

May 3, 2011

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 7:11 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister
Councilmember Scott Bryan
Councilmember Sharol Lyn Deal
Councilmember Debra J. Forstedt
Councilmember Brent M. Nation
Councilmember James A. Powers
Councilmember Ronald Shaver

The meeting was also attended by Acting City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Director of Water Resources Gary Dreessen, Community Development Director David Callahan, City Treasurer Terri Schafer, Community Services Director Patti Evans, Golf Professional Tyler Tarpley and City Clerk John Brennan.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONSULTING SERVICES AGREEMENT WITH GRAFF'S TURF FARMS

Acting City Manager Jeff Wells noted that the council had voted at its last regular meeting to accept the bid for consulting services from the only bidder, Graff's Turf Farms. He asked company owner James Graff if he would like to make any comments to the council. Graff acknowledged some concerns among the council and community members about the cost of the contract, but said that this cost would provide the city with a detailed plan and procedures for the golf course, which are lacking now.

Discussion followed, with some council members expressing their belief in the need for the contract and their support for it, and others voicing concerns about the cost in tight budgetary times.

Councilmember Deb Forstedt then offered a resolution to approve the resolution authorizing the mayor to sign the agreement, which was seconded by Councilmember Lyn Deal. The measure failed on a 4-3 vote, with Mayor Terry McAlister and Councilmembers Brent Nation, Ron Shaver and Scott Bryan voting against it, and Forstedt, Deal and Councilmember James Powers voting in favor.

PROCLAMATION DECLARING MAY TO BE MENTAL HEALTH MONTH

Mayor McAlister read the proclamation declaring May to be Mental Health Month in Fort Morgan, and presented a signed and sealed formal copy of the document to Karl Cline, regional director of Centennial Mental Health. Cline spoke about the growing need for and the expansion of mental health services by his agency, and encouraged the council to attend a public forum at his facility on May 11.

PUBLIC HEARING ON THE FORT MORGAN DENTAL CONDOMINIUM MINOR SUBDIVISION

Mayor McAlister provided opening comments and described the format of the public hearing, and City Clerk John Brennan confirmed that proper public notice of the hearing had been provided. Community Development Director David Callahan described the proposal for the subdivision, and said it would be a simple matter if not for shortcomings in the division of the land in the past. As a result, Callahan said the city should correct as many of these deficiencies as possible in the process of this subdivision.

Callahan said the planning commission had delayed action on the application at the request of a neighboring property owner, but ultimately recommended approval with nine conditions as outlined in the materials provided with the council packets. Callahan said staff had originally recommended three conditions, the applicant had proposed eight conditions to deal with the complex issues, and the planning commission recommended approval with one additional condition added.

The applicant, dentist Dr. Gary Kloberdanz, was represented by Greeley attorney Glen Droegemueller, who reviewed the application, the plan and the process for the council. Kloberdanz had purchased the property and the office building last year and wanted to divide it into two offices and sell one of them to an oral surgeon. Droegemueller said the applicant had done everything possible to accommodate the neighboring property owner, Jerry Willcoxon, but Willcoxon had repeatedly refused to enter into a subdivision agreement. Droegemueller said he did not believe the proposal would interfere with Willcoxon's motel business.

During the public comment portion of the hearing, Willcoxon addressed the council and said he was there solely to object to the hearing. He said he was subject to the Americans with Disabilities act and asked that the council dismiss him from the hearing and take no action.

Councilman Powers asked Acting City Manager and City Attorney Jeffrey Wells for an interpretation of this statement, and Wells said the ADA accords no special privileges but is simply geared toward protecting the right and ability of individuals with disabilities to enter public facilities. He said the council could go forward and examine the issues of the hearing as presented.

Powers then offered a motion to close the public hearing, which was seconded by Forstedt and approved unanimously. Wells said the council had heard the evidence, and had the options to grant approval, recommend additional conditions for approval, deny the application or defer action.

Forstedt then offered a Resolution to approve the subdivision application as presented, which was seconded by Councilwoman Lyn Deal and approved unanimously.

PARTNERSHIP AGREEMENT WITH FORT MORGAN HERITAGE FOUNDATION

Wells said the Heritage Foundation has provided outstanding support for the city museum for many years, and the revisions to the original 1996 agreement between the two entities were needed because of changes in the city charter. He said the new agreement had been in the works for years, and was finally ready for council approval after being approved by the foundation's board.

Forstedt offered a resolution to approve a resolution authorizing the mayor to sign the partnership agreement, which was seconded by Councilmember Scott Bryan and approved unanimously.

CONSENT AGENDA BY RESOLUTION

Clerk Brennan presented the Consent Agenda for Council consideration, said Consent Agenda being in words, letters and figures as follows, to wit:

CONSENT AGENDA

- A. Second reading and final approval of Ordinance No. 1114, authorizing the lease of the city-owned sludge farm, and authorization to publish by title only.
- B. Approval of bids for electric dept. pad-mounted transformers.
- C. Approval of bids for electric dept. pole-mounted transformers.
- D. Approval of fee waiver for Military Appreciation Day May 21-22.
- E. Approval of fee waiver from Morgan County Fair Board.
- F. Approval of the minutes of the April 19 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.

Councilmember Nation offered a resolution to approve the consent agenda as presented, which was seconded by Powers and approved unanimously.

PASSED, APPROVED AND ADOPTED this 3rd day of May 2011, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells told the council of a compliment paid to the city electric department staff by a county official after city crews went beyond the call of duty to assist the county when backup generators failed at the county administration building during replacement of electric supply lines to the building by city crews. Wells also announced a public meeting on the Northwest Quadrant Storm Drainage Study on May 25.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Brennan announced upcoming bids and meetings, and McAlister announced several upcoming community events.

The regular meeting concluded at 8:44 p.m., at which time Forstedt made a motion to adjourn to the first of two scheduled executive sessions. That motion was seconded by Powers and approved unanimously.

EXECUTIVE SESSION

The first 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: Economic development.

The executive session convened at 8:56 p.m. and concluded at 9:45 p.m., and was attended by the council members and mayor along with Wells.

Following the session Powers reported that the council had discussed the scheduled topic and made a motion to direct negotiators to negotiate according to the parameters discussed in the executive session. That motion was seconded by Forstedt and approved unanimously.

Powers then made a motion to convene the second scheduled executive session, which was seconded by Forstedt and approved unanimously.

EXECUTIVE SESSION

The second 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: Water/property purchase.

This executive session convened at 9:47 p.m. and concluded at 10:27 p.m., and was attended by the council members and mayor along with Wells, City Treasurer Terri Schafer and Water Resources Director Gary Dreessen.

Following the session Powers reported that the council had discussed the scheduled topic and made a motion to direct negotiators to negotiate according to the parameters discussed in the executive session. That motion was seconded by Forstedt and approved unanimously.

Mayor McAlister adjourned the February 15, 2011 regular meeting at 10:30 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John J. Brennan

City Clerk