

May 20, 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, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Community Services Director Josh Miller, Human Resources/Risk Management Director Michael Boyer, Police Chief Darin Sagel, Recreation Superintendent Jay Cochran, Streets Superintendent Jim Willis, General Accountant Chris Bostron, Parks Superintendent Doak Duke, Parks Department employee Jorge Rico, Assistant City Attorney Jason Meyers and City Clerk/PIO John Brennan.

---

#### **RECOGNITION OF CITY EMPLOYEE OF THE QUARTER**

---

City Manager Jeff Wells announced that Jorge Rico of the city's Parks Department had been chosen as the City Employee of the Quarter for the first quarter of 2014. Wells described Rico's efforts at flood restoration work in Riverside Park and his training and certification in tree felling, and Parks Superintendent Doak Duke said Rico's value as an expert on trees was invaluable to his department.

Wells presented Rico with a certificate of appreciation and a \$100 gift card, and Duke said Rico would receive two tickets to the Colorado Rockies game of his choice.

---

#### **PROCLAMATION DECLARING JUNE TO BE HUNGER AWARENESS MONTH**

---

Mayor Terry McAlister read the proclamation and presented a formal copy to Jodi Walker of Kids At Their Best, who thanked the council for recognizing that hunger is a problem in Morgan County and described her organization's plans for several summer meal sites for youths during the coming summer.

---

#### **REQUEST FOR WAIVER OF FEES FOR THE KIDS AT THEIR BEST SUMMER FEEDING PROGRAM**

---

Recreation Superintendent Jay Cochran reviewed this request and told the council it would involve waiving fees for use of the shelters at Jaycee Park during the approximately six weeks of the program. Councilmember Lisa Northrup offered a resolution to approve the waiving of fees in the amount of \$1,360 for the Kids At Their Best summer feeding program, which was seconded by Councilmember Christine Castoe and approved unanimously.

---

**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – PUBLIC HEARING ON AN APPLICATION FOR A NEW TAVERN LIQUOR LICENSE FOR MORGAN LANES LLC**

---

Councilmember Christine Castoe recused herself from consideration of this agenda item. McAlister reviewed the format for the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published and posted on the property. Brennan then reviewed the background on the application and the council's formal acceptance of it and the scheduling of this hearing. He said the primary purpose of the hearing was to establish the needs of the neighborhood and the desires of the adult inhabitants of the neighborhood for the license, and noted that the applicant had submitted petitions in support of the application.

Ryan Echols, who would be the operating manager of the establishment, spoke to the council about his background and his plans for training of alcohol servers. He said he had received a lot of support and encouragement from business owners and manager in the city, from whom he collected most of his petition signatures, and was excited to reopen the local bowling alley and become part of the community.

No public comments were made during the hearing or submitted in advance to the City Clerk's Office, and no comments were offered by the council. Northrup made a motion to close the public hearing, which was seconded by Councilmember Damon Mussman and approved unanimously.

City Manager/Interim City Attorney Jeff Wells then advised the council of its options for taking action on the application, and said the council should weigh the evidence presented at the hearing and decide if the applicant had met the burden of establishing the needs and desires of the neighborhood.

Northrup offered a resolution to approve the application for a new Tavern Liquor License – Malt, Vinous and Spirituous Liquors for Morgan Lanes LLC at 300 E. Railroad Avenue. That resolution was seconded by Councilmember Ron Shaver and approved unanimously.

Councilmember Castoe then returned to the meeting.

---

**BIDS FOR A SAND/PLOW TRUCK FOR THE STREETS DEPARTMENT**

---

Streets Superintendent Jim Willis reviewed the bid process for this purchase, for which a total of 11 different bids were received from four vendors. Willis said staff was recommending acceptance of a bid from Transwest Trucks for a 2015 Freightliner with an OJ Watson body, stainless steel dump/spreader box option and additional truck options, as well as approval of additional costs to outfit the truck with a mobile radio and other necessary equipment. In answer to a council question Willis explained that the recommended bid was chosen despite being about \$150 higher than the lowest bid because it was the same type of truck body the staff was used to operating.

Northrup offered a resolution to approve the bid from Transwest Trucks for a 2015 Freightliner with OJ Watson body and other options and authorize expenditures for additional equipment with the total cost not to exceed \$192,000. That resolution was seconded by Castoe and approved unanimously.

---

**RESOLUTION RATIFYING THE EXPENDITURE FOR EMERGENCY REPAIRS TO THE PRV VAULT**

---

Wells explained that the mayor has authority to authorize emergency expenditures under the Council Rules of Procedure, which also requires those expenditures to be ratified later by the full council. This procedure was used in this instance, Wells said, because of damage to the city

water system being caused by the failure of valves in the pressure-reducing valve vault where the city's water supply enters the city water distribution pipeline system.

Water Resources/Utilities Director Brent Nation explained the function and history of the PRV system and the valve failures that led to this emergency repair expense. Although the repairs were only completed recently and the initial failure happened in 2013, the emergency authorization was needed to order parts for the repair, some of which eventually needed to be custom-made, Nation said.

Shaver offered a resolution to ratify the expenditure for emergency repairs to the PRV vault in an amount not to exceed \$49,293.27, which was seconded by Councilmember Kevin Lindell and approved unanimously.

---

### **RESOLUTION IN SUPPORT OF THE COLORADO WATER STEWARDSHIP PROGRAM AND IN OPPOSITION TO PUBLIC TRUST DOCTRINE INITIATIVES**

Nation explained that several ballot initiatives were being proposed for the November 2014 election, which were contrary to the city's interests regarding water rights. He said the city was a member of the Colorado Water Congress and it was important for the city to demonstrate support for that organization's water stewardship program and opposition to changes in law regulating use and claims to water in Colorado. Wells said the city staff strongly supported this resolution and suggested the council vote to formalize this position.

Shaver offered a resolution to approve the Resolution in support of the Colorado Water Stewardship Program and in opposition to Public Trust Doctrine initiatives. That resolution was seconded by Lindell and approved unanimously.

---

### **BIDS FOR UPPER PLATTE & BEAVER CANAL BANK STABILIZATION CONSTRUCTION**

Engineering/Public Works Director Brad Curtis reviewed the bid process and the history of this project, which had been contemplated for several years and was now ready to move forward after issues with the ditch company were resolved. He said the staff was recommending the acceptance of a bid from Mountain Constructors in the amount of \$162,984 and was asking for approval of expenditures not to exceed \$175,000 to allow for contingency costs.

Northrup offered a resolution to accept the bid from Mountain Constructors for \$162,984 and approve expenditure up to \$175,000 for the bank stabilization project. That resolution was seconded by Castoe and approved unanimously.

---

### **BIDS FOR I-76/RIVERSIDE PARK PEDESTRIAN BRIDGE CONSTRUCTION**

Curtis told the council this was another project that had been delayed for several years as agreements were worked out with the UP&BC and the Colorado Department of Transportation. He said the prefabricated bridge would be much safer and more accessible to those with disabilities, and would replace a deteriorating bridge that had long ago outlived its usefulness.

Curtis said staff was recommending acceptance of a bid from Mountain Constructors in the amount of \$104,046.55 and approval to expend a total of \$110,000 to cover contingencies. Curtis explained that part of the funding for this work would come from funds carried over from 2013 for this project, with the balance to come from Conservation Trust Fund reserves and unspent funding for other purchases including swimming pool boilers and a triplex mower rolling kit.

Northrup offered a resolution to expend \$110,000 for the bridge and construction costs and to accept the bid from Mountain Constructors for \$104,046.55. That resolution was seconded by Councilmember Joe Segura Jr. and approved unanimously.

## **SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1151, AMENDING THE CITY'S PROCUREMENT POLICY**

Mayor McAlister reviewed the format to be followed during this public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Wells stated that the ordinance was unchanged from the one presented at first reading on May 6, and staff believed the measure would bring about improved efficiencies in the city's purchasing and procurement practices.

No public comments were made during the hearing or received in advance, 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 advised the council of its options for action, and Northrup offered a resolution to approve the second and final reading of Ordinance No. 1151, Amending Chapter 4 Article 6 of the Fort Morgan Municipal Code, and authorize final publication by title only. That resolution was seconded by Castoe and approved unanimously.

## **DISCUSSION OF OPTIONS FOR PERMITTING ALCOHOL ON PUBLIC PROPERTY FOR SPECIAL EVENTS**

Wells said the issue of beer gardens in city parks had come up again recently during discussion of several special events planned for the summer, and the council had asked him to look at various options on how the city might handle requests like this.

Wells explained that current city law prohibits alcohol on any public property, and at the other end of the spectrum were places like Milwaukee, Wis., which contracts with a beer vendor for traveling beer gardens that rotate among city parks throughout the summer. In between, Wells said, were options for the council to modify the current city ordinance to allow alcohol on public property, such as parks, and to make this permissible under circumstances that could be as restrictive or unrestrictive as the council chose. Such restrictions could include limitations on hours and locations, allowing alcohol only in conjunction with specific events, or requiring certain insurance coverage or security arrangements to be made by those sponsoring beer gardens.

Substantial council discussion followed, with council members relating feedback they had received from residents, which included opinions on both sides of the issue.

Shannon Munday, pastor of the Platte Valley Baptist Church, spoke to the council and said he was doing so not as a pastor but as a part of the community. Munday said he had been in Fort Morgan for about 15 years and felt the city parks should be a sanctuary for everyone to enjoy without having to deal with the issues that surround alcohol use. He said alcohol was available at several locations near City Park, but it should not be allowed in the park itself.

More council discussion ensued, with various alternatives raised such as placing another question on the ballot for a public vote, holding public forums on the matter, or doing nothing and leaving the current law in place. Several council members said they felt it would be inappropriate for the council to vote in favor of relaxing the regulations after a public vote against such action just five years earlier. Issues such as allowing beer in other parks for events like adult softball and family reunions, and the possibility that public sentiment had changed since the last vote, were also raised and discussed.

A general consensus emerged among the council members that they would like to hear more feedback from the public on the issue, and should allow more time for people to express their views to the council. The issue could possibly then be placed on a future council agenda for further discussion and possibly a vote. No formal action was taken.

Mayor McAlister than called for a short break, which began at 7:50 p.m. The meeting resumed at 8:04 p.m.

---

## **2015 BUDGET CALENDAR – DISCUSSION OF REVENUES AND SCHEDULE OF FEES**

---

Wells reviewed a PowerPoint presentation with graphs showing trends in various revenue sources over the past 12 years, as well as a spreadsheet showing the last five years of actual and budgeted revenues and the staff forecasts for 2015 revenues in the various funds. Wells also reviewed the city's Schedule of Fees, which included a number of proposed revisions for 2015, and said a final version of the fee schedule would be brought to the council for approval at the end of the budget process. No action was taken.

---

## **CONSENT AGENDA BY RESOLUTION**

---

Brennan presented the Consent Agenda for Council consideration as follows:

### **CONSENT AGENDA**

- A. Second reading and final approval of Ordinance No. 1152, Annexing the Fort Morgan Farms LLC II property into the City of Fort Morgan, and authorization to publish by title only
- B. Approval of the disbursements and payroll for April
- C. Approval of the minutes of the May 6, 2014 City Council regular meeting

All matters listed under the Consent Agenda are considered to be routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

Shaver offered a resolution to approve the Consent Agenda as presented, which was seconded by Castoe and approved unanimously.

---

## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

---

Jenni Grubbs of the Fort Morgan Times addressed the council and said anyone who was having trouble with the delivery of the newspaper in the mornings should contact the paper.

---

## **REPORTS BY OFFICIALS AND STAFF**

---

Community Services Director Josh Miller said the city swimming pool would open temporarily just for the Memorial Day holiday the following Monday, then would reopen for the season the following Friday.

Curtis said BNSF Railway workers would make repairs to the tracks at the Sherman Street crossing later in the week that would require a short closure of the northbound portion of the crossing.

Wells said the city was gearing up for a number of large construction projects in the coming summer months and asked residents to be patient with the inconveniences that this work could cause.

---

**BIDS, MEETINGS AND ANNOUNCEMENTS**

---

Brennan announced current bids and upcoming meetings, and reviewed highlights from several recent news releases.

Mayor McAlister adjourned the May 20, 2014 regular meeting at 8:50 p.m.

/s/ Terry McAlister

Mayor

/s/ John Brennan

City Clerk