

RESOLUTION No. 2020-09-01

AMENDING THE BYLAWS OF THE CITY OF FORT MORGAN HISTORIC PRESERVATION BOARD

WHEREAS, the Fort Morgan City Council must approve changes made to the Bylaws of the various boards and commissions within the City of Fort Morgan; and,

WHEREAS, the City Council last amended the Bylaws of the Historic Preservation Board in September 2014, through Resolution No. 2014-09-01; and,

WHEREAS, the recent desire of the City to apply for "Certified Local Government" (CLG) status with the Colorado Historical Society, in accordance with the National Historic Preservation Act of 1966, as amended, and the "Procedures for Certification of Local Governments in Colorado," has created a need for minor revisions to the Historic Preservation Board Bylaws; and,

WHEREAS, the City Council desires to amend the Historic Preservation Board Bylaws as found in "Exhibit A" of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Section 1: The Historic Preservation Bylaws are hereby amended to reflect the changes as shown in the attached "Exhibit A."

INTRODUCED, PASSED, APPROVED AND ADOPTED this 1st day of September 2020, the vote upon roll call being as follows:

Ayes: Councilmembers Anderson, Deal, Howe, Lindell, Schossow and Urdiales

Nays: None

Absent /Abstain: Mayor Shaver, Absent - excused



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: Ronald Shaver
Ronald Shaver, Mayor

ATTEST:

John Brennan
John Brennan, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 1st day of September, 2020.



John Brennan, City Clerk

Exhibit A



City of Fort Morgan

Historic Preservation Board Bylaws

I. ENABLING AUTHORITY

Enabling authority for the Fort Morgan Historic Preservation Board is found in Ordinance 1089, adopted and approved November 17, 2009, now codified in the Fort Morgan Municipal Code § 2-9-10 as amended.

II. MEMBERSHIP, APPOINTMENTS AND TERMS

- A.** The Historic Preservation Board (the Board) shall consist of not less than five and no more than nine appointed members, who shall be appointed by the City Council.
- B.** Members shall reside [or own real property] within the corporate limits of the City. Efforts will be made to appoint at least two (2) members who are experienced in the fields of history, architecture or planning. No more than one member may reside outside of the City.
- C.** The terms of office of all appointed Board members have been staggered (as set forth in Ordinance 1089) so that no more than two vacancies normally occur in any two-year period. The original members shall serve as follows:
 - One appointee shall serve a one-year term;
 - Two appointees shall serve two-year terms;
 - Two appointees shall serve three-year terms;
- D.** In the event that a member is unable to attend a meeting or meetings of the Board, no substitute member shall be appointed to act in the absent member's place. However, in the event that the Chair or the Secretary of the Board has knowledge that a member will be temporarily unable to act for six or more months, owing to absence from the City, illness, interest in any matter before the Commission, or any other cause, the Chair or the Secretary may request that the City Council appoint a replacement member to take the absent member's place during the temporary absence.
- E.** While not obligated, a member may serve until a successor is appointed. Members may be appointed to serve successive terms without limitations. Appointments to fill vacancies on the Board shall also be made by the City Council.
- F.** All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties.
- G.** The City Council may remove a member of the Board for neglect of duty or malfeasance in office or for other good cause or without cause in its discretion.

III. OFFICERS AND CITY STAFF

- A.** A Chair, and Vice Chair, shall be elected annually by a majority of the entire membership of the Board, and may serve successive terms. (~~A vote of three constitutes a majority of the entire membership, which is five.~~) The Chair shall be responsible for conducting all meetings of the Board. The Vice Chair shall substitute for the Chair in the absence of the Chair.
- B.** The City Manager or Designee shall serve as the Secretary to the Board. As Secretary, the City Manager or Designee shall be responsible for providing the appropriate technical staff to assist the Board, and for maintaining all records of Board proceedings. The City Manager or Designee shall serve in this capacity by operation of these Bylaws, and need not be appointed by separate action of the Historic Preservation Board for this purpose.

IV. MEETINGS AND VOTES

- A.** A quorum for the Board shall consist of a majority of then appointed members. A quorum is necessary for the Board to hold a public hearing or to take official action. All official actions of the Board shall be taken by vote, with a majority of those members present and voting needed to approve a vote except as otherwise expressly provided in these Bylaws. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.
- B.** All meetings or hearings of the Board at which three or more members are present, and at which any public business is discussed or any formal action taken, shall be open to the public at all times, in accordance with the Colorado Open Meetings Law, Part 4 of Article 6 of Title 24, C.R.S., as amended. Chance meetings or social gatherings at which the discussion of public business is not the central purpose shall not be required to be noticed or held in public, as provided in the Open Meetings Law.
- C.** The Board shall keep a record of its proceedings, which record shall be open to inspection by the public during regular City office hours. A recording of any public meeting or hearing at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken and shall be available to public inspection. Written minutes or summaries of action taken at a public meeting or hearing of the Board, may be approved at a subsequent meeting by a majority vote of the members present at the subsequent meeting, without regard to the identity of the specific members attending both meetings, provided that copies of the proposed written minutes or summary are mailed to all members for their review and comment prior to the meeting at which the vote to approve is taken.
- D.** Regular meetings of the Board may be held as needed, but at least quarterly, on the second Thursday of each month at 4:00 PM at City Hall, in the City Council meeting room, 110 Main Street, unless otherwise designated. The City Manager or Designee will notify the Board at least two weeks in advance of the need for a meeting. If there are no pending projects that necessitate a hearing, the City Manager or Designee may request a meeting for training or other useful purposes.
- E.** Additional meetings may be scheduled with the approval of a majority of the Board or

EXHIBIT A to Resolution 2020-09-01

Approved by Council Sept. 1, 2020

of the City Council, if deemed necessary for the Board to complete its pending business in a timely manner, provided that at least three days' notice is given to all members, and notice to the public is provided as required by the Colorado Open Meetings Law. Board meetings or hearings shall be scheduled for the afternoon or evening hours, in order to maximize public attendance and input.

F. All requests for approval or other official action by the Board, and all matters scheduled for public discussion by the Board, shall be placed on a written agenda of the Board. The Chair shall have the discretion to alter the order of the Board's consideration or hearing of any of the items listed on an agenda if appropriate in light of the relative anticipated length of items, the presence or absence of interested persons, or other reasonable considerations. In addition, the Board, by majority vote, shall have the right to amend the agenda to add, delete, or table or continue any matter, provided that no such action shall be contrary to the procedural requirements of the Open Records Law, or any statute governing the matter at issue.

G. The following hearing procedures are guidelines, which can be expected to generally govern hearings before the Board. The Chair shall have the discretion to enforce or alter the following procedures as necessary to ensure that meetings are conducted in an efficient manner while observing principles of fairness with respect to all interested parties.

1. Ordinarily, the Chair will call for a presentation by City staff, followed by a presentation by the applicant. The hearing will then be opened to the public for comment on any issues relevant to the hearing. Thereafter, City staff, the applicant, and, if appropriate, members of the public, will be given an opportunity to respond. Members of the Board may ask questions of these persons testifying at any time.
2. Presentations shall generally be limited as follows: City staff – 10 minutes, applicant – 20 minutes, and the public – three minutes per person, or as may be allowed at the discretion of the Chair.
3. With due consideration to the length of the agenda, the nature of the application or docket, the complexity of the evidence, and the findings required, the Board, at the hearing for any agenda item, may elect to set longer time limits for individual speakers, as well as a total time limit within which all those desiring to be heard will be confined. The Board may, as it deems necessary recess the hearing or continue the hearing to another date.
4. The Board will receive all evidence presented at a hearing including but not limited: documents, statements and petitions. The Board shall not give weight to hearsay statements or unverifiable petitions. For purposes of this section, a verifiable petition that contains legible names, addresses and phone numbers that can provide the secretary with adequate information to contact the signors and determine whether the petition is relevant to the issues in front of the commission.

CONFLICTS OF INTEREST

A. No member shall participate in or vote with respect to any quasi-judicial matter pending

before the Board, if that member has a financial, personal, or official interest in, or conflict with, the matter, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner. Any member having such an interest or conflict shall reveal such fact, to the extent possible, prior to any official Board hearing of or action on the matter, and shall refrain from sitting and participating with the Board in its consideration of and decision on such matter. Moreover, no such member shall testify before the Board as a member of the public on any such matter, in order to avoid any appearance of impropriety.

V. DUTIES AND AUTHORITIES

The Board shall have the following duties and authorities:

- A.** Recommend criteria for review of historic resources for approval by City Council.
- B.** Review resources nominated for designation as either an historic structure or a historic district and recommend designation of those resources qualifying for such designation to the City Council.
- C.** Review any application for alterations to the exterior of designated historic structures or historic districts.
- D.** Review any application for moving or demolishing a historic structure.
- E.** Advise and assist owners of historic properties for the purpose of physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
- F.** Develop and assist in public education programs including but not limited to walking tours, brochures, marker programs for historic properties, lectures, and conferences.
- G.** Conduct surveys of historic properties for the purpose of defining those of historic significance, and to establish priorities of the importance of identified historic properties and areas.
- H.** Advise the City Council on matters related to preserving the historic character of the City.
- I.** Actively pursue and maintain information on financial assistance for preservation-related programs.
- J.** Establish a City Register of Designated Properties.
- K.** Recommend removal of properties from the register for reasons the Board deems appropriate ~~including but not limited to acts of God, under hardship and public health/safety concerns.~~
- L.** Establish and collect an application fee for applications applying for historical designation or to alter or demolish a historically designated property or district.
- M.** Adopt bylaws and guidelines for the functioning of the Board.

VI. RELATIONSHIP TO THE CITY COUNCIL AND CITY STAFF:

- A.** The Board shall advise and recommend to the City Council exclusively on those matters pertinent to the historic preservation advisory board's duties and subject area, as set forth herein. The City Council shall be the final approval authority for all proposed historic site designations, historic districts, and any review of alterations and new construction to these sites or within these historic districts. The Board shall biannually prepare a written report, which shall then be presented to Council at a Regular Meeting, with the first report and presentation occurring after the first of the year and the second prior to the start of the City's Budget appropriation for the following year.
- B.** A member of the City Council shall be appointed as the Council's liaison to the Board. The liaison will attend regular Board Meetings and be the conduit of bidirectional information to and from the City Council. The liaison is not a member of the Historic Preservation Advisory Board, nor is the liaison entitled to vote.

VII. AMENDMENTS TO BYLAWS

These Bylaws may be amended by a majority vote of the total membership of the Historic Preservation Board, and upon acceptance by the City Council.