

MINUTES
EVANS CITY COUNCIL
Regular Meeting
August 5, 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, Councilmembers Brown, Clark, Neibauer, and Rudy.

Absent: Council Member Schaffer

RECOGNITION

A. July Yard of the Month–Lisa Wolfe, 3502 Belmont Street

Mayor Achziger presented a sign and gift certificate to Zach Ratkai, City Building and Development Director, who received the award for July Yard of the Month on behalf of Lisa Wolfe.

PROCLAMATION

B. Community Safety & Awareness

Mayor Achziger read the Proclamation and presented it to Chief Brandt, as well as Fran Hudgins and Pam Dorsey from the Evans Sam's Club.

AUDIENCE PARTICIPATION

The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. Your comments will be limited to two (2) minutes. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the appropriate staff person for follow-up. Thank you!

APPROVAL OF AGENDA

Council Member Brown made the motion, seconded by Council Member Rudy to approve the agenda. The motion passed with all voting in favor thereof.

CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of July 16, 2013**
- B. Ordinance No. 565-13 Approving Riverside Library and Community Center Lease Financing (Second Reading)**
- C. Ordinance No. 566-13 Approving a Loan from the Colorado Water Resources and Power Development Authority for the Water Radio/Meter Upgrade Project (Second Reading)**

- D. Ordinance No. 568-13 – 2nd Quarter Budget Revision (Second Reading)**
- E. Agreement with Avi Rocklin for Prosecution Services**
- F. Agreement with Krob Law Office for Legal Representation**

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

OLD BUSINESS

- A. Ordinance 567-13 – Repealing and Reenacting Section 1.17 of Title 1 of the Evans Municipal Code (Second Reading)**

Zach Ratkai, Building and Development Director, provided an update on Ordinance 567-13, which was heard on July 2nd 2013. Mr. Ratkai discussed the need to update Section 1.17 of City Code concerning code enforcement and the procedures for staff to enforce code violations.

Mr. Ratkai discussed the specific language changes between the first and second reading, talked about the option of revising the timeline for issuing violations, and discussed changes to the provisions guiding voluntary compliance agreements.

Mayor Pro-Tem Morris asked about revisions by the Ordinance regarding staff personally delivering a violation notice to the property owner.

Mr. Ratkai discussed the process for delivering violation notices to property owners and discussed the appeal timeline, which allows property owners 7 days following the citation to request an appeal. Mr. Ratkai explained that the citation process could be administered with the 7 day timeline.

Mayor discussed his support for the changes implemented by the Ordinance.

Mayor Pro-Tem Morris made the motion, seconded by Council Member Brown, to adopt Ordinance No. 567-13 on Second Reading. The motion passed with all voting in favor thereof.

NEW BUSINESS

- A. Resolution No. 27-2013 – Approving a Development Agreement Between the City of Evans and the Village at Ashcroft LLC, for Ashcroft Park Apartments.**

Fred Starr, City Public Works Director, addressed City Council to present the Resolution concerning the approval of a development agreement for Ashcroft Park Apartments. Mr. Starr discussed recent amendments to the Development Agreement and explained the reasons for the changes to City Council.

Mayor Pro-Tem Morris asked about the changes to the agreement related to “title and transfer.”

Mr. Starr, explained that the provision under “title and transfer” on page seven of the

agreement was removed, because it was covered by other provisions in the agreement.

Mayor Achziger discussed his support for the project and thanked staff for their work on accomplishing the agreement. Mayor Achziger invited the applicant to speak to the agreement.

The applicant, Scott Ehrlich, from 1414 32nd Avenue, Greeley, addressed City Council to discuss the project and specific provisions in the agreement.

Mayor Achziger thanked Mr. Ehrlich for working with staff to accomplish the agreement.

Mayor Pro-Tem Morris discussed his support for the project.

Mayor Pro-Tem Morris made the motion, seconded by Council Member Rudy, to adopt Resolution 27-2013. The motion passed with all voting in favor thereof.

B. Preliminary Budget Revision for Funding to Repair Non-Potable Irrigation Systems.

Cameron Parrott, City Engineer, addressed City Council to discuss the need for a budget revision for repairs to the City's non-potable irrigation systems. He explained that the City recently had two non-potable pump stations breakdown and discussed the need to improve these pump stations to prevent from using potable water in areas where non-potable water could be used. Mr. Parrott explained the City's non-potable irrigation system and discussed the Chappelow pump station, and other ECC pump station. He explained that these two stations supply water to Chappelow Magnet School, Dos Rios Elementary School, Centennial Elementary School, Village Park, and the Evans Community Complex. He stated that these areas consume large amount of water for irrigation purposes, and talked about the need for the City monitor potable water consumption due to our contractual obligations with the City of Greeley. He explained that returning these large areas to non-potable irrigation is critical to avoid paying system development charges to the City of Greeley for exceeding our treated water supply cap.

Mayor Achziger asked when staff expected to have the repairs finished.

Mr. Parrot explained that staff could begin on the project by the end of the month and have the project finished by the end of 2013.

Mayor Pro-Tem Morris asked if the funding would be from the City Water Fund or the General Fund.

Mr. Parrott explained that the budget revision would provide \$30,000 from the City General Fund for a one-time purchase to repair these two stations.

Council Member Clark asked when staff could begin the repairs on the two stations.

Mr. Parrott explained that staff could begin working with local contractors and suppliers by the end of August.

Mayor Pro-Tem Morris asked about the non-potable water lines in the City and about lines that are not connected to pump stations.

Mr. Parrot and Aden Hogan, City Manager, explained that the budget request would address the short-term plan to improve the pump station.

Mr. Hogan explained that the stations are part of the City's Asset Management Plan (AMP), but there may be a long-term need for a separate fund to reserve revenue for ongoing maintenance to supply areas of the City with non-potable water.

Council Member Rudy made the motion, seconded by Council Member Clark to approve the budget revision for non-potable system repairs. The motion passed with all voting in favor thereof.

C. Project Award for 2013 Asphalt Overlay Project

Mr. Parrott presented a request for Council to award a bid for the 2013 Asphalt Overlay Project for \$144,612.05. He explained that the project would be funded through the City's Capital Improvement Program (CIP). He also discussed the need for the project for surface repairs of streets within the community.

Mayor Pro-Tem Morris asked Mr. Parrott to clarify which streets would receive the surface repair.

Mr. Parrott explained that this funding would be utilized on 11th Avenue between 34th Street and 32nd Street; and the intersection of 17th Avenue and 37th Street.

Council Member Brown made the motion, seconded by Council Member Rudy to award the project to Martin Marietta Materials Inc. for the amount of \$144,612.05. The motion passed with all voting in favor thereof.

D. Project Award for 2013 Chip Seal Project

Mr. Parrot discussed the need for annual chip seal projects, which is funded through the 2013 CIP Budget. He explained that the project would address areas on 17th Avenue between 42nd Street and 37th Street, and all of the roadways within the Hunters Reserve Subdivision.

He stated that the project would cost \$198,123.97, but explained that the project would allow costs savings since the contractor would be completing chip seal repairs in the City of Greeley.

Mayor Pro-Tem Morris asked about the cost-sharing with the City of Greeley and the \$1,000 mobilization fee for the project.

Mr. Parrott explained that the project would allow the City to utilize an existing contract for chip seal services scheduled for the City of Greeley.

Council Member Clark made the motion, seconded by Council Member Rudy, to award the 2013 Chip Seal Project to A-1 Chipseal Co. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Aden Hogan, City Manager, distributed the City Manager's Monitoring Report and discussed the groundbreaking for the High Plains Library on August 1, 2013. He talked about upcoming events for City, including: National Night Out on August 6th and the City Safety Event on August 10, 2013.

B. City Attorney

The City Attorney did not have any reports.

AUDIENCE PARTICIPATION (general comments)

Please review the Audience Participation section listed at the beginning of the agenda for procedures on addressing City Council.

There was no audience participation

EXECUTIVE SESSION

A. For the purpose of discussing matters that may be subject to negotiations C.R.S. 24-6-402(4)(e).

At 8:08 p.m. Mayor Pro-Tem Morris made the motion, seconded by Council Member Clark, to go into Executive Session. The motion passed with all voting in favor thereof.

The Executive Session concluded at 9:23 p.m.

ADJOURNMENT

The meeting adjourned at 9:24 p.m.