

May 6, 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 6:00 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, Police Chief Darin Sagel, City Treasurer Jean Kinney, Engineering Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Services Director Josh Miller, Assistant City Attorney Jason Meyers, Recreation Coordinator Jane Perkins, Sanitation Superintendent Bob Evins, Light & Power Superintendent Doug Linton and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES OF THE APRIL 15, 2014 CITY COUNCIL REGULAR MEETING

Councilmember Damon Mussman offered a resolution approving the minutes of the April 15, 2014 regular meeting as presented, which was seconded by Councilmember Christine Castoe and approved unanimously.

REQUEST TO WAIVE FEES FOR THE GLENN MILLER SWINGFEST

Recreation Coordinator Jane Perkins noted that this request was similar to requests in previous years for this event, which had become larger and more successful over time. She said it would waive fees totaling \$2,240 for use of city facilities and amenities. Councilmember Lisa Northrup offered a resolution to approve the waiver of fees totaling \$2,240 for the Glenn Miler SwingFest, which was seconded by Councilmember Ron Shaver and approved unanimously.

REQUEST TO WAIVE FEES FOR BOBSTOCK

Perkins reviewed this similar request for fee waivers for the annual Bobstock free music festival in City Park, and noted that this event had also continued to grow and become very popular. She said the request included fee waivers as well as extra police security and a request to extend the allowable hours for music at the event from the normal 10 p.m. stipulated in the city's noise ordinance to 11 p.m. on the final night of the festival. Wayne Johnson of Media Logic Radio, organizer of Bobstock, also spoke to the council about changes in the venue including the addition of the new band shell in City Park, and how that would affect the layout of the event. As a result, Johnson said, he felt it might be time to reconsider the city's prohibition on beer on public property, which would allow the beer garden usually associated with the event to be placed either in the park or on an adjacent street to allow patrons to see the band shell stage.

Much discussion of this issue followed, with council members expressing varying views. A consensus appeared to emerge to approve the requested fee waiver and the extension of hours and do some further investigation of the alcohol issue and possible options. Shaver offered a resolution to waive fees totaling \$6,415 along with any additional expenses for police security related to the band shell stage, and also extend the hours during which music would be allowed to 11 p.m. That resolution was seconded by Castoe and approved unanimously.

BIDS FOR SANITATION DEPARTMENT CONTAINERS

Sanitation Superintendent Bob Evins reviewed the bid process for this item, and recommended accepting the unit bid prices from two vendors for the different types of containers. Northrup offered a resolution approving the bids from Kois Brothers Equipment of Commerce City for the 3-yard and 1-1/2-yard containers, and from Otto Environmental Systems of Eloy, Ariz., for the 95-gallon rollout containers. That resolution was seconded by Castoe and approved unanimously.

BIDS FOR A REFUSE TRUCK AND COMPACTOR UNIT FOR THE SANITATION DEPARTMENT

Evins reviewed the bid process for this purchase, which would also involve two different companies: one for the truck and one for the compactor unit mounted on it. Northrup offered a resolution to approve the purchases as recommended, with acceptance of bids from McCandless International of Aurora, Colo., for the truck chassis in the amount of \$87,475, and from American Transportation of Commerce City for the HLR 29 compactor body in the amount of \$76,185 including trade-in, with the total cost for the purchase to be \$163,660. That resolution was seconded by Councilmember Joe Segura Jr. and approved unanimously.

BIDS FOR A VACUUM EXCAVATOR FOR THE ELECTRIC DEPARTMENT

Light & Power Superintendent Doug Linton reviewed the bid process for this purchase, which would replace an older similar unit that had many hours of operation and some maintenance issues. Linton recommended accepting the low bid and also requested the addition of a hydraulic jack. Shaver offered a resolution to accept the bid from Global Machinery of Denver in the amount of \$45,530 and to include the addition of the hydraulic jack for \$1,380, with the total purchase cost to be \$46,910. That resolution was seconded by Castoe and approved unanimously.

RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PROPERTY IN THE FORT MORGAN FARMS ANNEXATION

City Manager Jeff Wells explained that this measure would allow the city to spend money that was not originally in the current budget. This property purchase had been agreed upon the previous year by the city and the developer, at the option of the developer, who had now acquired the property and asked the city to purchase the excess three acres as agreed. Shaver offered a resolution to approve the Resolution authorizing the expenditure of funds for purchasing real property, which was seconded by Castoe and approved unanimously.

DISCUSSION OF 2014 PUBLIC RESTROOM CAPITAL PROJECT

Engineering/Public Works Director Brad Curtis and Community Services Director Josh Miller said they had been researching the costs for the construction of a restroom facility in City Park in accordance with the council's goals, and had come across an alternative which they wanted to review with the council. They described the proposed alternative as a trailer/mobile restroom unit, which could be moved to various parks and other locations in the city and provide an interim solution to the problem of public restrooms in parks and also give staff a chance to evaluate the needs in the various parks and work toward a more permanent solution in the future.

This unit would cost about the same amount budgeted for public restrooms in 2014, and Wells pointed out that the \$65,000 budgeted would not provide a restroom that was likely to meet the council's expectations. Substantial discussion of this issue and the alternatives followed.

Lindell offered a resolution to allow staff to pursue the purchase of a trailer/mobile restroom unit utilizing up to the \$65,000 that was budgeted this year, with the understanding that the council get input regarding the cost of permanent restrooms that can be used for budgeting for 2015. Wells said the purchase would still go out for bid and come before the council for approval. Lindell's resolution was seconded by Shaver and approved unanimously.

BIDS FOR RATE STUDY CONSULTING SERVICES FOR THE ELECTRIC DEPARTMENT

Water Resources/Utilities Director Brent Nation reviewed the process for securing these consulting services, and said it was the recommendation of staff to retain JK Energy Consulting LLC. Mussman offered a resolution to authorize the mayor to sign a service agreement with JK Energy Consulting LLC for rate consulting services for the electric department, which was seconded by Castoe and approved unanimously.

BIDS FOR RATE STUDY CONSULTING SERVICES FOR THE NATURAL GAS DEPARTMENT

Nation reviewed the process for securing these consulting services, and said it was the recommendation of staff to retain McFadden Consulting Group Inc. Shaver offered a resolution to authorize the mayor to sign a service agreement with McFadden Consulting Group Inc. for rate consulting services for the natural gas department, which was seconded by Northrup and approved unanimously.

BIDS FOR RATE STUDY CONSULTING SERVICES FOR THE WATER AND WASTEWATER SYSTEMS

Nation reviewed the process for securing these consulting services, and said it was the recommendation of staff to retain Farnsworth Group. Northrup offered a resolution to authorize the mayor to sign a service agreement with Farnsworth Group for rate consulting services for the water and wastewater systems, which was seconded by Castoe and approved unanimously.

FIRST READING OF AN ORDINANCE REVISING THE CITY'S PROCUREMENT POLICY

Wells said this ordinance resulted from requests by staff to improve the efficiency of purchasing and procurement, and reviewed the elements of the current policy that would be changed. These included giving discretion to the city manager to disqualify bidders in certain

circumstances, raising the threshold for receiving informal quotes from \$1,000 to \$2,000, and other revisions pertaining to sole source vendors, state bid pricing and other specifics. Northrup offered a resolution to approve the first reading of an ordinance amending the Chapter 4 Article 6 of the Fort Morgan Municipal Code, and to schedule a public hearing on the ordinance for the May 20 council meeting. That resolution was seconded by Castoe and approved unanimously.

RESOLUTION REGARDING AN AGREEMENT TO EXCLUDE PROPERTY FROM THE MORGAN COUNTY QUALITY WATER DISTRICT

Wells explained the reason for this measure, which would also authorize the expenditure of funds to Quality Water under an agreement calling for compensation to the district when the city annexes property served by the district. An annexation proposed later in the agenda for this meeting would trigger such a payment, he said.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute a joint stipulation for excluding territory from the Morgan County Quality Water District, and authorization of expenditure of funds. That resolution was seconded by Castoe and approved unanimously.

FIRST READING AND PUBLIC HEARING OF AN ORDINANCE ANNEXING THE FORT MORGAN FARMS LLC II PROPERTY INTO THE CITY OF FORT MORGAN

Mayor McAlister reviewed the format to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the public hearing had been published.

Engineering/Public Works Director Brad Curtis reminded the council that it had accepted the petition for annexation of this property on March 8, and it was then heard by the city's Planning Commission, which recommended approval of the annexation and zoning of the property.

Don Jones of Fort Morgan spoke during the public comment period, saying the annexation was a monumental step forward for the city, and having property within the city limits that could be developed by potential businesses would be a great tool for economic development.

With no comments from the council, Shaver made a motion to close the public hearing, which was seconded by Lindell and approved unanimously.

Wells then advised council members that they could either approve the ordinance or vote against it if they did not feel it was in the best interest of the city.

Shaver offered a resolution to approve the first reading of an Ordinance annexing to the City of Fort Morgan that area known as the Fort Morgan Farms LLC II Annexation, which was seconded by Castoe and approved unanimously.

RESOLUTION REGARDING AN AGREEMENT BETWEEN THE CITY AND THE FORT MORGAN RESERVOIR & IRRIGATION COMPANY

Wells explained that this addendum to an existing agreement between the city and the ditch company would allow the city to finalize its case in water court to amend its augmentation plan by the addition of new wells. Nation provided background on this water court case, and how this addendum to the original 1996 agreement would resolve the issues raised in the case by the ditch company.

Northrup offered a resolution to approve the Resolution authorizing the mayor to sign an agreement with the Fort Morgan Reservoir and Irrigation Company, which was seconded by Castoe and approved unanimously.

RESOLUTION APPOINTING CITY REPRESENTATIVES TO THE BOARD OF DIRECTORS AND MANAGEMENT COMMITTEE OF THE MUNICIPAL ENERGY AGENCY OF NEBRASKA

Wells said this was a routine re-appointment to these MEAN boards, which must be done every three years. Northrup offered a resolution to appoint Jeff Wells as the city's representative and Brent Nation as the city's alternate representative to the board of directors and the management committee of the Municipal Energy Agency of Nebraska. That resolution was seconded by Castoe and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells thanked everyone who had participated in the preceding weekend's band shell dedication events, as well as all of those who had donated to make the band shell project possible. Wells also announced that Fort Morgan would be one of the host cities for the annual Pedal the Plains bicycle tour, which would be a great event for the city. Wells also spoke about the city's participation in LiveWell Colorado's Get Movin' Challenge and urged residents to take part.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings, and reviewed several recent news releases about city staff's emergency operations training and the need for communication with city staff about the use of city facilities.

Councilmember Segura said that former Councilmember Brent Nation seemed to have been overlooked during the band shell dedication ceremony when present and past city councils were thanked for their support of the project, and said Nation had played a part in that process and deserved recognition.

Mayor McAlister adjourned the May 6, 2014 regular meeting at 8:12 p.m.

/s/Terry McAlister

Mayor

/s/ John Brennan

City Clerk