

**AGENDA
CITY OF VICTOR
REGULAR COUNCIL MEETING
JUNE 18, 2020 – 6:00 P.M.
REMOTE***

The Victor City Council encourages and appreciates the community's interest in attending City Council meetings. Members of the public who are called to speak on an agenda item will be limited to a three-minute presentation.

- I. **CONVENE SPECIAL MEETING**
- II. **ROLL CALL**
- III. **CONSENT CALENDAR:** *(These items will be acted on as a whole, unless a specific item is called for discussion by a Council member or Mayor)*
 - A. **Minutes of Regular City Council Meeting: May 21, 2020** ☒
 - B. **Minutes of Special City Council Meeting: May 28, 2020** ☒
 - C. **Financial Statement: May, 2020** ☒
- IV. **PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT**
- V. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- VI. **ORDINANCES AND RESOLUTIONS**
 - A. **ORDINANCE NO. 512 – PUBLIC HEARING: AN ORDINANCE OF THE CITY OF VICTOR REZONING PROPERTY WITH AN ADDRESS OF 126 S. 4TH STREET FROM COMMERCIAL TO RESIDENTIAL – SECOND READING.** ☒
 - B. **RESOLUTION NO. 2020-06-18.01 – A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY AND BARBARA MCMILLAN AND AUTHORIZING THE MAYOR OR THE CITY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND RELATED CLOSING DOCUMENTS.** ☒
 - C. **RESOLUTION NO. 2020-06-18.02 – A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE CITY OF VICTOR, COLORADO THROUGH JULY 16, 2020.** ☒
- VII. **NEW BUSINESS**
 - A. **EMPLOYEE RETIREMENT BENEFITS – Retirement Plan**
- VIII. **REPORTS/PRESENTATIONS**
 - A. **Mayor and Councilor Reports/Presentations**
 - B. **Public Works – Kurt Yeater**
 - C. **Main Street - Becky Frank**
 - D. **City Administrator – Richard Mann**
 - E. **City Clerk/Treasurer – Glori Thurston**
- IX. **ADJOURN**

***To access the work session and meeting remotely, go to www.cityofvictor.com home page, under Public Notices and Other.**

WORKSESSION STARTING AT 5:00 P.M. PRIOR TO REGULAR COUNCIL MEETING

*Note: Any item on this agenda may be subject to a vote by City Council. Assistance for the hearing, visually, or physically impaired may be provided upon request. Please inquire at the office of the City Clerk, 1-719-689-2284, or to P. O. Box 86, Victor, CO 80860.
For persons with hearing impairments, please call RELAY COLORADO at 711 or 1-800-659-2656 and request "City of Victor at 719-689-2284."
The City of Victor supports efforts to affirmatively further fair housing.
THIS INSTITUTION IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.*

**MINUTES
CITY OF VICTOR
REGULAR CITY COUNCIL MEETING
MAY 21, 2020 – 6:00 P.M.
REMOTE**

- I. **CONVENE REGULAR MEETING:** Mayor Bruce Davis called the meeting to order at 6:00 p.m. Due to the City's Disaster Declaration on May 21, 2020 related to the COVID-19 virus, the meeting was held by means of virtual access provided through Zoom.
- II. **ROLL CALL:** Present were Mayor Davis (attended by way of virtual access), Councilors Buck Hakes (attended by way of virtual access), Michelle Wirtz (attended by way of virtual access), Mark Gregory (attended by way of virtual access) and Barbara Manning (attended by way of virtual access). Also present were City Administrator, Richard Mann and City Clerk, Glori Thurston.
- III. **CONSENT CALENDAR:** *(These items will be acted on as a whole, unless a specific item is called for discussion by a Council member or Mayor)*
A. Minutes of City Council Meeting: April 16, 2020
B. Financial Statement: April, 2020
A motion by Counselor Hakes to approve the Consent Calendar was seconded by Counselor Gregory. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- IV. **PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT:** None
- V. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:** None
- VI. **PUBLIC HEARING: PLANNING COMMISSION – REQUEST TO REZONE PROPERTY 126 S. 4TH STREET FROM COMMERCIAL TO RESIDENTIAL:** Mayor Davis opened a public hearing at 6:02 p.m. Becky Frank, City of Victor P&Z, explained the home was inadvertently zoned inside a commercial district when the last zone overlay was amended. No public comment. No supporters. No opponents. Mayor Davis closed the public hearing.
- VII. **ORDINANCES AND RESOLUTIONS**
- A. **ORDINANCE NO. 512 - AN ORDINANCE OF THE CITY OF VICTOR REZONING PROPERTY WITH AN ADDRESS OF 126 S. 4TH STREET FROM COMMERCIAL TO RESIDENTIAL - FIRST READING:** A motion by Counselor Hakes to approve Ordinance No. 512, Ordinance of the City of Victor rezoning property with an address of 126 S. 4th Street from commercial to residential, first reading was seconded by Counselor Gregory. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- B. **RESOLUTION NO. 2020-05-21.1 – A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE CITY OF VICTOR, COLORADO THROUGH JUNE 18, 2020:** Mr. Mann, Victor City Administrator, requested to extend the declaration of a local disaster emergency because the Emergency Operations Center is still active in Teller County. Mayor Davis commented the extension will allow the City of Victor access to emergency resources. A motion by Counselor Manning to adopt Resolution No. 2020-05-21.1 Extending the Order Declaring a Local Disaster Emergency in and for the City of Victor, Colorado, through June 18, 2020 was seconded by Counselor Gregory. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- VIII. **OLD BUSINESS**
- A. **AGREEMENT FOR PROFESSIONAL SERVICES – Miner's Union Hall Phase I Stabilization Project - High Country Welding and Construction Services, LLC - \$21,250.00:** Mr. Mann, Victor City Administrator, reported shoring for support will be used during the stabilization project. Mr. Sean Huffman, Owner of High Country Welding and Construction Services, LLC, ensured City Council that the Architect and other outside sources will be contacted when deemed necessary during this project. A motion by Counselor Manning to approve the agreement for professional services for the Miner's Union Hall Phase 1 Stabilization Project with High Country Welding and Construction Services, LLC in the amount of \$21,250.00 was seconded by Counselor Gregory. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- IX. **AN EXECUTIVE SESSION to consider the purchase, acquisition, lease transfer or sale of real,**

**Minutes
City of Victor
Regular City Council Meeting
May 21, 2020 – 6:00 p.m.**

personal, or other property, pursuant C.R.S. 24-6-402(4)(a), concerning the City's potential acquisition of property. A motion by Councilor Wirtz to convene into executive session to consider the purchase, acquisition, lease transfer or sale of real, personal, or other property, pursuant C.R.S. 24-6-402(4)(a), concerning the City's potential acquisition of property was seconded by Counselor Hakes. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.

- X. RECONVENE IN REGULAR SESSION:** Mayor Davis reported the time is now 6:31 p.m. and the executive session has been concluded. The participants in the executive session were Mayor Davis, Counselor Hakes, Counselor Wirtz, Counselor Manning, Counselor Gregory, Mr. Richard Mann, City Administrator and Glori Thurston, City Clerk/Treasurer.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings law, I ask that you state your concerns for the record. No concerns.

XI. REPORTS/PRESENTATIONS

- A. Mayor and Councilor Reports/Presentations:** Mayor Davis reported the Gold Belt and Scenic Byways, the organization's annual fundraisers, and distributions of the State funds to cities within the State. Counselor Hakes reported on the passing of former Mayor, Don Daniel, the condolence meat and cheese gift delivered to the family, and the planting of flowers by employee, Pete Colyer. Counselor Manning reported on a car parade with routes throughout Victor on June 18th for the Cripple Creek and Victor graduating high school seniors. Counselor Wirtz recognized Kim Lottig for her efforts and up-keep of the community garden. Counselor Gregory reported on his tour of the COVID-19 emergency center and thanked Becky Frank for the work she provided to that center. Counselor Wirtz thanked Glori Thurston for backing up Becky's absence at City Hall.
- B. Assistant City Administrator:** Becky Frank: Ms. Frank thanked everyone for their recognition, reported on the drawdown planning from OEM, zoning applications, grants and Main Street projects.
- C. City Administrator – Richard Mann:** Mr. Mann reported on the gaming grant, year round usage in the ice rink, recognized Becky Frank for her hard work at OEC, Glori Thurston for taking on extra work in the City Hall and reported on public works matters.
- D. City Clerk/Treasurer – Glori Thurston:** Ms. Thurston reported on the progress of the audit and special meeting date.

ADJOURN: Mayor Davis adjourned the meeting at 6:52 p.m.

ATTEST:

Byron L. Hakes Jr., Mayor Pro Tem

Glori Thurston, City Clerk

**MINUTES
CITY OF VICTOR
SPECIAL CITY COUNCIL MEETING
MAY 28, 2020 – 6:00 P.M.
REMOTE**

- I. CONVENE SPECIAL MEETING:** Mayor Bruce Davis called the meeting to order at 6:00 p.m. Due to the City's Disaster Declaration on May 21, 2020 related to the COVID-19 virus, the meeting was held by means of virtual access provided through Zoom.
- II. ROLL CALL:** Present were Councilors Buck Hakes (attended by way of virtual access), Michelle Wirtz (attended by way of virtual access), Barbara Manning (attended by way of virtual access) and Mayor Bruce Davis (attended by way of virtual access). Also present were City Administrator, Richard Mann and City Clerk, Glori Thurston.
- III. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT:** None
- IV. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:** None
- V. NEW BUSINESS**
- A. PUBLIC HEARING: SPECIAL EVENTS PERMIT – BPOE VICTOR ELKS #367: RESCHEDULED CANCELLED DATES FROM JUNE 19 - 21, 2020; JULY 17-19, 2020 TO JUNE 6, 2020; JULY 4, 2020; AUGUST 1, 2020 AND AUGUST 8, 2020:** A motion by Counselor Hakes to approve the rescheduled cancelled dates was seconded by Counselor Manning. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- B. AGREEMENT FOR PROFESSIONAL SERVICES – Bison Dam #2 Valve Repair Engineering – JDS Hydro Consulting, Inc. - \$40,550.00:** Mr. Richard Mann, City Administrator, reported this agreement is for the permanent repair and replacement of valve. Mr. Mann stated after reviewing all bids, staff recommends awarding the bid to JDS Hydro Consulting, Inc. who is the lowest responsible bidder. A motion by Counselor Manning to approve the agreement for professional services for Bison Dam #2 valve repair engineering to JDS Hydro Consulting, Inc. in the amount of \$40,550.00 was seconded by Counselor Hakes. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- C. DOVE IMPROVEMENT PROJECT BIDS:** Mr. Mann reported Langston Concrete, Inc. was the only bidder for this project. Mr. Mann stated the total price of bid exceeds project budget and staff recommends rejecting this bid. After further discussion, Counselor Hakes motioned to reject Langston Concrete, Inc.'s bid was seconded by Counselor Gregory. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- D. 2020 GAMING GRANT APPLICATION:** Mr. Richard Mann, City Administrator, explained the 2020 gaming grant request is for \$275,000.00 for law enforcement services. This amount may change due to state funding. A motion by Counselor Hakes to approve the 2020 gaming grant application in the amount of \$275,000.00 was seconded by Counselor Manning. Upon a roll call vote being taken, the vote was: Aye – 5 Nay – 0. The motion carried 5 – 0.
- VI. ADJOURN:** Mayor Davis adjourned the meeting at 6:15 p.m.

ATTEST:

Byron L. Hakes Jr., Mayor Pro tem

Glori Thurston, City Clerk

**CITY COUNCIL
OF THE CITY OF VICTOR, COLORADO**

ORDINANCE NO. 512

AN ORDINANCE OF THE CITY OF VICTOR REZONING PROPERTY WITH AN ADDRESS OF 126 S. 4TH STREET FROM COMMERCIAL TO RESIDENTIAL

WHEREAS, the City Council, after proper public notice and a public hearing having been held before both the Planning Commission and the City Council, has determined that the property with a legal description of L19-21 B21 VICT AKA L19-21 B21 PROVIDENCE ADD, CITY OF VICTOR, COUNTY OF TELLER, STATE OF COLORADO and with a street address of 126 S. 4th Street, Victor, CO 80860 (the "Property"), was erroneously zoned commercial under City of Victor Ordinance No. 500; and

WHEREAS, the City Council therefore determines that the Property should be rezoned Residential as permitted by Section 16-14-30(C)(1)(c) of the City of Victor Municipal Code.

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

Section 1. The City Council hereby determines that the existing Commercial zoning for the Property is erroneous and therefore amending the zoning for the Property from Commercial to Residential is warranted.

Section 2. The zoning for the Property is hereby amended from Commercial to Residential and the Official Zoning Map for the City of Victor is hereby amended accordingly.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Victor, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

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

Section 5. Repealer. All provisions of prior City ordinances, regulations, policies, procedures, and official actions irretrievably inconsistent with this ordinance are hereby repealed and superseded by this ordinance only to the extent of such inconsistency.

Section 6. Effective date. This ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, FIRST READ, PASSED AND ORDERED PUBLISHED IN FULL ON FIRST READING THIS 21st DAY OF MAY, 2020.


ATTEST:

Glori Thurston, City Clerk


Bruce M. Davis, Mayor

A PUBLIC HEARING ON THIS ORDINANCE WILL BE HELD ON THE 18th DAY OF JUNE, 2020, AT 500 VICTOR AVE., 2ND FLOOR, VICTOR, COLORADO AT 6:00PM. NOTICE OF PUBLIC HEARING PUBLISHED JUNE 3, 2020.

PASSED, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS 18th DAY OF JUNE, 2020.

Bruce M. Davis, Mayor

ATTEST:

Glori Thurston, City Clerk & Treasurer

PUBLISHED: June 3, 2020, Pikes Peak Courier

88940

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF Teller

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Pikes Peak Courier, LLC., a corporation the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of Teller, and the State of Colorado, and which is called Pikes Peak Courier; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 05/06/2020

That said newspaper has been published continuously and uninterruptedly in said County of Teller for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

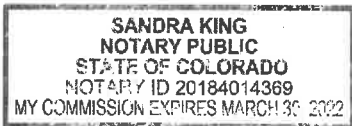


Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 05/06/2020, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette



Document Authentication Number
20184014369-520692

PUBLIC NOTICE

The City of Victor proposes to rezone the following property from Commercial to Residential with the agreement of the property owner:

126 S. 4th Street, Victor, CO 80860
L19-21 B21 VICT AKA L19-21 B21
PROVIDENCE ADD

A Public Hearing of the Victor Planning Commission on the rezoning of this property will be held on Thursday, May 21, 2020 at 6:00PM at Victor City Hall, 2nd Floor Council Chambers, 500 Victor Avenue, Victor, Colorado. At that time, questions and comments regarding this request will be addressed. All interested parties are urged to attend.

Written comments must be received no later than 3:00PM, May 21, 2020, and may be mailed to P. O. Box 86, Victor, CO 80860 or hand delivered to 500 Victor Ave., Victor, Colorado 80860.

Glori Thurston
City Clerk

Published in the Pikes Peak Courier May 6, 2020.

90393

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF Teller

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Pikes Peak Courier, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of Teller, and the State of Colorado, and which is called Pikes Peak Courier; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 06/03/2020

That said newspaper has been published continuously and uninterruptedly in said County of Teller for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

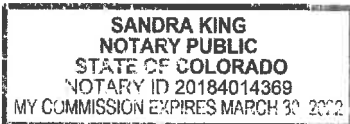


Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 06/03/2020, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette



Document Authentication Number
20184014369-576782

**CITY COUNCIL
OF THE CITY OF VICTOR, COLORADO**
ORDINANCE NO. 222

AN ORDINANCE OF THE CITY OF VICTOR REZONING PROPERTY WITH AN ADDRESS OF 126 S. 4TH STREET FROM COMMERCIAL TO RESIDENTIAL.

WHEREAS, the City Council, after proper public notice and a public hearing having been held before both the Planning Commission and the City Council, has determined that the property with a legal description of 126 S. 4TH STREET, VICTOR, COLORADO, with a street address of 126 S. 4TH STREET, VICTOR, CO 80866 (the "Property"), was erroneously zoned commercial under City of Victor Ordinance No. 269; and

WHEREAS, the City Council therefore determines that the Property should be zoned Residential as permitted by Section 16-14-300(1)(C) of the City of Victor Municipal Code.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR, COLORADO:

Section 1. The City Council hereby determines that the existing Commercial zoning for the Property is erroneous and therefore amending the zoning for the Property from Commercial to Residential is warranted.

Section 2. The zoning for the Property is hereby amended from Commercial to Residential and the Official Zoning Map for the City of Victor is hereby amended accordingly.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Victor, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

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

Section 5. Repealer. All provisions of prior City ordinances, regulations, policies, procedures, and official actions irrevocably inconsistent with this ordinance are hereby repealed and superseded by this ordinance only to the extent of such inconsistency.

Section 6. Effective date. This ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, FIRST READ, PASSED AND ORDERED PUBLISHED IN FULL ON FIRST READING THIS 21st DAY OF MAY, 2020.

Bruce M. Davis, Mayor

ATTEST:
Glenn Thurston, City Clerk

A PUBLIC HEARING ON THIS ORDINANCE WILL BE HELD ON THE 19th DAY OF JUNE, 2020, AT 500 VICTOR AVE., 2ND FLOOR, VICTOR, COLORADO AT 6:00PM.
Published in the Pikes Peak Courier June 3, 2020.

RESOLUTION NO. 2020-06-18.01

CITY OF VICTOR

**A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT
BETWEEN THE CITY AND BARBARA MCMILLAN AND
AUTHORIZING THE MAYOR OR THE CITY ADMINISTRATOR TO
EXECUTE THE PURCHASE AND SALE AGREEMENT AND RELATED
CLOSING DOCUMENTS**

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

Section 1. The Victor City Council hereby approves the Purchase and Sale Agreement attached hereto as **Exhibit A** (the "Purchase and Sale Agreement") and authorizes the Mayor or the City Administrator to execute the same.

Section 2. The Victor City Council hereby further authorizes the Mayor or the City Administrator to execute all documents required to effectuate the purchase of the property that is the subject of the Purchase and Sale Agreement with no further approval or action of the City Council required.

ADOPTED THIS 18th DAY OF JUNE, 2020, AT A REGULAR MEETING OF THE CITY OF VICTOR CITY COUNCIL

CITY OF VICTOR, COLORADO

Bruce M. Davis, Mayor

ATTEST:

Glori Thurston, City Clerk

EXHIBIT A

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2020 (the "Effective Date"), by and between Barbara McMillan with a legal address of 6795 Colorado Boulevard, Commerce City, Colorado, 80022, respectively ("Seller") and the City of Victor, Colorado, a Colorado municipality with a legal address of P.O. Box 86, Victor, Colorado 80860 (the "City").

WHEREAS, Seller is the owner of real property located in the City of Victor, Teller County, Colorado, with the following legal description:



which are also respectively described as:



WHEREAS, Seller desires to sell and the City desires to purchase the Property.

NOW, THEREFORE, in consideration of the foregoing premises and the covenants, promises and agreements of each of the parties hereto, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Purchase and Sale. Seller agrees to sell and the City agrees to buy the Property subject to the terms and conditions set forth in this Agreement.
2. Title Company. The title and escrow company for this transaction shall be chosen by the City (the "Title Company").
3. Purchase Price. The purchase price for the Property shall be Twenty-five Thousand Dollars (\$25,000.00) (the "Purchase Price"). The Purchase Price shall be paid by the City in cash, certified funds, or by wire transfer of federal or other immediately available funds.
4. City's Representations. The City represents that it has appropriated in 2020 funds for the full purchase price for the Property.
5. Inspection.
 - a. Seller and the City expressly covenant and agree that the City's satisfaction upon the inspection provided for herein is a specific condition precedent to

the obligation of the City to purchase the Property. The City shall have a period in which to review the documents and to make the inspections described below. The period of inspection (the "Inspection Period"), shall terminate on the earlier of: (i) receipt by Seller of notice from the City that the Property is suitable for purchase; or (ii) June 24, 2020.

i. **Title.** Not later than ten (10) days after the Effective Date, the City shall seek, at the City's expense, a title commitment issued by the Title Company, with a standard coverage purchaser's policy of title insurance, insuring title to each parcel constituting the Property as of the date of Closing in a total amount equal to the Purchase Price.

ii. **Due Diligence.** The City has the right to enter upon the Property at reasonable times for surveying, inspection, and other reasonable purposes related to the transaction contemplated hereunder.

b. During the Inspection Period, the City may make the above-described inspections, applications, reviews, studies, evaluations, or surveys required to satisfy itself as to the acceptability and suitability of the Property for purchase. Should, for any reason and in its sole discretion, the City not be satisfied that the Property is acceptable or suitable, the City shall notify Seller in writing on or before the expiration of the Inspection Period of its dissatisfaction, at which time this Agreement shall be considered null and void and of no further force and effect. The City shall have the right to waive its rights under this Paragraph 5 before the end of the Inspection Period. Failure of the City to notify Seller of its dissatisfaction prior to the expiration of the Inspection Period shall be deemed a waiver of the City's rights under this Paragraph and acceptance of the Property as suitable for purchase.

c. At Closing, Seller shall convey the Property free and clear of all liens and encumbrances.

6. **Closing.** The closing of this Agreement (the "Closing") shall be held at the office of the Title Company on July 2, 2020 or at a date and time set by the title company. At Closing, Seller shall deliver an executed and notarized general warranty deed, free and clear of all liens, encumbrances, and other exceptions and such other closing documents as are required by the Title Company for delivery of title to the City free and clear of all liens and encumbrances.

7. **Warranties.** As of the date of the Closing, Seller warrants as follows:

a. There are no actions, suits, proceedings or investigations pending or, to Seller's knowledge threatened, against, or affecting the Property.

b. To the best of Seller's knowledge, Seller is in compliance with the laws, orders, and regulations of each governmental department, commission, board, or agency having jurisdiction over the Property.

c. Seller is not a party to or subject to or bound by any agreement, contract or lease of any kind relating to the Property.

d. To the best of Seller's knowledge, no representation, warranty, or statement made herein by Seller contains any untrue statement of any material fact or omits to state any material fact necessary in order to make such representation, warranty, or statement not misleading.

e. Seller is duly authorized and has taken all necessary actions to execute and perform this Agreement and this Agreement is enforceable against Seller in accordance with its terms.

8. Possession. Upon Closing, possession of the Property shall be delivered to the City.

9. Costs and Fees. Closing fees and escrow fees shall be paid by the City. Per page recording costs and transfer taxes, if any, shall be paid by the City. The premium for the title insurance policy shall be paid by the City.

10. Taxes. Taxes for all years prior to closing shall be paid in full by Seller prior to Closing. Taxes for the year of Closing shall be prorated to the date of Closing.

11. Remedies upon Default.

a. Seller's remedies. If Seller has fully performed or tendered performance of its obligations under this Agreement and the City is unable or fails to perform its obligations, then Seller's sole remedy shall be to retain ownership over the Property and be released from its obligations to sell the Property to the City.

b. The City's remedies. If Seller fails to consummate the transaction contemplated by this Agreement for any reason except a material breach by the City, the City may elect, at the City's sole option: (i) not to purchase the Property and to be released from its obligations hereunder; or (ii) to proceed against Seller for specific performance of this Agreement.

12. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Teller County, Colorado.

13. Modification. This Agreement may only be modified upon written agreement of the parties.

14. Integration. The foregoing constitutes the entire agreement between the parties and no additional or different oral representation, promise or agreement shall be binding on any of the parties hereto.

15. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

16. No Third-Party Beneficiaries. There are no intended third-party beneficiaries to this Agreement.

17. Governmental Immunity. The City, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations, or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the City and its officers or employees.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

CITY OF VICTOR

Bruce M. Davis, Mayor

ATTEST:

Glori Thurston, City Clerk

SELLER

Barbara McMillan

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ day of _____, 2020, by _____.

My commission expires:

(S E A L)

Notary Public

RESOLUTION NO. 2020-06-18.02

CITY OF VICTOR

**A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL
DISASTER EMERGENCY IN AND FOR THE CITY OF VICTOR,
COLORADO THROUGH JULY 16, 2020**

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), in particular Section 24-33.5-709, a local disaster emergency may be declared by the Mayor and extended by the City Council;

WHEREAS, on March 19, 2020, the Mayor issued an order declaring a local disaster, which on that same date was extended until May 21, 2020, by the City Council via Resolution No. 2020-03-19.01;

WHEREAS, the local disaster emergency related to the COVID-19 pandemic continues to threaten the health, safety and welfare of the City, its residents, visitors, employees, and businesses and continues to constitute a local disaster emergency pursuant to the Act;

WHEREAS the City Council, therefore, desires to extend the declaration of a local disaster emergency through July 16, 2020, and to authorize an exemption from the City's Finance Policy in the acquisition of goods and services related to the disaster emergency; and

WHEREAS, this Resolution shall be promptly filed with the City Clerk, the Teller County Clerk and Recorder, and the Colorado Office of Emergency Management; and the public shall also be notified promptly through general dissemination to the news media, posting on the City website and by the use of other means of communication appropriate for informing the general public.

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

Section 1. The City Council hereby extends its Declaration of a Local Disaster Emergency in and for the City of Victor, Colorado, **until July 16, 2020**, unless sooner terminated or further extended by action of the City Council.

Section 2. The City shall not be required to comply with the bidding or advertising requirements set forth in the City of Victor Finance Policy in the acquisition of goods and services necessary for the immediate preservation of the public health and safety during the duration of this event of a local disaster. The City may be award contracts for such goods and services on a sole source basis.

Section 3. This Resolution shall be given prompt and general publicity, filed with the City Clerk and the Teller County Clerk and Recorder, and it shall be submitted to the Colorado Office of Emergency Management

ADOPTED THIS ____ DAY OF _____, 2020, AT A REGULAR MEETING OF THE CITY OF VICTOR CITY COUNCIL

CITY OF VICTOR, COLORADO

Byron L. Hakes Jr., Mayor-Pro Tem

ATTEST:

Glori Thurston, City Clerk