

April 19, 2022

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Lyn Deal called the regular meeting to order at 6:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Lyn Deal
Councilmember Clint Anderson
Councilmember Bill Garcia
Councilmember Jon Kaper
Councilmember James Parks
Councilmember Doug Schossow

Absent: Councilmember Brian Urdiales (excused)

The meeting was also attended by Police Chief Loren Sharp, Fire Chief Trae Boehm, Water Resources/Utilities/Public Works Director Brent Nation, City Attorney Nina Williams, Economic Development Specialist Sandy Schneider-Engle, Deputy City Clerk Jill Westhoff-Curtis and Deputy City Manager/City Clerk/PIO John Brennan.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Former mayor Ron Shaver addressed the council to refute a number of comments made by Andrew Stieb at the last council meeting regarding the fieldhouse and the city's fees and rental policies there.

PROCLAMATION DECLARING APRIL TO BE CHILD ABUSE PREVENTION MONTH

Mayor Lyn Deal read the proclamation and presented a signed and sealed formal copy to Susanne Brown of the Department of Human Services.

LEASE-PURCHASE OF TWO FIRE ENGINES FOR THE FIRE DEPARTMENT

Fire Chief Trae Boehm said the Fire Department had been setting aside \$250,000 each year for several years to save for the purchase of two new fire trucks, but with prices rising and the time required to save he felt they were not gaining any ground. Boehm proposed purchasing the two trucks, an engine and a ladder truck, through a lease-purchase financing arrangement using the \$850,000 the department had saved so far as a down payment. This would result in an annual payment of less than the \$250,000 the city had been setting aside each year, according to financing quotes Boehm had obtained through three local banks and a company that specializes in financing fire equipment, and would get the trucks to the city much more quickly.

Council and staff discussion followed about the financing proposals, the urgency due to a planned 7 percent increase in the cost of the trucks at the end of this month, and other factors.

Councilmember Jon Kaper offered a resolution to approve the lease-purchase of a fire engine and a ladder truck using Tax Exempt Leasing Corp. with total cost not to exceed \$2.9 million with a 10-year term. That resolution was seconded by Councilmember Doug Schossow and approved on a unanimous vote of 6-0 with Councilmember Brian Urdiales absent (excused).

BIDS FOR THE EAST BIJOU AVENUE AND LINDA STREET CIVIL INFRASTRUCTURE PROJECT

Water Resources/Utilities/Public Works Director Brent Nation said this project would complete utilities and streets in an area of CentrePointe Plaza where the development of 116 townhomes was planned to start this year. Seven bids were received and Nation recommended the second-lowest bid because it was a local contractor and was very close to the low bid.

Nation also said all of the bids were above the \$1.3 million budgeted for this project, but savings in other parts of the Capital Improvement Fund would more than make up the difference, and he asked for a total appropriation of \$1.45 million to cover contingencies.

Schossow offered a resolution to accept the bid from Darin Neb Excavating in the amount of \$1,442,059.10 for the East Bijou Avenue and Linda Street Civil Infrastructure Project, with total expenditure not to exceed \$1.45 million. That resolution was seconded by Councilmember Clint Anderson and approved unanimously (6-0, Urdiales absent).

COUNCIL ACTING AS THE BOARD OF THE ELECTRIC DEPARTMENT AND SYSTEM ENTERPRISE – PUBLIC HEARING ON AN ORDINANCE AMENDING ELECTRIC TARIFF

Mayor Deal outlined the format to be followed during the public hearing and Deputy City Clerk Jill Westhoff-Curtis confirmed that proper legal notice of the hearing had been published. Nation said the ordinance was unchanged since first reading at the last council meeting and changed only fees charged for such things as bad checks, shutoffs, and meter tampering. No public comments were received either during the hearing or in advance, and no council comments were offered. Schossow made a motion to close the public hearing, which was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

City Attorney Nina Williams advised the council of its options for action. Schossow offered a resolution to approve the second and final reading of Ordinance No. 1264, amending the “Schedule of Service Charges” for Electric Tariff No. 3, and authorization to publish by title only. That resolution was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

COUNCIL ACTING AS THE BOARD OF THE NATURAL GAS DEPARTMENT AND SYSTEM ENTERPRISE – PUBLIC HEARING ON AN ORDINANCE AMENDING GAS TARIFF

Deal outlined the format to be followed during the public hearing and Westhoff-Curtis confirmed that proper legal notice of the hearing had been published. Nation said the ordinance was unchanged since first reading at the last council meeting and changed only fees charged for such things as bad checks, shutoffs, and meter tampering. No public comments were received either during the hearing or in advance, and no council comments were offered. Schossow made a motion to close the public hearing, which was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

Williams advised the council of its options for action. Kaper offered a resolution to approve the second and final reading of Ordinance No. 1265, amending the “Schedule of Service Charges” for Gas Tariff No. 3, and authorization to publish by title only. That resolution was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

COUNCIL ACTING AS THE BOARD OF THE NATURAL GAS DEPARTMENT AND SYSTEM ENTERPRISE – RESOLUTION ADJUSTING GAS RATES

Nation said this measure would increase gas rates to recover losses in the Gas Fund over the past year, when natural gas prices rose substantially and the city had to buy gas on the open

market. He said the city's gas consultant recommended the large increase, which Nation said would raise the average household gas bill by about \$6 in the summer and \$33 in the winter, and also recommended a full rate study in the fall to rebalance the Gas Fund. Kaper offered a resolution to approve the Resolution adjusting gas rates, which was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

PUBLIC HEARING ON A PRELIMINARY PLAT FOR THE LEGACY TOWNHOMES AT CENTREPOINTE

Deal outlined the format to be followed during the public hearing and Westhoff-Curtis confirmed that proper legal notice of the hearing had been published. Nation said this was the preliminary plat for about 11 acres where the proposed townhome development would be located, and would subdivide the property so lots could be sold and construction could begin. Staff had determined that the plat met all of the city's requirements.

No comments were received from the applicant or from the public, either during the hearing or in advance, and no council comments were offered. Schossow made a motion to close the public hearing, which was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

Williams advised the council of its options for action, and Kaper offered a resolution to approve Case 22-002 SD, Legacy Townhomes at CentrePointe Preliminary Plat for a Major Subdivision. That resolution was seconded by Schossow and approved unanimously (6-0, Urdiales absent).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 10 OF THE MUNICIPAL CODE REGARDING HARASSMENT

Williams said this issue was raised by the Municipal Judge after a state Supreme Court ruling came down declaring part of the state statute covering the offense of harassment to be unconstitutional. Since the city's code language mirrored that of the state statute, Williams said, she determined that the code needed to be revised by the enactment of this ordinance.

Schossow offered a resolution to approve the first reading of an Ordinance amending Chapter 10 of the Fort Morgan Municipal Code, regarding harassment, to update the offense in conformance with a recent Colorado Supreme Court decision. That resolution was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

CONSENT AGENDA BY RESOLUTION

Westhoff-Curtis presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for March
- B. Approval of the minutes of the April 5, 2022 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.

Schossow offered a resolution to approve the Consent Agenda as presented, which was seconded by Anderson and approved unanimously (6-0, Urdiales absent).

REPORTS BY OFFICIALS AND STAFF

Police Chief Loren Sharp advised the council of a couple of job openings in his department.

BIDS, MEETINGS AND ANNOUNCEMENTS

Westhoff-Curtis announced current bids and upcoming meetings.

Mayor Deal adjourned the April 19, 2022 regular meeting at 6:57 p.m.

/s/ Lyn Deal

Mayor

/s/ John Brennan

City Clerk