

July 7, 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 5:17 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

During the roll call, Mayor Terry McAlister announced that Damon Mussman had moved to a different ward of the city and therefore was no longer a member of the City Council. The mayor said the council would be looking for a person to appoint to fill that vacancy or may decide to wait until the November election. He said Mussman might come to the meeting later to speak about leaving the council.

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Treasurer Jean Kinney, Human Resources/Risk Management Director Michael Boyer, Community Services Director Josh Miller, Engineering/Public Works Director Brad Curtis, Water Resources/Utilities Director Brent Nation, Assistant City Attorney Jason Meyers, Management Intern Chelsea Gondeck, FMPD Lt. Brian Cantin, FMPD Sgt. James Parks, FMPD Officers Palmer Anguiano, Cindy Brackett, Joshua Robbins, Tim Malone, Paul Mendoza and Jon Renteria, Sanitation Superintendent Bob Evins, IT Director Nelson McCoy, Legal Intern Elizabeth Davidson, Recreation Superintendent Jay Cochran, Interim Library/Museum Director Chandra McCoy, Customer Accounts Manager Connie Musgrave, Parks Superintendent Doak Duke, Gas Superintendent Tony Behrends, Inventory Control Superintendent Doug Hofman and City Clerk/PIO John Brennan.

Due to the presence of so many Fort Morgan Police officers, Mayor McAlister said he would move up the swearing-in of new Officer Palmer Anguiano, which was later in the meeting agenda.

SWEARING-IN OF FORT MORGAN POLICE DEPARTMENT OFFICER PALMER ANGUIANO

Police Chief Darin Sagel said Anguiano had started as a code enforcement officer for the city in 2012, and was the first person the FMPD had put through the police academy in 30 years. He completed the 21-week academy in June and was now in the department's field training program.

Mayor McAlister administered the oath of office to Anguiano, who thanked the city and the police department for the opportunity. He said he couldn't think of anything he'd rather be doing and would do his best for the city.

EXECUTIVE SESSION

Mayor McAlister then said the next item on the agenda was a scheduled executive session. Councilmember Christine Castoe made a motion to convene this executive session, which was seconded by Councilmember Ron Shaver and approved unanimously (6-0). 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 5:42 p.m. and concluded at 5:50 p.m., and was attended by the mayor and five council members along with City Manager Jeff Wells and Assistant City Attorney Jason Meyers.

At the conclusion of the executive session the council returned to the regular open meeting, where McAlister asked Councilmember Christine Castoe to report on the executive session. Castoe said the council had met in executive session for a check-in with the city manager, and the transition related to his role as the interim city attorney was discussed. No motion was made.

Mayor McAlister noted that Mussman had arrived, and asked him if he would like to speak. Mussman apologized for not being at the meeting earlier, and said he recently had the opportunity to sell his home and decided to do it. He thanked the citizens of Fort Morgan for allowing him to be a part of the council and the fine city organization. Noting that he had been in public service in some way for the last 13 years, he said it was a good time to step back and spend time with his family but that he was not ruling out returning to public service at some point in the future. Mussman then left the meeting.

RESOLUTION APPOINTING JASON E. MEYERS AS CITY ATTORNEY

Councilmember Joe Segura Jr. offered a resolution to approve the Resolution appointing Jason E. Meyers as City Attorney. That resolution was seconded by Castoe and approved unanimously. Mayor McAlister then administered the oath of office to Meyers. Meyers said he looked forward to the opportunity to serve as the city attorney, and that he appreciated the support and mentorship of City Manager Jeff Wells.

APPROVAL OF MINUTES OF THE JUNE 16, 2015 CITY COUNCIL REGULAR MEETING

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

PROCLAMATION DECLARING JULY AS GENERAL AVIATION APPRECIATION MONTH

Mayor McAlister read the proclamation and presented a signed and sealed formal copy to Engineering/Public Works Director Brad Curtis.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – APPLICATION FOR RENEWAL OF A RETAIL LIQUOR STORE LICENSE FOR JOVI’S LIQUOR

City Clerk/PIO John Brennan said this application was brought to the council because of a violation discovered by a state liquor enforcement investigator, which involved selling gift baskets including items not permitted for sale in retail liquor stores. The applicant’s license had been suspended for six days, with two days served and four held in abeyance pending no further violations, and reviews and inspections by city staff revealed no other issues.

Applicant Ricardo Carrera told the council his daughter and co-owner had placed food items in the basket at the request of a customer, and apologized for the violation. He said Jovi’s workers checked IDs and tried to do the best job they could. Several council members noted that this was a relatively minor infraction and not as serious as underage sale or overserving of alcohol.

Councilmember Lisa Northrup made a motion to approve the application for renewal of a retail Liquor Store License for Jovi’s Liquor at 625 E. Burlington Avenue, with the understanding that it was a minor infraction. That motion was seconded by Shaver and approved unanimously.

NEW HANGAR LEASE AT THE FORT MORGAN MUNICIPAL AIRPORT

Curtis reviewed the information on this hangar lease for Heath Kuntz, and said the Airport Advisory Board would be discussing a recommendation the following day to allow city staff to approve such agreements administratively.

Castoe offered a resolution to approve the hangar lease for Heath Kuntz and authorize the mayor to sign the agreement, which was seconded by Shaver and approved unanimously.

BIDS FOR CONSTRUCTION OF ACOMA AVENUE

Curtis reviewed the bid process for this project, which would involve a full build-out of Acoma Avenue from Main Street to West Street. Funding would come from several different sources, he said, and the Morgan County Re-3 School District would pay a portion of the cost because the street would serve the new middle school being built in the area.

Bids ranged from \$1.9 million to \$2.9 million, Curtis said, and staff was recommending approval of the second-lowest bid from ECI Site Construction Inc. because that company would be able to complete the project the soonest and would use several local subcontractors who were very familiar with the city’s standards and requirements.

Northrup offered a resolution to accept the bid from ECI Site Construction Inc. in the amount of \$2,066,211.86 for the construction of Acoma Avenue and to authorize the city to expend up to \$2,081,000 on the project. That resolution was seconded by Shaver and approved unanimously.

PUBLIC HEARING – APPLICATION FOR PRELIMINARY PLAT FOR A MAJOR SUBDIVISION RELATED TO THE MIDDLE SCHOOL ANNEXATION

Mayor McAlister reviewed the format to be followed during the public hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Curtis presented the application and some background on the middle school project, which had moved quickly from annexation through sketch plan approval and now to the application for the preliminary plat. He said the city Planning Commission had reviewed the preliminary plat and recommended approval with conditions to allow the project to continue to move forward.

Curtis then detailed some of the concerns of city staff and the Planning Commission regarding the plat, and said staff was asking that 10 conditions be addressed by the applicant before

moving to the application for final plat. He said some of these had been addressed and some had not, and discussion followed about the concerns and the proposed conditions.

The 10 conditions for approval as recommended by staff and the Planning Commission were:

1. The complete right of way from West Street to Acoma Avenue shall be identified on the Plat;
2. Approval of the Emergency Access Easement location, alignment, and width is subject to the State Fire (DFPC) approval and concurrence with the Fort Morgan Fire Marshal;
3. The access from the property to the south shall be identified on the plat and any temporary easement/right of way be identified should the complete street from West to Acoma not be constructed as part of the FMMS project;
4. The 35-foot Public Utility Easement be properly identified on the Plat;
5. The portion of the 40-foot Pipeline & Utility Easement outside of Acoma Avenue Right of Way be vacated upon verification that no utilities are currently within said easement;
6. A 30-foot public utility easement be created at Lot 1, vacating the existing 20-foot sewer easement;
7. The property lines terminate at the edge of West Street Right of Way;
8. Need design of the dedicated left turn lanes (as referenced in the Traffic Study) providing evidence that they can be installed without widening of West Street right of way. This requires City review and comment on the design;
9. Clarifications and/or responses to the applicable items identified within this memo under Regulations & Standards.
10. The proper Dedication Certificates must be provided on the Final Plat, as per Section 20-8-40, subject to City review and approval as applicable to this project.

Curtis then said the school district was asking that the street leading to the new middle school be named Education Avenue, and the decision on a name for the street would be up to the city council. Discussion followed about the naming issue, with City Manager Jeff Wells stating that the Planning Commission had also discussed this issue and it was suggested that street be named for James Powers, a retired longtime local educator who had also served on the city council for more than 20 years and was instrumental in keeping the completion of Acoma Avenue on the city's capital improvement wish list. Curtis said the name decision could be made later.

Wells asked the representatives of the applicant several questions about the width of dedicated rights of way and whether the middle school developers were coordinating with the developer of property to the south. Consultants Cody Knoblock of Wold Architects and Erik Nakos of JVA explained that they were working with Curtis and the city to resolve the issues, and the school district and its owner's representative had been unable to contact the developer to the south. Wells emphasized that all parties involved needed to work together to make the project something that works for the entire community.

No public comments were received, either during the hearing or in advance, and no council comments were offered. Castoe made a motion to close the public hearing, which was seconded by Shaver and approved unanimously.

Wells then advised the council that it should consider the evidence and testimony presented during the public hearing and decide if approval of the preliminary plat was in the best interest of the city.

Northrup offered a resolution to give conditional approval to Case 14-017-SD (Preliminary Plat for a Major Subdivision) for Morgan County School District Re-3 to subdivide 69.24 acres (more or less) into lots, rights of way and the establishment of easements as through the major subdivision process, with the 10 listed conditions included in Curtis' memo regarding the plat

application, and leaving the naming of the road on hold until further notice. That resolution was seconded by Castoe and approved unanimously.

PRESENTATION ON 2015 CITY OF FORT MORGAN MOSQUITO CONTROL PROGRAM

Parks Superintendent Doak Duke introduced Joe Cox of OtterTail Environmental Services, who reviewed a PowerPoint presentation on the company's contract mosquito control program in the city. He said the wet weather had produced a large number of mosquitoes early in the season, but there had been no signs of the type that carry West Nile virus. No action was taken.

REQUEST FOR IN-KIND SERVICES AND FEE WAIVERS FROM MARLINS SWIM TEAM

Recreation Superintendent Jay Cochran reviewed plans for the Morgan Marlins to host the state swim meet at the Fort Morgan Swimming Pool, and the costs to the city of putting on the event, and said staff was recommending approval of the waiver of the fees for the state swim meet. Northrup offered a resolution to approve waiving the \$9,500 in fees and in-kind services for the Morgan Marlins Swim Team for the state swim meet July 31-Aug. 1, which was seconded by Shaver and approved unanimously.

BIDS FOR TRASH CONTAINERS

Sanitation Superintendent Bob Evins reviewed the bid process for this purchase and said staff was recommending accepting the unit pricing from one bidder for 3-yard trash containers and the unit pricing from another bidder for 95-gallon rollout containers. Castoe offered a resolution to approve the unit prices from Kois Brothers for the Emmco 3-yard containers and the unit prices from Otto Environmental for the 95-gallon rollouts. That resolution was seconded by Northrup and approved unanimously.

BIDS FOR THE RIVERSIDE PARK BALLFIELDS CONCRETE IMPROVEMENTS PROJECT

Curtis explained that this project would add concrete features to the newly completed ballfields, such as mowing strips and a concrete seating system. The funding would all come from Great Outdoors Colorado contingency funding awarded to the city. Curtis reviewed the bidding process and said staff recommended awarding the contract to Rico's Concrete because that company could start work sooner and the difference in the bid prices was minimal. Northrup offered a resolution to accept the bid from Rico's Concrete in the amount of \$45,850 to complete the Riverside Park Ballfields Concrete Improvements Project and authorize expenditures not to exceed \$50,000 for the project. That resolution was seconded by Castoe and approved unanimously.

BIDS FOR LIBRARY MATERIALS HANDLING, SELF-CHECK AND STAFF CONVERSION UTILIZING RADIO FREQUENCY ID

Community Services Director Josh Miller reviewed the project for the council, which involved an automated system for checking out and returning library books. Interim Library/Museum Services Director Chandra McCoy reviewed the bidding process and the benefits of procuring the system. McCoy said staff was requesting approval of a bid from 3M including an upgrade in the sorter equipment. She also said staff was requesting additional funding for electrical, internet and other work related to the installation of the system.

Castoe offered a resolution to accept the bid from 3M including the upgraded Plus Model sorter in the amount of \$109,406, and additional funding for the related work with total expenditures not to exceed \$135,000. That resolution was seconded by Northrup and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH COLORADO INTERSTATE GAS CO. FOR STORAGE AND TRANSPORTATION OF NATURAL GAS

Water Resources/Utilities Director Brent Nation explained that these were existing and long-term agreements that needed to be extended. Gas Superintendent Tony Behrends said the only modification was an increase in the amount of gas storage available to the city, and that staff was asking that the contracts be extended for an additional five-year period to ensure the gas volumes guaranteed by the agreements would be available to the city for that time.

Shaver offered a resolution to approve the Resolution authorizing the mayor to execute the agreements with Colorado Interstate Gas Co. for transportation and storage for a five-year term. That resolution was seconded by Castoe and approved unanimously.

UPDATE ON POLICE STAFFING AND SPECIAL ASSIGNMENTS

Police Chief Darin Sagel said this was an informational item to apprise the council of how the FMPD would address compensation for officers who do extra work and special assignments beyond their normal job duties. He said the police department did not work on a 40-hour work week but a 28-day work cycle, so in some cases officers stepped up to fulfill extra duties or take on special assignments without being paid overtime. The staff's new plan would allow minor compensation for this work, which would have a minimal impact on the current budget, Sagel said.

Wells said the plan did not need council approval but he wanted to bring it forward because of the minor budget implications and to recognize the hard work of the officers who willingly step up to perform these duties. Northrup commended Sagel for proactively addressing this issue. No action was taken.

PRESENTATION ON QUALIFICATIONS FOR CONSULTANTS AND SCOPE OF WORK FOR REWRITE OF THE CITY'S COMPREHENSIVE PLAN

Management Intern Chelsea Gondeck explained that the city had obtained a grant for \$90,000 to help with the updating of the city's Comprehensive Plan, and staff had decided to use a Request for Qualifications rather than a Request for Proposals to allow broad involvement in the evaluation of proposers and to ensure the city chose a candidate for the job that demonstrated an ability to be creative and to engage the community.

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

FIRST READING OF AN ORDINANCE AMENDING THE FORT MORGAN MUNICIPAL CODE REGARDING THE DISPOSITION OF CITY-OWNED REAL PROPERTY

City Attorney Jason Meyers explained that the current city code regarding real property disposition was outdated and cumbersome, and this revision would streamline the process and give the council more flexibility in making decisions in the best interest of the city. It would also help the city respond more quickly to take advantage of economic development opportunities, he said. Wells said the change would be responsive to feedback from developers and would cut red tape while allowing the council to maintain its fiduciary duty.

Northrup offered a resolution to approve the first reading of an Ordinance amending Section 300 of Chapter 4 Article 7 of the the Fort Morgan Municipal Code regarding the disposition of real property, and to schedule a public hearing on the ordinance for July 21. That resolution was seconded by Shaver and approved unanimously.

2016 BUDGET CALENDAR – PRESENTATION OF THE 2016 BUDGET EXPENDITURES FOR THE ELECTRIC FUND, GAS FUND AND SANITATION FUND

Wells said this was the council's first opportunity to hear about proposed budget needs for these funds and the council would review these numbers several times during the budgeting process. City department heads and directors including Light & Power Superintendent Doug Linton, Engineering/Public Works Director Brad Curtis, Customer Account Manager Connie Musgrave, Inventory Control Superintendent Doug Hofman, Water Resources/Utilities Director Brent Nation, Information Technology Director Nelson McCoy, Gas Superintendent Tony Behrends and Sanitation Superintendent Bob Evins presented the proposed expenditures for the Electric Department, Engineering/Public Works Director, Utility Billing Department, Inventory Control Department, Building Maintenance Department, Utility Director, IT Department, Gas Department and Sanitation Department.

Council questions were answered and staff focused on highlights and changes in the budgets from preceding years. City Manager Jeff Wells said he also asked each presenter to speak briefly about something their department did very well. Several council members complimented the department heads for their preparation and also for the way they keep the city running smoothly. No formal action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Clint Anderson of 403 Dahlia St. told the council he was interested in possibly joining the City Council, knowing that there was a vacancy in light of Mussman's statement earlier in the meeting. He described his work as a teacher and school administrator and said he lived in Ward 2 and hoped the council would consider him if it chose to appoint someone to fill the vacancy. The mayor thanked Anderson for expressing his interest.

REPORTS BY OFFICIALS AND STAFF

Wells referred the council to a report on customer service training conducted by the city for all employees, noting that this was in keeping with the council goal of focusing on customer service.

Wells then went to the podium and said he wanted to recognize two city directors who had done an exceptional job throughout the city's response to recovery efforts from the September 2013 floods. Josh Miller pursued and obtained more than a half-million dollars in Great Outdoors Colorado funding and coordinated efforts among contractors and numerous city departments to keep the restoration work moving and recreate and upgrade the baseball fields, Wells said. Brad Curtis worked very closely with the Federal Emergency Management Agency on disaster relief funding and managed the recovery projects. Wells pointed out that many people contributed greatly to the park restoration efforts and he did not want to diminish those efforts, but that Miller and Curtis were deserving of special recognition for all they accomplished.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings, and highlighted some recent news releases issued by the city.

EXECUTIVE SESSIONS

The regular portion of the meeting ended at 8:41 p.m., and Mayor McAlister said the next item on the agenda was the first of two additional executive sessions. Councilmember Christine Castoe made a motion to convene this first scheduled executive session, which was seconded by Councilmember Ron 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.

This executive session began at 8:55 p.m. and concluded at 10:00 p.m., and was attended by the mayor and five council members along with Wells, Meyers, Curtis, Miller, Gondeck, Nate Kessler and Jeff Lamont.

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 proceed with negotiations as discussed, which was seconded by Shaver and approved unanimously.

Shaver then made a motion to convene the second of the two additional scheduled executive sessions, which was seconded by Lindell 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: Non-interruptible electric transmission service.

This executive session began at 10:04 p.m. and concluded at 10:19 p.m., and was attended by the mayor and five council members along with Wells, Meyers, and Nation.

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 manager to work with the Western Area Power Administration and the Municipal Energy Agency of Nebraska to resolve the city's concerns about putting its NITS contract in suspension, and invite MEAN representatives to Fort Morgan. That motion was seconded by Lindell and approved unanimously.

Mayor McAlister adjourned the July 7, 2015 regular meeting at 10:20 p.m.

/s/ Terry McAlister

Mayor

/s/ John Brennan

City Clerk