

December 6, 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  
Councilmember Brian Urdiales

The meeting was also attended by City Manager Brent Nation, Police Chief Loren Sharp, Economic Development Specialist Sandy Schneider-Engle, Community Services Director Ty Hamer, Utility Director Doug Linton and Deputy City Manager/City Clerk/PIO John Brennan.

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#### **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Al Forbes spoke on behalf of the police old hire pension plan members and thanked the council for its recent action to grant the pensioners 3 percent cost of living adjustments.

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#### **APPROVAL OF MINUTES – NOVEMBER 15, 2022 CITY COUNCIL REGULAR MEETING**

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Councilmember Doug Schossow offered a resolution to approve the minutes of the Nov. 15, 2022 regular meeting as presented, which was seconded by Councilmember Clint Anderson and approved unanimously.

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#### **RECOGNITION OF THE BUSINESS OF THE MONTH FOR DECEMBER**

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Economic Development Specialist Sandy Schneider-Engle announced that Morgan Lanes had been chosen as the business of the month for December, and related some of the background of the business and its owners.

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#### **PUBLIC HEARING ON AN APPLICATION FOR A SPECIAL USE PERMIT AT 129 DEUEL ST.**

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Mayor Lyn Deal outlined the protocols to be followed during the public hearing, and Deputy City Manager/City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published.

City Manager Brent Nation presented the application, which he said was needed to allow for the expansion of a residential home in a business zoning district. He said the case met all the criteria for approval of a special use permit, and had been recommended for approval by the Planning Commission. Nation said staff recommended council approval with conditions.

No comments were offered by the applicant, or by the public either at the hearing or in advance, and no council comments were made. Anderson made a motion to close the public hearing, which was seconded by Councilmember Brian Urdiales and approved unanimously.

City Attorney Nina Williams advised the council of its options for action, and Schossow offered a resolution to approve Case 22-017 SU, a Special Use Permit to allow a single-family house to be enlarged for residential use in the B-2 Zoning District at 129 Deuel St., as was recommended by

the Planning Commission, subject to the conditions that the special use runs with the land in perpetuity and that this addition is for single-family use only. That resolution was seconded by Urdiales and approved unanimously.

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### **PRESENTATION OF COST ESTIMATES FOR PROPOSED PUBLIC WORKS BUILDING AND INDOOR SWIMMING POOL**

Nation reminded the council that these two facilities had been identified as priorities by the council at its annual retreat in the spring, and staff had retained engineering/design firm Reynolds, Smith & Hills to provide concepts and cost estimates for these capital projects.

Hillary Andren-Wise of RS&H reviewed a PowerPoint presentation that showed conceptual designs and cost estimates for several alternative versions of these facilities, noting that these were preliminary and conceptual, and were done primarily to provide the city with accurate assessments of the cost of the projects.

Some council, staff and consultant discussion followed. Nation said his intention was to have further discussion of the conceptual plans and costs at the next annual council retreat in a few months. No formal action was taken.

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### **ACTION ON REQUESTED MODIFICATIONS TO DEVELOPMENT AGREEMENT WITH BRITTANY HOMES**

Nation explained the requested modifications, which included an extension of time for completion of the company's 116-unit townhome project at CentrePointe due to supply chain issues and other delays, as well as some revisions to the ownership structure that would allow the principal's children to assume control when he retired.

Schossow offered a resolution to approve the amendments to the development agreement with Brittany Homes as presented, which was seconded by Anderson and approved unanimously.

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### **REQUEST TO REALLOCATE CONSERVATION TRUST FUNDING AT THE GOLF COURSE**

Community Services Director Ty Hamer said \$30,000 had been budgeted in 2022 for a landscaping project at the golf course, but that project never moved forward and Hamer wanted to use that budgeted funding for a new piece of greenskeeping equipment at the course instead. Some council and staff discussion followed, with Hamer saying this would be a much better use of the funding for the golf course.

Kaper offered a resolution to approve the reallocation of \$30,000 in the 2022 budget from landscaping to the purchase of a PlanetAir Tri-fecta multi-purpose greens machine. That resolution was seconded by Anderson and approved unanimously.

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### **RESOLUTION ADJUSTING WATER RATES**

Nation said the city does rate analyses on each of its utilities every few years, and the last such analysis of the Water Fund came with recommended rate increases for two consecutive years. The increase enacted by this resolution would be the second of the two, and would be a rate hike of 5 percent, he said.

Schossow offered a resolution to approve the Resolution adjusting water rates for the City of Fort Morgan, which was seconded by Urdiales and approved unanimously.

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### **RESOLUTION ADJUSTING WASTEWATER RATES**

Nation said the same background applied to this action, with an increase of 6 percent proposed.

Schossow offered a resolution to approve the Resolution adjusting the wastewater rates for the City of Fort Morgan, which was seconded by Urdiales and approved unanimously.

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## **SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1275, ADOPTING THE 2020 MODEL TRAFFIC CODE**

Mayor Deal reviewed the format for the hearing and Brennan confirmed proper legal notice. Police Chief Loren Sharp said this ordinance was unchanged since first reading, and would adopt by reference a much more current version of the traffic code than the city had been using.

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 Councilmember Bill Garcia and approved unanimously.

Williams advised the council of its options for action, and Schossow offered a resolution to approve the second and final reading of Ordinance No. 1275, adopting by reference the 2020 Model Traffic Code; providing penalties for the violation thereof; making conforming amendments to the Fort Morgan Municipal Code; repealing all ordinances in conflict therewith; and providing penalties for violation thereof; and authorization to publish by title only. That resolution was seconded by Urdiales and approved unanimously.

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## **REPORTS BY OFFICIALS AND STAFF**

Sharp informed the council of a joint public meeting planned by him and the local school district superintendent to talk with community members about how the two entities work together to assess and respond to any school threats.

Nation announced that he had selected current Light and Power Superintendent Doug Linton to be the new director of utilities for the city.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

Brennan announced current bids and upcoming meetings.

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## **EXECUTIVE SESSION**

The regular portion of the meeting ended at 7:09 p.m., and Mayor Deal said the next item on the agenda was the first of two scheduled executive sessions. Deal read the agenda descriptions outlining the basis and purpose for both sessions, and Anderson made a motion to convene the first executive session, which was seconded by Urdiales 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 to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Land transfer.

This executive session began at 7:20 p.m. and ended at 7:28 p.m., and was attended by the mayor and council along with Nation, Williams and Brennan. At the conclusion of the executive session the council returned to the regular open meeting, where Kaper reported that the council had met in executive session for the purpose stated on the agenda, and gave staff and the city

attorney guidelines to negotiate with the school district regarding the current Saddle Club property.

Anderson then made a motion to convene the second scheduled executive session, which was seconded by Kaper and approved unanimously.

This executive session had been published as follows:

**EXECUTIVE SESSION** – For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Annual evaluation for police chief.

This executive session began at 7:32 p.m. and ended at 8:37 p.m., and was attended by the mayor and council along with Williams and Police Chief Loren Sharp. At the conclusion of the executive session the council returned to the regular open meeting, where Kaper reported that the council had met in executive session for the purpose stated on the agenda, and Police Chief Loren Sharp's annual performance evaluation was held. A discussion of goals also occurred between the Police Chief and City Council to update Sharp's written performance evaluation.

Mayor Deal adjourned the Dec. 6, 2022 regular meeting at 8:39 p.m.

/s/ Lyn Deal  
Mayor

/s/ John Brennan  
City Clerk