

**MINUTES**  
Evans City Council  
July 19, 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**

Mr. Jeff Smith, from 2912 State Farm Road, addressed City Council about trees overhanging the sidewalks in the City. He also talked about problems with City regulations threatening a local business, grocery carts being left in the City, broken down vehicles, and problems with smoke alarms not being required by landlords. Lastly, Mr. Smith discussed a recent traffic incident near State Farm Road, which led to problems with reporting an emergency with Weld County Dispatch and getting police to respond to areas between Greeley and Evans.

Mayor Morris referred Mr. Smith to the City Manager, Aden Hogan.

**APPROVAL OF AGENDA**

Raegan Robb, Evans City Clerk, revised the agenda striking item 8.B, under New Business, concerning the Lower Latham Diversion and moving items 8.C and 8.D, under New Business, to follow the Executive Session.

Council Member Schaffer made the motion, seconded by Council Member Clark, 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 July 5, 2016**

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

**OLD BUSINESS**

**A. Ordinance No. 653-16–Second Quarter Budget Revision (Second Reading)**

Council Member Clark made the motion, seconded by Mayor Pro-Tem Rudy, to adopt Ordinance No. 653-16 – Second Quarter Budget Revision (Second Reading). The motion passed 6-1 with Council Member opposed.

**NEW BUSINESS**

**A. Public Hearing – Consideration of a Proposed Re-zoning for Undeveloped City of Evans Property from I-1 Industrial to Public Facilities Zone**

Mayor Morris opened the public hearing at 7:43 p.m.

Sean Wheeler, City Planner, consideration of a proposed re-zoning for undeveloped City of Evans property from I-1 Industrial to Public Facilities Zone. Mr. Wheeler, explained the need for the zoning change for the new waste water treatment plant located east of the intersection of 35th Avenue and 49th Street.

Mr. Wheeler discussed the 2010 Comprehensive Plan and the review criteria under 19.60 of the Evans Municipal Code, which outlines the process to approve proposed zoning amendments. According to these section of code, zoning amendments shall be approved if the proposed zoning is in substantial conformance with the 2010 Comprehensive Plan or there is substantial reason for amending the Comprehensive Plan.

He explained that the re-zoning decision was approved 4-0 by the Evans Planning Commission at a public hearing on June 28th, 2016.

Council Member Speer clarified that only City property is being re-zoned.

Mr. Wheeler confirmed that only City property would be re-zoned.

Mayor Morris asked for any public comment for or against the consideration for re-zoning—there was none.

Mayor Morris closed the public hearing at 7:49 p.m.

The Council Member discussed their support for rezoning this property.

Council Member Homann made the motion, seconded by Mayor Pro-Tem Rudy, to approve the proposed re-zoning for the undeveloped City of Evans Property from I-1 Industrial to Public Facilities Zone. The motion passed with all voting in favor thereof.

**REPORTS**

**A. City Manager**

Mr. Hogan discussed the weekly updates being sent from the City Manager's Office to the City Council. He also referred the Council to the sales taxes information in the Monitoring Report and talked about the following upcoming meetings: the Governmental Agencies Meeting on 7/21/16, National Night Out on 8/2/16, and the CML Regional Meeting that Evans is hosting on 9/29/16.

**B. City Attorney**

Mr. Krob reserved his report for the matters to be addressed in 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 Council Member Clark, 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 7:53 p.m.

The executive session concluded at 8:55 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.

**NEW BUSINESS**

**A. City Manager Transition Agreement**

Mr. Krob explained that the City Manager, Aden Hogan, has recently announced his retirement from the City of Evans effective September 12, 2016. According to Mr. Krob, Mr. Hogan has indicated his willingness to assist the City during his transition from the City Manager Position. The City Manager Transition Agreement is to recognize Aden for his efforts, clarify Mr. Hogan's role with the City during the

transition period, and provide six months' severance, which exists in Mr. Hogan's existing contract.

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

### **B. Interim City Manager Agreement**

Mr. Krob explained that the Mayor has conferred with Jessica Gonifas, Deputy City Manager, to see if she would be willing to serve as the Interim City Manager until a new city manager is hired and begins work. According to Mr. Krob, Ms. Gonifas is willing to serve as the Interim City Manager on a conditional 10 percent salary increase and that she be given the opportunity to either return to her position as Deputy City Manager or provide her 6 months' severance—if the City Council becomes dissatisfied with her service as Interim City Manager.

Mr. Krob clarified the contract that Ms. Gonifas that the 10 percent increase would only take effect during the transition period.

Mayor Pro-Tem Rudy made the motion, seconded by Council Member Speer to approve and authorize the Mayor to sign the Interim City Manager Agreement between the City of Evans and Jessica Gonifas, with the amendment to clarify the 10% increase would only be in effect during the transition period. The motion passed with all voting in favor thereof.

### **C. Resolution No. 29-2016 – Approval of an Agreement Relating to EQRs for Tuscany Subdivision, Phase II**

Mr. Krob discussed the need for the Resolution to address issues related to equivalent residential units (EQRs) and the installation of non-potable water system in Phase II of the Tuscany Subdivision. According to Mr. Krob the agreement, any developer provide ½ of the EQRS and disclosure statement to either provide ½ the EQRs needed for each lot or pay ½ the value of the EQRs needed for each lot. The requirement for the other ½ of each EQR will be waived by the City. He also explained that homeowners in Tuscany Phase II would be required to sign a disclosure notice to let them know that the City of Evans may install a non-potable water system at some time in the future and assess the properties within the Tuscany development, including the property you are purchasing, fees or other charges for the costs of providing the system.

EVANS CITY COUNCIL

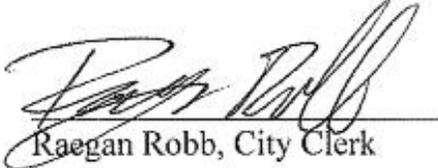
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Council Member Clark made the motion, seconded by Council Member Homann, to adopt Resolution No. 29-2016 – approval of an agreement relating to EQRs for Tuscany Subdivision, Phase II. The motion passed with all voting in favor thereof.

**ADJOURNMENT**

The regular meeting adjourned at 9:06 p.m.



Raegan Robb, City Clerk