

March 6, 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 6:11 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, Chief of Public Safety Paul Schultz, City Attorney Jason Meyers, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Public Works Director Steve Glammeyer, Management Intern Daniella Cabrera, Golf Maintenance Superintendent Matt Givens, Golf Professional Matt Pickering, FMPD Commander Jared Crone, Wastewater Treatment Plant Superintendent Skip Kaiser and City Clerk/PIO John Brennan.

APPROVAL OF MINUTES – FEBRUARY 20, 2018 CITY COUNCIL REGULAR MEETING

Councilmember Allison Howe offered a resolution to approve the minutes of the February 20, 2018, city council regular meeting as presented, which was seconded by Councilmember Clint Anderson and approved unanimously.

ACCEPTANCE OF THE 2019 BUDGET CALENDAR

City Manager Jeff Wells explained the requirements of the city charter and the Council Rules of Procedure for presenting this proposed calendar for the development of the following year's budget. Councilmember Lisa Northrup offered a resolution to accept the 2019 budget calendar as presented, which was seconded by Howe and approved unanimously.

BIDS FOR POLICE PATROL VEHICLE

Fort Morgan Police Department Commander Jared Crone reviewed the bid process for this purchase, noting that three bids were received but only one met the bid specifications. Crone recommended accepting the only qualified bid.

Howe offered a resolution to approve the bid from Larry H. Miller of Lakewood in the amount of \$28,450 for a 2018 Ford Interceptor utility vehicle, which was seconded by Councilmember Doug Schossow and approved unanimously. (It was noted later in the meeting that the staff memo in the council packet for this agenda item referred to a 2017 vehicle but the purchase approval was for a new 2018 model.)

BIDS FOR FIBER OPTIC MATERIALS

Water Resources/Utilities Director Brent Nation said this was the first of what would probably be three separate bids for different materials to complete the fiber optic network construction

project. He said he was seeking approval to accept unit pricing from two different vendors with not-to-exceed amounts that would allow some cushion as the project unfolded. Northrup offered a resolution to accept unit bid prices for fiber optic materials from Graybar in an amount not to exceed \$240,000 and from Wesco in an amount not to exceed \$8,500. That resolution was seconded by Howe and approved unanimously.

BIDS FOR A GOLF COURSE TRIPLEX MOWER

Golf Course Maintenance Superintendent Matt Givens reviewed the bid process for this purchase, for which three bids were received. Givens said he was recommending the middle of the three bids because it was the lowest bid for a Toro brand mower, which was the same as all other mowers at the course and would not require stocking additional spare parts at substantial cost.

Howe offered a resolution to accept the bid from LL Johnson Distributing Co. of Denver in the amount of \$30,895 for a triplex mower for the golf course. That resolution was seconded by Northrup and approved unanimously.

RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF THE FORT MORGAN FARMS V PROPERTY

Public Works Director Steve Glammeyer described where the property was located, northwest of Nelson Road and County Road Q, and said the owner wished to annex into the city and would probably hold the property for future development, probably residential. He said if the council accepted the petition that would start the formal process of annexation including public notices and hearings and two readings of an ordinance.

Northrup offered a resolution to approve the Resolution accepting the petition for annexation of the Fort Morgan Farms V property and schedule first reading of annexation and zoning ordinances for the property for March 20. That resolution was seconded by Howe and approved unanimously.

RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF THE BATH PROPERTY

Glammeyer explained the location of the properties involved in this proposed annexation, which consisted of three large parcels owned by two parties. City Attorney Jason Meyers said it would likely require several ordinances to establish the contiguity required to annex the entire acreage. Howe offered a resolution to approve the Resolution accepting the petition for annexation of the Bath property and schedule first reading of annexation and zoning ordinances for the property for March 20. That resolution was seconded by Northrup and approved unanimously.

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGAN COUNTY RE-3 SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER

Chief of Public Safety Paul Schultz said he was requesting approval for the continuation of this ongoing and very successful program, with no changes from the prior agreement.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the 2018-2019 school year Intergovernmental Agreement between the City of Fort Morgan and the Fort Morgan School District for the shared cost of a school resource officer. That resolution was seconded by Anderson and approved unanimously.

REQUEST FOR A CHANGE ORDER FOR THE ENGINEERING DESIGN CONTRACT FOR THE CENTREPOINTE PLAZA SUBDIVISION

Gammeyer explained that at the time this original contract had been drawn up, the city had not received a permit from the Colorado Department of Transportation for access to the CentrePointe property from US 34 at Saunders Road. Now that permit had been obtained, he said, and it would require additional work on the part of the design and engineering firm for that major new intersection.

The original contract was for \$73,695, Gammeyer said, and the change order for the new intersection work was \$14,542.85. Northrup offered a resolution to approve a change order in the amount of \$14,542.85 for Bohannon Huston for additional design and engineering services for the CentrePointe Plaza subdivision. That resolution was seconded by Howe and approved unanimously.

PUBLIC HEARING ON AN APPLICATION FOR A FINAL PLAT FOR THE CENTREPOINTE PLAZA SUBDIVISION

Mayor Ron Shaver reviewed 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. Gammeyer reminded the council that it had seen this subdivision before at the sketch plan and preliminary plat stages, and this final plat would create the actual lots that could be sold and developed. He pointed out one change from earlier versions, which was the new intersection at US 34 and Saunders Road, and said the Planning Commission had recommended approval.

Wells said the property was city-owned and on behalf of the city as applicant asked for council approval of the final plat.

No public comments were received either during the hearing or in advance, and Marler thanked Gammeyer and all city staff for their work on this project. Howe made a motion to close the public hearing, which was seconded by Northrup and approved unanimously.

City Attorney Jason Meyers reviewed the criteria and the council's options for action, and Northrup offered a resolution to approve the final plat for the CentrePointe Plaza subdivision. That resolution was seconded by Marler and approved unanimously.

DISCUSSION REGARDING CLOSURE OF PARKS AT NIGHT

Wells said this was an issue city staff had been looking into for a long time, due to issues in parks at night including vandalism, criminal activity, littering and other problems. He said the issues had been discussed by staff with the police, parks and community services departments, and one recommendation was to close the parks at night. Wells said he wanted feedback from the council on whether that was a direction that should be pursued.

Wells pointed out that closing parks at night would prevent the city from allowing camping in any parks, as it had done in the past at Riverside Park. But Wells explained that research by Meyers revealed that the city did not have many of the amenities and other requirements under state regulations to allow an area to be used for camping anyway. Wells said staff was proposing closure from 11 p.m. to 5 a.m.

Extensive council and staff discussion of the issues involved followed, including difficulties in enforcing the closures, the fact that posting the closures would provide law enforcement with a tool to make contact with people found in parks late at night, possible exceptions for special events and other issues.

Wells concluded the discussion by saying that his interpretation of the council consensus was that it wished to move in the direction of closing parks at night, and that staff would bring back

an ordinance for council consideration that would do that and address the issues raised during this discussion. He also noted that in the meantime he hoped city residents would take the time to call their council members and express their opinions about the idea of closing parks at night. No formal action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jack Darnell of 809 Cheyenne St. spoke to the council about his concern regarding turnover in the police department. He said he had talked to many police officers recently and the happiness was gone, and the turnover rate was a public safety issue. He said since the charter change 10 years ago to a council-manager form of government, morale had been poor at the police department, and said a charter change was needed to place the police department back under the direct supervision of the mayor and council instead of the city manager. He asked that the council support a referendum for this charter change at its next meeting, and if this was not done there would be a citizen initiative to place the charter change on the ballot. Mayor Shaver said the council would take Darnell's proposal into consideration. Some discussion followed but no action was taken, and Shaver thanked Darnell for bringing the issue forward.

REPORTS BY OFFICIALS AND STAFF

Nation told the council that the contractor doing the fiber network construction for the city had told him the project could still likely be completed by August, which meant that the gigabit broadband system should be up and running by the end of the year. Swells updated the council on a meeting of the National Public Gas Agency he had attended the preceding week.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids, upcoming meetings and highlights of recent news releases.

EXECUTIVE SESSION

The regular portion of the meeting ended at 7:24 p.m. and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Howe made a motion to convene this executive session, which was second 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: Wastewater capacity.

The executive session began at 7:38 p.m. and concluded at 9:00 p.m., and was attended by the mayor and council along with Wells, Meyers, Nation, Wastewater Treatment Plant Superintendent Skip Kaiser, Management Intern Daniella Cabrera, Rodney Perry, Parker Thilmony and Heather Luther. After approximately 50 minutes Perry, Thilmony and Luther left the executive session.

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. Northrup then made a motion directing staff to proceed with negotiations as

discussed during the executive session, which was seconded by Lindell and approved unanimously.

Mayor Shaver adjourned the March 6, 2018 regular meeting at 9:01 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk