

August 16, 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

The meeting was also attended by City Manager Jeff Wells, Interim Police Chief Jared Crone, Engineering/Public Works Director Brad Curtis, Community Services/Economic Development Director Josh Miller, Human Resources/Risk Management Director Michael Boyer, City Attorney Jason Meyers, General Accountant Chris Bostron, Management Intern/Economic Development Specialist Chelsea Gondeck, Library/Museum Director Chandra McCoy, Library Circulation Assistant Sofia Acevedo, Parks Superintendent Doak Duke, Court Administrator Amanda Dunn and City Clerk/PIO John Brennan.

RECOGNITION OF SOFIA ACEVEDO AS EMPLOYEE OF THE QUARTER

City Manager Jeff Wells noted that Acevedo had received more than one nomination for this recognition, and the nominations spoke of her teamwork, ability to work well with others and exceptional customer service skills. Wells presented Acevedo with a framed photograph of her like the one placed in the City Hall lobby, a certificate of appreciation and a gift card. Library/Museum Director Chandra McCoy said she was pleased to celebrate Acevedo and described the skills and abilities that make her an exceptional employee. Acevedo thanked the council and staff for the recognition and said it was wonderful to be appreciated.

RESOLUTION APPOINTING KELLY S. HANSEN AS DEPUTY JUDGE FOR THE MUNICIPAL COURT

Court Administrator Amanda Dunn explained that the city's previous deputy judge has been appointed to a district judge position, leaving the city's court without a backup for the municipal judge. She said Hansen was a good candidate because of her credentials and experience and the fact that she was from outside the immediate area, which would reduce potential conflicts of interest with municipal court cases.

Councilmember Christine Castoe offered a resolution to appoint Kelly S. Hansen as the Deputy Judge for the Fort Morgan Municipal Court, which was seconded by Councilmember Lisa Northrup and approved unanimously. Mayor Ron Shaver then administered the oath of office to Hansen.

COUNCIL ACTING AS THE ZONING BOARD OF APPEALS – PUBLIC HEARING ON A REQUEST FOR A PARKING VARIANCE FOR 129/131 W. PLATTE AVENUE

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. Engineering/Public Works Director Brad Curtis reviewed the variance application, which was

needed because of limitations on the property and a change to restaurant use that raised the required number of parking spaces. The municipal code would require 30 spaces, Curtis said, but the applicant had proposed a plan that would include 24 spaces, and staff was recommending granting the variance with certain conditions outlined in his staff memo to the council, including the closure of a driveway from US 34/Platte Avenue that would allow more parking.

No comments were offered by the applicant or by the public, either at the hearing or in advance. Mayor Shaver asked about the closure of the Platte Avenue driveway, and Curtis said this would be done in coordination with the Colorado Department of Transportation but that process would not begin until the variance was decided.

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 on the criteria for granting a variance and its options for action. Northrup offered a resolution to approve Case 016-013 VA, Griffith Parking Variance related to off-street parking with the following conditions:

- a) A minimum of 24 off-street parking stalls shall be incorporated on the property;
- b) The property owner shall be responsible for all applicable construction costs, permits, striping, operations and maintenance of the off-street parking to meet or exceed the parking space design as referenced in Section 20-6-70, Table 6-2;
- c) An applicable off-street ADA stall and access shall be incorporated into the use of the building;
- d) Complete closure of the existing driveway of US 34/W. Platte Ave. in coordination with CDOT requirements and permit(s); and
- e) The variance would be valid only so long as the current building exists and operates as an equal or less intense use of one space per 100 square feet.

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.

That resolution was seconded by Castoe and approved unanimously.

COUNCIL ACTING AS THE ZONING BOARD OF APPEALS – PUBLIC HEARING ON A REQUEST FOR A SIGN VARIANCE FOR 801 E. PLATTE 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. Curtis reviewed the variance application, which would allow a projecting sign on the building larger than the four square feet that would be allowed under the sign code. Curtis said he was uncertain why the sign code only allowed such small projecting signs, but added that this sign would not extend into the highway right of way or obstruct the view of any other business signs. He said staff was recommending approval of a sign not to exceed 45 square feet as outlined in his staff memo to the council. Some council and staff discussion followed about the sign code as well as the type and size of the proposed sign.

Randy Ballheim of 15400 Highway 144, the authorized representative for the applicant, described the nature of the proposed sign and said the actual surface area was 35 square feet and the additional square footage requested in the variance encompassed the mounting brackets.

No public comment was 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 Northrup and approved unanimously. Meyers advised the council of the variance criteria and its options for action.

Northrup offered a resolution to approve Case 16-014 VA, Specialty Shoppe Sign Variance with the following conditions:

- a) Sign shall not exceed 45 square feet;
- b) Sign shall not project more than 6 feet from the building; and
- c) Sign shall conform to all other applicable City codes and regulations.

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.

That resolution was seconded by Castoe and approved unanimously.

RESOLUTION INCREASING SANITATION RATES

Curtis said this resolution was developed based on the rate study provided by JK Consulting at the previous council meeting, which called for 2.5 percent increases in sanitation rates for each of the next two years, with the increases to be effective on Jan. 1, 2017 and Jan. 1, 2018.

Northrup offered a resolution to approve the Resolution adjusting the sanitation rates for the Sanitation Department of the City of Fort Morgan, which was seconded by Castoe and approved unanimously.

RESOLUTION AUTHORIZING ALTERATIONS TO THE ANIMAL SHELTER

Interim Police Chief Jared Crone said the Fort Morgan Humane Society operates the city's animal shelter under a lease and service agreement, and any changes to the facility require city approval. Crone said the society wanted to add four more outdoor kennels adjacent to existing kennels in an unused area at its own expense, and staff was recommending approval to allow that. Some council and staff discussion followed.

Castoe offered a resolution to approve the Resolution authorizing alterations to the animal shelter by the Fort Morgan Humane Society, which was seconded by Marler and approved unanimously.

BIDS FOR REPLACEMENT OF BLEACHERS

Parks Department Superintendent Doak Duke reviewed the bid process for this purchase, for which nine bids were received. Staff recommended acceptance of the lowest bid that met all specifications, from DGJD Inc. in the amount of \$21,000. In answer to a council question, Duke said the bid included three smaller sets of bleachers that would be portable and could be used for a variety of events like swim meets, soccer games and festivals.

Castoe offered a resolution to accept the bid from DGJD Inc. in the amount of \$21,000 for replacement of bleachers, which was seconded by Marler and approved unanimously.

BIDS FOR A WORK CART FOR THE PARKS DEPARTMENT

Duke reviewed the bid process for this purchase, for which seven bids were received, and recommended acceptance of the low bid from 21st Century Equipment of Fort Morgan in the amount of \$9,860.

Castoe offered a resolution to accept the bid from 21st century Equipment of Fort Morgan in the amount of \$9,860 for a work cart for the Parks Department. That resolution was seconded by Marler and approved unanimously.

CONSULTANT FEES FOR AIRPORT MASTER PLAN

Curtis said this was the next step in a process moving toward development of a long-range master plan for the city airport, which is required by the FAA and would be funded mostly by federal and state aviation funds. The council had previously approved Reynolds, Smith and Hills

as the consultant for this work, and the firm's scope of work and proposed cost had been independently reviewed and approved by the FAA, he said. Staff was asking for council approval to accept the work order from RS&H subject to state and federal funding.

Northrup offered a resolution to accept Work Order #001 submitted by Reynolds, Smith and Hills Inc. in the amount of \$163,514 to provide airport planning services, with the project cost not to exceed \$166,667 and subject to FAA and Colorado Department of Transportation funding. That resolution was seconded by Castoe and approved unanimously.

PRESENTATION OF RESULTS FROM COMMUNITY SURVEYS CONDUCTED IN 2016

Brennan explained that city staff had conducted brief community surveys during its two Party in the Park events at City Park in June and July, and received approximately 150 responses to each survey. Brennan reviewed the results of the surveys and said city staff would use the information in various ways in its work to meet the needs and desires of the community.

DISCUSSION AND DIRECTION ON THE PROCESS FOR FILLING THE CITY COUNCIL VACANCY IN WARD 2

Wells said the process for filling the vacancy created by the resignation of former councilmember Joe Segura Jr. was something to be decided by the council, and he provided several options that had been used by past councils to fill vacancies. Council and staff discussion of these options followed, including the fact that the council could set a time frame for acceptance of applications to fill the vacancy, and that it would be three weeks from this meeting until the next council meeting.

After some discussion a council consensus emerged, and staff was directed to set a deadline of Aug. 31 for applicants to submit applications for the Ward 2 vacancy, in the hope that the council could ask any applicants to come to the Sept. 6 council meeting and choose a new councilmember at that time. No formal action was taken.

2017 BUDGET CALENDAR – START OF PRESENTATIONS OF THE 2017 BUDGETS FOR THE GENERAL FUND

Wells said the start of presentations by General Fund departments marked the home stretch of the long budget process, and explained the remainder of that process that would result in the adoption of the 2017 budget in November.

Wells, General Accountant Chris Bostron, Brennan, Meyers, Curtis, Economic Development Specialist Chelsea Gondeck and Community Services Director Josh Miller then presented their proposed budgets for the Mayor and City Council, City Manager, Finance, City Clerk, City Attorney, Airport, Economic Development and Marketing, and Community Services departments and the Perpetual Care Fund, highlighting changes from previous years and answering council questions. Wells also asked each presenter to speak briefly about the value of their departments to the community. No formal action was taken.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for July
- B. Approval of the minutes of the Aug. 2, 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 Marler and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Noah Johnston of 801 Lake St. asked the council if the council packets could be printed on both sides to save paper, and whether the city had any recycling programs available. Mayor Shaver referred Johnston to Curtis for information about recycling.

REPORTS BY OFFICIALS AND STAFF

Wells provided an update on sales tax collections in the city, which continued to be down compared to prior years and were about \$527,000 below 2015. He said the city had budgeted very conservatively as always so he did not anticipate having to do any reductions in the budget.

Wells also noted that a project for construction of sidewalks along Acoma Avenue near the new middle school had been put out for bids twice and received no bids, so Curtis was working with CDOT, which would fund most of the project, on the specifications in an effort to make the job more attractive to contractors.

Wells said the opening of the new middle school south of the railroad tracks and the corresponding redistricting of other schools in the city would mean changes in traffic patterns when school opened, including the routes children used to walk to and from school.

Curtis said CDOT was targeting mid-September for the start of the project to rebuild the intersection of US 34 and Barlow Road.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 8:12 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Castoe made a motion to convene this executive session, which was seconded by Northrup and approved unanimously. The 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: Economic incentives.

The executive session began at 8:23 p.m. and concluded at 9:15 p.m., and was attended by the mayor and council along with Wells, Meyers, Miller, Gondeck and Randy Bernhardt. 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. Castoe made a motion directing staff to move forward with negotiations for

incentives as discussed in executive session. That motion was seconded by Northrup and approved unanimously.

Mayor Shaver adjourned the Aug. 16, 2016 regular meeting at 9:15 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk