

MINUTES
EVANS CITY COUNCIL
August 16, 2016

CALL TO ORDER

Mayor Morris called the meeting to order at 7:40 p.m.

PLEDGE

ROLL CALL

Present: Mayor Morris, Mayor Pro-Tem Rudy, Council Members: Finn, Homann, Schaffer, and Speer

Absent: Council Member Clark

RECOGNITIONS

A. City Manager Recognizing the A.C.E. Program Interns

Aden Hogan, City Manager, and Raul Rodriguez, Safety and Risk Management Specialist/ADA Coordinator, introduced the A.C.E Interns and presented them with awards. Mr. Hogan and Mr. Rodriguez discussed the program and presented an award to the Mayor on behalf of the City for excelling at the program. They also presented awards to the following staff for mentoring the interns: Dawn Anderson, Jacque Troudt, Kevin Aoki, Raegan Robb, and Scott Sandridge.

AUDIENCE PARTICIPATION

Steve Bernardo, from Grapevine Hollow, spoke about the City's Consolidated Waste Water Treatment Plant (WWTP) and urged the City to assist the City of Greeley with their plans to place a hospital in West Greeley, which may need to connect to the Evans WWTP.

Mr. Caldwell, from Greeley, thanked the City for hosting the ACE program and spoke to the personal and professional skills from the internship.

APPROVAL OF AGENDA

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

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CONSENT AGENDA

A. Approval of Minutes of the Regular Meeting of August 1, 2016

Mayor Pro-Tem Rudy made the motion, seconded by Council Member Finn, to approve the Consent Agenda. Council Members Homann and Schaffer recused themselves from the vote. The motion passed with all voting in favor thereof.

NEW BUSINESS

B. Public Hearing – New Retail Liquor License for Rico Industries Inc., dba “85 Liquor” – 3705 West Service Road

Mayor Morris opened the Public Hearing at 7:47 p.m.

Raegan Robb, Evans City Clerk, presenting an application for a new retail liquor license for Rico Industries Inc., doing business under “85 Liquor” at their building located at 3705 West Service Road, in Evans. The applicants for this license are:

- Maricela Ruiz, from Johnstown;
- Luis Carlos Rico, from Greeley; and
- Karen Rico, from Evans.

He reminded the City Council that they were acting as the Local Liquor Licensing Authority and the approval of a new liquor license must be based on findings regarding:

- The reasonable requirements of the neighborhood;
- The desires of the adult inhabitants of the neighborhood; and
- The moral character of the applicants.

The following findings from the report submitted by staff for this liquor license were entered into the record:

- 1) ***Notice of Public Hearing.*** That the Notice of Public Hearing on this matter was posted on the property and published in the Greeley Tribune on or before August 6, 2016.
- 2) ***Possession of the Premises.*** That the applicant is entitled to possession of the premises as evidenced by the attached lease of the property.
- 3) ***Local and State Licenses.*** That the applicants have a State Sales Tax License and City Business and Sales Tax License.
- 4) ***Local and State Zoning Codes.*** That selling liquor in the manner proposed

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in the application is not in violation of the zoning, fire, and other applicable laws of the City of Evans or the State of Colorado.

- 5) **Proximity to Schools.** That the building where selling or serving alcohol will be conducted does not appear to be within 500 feet of any public or parochial school or principal campus of any college, university or seminary school.
- 6) **Previous Denial.** That there has not, within two years preceding the date of the application, been a denial of an application for a Retail Liquor License application at the location for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfactory by the existing outlets.
- 7) **Needs and Desires.** Before granting any license, the Local Licensing Authority shall consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants. The applicants, conducted a survey within a one-mile radius of the premises to convey the needs and desires of the neighborhood. The petitions returned 95 residences in favor of the proposed liquor license, with 17 residences opposed to the proposed liquor license. The petition conveying the needs and desires is attached.

Additionally, the City identified the following liquor licenses within a one-mile radius of 3705 West Service Road:

Hotel-Restaurant:	3
Beer and Wine:	0
Club:	2
Retail Liquor Store:	1
Drugstore:	0
Tavern:	1
3.2 Beer:	2

Due to the survey conducted and the low number of retail liquor licenses in this area, as shown by the display, staff feels that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood are not currently being met by existing outlets.

- 8) **Moral character.** The Local Liquor Licensing Authority can consider moral character of the applicant and any other pertinent matters affecting the qualifications of the applicant. Attached is a memorandum from the Evans Police Department, which shows the information that was found when they conducted their background checks.

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A letter from Karen Rico was distributed to address the background conducted by the Evans Police Department. Plus the applicants were available for questions related to this background check.

When considering the qualifications of the applicants, both Maricela and Karen have already passed TIPs training, which is always strongly recommended for liquor license holders.

- 9) ***Site Improvement Agreement.*** The City requires a site plan to be submitted by businesses in the Highway 85 Corridor for business to be compliant with the Highway 85 Overlay design requirements.

In this case, staff requested that the applicant work with City to develop a Site Improvement Agreement which identifies the phasing of these types of improvements to satisfy the Highway 85 Overlay design requirements. This will allow the improvements to be implemented over the first few years of operation, but allow the City to review the agreement annually when the license is up for renewal.

Mayor Morris asked Mr. Krob, City Attorney about the Site Agreement, and whether is this common with liquor licenses.

Mr. Krob explained that it was not common, but it would help the owners get their business started while allowing improvements to be implemented over the first few years of operation, with annual reviews when the license is up for renewal.

Mayor Morris asked the applicants to step forward.

Karen Rico introduced herself and thanked City staff for their help in submitting the application.

Maricela Ruiz introduced herself and talked about the businesses she owns in the community.

Mayor Morris thanked the applicants.

Mayor Morris asked for public comment for or against the application—there was none.

Council Member Homann, asked that the letter from Karen Rico be attached to the meeting materials.

Council Member Speer asked about the length of the license.

Mr. Robb explained that the licenses last one year, with the chance for renewal for

the following year.

Mayor Morris closed the public hearing.

The Council discussed their support for the application.

Council Member Homann made the motion, seconded by Council Member Finn, for the approval of the Retail Liquor License for Rico Industries Inc., dba 85 Liquor, located at 3705 West Service Road, pending a Site Improvement Agreement be entered into between the City and the applicant within 60 days of their hearing for liquor license. The motion passed with all voting in favor thereof.

C. Resolution No. 32-2016 Approving a Memorandum of Understand Between the Colorado Department of Transportation (CDOT) and the City of Evans, Colorado, Transferring Real Property from CDOT to Evans, and Waiving Certain Landscaping Requirements at the CDOT Park & Ride

Dawn Anderson, City Engineer, spoke to the need for the Resolution No. 32-2016 to formalize an agreement between CDOT and the City in order for CDOT to transfer title of real property located at 3939 Riverside Parkway to the City in exchange for the City waiving landscaping requirements at the CDOT owned park-n-ride located at 1004 42nd Street.

According to Ms. Anderson, entering into a memorandum of understanding (MOU) would allow the City to complete the land exchange for CDOT property in the floodplain adjacent to the City's Riverside Park, at 3939 Riverside Parkway. The City is interested in incorporating the property into the new Riverside Park re-design plans.

Mr. Hogan, discussed the MOU with CDOT and explained that CDOT would have to complete landscaping in the park-n-ride property, but not on the edges of the property. He also spoke about the value of the agreement to achieve improvements to Riverside Park and to the park-n-ride location along the Highway 85 Corridor.

Council Member Speer asked about maintaining the property acquired from CDOT.

Mr. Hogan discussed the responsibility for maintenance and landscaping would now become the City's responsibility.

Council Member Speer asked about the building on the property.

Mr. Hogan and Ms. Anderson explained that the property and the building would become the responsibility of the City.

Council Member Homann and Mayor Morris discussed their support for the project.

Council Member Homann made the motion, seconded by Mayor Pro-Tem Rudy, to adopt Resolution No. 32-2016 and authorize the Mayor's signature on the MOU. The motion passed with all voting in favor thereof.

D. Approval of Grant Contract and Preliminary Budget Revision for Lower Latham Feasibility Study

Chad Reischl, City Planner, addressed Council and introduced Chloe Lewis, who will be taking over Chad's responsibilities as the Watershed Coordinator for the South Platte River Alliance.

Mr. Reischl, discussed the grant for the Middle South Platte River Alliance (MSPRA) in the amount of \$125,000 for a feasibility study for the Lower Latham Diversion structure on November 17th 2015. According to Mr. Reischl, the Grant was awarded to MSPRA earlier this year and the contract between the state and MSPRA/City of Evans has been executed. After a full RFP process conducted with the support of the Lower Latham Board of Directors and members of MSPRA, the team selected Anderson Consulting Engineers (ACE) out of Fort Collins to prepare the study. Mr. Reischl clarified that staff was asking Council to approve the contract with ACE and a preliminary budget amendment in the amount of \$125,000 for the study, which will be fully reimbursed by the CDBG-DR program, with no matching requirement to the City.

Mr. Reischl, spoke about the benefits of the project and the support from the MSPRA and the state for the project.

Mayor Morris voiced his support for the Lower Latham Diversion Project.

City Council Member Homann made the motion, seconded by Mayor Pro-Tem Rudy, to approve the contract with Anderson Consulting Engineers and preliminary budget amendment for the Lower Latham Diversion Feasibility Study. The motion passed with all voting in favor thereof.

REPORTS

E. City Manager

Mr. Hogan spoke to Council about the 2017 budget and minimal health insurance increases, due to a low loss-ratio for insurance. He spoke about the new Kum & Go gas station and the current construction progress at the site. Lastly, he spoke about the ground breaking for the Waste Water Treatment Plant and the low interest on the

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bonds for the project.

F. City Attorney

Mr. Krob updated the Council about Assistant City Attorney being selected to jury duty for the next couple of days.

AUDIENCE PARTICIPATION

There was no audience participation.

EXECUTIVE SESSION

- G. To Determine Positions Relative to Matters that May Be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators, Pursuant to C.R.S. 24-6-402(4)(e)

Council Member Schaffer made the motion, seconded by Mayor Pro-Tem Rudy, to adjourn in executive session to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e).

The motion passed with all voting in favor thereof.

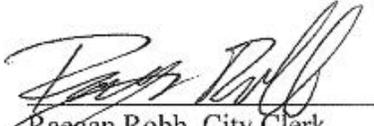
The City Council adjourned into executive session at 8:26 p.m.

The executive session concluded at 8:40 p.m.

Scott Krob, City Attorney, entered into the record that the matters discussed in executive session were subject to attorney-client privilege and within the scope of the referenced state statutes.

ADJOURNMENT

The meeting adjourned at 8:42 p.m.


Raegan Robb, City Clerk

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