

June 21, 2016

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Ron Shaver called the regular meeting to order at 9:00 a.m.

The Pledge of Allegiance was given.

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

The meeting was also attended by City Manager Jeff Wells, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Interim Police Chief/FMPD Lt. Jared Crone, Economic Development Specialist Chelsea Gondeck, City Attorney Jason Meyers, Community Services/Economic Development Director Josh Miller, Water Resources/Utilities Director Brent Nation and City Clerk/PIO John Brennan.

APPOINTMENT OF MEMBERS TO THE SENIOR CENTER ADVISORY BOARD

Community Services Director Josh Miller said the Senior Center Advisory Board had a vacancy for some time and staff was recently notified that another member could no longer serve. Miller said two applications had been received and the board had reviewed them and recommended them for appointment.

Councilmember Joe Segura Jr. made a motion to approve the appointment of Ruth Nelson and Ruth Wickham to the Senior Center Advisory Board for terms to expire at the end of 2018. That motion was seconded by Councilmember Christine Castoe and approved unanimously.

COMPREHENSIVE PLAN UPDATE

Kristina Kachur of Logan Simpson, the consulting firm developing the city's new Comprehensive Plan, said a draft of the plan had been released and provided an update to the council about the process and the remaining timeline for the project. Kachur reviewed outreach and public input efforts and the format of the draft plan, and said she was now looking for comments from the council and the city Planning Commission on the draft. No action was taken.

PUBLIC HEARING ON AN APPLICATION FOR PRELIMINARY PLAT FOR THE VIRIDIAN SUBDIVISION

Mayor Ron Shaver outlined 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. Engineering/Public Works Director Brad Curtis described the preliminary plat, which he said covered only the first phase of the new housing development. He said the full development contemplated approximately 150 homes, and the first phase included 55 lots, but it would be built out by blocks as lots and homes were sold.

Curtis said the staff had reviewed the plat and associated materials and had most of its concerns addressed, and the Planning Commission had recommended approval on the condition that remaining staff concerns were addressed. Curtis said he was seeking similar

conditional approval from the council to move forward to the final plat of the first phase. Some council and staff discussion followed about details of the development.

Peter Martz, representing the property owner and developer, said Curtis had covered the issues well and noted that the first phase would be served by a gravity sewer line and the need for a lift station may be studied later in the project.

No public comments were received during the hearing, but Curtis noted he had received one inquiry from the Fort Morgan Ditch Company about the potential impacts on the ditch. No further council comments were offered, and Castoe made a motion to close the public hearing, which was seconded by Councilmember Lisa Northrup and approved unanimously.

City Attorney Jason Meyers advised the council of its options for action on the application for preliminary plat. Northrup offered a resolution to approve the application on the condition that requested responses or clarifications to staff concerns were addressed. That resolution was seconded by Castoe and approved unanimously.

PUBLIC HEARING ON A REQUEST FOR REZONING OF PROPERTY KNOWN AS THE SILVER SPUR CAMPGROUND

Mayor Shaver outlined the format to be followed during the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Curtis described the reasons for the request for rezoning, which would allow for expansion of the campground. Because the current zoning of UA (Urban Agricultural) did not allow this type of use, any changes to the existing “grandfathered” use required rezoning. Curtis said the property owner also planned upgrades and improvements to the property, and staff felt R-4 (Mobile Home Residential) zoning was the most appropriate. Staff found that all requirements were met, and the Planning Commission had recommended approval.

Some council and staff discussion of the rezoning request followed.

No public comments were received, either during the hearing or in advance, and no further council comments were offered. Castoe made a motion to close the public hearing, which was seconded by Councilmember Dan Marler and approved unanimously.

Meyers advised the council of its options for action, and Northrup offered a resolution to approve the rezoning of property known as the Silver Spur Campground at 1809 Barlow Road from UA to R-4 zoning. That resolution was seconded by Castoe and approved unanimously.

REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS FOR THE MORGAN COUNTY FAIR

Miller said Morgan County requests the use of picnic tables from the city each year for the county fair, and this year was also requesting use of the Showmobile.

Castoe questioned why the staff was also proposing to allow the waiver of the damage deposits, and City Manager Jeff Wells said deposits were generally not waived but the decision was up to the council. Shaver pointed out that the letter from the county requesting the waivers said the county could send a deposit for the Showmobile. Wells said the request could be modified to include the waiver of fees other than the Showmobile deposit.

Castoe offered a resolution to approve the request for in-kind services and fee waivers from the Morgan County Fair, excluding the deposit for the Showmobile. That resolution was seconded by Northrup and approved unanimously.

BIDS FOR A GAS SYSTEM MASTER PLAN

Water Resources/Utilities Director Brent Nation said the city’s master plan for its gas system was outdated, and with new development on the horizon it should be updated as the water,

sewer and electric master plans had been. Two bids were received, and Nation recommended accepting the lower bid from McFadden Consulting Group Inc. of Denver. Castoe offered a resolution to accept the bid from McFadden Consulting Group Inc. in the amount of \$36,006 to prepare a master plan for the city's natural gas distribution system. That resolution was seconded by Marler and approved unanimously.

SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1181, APPROVING FINAL REVISIONS TO THE 2015 BUDGET

Shaver outlined the format for the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Wells said this ordinance was unchanged since the first reading and modified the authorized expenditures for last year, with the difference resulting from projects carried over from prior years, and was required before the council could accept the final financial audit for 2015.

No public comments were received either during the hearing or in advance, and no council comments were offered. Castoe made a motion to close the public hearing, which was seconded by Councilmember Kevin Lindell and approved unanimously.

Meyers advised the council of its options for action, and Castoe offered a resolution to approve the second and final reading of Ordinance No. 1181, approving final adjustments to the 2015 budget, and authorize publishing the ordinance by title only. That resolution was seconded by Northrup and approved unanimously.

ACCEPTANCE OF THE FINAL 2015 FINANCIAL AUDIT

City Treasurer Jean Kinney distributed formal bound copies of the final 2015 audit to the council and said there were no changes since the draft presented two weeks earlier. Wells encouraged the council to take time to review the audit because it presents a good picture of where the city stands financially, and he mentioned some highlights.

Northrup offered a resolution to accept the final 2015 financial audit, which was seconded by Castoe and approved unanimously.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for May
- B. Approval of the minutes of the June 7, 2016 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.

Castoe offered a resolution to approve the Consent Agenda as presented, which was seconded by Northrup and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Noah Johnston of 801 Lake Street spoke to the council and asked why Seventh Avenue had no stop signs. Johnston said he lived on the corner of that street and saw many drivers going too fast and a lot of children in the area.

Interim Police Chief Jared Crone said he would arrange to have a speed radar trailer set up in the area to deter speeders.

REPORTS BY OFFICIALS AND STAFF

Wells noted that his monthly written report was in the council meeting packets. He said he continued to work with residents in the area of the new middle school on West Street about their concerns regarding traffic when the school opens. He noted that work was being done on the Dahms-Talton Band Shell in response to concerns expressed by the band shell committee. Curtis updated the council on the South Main Street improvement project.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 10:27 a.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Lindell made a motion to convene this executive session, which was seconded by Castoe and approved unanimously. This executive session had been published as follows:

EXECUTIVE SESSION for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Litigation update.

The executive session began at 10:37 a.m. and concluded at 11:22 a.m., and was attended by the mayor and council along with Wells and Meyers. On the advice of the city attorney the recording of the session was turned off at 10:38 a.m. because the subject of the discussion constituted a privileged attorney-client communication. The recording was turned back on at 11:21 a.m.

At the conclusion of the executive session the council returned to the regular open meeting, where Castoe reported that the council had met in executive session for the purpose stated on the agenda, and received legal advice. No motion was made.

Mayor Shaver adjourned the June 21, 2016 regular meeting at 11:23 a.m.

/s/ Ronald Shaver

Mayor

/s/ John Brennan
City Clerk