

**MINUTES**  
**EVANS CITY COUNCIL**  
February 2, 2016

**CALL TO ORDER**

**PLEDGE**

**ROLL CALL**

Present: Mayor Morris, Mayor Pro-Tem Schaffer, Council Members Brown, Clark, Finn, Homann.

Absent: Council Member Rudy

**AUDIENCE PARTICIPATION**

There was no audience participation.

**APPROVAL OF AGENDA**

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Homann, to approve the Agenda. The motion passed with all voting in favor thereof.

**CONSENT AGENDA**

**A. Approval of Minutes of the Regular Meeting of January 19, 2016**

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Homann, to approve the Consent Agenda. The motion passed with all voting in favor thereof.

**SPECIAL BUSINESS**

**A. Resolution No. 11-2016 – Supporting the Weld County Bright Futures Program**

Aden Hogan, City Manager, presented Resolution No. 11-2016, which supports the Bright Futures Program. Mr. Hogan explained the Bright Futures Grant Program was created by the Weld County Commissioners to provide financial assistance to Weld County students and veterans in pursuing their post-high school or post GED education. The program offers up to \$3,000 per year, up to four years, to be used at any accredited educational institution or training program located in the United States. Mr. Hogan explained that the Resolution contributed \$21,000 from the City of Evans to provide funding for seven students in 2016.

Mr. Hogan introduced Weld County Commissioners Cozad and Conway and thanked Weld County for their work creating the program.

Mayor Pro-Tem Schaffer explained that he was an employee of the University of Northern Colorado, and asked legal counsel to clarify that there was no conflict of interest to support the Resolution.

Mr. Krob, City Attorney, clarified that there was no conflict with Mayor Pro-Tem Schaffer supporting the resolution.

Mayor Morris thanked the County Commissioners for attending the meeting and asked if they had any additional comments.

Commissioners Conway and Cozad thanked the City Council for their contribution to the program. Commissioner Conway stated that the City of Evans was the first municipality in Weld County to contribute.

Mayor Morris discussed his support for the program and explained that the City's contribution would support seven grants to Evans residents for 2016.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Homann, to adopt Resolution No. 11-2016 – supporting the Weld County Bright Futures Program. The motion passed with all voting in favor thereof.

### **Resolution No. 12-2016 – Adopting the 2016 Weld County Multi-jurisdictional Hazard Mitigation Plan**

Mr. Hogan presented Resolution No. 12-2016, which adopts the 2016 Weld County, Colorado Multi-jurisdictional Hazard Mitigation Plan. According to Mr. Hogan, the adoption of this plan satisfies the requirements of the Federal Emergency Management Agency (FEMA) according to 44 C.F.R. 201.6 and maintains the City's eligibility for specific federal hazard mitigation or disaster loss reduction programs. This plan is the product of a planning process undertaken by the Weld County Office of Emergency Management and local Emergency Managers throughout Weld County with both the Evans Fire Protection District and Public Works Department participating several revisions to this plan.

Mayor Morris voiced his support for the Resolution.

Council Member Clark, made the motion, seconded by Council Member Brown, to adopt Resolution No. 12-2016 – Adopting the 2016 Weld County Multi-jurisdictional Hazard Mitigation Plan. The motion passed with all voting in favor thereof.

**NEW BUSINESS**

**A. Ordinance No. 646-16 – Amending the Evans Home Rule Charter, Amending Section 3.14 of the Home Rule Charter, and Submitting the Questions to the Registered Electors at the Regular Municipal Election Held on April 5, 2016**

Raegan Robb, City Clerk, presented the Ordinance, which would amend the Home Rule Charter to include labels for each subsection, conform the language of the Charter to be gender neutral, and Amend Section 3.14 the Evans Home Rule Charter. Mr. Robb explained that, if approved, the Ordinance would refer the following questions to the registered electors at the Municipal Election which will be held on April 5, 2016:

- *Shall the City of Evans Home Rule Charter be amended to make the language of the Charter gender neutral and include labels for each subsection?*
- *Shall Section 3.14, Special City Council Meetings, be amended to allow special meetings of the Council to be called by the Clerk by electronic correspondence, by telephone, in writing served personally, or delivered to a Council Member's usual place of residence?*

The Council Members discussed their support for the Ordinance.

Council Member Homann made the motion, seconded by Council Member Brown, to adopt Ordinance No. 646-16 on first reading.

The motion passed with all voting in favor thereof.

**B. Ordinance No. 647-16 – Amending Section 7.10 of the Evans Home Rule Charter and Submitting the Question to the Registered Electors at the Regular Municipal Election Held on April 5, 2016**

Mr. Robb presented the Ordinance, which would amend the Home Rule Charter to amend Section 7.10 of the Home Rule Charter to align the maximum municipal fine with the amount allowed under state law. Mr. Robb explained that, if approved, the Ordinance would refer the following questions to the registered electors at the Municipal Election which will be held on April 5, 2016:

- *Shall Section 7.10, Penalties for Violation of Ordinances, be amended to clarify that the fine for municipal court shall not exceed the amount allowed under state law as established by city ordinance?*

Mayor Pro-Tem Schaffer spoke about the need to remove \$1,000 limit from the Charter language.

Mayor Morris also discussed his support for the change to the Home Rule Charter.

Council Member Clark discussed his opposition to the charter amendment. He explained that the \$1,000 limit for municipal fines should remain in the charter.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Brown to adopt Ordinance No. 647-16 on first reading. The motion passed 5-1-1 with Council Member Clark opposed and Council Member Rudy absent.

**C. Resolution No. 13-2016 – Approving the Grant of a Non-Exclusive Easement by the City of Evans to Saddle Butte Rockies Midstream, LLC for Construction, Installation and Maintenance of a Pipeline to Transmit Oil, Gas and Water Across and Beneath Certain Real Property Belonging to the City**

Fred Starr, Public Works Director, presented the resolution, to grant a non-exclusive easement 30ft wide by 1,157 ft. long over and across property which is owned by the City of Evans. According to Mr. Starr, the easement will be granted to Saddle Butte Rockies Midstream, LLC for construction, installation and maintenance of a pipeline to transmit oil, gas, and water from property associated with the Synergy Oil Well site. Additionally the easement will allow Synergy Oil and Gas Company to transport some of the oil produced on their site through the pipeline which will reduce the truck volume and save City streets. Lastly, the City will also receive \$17,355.00 in compensation for easement, according to Mr. Starr.

Mr. Starr discussed the location of the easement and talked about some of the improvements to the City's property.

Mayor Morris clarified that this is a not a 30 foot pipe, but rather an easement for a smaller pipe.

Fred Starr confirmed the easement will consist of a 70' wide "construction easement" to accommodate the activity associated with the initial placement of the pipeline; then a 30' wide non-exclusive easement.

Council Member Homann asked if the easement would reduce truck traffic from the Synergy site.

Mr. Starr explained that the easement would reduce truck traffic by allowing Synergy

Oil and Gas Company to transport some of the oil produced on their site through the pipeline which will reduce the truck volume on 35<sup>th</sup> Avenue.  
Mayor Morris discussed his support for the project.

Council Member Clark made the motion, seconded by Council Member Brown, to adopt Resolution No. 13-2016 – Approving the Grant of a Non-Exclusive Easement by the City of Evans to Saddle Butte Rockies Midstream, LLC for Construction, Installation and Maintenance of a Pipeline to Transmit Oil, Gas and Water Across and Beneath Certain Real Property Belonging to the City. The motion passed with all voting in favor thereof.

**D. Approval of a Preliminary Budget Revision for the Match on an Energy and Mineral Impact Grant from the Colorado Department of Local Affairs**

Jessica Gonifas, Deputy City Manager, made a presentation to the City Council concerning Preliminary Budget Revision for the Match on an Energy and Mineral Impact Grant from the Colorado Department of Local Affairs (DOLA). According to Ms. Gonifas, on November 17, 2016, City Council a DOLA grant intended to supplement funding for permanent repairs to Brantner Road, 49<sup>th</sup> Street, and Industrial Parkway, which were heavily damaged by both the 2013 and 2015 floods.

After review of the grant application which showed \$0 match for the resurfacing of 49<sup>th</sup> Street from the flood damaged section west to 35<sup>th</sup> Avenue at a cost of \$600,000. DOLA has suggested that the application would be strengthened if the City included a local match of at least \$100,000, but the grant funding would cover over 83 percent of the cost of this much needed street improvement project. Lastly, she explained that funding for the local match would come from the Capital Project - Streets fund, which is projected to have a 2016 ending fund balance of \$567,968.

The Council Members voiced their support for the project and the match funding.

Council Member Clark made the motion, seconded by Council Member Homann, to approve a preliminary budget revision in the amount of \$100,000 within the Capital Projects - Streets Fund for the local match on the Energy and Mineral Impact Grant for 49<sup>th</sup> Street. The motion passed with all voting in favor thereof.

**REPORTS**

**A. City Manager**

Aden Hogan, City Manager, referred the Council Members to the issues summarized in the monitoring report. He also discussed methods for residents to report pot holes

and some emergency preparedness training by staff.

Lastly, he explained that the he City had become a Weather Ambassador for the National Weather Service through NOAA. Mr. Hogan explained that this was one of four action items the City needed for its Hazard Mitigation Plan.

Mayor Morris praised staff for participating in a recent emergency preparedness exercise.

#### **B. City Attorney**

Mr. Krob explained that the executive session was scheduled for discussing a pending lawsuit concerning the warehouse located at 600 31<sup>st</sup> Street in Evans, but the executive session was not necessary at this time

#### **AUDIENCE PARTICIPATION**

There was no audience participation.

#### **EXECUTIVE SESSION**

**~~A. To Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negations, and Instructing Negotiators, Pursuant to C.R.S. 24-6-402(4)(e)~~**

#### **ADJOURNMENT**

The meeting adjourned at 8:14 p.m.

  
Raegan Robb, City Clerk