

February 18, 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 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 Lyn Deal  
Councilmember Allison Howe  
Councilmember Kevin Lindell  
Councilmember Doug Schossow  
Councilmember Brian Urdiales

The meeting was also attended by Acting City Manager Brent Nation, City Treasurer Jean Kinney, Interim Police Chief Jared Crone, Community Services Director Ty Hamer, Human Resources/Risk Management Director Susan Kurk, Public Works Director Steve Glammeyer, Fire Chief Trae Boehm, Economic Development Specialist Sarah Crosthwaite, Light and Power Superintendent Doug Linton, Water Distribution/Wastewater Collection Superintendent Erik Sagel, Fire Marshal John Zink, Recreation Superintendent Steve Samson and Deputy City Manager/City Clerk/PIO John Brennan.

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#### **APPOINTMENTS TO SENIOR CENTER ADVISORY BOARD**

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Councilmember Allison Howe said the Senior Center Advisory Board had received two applications for vacancies, one from a new applicant and one from an existing member seeking an additional term. Howe made a motion to appoint Ruth Nelson to an additional term and Thelma Downing to a new three-year term on the Senior Center Advisory Board, which was seconded by Councilmember Clint Anderson and approved unanimously.

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#### **PRESENTATION OF ANNUAL REPORT FOR THE FORT MORGAN VOLUNTEER FIRE DEPARTMENT**

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Fire Chief Trae Boehm reviewed statistics for 2019 for the fire department, including the volume of calls, number of volunteer firefighters, hours of training completed, new equipment obtained and other information. Fire Marshal John Zink reviewed his activities including fire inspections, education efforts in local schools and other fire prevention program. The council thanked the fire department officials for the hard work they do and the great benefits they provide to the city, and Boehm thanked the council for its support of the department. No action was taken.

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#### **PRESENTATION OF ANNUAL REPORT FOR THE FORT MORGAN POLICE DEPARTMENT**

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Interim Police Chief Jared Crone informed the council he had recently discovered that statistical information regarding crime rates in the police department annual summary provided in the council meeting packets was inaccurate, and said he would provide corrected information as soon as possible. Crone reviewed other FMPD activities for 2019, including a continued strong focus on training, the addition of a second school resource officer, certification and licensing of three drone pilots and the completion of a mobile command post vehicle. No action was taken.

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**SECOND READING AND PUBLIC HEARING ON AN ORDINANCE VACATING LINCOLN STREET RIGHT OF WAY**

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Mayor Shaver outlined the format to be followed during the public hearing, and Deputy City Manager/City Clerk/PIO John Brennan confirmed that proper legal notice of the hearing had been published. Public Works Director Steve Glammeyer explained the reason for the ordinance, which would vacate a city right of way that ran across the property of Baker Elementary School. The city would retain a utility easement for water and gas lines in the right of way but otherwise the property would become the responsibility of the school district, Glammeyer said.

No public comments were received either during the hearing or in advance, and no council comments were offered. Councilmember Kevin Lindell made a motion to close the public hearing, which was seconded by Anderson and approved unanimously. Deputy City Attorney Nina Williams advised the council of its options for action, and Councilmember Doug Schossow offered a resolution to approve the second and final reading of Ordinance No. 1242, an ordinance vacating that portion of the right of way of Lincoln Street south of East Beaver Avenue and north of East Kiowa Avenue, and authorization to publish by title only. That resolution was seconded by Lindell and approved unanimously.

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**BIDS FOR TWO DIGITAL ELECTRONIC MESSAGE BOARD SIGNS**

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Glammeyer reviewed the bid process for this purchase, which would add two more trailer-mounted message board signs to the two purchased the previous year. Seven bids were received and Glammeyer recommended the lowest bid for hydraulic lift-equipped signs from K&K Systems in the amount of \$24,677.34 for two MB 9757 trailer-mounted units.

Howe offered a resolution to accept the bid from K&K Systems for two electronic message board signs not to exceed \$24,677.34. That resolution was seconded by Anderson and approved unanimously.

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**BIDS FOR A NEW CREDIT CARD READER FOR THE FUEL SYSTEM AT THE AIRPORT**

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Glammeyer said the current system was installed in 2010 and was no longer operational. Two bids were received and he recommended the low bid. Glammeyer said he was asking for some extra contingency funding in case the installation of the system became complicated by unforeseen issues.

Councilmember Lyn Deal offered a resolution to accept the bid from Petroleum Equipment Maintenance LLC in the amount of \$14,904 with additional appropriation for contingencies not to exceed a total of \$20,000. That resolution was seconded by Howe and approved unanimously.

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**BIDS FOR A THREE-REEL CONDUCTOR/POLY TRAILER FOR THE ELECTRIC DEPARTMENT**

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Light & Power Superintendent Doug Linton explained that this equipment would allow his crews to carry wire, fiber and fiber conduit all at the same time instead of having to reconfigure the reel trailer for each type of use, saving time and money. He recommended the low bid.

Howe offered a resolution to accept the bid from Brooks Brothers of Ottawa, Kan., in the amount of \$51,952 for a three-reel conductor/poly trailer for the electric department. That resolution was seconded by Councilmember Brian Urdiales and approved unanimously.

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**BIDS FOR A FOUR-WHEEL DRIVE HALF-TON PICKUP TRUCK FOR THE WATER DISTRIBUTION DEPARTMENT**

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Water Distribution/Wastewater Collection Superintendent Erik Sagel explained the need for this truck to replace a 2006 model, which he said would be auctioned. Only one bid was received, he said, and he also requested additional funding for options and equipment to make the truck ready for city use.

Howe offered a resolution to accept the bid from Ehrlich Chrysler Dodge Jeep Ram in the amount of \$37,500 for a four-wheel-drive, ½-ton Ram 1500 Bighorn pickup truck with optional extended warranty and other miscellaneous equipment to make the truck suitable for city use, with total expenditure not to exceed \$45,000. That resolution was seconded by Lindell and approved unanimously.

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**BIDS FOR A FULL-SIZE, ¾-TON CREW CAB PICKUP TRUCK FOR THE WASTEWATER COLLECTION DEPARTMENT**

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Sagel reviewed the bid process for this purchase, which would replace a 2000 model with a flatbed configuration. One bid was received, he said, and he requested additional options and funding to outfit the truck for city use.

Deal offered a resolution to accept the bid from Ehrlich Chrysler Dodge Jeep Ram in the amount of \$43,200 for a Ram 2500 Tradesman pickup truck with a P.J. utility flatbed along with additional options including a snow plow and equipment to complete the truck for city use, with total expenditure not to exceed \$58,000. That resolution was seconded by Anderson and approved unanimously.

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**BIDS FOR A REFUSE TRUCK AND COMPACTOR FOR THE SANITATION DEPARTMENT**

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Glammeyer reviewed the bid process for this purchase, which was part of the scheduled replacement program for garbage trucks. The truck and the compactor unit were bid separately, he said, with three bids submitted for the truck and one for the compactor. Glammeyer requested approval of the low bid for the truck and the compactor bid which included a trade-in credit, along some contingency funding.

Howe offered a resolution to accept the bid from McCandless International in the amount of \$84,986 for an International HV607 truck chassis; accept the bid from American Transportation in the amount of \$113,098 with a trade-in credit of \$21,000 for a net cost of \$92,098 for the Pak-Mor HLR 29 Compaction Body; for a total of \$177,084 for the truck and compactor, plus additional funding not to exceed a total of \$185,000. That resolution was seconded by Schossow and approved unanimously.

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**BIDS FOR SANITATION CONTAINERS FOR THE SANITATION DEPARTMENT**

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Glammeyer said this was an annual purchase and the bids were for unit pricing. He recommended the lowest of five bids.

Howe offered a resolution to accept the unit bid price from Roll Offs USA Inc. in the amount of \$500 each for Emmco three-yard containers. That resolution was seconded by Schossow and approved unanimously.

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**SELECTION OF A PLACEMENT AGENT FOR FINANCING OF THE FIELDHOUSE PROJECT**

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City Treasurer Jean Kinney outlined the request for proposals she had posted for this service, noting that three qualifying bids were received. She reviewed the selection criteria she used and recommended that the city retain Nate Eckloff with Piper Sandler as a placement agent, based on his lengthy experience, volume of similar funding handled and excellent references. Council and staff discussion followed about the amount of a loan the city would pursue for the fieldhouse, the timeline and costs of the placement services, the terms of such a loan and other matters.

Howe offered a resolution to accept the staff recommendation to retain Nate Eckloff of Piper Sandler as placement agent for financing the fieldhouse project. That resolution was seconded by Urdiales and approved unanimously.

Larry French then addressed the council and questioned how the city could do any kind of financing without knowing what the cost of the fieldhouse would be. Nation said the council had been clear that the project must come in at no more than \$10 million.

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**CONSENT AGENDA BY RESOLUTION**

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Brennan presented the Consent Agenda for Council consideration as follows:

**CONSENT AGENDA**

- A. Approval of the disbursements and payroll for January
- B. Approval of the minutes of the Feb. 4, 2020 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 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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Community Services Director Ty Hamer gave an update on the progress of construction of the new Gene Doty Senior Center. Nation reported on recent trips to an economic development trade show and the annual meeting of the National Public Gas Agency, and thanked the council for its support of staff travel and creating relationships outside the city.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Brennan announced current bids and upcoming meetings.

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## **EXECUTIVE SESSIONS**

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The regular portion of the meeting ended at 7:21 p.m., and Mayor Shaver announced that the next items on the agenda were three scheduled executive sessions. Shaver read the published basis for the first executive session, which 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: Economic incentives.

Shaver asked for a motion to go into the first executive session. Lindell made a motion to go into the first executive session, which was seconded by Anderson and approved unanimously. Shaver then read the published basis for the second scheduled executive session, which 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: Discussion of termination of former city manager.

Shaver asked for a motion to go into this second scheduled executive session. Lindell made a motion to go into the second executive session, which was seconded by Howe. After it appeared one council member voted against that motion on a voice vote, Shaver called for a roll call vote, and Brennan announced that the motion was approved on a vote of 4-3, with Urdiales, Schossow and Deal voting against. Williams then stated that a motion to go into executive session required a two-thirds vote of the council, so five votes would be required and the motion to go into the second executive session therefore failed. Shaver said that session would not be held.

Shaver then read the published basis for the third scheduled executive session, which 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 for a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Agreement with former city manager.

Shaver asked for a motion to go into this third scheduled executive session. Howe made a motion to go into the third executive session, which was seconded by Anderson. After it appeared that one council member voted against that motion, Shaver called for a roll call vote. The motion was approved on a vote of 6-1, with Lindell voting against.

The council then convened the first scheduled executive session, pertaining to negotiations and economic incentives. The session began at 7:35 p.m. and ended at 8:08 p.m., and was attended by the mayor and council along with Nation, Economic Development Specialist Sarah

Crosthwaite and Williams. 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. No motion was made.

The council then convened the third scheduled executive session (eliminating the second scheduled session that had been voted down), pertaining to negotiations and legal advice related to an agreement with the former city manager. The session began at 8:17 p.m. and ended at 8:58 p.m. and was attended by the mayor and council along with Williams. At the conclusion of the executive session the council returned to the regular open meeting, where Howe reported that the council met in executive session for the purpose stated on the agenda. No motion was made.

Mayor Shaver adjourned the Feb. 18, 2020 regular meeting at 9:00 p.m.

/s/ Ronald Shaver  
Mayor

/s/ John Brennan  
City Clerk