

November 4, 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, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Services Director Josh Miller, Human Resources/Risk Management Director Michael Boyer, Assistant City Attorney Jason Meyers, Information Technology Director Nelson McCoy and City Clerk/PIO John Brennan.

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#### **RECOGNITION OF CARLOS GARCIA AS EMPLOYEE OF THE QUARTER**

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Information Technology Director Nelson McCoy said he made it a point to thank Carlos Garcia each day because he genuinely appreciated his contributions to the department. McCoy said Garcia was a credit to his department, and presented Garcia with a Broncos hat and slippers. City Manager Jeff Wells also thanked Garcia for his work and presented him with a gift card and a certificate of appreciation.

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#### **PRESENTATION ON GLENN MILLER DOCUMENTARY**

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Kerry Hart, president of Morgan Community College, extended an invitation to the mayor and council to attend a concert of the MCC Jazz Ensemble that would be filmed for a documentary on the Big Band leader who grew up in Fort Morgan. Hart said footage for the documentary would also be filmed in other areas of the city, and thanked the council for its support. No action was taken.

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#### **PRESENTATION ON CHRISTMAS CAPITAL OF THE PLAINS**

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Community Services Director Josh Miller said this would be the third year of this promotional campaign, and introduced Wayne Johnson of Media Logic Radio, the organizer of the campaign and its associated events. Johnson described the plans for events and activities from Thanksgiving to Christmas, with most of them outdoors in the downtown area. Johnson challenged the council to enter a four-person team in the Christmas tree decorating contest. Miller also described the city's plans for its day of sponsoring the Christmas Capital events, as well as other holiday activities including lights on Main Street. Wells noted that the annual Christmas Parade would be Dec. 1 and the city would enter a float and many other vehicles, and the downtown area would be lighted for the holidays in conjunction with the parade. No action was taken.

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**UPDATE ON AIRPORT RUNWAY CONSTRUCTION**

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Engineering/Public Works Director Brad Curtis introduced Alex McKean of Reynolds, Smith & Hills, the aviation engineering and consulting firm for the Fort Morgan Municipal Airport. McKean said the construction of the new runway at the airport, which had been slated for opening that week, was moving forward but had been delayed. With cold weather starting he said it was not realistic to complete the paving at that time of year so the contractor was planning to stabilize the work area and return in the spring. McKean answered several council and staff questions about the reasons for the delays and said any cost overruns resulting from the delays would be the responsibility of the contractor. No action was taken.

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**PRESENTATION AND COUNCIL DIRECTION ON FIBER NETWORK**

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Curtis introduced John Honker of Magellan Advisors, a consulting firm assessing the city's fiber network. Honker reviewed the company's work and the options available for the city to make use of the existing fiber optic network. He reviewed the risks and opportunities of the various options and the capital costs and revenue potential of each, and answered council and staff questions.

Discussion followed among council, staff and Honker, touching on issues such as the level of need in the community for broadband Internet service, the availability of grants or other funding sources to help with capital costs, and the partners who might get involved with the city to build out the system.

The consensus of the council was that something should be done to move the use of the city's fiber network forward, but more information was needed before the council could decide which specific course to follow. Wells summarized the discussion and said staff would gather information such as what has been done with similar networks in other municipalities, approach potential service providers regarding the use of the network and prepare more detailed information on the options, and bring all of that back to the council at a future meeting. No action was taken.

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**PRESENTATION ON CITY INVESTMENT PLAN AND PERFORMANCE**

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Wells introduced Chris Blackwood of The PFM Group, financial and investment advisors who had structured the city's investment plan. Blackwood explained what city assets were invested and in what investments, pointing out that the city can only make very safe investments and can take on only minimal risk. He reviewed how the city's investments were allocated, noting that PFM gave the city a specific investment strategy, which the city had never had before. Although the current financial conditions led to only minimal returns on the city's invested money, Blackwood said the city's portfolios were sound and built for better performance in the future. No action was taken.

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

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City Clerk/PIO John Brennan said this application was brought before the council instead of being handled administratively by staff because of a violation for serving alcohol to a minor. The applicant was present and answered several council questions about the violation and what the licensee planned to do to ensure such violations did not happen in the future, as well as the fact that the renewal application was submitted the day before the license was due to expire. Discussion followed among council and staff about setting up trainings for local liquor licensees.

Mayor Terry McAlister said he believed the message the council was trying to get across was that rules and regulations must be obeyed by liquor licensees, stressing the reasons for the rules and the importance of the following them.

Councilmember Lisa Northrup made a motion to approve the renewal of a Hotel & Restaurant Liquor License (Malt, Vinous and Spirituous Liquors) for El Jacal Mexican Grill at 105 W. 8<sup>th</sup> Ave., with the stern understanding that the licensee needed to follow up in a timely fashion and make sure to take advantage of local trainings offered. That motion was seconded by Councilmember Ron Shaver and approved unanimously.

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

Brennan reviewed the reasons for this renewal being brought to the council, which included a late application for renewal after the license had already expired, a violation regarding recordkeeping that led to a suspension/fine under an agreement with the state, and the licensee's failure to disclose this violation on the renewal application. Brennan said he received a letter explaining the discrepancy on the application as a misunderstanding of the fact that paying a fine in lieu of a suspension did not erase the suspension.

The licensee answered several questions from the council about plans to avoid future violations and ensure timely submittal of required paperwork, and council again discussed setting up liquor license trainings for local establishments. McAlister reiterated the message from council about adhering to all rules and regulations.

Northrup made a motion to approve the renewal of the Hotel & Restaurant Liquor License (Malt, Vinous and Spirituous Liquors) for Acapulco Bay at 204 Main St., with a reminder that the licensee must stay on top of all required paperwork and rules. That motion was seconded by Shaver and approved unanimously.

**COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A REQUEST FOR A VARIANCE FROM THE MUNICIPAL CODE REGARDING PARKING REQUIREMENTS**

Mayor McAlister reviewed the format to be followed in the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published and posted. Curtis explained the request, which would allow some on-street parking spaces in the city's right of way to count toward the off-street parking requirements for a new four-plex to be built next to an existing four-plex at the northwest corner of Railroad Avenue and Sherman Street. The proposal was to inset the street parking spaces and the property owner would be responsible for the costs of installing and maintaining the parking area. Without the variance the new proposed four-plex could not be approved, Curtis said, and staff was recommending approval of the variance with several conditions.

Russell T. Larson of 904 Ram Ave. spoke representing the property owner, Va Ha, who was also present. Larson explained that the provisions allowing parking both on and off the property would allow the new four-plex to be built.

No public comment was received at the meeting, but Brennan noted that the city had received one phone call expressing concern that the new four-plex would increase street parking on Sherman in front of residential properties.

Councilmember Kevin Lindell said it appeared the proposal would be beneficial and actually open up the roadway on Railroad more than the current practice of parallel parking on that street.

Shaver 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 on this quasi-judicial matter, and Shaver offered a resolution approving the variance with the six conditions outlined by staff in the council packet materials. That resolution was seconded by Castoe and approved unanimously.

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### **BIDS FOR THE 2014 RIVERBANK RESTORATION PROJECT**

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Curtis said this was part of the restoration work following the 2013 flooding in Riverside Park, and involved rebuilding and shoring up the banks of the South Platte River in 11 areas where it had been badly eroded. He said the low bid for loading, hauling and placing materials in the area was \$347,116 from Chilson Earth Moving, and staff was asking for approval to accept that bid and to expend a total of \$750,000 on the project. The higher cost included the amount allocated for the use of existing fill materials from the city's holding area near the augmentation pond, Curtis said, and the city would be reimbursed for all but 12.5 percent of the cost through disaster relief funds.

Shaver offered a resolution to accept the bid from Chilson Earth Moving Inc. of Weldona in the amount of \$347,116 and authorize a total expenditure not to exceed \$750,000 inclusive of that bid amount. That resolution was seconded by Northrup and approved unanimously.

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### **SECOND READING AND FINAL APPROVAL OF AN ORDINANCE ANNEXING THE AREA KNOWN AS THE PEIF ANNEXATION**

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Wells said this ordinance was the same as presented on first reading at the previous council meeting, and this approval would be the final legislative step in annexing this property.

Northrup offered a resolution to approve the second and final reading of Ordinance No. 1159, An Ordinance annexing to the City of Fort Morgan, Colorado, that area known as the Peif Annexation, and to authorize final publication of the ordinance by title only. That resolution was seconded by Castoe and approved unanimously.

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### **SECOND READING, PUBLIC HEARING AND FINAL APPROVAL OF AN ORDINANCE ESTABLISHING ZONING FOR THE PEIF ANNEXATION**

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McAlister outlined the format to be followed during the hearing, and Brennan confirmed that proper public notice of the hearing had been published. Curtis said this ordinance was also the same as presented on first reading and would assign the same zoning to the newly annexed property that was in place on the surrounding property. No public comments were received during the hearing or in advance, and no council comments were offered. Shaver made a motion to close the public hearing, which was seconded by Castoe and approved unanimously.

Wells said this was a legislative measure and the council members should vote in the best interest of the city. Northrup offered a resolution to approve the second and final reading of Ordinance No. 1160, An Ordinance establishing a zoning district in and upon lands annexed to the City of Fort Morgan, Colorado, and for said purpose revising and supplementing the zoning district map of said city for the Peif Annexation, and to authorize final publication of the ordinance by title only. That resolution was seconded by Shaver and approved unanimously.

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### **SECOND READING, PUBLIC HEARING AND FINAL APPROVAL OF THE 2015 BUDGET ORDINANCE**

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McAlister reviewed the process to be followed for the hearing and Brennan confirmed proper publication of notice of the hearing. Wells said the budget ordinance was the same as presented at the previous council meeting and that this step would finalize the city's budget for 2015. No public comments were received during the hearing or in advance, and no council comments

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

Wells said this was a legislative matter and the council should vote in the best interest of the city. Northrup offered a resolution to approve the second and final reading of Ordinance No. 1161, 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 authorize final publication of the ordinance by title only. That resolution was seconded by Castoe and approved unanimously.

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**RESOLUTION ADOPTING THE 2015 SCHEDULE OF FEES**

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Wells said the schedule of fees was the same as presented to the council earlier in the year and incorporated several changes made during the course of the year. Shaver offered a resolution to approve the Resolution adopting the 2015 schedule of fees, which was seconded by Castoe 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 minutes of the Oct. 21, 2014 City Council regular meeting
- B. Second reading and final approval of Ordinance No. 1158, rezoning the property known as the Fort Morgan Shopping Center, and authorization to publish by title only

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.

Councilmember Damon 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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None.

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**REPORTS BY OFFICIALS AND STAFF**

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Water Resources/Utilities Director Brent Nation reported that the city had received word that its amended water augmentation plan had been approved by a water court judge, culminating a two-year process.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings, and reviewed highlights of several recent news releases including plans for a grand opening of the city's new dog park at Gateway Park and a community survey posted by the Fort Morgan Police Department on the city's website.

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**EXECUTIVE SESSIONS**

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The regular portion of the meeting concluded at 8:34 p.m., and McAlister said the next agenda item was the first of two scheduled executive sessions. Castoe made a motion to convene the first executive session, which was seconded by 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: Economic development project.

This executive session began at 8:47 p.m. and ended at 9:51 p.m., and was attended by the mayor and council members along with Wells, Curtis, Nation, City Treasurer Jean Kinney, Assistant City Attorney Jason Meyers, Community Services Director Josh Miller, Kari Linker and Rich Gostenik.

Following the conclusion of the executive session, the council returned to open session where Castoe reported that the council met in executive session for the reason stated on the meeting agenda. Castoe made a motion to instruct negotiators to proceed as discussed in the executive session, which was seconded by Councilmember Kevin Lindell and approved unanimously. Lindell then made a motion to convene the second scheduled executive session, which was seconded by Castoe and approved unanimously.

The second 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: Land purchase.

This executive session convened at 9:56 p.m. and concluded at 10:12 p.m., and was attended by the mayor and council along with Wells, Nation, Kinney and Meyers.

Following the conclusion of the executive session, the council returned to open session where Castoe reported that the council met in executive session for the purpose stated on the agenda. Castoe then made a motion to instruct negotiators to proceed as discussed in the executive session, which was seconded by Lindell and approved unanimously.

Mayor McAlister adjourned the November 4, 2014 regular meeting at 10:12 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John Brennan

City Clerk