



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
August 21, 2012 - 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 on our website at www.cityofevans.org and posted immediately on the bulletin board adjacent to the Council Chambers.

1. CALL TO ORDER

2. PLEDGE

3. ROLL CALL

Mayor:	Lyle Achziger
Mayor Pro-Tem:	John Morris
Council:	Laura Brown
	Fred Burmont
	April Neibauer
	Brian Rudy
	Jay Schaffer

4. AUDIENCE PARTICIPATION

The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. 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. SPECIAL RECOGNITION

A. July Yard of the Month: Todd Wiley, 4221 Laurel Drive

6. APPROVAL OF AGENDA

7. CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of August 6, 2012
- B. Resolution No. 24-2012 –Authorizing an Intergovernmental Agreement with Weld County to Participate in the November 6, 2012 Coordinated Election

8. NEW BUSINESS

- A. Ordinance No. 541-12 –Approving Charter Amendments for the 2012 General Election (1st Rd)

9. REPORTS

- A. City Manager
- B. City Attorney

10. AUDIENCE PARTICIPATION (general comments)

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

11. ADJOURNMENT

CITY OF EVANS – MISSION STATEMENT

“To provide positive and progressive leadership that promotes smart growth, economic prosperity and cultural diversity while preserving core and family values and a high quality of life that preserves our small town atmosphere.”

August 2012 - July 2013

Yearly Planner

Aug 2012						
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August

- 6 6:00 PM Worksession/City Council
- 21 Worksession/City Council
- 28 6:00 PM Budget Worksession

Feb 2013						
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September

- 3 City Offices Closed-Labor Day Holiday
- 4 6:00 PM Worksession/City Council
- 8 Evans Fest
- 11 6:00 PM Budget Worksession
- 18 6:00 PM Worksession/City Council

Mar 2013						
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October

- 2 Worksession/City Council
- 16 Worksession/City Council

Apr 2013						
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November

- 6 Worksession/City Council
- 20 Worksession/City Council
- 22 City Offices Closed--Thanksgiving Holiday
- 23 City Offices Closed--Thanksgiving Holiday

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COUNCIL COMMUNICATION

DATE: August 21, 2012
AGENDA #: 5.A
SUBJECT: Winner of the July Yard of the Month Award
PRESENTED BY: N. Zach Ratkai, Building & Neighborhood Services Manager

The Evans City Council, in conjunction with the Evans Neighborhood Services Division would like to recognize **Mr. Todd Wiley of 4221 Laurel Drive** for being the winner of the July 2012 Yard of the Month Award.

For keeping his property in Evans beautiful, Mr. Wiley is awarded a \$25 gift certificate to Happy Life Gardens on 37th Street in Evans as well as a \$30 Visa Gift Card to use at an Evans merchant.

The City Council and the Evans staff appreciate his efforts in keeping Evans as a great place to live.



**July 2012
Evans Yard of
the Month**

Todd Wiley

4221 Laurel Drive

COUNCIL COMMUNICATION

DATE: August 21, 2012
AGENDA NO.: 7.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
August 6, 2012 - 7:30 P.M.

CALL TO ORDER

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

PLEDGE

ROLL CALL:

Present: Mayor Lyle Achziger, Mayor Pro-Tem John Morris, Council members Laura Brown, Fred Burmont, April Neibauer and Brian Rudy. Council member Jay Schaffer was absent

AUDIENCE PARTICIPATION:

There was no audience participation.

APPROVAL OF AGENDA:

Mayor Pro-Tem John Morris made motion, seconded by Councilmember Brian Rudy 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 July 17, 2012
- B. Resolution No. 23-2012—Authorization of Mayor's Signature on an Agreement with the American Red Cross to permit the use of the Evans Community Complex as an Emergency shelter

Councilmember Laura Brown made motion, seconded by Councilmember Brian Rudy to approve the Consent Agenda as presented. Motion passed with all voting in favor thereof.

NEW BUSINESS:

- A. Award of 2012 Combined Design Projects

Earl Smith, P.E., Director of Public Works reported the following:

The City's 2012 budget includes funding for the design of storm drainage improvements on 3 sections of 37th Street and a new irrigation drop structure from the Evans Ditch to the Ashcroft Draw. These 4 projects were combined into one design package to capture economies of scale.

Staff sent the request for proposals to a number of design firms and advertised the request in the Greeley Tribune on May 24th, 2012. On June 15th, 2012 the City received proposals from 9 design firms. The proposal scoring was done by a team of 5 members. Several proposal factors were scored on a scale of 1-5, with 1 being poor and 5 being excellent. This group scored the proposals based on the following 6 weighted factors (weighting in parenthesis): Scope (3), Assigned Personnel (2), Availability (1), Motivation (1), Firm Capability (2), and Cost & Work Hours (2).

After the proposal scoring process was completed, it was decided that an interview session

would be beneficial to help determine a recommended service provider. The top 4 firms from the proposal scoring process were selected for interviews. The interviews were conducted on July 9th and 10th, 2012. The interviews were scored using the same criteria and weighting factors as the proposals.

These design projects are all included in the current budgets in the Stormwater Enterprise and Water Enterprise funds. The total combined available budget is \$170,000.

Based upon the proposal and interview scoring groups' reviews, staff is recommending that City Council award the professional services agreement for the 2012 Combined Design Projects to HDR Engineering in an amount not to exceed \$170,000.

Mayor Pro-Tem John Morris made motion, seconded by Councilmember Laura Brown to award a contract for professional services for the 2012 Combined Design Projects to HDR Engineering in an amount not to exceed \$170,000. Motion passed with all voting in favor thereof.

B. Award of 2012 Asphalt Overlay Bid

Earl Smith, P.E., Director of Public Works reported the following:

The 2012 Capital Improvement Program (CIP) Budget includes funding for asphalt overlays of streets within the community. The areas where this funding is proposed to be utilized this year are areas on 11th Avenue between 34th Street and 37th Street, West Service Road from 39th Street to 40th Street, and 36th Street from Belmont Avenue to 15th Avenue. Also included in this project was an add-alternate bid schedule for the paving of Riverside Parkway from Golden St. to the Riverside Park ball fields.

As per the City's purchasing policies this project was advertised in the Greeley Tribune and bid packets were mailed to a number of asphalt contractors.

The 2012 Capital Streets budget includes \$350,000 for street surfacing. The Conservation Trust Fund has \$150,000 budgeted for the paving of Riverside Parkway for a total project budget of \$500,000.

Staff recommends that City Council award the 2012 Asphalt Overlay Project including the add-alternate bid items to Asphalt Specialties Co. Staff is also recommending that a 10% (approx. \$45,000) contingency be added to the award amount for unforeseen field conditions related to the age of the Riverside Parkway design plans. This would make the total project award in the amount of \$495,000.

Councilmember Fred Brown made motion, seconded by Councilmember April Neibauer to award the 2012 Asphalt Overlay Project to Asphalt Specialties Co. and to authorize the Mayor's signature on an agreement in the amount of \$495,000.00

REPORTS:

The City Manager reported on the following:

Due to the absence of the City Attorney no report was given.

AUDIENCE PARTICIPATION:

There was no audience participation.

EXECUTIVE SESSION

Pursuant to CRS 24-6-402(4)(e), Mayor Pro-Tem John Morris moved, seconded by Council member Laura Brown to go into 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. Motion passed with all voting in favor thereof.

Mayor Achziger adjourned to Executive Session at 7:40 p.m.

ADJOURNMENT:

Mayor Achziger adjourned the meeting at 9:12.

Jessica Scheopner, City Clerk

NOT YET APPROVED

CITY COUNCIL COMMUNICATION

DATE: August 21, 2012

AGENDA NO.: 2.B

SUBJECT: Resolution No. 24-2012 - Authorizing an Intergovernmental Agreement with Weld County to Participate in the November 6, 2012 Coordinated Election.

PRESENTED BY: Russ Anson, City Attorney

AGENDA ITEM DESCRIPTION:

This intergovernmental agreement (IGA) between the City of Evans and Weld County allows the City to participate in a coordinated election with the County on November 6, 2012. It is the standard IGA format used for all coordinated elections in Weld County. It has been reviewed and approved by the Weld County elections officials and the Evans City Attorney.

RECOMMENDATION:

Staff recommends approval of the IGA by the adoption of this resolution.

SUGGESTED MOTIONS:

“I move to adopt Resolution No. 24-2012.”
“I move to deny adoption of Resolution No. 24-2012.”

