

July 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 6:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Ron Shaver
Councilmember Allison Howe
Councilmember Kevin Lindell
Councilmember Dan Marler
Councilmember Doug Schossow

Absent: Councilmember Clint Anderson (excused)
Councilmember Lisa Northrup (excused)

The meeting was also attended by Acting City Manager/City Clerk/PIO John Brennan, City Attorney Jason Meyers, City Treasurer Jean Kinney, Chief of Public Safety Paul Schultz, Community Services Director Ty Hamer, Public Works Director Steve Glammeyer, Water Resources/Utilities Director Brent Nation, Economic Development Specialist Jeni Elrick, Management Intern Daniella Cabrera, FMPD Commander Jared Crone, Golf Maintenance Superintendent Matt Givens, Electric Superintendent Doug Linton, Chief Building Official Mike Kirkendall, Inventory Control Specialist Doug Hofman, IT Director Nelson McCoy, Gas Superintendent Tony Behrends, Sanitation Superintendent Bob Evins, Court Administrator Amanda Dunn and FMPD Officers Steve Brown, Tony Gagliano, Loren Sharp, Palmer Anguiano, Kaden Shuttleworth, Ted Thyne, Darren Dunson and David Marquez.

APPROVAL OF MINUTES OF THE JUNE 19, 2018 CITY COUNCIL REGULAR MEETING

Councilmember Allison Howe offered a resolution to approve the minutes of the June 19, 2018 City Council regular meeting as presented, which was seconded by Councilmember Doug Schossow and approved on a unanimous vote of 5-0, with Councilmembers Clint Anderson and Lisa Northrup absent (excused).

SWEARING IN OF NEW FORT MORGAN POLICE DEPARTMENT OFFICERS

Mayor Ron Shaver swore in the newest officers of the Fort Morgan Police Department and signed their oaths of office: Wayne Campbell, Jordan Hegwood, William Bencomo, Anthony Chaparro and Cris Pineda. Chief of Public Safety Paul Schultz provided a brief overview of each of the officers' work history/residency during the badge-pinning ceremony.

PRESENTATION OF SECOND DRAFT OF TRAILS MASTER PLAN

Gabby Voeller and Elli Wachtell of SE Group reviewed their second-round draft of the Trails Master Plan through a PowerPoint presentation. SE Group divided the planning area into the four city quadrants as well as Twamore Farms and the Quail Dunes Golf Course, and addressed recreation opportunities in each of the areas as well as implementation. Councilmembers Lisa Northrup and Allison Howe were involved in the goal setting for the master plan, and Howe said including representatives of the school district was appreciated. It was suggested that the plan be reviewed quarterly as grant cycles present themselves to see if funding is available to fix issues addressed in the plan. Representatives of SE Group said they

would have the final plan to the council by the end of the month and the plan would include cost estimates for each of the suggested improvements.

BIDS FOR POLICE VEHICLES

FMPD Commander Jared Crone reviewed the bid process for this purchase of two new police vehicles, and proposed that the council approve the bids from Spradley Barr for a Ford Explorer and from Ehrlich Motors for a Dodge Durango. Shaver questioned the rationale for not purchasing both vehicles locally, and Schultz said one of the vehicles would be utilized for investigations and the department wanted to diversify its unmarked vehicles. Howe offered a resolution to accept the bids from Spradley Barr of Greeley for \$31,406 for a Ford Explorer XLT, and from Ehrlich CDJR for \$27,500 for a Dodge Durango. That resolution was seconded by Councilmember Kevin Lindell and approved unanimously (5-0, Anderson and Northrup absent).

BIDS FOR HEAVY-DUTY WORK CART FOR THE GOLF COURSE

Golf Maintenance Superintendent Matt Givens reviewed the bids for this purchase, and recommended accepting the lower of two bids. Howe offered a resolution to accept the low bid from Potestio Brothers of Colorado Springs in the amount of \$26,588 for a heavy-duty work cart for the golf course, which was seconded by Councilmember Dan Marler and approved unanimously (5-0, Anderson and Northrup absent).

PUBLIC HEARING – APPLICATION FOR MINOR SUBDIVISION FOR SOL NACIENTE

Mayor Shaver reviewed the format to be followed during the hearing, and Court Administrator Amanda Dunn confirmed that proper legal notice of the hearing had been published. Public Works Director Steve Glammeyer reviewed the application, which would divide the property into three lots so the city could take possession of the two detention ponds as planned. No public comments were received either during the hearing or in advance, and no council comments were offered. Councilmember Doug Schossow made a motion to close the public hearing, which was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

City Attorney Jason Meyers explained that the council should follow the criteria for approving a minor subdivision. Howe offered a resolution to approve the application for a minor subdivision for Sol Naciente at 322 Linda St. That resolution was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

COUNCIL ACTING AS THE ZONING BOARD OF APPEALS - PUBLIC HEARING ON A REQUEST FOR A VARIANCE FROM PARKING REGULATIONS FOR CALVARY UNIVERSITY AT 300 DEUEL STREET

Shaver reviewed the format for the public hearing, and Dunn confirmed proper legal notice. Glammeyer explained that the limited off-street parking at this site only allows for 50 students at the new Calvary University in the old middle school building, and the university was asking to utilize on-street parking to count toward its off-street parking requirements to allow for the enrollment of 300 students. An estimated 158 stalls could be made available adjacent to the property on West Kiowa Avenue and Beaver and Deuel streets. Glammeyer said that if this variance were approved, he would request that the university be responsible for having the parking spaces marked using City-approved materials, and if Calvary University vacated the premises the parking variance would no longer be in place.

Applicant Jeff Campa of Calvary told the council the occupancy of the building was affected by parking and community activities as well as the university would be adversely affected if parking

was not increased. Campa said his intent was to prevent overflow parking from going into residential neighborhoods.

Jeff Ells of 415 W. 7th Ave. spoke in favor of the variance as proposed.

Charles Schaefer of 402 Emerson questioned the number of available spaces.

Sharon Velder of Meeker Street said she did not want people to park in front of her home if there is not enough room at the university, and was not in favor of allowing the variance.

Discussion followed about the size of parking stalls and how many would fit in the proposed areas, as well as the potential use of the empty grass field across Deuel Street for additional parking. Campa said the university's intent was to use that land for housing in the future, but several council members said the field should be considered for additional parking.

Schossow made a motion to close the public hearing, which was seconded by Marler and approved unanimously (5-0, Anderson and Northrup absent).

Meyers explained that the council should follow the criteria for approving a variance, which were included in the packet materials. Lindell offered a resolution to approve the request for a variance from parking regulations for Calvary University at 300 Deuel Street. That resolution was seconded by Marler and approved unanimously (5-0, Anderson and Northrup absent).

RESOLUTION RATIFYING EMERGENCY EXPENDITURES RELATING TO THE FLOODING OF THE LIBRARY

Community Services Director Ty Hamer presented the final cost of repairs to the library following flooding due to an incident of vandalism. The costs were much higher than anticipated due to asbestos abatement, he said, totaling \$96,583.54. Staff was asking council to ratify this emergency expenditure approved earlier by the mayor, and Hamer noted that the city's insurance carrier would cover all but the city's \$25,000 deductible.

Howe offered a resolution to approve the Resolution ratifying the emergency expenditures for cleanup and restoration of the Children's Library, which was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

DISCUSSION AND DIRECTION ON ENGINEER'S ESTIMATES COMPARED TO BUDGETED FUNDS FOR INSTALLATION OF STREETS IN THE CENTREPOINTE DEVELOPMENT

Acting City Manager John Brennan told the council that the cost estimates received for installation of streets in the city's CentrePointe Plaza development were much higher than the city had projected when creating the 2018 budget, and would therefore require additional funding to complete even a part of the planned street network. Glammeyer said the city had projected a cost of \$2.5 million for all of the main streets, and the engineer estimates came in at \$3.8 million for only about half of the streets. This was due at least in part to issues related to access from US 34 and an existing irrigation ditch, Glammeyer said.

Glammeyer said the city had \$350,000 it received from Sol Naciente for the completion of Beaver Avenue adjacent to that development, and the remaining additional money would have to come from capital reserves. Brennan said actual bids could be lower than the engineer estimates so staff was not asking for approval of a specific amount at this time, but wanted council direction to bid the project to complete at least half of the streets and bring back the specific amount for approval when it is known.

The direction from council was to fashion the bids to complete half of Saunders Street and half of Beaver. No formal action was taken.

SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1216, ESTABLISHING HOURS OF OPERATION FOR CITY PARKS

Shaver outlined the format to be following during the public hearing, and Dunn confirmed proper legal notice. Brennan said no changes had been made to this ordinance since first reading, and it would impose hours of operation for all city parks from 5 a.m. to 11 p.m.

Charles Schaefer of 402 Emerson spoke about approximately 23 families who reside at Riverside Park, and said he was opposed to this ordinance as the park offers a place for people to reside who cannot afford traditional housing. Schaefer said it was not the campers that cause issues at the park, it is teenagers who go to the park to cause trouble.

Denise Uebersheier, who said she resides at Riverside Park and has a job at Cargill in Fort Morgan, objected to closing the parks and would like Riverside to remain open for camping.

Jeff Ells of 415 W. 7th Ave. said closing down the parks meant closing down businesses, and he favored issuing permits for camping and fines for those who violate the permits.

Tony Hochanadel said his wife was afraid to take their three young children to the park because of the homeless population, and he was in favor of the park closures.

Marler said he received a phone call in favor of the park closure and Howe said she received two calls in favor of closing the park.

Brennan reminded everyone that the park is not a campground so this was not an issue of closing a campground, it is an issue of closing city parks at night to alleviate problems of trash, vandalism, crime and other issues that occur in the overnight hours.

Mayor Shaver said this ordinance had nothing to do with removing homeless individuals from the park. The park closures are necessary, he said, because the parks department spends a considerable amount of time picking up trash and removing graffiti that is a result of the parks being open all night long. Shaver also pointed out that under the Department of Health guidelines the city's parks do not meet the requirements to be used as a campground.

Schossow offered a resolution to close the public hearing, which was seconded by Marler and approved unanimously (5-0, Anderson and Northrup absent).

Meyers advised the council of its options for action, and Howe offered a resolution to approve the second and final reading of Ordinance No. 1216, amending Chapter 11 of the Fort Morgan Municipal Code regarding park hours, and authorize publication by title only. That resolution was seconded by Schossow and approved unanimously (5-0, Anderson and Northrup absent).

FIRST READING OF AN ORDINANCE ESTABLISHING A FRANCHISE AGREEMENT WITH ALLO COMMUNICATIONS

Meyers explained that this ordinance formalized a franchise agreement with Allo Communications to provide cable service over the city's fiber optic network.

Howe offered a resolution to approve the first reading of an Ordinance of the City of Fort Morgan, Colorado, granting a non-exclusive franchise to Allo Communications, LLC, and its lawful successors, transferees and assigns, for the right to make reasonable and lawful use of the rights-of-way within the city to construct, operate, maintain, reconstruct, repair and upgrade a cable system for the purpose of providing cable services to citizens within the City of Fort Morgan, Colorado, and declaring an effective date, and scheduling a public hearing on the ordinance for July 17. That resolution was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

FIRST READING OF AN ORDINANCE TO PLACE A BALLOT QUESTION REGARDING A PROPOSED CHARTER CHANGE BEFORE CITY VOTERS IN THE NOVEMBER ELECTION

Brennan explained that this ordinance contained the proposed ballot language that would be used for this measure, which was being placed on the ballot at the request of a citizen and would put the chief of the police department under the direct supervision of the City Council instead of the city manager. Brennan said many possible variations of the language had been discussed and this version was a distillation of the ideas from that earlier discussion.

Lindell pointed out that many residents would not know the precise meaning of the term “director” and the reporting hierarchy of the city, and asked for language to clarify that the chief would move from reporting to the city manager to reporting to the council. Meyers said the council could make that amendment in its approval of the ordinance, and insert the words “reporting to the city manager” to clarify what would change.

Howe offered a resolution to approve the first reading of an Ordinance of the City Council of the City of Fort Morgan, Colorado, submitting a ballot question to the electors of the city relating to changing the city’s charter to have the police chief become an appointed official, with amendments to the ballot language as discussed, and to schedule a public hearing on the ordinance for July 17. That resolution was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION PLACING BEFORE VOTERS ON THE NOVEMBER ELECTION BALLOT A QUESTION REGARDING THE TRANSFER OF OWNERSHIP OF THE LEGION PARK PROPERTY FROM THE CITY TO THE MORGAN COUNTY RE-3 SCHOOL DISTRICT

Meyers said this measure had been contemplated for some time, and was not done the previous year because some clarification of property boundaries and legal descriptions had to be completed first. This would simply seek voter authorization for the transfer of the Legion Park property from the city to the school district, but the actual change of ownership would involve several steps and a separate agreement.

Howe offered a resolution to approve the Resolution of the City Council of the City of Fort Morgan, Colorado, submitting a ballot question to the electors of the city relating to the transfer of property to Morgan County School District Re-3, which was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

2019 BUDGET CALENDAR

Light and Power Superintendent Doug Linton, Glammeyer, City Treasurer Jean Kinney, Inventory Control Superintendent Doug Hofman, Water Resources/Utilities Director Brent Nation, Information Technology Director Nelson McCoy, Gas Superintendent Tony Behrends and Sanitation Superintendent Bob Evins presented highlights of their proposed 2019 budgets for the Electric, Public Works/Engineering, Building Maintenance, Utility Billing, Inventory Control, Utility Director, Network Administration, Gas and Sanitation departments. Each presenter also told the council of innovative things they had done in their departments in the preceding year and hoped to do in the future. No formal action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Brennan shared an email from a citizen who recognized the City's efforts to clean up debris from the storm on July 2, 2018. Brennan also commended Sam Schantz of the building maintenance department for working so hard to get the cooling system running at City Hall in time for this council meeting. Brennan also announced that Schultz had been named chair of the Technical Assistance Committee of the Colorado Association of Chiefs of Police.

Schultz told the council about a community listening program to be hosted by the International Association of Chiefs of Police, with Fort Morgan one of only four cities nationwide chosen for this program.

Glammeyer provided an update on street projects and introduced new engineer-in-training Derrik Mills. Nation provided an update on the fiber network buildout.

BIDS, MEETINGS AND ANNOUNCEMENTS

Dunn announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 9:26 p.m. and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Howe made a motion to convene this executive session, which was seconded by Marler and approved unanimously (5-0, Anderson and Northrup absent).

The 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: Wastewater treatment.

The executive session began at 9:37 p.m. and ended at 10:24 p.m., and was attended by the mayor and four council members (Anderson and Northrup absent) along with Brennan, Meyers, Nation, Kinney, Rodney Perry and Heather Luther. After approximately 20 minutes Perry and Luther left the executive session.

At the conclusion of the executive session the council returned to the regular open meeting, where Howe reported that the council had met in executive session for the purpose stated on the agenda. Howe then made a motion directing staff to negotiate according to the parameters discussed in the executive session. That motion was seconded by Lindell and approved unanimously (5-0, Anderson and Northrup absent).

Mayor Shaver adjourned the July 3, 2018 regular meeting at 10:25 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk