



*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

September 4, 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](http://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. APPROVAL OF AGENDA

6. CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of August 21, 2012
- B. Ordinance No. 541-12 –Approving Charter Amendments for the 2012 General Election (2<sup>nd</sup> Rd)

7. NEW BUSINESS

- A. Award of US Hwy 85 Access Control Improvements at 37<sup>th</sup> Street Design
- B. Preliminary Budget Revision related to Sales Tax Auditing Services
- C. Liquor License Renewal for Evans Liquor, LLC.
- D. Resolution 25-2012—Authorizing the Mayor's Signature on a Cooperation

Agreement between City of Evans, Colorado and the Evans Urban  
Renewal Authority for Administrative Services

8. REPORTS

- A. City Manager
- B. City Attorney

9. AUDIENCE PARTICIPATION (general comments)

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

10. ADJOURNMENT

**CITY OF EVANS – MISSION STATEMENT**

“To 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						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### 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*

Feb 2013						
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Sep 2012						
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### October

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

Mar 2013						
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Oct 2012						
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### November

- 6 *Worksession/City Council*
- 12 *City Offices Closed-Veterans Day Holiday*
- 20 *Worksession/City Council*
- 22 *City Offices Closed--Thanksgiving Holiday*
- 23 *City Offices Closed-Thanksgiving Holiday*

Apr 2013						
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### December

- 4 *Worksession/City Council*
- 18 *Worksession/City Council*

Nov 2012						
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Jun 2013						
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Jan 2013						
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Jul 2013						
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## COUNCIL COMMUNICATION

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**DATE:** September 4, 2012

**AGENDA NO.:** 6.A

**SUBJECT:** Approval of Minutes

**PRESENTED BY:** City Clerk Staff

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**AGENDA ITEM DESCRIPTION:**

Approval of minutes.

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**FINANCIAL SUMMARY:**

N/A

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**RECOMMENDATION:**

N/A

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**SUGGESTED MOTIONS:**

*"I move to approve the minutes as presented."*

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**MINUTES**  
**EVANS CITY COUNCIL**  
Regular Meeting  
August 21, 2012 - 7:30 P.M.

**CALL TO ORDER**

Mayor Pro Tem Morris called the meeting to order at 7:30 p.m.

**PLEDGE**

**ROLL CALL:**

Present: Mayor Pro-Tem John Morris, Council members Laura Brown, Fred Burmont, April Neibauer and Brian Rudy.

Mayor Achziger was absent.

**AUDIENCE PARTICIPATION:**

There was no audience participation.

**SPECIAL RECOGNITION**

Mayor Pro Tem Morris presented Todd Willey of 4221 Laurel Drive with a certificate for Yard of the Month for the month of July; however, Mr. Willey was not present.

**APPROVAL OF AGENDA:**

Council member Schaffer made motion, seconded by Councilmember 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 August 6, 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 Brown made motion, seconded by Councilmember Rudy to approve the Consent Agenda as presented. Motion passed with all voting in favor thereof.

Council member Schaffer wanted to note that he was absent for the meeting?

**NEW BUSINESS:**

- A. Ordinance No. 541-12—Approving Charter Amendments for the 2012 General Election (1<sup>st</sup> Rd)

Russ Anson, City Attorney, reported the following:

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?

Council member Burmont had a question on item number 3 concerning the wording of the City Charter on the Treasurers appointment and removal by the City Council and what do would be gained by changing it.

City Attorney Russ Anson's responded by explaining that the change helps solidify the authority of the City Manager when it comes to personnel matters. By making this change the Treasurer will be an employee answerable to the City Manager only, rather than having two bosses and going around the City Manager to the City Council when they do not like the answer given by the City Manager. In his opinion he feels it would not be a good idea for the Council to be constantly monitoring what things are happening between the City Manager and the Treasurer.

Council member Burmont agreed to City Attorney Anson's last statement only if that was the way the charter read; however, the way he understands the wording the Council only can approve the appointment or the termination of the Treasurer. His main concern is that the City Council acts as the governing board/ board of directors and is ultimately responsible for the financial affairs of the City. He further explained that in his previous experience in finance and city management he has seen cases of abuse by a Chief Executive putting undue and subtle pressure on the Chief Financial Officer that ended badly. He would like to respectfully submit that at least the governing body should have the right to veto the termination of the Treasurer in such cases. Otherwise it gives the Chief Executive Officer a lot of opportunity to potentially effect the reporting. Overall it weakens the Council's ability to govern. He feels it is bad public policy to weaken the Council's ability to govern. He said it does not mean the Council becomes the City Manager. He further states that he has full confidence in the City Manager and the Finance Director; thus, he is not talking about personalities. He goes on to say that seeing in the Council in the past other City Managers under the Council direction frankly need the ability from City Council to question about what is happening with the financial affairs of the City. The other changes that are recommend to the charter he has no problem with. He is in opposition of recommending the change to section 4.8(a) to the voters.

Mayor Pro Tem Morris' asked what is typical of other municipalities, specifically ones that City Attorney Anson works with.

City Attorney Anson stated that in Johnstown adopted a new charter 5 years ago. And under that charter all the employees work under the Town Manager including the Treasurer. The Town of Eaton has an entirely different system all together. This happens in small towns, mostly statutory have a situation where a lot of the positions like the Treasurer, Clerk and Police Chief are all hired by the Council/Board. However they are small communities and have only handful employees. Eaton's system was like this for

many years. Because of growth the Town of Eaton has decided that the Police Chief should be directly under the Town Manager and made a change to their ordinance code. The Town Manager of Eaton actually is responsible for the finances for as long as he can remember. Each community is different. The recommendation made to Johnstown when they made the change 5 years ago to have the Clerk and the Treasurer directly under the City Manager was based upon the charter committee composed mostly of citizens who had a separate attorney who gave that advice. Anson agreed with that advice with his past experience. Understands Council member Burmont's concerns but written either way there is not an absolute protection.

Mayor Pro Tem Morris is in total support of the recommended changes.

Council member Burmont responded with having been a City Manager he always felt comfortable knowing that there was no way of a council to accuse him of putting pressure on the City Treasurer.

Council member Neibauer stated that we entrust our City Manager with personnel decisions. City Council should not be involved with those decisions. Having said that she is in favor of the changes as recommended.

A motion by Council member Burmont to amend ordinance 541-12 to simply delete question number 3 referencing the treasures reporting responsibility and was second by Council member Rudy. One in favor. Five opposed.

City Attorney Anson wanted to bring to the Council's attention that the items on the ordinance are written as they will appear on the ballot as individual questions.

Council member Schaffer moved to approve ordinance as written on first reading. The motion was seconded by Council member Brown.

Council member Burmont stated he will be voting against this motion because he felt it is bad public policy.

Mayor Pro tem Morris called for a vote. There was 5 in favor and 1 opposed. Motion carried.

### **REPORTS:**

The Deputy City Manager/Finance Director Jessica Gonifas reported on the following:

The new microphones for Council should be in by August 31<sup>st</sup>. She also highlighted the preliminary pool visits for the season and reminded Council the pool will be open on Labor Day weekend and then will be closing. Final stats will be provided at a later date. The CML Fall Outreach District Meeting for our district meeting will be October 4<sup>th</sup> in Loveland. More details will come.

City Attorney Russ Anson had one item to report:

He introduced substitute lawyer Avi Rockland who works in his office as a substitute attorney. She has worked with Russ for the last five years. She will more than likely sit in for Russ when he is gone.

**AUDIENCE PARTICIPATION:**

There was no audience participation.

**ADJOURNMENT:**

Mayor Pro-Tem Morris adjourned the meeting at 7:54 pm

\_\_\_\_\_  
Jessica Scheopner, City Clerk

NOT YET APPROVED

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## CITY COUNCIL COMMUNICATION

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**DATE:** September 4, 2012

**AGENDA NO.:** 6.B

**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

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### 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?

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### RECOMMENDATION:

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

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### SUGGESTED MOTIONS:

- “I move to approve Ordinance No. 541-12 on seconding reading.”*
- “I move to deny approval of Ordinance No. 541-12.”*
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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 21<sup>st</sup> 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

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## COUNCIL COMMUNICATION

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**DATE:** September 4, 2012

**AGENDA NO.:** 7 A

**SUBJECT:** Award of Professional Services for the US Hwy 85 Access Control at 37<sup>th</sup> Street Design Project

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

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### AGENDA ITEM DESCRIPTION:

In 2011 the City was awarded a STP-Metro grant through the North Front Range Metropolitan Planning Organization (NFRMPO) for the design and construction of access control improvements at US Hwy 85, West Service Road (WSR), and 37<sup>th</sup> Street.

Staff sent a request for proposals to a number of design firms and advertised the request in the Greeley Tribune on June 13<sup>th</sup>, 2012. On July 6<sup>th</sup>, 2012 the City received proposals from 4 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 5 weighted factors (weighting in parenthesis): Scope (3), Assigned Personnel (2), Availability (1), Motivation (1), and Firm Capability (2).

The firms that submitted proposals and their overall proposal scores were:

<u>Consultant</u>	<u>Overall Proposal Scores</u>
HDR Engineering	159.0
Drexel, Barrell & Co.	142.0
Icon Engineering, Inc.	127.0
Beam, Longest and Neff, LLC	109.0

Due to the small amount of proposals received and the proposal scoring results, it was decided that an interview session would not be necessary to determine a recommended service provider.

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### FINANCIAL SUMMARY:

This design project is included in the current budget in the Capital Projects-Streets Fund. The total combined available budget is \$80,000. The basic negotiated scope of work and fee from HDR came to \$79,017. HDR also included the option of a conceptual landscaping design and the potential need to create CDOT style right-of-way plans. These optional tasks would make the final negotiated fee \$91,088. CDOT will allow funds that are currently shown as construction dollars to be moved into the design phase if needed. The City's match for the grant funds is approximately 23%.

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**RECOMMENDATION:**

Based upon the proposal scoring group's review, staff is recommending that City Council award the professional services agreement for the US Hwy 85 Access Control at 37<sup>th</sup> Street Design Project to HDR Engineering in the amount of \$91,088.

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**SUGGESTED MOTIONS:**

*"I move to award a contract for professional services for the US Hwy 85 Access Control at 37<sup>th</sup> Street Design Project to HDR Engineering in the amount of \$91,088."*

*"I move to deny award of the US Hwy 85 Access Control at 37<sup>th</sup> Street Design Project."*

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## Scope of Services

This section presents our proposed scope of work necessary to complete the project objectives. As noted in the RFP, the final scope of work will be determined by the selected consultant and the City. Our proposed scope includes an outline of engineering activities, key project assumptions and deliverables. As noted in the previous sections, we have based these project scopes on information known by our project team members and would welcome the opportunity to review and refine this scope after selection.

### Scope of Work

#### Task 1. Project Management and QA/QC

##### 1.1 Project Management

- Manage staff resources, schedule, and budget. Assumed project duration is five months.
- Coordinate and attend monthly project progress meetings to resolve review comments and technical issues.

##### 1.2 In-House Quality Assurance

- Perform in-house QA/QC reviews at 30% design, 90% design and final 100% design.

#### Task 2. Project Definition

- The primary objective of this activity is to validate our understanding of the design of the proposed improvements, including verifying the improvements proposed under the previous design with the City, intersection design, and connections to existing streets and private accesses. We will review the data from the previous design including drainage and geotechnical reports, coordinate connecting into the concurrent 37<sup>th</sup> Street storm drain design, and review the available right of way for improvements to fall within it.

#### Task 3. Data Collection

##### 3.1 Geotechnical Review

- Review of the existing geotechnical information conducted under the previous design. It is assumed the previous information will be sufficient to complete the design under this RFP and no further geotechnical field subsurface investigation will be required for this design. The West Service Road cul de sac south of 37<sup>th</sup> Street is assumed to have the same proposed section as Idaho Street to the north. If supplemental information is determined necessary, we will work with the City to negotiate that work. Shannon & Wilson are scheduled to review the existing geotechnical recommendations and conduct additional work if required.

##### 3.2 Surveying

- King Surveyors will review previous survey information they performed under the previous design.
- Perform supplemental topographic survey of the project area where sufficient detail is not available or where improvements or modifications have taken place since the date of the original survey. Contact One Call for utility locates and survey-marked utilities and obtain utility invert elevations (limits of right of ways will be taken from the City's GIS map).
- Provide a complete existing conditions maps of the project limits at 1"=20' scale, including 1-foot contours for the West Service Road area south of 37<sup>th</sup> Street.
- Provide digital survey in AutoCAD compatible format, including Civil 3D digital terrain surface.

##### 3.3 Traffic Data Collection

- All Traffic Data will gather peak hour turning movement counts at the US 85 & 37<sup>th</sup> Street intersection to assist with signal timing and CDOT acceptance.

#### Task 4. Stakeholder, Public Involvement and Clearances

Our team is available to participate in one public meeting and one-on-one meetings as necessary to assist with conveying the design concepts to the affected stakeholders. We will provide design materials and graphics as determined by the City to support the meetings scheduled. It is anticipated that the City will take responsibility for developing the invite list, arranging the venue, and advertising the public meeting.

It is anticipated that all necessary clearances including environmental, utility, historical and right of way will be required. Based on discussions with the City, it is anticipated that a categorical exclusion will cover the project as there are no anticipated issues. Our team will conduct a desktop evaluation and prepare the necessary documents meeting a categorical exclusion. No field surveys or site assessments will be conducted under this scope of work. If CDOT and the City require a greater level of effort to obtain clearances, it would be negotiated under an addendum to this scope of work.

#### Task 5. Field Inspection Review (FIR) Design Development (30% Design)

The FIR design would represent the development of the previous design to comply with CDOT requirements and standards and additional design elements south of 37<sup>th</sup> Street. It is anticipated that these products provide a check on the design development and an opportunity to incorporate any design adjustments prior to the FOR document development. We will request a combined FIR/FOR meeting with CDOT for the project instead of two separate meetings due the minor complexity of the project.

##### 5.1 Drawings

- Prepare roadway geometric layout, plan, and profile drawings with horizontal alignment defined and centerline profiles.
- Prepare storm drain utility plan and profile drawings with the horizontal alignment defined in conjunction with the previous design and concurrent 37<sup>th</sup> Street Storm Drain Project.
- Prepare standard detail sheets using the City's standard digital drawings.
- Identify or develop project-specific details (typical section, CDOT SWMP details, outfall protection, etc.).
- Coordinate with City 37<sup>th</sup> Street storm drain design project.

##### 5.2 Cost Estimate and Specifications

- Prepare 30% engineer's opinion of probable cost with accuracies within 20% +/-.
- Draft outline specifications with special provisions meeting CDOT requirements.

##### Deliverables

- Progress set of drawings and estimate for City and CDOT review

##### 5.3 City/CDOT Review Comments

- It is anticipated that City/CDOT review will take 2 weeks to maintain schedule. The City will compile all comments received into one file prior to giving to our design team to address for the next submittal.

##### 5.4 Right of Way Plans (optional)

- Develop right of way plans in conjunction with CDOT requirements for necessary temporary easements to construct the project within the established right of way. For this task, it is anticipated only one round of review comments will be required by CDOT prior to acceptance.

#### Task 6. Final Office Review (FOR) Design Development (90% Design)

The FOR design submittal represents a level of design nearly complete for final comments prior to advertising for bid. Having incorporated the comments obtained from the City during design development, it is anticipated that the design would be further refined in more detail, approaching a complete set of construction documents.

## 6.1 Drawings

- Develop CDOT cover sheet, abbreviations, and legend.
- Summary of Quantity sheets in CDOT format to correspond to the bid tab and CDOT bid items.
- Refine and fully developed roadway plan and profile drawings and detail geometry layouts.
- Refine and fully developed stormwater utility plan and profile drawings.
- Refine and fully developed standard detail drawings.
- Fully developed project-specific detail drawings including such items as intersection details, access details, sidewalk/trail details, and utility details.
- Finalize Storm Water Management Plans (SWMP) drawings to comply with CDOT requirements.

### **Task 7. Final Design**

Our team will advance the design documents to a final PS&E documents for the City to advertise for bid.

## 6.2 Cost Estimate and Specifications

- Refine 30% engineer's opinion of probable cost to a 90% level with accuracies within 10% +/-.
- Technical specifications, special provisions, and bid tabulation.

### Deliverables

- FOR design plans.
- FOR level engineer's opinion of probable cost.
- Refined technical specifications and CDOT special provisions.

## **Task 7. Final Design Documents**

The final (100%) design documents will represent a level of design necessary to advertise and obtain contractor bids.

## 7.1 Construction Documents

- This phase provides documents that are ready for contractor bidding. The focus of this review effort will be on clarity and obtaining consistent bids.
- Finalize construction documents including plans, specifications, and reports based on City comments.

### Deliverables

- Final sealed (100%) construction documents.
- Final refined opinion of probable cost.
- 90% Comment resolution matrix.

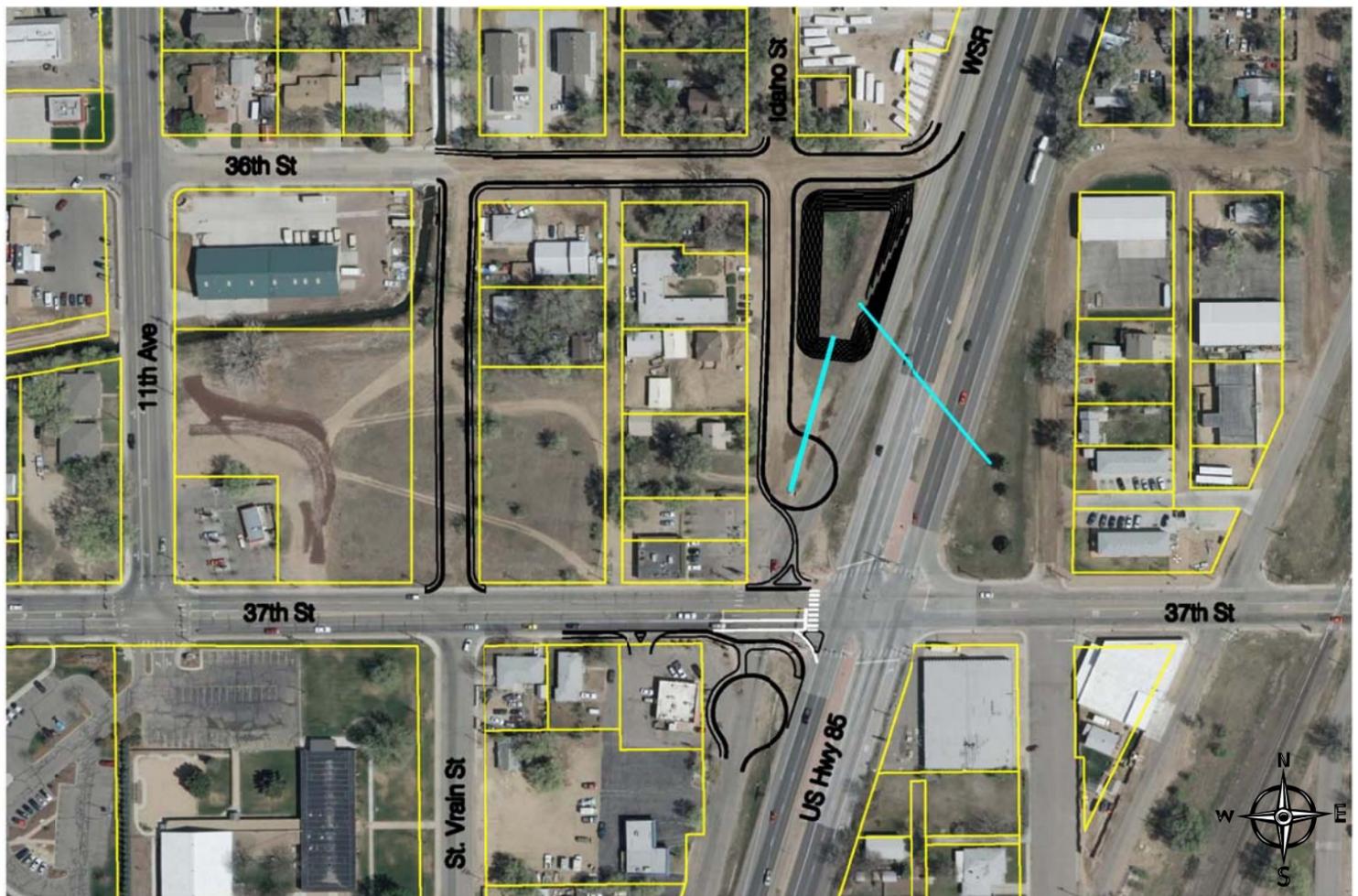
**COST PROPOSAL: City of Evans - 37th Street Access Design Fee Proposal**

Budget Labor Tasks & Hours	QA/QC	Project Manager	Roadway Design Lead	Traffic Lead	Environmental Lead	CADD	Admin	Project Controller	Hours & Labor
	\$ 171.89	\$ 188.76	\$ 96.00	\$ 137.75	\$ 125.28	\$ 91.45	\$ 45.00	\$ 70.80	
<b>Task 1 - Project Management and QA/QC</b>									
1.1 Project Management/QA	0	20	0	0	0	0	0	12	32
1.2 Project Progress Meetings (6 meetings)	0	16	8	4	0	0	0	0	28
1.3 QC - Preliminary Design	2	0	0	0	0	0	0	0	2
1.4 QC - Final Design	4	0	0	0	0	0	0	0	4
<b>Total Task 1</b>	<b>6</b>	<b>36</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>66</b>
<b>Task 2 - Project Definition</b>									
2.1 Project Definition	0	2	8	2	0	0	0	0	12
<b>Total Task 2</b>	<b>0</b>	<b>2</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>Task 3 - Data Collection</b>									
3.1 Geotechnical Explorations	0	0	0	0	0	0	0	0	0
3.2 Surveying	0	0	0	0	0	0	0	0	0
3.3 Traffic Data Collection	0	0	0	2	0	0	0	0	2
<b>Total Task 3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Task 4 - Stakeholder and Public Involvement</b>									
4.1 Public Meeting (1 meeting)	0	4	4	4	0	24	4	0	40
4.2 One on One Meetings (1 all day meeting)	0	8	0	8	0	12	4	0	32
4.3 Environmental Clearance	0	2	4	0	60	0	0	0	66
<b>Total Task 4</b>	<b>0</b>	<b>14</b>	<b>8</b>	<b>12</b>	<b>60</b>	<b>36</b>	<b>8</b>	<b>0</b>	<b>138</b>
<b>Task 5 - FIR Design (30% Design Development)</b>									
5.1 Drawings	0	8	40	8	0	60	8	0	124
5.2 Cost Estimate and Specifications	0	2	16	0	0	16	0	0	34
5.3 City Review Comments	0	2	8	0	0	8	0	0	18
5.4 Right of Way Plans									See Option #2 below to add this task
<b>Total Task 5</b>	<b>0</b>	<b>12</b>	<b>64</b>	<b>8</b>	<b>0</b>	<b>84</b>	<b>8</b>	<b>0</b>	<b>176</b>
<b>Task 6 - FOR Design (90% Design Development)</b>									
6.1 Drawings	0	6	40	8	0	40	8	0	102
6.2 Cost Estimate and Specifications	0	4	40	0	0	16	0	0	60
6.3 City Review Comments	0	2	8	0	0	8	0	0	18
<b>Total Task 6</b>	<b>0</b>	<b>12</b>	<b>88</b>	<b>8</b>	<b>0</b>	<b>64</b>	<b>8</b>	<b>0</b>	<b>180</b>
<b>Task 7 - Final Design (90%-100% Design Development)</b>									
7.1 Drawings	0	2	16	0	0	32	8	0	58
7.2 Specifications	0	2	8	0	0	0	0	0	10
7.3 City Review Comments	0	2	8	0	0	8	0	0	18
7.4 Construction Documents	0	2	8	0	0	16	4	0	30
<b>Total Task 7</b>	<b>0</b>	<b>8</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>12</b>	<b>0</b>	<b>116</b>
<b>Totals Hours</b>	<b>6</b>	<b>84</b>	<b>216</b>	<b>36</b>	<b>60</b>	<b>240</b>	<b>36</b>	<b>12</b>	<b>690</b>
<b>Direct Expenses</b>	<b>Printing&amp;Pub</b>	<b>Travel</b>							
<b>Total Direct Costs</b>	\$1,031.32	\$15,855.84	\$20,736.00	\$4,959.00	\$7,516.80	\$21,948.00	\$1,620.00	\$849.60	\$74,516.56
<b>Subconsultants Fee</b>	<b>All Traffic Data</b>								
<b>Total Subconsultant</b>	\$3,000.00								\$3,000
<b>Total Base Project Cost</b>									<b>\$79,017</b>

<b>Option #1 - Landscaping Concepts (BHA Design)</b>									\$ 4,000.00
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<b>Option #2 - CDOT ROW Plan Development for TE</b>	4	80							
	\$ -	\$ 755.04	\$ -	\$ -	\$ -	\$ 7,316.00	\$ -	\$ -	\$ 8,071.04

<b>Total Overall Project Cost with Options</b>									<b>\$91,088</b>
------------------------------------------------	--	--	--	--	--	--	--	--	-----------------



US 85 Access Control at 37<sup>th</sup> Street - Conceptual Layout

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## **COUNCIL COMMUNICATION**

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**DATE:** September 4, 2012

**AGENDA NO.:** 7.B

**SUBJECT:** Preliminary Budget Revision related to Tax Auditing Services

**PRESENTED BY:** Jessica Gonifas, CPA, Finance Director

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### **AGENDA ITEM DESCRIPTION:**

The City started the process of transitioning to self-collection of sales taxes in January of 2011. Several phases have been completed to date, with the final phase of implementing an audit program related directly to sales and use taxes as well as several other taxes collected by the City currently under way.

In May of this year, the Finance Department released a request for proposals soliciting sales and use tax auditing services. An evaluation team was formed and each proposal received was evaluated and scored. A consultant was selected and the contract included a rate of \$90/hour for auditing services.

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### **FINANCIAL SUMMARY:**

Due to the function of tax auditing being a new one for the City coupled with the fact that seven months of the year have already passed, \$10,000 is being requested through a preliminary budget revision. This will provide about 110 hours of auditing services yet this year and will give a good benchmark for the 2013 funding level request. These funds will be segregated specifically for auditing services and any balance at the end of the year will either be returned to fund balance, or requested to be rolled over to 2013 for use related to the same purpose.

The funding source will be the General Fund current year excess sales tax collections.

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### **RECOMMENDATION:**

Staff recommends approval of this preliminary budget revision in the amount of \$10,000.

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### **SUGGESTED MOTIONS:**

*"I move to approve the preliminary budget revision in the amount of \$10,000 from the General Fund excess 2013 sales tax revenues."*

*"I move to deny the preliminary budget revision."*

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## CITY COUNCIL COMMUNICATION

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**DATE:** September 4, 2012

**AGENDA NO.:** 7 C

**SUBJECT:** Liquor License Renewal for Evans Liquor, LLC

**PRESENTED BY:** Julie Roeder, Interim Administrative Services Director and  
Russ Anson, City Attorney

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**AGENDA ITEM DESCRIPTION:** A renewal application was been submitted on 7/31/12 prior to the expiration of their license of 8/5/12. This is normally handled by staff through an administrative process. However, there are concerns from staff: one clerk on premises to operate both the convenience store and the liquor store which are separated with different entrances, but stores are joined in one building. Two verified incidents. One on 05/19/11 and on one on 08/19/12.

Attach renewal application.

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**FINANCIAL SUMMARY:** The renewal application fees were submitted: \$97.50 for the City fees and \$227.50 for the Colorado Department of Revenue fees.

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**RECOMMENDATION:** Options:

- 1) Renew license with conditions
- 2) Set show cause hearing – requires ten (10) days advance notice.
  - a) Can be heard by Council or under Municipal Code Section 5.08.135 a hearing officer can be appointed to hear – usually the Municipal Court Judge, Mike Stewart. If a hearing is to be held, there must be given at least ten (10) days prior notice.
  - b) Actions can be taken to either:
    - (1) Not renew license
    - (2) Renew with conditions
    - (3) Suspend license
    - (4) Revoke license

---

**SUGGESTED MOTIONS:** I move that we...

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<b>6.</b> 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 <input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>7.</b> 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? <span style="float: right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span> (b) had an alcohol beverage license suspended or revoked? <span style="float: right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span> (c) had interest in another entity that had an alcohol beverage license suspended or revoked? <span style="float: right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span> If you answered yes to 7a, b or c, explain in detail on a separate sheet.													
<b>8.</b> Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>9.</b> 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?	<input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>10.</b> 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.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>11.</b> 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? <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail)	<input type="checkbox"/> <input type="checkbox"/>												
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%; padding: 5px;">Landlord <u>Jaswinder singh</u></td> <td style="width:35%; padding: 5px;">Tenant <u>Evans Liquor</u></td> <td style="width:30%; padding: 5px;">Expires <u>May 18, SEPT 16 2020</u></td> </tr> </table>	Landlord <u>Jaswinder singh</u>	Tenant <u>Evans Liquor</u>	Expires <u>May 18, SEPT 16 2020</u>										
Landlord <u>Jaswinder singh</u>	Tenant <u>Evans Liquor</u>	Expires <u>May 18, SEPT 16 2020</u>											
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)													
<b>12.</b> 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.													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:20%;">DATE OF BIRTH</th> <th style="width:20%;">FEIN OR SSN</th> <th style="width:25%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST								
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.													
<b>13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises</b> Has a local ordinance or resolution authorizing optional premises been adopted?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)													
<b>14. Liquor Licensed Drug Store applicants, answer the following:</b> (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>15. Club Liquor License applicants answer the following and attach:</b> (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <span style="float: right;"><input type="checkbox"/> <input checked="" type="checkbox"/></span> (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? <span style="float: right;"><input type="checkbox"/> <input type="checkbox"/></span> (c) How long has the club been incorporated? _____ (Three years required) <span style="float: right;"><input type="checkbox"/> <input type="checkbox"/></span> (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above? <span style="float: right;"><input type="checkbox"/> <input type="checkbox"/></span>													
<b>16. Brew-Pub License or Vintner Restaurant Applicants answer the following:</b> (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	Yes No <input type="checkbox"/> <input type="checkbox"/>												
<b>17a. Name of Manager (for all on-premises applicants)</b> <u>Jaswinder singh</u> (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 <u>02/05/1976</u>												
<b>17b.</b> 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 <input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>18. Tax Distraint Information.</b> 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? If yes, provide an explanation and include copies of any payment agreements.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												

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 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Jaswinder Singh	1337 Reserve Dr Layman, CO 80504	2/5/76	owner	100%

\*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

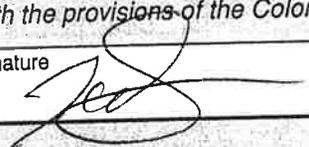
**Additional Documents to be submitted by type of entity**

- 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 owner Date 07-23-2012

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

Date application filed with local authority 7-31-12      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. \_\_\_\_\_

**THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:**

- That each person required to file DR 8404-1 (Individual History Record) has:
- |                                                                                                                             |                              |                             |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> Been fingerprinted .....                                                                           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants ..... | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- 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  No
- (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	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

**5.08.135 Designation of hearing officer.**

A. The local licensing authority is hereby authorized to delegate its authority with regard to taking adverse actions on any license to an impartial and independent hearing officer.

B. Whenever the local licensing authority determines that a notice of adverse action on any license issued by the City of Evans may be taken against such license, the local licensing authority may appoint an impartial and independent hearing officer to determine if the allegations contained in the notice are substantiated or not substantiated. The hearing officer shall conduct the hearing in an informal manner without strict regard to the Colorado Rules of Civil Procedure, but shall insure that any licensee is afforded substantial due process before any adverse action is taken against any licensee. If any allegations contained in any notice to a licensee are substantiated, the hearing officer may consider all relevant evidence, including the gravity of the violation and the circumstances of prior operation of the licensee in making a determination as to adverse action against a licensee.

C. Any hearing officer conducting a hearing on behalf of the local licensing authority shall, after hearing the evidence and making appropriate findings, have the authority to revoke, suspend or deny a requested renewal of a license and in making any such determination, shall base his decision upon the Colorado Liquor Code and the regulations applicable to such Code promulgated by the Colorado Department of Revenue and other relevant law. The hearing officer is authorized to impose such penalties with regard to revocation, suspension, fine in lieu of suspension, denial, summary suspension or any other remedies authorized by the Colorado Liquor Code.

D. The decision of the hearing officer shall be final and any appeal of any order of the hearing officer shall be subject to review by the District Court of the 9th Judicial District of the State of Colorado upon application by the aggrieved party. The procedure for such review shall be in accordance with Rule 106 of the Colorado Rules of Civil Procedure and the applicable Colorado common law.

E. The City Council acting as the Liquor Licensing Authority specifically reserves to itself the duties relating to the granting or denial of an application for a new license and the right to issue a summary suspension, but may delegate such duties and any other duties to the hearing officer as the Authority may determine prudent. The Authority reserves to itself the duty to determine whether a notice to show cause to any licensee should be issued.

F. The Authority may appoint any impartial person as hearing officer, but shall consider the use of the Municipal Judge or a licensed attorney. (Ord. 295-04: Ord. 1121-98)



**LIQUOR ENFORCEMENT DIVISION  
ALCOHOL & TOBACCO ENFORCEMENT  
Department of Revenue**

**COPY**

**Case Report**

**Case Number: 11-3631**

**Date of Offense: 5/19/2011**

**Case Summary**

On May 19, 2011, at approximately 1300 hours, I conducted surveillance and an inspections at Evans Liquor and Fast Brena, both located in the same building at 1100 42nd St. in Evans.

I observed the operation of the Liquor and Convenience stores and saw that there was only 1 clerk working there. She was attempting to run both stores at the same time and was unalbe to keep up with customers, exercising very little control over the liquor store. During my inspection, I verified that the clerk was over 21 and discovered that she was an undocumented Mexican National working without a social security number. The owner, Jaswinder, was not there but showed up about 45 minutes into my inspection. The family member known as Kuldip arrived about 20 minutes into my inspection and signed the inspection form. I discussed a recent modification of the premesis (which was verified with the City of Evans on 05-20-11) and the lack of staffing and control over the liquor store. Information on this inspection was given to the City of Evans and Evans PD.

**Taxpayer Location Information**

Evans Liquor LLC  
D/B/A Evans Liquor  
1100 42nd St  
Evans, CO 80620  
(970) 339-9057

Sales Tax License #: 42-71963-0000



**LIQUOR ENFORCEMENT DIVISION  
ALCOHOL & TOBACCO ENFORCEMENT  
Department of Revenue**

**Case Report**

**Case Number:** 13-0957

**Date of Offense:** 8/19/2012

**COPY**

**Case Summary**

Retail Liquor store inspection with multiple violations. See report.

**Violations**

- 12-47-301 - Licensee in Control of Premises
- 12-47-301 - Valid Local Liquor License Posted
- 12-47-301 - Valid Sales Tax License
- 12-47-301 - Valid State Liquor License Posted

**Taxpayer Location Information**

Evans Liquor LLC  
D/B/A Evans Liquor  
1100 42nd St  
Evans, CO 80620  
(970) 339-9057

Sales Tax License #: 42-71963-0000



**LIQUOR ENFORCEMENT DIVISION  
ALCOHOL & TOBACCO ENFORCEMENT  
Department of Revenue**

Investigator: Clyde Anderson

Title: Narrative

On Sunday, 08-19-2012, I arrived at the Evans Liquor/Evans Fast Break stores (both located in the same physical building at 1100 42nd St in Evans, CO) at about 08:20 to conduct inspections. I found the liquor store to be open (a sign indicated they opened at 08:00), doors unlocked, but there were no employees in the store. I sat in my car watching both stores. For about a half hour, I observed that customers would enter the liquor store to find nobody in the store, and would stand around the checkout area waiting for someone to wait on them. A cashier from the convenience store would walk out onto the sidewalk, entering the liquor store through the public entrance. She waited on customers in the liquor store and would then go back to the convenience store and wait on customers that had lined up while she was gone. While she was checking out customers in one store, customers would be lining up at the checkout area of the store that had been left unattended.

While the cashier was in the convenience store, I entered the liquor store and identified myself to several customers that were standing around waiting to be waited on. Several customers told me that they were regular customers of Evans Liquor and that it was common practice for the store to be open but not have any employees inside. They told me that the cashier from the convenience store would come over to the liquor store when she finished checking out the customers, and wait on them.

I contacted the cashier, who identified herself as Pratima Neupane. After I identified myself, and asked her why the liquor store was being left unattended, she started making phone calls to other employees, in an apparent attempt to get someone to come in and run the liquor store.

Jaswinder Singh and a female family member (Kulwinder Singh showed up after about 45 minutes. Jaswinder told me the liquor store did not open until 10:00. I pointed out the 08:00 opening sign on the door, informing him that I had been observing the stores for about 90 minutes, and that both had been open for business when I arrived at about 08:20.

Jaswinder was unable to locate a state sales tax license for the liquor store. The state and local liquor licenses were both expired, with the local liquor license being expired for over 2 years.

I advised Jaswinder that I would be referring the incident to Liquor investigations for follow up.

It should be noted that on 05-19-12, I conducted an inspection at these same businesses. There was a female illegal alien from Mexico attempting to run both stores in the middle of the day, leaving one or the other unattended while she was in the other store ringing up sales. At that time I had discussed the situation with Jaswinder Singh and Kuldip Nijjar, issuing a written warning about leaving the liquor store unattended.

Case turned over to Liquor Investigations for follow up with licensee and the local licensing authority (City of Evans).



LIQUOR ENFORCEMENT DIVISION  
ALCOHOL & TOBACCO ENFORCEMENT  
Department of Revenue

Investigator	<u>C. Cindusa</u>	Date	<u>8-21-12</u>
Supervisor	<u>A. Z...</u>	Date	<u>8-21-12</u>

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## **COUNCIL COMMUNICATION**

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**DATE:** September 4, 2012

**AGENDA #:** 7.D

**SUBJECT:** Resolution No. 25-2012, A Resolution Authorizing The Mayor's Signature On A Cooperation Agreement Between City Of Evans, Colorado And Evans Urban Renewal Authority For Administrative Services

**PRESENTED BY:** Sheryl Trent, Community and Economic Development Director

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### **PROJECT DESCRIPTION**

The City of Evans formed an Urban Renewal Authority (known as the Evans Redevelopment Agency) in 2009 for the purpose of redevelopment. Current the ERA is forming the Highway 85 Corridor Plan for a redevelopment study, which will include a blight study as well as an economic impact report.

The ERA is a separate entity from the City of Evans and as such will have to fund personnel and other costs in a separate budget. At this time, with no revenues forthcoming until further action is taken by the ERA, a cooperation agreement is necessary to conduct business.

### **BACKGROUND**

This agreement is similar to the one between the City of Evans and the Fire District, and allows for the City to advance monies to the ERA for necessary costs until such time as the ERA can repay the City (this is a debt with no interest incurred by the ERA). The agreement lists personnel and anticipated maximum time allocated to the ERA, which can change from year to year.

### **FINANCIAL IMPACT**

The agreement calls for a maximum contribution from the City of Evans to the Evans Redevelopment Agency of \$100,000 for administrative and professional support, consultant support and services. This would be for personnel only, plus the overhead needed by the City to maintain those personnel such as benefits, office supplies, equipment, and other tools. This amount would be funded from sales and property tax

and might be advanced by the City and then repaid by the Agency when additional sales tax and property tax is realized in any Urban Renewal Area.

The Agency will have a separate set of accounting and a separate audit, just as the Fire District does.

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**STAFF RECOMMENDATION**

I recommend that the City Council approve Resolution No.25-2012

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**RECOMMENDED CITY COUNCIL MOTION**

*"I move to adopt Resolution No. 25-2012 as presented."*

*"I move to deny Resolution No. 25-2012."*

*"I move to adopt Resolution No. 25-2012 with the following changes ..... "*

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CITY OF EVANS, COLORADO

RESOLUTION NO. 25-2012

A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ON A COOPERATION AGREEMENT BETWEEN CITY OF EVANS, COLORADO AND EVANS URBAN RENEWAL AUTHORITY FOR ADMINISTRATIVE SERVICES

WHEREAS, the City of Evans established the Urban Renewal Authority (known as the Evans Redevelopment Agency) in 2009; and

WHEREAS, the Evans Redevelopment Agency will have the first meeting on September 4, 2012 to adopt bylaws and conduct business; and

WHEREAS, there is a need for a Cooperation Agreement between the City and the Evans Redevelopment Agency;

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

Section 1. The Cooperation Agreement between the City of Evans and the Evans Redevelopment Agency is hereby approved and the Mayor is hereby authorized and directed to execute this agreement.

Section 2. This Resolution becomes effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED, THE 4th DAY OF September, 2012.

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Lyle Achziger, Mayor

**COOPERATION AGREEMENT  
BETWEEN  
CITY OF EVANS, COLORADO  
AND  
EVANS URBAN RENEWAL AUTHORITY  
FOR  
ADMINISTRATIVE SERVICES**

THIS COOPERATION AGREEMENT (the "Cooperation Agreement") dated as of the 4<sup>th</sup> day of September, 2012, is entered into by and between the City of Evans, Colorado (the "City"), a home rule city and municipal corporation of the State of Colorado, and the Evans Urban Renewal Authority (the "Authority") a body corporate duly organized and existing as an urban renewal authority under the laws of the State of Colorado and the Charter of the City.

**WITNESSETH:**

WHEREAS, the City is a home rule city and municipal corporation duly organized and existing under and pursuant to Article XX of the Colorado Constitution and the Charter of the City (the "Charter"); and

WHEREAS, the Authority is a body corporate and has been duly organized, established and authorized by the City to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Charter and the Colorado Urban Renewal Law, section 31-25-101, *et seq.*, Colorado Revised Statutes (the "Act"); and

WHEREAS, pursuant to section 31-25-109 of the Act, the Authority has the power and authority to issue or incur notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures, advances, or other obligations, including refunding obligations (collectively, the "Obligations"), for the purpose of financing the activities and operations authorized to be undertaken by the Authority with respect to the Projects in accordance with an adopted urban renewal and the Act, as approved by the City; and

WHEREAS, the Authority currently has no employees and desires to utilize a portion of the time of certain employees of the City and the City is willing to allow such employees to devote a portion of their time to work on projects of the Authority, the cost for such employees to be reimbursed by the Authority to the City as an obligation of the Authority; and

WHEREAS, the Act, Section 18, Article XIV of the Colorado Constitution authorizes the City and the Authority to enter into cooperative agreements, such as this Cooperation Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, and the following terms and conditions, Authority and the City hereby agree as follows:

- 1.0 **DEFINITIONS.** The terms defined in the recitals of this Cooperation Agreement shall have the meanings set forth therein. In addition, the following terms shall have the meanings set forth below:

- 1.1. "Collected Tax Revenues" means the Incremental Tax Revenues actually collected during the Fiscal Year and remitted to the Authority pursuant to Section 2.1 of this Cooperation Agreement.
- 1.2. "Fiscal Year" means the fiscal year of the City, which is January 1 of each calendar year through December 31 of the same calendar year.
- 1.3. "Incremental Taxes" means, for each Fiscal Year, subsequent to the approval of the Reinvestment Plan, all Sales and Property Tax Revenues in excess of the Sales Tax Base Amount or the Property Tax Base Amount.
- 1.4. "Obligations" shall have the meaning set forth in the third Whereas clause above.
- 1.5. "Property Tax" means the property taxes levied by all jurisdictions on real and personal property pursuant to C.R.S. 39-1-101 et seq.
- 1.6. "Property Tax Base Amount" means the property tax levied on all the assessed valuation certified for the tax year in which an urban renewal plan is adopted.
- 1.7. "Property Tax Revenues" means the amount to be collected by the County Treasurer for each fiscal year from the levy of the Property Tax in any urban renewal area designated in an adopted urban renewal plan.
- 1.8. "Sales Tax" means the sales tax levied by the City from time to time on the retail sale of taxable goods and services pursuant to the provisions of Chapter 3.01 of the City's Municipal Code, as amended.
- 1.9. "Sales Tax Base Amount" means the actual collection of Sales Tax Revenues during the twelve (12) month period ending on the date of adoption of any urban renewal plan.
- 1.10. "Sales Tax Revenues" means the amount to be derived by the City in each Fiscal Year from the levy of the Sales Tax within any urban renewal area designated in an adopted urban renewal plan.

## 2.0 COLLECTION AND REMITTANCE OF INCREMENTAL SALES TAX.

- 2.1. The City agrees to cooperate with the Authority by collecting the Sales Tax Revenues and remitting promptly to the Authority the Pledged Sales Tax Revenues. The City makes no representation and provides no assurance that the Pledged Sales Tax Revenues will be sufficient to satisfy the Obligations of the Authority. The City's obligation under an urban renewal plan and this Cooperation Agreement to collect and remit to the Authority Incremental Sales Taxes is only for a twenty-five year period pursuant to the Act. The Collected Tax Revenues shall be used by the Authority to pay Obligations incurred by the Authority in the planning, demolition, design, construction, financing or other activities related to the Projects in or for the benefit of Any Collected Tax

Revenues not necessary or used to pay Obligations of the Authority during the then current Fiscal Year shall be returned to the City by the end of the first calendar quarter following such Fiscal Year.

### 3.0 ADVANCE OF SALES AND PROPERTY TAX REVENUES.

- 3.1. An amount not to exceed \$100,000.00 of projected Sales and Property Tax Revenues from any urban renewal area may be advanced by the City to the Authority to be used by the Authority for costs incurred by the Authority for its staffing and consultants in connection with the projects in any urban renewal area designated in an adopted urban renewal plan. Such amounts shall be paid directly to the Authority by the City and shall be disbursed by the Authority as it deems prudent and necessary for such purposes. Any amounts so advanced by the City shall be a priority Obligation of the Authority. Such amounts as are advanced, shall be payable to the City from future Sales and Property Tax Revenues, subject to an annual appropriation by the Board of Commissioners of the Authority. Due to the benefits gained by the City from the projects in any urban renewal area designated in an adopted urban renewal plan, no interest will be due on the amounts advanced to the Authority by the City.
- 3.2. Notwithstanding anything in this Cooperation Agreement to the contrary, to the extent there are outstanding Obligations of the Authority payable to the City, and the Authority fails to appropriate funds to pay such Obligations, the City may retain Incremental Sales Taxes to reimburse the City for such outstanding Obligations of the Authority rather than remitting such Incremental Sales Taxes to the Authority as provided in Section 2.1.

### 4.0 USE OF CITY EMPLOYEES.

- 4.1. The City hereby authorizes the Authority to utilize the services of certain specified City employees to assist the Authority in work related to urban renewal projects in the City. The City hereby assigns the employees listed in Exhibit A to perform such services for the percentage of their time specified in Exhibit A, which percentage shall be calculated on an annual basis. The specific employees and the amount of time devoted to the projects may be modified from time to time by the City Manager of the City and the Executive Director of the Authority upon written notice of such modification to the City and the Authority. The Authority shall reimburse the City for the applicable percentage of each such employees' wages or salary and benefits. The use of such employees by the Authority and the proportionate cost of their services shall be deemed an advance by the City and an obligation of the Authority which shall be paid each year by the Authority to the City. If the Authority fails to reimburse the City on an annual basis for the cost of the services of such employees, the City may retain incremental sales tax revenues to pay such costs.

- 4.2. The City shall retain the right to establish the employees' wages or salary and benefits, and the right to discharge, reassign, or hire employees to perform the services required by the Authority. Except for the percentage of time devoted to the Authority activities which shall be under the direction or control of the Executive Director of the Authority, the City Manager retains the right to direct and control the employees. The City, as the employer, has the responsibility for payment of salary or wages to the employee, and for reporting, withholding, and paying any applicable taxes with respect to the employees' wages or salary and payment of City sponsored employee benefit plans and payment of unemployment compensation insurance as may be required. The City also retains the right to provide for the welfare and benefit of employees through such programs as professional training. The Authority shall not have any responsibility for the payment or reporting of remuneration paid to the City's employees, all of such responsibilities being the obligation of the City. The City intends to retain the right to maintain the employment relationship between the City and its employees on a long term, and not a temporary basis. The employees of the City listed in Exhibit A know of and consent to co-employment by the City and the Authority.
- 4.3. In the event of any employment related issues with employees assigned to work with the Authority, the Executive Director of the Authority shall report such concerns or issues promptly to the City Manager of the City who shall be responsible for addressing such concerns. The decision of the City Manager relating to such employee shall be final, the sole recourse of the Authority being the right to terminate this Cooperation Agreement as provided in Section 2.3.

## 5.0 MISCELLANEOUS.

- 5.1. Governing Law. This Cooperation Agreement shall be governed by, and construed in accordance with, the laws of the State of Colorado and shall be subject to the limitations, if any, that are applicable under the Charter or ordinances of the City.
- 5.2. Notices. All notices and other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

City of Evans, Colorado  
Attn: City Manager  
100 37<sup>th</sup> Street  
Evans, Colorado 80620

If to the Authority:

Evans Urban Renewal Authority

Attn: Executive Director  
100 37<sup>th</sup> Street  
Evans, Colorado 80620

The City or the Authority may, by notice given hereunder, designate any further or different addresses to which subsequent notices or other communications shall be sent.

- 5.3. Termination. Either party may terminate this Agreement upon thirty (30) days written notice to the other party; provided, however, there are no outstanding amounts payable by the Authority to the City unless satisfactory arrangements have been made, in the sole discretion of the City, for the payment of such amounts.
- 5.4. Severability. In the event that any provision of this Cooperation Agreement, other than the requirement of the Authority to reimburse the City for obligations incurred by the Authority hereunder, shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Cooperation Agreement to be duly executed and delivered by their duly authorized officers as of the date first above written.

CITY OF EVANS, COLORADO

ATTEST:

By: \_\_\_\_\_  
Jessica Scheopner, City Clerk

By: \_\_\_\_\_  
Lyle Achziger, Mayor

EVANS URBAN RENEWAL  
AUTHORITY

ATTEST:

By: \_\_\_\_\_  
Sheryl Trent, Executive Director

By: \_\_\_\_\_  
Lyle Achziger, Chair

**EXHIBIT A  
TO  
COOPERATION AGREEMENT  
FOR  
ADMINISTRATIVE SERVICES**

<u>Employee</u>	<u>Allocation of Time to Authority</u>
Director of Finance	No more than 10%
Director of Community and Economic Development	No more than 50%
City Manager	No more than 5%
Public Works Director	No more than 5%
Administrative Assistant	No more than 30%
City Clerk	No more than 10%



*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

September 4, 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](http://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. APPROVAL OF AGENDA

6. CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of August 21, 2012
- B. Ordinance No. 541-12 –Approving Charter Amendments for the 2012 General Election (2<sup>nd</sup> Rd)

7. NEW BUSINESS

- A. Award of US Hwy 85 Access Control Improvements at 37<sup>th</sup> Street Design
- B. Preliminary Budget Revision related to Sales Tax Auditing Services
- C. Liquor License Renewal for Evans Liquor, LLC.
- D. Resolution 25-2012—Authorizing the Mayor's Signature on a Cooperation

Agreement between City of Evans, Colorado and the Evans Urban  
Renewal Authority for Administrative Services

8. REPORTS

- A. City Manager
- B. City Attorney

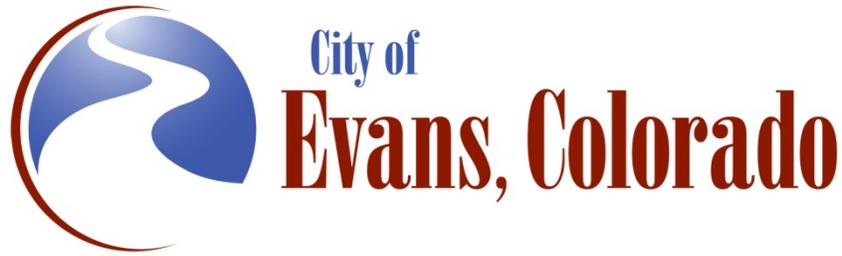
9. AUDIENCE PARTICIPATION (general comments)

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

10. ADJOURNMENT

**CITY OF EVANS – MISSION STATEMENT**

“To 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.”



## City Manager Monitoring Report

September 4, 2012

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*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 expansion is complete and PD staff is in the process of transferring property and evidence into the new space.

On September 11 some very thoughtful citizens of Evans will be thanking members of the Evans Police Department with a dinner of homemade lasagna! They have invited all officers and our families to attend. The feast will take place at the police department. They have also planned a separate dinner for Evans Fire Fighters. This is a very thoughtful touching display of support for our first responders!

We are in the final phase of our hiring process and hope to have a new officer sworn in by mid-September.

- **Finance Committee**

Due to a lighter workload, the committee will now be meeting once a month, generally on the second council meeting night. At the September 18<sup>th</sup> meeting the committee will review the 2013 budget document.

- **Finance Department**

Awarded Portfolio Recovery Associates (PRA) the Tax Auditing Service Contract. The compliance audit contract encompasses not only auditing for sales and use tax but also for other taxes collected such as accommodation tax, occupational tax, and franchise fee agreements. Our kick off meeting was last week to begin outlining the Evans Audit Process. After the details of the process are refined and a selection process is in place we will begin first audit.

We also just signed a service agreement with Cabinet NG to implement a paperless workflow and document management process. We will begin using this process for Accounts Payable. This will eliminate the invoice paper shuffle. Our kick off meeting is 8/29/12, to begin mapping out the implementation timeline. Our target start date is 01/01/2013.

- **Economic Development**

- Evans Urban Renewal Authority

The ERA will be meeting on September 4<sup>th</sup> to determine a new Urban Renewal Plan for the Highway 85 Corridor. In essence the area will be the same as the Highway 85 Overlay District. The first step will be to conduct an evaluation of the area, and do a blight study and an economic impact study. We anticipate adoption of the plan by the City Council in November of this year.

- Library Project  
We are on for a new Library in Evans! We need some volunteers for the Library task Force that will help us through construction (estimated opening in March of 2014). Our first steps will be to hire an owners representative to help us in the design build process, then hire the design build team. That will likely take the rest of the year. We anticipate demolition of the JMRC in early 2013 and construction to start in the summer of 2013. The City will be partnering with the High Plains Library District to build the building.
- Retail Strategy  
Our implementation continues with the Highway 85 Corridor Plan (see the Urban Renewal Authority update above). We continue our focus on how best to bring retail to Evans, what kind of retail it should be and how to secure that retail. As you know, most of this work is done in private to protect the interests of the City, so not details!
- Development Meetings  
Staff has recently had development meetings with the following:
  - Family Dollar—35th Ave & 37th St.—will be submitting a site plan
  - Ashcroft Apartments—35<sup>th</sup> Ave & 34<sup>th</sup> St.—is in site plan review
  - Cave Creek Phase 3—35<sup>th</sup> Ave & Prairie View Drive—will submit a new site plan
  - Union Colony School—11<sup>th</sup> Ave & 29<sup>th</sup> St.--completed
- Billboards  
Staff has worked with Next Media to identify locations and price for a bill board to advertise Evans. An anticipated budget for a full year would be"
 

Graphic Design	\$1,000
Cost to put on billboard	\$500
Billboard cost= \$210 x 13=	<u>\$2,730</u>
Total	\$4,230

That cost has been budgeted; we simply need to determine the final location and the graphic design.
- Way finding Signage  
The sign permits are in to CDOT for approval along Highway 85! The avenues of Evans signs have been designed and reviewed—we had to change some colors to adapt to the cultural issues in Evans. They are all interchangeable panels in the signs so if they don't work well we can change the names, etc.
- **Building and Neighborhood Services**  
On August 17<sup>th</sup>, Neighborhood Services, in conjunction with the Evans Police and Evans Fire District, began a comprehensive sweep for code and building violations in the Green Acres Mobile Home Park. City staff met with management of the park and a number of residents about some of the long neglected issues in the area and we have already seen some improvement and efforts from the community.

Our sweep turned up:

- 35 Code Enforcement Notices of Violation
- 12 Building Code Violations
- 2 Dangerous Building Placards Issued
- 7 Vehicle Violations.

We will continue to work as a group with the residents of Green Acres to improve the community and form a good standing relationship between City and Citizen.

As you all know, we are seeing an uptick in the number of building permits being pulled. Right now we have halted all permits in Cave Creek until/unless they can meet the landscaping requirements in their agreements. We are seeing most of the activity in Tuscany where many lots have been purchased by Jamie Baessler and Nick Francis.

A quarterly report will be given at the September 18<sup>th</sup> work session.

- **Engineering Department**

- 2012 Concrete Replacement Project

- Naranjo Civil Constructors will be in various locations throughout the city to complete our annual concrete maintenance project.

- 2012 Asphalt Overlay Project

- Asphalt Specialties will mobilize into town to complete our annual asphalt overlay project. This project also includes new concrete and asphalt on Riverside Parkway. Construction will begin on September 10<sup>th</sup> to avoid a conflict with EvansFest.

- Burlington Avenue

- Construction of this new roadway as part of the Anadarko Development is currently underway. Curb and gutter has been placed and crews will continue to complete all of the improvements. Sidewalk will be placed on the east side of the roadway. Paving is scheduled to begin the week of September 4<sup>th</sup>.

- **Recreation Department**

Numbers for fall sports are looking good! They are up from last year. See below for details.

Sport	2011	2012
Volleyball	157	160
Flag Football	113	58
Soccer	60	68

Registration begins for youth basketball September 24<sup>th</sup>. All Youth Dance classes, Adult Sports and Fitness Class registration are ongoing.

- **City Website Stats**

For August 1<sup>st</sup> through August 30<sup>th</sup> the numbers are as follows:

- 8,144 total visits
- 50.58% new visitors
- 49.42% returning visitors
- 2 minutes 54 seconds average visit duration
- Denver, Greeley, and LaSalle (in order) are top 3 cities of origin for visitors
- Homepage, HR, Recreation, and Utility Billing are the top 4 pages for visits

And after a cursory look of daily visits, it appears that approximately the 5<sup>th</sup> and 15<sup>th</sup> of the month are when we have a higher volume of visits. This may be related to utility billing due date and shut offs. More analysis will need to be done to confirm.

- **CM's Office**

CML Fall Districts are as followed:

- September 5<sup>th</sup> National Center for Atmospheric Research, Boulder, CO
- September 10<sup>th</sup> Ouray Community Center, Ouray, CO
- September 11<sup>th</sup> Historic Windsor Hotel, Del Norte, CO
- September 12<sup>th</sup> The Clubhouse Grill, Trinidad, CO
- September 13<sup>th</sup> R's in Silver Cliff Restaurant, Silver Cliff, CO
- September 19<sup>th</sup> Strater Hotel, Durango, CO
- September 20<sup>th</sup> Vona Community Center, Vona, CO
- September 24<sup>th</sup> Woodland Park City Hall, Woodland Park, CO
- September 27<sup>th</sup> Gobin Building/Train Depot, Rocky Ford, CO
- October 3<sup>rd</sup> The Country Steak-Out Restaurant, Fort Morgan, CO
- October 4<sup>th</sup> The Rialto Theater Center, Loveland, CO **(OUR DISTRICT)**

**(NOTE: PLEASE LET JESS S. KNOW IF YOU WANT TO ATTEND BY 9/5/12)**

October 10<sup>th</sup> Brenden Movie Theater Complex, Rifle, CO  
October 11<sup>th</sup> Steamboat Springs, CO

Aden intends to be at all district meetings except for the September 20<sup>th</sup> meeting. And he is, as of right now, tentatively attending the October 10<sup>th</sup> and 11<sup>th</sup> meetings.

There will be a CML Board meeting on September 21<sup>st</sup> at the CML offices.