CITY OF EVANS, COLORADO

RESOLUTION NO. 24-2012

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF EVANS TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH WELD COUNTY TO PARTICIPATE IN THE NOVEMBER 6, 2012 COORDINATED ELECTION

WHEREAS, pursuant to Colorado law, the County of Weld and the City of Evans may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, and any such contract may provide for the sharing of costs; and

WHEREAS, the County of Weld, through the Weld County Clerk and Recorder (County Clerk) and the City of Evans (City) are authorized to conduct elections as provided by law; and

WHEREAS, the City has determined that it is in the best interests of the City to conduct its election to be held November 6, 2012 as a "coordinated election" as such term is defined in the Uniform Election Code of 1992, as amended, which also contemplates the entry into and performance of an intergovernmental agreement with the County Clerk to cooperate in the conduct and financing of an election; and

WHEREAS, the County Clerk and the City have determined that it is in the best interest of Weld County, the City, and their respective inhabitants to cooperate and contract concerning the November 6, 2012 election upon the terms and conditions contained in the attached intergovernmental agreement; and

WHEREAS, the attached intergovernmental agreement requires the City to designate an "election officer" who shall act as the primary liaison between the City and the County Clerk and who will have primary responsibility for the conduct of election procedures to be handled by the City; and

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

1. The Mayor is hereby authorized to enter into the attached intergovernmental agreement with the County Clerk.
2. The City Treasurer is hereby designated as the City's "election officer," and shall act as the primary liaison between the City and the County Clerk and will have primary responsibility for the conduct of the election procedures to be handled by the City.
3. This Resolution shall become effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 21th day of August, 2012.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor

Memorandum of Intergovernmental Agreement
For Conduct of General Elections

The City of Evans, hereinafter referred to as "Jurisdiction," does hereby agree and contract with the Board of County Commissioners of the County of Weld, hereinafter referred to as "Commissioners," and the Weld County Clerk and Recorder, hereinafter referred to as "County Clerk," concerning the administration of the November 6, 2012, General Election conducted pursuant to the Uniform Election Code of 1992 as amended (hereinafter "Code"), and the rules and regulations promulgated thereunder, found at 8 C.C.R. 1505-1. This Agreement is not intended to address or modify statutory provisions regarding voter registration, nor to address or modify the County Clerk's duties thereunder.

WHEREAS, the Jurisdiction desires to conduct an election pursuant to its statutory authority or to have certain items placed on the ballot at an election pursuant to its statutory authority, such election to occur via vote center on November 6, 2012; and

WHEREAS, the Jurisdiction agrees to conduct a Coordinated Election with the County Clerk acting as the Coordinated Election official; and

WHEREAS, the County Clerk is the "Coordinated Election Official," pursuant to § 1-7-116(1), C.R.S., and is to perform certain election services in consideration of performances by the Jurisdiction of the obligations herein below set forth; and

WHEREAS, such agreements are authorized by statute at §§ 1-1-111(3), 1-7-116, 22-30-104(2), 22-31-103, and 29-1-203, et seq., C.R.S.

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties agree as follows:

1. The Jurisdiction encompasses territory within Weld County and _____ County. This Agreement shall be construed to apply only to that portion of the Jurisdiction within Weld County.
2. Term of Agreement: This Agreement is intended only to deal with the conduct of the November 6, 2012, General Election.
3. The Jurisdiction agrees to perform the following tasks and activities:
 - a. Conduct all procedures required of the clerk or designated election official for initiatives, referenda, and referred measures under the provisions of §§ 31-11-101 through 31-11-118 and 22-30-104(4), C.R.S.
 - b. To do all tasks required by law of designated election officials concerning nomination of candidates by petition, including, but not limited to: issue approval as to form, where appropriate, of nominating petition; determine candidate eligibility; receive candidate acceptance of nominations; accept notice of intent, petitions for nomination, and affidavits of circulators; verify signatures on nominating petitions; and hear any protests of the nominating petitions, as said tasks are set forth in any applicable provisions of Title 1, Article IV, Parts 8 and 9, and §§ 1-4-501, 22-31-103, and 22-31-107, C.R.S., and those portions of the Colorado Municipal Election Code of 1965, Article X of Title 31, as adopted by reference pursuant to § 1-4-805, C.R.S.
 - c. Establish order of names and questions pursuant to § 1-5-406 for Jurisdiction's portion of the ballot and submit to the County Clerk in final form. The ballot content, including

Memorandum of Intergovernmental Agreement
For Conduct of General Elections

a list of candidates, ballot title, and text, must be certified to the County Clerk no later than 60 days before the election, pursuant to § 1-5-203(3)(a), C.R.S.

- d. Publish and post notice of election pursuant to § 1-5-205(1), C.R.S., and include the information regarding the walk-in location address and hours of operation for application, pick-up, or return of mail ballots as set forth in 4(d) of this Agreement.
- e. Accept written comments for and against ballot issues pursuant to §§ 1-7-901 and 1-40-125(2)(e), C.R.S. Comments to be accepted must be filed by the end of the business day on the Friday before the 45th day before the election. Preparation of summaries of written comments shall be done by the Jurisdiction but only to the extent required pursuant to § 1-7-903(3), C.R.S. The full text of any required ballot issue notices must be transmitted to and received by the County Clerk no later than 42 days prior to the election pursuant to § 1-7-904, C.R.S. No portion of this Subsection 3(e) shall require the County Clerk to prepare summaries regarding the Jurisdiction's ballot issues.
- f. Collect, prepare, and submit all information required to give notice pursuant to Colorado Constitution Section 20, Article 10(3)(b), the Taxpayer's Bill of Rights. Such information must be received by the County Clerk no less than 42 days prior to the election to give the County Clerk sufficient time to circulate the information to voters. Special Districts shall be solely responsible for circulating the notice required to property owners that reside outside of the special district pursuant to Colorado Constitution Section 20, Article 10(3)(b), the Taxpayer's Bill of Rights.
- g. Accept affidavits of intent to accept write-in candidacy up until close of business on July 17, 2012, and provide a list of valid affidavits received and forward them to the County Clerk pursuant to § 1-4-1102, C.R.S.
- h. Pay the sum of \$1.00 per registered elector eligible to vote in the Jurisdiction's election as of the final date of registration prior to the November 6, 2012, election, with a \$200 minimum, within 30 days of billing, regardless of whether or not the election is actually held. If the Jurisdiction cancels the election before its Section 20, Article X, the Taxpayer's Bill of Rights, notices are due to the County, and prior to the County Clerk incurring any expenses for the printing of the ballots, the Jurisdiction shall not be obligated for any expenses under this Paragraph (h). The Jurisdiction shall also be responsible for costs of recounts pursuant to §§ 1-10.5-107, 1-10.5-104, or 1-11-215 C.R.S., except for costs collected from an "interested party" pursuant to § 1-10.5-106 which shall be collected by the The City of Evans conducting the recount.
- i. Designate an "election official" who shall act as the primary liaison between the Jurisdiction and the County Clerk and who will have primary responsibility for the conduct of election procedures to be handled by the Jurisdiction hereunder.
- j. By approval of this Agreement, any municipality thereby resolves to not use the provisions of the Colorado Municipal Election Code, except as otherwise set forth herein or as its use is specifically authorized by the Code.
- k. Mail ballot issue notices pursuant to § 1-7-906(2) for active registered electors who do not reside within the county or counties where the political subdivision is located.

Memorandum of Intergovernmental Agreement
For Conduct of General Elections

- i. Carry out all action necessary for cancellation of an election including notice pursuant to § 1-5-208, C.R.S., and pay any costs incurred by the County Clerk within 30 days of receipt of an invoice setting forth the costs of the canceled election pursuant to § 1-5-208(5), C.R.S.
- m. Jurisdictions that are special districts shall notify property owners within the district in writing of the relationship between the district and the County Clerk with regards to the November 6, 2012, General Election. Additionally, such notice shall inform the property owner to notify the Weld County Clerk and Recorder by October 30, 2012, if such person intends to vote. Such notification should be directed to Rudy Santos, Weld County Election Manager.
- n. Jurisdiction shall verify as being accurate the list of registered elector's names and addresses previously forwarded to the Jurisdiction by the Weld County Clerk and Recorder's Office. By signing this Agreement, Jurisdiction represents that the list of registered elector's names and addresses has been reviewed by the Jurisdiction and is accurate. The Jurisdiction will promptly notify Rudy Santos, the Weld County Election Manager (see contact information in 5(g)), of any changes to the information contained in said list.

4. The County Clerk Agrees to perform the following tasks and activities:

- a. Except as otherwise expressly provided for in this Agreement, to act as the Coordinated Election Official for the conduct of the election for the Jurisdiction for all matters in the Code which require action by the Coordinated Election Official.
- b. Circulate the Taxpayer's Bill of Rights notice pursuant to Colorado Constitution Article X, Section 20. However, in the case of Special Districts, the County Clerk shall circulate the Taxpayer's Bill of Rights notice to only those active eligible electors residing within the Special District. Special Districts shall be solely responsible for circulating Taxpayer's Bill of Rights notice required to property owners that reside outside of the Special District.
- c. Circulate general Ballot Issues notices pursuant to §§ 1-7-905 and 1-7-906(1), C.R.S. and publish and post notice, as directed in § 1-5-205, C.R.S. Publication by the County Clerk will only be in the Ft. Lupton Press and the Greeley Tribune, newspapers of general circulation.
- d. Provide 2 locations for voters to apply for, and obtain mail-in ballots:
 - 1. The **Weld County Election Office**, 1401 N. 17th Avenue, Greeley, CO
 - 2. The **Southwest Weld Office (Del Camino)**, 4209 County Road 24 ½, Longmont, CO

October 22, 2012, – November 2, 2012 – 8:00 a.m. – 5:00 p.m. – Monday – Friday
Election Day, November 6, 2012 – 7:00 a.m. – 7:00 p.m.

- e. Provide five Early Vote Sites – October 22 – November 2, 2012, that will be open from 8:00 a.m. to 5:00 p.m. – Monday – Friday, at:
 - 1. **Fort Lupton Recreation Center**, 203 S Harrison Ave, Fort Lupton, CO
 - 2. **Weld County Training Center**, 1104 H Street, Greeley, CO

Memorandum of Intergovernmental Agreement
For Conduct of General Elections

3. **Southwest Weld Office (Del Camino)**, 4209 County Road 24 ½ , Longmont, CO
 4. **Trinity Lutheran Church**, 3000 S. 35th Avenue, Greeley, CO
 5. **Windsor/Severance Fire Station**, 100 7th Street, Windsor, CO
-
- f. Provide 33 vote centers on Election Day, November 6, 2012, where voters will have the option of voting on touch-screen voting machines or dropping off their mail-in ballots from 7:00 a.m. to 7:00 p.m. See Exhibit A, incorporated herein by reference, for locations.
 - g. Give notice to Jurisdiction of the number of registered electors within the Jurisdiction as of the effective date of cutoff for registration; identify the members of the Board of Canvassers eligible for receiving a fee; and bill the Jurisdiction for the fees.
 - h. Designate Rudy Santos, Weld County Election Manager, to act as a primary liaison or contact between the County Clerk and the Jurisdiction (see contact information in 5(g)).
 - i. The County Clerk shall appoint and train election judges and this power shall be delegated by the Jurisdiction to the County Clerk, to the extent required or allowed by law.
 - j. Select and appoint a Board of Canvassers to canvass the votes, provided that the Jurisdiction, at its option, may designate one of its members and one eligible elector from the jurisdiction to assist the County Clerk in the survey of the returns for that Jurisdiction. If the Jurisdiction desires to appoint one of its members and an eligible elector to assist, it shall make such appointments, and shall notify the County Clerk in writing of such appointments not later than 15 days prior to the election. The County Clerk shall receive and canvass all votes, and shall certify the results in the time and manner provided and required by the Code. The County Clerk shall perform all recounts required by the Code.
 - k. Establish combined precincts pursuant to § 1-5-102.7, C.R.S., if warranted, and subject to the separate express approval by the Board of County Commissioners.

5. Additional Provisions

a. Time Of the Essence.

Time is of the essence in this Agreement. The statutory time frames of the Code shall apply to the completion of the tasks required by this Agreement.

b. Conflict of Agreement with Law.

This Agreement shall be interpreted to be consistent with the Code, provisions of Titles 31 and 22 applicable to the conduct of elections, and the Colorado Election Rules

Memorandum of Intergovernmental Agreement
For Conduct of General Elections

contained in 8 C.C.R. 1505-1. Should there be an irreconcilable conflict between the statutes, this Agreement and the Colorado Election Rules, the statutes shall first prevail, then this Agreement and lastly the Colorado Election Rules.

c. Liquidated Damages.

In the event that a Court of competent jurisdiction finds that the election for the Jurisdiction was void or otherwise fatally defective as a result of the sole negligence or failure of the County Clerk to perform in accordance with this Agreement or laws applicable thereto, then the County Clerk shall, as liquidated damage, not as a penalty, refund all payments made, pursuant to 3(h) of this Agreement and shall, if requested by the Jurisdiction, conduct the next Coordinated Election which may include any election made necessary by a defect in the election conducted pursuant to this Agreement with no fee assessed to the Jurisdiction. This remedy shall be the sole and exclusive remedy for damages available to the Jurisdiction under this Agreement.

d. No Waiver of Privileges or Immunities.

No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions, of the Colorado Governmental Immunity Act §§24-10-101 et seq., as applicable now or hereafter amended, or any other applicable privileges or immunities held by the parties to this Agreement.

e. No Third Party Beneficiary Enforcement.

It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any The City of Evans other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

f. Entire Agreement, Modification, Waiver of Breach.

This Agreement contains the entire Agreement and understanding between the parties to this Agreement and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal, or other alteration of or to this Agreement and any attached exhibits shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the undersigned parties. No breach of any term, provision, or clause of this Agreement shall be deemed waived or excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party hereto, or waiver of, a breach by any other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other, or subsequent, breach.

Memorandum of Intergovernmental Agreement
For Conduct of General Elections

- g. Notice provided for in this Agreement shall be given by the Jurisdiction to Rudy Santos of the Weld County Clerk and Records Office by phone:

Phone: (970) 304-6525, Extension 3178

Additional Contact Information:

Fax: (970) 304-6566

E-mail: rsantos@co.weld.co.us

Address: PO Box 459, Greeley, CO 80632

Notice provided for in this Agreement shall be given to the Jurisdiction election officer referred to in 3(i) of this Agreement by phone:

Designated Election Official for Jurisdiction: Jessica Gonifas

Phone: _____

Additional Contact Information:

Fax: _____

E-mail: _____

Address: _____

DATED this _____ day of _____, 2012.

WELD COUNTY CLERK AND RECORDER

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF WELD COUNTY

Steve Moreno, Clerk and Recorder

Sean Conway, Chair

APPROVED AS TO FORM:

ATTEST: _____
Clerk to the Board of County Commissioners

County Attorney

Deputy Clerk to the Board

City of Evans

APPROVED AS TO FORM:

ATTEST:

Attorney for Jurisdiction (Signature)

Designated Election Official for Jurisdiction
(Signature)

EXHIBIT A 2012 General Election Weld County Vote Centers

City/Town	Location	Address
Briggsdale	Briggsdale RE-10J	515 Leslie
Dacono	Dacono City Hall	512 Cherry Street
Eaton	Evangelical Free Church of Eaton	1325 3 rd Street
Erie	Erie Community Center	450 Powers Street
Evans	Evans Community Complex	1100 37 th Street
Evans	Cave Creek Club House	3400 Sagebrush Blvd
Fort Lupton	Fort Lupton Recreation Center *	203 S Harrison Ave
Frederick	Tri Town Baptist	420 Johnson Street
Frederick	Carbon Valley Recreation	701 5 th Street
Greeley	Training Center	1104 H Street
Greeley	Trinity Lutheran *	3000 S. 35 th Avenue, Greeley
Greeley	Greeley Ice Haus	900 8 th Ave, Greeley
Greeley	Farr Branch Library	1939 61 st Avenue
Greeley	Bonell Good Samaritan Community	708 22 nd St
Greeley	Western Hills Fire Protection	1731 Cedar Ave
Greeley	UNC	UNC Center 10 th Ave & 20 th St
Greeley	Greeley Family Funplex	1501 65 th Avenue
Greeley	Cache Bank & Trust	4601 West 20 th Street
Greeley	Event Center at Island Grove	501 N. 14 th Avenue
Grover	Grover Fire Hall	319 Chatoga Avenue
Johnstown	Johnstown Community/Senior Center	101 Charlotte Street
Keenesburg	Keenesburg Town Hall	140 S Main Street,
Kersey	Kersey Community Church	South First Street, Kersey
LaSalle	La Salle Town Hall	128 N 2 nd Street
Lochbuie	Lochbuie Senior Center	501 Willow Drive
Longmont	Southwest Weld Office (Del-Camino)*	4209 Weld County Rd 24 ½
Mead	Mead Middle School	620 Welker Avenue
Milliken	Milliken Town Hall	1101 Broad St
New Raymer	Prairie High School	42315 Weld County Rd 133
Nunn	Nunn Town Hall	185 Lincoln Avenue
Platteville	Platteville Town Hall	400 Grand Avenue
Windsor	Windsor/Severance Fire Station #1*	100 7 th Street
Windsor	Tozer Elementary School	501 Oak Street

* The five (5) Early Vote Centers will be open October 22, 2012 – November 2, 2012, Monday – Friday; 8:00 a.m. to 5:00 p.m.

All 33 Vote Centers will be open on Election Day, November 6, 2012, from 7:00 a.m. to 7:00 p.m.

This exhibit is part of the Memorandum of Intergovernmental Agreement for Conduct of Election for the 2012 General Election.

CITY COUNCIL COMMUNICATION

DATE: August 21, 2012

AGENDA NO.: 8.A

SUBJECT: Ordinance No. 541-12 - Amend Sections 4.3, 4.7, 4.8, and 8.7-1 of the Home Rule Charter of the City of Evans, Colorado, and further proving that the question for adoption of such amendments be submitted to the registered electors at the regular November election which will be held on November 6, 2012.

PRESENTED BY: Russ Anson, City Attorney

AGENDA ITEM DESCRIPTION:

The attached ordinance provides for the following ballot questions to be submitted to the registered electors at the November 6, 2012 regular municipal election:

1. Shall Section 4.3, City Manager – Appointment and Qualifications, of the City of Evans Home Rule Charter, be amended by eliminating the requirement that the City Manager reside within the city limits?
2. Shall Section 4.7(a), Clerk – Functions and Duties, of the City of Evans Home Rule Charter, be amended to remove the requirement that appointment and removal of the City Clerk be approved by the City Council?
3. Shall Section 4.8(a), Treasurer – Functions and Duties, of the City of Evans Home Rule Charter, be amended to remove the requirement that the appointment and removal of the City Treasurer be approved by the City Council?
4. Shall Section 8.7-1, Emergency Contingency Fund, be amended to provide for a ceiling of \$1,000,000 to be accumulated in such fund allowing any funds exceeding \$1,000,000 to be transferred to the General Fund, such amendment to be effective January 1, 2013?

RECOMMENDATION:

The Charter Committee has recommended the adoption of the above Charter amendments, and City staff recommends the approval of the attached Ordinance.

SUGGESTED MOTIONS:

- “I move to approve Ordinance No. 541-12 on first reading.”*
“I move to deny adoption of Ordinance No. 541-12.”
-

CITY OF EVANS, COLORADO

ORDINANCE NO. 541-12

AN ORDINANCE TO AMEND SECTIONS 4.3, 4.7, 4.8, AND 8.7-1 OF THE HOME RULE CHARTER OF THE CITY OF EVANS, COLORADO, AND FURTHER PROVIDING THAT THE QUESTION FOR ADOPTION OF SUCH AMENDMENTS BE SUBMITTED TO THE REGISTERED ELECTORS AT THE REGULAR NOVEMBER ELECTION WHICH WILL BE HELD ON NOVEMBER 6, 2012.

WHEREAS, the City of Evans is a home rule city duly organized and existing under the Constitution of the State of Colorado; and

WHEREAS, pursuant to Section 1.5 of the Home Rule Charter, amendments to the Charter must be submitted to the electors of the City of Evans; and

WHEREAS, the City Council has appointed a Charter Committee to review the Home Rule Charter and make recommendations to the Council of any proposed changes to the Home Rule Charter; and

WHEREAS, the Charter Committee has made several recommendations to the Council for Charter amendments, and the Council agrees that their proposed amendments, if adopted, would be in the best interests of the City; and

WHEREAS, an election will be held on Tuesday, November 6, 2012, at which election there shall be submitted to the eligible electors of the City several amendments to the Home Rule Charter; and

WHEREAS, the Charter Committee has recommended that Section 4.3, City Manager – Appointment and Qualifications, be amended by eliminating the requirement that the City Manager reside within the City; and

WHEREAS, the Charter Committee has recommended that Section 4.7, Clerk – Functions and Duties, be amended by eliminating the requirement that the appointment and removal of the City Clerk be approved by a majority vote of all members of the City Council; and

WHEREAS, the Charter Committee has recommended that Section 4.8, the Treasurer – Functions and Duties, be amended by eliminating the requirement that the appointment and removal of the City Treasurer be approved by a majority vote of all members of the City Council; and

WHEREAS, the Charter Committee has recommended that Section 8.7-1, Emergency Contingency Fund, be amended to provide that the accumulation of funds in the Emergency Contingency Fund shall not exceed \$1,000,000 commencing in the year 2013; and

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

Section 1. Proposed Amendments. Sections 4.3, 4.7, 4.8, and 8.7-1 of the Home Rule Charter of the City of Evans, Colorado, shall be amended to read as follows:

4.3 CITY MANAGER – APPOINTMENT AND QUALIFICATIONS. The Council may appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his actual experience in and his knowledge of accepted practice in respect to the duties of his office as hereafter set forth. The City Manager shall be a full time employee and may engage in other business and employment activities, but only upon approval of a majority of the entire City Council. His salary shall be fixed by the Council. Upon such his termination, the Council may, in its discretion, provide termination pay.

4.7 CLERK – FUNCTIONS AND DUTIES.

(a) The City Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings and shall be appointed and removed by the City Manager.

4.8 THE TREASURER – FUNCTIONS AND DUTIES.

(a) The City Manager shall appoint a City Treasurer to perform duties required by law, by City ordinances, and such other duties as may be required by the City Manager. The appointment and removal of the City Treasurer shall be by the City Manager.

8.7-1 EMERGENCY CONTINGENCY FUND. The Council shall establish an Emergency Contingency Fund. Beginning with the fiscal year 2013 and annually thereafter, the Council shall budget and appropriate to said fund an amount equal to five percent (5%) of the estimated General Fund reserves, until such fund is equal in amount to twenty-five percent (25%) of actual General Fund expenditures of the preceding year, or \$1,000,000.00, whichever is less. Any time the Emergency Contingency Fund is less than twenty-five percent (25%) of actual General Fund expenditures of the preceding year or \$1,000,000, the Council shall again budget and appropriate funds, not exceeding five percent (5%) of estimated General Fund revenues, until such fund is again equal to twenty-five percent (25%) of actual General Fund expenditures of the preceding year or \$1,000,000, whichever is less. At any time the Emergency Contingency Fund exceeds twenty-five percent (25%) of actual General Fund expenditures of the preceding year or \$1,000,000, such excess may, by

Council approval, be transferred to the General Fund.

Section 2. Election. The question of whether the City of Evans Home Rule Charter shall be amended as set forth above in Section 1 shall be submitted to the registered electors of the City of Evans at a regular municipal election to be held on November 6, 2012.

Section 3. Ballot Titles. The ballot titles setting forth the questions to be voted on shall be as follows:

1. Shall Section 4.3, City Manager – Appointment and Qualifications, of the City of Evans Home Rule Charter, be amended by eliminating the requirement that the City Manager reside within the city limits?

2. Shall Section 4.7(a), Clerk – Functions and Duties, of the City of Evans Home Rule Charter, be amended to remove the requirement that appointment and removal of the City Clerk be approved by the City Council?

3. Shall Section 4.8(a), Treasurer – Functions and Duties, of the City of Evans Home Rule Charter, be amended to remove the requirement that the appointment and removal of the City Treasurer be approved by the City Council?

4. Shall Section 8.7-1, Emergency Contingency Fund, be amended to provide for a ceiling of \$1,000,000 to be accumulated in such fund allowing any funds exceeding \$1,000,000 to be transferred to the General Fund, such amendment to be effective January 1, 2013?

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 City Clerk, and by the Certificate of Publication. The effective date of this Ordinance shall be November 6, 2012, except Section 8.7-1 which, if approved by the voters, shall become effective January 1, 2013, provided there is approval by a majority of registered electors voting thereon as to each of the questions submitted to the voters as provided in Section 3 above. In the event that some, but not all, of the questions submitted to the voters have approval of the majority of the registered electors voting thereon, then, in that event, this Ordinance shall be amended to remove those proposed amendments in Section 1 above that do not receive a majority approval of the registered electors.

PASSED, AND APPROVED at a regular meeting of the City Council of the City of Evans on this 21st day of August, 2012.

CITY OF EVANS, COLORADO

ATTEST:

City Clerk

By: _____
Mayor

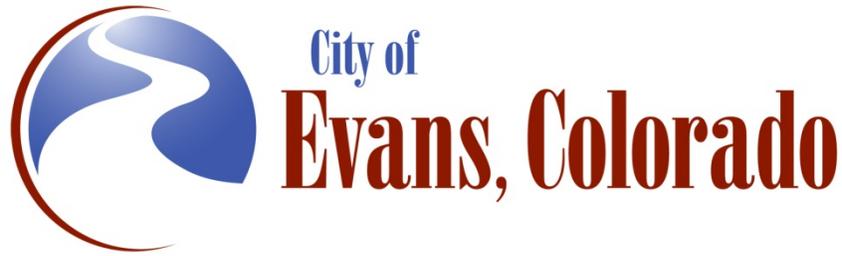
PASSED, APPROVED, AND ADOPTED ON SECOND READING THIS _____ day of August, 2012.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor



City Manager Monitoring Report

August 6, 2012

Below is a compellation of updates and projects that are either new or have changed since the last City Council meeting.

- **Police Department**

The new evidence room expansion project is near completion. The room itself is built. We expect the new shelving units to arrive in about a week, after which time we will begin the migration of property from our primary storage facility. Thank you again to the Management Team for their support in this important project!

The hiring process for the new police officer has been pushed back about two weeks due to work-load increases in investigations. Our two background investigators are working on some major cases including the double shooting from a few weeks ago.

- **Finance Department**

The auditing services contract has been signed for sales and use tax auditing. The kick-off meeting will be held on August 20th to begin mapping out the auditing process.

- **Recreation Department**

Total numbers for the pool so far are:

568	people under 5 years of age
498	Evans Day Camp
164	member guest passes
42	newsletter BOGO coupons
3670	people over 5 years of age
68	swim lesson BOGO coupons
2046	membership usage

Vending has made over \$1800 profit so far! Yay!

Recreation staff has attended all "Back-to-School" nights at Evans schools to promote programs. Staff is also working on rejuvenating the current adult fitness and youth dance programs by hiring new staff and bringing in new classes.

- **CM's Office**

CML Fall Districts will begin in September 5th and will continue till the end of September. The next CML Board Meeting will be September 21st. The next Regional Managers meeting will be hosted by Larimer County on September 13th.

