

MINUTES

City Council Regular Meeting
May 05, 2020 - 7:00 PM
Virtual Meeting

Note: This meeting was held virtually, using Zoom video-teleconferencing technology.

1. CALL TO ORDER

Mayor Rudy called the meeting to order at 7:17 p.m.

2. PLEDGE

3. ROLL CALL

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

City Clerk, Karen Frawley read into the record how to participate in the virtual meeting.

4. AUDIENCE PARTICIPATION

There was no audience participation

5. APPROVAL OF AGENDA

Council Member Johnson made the motion, seconded by Mayor Pro-Tem Clark to approve the agenda as presented. A roll call vote was performed, and the motion passed with all voting in favor thereof.

6. CONSENT AGENDA

The consent agenda is reserved for matters which are considered to be routine and uncontroversial. Any item may be removed from the consent agenda and placed on the regular agenda at the request of the Mayor or a City Council member.

A. Approval of the April 21, 2020 City Council Meeting Minutes

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the consent agenda as presented. A roll call vote was performed, and the motion passed with all voting in favor thereof.

7. NEW BUSINESS

- A. Public Hearing: Consideration of Ordinance No. 713-20 to implement ballot issue 2A approving a 1% increase in sales and use tax

Mayor Rudy opened the Public Hearing at 7:21 p.m.

Mr. Becklenberg informed the Council that as Council is aware, measure 2A a referendum on the ballot passed with a sixty-seven-percent margin. The next step in making that measure and revenue available is to pass an ordinance that makes the provisions of the next tax into our law. The timing of this ordinance allows for the first and second readings of the ordinance and allows enough time to let business know of the new tax in time for July 1st. All of the revenue from this tax will be used exclusively for road maintenance, safety improvement, road widenings, and paving dirt roads over time. The sales tax will be in effect from July 1, 2020 through June 30, 2027. This ordinance also creates the fund called the Road Tax Improvement Fund and all of the revenues from tax will be maintained from this fund so that this money will be kept away from the general fund.

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 7:24 p.m.

Mayor Rudy stated that he wanted to thank the citizens of Evans for entrusting the Council and staff with the one-percent sales tax increase and gave his word that making the roads safer is what the money will be used for and nothing else.

Mayor Pro-Tem Clark agreed with what the Mayor said and thanked the citizens for voting this in. He is in favor of this and looking forward to the major improvements that will happen to the roadways.

Council Member Neal stated that he would like to recommend that residents be notified of what is being done with the money at least twice a year if not quarterly.

Council Member Johnson wanted to state how grateful she is for the residents to vote for this measure. This will allow us to continue to improve the City.

Council Member Castle wanted to say thank you as well and especially to all the residents who got the word out as to why this is so important.

Council Member Johnson stated she wanted to extend thanks to the Task Force Committee who was tasked with the dissipation of information.

Council Member Mortenson made the motion, seconded by Mayor Pro-Tem Clark to adopt Ordinance Number 713-20 on first reading. A roll call vote was made, and the motion passed with all others voting in favor thereof.

B. Public Hearing: Withdrawal of the Ordinance Clarifying Pad Site Setback Requirements in Recreational Vehicle Parks

Mayor Rudy opened the Public Hearing at 7:28 p.m.

Mr. Becklenberg informed the Council that staff have been working on an ordinance that would clarify the RV park ordinance that could be a little unclear to applicants that addresses how we measure setbacks. Since staff did begin to publicize the potential Council action on that draft ordinance, which is why staff is requesting withdrawal of the ordinance. Staff realized that we are still working through the details of the City's first RV park location which the Council is familiar with and believes it is best to not change anything right now and plan to get back to Council at a later date.

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 7:31 p.m.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to withdraw the Ordinance Clarifying Pad Site Setback Requirements in Recreational Vehicle Parks and to reschedule and re-notice the Public Hearing at a future City Council meeting to be determined. A roll call vote was performed, and the motion passed with all others voting in favor thereof.

C. Public Hearing: Consideration of Ordinance Number 714-20 An Ordinance Amending Planning Commission and Zoning Board of Appeals Provisions in the City's Charter and Code to Reflect the Outcome of a Charter Amendment Election and to Authorize Appointment of Alternate Members to the Planning Commission

Mayor Rudy opened the Public Hearing at 7:32 p.m.

Mr. Becklenberg informed the Council that this item addresses several issues to strengthen the Planning Commission capacity and clarify some past Council and Community action around Planning Commission and Zoning Board of Appeals.

Scott Krob, City Attorney informed the Council that this ordinance addresses two issues related to the Planning Commission and Zoning Board of Appeals. It amends the City Charter to reflect the outcome of an election that happened back in 2014. In 2014, a charter amendment was approved by the voters that said if you

were a member of the Planning Commission or the Zoning Board of Appeals, you could hold any other position with the City other than City Council. The proposed ordinance contains amendments to the City Charter reflected if you are on the Planning Commission or ZBA you could hold any other position. It also amends the corresponding portions of the City Code that govern if you are a Planning Commission or a Zoning Board of Appeals member that you can serve on other commissions in the City other than City Council. The second issue covered is the ability for the Planning Commission to establish a quorum at its Planning Commission meetings, allowing for an appointment of an alternate Planning Commission Member. The alternate would receive the Planning Commission packet, could participate in discussion during the Planning Commission meetings even if their vote is not needed for quorum, if their vote is needed to establish a quorum their vote could count.

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 7:35 p.m.

Mayor Pro-Tem Clark stated that it is a straightforward ordinance and has been discussed in the past and is in favor of it.

Mayor Rudy stated that he is in favor of it and this will help with an effort to move things along and not get pushed back.

Council Member Johnson made the motion, seconded by Council Member Castle to approve Ordinance Number 714-20. A roll call vote was performed, and the motion passed with all others voting in favor thereof.

D. Consideration of Resolution No. 11-2020 Approving an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) Regarding Funding for the 37th Street Overlay Project

Randy Ready, Assistant City Manager informed the Council that this item would approve an intergovernmental agreement with CDOT for the funding that is available from the block grant for the 37th Street overlay project. The entire project extends from 23rd Avenue to Highway 85 and then from East of Highway 85 to the Pacific Railroad tracks. The CDOT portion of this project the funding will be applied to the section from 17th Avenue working to the East. It does include a significant portion of concrete work, road millings, and replacement of the asphalt pavement. What is before Council is what is called "substantially-complete" IGA meaning it does lack some details in the exhibits, however staff does not believe that should hold up Council's approval. Staff is asking for Council's approval with the knowledge that the City Attorney will approve any minor changes. Staff is expecting that we can get the final draft in the next few days.

Council Member Speer asked for clarification on an example of an approved non-substantial change would be. Scott Krob stated that an example of a non-substantial change would be the change in dates that receipts are due or something that wouldn't change the guts of the contract.

Council Member Neal stated that he is glad we are moving forward on this and was very much concerned that there might be some delays.

Council Member Johnson stated she is glad it is moving forward and thanked Scott Krob for his explanation and she is in favor of this item.

Council Member Mortenson made the motion, seconded by Mayor Pro-Tem Clark to adopt Resolution Number 11-2020 approving the substantially-complete IGA with the Colorado Department of Transportation regarding funding for the 37th Street Overlay Project. Further, I move that the Mayor is authorized to sign the agreement and the City Attorney is authorized to approve minor, non-substantive changes required prior to execution by CDOT. A roll call vote was performed, and the motion passed with all voting in favor thereof.

E. Consideration of Award of Bid: 17th Avenue Waterline Replacement Project

Mr. Becklenberg informed the Council that this is a very important waterline project that will make a big difference in maintenance efforts. This will be a new waterline construction on 17th Avenue between 34th and 37th Streets. Staff is recommending approval of the award of bid.

Mark Oberschmidt, City Engineer provided an overview of the project and bidding process and outcome.

Council Member Speer asked for clarification on where this project is going to be. Mark provided clarification. Council Member Speer asked if after we do the replacement if it is still going to be patchwork or if we are planning on putting asphalt over the top, so it looks level and repaired. Mark stated that it will be all new asphalt.

Council Member Neal stated that having experienced some of the breaks, he knows that some of the residents are eager to get this done.

Council Member Johnson made the motion, seconded by Council Member Neal to award the 17th Avenue Waterline Replacement Project Contract to Global Underground and to authorize the Mayor's signature on an agreement in the amount of \$666,970 with a 10% contingency to be accessed with City Manager approval to handle unforeseen circumstances, resulting in a not to exceed amount of \$733,667 for this project. A roll call vote was performed, and the motion passed with all voting in favor thereof.

8. REPORTS

A. City Manager

Mr. Becklenberg informed the Council that staff is developing a capital projects report that will be regularly brought to City Council periodically either monthly or quarterly. The first one will be the subject of a work session within the next two meetings, but in the meantime, there is a lot of good stuff in the City Manager's weekly update.

B. City Attorney

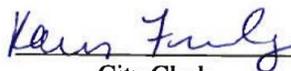
Mr. Scott Krob informed the Council that staff is still busy with development agreements for several different developments within the city. On behalf of the City, staff filed a statement of opposition on a water court application with the City of Johnstown. CDPHE has put together some guidance on the safer at home order that includes language that allows employee testing to occur at home through self-screening instead of at the work place and some clarification that it is up to the city to provide employee gloves, masks, and face coverings that meet OSHA industry standards. CML is doing a really good job at putting on a variety of webinars and one put on tomorrow regarding planning for reopening on a municipal level.

9. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

10. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.


City Clerk