

March 20, 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, Fire Chief Erik Christensen, Assistant City Attorney Jerrae Swanson, FMPD Lt. Jared Crone, City Treasurer Jean Kinney, Streets Superintendent Jim Willis, Gas Superintendent Tony Behrends, Water Distribution/Wastewater Collection Superintendent Mitch Church, Executive Legal Assistant Sharon Velder and City Clerk/PIO John Brennan.

**PRESENTATION OF A CERTIFICATE OF APPRECIATION TO BETTY EUBANKS OF FUR-
EVER FRIENDS FOR DONATION OF PET RESPIRATORS TO THE FORT MORGAN
VOLUNTEER FIRE DEPARTMENT**

Fire Chief Erik Christensen noted that Eubanks and her organization had donated four pet resuscitators to the FMVFD, which can help revive animals in distress, and he showed the council one of the resuscitators. He said Eubanks was expected to attend the meeting but was not present, and he wished to express appreciation for the donation.

**PRESENTATION AND POSSIBLE ACTION ON A REQUEST FOR EXTENSION OF OUTSIDE
ACCOUNTING SERVICES CONTRACT**

Acting City Manager/City Attorney Jeff Wells said the council had approved in January the retention of an outside accounting firm to help prepare the city's books for the annual audit. At that time the council gave authority to spend up to \$13,000, and Wells said more work was needed and staff was seeking approval for up to an additional \$7,000 to complete the project. Accountant Kyle Logan spoke to the council about some details of the work he had been doing under this contract.

Councilmember Debra Forstedt offered a resolution to authorize the expenditure of an additional \$7,000 for the outside accounting services, which was seconded by Councilmember Scott Bryan and approved unanimously.

**DISCUSSION AND POSSIBLE ACTION ON A PROPOSAL/REQUEST TO NAME THE
OPTIMIST DISC GOLF COURSE AFTER ITS FOUNDER**

Community Development Director David Callahan reviewed this request that came from the local Optimist Club, which proposed renaming the course the Vern LaBrayere Memorial Optimist Disc Golf Course. Grant Webb, past president of the club, told the council that

LaBrayere was instrumental in the creation of the course, and the club would pay for the cost of an overlay for the existing sign at the course with the new name, as well as new signage on some holes of the course to replace signs that had been damaged or were missing. Councilmember Ron Shaver made a motion to approve changing the name of the disc golf course from the current name to the Vern LaBrayere Memorial Optimist Disc Golf Course, which was seconded by Councilmember Lisa Northrup and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON ACCEPTANCE OF A USDA RURAL DEVELOPMENT GRANT FOR THE FORT MORGAN POLICE DEPARTMENT

Police Chief Keith Kuretich said the police department was recently notified that it had received this grant for \$7,000, which he said would be used to pay for part of the cost of vehicles that were approved for purchase by the council several weeks ago. Councilmember Brent Nation offered a resolution accepting the grant for \$7,000 and designating it for use for the purpose of the vehicle purchase as presented by Kuretich. That resolution was seconded by Shaver and approved unanimously.

REQUEST FOR POSTPONEMENT OF A PREVIOUSLY SCHEDULED PUBLIC HEARING

Callahan explained that this hearing was to be held at this meeting on a request for a Special Use Permit for a small family childcare in the R-1 zoning district, but the applicant had subsequently discovered the possible existence of covenants which might prohibit such a use. Callahan had learned just that day, however, that the applicant now believed the covenants were no longer in force, and if proof of that could be obtained the application and hearing may go forward. To preserve the original public notice of the hearing, Callahan asked the council to postpone the scheduled hearing to the specific date of April 17. Nation made a motion to postpone the public hearing on the application for a Special Use Permit for a small family childcare in the R-1 zoning district until the April 17 meeting of the council, which was seconded by Shaver and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR WATER MAIN LINE INSTALLATION VALVES

City Engineer Brad Curtis said these valves are used in conjunction with a hydra-tapping unit the city uses to allow the replacement of valves without shutting off water service to large areas. Only one company produces the valves, and staff was seeking approval of the unit prices for the valves to be purchased on an as-needed basis. Nation offered a resolution to accept the unit prices from Hydra-Stop of Alsip, Ill., which was seconded by Shaver and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON UNIT PRICING BIDS FOR ON-CALL SERVICES FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION PROJECTS

Curtis said these services would also be used as needed for maintenance and repairs of the city's water, wastewater and storm sewer pipeline systems, and staff would like to enter into service agreements with all four of the companies that submitted bids, to create a roster of approved contractors. Curtis noted that all four firms were local and he thanked them for submitting bids. Nation offered a resolution to enter into service agreements with the four companies – Ransom Boone Excavation, Jess Backhoe Service LLC, Nestor Excavating and Don Jones. That resolution was seconded by Bryan and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO LEASE EXCESS C-BT WATER UNITS

Wells explained that each year when the C-BT water quota is set by the Northern Colorado Water Conservancy District, the city determines what its needs will be for the year and leases out excess water shares that will not be needed that year. He said accepting bids does not usually get the best possible price for the city for these leased shares, so the staff was asking for authority to negotiate for leasing of the excess water units.

Shaver offered a resolution authorizing the city manager to negotiate and lease the water shares, which was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND COLORADO INTERSTATE GAS (CIG) FOR NO-NOTICE STORAGE AND TRANSPORTATION DELIVERY SERVICES

Wells said these contracts come up for renewal every five years, and these renewals would maintain the city's pipeline capacity and ensure the best possible price.

Shaver offered a resolution to authorize the mayor to execute the agreement with CIG for no-notice storage and transportation delivery services. That resolution was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND COLORADO INTERSTATE GAS (CIG) FOR TRANSPORTATION SERVICES

Gas Superintendent Tony Behrends explained that this contract was similar to the one approved in the previous item, with one contract covering delivery of gas to the CIG storage facility and the other for delivery to the city's gas supply stations.

Shaver offered a resolution to authorize the mayor to execute the agreement with CIG for transportation services. That resolution was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON FIRST READING OF AN ORDINANCE AMENDING THE COUNCIL RULES OF PROCEDURE

Wells said this was a routine matter that must be done each time the council revises its rules of procedure. He noted that the council had discussed some possible changes during its Feb. 18 retreat, and these had been incorporated into the rules. The rules of procedure were adjusted to clarify that the council will meet twice a month, on the first and third Tuesday of each month, as called for in the city charter. A few other additions addressed issues such as conflict between employment with the city and membership on the council.

Forstedt asked Wells to explain for the public the city council's process for executive sessions, and Wells said the city follows state statutes in regard to conducting executive sessions, which he explained in some detail.

Nation offered a resolution approving the first reading of Ordinance 1124, amending the council rules of procedure, which was seconded by Shaver and approved unanimously.

PRESENTATION ON AN ORDINANCE AMENDING CHAPTER 6 OF THE FORT MORGAN MUNICIPAL CODE RELATED TO NUISANCES AND REQUEST TO SET FIRST READING AND PUBLIC HEARING

Callahan noted that a draft of the proposed new language for Chapter 6 of the code was included in the council packets, and went through a PowerPoint presentation illustrating the intent of the revisions to the code. He said the new language included both broad and specific definitions of nuisances, which are expected to cover both currently existing nuisances as well as those that may be unforeseen. The proposed new code chapter included maintenance provisions for structures and property as well as language dealing with building exteriors, dead trees, weeds and inoperable vehicles, among other things, as well as abatement and appeal procedures for violators.

Council discussion followed, covering particular nuisances and the enforcement issues that may come up under the proposed new code.

Wells pointed out that the city will enforce what is visible from public rights of way, but the ordinance would also apply to things in backyards that are not visible to many. He also said the city receives complaints from neighbors who are concerned about safety and property values related to nuisances, and that he hopes to get feedback from the public on the proposal and the importance of abating nuisances.

Forstedt offered a resolution to set the first reading and public hearing on the ordinance enacting the proposed new nuisance code for the April 3 council meeting, which was seconded by Councilmember Joe Segura Jr. and approved unanimously.

DISCUSSION AND POSSIBLE ACTION REGARDING THE ORGANIZATION OF THE RECREATION DEPARTMENT AND PRESENTATION OF A REPORT ON MANAGEMENT POSITIONS

Wells reviewed some turnover in management positions during the past year, including the economic development and community services departments and a utility director position, and then presented a PowerPoint presentation dealing with the evolution of the city's recreation programs since 2001. He said the major issue to deal with at this time is the direction the city is going with its recreation programs, which have been subsidized by the city at costs between \$200,000 and \$300,000 in recent years.

Wells said his recommendation is to not fill the vacant community services director position at this time, but to hire a qualified recreation superintendent to help assess and refine the city's programs. After that person is in place, Wells said, he would like to create an ad hoc committee of people who use the recreation programs, from inside and outside the city, and have that committee work with the recreation superintendent to determine the needs and desires of the community for recreation programs. Ultimately, Wells said, the staff would present recommendations and proposed solutions for recreation programming and facility issues, which might include the formation of a recreation district encompassing an area beyond the city limits, perhaps the entire county.

The first step would be to get council approval to hire a recreation superintendent, and Wells said that was not in the budget but could be funded by salary money for the community services director, which was in the budget for 2012.

Bryan made a motion to follow Wells' recommendation and authorize the hiring of a recreation superintendent, which was seconded by Shaver and approved unanimously. Wells also noted that there was money in the budget for the utility director position that was now vacant, and staff would likely move forward with filling that position as well.

PRESENTATION AND STATUS REPORT ON THE STORMWATER AD HOC COMMITTEE

Wells briefed the council on the work of the Stormwater Ad Hoc Committee, using a PowerPoint presentation to illustrate how the problem was identified, how the costs of various solutions and financing scenarios were calculated and alternatives that were discussed. One suggestion from the committee was to send out public opinion surveys to residents with their utility bills, in an effort to determine whether there was support for either a sales tax or property tax increase to fund stormwater projects that would solve the recurring flooding problem in areas of the city. Wells asked the council if it wanted to give direction to the ad hoc committee on any specific proposal going forward, and the council consensus was that the opinion survey was necessary before giving that direction and should be sent out with utility bills and also publicized in any other way possible to get the maximum amount of public participation possible. No formal action was taken.

PRESENTATION AND POSSIBLE ACTION ON APPROVAL OF THE 2013 BUDGET CALENDAR

Wells noted that the calendar had been presented to the council at the March 6 meeting, and at that time some members of council expressed a desire to visit some city departments as part of the budget process. He said the calendar as originally proposed would remain intact, but if the council wants to see a particular department that is requesting a major capital purchase as the budget is developed, those visits would be planned for specific meetings and those meetings would start earlier than usual and be held at the departments.

Forstedt made a motion to adopt the 2013 budget calendar, which was seconded by Bryan and approved unanimously.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – APPLICATION FOR RENEWAL OF A 3.2 PERCENT BEER RETAIL LICENSE (OFF PREMISES) FOR 7-ELEVEN WEST

City Clerk/PIO John Brennan explained that this would normally be a routine renewal subject to administrative approval, but several minor violations were found during the required investigation. These included an expired food service license and an incorrect manager registration, but both shortcomings had been corrected and staff was recommending approval.

Nation made a motion to approve the renewal of the 3.2 Percent Beer Retail License for 7-Eleven West at 603 W. Platte Avenue, which was seconded by Shaver and approved unanimously.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration, said Consent Agenda being in words, letters and figures as follows, to wit:

CONSENT AGENDA

- A. Approval of the minutes of the March 6 City Council regular meeting
- B. Approval of the payroll and disbursements for February
- C. Second Reading and possible final approval of Ordinance No. 1123, Changing the zoning designation of lands in the City of Fort Morgan, Colorado, from Medium Density Residential (R-2) to a Planned Unit Development (PUD) and for said purpose amending

the Zoning Code and the *Official Zoning District Map* of the city of Fort Morgan, Colorado, and request to publish by title only.

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 Nation and approved unanimously.

PASSED, APPROVED AND ADOPTED this 20th day of March 2012, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Forstedt, Nation, Northrup, Segura and Shaver. Nays: none.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells provided an update on the status of the conversion to new financial and utility billing software, which he said was progressing well.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 8:31 p.m., and Forstedt made a motion to convene the first of two scheduled executive sessions. That motion was seconded by Bryan 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: Property acquisition.

This session began at 8:44 p.m. and ended at 9:07 p.m., and was attended by the mayor and council along with Jeff Wells, Brad Curtis and Jerrae Swanson.

Following the conclusion of the executive session the council returned to open session, where Councilmember Forstedt reported that the council met in executive session for the purpose stated on the agenda and discussed negotiations. No motion was made.

Forstedt then made a motion to convene the second scheduled executive session, which was seconded by Shaver and approved unanimously. That 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: Litigation.

This executive session convened at 9:10 p.m. and ended at 9:37 p.m., and was attended by the mayor and council along with Wells and Swanson.

Following the second executive session the council returned to open session, where Forstedt reported that the council had met for the purpose stated on the agenda and received legal advice regarding litigation. Forstedt made a motion to instruct the City Attorney to take action to preserve the city's rights in the Upper Platte and Beaver Canal matter, which was seconded by Shaver and approved unanimously.

Mayor McAlister adjourned the March 20, 2012 regular meeting at 9:40 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk