

January 17, 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, Interim City Treasurer Chris Bostron, former Fire Chief Brad Parker, Fire Marshal Greg Preston, Fire Chief Erik Christensen, Utility Billing Manager Connie Musgrave, Gas Superintendent Tony Behrends and City Clerk/PIO John Brennan.

FORT MORGAN VOLUNTEER FIRE DEPARTMENT ANNUAL REPORT

Former Fire Chief Brad Parker and current Fire Chief Erik Christensen presented a slide show of work, activities and events handled by the city fire department in 2011. Parker then reviewed some of the 2011 statistics for the department, including the number of calls, firefighter hours spent on calls and in training and other information. Fire Marshal Greg Preston presented his annual report on fire inspections, alarm and sprinkler permits and fire prevention education activities.

PRESENTATION AND POSSIBLE ACTION ON APPOINTMENT OF CITY CLERK/PIO JOHN BRENNAN TO THE FIREMEN'S PENSION BOARD

Parker noted that this board needed a community member other than a fire department member to fill a vacancy, and the city clerk had held the position in the past. He said he had recommended the appointment of Brennan to the board and this was approved by the board at its last meeting, and he was seeking council approval of the appointment. Councilmember Ron Shaver made a motion to approve the appointment of John Brennan to the Firemen's Pension Board, which was seconded by Councilmember Brent Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING THE CITY TO OPT IN ON LOCAL-ONLY APPROVAL OF LIQUOR LICENSE SPECIAL EVENT PERMITS

Brennan explained that this resolution was proposed to allow the city to take advantage of new state legislation enacted in 2011, which allows local liquor licensing authorities to approve special event liquor license permits without waiting for state approval. He said this would save time and money for the permit applicants, and all of the requirements and reviews of the applications would remain the same. City Attorney/Acting City Manager Jeff Wells added that this process would be more business-friendly.

Councilmember Scott Bryan offered a resolution to approve the resolution authorizing local-only approval of liquor license special event permits, which was seconded by Nation and approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION AUTHORIZING THE CITY CLERK TO EXERCISE ADMINISTRATIVE APPROVAL OF ROUTINE LIQUOR LICENSE ANNUAL RENEWALS

Brennan said this was another measure proposed to streamline the liquor license process for the city and the council. He said the city had approximately 27 liquor licenses, each of which must be renewed each year, and this measure would avoid the necessity of placing each of these renewals on a city council agenda for approval. The same process of review and investigation of renewal applications would still be performed by the City Clerk's Office, the Fort Morgan Police Department and the City Attorney's Office, and only if those reviews came back completely clear would the renewal be approved administratively. If any violation was found, no matter how minor, the renewal application would be brought before the council, Brennan said. Councilmember Debra Forstedt offered a resolution authorizing administrative approval of liquor license renewals under certain circumstances, which was seconded by Shaver and approved unanimously.

PRESENTATION ON PROPOSED ADOPTION OF THE 2009 "I-CODES" AND REQUEST TO SET FIRST READING AND PUBLIC HEARING

Community Development Director David Callahan reminded the council that it had been briefed on this proposal in November and the city had conducted a public meeting to gather public input and comment on Dec. 1, 2011. He said some concerns were raised at that meeting about the potential increase in costs of the new codes, and in particular the costs of the requirement for installation of fire sprinklers in newly constructed one- and two-family dwellings.

Wells said the updated editions of the codes had been extensively reviewed by city staff over the past year and a half, and the one element that probably needed additional public vetting was the sprinkler requirement. Nation then said it was his strong feeling that the sprinkler requirement should be removed from the codes to be adopted by the city, noting that he had received substantial public feedback and all of it was related to opposition to the fire sprinkler requirement.

Wells said the city fire department had voiced its opinion that the sprinkler requirement should be included, and the purpose of the public hearing being proposed would be to hear these opinions. Wells said the city staff could bring forth a version of the I-Codes ordinance for first reading with the sprinkler requirement removed, and several council members said they would prefer that approach. Nation said the city should not enact something that would potentially push growth outside the city limits.

Mayor Terry McAlister said the council consensus was to remove the fire sprinkler requirements for one- and two-family homes, but leave it in for larger buildings like townhouses and apartments, and directed Wells to present a revised version of the ordinance for first reading and public hearing.

Shaver made a motion to set the first reading and public hearing of the proposed ordinance adopting the 2009 I-Codes for Feb. 7, with the fire sprinkler requirement removed for one- and two-family dwellings. That motion was seconded by Nation and approved unanimously.

DISCUSSION OF A REQUEST FROM THE AIRPORT ADVISORY BOARD TO EXPLORE OPTIONS FOR FUNDING OF ADDITIONAL LENGTH FOR PROPOSED NEW AIRPORT RUNWAY

Callahan explained that the proposal for a new airport runway had been ongoing for several years, and the environmental assessment from the FAA said the preferred alternative was a runway of just over 5,700 feet. This was the alternative for which the FAA would provide 95 percent of the necessary funding, and the airport advisory board would like to see a longer runway constructed, although the FAA would not pay for the additional length. Callahan said the purpose of presenting this was to inform council of the airport board's recommendation and the city staff's estimate of an additional cost of around \$700,000 that the city would have to pay in its entirety to construct a longer runway.

Discussion followed about the potential benefits of a longer runway that could accommodate larger corporate jets, and possible ways the city might fund the addition to the project. Wells noted that the condition of the current runway was unacceptable, and that the reconstruction was a mandatory upgrade that city must undertake. He said the actual costs of making the runway longer than the FAA's approved project were unknown, but that the city would have to pay for all of those additional costs.

Nation made a motion to direct staff to explore funding options for the additional runway length, which was seconded by Forstedt.

Shaver then asked if the estimated \$700,000 cost would include purchasing additional acreage, revising the environmental assessment and other costs, and Callahan replied that it did not, and the total additional cost to the city would probably be closer to \$1 million. More discussion followed about the 5 percent of air traffic that would be unable to use the airport with the shorter runway, and how that might impact economic development and large employers in the city, with airport fixed base operator Kyle Scott and airport advisory board chairman Alan Dahms expressing their views that the economic benefits would be great and the longer runway was important for the long-range future of the airport. Suggestions were also made to communicate with the Morgan County Commissioners, other municipalities in the county and large employers about the possibility of assisting with the financing of the longer runway.

Nation's motion to explore funding options was then approved unanimously.

PRESENTATION AND POSSIBLE ACTION ON A RESOLUTION TO APPLY FOR BENEFICIAL USE OF COLORADO-BIG THOMPSON WATER PURCHASED BY THE CITY IN 2011

Wells said this was a standard resolution that is done at the beginning of each year to convert new water shares purchased during the preceding year from temporary permits to permanent use. Nation offered a resolution to approve the resolution applying for beneficial use, which was seconded by Shaver and approved unanimously.

DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR PROPOSALS FOR MUNICIPAL JUDGE SERVICES

Wells said staff was looking for council direction on how to fill the current vacancy in the municipal judge position. He said staff recommended issuing a request for proposals outlining the city's needs for the position, and accepting offers from potential candidates.

Discussion followed about the position of municipal judge and whether the judge should be responsible for overseeing personnel and budget matters in the municipal court, with several

council members stating that they felt the operation of the city court department should be under the city manager and the judge should solely preside over the court.

No formal action was taken, but council directed Wells to bring back more information such as a job description for the municipal judge, sample RFPs for these services and information on how other municipalities handle this position in terms of pay, benefits and areas of responsibility.

DISCUSSION AND POSSIBLE ACTION ON PROPOSALS FOR FINANCIAL SOFTWARE

Wells reviewed the process of converting to new financial and utility billing software, which began in 2009 and was still continuing, with significant problems in the utility billing implementation by vendor Tyler Technologies, which he described in detail along with the city's staff's unsuccessful efforts to make the new system work. Wells reminded the council that it had asked executives of Tyler Technologies to attend a council meeting in December and told the executives at that time that the city expected the problems to be resolved by January. He said the problems were still not resolved and he felt the situation was an emergency and the city should look at other vendors to install a system that would work. Because of the urgency the city had contacted two vendors directly – the city's previous software company, New World, and Caselle, which had been the second choice during the proposal and bidding process at the time Tyler was ultimately selected by the city. Both companies supplied the city with proposals and examined the current situation and felt they could convert the existing data and implement a workable solution for the city in a reasonable time. The proposal from Caselle was about half the cost of that from New World, Wells said, and included a deadline for completion, after which the company would pay the city for each day the project was not completed up to a certain level.,

Wells said the staff's recommendation was to consider this an emergency purchase and use this abbreviated procurement process, and move forward with a contract with Caselle for \$278,300. He said the city could use about \$130,000 that was budgeted for the Tyler software implementation, and make up the remaining cost by rearranging some planned capital expenditures for 2012. He noted that the most important thing the city does is account for how it spends the public's money, and this situation was compromising the integrity of that duty.

Nation offered a resolution to move forward with a contract with Caselle in the amount of \$278,300, which was seconded by Bryan and approved unanimously.

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

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 the Disbursements and Payroll for December
- B. Approval of the minutes of the Jan. 3 City Council regular meeting
- C. Approval of the minutes of the Jan. 10 City Council special meeting
- D. Approval of an application for renewal of a Retail Liquor Store License for Midwest Liquors at 105 S. Main St. with a clear police investigative report

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 Forstedt offered a resolution to approve the Consent Agenda as presented, which was seconded by Nation and approved unanimously.

PASSED, APPROVED AND ADOPTED this 17th day of January 2012, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Forstedt, Nation, Northrup, Segura and Shaver. Nays: none.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells reported on a break in the city's water supply pipeline in December, which was caused by a construction company and quickly repaired by the Northern Colorado Water Conservancy District. He also announced that the irrigation system at the golf course had been completed on time and within budget.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings, and announced that the city had received an award from the American Public Works Association for its Optimist Park drainage improvement project in the category of drainage and flood control projects for small communities.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 8:05 p.m., and McAlister then said the council should reverse the order of two executive sessions scheduled for this night, first taking up the item listed as #17 on the agenda and then moving to agenda item #16.

Forstedt made a motion to convene the second scheduled executive session. That motion was seconded by Shaver and approved unanimously. 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: Potential donation to the City.

This executive session began at 8:16 p.m. and ended at 8:27 p.m., and was attended by the mayor and council members along with Wells and Fort Morgan Heritage Foundation Board President Don Ostwald.

Following the conclusion of the executive session, the council returned to open session, where Forstedt reported that the council met in executive session concerning a potential donation to the city. Forstedt made a motion to instruct negotiators to negotiate according to the parameters discussed in the executive session. That motion was seconded by Councilmember Scott Bryan and approved unanimously.

The council then convened the other scheduled executive session, which 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: Litigation.

This executive session convened at 8:33 p.m. and concluded at 8:55 p.m., and was attended by the mayor and council along with Wells.

Following the conclusion of the executive session, the council returned to open session, where Forstedt reported that the council met in executive session for the purpose of receiving legal advice from the city attorney on litigation. Forstedt then made a motion to direct the city attorney to file motions to resolve the litigation, which was seconded by Councilmember Nation and approved unanimously.

Mayor McAlister adjourned the January 17, 2012 regular meeting at 8:55 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John J. Brennan

City Clerk