

October 1, 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 Debra J. Forstedt  
Councilmember Lisa Northrup  
Councilmember Joe Segura Jr.  
Councilmember Ronald Shaver

Absent: Councilmember Christine Castoe

The meeting was also attended by City Manager Jeff Wells, Water Resources/Utilities Director Brent Nation, City Treasurer Jean Kinney, Human Resources/Risk Management Director Michael Boyer, Community Services Director Josh Miller, Interim Police Chief Darin Sagel, Assistant City Attorney Jason Meyers and City Clerk/PIO John Brennan.

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**APPROVAL OF THE MINUTES OF THE SEPT. 17, 2013 CITY COUNCIL REGULAR MEETING**

Councilmember Debra Forstedt offered a resolution to approve the minutes as presented, which was seconded by Councilmember Ron Shaver and approved on a unanimous vote of 6-0, with Councilmember Christine Castoe absent.

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**SWEARING-IN OF NEW FORT MORGAN POLICE DEPARTMENT OFFICER**

Interim Police Chief Darin Sagel introduced Joshua Robbins, the new officer, and provided some brief biographical background on Robbins to the council. Mayor Terry McAlister administered the oath of office to Robbins.

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**PROCLAMATION DECLARING OCTOBER TO BE NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**

Mayor McAlister read the proclamation and provided a signed and sealed formal copy to Jan Schiller, executive director of SHARE Inc. Schiller then mentioned several planned events for the observance of the month and invited the council and the public to attend.

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**PRESENTATION OF CERTIFIED PUBLIC MANAGER CERTIFICATION TO CITY MANAGER JEFF WELLS**

Randy Harrison of the University of Colorado-Denver briefed the council on the Certified Public Manager Program, noting that it was nationally certified and accredited by a consortium of 34 states. He said the program was designed for working professionals with a goal of producing public managers who are more effective problem solvers and leaders. He applauded Wells for his commitment to the program, and described Wells' capstone project for the program which

focused on financial sustainability for the City of Fort Morgan. Harrison then presented Wells with his certificate, and Wells thanked the council and staff for their support and commitment to make the city grow and get better. McAlister said in the years he had been on the City Council he had seen at least 4 or 5 city managers come and go, and the fact that Wells had completed this rigorous course of study in his first year in the official capacity of city manager said a lot about him.

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A JOINT STIPULATION WITH THE MORGAN COUNTY QUALITY WATER DISTRICT PERTAINING TO THE FORT MORGAN FARMS ANNEXATION**

Water Resources/Utilities Director Brent Nation said this was the last remaining paperwork to be completed to finalize the conditions of this annexation, which was intended for a multi-unit apartment complex. The joint stipulation was an agreement between the city and Quality Water to remove the property from the water district and allow the city to provide water service to it. Councilmember Scott Bryan offered a resolution to authorize the mayor to sign the joint stipulation, which was seconded by Councilmember Lisa Northrup and approved 6-0.

**RESOLUTION DIRECTING STAFF REGARDING MUNICIPAL ENERGY AGENCY OF NEBRASKA SETTLEMENT OBLIGATIONS**

Wells explained that this settlement resolved a dispute between MEAN and the Southwest Power Pool, and that MEAN had agreed to pay the settlement of approximately \$6 million while admitting no wrongdoing. The allocation of the cost of that settlement among MEAN members was based on the amount of energy purchased by the members, and Fort Morgan's was the second-highest among the members and would be about \$500,000, Wells said.

Wells said MEAN had provided two options for members to pay their shares of the settlement: either in a one-time lump sum payment, or monthly payments over five years with no interest or penalties. Wells said staff was recommending the monthly payments but was asking for direction from the council regarding that decision and also whether to take the payment funding from reserves or build it into electric rates.

After some discussion, and expressions of displeasure by several council members that the city's ratepayers would have to pay for the mistakes of MEAN staff, the consensus of the council was to pay the settlement in monthly installments. Further discussion followed about the lack of accountability of MEAN, and whether to request that the executive director of MEAN come before the council to explain this matter. Wells said he would continue to pursue a report on the events that led to the dispute and the settlement, and suggested a possible letter or resolution by the council to MEAN, calling on the organization to produce the report on this matter and also to approve a power purchase agreement that would allow a proposed waste-to-energy project in Morgan County to proceed. Wells also said that if the council chose the monthly payment option, staff would still investigate the possibility of making annual payments at the end of each of the five years.

Northrup offered a resolution to approve the resolution directing staff to make equal monthly payments over a five-year period for the payment of the city's obligation under the settlement agreement between SPP and MEAN, which was seconded by Shaver and approved 6-0.

**2014 BUDGET CALENDAR – FORMAL PRESENTATION OF THE 2013 BUDGET AND DRAFT OF BUDGET ADOPTION ORDINANCE**

Wells explained that the proposed 2014 budget was being formally presented to the council at this meeting as required by the charter, and two readings and approval of an ordinance

adopting the budget would be held at the succeeding two meetings of the council. Wells pointed out that the budget as proposed was balanced overall and in each fund, either through projected revenues, grants or other funding sources.

Wells explained a couple of changes that would be made before the first reading of the budget ordinance, involving the addition of the payments for the MEAN settlement discussed earlier in this meeting and the carryover of expenses related to planned improvements at the wastewater treatment plant.

No formal action was taken.

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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None.

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## **REPORTS BY OFFICIALS AND STAFF**

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Wells reported that Riverside Park was still closed after the recent flooding of the South Platte River, and although some cleanup work had begun the park was still too dangerous for people to enter, due to unstable ground, debris, snakes and other hazards. He said the city would be working toward opening at least the west side of the park as soon as possible.

Wells also said the city had received word that day that the president had declared Morgan County a part of the disaster area for the flooding throughout the state, which would help the city to qualify for public assistance through the Federal Emergency Management Agency and other forms of financial aid.

Wells also noted that the annual Utility Week Barbecue would be hosted by the city the following day and invited everyone to attend.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced upcoming meetings and events.

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## **EXECUTIVE SESSIONS**

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The regular portion of the meeting ended at 7:04 p.m, and Mayor McAlister said the council would then move to the first of two scheduled executive sessions. Councilmember Forstedt made a motion to go into executive session, which was seconded by Councilmember Shaver and approved 6-0 (Castoe absent).

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 purchase.

The session began at 7:17 p.m. and concluded at 7:27 p.m. was attended by the mayor and five council members (Castoe absent) along with Wells, Nation and Assistant City Attorney Jason Meyers. 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 the reason stated on the agenda. Forstedt made a motion to instruct negotiators to proceed as discussed in the executive session, which was seconded by Shaver and approved unanimously on a vote of 6-0 (Castoe absent).

The council then convened the second scheduled executive session, which 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: WAPA replacement power.

This executive session began at 7:31 p.m. and concluded at 8:19 p.m., and was attended by the mayor and five council members (Castoe absent) along with Wells, Nation and Meyers.

At the conclusion of the executive session the council returned to the regular open meeting, where Forstedt reported that the council had met in executive session for the reason stated on the agenda. No motion was made nor action taken.

Mayor McAlister adjourned the Oct. 1, 2013 regular meeting at 8:20 p.m.

/s/ Terry L. McAlister  
Mayor

/s/ John J. Brennan  
City Clerk