

October 20, 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 Attorney Jeffrey Wells, Police Chief Keith Kuretich, Director of Water Resources/Wastewater Treatment Gary Dreessen, Municipal Engineer Brad Curtis, Director of Community Services Don Shedd, Director of Community Development David Callahan, City Treasurer Terri Schafer and City Clerk Andrea Strand.

RECOGNITION OF DAN LEWIS FOR DAY OF PATRIOTISM

Mayor and Council recognized Dan and Carol Lewis by providing a plaque which Mayor Darnell read: "This certificate of appreciation is awarded to you by the City of Fort Morgan Mayor and Council in recognition of your dedication to Patriotism through the creation of the Military Museum, which has inspired the community to observe and appreciate the sacrifices of past, present and future veterans." Presented this 20th day of October, 2009.

Dan Lewis then thanked the City for the support by providing staff for the Day of Patriotism and stated that 35 volunteers and 60 sponsors were also involved.

RECOGNITION OF THE FLOWER PETALER FOR CONTRIBUTIONS TO THE BEAUTIFICATION OF DOWNTOWN FORT MORGAN

Mayor and Council recognized Norma Kroskob and Diane Schulte by providing a plaque which Mayor Darnell read: "The Mayor & City Council Presents This Award of Appreciation to Norma Kroskob & Diane Schulte of Flower Petaler, 322 Main Street, on this 20th day of October 2009, for their contributions to the beatification of Downtown Fort Morgan."

Norma Kroskob stated that they appreciated the award. Diane Schulte thanked the City for the downtown improvements.

COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY PUBLIC HEARING ON THE APPLICATION FOR A BEER AND WINE LIQUOR LICENSE FROM LITTLE BAMBOO INC., LOCATED AT 613 W. PLATTE AVENUE

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 Beer and Wine Liquor License for Little Bamboo Restaurant, Inc. dba Little Bamboo, 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 Beer and Wine Liquor License had been accepted on September 15, 2009, and the public hearing was scheduled for October 20, 2009. The Affidavit of Publication for the Notice of Hearing had been published in *The Fort Morgan Times* on October 6, 2009. This meets the statutory notice requirements.

Chief Kuretich provided the Affidavit of Posting of the property at 613 West Platte Avenue, Fort Morgan and reported that the notice was posted on the property from October 2, 2009, to October 20, 2009.

Mayor Darnell asked for the introduction of the Applicant. Wai Tong, Owner, was present to answer questions. They did not have any exhibits to offer into the record. Mayor Darnell administered the Oath. Wai Tong stated that they did have a previous violation for selling to a minor, but had taken training steps to avoid this in the future.

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.

Clerk Strand presented the summary of the petition showing the needs of the neighborhood. She reported that three hundred and five (305) individuals had signed the petition in favor of the Beer and Wine Liquor License located at 613 West Platte Avenue in Fort Morgan, Colorado.

Ninety (90) names were not qualified to sign, leaving two hundred fifteen (215) 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 Simmons 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 Beer and Wine Liquor License for Little Bamboo Restaurant, Inc., dba Little Bamboo, located at 613 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 Powers offered a motion to approve the application for a Beer and Wine Liquor Licensee by Little Bamboo Restaurant, Inc., dba Little Bamboo, located at 613 West Platte Avenue in Fort Morgan. His motion was seconded by Councilmember Forstedt and carried unanimously.

**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY
APPROVE THE APPLICATION FOR RENEWAL OF A 3.2% BEER RETAIL LIQUOR
LICENSE ON BEHALF OF SEVEN
ELEVEN STORE NO 15203, LOCATED AT 705 E. PLATTE AVENUE**

Clerk Strand reported that a complete application for renewal of a 3.2 Percent Beer Retail License (Off Premises) for Seven Eleven Store No. 15203, located at 705 East Platte Avenue was received by the Clerk's office. The appropriate fees had been paid for the renewal.

Chief Kuretich 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 Seven Eleven had entered into a Stipulation, Agreement and Order. He introduced Jerry Marfit, District Manger for 7-Eleven. Councilmember Powers asked him what steps were in place to avoid this type of violation in the future. He stated that they had an internet based training program for all employees. They also have a secret shopper program and will reprimand an employee if identification is not provided and will terminate the employee if they provide this twice to a secret shopper.

Councilmember McAlister offered a motion to approve the application for renewal of the 3.2 Percent Beer Retail License for Seven Eleven Store No. 15203, located at 705 East Platte Avenue. His motion was seconded by Councilmember Shaver and carried.

**DISCUSSION AND/OR ACTION OF PERMANENT RESTRIPIING FOR DIAGONAL PARKING
ON STATE AND ENSIGN STREETS**

City Engineer Brad Curtis, provided the following memo to Council:

FROM: Brad Curtis, Municipal Engineer and Chief Keith Kuretich
SUBJECT: Permanent Restriping for Diagonal Parking on State and Ensign Streets
DATE: October 14, 2009
MEETING DATE: October 20, 2009

Item for Consideration: Proposal to permanently restripe for diagonal parking on State and Ensign Streets.

Background Information: Background information on State and Ensign was provided on April 28, 2009 in preparation for the Downtown project. In general, the proposed restriping was to provide approximately 50 additional spaces.

The temporary diagonal striping resulted in parking spaces that are 18 feet deep, two travel/turn lanes, and parallel parking along one side of the street that is 8 feet wide.

Currently, one of the 2 travel lane delineators was removed to provide 2 lanes versus the 3, which existed prior to the temporary restriping. Therefore, 1 lane is much larger than the other, but was determined acceptable on a temporary basis.

There were initial concerns with the temporary change, but since May, the feedback has been predominately positive. The major of the concerns since have been related to the varying travel lane widths.

Financial Considerations: The final striping could be performed in-house by Street Department staff. (Material cost only)

Citizen Input/Board Review: None.

Legal Review: None.

Alternatives:

1. Revert back to parallel parking
2. Provide angled on both sides and adjust center stripe
3. Maintain angled as currently exists, adjust centerline to provide equal travel lanes.
4. Maintain angled as currently exists, adjust centerline to provide travel lanes and add turn lanes at Railroad and Platte Ave.

Supporting Documents: April 28, 2009 Council Communication and traffic study map.

Staff Recommendations: Staff recommends Option 4 of the Alternatives described. Currently, traffic has been observed as "creating" turn lanes, though not striped as such. This would include the Ensign/Platte intersection and Railroad/State. 3-5 spaces would be removed to accommodate the turn lanes, but the spaces have not been observed as been used on a frequent basis, so their removal is not anticipated to pose a significant problem to those who park along Ensign/State on a regular basis. With this proposed permanent change, the additional spaces will continue to provide approximately 40 additional parking spaces over the parallel parking on both sides of each street.

Councilmember Forstedt introduced a table file item as follows:

Fort Morgan Downtown Business Association
328 Main
Fort Morgan CO 80701

August, 2009

Fort Morgan City Council
100 Main Street
Fort Morgan CO 80701

Dear Honorable Mayor and Council Members:

RE: Downtown Parking

Congratulations on a very productive summer of construction projects. The end is in sight for the Main Street project and it promises to be exciting.

During the time Main Street was closed, we encouraged the business owners, staff, and downtown workers to make every effort to not park in the close-in-Municipal parking lots. This program was successful in part because the parking on the one-way streets was changed from parallel to diagonal and the two hour parking was not enforced.

We are requesting that the diagonal parking be continued permanently. We have noticed the public has adjusted well to parking behind the businesses and hopefully we will find we need additional parking even after the Main Street parking spaces are open. Let's keep up the momentum, it's much cheaper than buying more land for a parking structure.

Please consider removing the 2-hour limit on State and Ensign Streets to allow spaces for downtown workers and add a 2-hour limit to the Municipal parking lots to encourage the same workers to leave those spaces for consumers. Each space generates \$400 revenue a day according to a recent survey, but this only works if a shopper is able to use the space.

To clarify, we are encouraging you to leave two lanes of traffic on State and Ensign Streets with diagonal parking on both sides if possible and no parking limits during business hours. We also encourage going back to a two-hour limit in the Municipal lots which, when enforced, will give downtown workers an incentive to continue their new parking habits.

Thank you for considering this request. If you have any questions, please feel free to contact Frances Bird (867-8786) or Kevin Hawes (867-9066) for clarification. We all look forward to working together to make Fort Morgan the best it can be.

Sincerely,

Frances Bird and Kevin Hawes
Representing the Downtown Business Association.

Councilmember Forstedt offered a motion to approve Option 4 as recommended by Staff to maintain angled parking as it currently exists on State and Ensign Streets, adjust the centerline to provide travel lanes and add turn lanes at Railroad and Platte Ave. Also to direct staff to research the elimination of the two-hour parking on State and Ensign

Streets during business hours and place a two-hour limit in the Municipal lots. Also, place that item on the November 17th Council Agenda. Her motion was seconded by Councilmember Shaver and duly carried.

APPROVE THE EXPENDITURE FOR TECHNICAL ASSISTANCE SERVICES TO ASSIST CITY OF FORT MORGAN BUSINESSES THROUGH A COMMUNITY REVITALIZATION PARTNERSHIP PROGRAM

Councilmember Deal requested that funds be approved by the City to participate in an Assessment Service offered by The Department of Local Affairs (DOLA) and Downtown Colorado, Inc. (DCI). These two agencies have teamed up to coordinate the Community Revitalization Partnership (CRP) Program providing assistance relating to Colorado's downtowns. She reported that since 2005, DOLA and DCI have teamed up to offer one and two-day technical assistance visits to communities involved in downtown revitalization. A team of three to five professionals with expertise in the areas identified by the community is assembled by DCI. She clarified that this assessment is offered to Municipal Officials as the top level of communities and would not be appropriate if initiated through the Chamber or other organizations. She had asked Kari Linker from Morgan County Economic Development Corp. to help with the expenses that would be incurred with the team, such as meals, travel and lodging. Kari Linker informed her that she had previously helped with a similar team for the City of Montrose, Colorado. Councilmember Deal provided a Proposed Plan for Fort Morgan provided by Christy Culp from DOLA.

Councilmembers Simmons and Powers both spoke of their concerns with unbudgeted items and that they were unsure of the present state of the City's revenue and expenses, and would prefer to place this in the 2010 Budget. Councilmember Simmons also had concerns that line items in the Mayor and Council Budget for 2009 were overspent. Mayor Darnell responded that the Budget is a guideline and we should not overspend the bottom line of the Mayor and Council Budget. Treasurer Schafer added that her office is working hard to input the remainder of the 2009 totals and that Administration allocation is done through May. Councilmember Powers asked that Council consider that the total expense is \$6,000 and DOLA will contribute the \$3,000.

Councilmember Deal added that the funding for this project may not be available in 2010.

Councilmember Shaver asked for clarification as to the \$1,000 that would be requested from Morgan County Economic Development Corp. and asked if it was above the \$6,000. It would be in addition to the \$6,000.

Councilmember Deal offered a motion to approve the \$3,000 out of this year's budget to fund the Community Revitalization Partnership through DOLA to improve our down town. Her motion was seconded by Councilmember Forstedt.

Councilmember McAlister made a comment that since we do have an unexpected \$3,000 in the Economic Development line item, we should consider this, as it is a good cause and the funding may not be available in 2010.

**APPROVED this 20th day of October, 2009, the vote upon roll call being as follows:
Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister and Shaver. Nays:
Councilmembers Powers and Simmons.**

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

- A. Approve the minutes of the October 6, 2009, regular Council meeting.
- B. Approve the disbursements and payroll for September 2009.

CITY OF FORT MORGAN – PUBLICATION REPORT – SEPTEMBER 2009

3M, Services	\$1,272.00
Accurint, Web Name Searches	\$261.85
Acrison, Inc., Equipment	\$380.27
Active Lock Service, Services	\$225.00
Aden Abdikadir, Refund	\$550.00
ADP Screening & Selection, Preemployment Screening	\$940.21
Affiliated Credit Service, Services	\$125.00
AFLAC, Additional Insurance	\$2,139.56
Alliance Entertainment LL, Music CD's	\$245.03
Amera-Chem, Inc., Supplies	\$41.95
American Security, Services	\$734.25
American Transportation & Equipment, Supplies	\$2,043.30
Apex Instruments, Inc., Supplies	\$1,128.00
Aqua Home Entertainment, Supplies	\$2.99
Armstrong Service Center, Repairs	\$40.41
Arthur L Ohlander dba, Repairs	\$3,444.33
ASCE/Membership, Annual Membership Dues	\$230.00
Automatic Rain Co.,DBA:Horizon, Supplies	\$1,213.63
Av-Tech Electronics, Inc., Supplies	\$298.44
Baker & Taylor Inc, Supplies	\$317.50
Batteries Plus #86, Supplies	\$46.27
Bauer & Furman, P.C., Legal Services	\$1,326.00
Bellendir Tire & Auto, Tires	\$405.80
Big Door Company, Repairs	\$215.89
Big Thompson Watershed Foundation, Conference Reg.	\$45.00
Bijou T Quest, Supplies	\$1,510.85
Blackburn Manufacturing Co., Supplies	\$80.03
Bloedorn Lumber-Fort Morgan, Supplies	\$902.43
Blueglobes, Inc., Supplies	\$66.60
Brandenburg & McGuire P.C, Legal Services	\$883.00
Bresnan Communications, Utilities	\$380.19
Bridgestone Golf, Inc., Supplies	\$885.00
Brindisi, Cheryl, Refund	\$70.00
Brody Chemical, Inc., Supplies	\$148.64
Bruce Hogan, TKD Instructor	\$157.50
Bruntz Electric Inc, Repairs	\$2,457.00
Buchanan Welding & Const., Supplies	\$28.80

Business Mart, Supplies	\$36.58
California Contractors, Supplies	\$85.00
Callaway Golf, Supplies	\$961.92
Canfield Drilling Co, Repairs	\$452.07
Carlos Molina, Refund	\$600.00
Cascade Subscription Service, Subscriptions	\$191.76
Casimiro Olivas, Refund	\$400.00
CDW Government, Inc., Supplies	\$537.56
Central Auto Parts, Supplies	\$1,665.73
CH Diagnostic & Consulting, MPA Testing	\$550.00
CIRSA, Property & Casualty Installment	\$67,226.25
City of Fort Morgan Utilities	\$1,390.00
City of Fort Morgan, Health Cost Sept Employee Share	\$7,388.81
City of Fort Morgan, Petty Cash Replenish-UB	\$165,800.00
City of Fort Morgan, Sept Health Care Cost	\$70,059.81
CivicPlus, Site Development	\$11,628.00
Claudia Nickell, Reimbursment	\$24.21
CNH CAPITAL, Supplies	\$2,435.30
Co Family Support Registry, Misc Deductions	\$4,348.72
Colo Dept of Revenue Sales Tax, August Sales Tax	\$31,285.00
Colo Division of Fire Safety, Certification	\$35.00
Colonial Life & Accident, Additional Insurance	\$105.86
Colorado Code Publishing, Online Municipal Court Listing	\$111.00
Colorado Dept of Public Health, Annual Stormwater Discharge	\$285.00
Colorado Dept. of Revenue, Payroll Taxes	\$17,783.00
COLORADO DIST ATTORNEY CO, Supplies	\$84.00
Colorado Library Consortium, Courier Services	\$345.00
Colorado Mosquito Control, End of Season Coverage	\$15,725.00
Colorado Municipal Judges, Conference	\$175.00
Colorado Municipal League, Registration	\$1,000.00
Colorado NAFTAO, Annual Training	\$180.00
Colorado Rural Electric Association, Quarterly Dues	\$625.00
Colorado Water Well Pump, Supplies	\$310.26
Comfort Inn, Stay & Play Charges	\$246.00
Comfort Suites-Milwaukee, PD Conference	\$276.02
Commercial Printers & Signs, Services	\$35.00
CompUSA, Supplies	\$100.92
Computer Products Corporation, Maint. Contract	\$419.34
ConocoPhillips, Fuel	\$3,098.28
Conserve-A-Watt, Supplies	\$142.74
Continental Research Corp, Supplies	\$416.67
Coresentino, Joe, Reimbursment	\$708.50
Corporate Express, Supplies	\$1,625.50
Cory Hamilton, Reimbursment	\$6.34
Country Hardware & Farm S, Supplies	\$43.25
Country Steak Out, Meals	\$1,380.00
County Express, Transportation Rockies Game	\$300.00
Dahl of Ft Morgan, Supplies	\$40.01
Dana Kepner Company, Supplies	\$873.12
Daniel Meeks, Reimbursment	\$1,197.73

David Callahan, Reimbursement	\$220.00
Daydream Photography, Photo Deb Forstedt	\$57.00
Day-Timers Inc, Supplies	\$75.23
Dell Marketing L.P., Computers	\$2,731.32
Dennys W Edmondson dba/Denny's Small Engine, Supplies	\$209.93
Denver Newspaper Agency, Legal Bid	\$1,739.80
Diamond Vogel Paint Center, Supplies	\$553.58
Digital Retirement Solutions, Police Pension	\$29,875.71
Discount Tire of Ft. Morgan, Repairs	\$1,478.24
Dish Network, Utilities	\$29.99
Display Sales, Supplies	\$357.00
Don's Diesel & Auto Service, Repairs	\$644.85
DPC Industries Inc, Supplies	\$665.67
DULTMEIER SALES, Supplies	\$277.51
Dutton-Lainson Company, Supplies	\$143.33
East Jordan Iron Works, Supplies	\$911.94
ECI Site Construction Mgm, Downtown Infrastructure Pmt	\$1,290,505.26
Edwards Flowerland & Grocery, Supplies	\$645.31
Elan Financial Services, Supplies	\$3,710.17
Electronic Devices Inc, Supplies	\$109.25
Escalera, Francisco, Refund	\$300.00
Essential Safety Products, Supplies	\$81.81
Exponential Engineering, Professional Services	\$1,957.50
Fastenal Company, Supplies	\$396.58
Federal Express Corporation, Shipping	\$28.25
FedEx Freight West, Inc., Shipping	\$49.40
Ferguson Enterprises Inc., Supplies	\$50.00
Fire & Police Pension Association, Old Hire Contribution Sept	\$1,485.62
Fire & Police Pension Association, Police ADD Policy	\$6,106.67
First Aid 2000, First Aid Supplies	\$211.55
First Class Security System, Fire System Check	\$345.50
Foot-Joy, Supplies	\$144.04
Fort Morgan Auto Center, Repairs	\$399.50
Fort Morgan Humane Society, Pmt of Remaining Funds	\$4,000.00
Fort Morgan Municipal Court, NSF Charge Back	\$4.00
Fort Morgan Paint Bucket, Supplies	\$119.10
Fort Morgan Printing, Services	\$34.40
Fort Morgan Reservoir & Irrigation, Augmentation Water Shares	\$97.00
Fort Morgan Veterinary Clinic, Vet Services	\$181.60
Fort Morgan Volunteer Fire Dept, July & Aug Fire Calls	\$1,020.00
Frame It & Etc, Supplies	\$135.31
Francisco Martinez, Refund	\$600.00
Frontier Historical Society, Senior Trip	\$58.00
Fuller & Associates, Requisition Books	\$1,936.83
G & K Services, Janitorial & Uniforms	\$3,031.69
Gallarza, Jose, Refund	\$600.00
Garretsons Sport Center, Supplies	\$246.93
Garrison Minerals, LLC, Supplies	\$5,040.00
Gas Equipment Co of Denver, Supplies	\$123.96
Gemplers Inc, Supplies	\$49.95

General Chemical Performance, Supplies	\$10,764.01
Golf Enviro Systems Inc, Supplies	\$1,877.38
Golfsmith, Supplies	\$208.94
Gonzalez, Edy, Refund	\$600.00
GOVConnection, Inc., Supplies	\$883.76
Graffs Turf Farms Inc, Supplies	\$31.90
Grainger, Supplies	\$1,076.87
Granit Bronz, Supplies	\$507.00
Great Copier Service Inc, Monthly Charges	\$956.56
Greenwood, Trevor, Reimbursment	\$89.99
Greyhound Bus Lines, Shipping	\$10.36
Guardian, Additional Insurance	\$4,001.68
Hach Company, Supplies	\$270.98
Harcros Chemicals, Inc., Supplies	\$415.80
Heritage Flag & Banner, Supplies	\$304.00
High Country Pools Inc, Supplies	\$1,690.08
High Plains Powerwash, Services	\$131.25
Highfield Mfg., Supplies	\$262.32
Hill Petroleum, Fuel	\$4,235.26
Hoffman, Vicki, Refund	\$35.00
Hofman, Doug, Reimbursement	\$46.96
Humana Insurance Co. Inc., Additional Insurance	\$168.83
HVH Transportation, Inc, Shipping	\$252.91
IDEXX, Supplies	\$810.99
Impressions By Bird, LLC, Supplies	\$699.50
Ingram Book Company, Supplies	\$1,873.72
Irth Solutions, Inc., Utility Locate	\$630.00
iWorQ Systems, Internet Sign Management	\$1,200.00
Jay Cook, Sidewalk Replacement Program	\$235.00
Jerrae Swanson, Dues & Subscriptions	\$270.20
J-M Manufacturing Co., In, Supplies	\$136.60
John Turner, Reimbursment	\$34.71
Johnson, Holscher & Company, Final Billing on Audit	\$5,075.00
Kason Mid-America, Supplies	\$103.91
Kauffman Pest Control Com, Pest Control	\$190.00
Kembel, Sheri, Forensic Examination	\$300.00
Kenneth Mooney, Reimbursment	\$414.21
Kentec Communications Inc, Domain Hosting	\$193.75
Kissinger & Fellman PC, Professional Services	\$300.00
Knight Pest Control LLC, Pest Control	\$50.00
Kriz Davis Company, Supplies	\$10,349.50
L & C Municipal Sales Inc, Supplies	\$2,730.00
L L Johnson Distributing, Supplies	\$596.57
Lafarge West, Inc., Repairs	\$2,074.48
Land's End Business Outfit, Uniforms	\$55.85
Language Line Services, Services	\$155.02
Law Enforcement Assoc., Supplies	\$169.00
Lebsock Repair Service In, Services	\$615.93
Linda F Howell, TKD Instructor	\$157.50
Loren Sharp, Reimbursment	\$311.40

Luis Morales Sr, Refund	\$600.00
Lyle Signs, Inc, Supplies	\$178.00
M E A N, Purchase Power	\$890,433.88
Matthew Bender & Co. Inc., Session Laws	\$355.94
Maverick's Grill, Stay and Play Meals	\$240.00
McAtee Construction Company, Repairs	\$1,094.00
McDonald Physical Therapy, Pre-employment Screenings	\$150.00
Merrill, Patrick, Refund	\$7.15
Midwest Gas & Grocery, LL, Fuel	\$7,428.39
Midwest Laboratories, Inc, Testing	\$913.86
Midwestern Millwright, Services	\$614.40
Millers Landscaping, Supplies	\$188.40
MMI International, Supplies	\$83.20
Model Cleaners Inc, Services	\$391.95
Morgan County Central, Fuel	\$2,770.29
Morgan County Comm Center, Phone Charges	\$85.34
Morgan County Dept Solid, Landfill Charges	\$24,092.58
Morgan County Rural Elec, Utilities	\$4,714.10
Morgan Cty Quality Water, Utilities	\$229.75
Morgan Sand & Gravel Inc, Supplies	\$907.94
Mountain States Pipe & Supply, Supplies	\$395.82
Movie Licensing USA, Site License	\$250.00
Mr. D's Ace Home Center, Supplies	\$1,878.02
Murdoch's Farm/Ranch Supp, Supplies	\$430.86
Nation Engineering Services, Agmentation Water Accounting	\$115.00
National Meter & Automation, Supplies	\$4,327.50
National Public Gas Agency, Gas Purchase	\$224,192.53
Neve's Uniforms Inc, Supplies	\$625.90
Newco Incorporated, Supplies	\$193.77
Niagara Conservation Corp, Supplies	\$1,158.78
North American UV LLc, Supplies	\$1,755.00
Northeast Colorado Health, Services	\$75.00
Northeast Fire Safety, Maintenance	\$24.00
Northern Co Water Conserv, Contact Fees	\$196,279.32
Northern Colorado Paper, Supplies	\$1,221.35
Office Depot Card Plan, Supplies	\$232.45
OfficeMax - A Boise Company, Supplies	\$141.12
Oriental Trading Co Inc, Supplies	\$79.41
Parker, Cleo, Reimbursement	\$91.50
Part Smart Carquest, Supplies	\$379.00
Parts Marketing Inc., Equipment Maint.	\$497.69
PayFlex Systems USA, Inc., Sect 125 Plan	\$204.00
PayFlex Systems USA, Inc., Sept Admin Fee	\$5,571.84
Pepsi-Cola, Supplies	\$162.50
PERA 401K Investment Plan, Contributions	\$9,147.75
Permagreen, Supplies	\$955.00
Pets R People Too, Supplies	\$159.98
Pinnacol Assurance, Workmans Comp	\$3,415.68
Polydyne, Inc., Supplies	\$1,137.40
Portable Welding Service, Repairs	\$494.55

Porter Lee Corporation, Annual Fee	\$840.00
Pre-Paid Legal Services, Additional Insurance	\$290.95
Project Energy Savers LLC, Supplies	\$222.00
Public Employees Retireme, Pension	\$92,135.22
Quality Equip. & Service, Repairs	\$1,082.30
Quest Diagnostics, Services	\$125.60
Quill Corporation, Supplies	\$77.64
Qwest, Phone Charges	\$2,193.99
Railroad Management Company, Powerline Crossing	\$181.50
Ramirez, Genrri, Refund	\$600.00
Range Kleen Mfg., Inc., Supplies	\$560.00
Ransom Boone Excavating, Repairs	\$6,485.00
Redwood Toxicology Lab, Services	\$125.00
Reed Elsevier Inc., Professional Services	\$87.00
Rick Staleys Plumbing, Services	\$564.20
Riverside Co Dept of Child Services, Misc Deduction	\$390.00
RMGCSA, Conference	\$125.00
Robert C. James, Court Appointed Attorney Fees	\$495.90
Rodriquez, Reymundo, Golf Contract	\$2,525.00
Ruders HVAC+, Repairs	\$387.86
Ruhl Distributing Company, Supplies	\$258.71
Ruppel's Auto & Truck Repair, Repairs	\$1,717.58
Ruppels Plumbing & Heating, Repairs	\$120.00
Safeway Stores Inc, Supplies	\$35.96
Sailsbery Supply Company, Supplies	\$386.55
Sandy Cowen, Suppiles	\$90.00
Scott Aviation, FBO Fees	\$2,000.00
SD Myers, Supplies	\$21.00
SeaCrestGroup, Testing/Services	\$850.00
Service Master, Janitorial Services	\$1,870.00
Sew What?, Uniform Repairs	\$30.00
Sharyn Spencer, Reimbursment	\$50.87
Sherwin-Williams, Supplies	\$759.02
Sheryl Groves, TKD Instructor	\$157.50
Short Elliott Hendrickson, Downtown Street Improvements	\$2,412.50
Simplot Partners, Supplies	\$736.00
Sirchie Finger Print Labs, Supplies	\$114.50
Skarshaug Testing Laboratories, Testing	\$123.85
Skyhawk Technologies LLC, Supplies	\$38.61
Sleek's Rent-To-Own, Shipping	\$8.71
Smalley & Company, Supplies	\$288.31
SOS Staffing, Temp Services	\$2,625.42
Southside Lateral Company, Augmentation Water Assessments	\$116.00
Southwest Public Safety, Supplies	\$67.33
Star Athletic Club, Memberships	\$509.84
State of Colorado/OIT, Connection Service	\$1,076.89
Strand, Andrea, Reimbursment	\$11.37
Stuart C Irby Co, Supplies	\$618.10
Sunrise Environmental Scientific, Supplies	\$116.48
Suzanne M. Wales, Mom & Infant/Toddler Class	\$14.00

Taylor Made, Supplies	\$552.71
Thatcher Company, Supplies	\$1,200.00
The Flower Petaler, Flowers	\$27.00
The Fort Morgan Times, Subscription	\$109.00
TITLEIST, Supplies	\$491.66
Tolin Mechanical Systems, 4th Qtr Service Program	\$249.00
Top Door, Inc., Service	\$197.90
TORO NSN, Fleet Mgt Services	\$59.00
Transwest Trucks, Inc., Truck Services	\$57.44
Tundra Specialties, Supplies	\$248.75
ULINE, Supplies	\$70.26
Underwriters Laboratories, Supplies	\$282.00
Union Colony Protective, Services	\$243.38
Unique Embroidery & Engraving, Supplies	\$450.30
United Way of Morgan County, Contributions	\$250.00
Unrein, Patricia, Reimbursement	\$91.50
UNUM Provident, October Life Insurance Premium	\$2,539.53
Upstart, Inventory	\$34.75
US Identification Manual, Supplies	\$82.50
USABlueBook, Supplies	\$645.79
Utility Notification, Locate Tickets	\$240.24
Velasquez, Ovidio, Refund	\$600.00
Vermeer Sales and Service, Supplies	\$3,305.08
Viaero Wireless, Cell Phones	\$2,423.37
Vision Service Plan (CO), Additional Insurance	\$1,561.47
VWR International, Inc., Supplies	\$125.15
Walek, Sonya, Reimbursement	\$780.00
Wal-Mart, Supplies	\$341.36
Waste Management of N E C, Services	\$328.22
Water Environment Fed., Membership	\$70.00
Water Strategist, Subscription	\$330.00
Wells Fargo, Payroll Taxes	\$53,881.33
Wern Air Inc., Supplies	\$1,731.24
Wesco Distribution Inc, Supplies	\$3,378.07
West Group Payment Center, Information Charges	\$310.80
Westek Rental LLC, Supplies	\$109.00
Western Area Power Admin, Wholesale Power Bill	\$273,298.54
Western Clean Up Corporation, Clean up	\$301.80
Western United Electric, Supplies	\$6,792.41
Wiggins Junction Truck St, Towing	\$140.00
Wiggins Telephone Association, Phone Charges	\$147.31
Willis of Colorado, Inc., Broker Fee 4th Qtr	\$10,000.00
Winberg, Cheryl, Reimbursement	\$2.27
Wireless Advanced Communications, Supplies	\$15,847.80
Xcel Energy, Utilities	\$8,132.37
Xerox Corporation, Lease Payment	\$3,954.13
Yolanda Eurich, Reimbursement	<u>\$60.00</u>
Total Disbursements - Sept 2009	\$3,776,179.52
Total Payroll - Sept 2009	<u>\$405,652.35</u>
Total Publication Report - Sept 2009	\$4,181,831.87

- C. Approve the reappointment of Bill Bruntz, 218 S. Sherman Street, to the Construction Board of Appeals for a two-year term to expire on October 16, 2011.

All matters listed under Item 9, 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 20th 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.

FIRST READING OF AN ORDINANCE IMPOSING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF FORT MORGAN

Attorney Wells noted for Council consideration on first reading, an Ordinance regarding Imposing a Moratorium on Medical Marijuana Dispensaries in the City of Fort Morgan. Councilmember Powers noted that a date may need to be changed indicating the effective date after the second reading.

Said Ordinance being in words, letters and figures as follows, to-wit:

ORDINANCE NO. _____

**AN ORDINANCE IMPOSING A MORATORIUM ON
MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF FORT MORGAN**

WHEREAS, the City of Fort Morgan is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and,

WHEREAS, Article IV, Section 4(d)(2) of the *Charter* authorizes City Council to pass ordinances for the protection of the public health, safety, and welfare, and provide penalties for the violation thereof; and,

WHEREAS, over the past several months many communities in Colorado have been faced with the issue of how to regulate the new business of medical marijuana dispensaries, and City Council wishes to address this issue before an application is made within the City limits; and,

WHEREAS, City Council has been made aware that Staff has received an inquiry from an individual who may be interested in opening and operating a business within the City which would offer medical marijuana for sale and such activities related to such business; and,

WHEREAS, Article 18, Section 14 of the Colorado Constitution, adopted by the voters of the State of Colorado on November 7, 2000, created a limited exception from criminal liability under Colorado law for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under the limited, specified circumstances described in Amendment 20; and,

WHEREAS, Article 18, Section 14 of the Colorado Constitution authorized the sale of medical marijuana for use in the treatment of debilitating medical conditions; and,

WHEREAS, the imposition of a one-hundred-eighty (180) day moratorium on the submission, acceptance, processing, and approval of all applications for City permits, licenses, and land use approvals relating to the operation of a person that grows, produces or sells medical marijuana will allow the City to investigate the City's ability to regulate such uses, and to develop and implement any appropriate regulations deemed necessary by the City Council; and,

WHEREAS, the City does not have any current regulations pertaining to persons that grow, produce or sell medical marijuana, the City will suffer irreparable harm if a moratorium on the submission, acceptance, processing, and approval of City permits, licenses, and land use applications related to the operation of such facilities is not imposed; and,

WHEREAS, the duration of the moratorium imposed by this ordinance is reasonable in length, and is no longer than is required for the City to properly investigate, develop, and if appropriate, adopt and implement any regulations deemed necessary with respect to persons that grow, produce or sell marijuana; and,

WHEREAS, proprietors and other persons desiring to open a business that grows, produces or sells medical marijuana or persons that wish to grow or produce marijuana will not be unfairly prejudiced by the imposition of the temporary moratorium imposed by this ordinance.

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

Section 1. Upon the adoption of this ordinance, a moratorium is imposed upon the submission, acceptance, processing, and approval of all applications for permits, licenses, and land use approvals by the City of Fort Morgan related to a person that grows, produces or sells, or proposes to grow, produce or sell medical marijuana and pursuant to the authority granted by Article 18, Section 14 of the Colorado Constitution, City Staff is directed to refuse to accept for filing and shall not to process or review any such new applications during the moratorium period.

Section 2. The moratorium imposed by this ordinance shall commence as of the date of passage and shall expire one-hundred-eighty (180) days thereafter, unless sooner repealed. The period of effectiveness of this Ordinance is referred to herein as the "Effective Period".

Section 3. As the growing, production and sale of marijuana is not currently addressed in the *Code of the City of Fort Morgan*, the growing, production and sale of marijuana shall not be permitted within the City of Fort Morgan during the duration of the moratorium. Any notice of intent received prior to the date of this moratorium may proceed on a temporary basis dependent upon the outcome of the proposed regulations.

Section 4. Before the expiration of the moratorium imposed by this ordinance, Staff will work with the City Attorney to review the legal authority of the City to regulate persons growing, producing and selling medical marijuana pursuant to Article 18, Section 14 of the Colorado Constitution. Such investigations shall be completed promptly and with due diligence. The City Attorney shall prepare appropriate regulations with respect to such persons for consideration by the City Council.

Section 5. The Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401 C.R.S. (concerning municipal police powers); (v) Section 31-15-501 (concerning municipal power to regulate businesses); (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vii) the powers granted by the *Charter* of the City of Fort Morgan.

Section 6. The City Council of the City of Fort Morgan hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety. The adoption of this ordinance on an emergency basis is necessary in order to prevent a person from filing an application for a permit, license, or land use approvals relating to the operation of a person that grows, produces or sells medical marijuana until the City has had a reasonable opportunity to determine: (i) the extent of the city's regulatory authority over persons that grow, sell, or produce medical marijuana; and (ii) what regulations, if any, should be imposed by the City upon such persons. Failure to immediately impose the moratorium provided for in this ordinance will potentially allow a person to submit an application for a permit, license, or land use approval from the City (including but not limited to an application for a development permit; an application for a business license; an application for sales tax license; or a land use application), and to possibly acquire certain rights with respect to the processing of such applications before the City has the reasonable opportunity to evaluate the possible community impacts that might be associated with the operation of facilities farming, producing, or selling medical marijuana and to implement appropriate regulations with respect to such facilities. This could lead to the City being forced to allow the operation of a facility that sells medical marijuana in a location or in such a manner that would be out of character with the community and which would negatively affect the cultural, environmental, and neighborhood areas of the City, and potentially present issues related to crime. The City Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the City of Fort Morgan.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

INTRODUCED, READ AND APPROVED UPON FIRST READING this 20th day of October, 2009, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: /s/ Jack Darnell, Mayor

ATTEST:

/s/ Andrea J. Strand, City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this ____ day of November, 2009, for publication once in the newspaper of the City of Fort Morgan, Colorado, to take effect upon the date passage.

[SEAL]

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk

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

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing Ordinance No. ____ was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a Regular Meeting on the 20th day of October, 2009. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the ____ day of _____, 2009 published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the ____ day of _____, 2009. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

City Clerk

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO that the foregoing Ordinance entitled above; and the same is hereby ordered published in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and that said Ordinance again be presented to this Council at the expiration of said period of publication for final action thereof.

PASSED, APPROVED AND ADOPTED this 20th 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

None.

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
Fort Morgan Volunteer Fire Department Chief Parker

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming bids and meetings.

Mayor Darnell added that two work sessions were scheduled for October 29 and November 5 to discuss the 2010 Budget.

Mayor Darnell adjourned the October 20, 2009, regular meeting at 8:15 p.m.

/s/ Jack L. Darnell
Mayor

/s/ Andrea J. Strand
City Clerk