

December 2, 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, City Treasurer Jean Kinney, Police Chief Darin Sagel, Engineering/Public Works Director Brad Curtis, Community Services Director Josh Miller, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Assistant City Attorney Jason Meyers, Wastewater Treatment Plant Superintendent Mike Hecker and City Clerk/PIO John Brennan.

APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2014 CITY COUNCIL REGULAR MEETING

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

APPOINTMENT OF LANETTE GIMBEL TO THE LIBRARY ADVISORY BOARD

Castoe said the library board had recommended this appointment, and made a motion to appoint Lanette Gimbel to the Library Advisory Board. That motion was seconded by Councilmember Lisa Northrup and approved unanimously.

RESOLUTION ACCEPTING AN APPLICATION AND PETITION FOR ANNEXATIONS FROM THE MORGAN COUNTY RE-3 SCHOOL DISTRICT AND FORT MORGAN FARMS LLC

City Manager Jeff Wells noted that school district Superintendent Ron Echols was present at the meeting. Engineering/Public Works Director Brad Curtis said the city had received a petition for the annexation of two parcels of land, one owned by the school district and the other by Fort Morgan Farms, and found the petition to be in substantial compliance with state statutes. Curtis explained that the single petition covered both properties, but the annexations would move forward separately with separate ordinances from this point. The council was being asked to accept the annexation petition and schedule public hearings on the annexations, Curtis said. Wells pointed out that in most cases, Morgan County required that any road touching a property annexed into the city also be annexed, but in this case an exception was being made. After discussions with the county commissioners, Wells said, the city would annex West Street all the way south to Morgan County Road Q but the county would retain responsibility for Road Q. Northrup offered a resolution to accept the application and petition for annexations from Morgan County School District Re-3 and Fort Morgan Farms LLC, and schedule a public hearing on the

annexations for Jan. 20, 2015. That resolution was seconded by Castoe and approved unanimously.

DISCUSSION OF AMENDING THE AIRPORT ADVISORY BOARD BYLAWS

Curtis said the airport board had discussed this issue and felt allowing an additional non-resident of the city to serve on the board would be helpful in filling vacancies. Curtis noted that about 35 people had aircraft housed at the airport but only about 10 were city residents, which made it difficult to fill a board of seven members with only city residents. He said staff was recommending that this item be placed on the next council agenda for action, when a formal recommendation from the airport board would also likely be presented.

Several council members expressed support for the idea, and the consensus of the council was to move forward as recommended by staff.

BIDS FOR WASTEWATER TREATMENT PLANT ULTRAVIOLET DISINFECTION EQUIPMENT

Wastewater Treatment Plant Superintendent Mike Hecker reviewed the bid process for this purchase, which would replace the second bank of ultraviolet disinfection equipment at the plant. Staff was recommending acceptance of the low bid of \$84,480 and requesting additional funding to cover shipping costs.

Shaver offered a resolution to accept the bid from Enaqua in an amount not to exceed \$94,480, which included up to \$10,000 for freight costs. That resolution was seconded by Lindell and approved unanimously.

BIDS FOR WASTEWATER TREATMENT PLANT AERATION BLOWERS

Hecker reviewed the bid process for this purchase, and said staff was recommending the low bid of \$63,868 from Aerzer and requesting additional funds for shipping costs.

Shaver offered a resolution to accept the bid of \$63,868 from Aerzer for aeration blowers with a potential \$10,000 in additional shipping costs, with the total expenditure not to exceed \$73,868. That resolution was seconded by Castoe and approved unanimously.

BIDS FOR 2015 SLUDGE HAULING AND LAND APPLICATION SERVICES

Hecker said this was a year-to-year budget item, and one bid had been received from the same firm the city had used for many years. Hecker noted that the unit price had increased substantially on this bid, to 16 cents per gallon compared to the 3.6 cents the city was currently paying to the same company. He said it had been many years since the last increase, but the city would look at other options in light of this price hike.

Shaver offered a resolution to accept the bid from Parker Ag for sludge hauling and land application services at the unit price of 16 cents per gallon, which was seconded by Councilmember Damon Mussman and approved unanimously.

SECOND READING AND PUBLIC HEARING ON AN ORDINANCE AMENDING THE COUNCIL RULES OF PROCEDURE

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 hearing had been published. Wells said the ordinance revised the Council Rules of Procedure to include a new section regarding the use of technology including the tablet computers provided to council members,

and was unchanged from the first reading at the previous meeting. No public comments were received at the hearing or in advance, and no council comments were offered. Northrup made a motion to close the public hearing, which was seconded by Shaver and approved unanimously. Wells said this was a legislative decision and the council should vote in the best interest of the city. Northrup offered a resolution to approve the second and final reading of Ordinance No. 1162, An Ordinance of the City of Fort Morgan, Colorado, amending the Council Rules of Procedure, and to authorize publication by title only. That resolution was seconded by Castoe and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jerry Wathen of 1100 Linda Street in Fort Morgan told the council about a couple of upcoming concerts and encouraged everyone to attend. Wathen also reminded the council of presentations by retail recruitment firms earlier in the year, and said what the city needs is more clothing stores and a nice family restaurant.

REPORTS BY OFFICIALS AND STAFF

Wells reported on upcoming activities in the Christmas Capital of the Plains campaign, and Police Chief Darin Sagel reminded everyone of the Blue Santa program collecting donations on the coming weekend for less fortunate adults.

Wells also reviewed progress on several ongoing city projects, including the ball fields and riverbank restoration at Riverside Park, repairs to Riverview Avenue near Riverview Commons, replacement of the pedestrian bridge to Riverside Park and the construction of Linda Street. He reminded users of the park trails to be cautious due to heavy equipment on the trails doing bank restoration work.

Mussman said he wanted to compliment anyone involved with decorating the city for the holidays because it looked spectacular.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 6:39 p.m., and Mayor McAlister said the next item on the agenda was the first of two scheduled executive sessions. Councilmember Castoe made a motion to convene this executive session, which was seconded by Councilmember 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: Potential litigation.

The executive session began at 7:04 p.m. and ended at 7:26 p.m., and was attended by the mayor and council along with City Manager/Interim City Attorney Jeff Wells. On the advice of the city attorney the recording of the session was turned off at 7:05 p.m., and the recording was turned back on at 7:25 p.m.

At 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 purpose stated on the

agenda. Castoe then made a motion directing the city attorney to continue to negotiate pending litigation, and to authorize the city attorney to file a lawsuit against Ron Greene and Seagull Fort Morgan LLC if a settlement was not reached. That motion was seconded by Shaver and approved unanimously.

Castoe made a motion to convene the second 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: Development incentives.

Councilmember Lisa Northrup then stated that she would recuse herself from this executive session due to a potential conflict of interest, and left the room.

This executive session began at 7:30 p.m. and concluded at 8:03 p.m., and was attended by the mayor and five other council members (with Northrup having stepped down) along with Wells and Kari Linker. At one point during the session Linker was excused from the remainder of the session.

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 and authorizing the mayor to negotiate an agreement based upon the parameters set in executive session. That motion was seconded by Shaver and approved on a unanimous vote of 6-0, with Northrup having stepped down.

Mayor McAlister adjourned the December 2, 2014 regular meeting at 8:05 p.m.

/s/ Terry McAlister
Mayor

/s/ John Brennan
City Clerk