



Agenda City Council Work Session

July 07, 2020

5:00 PM

City Council Chambers – 1100 37th Street

Please click this URL to join virtually: <https://us02web.zoom.us/j/87890606742>

Or join by phone: 1-669-900-9128

Webinar ID: 878 9060 6742

CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

- 1. Planning Commission Interviews** (70 minutes)
James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Anne Best Johnson, Community Development Director
- 2. COVID-19 Response Update** (10 minutes)
James L. Becklenberg, City Manager
- 3. Presentation on Senate Bill 20-217 Update** (15 minutes)
James L. Becklenberg, City Manager
Rick Brandt, Chief of Police
- 4. 2020 Heritage Day Update** (15 minutes)
James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Jen Baiamonte, Events and Rentals Manager
Kristen Debo, Recreation Programs Manager
- 5. Attorney Chat: City Attorney Update** (10 minutes)
Scott Krob, City Attorney
- 6. Council Discussion**

CITY COUNCIL WORK SESSION REPORT

DATE: July 7, 2020
AGENDA ITEM: Work Session Item #1
SUBJECT: Planning Commission Interviews
NAME & TITLE: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Anne Best Johnson, Community Development Director

ISSUE DESCRIPTION:

With the resignation of two Planning Commissioners on June 4, 2020, the Evans Planning Commission has two open positions. In addition to these two open positions, City Council has the opportunity to appoint a sixth Planning Commission member to the newly-created Alternate position.

The City posted a vacancy announcement for the Planning Commission positions on June 5 and applications were due to the City Clerk by June 24, 2020.

The role of the Planning Commission is outlined in Chapter 2.52 (Attachment 1) of the Municipal Code and in Chapter 12 of the Evans City Charter. Planning Commission is important for providing transparent, thoughtful and timely due process for land use development, for refining the Land Use Code, and for collaborating on Master Planning efforts and other planning studies that may take place. In most land use cases, the Planning Commission provides its recommendation of approval, approval with conditions, or denial to the City Council for consideration, stemming from a thorough understanding of a proposed development, and evaluation of it based on the land use code and neighborhood compatibility.

The City of Evans Planning Commission meets on the fourth Tuesday of every month at 6 p.m. Most meetings/land use hearings conclude within two hours. Each Planning Commission member is encouraged to review a packet of materials containing land use application materials, significant referral agency responses, pertinent sections of the Land Use Code, and staff comments before the land use hearing. When a land use hearing is not on the agenda, Planning Commissioners may review changes to the Land Use Code prepared by Staff or have work sessions to discuss topics of relevance to the City of Evans. If a work session is needed along with a regular meeting, the Planning Commission work session typically begins at 5:30 p.m. The next Planning Commission meeting will be at a different time due to the volume of materials to be covered. A Work Session with the Master Plan steering committee is scheduled from 5 – 7 p.m. on July 28 followed by a regular Planning Commission meeting at 7 p.m.

Planning Commissioners are required to attend all meetings and land use hearings as outlined in the attendance policy found in Section 2.52.040.

At a municipal election on November 4, 2014, the electors of the City of Evans approved a charter amendment that, among other things, authorized members of the Planning Commission and the Zoning Board of Appeals to hold other positions with the City of Evans, except for the positions of mayor or city council member. Ordinance 714-20 was approved by City Council in May of this year. It amended the provisions of the City Charter and Municipal Code to reflect the outcome of that Charter Amendment election. As a result, Planning Commissioners may also serve on the Board of Zoning Appeals. Chapter 2.56 of the Municipal Code outlines the responsibilities and function of the Board of Zoning Appeals and can be found in Attachment 2. City Council may appoint members of the Planning Commission to the Board of Zoning Appeals in order to maintain continuity and full composition of both boards.

The interview schedule for July 7 is as follows:

500-510 pm: Robert Phillips
510-520 pm: Kalen Myers
520-530 pm: Laura Brown
530-540 pm: Mark LeClere
540-550 pm: Michael Thuener
550-600 pm: Council Discussion

During its regular meeting on July 7, 2020, the three Planning Commission members may be appointed by City Council. Following appointment, staff will contact the three new members and arrange for a briefing and orientation to the Planning Commission.

FINANCIAL SUMMARY:

There are no financial implications to appoint Planning Commission members. If the City does not have a full Planning Commission, the financial implications could be that the development community becomes frustrated with the land use process in Evans and chooses to develop in other communities.

REQUESTING FROM CITY COUNCIL:

Staff is looking for appointment of three Planning Commissioners by City Council. Two will be regular members of the Planning Commission and the third appointment will be in the Alternate position.

ATTACHMENTS:

- Attachment 1: Chapter 2.52 of the Municipal Code
- Attachment 2: Chapter 2.56 of the Municipal Code
- Application forms received by the City Clerk will be provided to City Council members at the July 7, 2020 interviews

CHAPTER 2.52 - Planning Commission^[2]

Editor's note— [Ord. No. 433-08](#), § 1, adopted March 18, 2008, repealed Ch. 2.52 in its entirety and enacted new provisions to read as herein set out. Former Ch. 2.52, §§ 2.52.010—2.52.080, pertained to similar subject matter, and derived from Ord. 654 86, adopted in 1986.

2.52.010 - Created.

There is created the City of Evans Planning Commission, which may be referred to as the "Planning Commission" or "Planning and Zoning Commission."

([Ord. 433-08](#), § 1, 2008)

2.52.020 - Membership—Appointment and qualifications.

The Planning Commission shall consist of five (5) members, who shall be qualified electors and residents of the City appointed by the City Council. A Planning Commission member may hold any other position with the City except City Council Member. The Director of Planning or their appointed designee shall serve in an advisory capacity to the Planning Commission. The City Council may appoint an alternate Planning Commission member. The alternate member shall receive all materials received by the regular members and may participate in the discussion of any matters during a Planning Commission meeting. The alternate member shall be permitted to vote when fewer than five regular members are present. The presence of the alternate member may also be used when necessary to determine whether a quorum is present.

([Ord. 714-20](#), § 3, 2020; [Ord. 433-08](#), § 1, 2008)

- **2.52.030 - Term.**

The term of office for Planning Commission members shall be five (5) years.

([Ord. 433-08](#), § 1, 2008)

- **2.52.040 - Attendance.**

Absence from three (3) consecutive regular meetings, or a total of six (6) regular meetings in any twelve (12) consecutive months, without justifiable cause, as determined by the City Council after consultation with the Planning Commission, shall constitute grounds for removal from office.

([Ord. 433-08](#), § 1, 2008)

- **2.52.050 - Vacancy filling.**

A.

Vacancies shall be filled by appointment of the City Council for the unexpired term of the vacancy.

B.

A vacancy exists when a member dies, resigns, is removed by action of the City Council, or if a member moves outside the city limits and thus is no longer a qualified elector residing in the City.

([Ord. 433-08](#), § 1, 2008)

- **2.52.060 - Meetings—Rules for operation.**

The Planning Commission shall hold at least one (1) regular meeting in each calendar month. All meetings of the Planning Commission shall be held at the call of the chairman and at such other times as the Planning Commission may determine. All meetings and records of the Planning Commission shall be open to the public. The Planning Commission or City staff shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its official actions. A majority of the Planning Commission shall constitute a quorum for the transaction of business. The Planning Commission is empowered to make rules and regulations for its conduct and operation not inconsistent with state and municipal law.

([Ord. 433-08](#), § 1, 2008)

- **2.52.070 - Organization and officers.**

The officers of the Planning Commission shall be a chairperson and a vice chairperson, both of whom shall be elected by majority vote of the members of the Planning Commission. Their duties shall be those customarily performed by such officers and as specified by the rules of the Planning Commission. The Director of Planning shall provide a staff person to record minutes of each meeting and conduct correspondence for the Planning Commission.

([Ord. 433-08](#), § 1, 2008)

- **2.52.080 - Powers and duties.**

Subject to review and final approval by the City Council, the Planning Commission shall have the power and shall be required to:

- A. Make, amend and add to the master plan for the physical development of the City as defined in [Chapter 12, Section 12.6](#) of the City Charter;
- B. Exercise control over platting or subdividing land with the City, as defined in [Chapter 12, Section 12.7](#) of the City Charter;
- C. Draft for the City Council an official map of the City and recommend or disapprove proposed changes in such map;
- D. Make and recommend as provided in [Chapter 12, Section 12.9](#) of the City Charter, a zoning plan for the City and recommend or disapprove proposed changes in such plan;
- E. Make and recommend as provided in [Chapter 12, Section 12.10](#) of the City Charter, plans for the clearing and rebuilding of slum district and blighted areas within the City;
- F. Request information which shall be furnished within a reasonable time from the other departments of the City government in relation to its work;
- G. Make and adopt plans for the replanning, improvements and redevelopment of neighborhoods;

- H. Any additional powers and duties required to be exercised by the Planning Commission under state law or the Evans Municipal Code.
- I. When the Zoning Board of Appeals is not sufficiently seated or is unable to perform its duties, the Planning Commission may hear and determine appeals from refusals of building permits and to permit exceptions to or variations from the zoning regulations in accordance with the principles, conditions, and procedures specified in the ordinance. The findings and determinations of the Planning Commission made pursuant to the provisions of this Subsection (I) may be reviewed, modified, affirmed, or reversed by five (5) votes of the Council upon its own motion, or upon the application therefor by any interested person within thirty (30) days after such findings or determination has been made and entered upon its record.

([Ord. 699-19](#), § 1, 2019; [Ord. 433-08](#), § 1, 2008)

CHAPTER 2.56 - Zoning Board of Appeals

2.56.010 - Created.

There is created the City Zoning Board of Appeals.

(Ord. 655 86, 1986)

2.56.020 - Membership - appointment and qualifications.

The Zoning Board of Appeals shall consist of five (5) members, who shall be qualified electors appointed by the City Council. A Board member may hold any other position with the City except City Council Member.

([Ord. 714-20](#), § 4, 2020; Ord. 809-91, 1991; Ord. 655 86, 1986)

2.56.030 - Term of office.

The term of office shall be five (5) years, except that of the members first appointed they shall be appointed one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Any member of the Zoning Board of Appeals may be removed by the City Council for cause, and if a hearing is requested by such member within five (5) days of notification of removal, after public hearing.

(Ord. 809-91, 1991; Ord. 655 86, 1986)

2.56.040 - Vacancy filling.

- A. Vacancies shall be filled by appointment of the City Council for the unexpired term of the vacancy.
- B. A vacancy exists when a member dies, resigns, is removed by action of the City Council, or if a member moves outside the City limits and thus is no longer a qualified elector in the City.

(Ord. 655 86, 1986)

2.56.050 - Meetings - rules for operation.

All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine. All meetings and records of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its official actions. Every order, requirement, decision, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the City Clerk and shall be a public record. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the transaction of business. The Zoning Board of Appeals

is empowered to make rules and regulations for its conduct and operations not inconsistent with state and municipal law.

(Ord. 809-91, 1991; Ord. 655 86, 1985)

2.56.060 - Organization and officers.

The Zoning Board of Appeals shall elect one (1) of its members as chairperson. The chairperson's duties shall be those customarily performed by such officer and as specified by the rules of the Zoning Board of Appeals. The chairperson shall hold office for one (1) year or until a successor is elected. The City Manager shall provide a staff person to record minutes of each meeting and conduct correspondence for the Zoning Board of Appeals.

(Ord. 655 86, 1986)

2.56.070 - Powers and duties.

The Zoning Board of Appeals shall have the power to hear and determine appeals from refusals of building permits and to permit exceptions to or variations from the zoning regulations in accordance with the principles, conditions, and procedures specified in the ordinance. The Zoning Board of Appeals shall exercise other powers and duties as may be required by state law. The findings and determinations of the Zoning Board of Appeals may be reviewed, modified, affirmed, or reversed by five (5) votes of the Council upon its own motion, or upon the application therefor by any interested person within thirty (30) days after such findings or determination has been made and entered upon its record.

(Ord. 655 86, 1986)

CITY COUNCIL WORK SESSION REPORT

DATE: July 7, 2020
AGENDA ITEM: Work Session Item #2
SUBJECT: COVID-19 Response Update
NAME & TITLE: James L. Becklenberg, City Manager

ISSUE DESCRIPTION:

The City's response to the COVID-19 virus disaster continues, with continuous Emergency Operations Center (EOC) operations to monitor evolving conditions, coordinate with the Weld County Department of Public Health and Environment, and plan the City's operational response. The structure of the EOC, along with staffing roles, is attached to this report. Response strategies are consistent with the City's Emergency Operations Plan (EOP), which is intended to serve as a high-level guide for all emergencies.

In addition to the broader EOP, staff has developed specific responses to the pandemic conditions presented by COVID-19, which are shown in the attached "Pandemic Response Plan." At the March 17, 2020 staff described the "Operational Response Progression" and noted that at that time, the City was in Phase 3 response. At this time, the City remains in Phase 3, as most City services remain operational, due to capabilities for remote work and social distancing strategies. The remainder of this report provides an update since the April 6th work session on the most significant of the City's response strategies and impacts.

Circumstances and plans are evolving rapidly. At the work session, the City Manager will provide current updates on public health statistics, the Greeley Area Recovery Fund business response, "Safer and Home" compliance, and City Facility reopening.

FINANCIAL SUMMARY:

None

REQUESTING FROM CITY COUNCIL:

Discussion and questions about the City's COVID-19 response

ATTACHMENTS:

- None

CITY COUNCIL WORK SESSION REPORT

DATE: July 7, 2020
AGENDA ITEM: Work Session Item #3
SUBJECT: Presentation on Senate Bill 20-217 Update
NAME & TITLE: James L. Becklenberg, City Manager
Rick Brandt, Chief of Police

ISSUE DESCRIPTION:

On June 13th, 2020 Governor Polis signed into law Senate Bill 20-217 titled the Law Enforcement Integrity and Accountability Act. Many of the mandates in the law have already been adopted by the police department and others will be adopted in the future. Staff will report on the short- and long-term impacts of the law on police operations.

FINANCIAL SUMMARY:

None

REQUESTING FROM CITY COUNCIL:

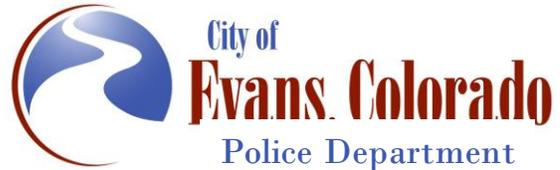
Discussion and Feedback from Council

ATTACHMENTS:

- Memo

MEMORANDUM

July 7, 2020



TO: Evans City Council

FROM: Rick Brandt
Chief of Police

SUBJECT: A Summary of Senate Bill 20-217 to Enhance Law Enforcement Integrity

Mayor and Council,

The following is a summation of the impacts of Senate Bill 20-217 (SB 217) and the status of the Evans Police Department as it relates to current and future mandates of the law. The intent of the law is overall positive and likely will increase accountability and enhance transparency and trust within our community.

The bill was signed into law by Governor Polis on June 19, 2020. The law presents challenges for the police department, but those hurdles will be overcome. The Evans Police Department already adheres to many of the requirements and have had those policies and practices in place for many years. The Department is reviewing the law and is working to draft any policy and procedural revisions necessary operate fully in accordance with the new mandates.

There are six broad categories the law contemplates. The attached table briefly describes the categories, describes timelines for implementation, and provides the status of the Evans Police Department as it relates to the mandates.

Respectfully,

/S/ Rick D. Brandt

Rick D. Brandt
Chief of Police

SB 20-217 Mandate	Police Department Status
<u>Expanded Criminal Liability for Peace Officers</u> specific to the use of deadly force, the use of chokeholds and the failure to intervene or report in incidents of excessive force.	Current policies in compliance with chokeholds and duty to intercede. Drafting language in use of deadly force policy and fleeing felon to include new requirements.
<u>Expanded Civil Liability for Peace Officers and Municipalities</u> relating to the violation of rights of citizens by police officers. This section also addresses obligations for municipalities to indemnify officers except in specific cases. Also addressed are sanctions for failure to activate or tamper with body worn cameras during certain conditions. New authority has been established for cases where patterns of practice are identified.	All these mandates are effective immediately. The PD is working on training for officers and consulting with city attorneys for guidance and interpretation of the new law.
<u>Mandatory Employment Disciplinary Sanctions for Peace Officers</u> who fail to intervene in excessive force incidents or tamper with or fail to active body worn cameras.	Department policy already exists to address both incidents. The language will be updated to reflect the requirement for mandatory discipline.
<u>Loss of P.O.S.T. Certification for Peace Officers</u> who fail to activate or tamper with body worn cameras, are held criminally or civilly liable for unlawful use of force, fail to intervene, and fail to complete mandatory training.	The department will offer training for all officers and develop a reporting tool for Colorado P.O.S.T.
<u>Operational Mandates for Law Enforcement Agencies and Individual Officers</u> pertaining to body worn cameras, use of force, mandatory reporting, and mandatory training requirements.	The police department is already following many of the requirements. The others will be addressed, and the PD will be complying by the respective effective dates.
<u>Documentation and Reporting Mandates</u> relating to reports to the Colorado Division of Criminal Justice of use of force cases, officer resignations while under investigation, and other operational matters.	The effective date for these mandates is January 1, 2023. The department will be working on internal data capturing processes and await guidance from the Colorado Division of Criminal Justice for operational guidelines and processes for reporting.

CITY COUNCIL WORK SESSION REPORT

DATE: July 7, 2020
AGENDA ITEM: Work Session Item #4
SUBJECT: 2020 Heritage Day Update
NAME & TITLE: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Jen Baiamonte, Events and Rentals Manager
Kristen Debo, Recreation Programs Manager

ISSUE DESCRIPTION:

The purpose of this agenda item is to provide an update on this year's Heritage Day Event. Heritage Days are currently scheduled to occur on September 18-19. The committee has met several times during the last two months, but with the ongoing uncertainty related to Coronavirus regarding our ability to host large events, the committee needs additional direction from City Council about whether or how to prepare for the 2020 event.

Current State of Colorado Coronavirus Guidelines for Outdoor Events

- Limit capacity accounting for usable square footage with a maximum of 175 people per designated activity*
- Collect contact information for guests/attendees through ticket sales, reservations, sign in sheets. Include time of arrival and departure.
- Ensure 6 ft or more between all employees and guests. Create a queue at entrances/exits to ensure a minimum of 6ft distancing. Consider staggered guest arrival and departure.
- Establish single-direction traffic flow in and out of venue and seating areas.
- Seating must be appropriately spaced to reduce mingling and reinforce the necessary distance between individuals in different households.
- Remove games or activities that require or encourage mingling, congregating, and sharing materials. This includes things like board or recreational games, bounce houses, ball pits, shared dance floors, and amusement booths and rides at fairs.
- Catering services or food services should be seated-only. Food and drink services must follow the same guidelines as restaurants and bars.
- Booths or vendors at events must:
 - Allow spacing for vendor load-in and loadout such that vendors and staff can maintain at least 6ft from each other as much as possible.
 - Add a minimum of 6ft in between booths.
 - Create a single line of booths instead of double rows.
 - Create one-way traffic flow through the booths to prevent crowding or mingling.

*Venues that have multiple activities/events that are physically separated, may have the maximum capacity in each setting and must implement additional measures, such as one-way traffic, as attendees move from one activity to the next. Activities must occur a minimum of 50 ft from each other, maintain separate entrance/exits, and minimize the use of shared facilities (like

restrooms).

FINANCIAL SUMMARY:

2019 HERITAGE DAYS FINANCIAL RECAP:

Event Expenses | \$54,525
Staff Time Cost | \$21,300
Event Revenue | \$5,865
Event Sponsorships | \$15,500
Event Cost | \$54,460

2020 Event Options:

Staff and the Heritage Day committee strongly recommend that if Heritage Day is held in 2020 that it be limited to a one-day event. Significant concerns related to this event fall into three categories—Coronavirus Risks and Regulations, Budget Shortfall and Lack of Sponsorships, and Staffing Level Cutbacks. With that in mind, there are three prospective conceptual ways of moving forward with the planning for this event outlined below, along with a hybrid event option. Members of City Council or community members may have other event variations that are worthy of thorough evaluation, as well.

Option 1 | Fireworks | Medium-High Risk

Friday, September 18 or Saturday, September 19 | 8:30 pm

This option features a fireworks show for families to enjoy from the comfort of their own home/backyard. This option is suggested due to the relatively low COVID-19 risks and lower impacts on budget and labor availability than other attended events. Staff would strongly encourage families to view from their homes (or nearby on-street parking). Riverside Park and parking lots could be closed to the public to discourage the gathering of a large dense crowd. Staff could look into a virtual concert or music that is synched with the fireworks and on a local radio station.

Pros	Cons
Can support event with current staffing levels	Fire hazard risk (dry year)
Relatively low cost compared with other event options	Not viewable from homes for everyone
Relatively low risk of Coronavirus transmission unless crowds form	Riverside Park closed all day for show setup
	Weather-dependent
	Expensive option for 10 minutes

2019 Show | \$10,000 sponsor for 10-12 minute show

10 minute show | \$10,000
Estimated Prep Staff Cost | \$320
Estimated Day-Of Staff Cost | \$1,000
2 Light Plants | \$300
Marketing/Signage | \$1,500
Supplies for closing park & trails | \$500
Estimated Total Option 1 Cost | \$13,620

**Option 2 | Vendor Market and Community Organization Booths | Medium-High Risk
Saturday, September 19 | 9 am-12 pm**

This option would involve a vendor market to support local businesses along with booths for information from local non-profits and other organizations. This option is suggested because it can be tailored to meet changing State Coronavirus guidelines. Depending on the regulations in place in September, there is uncertainty about whether food vending or live music could be part of an event like this due to potential concerns about the levels of congregating and increasing pedestrian traffic flow through event.

Pros	Cons
Can be held within evolving State guidelines	Contact risk
Relatively low cost	Will require more staff to be involved-temperature/symptom check, monitor inside market, cleaning of restrooms/port-o-lets regularly
	Possibility for State guidelines to become more restrictive, causing a cancellation
	Limit the number of attendees to abide by State guidelines
	Difficulty ensuring guidelines are followed

Estimated Prep Staff Cost | \$1,000
 Estimated Day-Of Staff Cost | \$2,800 | 8 part-time staff, 7 full-time staff 7 am-1:30 pm
 6 Port-o-lets | \$550
 3 Hand Washing Stations | \$360
 2 Hand Sanitizer Stations | \$200
 Additional PPE | \$1,000
 Marketing/Signage | \$2,500
 Supplies for marking spots & one-way traffic | \$500
 Estimated Total Option 2 Cost | \$8,910.00

Option 3 | Cancel 2020 Event | No Risk

This option is worthy of consideration because of all of the uncertainty related to our ability to host a large event in September. This option would be most responsive to the concerns about Coronavirus spread risks, budget impacts and the availability of staff time to properly plan for and implement the event.

Pros	Cons
No health risk to staff or community	Some in the community may be disappointed
\$40,000 back into the General Fund	Loss of a community spirit-building opportunity
Less strain on already low staffing levels	
Align with other large events around the country being canceled	

Commitment to public health and safety	
Hiring is not needed for a one-day event	
No possibility of cancelling an event last minute	

*Note that there are various hybrid options. For example, if options 1 & 2 are combined, the costs, risks and pros/cons for both events would need to be considered.

Saturday, September 19
Vendor Market | 3-6 pm
Fireworks | 8:30 pm
Estimated Total Cost | \$22,530.00

REQUESTING FROM CITY COUNCIL:

Direction on 2020 Heritage Day

ATTACHMENTS:

- N/A

CITY COUNCIL WORK SESSION REPORT

DATE: July 7, 2020
AGENDA ITEM: Work Session Item #5
SUBJECT: Attorney Chat: City Attorney Update
NAME & TITLE: Scott Krob, City Attorney

ISSUE DESCRIPTION:

City Attorney Krob will provide a brief overview of legal principles or practices that are relevant to City Council operations.

FINANCIAL SUMMARY:

N/A

REQUESTING FROM CITY COUNCIL:

N/A

ATTACHMENTS:

- N/A