

December 18, 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 Lisa Northrup
Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff, Wells, Police Chief Keith Kuretich, Municipal Engineer Brad Curtis, Community Development Director David Callahan, Water Resources/Utilities Director Brent Nation, FMPD Lt. Jared Crone, Legal Intern Jason Meyers and City Clerk/PIO John Brennan.

PUBLIC HEARING ON ORDINANCE 1134, AUTHORIZING NEGOTIATIONS OR CONDEMNATION PROCEEDINGS FOR ACQUISITION OF AIRPORT PROPERTY

Mayor Terry McAlister outlined the format to be followed for the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. City Manager Jeff Wells presented to ordinance, saying it was the same as presented two weeks earlier with one change, the elimination of one of the two properties named in the original version of the ordinance. He said the city had reached agreement on the acquisition of the avigation easement on that property, and was still in negotiations for the purchase of the other property.

The idea of the ordinance, Wells said, was that if the city was unable to reach an agreement on the purchase of the second property, city staff or its representatives would have authority to move forward with eminent domain proceedings to require the sale of the property to the city. Wells said that was the least desirable alternative, but if the city could not complete the purchase and the runway project, the city would no longer have an airport.

No public comments were made at the hearing, and Brennan said no oral or written comments had been received by his office. No comments were made by the council. Councilmember Debra Forstedt made a motion to close the public hearing, which was seconded by Councilmember Ron Shaver and approved unanimously.

Wells then said the council had discussed this issue over a long period of time and could either vote for or against the measure.

Councilmember Lisa Northrup offered a resolution to approve the second and final reading of Ordinance No. 1134, An Ordinance Determining the Necessity of, and Authorizing the Acquisition of, Certain Property Interests by Either Negotiation or Condemnation, to Construct a New Runway at the Fort Morgan Municipal Airport. That resolution was seconded by Shaver and approved unanimously.

PUBLIC HEARING ON ORDINANCE 1132, AMENDING THE FORT MORGAN MUNICIPAL CODE REGARDING TELECOMMUNICATIONS FACILITIES

McAlister reviewed the format for the hearing and Brennan confirmed that proper legal notice had been published. Wells said the ordinance was the same as that presented two weeks earlier with one minor grammatical change made, and that the ordinance allowed site plan review rather than the more extensive special use review for certain uses. In answer to a council question Wells confirmed that if an applicant was not satisfied with a decision on site plan review the matter would be brought to the council.

No public comments were made during the hearing, and Brennan said no oral or written comments had been received by the City Clerk's Office. No comments were made by the council. Forstedt made a motion to close the public hearing, which was seconded by Shaver and approved unanimously.

Wells said the council had reviewed the ordinance and the public had the opportunity to comment, and said staff recommended approval. Shaver offered a resolution to approve the second and final reading of Ordinance No. 1132, An Ordinance Amending the Existing Article 5 and 10, Chapter 20, "Land Use Code," *Fort Morgan Municipal Code (2010)*, and authorize publication by title only. That resolution was seconded by Forstedt and approved unanimously.

RE-APPOINTMENT OF MEMBERS TO THE AIRPORT ADVISORY BOARD

Shaver, the council liaison to the Airport Advisory Board, told the council that the terms of two members of the airport board were expiring at the end of 2012, and the members had applied for re-appointment to the board. No other applications had been received, Shaver said, and the board had been very active with all the issues surrounding the runway project at the airport. Shaver made a motion to accept the applications from Nancy Arnold and Bert Kammerzell for re-appointment to the airport board, which was seconded by Forstedt and approved unanimously.

RE-APPOINTMENT OF MEMBER TO THE LIBRARY ADVISORY BOARD

Northrup, the council liaison to the Library Advisory Board, said that board also had two members whose terms would expire at the end of the year, and one of those members had applied for re-appointment. Northrup made a motion to accept the application from Sandra Schmeckle to the library board, which was seconded by Councilmember Joe Segura Jr. and approved unanimously.

APPOINTMENT OF ADDITIONAL MEMBERS TO THE RECREATION AD HOC COMMITTEE

Wells said this board had its first meeting on Dec. 5 and two people had attended and applied for appointment to the new ad hoc board. He said the board recommended approving those appointments. One of the new applicants, Allison Howe, spoke briefly to the council about her background and interest in serving on the recreation committee.

Forstedt made a motion to appoint Allison Howe and Mike Severin to the Recreation Ad Hoc Committee, which was seconded by Councilmember Scott Bryan and approved unanimously. Discussion followed about whether and at what point to limit the membership of the board, but no formal decision was made.

PRESENTATION ON NAMING OF THE PROPOSED BAND SHELL

Community Development Director David Callahan said staff was asking for approval in concept of the proposed method to be used in naming the band shell that was planned for construction in City Park. The independent fundraising committee that was gathering donations for the project had received several substantial contributions, and the naming system was based on the level of donations. Callahan said he would like to have the flexibility to adjust the naming scenario outlined at this meeting based on final donation figures as well as the final design and aesthetics of the project. Forstedt made a motion to approve the proposed naming system in concept and allow staff and the band shell committee to develop the final band shell signs and plaques in keeping with the naming system. That motion was seconded by Segura and approved unanimously.

STAFF UPDATE ON ENFORCEMENT OF NEW NUISANCE CODE

Lt. Jared Crone of the Fort Morgan Police Department provided a PowerPoint presentation illustrating some of the issues the city was dealing with in relation to nuisance properties and the progress being made under the new ordinance approved earlier in 2012. Crone said the process was sometimes long and staff had to use discretion and work with property owners to get things accomplished, but the enforcement aspect of the new code seemed to be helping to alleviate some problems.

Wells said what the city really wanted was compliance, and not to take people to court and collect fines, but when people realize that there is some enforcement power behind the code, things start to change.

No action was taken.

RESOLUTION INCREASING WATER RATES EFFECTIVE JAN. 1, 2013

Wells reviewed the reasons for the proposed increase, and noted additional information provided in the council packets after some members had requested more background on the need for the increase. The increase was based on rate studies and the need to be prepared for capital projects, long-term water projects and other expenses projected to impact the water fund, Wells said.

Shaver offered a resolution authorizing the increase in water rates as presented to be effective as of Jan. 1, 2013. That resolution was seconded by Northrup and approved unanimously.

CONSENT AGENDA

Brennan presented the Consent Agenda for Council consideration, as follows:

CONSENT AGENDA

- A. Second reading and possible final approval of Ordinance No. 1133, Adjusting and amending the 2012 budget, and authorization to publish by title only
- B. Approval of the disbursements and payroll for November
- C. Approval of the minutes of the December 4, 2012 City Council regular meeting

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

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

EXECUTIVE SESSION

The regular portion of the meeting ended at 7:03 p.m. Forstedt then made a motion to convene a scheduled executive session, which was seconded by Bryan. Northrup then announced that she would be recusing herself from the executive session. The motion to go into executive session was then approved unanimously. The 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: Economic incentives.

The executive session began at 7:14 p.m. and concluded at 8:30 p.m., and was attended by the mayor and the remaining four council members (Bryan, Forstedt, Segura and Shaver) along with City Manager Jeff Wells, Municipal Engineer Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Development Director David Callahan, Legal Intern Jason Meyers, Cassandra Wilson, Kerry Mobley and Michael Reidy.

After the conclusion of the executive session the council returned to the open regular meeting, where Forstedt reported that the council had met in executive session to discuss matters subject to negotiations as published on the agenda. No motion was made.

Mayor McAlister adjourned the December 18, 2012 regular meeting at 8:32 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John J. Brennan

City Clerk