

October 7, 2014

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 Christine Castoe  
Councilmember Kevin Lindell  
Councilmember Damon Mussman  
Councilmember Joe Segura Jr.  
Councilmember Ronald Shaver

Absent: Councilmember Lisa Northrup (excused)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, Engineering/Public Works Director Brad Curtis, Community Services Director Josh Miller, City Treasurer Jean Kinney, Human Resources/Risk Management Director Michael Boyer, Water Resources/Utilities Director Brent Nation, Streets Superintendent Jim Willis, Assistant City Attorney Jason Meyers, Legal Intern Collin Watkins, and City Clerk/PIO John Brennan.

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#### **APPROVAL OF MINUTES OF THE SEPT. 16, 2014 CITY COUNCIL REGULAR MEETING**

Councilmember Damon Mussman offered a resolution to approve the minutes as presented, which was seconded by Councilmember Christine Castoe and approved on a unanimous vote of 6-0, with Councilmember Lisa Northrup absent.

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#### **READING OF A PROCLAMATION DECLARING OCTOBER TO BE DOMESTIC VIOLENCE AWARENESS MONTH**

Mayor Terry McAlister read the proclamation and presented a signed and sealed formal copy to Jan Schiller of SHARE Inc. Schiller thanked the council for its support and briefly reviewed some of the activities planned by the organization during the month.

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#### **APPLICATIONS FOR APPOINTMENT TO THE PLANNING COMMISSION**

Engineering/Public Works Director Brad Curtis explained that the city had received four applications for two vacancies on the Planning Commission, and said the council could act at this meeting to appoint one or more of the applicants or refer all of the applications to the commission for a recommendation. After brief discussion, the council consensus was to refer the applications to the Planning Commission and bring back a recommendation at the next council meeting. No formal action was taken.

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#### **COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A REQUEST FOR A VARIANCE FROM THE SIGN CODE**

McAlister reviewed the format to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the public hearing had been published.

Curtis reviewed the request to extend an existing monument sign an additional three feet in height because the applicant, the Bank of Colorado, believed the sign was not visible from some angles. Curtis explained the criteria in the municipal code regarding variances and the issues staff considered relevant to this case, and said staff recommended denial of the variance because it was not warranted under the criteria.

Jay Gerdes of DaVinci Signs said that when the sign was originally designed a signal box related to the new traffic lights at the nearby intersection was not there, and that box now obscured the most expensive part of the sign. He acknowledged that most view angles of the sign were not blocked, but said the variance would not cause safety issues and there was no opposition from neighboring businesses.

No public comment was received, either during the hearing or in advance.

Councilmember Joe Segura Jr. said he worked near the intersection in question and had seen “near-misses” with traffic, and feared that raising the sign could increase the danger. Segura said that although he had always supported local businesses he could not support the variance.

Councilmember Damon Mussman said he was bothered by the fact the no one from the bank had come to the meeting to make the company’s case for the variance, and Gerdes said he believed the bank president may not have been aware of the date of the hearing.

Mayor McAlister said he understood what the bank wanted to do, but did not personally believe the variance would help and that the request was outside the provisions of the city code.

Shaver made a motion to close the public hearing, which was seconded by Mussman and approved unanimously (6-0, Northrup absent).

City Manager/Interim City Attorney Jeff Wells explained that the council members were acting as judges in this instance in their capacity as the Board of Adjustment, and they had been given evidence and testimony. Wells read through the specific criteria for the granting of a variance from the city code, and said the council had three options: it could decide one of these criteria had been met and grant the variance, deny the variance for failure to meet the criteria, or continue the hearing and request more information.

Shaver offered a resolution to deny the request for a variance from the sign code for a monument sign at Bank of Colorado, which was seconded by Segura and approved unanimously (6-0, Northrup absent).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH THE STATE DEPARTMENT OF LOCAL AFFAIRS**

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Curtis said the city had been awarded a \$95,000 grant from DOLA to replace the sewer lift station near Interstate 76 and Barlow Road with a gravity-fed system, and the city planned to match that with \$105,000 from the sewer fund to accomplish the needed project. Wells noted that this improvement would also help facilitate additional development in that area.

Mussman offered a resolution to accept the grant from DOLA and authorize the mayor to sign the grant agreement. That resolution was seconded by Castoe and approved unanimously (6-0, Northrup absent).

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**BIDS FOR POLE MOUNTED SCHOOL CROSSING SIGNAL CABINETS**

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Streets Superintendent Jim Willis explained that these devices were button-operated and allowed school children to cross the streets, and the existing devices were outdated and replacement parts were no longer available to make any repairs. Willis said one bid was received, from Traffic Signal Controls of Longmont, and staff was recommending acceptance of that bid.

Shaver offered a resolution to accept the bid from Traffic Signal Controls of Longmont for two school crossing signal cabinets in the amount of \$12,177.10. That resolution was seconded by Councilmember Kevin Lindell and approved unanimously (6-0, Northrup absent).

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**BIDS FOR A RETAIL RECRUITMENT AND ANALYTICS FIRM / CONSULTANT FOR ECONOMIC DEVELOPMENT**

Wells said this topic had been discussed by the council at retreats and other meetings as a possible way to assist with economic development and recruit retail businesses to the city. Community Services Director Josh Miller reviewed the bid process, which drew three proposals, and said staff was recommending bringing two of the firms to the next council meeting to do short presentations on the details of their proposals.

Extensive council discussion followed, covering topics such as the cost and funding source for the plan, whether such companies could really attract retailers to the city, whether such efforts might be duplicative of work performed by the Morgan County Economic Development Corp., and the possibility of partnering with other entities to share in the cost of these consulting services.

Ultimately the council consensus was to bring in the two bidders as suggested by staff to make presentations on their proposals. No formal action was taken.

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**BIDS FOR A HANDICAP-ACCESSIBLE RESTROOM TRAILER**

Miller said the council had also discussed the issue of restrooms at City Park on numerous occasions, and staff had come up with several alternatives to meet that need both on an interim and longer-term basis. Miller's recommendation was to purchase a portable restroom trailer with 2014 capital improvement funding already budgeted for City Park restrooms, and install a prefabricated restroom at City Park with 2015 CIP funds already budgeted.

One bid was received in response to an RFP for a restroom trailer, from Comforts of Home Services Inc. in the amount of \$57,006 for a 24-foot, seven station handicap accessible restroom trailer including freight and options.

Miller noted that the trailer combined with a permanent restroom at City Park would reduce and potentially eliminate the need for portable restrooms at the park during large events, and the trailer would also be available for use at other events and activities in different locations around the city. The trailer could also be rented or leased to other groups and events, he said.

Mussman offered a resolution to purchase a portable restroom trailer with the 2014 CIP money and accept the bid with a total cost not to exceed \$65,000. That resolution was seconded by Shaver and approved unanimously (6-0, Northrup absent).

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**FIRST READING OF AN ORDINANCE REVISING THE MUNICIPAL CODE REGARDING DRIVEWAYS IN RESIDENTIAL AREAS**

Curtis said the ordinance as proposed was the same as presented to the council at a previous meeting, and would revise the code to alter the definition of driveways, the required setbacks and other requirements to allow property owners more flexibility.

Shaver offered a resolution to approve the first reading of an Ordinance amending portions of Chapter 20 of the Fort Morgan Municipal Code pertaining to parking in residential areas, and schedule a public hearing on the ordinance for Oct. 21. That resolution was seconded by Castoe and approved unanimously (6-0, Northrup absent).

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**UPDATE ON COLORADO DEPARTMENT OF TRANSPORTATION PROJECTS**

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Curtis and Police Chief Darin Sagel provided updates on several new and ongoing road projects in conjunction with CDOT, including a proposal to raise the speed limit on Platte Avenue to 35 mph, which was still under discussion. Council discussion followed about the current traffic situation in and around the recently opened Taco Bell restaurant, and Curtis said he would look into a reported problem with traffic circulation on the restaurant property. No action was taken.

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**DISCUSSION AND DIRECTION REGARDING A STORMWATER FEE**

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Wells reminded the council that this issue had been discussed on numerous occasions in the past, and reviewed the background on drainage issues in the city including past master plans and the formation of a Stormwater Ad Hoc Committee. That committee had recommended creating a utility fund to correct flooding issues and implementing a fee to finance these capital projects, Wells, said. He added that the city had heard repeatedly in its attempts to obtain state grants that the Department of Local Affairs would not assist the city with these improvements unless the city already had a mechanism in place to pay for the projects itself.

Wells and Curtis said creating a stormwater utility and combining it with the sewer fund was probably the best option because it would not involve a tax or a public vote, and Curtis reviewed several alternative scenarios that could be used as a basis for determining the amount of the fee.

Extensive council and staff discussion followed about these alternatives and others raised by council, as well as the structure of the new utility and the actual costs for operations and maintenance as well as capital projects, and how much the city would need to raise through the fee.

Wells concluded by saying that the staff would create an outline of the process that would need to be followed to establish the stormwater utility and merge it into the sewer fund, including the passage of an ordinance, and bring that back for further council discussion and possible action. No action was taken.

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**PRESENTATION OF THE FULL DRAFT CITY BUDGET FOR 2015**

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City Treasurer Jean Kinney reviewed some changes to the method used for determining the administrative allocation for various departments, which she said was designed to better reflect where administrative staff time and cost were being expended in support of the different departments.

Wells then reviewed the draft budget, noting that it was the culmination of a long process that began early in 2014 and involved much council discussion and input. He highlighted areas of the budget that had significant changes, and said all funds within the budget were balanced and that projected revenues including reserves covered the budgeted expenses.

Wells said the staff would bring the 2015 budget ordinance to the council at its next meeting for first reading and schedule a public hearing for the following meeting, when the second reading and final adoption of the budget ordinance would be scheduled. No action was taken.

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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 said staff was scheduling a tour for council members of the restoration work in flood-damaged areas of Riverside Park, and thanked all of the city staff who had worked hard to bring the park back to a usable state.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

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**EXECUTIVE SESSION**

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The regular portion of the meeting ended at 8:47 p.m., and Mayor McAlister said the next item on the agenda was the first of two scheduled executive sessions. Castoe made a motion to proceed to the executive session, which was seconded by Shaver and approved unanimously (6-0, Northrup 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: School district development agreement.

The executive session began at 9:01 p.m. and concluded at 10:47 p.m. and was attended by the mayor and five council members (Northrup absent) along with Wells, Water Resources/Utilities Director Brent Nation, Engineering/Public Works Director Brad Curtis, City Treasurer Jean Kinney, Assistant City Attorney Jason Meyers, David Kauffman, Connie Weingarten, Mike Lee, Rogelio Segura, Rob Carruth, David Keller and Ron Echols. At the conclusion of the executive session the council returned to the open regular 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 staff to move forward with negotiating a development agreement according to the parameters discussed in executive session, which was seconded by Shaver and approved unanimously (6-0, Northrup absent).

Castoe then made a motion to proceed to the second scheduled executive session, which was seconded by Shaver and approved unanimously (6-0, Northrup 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/property purchase.

The executive session began at 10:52 p.m. and concluded at 11:02 p.m. and was attended by the mayor and five council members (Northrup absent) along with Wells, Nation, Curtis and Meyers. At the conclusion of the executive session the council returned to the open regular 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 staff to negotiate the water and property purchase based on the parameters discussed in executive session, which was seconded by Shaver and approved unanimously (6-0, Northrup absent).

Mayor McAlister adjourned the Oct. 7, 2014 regular meeting at 11:03 p.m.

/s/ Terry McAlister  
Mayor

/s/ John Brennan  
City Clerk