

April 17, 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

Absent: Councilmember Doug Schossow (excused)

The meeting was also attended by City Manager Jeff Wells, City Attorney Jason Meyers, City Treasurer Jean Kinney, Community Services Director Ty Hamer, Management Intern Daniella Cabrera, Economic Development Specialist Jeni Elrick, Human Resources/Risk Management Director Susan Kurk, FMPD Commander Jared Crone, Light and Power Superintendent Doug Linton, Fire Marshal John Zink and City Clerk/PIO John Brennan.

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#### **UPDATE ON SALARY SURVEY**

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Human Resources/Risk Management Director Susan Kurk briefed the council on the compensation analysis that was under way with Employer's Council, and the background on the city's salary structure and pay philosophy. Kurk emphasized that no promises had been made to employees about their pay going up or down as a result of the study.

She also said pay is only one component of total compensation, and the city would also be undertaking a benefits survey to see how other benefits offered by the City of Fort Morgan compare to other public entities. The goal, Kurk said, was to have all of these studies completed in two to three months.

City Manager Jeff Wells thanked Kurk for her work on this project and said the city strives to be competitive and sustainable in its compensation.

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#### **BIDS FOR 115kV TRANSMISSION LINE REBUILD PROJECT**

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Light and Power Superintendent Doug Linton described this project, which he said was part of his department's 10-year master plan. Eight bids were received, he said, with costs ranging from about \$600,000 to \$1.9 million. He said he did not recommend the lowest bid from Utah because the second-lowest bid was from a more local company, Altitude Energy LLC of Keenesburg. Linton also requested additional funding in case of unforeseen costs.

Councilmember Allison Howe offered a resolution to accept the bid from Altitude Energy LLC in the amount of \$656,519 with the total expenditure not to exceed \$700,000. That resolution was seconded by Councilmember Kevin Lindell and approved on a unanimous vote of 6-0, with Councilmember Doug Schossow absent (excused).

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**BIDS FOR FIBER OPTIC MATERIALS**

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Linton explained that this was another of several materials bids for the gigabit broadband project, and five companies had provided unit price bids for various parts and materials. Linton requested approval to accept the unit prices from Western United Electric Supply Corp. Councilmember Lisa Northrup offered a resolution to accept the unit pricing from Western United Electric Supply Corp. in an amount not to exceed \$200,000. That resolution was seconded by Councilmember Clint Anderson and approved unanimously (6-0, Schossow absent).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LAND SALE CONTRACT WITH ZKL & JEJ PROPERTIES LLC**

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Economic Development Specialist Jeni Elrick said this item represented the first land sale and development on the city's 100-acre CentrePointe Plaza subdivision. Northrup offered a resolution to approve the Resolution authorizing the mayor to sign a contract for the sale of property in CentrePointe Plaza, which was seconded by Councilmember Dan Marler and approved unanimously (6-0, Schossow absent).

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH ZKL & JEJ PROPERTIES LLC**

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Elrick explained that this agreement contained the terms of incentives for the development that had already been reviewed by the council. Council and staff discussion followed about certain contract exhibits and design standards for CentrePointe that were still to be determined. Howe offered a resolution to approve the Resolution authorizing the mayor to sign a development agreement with ZKL & JEJ Properties LLC, which was seconded by Anderson and approved unanimously (6-0, Schossow absent).

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**DISCUSSION AND DIRECTION ON CITY COUNCIL GOALS AND PRIORITIES FOR THE 2019 BUDGET**

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Wells said this was a review of priorities established during the council's budget retreat in February, which would be used as the basis for budget presentations from departments starting in July, so he wanted to review and confirm that these were still priorities for the 2019 budget. He briefly reviewed the five priorities on the list (a recreational fieldhouse, NISP financing, CentrePointe Plaza development, residential housing and streets projects) and asked if there were any concerns or other priorities to discuss. Hearing none, Wells reminded the council that if new priorities arose during the budget development process they could certainly be addressed. No formal action was taken.

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**FIRST READING OF AN ORDINANCE AMENDING THE CITY OF FORT MORGAN ZONING CODE REGARDING URBAN AGRICULTURAL USES**

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City Attorney Jason Meyers said this was another instance of revisions made to the municipal code as inconsistencies or shortcomings were discovered. He said this change would allow for taller structures in the Urban Agriculture zoning district, which would more closely match the types of uses commonly desired in those districts. Northrup offered a resolution to approve the first reading of an Ordinance amending Chapter 20, Article 6 of the City of Fort Morgan Municipal Code concerning height restrictions, and to

schedule a public hearing on the ordinance for May 1. That resolution was seconded by Lindell and approved unanimously (6-0, Schossow absent).

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### **NEGOTIATION PARAMETERS FOR TREATMENT OF WASTEWATER FROM THE WESTERN SUGAR PLANT**

Wells thanked Western Sugar CEO Rodney Perry for attending, and said the city had been working with the company for some time on possible ways to assist with issues impacting the community as well as the company. Wells said having the Western Sugar Plant's wastewater treated by the city sewer system would be a solution to the plant's odor issues, which had been a great concern among community members in the past year or two.

Wells said agreement had been reached on most of the issues related to connecting Western to the city sewer system, but he needed more council direction on one issue related to annexation of the plant into the city. City policy required sewer customers outside city limits to pay double the in-city rate, Wells said, but Western was asking to be charged the lower in-city rate without being annexed. Wells said doing this for Western would likely require the city to change its policy for all outside sewer customers, which would negatively impact the sewer fund. Wells suggested a compromise might be possible, using as an example an agreement for Western Sugar to be annexed after a certain number of years, and the double rate revenue paid in the interim could be applied toward the company's costs of connecting to the city sewer system.

Council and staff discussion with Perry followed about the plant impacts on the community, the company's resistance to annexation, and possible compromise solutions. Several council members said they did not understand the reasons for Western's seeming unwillingness to be annexed. Perry said the company had several other viable options but would like to work in partnership with the city.

The consensus was for Wells and Perry to meet and discuss the annexation and rate issues involved, and try to find a compromise solution such as the one proposed by Wells. No formal action was taken.

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### **UPDATE ON CHARTER CHANGE PROPOSAL**

Wells said the council had given direction at its last meeting for staff to seek input from the public on a proposal that had been brought to the council for a charter change to move the police department under the mayor and council rather than the city manager. He said the city had launched a new community engagement tool, Polco, the preceding day and also proposed a public forum be held May 29 in the council chambers. He said the forum would be an educational opportunity for staff to explain the background and issues of the original 2008 charter change and why some decisions were made back then, as well as current issues in the police department and misinformation being circulated in the community.

Wells also said the group that had proposed the new charter change expected something to happen with the proposal, so Wells suggested council give direction to the city attorney to investigate the process of putting a proposal on the November election ballot and draft some preliminary ballot language for council review. Discussion followed about other potential ballot issues that could be put out for a vote in November. Council directed Meyers as suggested by Wells but no formal action was taken.

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### **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 March
- B. Approval of the minutes of the April 3, 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.

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

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Zach Schwindt, a new reporter for the Fort Morgan Times, introduced himself to the council.

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## **REPORTS BY OFFICIALS AND STAFF**

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Wells thanked all city employees for their hard work and especially noted the contributions of Brennan. He said the new sales tax figures were beginning to come in with the extra 1 percent approved by voters in November, and it would be interesting to see how those numbers change over the years.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings, and spoke in more detail about how Polco worked for gathering public opinions, and encouraged everyone to sign up and participate.

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## **EXECUTIVE SESSION**

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The regular portion of the meeting ended at 8:01 p.m., and Mayor Shaver said the next item on the agenda was a scheduled executive session. Northrup made a motion to convene this executive session, which was seconded by Anderson and approved unanimously (6-0, Schossow absent).

The 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 8:20 p.m. and concluded at 9:41 p.m., and was attended by the mayor and five council members (Schossow absent) and City Attorney Jason Meyers. At the conclusion of the executive session the council returned to the regular open meeting, where Howe reported that the council had met in executive session for the purpose stated on the agenda, and had conducted a performance evaluation of the city attorney. Northrup then made

a motion to direct the mayor to finalize the evaluation with Human Resources, which was seconded by Marler and approved unanimously (6-0, Schossow absent).

Mayor Shaver adjourned the April 17, 2018 regular meeting at 9:42 p.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk