



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 20, 2013 - 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
	Mark Clark
	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 5, 2013
- B. Resolution No. 28-2013—Designation of Public Place for Postings in the City of Evans
- C. Resolution No. 29-2013—Joint Use Agreement with District 6

7. NEW BUSINESS

- A. Public Hearing—Resolution No. 29-2013 for USR Bell Supply
- B. Resolution No. 30-2013 - Supporting The Grant Application For A Local Parks And Outdoor Recreation Planning Grant From The State Board Of The Great Outdoors Colorado For The South Platte River Corridor Master Plan
- C. Public Hearing—New Hotel/Restaurant Liquor License for Roma Restaurant
- D. Public Hearing—New Hotel/Restaurant Liquor License for Lit'l Bit Bar&Grill

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. EXECUTIVE SESSION

- A. For the purpose of discussing matters that may be subject to negotiations C.R.S. 24-6-402(4)(e).

11. ADJOURNMENT

CITY OF EVANS – MISSION STATEMENT

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

COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA ITEM: 6.A

SUBJECT: Approval of Minutes

PRESENTED BY: Raegan Robb, City Clerk

AGENDA ITEM DESCRIPTION:

Approval of the minutes of the Regular City Council meeting of August 5, 2013.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

"I move to approve the consent agenda and the minutes as presented."

MINUTES
EVANS CITY COUNCIL
Regular Meeting
August 5, 2013 - 7:30 P.M.

CALL TO ORDER

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

PLEDGE

ROLL CALL

Present: Mayor Achziger, Mayor Pro-Tem Morris, Councilmembers Brown, Clark, Neibauer, and Rudy.

Absent: Council Member Schaffer

RECOGNITION

A. July Yard of the Month–Lisa Wolfe, 3502 Belmont Street

Mayor Achziger presented a sign and gift certificate to Zach Ratkai, City Building and Development Director, who received the award for July Yard of the Month on behalf of Lisa Wolfe.

PROCLAMATION

B. Community Safety & Awareness

Mayor Achziger read the Proclamation and presented it to Chief Brandt, as well as Fran Hudgins and Pam Dorsey from the Evans Sam's Club.

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!

APPROVAL OF AGENDA

Council Member Brown made the motion, seconded by Council Member Rudy to approve the agenda. The motion passed with all voting in favor thereof.

CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of July 16, 2013**
- B. Ordinance No. 565-13 Approving Riverside Library and Community Center Lease Financing (Second Reading)**

- C. **Ordinance No. 566-13 Approving a Loan from the Colorado Water Resources and Power Development Authority for the Water Radio/Meter Upgrade Project (Second Reading)**
- D. **Ordinance No. 568-13 – 2nd Quarter Budget Revision (Second Reading)**
- E. **Agreement with Avi Rocklin for Prosecution Services**
- F. **Agreement with Krob Law Office for Legal Representation**

Mayor Pro-Tem Morris made the motion, seconded by Council Member Rudy to adopt the consent agenda. The motion passed with all voting in favor thereof.

OLD BUSINESS

- A. **Ordinance 567-13 – Repealing and Reenacting Section 1.17 of Title 1 of the Evans Municipal Code (Second Reading)**

Zach Ratkai, Building and Development Director, provided an update on Ordinance 567-13, which was heard on July 2nd 2013. Mr. Ratkai discussed the need to update Section 1.17 of City Code concerning code enforcement and the procedures for staff to enforce code violations.

Mr. Ratkai discussed the specific language changes between the first and second reading, talked about the option of revising the timeline for issuing violations, and discussed changes to the provisions guiding voluntary compliance agreements.

Mayor Pro-Tem Morris asked about revisions by the Ordinance regarding staff personally delivering a violation notice to the property owner.

Mr. Ratkai discussed the process for delivering violation notices to property owners and discussed the appeal timeline, which allows property owners 7 days following the citation to request an appeal. Mr. Ratkai explained that the citation process could be administered with the 7 day timeline.

Mayor discussed his support for the changes implemented by the Ordinance.

Mayor Pro-Tem Morris made the motion, seconded by Council Member Brown, to adopt Ordinance No. 567-13 on Second Reading. The motion passed with all voting in favor thereof.

NEW BUSINESS

- A. **Resolution No. 27-2013 – Approving a Development Agreement Between the City of Evans and the Village at Ashcroft LLC, for Ashcroft Park Apartments.**

Fred Starr, City Public Works Director, addressed City Council to present the Resolution concerning the approval of a development agreement for Ashcroft Park Apartments. Mr. Starr discussed recent amendments to the Development Agreement and explained the reasons for the changes to City Council.

Mayor Pro-Tem Morris asked about the changes to the agreement related to “title and transfer.”

Mr. Starr, explained that the provision under “title and transfer” on page seven of the agreement was removed, because it was covered by other provisions in the agreement.

Mayor Achziger discussed his support for the project and thanked staff for their work on accomplishing the agreement. Mayor Achziger invited the applicant to speak to the agreement.

The applicant, Scott Ehrlich, from 1414 32nd Avenue, Greeley, addressed City Council to discuss the project and specific provisions in the agreement.

Mayor Achziger thanked Mr. Ehrlich for working with staff to accomplish the agreement.

Mayor Pro-Tem Morris discussed his support for the project.

Mayor Pro-Tem Morris made the motion, seconded by Council Member Rudy, to adopt Resolution 27-2013. The motion passed with all voting in favor thereof.

B. Preliminary Budget Revision for Funding to Repair Non-Potable Irrigation Systems.

Cameron Parrott, City Engineer, addressed City Council to discuss the need for a budget revision for repairs to the City’s non-potable irrigation systems. He explained that the City recently had two non-potable pump stations breakdown and discussed the need to improve these pump stations to prevent from using potable water in areas where non-potable water could be used. Mr. Parrott explained the City’s non-potable irrigation system and discussed the Chappelow pump station, and other ECC pump station. He explained that these two stations supply water to Chappelow Magnet School, Dos Rios Elementary School, Centennial Elementary School, Village Park, and the Evans Community Complex. He stated that these areas consume large amount of water for irrigation purposes, and talked about the need for the City monitor potable water consumption due to our contractual obligations with the City of Greeley. He explained that returning these large areas to non-potable irrigation is critical to avoid paying system development charges to the City of Greeley for exceeding our treated water supply cap.

Mayor Achziger asked when staff expected to have the repairs finished.

Mr. Parrot explained that staff could begin on the project by the end of the month and have the project finished by the end of 2013.

Mayor Pro-Tem Morris asked if the funding would be from the City Water Fund or the General Fund.

Mr. Parrott explained that the budget revision would provide \$30,000 from the City General Fund for a one-time purchase to repair these two stations.

Council Member Clark asked when staff could begin the repairs on the two stations.

Mr. Parrott explained that staff could begin working with local contractors and suppliers by the end of August.

Mayor Pro-Tem Morris asked about the non-potable water lines in the City and about lines that are not connected to pump stations.

Mr. Parrot and Aden Hogan, City Manager, explained that the budget request would address the short-term plan to improve the pump station.

Mr. Hogan explained that the stations are part of the City's Asset Management Plan (AMP), but there may be a long-term need for a separate fund to reserve revenue for ongoing maintenance to supply areas of the City with non-potable water.

Council Member Rudy made the motion, seconded by Council Member Clark to approve the budget revision for non-potable system repairs. The motion passed with all voting in favor thereof.

C. Project Award for 2013 Asphalt Overlay Project

Mr. Parrott presented a request for Council to award a bid for the 2013 Asphalt Overlay Project for \$144,612.05. He explained that the project would be funded through the City's Capital Improvement Program (CIP). He also discussed the need for the project for surface repairs of streets within the community.

Mayor Pro-Tem Morris asked Mr. Parrott to clarify which streets would receive the surface repair.

Mr. Parrott, explained that this funding would be utilized on 11th Avenue between 34th Street and 32nd Street; and the intersection of 17th Avenue and 37th Street.

Council Member Brown made the motion, seconded by Council Member Rudy to award the project to Martin Marietta Materials Inc. for the amount of \$144,612.05. The motion passed with all voting in favor thereof.

D. Project Award for 2013 Chip Seal Project

Mr. Parrot discussed the need for annual chip seal projects, which is funded through the 2013 CIP Budget. He explained that the project would address areas on 17th Avenue

between 42nd Street and 37th Street, and all of the roadways within the Hunters Reserve Subdivision.

He stated that the project would cost \$198,123.97, but explained that the project would allow costs savings since the contractor would be completing chip seal repairs in the City of Greeley.

Mayor Pro-Tem Morris asked about the cost-sharing with the City of Greeley and the \$1,000 mobilization fee for the project.

Mr. Parrott explained that the project would allow the City to utilize an existing contract for chip seal services scheduled for the City of Greeley.

Council Member Clark made the motion, seconded by Council Member Rudy, to award the 2013 Chip Seal Project to A-1 Chipseal Co. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Aden Hogan, City Manager, distributed the City Manager's Monitoring Report and discussed the groundbreaking for the High Plains Library on August 1, 2013.

He talked about upcoming events for City, including: National Night Out on August 6th and the City Safety Event on August 10, 2013.

B. City Attorney

AUDIENCE PARTICIPATION (general comments)

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

There was no audience participation

EXECUTIVE SESSION

A. For the purpose of discussing matters that may be subject to negotiations C.R.S. 24-6-402(4)(e).

At 8:08 p.m. Mayor Pro-Tem Morris made the motion, seconded by Council Member Clark, to go into Executive Session. The motion passed with all voting in favor thereof.

The Executive Session concluded at 9:23 p.m.

ADJOURNMENT

The meeting adjourned at 9:24 p.m.

CITY OF EVANS – MISSION STATEMENT

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

COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA NO.: **6.B**

SUBJECT: Resolution No. 28-2013 - Designation of Public Place for the posting of notices of Public Meetings

PRESENTED BY: Raegan Robb, City Clerk

AGENDA ITEM DESCRIPTION:

This Resolution fulfills an annual requirement, pursuant to C.R.S. 24-6-402, to designate a location for notices of all public meetings, which must be posted a minimum of 24 hours prior to the meeting. This resolution designates the bulletin board at the entrance to the City Council Chambers as the public posting place for the City of Evans.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

Staff recommends adoption of the resolution.

SUGGESTED MOTIONS:

“I move to adopt Resolution No. 28-2013.”

“I move to deny the adoption of Resolution No. 28-2013.”

CITY OF EVANS, COLORADO

RESOLUTION NO. 28-2013

DESIGNATION OF PUBLIC PLACE FOR THE POSTING OF NOTICES OF
PUBLIC MEETINGS IN THE CITY OF EVANS

WHEREAS, C.R.S. 24-6-402 states that any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public; and

WHEREAS, C.R.S. 24-6-402 provides that timely notice of any public meeting be posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of any such meeting; and

WHEREAS, Section 3.13 of the Home Rule Charter requires the agenda be posted or published 24 hours prior to any regular meeting; and

WHEREAS, C.R.S. 24-6-402 states that all public bodies are required to designate annually the place or places where such public meeting notices are to be posted.

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

That notices of all public meetings requiring a minimum of 24 hours prior notice by posting at a designated public place pursuant to C.R.S. 24-6-402 shall be posted on the bulletin board at the entrance to the City Council Chambers, 1100 37th Street, Evans, Colorado.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 20th day of August 20, 2013.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor

COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA NO.: 6.C

SUBJECT: Resolution No. 29-2013 - Joint Use Agreement with School District 6

PRESENTED BY: Brian Stone, Recreation Director

AGENDA ITEM DESCRIPTION:

Annually, the City of Evans and Weld County School District 6 develop a joint use agreement for use of facilities owned and operated by each entity. Attached is a copy of a formal agreement for 2013 - 2014. This is mutually beneficial to both governmental organizations and we have enjoyed a positive relationship with District 6 personnel.

The agreement was approved and signed by the Superintendent of Schools.

FINANCIAL SUMMARY:

There is no cost to implement the agreement and there is reasonable equity by both parties by sharing facilities.

RECOMMENDATION:

Staff recommends approval of the agreement.

SUGGESTED MOTIONS:

I move to approve Resolution No. 29-2013.

I move to deny approval of Resolution No. 29-2013.

**CITY OF EVANS /WELD COUNTY SCHOOL DISTRICT 6
JOINT USE AGREEMENT**

This agreement is made and entered into this _____ day of _____, 2013, by and between the City of Evans, Colorado, a municipal corporation, (hereinafter referred to as the "City") and Weld County School District 6 (hereinafter referred to as the "District") to formulate a Master Joint Use Agreement (hereinafter referred to as the "Agreement") between the parties.

WHEREAS, the City and the District have various arrangements for use of various City and school facilities and there is a need to establish consistent policies and procedures to guide staff, and

WHEREAS, the City has limited facilities for various recreational programs including youth basketball, youth T-ball and softball, adult sports, and others, and

WHEREAS, the City and the District desire to maximize the use of each others facilities and certain equipment for the benefit of the community at large, and

WHEREAS, the City and the District desire to work cooperatively to develop new facilities as the City population grows, and

WHEREAS, the City and the District desire to keep operating and maintenance costs to a minimum for the benefit of taxpayers and users, and

WHEREAS, this agreement seeks to meet these goals,

NOW, THEREFORE, in consideration of the covenants herein contained and other good and valuable consideration, the City and the District mutually agree to the joint use of their respective facilities as outlined in Exhibit "A" and Exhibit "B" hereto attached and made a part of this Agreement, under the following conditions:

1. **Term:** *The agreement shall begin July 1, 2013 and end June 30, 2014.* This agreement may be renewed annually. However, the City and the District shall review this agreement and recommend changes, if any, each year during the month of *June*.
2. **Exhibit of Uses:** During the annual review of the agreement in *June* of each year, Exhibit "A" will be updated.
3. **Facilities owned by the City:** The City agrees to make its facilities available, as outlined in Exhibit "A", when the use thereof does not interfere or conflict with any City Programs. Use of said facilities shall conform to the hours the facilities are normally staffed.
4. **Facilities owned by the District:** The District agrees to make its facilities available, as outlined in Exhibit "A", when the use thereof does not interfere or conflict with any District programs. Use of said facilities shall conform to the hours the facilities are normally staffed.
5. **Use of District Facilities When Normally Not Open, Excluding District Closure Days:** *When any school or district facility is used, a school or district custodian or other district employee must be present. The City will have the responsibility for the cleaning and safety of the facility.*
6. **District Closure Days:** District facilities are not available on Holidays and Mandatory District Closed days. *See Exhibit "B" for District Calendar.*
7. **Scheduling:** The City and the District will assign one person from each entity for the purpose of scheduling programs. These persons will meet regularly with their counterpart and communicate as necessary any conflicts that arise in scheduled programs.

8. **Return Condition of Facility:** The party using the facility agrees to return the facility and surrounding area to a clean and sanitary condition after use by that party or any of its agents and invitees. In the event the facility is not returned to such condition and the operator of the facility incurs expense to affect same, the user of the facility will be invoiced for the direct costs incurred. In the event equipment at the facility is damaged by the user due to improper use, it shall be repaired or replaced at the user's expense. *Notification of damages by user of facility needs to report damages within 72 hours.*
9. **Supervision of Program:** Each party shall provide its own personnel for the supervision of the programs it conducts.
10. **Restriction of use:** The City and the District agree to make no unlawful, improper or offensive use of the subject premises and all rights of the using party hereunder shall be terminated by the City and the District in the event that such use is made thereof. All persons using facilities owned by the City shall abide by City policies. All persons using facilities owned by the District shall abide by District policies.

The City and the District will avoid bumping existing facility users. When a conflict exists, the City and the District shall attempt to find alternative sites for the non-City/District activity to take place.

The City and the District acknowledge there will be times when the City and the District facilities will be down for preventative and emergency maintenance which shall take priority over all scheduled programs.

11. **Hold Harmless:** The City, its officers and employees, shall not be held liable for the injuries or damages caused by any negligent acts or omissions of the District, its officers, employees, agents or volunteers while performing the functions or furnishing facilities as described in this agreement. The District, its officers and employees, shall not be held liable for injuries or damages caused by any negligent acts or omissions of the City, its officers, employees, agents or volunteers while performing the functions or furnishing facilities as described in this Agreement. The City and the District agree to be responsible for the safety of its own invitees, licensees or participants in their respective programs in the case of accidental injury, except as stated above.

The City and the District shall provide adequate Liability Insurance and Workers' Compensation Insurance for all of its employees, volunteers and agents engaged in the performance of this Agreement. Each party shall furnish the other current Certificates of Insurance indicating the coverages outlined above are in force.

12. **Assignment, Inspection and Termination:** The City and the District will not assign this Agreement or sublet the premises or any part thereof without the written consent of the other party. The City and the District agree that each party and its officers, agents and servants shall have the right to enter and inspect the subject premises and the operation being conducted thereon at reasonable times.

DONE AND DATED as first above written.
WELD COUNTY SCHOOL DISTRICT 6

CITY OF EVANS, COLORADO

By: 
Superintendent of Schools

By: _____
Mayor

Exhibit A

Exhibit A

HOURS PER YEAR

Use for Weld County School District 6/Use of City of Evans sites

Parks & Park Shelter reservations (between hours of 5am - 10pm) 30 hours

Sports Fields/Courts 85 hours

Additional cost for lights if usage is after 7pm. Field supervisor fee will be waived for district functions.

- Four (4) softball fields.
- Adult soccer field.
- Two (2) tennis courts.
- Two (2) sand volleyball courts.
- Outdoor basketball courts.

Recreation Center and Meeting Rooms 200 hours

Equipment Usage

- Soccer goals and nets.
- Volleyball standards and nets.
- Other sports equipment if requested and available.

Exhibit A (continued)
HOURS PER YEAR
Use for City of Evans/Use of Weld County School District 6 Facilities
Past Year Facility Usage
(2012-2013)

Bella Romero

<i>Activity</i>	<i>Months</i>	<i>Total Uses</i>	<i>Hours Each</i>	<i>Total Hours</i>	<i>Days</i>	<i>Times</i>
Youth Volleyball	Aug-Oct	35	4	140	M-Th	5-9pm
Youth Volleyball	Feb-Apr	32	3.5	11	M-Th	5:30-9pm

Centennial

<i>Activity</i>	<i>Months</i>	<i>Total Uses</i>	<i>Hours Each</i>	<i>Total Hours</i>	<i>Days</i>	<i>Times</i>
Flag Football	Mtg.	0				
Flag Football	Aug-Oct	0				
Youth Basketball	Nov-Mar	0				
Youth T-Ball/Coach Pitch	May-Aug	38	3	114	M-Th	5-8pm

Chappelow

<i>Activity</i>	<i>Months</i>	<i>Total Uses</i>	<i>Hours Each</i>	<i>Total Hours</i>	<i>Days</i>	<i>Times</i>
Flag Football	Mtg.	0				
Flag Football	Aug-Oct	0				
Youth Basketball	Nov-Mar	40	4	160	T-Th	5-9pm

Dos Rios

<i>Activity</i>	<i>Months</i>	<i>Total Uses</i>	<i>Hours Each</i>	<i>Total Hours</i>	<i>Days</i>	<i>Times</i>
Flag Football	Aug-Oct	0				
Youth Basketball	Jan-Mar	30	4	120	M-Th	5-9pm
Youth Softball	May-Jun	0				
Youth T-Ball/Coach Pitch	May-Aug	38	3	114	M-Th	5-8pm

Heiman

<i>Activity</i>	<i>Months</i>	<i>Total Uses</i>	<i>Hours Each</i>	<i>Total Hours</i>	<i>Days</i>	<i>Times</i>
Flag Football	Mtg.	0				
Flag Football	Aug-Oct	0				
Youth Volleyball	Aug-Oct	35	4	140	M-Th	5-9pm
Flag Football Banquet	Banquet	0				
Youth Basketball	Nov-Mar	0				
Youth Volleyball	Feb-Apr	32	3	96	M-Th	6-9pm

John Evans

<i>Activity</i>	<i>Months</i>	<i>Total Uses</i>	<i>Hours Each</i>	<i>Total Hours</i>	<i>Days</i>	<i>Times</i>
Youth Basketball	Jan-Feb	2	8	16	Sat	8:30am-4:30pm
Lifeguard Re-Certification	May	1	4	4	Sat	9am-1pm

Exhibit A (continued)

John Evans Pool

- One use for lifeguard class.
- Must not conflict with school activities. Times and Dates mutually agreed upon.
- Certified lifeguard instructors and sufficient supervision required at all times.
- Proof of lifeguard certification required with Building Use Application.

The John Evans Pool will be closed and longer available for use starting May 15, 2015.

John Evans Middle School will no longer be available to the City of Evans starting May 15, 2015, at which time the District and the City of Evans will incorporate a new JUA which will include the new middle school.

Neighborhood Nights Meetings 20 hours

COE Town Meetings 20 hours

Procedures for Requesting a District 6 Building

To allow time for processing, please fill out all necessary paperwork at least two days in advance of the date you are requesting

1. Contact the School to make sure the date and time you desire is available. They should also be able to provide you with a room number to put on your request.
2. Once it has been decided that the date is available, fill out the **Building and Facility Use Application**. When completed, fax/scan/deliver the form to the attention of the Office Manager.
3. Upon receipt, the school will make sure the form has been properly completed and approve it then forward it to the Facilities office for a District representative signature.
4. The application will then be scanned to the City of Evans Recreation Center Facility Coordinator and the School with final approval signature.
5. The requestor is required to have the approved District 6 Building and Facility Application on site the day of the event.



BUILDING AND FACILITY USE APPLICATION

Submit Completed Form to School Principal or Site Administrator

Please Type or Print

ORGANIZATION _____

BILLING ADDRESS _____

CITY _____ STATE _____ ZIP _____

CONTACT: _____

PHONE (1) _____ (2) _____

E-MAIL _____

ACTIVITY/EVENT _____

REQUESTED SITE _____

- Auditorium
- Cafeteria
- Computer Lab
- Gymnasium
- Fields(s)
- Kitchen
- Library
- Pool
- Classroom(s) # _____
Classroom #s as they appear in the Facility's floor plan book
- Other _____

Please list dates and times of use requested, incl. set up and tear down

Date - From: _____ To: _____

Time - From: _____ To: _____

Date - From: _____ To: _____

Time - From: _____ To: _____

Attach additional sheet, if needed

Days: (*Please Circle*) S U M T W T H F S

List Equipment and/or Setup needs:

The Public ___ WILL ___ WILL NOT be invited.

Participant's ___ WILL ___ WILL NOT be charged.

If charged, what is the cost per participant? \$ _____

Estimated number of participants: _____

Please consult the Facility Rental Guide for rental fees

Do you intend to request a waiver of the building rental fees? *

YES NO If yes, please attach a detailed written request.

* Only the Board of Education, Superintendent or designee may waive fees

Waiver: Accepted / Denied

Authorized Signature _____

Date _____

* NOTE: Weapons, tobacco, alcohol, and illegal drugs are expressly forbidden on school district property.

- **Proof of insurance must be provided at the time of application.** Contact the Facilities and Planning office to verify a copy is on file with School District 6.
- **Notice of Cancellation must be made to the Facilities Office (970-348-6400) at least 2 business days prior to the scheduled time in order to avoid rental usage charges.**
- I have read and understand the terms and conditions as noted in the Facility Rental Guide.
- By my signature below, I agree to be responsible for all damages and losses to the facility and/or its contents and will indemnify and hold harmless the Board of Education and the employees of Weld County School District 6 from any claim resulting or arising out of the use of District Facilities. I further acknowledge that the District shall not be responsible for any damages or loss to non-District property which is brought to the facility in connection with this application.

Signature of Responsible Person _____

Date _____

(Applications that are missing signatures or information will not be accepted.)

PRINCIPAL OR SITE ADMINISTRATOR USE ONLY:

I CERTIFY THIS REQUEST:

_____ Conflicts _____ Does Not Conflict with school programs

Principal or Designee Signature _____

Date _____

Forward to the Facilities Office after signing.

FACILITIES USE ONLY:

Application is: _____ Approved _____ Denied

Billing Category: _____ City _____ 1 _____ 2 _____ 3

Insurance Information Received: _____ Yes _____ No

Nutrition and/or OIT supervisors contacted? _____ Yes _____ No

Facilities Office Signature _____

Date _____

Date: _____

Copies to:

Applicant
School/Site
Bldg Manager

Mech Maint (HVAC)
Custodial

Nutrition Dept:
OIT Dept:

Yes / No
Yes / No

FSDirect# _____

Rev. 11/30/12cd

Procedures for Reserving Rooms at the Evans Recreation Center

To allow time for processing, please fill out all necessary paperwork at least two days in advance of the date you are requesting

- 1) Contact the City of Evans Recreation Center Facility Coordinator at 475-1133 to make sure the date and time you desire is available. They should also be able to provide you with a room number to put on your request.
- 2) Once it has been decided that the date is available, fill out the **City of Evans District 6 Facility Request Form**. When completed, fax the form to the attention of Julie Lewis at x6430 or scan and email to jlewis@greeleyschools.org.
- 3) Upon receipt, Julie will make sure the form has been properly completed and provide a District representative signature. The application will then be scanned to the City of Evans Recreation Center Facility Coordinator for processing.
- 4) Once final approval has been received from the Recreation Center a copy of the approved form will be faxed or emailed to the requestor.
- 5) The requestor is required to have the approved District 6 Facility Request form with Permit # on site the day of the event.



Permit #: _____

District 6 Facility Request Form

Complete this form for all requests. The District 6 Operations Manager will e-mail or fax the completed form to the Recreation Center Facility Coordinator. Requests can be up to one (1) year, but no less than two (2) business days, in advance of intended event. Allow two (2) business days for request confirmation.

Event Name:

Event Type: District 6 **Room:** Activity Room **Expected Attendance:**

Event Date: **Event Time:** **Set Up Time:**

Contact Person:

Set-Up: Classroom

<p>Classroom Style</p>	<p>Theater Style</p>
<p>Banquet Style (round tables)</p>	<p>Horseshoe Style</p>

Set up needs to be emailed to Jen Baiamonte 10 days before the meeting is held. If no set-up is provided, room will not be set up

If "Other" set up, please describe:

Equipment Needed:

- | | | |
|--|--|--------------------------------|
| <input type="checkbox"/> Screen | <input type="checkbox"/> Dry Erase Board | <input type="checkbox"/> Easel |
| <input type="checkbox"/> Projector | <input type="checkbox"/> Extension Cord | |
| <input type="checkbox"/> Other- please specify | | |

Special Notes:

Facility Coordinator: _____ **Date:** _____

Exhibit B



2013-2014 District Calendar

Adopted by Board of Education, December 10, 2012

St:19 Tchr:19

JULY 2013						
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			

St: 12 Tchr: 16

AUGUST 2013						
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

St:19 Tchr: 20

SEPTEMBER 2013						
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					

St:22 Tchr: 22

OCTOBER 2013						
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		

St:18 Tchr: 19

NOVEMBER 2013						
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

St:14 Tchr: 15

DECEMBER 2013						
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				

St: 85 Tchr: 92

HOLIDAY AND STUDENT DISMISSAL DATES

July 4-5.....Holiday – District Closed
 August 5-8.....New Educator Orientation
 August 9.....Returning Teachers Report
 August 15.....Students Grades 1-12 Report
 August 15-19.....Kindergarten Testing
 August 20.....Kindergarten Students Report
 September 2.....Labor Day – District Closed
 September 20.....K-5 PTC Prep/PTC
6-12 School Improvement Day
No School for Students
 October 1.....Student Count Day
 October 18.....Mid-Semester Vacation
No School for Teachers or Students
 November 27.....PTC Teacher Comp Day
No School for Teachers or Students
 November 28,29....Thanksgiving Break – District Closed
 December 19.....Last Day of Semester
 December 20.....K-5 School Improvement/
6-12 Teacher Prep Day
No School for Students
 December 23.....Winter Break
 December 24, 25.....Holiday – District Closed
 December 26-30.....Winter Break – District Closed
 December 31, January 1.....Holiday – District Closed
 January 2, 3.....Winter Break
 January 6.....Students Report
 January 20.....Martin Luther King Jr's Birthday
District Closed
 February 14.....K-5 PTC Prep/PTC
6-12 School Improvement Day
No School for Students
 February 17.....Presidents Day – District Closed
 March 28.....PTC Teacher Comp Day
No School for Teachers or Students
 March 31 – April 4.....Spring Break
No School for Teachers or Students
12-month Employees Report
 May 21.....Last Day for Students
 May 22.....Last Day for Teachers
and Instructional Assistants
 May 23, 24.....Potential Graduation Days
 May 26.....Memorial Day – District Closed
 March 28, May 22, 23.....snow make-up days

JANUARY 2014						
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	

St:18 Tchr: 19

FEBRUARY 2014						
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	

St:19 Tchr: 20

MARCH 2014						
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					

St:18 Tchr: 18

APRIL 2014						
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			

St:15 Tchr: 16

MAY 2014						
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

St:89 Tchr: 92

JUNE 2014						
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					

St:89 Tchr: 92

Total 174 Total 184

- * - School Improvement Day/No School for Students
- ☀ - Students Report/Students' Last Day
- ☐ - District Closed
- () - New Educator Orientation
- - Teachers Report – No Students
- ☒ - K-5 Parent/Teacher Conference Prep/PTC Day
- △ - K-12 Teacher Prep Day
- ◇ - Vacation
- ◊ - Teacher Comp Day
- - Graduation

FIVE SEASON FIELD ROTATION

2013	Spring	East Mem. Centennial (East Field)
	Fall	Jackson Shawsheen (West Field)
2014	Spring	Dos Rios Monfort
	Fall	Madison Meeker (North Field)
2015	Spring	Martinez Meeker (South Field)
	Fall	Heiman McAuliffe Maplewood Romero Winograd
2016	Spring	East Mem. Centennial (East Field)
	Fall	Jackson Shawsheen (West Field)
2017	Spring	Dos Rios Monfort
	Fall	Madison Meeker (North Field)

The above fields are NOT AVAILABLE for outside use during the season noted.

Shawsheen (East Field), Middle School and High School fields
are not to be used by any Community Group.

CITY OF EVANS, COLORADO

RESOLUTION NO. 29-2013

A RESOLUTION APPROVING A JOINT USE AGREEMENT FOR FACILITY USE BETWEEN THE CITY OF EVANS AND GREELEY-EVANS SCHOOL DISTRICT 6

WHEREAS, it's in the best interest of the City to approve agreements, by Resolution; and

WHEREAS, the City of Evans (the City) and the Greeley-Evans School District 6 (the District) have various arrangements for use of various City and school facilities and there is a need to establish consistent policies and procedures to guide staff; and

WHEREAS, the City has limited facilities for various recreational programs; and

WHEREAS, the City and the District desire to maximize the use of each others facilities; and

WHEREAS, the City and the District desire to work cooperatively to develop new facilities as the City population grows; and

WHEREAS, the City and the District desire to keep operating and maintenance costs to a minimum for the benefit of taxpayers and users.

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

Section 1. The City of Evans/Greeley-Evans School District 6 Joint Use Agreement is hereby approved.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 20th day of August, 2013.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor

CITY COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA ITEM: 7.A

SUBJECT: Public Hearing – Resolution No 30-2013 - Use by Special Review for Outdoor Storage on property zoned I-2 – 4101 Carson Avenue in Evans Colorado – (Bell Oil Supply)

PRESENTED BY: N. Zach Ratkai, Building and Development Manager

BACKGROUND INFORMATION		
Location:	4101 Carson Avenue	
Applicants:	Todd Bloom, Tebo Development (representing Borchert Pointe, LLC, landowner)	
Existing Land Use:	Vacant	
Proposed Land Use:	Office/Warehouse with Storage Yard	
Surrounding Land Use:	North	Industrial (McJunkin Redman)
	South	Commercial (Vacant)
	East	Commercial (Vacant)
	West	Industrial (Non-conforming storage yard)
Existing Zoning:	Medium Industrial (I-2)	
Proposed Zoning:	Same	
Surrounding Zoning:	North	I-3
	South	C-3
	East	C-3
	West	I-3
Future Land Use Designation:	Industrial Business Park	

PROJECT DESCRIPTION: This is a request from the landowner (Borchert Pointe, LLC), for a Use by Special Review (USR) for outdoor storage to exceed the allowed 20% in the City of Evans Municipal Code. The owner originally requested to be approved to utilize up to 68% of

the site for outdoor storage, since the Planning Commission hearing on August 5th, the request has been changed to utilize up to 60% as outdoor storage.

RECOMMENDATION: Recommend **approval** with conditions in order to meet the criteria for the approval of the special use. The Planning Commission held a public hearing on August 5, 2013 and recommended approval with conditions. The condition to allow the outdoor storage standard to be exceeded for a five (5) year period with an automatic expiration at the end of the five (5) years. Staff is recommending some screening and landscaping as conditions of approval as well.

ANALYSIS:

1. **Background:** In the spring of 2013, Borchert Pointe, LLC (land owners) approached the city with the plan to construct an office/warehouse building to serve as the Evans base for Bell Supply. As part of this plan, a site plan was submitted and is currently under administrative review by staff. The zoning for the site limits allowed outdoor storage to 20% of the total site area. The site plan, and intentions for the property, show a storage yard. The applicant is requesting a Use by Special Review approval to allow outdoor storage in excess of that allowed in an I-2 zone – 20% is the allowed amount of outdoor storage, the request is for 68%.
2. **Section 19.04, 19.32, 19.44 and 19.48 of the Evans Municipal Code:** Section 19.48 of the Municipal Code addresses accessory uses and in particular outdoor storage. The proposed outdoor storage is over 20% of the property and therefore requires a USR approval in accordance with Section 19.44.

19.48.055 Outdoor storage.

Except by approval of a Use by Special Review, granted in accordance with Chapter 19.44 of the Municipal Code, outdoor storage shall only be allowed as an accessory use in the I – Industrial – zoning districts and only in accordance with the following limitations:

- A. No more than 10 percent of the area of any lot or parcel in the I-1 – Light Industrial – zoning district may be used for outdoor storage.
- B. No more than 20 percent of the area of any lot or parcel in the I-2 – Medium Industrial – zoning district may be used for outdoor storage.
- C. No more than 30 percent of the area of any lot or parcel in the I-3 – Heavy Industrial – zoning district may be used for outdoor storage.
(Ord. 350-05: Ord. 272-04)

Below are the criteria for approval of a USR per Section **19.44.020**.

Chapter 19.44
Approval of Special Uses

19.44.020 Criteria for Use by Special Review.

- A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the

definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

- 1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents.***

The use could certainly harm the welfare of the City and our residents by eliminating the compatibility with the commercially zoned properties to the south. With heavy industrial use (60% outdoor storage) commercial uses to the south would be limited, which affects the long term financial sustainability of the City.

- 2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use.***

This type of storage allotment is associated typically with heavy industrial use and is best located in areas of I-3 zoning that are well removed from the public right of way and away from commercial uses. Even in the I-3 zone the code states 30% is the maximum for outdoor storage. In urban areas such as the City of Evans, uses such as outdoor storage should be limited (as the code intended) in order to fulfill the goals of the 2010 Comprehensive Plan and long range planning and sustainability issues.

- 3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area.***

The use is NOT consistent with the Evans Comprehensive Plan nor is it compatible with the surrounding area. Much of the surrounding area is developed as industrial, with similar office/warehouse/storage use. The proposal from the applicant is a request to meet a similar standard to existing conditions in the area; however many of these sites are out of compliance. The City is in the process of issuing notices of violation to the remaining land owners in violation of the outdoor storage code.

- 4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts.***

The current and future land uses in that site are not compatible with outdoor storage of this intensity on this size of property. It will create a situation/condition that will negatively affect other property owners in the area, especially the commercial properties to the south. Additional screening throughout the perimeter and the requirement for a landscape bufferyard and a different kind of fencing will be required to mitigate impacts.

5. *The site shall be physically suitable for the type and intensity of the proposed land use.*

The site is physically suitable for outdoor storage, except for the zoning, the compatibility with surrounding uses to the south (commercially zoned) and proximity to the public right of way.

6. *The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*

The outdoor storage use proposed would not adversely affect traffic flow and parking in the area.

7. *The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*

The applicant has pointed out that in the area; there are storage yards in which outdoor covers a substantial area of the property. However, the sites referenced are out of compliance with the Municipal Code. Staff is currently issuing letters of violation in the area to other land owners that may not be aware of the code related to outdoor storage.

In consideration of surrounding uses, currently the approval on 1470 42nd Street is for up to 50%, and that was allowed as it could be screened from 42nd Street and was a much smaller piece of land, and hence a much smaller impact on the neighborhood. Most recently, 1461 43rd Street to the south of this property was approved to have 60% outdoor storage, with conditions placed on the property for the addition of substantial screening as well as a temporary, revocable time period during which excess storage would be allowed. Those approvals, which will stay for that legal description on that site, will remain in place and anything other would be an over concentration of the outdoor storage use in the area.

Issues:

The main concern with the application is the adjacency and compatibility with commercial and other industrial zoning. 42nd Street is a major thoroughfare for the City of Evans and therefore compatibility with existing industrial uses and future commercial uses is critical to the future development and sustainability of the City. With 60% of the lot being used for outdoor storage that issue becomes even more important to the long term compatibility issues in the neighborhood.

The precedent set by allowing a Use by Special Review for additional outdoor storage in this I-2 zone at this location could lead to other land owners requesting the same USR for the same reasons (business oriented). That would essentially mean the land in this area would exceed even the highest use allowed in the I-3 zone (currently 30%).

The land sits higher than the adjacent commercial lots along 42nd Street and no amount of screening allowed under the code would allow compatibility to exist with other uses in the area. There is no fence or landscaping allowed by the code that could be installed on site to improve

the compatibility for 42nd Street, the commercial properties to the north, and the Highway 85 corridor to the east.

Additionally, this land is zoned I-2 for a reason. The premise behind appropriate zoning includes the issues of land use. Zoning permits certain uses on land and usually move from the least intense uses to the most intense uses, protecting land and the public from more intense uses by placing that zoning away from areas of commercial, residential, or lower uses land zoning. The land uses should move from least significant impact to higher impact, especially along major arterials and areas of importance to the City.

Other land in the area is zoned either I-1 or C-3 (lowest industrial zoning in our code, highest commercial zoning in our code, which would be compatible uses). This land is visually adjacent to Highway 85, and also adjacent to other I-1 and C-3 sites that comply with the code.

Notice of this public hearing was provided in accordance with Chapter 19.64 and 18.28.125 of the Municipal Code.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Bell Supply USR for outdoor storage that exceeds the 20% and a security residence on property located at 4101 Carson Avenue, the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code **CAN** be appropriately and sufficiently met WITH CONDITIONS. With conditions, approval of this special use would be consistent with the 2010 Comprehensive Plan and with the surrounding land uses.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of **approval with conditions** of the requested USR with the findings and conclusions listed above as well as the following conditions:

1. The approval for excess storage is for a period of five (5) years and will expire on August 20, 2018, this approval period is renewable at time of expiration. Said renewal is not automatic and must be initiated by the property owner at the time of expiration or if the nature of the land use warrants review of the USR conditions approved herein, and;
2. The approval is contingent upon a landscape buffer of fifteen (15) feet surrounding both the northern and southern sides of the subject property, and a twenty (20) foot landscape buffer on the rear of the property (review to be secured through the site plan process).
3. The approval is contingent upon in installation of a fully opaque, six (6) foot tall cedar privacy fence to screen the storage yard as shown on the preliminary site plan.

SUGGESTED MOTION:

"I move to approve Resolution XX-2013 supporting the approval with conditions of the Bell Supply USR because it meets the criteria outlined in Sections 19.04, 19.32, 19.44 and Section 19.48 of the Municipal Code."

"I move to deny Resolution XX-2013 supporting the approval with conditions of the Bell Supply USR because it meets the criteria outlined in Sections 19.04, 19.32, 19.44 and Section 19.48 of the Municipal Code."



**Land Use Application
Use by Special Review**

Staff Use Only
 Attach Receipt
 Fee: \$205.00 includes public hearing
 Intake Date: 5/15/2013

All applications for a Use by Special Review shall comply with the requirements of Chapter 19.44 of the City of Evans Municipal Code and all applicable regulations, standards and plans.

Project Name: TEBO PROJECT 1 Acres: 4.31 Current Zoning: I-2
VACANT LAND, EVANS, CO
 Property Address: BLOCK 3, COUNTRY MEADOWS SUBDIVISION, LOT 1

Proposed Use (brief description):

Land Owner Name: BORCHERT POINTE, LLC Telephone: (303)447-8326 Email: _____

Mailing Address: P.O. BOX T BOULDER, CO 80306

Applicant Name: _____ Telephone: _____ Email: _____

Mailing Address: _____

SUBMITTAL CHECKLIST

The following items will need to be submitted for review of a Use by Special Review Application. It is recommended that the applicant speak with a City representative prior to submittal of the application.

Applicant Initials	Submittal Documents Required to be Accepted for Review by City	City Staff Initial if Complete
	Electronic copy of all required forms (see below)	
✓	Use by Special Review Fee of \$205.00 (check or credit card)	
✓	Legal description of the property	
✓	Letter indicating why the use should be allowed. (See Section 19.44.020 B 1-7 for necessary information)	
	A site plan or master plan drawing of the location and use	
	Photos of the site in question	
	Photos showing the proposed use (if appropriate)	
	An aerial map of the location	
✓	Any other documentation that would support the request	
✓	A list, in Excel format, of all land owners within 500' of the proposed use If above list is provided by the City, a \$25 fee will be added	
	An electronic copy of all submitted documents.	
	If a <u>mini storage unit</u> , all additional information required in 19.44	
	If a <u>car wash</u> , all additional information required in 19.44	
	If an <u>oil well</u> , please refer to 16.28 of the Evans Municipal Code for additional requirements and submit:	

	<i>A landscaping plan</i>	
	<i>A letter detailing the information in 16.28.070 including a full description of the intended use, site improvements, and characteristics of installation, operation, maintenance, site restoration, and abandonment;</i>	
	<i>Evidence of leasehold, resource ownership, or owner's authorization;</i>	
	<i>The name and address of each owner of an interest of record in the oil and gas leases under which such well is to be drilled, operated, maintained or abandoned;</i>	
	<i>The name and address of the person or firm in charge of the operation and maintenance of such well;</i>	
	<i>The name and address of the person or firm in charge of the work to be done under such permit;</i>	
	<i>A true and accurate listing of the names and addresses of the owners of all real estate situated within 500 feet of the proposed well, accessory equipment, and structure site, according to County Assessor records current at the time of the application;</i>	
	<i>Evidence of satisfaction of the bond requirement (see Sections 16.28.08 and 16.28.090);</i>	
	<i>Evidence of satisfaction of the insurance requirement (see Section 16.28.100);</i>	
	<i>Conceptual restoration plan (see Section 16.28.130)</i>	
	<i>Specification and graphic representation of the equipment to be used and the improvements to be made. Specific attention shall be given to the intended measures of noise mitigation and ensuring the public safety;</i>	
	<i>Certification that the owners of the leasehold interest and the persons in charge of the drilling, operation maintenance, or abandonment of such well are familiar with the ordinances of the City and will abide by the provisions thereof;</i>	
	<i>Waste and storage plan (see Section 16.28.140).</i>	

I certify that to the best of my knowledge this Use by Special Review Application meets all of the criteria listed above and all the appropriate documentation has been submitted as requested:


5/15/13

Land Owner Signature **Date**

SAME

Applicant Signature **Date**

For City Staff Use Only	
Date Submitted:	
Date Reviewed:	Reviewer Name: _____

Corrections Needed? Yes No

Date Returned as Incomplete to Applicant and Owner:

Date Accepted as Complete:

Planning Commission Date:

City Council Date:

Additional Comments:

Formal comments will be found in the L:drive under Community Development/USR/ (name of application)

Chapter 19.44

APPROVAL OF SPECIAL USES

Sections:

- 19.44.010 Intent.
- 19.44.020 Criteria for Use by Special Review.
- 19.44.030 Procedure for Special Use Permit.
- 19.44.040 Business and Industrial Uses – Oil and Gas Well Locations – City Council
Permission Prerequisite to Building Permit Issuance.
- 19.44.050 Expiration Date.
- 19.44.060 Fees.

19.44.010 Intent. The intent of this chapter is to require a public hearing for special land uses in order to determine if the use has the potential to adversely affect other land uses, transportation systems, public facilities, or the like, in the surrounding neighborhood thereby ensuring that uses by special review will not harm the health, safety, and welfare of the City and its residents. The City Council may disapprove any such request, or may impose such conditions and safeguards as may be required to maintain the intent of this zoning code. (Ord. 349-05: Ord. 331-05: Ord. 015-00: Ord. 1027-96)

19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents.
2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use.
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area.
4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts.
5. The site shall be physically suitable for the type and intensity of the proposed land use.
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.
7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.
8. Mini-storage units shall also comply with the following standards:
 - a. Setbacks of buildings from all streets shall be a minimum of 25 feet.
 - b. A 10-foot-wide buffer area of natural growth, including trees and shrubs approved by the City, shall be installed and maintained along the entire length of any boundary of the development that is adjacent to a residentially zoned district, whether or not such boundary is separated by a street, alley, or easement or other right-of-way. Such buffer

- may, if required by the City, include a six-foot-high screen composed of natural or manmade materials.
- c. Landscaping plans must be presented with the application and must be approved by City Council at the Use by Special Review hearing. Such plans must show the proposed types and locations of all natural plantings, ground coverings, and screening, including the size and number of trees.
 - d. Architectural design plans and elevations must be presented with the application and must be approved by City Council at the Use by Special Review hearing. Architectural plans and elevations must indicate the size and locations of all structures including the proposed exterior design and wall and roof coverings of the buildings. Architectural plans will be examined to ensure that the proposed development's features such as height, length, facade, color, etc., are compatible with the surrounding area.
 - e. No changes shall be made to an approved plan which would alter the character of the building(s) or use of the property without prior approval of the City Council.
 - f. Special Permit. Special Permits for exceptions to the mini-storage requirements may be granted provided all of the following criteria are met:
 - i. Such use is found to be compatible with the surrounding area;
 - ii. Such use shall not adversely affect the surrounding area;
 - iii. Such use shall not adversely affect the future development of the area;
 - iv. Due to the proposed geographical location of such use or other physical situation of the land or building, practical difficulty or unnecessary hardship which has not been self imposed would deprive the owner/tenant of the property of the reasonable use of the site or portion of the site in question; and
 - v. The purpose and intent of this code is maintained.
 - g. Miscellaneous conditions within the "C" and "RC" zone districts:
 - i. Within the mini-storage facility premises, uses such as distribution centers, assembly or manufacturing, retail sales, or any use other than storage is prohibited, with the exception of the sale or rental of accessory items typically used for moving, including, but not limited to, boxes, hand-trucks, and moving vans.
 - ii. Fully screened, outdoor storage for recreational vehicles, boats, vacant trailers (excluding mobile homes), and similar items that are well maintained and in good condition may be approved as part of the mini-storage unit facility. Plans for such screening must have the approval of the City. The maximum area of such outdoor storage use shall not exceed 25 percent of the total site.
9. Car wash facilities. The Planning Commission and the City Council shall consider the following aspects of the proposed facility when reviewing a petition for a Use by Special Review for a car wash facility:
- a. Character of the area of the site, including proximity of residential property to the site and proximity of existing car wash facilities;
 - b. Hours of operation;
 - c. Presence or absence of a system for reclaiming and reusing water;
 - d. Building height, including whether the facility would have the capability to service commercial vehicles and/or recreational vehicles (RVs);
 - e. Site design, including orientation and distance of the wash bays to the nearest street;
 - f. Any other factor(s) which could serve to mitigate or aggravate the undesirable aspects of car wash facilities.

10. Oil and gas facilities. Oil and gas facilities shall only be installed, erected, and/or constructed in accordance with Chapter 16.28, Oil and Gas Exploration and Development. Landscaping plans must be presented with the application and must be approved by City Council at the Use by Special Review hearing. Such plans must show the proposed types and locations of all natural plantings, ground coverings, and screening, including the size and number of trees.
(Ord. 446-08: Ord. 349-05: Ord. 331-05: Ord. 253-04: Ord. 015-00)

19.44.030 Procedure for Special Use Permits. The following procedure shall be followed by the applicant for a special use permit:

A. Petition. A petition in the form prescribed by the City shall be filed with the City Clerk and shall be accompanied by a letter explaining why the use should be permitted. The petition shall be signed by the owner of the property.

B. Review – Planning Department. The petition shall be reviewed by the Director of Public Works/Planning and the applicant shall be notified promptly of any deficiencies.

C. Administrative Report. Staff will prepare comments for use by the Planning Commission, addressing all aspects concerning the special permit, its conformance with the Evans Comprehensive Plan, sound land use planning practices, the standards contained in this chapter, and other such matters as the planning staff considers material to determination of the application.

D. Planning Commission Review. The Planning Commission shall give such weight as it deems appropriate to the testimony and comments offered by the public. The Planning Commission shall hold a public hearing and make a recommendation to City Council on the application.

E. City Council Review. After the Planning Commission makes a recommendation on the application, the City Council shall hold a public hearing and consider the application at a regular or special meeting within 30 days. The City Council shall approve, approve with conditions, or disapprove the special use request. Approval of the request shall be made by resolution, which shall be recorded at the office of the Weld County Clerk and Recorder. Approval and any conditions of approval shall “run with the land,” and shall apply to subsequent owners of the property, and shall not be transferable to any other property.

F. Notice. The public hearings before the Planning Commission and the City Council required by this chapter shall be held only after public notice has been given in accordance with Chapter 19.64 of the Evans Municipal Code.

G. Revocation of Special Permits. If, at any time, the owner or tenant of a property that has received a special use permit fails to comply with any condition of approval, or the application or testimony of an applicant is found to have been false or misleading, or the use differs from that which was approved, or the use causes legitimate complaints from others in the area of the use, the City Council may review the special use approval and may revoke such approval by resolution. (Ord. 349-05: Ord. 331-05: Ord. 015-00)

19.44.040 Business and Industrial Uses – Oil and Gas Well Locations – City Council Permission Prerequisite to Building Permit Issuance.

A. Notwithstanding any other provision in this zoning code, the City Council shall have the power to direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops, and foundries within the City limits.

B. Notwithstanding any other provision in this zoning code, the City Council shall have the power to direct the location and regulate the use and construction of slaughterhouses and byproducts plants, packing houses, renderies, tallow candleries, bone factories, soap factories, tanneries, dehydrating plants, and dairies within the City limits.

C. Notwithstanding any other provisions in this zoning code, the City Council shall have the power to prohibit any offensive or unwholesome business or establishment, and also to prohibit the carrying on of any business or establishment in any offensive and unwholesome manner, within the City limits.

D. Any business or establishment which can be or is classified as falling within those designated in subsections A through C of this section shall first obtain specific permission from the City Council through the special use process before a building permit may be issued.

E. No building permit shall be issued for any building not in compliance with setbacks from any oil or gas well or ancillary equipment, as established in Chapters 15.48 and 16.28, as amended.

F. No building permit shall be issued for any building not in compliance with setbacks from any abandoned oil or gas wells as established in Chapters 15.48 and 16.28, as amended, until and unless the applicant, by clear and convincing evidence, can demonstrate to the City Council that the well has been abandoned and plugged in accordance with all federal, state, and local laws and regulations and that the issuance of such permit will not endanger any person or property. The Council may require such independent tests and reports as it deems necessary prior to final consideration of such permit. If a permit is approved, the Council may impose such conditions as it deems necessary or advisable for the protection of persons and property. (Ord. 349-05: Ord. 331-05: Ord. 015-00)

19.44.050 Expiration.

A. Unless otherwise stated in the approving resolution, all special permits not exercised within six months from the date of the resolution shall become null and void.

B. Approval of any special use that is discontinued for three or more consecutive months shall become null and void and such use shall not be allowed to recommence without again obtaining special use approval, unless otherwise stated in the approving resolution. (Ord. 349-05: Ord. 331-05: Ord. 015-00)

19.44.060 Fees. Each application for a special use permit shall be accompanied at the time of filing by a fee as established by City Council by resolution. The applicant shall also pay the cost of publication and notification of the public hearings in accordance with Chapter 19.64 of the Municipal Code. (Ord. 349-05: Ord. 331-05: Ord. 015-00)



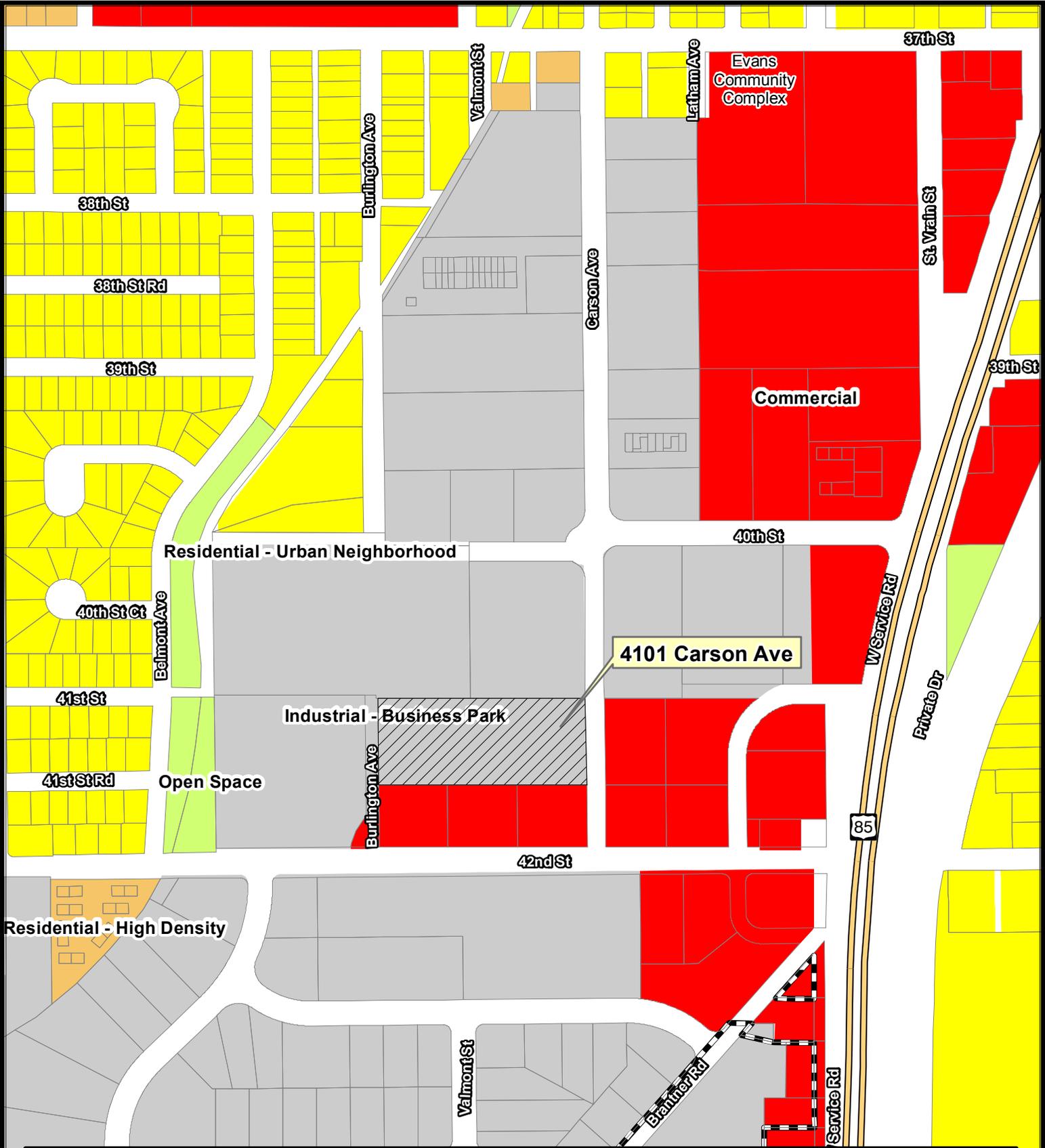
4101 Carson Ave

Evans
Community
Complex

- Legend**
-  Evans City Limits
 -  Project Site

Aerial Map
4101 Carson Avenue





Legend



Evans
City Limits

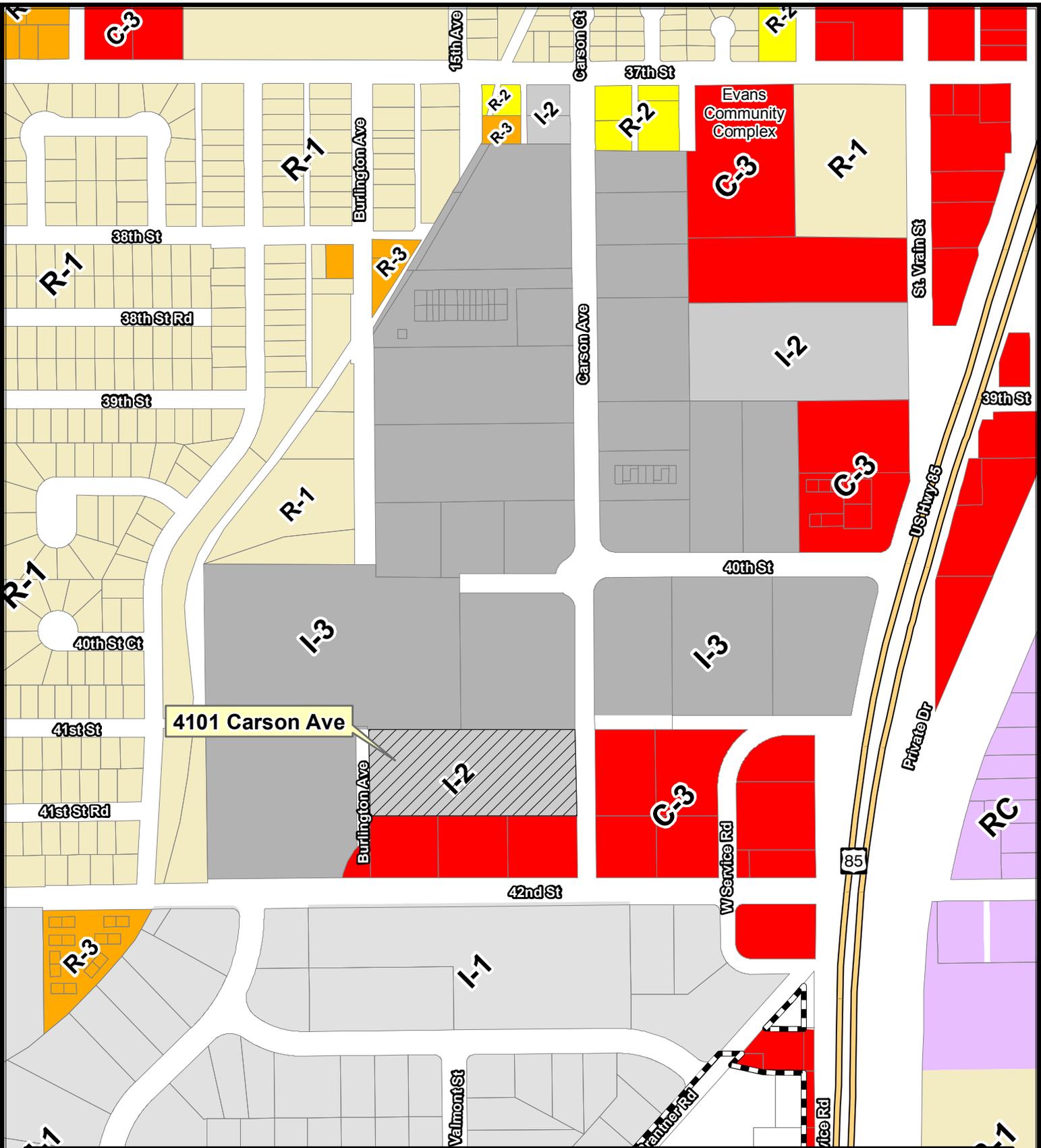


Project Site

Future Land Use Map

4101 Carson Avenue





Legend

-  Evans City Limits
-  Project Site

Zoning Map

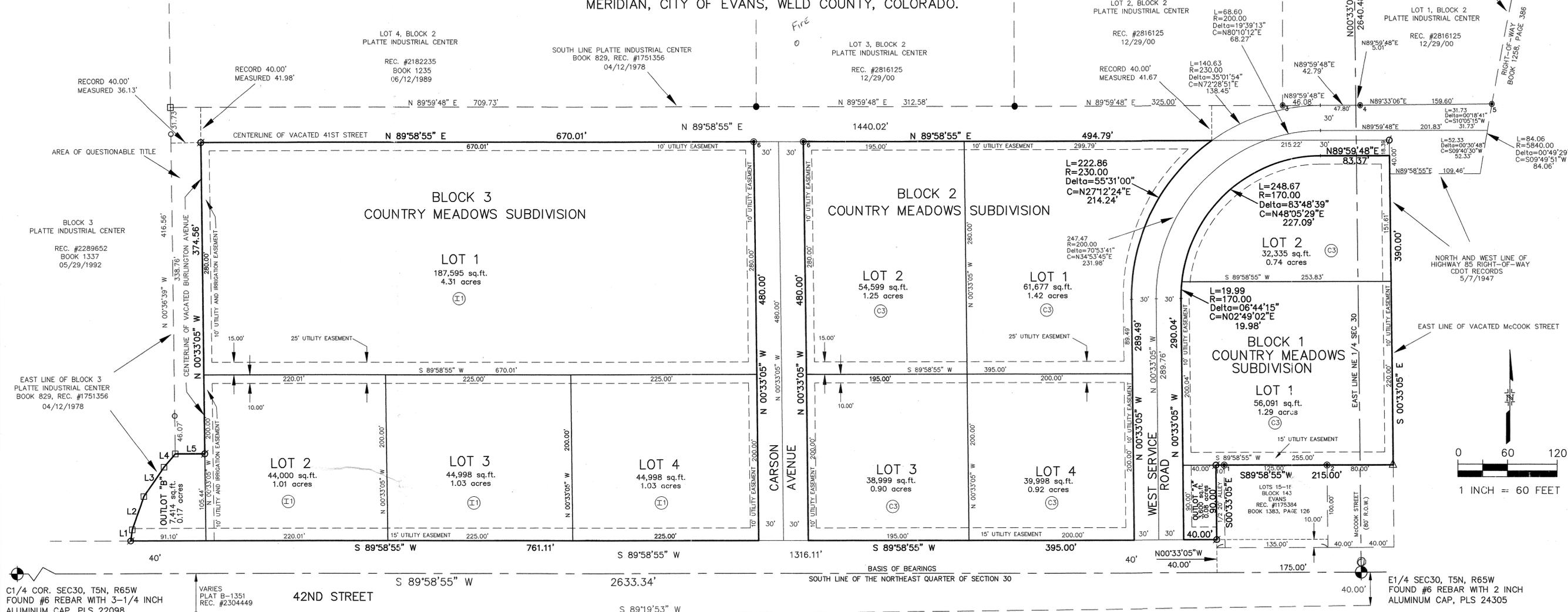
4101 Carson Avenue





ALTA/ACSM LAND TITLE SURVEY

A PORTION OF THE NORTHEAST QUARTER OF SECTION 30 AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF EVANS, WELD COUNTY, COLORADO.



- LEGEND:**
- INDICATES CONTROL CORNER FOUND AS DESCRIBED HEREON.
 - ⊙ INDICATES FOUND #4 REBAR WITH PLASTIC CAP, PLS 30126
 - ⊙ INDICATES FOUND CONCRETE NAIL AND 1 INCH BRASS DISK, PLS 30126
 - ⊙ INDICATES FOUND #4 REBAR WITH PLASTIC CAP, PLS 4845
 - INDICATES FOUND #4 REBAR WITH PLASTIC CAP, PLS 15308
 - INDICATES FOUND #4 REBAR WITH PLASTIC CAP, PLS 11399
 - INDICATES FOUND MONUMENT AS DESCRIBED HEREON
 - ① Found #3 rebar S07°07'25"E 1.32' from lot corner
 - ② Found #3 rebar S59°41'27"E 0.32' from lot corner
 - ③ Found #4 rebar
 - ④ Found #4 rebar with plastic cap, PLS 7242 N86°04'12"E 0.33' from angle point in property line
 - ⑤ Found #4 rebar with plastic cap, PLS 7242 N59°38'17"E 0.44' from lot corner
 - ⑥ Found #4 rebar with plastic cap, PLS 22098
 - ⊙ ZONED HIGH INTENSITY COMMERCIAL DISTRICT.
 - ⊙ ZONED LIGHT INDUSTRIAL DISTRICT.
- REC.# RECEPTION NUMBER

4. Line Table:
- | | | |
|----|-------------------|---------|
| L1 | N08°14'55"E | 13.71' |
| | (REC. N08°14'55"E | 12.16') |
| L2 | N19°18'24"E | 42.63' |
| L3 | N34°15'00"E | 43.61' |
| L4 | N41°21'26"E | 20.79' |
| L5 | N89°58'55"E | 35.74' |
5. This site is in Zone C, areas of minimal flooding according to Flood Insurance Rate Map, Community Panel Number 080266 0638 C.
6. The property is in City of Evans Zone C-3, High Intensity Commercial District, and Zone I-1, Light Industrial District, as shown hereon.
7. Municipal Code Setback and Height restrictions for C-3 Zone District:
- | | |
|-------------|----------|
| Front | 25 feet |
| Side | N/A |
| Street Side | 25 feet |
| Rear | N/A |
| Height | UBC Code |
- Municipal Code Setback and Height restrictions for I-1 Zone District:
- | | |
|-------------|--|
| Front | 25 feet |
| Side | 30 feet from adjacent residentially zoned properties |
| Street Side | 25 feet |
| Rear | 30 feet from adjacent residentially zoned properties |
| Height | UBC Code |
8. The property described in Schedule A contains 616,304 square feet or 14.15 acres.
9. Areas of concern:

DESCRIPTION FROM SCHEDULE "A" OF WELD COUNTY TITLE INSURANCE COMPANY COMMITMENT LX68691

Lots 1 and 2, Block 1, Lots 1 through 4, Block 2, Lots 1 through 4, Block 3, Outlots A and B, Country Meadows Subdivision, City of Evans, Weld County, Colorado.

TITLE COMMITMENT NOTES:

- Weld County Title Insurance Company Commitment LX68691 dated May 13, 2003 was relied upon for record data regarding rights-of-way, easements, and encumbrances in the preparation of this survey.
- The estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title thereto at the effective date hereof vested in R.V. Borchert.
- Responses to Schedule "B" Exceptions
 - Items 1, 2, 4, 5, and 6 are not survey related and are not addressed.
 - The following items from Schedule "B" are shown and noted hereon to the best of my knowledge and belief.

Item 3: Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.

ITEM 7: Rights of way and easements as now established and used, including but not limited to roads, ditches, pipe lines, power lines, telephone lines, and reservoirs.

ITEM 8: Oil and gas lease between TESA Co. and R.V. Borchert, recorded July 18, 1984 in Book 1037 as Reception No. 1974340, and any interests therein or rights thereunder.

Note: Extension of the above lease as claimed by Affidavit of Production pursuant to CRS 38-42-106, recorded November 2, 1984 in Book 1048 as Reception No. 1987365.

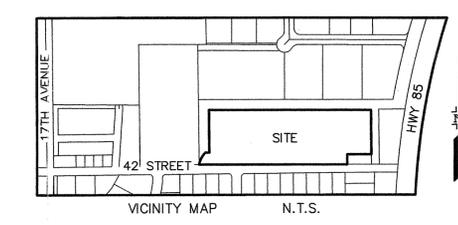
Extended lease that was to expire in the absence of drilling on 10/01/1984 on an additional 95 days.

ITEM 9: Terms, conditions and provisions of assigned Lease as disclosed by Owner's Affidavit by TESA Co., a partnership signed by R. Sam Oldenburg, Partner.

Revision to legal description used in lease agreement referred to in item 8.

ITEM 10: Terms, agreements, provisions, conditions and obligations as contained in Public Improvements Developer's Agreement for City of Evans recorded August 23, 2002 as Reception No. 2980982.

ITEM 11: Easements as shown on plat of subdivision.



- NOTES:**
- Basis of Bearings: The south line of the northeast quarter of Section 30 as, South 89°58'55" West according to the plat of Country Meadows Subdivision, between monuments shown hereon.
 - According to Colorado law you MUST commence any legal action based on any defect in this survey within THREE years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than TEN years from the date of the certification shown hereon.
 - Conveyed by TESA CO., a Colorado partnership to R.V. Borchert by Warranty Deed dated February 1, 2002, and recorded in the office of the Weld County Clerk and Recorder on February 6, 2002 as reception #2922944.

I, Steven B. Varriano, being a registered professional land surveyor in the state of Colorado hereby certifies to R.V. Borchert, Stephen D. Tebo, and Weld County Title Insurance Company that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA, ACSM, and NSPS in 1989, and includes Items 1, 2, 3, 4, 5, and 15 of Table A thereof. Pursuant to the Accuracy Standards as adopted by the ALTA, NSPS, and ACSM and in effect on the date of this certification, the undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance. Furthermore, the undersigned certifies that he has surveyed the property herein described, and that this survey was made on the ground, showing all gaps, gores or overlaps of the property or on the property, as per the record description, and further, that there are no visible encroachments either way across property lines, or visible evidence of potential easements or rights-of-way, except as shown hereon.

Steven B. Varriano
Professional Land Surveyor
No. 30126
01/16/03

CLIENT: R.V. BORCHERT

ALTA/ACSM LAND TITLE SURVEY

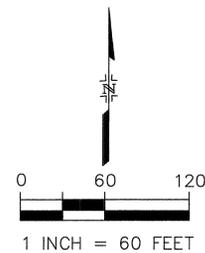
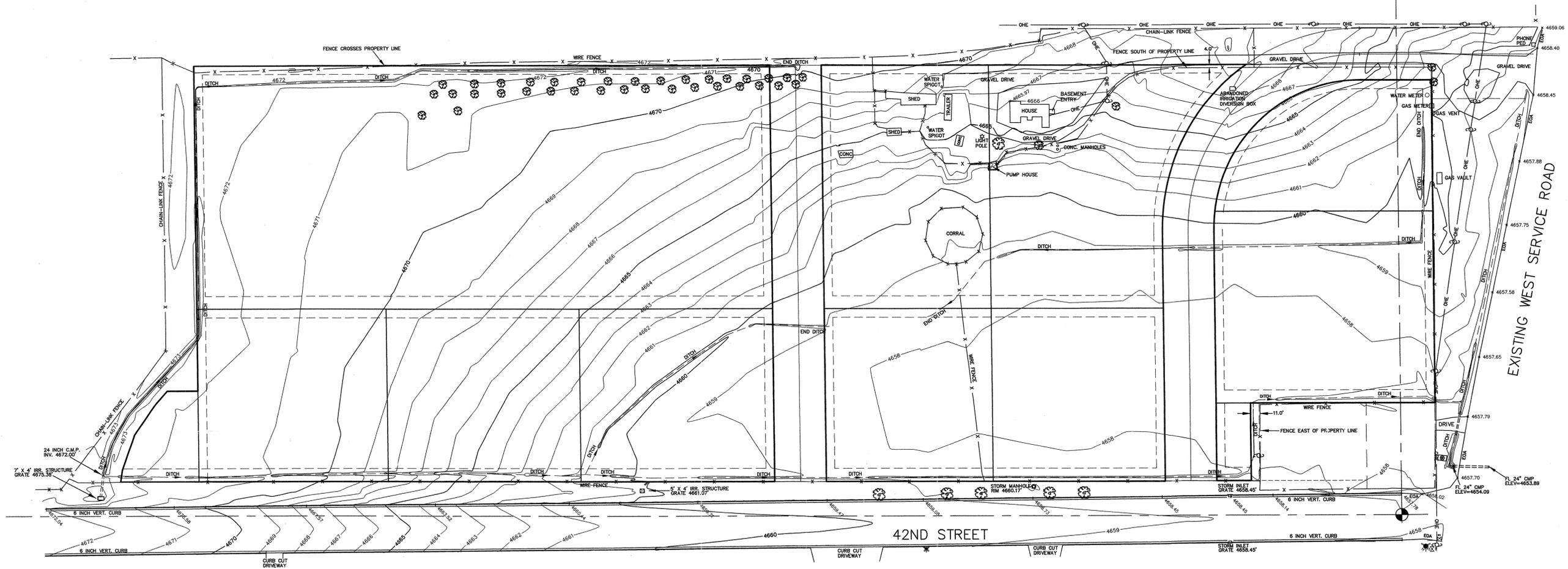
A PORTION OF THE NE1/4 SEC30 AND SW1/4 NW1/4 SEC29, T5N, R65W

DRAWN: SBV DATE: 6/01/03
CHECKED: SBV DATE: 6/01/03
REVISION: #
DATE: 6/01/03
JOB NO: 001081

2725 ROCKY MOUNTAIN AVE.
SUITE 220
LOVELAND, CO 80538
(970) 613-1447 TEL
(970) 613-1897 FAX

TAIT & ASSOCIATES INC.

1 OF 2



- LEGEND:**
- FIRE HYDRANT
 - LIGHT POLE
 - WATER VALVE
 - WATER MANHOLE
 - PHONE PEDESTAL
 - E.O.A. EDGE OF ASPHALT
 - OVERHEAD POWER AND PHONE LINES
 - POWER POLE
 - TREE

NOTES:

1. Spot elevations along curb and gutter are at flowline.
2. Bench Mark: NGS bench mark monument S 261 elevation 4653.00, NAVD 88. Found a 3-1/2" Brass Cap stamped USCGS B.M. S 261, located 88 feet south of 39th Street and 34 feet east of railroad tracks.
3. Subsurface utility location is not part of this survey.

NO.	DESCRIPTION	BY	DATE	CHK.

2725 ROCKY MOUNTAIN AVE.
 SUITE 220
 LOVELAND, CO 80538
 (970) 613-1447 TEL
 (970) 613-1897 FAX



TAIT & ASSOCIATES INC.

CLIENT: R.V. BORCHERT
 ALTA/ACSM LAND TITLE SURVEY
 A PORTION OF THE NE1/4 SEC30 AND SW1/4 NW1/4 SEC29, T5N, R65W

DRAWN: **BBY**
 DATE: **6/10/08**
 CHECKED: **BBY**
 DATE: **6/10/08**
 REVISION #:
 DATE:
 JOB NO.: **00088**



City of
Evans, Colorado

MINUTES
EVANS PLANNING COMMISSION
Regular Meeting
August 5, 2013 – 6:00 p.m.

CALL TO ORDER

Chairperson Bisel called the meeting to order at 6:06 p.m.

ROLL CALL

Present:

Chairman Randall Bisel,
Vice-Chairman Mark Brothe,
Commissioner Robert S. Phillips III,
Commissioner Jerry Numoto,
Commissioner Conrad Grigson.

Absent: None

APPROVAL OF MINUTES

Commissioner Phillips motioned, seconded by Vice Chairman Brothe to approve the, May 9, 2013, Minutes as presented. Motion passed with all voting in favor thereof.

APPROVAL OF AGENDA

The Agenda was approved unanimously with no changes.

AGENDA ITEMS

- A. Public Hearing – Resolution No xx-2013 - Use by Special Review for Outdoor Storage on property zoned I-2 – 4101 Carson Avenue in Evans Colorado – (Bell Oil Supply)

PRESENTED BY: N. Zach Ratkai, Building and Development Manager

ACTION: Recommendation to City Council

CITY COUNCIL DATE: Tuesday, August 20, 2013

BACKGROUND INFORMATION		
Location:	4101 Carson Avenue	
Applicants:	Todd Bloom, Tebo Development	
Existing Land Use:	Vacant	
Proposed Land Use:	Office/Warehouse with Storage Yard	
Surrounding Land Use:	North	Industrial (McJunkin Redman)
	South	Commercial (Vacant)
	East	Commercial (Vacant)
	West	Industrial (Non-conforming storage yard)
Existing Zoning:	Medium Industrial (I-2)	
Proposed Zoning:	Same	
Surrounding Zoning:	North	I-3
	South	C-3
	East	C-3
	West	I-3
Future Land Use Designation:	Industrial Business Park	

PROJECT DESCRIPTION: This is a request from the landowner (Tebo Development), for a Use by Special Review (USR) for outdoor storage to exceed the allowed 20% in the City of Evans Municipal Code. The owner would like to be approved for 68% of the land as outdoor storage.

RECOMMENDATION: Recommend **approval** with conditions in order to meet the criteria for the approval of the special use. The Planning Commission held a public hearing on January 8, 2013 and recommended approval with conditions. The condition was for a two year period with an automatic expiration at the end of the two years. Staff is recommending some screening and landscaping as conditions of approval as well.

ANALYSIS:

1. **Background:** In the spring of 2013, Tebo Development (land owners) approached the city with the plan to construct an office/warehouse building to serve as the Evans base for Bell Oil Supply. As part of this plan, a site plan was submitted and is currently under administrative review by staff. The zoning for the site limits allowed outdoor storage to 20% of the total site area. The site plan, and intentions for the property, show a storage yard. He is requesting a Use by Special Review approval to allow outdoor storage in excess of that allowed in an I-2 zone – 20% is the allowed amount of outdoor storage, the request is for 68%.
2. **Section 19.04, 19.32 19.44 and 19.48 of the Evans Municipal Code:** Section 19.48 of the Municipal Code addresses accessory uses and in particular outdoor storage. The proposed outdoor storage is over 10% of the property and therefore requires a USR approval in accordance with Section 19.44.

19.48.055 Outdoor storage.

Except by approval of a Use by Special Review, granted in accordance with Chapter 19.44 of the Municipal Code, outdoor storage shall only be allowed as an accessory use in the I – Industrial – zoning districts and only in accordance with the following limitations:

A. No more than 10 percent of the area of any lot or parcel in the I-1 – Light Industrial – zoning district may be used for outdoor storage.

B. No more than 20 percent of the area of any lot or parcel in the I-2 – Medium Industrial – zoning district may be used for outdoor storage.

C. No more than 30 percent of the area of any lot or parcel in the I-3 – Heavy Industrial – zoning district may be used for outdoor storage.

(Ord. 350-05: Ord. 272-04)

Below are the criteria for approval of a USR per Section **19.44.020**.

Chapter 19.44

Approval of Special Uses

19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

- 1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents.***

The use could certainly harm the welfare of the City and our residents by eliminating the compatibility with the commercially zoned properties to the south. With heavy industrial use (68% outdoor storage) commercial uses to the south would be limited, which affects the long term financial sustainability of the City.

- 2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use.***

This type of storage allotment is associated typically with heavy industrial use and is best located in areas of I-3 zoning that are well removed from the public right of way and away from commercial uses. Even in the I-3 zone the code states 30% is the maximum for outdoor storage. In urban areas such as the City of Evans, uses such as outdoor storage should be limited (as the code intended) in order to fulfill the goals of the 2010 Comprehensive Plan and long range planning and sustainability issues.

- 3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area.***

The use is NOT consistent with the Evans Comprehensive Plan nor is it compatible with the surrounding area. Much of the surrounding area is developed as industrial, with similar office/warehouse/storage use. The proposal from the applicant is a request to meet a similar standard to existing conditions in the area; however many of these sites are out of compliance. The City is in the process of issuing notices of violation to the remaining land owners in violation of the outdoor storage code.

- 4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts.***

The current and future land uses in that site are not compatible with outdoor storage of this intensity on this size of property. It will create a situation/condition that will negatively affect other property owners in the area, especially the commercial properties to the south. Additional screening throughout the perimeter and the requirement for a landscape bufferyard and a different kind of fencing will be required to mitigate impacts.

- 5. The site shall be physically suitable for the type and intensity of the proposed land use.***

The site is physically suitable for outdoor storage, except for the zoning, the compatibility with surrounding uses to the south (commercially zoned) and proximity to the public right of way.

- 6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.***

The outdoor storage use proposed would not adversely affect traffic flow and parking in the area.

- 7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.***

The applicant has pointed out that in the area; there are storage yards in which outdoor covers a substantial area of the property. However, the sites referenced are out of compliance with the Municipal Code. Staff is currently issuing letters of violation in the area to other land owners that may not be aware of the code related to outdoor storage.

In consideration of surrounding uses, currently the approval on 1470 42nd Street is for up to 50%, and that was allowed as it could be screened from 42nd Street and was a much smaller piece of land, and hence a much smaller impact on the

neighborhood. Most recently, 1461 43rd Street to the south of this property was approved to have 60% outdoor storage, with conditions placed on the property for the addition of substantial screening as well as a temporary, revocable time period during which excess storage would be allowed. Those approvals, which will stay for that legal description on that site, will remain in place and anything other would be an over concentration of the outdoor storage use in the area.

Issues:

The main concern with the application is the adjacency and compatibility with commercial and other industrial zoning. 42nd Street is a major thoroughfare for the City of Evans and therefore compatibility with existing industrial uses and future commercial uses is critical to the future development and sustainability of the City. With 68% of the lot being used for outdoor storage that issue becomes even more important to the long term compatibility issues in the neighborhood.

The precedent set by allowing a Use by Special Review for additional outdoor storage in this I-2 zone at this location could lead to other land owners requesting the same USR for the same reasons (business oriented). That would essentially mean the land in this area would exceed even the highest use allowed in the I-3 zone (currently 30%).

The land sits higher than the adjacent commercial lots along 42nd Street and no amount of screening allowed under the code would allow compatibility to exist with other uses in the area. There is no fence or landscaping allowed by the code that could be installed on site to improve the compatibility for 42nd Street, the commercial properties to the north, and the Highway 85 corridor to the east.

Additionally, this land is zoned I-2 for a reason. The premise behind appropriate zoning includes the issues of land use. Zoning permits certain uses on land and usually move from the least intense uses to the most intense uses, protecting land and the public from more intense uses by placing that zoning away from areas of commercial, residential, or lower uses land zoning. The land uses should move from least significant impact to higher impact, especially along major arterials and areas of importance to the City.

Other land in the area is zoned either I-1 or C-3 (lowest industrial zoning in our code, highest commercial zoning in our code, which would be compatible uses). This land is visually adjacent to Highway 85, and also adjacent to other I-1 and C-3 sites that comply with the code.

Notice of this public hearing was provided in accordance with Chapter 19.64 and 18.28.125 of the Municipal Code.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Alpha and Omega USR for outdoor storage that exceeds the 10% and a security residence on property located at 1461 43rd Street the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code CAN be appropriately and sufficiently met WITH CONDITIONS. With conditions, approval of this special use would be consistent with the 2010 Comprehensive Plan nor with the surrounding land uses.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of **approval with conditions** of the requested USR with the findings and conclusions listed above as well as the following conditions:

1. The approval for excess storage is for a period of five (5) years and will expire on August 20, 2018, this approval period is renewable at time of expiration, and;
2. The approval is contingent upon a landscape buffer of fifteen (15) feet surrounding both the northern and southern sides of the subject property, and a twenty (20) foot landscape buffer on the rear of the property (review to be secured through the site plan process).
3. The approval is contingent upon in installation of a fully opaque, six (6) foot tall cedar privacy fence to screen the storage yard as shown on the preliminary site plan.

Chairman Bisel opened the Public Hearing. Zach Ratkai, Building & Development Manager, presented the facts and findings and asked if there were questions of staff from the Commission. There were none.

Todd Bloom, Director of Development with Tebo Development on behalf of the applicant, approached the podium. Bell Supply is in the industrial plumbing industry. Mr. Bloom presented a landscape plan that would follow what the City is asking. They have signed a 15 year lease with their tenant. He wants condition #1 removed. Brothe is concerned about the cedar fence. Todd is thinking about other materials to use. Brothe said he would like to see a metal fence like others down in that area. Brothe wanted to know who was putting in the street next to the property. Mr. Bloom stated the developer would be putting in the street. Grigson asked about number of employees with Mr. Bloom responding 6 to 10 employees for the site. Phillips wanted to know where the semis would be accessing the property. Brothe asked about the building size, with Mr. Bloom responding 12500 sf. Phillips asked about the possibility of allowing the outdoor storage use for an unlimited time. Ratkai stated the 5 year limitation on the use was standard with other outdoor storage USR's in this area of the

city and that, since USR conditions run with the land, in 5 years the conditions of the USR can be revisited in order to see if the outdoor storage in excess of 20% is still feasible for the site. Bloom no one responded to the 500' mailing.

There were no further questions from the Planning Commission, Chairman Bisel then closed the public hearing.

Brothe said the City needs to leave the 5 year condition in place and he doesn't think they are using the right fencing material for the type of project. Bisel felt a hail storm would destroy the metal fence. Phillips said he thinks the 5 year condition should stay as well. Mark Brothe moved for the forward a recommendation of approval with conditions to the City Council. The motion received a 2nd from Robert Phillips. The motion passed unanimously.

The City Council hearing will be Tues, Aug 20 at 7:30pm.

RECOMMENDED PLANNING COMMISSION MOTION:

“Mr. Chairman, on the issue of the Bell Oil Supply Use by Special Review for outdoor storage, I move that the Planning Commission forward a recommendation of approval with conditions to the Evans City Council because it meets the criteria outlined in Sections 19.04, 19.32, 19.44 and Section 19.48 of the Municipal Code.”

“Mr. Chairman, on the issue of the Bell Oil Supply Use by Special Review for outdoor storage and a security residence, I move to recommend denial because it does not meet the criteria outlined in Sections 19.04, 19.32, 19.44 and Section 19.48 of the Municipal Code.”

AUDIENCE PARTICIPATION:

There was not any audience participation.

GENERAL DISCUSSION:

Ratkai gave general staff updates. He told of ST moving to ED and Zach over CD. Randy's last meeting. Conrad has BBQ planned Aug 22.

ADJOURMENT:

Chairperson Bisel adjourned the meeting at 6:38 p.m.

CITY OF EVANS, COLORADO

RESOLUTION NO. 30-2013

A RESOLUTION APPROVING A USE BY SPECIAL REVIEW FOR OUTDOOR STORAGE IN EXCESS OF 20% ON THE PROPERTY LOCATED AT 4101 CARSON AVENUE IN EVANS COLORADO – BELL OIL SUPPLY

WHEREAS, the City of Evans has received a request from Bell Supply (Borchert Pointe, LLC) owner, for a Use by Special Review (USR) for outdoor storage; and

WHEREAS, this site location is zoned I-2, Medium Industrial; and

WHEREAS, Section 19.48.055. A of the City of Evans Municipal Code states: “Except by approval of a Use by Special Review, granted in accordance with Chapter 19.44 of the Municipal Code, outdoor storage shall only be allowed as an accessory use in the I – Industrial – zoning districts and only in accordance with the following limitations: A. No more than 20 percent of the area of any lot or parcel in the I-2 – Medium Industrial – zoning district may be used for outdoor storage.”, and

WHEREAS, the proposed use is intended to provide outdoor storage for an existing business for Bell Supply; and

WHEREAS, the Planning Commission conducted a public hearing and recommended approval with conditions of such request at its meeting on August 5, 2013; and

WHEREAS, the City Council conducted a public hearing and has carefully reviewed the request and finds that such use meets the special permit criteria, and that it complies with the purpose of the zoning codes, and otherwise promotes the health, safety, and welfare of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, that a special permit is hereby granted to allow outdoor storage that exceeds 20% of the property on the site with the following conditions:

1. The approval for excess storage is for a period of five (5) years and will expire on August 20, 2018, this approval period is renewable at time of expiration. Said renewal is not automatic and must be initiated by the property owner at the time of expiration or if the nature of the land use warrants review of the USR conditions approved herein, and;
2. The approval is contingent upon a landscape buffer of fifteen (15) feet surrounding both the northern and southern sides of the subject property, and a twenty (20) foot landscape buffer on the rear of the property (review to be secured through the site plan process).
3. The approval is contingent upon in installation of a fully opaque, six (6) foot tall cedar privacy fence to screen the storage yard as shown on the preliminary site plan.

The site plan is shown on the attached Exhibit A:

PASSED, SIGNED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 20th day of August 2013.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor

CITY COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA ITEM: 7.B

SUBJECT: Resolution No. 31-2013 Supporting The Grant Application For A Local Parks And Outdoor Recreation Planning Grant From The State Board Of The Great Outdoors Colorado For The South Platte River Corridor Master Plan

PRESENTED BY: Sheryl Trent, Community and Economic Dev. Director

PROJECT DESCRIPTION: The City of Evans is requesting \$75,000 from Great Outdoors Colorado to create a Master Plan for the South Platte River in Evans, Colorado. The City Council has already appropriated \$40,000 for this project, and the Request for Proposals have been released (due to be submitted by August 15, 2013). Staff was aware that the entire Master Plan would need additional funding, and this is the first time the appropriate grant - a planning grant from GOCO – was available during the funding cycle.

This will require no additional financial capacity from the City, as our \$40,000 budget will exceed the matching requirements from GOCO. Any contracts will be approved by City Council.

STAFF RECOMMENDATION:

The City of Evans staff recommends that the City Council approve the application for matching grant for the South Platte River Corridor Trail Project in the amount of \$75,000.

SUGGESTED MOTIONS:

I move to approve Resolution No. 31-2013 supporting the grant application for a local parks and outdoor recreation planning grant from the state board of the Great Outdoors Colorado for the South Platte River corridor master plan.

I move to deny Resolution No. 31-2013 supporting the grant application for a local parks and outdoor recreation planning grant from the state board of the Great Outdoors Colorado for the South Platte River corridor master plan.

CITY OF EVANS COLORADO

Resolution No. 31-2013

SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND
OUTDOOR RECREATION PLANNING GRANT FROM THE STATE BOARD OF
THE GREAT OUTDOORS COLORADO FOR THE SOUTH PLATTE RIVER
CORRIDOR MASTER PLAN.

WHEREAS, the City of Evans is requesting \$75,000 from Great Outdoors Colorado to create a Master Plan for the South Platte River in Evans, Colorado; and

WHEREAS, Great Outdoors Colorado requires that the City Council of the City of Evans state its support for the Great Outdoors Colorado grant application for the South Platte River Corridor Master Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE City Council OF THE City of Evans THAT:

- Section 1: The City Council of the City of Evans strongly supports the application to Great Outdoors Colorado for the South Platte River Corridor Master Plan.
- Section 2: The City Council of the City of Evans acknowledges that the grant application includes matching funds which the City of Evans is solely responsible to provide if a grant is awarded.
- Section 3: The City Council of the City of Evans has appropriated those matching funds and authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: This resolution to be in full force and effect from and after its passage and approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 20th day of August, 2013.

CITY OF EVANS, COLORADO

ATTEST:

City Clerk

Mayor

COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA ITEM: 7.C

SUBJECT: Public Hearing – New Hotel/Restaurant Liquor License for Roma Restaurant

PRESENTED BY: Raegan Robb, City Clerk

AGENDA ITEM DESCRIPTION:

Chris and Toni Allison, representing TAA Inc., dba Roma Restaurant, submitted an application on May 16, 2013, for a Hotel/Restaurant Liquor License located at 3625 23rd Avenue, Units 5-6. The nature of the proposed establishment is a restaurant with liquor service. This license was submitted for concurrent review with the City which allows the State to process the application while the City is also considering the application for adoption.

This decision is before City Council, as the Local Licensing Authority, is for conditional approval of the Hotel/Restaurant Liquor License.

If the license is approved by City Council, the liquor license will be processed and finalized with the State Liquor Enforcement Division, with the understanding that the City Clerk will not issue the liquor license until the premises are properly inspected by all local authorities and the applicants have fulfilled all requirements to receive a Certificate of Occupancy and City Business License.

Compliance with local regulations prior to receiving a liquor license is a requirement under Section 5.08.160 of the Evans Municipal Code and Section 12-47-312(4), C.R.S. These sections are referenced below.

Section 5.08.160 of the Evans Municipal Code states that “no license shall be issued, renewed or transferred unless the building in which the business or licensed activity is carried on meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes and if applicable the Weld County Health Department rules and regulations.”

Section 12-47-312(4), of the Colorado Revised Statutes states that “no license shall be issued by any local licensing authority after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as is necessary to comply with the applicable provisions of this article and article 46 of this title, and then only after inspection of the premises has been made by the licensing authority to determine that the applicant has complied with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.”

The preliminary findings and report submitted for this Hotel/Restaurant Liquor License application is as follows:

- 1) That the Notice of Public Hearing on this matter was posted on the property and publication was made in the Greeley Tribune on or before August 10, 2013.
- 2) That the applicants are entitled to possession of the premises that the license applied for.
- 3) That selling liquor in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Evans or the State of Colorado.
- 4) That the applicants have received a State Sales Tax License and the City has confirmed that the applicants have applied for a City Business and Sales Tax License.
- 5) The Fire Department and Building Department have indicated that before a Certificate of Occupancy will be issued, the premises will be in compliance with the all applicable Building, Zoning and Fire Codes.
- 6) That the building premises where selling or serving alcohol will be conducted does not appear to be within 500 feet of any public or parochial school or principal campus of any college, university or seminary.
- 7) That within the boundaries which were identified as a one mile radius of the premises, there are the following licensed establishments in the City of Evans:

Hotel-Restaurant:	1
Beer and Wine	1
Club:	0
Retail Liquor Store:	4
Drugstore	0
Tavern:	0
3.2 Beer:	3

- 8) That within a one mile radius of the premises, there are the following licensed establishments in the City of Greeley:

Hotel-Restaurant:	8
Beer and Wine	0
Club:	1
Retail Liquor Store:	0
Drugstore	1
Tavern:	1
3.2 Beer:	1

- 11) That background investigations on all owners and managers identified by the application have been completed by the Evans Police Department.
- 12) That there has not, within two years preceding the date of the application, been a denial of an application by either the State Licensing Authority or the Local Licensing Authority for a Hotel/Restaurant Liquor License application at the location for which application has been made for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfactory by the existing outlets.

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

Attached is a memorandum from the Evans Police Department which shows the information that was found when they conducted their background checks.

The applicants submitted petitions to conveying the needs and desires of the neighborhood. The petitions submitted reflect 20 signatures in favor of the proposed liquor license and there are no signatures showing opposition to the proposed liquor license. The petitions are attached.

FINANCIAL SUMMARY:

The applicants have paid all State and City fees.

RECOMMENDATION:

Staff finds that the applicants have submitted all the necessary information for a new liquor license application. The State has also reviewed the application. Council's decision is based on information obtained at the Public Hearing.

SUGGESTED MOTIONS:

"I move for the conditional approval of the Hotel/Restaurant Liquor License for TAA Inc., doing business as Roma Restaurant."

"I move to deny the approval of the Hotel/Restaurant Liquor License for TAA Inc., dba Roma Restaurant for the following reasons . . ."

PUBLIC HEARING PROCEDURE

Liquor Hearings

- A. Mayor opens Public Hearing.
- B. City Staff gives report.
- C. Applicant presents his/her position.
- D. Mayor asks to hear from anyone in the audience who wishes to speak in support of the issue.*
- E. Mayor asks to hear from anyone in the audience who wishes to speak in opposition of the issue.*
- F. Mayor asks applicant for any rebuttal
- G. Mayor asks Council if there are any questions that need clarified that were brought up during the Public Hearing.
- H. Mayor closes the Public Hearing.
- I. Mayor asks for Council discussion.
- J. Council will then take action on the issue.

Per Section 12-47-311 of the Liquor Code:

At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses. As used in this subsection, "party in interest" means any of the following:

- (I) The applicant;
- (II) An adult resident of the neighborhood under consideration;
- (III) The owner or manager of a business located in the neighborhood under consideration;
- (IV) The principal or representative of any school located within five hundred feet of the premises for which a malt, vinous, or spirituous liquor license is under consideration.

***The local licensing authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.**

Nothing in this subsection shall be construed to prevent a representative of an organized neighborhood group that encompasses part or all of the neighborhood under consideration from presenting evidence subject to this section. Such representative shall reside within the neighborhood group's geographic boundaries and shall be a member of the neighborhood group. Such representative shall not be entitled to cross-examine witnesses or seek judicial review of the licensing authority's decision.

**COLORADO LIQUOR
 RETAIL LICENSE APPLICATION**

NEW LICENSE **TRANSFER OF OWNERSHIP** **LICENSE RENEWAL**

• ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
 • APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
 • LOCAL LICENSE FEE \$ _____
 • APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)
 Individual
 Limited Liability Company
 Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation
TAA Inc Fein Number **90-0944441**

2a. Trade Name of Establishment (DBA) State Sales Tax No. Business Telephone
Roma Restaurant **27894852** **970 330 8100**

3. Address of Premises (specify exact location of premises)
3625 23rd Ave # 5-6

City County State ZIP Code
Evans **Weld** **CO** **80620**

4. Mailing Address (Number and Street) City or Town State ZIP Code
Same **Same** **Same** **Same**

5. If the premises currently have a liquor or beer license, you MUST answer the following questions: **N/A**

Present Trade Name of Establishment (DBA) Present State License No. Present Class of License Present Expiration Date
N/A **N/A** **N/A** **N/A**

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES
2300	<input type="checkbox"/> Application Fee for New License	\$1,025.00
2302	<input checked="" type="checkbox"/> Application Fee for New License - w/Concurrent Review	\$1,125.00
2310	<input type="checkbox"/> Application Fee for Transfer	\$1,025.00

LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES
1985	<input type="checkbox"/> Resort Complex License (City)	\$500.00
1986	<input type="checkbox"/> Resort Complex License (County)	\$500.00
1988	<input type="checkbox"/> Add Related Facility to Resort Complex ... \$ 75.00 X _____ Total _____	
1990	<input type="checkbox"/> Club License (City)	\$308.75
1991	<input type="checkbox"/> Club License (County)	\$308.75
2010	<input type="checkbox"/> Tavern License (City)	\$500.00
2011	<input type="checkbox"/> Tavern License (County)	\$500.00
2012	<input type="checkbox"/> Manager Registration - Tavern	\$ 75.00
2020	<input type="checkbox"/> Arts License (City)	\$308.75
2021	<input type="checkbox"/> Arts License (County)	\$308.75
2030	<input type="checkbox"/> Racetrack License (City)	\$500.00
2031	<input type="checkbox"/> Racetrack License (County)	\$500.00
2040	<input type="checkbox"/> Optional Premises License (City)	\$500.00
2041	<input type="checkbox"/> Optional Premises License (County)	\$500.00
2045	<input type="checkbox"/> Vintners Restaurant License (City)	\$750.00
2046	<input type="checkbox"/> Vintners Restaurant License (County)	\$750.00
2220	<input type="checkbox"/> Add Optional Premises to H & R	\$100.00 X _____ Total _____
2370	<input type="checkbox"/> Master File Location Fee	\$ 25.00 X _____ Total _____
2375	<input type="checkbox"/> Master File Background	\$250.00 X _____ Total _____

LIAB	SECTION B	LIQUOR LICENSE FEES
1905	<input type="checkbox"/> Retail Gaming Tavern License (City)	\$500.00
1906	<input type="checkbox"/> Retail Gaming Tavern License (County)	\$500.00
1940	<input type="checkbox"/> Retail Liquor Store License (City)	\$227.50
1941	<input type="checkbox"/> Retail Liquor Store License (County)	\$312.50
1950	<input type="checkbox"/> Liquor Licensed Drugstore (City)	\$227.50
1951	<input type="checkbox"/> Liquor Licensed Drugstore (County)	\$312.50
1960	<input type="checkbox"/> Beer and Wine License (City)	\$351.25
1961	<input type="checkbox"/> Beer and Wine License (County)	\$436.25
1970	<input checked="" type="checkbox"/> Hotel and Restaurant License (City)	\$500.00
1971	<input type="checkbox"/> Hotel and Restaurant License (County)	\$500.00
1975	<input type="checkbox"/> Brew Pub License (City)	\$750.00
1976	<input type="checkbox"/> Brew Pub License (County)	\$750.00
1980	<input type="checkbox"/> Hotel and Restaurant License w/opt premises (City)	\$500.00
1981	<input type="checkbox"/> Hotel and Restaurant License w/opt premises (County)	\$500.00
1983	<input type="checkbox"/> Manager Registration - H & R	\$ 75.00

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION					
County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
State _____-750 (999)	City 2180-100 (999)	County 2190-100 (999)	Managers Reg _____-750 (999)		

Cash Fund Now License	Cash Fund Transfer License	TOTAL
2300-100 (999)	2310-100 (999)	
		\$

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

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

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

I. APPLICANT INFORMATION

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

II. DIAGRAM OF THE PREMISES

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

III. PROOF OF PROPERTY POSSESSION

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

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

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

V. CORPORATE APPLICANT INFORMATION (If Applicable)

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

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

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

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

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

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

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

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

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

8. Has a liquor license 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.

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

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

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

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

Landlord <u>JSPERGM Inc.</u>	Tenant <u>TAA Inc.</u>	Expires <u>2/28/2018</u> 3/4/2018
---------------------------------	---------------------------	--

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) attached

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

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
<u>N/A</u>			

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

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises**
 Has a local ordinance or resolution authorizing optional premises been adopted? Yes No

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following:
 (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

15. **Club Liquor License** applicants answer the following and attach:
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? Yes No
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following:
 (a) Has the applicant received or applied for a Federal Permit? Yes No
 (Copy of permit or application must be attached)

17a. Name of Manager (for all on-premises applicants) Christopher Allison (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 6-15-63)

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

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

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

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Christopher Allison	4916 3rd St Rd Greeley CO 80634		Owner	50%
Toni Allison	4916 3rd St Rd Greeley CO 80634		Owner	50%
Josh Ball	1308 40 th Ave. Greeley CO 80634		Manager	0

*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 Agmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)

N/A

Address for Service

N/A

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

Cheryl Allison

Title

Owner

Date

5-13-13

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

Date application filed with local authority

5-16-2013

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-I (Individual History Record) has:

- Been fingerprinted Yes No
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants Yes 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 6-21-13
 Upon approval of state licensing authority.

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

Local Licensing Authority for

Telephone Number

- TOWN, CITY
 COUNTY

Signature

Title

Date

Signature (attest)

Title

Date

10. Yes - Christopher John Allison
Toni Ann Allison

currently have liquor license with
CJA Inc. "dba" Roma Restaurant
5750 W. 10th St.
Greeley, CO 80634
970-353-6541
* 41346120000

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

TAA, INC.

is a **Corporation** formed or registered on 02/01/2013 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20131077675.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/14/2013 that have been posted, and by documents delivered to this office electronically through 08/15/2013 @ 22:34:41.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 08/15/2013 @ 22:34:41 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8617257.



A handwritten signature in blue ink, appearing to read "Scott Gessler", is written over a horizontal line.

Secretary of State of the State of Colorado

*****End of Certificate*****

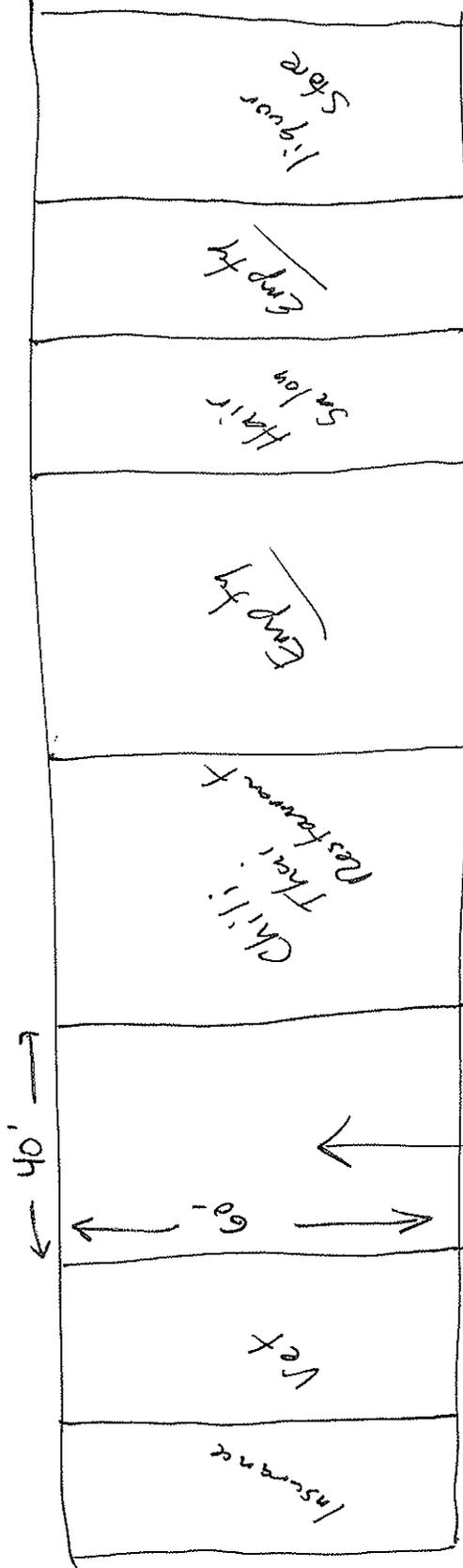
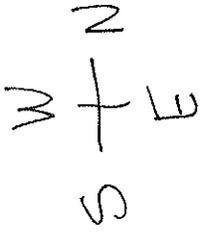
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

11.9

Village Center at the Landings

3625 23rd Ave.

Evans, Colorado 80620



Proposed
 Poma Restaurant
 2nd & 3rd



CITY OF EVANS, LICENSING AUTHORITY, WELD COUNTY, COLORADO

**PRELIMINARY FINDINGS AND REPORT UPON APPLICATION
FOR A NEW HOTEL/RESTAURANT LIQUOR LICENSE**

IN RE:

TAA Inc.
dba Roma Restaurant
3625 23rd Avenue, Units 5-6
Evans CO 80620

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

Pursuant to Colorado Revised Statutes, 12-47-312(1), you are hereby advised that with regard to your application for a new Hotel/Restaurant Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

- 1) That the application was filed on May 16, 2013.
- 2) That the Notice of Public Hearing on this matter was posted on the property and publication was made in the Greeley Tribune on or before August 10, 2013.
- 3) That there has not, within two years preceding the date of your application, been a denial of an application by either the State Licensing Authority or the Local Licensing Authority of the City of Evans for a Hotel/Restaurant Liquor License application at the location for which application has been made for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfactory by the existing outlets.
- 4) That it appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.
- 5) That selling liquor in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Evans or the State of Colorado.
- 6) That the Sales Tax Division indicates that this taxpayer has applied for a state sales tax license and also applied for a City sales tax license.
- 7) That the investigation reports from the Fire Department and Building Inspection Department indicate that before a Certificate of Occupancy will be issued, the premises will be in compliance with the Building, Zoning and Fire Codes.
- 8) That the building where you propose to exercise the privilege of selling or serving alcohol does not appear to be in violation of the 500 foot limitation from any public or parochial school or principal campus of any college, university or seminary.

- 9) That within the boundaries which were identified as a one mile radius where you propose to sell alcohol by the drink to customers for consumption on the premises, there are the following licensed establishments in the City of Evans:

Hotel-Restaurant:	1
Beer and Wine	1
Club:	0
Retail Liquor Store:	4
Drugstore	0
Tavern:	0
3.2 Beer:	3

- 10) That within a one mile radius where you propose to sell alcohol by the drink to customers for consumption on the premises, there are the following licensed establishments in the City of Greeley:

Hotel-Restaurant:	8
Beer and Wine	0
Club:	1
Retail Liquor Store:	0
Drugstore	1
Tavern:	1
3.2 Beer:	1

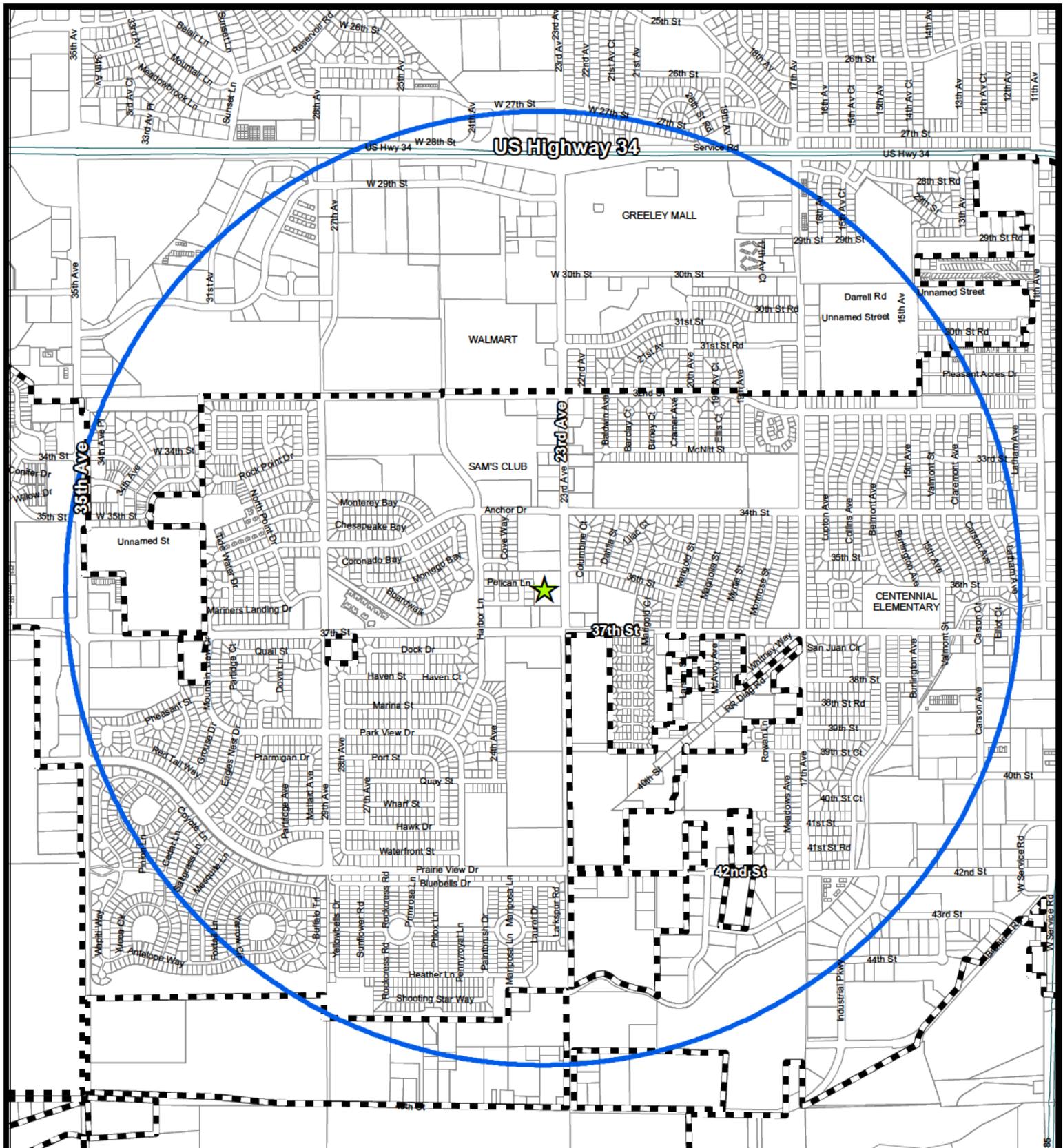
- 11) That background investigations on all owners and managers identified by the application have been completed by the Evans Police Department, and the August 13, 2013 memorandum from Rick Brandt, Evans Chief of Police, is attached.
- 12) That the Public Hearing on your application will be held on Tuesday, August 20, 2013 at 7:30 p.m. at the Evans Community Complex, Council Chambers, 1100 37th Street, Evans CO. At said hearing, you will have an opportunity to be heard regarding all matters related to your application, including all matters herein set forth.

You are advised to obtain and read a copy of the State of Colorado Liquor Code which can be obtained by visiting the following website: www.colorado.gov/revenue/liquor.

You are also advised to read Chapter 5.08, Alcoholic Beverages of the Evans Municipal Code which was distributed as part of your liquor packet. If you need to obtain another copy, please contact the City Clerk at: (970) 475-1104 or visit the City's website at: www.cityofevans.org.

Dated this 15^h day of August 13, 2013.

Raegan Robb
City Clerk



Legend

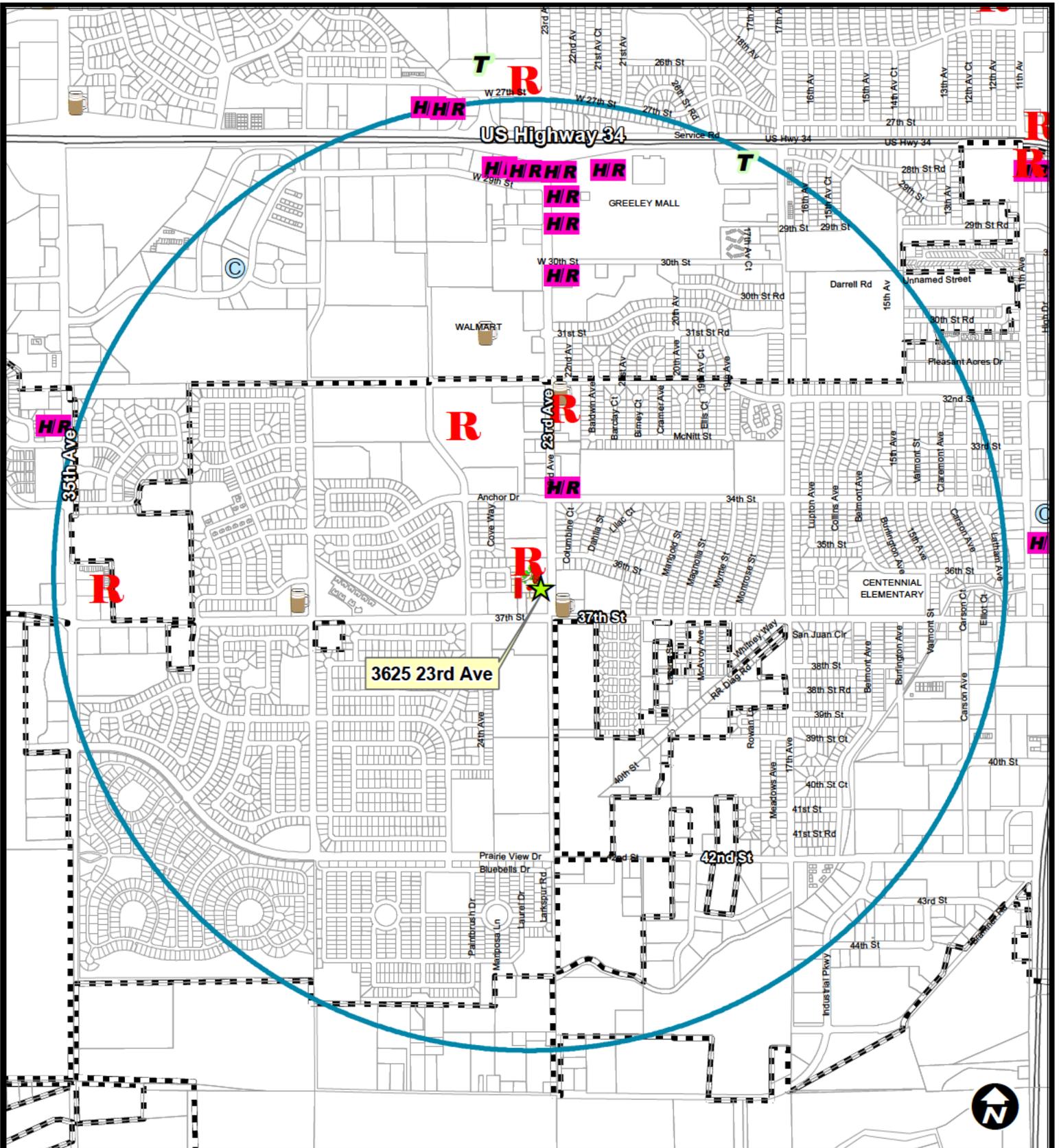
-  Evans City Limits
-  Proposed Location
-  One-mile Radius

Vicinity Map

Roma Restaurant
3625 23rd Ave, Unit 5



US Hwy 95



Vicinity Map		License Type	
<h2>3625 23rd Avenue, Units 5-6 and Surrounding Liquor Licenses</h2>			
	Evans City Limits		Retail Liquor Stores (Off Premises)
	3625 23rd Avenue		Tavern (On Premises)
	One-Mile Radius		3.2 Beer (Off Premises)
			Drugstore (Off Premises)
			Club (On Premises)
			Hotel/Restaurant (On Premises)
			Beer and Wine (On Premises)

Raegan Robb

Subject: RE: Language From Liquor License Findings Letter

From: Zach Ratkai
Sent: Thursday, August 15, 2013 5:32 PM
To: Raegan Robb
Subject: RE: Language From Liquor License Findings Letter

Roma's building permit is in process, the Building Department will conduct its normal building inspections through the course of the permitting process. In cases such as this, the building permit inspections suffice for the liquor license inspections as well.

N. Zach Ratkai, CPM
Building and Development Manager
City of Evans, Colorado

From: Warren Jones
Sent: Thursday, August 15, 2013 8:55 AM
To: Raegan Robb
Subject: RE: Language From Liquor License Findings Letter

Yes, we just normally use an e-mail.

Warren D. Jones

Fire Chief
Evans Fire Protection District
970-475-1117
970-397-3114 (cell)
wjones@ci.evans.co.us



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

From: Raegan Robb
Sent: Thursday, August 15, 2013 8:13 AM
To: Warren Jones; Zach Ratkai
Subject: Language From Liquor License Findings Letter

Gentleman:

In drafting my findings letter for the upcoming liquor hearings, I came across the following "finding":

"That the investigation reports from the Fire Department and Building Inspection Department indicate that before a Certificate of Occupancy will be issued, the premises will be in compliance with the Building, Zoning and Fire Codes."

Thanks.

Raegan Robb

City Clerk

City of Evans

Office: (970) 475-1104

Fax: (970) 330-3472



From: [Ann Molter](#)
To: [Raegan Robb](#)
Subject: TAA/dba Roma Restaurant
Date: Thursday, August 15, 2013 11:22:34 AM

Hi Raegan,

TAA Inc (dba Roma Restaurant, acct 2602739) has a business license application currently under review.

Kind Regards,

Ann Molter

Assistant Tax Clerk

Finance Department

City of Evans

amolter@ci.evans.co.us

Phone: (970) 475-1105

Fax: (970) 475-1194





1100 37th Street
Evans, Colorado 80620-2036
Phone: (970) 339-2441
Fax: (970) 339-5177

TO: Raegan Robb, City Clerk
FROM: Rick Brandt, Chief of Police
DATE: August 13, 2013
SUBJ: Roma Restaurant Liquor License Application

RB 8/13/13

A standard background investigation was conducted for a liquor license application for Roma Restaurant and the below listed corporate officer:

Christopher Allison
Toni Allison
Josh Ball

03/06/1962 Christopher Allison was arrested/received summons by Deadwood Sheriffs, South Dakota, for Driving While Impaired. 04/15/1982 charge was dismissed.

09/20/1982 Christopher Allison was arrested/received summons by Deadwood Sheriffs, South Dakota for Intentional Damage to Private Property. No disposition found.

01/15/1998 Mr. Allison was arrested by Colorado State Patrol for Driving Under the Influence. No disposition found.

01/22/1989 Mr. Allison was arrest by Eaton Police Department for Driving Under the Influence. No disposition found.

12/18/2002 Joshua Ball was arrested by Greeley Police Department for Driving Under the Influence and Theft. Mr. Ball plead guilty to Deferred Sentence on 01/24/2003. On 07/29/2004 charges were dismissed after successful completion.

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

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

**EVANS POLICE DEPARTMENT
RESPONSIBLE PARTY INFORMATION**

Please Notify the Police Dept. of any changes immediately

(Type or Print only)

Business Name TAA Inc "dba" Roma Restaurant
Address 3625 23rd Ave Evans CO Phone: 330-8100
Type of Business Restaurant

Owner: Name Christopher Allison
Address 4916 3rd St Rd Phone 397-4656

Manager: Name Josh Ball
Address 1308 40th Ave Greeley Phone 396-8522

Responsible Persons: (those who have access to the business after working hours)

Name	Address	Phone
1. <u>Chris Allison</u>	<u>4916 3rd St Rd Greeley</u>	<u>397-4656</u>
2. <u>Joni Allison</u>	<u>4916 3rd St Rd Greeley</u>	<u>397-4660</u>
3. <u>Josh Ball</u>	<u>1308 40th Ave Greeley</u>	<u>396-8522</u>

Emergency Contact:

Name Christopher Allison
Address 4916 3rd St Rd Greeley CO Phone 397-4656
80634

Alarm Information

Does the business have an alarm system: No Fire? No Burglary? No
No Auto dialer/third party No Monitored by Security Co.
No Outside Audible No Silent Alarm
No Panic Button

Security Company Name (if applicable)

Address N/A Phone _____

Miscellaneous Information

How many entry/exit doors are in the building? 4 Location(s): 2 East / 2 West
Is alcohol stored in the building? Yes Location(s): Bar
Are drugs stored in the building? NO Location(s): —
Are weapons stored in the building? NO Location(s): —

As a public service, the Evans Police Department would like to present a crime prevention program customized for your business.

I am interested in learning more about: Check Fraud — Robbery/Theft —
Security Issues — Other — No thank you.

INDIVIDUAL HISTORY RECORD

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

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

1. Name of Business
 TAA Inc "dbr" Roma Restaurant

2. Your Full Name (last, first, middle)
 Christopher John Allison

3. List any other names you have used.

4. Mailing address (if different from residence)
 Home Telephone
 970-397-4656

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

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 4916 3rd St Rd	Greeley, CO 80634	1992	Present
Previous			

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

NAME OF EMPLOYER	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Roma Restaurant	5750 W. 10 th St Greeley CO 80634	Owner	2003	Present

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

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
N/A			
Toni A Allison	wife	Owner/Manager	CJA Inc.

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

Currently have liquor license @ Roma Restaurant since 6/2003
 5750 W. 10th St
 Greeley CO 80634

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

No

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

Yes No
 DUI 1986
 DWAI 1989

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

Yes No

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

Yes No
 lost driving privileges for DWAI in 1989 (6 months)

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law in 24-72-204 C.R.S., information provided below will be treated as CONFIDENTIAL. Colorado liquor licensing authorities require the following personal information in order to determine your suitability for licensure pursuant to 12-47-307 C.R.S.

e. If Naturalized, State where		c. Place of Birth		d. U.S. Citizen?	
N/A		Ft. Riley Kansas		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
h. Naturalization Certificate Number		f. When		g. Name of District Court	
N/A		N/A		N/A	
i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
N/A		N/A		N/A	
l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race
		Gray	Blue	M	W
r. Do you have a current Driver's License? If so, give number and state					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					

14. Financial Information.

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases and fees paid \$ _____

c. Provide details of investment. You must account for the sources of ALL cash (how acquired). Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source: Name of Bank; Account Type and Number	Amount

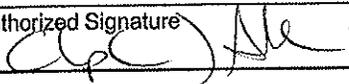
d. Loan Information (attach copies of all notes or loans)

Name of Lender and Account Number	Address	Term	Security	Amount

15. Give name of bank where business account will be maintained; Account Name and Account Number; and the name or names of persons authorized to draw thereon.

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.

Authorized Signature 	Title President	Date 3/20/13
---	--------------------	-----------------

INDIVIDUAL HISTORY RECORD

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

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

1. Name of Business
 TAA Inc "dba" Roma Restaurant

2. Your Full Name (last, first, middle)
 Toni Ann Allison

3. List any other names you have used.
 N/A

4. Mailing address (if different from residence)
 3625 23rd Ave Evans CO 80620

Home Telephone
 N/A

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

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 4916 3rd St RD	Greeley CO 80634	1992	Present
Previous			

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

NAME OF EMPLOYER	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Weld Dist 6	Winograd K-8	Teacher	2003	Present

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

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
N/A			
Christopher J. Allison	Husband	Owner/Manager	CJA Inc.

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

Currently have liquor license @ Roma Restaurant
 since 6/2003 5750 W. 10th St.
 Greeley, CO 80634

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

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

Yes No

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

Yes No

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

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law in 24-72-204 C.R.S., information provided below will be treated as CONFIDENTIAL. Colorado liquor licensing authorities require the following personal information in order to determine your suitability for licensure pursuant to 12-47-307 C.R.S.

e. If Naturalized, State where		c. Place of Birth		d. U.S. Citizen?	
N/A		Denver, CO		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
h. Naturalization Certificate Number		f. When		g. Name of District Court	
N/A		N/A		N/A	
i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
N/A		N/A		N/A	
l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race
		Brown	Brown	F	W
r. Do you have a current Driver's License? If so, give number and state.					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					

14. Financial Information.

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases and fees paid \$ _____

c. Provide details of investment. You must account for the sources of ALL cash (how acquired). Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source: Name of Bank; Account Type and Number	Amount

d. Loan Information (attach copies of all notes or loans)

Name of Lender and Account Number	Address	Term	Security	Amount

15. Give name of bank where business account will be maintained; Account Name and Account Number; and the name or names of persons authorized to draw thereon.

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.

Authorized Signature	Title	Date
Joni Allison	Sec / Treas.	4/11/13

Attachment to Liquor/3.2% Beer Retail License Application

(Please type or print legibly.)

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

restaurant

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

11 am - 9 pm daily

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

8 Full time (4 managers, 8 cooks, 8 waitstaff)
12 part time

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

Christopher Allison ~~has~~ ^{has} held Hotel/Restaurant license in CO
for 25 years - no violations
TIPS trained

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

See above

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

Id all individuals, train employees
about over serving

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

general restaurant / service industry training

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

We check ID's under the age of 40 -
NO ID - NO alcohol - that is our policy

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

No live music, no video games, no pub games
(pool or darts) - just stereo/CD music

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

N/A

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

N/A

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

Full service restaurant serving pizza & pasta

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

Food 85% Alcohol 15%

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

Clayton
Applicant's Signature

5-13-13
Date

**PUBLIC HEARING
AFFIDAVIT OF POSTING**

APPLICANT'S NAME/ADDRESS: TAA Inc.
dba Roma Restaurant
3625 23rd Avenue, Units 5-6,
Evans, CO 80620

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

PUBLIC HEARING DATE Tuesday – August 20, 2013 at 7:30 p.m.
Evans Community Complex
1100 37th St.
Evans CO 80620

The undersigned, being first duly sworn on oath deposes and says that a sign was posted at the following location:

3625 23rd Avenue, Units 5-6, Evans, CO

Date of Posting: 8-12-13

I, Chris Allison, hereby acknowledge that the sign for the above listed establishment was posted in a conspicuous place at least ten (10) days before the public hearing in the front window of the establishment.

Posted by: Chris Allison

Signature: Chris Allison

Subscribed and sworn to before me this 13 day of August, 2013, by Luann Barlow

Witness my hand and official seal.

My Commission Expires: 5/21/14



Luann Barlow
Notary Public

NAME OF APPLICANT: Roma Restaurant
 3625 23rd Avenue Unit #5

TYPE OF APPLICATION: Hotel / Restaurant Liquor License

PUBLIC HEARING: August 5, 2013

At 7:30 p.m. Evans Community Complex - 1100 37th St., Evans CO 80620

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

	Signature	Address	City	Age	Date	Yes	No	Comments
1		3625 23rd Ave	Evans	48	8/12/13	X		
2		3633 23rd Ave	Evans	25	8/12/13	X		
3		2926 Belknap Tr	Evans	69	8/12/13	X		
4		2126 Pelican Dr.	Evans	60	8/12/13	X		
5		2442 Pelican	Evans	59	8/12/13	X		
6		7432 Pelican	Evans	33	8-12-13	X		
7		2438 Pelican	Evans	39	8/12/13	X		
8		2438 Pelican	Evans	30	8/12/13	X		
9		2430 Pelican Tr	Evans	36	8-12-13	X		
10		9493 Pelican	Evans	62	8-12-13	X		
11		2728 Coronado Dr	Evans	38	8-12-13	X		
12		2716 Coronado Dr	Evans	25	8-12-13	X		
13		7719 Coronado Dr	Evans	37	8-12-13	X		
14		2509 Coronado Dr	Evans	29	8-12-13	X		
15		9417 Coronado	Evans	39	8-12-13	X		

I, Christopher Allison do solemnly swear that all the information provided to the City of Evans and the State of Colorado in regard to my liquor license application has been given fully, accurately, truthfully and without concealment of any material fact or facts.

Individuals and all General Partners of partnerships must sign here:

Corporations sign here:

TAA Inc.
Name of Corporation

By [Signature]
Pres., Vice Pres. or Sec.

Date: _____

Date: 5-16-13

STATE OF COLORADO)
) SS
COUNTY OF WELD)

Subscribed and sworn to before me this 16th day of May, 2013
Witness my hand and official seal.

[Signature]
Notary Public
Address:

My Commission Expires: 6/17/2017

HOLLY S ROBERTS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094002379
MY COMMISSION EXPIRES JUNE 17, 2017

COUNCIL COMMUNICATION

DATE: August 20, 2013

AGENDA ITEM: 7.D

SUBJECT: Public Hearing – New Hotel/Restaurant Liquor License for Lit’l Bit Bar & Grill

PRESENTED BY: Raegan Robb, City Clerk

AGENDA ITEM DESCRIPTION:

Debra Nelson and Barbara Solivais, representing Lit’l Bit Bar & Grill, LLC, dba Lit’l Bit Bar & Grill, submitted an application on July 17, 2013, for a Hotel/Restaurant Liquor License located at 3620 35th Avenue, Units 6-8. The nature of the proposed establishment is a restaurant and bar with liquor service. This license was submitted for concurrent review with the City which allows the State to process the application while the City is also considering the application for adoption.

This decision is before City Council, as the Local Licensing Authority, is for conditional approval of the Hotel/Restaurant Liquor License.

If the license is approved by City Council, the liquor license will be processed and finalized with the State Liquor Enforcement Division, with the understanding that the City Clerk will not issue the liquor license until the premises are properly inspected by all local authorities and the applicants have fulfilled all requirements to receive a Certificate of Occupancy and City Business License.

Compliance with local regulations prior to receiving a liquor license is a requirement under Section 5.08.160 of the Evans Municipal Code and Section 12-47-312(4), C.R.S.

Section 5.08.160 of the Evans Municipal Code states that “no license shall be issued, renewed or transferred unless the building in which the business or licensed activity is carried on meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes and if applicable the Weld County Health Department rules and regulations.”

Section 12-47-312(4), of the Colorado Revised Statutes states that “no license shall be issued by any local licensing authority after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as is necessary to comply with the applicable provisions of this article and article 46 of this title, and then only after inspection of the premises has been made by the licensing authority to determine that the applicant has complied with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.”

The preliminary findings and report submitted for this Hotel/Restaurant Liquor License application is as follows:

- 1) That the Notice of Public Hearing on this matter was posted on the property and publication was made in the Greeley Tribune on or before August 10, 2013.
- 2) That the applicants are entitled to possession of the premises that the license applied for.
- 3) That selling liquor in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Evans or the State of Colorado.
- 4) That the applicants have received a State Sales Tax License and the City has confirmed that the applicants have applied for a City Business and Sales Tax License.
- 5) The Fire Department and Building Department have indicated that before a Certificate of Occupancy will be issued, the premises will be in compliance with the all applicable Building, Zoning and Fire Codes.
- 6) That the building premises where selling or serving alcohol will be conducted does not appear to be within 500 feet of any public or parochial school or principal campus of any college, university or seminary.
- 7) That within the boundaries which were identified as a one mile radius of the premises, there are the following licensed establishments in the City of Evans:

Hotel-Restaurant:	2
Beer and Wine	1
Club:	0
Retail Liquor Store:	3
Drugstore	0
Tavern:	0
3.2 Beer:	2

- 8) That within a one mile radius of the premises, there are the following licensed establishments in the City of Greeley:

Hotel-Restaurant:	0
Beer and Wine	0
Club:	1
Retail Liquor Store:	0
Drugstore	0
Tavern:	0
3.2 Beer:	2

- 11) That background investigations on all owners and managers identified by the application have been completed by the Evans Police Department.
- 12) That there has not, within two years preceding the date of the application, been a denial of an application by either the State Licensing Authority or the Local Licensing Authority for a Hotel/Restaurant Liquor License application at the location for which application has been made for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfactory by the existing outlets.

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

Attached is a memorandum from the Evans Police Department which shows the information that was found when they conducted their background checks.

The applicants submitted petitions to conveying the needs and desires of the neighborhood. The petitions submitted reflect 20 signatures in favor of the proposed liquor license and there are no signatures showing opposition to the proposed liquor license. The petitions are attached.

FINANCIAL SUMMARY:

The applicants have paid all State and City fees.

RECOMMENDATION:

Staff finds that the applicants have submitted all the necessary information for a new liquor license application. The State has also reviewed the application. Council's decision is based on information obtained at the Public Hearing.

SUGGESTED MOTIONS:

"I move for the conditional approval of the Hotel/Restaurant Liquor License for Lit'l Bit Bar & Grill, LLC, doing business as Lit'l Bit Bar & Grill

"I move to deny the approval of the Hotel/Restaurant Liquor License for Lit'l Bit Bar & Grill, LLC, dba Lit'l Bit Bar & Grill for the following reasons . . ."

PUBLIC HEARING PROCEDURE

Liquor Hearings

- A. Mayor opens Public Hearing.
- B. City Staff gives report.
- C. Applicant presents his/her position.
- D. Mayor asks to hear from anyone in the audience who wishes to speak in support of the issue.*
- E. Mayor asks to hear from anyone in the audience who wishes to speak in opposition of the issue.*
- F. Mayor asks applicant for any rebuttal
- G. Mayor asks Council if there are any questions that need clarified that were brought up during the Public Hearing.
- H. Mayor closes the Public Hearing.
- I. Mayor asks for Council discussion.
- J. Council will then take action on the issue.

Per Section 12-47-311 of the Liquor Code:

At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and to cross-examine witnesses. As used in this subsection, "party in interest" means any of the following:

- (I) The applicant;
- (II) An adult resident of the neighborhood under consideration;
- (III) The owner or manager of a business located in the neighborhood under consideration;
- (IV) The principal or representative of any school located within five hundred feet of the premises for which a malt, vinous, or spirituous liquor license is under consideration.

***The local licensing authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.**

Nothing in this subsection shall be construed to prevent a representative of an organized neighborhood group that encompasses part or all of the neighborhood under consideration from presenting evidence subject to this section. Such representative shall reside within the neighborhood group's geographic boundaries and shall be a member of the neighborhood group. Such representative shall not be entitled to cross-examine witnesses or seek judicial review of the licensing authority's decision.

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

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

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

I. APPLICANT INFORMATION

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

II. DIAGRAM OF THE PREMISES

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

III. PROOF OF PROPERTY POSSESSION

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

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

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

V. CORPORATE APPLICANT INFORMATION (If Applicable)

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

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

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

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

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

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

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

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

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

8. Has a liquor license 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.

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

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

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail) Dad L Service owner/DBA Lit'l Bit Bar & Grill
 a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord <u>Dad L Service LLC</u>	Tenant <u>Lit'l Bit Bar & Grill LLC</u>	Expires <u>8/1/2033</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) Attached

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

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
<u>Barbara Solivais</u>			<u>50%</u>

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

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No
 Has a local ordinance or resolution authorizing optional premises been adopted?
 Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following: Yes No
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License** applicants answer the following and attach: Yes No
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (Three years required)
 (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following: Yes No
 (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** Debra A. Nelson (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). 07/01/1959 Date of Birth

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

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

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

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Debra Nelson	555 E. 19th St Greeley CO 80631		manager	50%
Barbara Soliva's	319 Ash Ct EVANS, CO 80620		manager	50%

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorpor. 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) N/A 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 Debra Nelson Title Manager/owner Date 7/17/13

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

Date application filed with local authority 7/17/13 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-I (Individual History Record) has: Yes No
- Been fingerprinted
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants
 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
 (Check One)
 Date of Inspection or Anticipated Date 8-19-2013
 Upon approval of state licensing authority.

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

Local Licensing Authority for _____ Telephone Number _____ TOWN, CITY
 COUNTY

Signature _____ Title _____ Date _____

Signature (attest) _____ Title _____ Date _____

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Lit'l Bit Bar & Grill, LLC

is a **Limited Liability Company** formed or registered on 05/09/2013 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20131285277.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/14/2013 that have been posted, and by documents delivered to this office electronically through 08/15/2013 @ 22:33:10.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 08/15/2013 @ 22:33:10 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8617256.



A handwritten signature in blue ink, appearing to read "Scott Gessler", is written over a horizontal line.

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."



CITY OF EVANS, LICENSING AUTHORITY, WELD COUNTY, COLORADO

**PRELIMINARY FINDINGS AND REPORT UPON APPLICATION
FOR A NEW HOTEL/RESTAURANT LIQUOR LICENSE**

RE:

Lit'l Bit Bar & Grill, LLC
dba Lit'l Bit Bar & Grill
3620 35th Avenue Units 6-8
Evans CO 80620

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

Pursuant to Colorado Revised Statutes, 12-47-312(1), you are hereby advised that with regard to your application for a new Hotel/Restaurant Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

- 1) That the application was filed on July 17, 2013.
- 2) That the Notice of Public Hearing on this matter was posted on the property and publication was made in the Greeley Tribune on or before August 10, 2013.
- 3) That there has not, within two years preceding the date of your application, been a denial of an application by either the State Licensing Authority or the Local Licensing Authority of the City of Evans for a Hotel/Restaurant Liquor License application at the location for which application has been made for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfactory by the existing outlets.
- 4) That it appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.
- 5) That selling liquor in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Evans or the State of Colorado.
- 6) That the Sales Tax Division indicates that this taxpayer has applied for a state sales tax license and has also applied for a City sales tax license.
- 7) That the investigation reports from the Fire Department and Building Inspection Department indicate that before a Certificate of Occupancy will be issued, the premises will be in compliance with the Building, Zoning and Fire Codes.
- 8) That the building where you propose to exercise the privilege of selling or serving alcohol does not appear to be in violation of the 500 foot limitation from any public or parochial school or principal campus of any college, university or seminary.

- 9) That within the boundaries which were identified as a one mile radius where you propose to sell alcohol by the drink to customers for consumption on the premises, there are the following licensed establishments in the City of Evans:

Hotel-Restaurant:	2
Beer and Wine	1
Club:	0
Retail Liquor Store:	3
Drugstore	0
Tavern:	0
3.2 Beer:	2

- 10) That within a one mile radius where you propose to sell alcohol by the drink to customers for consumption on the premises, there are the following licensed establishments in the City of Greeley:

Hotel-Restaurant:	0
Beer and Wine	0
Club:	1
Retail Liquor Store:	0
Drugstore	0
Tavern:	0
3.2 Beer:	2

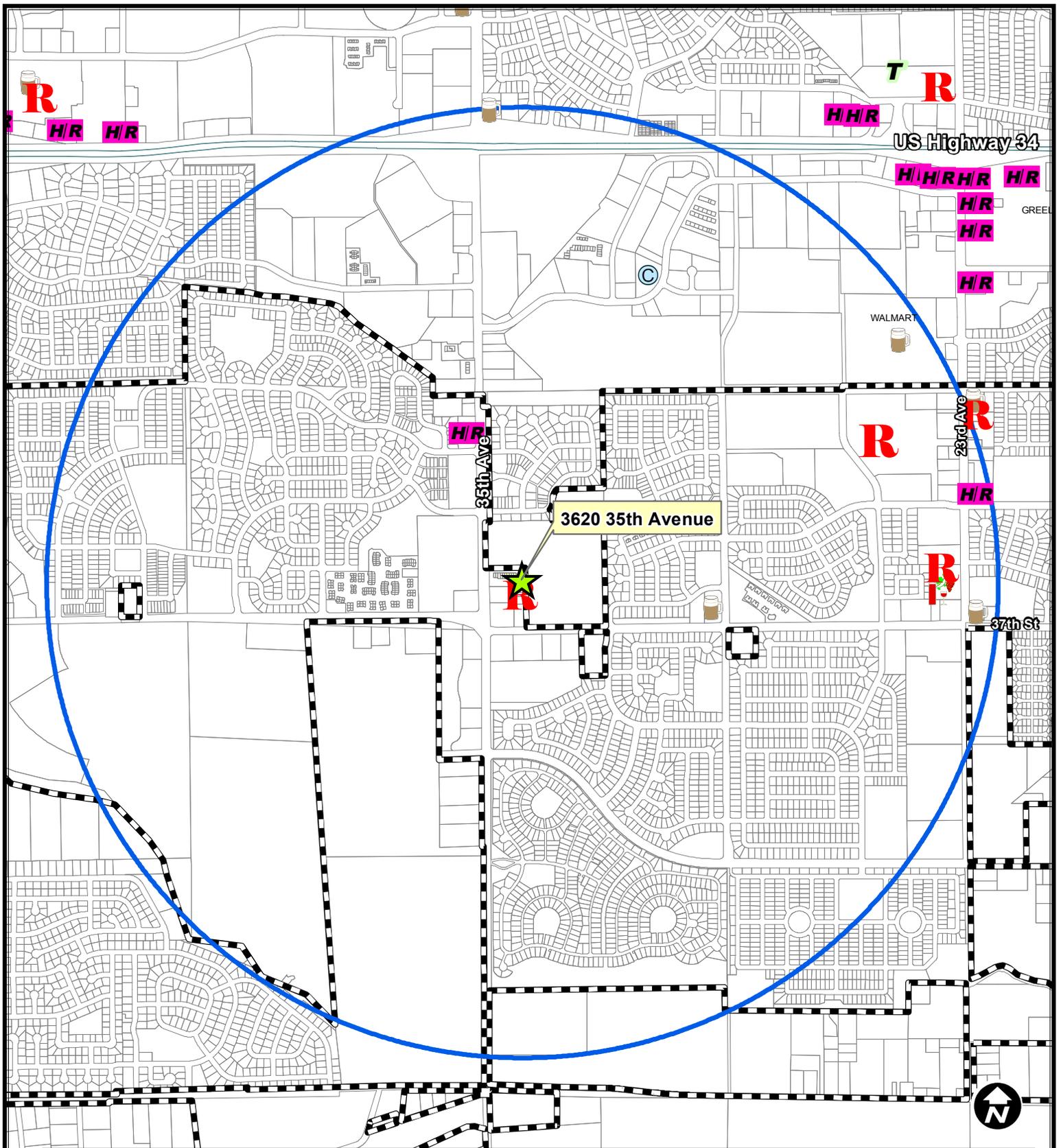
- 11) That background investigations on all owners and managers identified by the application have been completed by the Evans Police Department, and the August 13, 2013 memorandum from Rick Brandt, Evans Chief of Police, is attached.
- 12) That the Public Hearing on your application will be held on Tuesday, August 20, 2013 at 7:30 p.m. at the Evans Community Complex, Council Chambers, 1100 37th Street, Evans CO. At said hearing, you will have an opportunity to be heard regarding all matters related to your application, including all matters herein set forth.

You are advised to obtain and read a copy of the State of Colorado Liquor Code which can be obtained by visiting the following website: www.colorado.gov/revenue/liquor.

You are also advised to read Chapter 5.08, Alcoholic Beverages of the Evans Municipal Code which was distributed as part of your liquor packet. If you need to obtain another copy, please contact the City Clerk at: (970) 475-1104 or visit the City's website at: www.cityofevans.org.

Dated this 15th day of August 13, 2013.

Raegan Robb
City Clerk



Vicinity Map
3620 35th Avenue
Units 6-8 and
Surrounding
Liquor Licenses

Legend		License Type	
	Evans City Limits		Retail Liquor Stores (Off Premises)
	Giuseppe's Ristorante Italiano		Beer/Wine (On Premises)
	One-Mile Radius		Hotel/Restaurant (On Premises)
			Club (On Premises)
			3.2 Beer (Off Premises)
			Drugstore (Off Premises)

Raegan Robb

Subject: FW: Language From Liquor License Findings Letter

From: Zach Ratkai
Sent: Thursday, August 15, 2013 5:32 PM
To: Raegan Robb
Subject: RE: Language From Liquor License Findings Letter

Roma's building permit is in process, the Building Department will conduct its normal building inspections through the course of the permitting process. In cases such as this, the building permit inspections suffice for the liquor license inspections as well.

N. Zach Ratkai, CPM
Building and Development Manager
City of Evans, Colorado

From: Raegan Robb
Sent: Thursday, August 15, 2013 12:21 PM
To: Warren Jones
Cc: Zach Ratkai
Subject: RE: Language From Liquor License Findings Letter

Thanks Chief,

Can both of you send me something today indicating that?

Appreciate it.

Raegan Robb
City Clerk
City of Evans
Office: (970) 475-1104
Fax: (970) 330-3472



From: Warren Jones
Sent: Thursday, August 15, 2013 8:55 AM

To: Raegan Robb
Subject: RE: Language From Liquor License Findings Letter

Yes, we just normally use an e-mail.

Warren D. Jones

Fire Chief
Evans Fire Protection District
970-475-1117
970-397-3114 (cell)
wjones@ci.evans.co.us



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

From: Raegan Robb
Sent: Thursday, August 15, 2013 8:13 AM
To: Warren Jones; Zach Ratkai
Subject: Language From Liquor License Findings Letter

Gentleman:

In drafting my findings letter for the upcoming liquor hearings, I came across the following "finding":

"That the investigation reports from the Fire Department and Building Inspection Department indicate that before a Certificate of Occupancy will be issued, the premises will be in compliance with the Building, Zoning and Fire Codes."

Thanks.

Raegan Robb
City Clerk
City of Evans
Office: (970) 475-1104
Fax: (970) 330-3472



From: [Ann Molter](#)
To: [Raegan Robb](#)
Subject: Lit'l Bit Bar & Grill
Date: Thursday, August 15, 2013 11:24:01 AM

Hi Raegan,

Lit'l Bit Bar & Grill (acct. #2602765) has a business license application currently under review.

Kind Regards,

Ann Molter

Assistant Tax Clerk

Finance Department

City of Evans

amolter@ci.evans.co.us

Phone: (970) 475-1105

Fax: (970) 475-1194





City of
Evans
Police

1100 37th Street
Evans, Colorado 80620-2036
Phone: (970) 339-2441
Fax: (970) 339-5177

TO: Raegan Robb, City Clerk
FROM: Rick Brandt, Chief of Police *RB 8/13/12*
DATE: August 13, 2013
SUBJ: Lit'l Bit Bar & Grill, LLC Liquor License Application

A standard background investigation was conducted for a liquor license application for Lit'l Bit Bar & Grill, LLC and the below listed corporate officer:

Debra Nelson
Barbara Solivais

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

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

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

**EVANS POLICE DEPARTMENT
RESPONSIBLE PARTY INFORMATION**

Please Notify the Police Dept. of any changes immediately

(Type or Print only)

Business Name LITL BIT BAR + GRILL, LLC
Address 3620 35th AVE UNIT # 16-8 Phone: 970-576-2044
Type of Business BAR and GRILL

Owner: Name <u>Debra A Nelson</u> Address <u>555 E 19th ST GARAGE, 10.</u> Phone <u>970-576-2044</u>		
Manager: Name <u>Barbara A. Solivais</u> Address <u>319 Ash Ct EVANS, CO 80620</u> Phone <u>970-576-0063</u>		
Responsible Persons: (those who have access to the business after working hours)		
Name	Address	Phone
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
Emergency Contact:		
Name <u>Leroy Petersen</u>	_____	_____
Address <u>555 E 19th ST.</u>	_____	Phone <u>970-576-6119</u>

Alarm Information	
Does the business have an alarm system:	Fire? <input checked="" type="checkbox"/> Burglary? <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Auto dialer/third party	<input checked="" type="checkbox"/> Monitored by Security Co.
<input type="checkbox"/> Outside Audible	<input type="checkbox"/> Silent Alarm
<input type="checkbox"/> Panic Button	
Security Company Name (if applicable)	_____
Address <u>TBA</u>	Phone _____

Miscellaneous Information	
How many entry/exit doors are in the building? <u>6</u>	Location(s): <u>3 Front 3 Back</u>
Is alcohol stored in the building? <u>yes</u>	Location(s): <u>BAR + West Station</u>
Are drugs stored in the building? <u>no</u>	Location(s): _____
Are weapons stored in the building? <u>no</u>	Location(s): _____

As a public service, the Evans Police Department would like to present a crime prevention program customized for your business.

I am interested in learning more about: Check Fraud Robbery/Theft
Security Issues Other _____ No thank you.

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business
 Lit'l Bit Bar & Grill, LLC

2. Your Full Name (last, first, middle)
 Nelson, Debra, Anne

3. List any other names you have used.
 Debbie, Deb

4. Mailing address (if different from residence)
 3620 35th Unit 6, 7+8 Evans, CO. 80620

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 555 East 19th Street	Greeley, CO, 80631	1999	Present
Previous			

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Kenny's Steak House	3502 West 10th Street, Greeley, CO. 80634	Off site Bar Manager	2003	present
Weld County Prevention Partners	2350 3rd Street Road, Greeley, CO. 80631	TIPS Trainer	2007	Lee present
RegWest		Regulatory Specialist	2010	2011

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

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
Lee Nelson	Brother	Maintenance Dining Services	University of Northern Colorado
Jan Nelson	Sister-in-Law	Manager, Dining Services	UNC
Ashlee Nelson	Niece	Bartender	UNC, Kenny's
Brandon Nelson	Nephew	Bartender	UNC, Kenny's, Shorty's Grill

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

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

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

Yes No

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

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (if yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth	b. Social Security Number SSN	c. Place of Birth Greeley, CO	d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, State where		f. When	g. Name of District Court
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height	m. Weight	n. Hair Color: Red	o. Eye Color: Blue
p. Sex: female	q. Race: white	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$... (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$...

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid...

c. Provide details of the investment described in 14. b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Cash	American Express Financial Bank of the West	
equipment	Community Bank of CO	
Services	Lincoln Limosine	
	consulting and management services	

d. Loan Information (attach copies of all notes or loans)

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <i>Debra Anne Nelson</i>	Title Manager <i>manager</i>	Date <i>6/24/2013</i>
--	---------------------------------	--------------------------

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business <i>Lit'l Bit Bar + Grill LLC</i>					
2. Your Full Name (last, first, middle) <i>Barbara A. Solivais</i>			3. List any other names you have used. <i>Barbara A Johnson</i>		
4. Mailing address (if different from residence) <i>319 Ash Ct EVANS, CO 80620</i>					
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).					
STREET AND NUMBER		CITY, STATE, ZIP		FROM	TO
Current <i>319 Ash Ct</i>		<i>EVANS CO 80620</i>		<i>4/2002</i>	<i>Current</i>
Previous					
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)					
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO	
<i>Dr Angel Gomez</i>	<i>1122 9th St Greeley CO 80631</i>	<i>Hygienist</i>	<i>1/2000</i>	<i>4/2010</i>	
<i>Dr Ryan Gomez</i>	<i>1122 9th St Greeley CO 80631</i>	<i>Hygienist</i>	<i>4/2010</i>	<i>11/2010</i>	
<i>Shortys Sports Grill</i>	<i>3313 35th Ave Evans, CO 80620</i>	<i>President</i>	<i>7/2008</i>	<i>Current</i>	
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.					
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE		
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
<i>Liquor License for Shortys Sports Grill</i>					
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

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

Yes No

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

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Gary IN		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height	m. Weight	n. Hair Color Brown	o. Eye Color Blue	p. Sex F	q. Race white	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO. 92-113-9993	

14. Financial Information.

a. Total purchase price \$..... (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$.....

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$.....

c. Provide details of the Investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Cash		
equipment and inventory		

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <i>[Signature]</i>	Title Manager	Date 7/17/13
--	------------------	-----------------

Attachment to Liquor/3.2% Beer Retail License Application

(Please type or print legibly.)

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

Sports Bar, grill, meeting facility - target market, Local neighborhood, middle to upper class clientele, family friendly entertainment 21+ age group

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

M-W 4pm to close (10pm-2am) Th-Sun 11am - close (12am-2am)

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

2 full time managers, 4 part-time bartenders, 4 part-time wait staff, 4 part-time cooks, 3 part-time door persons

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

Bartender/Manager experience for 34 years, currently manage 30+ bartenders for large parties, successfully trained local bartenders for past 20 yrs - certified TIPS + trainer

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

I am one of the managers, Barb Solivais is the other owner/manager, she currently runs a successful business, Shoutz's Sports Grill

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

employees will be trained in customer service, proper mixology and in-depth TIPS training

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

In-depth and ongoing training on quality expectations, customer feedback, proper technique, presentation, cleanliness & health dept requirements. We have SOP's in place.

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

Policy is that anyone that looks under "30" will be checked. employees will be extensively trained on how to check identification. No one under age 21 stay in establishment after 2pm.

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

DJ and Karaoke, Pool & Darts, Juke Box, Sports TV's

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

Security at the door thru - surveillance cameras
Paid employees + trained who to check ID's

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

N/A

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

Full Grill Menu, snacks & Burritos & pizza
Available at all times BAR is open.

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

40% Food 60% Alcohol

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

Melissa Nelson
Applicant's Signature

7/29/13
Date

**PUBLIC HEARING
AFFIDAVIT OF POSTING**

APPLICANT'S NAME/ADDRESS: Lit'1 Bit, LLC
dba Lit'1 Bit Bar & Grill
3620 35th Avenue Units 6-8
Evans, CO 80620

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

PUBLIC HEARING DATE Tuesday – August 20, 2013 at 7:30 p.m.
Evans Community Complex
1100 37th St.
Evans CO 80620

The undersigned, being first duly sworn on oath deposes and says that a sign was posted at the following location:

3620 35th Avenue Units 6-8, Evans, CO

Date of Posting: 8/8/2013

I, Debra A Nelson, hereby acknowledge that the sign for the above listed establishment was posted in a conspicuous place at least ten (10) days before the public hearing in the front window of the establishment.

Posted by: Debra A Nelson
Signature: Debra A Nelson

Subscribed and sworn to before me this 12 day of August, 2013, by A. Pugliese.

Witness my hand and official seal.

My Commission Expires: _____

<p>Anne D Pugliese Notary Public State of Colorado Notary ID 20134028570 My Commission Expires May 13, 2017</p>	<p><u>Anne Pugliese</u> Notary Public</p>
---	---

NAME OF APPLICANT: Little Bit
 3620 35th Ave # 8 Evans, CO

TYPE OF APPLICATION: Hotel / Restaurant Liquor License

PUBLIC HEARING: August 20, 2013

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

	Signature	Address	City	Age	Date	Yes	No	Comments
1	<i>[Signature]</i>	3490 35TH AVE #110	EVANS	59	7-25-2013	X		
2	<i>[Signature]</i>	3410 35th Ave #6	Evans	50	7/29/2013	X		HOA Resident Evans Business Park
3	<i>[Signature]</i>	3415 REEVES CT	EVANS	40	7/29/2013	X		
4	Brandon Nelson	8925 MERVICK LN	EVANS	21	7/29/2013	X		
5	Brandon Benner	3223 Cramer Ave	Evans	35	8/1/2013	X		
6	<i>[Signature]</i>	3802 Longhorn Ln	EVANS	50	8/1/2013	X		
7	<i>[Signature]</i>	2205 37th St #47	EVANS	57	8/1/13	X		
8	<i>[Signature]</i>	3806 Longhorn Ln	EVANS	60	8/1/2013	X		
9	<i>[Signature]</i>	4325 KAUERLE DR	EVANS	37	8/1/13	O		
10	<i>[Signature]</i>	4325 WARTH WAY	EVANS	68	8/1/2013	X		
11	<i>[Signature]</i>	3501 Carson Ave	EVANS	66	8-1-2013	X		
12	A. ARQUELO	2822 ABBOT DRIVE	EVANS	21	8-1-13	X		
13	DW GREGG	3127 RIDGRANDE	EVANS	35	8/1/13	X		
14	<i>[Signature]</i>	4938 Grand Tower	EVANS	49	8/1/13	X		
15	<i>[Signature]</i>	P.O. Box 200181	Evans	57	8/2/13	X		

	Signature	Address	City	Age	Date	Yes	No	Comments
16	<i>[Signature]</i>	3207 MARKERS LANDING	EVANS	40	2 Aug 13	<input checked="" type="checkbox"/>		
17	<i>[Signature]</i>	3121 Santa Fe Ct	EVANS	22	8-3-13	<input checked="" type="checkbox"/>		
18	<i>[Signature]</i>							
19	<i>[Signature]</i>	3515 11th Ave	EVANS	40	8-3-13	<input checked="" type="checkbox"/>		
20	<i>[Signature]</i>	6608 US 5th St	Greeley	49	8-3-13	<input checked="" type="checkbox"/>		
21	<i>[Signature]</i>	1604 38th St	Evans	53	8/3/13	<input checked="" type="checkbox"/>		
22	<i>[Signature]</i>	2112 82nd Ave	Greeley	29	8/4/13	<input checked="" type="checkbox"/>		
23	<i>[Signature]</i>		Greeley	26	8-4-13	<input checked="" type="checkbox"/>		
24	<i>[Signature]</i>		Greeley	24	8.4.2013	<input checked="" type="checkbox"/>		
25	<i>[Signature]</i>		Greeley	27	8/4/13	<input checked="" type="checkbox"/>		
26	<i>[Signature]</i>		Greeley	26	8-4-13	<input checked="" type="checkbox"/>		
27	<i>[Signature]</i>	3021 11th Ave Fl	EVANS	42	8-6-13	<input checked="" type="checkbox"/>		
28	<i>[Signature]</i>	3091 11th Ave Fl	Evans	41	8-6-13	<input checked="" type="checkbox"/>		
29	<i>[Signature]</i>	3807 Starbuck Dr	EVANS	41/42	8-6-13	<input checked="" type="checkbox"/>		
30	<i>[Signature]</i>	3625 W. 29th St. #15	Greeley	22/25	8-6-13	<input checked="" type="checkbox"/>		Excellent Service!!
31	<i>[Signature]</i>	3121 Santa Fe Ct	Evans	27	8-6-13	<input checked="" type="checkbox"/>		
32	<i>[Signature]</i>	3121 Santa Fe Ct	Evans	25	8/6/13	<input checked="" type="checkbox"/>		
33	<i>[Signature]</i>	3705 Starbuck	EVANS	25	8-6-13	<input checked="" type="checkbox"/>		Good safe entertainment
34	<i>[Signature]</i>	3127 RIO COLANDE AVE	EVANS	100	AUG. 8, 13	<input checked="" type="checkbox"/>		GO GIRL
35	<i>[Signature]</i>	3127 Rio Grande Ave	EVANS	54	8/8/13	<input checked="" type="checkbox"/>		
36	<i>[Signature]</i>	3918 Myerbrook Ln	EVANS	47	8/8/13	<input checked="" type="checkbox"/>		
37	<i>[Signature]</i>	4402 Norton St	EVANS	32	08/01/13	<input checked="" type="checkbox"/>		
38	<i>[Signature]</i>	3620 Langhorn Ct Evans		27	8-8-13	<input checked="" type="checkbox"/>		
39	<i>[Signature]</i>	3702 Langhorn Ln	EVANS	50	8-8-13	<input checked="" type="checkbox"/>		
40	<i>[Signature]</i>	3025 49th Ave	Greeley	37	8-8-13	<input checked="" type="checkbox"/>		Need it!
41	<i>[Signature]</i>	3075 41st Ave	Greeley	32	8-8-13	<input checked="" type="checkbox"/>		
42	<i>[Signature]</i>	1783 11 Ave	Greeley	50	8-8-13	<input checked="" type="checkbox"/>		AWSOME

I, Debra Nelson do solemnly swear that all the information provided to the City of Evans and the State of Colorado in regard to my liquor license application has been given fully, accurately, truthfully and without concealment of any material fact or facts.

Individuals and all General Partners of partnerships must sign here:

Corporations sign here:

Lit'z Bit Bar + Grill, LLC

Name of Corporation

By Debra Nelson

Pres. Vice Pres. or Sec.

Date: 8/15/13

Date: 8/15/13

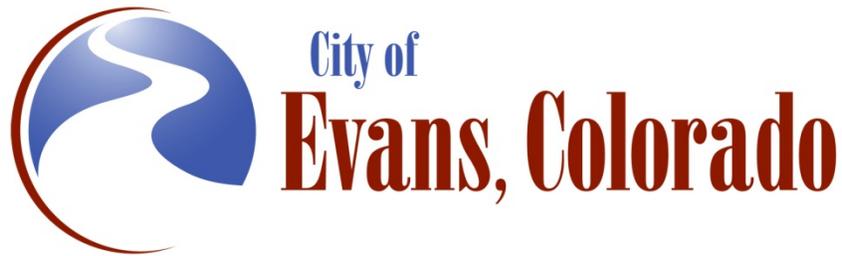
STATE OF COLORADO)
) SS
COUNTY OF WELD)

Subscribed and sworn to before me this 15 day of August, 2013.
Witness my hand and official seal.

My Commission Expires: 5/7/16

Mary Luann Barlow
Notary Public
Address:
1100 37 st.
Evans, CO 80020





City Manager Monitoring Report August 15, 2013

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

- **Wellness Program Update**

We had 68 participants complete the 3rd phase of the City's wellness program and are scheduled to receive the \$200 cash incentive via the August 16th pay check. Out of the 68 participants, 18 were spouses and 50 were City/District employees.

- **Employee Review Team (ERT)**

Dawn Anderson was elected as ERT Chair and Jen Baiamonte was elected as Vice Chair for the 2013/2014 year. Congratulations, Dawn & Jen!

ERT will be using three subcommittees for the following projects: Pay incentive policy recommendations, training/travel policy recommendations and 2013/2014 wellness program planning.

ERT is sponsoring an Evans night at the Rockies on Saturday, September 21st to attend the 6pm game. If interested, please RSVP to Jen Baiamonte by August 16th at 5pm.

- **SAFETY Event Update**

The August 10th Event went off with great success. Approximately 250 people visited agency booths and demonstrations. Feedback forms were collected from both the agencies and participants of the event. The Safety event planning group will be conducting a debriefing in the next couple weeks to analyze the feedback, what worked and what did not work for the event. A brief update on the results will be given on the September 3rd monitoring report.



- **Infrastructure Updates**

2013 Seal Contract: A-1 Chipseal / Rocky Mountain Pavement is currently in town completing infrared patching prior to the chip seal application. The schedule is currently as follows:

- Infrared Patching: 8/7/2013 – 8/13/2013
- Chipseal: 8/15/2013 – 8/16/2013

Locations:

- 17th Avenue: 37th Street south to 42nd Street
- Hunter's Subdivision

* Schedule could change. I will keep you informed of any changes or updates.

2013 Pavement Marking: Kolbe Striping will mobilize in town on Monday, August 12th. This work will consist of completing a re-stripe of all centerline, lane and edge striping within the city limits. It will also include the addition



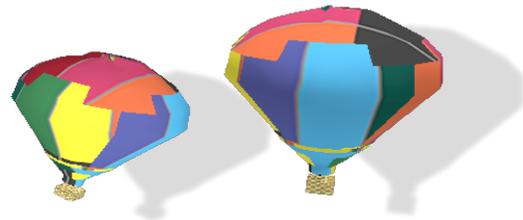
of thermoplastic symbols, crosswalks and stop bars throughout the city. Project should be complete within a week of commencement.

2013 Concrete Project: This contract is at the Notice to Proceed stage with Naranjo Civil Constructors. Once all contract documents are signed work will be scheduled. Work is scheduled to take place in various locations throughout the city.

2013 Asphalt Overlay Project: This contract is at the Notice of Award stage with Martin Marietta. Once all contract documents are signed work will be scheduled. Overlay locations is as follows:

- 11th Avenue: 34th Street to 32nd Street
- Intersection of 37th Street / 17th Avenue

- **EVENTS**



SEPTEMBER 7, 2013

SCHEDULE OF EVENTS

Pancake Breakfast 8:00 – 10:00

Enjoy sausage, pancakes, juice, coffee and all the fixin's while enjoying Christian Rock Praise Band, "The Devil Dodgers" from Redeemer Lutheran Church.

Parade 10:00

Our famous EvansFest Parade winds its way from Fire Station #1, east on 40th St, around City Park and on to Riverside Park. Kids from all the Evans schools, marching bands and floats will "Tune In To Evans". Parade Marshal, Jack Meakins, will lead the parade along with his grandchildren, all playing their favorite instruments.

Family Activities 10:30 – 2:00

Music, music, music as three bands perform, kids jump on the inflatables, pet animals in the petting zoo, see the car show and the pet contest, follow dance instructors, get their faces painted, play on real fire trucks and enjoy other kid-centric activities. Adults can enjoy these too and go for a little browsing in the vendor tents.

Three bands will play in one hour segments after the parade:

From 11:00 until noon listen to Jim & Daryl in **FUBAR II**.



Noon until 1:00 rock out with **BEN PU & CREW**.

1:00 – 2:00 we're proud to have **THE JESS REDMON BAND**.

We'll keep your spirits up and your toes tapping all afternoon!

Food and Beer Garden 11:00 – 2:00

Delicious food, cold beer, pop and water. Need we say more?

Scavenger Hunt 2:00 **NEW THIS YEAR**

Kids of all ages can follow the Pied Piper over to Riverside's lake on the shore of the S. Platte River and hunt for great prizes.

VISIT www.evansfest.org for more details and updates on the event.



COUNCIL COMMUNICATION

DATE: August 20, 2013
AGENDA ITEM: 10.A
SUBJECT: Adjournment to Executive Session

AGENDA ITEM DESCRIPTION:

Pursuant to 24-6-402(4)(e), City Council will adjourn into an Executive Session for the discussion of matters subject to negotiations.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

“Pursuant to CRS 24-6-402(4)(e), I move to go into Executive Session for the discussion of matters subject to negotiations.”

AUGUST 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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	1	2	3	4	5

OCTOBER 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		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		

August	Event	Location	Time
1	NFRMPO August Meeting	Eaton Recreation Center 224 1st Street	6:00 PM - 8:30 PM
3	Groundbreaking for Riverside Library and Cultural Center	3700 Golden Street, Evans	9:00 - 11:00 AM
5	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
6	National Night Out	Evans	6:00 PM - 8:30 PM
10	City Safety & Awareness Event	Evans Sam's Club	9:00 AM - Noon
13	Evans Open House Regarding Water Meter Systems	Evans City Complex Banquet Hall	Begins at 6:30 PM
20	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
27	City Council Work Session: Budget Presentation on City Payroll + Supplies & Services	Evans City Complex	Begins at 6:00 PM

September	Event	Location	Time
3	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
5	NFRMPO September Meeting	Johnstown	6:00 PM - 8:30 PM
7	EvansFest	Riverside Park	8:00 AM - 2:00 PM
10	City Council Work Session: CIP & AMP Budgets	Evans City Complex	Begins at 6:00 PM
17	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM

October	Event	Location	Time
1	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
3	NFRMPO September Meeting	Loveland Council Chambers 400 E. Third Street	6:00 PM - 8:30 PM
15	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
17	Government Agencies Meeting	Aims Community College	Begins at 7:00 AM