

MINUTES
EVANS CITY COUNCIL
Regular Meeting
April 17, 2012 - 7:30 P.M.

CALL TO ORDER

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

PLEDGE

ROLL CALL:

Present: Mayor Achziger, Mayor Pro Tem Morris, Councilmembers Brown, Burmont, Neibauer, Schaffer and Wells

PRESENTATION:

Mayor Achziger presented a plaque to Matt Wells for his dedication and service to the City of Evans.

SWEARING IN OF NEWLY ELECTED MAYOR AND CITY COUNCIL

The City Clerk administered the Oath of Office to the newly elected Mayor and City Council:

Lyle Achziger: Mayor

Laura Brown: Ward 1 – 4 yr. term

April Neibauer: Ward 2 – 2 yr. term

Fred Burmont: Ward 2 – 4 yr. term

Brian Rudy: Ward 3 – 4 yr. term

ELECTION OF MAYOR PRO TEM:

Councilmember Schaffer nominated John Morris as Mayor Pro Tem, Councilmember Brown seconded the nomination. Motion passed with all voting in favor thereof.

Councilmember Burmont made motion, seconded by Councilmember Brown to appoint John Morris as Mayor Pro Tem. Motion passed with all voting in favor thereof.

PROCLAMATION

National Victims' Rights Week – April 22-28, 2012

AUDIENCE PARTICIPATION:

There was no audience participation.

APPROVAL OF AGENDA:

Councilmember Brown made motion, seconded by Mayor Pro Tem Morris to approve the agenda as presented. Motion passed with all voting in favor thereof.

CONSENT AGENDA:

- A. Approval of Minutes of the Regular Meeting of April 3, 2012
- B. Ordinance No. 538-12 - 1st Quarter Budget Revision (2nd Rd)
- C. Resolution No. 12-2012 – Adoption of the 2012 Financial Policies

Councilmember Burmont excused himself from voting on approval of the minutes due to his absence from the April 3 meeting.

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve the Consent Agenda as presented. Motion passed with all voting in favor thereof.

NEW BUSINESS:

- A. Public Hearing – Resolution No. 13-2012 - Use by Special Review – Electrical Equipment Sheds at The Grove, Campus Crest – 3202 11th Avenue

Mayor Achziger opened the Public Hearing.

Sheryl Trent, Community and Economic Development Director, reported the following:

The City received an application from Campus Crest, land owner, represented by SolarCity Corp, for a Use by Special Review for construction of attached electrical equipment sheds to protect and conceal the electronics for the solar panels which are mounted on the roof of the buildings. The property location is 3202 11th Avenue, commonly referred to as The Grove.

The reason this is a Use by Special Review is that the entire project as constructed was approved by USR and any material changes or additions must also be approved by USR.

SolarCity is proposing to install these sheds on the indented corners of the buildings that house the solar roof panels. They will be constructed of the same materials as the outside of the building and any landscaping will be moved to other areas on the site.

Below are the Criteria for approval of a USR per Section 19.44.020.

19.44.020 Criteria for Use by Special Review.

- A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.
- B. Criteria. The following criteria shall be used to evaluate use by special review requests:
1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. Staff finds that this criteria can be met.
 2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use. Staff finds that this criteria can be met.
 3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area. Staff finds that this criteria can be met.
 4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic,

or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts. Staff finds that this criteria can be met.

5. The site shall be physically suitable for the type and intensity of the proposed land use. Staff finds that this criteria can be met.
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. Staff finds that this criteria can be met.
7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses. Staff finds that this criteria can be met.

After reviewing the Campus Crest USR it was determined that the criteria set forth in Section 19.44.020 of the Evans Municipal Code have been appropriately and sufficiently met.

Derek Esposito, representing SolarCity, was in attendance to answer questions.

Mayor Achziger asked if anyone in attendance wished to speak in favor of the Use by Special Review. No one responded.

Mayor Achziger asked if anyone in attendance wished to speak in opposition to the issuance of the Use by Special Review. No one responded.

Mayor Achziger closed the Public Hearing.

Mayor Pro Tem Morris made motion, seconded by Councilmember Brown to adopt Resolution No. 13-2012. Motion passed with all voting in favor thereof.

REPORTS:

The City Manager referred Council to the City Manager's Monitoring Report.

The City Attorney had nothing new to report.

AUDIENCE PARTICIPATION:

There was no audience participation.

ADJOURNMENT:

Mayor Achziger adjourned the meeting at 8:00 p.m.


Kim Betz, City Clerk