

October 13, 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 special 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 Terry McAlister
Councilmember James A. Powers
Councilmember Alberta M. Simmons

Excused Absence: Councilmember Debra J. Forstedt
Councilmember Ron Shaver

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Municipal Engineer Brad Curtis, Director of Human Resources & Risk Management Jody Prentice, Director of Community Services Don Shedd, Director of Community Development David Callahan, City Treasurer Terri Schafer and City Clerk Andrea Strand.

**PRESENTATION BY DEPARTMENT OF LOCAL AFFAIRS DOWNTOWN CONCERNING
COMMUNITY REVITALIZATION PROGRAMS**

Christy Culp, a Representative of Department of Local Affairs (DOLA), provided information concerning a Community Revitalization Partnership (CRP). She provided a hand-out which explained DOLA's new program entitled, "New Direction: Main Street's Role in Colorado's Sustainable Communities." She stated that she had met Councilmember Lyn Deal at a recent conference for the Revitalization Partnership between DOLA and Downtown Colorado, Inc. She encouraged the City to commit to an Assessment which would focus on current conditions in the downtown business area. The Assessment would be completed by a group of three to five professionals with expertise in the areas identified by the community. After the two-day assessment, the team would prepare a report that would be brought back to the community and would include a half-page description of the CRP visit and recommendations. She then explained the costs associated with the assessment as DOLA covers 50% of the cost of the assessment. The local community is responsible for covering the other 50%, as well as reimbursing the team members for travel, room and board, which is typically \$1,000.

Councilmember Simmons asked if \$3,000 is available in 2010. Culp responded that they have not received the 2010 budget. Councilmember McAlister asked if the \$6,000 would be paid by the City. Culp said yes, with a \$3,000 reimbursement, and the team expense would be \$1,000 which is not included in the \$3,000. She added that on November 3 and 4 the City of Loveland would be sponsoring a Downtown Colorado Inc. event and would encourage someone from Fort Morgan to attend; she added that DOLA is offering a \$100 sponsorship.

Discussion continued and it was decided to place the matter to approve the funding on the October 20th agenda for Council consideration.

DISCUSSION AND DIRECTION REGARDING THE EXTENSION OF UTILITIES NORTH OF THE RIVER

Kari Linker, Executive Director for Morgan County Economic Development Corp. spoke to Council concerning the possibility of a company pursuing a location near Hwy 52 and Road T.5. in Fort Morgan. The company is in a hurry to secure a sight for the new business and would like to pursue City utilities. The company is asking for confidentiality at this point.

Engineer Brad Curtis provided a memo to Council as a table file item:

Date: October 12, 2009
To: Pat Merrill, City Manager
From: Brad Curtis, Municipal Engineer
Re: Long Range Utility Planning

Growth of a community is influenced in several ways. A few broad areas of influence would include social impacts, political impacts, economic impacts, technological impacts and physical resource impacts. Regardless of the areas of influence, the rate of development is due to each impact or a combination. Therefore, constant maintaining and improving of our infrastructure is required regardless of growth and/or development. While unfeasible to do a full build out of infrastructure to the anticipated long range planned growth of the City; being in a position to have the infrastructure and staff available, or readily available, for the growth should be considered. There is a balance of keeping the existing infrastructure up to date, as well as anticipating services to new areas of development. As our City continues to grow, so will the required infrastructure to support it. Often overlooked is the additional staff, equipment acquisition and O&M costs associated with the growth. Please note that as part of this memorandum, neither storm drainage nor street infrastructure was considered.

- (1) Where are we now? (*Situation*)
- (2) Where are we going? (*Direction*)
- (3) How will we get there? (*Strategic Plan*)

1) Where are we now? (*The Situation*)

- a) Gas: Infrastructure is currently in good shape within the existing service boundary. The service boundary generally exists within the City limits as well as serviceability to the surrounding area (see Attachment). It should be noted that due to deregulation of gas, other gas providers can serve within the City limits, similarly, the City can and does serve outside the City limits.
- b) Electric: Infrastructure is currently in good shape within the existing service boundary. The service boundary generally exists within the City limits as well as serviceability to the surrounding area (see Attachment). It should be noted that the service boundaries are exclusive for light and power. Surrounding the City of Fort Morgan and its Electrical Service Boundary is Public Service Company and Morgan REA.
- c) Water: Infrastructure is aging fast and is in need of replacement as well as providing additional main lines to areas within the current City limits to increase or stabilize

pressure. The Master Plan identifies a second source (Water Storage Tanks) north of the river. Morgan County Quality Water also serves in various areas in the vicinity of the outer City Limits as well as outside of the City Limits, countywide. However, MCQW is also limited by water supply and growth of the area will have an impact on them as well as the City.

- d) Wastewater: Infrastructure is aging and there are several areas in need of replacement. However, the current system is adequate for the City as it exists today. Outside of the City limits is primarily serviced by septic systems.

2) Where are we going? (*The Direction*)

- a) Gas: Currently there are no plans for updating infrastructure within or outside the City limits that are within the existing Service Boundary. Gas service could cover the long range growth of the City as identified by the Comprehensive Plan, except growth of the City to the north. Public Service Company currently serves north of the South Platte via a station near Western Sugar. Should the City desire to continue the tradition of providing gas service to City residents, planning and multiple agency coordination for serviceability to the north should be considered and contemplated prior to development trends to the north.
- b) Electric: Currently, the Electric Boundary is established and would cover the long range growth of the City. However, it should be noted that the Comprehensive Plan identifies long range growth of the City to the north. Though the City provides limited service to the north, it is predominately served by Public Service Company and Morgan REA. Should the City desire to continue the tradition of providing electric service to City residents, planning and multiple agency coordination for serviceability to the north should be considered and contemplated prior to development trends to the north.
- c) Water: Extending water outside of the existing limits would have to be considered on a case-by-case basis. There are also areas within the City limits that could be impacted by future development if incorporation of new main lines are not in place prior to development. Additionally, the Comprehensive Plan shows growth to the north, however, the existing City system would likely not be capable of serving the area without a secondary source to increase the pressure demands that would be required. Planning for serviceability and multiple agency coordination to the north should be considered and contemplated prior to development trends to the north.
- d) Wastewater: In general, the Comprehensive Plan could be served by the existing sewer system with additional mains in strategic areas. However, the Comprehensive Plan shows growth to the north, in which the existing City system would likely not be capable of serving the area without a pressure sewer system crossing the South Platte. To provide sewer service to future City residents/businesses, planning for serviceability to the north should be considered and contemplated prior to development trends to the north. For example, utilizing the Morgan Heights WWTP and the Log Lane Village Lift Station to provide an interim connection between the north and south sides of the river.

3) How will we get there? (*The Strategic Plan*)

- a) Gas: Planning for long term service boundary. It should be investigated how the PUC will be involved in determining areas that we can and will serve. Additionally, if PUC is not required, planning for northern development will require significant engineering and planning to cross the South Platte River. Should this be desired, it is recommended that

other services that need to cross the river should be reviewed and analyzed at the same time to minimize engineering, property acquisition, permitting and construction costs.

- b) Electric: Planning for long term service boundary. It should be investigated how the PUC will be involved in determining areas that we can and will serve. Planning for northern development will require significant engineering and planning to cross the South Platte River. Should this be desired, it is recommended that other services that need to cross the river should be reviewed and analyzed at the same time to minimize engineering, property acquisition, permitting and construction costs. Though some of the lines could be acquired from other agencies, the City would ultimately still require system upgrade crossing the river to support the long term growth plans.
- c) Water: A secondary source would be required to increase the pressure and supply demands that would be required north of the South Platte. Planning for northern development will require significant engineering and planning to cross the South Platte River. Coordinating now with MCQW on agreements pertaining to future development could expedite the process for future developers. A joint effort between Quality Water and the City, such as a storage area, that could be utilized by both parties prior to connecting to the City's existing system south of the South Platte River. Though some of the lines could be acquired from other agencies, the City would ultimately still require a major system upgrade crossing the river to support the long term growth plans.

Additionally, upgrades to the existing system should be considered within the current City limits. In general, there are several areas that are not part of a "looped" system. These areas should be contemplated in the short term.

- d) Wastewater: Long term planning would consolidate various areas such as the Morgan Heights WWTP and wastewater from Log Lane Village. The system as it currently exists is laid out well, with a solid trunk system to the treatment facility. The plant is currently running at half its potential capacity. Conventional gravity service from the north to the treatment plant may not be feasible. However, with full build out, an inverted siphon may be possible due to the pressures that may be available. Other than the Morgan Heights sewer system, there are no other lines that could be acquired from other agencies. As such, the City would ultimately require a major system upgrade crossing the river to support the long term growth plans.

Councilmember McAlister added that he felt this was worth looking into and wondered about annexation and what would that do to utilities. He would recommend a pre-annexation agreement and annexation agreement before starting the project. The City could provide costs and different scenarios.

Councilmember Powers stated that the cost of crossing the river would be extremely high and the flood plain extends to the north. He doesn't feel that the City could afford to do the infrastructure, we could not give incentives. He is concerned about the budget because we have not had any meetings and we don't know what our end balances are. We have land on this side of the river, with better truck routes and existing utilities. We need to know the costs involved. He also stated he did not receive the memo which Engineer Curtis was speaking of. Engineer Curtis added that it is important to work with all the agencies which are in our comprehensive growth area.

Councilmember Simmons asked if the proposed property was in the flood plain. She also was concerned that utilities were built to Nelson Road and no one hooked up. Manager Merrill stated that a performance bond could be required which would provide for the City to recover the cost of the utilities, if nothing was built.

Councilmember Deal would like to know the benefit this company would be offering to the community and felt Staff should gather all of the information.

Councilmember McAlister stated that he would like to give direction to the City Manager and all agreed they needed more information to approve this project and could place it on the agenda for October 27th to hold an executive session to discuss it further. Councilmember Powers suggested that the October 27th meeting time be changed to 7:00 p.m.

DISCUSSION AND/OR ACTION CONCERNING REVISIONS TO THE WELLNESS POLICY CONCERNING EMPLOYEE AND SPOUSE PARTICIPATION IN THE CITY WELLNESS PROGRAM AND PRESCRIPTION DRUG COVERAGE

Manager Merrill stated that changes needed to be made to the Wellness Policy due to recent changes in HIPPA laws. He provided the following memo to City Council:

FROM: Pat Merrill, City Manager
SUBJECT: Wellness Program & Prescription Drug Coverage
DATE: October 7, 2009
MEETING DATE: October 13, 2009

Item(s) for Consideration: The following two items are before you for discussion, consideration and possible approval.

Wellness: Earlier this year the Mayor & City Council approved several modifications to our health coverage in order to reduce costs over the long term. This was accomplished by taking a proactive approach to healthcare by focusing on preventative care, wellness and early diagnostics. At the time the aforementioned items were approved, staff referenced that we would be bringing back additional changes to our overall package in order to improve employee health & wellness. Our ultimate goal is to reduce the end cost to the taxpayers of Fort Morgan.

Additionally, we are proposing the modifications to the Policy in order to ensure ADA compliance, as well as reduce our healthcare costs which have been increasing each year. As our claims are significantly affected by covered dependents, we encourage these individuals to participate in the Wellness Program as well. We believe that this also helps to instill a family realm versus it being just an employee undertaking.

Prescription Drug Coverage: Staff is recommending that we make a modification to our current prescription drug coverage to include a provision that we would pay 100% of all \$4.00 (flat rate) prescriptions. We have contacted all of the local pharmacies and both Safeway & Wal-Mart would like to partner with the City on such a program. Over the long term, this will save the City taxpayers a significant amount of money. Although many employees currently use generic medication, their co-pay is \$15.00 and the medication total charge can be quite high, which is

the portion that the City picks up. For example, a generic may cost a total of \$80.00, with the employee paying the \$15.00 co-payment. This leaves an additional \$65.00 that the City must pay, therefore, by promoting the \$4.00 prescription option; we will again save a considerable amount of money for the taxpayers.

Financial Considerations: The items that are before you do involve both direct & indirect monetary considerations. That being said, we believe that said changes to both of the programs will save the City of Fort Morgan a significant amount of money over the long term.

Citizen Input/Board Review: The items that are before you this evening have been reviewed by both the management staff and the Wellness Committee.

Legal Review: City Attorney Jeff Wells has been involved in the review of the revised Wellness Program as well as the proposed amendment to the prescription drug coverage.

Alternatives: Leave both of the programs in their current state.

Supporting Documents: The revised Wellness Policy/Program has been attached for your review and consideration.

Staff Recommendations: Staff is recommending approval of the Wellness Policy and the amendment to our prescription drug coverage.

cc: City Staff

Councilmember Powers asked if the \$4 prescription covered 90 days. Manager Merrill responded that the cost for a 90-day supply would be \$10 and participants would need to ask the participating pharmacies for their list of approved \$4 prescriptions.

Councilmember McAlister offered a motion to revise the Policy Concerning Employee and Spouse Participation in the City Wellness Program and proposed changes to the prescription drug coverage for the City of Fort Morgan. His motion was seconded by Councilmember Powers and duly carried.

PRESENTATION OF THE 2008 COLORADO DEPARTMENT OF TRANSPORTATION OFF-SYSTEM BRIDGE INSPECTION REPORT

Engineer Curtis provided the following memo to City Council

FROM: Brad Curtis, Municipal Engineer
Ken Breneman, Streets Superintendent

SUBJECT: 2008 Colorado Department of Transportation Off-System Bridge Inspection Report

DATE: October 6, 2009

MEETING DATE: October 13, 2009

Discussion Item: 2008 Colorado Department of Transportation Off-System Bridge Report for the City of Fort Morgan

Background Information: The Colorado Department of Transportation (CDOT) retains engineering firms to provide services to inspect, load rate, conduct scour analyses, update inventory information and prepare inspection reports for selected off-system (not part of CDOT's roadways) bridges. Per the National Bridge Inspection Standards, inspections are to be conducted on all bridges with clear spans greater than 20 feet, defined as major structures, at a minimum of every two years. Bridges with clear spans less than or equal to 20 feet are not inspected under this contract. All procedures, documentation, inspection methods, forms and presentation formats contained in the report meet the requirements and guidelines of CDOT, National Bridge Inspection Standards, the Federal Highway Administration and the American Association of State Highway Transportation Officials. The data contained in the City of Fort Morgan report was derived from the CDOT Pontis database after input from the most recent field inspections. Pontis is the bridge management system selected by CDOT to be used as a tool for management of the State's bridge inventory. Rehabilitation or replacement is determined when a bridge is determined to be unsafe because of structural deficiencies, physical deterioration resulting in a significant loss in capacity or functional obsolescence.

There were four bridges inspected in the City of Fort Morgan:

1. Barlow Road/East 8th Bridge crossing the Upper Platte and Beaver Canal
2. Riverview Avenue Bridge crossing the Upper Platte and Beaver Canal
3. South West Street Bridge crossing the Fort Morgan Canal
4. Sewer Plant Road Bridge crossing the Upper Platte and Beaver Canal.

The City bridges were inspected by Lonco, Inc., an engineering firm retained by CDOT, on November 11, 2008 and the findings were provided to the City in April, 2009. It should be noted that the current ratings of the City bridges do not provide any immediate concerns or limitations to the use of the bridges. The closer the rating gets to 50, the more the bridges should be of concern for repair and/or replacement.

The Maintenance Summary and estimated costs for repairs for each bridge is attached. Part of the findings recommended installing bridge rails on all three bridges within the City limits. However, the recommendation was not due to poor rail condition but because the AASHTO/CDOT Standards have changed with new construction methods and materials now available.

Financial Considerations: The estimated total amount of funding required to repair all of the bridges as recommended in the report is \$180,090.

The bridge repairs are expected to be part of the 5-year CIP requests. We anticipate the Barlow Road/East 8th Bridge and Riverview Avenue Bridge repairs as part of the 2010 CIP request.

Grant requests have also been submitted for the repairs of the Barlow Road/East 8th Bridge and Riverview Avenue Bridge to the Special Highway Committee of the Colorado Municipal League. It should be noted that funding requests to the SHC/CML were larger than the suggested improvements provided in the Off-System Bridge Report since, in the opinion of City staff, there are other improvements to the respective bridges that are beyond the scope of the NBIS analysis. The findings of the Longco evaluation of these bridges are accurate; however it appears to be very conservative in its estimate for the repairs of the wingwalls, guardrails and associated engineering costs.

The grant requests submitted for the repairs of the Barlow Road/East 8th Bridge and Riverview Avenue Bridge were delivered to the Special Highway Committee/CML on Sept 30, 2009. We anticipate being notified in early November, 2009 if we will receive any grant funding for improvements.

- Supporting Documents:
1. See attached portions of the 2008 Off-System Bridge Report (Maintenance Summary Report.)
 2. Summary of the anticipated costs required for the Barlow Road and Riverview Avenue Bridges provided in the grant application.
 3. Letter from CML acknowledging receipt of the grant request.

Staff Recommendations: No action required at this time. However, this is provided as supporting documentation as to the 5-year Capital Improvement Project Budget requests.

No Council action was taken and Council appreciated the information.

DISCUSSION AND/OR ACTION CONCERNING A MARKETING POSITION FOR THE CITY OF FORT MORGAN

City Manager Merrill provided the following memo to Council:

FROM: Pat Merrill, City Manager

SUBJECT: Marketing Position

DATE: October 8, 2009

MEETING DATE: October 13, 2009

The following items are for your information as you discuss the possibility of creating a marketing position for the City of Fort Morgan.

Financial Considerations:

- Salary - \$64,140 (Level 26 Step 1) to \$74,244 (Level 29 Step 1) – Depending on Qualifications
- Medical/Self Insurance – Family - \$16,000
- PERA – 12.8% of salary
- Medicare – 1.45% of salary
- Travel - \$5000
- Marketing- \$10,000 (depending on level of exposure desired)

NOTE: The position would be eligible to receive an Administrative Support Fee, as economic development, and more specifically new business, business expansions & new housing is a direct benefit to the utility funds.

He then added that the 2010 budget is being finalized which includes a Capitol Improvement Plan and Schedule of Fees. He was seeking direction from Council as to whether he should include the marketing position in the fiscal 2010 budget. He also thought of another option, the City could hire a consultant, rebranding the City and a marketing firm to develop a marketing plan and give us direction and see if current staff could follow through with the recommendations.

Councilmember Powers added that he is in favor of a person employed by the City who could also write grants. He was hesitant to say yes until he sees the budget and is not aware of any budget meetings. Councilmember Simmons said to put both issues in the budget. Consensus was to place a dollar amount in the 2010 budget.

DISCUSSION AND/OR ACTION CONCERNING THE FPPA OLD HIRE PENSION AD HOC COST OF LIVING ADJUSTMENT

Attorney Wells presented the following memo to Council.

TO: Members of the Fort Morgan City Council
FROM: Jeffrey A. Wells, City Attorney
SUBJECT: FPPA Old Hire Pension Plan
DATE: December 2, 2009

On October 13, 2009, City Council will be reconsidering the 2008-2009 Ad Hoc Cost of Living Adjustment for the FPPA Old Hire Pension Plan. In 1993, the City Council adopted a Resolution that provided Council with the authority to provide Ad Hoc COLA increases for the Old Hire Pension Plan. Generally, the COLA has been set at 3.5% and equal to PERA's set pension. However, there have been years when Council has only authorized to 1 to 1.5% COLA to pensioners.

Due to various administrative issues related to the 2008-2009 COLA, the adjustment has not been approved by FPPA. If Council intends to go forward with the 3.5% COLA increase it will require additional funding.

He then presented the following three options for Council's consideration:

- Amend the resolution to fund the 3.5% COLA at \$105,000
- Fund at 1% at \$35,000
- Do not fund

Participating member Al Forbes handed out a two paged letter addressed to Gale Davey from Harold Davisson. It read:

Honorable Mayor & City Council,

It is my understanding that it is on the agenda to discuss the Old Hire Police Cost of Living Plan. I'm currently in Florida and unable to attend this Council Meeting. I have ask W. Gale Davey, Retired Chief of Police to present this letter of my concerns for your considerations.

During my tenure as Chief of Police I worked with the Mayor, City Council and City Attorney David L. Roberts to modernize and update the Old Hire police Pension Plan to include a Cost of Living Adjustment. It was an attempt to make it comparable to PERA the other retired city employees are under. Due to the fact that low percentage of contribution into the Old Hire Plan over the years made it an unfunded liability. The PERA contributions percentage were always higher making it sound. It was determined that being an unfunded liability fund that an actuarial study would be required and then funding would be determined and it would be presented to City Council for approval. This has been done every two years since 1995.

Following are questions, concerns and suggestions I have.

1. There were no problems with the Cost of Living Adjustment 1995 thru 2007. Problems began in 2008 and 2009.
2. It is my understanding FPPA has told the City on a least three occasion what was required. The city then would provide this request and would be told the FPPA Board had to approve it, but then would take it off the agenda because they would come up with another reason or request or obstacle. I don't know if the reason is the FPPA is like other Pension Plans and has lost money in stock market and are changing their rules to make up their losses.
3. Currently there is five retirees under the Old Hire Police Plan. These five retirees worked for the City of Fort Morgan totaling an excess of 140 years. W. Galey Davey 25 years, Richard T. Betzold 25 years, Edythe Stone 25 years, Harold Davisson 38.5 years and Elwyn Forbes 30 years. During all these years none of these employees were ever paid overtime and I can assure you it amounted into 1000's of hours of overtime. The retirees W. Gale Davey, Richard T. Betzold and Edythe Stone never received any Cost of Living Adjustment until 1995.

If PERA does not grant Cost of Living Adjustments in 2009-2010 it would be understandable that FPPA Retirees be treated the same. We request that you consider all the options that we have offered and ask to be treated as fairly as all the retired employees.

I know that City Council have been and always be faced with situations that change over the years and require adjustments or requires new action be enacted.

Respectfully submitted,

Harold Davisson

Al Forbes then read a letter titled My Summary dated October 13, 2009:

Chief of Police Gale Davey hired me on Jan 8, 1975. When I began working for the FMPD all certified employees were under the FPPA retirement plan. All civilian employees were under PERA. The minimum requirements for benefit in those days was age 55 and 20 years of service or 25 years of service regardless of age. If an employee left before meeting those minimum standards, he was NOT entitled to any benefit. Chief Davey retired at age 55.

A lot of employees thru out the state were working on a plan to withdraw from the FPPA plan as did the majority of the employees with FMPD. The money market plan allowed the employee to become "fully vested" and have access to their money after a certain length of time. Chief Davisson, Lt. Betzold, Edith Stone and myself stayed in the "Old Hire" FPPA plan.

During the next years I saw Chief Davisson work on the "Old Hire" plan and make improvement in the benefit to retirees. These benefits also cost employees more money to be set aside into FPPA. Chief Davisson presented a plan to the City Council, a plan that modeled the PERA plan. It allowed an employee to work longer than the minimum 25 years and be able to retire at a higher percentage. It also allowed for a Cost of Living Adjustment that could be added by City Council if they saw fit.

I worked on the FMPD budget with Chief Davisson before he retired. As an "Old Hire" I was asked to vote on certain issues of our FPPA plan. When the City Council approved or promised a COLA this would usually occur in August or September and was always retroactive to the beginning of the year and the next year. I remember checking with retirees after this time to make sure they were receiving the COLA.

As Lieutenant of Operations I worked on the FMPD yearly budget with Chief Kuretich after Chief Davisson retired. A COLA was figured into the budget for FPPA retirees pension after being promised by City Council. The amount of the COLA was always figured by the City Treasurer and FPPA. After the action was promised by city Council I would contact the retiree to confirm that they had received the COLA from FPPA.

I retired Jan. 2005. During this year the City Council had approved the COLA for current retirees. In 2006 the City Council promised the COLA for 2006-2007 and the benefit was paid by FPPA. I continued to check with other retirees to ensure that they had received the COLA as I had.

In 2008 the City Council promised the COLA for 2008-2009 to retirees. I checked with other retirees in September and October and they had not received the benefit from FPPA. I began inquiring with the City Treasurer (transition time) who told me the additional funds had been sent to FPPA to cover the COLA costs. I contacted FPPA and was advised that the money had not been received from the City. I relayed that information back to the City and finally contacted City Attorney Wells to try to get clarification on the matter. I attended the telephone conference call with FPPA in Summer 2009, and finally got confirmation from FPPA that the funds had been received from the City. I was told that the matter was on the agenda for the FPPA board to approve in their August meeting and in FPPA terminology approval was a "rubber stamp: for approval. Within just a couple of weeks I was then told by FPPA that in fact the matter would not be on the Agenda because of funding. FPPA now required more funds to cover the COLA before it would be on the agenda for FPPA approval, something about the TABOR amendment. Another conference call took place that I did not attend. Now, the amount of additional money is over \$100,000 for the next 10 or 14 years.

I reviewed the letter from City Attorney Wells dated Oct. 8, 2009, advising of this meeting. On the 4th page of the attached memorandum is information about COLA increases. It appears to me that the City underpaid in the amount of \$24,272 for the years 2004-05, and underpaid in the amount of \$40,064 in the years 2006-07. Neither of these approved COLA increases went before the FPPA board (Page 4 attorney letter)

Now I'm not an accountant. We retirees do not have accountants or attorneys or unions behind us. We are 5 people who worked hard and trusted that our promised benefit would be paid. We can observe that a breakdown in communication has occurred and changes have been made in the procedure of COLA. We know that the economy is not at its highest but we trust in the fairness of the City of Fort Morgan to make the right decision with regards to the 2008-2009 COLA that has been promised the FMPD retirees.

We recognize that receiving a COLA for next year is not likely. Given the confusion over the last two years, it may be in the best interest to address that issue now instead of waiting till August 2010 and continue working in reverse. If the City Council would follow thru with the promised COLA for 2008-09 and announce NO COLA for 2010, I, just one person, not a spokesman for the 5 retirees, would be very appreciative I am sure the other 4 retirees would be appreciative as well.

Thank you for your consideration.

Discussion continued concerning the timing of the actuarial study.

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

RESOLUTION NO. 09 10 02

**AUTHORIZING ADDITIONAL FUNDING FOR THE
3.5% AD HOC COST OF LIVING ADJUSTMENT
FOR THE FPPA OLD HIRE POLICE PENSION PLAN FOR
THE 2008 AND 2009 PLAN YEAR**

WHEREAS, on April 1, 2009, the City Council approved Resolution 09 04 01, authorizing the monthly retirement benefit paid to all current retired members and beneficiaries to be increased by 3.5% for inflation, effective January 1, 2008, and by 3.5% increase for inflation to all current and future retired members and beneficiaries, effective January 1, 2009 by payment of \$35,010.00; and,

WHEREAS, due to various administrative issues related to this increase, this adjustment has yet to be approved by the FPPA; and,

WHEREAS, Staff has determined that without additional funding in the amount of \$70,135.00, this 3.5% COLA increase will not be approved by FPPA; and,

WHEREAS, it is the intention of the City to appropriate any necessary additional funds from the general fund revenues of the City to fund such an increase.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

1. The monthly retirement benefit paid to all current retired members and beneficiaries shall be increased by 3.5% for inflation, effective January 1, 2008, and by 3.5 % increase for inflation to all current and future retired members and beneficiaries, effective January 1, 2009; recognizing the fact that this additional benefit will result in an increased cost to the City to maintain an actuarially sound pension fund, it is the intention of the City to appropriate any necessary additional funds from the general fund revenues of the City to fund such increase.
2. For 2008, from the funds previously budgeted and appropriated for such purpose, General Fund Account No. 001-421-3 3112, the City Manager is hereby authorized to pay, and make the necessary budget amendments for the authorized 3.5% cost of living adjustment in the amount not to exceed \$35,067.50.
3. For 2009, from the funds previously budgeted and appropriated for such purpose, General Fund Account No. 001-421-3 3112, the City Manager is hereby authorized to pay, and make the necessary budget amendments for the authorized 3.5% cost of living adjustment in the amount not to exceed \$\$35,067.50.
4. The City Manager is directed to notify FPPA of this resolution and provide any additional information for the payment of the cost of living adjustment authorized and appropriated herein.
5. Nothing in this resolution repeals the authority and appropriations established in Resolution 08 08 01, but is an amendment to that resolution to appropriate the monies for the cost of living adjustment.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 13TH day of October, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: Councilmembers Forstedt and Shaver.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: Jack L. Darnell, Mayor

ATTEST:

Andrea J. Strand, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

ss.

CERTIFICATE

I, ANDREA J. 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 16th day of October, 2009.

/s/ Andrea J. Strand, City Clerk

DISCUSSION AND/OR ACTION CONCERNING A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY CONTRACT ASSOCIATED WITH THE CONSTRUCTION OF THE RESTROOM REPLACEMENT AT RIVERSIDE PARK AND THE EXPENDITURES OF RELATED COST

Director Shedd stated that this item was brought before Council previously and he was updating the Council that the contracts were null and void because of an oversight on his part, concerning the bonding. It was discussed by staff and the company that we were negotiating with to allow the City to be the contractor and purchase the building and the vault. The excavation is done and City staff can provide the labor. At this point staff is requesting \$36,993.48 for the purchase of the building only.

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

RESOLUTION NO. 09 10 01

AUTHORIZING THE MAYOR TO EXECUTE ANY CONTRACT ASSOCIATED WITH THE CONSTRUCTION OF THE RESTROOM REPLACEMENT AT RIVERSIDE PARK AND THE EXPENDITURES OF RELATED COSTS

WHEREAS, City Council of the City of Fort Morgan, Colorado, is authorized by Art. IV, Sec. 4(D)(1) of the *Charter of the City of Fort Morgan, Colorado (2008)* to provide for “the construction, maintenance, operation, and disposition of public improvements, public works, public utilities, public services...”; and,

WHEREAS, City Staff has recommended that the restrooms located at Riverside Park be replaced; and,

WHEREAS, the construction shall be completed by the Parks Department of the City of Fort Morgan and in association with manufacturers of such goods and services necessary for the completion of this project; and,

WHEREAS, the construction and installation of the restrooms at Riverside Park need to be approved by the Council of the City of Fort Morgan; and,

WHEREAS, \$36,993.48 has been set aside for this project; and

WHEREAS, Art. III, Sec. 4(a) of the *Charter of the City of Fort Morgan, Colorado (2008)* requires that “[A]ll contracts involving in the aggregate an expenditure of ten thousand or more, shall be authorized only by resolution.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Section 1. The Mayor shall be authorized to sign any contract and all other documents associated with the Restroom Replacement located at Riverside Park.

Section 2. City Council further authorizes the expenditure of moneys necessary to complete such project.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 13th day of October, 2009, the vote upon roll call being as follows:

Ayes: Mayor Darnell; Councilmember Deal, McAlister, Powers, and Simmons

Nays: None.

Absent /Abstain: Councilmembers Forstedt and 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)
CITY OF FORT MORGAN)

ss.

CERTIFICATE

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the City Council 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 affixed the seal of the City of Fort Morgan this 14th day of October, 2009.

/s/ Andrea Strand, City Clerk

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming meetings.

Manager Merrill announced that the State of Colorado Air Quality Control Commission will meet in Council Chambers on Thursday, October 15, 2009, at 10:00 a.m.

He read a letter from the D.J. Basin Tournament Committee extending a thank you to everyone involved in a successful golf tournament which was held on September 12.

Mayor Darnell adjourned the October 13, 2009, special meeting at 9:08 p.m.

/s/ Jack L. Darnell
Mayor

/s/ Andrea J. Strand
City Clerk