

January 5, 2016

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 Clint Anderson  
Councilmember Christine Castoe  
Councilmember Kevin Lindell  
Councilmember Lisa Northrup  
Councilmember Ronald Shaver

Absent: Councilmember Joe Segura Jr. (arrived late)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Attorney Jason Meyers, City Treasurer Jean Kinney, Community Services Director Josh Miller, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Engineering/Public Works Director Brad Curtis, Management Intern Chelsea Gondeck, Municipal Judge Dennis Brandenburg and City Clerk/PIO John Brennan.

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### **APPROVAL OF MINUTES OF THE DECEMBER 15, 2015 CITY COUNCIL REGULAR MEETING**

Councilmember Christine Castoe offered a resolution to approve the minutes of the December 15, 2015 regular meeting as presented. That resolution was seconded by Councilmember Lisa Northrup and approved on a unanimous vote of 6-0, with Councilmember Joe Segura Jr. absent.

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### **PRESENTATION ON ADDITIONAL AUDIT REQUIREMENTS AND COSTS**

Tyra Litzau of Anton Collins Mitchell, the city's financial auditing firm, explained to the council the additional costs for audits of the city's defined benefit plans in 2016, as required by a new regulation of the Governmental Accounting Standards Board that took effect at the end of 2015. Under the new GASB 68 regulation much more accounting and auditing work must be performed for these pension accounts, she said. City Manager Jeff Wells said the purpose of Litzau's presentation was to inform the council and the public about these changes in accounting practices and how the unfunded liabilities represented by these pension funds would affect the city's financial statements. No action was taken.

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### **PUBLIC HEARING – PRELIMINARY PLAT FOR THE PEIF SUBDIVISION**

Mayor McAlister reviewed 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. Engineering/Public Works Director Brad Curtis explained the purpose of this subdivision process, which was primarily to clean up property boundaries, easements and rights of way on the property where a new hotel was being developed. He said the city was acting as the authorized representative of the developer, Fort Morgan Sundowner LLC, and the preliminary

plat had been reviewed and recommended for approval by the city Planning Commission at a public hearing on Dec. 14.

No comments were made by the applicant, who was represented by Curtis at the meeting. No public comments were received either at the meeting or in advance, and no council comments were offered.

Councilmember Kevin Lindell made a motion to close the public hearing, which was seconded by Castoe and approved on a unanimous vote (6-0, Segura absent).

City Attorney Jason Meyers explained the council's options for taking action on the matter. Northrup offered a resolution to approve Case 15-016 SD, Preliminary Plat for a Major Subdivision, for a preliminary plat of 2.5 acres (more or less) to replat the Peif Subdivision to include additional right of way and an easement vacation as was recommended by the Planning Commission at the public hearing held Dec. 14, 2015. That resolution was seconded by Castoe and approved unanimously (6-0, Segura absent).

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### **PRESENTATION/UPDATE ON THE COMPREHENSIVE PLAN PROCESS**

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Curtis reviewed the process and timeline being used for development of an updated Comprehensive Plan for the city, including progress to date and next steps to follow. He outlined the community outreach efforts undertaken so far by the consultants from Logan Simpson and the feedback received from stakeholders in the project as well as the general public at a community kickoff event.

Councilmember Segura arrived at the meeting at 6:27 p.m.

Mayor McAlister asked if developers and contractors were involved in the Comprehensive Plan process, and Curtis said that would come later in the process. Northrup commended the Logan Simpson representatives for their professionalism at the community kickoff event and their efforts to draw opinions from the public. No action was taken.

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### **RESOLUTION AMENDING THE BYLAWS OF THE AIRPORT ADVISORY BOARD**

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Curtis explained that this revision was being requested to reflect the current practice of the Airport Advisory Board and had been recommended by the board. Under the proposed revision, instead of calling for a secretary to the board to be elected from among the board members, the bylaws would state that the secretary duties would be handled by the City Manager or his designee as was currently done.

Councilmember Ron Shaver offered a resolution to amend the bylaws of the airport advisory board as proposed, which was seconded by Lindell and approved on a unanimous vote of 7-0, with Councilmember Segura having joined the meeting.

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### **RE-APPOINTMENT OF NANCY ARNOLD TO THE AIRPORT ADVISORY BOARD**

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Shaver said the airport board had recommended that Nancy Arnold be re-appointed to an additional term, and noted that there was still another vacancy on the airport board. Shaver made a motion to re-appoint Nancy Arnold to a new term on the Airport Advisory Board, which was seconded by Castoe and approved unanimously.

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### **RE-APPOINTMENT OF DOROTHY TAYLOR AND MARIAN TIBBETTS TO THE SENIOR CENTER ADVISORY BOARD**

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Community Services Director Josh Miller said these two members were currently serving on the senior center board, and no other applications had been received. Northrup made a motion to

re-appoint Dorothy Taylor and Marian Tibbets to new terms on the Senior Center Advisory Board, which was seconded by Castoe and approved unanimously.

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**RESOLUTION TO CANCEL TEMPORARY USE PERMITS FOR COLORADO-BIG THOMPSON WATER AND APPLY AND CONTRACT FOR BENEFICIAL USE OF THAT C-BT WATER**

Water Resources/Utilities Director Brent Nation said the city had obtained an additional 16 shares of Colorado-Big Thompson water last year as part of the development of the new middle school in the city. The shares came through Fort Morgan Farms so when they were transferred to the city Northern Water issued temporary use permits for the change from agricultural to municipal use, Nation said. Now the city was applying to cancel those temporary permits and apply for beneficial use for municipal purposes on an ongoing basis.

Northrup offered a resolution to approve the Resolution to apply and contract for beneficial use of water on behalf of the City of Fort Morgan, a municipal corporation, and prescribing the terms for application for an allocation of the right to use Colorado-Big Thompson project water to said City of Fort Morgan by Northern Colorado Water Conservancy District. That resolution was seconded by Castoe and approved unanimously.

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**RESOLUTION APPROVING THE 12<sup>TH</sup> INTERIM AGREEMENT WITH NORTHERN WATER FOR PARTICIPATION IN THE NORTHERN INTEGRATED SUPPLY PROJECT**

Nation said this agreement represented the next installment of the city's participation in the Northern Integrated Supply Project, a proposed water storage project that would supply the city's future water needs, and came with an obligation to contribute \$315,000 in 2016 toward the costs of the ongoing permitting process and other costs.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the 12<sup>th</sup> Interim Agreement with the Northern Colorado Water Conservancy District, Northern Integrated Supply Project Water Activity Enterprise, for participation in the Northern Integrated Supply Project. That resolution was seconded by Shaver and approved unanimously.

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

None.

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**REPORTS BY OFFICIALS AND STAFF**

Wells said he had received questions about leftover leaves in streets from the city's leaf pickup program and snow on streets after recent storms, and said the Streets Department was working hard to address these issues and thanked the department for its efforts.

Nation told the council that a planned power and water outage was scheduled for the following Sunday and would only affect the Cargill meat packing plant, as work was done on the electric substation and the water meter serving the plant.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

Brennan announced current bids and upcoming meetings.

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**EXECUTIVE SESSION**

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The regular portion of the meeting concluded at 6:47 p.m., and Mayor McAlister announced that the next item on the agenda was a scheduled executive session. Councilmember Shaver made a motion to convene this executive session, which was seconded by Councilmember Castoe 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 THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Municipal Judge contract.

The executive session began at 6:56 p.m. and ended at 7:11 p.m., and was attended by the mayor and council along with City Manager Jeff Wells, City Attorney Jason Meyers and Municipal Judge Dennis Brandenburg. At the conclusion of the executive session the council returned to the regular open meeting, where Councilmember Castoe reported that the council had met in executive session for the purpose stated on the agenda. Castoe made a motion directing the city attorney to finalize negotiations and prepare a contract for the municipal judge, which was seconded by Councilmember Lindell and approved unanimously.

Mayor McAlister adjourned the January 5, 2016 regular meeting at 7:12 p.m.

/s/ Ron Shaver  
Mayor

/s/ John Brennan  
City Clerk