

March 1, 2011

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 Debra J. Forstedt  
Councilmember Brent M. Nation  
Councilmember James A. Powers  
Councilmember Ronald Shaver

Absent: Councilmember Sharol Lyn Deal (excused).

The meeting was also attended by Acting City Manager/City Attorney Jeffrey Wells, Police Lt. Darin Sagel, Director of Water Resources Gary Dreessen, Municipal Engineer Brad Curtis, Community Development Director David Callahan, City Treasurer Terri Schafer, Community Services Director Patti Evans, Marketing and Economic Development Director Kevin Wilkins, Golf Professional Tyler Tarpley, Golf Course Pro Shop Manager Anna Blake and City Clerk John Brennan.

### **PRESENTATION OF AN ORDINANCE DECOMMISSIONING THE CITY DEPARTMENT OF MARKETING AND ECONOMIC DEVELOPMENT**

Acting Manager Wells said this decision and recommendation had come about after a lot of consideration and discussion. Wilkins said he appreciated Wells' time and assistance as they wrestled with this decision. He said the creation of the department had been a subject of some contention, and he did not want to place a burden on peers and felt the decommissioning of the department was best for all concerned at this time.

Wells read from a prepared statement addressing the issue, which was distributed to the council members and media following the meeting, and said staff was recommending that the council consider approval of the proposed ordinance.

Councilmember Forstedt said the matter was a case of unfortunate timing, and made her very sad. Forstedt said economic development is something the city needs to keep in mind, and she hoped that even without its own department the city would continue to work toward its economic development goals, would not forget about the issue and would bring up the subject of economic development at a future time.

Wells said one factor that city staff had to consider was the long-term investment in the Morgan County Economic Development Department and its executive director, Kari Linker. Wells said there need to be some discussions between the city council and the MCEDC board about what direction they should go. Wells noted that MCEDC works largely on attracting primary employers, mainly large industrial types of developments. At a recent economic development workshop in Denver, however, Wells said it was clear the focus of the state is on small business, and the city needs to look at what it can do in this area and be aligned with state goals.

Councilmember Bryan said he wanted to make sure it was very clear the city is not abandoning economic development, and noted that the city had reaffirmed its commitment to MCEDC earlier, after initially declining to fund the organization for 2011.

Councilman Powers then offered a resolution to approve the first reading of an Ordinance Decommissioning the City Department of Marketing and Economic Development, which was seconded by Councilmember Nation. The measure was passed on a vote of 5-1, with Forstedt casting the dissenting vote and Deal absent.

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**PRESENTATION AND PUBLIC HEARING ON TIEMAN'S REPLAT OF PARCEL 3**

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Director Callahan described the proposed subdivision, for which the city was the applicant. He said no development was planned, and the goal was to advance public works goals and improve drainage in the area near Optimist Park and the Beehive Assisted Living facility. The property owner was in agreement and the city planning commission was unanimously recommending approval.

Clerk Brennan said notice of the public hearing was published in the Fort Morgan Times on Feb. 12, and no public comments had been received.

Powers made a motion to approve a minor subdivision to replat Parcel 3 of the Tieman's Second Addition subdivision to create Outlot A, with the purpose of the outlot to provide stormwater detention and conveyance, all as part of an ongoing effort to improve drainage in the city. The motion was seconded by Nation and approved unanimously.

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**PRESENTATION AND PUBLIC HEARING ON THE GREENE MINOR SUBDIVISION**

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Callahan described this subdivision, which would divide previously unsubdivided land into two lots, each of 8,250 square feet. One lot would be used for commercial proposes and the other for the existing residential use. Callahan noted that the land was never platted, dating back to the original subdivision in 1887, but that appeared to be an oversight.

Callahan said the requirement to publish notice in the newspaper and post signs on the property 15 days before the hearing had been met, and the planning commission unanimously recommended approval with no concerns.

Forstedt made a motion to approve the Greene Minor subdivision, which was seconded by Shaver and approved unanimously.

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR A CDOT GRANT FOR TAXIWAY RECONSTRUCTION AT THE AIRPORT AND TO EXPEND THE \$30,000 IN MATCHING FUNDS BUDGETED**

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Callahan said this was a previously approved project that will cost \$300,000, with the Colorado Department of Transportation to pay \$270,000 and the city to match that with \$30,000 that was already in the budget. He said the taxilane in the area was in serious disrepair, and noted that the project also offered the opportunity for adjacent hangar owners to take advantage of the mobilization of construction crews and repair their own areas as well, at their expense.

Shaver offered a resolution to approve the resolution, which was seconded by Forstedt and carried unanimously.

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**PRESENTATION ON REQUEST FOR PROPOSALS FOR CONCESSION AGREEMENT AT THE CITY GOLF COURSE**

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Director Evans said a series of meetings had been held regarding the food and beverage operation at the golf course, along with pre-bid meetings with potential applicants. Only one application was received by the deadline, Evans said, and a committee including community members and golfers reviewed the application and came up with a list of concerns. Evans said she and Tarpley met with the bidders, Natausha Swanland and Mildred Stephens, and went

over those concerns, and were now coming to the council to see if they wanted to go forward with negotiating a contract with the applicant.

Powers asked if the applicant was able and willing to obtain a liquor license, which he said is a primary concern of the city with regard to the concession service at the golf course. Discussion of the liquor and licensing issues followed, with Tarpley and Evans stating that not having alcohol available would be a major hindrance to keeping golf tournaments at the course. The council discussed several possible options to ensure that an alcohol beverage license would be available, and city staff was directed to investigate the best solution to that problem.

McAlister asked whether postponing action on this item for two weeks would be advisable, and Wells said the council was not really being presented with any alternatives at this time and the additional time would allow staff to look further into some of the liquor licensing issues.

Nation made a motion to table the item, which was seconded by Forstedt and unanimously approved.

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### **PRESENTATION OF AN ORDINANCE AMENDING THE 2010 BUDGET**

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Wells explained that the city often has to make amendments to the budget after the end of the year to adjust for unforeseen developments. Schafer said these adjustments must be made to avoid audit violations.

The amendments included \$160,000 from self-insurance fund reserves to cover additional health insurance claims that were paid in 2010, and \$228,500 from the capital improvement fund for an environmental assessment of the runway project at the airport. Schafer explained that the council had authorized accepting a federal grant for this expense last year but never placed it into the budget, and Wells said that was due to a delay caused by a change in Federal Aviation Administration procedures for the grant.

Powers offered a resolution to approve the ordinance, which was seconded by Shaver and carried unanimously.

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### **INFORMATIONAL PRESENTATION ON CARRYOVER PROJECTS FROM 2010 BUDGET**

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Schafer reviewed these projects, which had been in the 2010 budget but had not been completed by the end of the year and therefore were carried over into the 2011 budget. They included the traffic signal installation at Main Street and Railroad Avenue in connection with the Downtown Infrastructure Improvement project; a \$137,000 grant for Safe Routes to Schools; the airport runway environmental assessment noted above; a blower for the wastewater treatment plant; a house water system for the water treatment plant; and the remaining expenses for the financial and utility billing software.

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### **APPLICATION FOR SPECIAL EVENTS PERMITS FOR THE ELKS CLUB, COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY**

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Clerk Brennan reviewed the application, for which the council had approved the posting of notice at the property at its Feb. 15 meeting. Lt. Darin Sagel noted that an error in the hours of the events had appeared on the posting for about the first week of the 10 days of posting, but was corrected and remained posted, and the state Liquor Enforcement Division had advised that this was not grounds for denial of the permit application.

Powers made a motion to approve the special events permits for the Elks Lodge for events on March 26, July 9 and September 16-17, 2011. The motion was seconded by Councilmember Bryan and carried unanimously.

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**APPROVAL OF BID FOR ENGINEERING SERVICES FOR STORM DRAINAGE IMPROVEMENTS – NORTHWEST QUADRANT**

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Councilmember Nation announced that he had been contacted by several of the firms that bid on this project to serve as a consulting engineer as part of their proposals, and that he was therefore excusing himself from the discussion and action on this item.

After Nation left the council chambers, Engineer Curtis reported on the bidding process for these services for drainage improvements in the northwest quadrant of the city, and the goals of the project. He recommended retaining Short Elliot Hendrickson (SEH), noting that this firm was not the low bidder but was chosen from among the nine applicants for its previous experience in Fort Morgan and the quality of its proposal.

Forstedt offered a resolution to approve the bid from SEH of Denver in an amount not to exceed \$240,000, which was seconded by Powers and approved unanimously on a vote of 5-0, with Nation stepping down and Deal absent.

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**APPROVAL OF BID FOR ENGINEERING SERVICES FOR STORM DRAINAGE IMPROVEMENTS – SOUTH QUADRANT**

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Nation remained out of the room for this item as well, which Curtis described in similar fashion. He recommended acceptance of the bid from The Engineering Company of Fort Collins, the low bidder among the finalists chosen to submit costs.

Shaver offered a resolution to approve the bid at a cost not to exceed \$160,000, which was seconded by Forstedt and approved unanimously on a 5-0 vote, with Nation stepping down and Deal absent.

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**CONSENT AGENDA – BY RESOLUTION**

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Clerk Brennan presented the Consent Agenda for Council consideration, said Consent Agenda being in words, letters and figures as follows, to wit:

**CONSENT AGENDA**

- A. Second reading of Ordinance No. 1111, amending Chapter 18, "Water System," of the Municipal Code of the City of Fort Morgan, and authorization to publish by title only.
- B. Approval of the minutes of the Feb. 15, 2011 regular meeting.
- C. Approval of the disbursements and payroll for January.
- D. Approval of bids for unit pricing on water hydrants and valves from Dana Kepner Company of Denver (hydrants) and HD Supply Waterworks of Henderson, Colo. (valves), with total 2011 expenditures not to exceed \$30,000 from water hydrants line item or \$250,000 from maintenance of distribution system line item.
- E. Approval of bids for unit pricing on water meters and repair parts from Dana Kepner Company of Denver, with total 2011 expenditures not to exceed \$30,000 from maintenance of meters line item or \$250,000 from maintenance of distribution system line item.
- F. Approval of bids for unit pricing on water meter encoder/receiver/transmitters (ERTs) from Mountain States Pipe and Supply Co. of Colorado Springs with total 2011 expenditures not to exceed \$35,000.
- G. Approval of expenditures related to a Dump Body in the amount not to exceed \$15,000. Approval considers accepting the bid from Kios Brothers Equipment Company of Commerce City, Colo., for a Duraclass Medium Duty Body with 3/16" steel floor, rear tail

lights as well as separate City purchase(s) for miscellaneous items necessary for completion of the retrofit.

- H. Approval of expenditures related to a steerable sewer camera in the amount not to exceed \$41,000. Approval considers accepting the bid from DW Inspection Systems of Henderson, Colo., for an Aries Pathfinder Steerable Sewer Camera and vLoc Pro Rx-Receiver.
- I. Approval of expenditures related to a three-quarter-ton four-wheel-drive regular cab pickup truck in the amount not to exceed \$23,320. Approval considers accepting the bid from Wolf Auto of Sterling, Colo., for the pickup and spray-in bed liner as well as separate City purchase for tool boxes (1 cross and 2 side boxes).
- J. Approval of bids for unit pricing for gas meter ERTs from Mountain States Pipe and Supply Co. of Colorado Springs, with total 2011 expenditures not to exceed \$70,000.
- K. Approval of bids for unit pricing for electrical conductors from Kriz Davis Company of Scottsbluff, Neb. (overhead and Triplex underground) and Western United Electric of Brighton, Colo. (Okonite underground), with total 2011 expenditures not to exceed \$185,000.
- L. Approval of bids for unit pricing for electric distribution wood poles from Bell Lumber and Pole Co. of Conway, Wash., with total 2011 expenditures not to exceed \$150,000.
- M. Approval of expenditures related to a directional boring machine in the amount not to exceed \$139,529.79. Approval considers accepting the bid from Vermeer Sales and Service of Commerce City, Colo., for a Vermeer Directional Boring Machine, equipment trade-in credit and accessories/options.

All matters listed under Item 13, Consent Agenda, are considered routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

Councilmember Nation offered a resolution to approve the Consent Agenda as amended, which was seconded by Shaver and approved unanimously.

PASSED, APPROVED AND ADOPTED this 1st day of March 2011, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Forstedt, Nation, Powers and Shaver. Nays: none. Absent: Deal.

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Jerry Wathen spoke to the council about several proposed legislative measures being considered at the state level that would involve tax increases, and advised the council to watch these matters closely.

Mayor McAlister then spoke on behalf of Bud Anderson, who had called the mayor as a representative of the VFW Club in Fort Morgan to express concern about flooding issues around the club at Ensign Street and Beaver Avenue. McAlister said he wanted to make the council aware of these concerns on behalf of the club, and asked Curtis to investigate. Curtis said he was aware of the problem and that it may be part of the overall drainage issues affecting many areas of the city, but that he would look further into this specific issue to see if it might be caused by something like a collapsed storm drain inlet or similar problem.

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**REPORTS BY OFFICIALS AND STAFF**

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Curtis announced that he had recent meetings with officials of BNSF Railway, and that effective at 12:01 a.m. that morning the railroad crossings at Sherman Street and Barlow Road had officially become “quiet zones” where trains would no longer sound their horns as they approached the crossings. He said horns would still be sounded if a hazard was seen on the tracks, and that it also may take some time for the train engineers to get accustomed to not using horns in these areas.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Clerk Brennan announced upcoming bids and meetings.

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**EXECUTIVE SESSION**

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The regular meeting concluded at 8:30 p.m., and Forstedt then made a motion to convene a scheduled executive session. That motion was seconded by Shaver and approved unanimously. The executive session had been posted 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: Upper Platte and Beaver Canal.

The executive session convened at 8:47 p.m. and concluded at 9:35 p.m., and was attended by the council members and mayor along with Wells.

Following the session the council returned to the open regular meeting, where Forstedt reported that the council had discussed the scheduled topic and made a motion to direct the negotiators to negotiate with Upper Platte and Beaver Canal under the parameters discussed in the executive session. That motion was seconded by Nation and approved unanimously

Mayor McAlister adjourned the March 1, 2011 regular meeting at 9:35 p.m.

/s/ Terry L. McAlister  
Mayor

John J. Brennan  
City Clerk