

October 21, 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 Lisa Northrup  
Councilmember Joe Segura Jr.  
Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, Engineering/Public Works Director Brad Curtis, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Assistant City Attorney Jason Meyers and City Clerk/PIO John Brennan.

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### **PROCLAMATION RECOGNIZING AND SUPPORTING COLORADO CITIES & TOWNS WEEK**

Mayor Terry McAlister read this proclamation and signed a formal copy to be forwarded to the Colorado Municipal League, which sponsored the week of municipal recognition. Wells described the purpose of Cities & Towns Week, which was to highlight the importance of the many services and amenities the city provides to its residents and visitors.

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### **APPOINTMENT OF MEMBERS TO THE PLANNING COMMISSION**

Engineering/Public Works Director Brad Curtis said the Planning Commission met on Oct. 13 to review the four applications for two vacancies, and recommended appointing Scott Bryan and Brian Urdiales to the commission. Councilmember Ron Shaver made a motion to appoint Scott Bryan to the Planning Commission for a term to expire in 2020 and Brian Urdiales to a term to expire in 2017. That motion was seconded by Councilmember Kevin Lindell and approved unanimously.

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### **PRESENTATION OF PROPOSAL BY RETAIL RECRUITMENT FIRM THE RETAIL COACH**

Wells told the council he had asked representatives of two companies to present to the council on the services they provide and the benefits to the city, as the council had discussed and directed at an earlier meeting. Joseph Koon, regional project director for The Retail Coach, reviewed a PowerPoint presentation outlining his firm's services and approach, and how they could benefit the city in terms of recruiting retail businesses to locate in the city. Koon also answered several questions from the council and City Manager Jeff Wells, and no action was taken.

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**PRESENTATION OF PROPOSAL BY RETAIL RECRUITMENT FIRM BUXTON**

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Wells introduced Lisa McKay of Buxton, who also made a PowerPoint presentation about her company's services and successes. McKay also answered questions from the council and staff, and no action was taken.

Mayor McAlister then asked Kari Linker, executive director of the Morgan County Economic Development Corp., to compare what that organization does in comparison to the two retail analytics firms. Linker said the MCEDC bylaws state that the organization will not recruit retail businesses, because much of MCEDC's financial support comes from local retailers with whom any recruited businesses might compete. She said MCEDC focuses on primary employers, which bring or create local jobs, in the belief that retail development will come when jobs and discretionary spending are increased. She said MCEDC would be a partner with the city and support the city in any retail recruitment efforts.

Wells noted the issue of the cost of the retail recruiting firms, and said a potential funding source for that could be the proposed lodging tax that was on the ballot for the coming election on Nov. 4.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – APPLICATION FOR RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE FOR EL JACAL MEXICAN GRILL**

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City Clerk/PIO John Brennan said this matter was coming to the council because of a violation by the liquor licensee, and that although the licensee had been notified of the meeting by a letter and asked to attend, no representative of El Jacal was present. Wells said the council had the option of making a motion to postpone action on the item to a future meeting when the applicant could be present, and the mayor said he would prefer to have the liquor licensee at the meeting when this matter was discussed.

Northrup made a motion to table this agenda item and instruct the City Manager and City Clerk to communicate with the party regarding attendance at that meeting. That motion was seconded by Castoe and approved unanimously.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – APPLICATION FOR RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE FOR ACAPULCO BAY**

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Brennan reviewed the circumstances that brought this renewal to the council, which included a violation and a late application for renewal of the license. He said this licensee had also been notified by letter to attend the meeting but did not have a representative present. Wells said the council could choose the same option of postponing action in this instance.

Northrup made a motion to table action on the renewal of this liquor license to a future meeting and direct the City Manager and City Clerk to contact the licensee. That motion was seconded by Castoe and approved unanimously.

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**PUBLIC HEARING ON A REQUEST FOR REZONING OF THE PROPERTY KNOWN AS THE FORT MORGAN SHOPPING CENTER**

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Mayor McAlister outlined the format to be followed for the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published.

Curtis said the rezoning was being requested because the property owner wanted to create some residential units in the rear area of the building, which was not desirable for retail use. The change would allow this without having to request a special use permit each time a residential

use was proposed, as required under the current zoning. Curtis said the new zoning was consistent with the surrounding area, and the Planning Commission and city staff recommended approval of the request.

The applicants, Lance Dehning and Christopher Courtney, told the council they had put a significant amount of money into improving the shopping center property, and planned to continue this. The ability to have residential units would allow them to do more of this work, including upgrades to utilities, fire sprinklers and other enhancements, all of which would be in conformance with city building codes, they said.

No public comments were received either during the hearing or in advance.

Councilmember Ron Shaver said the new façade on the building was a great improvement, and asked if retail uses of the building would continue. Dehning said yes, and that all of the current retail uses would continue. There was some discussion among the council, the applicants and staff about whether this zoning change could result in the property becoming all residential. Although that was a possibility, Dehning said it was not the intent of the owners and he would be very surprised if any future owner would make such a change.

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

Wells then advised the council of its options for action, which included passage on first reading of an ordinance approving the rezoning. Shaver offered a resolution to approve the first reading of an Ordinance changing the zoning designation of lands in the City of Fort Morgan, Colorado, from General Business (B-1) to Mixed Use Business (B-2) and for said purpose amending the zoning code and the official zoning district map of the City of Fort Morgan, Colorado. That resolution was seconded by Castoe and approved unanimously.

#### **PUBLIC HEARING ON ANNEXATION OF THE AREA KNOWN AS THE PEIF ANNEXATION**

Mayor McAlister reviewed the format to be followed during the hearing, and Brennan confirmed that proper legal notice of the hearing and the full text of the earlier council resolution accepting the annexation petition and scheduling the hearing had been published in four consecutive weeks.

Curtis said this annexation would add approximately 0.23 acres of land around a property already developed and inside the city limits, to clean up boundary and lot lines and make the property more marketable for future development. He said all of the applicable requirements for annexation had been met and the Planning Commission and staff recommended approval of the annexation.

No public comments were received either at the hearing or in advance, and no council comments were made.

Castoe made a motion to close the public hearing, which was seconded by Shaver and approved unanimously. Wells advised the council of its options for action.

Castoe offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan that area known as the Peif Annexation, which was seconded by Councilmember Joe Segura Jr. and approved unanimously.

#### **FIRST READING OF AN ORDINANCE ESTABLISHING ZONING FOR THE AREA KNOWN AS THE PEIF ANNEXATION**

Curtis explained that this ordinance would set the zoning for the property to be annexed under the previous agenda item, with the zoning the same as the predominant property in question.

Castoe offered a resolution to approve the first reading of an Ordinance establishing zoning for the area known as the Peif Annexation, and to set a public hearing on the ordinance for Nov. 4. That resolution was seconded by Segura and approved unanimously.

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**PUBLIC HEARING ON ORDINANCE NO. 1157, AMENDING THE MUNICIPAL CODE REGARDING DRIVEWAYS IN RESIDENTIAL AREAS**

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McAlister reviewed the format to be followed for the hearing, and Brennan confirmed that proper legal notice of the hearing had been published.

Curtis said no changes to this ordinance had been made since the approval on first reading at the previous council meeting. No public comments were received, either at the hearing or in advance, and no council comments were made.

Councilmember Damon Mussman made a motion to close the public hearing, which was seconded by Castoe and approved unanimously. Wells advised the council of its options for action.

Northrup offered a resolution to approve the final reading of Ordinance No. 1157, amending portions of Chapter 20 of the Fort Morgan Municipal Code pertaining to parking in residential areas, and authorize publication by title only. That resolution was seconded by Shaver and approved unanimously.

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**FIRST READING OF THE 2015 BUDGET ORDINANCE**

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Wells said this represented one of the final steps in adoption of the 2015 city budget, and he wanted to advise council of a few adjustment that were being made to the proposed budget. These included projected revenues and expenses related to the construction of Acoma Avenue, which would be re-phased into the 2015 and 2016 budgets to coincide with the construction of a new school; the inclusion of \$20,000 for the possible purchase of new human resources software; anticipated revisions to the city's policy regarding in-kind contributions, which could result in budget implications; and a proposal by Wells to take some of the money normally transferred from the General Fund to the Golf Fund to offset revenue shortfalls at the end of each year and use that money to provide golf opportunities for young people who participate in the junior golf program.

Some council discussion of the golf proposal followed, with council consensus in support of the junior golf proposal. Wells said he expected this would use approximately \$10,000 to \$15,000 of the transfer funds.

Northrup offered a resolution authorizing an amendment to the 2015 budget regarding the golf course transfer for promotion of junior golf, which was seconded by Lindell and approved unanimously.

Wells then noted that some capital projects may carry over from the 2014 budget to the 2015 budget, which could result in a future budget amendment.

Northrup offered a resolution to approve the first reading of an Ordinance levying a tax upon the taxable property in the City of Fort Morgan, Colorado, and appropriating monies to the several funds of said city, and to schedule a public hearing on the ordinance for Nov. 4. That resolution was seconded by Castoe and approved unanimously.

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**DISCUSSION AND POSSIBLE ACTION ON THE MAYOR'S DAY OFF**

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Wells said it had been a tradition in the city for some time to give city employees the day off on the Friday following Thanksgiving, and he asked if the mayor and council would like to continue this tradition in 2014. Council discussion followed, and Mussman made a motion to grant the day after Thanksgiving as the Mayor's Day Off for city employees. That motion was seconded by Shaver and approved unanimously.

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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 September
- B. Approval of the minutes of the Oct. 7, 2014 City Council regular meeting

All matters listed under the Consent Agenda are considered to be routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

Mussman offered a resolution to approve the Consent Agenda as presented, which was seconded by Shaver and approved unanimously.

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Jerry Wathen of 1100 Linda Street in Fort Morgan spoke to the council about several issues. Wathen said he was serving as an election judge and encouraged everyone to vote. He also said he had viewed a recent council meeting on cable television and the quality of the picture and sound were poor, and he hoped the city would rectify that. He also asked about the ballot question in the coming election that proposed a city lodging tax, asking where the money would go.

Wells responded that negotiations on the city cable franchise were currently under way, and he would make the cable provider aware of the quality concerns. Wells also explained that the proceeds from the proposed lodging tax would be used for community and economic development projects.

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**REPORTS BY OFFICIALS AND STAFF**

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Wells reported on an award received from the Colorado Chapter of the American Public Works Association for the city's railroad quiet zone project, and presented the plaque to the mayor. Wells and the mayor both thanked Curtis for his crucial role in achieving this project.

Wells noted a number of complaints in the community about cable television service, and said if anyone had issues they would like raised in the negotiations with the cable franchise holder, they should contact Wells.

Wells said numerous capital projects were still ongoing in the city. Lindell mentioned a recent newspaper letter to the editor about the lack of sidewalks along East Riverview Avenue, and Wells explained the city codes regarding the installation of sidewalks.

McAlister said he had attended the APWA award event and had been approached by several officials from other cities, some much larger than Fort Morgan, who had been unable to achieve similar projects. He said it was satisfying to hear that Fort Morgan had been able to accomplish something many other municipalities were struggling with, and credited Curtis for making it happen.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

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**EXECUTIVE SESSIONS**

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The regular portion of the meeting ended at 8:52 p.m., and Mayor McAlister said the next item on the agenda was the first of two scheduled executive sessions. Councilmember Castoe made a motion to proceed to this executive session, which was seconded by Councilmember Shaver and approved unanimously. 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: Electric scheduling.

The session began at 9:17 p.m. and ended at 9:34 p.m. and was attended by the mayor and council members along with City Manager Jeff Wells, Water Resources/Utilities Director Brent Nation and Assistant City Attorney Jason 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. No motion was made.

Councilmember Mussman then made a motion to convene the second scheduled executive session, which was seconded by Castoe and approved unanimously. 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: Development agreement.

This session began at 9:36 p.m. and ended at 10:41 p.m., and was attended by the mayor and council members along with Wells, Nation, Meyers and Engineering/Public Works Director Brad Curtis. 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 then made a motion to direct the city manager to proceed with negotiations based on the discussions held in executive session. That motion was seconded by Mussman and approved unanimously.

Mayor McAlister adjourned the Oct. 21, 2014 regular meeting at 10:42 p.m.

/s/ Terry McAlister  
Mayor

/s/ John Brennan  
City Clerk