

February 7, 2012

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 Scott Bryan
Councilmember Debra J. Forstedt
Councilmember Brent M. Nation
Councilmember Lisa Northrup
Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

The meeting was also attended by Acting City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Municipal Engineer Brad Curtis, Community Development Director David Callahan, Human Resources/Risk Management Director Michael Boyer, Interim City Treasurer Chris Bostron, Assistant City Attorney Jerrae Swanson, Police Lt. Jared Crone, Code Enforcement Officer John Simpson, Police Detective Sgt. Loren Sharp, Fire Marshal Greg Preston, Fire Chief Erik Christensen, Building Inspector Mike Kirkendall, Gas Superintendent Tony Behrends, Network Administrator Nelson McCoy and City Clerk/PIO John Brennan.

INFORMATIONAL PRESENTATION ON INTERAGENCY OVERSIGHT GROUP

Allie Miller, IOG coordinator for Morgan County, described this organization and the services it provides to help agencies that serve high-risk youth to collaborate in those efforts.

PRESENTATION OF 2012 BUDGET BOOKS TO COUNCIL

Acting City Manager Jeff Wells handed out copies of the 2012 budget books to each council member. Wells said these were the final written product of extensive efforts by the council and city staff to develop and balance the budget for 2012, and were being provided to the council for reference as it reviews various expenditures throughout the year.

PRESENTATION AND POSSIBLE ACTION ON APPOINTMENTS TO FILL VACANCIES ON THE SENIOR CENTER ADVISORY BOARD

Councilmember Scott Bryan said the Senior Center Advisory Board had been trying to fill three vacancies for some time, and now had two applications from current board members to serve additional terms. Bryan noted that the bylaws of the senior center board do include term limits, but there is an exception to allow additional terms in cases where other applications are not filed. He said the two applications, from Dorothy Taylor and Marian Tibbetts, had been approved by the senior center board and were being presented to the council for approval.

Councilmember Joe Segura Jr. pointed out that Tibbetts lives outside the city limits and questioned the residency requirements for board membership. Wells said staff would check the bylaws, and council could approve the appointments conditionally, pending confirmation that the appointment of Tibbetts would be allowed under the bylaws.

Bryan made a motion to approve the appointments of Taylor and Tibbetts, pending confirmation of the residency requirements of the bylaws. That motion was seconded by Councilmember Deb

Forstedt and approved unanimously. (A subsequent review of the bylaws showed that one of the seven members of the Senior Center Advisory Board is allowed to be a non-resident of the city but must live within Morgan County, and that Tibbetts had been filling that seat on the board.)

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT TO CONDUCT A FEASIBILITY STUDY FOR HYDROPOWER GENERATION ON THE CITY WATER SUPPLY PIPELINE

Wells explained that this possibility had been discussed by the council several times in 2011, and this agreement would move forward to determine whether it was feasible to convert pressure in the water line into electricity to power the city's water treatment plant. A grant would pay for part of the cost and the Morgan County Quality Water District would also participate, and the city's cost should not exceed about \$15,000, Wells said.

Forstedt offered a resolution to authorize the mayor to sign the agreement for the feasibility study, which was seconded by Councilmember Brent Nation and approved unanimously.

PRESENTATION, FIRST READING AND PUBLIC HEARING OF AN ORDINANCE ADOPTING THE 2009 EDITIONS OF VARIOUS INTERNATIONAL CODE COUNCIL CODES AS THE CODES OF THE CITY OF FORT MORGAN WITH SPECIFIC LOCAL AMENDMENTS

Mayor Terry McAlister described the purpose of the public hearing and the protocol for the conduct of the hearing, and City Clerk/PIO John Brennan confirmed that a legal notice of the public hearing had been published twice in the Fort Morgan Times, on Jan. 20 and Jan. 27, as required for an adoption by reference such as this one.

Community Development Director David Callahan introduced the ordinance, which he said would repeal the 2003 versions currently used by the city and enact the 2009 editions. He said staff had spent considerable time working on the local amendments, and at the council's direction following an earlier presentation on the ordinance had removed the requirement for fire sprinkler installation in one- and two-family homes.

McAlister then opened the floor to public comments and James Hansen of 122 Balsam in Log Lane Village spoke about the fire sprinkler requirements and a building contractor's perspective on what is already in the city codes. He said requiring fire sprinklers even in townhomes would be costly and require more and larger water taps, and the city should not move forward without resolving those issues.

Building Inspector Mike Kirkendall explained that under the codes a fire sprinkler system could be connected to the domestic water tap and would not require additional taps, and there are several ways to do this to reduce costs. In answer to council questions, Kirkendall said sprinklers would not be required for minor renovations, only those that involve substantial structural changes to a building, and what was being proposed would be the same as the codes adopted by Morgan County. He said sprinklers would still be required for townhomes but that requirement would not take effect until 2013.

Fire Marshal Greg Preston said that with townhomes or larger buildings, the life safety issues become much higher than single homes. More discussion followed about what constitutes a townhome, an apartment and other types of dwellings, and how fire-rated walls and other prevention measures work.

Forstedt then made a motion to close the public hearing, which was seconded by Councilmember Ron Shaver and approved unanimously.

Wells then told the council that the ordinance was presented for consideration and the council could either adopt it as presented or make modifications.

Nation offered a resolution to adopt the ordinance on first reading as presented, which was seconded by Shaver.

Bryan then stated that he was not sure he had sufficient information to make an educated decision on this matter, and he was afraid of potential unforeseen impacts on the building industry. More discussion followed about potential costs to builders, as well as safety of citizens and the wisdom of conforming with codes adopted by the county.

McAlister then called for a vote on the resolution on the floor, and the first reading of the ordinance adopting the 2009 codes was approved on a vote of 4-3, with Bryan, Forstedt and Segura voting against.

PRESENTATION ON A PROPOSED ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES RELATED TO THE REGULATION OF ANIMALS

Assistant City Attorney Jerrae Swanson said this proposed ordinance was being presented with a request to schedule the first reading and public hearing of the ordinance for the council's Feb. 21 meeting. She said staff had approached this ordinance by trying to attack specific enforcement problems the city was seeing, rather than undertaking a wholesale rewrite of the existing ordinance.

Bryan asked how the ordinance dealt with barking dogs, and FMPD Lt. Jared Crone said if an officer hears the barking it is in the officer's discretion to sign a complaint. Forstedt asked why the licensing requirement was removed, and Crone said that portion of the ordinance had not been enforced for about 12 years. He said the city had big problems in the past with compliance with the licensing provisions, and the city staff did not have concerns about animal licensing. Wells pointed out that the people who license animals are usually the responsible pet owners, and the city should focus on the owners who are not. He said the cost of a licensing program would not pay for itself with the license fees.

Nation offered a resolution to schedule the first reading and public hearing of the ordinance amending Chapter 7 of the municipal code for Feb. 21. That resolution was seconded by Bryan and approved unanimously.

PRESENTATION OF INFORMATION RELATED TO AN RFP FOR MUNICIPAL JUDGE SERVICES

Wells reviewed information gathered on the practices and pay rates for municipal judges in several other municipalities of similar size, and a proposed request for proposals for municipal judge services for Fort Morgan. He said the council could hire a judge as a city employee or retain one under contract, and must also decide whether the judge would have supervisory and budget responsibilities or not. He noted that it would be best to have the council or a subcommittee of the council choose finalists and not have city staff involved in that process.

Discussion followed about the various scenarios for the judge position, which touched on the issue of staff supervision, salary and benefits, and other issues.

No formal action was taken. McAlister directed Wells to put together some options and scenarios for council consideration at the next meeting, which would also give the council members time to think about the process of requesting and evaluating proposals and choosing and interviewing finalists.

PRESENTATION AND POSSIBLE ACTION ON RENEWAL OF THE CONTRACT WITH CITY FINANCIAL AUDITOR TIM MAYBERRY

Wells said Mayberry had been the city's auditor for the last three years, and staff was asking to renew his contract for an additional year. Normally the city bids the auditor services every three

years, Wells said, but under current circumstances including the vacancy in the city treasurer position and problems with new finance and utility billing software, staff was proposing to retain Mayberry for another year and put the contract out for bid this year. Forstedt offered a resolution to retain the services of Mayberry for this year's audit, which was seconded by Shaver and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON RENEWAL OF THE PUBLIC SAFETY RADIO SERVICE CONTRACT

Municipal Engineer Brad Curtis said this was a renewal of a three-year contract approved in 2011, with renewals subject to appropriations by council. He said the funding was included in the 2012 budget and the vendor was the only company that provides the service. Nation offered a resolution to approve the renewal of the contract with Wireless Advanced Communications for \$15,960. That resolution was seconded by Shaver and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON RENEWAL OF THE CONTRACT FOR ON-CALL STORM SEWER TELEVISIONING AND CLEANING SERVICES

Curtis said this was a similar situation to the previous item, with a three-year contract approved in 2011 with renewals subject to appropriations and the necessary funding budgeted for 2012. He said the contract for this year would specify costs not to exceed \$80,000 but would likely be much less.

Nation offered a resolution to approve the renewal of the contract with Work Force Inc. for 2012 at a cost not to exceed \$80,000, which was seconded by Bryan and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING CHANGES TO THE POLICE DEPARTMENT MONEY PURCHASE PLAN

Wells said the amendments being presented were required for the plan to be in compliance with federal law, which changes every few years and requires adjustments to be made. Forstedt offered a resolution accepting the amendments and authorizing the mayor to sign the related documents. That resolution was seconded by Shaver and approved unanimously.

DISCUSSION OF A STAFF PROPOSAL TO SCHEDULE A CITY COUNCIL RETREAT FOR FEB. 18

Wells said the city staff would like to spend several hours reviewing a number of issues the council must consider, and this has usually been done at Saturday morning retreats in the past. The date was being proposed but could be changed at council's discretion. The council consensus was that the date of Feb. 18 would be acceptable.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – LIQUOR LICENSE RENEWALS

City Clerk/PIO John Brennan presented an application for renewal of the Hotel and Restaurant Liquor License for O'Sole Mio Trattoria Italiana, where the routine police inspection found an expired food service license posted. The manager received a warning and the situation had been corrected. Nation made a motion to approve the renewal of the license, which was seconded by Shaver and approved unanimously.

Brennan then presented a renewal application for a Hotel and Restaurant Liquor License for La Cascada Mexican restaurant, explaining that a violation in early 2011 had been discussed by the council and the licensee during the previous renewal process, but the violation had not gone through the full state process at that time. Brennan reviewed the penalties imposed by the state for that violation, and said that because the owner had already appeared before the council regarding that violation, the recommendation was for approval. Police Chief Keith Kuretich noted that La Cascada had been the subject of a subsequent compliance check in September 2011 and was found to be in compliance. Nation made a motion to renew the license, which was seconded by Bryan and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jeff Hayward of 12472 Road 19 in Fort Morgan spoke to the council about a sign on his pickup truck for his barbecue business, which he parked several blocks away from the business to promote the business. He had been told by city staff that he could not advertise a business off the premises of that business under the city sign code, and asked the council if anything could be done about the situation. He said numerous other businesses in town advertise off-premises and gave several examples, and noted that he had the permission of the property owner to park where the truck and sign were located.

Callahan said the city sign code does prohibit off-premises signs, and the examples cited by Hayward predate the sign code. He had made a presentation to the council late last year about the sign code and was working to relax some of the restrictions in that code but had not completed that work, Callahan said. He said he believed something could be worked out.

Wells said the city staff would work on suggested changes to the sign code and bring them back to the council for consideration.

REPORTS BY OFFICIALS AND STAFF

Wells reported on two awards recently received by the city for public works projects, including the Riverview Avenue/Optimist Park drainage improvement project and the West Street reconstruction project. He also commended city workers for their response to a snowstorm in late January.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings. McAlister said he attended an open house at the Senior Citizens Center and the patrons were very pleased with the new flooring and other improvements at the center. Segura also thanked city crews for the good job clearing snow during the recent snowstorm.

Mayor McAlister adjourned the February 7, 2012 regular meeting at 8:24 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk