

MINUTES

City Council Regular Meeting
June 02, 2020 - 7:00 PM

1. CALL TO ORDER

Mayor Rudy called the meeting to order at 7:07 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 – attended virtually

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

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 May 19, 2020 City Council Meeting Minutes

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

7. NEW BUSINESS

A. Consideration of Ordinance Number 715-20 Temporary Suspension of Evans Municipal Code Provisions to the Extent that Municipal Code Provisions Conflict with Liquor Enforcement Division Regulation 47-302

Mr. Becklenberg informed the Council that as staff updated Council during the

COVID-19 Work Session item, staff has prepared an emergency ordinance that would align the City's liquor license regulations with recent changes from the State. The City's regular regulations and the ongoing non-emergency liquor enforcement rules prohibit service and consumption of alcohol on places like public streets, alleys, parks, public spaces, and sidewalks and therefore the current ordinance would not allow that sort of thing. The emergency ordinance would align our rules with the updated State rules for this COVID period. Staff is requesting approval of this emergency ordinance.

Mayor Pro-Tem Clark stated that he is in favor of this ordinance.

Council Member Castle asked staff if this is to temporarily limit or suspend the code relative to this, how does it work from a regulation standpoint if someone is at the park drinking or walking down the sidewalk drinking? Drew Lyman, Assistant City Attorney stated that this would only be an issue for a modification of premises for the liquor license.

Council Member Johnson made the motion, seconded by Council Member Castle to approve Ordinance Number 715-20. The motion passed with all others voting in favor thereof.

B. Public Hearing: Consideration of Ordinance Number 718-20 and Resolution Number 16-2020 Regarding the Varra Right-of-Way Vacation

Mayor Rudy opened the Public Hearing at 7:13 p.m.

Mr. Becklenberg informed the Council that this item will facilitate a development plan by Varra Companies who has intentions of mine gravel on a property in South Evans. Staff is requesting approval of the right-of-way vacation.

Lauren Richardson, City Planner presented to Council details of the right-of-way vacation. Garrett Varra, Varra Companies was available to address any questions that Council had.

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 about the intended use for the right-of-way. Anne Best Johnson, Community and Development Director stated that the original patent back in 1889, the edges of property across the County and State were reserved for future roads and because this will never be a useable road in the City of Evans, staff agrees that the patent can be expired. Council Member Speer asked if it was on the edge of the property. Lauren stated that Varra Companies owns multiple properties in the area and the vacation is a small piece that dead-ends into the property. Council Member Speer clarified that this vacation would not cut others of their property or utilities. Garrett Varra clarified that there are two other properties

that butt up to his property that has access elsewhere. Scott Krob, City Attorney stated that one of the requirements stated in the statute is that the City of Evans will not deprive anyone access.

Mayor Rudy closed the public hearing at 7:21 p.m.

Council Member Neal thanked Anne for the history of the right-of-way.

Council Member Johnson made the motion, seconded by Council Member Neal to approve Resolution Number 16-2020 as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

Council Member Castle made the motion, seconded by Council Member Neal to approve Ordinance Number 718-20 as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

- C. Continuation of the Public Hearing on 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 opened the Public Hearing at 7:24 p.m.

Mr. Becklenberg informed the Council that Council held a Work Session at the May 19th meeting giving direction to staff to develop an ordinance to specifically allow food trucks within the City of Evans. Since then, staff has been working to prepare that ordinance to get it in place as expeditiously as possible so we went ahead and advertised the public hearing for that ordinance for this meeting tonight. Staff realized when preparing over the last week, there was still a few important questions to address and do not want to rush. Since this was not an urgent matter, staff is recommending this public hearing be continued to the June 16th meeting, so we can have a solid ordinance in front of Council at that meeting.

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 7:25 p.m.

Council Member Speer made the motion, seconded by Council Member Castle to continue the public hearing on Ordinance Number 720-20 to consider amending Titles 3, 5, and 18 of the Evans Municipal Code to allow mobile food vending in the City of Evans to be continued to the June 16, 2020 City Council meeting. The motion passed with all others voting in favor thereof.

D. Consideration of Purchase Agreement for Right of Way, Permanent Easements and Temporary Construction Easements for 47th Avenue Widening

Mr. Becklenberg informed the Council that the Engineering staff has been busy completing the design stages of 47th Avenue. As Council is aware, the first step this summer will be the utility relocation work for that project. One of the important steps before you see the work happen is to acquire the right-of-way that is needed. As Council might envision, when you get out along 47th Avenue, there are a couple of segments that are City and there is some County property. Staff is requesting Council's approval of the purchase agreements to acquire that right-of-way.

Mark Oberschmidt, City Engineer gave an overview of the project and the process.

Council Member Johnson made the motion, seconded by Council Member Castle to approve the purchase agreement with the Marcos Sanchez for property described herein in the amount of \$41,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Council Member Castle made the motion, seconded by Council Member Neal to approve the purchase agreement with the Country RV Storage for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Council Member Mortenson made the motion, seconded by Council Member Castle to approve the purchase agreement with the Carl Speaker for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the purchase agreement with the Bonnie Carwin for property described herein in the amount of \$123,800 plus closing costs and authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

8. REPORTS

A. City Manager

Mr. Becklenberg provided Council an update on current road projects. Council will be hearing an update on issues with timing of traffic lights in some intersections and ways to remedy it.

B. City Attorney

Mr. Scott Krob informed the Council that is still busy with development projects and provided an update on COVID-19.

9. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

10. EXECUTIVE SESSION

- A. To Discuss Specialized Details of Security Arrangements, Pursuant to Section 24-6-402(4)(d) C.R.S.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to adjourn into executive session at 7:46 pm to discuss specialized details of security arrangements, Pursuant to C.R.S. 24-6-402(4)(d). The motion passed with all voting in favor thereof.

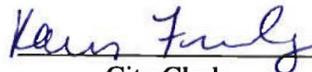
The meeting reconvened at 7:53 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

There was no action following the Executive Session.

11. ADJOURNMENT

The meeting was adjourned at 7:53 p.m.



City Clerk