

August 24, 2010

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 7:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister  
Councilmember Scott Bryan  
Councilmember Brent M. Nation  
Councilmember James A. Powers  
Councilmember Ronald Shaver  
Councilmember Debra J. Forstedt

Excused Absence: Councilmember Sharol Lyn Deal

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## **EXECUTIVE SESSION**

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At approximately 5:33 p.m., Councilmember Forstedt moved to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiations. Her motion was seconded by Councilmember Powers.

Mayor McAlister announced, "The time is now 7:00 p.m.; and we now conclude the Executive Session and return to the open meeting." The participants in the Executive Session were Mayor McAlister; Councilmembers Bryan, Nation, Powers, and Shaver."

"For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Hearing none, the Executive Session is concluded. I will now ask Councilmember Forstedt to report on the Executive Session."

The City Council met in Executive Session to discuss the negotiations regarding the city's fiber optic network and offered a motion authorizing Manager Merrill and Attorney Wells to proceed with negotiations within the parameters set by city council. Her motion seconded by Councilman Bryan, motion carries unanimously.

The regular meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Engineer Brad Curtis and Treasurer Terri Schafer.

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## **INDUSTRIAL PARK ELECTRIC LINE REBUILD CONSTRUCTION MATERIALS**

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Engineer Curtis presented information on the Industrial Park electric line rebuild. The materials for the Industrial Park Electric Line Rebuild Project were bid out separately from the construction bid in order to obtain the most competitive pricing. Materials for the project include conductors, crossarms, poles and pole hardware. The bid specifications allowed suppliers to bid on a single unit or multiple units and the bid specifications noted that the bid may be awarded to more than one bidder based on the lowest responsible bid. The bid opening was on August 12, 2010, the following submitted bids: Western United Electric Supply, Brighton, Co., Kriz Davis Company, Scottsbluff, NE, Trinity Transmission Structures, Dallas, TX., Stuart Irby, Denver, CO., and Wesco Distribution, Denver, CO. The bids from each company were reviewed for the lowest price for the individual items. Western United Electric Company was the only company that bid on all items. Their total bid price was only \$2,412.39 over the lowest bid prices on the various items from the other companies. In order to simplify the process of obtaining the materials, staff is recommending accepting the bid for all of the items from Western United Electric Company in the amount of \$91,449.25 for the materials for the Industrial Park Electric Line Rebuild Construction Project.

Councilmember Forstedt offered the following Resolution and moved for its adoption. Her motion was seconded by Councilmember Shaver; said Resolution being in words, letters and figures as follows, to wit:

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### **RESOLUTION 2010.8.01 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE INDUSTRIAL PARK ELECTRIC LINE REBUILD CONSTRUCTION MATERIALS**

**WHEREAS**, City Council of the City of Fort Morgan, Colorado, is authorized by Art.IV,Sec. 4(D)(1) of the Charter of the City of Fort Morgan, Colorado (2008) to provide for “the construction, maintenance, operation, and disposition of public improvements, public works, public utilities, public services and,

**WHEREAS**, the City has budgeted monies for the purpose of rebuilding this electric line; and,

**WHEREAS**, the City, in response to its Invitation to Bid, has received five bids from contractors able to complete the project; and,

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**WHEREAS**, the City desires to accept the bid of the lowest responsible bidder, Ward Electric Company Inc., and to execute the Agreement forthwith; and,

**WHEREAS**, Art. III, Sec. 4(a) of the Charter of the City of Fort Morgan, Colorado (2008) requires that “[All] contracts involving in the aggregate an expenditure of ten thousand or more, shall be authorized only by resolution.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

Sec. 1:           The successful bidder has been established, the City Council hereby authorizes the Mayor to sign a contract and all other documents necessary to engage the successful bidder to commence and complete this project.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 24th day of August 2010, the vote upon roll call being as follows:

Ayes: Mayor McAlister, councilmembers, Bryan, Forstedt, Nation, Powers and Shaver.

Nays:

Absent /Abstain: Councilmember Deal

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

BY:

\_\_\_\_\_  
Mayor Terry McAlister

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

STATE OF COLORADO)  
COUNTY OF MORGAN) ss.  
CITY OF FORT MORGAN)

**CERTIFICATE**

I, Yolanda L. Eurich, Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this day of August 24, 2010.

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Deputy City Clerk

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**PRESENTATION OF RESPONSES TO THE RFB FOR INDUSTRIAL PARK LINE RE-BUILD**

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Engineer Curtis presented information on the RFB for the Industrial Park Line Re-builds materials. The rebuild would be for two miles of electrical line which serves large customers in the city industrial park. The installation will consist of new poles, hardware, upsizing conductors and replacement of electric line. Engineering services have been completed and the next phase of the project is now under construction. Bids were opened on August 12, 2010, with several bids being submitted. The following bids were received: Ward Electric Company, Longmont, CO., \$113,124.50, Main Electric, Pueblo, Co., \$147,526.14, Foothills Energy, Castle Rock, CO., \$243,490.00, Hamlin Electric, Fort Morgan, \$140,260.95 and Colorado Powerline Inc., Sedalia, CO \$153,434.69. Staff is requesting Council approval to accept the low bid from Ward Electric Company, of \$113,124.50 with an amount not exceed \$120,000, for the Industrial Park Electric Line Rebuild Construction Project. The additional funds would cover unforeseen circumstances during construction.

Councilmember Forstedt offered the following Resolution and moved for its adoption. Her motion was seconded by Councilmember Shaver; said Resolution being in words, letters and figures as follows, to wit:

**RESOLUTION No. 2010.8.02**  
**AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE INDUSTRIAL PARK ELECTRIC LINE REBUILD CONSTRUCTION PROJECT**

**WHEREAS**, City Council of the City of Fort Morgan, Colorado, is authorized by Art. IV, Sec. 4(D)(1) of the Charter of the City of Fort Morgan, Colorado (2008) to provide for “the construction, maintenance, operation, and disposition of public improvements, public works, public utilities, public services, and,

**WHEREAS**, the City has budgeted monies for the purpose of rebuilding this electric line; and,

**WHEREAS**, the City, in response to its Invitation to Bid, has received five bids from contractors able to complete the project; and,

**WHEREAS**, the City desires to accept the bid of the lowest responsible bidder, Ward Electric Company Inc., and to execute the Agreement forthwith; and,

**WHEREAS**, Art. III, Sec. 4(a) of the Charter of the City of Fort Morgan, Colorado (2008) requires that “[All] contracts involving in the aggregate an expenditure of ten thousand or more, shall be authorized only by resolution.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

Sec. 1:           The successful bidder has been established, the City Council hereby authorizes the Mayor to sign a contract and all other documents necessary to engage the successful bidder to commence and complete this project.

**INTRODUCED, PASSED, APPROVED AND ADOPTED** this 24th day of August, 2010, the vote upon roll call being as follows:

Ayes: Mayor McAlister, Councilmembers Bryan, Forstedt, Nation, Powers and Shaver.

Nays:

Absent /Abstain: Councilmember Deal

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

BY:

\_\_\_\_\_  
Mayor Terry McAlister

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

STATE OF COLORADO)  
COUNTY OF MORGAN) ss.  
CITY OF FORT MORGAN)

**CERTIFICATE**

I, Yolanda L. Eurich, Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this day of August 24, 2010.

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Deputy City Clerk Yolanda L. Eurich

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**PRESENTATION OF RESPONSES TO THE RFB FOR 60W ERTS (EQUIPMENT PURCHASE)**

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Engineer Curtis presented information to Council on the purchase of 60W Encoder, Receiver, Transmitters (ERTs) to be utilized by the Water Department. The ERTs are part of the electronic meter reading program the City uses to read meters for all utilities. Under the meter maintenance program, the ERT's are replaced as they reach their life expectancy. The bid opening was held on July 28, 2010 and the following Bids were submitted: Mountain States Pipe and Supply Co., Colorado Springs, Co., \$75.25 per unit, and National Meter & Automation, Centennial, CO 80112, in the amount of \$75.00 per unit. Staff is requesting Council approval to accept the bid from Nantional Meter and Automation in the amount of \$75.00 per unit in amount not to exceed \$35,000.00

Councilmember Shaver offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Forstedt; said Resolution being in words, letters and figures as follows, to wit:

**RESOLUTION**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO** to accept the bid from National Meter and Automation in the amount of \$75.00 per unit for Itron 60W Water ERT's in amount not to exceed \$45,000 to be utilized by the Water Distribution Department.

**PASSED, APPROVED AND ADOTPED THIS** 24<sup>th</sup> day of August, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Bryan, Forstedt, Nation, Powers and Shaver.

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**PRESENTATION OF RESPONSES TO THE RFP FOR RIVERVIEW AVENUE/OPTIMIST PARK DRAINAGE IMPORVEMENTS**

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Engineer Curtis gave the brief background and history of the storm water drainage and structural improvements to the areas surrounding Optimist Park. There was \$208,000 budgeted for the project in 2010. Due to the existing storm water system alignment and City Council Proceedings – August 24, 2010

outlet pipes at the Ninth Avenue and Vicki Street intersection by Optimist Park, the intersection has a high potential to boil over during storm events. This causes storm water to flow northbound to Riverview Avenue and into the Upper Platte/Beaver Canal. This storm water overflow has contributed to erosion of the southern bank of the Upper Platte/Beaver Canal Riverview Avenue crossing and has begun to impact the condition of Riverview Avenue. The City and the Beehive Assisted Living property owner have agreed to turn the aesthetic water pond into a permanent storm water detention pond. Engineering services for this project will encompass three objectives:

1. Design for reconstruction and replatting of a stormwater detention pond on the Beehive property. Construction and replat for this objective is anticipated for 2010.
2. Design for reconstruction of the Ninth Avenue and Vicki Street intersection and storm drainage improvements; and
3. Design for reconstruction of the southern bank of the Upper Platte/Beaver Canal.

A Request for Proposals was issued by Engineer Curtis. A pre-proposal meeting and tour of the area was held on June 28, 2010. Twelve firms submitted proposals and five firms were selected as shortlisted firms to bid on the project based on past experience, related work, and project approach. The shortlisted firms were: JR Engineering, Centennial, CO, \$30,904, Short Elliot Hendrickson, Denver, CO, \$54, 000, J-U-B Engineers, Fort Collins, CO., \$45,589, Phelps Engineering, Denver, CO., \$39,569, and Lamp Rynearson & Associates, Fort Collins, CO., \$41,350. Staff is requesting council approval to enter into an Agreement with JR Engineering in the amount not to exceed \$35,000.

Councilmember Nation offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Powers; said Resolution being in words, letters and figures as follows, to-wit:

### **RESOLUTION NO. 2010.8.03**

#### **AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES REGARDING THE IMPROVEMENT PLAN, STORM WATER DRAINAGE AND STRUCTURAL IMPROVEMENTS IN THE AREA SURROUNDING OPTIMIST PARK**

**WHEREAS**, City Council of the City of Fort Morgan, Colorado, is authorized by Art. IV, Sec. 4(D)(1) of the Charter of the City of Fort Morgan, Colorado (2008) to provide for “the construction, maintenance, operation and disposition of public improvements, public works, public utilities, public services...”; and,

**WHEREAS**, the City has budgeted monies for the capital improvement plan, storm water drainage and structural improvements in the area surrounding Optimist Park; and,

**WHEREAS**, the City, in response to its Invitation to Bid, has received bids from twelve firms, five of which were placed on a shortlist; and,

**WHEREAS**, the City desires to accept the bid of the lowest responsible bidder, JR Engineering, and to execute the Agreement forthwith; and,

**WHEREAS**, Art. III, Sec. 4(a) of the Charter of the City of Fort Morgan, Colorado (2008) requires that “[All] contracts involving in the aggregate an expenditure of ten thousand or more, shall be authorized only by resolution.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

Sec. 1: The successful bidder has been established, the City Council hereby authorizes the Mayor to sign a contract and all other documents necessary to engage the successful bidder to commence and complete this project.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 24th day of August 2010, the vote upon roll call being as follows:

Ayes: Mayor McAlister, Councilmembers Bryan, Forstedt, Nation, Powers and Shaver

Nays:

Absent /Abstain: Councilmember Deal

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

BY: \_\_\_\_\_  
Terry L. McAlister Mayor

ATTEST:

\_\_\_\_\_  
Yolanda L. Eurich Deputy City Clerk

STATE OF COLORADO)  
COUNTY OF MORGAN) ss. CERTIFICATE  
CITY OF FORT MORGAN)

I, Yolanda L. Eurich Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the City Council and is identical to the Original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this day of August 24, 2010.

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Yolanda L. Eurich Deputy City Clerk

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### **APPROVAL OF THE SCHOOL RESOURCE OFFICER (SRO) CONTRACT**

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Attorney Wells presented the Intergovernmental Agreement to City Council. The School District will pay 40 percent of the salary and 50 percent of any overtime pay. The agreement also spells out the duties and parameters of the officer's responsibility. The agreement formalizes what the City and School District have been doing for nine years.

Councilmember Powers offered the following Resolution and moved for its adoption. His motion seconded by Councilmember Nation, said Resolution being in words, letters and figures as follows, to-wit:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, to enter the Intergovernmental Agreement between the Fort Morgan RE-School District ("District") and the City of Fort Morgan ("city").

PASSED, APPROVED AND ADOPTED THIS 24th Day of August, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Bryan, Forstedt, Nation and Shaver.

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

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None.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Treasurer Schafer announced the City offices will close at 3:00 p.m. for a meeting of the city council and all city employees at the electric building on Friday, August 27<sup>th</sup>.

The Council will also hold a budget retreat Saturday from 9 a.m. to 1:00 p.m. at Historic City Hall.

Manager Merrill added that a meeting regarding flood insurance and other issues about flooding is scheduled for 6 to 8 p.m. on September 8<sup>th</sup> in the council chambers.

Mayor McAlister adjourned the August 24, 2010, regular meeting at 7:55 p.m.

/s/ Terry L. McAlister  
Mayor

/s/ Yolanda L. Eurich  
Deputy City Clerk