

September 1, 2009

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Jack L. Darnell called the regular meeting to order at 7:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Jack L. Darnell  
Councilmember Sharol Lyn Deal  
Councilmember Debra J. Forstedt  
Councilmember Terry McAlister  
Councilmember James A. Powers  
Councilmember Alberta M. Simmons

Excused Absence: Councilmember Ron Shaver

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Lieutenant Darin Sagel, Director of Water Resources/Wastewater Treatment Gary Dreessen, Municipal Engineer Brad Curtis, Director of Human Resources & Risk Management Jody Prentice, Community Services Director Don Shedd, Community Development Director David Callahan, Treasurer Terri Schafer and City Clerk Andrea Strand.

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**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY  
APPLICATION FOR RENEWAL OF A HOTEL AND RESTAURANT LIQUOR LICENSE BY  
RODEWAY INN, LOCATED AT 1409 BARLOW ROAD**

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Clerk Strand reported that a complete application for renewal of a Hotel and Restaurant Liquor License was received from Kinsale Properties Inc., dba Rodeway Inn, located at 1409 Barlow Road. The appropriate fees had been paid for the renewal.

Lieutenant Sagel reported that a violation occurred involving the sale of alcohol to a minor on February 21, 2009. He reported that the Colorado Department of Revenue and Kinsale Properties, Inc., dba Rodeway Inn, have entered into a Stipulation, Agreement and Order. He introduced Steve Baldwin who was present to answer questions.

**Councilmember McAlister offered a motion to approve the application for renewal of the Hotel and Restaurant Liquor License for Kinsale Properties Inc., dba Rodeway Inn, located at 1409 Barlow Road. His motion was seconded by Councilmember Simmons and duly carried.**

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**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY  
BENEVOLENT PROTECTIVE ORDER OF ELKS, LODGE NO. 1143, LOCATED AT 430  
STATE STREET**

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Clerk Strand presented the Application for a Special Events Permit by Fort Morgan Elks Lodge #1143. Lieutenant Sagel verified the Affidavit of Posting of the Property. There were no objections from the public.

**Councilmember Powers offered a motion to approve the Special Events Permit for Fort Morgan Elks Lodge #1143 on September 18 and 19, 2009, to sell malt, vinous and spirituous Liquor at 430 State Street. His motion was seconded by Councilmember McAlister and duly carried.**

City Clerk Andrea Strand presented an application for a Special Events Permit requested by Fort Morgan Elks, located, at 430 State Street, to sell malt, vinous and spirituous liquor on October 10 and October 24, 2009. She explained a requirement of the permit is to post the event to provide the public an opportunity to object. She also requested the item be placed on the September 15 agenda to hear any objections from the public and to issue the permit. She reported that the appropriate fees had been paid for the permit.

**Councilmember Powers offered a motion to approve the posting of the property at 430 State Street concerning the application by Fort Morgan Elks for a Special Events Permit to sell Malt, Vinous and Spirituous Liquor on October 10 and October 24 and schedule to approve the issuance of a Special Events Permit for the next Regular Council Meeting on September 15. His motion was seconded by Councilmember McAlister and duly carried.**

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**PRESENTATION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ADMINISTRATIVE SERVICES AGREEMENT WITH UMR F/K/A WAUSAU BENEFITS, INC., AND APPROVAL OF AMENDMENTS**

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Attorney Wells presented a Resolution to approve and authorize the Mayor to execute an agreement with UMR and an amendment to the original agreement for a Health Benefits Summary Plan.

Manager Merrill referenced a letter from Willis HRH Executive Vice President, David Goldman, concerning proposed changes to the health care benefits the City offers to employees. He stated that the change in focus and priorities would be to preventative, education and early diagnostic treatment, instead of treating serious health issues after they occur.

Preventative care would be amended to cap at \$750 for each covered person. It is expected the first year the cost would be \$44 per person, but would save money in the future. In the next two weeks, Manager Merrill stated he would be proposing changes to the prescriptions drug benefit and to the wellness program. Allowances would be made for individuals who are unable to complete some of the requirements. He will also propose to streamline the Wellness Committee.

Councilmember Simmons voiced a concern about Amendment No. 3. She asked if the wellness policy would be automatically approved with this, without Council seeing it. Attorney Wells said no, it would be approved by Council. Councilmember Simmons would like to hear from the Wellness Committee.

Councilmember Powers offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Shaver; said Resolution being in words, letters and figures as follows, to-wit:

**RESOLUTION NO. 09 09 01**

**AUTHORIZING THE MAYOR TO  
EXECUTE THE ADMINISTRATIVE SERVICES AGREEMENT  
WITH UMR f/k/a WAUSAU BENEFITS, INC., AND APPROVAL OF AMENDMENTS**

WHEREAS, previously on March 7, 2006, then Director of Human Resources, LYNETTE D. FISCHER entered into a Administrative Services Agreement with WAUSAU BENEFITS, INC.(hereinafter "Wausau") on behalf of the CITY OF FORT MORGAN; and,

WHEREAS, since that time WAUSAU BENEFITS, INC. became FISERV HEALTH ADMINISTRATORS, INC. and is now known as UMR; and,

WHEREAS, The Summary Benefit Plan Description (SPD) must be amended to reflect changes since Wausau became the City's Third Party Administrator; and,

WHEREAS, To remedy this issue, Wausau (now known as UMR) has provided the City with a "clean version" of the Agreement (attached hereto and incorporated herein by this reference) for signature by the Mayor to conform with the provisions of *Charter*; and,

WHEREAS, the Office of the City Attorney has recommended and City Staff has determined that the execution of this Agreement is in the best interest of the City; and,

WHEREAS, the City Staff has reviewed Amendment #3 (a copy of which is attached hereto and incorporated herein by this reference), which sets forth the deletions, modifications and additions to the Summary Benefit Plan Description currently in effect, and hereby recommends the execution of the Amendment; and,

WHEREAS, Amendment #3 also incorporates changes proposed by the City Manager to enhance benefits to City Employees at a minimal cost; and,

WHEREAS, pursuant to Article IV, Section 2(d) of the *Charter*, the signature of the Mayor is required on all warrants, contracts, bonds or other instruments of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fort Morgan, Colorado that:

Section 1. The City Attorney is hereby directed to ensue compliance with TABOR and the laws of the State of Colorado prior to the Mayor's execution of the Administrative Services Agreement City of Fort Morgan.

Section 2. That the Mayor is authorized to execute the Administrative Services Agreement City of Fort Morgan.

Section 3. That the Mayor is authorized to execute Amendment #3 to the UMR Administrative Services Agreement City of Fort Morgan.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of September, 2009, the vote upon roll call being as follows:

Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers and Simmons.

Nays: None.

Absent / Abstain: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

BY: /s/ Jack Darnell, Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss. CERTIFICATE  
CITY OF FORT MORGAN )

I, Andrea Strand, City Clerk for the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the Council of Fort Morgan, Colorado, and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan this 3rd day of September, 2009.

/s/ Andrea Strand, City Clerk

**APPOINTMENT OF A COUNCILMEMBER TO COLORADO MUNICIPAL LEAGUE’S POLICY COMMITTEE**

Mayor Darnell announced that the Colorado Municipal League’s Policy Committee is seeking a member from our City. He stated that Councilmember Powers held this position for 15 years and asked if any other Councilmember would be interested in serving on the Committee. He commented that Attorney Jeff Wells had asked to be placed on the Committee.

**Councilmember McAlister offered a motion to appoint Jeff Wells to the Colorado Municipal League’s Policy Committee. His motion was seconded by Councilmember Deal and duly carried.**

**CONSENT AGENDA**

Clerk Strand presented the Consent Agenda for Council consideration. Councilmember Simmons offered a Resolution to approve the Consent Agenda as presented and moved for its

adoption. Her motion was seconded by Councilmember McAlister; said Consent Agenda being in words, letters and figures as follows, to wit:

- A. Approve the minutes from the August 11, 2009, special meeting.
- B. Approve the minutes from the August 18, 2009, regular meeting.

All matters listed under Item 7, 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.

PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of September, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers and Simmons. Nays: none. Absent: Councilmember Shaver.

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### **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Dr. Kerry Hart, President of Morgan Community College, was present to thank Council for support of the Glenn Miller project. He presented newly recorded CD's as a token of appreciation for support of the project.

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### **REPORTS**

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The following Directors provided written reports to Council:

City Manager Merrill stated that the City is spending \$35,000 for the Rainbow Bridge project, the rest is coming from other funding. He read a thank you from Steve and Ingrid Neel, who commented on the services the City offers and complimented the downtown project.

Police Chief Kuretich  
Water Resources/Wastewater Treatment Director Dreessen  
Municipal Engineer Curtis  
Human Resources and Risk Management Director Prentice  
Community Services Director Shedd  
Community Development Director Callahan  
Fort Morgan Volunteer Fire Department Chief Parker

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### **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Clerk Strand announced upcoming bids and meetings.

Mayor Darnell adjourned the September 1, 2009, regular meeting at 7:40 p.m.

*/s/ Jack L. Darnell*  
Mayor

*/s/ Andrea J. Strand*  
City Clerk