

October 6, 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 Clint Anderson  
Councilmember Christine Castoe  
Councilmember Kevin Lindell

Absent: Councilmember Lisa Northrup  
Councilmember Joe Segura Jr.  
Councilmember Ron Shaver

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, Municipal Engineer/Public Works Director Brad Curtis, Human Resources/Risk Management Director Michael Boyer, City Attorney Jason Meyers, Management Intern Chelsea Gondeck and City Clerk/PIO John Brennan.

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#### **APPROVAL OF MINUTES - SEPTEMBER 15, 2015 CITY COUNCIL REGULAR MEETING**

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Councilmember Christine Castoe offered a resolution to approve the minutes of the Sept. 15, 2015 City Council regular meeting as presented, which was seconded by Councilmember Kevin Lindell and approved on a unanimous vote of 4-0, with Councilmembers Lisa Northrup, Joe Segura Jr. and Ron Shaver absent.

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#### **PROCLAMATION DECLARING OCTOBER TO BE NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**

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Mayor McAlister read the proclamation and presented a signed and sealed formal copy to Jan Schiller of SHARE Inc. Schiller thanked the council for its recognition of the month and spoke about some events and activities planned for the observance. Several council members and staff commended Schiller for the work done by SHARE Inc. on domestic violence issues.

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#### **PRESENTATION OF COLORADO LOTTERY STARBURST AWARD**

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Marie Valtakis of the Colorado Lottery explained this award, which was presented to the city for its project to restore the playing fields at Riverside Park after the 2013 flooding. She said the Colorado Lottery was the only lottery in the U.S. that returns 100 percent of its proceeds for outdoor recreation and conservation purposes, which included a grant to assist with the Riverside Park ballfield project. Valtakis presented the award to Community Services Director Josh Miller, who thanked the lottery and described the broad city staff involvement in the flood restoration project.

Mayor McAlister thanked Miller and all of the city departments and employees that contributed to this successful restoration project.

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**APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR A PROPERTY AT 225-231 MAIN STREET (MORGAN COUNTY BANK/GOETZ BUILDING)**

Miller reviewed this application and some of the history of this 1906 building, as well as the criteria for local historic designation. Castoe offered a resolution to accept the application for historic landmark designation for the property at 225-231 Main St., which was seconded by Lindell and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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**APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR A PROPERTY AT 212 MAIN STREET (HILL BUILDING/CLUB TAP)**

Mayor McAlister stated that this agenda item was for a property associated with Councilmember Castoe, and she planned to recuse herself from voting. As a result of several other absences, that recusal would leave the council without a quorum to vote on this item, so the mayor said the matter would be tabled until a future meeting.

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**BIDS FOR THE HISTORIC RAINBOW BRIDGE REHABILITATION PROJECT**

Municipal Engineer/Public Works Director Brad Curtis said this project was related to damages to the bridge resulting from the 2013 floods, as well as some maintenance and repair issues that were actually present before the floods. The city had budgeted \$100,000 to make the pre-flood repairs, Curtis said, and was working with its insurance carrier to determine the level of coverage that would be provided to repair the flood damage. After receiving no bids in response to its first request for proposals, the city re-bid the project and received one proposal from Interstate Restoration of Gypsum, Colo., which had an order of magnitude cost of about \$405,000, Curtis said.

Curtis explained that city staff was working through some of the assumptions and contingencies included in the bid, and that Human Resources/Risk Management Director Michael Boyer was working with the insurance carrier to determine what amount would be covered. Based on staff's belief that additional coverage would be provided and the bid costs could be negotiated downward, staff was recommending that council accept the bid and allow staff to negotiate an agreement that would not exceed the total of the amount budgeted and the insurance proceeds. Lindell offered a resolution to accept the proposal from Interstate Restoration and for staff to negotiate a final cost such that expenditures will be covered by insurance and uncovered work will not exceed \$100,000 from the Capital Improvement Fund. That resolution was seconded by Castoe and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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**PRESENTATION ON TULIP COVERAGE FOR COMMUNITY EVENTS AT CITY FACILITIES**

Wells reviewed the reasons for this proposal, which would help groups that want to do special events but don't have the sophistication or ability to go out and find an appropriate policy that would meet the city's requirements for liability coverage for such events. Boyer described the process whereby an applicant would fill out an online form and pay the premium, and the city would receive the required certificate of liability coverage.

Lindell made a motion directing staff to implement this procedure, which was seconded by Castoe and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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**FIRST READING OF AN ORDINANCE ESTABLISHING A PROCESS AND MILESTONES FOR THE CREATION AND IMPLEMENTATION OF A STORMWATER UTILITY**

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Wells explained that the city had been working on the issues of storm drainage and flooding for several years, and this ordinance was following through on the recommendations of a stormwater ad hoc committee and public input on the issue. He said the ordinance would spell out the process and milestones to be met before the new utility was implemented, and that the public would be able to participate and have input throughout the process. He said there was much work still to be done but the benefit to the city's residents would be great.

Castoe offered a resolution to approve the first reading of an Ordinance establishing a process and milestones for the creation and implementation of a stormwater utility, and schedule a public hearing on the ordinance for Oct. 20. That resolution was seconded by Lindell and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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**BIDS FOR A COMPREHENSIVE PLAN**

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Curtis said the council had reviewed the request for proposals used to choose a firm to assist with the development of a new comprehensive plan, and a review committee had evaluated the four proposals received and narrowed the field to two finalists that were interviewed by the committee, which included members of the council and planning commission as well as city staff. He said the committee was essentially unanimous in its recommendation to choose Logan Simpson of Fort Collins to perform this work.

Curtis noted the city had budgeted \$100,000 for this project over the past two years and obtained a grant for \$95,000 from the Colorado Department of Local Affairs to assist with the cost.

Lindell offered a resolution to accept the proposal from Logan Simpson of Fort Collins and to negotiate a final agreement not to exceed \$195,000, and to authorize the mayor to sign the agreement. That resolution was seconded by Castoe and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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**FIBER OPTIC UPDATE**

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Wells said city staff was moving forward on the council's direction to complete and utilize the city's fiber optic network. He said various city departments had collaborated on what they could do to accomplish this, and several directors had traveled to other cities and conferences to learn more about what would be required.

Miller and Water Resources/Utilities Director Brent Nation described their experience at a national conference on broadband service held in Kentucky, with Miller stating that broadband service is the utility of the future and reciting some of the positive impacts it can have on economic development, home values and quality of life in rural areas and small cities like Fort Morgan. Nation said his focus at the conference was on the technical aspects of providing broadband and he now had confidence that the city could make it happen and now was the time to do it.

Mayor McAlister said it was clear that the city should continue this effort and thanked Wells and the city staff for pursuing it so diligently. No formal action was taken.

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**DISCUSSION AND POSSIBLE ACTION ON MAYOR'S DAY OFF**

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Wells said it had been a tradition for a number of years for the mayor to grant the day after Thanksgiving as a paid day off for city employees, and recommended that be done again this

year. That day had historically seen little customer activity at city offices and facilities, Wells said, and the extra day off put the city in line with most other government entities in terms of the number of paid holidays offered.

McAlister said he felt this was an important benefit and gesture and said he would like the council to approve it. Lindell made a motion to grant the day after Thanksgiving as the Mayor's Day Off, which was seconded by Castoe and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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## **2016 BUDGET CALENDAR – REVIEW OF PROPOSED 2016 BUDGET**

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Wells said this was a presentation of the full proposed budget, and would determine if the council felt it needed a retreat or additional review before proceeding to adoption of the budget ordinance. He pointed out that the council had seen the budget in segments over the past several months, and now employee costs were included and a few revisions had been made.

City Treasurer Jean Kinney explained the administrative allocations used to apportion the costs of some administrative departments to the various funds and departments, and reviewed the revenue forecasts for 2016.

Wells reviewed the expense side of the budget, focusing on things that had been revised since earlier presentations as well as the final capital improvement project list. He said the overall budget was balanced and called for approximately \$710,000 to be put into reserves at the end of the year. He noted that the balancing of the budget was accomplished in part by using approximately \$1.4 million in reserves at council's direction.

Wells answered questions throughout the presentation and some discussion was held on particular items. Wells said that if the budget as presented was acceptable to the council it would be brought back in ordinance form for the next meeting on Oct. 20. All council members present were agreeable to this, and several commented that they liked the process used to develop the budget and keep the council informed throughout the year, and also the fact that the department managers were directly involved in the budgeting process and very cost-conscious. No formal action was taken.

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Jerry Wathen of 1100 Linda St. spoke to the council about things he hoped the council would focus on, including apartment housing, community and recreation centers and after-school recreation for children.

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## **REPORTS BY OFFICIALS AND STAFF**

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Wells noted that the city's annual Utilities Week Barbecue and Open House was the following day and encouraged everyone to come.

Nation provided an update on the Northern Integrated Supply Project permitting process, and the closing of the public comment period.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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City Clerk/PIO John Brennan announced current bids and upcoming meetings.

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## **EXECUTIVE SESSION**

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The regular portion of the meeting concluded at 8:14 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 this executive session, which was seconded by Lindell and approved on a unanimous vote of 4-0 (Northrup, Segura and Shaver absent).

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: Cable franchise.

This executive session began at 8:29 p.m. and ended at 9:22 p.m., and was attended by the mayor and three Council members (Northrup, Segura and Shaver absent) along with City Manager Jeff Wells, City Attorney Jason Meyers and Ken Fellman.

On the advice of the city attorney, the recording of this executive session was turned off at 8:31 p.m. because the subject of the session involved a privileged attorney-client communication.

The recording was turned back on at 9:21 p.m.

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 and received legal advice. Castoe made a motion to wait until the full council was present to finish this discussion. That motion was seconded by Lindell and approved unanimously (4-0, Northrup, Segura and Shaver absent).

Lindell then made a motion to convene the second scheduled executive session, which was seconded by Castoe and approved unanimously (4-0, Northrup, Segura and Shaver absent).

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: Service agreement with Morgan County Economic Development Corp.

This executive session began at 9:41 p.m. and ended at 10:17 p.m., and was attended by the mayor and three Council members (Northrup, Segura and Shaver absent) along with Wells, Meyers, Community Services Director Josh Miller and Management Intern Chelsea Gondeck. 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 table the discussion until the full council could be present, which was seconded by Lindell and approved unanimously (4-0, Northrup, Segura and Shaver absent).

Mayor McAlister adjourned the Oct. 6, 2015 regular meeting at 10:18 p.m.

/s/ Terry McAlister  
Mayor

/s/ John Brennan  
City Clerk