

October 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 6:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister
Councilmember Clint Anderson
Councilmember Christine Castoe
Councilmember Kevin Lindell
Councilmember Lisa Northrup
Councilmember Ronald Shaver

Absent: Councilmember Joe Segura Jr. (excused - arrived late)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Treasurer Jean Kinney, Municipal Engineer/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, City Attorney Jason Meyers, Management Intern Chelsea Gondeck, Parks Superintendent Doak Duke and City Clerk/PIO John Brennan.

PRESENTATION RECOGNIZING POLICE CHIEF DARIN SAGEL FOR ACHIEVEMENT

Rick Brandt, police chief of Evans, Colo., and president of the Colorado Association of Chiefs of Police, presented Fort Morgan Police Chief Darin Sagel with a plaque recognizing his achievement of executive certification by the association. Brandt said this was a rigorous process and Sagel had far exceeded the requirements for certification, and also noted that Sagel served on the board of directors and represented Northeast Colorado for the association. Sagel said the chiefs association was a great resource for him and he valued the membership greatly. Mayor McAlister said the council was happy to see the recognition and proud of Sagel.

INTRODUCTION OF ROBERT POEHLING OF THE NEBRASKA MUNICIPAL POWER POOL

City Manager Jeff Wells introduced Robert Poehling, who had recently taken the helm of NMPP and the Municipal Energy Agency of Nebraska, which supplies Fort Morgan with some of its wholesale electric power. He noted that Poehling had spent the day in Fort Morgan, learning about the community and interacting with city and county officials and staff.

Poehling reviewed some of his background before he joined NMPP about seven months ago, and said he was impressed by the foresight and planning that had made Fort Morgan such a strong community. He said his philosophy at NMPP and MEAN was to stress that these are member-driven organizations that work for the communities that have entrusted public funds to the organizations. He spoke about the challenges in the energy industry, including increases in solar systems and renewable energy, and said NMPP and MEAN were willing to do anything possible to help Fort Morgan in the future.

Several council members thanked Poehling for visiting Fort Morgan, and commented that his approach and philosophy were refreshing and a change from the previous leadership of the organizations.

BIDS FOR A METAL EQUIPMENT COVER STRUCTURE FOR THE PARKS DEPARTMENT

Park Superintendent Doak Duke reviewed the bid process for this purchase, and recommended that the council accept the only bid received.

Councilmember Lisa Northrup offered a resolution to accept the bid from Dreams Carports & Buildings of Fort Morgan in the amount of \$14,912, which was seconded by Councilmember Christine Castoe and approved on a vote of 6-0 (Councilmember Joe Segura Jr. absent).

DISCUSSION OF ANNEXATIONS

Wells said the city was starting the process of developing a new Comprehensive Plan, and one issue expected to be addressed was how to approach the annexation of property adjacent to the city, including both vacant land and properties already developed. He explained some of the problems that arise because of the many small pockets of unannexed property surrounded by city property, and complaints received in the past year or so about the perceived unfairness of these properties benefitting from city services while not contributing to the construction and maintenance of the infrastructure the city provides. Wells also outlined the many benefits the owners of these properties could derive if they were annexed into the city, and explained the city's options as far as requiring annexation for properties that will receive certain utility services from the city.

Wells asked if the council would be supportive of waiving some fees pertaining to annexation, including application fees and the preparation of annexation maps, to help encourage these property owners to annex into the city. Staff and council discussion of these and other issues followed, including the issue of property addresses, what would happen to existing water wells on these properties and the possibility of waiving tap fees for water and sewer service.

Councilmember Segura arrived at the meeting at 6:40 p.m.

Councilmember Ron Shaver said he was in favor of requiring annexation for new construction requesting city utilities, but would not support forced annexations of already developed properties. He said the waiver of some fees would be a good tool to help encourage annexation. Mayor McAlister said it would help the city to annex some of the spots surrounded by the city, where the city currently did not have the power to require that these properties be maintained to city standards, and that was one reason he would support efforts to encourage annexation.

Shaver also suggested a zoning district that would allow larger, estate-type properties where people could have horses as a way to encourage that type of development to come into the city. Wells noted that many communities annex open property and develop master plans for the land, so it is known what type of development can occur on portions of the property.

No formal action was taken.

SECOND READING AND PUBLIC HEARING ON ORDINANCE 1178, ESTABLISHING A PROCESS AND MILESTONES FOR THE CREATION OF A STORMWATER UTILITY

Mayor McAlister reviewed the format to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Wells said the ordinance was the same as presented during first reading at the previous council meeting.

No public comments were received during the hearing, but Brennan noted that Jerry Wathen of 1100 Linda St. had called that day to express support for the stormwater utility. Councilmember Northrup said she had received input from residents who were interested in learning more of the details of the utility and the fee, and Wells pointed out that this ordinance set out benchmarks

for determining these issues over the next year and the public would have ample opportunity to be involved in that process.

Shaver made a motion to close the public hearing, which was seconded by Castoe and approved on a unanimous vote of 7-0, with Councilmember Segura having arrived at the meeting

City Attorney Jason Meyers said this was a legislative matter and the council members should vote their consciences in the best interest of the city. Mayor McAlister asked for confirmation that this measure was not setting a stormwater fee at this time, and Wells confirmed that the fee would come later as the structure and process of the stormwater utility and associated fees were developed.

Northrup offered a resolution to approve the second and final reading of Ordinance 1178, establishing a process and milestones for the creation and implementation of a stormwater utility, and authorize publication by title only. That resolution was seconded by Segura and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING FOR MASTER PLAN DESIGN ASSISTANCE FOR A NEW CITY COMPLEX FACILITY

Wells said the council and staff had been discussing the benefits of consolidating city offices in one facility for some time, and this agreement would provide the city with preliminary needs assessment and master planning services partially funded by grants. Staff was working to develop a memorandum of understanding with the University of Colorado-Denver's Technical Assistance program and the state Department of Local Affairs for these services, with an estimated cost to the city of \$3,750 and a contribution from the DOLA-UTA program of \$2,450. He added that participation in this program would improve the city's chances of securing much larger grants from DOLA to assist with property acquisition and actual construction of a new city facility in the future.

Wells said this Resolution would authorize the mayor to sign the final MOU when it was completed.

Castoe offered a resolution to approve the Resolution accepting a grant from the Colorado Department of Local Affairs and authorization for the mayor to execute any necessary agreements for the master plan and design of a new city complex facility. That resolution was seconded by Northrup and approved unanimously.

FORMAL PRESENTATION OF THE 2016 BUDGET, FIRST READING OF AN ORDINANCE LEVYING A TAX ON THE TAXABLE PROPERTY IN THE CITY OF FORT MORGAN AND APPROPRIATING MONIES TO THE SEVERAL FUNDS OF SAID CITY

City Treasurer Jean Kinney said the budget numbers in the ordinance were exactly the same as presented to the council at its previous meeting, and reviewed the appropriations to the various funds. Northrup offered a resolution approving 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 scheduling a public hearing on the ordinance for Nov. 3. That resolution was seconded by Castoe and approved unanimously.

CONSENT AGENDA BY RESOLUTION

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. 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 Castoe and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Aubrey Wells of 933 Park St. addressed the council, saying she was a junior at Fort Morgan High School and she and a group of her peers would like to provide input to the development of the new Comprehensive Plan and assist with that process. The council commended Wells for coming forward to help and agreed to include her group in the process.

REPORTS BY OFFICIALS AND STAFF

Wells said his monthly written report was in the council meeting packets. He noted that the city organization had started a Twitter account as another means of getting information out to the public.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings. He also informed the council and the public of a road closure to start later that week, and the beginning of the city's annual Leaf Pickup program the following weekend.

EXECUTIVE SESSION

The regular portion of the meeting ended at 7:20 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 convene that 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: Service agreement with Morgan County Economic Development Corp.

This executive session began at 7:42 p.m. and ended at 8:31 p.m., and was attended by the mayor and council members along with City Manager Jeff Wells, City Attorney Jason Meyers and Management Intern Chelsea Gondeck.

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 agenda. Castoe made a motion directing the city manager to proceed with negotiations as discussed in executive session, and to pay the fourth-quarter dues. That motion was seconded by Councilmember Northrup and approved on a vote of 6-1, with Councilmember Kevin Lindell voting against.

Northrup then made a motion to convene the second scheduled executive session, which was seconded by Lindell and approved unanimously.

This 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: Cable franchise.

This executive session began at 8:38 p.m. and ended at 9:09 p.m., and was attended by the mayor and council members along with Wells and Meyers. On the advice of the city attorney, the recording of this executive session was turned off at 8:40 p.m. because the subject of the executive session constituted a privileged attorney-client communication. The recording was turned back on at 9:07 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 agenda. Castoe made a motion directing staff to proceed with Charter as discussed, which was seconded by Councilmember Shaver and approved unanimously.

Mayor McAlister adjourned the Oct. 20, 2015 regular meeting at 9:10 p.m.

/s/ Terry McAlister
Mayor

/s/ John Brennan
City Clerk