



TOWN COUNCIL WORK SESSION & MEETING
Zoom Webinar and/or Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA
TOWN COUNCIL WORK SESSION & MEETING
Tuesday, April 9, 2024, at 6:00 PM

A. CALL TO ORDER WORK SESSION

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

- 1. Pledge of Allegiance-Josh Burke**
- 2. Pg 4 - Watering Restrictions**
 - Discussion
 - Staff Presentation: Nicholas Wharton, Town Manager

B. CALL TO ORDER REGULAR MEETING

- 1. Roll Call**
- 2. Agenda Review by Town Manager**
- 3. Consent Calendar**

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

a. Pg 9 - 3.26.24 Minutes

- 4. Approval of Agenda**
- 5. Public Comment**

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.

6. Council Member Comments

7. Reports

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Council Members Liaisons
- e. Mayor

C. PROCLAMATION

- 1. Pg 14 - National Crime Victims' Rights Week - April 21-27, 2024**
- 2. Pg 16 - Arbor Day Proclamation**

D. TOWN COUNCIL

1. PUBLIC HEARING

Pg 17 - Ordinance 2024-05: An Ordinance of the Town of Severance Vacating a Portion of the Alley Right-of-Way on Block 2, Town of Severance Town Plat, Located Between Second Avenue and Third Avenue West of First Street

- Legislative
- Staff Presentation: Shani Porter, Planning Director

2. Pg 24 - Ordinance 2024-06: Dedicating as Public Right-of-Way a Parcel of Land Located Along the West Side of Block 1, Town of Severance Plat, Between E. Harmony Road and Third Avenue, Commonly Known as Railroad Avenue

- Legislative
- Staff Presentation: Shani Porter, Planning Director

3. Pg 30 - Resolution 2024-21R: Approving the Severance Municipal Works Subdivision Plat for Certain Real Property Located Within Block 2, Town of Severance Plat; and Dedicating Utility Easements Thereon

- Legislative
- Staff Presentation: Shani Porter, Planning Director

4. Pg 35 - Resolution 2024-22R: Fee Schedule Update

- Legislative
- Staff Presentation: Leah Vanarsdall, Town Clerk

5. Pg 46 - Renaming Weld County Roads Discussion

- Legislative
- Staff Presentation: Lindsay Radcliff, Deputy Town Manager

6. Pg 53 - Utility Fees Ordinance Discussion

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager

7. Pg 64 - Transportation Utility Fee Discussion

E. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

F. EXECUTIVE SESSION

1. **Executive Session pursuant to C.R.S. 24-6-402(b) and (e)(I) for purposes of conferring with the Town Attorney to receive legal advice on specific legal questions regarding the Northern Integrated Supply Project and related contracts, and for purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, regarding same.**
2. **Executive Session pursuant to C.R.S. 24-6-402(b) for purposes of conferring with the Town attorney to receive legal advice on specific legal questions regarding the Town's water supply, treatment, storage and service.**

G. ADJOURN

Town Council MEETING

Tuesday, April 9, 2024, 6:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_GSL5tq02RNOARXxagWeWpA

The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 4 - Watering Restrictions	Nicholas Wharton, Town Manager	Town Council
ACTION REQUESTED		
Town Management asks the Town Council to discuss the watering restrictions Ordinance 2003-03 passed by the Board of Trustees on May 7th, 2003, and direct any further actions or changes deemed necessary.		<u>Discussion</u> <u>Action Requested</u>
BRIEF SUMMARY		
The Town Council shall have the authority to establish or amend, by resolution, watering restrictions which may include, but are not limited to, the following: (1) Providing for the Town shall be divided into two (2) divisions as follows: a. The odd-numbered houses or premises shall use water on the odd-numbered days of each month. b. The even-numbered houses or premises shall use water on the even numbered days of each month. In each month having thirty-one (31) days, on the thirty-first day of each month, the odd-numbered houses or premises shall use water for domestic irrigation in the morning hours, and the even-numbered houses or premises may use water for such purposes in the afternoon hours. (2) It is unlawful to sprinkle lawns, gardens and trees except on the days as provided in this Section. The Town Council shall establish by resolution each year the hours for sprinkling. In the event the Town Council does not establish sprinkling hours, no watering shall take place between the hours of 11:00 a.m. and 6:00 p.m.		
PUBLIC SUPPORT/CONCERN		
None at this time		
ANALYSIS AND RECOMMENDATION		
Town Management asks the Town Council to discuss the watering restrictions Ordinance 2003-03 passed by the Board of Trustees on May 7th, 2003, and direct any further actions or changes deemed necessary.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. TOS Muni Code 13-1-150 Watering Restrictions 2. Ordinance 2003-03, Amending 2002-04, water restrictions		

Sec. 13-1-150. Lawn irrigation restrictions.

The Town Council shall have the authority to establish or amend, by resolution, watering restrictions which may include, but are not limited to, the following:

- (1) Providing for the Town shall be divided into two (2) divisions as follows:
 - a. The odd-numbered houses or premises shall use water on the odd-numbered days of each month.
 - b. The even-numbered houses or premises shall use water on the even numbered days of each month.

In each month having thirty-one (31) days, on the thirty-first day of each month, the odd-numbered houses or premises shall use water for domestic irrigation in the morning hours, and the even-numbered houses or premises may use water for such purposes in the afternoon hours.

- (2) It is unlawful to sprinkle lawns, gardens and trees except on the days as provided in this Section. The Town Council shall establish by resolution each year the hours for sprinkling. In the event the Town Council does not establish sprinkling hours, no watering shall take place between the hours of 11:00 a.m. and 6:00 p.m.

ORDINANCE NO. 2003-03

AN ORDINANCE AMENDING ORDINANCE 2002-02, AUTHORIZING WATER USE RESTRICTIONS BY RESOLUTION OF THE BOARD OF TRUSTEES

Whereas, supplies of potable water are essential to the health, welfare, and safety of the community; and,

Whereas, periodic drought conditions reduce such supplies to the point where conservation measures must be established and enforced to ensure an adequate supply of water for essential uses and services; and,

Whereas, the Town is now experiencing such a drought and intends to implement such additional conservation measures as well as provide for a mechanism for promptly implementing such measures should they become necessary in the future,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO AS FOLLOWS:

Ordinance 2002-04 is hereby repealed and reenacted as follows:

Section 1 This ordinance is adopted pursuant to C.R.S. § 31-16-105 as necessary to the immediate preservation of the public health, welfare, and safety. Water sources used by the Town of Severance are extremely low and it has become necessary to institute restrictions on the uses of remaining supplies in order to conserve the available water and ensure continued availability. There is hereby adopted an emergency water restriction ordinance.

Section 2- Application: This ordinance shall hereafter apply whenever the Town declares, by Resolution of the Board of Trustees, a necessary water restriction, and shall apply immediately after such restriction is declared until further resolution by the Board of Trustees. Because of the circumstances existing at the date of adoption of this Ordinance, such an emergency is hereby declared as of July 10th, 2002 and all restrictions authorized by this Ordinance shall immediately be in effect.

Section 3 – Watering Restrictions

(a) Each residence with an even house number shall be allowed to water on even days of each month (2nd, 4th, 6th, etc.)

(b) Each residence with an odd house number shall be allowed to water on odd days of each month (1st, 3rd, 5th, etc.)

(c) No watering shall be allowed on the 31st day of any month.

(d) Watering shall occur only between the hours of 12:01 a.m. to 10:00 a.m. and 6:00 p.m. to midnight on allowed days; no watering shall be allowed between 10:00 a.m. and 6:00 p.m. (hereinafter “permitted hours”) on any day.

(e) a “house number” is defined by the last two digits in the number. (Ex. – 14, 22, 02 are even numbers; 15, 27, 19 are odd numbers)

(f) The foregoing restrictions shall not prevent issuance of a variance by the Town Manager to allow daily watering during permitted hours for establishment of new lawns, nor shall such restrictions prohibit hand watering of flowers, shrubs, and trees each day by hose during permitted hours, provided such hose has a shut off valve attached which terminates flow when not manually activated.

(g) Nothing herein shall apply to any approved non-potable water system

Section 4-Violations It shall be unlawful for any person to permit or do any of the following except on their allowed day:

(a) It is unlawful for any person to wash driveways, sidewalks, or patios or water lawns or landscaping except as permitted above.

(b) It is unlawful to use any outside water sources for recreational purposes between 10:00 a.m. and 6:00 p.m. any day.

(c) It is unlawful for any person to wash vehicles except with a bucket, although vehicles may be rinsed during permitted hours for no more than five minutes by hose, provided such hose has a shut off valve attached which terminates flow when not manually activated.

Section 5-Penalties Any person violating any provision of this Ordinance shall first receive a written warning, a copy of which shall be kept on file at the Town Hall. A subsequent violation shall result in a summons and, upon conviction, a fine of not less than Fifty Dollars (\$50.00). Each subsequent violation within the same calendar year shall receive a fine double the amount of the previous penalty.

Section 6 – Severability Should any section, clause, sentence or part of this ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and/or invalid, such adjudication shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 7- Interpretation This ordinance shall be so interpreted and construed as to effectuate its general purpose to conserve water.

Section 8-Short Title This ordinance may be known as the “Watering Restriction Ordinance of the Town of Severance.”

Section 9-Publication The Town Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published and shall make at least one copy of this ordinance available for public use during regular business hours.

Section 10-Effective Date This ordinance is necessary to the immediate preservation of the public health, welfare, and safety and therefore shall take effect immediately.

PASSED, ADOPTED AND APPROVED this 7th day of May, 2003.

TOWN OF SEVERANCE

By: _____
Pierre De Milt, Mayor

ATTEST:

Patricia J. Lesh, Town Clerk



TOWN COUNCIL WORK SESSION & MEETING
Zoom Webinar and/or Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

WORK SESSION & MEETING MINUTES

Tuesday, March 26, 2024, at 6:00 PM

Present:

Mayor:

Matthew Fries

Mayor Pro-tem:

Michelle Duda

Council Members:

Dan Meyers

David Bruen

Brittany Vandermark

Craig Joseph

Stephen Gagliardi

Absent:

Audience: Kevin Udy, Kim Nohava, Bob Brown & Brent Holcombe

Staff:

Nicholas Wharton, Town Manager

Lindsay Radcliff-Coombes, Deputy Town Manager

Leah Vanarsdall, Town Clerk

Sarah Jacobsen, Deputy Town Clerk

Mary Lynn Macsalka, Town Attorney

Ken Chavez, Chief of Police

A. CALL TO ORDER WORK SESSION

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

1. Pledge of Allegiance

2. Pg 4 - Discussion on Proposed Ballot Questions on Vehicle Use tax and or a Sales Tax dedicated to the Transportation Utility Fund

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager
This item will be brought back as an Agenda Item with proposed ballot language.

3. Pg 11 - Discussion on Native Grass Ordinance

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager
Continue for Fire Department input

B. CALL TO ORDER REGULAR MEETING

1. Roll Call

2. Agenda Review by Town Manager

3. Consent Calendar

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

MOTION WAS MADE BY Council Member Meyers, seconded by Council Member Bruen to Approve the Consent Calendar. All Council Members present voting Yes,

MOTION PASSED

- a. Pg 58 - 3.12.24 Minutes
- b. Pg 62 - December Payables
- c. Pg 66 - January 2024 Payables
- d. Pg 70 - February 2024 Payables
- e. Pg 74 - January 2024 Financials
- f. Pg 120 - February 2024 Financials

4. Approval of Agenda

MOTION WAS MADE BY Council Member Meyers, seconded by Council Member Vandermark to Approve the Agenda as is. All Council Members present voting Yes,

MOTION PASSED

5. Public Comment

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.

Kim Nohava-Belmont Farms - Transportation Fee

6. Council Member Comments

7. Reports

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Pg 166 - Town Staff
- c. Pg 177 - Town Management
- d. Council Members Liaisons
- e. Mayor

f. Advisory Board Reports

Tree Board Chair, Rod Simpson, reported for the Tree Board
No other Advisory personnel/reports were present

C. PROCLAMATION

1. Pg 178 - School Library Month

D. TOWN COUNCIL

1. Pg 179 - Planning Commission Appointment

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Meyers to Appoint Kevin Udy as Planning Commissioner. All Council Members present voting Yes,

MOTION PASSED

2. Pg 188 - Tree Board Appointment

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

No one appeared for consideration for the Tree Board Appointment.

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Vandermark to Appoint William Tatum (alt) Tree Board Member as new Tree Board Member. All Council Members present voting Yes,

MOTION PASSED

3. Pg 195 - Resolution 2024-17R: Appointing Bradley Whitfield as Presiding Municipal Judge of the Town of Severance Municipal Court

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Vandermark to Approve **Resolution 2024-17R: Appointing Bradley Whitfield as Presiding Municipal Judge of the Town of Severance Municipal Court**. All Council Members present voting Yes,

MOTION PASSED

4. Pg 201 - Ordinance 2024-03: Establishing the Annual Salary of the Presiding Municipal Judge of the Town of Severance Municipal Court

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Vandermark to Adopt **Ordinance 2024-03: Establishing the Annual Salary of the Presiding Municipal Judge of the Town of Severance Municipal Court**. All Council Members present voting Yes,

MOTION PASSED

5. Pg 204 - Resolution 2024-18R: Appointing Zan Pic and Ethan Doak as Alternate Municipal Judges for the Town of Severance Municipal Court

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Vandermark to Approve **Resolution 2024-18R: Appointing Zan Pic and Ethan Doak as Alternate Municipal Judges for the Town of Severance Municipal Court**. All Council Members present voting Yes,

MOTION PASSED

6. Pg 210 - Ordinance 2024-04: Establishing the Compensation of the Alternate Municipal Judges of the Town of Severance Municipal Court

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Council Member Bruen, seconded by Council Member Gagliardi to Adopt **Ordinance 2024-04: Establishing the Compensation of the Alternate Municipal Judges of the Town of Severance Municipal Court**. All Council Members present voting Yes,

MOTION PASSED

7. Pg 213 - Resolution 2024-19R: Intergovernmental Agreement for the Mutual Waiver of Development Fees for the Windsor-Severance Fire Protection District

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Gagliardi to Approve **Resolution 2024-19R**: Intergovernmental Agreement for the Mutual Waiver of Development Fees for the Windsor-Severance Fire Protection District. All Council Members present voting Yes,

MOTION PASSED

8. Pg 219 - Resolution 2024-20R: Approving the First Amendment to the Agreement for Shared Consultant Cost-Sharing Pertaining to Cobb Lake Regional Water Treatment Authority Program Management Service

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Meyers to Approve **Resolution 2024-20R**: Approving the First Amendment to the Agreement for Shared Consultant Cost-Sharing Pertaining to Cobb Lake Regional Water Treatment Authority Program Management Service. All Council Members present voting Yes,

MOTION PASSED

E. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

F. EXECUTIVE SESSION

- 1. Executive Session pursuant to C.R.S. §§ 24-6-402(4)(a) and 24-6-402(e)(I) for purposes of (1) discussing a potential sale of Town-owned real property located near the intersection of WCR 84 and WCR 19, and (2) determining positions relative to matters subject to negotiations, developing strategy for negotiations, and instructing negotiators, regarding the potential sale of such property.**

Open: 8:45 pm **Close:** 9:15 pm

MOTION WAS MADE BY Mayor Pro-tem Duda, seconded by Council Member Bruen to ADJOURN INTO Executive Session pursuant to C.R.S. §§ 24-6-402(4)(a) and 24-6-402(e)(I) for purposes of (1) discussing a potential sale of Town-owned real property located near the intersection of WCR 84 and WCR 19, and (2) determining positions relative to matters subject to negotiations, developing strategy for negotiations, and instructing negotiators, regarding the potential sale of such property. All Council Members present voting Yes,

MOTION PASSED

G. ADJOURN

8:45 pm



National Crime Victims' Rights Week

WHEREAS, crime can leave a lasting physical, emotional, and financial impact on people of all ages and abilities; and

WHEREAS, in 1984, the Crime Victims Fund was established by the Victims of Crime Act (VOCA) to provide a permanent source of support for crime victim services and compensation through fines and penalties paid by convicted offenders; and

WHEREAS, National Crime Victims' Rights Week, April 21-27, 2024, provided an opportunity to celebrate the commitment that launched the victims' movement, inspired its progress, and continues to advance the cause of justice from crime victims.

NOW, THEREFORE, I, Matthew Fries, by virtue of the authority vested in me as Mayor of the Town of Severance, Colorado, do hereby proclaim that week of April 21-27, 2024, as: NATIONAL CRIME VICTIMS' RIGHTS WEEK and reaffirm Severance's Commitment to respect and enforce victims' right and address victims needs during the week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the Town of Severance, Colorado, this 9th day of April, 2024.

TOWN OF SEVERANCE

Matthew Fries, Mayor

WELD COUNTY
RECOGNITION OF:

VICTIMS'
RIGHTS WEEK

MISSING IN COLORADO



Tera Lewandowski

April 19th, 2024

**Riverside Library
3700 Golden St. Evans, CO.
80620**

8:30am - 4:30pm

Registration and breakfast
being at 8:00am

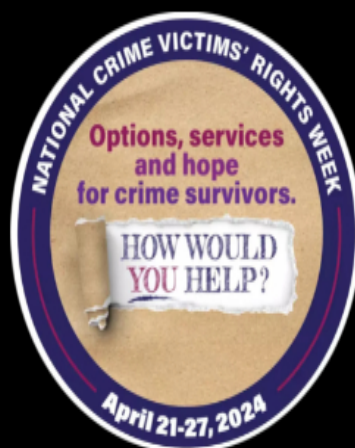
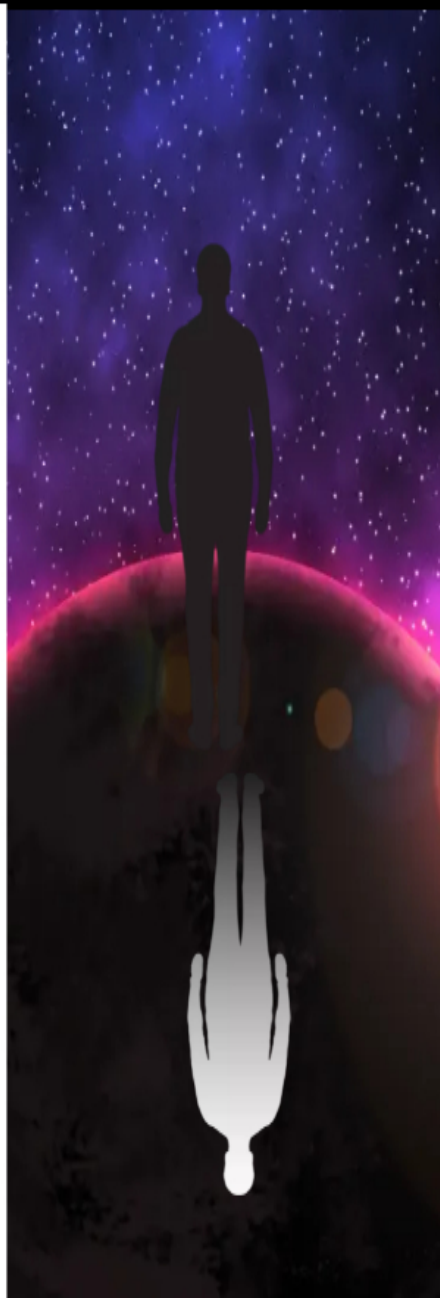
(Lunch provided)

Lunch menu:
Carniceria la Tuxpeña
Fajita bar (chicken or beef)
or the choice of salad

Drinks: water, lemonade, and
horchata

* Please feel free to bring you own
lunch if you have special dietary
needs.

Sponsored by the VALE Grant
Program, Weld County Committee
for Victims of Crime (CCVC), and The
Evans Police Department



EVENT REGISTRATION

Register by April 5th, 2024

To register email
weldvictimwitness@weldgov.com
Include: Name, Agency, Position,
Phone # and Email

Please email ASAP if you
cannot attend after registering
to open space for waitlisted
participants or a \$20 fee will be
assessed if you do not give
notice by April 15th, 2024

This training is free, but space will
be capped at 100 attendees and
registration is required.

Please Contact the Victim Witness
Assistance Unit, DA's Office with
any questions regarding
registration.

(970) 400-4746

* Please bring a self-care item
for our annual raffle (valued
\$5 or less).



OFFICIAL PROCLAMATION

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, _____, Mayor of the City of _____, do hereby proclaim _____ as **ARBOR DAY**

In the City of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS _____ day of _____, _____

Mayor _____



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Pg 17 - Ordinance 2024-05: An Ordinance of the Town of Severance Vacating a Portion of the Alley Right-of-Way on Block 2, Town of Severance Town Plat, Located Between Second Avenue and Third Avenue West of First Street	Shani Porter, Planning Director	Shani Porter
ACTION REQUESTED		
Town Staff asks that the Town Council review, discuss and take action on Ordinance 2024-5: An Ordinance of the Town Council of the Town of Severance, Colorado vacating a portion of the Alley Right-of-Way on Block 2, Town of Severance Town Plat. 1. Approve Ordinance 2024-05 2. Approve Ordinance 2024-05 with modifications 2. Take No Action.		<u>Ordinance Attorney Approved</u>
BRIEF SUMMARY		
The original Town plat map of the Town of Severance dedicated an alley across the lot where the current Public Works Facility is located. The Town of Severance as owner of the alley right-of-way desires to vacate that portion of the alley as shown on the attached exhibit.		
PUBLIC SUPPORT/CONCERN		
None at this time		
ANALYSIS AND RECOMMENDATION		
Staff finds that the vacation request conforms with the requirements of Section 16.19.180(d)(1) of the Severance Municipal Code as follows: 1. No property would be left without reasonable access or provision of any public facilities or utility services by reason of the vacation; 2. The public road is no longer necessary for public use or convenience; 3. The vacation will not restrict access to any parcel so that access is unsafe, unreasonable, or economically prohibitive; 4. Adequate easements have been reserved for use and/or maintenance by the town or other utility agencies; and 5. The vacation is consistent with the goals of the Town's Comprehensive Plan Staff recommends Town Council review and approve Ordinance 2024-05		

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Ord 2024-05 SMW Alley Vacation
2. EXHIBIT A - Alley Vacation - Legal Description and Map
3. Publilcation Notice -Alley Vacate 3.22.24

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, VACATING A PORTION OF THE ALLEY RIGHT-OF-WAY ON
BLOCK 2, TOWN OF SEVERANCE TOWN PLAT, LOCATED BETWEEN SECOND
AVENUE AND THIRD AVENUE WEST OF FIRST STREET**

WHEREAS, the original town plat map of the Town of Severance, recorded in the records of Weld County, State of Colorado, on December 31, 1906, under reception no. 115520, created the subdivision of Blocks 1 through 4 and dedicated First, Second, Third, and Fourth Avenues and the alleys across Blocks 1, 2, and 3; and

WHEREAS, since approximately 2019, the Town of Severance has operated its Public Works operations center at 145 Third Avenue, which is located on Block 2 of the Town of Severance town plat, between Second and Third Avenues and west of First Street; and

WHEREAS, the westernmost three-quarters of the alley right-of-way that traverses east-west across Block 2 is located within the existing Public Works operations center, which portion of the alley right-of-way is legally described and shown on **Exhibit A**, “Alley Vacation,” attached to this ordinance and incorporated herein by this reference; and

WHEREAS, the Town of Severance, as the owner of the alley right-of-way across Block 2, desires to vacate that portion of the alley described and depicted on **Exhibit A** attached hereto; and

WHEREAS, discussion of the proposed vacation has occurred before the Town Council in a duly noticed public hearing with input from the general public; and

WHEREAS, the Town Council finds that the proposed vacation conforms with the requirements of Section 16.19.180(d)(1) of the Severance Municipal Code as follows:

- a. No property would be left without reasonable access or provision of any public facilities or utility services by reason of the vacation;
- b. The alley right-of-way is no longer necessary for public use or convenience;
- c. The vacation will not restrict access to any parcel so that access is unsafe, unreasonable, or economically prohibitive;
- d. Adequate easements have been reserved for use and/or maintenance by the Town or other utility agencies; and
- e. The vacation is consistent with the goals of the Town’s Comprehensive Plan.

WHEREAS, the Town Council finds and determines that the alley right-of-way for which vacation is proposed, as described and depicted on **Exhibit A**, titled “Alley Vacation,” is no longer necessary for the public use and convenience.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. That certain portion of the alley right-of-way located on Block 2, Town of Severance town plat, between Second and Third Avenues, as legally described and depicted on **Exhibit A**, which is attached hereto and incorporated herein by this reference, shall be vacated.

Section 2. The Town Clerk is directed to record this Ordinance No. 2024-05 with the Weld County Clerk and Recorder’s Office, which shall indicate the effective date of the vacation of that certain portion of alley right-of-way authorized under this ordinance.

Section 3. Town Council directs that a certified copy of this Ordinance No. 2024-05 be filed with the Town Clerk and further, the Town Clerk index, file, and make the ordinance available to the public.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 9th day of April, 2024.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

EXHIBIT A

PARCEL DESCRIPTION

Alley Vacation

A parcel of land being part of Block 2, Map of the Town of Severance, as recorded December 31, 1906 as reception number 115520 of the records of the Weld County Clerk and Recorder, situate in the Southeast Quarter (SE1/4) of Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Severance, County of Weld, State of Colorado and being more particularly described as follows:

The Alleyway between lots 6 through 26, Block 2, Map of the Town of Severance, further described to wit;

BEGINNING at the Northwest Corner of Lot 16, Block 2, Map of the Town of Severance, and assuming the south line of said Block 2 as bearing South 89°04'40" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 418.50 feet, monumented by a #4 rebar on the west end and monumented by a #4 rebar with a yellow plastic cap on the east end and with all other bearings contained herein relative thereto;

THENCE along the west line of Block 2, being on the arc of a curve concave to the east a distance of 20.39 feet, having a Radius of 1780.08 feet, a Delta of 00°39'23" and is subtended by a chord that bears North 10°22'20" East a distance of 20.39 feet;

THENCE North 89°05'19" East, along a line non-tangent to the aforesaid curve, a distance of 270.99 feet to the Southeast Corner of Lot 26 of Block 2;

THENCE South 00°13'11" West a distance of 20.00 feet to the Northeast Corner of Lot 6, Block 2;

THENCE South 89°05'19" West a distance of 274.59 feet to the POINT OF BEGINNING.

RESERVING a non-exclusive utility easement over the east 15.00 feet thereof;

Said described parcel of land contains 5,456 Square Feet or 0.125 Acres, more or less (±).

SURVEYORS STATEMENT

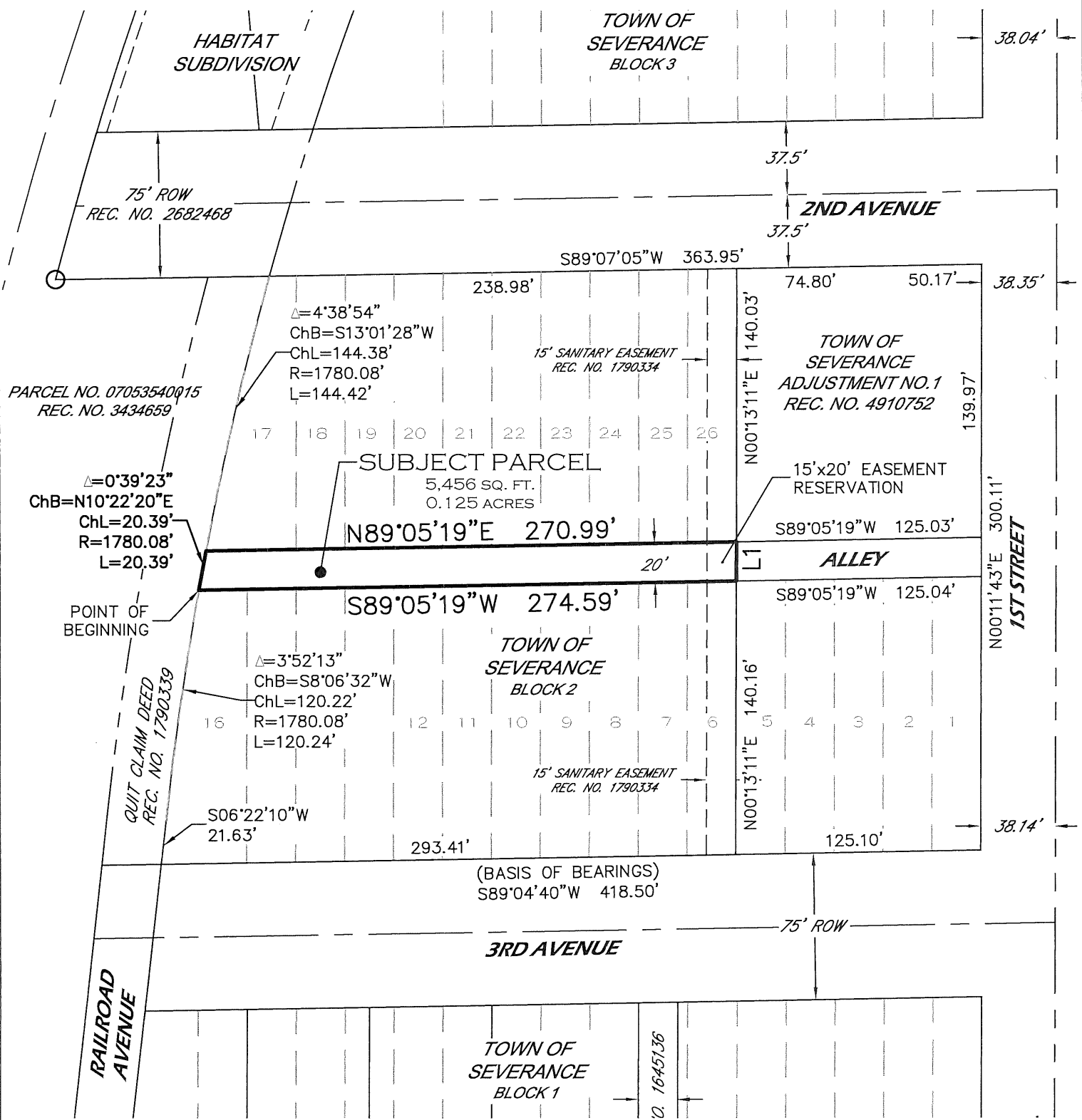
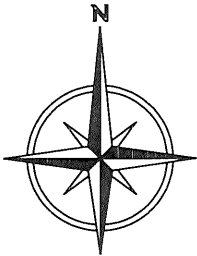
I, Matthew A. Kramer, a Colorado Licensed Professional Land Surveyor, do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Matthew A. Kramer - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38844

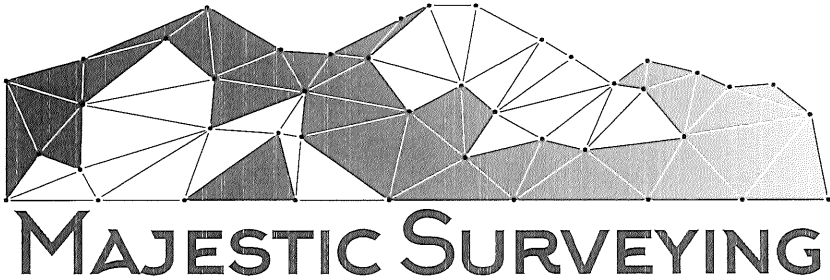
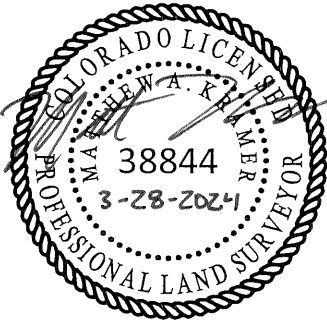


LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°13'11"W	20.00'



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein. (CRS 13-80-105)



Matthew A. Kramer, PLS 38844
On behalf of Majestic Surveying, LLC

PROJECT NO: 2024078
DATE: 3-28-2024
CLIENT: Severance
SCALE: 1"=70'

TOWN OF SEVERANCE, COLORADO

NOTICE OF PUBLIC HEARING FOR ALLEY VACATION

LOCATED AT THE FOLLOWING:

A parcel of land being part of Block 2, Map of the Town of Severance, as recorded December 31, 1906 as reception number 115520 of the records of the Weld County Clerk and Recorder, situate in the Southeast Quarter (SE1/4) of Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Severance, County of Weld, State of Colorado and being more particularly described as follows:

The Alleyway between lots 6 through 26, Block 2, Map of the Town of Severance, further described to wit;

BEGINNING at the Northwest Corner of Lot 16, Block 2, Map of the Town of Severance, and assuming the south line of said Block 2 as bearing South 89°04'40" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 418.50 feet, monumented by a #4 rebar on the west end and monumented by a #4 rebar with a yellow plastic cap on the east end and with all other bearings contained herein relative thereto;

THENCE along the west line of Block 2, being on the arc of a curve concave to the east a distance of 20.39 feet, having a Radius of 1780.08 feet, a Delta of 00°39'23" and is subtended by a chord that bears North 10°22'20" East a distance of 20.39 feet;
THENCE North 89°05'19" East, along a line non-tangent to the aforesaid curve, a distance of 270.99 feet to the Southeast Corner of Lot 26 of Block 2;
THENCE South 00°13'11" West a distance of 20.00 feet to the Northeast Corner of Lot 6, Block 2; THENCE South 89°05'19" West a distance of 274.59 feet to the POINT OF BEGINNING.

RESERVING a non-exclusive utility easement over the east 15.00 feet thereof;

Said described parcel of land contains 5,456 Square Feet or 0.125 Acres, more or less (±).

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Severance Town Board, pursuant to local Ordinance at the following time and place:

April 9, 2024 at 6:00 P.M.
Severance Administration Building
3 S. Timber Ridge Parkway
Severance, Colorado

This hearing is for the purpose of taking applicant testimony and public comment for the proposed Alley Vacation.

GIVEN AND POSTED this 25th day of March, 2024.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 24 - Ordinance 2024-06: Dedicating as Public Right-of-Way a Parcel of Land Located Along the West Side of Block 1, Town of Severance Plat, Between E. Harmony Road and Third Avenue, Commonly Known as Railroad Avenue	Shani Porter, Planning Director	Shani Porter
ACTION REQUESTED		
Town Staff asks that the Town Council review, discuss and take action on Ordinance 2024-6: An Ordinance of the Town Council of the Town of Severance, Colorado Dedicating as Public Right-of-Way a Parcel of Land Located Along the West Side of Block 1, Town of Severance Plat, Between E. Harmony Road and Third Avenue, Commonly Known as Railroad Avenue 1. Approve Ordinance 2024-06 2. Approve Ordinance 2024-06 with modifications 2. Take No Action.		<u>Ordinance Attorney Approved</u>
BRIEF SUMMARY		
The proposed dedicated parcel is currently being used as public right-of-way and is commonly known as "Railroad Avenue" in the Town, but the parcel has not been formally dedicated as public right-of-way by instrument in the past.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Staff finds that the vacation request conforms with the requirements of Section 16.19.180(c)(1) of the Severance Municipal Code as follows: 1. The Town of Severance owns the Parcel free and clear of any encumbrances; 2. The right-of-way to be dedicated is consistent with the goals of the Town's Comprehensive Plan, Transportation Plan and/or all other adopted plans or policies of the Town; and 3. The dedication of the Parcel will help meet a Town goal as determined by recommendation from Town Staff to the Town Council, because the Parcel is already being utilized as public right-of-way, commonly known as Railroad Avenue. Staff recommends that Town Council approve Ordinance 2024-06		
MATERIALS SUBMITTED		

The following materials were submitted and included in this packet:

1. Ord 2024-06 Dedication of ROW (Railroad Ave)
2. EXHIBIT A ROW Dedication (Railroad Ave)

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-06**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, DEDICATING AS PUBLIC RIGHT-OF-WAY A PARCEL OF LAND LOCATED ALONG THE WEST SIDE OF BLOCK 1, TOWN OF SEVERANCE PLAT, BETWEEN E. HARMONY ROAD AND THIRD AVENUE, COMMONLY KNOWN AS RAILROAD AVENUE

WHEREAS, the Town of Severance is the owner of a certain parcel of land located along the western side of Block 1, Town of Severance plat,¹ between East Harmony Road (WCR 74) and Third Avenue, which parcel is legally described and depicted on **Exhibit A**, “Right-of-Way Dedication,” attached to this ordinance and incorporated herein by this reference (the “Parcel”); and

WHEREAS, the Parcel is a portion of certain real property acquired by the Town of Severance in 1979 via quitclaim deed recorded in the records of Weld County, State of Colorado, on May 11, 1979, under reception no. 1790339; and

WHEREAS, the Parcel is currently being used as public right-of-way and is commonly known as “Railroad Avenue” in the Town of Severance, but the Parcel has not been formally dedicated as public right-of-way; and

WHEREAS, the Town of Severance, as the owner of the Parcel, desires to formally designate such parcel for use as public right-of-way; and

WHEREAS, the Town Council finds that the proposed dedication of the Parcel as public right-of-way conforms with the requirements of Section 16.19.180(c)(1) of the Severance Municipal Code as follows:

- a. The Town of Severance owns the Parcel free and clear of any encumbrances;
- b. The right-of-way to be dedicated is consistent with the goals of the Town's Comprehensive Plan, transportation plan, and/or all other adopted plans or policies of the Town; and
- c. The dedication of the Parcel will help meet a Town goal, as determined by recommendation from Town staff to the Town Council, because the Parcel is already being utilized as public right-of-way, commonly known as Railroad Avenue in the Town of Severance.

WHEREAS, the Town Council finds and determines that the proposed dedication of the Parcel as public right-of-way is necessary for the public use and convenience.

¹ Specifically, the Town of Severance plat recorded in the records of Weld County, State of Colorado, on December 31, 1906, under reception no. 115520.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. The Parcel of land legally described and depicted on **Exhibit A**, titled “Right of Way Dedication,” which is attached hereto and incorporated herein by this reference, which is generally located along the western side of Block 1 of the Town of Severance town plat between East Harmony Road (WCR 74) and Third Avenue, and which is commonly known as Railroad Avenue, is hereby dedicated for use as public right-of-way.

Section 2. The Town Clerk is directed to record this Ordinance No. 2024-06 with the Weld County Clerk and Recorder’s Office, which shall indicate the effective date of the dedication of the Parcel described and depicted on **Exhibit A** for use as public right-of-way.

Section 3. Town Council directs that a certified copy of this Ordinance No. 2024-06 be filed with the Town Clerk and further, the Town Clerk index, file, and make the ordinance available to the public.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 9th day of April, 2024.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

EXHIBIT A

PARCEL DESCRIPTION

Right-of-Way Dedication

A parcel of land, being part of Quit Claim Deed as recorded May 11, 1979 as Reception No. 1790339 of the Records of the Weld County Clerk and Recorder, situate in the Southeast Quarter (SE1/4) of Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Severance, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest Corner of Block 2, Map of the Town of Severance, as recorded December 31, 1906 as reception number 115520 of the records of the Weld County Clerk and Recorder, and assuming the west line of Block 1 of said Town of Severance as bearing South 06°22'10" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 302.30 feet, monumented by a #4 rebar with a red plastic cap on the north end and monumented by a #4 rebar with a red plastic cap on the south end and with all other bearings contained herein relative thereto;

THENCE South 06°22'10" West, along the West line of Block 1 and the projection thereof, a distance of 385.47 feet to the north Right-of-Way line of Weld County Road 74;

THENCE South 89°03'24" West, along said north line, a distance of 29.41 feet to the East line of that Right-of-Way granted to the Great Western Railroad by Warranty Deed recorded May 22, 1905 in Book 221 at Page 49 as reception number 103006 of the records of the Weld County Clerk and Recorder;

THENCE North 06°13'15" East, along said east line, a distance of 385.35 feet to a point on the extension of the south line of Block 2;

THENCE North 89°04'40" East, along said south line extended, a distance of 30.42 feet to the POINT OF BEGINNING.

Said described parcel of land contains 11,438 Square Feet or 0.263 Acres, more or less (±).

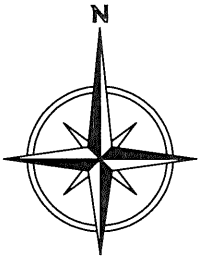
SURVEYORS STATEMENT

I, Matthew A. Kramer, a Colorado Licensed Professional Land Surveyor, do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Matthew A. Kramer - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38844





N89°04'40"E
30.42'

*TOWN OF
SEVERANCE
BLOCK 2*

S89°04'40"W 418.50'

POINT OF
BEGINNING

3RD AVENUE

S89°04'40"W 427.23'

SUBJECT PARCEL
11,438 SQ. FT.
0.263 ACRES

PARCEL NO. 07053540015
REC. NO. 3434659

*TOWN OF
SEVERANCE
BLOCK 1*

ALLEY

TOWN OF
SEVERANCE
BLOCK 1

S89°03'24"W 151.18'

S89°03'24"W
29.41'

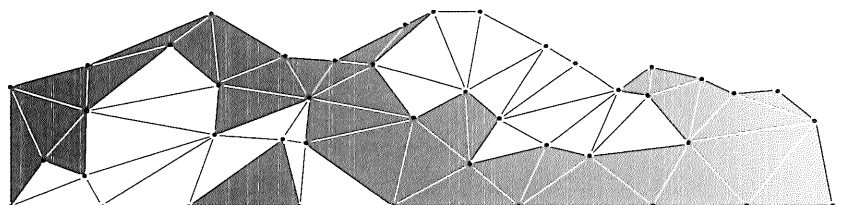
N06°22'10"E
7.56'

S89°03'24"W 459.55'

EAST HARMONY ROAD (WCR 74)

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)



MAJESTIC SURVEYING

Matthew A. Kramer, PLS 38844
On behalf of Majestic Surveying, LLC

PROJECT NO: 2024078
DATE: 3-28-2024

CLIENT: Severance
SCALE: 1"=50'



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 30 - Resolution 2024-21R: Approving the Severance Municipal Works Subdivision Plat for Certain Real Property Located Within Block 2, Town of Severance Plat; and Dedication Utility Easements Thereon	Shani Porter, Planning Director	Shani Porter
ACTION REQUESTED		
Town Staff asks that the Town Council review, discuss and take action on Resolution 2024-21R Approving the Severance Municipal Works Subdivision Plat for Certain Real Property Located Within Block 2, Town of Severance Plat; and Dedication Utility Easements 1. Approve Resolution 2024-21R 2. Approve Resolution 2024-21R with modifications 2. Take No Action.		<u>Resolution</u> <u>Final Plat</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
This subdivision plat is for the purpose of further developing the Town's existing Public Works and Police Station facilities.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town Staff recommends Town Council approve the Subdivision Plat with the following conditions: 1. Approval and recordation of Ordinance No. 2024-05, Vacating a Portion of the Alley Right-of-Way on Block 2, Town of Severance Town Plat, Located Between Second Avenue and Third Avenue West of First Street; and 2. Approval and recordation of Ordinance No. 2024-06, Dedicating as Public Right-of-Way a Parcel of Land Located Along the West Side of Block 1, Town of Severance Plat, Between E. Harmony Road and Third Avenue, Commonly Known as Railroad Avenue.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Reso 2024-21R - Severance Municipal Works Subdivision Plat 2. SMW FINAL PLAT_(2024.03.29)		

**TOWN OF SEVERANCE
RESOLUTION NO. 2024-21R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, APPROVING THE SEVERANCE MUNICIPAL WORKS
SUBDIVISION PLAT FOR CERTAIN REAL PROPERTY LOCATED WITHIN
BLOCK 2, TOWN OF SEVERANCE PLAT; AND DEDICATING UTILITY
EASEMENTS THEREON**

WHEREAS, the Town of Severance is the owner of certain real property located in Block 2, Town of Severance plat (the “Property”), and has submitted a proposed subdivision plat for the Property, entitled “Severance Municipal Works Subdivision” (“Plat”), for the purpose of further developing the Town’s existing Public Works center and Police Station (“Project”); and

WHEREAS, on April 9, 2024, the Town Council reviewed the proposed Plat at a public meeting; and

WHEREAS, the Town Council finds and determines that the proposed Plat is in substantial conformance with the technical requirements of the Severance Municipal Code, and that the proposed subdivision meets the applicable requirements and standards set forth in the Severance Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE COLORADO:**

Section 1. The Town Council hereby approves the final plat of the Severance Municipal Works Subdivision, attached hereto as **Exhibit A** and incorporated herein by this reference.

Section 2. The dedication of easements, and all other places designated for public use as shown upon the Severance Municipal Works Subdivision plat are hereby approved and accepted by the Town of Severance, subject, however, to the following conditions:

- (a) Approval and recordation of Ordinance No. 2024-05, Vacating a Portion of the Alley Right-of-Way on Block 2, Town of Severance Town Plat, Located Between Second Avenue and Third Avenue West of First Street; and
- (b) Approval and recordation of Ordinance No. 2024-06, Dedicating as Public Right-of-Way a Parcel of Land Located Along the West Side of Block 1, Town of Severance Plat, Between E. Harmony Road and Third Avenue, Commonly Known as Second Street.

Section 3. The Mayor and Town Clerk are hereby authorized and directed to certify upon the final subdivision plat the Town’s approval and acceptance thereof. The Town Clerk is hereby authorized and directed to file the subdivision plat with Weld County Clerk and Recorder’s office upon fulfillment of all conditions as indicated herein.

Section 4. Unless otherwise extended by the Town Council, the approval of the Severance Municipal Works Subdivision plat shall be null and void if the conditions set forth in Section 2 are not complied with within one hundred and eighty (180) days of the date of this resolution.

RESOLVED AND APPROVED this 9th day of April, 2024.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk

Exhibit A

Severance Municipal Works Subdivision Plat

SEVERANCE MUNICIPAL WORKS SUBDIVISION
BEING A REPLAT OF SEVERAL PARCELS OF LAND
SITUATE IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 67 WEST OF THE 6TH P.M.
TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO

PARCEL DESCRIPTION

A parcel of land being part of Quit Claim Deed recorded May 11, 1979, as reception number 1790339, and Lots 6-26, Block 2, Map of the Town of Severance, as recorded December 31, 1906 as reception number 115520, and Lot 1, Town of Severance Adjustment No. 1, as recorded July 24, 2023, as reception number 4910752 of the records of the Weld County Clerk and Recorder (WCCR), situate in the Southeast Quarter (SE1/4) of Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Severance, County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast Corner of said Southeast Quarter, and assuming the east line of the Southeast Quarter as bearing North 00°14'04" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,645.38 feet, monumented by a #6 rebar with a 3.25" aluminum cap stamped LS 38209 at the Southeast Corner and monumented by a #6 rebar with a 3.25" aluminum cap stamped LS 38106 at the East Quarter Corner, and with all other bearings contained herein relative thereto;

THENCE North 00°14'04" East, along said east line, a distance of 749.84 feet;
THENCE South 89°07'05" West a distance of 0.81 feet to a #4 rebar;
THENCE South 44°42'10" West a distance of 53.58 feet to the Northeast Corner of Block 2, Map of the Town of Severance, being the northeast corner of Lot 1, reception number 4910752, monumented by a nail and brass tag in concrete LS 38209, and the POINT OF BEGINNING.
THENCE South 00°11'43" West, along the east line of said Lot 1, a distance of 139.97 feet to the southeast corner of Lot 1, monumented by a #6 rebar;
THENCE South 89°05'19" West, along the south line of Lot 1, a distance of 125.03 feet to the southeast corner of Lot 26, Block 2, Map of the Town of Severance, monumented by a #4 rebar with a red plastic cap LS 38348;
THENCE South 00°13'11" West along the east line of Lot 6, Block 2 and the projection thereof, a distance of 160.16 feet to the south line of Block 2;
THENCE South 89°04'40" West, along the South line of Block 2 and the extension thereof, a distance of 323.83 feet to the west line of said Quit Claim Deed reception number 1790339;
THENCE along said west line the following two courses;
THENCE North 06°13'15" East a distance of 25.41 feet to a Point of Curvature (PC);
THENCE along the arc of a curve concave to the east a distance of 281.12 feet, having a Radius of 1,810.08 feet, a Delta of 08°53'55" and is subtended by a chord that bears North 10°40'14" East a distance of 280.84 feet to the south line of 2nd Avenue, as dedicated by Habitat Subdivision recorded March 25, 1999, as reception number 2682468 of the WCCR;
THENCE North 89°07'05" East, along the south line of 2nd Avenue, being coincident with the north line of Block 2, a distance of 395.18 feet to the POINT OF BEGINNING.

Said described parcel of land contains 107,974 Square Feet or 2.479 Acres, more or less (±).

OWNER'S APPROVAL AND DEDICATION

The undersigned, TOWN OF SEVERANCE, being the owner of certain lands in the Town of Severance, Weld County, Colorado, described herein, hereby subdivide the same into Lots, as shown hereon under the name and style of SEVERANCE MUNICIPAL WORKS SUBDIVISION, and hereby dedicate the utility easements as indicated hereon for public utility purposes.

Witness our hands and seals this ____ day of _____, 20__.

OWNER: The Town of Severance, Colorado

By: _____ As: _____

Witness my hand and seal this ____ day of _____, 20__.

NOTARIAL CERTIFICATE

STATE OF COLORADO)
ss
COUNTY OF WELD)
The foregoing instrument was acknowledged before me by _____ as _____ this
____ day of _____, 20__.

Witness my Hand and Official Seal.

My commission expires: _____.

LEGEND

	BOUNDARY LINE		ALIQUOT CORNER AS DESCRIBED
	EASEMENT LINE		CALCULATED POSITION
	RIGHT OF WAY LINE		FOUND #4 REBAR (UNLESS OTHERWISE NOTED)
	SECTION LINE		SET 24" OF #4 REBAR WITH PINK PLASTIC CAP LS 38844
	CENTERLINE		(M) = MEASURED DIMENSION
(R) = RECORDED DIMENSION			

SURVEYOR'S CERTIFICATE

I, Matthew A. Kramer, a Colorado licensed professional land surveyor, do hereby state that this plat of SEVERANCE MUNICIPAL WORKS SUBDIVISION was performed by me or under my personal supervision, and that this plat has been prepared in compliance with all applicable laws of the State of Colorado at the time of this survey and within my control and is accurate to the best of my knowledge, information and belief.

PRELIMINARY

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38844



TOWN COUNCIL CERTIFICATE

This is to certify that this final plat for SEVERANCE MUNICIPAL WORKS SUBDIVISION was approved on the ____ day of _____, 20__, by Resolution No. _____, passed and adopted at the regular meeting of the Town Council of the Town of Severance, held on this ____ day of 20__, and may be filed with the Clerk and Recorder of Weld County. All public dedications shown thereon are accepted by the Town, subject to the provision that neither approval nor acceptance obligates the Town of Severance for the financing or construction of improvements on land or easements dedicated to the Town except as specifically agreed to by the Town Council.

Mayor _____ Attest: _____
Town Clerk

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the east line of the Southeast Quarter of Section 35, Township 7 North, Range 67 West, of the 6th P.M., monumented as shown on this drawing, as bearing North 00°14'04" East, being a Grid Bearing of the Colorado State Plane, North Zone, North American Datum 1983/2011, a distance of 2,645.38 feet and with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

TOWN PLANNING REVIEW

Reviewed this ____ day of _____, 20__.

Town Planner _____

WINDSOR-SEVERANCE FIRE DISTRICT APPROVAL

Reviewed this ____ day of _____, 20__.

Windsor-Severance Fire District _____

PLANNING COMMISSION APPROVAL

Recommended for approval this ____ day of _____, 20__.

Chairman, Severance Planning Commission _____

TOWN ENGINEER'S REVIEW

Reviewed this ____ day of _____, 20__.

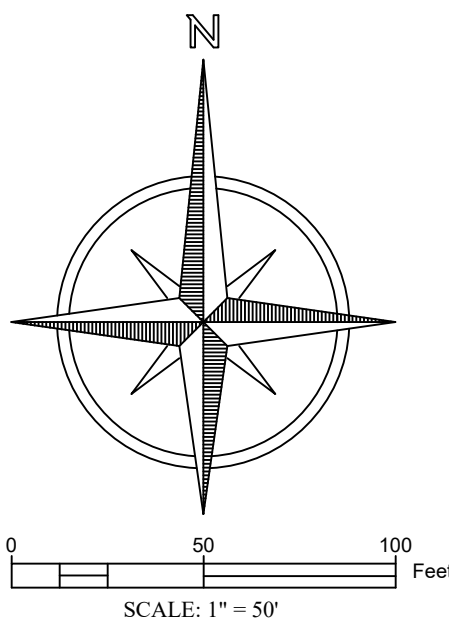
Town Engineer _____

TITLE COMMITMENT NOTE

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number FCIF25210193, dated March 20, 2024, as prepared by Land Title Guarantee Company to delineate the aforesaid information.
This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

Owner: The Town of Severance, CO
3 S. Timber Ridge Parkway
Severance, CO
970-686-1218

Surveyor: Majestic Surveying, LLC
C/O Matthew A. Kramer, PLS
1111 Diamond Valley Drive, Suite 104
Windsor, CO 80550
970-833-5698



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°05'19"E	16.02'
L2	S63°23'51"E	33.73'
L3	N89°05'19"E	43.77'
L4	S00°13'11"W	10.00'
L5	S89°05'19"W	46.02'
L6	N63°23'51"W	33.73'
L7	S89°05'19"W	23.78'

SOUTH QUARTER CORNER
SECTION 35, T.7N., R.67W.
FOUND #6 REBAR WITH 3.25"
ALUMINUM CAP LS 38348



PROJECT NO: 2024078	PROJECT NAME: PUBLIC WORKS FAC.	REVISIONS:	DATE:
DATE: 3-28-2024	CLIENT: SEVERANCE		
DRAWN BY: MAK	FILE NAME: 2024078SUB		
CHECKED BY: MA	SCALE: 1" = 50'		

1
SHEET 1 OF 2



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 35 - Resolution 2024-22R: Fee Schedule Update	Leah Vanarsdall, Town Clerk	Leah Vanarsdall and Nicholas Wharton
ACTION REQUESTED		
Management asks that the Town Council discuss Resolution 2024-22R and take action to approve the proposed April 9th, 2024, Fee Schedule. • Actions that may be taken: ○ Move to approve Resolution 2024-22R ○ Take No Action		<u>Resolution</u> <u>Attorney Approved</u> <u>Action Requested</u>
BRIEF SUMMARY		
Recommended Changes to this Fee Schedule are: • Sales Tax and Business Licenses Fees to \$0.00 • ROW Permit Application - \$50.00 Flat Fee • Changing the words from Temporary to General Excavation \$250 and Permanent to Major Excavation \$450 • Police Research Fee - \$45.00/hour • Report Fee - \$5.00 for Reports plus \$.25 per page		
PUBLIC SUPPORT/CONCERN		
None at this time		
ANALYSIS AND RECOMMENDATION		
Management recommends that the Town Council take action and move to approve Resolution 2024-22R		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Reso 2024-22R Fee Schedule 2. 2024 Fee Schedule 4.09.24		

**TOWN OF SEVERANCE
RESOLUTION NO. 2024-22R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, ADOPTING THE TOWN OF SEVERANCE FEE SCHEDULE**

WHEREAS, the Town of Severance established the current Town of Severance Fee Schedule by duly-adopted Resolution No. 2023-55R; and

WHEREAS, the current the current Town of Severance Fee Schedule is based on the Severance Municipal Code, which permits the Town to impose and set fees for municipal services, development, and for other enumerated procedures authorized by the Severance Municipal Code; and

WHEREAS, Town staff has examined the administrative costs for all services that will be incurred by the Town and the capital needs and operations of the Town, and has determined that the proposed updated Fee schedule sets forth fees that are reasonably related to the Town's costs and thus necessary to defray the actual costs incurred by the Town in the furnishing of goods, programs and services provided by the Town; and

WHEREAS, the Town Council desires to adopt Town staff's determination as to the fees set forth in the updated Fee schedule attached to this resolution as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO:**

Section 1. The Town Council of the Town of Severance hereby adopts the Town of Severance Fee Schedule in substantially the same form as the copy attached hereto and made a part of this resolution.

Section 2. Such fees shall remain in effect until changed by the Town Council, except that fees associated with liquor licensing and renewals shall immediately and automatically increase by the amount of any increase in such fees at the state level.

Section 3. This Resolution shall take effect on April 10, 2024 and at such date Resolution No. 2023-55R shall be repealed in its entirety. Any other resolution(s) setting forth or addressing the fees set forth in the Town's Fee Schedule shall be repealed in its (their) entirety

RESOLVED AND APPROVED this 9th day of April, 20234

TOWN OF SEVERANCE

BY: _____

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk



2024 Fee Schedule

GENERAL FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	WATER RATES		
	\$34.42 monthly base fee, plus \$8.01 per 1000 gallons used. Additional water surcharges and plant investment fees will be accessed for accounts that exceed usage classification. All commercial and industrial water rates will be accessed on an individual basis at the time of permit issuance.		
	Finance Charge		3% per month
	Reconnect Fee	\$50.00	
	Red Tag Fee	\$30.00	
	Late Charge Fee	\$15.00	
	Hydrant Usage	\$18.00	Per 1000 gallons
	Hydrant Meter	\$3,500.00	Refundable Deposit
	WASTEWATER RATES		
	\$34.73 monthly base fee for the first 5,000 gallons, plus \$3.86 per 1000 gallons used after 5,000 gallons. The wastewater service year is based on the average monthly water usage used during December, January, and February. Each year, starting with the March sewer bill, monthly rates will reflect and be charged the three-month average each month until the next assessment year.		
	Finance Charge		3% per month
	Reconnect Fee	\$50.00	
	Red Tag Fee	\$30.00	
	Late Charge Fee	\$15.00	
	STORMWATER FEE		
	\$6.00 monthly stormwater fee collected on the Town of Severance's Utility Bill or by separate bill collectively provides for the operation and maintenance of the stormwater service. The stormwater system is the collection of pipes, ditches, detention ponds, and other conveyances that carry outdoor water runoff untreated into local waterways.		
	Finance Charge		3% per month
	Late Charge Fee	\$15.00	
	TRANSPORTATION UTILITY FEE		
Resolution 2023-51R	\$15.50 monthly transportation utility fee collected on the Town of Severance's Utility Bill or by separate bill collectively provides for the maintenance of the transportation network system.		
	Finance Charge		3% per month
	Late Charge Fee	\$15.00	
	HOA/SERVICE GROUP/NON-PROFIT FACILITY RATES		
Resolution 2014-07R	Open & Close Fee	\$15.00	
	Meeting Room	\$25.00	Per 2 Hour Block
	Meeting Room w/Kitchen	\$75.00	
	Cleaning Deposit	\$150.00	Refundable Deposit
	RECEPTION/PARTY/EVENT FACILITY RATES		
Resolution 2014-07R	Open & Close Fee	\$15.00	Per 2 Hour Block
	Meeting Room	\$100.00	

Resolution 2014-07R	Meeting Room w/Kitchen	\$200.00	Per 2 Hour Block
	Cleaning Deposit	\$150.00	Refundable Deposit
	ADDITIONAL EQUIPMENT FOR FACILITY RATES		
Resolution 2014-07R	Audio/Video Staff Services	\$50.00	Per Hour
	Laptop Use for Presentations		\$500.00 Refundable Deposit
	Tables & Chairs	Included	Fee assessed if damaged
	LICENSES AND PERMITS		
	Sales Tax License Administrative Fee	\$0.00	Annual fee (January 1st)
	Business License Administrative Fee	\$0.00	
Ordinance 2022-06	Contractor License	\$75.00	Every 3 Years (January 1st)
	Solicitors/Salespersons Registration	\$500.00	Annual fee (January 1st)
	Special Event Permit (Full Street Closure)	\$50.00	Safety Signage & Barricades Provided
	STREET CUT/ROW CONSTRUCTION/ACCESS PERMIT		
	General Excavation	\$250.00	Additional deposit may be required
	Major Excavation	\$350.00	Additional deposit may be required
	SINGLE TRIP & ANNUAL TRANSPORT PERMITS		
Resolution 2022-21R	Single Oversize Trip	\$15.00	Only Permitted Between Sunrise & Sunset
	Single Overweight Trip	\$15.00	Plus \$5.00 Per Axel
	Annual Oversize Permit	\$400.00	Per Vehicle
	Annual Overweight Permit	\$250.00	Per Vehicle
	Annual Oversize & Overweight Permit	\$400.00	Per Vehicle
	Annual Fleet Permit	\$1,500.00	
	Oil & Gas Rig	\$1,000.00	Per Move
	OIL & GAS ROAD ACCESS & ROW PERMIT		
	Drilling Road Access (Horizontal Well)	\$10,000.00	Per Well
	Drilling Road Access (Vertical Well)	\$3,500.00	Per Well
	Oil/Gas ROW Permit	\$1,000.00	Additional deposit may be required
	ANIMAL LICENSE		
	Altered Dog or Cat (Spayed or Neutered)	\$15.00	20 Year License
	Un-Altered Dog or Cat	\$20.00	20 Year License
	Tag Replacement	\$4.00	
	Postage Fee for Mailing Tags	\$2.00	
	Impound Fee		Actual Cost
	Quarantine Fee		Actual Cost
	BACKYARD CHICKEN PERMIT		
Ordinance 2014-02	Six (6) Hens	\$25.00	Annual fee (January 1st)
	MISCELLANEOUS FEES		
	Mowing/Trimming	Current Market Price +20%	
	Trash Cleaning		
	Street Sweeping		
	Road Grading		
	Town Reinspection Fee	\$100.00	Per Additional Inspection
	ADMINISTRATIVE SERVICES FEES		
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	COPIER CHARGES		
	8 1/2 x 11	\$0.50	Per Page
	11 x 14	\$0.75	Per Page

	11 x 17	\$1.00	Per Page
	Plat		Cost + 20% Administrative Fee
	Municipal Code	\$100.00	
	Land Use Code	\$15.00	
	Budget	\$25.00	
	Comprehensive Plan	\$15.00	
	CREDIT CARD PROCESSING FEES		
	Utility Bills		No Additional Charge
	Dog & Cat Tags		
	Court Fines		3% Service Fee
	Development Deposit		
	Building Permit Fees		3% Service Fee
	Water Dedication (Cash in Lieu)		
	EFT Return	\$30.00	Plus Credit Card Service Fees
	Returned Check	\$30.00	Plus Bank Fees
	CORA REQUEST		
	CORA Request/Research Fee	\$33.50	\$33.50 per hour (After the first hour)
	Paper Copies		See Copier Charges
	Digital Copies	\$5.00 Per every 100 MB	Cost + USB Drive Cost
	MISCELANEOUS FEES		
	Property Liens	Actual Cost or \$250.00 min.	For collection on water, sewer or any other miscellaneous unpaid bills
	COURT FEES		
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	COURT FEES		
	Fee Schedule Set by Court		See Attached
	POLICE DEPARTMENT FEES		
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	COPIER CHARGES		
	8 1/2 x 11	\$0.50	Per Page
	11 x 14	\$0.75	Per Page
	11 x 17	\$1.00	Per Page
	RECORDS REQUEST		
	Police Research Fee	\$45.00 p/hr.	\$30.00/hour plus \$5.00 for Reports & \$0.25 per page
	Report Fee	\$5.00	\$5.00 for Reports plus \$0.25 per page
	Certification Letter	\$5.00	\$5.00 plus cost of report
	Digital & Video Copies	\$5.00 Per every 100 MB	Cost + USB Drive Cost
	MISCELANEOUS FEES		
	VIN Verification	No Charge	Resident
	VIN Verification	\$15.00	Non-Residents (Per Vehicle)
	Sex Offender Registration	\$75.00	Re-Register \$25.00

PLANNING FEE			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	DEVELOPMENTS		
	Major Development Deposit	\$10,000.00	Annex, subdivide, develop, or site plan review of residential, commercial or industrial tracts of 5 acres or more.
	Minor Development Deposit	\$5,000.00	Subdivide, develop, or site plan review of residential, commercial or industrial tracts of 5 acres or less.
	Administrative/Staff Review	\$1,000.00	Lot mergers, Lot adjustments, etc.. not requiring Planning Commission review or Public Hearings
	Applicant must sign Agreement for Payment of Land Use Application Fees. Applicant shall be billed at cost for all legal, engineering and planning fees. Upon depletion of funds below 10% of deposit the Applicant shall put forth another deposit.		
	APPLICATION FEES		
	Annexation	\$2,000.00	
	Site Plan		
	Master Plan		
	Preliminary Plat		
	Final Plat		
	Review for Oil and Gas	\$1,000.00	
	Temporary Sign Permit	\$100.00	
	Request to Vacate	\$350.00	Vacation of easement, ROW, or other portion of public property.
	Board of Adjustments	\$500.00	Per Application
	Zoning/Rezoning Application	\$500.00	
	Home Based Business Permit Type I	\$250.00	
	Use by Special Review Application	\$500.00	
	Recording or Publication		Cost + 20% Administrative Fee
	Special Council Meeting	\$125.00	\$600 Mayor/\$400 per Council Member; \$125.00 Administrative Fee
TRANSPORTATION IMPACT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	RESIDENTIAL FEE		
Ordinance 2024-01	Single Family (Per Unit)	\$6,075.00	
	Multifamily (Per Unit)	\$2,757.00	
	NONRESIDENTIAL FEE		
Ordinance 2024-01	Industrial	\$1,670.00	Per 1000 sq./ft.
	Commercial	\$12,105.00	
	Office & Other Service	\$5,372.00	
	Institutional	\$11,195.00	
PARK IMPACT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	RESIDENTIAL FEE		

Ordinance 2024-01	Single Family (Per Unit)	\$1,645.00	
	Multifamily (Per Unit)	\$932.00	
	Tailholt Subdivision	70% Fee	Based on Single Family (Per Unit)
	NONRESIDENTIAL FEE		
Ordinance 2024-01	Industrial	\$0.00	Per 1000 sq./ft.
	Commercial	\$0.00	
	Office & Other Service	\$0.00	
	Institutional	\$0.00	
GENERAL GOVERNMENT IMPACT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	RESIDENTIAL FEE		
Ordinance 2024-01	Single Family (Per Unit)	\$2,611.00	
	Multifamily (Per Unit)	\$1,526.00	
	NONRESIDENTIAL FEE		
Ordinance 2024-01	Industrial	\$3,992.00	Per 1000 sq./ft.
	Commercial	\$7,323.00	
	Office & Other Service	\$11,220.00	
	Institutional	\$9,847.00	
POLICE IMPACT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	RESIDENTIAL FEE		
Ordinance 2024-01	Single Family (Per Unit)	\$749.00	
	Multifamily (Per Unit)	\$438.00	
	NONRESIDENTIAL FEE		
Ordinance 2024-01	Industrial	\$784.00	Per 1000 sq./ft.
	Commercial	\$5,680.00	Per 1000 sq./ft.
	Office & Other Service	\$2,520.00	Per 1000 sq./ft.
	Institutional	\$5,253.00	Per 1000 sq./ft.
UTILITIES IMPACT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	WASTEWATER		
Ordinance 2024-01	Wastewater (3/4" Meter)	\$14,796.00	
	Wastewater (1" Meter)	\$24,710.00	
	Wastewater (1 1/2" Meter)	\$49,272.00	
	Wastewater (2" Meter)	\$78,865.00	
	Wastewater (3" Meter and Above)	Varies	Please See Ordinance
	WATER		
Ordinance 2024-01	Water (3/4" Meter)	\$16,975.00	
	Water (1" Meter)	\$28,348.00	
	Water (1 1/2" Meter)	\$56,527.00	
	Water (2" Meter)	\$90,476.00	
	Water (3" Meter and Above)	Varies	Please See Ordinance
	Meter Set (Residential)	Cost + 20%	
	Raw Water Acquisition Fee	Market Price	Cash in lieu of Water (Call for Price)

BUILDING PERMIT FEES

RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	Use Tax		60% of total value of improvement as determined by SafeBuilt times 3%
	Office Administration Fee		30% of the total of the inspection fees or \$30.00 (whichever is greater)
	Planning Review Administration Fee	\$300.00	

SCHOOL FEES

RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	WELD RE-4		
	Single Family Unit (Detached)	\$2,916.00	
	Single Family Unit (Attached)	\$1,213.00	
	Multi-Family Unit	\$1,304.00	
	Soaring Eagle Subdivision Unit	\$607.00	
	WELD RE-2		
	Single Family Detached Unit	\$2,253.00	
	Single Family Attached Unit	\$1,149.00	
	Multi-Family Unit	\$612.00	
	WELD RE-9		
	Single Family Unit	\$1,099.00	

LOCAL LIQUOR LICENSE FEES

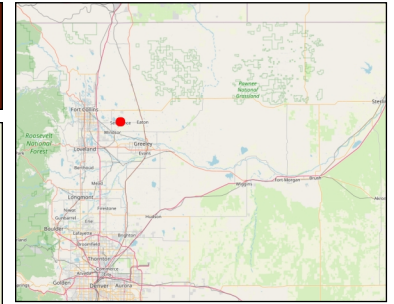
RES./ORD./CODE	DESCRIPTION	LOCAL FEE	STATE FEE
	NEW/TRANSFER LICENSE FEES		
	New License	\$1,000.00	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	New License with Concurrent Review	\$1,000.00	
	Transfer of Ownership	\$750.00	
	Transfer of Location	\$750.00	
	Art License	\$41.25	
	Beer & Wine	\$48.75	
	Brew Pub	\$75.00	
	Club	\$41.25	
	Hotel & Restaurant	\$75.00	
	Liquor Licensed Drug Store	\$22.50	
	Retail Liquor Store	\$22.50	
	RELATED FEES AND PERMITS		
	Annual Renewal	\$100.00	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	Annual Late Renewal	\$500.00	
	Annual Late Renewal (After 90 Days)	\$500 + \$25.00 p/day	
	Bed & Breakfast	\$103.75	
	Change of Location	\$750.00	
	Change of Trade Name	\$0.00	

	Corp/LLC Change (Per Person)	\$100.00	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	Duplicate License	\$0.00	
	Expansion to Hotel/Restaurant	\$0.00	
	Hotel/Tavern Manager's Registration	\$75.00	
	Mini Bar Permit	\$325.00	
	Modification of Premises	\$0.00	
	Retail Warehouse Storage	\$0.00	
	Special Events Permit (Liquor)	\$100.00	
	Special Events Permit (3.2%)	\$100.00	
	Tasting Permit	\$125.00	
	Temporary Permit	\$100.00	
	3.2% BEER LICENSE FEES		
	Retail 3.2% On Premises	\$3.75	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	Retail 3.2% Off Premises	\$3.75	
	Retail 3.2% On/Off Premises	\$3.75	



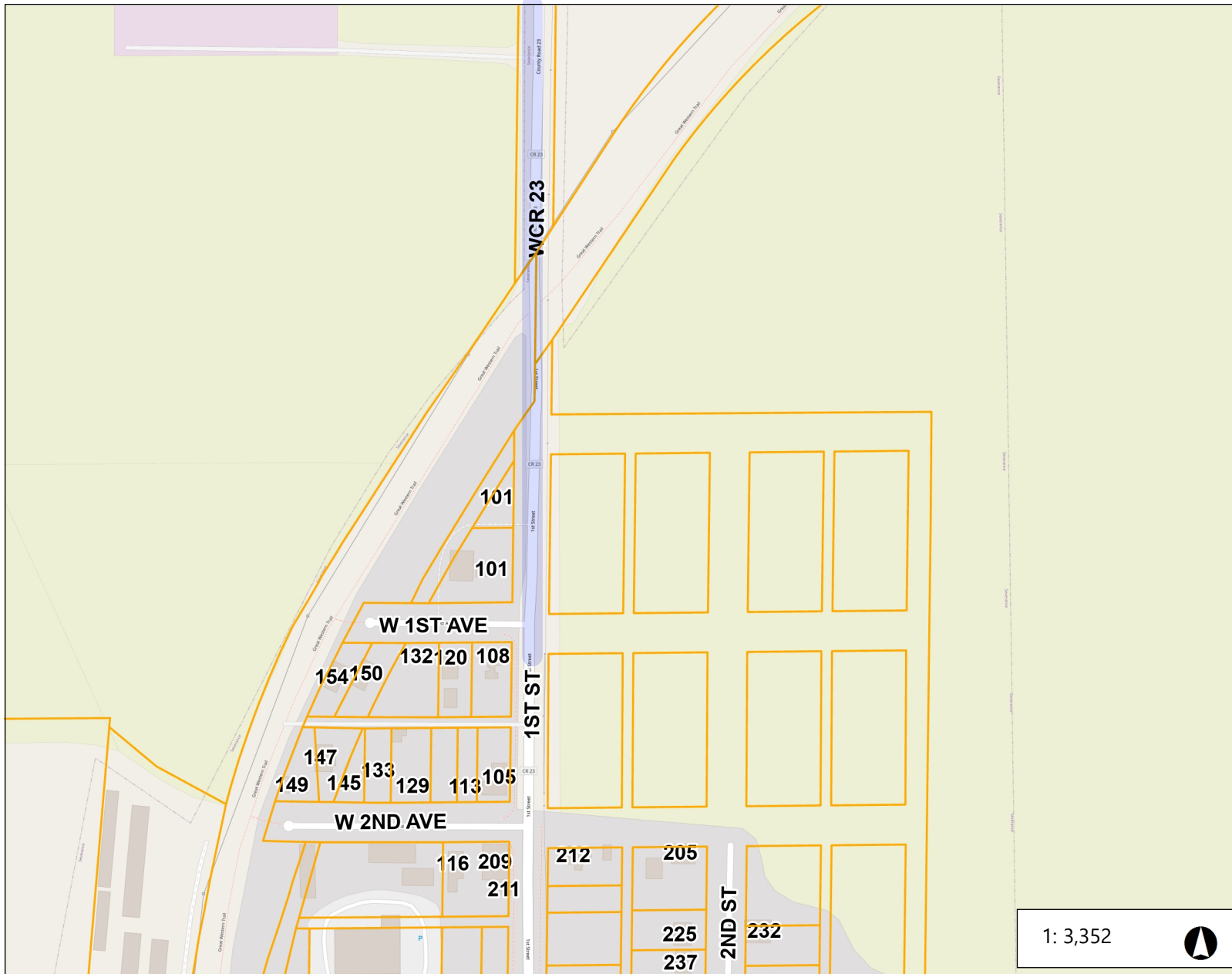
AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 46 - Renaming Weld County Roads Discussion	Lindsay Radcliff, Deputy Town Manager	Lindsay Radcliff-Coombes
ACTION REQUESTED		
Town Management asks that the Town Council discuss how the naming of County Roads that are currently maintained by the Town, and direct any further actions they deem necessary.		<u>Discussion</u>
BRIEF SUMMARY		
Town Management asks the Town Council to discuss how the Council would like to handle the possible naming of Weld County Roads that are currently maintained by the Town. With the current transportation utility fee in place, Management recommends naming the County Roads the Town services for clarity to residents of Town roads maintained. Once Management looked into the prior resolutions for County Roads maintained by the Town, it was made apparent in 2004, 2009, and 2019 that several roads were named but not sent to the assessor's office or installed signage.		
PUBLIC SUPPORT/CONCERN		
Residents have voiced they are unaware the Weld County Roads they drive on are maintained by the Town and the roads would fall under the transportation utility fee.		
ANALYSIS AND RECOMMENDATION		
Town Management asks that the Town Council discuss how the naming of County Roads that are currently maintained by the Town, and direct any further actions they deem necessary.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. WCR 23 N of Harmony 2. WCR 78 (West of Hwy 257) 3. RES 2019-12 4. Res 2009-12 & Documents		



Legend

- Parcels
- Highway
- County Boundary



1: 3,352



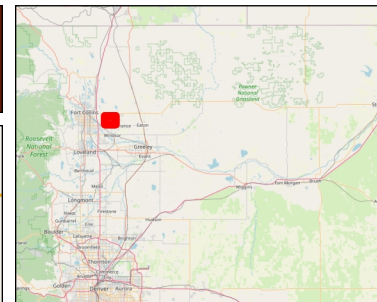
558.7 0 279.33 558.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

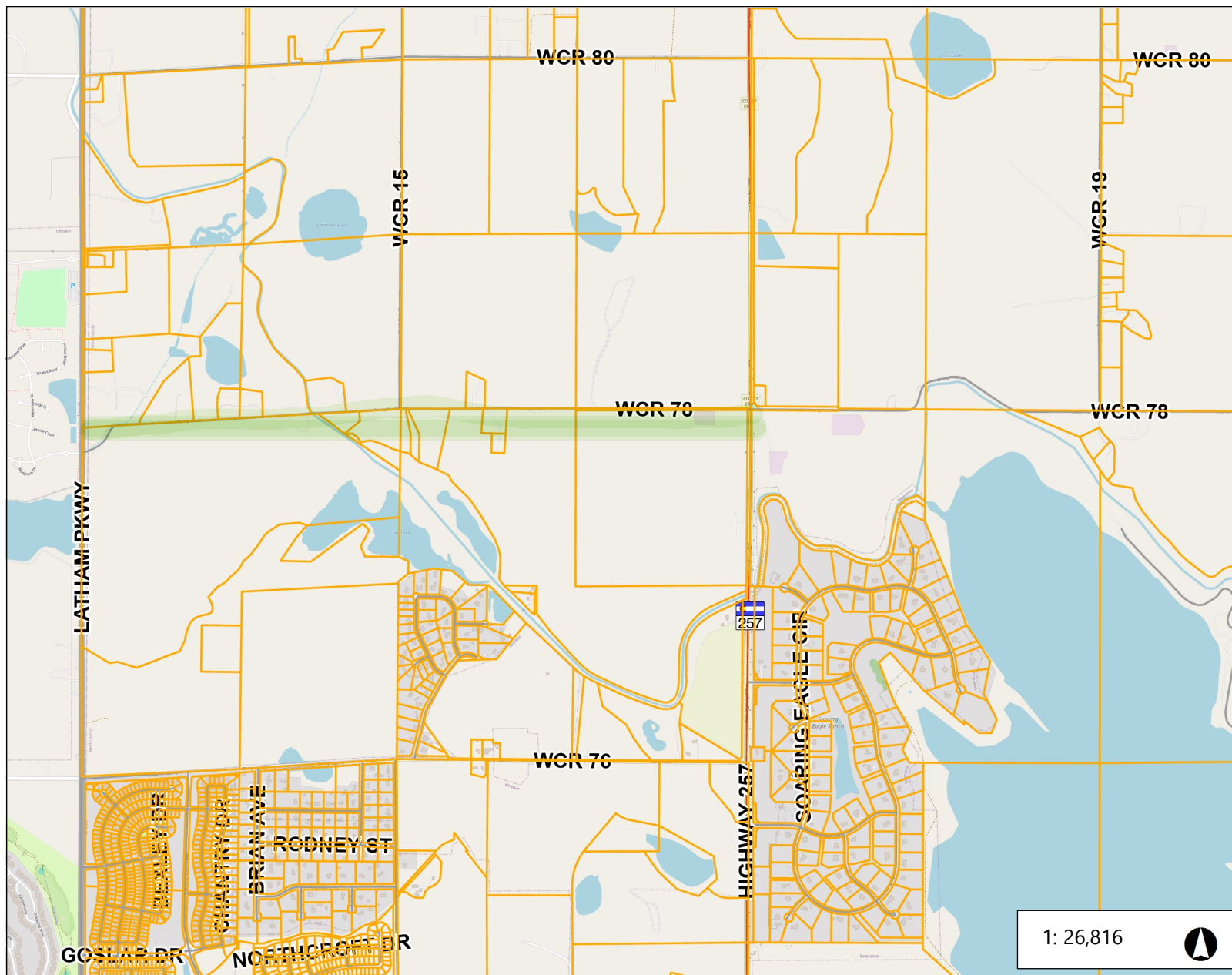
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

- Parcels
- Highway
- Road
- County Boundary



Notes

4,469.4 0 2,234.68 4,469.4 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**TOWN OF SEVERANCE
RESOLUTION 2019-12R**

**A RESOLUTION ESTABLISHING THE STREET NAME
FOR WCR74 WITHIN THE TOWN OF SEVERANCE**

WHEREAS, the Town of Severance has annexed certain public streets from Weld County; and

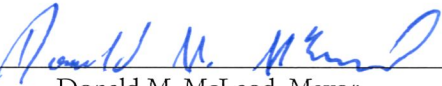
WHEREAS, The Mayor and Town Board of the Town of Severance recognize that confusion over the names of streets within the Town of Severance can be detrimental to the provision of emergency services, can be injurious to the conduct of private commerce, and are not identified with the Town; and

WHEREAS, In 2019 the Mayor and Town Board of Trustees requested that Staff evaluate and recommend names for consideration;

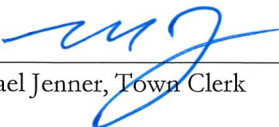
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO that WCR 74 shall be HARMONY ROAD within the Town of Severance:

PASSED, ADOPTED AND APPROVED THIS 23rd day of July 2019

TOWN OF SEVERANCE

By: 
Donald M. McLeod, Mayor

ATTEST:


Michael Jenner, Town Clerk


Incorporated 1920
Severance, Colorado

TOWN OF SEVERANCE

RESOLUTION 2009-12R

**A RESOLUTION ESTABLISHING STREET NAMES
FOR CERTAIN ARTERIAL STREETS WITHIN THE TOWN OF SEVERANCE**

WHEREAS, the Town of Severance has annexed certain public streets from Weld County; and

WHEREAS, The Mayor and Town Board of the Town of Severance recognize that confusion over the names of streets within the Town of Severance can be detrimental to the provision of emergency services, can be injurious to the conduct of private commerce, and are not identified with the Town; and

WHEREAS, In 2004 and 2009 the Mayor and Town Board of Trustees requested that the Planning Commission evaluate and recommend names for consideration and the Planning Commission forwarded names;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO that the following are the established names of the arterial streets within the Town of Severance:

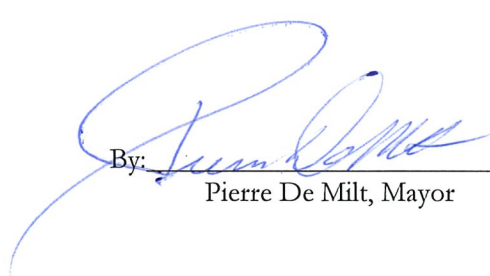
WCR 72 shall be TINSMAN AVENUE.
WCR 78 shall be ACKROYD AVENUE
WCR 70 shall be SCHEID AVENUE
WCR 21 shall be TELLER STREET
WCR 25 shall be MAWSON STREET
WCR 80 shall be THORNBLOM AVENUE

PASSED, ADOPTED AND APPROVED THIS 4TH day of May, 2009

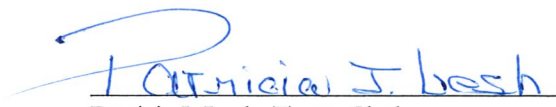
TOWN OF SEVERANCE



ATTEST:

By: 

Pierre De Milt, Mayor


Patricia J. Lesh, Town Clerk

March 3, 2009

To: Severance Town Council

Subject: Renaming of County Road 70 at intersection of CR 21 and CR 70

This statement will explain the dates of ownership of the SW 1/4 of 11-6-67 and NW 1/4 of 11-6-67.

William Scheid purchased the SW 1/4 of 11-6-67 in 1946. William, Pauline and Charles began living on and farming the property in 1947.

Charles graduated from Severance School complete with 8th grade graduation ceremonies and went on to graduate from Windsor High School in 1954.

The NW 1/4 of 11-6-67 was purchased by William in 1959 and was operated by son Charles until it was sold in 2005.

This land, SW 1/4 11-6-67, was continually owned and operated by the Scheid family from 1946 until 2005, a period of 59 years.

The family ownership of 59 years is a longer period of time than any previous ownership of said land in recorded history.

The ownership and operation of NW 1/4 11-6-67 began in 1959 and ended with the sale of all but five (5) acres in 2005. Those five (5) acres are presently owned by Charles son, Michael Scheid.

Respectfully submitted.

Charles E. Scheid



Severance Board of Trustees

March 13, 2009

RE: Naming of road currently known as Weld County Road 70.

Gentlemen:

On the 16th of February, 2009 you received a recommendation from the planning commission to name Weld County Road 70 Scheid Avenue, when within the town's jurisdiction. Your action was to request that the planning commission revisit this subject and send forth other names for consideration. At our meeting on the 18th of February 2009 the planning commission considered your request and all members present voted to resubmit the name of Scheid Avenue. Please accept the following in support of the commission's actions.

In 2004 the planning commission developed a set of parameters for naming arterial streets within the town's limits. It is our understanding that the Board accepted these and it is within these that we act. The existing arterial road names honor individuals who played a role in the founding and early health of the community and we are to continue to name major streets and landmarks after people who held or hold influential roles in the community.

After considering names extracted from historical documents and additional names solicited from the public through a flyer placed in water bills, on the web, and announced in the Dalton's Run public hearing, the planning commission voted to recommend the name of Scheid Avenue. Not wanting to waste the Board's time in the event that Mr. Scheid preferred not to have a road named after him, Mr. Felte contacted Mr. Scheid to be sure he would accept this. Mr. Scheid considered it an honor. Attached is information submitted by Mr. Scheid at the request of Commissioner Felte, who acted on behalf of the planning commission. The letter chronicles the Scheid family's ownership of Section 11. Hidden Valley Farms now covers much of this land.

It remains the opinion of the planning commission that Weld County Road 70 be named Scheid Avenue when within Town of Severance limits. Thank you for your reconsideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Bailey". The signature is stylized with a large, sweeping initial "S" and a trailing flourish.

Scott Bailey, Chairman
Severance Planning Commission

Enc: statement from Charles Scheid



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 53 - Utility Fees Ordinance Discussion	Nicholas Wharton, Town Manager	Nicholas Wharton and Mary Lynn Macsalka
ACTION REQUESTED		
Town Management asks the Town Council to discuss a draft ordinance to codify stormwater and transportation utility fees and address billing and collection procedures, and direct any further actions Council deems necessary.		<u>Discussion Ordinance</u>
BRIEF SUMMARY		
The Severance Municipal Code addresses billing, collection, enforcement, and lien procedures for water and sewer fees and charges, but does not expressly state that such procedures apply to the Town's other utility fees and charges. Town Management and the Town Attorney's Office propose updating the Code to specifically address the Town's other utility fees and charges and to codify the Town's stormwater and transportation utility fees. The attached ordinance would amend the Code as follows: • Amend Article 2, "General and Special Funds," of Chapter 4 to establish special funds for stormwater and transportation utility fees. These funds have already been created by the Finance Director for the Town's accounting purposes, but the proposed ordinance would formally create and codify the funds and specify the terms of their use. • Amend Article 1, "Utility Services," of Chapter 13 to: ○ Codify the transportation utility fee, which was recently adopted by the Town Council in Resolution No. 2023-15R, and add related definitions to the Code; ○ Codify the stormwater utility fee, which was first adopted in the Town's 2021 Fee Schedule by Resolution No. 2020-24R, and add a definition of "stormwater utility" to the Code; ○ Amend several sections of Article 1 to broaden certain provisions applicable only to water and sewer fees to also include other utility fees and charges, including stormwater and transportation utility fees; and ○ Enact a new section 13-1-115 to address billing, payment, collection, enforcement, and liens for utility fees and charges other than water and sewer, including the stormwater and transportation utilities.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town Management and the Town Attorney recommend the Town Council discuss the attached ordinance and direct any further actions Council deems necessary.		
MATERIALS SUBMITTED		

The following materials were submitted and included in this packet:

1. Draft Ordinance Regarding Utility Fees

TOWN OF SEVERANCE

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AMENDING CHAPTERS 4 AND 13 OF THE SEVERANCE MUNICIPAL CODE TO CODIFY THE STORMWATER UTILITY FEE AND TRANSPORTATION UTILITY FEE AND TO CREATE SPECIAL FUNDS THEREFOR; AND TO ENACT BILLING, PAYMENT, COLLECTION, ENFORCEMENT, AND LIEN PROCEDURES PERTAINING TO UTILITY FEES AND CHARGES

WHEREAS, Section 9.01 of the Town of Severance Home Rule Charter (“Charter”) authorizes the Town to operate public works, utilities and assets, equipment, and everything in relation to or in connection therewith, in whole or in part, for the use of the Town, its inhabitants, and those it serves; and

WHEREAS, Section 9.04 of the Charter provides that the Town Council shall by resolution establish rates, rules, and regulations for services provided by Town-owned utilities; and

WHEREAS, on December 8, 2020, the Town of Severance Board of Trustees approved Resolution No. 2020-24R adopting a monthly “stormwater fee” that is collected on Town utility bills or by separate bills to owners and occupants of real property in the Town and which collectively provides for the operation and maintenance of the Town’s stormwater service and system, which consists of the collection of pipes, ditches, detention ponds, and other conveyances that carry outdoor water runoff untreated into local waterways; and

WHEREAS, on December 12, 2023, the Town Council approved Resolution No. 2023-15R, establishing a monthly “transportation utility fee” to defray the Town’s costs inherent in administering the Town’s street maintenance program, including but not limited to any and all costs related to maintaining or improving town streets; repairs, renewal, resurfacing, replacement, and reconstruction, resurfacing of existing streets; the repair, replacement or addition of curb and gutters; improving storm drainage; updating ADA access; repair or replacement of the entire existing street structural section; repair or replacement of existing street shoulders, pavement markers, striping and other street markings; repair or replacement of existing channelization devices; adjustment of existing utilities to match finish grades; and any other related work within existing streets; and

WHEREAS, the Town Council desires to amend the Severance Municipal Code to codify the stormwater utility fee and transportation utility fee; and

WHEREAS, the Town Council desires to amend Article 2, “General and Special Funds,” of Chapter 4, “Revenue and Finance,” to create funds for the stormwater and transportation utility fees and charges; and

WHEREAS, the Town Council further desires to amend Article 1, “Utility Services,” of Chapter 13, “Municipal Utilities,” to address the establishment, billing, collection, and enforcement of the Town’s stormwater and transportation utility fees and charges; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:

Section 1. Article 2, “General and Special Funds,” of Chapter 4, “Revenue and Finance,” of the Severance Municipal Code is hereby amended to add two new sections numbered 4-2-70 and 4-2-80 to read as follows:

Sec. 4-2-70. - Stormwater Utility Fund created.

There is hereby created a special fund, to be known as the stormwater utility fund, and all fees and charges for stormwater utility costs and services shall be deposited and expended from such fund. No part of the fund may be transferred to any other fund or used for purposes other than operations and maintenance of the stormwater utility. Other revenue sources may also be used for stormwater utility maintenance. Amounts in the stormwater utility fund may be invested by the Town in accordance with state law. Earnings from such investments shall be dedicated to the stormwater utility fund.

Sec. 4-2-80. – Street (Transportation Utility) Fund created.

(a) All transportation utility fees received shall be deposited into the street fund or other fund dedicated to the operation and maintenance of the Town’s street system. Other revenue sources may also be used for street maintenance. Amounts in the street fund may be invested by the Town in accordance with state law. Earnings from such investments shall be dedicated to the street fund.

(b) The street fund shall not be used for other governmental or proprietary purposes of the Town, except to pay for an equitable share of the Town’s overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance.

Section 2. Article 1, “Utility Services,” of Chapter 13, “Municipal Utilities,” of the Severance Municipal Code is hereby amended to read as follows:¹

ARTICLE 1 Utility Services

Sec. 13-1-10. Applicability.

The provisions of this Article shall be applicable to all Town utilities, including potable water, sanitary sewer, ~~and~~ nonpotable water, stormwater, and transportation utilities.

Sec. 13-1-20. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

[The following definitions shall be added to this section. All other existing definitions in this section shall remain the same and are unchanged by this ordinance.]

Occupied unit, for purposes of the transportation utility fee, means any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example, an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

Responsible party means the person or persons who by occupancy, ownership, or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the Town, the person(s) paying the Town’s water or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a Town water or sewer bill, “responsible party” shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the Town. Any person who has agreed in writing to pay is considered the responsible party if a copy of the writing is filed with the town.

Stormwater utility means all facilities used for collecting and conducting outdoor water runoff, drainage, and stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: pipes, conduits and appurtenant features, detention ponds, canals, ditches, streams, gulches, gullies, flumes,

¹ Additions to existing text are indicated by underlining. Deletions from existing text are indicated by ~~strikethrough~~.

culverts, bridges, streets, curbs, gutters, pumping stations and other conveyances that carry untreated stormwater into local waterways.

Sec. 13-1-30. Establishment of rates and fees.

- (a) The Town Council shall, from time to time, establish user rates for each municipal utility, including but not limited to potable and nonpotable water, ~~and~~ sanitary sewer, stormwater, and transportation utilities. Such rates shall be authorized, and amended from time to time, as may be appropriate by ordinance or resolution as set forth in the current fee schedule to this Code.
- (b) The Town Council shall, from time to time, establish a plant investment fee for ~~each certain~~ municipal ~~utility~~ utilities, including but not limited to a sanitary sewer plant investment fee, a water utility plant investment fee, and a potable water plant investment fee. Such fees shall be set forth and amended from time to time as may be appropriate by ordinance or resolution as set forth in the current fee schedule.
- (c) Out-of-Town fees. Utility services to properties outside the boundaries of the Town shall be at the sole discretion of the Town Council, except as otherwise provided by any applicable service agreement between the Town and a special district or property owner(s). Nothing in this Chapter shall be construed as obligating or otherwise requiring the Town to serve with utilities any property outside the corporate boundaries, except as set forth in this Section. In the event utility service is requested outside the Town boundaries and the Town agrees to provide such service, the out-of-Town service rates and fees shall be as authorized and may be amended from time to time as may be appropriate by ordinance or resolution of the Town Council as set forth in the current fee schedule. Nothing in this Section shall prohibit the Town Council from entering into an agreement with any user or group of users to provide out-of-Town utility services at fees deemed to be reasonable by the Town Council pursuant to a written agreement.

Sec. 13-1-40. Notice of action by resolution.

At such time as the Town Council takes any action by resolution pursuant to this article, notice of such action shall be sent by mail to residents of the Town. Any action taken by resolution shall not go into effect until at least thirty (30) days after passage of the resolution.

Sec. 13-1-50. Fees and charges.

- (a) The Town Council shall have the authority to adopt by resolution fees and charges for ~~sewer and water~~ utilities which may include, but need not be limited to, the following:
 - (1) Water utility:
 - a. Fees for turning water on or off at the curb stop;
 - b. Fees for permit applications;

- c. Fees for connection, repairs and disconnection of service lines;
- d. Fees for inspections, surveys, development and expansion;
- e. Standby fees;
- f. Plant investment fees;
- g. Meter installation charges;
- h. Water pumping station surcharges; and
- i. Other fees and charges as the utility deems necessary to cover costs of inspections, testing, maintenance and operations required by this Article.

(2) Sewer utility:

- a. Fees for all wastewater utility costs, including maintenance and operation;
- b. Fees for reimbursement of costs of establishing and operating the wastewater utility's pretreatment program;
- c. Fees for monitoring, inspections and surveillance procedures, including laboratory analysis;
- d. Fees for permit applications;
- e. Fees for connection, repairs and disconnection;
- f. Fees for inspections, surveys, development and expansion;
- g. Plant investment fees;
- h. Standby fees;
- i. Wastewater strength and lift station surcharges; and
- j. Other fees as the utility may deem necessary to carry out the requirements of this Article.

(3) Stormwater utility:

- a. Fees on each and every lot and parcel of land within the Town for stormwater service and for stormwater utility costs, including the operation, maintenance, construction, improvement, and replacement of the Town's stormwater utility system, which consists of the collection of pipes, ditches, detention ponds, and other conveyances that carry outdoor water runoff untreated into local waterways;

- b. Fees for funding stormwater quality issues and improvements; and
- c. Other fees as the Town deems necessary to cover costs of inspections, testing, maintenance, operations, and management of the stormwater utility and facilities, and to carry out the requirements of this Article.

(4) Transportation utility:

- a. Fees for the operation and maintenance of the Town's street system to be charged to the responsible party for each occupied unit of residential and nonresidential real property, as provided in Resolution No. 2023-15R approved by the Town Council on December 12, 2023, and subject to the sunset clause therein;² and
 - b. Other fees as the Town deems necessary to cover costs for accounting, management, and other costs related to management, operation, and implementation of a street maintenance program, and to carry out the requirements of this Article.
- (b) The Finance Director shall maintain accounting records and account for all fees and charges collected pursuant to this Article in a manner that ensures such funds shall be used for the purpose for which such fees and charges were created, and for the purposes allowed by law, and as otherwise provided in Article 2 of the Chapter 4 of this Code.
- (c) If any person fails or refuses to pay when due any fee or charge imposed under this Chapter, the Town Council ~~may~~ authorizes the Town Manager or their designee to collect the unpaid amounts in accordance with any remedies permitted by statute or by this Code and any regulations promulgated thereunder. The Town Council ~~shall be authorized~~ authorizes the Town Manager or their designee to commence collection procedures against ~~either~~ the owner or occupant of the property and/or the property itself for which fees and charges are past due.

Sec. 13-1-60. Service charges.

[No amendments are made to this section by this ordinance. Section shall remain unchanged.]

Sec. 13-1-70. Water and sewer – usage ~~Usage~~-spike/surcharge authorized.

- (a) Sewer usage. Whenever there is a spike or unusual increase of at least twenty-five percent (25%) in the sewer usage, either on a daily or monthly basis, the Town is authorized to impose a surcharge on the usage rate. Such surcharge is designed to minimize usage spikes and to compensate the Town for additional infrastructure, capacity and equipment required to maintain the ability to service such spikes.

² The Town Council established the transportation utility fee and terms pertaining to the application and allocation of the fee in Resolution No. 2023-15R on December 12, 2023.

- (b) Water usage. The Town Council is authorized to act by resolution to set a surcharge for water usage over a property's annual allotment. Such annual allotment is determined by the Town Council in response to the allocation set by the Northern Colorado Water Conservancy District.

Sec. 13-1-80. System review fee.

[No amendments are made to this section by this ordinance. Section shall remain unchanged.]

Sec. 13-1-90. Water service – billing and payment; past-due ~~Past-due~~ accounts.

- (a) Water usage is billed to the property owner or property manager of a service address, at the end of a billing period, for water usage during the billing period. A service account is considered past due when the billing for the current period reflects an unpaid balance from a previous billing period.
- (b) Holders of interest, as shown on the Water Works Department records, of past-due service accounts shall be notified by first class mail. Notification shall include the date and time the water is scheduled to be shut off, the amount of penalty assessments, the amount of the notification fee and actions necessary to avoid penalties and discontinuation of service.
- (c) The Town shall physically post notification to the premises at least twenty-four (24) hours prior to the scheduled shutoff for nonpayment. A notification fee will be added to the past due balance.
- (d) The failure of any such person to receive notification of the impending shutoff shall not affect the validity of any actions taken under this Section and shall not relieve any person from obligations imposed on him or her by this Section.
- (e) The Town shall discontinue water service for nonpayment at or after the specified date and time. When payment of a past due balance is not received by 1:00 p.m. on the scheduled shutoff date, a shutoff fee, as set forth in the current fee schedule to this Code, will be added to the past-due balance to cover costs to the Town in activating shutoff procedures.
- (f) Whenever it is necessary to make a shutoff of water service from inside a user's building or premises, the Town Manager or their designee may enter such building or premises, but shall present proper credentials and request entry. If such building or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the Town Manager shall have recourse to every remedy provided by law to secure entry. When the Town Manager has first obtained a warrant or other remedy provided by law to secure entry, no owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the Town Manager or their designee.

- (g) Water service which has been shut off for nonpayment shall be restored when the total past due balance, plus all assessments including interest, notification fees, attorney fees and court costs, has been paid in full.
- (h) If, after water service is shut off for nonpayment, an owner of such property fails to reestablish water service within twelve (12) months of shutoff and fails to pay the minimum tap fees, the water tap allocated to that property shall be deemed abandoned and shall revert to the Town's ownership. Notice of this provision shall be mailed to the property owner and posted on the property by the Code Enforcement Officer at least sixty (60) days before such abandonment becomes effective. The owner may redeem such tap by paying all costs incurred by the Town, past due fees, minimum tap fees and interest within thirty-six (36) months after abandonment. Thereafter, the owner must apply for a water tap as a new user, subject to all current fees and water dedication requirements.
- (i) The Town Manager may continue water service to a customer who can verify exigent circumstances, or make a recommendation to the Town Council to continue service. Any recommendation shall include a written alternative arrangement for payment of past-due balances, assessments and fees. The Town Council shall act on such a recommendation at the first regular meeting scheduled after such recommendation has been made.

Sec. 13-1-100. Water and sewer - Liens.

When any fee payable to the Town as required by this Chapter or set forth in the current fee schedule is not paid, including user fees, such unpaid amounts shall be a charge and lien upon the premises for which the amount is due from the date the same becomes due until paid, and the owner of every building, premises, lot or house shall be liable for the cost of taking and treating sewage or the provision of water to the premises. The lien and liability for such treating and taking of sewage or provision of water may be enforced by action at law or suit to enforce collection, or the Town may place a lien upon the property served by the wastewater collection treatment system, the potable water system or nonpotable system and certify such amount due to the County Commissioners for collection as taxes as provided by Section 31-5-708, C.R.S.

Sec. 13-1-110. Water and sewer - Unpaid charges to become lien.

- (a) All water rates and rents shall be a charge and lien upon the premises to which water is delivered, from the date the same become due and until paid, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the Town by action at law or suit to enforce the lien. In case the tenant in possession of the premises or building pays the water rent or rates, it shall relieve his or her landlord from such obligation and lien; however, the Town shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates as provided in this Chapter.
- (b) If such water rates and rents remain unpaid after a thirty-day demand for payment of the same has been made, such water rates and rents may be certified by the Town Clerk to the Board of County Commissioners, to be placed upon the tax list for the current year and to

be collected in the same manner as other taxes are collected, together with all fees and costs of collection and a ten-percent penalty for administrative costs.

Sec. 13-1-115. Other utilities – Billing and payment; Past-due accounts; Collection; Liens.

- (a) Utility fees and charges shall be billed to the owner or occupant of the property at the same time as the close of their respective water billing cycle. The obligation to pay such bill shall not be affected by the failure of the owner or occupant to receive a statement for such fees and charges.
- (b) Bills for utility fees and charges shall be due and payable upon receipt and is considered delinquent when the billing for the current period reflects an unpaid balance from a previous billing period. There shall be added to all utility bills that are delinquent, a delinquent payment fee as set by resolution of Town Council.
- (c) All unpaid utility service charges, plus delinquent payment fees and costs of collection, shall constitute a perpetual lien against the real property served, occupied, or improved, as applicable, and such lien shall have priority over all other liens except general tax liens.
- (d) The Finance Director shall cause a notice of the lien, stating the amount of the unpaid utility fees and charges, plus delinquent payment fees and costs of collection (including the cost of recording), and describing the property served, to be recorded in the office of the Weld County Clerk and Recorder.
- (e) The Finance Director is authorized and empowered to certify to the County Treasurer the amount of the unpaid utility fees and charges, plus delinquent payment fees and costs of collection, describing the property served upon which the lien is imposed, which shall be collected and paid over to the Town by the County Treasurer in the same manner authorized for the collection of property taxes.
- (f) Alternatively, upon authorization by the Town Council, the Town may institute proceedings for the enforcement and foreclosure of a lien in accordance with the provisions of the statutes of the State of Colorado.
- (g) The Town may treat any unpaid utility fees and charges, delinquent payment fees, and costs of collection as a debt due to the Town and may recover the amount thereof from the owner and/or occupant of the property being charged such fees, charges, and costs.
- (h) In the event of a suit to exercise any of the remedies available to the Town for recovery or collection of unpaid utility fees and charges, delinquent payment fees, and costs of collection, the Town shall also be entitled to judgment against the owner or occupant of the property served for the costs and expenses of such suit, including attorneys' fees, in addition to the unpaid fees, charges, and costs.
- (i) The remedies for the collection of the unpaid utility fees and charges, delinquent payment fees, and costs of collection are cumulative and the exercise of any one remedy shall not bar



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 64 - Transportation Utility Fee Discussion	Nicholas Wharton, Town Manager	Nicholas Wharton, Town Manager
ACTION REQUESTED		
Town Management asks that the Town Council discuss the recommendation from the Citizen Advisory Board to keep the Transportation Utility Fee as is and direct any further actions they deem necessary.		<u>Action Requested</u> <u>Discussion</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
The Town Council discussed a Transportation Utility Fee for 2024 at a Work Session and again as a discussion item in November 2023. Resolution 2023-51R was passed by the Town Council on December 12, 2023, with a dedicated revenue source required to prevent the fund's depletion and to sunset within three years. At the April 3, 2024, Citizen Advisory Board Meeting, a proposal was brought forward by Mayor Fries and Mayor Pro-Tem Duda to determine whether the Transportation Utility Fee should be placed on hold through the end of 2024 and one-time Use Tax funds from the BHS Solar project be used to supplement the needs of the Transportation Fund. The Citizen Advisory Board unanimously forwarded a recommendation to the Town Council to keep the Transportation Utility Fee until the voters have the right in November to choose either a Sales/Use Tax increase or to stay with the monthly Transportation Utility Fee.		
PUBLIC SUPPORT/CONCERN		
Citizens have expressed concern about paying the fee when we do not maintain their subdivisions inside roadways.		
ANALYSIS AND RECOMMENDATION		
Town Management asks that the Town Council discuss the recommendation from the Citizen Advisory Board to keep the Transportation Utility Fee as is and direct any further actions they deem necessary.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Resolution 2023-51R 2. 2024 Street Maintenance Fee 3. Pavement System Condition Scale 4. Severance CO_Easy_Street_Analysis_2023 5. Severance CO_Easy_Street_Analysis_2023_5Yr_Rev1 6. Modified PCI Scale Severance CO Rev2		

**TOWN OF SEVERANCE
RESOLUTION NO. 2023- 51R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, ESTABLISHING A TRANSPORTATION UTILITY FEE**

WHEREAS, the Town Council recognizes the need for pavement preservation and improvement of the Town's street system and a funding mechanism; and

WHEREAS, the Town has developed and is presently maintaining a street maintenance program for the maintenance of town streets and, subject to Town Council approval, allocates and expends budget resources for this street system maintenance program; and

WHEREAS, the Town Council finds that all property owners in the Town benefit from a well-maintained road infrastructure and the Town's street maintenance program, and that a fairer way to spread the cost of that program is through the imposition of a Transportation Utility Fee; and

WHEREAS, the Transportation Utility Fee is to be established with the object of defraying the Town's costs inherent in administering the Town's street maintenance program, including but not limited to any and all costs related to maintaining or improving town streets; repairs, renewal, resurfacing, replacement, and reconstruction, resurfacing of existing streets; the repair, replacement or addition of curb and gutters; improving storm drainage; updating ADA access; repair or replacement of the entire existing street structural section; repair or replacement of existing street shoulders, pavement markers, striping and other street markings; repair or replacement of existing channelization devices; adjustment of existing utilities to match finish grades; and any other related work within existing streets; and

WHEREAS, the intent of the Town Council is to charge all developed, improved property located within the Town limits regardless of whether or not the property receives other utility services from the Town; and

WHEREAS, the Town Council further intends to explore the creation of a policy by which owners of land used for private streets may have the ability to transfer said lands to the Town for inclusion in the Town's street system, and the conditions under which the Town may accept such transfers.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE COLORADO:**

Section 1. Creation and purpose. A transportation utility fee is created and imposed for the purpose of maintaining the Town of Severance's streets. The transportation utility fee shall be paid by the responsible party for each billing unit or occupied unit of real property per the terms of this resolution. The purposes of the transportation utility fee are to charge users for the service the town provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

Section 2. Transportation utility fees allocation.

(a) All transportation utility fees received shall be deposited into the street fund or other fund dedicated to the operation and maintenance of the town's street system. Other revenue sources may also be used for street maintenance. Amounts in the street fund may be invested by the Town in accordance with state law. Earnings from such investments shall be dedicated to the street fund.

(b) The street fund shall not be used for other governmental or proprietary purposes of the town, except to pay for an equitable share of the town's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance.

Section 3. Determination of fee.

(a) A transportation utility fee is hereby established and shall be based upon the following:

- (1) The town's priority corrective and preventative street maintenance projects.
- (2) For residential property, the fee shall be charged on a per unit basis.
- (3) For nonresidential property, the fee shall be charged on a per unit basis.

(b) The transportation utility fee program shall be reviewed annually as part of the town's budget process.

(c) Following each review of the program, the town manager shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level needed for the priority street maintenance projects. The town manager shall report the findings of that review to town council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be carried over to the following year's beginning fund balance for the street fund.

Section 4. Determination of rate, billing and collection of fee.

(a) The Town shall charge a per unit transportation utility fee to the responsible party for each billing unit with an active utility account or, for occupied units not connected to town water and/or sewer, to the responsible party for each occupied unit of residential and nonresidential property. The amount payable shall be redetermined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only.

(b) The transportation utility fee shall be billed to and collected from the responsible party identified in subsection (a) of this section. Transportation utility fees shall be included as part of the water and sewer bill for billing units with active utility accounts, and included on an

“other utility” bill for occupied units not connected to town water or sewer services.

(c) An account is delinquent if the transportation utility fee is not paid by the due date shown on the utility bill. The town may follow the procedures for collection of delinquent accounts as outlined in Article 1 of Chapter 13 of the Severance Municipal Code.

(d) For newly developed properties, the Transportation Utility Fee shall become due and payable from and after the earlier of the date when the developed property is occupied or when town water or sanitary sewer system service is initiated.

(e) “Responsible party” means the person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the town, the person(s) paying the town’s water or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a town utility bill, “responsible party” shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the town. Any person who has agreed in writing to pay is considered the responsible party if a copy of the writing is filed with the town.

(f) “Occupied unit” means any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example, an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

Section 5. Exemption.

The Transportation Utility Fee shall not apply to:

(1) Any property which may be entitled to exemption from or deferral of ad valorem property taxation, such as units owned or occupied by local, state and federal governments;

(2) Publicly owned park land, open spaces, and greenways; or

(3) Areas encompassed by railroad and public rights-of-way, except for developed railroad property such as maintenance areas, non-rolling storage areas, and areas used for the transfer of rail-transported goods to non-rail transport, which areas shall be subject to the Transportation Utility Fee.

Section 6. Waiver.

(a) When any developed property within the town becomes vacant as described in subsection (e) of this section, upon written application by the responsible party and approval by the town manager, the transportation utility fee shall thereafter not be billed until such time as the property is no longer vacant.

(b) The town manager is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The town manager is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

(c) When any developed property within the town has the utilities shut off due to vacancy, the transportation utility fee shall be waived for the duration of the vacancy as described in subsection (e) of this section

(d) When a change of use occurs, a vacancy has been filled, or a property is developed, it is the responsible party's responsibility to inform the town of any change so the proper transportation utility fees may be assessed. If the responsible party does not inform the town of any change, the town shall cancel the vacancy waiver and charge the responsible party as per subsection (5) of this section.

(e) For purposes of this section, developed property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must reapply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to reapply for the vacancy waiver after the expiration of the six-month waiver. Any occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the town may charge any property two times the appropriate transportation utility fee that would have been due without the vacancy waiver for prior billing periods, upon determining, in town's sole discretion, that the property did not qualify for waiver of charges during the relevant time. The decision of the town manager under subsections (1), (2), and (5) of this section is final.

Section 7. The Transportation Utility Fee Rate Schedule, attached hereto as **Exhibit A** and incorporated herein by this reference, is adopted and shall apply to all occupied units within the Town's limits. Rates will be implemented and included in utility bills commencing in January 2024.

Section 8. It is the intent of the Town Council to explore the creation of a policy by which owners of land used for private streets may have the ability to transfer said lands to the Town for inclusion in the Town's street system, and the conditions under which the Town may accept such transfers.

RESOLVED AND APPROVED this 12th day of December, 2023.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC
Town Attorney

Exhibit A

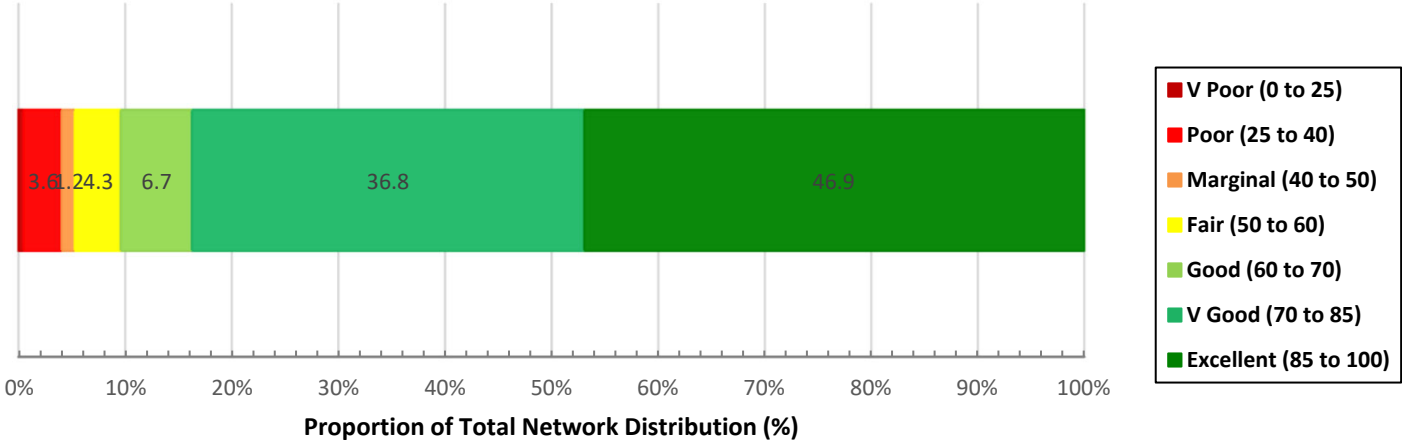
Transportation Utility Fee Rate Schedule

2024 Street Maintenance Fee

Monthly Street Maintenance Fees: \$15.50 per Month

Monthly Rate		Monthly Rate Structure	
Usage Classification	Base	Per month Base	
Per Lot	\$15.50	\$15.50	

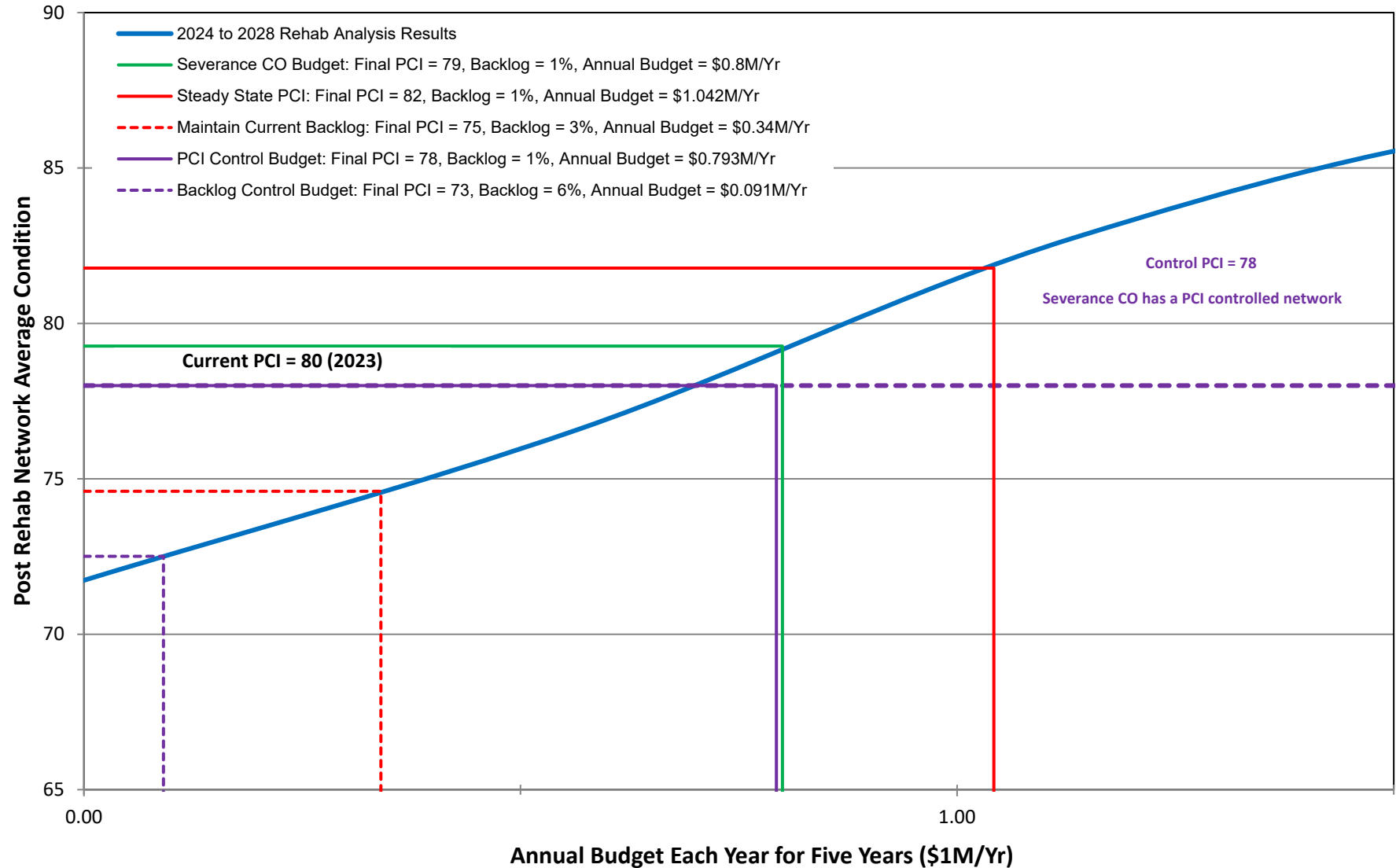
Distribution of City's Pavement System on a Condition Scale



Town of Severance CO

Five Year Post Rehab PCI Versus Annual Budget

Analysis Start Date = 1/1/2024 Analysis Period 2024 to 2028



Profile Analysis Summary Results Plot Table

Budget	Budget	PCI	B/L (%)	Budget	Budget (M)	
Do Nothing	0	72	6.7	0	0.00	
\$567k Annual	567	77	1.6	567	0.57	
\$1133k Annual	1,133	83	0.6	1,133	1.13	
\$1700k Annual	1,700	86	0.0	1,700	1.70	
\$2266k Annual	2,266	86	0.0	2,266	2.27	
\$2833k Annual	2,833	86	0.0	2,833	2.83	
\$3399k Annual	3,399	86	0.0	3,399	3.40	
\$3966k Annual	3,966	86	0.0	3,966	3.97	
\$4532k Annual	4,532	86	0.0	4,532	4.53	
\$5099k Annual	5,099	86	0.0	5,099	5.10	
\$5665k Annual	5,665	86	0.0	5,665	5.67	
Post Rehab PCI and Backlog Plot Labels	Budget	PCI	B/L	PCI Rounded	B/L Rounded	Plot Labels
Steady State Current PCI Budget = \$1.042M/Year	0	82	0.8	82	1	Steady State PCI: Final PCI = 82, Backlog = 1%, Annual Budget = \$1.042M/Yr
	1.042	82	0.8			
	1.042	40	0			
Maintain Current Backlog Budget = \$0.34M/Year	0	75	3.3	75	3	Maintain Current Backlog: Final PCI = 75, Backlog = 3%, Annual Budget = \$0.34M/Yr
	0.34	75	3.3			
	0.34	40	0			
Recommended Budget = \$0.8K/Yr	0	79	0.9	79	1	Recommended Budget: Final PCI = 79, Backlog = 1%, Annual Budget = \$0.8M/Yr
	0.8	79	0.9			
	0.8	40	0			
Severance CO Budget = \$0.8M/Year	0	79	0.9	79	1	Severance CO Budget: Final PCI = 79, Backlog = 1%, Annual Budget = \$0.8M/Yr
	0.8	79	0.9			
	0.8	40	0			
PCI Control Budget = \$0.793M/Year (PCI >= 78)	0	78	0.9	78	1	PCI Control Budget: Final PCI = 78, Backlog = 1%, Annual Budget = \$0.793M/Yr
	0.793	78	0.9			
	0.793	40	0			
Backlog Control Budget = \$0.091M/Year (B/L <= 6%)	0	73	5.7	73	6	Backlog Control Budget: Final PCI = 73, Backlog = 6%, Annual Budget = \$0.091M/Yr
	0.091	73	5.7			
	0.091	40	0			
Target PCI = 82, Budget = \$1.201M/Year	0	83	0.5	83	1	Target PCI Driven Budget: PCI = 83, Backlog = 1%, Annual Budget = \$1.201M/Yr
	1.201	83	0.5			
	1.201	40	0			
Target Backlog = 2%, Budget = \$0.589M/Year	0	77	1.5	77	2	Target Backlog Driven Budget: PCI = 77, Backlog = 2%, Annual Budget = \$0.589M/Yr
	0.589	77	1.5			
	0.589	40	0			
Current PCI = 80 (2023)	2023	80				
	0	80				
	5099	80				
Control PCI = 78	0	78				
	5665	78				
Current Backlog = 4% (2023)	2023	4				
Control Backlog = 6%	0	6				
	5665	6				
Severance CO has a PCI controlled network						



Survey PCI by Segment
(August 2023)

Pavement Condition Index

- Good (70 - 100)
- Average (55 - 70)
- Bad (25 - 55)
- Failed (0 - 25)

