

February 19, 2013

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 6:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister
Councilmember Scott Bryan
Councilmember Christine Castoe
Councilmember Debra J. Forstedt
Councilmember Lisa Northrup
Councilmember Joe Segura Jr.

Absent: Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff Wells, Police Chief Keith Kuretich, City Treasurer Jeanne Kinney, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Inventory Control/Building Maintenance Superintendent Doug Hofman, Water Distribution/Wastewater Collection Superintendent Mitch Church, Fire Chief Erik Christensen, Former Fire Chief Brad Parker, Water Treatment Plant Superintendent John Turner, and City Clerk/PIO John Brennan.

APPOINTMENTS TO SENIOR CENTER ADVISORY BOARD

Councilmember Scott Bryan said several vacancies existed on the Senior Center Advisory Board and Judy Clayton and Jeanne Scheneman had applied to serve. Bryan said both were active and involved in senior center activities and the current board had recommended their approval by the council.

Councilmember Debra Forstedt made a motion to appoint Clayton and Scheneman to the Senior Center Advisory Board, which was seconded by Bryan and approved on a unanimous vote of 6-0, with Councilmember Ron Shaver absent.

EMERGENCY REPAIRS TO FIRE DEPARTMENT PUMPER TRUCK

Fire Chief Erik Christensen described how the engine on the 1989 pumper truck had begun emitting white smoke during a December pump test, and firefighters immediately drove it to the nearest heavy vehicle repair shop, Lebsock Repair Service. To diagnose the problem the engine had to be torn down, and the truck had been at the shop since then. Because the initial repair estimate was substantial, Christensen said he consulted with the mayor and city manager and obtained additional estimates. The lowest bids were from Lebsock, which provided differing estimates for OEM and after-market parts. After some discussion of the relative merits of each type of parts, Bryan offered a resolution to authorize Lebsock Repair Service to fix the truck at a cost up to \$15,000, using OEM parts. That resolution was seconded by Forstedt and approved 6-0 (Shaver absent).

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – ACCEPTANCE OF AN APPLICATION FOR A NEW 3.2 PERCENT BEER LICENSE FOR MAVERIK INC.

City Clerk/PIO John Brennan said this application had been reviewed by his office, the Fort Morgan Police Department and the City Attorney's Office and had been deemed complete. Brennan said staff was asking the council to accept the application and schedule a public hearing on the application for April 2, at which the applicant would be required to establish the needs of the neighborhood and the desires of the adult inhabitants for the new license. City Manager Jeff Wells noted that the public would have an opportunity to speak at that hearing in support or opposition to the issuance of the license.

Councilmember Lisa Northrup made a motion to accept the application for a new 3.2 Percent Beer License (Off Premises) for Maverik Inc. at 1206 Main St. and schedule a public hearing on the application for April 2. That motion was seconded by Forstedt and approved 6-0 (Shaver).

BIDS FOR WATER ERTS

Water Distribution/Wastewater Collection Superintendent Mitch Church reviewed the bid process for this purchase, and recommended that council accept the unit pricing from the lowest bidder.

Bryan offered a resolution to accept the unit pricing from National Meter & Automation of Centennial for up to 400 ERTs at a price of \$68.50 each. That resolution was seconded by Northrup and approved 6-0 (Shaver).

BIDS FOR WATER INSTA-VALVES

Church reviewed the bidding process for this purchase, noting that only one company makes the valves designed for use with the city's equipment. He recommended accepting the unit prices from that company, the only bidder.

Forstedt offered a resolution to accept the unit prices from Hydra-Stop of Alsip, Ill., for purchase of Insta-Valves on an as-needed basis. That resolution was seconded by Northrup and approved 6-0 (Shaver).

BIDS FOR SEWER MANHOLE REHABILITATION SERVICES

Church reviewed the bid process for these services, noting that five companies submitted bids. Church recommended retaining the services of two of the companies, which the city had used in the past with excellent results, adding that the city had tried other companies which did not meet expectations.

Northrup offered a resolution to execute service agreements with K.R. Swerdfeger Construction of Pueblo West and DRC Construction of Sedalia, Colo., for 2013 sewer manhole rehabilitation services. That resolution was seconded by Forstedt and approved 6-0 (Shaver).

BIDS FOR SENSUS WATER METERS

Inventory Control/Building Maintenance Superintendent Doug Hofman reviewed the bidding process for this purchase and recommended accepting the unit prices from the low bidder.

Bryan offered a resolution to accept the unit prices from Dana Kepner Co. Inc. of Denver for Sensus water meters up to a total of \$50,000 for 2013. That resolution was seconded by Northrup and approved 6-0 (Shaver).

BIDS FOR FIRE HYDRANTS, WATER VALVES AND PIPE

Hofman reviewed the bidding process for these purchases, and noted that these items fell into both capital and operations/maintenance areas of the budget and were kept in inventory for use on projects and as needed for maintenance. Hofman recommended that partial awards be made to each of the three bidders for the lowest prices on each type of equipment.

Northrup offered a resolution to approve the staff recommendation to accept unit bid prices from Dana Kepner Co. Inc. of Denver for the hydrants; accept the unit prices from HD Supply Waterworks of Henderson, Colo., for the valves and ductile iron pipe; and to accept the unit prices from Ferguson Waterworks of Aurora for C900 pipe, with the total authorized expenditure not exceed \$309,750 for 2013. That resolution was seconded by Forstedt and approved 6-0 (Shaver).

REQUEST FOR PROPOSALS FOR CELL PHONES AND SERVICE CONTRACT

Network Administrator Nelson McCoy reviewed the bidding process for these products and services, and noted that his recommendation was based on inadequate customer service received from Verizon Wireless of Fort Collins, the current contractor for cell phones and service. McCoy recommended that the city enter into an agreement with Viaero Wireless of Fort Morgan for three years, and City Manager Jeff Wells noted that this multi-year agreement would be subject to annual appropriations by the council.

Discussion followed about up-front costs for equipment, quality of signal, durability of the equipment and other issues related to cell phones. Wells said his biggest concern was the lack of response to the city's issues from Verizon, and noted that Viaero seemed very interested in giving the city its utmost attention and best possible service. He also confirmed with a Viaero representative in the audience that the phones purchased from the company would come with a one-year replacement warranty.

Several council members spoke in support of Viaero as a local company.

Bryan offered a resolution to enter into a three-year agreement with Viaero Wireless, renewable annually and subject to appropriations by the council. That resolution was seconded by Northrup and approved 6-0 (Shaver).

RESOLUTION AUTHORIZING FINAL PAYMENTS ON THE WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT PROJECT

Water Resources/Utilities Director Brent Nation said this project was finally completed and the last stages and expenses related to the project had carried over into 2013. The resolution would authorize the final payment to be made from the 2013 budget, Nation said.

Forstedt offered a resolution to approve a Resolution authorizing the final payment of \$53,020.35 for the water treatment plant filter media replacement project to be paid out of the 2013 budget. That resolution was seconded by Northrup and approved 6-0 (Shaver).

DISCUSSION AND DIRECTION TO STAFF REGARDING CITY EMPLOYEE SALARY SURVEY FOR 2013

Wells said he wanted to open a discussion with the council about what direction staff should take regarding the employee salary survey. He said it was standard practice to update market numbers every two to three years, and staff wanted council direction on whether to proceed with a new survey in 2013.

Human Resources/Risk Management Director Michael Boyer said the city last went out for bids for a salary survey in 2011, and prior to that a survey had not been done for about 10 years. He reviewed a number of options for the approach to a new survey.

Discussion followed about the market comparisons used in the last salary survey, and whether they were realistic because they included many much larger, more affluent communities. Several council members suggested using a smaller sample of communities more similar to Fort Morgan, and staff cautioned that this could be difficult because of the unique nature of Fort Morgan as a city that operates all of its own utilities, and also that being more selective in choosing cities for comparison could compromise the validity of the study.

Wells noted that using the market values from the statewide survey and adjusting them downward by a percentage to make them more realistic for Fort Morgan was a possibility, but that could lead employees to believe that lesser value was being placed on them.

After further discussion, Mayor Terry McAlister said most of the council seemed to believe the last salary survey was somewhat skewed by the Front Range and resort towns used for comparison. He said he would support another survey if it was done differently, but would not favor conducting a new survey yet because the salary adjustments planned as a result of the last survey had not been carried out yet.

Wells said the discussion was helpful and staff would probably bring a proposal for a new salary survey back to the council later in the year as part of the budget process, and determine at that time whether the council was agreeable to building the cost of a new survey into the budget for 2014.

DISCUSSION REGARDING POSSIBLE ACTION ON COMMERCIAL MARIJUANA OPERATIONS

Police Chief Keith Kuretich and Assistant City Attorney Jason Meyers reviewed a PowerPoint presentation about the possible impacts on the city of the passage of Amendment 64, a state constitutional amendment approved by Colorado voters in November 2012 that legalized recreational marijuana use, possession, retail sales, home growing and other related activities. Kuretich outlined the potential effects on law enforcement and Meyers reviewed the legal aspects of the new law.

Much discussion followed about what the city could or should do, which included options ranging from banning retail establishments and private clubs to establishing regulations and taxing sales. Meyers noted that some city codes would have to be revised to comply with the new law, regardless of any additional action the council might take.

The council also discussed how Fort Morgan and Morgan County voters had voted against this measure in the election, and that the council should seek further input from the public about how it should react to the implications of this amendment. Suggested ways of doing this included a public forum, public hearings and opinion polls on the city website.

The consensus of the council was that more information was needed before the council members would feel comfortable making decisions on these matters. Wells suggested that a city moratorium on retail sales and private clubs could be enacted for a period of time, until a state task force created to develop state licensing and other regulations could complete its work. The council direction was for staff to bring back a proposed moratorium ordinance as soon as possible, along with a plan to engage the public regarding this issue, and to continue researching options and monitoring the development of state regulations and actions taken by other Colorado municipalities. No formal action was taken.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for January
- B. Approval of the minutes of the February 5, 2013 City Council regular meeting

Forstedt offered a resolution to approve the Consent Agenda as presented, which was seconded by Bryan and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

McAlister asked for public comment regarding items not on the agenda, then noted that he had not asked for public comment during previous agenda items and asked if anyone wanted to speak on those matters.

Debbie Heistermann of 7 Christensen Court in Brush told the council she had come for the marijuana discussion and was glad to see that the council was taking its time and planning to listen to people's opinions rather than rushing into any action.

REPORTS BY OFFICIALS AND STAFF

Wells reported that the city had moved ahead with legal action in an effort to gain access to property near the airport that was needed for a runway replacement project. He reviewed the efforts to negotiate with the property owners for access and purchase of the property, and noted that the city had worked hard throughout this long process to be open and transparent about its intentions and actions regarding the acquisition of the property. He said the negotiations had been unsuccessful and left the city with no other option.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 9:26 p.m., and Mayor McAlister said the council would move to the first of two scheduled executive sessions. Councilmember Forstedt made a motion to convene the first scheduled executive session, which was seconded by Councilmember Bryan and approved unanimously.

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: Water interconnection agreement with Morgan County Quality Water District.

This executive session began at 9:37 p.m. and concluded at 9:48 p.m., and was attended by the mayor and five council members, with Councilmember Ron Shaver absent, along with City Manager Jeff Wells, Assistant City Attorney Jason Meyers, Water Treatment Plant Superintendent John Turner and Water Resources/Utilities Director Brent Nation.

At the conclusion of the executive session the council returned to the open meeting, where Forstedt reported that the council had met in executive session to instruct negotiators. Forstedt

made a motion to instruct negotiators to conclude negotiations and bring documents back to the council for approval. That motion was seconded by Northrup and approved unanimously.

The council then convened the second scheduled executive session, which had been published as follows:

EXECUTIVE SESSION for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Pending litigation

This executive session began at 9:50 p.m. and concluded at 10:39 p.m., and was attended by the mayor and five council members along with Wells, Meyers and Nation. At the conclusion of the executive session the council returned to the open meeting, where Forstedt reported that the council had met in executive session for a conference with the City Attorney, and that there was nothing to report at this time. No motion was made.

Mayor McAlister adjourned the Feb. 19, 2013 regular meeting at 10:39 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk