

## ORDINANCE NO. 1246

### AN ORDINANCE AMENDING SECTION 2-9-10, HISTORIC PRESERVATION BOARD ESTABLISHED, OF THE FORT MORGAN MUNICIPAL CODE

**WHEREAS**, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

**WHEREAS**, pursuant to that authority, the Council previously adopted and amended certain regulations concerning Boards and Commissions, including the Historic Preservation Board, codified in Chapter 2, Article 9 of Fort Morgan Municipal Code (the "Code"); and

**WHEREAS**, Council now desires to amend and clarify Section 2-9-10 of the Code, to address minor changes required to finalize the City's application 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;" and

**WHEREAS**, the City of Fort Morgan City Council finds it in the best interest of the general health, safety and welfare of its citizens, customers and business owners to amend section 2-9-10 of the Code, regarding the Historic Preservation Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO**, as follows:

**SECTION 1.** Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

**SECTION 2.** Statement of Purpose. The purpose of this Ordinance is to enhance the community's local resources and to promote the public health, safety and welfare through:

The protection and preservation of the City's architecture, culture and heritage as embodies in Historic Properties and Historic Districts, by appropriate regulations and incentives;

The enhancement of property values and the stabilization of historic neighborhoods; and

- a. The establishment of the City Register of Designated Properties listing Historic Properties and Historic Districts.

**SECTION 3.** Section 2-9-10, concerning Historic Preservation Board established, is hereby amended as follows:

**Sec. 2-9-10. - Historic Preservation Board established.**

There is hereby created a Historic Preservation Board, referred to herein as the "Board," which shall have principal responsibility for matters of historical preservation of historic sites and districts within the municipal boundaries of the City.

- (1) **Membership.** The Board shall consist of at least five (5) members but not more than nine (9) members providing a balanced, community-wide representation. 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 (1) member may reside outside of the City. The City Manager or his or her designee shall serve as the technical consultant to the Board.
- (2) **Appointments and terms of office; vacancies; removals.** Members of the Board shall be appointed by City Council and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original members shall serve as follows:
  - a. One (1) appointee shall serve a one-year term;
  - b. Two (2) appointees shall serve two-year terms; and
  - c. Two (2) appointees shall serve three-year terms.

A member shall 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. 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. 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.

- (3) **Quorum and voting.** 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. 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.
- (4) **Officers.** The Board shall, by majority vote, elect one (1) of its members to serve as Chairperson to preside over the Board's meetings, one (1) member to serve as Vice Chair and one (1) member to serve as Secretary. The members so designated shall serve in those capacities for terms of one (1) year and may serve successive terms.
- (5) **Meetings.** The Board shall meet at least quarterly and at other times determined necessary. Minutes shall be kept of all proceedings and in general conformance with *Robert's Rules of Order*.
- (6) **Powers and duties.** The Board shall:

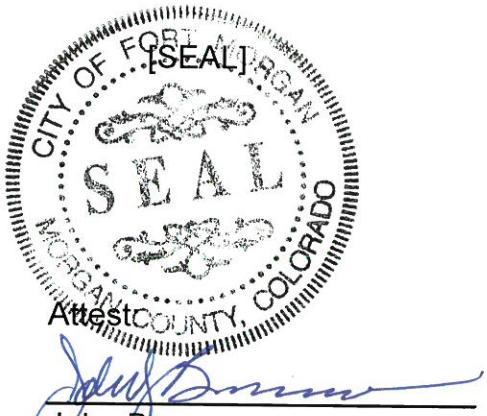
- a. Recommend criteria for review of historic resources for approval by the City Council.
- b. Review resources nominated for designation as either a historic structure or a historic district and recommend designation of those resources qualifying for such designation to the City Council.
- c. Review 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.
- 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.
- n. Recommend procedures for the designation of historic properties, such procedures being subject to City Council approval.

**SECTION 4.** If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

**SECTION 5.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED** on the 1<sup>ST</sup> day of September, 2020.

THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO



By: Ronald Shaver  
Mayor



John Brennan  
City Clerk

AMENDED, PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 15th day of September, 2020.



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO



By: Ronald Shaver  
Mayor

Attest:



John Brennan  
City Clerk

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

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1246** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 1<sup>st</sup> day of September, 2020. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 4<sup>th</sup> day of September, 2020, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 15<sup>th</sup> day of September, 2020. Within five (5) days after its final passage, said **Ordinance**

**No. 1246** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

  
John Brennan  
City Clerk