



ADAMS COUNTY

COLORADO
BOARD OF COUNTY COMMISSIONERS

Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Erik Hansen - District #3
Steve O'Dorisio - District #4
Mary Hodge - District #5

STUDY SESSION AGENDA
TUESDAY
February 13, 2018

ALL TIMES LISTED ON THIS AGENDA ARE SUBJECT TO CHANGE.

- | | | |
|-------------------|---------------------|--|
| 10:00 A.M. | ATTENDEE(S): | Abel Montoya / Adam Burg |
| | ITEM: | Legislative Update |
| 10:30 A.M. | ATTENDEE(S): | Ben Dahlman / Paul Niedermuller, CPA / Allison Slife, CPA |
| | ITEM: | Work Plan and Update for the 2017 Fiscal Year External Audit |
| 11:00 A.M. | ATTENDEE(S): | Kristin Sullivan / Nana Appiah / Christine Francescani / Libbie Adams |
| | ITEM: | Land Use Notification Process |
| 11:30 A.M. | ATTENDEE(S): | Kristin Sullivan / Nana Appiah / Libbie Adams |
| | ITEM: | Fireworks |
| 12:00 P.M. | ATTENDEE(S): | Nathan Mosley / Marc Pedrucci / Yvonne Fischback, Hyland Hills Executive Director / Terry Barnhart, Hyland Hills Parks Planner |
| | ITEM: | Lowell Ponds Wildlife Area and Jim Baker Reservoir |
| 1:00 P.M. | ATTENDEE(S): | Raymond Gonzales |
| | ITEM: | Administrative Item Review / Commissioner Communications |
| 1:30 P.M. | ATTENDEE(S): | Heidi Miller |
| | ITEM: | Executive Session Pursuant to C.R.S. 24-6-402(4)(e) for the Purpose of Advising Negotiators Regarding Economic Incentives |
| 2:00 P.M. | ATTENDEE(S): | Heidi Miller |
| | ITEM: | Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and (e) for the Purpose of Receiving Legal Advice and Instructing Negotiators Regarding Regional Transportation Authority |

(AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE)

AGENDA IS SUBJECT TO CHANGE



STUDY SESSION AGENDA ITEM

DATE:	February 13, 2018
SUBJECT:	External Audit Work Plan and Update for the 2017 Fiscal Year
FROM:	Benjamin Dahlman
AGENCY/DEPARTMENT:	Finance Department
ATTENDEES:	Benjamin Dahlman, CLA Representatives: Paul Niedermuller, CPA and Allison Slife, CPA
PURPOSE OF ITEM:	Discuss External Audit Work Plan for 2017 and Introduce CliftonLarsonAllen's Staff Assigned to the Engagement
STAFF RECOMMENDATION:	Proceed with 2017 External Audit Work Plan

BACKGROUND:

Local Governments including Adams County are required by C.R.S. 29-1-603 to have an annual audit performed on the financial statements. The County's financings also require annual audits as continuing disclosure.

The County's annual audit includes two primary components in the Comprehensive Annual Financial Report (CAFR). The Financial Section includes the County's Financial Statements. The Compliance Section includes the Single Audit which was conducted in conformity with the provision of the Single Audit Act of 1987, the Single Audit Act Amendments of 1996, and Title 2 U.S. Code of Regulation Part 200. The County's audit firm gives opinions related to these items.

CliftonLarsonAllen LLC has been selected as the County's External Auditor. The contract was approved in Public Hearing on December 6, 2016.

As mentioned in the Public Hearing, CliftonLarsonAllen LLC will engage the Board and discuss the audit process. Specific topics to be covered are as follows:

1. Introductions
2. Scope of the Audit: discussion about what an audit is and why it is performed
3. Auditors' Responsibilities under U.S. Generally Accepted Auditing Standards (GAAS)
4. The Auditors' and Board of County Commissioners' Roles in the Audit

5. Risk Assessment and Fraud: discussion on what this is and auditors' responsibilities
6. Discussion on required communications and deliverables between the auditors and Board
7. Findings: overview of what a finding is, types of findings, and how they are communicated

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Finance Department

ATTACHED DOCUMENTS:

CLA Presentation

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 1

Cost Center: 9252

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			\$123,500
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

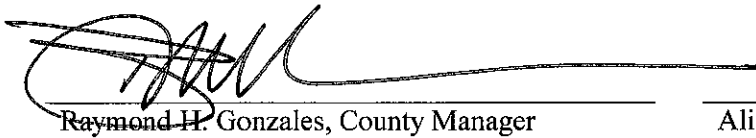
New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

This is a multiple year contract which is a traditional timeframe for such work. The cost represented above is for this year only.

APPROVAL SIGNATURES:




Raymond H. Gonzales, County Manager

Alisha Reis, Deputy County Manager

Bryan Ostler, Deputy County Manager

Patti Duncan, Deputy County Manager

APPROVAL OF FISCAL IMPACT:



Budget / Finance

Adams County, Colorado

Comprehensive Annual Finance Report (CAFR)
Audit and Single Audit

Fiscal Year 2017

Audit Entrance Meeting with the Board of
County Commissioners

February 13, 2018

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC,
an SEC-registered investment advisor. | ©2018 CliftonLarsonAllen LLP



Fiscal Year 2017 Audit Entrance Meeting Agenda

- Introductions
- Scope of Audit
- Responsibilities under GAAS
- The BOCC's Role in the Audit
- Risk Assessment
- Required Communications and Deliverables
- Discussion on Findings
- Questions



Scope of the Audit: Why is an audit performed?

- Colorado's Local Government Audit Law requires every local government (cities, counties, special districts, school districts, authorities, political subdivisions, and others) in the state to undergo an annual financial audit conducted by an independent CPA firm.
- The State Auditor is required to examine all audit reports to determine compliance with accounting standards.



Scope of the Audit: what is an audit?

- An examination of the financial report of an organization by someone independent of the organization.
- To determine: accounting records are accurate and complete, prepared in accordance with GAAP, and the financial statements are free of material misstatement.
- Required to report to Governance (Board) on control deficiencies, significant deficiencies and/or material weaknesses in internal controls when identified during the audit.



Scope of the Audit

- Financial Statement Audit – Comprehensive Annual Financial Report (CAFR)
- Single Audit
 - Preliminary major program determination – 6 programs:
 - ◇ Medicaid, Child Care & Development Block Grant Cluster (CCDF), Supplemental Nutrition Assistance Program (SNAP), Social Services Block Grant (SSBG), Child Support Enforcement (CSE)
 - ◇ Community Development Block Grant – Disaster Recovery (CDBG-DR)
 - ◇ Potential for additional programs to be identified based on final SEFA
 - Schedule of Expenditures of Federal Awards (SEFA)
- Findings and Recommendations



Responsibilities under US Generally Accepted Auditing Standards (GAAS)

- Auditors are responsible for:
 - Expressing opinions on whether financial statements are in conformity with U.S. Generally Accepted Accounting Principles
 - Expressing opinions only over information identified in our report. Other information reviewed, but not subjected to testing
 - Performing audit in accordance with required auditing standards
 - Communication of significant matters related to audit



Responsibilities Under GAAS (continued)

- An Audit in Accordance with GAAS
 - Does not relieve management of responsibilities.
 - Includes consideration of internal control as a basis for audit procedures, but not to opine on effectiveness of internal controls.



The BOCC's Role in the Audit

The COSO Framework



Risk Assessment

Prior Year Knowledge/Team
Brainstorming Session

Interviews with
Management, Operating
Personnel, Internal Audit,
BOCC

**Risk
Assessment**

Regulatory Reports

Inherent Risk/Other



Risk Assessment and Significant Accounts/Transactions

- Perform risk assessment to determine material accounts/transactions.
- Include those accounts that are quantitatively and/or qualitatively material. Matter of auditor judgment.
- Will obtain an understanding of risks (risk of error, fraud, and/or noncompliance) and control environment for each.
- Nature of the account/transaction and risks identified will dictate if test of operating effectiveness is performed.



Required Communications to BOCC and management

- Preliminary Communications to Governance:
 - Responsibilities under US Generally Accepted Auditing Standards (GAAS) and the Uniform Guidance
 - Planned scope and timing of the audit
- Communications to Governance – Conclusion:
 - Significant findings or issues from the audit
- Management Letter at Conclusion:
 - Deficiencies in internal control other than significant deficiencies and material weaknesses

Required Deliverables

- Deliverables included in CAFR:
 - Independent Auditors' Report – **opinions on the financial statements**
 - Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (GAS/Yellow Book report) – **report on internal controls over financial reporting**
 - Independent Auditors' Report on Compliance For Each Major Federal Program and Report on Internal Control Over Compliance Required By The Uniform Guidance – **opinion on federal programs and findings severity**
 - **Schedule of Findings and Questioned Costs** – includes financial statement findings and federal award findings (material weaknesses and significant deficiencies)



Findings – What are they?

- An audit finding is defined as an area of **potential control weakness, policy violation, or non-compliance with the terms and conditions** of the award or other issue identified during the audit.
- A finding is reported as either a **significant deficiency or material weakness over internal control and/or compliance**.



Types of Audit Findings: Significant Deficiency vs Material Weakness

- **Significant Deficiency:** is a deficiency, or a **combination of deficiencies, in internal control over financial reporting or major programs**, that is **less severe than a material weakness** yet important enough to merit attention by those responsible for oversight of the entity.
- **Material Weakness:** is a deficiency, or a **combination of deficiencies, in internal control over financial reporting or major programs**, such that there is a reasonable possibility that a **material misstatement** of the financial statements or material non-compliance with a program requirement **will not be prevented or detected** on a timely basis.



How are findings communicated?

- Significant deficiencies (SDs) and material weaknesses (MWs) are required to be reported in the “Schedule of Findings and Questioned Costs” – in the CAFR package (compliance section)
- Deficiencies in internal control that are not SDs or MWs are reported in the management letter that is given to the BOCC and management



Questions?



Paul Niedermuller, CPA
Principal, State and Local Government
303-439-6053
Paul.Niedermuller@CLAconnect.com

Allison Slife, CPA
Principal, State and Local Government
303-439-6018
Allison.Sliffe@CLAconnect.com

[CLAconnect.com](https://www.CLAconnect.com)



STUDY SESSION AGENDA ITEM

DATE: February 13, 2017
SUBJECT: Public Notice Regulations
FROM: Kristin Sullivan, Director of Community and Economic Development
AGENCY/DEPARTMENT: Community and Economic Development
ATTENDEES: Kristin Sullivan, Nana Appiah, Christine Francescani, Libbie Adams
PURPOSE OF ITEM: To provide a summary of Adams County regulations for land-use hearing public notifications
STAFF RECOMMENDATIONS: Informational

BACKGROUND:

The purpose of this study session is to provide a summary of the County's current regulations for land use public hearing notifications. Staff will also discuss past efforts made to broaden the notification area requirements and recipients, as well as current efforts to add other alternatives to the current process.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community and Economic Development

ATTACHED DOCUMENTS:

Presentation

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: N/A

Cost Center: N/A

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

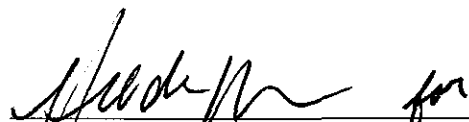
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Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

APPROVAL SIGNATURES:




Raymond H. Gonzales, County Manager

Alisha Reis, Deputy County Manager

Bryan Ostler, Deputy County Manager

Patti Duncan, Deputy County Manager

APPROVAL OF FISCAL IMPACT:



Budget / Finance

Land Use Public Notice Requirements

Community and Economic Development
February 13, 2018



Current County Regulations – Public Notice

(Section 2-01-06)

- **Written Notice:**

- Mailed to owners of record within 500 feet (excluding public rights-of-way, parks, open space) of the subject site
- Notify all representatives of neighborhood groups and homeowner's associations
- Mailed twice, first once application is submitted and then 10 days before public hearing
- Include the date, time, place, and purpose of public hearing

- **Posted Notice:**

- Posted at least 10 days prior to first public hearing date
- Minimum size of 2 square feet
- Include date, time, place, and purpose of public hearing
- Include phone number and address of case manager

- **Published Notice (BOCC hearings only):**

- Include time, date, and place of public hearing
- Publish in the official County newspaper 30 days prior to any hearing before BOCC
- Failure to publish shall delay hearing

Staff Procedure – Public Notice

- **Staff follows required public notice procedures**
 - Typically exceed 500-foot notice requirements, especially where development is sparsely populated
 - Post signs on property
- **Request for Comments:**
 - Staff sends request for comments to agencies as required by the regulations
 - Staff sends request for comments to property owners
- **Exploring alternative options for notifications**

Public Notices

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000A
Brighton, CO 80601-8218
PHONE: 720.523.6800
FAX: 720.523.6807

Request for Comments

Case Name:	Hansen Variance
Case Number:	PRA2017-00004

May 9, 2017

Adams County Board of Adjustment is requesting comments on the following request:

- 1) Requesting variance from the minimum required front setback for an accessory structure along Iola Street in the Agricultural-1 (A-1) zone district pursuant to Section 3-08-07-04-01;
- 2) Requesting variance from the minimum required front setback for an accessory structure along E. 152nd Avenue in the A-1 zone district pursuant to Section 3-08-07-04-01.

This request is located at **15180 IOLA ST**
The Assessor's Parcel Number is 0157114202001
Legal Description is **SILVER SPRINGS MEADOWS FILING NO 1 LOT: 52**
Applicant Information **HANSEN KENNETH J**
15180 IOLA ST
BRIGHTON, CO 806027456

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216. (720) 523-6820 by **May 30, 2017** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to ECollins@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Emily Collins
Emily Collins, AICP
Case Manager

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry DISTRICT 1	Charles "Chaz" Tedesco DISTRICT 2	Erik Hansen DISTRICT 3	Steve O'Dorizio DISTRICT 4	Mary Hodge DISTRICT 5
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Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000A
Brighton, CO 80601-8218
PHONE: 720.523.6800
FAX: 720.523.6807

Public Hearing Notification

Case Name:	Hansen Variance
Case Number:	PRA2017-00004
Board of Adjustment Hearing Date:	10/05/2017 at 6:00 p.m.

September 15, 2017

A public hearing has been set by the Adams County Board of Adjustment to consider the following request:

- 1) A variance of 62-feet from the minimum required 100-foot front setback for an accessory structure along E. 152nd Ave.;
- 2) A variance of 7-feet from the minimum required 56-foot front setback along Iola Street for an accessory structure;
- 3) A variance of 60-feet from the minimum required 120-foot section line setback (E. 152nd Ave).

This request is located at **15180 IOLA ST**
The Assessor's Parcel Number is 0157114202001
Applicant Information: **HANSEN KENNETH J**
15180 IOLA ST
BRIGHTON, CO 806027456

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at 720-523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date. For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S. Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Emily Collins
Emily Collins, AICP
Case Manager

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry DISTRICT 1	Charles "Chaz" Tedesco DISTRICT 2	Erik Hansen DISTRICT 3	Steve O'Dorizio DISTRICT 4	Mary Hodge DISTRICT 5
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Public Notices



Recommendation

- Continue following current standards and explore other alternative methods of informing all residents in a project area
- Pending meeting with Postmaster



STUDY SESSION AGENDA ITEM

DATE: February 13, 2017
SUBJECT: Firework Stand Regulations
FROM: Kristin Sullivan, Director of Community and Economic Development
AGENCY/DEPARTMENT: Community and Economic Development
ATTENDEES: Kristin Sullivan, Nana Appiah, Libbie Adams
PURPOSE OF ITEM: To provide a summary of Adams County regulations for firework stands
STAFF RECOMMENDATIONS: Informational

BACKGROUND:

The purpose of this study session is to provide a summary of the County's current regulations for firework stands to the Board of County Commissioners. Staff's presentation will include the permitting requirements, specific performance standards, and the number and location of approved firework stand permits.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community and Economic Development

ATTACHED DOCUMENTS:

Presentation

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: N/A

Cost Center: N/A

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			


	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

APPROVAL SIGNATURES:


Raymond H. Gonzales, County Manager

Alisha Reis, Deputy County Manager


Bryan Ostler, Deputy County Manager

Patti Duncan, Deputy County Manager

APPROVAL OF FISCAL IMPACT:


Nancy Duncan
Budget / Finance

Firework Stands Regulations

Community and Economic Development

February 13, 2018



Current County Regulations – Fireworks Stands

- **Temporary Use Permits:**

- Applications submitted no later than last business day in May

- **Submittal Requirements:**

- Written explanation
- Site plan – with Fire Department Approval
- Certificate of Insurance (\$400,00.00)
- Proof of ownership
- Proof of water, sewer, and trash services
- Proof of utilities
- Certificate of taxes paid
- Review Letter from Tri County Health Department
- Application Fee: \$1,000

- **Reviewing Agencies:**

- Tri County Health (prior to application submittal)
- Fire Department (prior to application submittal)
- Adams County Development Review Team (30 days review time)

Current County Regulations – Fireworks Stands

- **Operational Requirements:**

- May be operated from June 15 through July 5
 - all stands must be removed no later than July 15
- Hours of operation limited to 7 a.m. to 10 p.m.
- Maximum allowed gross floor area is 800 sq.ft. per stand/tent
- Vegetation within clear areas of the site cannot exceed 2 inches in height with the exception of shrubs
- Signs shall not exceed 32 sq. ft.
- Pennants may be used to define parking area and shall be depicted on site plan
- Site shall be kept clear of trash and debris

- **Construction Requirements:**

- Setbacks: 30 feet from all property lines, 50 feet from permanent structures
- Constructed of wood, metal, or other approved material
- Properly anchored to ground
- Electrical wiring shall comply with State requirements

Current County Regulations – Fireworks Stands

- **Safety Requirements:**

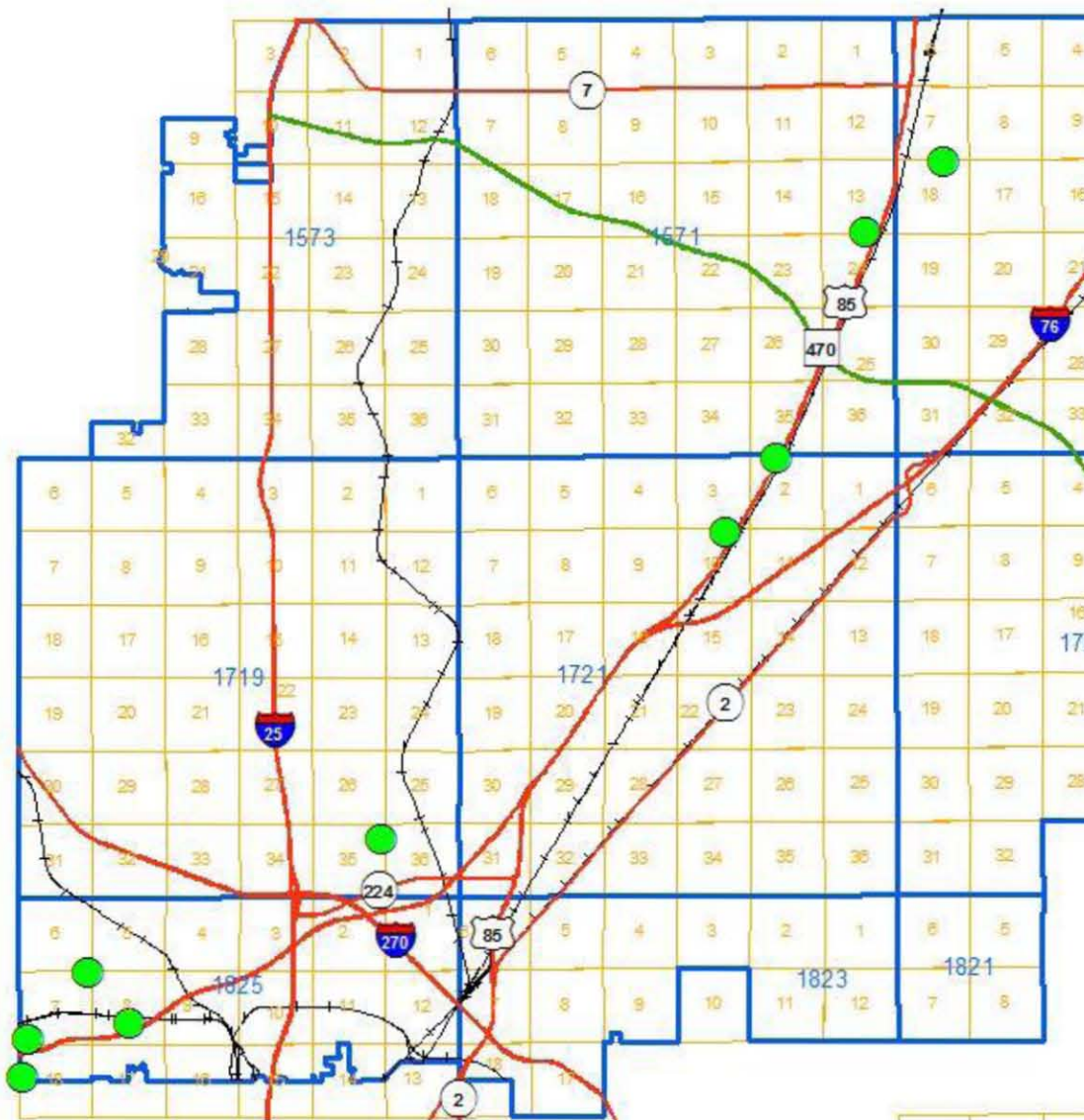
- Exits shall be required and are based on size of stand
- “No smoking” signs shall be provided
- A person 21 or over shall be present at all times
- No person under 16 is permitted to purchase or vend fireworks
- Fireworks shall not be discharged within 300 feet of stand or 100 feet from a property line
- No sales of wholesale fireworks

Firework Stands Permitted Per Year

Year	Fireworks Stands Approved
2017	9
2016	9
2015	9
2014	11
2013	10

*Currently there is one permanent fireworks retail business located at 5401 Federal Blvd

2017 Firework Stand Locations



County Options for Regulating Fireworks

- **Pass an ordinance prohibiting or restricting the sale, use and possession of fireworks for no more than one year, within all or any part of the unincorporated areas of the County. Except that the ordinance cannot be in effect between May 31 and July 5 of any year without an express finding of high fire danger, based on competent evidence.**
- **Issue permits for the storage of fireworks or for the facilities used for the retail sales of fireworks, and adopt reasonable rules for the granting of such permits.**
- **Issue permits for the display of fireworks or pyrotechnic special effects performances, and adopt reasonable rules for the granting of such permits. The permits may only be issued for displays meeting specific national safety requirements and may only be issued to a certified fireworks display operator or a certified pyrotechnic operator.**

Questions?



STUDY SESSION AGENDA ITEM

DATE:	February 13, 2018
SUBJECT:	Lowell Ponds State Wildlife Area and Jim Baker Reservoir
FROM:	Nathan Mosley
AGENCY/DEPARTMENT:	Parks & Open Space
ATTENDEES:	Nathan Mosley, Marc Pedrucci and Hyland Hills Parks & Rec staff
PURPOSE OF ITEM:	Update the BoCC on the decision by CDPW to cease management of Lowell Ponds State Wildlife Area and discuss options and next steps
STAFF RECOMMENDATION:	That the BoCC provide direction to the Parks and Open Space Department to formalize an agreement for adoption by the board that would allow CDOT to convey the Lowell Ponds Wildlife Area to Adams County and simultaneously allow staff to work with Hyland Hills to assign the Jim Baker Reservoir management agreement to Hyland Hills.

BACKGROUND:

Lowell Ponds State Wildlife Area is a 43-acre property located between Lowell Blvd. and Tennyson St. directly south of I-76. The property is owned by CDOT, and has been leased to the Colorado Division of Parks and Wildlife (CDPW) since 1985 for a fishing and wildlife observation area as part of a 99 year lease. It contains three ponds that resulted from gravel mining, and is primarily used by the public for fishing access. CDPW recently contacted Adams County and Hyland Hills Park & Rec District to inform us that they are working with CDOT to cease management of the property and to see if the county and/or Hyland Hills would be interested in taking over management of the property. The Parks and Open Space Department (POSD) and Hyland Hills staff have met to discuss this opportunity and staff from both organizations feel it is important to continue to have Lowell Ponds open to the public and actively managed so that it remains an asset and benefit to county residents.

The staff of the POSD and Hyland Hills discussed various scenarios to involve both agencies in the potential acquisition of Lowell Ponds with the goal of making an agreement as equitable as possible for both agencies. Because Lowell Ponds is a natural area similar to many of the county's open space properties with similar maintenance activities (noxious weed control, soft surface trails, fishing access, regional trail access), and its location adjacent to properties the county already owns and manages (55th & Lowell Trailhead, Clear Creek Trail), it was agreed that the POSD is probably better suited to manage Lowell Ponds.

To ensure an equitable solution, it was suggested that Hyland Hills could assume management of the recreational improvements at Jim Baker Reservoir since the county would be taking over management of Lowell Ponds. Jim Baker Reservoir is a 75 acre parcel that serves as a water storage reservoir owned and operated by the City of Westminster, and located in un-incorporated Adams County. The county

requested that Westminster allow for recreational public access to the reservoir as a part of the land use approval process in 1996. Westminster and the County executed an IGA that allowed for the county to develop and maintain recreational improvements at Jim Baker Reservoir. The POSD is now proposing that we assign the IGA to Hyland Hills and have them be responsible for managing and maintaining the public access improvements at Jim Baker Reservoir. This would help to offset the costs that the POSD would incur by taking over management of Lowell Ponds.

POSD and Hyland Hills staff recently met with a representative from CDOT to discuss the possibility of assuming the lease from CDPW. It was at this time that CDOT informed us of their interest in conveying the property ownership instead of the long term lease to the county or Hyland Hills at no cost.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Parks & Open Space, Hyland Hills Parks & Recreation District, CDOT, CDPW

ATTACHED DOCUMENTS:

PowerPoint Presentation

1985 Lease Agreement between CDOT and CDPW

Map of Lowell Ponds and adjacent properties owned/managed by ADCO and HHPRD

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:

Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

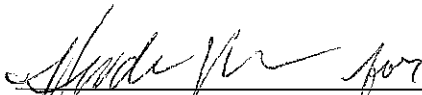
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Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

APPROVAL SIGNATURES:




Raymond H. Gonzales, County Manager

Alisha Reis, Deputy County Manager

Bryan Ostler, Deputy County Manager

Patti Duncan, Deputy County Manager

APPROVAL OF FISCAL IMPACT:



Budget / Finance



Parks and Open Space Update on Lowell Ponds Wildlife Area and Jim Baker Reservoir

Parks and Open Space Presentation

February 13, 2018



Staff Request

That the BoCC provide direction for Parks and Open Space staff to continue working collaboratively with Hyland Hills and CDOT to formalize agreements for the Lowell Ponds Wildlife Area and Jim Baker Reservoir



Project Highlights

- Lowell Ponds Wildlife Area – 43 acre
- Owned by CDOT
- Currently managed by Colorado Parks and Wildlife (CPW)





Project Highlights

- CPW Stepping away
- CPW reached out to Adams County & HH
- AC & HH have been discussing options





Project Options

- CDOT control
- Adams County assume Lease
- CDOT formally convey property to Adams County





Property Overview



Clear Creek

Onsite Buildings/Future parking lot

Clear Creek Regional Trail

Area Overview





Staff Request

That the BoCC provide direction to the Parks and Open Space Department to formalize an agreement for adoption by the board that would allow CDOT to convey the Lowell Ponds Wildlife Area to the County and simultaneously allow staff to work with Hyland Hills to assign the Jim Baker Reservoir management agreement to Hyland Hills.



Questions?

COPY

Ac 86-4

07/01/85
DOC
Pa.B.MET

TS/CC

Property Mgt. No. P 12-068-00
Project No. I 76-1(35)
Parcel No. L-64
Property Address _____

N-3

LEASE AGREEMENT

THIS AGREEMENT, made and entered into in duplicate this 13th day of JUNE, A.D., 1985, by and between the State of Colorado for the use and benefit of State Department of Highways, Division of Highways, the Lessor, and THE COLORADO DEPARTMENT OF NATURAL RESOURCES FOR THE USE AND BENEFIT OF THE DIVISION OF WILDLIFE, the Lessee,

(a) WITNESSETH: The parties hereto, for the considerations and pursuant to the conditions hereinafter mentioned, covenant and agree as follows:

Therefore, in consideration of the sum of One Dollar paid to the Lessor for the full term of this lease. The Lessor hereby leases to Lessee the premises known and described more fully on Exhibit A which is attached hereto and is hereby incorporated by reference, TO HAVE AND TO HOLD the same, together with all appurtenances, unto Lessee for the term beginning 12 Noon JULY 1st, 19 85, and ending 12 Noon JUNE 30th, 2084.

1. Access to the premises will be only from West 56th Way. The Lessee will be responsible for any maintenance necessary to maintain this access way.

2. All maintenance or repair to structural or ground improvements on the premises, either temporary or permanent, shall be the responsibility of the Lessee. The structural improvements shall be maintained consistent with the requirements of Adams County.

3. This premises and all existing improvements or future improvements located or placed on the premises by the Lessor shall remain the property of the Lessor. Upon termination or cancellation of this agreement, the Lessee shall have the right to remove any improvements and other reusable materials placed on the property by the Lessee.

4. The Lessor reserves the right to construct a bike/jogging path on the south side of Clear Creek, and to construct fencing along the

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southerly right of way line of I-76 between Lowell Boulevard and Tennyson Street as a part of and at the time a highway construction project is constructed on the proposed interstate highway construction project for this area. The approximate location of these improvements are illustrated in red on Exhibit A.

5. The Lessee shall be solely responsible to the Lessor for administering the premises described under this lease. This lease cannot be sublet or assigned without the written consent of the Lessor. The proposed sub-lessee, Adams County, Highland Hill Recreation District, is accepted.

6. It is understood and agreed that the lessee may use the premises only for a Fishing and Wildlife observation area. The improvements may be used for an area Wildlife office and a holding area for crippled or injured fish or wildlife. The premises may not be used for any other purpose without the specific written prior permission of the lessor. Any other use of the premises shall constitute a material breach of the lease and shall cause this lease to terminate immediately.

7. The lessee shall not commit, nor permit the commission of any act or thing which shall be a violation of any ordinance of the County of Adams, or of any law of the State of Colorado or the United States.

8. No permanent structures of any kind shall be erected or moved upon the premises by the lessee without the prior written permission of the lessor.

9. The Lessee, for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the Land:

(a) That no person shall, on the grounds of race, color, creed, sex, religion, age, national origin, marital status, mental or physical impairment, etc. be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of any facilities that may be developed on the leased premises;

(b) That in connection with the construction of any improvements on said premises, and the furnishing of any services,

no discrimination shall be practiced in the selection of employees and contractors, by contractors in the selection and retention of first-tier subcontractors, and by first-tier subcontractors in the selection and retention of second-tier subcontractors;

(c) That such discrimination shall not be practiced against the public in its access to and use of the facilities and services provided on the leased premises; and

(d) That the Lessee shall use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A, Office of the Secretary of Commerce, Part B (15 C.F.R., Part B), and as said Regulations may be amended.

10. The parties hereto specifically understand that the premises covered by this lease were acquired by the Lessor as remainder parcels or advance right of way. The premises are not presently needed for highway purposes. The parties have utilized their best effort to estimate the date upon which such future need of the premises for highway purposes will occur. However, both parties understand that if the premises are necessary for highway purposes before the expiration of this lease, lessor has the right to cancel the lease by giving the lessee 365 days written notice of its intention to cancel the lease. The notice shall be sent to lessee, Certified Mail, return receipt requested.

11. This lease may also be cancelled by the Lessee by giving Lessor Three Hundred Sixty-Five days written notice of its intent to do so.

12. The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution and enforcement of this contract. Any provision of this contract whether or not incorporated herein by reference which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or

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enforceable or available in any action at law whether by way of complaint, defense or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.

13. The signatories aver that to their knowledge, no state employue has any personal or beneficial interest whatsoever in the service or property described herein.

14. The signatories hereto aver that they are familiar with 18-9-301, et seq. (Bribery and Corrupt Influences) and 18-8-401, et seq. (Abuse of Public Office), C.R.S. 1973, as amended, and that no violation of such provisions is present.

15. This contract shall not be deemed valid until it has been approved by the State Controller as required by the Colorado fiscal rules.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first above written.

State of Colorado
Department of Natural Resources

[Signature]
David Hetches
Executive Director
Date _____

Division of Wildlife

[Signature]
By: James R. Ruch, Director
Date _____

LESSOR:

STATE OF COLORADO
Acting by and through Department
of Highways
and for RICHARD D. LAKE,
GOVERNOR

By [Signature]
for the Executive Director

APPROVED:

DEPARTMENT OF ADMINISTRATION

By [Signature]
Director
State Buildings Division

DIVISION OF ACCOUNTS AND CONTROL

By [Signature]
State Controller
Date 11/16/35
JAMES A. STROUP

ATTORNEY GENERAL
STATE OF COLORADO

[Signature]
DUANE WOODARD
By [Signature]
LENN OBERNYER
Date _____
First Ass't. Attorney General
Natural Resources Section

STATE OF COLORADO

_____ COUNTY

OF ADAMS

The foregoing Lease Agreement was acknowledged before me
this 13th day of JUNE, A.D., 1935

By [Signature] for the Director & Executive Director Lessee

Witness my hand and official seal.

My Commission Expires JUNE 24, 1936

[Signature]
Notary Public

ADDRESS: 5627 Melody Dr.
Northglenn, Co 80221

COPY

EXHIBIT A

RIGHT OF WAY
TO BE LEASED TO

Parcel No. L-64
Sta 200 + to Sta 226 +

COLORADO DIVISION OF
WILDLIFE

FOR

I 76-1(35) Sec. 2
I-76 Extension
Sheridan to Pecos at Tennyson St.

State Highway No. 76

DESCRIPTION

A tract or parcel of land No. L-64 of the State Department of Highways, Division of Highways, State of Colorado, Project No. I 76-1(35) Sec. 2 containing 1,861,989 sq. ft., more or less, in the SE 1/4 of Section 7 and the NE 1/4 of Section 18, Township 3 South, Range 68 West, of the Sixth Principal Meridian in Adams County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the westerly right of way line of Lowell Blvd. (Nov. 1983), said point being 30 feet west of the east line of said Section 18, from which the NE corner of said Section 18 bears N. 80° 04' 25" E. a distance of 30.40 feet;

1. Thence N. 00° 48' 30" W. (N. 00° 09' 15" W. per Bk. 2836, Pg. 222) along said westerly right of way line a distance of 0.7 feet;
2. Thence S. 89° 19' 15" W. continuing along said westerly right of way line parallel with the southerly right of way line of West 56th Way (Nov. 1983) a distance of 30.00 feet;
3. Thence N. 00° 12' 30" W. continuing along said westerly right of way line of Lowell Blvd. (Nov. 1983) a distance of 50.00 feet;
4. Thence N. 89° 19' 15" E. continuing along said westerly right of way line parallel with the southerly right of way line of West 56th Way (Nov. 1983) a distance of 30.00 feet;
5. Thence N. 00° 12' 30" W. continuing along said westerly right of way line a distance of 100.00 feet to the intersection of the west right of way line of Lowell Blvd. (Nov. 1983) and the southerly right of way line of West 56th Way (Nov. 1983);

Parcel No. L-64
Proj. No. I 76-1(35) Sec. 2
Page 2

6. Thence S $89^{\circ} 19' 15''$ W. along said southerly right of way line a distance of 1652.00 feet;
7. Thence S. $89^{\circ} 21' 00''$ W. continuing along said southerly right of way line, said line being parallel with the north line of said Section 14, a distance of 161.50 feet;
8. Thence S. $70^{\circ} 44' 48''$ W. a distance of 125.33 feet to an easterly property line as described in Bk. 2210, Pg. 794 of the Adams County records;
9. Thence S. $02^{\circ} 24' 00''$ E. (S. $01^{\circ} 45' 00''$ E. per deed Bk. 2210, Pg. 794) along said property line a distance of 105.08 feet to the south line of said Section 7;
10. Thence S. $49^{\circ} 21' 07''$ W. along said south section line a distance of 7.0 feet;
11. Thence S. $00^{\circ} 51' 45''$ E. (S. $00^{\circ} 12' 30''$ E. per said deed) along said property line a distance of 481.55 feet to a point on a line connecting the center of the bridge on Lovell Blvd. with the center of the bridge on Tennyson St. (as said bridges existed on Oct. 10, 1960) as described in Bk. 2745, Pg. 1 of the Adams county records;
12. Thence S. $82^{\circ} 04' 45''$ W. along said line between centers of bridges a distance of 535.10 feet;
13. Thence S. $82^{\circ} 07' 15''$ W. (S. $82^{\circ} 47' 00''$ W. per deeds Bk. 293, Pg. 380; Bk. 1766, Pg. 341; Bk. 540, Pg. 480; and Bk. 1798, Pg. 436) a distance of 15.2 feet;
14. Thence S. $01^{\circ} 57' 00''$ W. (S. $01^{\circ} 36' 00''$ W. per said deeds) along a line parallel with the east line of Tennyson St. (March 1985) a distance of 116.97 feet;
15. Thence N. $89^{\circ} 04' 00''$ W. (N. $88^{\circ} 24' 00''$ W. per said deeds) a distance of 35.00 feet to the east right of way line of Tennyson St. (March 1985);
16. Thence S. $00^{\circ} 57' 00''$ W. (S. $01^{\circ} 36' 00''$ W. per said deeds) along said east right of way line of Tennyson St. a distance of 97.30 feet;

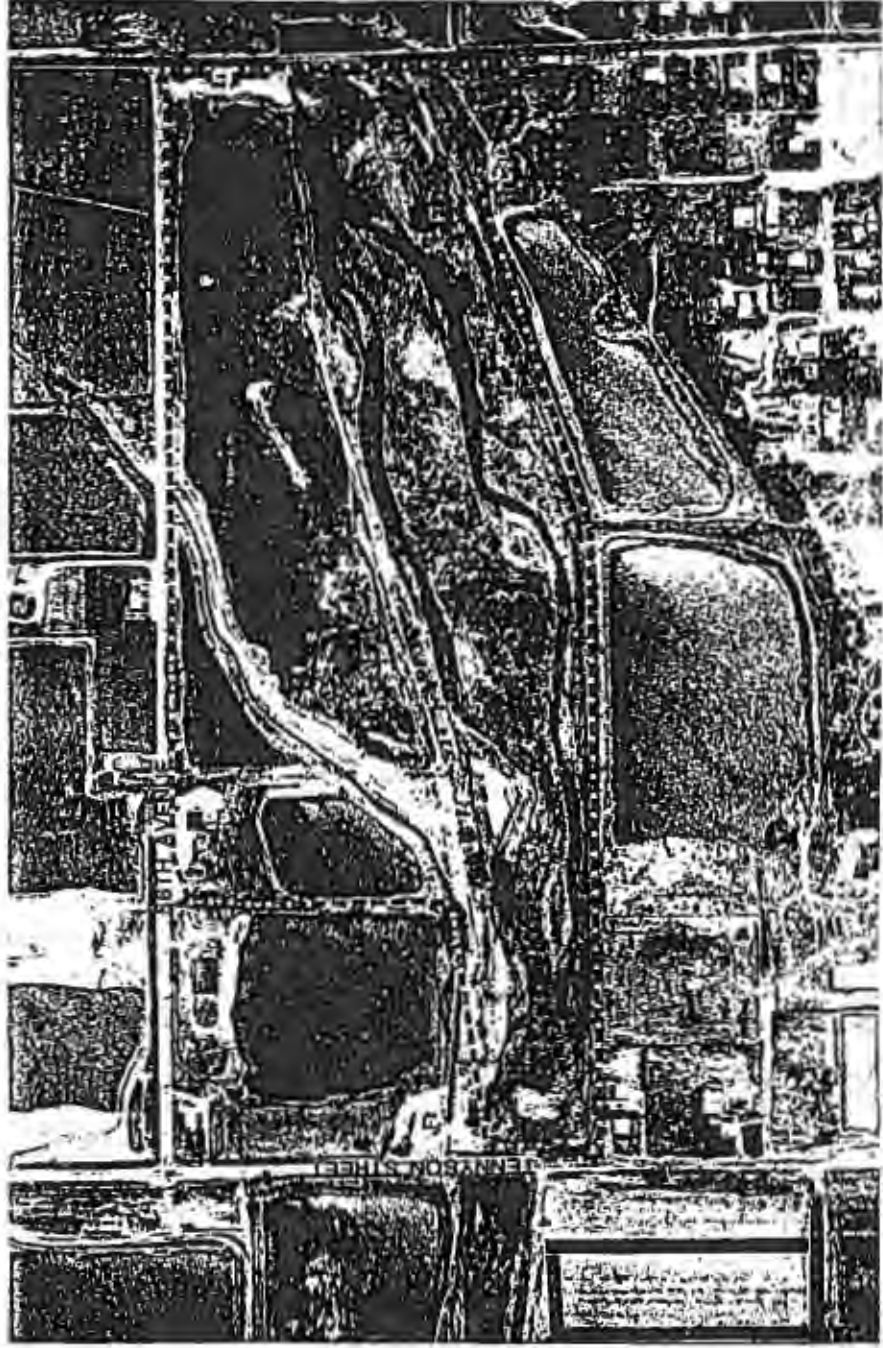
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17. Thence S. $00^{\circ} 52' 15''$ E. (S. $00^{\circ} 13' 00''$ E. per said deeds) continuing along said line parallel with the west line of the NE 1/4 of said Section 18 a distance of 42.1 feet to the south line of a 20' sanitary sewer easement to the Berkeley Water and Sanitation District as described in Bk. 2039, Pg. 281 and Bk. 2064, Pg. 563 of the Adams county records;
18. Thence N. $89^{\circ} 09' 45''$ E. along said south easement line distance of 1451.00 feet;
19. Thence N. $71^{\circ} 45' 45''$ E. continuing along said south easement line a distance of 818.20 feet;
20. Thence southerly per deeds Bk. 293, Pg. 380; Bk. 1766, Pg. 341; and Bk. 1798, Pg. 432; parallel with the east line of said Section 18, a distance of 173.0 feet;
21. Thence easterly per said deeds a distance of 163.0 feet to the NW corner of Lot 3, POMPONIO SUBDIVISION;
22. Thence northerly per said deeds a distance of 100.0 feet to the NW corner of Lot 1, POMPONIO SUBDIVISION;
23. Thence easterly per said deeds along the north line of said Lot 1, a distance of 127.0 feet to the NE corner of Lot 1, POMPONIO SUBDIVISION, said corner also being on the west right of way line of Lowell Blvd. (Nov. 1983);
24. Thence northerly per said deeds continuing along said west right of way line parallel with the east line of the NE 1/4 of said Section 18, a distance of 508.0 feet;
25. Thence northerly continuing along said west right of way line a distance of 114.7 feet, more or less, to the point of beginning.

The above described parcel contains 1,861,989 sq. ft., more or less.








Reserving from the above described parcel the west 30.0 feet of the east 60.0 feet of said Sections 7 and 18 for the future widening of Lowell Boulevard.

All bearings used in the above described parcel are oriented to the modified Colorado Coordinate System (Central Zone).



I-76 Wild Life Park

Legend

-  Jim Baker Reservoir
-  Lowell Ponds SWA
-  Westminster Property
-  Carl Park
-  Clear Creek Valley Park
-  Hyland Hills Property
-  55th & Lowell Trailhead

