

September 20, 2016

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. 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 Allison Howe
Councilmember Dan Marler
Councilmember Lisa Northrup
Absent: Councilmember Kevin Lindell (excused)

The meeting was also attended by City Manager Jeff Wells, Interim Police Chief Jared Crone, City Treasurer Jean Kinney, Engineering/Public Works Director Brad Curtis, Economic Development Specialist Chelsea Gondeck, Human Resources/Risk Management Director Michael Boyer, City Attorney Jason Meyers, Parks Superintendent Doak Duke, Streets Superintendent Jim Willis, Golf Professional/General Manager Ty Hamer and City Clerk/PIO John Brennan.

BIDS FOR IRRIGATION CONTROLLERS

Parks Superintendent Doak Duke reviewed the bid process for this purchase, which would allow the cemetery irrigation system to be controlled remotely with the same web-based system used by the Parks Department, saving much time when changes need to be made to the watering schedules. He said the controllers had to be the same brand as the existing Parks system so only one company was capable of providing them. He recommended accepting the only bid from DBC Irrigation Supply in the amount of \$18,332.

Councilmember Christine Castoe offered a resolution to accept the bid from DBC Irrigation Supply for \$18,332 for irrigation controllers for the cemetery, which was seconded by Councilmember Lisa Northrup and approved unanimously (6-0, with Councilmember Kevin Lindell absent).

BIDS FOR OVERHAUL OF ENGINE FOR A STREETS DEPARTMENT DUMP TRUCK

Streets Superintendent Jim Willis said this purchase was being made to extend the life of a 1991 Mack dump truck, which was otherwise in good shape, for a much lower cost than purchasing a new truck. One bid was received and Willis recommended accepting that bid as well as the option to replace the truck's water pump, with the total cost not to exceed the \$17,000 budgeted.

Northrup offered a resolution to accept the bid from Don's Diesel and Auto Service in the amount of \$16,227.69 for the overhaul of the engine for the Streets Department dump truck and an additional \$576.37 for replacement of the water pump, with the total expenditure not to exceed \$17,000. That resolution was seconded by Castoe and approved unanimously (6-0, Lindell absent).

BIDS FOR THE ACOMA AVENUE SIDEWALKS PROJECT

Engineering/Public Works Director said the city had finally received bids for this project after the third posting of the request for proposals. He said a number of factors led to the lack of bidders in earlier attempts and that he had worked with the Colorado Department of Transportation, which was funding most of the project through a grant, to revise the specifications to help attract bidders.

Three bids were received and Curtis recommended accepting the low bid from Can-Do Concrete Construction of Greeley in the amount of \$240,799, with the total expense not to exceed the \$250,000 budgeted. He said CDOT was paying 80 percent of the cost so the city's matching contribution would amount to about \$54,000.

Some discussion followed about the reasons for the earlier lack of bidders, the scope of the project and the timeline, which Curtis said should start in mid-October and last for 45 days. Northrup offered a resolution to accept the bid from Can-Do Concrete Construction for the Acoma Avenue sidewalks project with the total cost not to exceed \$250,000. That resolution was seconded by Councilmember Allison Howe and approved unanimously (6-0, Lindell absent).

UPDATE ON REVISIONS TO THE SIGN CODE

Curtis reviewed a PowerPoint presentation outlining the proposed changes to the city's sign code, which were primarily prompted by recent Supreme Court decisions that prohibited the regulation of signs based on the content of the signs. He noted that the revised sign code as proposed would be simpler but would actually be longer than the city's current sign code, and staff was proposing to repeal the entire existing sign code and replace it with the new language through an ordinance to be completed and approved by the end of the year.

Curtis said some elements of the sign code would require council decisions on such matters as the length of time allowed for temporary signs, and the council would also have to determine whether to have the city Planning Commission act as a decision-making body regarding administration of certain elements of the code or continue to make only recommendations to the council for final decisions.

Council and staff discussion followed regarding these and other issues. Mayor Ron Shaver said if the council decided on the final requirements of the code through an ordinance then he felt it would be fine to allow the Planning Commission to handle enforcement and administration. The council agreed by consensus on this approach, and Shaver encouraged council members to review the other elements such as time frames and provide input to staff, and asked staff to pass on to the council any public input received on the draft ordinance. No formal action was taken.

PRESENTATION ON DEVELOPMENT OF THE STORMWATER UTILITY

Wells said staff was continuing to work on the development of a new stormwater utility, and was now coming back to the council for additional direction on several issues. These included whether to continue to address stormwater issues a little at a time or to consider bonding for a larger amount of money to accomplish stormwater projects much more quickly. City Treasurer Jean Kinney reviewed a sample amortization schedule for a \$10 million bond, and council and staff discussion ensued about the costs of bonding and other considerations. The council consensus was to set aside the possibility of bonding for now, and continue to save and budget money and seek grants to address stormwater issues over time. The council also agreed by

consensus to continue transferring money from the Streets Department in the General Fund to the new stormwater utility.

Curtis then reviewed staff's proposal for the calculation of the fee to be implemented as part of the new stormwater utility, which would be based on a characterization of different types of properties rather than lot frontage or detailed surveys of individual properties, which would be much more expensive and time-consuming. The council agreed by consensus with this approach.

Wells said the next steps would be to come back to the council with an outline of an appeals process for the stormwater fee, develop an ordinance for creating the new stormwater utility as an enterprise in the Sewer Fund, develop a billing system and test it, and then implement the stormwater fee. No formal action was taken.

UPDATE ON THE FIBER NETWORK PROJECT

Wells said the city had been working with its consultant regarding the design of the city's fiber optic network, and had recently received cost estimates of about \$770,000 for materials and \$1.2 million to \$1.5 million for labor to build the backbone of the system. This first phase of the development of the fiber system was targeted for 2017, Wells said, so he wanted to alert the council that staff would be requesting to budget this funding from city reserves for the 2017 budget. No formal action was taken.

2017 BUDGET CALENDAR – PRESENTATION OF 2017 BUDGETS FOR MISCELLANEOUS FUNDS AND REVIEW OF THE SCHEDULE OF FEES

Golf Professional/General Manager Ty Hamer and Wells reviewed the proposed 2017 budgets for the Golf, General Government and Recreation departments as well as the Fiber Network Fund and the Riverview Commons General Improvement District, highlighting changes from prior years and also speaking about the operations and successes of the departments and answering council questions. Wells noted that golf operations would be moved into the General Fund in 2017 and would no longer be a special fund.

Wells and other city staff then reviewed proposed changes to the citywide schedule of fees for 2017 and the reasons for the changes, and answered council questions. No formal action was taken.

Wells also read a written description of the Recreation Department's operations and philosophy from new Recreation Superintendent Elizabeth A. Smith, who was unable to attend the meeting because she was at a parks and recreation conference.

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 August
- B. Approval of the minutes of the Sept. 6, 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.

Councilmember Castoe offered a resolution to approve the Consent Agenda as presented, which was seconded by Councilmember Dan Marler and approved unanimously (6-0, Lindell absent).

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells noted that his monthly written report was in the council meeting packets. Curtis announced that work would start soon on the CDOT project to rebuild the intersection of Platte Avenue/US 34 and Barlow Road, which would also include repaving Platte/US 34 from Main Street east to the city's industrial park. Curtis also announced that the city had won another award from the Colorado Chapter of the American Public Works Association, this one for the Rainbow Bridge rehabilitation project. Economic Development Specialist Chelsea Gondeck invited the council to the annual appreciation golf outing for the Colorado Oil & Gas Association on Oct. 11.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:25 p.m. and Mayor Shaver announced that the next item on the agenda was the first of two scheduled executive sessions. Castoe made a motion to convene this 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 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: Stormwater Utility.

The executive session began at 8:39 p.m. and concluded at 9:07 p.m., and was attended by the mayor and five council members (Lindell absent) along with Wells, Curtis and City Attorney Jason Meyers. On the advice of the city attorney, the recording of the executive session was turned off at 8:40 p.m. because the subject of the discussion concerned a privileged attorney-client communication. The recording was turned back on at 9:06 p.m.

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 and had received legal advice related to rate classifications for stormwater fees. Castoe made a motion directing staff to move forward with the rate classifications presented in the regular meeting and adopting industry standards, which was seconded by Councilmember Allison Howe 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: Check-in with City Manager.

This executive session began at 9:11 p.m. and concluded at 10:00 p.m., and was attended by the mayor and five council members (Lindell absent) along with Wells. At the conclusion of the executive session the council returned to the regular open meeting, where Northrup reported that the council had met in executive session for the purpose stated on the agenda. No motion was made.

Mayor Shaver adjourned the September 20, 2016 regular meeting at 10:01 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk