

August 5, 2014

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 Christine Castoe
Councilmember Kevin Lindell
Councilmember Lisa Northrup
Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

Absent: Councilmember Damon Mussman (excused)

The meeting was also attended by City Manager Jeff Wells, City Treasurer Jean Kinney, Human Resources/Risk Management Director Michael Boyer, Engineering/Public Works Director Brad Curtis, Police Chief Darin Sagel, Community Services Director Josh Miller, Water Resources/Utilities Director Brent Nation, Assistant City Attorney Jason Meyers, Municipal Court Administrator Amanda Dunn, Parks Superintendent Doak Duke and City Clerk/PIO John Brennan.

APPROVAL OF THE MINUTES OF THE JULY 15, 2014 REGULAR MEETING

Councilmember Lisa Northrup offered a resolution to approve the minutes as presented, which was seconded by Councilmember Christine Castoe and approved on a unanimous vote of 6-0, with Councilmember Damon Mussman absent.

RECOGNITION OF RETIRING CITY EMPLOYEE BARB BRETZ

Community Services Director Josh Miller and Parks Superintendent Doak Duke said the city wanted to recognize Barb Bretz after 23 years of service to the city, the last 10 years at the parks department. Among other things, she was responsible for all of the city flower beds, which were always a source of pride for the city and generated many compliments from residents and visitors. City Manager Jeff Wells presented Bretz with a certificate of appreciation for her years of service. Bretz spoke of her time with the city, and Mayor Terry McAlister also offered thanks on behalf of the city.

RESOLUTION REGARDING PEDAL THE PLAINS PUBLIC ART PROJECT

Wells explained that this was a joint project among the city, Morgan Community College's Center for Arts and Community Enrichment and local artists using an available grant, and he recommended that the city accept the grant as fiscal agent and provide in-kind services as matching funds for the grant. Wells introduced local artist Ann Iungerich, who described the plans for the art project, which included the mounting of old bicycles and other items on the city's old power plant building in recognition of the Pedal the Plains event in September. Northrup offered a resolution to approve the Resolution authorizing the mayor to sign a grant agreement, authorization for the expenditure of funds and authorization for the placement of a

piece of art on a public structure. That resolution was seconded by Castoe and approved unanimously (6-0, Mussenman absent).

BIDS FOR ENGINEERING SERVICES FOR THE BURLINGTON AVENUE/BARLOW ROAD WATERLINE LOOPING PROJECT

Engineering/Public Works Director Brad Curtis reviewed the project and the bid process, and recommended acceptance of a bid from Bohannon-Huston Inc. at a maximum cost of \$35,000. Councilmember Ron Shaver offered a resolution to authorize the mayor to enter into an agreement with Bohannon-Huston Inc. for the Burlington/Barlow waterline looping project in an amount not to exceed \$35,000, which was seconded by Castoe and approved unanimously (6-0, Mussenman absent).

BIDS FOR THE RIVERSIDE PARK BALLFIELD RECOVERY PROJECT

Curtis reviewed the background of this project, which would restore and enhance the ballfields that were heavily damaged in the September 2013 flood, and the complex financing that had to be secured including funds from state and federal agencies as well as the city and its insurance carrier. Curtis said three groups or teams submitted bids for the design/build project, and staff chose two of those for final interviews. Curtis recommended that the city negotiate with the team of ECI Site Construction Management Inc. and BHA Design Inc., and authorize the mayor to sign the appropriate agreements with a total cost not to exceed the available funding. Shaver offered a resolution to authorize staff to negotiate with ECI/BHA, and authorize the mayor to sign the resulting agreements with the total cost not to exceed the available funding of \$986,883.34. That resolution was seconded by Castoe and approved unanimously (6-0, Mussenman absent).

RESOLUTION ADJUSTING ELECTRIC RATES

Wells said this increase was the result of a review and recommendation by the city's electric rate consultant. Water Resources/Utilities Director Brent Nation explained that the 2.2 percent rate increase was a "pass-through" increase that would allow the city to recover its costs for purchasing power due to rate increases from its supplier, and would result in an estimated average increase of \$1.53 on residential electric bills. Northrup offered a resolution to approve the Resolution adjusting the electric rates for the Electric Department and System Enterprise of the City of Fort Morgan, which was seconded by Castoe and approved unanimously (6-0, Mussenman absent).

RESOLUTION REGARDING A GRANT FOR THE COMMUNITY RESOURCES AND HOUSING DEVELOPMENT CORPORATION PROJECT

Curtis said the city had been working with CRHDC since the preceding year and had entered into development agreements for a multi-family housing project. This Resolution would approve an agreement for the city to act as the grantee for a federal Community Development Block Grant, which would cover CRHDC's obligations for building permits, infrastructure costs and other expenses associated with the project. Wells noted that the grant would go through the city to CRHDC, then be paid back to the city to cover the cost of road improvements and other infrastructure. Northrup offered a resolution to approve the Resolution authorizing the mayor to sign a Community Development Block Grant application and agreement, authorization for the mayor to sign a subrecipient agreement and authorization for the expenditure of funds. That resolution

was seconded by Councilmember Joe Segura Jr. and approved unanimously (6-0, Mussman absent).

FIRST READING OF AN ORDINANCE ADJUSTING THE MAXIMUM FINES IN MUNICIPAL COURT

Assistant City Attorney Jason Meyers said this ordinance would raise the maximum fine in the Fort Morgan Municipal Court from \$1,000 to \$2,650 to conform with new state legislation, revise areas of the code with obsolete references to fine amounts and fees, and remove reference to many jailable offenses which were rarely heard in the city court.

Shaver offered a resolution to approve the first reading of an Ordinance increasing the maximum fine imposed for violations of the Municipal Code, and set a public hearing on the ordinance for August 19. That resolution was seconded by Northrup and approved unanimously (6-0, Mussman absent).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 10, "GENERAL OFFENSES," OF THE FORT MORGAN MUNICIPAL CODE

Meyers explained that this ordinance would rewrite sections of the code pertaining to marijuana offenses in keeping with new state laws, and also revise other sections of the code regarding specific offenses that did not currently fit within the structure of the municipal court.

Northrup offered a resolution to approve the first reading of an Ordinance amending Chapter 10, "General Offenses," of the Fort Morgan Municipal Code, and set a public hearing on the ordinance for Aug. 19. That resolution was seconded by Castoe and approved unanimously (6-0, Mussman absent).

SECOND READING AND PUBLIC HEARING ON AN ORDINANCE CONSOLIDATING CITY DEPARTMENTS AND AMENDING THE MUNICIPAL CODE

Mayor McAlister outlined the format to be used for the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the public hearing had been published. Curtis said the ordinance was the same as presented at the last council meeting, and would combine the Community Development and Building Departments. No public comments were received during the hearing or 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 Councilmember Kevin Lindell and approved unanimously (6-0, Mussman absent).

Wells then advised the council of its options for action, and Northrup offered a resolution to approve the second reading of Ordinance No. 1153, Consolidating City Departments and Amending the Municipal Code, and authorize publication by title only. That resolution was seconded by Castoe and approved unanimously (6-0, Mussman absent).

2015 BUDGET CALENDAR – PRESENTATION OF 2015 BUDGETS FOR THE CAPITAL IMPROVEMENT FUND AND CONSERVATION TRUST FUND

Wells reviewed the proposed budgets for the Capital Improvement Fund and the Conservation Trust Fund, which he said contained all of the projects the council had requested during retreats earlier in the year. Wells said these funds were balanced with projected revenues, including the proposed use of capital reserves for the Acoma Avenue project.

Wells briefly reviewed each project on the capital improvement list, and Wells and other staff members answered council questions. No action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells said the city staff was working on several upcoming events including Pedal the Plains and the Fall Harvest Car Show, as well as numerous capital projects.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular meeting concluded at 7:29 p.m., and McAlister said the next item on the agenda was a scheduled executive session.

Castoe made a motion to convene this executive session, which was seconded by Shaver and approved unanimously (6-0, Mussman absent). The 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: Waiver of conflict.

This executive session began at 7:42 p.m. and ended at 7:48 p.m., and was attended by the mayor and five council members (Mussman absent) along with Wells and Meyers.

On the advice of the city attorney the recording of the executive session was turned off at 7:44 p.m. because the discussion constituted a privileged attorney-client communication. The recording was turned back on at 7:47 p.m.

Following the conclusion of the executive session, the council returned to the regular open meeting where Castoe reported that the council met in executive session for the reason stated on the agenda. Castoe made a motion that the city waive the conflict with Sherman & Howard for negotiation purposes only, and not for adversarial proceedings. That motion was seconded by Northrup and approved unanimously.

Mayor McAlister adjourned the August 5, 2014 regular meeting at 7:50 p.m.

/s/ Terry McAlister
Mayor

/s/ John Brennan
City Clerk