

MINUTES
EVANS CITY COUNCIL
January 5, 2016

CALL TO ORDER

Mayor Morris opened the public meeting at 7:30 p.m.

PLEDGE

ROLL CALL

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

AUDIENCE PARTICIPATION

APPROVAL OF AGENDA

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

CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of December 22, 2015**
- B. Resolution No. 01-2016 – Designation of Public Place for the Posting of Notices of Public Meetings**
- C. Resolution No. 02-2016 – Rescheduling June 21st, 2016 and August 2nd, 2016 City Council Meetings**

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

OLD BUSINESS

- A. Public Hearing – Ordinance No. 642-16 – Adoption of Adjusted City Impact Fees (First Reading)**

Mayor Morris re-opened the public hearing at 7:33 p.m.

Scot Krob, City Attorney, stated that the Ordinance would adopt revise current impact fees and adopt new impact fees for future development in the City. Mr. Krob explained that the City Council directed staff to undertake a review of the City's methodology and approach to establishing impact fees ion 2014 and prepare a report and recommendation for possible modifications to the impact fee model.

According to Mr. Krob, the firm of Tischler-Bise was selected to undertake this review. Following several public work sessions, the City Council formally adopted

the Impact Fee Study in October, 2015 with a final draft adopted November 16, 2015. That study detailed the assumptions, calculations, methodology and findings to establish amended impact fees for:

- Fire/Rescue Services;
- Parks, Recreation and Trails;
- Transportation; and
- Wastewater Service.

Also, a new fee was being proposed in the study is an impact fee for Police Protection Services. Additionally, two fees could not be updated at this time due to master plans in progress: the Water impact fee and the Storm Water impact fee—according to Mr. Krob.

He explained that the Ordinance repeals certain sections of the existing Municipal Code and establishes a new Chapter 3.20: Impact Fees under Article 3, concerning Revenue and Finance to consolidate all the impact fee provisions in one location of the Code. The ordinance also indicates that annual amendments to the impact fees will be made by resolution and adopted with the fee updates that occur after the budget is approval each year.

Mayor Morris asked if there were any questions from the Council Members.

Council Member Clark asked if the City impact fees where higher than surrounding municipalities.

Sheryl Trent, City Economic Director, and Zach Ratkai, Flood Recovery/Building and Neighborhood Services Manager, discussed how the fees were established according to the study that Tischler-Bise conducted.

Mayor Pro-Tem Schaffer asked about street impact fees.

Council Member Homann asked about the fees were presented at previous work sessions and discussed the authority for the City Manager to apply credits in lieu of impact fees to a developer.

Discussion ensued concerning the City applying credits in lieu of impact fees for capital improvements. Aden Hogan, City Manager, provided a resent example where a credit was given to a developer for certain capital improvements.

Council Member Homann asked about the cost for a single lot owner who wanted to construct a single home, which would cost \$27,000 in new impact fees, and if a single lot owner would be eligible for credits.

Mr. Krob explained that the fees is based on the incremental costs of development and the impact on City services.

Mr. Hogan discussed the need for a legal nexus between the costs of development and the impact fees assessed.

Mr. Ratkai provided some recent examples of costs for single lots and didn't think that a single home would qualify for impact fee credits.

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

Mayor Morris asked for any testimony opposed to the Ordinance.

Steve Bernardo, from Grapevine Hollow, asked if the fees would only be used for growth and not current infrastructure needs.

Mr. Hogan explained that the fees would not be spent on current maintenance needs, but used for expansion of infrastructure to accommodate the growth.

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

Council Member Clark discussed his opposition to the increase in impact fees in the City.

Council Member Finn discussed her concerns with the impact fees, but explained why she is supporting the increase.

Council Member Homann discussed his concern with the increase to impact fees in the City.

Mayor Morris discussed his support to increase the fees in order to meet the infrastructure needs of future growth in the City.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Finn, to approve Ordinance No. 642-16 adopting adjusted City impact fees on first reading. The motion passed with a 5-2 roll call vote with Council Members Clark and Rudy opposed.

NEW BUSINESS

- A. Ordinance No. 643-16 – Repealing, Relocating, and Consolidating Provisions of the Evans Municipal Code Relating to Various Economic Incentives (First Reading)**

Ms. Trent discussed the need to adopt Ordinance No. 643-16 to consolidate various economic incentives in the Evans Municipal Code. She explained that implementing the economic incentives covered by the Ordinance would create flexibility and responsiveness when dealing with new development in the City. According to Ms. Trent, a Resolution would adopt the Economic Incentive Policies following the adoption of the Ordinance. She explained that the policies were reviewed in detail by, and includes the collective recommendations of, the City's business consultant and the Evans Economic Development Advisory Committee.

Mayor Morris discussed his support for implementing the economic incentives.

Council Member Clark made the motion, seconded by Council Member Brown, to adopt Ordinance No. 643-16 on first reading.

The motion passed with all voting in favor thereof.

B. Resolution No. 03-2016 – Adopting the City of Evans Economic Incentive Policies

Ms. Trent discussed the need for the Resolution and the origin of the Economic Incentive Policies, which were crated to mirror the City's Financial Incentives. Ms. Trent listed the specific types of incentive policies and referred Council to the application that will be provided to businesses in order to request economic incentives.

Ms. Trent talked about the need to incentives: retail businesses, employment providers, and businesses willing to revitalize.

Mayor Morris discussed his support for the economic incentives adopted by the Resolution.

Council Member Brown made the motion, seconded by Mayor Pro-Tem Schaffer, to adopt Resolution No. 03-2016 adopting the City of Evans economic incentive policies. The motion passed with all voting in favor thereof.

C. Resolution No. 04-2016 – Adopting the City of Evans 2016 Financial Policies

Jacque Troudt, presented the 2016 City Financial Policies, which were reviewed and recommend for adoption by the City Finance Committee.

Mayor Morris thanked Ms. Troudt for updating the City Financial Policies and discussed his support for the Resolution.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Rudy, to adopt Resolution No. 04-2016 – adopting the City of Evans 2016 Financial Policies. The motion passed with all voting in favor thereof.

D. Resolution No. 05-2016 – Designating Certain Truck Routes within the City of Evans

Ms. Trent discussed the authority to adopt truck routes by Resolution following the adoption of Ordinance No. 640-15. Ms. Trent discussed the need for a specific truck route in East Evans to address truck traffic on 37th Street surrounding the new Riverside Library and Cultural Center.

Council Member Finn asked about truck traffic in East Evans that was already occurring.

Ms. Trent discussed the areas of East Evans that attract truck traffic and the attempt to re-route some traffic by designating a truck route.

Mayor Morris clarified the truck route that was being requested and suggested other roads in East Evans that may need a truck route while also considering the industrial areas that attract heavy truck traffic.

Council Member Homann asked about other areas near 47th street to address oil and gas traffic.

Ms. Trent agreed that other areas of the City could benefit from designated truck routes that could be added through the adoption of a Resolution.

Council Member Homann made the motion, seconded by Council Member Brown, to adopt Resolution No. 05-2016 designating certain truck routes within the City of Evans. The motion passed with all voting in favor thereof.

E. Resolution No. 06-2016 – Authorizing the Conduct of a Mail Ballot Election for the Regular Municipal Election scheduled for April 12, 2016

Raegan Robb, Evans City Clerk, presented Resolution No. 06-2016, which authorizes a mail ballot election for the City's Regular Municipal Election and sets the election date for April 12, 2016 according to the requirements in the Evans Home Rule Charter.

Mr. Robb explained that, according to Colorado Election law, cities and towns have the option of conducting elections by polling place or mail ballot, with the mail ballot option being authorized through Resolution. According to Mr. Robb, the City has seen larger voter turnout numbers when conducting a mail ballot in past elections compared to a polling place election.

Mayor Morris discussed his support for a mail ballot election for the City Council's spring election.

Mayor Pro-Tem made the motion, seconded by Council Member Brown, to adopt Resolution No. 06-2016 authorizing the conduct of a Mail Ballot Election for the Regular Municipal Election scheduled for April 12, 2016. The motion passed with all voting in favor thereof.

F. Resolution No. 07-2016 – Approval of the South Platte River Restoration Master Plan

Chad Reischl, City Flood Planner, presented the Resolution and introduced Kacey Blum, who has been appointed as the coordinator of the South Platte River Alliance. Mr. Reischl introduced other members of the Alliance who were present.

According to Mr. Reischl, the Colorado Water Conservation Board (CWCB) approached the City of Evans, in mid-2014, with the concept of creating a restoration master plan for a 20+ mile stretch of the South Platte River in Weld County that was most heavily hit by the flooding in 2013. The CWCB wanted a master plan for this portion of the river similar to those it was funding on other nearby, flood affected rivers such as the Big and Little Thompson Rivers. The CWCB agreed to provide the funds for the project if Evans would manage the project and work toward creating a stakeholder alliance that would ultimately oversee the implementation of the plan. Mr. Reischl requested the City Council's support for the master plan.

Council Member Homann, asked about the project description which included improvements to a bridge west of Greeley, and if it should read "east of Greeley."

Mr. Reischl stated that yes, it should read east.

Mayor Morris discussed his support.

Mayor Pro-Tem made the motion, seconded by Council Member Homann, to adopt Resolution No. 07-2016 approving the South Platte River Restoration Master Plan. The motion passed with all voting in favor thereof.

G. Amendment to the Employment Agreement with the City Manager

Mr. Krob discussed the agenda item and distributed a revised version of the City Manager's Employee Agreement.

Mayor Morris discussed the reason the item was on the agenda for discussion under New Business, praised Aden Hogan, City Manager, for all his work, and concluded with remarks about supporting the City Manager through the amendment to his employee agreement.

Mayor Pro-Tem Schaffer made the motion, seconded by Council Member Brown, to approve the amendment to the Employment Agreement with the City Manager. The motion passed with all voting in favor thereof.

REPORTS

A. City Manager

Mr. Hogan, praised David Burns, City Emergency Management Coordinator and provided an update concerning Mr. Burns' 2015 accomplishments for the City's emergency preparedness.

He discussed a letter from CDPHE / CDOT concerning a joint program conducted by the School District.

Mr. Hogan also spoke about a proposed 700+ unit development scheduled for the summer of 2016.

Lastly, he talked about his recent vacation and thanked the City Council for their support during 2015.

B. City Attorney

Provided an update on new election requirements being implemented by the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which provides that mail ballots be mailed 45 days prior to an election. Mr. Krob discussed the need for an Ordinance to align City Code with UOCAVA if that is the direction provided by City Council.

The Council Members agreed to have Mr. Krob draft an Ordinance to comply with the requirements under UOCAVA.

AUDIENCE PARTICIPATION

There was no audience participation.

EXECUTIVE SESSIONS

- A. For a Conference with the City Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, Pursuant to C.R.S. 24-6-402(4)(b); and for the Purpose of Determining Positions Relative to Matters Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators, Pursuant to C.R.S. 24-6-402(4)(e)**

Mayor Pro-Tem made the motion, seconded by Council Member Finn, to adjourn into executive session for the purpose of determining positions relative to matters 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 executive session convened at 8:29 p.m.

The executive session adjourned at 8:44 p.m.

Mr. Krob entered into the record that the reason for the Executive Session was satisfied according to the referenced state law and covered under attorney client privilege.

ADJOURNMENT

The regular meeting adjourned at 8:45 p.m.


Raegan Robb, City Clerk