

October 6, 2020

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 Lyn Deal
Councilmember Kevin Lindell
Councilmember Doug Schossow
Councilmember Brian Urdiales

The meeting was also attended by City Manager Steve Glammeyer, City Treasurer Jean Kinney, Interim Police Chief Jared Crone, Human Resources/Risk Management Director Susan Kurk, Community Services Director Ty Hamer, Water Resources/Utilities/Interim Public Works Director Brent Nation, Economic Development Specialist Sarah Crosthwaite, Deputy City Attorney Nina Williams, Fire Marshal John Zink, Assistant City Engineer Derrik Mills and Deputy City Manager/City Clerk/PIO John Brennan.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

APPROVAL OF MINUTES – SEPTEMBER 15, 2020 CITY COUNCIL REGULAR MEETING

Councilmember Lyn Deal offered a resolution to approve the minutes of the September 15, 2020 city council regular meeting as presented, which was seconded by Councilmember Brian Urdiales and approved unanimously (6-0, with one vacancy on the council).

RECOGNITION OF THE BUSINESS OF THE MONTH FOR OCTOBER

Economic Development Specialist Sarah Crosthwaite described the October honoree as a family-owned business in the city for more than 10 years that was a huge asset to the business community. She announced Las Americas Tortilleria, Taqueria y Panaderia as October's Business of the Month and presented owners Jose Del Campo and Martha Fabiona with a plaque and the Business of the Month sandwich board sign to display outside the business for the month.

PROCLAMATION DECLARING OCTOBER TO BE DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Ron Shaver read the proclamation and presented a signed and sealed formal copy to SHARE Inc. Executive Director Jody Strouse.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – PUBLIC HEARING ON AN APPLICATION FOR A NEW FERMENTED MALT BEVERAGE LICENSE FOR STINKER STORES CO

Shaver outlined the format and rules to be followed for the public hearing, and Deputy City Manager/City Clerk/PIO John Brennan confirmed that proper legal notice of the public hearing

had been posted and published. Brennan reviewed the application and noted that it had been found to be complete and in order, and the applicants had submitted nearly 60 valid signatures of support on petitions. Brennan said background checks were clean and staff recommended that the council weigh the evidence and make an objective decision on the granting or denial of the license.

No comments were received from the applicant or the public either during the hearing or in advance, and no council comments were offered. Schossow made a motion to close the public hearing, which was seconded by Councilmember Clint Anderson and approved unanimously. Deputy City Attorney Nina Williams advised the council of its options for action, and Councilmember Doug Schossow offered a resolution to approve the application for a new Fermented Malt Beverage License (Off Premises) for Stinker Stores CO Inc. at 601 Main St. That resolution was seconded by Deal and approved unanimously.

PUBLIC HEARING ON AN APPLICATION FOR A SPECIAL USE PERMIT TO OPERATE AN AUTO SALVAGE BUSINESS IN THE B-2 ZONING DISTRICT NEAR 207 S. SHERMAN ST.

Shaver outlined the format for the hearing and Brennan confirmed proper legal notice. Water Resources/Utilities/Interim Public Works Director Brent Nation reviewed the application and the criteria for approval of a special use permit, noting that the applicants in this case were unaware of the need for a special use permit before starting operations. Nation also said the property in question was in a sort of seam between zoning districts, where business and residential uses abut one another.

Nation said the city Planning Commission had met for approximately an hour on this matter and found the application met some of the criteria but had concerns about other criteria, and ultimately the commission took no action on any recommendation for the city council. Staff's only recommendation, Nation said, was that if he council did act to approve the application that it impose certain conditions. Some discussion followed about whether any auto salvage businesses currently existed in the city.

Applicant and co-owner of Forever Auto Salvage Antonio Beltran addressed the council about his background as a longtime resident of the community and a young person trying to start a business to contribute to the community. He addressed concerns expressed by neighbors during the earlier planning commission meeting and said he would undertake mitigation measures and was willing to work with the neighbors and be an asset to the community. Council, staff and applicant discussion including the other co-owner, Heriberto Gutierrez, followed.

Under public comment, Bill Bruntz of 218 S. Sherman St. said he lived directly across the street from the salvage site and was opposed to this use of it. He said it was a primarily residential area and he foresaw problems with weeds, rodents and other issues and the business would make his property value go down. Bruntz presented the city council with a petition he said contained 23 signatures in opposition to the business as well as some photographs he said showed the unsightly nature of the salvage site.

Karen Speicher of 521 Circle Drive said she had lived in her home near the site for 51 years and there was no buffer between her property and the salvage site. She said they already had problems with snakes and rodents from the pallet business that previously occupied the property and that the business would also attract and endanger children and should not be located in the city limits. Speicher also presented the council with a petition of opposition and photographs. Andrea Cox of 511 Circle Drive questioned whether there had been an environmental assessment of the property, the applicants' plans for security at the site and other issues. She said she was generally opposed to the proposal.

Rosa Beltran said the issues raised by the neighbors were all issues that existed before the salvage operation began, and that the applicants were part of the younger generation trying to contribute to the economy.

Jorge Guerrero said he had lived on South Sherman Street for 22 years and seen the different uses of the subject property over the years, and said the current applicants had already done more to clean up the site than anyone in the past and they would be good stewards.

Brennan said no public comments had been received prior to the hearing.

Under council comments, several council members said they understood the opposition of the neighbors but the property was a difficult situation given its location between residential and commercial zones, and the applicants appeared to be trying to do things right. Others felt the business plan was good but the location was not appropriate and suggested the applicants look for another site. More council and staff discussion followed.

Councilmember Kevin Lindell made a motion to close the public hearing, which was seconded by Anderson and approved unanimously. Williams reminded the council that it was obligated to base its decision on the six criteria for approval of a special use permit and could add other conditions to any approval if desired.

Anderson offered a resolution to approve Forever Auto Salvage for the special use permit to operate in the B-2 zoning district under the conditions that it is only for the business operating as Forever Auto Salvage, that the business owner schedule a meeting with the chief building official and fire marshal to determine building and fire code requirements, that the city issue a separate Commerce Avenue address for the business property, that they improve the landscaping on the outside part of the fence and adding the privacy fence, and that the special use permit be issued for one year, after which it would expire unless renewed subject to all requirements of the code. That resolution was seconded by Urdiales and failed on a vote of 4-2 with Anderson and Urdiales voting in favor and Deal, Schossow, Shaver and Lindell voting against.

Williams then recommended that there be another vote because she believed the matter required an affirmative vote to either approve, approve with conditions or deny the application. Council and staff discussion followed. Deal offered a resolution to deny the application for the special use permit to operate an auto salvage business in a B-2 zoning district near 207 S. Sherman on the issue of not meeting any of the criteria. That resolution was seconded by Schossow and approved on a vote of 4-2 with Deal, Schossow, Shaver and Lindell in favor and Anderson and Urdiales against.

Anderson then commented to the applicants that they should not be discouraged and should keep working toward their dream of operating their business.

BIDS FOR A SHELTER STRUCTURE FOR THE TWAMORE TRAILS PROJECT

Community Services Director Ty Hamer said this would be a prefabricated steel shelter at the trailhead for the new Twamore Trails under development on the north side of the river. Four bids were received and Hamer recommended accepting the bid with the lowest total cost for the shelter and installation, noting that staff would do the foundation and prep work.

Schossow offered a resolution to accept the bid from RCP Shelter Inc. in the amount of \$15,305 plus \$4,850 for installation with the total expenditure not to exceed \$30,000. That resolution was seconded by Urdiales and approved unanimously.

BIDS FOR A PRECAST RESTROOM FACILITY FOR THE TWAMORE TRAILS PROJECT

Hamer said this was another element of the new trail project and would be located near the shelter and parking area. One bid was received from a company that the city had worked with before and Hamer recommended accepting it and asked for \$2,500 in contingency funds.

Deal offered a resolution to accept the bid from UBC Precast in the amount of \$41,150 with total expenditure not to exceed \$43,650. That resolution was seconded by Lindell and approved unanimously.

BIDS FOR SAIL SHADES FOR THE DOWNTOWN AREA

Crosthwaite reviewed the bid process for this purchase, which would be funded by a Colorado Department of Transportation Revitalize Main Street grant. Three bids were received and Crosthwaite recommended accepting the middle of the three in terms of cost because it met all of the design standards and architectural features and also offered an additional option at no cost.

Deal offered a resolution to accept the bid from Shelter Specialist LLC of Boulder in the amount of \$25,003, which was seconded by Schossow and approved unanimously.

RESOLUTION APPOINTING CITY REPRESENTATIVES TO THE NEBRASKA MUNICIPAL POWER POOL MEMBERS' COUNCIL

Nation said this was a housekeeping measure to place city representatives on this board of the city's electric power supplier, with Nation as the primary rep and Light and Power Superintendent Doug Linton as alternate. Schossow offered a resolution to approve the Resolution appointing Brent Nation as the city's designated representative and Doug Linton as the city's alternate representative to the Nebraska Municipal Power Pool Members' Council. That resolution was seconded by Urdiales and approved unanimously.

DISCUSSION AND POSSIBLE DIRECTION ON LOCATION OF A PLANNED SPLASH PAD

Glammeyer said the city had been planning to construct an "inclusive" (Americans with Disabilities Act-accessible) playground and a splash pad for some time. The original thought was to build it in City Park but with the fieldhouse project under construction Glammeyer said that was a logical location for the amenity and it could be built using money budgeted for the fieldhouse. This would save money as well as limited space at City Park, and Glammeyer was looking for direction from the council on which location to pursue.

Much council and staff discussion ensued about the pros and cons of each location, with many council members expressing mixed feelings. In the end the council direction was to locate the project at the fieldhouse site and work toward having a smaller standalone splash pad in City Park in the future. No formal action was taken.

CONSIDERATION OF THE MAYOR'S DAY OFF ON THE DAY AFTER THANKSGIVING

Glammeyer said the city had been granting the day after Thanksgiving as a paid day off for full-time employees for a number of years, and requested that the council consider this again in 2020. Schossow offered a resolution to approve the Mayor's Day Off on the day after Thanksgiving, which was seconded by Lindell and approved unanimously.

DISCUSSION AND POSSIBLE DIRECTION OR ACTION ON FILLING THE CITY COUNCIL VACANCY IN WARD 2

Brennan explained the process for filling a vacancy on the council, which was made necessary by the resignation of former councilmember Allison Howe at the Sept. 15 meeting. He said two applications had been received in the three weeks since the vacancy occurred, and the council could wait to see if others applied or appoint one of the two initial applicants, both of whom were present at the meeting. The council consensus was to move forward with consideration of the two applicants, Jon Kaper and Andrew Stieb, who each gave brief presentations on their backgrounds and reasons for wanting to be on the council and answered council questions.

The council members then voted for their preferred candidate using ballots supplied by Brennan, with the result being five votes for Kaper and one for Stieb. Mayor Shaver subsequently administered the oath of office to Kaper and he took his seat on the council dais.

REPORTS BY OFFICIALS AND STAFF

Glammeier said that he had spoken recently with Nation, who assumed Glammeyer's previous duties as public works director when he was appointed city manager, and had decided to formally add the public works title to Nation's other title of water resources and utilities director. Glammeyer and Nation also updated the council on various projects under way around the city.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:38 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Lindell made a motion to convene this executive session, which was seconded by Anderson and approved unanimously (7-0). 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: Real estate contract request.

The executive session began at 8:51 p.m. and ended at 9:14 p.m. and was attended by the mayor and five councilmembers (Kaper just appointed and Lindell with an excused absence for medical reasons) along with Glammeyer, Nation, Crosthwaite, Williams and Brennan. At the conclusion of the executive session the council returned to the regular open meeting, where Anderson reported that the council had met in executive session for the purpose stated on the agenda and gave direction to staff on negotiating parameters for a real estate contract request. No motion was made.

Mayor Shaver adjourned the October 6, 2020 regular meeting at 9:15 p.m.

/s/ Ronald Shaver

Mayor

/s/ John Brennan

City Clerk