

MINUTES
EVANS CITY COUNCIL
May 6, 2014 - 7:30 p.m.

CALL TO ORDER

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

PLEDGE

ROLL CALL

Present: Mayor Morris, Mayor Pro-Tem Schaffer, Council Members Brown, Finn, Homann, and Rudy

Absent: Council Member Clark

EXECUTIVE SESSION

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Brown, for a conference with the City Attorney for the purpose of discussing matters that may be subject to negotiations C.R.S. 24-6-402(4)(e). The motion passed with all voting in favor thereof.

At 7:31 p.m. the regular City Council meeting went into recess for an Executive Session.

The Executive Session adjourned at 7:44 p.m. The City Attorney noted that the meeting met the scope of the state statutes and subject to attorney-client privilege.

AUDIENCE PARTICIPATION

There was no public comment.

APPROVAL OF AGENDA

Raegan Robb, City Clerk, explained that item B from the Consent Agenda concerning approval of the 2013 Financial Statements, would be moved under New Business on the agenda.

Mayor Pro-Tem 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 April 15, 2014**
- B. Ordinance 591-14 Concerning 1st Quarter Budget Revision (2nd Reading)**
- C. Ordinance 592-14 Code Revision Concerning Development Applications and Outstanding Liabilities (2nd Reading)**

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

NEW BUSINESS

- A. Public Hearing—New Hotel/Restaurant Liquor License for Mariscos y Tacos el Tapatio (Continued to May 20, 2014)**

At 7:47 p.m. Mayor Morris opened the public hearing and referred to staff.

Mr. Robb discussed some outstanding matters that needed to be settled before bringing this matter before City Council. He asked for the public hearing to be continued to May 20, 2014.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Rudy, to continue the public hearing to May 20, 2014. The motion passed with all voting in favor thereof.

- B. Tuscany Development Agreement**

Fred Starr, public works director, explained the development agreement, which dates back to September 27, 2000, when the City approved a Public Improvements Development Agreement between the City of Evans and Tuscany LLC. Mr. Starr explained that part of this agreement required the Developer to install a private non-potable water irrigation system. Due to economic circumstances, the developer was unable to complete all of the non-potable irrigation system.

Mr. Starr explained that the installation of the non-potable system will save the usage of approximately 14 million gallons of potable water which will help manage the City's potable water cap with the City of Greeley.

Additionally, the contribution by PFP Craft Tuscany Real Estate Holdings, LLC to assist the City with the completion and financing of the non-potable water system is estimated to cost approximately \$500,000.

The City Council Members discussed their support for the agreement and completion of the non-potable system in the Tuscany subdivision.

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

C. Approval of Professional Services Agreement for Utilities

Jessica Gonifas, Deputy City Manager, discussed the professional services search for a utility consultant. Ms. Gonifas explained that the Evans Flood Disaster of 2013 created several utility issues within the City. She talked about the need to hire a qualified professional firm or consultant to guide City staff and City Council through the challenging issues related to utilities.

Ms. Gonifas explained that the selected consultant would be assigned full time to the City of Evans for a period of 12-18 months and take the lead in making recommendations and decisions regarding the following:

- Waste Water Treatment Facility (WWTF) for FEMA flood damage purposes
- WWTF for long range decisions
- WWTF to solve issues related to regulatory guidelines with CDPHE and federal
- Waste Water Rates to address new facilities, long range CIP issues, maintenance, and operations
- Water Rates to address new facilities, long range CIP issues, maintenance and operations (in conjunction with all utility rates)
- Study and recommendations related to water dedication rights (known as EQR's) for future development
- Water projects to include NISP, Windy Gap, regional water treatment options, and existing contract with Greeley
- Storm Water rates and long range planning
- Evans Ditch rates and long range planning
- Refuse rates and recycling needs

Ms. Gonifas explained that two firms were considered for the service agreement—Olsson and Associates and HDR. She discussed the rates for each and explained why Olsson and Associates was awarded the contract not to exceed \$150,000.

Mayor Morris asked about splitting the funding for the contract from the 75 percent

of the Water Fund and 25 percent from the Wastewater Fund.

Ms. Gonifas explained the 25 percent / 75 percent funding for the contract.

Mayor Morris discussed his support for the service agreement.

Council Member Finn made the motion, seconded by Council Member Rudy, to approve the agreement with Olsson Associates. The motion passed with all voting in favor thereof.

D. Approval of the 2013 Financial Statements

Ms. Gonifas discussed the requirement under the Evans Home Rule Charter which requires an independent audit and annual report to City Council within 120 days of the years end. She discussed the 2013 audit and discussed some changes in the report concerning: the City's IT Department, an Intergovernmental Agreement (IGA) with the High Plains Library District, and an impairment loss in the wastewater fund.

Mayor Morris asked if the financial statements would be placed on the consent agenda at the following meeting.

Ms. Gonifas explained that the financials would not be on the Consent Agenda at the following meeting since they only needed to be approved once by the City Council.

Council Member Rudy made the motion, seconded by Council Member Homann, to approve the 2013 statements with changes that were discussed. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager Report

Ms. Gonifas referred the City Council Members to the City Monitoring Report and provided a summary concerning statistics released by the City Communication Department, Riverside Library and Cultural Center, Public Works and Human Resources.

Mayor Morris asked about receiving the Monitoring Report in the council packet.

Ms. Gonifas agreed that the monitoring report could be inserted into the electronic packets received by City Council.

B. City Attorney Report

Scott Krob, City Attorney, provided an update about an investigation involving the death of Ashley Fallis, which was recently reopened, by the Fort Collins Police Department, which under conduct an independent investigation, then be re-examined by the Loveland Police Department.

AUDIENCE PARTICIPATION

There was no audience participation.

ADJOURNMENT

The regular meeting adjourned at 8:01 p.m.



Raegan Robb, City Clerk