

MINUTES
EVANS CITY COUNCIL
Regular Meeting
September 17, 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, Rudy, Schaffer.

AUDIENCE PARTICIPATION

Mr. Lynn__, from Evans, addressed City Council to thank the City employees for their attention and services during the 2013 Evans Flood. He also discussed concerns with the communication between Waste Management Services and the City about some trash hauling schedules that were suspended due to the recent flooding. He also explained problems with the reverse-911 system that sent out evacuation calls to Evans citizens during the recent flooding. He closed by thanking City staff again for all their work during the flooding.

APPROVAL OF AGENDA

Raegan Robb, City Clerk, explained that the agenda was amended to include Emergency Ordinances No. 571, 572, 573, and 574. Council Member Schaffer made the motion, seconded by Council Member Rudy, 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 September 3, 2013

Mayor Pro-Tem Morris addressed some necessary changes to the minutes of September 5, 2013.

Raegan Robb, City Clerk, discussed the changes to the minutes of September 5, 2013.

Council Member Schaffer made the motion, seconded by Council Member Brown, to adopt the minutes of September 5, 2013, as amended. The motion passed with all voting in favor thereof.

NEW BUSINESS

A. Resolution No. 32-2013 — Disaster/Emergency Declaration for Evans Flood 2013 Incident

Aden Hogan, City Manager, discussed flooding disaster that occurred throughout the City of Evans, Weld County, and other Colorado Counties occurring from September 12th to 15th, 2013. He explained that the heavy rains and flooding caused substantial damages to private and public properties, power outages, and closures of City roads due to flooding and standing water, with the full extent of such damages remain unknown at the present time. He explained that an emergency declaration was issued on September 13th, and that Resolution No. 32-2013 allowed the declaration to be ratified by the City Council. The Resolution requests state and federal funding for disaster relief and authorizes the Mayor to sign any and all documents for the purpose of defining and communicating the existence of said disaster emergency.

Council Member Brown made the motion, seconded by Council Member Schaffer, to adopt Resolution No. 32-2013. The motion passed with all voting in favor thereof.

B. Emergency Ordinance No. 569-13 — Confirming the Declaration of an Emergency and the Expenditure of Funds from the Emergency Contingency Fund for the Evans Flood 2013 Incident

Jessica Gonifas, Deputy City Manager, addressed City Council to discuss the reason for the Emergency Ordinance.

She explained that the Ordinance allows use of Emergency Contingency Funds in accordance with Section 8.7-1 of the Evans Home Rule Charter to address the severe damage to both City and personal property from the Evans Flood of 2013. Ms. Gonifas also explained that the Emergency Contingency Fund has \$1,000,000 available and the ordinance provides for the use of these funds, but, but does not appropriate expenditures. She stated that a budget revision appropriating the use of funds will be brought to City Council for consideration in the future, if it is determined that funds are needed.

Council Member Clark made the motion, seconded by Council Member Schaffer, to adopt Emergency Ordinance No. 569-13. The motion passed with all voting in favor thereof.

C. Emergency Ordinance No. 570-13 — 2013 Budget 3rd Revision Amending Ordinance No. 568-13 and Appropriating Sum of Revenues and Fund Balances for the Amended 2013 City of Evans Budget

Ms. Gonifas discussed the need for the Ordinance for a budget revision in order to allow for the immediate expenditures from the General Fund, Refuse Fund, and Waste Water Fund, for recovery efforts for damages to City infrastructure and to provide City services related to the response and recovery of the 2013 Evans Flood. She stated that it is currently unknown which expenditures will be reimbursable through other means, but that staff is documenting and tracking all costs in detail to facilitate as much reimbursement as possible as the City recovers from the flood disaster.

Mayor Pro-Tem Morris asked whether the funds from the budget revision would be reimbursed by the City Emergency Contingency Fund.

Ms. Gonifas explained that the preference would be for the City to fund response and recovery from the City funds that have been impacted, but that any excess funds for emergency response could use be allocated from the Emergency Contingency Fund.

Mayor Achziger asked about FEMA reimbursement.

Ms. Gonifas explained that FEMA reimbursement can vary depending on the expense and that the City will recruit extra staff to help the City track expenses incurred by the 2013 Evans Flood Incident and help report expenditures to FEMA.

Council Member Schaffer made the motion, seconded by Council Member Brown, to adopt Emergency Ordinance 570-13. The motion passed with all voting in favor thereof.

D. Emergency Ordinance No. 571-13 — Imposing a Moratorium on Building or Development within Areas of Specific Flood Hazard and other Flooded Areas

Scott Krob, City Attorney, explained the reason for the Ordinance to allow up to six months for the City to evaluate areas for redevelopment that were destroyed during the 2013 Evans Flood.

Mayor Pro-Tem Morris asked about other properties in the City with other legal non-conforming uses in the City that would be discontinued following the moratorium.

Sheryl Trent, Community and Economic Development Director, discussed the two types of legal non-conforming uses as defined under Chapter 19.56 of City Code. She explained

that the City will evaluate future land use in the flooding areas and clarified that the moratorium would suspend new buildings and structure and not improvements to existing structures.

Mayor Pro-Tem Morris asked for clarification under the timeline between the moratorium and non-conforming uses in the flooded areas.

Mr. Krob explained that City Council non-conforming uses will apply to redevelopment in the flood area.

Ms. Trent discussed Chapter 19.56.050(B) of the Evans City Code concerning buildings destroyed, which requires new buildings and structures to be in compliance with current City regulations.

Mayor Achziger clarified the purpose of the Ordinance was to temporarily suspend development in the flood area until assessments for future development in the area could be completed. He also clarified that the moratorium under the Ordinance could be lifted prior to the maximum six months allowed.

Mayor Pro-Tem Morris made the motion, seconded by Council Member Shaffer, to approve Emergency Ordinance No. 571-13. The motion passed with all voting in favor thereof.

E. Emergency Ordinance No. 572-13 — Authorizing and Directing the Removal and Disposal of Debris Caused by the September 2013 Flooding from Private and Public Properties

Mr. Krob explained that the Ordinance was necessary for major debris removal on City property and public property in the flooded areas. He also discussed the importance for a City to have a debris management plan to meet certain criteria required by FEMA.

Council Member Brown made the motion, seconded by Council Member Shaffer, to approve Emergency Ordinance No. 572-13. The motion passed with all voting in favor thereof.

F. Emergency Ordinance No. 573-13 — Authorizing the Chief of Police or Duly Authorized Official to Prohibit Access to Public and/or Private Areas Damaged by the September 2013 Flood and Deemed to be Unsafe

Mr. Krob explained that the Ordinance was requested by Chief Brandt and necessary to monitor and control access to the flooded neighborhoods.

Council Member Schaffer made the motion, seconded by Council Member Clark, to approve Emergency Ordinance No. 573-13. The motion passed with all voting in favor thereof.

G. Emergency Ordinance No. 574-13 — Imposing a Curfew within the Area Evacuated due to the September 2013 Flood

Mr. Krob explained that the Ordinance was requested by Chief Brandt to impose a curfew within the neighborhoods located in the flood areas to control foot traffic and access at night.

Mr. Krob also explained that the Ordinance allows Chief Brandt to redefine the boundary of the evacuation area, if necessary.

Mayor Achziger asked about the authority for Chief Brandt to change the curfew time.

Chief Brandt discussed the need for the Ordinance and explained that the curfew time provided should be adequate.

Council Member Clark made the motion, seconded by Council Member Schaffer, to approve Emergency Ordinance No. 574-13. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Aden Hogan referred City Council to the Monitoring Report, and discussed the recent events of the flooding disaster that occurred throughout the City of Evans. He discussed all of the relief effort for the disaster and thanked City staff for all of their help in the disaster response.

B. City Attorney

The City Attorney had no comments.

AUDIENCE PARTICIPATION (general comments)

Fred Neal, from 1614 38th Street, addressed City Council to thank City staff for their efforts during the

flood disaster. He also asked that the City look at ways to mitigate future flooding where the City borders the Platte River.

EXECUTIVE SESSION

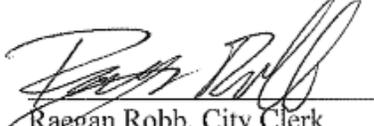
- A. For the purpose of discussing matters that may be subject to negotiations C.R.S. 24-6-402(4)(e).

At 8:10 p.m. Council Member Schaffer made the motion, seconded by Council Member Rudy, to adjourn into Executive Session. The motion passed with all voting in favor thereof.

The Executive Session adjourned at 8:25 p.m.

ADJOURNMENT

The regular meeting adjourned at 8:25.


Raegan Robb, City Clerk