

December 4, 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 Attorney Jason Meyers, City Treasurer Jean Kinney, Water Resources/Utilities Director Brent Nation, Public Works Director Steve Glammeyer, Human Resources/Risk Management Director Susan Kurk, Community Services Director Ty Hamer, Management Intern Daniella Cabrera and Deputy City Manager/City Clerk/PIO John Brennan.

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**APPROVAL OF MINUTES – NOVEMBER 20, 2018 CITY COUNCIL REGULAR MEETING**

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

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**APPOINTMENT OF DEBRA OLSON TO VACANCY ON THE LIBRARY ADVISORY BOARD**

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Councilmember Lisa Northrup said the library board had reviewed Debra Olson's application at its last meeting and had unanimously recommended that she be added to the board. Northrup said Olson brought a wealth of experience and enthusiasm and would be an asset to the board, and made a motion to appoint Debra Olson to a vacancy on the Library Advisory Board. That motion was seconded by Anderson and approved unanimously.

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**RENEWAL OF A RETAIL LIQUOR STORE LICENSE FOR NORTH MAIN LIQUORS WITH A STATE VIOLATION**

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Deputy City Manager/City Clerk/PIO John Brennan reviewed the circumstances of the violation by this licensee, which was found as part of a compliance check by the state Liquor Enforcement Division in December 2017. An employee of North Main Liquors had sold alcohol to an underage person and failed to check identification. The store owner had negotiated a Stipulation, Agreement and Order with the LED for a penalty of 10 days' suspension of the license, with half held in abeyance and the other half alleviated by payment of a fine in lieu of the active suspension. Brennan noted previous violations in 2001 and 2010. Mayor Ron Shaver said North Main was not the only establishment caught for violations during this compliance check, and the issue did not seem to be a recurring problem. Councilmember Lisa Northrup asked owner Sharon Midcap about training of employees and measures put in place to ensure further violations did not occur. Midcap explained that all new employees begin with her by their side and learn the ID checking process, and that checking

IDs is a rule that must be followed. She said when employees incur one of these violations they no longer work at the store, as was the case with the employee involved in this instance.

Northrup offered a resolution to approve the renewal of the Retail Liquor Store License for North Main Liquors at 716 Main St. with a state violation, which was seconded by Councilmember Kevin Lindell and approved unanimously.

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**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE 15<sup>TH</sup> INTERIM AGREEMENT FOR THE NORTHERN INTEGRATED SUPPLY PROJECT**

Water Resources/Utilities Director Brent Nation said this was an annual agreement under which each NISP participant agrees to pay its share of the anticipated costs for the coming year based on their percentage share of the water allotment from the project. The total cost for 2019 would be \$9 million, he said, so the city's share would be 9 percent of that or \$810,000. Some discussion of the status of the project and plans for 2019 followed.

Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the 15<sup>th</sup> Interim Agreement with Northern Colorado Water Conservancy District, Northern Integrated Supply Project Water Activity Enterprise, for participation in the Northern Integrated Supply Project, which was seconded by Councilmember Dan Marler and approved unanimously.

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**BIDS FOR GEOTECHNICAL SERVICES FOR THE CENTREPOINTE PLAZA DEVELOPMENT CONSTRUCTION PROJECT**

Public Works Director Steve Glammeyer said as the infrastructure work got started on this city-owned development there would be a need for testing of things like soil compaction and concrete materials. Six bids were received to provide these services, and Glammeyer said staff was recommending Earth Engineering Consultants LLC of Fort Morgan. He said this company's cost was about 7 percent higher than the lowest bid but the company was local and had worked for the city before and appeared to have better capabilities to perform the types of testing needed.

Howe offered a resolution to accept the bid from Earth Engineering Consultants LLC in the amount of \$23,643 for geotechnical services for the CentrePointe Plaza Development construction project. That resolution was seconded by Northrup and approved unanimously.

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**BIDS FOR REPAIR OF HAIL-DAMAGED VEHICLES**

Human Resources/Risk Management Director Susan Kurk explained to the council that nine city vehicles had been damaged in a hailstorm the previous summer. The city first had the damage estimated by its insurance carrier CIRSA, and then did an RFP. One bid was received for repairs, and that company was only able to inspect and estimate six of the vehicles because the other three vehicles were out of town at the time the bidder visited.

Kurk said CIRSA had estimated total damage for all nine vehicles at \$42,895.07, and the bidder had bid \$19,477.88 for repair of the six vehicles it had seen. Kurk asked for council approval to accept that bid for the six vehicles and work with the bidder, DentKore of Northglenn, to get the remaining three vehicles estimated and repaired as long as the total cost for all nine vehicle repairs would not exceed CIRSA's estimate.

Northrup offered a resolution to accept the bid from DentKore in the amount of \$19,477.88 for six vehicles, and authorize staff to work with the company to repair all nine vehicles at a total cost not to exceed \$42,895.07. That resolution was seconded by Howe and approved unanimously.

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**DISCUSSION AND DIRECTION ON PROCESS FOR ENACTING THE CHARTER CHANGE AUTHORIZED BY BALLOT ISSUE 2E AND THE CONVEYANCE OF LEGION FIELD PROPERTY AUTHORIZED BY BALLOT ISSUE 2F**

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City Manager Jeff Wells told the council the details of how these voter-approved actions would be implemented should be discussed and decided by the council, and he wanted to review some of the issues identified by staff so that this could be done in a way that met the council's expectations.

Wells said the charter measure could be enacted by simply plugging in a few words to the charter but that would likely result in conflicts with city ordinances and operational issues. He outlined some of the areas of potential conflict and suggested the council consider the other things that would be impacted by this change.

Extensive council and staff discussion followed about the issues and complexities of the charter change and associated code revisions, with several council members saying the charter portion should be done simply and as soon as possible and any code conflicts could be rectified by ordinance over time.

Wells said staff would make the project a priority and try to bring back a draft of the revised charter language for council review by the second meeting in February 2019. Later in the meeting, Northrup and Shaver agreed to participate with the staff working group in developing the charter language changes.

Wells then advised the council of numerous issues surrounding the transfer of the Legion Park property to the Re-3 School District that would have to be resolved through negotiations. City Attorney Jason Meyers reviewed these items, which included whether to charge a price for the property or give it to the district, along with issues like easements, access, snow storage, boundary issues and timing. More council and staff discussion of these issues followed, with Shaver saying it was a contract negotiation that should be done as expeditiously as possible. Wells said he was in the process of setting up a meeting with the school district superintendent and would keep the council advised on progress. No formal action was taken.

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Terry Mann of 202 Lincoln St. addressed the council about issues with trash and debris around dumpsters in his alley, saying it had been an ongoing problem for several years and the only time he was able to get it corrected was when he got the mayor involved. Discussion ensued about this and similar problems with the city's sanitation service, the difficulty of finding those responsible for illegal dumping and other factors that are part of the widespread problem. Wells apologized to Mann for not rectifying the problem more quickly and said city staff was working on possible solutions to the problem of alleys and the sanitation department.

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**REPORTS BY OFFICIALS AND STAFF**

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Wells thanked those who participated in the city employee holiday party the preceding weekend, and said the council-approved salary plan would be implemented in January. He noted recent events related to the Christmas Capital of the Plains campaign, and announced that the city's two code enforcement officers had been certified as drone pilots, which would give the police department many new capabilities.

Nation announced that the city and Allo Communications had reached substantial completion of the fiber optic system. Wells thanked all who worked on the project and the council for its leadership and support of this important amenity.

Mayor Ron Shaver stated that a lot of things were being said about him and others on social media and it was time he addressed them. The mayor read a prepared statement outlining what he called false allegations and accusations against him on certain Facebook pages, allegedly by the brothers of City Manager Wells, and rebutted each of the social media postings he described. He said the allegations were untrue and he had always conducted himself professionally during his many years of service as a city employee, member of the council and mayor. He said some of the postings called for an investigation of him, and he said he would welcome that and also propose a broad investigation of city departments, finances and personnel. In closing Shaver recommended that Wells control his brothers.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

Mayor Shaver adjourned the Dec. 4, 2018 regular meeting at 7:44 p.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk