

May 5, 2015

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, City Treasurer Jean Kinney, Community Services Director Josh Miller, Engineering/Public Works Director Brad Curtis, Water Resources, Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Management Intern Chelsea Gondeck, Assistant City Attorney Jason Meyers, Building Official Mike Kirkendall, Golf Course Maintenance Superintendent Matt Givens, Golf Course General Manager/Professional Ty Hamer, Wastewater Treatment Plant Superintendent Mike Hecker and City Clerk/PIO John Brennan.

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#### **APPROVAL OF MINUTES – APRIL 21, 2015 CITY COUNCIL REGULAR MEETING**

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Councilmember Ron Shaver offered a resolution to approve the minutes of the April 21, 2015 regular meeting as presented, which was seconded by Councilmember Christine Castoe and approved unanimously.

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#### **READING OF A PROCLAMATION FOR MENTAL HEALTH AWARENESS MONTH**

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Mayor Terry McAlister read the proclamation and presented a signed and sealed formal copy to Kortnie Mendoza, regional operations director for Centennial Mental Health Center. Mendoza thanked the council for the recognition of this observance and spoke about a public forum and ice cream social Centennial planned later in the month to raise awareness of mental health issues and help overcome the stigma associated with these issues.

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#### **READING OF A PROCLAMATION FOR NATIONAL POLICE WEEK**

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Mayor McAlister read the proclamation and presented a signed and sealed formal copy to Fort Morgan Police Chief Darin Sagel, who thanked the council for this recognition and invited the council members to attend the FMPD's annual awards ceremony for officers as well as community members who helped solve crimes and support the department.

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#### **PRESENTATION ON COMMUNITY BLOCK PARTIES OUTREACH INITIATIVE**

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City Manager Jeff Wells said this was the result of direction from the council to develop an initiative to reach out to city residents and get them involved with the city. Community Services Director Josh Miller said the initiative was also a response to council direction to have the city "toot our own horn" about all the things the city does. Miller described plans for three events to

be held in conjunction with three of the summer concert series performances at City Park, which would be called "Party in the Park" and include a community barbecue, children's activities and other attractions as well as information on city programs and services and a community survey for residents. Councilmember Lisa Northrup said this was a great example of staff taking an idea from the council's visioning session and running with it, and turning it into something more than the council even envisioned.

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**NEW LEASE FOR EXISTING HANGAR #5 AT THE FORT MORGAN MUNICIPAL AIRPORT**

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Engineering/Public Works Director Brad Curtis explained that the city owns the land at the airport and leases some of it for hangars, and two of those hangars had recently changed ownership. Because the original leases could not be found the city was enacting new leases with the new owner rather than re-assigning the previous leases. Curtis pointed out that the new owner was Kyle Scott of Scott Aviation, who is the fixed base operator at the Fort Morgan airport, but that the hangar leases were for Scott's own business and not related to the airport FBO operation.

Shaver offered a resolution to approve the new lease for Hangar #5 at the Fort Morgan Municipal Airport, which was seconded by Northrup and passed unanimously.

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**NEW LEASE FOR EXISTING HANGAR #15 AT THE FORT MORGAN MUNICIPAL AIRPORT**

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Curtis said this was the same situation with a second hangar also purchased by Scott. Shaver offered a resolution to approve the new lease for Hangar #15 at the Fort Morgan Municipal Airport, which was seconded by Northrup and approved unanimously.

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**BIDS FOR A 4-WHEEL-DRIVE PICKUP TRUCK FOR THE BUILDING INSPECTION DEPARTMENT**

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Building Official Mike Kirkendall explained that this purchase would replace a 1996 small pickup truck, and two bids were received. Kirkendall was recommending acceptance of the higher of the two bids, in the amount of \$30,115.84 including options from Ehrlich Toyota East of Fort Morgan, because the truck was smaller and more suitable for the needs of the building inspector, and also because it was a local dealership. He noted that this was over the \$25,000 amount budgeted for the purchase of the truck, but the over-expenditure would be covered by other purchases from the capital improvement fund that were under budget.

Castoe offered a resolution to accept the bid from Ehrlich Toyota East and authorize the purchase of the options described and other equipment with a total cost not to exceed \$31,500. That resolution was seconded by Councilmember Damon Mussman and approved unanimously.

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**BIDS FOR A GOLF COURSE REEL AND BEDKNIFE GRINDER**

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Golf Course Maintenance Superintendent Matt Givens said this was essentially one piece of equipment with two grinders, used to sharpen the blades on the various mowers used at the golf course. It would replace a 1985 model and with new technology would greatly reduce the time and manpower need for this task, and also probably improve course conditions. He said one bid was received, which included the trade-in of the old equipment, which Givens said would bring in more money than trying to sell the old unit at the city auction. In answer to council questions, Givens explained how the equipment worked.

Castoe offered a resolution to accept the bid from C&M Golf and Grounds of Denver, including the trade-in of the old equipment, with the total purchase not to exceed \$46,676. That resolution was seconded by Northrup and approved unanimously.

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### **BIDS FOR FLOORING MATERIALS AND INSTALLATION AT QUAIL DUNES GOLF COURSE**

Golf Course General Manager/Professional Ty Hamer said two local companies submitted bids for this project, and both recommended a vinyl tile product to replace the current carpeting. Staff was recommending acceptance of the second-lowest bid because that product came with a 30-year warranty as opposed to a 15-year warranty for the lowest-priced tile.

Community Services Director Miller explained that the projected cost of \$12,000 was over the budgeted amount, but he planned to move \$1,650 from a line item for library flooring, which would not be done this year, to cover the additional cost.

Northrup offered a resolution to accept the bid from the Specialty Shoppe of Fort Morgan for Earthwerks tile with the total cost not to exceed \$12,000. That resolution was seconded by Castoe and approved unanimously.

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### **BIDS FOR A NEW ROOF AT THE WASTEWATER TREATMENT PLANT**

Wastewater Treatment Plant Superintendent Mike Hecker said the roof on the main building at the plant had leaked for some time and needed to be replaced. Only one bid was received and Hecker recommended acceptance of that bid. Northrup offered a resolution to accept the bid from Weathercraft Companies of Brush, Colo., in the amount of \$19,798 for the Wastewater Treatment Plant roof replacement. That resolution was seconded by Shaver and approved unanimously.

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### **RESOLUTION EXTENDING THE CLEANING CONTRACT WITH SERVICEMASTER**

Wells said the city generally puts various services out for new bids every three years to get the most competitive prices, and had done this with the contract for janitorial services at city facilities. When the bids were received the prices were higher than expected, which led staff to believe that some of the out-of-town bidders may not understand the labor market in Fort Morgan and that there may be alternative ways to achieve the desired services. Wells said staff was recommending that the council approve an extension of the current contract for janitorial services with ServiceMaster of Fort Morgan for an additional year, which would allow staff to look at other alternatives, levels of service and possible efficiencies in these services.

McAlister said it was good that ServiceMaster had agreed to honor the current price for an additional year without renegotiating.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the amendment between the City of Fort Morgan and ServiceMaster of Platte Valley for an extended one-year term. That resolution was seconded by Mussman and approved unanimously.

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### **INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF YUMA FOR SHARING ATTORNEY SERVICES**

Wells explained that in certain circumstances, conflicts of interest can prevent city attorneys from representing their cities in some cases. When this occurs the city would normally have to hire outside counsel for these cases, but through an intergovernmental agreement the city could work with another municipality to have that city's attorney handle cases where a conflict might

exist. By using an intergovernmental agreement instead of charging each other, both cities could save money for their taxpayers.

Shaver offered a resolution to approve the Resolution authorizing the mayor to execute the intergovernmental agreement between the City of Fort Morgan and the City of Yuma for shared attorney services. That resolution was seconded by Castoe and approved unanimously.

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### **RESOLUTION APPROVING THE 11<sup>TH</sup> INTERIM AGREEMENT FOR THE NORTHERN INTEGRATED SUPPLY PROJECT**

Water Resources/Utilities Director Brent Nation reviewed the status of this water storage project in which the city was a participant. He said the council had approved the 10<sup>th</sup> interim agreement for this project earlier in the year, but this was a new agreement covering a new phase of the project moving toward design and construction activities.

Nation noted that some details of the resolution pertaining to this 11<sup>th</sup> interim agreement had to be changed to reflect the specific phase of the project, but if council approved the resolution with amendments the final copy would reflect the correct information.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the 11<sup>th</sup> interim agreement with Northern Colorado Water Conservancy District, Northern Integrated Supply Project Water Activity Enterprise, for participation in the Northern Integrated Supply Project, as amended. That resolution was seconded by Castoe and approved unanimously.

Nation then provided an update on the status of the permitting process of NISP.

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### **FIRST READING OF AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADJUST MAXIMUM PENALTIES FOR MINORS IN MUNICIPAL COURT**

Assistant City Attorney Jason Meyers said this measure would clarify the city code to make clear that the city does not seek jail time for juvenile offenders, and also better align the code language with the state constitution and statutes. Northrup offered a resolution to approve the first reading of an Ordinance amending Section 10 of Chapter 1, Article 4 of the Fort Morgan Municipal Code and to schedule a public hearing on the ordinance for May 19. That resolution was seconded by Shaver and approved unanimously.

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### **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

Jenni Grubbs of Fort Morgan, a reporter for the Fort Morgan Times, introduced the newspaper's new managing editor, Thomas Martinez. Martinez said he appreciated the welcome and looked forward to learning more about the community.

Jerry Wathen of Fort Morgan expressed gratitude to the city's cemetery staff, which recently helped him and a family member to locate the gravesites of relatives in the cemetery.

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### **REPORTS BY OFFICIALS AND STAFF**

Wells said he had recently received several complaints about the smell from a pile of beets at the Western Sugar plant, and would call the company regarding that issue.

Wells also said work was under way or starting soon on a number of construction projects around the city, including a 50-unit apartment complex and the new middle school.

He also said the refinancing of water bonds was moving forward and might be brought to the council for approval at the next meeting, and this would result in savings of millions of dollars to the city.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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City Clerk/PIO John Brennan announced current bids and upcoming meetings. Councilmember Joe Segura Jr. thanked the city Streets Department for filling potholes on South Main Street after Segura complained about the condition of the road at a previous meeting.

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## **EXECUTIVE SESSIONS**

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The regular portion of the meeting ended at 7:03 p.m., and Mayor McAlister said the next item on the agenda was the first of two scheduled executive sessions. Castoe made a motion to convene that executive session, which was seconded by Mussman 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: Economic development incentives.

This executive session began at 7:25 p.m. and concluded at 8:39 p.m., and was attended by the mayor and council along with City Manager Jeff Wells, Assistant City Attorney Jason Meyers, Community Services Director Josh Miller, Engineering/Public Works Director Brad Curtis, Management Intern Chelsea Gondeck, Morgan County Economic Development Corp. Executive Director Kari Linker-Nation, Jennifer Gipfert, Preston Hoffer and Jim Peif.

At the conclusion of the executive session, the council returned to the regular open meeting, where Castoe reported that the council had met in executive session for the purpose stated on the agenda. Castoe made a motion directing staff to negotiate incentives as discussed in the 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 Northrup 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: Discussion of City Attorney position.

This executive session began at 8:43 p.m. and concluded at 9:37 p.m., and was attended by the mayor and council along with Wells and Meyers. During the course of the session Wells left the room for a period of time, then returned, and Meyers also left the room for a period of time.

At the conclusion of the executive session the council returned to the regular open meeting, where Castoe reported that the council had met in executive session for the purpose stated on the agenda. Castoe made a motion to direct the mayor to meet with Jason Meyers regarding the city attorney position, which was seconded by Mussman and approved unanimously.

Mayor McAlister adjourned the May 5, 2015 regular meeting at 9:38 p.m.

/s/ Terry McAlister  
Mayor

/s/ John Brennan  
City Clerk