

**MINUTES**  
**EVANS CITY COUNCIL**  
September 20, 2016

**CALL TO ORDER**

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

**PLEDGE**

**ROLL CALL**

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

**AUDIENCE PARTICIPATION**

There was no audience participation.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

**A. Approval of Minutes of the Regular Meeting of September 6, 2016**

Council Member Schaffer made the motion, seconded by Council Member Clark, to approve the Consent Agenda. Council Member Finn recused herself from voting on the Consent Agenda. The motion passed with all voting in favor thereof.

**NEW BUSINESS**

**A. Public Hearing-Ordinance No. 654-16 – Amending the Evans Municipal Code Replacing the City’s Zoning Code (Title 18) and Subdivision Code (Title 19) with a Combined Land Development Code (First Reading)**

Mayor Morris opened the public hearing at 7:35 p.m.

Fred Starr, City Public Works Director, discussed the need for the code changes under the Ordinance in order to combine Title 18, Zoning Code, and Title 19, Land Development Code. Mr. Starr explained that these code changes would be reviewed

by the Evans Planning Commission on September 27th, then would be finalized by the City Council at the October 18<sup>th</sup> meeting.

Council Member Speer clarified that these code changes were not changing any zoning in the City.

Mr. Starr, stated that these code changes were not altering any current zoning designations from the current zoning map.

Mr. Krob, City Attorney, discussed a recent court opinion regarding the City's land use appeal process, which also needed to be clarified in the code revision. He spoke about the language in the code revision and explained that the yellow highlights were cross-references to other code sections, but would not be in the final draft.

Mr. Starr clarified that these changes did not address sign code changes, which will be addressed separately in a future code revision.

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

Mayor Morris applauded staff for the code changes and spoke about needing these changes since his time on the Evans Planning Commission.

Mr. Starr discussed the drafting timeline for these code changes.

Mayor Morris thanked everyone from staff that helped implement the revisions.

Mayor Morris closed the public hearing at 7:44 p.m.

Council Member Clark made the motion, seconded by Council Member Homann, to approve Ordinance No 654-16 – Amending the Evans Municipal Code Replacing the City's Zoning Code (Title 18) and Subdivision Code (Title 19) with a Combined Land Development Code, on First Reading.  
The motion passed with all voting in favor thereof.

## **B. Lower Latham Ditch – Amendment to Anderson Engineering Contract**

Chloe Lewis, Watershed Coordinator, Middle South Platte River Alliance, presented an amendment with Anderson Engineering Contract for the Lower Latham Ditch Diversion. She explained that the existing contract with Anderson Consulting Engineers, provided funding with the intent to complete a 25 percent design, but the

amendment will increase the budget by \$145,000 and increase the timeline by one and a half months. According to Ms. Lewis, the timeline was previously set to have the 25 percent design completed December 15<sup>th</sup>, 2016. With the additional funding and work needed to create an 80 percent design, the new timeline will extend to February 1<sup>st</sup> of 2017.

Mayor Morris clarified that the cost increase would be encumbered by the Department of Local Affairs (DOLA).

Ms. Lewis confirmed that DOLA was encumbering the costs of the project.

Council Member Clark made the motion, seconded by Mayor Pro-Tem Rudy, to approve the Mayor's signature on the amended contract with Anderson Consulting Engineers and approve the associated budget revision.  
The motion passed with all voting in favor thereof.

### **C. 49<sup>th</sup> Street, Brantner Road, Industrial Parkway Bid Results**

Gary Wilson, Flood Project Manager, presented the bid results for reconstruction of flood damaged sections of 49<sup>th</sup> Street, Brantner Road and Industrial Parkway. He explained that five bids were received, and Naranjo Civil Constructors was the lowest bid and the proposals with all required information. According to Mr. Wilson, the City followed the procurement requirements of the Federal Emergency Management Agency (FEMA).

He discussed the risk of financial exposure when dealing with FEMA, since the cost to the City will depend on what FEMA agrees to reimburse. The City cost could range from \$47,654, if FEMA reimburses for all of the mitigation costs at closeout, to \$267,694, if FEMA rules the mitigation cost is not "cost effective" and the City must pay for all of the mitigation cost.

Mayor Morris asked Mr. Wilson about his experience working with reimbursements from FEMA.

Mr. Wilson discussed his experience working with representatives from FEMA.

The City Council Members discussed the need to begin work on this project.

Ms. Gonifas, Interim City Manager, and Mr. Wilson clarified which portions of 49<sup>th</sup> Street, Brantner Road and Industrial Parkway would be reconstructed.

Council Member Homann made the motion, seconded by Council Member Clark, to approve the contract for the 49<sup>th</sup> Street, Brantner Road and Industrial Parkway Project with Naranjo Civil Constructors.  
The motion passed with all voting in favor thereof.

## **REPORTS**

### **A. City Manager**

Ms. Gonifas summarized the recent on-goings at the City that were listed in the September 20<sup>th</sup> City Manager's Monitoring Report.

### **B. City Attorney**

Mr. Krob reserved his comments for the executive session.

## **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 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 into 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.

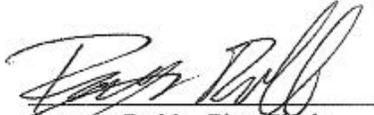
The City Council adjourned into session at 8:02 p.m.

The executive session concluded 8:46 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 City Council adjourned at 8:47 p.m.



Raegan Robb, City Clerk