



AGENDA
HAYDEN TOWN COUNCIL MEETING
THURSDAY, JUNE 2, 2016
7:30 P.M.
HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE

WORK SESSION 7:00 P.M. – 7:30 P.M.

1. STAFF REPORTS

REGULAR MEETING – 7:30 P.M.

1a. CALL TO ORDER

1b. OPENING PRAYER

1c. PLEDGE OF ALLEGIANCE

1d. ROLL CALL

2. CONSIDERATION OF MINUTES

A. Regular Meeting May 19, 2016

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3. CONSIDERATION OF BILLS

A. Consideration of payment bill vouchers dated May 25, 2016

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4. PUBLIC COMMENTS

5. PROCLAMATIONS/PRESENTATIONS

6. CONSENT ITEMS

7. OLD BUSINESS

8. NEW BUSINESS

A. Decision: 1st Reading Ordinance 672 McCarty II Annexation

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B. Decision: 1st Reading Ordinance 673 McCarty II Zoning

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C. Decision: 1st Reading Ordinance 674 Sales Tax Increase

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D. Decision: 1st Reading Ordinance 675 Mill Levy Rate Increase

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E. Decision: Resolution 2016-15 A Resolution Reactivating the IGA Agreement between the Town of Hayden and Routt County to participate in the Coordinated Election November 8, 2016

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F. Decision: Resolution 2016-16 Lease Agreement with Morrison Custom Builders

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9. PULLED CONSENT ITEMS

NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.

10. STAFF AND COUNCILMEMBER REPORTS (CONTINUED, IF NECESSARY)

11. EXECUTIVE SESSION

12. ADJOURNMENT

Staff & Councilmember Reports**Greg Tuliszewski reported on the following**

Streets

- Flowed hydrants at Airport – The numbers were good and better than the past
- Restrooms in the all parks are open
- Turbo and tires on backhoe went out and had to be replaced. This is the backhoe slotted for replacement in 2017.
- Rebuilding dugouts at Elementary school in preparations for Triple Crown.

Water

- Repaired a broken residential water service line earlier this week, which had failed under the asphalt at the intersection of Shelton Ln. and Washington St.
- vmScada is scheduled to be installed next week at the water plant.
 - This is the new computer system for the water plant that controls the treatment process at the water plant and numerous other sites throughout the water distribution system and wastewater treatment plant/collection system.
- There has been an increased amount of discolored (rusty) water complaints this spring. We are taking the complaints very serious in light of the recent events in Flint, Michigan.
 - We have never had any compliance issues with the state mandated lead and copper sampling
 - We are taking a proactive in-house approach now by gathering water quality data regarding how corrosive our water is. We have close to a month of data so far; however, it will likely take up to a year of data to get the big picture.

Sewer

- Recent equipment failures at the wastewater treatment plant are nearly fully repaired
 - a. The new grinder was replaced for a budgeted cost of \$10,000.
 - b. Blower #1 is fully functional
 - c. Blower #2 has had trouble operating and we are working with Browns Hill Electrical Engineering to find a solution.
 - d. The cost to have the units rebuilt was \$30,900 however the recent electrical work on unit #2 will increase the cost.
 - i. We are working with Brad Monsoon with the Colorado Department of Public Health and Environment to determine if we can use the excess outfall loan money to fund the blower repairs.

Police:

- On Saturday the 7th, Police along with Public Works assisted with the COG RUN. Both departments assisted traffic and routing of the participants.

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- On Saturday May 14th the Police assisted with the annual Hayden Clean Up days – PD personnel assisted with the vaccination clinic, dog licenses and the annual hot dog barbeque for those dropping by the Hayden Mercantile. Many thanks to Councilman Hayden for the donation of hot dogs and buns, the use of his parking lot and all the support he provided to this event!
- Hayden High School investigation re: Threats / News attention

Administration

- Town Hall staff have cleaned and reorganized the vault. This past week the server has been moved from the furnace room to the vault in order to provide better security for the equipment and a better climate controlled environment.
- Election – The handout is an easy reference for the upcoming election cycle for this year. As we progress, if there are any changes, we will advise you. The schedule is a very tight one, so many of the Town Council actions and time frames will have to be met in order to be in compliance with election deadlines to submit ballot issues. Town Clerk is compiling Candidate Packets which are available 8/9/16 and would like to consider an affidavit to process a criminal background check for all candidates. The content and order of the ballot must be certified by the Town Council and submitted to Routt County by September 9th. The order of the candidates must be by lot drawing. The dates are very tight. Candidates must file petitions to Town Clerk by August 29th, Town Clerk verifies petition signatures, candidates have until September 7th to cure and Town Clerk must send certified ballot content and order to the County by September 9th. Town of Hayden does not have a regular meeting at deadline to cure. Town Council will do a lot drawing on September 1st regular meeting and set the order of the candidates. Should there be a candidate that needs to cure (they have until Sept 7th) and is not able to they will be pulled from the ballot.
- There will be a planning commission meeting on May 26, 2016 with a public hearing on the 2nd McCarty annexation request and will be presented at the June 2, 2016 Town Council Meeting.
- The Planning Commission will be considering the RV Park Street Vacation and Bayou Breeze Conditional Use Permit at the June 9th meeting with recommendations expected to be sent to Town Council for the June 16th meeting.
- Reminder about meeting with Waters and Company tomorrow , May 20th, at 6:00pm at Town Hall
- Working on a Utilities Audit to verify all users are coded correctly
- Continuing to organize records and inventory in Town Hall

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Staff reports will continue at the end of the meeting.

Mayor Haskins called the regular meeting of the Hayden Town Council to order at 7:31 p.m. Mayor Pro Tem Robinson present. Councilmembers Redmond, Hayden, Forrest and Hagins present. Also present were Interim Town Manager and Police Chief, Greg Tuliszewski, and Deputy Clerk, Andrea Salazar.

Opening Prayer Mayor Haskins offered the opening prayer.

Pledge of Allegiance Mayor Haskins led the Pledge of Allegiance.

Oath for Councilmember Charles Forrest Deputy Town Clerk sworn in appointed Councilmember Charles Forrest by oath for vacancy created by Councilmember Jim Folley.

Minutes – May 5, 2016 Councilmember Hayden moved to approve the minutes of the Regular Town Council Meeting held on May 5, 2016. Councilmember Redmond seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Councilmember Hayden – aye. Mayor Pro Tem Robinson – aye. Mayor Haskins – aye. Motion carried.

Consideration of Bill Payment Voucher dated May 16, 2016 Councilmember Redmond moved to approve the bill payment voucher dated May 12, 2016 in the amount of \$ 67,024.27 Councilmember Hagins seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Councilmember Hayden – aye. Mayor Pro Tem Robinson – aye. Mayor Haskins – aye. Motion carried.

**Proclamations/
Presentations**

Public Comments John St Pierre, Hayden CO, requested the Town Council consider Water and Sewer Tap payment plan.

Amend Agenda Mayor Haskins moved to amend the agenda to add an agenda item to discuss Water/Sewer Tap payment plan under New Business after other business items complete. Councilmember Hagins seconded. Roll call vote. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Mayor Pro Tem Robinson – aye. Mayor Haskins – aye. Motion carried.

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Consent Items

Decision: Liquor License Renewal for A1 Liquor

Mayor Haskins moved to approve the liquor license renewal for A1 Liquor. Councilmember Redmond seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Councilmember Hayden – aye. Mayor Pro Tem Robinson – aye. Mayor Haskins – aye. Motion carried.

Old Business

Discussion: General Election and Tabor Ballot Questions

Following the discussion regarding the concern the tax increase will impact the residents of Hayden and the need for additional revenue to continue services, the Town Council will move forward and submit to the electors ballot questions to determine if the Town of Hayden shall increase the sales tax rate and/or the mill levy rate on real estate for property tax.

Discussion: Town Manager Search and Salary Survey

Chief Tuliszewski presented the obstacles in getting a wider range of potential candidates for the Town Manager vacancy. It is possible to get new candidates due to life changes and new candidates who had not consider the position before. Chief asked what the Town of Hayden needed to do to be successful. Two things were pointed out, salaries and residency. Based on the Colorado average Hayden was on the bottom edges and eliminated candidates that had salary needs above what Hayden was offering. Chief researched Colorado Survey on Town Manager salaries which will be reviewed at the workshop tomorrow night. Town Council provided a pay range of \$80,000 to \$95,000 and most candidates were making more. The Town Council will need to decide whether we can consider a comparable salary and housing requirements. Town Council will consider a range of \$90, 000 to \$105,000.

New Business

Discussion: Water and Sewer Tap Payment Plan

Jim Haskins requested John St Pierre to come to the podium and start the discussion. John St Pierre is seeking to have the Water and Sewer Plant Investment Fees spread out across a period of time until the house in close to complete if under contract. The discussion covered the cost to the contractor and the potential of the Town of Hayden dealing with non-payment for a various reasons and being in a collection position. Town Council wants to help the contractor without causing additional work and cost to the town and being able to protect the town financially. The council will consult the town

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attorney and research other municipalities that are providing tap fee payments.

Pulled Consent Items None.

Staff and Councilmember Reports Continued None.

Executive Session None.

Adjournment Mayor Haskins adjourned the meeting at 9:30 p.m.

Recorded by:

Sharon Johnson, Town Clerk

APPROVED THIS 2nd DAY OF June, 2016.

James M. Haskins, Mayor

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
12134	A-1 Collection Agency, LLC	JUNE2016	Garnishment	06/01/2016	23.09	.00		
Total 12134:					23.09	.00		
6645	Action Services, Inc.	39421	RV Dump Repair	05/10/2016	450.00	.00		
Total 6645:					450.00	.00		
5220	Advanced Mechanical Srv, Inc.	504	WTP R&M - parts	05/24/2016	1,252.00	.00		
Total 5220:					1,252.00	.00		
12292	Aguirre, Jose	1489.07	Utility deposit refund	05/19/2016	18.67	.00		
Total 12292:					18.67	.00		
2440	Atmos Energy	0332APR16	Water Plant Gas - T768776	05/12/2016	419.69	.00		
2440	Atmos Energy	1967APR16	Shop Gas - G0014687	05/12/2016	154.41	.00		
2440	Atmos Energy	2144APR16	Sewer Plant Gas R910225	05/12/2016	86.81	.00		
2440	Atmos Energy	2411APR16	Parks Gas - T820876	05/12/2016	47.14	.00		
2440	Atmos Energy	2626APR16	Town Hall Gas - R252006 (80%)	05/12/2016	65.08	.00		
2440	Atmos Energy	2626APR16	Rec Gas_R252006 (20%)	05/12/2016	16.27	.00		
2440	Atmos Energy	2886APR16	Crandall Pump Gas - R331736	05/12/2016	44.57	.00		
2440	Atmos Energy	3116APR16	Airport Lift Station Gas 6408226	05/13/2016	37.87	.00		
2440	Atmos Energy	3349APR16	Dry Creek Lift gas 08K458739	05/12/2016	27.30	.00		
2440	Atmos Energy	3590APR16	Parks Gas - 15192591	05/12/2016	72.48	.00		
2440	Atmos Energy	5208APR16	Golden Meadows Gas - W816504	05/12/2016	39.11	.00		
2440	Atmos Energy	7426APR16	PD Gas - 08K684037	05/12/2016	136.25	.00		
Total 2440:					1,146.98	.00		
12135	Barnett, Keith	36.06	Utility deposit refund	05/24/2016	40.00	.00		
Total 12135:					40.00	.00		
7900	Browns Hill Engineering &	11311	Service work Apr 25-29	05/06/2016	894.95	.00		
Total 7900:					894.95	.00		
1445	Case Enterprise Inc.	1253	Flowers	04/24/2016	1,220.00	.00		
1445	Case Enterprise Inc.	1256	Town Trees & Town Hall flowers	04/24/2016	1,560.00	.00		
Total 1445:					2,780.00	.00		
1650	CEBT	0013334	Sewer Benefits	05/12/2016	1,208.69	.00		
1650	CEBT	0013334	Streets Benefits	05/12/2016	2,114.59	.00		
1650	CEBT	0013334	Water Benefits	05/12/2016	1,834.36	.00		
1650	CEBT	0013334	Parks Benefits	05/12/2016	1,217.27	.00		
1650	CEBT	0013334	Sewer Admin Benefits	05/12/2016	960.98	.00		
1650	CEBT	0013334	Water Admin Benefit	05/12/2016	960.98	.00		
1650	CEBT	0013334	Admin Benefits	05/12/2016	2,573.39	.00		
1650	CEBT	0013334	PD Benefits	05/12/2016	6,090.10	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 1650:					16,960.36	.00		
3770	CenturyLink	1374653142	PD Phones 77563308	05/03/2016	30.54	.00		
3770	CenturyLink	2535MAY16	PD Phones_2535	05/04/2016	306.08	.00		
Total 3770:					336.62	.00		
1645	Charter Communications	MAY2016	Charter Internet_1237	05/07/2016	87.84	.00		
Total 1645:					87.84	.00		
1760	Colorado Document Security	239395	Document Destruction	05/19/2016	55.00	.00		
Total 1760:					55.00	.00		
1870	Consolidated Electrical Dist	1534-509399	Parks R&M	05/12/2016	92.64	.00		
Total 1870:					92.64	.00		
7745	Craig Steel	19045	Dugouts E Elem	05/18/2016	773.30	.00		
Total 7745:					773.30	.00		
12163	Crop Production Services, Inc	29747342	Parks - Turf	05/03/2016	2,730.00	.00		
Total 12163:					2,730.00	.00		
2150	DPC Industries Inc	DE73000439-1	WTP Chemicals	04/30/2016	110.00	.00		
Total 2150:					110.00	.00		
12288	Emtech, Inc	F3072	WWTP Service	04/12/2016	144.00	.00		
12288	Emtech, Inc	F3948/4235	Outfall project	04/21/2016	31,285.08	.00		
Total 12288:					31,429.08	.00		
4890	FedEx	5-407-52296	Water Sample Shipping	05/05/2016	69.40	.00		
Total 4890:					69.40	.00		
2460	Hach Company	9916071	Water/Sewer Chemicals	05/04/2016	79.73	.00		
Total 2460:					79.73	.00		
12109	Haskins Cleaning	APRIL2016	Town Hall Cleaning - April	05/02/2016	200.00	.00		
Total 12109:					200.00	.00		
4535	InSite Media, Inc	2051	Social Media	05/23/2016	250.00	.00		
4535	InSite Media, Inc	2051	Website hosting	05/23/2016	100.00	.00		
Total 4535:					350.00	.00		
12289	Marshall, Michael	262.14	Utility deposit refund	05/16/2016	43.27	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 12289:					43.27	.00		
8375	MASON SIEDSCHLAW	1943	Moving server	03/25/2016	764.25	.00		
8375	MASON SIEDSCHLAW	1952	Moving server	05/15/2016	195.00	.00		
Total 8375:					959.25	.00		
9060	Mid-American Research Chemical	0579573-IN	Street Maintenance - paint	05/11/2016	525.41	.00		
Total 9060:					525.41	.00		
12268	Midwest Electric Systems of S., In	10017	Golden Meadows R&M	04/04/2016	133.44	.00		
Total 12268:					133.44	.00		
8565	Milner Landfill Corp.	256820	WTP - chemicals	05/13/2016	82.50	.00		
Total 8565:					82.50	.00		
2960	MJK Sales & Feed Inc	17188	Dugouts E. Elem	05/12/2016	1,317.49	.00		
2960	MJK Sales & Feed Inc	202799	Streets R&M - Weed control	05/11/2016	263.99	.00		
2960	MJK Sales & Feed Inc	202804	Parks R&M	05/11/2016	39.90	.00		
2960	MJK Sales & Feed Inc	203298	Dugouts E. Elem	05/18/2016	17.99	.00		
2960	MJK Sales & Feed Inc	203299	3rd St Park R&M	05/18/2016	55.96	.00		
Total 2960:					1,695.33	.00		
8920	Murdoch's Ranch & Home Craig	147159/19	Clean up days	05/14/2016	114.98	.00		
Total 8920:					114.98	.00		
1350	Pinnacol Assurance	18083365	Legislative Work Comp	05/20/2016	29.96	.00		
1350	Pinnacol Assurance	18083365	Court Work Comp	05/20/2016	14.98	.00		
1350	Pinnacol Assurance	18083365	Executive Work Comp	05/20/2016	14.98	.00		
1350	Pinnacol Assurance	18083365	Administration Work Comp	05/20/2016	119.84	.00		
1350	Pinnacol Assurance	18083365	Police Work Comp	05/20/2016	1,198.40	.00		
1350	Pinnacol Assurance	18083365	Streets Work Comp	05/20/2016	928.76	.00		
1350	Pinnacol Assurance	18083365	Rec Work Comp	05/20/2016	89.88	.00		
1350	Pinnacol Assurance	18083365	Parks Work Comp	05/20/2016	89.88	.00		
1350	Pinnacol Assurance	18083365	Mosquito Work Comp	05/20/2016	59.92	.00		
1350	Pinnacol Assurance	18083365	Water Work Comp	05/20/2016	239.68	.00		
1350	Pinnacol Assurance	18083365	Water Adm Work Comp	05/20/2016	29.96	.00		
1350	Pinnacol Assurance	18083365	Sewer Work Comp	05/20/2016	149.80	.00		
1350	Pinnacol Assurance	18083365	Sewer Adm Work Comp	05/20/2016	29.96	.00		
Total 1350:					2,996.00	.00		
12290	Salazar, Joey	05162016	CDL	05/16/2016	257.30	.00		
Total 12290:					257.30	.00		
12248	SGS Accutest Inc	D4-74362	Water testing	04/25/2016	242.50	.00		
12248	SGS Accutest Inc	D5-74907	Water testing	05/11/2016	109.50	.00		
Total 12248:					352.00	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
1655	STANDARD INSURANCE COMP	JUNE2016	ADMIN LTD	05/17/2016	39.85	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	PD LTD	05/17/2016	159.39	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	STREETS LTD	05/17/2016	63.12	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	PARKS LTD	05/17/2016	28.23	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	WATER LTD	05/17/2016	58.11	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	WTR ADM LTD	05/17/2016	16.62	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	SWR LTD	05/17/2016	49.78	.00		
1655	STANDARD INSURANCE COMP	JUNE2016	SWR ADM LTD	05/17/2016	16.61	.00		
Total 1655:					431.71	.00		
10530	Staples Business Advantage	3300265286	PD Office Supplies - credit for 328	04/21/2016	34.68-	.00		
10530	Staples Business Advantage	3302034538	PD Office Supplies	05/03/2016	92.38	.00		
10530	Staples Business Advantage	3302560380	PD Office Supplies	05/03/2016	31.99	.00		
Total 10530:					89.69	.00		
3530	Steamboat Pilot	10428569	Dry Creek Concession Bid	05/29/2016	63.68	.00		
Total 3530:					63.68	.00		
3560	Steamboat Specialties Inc	SS9222C	Name Plate	05/18/2016	12.00	.00		
Total 3560:					12.00	.00		
3620	T Bar G Inc	05172016	Water Dist repair	05/17/2016	577.50	.00		
Total 3620:					577.50	.00		
3680	Timber Line Electric & Control	19018	WWTP R&M Blower issues	05/05/2016	190.50	.00		
Total 3680:					190.50	.00		
7070	USA BlueBook	947755	WTP R&M - Parts	05/09/2016	400.39	.00		
7070	USA BlueBook	948277	WTP R&M - ball valve	05/09/2016	150.30	.00		
Total 7070:					550.69	.00		
3880	Wagner Equipment Co	P04C0289208	Streets - batteries	05/05/2016	197.18	.00		
Total 3880:					197.18	.00		
7580	Wagner Rents	1342834-0001	Parks - asphalt rake	05/10/2016	66.88	.00		
Total 7580:					66.88	.00		
6170	Walmart Community	612400897204	Town manager recruitment	05/03/2016	262.55	.00		
6170	Walmart Community	613100650460	Town hall supply	05/10/2016	28.53	.00		
6170	Walmart Community	613100650460	PD Supplies	05/10/2016	319.28	.00		
Total 6170:					610.36	.00		
4010	Yampa Valley Electric	0401MAY16	PD electric 660020401	05/18/2016	348.16	.00		
4010	Yampa Valley Electric	1002MAY16	Dry Creek Lift electric 720021002	05/19/2016	175.76	.00		
4010	Yampa Valley Electric	1401MAY16	Seneca Hill electric 660021401	05/18/2016	129.98	.00		
4010	Yampa Valley Electric	3101MAY16	Parks electric 730013101	05/17/2016	190.88	.00		
4010	Yampa Valley Electric	3202MAY16	Airport Lift electric 660013202	05/18/2016	243.09	.00		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
4010	Yampa Valley Electric	3406MAY16	Town Hall electric 80% 74000340	05/19/2016	279.32	.00		
4010	Yampa Valley Electric	3406MAY16	Rec electric 20% 740003406	05/19/2016	69.83	.00		
4010	Yampa Valley Electric	3501MAY16	Parks electric 730013501	05/17/2016	115.62	.00		
4010	Yampa Valley Electric	5501MAY16	Parks electric 720015501	05/19/2016	54.70	.00		
4010	Yampa Valley Electric	6002MAY16	Community Tree electric 7600160	05/19/2016	28.60	.00		
4010	Yampa Valley Electric	6201MAY16	Shop electric 760016201	05/19/2016	181.64	.00		
4010	Yampa Valley Electric	7601MAY16	Parks electric 780017601	05/17/2016	29.59	.00		
4010	Yampa Valley Electric	7702MAY16	Sewer Plant electric 760007702	05/19/2016	3,453.16	.00		
4010	Yampa Valley Electric	7802MAY16	Water Plant electric 660007802	05/18/2016	1,195.64	.00		
4010	Yampa Valley Electric	8001MAY16	Washington/Ash electric 7000080	05/17/2016	109.90	.00		
4010	Yampa Valley Electric	8103MAY16	Parks electric 730008103	05/17/2016	105.42	.00		
4010	Yampa Valley Electric	8803MAY16	Golden Meadows electric 780008	05/17/2016	795.91	.00		
4010	Yampa Valley Electric	8901MAY16	Hospital Hill electric 720008901	05/19/2016	30.57	.00		
4010	Yampa Valley Electric	9402MAY16	Key Pump electric 730009402	05/17/2016	121.00	.00		
4010	Yampa Valley Electric	9902MAY16	Crandall Pump electric 72000990	05/19/2016	286.53	.00		
Total 4010:					7,945.30	.00		
Grand Totals:					77,774.63	.00		

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.



Town Council Agenda Item

MEETING DATE: June 2, 2016
AGENDA ITEM TITLE: McCarty's 2nd Annexation to the Town of Hayden
AGENDA SECTION: New Business
PRESENTED BY: Greg Tuliszewski
CAN THIS ITEM BE RESCHEDULE: Not Recommended

BACKGROUND REVIEW:

The applicant has submitted an annexation request for 0.76 acres of land currently unincorporated and surrounded by the Town of Hayden. The property is located on the east side of South 1st Street, approximately 475 feet north of South Poplar Street. The applicant wishes to annex the property into the Town of Hayden to receive access to the Town's water and sanitary sewer services in anticipation of future development of a single family dwelling unit. In conjunction with the annexation application, the applicant is requesting the property be placed in the Residential Low Density (RLD) zoning district to comply with zoning regulations.

The McCarty's were granted incorporation of 0.94 acres of land into the Town of Hayden with a prior 2012 annexation request which was codified by Ordinance No. 651. The 0.94 acre request was located east of the current subject property, having frontage on West Jackson Avenue and South Poplar Street and was granted an RLD zoning district classification with Ordinance No. 652.

On May 5, 2016, the Town Council determined the 2016 Petition for Annexation regarding the subject property was in "substantial compliance" with the State and began the decision-making process and sequencing for this annexation request.

Staff Analysis

Annexation

The proposed 2nd McCarty Annexation request for 0.76 acres is to incorporate an enclave piece of land which is surrounded by adjacent properties already served with public utilities, fire and police protection, and snow plowing services from the Town of Hayden; in addition to being incorporated within the Town's school district. The subject property is generally depicted by the "Annexation Map" which shows a rectangular shaped property boundary that has frontage on South 1st Street. The land is currently vacant and contains a small portion of Shelton Ditch located at the northwest corner of the property which does not limit the owner's developable area. Utility services are located within South 1st Street and loop north and east of the subject site to connecting lines within the West Jackson Avenue right-of-way. Should the owners wish to subdivide the property from one contiguous lot into two lots for placement of more than

one dwelling unit on the property, the Town would require street improvements meeting minimum lot frontage requirements by either extending South 1st Street to West Washington Avenue or connecting West Jackson Avenue to West Washington Avenue.

The annexation request meets all determining provisions within the Three-Mile Boundary Plan and the Comprehensive Plan and has been found to meet the contiguity regulations per the Colorado State Statutes. Approval of the annexation request would rectify and enclose the Hayden Town Limits around the “donut-hole” remainder of unincorporated land which for all practical purposes would be better served as added property within the Town’s boundary.

Zoning

The applicant requests the property be zoned to a Residential Low Density (RLD) zoning district to be compatible with adjacent land uses and with similarly zoned adjacent property owned by the applicant. The RLD district’s intent is to *build a transitional residential area of single family units on single lots with a mixture of lot sizes and building types*. Annexation requests require the applicant to bring the property into full compliance with town ordinances which includes correctly zoning the property for anticipated development. The surrounding land uses and corresponding zoning districts to the subject property include:

North: Property to the north is zoned Open District (O) and is owned by the Town of Hayden as future parcel area for Washington Avenue. The property is vacant.

South: Property to the south is zoned Open District (O) and contains a mobile home used for residential purposes.

East: Property to the east is zoned Residential Low Density (RLD) and is comprised of four parcels of land owned by the applicant having separate single family structures used for residential purposes.

West: Property to the west is zoned Residential Low Density (RLD) and contains the right-of-way for 1st Street with adjacent single family lots used for residential purposes.

Comprehensive Plan

Pursuant to the Future Land Use Map within the 2007 Amendment to the Hayden Comprehensive Plan, the subject property is designated as a Medium Density Residential (MDR) land use category. The MDR category is intended to support a higher range of residential density of six to eight units per acre which may include duplexes, townhomes and multi-family units. Since the adoption of the 2007 Comprehensive Plan Amendments, the surrounding land uses and residential neighborhood context have not developed or redeveloped to the level of intensity outlined by the Future Land Use Map. It is reasonable to suggest the continuation of a Low Density Residential (LDR) pattern for the subject property and for properties between 1st Street and South Poplar Street until such time market forces precipitate the need for higher density at this location. The annexation’s zoning request is consistent with adjacent land uses in maintaining a low density residential pattern.

Compliance with Review Criteria

Annexation

Review requirements for an annexation application are found in Title 16, Article 13 of the Hayden Town Code. The subject property and application must follow the Annexation process outlined by the Town of Hayden and with Colorado Revised Statutes (C.R.S.) The applicant has provided staff the necessary

documents to file the Petition for Annexation (per 16.13.070), the Annexation Agreement (per 16.13.080), the Annexation Map (per 16.13.090), and the Annexation Concept Plan Map (per 16.13.100).

Public Hearing Notice requirements for annexations are found in 16.01.170 and 16.13.060. The subject property and application must follow the Annexation process outlined by the Town of Hayden and with Colorado Revised Statutes (C.R.S.) for hearings, publications, mailed notices and sign postings as required. The applicant has coordinated with Planning Staff and the Town Clerk to meet all public hearing notice requirements.

Zoning

Review requirements for zoning applications of annexed territory are found in Title 16, Article 13.010.D of the Hayden Town Code. The listed zoning criteria states:

1. *Zoning of land during annexation may be done in accordance with the procedures and notice requirements of this Article. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.*
2. *Any area annexed shall be brought under the provision of this Article and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion, or all of, the newly annexed areas.*
3. *Unless zoned otherwise by action of the Council in compliance with this Code or provided otherwise on the Hayden Zoning Map in effect on October 6, 2005, all annexed property shall be considered zoned O-Open.*

The applicant's requested zoning to a Residential Low Density District (RLD) has been initiated within the proper annexation sequence, is compatible with surrounding properties, and is consistent with the goals and objectives of the Hayden Comprehensive Plan.

Referral Agency and Department Comments

The proposed annexation request was referred to the following agencies for a development review:

1. Planning Consultants – planning review of annexation and zoning application (including exhibits) are complete.
2. Public Works Department (incl. Water & Sewer) – review of annexation and zoning application are complete. Town services can be provided to the property.
3. Building Inspections Consultants – review of annexation and zoning application are complete. A more thorough review will be made at the time of platting or with future residential building permits.
4. Fire District - review of annexation and zoning application are complete.
5. Engineering Consultants - review of annexation and zoning application are complete. A more thorough review will be made at the time of platting or with future residential building permits.

Public Input

Annexation

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper regarding the annexation request to run for five consecutive weeks prior to the upcoming Town Council public hearing on June 16,

2016. No comments or concerns regarding the annexation request have been received by Planning Staff or the Town Clerk to date.

Zoning

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to this Planning Commission public hearing date. No comments or concerns regarding the annexation’s zoning request to an RLD district have been received by Planning Staff or the Town Clerk to date.

Staff Recommendation

Based on the above observations and findings of compliance with the Hayden Town Codes, staff recommends:

Approval of the annexation request as submitted.

Approval of the annexation’s zoning request for a Residential Low Density (RLD) district as submitted.

Planning Commission Recommendation

The Planning Commission at their regular meeting on Thursday, May 26, 2016, voted to recommend to Town Council:

Approval of the annexation request as submitted.

Approval of the annexation’s zoning request for a Residential Low Density (RLD) district as submitted.

RECOMMENDATION:

The Town Council may choose to:

1. Recommend to the Town Council approval as submitted.
2. Recommend to the Town Council approval subject to conditions.
3. Recommend to the Town Council project denial.
4. Table the item.

Attachments

Annexation Map

Annexation Concept Plan

Zoning Map

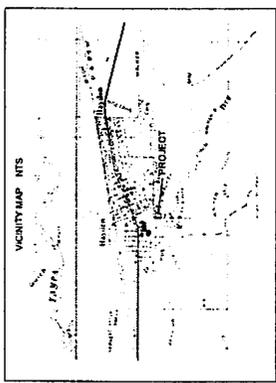
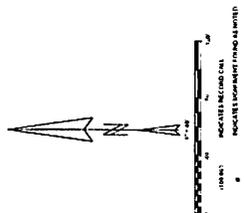
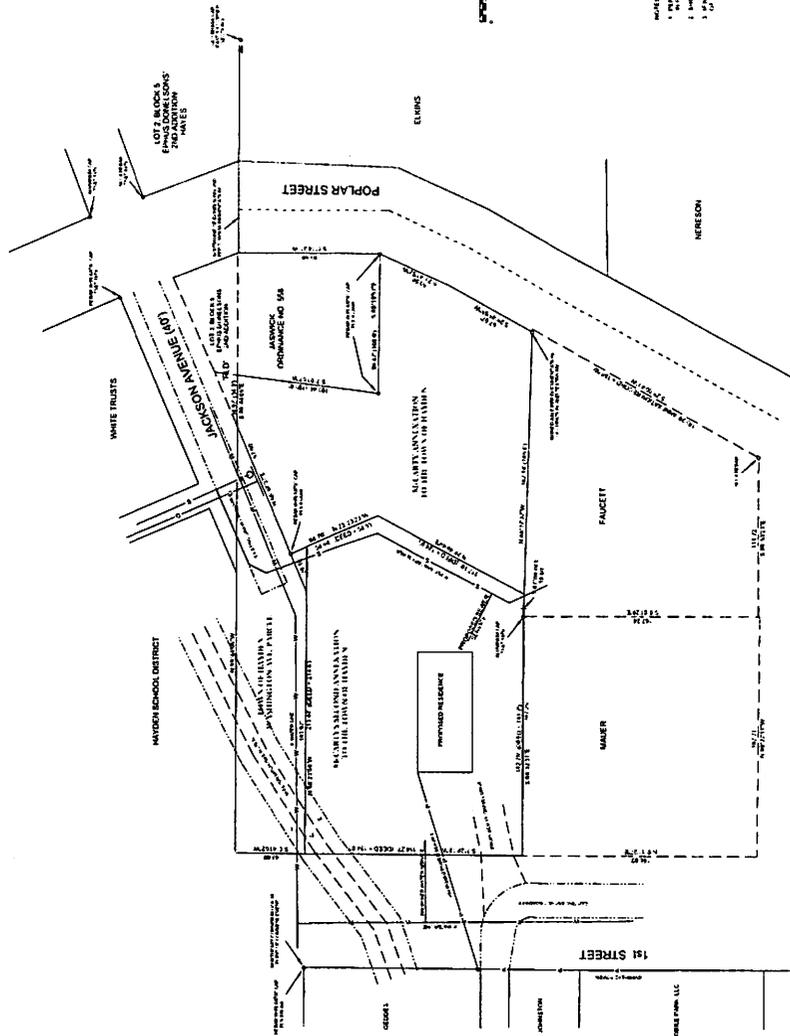
Resolution 2016-14 & Annexation Petition

MANAGER’S RECOMMENDATION/COMMENTS:

I would recommend that the Council vote to approve / adopt Ordinance #672 and 1st Reading on the 2nd McCarty Annexation as recommended from the Town Planning Commission.

McCARTY'S SECOND ANNEXATION TO THE TOWN OF HAYDEN

CONCEPT PLAN
PORTIONS OF THE NE1/4 SE1/4 SECTION 9
T6N R88W, 6th P.M., ROUTT COUNTY, COLORADO



- NOTES
1. THIS CONCEPT PLAN IS A PRELIMINARY PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF ANY KIND.
 2. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON THE RECORDS OF THE COUNTY RECORDS.
 3. ALL RIGHTS RESERVED BY THE LANDOWNER SHALL REMAIN UNLESS OTHERWISE SPECIFIED.
 4. THE DATE OF THIS PLAN IS 10/15/2010.

BLOCK 18
WEST HAYDEN TOWNSHIP COMPANY
ADDITION TO THE TOWN OF HAYDEN

SCALE: AS SHOWN ON THE PLAN SHEET

TERRY & TERRY'S SECURITY PROFESSIONAL LAND SURVEYORS 1000 W. 1st St. HAYDEN, CO 80801		DOWLING GORIS LAND SURVEYORS P.O. BOX 554 HAYDEN, CO 80801 PHONE: 970-225-3333 FAX: 970-225-3335	
REGISTERED PROFESSIONAL LAND SURVEYORS No. 10000		REGISTERED PROFESSIONAL LAND SURVEYORS No. 10000	
DATE	SCALE	BY	CHECKED
10/15/2010	AS SHOWN	TERRY	TERRY

NOTICE: ACCORDING TO THE PROVISIONS OF THE COLORADO CONSTITUTION, ANY PERSON OR ENTITY WHOSE INTERESTS ARE AFFECTED BY THIS PLANET WITHIN THREE YEARS AFTER THE FIRST REGISTRATION OF THIS PLANET MAY APPLY FOR A REVIEW OF THIS PLANET WITHIN THE TIME PERIOD SPECIFIED IN THE PLANET. ANY ACTION TO BE COMMENCED MUST BE FILED WITHIN THE TIME PERIOD SPECIFIED IN THE PLANET.

RESOLUTION 2016 - 14

**A RESOLUTION OF THE TOWN COUNCIL FOR HAYDEN, COLORADO
FINDING SUBSTANTIAL COMPLIANCE WITH THE STATUTORY
COMPLIANCE FOR ANNEXATION AND INITIATING ANNEXATION
PROCEEDINGS FOR THE MCCARTY ANNEXATION**

RECITALS

1. A written petition, together with four (4) prints of an annexation map was filed with the Clerk for the Town of Hayden requesting the annexation of certain real property to be known as the McCarty Annexation; and
2. The Hayden Town Council desires to initiate annexation proceedings in accordance with law.

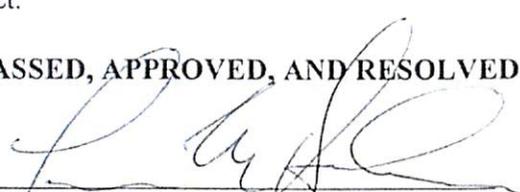
**NOW, THEREFORE BE IT RESOLVED BY THE HAYDEN TOWN COUNCIL
AS FOLLOWS:**

Section 1. That the Town Council hereby accepts the annexation petition for the McCarty Annexation, which real property is more particularly described in Exhibit B, attached hereto and incorporated herein by this reference (the "Property").

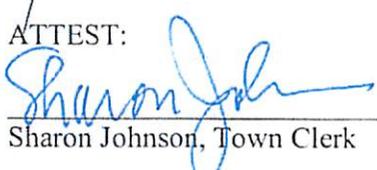
Section 2. That the Town Council hereby finds and determines that the Annexation Petition and accompanying Map, Exhibit A, are in substantial compliance with the Municipal Annexation Act at C.R.S. 31-12-101 et seq. (the "Act").

Section 3. That the Notice attached hereto shall be adopted as part of this Resolution. Said Notice establishes the date, time and place when a public hearing will be held regarding the passage of an annexation ordinance pertaining to the Property. The Town Clerk is directed to publish a copy of this Resolution and said Notice as provided in the Act.

PASSED, APPROVED, AND RESOLVED THIS 5th DAY OF MAY, 2016.


James M. Haskins, Mayor of the Town of Hayden

ATTEST:


Sharon Johnson, Town Clerk



NOTICE

TO ALL INTERESTED PERSONS:

Please take notice that the Town Council for the Town of Hayden, a Colorado home rule town, has adopted a Resolution initiating annexation proceedings for the McCarty Annexation, said Annexation being more particularly described in the Annexation Petition and the Resolution, a copy of which precedes this Notice.

Further, that on June 16, 2016 at 7:30 p.m. or as soon thereafter that the matter can be heard in the Council Chambers of the Town Hall at 178 West Jefferson Ave., Hayden, CO 81639, the Hayden Town Council will hold a public hearing upon the annexation petition for purposes of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation. At such hearing, any persons may appear and present such evidence as they may desire.

Dated the 5th day of May, 2016



Sharon Johnson, Town Clerk

**McCarty Property
Petition for Annexation of unincorporated territory
in the County of Routt, State of Colorado
to the Town of Hayden, Colorado.**

TO THE MAYOR AND THE TOWN COUNCIL OF HAYDEN, COLORADO:

The undersigned, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the Town Council of the Town of Hayden, Colorado, for the annexation of the following described unincorporated territory located in the County of Routt, State of Colorado, to-wit:

For legal description see Exhibit B, attached hereto and incorporated herein by reference.

In support of said petition, your Petitioner alleges:

1. It is desirable and necessary that the above-described unincorporated territory be annexed to the Town of Hayden, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to-wit:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Hayden; calculations are detailed on Exhibit A: Annexation Map;
 - b. A community of interest exists between the area proposed to be annexed and the Town of Hayden;
 - c. Said area is agricultural and will be urbanized in the near future;
 - d. Said area is integrated with or is capable of being integrated with the Town of Hayden.
3. The requirements of Section 31-12-105, C.R.S. as amended, exist or have been met, to-wit:
 - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners;
 - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising 20 acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next proceeding the annexation) has been included without the written consent of the landowners;
 - c. That no annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;

EXHIBIT B: LEGAL DESCRIPTION

DOWLING LAND SURVEYORS, LLC
P.O. BOX 954
HAYDEN, COLORADO 81639
(970) 276-3613
Fax (970) 276-4695
dowling@plotz.biz

McCarty's Second Annexation

LEGAL DESCRIPTION

A tract of land in the NE1/4SE1/4 of Section 9, Township 6 North, Range 88 West of the 6th P.M., bounded by a line described as follows:
Beginning at a point which is 80 feet east of the northeast corner of Block 18 of the First Addition of the West Hayden Townsite Company to Hayden, Colorado;
Thence East 218.8 feet;
Thence S 23°35' E, 54.5 feet;
Thence S 28°21' W, 124.0 feet;
Thence West 181.7 feet;
Thence North 154.0 feet to the point of beginning.
County of Routt, State of Colorado

EXHIBIT C: ADJOINING PROPERTY OWNERS LIST

Property Owners within 150 feet of the McCarty Annexation Request

Owner Name	Owner Street 2	Owner City	Owner State	Owner Zip	Site Address
MC CARTY, TERRY H. & LOREEN M. (JT)	P O BOX 743	HAYDEN	CO	81639-0743	345 JACKSON Ave
Geddes, C Nicole	PO Box 231	HAYDEN	CO	81639-0231	
Mauer, Loita M	PO Box 123	HAYDEN	CO	81639-0123	
Johnston, Jeff K and Sylvia L	PO Box 52	HAYDEN	CO	81639-0052	
FAUCETT, DANIEL & KATHLEEN	P.O. BOX 952	HAYDEN	CO	81639-0952	335 S POPLAR ST
JAZWICK, LORETTA DIANNE	P O BOX 674	HAYDEN	CO	81639-0674	305 S POPLAR ST
Hayden School District	PO Box 70	HAYDEN	CO	81639-0070	

**TOWN OF HAYDEN
ORDINANCE NO. 672**

**AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN
TERRITORY TO THE TOWN OF HAYDEN, COLORADO.**

RECITALS

1. A written petition for annexation (the “McCarty II Annexation”) has been reviewed by the Town Council and was found to be in substantial compliance for initiating annexation proceedings;
2. The Town Council, after notice in accordance with C.R.S. 31-12-108 (2), has determined that the proposed annexation complies with C.R.S. 31-12-104 and 105 and the real property described in the annexation petition (the “Property”) is eligible for annexation;
3. The Town Council has determined that an election is not required and that the annexation may occur by ordinance; and,
4. The Town Clerk has given notice of this hearing to consider the passage of an ordinance to approve the annexation of the Property.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
HAYDEN, COLORADO.**

Section 1. The annexation to the Town of Hayden, Colorado of the Property, described in Attachment 1, is hereby approved.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. EFFECTIVE DATE. This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect fifteen (15) days after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

Section 4. PUBLIC HEARING. A public hearing on this Ordinance will be held on the 16th Day of June, 2016 at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 2nd DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16th DAY OF JUNE, 2016 .

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

Attachment 1
Legal Description of McCarty Annexation Property

LEGAL DESCRIPTION

A tract of land in the NE1/4SE1/4 of Section 9, Township 6 North, Range 88 West of the 6th P.M., bounded by a line described as follows:

Beginning at a point which is 80 feet east of the northeast corner of Block 18 of the First Addition of the West Hayden Townsite Company to Hayden, Colorado;

Thence East 218.8 feet;

Thence S 23°35' E, 54.5 feet;

Thence S 28°21' W, 124.0 feet;

Thence West 181.7 feet;

Thence North 154.0 feet to the point of beginning.

County of Routt, State of Colorado



Town Council Agenda Item

MEETING DATE: June 2, 2016

AGENDA ITEM TITLE: McCarty's 2nd Annexation Zoning Request to the Town of Hayden for Low Density Residential District

AGENDA SECTION: New Business

PRESENTED BY: Greg Tuliszewski

CAN THIS ITEM BE RESCHEDULE: Not Recommended

BACKGROUND REVIEW:

The applicant has submitted an annexation request for 0.76 acres of land currently unincorporated and surrounded by the Town of Hayden. The property is located on the east side of South 1st Street, approximately 475 feet north of South Poplar Street. The applicant wishes to annex the property into the Town of Hayden to receive access to the Town's water and sanitary sewer services in anticipation of future development of a single family dwelling unit. In conjunction with the annexation application, the applicant is requesting the property be placed in the Residential Low Density (RLD) zoning district to comply with zoning regulations.

The McCarty's were granted incorporation of 0.94 acres of land into the Town of Hayden with a prior 2012 annexation request which was codified by Ordinance No. 651. The 0.94 acre request was located east of the current subject property, having frontage on West Jackson Avenue and South Poplar Street and was granted an RLD zoning district classification with Ordinance No. 652.

On May 5, 2016, the Town Council determined the 2016 Petition for Annexation regarding the subject property was in "substantial compliance" with the State and began the decision-making process and sequencing for this annexation request.

Staff Analysis

Annexation

The proposed 2nd McCarty Annexation request for 0.76 acres is to incorporate an enclave piece of land which is surrounded by adjacent properties already served with public utilities, fire and police protection, and snow plowing services from the Town of Hayden; in addition to being incorporated within the Town's school district. The subject property is generally depicted by the "Annexation Map" which shows a rectangular shaped property boundary that has frontage on South 1st Street. The land is currently vacant and contains a small portion of Shelton Ditch located at the northwest corner of the property which does not limit the owner's developable area. Utility services are located within South 1st Street and loop north and east of the subject site to connecting lines within the West Jackson Avenue right-of-way. Should the

owners wish to subdivide the property from one contiguous lot into two lots for placement of more than one dwelling unit on the property, the Town would require street improvements meeting minimum lot frontage requirements by either extending South 1st Street to West Washington Avenue or connecting West Jackson Avenue to West Washington Avenue.

The annexation request meets all determining provisions within the Three-Mile Boundary Plan and the Comprehensive Plan and has been found to meet the contiguity regulations per the Colorado State Statutes. Approval of the annexation request would rectify and enclose the Hayden Town Limits around the “donut-hole” remainder of unincorporated land which for all practical purposes would be better served as added property within the Town’s boundary.

Zoning

The applicant requests the property be zoned to a Residential Low Density (RLD) zoning district to be compatible with adjacent land uses and with similarly zoned adjacent property owned by the applicant. The RLD district’s intent is to *build a transitional residential area of single family units on single lots with a mixture of lot sizes and building types*. Annexation requests require the applicant to bring the property into full compliance with town ordinances which includes correctly zoning the property for anticipated development. The surrounding land uses and corresponding zoning districts to the subject property include:

- North:** Property to the north is zoned Open District (O) and is owned by the Town of Hayden as future parcel area for Washington Avenue. The property is vacant.
- South:** Property to the south is zoned Open District (O) and contains a mobile home used for residential purposes.
- East:** Property to the east is zoned Residential Low Density (RLD) and is comprised of four parcels of land owned by the applicant having separate single family structures used for residential purposes.
- West:** Property to the west is zoned Residential Low Density (RLD) and contains the right-of-way for 1st Street with adjacent single family lots used for residential purposes.

Comprehensive Plan

Pursuant to the Future Land Use Map within the 2007 Amendment to the Hayden Comprehensive Plan, the subject property is designated as a Medium Density Residential (MDR) land use category. The MDR category is intended to support a higher range of residential density of six to eight units per acre which may include duplexes, townhomes and multi-family units. Since the adoption of the 2007 Comprehensive Plan Amendments, the surrounding land uses and residential neighborhood context have not developed or redeveloped to the level of intensity outlined by the Future Land Use Map. It is reasonable to suggest the continuation of a Low Density Residential (LDR) pattern for the subject property and for properties between 1st Street and South Poplar Street until such time market forces precipitate the need for higher density at this location. The annexation’s zoning request is consistent with adjacent land uses in maintaining a low density residential pattern.

Compliance with Review Criteria

Annexation

Review requirements for an annexation application are found in Title 16, Article 13 of the Hayden Town Code. The subject property and application must follow the Annexation process outlined by the Town of Hayden and with Colorado Revised Statues (C.R.S.) The applicant has provided staff the necessary

documents to file the Petition for Annexation (per 16.13.070), the Annexation Agreement (per 16.13.080), the Annexation Map (per 16.13.090), and the Annexation Concept Plan Map (per 16.13.100).

Public Hearing Notice requirements for annexations are found in 16.01.170 and 16.13.060. The subject property and application must follow the Annexation process outlined by the Town of Hayden and with Colorado Revised Statutes (C.R.S.) for hearings, publications, mailed notices and sign postings as required. The applicant has coordinated with Planning Staff and the Town Clerk to meet all public hearing notice requirements.

Zoning

Review requirements for zoning applications of annexed territory are found in Title 16, Article 13.010.D of the Hayden Town Code. The listed zoning criteria states:

1. *Zoning of land during annexation may be done in accordance with the procedures and notice requirements of this Article. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.*
2. *Any area annexed shall be brought under the provision of this Article and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion, or all of, the newly annexed areas.*
3. *Unless zoned otherwise by action of the Council in compliance with this Code or provided otherwise on the Hayden Zoning Map in effect on October 6, 2005, all annexed property shall be considered zoned O-Open.*

The applicant's requested zoning to a Residential Low Density District (RLD) has been initiated within the proper annexation sequence, is compatible with surrounding properties, and is consistent with the goals and objectives of the Hayden Comprehensive Plan.

Referral Agency and Department Comments

The proposed annexation request was referred to the following agencies for a development review:

1. Planning Consultants – planning review of annexation and zoning application (including exhibits) are complete.
2. Public Works Department (incl. Water & Sewer) – review of annexation and zoning application are complete. Town services can be provided to the property.
3. Building Inspections Consultants – review of annexation and zoning application are complete. A more thorough review will be made at the time of platting or with future residential building permits.
4. Fire District - review of annexation and zoning application are complete.
5. Engineering Consultants - review of annexation and zoning application are complete. A more thorough review will be made at the time of platting or with future residential building permits.

Public Input

Annexation

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper regarding the annexation request to run for five consecutive weeks prior to the upcoming Town Council public hearing on June 16,

2016. No comments or concerns regarding the annexation request have been received by Planning Staff or the Town Clerk to date.

Zoning

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to this Planning Commission public hearing date. No comments or concerns regarding the annexation's zoning request to an RLD district have been received by Planning Staff or the Town Clerk to date.

Staff Recommendation

Based on the above observations and findings of compliance with the Hayden Town Codes, staff recommends:

Approval of the annexation request as submitted.

Approval of the annexation's zoning request for a Residential Low Density (RLD) district as submitted.

Planning Commission Recommendation

The Planning Commission at their regular meeting on Thursday, May 26, 2016, voted to recommend to Town Council:

Approval of the annexation request as submitted.

Approval of the annexation's zoning request for a Residential Low Density (RLD) district as submitted.

RECOMMENDATION:

The Town Council may choose to:

1. Recommend to the Town Council approval as submitted.
2. Recommend to the Town Council approval subject to conditions.
3. Recommend to the Town Council project denial.
4. Table the item.

Attachments

Annexation Map

Annexation Concept Plan

Zoning Map

Resolution 2016-14 & Annexation Petition

MANAGER'S RECOMMENDATION/COMMENTS:

I would recommend that the Council vote to approve / adopt Ordinance #673 and 1st Reading on the 2nd McCarty Annexation determining this to be zoned as a Residential Low Density (RLD) District as recommended from the Town Planning Commission.

**TOWN OF HAYDEN
ORDINANCE NO. 673**

**AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION FOR
PROPERTY ANNEXED TO THE
TOWN OF HAYDEN, COLORADO DESIGNATED AS
THE MCCARTY ANNEXATION II.**

RECITALS

1. The Town Council has annexed real property, described in Attachment 1, into the Town of Hayden, called the McCarty Annexation II, (the "Property") pursuant to C.R.S. 31-12-101, et. seq. and pursuant to a written petition for annexation.
2. The Town Council, pursuant to the Hayden Land Use Code Article 16.03.010.D desires to establish a zone district for the Property.
3. All prerequisites to the Town Council's consideration of the establishment of the zone district, as required by the Hayden Land Use Code Article 16.03.010 D and 16.03.110 have been complied with; and,
4. The Town Clerk has given notice of this hearing to consider the passage of an ordinance to approve the zoning of the Property.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HAYDEN, COLORADO.

Section 1. ZONING. The zoning of the Property is hereby approved, such zoning as depicted on Attachment 2.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. EFFECTIVE DATE. This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect fifteen (15) days after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

Section 4. PUBLIC HEARING. A public hearing on this Ordinance will be held on the 16th day of June, 2016, at 7:00 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 2nd DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16th DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

Attachment 1
Legal Description of McCarty Annexation Property

LEGAL DESCRIPTION

A tract of land in the NE1/4SE1/4 of Section 9, Township 6 North, Range 88 West of the 6th P.M., bounded by a line described as follows:

Beginning at a point which is 80 feet east of the northeast corner of Block 18 of the First Addition of the West Hayden Townsite Company to Hayden, Colorado;

Thence East 218.8 feet;

Thence S 23°35' E, 54.5 feet;

Thence S 28°21' W, 124.0 feet;

Thence West 181.7 feet;

Thence North 154.0 feet to the point of beginning.

County of Routt, State of Colorado

ATTACHMENT 2
McCarty Annexation Zoning
Map



Town Council Agenda Item

MEETING DATE: June 2, 2016

AGENDA ITEM TITLE: General Election Tabor Ballot Issues – Sales Tax Increase

AGENDA SECTION: Old Business

PRESENTED BY: Greg Tuliszewski

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND REVIEW:

On April 7th, 2016 during the regular Town Council meeting, the issue of whether to place two tax related TABOR questions on the upcoming November General Election in the form of ballot questions was presented to the Town Council. The Council gave direction that the questions should be referred to the residents of Hayden in the General Election.

The attached is the Sales Tax Increase ballot questions. The Town Attorney was directed to review and provide the Ballot Questions for Council's review and adoption. The Ballot question is presented to Council for 1st Reading in order to meet the deadlines for filing with the County for the Coordinated Election. This is referendum to the Citizens of Hayden requesting an increase in sales tax from 4.0% to 4.5% .

RECOMMENDATION: Staff is requesting the Council approve the first reading of this Ballot question so as to schedule the 2nd reading and hold the Public Comment part of this procedure.

MANAGER'S RECOMMENDATION/COMMENTS:

I would recommend that the Council approve the 1st reading of the Ballot Question asking the Citizens of the Town of Hayden for an increase of 0.5% in sales tax.

ORDINANCE NO. 674

AN ORDINANCE OF THE TOWN OF HAYDEN, COLORADO SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE GENERAL ELECTION TO BE HELD NOVEMBER 8, 2016, A BALLOT ISSUE CONCERNING THE IMPOSITION OF AN INCREASE IN THE SALES TAX FROM 4.0% TO 4.5% AND, UPON ELECTOR APPROVAL, AMENDING THE HAYDEN MUNICIPAL CODE TO PROVIDE FOR THE SAME.

RECITALS

1. The Town of Hayden, Colorado ("Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado.
2. The members of the Town Council ("Council") have been duly elected and qualified.
3. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose local sales taxes, with voter approval.
4. Article X, Section 20, of the Colorado Constitution ("TABOR") and Section 8-16 of the Town of Hayden Home Rule Charter authorizes the Town to submit ballot issues proposing new taxes to its eligible electors at an election to be held on November 8, 2016.
5. The Council hereby determines that both the Town's interest and the public interest and necessity require that the Town impose an increase in the existing sales tax rate from 4.0% to 4.5%.
6. The Council has determined and hereby determines and declares that the interest of the Town and the public interest and necessity require that the Town be allowed to collect, retain and spend all revenues generated from such sales tax, if such tax is approved, regardless of the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution.
7. It is appropriate for voters to approve collection, retention and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hayden, Colorado:

Section 1. Sales Tax Rate Increase Imposed. Subject to voter approval as provided in Section 4 of this Ordinance, the sales tax rate presently extant is hereby increased from 4.0% to 4.5% (the "Sales Tax Increase")

Section 2. Use of Revenues. The revenues derived from the Sales Tax Increase shall be expended for all purposes and uses permitted by the Town of Hayden Home Rule Charter.

Section 3. Duration. The Sales Tax Increase shall commence for collection purposes beginning January 1, 2017 and continue until repealed by ordinance.

Section 4. Election. Before the tax provided in this Ordinance shall become effective, it shall be submitted to and receive the approval of a majority of the eligible electors of the Town voting thereon at the coordinated election to be held on Tuesday, November 8, 2016.

(a) Conduct of Election. The election shall be held and conducted in accordance with Section 29-2-102, C.R.S., and in accordance with Article X, Section 20 of the Colorado Constitution. The Town Council hereby approves and authorizes the Town Manager and Town Clerk to execute and enter into such agreements or amendments to agreements, on behalf of the Town, with Routt County, Colorado, regarding the conduct of the election. The Town Council hereby designates the Town Clerk as the Designated Election Official for the conduct of the election on behalf of the Town, with the authority and direction to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this election.

(b) Ballot Title. The ballot title for the Sales Tax Increase shall be in substantially the following form:

SHALL THE TOWN OF HAYDEN SALES TAX RATE BE INCREASED FROM FOUR PERCENT (4.0%) TO FOUR AND ONE HALF PERCENT (4.5%) RESULTING IN AN ESTIMATED \$105,349.00 ANNUALLY IN FIRST FULL FISCAL YEAR COMMENCING JANUARY 1, 2017 AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR?

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAX AT SUCH RATE AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE TOWN OF HAYDEN UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES

NO

Section 5. Codification. In the event a majority of Town electors voting on the ballot issue referred by Section 4 of this Ordinance vote in favor of the issue, as determined and certified by the election results, the Hayden Municipal Code shall be amended as of January 1, 2017, to implement the approved tax increase through the adoption of the provisions of **Exhibit A**, attached hereto and incorporated herein by this reference. It is the express intent of the Council that, in the event a majority of Town electors voting on the ballot issue established and referred by this Ordinance vote against the issue, the Code amendment set forth in **Exhibit A** shall not take effect and shall be null and void.

Section 6. Authorization. The officers of the Town are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 7. Severability. If any portion of this Ordinance or the ballot title is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 8. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading, and the Sales Tax Increase provided for herein shall be effective January 1, 2017, contingent upon approval by the eligible electors at the November 8, 2016 election.

Section 9. Public hearing. A public hearing on this Ordinance shall be held on the 16th day of June, 2016, at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THIS 2nd DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16th DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

EXHIBIT A

RECITALS

1. The Town of Hayden, Colorado (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado.
2. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose local sales taxes, with voter approval.
3. The Town submitted a ballot issue proposing an increase in the sales tax rate to its eligible electors at an election on November 8, 2016.
4. The eligible electors voted to approve the referred question concerning the increase in the sales tax rate.

NOW, THEREFORE:

All references to the 4.0% sales tax rate codified within Chapter 3.04 of the Hayden Municipal Code (“Code”) are amended to a 4.5% sales tax rate, and all references throughout said Chapter to a July 1988 effective date of the sales tax rate are amended to a January, 2017 effective date, excepting Code Section 3.04.065, which is hereby amended to read in its entirety as follows:

3.04.065 Effective Date of Tax.

Upon approval of the sales tax rate increase from 4.0% to 4.5%, referred to Town electors by Ordinance No. 674 and approved by Town electors at the November 8, 2016 regular Town election, the sales tax rate of 4.5% shall become effective and enforced on the first day of January, 2017, and shall apply to all transactions subject to such tax made on or after such date.



Town Council Agenda Item

MEETING DATE: June 2, 2016

AGENDA ITEM TITLE: General Election Tabor Ballot Issues – Mill Levi Tax Increase

AGENDA SECTION: Old Business

PRESENTED BY: Greg Tuliszewski

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND REVIEW:

On April 7th, 2016 during the regular Town Council meeting, the issue of whether to place two tax related TABOR questions on the upcoming November General Election in the form of ballot questions was presented to the Town Council. The Council gave direction that the questions should be referred to the residents of Hayden in the General Election.

The attached is the Mill Levi Tax Increase ballot questions. The Town Attorney was directed to review and provide the Ballot Questions for Council's review and adoption. The Ballot question is presented to Council for 1st Reading in order to meet the deadlines for filing with the County for the Coordinated Election. This is referendum to the Citizens of Hayden is requesting an increase in Mill Levi Property tax of 7.520 mills. This will raise the current Mill Levi of 25.067 mills to 32.587 mills. As has been presented to the Council prior, the town has not raised the Mill Levi in over 20 years. Research has shown that the town has consistently reduced the Mill Levi over the past 20 years from a high of 34.09 mills to its current rate of 25.067 mill.

RECOMMENDATION: Staff is requesting the Council approve the first reading of this Ballot question so as to schedule the 2nd reading and hold the Public Comment part of this procedure.

MANAGER'S RECOMMENDATION/COMMENTS:

I would recommend that the Council approve the 1st reading of the Ballot Question asking the Citizens of the Town of Hayden for an increase of 7.520 mills.

ORDINANCE NO. 675

AN ORDINANCE OF THE TOWN OF HAYDEN, COLORADO SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE REGULAR TOWN ELECTION TO BE HELD NOVEMBER 8, 2016, A BALLOT ISSUE CONCERNING THE IMPOSITION OF AN INCREASE IN THE REAL PROPERTY TAX MILL LEVY FROM 25.067 TO 32.587

RECITALS

1. The Town of Hayden, Colorado (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado.
2. The members of the Town Council (“Council”) have been duly elected and qualified.
3. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose real property taxes and to increase the mill levy above that for the prior year, with voter approval.
4. Article X, Section 20, of the Colorado Constitution (“TABOR”) and Section 8-16 of the Town of Hayden Home Rule Charter authorizes the Town to submit ballot issues proposing new taxes to its eligible electors at an election to be held on November 8, 2016.
5. The Council hereby determines that both the Town’s interest and the public interest and necessity require that the Town impose an increase in the existing mill levy from 25.067 mills to 32.587 mills (the “Mill Levy Increase”) utilized to compute the amount of real estate taxes presently existing upon real property within the Town.
6. The Council has determined and hereby determines and declares that the interest of the Town and the public interest and necessity require that the Town be allowed to collect, retain and spend all revenues generated from such Mill Levy Increase, if such tax is approved, regardless of the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution.
7. It is appropriate for voters to approve collection, retention and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hayden, Colorado:

Section 1. Mill Levy Rate Increase Imposed. Subject to voter approval as provided in Section 4 of this Ordinance, the mill levy rate utilized to compute the amount of real estate taxes presently existing is hereby increased from 25.067 to 32.587 (the “Mill Levy Increase”)

Section 2. Use of Revenues. The revenues derived from the Mill Levy Increase shall be expended for all purposes and uses permitted by the Town of Hayden Home Rule Charter.

Section 3. Duration. The Mill Levy Increase shall commence for collection purposes beginning January 1, 2017 and continue until repealed by ordinance.

Section 4. Election. Before the Mill Levy Increase provided in this Ordinance shall become effective, it shall be submitted to and receive the approval of a majority of the eligible electors of the Town voting thereon at the election to be held on Tuesday, November 8, 2016.

(a) Conduct of Election. The election shall be held and conducted in accordance with Section 29-2-102, C.R.S., and in accordance with Article X, Section 20 of the Colorado Constitution. The Town Council hereby approves and authorizes the Town Manager and Town Clerk to execute and enter into such agreements or amendments to agreements, on behalf of the Town, with Routt County, Colorado, regarding the conduct of the election. The Town Council hereby designates the Town Clerk as the Designated Election Official for the conduct of the election on behalf of the Town, with the authority and direction to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this election.

(b) Ballot Title. The ballot title for the Mill Levy Increase shall be in substantially the following form:

SHALL THE TOWN OF HAYDEN MILL LEVY RATE UTILIZED TO COMPUTE THE AMOUNT OF REAL ESTATE TAXES BE INCREASED FROM 25.067 TO 32.587 RESULTING IN AN ESTIMATED \$142,714.45 ANNUALLY IN FIRST FULL FISCAL YEAR COMMENCING JANUARY 1, 2017 AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR?

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF THE MILL LEVY AT SUCH RATE AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE TOWN OF HAYDEN UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES

NO

Section 5. Authorization. The officers of the Town are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 6. Severability. If any portion of this Ordinance or the ballot title is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 7. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading, and the Mill Levy Increase provided for herein shall be effective January 1, 2017, contingent upon approval by the eligible electors at the November 8, 2016 election.

Section 8. Public hearing. A public hearing on this Ordinance shall be held on the 16th day of June, 2016, at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THIS 2nd DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16th DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

Town of Hayden

Town Council Agenda Item

MEETING DATE: May 26, 2016

AGENDA ITEM TITLE: Resolution 2016-15 Coordinated Election IGA

AGENDA SECTION: New Business

PRESENTED BY: Sharon Johnson

CAN THIS ITEM BE RESCHEDULED: Preferred Not

BACKGROUND REVIEW: In order to participate in the November 8, 2016 Coordinated General Election, we must reactivate an Intergovernmental Agreement (IGA) with Routt County which was originally executed on August 28, 2007. The IGA, along with an attachment relating to TABOR issues, is attached for your review. This IGA needs to be reactivated via resolution and must be approved by the Routt County Commissioners by August 29th.

RECOMMENDATION: Move to approve Resolution 2016-15 a resolution reactivating the Intergovernmental Agreement between the Town of Hayden and Routt County for the purpose of participating in the coordinated election to be held on November 8, 2016.

MANAGER RECOMMENDATION/COMMENTS: *I concur with the recommendation. This is required to participate in the coordinated election.*

RESOLUTION 2016-15

**A RESOLUTION REACTIVATING THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF HAYDEN AND ROUTT COUNTY FOR THE PURPOSE
OF PARTICIPATING IN THE COORDINATED ELECTION TO BE HELD ON
NOVEMBER 8, 2016**

RECITALS

1. The Town Council of the Town of Hayden has determined it to be in the best interest of the Town to place openings for candidates for office on the ballot of the election to be held on November 8, 2016 and to participate in the “coordinated election” as defined in the Uniform Election Code of 1992, as amended; and
2. Participation in this coordinated election requires that an Intergovernmental Agreement between the Town of Hayden, Routt County, Colorado and the Routt County Clerk and Recorder originally executed on August 28, 2007 which sets forth the specific terms and conditions regarding the conduct and finance of a coordinated election, a copy of which is attached hereto as Exhibit A and is further defined in Attachment 1, Production of “Amendment 1 Notice” be reactivated; and
3. The Town Council of the Town of Hayden deems that it is in the best interest of the community to reactivate the Intergovernmental Agreement between the Town of Hayden, Routt County, Colorado and the Routt County Clerk and Recorder.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hayden, Colorado, that:

1. The terms and conditions of the Intergovernmental Agreement between the Town of Hayden, Routt County, Colorado and the Routt County Clerk and Recorder are approved.
2. The Mayor and Councilmembers acknowledge and authorize the terms of said Intergovernmental Agreement on behalf of the Town of Hayden all in order to participate in the November 8, 2016 coordinated election.

PASSED, APPROVED AND RESOLVED THIS 2nd DAY OF JUNE, 2016.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (the "Agreement") is made and entered into this 2nd day of June, 2016 by and between Routt County, Colorado (the "County") and Routt County Clerk and Recorder ("County Clerk") and Town of Hayden (the "District"), collectively referred to herein as the "Parties," for the administration of their respective duties concerning the conduct of the general election to be held on November 8, 2016 (the "Election").

RECITALS

A. Pursuant to Colorado Constitution Article XIV, Section 18(2)(a), and Section 29-1-203, C.R.S., as amended, the County Clerk and the District may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, and any such contract may provide for the sharing of cost, the imposition of taxes, and incurring of debt; and

B. The County Clerk and the District are authorized to conduct elections as provided by law; and

C. The District has determined that it is in the best interests of the District to conduct its election to be held on November 8, 2016 as a "general election" as such term is defined in the Uniform Election Code of 1992, as amended ("Code") and the Code contemplates the entry into and performance of an intergovernmental agreement to cooperate in the conduct and financing of the Election; and

D. The County Clerk and the District have determined that it is in the best interests of the County, the District, and respective inhabitants to cooperate and contract concerning the Election upon the terms and conditions contained herein.

TERMS AND CONDITIONS

NOW, THEREFORE, for and in consideration of the premises and the promises herein contained, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

ARTICLE I PURPOSE AND GENERAL CONDITIONS

1.01 Goal. The purpose of this Agreement is to set forth the tasks to be completed by the County Clerk and the District to conduct and finance the Election.

1.02 Designated Election Official, Other Election Personnel. Except as otherwise provided in this Section 1.02, the County Clerk shall act as the Designated Election Official ("Official") for the conduct of the Election for the District for all matters in the Code which require action by the Official.

The District designates Sharon Johnson, Town Clerk as its Election Officer ("Officer") who shall act as the primary liaison between the District and the County Clerk. To the extent the Code requires that a "designated election official" with the District conduct a task, the Officer will act as such. Nothing herein shall be deemed or construed to relieve the County Clerk or the governing body of the District from their official responsibilities for the conduct of the Election.

1.03 Jurisdictional Limitation. The District includes territory within Routt County but may also include territory not within Routt County. This Agreement shall be construed to apply only to that portion of the District within Routt County.

1.04 Term, Renewal, and Activation.

A. Although this Agreement is specifically written to deal with the November 8, 2016 election, it is intended to be effective through December 31, 2016, and automatically renewed for successive one year periods thereafter, but the District's participation in a coordinated election under this Agreement shall be subject to the provision of subparagraph B of this Section 1.04. The dates cited for the Election shall change to the proper November date as needed for the year in which the future coordinated election may occur. The intent of this automatic renewal provision is to put in place the intergovernmental agreement contemplated by the Code by the time required by the Code without extensive annual renegotiations.

(1) As soon as possible, but no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date, the Official will submit a written plan to the Secretary of State which will include the requirements outlined in the Secretary of State's Rules and Regulations. The written plan will become a part of the Agreement as an attachment if the Election is held as a mail ballot election.

B. Although the Agreement automatically renews, actual use of the Agreement for any election by the District shall be conditioned upon:

(1) A determination, by Resolution of the governing body of the District, that an election is required and that such election should be held as a coordinated election.

(2) Notice of (1) being delivered to the County Clerk no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date.

(3) Acceptance of the notice indicated in (2) by the County Clerk and determination by the County Clerk that the County Clerk shall undertake its duties under the Agreement, with notice of such determination to be delivered to the District within five (5) days of the County Clerk's receipt of the notice indicated in (2).

Following the completion of (1), (2), and (3) above, the election procedures in this Agreement shall be activated.

ARTICLE II DUTIES OF THE COUNTY CLERK

2.01 County Clerk Duties. The Election shall be conducted under the provision of C.R.S. Title 1. The County Clerk shall be responsible for the conduct of the Election, adhering to all applicable provisions of the Code which are necessary or appropriate. The County Clerk shall be responsible for:

A. Production of a mailed Notice of the Ballot issues and/or questions ("Amendment 1 Notice") required by the Colorado Constitution, Article X, Sec. 20 in accordance with Attachment 1.

B. Arrange for the printing, and have printed, all official ballots.

C. The Official shall determine the cost allocation for each participating entity in the Election. The District shall reimburse its proportional share of the actual cost either to the County Clerk or to the vendor directly in accordance with the directions of the County Clerk. Except as otherwise provided herein, election costs shall be allocated based upon a formula which considers the percentage of registered voters within the District compared to the total number of registered voters within Routt County together with the number of election issues and office races for the District compared to the total of all election issues and office races on the ballot.

D. Appoint, provide written material to, train and pay a sufficient number of qualified election judges ("Election Judges"), as required by law, to adequately serve the number of electors anticipated to vote at the Election.

E. Conduct such formal training sessions for the Election Judges as are deemed reasonably necessary by the County Clerk.

F. After soliciting public comment and comment from the District, the County Clerk shall determine appropriate locations for the voter service and polling center locations required for the Election and submit those locations to the Colorado Secretary of State as part of the mail ballot plan. Upon approval of the locations for voter service and polling centers, the County Clerk shall ensure that each of those voter service and polling centers meets the requirements set forth in C.R.S. Section 1-5-102.9 and are open and appropriately staffed for the time periods and hours required by that statute.

G. Charge the District for all staff time solely related to the District for the preparation and conduct of the Election at each staff member's current pre-tax hourly rate. Charge the District its proportional share of the actual cost of staff time not solely related to the District for the preparation and conduct of the election.

H. Conduct and oversee the process of counting the ballots and reporting the results. The process to include appointment of a Duplication and Verification Board.

I. The Canvass of Votes ("Canvass") will be conducted by the County Clerk. The County Clerk shall generally oversee the conduct of the Board of Canvassers.

(1) The County Clerk shall appoint the Canvassers.

(2) Such Canvass shall be completed by the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date and official results of the Canvass will be provided to the District and all other political subdivisions participating in the Election.

(3) Each District will be responsible for issuing its own Certificates of Election for candidates and issues.

J. Store all unvoted ballots for a minimum of 6 months and all voted ballots and other election materials for a minimum of 25 months in such a manner that they may be accessed by the District, if necessary, to resolve any challenge or other legal questions that might arise regarding the Election.

K. Keep a careful and accurate and contemporaneous accounting of time, supplies and salaries chargeable to the District.

L. Adhere to all applicable provisions of the Code which are necessary or appropriate to the performance of the above duties.

M. The Official shall publish the Notice of Election required no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date.

N. In the event the Election is cancelled, the County Clerk shall post notice of the Cancellation of Election on the County's designated Notice Boards.

O. Requests for mail, absentee and replacement ballots shall be transmitted and processed by the County Clerk at 522 Lincoln Ave., PO Box 773598, Steamboat Springs, CO 80477.

ARTICLE III DUTIES OF THE DISTRICT

3.01 District Duties. In consideration of the foregoing, the District agrees to perform the following tasks and activities:

A. If the District ballot questions in the Election include one or more ballot questions under Colorado Constitution Article X, Section 20 (also referred to as "Amendment 1" or "TABOR"), then the terms and conditions of Attachment 1 to this Agreement shall be incorporated herein by this reference and the District shall provide

to the County Clerk all required Amendment 1 Notices concerning the District's ballot issues and questions in the manner according to Code and Attachment 1.

B. In accordance with Colorado Law, the ballot contents must be certified to the County by the District, in its exact and final form, no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date. Such ballot contents must be delivered to the County Clerk's office at 522 Lincoln Ave., Steamboat Springs, CO. In addition, ballot content shall be submitted electronically in NotePad or other compatible format to elections@co.routt.co.us. The District shall proof the layout and text of the official ballots no later than 50 days prior to the date of the election and before the authorization for the printing of ballots or the District shall proof and provide written notice acknowledging the layout and text of the sample and official ballots within one business day of receipt of the ballot proofs from the County Clerk, whichever occurs first.

C. Accept the location of the voter service and polling centers and ballot drop-off locations established by the County Clerk. If requested by the County Clerk, the District shall also provide a secure ballot drop-off location at the District's office or other location mutually acceptable to the County Clerk and the District.

D. The District and/or Officer shall prepare and publish any legal notices of election which are required to be given to the electorate of the District according to statutes and ordinances governing their elections other than the Notice of Election required by Section 2.01 (M) or as otherwise required by law. A copy of all legal notices published by the District shall be submitted to the Official. The District shall be responsible for mailing all notices required by Amendment 1 ("TABOR") to property owners owning property within the District who do not reside within Routt County.

E. Upon the request of the County Clerk, the District shall provide a representative to assist in conducting the logic and accuracy test and the post-election audit and canvass.

F. Pick up Election materials from the County Clerk when requested following the Election.

G. Store all Election materials, not stored by the County Clerk, for that time required by the Code.

H. Pay the District's proportional share of actual costs of services, supplies, mailing costs and mileage to the County Clerk upon receipt of the itemized statement or pay directly vendors or contractors as directed by the County Clerk.

I. The petition process for the District shall be entirely the responsibility of the District, and shall be done in compliance with applicable Colorado statutes, ordinances or charter provisions. This process includes, but is not limited to: approving the candidate or initiative petitions to be circulated within the District; receiving the petitions, and verifying the signatures of the petitions within the District.

J. The District shall furnish the County Clerk with a current and accurate map of the District boundaries. The County Clerk will furnish the District with a list of street addresses from the SCORE Voter Registration system of all addresses contained within the District boundaries. The District shall certify as to the accuracy of these addresses within five (5) days of receipt.

K. The process of receiving and filing of written comments will be the sole responsibility of the District.

L. Certificates of Election of candidates and issues will be issued by the District or Officer upon receipt of the official results from the County Clerk. Any additional Certificates of Election which are required by law to be forwarded to another division of government shall be the responsibility of the District.

M. Any time prior to certification of the ballot, the District shall determine the order of names on nonpartisan ballot by lot following notification of candidates of time and place of lot drawing.

3.02 Cancellation of Election by the District. In the event the District, at some time after activation of this Agreement pursuant to Section 1.04 B hereof, resolves not to hold the Election, then notice of such resolution shall be provided to the County Clerk immediately. The District shall promptly pay the County Clerk the full actual costs of the activities of the County Clerk relating to the election incurred both before and after the County Clerk's receipt of such notice. The District shall publish notice, according to Code, of such cancellation in a newspaper of general circulation in Routt County. The Officer shall post notice of the cancellation at all buildings of the District. The District shall not cancel the election after the 25th day before the Election.

ARTICLE IV PROPORTIONAL SHARE OF ACTUAL COSTS

4.01 The Official shall determine the cost allocation for the District and all other political subdivisions participating in the Election. The District shall reimburse the County for such election costs allocated to the District. Such reimbursement shall be made to the County within thirty days from the receipt of billing. (Example - each District will pay for the ballots based on their number of eligible voters including consideration for the number of lines printed on the ballot.)

ARTICLE V MISCELLANEOUS

5.01 **Notices.** Any and all notices to be given by this Agreement are deemed to have been received and to be effective: (1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax was received; to the

address of the Parties as set forth below or to such Party or addresses as may hereafter be designated in writing.

To County Clerk: Kim Bonner
Routt County Clerk & Recorder
P.O. Box 773598 / 522 Lincoln Ave.
Steamboat Springs, CO 80477

To District: Town of Hayden
Attention: Sharon Johnson
Town Clerk
PO Box 190/ 178 W Jefferson Ave
Hayden, CO

5.02 Integration. The Parties acknowledge this Agreement constitutes the sole agreement between them relating to the subject matter hereof and that no Party is relying upon any oral representation made by another Party or employee, agent or officer of the Party.

5.03 Amendments. This Agreement can be amended only in writing and by signatures of both Parties.

5.04 Actual Costs Defined. "Actual Cost" includes, but is not limited to, the costs of labor, ballot mailing costs, printing and materials itemized, identified, and consumed for the conduct of the Election.

5.05 Damages for Negligence or Error. In the event a court of competent jurisdiction finds the Election for the District was void or otherwise fatally defective due to a cause arising from the negligence or other error of the County Clerk, then the County Clerk shall, as liquidated damages and not as a penalty, refund or pay all amounts paid to the County Clerk, vendors or contractors designated by the County Clerk and other itemized costs for the Election paid by the District.

Likewise, as liquidated damages and not as a penalty, if the cause arises from the negligence or other error of the District, the District shall pay the County Clerk its reasonable court costs, attorney's fees and lost County Clerk staff time arising from litigation relating to the Election.

The District agrees to indemnify, defend and hold harmless the County Clerk from any and all loss, costs, demands or actions arising out of or related to any actions, errors or omissions of the District in completing its responsibilities relating to the Coordinated Election.

5.06 Attorney Fees. In the event either of the Parties brings suit to enforce or interpret any portion of this Agreement, the party prevailing in such action shall be

entitled to recover all costs incurred in such action, including without limitation reasonable attorney's fees.

5.07 Conflict of Agreement with Law, Impairment. In the event any provision in this Agreement conflicts with the Code, other statute, or valid prior Resolution duly adopted by the Board of County Commissioners, this Agreement shall be modified to conform to such law or resolution. No subsequent resolution of the Board of County Commissioners nor of the District shall impair the rights of the County Clerk or the District hereunder without the consent of the other party to this Agreement.

5.08 Time of Essence. Time is of the essence of this Agreement. The statutory time requirements of the Code shall apply to completion of the tasks required by this Agreement. A calendar with specific dates will be attached to conform with the Code and Agreement as Attachment B.

5.06 Good Faith. The Parties shall implement this Agreement in good faith, including acting in good faith in all matters that require joint or coordinated action.

IN WITNESS WHEREOF, the Parties hereto have signed this Agreement to be effective as of the date first written above.

ATTEST:

Town of Hayden
By:

Sharon Johnson
Town Clerk

Jim M. Haskins
Mayor

ATTEST:

Routt County:
By:

Kim Bonner
Routt County Clerk & Recorder

Board of Routt County Commissioners

ATTEST:

Routt County Clerk and Recorder:

Kim Bonner

ATTACHMENT 1

Production of "Amendment 1 Notice"

This Attachment 1 is an attachment to and incorporated into the Intergovernmental Agreement (the "IGA") between and among Routt County, Colorado (the "County"), the Routt County Clerk and Recorder ("County Clerk") and the Town of Hayden (the "District"). It is applicable if the District is submitting one or more ballot issues to its electorate pursuant to Colorado Constitution Article X, Section 20 (also referred to as "Amendment 1" or "TABOR"). Amendment 1 requires the production of a mailed notice of the ballot issues to be determined for the District that are subject to the requirements of said constitutional section ("Amendment 1 Notice").

The Amendment 1 Notices of several jurisdictions are to be sent as a package where jurisdictions overlap ("Amendment 1 Notice Package").

The need to produce the Amendment 1 Notice Package requires there be county-wide coordination of the production and mailing of the Amendment 1 Notice Package to effectuate the purposes of said constitutional section.

The parties desire to set forth their respective responsibilities in the production and mailing of the Amendment 1 Notice Package for the Election, as defined in the IGA.

1. The County Clerk shall perform the following services and activities for the Election:

A. Determine the "least cost" method for mailing the Amendment 1 Notice Package, and determine the portion of such cost to be applied to the District.

B. Combine the text of the Amendment 1 Notice produced by the District with those of other districts to produce the Amendment 1 Notice Package.

C. Address the package to "All Registered Voters" at each address of one or more active registered electors of the District. Nothing herein shall preclude the County Clerk from sending the Amendment 1 Notice of the District to persons other than electors of the District if such sending arises from the County Clerk's efforts to mail the Amendment 1 Notice Package at "least cost."

D. Determine the order that the Amendment 1 Notice submittal of the District and of other jurisdictions shall be placed in the Amendment 1 Notice Package; provided, however, that the materials supplied by the District shall be kept together as a group and in the order supplied by the District in compliance with 2 (D).

E. Mail the Amendment 1 Notice Package, addressed as required by law no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date. Notwithstanding the foregoing, the

District shall be responsible for mailing the Amendment 1 Notice to property owners owning property within the District Boundaries who do not reside in Routt County.

F. Provide an office address and telephone number for incorporation into the Amendment 1 Notice. Said information will be agreed upon in writing 42 days prior to the election. The designated office will be open during the County Clerk's regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday. The County Clerk or the County Clerk's Deputy shall respond to all correspondence and calls the County Clerk's office receives within its expertise relating to election procedures, but shall refer calls concerning the substance of the ballot issues and ballot questions and the operations of the District to its Election Officer identified in Section 1.02 of the IGA.

G. Write, print, and incorporate any notice to be included in the Amendment 1 Notice Package that may inform the elector of the voter service and polling locations and ballot drop-off locations or that may provide other information as may be required by law.

H. Provide the District an itemized statement of the costs of performing the tasks performed by the County Clerk.

2. The District shall perform the following services and activities for the District's election:

A. Adopt a resolution/ordinance designating the County Clerk as the Election Official for the District's election for the purposes of completing the tasks to be performed by the County Clerk on behalf of the District. File a copy with the County Clerk.

B. Designate an "Election Officer" to act as liaison between the District and County Clerk.

C. Determine the ballot issues to be voted upon at the election.

D. Include, within its Amendment 1 Notice, ballot titles in the order of preference: "NOTICE OF ELECTION TO INCREASE TAXES / TO INCREASE DEBT / ON A CITIZEN PETITION / ON A REFERRED MEASURE."

1. Prepare the text of the Amendment 1 Notice. Such Amendment 1 Notice shall include any District voter approved additions, and;

a) The Election Date, hours, ballot title, text, and local election office address and telephone number.

b) For proposed District tax or bonded debt increases, the estimated or actual total of District fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change.

c) For the first full fiscal year of each proposed District tax increase, District estimates of the maximum dollar amount of each increase and of District fiscal year spending without the increase.

d) For proposed District bonded debt, its principal amount and maximum annual and total District repayment cost, and the principal balance of total current District bonded debt and its maximum annual and remaining total District repayment cost.

e) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the District's Election Officer 30 days before the election. No summary shall mention names of person or private groups, nor any endorsements of or resolution against the proposal. Petition representatives following these rules shall write this summary for their petition. The District's Election Officer shall write this summary for their petition. The District shall maintain and accurately summarize all other relevant written comments.

E. All pros and cons regarding the District elections will be filed with the District Officer for public inspection.

F. Summarize written comments concerning ballot issues following receipt of such comments received from the public as necessary for use in the Amendment 1 Notice.

G. Prepare the layout of the Amendment 1 Notice for the District according to law.

H. Determine the ballot title and text.

I. Respond to inquiries as follows: The County Clerk shall refer correspondence and calls concerning the substance of the ballot issues or the operations to the District's Election Officer. The District's Election Officer shall reply to the originator of such substance and operation questions within a reasonable time after being notified of the same by the County Clerk.

1. The District's Election Officer shall be reasonably available to the County Clerk to advise and give oversight as may help in the conduct of the election.

J. Provide the District's completed Amendment 1 Notice to the County Clerk in Microsoft WordPad or compatible format to elections@co.routt.co.us. This submission, which shall be in the form that shall be printed by the County Clerk without special written dispensation from the County Clerk (such dispensation may be withheld for any or no reason), and shall be provided to the County Clerk on or before the 42nd day preceding the election.

K. Perform such acts as may be required by law, including circulation, approval, review, and all other activities, relating to any petition that may concern the District. The District's Election Officer shall interact with any District petition representative, including but not limited to, working to ensure that the District's Election Officer receives the summary of written comments for their petition within the time required by law.

L. The District's Election Officer shall publish the full text and title of ballot issues as provided by C.R.S. 1-40-124 (2).

M. Pay the costs shown in the itemized statement provided to the District by the County Clerk either directly to the County Clerk or to such vendors or subcontractors as the County Clerk may designate.

N. District shall be responsible for all out-of-County mailing required.



Town Council Agenda Item

MEETING DATE: June 2, 2016

AGENDA ITEM TITLE: Resolution 2016-16 approving a Lease with Morrison Custom Builders for use of 530 W Ironhorse Road

AGENDA SECTION: New Business

PRESENTED BY: Sharon Johnson

CAN THIS ITEM BE RESCHEDULED: Not preferred

BACKGROUND REVIEW:

Steve Morrison of Morrison Custom Builders has requested use of LOT 3 HEFTY-LIPSON MINOR SUBDIVISION, 530 W Ironhorse Road (.500 acres) for the purpose of storing construction equipment, concrete forms, and trailers. Morrison is seeking a long term lease renewable annually. Monthly payments would be submitted and requesting the lease amount of \$1000.00 annually. Morrison Custom Builders would need to meet the Town's insurance requirements and provide the Town with a certificate of insurance.

RECOMMENDATION:

To approve Resolution 2016-16, A Resolution a lease agreement between the Town of Hayden and Morrison Custom Builders.

MANAGER'S RECOMMENDATION/COMMENTS: *I concur with the above recommendation.*

RESOLUTION 2016-16

**A RESOLUTION APPROVING A LEASE WITH MORRISON CUSTOM BUILDERS FOR USE
OF 530 W IRONHORSE ROAD, LOT 3 HEFTY-LIPSON MINOR**

FORTHCOMING

**TOWN OF HAYDEN, COLORADO
and
MORRISON CUSTOM BUILDERS**

LEASE AGREEMENT

THIS LEASE made and entered into as of the 2nd day of June, 2016, by and between the **TOWN OF HAYDEN, COLORADO** ("Landlord"), and **MORRISON CUSTOM BUILDERS** ("Tenant"), a Colorado for-profit corporation.

WITNESSETH THAT:

Landlord does hereby lease to Tenant and Tenant does hire and take from Landlord, .50 acres of unimproved land located at 530 W Ironhorse and

FORTHCOMING

Attachment B
Legal Description of 530 W Ironhorse Rd

LEGAL DESCRIPTION
LOT 3 HEFTY-LIPSON MINOR SUBDIVISION
.500 ACRES

