

September 28, 2010

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 special meeting to order at 7:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister
Councilmember Scott Bryan
Councilmember Sharol Lyn Deal
Councilmember Brent M. Nation
Councilmember James A. Powers
Councilmember Ronald Shaver
Councilmember Debra J. Forstedt

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, and Treasurer Terri Schafer.

PUBLIC HEARING – SPECIAL USE PERMIT DAYCARE 942 CAROL STREET

Mayor McAlister made opening comments and stated, “Let the record show that the Public Hearing before the City Council for the purpose of hearing written and oral comments from the public concerning the Special Use Permit for a Daycare at 942 Carol Street, is convened this 28th day of September, 2010, during the hour of 7:00 p.m.”

Treasurer Schafer stated that the notice of public hearing was published in *The Fort Morgan Times* on September 18, 2010, and that the same notice had been mailed to property owners within 300 feet of the addressed property on March 3, 2010.

Director Callahan presented a Council Communication; A Special Review is required for certain uses listed in the Zoning and Land Use Code. The purpose of the review is to determine the compatibility of the proposed use with adjacent property and surrounding land uses. The applicant proposes to provide a child care from her home and proposed hours of operation are from 8:30 a.m. to no later than 11:30 p.m. the zoning code limits child care in this zoning district to 6 or fewer children. A child care home of six or fewer children will have very few impacts on adjacent properties. Director Callahan also noted that staff and the planning commission held a Special Meeting on September 17, 2010 and both are recommending the approval of the request.

The Mayor announced the Public Hearing and read the following: Please keep public comment to the issues before the City Council. Each speaker is asked to limit comment time to 4 minutes, unless the speaker represents a group of citizens, in which event additional time may be allocated. Please respect these limitations. I reserve the right to limit public comment that is inappropriate under these guidelines or otherwise improper. I also reserve the right to limit testimony or questioning that is repetitive, cumulative, argumentative, or not pertinent to the issues, and to set a limit on the duration of testimony if I determine it to be necessary in light of

the number of persons who have signed up to testify. Mayor McAlister asked for any public comments/oral or written regarding the application.

Ms. Tamara Garrett of 942 Carol the owner of the property addressed the Council. Ms. Garrett assured the Council that she will visit with clients and make sure they do not block the neighbor's driveway and to be respectful because she lives there also.

Mayor McAlister asked for any Council comments. There were none.

Councilmember Powers offered a motion to close the Public Hearing his motion seconded by Councilmember Forstedt and carried unanimously.

Attorney Wells stated that the Council can take all of the information that was provided to you in our packets as evidence as to whether this case meets all of the criteria for a special use permit. The City Council shall find the use will a) complement or be compatible with the surrounding uses and community facilities, b) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; c) not be detrimental to the public health, safety, or general welfare; and d) conform in all other respects to all zoning regulations and standards.

Councilmember Powers offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Forstedt; said Resolution being in words, letters and figures as follows, to-wit:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO that a Special Use Permit is granted for a home daycare center for no more than six children located at 942 Carol Street, with the conditions that the child care home be maintained in accordance with all applicable state statutes and that the Special Use Permit is not transferable.

PASSED, APPROVED AND ADOPTED this 28th day of September, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Deal, Forstedt, Shaver, Nation, Powers and Bryan.

DISCUSSION RELATED TO 3RD PARTY REQUESTS AND OUTSIDE AGENCY FUNDING

Council postponed this item and moved it to the October 19th Budget Session.

RESPONSES TO THE RFB FOR QUIET ZONE AREA 2

Engineer Curtis provided Council with the history and background of the Railroad Quiet Zone. A study was prepared for the City addressing six railroad crossings within and in close proximity to the City limits. The crossings were evaluated and it was determined that up to three separate proposed quiet zones could be implemented as schedule and budget allows. Staff is proceeding with creating the first Quiet Zone (Quiet Zone #2) which contains the railroad crossings of Barlow Road and Sherman Street. This Quiet Zone was chosen first for

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implementation as it is entirely within the City limits and street accesses will not be affected. An Invitation to Bid was placed on the City's website on September 2, 2010, and made available at City Hall. A mandatory pre-proposal meeting was held on September 9th with the deadline being on September 17. The following submitted bids: Mountain Constructors, Inc., Platteville, CO., in the amount of \$84,555.00, A-1 Chipseal dba Rocky Mountain Pavement, Denver, CO., \$76,618.00, and Noraa Concrete Construction, Keenesburg, CO., in the amount of \$76,206.50. Upon detailed review of the bids, A-1 Chipseal/Rocky Mountain Pavement did not provide the required references, therefore their bid was not considered. Staff is requesting Council approval to accept the bid from Noraa Concrete Construction Corporation in an amount not to exceed \$78,000 to construct the Railroad Quiet Zone #2 Improvements.

Councilmember Shaver offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Nation; said Resolution being in words, letters and figures as follows, to-wit:

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, that the bid submitted by Noraa Concrete Construction Corporation of Keenesburg, Colorado, be accepted to construct the Railroad Quiet Zone #2 Improvements, in an amount not to exceed \$78,000.

PASSED, APPROVED AND ADOPTED this 28th day of September, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Deal, Forstedt, Powers Shaver, Nation and Bryan. Nays: None. Absent: None

MEAN PAY AGENT AGREEMENT

Manager Merrill stated that MEAN currently serves as the City's purchasing agent and transmission agent for the City's Western Area Power Administration. This new Agreement with MEAN would allow them to act as both the purchasing and transmission agent for the City's electric power supply. The move would streamline the City's billing and financial management of the electric fund. Councilmember Shaver had some concerns on whether the new agreement would place some of the city's power supply from other sources into a MEAN pool that would be distributed among all MEAN members and possibly have an effect on costs and rates. Council directed Staff to investigate and clarify the concern before making a final decision on the agreement.

BIDS AND ANNOUNCEMENTS

Mayor McAlister read a proclamation declaring October 4-8 as Utility Week in the City. Engineer Curtis stated that the City's utilities departments would host their annual community barbecue on October 6th at the Light/Power Department.

Treasurer Schafer read upcoming meetings, bids and announcements.

PRESENTATION EPA BROWNFIELDS ASSESSMENT GRANTS MS. LYN DEAL

Councilmember Deal gave a presentation to the Council on her work with the Colorado Brownfields Foundation and a number of other cities and towns that have former sugar plants which are associated with lime waste piles. This coalition of entities would apply for a grant, and the State Department of Local Affairs would act as the fiscal agent. The grant would be used to investigate the possibilities for removal of the waste piles. Fort Morgan is the only sugar plant still in operation in the State. Ms. Deal asked Council to approve a letter signed by the Mayor agreeing to be a part of the coalition and the City would write its portion of the overall grant and would then be submitted to DOLA.

Councilmember Forstedt offered a motion to authorize the Mayor to sign a letter in support of the Coalition her motion seconded by Councilmember Bryan and carries unanimously.

EXECUTIVE SESSION

For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees: Establish goals and weighting for the City Attorney.

Councilmember Powers offered a motion to go into Executive Session seconded by Councilmember Shaver and carries unanimously.

Mr. John Brennan of the Fort Morgan Times addressed the Council with the concern of this item being in an Executive Session. Attorney Wells advised the City Council to take off the two pending agenda items and allow him additional time to prepare a legal opinion that could go to Council.

Councilmember Bryan offered a motion to postpone the 2 remaining agenda items and not go into an Executive Session. His motion seconded by Councilmember Forstedt and carries unanimously.

Mayor McAlister adjourned the September 28, 2010, special meeting at 8:37 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Yolanda L. Eurich
Deputy City Clerk