

September 6, 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, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Community Services/Economic Development Director Josh Miller, City Attorney Jason Meyers, Economic Development Specialist Chelsea Gondeck, Parks Superintendent Doak Duke, Library/Museum Director Chandra McCoy, Fire Chief Mark Frasco, Chief Building Official Mike Kirkendall, Court Administrator Amanda Dunn and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES – AUGUST 19, 2016 CITY COUNCIL REGULAR MEETING

Councilmember Christine Castoe offered a resolution to approve the minutes of the Aug. 16, 2016 City Council regular meeting as presented, which was seconded by Councilmember Dan Marler and approved unanimously.

CONSIDERATION OF APPOINTMENT OF NEW COUNCILMEMBER

Mayor Ron Shaver said the council had been left with a vacancy in Ward 2 since the resignation of Joe Segura Jr. in July, and had directed staff to promote the availability of the open seat and seek applications until Aug. 31. One application was received, from Allison Howe of 120 Balsam St., and Shaver invited Howe to address the council. Howe said Fort Morgan was the perfect size to raise a family, and the relatively small size also allowed her to see policy change actually happen in a short time. She said she had been engaged with the city and hoped she could join the council.

City Manager Jeff Wells distributed ballots to the councilmembers, and City Clerk/PIO John Brennan announced that the vote was unanimous in favor of appointing Howe to the Ward 2 seat on the council. Mayor Shaver then administered the oath of office to Howe, and she took her seat on the council dais. Brennan then called the roll:

Present: Honorable Mayor Ron Shaver
Councilmember Clint Anderson
Councilmember Christine Castoe
Councilmember Allison Howe
Councilmember Kevin Lindell
Councilmember Dan Marler
Councilmember Lisa Northrup

APPOINTMENT TO THE PLANNING COMMISSION

Wells said there had been a vacancy on the city's Planning Commission for some time, and an application had been received recently from Virginia Foley, who had previously served on the city's Library Advisory Board. Staff and the Planning Commission had recommended Foley's appointment.

Castoe offered a resolution to appoint Virginia Foley to the Planning Commission to fill the remainder of a term to expire April 1, 2017. That resolution was seconded by Councilmember Lisa Northrup and approved unanimously.

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD

Councilmember Clint Anderson said two existing members of the Historic Preservation Board had applied for additional terms and a new applicant had also applied, which would put the board one over the minimum number of members required. Anderson offered a resolution to appoint Alyse Campbell to a new term and re-appoint Don Ostwald and Deb Elrick to additional terms on the Historic Preservation Board. That resolution was seconded by Castoe and approved unanimously.

PUBLIC HEARING – NEW TAVERN LIQUOR LICENSE FOR THE NOTE AT 207 MAIN ST.

Mayor Shaver outlined the procedure and format to be followed during this public hearing, and Castoe announced that she would recuse herself from this agenda item and left the room. Brennan confirmed that proper legal notice of the hearing had been posted in the newspaper and on the property.

Brennan reviewed the background on the application from Francine M. Varela, dba The Note, at 207 Main St. for a new Tavern Liquor License – Malt, Vinous and Spirituous Liquors, which was received on June 28 and formally accepted by the council on July 19. The primary purpose of this hearing, Brennan said, was to establish the needs and desires of the neighborhood and its adult inhabitants for the issuance of this liquor license. Brennan said this had traditionally been done by petitioning, and Varela had submitted petitions containing a total of 103 signatures, of which 21 were disqualified because the signers were not residents or the owner/manager of businesses in the city, leaving 82 signatures in support of the new tavern license. No written or verbal comments had been received by the City Clerk's Office either in support of or opposition to the license, he noted.

Brennan said the application had been reviewed by his office, the police department and the City Attorney's Office, and a fingerprint background check on Varela had turned up no arrest records. Brennan said any council approval of the license would be conditional on a final inspection of the premises, which was being remodeled.

The applicant was present at the hearing but did not offer any comment other than an offer to answer questions from the council. No public comments were received, either during the public hearing or in advance.

Councilmember Dan Marler questioned Varela about plans for training her staff regarding liquor rules and regulations, and Varela said she and her daughter-in-law had experience in this line of work, and they would undergo additional training and in turn train the staff. Northrup said it was very important to this council that liquor licensees understand and adhere to all laws and regulations, especially regarding service to underage patrons and overserving alcohol.

Northrup made a motion to close the public hearing, which was seconded by Councilmember Kevin Lindell and approved unanimously (6-0, with Castoe having stepped down).

City Attorney Jason Meyers advised the council of the purpose of the hearing and said the council should objectively weigh the evidence presented to determine whether the needs and desires of the neighborhood and the adult inhabitants had been established.

Northrup offered a resolution to approve the application for a new Tavern Liquor License – Malt, Vinous and Spirituous Liquors for Francine M. Varela, dba The Note, at 207 Main St. That resolution was seconded by Anderson and approved unanimously (6-0, Castoe having stepped down).

Castoe then returned to the meeting.

PUBLIC HEARING – SPECIAL USE PERMIT FOR SOUTH STATE STREET

Mayor Shaver outlined the format to be followed during this public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Chief Building Official Mike Kirkendall outlined the request, which would allow a single-family residential home to be built in R-3 zoning, which is normally reserved for multi-family housing unless a special use permit is obtained. The surrounding neighborhood has both single- and multi-family housing and staff believed this request would not be out of character with the area and recommended approval with certain conditions as outlined in the memo included in the council packet, Kirkendall said.

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

Meyers advised the council of the basis for approval or denial of the request and its options for action. Northrup offered a resolution for conditional approval of Case 16-018 SU – Special Use Permit for Single-Family Use in R-3 Zoning, as was recommended by the Planning Commission at a Public Meeting on August 22, 2016, subject to the following:

1. The property owner meets with staff regarding a detailed building plan review/process. This includes, but is not limited to, the owner and contractor and/or designer to go over the required City codes (building, electrical, plumbing and mechanical) and issuance of applicable permits;
2. The building meets or exceeds all applicable codes for single-family residential uses;
3. The applicable curb, gutter, sidewalk, driveway and roadway pavement be installed adjacent to the property as required by City Municipal Codes; and
4. That the special use runs with the land in perpetuity.

That resolution was seconded by Castoe and approved unanimously.

PUBLIC HEARING – SPECIAL USE PERMIT FOR VICKIE STREET

Shaver said the same rules and format used in the preceding hearing would be followed during this public hearing, and Brennan confirmed that proper legal notice of the hearing had been published.

Kirkendall said this request was nearly identical to the previous one but for a different property, with plans to subdivide the land into two lots for two homes if the single-family use was approved.

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

Meyers advised the council of its options for action on the request, and Northrup offered a resolution for conditional approval of Case 16-017 SU – Special Use Permit for Single-Family Use in R-3 Zoning, as was recommended by the Planning Commission at a Public Meeting on August 22, 2016, subject to the following:

1. Area is platted, fully executed and recorded with the Morgan County Clerk and Recorder in a manner that would meet the minimum requirements for zoning(s) that allow for single-family development;
 2. The property owner meets with staff regarding a detailed building plan review/process. This includes, but is not limited to, the owner and contractor and/or designer to go over the required City codes (building, electrical, plumbing and mechanical) and issuance of applicable permits;
 3. The building meets or exceeds all applicable codes for single-family residential uses; and
 4. That the special use runs with the land in perpetuity.
- That resolution was seconded by Castoe and approved unanimously.

PUBLIC HEARING – MINOR SUBDIVISION AND FINAL PLAT FOR VICKIE STREET

Shaver said the same rules and format used in the preceding hearing would be followed during this public hearing, and Brennan confirmed that proper legal notice of the hearing had been published.

Meyers said that because this hearing pertained to the same property as the preceding hearing, the documents and testimony from the previous hearing should be incorporated into the record for this hearing.

Kirkendall said this property had never been properly platted, and now that the special use had been approved for single-family homes, this action would establish two legal lots for those homes, identifying the boundaries and lot sizes. Wells noted that numerous unplatted lots such as this existed in the city and the council had directed staff to clean up these property issues as the opportunities arose.

Marler asked if this would preclude use of the property for multi-family housing, and Meyers said the zoning would not change so multi-family use was still possible. Applicant Sharon Helms said the Planning Commission had asked the same question during its review of this case, and the intent of the applicants was to build two single-family homes on the two lots.

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 Marler and approved unanimously.

Meyers advised the council of its options for action, and Northrup offered a resolution for approval of Case 16-017 MS, as was recommended by the Planning Commission, to create two lots for single-family use (by Special Use), with the condition that the Plat be revised to meet the Minor Subdivision Plat requirements, as required in Section 20-3-70(c), to record with the Morgan County Clerk and Recorder.

That resolution was seconded by Castoe and approved unanimously.

BIDS FOR SHADE STRUCTURES FOR SOFTBALL FIELDS

Parks Superintendent Doak Duke reviewed the bid process for this purchase, and recommended accepting the bid from Made in the Shade because the other bid received did not include a price for dugout covers. Duke said the funding would come from the Conservation Trust Fund budget.

Castoe offered a resolution to accept the bid from Made in the Shade in the amount of \$41,530 for shade structures for the softball fields. That resolution was seconded by Northrup and approved unanimously.

RESOLUTION RENAMING THE LIBRARY / MUSEUM COMMUNITY ROOM

Library/Museum Director Chandra McCoy said the staff and the Fort Morgan Heritage Foundation were asking the council to consider renaming the Library/Museum Community Room in honor of Howard Rollin, a local artist whose estate had donated about 200 of his paintings to the museum. The paintings had been displayed in a museum exhibit and then selected paintings were displayed in the community room, with very positive feedback from patrons. McCoy said the staff and the foundation felt the renaming was great way to honor a local artist and draw attention to art in the community, and would like the room to be named the Howard Rollin Memorial Community Room.

Castoe offered a resolution to approve the Resolution naming the Community Room in the Fort Morgan Public Library in honor of local artist Howard Rollin. That resolution was seconded by Marler and approved unanimously.

RESOLUTION SUPPORTING GOCO TRAILS PLANNING GRANT

Community Services/Economic Development Director Josh Miller said Great Outdoors Colorado had several initiatives that could help the city to plan and develop trails on its Twamore property on the north side of the river across from Riverside Park. He said the grant could be up to \$100,000 and matching funds were available in the city budget, and asked for council support of the grant application.

Castoe offered a resolution to approve the Resolution supporting the grant application for a local parks and outdoor recreation grant from the state board of the Great Outdoors Colorado Trust Fund. That resolution was seconded by Marler and approved unanimously.

RESOLUTION AUTHORIZING ALTERATIONS TO THE ANIMAL SHELTER

Interim Police Chief Jared Crone said the Fort Morgan Humane Society had asked to make some changes to the animal shelter facility, which required council approval under its lease and service agreement for the operation of the city-owned shelter. Because of the need for city approval, Crone said, the society had compiled a list of repairs and improvements and was asking permission to perform all of them at the society's expense, and Crone said staff recommended approval. Some discussion followed, among council, staff and Humane Society director Debbie Heistermann, about the proposed improvements and the society's operation of the shelter.

Northrup offered a resolution to approve the Resolution authorizing additional alterations to the animal shelter by the Fort Morgan Humane Society, which was seconded by Councilmember Allison Howe and approved unanimously.

MEMORANDUM OF UNDERSTANDING WITH SARA INC.

Crone said this was a renewal and update of an existing multi-agency agreement with SARA Inc. for the operation of its child advocacy center, and did not involve exchange of any funding among the participants, with each agency responsible for its own costs related to the agreement.

Castoe offered a resolution to approve signing the interagency agreement for the Child Advocacy Center at SARA House, which was seconded by Northrup and approved unanimously.

MEMORANDUM OF UNDERSTANDING FOR EXPENDITURE OF DRUG TASK FORCE FUNDS

Crone said the Fort Morgan Police Department had been a member of this task force which had now dissolved, but funds were still available for use by northeast Colorado law enforcement agencies for criminal investigations. The agreement allowed the police chief to vote on requests for use of these funds, which the FMPD had used for equipment purchases and reimbursement for drug operations, Crone said.

Northrup offered a resolution to approve signing the memorandum of understanding regarding the expenditure of 13th Judicial District criminal investigation funds. That resolution was seconded by Castoe and approved unanimously.

ADULT PROTECTIVE SERVICES COOPERATIVE AGREEMENT

Crone said this agreement was already in force and statutorily required, and a minor change in wording had been made so staff was asking for council approval to sign the revised agreement. Castoe offered a resolution to approve signing the Adult Protection Services Cooperative Agreement with the Morgan County Department of Human Services and other area agencies. That resolution was seconded by Howe and approved unanimously.

RESOLUTION ESTABLISHING A RESTRICTED FUND FOR PAYMENTS FROM NEW DEVELOPMENTS

Wells said this Resolution would authorize the city to set up a separate restricted account to hold funds received from the Community Resources and Housing Development Corp., which had allocated money for the build-out of East Beaver Avenue in connection with the development of its Sol Naciente housing project. Because there was no development across Beaver Avenue at the time of that project, the city needed a place to hold the funds until future development required the building of the road.

Meyers said the dollar amount was uncertain at the time the resolution was drafted but it would be added as soon as it was known. (The day after this meeting that amount was determined to be \$350,000.)

Northrup offered a resolution to approve the Resolution establishing a restricted fund account for the receipt of funds for the future construction of Beaver Avenue, which was seconded by Lindell and approved unanimously.

PUBLIC HEARING – ORDINANCE NO. 1183, WASTEWATER LOCAL LIMITS

Mayor Shaver outlined the format to be followed during this public hearing, and Brennan confirmed that proper legal notice of the hearing had been published.

Water Resources/Utilities Director Brent Nation said this ordinance was unchanged since its first reading on July 19, and the second reading was later than usual because of the need to comply with EPA publication requirements. 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 Marler and approved unanimously.

Meyers advised the council of its options for action, and Northrup offered a resolution to approve the second and final reading of Ordinance No. 1183, adjusting wastewater discharge limitations in the City of Fort Morgan, Colorado, contained in Chapter 17, Article 7 of the Fort Morgan Municipal Code. That resolution was seconded by Lindell and approved unanimously.

ECONOMIC DEVELOPMENT AND MARKETING DEPARTMENT UPDATE

Miller reminded the council of its own economic development retreat in April 2015 that gave rise to this department, which was created in January and retained Management Intern Chelsea Gondeck as an economic development specialist. Miller said they knew they had work to do but could not have anticipated how busy the office would be from the start.

Gondeck reviewed a PowerPoint presentation that outlined economic trends and factors as well as the partnerships formed by the department and the projects that were under way. Gondeck also reviewed the education and training that both she and Miller had undertaken and continued to pursue in the development of best practices for the department.

Some council and staff discussion followed about the general nature of some of the department's prospects, and the balance between transparency and confidentiality that was required in working with potential clients. Miller and Gondeck said the city had many advantages including the ownership and operation of all utilities and the fact that a fiber-optic project was under way, and the planned retention of a retail analytics firm would also be a great asset. Miller said the department's building of relationships in the economic development field and with developers and prospective employers would lead to good results in the future. No formal action was taken.

2017 BUDGET CALENDAR – CONCLUSION OF PRESENTATIONS ON GENERAL FUND BUDGETS

Human Resources/Risk Management Director Michael Boyer, Crone, Fire Chief Mark Frasco, Kirkendall, Court Administrator Amanda Dunn, Streets Superintendent Jim Willis, Duke and McCoy reviewed their proposed 2017 budgets for the Human Resources/Risk Management, Police, Fire and Building departments, the Municipal Court, and the Parks and Library/Museum Services departments, highlighting changes from previous years and new items. Each presenter also spoke briefly about the purpose of their departments and their service to the community.

Wells said there would be a few more presentations at the next meeting and then the council would have a couple of opportunities to review the final draft budget before approving it in November. No formal action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

None.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 8:52 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Councilmember Castoe made a motion to convene this executive session, which was seconded by Councilmember Northrup 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: Riverview Commons.

The executive session began at 9:05 p.m. and ended at 9:14 p.m. and was attended by the mayor and council members along with City Manager Jeff Wells and City Attorney Jason Meyers. On the advice of the city attorney, the recording of the executive session was turned off at 9:06 p.m. because the subject of the discussion constituted a privileged attorney-client matter. The recording was turned back on at 9:13 p.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. Castoe made a motion to direct the city attorney to move forward with litigation as discussed in executive session, which was seconded by Northrup and approved unanimously.

Mayor Shaver adjourned the Sept. 6, 2016 regular meeting at 9:15 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk