

April 7, 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 6:00 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
Absent: Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, Water Resources/Utilities Director Brent Nation, Engineering/Public Works Director Brad Curtis, Community Services Director Josh Miller, City Treasurer Jean Kinney, Assistant City Attorney Jason Meyers, Management Intern Chelsea Gondeck, Recreation Superintendent Jay Cochran, Parks Superintendent Doak Duke, Water Treatment Plant Superintendent Al O'Canas, Water Distribution/Wastewater Collection Superintendent Erik Sagel and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES – MARCH 17, 2015 CITY COUNCIL REGULAR MEETING

City Clerk/PIO John Brennan noted a clarification contained in these minutes. During the agenda item pertaining to the fixed base operator contract at the March 17 meeting, Brennan said, it was not clear that the contract being approved was for \$30,000 per year. Because that was clearly the council's intent, Brennan said, it was written that way in the minutes and council's approval of the minutes would make it official and avoid having to revisit the issue as a new agenda item. The council agreed with that approach by consensus.

Councilmember Lisa Northrup offered a resolution to approve the minutes of the March 17, 2015 City Council regular meeting as described, which was seconded by Councilmember Kevin Lindell and approved unanimously (5-0, Segura and Shaver absent).

PROCLAMATION DECLARING APRIL TO BE SEXUAL ASSAULT AWARENESS MONTH IN THE CITY OF FORT MORGAN

Mayor Terry McAlister read the proclamation and presented a formal signed copy to Police Chief Darin Sagel to provide to SARA Inc.

PROCLAMATION DECLARING APRIL TO BE CHILD ABUSE AND NEGLECT PREVENTION MONTH IN THE CITY OF FORT MORGAN

Mayor McAlister read the proclamation and presented a signed formal copy to Jacque Frenier, interim director of the Morgan County Department of Human Services.

PROCLAMATION REGARDING THE CITY SAFETY POLICY

Mayor McAlister read the proclamation and presented a signed formal copy to Police Chief Sagel. City Manager Jeff Wells said the city continued to move forward with the safety policy

adopted several years ago, and complimented the city's managers for sticking with the policy and showing marked results.

RE-APPOINTMENTS TO THE PLANNING COMMISSION

Engineering/Public Works Director Brad Curtis said two terms were expiring on the Planning Commission and the two members holding those seats had applied for additional terms. No other applications had been received, Curtis said, and the Planning Commission had recommended the re-appointments.

Northrup offered a resolution to re-appoint Nicolas Ng and John Young to additional six-year terms on the Planning Commission, which was seconded by Councilmember Damon Mussman and approved unanimously (5-0, Segura and Shaver absent).

RESOLUTION AUTHORIZING THE REFINANCING OF BONDS

Wells said the city had been working on a plan for several years to prepare for the financial impact of its participation in the Northern Integrated Supply Project, in part by reducing the city's current debt obligations. Some outstanding bonds had been paid off early, and now the city staff was planning to refinance several other bonds. This resolution would allow the staff to do the preliminary work in preparation for the issuance of new bonds and authorize the mayor to sign documents related to that work, Wells, said, but the city would not be able to finalize or close on any bond issue or sale without additional council approval.

Northrup offered a resolution to approve the Resolution concerning the issuance and sale of Water Revenue Refunding Bonds in one or more series secured by revenues of the Water Works and Distribution Enterprise and authorizing staff and designated individuals to proceed with document preparation, the evaluation and subsequent selection of one or more underwriters, placement agents, municipal advisors or similar persons, if any, and any and all other tasks required in anticipation of the issuance and sale of the Water Revenue Refunding Bonds and the associated refinancing of certain outstanding indebtedness of the city. That resolution was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

UPDATE ON THE NORTHERN INTEGRATED SUPPLY PROJECT

Brian Werner of the Northern Colorado Water Conservancy District handed out literature and information regarding NISP, and provided some history of the proposed water storage project as well as the current status of the permitting process. Werner said there appeared to be "light at the end of our tunnel" and that Northern Water believed it would obtain a permit for the project. Council and staff discussion followed about the importance of the project and the long process of approval. Werner thanked the council for its strong and consistent support for NISP, and the council expressed appreciation for Werner's visit to keep the council informed. No action was taken.

REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS – RELAY FOR LIFE

Recreation Superintendent Jay Cochran outlined this request, which was for the use of picnic tables, the Showmobile and trash containers during this annual fundraising event for the American Cancer Society. She said the group would still be required to pay \$925 in deposits. Northrup offered a resolution to waive the fees totaling \$1,366.75 for the use of the city amenities, which was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS – MORGAN COUNTY FAIR

Cochran reviewed this request to waive the fees for rental of picnic tables for the Morgan County Fair, with the fair board to still pay the required \$450 in deposits. Northrup offered a resolution to waive the fees totaling \$2,100, which was seconded by Mussman and approved unanimously (5-0, Segura and Shaver absent).

AUTHORIZATION FOR THE MAYOR TO EXECUTE AN AMENDMENT TO THE DFA WASTEWATER DISCHARGE PERMIT

Water Resources/Utilities Director Brent Nation explained that this amendment was in response to an EPA audit which found inconsistencies in the prescribed discharge levels in the city's wastewater discharge permit and the pretreatment permit for Dairy Farmers of America. Staff was asking the council to authorize the amendment to the DFA permit to reconcile the differences in those numbers.

Northrup offered a resolution authorizing the mayor to sign an amendment to the DFA wastewater discharge permit to comply with EPA regulations, which was seconded by Councilmember Christine Castoe and approved unanimously (5-0, Segura and Shaver absent).

COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A REQUEST FOR A VARIANCE FOR PARKING FOR EL JACAL MEXICAN GRILL

Mayor McAlister reviewed the format to be followed for the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Curtis reviewed the variance request, which sought to create angled parking inset into the property along West Eighth Avenue, thereby eliminating vehicles crossing the sidewalk to reach the current parking area next to the building. The variance would improve safety and relieve congestion, and also allow this new parking area to count toward the establishment's off-street parking requirements. The owner would pay for the construction and maintenance of the new parking area, Curtis said, and staff was recommending approval with conditions as outlined in the memo included in the meeting packets.

No comments were offered by the applicant or the public, either at the hearing or in advance. Several council members stated that they thought it was a good proposal.

Mussman made a motion to close the public hearing, which was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

Wells explained the role of the council acting in its quasi-judicial capacity as the Board of Adjustment, and said it should apply the criteria for a variance and vote in favor if it felt the requirements were met.

Northrup offered a resolution to approve the application for a variance for El Jacal Mexican Grill to allow angled parking spaces in the city right of way under the six conditions outlined by staff in the meeting packet materials. That resolution was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A REQUEST FOR A VARIANCE FOR THE FORT MORGAN HOUSING AUTHORITY TO ALLOW A DRIVEWAY ALONG RIVERVIEW AVENUE NEAR LINDA STREET

McAlister said the same format would be used for this public hearing as for the preceding one, and Brennan confirmed proper legal notice. Curtis reviewed the application and the numerous modifications to the proposal that had occurred since the original submittal. He said the depth of

the driveway was one foot too short to meet code requirements, and the proposed 60-foot width would pose safety concerns for potential pedestrian/traffic conflicts. For these and other reasons staff was recommending denial of the request, although staff would support a 15-foot curb cut to create a single driveway, Curtis said.

John Hindman of the Fort Morgan Housing Authority then spoke to the council, disagreeing with some points Curtis had made. Discussion followed among the council, staff and the applicants, including Mike Fisher of the housing authority, with the focus on finding a middle-ground solution that would satisfy both sides. A consensus eventually emerged that a curb cut encompassing the three new garage doors in the building addition would be adequate, and that could be accomplished with a curb cut of approximately 30 feet, along with sloping edges to allow vehicles to reach all three garage bays.

No public comment was received, either during the hearing or in advance, and no further council comments were made. Lindell made a motion to close the public hearing, which was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

Wells again explained the council's quasi-judicial role as the Board of Adjustment and the need to assess the evidence and testimony provided and determine if the request met the criteria for the granting of a variance.

Northrup offered a resolution to approve the variance request from the Fort Morgan Housing Authority, with amendments to limit the driveway to a single curb cut not to exceed the width of the three west bay doors and not exceeding a total of 35 feet including sloping ends, and to allow the driveway depth of 17 feet instead of the required 18 feet, and that the construction meet all ADA requirements including domes as a safety feature. That resolution was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

BIDS FOR A 4-WHEEL-DRIVE ½-TON PICKUP TRUCK FOR THE PARKS DEPARTMENT

Parks Superintendent Doak Duke reviewed the bid process for this purchase, for which eight bids were received. He said staff was recommending the second-lowest bid, from Korf Continental of Fort Morgan in the amount of \$26,258 for a Dodge 1500 Crew Cab Pickup, because using a local dealer would make service and warranty work easier. Duke also said staff was requesting approval to purchase options including a bed liner, tool boxes and running boards, and to purchase other equipment needed to make the vehicle suitable for city use, with the total cost not to exceed the budgeted \$30,000.

Castoe offered a resolution to accept the bid from Korf and approve the purchase of the options and additional equipment described with the total expenditure not to exceed \$30,000. That resolution was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

BIDS FOR A 4-WHEEL-DRIVE ½-TON PICKUP TRUCK FOR THE WATER TREATMENT PLANT

Water Treatment Plant Superintendent Al O'Canas reviewed the bid process for this purchase, for which five bids were received. Staff was recommending acceptance of the second-lowest bid, from Korf Continental of Fort Morgan in the amount of \$23,268 for a Dodge Ram 1500 Quadcab pickup, because of the convenience of using a local dealer. Staff was also asking for approval to purchase options including a bed liner and running boards for a total cost of \$24,415.

Castoe offered a resolution to approve the bid from Korf with the options as presented for a total expenditure not to exceed \$24,415. That resolution was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

BIDS FOR A 4-WHEEL-DRIVE ¾-TON PICKUP TRUCK FOR THE STREETS DEPARTMENT

Curtis reviewed the bid process for this purchase, for which six bids were received. Staff was recommending acceptance of the lowest bid from Korf Continental of Fort Morgan in the amount of \$27,426 for a Ford F-250, and also seeking approval to purchase options including a snow plow package, Tommy gate and bed liner, as well as equipment like a mobile radio and warning lights to make the vehicle suitable for city use, for a total cost not to exceed \$35,000.

Northrup offered a resolution to approve the purchase from Korf Continental at the bid amount of \$27,426 and approve the additional options and equipment for a total expenditure not to exceed \$35,000. That resolution was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

BIDS FOR A SKID STEER WITH BACKHOE ATTACHMENT FOR THE WATER DISTRIBUTION/WASTEWATER COLLECTION DEPARTMENT

Water Distribution/Wastewater Collection Superintendent Erik Sagel outlined the bid process for this purchase, for which two bids were received, and the many uses for this equipment. Staff was recommending acceptance of the low bid from 21st Century Equipment of Fort Morgan in the amount of \$62,694, and also seeking approval to purchase an extended warranty and LED safety roof light for a total cost of \$64,766.

Northrup offered a resolution to approve the purchase of the skid steer with backhoe attachment from 21st Century Equipment along with the described options for a total expenditure not to exceed \$64,766. That resolution was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

FIRST READING AND PUBLIC HEARING ON AN ORDINANCE ANNEXING THE PROPERTY KNOWN AS THE FM SOUTHRIDGE I ANNEXATION

Mayor McAlister reviewed the format to be followed during this legislative public hearing, and Brennan confirmed that proper legal notice of the hearing had been published in four consecutive weeks. Curtis explained the annexation, for which the city was the applicant and which would bring a city-owned street right of way into the city limits. No public comments were received either during the hearing or in advance, and no comments were offered by the council. Castoe made a motion to close the public hearing, which was seconded by Northrup and approved unanimously (5-0, Segura and Shaver absent).

Wells told the council it should determine if the proposed annexation met all of the requirements and was in the best interest of the city.

Northrup then offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan the property known as the FM Southridge I Annexation, which was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

FIRST READING AND PUBLIC HEARING ON AN ORDINANCE ANNEXING THE PROPERTY KNOWN AS THE FM SOUTHRIDGE II ANNEXATION

McAlister said the same format would be used for this hearing as for the preceding one, and Brennan confirmed publication of proper legal notice. Curtis explained that this was the second of two pieces of the same city-owned street that was the subject of the preceding hearing. No public comments were offered either during the hearing or in advance, and no council comments were offered. Lindell made a motion to close the public hearing, which was seconded by Northrup and approved unanimously (5-0, Segura and Shaver absent).

Wells said the same standard for approval applied as outlined in the previous hearing. Northrup offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan the property known as the FM Southridge II Annexation, which was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

FIRST READING AND PUBLIC HEARING ON AN ORDINANCE ANNEXING THE PROPERTY KNOWN AS THE FM ACOMA I ANNEXATION

McAlister said the same hearing procedure would be used for this item as used in the two previous annexation public hearings, and Brennan confirmed proper legal notice.

Curtis explained that this was another city-owned public right of way which was proposed for annexation, with this one broken into three pieces to meet contiguity requirements. The road was currently used as a private drive for a small subdivision but would provide access across the Morgan Canal to the site of the proposed new middle school to be built south of Legion Field. Like the previous two, this annexation met all requirements and no zoning ordinance was required because the property was a public right of way, Curtis said.

Curtis noted public input from several area residents in advance of the hearing.

One inquiry was made on March 12 by Matt Pickering of 18407 Acoma Drive, who wished to better understand what the roadway design looked like, but had no problems with the annexations once explained to him.

In addition, at the Planning Commission Public Hearing held on March 23, two public comments were made, Curtis said. The first comment was by Don Jones of 18383 Acoma Drive (aka 6 Marion Drive) in Fort Morgan. He gave a history of the area and although not against the annexations, had two requests for the City. The first was to name and recognize Marion Drive in the McClung Subdivision, noting that the County does not recognize it. The second was for the City to take over maintenance of Marion Drive. Curtis said these requests could be brought to the council at a later date after the annexations were completed.

The second comment was from Robert Pennington of 18410 Acoma Ave. in Fort Morgan. He voiced safety concerns about traffic and speed limits and questioned having speed bumps. Curtis said it was explained to him that speed bumps are not put on local streets and that Acoma would be a through street. It was also noted that there will be a stop sign coming out of the cul-de-sac where the homes are, but at this time it is not known if there will be any traffic lights and/or pedestrian/school crossings required since a traffic study had not yet been received.

Aside from the previous comments outlined by Curtis, no public comments were received either during the hearing or in advance. Under council comments, McAlister said he was surprised there was not a stop sign at the intersection mentioned and said he felt one was needed.

Lindell made a motion to close the public hearing, which was seconded by Northrup and approved unanimously (5-0, Segura and Shaver absent).

Wells said the same legal standards applied to the council's decision on this matter as used in the earlier annexation items.

Northrup offered a resolution to approve the first reading of an Ordinance annexing to the city of Fort Morgan the property known as the FM Acoma I Annexation, which was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

FIRST READING AND PUBLIC HEARING ON AN ORDINANCE ANNEXING THE PROPERTY KNOWN AS THE FM ACOMA II ANNEXATION

McAlister said the same public hearing format and rules would apply here as in the previous hearings, and Brennan confirmed that proper legal notice had been published.

Curtis said this was the second of three pieces of Acoma Avenue to be annexed, and met all requirements as noted in the earlier annexation items. No public comments were received either during the hearing or in advance, and no council comments were offered. Lindell made a motion to close the public hearing, which was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

Wells reiterated that the same standards for approval applied here.

Northrup offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan the property known as the FM Acoma II Annexation, which was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

FIRST READING AND PUBLIC HEARING ON AN ORDINANCE ANNEXING THE PROPERTY KNOWN AS THE FM ACOMA III ANNEXATION

McAlister said the same hearing format would be used here as in the earlier public hearings, and Brennan confirmed proper legal notice.

Curtis said this was the third piece that would complete the annexation of Acoma Avenue from Main Street west to the Morgan Canal, and met all requirements. No public comments were received either during the hearing or in advance, and no comments were offered by the council. Lindell made a motion to close the public hearing, which was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

Wells said the same standards for approval applied to this item as the preceding ones.

Northrup offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan the property known as the FM Acoma III Annexation, which was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

SECOND READING AND PUBLIC HEARING ON AN ORDINANCE APPROVING ADJUSTMENTS TO THE 2014 BUDGET

Mayor McAlister outlined the format to be used in this legislative public hearing, and Brennan confirmed proper legal notice. City Treasurer Jean Kinney said the ordinance was the same as presented on first reading on March 17, and briefly reviewed the funds in which the changes were made.

No public comments were received either during the public hearing or in advance, and no comments were offered by the council. Lindell made a motion to close the public hearing, which was seconded by Northrup and approved unanimously (5-0, Segura and Shaver absent). Wells advised the council members to consider the information presented in the ordinance, and if they deemed the changes necessary and in the best interest of the city the council should approve the ordinance.

Northrup offered a resolution to approve the second and final reading of Ordinance No. 1168, an Ordinance amending the appropriation of monies for the funds of the City of Fort Morgan, and authorize publication by title only. That resolution was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells said paving projects would be starting again around the city with the warming weather.

Curtis said work on the runway replacement project at the airport also would be resuming after a pause during the winter, and that the airport would be closed for about a month starting in mid-April as the transition was made from the old to the new runway.

Curtis also said Colorado Department of Transportation crews had come to Fort Morgan the previous day and changed the speed limit signs on Platte Avenue from 30 mph to 35 mph. Although city officials were aware this change was planned, CDOT did not provide advance notice of the specific date of the change, Curtis said.

Nation told the council that with construction season starting, contractors would be filling trucks from city hydrants but residents should still notify the city if they see someone taking water from a hydrant. This activity combined with the city's own annual flushing of the water system may cause some manganese to break loose from the inside of water pipes and cause small flakes of the inert mineral to appear in household water, Nation said. If that occurred, he said, residents should simply run the water for a while until this condition cleared up.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:39 p.m., and Mayor McAlister said the next item on the agenda was a scheduled executive session. Lindell made a motion to proceed to that executive session, which was seconded by Castoe and approved unanimously (5-0, Segura and Shaver absent).

The executive session had been published as follows:

EXECUTIVE SESSION for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Stormwater utility.

The executive session began at 9:04 p.m. and concluded at 9:47 p.m., and was attended by the mayor and four council members (Segura and Shaver absent) along with Wells, Assistant City Attorney Jason Myers, Curtis, Nation and Ryan Jardine.

On the advice of the city attorney, the recording of the executive session was turned off at 9:06 p.m. because the subject of the executive session constituted an attorney-client privileged communication. The recording was turned back on at 9:45 p.m.

At the conclusion 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 meeting agenda. Castoe then made a motion to direct the city manager to move forward in a manner that would continue to make the city eligible for Department of Local Affairs grants, which was seconded by Lindell and approved unanimously (5-0, Segura and Shaver absent).

Mayor McAlister adjourned the April 7, 2015 regular meeting at 9:48 p.m.

/s/ Terry McAlister
Mayor

/s/ John Brennan
City Clerk