

April 3, 2018

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 6:10 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  
Councilmember Doug Schossow

The meeting was also attended by City Manager Jeff Wells, Chief of Public Safety Paul Schultz, City Attorney Jason Meyers, City Treasurer Jean Kinney, Public Works Director Steve Glammeyer, Community Services Director Ty Hamer, Economic Development Specialist Jeni Elrick, Human Resources/Risk Management Director Susan Kurk, Management Intern Daniella Cabrera, Library/Museum Director Chandra McCoy, Museum Curator Brian Mack, Information Technology Director Nelson McCoy, Streets Superintendent Jim Willis, Fire Marshal John Zink, numerous Fort Morgan Police Department officers and City Clerk/PIO John Brennan.

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**APPROVAL OF MINUTES – MARCH 20, 2018 CITY COUNCIL REGULAR MEETING**

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Councilmember Allison Howe offered a resolution to approve the minutes of the March 20, 2018 City Council regular meeting as presented, which was seconded by Councilmember Kevin Lindell and approved unanimously.

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**SWEARING-IN OF NEW FMPD OFFICER KADEN SHUTTLEWORTH**

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Mayor Ron Shaver administered the oath of office to new Fort Morgan Police Department officer Kaden Shuttleworth and Chief of Public Safety Paul Schultz introduced and briefly described Shuttleworth's background. Shuttleworth said he liked the diversity of Fort Morgan and looked forward to working for the FMPD.

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**PROCLAMATION DECLARING APRIL TO BE SEXUAL ASSAULT AWARENESS MONTH**

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Mayor Shaver read the proclamation and presented a signed and sealed formal copy to Paula Bragg, executive director of Sexual Assault Response Advocates (SARA) Inc. Bragg thanked the city and the council for all of the support over the years, and described a few of the events planned for the observance of the month.

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**PROCLAMATION DECLARING APRIL TO BE CHILD ABUSE PREVENTION MONTH**

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Shaver read the proclamation and presented a signed and sealed formal copy to Susanne Brown, intake supervisor for the Morgan County Department of Human Services, who thanked the city and especially the police department for their support.

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**UPDATE ON PLACEMENT OF PUBLIC ART SCULPTURES**

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Library and Museum Director Chandra McCoy and Museum Curator Brian Mack described the 14 bronze sculptures that had been purchased the previous year and were soon to be installed in areas throughout the city to help increase the culture of art in the city. They also noted they would be working on interpretive plaques for most of the sculptures that would provide some local history tied to the theme of each statue. No council action was taken.

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**BIDS FOR OUTDOOR LIBRARY BOOK RETURNS**

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McCoy reviewed the bid process for this purchase, which would replace a deteriorating book return outside the back entrance to the library and add another at the front entry. The one bid received was for \$12,626 for both units, and McCoy asked for approval of that cost and any other miscellaneous costs associated with the installation of the book returns up to \$15,000. Northrup offered a resolution to approve the bid from American Security Cabinets/American Book Returns in the amount of \$12,626 including armor coating with the total expenditure not to exceed \$15,000. That resolution was seconded by Howe and approved unanimously.

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**BIDS FOR A SPORT UTILITY VEHICLE FOR THE IT DEPARTMENT**

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Information Technology Director Nelson McCoy described the needs and uses for this vehicle in his department, and said the vehicle would replace a 2003 Blazer with various leaks and other maintenance issues. The Blazer would still be used for short trips by the GIS technician, he said.

Six bids were received and McCoy said he was requesting approval to accept a bid that was not the lowest but was for a vehicle with the most storage space, which he said was essential for his needs.

Howe offered a resolution to accept the bid from Daniels Long Chevrolet of Colorado Springs in the amount of \$27,543 for a 2019 Chevrolet Traverse LS to be utilized by the Information Technology Department. That resolution was seconded by Lindell and approved unanimously.

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**BIDS FOR A STREETS DEPARTMENT SHOP/EQUIPMENT STORAGE BUILDING**

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Councilmember Dan Marler announced that he would recuse himself from this agenda item due to a conflict of interest and left the meeting.

Streets Superintendent Jim Willis said this building was needed to store vehicles indoors away from the elements and the effects of housing them in the road salt storage building, both of which were taking a toll on the condition of the streets vehicles and equipment. He reviewed the two bids received and recommended accepting the lower bid from Keefe Construction which included all of the possible options contained in the bid request. Willis noted that the Keefe bid was \$3,510 over the budgeted amount of \$150,000, and City Manager Jeff Wells said that amount would likely be covered by leftover funds in the capital budget from projects that came in under budget.

Northrup offered a resolution to accept the bid from Keefe Construction Services of Fort Morgan in the amount of \$153,510 to construct a Streets Department shop/storage building. That resolution was seconded by Councilmember Doug Schossow and approved on a unanimous vote of 6-0, with Marler having stepped down. Marler then returned to the meeting.

## **RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH 2019 FORT MORGAN LLC**

Economic Development Specialist Jeni Elrick told the council this was an agreement with a developer that would build a new FedEx distribution facility on land recently annexed into the city. She said FedEx had put the project for construction of the facility out for bids, and this company, 2019 Fort Morgan LLC, was the winning bidder. This development agreement would spell out terms of city incentives for the project and the resolution would authorize the mayor to sign the agreement once all details and negotiations had been resolved.

Howe offered a resolution to approve the Resolution authorizing the mayor to execute an annexation and development agreement with 2019 Fort Morgan LLC, which was seconded by Schossow and approved unanimously.

## **COUNCIL ACTING AS THE ZONING BOARD OF APPEALS – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE FOR THE SANDS MOTEL**

Mayor Shaver outlined the format and rules to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Public Works Director Steve Glammeyer explained the variance being requested, which was an exception to the definition of a rooming/boarding house in the municipal code. The applicant wanted to convert the Sands Motel at 933 W. Platte Ave. into employee housing for Brushco Farms, a greenhouse operation in Brush, and house up to 66 people there instead of the maximum of 20 people dictated by the current definition in the code. Glammeyer said parking may be an issue, although the code addresses parking in this situation based on the number of units, not the number of persons. He noted that his department had received two phone calls and one letter, all in opposition to the granting of the variance. He recommended that the council carefully consider the request as there were a number of issues about which the council might want to question the applicant.

Sheela Stack of law firm Ryley Carlock, representing the motel property owners, Todd and Susan Cook, as well as Brushco Farms, said she believed the application met the seven criteria for the granting of a variance. She said the Cooks had been trying to sell the motel since 2017 and had no offers until Brushco came along. Brushco had been struggling to attract good workers locally and wanted to create employee housing as an incentive, and had tried projects in Brush and Morgan County without success, Stack said. Todd Cook and Stack each read parts of a statement from Cook about the background of the motel and how it had come to the variance request as a solution. Stack then reviewed each of the seven variance criteria and explained her reasons for believing that they were either met by the application or were not applicable to the case.

Councilmember Clint Anderson asked about parking concerns, and Stack said Brushco would provide all transportation for the employees so they would not have cars. During discussion of the number of people to be housed at the site, Adam Crane of Mastronardi Produce said 66 would be the maximum and the company planned to replace the two queen beds in each motel room with two sets of bunk beds.

More discussion followed between the council and the applicants and their representatives about topics such as background checks and drug testing, monitoring of the employees living at the site and other concerns.

No public comment was offered during the hearing, and only the two calls and one letter referenced in the packet materials were received in advance.

Council members then expressed their perspectives on the proposal and the concerns, which included parking, the number of people in the building and other issues. Stack told the council

the company would stay in touch with the police and fire departments and that if parking became a problem the company would remedy the situation.

Northrup made a motion to close the public hearing, which was seconded by Lindell and approved unanimously. City Attorney Jason Meyers advised the council of its options for approval or denial of the application for a variance.

Howe offered a resolution to approve Case 18-010 VA for Brushco Farms for a variance to the rooming/boarding house definition, for a variance from Chapter 20, Article 10 of the Fort Morgan Municipal Code to increase the maximum number of persons allowed at a rooming/boarding house from 20 to 66 with the following conditions: that the variance would expire at the time Brushco Farms sells the property or ceases to operate the facility as a rooming/boarding house. That resolution was seconded by Northrup and approved on a vote of 5-2, with Mayor Shaver and Councilmember Anderson voting no.

### **SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1208, AMENDING FLOODPLAIN REGULATIONS**

Mayor Shaver outlined the process for the public hearing and Brennan confirmed proper legal notice. Glammeyer said this ordinance was unchanged since first reading, and noted that this was the second ordinance on this topic because the first version created according to the direction of the Federal Emergency Management Agency was later found to be inadequate by FEMA.

No public comments were received either during the hearing or in advance, and no council comments were offered. Marler made a motion to close the public hearing, which was seconded by Lindell and approved unanimously. Meyers reviewed the council's options for action. Northrup offered a resolution to approve the second and final reading of Ordinance No. 1208, amending Chapter 21 Article 14 of the City of Fort Morgan Municipal Code concerning floodplain hazard mitigation, and authorization to publish by title only. That resolution was seconded by Howe and approved unanimously.

### **DISCUSSION OF PROPOSAL FOR CITY CHARTER CHANGE TO PLACE POLICE DEPARTMENT UNDER DIRECT SUPERVISION OF MAYOR AND COUNCIL**

Mayor Shaver said this item came up at a previous council meeting when resident Jack Darnell approached the council about it. Since then, Shaver said, he had received an inundation of input from other residents so he wanted to have a discussion with the council about putting the proposal for a charter change on the ballot, to place the police department under the direct supervision of the mayor and council instead of the city manager. After Anderson asked what steps would need to be taken to do this, Shaver said the city would draft ballot language similar to that applying to the fire department and put it on the November ballot. If it were approved then the police chief would report directly to the council as the fire chief currently does, the mayor said, noting that the council would have to vote to put the measure on the ballot.

Schossow said he had also received numerous calls and input in favor of this proposed charter change. Marler asked how a charter change would resolve the issues Darnell had voiced such as police department morale, and Shaver said because numerous citizens had raised the issue it needed to be put to a vote of the people. He said if that was not done there would be a citizen initiative to vote and the city would have to live with the outcome of that.

Lindell reiterated Marler's question about how a charter change would fix the perceived problems at the police department, noting that the city manager would be better equipped to choose a police chief.

Further discussion followed, with some council members stating that it was a question for the people to decide and others saying they didn't understand how a charter change was a solution.

Wells proposed that the city use Polco, a new citizen engagement tool that the city was in the process of launching, to try to gather data on public opinion about the proposal. Meyers suggested public forums like the ones that were held several years earlier when the city council was deciding whether to allow or prohibit marijuana sales. The consensus was that both methods be used to get community feedback.

Doug Trevithick of 1008 State St. then addressed the council, noting that he was a former mayor, and said he was categorically opposed to the concept of city managers and felt the idea goes against the concept of republic democracy. He said too much power was concentrated in the city manager and the manager was isolated from the community.

The council direction was to put out questions on Polco and also look into public forums on this topic.

After the council had moved on to the next agenda item, Bill Gramlich of 932 Carol St. said he wanted to speak on the charter change issue. He said residents don't have any contact with their city anymore. He said it was not personal, but that the council had thrown up a shield between itself and the community by having a city manager. He said the council should not just stop at the police department but should "look into the whole management thing as reverting back to the council."

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#### **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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None.

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#### **REPORTS BY OFFICIALS AND STAFF**

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Wells noted that many big projects were starting in the city and it would be a big year for capital improvements. He also thanked all of the city staff that participated in a major emergency exercise that day. Wells also touched on the issue of the proposed charter change, saying that while the council must listen to the people, it's also important to educate them about the current system of government and let them know the progress that had been made in the last 10 years since the change to the council-manager form of government.

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#### **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

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#### **EXECUTIVE SESSION**

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The regular portion of the meeting ended at 8:34 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Howe made a motion to go into this executive session, which was seconded by Marler and approved unanimously.

This executive session had been published as follows:

**EXECUTIVE SESSION** for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: City Manager annual evaluation.

The executive session began at 8:47 p.m. and ended at 10:30 p.m., and was attended by the mayor and council along with Wells and Meyers. After a short time Meyers left the executive session.

At the conclusion of the executive session the council returned to the regular open meeting, where Mayor Shaver reported that the council had met in executive session for the purpose stated on the agenda and conducted the city manager's annual performance evaluation. Shaver said he would put together a final evaluation and score and present it to the city manager, and any raise given to Wells would be in line with those of all other employees. No motion was made.

Mayor Shaver adjourned the April 3, 2018 regular meeting at 10:31 p.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk