

December 3, 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 Joe Segura Jr.
Councilmember Ronald Shaver

Absent: Councilmember Lisa Northrup (excused)

The meeting was also attended by City Manager Jeff Wells, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Services Director Josh Miller, Interim Police Chief Darin Sagel, Water Treatment Plant Operator Al O'Canas, Assistant City Attorney Jason Meyers and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES OF THE NOV. 19, 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 unanimously on a vote of 6-0, with Councilmember Lisa Northrup absent.

RECOGNITION OF AL O'CANAS AS CITY EMPLOYEE OF THE QUARTER

City Manager Jeff Wells said it was a privilege to present Al O'Canas as the city employee of the quarter, a recognition that was implemented recently by the city staff to better recognize employees who go above and beyond in their duties. Wells presented O'Canas, a lead operator at the city's water treatment plant, with a certificate, a framed photo of himself like the one displayed in the lobby of City Hall, and a gift card. Wells said he also had the opportunity to take O'Canas to lunch as part of the recognition program.

Water Resources/Utilities Director Brent Nation said it was great to have someone as capable and valuable as O'Canas under his supervisions, and presented O'Canas with a certificate good for two tickets to a Colorado Eagles hockey game.

O'Canas thanked the council and staff and said it was an honor to work for the city, and several council members commended O'Canas for his fine work.

APPOINTMENT OF THREE MEMBERS TO THE AIRPORT ADVISORY BOARD

Councilmember Shaver, the council liaison to the Airport Advisory Board, noted that the board would have three openings coming up as of the end of 2013, and had received applications from one current member for an additional term and two others. Shaver said the airport board met Nov. 20 and unanimously recommended accepting all three applications. Shaver made a motion to appoint Alan Dahms to an additional term on the Airport Advisory Board and also to

appoint Bruce Marron and Bob Mearsha to the board, all for three-year terms to expire on Jan. 1, 2017. That motion was seconded by Councilmember Christine Castoe and approved unanimously.

PRESENTATION ON STAFF RECOMMENDATION REGARDING FORT MORGAN MIDDLE SCHOOL BUILDING

Wells reminded the council that the city had received an offer several months earlier from the Morgan County Re-3 School District to donate the current Fort Morgan Middle School building to the city, as plans were under way to fund the construction of a new middle school. The council directed Wells to look further into this possible donation, and Wells thanked the city staff and especially Engineering/Public Works Director Brad Curtis, Nation, Human Resources/Risk Management Director Michael Boyer and IT Director Nelson McCoy for their assistance in gathering and reviewing information as part of the due diligence in assessing this offer.

Wells said after this review and an inspection of the building, it was his recommendation that the city not move forward with that offer. He said there were numerous reasons for this recommendation, which were outlined in a memo to the council included in the meeting packets. Wells emphasized that this recommendation should not be interpreted as a lack of appreciation for the school district in offering the donation, but that taking ownership of the building was not considered to be in the best interest of the city. He said the council could take any action it felt was appropriate.

Several council members said they agreed with the assessment and appreciated the staff's due diligence work. Councilmember Joe Segura said he did not want to see the building become an eyesore if a new school was built, and wanted the school district to continue to maintain the building even if it were to become vacant.

No formal action was taken.

PRESENTATION AND POSSIBLE ACTION ON FIXED-BASE OPERATOR SERVICES AT THE FORT MORGAN MUNICIPAL AIRPORT

Curtis said staff was asking council to approve an extension of the agreement with the current FBO at the city airport, which was set to expire at the end of 2013. Because of the runway replacement project that would be moving from the design phase to construction during 2014, Curtis said, staff felt that putting the FBO contract out for bid at this time would not be in the best interest of the city or the airport. Curtis said current FBOs Kyle and Jennifer Scott had run the city airport for 11 years and had participated in the design review for the new runway, and the continuity provided by the contract extension would be an asset. He noted that the Airport Advisory Board had discussed the issue and unanimously recommended extending the contract.

Councilmember Scott Bryan offered a resolution to authorize the mayor to sign an addendum to the current FBO agreement extending that agreement to Dec. 31, 2014. That resolution was seconded by Shaver and approved unanimously.

RESOLUTION RATIFYING THE EMERGENCY AUTHORIZATION FOR FLOOD RECOVERY CLEANUP AT RIVERSIDE PARK

Wells said that in the wake of the flooding that happened in mid-September, the city's insurance carrier inspected the park and approved a claim for debris cleanup, and also recommended using a specific contractor to do this work. The mayor had authorized going forward with this under his emergency authority, and this Resolution would ratify that emergency authorization as

required. Wells noted that the city's obligation was only its \$25,000 deductible, out of overall costs estimated at about \$300,000.

Forstedt offered a resolution to approve the Resolution ratifying the emergency purchase for flood recovery, which was seconded by Shaver and approved unanimously.

DISCUSSION REGARDING DISCLOSURE OF PUBLICLY AVAILABLE INFORMATION BY THE CITY ATTORNEY'S OFFICE

Assistant City Attorney Jason Meyers explained that this issue had come up at a recent attorney conference attended by city legal staff, and the staff was requesting guidance and possibly action from the council on the issue. The issue was whether the staff of the city attorney's office could disclose information that is already publicly and widely known, Meyers said, and there was no definitive answer or guidance given at the legal conference about how to handle this. Meyers and Wells gave several examples of situations in which attorney's office staff might be asked simple questions about things that happened in a public meeting, and might be unable to answer them because of the possibility of violating a rule of conduct for attorneys. Wells said the customer service aspect of this should be considered in determining how to handle the issue. Wells and Meyers said the council could overcome this dilemma by authorizing them to disclose information that is already publicly known and available. They emphasized that this would only cover publicly available information and not any confidential information such as executive sessions and the like.

After some discussion, Forstedt made a motion to authorize the City Attorney's Office to share information that is readily available to the public. That motion was seconded by Bryan and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells reported on city-sponsored events held the previous weekend for the Christmas Capital of the Plains promotional campaign, as well as upcoming events in that ongoing promotion. Wells also announced that the city had now gone four consecutive months without a workers' compensation injury or accident, which he said was a record for the time since Wells had been with the city. He said the city's goal when it began a new program emphasizing safety earlier in 2013 had been to reduce accidents by 20 percent for the year, and it was now on track to reduce them by 50 percent. He thanked all city employees for their contribution to this significant accomplishment.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 6:28 p.m., and Mayor McAlister announced that the next item on the agenda was a scheduled executive session. Forstedt made a motion to convene this executive session, which was seconded by Castoe and approved unanimously. The executive session had been published as follows:

EXECUTIVE SESSION for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Acting City Manager.

The executive session began at 6:41 p.m. and concluded at 6:50 p.m., and was attended by the mayor and five councilmembers (Councilmember Lisa Northrup absent) along with City Manager Jeff Wells and City Clerk/PIO John Brennan.

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 specified on the agenda, and received information regarding the position of acting city manager. No motion was made.

Mayor McAlister adjourned the Dec. 3, 2013 regular meeting at 6:51 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John Brennan
City Clerk