

December 18, 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 Clint Anderson
Councilmember Dan Marler
Councilmember Lisa Northrup
Councilmember Doug Schossow

Absent: Councilmember Allison Howe (excused)
Councilmember Kevin Lindell (excused)

The meeting was also attended by City Manager Jeff Wells, City Attorney Jason Meyers, City Treasurer Jean Kinney, Chief of Public Safety Paul Schultz, Water Resources/Utilities Director Brent Nation, Public Works Director Steve Glammeyer, Human Resources/Risk Management Director Susan Kurk, Community Services Director Ty Hamer, Management Intern Daniella Cabrera, Golf Professional Matt Pickering, Wastewater Treatment Plant Superintendent Skip Kaiser and Deputy City Manager/City Clerk/PIO John Brennan.

RECOGNITION OF FMPD COMMANDER JARED CRONE FOR GRADUATING FROM POLICE STAFF AND COMMAND SCHOOL

City Manager Jeff Wells said this was recognition for a great deal of hard work put in by FMPD Commander Jared Crone, and noted that training was an important part of keeping the police department current and up to date.

Chief of Public Safety Paul Schultz described the program, which encompassed 10 weeks and 400 hours of class time and was administered by Northwestern University, and added that it was paid for by a grant that Crone wrote. Crone thanked the council for allowing him to attend the program and said it was very valuable and he wished he had done it years earlier.

RESOLUTION APPROVING A CONTRACT WITH NEW MUNICIPAL JUDGE

Wells said this was a contract for Charles Peters, who had been selected from among several candidates, and was similar to the one for the previous municipal judge, who had been appointed to a position as a county court judge. City Attorney Jason Meyers noted that this was a one-year agreement that would be renewed in January 2020 so the appointment of the judge would then be synchronized with the usual two-year cycle for appointed officials.

Councilmember Lisa Northrup offered a resolution to approve the Resolution appointing Charles Peters as Municipal Judge for the City of Fort Morgan, which was seconded by Councilmember Doug Schossow and approved on a unanimous vote of 5-0, with Councilmembers Allison Howe and Kevin Lindell absent.

SWEARING-IN OF NEW MUNICIPAL JUDGE CHARLES PETERS

Mayor Ron Shaver administered the oath of office to Charles Peters, who thanked the council for choosing him and said he was happy to serve the city as judge.

PRESENTATION AND DISCUSSION OF WATER RATE STUDY AND RECOMMENDATIONS

Water Resources/Utilities Director Brent Nation introduced Andrew Rheem of water rate consulting firm Raftelis, who reviewed a PowerPoint presentation outlining the rate study the company performed and the recommendations coming out of that study. He noted that the Northern Integrated Supply Project was a major expense in the future for the city and a major factor in determining how to structure rates.

Rheem explained that the rate study looked ahead 10 years for water rates and five years for wastewater rates, but the recommendations could change as details of the NISP expense evolved, so the proposed adjustments were only for 2019 at this time. Raftelis proposed a 9 percent increase in water rates and no change in sewer rates for 2019, and also recommended a substantial 42 percent increase in plant investment fees. Some council and staff discussion and comment followed.

RESOLUTION ADJUSTING WATER RATES AND TAP FEES

Nation said the proposed resolution would make the rate and fee adjustments recommended by the Raftelis study. Northrup offered a resolution to approve the Resolution increasing the water rates, water tap fees, and sewer tap fees for the city of Fort Morgan, Colorado. That resolution was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

BIDS FOR MECHANICAL BAR SCREEN SYSTEM FOR THE WASTEWATER TREATMENT PLANT

Wastewater Treatment Plant Superintendent Skip Kaiser explained the purpose and function of this equipment and said staff was recommending the bid from the company that had originally patented the state-of-the-art equipment and had nearly 150 good references, while others had very few or no references and numerous reports of problems. Kaiser said the city's consulting engineer agreed that this was the best choice even though it was the second-highest bid.

Northrup offered a resolution to accept the bid from Duperon Corp. in the amount of \$189,500 for a mechanical bar screen system for the Wastewater Treatment Plant. That resolution was seconded by Councilmember Dan Marler and approved unanimously (5-0, Howe and Lindell absent).

PUBLIC HEARING ON A SPECIAL USE PERMIT FOR A LARGE DAY CARE HOME

Mayor Shaver outlined the format to be followed during the public hearing, and Deputy City Manager/City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Public Works Director Steve Glammeyer reviewed the application, which was from an applicant who currently operated a small family day care in her home and had now purchased the house next door to expand to a large day care, increasing from a maximum of eight children to 12.

Glammeyer said staff had reviewed the application and found it would have no significant impact on the surrounding area, and the Planning Commission had recommended approval with certain conditions that staff had suggested. No comments were offered by the applicant, or received from the public during the hearing or in advance. In answer to a council question, applicant Mary K. Rea Montoya said there was plenty of room between the two homes to accommodate 12 children.

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

City Attorney Jason Meyers advised the council of the criteria for a special use permit and the options for action. Northrup offered a resolution to approve Case 18-025 SU, a special use permit for a large family day care home at 515 Lincoln St., as was recommended by the Planning Commission, subject to the following conditions:

1. That the child care home shall be maintained and operated in accordance with all applicable provisions of Colorado Revised Statutes 26-6-101, et seq;
2. That the child care home is limited to twelve (12) or fewer children, including children living in the home and children of close relatives cared for in the home; and
3. That the special use is personal to the applicant and may not be inherited.

That resolution was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

PUBLIC HEARING ON A SPECIAL USE PERMIT FOR AN ALTERNATIVE FENCE STANDARD AT 2929 E. PLATTE AVE.

Shaver outlined the format for the hearing and Brennan confirmed proper legal notice. Glammeyer reviewed the proposal, which was for a 14-foot wall to reduce noise from the FedEx Ground facility being built on the site. Glammeyer said the city had a noise ordinance but not specific levels of noise over certain distances, but the state did have such standards and the developer had followed those in determining that a wall was needed. However, the city code had no provisions for a 14-foot wall, so Glammeyer said he and Meyers has discussed it and decided to bring it to council to see if there were any concerns with that height. Glammeyer said staff had reviewed the application and recommended approval, as did the Planning Commission.

No comments were offered by the applicant, and no public comments were received either during the hearing or in advance. No council comments were offered, and Northrup made a motion to close the public hearing, which was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

Meyers advised the council of the criteria and options for action, and Northrup offered a resolution to approve Case 18-026 SU, a special use permit to allow for an alternative fence standard, as was recommended by the Planning Commission, subject to the following condition: That the special use runs in perpetuity with the land and lot in question, so long as the sound barrier wall/fence remains in place. That resolution was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

PRESENTATION ON NEW CONTRACT WITH GOLFNOW FOR QUAIL DUNES GOLF COURSE

Community Services Director Ty Hamer said the city had previously been in a three-year contract with GolfNow, which had expired and was now on a year-to-year basis. He said the company had a new software platform that the golf course staff felt would be extremely beneficial to the course in terms of marketing, sales, convenience and technology. It would be similar to the previous agreement in that GolfNow would provide the software, tablet computers, technical support and more in exchange for three tee times per day at Quail Dunes that they could sell and share one-third of the revenue back to the course.

Hamer said the new agreement would be for four years, and when questioned whether that was permissible under the city procurement policy Meyers pointed out that it was actually four one-year contracts subject to annual appropriations by the city.

Northrup offered a resolution to approve a new four-year agreement with GolfNow and authorize the mayor to sign the agreement. That resolution was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

FIRST READING OF AN ORDINANCE ANNEXING THE FEIBIG FARM PROPERTY

Glammeyer said this was approximately 135 acres in three parcels purchased by the city this year, and because the property was city-owned the annexation of the land could be done on an expedited basis, without the usually required public notice and waiting periods. He said the zoning of the property would have to go through the normal process and would probably begin with presentation to the Planning Commission after the first of the year.

Northrup offered a resolution approving first reading of an Ordinance annexing to the City of Fort Morgan areas known collectively as the Feibig Annexation, and to schedule second reading and a public hearing of the Ordinance for Jan. 2, 2019. That resolution was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for November
- B. Approval of the minutes of the Dec. 4, 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 Marler and approved unanimously (5-0, Howe and Lindell absent).

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jerry Wathen of 1100 Linda St. wished the council happy holidays and said he would be working with the state legislature and the governor next year on affordable housing, which he said was badly needed and especially in rural eastern Colorado.

REPORTS BY OFFICIALS AND STAFF

None.

BIDS, MEETINGS AND ANNOUNCEMENTS

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

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:09 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Northrup made a motion to convene this executive session, which was seconded by Anderson and approved unanimously (5-0, Howe and Lindell 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: Chief of Public Safety contract.

The executive session began at 8:19 p.m. and ended at 10:02 p.m., and was attended by the mayor and four council members (Howe and Lindell absent) along with Chief of Public Safety Paul Schultz 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 the city attorney to draft a contract as discussed in the executive session. That motion was seconded by Anderson and approved unanimously (5-0, Howe and Lindell absent).

Mayor Shaver adjourned the Dec. 18, 2018 regular meeting at 10:03 p.m.

/s/ Ronald Shaver

Mayor

/s/ John Brennan

City Clerk