

MINUTES
EVANS CITY COUNCIL
Regular Meeting
February 19, 2013, 2013 - 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, Council members Brown, Neibauer, Rudy and Schaffer

Excused: Council Member Burmont

AUDIENCE PARTICIPATION:

There was no audience participation.

APPROVAL OF AGENDA:

Councilmember Morris made the motion, seconded by Councilmember Brown, to approve the agenda, as amended. The motion passed with all voting in favor thereof.

CONSENT AGENDA:

A. Approval of Minutes of the Regular Meeting of February 5, 2013

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

NEW BUSINESS:

A. **Public Hearing -- Ordinance No. 552-13 – Adopting by reference the 2012 Edition of the International Fire Code.**

Mayor Achziger opened the public hearing.

Warren Jones, Fire Chief, Evans Fire Protection District (EFPD), presented the Ordinance, which adopts the 2012 edition of the International Fire Code (IFC) by reference and with local amendments. Chief Jones explained that the adoption of the Ordinance by City Council will complete the transition to the 2012 IFC within the City. He discussed the Intergovernmental Agreement (IGA) with EFPD, which requires adoption of the code by the district board and the City in order for the district to enforce the fire code within the City. The District adopted adopting this code through Resolution 2012-13 on November 26, 2012.

Chief Jones discussed the 2006 version of the IFC, which was adopted by the City in 2010. He explained that all local amendments to the IFC were the same as in the 2010 adoptions, with the exception, which connects the fire code directly to Chapter 16.28 of the City of Evans Municipal Code, concerning oil and gas exploration and development.

Mayor Pro-Tem Morris asked about which fireworks were illegal in the state and how the adoption of the 2012 IFC would address fireworks in the City.

Chief Jones discussed the regulation of fireworks under the fire code and explained that changes adopted in 2010 allowed the sale and use of consumer fireworks within the City. He also explained that City Council could amend the Ordinance to ban the sale and use of all fireworks in the City.

According to the Staff Report, consumer fireworks have small amounts of combustible material, produce only a visual and noise effect and do not leave the ground. These are the types of fireworks sold in fireworks retail stands in Weld County and surrounding cities. Illegal fireworks under Colorado law include: fire crackers, bottle rockets, roman candles, and other fireworks with more combustible material.

Mayor Achziger asked about the types of fireworks in the City and whether allowing permissible fireworks in the city has resulted in more injuries.

Chief Jones stated that there was only one reported case in 2012 involving injury from fireworks in the City, and state that injuries from fireworks typically occur from the use of illegal fireworks.

Mayor Pro-Tem Morris asked about fireworks sales outside of the City.

Chief Jones talked about the types of consumer fireworks that are sold from retail stands in Weld County and Greeley.

Chief Jones discussed one small technical change to the Ordinance on page seven of the draft Ordinance.

Mayor Achziger closed the public hearing.

Mayor Pro-Tem Morris talked about his support for the Ordinance, the current regulation of fireworks in the City, and the ability for the City to ban all fireworks by amending the Ordinance.

Mayor Achziger discussed his support for the Ordinance and the need to make the regulation of fireworks the same as surrounding jurisdictions.

Mayor Pro-Tem Morris made the motion to adopt the Ordinance, with the technical amendment, the motion was seconded by Council Member Schaffer. The motion passed with all voting in favor thereof.

B. Ordinance No. 553-13 – repeal and re-enact Chapter 5.20 of the Evans Municipal Code concerning pawnbrokers.

Russ Anson, City Attorney, addressed City Council to discuss the need to revise the Evans Municipal Code 5.20, which addresses the regulation of pawnbrokers. Mr. Anson explained that the current code was enacted in 1977 and needed to be revised in order to comply with

state law and address any future pawnbroker businesses in the City of Evans.

Mayor Pro-Tem Morris asked Mr. Anson to clarify why the City needed to update the regulations of pawnbrokers.

Mr. Anson discussed the new requirements that would be placed on a pawnbroker business in Evans. Specifically, the Ordinance would require a pawnbroker to obtain both a Business License and a separate Pawnbroker's License that will require a separate fee. He explained the costs associated with pawnbrokers, which require frequent monitoring by law enforcement for the duration of a license.

Mayor Pro-Tem Morris made the motion to adopt the Ordinance, the motion was seconded by Council Member Rudy. The motion passed with all voting in favor thereof.

REPORTS:

A. City Manager Report:

Aden Hogan provided an update about staff attending the 2013 Colorado City and County Managers' Association (CCCMA) conference in Glenwood Springs. He talked about the benefits to staff that attended the conference and explained that he was appointed to be the CCCMA President until February, 2014.

He also talked about the upcoming legislative workshop hosted by the Colorado Municipal League (CML) on February 20th and the CML Executive Committee on February 21st.

B. City Attorney Report:

Russ Anson provided an update to City Council concerning the liquor hearing for Evans Liquor LLC, scheduled for 1:30 on February 20th.

AUDIENCE PARTICIPATION:

There was no audience participation.

ADJOURNMENT TO EXECUTIVE SESSION:

Council Member Rudy moved to adjourn into Executive Session, the motion was seconded by... The motion passed with all voting in favor thereof.

ADJOURNMENT:

The Executive Session concluded and Mayor Anziger adjourned the meeting at 10:10 p.m.





City Clerk