



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

April 21, 2015 - 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:	John Morris
Mayor Pro-Tem:	Jay Schaffer
Council:	Laura Brown
	Mark Clark
	Sherri Finn
	Lance Homann
	Brian Rudy

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 concerning issues not on the agenda, this is the time 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 April 7, 2015
- B. Ordinance No. 620-15 Code Changes Regarding Fireworks (2nd Reading)
- C. Resolution No. 11-2015 Rescheduling June 16th, 2015 and August 4th, 2015 City Council Meetings
- D. Approval of Memorandum of Understanding: Collection of Sales and/or Use Tax by Weld County Clerk and Recorder

7. NEW BUSINESS

- A. Public Hearing - Ordinance No. 621-15 1st Quarter Budget Revision (1st Reading)
- B. Public Hearing – Resolution No. 12-2015 Variance Request ARB MidStream
- C. Resolution No. 13-2015 City Irrigation Ditch Water Fees
- D. Approval of Grant Award for Stormwater Management Plan from the Colorado Department of Local Affairs CDBG-DR Program
- E. Approval of Grant Award for South Platte River Sediment Transport Modeling and Project Feasibility Study from the Colorado Department of Local Affairs CDBG-DR Program

8. REPORTS

- A. City Manager
- B. City Attorney

9. AUDIENCE PARTICIPATION (general comments)

Please refer to 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 determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 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: April 21, 2015

AGENDA ITEM: 6.A

SUBJECT: Approval of the Minutes of the April 7th City Council Meeting

PRESENTED BY: City Clerk

AGENDA ITEM DESCRIPTION:

Approval of minutes.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

"I move to approve the minutes as presented."

MINUTES
EVANS CITY COUNCIL
April 7, 2015

CALL TO ORDER

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

PLEDGE

ROLL CALL

Present: Mayor Morris, Mayor Pro-Tem Schaffer, Council Members Brown, Clark, Finn, Homann, and Rudy

PROCLAMATIONS

A. Arbor Day

Mayor Morris read the proclamation for Arbor Day and presented it to Scott Sandridge, City Parks and Grounds Superintendent.

B. Mayors' Day of Recognition for National Service

Mayor Morris read the proclamation for Mayor's Day of Recognition for National Service and presented the proclamation to the following VISTA members of the United Way of Weld County:

- Kristina Sandquist;
- Ashley Boyer;
- Elise Kapitancek;
- Melanie Falvo;
- Laura Hobbs;
- Jonathan Basso; and
- Christina McKasy

AUDIENCE PARTICIPATION

Julie Cozad, Weld County Commissioner, District 2, addressed the City Council to introduce herself to Evans Residents and poll the Council about any issues they wanted to address with Weld County. Commissioner Cozad talked about coffee with Cozad at the Blue Mug every Friday, in Greeley, and invited any constituents to schedule an appointment with her during her office hours. She talked about her monthly meetings with Mayor Morris and asked to be included in City events. Mayor Pro-Tem Schaffer asked Commissioner Cozad about the changing boundaries

of the Commissioner Districts.

Commissioner Cozad described how the Commissioner District boundaries will change to balance representation in the County.

Mayor Morris thanked Commissioner Cozad for her comments.

Mr. Lynn Depew, 3822 Empire Street, Evans, stated he was speaking for him and not as a member of the Recovery and Redevelopment Task Force.

Mr. Depew discussed his frustration about how the Task Force was managed by Sheryl Trent, City Economic Development Director. Specifically, Mr. Depew discussed some requests made by the Task Force that were not met, including a joint meeting with other flood-damaged communities and the Task Force's request for a City economic update. He talked about the benefits of the Task Force going onsite to Riverside Park, but complained that Ms. Trent was not present, and expressed frustration about not using the City bus for the tour. Lastly, Mr. Depew resigned from the Flood Task Force—effective immediately.

APPROVAL OF AGENDA

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Brown to adopt the Agenda. The motion passed with all voting in favor thereof.

CONSENT AGENDA

A. Approval of Minutes of the Regular Meeting of March 17, 2015

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Clark, to adopt the Consent Agenda. The motion passed with all voting in favor thereof.

NEW BUSINESS

A. Ordinance No. 620-15 Code Changes Regarding Fireworks (1st Reading)

Rick Brandt, Chief of Police presented the Ordinance which would create a new Chapter 9.33 in the Evans Municipal Code, to simplify the definition of fireworks in City Code in order to prosecute the unauthorized possession, sale, or use of fireworks in the City of Evans. According to Chief Brandt, the proposed definition is substantially similar to and consistent with the definition utilized by other municipalities.

Chief Brandt also explained that if Ordinance No. 620-15 is adopted, the International Fire Code (IFC) would remain as a part of City Code and citing officers would have the option to pursue recourse under the newly-enacted Chapter 9.33 or under the IFC.

Mayor Morris clarified that the code change would only allow the legal use of consumer fireworks.

Chief Brandt, stated that only the safer consumer fireworks would be allowed in the City.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Clark, to approve Ordinance No. 620-15 on first reading.
The motion passed with all voting in favor thereof.

B. Resolution No. 10-2015 Adopting a City Policy for the Disposal of Surplus or Abandoned Property

Jessica Gonifas, Deputy City Manager, explained that the City currently lacks a formal asset disposal policy for items other than real estate and confiscated property. According to Ms. Gonifas, the proposed Resolution outlines the disposal process for property into two categories: original cost of \$5,000 or more; and less than \$5,000. She stated that property that had an original cost over \$5,000 will be declared surplus property 1 to 2 times per year by resolution considered by the City Council. Items with an original cost under \$5,000 can be disposed of by Department Director approval. Ms. Gonifas explained that revenue collected from the sale of surplus property will be receipted into the same fund that was used to originally purchase the equipment.

Ms. Gonifas explained that the original Resolution was amended according to comments received by City Council to require employees to pay the fair-market value to purchase any item under the disposal policy. The Council Members received a hand out showing the amended language to the Resolution.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Clark, to adopt Resolution No. 10-2015, as amended.
The motion passed with all voting in favor thereof.

C. IGA with Weld County School District 6 (Prairie Heights Middle School)

Fred Starr, Director of Public Works and Community Development, and Zach Ratkai, Building and Neighborhood Services Manager, explained that the City of Evans was requesting the Council's approval of an intergovernmental agreement

(IGA) between the City of Evans and the Greeley-Evans School District-6 regarding the development of Prairie Heights Middle School in the City of Evans. Mr. Starr discussed the impact fees for extending the sewer extension to Igo-Farms originally required by the Igo-Farm Annexation and the need to reimburse the School District. Under the IGA, the City of Evans will collect \$119,888.38 in total impact fees and remitting \$49,195.94 to the developer in accordance with the agreement.

Wayne Eads, Interim Superintendent, Greeley-Evans School District-6, addressed the City Council to thank them for supporting the development of Prairie Heights Middle School, supporting the bond question for the Middle School, and asked that the Council support the IGA.

Mayor Morris asked about the plans for non-potable to the school grounds.

Mr. Eads explained that the school district is planning on installing both potable and non-potable water systems to begin irrigating with non-potable water on the school grounds as soon as the City can provide non-potable water to this area.

Council Member Homann asked about if installing the non-potable system on the school grounds could happen according to the July 1st deadline identified in the agreement.

Mr. Starr and Mr. Ratkai both spoke about the timeline of the project and the build-out of the non-potable water system to the project.

Mayor Morris clarified that water delivery should be suspended in the event that the non-potable system has not been implemented by July 1st.

Mr. Starr clarified that water delivery would be suspended in the event that the non-potable system was not in place for irrigation by July 1st.

Council Member Clark made the motion, seconded by Council Member Rudy, to approve the IGA with Weld County School District 6 for Prairie Heights Middle School. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Aden Hogan, City Manager, referred the Council Members to the City Manager's Monitoring Report and to a recent email from the Colorado Municipal League concerning legislation that will reduce the amount of severance taxes to local governments. Mr. Hogan talked about Representative Dave Young's role on the Joint Budget Committee and encouraged council to contact Representative Dave

Young.

B. City Attorney

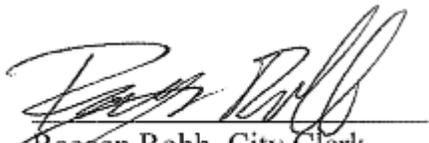
Scott Krob, City Attorney, updated Council about the Ashley Fallis case and a recent suit filed against the City by the Fallis family. Mr. Krob explained that legal counsel under the City's liability insurance would be handling this suit. He also discussed issues with equivalent residential units (EQRs) and the Central Water Conservancy District concerning the City's water rights in the Godfey Ditch. Lastly, Mr. Krob updated Council on the ongoing disagreement with Scott Erlich over the City development fees attached to the construction of Aschcroft Heights. According to Mr. Krob, these fees will not be paid until an agreement is reached between the City and Mr. Erlich's legal counsel.

AUDIENCE PARTICIPATION

There was no audience participation.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.


Raegan Robb, City Clerk

COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 6.B

SUBJECT: An Ordinance Concerning Fireworks - Ordinance No. 620-15

PRESENTED BY: Avi Rocklin, Municipal Prosecutor, and Rick Brandt, Chief of Police

AGENDA ITEM DESCRIPTION:

The possession, sale and use of unauthorized fireworks is currently prohibited in the City of Evans pursuant to the International Fire Code ("IFC"), adopted by reference in Chapter 15.48 of the Evans Municipal Code. Section 202 of the IFC defines fireworks based upon the amount of chemical composition in the device. As a practical matter, without expert analysis, evidence regarding the chemical composition is not readily available to prosecute these violations.

Ordinance No. 620-15, which would create a new Chapter 9.33 in the Evans Municipal Code, represents an effort to simplify the definition of fireworks to the commonly known and used meaning of the term and to advance the ability to prosecute the unauthorized possession, sale or use of fireworks in the City of Evans. The proposed definition is substantially similar to and consistent with the definition utilized by other municipalities.

If Ordinance No. 620-15 is adopted, the IFC would remain viable and the citing officers would have the option to pursue recourse under the newly-enacted Chapter 9.33 or under the IFC.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

Staff recommends that the City Council approve Ordinance No. 620-15.

SUGGESTED MOTIONS:

"I move to approve Ordinance No. 620-15 on second reading."

"I move to deny Ordinance No. 620-15 on second reading."

CITY OF EVANS, COLORADO

ORDINANCE NO. 620-15

AN ORDINANCE CONCERNING FIREWORKS

WHEREAS, the City Council of the City of Evans (“City”) desires to prohibit the possession, sale, use, ignition and discharge of unauthorized fireworks in the City; and

WHEREAS, the unauthorized use of fireworks creates a risk to the health and safety of the citizens of the City as well as a fire hazard; and

WHEREAS, the City Council has determined that it is in the best interests of the City to enact an ordinance concerning the unauthorized use of fireworks.

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

Section 1. Title 9 of the Evans Municipal Code shall be amended by the addition of the following Chapter:

9.33 Fireworks

Sections:

9.33.010	Definitions
9.33.020	Prohibited Use
9.33.030	Evidence
9.33.040	Violations

9.30.010 Definitions

A. The term *fireworks* includes an article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation. The term includes, without limitation, the following articles and devices commonly known and used as fireworks: blank cartridges, toy pistols, toy cannons, toy canes, toy guns, in which explosives are used; fire balloons (balloons of the type which have a burning material of any kind attached thereto or which require fire underneath to propel them); firecrackers, torpedoes, skyrockets, rockets, bottle rockets, Roman candles, Day-Glow bombs, torches or other fireworks of like construction and any fireworks containing any explosive or flammable compound, any tablets or other device containing any explosive substance.

B. The term *fireworks* does not include cylindrical and cone fountains, ground spinners, dipped sticks and sparklers, snakes and glow worms, trick noisemakers and trick or novelty items that smoke, pop and/or sparkle. Further, the term does not include highway flares, railway fuses or other emergency signal devices used during an emergency situation.

9.33.020 Prohibited Use

A. No person, other than authorized personnel, shall possess, sell, use, ignite or discharge any fireworks in the City.

B. No person, other than authorized personnel, shall permit the possession, sale, use, ignition or discharge of any fireworks on such person's property. A person's property includes property that is owned or rented by such person.

9.33.030 Evidence

A. The Court shall not preclude evidence regarding violations of this Chapter based solely on the fact that the firework was destroyed by its use, ignition or discharge.

B. To the extent this Chapter conflicts with the provisions of the International Fire Code, contained in Chapter 15.48 of the Evans Municipal Code, this Chapter shall control.

9.33.040 Violations

A person who violates the provisions of this Chapter 9.33 shall be subject to the penalties set forth in Chapter 1.16 of the Evans Municipal Code.

Section 2. Severability: If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety: This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 4. Publication and Effective Date: This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and the City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 7th day of April, 2015.

CITY OF EVANS, COLORADO

By: _____
John Morris, Mayor

ATTEST:

Raegan Robb, City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 21st day of April, 2015.

CITY OF EVANS, COLORADO

By: _____
John Morris, Mayor

ATTEST:

Raegan Robb, City Clerk

COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 6.C

SUBJECT: Resolution No. 11-2015 - Rescheduling June 16, 2015 and August 4, 2015 City Council Meetings

PRESENTED BY: Raegan Robb, City Clerk

AGENDA ITEM DESCRIPTION:

For the purpose of the CML Annual Conference and National Night Out, it was recommended that the City Council meetings be rescheduled to the preceding Mondays. Therefore, the June 16, 2015 City Council meeting will occur on Monday, June 15, 2015 and the August 4, 2015 City Council meeting will occur on Monday, August 3, 2015.

FINANCIAL SUMMARY: N/A

RECOMMENDATION:

Adoption of resolution

SUGGESTED MOTIONS:

"I move to adopt Resolution No. 11-2015."

"I move to deny the adoption of Resolution No. 11-2015."

CITY OF EVANS, COLORADO

RESOLUTION 11-2015

RESCHEDULING JUNE 16, 2015 AND AUGUST 4, 2015
CITY COUNCIL MEETINGS

WHEREAS, Section 3.13 of the Home Rule Charter of the City of Evans provides that times and numbers of regular City Council meetings shall be provided by ordinance and further that the City Council, may by resolution, change the time and place of any particular regular meeting, and

WHEREAS, Section 2.04.010 of the Evans Municipal Code provides that City Council meetings shall be on the first and third Tuesdays of every month, and

WHEREAS, the third Tuesday in the month of June, 2015 is the Colorado Municipal League Conference, and the first Tuesday in the month of August, 2015 is National Night Out.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EVANS reschedules the June 16, 2015 City Council meeting to occur on Monday, June 15, 2015 and August 4, 2015 City Council meeting to occur on Monday, August 3, 2015. These meetings will be held at 7:30 o'clock p.m. in Council Chambers, Evans Community Complex, 1100 37th Street, Evans, Colorado.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 21st day of April, 2015.

CITY OF EVANS, COLORADO

By _____
Mayor

ATTEST:

City Clerk

CITY COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 6.D

SUBJECT: Approval of Memorandum of Understanding: Collection of Sales and/or Use Tax by Weld County Clerk and Recorder

PRESENTED BY: Jessica Gonifas, CPA, Deputy City Manager

ITEM DESCRIPTION:

Due to the change of County Clerk and Recorder, it is necessary to update our Memorandum of Understanding (“MOU”) regarding collection of sales and use taxes on motor vehicles. This has been a practice for many years and the only change is the name of the Clerk and Recorder.

FINANCIAL SUMMARY:

N/A

STAFF RECOMMENDATION:

Approval of the Mayor’s signature on the MOU.

SUGGESTED MOTIONS:

“I move to approve the Mayor’s signature on the Memorandum of Understanding for the Collection of Sales and/or Use Tax by Weld County Clerk and Recorder.”

“I move to deny the approval of the Mayor’s signature on the MOU.”

ATTACHMENTS:

Memorandum of Understanding for the Collection of Sales and/or Use Tax by Weld County Clerk and Recorder

MEMORANDUM OF UNDERSTANDING
COLLECTION OF SALES AND/OR USE TAX
BY WELD COUNTY CLERK AND RECORDER

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is by and between Carly Koppes, Weld County Clerk and Recorder (hereinafter "Clerk and Recorder"), whose address is 1402 N. 17th Avenue, Greeley, CO 80631; John Lefebvre, Weld County Treasurer (hereinafter "Treasurer"), whose address is 1400 N. 17th Avenue, Greeley, Colorado ; and CITY OF EVANS (hereinafter "Municipality"), whose address is 1100 37th St, Evans CO 80620

WITNESSETH:

WHEREAS, Municipality charges a sales tax of 3.5 % of the purchase price upon all motor vehicle purchases that occur within the boundaries of Municipality (hereinafter "the Sales Tax"), and

WHEREAS, Municipality charges a use tax of 3.5 % of the purchase price upon all motor vehicle purchased for use by Municipality's residents (hereinafter "the Use Tax"), and

WHEREAS, Municipality desires to have Clerk and Recorder collect the Sales Tax and/or Use Tax from persons who are in the process of licensing them through the Clerk and Recorder, and

WHEREAS, the parties hereto agree to said collection of the Sales Tax and/or Use Tax according to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. COLLECTION OF TAXES. Clerk and Recorder shall collect the Sales Tax and/or Use Tax upon the registration of motor vehicles subject to such taxes. No registration or title shall be issued by the Clerk and Recorder unless either payment of the Sales Tax and/or Use Tax is made or evidence of exemption from such taxes is presented at the time of registration.
2. TRANSMITTAL OF FUNDS TO MUNICIPALITY. Clerk and Recorder shall transmit daily all funds collected to the Weld County Treasurer, who shall transmit 95% of the funds collected to Municipality by the 15th of the month following the month of collection thereof; retaining 5% as payment due for the aforementioned collection. Such retained payment shall be submitted into County's General Fund.

3. ENTIRE MOU. This instrument embodies the entire MOU of the parties with respect to the subject matter hereof. There are no promises, terms, conditions, or obligations other than those contained herein; and this MOU shall supersede all previous communications, representations, or MOUs, either verbal or written, between the parties hereto. No modification to this MOU shall be valid unless agreed to in writing by the parties hereto.

4. NO THIRD-PARTY ENFORCEMENT. It is expressly understood and agreed that the enforcement of the terms and conditions of this MOU, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this MOU shall give or allow any claim or right of action whatsoever by any other person not included in this MOU. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this MOU shall be an incidental beneficiary only.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized officials to execute this MOU the day and year first above written.

TREASURER:

CLERK AND RECORDER:

By: _____
 John Lefebvre
 Weld County Treasurer

By: _____
 Carly Koppes, Weld County
 Clerk and Recorder

MUNICIPALITY:

ATTEST:

_____, a
 municipal corporation of the STATE OF
 COLORADO

By: _____,
 Clerk

By: _____,
 Mayor



CARLY KOPPES
WELD COUNTY CLERK & RECORDER
1402 NORTH 17TH AVENUE
P.O. BOX 459
GREELEY, COLORADO 8063
WEBSITE: www.co.weld.co.us
PHONE: (970) 304-6530
FAX: (970) 353-1964

March 5, 2015

City of Evans
1100 37th Street
Evans, CO 80620

Dear Municipality,

I am attaching a Memorandum of Understanding Collecting of Sales and/or Use tax by Weld County Clerk and Recorder, to update and verify our information for your municipality for collection of Sales and/or Use tax on persons who are in the process of licensing and also update the Memorandum with myself as the new Weld County Clerk and Recorder.

Please fill in the areas and sign, also attach a copy of the Town Ordinances and return as soon as possible. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads 'Carly Koppes'.

Carly Koppes
Weld County Clerk and Recorder

COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 7.A

SUBJECT: 2015 Budget 1st Revision - Ordinance No. 621-15 – Amending Ordinance No. 607-14 and Appropriating Sum of Revenues and Fund Balances for the Amended 2015 City of Evans Budget (1st Reading)

PRESENTED BY: Jacque Troudt, CPA, Finance Manager

AGENDA ITEM DESCRIPTION:

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

Ordinance No. 621-15 is the first revision to the 2015 Operating and Capital Budget. The original 2015 Budget was approved by Ordinance No. 607-14 on October 21st 2014.

FINANCIAL SUMMARY:

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

The General Fund includes the following proposed revision items:

Item 1.1 is a total of carry forward items related to savings in the 2014 budget totaling expenditures of \$364,406. All of these items related to a specific project(s) which were appropriated in the 2014 budget, but were not finished in that fiscal year. Since appropriations lapse, the budget for these items needs to be appropriated (carried forward) in 2015. The following items are included: tree cleanup costs, sales tax auditing and mailing costs, Police Department investigation fees,

Historic Evans master plan, South Platte River corridor master plan, impact fee study and flood recovery video costs. Also included in this amount are repairs to an existing pump station, replacement of two recreation vans, facility painting and carpet replacement and the remaining costs for the Riverside Library and Cultural Center. The offsetting revenue is the DOLA grant received to assist with the costs of construction for the Riverside Cultural Center, and grant revenue for the impact fee and master plan studies from DOLA and the Colorado Water Conservation Board, totaling \$286,162.

Item 1.22 represents costs to complete the landscaping project on Prairie View Drive, estimated at \$650,000.

Item 1.13 relates to a decrease in the property tax revenues we anticipate receiving in 2015. This is due to a tax abatement filed by Noble Energy, which will reduce the amount we will receive by \$15,800.

Item 1.14 is an upgrade to the current HVAC system in the City complex building of \$120,000.

Item 1.12 represents an increase of \$23,325 for departmental supplies and services, which were not included in the original 2015 budget, and are reflective of the level of expense incurred in 2014. The departments impacted are the Customer Service Unit, facilities and parks.

Item 1.15 reflects IT infrastructure costs of \$113,000 to reconfigure, repair and replace components of our IT Infrastructure.

Item 1.11 related to ongoing flood recovery and administration will decrease revenue by \$73,000 as supplies and services were not awarded in the CDPHE grant as originally anticipated. The expenditures are also being decreased by \$34,000 due to anticipated personnel savings.

Item 1.16 will increase revenue of \$38,800 and increase expenditures by \$47,800 for a Watershed Coordinator Grant award from DOLA CDBG-DR program.

Item 1.17 represents a \$10,000 transfer to the Evans Fire Protection District to assist with purchasing a dry hydrant for training purposes. This will allow them to have another avenue to provide training, and decrease use of City potable water for training.

One-time funding items shown in 1.18 total \$952,600. The chart below outlines the items included in this list.

Overhaul of Municipal Code	\$72,000
Extended Hours for Property and Evidence Technician	\$6,600
Facility repairs: Roof Repair - North End, interior facility lights, concrete and foundation repairs	\$58,000

Screening on 37th Street between 17th and 23rd	\$5,000
City Entrance Points - Riverside, Cemetery, Complex, HWY	\$12,000
Entry Way Signage	\$150,000
Basketball Court Resurface - City Park/Village Park	\$45,000
Communications Intern	\$9,000
Cemetery Management Software	\$5,000
Budgeting and financial reporting software	\$50,000
Electronic Personnel File Record Management System and Laserfische upgrade	\$48,000
Ammunition	\$12,000
Cleanup of Problem Properties/Trees	\$30,000
Taser Program	\$55,000
Business Ombudsman (Temp, Part Time/Intern)	\$20,000
Web Site Redesign	\$8,000
Develop plan for Skate Park	\$5,000
Pool Audit	\$7,500
Non-Potable Irrigation System - Pioneer Park	\$350,000
Traffic lasers	\$4,500

Item 1.19 represents \$11,000 budgeted for a non-potable system overflow pipe in Grapevine Hollow.

The Cemetery perpetual care fund includes a carry forward for the construction of a maintenance shed for \$75,000.

The Street Impact fund includes a carry forward for completion of construction on St. Vrain and 37th Avenue for \$172,000 and \$707,000 for Widening of 35th Avenue. The anticipated grant revenue associated with these projects is \$462,599, see 1.3.

The Park Impact fund includes an expenditure related to the installation of non-potable systems in City owned parks of \$200,000. This will reduce the amount of potable water used by the City and assist with reducing the usage of this water.

The CIP – Streets fund includes revenue of \$2,327,463 and expenditures of \$3,050,226 related to street repairs from the flood and several carry forward projects as outlined on the long range plan. The projects include the widening of 65th Avenue, Highway 85 improvements, construction on Highway 85 at both 31st and 37th Streets, street lighting, bridge repairs, and construction for the bike path at 17th Avenue and 49th Street.

The CIP – Parks fund revision items are shown at 1.10. This includes budgeting an additional \$374,000 of expenditures and associated revenue for design of the renovated Riverside Park. The delay in the design and construction of the park also necessitates a decrease in revenue of \$3,816,000 and a decrease in expenditures of \$4,810,332. The reconstruction of the berm will increase expenditures of \$150,000 and grant revenue to be received of \$131,250, and we will

increase both revenue and expenditures for the Riverside fence rental fee of \$35,000.

Revision items for the Water fund include:

1.5 increasing expense by \$23,000 to hire temporary staff to assist with utility billing account clean up and account processing for the water radio meter replacement project.

1.6 carrying forward the revenue and expense of \$748,000 to complete the water radio meter replacement program.

1.9 shows the anticipated grant revenue and expense of \$99,655 and \$196,720 respectively for the Water Master Plan Update.

Expenses of \$56,000 are anticipated for a utility billing software replacement, seen at item 1.20. The expenses for this software upgrade will be split among the water, wastewater and sewer funds, based upon respective revenue.

Items 1.7 and 1.23 relate to wastewater project expenses and flood repairs of \$15,000 and \$809,000, respectively. Of these expenses, \$809,000 is anticipated to be covered by grant revenue from FEMA and CDPHE. These two items are in addition to the utility billing software replacement at item 1.20, which will cost the wastewater fund approximately \$18,400.

The Storm Drainage fund will also have an increase in expenses for new utility billing software update at 1.20, which will cost the Storm fund approximately \$5,600. Additionally, item 1.8 shows the 2014 fund carryover projects of storm drain construction on 37th Street from Trinidad to Boulder, and Boulder to Highway 85, and construction on the 23rd Avenue Outfall, totaling \$952,000 of expense. 1.24 also anticipates flood repair expenses of \$9,000 and associated FEMA revenue of \$7,875.

Finally, due to several vacancies in the Police Department, the necessity to maintain adequate minimum staffing levels, and the lengthy process to recruit officers, we are requesting approval of one (1) over hire for 2015. There is no budgetary impact of this over hire because the cost will be covered through vacancy savings.

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

Attachment "A" identifies the detailed changes for the proposed revisions to the 2015 Budget. The details are also summarized in the heading of the appropriation ordinance.

Attachment "B" includes the Beginning Balance by Fund based on preliminary audited balances. Final audited balances will be presented by our external auditors by the end of April. The preliminary audited 2014 ending balance of all funds of \$19,217,507 is higher than the 2014 adopted budget projection (including the impact of the final budget revision of 2014) of \$11,121,467. The

majority of the difference is in the General Fund (+\$5,642,587), CIP- Streets fund (+\$1,378,524), Wastewater fund (+\$435,541) and the Storm fund (+\$996,852). The General Fund variance was due to higher than projected revenues and budget savings. The CIP- Streets fund, Wastewater fund and Storm fund budgeted for capital projects in 2014 which were not completed and are being carried forward to 2015.

Details of all financial items are available for Council or Citizens upon request from the Finance Department by contacting Jacque Troudt at 970-475-1127 or jtroudt@evanscolorado.gov.

RECOMMENDATION:

Staff recommends approval of the ordinance.

SUGGESTED MOTIONS:

I move to approve Ordinance No. 621-15 on first reading and authorize one (1) over hire for the Police Department.

I move to deny approval of Ordinance No. 621-15 on first reading and deny one (1) over hire for the Police Department.

CITY OF EVANS, COLORADO

ORDINANCE NO. 621-15

AN ORDINANCE AMENDING THE 2015 BUDGET; INCREASING GENERAL FUND REVENUES BY \$236,162, APPROPRIATING GENERAL FUND EXPENDITURES OF \$2,258,131, APPROPRIATING CEMETERY PERPETUAL CARE FUND EXPENDITURES OF \$75,000, INCREASING STREET IMPACT FUND REVENUES BY \$462,599, APPROPRIATING STREET IMPACT FUND EXPENDITURES OF \$879,000, APPROPRIATING PARK IMPACT FUND EXPENDITURES OF \$200,000, INCREASING CIP STREETS FUND REVENUES BY \$2,327,463, APPROPRIATING CIP STREETS FUND EXPENDITURES OF \$3,050,226, DECREASING CIP PARKS FUND REVENUES BY \$3,275,750, DECREASING CIP PARKS FUND EXPENDITURES OF \$4,251,332, INCREASING WATER FUND REVENUES BY \$847,665, APPROPRIATING WATER FUND EXPENSES OF \$1,023,720, INCREASING WASTE WATER FUND REVENUES BY \$809,000, APPROPRIATING WASTE WATER FUND EXPENSES OF \$842,400, INCREASING STORM DRAINAGE FUND REVENUES BY \$7,875, APPROPRIATING STORM DRAINAGE FUND EXPENSES OF \$966,600.

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

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

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

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

Section 1: Upon the City Manager's certification that there are current and prior year revenues available for appropriation in the General Fund, Cemetery Perpetual Care Fund, Street Impact Fund, Park Impact Fund, Capital Projects – Streets Fund, Water Fund, Waste Water Fund, Storm Drainage Fund, and the City Council hereby makes supplemental appropriations as itemized in Attachment "A" attached hereto.

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

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

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

Section 5: All prior ordinances, resolutions, or other acts, or parts thereof, by the City of Evans in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

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

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 21st day of April, 2015.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 5th day of May, 2015.

CITY OF EVANS, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

CITY COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 7.B

SUBJECT: Resolution No. 12-2015 Variance Request ARB MidStream

PRESENTED BY: Sean Wheeler, City Planner

AGENDA ITEM DESCRIPTION:

The applicant is seeking a Variance of the existing 40-foot maximum height limit allowed in the I-2 Industrial Zone District. As part of the Crude Oil Trans-loading Terminal, the applicant is proposing to construct crude oil storage tanks, which would have a domed top approximately 83-feet in height, VCU (Vapor Combustion Unit) towers used to burn off gases that would be approximately 50-feet in height and Frac Sand Storage Silos that would reach approximately 179-feet in height. Graphic information provided by the applicant is attached to this report for illustration.

ATTACHMENTS:

- 1) ZBA STAFF MEMO
- 2) ZBA MINUTES AND RECOMMENDATION FROM 4/8/2015

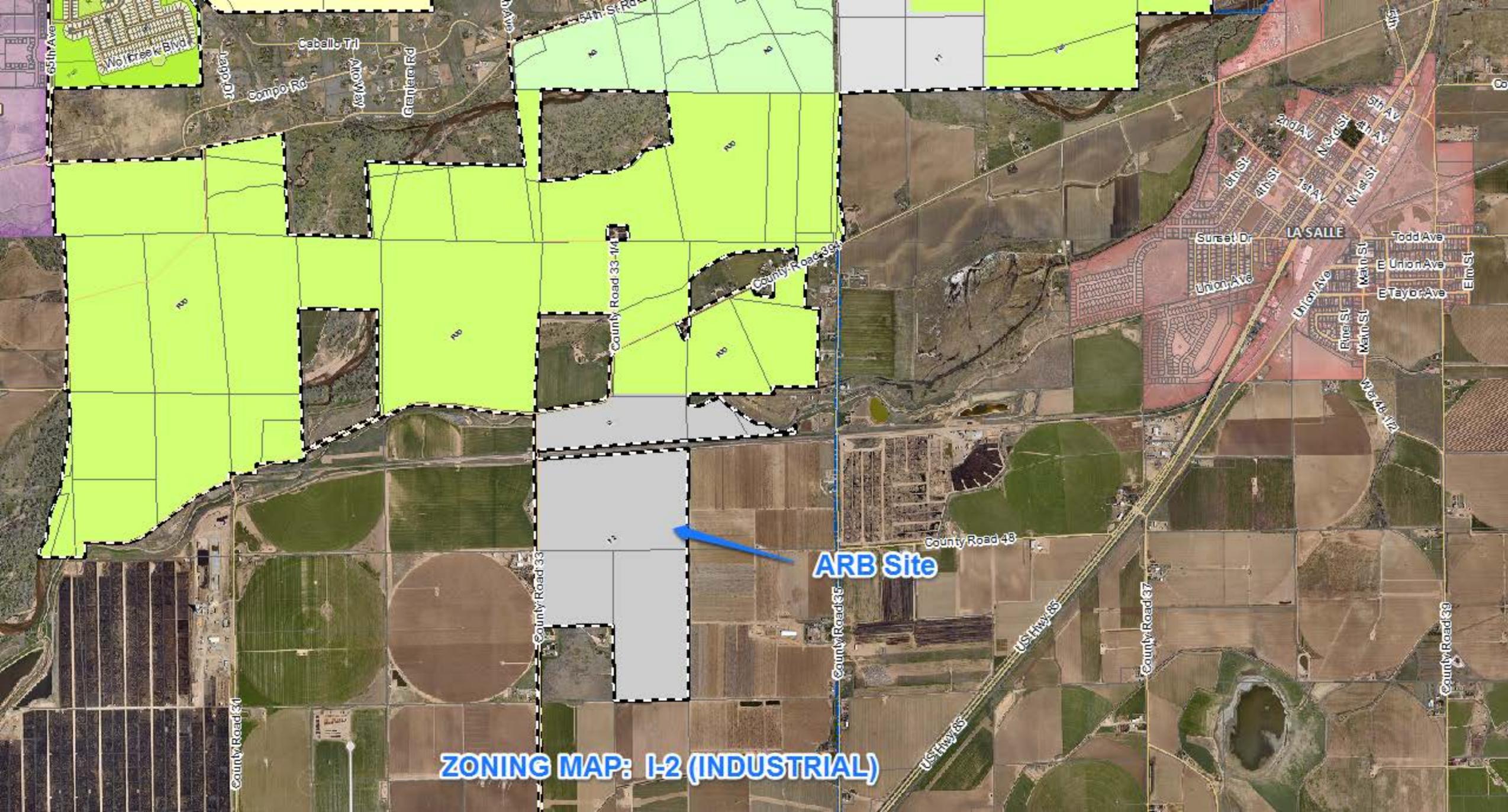
FINDINGS OF FACT AND CONCLUSIONS:

Section 19.58.030 - Criteria for Variances, of the City of Evans Municipal Code, identifies the four (4) criteria for a variance which all must be found true to consider a request for a variance. The ARB Rail Terminal variance request must appropriately and sufficiently meet all of the Review Criteria found in Section 19.58.030 of the Evans Municipal Code to be granted a variance.

SUGGESTED MOTIONS:

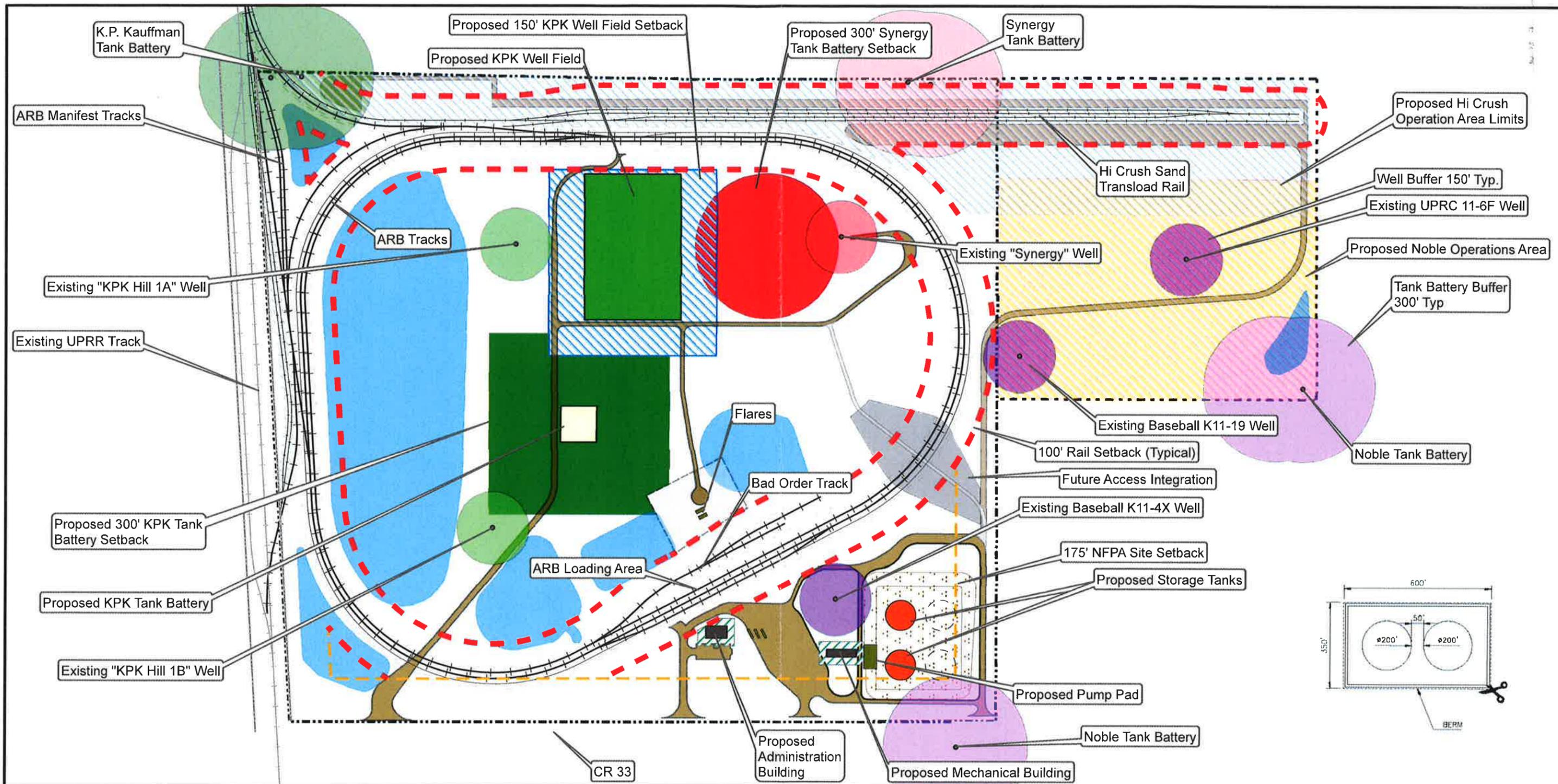
“I move to adopt Resolution No. 12-2015 .”

“I move to deny adoption of Resolution No. 12-2015 .”



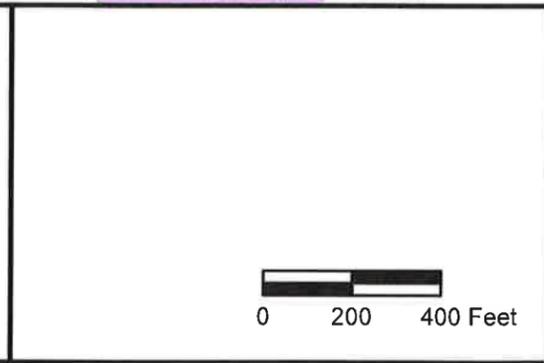
ARB Site

ZONING MAP: I-2 (INDUSTRIAL)



Legend

<ul style="list-style-type: none"> Proposed Building Proposed Storage Tanks Proposed Equipment Future Tanks 100' Rail Setback 175' NFPA Site Setback Existing UPRR Track Existing UPRR Right-of-Way 	<ul style="list-style-type: none"> 33' Building Setback Proposed Hi Crush Operation Area Limits Existing 300' KPK Tank Battery Setback Existing 300' Synergy Tank Battery Setback Existing 300' Noble Tank Battery Setback Existing 150' KPK Well Setback Existing 150' Synergy Well Setback Existing 150' Noble Well Setback 	<ul style="list-style-type: none"> ARB Access Roads Hi Crush Access Roads Future Road Rail Access Road Proposed 150' Flare Setback Proposed KPK Tank Battery Future Access Integration Proposed Noble Operations Area 	<ul style="list-style-type: none"> ARB Property Hi-Crush Property Proposed KPK Well Field Proposed 150' KPK Well Field Setback Proposed 300' KPK Tank Battery Setback Proposed 300' Synergy Tank Battery Setback Proposed Drainage Ponds Tank Containment Berm
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ARB Niobrara Connector

Site Setbacks





Last Updated On: 4/8/2015
Data Source(s): HDR, Esri

MINUTES
Zoning Board of Appeals
April 08, 2015 – 6:00 p.m.
Evans Community Complex – 1100 37th Street

Zoning Board of Appeals packets are prepared several days prior to the meetings. This information is reviewed and studied by the Board, eliminating lengthy discussions to gain basic understanding. Timely action and/or short discussion on agenda items do not reflect lack of thought or analysis. An informational packet is available for public inspection and is posted on the bulletin board adjacent to the Council Chambers as soon as it is available. It can be accessed Monday through Friday 8:00 a.m. to 5:00 p.m. excluding holidays. You may also subscribe to receive notices of meetings and agendas at www.evanscolorado.gov

1) CALL TO ORDER

Meeting was called to order at 6:00pm by Chairman Marty Schanwolf on 4/8/2015.

2) ROLL CALL:

Chairman: Marty Schanwolf - present
Vice-Chairman: Steve Bernardo - present
Board Members: John Clark - present
Michael Buck - absent

3) APPROVAL OF MINUTES

a. Minutes of December 14, 2014 Meeting

Board Member Steve Bernardo, made the motion, seconded by Board Member John Clark to approve the minutes of December 14, 2015. All approved, motion passed.

4) APPROVAL OF THE AGENDA

There were no changes to the agenda.

5) AGENDA ITEMS:

ARB Rail Terminal Variance Requests (File #15-VAR-01): Review of a Variance Request submitted by ARB Rail Terminal to exceed the maximum height allowance of 40-feet in the I-2 Industrial Zone for three different structural uses, at a site located at 7300 47th Avenue. Requested variance includes additional height allowances from 50-feet to 179-feet. Recommendation to City Council.

Staff Report: Sean Wheeler

ZONING BOARD OF APPEALS COMMUNICATION

DATE: April 8, 2015

AGENDA ITEM: ARB Rail Terminal Variance (File #15-VAR-01)

STAFF CONTACT: Sean Wheeler, City Planner

ACTION: Recommendation To City Council

APPROVED BY: Fred Starr, Public Works Director/Community Development Dir

CITY COUNCIL: To Be Determined

BACKGROUND INFORMATION		
Location:	7300 47 th Avenue; on the east side of Weld County Road #33 (See Attached Map)	
Applicant:	ARB Niobrara Connector LLC Larry Stockton	
Existing Land Use:	Undeveloped Agricultural Land	
Proposed Land Use:	Crude Oil Trans-Loading Terminal	
Surrounding Land Use:	North	Envirotech Services Site, Undeveloped
	South	Weld County, Agricultural
	East	Weld County, Agricultural
	West	Weld County, Agricultural
Existing Zoning:	I-2 Industrial	
Proposed Zoning:	I-2 Industrial	
Surrounding Zoning:	North	City of Evans, I-2 Industrial
	South	Weld County, AG Zoning
	East	Weld County, AG Zoning
	West	Weld County, AG Zoning
Future Land Use Designation:	Industrial	

PROJECT DESCRIPTION:

1. The applicant is seeking a Variance of the existing 40-foot maximum height limit allowed in the I-2 Industrial Zone District. As part of the Crude Oil Trans-loading Terminal, the applicant is proposing to construct crude oil storage tanks, which would have a domed top approximately 83-feet in height, VCU (Vapor Combustion Unit) towers used to burn off gases that would be approximately 50-feet in height and Frac Sand Storage Silos that would reach approximately 179-feet in height. Graphic information provided by the applicant is attached to this report for illustration.
 2. The site is located on the east side of Weld County Road #33, south of Weld Co. Rd 394 as shown on the attached vicinity map. The subject property is approximately 222.43 acres.
 3. Additional Applications and Process:
 - A. In addition to the height variance request, the applicant is also processing requests for an Annexation Agreement Amendment, Site Plan approval and Subdivision Plat approval. These requests are separate applications which have been submitted to the City of Evans for review and processing. The Site Plan may be modified pending the result of the Height Variance request.
-

1. ANALYSIS / ISSUES:

Variance requests are subject to the requirements found in Chapter 19.58 (Variances) of the Evans Municipal Code.

A. 19.58.030 Criteria for Variances: The City Council must find all of the following circumstances to be true in order to approve a variance: Each of the review criterial is shown in bold below, with Staff’s assessment immediately following each:

1. Approval of the variance would not jeopardize the health, safety or welfare of any person.

There does not appear to be any significant health, safety or welfare issue related to the height variance requests.

2. Denial of the variance would result in a practical difficulty and unnecessary hardship to the applicant.

The applicant has indicated they have alternatives which can be constructed should the request for a height variance be denied. At this time, the applicant has not provided any drawing or representations of these alternatives. By way of review, the “cost factor” is not generally considered a hardship issue.

3. Such practical difficulty and unnecessary hardship are due to an irregular, narrow or steep lot or other physical situation or condition of the building or land.

Based on the size and existing topography of the site, there is clearly no irregular, narrow or steep lot situation or other physical situation that supports the variance requests. This is a 222-acre site, and it is essentially flat.

4. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.

The property was rezoned from AG-Agriculture to the present I-2, Medium Industrial on November 2, 2004.

FINDINGS OF FACT AND CONCLUSIONS:

Section 19.58.030 - Criteria for Variances, of the City of Evans Municipal Code, identifies the four (4) criteria for a variance which all must be found true to consider a request for a variance. The ARB Rail Terminal variance request must appropriately and sufficiently meet all of the Review Criteria found in Section 19.58.030 of the Evans Municipal Code to be granted a variance.

RECOMMENDED MOTIONS:

1. "I move to Approve the request for a height variance from the 40-foot maximum height limit in the I-2, Medium Industrial Zoning District as defined in Section 19.15.50 of the City of Evans Municipal Code for the purposes as identified in the Project Description section of this staff report, based upon a finding of hardship"
 2. "I move to Deny the request for a height variance from the 40-foot maximum height limit in the I-2, Medium Industrial Zoning District as defined in Section 19.15.50 of the City of Evans Municipal Code for the purposes as identified in the Project Description section of this staff report, based upon a finding that the applicant has failed to demonstrate a hardship"
-

Attachments:

Vicinity Map
Zoning Map
Variance Application Materials

Sean Wheeler, City Planner – Zoning Board of Appeals Notes

1. The Zoning Board of Appeals considered the variance requests at a hearing on April 8, 2015 and voted in favor of the request by 2 in support and 1 opposed.
2. Discussion between board members and those in attendance focused on the arrangement of uses on the site, and the reasoning for the height variance requests for the individual structures.

Other comments focused on the number of uses planned on the site. The ARB representative clarified that they are partnering with Hi-Crush (and various oil and gas interests) to incorporate a variety of different uses at the site. ARB notes that because of the various uses proposed and set back requirements for each (including that needed by the rail line for safety purposes) provides the basis for the variance requests.

3. Board members also raised concerns with regard to impacts on surrounding property owners should the variance be approved. The Board discussed how to mitigate negative impacts through the use of landscaping and berms, with the applicant indicating they intended to obtain trees with a 4" caliper for use on the site. Of particular concern were visual impacts from the storage tanks on residential uses to the south. Finally some of the discussion was directed to why uses could not be reorganized to reduce the impacts on neighbors, with the applicant referring to a revised lay out they provided at the hearing.

4. The public in attendance spoke in opposition to and in favor of the request, citing concerns about visual and lifestyle impacts from the proposed uses, to concerns about the layout and why it cannot be changed. Also, the ARB representative indicated that they ultimately intend to have a total of 4 storage tanks with two shown immediately and two planned. The representative for Hi-Crush also clarified their intent is to have a total of eight (8) silos on the site, not two or four.

Chairman Marty Schanwolf: We will now hear from the applicant, ARG Midstream, to present their case for a Height Variance at 7300 47th Ave.

Applicant: ARB Midstream, Adam Bedard
New information: There are four height variances, noted in the packet.

Applicant: Larry Stockton, Head of Engineering – presented board with additional plans and went over their proposal.

City Staff: Ron Pristera, it would be premature for staff to comment on the plans since they are different from what was submitted. His concern would be the size of the tanks that are now being brought to the committee.

Applicant: Chad McEver, Hi-Crush
He explained about the Frac Sand that will be transported out of this facility; they will be using the silo's.

Applicant: Regan McGillis, ARB

Applicant: William Barker, Hi-Crush

Resident: Tim Laurie Cook, 22740 WCR 33, LaSalle, CO – opposed, adjacent property owners. They are concerned about the impact for the neighboring properties. They have met with ARB but were sent out limited information. They do not feel as though ARB has been trying to be a good neighbor.

Resident: Wayne Howard – in favor of ARB coming in, feels it would be good for the City of Evans.

Resident: James Ewing – He is in favor of ARB coming in and wants to be a good neighbor. His only concern is irrigation for his land in that area if they do any road improvements.

Chairman Marty Schanwolf: Closed the public hearing, the board will have a discussion.

Question for ARB Midstream from Chairman Schanwolf, what type of lighting will be in this plan.

Larry Stockton: Mr. Stockton explained the lighting will be directional lighting. Most of the 24 hour operations will be in the building they have on the site plan so that lighting will not be an issue for neighbors.

Motion by Board Member John Clark to deny the height variance application. No second. Motion does not carry.

Motion to hear a variance for approval by Vice-Chairman Steve Bernardo with their recommendation for City Council. Chairman Marty Schanwolf seconded that motion, City Council will have the final review. Two Ay, one Nay. Motion carries. The next City Council meeting is scheduled for April 21.

6) OPEN DISCUSSION

7) ADJOURNMENT: Motion to adjourn by Vice Chairman Steve Bernardo, seconded by Board Member John Clark. All members say “Ay”, motion carried. Meeting commenced at 7:40pm

Chairman Schanwolf

Date

Sean Wheeler

From: Steve Graham <sjgraham1969@hotmail.com>
Sent: Wednesday, April 08, 2015 4:24 PM
To: Sean Wheeler
Cc: tltkcook@kci.net; rogan.mcgillis@arbmstream.com
Subject: ARB

Hello. My name is Steve Graham and I live at 22744 CR 33 right in the middle of the proposed building site of ARB Midstream. I am completely against it, but then what can I do as a "little" man. I have great concerns about this project all the way around. Some include, noise (noise ordinance?), lights, my quality of life and my privacy. I moved here three years ago with having no knowledge that the property directly north, and directly east was zoned industrial. They were farming it for the past two years. The sellers and their real estate agent pulled a good one on me. If I had known this, I would not be worried at this time about my financial investment (sunk a huge portion of my savings account) and the marketability of my property. I wanted to touch base with you because I have been in constant touch with Tim and Lori Cook. My views and concerns on this project are the same as theirs and I am sure we will have more. I put this into an email form because the Cook's and I have already been misinformed (lied to).

Thanks.
Steve Graham
970-590-3867

PS I just picked up the letter sent about the meeting tonight and am unable to attend this one. I hope this company is held to the regulations and restrictions of the City of Evans.

CITY OF EVANS, COLORADO

RESOLUTION NO. 12-2015

A RESOLUTION APPROVING THE APPLICATION OF ARB NIOBARA CONNECTOR, LLC FOR A HEIGHT VARIANCE FOR CRUDE OIL STORAGE TANKS, VAPOR COMBUSTION UNIT TOWERS AND SAND STORAGE SILOS FOR PROPERTY LOCATED AT 7300 47TH AVENUE

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

WHEREAS, ARB Niobara Connector LLC is the owner (the Applicant) of certain property located at 7300 47th Avenue, within the City of Evans (the Property);

WHEREAS, the Property is located in the I-2 Industrial Zone District;

WHEREAS, the maximum height limit in the I-2 District is forty (40) feet;

WHEREAS, the Applicant desires to construct crude oil storage tanks approximately 83 feet in height, vapor combustion unit towers approximately 50 feet in height, sand storage silos approximately 179 feet in height, and a loading rack facility approximately 47 feet in height (collectively, the Improvements”);

WHEREAS, the Applicant has submitted an application to the City seeking a height variance to allow the construction of the Improvements;

WHEREAS, height variance applications within the City of Evans are governed primarily by the provisions of Chapter 19.58 of the Evans City Code and the criteria set forth therein;

WHEREAS, on April 8, 2015, the Applicant’s variance request was considered by the Evans, Zoning Board of Appeals which recommended approval of the variance.

WHEREAS, following proper notice the matter was considered by the Evans City Council at a public hearing on April 21, 2015 during which the Council considered the application, the comments of City staff, public comments in support of the application, if any, and public comments in opposition to the application, if any.

BASED ON THE FOREGOING MATTERS, THE EVANS CITY COUNCIL HEREBY FINDS AS FOLLOWS:

1. Approval of the variance would not jeopardize the health, safety or welfare of any person.
 2. Denial of the variance would result in a practical difficulty and unnecessary hardship to the applicant.
 3. Such practical difficulty and unnecessary hardship are due to an irregular, narrow or steep lot or other physical situation or condition of the building or land.
 4. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.
-

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

1. A height variance is hereby granted to ARB Niobara Connector LLC to allow the construction of crude oil storage tanks approximately 83 feet in height, vapor combustion unit towers approximately 50 feet in height, sand storage silos approximately 179 feet in height, and a loading rack facility approximately 47 feet in height on property located at 7300 47th Avenue within the City of Evans, Colorado, provided such construction complies with all other applicable laws, rules and regulations.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 21st DAY OF APRIL, 2015.

ATTEST:

CITY OF EVANS, COLORADO

Raegan Robb, City Clerk

BY: _____
John L. Morris, Mayor

CITY COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 7.C

SUBJECT: Resolution No. 13-2015– Evans Ditch Rates

PRESENTED BY: Fred Starr, Director of Public Works and Community Development

AGENDA ITEM DESCRIPTION:

To provide, or assist in providing the financing required to operate and maintain the Evans Supply Ditch, fees are established annually. The fees are established in a Resolution by City Council before the irrigation season begins each year.

Attached is a copy of a new resolution for 2015 that will establish the normal ditch rates. All rates are set at a level to reflect a cost of living adjustment of 1.87 percent which is similar to other fees established for this year.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

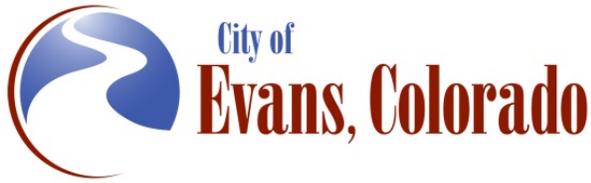
It is recommended that ditch fees established for 2015 to reflect a 1.943% increase to those set in 2014. As a reminder, the reason for lower non-potable water rates is to promote the use of the Evans Ditch and other non-potable supplies as a supplemental water supply, providing relief from the demands placed upon our potable water supplies.

SUGGESTED MOTIONS:

“I move to adopt Resolution No. 13-2015.”

“I move to deny adoption of Resolution No. 13-2015.”

Evans Water and Sewer Board 2015



Meeting Minutes

March 19, 2015

3:30 pm

Evans Community Complex

Council Chambers

1100 37th Street, Evans, Colorado

I. CALL TO ORDER by Jeff Oyler at 3:25pm

II. ROLL CALL by Fred Starr

Chairman: Jeff Oyler - Here
Vice Chairman: James Krenzel - Here

Commissioners: Lee Morrison - Here
Glenn Snyder - Here
Vacant

OTHERS IN ATTENDANCE:

Attorney: Andrew Rottman
Staff: Fred Starr
Dawn Anderson
Pat Zietz
Consultant: Keith Meyers, Ditesco

III. APPROVAL OF MINUTES

Correction to the minutes by Jeff Oyler, he did not motion to approve the minutes. Lee Morrison motioned to approve the previous minutes, Glenn Snyder seconded them. Approval of the Minutes with the mentioned changes by Glenn Snyder, seconded by James Krenzel.

IV. AGENDA ITEMS

No changes to the agenda.

a. Water Quality Report

Pat reported that Weld County has contacted the City for the water quality report. We ordered the brochures that will be included in the next utility mailing. As soon as we have the information, it will be sent out to the board.

b. Irrigation Season – Ditch Rates

Fred: Last fall we set rates for all other water and sewer rates, we did not include the irrigation rates. We have various users from the east side of town that uses the irrigation water. What is before the board today is a proposed increase of the AG rates for Evans Ditch Water. We need a recommendation from the Board to take to City Council. Discussion: This is for an increase of the Denver-Boulder-Greeley CPI Projections. It is normally a cost of living index. We have not gone to a level yet where we go through an analysis, we appear to go through a cost of living increase every year. We have about two dozen people that come into the City to lease water. Glenn: Are we talking about the rates listed on the Irrigation Season handout? The normal increase is 1.9%. James Krenzel motioned to accept the raise of the Evans Ditch Water Rates, seconded by Glenn Snyder. Motion being seconded, all those in favor signify by saying "Ay", all responded. Opposed

"Nay", no response. Motion carries.

Jeff: Do we need to address watering restrictions or is that taken care of? Fred: It is taken care of in the fact that we have a Drought Management Plan that identifies triggers that the City monitors snow pack and rain fall. There are a set of triggers in there that has staff come to the Water & Sewer Board to make a recommendation to City Council. The normal ordinance municipal code has restrictions in place from April 15th to October 15th. Even numbered addresses watering on Sunday, Tuesday and Thursday and odd numbered addresses on Monday, Wednesday and Saturday. No watering between the hours of 12:00 noon and 5:00 pm and no watering on Friday. This is our normal restrictions. Question regarding restrictions from April 15th to May 15th, residents are only allowed to water twice a week. Fred will check into that restriction and report back to the Board. They will monitor the drought plan and come back to the Board if anything changes. City Parks and Buildings are exempt from the Watering Restrictions. The Recreation Department has started scheduling activities so the Parks Department has discussed getting the parks prepped and will probably start watering before April 15th. They will keep an eye on the cooler weather that is coming and make the decision to start watering as necessary. Pioneer Park is non-potable water, discussion on trying to use as little as possible.

c. WWTF UPDATE – Keith Meyers, Ditesco, Inc.

Fred introduced Keith. We have completed the force-main route selection running from the Evans Plant to the Hill-n-Park site. We will have some minor tweaks to do that will move the force main alignment slightly but overall have a general route selection. The lift station selection has gone fairly well, we've looked at various pump types, wet well types and how it would operate for the City. We've also looked at some site concepts, will show you maps as we go through the presentation. Have also moved on with the Waste Water Treatment Plant selection process, so we've selected a process and what that means is the mechanical and chemical system that's going to treat the waste water flows. We've been through the CDPHE prequalification process and have submitted that application, have visited with the State and DOLA and completed that step. We're waiting for a pre-qualification certification letter that precedes us through their process, he is in communication with them on a routine basis about this project and how we're proceeding. We're getting very close to the end of April and having a project needs assessment report for them, that's the very first step in entering that revolving loan fund program and from that we'll split into two applications; the site application for the force mains and the site application for the Waste Water Treatment Plant. Those are the processes we will be going through first. He thinks we have a pretty good handle on the revolving loan fund financing strategy. DOLA was able to reconfigure the funding source for the DOLA Grant, they have made it a federal grant so it will not impact our Enterprise Funds status this year so everything we are expending now we are drawing down on that particular grant maintaining Enterprise Fund status longer such that we can enter the revolving loan fund program in the January cycle. By doing that, there is no need for a general election to authorize an increase in expenditures. Feels we are in pretty good shape there. If we enter into the January cycle, than an April meeting for a June funding of 2016 for the project. That's the overall schedule we are shooting for.

See handouts for update.

Fred: Things seem to be running very well, we have HDR and Dewberry designing their portions, Keith's job is to keep everyone on track. Questions on time-line, Keith explained that if everything goes well, we will be the end of 2017 this plant will be on-line. If we run into weather delays and permitting delays we might be the Spring of 2018. His goal is to get it before the end of 2017, he does not like to start up Waste Water Treatment Plants in the middle of the winter, it is very difficult. He's happy to come anytime and update the Board.

V. STAFF REPORTS

a. Drought Plan – Water Restrictions

See above discussion

b. 2014 Master Meter Reads (attachment)

Dawn: The attached form is a little different than what you are used to, this form is actually directly from Doug Seeley. She explains every year that our cap numbers are different, we used to provide the Board with billing numbers. This is actually calculating to show the entire month of January. This is what Greeley provides, she also gets those figures. The first two months of 2015 are lower than where we were last year. Glenn: Do you think that is because of the trailers that were taken out in the flood? Dawn: We have the multi-family in Ashcroft so that is kind of a wash, it's probably because of all the snow that we have had. January was actually a little bit higher than last year but February went under so we are pretty much even for where we were last year. Jeff: We'll see what happens with irrigation season coming up. Dawn: History shows that we should be approaching that cap soon according to the graphs. We'll keep watching it very closely.

c. Fred: Reported on Windy Gap and NISP Projects

The information he is getting from Northern Colorado Water still makes it appear that the Windy Gap Project will say they have received all of their permits. The City is leasing the opportunity to buy five units of the Windy Gap Project from Greeley, so we'll need to decide how we will purchase those full five Windy Gap units from Greeley. We'll either have to purchase them this year or his hope is we can agree to extend the payment for a couple of years before writing that big check. Writing that check to Greeley buys the units then we get into the full cost share of the design and construction cost of the Windy Gap Project, which is pretty big numbers. The last number he has from Windy Gap was 25 to 30 Million dollars would be Evans portion of that project. In talking with Jessica, she wants to be able to go to a bond to lump all that costs together and pay Greeley and have money set aside for our participation of building the project. Jeff: Just Evans is 30 Million? Fred: Yes. Then the NISP Project is also moving along, it isn't quite as far along as Windy Gap, maybe it's probably three years trailing Windy Gap. The NISP Project cost estimate is about a seven year old number so Northern Colorado Water is saying we need to hire an engineer now to refine our cost estimate. The cost estimate just for the NISP Project, total cost with using seven year old numbers is half a Billion Dollars, it's a 500 Million Dollar project. Costs aren't going down so maybe the NISP Project might be a total cost of 600 Million Dollars. We'll have a proportional cost of that. He keeps getting nervous because we're looking at a 30 Million Dollar Treatment Plant and then we are looking at a 25 Million Dollar investment in Windy Gap and then maybe three or four years down the road we will have another 25-30 Million Dollar participation in the NISP Project should we decide to stay in both. Water is not going to get cheaper and then what Northern Colorado Water is not telling anyone, because they just don't know yet, after you design it and build it, you will have your proportional operational costs after that. The City's Utility section is taking on some pretty major plant investments here in the next few years. His guess is that we will come back to discuss whether or not we should stay in both projects in the couple of years. It does make sense to be in both projects, but it will come at a rate cost and we will need to figure that out soon. Glenn: We may have to raise our in lieu of water cash fund. Fred: That's where when Keith ran his numbers for the present value, that project we're building is probably 65 to 66 Million and if you look at that and say that's 3 to 3 1/2 Million Dollars a year that you should be putting in a savings account so that by the end you've made all the repairs and saved all the money to build a new plant. A 3 1/2 Million Dollar Waste Water Budget is bigger than the one he has now. That doesn't include the cost of operational maintenance of our existing collection system. Businesses don't like to pay higher fees but like having the reliance on water and sewer services. Glenn: Is the water fund strictly being used as the water fund? No money coming out of it for other projects other than sewer and water? Fred: If you look at the budget, you can go on-line and see the City's Budget. If you go to the Water Fund, you will see a transfer of funds to the City's General fund, but that transfer represents salaries and operational costs. The City pays all PW staff and we do a transfer from the water fund. That's the only thing that is being transferred out of the utility fund. He knows the Mayor has asked the staff to tell the City Council what the costs are for the City to irrigate Pioneer Park. He wants to know how much water is being used by the City to irrigate their parks and run this building. Right now the City gets their water for free. The Mayor understands that we should probably look at that and be fair. If we were to split us off as a separate Water and Sewer District like the Fire District, that Water District would send any one of their customers' bills for the sewer and water they use. It's a little different when the City owns the utilities. Council wants to know what that is. Fred wants to know because of the cash flow. If he sees these consumption numbers starting to approach a cap condition, he would go directly in front of City Council and tell them we need to shut the water off to the City Parks and let them go brown because that is one way he has of shaving that cap. The cost of its one thing, but the cost of going over the cap is the big expense. He understands there needs to be adjustments going forward to pay for all these sewer and water projects; we're doing the meter replacement program. Dawn: The goal of that project has been very positive. The goal of that project was to replace all of the residential meters and radios. It used to take two staff members two very long days to read meters. That team has done an exceptional job. Hopefully this will

Staff Contact:

Fred Starr fstarr@evanscolorado.gov 970.475.1110

Dawn Anderson danderson@evanscolorado.gov 970.475. 1160

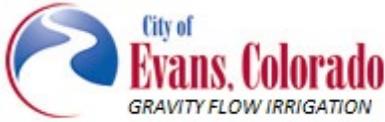
actually pay for itself on water consumption. Staff has been knocking on doors, making phone calls and sending out letters to residents. We know have a nice yellow letter that if a resident has not responded, we send it out telling them to get a hold of us within 10 days or their water will be shut off. With all the codes, it says we have access to the meters but since those letters have gone out, we have received a pretty good response. Fred: Like Dawn said, we send out what he calls the nasty gram that threatens to shut their water off but the objective is to convince people that we have to get into their house and change the meter. We decided to create a letter that says the City has the ability that if you don't get a hold of us and make an appointment at your convenience, then we have the ability to shut your water off and then go in and replace the meter. He doubts we will ever have a situation where we will actually shut anyone's water off but we just had to let some people know we were serious.

d. Report from Andy Rottman

We received our Godfrey Ditch letter and a change application. Right now we are currently involved in a dispute with the person we bought the shares from about who actually owns them. They have been working with the City Attorney, Scott Krob, he is taking the lead on negotiating actual ownership of the shares. Basically the water court case right now is on hold until that issue gets resolved. We have a substitute supply plan that uses those Godfrey Ditch shares to augment the Envirotech Well under agreement there and then uses that water before and IGA with Central that we committed to providing. There are a lot of things up in the air right now, we met with Central yesterday to try and figure out how that IGA can be amended to the satisfaction of both parties. We don't know whether the substitute supply plan is going to be approved for another year and that expires at the end of this month. It's really on Scott to get that side of it resolved, there's a good chance we might wind up giving back the Godfrey Ditch shares to the original owner and cancel the EQR's. If that happens, we would dismiss the water court case. Fred: There are very few of those Godfrey Ditch water share EQR's that have actually been used to pull building permits. Two banking institutions made loans on these and realized that maybe they owe more money than what the EQR's value is. The City would just as soon like to get out of the middle of all that. Glenn: That wasn't checked out before? Fred: Not by the banks, they made some loan decision based on what they thought, no one asked the City. Glenn: We paid for them, didn't we? Fred: No, we didn't buy the Godfrey Shares. They were dedicated and we created EQR's so the City didn't purchase them, it was just a water dedication in exchange to create EQR's. That individual took those EQR receipts to the banks and asked them to loan him money on them and the banks said sure. Come to find out, the banks over loaned the value of what this gets you when you go to get a building permit. We totally want to stay out of the middle of that. Glenn: What will that do to our contracts? Fred: That's what Andy was saying, in order to convert EQR's back to Godfrey Ditch shares, we have a couple of agreements sitting out there, and we'll have to find a substitute water supply to do the Envirotech augmentation, we can use some of our existing water to do that. Andy: Those are the two big issues that if we can give the shares back what do we do with the Central IGA and the Central IGA essentially gave us storage and let us use Centrals augmentation station and a few other things and in return we were giving Central the use of a certain portion of those Godfrey Shares. So we have to figure out how to give them some kind of substitute water supply that's going to make them happy enough to amend that agreement. And we have to find water to augment the Envirotech Well. So those are the two big issues outstanding right now. It changes week to week right now so he thinks in a month by the next meeting we'll know more of what's going on. It's complicated.

Jeff: If there is no further discussion, the chair will entertain a motion to adjourn. Glenn made the motion to adjourn, James seconded. Motion is made and seconded, all in favor signify by saying "Ay", all opposed "Nay", motion carried.

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



2015 IRRIGATION SEASON

Our records indicate that your property can be served with irrigation water from the City of Evans Ditch Irrigation System. Therefore, we wish to offer you the opportunity to apply for use of irrigation water. If you desire to use the irrigation water this year, please complete the application below and return it **WITH YOUR PAYMENT** to:

City of Evans Customer Service Unit
1100 37th Street
Evans, CO 80620

**DO NOT SEND TO UTILITY BILLING LOCKBOX OR ONLINE BILLING
This will delay irrigation services.**

If you have a question about how to calculate what you will owe for the water, please call 970-475-1170. If you have other questions about the irrigation water, please call the Public Works Department, Operations Division at 970-475-1188.

APPLICATION FOR EVANS SUPPLY DITCH IRRIGATION WATER

Name of Applicant: _____

Mailing Address: _____

Property Owner: _____

Property Address: _____

Please fill out only those that apply.

Number of Lots to be Irrigated: _____ Number of Acres to be Irrigated: _____

13.12.040 Water from the Evans Ditch, when used for other than irrigation, such as commercial and Industrial uses, shall be approved by the City Council. (Ord. 274, 1973)

Please check the applications for the irrigation water. The use has nothing to do with the price you will be charged.

Garden _____ Lawn _____ Farm Crop _____ Pasture _____ Grass _____ Other (specify) _____

PROPOSED RATES PENDING CITY COUNCIL APPROVAL - Rate Schedule for the 2015 Irrigation Season

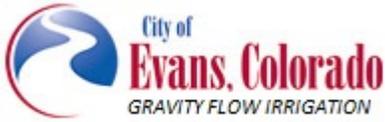
A.	Each yard or lot with up to a maximum of one acre:	\$81.78
B.	For areas in excess of one acre:	
	First acre	\$81.78
	Second acre (or fraction thereof)	\$50.17
	Third acre (or fraction thereof)	\$45.79
	Each additional acre (or fraction thereof)	\$32.40

NOTE: Your payment MUST be received PRIOR to ditch water delivery.

For Office Use:

Total Fee: _____ Receipt Number: _____ Initial: _____

Date _____ Forwarded to PW's for Activation: _____



IRRIGATION PROTOCOL

PLEASE NOTE: Please provide payment with this letter to ensure that you will be able to receive ditch water this season.

All persons requesting irrigation water will be required to pay for water before having water delivered. All paid customers will then be assigned a weekly schedule of their allotted times to irrigate. These times will be assigned by the Public Works Operations Division. Any request for schedule changes are required to go through the Operations Division by calling 970-475-1188.

The City of Evans has responsibility for repair or replacement to "main" lines, ONLY. The "main" line consists of the line that runs up to the residential property line. Any repairs or replacement needed on the customer's side of the property line will be the sole responsibility of the customer.

In the event of an emergency on weekends or holidays, and it becomes necessary for a Public Works employee to assist with the irrigation system, please contact the after-hours "On-Call" service at 1-877-224-9932. The assigned "On-Call" personnel will be the only person allowed to respond to these calls. Under no circumstance shall any one, other than the "On-Call" employee be contacted.

The Public Works Department can refuse services for the following reasons:

1. Non-payment;
2. Inappropriate irrigation
3. Over use or flooding
4. Inappropriate maintenance of irrigation system(s)

In the event of being shut off, the offending customer will have to file an appeal with the Public Works Director in order to have services reinstated.

The Public Works Department has the authority to restrict or stop any and all water flow at any time in order to make repairs, to help relieve flood pressures to the irrigation system, or for any other reason deemed necessary for the good of the system.

The City of Evans is not responsible for any damages to customer's real property, improvements to real property, turf, crops, buildings, and building contents, for failure to supply adequate water due to drought, electrical power failure, inadequate supply of water from other sources/utilities, construction, maintenance, catastrophic damage to the delivery system, or other means of system damage.

CITY OF EVANS, COLORADO

RESOLUTION NO. 13-2015

RESOLUTION ESTABLISHING USER RATES FOR THE EVANS SUPPLY DITCH FOR 2015

WHEREAS, the City of Evans, Colorado owns and operates the Evans Supply Ditch; and

WHEREAS, the City Council of the City of Evans, Colorado, has the authority to establish rules and regulations for the use of the Evans Supply Ditch; and

WHEREAS, Ordinance No. 274 of the City of Evans, Colorado, provides that the City Council establish irrigation rates of the Evans Supply Ditch for the ensuing irrigation season; and

WHEREAS, the Water and Sewer Board has reviewed the cost of operation, repairs, replacements, capital improvements, and future expansion of the Evans Ditch system; and

WHEREAS, the Water and Sewer Board finds it necessary to establish water rates for the Evans Ditch system to cover the cost of operations and necessary capital improvements; and

WHEREAS, the Water and Sewer Board of the City of Evans has recommended it would be in the best interest of the City to establish Evans Ditch rates; and

WHEREAS, the City Council of the City of Evans is in agreement with the recommendation of the Water and Sewer Board.

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

Section 1. In order to provide, or assist in providing, the funding required for operating and maintaining the Evans Supply Ditch during 2015, irrigation fees are hereby established and made payable by persons desiring to use irrigation water from the Evans Supply Ditch. The irrigation fees shall be in the following amounts:

- | | | |
|----|--|---------|
| A. | Each yard or lot with up to a maximum of one acre: | \$81.78 |
| B. | For areas in excess of one acre: | |
| | First acre | \$81.78 |
| | Second acre (or fraction thereof) | \$50.17 |
| | Third acre (or fraction thereof) | \$45.79 |
| | Each additional acre (or fraction thereof) | \$32.40 |

Section 2. Each person or persons making application for the use of the Evans Supply Ditch shall state the number of acres, yards, or lots to be watered or irrigated, or for whatever purpose the water is to be used. All irrigation fees are payable to the City Treasurer of the City of Evans.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 21st day of April, 2015.

ATTEST:

CITY OF EVANS, COLORADO

Raegan Robb, City Clerk

By _____
John L. Morris, Mayor

CITY COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 7.D

SUBJECT: Approval of Grant Award for a Stormwater Management Plan from the Colorado Department of Local Affairs CDBG-DR Program

PRESENTED BY: Chad Reischl, City Planner

PROJECT DESCRIPTION:

As a result of the 2013 flood, special CDBG Disaster Recovery (CDBG – DR) grant funds have been made available to support Flood related planning efforts. In January 2015 council approved the application for a \$265,000 grant to complete a Stormwater Management plan for the City of Evans and its Urban Growth Area. Planning Staff is pleased to announce that we have been awarded this Grant and are asking for your approval to accept the grant and begin the RFP process.

BACKGROUND:

The city's last planning effort around stormwater management was a Comprehensive Drainage Study completed in March of 1997. Since that time, the population of Evans has more than doubled (from 9,515 in 2000 to an estimated 19,944 in 2013) and numerous commercial developments, with their associated parking lots, have been developed. Considering this growth, it has become increasingly important for the City to provide adequate storm drainage facilities for its existing developments as well as for new developments. Adding to the need for an updated plan, the city has annexed a great deal of land in the last 17 years much of which is not included in the 1997 study. Currently there is no planning in place for incorporated land west of 71st Avenue or south of the South Platte River, all of which has potential for development in the next building cycle.

The flooding of 2013 brought storm water management to the forefront of the city's attention not only in those areas directly affected by the flood, but also in those areas of the city that could be affected if a future storm of that magnitude hit Evans directly. There is a great need to evaluate the damage to existing drainage basins caused by the flooding, reassess trouble spots within the city and determine ways to make our storm water management system more resilient in the face of future storms. There is also a need to reevaluate our aging infrastructure in light of engineering standards and storm definitions that have changed significantly in the last 17 years.

The following items need to be addressed:

- Evaluate impact of flooding on stormwater drainage systems emptying into the South Platte River
- Reevaluate trouble spots noted in the 1997 study
- Provide adequate GIS and hydrologic mapping of City stormwater systems and existing drainage basins
- Address impacts of point source pollution on SPR
- Determine trouble spots that have surfaced in recent years due to new development and identify ways to mitigate these issues.
- Identify locations for new storm water facilities based on current development if needed.
- Examine current storm water management policy and identify ways to improve existing policy to make the system more sustainable and resilient.
- Create standards to provide minimum design and specification criteria for the analysis and design of future storm drainage facilities within the City of Evans and the areas within its current Urban Growth Area
- Prioritize infrastructure improvements and determine future budgetary needs.

The final deliverable will be a Stormwater Management Plan that includes

- ***Inventory and Analysis of Existing Infrastructure*** – A comprehensive evaluation of the existing facilities related to stormwater runoff, especially those impacted by the 2013 flooding. This portion of the work will involve
- ***Proposed System Improvements*** – Recommended improvements to the existing infrastructure analyzed in the above section. Alternatives will be evaluated to determine the most environmentally conscious, economical, and sustainable solution in accordance with the Town's goals.
- ***Sustainability*** – A guide to low-impact design solutions and integrated management practices that not only serve the public safety but also improve quality of life, mitigate point source pollution on the South Platte River, and reduce fiscal impacts to the community.
- ***Capital Improvement Plan*** – Cost estimates will be included as part of the capital improvement plan for projects identified in the planning efforts. Projects are prioritized and categorized into near-term (0-3 years), medium-term (4-7 years), and long-term (7+ years) improvements.
- ***Suggested Development Standards*** – Recommended best management practices for new developments shall be provided in order to ensure that new growth and its associated infrastructure best integrates into the existing system. The plan should include policies that limit public expenditure in high hazard areas
- ***System Maintenance*** – A summary of system maintenance items to be frequently addressed in order to maintain the functionality of the water, sanitary sewer, and drainage and roadway systems.
- ***System Management Requirements*** – A summary of system requirements to maintain the highest order of efficiencies from the proposed improvements in order to accommodate future needs and generations well in to the future.

FINANCIAL:

There is no match needed for this grant and the grant includes \$5,000 for community engagement, so there should be no financial impacts to the City from this grant.

STAFF RECOMMENDATION:

The City of Evans staff recommends that the City Council approve the grant award for the Stormwater Management Plan.

SUGGESTED MOTIONS:

“I move to approve and accept the CDBG-DR grant award for the Stormwater Management Plan.”

“I move to deny the reception of the CDBG-DR grant award for the Stormwater Management Plan”

CITY COUNCIL COMMUNICATION

DATE: April 21, 2015

AGENDA ITEM: 7.E

SUBJECT: Approval of Grant Award for a South Platte River Sediment Transport and Feasibility Study from the Colorado Department of Local Affairs CDBG-DR Program.

PRESENTED BY: Chad Reischl, City Planner

PROJECT DESCRIPTION:

As a result of the 2013 flood, special CDBG Disaster Recovery (CDBG – DR) grant funds have been made available to support watershed coalitions and watershed resiliency planning. In February 2015 council approved the application for a \$265,000 to complete this Sediment Transport and Feasibility Study in conjunction with the Middle South Platte River Alliance (MSPRA). Planning Staff is pleased to announce that we have been awarded this Grant and are asking for your approval to accept the grant and begin the RFP process.

BACKGROUND:

This is the State of Colorado’s second round of CDBG-DR funding.

The City is currently working with CDM-Smith on the drafting of a South Platte River Restoration Master Plan. During the planning process members of the community and the board of MSPRA noted that sediment build-up around the Highway 85 Bridge was one of their highest concerns. There is extensive sentiment that sediment and debris built up underneath and upstream of the bridge had intensified the impacts of the September 2011 flood. As part of the latest round of CDBG-DR funding the City of Evans in conjunction with MSPRA applied for a grant to further the Restoration Master Plan by including a “sediment transfer study” as well as look at the feasibility of flood mitigation projects in the area upstream of the Bridge.

While City staff will initiate this project, it is our intent that the Watershed Coordinator, who we are currently in the process of hiring, will take over the project and manage this grant once he/she is on board.

FINANCIAL:

There is no match needed for this grant, but we did identify \$2500 in community support as part of the grant request. This will need to be addressed as part of the quarter two budget revision.

STAFF RECOMMENDATION:

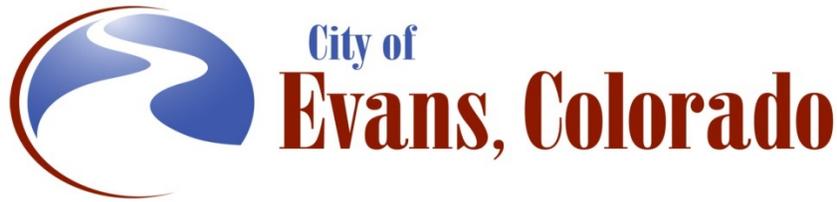
The City of Evans staff recommends that the City Council approve the grant application for the

sediment transport and feasibility study.

SUGGESTED MOTIONS:

“I move to approve and accept the CDBG-DR grant award for the Sediment Transport and Feasibility Study.”

“I move to deny the reception of the CDBG-DR grant award for the Sediment Transport and Feasibility Study.”



City Manager
Monitoring Report
 April 21, 2015

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

➤ **Communications**

- April 18 &19 and April 25 &26 are Spring Clean Up Days. Following the second weekend, the key players involved with this effort will convene to analyze the strengths, challenges and potential improvements that could be considered.
- Evans’ second mural will be painted on April 19 in Driftwood Park. CCI Greenheart is spearheading this effort as part of their Community Service requirement for their international exchange students.
- On April 23, at the Evans Community Complex from 5 – 7 pm, a public meeting for the Waste Water Treatment Plant will be held. Residents will have the opportunity to learn more about the project and provide comment.
- Arbor Day will be honored on April 24 at 3 pm with a mayoral-led ceremony at Ann Heiman Elementary School.
- On April 25 at 10 am, in an official ceremony, the City of Evans will place a time capsule alongside the High Plains Library District’s time capsule in an interior wall of Riverside Library and Cultural Center.
-

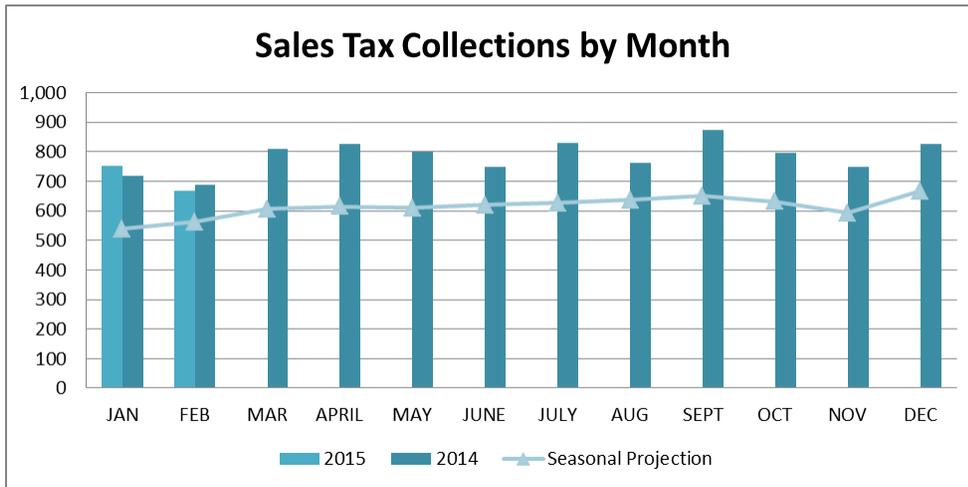
➤ **Customer Service**

Kalen Myers, Customer Service Administrator (CSA) with the Customer Service Unit (CSU), has accepted a promotion as the City of Evans GIS Coordinator. The position was posted and interviews are being scheduled for next week.

➤ **Finance**

Please find the February sales tax update below:

February 2015			
Category	2014 YTD	2015 YTD	% Change
Base	290,633	372,122	28%
Commercial	299,107	305,320	2%
Industrial	462,894	374,712	-19%
Utilities	146,076	151,174	3%
Motor Vehicle	206,660	215,251	4%
Lodging	12,359	15,304	24%



As far as the monthly projection goes, we are \$105,015 ahead of what we needed to collect this month to meet our annual budget.

➤ **Fire District**

We received a phone call this morning from the state informing me that the City of Evans has received an award letter from FEMA for the generators at Evans Fire station # 2 and the Operation Center. The State is currently working on putting the contract together and will setup a signing and kick-off meeting within the next week or two.

COUNCIL COMMUNICATION

DATE: April 21, 2015
AGENDA ITEM: 10.A
SUBJECT: Adjournment to Executive Session

AGENDA ITEM DESCRIPTION:

City Council will adjourn into an Executive Session to receive legal advice concerning positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, pursuant to Section 24-6-402(4)(e), C.R.S.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

“Pursuant to CRS 24-6-402(4)(b), I move to go into Executive Session to receive legal advice concerning positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiator pursuant to Section 24-6-402(4)(e), C.R.S.”

City Council Calendar

April 2015

APRIL 2015

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		

April	Event	Location	Time
7	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
9	85 Coalition Meeting	Riverside Library 3700 Golden Street, Evans	Begins at 6:30 PM
11	Emergency Warning Sirens test by the Weld County Office of Emergency Management	Weld County	Begins at 10:00 AM
13	Mayors BullsEye Meeting	Town of Keenesburg 140 South Main Street	Begins at 6:30 PM
16	Government Agencies Meeting	Aims Community College, Cornerstone Building, Conference Area	Begins at 7:00 AM
18-19	City Spring Clean Up Days	3323 1st Avenue, Evans	8:00 AM - 5:00 PM
21	City Council Work Session & Regular City Council Meeting	Evans City Complex	<u>Begins at 5:30 PM</u>
23	Open House on the Evans Wastewater Treatment Project	Evans City Complex	Begins at 5:00 PM
24	Arbor Day	City of Evans	All Day
25	Time Capsule & Dedication Ceremony	Riverside Library 3700 Golden Street, Evans	Begins at 10:00 AM
25-26	City Spring Clean Up Days	3323 1st Avenue, Evans	8:00 AM - 5:00 PM
27	City Council Joint Meeting with the Evans Fire District	Evans City Complex	Begins at 6:00 PM