

January 20, 2015

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 6:02 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, Community Services Director Josh Miller, Water Resources/Utilities Director Brent Nation, Management Intern Chelsea Godeck and City Clerk/PIO John Brennan.

APPLICATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Councilmember Joe Segura said the city's Historic Preservation Board had a vacancy and had received an application from Barbara Keenan, and the board was recommending that the council appoint Keenan to the board. Segura made a motion to appoint Barbara Keenan to the Historic Preservation Board, which was seconded by Councilmember Christine Castoe and approved unanimously.

APPLICATIONS FOR APPOINTMENT TO THE GOLF COURSE ADVISORY BOARD

Councilmember Kevin Lindell said the golf board had received two applications, one from current member Barbara Odor for re-appointment and a new application from David Fowler. Lindell made a motion to appoint Barbara Odor and David Fowler to the Golf Course Advisory Board, which was seconded by Castoe and approved unanimously.

PUBLIC HEARING AND POSSIBLE ACTION ON FIRST READING OF AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN THAT PROPERTY KNOWN AS THE FORT MORGAN MIDDLE SCHOOL ANNEXATION

Mayor McAlister reviewed the procedures to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Engineering/Public Works Director Brad Curtis summarized the annexation application, which was for approximately 69 acres owned by the Morgan County Re-3 School District in the city's southwest section, with the intent to build a new middle school on about 20 of those acres. Curtis said the city staff had done all required due diligence in evaluating the application and found that it met all requirements, and the Planning Commission had recommended approval of the annexation.

No public comments were received during the hearing or in advance, and no council comments were offered. Councilmember Ron Shaver made a motion to close the public hearing, which was seconded by Councilmember Damon Mussman and approved unanimously.

City Manager Jeff Wells then said that details regarding the development of the property were contained in a development agreement already approved by the council, and advised the council on its options for action. Councilmember Lisa Northrup offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan that area known as the Fort Morgan Middle School Annexation. That resolution was seconded by Castoe and approved unanimously.

PUBLIC HEARING AND POSSIBLE ACTION ON FIRST READING OF AN ORDINANCE ESTABLISHING ZONING FOR THE PROPERTY KNOWN AS THE FORT MORGAN MIDDLE SCHOOL ANNEXATION

Mayor McAlister said the same public hearing procedures would be followed during this hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Curtis said this ordinance would place a zoning designation on the same property for which annexation was approved in the preceding agenda item, and staff agreed with the owner's request for R-1 (low-density residential) zoning and considered it appropriate for the planned uses.

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 approval of this ordinance would set the zoning for the property and the allowed uses by right, and that a school would meet the criteria for this zoning designation. Northrup offered a resolution to approve the first reading of 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 Fort Morgan Middle School Annexation. That resolution was seconded by Mussman and approved unanimously.

PUBLIC HEARING AND POSSIBLE ACTION ON FIRST READING OF AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN THAT PROPERTY KNOWN AS THE FM FARMS III ANNEXATION

McAlister noted that this hearing would follow the same procedures outlined earlier in the meeting, and Brennan confirmed proper legal notice. Curtis explained that this annexation application was for approximately 102 acres adjacent to the school district property just approved for annexation on first reading, and this application also met all the required criteria and was recommended for approval by staff and the Planning Commission.

Wells added that the city staff had met with officials of Morgan County and resolved issues regarding the responsibilities for surrounding roads including Main Street, West Street and County Road Q.

Northrup referred to an application heard by the council the previous year for a home daycare center in a residential area zoned R-1, and asked how the zoning of this property would affect such uses. Curtis explained the impacts of the proposed zoning and noted that the zoning of this property would be addressed in the following agenda item.

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 explained that annexation of the property would make it a part of the city's territory and subject to all laws and ordinances as well as all city services and benefits, and explained the council's options for action. Northrup offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan that area known as the FM Farms III Annexation, which was seconded by Shaver and approved unanimously.

PUBLIC HEARING AND POSSIBLE ACTION ON FIRST READING OF AN ORDINANCE ESTABLISHING ZONING FOR THE PROPERTY KNOWN AS THE FM FARMS III ANNEXATION

McAlister said the same procedures would be followed for this public hearing as for the previous ones, and Brennan confirmed publication of proper legal notice of the hearing. Curtis reviewed the proposed zoning of R-2 (medium density residential) for the property approved for annexation in the previous agenda item, and said that zoning offered more flexibility than R-1 and would allow certain types of daycare operations as a use by right as well as some small businesses and other uses.

No public comments were received during the hearing or in advance, and no council comments were offered. Mussman made a motion to close the public hearing, which was seconded by Shaver and approved unanimously.

Northrup offered a resolution to approve the first reading of 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 FM Farms III Annexation.

COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING AND POSSIBLE ACTION ON A REQUEST FOR A VARIANCE FROM THE SIGN CODE

Mayor McAlister reviewed the procedures to be followed during this public hearing, which were slightly different from the hearings held earlier in this meeting because this would be a quasi-judicial hearing with the council acting in its capacity as the city's Board of Adjustment. Brennan confirmed that proper legal notice of this hearing had been published.

Curtis reviewed the variance request, which was seeking approval to replace an existing nonconforming sign with a new sign of the same size and configuration and in the same location on a property at 501 W. Platte Avenue. Because this would require a building permit, the new sign would have to meet the current code, but the setback requirement could not be met in the same sign location so a variance was being sought. Curtis said the staff was recommending approval of the variance.

Applicant Kelly Siebrands told the council he had worked with city staff on the best solution and would be happy to answer any questions. No public comments were received during the hearing, and Brennan reported on one e-mail and one voice-mail message that had been received regarding this variance request, with both from neighboring property owners and both supportive of the granting of the variance.

No council comments were offered, and Castoe made a motion to close the public hearing, which was seconded by Shaver and approved unanimously.

Wells explained the council's function in a quasi-judicial capacity as the Board of Adjustment and reviewed the options for action. Shaver made a motion to approve the Siebrands variance from the sign code, which was seconded by Mussman and approved unanimously.

COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING AND POSSIBLE ACTION ON A REQUEST FOR A VARIANCE FROM THE MUNICIPAL CODE REGARDING SETBACKS FOR A MODULAR HOME

McAlister said the same procedures would be used for this hearing as for the preceding quasi-judicial hearing, and Brennan confirmed that proper legal notice had been published. Curtis explained the variance request, which would allow a smaller setback on the side yard, thereby allowing a residential use on a property that had been vacant for many years due to its size and configuration. Curtis said city staff found the variance would not cause harm to neighboring

properties and recommended its approval subject to three conditions: that the property owner obtain a building permit for construction/relocation of an existing manufactured house; that the house be relocated and reset per Municipal Code Chapter 5, Article 7; and that the house maintain all required setbacks and the 10-foot setback off the alley with required off-street parking.

Wells noted that he had heard from developers in the past that this lot could not be used because of its size and configuration, and Segura said he lived across the street from the lot and would be glad to see something done with it because it was an eyesore in the summer with weed growth.

Property owner Nicholas Erker said the property had been vacant since the subdivision was developed in 1982, and thanked Curtis and Wells for their help in interpreting the city code to find a way to put the property to use.

No public comment was received during the hearing, and Brennan noted two inquiries by neighboring property owners at the city planning & zoning office about the impacts of the proposed variance, with no significant concerns expressed. No council comments were offered, and Shaver made a motion to close the public hearing, which was seconded by Castoe and approved unanimously.

Wells reviewed the council options for quasi-judicial action, and Shaver made a motion to approve the Erker variance. That motion was seconded by Castoe and approved unanimously.

APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR A PROPERTY AT 113 MAIN STREET

Community Services Director Josh Miller explained that the purpose of the city's Historic Preservation Board was to designate properties as historic without impinging on the property. Miller said such designation could make the properties eligible for certain local, state or federal grants but did not guarantee that such funding would be available or be awarded. In answer to council questions, Miller and Segura clarified that the property owner must agree to an application for historic designation and the board could not force designation on any property.

Miller then reviewed the historic significance of this property, the first of four to be considered for designation at this meeting. Northrup offered a resolution to designate the property at 113 Main Street as an historic building, which was seconded by Castoe and approved unanimously.

APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR A PROPERTY AT 117 MAIN STREET

Miller reviewed the historical significance of this property, and Northrup offered a resolution to designate the property at 117 Main St. as a historic building. That resolution was seconded by castoe and approved unanimously.

APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR A PROPERTY AT 223 MAIN STREET

Miller reviewed the historical significance of this property, and some discussion followed about any requirements or restrictions on modifications to these buildings that would be caused by the historical designations. No such restrictions would apply, according to members of the historic preservation board present. Northrup offered a resolution to designate the property at 223 Main St. as an historic building, which was seconded by Shaver and approved unanimously.

APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR A PROPERTY AT 718 SHERMAN STREET

Miller reviewed the historical significance of this property, and Northrup offered a resolution to designate the property at 718 Sherman St. as an historic building. That resolution was seconded by Shaver and approved unanimously.

RESOLUTION APPROVING THE 10TH INTERIM AGREEMENT FOR THE NORTHERN INTEGRATED SUPPLY PROJECT

Water Resources/Utilities Director Brent Nation explained that the city had been a participant in this proposed water storage project for 10 years now, and had been providing funding toward the effort to get the project through the complex regulatory and permitting process. This measure would continue that funding, with a city payment of \$144,000 for 2015 as outlined in the agreement.

Council and staff discussion followed about the length of this process, the importance of securing future water supplies, and the prospects for ultimate approval and construction of NISP.

Shaver offered a resolution to approve the Resolution authorizing the mayor to execute the 10th interim agreement with Northern Colorado Water Conservancy District, Northern Integrated supply Project Water Activity Enterprise, for participation in the Northern Integrated Supply Project. That resolution was seconded by Castoe and approved unanimously.

DISCUSSION AND DIRECTION ON ANNUAL COUNCIL VISIONING RETREAT

The council members reviewed the potential dates for this retreat and chose Feb. 24 as the most workable date.

CONSENT AGENDA BY RESOLUTION

City Clerk/PIO John Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for December
- B. Approval of the minutes of the Jan 6, 2015 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.

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

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jerry Wathen of Fort Morgan told the council that several bills would be coming up in the state legislature pertaining to water and city officials should stay abreast of those measures.

REPORTS BY OFFICIALS AND STAFF

Wells thanked the council for its participation and support for the city's Cybersecurity Symposium held the previous week, which Wells said was a great success and drew attendees from long distances. Wells also addressed some complaints regarding the city's snow removal practices and performance in recent snowstorms, noting that numerous compliments also were received.

In response to the public comments by Wathen, Nation told the council that city's membership in the Colorado Water Congress and his participation in the South Platte Basin Roundtable helped keep the city well informed on developing issues related to water.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 7:26 p.m., and Wells then requested that the order of the two scheduled executive sessions next on the agenda be switched because representatives who planned to attend the second session had already arrived. The council consensus was to switch the order of the executive sessions and proceed. Councilmember Damon Mussman made a motion to proceed to the second scheduled executive session, which was seconded by Councilmember Christine 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: Legion Field.

This executive session began at 7:40 p.m. and concluded at 8:40 p.m., and was attended by the mayor and council along with City Manager Jeff Wells, Community Services Director Josh Miller, Assistant City Attorney Jason Meyers, John Underwood and Matt Underwood.

At the conclusion of the executive session the council returned to the open regular meeting, where Mussman reported that the council had met in executive session for the purpose stated on the agenda. Mussman then made a motion to direct staff to move forward as discussed in executive session, which was seconded by Castoe and approved unanimously.

Castoe then made a motion to proceed to the next executive session, which had been moved down on the agenda. That motion was seconded by Councilmember Kevin Lindell 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: Water exchange.

This executive session began at 8:44 p.m. and concluded at 9:10 p.m., and was attended by the mayor and council along with Wells, Meyers and Water Resources/Utilities Director Brent Nation.

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 staff to work with the Morgan Ditch Company

to keep water in Morgan County, which was seconded by Councilmember Ron Shaver and approved unanimously.

Mayor McAlister adjourned the Jan. 20, 2015 regular meeting at 9:12 p.m.

/s/ Terry McAlister
Mayor

/s/ John Brennan
City Clerk