

June 5, 2018

The City Council of the City of Fort Morgan, Colorado, met this day in the clubhouse of the Quail Dunes Golf Course after visiting several city departments. The Honorable Mayor Ron Shaver called the regular meeting to order at 6:24 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 Chief of Public Safety Paul Schultz, City Treasurer Jean Kinney, City Attorney Jason Meyers, Community Services Director Ty Hamer, Public Works Director Steve Glammeyer, Water Resources/Utilities Director Brent Nation, City Clerk/PIO/Acting City Manager John Brennan, Fire Chief Mark Frasco, Chief Building Official Mike Kirkendall, Sanitation Superintendent Bob Evins, Recreation Superintendent Steve Samson, Human Resources/Risk Management Director Susan Kurk, Finance Department employees Connie Musgrave, Laurie Whitney and Natasha Lanckriet, and Court Administrator Amanda Dunn.

PROCLAMATION IN SUPPORT OF THE GLENN MILLER SWINGFEST

Mayor Ron Shaver read the proclamation and presented a signed and sealed formal copy to Robin Northrup of the Fort Morgan Area Chamber of Commerce and the Community FORT group, organizers of the event.

PRESENTATION OF THE DRAFT 2017 FINANCIAL AUDIT

City Treasurer Jean Kinney introduced Tyra Litzau, audit manager for Anton Collins Mitchell, which had performed the city's annual financial audit. Litzau reviewed drafts of the audit wrap document and the city's financial statements and said final bound copies of these would be presented at the next council meeting.

BYLAW CHANGE FOR THE FORT MORGAN VOLUNTEER FIRE DEPARTMENT

Fire Chief Mark Frasco said this proposed bylaw change would make it a requirement for volunteer firefighters to respond to a minimum of 20 percent of the total calls in a given month and over the course of the year. He said it would help with consistency in assessing the performance of firefighters, and said the proposal had received the required three-quarters vote of the department's membership.

Councilmember Allison Howe offered a resolution to approve the bylaw change for the Fort Morgan Volunteer Fire Department as proposed, which was seconded by Councilmember Lisa Northrup and approved unanimously.

FIRST READING OF AN ORDINANCE POSTPONING IMPLEMENTATION AND ENFORCEMENT OF THE 2015 INTERNATIONAL ENERGY CODE

Chief Building Official Mike Kirkendall explained that implementation of this code had been delayed previously when the city adopted updated versions of several other building codes, because it imposed costly requirements on builders and also would require city staff to undergo substantial training on its enforcement. Since that training was difficult to obtain and had not been scheduled, Kirkendall was recommending a further delay in implementation of this code until July 1, 2019.

After some council and staff discussion, Northrup offered a resolution to approve the first reading of an ordinance amending Chapter 21 Article 4 of the Fort Morgan Municipal Code concerning the Energy Code and scheduling a public hearing on the ordinance for June 19. That resolution was seconded by Howe and approved unanimously.

MEMORANDUM OF UNDERSTANDING WITH WESTERN SUGAR REGARDING WASTEWATER TREATMENT AND OTHER ISSUES

Acting City Manager John Brennan explained that Western Sugar was assessing wastewater treatment as one of its options for complying with a settlement agreement with the state health department, and also reducing odor issues from its Fort Morgan Plant. The MOU had been proposed by Western Sugar CEO Rodney Perry, who was present at the meeting, and city staff had worked with Western on a number of revisions that made the framework for negotiations agreeable to both sides. Brennan noted that this was not a binding contract but would allow Western to proceed with its evaluations of its options. Water Resources/Utilities Director Brent Nation emphasized that this was a starting point only and if Western chose the city option it would take several years to further negotiate and fully implement.

Perry thanked the city staff and council and said the city option remained a viable alternative.

Northrup offered a resolution to authorize the mayor to sign the Memorandum of Understanding with Western Sugar regarding wastewater treatment and other issues, which was seconded by Councilmember Doug Schossow and approved unanimously.

BIDS FOR EMMCO THREE-YARD TRASH CONTAINERS

Sanitation Department Superintendent Bob Evins reviewed the bid process for this purchase, which was usually done each year, and recommended the lowest unit pricing of the three bids received.

Howe offered a resolution to accept the unit bid price of \$550 from Elliot Equipment for the Emmco three-yard containers, which was seconded by Schossow and approved unanimously.

REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS FROM THE MORGAN COUNTY FAIR

Recreation Superintendent Steve Samson said this was an identical request to those received for many years from the county fair, and involved the use of picnic tables and the city's Showmobile. Some council and staff discussion followed about the waiver of deposits as well as fees, and Northrup then offered a resolution to approve the request for in-kind services and fee waivers totaling \$5,500 from the Morgan County Fair. That resolution was seconded by Councilmember Dan Marler and approved unanimously.

REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS FROM BOBSTOCK

Samson said this was also identical to the previous year's request for this event, which had become an extremely popular and well attended event. Wayne Johnson of Media Logic Radio, organizer of the event, described some of the plans for the 2018 shows.

Howe offered a resolution to approve the request for in-kind services and fee waivers from Bobstock in the amount of \$8,274.15, which was seconded by Councilmember Clint Anderson and approved unanimously.

PUBLIC HEARING ON AN APPLICATION FOR A SPECIAL USE PERMIT TO ALLOW AN ADDITION TO A HOUSE IN THE B-2 ZONING DISTRICT AT 116 MAPLE ST.

Mayor Shaver outlined the format to be followed during the public hearing, and Court Administrator Amanda Dunn confirmed that proper legal notice of the public hearing had been published. Public Works Director Steve Glammeyer explained the need for the permit, because residential homes were only allowed in a B-2 commercial zone by special use so any change to the home also required a special use permit. Glammeyer said the Planning Commission had recommended approval.

The applicants said they would be increasing the size of the home by about 160 square feet, would do the work themselves and likely sell the home when finished. Tony Schuster of 111 Maple St. asked a few questions about the plans for the project during the public comment period. No other comments were received either in advance or during the public hearing, and no council comments were offered.

Northrup made a motion to close the public hearing, which was seconded by Howe and approved unanimously. City Attorney Jason Meyers advised the council on the criteria for evaluating the application and its options for action, and Northrup offered a resolution to approve Case 18-014 SU, a special use permit for the expansion of the home at 116 Maple St. as was recommended by the Planning Commission, with the condition that the special use runs with the land in perpetuity. That resolution was seconded by Howe and approved unanimously.

PUBLIC HEARING ON AN APPLICATION FOR A SPECIAL USE PERMIT TO ALLOW A SINGLE-FAMILY HOME ON A VACANT LOT IN THE R-3 ZONING DISTRICT

Shaver outlined the format to be followed during the public hearing, and Dunn confirmed that proper legal notice of the hearing had been published. Glammeyer explained the need for the permit, because single-family homes were only allowed in an R-3 zoning district by special use. He noted that the entire area consisted of single-family homes so it was improperly zoned at some point, which staff would try to address in the future. Glammeyer said the Planning Commission had recommended approval.

The applicant offered no comments and no public comments were received either in advance or during the public hearing, and no council comments were offered.

Northrup made a motion to close the public hearing, which was seconded by Howe and approved unanimously. Meyers advised the council on the criteria for evaluating the application and its options for action, and Northrup offered a resolution to approve Case 18-015 SU, a special use permit for a single-family home in an R-3 district as was recommended by the Planning Commission, with the condition that the special use runs with the land in perpetuity. That resolution was seconded by Anderson and approved unanimously.

PUBLIC HEARING ON AN APPLICATION FOR A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A HOME BUSINESS IN A SINGLE-FAMILY HOME IN THE B-1 ZONING DISTRICT AT 404 STATE ST.

Mayor Shaver outlined the format for the hearing, and Dunn confirmed proper legal notice. Glammeyer explained that the applicant currently operated a home occupation in the house and wanted to add a couple of employees to expand her hair salon. He said that required a special use permit because of the zoning. Glammeyer said the proposed use would not be out of character with the neighborhood and the Planning Commission had recommended approval. No comments were received either in advance or during the public hearing, and no council comments were offered. Northrup made a motion to close the public hearing, which was seconded by Howe and approved unanimously. Meyers advised the council on the criteria for evaluating the application and its options for action. Northrup offered a resolution to approve Case 18-016 SU, a special use permit for a home business in a single-family home at 404 State St. as was recommended by the Planning Commission, with the condition that the special use is personal to the applicant and may not be inherited. That resolution was seconded by Howe and approved unanimously.

AGREEMENT WITH RS&H FOR DESIGN OF AIRPORT APRON PROJECT

Glammeyer explained that Reynolds, Smith & Hills was the city's retained airport engineering consulting firm, but each contract for a specific project required separate approval. This project would rehabilitate and possibly expand the existing concrete apron at the airport, and like most airport projects would be funded 95 percent by federal and state grants on a reimbursement basis. Howe offered a resolution to approve the contract with RS&H in the amount of \$126,506 for the design of the airport apron rehabilitation and expansion project and authorize the mayor to sign the contract. That resolution was seconded by Schossow and approved unanimously.

DISCUSSION OF MAY 29 PUBLIC FORUM AND DIRECTION ON A POSSIBLE ORDINANCE TO PLACE A BALLOT QUESTION REGARDING A PROPOSED CHARTER CHANGE BEFORE VOTERS IN THE NOVEMBER ELECTION

Mayor Shaver opened the floor for discussion of this item, which stemmed from a citizen request for a ballot question to change the city's home rule charter to put the police department under the direct supervision of the mayor and council rather than the city manager. A public forum on that topic was held the preceding week and was attended by some 60 people, about 25 of whom spoke. Councilmember Dan Marler asked about the relative costs of the city placing the question on the ballot compared to having the citizens who support the change do an initiative, and Brennan explained that these costs were difficult to pinpoint but a citizen initiative could force a special election which would likely be much more costly in terms of money and staff time. Councilmember Kevin Lindell said even though the comments in the forum were about 3 to 1 against changing the charter as proposed, he felt the city was obligated to let the voters decide. The mayor agreed, saying the decision should be put on the public to relieve the council of the burden. A council consensus emerged to place the question on the ballot for a public vote in November, and that was the direction to staff. Brennan then asked the council for some input and direction on how the ballot question might be worded, and council and staff discussion followed about that, the process and deadlines for enacting an ordinance to put the matter on the ballot, and the need to make the ballot language

simple and easy to understand so voters knew what they were voting on and knew what a yes vote would do and what a no vote would do. Council suggested staff bring back several options of ballot language for council review, and further discussion followed about the timing of that and the two readings of the needed ordinance.

Council also gave direction to staff to develop ballot language for the transfer of ownership of the Legion Park property from the city to the Morgan County Re-3 school district. No formal action was taken.

2019 BUDGET CALENDAR – SELF-INSURANCE FUND, LIABILITIES, RISKS AND COSTS

Human Resources/Risk Management Director Susan Kurk reviewed the current status of the Self-Insurance Fund as well as the city's other insurance coverages. She said it was too early in the year to tell what the total costs of claims and other issues might be, but staff was proposing the same action as in the past several years, which would be a 10 percent increase in the employee premiums for health insurance and an 3 percent increase in the cost for each department's contribution to the Self-Insurance Fund. This would leave a preliminary projected transfer from reserves to cover costs of \$327,037.

Kurk said at some point plan design alternatives should be explored. No action was taken.

CONSENT AGENDA BY RESOLUTION

Dunn presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the minutes of the May 15, 2018 City Council regular meeting
- B. Approval of the minutes of the May 23, 2018 City Council special 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.

Northrup offered a resolution to approve the Consent Agenda as presented, which was seconded by Lindell and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Brennan noted a few announcements and news releases, and mentioned that the city had been able to work out an arrangement for the Fort Morgan school district's day camp children to swim in the city's pool this year instead of traveling to Brush.

BIDS, MEETINGS AND ANNOUNCEMENTS

Dunn announced current bids and upcoming meetings.

Mayor Shaver adjourned the June 5, 2018 regular meeting at 8:18 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk