

Minutes
Regular Meeting
June 16, 2014

CALL TO ORDER

Mayor Morris called the meeting to order at 7:38 p.m.

PLEDGE

ROLL CALL

Present: Mayor Morris, Council Members Brown, Clark, Finn, Homann, and Rudy

Absent: Mayor Pro-Tem Schaffer

PROCLAMATION

A. Greeley Stampede Proclamation

Mayor Morris read the Proclamation regarding the Greeley Stampede and presented it to Jessica Gonifas, Deputy City Manager.

RECOGNITION

A. JUNE YARD OF THE MONTH—Mr. & Mrs. Quiroz, 3312 Collins Street

Mayor Morris and Kyle Fehr, City Code Enforcement Officer, presented a Yard of the Month sign and gift certificate to Mrs. Quiroz for being the June Yard of the Month recipient.

AUDIENCE PARTICIPATION

Fred Neal, from 1614 38th Street in Evans, addressed to City Council with concerns about the process for citizens to be selected to City Boards and Commissions. He provided the example of applying for the Flood Recovery Task Force where City staff reviewed and selected the Task Force Members without input from City Council. He also talked about the importance of having a variety of viewpoints on the City's Board and Commission.

APPROVAL OF AGENDA

Raegan Robb, Evans City Clerk, discussed a couple changes to the agenda. Mr. Robb explained that the executive session was no longer needed for that evening and an issue concerning the Tuscany subdivision needed to be added to the agenda.

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt the agenda, as amended. The motion passed with all voting in favor thereof.

CONSENT AGENDA

- A. Approval of Minutes of the Special Meeting of June 3, 2014**
- B. Approval of Minutes of the Regular Meeting of June 3, 2014**

Council Member Homann recused himself from voting on the Consent Agenda since he was absent from the June 3rd meetings.

Council Member Clark 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. Ordinance No. 594-14 Amending Chapter 13.06 to Extend the Obligation to Provide a Non-Potable Water System to all New Developments (1st Reading)**

Scott Krob, City Attorney, discussed the need for Ordinance 594-14 which requires new commercial, industrial, or other non-residential developments to have non-potable water systems available to prevent using more costly treated water to satisfy their irrigation needs. Mr. Krob explained that the cost of installing non-potable systems is generally paid by developers and would help reduce the amount of treated water supplied by the City of Greeley.

Mayor Morris discussed his support for the Ordinance and talked about the importance for the City to reduce its treated water demand.

Council Member Clark made the motion, seconded by Council Member Rudy to adopt Ordinance 594-14 on first reading.

The motion passed with all voting in favor thereof.

- B. Ordinance No. 595-14 – Approving Charter Amendments for the 2014 General Election, scheduled for November 4, 2014 (1st Reading)**

Mr. Robb, presented Ordinance 595-14 to the City Council Members, which would refer four charter amendments for consideration by the City voters at the November General Election concerning the following sections of the Home Rule Charter:

- Section 3.4, Clarifying the terms of City Council members;
- Section 4.3 the Residency Requirement for the City Manager;
- Section 7.10, Maximum Penalties for the Violation of City Ordinances; and
- Chapter 12 concerning the Membership of the Planning Commission and the Zoning Board of Appeals

Mr. Robb explained that the comments received from the June 3rd work session were incorporated into the draft Ordinance. He also stated that, should the Ordinance be adopted, the City will enter into an IGA with Weld County to coordinate during the General Election on Tuesday, November 4, 2014 at a cost of \$1.00 per voter.

Mayor Morris summarized the progress of the charter amendments, which were recommended by the City Charter Committee.

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt Ordinance 595-14 on first reading.

The motion passed with all voting in favor thereof.

C. Resolution No. 17-2014 Amending, Reaffirming and Renewing Resolution No. 33-2012 Approving a Water Depot as a Use By Special Review and Approving a Carriage Agreement and Certain Agreements, Easements, and Deeds in Connection with such Water Depot

Fred Starr, City Public Works Director, talked about the need for the Resolution to revise the agreement between the City and Front Range Oil and Gas Water Services (FROGS) reached under Resolution 33-2012. Mr. Starr explained that the property is located within the Riverside Park Planned Unit Development (PUD) Zoning District, which does not permit the property to be used as a water depot. However, the applicant was approved for a Use by Special Review (USR) to permit the proposed use for a term of five years through the adoption of Resolution 33-2012.

Mr. Staff explained that the City Council granted the USR with a series of conditions, including: “the approval of the USR will be contingent upon final approval of a PUD amendment. If the PUD Amendment is withdrawn or not approved within one year of this USR approval, this USR will be considered denied and enforcement action will begin.”

Mr. Starr stated that this condition should be eliminated since the property owner does not have any other development plans for the property except for the Water Depot, which is currently controlled for the next five years under the conditions of the USR.

Mayor Morris clarified that the FROGS development was the same property of the Ishiguro Water Depot.

Mr. Starr explained that this project was also known as the Ishiguro Water Depot and clarified the exact location of the property.

Mayor Morris asked about the five year expiration of the USR and when a PUD would need to be submitted by the applicants.

Mr. Starr explained that the applicant would have to submit for a PUD within five years from the adoption of Resolution 17-2014.

Mayor Morris explained his support for the Resolution.

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt Resolution 17-2014.

The motion passed with all voting in favor thereof.

D. Resolution No. 18-2014 - Approving an Intergovernmental Agreement for Design Services between the City of Greeley and the City of Evans

Mr. Starr explained Resolution 18-2014 which adopts an intergovernmental agreement (IGA) between the City of Evans and the City of Greeley to complete the design for the widening of 65th Avenue between the US 34 Bypass and 37th Street. He stated that the 65th Avenue corridor is identified in both communities' traffic master plans as being a "Major Arterial".

Mr. Starr explained that, according to the IGA, Evans will reimburse Greeley for design costs associated with the section of 65th Avenue contained within the Evans city limits—from 37th Street to a location just north of the bridge crossing the Ashcroft Draw. According to the IGA, the City of Greeley will be responsible for the project management, and Evans staff will take part in the review processes.

Mr. Starr explained that the City of Evans would pay 25 percent of the total design estimate or an estimated \$47,250.00, according to the IGA.

Council Member Clark asked about the width of the project.

Mr. Starr explained that the project would widen 37th to the US 34 Bypass.

Mayor Morris discussed his conversations with the City of Greeley concerning this project and explained his support for the IGA.

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt Resolution 18-2014.

The motion passed with all voting in favor thereof.

E. Tuscany Subdivision Agreement

Mr. Starr addressed City Council and explained why the agreement for the Tuscany subdivision, which was originally approved on May 6, 2014, needed to be reconsidered by the City Council. Mr. Starr explained some recent issues with new developers and investors of Tuscany LLC who wanted some changes to the original agreement.

Mr. Starr stated that the City will collect fees from the developers for non-potable water systems for future development in the subdivision, but Tuscany LLC will not be obligated to fund the non-potable water infrastructure in the developed tracts of the subdivision. He talked about some of the issues surrounding tract-O of the subdivision and discussed the requirement in the agreement for Tuscany LLC to work with the owners of tract-O for the installation of a non-potable water system.

Council Member Clark clarified that the revised agreement allows the new investment group to negotiate with owner of tract-O concerning access and the installation of a non-potable water system.

Mr. Starr provided some history about tract-O and explained that both groups were amenable to the installation of a non-potable water system in tract-O.

Mayor Morris, asked what would happen if the two parties do not agree.

Mr. Starr explained that tract-O would not be developed if the parties cannot reach an agreement, but future residential and commercial property in Tuscany would still be built-out with non-potable water infrastructure.

Mayor Morris asked what was required in the agreement for tract-O.

Mr. Starr explained that the agreement requires the parties to negotiate the development of tract-O.

Mayor Morris expressed concerns about the owners of tract-O not being able to agree to the installation of a non-potable system.

Mr. Starr and Scott Krob, City Attorney, discussed the requirements to amend the agreement if tract-O owners do not agree to the installation of a non-potable system.

Mayor Morris clarified that the City would not need to develop retention ponds in the subdivision.

Fred explained that the City would not need to develop retention ponds in the subdivision.

The City Council Members discussed potential changes to the agreement before it was adopted.

Aden Hogan, City Manager, discussed the benefits of the agreement and talked about the history of tract-O.

Discussion ensued concerning the agreement.

Mayor Morris discussed his support for the agreement.

Council Member Clark made the motion, seconded by Council Member Homann, to approve the Tuscany Agreement.

The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Mr. Hogan, referred to the City Council Members to the Monitoring report which highlighted the some of the ongoing projects for economic development and the public works department.

Mr. Hogan also thanked the Council Members and staff for understanding the need for his time away from his position in order to improve his health.

B. City Attorney

Mr. Krob explained that the majority of his time in the month of June has been spent addressing the following issues: Tuscany Sub-division, Prairie Heights, the 35th Avenue project, and the Fallis Investigation.

AUDIENCE PARTICIPATION

Mr. Fred Neal addressed City Council to discuss the importance of infrastructure improvements, like the non-potable water system for the Tuscany subdivision, to reduce the amount of treated water used in Evans in order to remain under the water supply limit imposed by Greeley. He warned against City Council approving developments unless non-potable water systems would be installed prior to development. He also talked about his experience on the water audit committee and the importance of developing the City's non-potable water system over the City's Waste Water Treatment needs.

Regular City Council Meeting
June 16, 2014
Page 7

ADJOURNMENT

The meeting adjourned at 8:23 p.m.



Raegan Robb, City Clerk