

March 4, 2014

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The regular meeting was preceded by a tour of city departments as part of the budget preparation process for 2015. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 6:12 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister  
Councilmember Christine Castoe  
Councilmember Kevin Lindell  
Councilmember Damon Mussman  
Councilmember Lisa Northrup  
Councilmember Joe Segura Jr.  
Councilmember Ronald Shaver

The meeting was also attended by City Manager Jeff Wells, City Treasurer Jean Kinney, Police Chief Darin Sagel, Human Resources/Risk Management Director Michael Boyer, Water Resources/Utilities Director Brent Nation, Engineering/Public Works Director Brad Curtis, Community Services Director Josh Miller, Recreation Superintendent Jay Cochran, Light & Power Superintendent Doug Linton, Assistant City Attorney Jason Meyers, Parks Foreman Jerry Reese, Parks Superintendent Doak Duke and City Clerk/PIO John Brennan.

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**APPROVAL OF THE MINUTES OF THE FEB. 18, 2014 CITY COUNCIL REGULAR MEETING**

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Councilmember Ron Shaver offered a resolution to approve the minutes as presented, which was seconded by Councilmember Christine Castoe and approved unanimously.

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**RECOGNITION OF JERRY REESE AS CITY EMPLOYEE OF THE QUARTER**

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City Manager Jeff Wells read from the nomination of Reese, which praised his work on flood recovery efforts as well as other park operations and improvements, and said Reese was a great example for city employees. Wells along with Parks Superintendent Doak Duke and Community Services Director Josh Miller presented Reese with a certificate of recognition, a \$100 gift card and a sweatshirt with the city logo.

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**APPOINTMENT TO THE SENIOR CENTER ADVISORY BOARD**

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Councilmember Damon Mussman said the Senior Center Advisory Board had met Feb. 18 to review two applications for a vacancy created by a resignation, and had voted to recommend the appointment of Ermalinda Dechant. Mussman made a motion to appoint Dechant to the senior center board for a term expiring Dec. 31, 2015. That motion was seconded by Councilmember Lisa Northrup and approved unanimously.

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND OPTIMIST SOCCER**

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Recreation Superintendent Jay Cochran said this MOU was the same as approved by the council the previous year, and she outlined the responsibilities of the club and the city for the soccer program. Northrup offered a resolution to approve the MOU as presented, which was seconded by Castoe and approved unanimously.

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND MARLINS SWIM CLUB**

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Cochran also reviewed the terms of this agreement and the responsibilities of the two parties. She noted that the agreement would allow the club to host one swim meet at no cost but the club planned a second meet which would involve payment to the city of fees to be negotiated. Councilmember Ron Shaver offered a resolution to approve the MOU as presented, which was seconded by Councilmember Kevin Lindell and approved unanimously.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – RENEWAL OF 3.2 BEER LICENSES FOR 7-ELEVEN EAST AND WEST STORES**

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City Clerk John Brennan explained to the council that the police inspections routinely done for renewal applications had discovered several violations in these stores, including failure to post current licenses. Brennan noted that one violation noted regarding the proper registration of the manager for the stores was determined to be a misunderstanding, and all of the violations had been corrected so staff was recommending approval of the renewals.

Mayor McAlister told the licensee, Andeep Saini, who was present at the meeting, that he was glad the violations were not more serious, such as sale to underage persons, but reminded Saini of the importance of following all of the laws, rules and regulations regarding liquor licensing.

Northrup offered a resolution to approve the renewal of the 3.2 Percent Beer Retail Licenses (Off Premises) for 7-Eleven West at 603 W. Platte Avenue and 7-Eleven East at 703 E. Platte Avenue. That resolution was seconded by Councilmember Joe Segura Jr. and approved unanimously.

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**BIDS FOR A 4-WHEEL DRIVE HALF-TON PICKUP TRUCK FOR THE UTILITIES DIRECTOR**

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Water Resources/Utilities Director Brent Nation said the utilities director position had been left without a vehicle since the restructuring of the organizational chart in the past couple of years, so money had been placed in the budget for adding this vehicle. He reviewed the bidding process and said staff was recommending acceptance of the low bid from Korf of Fort Morgan for \$24,928 for a 4-wheel drive, half-ton Dodge Ram Crew Cab pickup truck. Additional equipment and options would bring the total to \$28,500, Nation said.

Mussman offered a resolution to accept the bid from Korf and approve the additional options and equipment for a total cost not to exceed \$28,500. That resolution was seconded by Northrup and approved unanimously.

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**BIDS FOR AN INSULATED BUCKET TRUCK FOR THE ELECTRIC DEPARTMENT**

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Light & Power Superintendent Doug Linton reviewed the bid process for this purchase and recommended acceptance of the low bid from Custom Truck & Equipment LLC of Arvada, Colo., for \$130,988 for a Versalift VST-40MHI bucket unit on a Freightliner M2-106 chassis, as well as additional equipment and options to make the truck suitable for electric department use. Shaver offered a resolution to approve the acceptance of the bid from Custom Truck & Equipment with the total cost not to exceed \$140,000. That resolution was seconded by Castoe and approved unanimously.

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**BIDS FOR SCADA REPLACEMENT AND UPGRADE FOR THE ELECTRIC DEPARTMENT**

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Linton reviewed the bid process for this purchase, and explained that staff was recommending the second-lowest of four bids because that vendor had a regional office in Longmont, Colo., and did not require the use of proprietary software. He also requested approval to purchase additional equipment and options from the budgeted line item.

Shaver offered a resolution to accept the bid from NovaTech of Lenexa, Kan., in the amount of \$68,255, and approve the purchase of server rack equipment and other options with the total cost not to exceed \$75,000. That resolution was seconded by Lindell and approved unanimously.

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**RESOLUTION AUTHORIZING STAFF TO RETAIN ON-CALL ENGINEERING SERVICES FOR ELECTRIC DEPARTMENT PROJECTS**

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Nation told the council this agreement was needed to ensure the availability of expert engineers in the event of problems with the city's electric system. He reviewed the process used to select the best firm for the city's needs, and said staff was recommending Exponential Engineering. Shaver offered a resolution to approve the Resolution authorizing the mayor to execute a services agreement with Exponential Engineering, which was seconded by Castoe and approved unanimously.

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**RESOLUTION ACCEPTING A GRANT FROM THE COLORADO AERONAUTICAL BOARD**

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Engineering/Public Works Director Brad Curtis explained that this grant was the state's portion of the project to construct a new runway at the Fort Morgan Municipal Airport, which would be largely paid by federal funding. The resolution also designated Curtis as the project director for the runway construction, he said.

Shaver offered a resolution to approve the Resolution accepting a grant from the Colorado Department of Transportation Colorado Aeronautical Board and authorizing the mayor to execute the grant agreement. That resolution was seconded by Northrup and approved unanimously.

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**RESOLUTION ACCEPTING A GRANT FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS**

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Curtis said the city had been awarded this grant from DOLA that would contribute approximately \$489,000 toward a storm drainage project on South Sherman Street that was expected to cost a total of about \$1 million. He said the city had applied for and made presentations on this grant for two years and finally received approval. Mayor McAlister thanked Curtis and said he appreciated the fact that Curtis stuck with the grant application and got it through.

Mussman offered a resolution to approve the Resolution accepting a grant from the Colorado Department of Local Affairs and authorizing the mayor to execute the grant agreement. That resolution was seconded by Segura and approved unanimously.

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**PROPOSAL TO COMPLETE THE BROADBAND ECONOMIC DEVELOPMENT INITIATIVE**

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Wells reminded the council of an earlier contract with Magellan Advisors to assess the city's fiber optic network, and said the city was now at a decision point on moving forward with this important project. Wells said the city had solicited input from local businesses regarding their current broadband services and needs, but had received only three responses. He said if the

city was to spend additional money on the next phase of the project with Magellan it would need more feedback from businesses and the public.

Curtis outlined the next phase of the study that was proposed by Magellan, and said the expected cost would be \$33,750. He requested approval to extend the contract with Magellan for that amount, with the understanding that after each of the three parts of this phase an assessment would be done on the need for the next part.

Some council discussion followed on the lack of business feedback, with Northrup stating that while it was important for the public to speak up, this project was not just about current or existing businesses but about other new businesses that might be attracted to the community by a full and functional broadband network.

Northrup offered a resolution to approve the extension of the contract with Magellan Advisors in an amount not to exceed \$33,750, which was seconded by Mussman and approved unanimously.

### **SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1147, AMENDING SECTIONS OF CHAPTER 21, BUILDING REGULATIONS, OF THE FORT MORGAN MUNICIPAL CODE**

McAlister reviewed the format to be followed for the public hearing, and Brennan confirmed that legal notice of the hearing and the full text of the ordinance had been properly published. Assistant City Attorney Jason Meyers said the ordinance had not changed since its first reading on Feb. 18 and would simply bring the city code into compliance with updates to the state plumbing code. No public comments were made at the meeting or received in advance by the City Clerk's Office, and no council comments were offered. Shaver made a motion to close the public hearing, which was seconded by Lindell and approved unanimously.

Wells then informed the council that it had three options: to approve or deny the ordinance, or defer action to seek more information. Shaver offered a resolution to approve the second and final reading of Ordinance No. 1147, an Ordinance amending sections of Chapter 21, Building Regulations, of the Fort Morgan Municipal Code, and authorize final publication of the ordinance by title only. That resolution was seconded by Castoe and approved unanimously.

### **SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1148, AMENDING SECTIONS OF CHAPTER 18, WATER SYSTEM, OF THE FORT MORGAN MUNICIPAL CODE**

McAlister reviewed the format to be followed for the public hearing, and Brennan confirmed that legal notice of the hearing and the full text of the ordinance had been properly published. Wells noted that this ordinance did not target any particular part of the community that might leave the city during the winter. Meyers said the ordinance addressed the issue of property owners who have multiple water taps on a single residential property, allowing them to designate additional taps for irrigation use only and have those turned off during the winter to avoid paying the monthly base charge for those taps. No public comments were made at the meeting or received in advance by the City Clerk's Office, and no council comments were offered. Shaver made a motion to close the public hearing, which was seconded by Castoe and approved unanimously.

Wells informed the council of its three options: to approve or deny the ordinance, or defer action to seek more information. Mussman offered a resolution to approve the second and final reading of Ordinance No. 1148, an Ordinance amending Section 240 of Chapter 18, Article 2, of the Fort Morgan Municipal Code, and authorize final publication of the ordinance by title only. That resolution was seconded by Shaver and approved unanimously.

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**FIRST READING OF AN ORDINANCE AMENDING THE 2013 BUDGET**

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Wells said budget amendment ordinances were typically enacted just before the city's annual financial audit, to ensure that the budget and the audit matched the actual spending for the year. He said the amendments in this ordinance were in the electric fund, which saw greatly increased costs for purchasing power in 2013, and the self-insurance fund, which was impacted by expenses related to the September 2013 flood incident as well as unanticipated costs for health care.

Northrup 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, and to schedule a public hearing on the ordinance for the March 18 City Council meeting. That resolution was seconded by Castoe and approved unanimously.

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**PRESENTATION OF THE 2015 BUDGET CALENDAR**

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Wells noted that he was required by the Council Rules of Procedure to bring the budget calendar for the year to the council at the first meeting in March. He said the calendar contained the dates for significant milestones in the development of the 2015 budget, and called for final adoption of the budget by mid-November.

The council made one change in the calendar due to a typographical error, and discussed the timing and format of a retreat to review the proposed budget. Shaver made a motion to accept and approve the 2015 budget calendar, which was seconded by Northrup and approved unanimously.

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Brenda Zion of Morgan County spoke to the council as a representative of the Community Relations Commission Work Group, which had presented a draft proclamation to the council in 2013. Zion said the group had decided to bring the proclamation back to the council at this time because of recent incidents involving vandalism that appeared to target East African refugees in the community. She said the group planned to seek adoption of the proclamation by Morgan County and all municipalities in the county, and added that the city of Brush had approved the proclamation the preceding week.

Selena Wright of Fort Morgan said the work group hoped the local Ministerial Alliance would also adopt the proclamation.

Zion said she had copies of the proclamation for the council and staff, and needed to know how to move the request forward. Mayor McAlister said the council had received the earlier draft of the proclamation and had been expecting a final revision, so he said Zion should distribute the copies and the council would review the final product. Zion said no changes had been made since the initial draft, and the group wanted to move forward with the proclamation as written in light of the recent incidents. She added that the group hoped to maintain consistency in the document that was to be adopted by all of the entities it planned to approach, and asked that the preamble section of the proclamation remain unchanged.

No action was taken.

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**REPORTS BY OFFICIALS AND STAFF**

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Wells provided an update on the preparations for the airport runway project, which included a pre-bid meeting with potential contractors the previous week, and said staff hoped to complete the project in 2014.

Wells also reported that the city had been ranked as having the lowest residential electric rates in the state for the third consecutive year by the Colorado Association of Municipal Utilities.

Police Chief Darin Sagel reported to the council on the vandalism incidents the preceding weekend which were being investigated as possible hate crimes. He said the Fort Morgan Police Department was following all leads and was offering a \$500 reward through Crime Stoppers for information that resolved the case.

Wells then made a statement about the crimes and their impact on the city, and said they did not reflect the welcoming nature of the vast majority of the community. He said offers to assist the victims with repair costs for their vehicles had been made, and city staff was working with OneMorgan County, a local immigrant integration nonprofit group, on a mechanism to accept donations to assist the victims.

Mayor McAlister said the FMPD was serious about the investigation and would find out who was responsible, and those who did the vandalism would pay for their crimes.

Human Resources/Risk Management Director Michael Boyer announced that the city had launched its online employee wellness portal that week.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

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## **EXECUTIVE SESSION**

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The regular portion of the meeting concluded at 7:27 p.m., and McAlister stated that the next item on the agenda was a scheduled executive session. Castoe made a motion to convene this executive session, which was seconded by Northrup and approved unanimously.

The scheduled executive session 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: Airport litigation.

The executive session began at 7:50 p.m. and concluded at 8:22 p.m., and was attended by the mayor and council members along with Wells and Assistant City Attorney Jason Meyers.

At 7:52 p.m. the recording of the executive session was turned off on the advice of the city attorney because it constituted a privileged attorney-client communication. The recorder was turned back on at 8:21 p.m.

The executive session ended at 8:22 p.m., and the council returned to the open regular meeting, where Castoe reported that the council had met in executive session for the purpose stated on the agenda. Castoe made a motion to direct the city attorney to work toward a reasonable resolution of the litigation, which was seconded by Northrup and approved unanimously.

Mayor McAlister adjourned the March 4, 2014 regular meeting at 8:23 p.m.

/s/ Terry L. McAlister  
Mayor

/s/ John Brennan  
City Clerk