

March 3, 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 Doug Schossow
Councilmember Brian Urdiales

Absent: Councilmember Kevin Lindell (excused)

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

APPROVAL OF MINUTES – FEB. 18, 2020 CITY COUNCIL REGULAR MEETING

Councilmember Allison Howe offered a resolution to approve the minutes of the Feb. 18, 2020 city council regular meeting as presented, which was seconded by Councilmember Brian Urdiales and approved on a unanimous vote of 6-0, with Councilmember Kevin Lindell absent (excused).

APPOINTMENT OF BLAKE BERRY TO THE PLANNING COMMISSION

Public Works Director Steve Glammeyer said this was a vacancy that had existed for some time, and the appointment would be for a remaining term that would expire in 2023. Howe offered a resolution to appoint Blake Berry to the Planning Commission, which was seconded by Councilmember Doug Schossow and approved unanimously (6-0, Lindell absent).

RECOGNITION OF BUSINESS OF THE MONTH

Economic Development Specialist Sarah Crosthwaite announced that the Business of the Month winner for March was Primpin' Ain't Easy Salon, which she said showed a strong sense of entrepreneurship and community. Crosthwaite presented a certificate and sandwich board sign to owner Gaila Ruppel and said the business would receive a free month of advertising.

APPOINTMENT OF SONYA THORNTON TO THE HISTORIC PRESERVATION BOARD

Crosthwaite said the application had been reviewed and recommended for approval by the board. Councilmember Lyn Deal made a motion to appoint Sonya Thornton to the Historic Preservation Board, which was seconded by Councilmember Clint Anderson and approved unanimously (6-0, Lindell absent).

APPLICATION FOR HISTORIC LANDMARK DESIGNATION FOR THE CLATWORTHY POST OFFICE BUILDING AT 218 MAIN ST.

Crosthwaite reviewed this application for designation of the property as a local historic landmark, and said the Historic Preservation Board had recommended approval. Deal offered a resolution to approve the application for historic landmark designation for the Clatworthy Post Office Building at 218 Main St., which was seconded by Anderson and approved unanimously (6-0, Lindell absent).

MEMORANDUM OF UNDERSTANDING WITH THE MORGAN COUNTY ECONOMIC DEVELOPMENT CORP.

Crosthwaite said this MOU would re-establish a relationship between the city and the Morgan County Economic Development Corp. to foster a sense of cooperation and collaboration between the two. Nation said the MOU was a more generalized agreement that could also be used for other public entities by MCEDC.

Howe offered a resolution to approve the memorandum of understanding with MCEDC, which was seconded by Urdiales and approved unanimously (6-0, Lindell absent).

RENEWAL OF MEMORANDUM OF UNDERSTANDING WITH MUSTANG BASEBALL

Recreation Superintendent Steve Samson said this was a renewal of the same MOU the city had made with Mustang Baseball in recent years, with the only change being that it called for automatic renewal if there were no issues, so it would not have to be brought back to the council for approval each year. He reviewed the terms of the agreement and introduced Josh Langford of Mustang Baseball, who said the club had a great relationship with the city that he would like to continue.

Howe offered a resolution to approve the renewal of the MOU with Mustang Baseball, which was seconded by Anderson and approved unanimously (6-0, Lindell absent).

APPLICATION FOR IN-KIND SERVICES AND FEE WAIVERS FOR BOBSTOCK

Samson reviewed the request for city services and fee waivers for the annual Bobstock music festival, and said staff recommended approval. Bobstock organizers Wayne Johnson and Lindsey Bruntz then outlined some additional requests for the 2020 event, including more street closures and a new proposal for beer sales. Some council and staff discussion with the organizers followed, about issues related to the closures and alcohol plan, with staff recommending a separate meeting with the organizers to discuss the plans and whether they would be workable.

Schossow offered a resolution to approve the application for in-kind services and fee waivers for Bobstock, which was seconded by Anderson and approved unanimously (6-0, Lindell absent).

BIDS FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE FIELDHOUSE PROJECT

Glammeyer said this was a big step toward getting the fieldhouse built, and a committee of staff and officials narrowed the 14 proposals received to a shortlist of three for final presentations and interviews. After those the selection committee recommended GH Phipps of Fort Collins to provide these services. Glammeyer said the request was to enter into a contract with Phipps for an amount not to exceed \$10 million. He said the firm would provide the city with a guaranteed maximum price, probably by late April, and that cost would be less than \$10 million.

Some council and staff discussion followed about the selection and the operating and maintenance costs for the fieldhouse when completed. Howe offered a resolution to award the contract for construction for the community center/ fieldhouse project to G.H. Phipps Construction not to exceed \$10 million, and to authorize the mayor to sign related contracts. That resolution was seconded by Anderson and approved unanimously (6-0, Lindell absent).

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER OF AGREEMENT WITH GOJUMP DENVER SKYDIVING COMPANY FOR USE OF THE CITY AIRPORT

Glammeyer explained that the skydiving company had reached agreement with the city the previous year for use of the airport for a landing area. Since then the airport board had adopted new standards and increased its fees for some services, including the lease of areas of the airfield, which effectively doubled the fees required of the skydiving company. Glammeyer said the city had looked at standards and fees at other airports in the region and the ones adopted by Fort Morgan were in line with those. He said the skydiving company had requested a reduction in the fees but the Airport Advisory Board had voted to leave them as they were.

Council and staff discussion followed about the evolution of the fees and a letter distributed to the council before the meeting by the skydiving company's owner from a neighboring landowner near the airport. Mayor Shaver disputed the letter's contention that the city raised the fees due to inconvenience to the neighbors.

Skydiving company owner Mike Bohn then asked to address the council, saying the fees had increased drastically in the preceding three years and were now being doubled again, which was a burden to his small business that drew many people to the city. More council and staff discussion ensued about the history of fees and the impact of the skydiving operation on the airport.

Deal 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 Schossow and approved on a vote of 5-1, with Howe voting against and Lindell absent.

RESOLUTION AMENDING THE BYLAWS OF THE AIRPORT ADVISORY BOARD

Glammeyer said this revision to the airport board bylaws was aimed at making it easier to find members. It would expand the potential pool of members and had been recommended for approval by the board.

Deal offered a resolution approving the Resolution approving the amended Fort Morgan Airport Advisory Board bylaws, which was seconded by Schossow and approved unanimously (6-0, Lindell absent).

BIDS FOR 2020 HBP PAVING AND CHIPSEAL PROJECTS

Glammeyer said this bid process was for the annual projects for street improvements under the Strictly for Streets sales tax approved by voters in 2017. He said two bids were received for the paving projects and two for the chipseal projects, and staff recommended the low bid in each case. He also noted that these two bids would not expend all of the budgeted funding for the Strictly for Streets program for 2020, because staff was planning to use the remaining funds for a new resurfacing technology and a proposal for that would be brought back to council at a future meeting.

Council and staff discussion followed about how the streets to be repaired in a given year were chosen, the connection with underground utility work and that Strictly for Streets funds were not used for utility work.

Howe offered a resolution to accept the bid from Martin Marietta Materials for \$1,505,295 and not to exceed \$1.7 million, and to accept the bid from A1 Chipseal for \$117,860.60 and not to exceed \$130,000. That resolution was seconded by Schossow and approved unanimously (6-0, Lindell absent).

Shaver then called for a break and the meeting recessed for approximately three minutes.

BIDS FOR WASTEWATER COLLECTION SYSTEM RELINING PROJECTS

Water Distribution/Wastewater Collection Superintendent Erik Sagel said this was a non-invasive way of replacing sewer mains, which the city had been using for several years. He reviewed the bid process and recommended the lowest of three bids, from Insituform Technologies of Littleton.

Howe offered a resolution to accept the bid from Insituform Technologies LLC in an amount not to exceed \$150,000. That resolution was seconded by Urdiales and approved unanimously (6-0, Lindell absent).

BIDS FOR THE WATER DISTRIBUTION DEPARTMENT WATERLINE ISOLATION PROJECT

Sagel said this project would allow his department to shut off a smaller area of the city if repairs were needed on this water main, which was larger than city crews could handle. He said he was recommending the second-lowest of three bids because he had seen good success with that company.

Schossow offered a resolution to accept the bid from Municipal Pipe Services in an amount not to exceed \$43,000, which was seconded by Anderson and approved unanimously (6-0, Lindell absent).

BIDS FOR A TURF UTILITY VEHICLE WITH LOADER FOR THE GOLF COURSE

Golf and Cemetery Superintendent Matt Underwood said the piece of equipment he was recommending was designed specifically for golf courses to reduce wear on tear on turf, and was compatible with other equipment at the city golf course. Council and staff discussion followed about the pros and cons of the two bids received.

Deal offered a resolution to accept the bid from LL Johnson Distributing in the amount of \$95,900.25 for a turf utility vehicle with loader for the golf course. That resolution was seconded by Anderson and approved unanimously (6-0, Lindell absent).

BIDS FOR A 4-WHEEL DRIVE ¾-TON CREW CAB PICKUP WITH SNOWPLOW FOR THE CEMETERY

Underwood reviewed the bid process for this vehicle and said he was recommending the lowest total bid including options from a local dealer, and requesting additional funding to outfit the truck for city use.

Howe offered a resolution to accept the bid from Ehrlich Chrysler Dodge Jeep Ram in the amount of \$39,590 including options with total expenditure not to exceed \$45,000. That resolution was seconded by Urdiales and approved unanimously (6-0, Lindell absent).

APPROVAL OF THE 2021 BUDGET CALENDAR

Acting City Manager Brent Nation reviewed the draft budget calendar for the year and answered council questions. Howe offered a resolution to adopt the 2021 budget calendar as presented, which was seconded by Deal and approved unanimously (6-0, Lindell absent).

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY OFFICIALS AND STAFF

Nation thanked the staff for supporting him and working around his schedule. Mayor Shaver related some input he had received about the Brenda Joy Bike Park, and Community Services Director Ty Hamer answered several questions about the issues raised.

BIDS, MEETINGS AND ANNOUNCEMENTS

Brennan announced current bids and upcoming meetings.

EXECUTIVE SESSION

The regular portion of the meeting ended at 8:08 p.m., and Mayor Shaver announced that the next item on the agenda was a scheduled executive session. Howe made a motion to convene this executive session, which was seconded by Anderson and approved unanimously (6-0, Lindell absent).

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 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.

The executive session began at 8:21 p.m. and ended at 9:06 p.m., and was attended by the mayor and five council members (Lindell absent) along with City Attorney Geoff Wilson. On the advice of the city attorney the recording of the executive session was turned off at 8:23 p.m., because the topic of discussion constituted a privileged attorney-client communication. The recording was turned back on at 9:05 p.m.

At the conclusion of the executive session the council returned to the regular open meeting. Councilmember Allison Howe offered a resolution stating that the council direct the city attorneys to conclude a severance agreement and release with Jeff Wells within the parameters set forth in the executive session of Feb. 18 and that the mayor be authorized to sign such agreement. That resolution was seconded by Councilmember Doug Schossow and approved unanimously (6-0, Lindell absent).

Mayor Shaver adjourned the March 3, 2020 regular meeting at 9:06 p.m.

/s/ Ronald Shaver
Mayor

/s/ John Brennan
City Clerk