

June 2, 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 6:05 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 Ronald Shaver

Absent: Councilmember Damon Mussman (excused)  
Councilmember Joe Segura Jr. (excused)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Treasurer Jean Kinney, Community Services Director Josh Miller, Water Resources/Utilities Director Brent Nation, Human Resources/Risk Management Director Michael Boyer, Management Intern Chelsea Gondeck, Assistant City Attorney Jason Meyers, Recreation Superintendent Jay Cochran, Legal Intern Elizabeth Davidson and City Clerk/PIO John Brennan.

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#### **APPROVAL OF THE MINUTES OF THE MAY 19, 2015 CITY COUNCIL REGULAR MEETING**

Councilmember Ron Shaver offered a resolution to approve the minutes of the May 19, 2015 regular meeting as presented, which was seconded by Councilmember Christine Castoe and approved on a unanimous vote of 5-0, with Councilmembers Damon Mussman and Joe Segura Jr. absent.

Mayor McAlister then asked if there were any council objections to switching the order of the next two agenda items, and the consensus was to swap those two items.

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#### **REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS FOR BOBSTOCK**

Recreation Superintendent Jay Cochran outlined this request, noting that the in-kind services and fee waivers requested were more than in previous years because the event was bigger, with two nights of headliner bands for the annual free music festival at City Park. Bobstock organizer Wayne Johnson of Media Logic Radio reviewed plans for the event and thanked the council and the city staff for their support, and answered several questions.

Councilmember Lisa Northrup offered a resolution to approve the requested in-kind services and fee waivers for Bobstock in the amount of \$7,140.10, which was seconded by Shaver and approved unanimously (5-0, Mussman and Segura absent).

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#### **ACCEPTANCE OF THE 2014 FINANCIAL AUDIT**

City Treasurer Jean Kinney noted that a few minor changes in classification of some budget items had been made since the presentation of the draft audit at the previous meeting, but the bottom lines had not been changed.

Castoe offered a resolution to accept the 2014 financial audit as presented, which was seconded by Northrup and approved unanimously (5-0, Mussman and Segura absent).

**PRESENTATION AND REPORT ON THE INTERNATIONAL COUNCIL OF SHOPPING CENTERS CONVENTION**

Wells said the three people who represented the city at this large economic development convention would report on the trip, which was part of the city's economic development strategic plan to attract more retail business to Fort Morgan to broaden the tax base and improve quality of life.

Management Intern Chelsea Gondeck described the event, the types of entities present and what the city staff learned. Community Services Director Josh Miller said the experience was very eye-opening and revealed that the city has a lot of learning and work to do but the prospects for the future are exciting.

Castoe also said there was much work ahead and that a council retreat would be a valuable way to brief the council on all of the information gathered during the convention. Discussion followed on the idea of a retreat, and the date of June 23 was selected by consensus. No formal action was taken.

**COUNCIL ACTING AS THE BOARD OF DIRECTORS OF THE CITY OF FORT MORGAN, COLORADO, WATER WORKS AND DISTRIBUTION ENTERPRISE – SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1175, AUTHORIZING AND OUTLINING DETAILS FOR THE REFINANCING OF WATER BONDS**

Mayor McAlister reviewed the format to be followed for the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the public hearing and the full text of the ordinance had been published in the Fort Morgan Times on May 23.

Wells said the language of the ordinance was unchanged since the first reading at the previous council meeting, and the refinancing of these water bonds would save the city close to \$10 million over the life of the bonds. If the ordinance was approved the city would close on the new bonds on June 10, pay off the old bonds and place the new bonds, Wells said.

No public comments were received, either during the hearing or in advance, and no council comments were offered. Shaver made a motion to close the public hearing, which was seconded by Castoe and approved unanimously (5-0, Mussman and Segura absent).

Wells then told the council that this was a legislative matter and the council members should vote according to their consciences and the best interests of the city.

Northrup offered a resolution to approve second and final reading of Ordinance No. 1175, an Ordinance authorizing the issuance by the City of Fort Morgan, Colorado, acting by and through its Water Works and Distribution Enterprise, of City of Fort Morgan, Colorado, Water Works and Distribution Enterprise Water Revenue Refunding Bonds, Series 2015, in an aggregate principal amount of not to exceed \$15,000,000 for the purpose of refunding, paying and discharging certain of its outstanding water revenue obligations; approving an escrow agreement and other documents in connection with the bonds; and providing other details, and authorization to publish by title only. That resolution was seconded by Castoe and approved unanimously (5-0, Mussman and Segura absent).

**RESOLUTION RATIFYING AN EMERGENCY PURCHASE FOR THE WATER TREATMENT PLANT**

Water Resources/Utilities Director Brent Nation explained the circumstances surrounding this emergency purchase, which was made necessary when a power outage at the water treatment

plant led to a number of problems, including the discovery that the backup generator was not working. The emergency purchase included obtaining a temporary generator as well as repairs to the backup generator, and staff was requesting that the council ratify this expenditure authorized by the mayor under his emergency powers.

Shaver offered a resolution to approve the Resolution ratifying the emergency expenditure with Cummins Rocky Mountain in the amount of \$13,396.14, which was seconded by Northrup and approved unanimously (5-0, Mussman and Segura absent).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE 13<sup>TH</sup> JUDICIAL DISTRICT REGARDING CRIMINAL INVESTIGATION FUNDS**

Police Chief Darin Sagel explained that the city had been a longtime member of a drug task force that was now dissolving and distributing its remaining funds to the member agencies. Sagel was recommending the council authorize the MOU which would allow the city to receive its share of the funding to be used in investigating major crimes including drug cases.

Northrup offered a resolution to approve the Resolution authorizing the mayor to sign the MOU with the 13<sup>th</sup> Judicial District regarding criminal investigation funds, which was seconded by Castoe and approved unanimously (5-0, Mussman and Segura absent).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SETTLEMENT AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND RIVERVIEW COMMONS GENERAL IMPROVEMENT DISTRICT AND RON GREENE**

Assistant City Attorney Jason Meyers explained that the city and the Riverview Commons GID were the plaintiffs in this case, having filed a lawsuit against Seagull Fort Morgan and Ron Greene regarding fulfillment of a contract. After working with Greene's attorney the parties had reached a settlement, and this would authorize the mayor to sign the agreement and avoid further costly litigation.

Northrup offered a resolution to approve the Resolution authorizing the mayor to sign the settlement agreement between the city, the Riverview GID and Ron Greene. That resolution was seconded by Shaver and approved unanimously (5-0, Mussman and Segura absent).

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

None.

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**REPORTS BY OFFICIALS AND STAFF**

Wells asked Nation to report on the latest news regarding the Northern Integrated Supply Project, noting that Nation had been asked to serve on several additional committees working on the water storage project. Nation said the Army Corps of Engineers had announced that the Supplemental Draft Environmental Impact Statement on NISP would be released June 19, starting a 45-day comment period, and that public hearings would be held in Fort Collins and Greeley on July 22 and 23. He encouraged council members and everyone to attend these hearings and speak in favor of the project.

Councilmember Joe Segura Jr. arrived at the meeting at 6:57 p.m.

Discussion followed about NISP and the public hearings.

Community Services Director Miller outlined plans for the city's first Party in the Park community outreach initiative on June 4, as well as preliminary plans for a celebration of the completion of flood restoration and the new ball fields at Riverside Park on June 27. Miller also mentioned that

mosquitoes were a major problem after the extremely wet month of May, and the city mosquito control contractor OtterTail was working on eradication efforts.

Wells said the city would again hold an appreciation golf outing for the Colorado Oil and Gas Association on July 22, in partnership with Morgan County and the Morgan County Economic Development Corp. He also said the city's efforts in working with the Municipal Energy Agency of Nebraska on restructuring electric rates would lead to substantial savings for the city in the next several years.

Nation then provided an update on a water main break that led to the closure of a section of East Platte Avenue during the preceding two days, and said the emergency repairs were complete and the road had been reopened.

Wells then introduced summer legal intern Elizabeth Davidson.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings, and reviewed highlights of recent news releases and city programs and events.

Mayor McAlister adjourned the June 2, 2015 regular meeting at 7:22 p.m.

*/s/ Terry McAlister*

Mayor

*/s/ John Brennan*

City Clerk