

April 15, 2014

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The regular meeting was preceded by a tour of city departments as part of the budget preparation process for 2015. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 6:05 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister  
Councilmember Christine Castoe  
Councilmember Kevin Lindell  
Councilmember Damon Mussman  
Councilmember Lisa Northrup  
Councilmember Joe Segura Jr.

Absent: Councilmember Ronald Shaver (excused)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Community Services Director Josh Miller, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Recreation Superintendent Jay Cochran, Golf Professional Ty Hamer and City Clerk/PIO John Brennan.

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### **PRESENTATION BY MORGAN COMMUNITY COLLEGE PRESIDENT KERRY HART**

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Hart presented each council member with a CD and pamphlet celebrating the musical heritage of Fort Morgan, which was to be the focus of the dedication celebration for the Dahms-Talton Band Shell on May 3, and read a letter he had written to be placed in a time capsule during the dedication. Mayor Terry McAlister thanked Hart and the band shell committee for all of the work they had put into making this community project a success.

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### **RECOGNITION OF CITY STAFF MEMBERS**

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City Manager Jeff Wells said when people do an outstanding job it is worth noting, and he wanted to recognize the efforts of Engineering/Public Works Director Brad Curtis and Community Services Director Josh Miller. He said their work toward securing grants made 2014 an historic year for the City of Fort Morgan in obtaining grants, and Curtis and Miller had worked diligently and persistently in gaining funds to help with the restoration of the Riverside Park ball fields and to assist in undertaking a major storm drainage project on South Sherman Street. Wells said the success in getting grants had a lot to do with the relationships city staff had built with outside agencies, and he said that would continue and he expected it to lead to further successes in the future.

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### **INTRODUCTION OF GOLF PROFESSIONAL TY HAMER**

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Miller introduced Hamer, who came to the city from the Pinon Hills golf course in Farmington, N.M., a very successful and highly regarded public course where Hamer had worked for 12 years. Hamer said he was excited for the growth of Fort Morgan and the Quail Dunes Golf Course, and he was looking forward to being a part of it.

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**REVISIONS TO THE BYLAWS OF THE GOLF COURSE ADVISORY BOARD**

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Miller said this issue had come up during the transition to a new golf pro at Quail Dunes, and also was prompted by the departure of several members of the golf advisory board for various reasons. This had made it difficult to keep the golf board functioning, so it was the recommendation of the current board to reduce the number of board members from seven to five, and to allow up to two non-residents of the city to serve on the board.

Councilmember Kevin Lindell, the council liaison to the golf board, pointed out that the documents in the packet for this meeting said the proposal would allow one non-resident on the board, but that the board had met the preceding week and the latest recommendation was to allow two non-resident board members who live in Morgan County.

Lindell then offered a resolution to accept the recommendation from the board and reduce the number of members on the Golf Course Advisory Board to five, with at least three of those members to be city residents and up to two members to be non-city residents of Morgan County. Lindell's resolution also accepted another revision to the bylaws deleting an obsolete reference to the completion of board training by 2009. The resolution was seconded by Councilmember Damon Mussman and approved on a unanimous vote of 6-0, with Councilmember Ron Shaver absent.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – APPLICATION FOR A NEW TAVERN LIQUOR LICENSE FOR MORGAN LANES LLC**

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City Clerk/PIO John Brennan told the council this application had been reviewed by his office as well as the Fort Morgan Police Department and the City Attorney's Office and had been deemed complete, and the appropriate fees had been paid. Brennan said staff was asking the council to formally accept the application and schedule a public hearing on the application for May 20.

Mussman offered a resolution to accept the application for a new Tavern Liquor License – Malt, Vinous and Spirituous Liquors for Morgan Lanes LLC at 300 E. Railroad Ave., and to schedule a public hearing for May 20. That resolution was seconded by Councilmember Christine Castoe and approved 6-0 (Shaver).

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**COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A REQUEST FOR A VARIANCE TO ALLOW REBUILDING OF A HOME DESTROYED BY FIRE**

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Mayor McAlister reviewed the format to be followed during the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Engineering/Public Works Director Brad Curtis reviewed the request for the variance, which would allow a new home to be built on the property where a 1920s-era home had been destroyed by fire. Because of the small size of the lot the new home would not be able to meet the requirements of the city code for off-street parking, Curtis said, and the alternative would be for the lot to be vacant and potentially become an eyesore.

Applicant Bob Keenan said the new home would actually be slightly smaller than the one that had burned, and he had spoken with people in the surrounding area and they were "thrilled" to hear that a new home would be built there. Asked by Wells how he would be impacted if the variance were not granted, Keenan said it would result in the loss of a rental property and the corresponding income that provided his family, and it would also leave an empty lot which he would have to maintain and which would detract from the neighborhood.

No public comment was offered at the hearing or in advance through the City Clerk's Office. Councilmember Joe Segura said he was sorry for the loss of the previous home and looked forward to seeing a new house there.

Councilmember Lisa Northrup made a motion to close the public hearing, which was seconded by Lindell and approved 6-0 (Shaver).

Wells then advised the council that because this was a variance from the city code there were strict legal requirements for the applicant to prove that the request met the criteria for the granting of a variance. Northrup offered a resolution approving Case 14-005 VA – Keenan Variance, with the reason being the hardship to the applicant of the loss of an income property, and the fact that not granting the variance would be detrimental to the community by leaving a vacant lot on the site. That resolution was seconded by Castoe and approved 6-0 (Shaver).

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**INTERGOVERNMENTAL AGREEMENT WITH THE BRUSH RECREATION DEPARTMENT**

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Miller reminded the council that the Fort Morgan recreation department had been forced to cancel youth baseball for 10- to 12-year-olds the previous year because of low enrollment, and had explored the possibility of partnering with the Brush recreation department to form a league that would allow all youths a better chance to play.

Northrup thanked Miller and his staff for their hard work in following up on the recommendations of the Recreation Ad Hoc Committee, and Lindell said it was good to see the communities working together.

Mussman offered a resolution to accept the intergovernmental agreement between the City of Fort Morgan and the City of Brush, which was seconded by Castoe and approved 6-0 (Shaver).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND AUTHORIZING THE EXPENDITURE OF FUNDS**

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Curtis said this item would allow the mayor to execute an agreement with FEMA once it was finalized, pertaining to funds for the restoration of the ball fields at Riverside Park that were damaged in the September 2013 flooding. He said staff had pursued a FEMA pilot program that would allow disaster relief funding to be used to upgrade and improve damaged facilities, while FEMA normally only allowed restoration to the same condition as before a disaster occurred. FEMA would still only pay the projected cost of restoration to pre-disaster condition, but under this program that funding could be used in conjunction with other monies to expand and improve the ball fields. Curtis said the estimated FEMA funding would be about \$491,000.

Mussman said this represented a huge opportunity for the city to upgrade its ball fields, which would allow the city to host larger regional tournaments that bring substantial revenue to the city.

Lindell offered a resolution to approve the grant agreement with FEMA, allow the mayor to execute the agreement and authorize the expenditure of the funds. That resolution was seconded by Castoe and approved 6-0 (Shaver).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH GREAT OUTDOORS COLORADO AND AUTHORIZING THE EXPENDITURE OF FUNDS**

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Wells explained that this item was related to the preceding one, and would provide much of the additional funding needed to upgrade the Riverside Park ball fields. He said these costs were not in the 2014 city budget, because the floods occurred when the budget was already being developed and the recovery costs were still unknown, so that was why council authorization to accept the grants and spend the funds was needed.

Miller pointed out that this GOCO grant, of about \$605,000 with an additional 12 percent contingency for which the city could apply if needed, was a reimbursement grant so the city would need to spend the money on the front end and be reimbursed as the project progressed.

Northrup offered a resolution to accept the GOCO grant, authorize the mayor to sign the grant agreement and authorize the expenditure of the funds. That resolution was seconded by Castoe and approved 6-0 (Shaver).

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### **RESOLUTION AUTHORIZING THE MAYOR TO SIGN A REIMBURSEMENT CONTRACT FOR DESIGN OF LINDA STREET**

Curtis explained that when construction of roads is prompted by development, each party pays its proportional share of the cost. Wells said this agreement was among the city and two other property owners and would apportion the costs for design of an extension of Linda Street. Northrup offered a resolution authorizing the mayor to execute the memorandum of understanding with the Community Resources and Housing Development Corporation and Centennial Mental Health, which was seconded by Castoe and approved 6-0 (Shaver).

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### **RESOLUTION AUTHORIZING THE ASSIGNMENT OF ADDITIONAL LIABILITY TO THE CITY'S FINANCIAL STATEMENTS RESULTING FROM THE IMPLEMENTATION OF THE PAID TIME OFF POLICY FOR CITY EMPLOYEES**

Wells said this was a follow-up to the discussion at the previous council meeting about this new policy regarding employee time off, and would allow changes in how the city accounts for time off compensation for its employees.

Mussman offered a resolution authorizing adjustments in accounting for accrued liability for paid time off for employees, which was seconded by Castoe and approved unanimously.

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### **UPDATE ON AIRPORT**

Wells said it was normally not the practice of an attorney to report on the details of litigation, but in this case the City Council had made a commitment to make the acquisition of the property needed for airport expansion a public and transparent process. He said this report was being made to let the council know that the city did everything it could to be fair to the landowner whose property was acquired to allow the construction of a new runway at the Fort Morgan Municipal Airport.

Assistant City Attorney Jason Meyers reviewed the timeline and details of the negotiations and litigation pertaining to the property acquisition, from June 2012 to the present time. He concluded with the settlement agreement for the land purchase that had been signed the preceding week.

Wells said the city went out of its way to be fair and never took an adversarial position with the landowner. He said the council showed leadership throughout the process and authorized additional money to make the deal happen. McAlister thanked Wells, Meyers and Curtis for their work on this matter.

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### **DISCUSSION OF COUNCIL GOALS FROM THE FEB. 25 VISIONING RETREAT**

Wells reviewed the goals and ideas developed by the council during its visioning retreat, as well as staff responses to these proposals and staff reports on the status of those already in progress. Wells asked for council direction on many of the goals, and whether funding for these should be included as the 2015 city budget was developed. Direction was provided by consensus of the council on these items but no formal action was taken.

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**CONSENT AGENDA BY RESOLUTION**

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Brennan presented the Consent Agenda for Council consideration as follows:

**CONSENT AGENDA**

- A. Approval of the Disbursements and Payroll for March
- B. Approval of the minutes of the April 1, 2014 City Council regular meeting

Councilmember Northrup offered a resolution to approve the Consent Agenda as presented, which was seconded by Lindell and approved unanimously (6-0, Shaver).

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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None.

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**REPORTS BY OFFICIALS AND STAFF**

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Wells provided an update on the condition of the turf in a section of the city cemetery, where an erroneous application of herbicide had killed the grass. He said the area had been reseeded and was beginning to show some new growth after recent warm weather and moisture. Wells said cost estimates received for installation of sod in the affected area were much higher than expected, in excess of \$100,000, and the plan now was to water and nurture the turf as much as possible and hope that the area looked better by Memorial Day.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

McAlister reported that he had attended a recent dinner meeting at the local Veterans of Foreign Wars post and was presented with a certificate of appreciation for the city's efforts for the community and its veterans. He said he was very impressed with the VFW organization and its hospitality and the community should be proud to have the group in the city.

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**EXECUTIVE SESSION**

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The regular portion of the meeting concluded at 8:51 p.m., and Mayor Terry McAlister announced that the next item on the agenda was a scheduled executive session. Councilmember Castoe made a motion to convene this executive session, which was seconded by Councilmember Lindell and approved on a unanimous vote of 6-0 (Shaver absent). This executive session had been published as follows:

**EXECUTIVE SESSION** for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Water purchase.

This executive session began at 9:08 p.m. and concluded at 9:27 p.m., and was attended by the mayor and five council members (Shaver absent) along with City Manager Jeff Wells, Assistant City Attorney Jason Meyers and Water Resources/Utilities Director Brent Nation. At the end of the executive session the council returned to the regular open meeting, where Castoe reported

that the council had met in executive session for the purpose stated on the agenda. Castoe made a motion to instruct negotiators to proceed with negotiations as discussed in the executive session. That motion was seconded by Lindell and approved on a unanimous vote of 6-0 (Shaver absent).

Castoe then made a motion to convene the second scheduled executive session, which was seconded by Northrup and approved unanimously (6-0, Shaver absent). This executive session had been published as follows:

**EXECUTIVE SESSION** for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: City Manager evaluation.

This executive session began at 9:31 p.m. and ended at 10:40 p.m., and was attended by the mayor and five council members (Shaver absent) along with Wells. At the end of the executive session the council returned to the regular open meeting, where Castoe reported that the council had met in executive session to conduct the annual evaluation of the city manager. Castoe reported that the council's overall rating of the city manager's performance was 4.6 on a scale of 5, and that the city manager was eligible for a pay increase.

As requested by the city manager, his raise would be in line with what was being provided to all other city employees. No motion was made.

Mayor McAlister adjourned the April 15, 2014 regular meeting at 10:41 p.m.

/s/ Terry McAlister

Mayor

/s/ John Brennan

City Clerk