

**MINUTES**  
**Evans City Council Meeting**  
**August 19, 2014**

**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

**RECOGNITION**

**A. August Yard of the Month- Willard & Sharon Kendall, from 3507 Powder Keg Drive**

Mayor Morris and Kyle Fehr, City Code Enforcement Officer, presented the award for August Yard of the Month to Mrs. Kendall.

**AUDIENCE PARTICIPATION**

There was no audience participation.

**APPROVAL OF AGENDA**

Council Member Schaffer 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 August 4, 2014**
- B. Ordinance No. 598-14 – Cave Creek Planned Unit Development Amendment (2<sup>nd</sup> Reading)**
- C. Ordinance No. 599-14 – Amending Ordinance No. 591-14 and Appropriating Sum of Revenues and Fund Balances for the Amended 2014 City of Evans Budget (2<sup>nd</sup> Reading)**

Due to his absence from the August 4<sup>th</sup> meeting, Council Member Schaffer recused himself from voting on the Consent Agenda.

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

**NEW BUSINESS**

**A. Public Hearing– Ordinance No. 600-14 – Repealing and Reenacting Highway 85 Corridor Overlay District Design Standards Chapter 19.62 of the Evans Municipal Code (1<sup>st</sup> Reading)**

Mayor Morris opened the public hearing at 7:33 p.m.

Vince Harris, from Baseline Engineering, Planning, & Surveying, discussed the next four agenda items for City Council’s consideration concerning zoning changes. Mr. Harris summarized the following Ordinances:

- Ordinance No. 600-14 – Repealing and Reenacting Highway 85 Corridor Overlay District Design Standards Chapter 19.62 of the Evans Municipal Code (1<sup>st</sup> Reading)
- Ordinance No. 601-14 – Amending the City Of Evans Municipal Code By Repealing And Reenacting Chapter 19.10 titled “Districts Established – Zoning Map” City of Evans (1<sup>st</sup> Reading)
- Ordinance No. 602-14 – Amending Chapter 19.04 Of The Evans Municipal Code Titled “Definitions” (1<sup>st</sup> Reading)
- Ordinance No. 603-14 – Amending The City Of Evans Municipal Code By Repealing Chapters 19.11, 19.12, 19.14, 19.16, 19.18, 19.20, 19.24, 19.26, 19.28, 19.30, 19.32, 19.34, And 19.36, And Enacting Chapter 19.15 titled “Districts Established – Zoning Use and Dimensional Standards (1<sup>st</sup> Reading)

Mr. Harris began his presentation concerning Ordinance No. 600-14, which repeals and reenacts Chapter 19.62 of the Evans Municipal Code concerning Highway 85 Corridor Overlay District Design Standards.

He discussed the changes to site designs and landscaping, and explained that the Ordinance removes definitions in 19.62 and consolidates definitions into Section 19.04.

Mr. Harris introduced Cory Miller, Associate Planner, Baseline Engineering, Planning, & Surveying, who discussed the three major updates to Section 19.62 of the City Municipal Code. Mr. Miller summarized the code changes concerning: site plans, urban design, traffic, retail, landscaping, and design standards in the Highway 85 Corridor.

Mr. Harris summarized the design standards and talked about the open house on August 7, 2014, which allowed the public to review the design standards for the changes in the Corridor. He explained that the main objective of the design

standards was for retail development in the Highway 85 Corridor, and recommended approval of the Ordinance by City Council.

Mayor Morris asked about signage in the 85 Corridor.

Mr. Harris explained that signage was addressed through previous code changes for the Highway 85 Corridor.

Mayor Morris asked for testimony in support of this issue—there was none.

Mayor Morris asked for testimony in opposition of this issue.

Jim Allison, owner of the Western Sizzlin' building located at 3033 8<sup>th</sup> Avenue in Evans, addressed City Council and explained that he was not able to attend the hearing for public input. He expressed concerns about the code changes and asked if City Council would delay the process to allow for more public review.

Sheryl Trent, City Economic Director, explained that the public hearing was only first reading of the Ordinance, and that second reading of the Ordinance would not be until September 2<sup>nd</sup>.

Mr. Harris stated that he would follow-up with Mr. Allison before the September 2<sup>nd</sup> meeting.

Mayor Morris closed the public hearing at 7:49 p.m.

Council Member Brown made the motion, seconded by Council Member Rudy, to approve Ordinance No. 600-14 on first reading.  
The motion passed with all voting in favor thereof.

**B. Public Hearing –Ordinance No. 601-14 – Amending the City Of Evans Municipal Code By Repealing And Reenacting Chapter 19.10 titled “Districts Established – Zoning Map” City of Evans (1<sup>st</sup> Reading)**

Mayor Morris opened the public hearing at 7:51 p.m.

Mr. Harris summarized Ordinance No. 601-14, which amends the City Of Evans Municipal Code by repealing and reenacting Chapter 19.10 titled “Districts Established – Zoning Map” to establish the zoning districts of the City.

Mr. Miller summarized the zoning changes in Chapter 19.10.010 for the following districts:

- public facilities,

- office space;
- retail & commercial—neighborhood;
- retail & commercial—regional corridor; and
- retail & commercial—auto.

Mr. Harris explained that this was the only change to Chapter 19.10 by the Ordinance and requested that City Council adopt the Ordinance.

Mayor Morris asked for testimony in support of this issue—there was none.

Mayor Morris asked for testimony in opposition of this issue—there was none.

Mayor Morris closed the public hearing at 7:54 p.m.

Council Member Schaffer made the motion, seconded by Council Member Homann, to approve Ordinance No. 601-14 on first reading.  
The motion passed with all voting in favor thereof.

**C. Public Hearing –Ordinance No. 602-14 – Amending Chapter 19.04 Of The Evans Municipal Code Titled “Definitions” (1<sup>st</sup> Reading)**

Mayor Morris opened the public hearing at 7:55 p.m.

Mr. Harris summarized Ordinance No. 602-14, which amends Chapter 19.04 of the Evans Municipal Code Titled “Definitions”. He explained that the Ordinance condenses all zoning definitions into chapter 19.04 and listed the reasons for supporting the adoption of the Ordinance.

Mayor Morris discussed his support for the Ordinance.

Mayor Morris asked for testimony in support of this issue—there was none.

Mayor Morris asked for testimony in opposition of this issue—there was none.

Mayor Morris closed the public hearing at 7:57 p.m.

Council Member Schaffer made the motion, seconded by Council Member Rudy, to approve Ordinance 602-14 on first reading.

The motion passed with all voting in favor thereof.

**D. Public Hearing –Ordinance No. 603-14 – Amending The City Of Evans Municipal Code By Repealing Chapters 19.11, 19.12, 19.14, 19.16, 19.18, 19.20, 19.24, 19.26, 19.28, 19.30, 19.32, 19.34, And 19.36, And Enacting Chapter 19.15 titled “Districts Established – Zoning Use and Dimensional Standards (1<sup>st</sup> Reading)**

Mayor Morris opened the public hearing at 7:58 p.m.

Mr. Harris summarized Ordinance No. 603-14, which amends the City Of Evans Municipal Code by repealing Chapters 19.11, 19.12, 19.14, 19.16, 19.18, 19.20, 19.24, 19.26, 19.28, 19.30, 19.32, 19.34, And 19.36, and enacts Chapters 19.15 titled “Districts Established – Zoning Use and Dimensional Standards.

Mr. Harris explained that the Ordinance will condense information from several Sections of Title 19 (Zoning Code) of the Evans Municipal Code to the newly established Chapter 19.15. He also stated that the Ordinance will provide the intent, use, and dimensional standards for five new zone districts within the City of Evans.

Mr. Miller summarized the zoning districts established by the Ordinance, and talked about the height limits and setbacks established for this district.

Mr. Harris summarized the Ordinance and discussed the public notice that was given to property owners within the districts to receive public input and serve notice of the public hearing for the 1<sup>st</sup> reading of the Ordinance.

Mayor Morris asked about areas where 0’ setbacks would be allowed.

Mr. Harris discussed areas where a 0’ setback would be feasible.

Mayor Morris asked about the 0’ setback for building and fire code.

Mr. Harris explained that the zoning would allow for a 0’ setback or 10’ setback at the discretion of the property owner.

Mayor Morris asked for testimony in support of this issue—there was none.

Mayor Morris asked for testimony in opposition of this issue—there was none.

Mayor Morris closed the public hearing at 8:11 p.m.

Council Member Brown made the motion, seconded by Council Member Homann, to approve Ordinance No. 603-14 on first reading.

The motion passed with all voting in favor thereof.

**E. Resolution No. 28-2014 – Authorizing Staff To Begin The Application Process For Properties Listed In The Resolution For Possible Purchase Through The Hazard Mitigation Grant Program (HMGP)**

Warren Jones, Evans Flood Recovery Manager, explained that the Resolution would provide grant funding through the state Hazard Mitigation Grant Program (HMGP) for property acquisitions in the areas destroyed by the 2013 Flood Disaster Event. Mr. Jones summarized the four properties being considered for acquisition by the City, and talked about the City's interest in acquiring the property. He explained that the property would help reduce costs to the Federal Government, State Government, and the City during future flooding events. He also discussed the importance of public safety and acquiring the properties for open space in the 100-year flood plain, which would provide a larger buffer to protect private property from future flood damage. He explained that August 29<sup>th</sup> was the grant deadline and summarized the conditions of the grant:

- First: that the acquisitions have to be voluntary from the property owners;
- Second: FEMA must complete a cost-benefit analysis on the purchase of each property to ensure each purchase meets their requirements; and
- Third: FEMA must complete an environment/historic evaluation to ensure the City does not acquire properties contaminated with hazardous materials.

Mr. Jones talked about the process for grant approval and explained that the property was currently being appraised and that the City was awaiting the appraisal and demolition estimates.

Council Member Homann asked about using the land acquisition for the protection of residential areas in the flood plain if the property is acquired.

Mr. Jones explained that the acquired parcels could only be used for open space, but that residential areas on Salida Court and Riverside Park are above the flood-plain.

Mayor Morris clarified that the Resolution was to apply for HMGP funding and asked about structures on the prospective properties.

Mr. Jones summarized the structures on the properties.

Mr. Jones asked that the motion exclude property parcels 5A and 5B that were originally listed.

Council Member Homann made the motion, seconded by Council Member Rudy, to adopt the Resolution, with properties 5A and 5B excluded. The motion passed with all voting in favor thereof.

**F. Resolution No. 29-2014 – Authorizing Staff To Begin The Application Process For Community Development Block Grant Disaster Recovery (CDBG-DR) Assistance**

Mr. Jones addressed City Council to explain the need to apply for CDBG-DR grant funds to demonstrate an “urgent need” for the repair and restoration of City services and infrastructure. He explained that staff is in the process of applying for CDBG-DR funds to pay for the 12.5 percent City match for six projects that have already been completed, are currently in process, or planned within the near future, which total \$264,140.27. Mr. Jones summarized the projects that would be completed with the help of CDBG-DR funding.

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

**G. Resolution No. 30-2014 – Employee Contribution Increases to FPPA**

Council Member Homann excused himself from the meeting concerning the consideration of the Resolution due to a potential conflict of interest.

Chief Rick Brandt, Evans Police Department, discussed the need for the Resolution to demonstrate City Council’s support for an employee contribution increase to the Fire and Police Pension Association (FPPA). He explained that the FPPA voted to a voluntary increase of the employee contribution to Statewide Defined Benefit Plan of 4 percent of base salary, to be implemented by an annual increase in the member contribution of one-half percent of base salary paid in through 2022. Chief Brandt explained that only six police department employees would be affected by this increase and they have unanimously voted for the employee contribution increase.

Council Member Schaffer made the motion, seconded by Council Member Rudy, to adopt the Resolution. The motion passed with all voting in favor thereof, with Council Member Homann excused from voting.

**H. Preliminary 2014 Budget Revision – Replacement of Marked Police Car**

Chief Rick Brandt, Evans Police Department, discussed the need for a preliminary budget revision to replace a police vehicle. He explained that the budget amount would total \$51,421 to replace a police vehicle that was recently totaled in an accident.

Mayor Morris asked why some equipment could not be reused.

Chief Brandt explained that the equipment in the vehicle that could be reused was scheduled for replacement in 2015.

Mayor Morris asked about the car computer.

Chief Brandt explained that the car computer was also scheduled to be replaced in 2015.

Council Member Schaffer made the motion, seconded by Council Member Rudy, to approve the preliminary budget revision.  
The motion passed with all voting in favor thereof.

#### **I. Preliminary 2014 Budget Revision – Non-Potable Pumps**

Fred Starr, City Public Works Director, discussed the need for a preliminary budget revision in the amount of \$31,000 to repair and perform preventative maintenance on several non-potable pond pumps within the City.

Mayor Morris asked about the ROI on replacing the pond pumps.

Mr. Starr discussed the importance of maintaining pumps for non-potable systems to avoid using potable water in the City.

Mayor Morris asked when the repairs will be implemented.

Mr. Starr stated that the repairs would be implemented by the end of 2014.

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

**REPORTS**

**A. City Manager**

Aden Hogan, City Manager, discussed an upcoming event hosted by the City of Greeley. He talked about the speakers and explained that he wanted some of the City Council Members as well as City staff to attend.

Mr. Hogan also provided an update to the City Council concerning the Ashley Fallis case. Mr. Krob explained that a report had been issued by the Loveland Police Department which indicated that there was no probable cause for a criminal filing against Evans Police Officer Michael Yates for his investigation of the case.

**B. City Attorney**

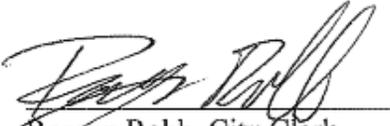
Scott Krob, City Attorney, provided an update to City Council Concerning pending development agreements and an upcoming ordinance concerning equivalent residential units (EQRs).

**AUDIENCE PARTICIPATION**

There was no audience participation.

**ADJOURNMENT**

The meeting adjourned at 8:43 p.m.

  
Raegan Robb, City Clerk