

March 6, 2012

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 Scott Bryan
Councilmember Debra J. Forstedt
Councilmember Brent M. Nation
Councilmember Lisa Northrup
Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

The meeting was also attended by Acting City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Municipal Engineer Brad Curtis, Community Development Director David Callahan, City Treasurer Jean Kinney, Human Resources/Risk Management Director Michael Boyer, Light and Power Superintendent Doug Linton, Gas Superintendent Tony Behrends, Inventory Control/Building Maintenance Superintendent Doug Hofman, Golf Course Maintenance Superintendent Matt Givens, Wastewater Treatment Superintendent Mike Hecker, Water Treatment Superintendent John Turner, Golf Professional Tyler Tarpley, Cemetery Sexton Larry Carr, Sanitation Superintendent Bob Evins, Parks Superintendent Doak Duke, FMPD Lt. Jared Crone, Assistant City Attorney Jerrae Swanson, Water Distribution/Wastewater Collection Superintendent Mitch Church, Legal Assistant Sharon Velder and City Clerk/PIO John Brennan.

APPROVAL OF THE MINUTES OF THE FEB. 21 CITY COUNCIL REGULAR MEETING

City Clerk/PIO John Brennan explained that the minutes would be presented for approval as a regular agenda item, rather than as part of the consent agenda, in instances when there were no other routine items for a consent agenda.

Councilmember Ron Shaver noted a typographical error in the end time of an executive session in the Feb. 21 minutes, which Brennan said he would correct. Shaver offered a resolution to approve the Feb. 21 City Council regular meeting minutes as amended, which was seconded by Councilmember Brent Nation and approved unanimously.

ANNUAL REPORTS FROM CITY DEPARTMENTS

Acting City Manager/City Attorney Jeff Wells noted that annual reports had been included in the council packets and/or table files. These included reports on 2011 activities and accomplishments from the following departments: Inventory Control/Building Maintenance, Cemetery, Light & Power, Municipal Engineer, Gas, Quail Dunes Golf Course, Parks, Sanitation, Streets, Water Distribution/Wastewater Collection, Water Treatment and Wastewater Treatment. The 2011 annual report from the Fort Morgan Police Department was included in the Council's table files.

Department heads from various departments answered several questions from the council. Nation noted that the one thing that stood out for him among all of the reports was the consistent maintenance of sewer lines and the reduction of sewer backups to zero.

PRESENTATION AND POSSIBLE ACTION ON A PROPOSAL FOR DONATION OF A NEW SCOREBOARD FOR ROBIN WEBER FIELD/DEUEL STREET BALLFIELDS

Municipal Engineer Brad Curtis explained the proposal, under which the local Schneider family would donate a new scoreboard for the city-owned field, and the city and the Mustang baseball club would participate in the funding of the site preparation and installation. The city would provide in-kind services and a monetary contribution up to \$1,500, which could come from a budgeted line item for bleacher upgrades that is insufficient for those improvements.

Councilmember Debra Forstedt offered a resolution to accept the donation of the scoreboard and the staff recommendation to provide in-kind services and financial assistance up to \$1,500. The resolution was seconded by Shaver and approved unanimously.

CONTINUATION OF A PUBLIC HEARING ON A REQUEST FOR REZONING FROM MEDIUM DENSITY RESIDENTIAL (R-2) TO A PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW AN OFFICE USE AND TO PRESERVE THE SINGLE-FAMILY HOME USE

Mayor Terry McAlister reviewed the process to be followed for the hearing, and Brennan confirmed that proper legal notice of the hearing had been published. Community Development Director David Callahan presented the application, which sought to make use of a home at 511 Grant Street as an office where no more than seven employees would work. He briefed the council on the definition of a PUD, which he said was the best way to accomplish this change, which had been unanimously approved by the city Planning Commission. Callahan also pointed out the conditions of the approval of the zoning change, and said the change must be made by ordinance because it would change the official zoning map of the city. He noted one letter of objection among the responses to notification of affected neighboring property owners.

No public comments were made, and Forstedt made a motion to close the public hearing, which was seconded by Councilmember Scott Bryan and approved unanimously.

Wells then informed the council of its options, which were to approve, deny or defer action on the matter.

Shaver offered a resolution to approve the first reading of the ordinance changing the zoning as requested and amending the zoning code and zoning map. That resolution was seconded by Nation and approved unanimously.

DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY'S SPECIAL EVENTS POLICY

Wells explained that various groups and organizations request the use of city facilities for special events, and one of the requirements under the city's policy is that those applicants name the city as an additional insured on their liability insurance policies. In one recent case the corporate office of the local hospital refused to do so, and Wells asked for direction from the council on whether they would be willing to waive this requirement. He said he recommended adhering to this requirement, but understood the countervailing argument that this could cause cancellation of some events that are good for the city.

Council and staff discussion followed about the liability concerns of the issue. Human Resources/Risk Management Director Michael Boyer said the city's insurance carrier, CIRSA, recommends the additional insured requirement but does not require it. Bryan asked if the city could partner with organizations to make them joint events and thereby get around the liability issue. Wells said that scenario could be explored. The consensus of the council was against exposing the city to any additional liability by changing or making exceptions to the policy, and no action was taken.

REPORT ON 2013 BUDGET VISIONING RETREAT HELD BY CITY COUNCIL ON FEB. 18, 2012

Wells said a list of the goals discussed at this retreat had been compiled and was being provided to the council, and staff would bring back the list as the council moves into the budgeting process for departments affected by the items. He said the list of goals also would come into play when it came time in the budget process to prioritize proposed capital projects. No action was taken.

DISCUSSION OF PROCUREMENT POLICY AND COUNCIL APPROVAL OF EXPENDITURES

Wells said there was some confusion among staff about what expenditures needed to be brought before the council for approval. The city's procurement code does not require council approval of operations and maintenance purchases that have already been budgeted and are approved as part of the monthly bills, Wells said, but staff has been bringing O&M items over \$10,000 to council because they are substantial expenditures that may be questioned when the bills are approved each month. He asked what staff might do to improve communication with the council about such expenditures without bringing all of these items for approval at meetings.

Curtis said some items are budgeted under a combination of capital and O&M line items, and those would still be brought to council before the purchase because capital expenditures over \$10,000 must be approved by council. Curtis suggested he could do a monthly memo on the bidding process that was followed and the vendors chosen for O&M expenditures, and avoid placing these items on council agendas. He stressed that bidding procedures would still be followed as required under the procurement code.

The consensus of the council was to follow the procurement code and not require O&M items to be brought to the council for prior approval. No formal action was taken.

PRESENTATION AND POSSIBLE ACTION ON APPROVAL OF THE 2013 BUDGET CALENDAR

Wells reviewed the proposed calendar for development and approval of the 2013 budget, which is required to be presented to the council at the first meeting in March each year. Shaver asked whether the council would be visiting city departments as part of the budget process, as it did in 2011, and suggested that the council visit departments that would have large capital expenditures in 2013. Wells said the staff could revise the budget calendar to schedule the department visits and bring it back for approval at a later time. No formal action was taken.

SECOND READING AND POSSIBLE FINAL APPROVAL OF ORDINANCE NO. 1122, AMENDING THE EXISTING CHAPTER 7, "ANIMAL CODE," OF THE FORT MORGAN MUNICIPAL CODE (2010), AND REQUEST TO PUBLISH BY TITLE ONLY

Assistant City Attorney Jerrae Swanson said revisions suggested at the previous council meeting had been incorporated into the ordinance. Several council members said they had received calls about the fact that the new code did not include limits on the number of animals city residents could keep on a property, and Swanson clarified that the current code also does not include numerical limits. Such limits had been proposed during a previous draft of the revised animal code and had met with significant public resistance, she said, so this version was an effort to approach remedies for problem animals from a nuisance standpoint rather than based on numbers of animals. Fort Morgan Police Lt. Jared Crone noted that even two dogs

could be a problem if they are not properly cared for and controlled, and this ordinance would allow law enforcement to deal with animals that cause a nuisance regardless of numbers. Nation offered a resolution to approve the second reading and final approval of Ordinance No. 1122 and to approve the request to publish by title only, which was seconded by Northrup and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR A FAIRWAY MOWER FOR THE QUAIL DUNES AT FORT MORGAN GOLF COURSE

Golf Course Maintenance Superintendent Matt Givens reviewed the bidding process for this equipment and noted that two numbers had been transposed in his memo to the council on the proposed purchase. Givens also noted that the recommended bid was not the lowest, but that the previous two mowers had not lasted as long as hoped and staff would like to try a different brand of equipment in this case.

Givens noted that the recommended bid was over budget by \$2,314, but that \$3,837 remained in the Conservation Trust Fund budget because the cost of a golf course utility cart previously approved by the council came in well under budget.

Nation offered a resolution to accept the bid from C&M Golf and Grounds of Denver not to exceed \$51,314, which was seconded by Forstedt and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR UNIT PRICING ON ELECTRIC UNDERGROUND MATERIALS FOR THE LIGHT AND POWER DEPARTMENT

Inventory Control Superintendent Doug Hofman reviewed the bid process and the staff recommendation for this purchase. Shaver offered a resolution to accept the recommendation and approve acceptance of the unit pricing bids from Western United Electric Supply of Brighton, not to exceed \$150,000. That resolution was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR UNIT PRICING ON ELECTRIC PAD-MOUNTED TRANSFORMERS FOR THE LIGHT AND POWER DEPARTMENT

Light and Power Superintendent Doug Linton reviewed the bid process and staff recommendation. Bryan offered a resolution to accept the recommendation and approve accepting the unit prices from Wesco Distribution of Denver not to exceed \$100,000, which was seconded by Shaver and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON BIDS FOR UNIT PRICING FOR ELECTRIC POLE-MOUNTED TRANSFORMERS FOR THE LIGHT AND POWER DEPARTMENT

Linton reviewed the bid process and staff recommendation. Shaver offered a resolution to accept the recommendation and approve accepting the unit prices from Western United Electric Supply of Brighton not to exceed \$80,000, which was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON PROPOSED RFQ FOR MUNICIPAL JUDGE SERVICES

Wells reviewed his proposed Request for Qualifications to retain a municipal judge under contract. The council discussed the issue of reviewing applications at a public meeting, as

called for in the RFQ. Forstedt offered a resolution to approve the RFQ as presented, which was seconded by Bryan and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON THE APPOINTMENT OF CITY MANAGER

At this point in the agenda, McAlister asked if the council was agreeable to moving up a couple of agenda items scheduled for later in the meeting, which were executive sessions for which several outside parties had been waiting for some time. The council agreed to this by consensus.

Before going into the first executive session, McAlister asked if there were any announcements, and Callahan informed the council that he had received a letter that day from the Federal Aviation Administration which said the Environmental Assessment of the runway replacement project at the Fort Morgan Municipal Airport had been completed and resulted in a Finding of No Significant Impact. Callahan said this was an important milestone that would set in motion the rest of the process of completing this crucial project,

Forstedt made a motion to convene the first scheduled executive session, which was seconded by Shaver and approved unanimously. The council moved into the adjacent upstairs conference room for this session.

EXECUTIVE SESSION

This executive session had been published, as agenda item #21, 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: Economic incentives.

The session began at 8:11 p.m. and ended at 9:03 p.m. This session was attended by the mayor and council members along with City Attorney/Acting City Manager Jeff Wells, Municipal Engineer Brad Curtis, Community Development Director David Callahan, Assistant City Attorney Jerrae Swanson, Rick Kreigh, Cassandra Wilson and David Amin.

Following the executive session the council returned to open session, where Forstedt reported that the Council met in executive session for the stated purpose listed on the agenda. Forstedt made a motion to instruct negotiators to negotiate under the parameters discussed in the executive session, which was seconded by Nation and approved unanimously.

EXECUTIVE SESSION

Nation then made a motion to proceed to the next scheduled executive session, which was seconded by Forstedt and approved unanimously. This session had been published, as agenda item #22, 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: Water issues.

This session began at 9:07 p.m. and ended at 9:50 p.m., and was attended by the mayor and council along with Wells, Swanson, Water Treatment Superintendent John Turner, Mark Kokes and Tom Ullman.

Following the session the council returned to open session, where Forstedt reported that the council met in executive session for the purpose stated on the agenda, and made a motion to instruct negotiators to act according to the parameters discussed. That motion was seconded by Shaver and approved unanimously.

The council's regular meeting then continued at approximately 9:57 p.m. with agenda item #17 – Presentation and possible action on the appointment of City Manager.

PRESENTATION AND POSSIBLE ACTION ON APPOINTMENT OF CITY MANAGER

Wells made several statements about his view of this issue, addressing comments that had been made about the possibility of having Wells serve as both city manager and city attorney. Cory Hamilton addressed the council with public comments. After some discussion among the council members, Mayor Terry McAlister said he believed the council should call for an executive session to discuss the issue as a personnel matter. Forstedt made a motion to go into 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. That motion was seconded by Nation and approved unanimously.

EXECUTIVE SESSION

This executive session convened at 10:17 p.m. and concluded at 11:22 p.m., and was attended by the mayor and council along with Wells, who excused himself and left the session for a substantial portion of the discussion.

Following the session the council returned to the open regular meeting, where Forstedt reported that the council had met in executive session for the purpose of talking with Jeff Wells about the city manager position. Forstedt then offered a motion recommending Jeff Wells as finalist for the position of city manager. That motion was seconded by Nation and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

None.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings. Councilmember Joe Segura Jr. noted that his son had competed in the Special Olympics basketball tournament over the preceding weekend, and the Fort Morgan team would be playing in the state finals the following weekend, and Segura wished the team luck.

Mayor McAlister adjourned the March 6, 2012 regular meeting at 11:31 p.m.

Mayor

City Clerk