

July 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  
Councilmember Doug Schossow

The meeting was also attended by City Clerk/PIO/Acting City Manager John Brennan, City Attorney Jason Meyers, City Treasurer Jean Kinney, FMPD Commander Jared Crone, Water Resources/Utilities Director Brent Nation, Economic Development Specialist Jeni Elrick, FMPD Sgt. Steve Brown, Sanitation Superintendent Bob Evins, Fire Chief Mark Frasco, Water Distribution/Wastewater Collection Superintendent Erik Sagel, Water Treatment Plant Superintendent Al O'canas and Court Administrator Amanda Dunn.

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**COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – RENEWAL OF A 3.2% BEER LICENSE FOR EDWARDS RIGHT PRICE MARKET WITH A STATE VIOLATION**

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City Clerk/PIO/Acting City Manager John Brennan presented the application for the renewal of a 3.2% Beer License (Off Premises) for Edwards Right Price Market. Brennan said that the appropriate fees had been paid and there had been one violation of the current liquor license which resulted in a 10-day suspension of Edwards' liquor license by the state, five days of which were held in abeyance. Brennan advised the council that the only other liquor license violation Edwards had received was in 2006. Brennan further advised that Edwards had provided documentation of policies provided to employees to avoid violations.

Zach Deal, operating manager for Edwards, told the council that the store had changed its new-hire policy so that anyone between the ages of 18 and 21 must get manager approval to sell alcohol to customers in their first two months of employment. Deal indicated that Edwards' last violation was Dec. 2, 2006 and the employee who sold alcohol to a minor on this instance did everything right with the exception of requiring the "customer" to provide their actual ID.

Councilmember Lisa Northrup commended Deal for providing employees with a memo/training to avoid selling to underage persons. Mayor Ron Shaver commended Edwards for fixing the issues that resulted in the violation.

Northrup offered a resolution to accept the renewal application of a 3.2% Beer License (Off Premises) for Edwards Right Price Market. That resolution was seconded by Councilmember Allison Howe and approved unanimously.

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**BIDS FOR POLICE VEHICLE UPFITS**

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FMPD Sgt. Steve Brown reviewed the bid process for the up-fit of two new police vehicles, and proposed that the council approve the bid to purchase equipment and up-fit installation services from Wireless Advanced Communications of Evans, Colo., in an amount not to exceed \$11,000 for the Ford Explorer and an amount not to exceed \$8,000 for the Dodge Durango. Brown noted that the cost would be over the amount budgeted due to price increases from the vendors.

Howe offered a resolution to accept the bid from Wireless Advanced Communications for the equipment purchase and up-fit of the Ford Explorer and Dodge Durango in an amount not to exceed \$11,000 for the Ford and an amount not to exceed \$8,000 for the Dodge. That resolution was seconded by Councilmember Dan Marler and approved unanimously.

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**BIDS FOR CONCRETE PADS FOR THE SANITATION DEPARTMENT**

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Sanitation Superintendent Bob Evins requested council approve the unit bid price from the sole bidder, Simon, for concrete dumpster pads in the amount of \$32,500. Evins stated that the unit price was \$130 per unit and a total of 250 concrete pads would be purchased. Northrup offered a resolution to accept the bid from Simon in the amount of \$32,500 for the purchase of 250 concrete pads. That resolution was seconded by Marler and approved unanimously.

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**BIDS FOR REPLACEMENT OF THE ROOF ON THE FIRE DEPARTMENT MAIN BUILDING**

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Fire Chief Mark Frasco reviewed the bids for the replacement of the roof on the Fire Department main building, and recommended accepting the lower of two bids. Northrup questioned whether the roof repair was due to normal wear and tear and Frasco confirmed that it was. Northrup was pleased that the recommended bidder was a local company. Howe offered a resolution to accept the low bid from WeatherCraft in the amount of \$60,593 for the replacement of the roof on the Fire Department main building, which was seconded by Marler and approved unanimously.

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**RESOLUTION RATIFYING EMERGENCY EXPENDITURES RELATED TO REPAIRS TO THE BACK WASH PUMP AT THE WATER TREATMENT PLAN**

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Water Resources/Utilities Director Brent Nation asked the council to approve a resolution to ratify the emergency expenditure for services by Water Technology Group to repair the water treatment plant's leaking auxiliary back wash pump at a cost of \$17,029.31. Northrup offered a resolution to approve the Resolution ratifying emergency expenditures for the overhaul of the back wash pump at the water treatment facility, which was seconded by Marler and approved unanimously.

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**SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1217, ESTABLISHING A FRANCHISE AGREEMENT WITH ALLO COMMUNICATIONS**

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Mayor Shaver outlined the format to be followed during the public hearing, and Court Administrator Amanda Dunn confirmed that proper legal notice of the hearing had been published. Brennan said no changes had been made to this ordinance since first reading. City Attorney Jason Meyers stated that Allo had been a good community partner to work with and this sentiment was echoed by Allo representatives. Shaver said he was looking forward to getting the services up and going and stated this has been a good partnership. Allo President Brad Moline said they had one test customer in Fort Morgan already and were ahead of schedule, and he expected to be able to provide services by Halloween to a substantial number of the homes, businesses and governmental entities in the city.

No public comments were received either during the hearing or in advance. 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 Northrup offered a resolution to approve the second and final reading of Ordinance No. 1217, an Ordinance of the City of Fort Morgan, Colorado, granting a non-exclusive franchise to Allo 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 authorization to publish by title only. That resolution was seconded by Councilmember Doug Schossow and approved unanimously.

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## **SECOND READING AND PUBLIC HEARING ON ORDINANCE NO. 1218, PLACING A BALLOT QUESTION REGARDING A PROPOSED CHARTER CHANGE BEFORE CITY VOTERS IN THE NOVEMBER ELECTION**

Shaver outlined the format to be followed during the public hearing, and Dunn confirmed proper legal notice. Brennan stated this ordinance contained the same ballot language approved at the previous meeting, including an amendment requested by Councilmember Kevin Lindell. No public comments were made either during the public hearing or in advance.

Lindell noted that he had made the original motion to go forward with placing this issue on the ballot because some residents wanted it put to a vote, but he said he did not support the charter change. He said the citizen who brought the idea forward suggested the charter change because of declining morale in the Police Department, but Lindell did not believe this change would affect morale. He also noted that it was during this citizen's tenure as mayor that the Police Department was removed from the City Council's oversight and placed under the city manager. Lindell said the members of the council work at that position part-time and not every day of the week like the city manager, who was trained in making personnel decisions.

Marler agreed that the issue should be placed on the ballot based on the feedback of citizens, but said he opposed the charter change. He said it carried too much potential to be a "political football" and he believed there needed to be a degree of separation between the council and city staff. Councilmember Clint Anderson encouraged citizens to get out and vote in November. No public comments were received, either during the public hearing or in advance. Lindell made a motion to close the public hearing, which was seconded by Northrup 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. 1218, an Ordinance of the City Council of the City of Fort Morgan, Colorado, submitting a ballot question to the electors of the city relating to changing the city's charter to have the police chief become an appointed official, and authorization to publish by title only. That resolution was seconded by Schossow and approved unanimously.

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## **2019 BUDGET CALENDAR**

Water Distribution/Wastewater Collection Superintendent Eric Sagel, Water Treatment Plant Superintendent Al O'canas and Nation (presenting for Wastewater Treatment Plant Superintendent Skip Kaiser) presented highlights of their proposed 2019 budgets for the Water Distribution/Wastewater Collection, Water Treatment Plant and Wastewater Treatment Plant departments. Each presenter also told the council of innovative things they had done in their departments in the preceding year and hoped to do in the future. No formal action was taken.

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## **CONSENT AGENDA BY RESOLUTION**

Dunn presented the Consent Agenda for Council consideration as follows:

### **CONSENT AGENDA**

- A. Approval of the disbursements and payroll for June
- B. Approval of the minutes of the July 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.

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

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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None.

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**REPORTS BY OFFICIALS AND STAFF**

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Brennan made a few brief announcements, and answered council questions about the enforcement of the park hours ordinance recently passed. The ordinance was technically in effect, he said, but staff had agreed not to enforce it until signs were ordered and posted. Councilmember Lindell said he would like to schedule an executive session to discuss the city manager and city attorney positions. Mayor Shaver informed Lindell of the appropriate means of getting such items placed on a council agenda, and said it would be discussed at the agenda meeting preceding the next council meeting on Aug. 7. Brennan asked Lindell to clarify if he was asking for two separate sessions, which he said he was.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Dunn announced current bids and upcoming meetings.

Mayor Shaver adjourned the July 17, 2018 regular meeting at 7:25 p.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk