

April 2, 2019

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 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, Public Works Director Steve Glammeyer, Community Services Director Ty Hamer, Human Resources/Risk Management Director Susan Kurk, Economic Development Specialist Sarah Crosthwaite, Management Intern Daniela Cabrera, Golf Course Superintendent Matt Givens and Deputy City Manager/City Clerk/PIO John Brennan.

APPROVAL OF MINUTES – MARCH 19, 2019 CITY COUNCIL REGULAR MEETING

Councilmember Alison Howe offered a resolution to approve the minutes of the March 19, 2019 City Council regular meeting as presented, which was seconded by Councilmember Lisa Northrup and approved unanimously.

READING OF A PROCLAMATION DECLARING APRIL TO BE SEXUAL ASSAULT AWARENESS MONTH

Mayor Ron Shaver read the proclamation and presented a formal copy to Paula Bragg, executive director of SARA Inc. (Sexual Assault Response Advocates), who thanked the council for their support and briefly described some of the events planned for the month.

READING OF A PROCLAMATION DECLARING APRIL TO BE CHILD ABUSE PREVENTION MONTH

Shaver read this proclamation and presented a formal copy to Susanne Brown of the Morgan County Department of Human Services, who thanked the council for its support and the city police officers who often assist her department with cases of abuse.

READING OF A PROCLAMATION DECLARING APRIL 2 TO BE NATIONAL SERVICE RECOGNITION DAY

Shaver read this proclamation and presented a formal copy to Yolanda Chatwood, an Americorps VISTA volunteer who was in her third term serving in that capacity with Kids at Their Best in Fort Morgan, who thanked the city for its support of those programs.

PRESENTATIONS BY APPLICANTS FOR THE WARD 1 CITY COUNCIL VACANCY

Mayor Shaver noted that three applications to fill this vacancy had been submitted during the time frame designated by the council, and that each of the three applicants would be given five

minutes to speak and answer questions from the council. Deputy City Manager/City Clerk/PIO John Brennan outlined the process of voting that would follow, which included a ballot with all three applicant names with council members voting for two, which would narrow the field to two finalists who would then appear on a second ballot. Brennan said the names of the candidates were drawn from a hat to determine the order in which they would present.

Tesla Mann, Susana Guardado and David Fowler then briefly described their backgrounds and their interest and reasons for wanting to serve on the city council. Sue Boyett, Evelyn Hall and Tahais Guerrero then offered brief public comments in support of their candidates of choice.

Brennan distributed the initial ballots to each councilmember and collected the voted ballots, and announced that Guardado and Fowler would be the two applicants moving on to the next ballot. The second ballot was then distributed to the council and collected, and Brennan announced that Fowler had been chosen as the new councilmember for Ward 1.

Shaver administered the oath of office to Fowler and he took a seat on the council dais. Brennan then called the roll again, with all present including Fowler.

APPOINTMENT OF MICHAEL SCHMEECKLE TO THE HISTORIC PRESERVATION BOARD

Councilmember Clint Anderson said the Historic Preservation board had a vacancy due to a member relocation, and Schmeeckle had applied and been recommended for appointment by the board. Anderson made a motion to appoint Schmeeckle to the Historic Preservation Board, which was seconded by Councilmember Kevin Lindell and approved unanimously.

BIDS FOR A ROUGH MOWER FOR THE GOLF COURSE

Golf Course Maintenance Superintendent Matt Givens reviewed the bid process for this purchase, for which two bids were received. Givens recommended accepting the higher of the two bids because it was for the same Toro model as the other two mowers so it would save costs on interchangeable replacement parts.

Northrup offered a resolution to accept the bid from LL Johnson Distributing Co. of Denver in the amount of \$64,080 for a rough mower, which was seconded by Howe and approved unanimously.

BIDS FOR A LIGHT-DUTY UTILITY CART FOR THE GOLF COURSE

Givens said five bids were received for this purchase and he was recommending the lowest one that met the bid specifications. Howe offered a resolution to accept the bid from Potestio Brothers Equipment of Colorado Springs in the amount of \$10,723 for a light-duty utility cart for the golf course, which was seconded by Councilmember Doug Schossow and approved unanimously.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – RENEWAL OF A RETAIL LIQUOR STORE LICENSE FOR REATA LIQUORS WITH A PREVIOUS STATE VIOLATION

Brennan explained that this renewal was being brought to the council because the establishment had been cited during a state compliance check for selling to an underage person and failing to check ID. He reviewed the terms of the Stipulation, Agreement and Order reached by the state and the licensee. Owner Kathy Sanger told the council the store had installed a new system since this violation that required a driver's license to be scanned before a sale could be made, and this had helped in ensuring compliance with ID checks.

Northrup offered a resolution to approve the renewal of a Retail Liquor Store License for Reata Liquors Inc. dba Reata Liquors at 1305 N. Barlow Road, which was seconded by Howe and approved unanimously.

COUNCIL ACTING AS THE LOCAL LICENSING AUTHORITY – FORMAL ACCEPTANCE OF A NEW APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE FOR ALL ABOUT THE SMOKE

Brennan said this was the first step in the application process for a new liquor license, and the paperwork had been reviewed by his office, the police department and the city attorney's office and deemed complete. Formal acceptance by the council would trigger the 30-day waiting period before a public hearing could be held on the application, he said, and asked that a hearing be scheduled for May 7.

Northrup offered a resolution to accept the application for a new Hotel and Restaurant liquor license from All About the Smoke and schedule a public hearing on the application for May 7. That resolution was seconded by Schossow and approved unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR A SKYDIVING OPERATION AT THE FORT MORGAN MUNICIPAL AIRPORT

Public Works Director Steve Glammeyer said he had been working extensively with the applicant, the Federal Aviation Administration and the city's attorney on this issue, which the city was obliged to allow because the airport is funded primarily by FAA grants, he said. He said the letter of agreement proposed here contained reasonable terms and conditions for the operation. Mayor Shaver noted that Glammeyer had spent a phenomenal amount of time working through the issues in this matter and still had been criticized for not giving it the proper attention, and Shaver said nothing could be further from the truth.

Council and staff discussion about the safety of the operation, the fees, the condition of the landing area and other details followed. Northrup offered a resolution to approve the Resolution authorizing the mayor to execute the Fort Morgan Municipal Airport sport parachuting letter of agreement with Orange Skies Free Fall Center LLC. That resolution was seconded by Lindell, but before the vote a member of the audience asked to address the council. John Longacre, a neighboring landowner, said that contrary to claims by the skydiving company there had been injuries and a fatality resulting from their operation. He also said in the past this skydiving operation had disrupted his cattle operation and landed far outside their designated area, and the airport operator also created problems for his farm and cattle by flying low.

The council then voted on Northrup's resolution and approved it unanimously.

PRESENTATION AND REPORT ON ACTIVITIES OF THE ECONOMIC DEVELOPMENT AND MARKETING DEPARTMENT

Economic Development Specialist Sarah Crosthwaite reviewed a PowerPoint presentation outlining her four primary goals for her department in 2019-2020 and strategies and plans under each, which included Marketing, Retaining and Attracting Businesses, Housing and Downtown Revitalization. Council and staff discussion of some of the plans followed. City Manager Jeff Wells said Crosthwaite was doing a great job in her first few months with the city, and she thanked Wells for providing her with such a clear and positive vision for what Fort Morgan can become when she came to the city to accept her position. No action was taken.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Eva Graham addressed the council, saying the past year had been hard, the council has been divided and had forgotten that appointed officials work for them. She said there was a need for change and said the mayor needed to control appointed officials. She said the council seemed to be not well informed and had hard decisions to make and should not continue to rubber-stamp actions proposed by appointed officials.

Lindell stated he was taken aback by Graham's assertion that he is influenced by appointed officials or in any way rubber-stamping in making decisions. He said he had been making life and death decisions for 30 years by weighing the facts and talking and listening to people, and he did the same as a councilmember, so the assertion that he was rubber-stamping was "baloney."

Guardado then told the council that she was proud to speak before the council and they had her support.

REPORTS BY OFFICIALS AND STAFF

Wells updated the council on the effort to shift the city to self-collection of sales tax, and thanked the streets department for their hard work on the spring cleanup campaign. He said work was under way on several levels at the city's CentrePointe Plaza development, and noted that the city had received a Project of the Year award from the Nebraska Municipal Power Pool for its fiber optic project.

Chief of Public Safety Paul Schultz informed the council about a SWAT team situation that had occurred the previous weekend and was handled well and safely.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:00 p.m., and Mayor Shaver announced that the next item on the agenda was the first of two scheduled executive sessions. Lindell made a motion to convene this first executive session, which was seconded by Northrup 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: Contribution to the Senior Center.

The executive session began at 8:13 p.m. and ended at 9:15 p.m. and was attended by the mayor and council along with Wells, Brennan, Interim City Attorney Nina Williams, Public Works Director Steve Glammeyer, City Treasurer Jean Kinney, Community Services Director Ty Hamer, Gene Doty, Rick Doty, Bob Elrick, Ryan Elrick and George Cromwell. The Dotys, the Elricks and Cromwell left the session at approximately 8:50 p.m.

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 authorize staff to move forward with negotiations

under the parameters discussed in executive session and allow the mayor to sign the appropriate contracts. That motion was seconded by Councilmember Clint Anderson and approved unanimously.

Lindell then made a motion to convene the second scheduled executive session, which was seconded by Northrup 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: Review of executive search firm proposals.

The executive session began at 9:20 p.m. and concluded at 9:45 p.m., and was attended by the mayor and council along with Wells, Brennan, Williams and Human Resources/Risk Management Director Susan Kurk.

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 made a motion to instruct negotiators to proceed with negotiations under the parameters discussed in executive session. That motion was seconded by Lindell and approved unanimously.

Mayor Shaver adjourned the April 2, 2019 regular meeting at 9:46 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk