

June 19, 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 9:00 a.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Ron Shaver  
Councilmember Clint Anderson  
Councilmember Allison Howe  
Councilmember Kevin Lindell  
Councilmember Lisa Northrup  
Councilmember Doug Schossow

Absent: Councilmember Dan Marler (excused)

The meeting was also attended by Acting City Manager/City Clerk/PIO John Brennan, Chief of Public Safety Paul Schultz, City Attorney Jason Meyers, City Treasurer Jean Kinney, Public Works Director Steve Glammeyer, Water Resources/Utilities Director Brent Nation, Community Services Director Ty Hamer, Parks Superintendent Doak Duke, Human Resources Generalist Jennifer Cuckow, Chief Building Official Mike Kirkendall and Court Administrator Amanda Dunn.

---

#### **RECOGNITION OF JENNIFER CUCKOW AS EMPLOYEE OF THE QUARTER**

---

Acting City Manager John Brennan reviewed highlights of several nominations for Cuckow submitted by other city staff, and presented her with a personal gift from Human Resources/Risk Management Director Susan Kurk, who was unable to attend the meeting due to a conference. The council thanked Cuckow for her outstanding work.

---

#### **PRESENTATION AND FORMAL ACCEPTANCE OF THE 2017 FINANCIAL AUDIT**

---

City Treasurer Jean Kinney presented copies of the final audit to each council member and said there were no changes from the draft document presented at the preceding meeting. Councilmember Lisa Northrup offered a resolution to accept the 2017 financial audit as presented, which was seconded by Councilmember Allison Howe and approved on a unanimous vote of 6-0, with Councilmember Dan Marler absent (excused).

---

#### **RESOLUTION UPDATING SIGNATORIES FOR CITY-HELD BANK ACCOUNTS**

---

Kinney said this measure was being presented to add Brennan as a signatory on several accounts in his capacity as acting city manager, which would alleviate the need to have the mayor sign on checks and other activities in these accounts. Northrup offered a resolution to approve the Resolution updating signatories for the operation of city-held bank accounts, which was seconded by Councilmember Doug Schossow and approved unanimously (6-0, Marler absent).

---

#### **COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – ACCEPTANCE OF AN APPLICATION FOR A NEW 3.2% BEER LICENSE AT 825 MAIN ST.**

---

Brennan said this was the first step in the process for a new liquor license application, to have the city council formally accept the application and set a public hearing. He said the application

materials had been reviewed by the City Clerk's and City Attorney's Offices as well as the police department, and found to be complete. Brennan said the applicant would have to prove the needs and desires of the neighborhood for the license at the proposed public hearing, and an inspection of the premises would be conducted by the police department. He noted that the application came from a company that owned dozens of similar convenience stores in Colorado with 3.2 beer licenses.

Northrup offered a resolution to accept the application for a new 3.2% Beer License (Off Premises) for Pester Marketing Co. dba Alta #6145 at 825 Main St. and to schedule a public hearing on the application for Aug. 7. That resolution was seconded by Schossow and approved unanimously (6-0, Marler absent).

### **SECOND READING AND PUBLIC HEARING ON ORDINANCE NO 1215, POSTPONING IMPLEMENTATION OF THE 2015 INTERNATIONAL ENERGY CODE**

Mayor Shaver outlined the format to be followed during the public hearing, and Court Administrator Amanda Dunn confirmed that proper legal notice of the hearing had been published. Chief Building Official Mike Kirkendall said he had received no comments in opposition to this ordinance and there had been no changes since first reading at the preceding council meeting. No public comments were received either during the hearing or in advance, and no council comments were offered. In answer to a council question Kirkendall confirmed that the state would have no problem with the city's action to postpone implementation of the 2015 energy code.

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

City Attorney Jason Meyers advised the council of its options for action, and Northrup offered a resolution to approve the second and final reading of Ordinance No. 1215, amending Chapter 21 Article 4 of the Fort Morgan Municipal Code concerning the Energy Code, and to authorize publication by title only. That resolution was seconded by Howe and approved unanimously (6-0, Marler absent).

