

March 15, 2016

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall, after completing a tour of the Municipal Court and the Police Department. The Honorable Mayor Ron Shaver called the regular meeting to order at 6:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Ron Shaver
Councilmember Clint Anderson
Councilmember Christine Castoe
Councilmember Dan Marler
Councilmember Lisa Northrup
Councilmember Joe Segura Jr.

Absent: Councilmember Kevin Lindell (excused)

The meeting was also attended by City Manager Jeff Wells, Police Chief Darin Sagel, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Engineering/Public Works Director Brad Curtis, Community Services/Economic Development Director Josh Miller, Management Intern/Economic Development Specialist Chelsea Gondeck, Human Resources/Risk Management Director Michael Boyer, City Attorney Jason Meyers, Wastewater Treatment Plant Superintendent Mike Hecker, Light & Power Department Superintendent Doug Linton, Golf Professional/General Manager Ty Hamer, Wastewater Treatment Plant Lab Technician Jason Riggs and City Clerk/PIO John Brennan.

READING OF A PROCLAMATION RECOGNIZING THE 25TH ANNIVERSARY OF VIAERO WIRELESS

Mayor Ron Shaver noted the presence of Viaero Wireless President/CEO Frank DiRico at the meeting, and read the proclamation honoring the local company for its 25 years of success in Fort Morgan. Shaver said Viaero had been an important part of the local community, and presented DiRico with a framed copy of the resolution and a plaque that featured a key to the city.

DiRico thanked the council and said he appreciated the recognition and that the city had been good for the company and he had great employees in Fort Morgan.

RECOGNITION OF MIKE HECKER AS THE 2015 MANAGER OF THE YEAR

City Manager Jeff Wells said it was a privilege to present Wastewater Treatment Plant Superintendent Mike Hecker with this award, noting his long service with the city and his positive attitude even when things become difficult, such as the potential crisis at the plant in 2015 during flooding that followed torrential rains. Wells presented Hecker with a certificate of appreciation and a gift card, and Water Resources/Utilities Director Brent Nation said he could always count on Hecker to have everything under control at the plant.

Hecker said he was accepting the award on behalf of the entire crew at the wastewater plant, saying they do a great job and he owes his success to them. Mayor Shaver noted he had worked with Hecker at both the old and new wastewater plants in the past, and it had been a pleasure knowing and working with him.

FIRST READING OF AN ORDINANCE RENEWING THE CABLE FRANCHISE

Wells introduced Ken Fellman, who was retained by the city as outside counsel during the negotiations on the franchise agreement renewal. Fellman reviewed the background and the process, in which Fort Morgan joined with Brush and Sterling to develop a model agreement that would work for each city's cable television franchise with Charter Communications. Fellman said the process was frustrating and the negotiations were contentious, and described some details of the agreement that ultimately came out of the negotiations. He characterized the final agreement as "OK" but said the city was unable to get all it wanted in the agreement, and described the potential legal ramifications if the city opted to not renew the franchise, which he said he had discussed with the council in a previous executive session.

Wells then reiterated that the process was painful and Charter was difficult to work with, and the city had an initiative under way to create its own system. He said city staff had worked on the negotiations for 18 months and still recommended that the council approve the renewal, and that he hoped Charter would follow through on its promises of improvements to customer service.

Wendy Moser, senior manager of government relations for Charter, presented the company's side of the negotiations, acknowledging that they were contentious and saying that the company wanted to work to solve problems for customers and she would serve as a connection to help customers navigate Charter's customer service system.

Several council members related complaints they had consistently received from residents about Charter's service and quality, and Moser said she would bring a signup sheet to the public hearing on this matter in April and have service technicians contact those who were dissatisfied. She also provided her business cards for council and staff so they could contact her with specific issues if these were not resolved through an initial call to the company.

Further discussion followed about Charter's service, the franchise negotiations and other matters.

Councilmember Lisa Northrup offered a resolution to approve the first reading of an Ordinance granting a non-exclusive franchise to Bresnan Communications LLC and its lawful successors, transferees and assigns, for the right to make reasonable and lawful use of the rights of way within the city to construct, operate, maintain, reconstruct, repair and upgrade a cable system for the purpose of providing cable services to citizens within the City of Fort Morgan, Colorado, and declaring an effective date, and to schedule a public hearing on the ordinance for April 5. That resolution was seconded by Councilmember Christine Castoe and approved on a unanimous vote of 6-0, with Councilmember Kevin Lindell absent.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MONEY MARKET ACCOUNT AT BANK OF THE WEST

City Treasurer Jean Kinney reviewed the reasons for establishing this account as a way to invest city funds. Castoe offered a resolution to approve the Resolution authorizing the establishment of a money market account at Bank of the West, which was seconded by Northrup and approved unanimously (6-0, Lindell absent).

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH CARGILL MEAT SOLUTIONS

Engineering/Public Works Director Brad Curtis said this easement would allow the city to construct a water line to loop around the Cargill plant without having to put the line in the middle of streets and disrupt traffic, including traffic related to the operation of the plant.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute an easement agreement with Cargill Meat Solutions for the purpose of constructing a water pipeline, which was seconded by Castoe and approved unanimously (6-0, Lindell absent).

BIDS FOR THE BURLINGTON-BARLOW WATERLINE PROJECT

Curtis reviewed the bidding process for this project, which provided several alternatives including an extension of the water line an additional 1,300 feet east on County Road R. Four bids were received and Curtis said staff was recommending the bid from Ransom Boone Excavating even though it was not the lowest bid because that company could start the work much sooner. In answer to a council question Curtis said the bid was over budget by \$45,000 but that amount could come from the water department reserves and doing so would allow the additional extension of the water line, which would help provide for future growth in the industrial park area.

Northrup offered a resolution to accept the bid from Ransom Boone Excavating of Fort Morgan in an amount not to exceed \$945,000 for the Burlington-Barlow Waterline Project. That resolution was seconded by Castoe and approved unanimously (6-0, Lindell absent).

BIDS FOR AN ELECTRIC METER TEST SYSTEM

Light & Power Superintendent Doug Linton reviewed the bidding process for this purchase, for which two bids were submitted by one vendor. Linton recommended accepting the lower of the two bids and said the less expensive equipment would serve the department's needs.

Castoe offered a resolution to accept the bid from Hamilton Associates of Littleton, Colo., in the amount of \$39,025 for a WECO 2350 meter test system. That resolution was seconded by Northrup and approved unanimously (6-0, Lindell absent).

BIDS FOR THE LEASE OR PURCHASE OF GOLF CARTS AND A RESOLUTION AUTHORIZING THE ACQUISITION

Golf Professional/General Manager Ty Hamer said the lease on the city's current fleet of golf carts would end in November, and he had explored alternatives for acquiring new carts, looking at both leasing and purchasing and at gas-powered as well as electric carts. During the review of bids, Hamer said, staff had proposed buying gas carts and funding the purchase through a loan from the city's Electric Fund, with the loan to be paid off by the General Fund over time.

Wells said this would benefit the electric fund by generating a better return than other investments of reserve funds, and benefit the general fund because the golf course would pay less over time and have an asset for trade-in value at the end of the loan. City Attorney Jason Meyers said he had researched such loans and they were a common practice in other municipalities, and the arrangement would be structured to be fair to both the electric fund and the general fund. Substantial discussion followed about the loan structure, term and interest rate, with Kinney noting that she would like to look at the financing details and accounting aspects of the transaction.

Wells said the council would have to approve the purchase of the carts, and as a separate action approve one of two alternative Resolutions provided in the meeting packet for funding the acquisition – one approving the loan from the electric fund and the other approving the use of capital improvement funds.

Northrup offered a resolution to approve the purchase of 45 gas-powered Yamaha golf carts from Masek Golf cars at a cost not to exceed \$200,000. That resolution was seconded by Castoe and approved unanimously (6-0, Lindell absent).

Northrup then offered a resolution to approve the Resolution authorizing an inter-fund loan from the Electric Department to the General Fund for the purchase of new golf carts as presented, with an amendment adjusting the interest rate to 2.0 percent... That resolution was seconded by Castoe and approved unanimously (6-0, Lindell absent).

BIDS FOR THE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN

Human Resources/Risk Management Director Michael Boyer reviewed the background on this matter, which began with a federal audit of the city's compliance with the Americans with Disabilities Act in 2012. As part of the settlement agreement stemming from that audit, the city agreed to survey city facilities for compliance and received bids for that work in 2014. Because of the timing and dollar amounts of the bids and the budget process, the funding for the work was not budgeted until 2016, and Boyer said the bidders had agreed to honor their 2014 bid amounts. Boyer recommended accepting the second-lowest bid because he considered the lowest bid to be unrealistic for the scope of work involved.

Castoe offered a resolution to approve the bid from Meeting the Challenge of Colorado Springs, Colo., in the amount of \$142,630 for the ADA Transition Plan. That resolution was seconded by Councilmember Joe Segura Jr. and approved unanimously (6-0, Lindell absent).

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE DEPARTMENT OF LOCAL AFFAIRS

Water Resources/Utilities Director Brent Nation said the city had received a notice of award for a grant to provide partial funding for a natural gas bi-fuel pickup truck for the Water Department. The city was waiting for the grant paperwork from the Department of Local Affairs and this Resolution would allow the mayor to sign that agreement when it was received.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute a grant agreement with the Colorado Department of Local Affairs for partial funding of a bi-fuel CNG pickup truck. That resolution was seconded by Castoe and approved unanimously (6-0, Lindell absent).

RESOLUTION DELEGATING THE COUNCIL'S AUTHORITY TO APPLY FOR A LIQUOR LICENSE TO THE MAYOR AND GOLF COURSE MANAGER

Community Services/Economic Development Director Josh Miller said the council had approved a similar measure the previous month to obtain a tavern liquor license for the Quail Dunes Golf Course. After a concern was raised about that type of license and further research was done by city staff, it was determined that a hotel & restaurant license would be a better fit with the operations planned at the golf course.

Northrup offered a resolution to approve the Resolution delegating the City Council's authority to apply for a liquor license on behalf of the City of Fort Morgan to the mayor and golf course superintendent at the Fort Morgan Golf Course. That resolution was seconded by Castoe and approved unanimously (6-0, Lindell absent).

CONSENT AGENDA BY RESOLUTION

City Clerk/PIO John Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for February

B. Approval of the minutes of the March 1, 2016 City Council regular meeting

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.

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

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells noted that his monthly written report was in the council meeting packets, and feedback on the format and content of the report was welcomed and encouraged.

Boyer noted that the city would be conducting a job fair for seasonal workers on March 24.

Police Chief Darin Sagel announced that the community had been notified through news releases and social media that a sex offender had move to the community.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting concluded at 8:39 p.m., and Mayor Ron Shaver announced that the next item on the agenda was the first of two scheduled executive sessions.

Councilmember Christine Castoe made a motion to convene this executive session, which was seconded by Councilmember Lisa Northrup and approved on a unanimous vote of 6-0, with Councilmember Kevin Lindell absent.

This executive session had been published as follows:

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; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: City Attorney annual evaluation.

The executive session began at 8:58 p.m. and concluded at 9:21 p.m., and was attended by the mayor and five council members (Lindell absent) along with City Attorney Jason Meyers. At the conclusion of the executive session the council returned to the regular open meeting, where Castoe reported that the council had met in executive session for the purpose stated on the agenda. Castoe then made a motion to table the matter to a future date. That motion was seconded by Northrup and approved unanimously (6-0, Lindell absent).

Castoe then made a motion to convene the second scheduled executive session, which was seconded by Northrup and approved unanimously (6-0, Lindell absent).

This executive session had been published as follows:

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; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: City Manager annual evaluation.

The executive session began at 9:35 p.m. and ended at 11:36 p.m., and was attended by the mayor and five council members (Lindell absent) along with City Manager Jeff Wells and Meyers. After the session began Meyers left the room. At the conclusion of the executive session the council returned to the regular open meeting, where Castoe reported that the council met in executive session for the purpose stated on the agenda and provided the City Manager with his annual evaluation. Castoe stated that the City Manager exceeds the council's expectations. Castoe made a motion directing the mayor to finalize the evaluation with the City Manager, and that the City Manager be treated similarly to all other employees, as he requested, for any pay adjustments for his performance. That motion was seconded by Northrup and approved unanimously (6-0, Lindell absent).

Mayor Shaver adjourned the March 15, 2016 regular meeting at 11:37 p.m.

/s/ Roanld Shaver

Mayor

/s/ John Brennan

City Clerk