

MINUTES
EVANS CITY COUNCIL
March 4, 2014 - 7:30 p.m.

CALL TO ORDER

The meeting was called to order at 7:30 p.m.

PLEDGE

ROLL CALL

Present: Mayor Pro-Tem Morris, Council Members Brown, Clark, Rudy, and Schaffer.

Absent: Mayor Achziger, and Council Member Neibauer

APPOINTMENT

A. Flood Task Force Appointment

Mayor Pro-Tem Morris discussed the recommendation to add Jason Boren to the Flood Task Force. Mr. Boren was not present to receive his certificate.

Council Member Rudy made the motion, seconded by Council Member Schaffer, to appoint Jason Boren to the Evans Flood Task Force. The motion passed with all voting in favor thereof.

AUDIENCE PARTICIPATION

There was no audience participation.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of February 18, 2014
- B. Ordinance No.587-14 – Revoking Moratorium on Building in the Flood Affected Area (2nd Reading)
- C. Ordinance No.588-14 – Affirmation of Ordinances (2nd Reading)

Council Member Schaffer made the motion, seconded by Council Member Rudy, to adopt the Consent Agenda. The motion passed with all voting in favor thereof.

NEW BUSINESS

- A. **Public Hearing – Resolution No.09-2014 – Revoking a Use by Special Review to Allow Outdoor Storage at 4650 Industrial Parkway, Evans, Colorado (DeJohn Outdoor Storage)**

At 7:36 p.m. Mayor Pro-Tem Morris opened the public hearing.

Zach Ratkai, Evans Building and Development Manager, addressed City Council and explained why the hearing for Resolution 09-2014 needed to be continued until the following City Council meeting on March 18, 2014.

Council Member Schaffer made the motion, seconded by Council Member Rudy, to continue the public hearing for Resolution 09-2014 until March 18, 2014. The motion passed with all voting in favor thereof.

B. Ordinance No. 589-14 – Changes to Evans Municipal Code Concerning City Animal Code (1st Reading)

Commander Jason Phipps, Evans Police Department, presented the Ordinance explaining that it was in response to recent cases in the City of Evans where dogs with no pre-existing tendency or disposition for biting were deemed to be vicious animals, according to the current definition in City Code. He explained that an animal deemed vicious must be removed from the City or must be confined, leashed and muzzled, and owners are required to post a sign on their property and carry insurance.

The proposed definition provides that an animal which bites or attacks without provocation *may* be deemed to be vicious rather than mandating that result. A lesser animal bite may still be deemed to be a public nuisance under Section 6.04.140.

Mayor Pro-Tem Morris asked Commander Phipps if police officers receive training for handling vicious animals.

Commander Phipps explained that the Evans police officers do receive training on handling vicious animals.

Mayor-Pro Tem Morris explained his support for the change in City Code and asked for a motion on the Ordinance.

Council Member Rudy made the motion, seconded by Council Member Schaffer, to adopt Ordinance 589-14 on first reading. The motion passed with all voting in favor thereof.

C. Ordinance No. 590-14 – Regarding Whether Certain Amendments to the Home Rule Charter of the City of Evans, Colorado Should be Submitted to

the Registered Electors (1st Reading)

Raegan Robb, Evans City Clerk, explained that the Ordinance was being considered by City Council in order to delay the charter amendments adopted by 586-14. He explained that delaying the charter amendments to a subsequent election would fulfill the requirements under Section 1.14.030 of the Evans Municipal Code and allow the City Council to cancel the municipal election “if the only matter before the voters is the election of persons to office and if, at the close of business on the fortieth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent.”

Council Member Schaffer made the motion, seconded by Council Member Brown, to adopt Ordinance 590-14. The motion passed with all voting in favor thereof.

D. Resolution No.10-2014 – Determining the Basis for Cancellation of the April 8, 2014 Election, and Declaring the Unopposed Candidates Elected

Raegan Robb, Evans City Clerk, explained that the Resolution was being considered by City Council to cancel the municipal election scheduled for April 8, 2014 and declare the unopposed candidates elected.

Mr. Robb discussed the election deadlines under Section 1.14.010 and Section 1.14.020 of the Evans Municipal Code and stated that there were no more candidates than City Council seats open for the April 8, 2014 election. Mr. Robb explained that Section 1.14.030 of the City Code allows the cancellation of the municipal election by Resolution.

Council Member Schaffer made the motion, seconded by Council Member Clark, to adopt Resolution 10-2014. The motion passed with all voting in favor thereof.

E. Resolution No.11-2014 – Supporting a Grant Application from the Great Outdoor Colorado Trust Fund

Sheryl Trent, Evans Community and Economic Development Director, addressed City Council and explained that the Resolution would authorize staff to submit a grant request for \$75,000 from Great Outdoors Colorado (GOCO) to conduct an update to the City’s current Parks Master Plan for a feasibility and planning study.

Ms. Trent discussed the need to revise the City’s Parks Master Plan due to the destruction to Riverside Park during the 2013 Evans Flood. She explained that the City intends to conduct a needs survey determine the wants and needs of the citizens for a park/recreational system. Once the needs are assessed for recreation in the

City, staff will determine if those needs can be met and where those components should be located.

Ms. Trent explained that the grant match was going to increase from \$10,000 to a \$25,000 match from the City, which will come from the City's Park Impact Fee Fund.

Council Member Schaffer asked about the need to increase the amount of match funding to \$25,000.

Ms. Trent explained that the match needed to be increased to strengthen the grant request.

Mayor Pro-Tem asked if the City's match funding would be reimburse by the Federal Emergency Management Agency (FEMA).

Ms. Trent explained that the match amount would not be reimbursable, but she and Brian Stone, City Recreation Director, discussed how the mitigation funds from FEMA are planned to be used for the City's property and equipment that were damaged by the flood.

Council Member Schaffer asked about the timeline for the feasibility study following the receipt of grant funds.

Ms. Trent and Mr. Stone discussed the timeline and need for the feasibility study, funded by the grant, to determine the future of parks and recreation in the City of Evans.

Council Member Brown made the motion, seconded by Council Member Schaffer, to adopt Resolution 11-2014, with the amended match funding from the City to \$25,000. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Aden Hogan distributed the City Manager's Monitoring Report and discussed the upcoming plans for National Flood Preparedness Week, beginning March 16th, and mentioned all of the events that are planned for that week.

B. City Attorney

Nathan Krob, City Attorney, did not report on any issues.

AUDIENCE PARTICIPATION

There was no audience participation.

EXECUTIVE SESSION

- A. Conference with legal counsel to receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4) (b).

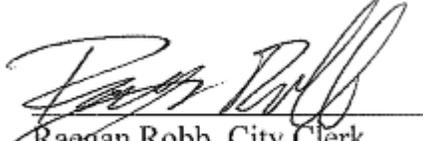
Council Member Rudy made the motion, seconded by Council Member Schaffer, to adjourn into Executive Session. The motion passed with all voting in favor thereof.

The Executive Session concluded at 8:49 p.m.

Nathan Krob, City Attorney, noted for the record that the contents of the Executive Session were subject to attorney-client privileges and within the scope of the state statutes cited.

ADJOURNMENT

The regular meeting adjourned at 8:50 p.m.


Raegan Robb, City Clerk