

May 15, 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 City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Municipal Engineer Brad Curtis, Community Development Director David Callahan, City Treasurer Jean Kinney, Recreation Coordinator Jane Perkins, Golf Professional Tyler Tarpley, Network Administrator Nelson McCoy and City Clerk/PIO John Brennan, along with numerous members of the Fort Morgan Police Department.

APPROVAL AND READING OF A PROCLAMATION FOR POLICE WEEK

Mayor Terry McAlister read the proclamation declaring May 13-19 to be Police Week in Fort Morgan, and presented a formal copy of the proclamation to Police Chief Keith Kuretich, thanking him and the rest of the department for their service.

FORT MORGAN POLICE DEPARTMENT CIVILIAN AND POLICE COMMENDATION CEREMONY

Kuretich conducted the FMPD's annual ceremony bestowing awards on members of the department and citizens for their outstanding contributions to the department and the community. Kuretich gave a brief narrative of the reasons for each award and presented plaques to the recipients, with participation by Mayor McAlister, City Manager/City Attorney Jeff Wells and FMPD Lt. Darin Sagel.

The following awards were presented (not all recipients were able to attend the ceremony):

Citizen Citations for Meritorious Service to Alyssa Lorenzini, Joey Shurtleff, Riki Lynn Kaiser, Garrett Kaiser, Bridget Glosson, Philyis DeHerrera, Trevor Bedsaul, Frank Buchanan and Anthony Morgan; Safe Driving Awards to FMPD Officers Julie Ramstetter and Cory Cook (5 years), Detective Steve Vosburg and Sgt. Jim Parks (10 years) and Sgt. Doug Schossow (25 years); Commendable Service citation to Sgt. Doug Schossow; Letters of Commendation to Sgt. Brian Cantin and Officers Pete Coffin and Ken Mooney; Distinguished Service awards to Officer Ken Mooney and Detective Josh Kaber; and the Employee of the Year award to Officer Ken Mooney.

PRESENTATION ON PROPERTY PURCHASE PROCESS FOR AIRPORT RUNWAY PROJECT

Wells said this was the city staff's monthly update that was promised to the council as this project unfolded during 2012.

Community Development Director David Callahan said the city's airport consulting firm had retained a surveying firm and a certified appraiser to evaluate the property adjacent to the airport that the city will need to purchase in order to replace and relocate the runway. He said a second appraiser that would certify the first appraiser's work was close to being lined up.

Another milestone, Callahan said, was that the city had moved forward with the next round of grant funding for the runway replacement project, which involved applying for \$666,000 that would cover the surveying and appraisals as well as the land purchase and the first phase of engineering and design for the project.

Callahan also said the city had issued a Request for Qualifications for airport engineering services, and had received five submissions.

Wells thanked the landowners and members of the airport advisory board who attended the meeting, and McAlister asked if anyone wanted to comment on the project or this update, but no one came forward.

REQUEST FOR WAIVER OF FEES FOR GLENN MILLER SWINGFEST

Recreation Coordinator Jane Perkins said the organizers of this annual event were asking for the waiver of fees totaling \$2,232 associated with the events scheduled for June 21-24, and this required council approval because the amount exceeded \$1,000. Wells asked James Graff of the School for the Performing Arts, which was sponsoring the festival, to describe the planned activities and schedule. Graff detailed the plans and said the event was generating a lot of interest from outside the city.

Councilmember Debra Forstedt offered a resolution to waive the fees for the Glenn Miller SwingFest in the amount of \$2,232, which was seconded by Councilmember Scott Bryan and approved unanimously.

REQUEST BY LIBRARY ADVISORY BOARD TO AMEND THE MUNICIPAL CODE

Callahan said the Library Advisory Board had voted at its March 19 meeting to bring this request to the council, asking for consideration of an amendment to the Municipal Code that would allow one or more members of the library board to live outside the city limits. Callahan said the board had found that many library users live outside the city, and expanding the eligibility for the board would help in attracting members and achieving a quorum, both of which had been ongoing problems.

Bryan pointed out that the board's request did not specify whether the non-city residents would have to live within Morgan County, and Callahan said the board did not address that and it would be the council's decision.

Discussion followed about whether to open up eligibility to anyone or still require residency within Morgan County, and the policies of other city boards and commissions regarding residency.

Mayor McAlister asked for public comment on the issue, and Library Board member Virginia Foley said she had been on the board for several years, and felt that the board would be satisfied with expanding the eligibility but still requiring county residency.

Yemane Habtezgi of Denver said he works in Fort Morgan and frequently uses the local library, and pointed out that people from outside the area could bring new ideas to the board. They may see things at libraries in other places and share that knowledge with the Fort Morgan library board, he said.

Trenton Klimper said he had been a member of the library board for about a year, and had seen the problems with getting a quorum at board meetings. He said the main question should be whether a person has a passion for the library, not their residency.

More council discussion followed, and Wells said staff could work up a proposed ordinance amending the city code to allow out-of-city membership on the board, and the council could decide on the county residency issue when that proposed ordinance came up for consideration. Callahan noted that staff was currently working on proposed revisions to Chapter 2 of the city code, which includes the library board and several other city advisory boards and commissions, and this proposal could be included in that overall revision. The council consensus was to follow that course, and no formal action was taken at this meeting.

PRESENTATION BY MUNICIPAL ENERGY AGENCY OF NEBRASKA STAFF

Wells introduced Chris Dibbern of MEAN, who described the proposal from the organization to add a number of renewable energy projects to the company's portfolio under Exhibit D to Schedule M, which was the level of the city's membership in MEAN. The City of Fort Morgan would automatically be included in these projects unless the council took formal action to opt out of one or more of them, she said. Doing so, however, would mean that the city would then be excluded from the opportunity to participate in any future projects added to Exhibit D, and would become a contract purchaser of power instead of a Schedule M member as it is now.

If the council did not take action to opt out of the proposal, the city would automatically be included in the new Exhibit D projects, Dibbern said.

Much discussion of the proposal and the process followed. No formal action was taken by the council.

LOCAL LICENSING AUTHORITY – APPLICATION FOR NEW RETAIL LIQUOR STORE LICENSE – K & M LIMITED LIABILITY COMPANY

City Clerk/PIO John Brennan briefed the council on the application for a Retail Liquor Store License – Malt, Vinous and Spirituous Liquors, for K & M Limited Liability Company, dba Railroad Discount Liquors, at 420 E. Railroad Avenue. He said the City Clerk, City Attorney and Police Department had reviewed the application and found it to be complete, and were asking the council to accept the application and schedule a public hearing for June 19. During the intervening time a formal background check and site inspection would be performed, Brennan said, and the applicant would be required at the public hearing to establish the needs and desires of the adult inhabitants of the neighborhood for the liquor license.

Councilmember Brent Nation made a motion to accept the application and schedule a public hearing for the June 19 City Council meeting, which was seconded by Forstedt and approved unanimously.

DEVELOPMENT AGREEMENT BETWEEN THE CITY AND DAVID AMIN

Wells said the city had been working for some time on this agreement for the development of a Hampton Inn at the southeast corner of Main Street and Riverview Avenue, the current site of a Days Inn. He said staff was asking for approval of the development agreement contingent on final details being worked out with the developer.

Callahan pointed out that the plan for the new hotel included replatting the property, which would require that the development agreement be attached to the new subdivision that is recorded with the county clerk. He said the city staff had already performed zoning and site plan reviews and other necessary reviews of the project.

Nation offered a resolution approving the development agreement with the contingency that final details be added to it, and authorizing the mayor to sign the agreement. That resolution was seconded by Shaver and approved unanimously.

Cassandra Wilson of the Morgan County Economic Development Corp. then addressed the council to say that MCEDC fully supported this project, and complimented the city staff on the amount of time and effort put into the project. Developer David Amin told the council he hoped to begin work in June or July and complete the new hotel about a year later, and that the Hampton Inn would help Fort Morgan become a hub of the region.

FIRST READING OF AN ORDINANCE VACATING A PORTION OF THE ALLEY BETWEEN MAIN AND STATE STREETS SOUTH OF RIVERVIEW AVENUE

Callahan explained that this ordinance was also related to the Hampton Inn project, which would combine a number of lots in the block into one. He said it would be improper to have a lot like that split by a public right of way like an alley, so staff was asking to lift the right of way but preserve all easements in the area for utilities and the like.

Councilmember Lisa Northrup offered a resolution approving the first reading of Ordinance 1127, Vacating that entire portion of the existing 20 foot-wide alleyway located south of East Riverview Avenue, and situated west of Lots 1 through 8, and east of Lots 15 through 22 of Block 16, of the Old Fort Addition, a subdivision in the NE ¼ of Section 6, Township 3 North, Range 57 West. That resolution was seconded by Councilmember Scott Bryan and approved unanimously.

PROPOSAL FOR MERCHANDISING EXPENDITURES FOR GOLF TOURNAMENTS

Councilmember Forstedt asked to consult with the City Attorney on a potential conflict of interest with this agenda item, and left the room briefly with Wells. When they returned Forstedt announced that she did not believe she had a conflict but that because it could be perceived that way she would step down for this item. She then left the council chambers.

Golf Professional Tyler Tarpley explained that this proposal was intended to help the Quail Dunes golf course generate more revenue from merchandise sales during the REA tournament. He said the REA tournament had always been good for the course, and the idea behind this proposal was to take advantage of the approximately \$100 per player spent by tournament organizers for merchandise. After discussions with the organizers Tarpley had worked out an arrangement with the tournament's chosen supplier, Oakley, to buy the merchandise through the Quail Dunes pro shop and return any merchandise not sold for the tournament. The revenue would more than offset the expense of the purchase, but because it was not in the budget the council would have to approve the expenditure, Tarpley said.

Northrup offered a resolution to approve the expenditure of \$11,560 for the purchase of Oakley merchandise for the Quail Dunes pro shop for resale during the REA golf tournament, which was seconded by Nation and approved on a vote of 6-0 with Forstedt stepping down.

Forstedt then returned to the council chambers.

Wells then introduced FMPD Sgt. Jim Parks, who had brought in the police department's new canine officer, Carr. Several council members approached and interacted with the dog as Parks described the animal's background and the status of its training. McAlister then called a brief recess, which began at 8:08 p.m., and the meeting resumed at 8:17 p.m.

2013 BUDGET PREPARATION CALENDAR – REVIEW AND DISCUSSION OF REVENUES AND SCHEDULE OF FEES

Wells went through the various revenue projections being used by city staff to prepare the 2013 budget, using bar graphs and charts projected on the video screens to show 10-year revenue trends used to determine the projections. He said the staff would use these projections to build

the budget for next year, and future meetings would examine the expense side of the budget for various departments based on the revenue forecasts.

Wells and several department directors then reviewed some proposed changes to the Schedule of Fees that is adopted annually as part of the city budget, explaining the reasons for the proposed changes. Councilmember Joe Segura Jr. questioned one fee that charged an additional \$1,000 for opening/closing of graves at the cemetery on Saturdays, and staff said that would be investigated. No formal action was taken.

CONSENT AGENDA BY RESOLUTION

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

CONSENT AGENDA

- A. Second reading and final approval of Ordinance No.1126, Vacating a portion of the right of way on Industry Drive in the Fort Morgan Industrial Park, and authorization to publish by title only
- B. Approval of the disbursements and payroll for April
- C. Approval of the minutes of the May 1, 2012 City Council regular meeting

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.

Councilmember Nation offered a resolution to approve the Consent Agenda as presented, which was seconded by Forstedt and approved unanimously.

PASSED, APPROVED AND ADOPTED this 15th day of May 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 reported on a recent audit by the Department of Justice of the city's compliance with the Americans with Disabilities Act, which he said went well. He said the federal officials were complimentary of the city's compliance and especially of Building Inspector Mike Kirkendall's guidance in complying with the ADA regulations as city facilities have been built or renovated.

Wells also noted that the city's conversion to Caselle financial software was nearing completion, with the first live payroll scheduled for that week.

Kuretich reported on the activities during Police Week.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings, and reported that he had received 92 responses so far to the city's request for public feedback on the stormwater utility proposal. He

encouraged residents to submit their comments by e-mail or through the city's Web site, or to call their council representatives with their opinions. He said the Stormwater Ad Hoc Committee was scheduled to make its final report and recommendation to the council at the June 19 council meeting, which was a 9 a.m. meeting.

Wells also reported on the city's selection for Volunteer of the Month recognition by the WorldDenver organization for its efforts in welcoming international visitors on several occasions over the past year.

The regular portion of the meeting concluded at 9:25 p.m. McAlister then announced that one of two executive sessions scheduled for the evening would be postponed indefinitely because of a lack of information. The canceled session had been scheduled 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: Economic incentives.

Forstedt then made a motion to proceed to the second scheduled executive session, which was seconded by Northrup and approved unanimously.

EXECUTIVE SESSION

This executive session had been published on the meeting agenda 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: Contract with City Manager.

This executive session began at 9:42 p.m. and ended at 10:49 p.m., and was attended by the mayor and council along with City Manager/City Attorney Jeff Wells.

Following the conclusion of the executive session, the council returned to open session, where Forstedt reported that the council had met for the purpose stated on the agenda. Forstedt made a motion to direct the mayor to work with outside counsel to answer the city council's questions. That motion was seconded by Northrup and approved unanimously.

Mayor McAlister adjourned the May 15, 2012 regular meeting at 10:50 p.m.

Mayor

City Clerk