

October 16, 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 Lisa Northrup
Councilmember Joe Segura Jr.
Councilmember Ronald Shaver

The meeting was also attended by City Manager 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, Golf Professional Tyler Tarpley, Police Lt. Jared Crone and City Clerk/PIO John Brennan.

PRESENTATION ON AIRPORT RUNWAY PROJECT

City Manager Jeff Wells recognized two members of the city's Airport Advisory Board who were in attendance, Vernon Tryon and Alan Dahms. Community Development Director David Callahan told the council that a deadline given to owners of property near the airport which the city need to purchase for the runway project had been extended to comply with Federal Aviation Administration guidelines. Callahan said one property owner had asked for more time because ownership of the property was split among several family members and they had not had to the chance to meet and discuss the city's offer to purchase an avigation easement over the land. The other property owner, whose land the city had offered to purchase, told city officials he had directed the city's offer to his attorney and had no further comment.

Callahan also briefly reviewed the status of the development of a scope of work and fee schedule for the runway project with the city airport consulting engineers.

Airport board member Vernon Tryon of 509 Aspen St. spoke to the council, saying the decision to move forward with the airport runway project would be one of the most important decisions any of the council members would face during their service on the council. Tryon stressed the importance of the airport to the city and the community and touched on the ramifications of not proceeding with the runway replacement.

Airport board member Alan Dahms of 6 Carrie Court thanked the mayor and council for how transparent the process of acquiring the airport property had been, and that the project represented thinking multiple decades into the future by the council, which was a very positive thing.

No council action was taken.

APPOINTMENT OF MEMBERS TO THE RECREATION AD HOC COMMITTEE

Wells reminded the council that it had decided to create this committee several months ago, and now that a number of applications had been received staff was asking the council to appoint members and discuss the composition of the board, which would also include members of council, city staff and a representative of the school district. City Clerk/PIO John Brennan said four applications had been received before the packets for this meeting were prepared, and a

fifth application had come in the previous day and been placed in the council table files. He said two other people had expressed interest but not formally submitted applications, and suggested that the council might consider leaving open the possibility of appointing additional members at a later date.

Mayor McAlister said he had no problems with any of the applicants and was glad to see them come forward to serve on this committee. He said the council would consider other applicants later if any came forward.

Councilmember Lisa Northrup made a motion to appoint Lauren Linker, Josh Langford, Steven Enfante, Marcy Wolff and McKinley Thompson to the Recreation Ad Hoc Committee. That motion was seconded by Councilmember Debra Forstedt and approved unanimously.

McAlister then said the council needed to decide who would represent the City Council on the committee, and it was decided that Councilmembers Scott Bryan, Lisa Northrup and Joe Segura Jr. would serve on the committee.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – RENEWAL OF TAVERN LIQUOR LICENSE FOR THE CLUB TAP LLC

Brennan said this was an annual renewal that routinely triggered a background investigation and compliance check, which in this case raised some concerns that Police Chief Keith Kuretich had discussed with the licensee and would report to the council on that process.

Kuretich said a records investigation had shown a pattern of alleged violations at the establishment, which included fights, disorderly conduct and possible serving of alcohol to minors and visibly intoxicated persons. After finding these alleged violations, Kuretich said, he sent a warning letter to the licensee and met with him to discuss how to resolve the issues, and they agreed on several stipulations contained in a memo from Kuretich. Kuretich noted that the licensee had done a good job of operating a good establishment over the years and was very concerned about the issues and responsive to the police department's concerns.

After some council discussion and questioning of the licensee, Ryan Stroh of 401 W. Platte Ave., Wells reminded the council that this was not a show cause hearing and that the issues being discussed were allegations that had not been proved. Staff was recommending approval of the license renewal, Wells said, and the staff wanted to make clear that the allegations had been brought to the city's attention and the police department had done its due diligence in following up on them.

Councilmember Ron Shaver made a motion to approve the renewal of the Tavern Liquor License for The Club Tap LLC at 212 Main St., which was seconded by Bryan and approved unanimously.

PROPOSAL FOR COOPERATIVE HOLIDAY PROMOTION

Wells explained the proposal for a promotional campaign designed to attract people from across the region to shop in Fort Morgan for the holidays, which would brand Fort Morgan as the Christmas Capital of the Plains. It would be a cooperative effort among the city, the Morgan County Economic Development Corporation, the Fort Morgan Area Chamber of Commerce, the Downtown Business Association, the local newspaper and radio stations and local businesses, Wells said. The participating entities would organize activities on weekends and evenings during the six weeks preceding Christmas to draw people to the downtown area, and Wells asked for council authorization to spend \$3,000 to \$5,000 from unspent line items to contribute to the advertising of the program.

Council members said they felt the promotion was a good idea. Bryan made a motion to authorize the city manager to spend up to \$5,000 on the Christmas Capital of the Plains promotional program, which was seconded by Shaver and approved unanimously.

FMPD FOR DIGITAL DATA STORAGE SERVER FOR THE POLICE DEPARTMENT

FMPD Lt. Jared Crone reviewed the bid process for this proposed purchase, which Crone said was needed because of the large volume of police-related data to be securely stored. He explained the importance of security and redundancy in maintaining this data and the implications if these electronic records were to be lost or compromised. The one bid received met the minimum specifications and was under the \$60,070 budgeted for the purchase, Crone said, and he recommended accepting that bid.

Forstedt offered a resolution to accept the staff-recommended bid from Linear Systems of Rancho Cucamonga, Calif., in the amount of \$46,008.70, which was seconded by Northrup and approved unanimously.

PURCHASE OF GOLF COURSE RANGE PICKER

Golf Professional Tyler Tarpley said the 1992 Yamaha golf cart used to pick up balls from the golf driving range had broken down, and the golf course was now renting a replacement cart for \$200 a month for that purpose. Tarpley said he had obtained informal quotes from three companies for a replacement cart, including the one currently being rented, and although the purchase of a range picker was not included in the 2012 budget the cost could be covered from the line item for golf cart leasing. Other options besides purchasing the rental cart currently being used included putting a new engine in the old range picker cart or purchasing another cart from another vendor. Tarpley said the rental cart was the newest and had the least amount of hours on it.

Shaver made a motion to purchase the range picker cart currently on site for \$3,100 from Colorado Golf and Turf. That motion was seconded by Bryan and approved unanimously.

PROPOSED SETTLEMENT WITH THE UPPER PLATTE AND BEAVER CANAL COMPANY

Wells explained that a deadline for filing briefs with the Colorado Court of Appeals in ongoing litigation with the UP&BC ditch company was approaching, and staff had reached what appeared to be a workable settlement to the satisfaction of both parties. He said the ditch company board had not yet approved the settlement agreement but he did not foresee any problems in getting that approval, so he was asking the council for conditional approval of the agreement pending the acceptance of the agreement by the ditch company board. Wells said the agreement would have each party dismiss claims against each other and outlined the process for allowing projects and work proposed by each side to proceed.

McAlister said the agreement seemed to address all of the issues and suggested the council approve it and direct Wells to set up another meeting with the ditch company board to discuss working together in the future.

Forstedt made a motion to approve the proposed settlement agreement and authorize city staff to set up a meeting for the ditch company board's approval. That motion was seconded by Shaver and approved unanimously.

UPDATE ON FILLING CITY COUNCIL VACANCY IN WARD 1

McAlister noted that no applications for the City Council vacancy had been received, and he had asked Brennan to provide a list of registered voters in Ward 1 to each council member. The mayor said he would like each council member to look through those lists and call people that might be interested in serving on the council and ask them to apply for the vacancy. Potential candidates would then be directed to the City Clerk's Office to obtain and submit an application.

Shaver noted that the vacancy would be for a term of about a year until November of 2013, when the next election would be held, so it would not be a full term and would give applicants a chance to experience serving on the council without the usual longer commitment.

FORMAL PRESENTATION OF THE PROPOSED 2013 BUDGET

Wells thanked the council and city staff for all of the time and effort they spent on development of the 2013 budget. City Treasurer Jean Kinney reported that several revisions had been made after the council's budget retreat on Oct. 9 and that the overall budget and all funds were now balanced. Kinney said the proposed budget projected revenues to exceed expenditures by \$2,029,417 in 2013.

Wells said the final city Schedule of Fees would be presented at the time of the first reading of the budget ordinance for council's approval at the first council meeting in November, but that because changing fees by ordinance can be cumbersome and time-consuming he was asking the council to consider adopting the fee schedule and making changes to fees by resolution rather than adopting the fees as part of the budget ordinance.

In answer to a question from Bryan, Wells said the 2013 budget did include additional salary and wage adjustments based on the latest salary survey, and a new survey would be undertaken and council discussion held on the city's pay schedule and philosophy in 2013 as part of the 2014 budget process.

Councilmember Joe Segura Jr. asked whether an answer had been obtained to his question about the large difference in burial fees at the cemetery on weekends. Municipal Engineer Brad Curtis explained that some of the additional cost resulted from the use of outside contract services, and he could have the cemetery staff attend the Nov. 6 meeting to explain this in more detail.

McAlister said he believed the council understood the budget better than in previous years because of the amount of time spent on the process. Wells said the presentation of the budget at this meeting met the charter requirement as to timing, and staff would now prepare an appropriations ordinance with the final budget numbers as well as a resolution to adopt the fee schedule for presentation to the council at the Nov. 6 council meeting.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for September
- B. Approval of the minutes of the October 2, 2012 City Council regular meeting

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

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Dick Pickett of the Small Business Development Center told the council he had submitted a request for funding from the city that went through some sort of procedure that did not work, so he wanted to explain the purpose and functions of the SBDC and the importance of funding by communities served by the center.

Wells said the council could not take any action on a request for funding because it was not on the meeting agenda, but asked Pickett how much money he was requesting. Pickett said \$3,000

to \$5,000 would put Fort Morgan in line with the level of contributions from other communities of similar size. Wells said the budget appropriations ordinance would be on the agenda for approval on first reading on Nov. 6, and that Wells could talk with Pickett further about his request in the meantime.

REPORTS BY OFFICIALS AND STAFF

Curtis spoke about plans for railroad crossing work by the BNSF Railway, traffic signal replacement by the Colorado Department of Transportation and an electric line rebuilding project under way on Sherman Street.

Kuretich briefed the council on a report of suspicious activity and a suspicious vehicle near Baker Central School on the preceding Friday, and said the youngsters who had reported it had done the right thing and the police department was investigating the report. Kuretich also reviewed some statistics on child abductions and said he would make that information available on the city website.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings, and announced several city programs scheduled in the near future including the annual leaf pickup program.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 8:05 p.m. Councilmember Forstedt then made a motion to proceed to a scheduled executive session, which was seconded by Councilmember Shaver and approved unanimously. The executive session had been published on the agenda 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: Purchase of property near the airport.

The executive session convened at 8:16 p.m. and concluded at 8:52 p.m. and was attended by the mayor and council members along with Community Development Director David Callahan and City Manager Jeff Wells.

At the conclusion of the executive session the council returned to the open meeting, where Forstedt reported that the council had met in executive session for the purpose stated on the agenda.

Forstedt made a motion to authorize the city attorney to take all necessary action to acquire the properties near the airport for the airport project. That motion was seconded by Shaver.

Discussion followed, with Councilmember Northrup asking for clarification on the extension of time that was discussed in the regular meeting during Mr. Callahan's presentation, and whether the extension of time to accept the city's offer or provide a counter-offer was extended to both property owners, the Rasmussens and Longacres.

Councilmember Bryan stated that he believed the extension was only for the Rasmussens but in fairness he believed that the extension to Nov. 19 should be extended to both the Longacres and the Rasmussens. Other council members concurred, and the vote on the original motion was approved unanimously.

Mayor McAlister adjourned the Oct. 16, 2012 City Council meeting at 8:53 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk