



MINUTES

City Council Regular Meeting
June 16, 2020 - 7:00 PM

1. CALL TO ORDER

Mayor Rudy called the meeting to order at 6:58 p.m.

2. PLEDGE

3. ROLL CALL

Mayor: Brian Rudy
Mayor Pro-Tem: Mark Clark – attended virtually
Council: Laura Speer
Alicia Johnson
Fred Neal
Amanda Castle
Tammy Mortenson

4. AUDIENCE PARTICIPATION

There was no audience participation

5. APPROVAL OF AGENDA

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

6. CONSENT AGENDA

A. Approval of the June 2, 2020 City Council Meeting Minutes

B. Consideration of Ordinance Number 718-20 Regarding the Varra Right-of-Way Vacation (2nd Reading)

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

7. OLD BUSINESS

A. Public Hearing: Consideration of Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.

Mayor Rudy reopened the Public Hearing at 7:00 p.m.

Mr. Becklenberg informed the Council that at the May 19th Work Session, Council gave direction to staff to prepare an ordinance that would line up the code with the desire to allow food trucks. Several sections of the code will be amended with this ordinance and staff is recommending approval of this ordinance. As a process note, the City Attorney provided some feedback that resulted in some, but no substantive changes to the ordinance. The effective changes generally are to clarify the ordinance to minimize the chance for errors when the company we use takes adopted ordinances and makes them part of the code.

Anne Best Johnson, Community Development Director provided Council with a summary of the ordinance.

Mayor Rudy asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Rudy asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Rudy closed the public hearing at 7:08 p.m.

Council Member Speer asked in section B number 5 it says there cannot be any signage except for what's on the vehicle and is wondering why they can't have a sandwich board or something similar set up with a menu or directions or something like that. Anne Best Johnson stated that staff could add that in but what the thought was to minimize the visual confusion and didn't want to have anything causing potential traffic concerns, however if Council would like to see the ability to have something like sandwich board signs, staff would be happy to add it in for the second reading. Council Member Speer stated she would like the ability for the business to place a sign out that is temporary and easily removable that could be a little more visible if they are in an area away from a main road.

Mayor Pro-Tem Clark stated that he agrees with Council Member Speer on the sign and thinks that having some sort of sign they can put up near their food truck would be good and a way to draw people to them.

Council Member Johnson made the motion, seconded by Mayor Pro-Tem Clark to approve Ordinance Number 720-20 as amended and to allow for signage on the property it will be on. The motion passed with all others voting in favor thereof.

8. NEW BUSINESS

- A. Public Hearing: Consideration of Resolution No. 14-2020 Approving the Special Use Permit for Quality Lube, a Repair Shop in the Commercial, C-1 Zone District

Mayor Rudy opened the Public Hearing at 7:17 p.m.

Mr. Becklenberg informed the Council that this is an item that if approved will allow one of Evan's current businesses, Quality Lube to expand. As a note, should Council approve on first reading, this should be the other item that is approved as amended

for the non-substantive changes made, staff has provided copies of the amendments at the dais.

Anne Best Johnson, Community Development Director provided Council with a summary of the Special Use Permit.

Kelsey Bruxvoort, applicant with AgPro stated that Quality Lube is an existing site. Quality Lube recently purchased a vacant lot to expand the parking area.

Mayor Rudy asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Rudy asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Council Member Speer asked the applicant for clarification if this was an expansion of Quality Lube to where they can do more vehicles? Kelsey stated that it will be an oil change business and the purpose is to take the additional lot and allow for additional parking and better traffic flow. With the increase efficiency, they are looking at adding a few more employees and expect a little more business.

Mayor Rudy closed the public hearing at 7:27 p.m.

Mayor Pro-Tem stated he is in favor and glad to see a business in Evans expanding and looks forward to approving it.

Council Member Johnson stated that she is also in favor and likes the additions that will be made.

Mayor Rudy stated that he is also in favor and thanked the applicant for choosing to do business in Evans and stay in Evans and expand the business.

Council Member Speer made the motion, seconded by Council Member Neal to approve Resolution Number 14-2020 as amended and with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

B. Consideration of Approval of the Ziggi's Coffee Shop Minor Replat

Mr. Becklenberg informed the Council that this item is one step in the process that could potentially facilitate the location of a Ziggi's Coffee Shop in Evans that will be located in the parcel adjacent and East of Walgreens on 37th Street.

Lauren Richardson, City Planner presented a summary of the project to Council.

Nick Brewka, Representative for Ziggi's addressed Council about the specifics of the project.

Council Member Johnson stated that it is exciting to have a coffee shop in that area

as there are none around and it will be an asset to that area.

Council Member Speer asked about the access and stated her concerns about people cutting through the Walgreens parking lot and not wanting to negatively affect the business. Nick responded that the area Council Member Speer was referring to is a reserved area to access the lot.

Council Member Neal asked if Ziggi's owns the entire parcel, if they plan on eventually selling the other parcel, Nick responded no.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to approve Ordinance Number 717-20 on first reading as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

Council Member Johnson made the motion, seconded by Council Member Mortenson to approve Resolution Number 13-2020 on first reading as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

C. Consideration of Agreement with Weld County Regarding 2020 Cares Act Funding Opt-In and Allocation

Mr. Becklenberg informed the Council that this is an item that has come about in the last few weeks following the Executive Order from Governor Polis administering Federal CARES Act funding. The CARES Act funding will make about \$27.8 million available to Weld County for a couple of purposes. First, is to cover direct cost incurred since March 1st in response to the COVID-19 virus and the second purpose would be to support business affected by the COVID-19 virus. There are a couple of different levels of discussion, first is what Council is taking tonight where in order of the County to opt into the program, there has to be an agreement between each City and the County for how the money will be allocated. The second step will be how to support businesses with the money. The second step discussion will come at a later date. The City of Evans per the proposed allocation will be \$974,312, however the limits on the funding has to first of all be reimbursing direct city costs for responding to COVID and for Evans, the projections through the rest of the year will be \$161,000. The agreement before Council would agree with opting into the program with the Department of Local Affairs, which is the same agreement all of the municipalities are considering, and that Evans allocation would be \$974,312. Staff is recommending approval of the agreement opting into the program.

Mayor Pro-Tem stated that this is really good for the City and the amount will help the budget constraints that we have so far and he also hopes that any additional amount left will be utilized towards Evans' small businesses that have been impacted.

Council Member Johnson stated that she was also in favor of it and believes that the City should take on the task of distributing the remaining funds to Evans' local businesses.

Council Member Johnson made the motion, seconded by Council Member Neal to approve the Collaborative Agreement Related to Distribution of CARES Act Funding. The motion passed with all others voting in favor thereof.

- D. Consideration of Emergency Ordinance No. 716-20 To Implement Ballot Measure 2A approving a 1% Increase in Sales and Use Tax Upon Motor Vehicle Sales

Mr. Becklenberg informed the Council that a couple of meetings ago, Council approved an ordinance implementing measure 2A that would put into place the new sales tax to support roads. In preparation, staff has been communicating with businesses and doing other work required to start receiving that revenue. Staff realized that one section of our code to which the tax would apply, the sales tax on motor vehicles had not been included in that original ordinance. The ordinance before Council would correct that oversight and make the new tax apply to motor vehicles as was fully intended in the ballot measure and doing it by emergency ordinance would enable the tax to be uniformly applied starting July 1.

Council Member Neal stated that he was glad that staff located the oversight and corrected it.

Council Member Mortenson made the motion, seconded by Council Member Castle to adopt Ordinance Number 716-20. The motion passed with all others voting in favor thereof.

- E. Consideration of IGA with Weld County for the Overlay of 37th Street between 17th Avenue and UPRR Railroad

Mr. Becklenberg informed the Council that when this project was approved for the overlay project on 37th Street, the City not only received a grant from CDOT and federal funding, but also received funding and a commitment from Weld County for \$100,000 to make this project work. The agreement before Council approves the agreement with Weld County to receive funding that will help to get the project done.

Council Member Johnson made the motion, seconded by Council Member Mortenson to approve the Intergovernmental Agreement with Weld County (IGA) for the 37th Street Overlay Project and authorize the Mayor's signature on the Grant Agreement. The motion passed with all others voting in favor thereof.

9. REPORTS

- A. City Manager

Mr. Becklenberg informed the Council that the 2020 concrete replacement program has already been completed. The asphalt patching program that will be done in several areas around town that will also include the larger patches later in the summer for 37th Street and other areas. The surface treatment project will be going out to bid this week.

B. City Attorney

Mr. Scott Krob informed the Council that Senate Bill 217 has passed the legislature and is headed to the Governor's desk for signature and will have substantial impacts on the Police Department. There is now a new protect our neighbor's program on the COVID front that the Governor plans to roll out this week that should make obtaining variances easier to obtain. As far as the safer at home program, there should be some guidance coming out tomorrow on the reopening process.

10. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

11. ADJOURNMENT

The meeting was adjourned at 7:54 p.m.


City Clerk