

July 19, 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 6:00 p.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, Interim Police Chief Jared Crone, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Services/Economic Development Director Josh Miller, Human Resources/Risk Management Director Michael Boyer, City Attorney Jason Meyers, Management Intern/Economic Development Specialist Chelsea Gondeck, Parks Superintendent Doak Duke, Wastewater Treatment Plant Superintendent Mike Hecker, Water Distribution/Wastewater Collection Superintendent Erik Sagel and City Clerk/PIO John Brennan.

READING OF A PROCLAMATION SUPPORTING THE GLENN MILLER SWINGFEST

Mayor Shaver read the proclamation and presented a signed and sealed formal copy to Economic Development Specialist Chelsea Gondeck representing the Community FORT group.

UPDATE ON MOSQUITO CONTROL PROGRAM

Parks Superintendent Doak Duke introduced Mel Kyer of Vector Disease Control International, which was formerly known as OtterTail Environmental and conducts the city's mosquito control program. Kyer reviewed a PowerPoint presentation about the program and answered council and staff questions.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – FORMAL ACCEPTANCE OF AN APPLICATION FOR A NEW TAVERN LIQUOR LICENSE

City Clerk/PIO John Brennan explained that this was a new application for a Tavern Liquor License for The Note at 207 Main St. The application and accompanying paperwork had been reviewed by the Clerk's Office, the Police Department and City Manager Jeff Wells and deemed complete, he said, and staff was asking the council to formally accept the application and schedule a public hearing for Sept. 6. In the intervening weeks the processing of the application would take place, including background checks, inspection of the premises and legal notice of the public hearing.

Councilmember Christine Castoe stated that she would recuse herself from this matter and left the room.

Councilmember Lisa Northrup offered a resolution to accept the application for a Tavern Liquor License – Malt, Vinous and Spirituous Liquors for The Note at 207 Main St. and to schedule a public hearing on the application for Sept. 6. That resolution was seconded by Councilmember

Kevin Lindell and approved on a unanimous vote of 6-0, with Castoe having stepped down. Castoe then returned to the meeting.

COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A REQUEST FOR A PARKING VARIANCE FOR 617 MAIN STREET

Mayor Ron Shaver outlined the format and rules 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 request, which was seeking approval to have fewer off-street parking spaces for a proposed restaurant than would normally be allowed by the city code. Curtis explained the requirements of the code and the criteria for granting a variance, and said the authorized representative of the property owner was actively seeking to secure additional off-site parking. He said granting of the variance would not be out of character for this area and the actual parking needs for the proposed use would probably be less than the 42 off-street parking spaces required by the code.

Curtis said staff was recommending approval of the variance with the conditions outlined in the staff memo included with the council meeting packet. Those conditions were:

- a) A minimum of 3 off-street parking stalls are utilized west of the building;
- b) Off-site, off-street parking shall be clearly identified, maintained and signed for not less than 20 spaces for the business/businesses of 617 Main Street;
- c) The property owner shall be responsible for all applicable construction costs, permits, striping, signage, operations and maintenance of the off-street parking, both on-site and off-site;
- d) Applicable off-street (on-site and/or off-site) ADA stalls and access shall be incorporated into the proposed uses of the building;
- e) A long-term lease, long-term agreement or purchase of off-site parking within 300 feet is executed and recorded with the County Clerk and Recorder;
- f) The variance would be valid only so long as the current building exists and development, remodeling, use(s) do not require more than 42 off-street parking spaces.

In addition, per Sec. 20-3-150(a)(3), unless otherwise stated in the Board minutes, all variances must be implemented within six (6) months from the date such variance is granted.

Extensive council discussion followed about the nature of the proposed use and the impact of the variance, with Curtis answering numerous council questions on these and other subjects.

Greg Ditter of 419 Elm St., representing the authorized representative All About the Smoke, thanked the council for taking the time to review the variance request. Ditter said they were trying to be good neighbors and did everything they thought should be done. He said he had no idea about city parking codes before this matter arose but could see now that there are good reasons to have the codes in place. Ditter answered several council questions about the plans for the restaurant and the parking.

No public comment was received, either during the hearing or in advance. Councilmember Lindell noted that it appeared there would be more accessible parking available to the public in the surrounding area and the variance would probably not be problematic. Councilmember Clint Anderson said if people wanted to visit the restaurant they would find a place to park and a way to do so.

Castoe made a motion to close the public hearing, which was seconded by Councilmember Dan Marler and approved unanimously.

City Attorney Jason Meyers advised the council of its options for action. Northrup asked whether the conditions listed as A through F in the staff memo should be read as part of a resolution for approval, and Curtis said they could be included by reference in the resolution.

Northrup then offered a resolution to approve Case No. 16-010 VA, R L Properties Parking Variance from Chapter 20, Article 6, Sec. 20-6-70 of the Fort Morgan Municipal Code related to off-street parking, with conditions A through F as outlined in the staff memo, and specifically the requirement that a long-term lease, long-term agreement or purchase of off-site parking within 300 feet is executed and recorded with the County Clerk and Recorder, and also that per Sec. 20-3-150(a)(3), unless otherwise noted in the board minutes, all variances must be implemented within six months of the date such variance is granted. That resolution was seconded by Lindell and approved unanimously.

FIRST READING OF AN ORDINANCE UPDATING LOCAL LIMITS FOR WASTEWATER TREATMENT

Water Resources/Utilities Director Brent Nation said this ordinance was needed to bring local treatment limits up to date to comply with federal EPA regulations. He said a public hearing would be required but asked for some flexibility in the scheduling of that hearing due to uncertain EPA requirements for publication of the hearing and ordinance.

Wastewater Treatment Plant Superintendent Mike Hecker explained that “local limits” are the levels of various substances in wastewater that Fort Morgan is allowed to accept into the wastewater treatment plant based on the plant’s capability to treat certain substances. He said the effluent coming into the plant was monitored for six months and the data was sent to the EPA to establish the local limits.

Northrup offered a resolution to approve the first reading of an ordinance updating local limits for wastewater treatment, with a public hearing on the ordinance to be scheduled at a later time in compliance with EPA publication requirements. That resolution was seconded by Castoe and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDED VERSION OF ORDINANCE NO. 1180, APPROVING THE CABLE FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS, WITH CORRECTIONS TO THE EFFECTIVE DATE AND THE TERM OF THE AGREEMENT

Meyers explained that due to repeated postponements in the approval process of this ordinance, caused by weather and illnesses that prevented Charter representatives from attending several council meetings, the versions of the ordinance and the franchise agreement that were ultimately signed by the mayor did not match with the versions signed earlier by Charter. This resolution would allow the mayor to sign corrected versions of the ordinance and franchise agreement to ensure both parties had the same versions. The final versions included changes to the effective date and the term of the franchise agreement, Meyers said.

Castoe offered a resolution to approve the Resolution authorizing the mayor to sign an amended version of Ordinance No. 1180, approving the cable franchise agreement with Charter Communications, with corrections to the effective date and the term of the agreement. That resolution was seconded by Northrup and approved unanimously.

2017 BUDGET CALENDAR – PRESENTATION OF BUDGET EXPENDITURES FOR THE WATER AND SEWER FUNDS

Water Distribution/Wastewater Collection Superintendent Erik Sagel and Hecker presented the proposed budgets for their departments. Council questions were answered and staff focused on

highlights and changes in the budgets from preceding years. Wells also asked each presenter to speak briefly about the value of their departments to the community. Several council members complimented the department heads for their work. No formal action was taken. Water Treatment Plant Superintendent Eleazar O'Canas also was scheduled to present his budget but was unable to attend and Wells said he would present that budget at a future meeting.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Second reading and final approval of Ordinance No. 1182, rezoning the property known as the Silver Spur Campground and amending the zoning code and the official zoning map
- B. Approval of the disbursements and payroll for June
- C. Approval of the minutes of the July 5, 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 Councilmember Joe Segura Jr. and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells noted that his monthly written report was in the council meeting packets. He thanked all of the city employees who had worn blue on that day to show support for law enforcement, and thanked City Treasurer Jean Kinney for suggesting that idea. Wells said it showed the importance of law and order and the rule of law, and thanked all law enforcement agencies for keeping communities safe and secure.

Wells said work was continuing on repairs and improvements to the band shell, and reminded everyone of the upcoming city employee picnic. He also thanked all of the city staff who helped with the recent Bobstock music festival event.

Wells also noted a continuing downward trend in sales tax collections, with collections about \$475,000 below the prior year so far, but said the city had budgeted conservatively as always and should be in good shape.

Council members then expressed their personal thanks and support for law enforcement, and how much they appreciated their presence in the community and the hard work they did. Interim Police Chief Jared Crone said the Fort Morgan Police Department was fortunate to have always enjoyed strong support from the community throughout his 25 years with the department.

Councilmember Segura then said he had made the difficult decision to resign from the Fort Morgan City Council at this time due to health reasons. He said he had missed several council meetings recently due to treatments and the citizens deserved a council member who could be there all the time. Segura spoke about his time as a council member and the good things that

had been accomplished, and commended the council and city staff for working together and getting things done.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings, and highlights of recent city news releases.

Mayor Shaver adjourned the July 19, 2016 regular meeting at 8:04 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk