

February 20, 2018

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 Allison Howe
Councilmember Kevin Lindell
Councilmember Dan Marler
Councilmember Lisa Northrup
Councilmember Doug Schossow

The meeting was also attended by City Manager Jeff Wells, City Treasurer Jean Kinney, Chief of Public Safety Paul Schultz, Water Resources/Utilities Director Brent Nation, Public Works Director Steve Glammeyer, Community Services Director Ty Hamer, City Attorney Jason Meyers, Human Resources/Risk Management Director Susan Kurk, Economic Development Specialist Jeni Elrick, Streets Superintendent Jim Willis, Water Distribution/Wastewater Collection Superintendent Erik Sagel, Fire Marshal John Zink and City Clerk/PIO John Brennan.

APPOINTMENT OF EDIE DOLBEN TO THE AIRPORT ADVISORY BOARD

Mayor Ron Shaver said the Airport Advisory Board had met the preceding week and unanimously recommended the appointment of Edie Dolben to a vacancy on the board. Shaver said Dolben had substantial qualifications for the position.

Councilmember Lisa Northrup made a motion to appoint Edie Dolben to a vacancy on the Airport Advisory Board for a term to expire at the end of 2018, which was seconded by Councilmember Allison Howe and approved unanimously.

BIDS FOR A SEWER INSPECTION CAMERA SYSTEM AND TRANSPORT VAN

Water Distribution/Wastewater Collection Superintendent Erik Sagel told the council he had provided the bid specifications requested by the council when it tabled this item at the previous meeting, and asked if those had answered the council's questions. Mayor Shaver said he had reviewed the specs and now felt that the choice recommended by Sagel, although more expensive, was probably the best fit for the department because of its high-definition capabilities and the fact it would not have to be shipped off to Florida for repairs if needed. Some council and staff discussion followed about the purchase.

Howe offered a resolution to approve the bid from Williams Equipment LLC in an amount not to exceed \$225,000 for a sewer inspection camera system and transport van. That resolution was seconded by Northrup and approved unanimously.

REQUEST FOR PURCHASE OF CRUSHED CONCRETE FOR THE STREETS DEPARTMENT

Public Works Director Steve Glammeyer explained that the city had contracted with Morgan Sand & Gravel to crush the concrete rubble left when the runway was replaced at the Fort Morgan Municipal Airport. The company was paying the airport for the material and hauling the crushed concrete away. Glammeyer said the city now wanted to purchase about 2,000 tons of

the crushed concrete for use in improving the city's alleys and for other projects, and after obtaining a quote from another supplier staff had determined that this was slightly cheaper than the alternative.

City Manager Jeff Wells said because of the proximity of the material and the need to get the material moved from the airport within the next month, staff was asking council approval to make this purchase without a full bidding process, essentially authorizing staff to treat this local company as a sole source provider in this instance.

Northrup offered a resolution to approve buying 2,000 tons of crushed concrete from Morgan Sand & Gravel in an amount not to exceed \$28,000, which was seconded by Councilmember Doug Schossow and approved unanimously.

BIDS FOR FIBER NETWORK CONSTRUCTION

Water Resources/Utilities Director Brent Nation said the city would be moving forward with construction of the fiber optic network this year, and this bid was for the labor only with the materials to be bid separately. Six companies submitted bids, Nation said, and there was wide disparity in the pricing because some of the companies would have to hire certified people to work around electric lines while others already employed such people.

The lowest bidder was recommended by Nation because that company was doing a similar project on a much larger scale in Lincoln, Neb., for Allo Communications, the company with which the city had partnered to provide end user services. Although the bid was for \$1,753,400, Nation asked for approval to expend up to \$2 million because there would be change orders and cost revisions as the final design was created.

Howe offered a resolution to approve the bid from Bauer Underground of Lincoln, Neb., for fiber network construction in an amount not to exceed \$2 million. That resolution was seconded by Northrup and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION

Nation said this IGA was a standard agreement that would call for the city to relocate some of its utility lines in advance of CDOT's planned reconstruction of Interstate 76 through the city, with CDOT to reimburse for the cost of this work.

Northrup offered a resolution to approve the Resolution authorizing the mayor to sign a standard utility agreement for relocation of city infrastructure with the Colorado Department of Transportation. That resolution was seconded by Howe and approved unanimously.

PUBLIC HEARING ON ORDINANCE NO. 1204, ANNEXING THE KULA PROPERTY

Mayor Shaver outlined the format to be followed during the public hearing, and City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Glammeyer said the council had approved the petition for annexation and the first reading of this ordinance, which would annex about eight acres near the city's industrial park. He said no comments had been received either for or against the annexation and the Planning Commission had recommended approval.

No public comments were received, either during the hearing or in advance, and no council comments were offered. Northrup made a motion to close the public hearing, which was seconded by Councilmember Dan Marler and approved unanimously.

City Attorney Jason Meyers advised the council of its options for action, and Howe offered a resolution to approve the second and final reading of Ordinance No. 1204, annexing to the City

of Fort Morgan that area known as the Kula Annexation, and authorize publication by title only. That resolution was seconded by Northrup and approved unanimously.

PUBLIC HEARING ON ORDINANCE NO. 1205, ESTABLISHING ZONING FOR THE KULA ANNEXATION

Shaver outlined the format to be followed during the public hearing, and Brennan confirmed proper legal notice. Glammeyer said the council had just annexed the Kula property and now this ordinance would designate the zoning of the property, which would be Industrial. He said the applicant asked for this zoning and the Planning Commission had recommended approval.

No public comments were received, either during the hearing or in advance, and no council comments were offered. Howe made a motion to close the public hearing, which was seconded by Schossow and approved unanimously.

Meyers advised the council of its options for action, and Northrup offered a resolution to approve the second and final reading of Ordinance No. 1205, establishing a zoning district in and upon lands annexed to the City of Fort Morgan, Colorado, and for said purpose revising and supplementing the zoning district map of said city for the Kula Annexation, and authorize publication by title only. That resolution was seconded by Marler and approved unanimously.

PUBLIC HEARING ON ORDINANCE NO. 1206, AMENDING THE MUNICIPAL CODE REGARDING FLOODPLAIN HAZARD MITIGATION

The mayor outlined the format to be followed during the public hearing, and Brennan confirmed publication of proper legal notice of the hearing. Glammeyer said this measure would amend the city code with new floodplain maps developed by the Federal Emergency Management Agency, which would allow the city to keep its rating for the National Flood Insurance Program and avoid an increase in costs for flood insurance for residents.

No public comments were received, either during the hearing or in advance, and no council comments were offered. Northrup made a motion to close the public hearing, which was seconded by Councilmember Clint Anderson and approved unanimously.

Meyers advised the council of its options for action, and Howe offered a resolution to approve the second and final reading of Ordinance No. 1206, amending Chapter 21 Article 14 of the City of Fort Morgan Municipal Code concerning floodplain hazard mitigation, and authorize publication by title only. That resolution was seconded by Anderson and approved unanimously.

COUNCIL ACTING AS THE BOARD OF THE ELECTRIC DEPARTMENT AND SYSTEM ENTERPRISE OF THE CITY OF FORT MORGAN – PUBLIC HEARING ON ORDINANCE NO. 1207-E, AMENDING THE FORT MORGAN ELECTRIC TARIFF TO INCLUDE AN ADDITIONAL RATE CLASSIFICATION

Mayor Shaver outlined the format to be followed during the public hearing, and Brennan confirmed that proper legal notice had been published. Wells noted that the first reading of this ordinance had taken place a long time ago, but the city had delayed finalizing the ordinance at the request of one large industrial customer that was contemplating starting to produce some of its own electric power. That company had since backed away from that plan, Wells said, but the city staff still wanted to get the ordinance approved and a new co-generation standby rate into the city's electric tariff to avoid the possibility of litigation similar to a case involving the city gas department years before.

No public comments were received, either during the hearing or in advance, and some council discussion followed about the purpose of the rate. Northrup made a motion to close the public hearing, which was seconded by Howe and approved unanimously.

Meyers advised the council of its options for action, and Howe offered a resolution to approve the second and final reading of Ordinance No. 1207-E, amending the Fort Morgan electric tariff to include an additional rate classification, and authorize publication by title only. That resolution was seconded by Schossow and approved unanimously.

UPDATE ON THE NORTHERN INTEGRATED SUPPLY PROJECT

Nation reviewed a PowerPoint presentation to update the council on the current status of this long-running effort to create a water storage project in which Fort Morgan would be a participant. He explained the technical aspects of how NISP would work, the status of the permitting process, recent cost projections and financing options under consideration, and an updated projected construction schedule.

Some council and staff discussion about NISP followed, but no formal action was taken.

CONSENT AGENDA BY RESOLUTION

Brennan presented the Consent Agenda for Council consideration as follows:

CONSENT AGENDA

- A. Approval of the disbursements and payroll for January
- B. Approval of the minutes of the Feb. 6, 2018 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.

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

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Wells thanked Nation and the electric department staff for all of their work on the fiber network project. He also mentioned the possibility that Fort Morgan's Amtrak station could be closed under a proposed new federal budget, and said the city would contact legislators to express support for continued operation of the Amtrak route.

Gammeyer said there was a lot of interest by contractors in the city's bid request for paving work under its Strictly for Streets program funded by a 1 percent sales tax increase approved by voters, and those bids would be coming in soon.

Meyers said a settlement agreement with the Upper Platte & Beaver Canal regarding the Riverview Commons subdivision had finally been signed by all parties, essentially closing out about a decade of litigation and allowing the development of homes in that area to move forward.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 7:32 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Howe made a motion to proceed to this executive session, which was seconded by Marler and approved unanimously. This 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: Economic incentives.

The executive session began at 7:41 p.m. and ended at 8:20 p.m. and was attended by the mayor and council along with Wells, Meyers, Nation, Glammeyer, Economic Development Specialist Jeni Elrick, Management Intern Daniella Cabrera and Keith Bath. At the conclusion of the executive session the council returned to the regular open meeting, where Northrup reported that the council met in executive session for the purpose stated on the agenda. Northrup then made a motion to direct staff to proceed with negotiations according to the parameters discussed in executive session. That motion was seconded by Councilmember Kevin Lindell and approved unanimously.

Mayor Shaver adjourned the Feb 20, 2018 regular meeting at 8:21 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk