

April 5, 2016

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall, after completing a tour of the Wastewater Treatment Plant, the Water Distribution/Wastewater Collection Department and the Gas Department. The Honorable Mayor Ron Shaver called the regular meeting to order at 6:05 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Ron Shaver  
Councilmember Clint Anderson  
Councilmember Kevin Lindell  
Councilmember Dan Marler  
Councilmember Lisa Northrup  
Councilmember Joe Segura Jr.

Absent: Councilmember Christine Castoe (excused)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, City Attorney Jason Meyers, Management Intern/Economic Development Specialist Chelsea Gondeck, Human Resources/Risk Management Director Michael Boyer, FMPD Lt. Jared Crone, Light & Power Superintendent Doug Linton, FMPD Sgt. Steve Brown, Light & Power Lineman David Arndt, Parks Superintendent Doak Duke, Cemetery Foreman Matt Underwood, Fire Chief Mark Frasco and City Clerk/PIO John Brennan.

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### **APPROVAL OF MINUTES – MARCH 15, 2016 CITY COUNCIL REGULAR MEETING**

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Councilmember Lisa Northrup offered a resolution to approve the minutes of the March 15, 2016 City Council regular meeting as presented, which was seconded by Councilmember Dan Marler and approved unanimously (6-0, Councilmember Christine Castoe absent).

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### **RECOGNITION OF DAVID ARNDT AS THE 2015 EMPLOYEE OF THE YEAR**

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City Manager Jeff Wells introduced David Arndt and said Arndt was an example of city employees in every department who have a passion for what they do. Wells said Arndt always has a smile and is willing to step in and help out. Wells presented Arndt with a gift card and a certificate of appreciation.

Light & Power Superintendent Doug Linton told the council that Arndt had taken on more responsibility in the department in 2015, achieving two new certifications, and was always positive and an easy employee to manage.

Arndt said he appreciated being recognized and thanked the council and staff.

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### **PROCLAMATION DECLARING APRIL TO BE CHILD ABUSE PREVENTION MONTH**

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Mayor Shaver read the proclamation and presented a signed and sealed formal copy of the document to Susanne Brown, manager of the intake unit for Child Protection Services, who thanked the council for its support of the observance.

**PROCLAMATION DECLARING APRIL TO BE SEXUAL ASSAULT AWARENESS MONTH**

Mayor Shaver read the proclamation and presented a signed and sealed formal copy to Paula Bragg, executive director of S.A.R.A. Inc., who thanked the council for its support and announced several events planned during the month.

**SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1180, RENEWING THE CABLE FRANCHISE**

Mayor Shaver reviewed the format to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Wells said nothing in the ordinance had changed since the first reading on March 15.

City Attorney Jason Meyers told the council that the term of the agreement shown in the ordinance was 10 years, but the franchise agreement itself showed a term of 15 years, which was the correct term. Meyers also said a reference to the address of the city's Emergency Operations Center was incorrect, and both of these items would need to be amended in the council's resolution to approve the ordinance.

No public comments were received during the hearing, but Brennan read comments from Jerry Wathen of 1100 Linda St., who had called to provide his comments. Wathen had said Charter Communications' service was not good and the council should not renew the franchise agreement until all problems with the service were fixed.

Northrup noted that a Charter representative had promised at the previous council meeting to contact customers who had experienced service problems, and asked about the status of that. Wendy Moser of Charter reviewed the steps Charter had taken to resolve these and other issues discussed at the previous meeting and said the company was still working on solutions.

Northrup made a motion to close the public hearing, which was seconded by Marler and approved unanimously (6-0, Castoe absent).

Meyers advised the council about its options for action, which included approving, denying or postponing action to a future date. He said staff recommended approval with the amendments as discussed.

Northrup offered a resolution to approve the second and final reading of Ordinance No. 1180, renewing the cable franchise, with amendments to the term of the franchise agreement to 15 years and the Police Department/EOC address corrected to 901 E. Beaver Ave., and authorization to publish the ordinance by title only. That resolution was seconded by Councilmember Joe Segura Jr. and approved unanimously (6-0, Castoe absent).

**COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE FROM THE PARKING CODE AT 516 W. RAILROAD AVENUE**

Mayor Shaver reviewed the format to be followed during the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Engineering/Public Works Director Brad Curtis reviewed the variance application, which would allow on-street parking to be used toward the parking requirements for a building that had been vacant for some time. The biggest obstacle to selling or using the building had been lack of parking and accessibility, Curtis said, and the variance would make it more likely that the building would be put to use. He said staff recommended approval of the variance with conditions as outlined in the council memo in the meeting packet.

Tyler Purvis, representing the property owner, said two contracts for the sale of the property had fallen through due to the parking issues, and the variance would avoid the only other alternative

of razing the building and constructing something smaller on the property. In answer to a council question, Curtis said staff was requesting that the variance stay with the property as long as the building exists instead of with the property owner, and as long as the use was consistent with B-2 zoning.

No public comments were received, either at the hearing or in advance, and no council comments were offered. Northrup made a motion to close the public hearing, which was seconded by Councilmember Kevin Lindell and approved unanimously (6-0, Castoe absent).

Meyers briefed the council on its options for action and the criteria to be used in making its decision.

Northrup offered a resolution approving a parking variance for 516 W. Railroad Avenue for Case No. 16-002 VA, West Railroad Parking Variance, with the conditions contained within said variance, and per Section 20-3-150(a)(3) the variance must be implemented within six months, and would continue as long as the use is consistent with B-2 zoning. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

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### **COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE FROM THE SIGN CODE AT RIVERVIEW COMMONS**

Mayor Shaver reviewed the format to be followed during the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Curtis reviewed the variance application, which he said was similar to one granted the previous year for a real estate sign in the commercial portion of the same subdivision along Interstate 76. He said staff was recommending approval with conditions regarding the size and height of the sign.

Applicant Reed Covelli thanked the council for considering the variance request. No public comments were received, either during the hearing or in advance, and no council comments were offered. Northrup made a motion to close the public hearing, which was seconded by Lindell and approved unanimously (6-0, Castoe absent).

Meyers briefed the council on its options for action and the criteria to be used in making its decision.

Northrup offered a resolution to approve Case No. 16-003 VA, Riverview Commons Sign Variance, as stated, and per Section 20-3-150(a)(3) the variance must be implemented within six months. That resolution was seconded by Councilmember Clint Anderson and approved unanimously (6-0, Castoe absent).

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### **UPDATE ON THE COMPREHENSIVE PLAN**

Curtis introduced Kristina Kachur of Logan Simpson, the consulting firm assisting the city in the development of its new Comprehensive Plan, who reviewed the process from its start in October to the present. Kachur reviewed short PowerPoint presentation on the plan themes developed and the feedback received from the public and stakeholders during the process. She also outlined the next steps, including public events, and the expected time frame for completion of a draft of the plan. Some discussion followed about ways to increase community participation in the development of the plan.

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### **PROPOSALS FOR THE SALE OF REAL PROPERTY OWNED BY THE CITY AND A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RELATED DOCUMENTS**

Water Resources/Utilities Director Brent Nation said the city had divided off a portion of a tract of land it purchased the previous year for additional water storage near the Water Treatment Plant, and had planned to sell that piece of the land and the house on it. After requesting bids the city had obtained two bids for the home and 15 acres, and Nation said he was asking the

council to accept the higher bid and approve the Resolution authorizing the mayor to sign the documents to finalize the sale of the land.

Northrup offered a resolution to accept the bid from Taylor Ruder in the amount of \$214,417 for the purchase of the property near the water plant. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

Northrup then offered a resolution to approve the Resolution authorizing the mayor to sign a contract for the sale of property near the water treatment facility, which was seconded by Marler and approved unanimously (6-0, Castoe absent).

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### **BIDS FOR UPFITTING TWO POLICE VEHICLES AND ONE CODE ENFORCEMENT VEHICLE**

Fort Morgan Police Lt. Jared Crone reviewed the bid process for this purchase, which would equip several newly acquired vehicles with police accessories. He recommended accepting the bids from L.A.W.S. of Englewood Colo., totaling about \$21,000, and asked for authorization to spend up to \$23,000 to allow for variations in specific equipment, which was well below the budgeted amount.

Northrup offered a resolution to approve the acceptance of the bids from L.A.W.S. with total expenditures not to exceed \$23,000. That resolution was seconded by Lindell and approved unanimously (6-0, Castoe absent).

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### **BIDS FOR A FOUR-WHEEL-DRIVE 1-TON PICKUP TRUCK FOR THE FIRE DEPARTMENT**

Fire Chief Mark Frasco said this vehicle would replace the current fire marshal truck, a 1997 model with engine problems. He said four bids were received and he was requesting acceptance of the second-lowest bid because the dealer was closer and the city had good past experience with the company, and the lowest bid was not well presented. In answer to a council question, Frasco said the bid would include a trade-in allowance of \$1,800 for the old truck, and he was asking for additional expenditures up to \$45,000 to equip the truck with lights, sirens and other equipment.

Northrup offered a resolution to accept the bid from Weld County Garage of Greeley for a 2016 GMC Sierra 3500HD pickup truck in the amount of \$32,914 plus options and additional equipment, with the total cost not to exceed \$45,000. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

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### **BIDS FOR THE PURCHASE OF TWO COLUMBARIUM UNITS**

Cemetery Foreman Matt Underwood reviewed the bid process for this purchase, which he said would likely fill the city's needs for about four years. He said only one bid was received, from a company used by the city in the past, even though staff had contacted three other firms. He was asking for acceptance of that bid in the amount of \$27,688 plus an additional \$1,400 to contract with a crane service to off-load the units.

Northrup offered a resolution to accept the bid from Coldspring Granite for two columbarium units for the cemetery and crane services with total expenditures not to exceed \$29,100. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

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### **PROPOSALS AND QUALIFICATIONS FOR THE SOUTH MAIN STREET IMPROVEMENTS PROJECT**

Curtis reviewed the plans for this design-build project, for which one bid was received from a firm that had done several large projects for the city. He said there were several uncertain

issues about the project and he was asking for approval to negotiate with the contractor for an aggregate amount not to exceed \$1.3 million, with funding for the project coming from numerous line items in several different capital improvement and utility funds.

Discussion followed about aspects of the project including sidewalks, drainage and annexation. Northrup offered a resolution to approve negotiating with ECI Site Construction Management of Loveland, Colo., for an aggregate amount not to exceed \$1.3 million for the South Main Street Improvements Project. That resolution was seconded by Councilmember Joe Segura Jr. and approved unanimously (6-0, Castoe absent).

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### **BIDS FOR THE CITY COMPLEX BUILDING ENTRYWAY ADA UPGRADES PROJECT**

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Curtis explained that this project had been placed out for bids several times with no bids received, and one company had submitted a bid this time. He said the budgeted funding was a carryover from 2015, and the bid amount would allow the city to also install several windows in offices without any natural light and also do concrete work near the Utility Billing entrance to the complex building.

Northrup offered a resolution to accept the bid from SLS Industrial Services of Fort Morgan for the entryway improvements as well as windows and concrete work with the total cost not to exceed the budgeted \$47,500. That resolution was seconded by Lindell and approved unanimously (6-0, Castoe absent).

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### **RESOLUTION REGARDING REVOCABLE RIGHT OF WAY PERMITS**

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Wells said staff had experienced issues with these permits, which allow businesses to encroach on the public right of way by placing items or outdoor seating on the sidewalks. Because the requirements for the permits had been revised several times over the years, there was inconsistency in what was permitted and how the requirements were enforced, he said.

Wells said the city code authorized the city manager to issue these permits, but did contain express authority for him to revoke them. Wells said he was asking for that authority so that businesses could be notified that all such permits would be revoked by a certain date, and those that wished to have permits re-issued would apply under guidelines that would provide consistency in the administration and enforcement of the permits.

Discussion followed about how the standards for revocable right of way permits would be developed and applied.

Northrup offered a resolution to approve the Resolution authorizing and directing the city manager to update the revocable right of way permits previously issued by the City of Fort Morgan. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

The meeting was then recessed from 8:19 to 8:29 p.m.

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### **PRESENTATION AND DIRECTION ON CALCULATION OF A STORM WATER FEE**

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Wells said the council and staff had been working for years on solutions to the problem of storm flooding in the city, and had decided the previous year to go forward with the creation of a storm water utility to generate revenue to make storm drainage improvements, as recommended by an ad hoc committee that explored many alternatives. Wells said he was asking for the council's direction on one narrow aspect of that process, which would determine how the storm water fee would be calculated.

Wells reviewed a short PowerPoint presentation that gave examples of many methods that could be used to determine fees for properties of different sizes and uses. He said city staff had chosen a method it considered the simplest, least expensive and most fair, which would assess

a base fee for the average lot size in a given zoning/use district, and then additional fees for extra square footage of a given lot beyond the average for that zone and use.

Wells said if the council was agreeable with this approach then staff would develop an operating budget for the storm water utility and multiple financing options for storm drainage projects, and then the level of the fee could be determined based on how aggressively the council and the community wanted to pursue those improvement projects. Wells added that property owners would have the opportunity to appeal the characterization of their properties, and public feedback would be welcome throughout the process of establishing the utility and the fees.

Discussion followed about the approach, with a council consensus emerging that the approach was well thought out and acceptable. Mayor Shaver noted that the city should solicit public input on the level of the fee once the process reached that point. No formal action was taken.

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### **RESOLUTION ESTABLISHING AN AD HOC ADA ADVISORY COMMITTEE**

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Human Resources/Risk Management Director Michael Boyer said it would be helpful to have an advisory committee to assist with the development of the city's ADA Transition Plan. He was proposing a committee consisting of one council member, three staff members and three community members, all appointed by the mayor and approved by the council.

Northrup offered a resolution to approve the Resolution establishing an ad hoc ADA advisory committee to assist in the formation of a transition plan. That resolution was seconded by Segura and approved unanimously. (6-0, Castoe absent).

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### **RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH ROCKY MOUNTAIN OFFENDER MANAGEMENT SYSTEMS FOR PROBATION SERVICES**

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Brennan explained that the city had a similar MOU with Intervention Inc. for the past several years, but that organization was closing down its Fort Morgan office. He said Court Administrator Amanda Dunn had contacted Rocky Mountain Offender Management Systems, which had agreed to provide probation services for the municipal court under a similar agreement.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the memorandum of understanding with Rocky Mountain Offender Management Systems concerning probation services. That resolution was seconded by Lindell and approved unanimously (6-0, Castoe absent).

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

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None.

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### **REPORTS BY OFFICIALS AND STAFF**

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Nation said the city had just brought one of its water storage tanks back on line after repairs and painting, and had to add more than the usual amount of chlorine to ensure that nothing harmful was in the water supply. He said the chlorine level was well within approved and safe levels but some residents may notice the additional chlorine over the next few days.

Wells thanked the police department for its handling of an incident at the Landmark trailer park.

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### **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

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**EXECUTIVE SESSION**

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The regular portion of the meeting ended at 9:06 p.m., and Mayor Shaver said the next item on the agenda was a scheduled executive session. Northrup made a motion to convene this executive session, which was seconded by Lindell and approved unanimously (6-0, Castoe absent). The 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: City Attorney annual evaluation.

The executive session began at 9:20 p.m. and concluded at 10:42 p.m., and was attended by the mayor and five councilmembers (Castoe absent) along with City Attorney Jason Meyers. At the conclusion of the executive session the council returned to the regular open meeting, where Councilmember Northrup reported that the council had met in executive session to discuss the city attorney's performance evaluation. Councilmember Clint Anderson made a motion to authorize the mayor to finalize the city attorney's performance evaluation and meet with the city attorney to discuss compensation. That motion was seconded by Lindell and approved unanimously.

Mayor Shaver adjourned the April 5, 2016 regular meeting at 10:43 p.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk