

January 14, 2020

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 special (organizational) 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 David Fowler
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, Community Services Director Ty Hamer, Public Works Director Steve Glammeyer, Economic Development Specialist Sarah Crosthwaite, Engineer in Training Derrick Mills and Deputy City Manager/City Clerk/PIO John Brennan.

APPROVAL OF MINUTES – JANUARY 7, 2020 CITY COUNCIL REGULAR MEETING

Councilmember Allison Howe offered a resolution to approve the minutes of the Jan. 7, 2020 city council regular meeting as presented, which was seconded by Councilmember Clint Anderson and approved unanimously.

COMMENTS FROM OUTGOING COUNCILMEMBERS

Councilmember Lisa Northrup read a prepared statement about her experience as a council member for eight years and as mayor pro tem for the last four. She spoke of all she had learned and thanked former Mayor Terry McAlister for mentoring her, as well as the city staff. She advised those remaining on council to serve with honesty, integrity and dignity and leave personal agendas aside.

David Fowler said he appreciated his nine months on the council, to which he was appointed to fill a vacancy in 2019. He said he found the role a bit too high profile and would look for other ways to serve the community.

Northrup and Fowler then left their seats on the council dais.

OATH OF OFFICE FOR MAYOR RON SHAVER

Municipal Judge Charlie Peters administered the oath of office to Mayor Ron Shaver.

OATHS OF OFFICE FOR COUNCILMEMBERS

Shaver administered the oaths of office to Councilmembers Clint Anderson, Lyn Deal and Brian Urdiales.

Deputy City Manager/City Clerk/PIO John Brennan then called the roll again for the newly constituted council.

Roll Call: Present: Honorable Mayor Ron Shaver

Councilmember Clint Anderson
Councilmember Lyn Deal
Councilmember Allison Howe
Councilmember Kevin Lindell
Councilmember Doug Schossow
Councilmember Brian Urdiales

COMMENTS FROM INCOMING COUNCILMEMBERS

Anderson said he would come into to his second term with a lot more knowledge and planned to be more of a spoken leader. He said he was honored to serve the citizens.

Urdiales said he was born and raised in the ward he was now representing and was looking forward to serving the citizens.

Deal said she had been away eight years since her first term on the council but never really stopped working with the city. She said she was honored to serve and honored the city's employees. She said she was committed to serve God and the citizens of Fort Morgan.

Shaver noted this was his final term as mayor and he was a longtime resident of Fort Morgan who had worked for the city for many years and then transitioned into the political end of things. He said looked forward to the next couple of years and to staying involved in the community after that.

Shaver then announced that he was going to shuffle the order of items on the agenda.

RESOLUTION RATIFYING THE APPOINTMENT OF THE FIRE CHIEF

City Manager Jeff Wells explained the process for selecting the fire chief. Howe offered a resolution affirming the vote of the fire department and ratifying the appointment of Trae Boehm as fire chief of Fort Morgan. Shaver then administered the oath of office to Boehm, who thanked the council for its consistent support of the all-volunteer fire department to keep up with equipment and other needs.

APPOINTMENT OF COUNCIL MEMBERS AND STAFF TO BOARDS AND COMMISSIONS

Shaver reviewed the list of liaison positions on city advisory boards and commissions and council members chose the ones on which they would like to serve.

RESOLUTION DESIGNATING THE OFFICIAL POSTING SITE FOR CITY PUBLIC NOTICES

Brennan explained that this was a routine housekeeping measure that specified the lobby of city hall for posting notices and the Fort Morgan Times for publishing legal notices. Howe offered a resolution to approve the Resolution on the designation of a public place for posting of notices concerning official city business of the City of Fort Morgan pursuant to C.R.S. 24-6-402(2)(c). That resolution was seconded by Councilmember Kevin Lindell and approved unanimously.

RESOLUTION CONFIRMING THE APPOINTMENT OF APPOINTED OFFICIALS

Shaver said he believed there would be differing or divided votes on this measure so instead of doing it as a single resolution he would break it up into items. He said he would entertain a motion to divide this resolution up into individual items. Deal made a motion that the council consider the appointment and designation of appointed officials individually rather than as a single resolution, which was seconded by Councilmember Doug Schossow and approved on a vote of 6-1, with Lindell voting against.

Shaver then asked for resolutions for the individual appointments, as follows:

For city attorney, Geoff Wilson and Nina Williams of the law firm of Murray Dahl Beery and Renaud LLC – Howe offered a resolution, Lindell seconded, approved unanimously.

For municipal judge, Charles Peters – Howe offered a resolution, Urdiales seconded, approved unanimously.

For deputy municipal judge, Kelly Hansen – Howe offered a resolution, Lindell seconded, approved unanimously.

For Chief of Public Safety, Paul Schultz – Shaver noted Schultz had announced his retirement effective at the end of March and his contract officially ended on Jan. 14 2020. Schossow offered a resolution that council not approve the reappointment of Paul Schultz as chief of public safety or the renewal or continuation of his contract, and that the city pay him a severance of two and a half months of his base salary upon his execution of a waiver and release. Deal seconded, approved 5-2, Howe and Lindell voting against.

For city manager, Jeff Wells – Deal offered a resolution that Mr. Wells' contract with the city of Fort Morgan be terminated effective immediately as provided in section 9a of his contract with the city. Schossow seconded. Wells asked for an opportunity to comment, and said he felt it was necessary to inform the council of some of the ramifications of this action going forward. He said if he was terminated in a public meeting in this manner it would cost the citizens three additional months of severance pay, and asked to be treated with respect and have a conversation in executive session. He said he didn't understand why council would do things this way and suggested working out an amicable agreement in executive session.

Shaver asked city attorney Wilson for an opinion on additional liability, and discussion followed about the legalities of Wells' contract as well as Schultz's. Wells said he wanted to make clear that Deal's motion to terminate his contract was not made based on dissatisfaction with the performance of the city manager. Wilson said it was an at-will termination and no reason was required.

Wells requested that the council table this issue and give him an opportunity to work with the mayor and legal counsel to develop a parting agreement that would sort out all of the issues and give Wells the opportunity to resign. Lindell moved to table the matter. That motion did not receive a second but the council voted on the motion, which failed on a vote of 4-3, with Howe, Lindell and Anderson voting against.

More council and staff discussion followed, with Wells saying the votes on the motion to table seemed to indicate discussions among council members had taken place outside the public, which he said could be a violation of the open meetings law, and said he wanted to advise the council and Wilson to preserve any and all correspondence among council members about his position as the city manager.

Shaver then asked Wilson if the council could proceed to a vote, which it did, with Deal's motion failing on a vote of 6-1, with Deal the only one voting in the affirmative. Shaver then said there was confusion and called for a reconsideration of the preceding vote. Brennan pointed out that the mayor could not make a motion. Deal then moved for reconsideration, but Wilson advised that she could not do so because she had not voted with the prevailing side in the earlier vote. Schossow then made a motion for reconsideration, which was seconded by Deal and approved on a vote of 4-3 with Howe, Lindell and Anderson voting against.

Deal then offered a resolution that Mr. Wells' contract with the city of Fort Morgan be terminated effective immediately as provided in section 9a of his contract with the city. Schossow seconded, and that resolution carried on a vote of 4-3 with Howe, Anderson and Lindell voting against.

Wells then made some comments about what a privilege it had been to serve as both city manager and city attorney for Fort Morgan. He said the council sets the tone for the city and he feared the action taken by the council set the wrong one.

RESOLUTION CONCERNING THE ESTABLISHMENT AND OPERATION OF CITY BANK ACCOUNTS

City Treasurer Jean Kinney explained that this resolution was also a routine measure that was done at organizational meetings to reflect changes in staffing. Shaver said there would need to be additional changes due to the actions taken at this meeting. Howe offered a resolution to approve the Resolution concerning the establishment and operation of bank accounts with the contingency changes needed. That resolution was seconded by Schossow and approved unanimously.

Mayor Shaver adjourned the January 14, 2020 city council special meeting at 7:21 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk