

July 16, 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.
Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff Wells, Municipal Engineer Brad Curtis, Police Chief Keith Kuretich, Community Development Director David Callahan, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Water Treatment Plant Superintendent John Turner, Assistant City Attorney Jason Meyers, Streets Superintendent Jim Willis, Wastewater Superintendent Mike Hecker, Water Distribution/Wastewater Collection Superintendent Mitch Church and City Clerk/PIO John Brennan.

PRESENTATION TO COUNCIL BY SAM MAMET OF COLORADO MUNICIPAL LEAGUE

Mamet, executive director of CML, described the programs and activities of the organization, which include advocacy, information and training for its 267 member municipalities. Mamet also complimented the council on Fort Morgan's position as a leader and role model for other municipalities in many areas.

PRESENTATION BY MORGAN COUNTY RE-3 SCHOOL DISTRICT OFFICIALS REGARDING PROPOSED DONATION OF THE FORT MORGAN MIDDLE SCHOOL BUILDING TO THE CITY

City Manager Jeff Wells explained that the school district had the opportunity to obtain state funding to help build a new middle school, and had approached the city about possibly donating the old building, as one requirement of the state program was the repurposing of existing facilities in order to qualify for funding toward new ones. Wells introduced Mike Lee of the school district, who reviewed the district's process of applying for the state program and plans to place a question on the November ballot for the remainder of the funding needed for a new middle school.

Lee noted that the new school would cost about \$35 million, which was far beyond the district's means, but the state program could provide about \$25 million of that total if local voters approved a bond issue for the rest of the funding. Lee said the old building was built in 1925 and had been well maintained, and district officials wanted to explore whether the city could possibly use the building for some purpose. He said it was a preliminary proposal at this point and noted that the school facility included a gymnasium, a kitchen and other amenities.

Discussion followed among council, city staff and Lee about the condition of the building, the possible uses for it and the presence of asbestos in the building, as well as the reasons why the district seemed to want to give the building to the city rather than selling it for redevelopment.

Lee said the school district must have a plan for the old building in order to accept the state funding, and could not simply abandon the old school, so options were being explored.

Wells said city staff could look further into the proposal and work with the school district to set up tours of the facilities and see what possibilities might exist for city use. The council consensus was to move forward with that process, and no formal action was taken.

ORDINANCE AMENDING THE 2012 BUDGET FOR FINALIZATION OF THE 2012 AUDIT

City Treasurer Jean Kinney reviewed the reasons for the amendments to the 2012 budget, which included higher costs for purchase of electric power and changes in accounting for payments in lieu of taxes. Kinney said the changes to the budget must be approved at this meeting because the 2012 financial audit was to be presented at the next meeting, and making the changes would avoid any budget violations in the audit.

Councilmember Debra Forstedt offered a resolution to approve the first reading of an Ordinance amending the appropriation of monies for the funds of the City of Fort Morgan, Colorado, which was seconded by Councilmember Scott Bryan and approved unanimously.

BIDS FOR STREETS DEPARTMENT FRONT-END WHEEL LOADER

Streets Superintendent Jim Willis reviewed the bid process for this purchase and said staff was recommending approval of a bid from Wagner Equipment, which was slightly higher than the other two bids but included some options that made it the lowest of the three. With other options requested by city staff the Wagner bid was the highest, but Willis said the Caterpillar equipment bid by Wagner was superior and Wagner also included a longer warranty and heavier-duty fork attachments for its options, which were also desirable for the city's uses of the equipment.

Councilmember Lisa Northrup offered a resolution to accept the bid for the Caterpillar front-end wheel loader from Wagner Equipment of Windsor, Colo., with a total cost not to exceed \$153,000. That resolution was seconded by Councilmember Ron Shaver and approved unanimously.

BIDS FOR STREETS DEPARTMENT PICKUP TRUCK

Willis reviewed the bid process for this purchase and said staff recommended approval of the bid from Korf Continental/Stone Motors, which was the lowest bid that met the bid specifications. With the cost for other miscellaneous items such as a mobile radio, the purchase would exceed the budgeted \$30,000 by \$500, but Willis said the savings in the capital equipment budget from the front-end loader could be used to cover that overage.

Northrup offered a resolution to accept the bid from Korf Continental/Stone Motors of Fort Morgan for a ¾-ton extended cab 4WD pickup truck with a total expenditure not to exceed \$30,500. That resolution was seconded by Forstedt and approved unanimously.

BIDS FOR 2013 WATER SERVICE MATERIALS

Municipal Engineer Brad Curtis explained that this and the three items to follow were all related and went hand in hand. This first item was for materials to be used in a water line replacement project, and Curtis recommended accepting the unit pricing bids from HD Supply.

Shaver offered a resolution to accept the unit pricing bids from HD Supply of Henderson, Colo., in the amount of \$17,180.49. That resolution was seconded by Councilmember Scott Bryan and approved unanimously.

BIDS FOR 2013 CONCRETE STORMWATER PROJECT MATERIALS

Curtis said this bid was for materials to be used in a stormwater system upgrade and only one bid was received. Curtis recommended accepting the unit pricing bid from Oldcastle Precast Inc. Bryan offered a resolution to accept the unit pricing bid from Oldcastle Precast Inc. of Littleton as presented, which was seconded by Councilmember Joe Segura Jr. and approved unanimously.

BIDS FOR 2013 WATER DISTRIBUTION SYSTEM PROJECTS

Curtis said this bid was for trenching and excavation related to two different water main replacement projects, and only one bid was received. Curtis recommended accepting that bid, which included services for both projects.

Shaver offered a resolution to accept the bid from Ransom Boone Excavating of Fort Morgan in an amount not to exceed \$290,000, which was seconded by Councilmember Christine Castoe and approved unanimously.

BIDS FOR 2013 STREETS DEPARTMENT HBP PAVING PROJECTS

Curtis explained the bidding process used in this instance, which asked for unit pricing on a number of planned streets repaving projects. Which projects get completed depended on the bids, Curtis said, and he was recommending acceptance of the bids from McAtee Construction Company of Sterling to complete Project A (Maple Street), Project B (Circle Drive), Project G (Ensign Street Utility Trench) and Project H (Ensign/8th Avenue Intersection) for a total cost not to exceed \$725,000, and also approval of unit pricing from McAtee for Project I (Utility Trench Patching) and Project J (Utility Cuts).

Bryan offered a resolution to accept the bids from McAtee Construction Co. of Sterling for the projects outlined by Curtis at a total cost not to exceed \$725,000, and approve the unit pricing bids for trench patching and utility cuts as presented. That resolution was seconded by Shaver and approved unanimously.

PAY ADJUSTMENT FOR CITY MANAGER

Wells noted that the council had conducted an evaluation of the city manager in an executive session in late June which resulted in a positive assessment of his performance, and the council had the option to provide him with a pay increase based on that positive evaluation.

Forstedt stated that based on the overall satisfaction of the council in the performance of the city manager, she would move to approve the mayor to sign the personnel action form authorizing a pay raise of 2.2 percent for Wells. That motion was seconded by Northrup.

Bryan then pointed out that it had been stated and reported that the council didn't really have any goals for Wells during the evaluation period, but that was not really accurate. Bryan noted that Wells was tasked with dealing with a lot of crises and issues during his first couple of years, and was given direction by the council and performed very well, and that staff morale and public satisfaction were now very high. Wells credited the city staff with the ability to accomplish what had been done in the city under his leadership.

Forstedt's motion was then approved unanimously.

COUNCIL ACTING AS THE BOARD OF ADJUSTMENT – PUBLIC HEARING ON A VARIANCE REQUEST FOR SETBACK OF A CARPORT AT 325 E. RIVERVIEW AVENUE

Mayor McAlister outlined the format to be followed during the public hearing, in which the council would act in its capacity as the board of adjustment, and City Clerk/PIO John Brennan confirmed the proper legal notice of the hearing had been published. Community Development Director David Callahan reviewed the request and the criteria for granting such a variance, and said staff was recommending approval with conditions, including that no combustible siding be added to the carport and that the applicant apply for and obtain a building permit and a final inspection of the carport from the city.

The applicant, Sieglinde May, addressed the council, noting that her home and car had been damaged in a severe hailstorm the previous year and she had the carport constructed without a permit, for which she sincerely apologized. She said she believed she had obtained a permit but had failed to turn it in to the city, and also believed she had been told verbally by someone at the city that she could build the carport. She said she hoped the city would allow her to keep it. No public comment was received during the hearing, and Brennan said none was received in advance through his office.

Bryan asked if anyone from the city had talked to the immediate neighbor affected by the reduced setback for the carport, and Callahan said he had mailed postcards to all property owners within 300 feet of the site but had not knocked on any doors. Council discussion followed regarding the reasons for setback limits and other situations in the city that could be considered worse than this one. Wells asked if the contractor who built the carport was registered with the city and Callahan said the contractor was not registered, and the council could direct him not to register this person or company in the future. Wells said he could bring that back as a separate agenda item if the council directed, but no formal direction was given on that issue.

Forstedt made a motion to close the public hearing, which was seconded by Bryan and approved unanimously.

Wells then advised the council that it had heard evidence and had three options for action in its role as the Board of Adjustment: to deny the request for the variance and require removal of the carport, approve the request unconditionally or approve it with conditions. Denial would require the board to state the reasons for denial, Wells noted.

Forstedt offered a resolution to grant the variance with the staff-recommended conditions, which included no additional combustible siding and a building permit and final inspection by the city. That resolution was seconded by Northrup.

Bryan then asked about another concern raised in the staff report, having to do with the snow load the carport roof was capable of handling, and Callahan said that would be addressed as part of the building permit and inspection that were required conditions of the approval.

Forstedt's resolution was then approved unanimously.

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1140, AMENDING CHAPTER 2, "ADMINISTRATION," OF THE FORT MORGAN MUNICIPAL CODE (2010)

McAlister outlined the format of the hearing and Brennan confirmed that proper legal notice of the hearing had been published, along with the full text of the ordinance.

Wells said the ordinance was being presented on second reading for final consideration, and no changes had been made since the first reading. No public comments were received during the hearing, and Brennan said none had been received in advance through his office. No comments were offered by the council. Shaver made a motion to close the public hearing, which was seconded by Forstedt and approved unanimously.

Wells then told the council it could take whatever action it felt was necessary on the ordinance. Northrup offered a resolution to approve the second and final reading of Ordinance No. 1140, amending Chapter 2, "Administration," of the *Fort Morgan Municipal Code (2010)* and authorization to publish by title only. That resolution was seconded by Councilmember Christine Castoe and approved unanimously.

2014 BUDGET CALENDAR – PRESENTATION OF 2014 BUDGET AND CAPITAL EXPENDITURES FOR THE WATER AND SEWER FUNDS

Staff members for departments under the Water Fund and Sewer Fund briefed the council on highlights of their budgets and capital expenditure requests, and answered questions. Presenters included Wastewater Treatment Plant Superintendent Mike Hecker, Water Distribution/Wastewater Collection Superintendent Mitch Church, Water Resources/Utilities Director Brent Nation and Water Treatment Plant Superintendent John Turner, Wells said staff would bring back final budgets for all departments including revenue projections later in the year, and 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 June
- B. Approval of the minutes of the June 25, 2013 City Council special meeting
- C. Approval of the minutes of the July 2, 2013 City Council regular meeting

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

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells reported on an issue related to the relocation of the Days Inn motel, and some negative comments directed toward the city and city staff that appeared in the local newspaper. He said these comments left the impression that the city had not cooperated with the moving of the building or somehow impeded the process, but Wells said the city followed the same process and policies it would for moving a house. He outlined that process and the many obstacles the city had to overcome to ensure the move was completed safely and without damage to city assets. He noted that Morgan County and the Colorado Department of Transportation also had to issue permits for the move and said he believed city staff had done all it could to help make the move possible.

Nation reported on an incident the preceding weekend when an individual was seen filling a large water tank on a U-Haul vehicle from a city hydrant. Nation said this was theft and asked that anyone who saw such activity report it to the city or the police department.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings. Northrup said she had witnessed part of the Days Inn relocation and felt the way all of the agencies involved worked cooperatively was impressive. Segura thanked the Fort Morgan Police Department for its hard work on the case of a missing teenager, even though the case did not turn out the way anyone had hoped when the girl's remains were found in early July.

Mayor McAlister adjourned the July 16, 2013 regular meeting at 8:29 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk