

September 3, 2013

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 6:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister
Councilmember Scott Bryan
Councilmember Christine Castoe
Councilmember Debra J. Forstedt
Councilmember Lisa Northrup
Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff Wells, Municipal Engineer Brad Curtis, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Interim Police Chief Darin Sagel, Community Development Director David Callahan, Director of Library and Museum Services Jody Hungenberg, Parks Superintendent Doak Duke, Golf Professional Tyler Tarpley, Recreation Superintendent Josh Miller, Streets Superintendent Jim Willis and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES OF THE AUG. 20, 2013 CITY COUNCIL REGULAR MEETING

Councilmember Scott Bryan offered a resolution to approve the minutes as presented, which was seconded by Councilmember Lisa Northrup and approved unanimously.

RE-APPOINTMENT OF VIRGINIA FOLEY TO THE LIBRARY ADVISORY BOARD

Councilmember Christine Castoe noted that Foley had been a member of the Library Advisory Board since 2007 and had re-applied for an additional term, and the library board had recommended her re-appointment. Castoe made a motion to re-appoint Virginia Foley to the Library Advisory Board for an additional term to expire on Dec. 31, 2015, which was seconded by Councilmember Ron Shaver and approved unanimously.

RESOLUTION AMENDING LIBRARY FEES

City Manager Jeff Wells said this change in library fees was being proposed by Library and Museum Services Director Jody Hungenberg, who had discovered that a couple of fees charged by the city's library would prevent it from receiving state funding that had been appropriated by the state legislature for the first time in many years. The recommendation was to delete the \$1 interlibrary loan research fee and the \$2 non-resident library card fee, and Wells said the amount of state funding would be approximately twice the amount generated by these fees. Councilmember Debra Forstedt offered a resolution to amend the library fees as presented, which was seconded by Bryan and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AIRPLANE HANGAR LEASE AGREEMENT

Community Development Director David Callahan told the council that all of the documentation on the proposed hangar and the lease agreement were in the council's packets and had been reviewed and approved by city staff. He noted that Morgan County would have to review the building plans because the location of the planned hangar is in the county. Northrup offered a resolution to authorize the mayor to sign the airplane hangar lease agreement, which was seconded by Castoe and approved unanimously.

BIDS FOR A PRECAST RESTROOM FACILITY FOR THE PARKS DEPARTMENT

Parks Superintendent Doak Duke reviewed the bid process for this project, for which a total of \$27,000 had been budgeted. One bid was received, from CXT Inc. of Spokane, Wash, in the amount of \$19,779.55, and Duke said staff was requesting approval to accept that bid and also to use the additional budgeted funds to complete required Americans with Disabilities Act improvements and minor landscaping around the site near the fishing ponds at the east end of Riverside Park. Bryan offered a resolution to accept the bid of \$19,779.55 from CXT Inc. and authorize staff to do the additional work associated with the project at a total cost not to exceed \$27,000. That resolution was seconded by Forstedt and approved unanimously.

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1142, AMENDING THE FORT MORGAN MUNICIPAL CODE REGARDING WATER TAPS

McAlister reviewed the format for the hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the public hearing had been published in the Fort Morgan Times on Aug. 9, for the hearing that began on Aug. 20 and was then continued to this date. Wells reviewed changes in the proposed ordinance that had been made based on the discussion during the public hearing on Aug. 20. He said staff was suggesting that the ordinance be approved as presented, and explained the basis for the monthly water service base rate and the fairness issue of requiring all property owners with taps to pay the fee. McAlister opened the hearing to public comment, and Richard Reiber of 508 Sherman Street in Fort Morgan said the city should not be taking money from people who are not using something to pay for a future of those that do. Dalrie Skraback of 16214 County Road 10 in Morgan County inquired about the cost to re-establish an unused water tap, and Wells said the cost would just be the monthly base rate, as long as the owner could prove that the tap existed and had not been moved to another location. Skraback thanked the council and city staff for working with Realtors and hearing their concerns during this process. Chuck Miller of Brush suggested changing the word "lot" to "property" in the ordinance language, and Wells explained that this terminology had caused issues in the past because one property could have multiple taps. Miller also asked that the cost of re-establishing taps that had deteriorated due to lack of use over time somehow be disclosed in the event of real estate transactions. Wells said the city could investigate how that might be done. Brennan said no written or oral comments had been received by his office. Discussion among council members, staff and the public speakers followed, covering issues of fairness, the rationale for the monthly base rate, the differences between water and other utilities provided by the city and the possibility of repealing the original ordinance and starting over to craft a new one that would deal with all of the issues that had been raised.

Forstedt made a motion to close the public hearing, which was seconded by Shaver and approved unanimously.

Wells then explained the council options for action on the ordinance, which included passing it as presented with minor language changes as discussed in the public hearing; approving it with an amendment that would read "repealed" and sending the issue back to the Water Advisory Board to start over; or leaving things as they are.

Shaver offered a resolution to approve the second and final reading of Ordinance No. 1142, with verbiage changes as discussed in the hearing. That resolution was seconded by Forstedt and approved on a vote of 6-1 with Councilmember Joe Segura Jr. voting against.

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1144, PROHIBITING COMMERCIAL MARIJUANA OPERATIONS IN THE CITY OF FORT MORGAN

McAlister reviewed the format to be followed for the hearing, and Brennan confirmed that proper legal notice of the hearing had been published in the Fort Morgan Times on Aug. 9 for the hearing that began on Aug. 20 and was continued to this date.

Wells briefly reminded the council of the intent of the ordinance, and noted that it would prohibit commercial sales and other commercial marijuana operations in the city but would not change the constitutional right of residents to grow or smoke marijuana in their homes as provided under Amendment 64.

No public comments were offered, and Brennan said none had been received in writing or verbally by his office. Forstedt made a motion to close the public hearing, which was seconded by Bryan and approved unanimously.

Bryan then offered a resolution to approve the second and final reading of Ordinance No. 1144, an Ordinance to amend Chapter 10 of the Fort Morgan Municipal Code to prohibit marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City of Fort Morgan, and authorize publication by title only. That resolution was seconded by Northrup and approved on a vote of 5-2, with Castoe and Segura voting against.

UPDATE ON FIBER ASSESSMENT PROJECT

Municipal Engineer Brad Curtis briefed the council on the results of a study performed to assess the city's fiber optic system, which had been in place for a decade. Curtis said that although the system was largely unused it was in very good shape and had the capacity to provide data transmission speeds of 10 gigabytes per second as well as the potential for future expansion.

Curtis said the next step would be to continue working with Morgan County and the Re-3 School District, the other primary users of the system, to help those entities understand the system assessment and the rights and responsibilities of the various parties.

2014 BUDGET CALENDAR – CONCLUDE PRESENTATION OF 2014 BUDGET EXPENDITURES FOR THE GENERAL FUND

Wells and department heads and directors reviewed the preliminary budgets for various General Fund departments, including the Streets, Recreation/Senior Center, Parks/Cemetery, Library/Museum and Fire Departments as well as the Golf Course and Community Services Director budgets.

City staff answered a number of questions from council members, and discussion took place about such issues as school crossing areas, transportation options for recreation trips, cemetery turf conditions, library materials and possible restructuring of positions in the fire department. No formal action was taken.

PRESENTATION OF 2014 SCHEDULE OF FEES

Wells reviewed proposed changes in several city fees, and asked for council direction on setting fees for rental and use of the new bandshell currently under construction in City Park. Discussion followed about this fee as well as others, including golf fees and swimming pool fees. No formal action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells reported that Fort Morgan had been found to have the lowest residential electric rates in the state in a 2013 survey by the Colorado Association of Municipal Utilities, for the second year in a row, and was very competitive in its rates in other categories. Wells complimented the city staff for its work to keep costs down and the electric department for its work to maintain the system and its reliability. Bryan commented that the council, through Wells, was also aggressive in its efforts to hold the city's electric supplier accountable.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids, upcoming meetings and other events and programs.

Mayor McAlister adjourned the September 3, 2013 regular meeting at 9:15 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk