

December 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 Allison Howe
Councilmember Kevin Lindell
Councilmember Dan Marler
Councilmember Lisa Northrup

Absent: Councilmember Christine Castoe (excused)

The meeting was also attended by City Manager Jeff Wells, Interim Police Chief Jared Crone, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Services/Economic Development Director Josh Miller, City Attorney Jason Meyers, Economic Development Specialist Chelsea Gondeck, Fire Chief Mark Frasco, Gas Superintendent Tony Behrends, Wastewater Treatment Plant Superintendent Mike Hecker, Library Director Chandra McCoy, Chief Building Official Mike Kirkendall and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES – DECEMBER 6, 2016 CITY COUNCIL REGULAR MEETING

Councilmember Lisa Northrup offered a resolution to approve the minutes of the Dec. 6, 2016 regular meeting as presented, which was seconded by Councilmember Allison Howe and approved on a unanimous vote of 6-0, with Councilmember Christine Castoe absent.

RE-APPOINTMENT OF MEMBERS TO THE LIBRARY ADVISORY BOARD

City Manager Jeff Wells said two members of the library board had applied for re-appointment to new terms, and no other applications were received so staff was recommending approval. Howe offered a resolution to approve the re-appointments of Sandra Schmeeckle and Brittany Meyers to new terms on the Library Advisory Board, which was seconded by Northrup and approved unanimously (6-0, Castoe absent).

PRESENTATION ON THE CITY'S ISO PUBLIC PROTECTION CLASSIFICATION

Fire Chief Mark Frasco said the city had recently undergone its periodic inspection by the Insurance Services Office to rate the Fort Morgan Volunteer Fire Department's ability to respond to fires and protect structures within its service area. He described the many factors that go into this rating, which is often used by insurance companies to assess risk and assign insurance rates for homeowners. Frasco said the city received a rating of 4 for an area within five driving miles of the fire station, on a scale of 1 to 10 with 1 being the best. This was the same rating the city had for the last several years, Frasco said, noting that the department came fairly close to receiving a 3 rating and learned some things that could help make that possible on the next inspection.

Mayor Ron Shaver thanked Frasco and his department for their hard work. No action was taken.

ADOPTION OF THE GAS SYSTEM MASTER PLAN

Gas system consultants Mike McFadden and John Peters of McFadden Consulting Group reviewed the findings of their study of the city's natural gas system and their recommendations for some improvements that would be relatively inexpensive but add to the capacity and reliability of the system. Peters said the city gas department was well managed and in good shape regarding current capacity and ability to handle future growth. Northrup offered a resolution to adopt the gas system master plan, which was seconded by Howe and approved unanimously (6-0, Castoe absent).

At this time Mayor Shaver announced that an agenda item scheduled for later in the meeting, for a public hearing on a proposed ordinance rezoning the Old Middle School property, would be moved up because it appeared several citizens had come to offer comment on that issue.

FIRST READING AND PUBLIC HEARING ON AN ORDINANCE REZONING PROPERTY KNOWN AS THE OLD MIDDLE SCHOOL AT 300 DEUEL STREET

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 application for rezoning from the Morgan County Re-3 School District, which had originally requested B-1 (Retail and Service Business) zoning. After a public meeting of the city Planning Commission on the rezoning application at which public comment in opposition to the B-1 zoning was received, the Planning Commission had declined to recommend that zoning to the council and instead recommended T (Transitional) zoning for the property. Transitional zoning would allow residential uses and some small business uses but would eliminate things like bars and restaurants which were the primary concern of area residents. However, because a new rezoning application had not been received from the school district, Curtis said, the original application for B-1 zoning was still in effect, but staff was recommending approval of the Planning Commission's recommendation of Transitional zoning.

Extensive council and staff discussion followed about the allowable and prohibited uses under the various zoning classifications.

Under public comment, Re-3 School Superintendent Ron Echols, representing the applicant, clarified that he was unaware of any need for a new rezoning application and that the school district had no opposition to the T zoning recommended by the Planning Commission. Echols said a variety of concepts for the old school building had been floated during the process of gathering community input on what should happen with the building, but the school board had determined that the best approach was to partner with the Community Resources & Housing Development Corp., which focuses on residential projects. Echols said the school board most of all wanted to preserve the amenities on the ground floor of the old school, like the auditorium, gym, kitchen and cafeteria, for public use, and was working on a memorandum of understanding with CRHDC to ensure that would happen.

Carly Johansson of CRHDC said her organization was approached because the school board knew it had experience with housing projects, and their intention for the old school was residential on the upper floors while retaining the first-floor amenities for public use. She said the partnership was preliminary and the MOU with the school board was in progress, but said the old school project presented a unique opportunity and had the potential to become a precedent-setting project for repurposing of old buildings.

Les Carson, a resident in the area of the old school, told the council it was a nice quiet neighborhood and he would not like to see a bar as part of the redevelopment.

Susan Browne of 407 Deuel St. said B-1 zoning was much too broad for this residential area, and asked whether the residential element of the proposed project would be low-income housing like the Sol Naciente project developed by CRHDC in Fort Morgan, noting that there was concern in the neighborhood about apartment buildings and large projects not being appropriate uses. She said more information was needed before granting any new zoning.

Terry Cook of 414 Deuel St. said she saw the redevelopment as a potential for a lot more traffic in the neighborhood and some of the uses discussed like a brewery would not be appropriate for the neighborhood.

Brennan summarized several e-mail comments that were received in the preceding two days, with most expressing opposition to B-1 zoning and intensive uses like bars, restaurants and the like.

Under council comments, council members expressed their views of the situation, noting that the school district was in a difficult position and concluding that the Transitional zoning was a good alternative and a compromise solution that would allow the redevelopment but prohibit the types of uses of most concern to area residents. Wells noted that any redevelopment would have to meet city codes regardless of how the property was zoned.

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

City Attorney Jason Meyers advised the council of its options for action, and said that action would be in the form of approval or denial of first reading of an ordinance rezoning the property. Northrup offered a resolution to approve the first reading of an ordinance to rezone property known as the Old Middle School at 300 Deuel St. and to amend the official zoning map of the city. That resolution was seconded by Councilmember Clint Anderson and approved unanimously (6-0, Castoe absent).

RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE OLD HIRE POLICE PENSION PLAN

Wells explained the background on the old hire pension plan, which has only three members and requires contributions by the city to maintain. The city is not obligated to do cost of living adjustments but that had been the practice, Wells said, and this measure would provide a 2 percent COLA for 2016 and 2017.

Howe offered a resolution to approve the Resolution authorizing additional funding for the Old Hire Police Pension Plan for 2016 and 2017. That resolution was seconded by Northrup and approved unanimously (6-0, Castoe absent).

BIDS FOR PUBLIC SAFETY RADIOS

Interim Police Chief Jared Crone said the city's police and fire departments had been setting aside funding over several years for the purchase of new radios, and had learned in October of an opportunity to obtain a significant discount if the radios were purchased before the end of 2016, instead of in 2017 as originally planned. This resulted in a savings of \$90,000 from a price quote received this year, Crone said.

Northrup offered a resolution to accept the bid from Motorola in the amount of \$463,850.46 to purchase the radios, and accept the bid from Wireless Advanced Communications in the amount of \$18,165 for installation of the mobile radios, with the total expenditure for the entire project to be \$482,015.46, and to authorize the mayor to sign the purchase agreement. That resolution was seconded by Councilmember Dan Marler and approved unanimously (6-0, Castoe absent).

BIDS FOR SCADA SYSTEM IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT

Wastewater Treatment Plant Superintendent Mike Hecker said the supervisory control and data acquisition (SCADA) system at the sewer plant was about 20 years old and had partially failed, so \$200,000 was budgeted and three bids were obtained to upgrade the system. Staff was recommending acceptance of the low bid, he said.

Northrup offered a resolution to accept the bid from Timber Line Electric and Control in the amount of \$128,000 to upgrade the WWTP SCADA system. That resolution was seconded by Howe and approved unanimously (6-0, Castoe absent).

BIDS FOR LIBRARY FLOORING

Library Director Chandra McCoy reviewed the bid process for this purchase, which sought per-square-foot pricing for carpet and tile for the library. Only one bid was received and McCoy recommended accepting that bid.

Northrup offered a resolution to accept the bids from the Specialty Shoppe of Fort Morgan for carpeting and tile for the library not to exceed \$35,000. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

APPROVAL OF SERVICE CONTRACT FOR AUTOMATED CHECK-OUT SYSTEM AT THE LIBRARY

McCoy said this would be a one-year maintenance contract on the automated checkout equipment installed in 2015, with the one year of free maintenance having expired in October. Competitive bids or quotes were not obtained, she said, because the service was proprietary to the equipment provider.

Northrup offered a resolution to approve the service maintenance contract with Bibliotheca+3M in the amount of \$12,782.54, which was seconded by Marler and approved unanimously (6-0, Castoe absent).

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE FORT MORGAN HERITAGE FOUNDATION FOR THE PURCHASE OF PUBLIC ART

Community Services/Economic Development Director Josh Miller reminded the council of previous discussion on this matter, and said negotiations with the Heritage Foundation were continuing. He said approval of this resolution would allow the city to enter into an agreement to pass its 2016 budgeted funding of \$100,000 for public art to the foundation, thereby preventing the loss of the funding, and work together toward the purchase and installation of public art under terms that included provisions to return the money to the city if the project was not accomplished by certain dates.

Howe offered a resolution to approve the Resolution authorizing the mayor to execute an agreement with the Fort Morgan Heritage Foundation for the purchase of art, which was seconded by Marler and approved unanimously (6-0, Castoe absent).

PUBLIC HEARING ON AN APPLICATION FOR FINAL PLAT FOR THE VIRIDIAN SUBDIVISION, FILING NO. 1

Mayor Shaver said the same rules used in the earlier public hearing would apply to this hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Curtis

explained that this final plat was for the first part of the first phase of development of the residential subdivision, subdividing roughly seven acres of land into 13 lots and providing for the necessary infrastructure. He said staff recommended approval with the conditions that the developer resolve issues arising from staff comments on the final plat and incorporate an easement for a sewer line that had inadvertently been omitted from the plat.

Peter Martz of Fort Morgan Farms LLC, the project manager for the project, said the initial plan for 300 homes has been scaled back to about 178 homes in the belief that larger lots would be a better product, and the project would likely be built out in phases of 12 to 15 lots, with this first phase to test the market.

Under public comment, Don Jones of McFeeder's Realty and Property Management said his firm was involved in the marketing of the subdivision's lots and this was the first time in many years that new buildable lots would be available in Fort Morgan. He said builders in the area were excited about the project and there was interest in purchasing the lots already, and he urged the council to approve the plat and keep the project moving forward.

Wells said the city was also working on a development agreement with the subdivision owner to provide accommodations that would help the project work economically.

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 that the criteria for approval were provided in the meeting packet, and said if these criteria were met the council could approve the final plat. Northrup offered a resolution to approve Case 14-018 SD, final plat for a major subdivision for Fort Morgan Farms LLC III (aka Viridian Subdivision Phase 1, Filing No. 1) to subdivide 6.929 acres of the 102.80 acres (more or less) into 13 residential lots, rights of way and easements as through the major subdivision process with the following conditions of approval as recommended by the Planning Commission:

1. Clarifications and/or responses to the applicable items identified in the staff final plat review comments; and
2. Incorporation of the easement/right of way for the sewer into the plat as required for Filing No. 1.

That resolution was seconded by Howe and approved unanimously (6-0, Castoe absent).

FIRST READING OF AN ORDINANCE ADOPTING THE 2015 EDITIONS OF THE I-CODES WITH LOCAL EXCEPTIONS

Chief Building Official Mike Kirkendall said this measure would update city codes to be based on the most recent version of underlying international codes, with certain local exceptions as spelled out in the ordinance. He noted that one code, the 2015 International Existing Building Code, was not included in his memo but was included in the ordinance, and outlined a few of the local exceptions that were made to tailor the codes to Fort Morgan. Kirkendall said he had conducted training meetings on the new codes and got few comments.

Council and staff discussion followed about various specific codes and exceptions and their impact on residents and contractors, and the benefits of updating the city's codes to the new versions.

Howe offered a resolution to approve the first reading of an Ordinance amending portions of the Fort Morgan Municipal Code to the 2015 International Standard, and to schedule a public hearing on the ordinance for Dec. 20. That resolution was seconded by Councilmember Kevin Lindell and approved unanimously (6-0, Castoe absent).

FIRST READING OF AN ORDINANCE AMENDING THE SIGN CODE

Curtis said this ordinance had been discussed and revised extensively through the Planning Commission and should address every possible kind of sign for the city. He said that based on discussion at the previous council meeting regarding an electronic message center sign, the allowable percentage of total sign area that could be used for such a message center had been increased from 40 percent to 70 percent, but otherwise the ordinance was in the form that council had reviewed before. Mayor Shaver commended Curtis for all of his work on this new sign code, which he knew was an arduous task.

Northrup offered a resolution to approve the first reading of an ordinance amending the sign code and to schedule a public hearing on the ordinance for Dec. 20. That resolution was seconded by Marler and approved unanimously (6-0, Castoe absent).

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Economic Development Specialist Chelsea Gondeck provided the council with copies of the Colorado Business Review from the CU-Boulder business school, to which she and Miller had contributed an article.

Curtis updated the council on progress of the Colorado Department of Transportation project to rebuild the intersection of US 34 and Barlow Road, and informed the council of the scheduled start of another CDOT project that would repair flood damage to the roadway on Highway 52 across from the city's Parks Department shop.

BIDS, MEETINGS AND ANNOUNCEMENTS

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

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:47 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Councilmember Northrup made a motion to convene this executive session, which was seconded by Councilmember Howe and approved unanimously (6-0, Councilmember Castoe absent). This 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: Property purchase.

The executive session began 9:03 p.m. and ended at 9:25 p.m., and was attended by the mayor and five council members (Castoe absent) along with City Manager Jeff Wells, City Treasurer Jean Kinney, Community Services/Economic Development Director Josh Miller, Water Resources/Utilities Director Brent Nation and City Attorney Jason Meyers.

At the conclusion of the executive session the council returned to the regular open meeting, where Northrup reported that the council had met in executive session for the purpose stated on the agenda. Northrup made a motion to direct staff to proceed with negotiations according to the parameters discussed in executive session. That motion was seconded by Councilmember Marler and approved unanimously (6-0, Castoe absent).

Mayor Shaver adjourned the Dec. 16, 2016 regular meeting at 9:26 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk