

October 6, 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 Ron Shaver
Councilmember Alberta M. Simmons

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Director of Water Resources/Wastewater Treatment Gary Dreessen, Municipal Engineer Brad Curtis, Community Services Director Don Shedd, Community Development Director David Callahan, Treasurer Terri Schafer and City Clerk Andrea Strand.

**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY
PUBLIC HEARING ON THE APPLICATION FROM NPC INTERNATIONAL, INC., DBA PIZZA HUT #4850, LOCATED AT 1200 W. PLATTE AVENUE, FOR A 3.2% BEER LIQUOR LICENSE**

Mayor Darnell made opening comments and read into the record:

“This is a public hearing before the City Council of the City of Fort Morgan acting as the Local Liquor Licensing Authority for the City, to determine whether the application for a 3.2% Beer Liquor License for NPC International, Inc. dba Pizza Hut #4850, should be granted or denied. This hearing will be conducted pursuant to the laws of the State of Colorado and the Ordinances and procedures of the City of Fort Morgan.

“The purpose of this hearing is to receive information, data and testimony by any interested parties in order to enable the City to make findings and reach conclusions required to be made by state law as to whether or not the application should be approved or denied. One of the principal questions the Council will be concerned with throughout this hearing relates to the reasonable requirements of the neighborhood for the outlets applied for and the desires of the inhabitants of that neighborhood with respect to the outlet. Those persons who will be heard during this hearing are “parties of interest,” who are defined by state law as being the applicant, residents of the neighborhood and owners or managers of businesses located in the neighborhood.

“The order of this hearing will be as follows. At the conclusion of my opening comments, Staff will report on the public notice of the hearing, posting of the property, status of fingerprint reports, presentation of the application, and review of the petition. The Applicant will present their case, meaning they will present testimony, exhibits, petitions, or other materials relevant to the application. Interested parties may then testify for or against the proposed application, after which the Applicant will have the opportunity for rebuttal. At the conclusion of all testimony, the Council will make its decision to approve or deny the application.

“All testimony will be given under oath given by the Mayor. Any exhibits presented during the hearing will be submitted to the City Clerk to become part of the record. The Clerk’s official files are hereby admitted into the record of this hearing.

“The Council previously set the boundaries of the neighborhood for the license as the City Limits of Fort Morgan. Does anyone present object to the boundaries of the neighborhood?

“If not, we will proceed with the public hearing.”

Clerk Strand stated that the application for a 3.2% Beer Liquor License had been accepted on August 18, 2009, and the public hearing was scheduled for October 6, 2009. The Affidavit of Publication for the Notice of Hearing had been published in *The Fort Morgan Times* on September 18, 2009. This meets the statutory notice requirements.

Chief Kuretich provided the Affidavit of Posting of the property at 1200 West Platte Avenue, Fort Morgan. The notice was posted on the property from September 16, 2009, to October 6, 2009.

Mayor Darnell asked for the introduction of the Applicant. Joshua Meriwether, Manager, and Kim Prevost were present on behalf of the Applicant to answer questions. They did not have any exhibits to offer into the record.

Clerk Strand presented the application as complete with the appropriate fees being submitted.

Chief Kuretich provided the background investigation report to the Local Licensing Authority and to the Applicant.

Clerk Strand presented the summary of the petition showing the needs of the neighborhood. She reported that forty-seven (47) individuals had signed the petition in favor of the 3.2% Beer Liquor License located at 1200 West Platte Avenue in Fort Morgan, Colorado. Twenty-four (24) names were not qualified to sign, leaving twenty-three (23) signatures in favor.

Clerk Strand stated that no one from the public had provided written comments to her office.

No one from the public was present to provide comments.

Councilmember Powers offered a motion to close the public hearing. His motion was seconded by Councilmember McAlister and carried unanimously.

Action on the Application

Attorney Wells provided options to the Liquor Licensing Authority to approve, continue or disapprove the application that was submitted for a 3.2% Beer Liquor License for NPC International, Inc., dba Pizza Hut #4850, located at 1200 West Platte Avenue, in Fort Morgan. He presented Findings of Fact that a complete application was submitted and the requirements of the neighborhood, the wants and needs of the adult population of the City of Fort Morgan and that good morale character of the applicants had been met.

Councilmember McAlister offered a motion to approve the application for a 3.2% Beer Liquor Licensee by NPC International, Inc., dba Pizza Hut #4850, located at 1200 West Platte Avenue in Fort Morgan. His motion was seconded by Councilmember Shaver and carried unanimously.

PRESENTATION OF A PROCLAMATION FOR NATIONAL BREAST CANCER AWARENESS MONTH

Nancy Lockwood, Viola Bristol-Johnson, Marilyn Peterson and Doris Craig appeared before Council and requested that a Proclamation be adopted to declare October as National Breast Cancer Awareness Month. Recently a quilt was donated to the Fort Morgan Municipal Library which honors survivors of breast cancer. The display case was built by Bill Garcia who is a City employee and individuals were encouraged to obtain a pink ribbon from Unique Embroidery & Engraving and have it attached to the quilt. These pink ribbons represent those who have been affected by breast cancer.

Councilmember Powers offered a motion to adopt the proclamation and approve the reading. His motion was seconded by Councilmember Forstedt and duly carried.

Mayor Darnell then read the Proclamation:

PROCLAMATION

2009 NATIONAL BREAST CANCER AWARENESS MONTH

WHEREAS, October 2009 is National Breast Cancer Awareness Month; and,

WHEREAS, breast cancer is the most common cancer among women, except for non-melanoma skin cancers; and

WHEREAS, breast cancer is the second leading cause of cancer death in women, exceeded only by lung cancer; and

WHEREAS, in 2009 an estimated 192,370 new cases of female breast cancer will be diagnosed in the United States and 40,170 will die from the disease, and an estimated 2,840 new cases of female breast cancer will be diagnosed in Colorado and 520 women will die of the disease; and

WHEREAS, death rates from breast cancer have been declining, and this change is believed to be the result of earlier detection and improved treatment; and

WHEREAS, mammography, an “x-ray” of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and

WHEREAS, the Pink Ribbon Memorial Quilt was dedicated in 2001 to honor past, present and future victims and survivors of breast cancer and is now on permanent display at the Fort Morgan Public Library.

NOW, THEREFORE, I, Jack L. Darnell, Mayor of the City of Fort Morgan, do hereby proclaim:

THE MONTH OF OCTOBER 2009 AS *BREAST CANCER AWARENESS MONTH*.

Dated this 6th day of October, 2009.

/s/ Jack L. Darnell, Mayor

ATTEST:

/s/ Andrea J. Strand, City Clerk

PRESENTATION OF INFORMATION FOR A DOWNTOWN REVITALIZATION GRANT

Councilmember Lyn Deal presented information on the Community Revitalization Partnership (CRP) Program. She had attended a conference and wanted to share the information she had obtained. She reported that The Department of Local Affairs (DOLA) and Downtown Colorado, Inc. (DCI), had teamed up to coordinate the Community Revitalization Partnership (CRP) Program providing assistance relating to Colorado’s downtowns. She received an application for Target Technical Assistance which would provide assistance for a specific issue affecting downtown revitalization. She would recommend that the City be a member of the DCI. The City would have to adopt an ordinance to create a Downtown Review Board who would review and designate requests made by property owners to be designated as a local historic building. The property owner could then get a grant for the restoration for building fronts. Other ideas mentioned were building a new amphitheatre as it is funded through a grant with a 25% match and Brownfield may help remove the lime from the Western Sugar property.

Manager Merrill and Treasurer Schafer reported that there was \$3,000 left in the 2009 budget for Economic Development. Mayor asked that the request for the \$3,000 be placed on the October 20, 2009, agenda and that Staff prepare an ordinance for that meeting.

CONSENT AGENDA (BY RESOLUTION AND COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY)

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 Shaver; said Consent Agenda being in words, letters and figures as follows, to wit:

- A. Approve the minutes from the September 15, 2009, regular meeting.
- B. Approve the application for renewal of the 3.2% Beer Liquor License for Wal-Mart Stores Inc., dba Wal-Mart SuperCenter #5033, located at 1300 N. Barlow Road, with a clear police investigation report.
- C. Approve the application for renewal of Graciela Cerna, dba Home Plate Restaurant, located at 410 E Railroad Avenue, for a Beer and Wine Liquor License, with a clear police investigation report.
- D. Approve the \$15.00 fee for Heterotrophic Plate Count testing at the Wastewater Treatment Plant.
- E. Authorize the Mayor to Execute the Memorandum of Understanding by and between the Fort Morgan Volunteer Fire Department and Morgan Community College for its Fire Protection and Other Fire and Life Safety Services.

All matters listed under Item 6, 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 6th day of October, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons. Nays: none.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

David Cawley, who lives at 728 Diana, was present representing ABATE Colorado and District 1. He reported that the group was having their seventh annual event on October 18, and asked Council to provide a police escort for a toy run through the City of Fort Morgan. Manager Merrill and Chief Kuretich will work to assist the organization with the escort.

REPORTS

The following Directors provided written reports to Council:

City Manager Merrill
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

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming bids and meetings.

Councilmember Powers stated that he had received a thank-you card from Charles Bragg thanking the City for the utility week barbecue and he also thanked the City Staff. He also commented on the success of the Colorado Municipal League's District Meeting held in Fort Morgan.

Mayor Darnell adjourned the October 6, 2009, regular meeting at 8:10 p.m.

/s/ Jack L. Darnell
Mayor

/s/ Andrea J. Strand
City Clerk