

August 19, 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 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, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, City Treasurer Jean Kinney, Customer Account Manager Connie Musgrave, Human Resources/Risk Management Director Michael Boyer, Information Technology Director Nelson McCoy, Municipal Court Administrator Amanda Dunn, Recreation Coordinator Jane Perkins, Parks Superintendent Doak Duke and General Accountant Chris Bostron.

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#### **RECOGNITION OF RETIRING CITY EMPLOYEE ELAINE SCOTT**

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City Treasurer Jean Kinney thanked Scott for her more than 32 years of service to the city, and Utility Billing Customer Account Manager Connie Musgrave recounted a few of the many changes Scott went through during her career with the city. Scott said it had been a privilege to work for the city, and City Manager Jeff Wells presented Scott with a certificate of appreciation.

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#### **REQUEST FOR IN-KIND SERVICES AND WAIVER OF FEES FOR THE FALL HARVEST CAR SHOW**

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Recreation Coordinator Jane Perkins reviewed plans for this annual event which would be occurring for the 14<sup>th</sup> year in 2014, and recommended council approval of \$3,640 in fee waivers and in-kind services to help with the event. Perkins noted that this was nearly \$1,000 less than the request by the car show for the previous year.

Councilmember Lisa Northrup offered a resolution to approve the waiver of fees and in-kind services for the Fall Harvest Car Show, which was seconded by Councilmember Christine Castoe and approved unanimously.

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#### **REQUEST FOR IN-KIND SERVICES AND WAIVER OF FEES FOR PEDAL THE PLAINS**

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Perkins reviewed the plans for this first-time event for Fort Morgan, a bicycle ride from Wiggins to Fort Morgan to Sterling and back on the same weekend as the Fall Harvest Car Show. Kari Linker of the Morgan County Economic Development Corp. and Karla Maraccini, director of community partnerships for Gov. John Hickenlooper, described the event and the plans which included an overnight stay in Fort Morgan by hundreds of riders and those accompanying them. Wells thanked the many other groups that were contributing efforts to make the event possible, and particularly the Morgan County Re-3 School District, which was allowing the use of the high school as a base for the riders. Wells also pointed out that this approval would also authorize

the use of the city's Showmobile outside the city, which was not normally allowed, so the town of Wiggins could have a stage for its portion of the event.

Councilmember Damon Mussman offered a resolution to approve the waiver of fees in the amount of \$2,150 for Pedal the Plains, which was seconded by Councilmember Ron Shaver and approved unanimously.

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#### **UPDATE ON CREATION OF A CITY DOG PARK**

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Wells reminded the council that the dog park was one of the council's goals for this year. Parks Superintendent Doak Duke said staff was getting informal quotes for materials including fencing and would do all of the labor in-house. The dog park would include separate fenced areas for small and larger dogs as well as play features for the animals and bag dispensers for cleaning up after them. In answer to a question from the mayor, Duke said pet owners would be required to stay at the dog park with their animals, and could not drop off dogs and leave the area. Wells also noted that owners would be responsible for cleaning up after their dogs, and that parks staff would not be able to do that. No action was taken.

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#### **BIDS FOR ADA-CERTIFIED ENGINEERED WOOD FIBER PLAYGROUND SURFACE MATERIAL**

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Duke explained that this surface material would replace the existing sand at several playgrounds to make those facilities compliant with the Americans with Disabilities Act, and reviewed the bid process for this purchase. Three bids were received and Duke said staff was recommending acceptance of the lowest bid from Churchich Recreation of Niwot for \$16,416. Some discussion was held about the nature of the material and what made it compliant with the ADA, and Duke said two of the city's playgrounds already had this material.

Councilmember Joe Segura Jr. said this was a situation in which he thought it would be possible to give preference to the one local company that bid even though its cost was slightly higher. He noted that Miller's Landscaping had been a local company for a long time, employed local residents and did business with other local businesses, and said he would prefer to accept the bid from the local firm.

Wells said the city's procurement policy called for the city to use the lowest responsible bidder, which involves consideration of numerous factors including location, so to choose Miller's bid in this instance would not be outside the scope of the policy.

Segura offered a resolution to accept the bid for engineered wood chips from Miller's Landscaping in the amount of \$17,546.40, which was seconded by Councilmember Kevin Lindell and approved unanimously.

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#### **RESOLUTION APPROVING A MICROSOFT LICENSING AGREEMENT**

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Information Technology Director Nelson McCoy asked the council members if they had any questions regarding the proposal he outlined in a memo included in the council packets, which would have the city pay in three annual installments to bring all of its Microsoft licenses into compliance with the company's requirements.

Northrup offered a resolution to approve the Resolution authorizing the mayor to sign an agreement for the purchase of software from Insight Public Sector, which was seconded by Castoe and approved unanimously.

**BIDS FOR THE SOUTH SHERMAN STREET STORM DRAINAGE PROJECT FUNDED BY A DEPARTMENT OF LOCAL AFFAIRS GRANT**

Engineering/Public Works Director Brad Curtis said this project was one of several storm drainage projects the city had been pursuing at the direction of the council, and it had taken a couple of years to obtain the DOLA grant that would partially fund the work. It would cover about five blocks of South Sherman and install storm pipe, inlets and associated infrastructure to carry stormwater that has historically flooded the area of Sherman and Burlington Avenue to an existing 66-inch storm pipe that leads to the city's augmentation pond.

Curtis said six contractors attended the mandatory pre-bid meeting and two firms submitted bids, and staff was recommending acceptance of the bid from Edge Contracting Inc. of Golden in the amount of \$770,590 and authorization to expend up to \$810,000 on the South Sherman project. Curtis noted that the DOLA grant required the city to use the lowest responsive responsible bidder meeting the project's specifications, and reference checks of Edge Contracting resulted in positive reviews.

After some discussion of the scope and timing of the project, Shaver offered a resolution accepting the bid from Edge Contracting for the South Sherman Storm Drainage Project not to exceed \$770,590, with the total expenditure on the project including city costs for associated work not to exceed \$810,000. That resolution was seconded by Castoe and approved unanimously.

**SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1154, INCREASING THE MAXIMUM FINE IMPOSED FOR VIOLATIONS OF THE MUNICIPAL CODE**

Mayor McAlister outlined the format to be used for the public hearing, and Municipal Court Administrator Amanda Dunn confirmed that proper legal notice of the public hearing had been published. Assistant City Attorney Jason Meyers said the ordinance was the same as presented at the last council meeting, and staff recommended approval. 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 Mussman and approved unanimously.

Wells then advised the council that its decision should be based on what is in the best interest of the city. Northrup offered a resolution to approve the second reading of Ordinance No. 1154, an Ordinance increasing the maximum fine imposed for violations of the Municipal Code, and authorize publication by title only. That resolution was seconded by Castoe and approved unanimously.

**SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1155, AMENDING SECTIONS OF CHAPTER 10, "GENERAL OFFENSES," OF THE FORT MORGAN MUNICIPAL CODE**

Mayor McAlister said the same format used in the previous agenda item would be followed in this public hearing, and Dunn confirmed that proper legal notice of the public hearing had been published. Meyers said the ordinance was the same as presented at the last council meeting, and staff recommended approval. 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 Lindell and approved unanimously.

Wells again advised the council that its decision should be based on what is in the best interest of the city, and also thanked all of the city staff that worked on these ordinances. Northrup offered a resolution to approve Ordinance No. 1155, an Ordinance amending sections of

Chapter 10, "General Offenses," of the Fort Morgan Municipal Code, on final reading and authorize publication by title only. That resolution was seconded by Segura and approved unanimously.

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**2015 BUDGET CALENDAR – START OF PRESENTATION OF THE 2015 BUDGET FOR GENERAL FUND DEPARTMENTS**

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Wells began by saying that staff was proposing to change the budget calendar slightly because the process could be completed earlier than planned. He then outlined the proposed budgets for the Mayor & Council and City Manager. General Accountant Chris Bostron reviewed highlights of the finance department budget, and Wells discussed the city attorney budget. Wells also explained that salary and benefit numbers were being added to the proposed budgets for each department as they became available.

Human Resources/Risk Management Director Michael Boyer reviewed highlights and changes to the proposed budget for those departments. Wells then presented information on the General Government department, and discussed transfers to other departments such as the golf course that were not yet included in this draft budget.

No action was taken.

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**CONSENT AGENDA BY RESOLUTION**

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Dunn presented the Consent Agenda for Council consideration as follows:

**CONSENT AGENDA**

- A. Approval of the disbursements and payroll for July
- B. Approval of the minutes of the Aug. 5, 2014 City Council regular meeting

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

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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None.

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**REPORTS BY OFFICIALS AND STAFF**

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Wells said his monthly report including summaries from all department heads was included in the packets. He also noted that City Clerk/PIO John Brennan and Community Services Director Josh Miller were not present because they were attending a Department of Local Affairs conference.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Dunn announced current bids and upcoming meetings. Councilmember Mussman stated that although he had missed the previous two council meetings for a variety of reasons, he was fully committed to his role as a member of the council, to the other council members and to the citizens. Mussman also thanked the Recreation Department on behalf of the Fort Morgan Booster Club for the waiver of fees for picnic tables and other services for the club's annual picnic. In answer to a question from Mussman, Curtis provided an update on the progress of restoring the ball fields at Riverside Park.

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## **EXECUTIVE SESSIONS**

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The regular portion of the meeting ended at 7:30 p.m., and Mayor McAlister said the next item on the agenda was the first of three scheduled executive sessions. Castoe made a motion to proceed to the first executive session, which was seconded by Shaver and approved unanimously. This executive session had been published as follows:

**EXECUTIVE SESSION** for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Sale of property at Industrial Park.

This executive session began at 7:45 p.m. and concluded at 8:45 p.m. and was attended by the mayor and council members along with Wells, Meyers, Terry Herbst and Marjory Hargrave. At the conclusion of the executive session 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 directing the city manager to negotiate within the parameters discussed in executive session, which was seconded by Lindell and approved unanimously.

Castoe then made a motion to convene the second scheduled executive session, which was seconded by Shaver and approved unanimously. This 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: Intergovernmental agreement for sharing of legal services.

This executive session began at 8:49 p.m. and concluded at 8:56 p.m., and was attended by the mayor and council members along with Wells and Meyers. On the advice of the city attorney, the recording of this executive session was turned off at 8:50 p.m. because the matter being discussed constituted a privileged attorney-client communication. The recording was turned back on at 8:55 p.m.

At the conclusion of the executive session 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 authorize the city attorney's office to represent the City of Yuma and direct staff to work toward an intergovernmental agreement for sharing legal services with the City of Yuma. That motion was seconded by Shaver and approved unanimously.

Northrup then made a motion to convene the third scheduled executive session, which was seconded by Lindell and approved unanimously. This 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: Check-in with City Manager.

This executive session began at 8:59 p.m. and concluded at 9:37 p.m., and was attended by the mayor and council members along with Wells. At the conclusion of the executive session 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 and council was satisfied with the performance of the city manager. No motion was made.

Mayor McAlister adjourned the August 19, 2014 regular meeting at 9:38 p.m.

/s/ Terry McAlister  
Mayor

/s/ John Brennan  
City Clerk