

MINUTES
EVANS CITY COUNCIL
July 5, 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 none.

APPROVAL OF AGENDA

Scott Krob, City Attorney, updated the agenda to strike agenda item 8.E regarding an agreement concerning equivalent residential units (EQRs) for Tuscany Subdivision, Phase II.

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

CONSENT AGENDA

A. Approval of Minutes of the Regular Meeting of June 20, 2016

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

OLD BUSINESS

- A. Amending Resolution No. 26-2016, and authorizing the Mayor to sign a Revised Pipeline Right-of-way Agreement to Relocate an Existing Gas Pipeline Away from the Bank of the South Platte River Inside Riverside Park to Allow Rebuilding Riverside Park and Eliminating a Potential Public Hazard**

Nancy Salazar, Admin Support and Flood Team Manager, updated City Council concerning Resolution No. 26-2016, which authorized the Mayor to sign a revised pipeline right-of-way agreement to relocate an existing gas pipeline away from the Bank of the South Platte River inside Riverside Park to allow for the rebuilding of Riverside Park.

Ms. Salazar explained that, following the June 20th agreement, DCP discovered a buried electrical line located three feet from the new pipeline alignment along the north side of 42nd Street. The change of the revised agreement only affects the alignment of the pipeline along 42nd Street, with the balance of the alignment remaining the same as the original agreement approved by Council on June 20th.

Mayor Morris clarified that there were no new costs associated with this change.

Ms. Salazar stated there were no new costs.

Mayor Pro-Tem Rudy made the motion, seconded by Council Member Finn, to approve Resolution 26-2016. The motion passed 6-0, with Council Member Speer abstaining from the vote.

NEW BUSINESS

A. Public Hearing – 2016 Budget 2nd Revision - Ordinance No. 653-16 Amending Ordinance No. 632-15 and Appropriating Sum of Revenues and Fund Balances for the Amended 2016 City of Evans Budget (1st Reading)

Mayor Morris opened the public hearing at 7:40 p.m.

Jacque Troudt, City Finance Manager, made a presentation to the City Council concerning the City Financial Policies and the revisions made by Ordinance No. 653-16 for the second quarter budget revision of the 2016 budget. Ms. Troudt added that the budget revision included actions taken by City Council at the June 19th meeting. She summarized the changes to revenues, expenditures, and transfers of the budget revision. According to Ms. Troudt, the General Fund included the following proposed revision items:

- Item 1.1 will carry forward \$70,000 to continue the sales tax auditing program;
- Item 1.2 will recognize the grant extension for the Evans Long Range Planner CDBG-DR grant for \$46,293;
- Item 1.3 will spend \$10,000 of Traffic Calming Funds to install an LED 4 Way Stop at 17th Avenue and 32nd Street; and
- Item 1.9 will recognize a transfer to the ERA for purchase of redevelopment property, of \$481,000.

Ms. Troutd proceeded to summarize the following budget revisions from other City Funds:

- The Conservation Trust Fund includes an item to purchase future park land for \$15,000;
- The CIP – Streets Fund includes an item to recognize a City match for a DOLA grant of \$100,000 to assist with permanent road repairs on 49th Street, Brantner Avenue, and Industrial Parkway;
- a request for \$1,754 to replace from the CIP – Streets Fund to repair a damaged traffic signal for which insurance recovery proceeds were received;
- The Water Fund includes a portion of the Tuscany non-potable and detention pond design, \$15,944;
- The Storm Drainage Fund will also have an increase in expenses for a portion of the Tuscany non-potable and detention pond design, \$23,915; and
- Revision items for the Waste Water fund include:
 - Item 1.6 to recognize the maximum amount of the debt authorized by Council, \$41,429,000;
 - Item 1.7 increasing the expense by \$3,880 for a carryforward item for retainage held; and
 - Item 1.8 represents \$227,098 of anticipated revenue with the rate increase included in the 2016 budget, and \$123,413 of additional expense for the debt payments due in 2016.

Ms. Troutd talked about the City's long range financial policies and provided an update concerning City sales tax collection for 2015 and 2016 through April, 2016.

Council Member Clark asked about the 2016 budget trends.

Ms. Troutd discussed the 2016 City sales tax revenue and the recent downturn of sales taxes from the industrial sector.

Mayor Morris spoke about the industrial sector and conservative budgeting for the 2017 budget.

Ms. Troutd discussed the conservative budgeting process for the 2017 budget.

Mayor Morris asked for any public comment for or against the Ordinance. There was no public comment.

Speer spoke against budget items 1.2 and 1.9 and explained that she would be opposing the budget revision.

Council Member Homann made the motion, seconded by Council Member Schaffer, to adopt Ordinance No. 653-16 amending Ordinance No. 632-15 and appropriating sum of revenues and fund balances for the amended 2016 City of Evans Budget. The motion passed 6-1 with Council Member Speer opposed.

B. Resolution No. 27-2016 – Designating an Emergency Response Authority (DERA) for Hazardous Substance Incidents

David Burns, presented Resolution 27-2016 to the City Council which designates an Emergency Response Authority (DERA) for hazardous substance incidents. Mr. Burns explained that the Resolution will designate the Evans Fire Protection District for hazardous substance incidents, but the City will still maintain a major role during any incident involving a hazardous substance.

Mayor Morris asked who would be in control an Emergency Operations Center (EOC) in the event of a major hazardous substance event.

Mr. Burns confirmed that the City would still control an EOC during these types of events.

Aden Hogan, City Manager, spoke about the qualifications of Chief Pristera of the Evans Fire Protection District and explained why the Fire District should be the DERA for hazardous incidences City.

Council Member Homann disclosed that he is an employee of the Evans Fire Protection District.

Mr. Krob explained that there may be conflict of interest.

Council Member Homann recused himself from voting on the Resolution.

Council Member Clark made the motion, seconded by Council Member Speer, to adopt Resolution No. 27-2016 – designating an emergency response authority for hazardous substance incidents. The motion passed 6-0, with Council Member Homann abstaining from the vote.

C. Resolution No. 28-2016 – Application for Homeland Security – EOC Phone System

Mr. Burns presented Resolution No. 28-2016 concerning an application for Homeland Security for the purchase of a new phone system for the City's

Emergency Operations Center. Mr. Burns talked about unspent federal funds for local governments to apply for up to \$5,000. He discussed the need to improve communication for the City's EOC and the timeline to submit and execute any grant funds by the end of July, 2016. Mr. Burns also stated that there would be zero matching funds required from the City.

Mayor Morris talked about the 2013 Flood Disaster and some communication issues that the EOC experienced. He also asked about backup communications if land-lines become unusable.

Mr. Burns explained that cell phones would be part of the request to support the EOC.

Council Member Speer asked about a replacement plan for the phones in the next 2-5 years.

Mr. Burns spoke about possible replacement plans for the phone system.

Council Member Homann made the motion, seconded by Council Member Clark, to adopt Resolution No. 28-2016 approving the application for Homeland Security funding to replace the EOC phone system for an amount not to exceed \$5,000. The motion passed with all voting in favor thereof.

D. Approval of an Agreement Resolving Litigation and EQR Issues Related to Ashcroft Apartments

Mr. Krob, referred the City Council Members to the revised agreement to resolve litigation and EQR issues related to the Ashcroft Apartments.

According to Mr. Krob, the agreement would accept 55 EQRs from Mr. Ehrlich for the development on the Northwest corner of 37th Street and 35th Avenue. The Agreement would also resolve litigation initiated by Mr. Ehrlich's company, Ashcroft Apartments, LLC, against the City. Under the Agreement, the City would reimburse Ashcroft Apartments, LLC with a \$83,000 credit for the park impact fees that were originally paid.

Council Member Clark clarified that the \$83,000 would resolve the pending litigation.

Mr. Krob explained that the \$83,000 would resolve all outstanding issues with Ashcroft Apartments.

Council Member Homann asked if the developer has already agreed.

Mr. Krob stated that the agreement has been signed by the developer.

Mayor Pro-Tem Rudy recused himself from voting on the agreement.

Council Member Speer made the motion, seconded by Council Member Homann, to approve the Agreement regarding EQRs associated with Ashcroft Apartments and settling pending litigation between the City and Ashcroft Apartments, LLC, to authorize the Mayor to sign such agreement, and to revise the City's budget to authorize payment of the \$83,000 provided for in the Agreement from the park impact fee fund.

The motion passed 6-0, with Mayor Pro-Tem Rudy abstaining from the vote.

~~**E. Approval of an Agreement Relating to EQRs for Tuscany Subdivision, Phase II**~~

REPORTS

A. City Manager

Mr. Hogan updated the City Council about the recent completion of the City's insurance renewal process with Colorado Employer Benefit Trust (CEBT). To control costs, the City made two medical plan design changes. This resulted in an average increase was 7.4% for the City's three medical plan designs. The City will also be transitioning to a January 1 insurance renewal in order to align the plan year with the benefit year.

Mr. Hogan referred Council to photos of the bridge deck repair project and the emergency concrete pipe replacement work on Golden Street, and referred to Dawn Engineer for more details about these projects.

Dawn Anderson, City Engineer, referred to the bridge repair project, which is complete and spoke about the City's attempts to address traffic in the Arrowhead Subdivision during the project. She also spoke about the Golden Street pipe repair, the upcoming bid opening for the 37th access control, the ongoing asphalt patch project, a recent water line break on 17th Avenue, a grading permit release for the Bella Vista, and demo permit for the new Kum & Go site on 31st Street.

Council Member Homann asked about the installation of a 4-way stop at 17th Avenue and 32nd Street.

Ms. Anderson explained that this project should proceed after the second reading

of the budget revision.

Mayor Morris asked about an ongoing traffic study.

Ms. Anderson discussed the timing of routine traffic studies.

Council Member Speer asked about the highway access control project.

Ms. Anderson explained that this project would focus on the frontage access on 37th by the 7-11 gas station.

B. City Attorney

Mr. Krob spoke about the need to resolve other pending litigation on the following matters: Tuscany EQR Phase II, EQR issues with Godfrey Ditch, and a possible settlement regarding the warehouse at 60 31st Street.

AUDIENCE PARTICIPATION

There was no audience participation.

EXECUTIVE SESSION

Council Member Rudy made the motion, seconded by Council Member Clark, to go into Executive Session for the purpose of receiving legal advice from the City Attorney on specific legal questions on a matter that may be subject to negotiations, 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 8:19 p.m.

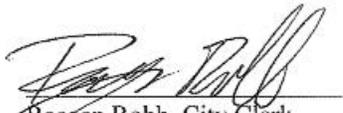
The executive session concluded at 8:59 p.m.

Mr. Krob 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.

Mayor Pro-Tem Rudy made the motion, seconded by Council Member Clark, that the City not honor the agreement between the City of Evans and SBrand, that the City Manager advise SBrand that the City Council anticipates that the ERA Board will take similar action to cancel the contract between the ERA and SBrand at its next meeting; and that the City Manager direct SBrand and Sheryl Trent to immediately cease doing any further work for the City of Evans without express City Council approval. The motion passed with all voting in favor thereof.

ADJOURNMENT

The regular meeting ended at 9:04 p.m.



Raegan Robb, City Clerk