

December 4, 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, Human Resources/Risk Management Director Michael Boyer, FMPD Detective Sgt. Loren Sharp, Legal Intern Jason Meyers and City Clerk/PIO John Brennan.

APPROVAL OF THE MINUTES OF THE NOVEMBER 20, 2012, REGULAR MEETING

Councilmember Debra Forstedt offered a resolution to approve the minutes of the Nov. 20, 2012 City Council regular meeting as presented, which was seconded by Councilmember Scott Bryan and approved unanimously.

Mayor McAlister then said he would change the order of the agenda because of the presence of some members of the city's Airport Advisory Board, moving up the first reading of an ordinance pertaining to airport property to be the next item on the agenda.

FIRST READING OF AN ORDINANCE AUTHORIZING NEGOTIATIONS OR EMINENT DOMAIN PROCEEDINGS FOR AIRPORT PROPERTY

City Manager Jeff Wells said the council had authorized staff about a month and a half ago to take any action necessary to acquire the property needed for relocation and expansion of the city airport runway. He said the city needed to gain entry to the property in early January for geotechnical testing to keep the runway project on schedule, and staff was continuing to negotiate with the property owners for both the purchase of the property and the temporary access for geotechnical studies.

Wells said this ordinance would authorize the city attorney or his designee to file eminent domain proceedings if necessary to acquire the property and keep the project on track. He said a public hearing would be held on the second reading of the ordinance at the next council meeting, and the ordinance might be revised before then because he believed the owners of one of the properties would execute an agreement for the purchase of an avigation easement over their property soon.

Councilmember Lisa Northrup offered a resolution to approve the first reading of an Ordinance Determining the Necessity of, and Authorizing the Acquisition of, Certain Real Property Interests by Either Negotiation or Condemnation, To Construct a New Runway at the Fort Morgan Municipal Airport. That resolution was seconded by Councilmember Ron Shaver and approved unanimously.

PRESENTATION BY UNIVERSITY OF COLORADO-DENVER ENGINEERING STUDENTS ON CONCEPTUAL CITY FACILITIES MASTER PLAN

Municipal Engineer Brad Curtis said consolidation of city offices and facilities was a goal expressed by the council in early 2012, and he was approached by the UC-D engineering department about possible projects for senior students to work on. He said the students visited Fort Morgan several times and analyzed the current space needs and utilization of the various city facilities and designed a conceptual master plan for a city complex that would have almost all city departments on the same site.

The students – Scott McClelland, Kevin Almada, Ream Almadhun, Elijah Rust, Zongxi Qian and John Sommerfield – displayed a PowerPoint presentation on their project and described the work they did, the assumptions they used and the resulting maps, floor plans and other results. They also thanked the city and Curtis for the opportunity to work on the project and all of the help Curtis provided.

Council members complimented the students on their work, saying the result was very good and something that could possibly be used by the city in the future. No action was taken by the council.

PROJECT SCOPE AND WORK ORDER FOR RUNWAY PROJECT AT FORT MORGAN MUNICIPAL AIRPORT

Community Development Director David Callahan told the council this process was required by the Federal Aviation Administration, which would be funding 90 percent of the runway project. It involved having the bid from the city's airport engineering consultant reviewed by an independent engineer, which found the scope to be valid, he said.

Forstedt offered a resolution to approve the agreement and authorize the mayor to sign the work order. That resolution was seconded by Shaver and approved unanimously.

FIRST READING OF AN ORDINANCE AMENDING THE FORT MORGAN MUNICIPAL CODE REGARDING TELECOMMUNICATION FACILITIES

Callahan reviewed his proposal for a code amendment, which would essentially allow administrative approval for the installation of antennas that have little significant impact on appearance or the surrounding area, rather than requiring an extensive special use review process as required now. Callahan presented two options - to allow such installations as a use by right or require site plan review, which would be done by city staff and be much simpler than special use review involving approvals and public hearings by both the Planning Commission and the City Council.

Callahan said the Planning Commission had reviewed the proposals and recommended the option calling for site plan review. He also noted a needed language revision in the ordinance that would be corrected before second reading.

Shaver offered a resolution approving the first reading of an Ordinance Amending the Existing Article 5 and 10, Chapter 20, of the *Fort Morgan Municipal Code* (2010), utilizing option 2 (requiring site plan review) as outlined in the staff memo in the council meeting packet. That resolution was seconded by Bryan and approved unanimously.

RESOLUTION APPROVING FUNDING FOR THE FORT MORGAN POLICE DEPARTMENT OLD HIRE PENSION PLAN FOR 2012 AND 2013

Wells explained that the city must continue to pay for this pension plan that covers three police department retirees, with the city's obligations based on actuarial studies done every two years. He said the Fire and Police Pension Association performs the studies and also provides the city with numbers that show the impact of two potential options for amendments to the plan, such as cost of living increases. The city had chosen to have these studies done for a 0.5% COLA and a 3.5% percent COLA in the 2012 study, Wells said.

City staff was recommending a 0.5% COLA based on cost and budgeted funding, Wells said, and the police pension board supported that recommendation.

Discussion followed among council members and staff as well as retiree Al Forbes, who was covered by the plan, regarding the difficulties of budgeting due to the timing of the actuarial studies, and the possibility of establishing a consistent policy for these adjustments to the Old Hire Plan to alleviate the need to negotiate the adjustments every two years.

Shaver offered a resolution approving funding for the Police Old Hire Pension Plan for 2012 and 2013 based on a 0.5% COLA increase. That resolution was seconded Forstedt and approved unanimously.

RESOLUTION INCREASING WATER RATES EFFECTIVE JAN. 1, 2013

Wells reminded the council that this proposed increase to water rates was one in a series of increases recommended in water rate studies completed in the past two years, which would help rebuild the reserves in the water fund to cover future capital expenditures including the Northern Integrated Supply Project.

Several council members asked for more information, such as the impact on average monthly water bills and the underlying rate studies that recommended this and other increases. Wells said that information could be compiled and presented to the council at its next meeting on Dec. 18, 2012, which would still be in time to approve the rate increase to be effective on Jan. 1, 2013.

The council consensus was to defer action on this item until Dec. 18 and have staff provide the requested additional information for that meeting. No action was taken.

FIRST READING OF AN ORDINANCE ADJUSTING AND AMENDING THE 2012 BUDGET

Wells said these adjustments to the current year's budget were necessary for year-end cleanup that would ensure all revenues and expenditures were properly accounted for and the city would not have budget violations in its audit of fiscal 2012.

Wells reviewed the proposed adjustments, noting that all of them had been previously approved by the council except for a payment on the lease-purchase of the Fort Morgan Training Center property on Burlington Avenue, which was an ongoing financial obligation that had been inadvertently left out of the budget. The largest adjustments were in the electric and gas fund, which Wells described as accounting measures to cover the city's refunding of overcollected rates during the past year.

Forstedt offered a resolution to approve the first reading of an Ordinance Amending the Appropriation of Monies for the Funds of the City of Fort Morgan, Colorado. That resolution was seconded by Shaver and approved unanimously.

UPDATE ON QUIET ZONES

Curtis reviewed the process followed during the preceding year toward establishing quiet zones on the remaining railroad crossings in Fort Morgan and the immediate vicinity. No closures were expected to be required, and the city's notice of intent to establish the zones had been reviewed by the appropriate agencies and entities. He said the project was on track and actual construction of the medians and other infrastructure required to establish the quiet zones should be completed in 2013.

Curtis noted that only 16 quiet zone crossings currently existed in Colorado, with Fort Morgan having two of those after the city created such zones at the Sherman and Barlow road crossings in 2011. With the completion of this second set of crossings that would include Main, Deuel and West streets and Nelson Road, the city would have six of 20 quiet zones in the state and be the only municipality with quiet zones throughout its municipal borders.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Water Resources/Utilities Director Brent Nation briefed the council on the status of several ongoing projects, including the filter replacement project at the Water Treatment Plant and the treatment of water for the Morgan County Quality Water District at the city plant. He also said the city had filed an amendment to its water augmentation plan in water court, which was now in the comment stage.

Nation answered council questions about a recent incident in which a volatile substance had been dumped into the city's sanitary sewer system, saying the exact nature of the substance was not known and reminding residents not to put substances such as solvents, fuels or other chemicals into the city sewer system.

Police Chief Keith Kuretich told the council that a body discovered Dec. 3 on the property of a recycling center on the city's west side had been identified and information would be released Dec. 6 after family was notified.

Wells outlined the activities planned for Dec. 8 as part of a city-sponsored event in connection with the Christmas Capital of the Plains promotional campaign.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSIONS

The regular portion of the meeting ended at 7:53 p.m. Councilmember Forstedt then made a motion to convene the first of two scheduled executive sessions. That motion was seconded by Councilmember Shaver and approved unanimously. This executive session has 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: Gas distribution.

The executive session began at 8:05 p.m. and concluded at 9:14 p.m., and was attended by the mayor and council along with Wells, Municipal Engineer Brad Curtis, Water Resources/Utilities Director Brent Nation, Gas Superintendent Tony Behrends, consultant Mike McFadden and Legal Intern Jason Meyers.

At the conclusion of the session Forstedt reported that the council had met in executive session for the purpose stated on the agenda, to instruct negotiators regarding gas distribution. Forstedt made a motion to instruct the negotiators to move forward with negotiations based on the parameters discussed in the executive session, which was seconded by Shaver and approved unanimously.

The council then moved to the second scheduled executive session, which 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: City fiber network.

This executive session began at 9:21 p.m. and concluded at 9:43 p.m., and was attended by the mayor and council along with Wells, Curtis and Meyers.

At the conclusion of the session Forstedt reported that the council had met in executive session for the purpose stated on the agenda, to instruct negotiators regarding the city fiber network. Forstedt made a motion to instruct the negotiators to move forward with negotiations based on the parameters discussed in the executive session, which was seconded by Shaver and approved unanimously.

Mayor McAlister adjourned the Dec. 4, 2012 regular meeting at 9:44 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John J. Brennan

City Clerk