

Minutes
Evans City Council Meeting
Monday, August 4, 2014

CALL TO ORDER

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

PLEDGE

ROLL CALL

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

Absent: Mayor Pro-Tem Schaffer

AUDIENCE PARTICIPATION

Laura Speer, from 4020 Empire Street, Evans, invited people out to City Park for National Night Out scheduled for August 4th from 6:00 p.m. to 8:00 p.m. Ms. Speer was representing the Recover Task Force who would be hosting the event and receiving input from Citizens.

Mike Carlson, 7180 West 49th Street, Greeley addressed City Council to discuss his concerns with heavy truck traffic resulting from the 65th Avenue detour. Mr. Carlson explained the detour is creating problems with dust, road damage, and speeding motorists. He asked the City to require the contractor to spray the road in order to abate the dust and reduce the speed on the road. He also requested to have Evans Police Department patrol the road for speeding.

Nolan Ulmer, 16529 WCR 70, Greeley, addressed City Council to express concerns about Chapter 13.08 concerning Water Rights Dedication and the provisions in City Code concerning equivalent residential units (EQRs). Specifically, he spoke about the value of water dedications and talked about the number of EQRs that he donated to the City nearly ten years ago.

Aden Hogan, City Manager, reminded Mr. Ulmer that issues relating to upcoming code changes could not be discussed with City Council prior to an official public hearing.

Mr. Ulmer expressed frustration with the lack of response from City staff to his concerns.

Mayor Morris asked Mr. Ulmer to send his issues to Scott Krob, Evans City Attorney.

Mr. Ulmer thanked City Council and expressed concerns about a project that had been approved although it had not been granted any EQRs.

April Nelson, 3505 San Mateo Avenue, Evans, explained that she was representing the

Tuscany subdivision, and asked City Council what the plan is to address the issue with the non-potable system in the subdivision. She talked about the desire for the HOA to address the non-potable water system as well as maintenance to the detention ponds.

Mr. Hogan asked Ms. Nelson for her contact information in order for the City to set up a meeting with the HOA.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of July 15, 2014**
- B. Ordinance No. 597-14 – Approving a Zoning Amendment for Driftwood Plaza Lots 1 and 2, Rezoning from C-3 Commercial to R-2 Residential (2nd Reading)**

Council Member Clark recused himself from voting due to his absence at the July 15th meeting.

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

OLD BUSINESS

- A. Public Hearing – Ordinance No. 598-14 Cave Creek Planned Unit Development Amendment (1st Reading) (Continued from July 15th)**

Zach Ratkai, Community Building Development Director, addressed City Council and provided a review about the Cave Creek PUD and the history of the waivers granted by the City Council.

The PUD was submitted to the City Council to remove the restriction on modular homes in the Cave Creek subdivision. Mr. Ratkai reminded the City Council Members that the issue had been considered on the July 1st and July 15th meeting. Mr. Ratkai provided a history of Cave Creek, which began in 1998, and explained that the oldest homes in Cave Creek were built around 1994, but some homes were built in 2014.

Mr. Ratkai talked about the required building standards for modular homes in Cave Creek and read the list of building requirements for Cave Creek into the record.

Mayor Morris asked standard single and double-wide modular homes would apply to the building code requirements.

Mr. Ratkai explained that the code provided for single-section homes that are 16' wide and double-section homes that are 24' wide.

Mayor Morris asked about recent building violations in Cave Creek.

Mr. Ratkai did not know of any major code violations in recent years.

Mayor Morris asked for the applicant to respond to the new testimony from staff.

Tom Carpenter, President of Sun Communities, and representing Cave Creek located at 3400 Sagebrush Boulevard, Evans, explained that the presentation from City staff was accurate and thanked staff and council for their diligence in considering the PUD request. Mr. Carpenter explained that he was available for questions.

Council Member Finn asked Mr. Carpenter why the waiver should be extended.

Mr. Carpenter explained why there is a current shortage of modular homes newer than 4-years old.

Council Member Finn asked about the benefits of continuing the waiver.

Mr. Carpenter spoke about the benefits of Cave Creek to the tax base of the community as well as providing affordable housing. Mr. Carpenter continued to talk about the amenities of the Cave Creek subdivision.

Council Member Clark, asked if allowing older homes would compromise the quality of the Cave Creek subdivision.

Mr. Carpenter responded explained that the standards under the pending PUD were stricter than the current building requirements in the subdivision.

Mayor Morris asked for testimony from individuals in support of the PUD request—there was none.

Mayor Morris asked for testimony from individuals opposed to the PUD request.

Mr. McClare, resident of the Ridge at Prairie View, discussed his concerns with waiving the age of older homes in the subdivision. Mr. McClare discussed problems with surrounding

property values falling, explained why the building standards may not ensure that quality of the homes, and expressed concerns of flood repaired homes being placed in Cave Creek.

Fred Neal, from 1614 28th Street, Evans, asked City Council to make a permanent decision regarding Cave Creek instead of continually adopting waivers for older modular homes. He expressed concern about the ages of some homes in Cave Creek, which were built prior to 1994, according to Mr. Neal.

Mike Moskalski, 4207 Mariposa Lane, Evans talked about issues with low property values in his neighborhood and spoke about the overall life-span of modular homes. He also talked about the negative impact of having older modular installed into Cave Creek and voiced concern about having flood-damaged modular homes installed into the subdivision.

Paul Reim, 4200 Paintbrush Drive, Evans, addressed City Council to talk about the decrease in property values surrounding the Cave Creek subdivision, discussed HUD homes versus modular homes, and stated that HUD homes were being placed into Cave Creek. He continued to discuss his concerns about the modular home park devaluing surrounding property value.

Patrick Groom, from 822 7th Street, Greeley, explained that he was representing DWP LLC. and Prairie View Subdivision. He explained that DWP LLC. owns the neighboring lots to Cave Creek and developed their property with the current restrictions in place for Cave Creek. Mr. Groom explained the several reasons his clients were opposed to approving the PUD, talked about the proximity of Prairie View and Cave Creek, and expressed concerns about the undeveloped property in Prairie View losing value if older modular homes are installed in Cave Creek.

Crystal Carpenter, 2504 Heather Lane, Evans, talked about her expectations for her neighborhood and expressed concerns about traffic and her family's proximity to Cave Creek.

Cammie Bullock, Ridge Resident, addressed City Council to express concerns about the motives of the Cave Creek Company and the potential drawbacks from Cave Creek to surrounding neighborhoods.

Nick Francis, 6600 20th Street #12, Greeley, owner of the Ridge at Prairie View, explained that he was opposed to the PUD and the request for the waiver on the age of modular homes in Cave Creek.

Deborah Langly, 4209 Laurel Drive, Evans, expressed concerns about age of homes being installed in Cave Creek near her neighborhood.

Kory Daniel, 2309 Bluebells Drive, Evans, discussed his concern about having Cave Creek

developed. Mr. Daniel talked about his experience growing up in a trailer park and explained the damage to neighboring property value from modular home parks.

The applicant, Mr. Carpenter, addressed some of the concerns raised by the opposing testimony. He explained that moldy homes cannot be titled in Weld County which would prevent flood damaged modular homes from being installed into Cave Creek. He also talked about the importance of maintenance, not age, for modular homes and explained that several homes cannot currently be moved in to Cave Creek although they are compliant with the building requirements. Lastly, Mr. Carpenter talked about the Phase III expansion of Cave Creek and reminded the opponents that property values are impacted by larger market demands.

Council Member Clark asked about the waiver request in 2008 and the waiver granted in 2011 and the history of the waiver being granted by the City Council.

Mr. Carpenter talked about the history of the PUD.

Council Member Finn, talked about the history of the PUD.

Mayor Morris asked about the age of modular homes in Cave Creek.

Mr. Carpenter explained that the oldest homes in Cave Creek were built in 1990

At 8:22 p.m. Mayor Morris closed the public hearing.

Discussion ensued amongst the City Council Members concerning the age waiver in Cave Creek.

Mayor Morris commented that the proposed PUD would include the building requirements listed by staff in order to give the City the authority to enforce the requirements.

Mayor Morris commented that not acting on the PUD risks the installation of new homes that do not meet the stricter requirements.

Sherri Finn discussed the issues with older and newer homes in Cave Creek.

Council Member Clark discussed the language of the waiver.

Council Member Homann discussed his concerns with the request and the current age of modular homes in Cave Creek.

The City Council Members discussed the language of the waiver, and possibly making 8-year waiver for the next 4 years.

Council Member Clark made the motion, seconded by Council Member Finn, to adopt Ordinance with the following changes to the PUD, allowing modular homes that are 8-year or newer for a period of 4-years from the date of approving the PUD.

The motion passed on a roll call vote of 5 to 1 with Council Member Rudy voting against the motion, and Council Member Schaffer absent.

NEW BUSINESS

A. 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 (1st Reading)

Mayor Morris opened the public hearing for the 2nd Quarter Budget Revision.

Jessica Gonifas, Deputy City Manager, discussed the budget revision process and discussed the following budget items that were included in the budget revision:

- 1.1 - Grant revenue and expenditures for the Evans Master Plan.
- 1.3 - Revenue related to a sales tax assessment as a result of our audit program. Staff is recommending the revenue generated through the audit program be allocated back into the program in order to complete additional sales tax audits.
- 1.4 - Transfer to the Evans Redevelopment Agency.
- 1.5 - Additional IT services in the form of consulting time was necessary this year due to the IT Manager vacancy, this expenditure is included in item.
- 1.6 – Additional funding for flood administrative staffing, specifically the Communication Manager.
- 1.7 – Several staffing reorganization and reclassifications were necessary during the first two quarters. These reclassifications include the Civil Engineer, Neighborhood Services Manager, and IT Manager. The reorganizations are primarily in finance adding capacity for a Sales Tax Administrator, and in the customer service unit reclassifying the two part time customer service administrators to one full time. These two reorganizations will increase the full time benefited positions by two for the City.
- 1.14 – Increase general City legal services due to higher than expected involvement of our contracted legal staff.
- 1.15 – Flood related legal services increase due to higher than expected involvement of our contracted legal staff on flood issues.

Ms. Gonifas also summarized budget changes to the Street Impact Fund, Water Fund, and Waste Water Funds. She explained that the proposed budget revisions had been reviewed by the Finance Committee at their last meeting.

Mayor Morris asked about the current number of full-time employees (FTEs).

Ms. Gonifas explained that the current FTE numbers were lower than the levels before the last major reduction in force.

Mayor Morris asked for testimony from any proponents or opponents on this issue—there were none.

Mayor Morris closed the public hearing at 8:39 p.m.

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

B. Resolution No. 25-2014 - Supporting a Grant Application from the State of Colorado Department of Local Affairs (DOLA)

Fred Starr, City Public Works Director, explained that the Resolution was for City Council's support for a grant that totaled \$99,655 from the Department of Local Affairs Energy and Mineral Impact Assistance Program to conduct a Comprehensive Water Utility Master Plan. He explained that this master plan would evaluate the potable transmission and distribution system, the non-potable irrigation system, the Evans ditch, and a water enterprise rate structure for the City. The master plan will also provide the City with capital improvement plans for both utilities and recommendations on critical raw water purchase decisions that the City is facing in the near future. The recommended rate structure will guide rate adjustments to finance future raw water purchases and the identified capital improvement plans to potable and non-potable water systems.

Mr. Starr stated that the grant required an equal cash match of \$99,655, which will be paid from the City's Water Enterprise Fund.

Council Member Finn asked about the amount being awarded and the matching funds from the City.

Mr. Starr explained that \$99,655 would need to be matched by the Water Enterprise Fund for an approximate total of \$199,000 for the Water Utility Master Plan.

Mayor Morris asked if the match was currently in the budget.

Mr. Starr and Ms. Gonifas explained that the City Council would have to consider a budget for the \$99,655 match amendment if the grant was approved by the State.

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

C. Resolution No. 26-2014 - Adopting a Policy Concerning Records Requests and Electronic Mail Use Under the Colorado Open Records Act (CORA)

Mr. Krob explained the Resolution adopts an official policy, rules, and fees for the copying and research and retrieval of the City's public records. He explained this change was in response to House Bill 14-1193, which became effective July 1, 2014. Under this bill, the City must provide the first hour of staff time spent responding to an open records request under the Colorado Open Records Act (CORA) at no charge. The City can charge up to \$30 per hour for staff time and 25 cents per page, provided it has adopted a resolution establishing such charges and duly posted the fees involved.

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

D. General Election Contracts

i. Resolution No. 27-2014 - Authorizing an Intergovernmental Agreement with Weld County to Coordinate in the November 4, 2014 General Election

Raegan Robb, Evans City Clerk presented the intergovernmental agreement (IGA) between the City of Evans and Weld County, which allows the City to participate in a coordinated election with the County on November 4, 2014. Mr. Robb explained that the IGA will allow the City to send the proposed amendments to the City Charter, approved by Ordinance 595-14, to the registered City voters at the General Election. He stated that this is the standard IGA format used for all coordinated elections in Weld County, that it has been reviewed and approved by Evans City Attorney and the Weld County election officials, and recommended the adoption of the Resolution.

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

ii. Authorizing a Facility Usage Agreement for the Evans Complex to Serve as a Drop-off Location during the November 4, 2014 General Election.

Mr. Robb presented the facility usage agreement between the City of Evans and Weld County, which would allow the City of Evans Complex to serve as a drop-off location during the General Election on November 4, 2014. Mr. Robb explained that Weld County election judges will be onsite to staff the ballot drop-off location on Election Day and the days leading up to Election Day. He stated that the agreement has been reviewed and approved by Evans City Attorney and the Weld County election officials, and recommended the adoption of the Resolution.

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

E. Award of Bid: Water Meter/Radio Replacement Project

Mr. Starr, City Public Works Director, provided a brief history about the City's Water Radio/Meter Upgrade Project and the receipt of a loan for the project from the Colorado Water Resources and Power Development in July, 2013.

He explained why the project has been delayed, talked about the bidding process for the project, and recommended that Council support the bid to H&H Excavation, Inc. for \$549,798.00 for the water meter replacement phase of the project.

Mayor Morris clarified that this bid amount was in the budget.

Mr. Starr verified that this was part of the accepted loan, which totaled \$1,500,000. He explained that the loan amount will be used in order to upgrade the system to the best possible condition.

Council Member Clark made the motion, seconded by Council Member Rudy, to award the bid to H&H Excavation. The motion passed with all voting in favor thereof.

F. Award of Bid: 2014 Asphalt Patch Service Contract

Mr. Starr addressed City Council to explain the bid for the 2014 asphalt patch service contract. He explained that this is an annual service contract and asked that City Council award the bid to Martin Marietta Materials, Inc., but that the bid is awarded on a not to exceed amount of \$105,000.

Mayor Morris clarified that the motion for the bid award should include the not to exceed amount of \$105,000.

Council Member Homann made the motion, seconded by Council Member Brown, to award the bid to Martin Marietta Materials, Inc., but not to exceed \$105,000. The motion passed

with all voting in favor thereof.

G. Approval of CDBG-DR Grant Funding for Planning Position

Sheryl Trent, City Economic Development Director, talked about the City's application for grant funding from the State to provide for a City planner position through a special Community Development Block Grant for disaster recovery (CDBG-DR). She explained that the City applied for staffing funds to assist with our long range planning efforts, and the City was approved for \$91,000 with no match required, but that receiving such funds would require a budget amendment for staffing and training costs for the position.

Ms. Trent explained that the grant is for a maximum of two years or until the funding is exhausted. She talked about the current planning needs for the City and asked for the approval of the proposed budget amendment to the General Fund in order to move forward with recruitment and hiring of the position.

Council Member Clark made the motion, seconded by Council Member Rudy, to approve the CDBG DR contract for planning staff in the amount of \$91,000 and authorize the City Manager to sign, and approve a preliminary budget amendment. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Mr. Hogan, called attention to the information in the Monitoring Report that was included in the City Council Packet. He discussed the recent efforts for staff to improve communication with City Council through this document.

B. City Attorney Report

Scott Krob, City Attorney, explained that he has followed up with the Fort Collins and Loveland Police Department concerning the Ashley Fallis case. Mr. Krob anticipated more news about this case that was reopened and under investigation by the Fort Collins and Loveland Police Departments.

He talked about receiving a letter from the Carpenters Union concerning a dispute and potential strike, which could impact the ongoing construction for the Riverside Library.

Lastly, Mr. Krob Introduced his associate, Matt Krob, and talked about the importance of to training associate staff onsite at the City, but clarified that they

were not billing for associate staff to be onsite.

AUDIENCE PARTICIPATION

There was no audience participation.

EXECUTIVE SESSION

- A. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to CRS 24-6-402(4)(e)**

Council Member Clark made the motion, seconded by Council Member Rudy, to convene into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to CRS 24-6-402(4)(e).

The motion passed with all voting in favor thereof.

At 9:02 p.m. the City Council adjourned into executive session.

ADJOURNMENT

The regular meeting adjourned at 9:48 p.m.


Raegan Robb, City Clerk