

**MINUTES**  
**EVANS CITY COUNCIL**  
Monday, August 3, 2015

**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, Clark, Finn, Homann, and Rudy

**RECOGNITIONS**

**A. City Manager's Recognizing the A.C.E. Program Interns**

Aden Hogan, City Manager, and Raul Rodriguez, City Safety & Risk Management Specialist, and David Burns, City Emergency Preparedness Planner, recognized the following A.C.E. Program interns who worked for the City during the summer.

- Nicholas Bates;
- Mario Hernandez;
- Azucena Zozaya;
- Eduardo Arredondo;
- Eddie Gomez; and
- Garret Anderson (recognized, but was not present).

Mayor Morris discussed the benefits of the A.C.E. Program and thanked Evans staff for organizing a successful program during the summer.

**AUDIENCE PARTICIPATION**

Laura Speer, 4020 Empire Street, Evans, asked City Council about the date for Council's summer town hall meeting.

Mayor Morris explained why the meeting was rescheduled for August 19<sup>th</sup>.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- A. Approval of Minutes of the Regular Meeting of July 21, 2015**
- B. Authorizing a Facility Usage Agreement With Weld County for the Evans Complex to Serve as a Drop-off Location during the November 3, 2015 Coordinated Election**

Council Member Homann amended the meeting minutes of July 21<sup>st</sup> to list himself as absent.

Scott Krob, City Attorney, amended the meeting minutes to correct that the executive session convened for matters subject to negotiations, pursuant to C.R.S. 24-6-402(4)(e).

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Rudy, to approve the Consent Agenda, as amended. Mayor Morris and Council Member Homann abstained from voting. The motion passed with all voting in favor thereof.

**NEW BUSINESS**

- A. Public Hearing – Ordinance No. 626-15 – 2<sup>nd</sup> Quarter Budget Revision (First Reading)**

Mayor Morris opened the public hearing at 7:39 p.m.

Jacque Troudt, City Finance Manager, presented Ordinance No. 626-15 for the adoption of the 2<sup>nd</sup> Quarter budget revision. Ms. Troudt explained that budget revisions are scheduled at quarterly intervals throughout the year in order to facilitate a flexible and accurate City budget. She summarized the following General Fund budget revisions for consideration under the Ordinance:

- Expenditures for the Evans Historical Master Plan, \$27,022;
- Police department supplies and services, including replacement officer equipment, investigations services and software, \$32,673;
- Grant revenue and expenditures for a South Platte Sediment Transport Study, \$225,000;
- Expenditures to complete the South Platte River Recreation Corridor Master Plan, \$3,150;
- Expenditures to cover unanticipated flood related legal fees, \$5,000; and
- Revenue and expenditures to replace property related to insurance claims, \$36,855.

Next Ms. Troudt summarized the following CIP Street Fund budget revisions:

- Revenue and expenditures to replace property related to insurance claims, \$20,406;
- Expenditures related to the preliminary budget revision to complete the work on the 36<sup>th</sup> Storm Sewer project, \$259,292;
- Revenue and expenditures to upgrade a pedestrian pole, \$14,142; and
- Revenue of \$665,000 and expenses of \$762,100 in the Waste Water Fund to complete permanent repairs to the Evans Waste Water Treatment Facility, as approved in a prior preliminary budget revision.

According to Ms. Troudt, the Storm Fund includes the following proposed revision items:

- Expenses related to the preliminary budget revision to complete the work on the 36<sup>th</sup> Storm Sewer work, \$272,359;
- Grant revenue and expenses related to the Storm water Management Plan, \$265,000; and
- A decrease in expenses related to rescheduling the completion of a Storm project, of \$150,000.

Lastly, Ms. Troudt explained that Attachment A to the Ordinance identifies the detailed changes for the proposed revisions to the 2015 Budget, which are also summarized in the heading of the ordinance. Attachment B includes the beginning balance by each fund based on audited balances.

Ms. Troudt reminded the Council that the City Finance Committee reviewed the proposed budget revisions at their last meeting and did not recommend any changes.

Mayor Morris asked for testimony in support of the Ordinance—there was none.

Mayor Morris asked for testimony opposed to the Ordinance:

Laura Speer expressed concerns with Council Members voting on budget revisions immediately following a work session where staff presented the revisions. Ms. Speer asked if this policy could be changed. She also asked about the \$27,000 listed as grant funding for the Evans Riverside Master Plan as well as budget line items “to replace property related to insurance claims.”

Ms. Troudt explained that the \$27,000 was carried forward from grant revenue received in 2014 for the Evans Riverside Masterplan.

She also explained that the City received funds from insurance claims for both damaged equipment/property and for worker's compensation claims in some cases.

Mayor Morris clarified that these budget items were funds received from the City's insurance company.

Ms. Troutt confirmed that these budget items were funds received from the City's insurance company.

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

Council Member Clark made the motion, seconded by Council Member Brown, to approve Ordinance No. 626-15 on first reading.  
The motion passed with all voting in favor thereof.

**B. Ordinance No. 627-15 – Amending Sections of Title 9 of the Evans Municipal Code Concerning Panhandling In Rights-of-Way (First Reading)**

Rick Brandt, Evans Chief of Police, discussed the need for Ordinance No. 627-15, concerning prohibiting panhandling in the rights-of-way. He discussed the need to protect both motorists and panhandlers that enter the right-of-way. Chief Brandt explained that a similar Ordinance was recently adopted by the City of Greeley.

Council Member Clark asked why the City cannot ban all panhandling.

Chief Brandt and Scott Krob, both clarified that panhandling was a form of speech, which could only be regulated by municipalities according to time, place, and manner.

Mayor Morris discussed problems with panhandling in the City and voiced his support for the Ordinance.

Council Member Brown made the motion, seconded by Council Member Rudy, to approve Ordinance No. 627-15 on first reading.  
The motion passed with all voting in favor thereof.

**C. Ordinance No. 628-15 – Amending Sections of Title 9 of the Evans Municipal Code Concerning Aggressive Panhandling (First Reading)**

Chief Brandt, explained that this Ordinance was similar to Ordinance No. 627-15 to

specifically prohibit aggressive panhandling in the City. He reminded the Council that municipalities can only regulate the time, place, and manner of panhandling, but the Ordinance would ban aggressive panhandling.

Mayor Morris asked for some examples of aggressive panhandling.

Chief Brant provided some examples of aggressive panhandling and explained that the Ordinance specifically prohibits panhandling near ATMs and public restrooms.

Council Member Clark made the motion, seconded by Council Member Rudy, to approve Ordinance No. 628-15 on first reading.  
The motion passed with all voting in favor thereof.

**D. Approval of Impact Fee Study**

Mayor Morris explained that there were still questions from the City Council Members concerning the impact fee study and clarified that the agenda items related to the study would be moved to the regular meeting on September 1, 2015. Mayor Morris asked Council Members to refer any questions concerning the impact fees to Aden Hogan, City Manager.

Mayor Morris clarified with legal counsel that a motion to continue the items was not necessary.

Mr. Krob stated that Council did not need a motion to continue the agenda items to a subsequent meeting.

**E. Ordinance No. 629-15 – Adoption of Adjusted City Impact Fees (First Reading)**

**i. Resolution No. 21-2015 – Establishing Waste Water Impact Fees**

(Continued by City Council to September 1, 2015)

**F. Resolution No. 22-2015 – Approval of Contract for City of Evans Stormwater Management Plan with Muller Engineering**

Chad Reischl, City Planner, addressed City Council to discuss Resolution No. 22-2015 to receive a \$265,000 grant from the Colorado Department of Local Affairs' (DOLA) CDBG-DR Program for a new Stormwater Management Plan. According to Mr. Reischl, the City's last planning effort around stormwater management was a Comprehensive Drainage Study completed in March of 1997.

Since that time, the population of Evans has more than doubled (from 9,515 in 2000 to an estimated 19,944 in 2013) and numerous commercial developments, with their associated parking lots, have been developed. Considering this growth, it has become increasingly important for the City to provide adequate storm drainage facilities for its existing developments as well as for new developments.

Mr. Reischl explained that after a successful RFP process, staff has chosen Muller Engineering Company Inc. to complete this necessary planning process.

Mayor Morris asked for any comments or questions from City Council.

Council Member Clark, made the motion, seconded by Council Member Homann, to approve the contract with Muller Engineering Company through the adoption of Resolution No. 22-2015. The motion passed with all voting in favor thereof.

**G. Resolution No. 23-2015 – Approval of Contract for the South Platte River Sediment Transport Modeling and Feasibility Study with CDM-Smith**

Mr. Reischl discussed Resolution No. 23-2015 to receive a \$225,000 grant from the Colorado Department of Local Affairs' CDBG-DR Program for the Middle South Platte River Sediment Transport Modeling and Feasibility Study. According to Mr. Reischl, the study will examine the movement of sediment within the river system and determine the feasibility of projects at Highway 85 and other choke points of the river to reduce flood risk in the 20 mile stretch of the South Platte near Evans.

Mr. Reischl explained that after a successful RFP process, staff has chosen CDM-Smith to complete this study.

Council Member Homann asked how many proposals the City received for the project.

Mr. Reischl explained that five bids were received and why CDM-Smith was selected as the top choice.

Council Member Clark made the motion, seconded by Council Member Brown, to approve the contract with CDM-Smith through the adoption of Resolution No. 23-2015. The motion passed with all voting in favor thereof.

## **H. Approval of Dewberry Engineering Firm – Water Master Plan Update**

Jessica Gonifas, Deputy City Manager, explained that the City applied for and received a DOLA grant in 2014 to update the current Water Master Plan. This plan intends to tie water conversation and planning, water distribution system analysis, water transmission and coordinated water treatment into one comprehensive document. This master plan will assist the City in land use, capital improvement and utility service planning efforts. The primary categories of the Master Plan will include:

- Water Resources
- Water Use and Conservation
- Water Treatment and Transmission
- Water Distribution
- Support of Land Use
- Capital Improvement Plan

According to Ms. Gonifas, the City released a Request for Proposals (RFP) in May and received six proposals that were evaluated by the selection committee. She explained the criteria of this evaluation and why Dewberry was chosen as the engineering firm to update the City water master plan.

Mayor Morris asked when the project would be completed.

Ms. Gonifas stated that the project would be completed by late 2015, or early 2016.

Mayor Morris voiced his support for updating the City water master plan.

Council Member Clark made the motion, seconded by Council Member Brown, to approve the Mayor's signature on the professional services agreement with Dewberry Engineering. The motion passed with all voting in favor thereof.

## **REPORTS**

### **A. City Manager**

Mr. Hogan updated the Council about new communication methods that will be implemented to reach out to residents at community events. He also talked about an upcoming visit from a federal inspector general under the Federal Emergency Management Agency (FEMA) to audit federal funds sent to the City for flood recovery. Mr. Hogan talked about filling the Evans' Ombudsman position and the benefits of having this position for City businesses. Lastly, he provided updates about the following issues with the Evans Police Department: taser upgrades, new vehicles, and the appointment of Chief Brandt as the president of the Colorado

Chiefs' Association.

Council Member Homann asked the City Manager about the traffic plan for Prairie Heights Middle School that is opening in the fall of 2015.

Chief Brandt talked about the anticipated ingress and egress from the middle school and the strategy by the Evans Police Department to control the heavy school traffic.

Mayor Morris asked about methods to gradually reduce speeds in the City surrounding Prairie Heights Middle School.

Discussion ensued concerning the speed limits surrounding the middle school location.

**B. City Attorney**

Mr. Krob mentioned cases he was working on, including issues involving the City Cemetery and personnel files from the City to the Evans Fire District.

**AUDIENCE PARTICIPATION**

There was no audience participation.

**ADJOURNMENT**

The meeting adjourned at 8:11 p.m.

  
Raegan Robb, City Clerk