

September 20, 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 Sharol Lyn Deal
Councilmember Brent M. Nation
Councilmember James A. Powers
Councilmember Ronald Shaver

Absent: Councilmember Debra J. Forstedt

The meeting was also attended by Acting City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Director of Water Resources Gary Dreessen, Community Services Director Patti Evans, FMPD Administrative Assistant Sheila Bass, IT Administrator Nelson McCoy, Parks Superintendent Doak Duke, Library Museum Director Andrew Dunehoo, Library Assistant Director Cathy Bosley, Golf Professional Tyler Tarpley, Assistant Golf Professional Anna Blake, Water Treatment Superintendent John Turner, Water Distribution/Wastewater Collection Superintendent Mitch Church and City Clerk John Brennan.

Also attending were Councilmembers-elect Lisa Northrup and Joe Segura Jr.

PRESENTATION AND POSSIBLE ACTION ON MODIFICATIONS TO FILTER MEDIA REPLACEMENT AT THE WATER TREATMENT PLANT

Water Resources Director Gary Dreessen told the council the city's water treatment plant had been experiencing some problems with its filter system, and introduced Terry Kenyon of McLaughlin Water Engineers to explain the situation. Kenyon described the system and the problems, as well as the investigation and research into possible causes and solutions done by himself and Water Treatment Superintendent John Turner. They found that the problem was caused by clogged nozzles in the system and the manufacturer of the system had offered no acceptable solutions.

Kenyon and Turner recommended that the city convert to a block underdrain system provided by Leopold Equipment, which should last much longer than the 10 years the current system has been in place. Doing so would cost substantially more than replacing the current system with the same system. The city had budgeted \$341,500 in 2011 to replace the sand and coal media in the filter system. Converting to the Leopold system would cost a total of \$685,000, but Kenyon and Turner said it could be expected to last many more years.

Dreessen and Turner suggested carrying over the 2011 budgeted funds into 2012 and combining that with another \$350,000 budgeted in 2012 for painting of the finished water storage tanks at the plant. The council consensus was to postpone action until the next meeting on Oct. 4, and direct Acting City Manager Jeff Wells to gather more information and examine the feasibility of fitting this costly project into the 2012 budget. No formal action was taken, and the item was moved to Oct. 4, 2011 meeting

PRESENTATION AND POSSIBLE ACTION ON AN AGREEMENT WITH THE FORT MORGAN SCHOOL DISTRICT TO PROVIDE WATER

Wells said this proposal was the culmination of discussions that had been ongoing for a long time, and would allow the city to assist the school district with its water needs. The school district would turn over water rights for two wells to the city and pay the regular charge of \$1.10 per 1,000 gallons of non-potable water from the city system, he said. The city had determined this was possible under the city's current augmentation plan, Wells added.

Water Distribution/Wastewater Collection Superintendent Mitch Church said the proposal would have a substantial impact on his budget, increasing the amount of money he would have to request for well maintenance if the city takes on the two additional wells from the school district. Asked by Mayor Terry McAlister about the benefits to the city of the proposal, Wells said the city would acquire additional water rights and diversify its water portfolio to include another source of water that could be used for different purposes or opportunities. He said it would give the city a chance to help the school district, and while it would not be a great benefit to the city it would not hurt the city either.

Councilmember Brent Nation pointed out that the city's latest water rate study did not anticipate any new sources of water, and it may be necessary to re-examine the volume usage charge for non-potable water.

Powers offered a resolution to approve the agreement with the school district as presented, which was seconded by Nation and approved on a vote of 6-0, with Councilmember Forstedt absent.

REPORT ON EFFORTS TO PURCHASE WATER IN MORGAN COUNTY

Wells briefed the council on the city's effort to purchase land and associated water rights that were for sale in Morgan County, in hopes of keeping the water in the county rather than allowing it to be sold to Front Range interests. He said the city made its best effort but negotiations had stalled and the landowner was looking at other offers, Wells said the city's offer was left open. He said there were many benefits to finding these opportunities and if city staff comes across others they will be brought to the council.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR A NITRATE METER AND SENSOR FOR THE WASTEWATER TREATMENT PLANT

Dreessen said there was only one bid received for this equipment, and recommended council approval of that bid from Hach Company for a total of \$18,601.50 which includes a one-year warranty option and may be subject to additional shipping charges. Dreessen said this item was not budgeted in 2011, but money saved by having city staff install a blower at the wastewater treatment plant would cover the purchase. He said not having this equipment at the treatment plant was like driving a car without a speedometer.

Councilmember Ron Shaver offered a resolution to approve the bid from Hach as presented, which was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR SECURITY GATES AND FENCING AT THE WATER TREATMENT PLANT

Dreessen said this would be the final phase of the fencing project at the water plant and would complete the project. Seven companies submitted bids, and staff recommended accepting the low bid from American Fencing of Grand Island, Neb., for \$16,510. Shaver offered a resolution

to approve the bid from American Fencing, which was seconded by Councilmember Scott Bryan and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE CONSOLIDATING CITY COMMUNITY SERVICES DEPARTMENTS

Wells noted that the organizational structure of the city had been discussed at a recent retreat of the city council, and the possibility of combining these departments was one of the proposals raised. The ordinance would combine the golf course and golf maintenance departments, the parks and cemetery departments, and the recreation and senior center departments.

Powers asked if the change would improve efficiency while not reducing service and also save money, and Wells said that was the intent and hope of the plan. Wells said the golf departments had been operating under this scenario for some time and it was working well.

Powers then offered a resolution to approve the first reading of Ordinance No. 1117, Consolidating City Community Services Departments, which was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR CELL PHONE SERVICES AND HANDSETS

Wells thanked Police Chief Keith Kuretich, who had spearheaded the RFP for the cell phone service, saying he was very detailed and included many different people in the process to ensure that the recommendation was a consensus.

Kuretich then reviewed the RFP process, saying that the city staff had spent a considerable amount of time reviewing the proposals and testing the phones from the two qualifying bidders, Verizon Wireless and Viaero Wireless. Sprint had also submitted a bid but sent the bid to the wrong location and was therefore disqualified, Kuretich said.

Kuretich said the services offered by each company were comparable and competitive, with Viaero less expensive in some areas and Verizon less expensive in other areas. Those who tested the phones felt the units provided by Verizon were of better quality and the Verizon coverage was better. Kuretich said customer service, based on the city's experience with Viaero as its cell phone provider for the past year, was the deciding factor in city staff's recommendation to contract with Verizon for a year and then go out for bid again with the ability to compare the performance of each company. He said there had been problems with phone service, dropped calls, loss of service and billing issues with Viaero, some of which remained unresolved after being brought to the company's attention.

Councilmember Nation questioned whether the service and quality issues affected all 63 phones under the Viaero plan, and Kuretich said the problems had been mainly with the 14 Smartphones used by senior city staff. Wells pointed out that there had been at least one case where service was lost to phones including those for on-call emergency phones.

Councilmember Lyn Deal offered a resolution to accept the staff recommendation to use Verizon as the cell phone provider for a year, which was seconded by Powers.

Nation then said he would vote against that resolution, believing that it was important to use a local provider and the cost differences were insignificant. He said if the phone service was working well inside the city, it should not be a big issue if service was inconsistent when city staffers were on the Front Range or elsewhere.

Bryan said he had pushed hard to have Viaero selected as the provider last year, and felt Kuretich had done a fine job of coordinating the RFP. Nevertheless, Bryan said he felt strongly the city should stay local with Viaero.

Deal pointed out that there was much discussion when the contract was awarded to Viaero last year, and the company knew its performance would be scrutinized closely. She said the

company had a great opportunity in the past year, but now the city had a chance to go with Verizon and be in a position to compare the service and performance of each company for future contracts.

The resolution by Deal was then put to a vote and approved 4-2, with Nation and Bryan voting against and Forstedt absent.

PRESENTATION AND POSSIBLE ACTION ON A PROPOSAL FOR A NEW LANDLINE PHONE SYSTEM

Wells said IT Administrator Nelson McCoy had looked at this issue for some time in an effort to obtain features like caller ID on the city's phone system. McCoy had learned that Qwest, the city's current provider, could not offer the services the city wanted, but Microtech-Tel could do so at a cost less than the city was now paying. Because no other company could be found that offered the desired features, Wells asked for council approval to accept the proposal from Microtech-Tel.

Councilmember Bryan asked what effect this would have on city phone listings being included in telephone books, and McCoy indicated that phone books were produced by third parties. Because of concern that switching from Qwest service might present problems with phone book listings, the council consensus was to investigate this further before making a decision. No formal action was taken and the item was moved to the Oct. 4, 2011 meeting.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR RAINBOW BRIDGE CONCRETE IMPROVEMENTS

Community Services Director Patti Evans reviewed the bid process for this project, which would complete the Rainbow Bridge enhancements by converting some existing pathways to concrete. Two bids were submitted and staff was recommending acceptance of the low bid from CG&S Company of Greeley. Evans said the bid from CG&S was for \$21,880.14, and the city was asking for approval not to exceed the \$25,000 the city had budgeted for the project.

Councilmember Nation said this was simple concrete flatwork and there should be no need for overages or contingencies on such a project. He offered a resolution to approve the bid from CG&S not to exceed \$21,880.14, which was seconded by Shaver and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR COMPUTERS AND RELATED EQUIPMENT FOR THE LIBRARY

Evans said the city had obtained a grant from the Colorado State Library which would allow the city to obtain 10 computers as well as a completely handicapped-accessible computer and work station to the library, which would be unique in the region. She then introduced Library/Museum Director Andrew Dunehoo, saying he had obtained some new information since the staff memo on this item was prepared.

Dunehoo explained that the staff memo recommended accepting the low bid from Computer Solutions of Fort Morgan, which was also the only company that bid on the entire package instead of just parts of the proposal. Dunehoo then said he had learned just that day that IT Administrator McCoy could possibly obtain higher-quality computers at approximately half the cost through the city's existing vendor accounts. Dunehoo said the project was grant-funded, with matching funds provided through OneMorgan County, but getting the computers for less would free up some of the grant money to be used for enhanced software to make the proposed public computer lab even better.

Dunehoo asked for approval of the bid from Computer Solutions with the understanding that if McCoy could find a reduced price the city would go in that direction.

Mayor McAlister said he would prefer to put off action on this item because he did not want to approve something without certainty of what was being approved in terms of expenditures. The council consensus was to take no action and move this item to the Oct. 4 meeting.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR GOLF CART LEASE/PURCHASE

Golf Professional Tyler Tarpley said it had come to the attention of the golf course staff that the city was facing a balloon payment of more than \$31,000 in October under its current lease for golf carts, and he had been exploring options for replacing the cart fleet. One option was to pay the balloon payment and own the current carts, but he said they were in poor shape and would require expensive battery replacements and other repairs. He had examined other alternatives for either the lease or purchase of gas or electric carts, including scenarios under which the vendor would cover the city's balloon payment, and recommended going with the acquisition of 25 Club Car electric carts from Colorado Golf and Turf on a lease/purchase plus a supplemental rental of an additional 20 electric carts from the same company.

Tarpley noted that the \$31,250 balloon payment was not budgeted for this year, but there was money requested for the carts for 2012 and cart rentals represent a substantial revenue stream for the golf course.

Joe Masek of Masek Golf Cart Company, which currently leases Yamaha carts to the Fort Morgan Golf Course, asked for a chance to speak to the council, which was granted by Mayor McAlister. Masek said he had been providing carts to the course for 15 years and his bid was lower than Colorado Golf and Turf, and he was not aware of problems with the current fleet. He also said the city had no obligation to make the October balloon payment, which is probably why it was not in the 2011 budget. He said the balloon payment was for the city to purchase the carts at the end of the lease/purchase agreement, and there was never any intent for the city to do so and the company would cover that payment.

Tarpley said he had spoken with personnel from another golf course that had recently purchased a new fleet of Yamaha carts and was experiencing quality issues, which Tarpley said was a primary factor in his decision to recommend the Club Car carts.

Nation then offered a resolution to accept the staff recommendation to lease/purchase Club Car carts from Colorado Golf and Turf, which was seconded by Shaver and approved unanimously.

CONSENT AGENDA BY RESOLUTION AND ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY

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

CONSENT AGENDA

- A. Approval of an application for renewal of a 3.2 Percent Beer Retail License (On Premises) for Pizza Hut at 1200 W. Platte Avenue with a clear police investigation report.
- B. Approval of the disbursements and payroll for August
- C. Approval of the Minutes of the Sept. 6 regular meeting

All matters listed under the Consent Agenda are considered to be 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 presented, which was seconded by Bryan and approved unanimously.

PASSED, APPROVED AND ADOPTED this 20th day of September 2011, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Nation, Powers and Shaver. Nays: none. Absent: Forstedt.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells reported on the previous weekend's Fall Harvest Car Show, which was the first event at which the city's new downtown sound system was available. He praised the city's electric department and McCoy for their hard work in getting the system installed and operational just in time for the start of the car show.

Wells also noted the Sept. 22 visit by the Broncos Country Caravan to Fort Morgan, and plaques and other appreciation received by the city from the Brush Rodeo, United Way and the Ag Appreciation Barbecue. He also noted that the drainage improvement project at Optimist Park was almost finished.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced upcoming bids and meetings, and informed the council of his plan to send mailings to council members on the off weeks when there were no council meetings scheduled, which would include informational items, meeting schedules, mail items and other pertinent information.

EXECUTIVE SESSIONS

The regular meeting concluded at 9:11 p.m., and Powers then made a motion to convene a scheduled executive session. That motion was seconded by Shaver and approved unanimously. The 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: Property purchase.

The executive session convened at 9:25 p.m. and concluded at 9:40 p.m., and was attended by the council members and mayor along with Wells, with Forstedt absent.

Following the session the council returned to the open regular meeting, where Powers reported that the council had discussed the scheduled topic and made a motion to direct the acting city manager to negotiate under the parameters discussed in the executive session. That motion was seconded by Shaver and approved unanimously.

Powers then made a motion to proceed to a second scheduled executive session, with that motion seconded by Nation and approved unanimously.

The second 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: Liability issues.

The session began at 9:44 p.m. and concluded at 10:44 p.m., and was attended by the mayor and council along with Wells, with Forstedt absent. Following the session, the council returned to open session, where Powers reported that the council met in executive session to receive advice on specific legal questions, and received that information. No motion was made.

Mayor McAlister adjourned the September 20, 2011 regular meeting at 10:45 p.m.

Mayor

City Clerk