from fire for liquor license.

Warren D. Jones

Fire Chief/Emergency Manager
City of Evans
970-475-1117
wjones@ci.evans.co.us



"...Providing Professional Fire and Emergency Services with Dedication, Compassion and Excellence."

From: Kim Betz
Sent: Wednesday, September 21, 2011 11:51 AM
To: Dave Tilley; Warren Jones
Subject: Liquor License Inspection

La Hacienda Rental Hall Corporation has submitted a Tavern Liquor License for 3001 8th Avenue, Units 295, 295A, 295B. Please inspect the premises and advise me of your findings by October 12, 2011.

I'm not for sure if anybody will be at that location but you can call Beto Loya at (970) 405-8868 if you need access to the premise. If you have questions or concerns, please let me know.

Kim

INDIVIDUAL HISTORY RECORD

To be completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company **MANAGING** members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers of a Hotel and Restaurant or a Tavern License.

NOTICE: This individual history record provides basic information which is necessary for the licensing authority investigation. **All** questions must be answered in their entirety or your application may be delayed or not processed. **EVERY** answer you give will be checked for its truthfulness. **A deliberate falsehood or omission will jeopardize the application as such falsehood within itself constitutes evidence regarding the character of the applicant.**

1. Name of Business <p style="text-align: center; font-size: 1.2em;">LA HACIENDA RENTAL HALL CORPORATION</p>	
2. Your Full Name (last, first, middle) <p style="font-size: 1.2em;">PEREZ-CRUZ, JUAN</p>	3. List any other names you have used.
4. Mailing address (if different from residence)	Home Telephone

5. List all residence addresses below. Include current and previous addresses for the past five years.

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 11935 ROSETON AVE	NORWALK, CA 90650	03-01-02	Present
Previous			

6. List all current and former employers or businesses engaged in within the last five years (Attach separate sheet if necessary)

NAME OF EMPLOYER	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
LINK GROUP INC.	2447 JAMES M. WOOD BLVD. LA, CA 90006	Owner	03-01-99	Present

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

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
NONE			

8. Have you ever applied for, held, or had an interest in a State of Colorado Liquor or Beer License, or loaned money, furniture or fixtures, equipment or inventory, to any liquor or beer licensee? If yes, answer in detail.

Yes No

9. Have you ever received a violation notice suspension or revocation, for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the U.S.? If yes, explain in detail.

Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? Include arrests for DUI and DWAI. (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any STATE issued licenses suspended, revoked, or denied including a drivers license? (If yes, explain in detail.)

Yes No

INDIVIDUAL HISTORY RECORD

To be completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company **MANAGING** members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers of a Hotel and Restaurant or a Tavern License.

NOTICE: This individual history record provides basic information which is necessary for the licensing authority investigation. **All** questions must be answered in their entirety or your application may be delayed or not processed. **EVERY** answer you give will be checked for its truthfulness. **A deliberate falsehood or omission will jeopardize the application as such falsehood within itself constitutes evidence regarding the character of the applicant.**

1. Name of Business <i>LA HACIENDA RENTAL HAUC CORPORATION</i>				
2. Your Full Name (last, first, middle) <i>PEREZ, ELIA</i>			3. List any other names you have used.	
4. Mailing address (if different from residence)			Home Telephone	
5. List all residence addresses below. Include current and previous addresses for the past five years.				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current <i>11935 Roseton Ave</i>		<i>NORWALK, CA 90650</i>	<i>07-01-07</i>	<i>Present</i>
Previous				
6. List all current and former employers or businesses engaged in within the last five years (Attach separate sheet if necessary)				
NAME OF EMPLOYER	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
<i>LINK GROUP INC.</i>	<i>2443 JAMES M WOOD BLVD LA, CA 90006</i>	<i>owner</i>	<i>07-01-99</i>	<i>Present</i>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
<i>NONE</i>				
8. Have you ever applied for, held, or had an interest in a State of Colorado Liquor or Beer License, or loaned money, furniture or fixtures, equipment or inventory, to any liquor or beer licensee? If yes, answer in detail. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice suspension or revocation, for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the U.S.? If yes, explain in detail. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? Include arrests for DUI and DWAI. (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any STATE issued licenses suspended, revoked, or denied including a drivers license? (If yes, explain in detail.)

Yes No

INDIVIDUAL HISTORY RECORD

To be completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company **MANAGING** members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers of a Hotel and Restaurant or a Tavern License.

NOTICE: This individual history record provides basic information which is necessary for the licensing authority investigation. **All** questions must be answered in their entirety or your application may be delayed or not processed. **EVERY** answer you give will be checked for its truthfulness. **A deliberate falsehood or omission will jeopardize the application as such falsehood within itself constitutes evidence regarding the character of the applicant.**

1. Name of Business
 La Hacienda Rental Hall CORPORATION

2. Your Full-Name (last, first, middle)
 Perez, Juan Gerardo

3. List any other names you have used.

4. Mailing address (if different from residence)
 5777 Van Nuys Blvd., Van Nuys CA 91401

Home Telephone
 818-445-1750

5. List all residence addresses below. Include current and previous addresses for the past five years.

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 5777 Van Nuys Blvd.	Van Nuys, CA 91401	02-01-2006	Present
Previous			

6. List all current and former employers or businesses engaged in within the last five years (Attach separate sheet if necessary)

NAME OF EMPLOYER	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Link Group Inc	2443 James M. Wood Blvd., Los Angeles, CA 90006	Manager	6-1-01	Present

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

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
None			

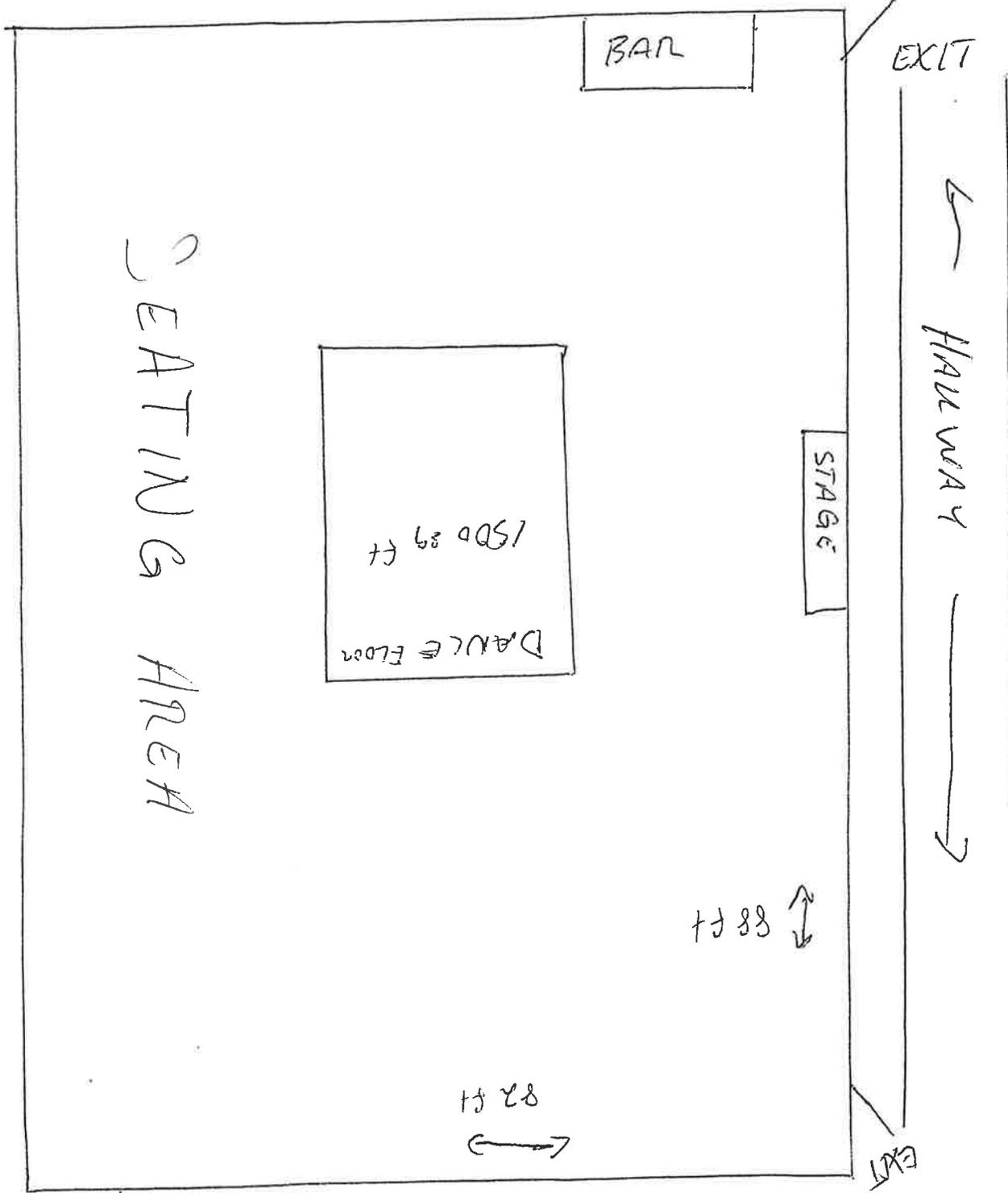
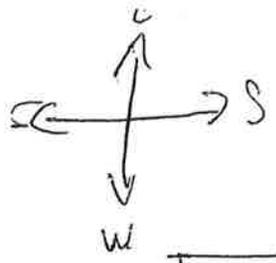
8. Have you ever applied for, held, or had an interest in a State of Colorado Liquor or Beer License, or loaned money, furniture or fixtures, equipment or inventory, to any liquor or beer licensee? If yes, answer in detail. Yes No

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

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

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

12. Have you ever had any STATE issued licenses suspended, revoked, or denied including a drivers license? (If yes, explain in detail.)
 Yes No



DINING ROOM

RESTROOMS

ENTRANCE

NAME OF APPLICANT:

La Hacienda Rental Hall Corporation
dba La Hacienda Rental Hall
3001 8th Avenue, Units 295, 295A, 295B
Evans CO 80620

TYPE OF APPLICATION:

Tavern liquor license to sell malt, vinous or spirituous liquors by the drink to only customers for consumption on the premises.

PUBLIC HEARING:

Tuesday - November 1, 2011 at 7:30 p.m. - Evans Community Complex, 1100 37th St. - Evans CO

THE UNDERSIGNED HAVE HAD THE OPPORTUNITY TO READ THE INSTRUCTIONS, QUALIFICATIONS AND PETITION AND ARE IN FAVOR/AGAINST THE ISSUANCE OF A LIQUOR LICENSE.

	Signature	Address	City	Age	Date	Yes	No	Comments
1	S.P.B.	2908 STATE FARM LN	EVANS	30	10-18-2011	✓		
2	Blanca Acuna	2908 state farm rd #2	evans	25	10-18-11	✓		
3	Thompson Gwend	2907 state farm rd #2	Evans	30	10-18-11	✓		
4	Isabel VITA	2903 Tate Park	EVANS	51	10-18-11	✓		
5	Michelle	2904 Glendale Dr	EVANS	25	10-18-11	X		
6	Maria Victoria	2904 Glendale Dr	EVANS	21	10-18-11	✓		
7	Mrs. Della	2908 Glendale Dr	Evans	21	10-18-11	✓		
8	Rafaela	2905 Glendale Dr	Evans	50	10-18-11	✓		
9	Rahana Martinez	2905 Glendale #1	Evans	52	10-18-11	✓		
10	Maria Torres	2935 11th Ave apt	EVANS	43	10-18-11	✓		
11	Yohana Torres	2935 11th Ave apt	EVANS	24	10-18-11	✓		
12	Erika Benjar	3038 Lakeside Dr	Evans	28	10-18-11	✓		
13	Fernando Gomez	3016 Lakeside Dr	Evans	24	10-18-11	✓		
14	Carla Hernandez	2930 State Farm Rd #3	Evans	23	10-18-11	✓		
15	Bulmaro Rodriguez	3025 Hawk Dr	EVANS	27	10-18-11	✓		
16	Edgar Cedeon	3503 Burlington Ave	Evans	29	10-18-11	✓		
17	Fofo Galvan	2319 8th Ave	Greeley	40	10-18-11	✓		

	Signature	Address	City	Age	Date	Yes	No	Comments
18	Bediana Parada	4141 1st St	Evans	28	10/18/11	✓		
19	Yazmin Pardo	2034 Buckeye Ave	Greely	22	10/18/11	✓		
20	Melissa	2145 Wedgwood	Greely	27	10/18/11	✓		
21	Michelle	2523 8th Ave	Greely	48	10/18/11	✓		
22	Chris	2621 8th Ave.	Greely	26	10/18/11	✓		
23	Sara Leguia	3505 11th Ave	EVANS	37	10-18-11	✓		
24	Cherie Gunn	3505 11th Ave	EVANS	47	10-18-11	✓		
25	Joseph Valtierra	3509 Latham Ave	EVANS	75	16/18/11	✓		
26	Lorena Vega	3305 Carson Ave	EVANS	33	10-18-11	✓		
27	Sueen Gomez	1719 33rd St	EVANS	40	10/18/11	✓		
28	Sandra Berdal	3213 Valmont St	EVANS	33	10-18-11	✓		
29	Yolanda Johnson	3220 Valmont St	Evans	28	10/18-11	✓		
30	Carlos Gomes	3204 Valmont St	EVANS	33	10-18-11	✓		
31	Vicco Jorjona	2407 15th Ave	EVANS	35	10/18/11	✓		
32	Monica Sanchez	3407 15th Ave	EVANS	32	10-18-11	✓		
33	Rose Astorga	3501 15th Ave	EVANS	44	10/18/11	✓		
34	Leite Carlson	3007 Cumberland Ave	EVANS	39	10-18-11	✓		
35	Maria Gimenez	3408 Belmont	Evans	41	10-19-11	✓		
36	Ana Elvira G.	226 12th Ave	Evans	28	10-19-11	✓		
37	Robert Romero	2653 12th Ave	Evans	34	10-19-11	✓		
38	Francisco B.	1710 27th St	EVANS	25	10-19-11	✓		
39	Juan Boreaga	1200 27th St	EVANS	59	10-19-11	✓		
40	Maria Boreaga	1212 27th St	EVANS	28	10/19/11	✓		
41	Bianca Lopez	2508 13th Ave	EVANS	21	10-19-11	✓		
42	Amel Beltran	2537 13th Ave	EVANS	26	10/19-11	✓		
43	Juan Beltran	2547 14th Ave	EVANS	61	10-19-11	✓		
44	Isabel Cortez	2527 14th Ave	Evans	43	10-19-11	✓		

AFFIDAVIT

I, Amie Garcia do hereby certify that I was the circulator of the attached petition and further, that I personally witnessed each signature thereon appearing on the petition. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition represented theirself to be 21 years of age or older, and that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understands its meaning. I also hereby affirm that no promises, threats or inducements were employed whatsoever in connection with the presentation of the petition and that every signature appearing hereon was completely free and voluntarily given.

Amie Garcia
Circulator

STATE OF COLORADO)
) SS
COUNTY OF WELD)

Subscribed and sworn to before me this 19 day of OCTOBER, 2011.

[Signature]
Notary Public
Address: 3400 W 16th St
Greeley, CO 80634

My Commission Expires: 6-14-2014

NAME OF APPLICANT:

La Hacienda Rental Hall Corporation
 dba La Hacienda Rental Hall
 3001 8th Avenue, Units 295, 295A, 295B
 Evans CO 80620

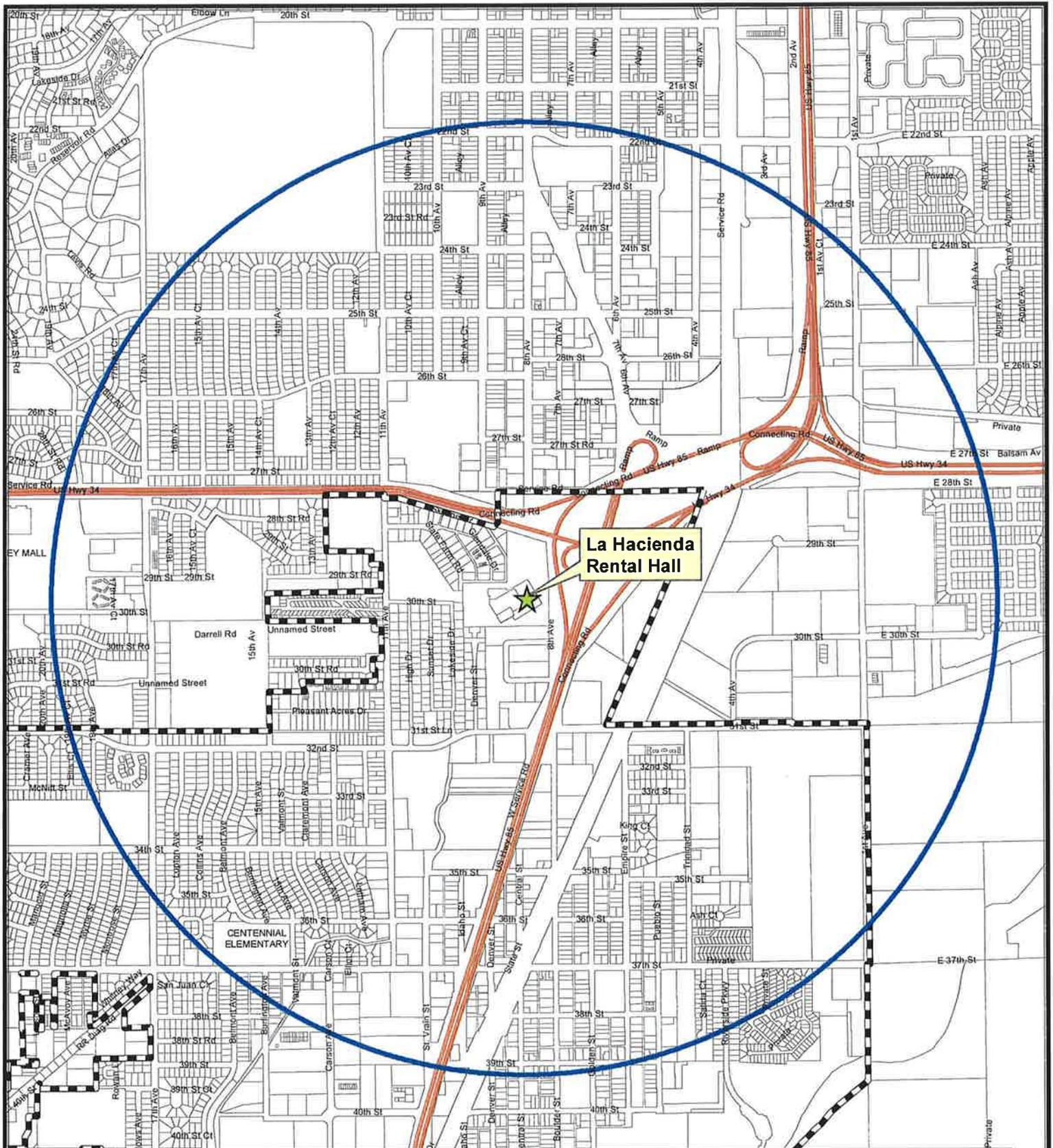
TYPE OF APPLICATION: Tavern liquor license to sell malt, vinous or spirituous liquors by the drink to only customers for consumption on the premises.

PUBLIC HEARING: Tuesday - November 1, 2011 at 7:30 p.m. - Evans Community Complex, 1100 37th St. - Evans CO

THE UNDERSIGNED HAVE HAD THE OPPORTUNITY TO READ THE INSTRUCTIONS, QUALIFICATIONS AND PETITION AND ARE IN FAVOR/AGAINST THE ISSUANCE OF A LIQUOR LICENSE.

	Signature	Address	City	Age	Date	Yes	No	Comments
1	Lino Martinez	29115 State Farm rd	#1 EVANS	42	10/18/2011	✓		
2	Amanda Smith	2907 State Farm RD	#6 EVANS	22	10-18-2011	✓		
3	LIC. Hoffmann	2907 State Farm Rd #1	EVANS 1	49	10-18-2011	✓		
4	Dorothy E Powell	2907 State Farm Rd #1	Evans	73	10-18-2011	✓		
5	Ainda Nieto	2916 Glendale Dr APT	EVANS	31	10-18-2011	✓		
6	BOSA REYES	2916 Glendale	EVANS	36	12-20-11	✓		
7	HORACIO HARO	2935 11th Ave Evans	9A EVANS	41	10-18-2011	✓		
8	Steven Mira	2935 11th Ave # 3A	EVANS	40	10-18-11	✓		
9	Regalo Vasquez	2935 11th Ave # 10B	EVANS CO	30	10-18-11	✓		
10	Emalinda Flores	3038 Lakeside Dr #5	Evans CO	50	10-18-11	✓		
11	Franco J Cerda	3038 Lakeside Dr #3	Evans CO	37	10-18-11	✓		
12	MARTIN LOPEZ	Los Pichones	EVANS CO	37	10-18-11	✓		
13	Maria Anca	2603 12th Ave	EVANS CO	34	10-18-11	✓		
14	Jessica Gonzalez	2610 12th Ave	EVANS	26	10/18/11	✓		
15	Antonio Flores	2685 11th Ave	EVANS CO	43	10-18-2011	✓		
16	Lizbet Haro	1103 27th St.	EVANS	35	10-18-11	✓		
17	Joana Lara	1140 27th St.	EVANS	29	10-18-11	✓		

Signature	Address	City	Age	Date	Yes	No	Comments
18 Chad Evans	3224 Sunset Dr.	Evans	25	10-18-11	✓		
19 Frank Gonzales	3227 Sunset Dr.	Evans	32	10-18-11	✓		
20 Simon Castro	1007 Sunset Dr #1	Evans	46	10-18-11	✓		
21 LAURA CASTILLO	3001 High Drive	EVANS	23	10-18-2011	✓		
22 Mariana Gomez	3004 High Dr.	Evansco	33	10-18-11	✓		
23 Lawra Lavar	3007 High Dr A	Evans	37	10-18-11	✓		
24 Vanessa Martinez	1100 30th Street	EVANS #2	23	10-18-11	✓		
25 Jesus Ochoa	1107 29th St. Rd #1	Evans	29	10-18-11	✓		
26 Anna Gallegos	1107 29th Street Rd #3	Evansco	41	10-18-11	✓		
27 Cristina Mendes	1108 29th St. Rd	Evansco	40	10-18-11	✓		
28 Oscar Carreo	1108 29th St Rd #4	Evans	32	10-18-11	✓		
29 Allene Street	110 29th St Rd #1	Evans	21	10-18-11	✓		
30 Leonardo Mendes	1110 29th St Rd #3	Evans	34	10/18/11	✓		
31 Federico Vilks	1318 Pleasant crescent	Evans	43	10-18-11	✓		
32 Sandra Gonzales	1321 Pleasant Crescent	Evans	28	10-18-11	✓		
33 Alicia Cortez	1314 Pleasant Crescent	EVANS	25	10-18-11	✓		
34 Amanda Madero	3082 11th Ave	Evans	31	10-18-11	✓		
35 Brenda Gilgar	1001 29th Rd	EVANS	34	10-18-11	✓		
36 Gustavo Rivera	1011 35th	Evans	22	10-18-11	✓		
37 Sarmiento Cervantes	374 33 St	Evans	39	10-18-11	✓		
38 Ivette Jarez	3242 Clarendon Ave	EVANS	27	10-18-11	✓		
39 Ysencia Jaramas	3700 Clarendon Ave	Evansco	51	10-18-11	✓		
40 William Hernandez	1292 32 St	Evans	24	10-18-2011	✓		
41 VICTOR MORALES	1294 32 St	Evans	31	10-18-11	✓		
42 Nancy Luna	1258 Starlin Ct	Evansco	28	10-18-11	✓		
43 Doris Diliba	2782 Latham Ave	Evans	25	10-18-11	✓		
44 Rigo River	Dorell Rd #1	EVANS	37	10-18-2011	✓		



**La Hacienda
Rental Hall**

Legend

-  Evans City Limits
-  Proposed Location
-  One-mile Radius

Vicinity Map

**La Hacienda
Rental Hall**



City of
EVANS
COLORADO

Public Works Department

12-47-301. Licensing in general.

(1) No local licensing authority shall issue a license provided for in this article or article 46 or 48 of this title until that share of the license fee due the state has been received by the department of revenue. All licenses granted pursuant to this article and articles 46 and 48 of this title shall be valid for a period of one year from the date of their issuance unless revoked or suspended pursuant to section 12-47-601 or 12-47-306.

(2)(a) Before granting any license, all licensing authorities shall consider, except where this article and article 46 of this title specifically provide otherwise, the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority. With respect to a second or additional license described in section 12-47-401 (1) (j) to (1) (t) or 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4) for the same licensee, all licensing authorities shall consider the effect on competition of the granting or disapproving of additional licenses to such licensee, and no application for a second or additional hotel and restaurant or vintner's restaurant license that would have the effect of restraining competition shall be approved.

(b) A local licensing authority or the state on state-owned property may deny the issuance of any new tavern or retail liquor store license whenever such authority determines that the issuance of such license would result in or add to an undue concentration of the same class of license and, as a result, require the use of additional law enforcement resources.

(3) (a) Each license issued under this article and article 46 of this title is separate and distinct. It is unlawful for any person to exercise any of the privileges granted under any license other than that which the person holds or for any licensee to allow any other person to exercise such privileges granted under the licensee's license, except as provided in section 12-46-404(1)(a), 12-47-402 (2.5), 12-47-403 (2) (a), 12-47-403.5. or 12-47-415 (1)(b). A separate license shall be issued for each specific business or business entity and each geographical location, and in said license the particular alcohol beverages the applicant is authorized to manufacture or sell shall be named and described. For purposes of this section, a resort complex with common ownership, a hotel and restaurant licensee with optional premises, an optional premises licensee for optional premises located on an outdoor sports and recreational facility, and a wine festival at which more than one licensee participates pursuant to a wine festival permit shall be considered a single business and location.

(b) At all times a licensee shall possess and maintain possession of the premises or optional premises for which the license is issued by ownership, lease, rental, or other arrangement for possession of such premises.

(4) (a) The licenses provided pursuant to this article and article 46 of this title shall specify the date of issuance, the period which is covered, the name of the licensee, the premises or optional premises licensed, the optional premises in the case of a hotel and restaurant license, and the alcohol beverages that may be sold on such premises or optional premises. The license shall be conspicuously placed at all times on the licensed premises or optional premises, and all sheriffs and police officers shall see to it that every person selling alcohol beverages within their jurisdiction has procured a license to do so.

12-47-307. Persons Prohibited as Licensees.

(1) (a) No license provided by this article or article 46 or 48 of this title shall be issued to or held by:

(I) Any person until the annual fee therefor has been paid;

(II) Any person who is not of good moral character;

(III) Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;

(IV) Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;

(V) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;

(VI) Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;

(VII) Any natural person under twenty-one years of age.

(b) (I) In making a determination as to character or when considering the conviction of a crime, a licensing authority shall be governed by the provisions of section 24-5-101, C.R.S.

(II) With respect to arts or club license applications, an investigation of the character of the president or chair of the board and the operational manager shall be deemed sufficient to determine whether to issue the arts or club license to the applicant.

(2) No license provided by this article shall be issued to or held by any sheriff, deputy sheriff, police officer, or prosecuting officer, or the state licensing authority, or any of its inspectors or employees.

(3) (a) In investigating the qualifications of the applicant or a licensee, the local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

(b) As used in paragraph (a) of this subsection (3), "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency that performs the administration of criminal justice pursuant to a statute or executive order

and that allocates a substantial part of its annual budget to the administration of criminal justice.

(c) At the time of the application for a license, the applicant shall submit fingerprints and file personal history information concerning the applicants qualifications for a license on forms prepared by the state licensing authority. The state and local licensing authorities shall submit such fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprints-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprinted-based criminal history record checks. An applicant who has previously submitted fingerprints for alcohol beverage licensing purposes may request that the fingerprints on file be used. The licensing authorities shall use the information resulting from the fingerprints-based criminal history record check to investigate and to determine if an applicant is qualified for a license pursuant to this article and article 46 of this title. The licensing authority shall not be prohibited from verifying any of the information required to be submitted by an applicant pursuant to this section. An applicant shall not be required to submit additional information beyond that required in this subsection (3) unless the licensing authority has determined any of the following:

(I) The applicant has misrepresented a material fact;

(II) The applicant has an established criminal history record;

(III) A prior criminal or administrative proceeding determined that the applicant violated alcohol beverage laws;

(IV) The information submitted by an applicant is incomplete; or

(V) The character, record, or reputation of the applicant, his or her agent, or his or her principal is such that a potential violation of this article or article 46 of this title may occur if a license is issued to the applicant.

COUNCIL COMMUNICATION

DATE: November 1, 2011

AGENDA NO.: 7.B

SUBJECT: Ordinance No. 529-11 - Amending Exhibit A Of Chapter 12.20 And Sections 15.50.100 And 15.52.045 Of The Evans Municipal Code Concerning Adjustments Of Impact Fees (1st Rd)

PRESENTED BY: Warren Jones, Fire Chief
Earl Smith, Public Work and Planning Director

AGENDA ITEM DESCRIPTION:

Attached is an ordinance to adjust the 2011 impact fees for fire, streets, and parks. The fees are established each year based on specific Consumer Price Index comparisons, recommendations from the Commissioners, and/or specific studies.

As the Council is aware, the 2012 budget does not include any revenue from impact fees to be spent in the same year. Rather, the 2011 actual revenues are used in the 2012 budget process. In that way, accurate revenue and expenditures can take place.

FINANCIAL SUMMARY:

These rates are built into the revenue structure for the 2012 budget adoption.

RECOMMENDATION:

Staff recommends that the City Council adopt the ordinance that establishes the impact fees for 2012.

SUGGESTED MOTIONS:

“I move to approve Ordinance No. 529-11 on first reading.”
“I move to deny adoption of Ordinance No. 529-11 on first reading.”

CITY OF EVANS, COLORADO

ORDINANCE NO. 529-11

AN ORDINANCE AMENDING EXHIBIT A OF CHAPTER 12.20 AND SECTIONS 15.50.100 AND 15.52.045 OF THE EVANS MUNICIPAL CODE CONCERNING ADJUSTMENTS OF IMPACT FEES

WHEREAS, Section 12.20.040D of the Evans Municipal Code allows for the adjustment of the Street Impact Fees to be adjusted annually to reflect the effects of inflation utilizing the most recent actual historical factor for the previous fully completed year for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area; and

WHEREAS, Section 15.50.100 of the Evans Municipal Code allows for the adjustment of the Fire Impact Fees to reflect inflation, as reflected in the Engineering News Record Construction Index; and

WHEREAS, Section 15.52.100 of the Evans Municipal Code allows for the adjustment of the Park Impact Fees to reflect inflation utilizing the most recent factor in the most recent period for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area.

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

Section 1. Exhibit A of Chapter 12.20 of the Evans Municipal Code is hereby changed and will read as follows:

EXHIBIT A

Street Impact Fee

Residential (per housing unit)

210 Detached Housing

221 Attached Housing

Non-Residential Per Square Foot of Floor Area

820 Commercial/Shop Ctr. 25,000 SF or less

820 Commercial/Shop Ctr. 25,001-50,000 SF

820 Commercial/Shop Ctr. 50,001-100,000 SF

820 Commercial/Shop Ctr. 100,001-400,000 SF

710 General Office 10,000 SF or less

710 General Office 10,001-25,000 SF

710 General Office 25,001-50,000 SF

720 Medical-Dental Office

610 Hospital

	Residential	Commercial/ Shopping Centers	Other Non- residential
	\$1,792		
	\$1,235		
		\$2.69	
		\$2.48	
		\$2.16	
		\$1.59	
			\$1.69
			\$1.35
			\$1.16
			\$2.69
			\$1.24

620 Nursing Homes	\$0.42
770 Business Park	\$0.95
110 Light Industrial	\$0.52
150 Warehousing	\$0.35
151 Mini-Warehouse*	\$0.19
<u>Other Non-Residential</u>	
310 Lodging (per room)	\$610
565 Day Care (per person)	\$334
530 High School (per student)	\$131
522 Middle School (per student)	\$117
520 Elementary School (per student)	\$83

*Also used for churches without weekday or school or day care functions.

Section 2. Section 15.50.100 of the Evans Municipal Code is amended to read as follows:

15.50.100 Fire/Rescue Department Impact Fees.

Effective January 1, 2012, the Fire/Rescue Impact Fees shall be as follows:

FIRE/RESCUE DEPARTMENT IMPACT FEES:	
Each residential unit other than a motel or hotel.	\$768.00 per dwelling unit
Non-residential uses, but including a motel or hotel. <i>Exception: Any detached accessory structure related to a single family residential use.</i>	\$ 0.44 per square foot of each floor level of the building area

Annually, the fees will be updated to reflect inflation, as reflected in the Engineering News Record Construction Index.

Section 3. Section 15.52.045 of the Evans Municipal Code is amended to read as follows:

15.52.045 Park Development Impact Fees--Schedule of amounts.

- A. Effective January 1, 2012, the Park Development Impact Fees shall be as follows:
1. For each single-family dwelling, four thousand three hundred fifty six dollars (\$4,356);
 2. For each dwelling unit in a duplex, apartment building, or in any other residential structure other than a motel or hotel, four thousand three hundred fifty six dollars (\$4,356);
 3. For each space in a mobile home park or community, four thousand three hundred fifty six dollars (\$4,356);
 4. Exception: Any detached accessory structures related to residential uses described in items 1, 2, or 3 as listed above shall be exempt from this fee.

Section 4. Publication and Effective Date. 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 the City Clerk, and by the Certificate of Publication. This ordinance shall become effective January 1, 2012.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Evans on this 1st day of November, 2011.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 15th day of November, 2011.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

CITY OF EVANS, COLORADO

ORDINANCE NO. XXX-11

AN ORDINANCE AMENDING EXHIBIT A OF CHAPTER 12.20 AND SECTIONS 15.50.100 AND 15.52.045 OF THE EVANS MUNICIPAL CODE CONCERNING ADJUSTMENTS OF IMPACT FEES

WHEREAS, Section 12.20.040D of the Evans Municipal Code allows for the adjustment of the Street Impact Fees to be adjusted annually to reflect the effects of inflation utilizing the most recent actual historical factor for the previous fully completed year for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area; and

WHEREAS, Section 15.50.100 of the Evans Municipal Code allows for the adjustment of the Fire Impact Fees to reflect inflation, as reflected in the Engineering News Record Construction Index; and

WHEREAS, ~~Park Development Impact Fees may be adjusted annually to reflect inflation or adjusted as per a justified and defensible study of appropriate impact fees. The Evans City Council commissioned a study of the park development impact fee by GreenPlay, LLC in 2005. At that time, the full study warranted an impact fee of \$3,649 per residential unit. The Parks and Recreation Commission has recommended a 29% increase to the park development impact fee which would increase the rate from \$3,315 to \$4,276 per dwelling unit and complete the adjustment recommended including inflation in the 2005 study by GreenPlay LLC~~ Section 15.52.100 of the Evans Municipal Code allows for the adjustment of the Park Impact Fees to reflect inflation utilizing the most recent factor in the most recent period for which figures are available from the Consumer Price Index for the Denver-Boulder-Greeley area.

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~~WHEREAS, the Evans City Council agrees with the recommendation of the Commission.~~

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

Section 1. Exhibit A of Chapter 12.20 of the Evans Municipal Code is hereby ~~un~~changed ~~from 2009 and~~ and will read as follows:

EXHIBIT A

Street Impact Fee

Residential (per housing unit)

210 Detached Housing

221 Attached Housing

Non-Residential Per Square Foot of Floor Area

820 Commercial/Shop Ctr. 25,000 SF or less

Residential	Commercial/ Shopping Centers	Other Non- residential
\$1,792 59		
\$1,235 42		
	\$2.69 4	

820 Commercial/Shop Ctr. 25,001-50,000 SF	\$2.48 3	
820 Commercial/Shop Ctr. 50,001-100,000 SF	\$2.16 2	
820 Commercial/Shop Ctr. 100,001-400,000 SF	\$1.59 6	
710 General Office 10,000 SF or less		\$1.69 6
710 General Office 10,001-25,000 SF		\$1.35 3
710 General Office 25,001-50,000 SF		\$1.16 3
720 Medical-Dental Office		\$2.69 4
610 Hospital		\$1.24 2
620 Nursing Homes		\$0.42 4
770 Business Park		\$0.95 3
110 Light Industrial		\$0.52 4
150 Warehousing		\$0.35 4
151 Mini-Warehouse*		\$0.19 8
<u>Other Non-Residential</u>		
310 Lodging (per room)		\$61059 9
565 Day Care (per person)		\$3342 8
530 High School (per student)		\$1312 9
522 Middle School (per student)		\$117 4
520 Elementary School (per student)		\$83 2

*Also used for churches without weekday or school or day care functions.

Section 2. Section 15.50.100 of the Evans Municipal Code is amended to read as follows:

15.50.100 Fire/Rescue Department Impact Fees.

Effective January 1, 201~~20~~²⁹, the Fire/Rescue Impact Fees shall be as follows:

FIRE/RESCUE DEPARTMENT IMPACT FEES:	
Each residential unit other than a motel or hotel.	\$7 6825 .00 per dwelling unit
Non-residential uses, but including a motel or hotel. <i>Exception: Any detached accessory structure related to a single family residential use.</i>	\$ 0.44 2 per square foot of each floor level of the building area

Annually, the fees will be updated to reflect inflation, as reflected in the Engineering News Record Construction Index.

Section 3. Section 15.52.045 of the Evans Municipal Code is amended to read as follows:

15.52.045 Park Development Impact Fees--Schedule of amounts.

A. Effective January 1, 201~~20~~²⁹, the Park Development Impact Fees shall be as follows:

1. For each single-family dwelling, four thousand ~~two~~^{three} hundred ~~seventy~~^{eighty} six dollars (\$4,~~356276~~);
2. For each dwelling unit in a duplex, apartment building, or in any other residential structure other than a motel or hotel, four thousand ~~three~~^{two} hundred ~~seventy~~^{eighty} six dollars (\$4,~~356276~~);

3. For each space in a mobile home park or community, four thousand ~~three hundred fiftytwo hundred seventy~~ six dollars (\$4,~~356276~~);
4. Exception: Any detached accessory structures related to residential uses described in items 1, 2, or 3 as listed above shall be exempt from this fee.

Section 4. Publication and Effective Date. 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 the City Clerk, and by the Certificate of Publication. This ordinance shall become effective January 1, 201~~20~~.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Evans on this ~~120st~~ day of ~~November~~~~October~~, 201~~10~~.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this ~~315th~~ day of ~~November~~, 201~~10~~.

CITY OF EVANS, COLORADO

By: _____
Mayor Pro Tem

ATTEST:

City Clerk

COUNCIL COMMUNICATION

DATE: November 1, 2011

AGENDA NO.: 7.C

SUBJECT: Ordinance No. 530-11 – 2011 Budget 3rd Revision - Amending Ordinance No. 520-11 and Appropriating Sum of Revenues and Fund Balances for the Amended 2011 City of Evans Budget (1st Rd)

PRESENTED BY: Jessica Gonifas, CPA, Finance Director

AGENDA ITEM DESCRIPTION:

The City Council approves specific items during the year which require an amendment to the adopted budget as required by the City of Evans Charter (Section 7.3 & 8.6). In this case, the revenues, expenditures (or expenses in enterprise funds) and transfers have been previously approved by the City Council. Staff action is usually taken on these items immediately following Council direction. Budget revisions are scheduled at quarterly intervals throughout the year in order to facilitate a flexible and accurate City budget.

Ordinance No. xxx-11 is the third revision to the 2011 Operating and Capital Budget. The original 2011 Budget was approved by Ordinance No. 501-10 on October 19th 2010, amended by Ordinance 515-11 on May 3rd 2011 and Ordinance 520-11 on August 1st 2011.

FINANCIAL SUMMARY:

The Budget Ordinance heading summarizes the changes to revenues, expenditures, and transfers by fund. Some of the items have been previously approved by the City Council, those items requiring additional explanation will be described below. Attachment “A” identifies the details of each council action and Attachment “B” identifies the net impact on the revised budget. The following descriptions are listed in the same order as the funds on Attachment “A” and include the items which were not approved as a preliminary budget revision during the quarter.

The General Fund includes the following:

- Item 1.1 relates to a reimbursement based on an agreement with Weld County for the services provided for the 2011 Colorado Employee Residence count.
- Item 1.2 is the revenue and expenditure related to a workers comp insurance reimbursement.
- Item 1.3 and 1.4 are reimbursements for a DUI patrol and grant in the Police Department.
- Item 1.5 relates to increases in revenue and expenditures for a Senior trip in 2011.

- Item 1.8 in both the General Fund and Cemetery Endowment funds represents an unanticipated increase in interest income in the Cemetery Endowment fund which is then transferred to the General Fund to offset the ongoing costs of maintaining the cemetery.
- Item 1.9 was included in the 2011 & 2012 one-time lists but due to the timing of implementation of the new Weld County computer-aided dispatch system, the public safety computers need replaced this year to be compliant.

The Conservation Trust Fund includes:

- 1.6 relates to revenue and expenditures for a grant for playground surfacing in one of the Tuscany parks.

The Finance Committee reviewed the proposed budget revision at their last meeting and did not recommend any changes.

Attachment “A” identifies the detailed changes for the proposed revisions to the 2011 Budget. The details are also summarized in the heading of the appropriation ordinance. The updated Long Range Plans are also attached.

Attachment “C” includes a summary of any changes in projected fund balances from the adoption of the 2012 budget.

Details of all financial items are available for Council or Citizens upon request from the Finance Department by contacting Jessica Gonifas at 970-475-1106 or jgonifas@ci.evans.co.us .

RECOMMENDATION:

Staff recommends approval of the ordinance.

SUGGESTED MOTIONS:

I move to approve Ordinance No. 530-11 on first reading.

I move to deny approval of Ordinance No. 530-11 on first reading.

CITY OF EVANS, COLORADO

ORDINANCE NO. 530-11

AN ORDINANCE AMENDING THE 2011 BUDGET; INCREASING GENERAL FUND REVENUES BY \$282,915, APPROPRIATING GENERAL FUND EXPENDITURES OF \$55,815, INCREASING CONSERVATION TRUST FUND REVENUES BY \$50,000, APPROPRIATING CONSERVATION TRUST FUND EXPENDITURES OF \$50,000, INCREASING FIRE IMPACT FUND REVENUES BY \$45,000, APPROPRIATING FIRE IMPACT FUND EXPENDITURES OF \$23,500, INCREASING CEMETERY ENDOWMENT FUND REVENUES BY \$6,000, AND APPROPRIATING CEMETERY ENDOWMENT FUND EXPENDITURES OF \$6,000.

WHEREAS, in accordance with Section 8.6 of the Evans Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year; and

WHEREAS, the City Manager has certified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves; and

WHEREAS, the City Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

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

Section 1: Upon the City Manager's certification that there are current and prior year revenues available for appropriation in the General Fund, Conservation Trust Fund, Fire Impact Fund, and Cemetery Endowment Fund and the City Council hereby makes supplemental appropriations as itemized in Attachment "A" attached hereto.

Section 2: The City Council hereby authorizes and directs the City Manager to enter into such contracts and execute such documents on behalf of the City as may be necessary and customary to expend the funds hereby appropriated for all operations, capital projects and debt within this budget as amended in accordance with the requirements of the Home Rule Charter and the City's Financial Policies.

Section 3: The adoption of this Ordinance will promote the health, safety and general welfare of the Evans community.

Section 4: If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5: All prior ordinances, resolutions, or other acts, or parts thereof, by the City of Evans in conflict with this Ordinance are hereby repealed, except that this repealer shall not be

construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 6: This Ordinance shall be effective following the adoption by Section 8.5 of the Home Rule Charter.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 1st day of November, 2011.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 15th day of November, 2011.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

Attachment A

2011 Budget Revision #3 V4

#	Description	Fund/Funding Source	Reserves	Rev	Exp
1.1	Weld County - Colorado Employee Residence Count Services			246,000	6,600
		General: 2011 State Severance Tax & Federal Mineral Lease Tax			
1.2	Workers Comp - Temporary Disability Reimbursement			7,100	7,100
		General: Pinnacol Reimbursement			
1.3	PD carpet			2,300	2,400
		General: DUI Patrol Reimbursement			
1.4	PD training			1,515	1,515
		General: Grant			
1.5	Senior trips			20,000	20,000
		General: Senior Fees			
1.8	Cemetery Endowment interest			6,000	
		General: Transfer from Cemetery Endowment			
1.9	PS MDT replacement				18,200
		General: Excess 2011 Revenue			
Total Fund			-	282,915	55,815
		<i>Fund Balance Impact</i>			<i>227,100</i>
1.6	Playground surfacing			50,000	50,000
		Conservation Trust: Grant			
Total Fund			-	50,000	50,000
		<i>Fund Balance Impact</i>			-
1.7	Fire district project			45,000	23,500
		Fire Impact: Fire Impact Fees			
Total Fund			-	45,000	23,500
		<i>Fund Balance Impact</i>			<i>21,500</i>
1.8	Transfer to General Fund			6,000	6,000
		Cemetery Endowment: Interest			
Total Fund			-	6,000	6,000
		<i>Fund Balance Impact</i>			-

Attachment B

2011 Budget Revision #3 V4

Fund/Department	Beginning Balance	Operating & Capital Revenue	Transfers In	Operating Expenditures	Capital Exp / Asset Management / Debt	Transfers Out	Budgeted Balance
General Fund	2,290,648						
General Government		9,275,094	1,238,393	2,468,732	745,530	(693)	
Community Development				560,026			
Public Safety				4,858,247			
Public Works				1,483,178			
Culture, Parks & Recreation				1,075,344			
Total General Fund	2,290,648	9,275,094	1,238,393	10,445,527	745,530	(693)	1,613,770
Emergency Contingency Fund	2,324,668	-	(77,637)	-	-	-	2,247,031
Cemetery Perpetual Care Fund	-	3,000	76,944	-	-	-	79,944
Fire Impact Fund	75,103	54,850	-	101,290	-	-	28,663
Street Impact Fund	437,069	5,929	-	-	332,000	-	110,998
Parks Impact Fund	149,685	2,032	-	-	100,000	-	51,717
Conservation Trust Fund	321,734	259,628	-	-	539,500	-	41,862
Refuse Collection Fund	180,530	595,706	-	551,882	-	30,450	193,904
Capital Projects Fund - Streets	221,691	935,983	-	190,000	871,051	-	96,623
Debt Service Fund - GO Bonds	506,810	505,000	-	-	505,210	-	506,600
Waterworks Fund ¹⁾	2,254,510	4,070,152	-	3,171,650	1,156,930	643,746	1,352,336
Wastewater Fund ¹⁾	1,371,344	1,116,853	-	846,794	581,961	423,394	636,048
Storm Drainage Fund ¹⁾	736,495	475,893	-	25,600	965,000	140,803	80,985
Volunteer Firefighters Pension Fund	455,022	151,594	-	143,026	-	-	463,590
Cemetery Endowment Fund	48,005	8,000	-	8,000	-	-	48,005
TOTAL ALL FUNDS	11,373,314	17,459,714	1,237,700	15,483,769	5,797,182	1,237,700	7,552,076

1) Beginning balance in Proprietary funds is beginning cash balance from Long Range Plans.

Attachment C
2010 Budget Rev #3 V4

Projected Fund Balance Summary

	2012 Projected Beginning Original Budget	2012 Projected Beginning 2011 Revision #3 V4	Variance
General Fund	1,743,583	1,724,156	(19,427)
Emergency Contingency	2,247,031	2,247,031	-
Cemetery Perpetual Care	79,944	79,944	-
Fire Impact	7,163	28,663	21,500
Street Impact	110,998	110,998	-
Parks Impact	73,716	73,716	-
Conservation Trust	41,862	41,862	-
Refuse Collection	193,904	193,904	-
Captial Projects - Streets	96,623	96,623	-
Debt Service - GO Bonds	506,600	506,600	-
Water	1,352,336	1,352,336	-
Wastewater	636,048	636,048	-
Storm Drainage	80,985	80,985	-
Volunteer Firefighters	463,590	463,590	-
Cemetery Endowment	48,005	48,005	-
Total	7,682,388	7,684,461	2,073

City of Evans General Fund Long Range Financial Plan

	2009 Actual	2010 Actual	2011 Budget V4	2011 Projected	2012 Budget	2013 Projected	2014 Projected	2015 Projected	2016 Projected
Beginning Fund Balance	2,573,063	1,521,391	2,290,648	2,290,648	1,724,156	1,527,870	1,653,705	1,404,536	1,091,483
Revenues:									
Sales Tax	4,680,421	4,958,797	4,441,737	4,441,737	4,732,402	4,806,111	4,881,294	4,957,981	5,036,201
Property Tax	1,526,236	1,701,476	1,463,370	1,463,370	1,524,462	1,539,707	1,555,104	1,570,655	1,586,361
Other Taxes	915,613	487,345	805,243	805,243	540,404	565,638	568,156	569,218	570,300
License & Permits	665,016	657,342	694,358	720,158	734,860	747,858	764,289	781,166	798,505
Intergovernmental	674,699	643,209	730,476	730,476	630,240	667,787	689,663	689,663	689,663
Charges for Services	517,674	536,714	487,010	487,010	512,510	538,733	546,794	546,846	546,899
Fines & Forfeitures	373,189	502,774	418,000	418,000	430,000	446,000	461,000	476,000	476,000
Assessments	13,772	13,803	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Misc	244,436	154,206	230,900	230,900	168,068	171,072	179,475	188,299	197,564
Total revenues	9,611,056	9,655,667	9,275,094	9,300,894	9,276,947	9,486,906	9,649,776	9,783,828	9,905,494
CT	9,611,056	9,655,667	9,275,094	9,300,894	9,276,947	9,486,906	9,649,776	9,783,828	9,905,494
Transfers In	895,915	1,039,201	1,238,393	1,238,393	1,258,083	1,277,674	1,297,533	1,317,362	1,336,609
Total Available Funds	10,506,971	10,694,868	10,513,487	10,539,287	10,535,030	10,764,580	10,947,309	11,101,190	11,242,103
Total Annual Increase	0.47%	1.79%	-1.70%	-1.45%	-0.04%	2.18%	1.70%	1.41%	1.27%
Expenditures:									
GG Personnel	1,088,221	1,011,892	1,123,489	1,115,287	1,108,984	1,147,971	1,198,596	1,251,454	1,306,643
GG Operations	1,271,885	1,086,111	1,345,243	1,345,243	1,286,153	1,284,545	1,294,713	1,035,604	1,050,538
General Government	2,360,106	2,098,003	2,468,732	2,460,530	2,395,136	2,432,516	2,493,310	2,287,058	2,357,181
	38.51%	-11.11%	17.67%	17.28%	-2.66%	1.56%	2.50%	-8.27%	3.07%
CD Personnel	427,398	441,410	376,586	370,686	352,761	366,780	382,955	399,843	417,476
CD Operations	63,054	100,216	183,440	183,440	115,142	116,869	118,622	120,401	122,207
Community Development	490,452	541,627	560,026	554,126	467,903	483,648	501,577	520,244	539,683
	28.10%	10.43%	3.40%	2.31%	-15.56%	3.37%	3.71%	3.72%	3.74%
PS Personnel	4,148,876	3,946,226	4,290,522	4,232,009	4,305,514	4,459,653	4,656,323	4,861,667	5,076,067
PS Operations	446,614	374,082	567,725	567,725	384,272	390,036	395,887	401,825	407,853
Public Safety	4,595,490	4,320,308	4,858,247	4,799,734	4,689,786	4,849,689	5,052,210	5,263,492	5,483,919
	9.68%	-5.99%	12.45%	11.10%	-2.29%	3.41%	4.18%	4.18%	4.19%
PW Personnel	936,471	778,727	838,934	831,876	845,415	878,850	917,607	958,074	1,000,325
PW Operations	580,709	563,773	644,244	644,244	653,908	663,716	673,672	683,777	694,034
Public Works	1,517,180	1,342,500	1,483,178	1,476,120	1,499,323	1,542,566	1,591,279	1,641,851	1,694,358
	-4.36%	-11.51%	10.48%	9.95%	1.57%	2.88%	3.16%	3.18%	3.20%
CPR Personnel	1,304,952	801,899	594,489	589,576	576,762	581,488	607,131	633,906	661,861
CPR Operations	312,903	237,970	480,855	480,855	515,518	523,251	531,099	539,066	547,152
Culture, Parks & Rec	1,617,855	1,039,869	1,075,344	1,070,431	1,092,280	1,104,738	1,138,231	1,172,972	1,209,013
	-0.06%	-35.73%	3.41%	2.94%	2.04%	1.14%	3.03%	3.05%	3.07%
Asset Management	332,741	51,919	497,450	497,450	316,898	329,297	304,487	398,931	318,159
Debt	116,147	80,396	248,080	248,080	50,000	50,000	50,000	50,000	50,000
Total operating expenditures	11,029,971	9,474,622	11,191,058	11,106,472	10,511,327	10,792,454	11,131,093	11,334,548	11,652,314
Total Annual Increase	13.86%	-14.10%	18.12%	17.22%	-5.36%	2.67%	3.14%	1.83%	2.80%
Capital Improvements	-	-	-	-	-	-	-	-	-
Transfers Out	528,671	450,989	(693)	(693)	219,989	(153,709)	65,384	79,695	45,906
Excess Revenue Over (Under)	(1,051,671)	769,257	(676,878)	(566,492)	(196,285)	125,834	(249,169)	(313,053)	(456,117)
Ending Fund Balance	1,521,391	2,290,648	1,613,770	1,724,156	1,527,870	1,653,705	1,404,536	1,091,483	635,366
CT	1,521,391	2,290,648	1,613,770	1,724,156	1,527,870	1,653,705	1,404,536	1,091,483	635,366
Minimum Target Reserve - One Month	919,164	789,552	932,588	925,539	875,944	899,371	927,591	944,546	971,026
Available Funds	602,227	1,501,096	681,182	798,617	651,927	754,334	476,945	146,937	(335,660)

City of Evans Conservation Trust Fund Long Range Financial Plan

	2009 Actual	2010 Actual	2011 Budget V4	2012 Budget	2013 Projected	2014 Projected	2015 Projected
Beginning Fund Balance	255,444	250,714	321,734	41,862	64,281	238,923	418,507
Revenues							
Intergovernmental	169,644	163,722	259,000	172,000	174,000	176,000	178,000
Interest Earnings	3,878	3,137	628	419	643	3,584	6,278
Total Revenues	173,522	166,859	259,628	172,419	174,643	179,584	184,278
CT	173,522	166,859	259,628	172,419	174,643	179,584	184,278
Transfers In	-	-	-	-	-	-	-
Total Available Funds	173,522	166,859	259,628	172,419	174,643	179,584	184,278
Expenditures							
Supplies & Services	1,764	-	14,500	-	-	-	-
Asset Management	46,000	-	10,000	-	-	-	-
Capital	130,488	95,839	515,000	150,000	-	-	-
Total Expenditures	178,252	95,839	539,500	150,000	-	-	-
Transfers Out	-	-	-	-	-	-	-
Excess Revenue Over (Under) Expenditures	(4,730)	71,020	(279,872)	22,419	174,643	179,584	184,278
Ending Fund Balance	250,714	321,734	41,862	64,281	238,923	418,507	602,785
CT	250,714	321,734					

2009-2016 Capital Improvement Plan

	2009 Actual	2010 Actual	2011	2012	2013	2014	2015
Equipment	9,097						
Playground Equipment	29,086						
Dog Park	19,481						
Skate Park Improvements	9,005	-	35,000				
Riverside Ball Park Developments	56,130	61,688					
Tuscany Mini Parks	7,689	14,347	421,000				
Riverside Soccer Fields Drainage		19,805					
Ridge Park Improvements (Part Grant)			59,000				
Pave Riverside Pkwy				150,000			
Conservation Trust Fund Total	130,488	95,839	515,000	150,000	-	-	-

* Capital is budgeted at 90% of projected ending fund balance: 375,816 501,176 192,853 215,031 376,657 542,506

City of Evans Fire Impact Fund Long Range Financial Plan

	2009 Actual	2010 Actual	2011 Budget V4	2012 Budget	2013 Projected	2014 Projected	2015 Projected
Beginning Fund Balance	71,090	49,876	75,103	7,163	7,978	8,177	8,382
<u>Revenues</u>							
Assessments	23,517	18,929	54,000	-	-	-	-
Sale of Fixed Assets	-	42,000	-	-	-	-	-
Interest Earnings	1,250	732	850	814	199	204	210
Total Revenues	24,767	61,661	54,850	814	199	204	210
CT							
Transfers In	-	-	-	-	-	-	-
Total Available Funds	24,767	61,661	54,850	814	199	204	210
<u>Expenditures</u>							
Personel		3,526					
Supplies & Services	45,981	32,907	101,290	-	-	-	-
Total Expenditures	45,981	36,433	101,290	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Excess Revenue Over (Under) Expenditures	(21,214)	25,228	(46,440)	814	199	204	210
Ending Fund Balance	49,876	75,103	28,663	7,978	8,177	8,382	8,591
CT	49,876	75,103					

City of Evans Cemetery Endowment Fund Long Range Financial Plan

	2009 Actual	2010 Actual	2011 Budget V4	2012 Budget	2013 Projected	2014 Projected	2015 Projected
Beginning Fund Balance	50,007	48,206	48,005	48,005	48,005	48,005	48,005
<u>Revenues</u>							
Investment Income	1,452	3,029	8,000	2,000	2,000	2,000	2,000
Total Revenues	1,452	3,029	8,000	2,000	2,000	2,000	2,000
CT	1,452	3,029	8,000	2,000	2,000	2,000	2,000
Transfers In	-	-	-	-	-	-	-
Total Available Funds	1,452	3,029	8,000	2,000	2,000	2,000	2,000
<u>Expenditures</u>							
Culture, Parks & Recreation	3,253	3,230	8,000	2,000	2,000	2,000	2,000
Total Expenditures	3,253	3,230	8,000	2,000	2,000	2,000	2,000
Transfers Out	-	-	-	-	-	-	-
Excess Revenue Over (Under) Expenditures	(1,801)	(201)	-	-	-	-	-
Ending Fund Balance	48,206	48,005	48,005	48,005	48,005	48,005	48,005
CT	48,206	48,005					

**\$48,000 restricted corpus

COUNCIL COMMUNICATION

DATE: November 1, 2011

AGENDA NO.: 7.D

SUBJECT: Resolution No. 30-2011 – Accepting a Letter of Intent to Purchase Real Property

PRESENTED BY: Earl H. Smith, P.E., Public Works Director

AGENDA ITEM DESCRIPTION:

Attached is a Resolution accepting a Letter of Intent (LOI) to Purchase Real Property. The LOI is to purchase five acres +/- of land from the 9 acre City owned Tri Pointe property located along the east side of 11th Avenue at 29th Street Road. Attached is a vicinity map showing the location of the City owned parcel and the five acres identified in the LOI.

The LOI outlines the terms and conditions under which the buyer and the City must conduct themselves until such time a purchase contract is approved. Once the purchase contract is in place the LOI becomes null and void.

The proposed sale is for five acres in the northwest corner of the site. The existing access road along the 29th Street Road alignment would remain in place. The roadway would be improved jointly by the buyer and the City as part of the project. The City will retain the remaining four acres of land to do as we see fit.

FINANCIAL SUMMARY:

The proposed purchase price is \$625,000. Of this amount, \$500,000 would be credited to the land acquisition and \$125,000 would be credited toward the improvement of 29th Street Road which bisects the Tri Pointe parcel. Attached, as Exhibit A is a financial breakdown of the proposed sale.

RECOMMENDATION:

Staff recommends that the City Council adopt the Resolution accepting a Letter of Intent to sell five acres of land from the City-owned Tri Pointe property on 11th Avenue.

SUGGESTED MOTIONS:

“I move to adopt Resolution No 30-2011.”

“I move to deny adoption of Resolution No.30-2011.”

Exhibit A

Financial Breakdown of Tri Pointe Property Sale

Total Sale Price:	\$625,000		
Land:	\$500,000	Street Improvement:	\$125,000
Broker Fee (est.)	<\$18,750>		
Closing costs (est.)	<\$6,250>		
Net Available	<u>\$475,000</u>		\$125,000
2011 Payoff	<\$509,814>		
Due to Park Impact	< <u>\$23,000</u> >		
Deficit:	<u><\$57,814></u>		

Note: The amount shown as due the Park Impact Fund (PIF) is to reimburse the PIF for the initial interest payment made on the Tri Pointe property purchase that came out of the PIF in 2007.

CITY OF EVANS, COLORADO

RESOLUTION NO. 30-2011

A RESOLUTION ACCEPTING A LETTER OF INTENT TO SELL REAL PROPERTY KNOWN AS THE TRI POINTE PROPERTY AT 11TH AVENUE AND 29TH STREET ROAD

WHEREAS, the City of Evans has received a Letter of Intent to purchase five (5) acres of City owned real property known as the Tri Pointe Property; and

WHEREAS, it has been the intent of the City of Evans to sell all or a portion of this land; and

WHEREAS, it is recommended that such Letter of Intent for the sale and purchase of City owned real property be accepted; and

WHEREAS, the City Council has carefully reviewed the Letter of Intent and finds that the preliminary purchase offer meets the intent of City Council to sell all or a portion of the Tri Pointe property.

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

1. The Letter of Intent to purchase five (5) acres of land from the City owned Tri Pointe property is hereby accepted and the Mayor is hereby authorized and directed to sign said Letter of Intent on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 1st day of November, 2011.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor

Letter of Intent

October 24, 2011

City of Evans
1100 37th Street
Evans, CO 80620

Re: Offer of Intent to Purchase Approximately 5.0 acres, 11th Ave, Evans, CO 80620

Dear Sirs,

██████████ is interested in purchasing 5 acres, +/-, of the 8.99 acres now owned by the City of Evans on the east side of 11th Avenue at 29th Street. ██████████ intends to use the property for the construction and operation of an elementary school including grades K – 6.

Our suggested terms and conditions are as follows:

1. Buyer: The purchaser will be a new corporation formed to own the property and improvements which will then be leased back to the school.
2. Property: Legal Description: Per attached plat (Exhibit A), Approximately five (5) Acres in the northern area of a tract of land consisting of, EVS PT STROHS 3RD ADD BEG NW COR SEC S560.87' TO POB N89D46'E 390.79' S33D30'E 660.65' S88D13'E 53.27' S89D53'E 46.45' S0S17'E 137.19' N87D56'W 101.95' N0D10'E 13.57' N88D24'W754.29' N650.06' TO POB EXC 11TH AVE S 11 AVE EVANS 806200000, together with any improvements, rights, permits, and any personal and business property used by Seller in connection with its ownership, management, maintenance and operation of the property (collectively, the "Property"). Buyer's acquisition shall include 100% of Seller's fee simple title and interest in and to the Property. Exception, **All mineral interest will be retained by the Seller.** Seller will retain all other property in 9 Acre Tract.
3. Purchase Price: The purchase price is proposed at **Six Hundred Twenty-Five Thousand Dollars (\$625,000.00)**. The purchase price shall be considered allocated as \$500,000 for the property and \$125,000 to be used for improvements to the existing road (Exhibit B) which bisects the property and will not be relocated.
4. Financing: Buyer intends to pay cash for the property in the amount of 100% of the purchase price. Any final contract will be subject to approval of bond financing for the school.
5. Earnest Money: Buyer shall deposit into escrow **Fifteen Thousand Dollars (\$15,000.00)** in earnest money upon the execution and delivery of the Purchase Contract (as defined below) by Buyer and Seller. This amount will be credited towards the purchase price.

6. Property Disclosure: Seller shall provide Buyer with copies of any information that may be beneficial to Buyer in site plan design or preliminary cost estimates including: entitlements and entitlement rights; drainage reports; landscape plans; environmental reports concerning the Property; any governmental permits or approval; surveys and site plans; existing title policy, and soils and engineering reports on the property.
7. Due Diligence Period: Buyer shall have the right to perform due diligence for a period of **Sixty (60)** days following the execution of the Purchase Agreement and Buyer's receipt of the information set forth in paragraph 5 above. During this period, Buyer will have the right to inspect the Property and make tests thereon. If Buyer is not satisfied with the Property in its sole discretion, it may elect, on or before the expiration of the due diligence period described above, to terminate the Purchase Agreement recover its earnest money deposit and any earning thereon. During the due diligence period, Seller shall notify Buyer prior to entering into any leases or contracts for the Property, or any amendments thereto. After execution of this Letter of Intent, Seller shall not enter into any leases or contracts for the Property, or any amendments thereto, without Buyer's prior written consent.
8. Requirements: The property purchased by the Buyer which fronts 11th Avenue will be landscaped by the Buyer, at a minimum, in compliance with the City of Evans' Landscape Code requirements
9. Purchase Contract: [REDACTED], or its designee and the City of Evans shall proceed to negotiate a mutually acceptable purchase and sale contract for the purchase and sale of the property (the "Purchase Contract"). Seller and Buyer shall have **Twenty-one (21) business days** from the execution of this Letter of Intent (the "Expiration Date") to execute a mutually acceptable Purchase Contract after which this Letter of Intent shall automatically terminate and neither Seller nor buyer shall have any obligation or liability under this Letter of Intent. The Purchase Contract shall include standard and customary terms.
10. Closing: The closing shall take place within **TEN (10) days** following the successful completion of the Entitlement Period (not to exceed 180 days without mutual party consent) and an executed purchase and sale agreement or at such other time as agreed by the parties (the "Closing"). The property shall be delivered in materially the same condition as of the date of this Letter of Intent. At close of escrow, Seller shall provide buyer, at Seller's cost, with an ALTA title policy with Standard coverage.
11. Confidentiality: All information furnished to Buyer or obtained by Buyer relating to this transaction (other than matters of public record and disclosures required by law), will be treated by Buyer as strictly confidential, and will not be disclosed to anyone except to Buyer's investors, broker, employees, consultants or legal counsel as necessary to evaluate the proposed transaction.

12. Expiration: This proposal will remain open until 5:00pm Mountain Daylight Time on Friday, November 4, 2011. If this Letter of Intent is not accepted by the City of Evans at that time, it shall automatically terminate.
13. Brokerage Disclosure: Pursuant to Real Estate Rules and Regulations, the following disclosure is made: Different brokerage relationships are available which include Buyers Agency, Sellers Agency, Transaction Broker, Landlord Agency or Tenant Agency. Pertinent to the above outlined business terms, Jim Vetting and Ron Randel of Wheeler Management Group, Inc the listing agents, will be providing brokerage services to the Seller and Buyer as Transaction Brokers per attached legal definitions of working relationships of said services.

This letter of intent sets forth the general terms of an offer to be made with respect to the purchase and sale of the Property, and is not a binding purchase agreement. Notwithstanding anything seemingly to the contrary contained herein, neither Buyer nor Seller shall be bound by this Letter of Intent as it relates to the purchase and sale of the Property unless and until such time as the Purchase Contract is executed between the parties.

Sincerely,

[Redacted Signature]

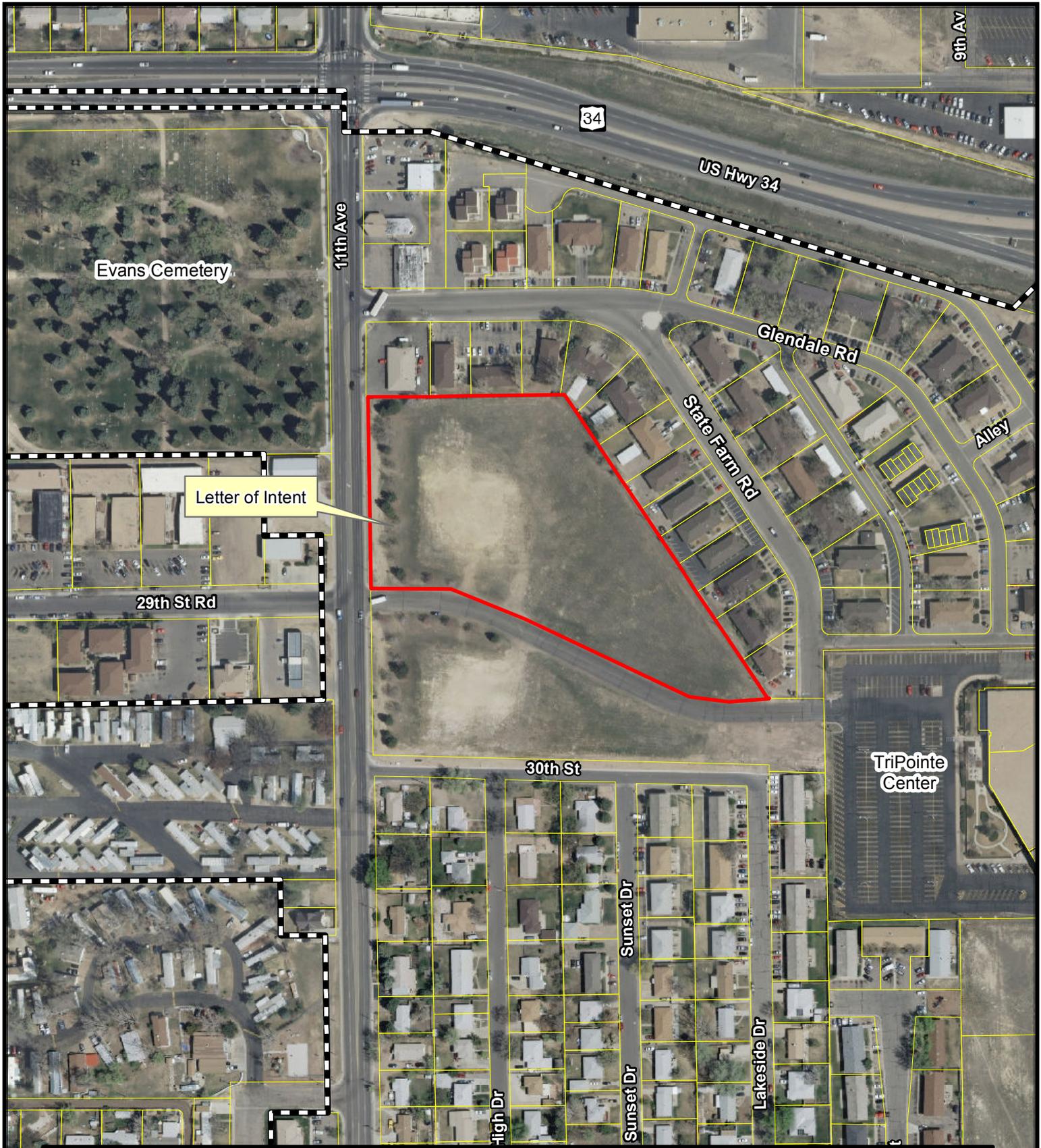
By: _____
[Redacted Signature]

Date: _____

Acknowledged and Accepted:
City of Evans

By: _____
Lyle Achziger, Mayor

Date: _____



Legend



Project Site



Evans City Limits

Vicinity Map

Letter of Intent



1:2,800



