

November 5, 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, Engineering/Public Works Director Brad Curtis, Interim Police Chief Darin Sagel, Water Resources/Utilities Director Brent Nation, City Treasurer Jean Kinney, Human Resources/Risk Management Director Michael Boyer, Community Services Director Josh Miller, Wastewater Treatment Plant Superintendent Mike Hecker, Light & Power Superintendent Doug Linton, Technology Director Nelson McCoy, Assistant City Attorney Jason Meyers and City Clerk/PIO John Brennan.

APPROVAL OF THE MINUTES OF THE OCT. 15, 2013 CITY COUNCIL REGULAR MEETING

Councilmember Debra Forstedt offered a resolution to approve the minutes of the Oct. 15, 2013 regular meeting as presented, which was seconded by Councilmember Scott Bryan and approved unanimously.

PRESENTATION ON CITY-SPONSORED EVENTS FOR CHRISTMAS CAPITAL OF THE PLAINS PROMOTIONAL CAMPAIGN

Community Development Director Josh Miller reviewed plans for the Christmas Capital of the Plains campaign to encourage local holiday shopping, which was planned for its second year in 2013. He explained what events the city had planned for its sponsorship day on Nov. 30 and the remaining schedule of events. Wayne Johnson of Media Logic Radio told the council the campaign was gaining momentum for its second year and the goal for this year was to make City Park a focal point for events with lots of lights and decorations. Johnson thanked the city for its support and assistance with the campaign.

Several council members expressed appreciation for the efforts to keep people in Fort Morgan to shop. No formal action was taken.

PRESENTATION BY REPRESENTATIVES OF COUNTY EXPRESS REGARDING SERVICES PROVIDED TO THE CITY

H.J. Greenwood of the Northeast Colorado Association of Local Governments spoke to the council to address some issues that had been raised in recent months about the County Express transportation service, which had once provided transport for senior citizen trips and other city events but had discontinued that service. Greenwood explained the federal regulations that had prompted the interruption in County Express's ability to serve these trips,

and solutions that were in the works to once again allow transportation for city trips by County Express.

City Manager Jeff Wells said the city appreciated its relationship with County Express and the efforts being made to restore these transportation services. No action was taken.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – PRESENTATION AND POSSIBLE ACTION ON SCHEDULING A SHOW CAUSE HEARING REGARDING THE LIQUOR LICENSE FOR THE QUEEN LOUNGE

Before this agenda item was considered, Councilmember Christine Castoe announced that she would recuse herself from this item due to a potential conflict. Castoe then left the council chambers.

Wells explained that the city had become aware of several alleged violations by the liquor license holder for the Queen Lounge, 112 W. Kiowa Ave., and staff was asking the council to schedule a hearing at which the licensee, Keith Lehman, would be required to show cause why his license should not be suspended or revoked due to the alleged violations. Wells said evidence would be presented at such a hearing and that the council should not undertake any fact-finding or other discussion or information-gathering on this matter until the hearing itself. Wells noted that in the meantime the city staff would meet with Lehman to discuss the allegations and see if there was a possibility of reaching an agreement with him that would settle the liquor license issues in lieu of conducting the show cause hearing. Wells outlined the allegations contained in a letter from the city to Lehman advising him of the hearing.

Councilmember Lisa Northrup made a motion to schedule a show cause hearing regarding the liquor license for the Queen Lounge for Tuesday, Dec. 3, 2013, at 6:00 p.m. That motion was seconded by Councilmember Ron Shaver and approved on a vote of 6-0, with Castoe having stepped down.

Castoe then returned to the meeting.

BIDS FOR 2014 BIOSOLIDS HAULING AND LAND APPLICATION

Wastewater Treatment Plant Superintendent Mike Hecker reviewed the bid process followed for this item, for which only one bid was received, from Parker Ag Services of Limon, Colo., for \$0.036 per gallon. The treated biosolids would be hauled away from the wastewater treatment plant and used as fertilizer on agricultural land. Hecker said Parker Ag had been performing this service for many years and had offered the same price it had charged for the last three years. The contract period would be for one year with annual renewals through 2016 provided that the parties agreed and council made appropriations to fund the service.

Forstedt offered a resolution to accept the bid from Parker Ag for \$0.036 per gallon, which was seconded by Shaver and approved unanimously.

RESOLUTION AUTHORIZING THE ACCEPTANCE OF PORTABLE RESTROOM WASTE BY THE WASTEWATER TREATMENT PLANT AND SETTING FEES FOR THIS SERVICE

Hecker said he had been contacted by an Aurora, Colo., company that provided portable restrooms in the Fort Morgan and Brush areas, which was looking for a place to dump the waste from these facilities rather than hauling it back to the Front Range for disposal. Hecker said the company would pay \$100 per load to dump the waste into a specified manhole that would take it to the city's wastewater treatment plant. He said this fee would cover the city's costs and the company would also pay for any necessary testing or other costs, and staff was asking the council to set the fee of \$100 per 1,000-gallon load and add it to the city's schedule of fees.

Shaver offered a resolution to accept the proposed fee for portable restroom discharge and add it to the city's fee schedule, which was seconded by Castoe and approved unanimously.

BIDS FOR WASTEWATER COLLECTION SYSTEM SURVEYING SERVICES

Engineering/Public Works Director Brad Curtis reviewed the bid process for this service, which would survey the city's wastewater collection system and map the pipelines, manholes and other elements of the system. He noted that a similar survey of the stormwater system had been done several years earlier and had proved to be very valuable in maintenance of the system and determining the need for capital improvements.

Two firms submitted bids and Curtis said staff recommended accepting the lower bid from King Surveyors of Windsor, Colo., not to exceed \$32,500. Bryan offered a resolution to accept the bid from King Surveyors in an amount not to exceed \$32,500, which was seconded by Forstedt and approved unanimously.

2014 BUDGET CALENDAR – SECOND READING AND PUBLIC HEARING OF THE 2014 BUDGET ORDINANCE

Mayor McAlister outlined the format to be followed for the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Wells said the ordinance set the dollar amount the city staff would be authorized to spend in 2014, and the total of more than \$62 million was probably a record level for the city budget because it included several large projects planned for next year.

Wells also noted that some expenses that were now expected in 2014 were not included in the budget presented for approval, because just at the time the budget was being finalized the city experienced the flooding of the South Platte River. Many issues including insurance coverage and disaster assistance would have to be resolved before the city's true costs for flood damage could be ascertained, Wells said, so those expenses would likely be brought to the council later as an amendment to the budget.

No public comments were received, either at the hearing or in advance through the City Clerk's Office, and no comments were offered by the council. Forstedt made a motion to close the public hearing, which was seconded by Shaver and approved unanimously.

Wells then said the council had the options of approving the ordinance for the 2014 budget or deferring action. Bryan asked if the budget was balanced, and if that was accomplished without using reserves. Wells said the budget was balanced and that some reserves were used on items for which the reserve funds had been saved.

Northrup offered a resolution to approve the final reading of Ordinance 1145, an Ordinance levying a tax upon the taxable property in the City of Fort Morgan, Colorado, and appropriating monies to the several funds of said city. That resolution was seconded by Castoe and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Kevin Wynne, a public information officer for the Small Business Administration, briefed the council on the disaster assistance available through his agency for those who suffered damage in the September flooding incident.

REPORTS BY OFFICIALS AND STAFF

Wells reported on the status of the city's flood recovery efforts, including the reopening of parts of Riverside Park the previous day. Wells also said the city's financial picture was good as 2013

drew to a close, with revenues well ahead of projections and expenses right on target, so the city would be finishing the year under budget.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings. Councilmember Joe Segura Jr., noting that he was speaking as a private citizen and not a city official, said that every time the city performed sewer line maintenance in his neighborhood it caused a backup into his basement. Wells said he would investigate this. Northrup thanked the city electric department for completing its work in the alley near her home in the least invasive way possible.

EXECUTIVE SESSIONS

The regular portion of the meeting ended at 6:56 p.m., and Mayor McAlister said the council would move to the first of three scheduled executive sessions. Forstedt made a motion to convene the first scheduled executive session, which was seconded by Shaver and approved unanimously. This 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: Fiber optic connections.

This first executive session began at 7:08 p.m. and ended at 7:33 p.m., and was attended by the mayor and council members along with City Manager Jeff Wells, Water Resources/Utilities Director Brent Nation, Assistant City Attorney Jason Meyers, Director of Technology Nelson McCoy, Light & Power Superintendent Doug Linton and Engineering/Public Works Director Brad Curtis.

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 agenda. Forstedt made a motion directing staff to pursue a temporary agreement to connect the Re-3 school district and Morgan County to the city's fiber optic lines. That motion was seconded by Shaver and approved unanimously.

The council then proceeded to the second scheduled executive session. That 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: Property purchases.

This executive session convened at 7:37 p.m. and concluded at 8:09 p.m. and was attended by the mayor and council members along with Wells, Meyers, Curtis, Golf Professional Tyler Tarpley and Community Services Director Josh Miller.

At the conclusion of this 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 directing staff to obtain more information concerning the possible property purchases, which was seconded by Shaver and approved unanimously.

The council then moved into the last of the three scheduled executive sessions. This 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: Annexation.

This session began at 8:13 p.m. and concluded at 8:23 p.m., and was attended by the mayor and council members along with Wells, Meyers, Curtis and Nation.

At the conclusion of this final 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 agenda. Forstedt made a motion directing staff to move forward with negotiations to annex the proposed property, which was seconded by Shaver and approved unanimously.

Mayor McAlister adjourned the Nov. 5, 2013 meeting at 8:24 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk