

Apartments. He discussed the development and the park impact fee of \$794,816 charged to the developer for 176 apartment units and 56 single family homes. Mr. Payton explained that City staff promised to review these fees with the developer to determine if the amount was miscalculated. Mr. Payton talked about the park impact fee structure during the time of the development and argued that the developer was owed \$286,160 due to an error in the calculation of park impact fees. He spoke about the rational nexus that must exist between an impact fee and development and summarized the three rationales for reducing the fee for Ashcroft Apartments. Lastly, he explained what the development would have cost in neighboring cities, including:

- \$166,599-Johnstown
- \$354,697-Greeley
- \$483,647-Ft.Collins
- \$588,703-Loveland

Mayor Morris thanked Mr. Payne for his comments and explained that Council would take his request under consideration.

Mr. Payne asked Council about the timeline for reaching a decision.

Mayor Morris discussed the timeline for Council and staff to schedule an executive session to review this issue with the hopes of reaching a decision by July or August, 2015.

Mr. Payne thanked Mayor Morris and the City Council for their time.

B. Public Hearing – Ordinance No. 624-15 Repeal and Adoption of Chapter 15.20 of the Evans Municipal Code, also known as the 2014 National Electrical Code (1st Reading)

Mayor Morris opened the public meeting.

Zach Ratkai, City Building Official, explained that the Ordinance was necessary to comply with a state requirement to adopt the 2014 National Electrical Code by July 1, 2015. According to Mr. Ratkai, the Ordinance adopts the 2014 National Electrical Code under Chapter 15.20 of the Evans Municipal Code. He talked about coordinating this code change with the City of Greeley, since Greeley assists the City of Evans with building inspections. Lastly, Mr. Ratkai explained that the Ordinance was amended to refer any violations of the National Electrical Code in Chapter 15.20 to Chapter 1.16 of the Evans Municipal Code concerning penalties for non-compliance of the mandatory requirements under City Code.

Mayor Morris asked for any testimony for or against the Ordinance—there was none.

Mayor Morris closed the public hearing at 7:48 p.m.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Brown, to adopt the Ordinance, as amended to refer violations to Chapter 1.16 of the City Municipal Code. The motion passed with all voting in favor thereof.

C. Resolution No. 16-2015 Amending the City of Evans Table of Equivalent Residential Units (EQRs)

Fred Starr, Public Works Director, talked about the need to require non-potable irrigation for future development in the City and explained that the Resolution amends the City formula for Equivalent Residential Units (EQRs). According to Mr. Starr, the proposed amendment would add a new item to the City's EQR Table requiring that a developer dedicate only 0.60 EQRs per unit (rather than 1.0 EQRs per unit) for a development that proposes to limit the use of potable water to in-house domestic purposes only. Staff has concluded that the average in house use only demand will be 0.60 EQRs per unit, whereas the average use for a single family unit that uses potable water for in house domestic purposes and also for irrigating up to 2,500 square feet of lawn is 1.0 EQRs per housing unit.

Mayor Morris asked if non-potable water was being required for developments installing irrigation systems.

Mr. Starr explained that the change should encourage developers to limit the use of potable water to in-house purposes only and to provide separately metered non-potable systems for irrigation. Mr. Starr stated that incentivizing development to use non-potable water for irrigation could decrease the amount of water the City of Evans would need to purchase from the City of Greeley by approximately 40 percent.

Mayor Morris discussed his support for the Resolution and asked for a motion.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Homann, to adopt Resolution No. 16-2015. The motion passed with all voting in favor thereof.

D. Resolution No. 17-2015 Authorizing Approval of Amendment #1 to the Agreement between the State of Colorado Department of Public Health and Environment and the City of Evans

Mr. Starr explained that the City of Evans was awarded and accepted a grant by the State of Colorado Department of Public Health and Environment (CDPHE) in the

amount of \$1,000,000 to be used for a 12.5 percent match on repairs to the flood damaged wastewater treatment plant and to partially pay for the design on the new combined wastewater treatment facility. According to Mr. Starr, the following amendments needed to be considered when the grant was reviewed in September, 2014:

- *An additional provision regarding the process a contractor must undergo if performance is outside of the State of Colorado.* (This was a request of the State and staff does not believe it will apply to the City.)
- *Modifications adding more descriptions.* (This is also a request of the State and staff does not believe it materially changes the contract provisions.)
- *Modification of the specifications in the Statement of Work.* (This was requested by staff and reflects the Waste Water teams' recommendation to not proceed with the hazard mitigation work at the current Evans plant. The revision of this contract allows the funds earmarked for this purpose to now be used for design of the new plant.)

Mayor Morris clarified that the State accepts that the City will not reconstruct the wall of the current treatment plant.

Mr. Starr stated that the construction of the new treatment plant is considered ongoing mitigation by the State.

Mayor Morris asked for a motion on the Resolution.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Homann, to adopt Resolution No. 17-2015. The motion passed with all voting in favor thereof.

E. Award of Bid – Consolidated Wastewater Treatment Plant, Force Main and Lift Station Surveying Services

Mr. Starr introduced Keith Meyer, from Ditesco, who is the main contractor on the City's Consolidated Wastewater Treatment Plant project (WWTP). Mr. Starr talked about the number of bids submitted to the City and explained why King Surveying was being recommended to receive the bid.

Mr. Meyer discussed the surveying project component of the WWTP projects and summarized the following work that would be performed by King Surveyors:

- Topographic mapping for the lift station, force main and WWTP;
- Property boundary mapping, legal descriptions and ALTA survey for the WWTP site; and
- Utility surveying coordinated with potholing efforts.

Mr. Meyer explained that Ditesco was recommending the award of bid to King Surveying, not to exceed \$53,000.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Brown, to approve the agreement with King Surveyors, not to exceed \$53,000. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Aden Hogan, City Manager informed City Council about an upcoming ceremony for new Evans police officers to be sworn-in on Monday, June 15th.

He talked about the City's involvement in the A.C.E. Internship Program, coordinated by the Deputy-City Manager, Jessica Gonifas, which places high school interns with Evans and Greeley during the summer. Mr. Hogan also thanked the Human Resources Department for their help coordinating the internship program.

He also discussed ongoing paving improvement projects in the City and updated the Council about current road closures due to recent flooding.

Lastly, he informed the City Council that the City pool and day camp were both open for the summer.

B. City Attorney

Scott Krob, City Attorney, provided an update concerning recent meetings and ARB MidStream to negotiate road improvements for their proposed project in the south part of the City.

AUDIENCE PARTICIPATION

Ms. Dawn O'Keefe, from the Nevilles Crossing sub-division, addressed City Council to express her concerns over animal control in the City of Evans. Ms. O'Keefe explained that her dog was impounded in March, 2015 by the Weld County Humane Society. Ms. O'Keefe was charged \$100 by the Humane Society for retrieving and sheltering her dog and fined \$200 by the Evans Police Department. She explained that she was challenging the \$200 fine and discussed frustration with how she was treated by the Evans Police Department and with getting her court hearing scheduled. She stated that she was challenging the fine because the amount was too high and unjust. Ms. O'Keefe talked about her support for the Humane Society, but explained that blaming the Humane Society for the City fines was dishonest.

Lastly, Ms. O'Keefe explained that the Nevilles Crossing area was not happy with the City and has considered de-annexation in the past.

Mayor Morris thanked Ms. O'Keefe for her comments and asked Scott Krob to speak to her pending citation with the City.

Mr. Krob advised that City Council should not speak to any matter that is pending in court.

Mayor Morris asked Mr. Hogan to follow-up with the matters involving the fines for dogs at-large and the conduct of the Evans Police Department.

Ms. O'Keefe explained that surrounding Cities do not charge for a first offense for at-large animals.

ADJOURNMENT

The meeting adjourned at 8:14 p.m.



Raegan Robb, City Clerk