

May 1, 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 Joe Segura Jr.
Councilmember Ronald Shaver

Absent (Excused): Councilmember Lisa Northrup (Northrup arrived at 6:53 p.m.)

The meeting was also attended by City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Community Development Director David Callahan, Human Resources/Risk Management Director Michael Boyer, City Treasurer Jean Kinney, Network Administrator Nelson McCoy, Light & Power Superintendent Doug Linton, Parks Superintendent Doak Duke, Executive Legal Assistant Sharon Velder, Sanitation Superintendent Bob Evins, Gas Superintendent Tony Behrends, Assistant City Attorney Jerrae Swanson and City Clerk/PIO John Brennan.

PROCLAMATION DECLARING MAY 2012 TO BE MENTAL HEALTH MONTH

Mayor Terry McAlister read the proclamation and presented a formal copy to Karl Cline of Centennial Mental Health. Cline thanked the council for recognizing the importance of mental health and wellness in the community, and spoke about a public forum planned.

PRESENTATION BY MORGAN COUNTY ECONOMIC DEVELOPMENT CORPORATION

City Manager/City Attorney Jeff Wells introduced Cassandra Wilson, executive director of MCEDC. Wilson briefed the council on the activities of her organization and noted that she was meeting regularly with Wells to ensure that the city and MCEDC were keeping each other informed and working together toward economic development goals.

PRESENTATION BY OTTERTAIL ENVIRONMENTAL ON 2012 MOSQUITO CONTROL PROGRAM

Parks Superintendent Doak Duke introduced Joe Cox of OtterTail Environmental, who gave a PowerPoint presentation overview of the company's program. Cox explained that the primary focus was on larvacide of mosquitoes, and spraying for adult mosquitoes as needed based on trap counts. He said the company planned to add at least one and possibly two traps in addition to the four traditionally used, and provided information on how to contact OtterTail with questions, concerns or requests for further information.

PRESENTATION ON RECENT ACCOMPLISHMENTS AND VISION FOR THE CITY'S IT DEPARTMENT

Wells explained that this presentation was intended to give the council an update on important advances made by the Information Technology department, and other departments would likely be making similar presentations in the future.

Network Administrator Nelson McCoy provided a PowerPoint presentation which outlined the technology issues and challenges that faced the city when he began in his position in 2011, what had been accomplished so far to improve the city's network and what was planned for the future. Highlights included updating equipment and software to increase the city's network capacity, linking outlying city facilities to the network using wireless technology and saving on costs by doing much of the technology work in-house. McCoy complimented IT Technician Carlos Garcia for his hard work and dedication and said Garcia was a large part of the reason the department was able to make such progress.

Wells said McCoy had done a good job of assessing the city's technology needs and preparing for the future, while focusing on reducing costs and keeping the city's data safe and protected.

BIDS FOR ELECTRICAL ENGINEERING SERVICES FOR THE SHERMAN STREET THREE-PHASE ELECTRIC REBUILD PROJECT

Light & Power Superintendent Doug Linton reviewed the bidding process for this project, and said staff was recommending acceptance of the low bid from Reliable Power Consultants of Fort Collins. Councilmember Ron Shaver offered a resolution to accept the bid from Reliable Power Consultants in an amount not to exceed \$11,000, which was seconded by Councilmember Brent Nation and approved on a vote of 6-0, with Councilmember Lisa Northrup absent.

BIDS FOR A GAS DEPARTMENT SERVICE/UTILITY TRUCK

Gas Superintendent Tony Behrends reviewed the bid process for this item, for which four bids were received but one did not meet the specifications and another was received after the bid submission deadline. Of the two eligible bids, staff was recommending acceptance of the low bid from Stone Motors of Julesburg for a total of \$38,858, including options, for a Ford F-450 4x4 Super Cab truck.

Behrends said staff was also asking for approval to purchase a combination air compressor/generator and other equipment to complete the truck in an amount not to exceed \$13,000 from the same budget line item as the truck, which would make the total expenditure for the truck, options and other equipment \$51,858.

Shaver offered a resolution to accept the bid from Stone Motors and approve the purchase of the additional equipment in a total amount not to exceed \$51,858. That resolution was seconded by Nation and approved on a vote of 6-0, with Northrup absent.

Northrup arrived for the meeting at this point, at 6:53 p.m.

BIDS FOR SANITATION DEPARTMENT TRASH CONTAINERS

Sanitation Superintendent Bob Evins reviewed the bidding process for this purchase and said staff was recommending the low bid from Kois Brothers Equipment for a unit price of \$525 per 3-yard container. He said the department planned to purchase 75 of the containers, which would cost \$39,375, and the city had budgeted \$40,000 for the containers.

Nation offered a resolution to accept the bid from Kois Brothers for \$525 per container, which was seconded by Northrup and approved unanimously.

BIDS FOR A TANDEM AXLE REFUSE TRUCK AND A PAK-MOR HLR 29 REFUSE UNIT

Evins reviewed the bid process for this item, with four bids received for the truck chassis and staff recommending acceptance of the low bid of \$82,980 from Transwest Trucks of Commerce City.

Evins said only one company submitted a bid that met specifications on the Pak-Mor compaction body, American Transportation of Commerce City, for \$89,775, minus a trade-in option of \$17,750. He said that company also offered to allow the city to purchase an already-manufactured unit for a \$450 option, which would greatly reduce the waiting time for the refuse unit. With the trade-in and pre-fab options, the cost of the refuse unit would total \$72,475, making the total cost for the truck chassis and the refuse compaction body \$155,455.

Nation offered a resolution to accept the two bids as presented, with the total amount of the purchase not to exceed \$155,455. That resolution was seconded by Councilmember Debra Forstedt and approved unanimously.

PROPOSALS FOR MUNICIPAL JUDGE SERVICES

Wells reviewed the process followed since the council decided not to renew its contract with the municipal judge in January. Human Resources/Risk Management Director Michael Boyer said the city had issued a request for qualifications from attorneys interested in providing these services on a contract basis, and received three proposals, from the current associate judge, Dennis Brandenburg, as well as Robert James and Thor Bauer.

Wells briefly reviewed the proposals and said the council could choose to interview any or all of the candidates, or decide on the basis of the proposals to negotiate a contract with one of them. Council discussion followed, covering topics such as the savings to be realized by the city through contracting for services rather than hiring a judge as a city employee with benefits; the relative costs of the three proposals; the possible merits of entering into an intergovernmental agreement with another municipality for sharing of judge services; and the fact that Brandenburg had served as associate judge for many years and filled in on several past occasions when the judge position was vacant.

After a council consensus emerged that Brandenburg was the preferred choice, more discussion followed about whether to choose one of the other candidates as the associate judge, pursue an IGA for that purpose or issue another request for qualifications for associate judge services.

Shaver then made a motion to accept Associate Judge Dennis Brandenburg as the municipal judge, which was seconded by Bryan and approved unanimously.

Wells said he would formalize a contract with Brandenburg, speak to the other two candidates about their interest in the associate position and report back to council.

FIRST READING OF AN ORDINANCE VACATING A PORTION OF THE RIGHT OF WAY ON INDUSTRY DRIVE IN THE FORT MORGAN INDUSTRIAL PARK

Community Development Director David Callahan reviewed the past history of this property and the purpose of vacating the right of way. Wells explained that the ordinance would preserve the city's access to the rail line and easements for utilities.

Shaver offered a resolution to approve the first reading of an Ordinance vacating that entire portion of the 100-foot road right-of-way dedicated in the Fort Morgan Industrial Park, recorded on Book 5, Page 67 with the Morgan County Clerk and Recorder on August 21, 1979, which is

situated between Lot 1, Block 4, and Block 5, as well as all of the 30-foot wide right-of-way along the 831.19 feet of Block 5. That resolution was seconded by Northrup and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE LICENSING AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND COLORADO TUBULARS COMPANY

Callahan explained that this agreement was intended to allow a company located in the Industrial Park to store materials on adjacent city-owned property that was not currently being used. Shaver offered a resolution to authorize the mayor to execute the revocable license agreement with Colorado Tubulars Company, which was seconded by Forstedt and approved unanimously.

RESOLUTION CONCERNING THE ESTABLISHMENT AND OPERATION OF CITY BANK ACCOUNTS

Wells said this was essentially a housekeeping matter that would formalize new City Treasurer Jean Kinney as an authorized signer on city bank accounts. Nation offered a resolution to approve the resolution, which was seconded by Northrup and approved unanimously.

RESOLUTION CONCERNING THE ESTABLISHMENT AND OPERATION OF CITY HEALTH CARE BANK ACCOUNTS

Wells said this was another routine measure to add Kinney as a signatory on specific accounts pertaining to the city's health care programs. Northrup offered a resolution to approve the resolution, which was seconded by Shaver and approved unanimously.

APPROVAL OF THE MINUTES OF THE APRIL 17, 2012 CITY COUNCIL REGULAR MEETING

Nation offered a resolution to approve the minutes of the April 17, 2012 City Council regular meeting, which was seconded by Segura and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jenni Grubbs, a reporter for the Fort Morgan Times, told the council on behalf of the newspaper that she was thrilled that the council did not use secret ballots in choosing the municipal judge.

REPORTS BY OFFICIALS AND STAFF

Wells provided an update on the conversion to the new financial software system by Caselle, and said the city was gearing up for a number of summer projects such as street work. He also said that several issues may arise with a planned railroad quiet zone encompassing the three western crossings in the city, but that the city would move ahead with a notice of intent to establish the quiet zone and deal with those issues as they come up.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings. Police Chief Keith Kuretich updated the council on the case of a missing teenage girl, Kayla Chadwick of Fort Morgan, and said the

police department was actively working the case. He thanked the community for its efforts in organizing volunteer searches and local businesses and others who had contributed to a reward fund, which had now grown to \$7,500.

Councilmember Joe Segura Jr. noted vacancies on city advisory boards and commissions and encouraged residents to volunteer for these posts.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 7:50 p.m., and McAlister noted that one of two scheduled executive sessions would be canceled. Forstedt made a motion to convene the second scheduled executive session. That motion was seconded by Bryan and approved unanimously. This 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: Upper Platte and Beaver Canal litigation.

The executive session began at 8:03 p.m. and concluded at 8:46 p.m., and was attended by the mayor and council along with Wells and Assistant City Attorney Jerrae Swanson.

At the conclusion of the executive session the council returned to the regular meeting, where Forstedt reported that the council met in executive session to receive legal advice on questions related to legal matters related to the Upper Platte and Beaver Canal Company. Forstedt then made a motion directing the City Attorney to proceed with the matters as discussed in the meeting, which was seconded by Shaver and approved unanimously.

Mayor McAlister adjourned the May 1, 2012 regular meeting at 8:50 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk