

April 3, 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, Network Administrator Nelson McCoy, FMPD Lt. Darin Sagel, FMPD Lt. Jared Crone, new FMPD Officer Shawn Buffer, FMPD Officers Cindy Brackett, Pedro Malave and Anthony Gagliano, City Treasurer Jean Kinney, Parks Superintendent Doak Duke, Legal Assistant Sharon Velder, Assistant City Attorney Jerrae Swanson and City Clerk/PIO John Brennan.

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**APPROVAL AND READING OF A PROCLAMATION DECLARING APRIL TO BE SEXUAL ASSAULT AWARENESS MONTH**

Mayor Terry McAlister read the proclamation and presented a formal copy of it to Paula Bragg, executive director of Sexual Assault Response Advocates Inc. of Fort Morgan. Bragg thanked the council for the proclamation and for its support of SARA, and noted several events that would take place during the month.

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**SWEARING-IN OF NEW FORT MORGAN POLICE OFFICER SHAWN BUFFER**

Police Chief Keith Kuretich introduced Buffer and Mayor McAlister administered the oath to Buffer as his family stood by him.

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**APPOINTMENT OF EVELYN CLEARY TO THE SENIOR CENTER ADVISORY BOARD**

Councilmember Scott Bryan, who serves as council liaison to the Senior Center Advisory Board, said the board had reviewed Cleary's application for membership on the board and approved it. He asked the council to appoint her to the board and made a motion to approve the appointment. Bryan's motion was seconded by Councilmember Debra Forstedt and approved unanimously.

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**APPOINTMENT OF JAMES POWERS TO THE WATER ADVISORY BOARD**

Councilmember Brent Nation, who serves as council liaison to the Water Advisory Board, said the board had not met formally since this application was submitted, but had previously discussed the idea of asking Powers to join the water board after he completed his term as a member of the City Council. Nation said he had spoken with the chairman of the water board, who said it was not necessary to bring the application to the water board before seeking council

approval of the appointment. Nation made a motion to approve the appointment of James Powers to the Water Advisory Board, which was seconded by Councilmember Ron Shaver and approved unanimously.

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### **RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE RENEWAL OF THE GRAZING LEASE ON THE RIVERSIDE PARK NORTH PROPERTY**

Wells said this would be a renewal of a lease that had been in place for several years and would allow Brian Kembel to graze cattle on the city-owned property north of the South Platte River, thereby generating some revenue for the city and benefitting both parties. Wells said this was the best use for the property, which is restricted by a conservation easement, until some sort of passive development plans are undertaken by the city.

Shaver offered a resolution to approve authorizing the mayor to sign the renewal of the grazing lease, which was seconded by Nation and approved unanimously.

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### **PRESENTATION ON SOUTH PLATTE/RIVERSIDE PARK HABITAT IMPROVEMENTS AND REQUEST FOR IN-KIND SERVICES**

Municipal Engineer Brad Curtis reviewed activities that had been ongoing at the park for about a year and a half by the Audubon Society and Ducks Unlimited, which were aimed at improving native lands and wildlife habitat and aiding in water quality and erosion control, among other goals. He said most of the activities are passive, like clearing brush and adding plants, and future plans might include more educational elements like interpretive signs and panels, and those types of improvements would be brought to the city council for approval. Curtis noted that city staff has supported these activities and provided some in-kind services, and the organizations were seeking assistance this year with watering new plantings and hauling debris from sandbar clearing.

Curtis said the staff recommendation was to continue to provide support and direction for the passive activities of these organizations that meet city goals, ordinances, regulations and other parameters; to bring larger projects and those that might involve grant funding with city participation to the council for approval, and otherwise handle the oversight of these activities internally by city staff; and to ask for council approval of the requested in-kind services this year at a cost not to exceed \$1,000.

Forstedt offered a resolution to authorize city staff to continue to provide guidance and cooperation as outlined in Curtis' staff memo on this agenda item, and to approve in-kind services as requested up to \$1,000. Forstedt's resolution was seconded by Bryan and approved unanimously.

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### **BIDS FOR DIVING BOARDS AT THE SWIMMING POOL**

Curtis explained that the staff had determined that the diving boards at the community swimming pool were in need of replacement before the upcoming season, and although this was an unbudgeted item, leftover money budgeted for new soccer goals could be used to cover the cost. After receiving three informal quotes for replacement of the two diving boards, staff was recommending approval to accept a quote from Diving Board Solutions of Fort Collins for \$6,722.07, and use the money left over from the soccer goal budget line item for the purchase. Nation offered a resolution to approve acceptance of the bid and the use of the specified budget funding, which was seconded by Councilmember Joe Segura Jr. and approved unanimously.

**LOCAL LICENSING AUTHORITY - APPLICATION FOR SPECIAL EVENTS PERMITS BY THE FORT MORGAN ELKS LODGE**

City Clerk/PIO John Brennan noted that there had been a change to this agenda item the day before the meeting, and a revised staff memo had been provided to the council in its table files. The original application was for permits for four events covering six days, but the dates of the final, three-day event had been changed. Because of the requirements for posting of public notice on the property for at least 10 days before approval, Brennan said, the council could not simply approve the new dates for that final event. Therefore, the new memo showed the incorrect dates of the last event stricken, and asked for council approval of the permits for the first three, one-day events.

Nation made a motion to approve the special event permits for the Elks Lodge for events on April 14, May 12 and June 30, which was seconded by Shaver and approved unanimously.

**FIRST READING AND PUBLIC HEARING OF AN ORDINANCE (1125) AMENDING THE EXISTING CHAPTER 6, "NUISANCES AND SANITATION," FORT MORGAN MUNICIPAL CODE (2010)**

Mayor Terry McAlister reviewed the procedure to be followed for conducting the public hearing, and confirmed that proper public notice of the hearing had been published. Community Development Director David Callahan said the full ordinance as proposed was included in the council packets, and was the same as presented at the March 20 council meeting with one exception: the maximum allowable height of weeds had been changed from 8 inches to 6 inches. He said he had not received any comments, except for a call from former Councilmember Lyn Deal that she supported the proposed ordinance.

Assistant City Attorney Jerrae Swanson said the ordinance included a provision that the staff would delete clauses in this or other chapters of the municipal code that were repetitive or in conflict with the language of this ordinance.

McAlister opened the floor for public comments, and Barbara Proconier of 419 West St. spoke to the council about properties in town that needed to be cleaned up, and provided photographs of a property next to her home that she said posed several nuisances. Acting City Manager/City Attorney Jeff Wells said the pictures would be entered into evidence for the public hearing.

Howard Wickham of 90 Bachar Drive spoke as a property owner in the city, and applauded the council for tackling this issue. He said he supported the proposed ordinance but felt that 24 hours was not enough notice to abate a nuisance before penalties are triggered. Wickham also expressed concern that property owners would be punished by a lien on the property even if a tenant was responsible for a nuisance, and said he hoped the city would first try to get a tenant to comply with the proposed nuisance code.

Swanson pointed out that notice of a nuisance would be provided to all parties involved, including both tenants and property owners, and also posted on the property. Discussion followed on the need for a time limit, the appeal process included in the ordinance, the notification process, the lien process and how vacant and bank-owned properties would be handled.

Chris Hall of 921 Michael St. also spoke, and said he supported the ordinance but was concerned about the portion dealing with abandoned vehicles and how that would affect racing cars that are not street-legal and thus not registered. Discussion followed about the need for communication and flexibility among enforcement officers and other city staff in individual cases. Council members then offered their comments, noting that they had received calls of support for the proposed ordinance and commending city staff for the work in developing the proposed

ordinance. Nation said the ordinance would require common sense and discretion on the part of enforcement personnel and that he felt they did a good job of that.

Forstedt then made a motion to close the public hearing, which was seconded by Shaver and passed unanimously.

Wells then presented the council with its options, which included making revisions to address concerns raised during the public hearing, or approving the first reading of the ordinance as presented. Discussion followed about the time limit for abating nuisances and the discretion of the city staff in allowing more time as appropriate, with the council consensus seeming to be that the ordinance offered sufficient flexibility and discretion for appeals and abatement of nuisances.

Councilmember Lisa Northrup offered a resolution to approve the first reading of Ordinance 1125, Amending the Existing Chapter 6, "Nuisances and Sanitation," of the Fort Morgan Municipal Code, and also allowing for city staff to remove redundant language in the code and bring those changes back to the council at a future date. That resolution was seconded by Nation and approved unanimously.

### **2013 BUDGET PREPARATION CALENDAR – DISCUSSION OF DEPARTMENT BUDGET PRESENTATIONS AND CONSIDERATIONS**

Wells reviewed the format he would like to follow as the council moved through the process of developing the 2013 city budget, which would focus on one department or fund per meeting. Revenues would be addressed first, followed by overall employee costs, operation and maintenance costs and capital costs. He said the council would visit departments that will have large capital items, to see the equipment and needs and better understand why these capital expenses were being proposed.

The council consensus seemed to be that this approach made sense, and no formal action was taken.

### **DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF JEFF WELLS AS CITY MANAGER**

Mayor McAlister noted that the council had selected Wells as the finalist for this position several weeks earlier, and needed to make a decision on whether to appoint him as city manager.

Wells said one issue the council should consider if it wanted to negotiate a contract for him as city manager was that the city would need to bring in independent legal counsel to advise the council in that undertaking.

Bryan said he thought this conversation might take a while, and suggested a 5- to 10-minute recess. McAlister recessed the meeting at 7:29 p.m., and the meeting resumed at 7:42 p.m.

McAlister said with Wells appointed as finalist, he felt it was time for the council to decide whether it wanted Wells as the next city manager. Nation said he firmly believed Wells was the man for the job, noting how he had handled personnel issues, city operations and the budget and done a remarkable job.

Shaver concurred and said Wells had done a great job in his year and a half as acting city manager, and said the majority of calls he had received were favorable to Wells' abilities and performance. Bryan also agreed and said Wells had been a stabilizing force inside and outside the city organization, while noting that he still had some reservations about Wells serving in the dual role of city manager and city attorney.

Segura said Wells was one of the reasons he had chosen to run again for the city council, and that Wells had been a positive influence for residents, staff and the council. Forstedt thanked Wells for his patience as the council took its time with this decision. She also said she had reservations about the dual role but was beginning to waver on that position.

McAlister said he had always supported Wells for the position, but reminded Wells that he would have to move within the city limits within six months of his appointment. Wells said he fully understood and intended to comply with that requirement.

Nation offered a resolution to appoint Jeff Wells as city manager for the City of Fort Morgan, which was seconded by Forstedt and approved unanimously.

Wells thanked the council and city staff for their trust in him, and said the staff was a large part of the reason the city has made the progress it has made.

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## **CONSENT AGENDA (BY RESOLUTION)**

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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. 1124, Amending the Council Rules of Procedure, and request to publish by title only.
- B. Approval of the minutes of the March 20, 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 Shaver and approved unanimously.

PASSED, APPROVED AND ADOPTED this 3rd day of April 2012, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Forstedt, Nation, Northrup, Segura and Shaver. Nays: none.

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Councilmember Forstedt said she had been asked by members of the public to inquire about the sound volume on TV broadcasts of city council meetings, which had been the subject of numerous recent complaints as being too low to hear. McAlister said that issue was being investigated, and Network Administrator Nelson McCoy said a consultant would be in the city two days later to try and fix the problem.

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## **REPORTS BY OFFICIALS AND STAFF**

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Wells reported on his attendance at the annual meeting of the Municipal Energy Agency of Nebraska the previous week, and the impact of federal regulations on the cost of electric power. He also noted that final sales tax numbers for 2011 showed the city having collected almost \$600,000 more than the previous year.

Wells also informed the council that the following meeting of the council would include the first in a series of updates on the airport runway project, and spoke about the importance of the project to the continued existence of the airport, which is a critical part of the local economy. He said neighboring landowners affected by the runway project would be invited to this and subsequent meetings and their comments and input would be welcomed during the process.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

McAlister spoke about a large baseball tournament the preceding weekend, which had area hotels full and was a good event for the city. Segura thanked city staff for their efforts during the annual spring cleanup campaign.

Mayor McAlister adjourned the April 3, 2012 regular meeting at 8:07 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John J. Brennan

City Clerk