### **FIRST READING OF AN ORDINANCE ESTABLISHING HOURS OF OPERATION FOR CITY PARKS**

Brennan explained that this measure to close parks at night had been under discussion and consideration for about a year, and the initial draft of an ordinance to address it was deemed far too complex and far-reaching and a new much simpler version had been developed to address the issues in the parks. Brennan said Parks Superintendent Doak Duke had spoken to the council on several occasions in the past about the problems of trash, vandalism and other issues that occur at night in the parks, and noted that Duke was present at this meeting. Duke reiterated the problems and said they had grown worse over the past few years, and Brennan emphasized that this ordinance would affect all city parks and not just the most heavily used ones. He also noted that the ordinance allowed the city flexibility to make exceptions to the hours of operation in cases of emergencies or special circumstances.

Mayor Shaver said he felt closing the parks at night would be beneficial to the city and he supported the ordinance. Howe said she liked the allowance for exceptions and said the measure would protect city property.

Northrup offered a resolution to approve the first reading of an Ordinance amending Chapter 11 of the Fort Morgan Municipal Code concerning park hours, and scheduling a public hearing on the ordinance for July 3. That resolution was seconded by Schossow and approved unanimously (6-0, Marler absent).

---

**DISCUSSION AND DIRECTION ON ALTERNATIVES FOR BALLOT LANGUAGE TO BE INCLUDED IN AN ORDINANCE PLACING BEFORE VOTERS A BALLOT QUESTION REGARDING A PROPOSED CHARTER CHANGE IN NOVEMBER**

---

Brennan said this matter had been discussed since March when a citizen asked that the council allow a public vote on a charter change to place the police department under the direct supervision of the mayor and city council rather than the city manager. Brennan said City Attorney Jason Myers had reviewed the various references to the police department and chief in the charter and developed numerous alternative ways of posing the question, which were included in the meeting packets.

Brennan also said he had reviewed the video of the meeting where the citizen request was made and quoted exactly what was asked for, and said the council should not go beyond that request in its ballot language. He also said the language needed to be simple and make clear to voters exactly what they were voting for.

Extensive council and staff discussion of the options followed, touching on topics such as the subtle difference between the titles Chief of Police and Chief of Public Safety, the unusual nature of the fire chief and why the same charter language could not be used in relation to the police department, the need to design the question to meet the narrow original request and not make more broad changes in the charter, the likelihood that many voters would not understand the precise meaning of the term “appointed official” and that the question should make clear what was being changed in terms of who the police department would report to.

Several council members stated their preferences for certain options for the ballot language, and at the end of the discussion Brennan said he felt he and Meyers had a good understanding of the council consensus for the ballot question. Meyers said he would prepare one or two final options based on this discussion and bring those back as part of an ordinance for first reading at a council meeting in the near future. No formal action was taken.

---

**CONSENT AGENDA BY RESOLUTION**

---

Dunn presented the Consent Agenda for council consideration as follows:

**CONSENT AGENDA**

- A. Approval of the disbursements and payroll for May
- B. Approval of the minutes of the June 5, 2018 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.

Northrup offered a resolution to approve the Consent Agenda as presented, which was seconded by Howe and approved unanimously (6-0, Marler absent).

---

**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

---

None.

---

**REPORTS BY OFFICIALS AND STAFF**

---

Brennan reviewed the recent Party in the Park event the preceding week and provided some details about paving projects and other work going on around the city.

---

**BIDS, MEETINGS AND ANNOUNCEMENTS**

---

Dunn announced current bids and upcoming meetings. Lindell said he had just returned from a broadband conference and the city should start thinking about becoming a “smart city.”

---

**EXECUTIVE SESSION**

---

The regular portion of the meeting ended at 9:45 a.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. That 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.

Lindell made a motion to proceed to the scheduled executive session, which was seconded by Northrup and approved unanimously (6-0, Marler absent).

This executive session began at 9:55 a.m. and concluded at 10:59 a.m., and was attended by the mayor and five council members (Marler absent) along with Brennan, Meyers, Water Resources/Utilities Director Brent Nation, Economic Development Specialist Jeni Elrick, Joe Yavorski and Eric Johnson. Yavorski and Johnson left the session at 10:38 a.m.

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 then made a motion to direct staff to negotiate according to the parameters discussed in the executive session, which was seconded by Lindell and approved unanimously (6-0, Marler absent).

Mayor Shaver adjourned the June 19, 2018 regular meeting at 11:00 a.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk