

June 5, 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 City Manager/City Attorney Jeffrey Wells, Human Resources/Risk Management Director Michael Boyer, Municipal Engineer Brad Curtis, Community Development Director David Callahan, City Treasurer Jean Kinney, Recreation Coordinator Jane Perkins, Municipal Judge Dennis Brandenburg, Fort Morgan Police Dept. Lt. Jared Crone, Water Distribution/Wastewater Collection Superintendent Mitch Church, Water Treatment Plant Superintendent John Turner, Streets Superintendent Jim Willis and City Clerk/PIO John Brennan.

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#### **APPROVAL OF THE MINUTES OF THE MAY 15, 2012 CITY COUNCIL REGULAR MEETING**

Councilmember Brent Nation offered a resolution to approve the minutes as presented, which was seconded Councilmember Ron Shaver and approved unanimously.

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#### **REQUEST FOR WAIVER OF FEES FOR BOBSTOCK**

Recreation Coordinator Jane Perkins presented the application and introduced Wayne Johnson of Media Logic Radio, the organizer of the event. Perkins said this would be the fifth annual edition of the free music festival, which has continued to grow and brings a lot of people, revenue and attention to the community. She said the city staff was recommending waiver of fees totaling \$1,650 for things like rental of the park, Showmobile, picnic tables and the like. Councilmember Debra Forstedt offered a resolution to approve the waiver of \$1,650 in fees, which was seconded by Councilmember Scott Bryan. City Manager/City Attorney Jeff Wells then pointed out that the resolution should also include waiver of any and all in-kind services related to the festival, because the list submitted by staff may not cover all expenses. Forstedt agreed to amend her motion to that effect, with no objection from Bryan, and it was approved unanimously.

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#### **APPROVAL OF AN AGREEMENT WITH DENNIS BRANDENBURG FOR MUNICIPAL JUDGE SERVICES**

Wells said the agreement had been prepared by the City Attorney's Office and reviewed and approved by Brandenburg, noting that it would retain the judge's services on a contract basis rather than as a city employee as had been done with past judges. Shaver offered a resolution to approve the agreement with Brandenburg, which was seconded by Nation and approved unanimously.

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**SWEARING IN OF JUDGE BRANDENBURG**

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Mayor Terry McAlister then administered the oath of office to Brandenburg, who said he was honored to accept the position.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – APPLICATION FOR SPECIAL EVENTS PERMIT FOR THE ELKS LODGE**

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City Clerk/PIO John Brennan reviewed the application and recommended approval of the special events permit for July 7 and 8. Councilmember Lisa Northrup made a motion to approve the permit for the prescribed dates, which was seconded by Forstedt and approved unanimously.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – ACCEPTANCE OF APPLICATION FOR RETAIL LIQUOR STORE LICENSE FOR JOVI’S LIQUORS AND REQUEST TO SCHEDULE PUBLIC HEARING**

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Brennan reviewed the application and the process followed by city staff in working through some initial paperwork issues. Brennan said city staff was working to address some other concerns, and was requesting that the council formally accept the application and schedule a public hearing on the application for the Council meeting of July 17. In the interim the necessary site visits, inspections and background checks would be performed, he said.

Fort Morgan Police Department Jared Crone said the department had no issues with the application.

Nation made a motion to accept the application for e Retail Liquor Store License for Jovi’s Liquor at 625 E. Burlington Avenue and schedule a public hearing on the application for July 17. That motion was seconded by Bryan and approved unanimously.

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**BIDS FOR BARLOW ROAD BRIDGE REPAIR PROJECT CONSTRUCTION SERVICES**

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Streets Superintendent Jim Willis told the council that the Colorado Department of Transportation had identified some possible structural deficiencies in this bridge that should be addressed. Engineering for the project was done in 2011 and the construction work was budgeted in 2012, he said. He reviewed the bid process and the staff recommendation to accept the lowest bid.

Bryan offered a resolution to accept the low bid from Mountain Constructors Inc. of Platteville in an amount not to exceed \$40,000, which was seconded by Shaver and approved unanimously.

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**BIDS FOR WATER DISTRIBUTION PROJECTS**

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Water Distribution/Wastewater Collection Superintendent Mitch Church explained that several areas in town were scheduled for replacement of 4-inch water main lines this year, and this proposal would retain an excavation company to do the deep trenching required. He reviewed the bid process and the staff recommendation to accept the low bid.

Asked why the staff request was for an amount not to exceed \$115,000 when the low bid was just \$100,588, Church said it is impossible to tell what additional work might be needed until the area is excavated. The additional amount would cover any extra digging that might be required to reach pipe suitable to tie in the new water lines, he said.

Nation offered a resolution to accept the low bid from Ransom Boone Excavating in an amount not to exceed \$115,000, which was seconded by Northrup and approved unanimously.

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**BIDS FOR NEW CITY VEHICLES**

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Wells explained that this item was intended to replace several older city vehicles that have high mileage and are generating increasing repair costs. The bid required vehicles that got gas mileage of at least 25 miles per gallon and could hold four adults comfortably. Wells reviewed the bids received, the vehicles and the prices, and said staff was looking for council input and discussion about the proposal.

Discussion followed about the relative costs of the proposed vehicles as compared to the gas mileage ratings, and also the potential pitfalls of buying hybrid vehicles, first-year vehicles or vehicles that may too small. Using local vendors and having local service available were also discussed.

After much discussion, the council consensus was to defer action on the proposal and direct staff to gather more information, look at other possible vehicles and test drive some of them, and bring back a more precise proposal for council consideration. No action was taken.

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**2013 BUDGET PREPARATION CALENDAR – PRESENTATION OF COUNCIL GOALS AND STAFF UPDATES ON PROGRESS**

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Wells noted that the council meeting packets had included a spreadsheet listing all of the goals identified by the council at its Feb. 18, 2012 visioning retreat as well as goals that carried over from 2011, along with staff notes on progress toward the goals and the current status. Wells brought up each of the five categories of goals, and asked the council for any questions or concerns under each heading. Wells noted that some of the goals had been completed, others were still in progress and others had become lower priorities for various reasons.

The council raised several questions in each category, and Wells and city directors provided answers and additional details on those.

After going through all categories, Wells said the purpose of this discussion was to keep council updated and also use the feedback provided by council to help focus the city's budget priorities as the staff moved ahead in the 2013 budget preparation process. No action was taken.

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**PUBLIC COMMENT/AUDIENCE PARTICIPATION**

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None.

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**REPORTS BY OFFICIALS AND STAFF**

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Wells thanked the city staff who worked on several successful special events recently, including the Summer Kickoff and the Senior Barbecue. He also reported that the transition to Caselle software had gone smoothly in comparison to the previous software vendor, and the city would be working to complete the transition and wrap up its relationship with the previous vendor.

Councilmember Lisa Northrup said she had received comments from several residents about the great job city staff had done cleaning up branches and trees that had been blown down in a strong windstorm the preceding weekend.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings, and announced two planned road closures scheduled for the coming week due to city utility work.

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## **EXECUTIVE SESSION**

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The regular meeting concluded at 7:40 p.m., and McAlister then called for a motion to move to the first of two scheduled executive sessions.

Forstedt made a motion to convene the first scheduled executive session. That motion was seconded by Shaver and approved unanimously. McAlister then announced that following the first executive session the council would move to the next item on the meeting agenda, which was a second scheduled executive session.

The first 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: Contract with City Manager.

This executive session began at 7:53 p.m. and concluded at 10:04 p.m., and was attended by the mayor and council along with City Manager/City Attorney Jeff Wells and attorney David Zwisler from the Mountain States Employers Council. Following the executive session the council returned to the open meeting, where Councilmember Debra Forstedt reported that the council met in executive session to discuss matters related to negotiations.

Forstedt then made a motion to instruct special counsel to prepare a draft contract based on the discussion in the executive session, which was seconded by Councilmember Brent Nation and approved unanimously.

The council then proceeded to the second scheduled executive session. This 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: Water leases.

This executive session began at 10:07 p.m. and concluded at 10:46 p.m., and was attended by the mayor and council along with Wells and Water Treatment Plant Superintendent John Turner. At the conclusion of the session the council returned to the open meeting, where Forstedt reported that the council met in executive session to discuss matters related to negotiations.

Forstedt then made a motion to direct the city manager to start negotiations for water leases, as discussed in the executive session. That motion was seconded by Councilmember Ron Shaver and approved unanimously.

Mayor McAlister adjourned the June 5, 2012 regular meeting at 10:47 p.m.

*/s/ Terry L. McAlister*  
Mayor

*/s/ John J. Brennan*  
City Clerk