

November 17, 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 5:07 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

EXECUTIVE SESSION

Councilmember McAlister moved to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and the following additional details are provided for identification purposes: Property purchases for the City of Fort Morgan. His motion was seconded by Councilmember Powers and duly carried.

Mayor Darnell announced, "The time is now 7:00 p.m., and the Executive Session has concluded. We now return to the open meeting. The participants in the Executive Session were Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons; City Manager Pat Merrill, City Attorney Jeffrey Wells and City Treasurer Terri Schafer. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Hearing none, the Executive Session is concluded. I will ask Councilmember McAlister to report on the Executive Session."

Councilmember McAlister offered a motion to direct staff to purchase property as set forth in the parameters of the Executive Session. His motion was seconded by Councilmember Powers and carried unanimously.

The regular 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 Development Director David Callahan, Treasurer Terri Schafer and City Clerk Andrea Strand.

FIRST READING OF AN ORDINANCE FOR APPROPRIATION OF THE 2010 BUDGET ENTITLED, "AN ORDINANCE LEVYING A TAX UPON THE TAXABLE PROPERTY IN THE CITY OF FORT MORGAN, COLORADO, AND APPROPRIATING MONIES TO THE SEVERAL FUNDS OF SAID CITY." THIS ORDINANCE ADOPTS BY REFERENCE THE 2010 SCHEDULE OF FEES AND THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN

City Manager Merrill and City Treasurer Schafer presented for Council’s consideration on First Reading an Ordinance entitled, “An Ordinance Levying a Tax Upon The Taxable Property in the City of Fort Morgan, Colorado, and Appropriating Monies to the Several Funds of Said City.” This Ordinance adopts by reference the 2010 Schedule of Fees and Five-Year Capital Improvement Plan. The copies of the Schedule of Fees and Five-Year Capital Improvement Plan presented were draft and will be finalized and used as a reference for staff and the citizens.

Councilmember Powers added that this Ordinance is levying 13.254 mills upon each dollar assessed for valuation of all property within the City of Fort Morgan and is lower than other municipalities in the County; said Ordinance being in words, letters and figures as follows, to-wit:

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX UPON THE TAXABLE PROPERTY IN THE CITY OF FORT MORGAN, COLORADO, AND APPROPRIATING MONIES TO THE SEVERAL FUNDS OF SAID CITY.

UPON AND PURSUANT to the estimate of the probable revenue and expenses submitted by the City Manager to the Council of the City of Fort Morgan, Colorado, and upon a budget made by the City Manager and submitted to said Council, and for the purpose of raising funds to defray all expenses of conducting the business of the government of the City and payment of all liabilities of the City falling due or accruing during the fiscal year ending December 31, 2010.

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

Section 1. There is hereby levied and assessed a tax of Thirteen and Two Hundred Fifty-Four Thousandths (13.254) mills upon each dollar of assessed valuation of all property within the City of Fort Morgan, Colorado.

Section 2. Of the monies arising from electric, water, gas, sewer, and sanitation charges, taxes, fines, licenses and all other sources of monies of the City of Fort Morgan, the City Council acting on behalf of the various departments and funds in the appropriate and necessary capacity, make the appropriations to the several funds of said City and GID for the purposes of operations, debt service and capital outlays as follows:

Fund	Appropriation
General Fund	\$ 9,545,158
Capital Improvement Fund	\$ 3,348,106
Golf Fund	\$ 699,389
Conservation Trust	\$ 210,000
Electric Fund	\$19,145,436
Water Fund	\$ 6,300,820
Gas Fund	\$ 5,618,306
Sewer Fund	\$ 2,389,537
Sanitation Fund	\$ 1,139,876

Fiber Network Fund	\$ 3,000
Perpetual Care Fund	\$ 15,200
Self Insurance/Risk Mgmt.	\$ 2,437,000
Riverview GID	\$ 235,800
Total	\$51,087,628

Section 3. This ordinance adopts herein by reference the Schedule of Fees and the 5 Year Capital Improvement Plan. The Schedule of Fees shall establish the approved fees to be charged by departments within the City of Fort Morgan, and the 5 Year Capital Improvement Plan shall serve as a guide to staff and City Council as the budgeted priorities for improvements within the City of Fort Morgan.

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED this 17th day of November, 2009.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

By: _____
Mayor

Attest:

City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this ____ day of _____, 2009.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

By: _____
Mayor

Attest:

City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
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 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, on the ____ day of _____, 2009. Said ordinance, as proposed, was duly read at length at said 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 at a regular meeting of the City Council held on the ____ day of _____, 2009; that the above and foregoing **Ordinance No. _____** was duly and legally, passed, approved and adopted on said ____ day of _____, 2009, and thereafter published as an ordinance of the City in the said *Fort Morgan Times* on the ____ day of _____, 2009.

City Clerk

RESOLUTION

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

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 17th day of November, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons. Nays: None.

PRESENTATION OF A RESOLUTION SELECTING THE SUCCESSFUL BIDDER/CONTRACTOR FOR THE RAINBOW BRIDGE HISTORIC BYWAY INTERPRETIVE PULL-OUT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO ENGAGE THE SERVICES OF THE SUCCESSFUL BIDDER

City Attorney Wells and Municipal Engineer Curtis presented a Resolution for Council's consideration.

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

RESOLUTION NO. 09 11 01

SELECTING THE SUCCESSFUL BIDDER/CONTRACTOR FOR THE RAINBOW BRIDGE HISTORIC BYWAY INTERPRETIVE PULL-OUT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO ENGAGE THE SERVICES OF THE SUCCESSFUL BIDDER

WHEREAS, City staff has determined the qualified bidders for The Rainbow Bridge Historic Byway Interpretive Pull-Out Project ("Project") to be ECI site construction management, Mountain Constructors, Inc. and Technology Constructors, Inc. (collectively "Contractors"); and,

WHEREAS, The formal bidding requirements were provided to the Contractors with a bidding deadline of September 14, 2009 at 4:00 p.m.; and,

WHEREAS, Whereas staff has provided City Council with the information regarding the lowest qualified responsible and responsive bid and provided its recommendation on which of the Contractors should be determined the successful bidder; and,

WHEREAS, The forms related to the bid were provided to the Colorado Department of Transportation (CDOT), and the selection of Mountain Constructors, Inc. was approved by CDOT; and,

WHEREAS, The City Council has budgeted the necessary funds for this project to be completed, and the project will begin as soon as the weather permits the construction next year; and,

WHEREAS, The City Council wishes to enter into a contract with the successful bidder for the construction of the Project and provide it with a formal notice of award; and,

WHEREAS, The Mayor is required under the Charter to sign all contracts on behalf of the City.

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

Section 1. The City Council selects Mountain Constructors, Inc. as the successful bidder and authorizes the payments of budgeted City funds related to the matching federal and state grants related to bid.

Section 2. The City Council hereby authorizes the Mayor to sign a contract and all other documents necessary to engage the successful bidder to commence and complete the Project.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 17th day of November, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: None.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack Darnell, Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan this 19th day of November, 2009.

/s/ Andrea Strand, City Clerk

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

- A. Approve the minutes from the October 27, 2009, special meeting.
- B. Approve the minutes from the November 3, 2009, regular meeting.
- C. Approve the disbursements and payroll for October 2009.

CITY OF FORT MORGAN – PUBLICATION REPORT – OCTOBER 2009

Accurint-Web Name Searches	\$318.40
Active Lock Service-Services	\$70.00
ADP Screening & Selection-Preemployment Screening	\$62.30
Affiliated Credit Service-Services	\$130.00
AFLAC-Additional Insurance	\$2,211.12
Agnas Baker-Refund	\$20.00
Alert-All Corp-Supplies	\$865.00
All Truck & Trailer Parts-Supplies	\$23.84
Alliance Entertainment LL-Supplies	\$76.72
Altec Industries Inc-Supplies	\$346.65
American Pride Co-op-Supplies	\$6,719.25
American Transportation & Equip-Supplies	\$288.36
Aqua Home Entertainment-Supplies	\$2.99
Aramark-Supplies	\$176.40
Armstrong Service Center-Vehicle Tow	\$136.00

Automatic Rain Co.,DBA:Horizon-Supplies	\$6.87
B & G Equipment, Inc.-Supplies	\$47.22
Baker & Taylor Inc-Supplies	\$222.16
Battery Warehouse Direct-Supplies	\$68.15
Bauer & Furman, P.C.-Court Appointed Counsel	\$1,201.42
Bellendir Tire & Auto-Tires	\$284.96
Bike Peddler Cycling & Fitness-Supplies	\$30.56
Bloedorn Lumber-Fort Morgan-Supplies	\$567.35
Books In Motion-Replacement CD	\$6.00
Boyle Equipment Company -Supplies	\$646.59
Bradford Publishing Co.-Reference Book	\$58.45
Brandenburg & McGuire P.C-Services	\$1,718.00
Bruce Hogan-TKD Instructor	\$190.00
Buchanan Welding & Const.-Services	\$28.80
Builders Aggregate Co-Supplies	\$424.60
Business Mart-Supplies	\$104.30
California Contractors-Supplies	\$193.90
Capital One Bank, USA, N.-Misc Deduction	\$642.45
Cascade Subscription Service-Subscription	\$76.00
Cawley, Carolyn-Reimbursement	\$208.69
CBA-CLE in Colorado-Appellate Brief Writing	\$318.00
CDE Colorado State Library-Workshop Registration	\$20.00
Central Auto Parts-Supplies	\$3,770.50
Chaylene Kriegh-Refund	\$35.00
Cindy Frye-Reimbursement	\$30.00
City of Fort Morgan-Utilities	\$63,396.40
City of Fort Morgan-Petty Cash Replenishment PD	\$262.36
City of Fort Morgan-Property & Casualty Installments	\$134,452.50
City of Fort Morgan-October Health Cost	\$141,092.00
City of Fort Morgan-Employee Share Health Cost Oct	\$1,465.00
CKM Refrigeration L.L.C-Services	\$80.00
Claudia Nickell-Reimbursement	\$121.75
CNH CAPITAL-Supplies	\$1,307.36
Co Family Support Registry-Misc Deduction	\$4,348.72
Colo Dept of Public Hlth-Annual Program Fee	\$1,850.00
Colorado Assoc of Libraries-Annual Conference	\$142.50
Colorado Dept of Revenue-Sept Sales Tax	\$30,209.00
Colorado Dept. of Revenue-Payroll Taxes	\$17,870.00
CompUSA-Supplies	\$52.51
Conoco Phillips-Fuel	\$3,022.33
Conserve-A-Watt-Supplies	\$18.23
Cortz Inc. dba In the Swim-Supplies	\$519.91
Country Hardware & Farm Store-Supplies	\$66.47
Crone, Jared-Reimbursement	\$43.22
Culligan-Supplies	\$80.10
Dana Kepner Company-Supplies	\$993.43
DBC Irrigation Supply-Supplies	\$393.52
Dell Marketing L.P.-Purchase Monitors	\$514.14
Demco Inc-Supplies	\$511.02
Dennys W Edmondson dba/Denny's-Services	\$652.72

Denver Networks LLC-Network Admin-Sept	\$11,620.46
Denver Newspaper Agency-Advertising	\$1,739.80
Diamond Vogel Paint Center-Supplies	\$708.89
Digital Retirement Solutions-Police Pension	\$30,765.10
Display Sales-Supplies	\$202.50
Don Jones Excavating-Services	\$125.00
Downtown Colorado Inc.-Conference	\$30.00
Dutton-Lainson Company-Supplies	\$5,449.00
E & G Terminal, Inc-Supplies	\$267.63
East Jordan Iron Works-Supplies	\$574.66
Elan Financial Services-Supplies	\$706.13
Essential Safety Products-Supplies	\$154.76
Express Toll-Tolls	\$11.00
Faris Machinery Company-Supplies	\$1,476.43
Farm Plan-Supplies	\$59.08
Fastenal Company-Supplies	\$33.19
Federal Express Corporation-Shipping	\$35.40
Ferguson Enterprises Inc.-Supplies	\$25.04
Fire & Police Pension Assoc.-Police ADD Policy	\$1,549.03
Fire & Police Pension Assoc-COLA Funding Old Hire	\$70,135.00
Fire & Police Pension Assoc.-Old Hire Contribution Oct	\$6,106.67
First Aid 2000-Supplies	\$288.00
First Class Security Systems-Installation & Monitoring	\$880.00
Fleet Services-Fuel	\$407.75
Fort Morgan Humane Society-Oct & Nov Payment	\$4,000.00
Fort Morgan Medical Group-Random Drug Testing	\$157.00
Fort Morgan Paint Bucket-Supplies	\$19.46
Fort Morgan Printing-Services	\$252.15
Fort Morgan Rotary Club-Dues, Meals, Contribution	\$161.00
Fort Morgan Veterinary Clinic-Animal Control	\$149.40
Fort Morgan Volunteer Fire Dept-Sept Calls	\$280.00
Frame It & Etc-Services	\$174.73
Frontier Performance Lubricants-Supplies	\$1,394.80
Gas Equipment Co of Denver-Supplies	\$117.53
Gemplers Inc-Supplies	\$179.80
General Chemical Performance-Supplies	\$5,380.86
Glenwood Motor Inn-Senior Center Trip	\$1,866.48
Golf Enviro Systems Inc-Fertilizer	\$4,740.00
Grainger-Supplies	\$1,152.49
Granit Bronz-Name Plaques	\$507.00
Great Copier Service Inc-Services	\$1,089.66
Greyhound Bus Lines-Shipping	\$57.78
Guardian-Additional Insurance	\$4,211.76
Hach Company-Supplies	\$236.84
Hajoca Corporation-Supplies	\$636.63
Health Consultants, Inc.-First Responder Repairs	\$830.66
Hercules Industries, Inc.-Supplies	\$352.89
Herman Albrandt-Reimbursement	\$77.50
Hill Petroleum-Fuel	\$3,397.19
HireRight Solutions Inc.-Random Drug Testing	\$55.00

Humana Insurance Co. Inc.-Additional Insurance	\$168.83
Impressions By Bird, LLC-Supplies	\$461.25
Industrial Tool Box-Supplies	\$551.52
Ingram Book Company-Supplies	\$1,692.00
Intermountain Valve & Controls-Supplies	\$91.56
Interstate Battery-Supplies	\$75.95
Iolla Moeller-Refund	\$440.00
Iron Mountain Records Mgm-Services	\$398.67
Isaias Gonzalez-Window Tint	\$180.00
Jan Lockard-Refund	\$290.00
Jim Powers-Reimbursement	\$91.63
Jodie Wiley-Reimbursement	\$52.70
Jon G. Erickson-Hootenanny Program	\$100.00
Kauffman Pest Control-October Services	\$190.00
Ken Breneman-Reimbursement	\$122.74
Kentec Communications Inc-Monthly Domain Services	\$183.80
Knight Pest Control LLC-Services	\$50.00
Kriz Davis Company-Supplies	\$2,096.91
Lafarge West, Inc.-Asphalt Patching	\$4,463.98
Language Line Services-Services	\$186.08
Learning Resources Network-Annual Subscription	\$395.00
Light, Harrington & Dawes-Legal Services	\$780.80
Linda F Howell-TKD Instructor	\$190.00
Link Dynamics-Network Review	\$650.00
Loren Sharp-Reimbursement	\$326.13
Lyle Signs, Inc-Signs	\$398.29
M & M Cooperative-Propane	\$715.00
M E A N-Purchase Power	\$778,144.97
M&S Electric Motor Repair-Services	\$438.52
Matthew Bender & Co. Inc.-Services	\$64.94
McAtee Construction Company-Supplies	\$102.00
McDonald Physical Therapy-Preemployment Screenings	\$180.00
Merchant JT&S-1st Yr App. Training	\$600.00
Midwest Laboratories, Inc-Monthly Testing	\$1,253.70
Midwestern Millwright-Supplies	\$1,497.40
Model Cleaners Inc-Services	\$268.23
Morgan Community College-Classes	\$48.06
Morgan County Board of Realtors-Luncheon	\$13.00
Morgan County Central Services-Fuel	\$2,764.27
Morgan County Dept Solid Waste-Landfill Charges	\$22,178.96
Morgan County General Fund-After Hours Support	\$126.46
Morgan County Planning Dept.-Permit	\$50.00
Morgan County Rural Elec-Utilities	\$4,392.29
Morgan Cty Quality Water-Water	\$227.45
Morgan Sand & Gravel Inc-Supplies	\$202.73
Mr. D's Ace Home Center-Supplies	\$1,842.80
Murdoch's Farm/Ranch Supply-Supplies	\$912.88
Mustangs Fuel & Car Wash-Car Washes	\$1,087.29
Nation Engineering Services-Sept Consulting Services	\$230.00
National Public Gas Agency-Purchased Gas	\$200,425.57

Neopost Leasing-Quarterly Lease Payment	\$502.38
Neve's Uniforms Inc-Services	\$89.94
Northeast Fire Safety-Services	\$19.00
Northern Colorado Paper-Supplies	\$1,431.02
Office Depot Card Plan-Supplies	\$156.00
OfficeMax - A Boise Company-Supplies	\$160.93
Operators Certification Program-Distribution License	\$60.00
Optometry Clinic of Ft Morgan-Safety Glasses	\$387.00
Paperdirect, Inc.-Supplies	\$115.91
Part Smart Carquest-Supplies	\$1,267.01
Parts Marketing Inc.-Supplies	\$1,723.50
PayFlex Systems USA, Inc.-Sect. 125 Plan	\$5,646.84
PayFlex Systems USA, Inc.-Oct Admin Fee	\$204.00
PERA 401K Investment Plan-Contributions	\$10,219.26
Performance Solutions, CC-Grant Writing Class	\$99.00
Permagreen-Sand	\$477.50
Phelps-Atkinson Golf Course Design-Services	\$2,117.50
Ping Inc-Supplies	\$1,957.01
Pinnacol Assurance-Work Comp	\$29,627.38
Pitney Bowes Inc-Lease Charges	\$111.00
PMI Equipment Inc.-Supplies	\$384.71
Portable Welding Service-Services	\$210.00
Postmaster-Bulk Mail Permit-Fire Dept	\$185.00
Pre-Paid Legal Services-Additional Insurance	\$290.95
Preston, Greg-Reimbursement	\$14.80
Public Employees Retirement Assoc.-Pension	\$92,297.04
Publishers Services Center-Subscription	\$79.95
Quest Diagnostics-Preemployment Drug Testing	\$390.96
Quest Inc.-Supplies	\$842.07
Qwest-Phone Charges	\$3,225.52
Redwood Toxicology Lab-Random Drug Testing-Probation	\$71.00
Reed Elsevier Inc.-Litigation	\$29.00
Regulatory Management Inc-Professional Services	\$150.00
Riverside Co Dept of Child Services-Misc Deduction	\$390.00
Rockwood Corporation-Supplies	\$158.90
Rose Industries-Supplies	\$48.40
Ryan Elrick-Reimbursement	\$638.25
Safety & Construction Supply-Supplies	\$277.08
Safeway Stores Inc-Supplies	\$16.74
Sailsbery Supply Company-Supplies	\$963.81
SD Myers-Oil Test	\$25.00
SeaCrestGroup-Wet Test 4th Quarter	\$850.00
Service Master-Janitorial Services	\$3,500.00
Sew What?-Services	\$12.00
Sharol Lyn Deal-Reimbursement	\$792.90
Shedd, Donald-Reimbursement	\$731.70
Sherwin-Williams-Supplies	\$35.96
Sheryl Groves-TKD Instructor	\$190.00
Shooters Emporium-Supplies	\$22.95
SkillPath Seminars-Training	\$199.00

Skyhawk Technologies LLC-Sky Caddies	\$731.83
Sleek's Rent-To-Own-Shipping	\$33.23
Smith, Eric-Reimbursement	\$638.25
Source Office Products-Supplies	\$178.10
South Platte River Health-Supplies	\$129.50
Southwest Public Safety-Supplies	\$19.26
Spotts Bros Plumbing & Heating-Supplies	\$101.95
Standard Glass Company-Services	\$69.00
Staples-Supplies	\$674.86
Star Athletic Club-Membership Dues	\$406.84
State of Colorado/OIT-Services	\$1,076.89
Stephens Publishing Company-Supplies	\$486.50
Strand, Andrea-Reimbursement	\$25.92
Sunrise Environmental-Supplies	\$188.59
Taylor Made-Supplies	\$424.20
TCI Tire Centers-Tire Repairs	\$589.19
Team Laboratory Chemical-Supplies	\$1,515.00
TechDepot-Supplies	\$271.93
Thatcher Company-Supplies	\$6,914.80
The Flower Petaler-Flowers	\$71.45
The Wiggins Messenger-Subscription 1 year	\$24.00
Tire Centers, LLC-Tires	\$625.19
TITLEIST-Supplies	\$224.53
TORO NSN-Services	\$59.00
Transwest Trucks, Inc.-Supplies	\$22.76
TST, Inc. Consulting-Final Payment	\$2,284.95
Underwriters Laboratories-Services	\$282.00
Union Colony Protective-Courtroom Security	\$313.50
Unique Embroidery & Engraving-Supplies	\$683.31
United Parcel Service-Shipping	\$12.22
United Tree Service-Services	\$7,200.00
United Way of Morgan County-Contributions	\$202.00
UNUM Provident-Nov. Life Insurance	\$2,717.88
Utility Notification-Utility Locates	\$186.34
Victim Services Program-Services	\$770.00
Vintage Resort Hotel-Lodging	\$477.81
Vision Service Plan (CO)-Additional Insurance	\$1,623.83
VWR International, Inc.-Supplies	\$585.78
Walker, Tina-Reimbursement	\$63.00
Wal-Mart-Supplies	\$818.25
Warehouse Supply-Supplies	\$464.76
Waste Management of N E C-Oct Services	\$488.05
Weld County Garage-Supplies	\$19.78
Weller Fabrication & Mach-Services	\$1,200.00
Wells Fargo-Payroll Taxes	\$53,915.22
Wesco Distribution Inc-Supplies	\$6,466.82
West Group Payment Center-Information Charges	\$310.80
Westek Rental LLC-Equipment Rental	\$255.00
Western Area Power Admin-Purchase Power	\$66,820.44
Western United Electric Service-Supplies	\$4,497.83

Wiggins Telephone Assoc.-Phone Services	\$147.07
Winberg, Cheryl-Reimbursement	\$24.00
Wireless Advanced Comm-Annual Service Agreement	\$5,525.25
Xerox Corporation-Services	\$3,098.21
Zwetzig, Todd-Reimbursement	<u>\$28.18</u>
Total Disbursements - October 2009	\$1,963,416.60
Total Payroll - October 2009	<u>\$406,379.17</u>
Total Publication Report - October 2009	\$2,369,795.77

- D. Approve the application for renewal of the Hotel and Restaurant Liquor License for Cables Café Inc., dba Cables Pub & Grill, located at 431 Main Street, with a clear police investigation report.
- E. Approve the application for renewal of the Club Liquor License for BPOE Lodge, dba Fort Morgan Elks Lodge No. 1143, located at 430 State Street, with a clear police investigation report.
- F. Second and Final Reading of Ordinance No. 1089, entitled, "An Ordinance Creating a Historic Preservation Board," and request to publish by title only.

ORDINANCE NO.1089

AN ORDINANCE CREATING A HISTORIC PRESERVATION BOARD

WHEREAS, the protection and preservation of the City's historic and cultural heritage is essential to the enhancement of the City's sense of community; and,

WHEREAS, such protection and preservation will enhance property values and generally increase the economic well-being of the City, its citizens and its businesses; and,

WHEREAS, the City Council finds and determines that the creation of a historic preservation board would be advantageous to the City; and,

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

Section 1. Section 57, Chapter 17 of the *Code of the City of Fort Morgan* is hereby amended by the addition of a new article to read as follows:

Article IV Historic Preservation

Sec. 17-57 Historic Preservation.

(a) The intent of this section is to preserve and protect the heritage of the City through the identification, evaluation, rehabilitation, adaptive use, restoration, and public awareness of Fort Morgan's historic and architectural resources. This section is further intended to:

- 1. Effect and accomplish the protection, preservation, enhancement, perpetuation, of the City's historic and cultural heritage, as embodied in historic structures and districts;

2. Enhancement of property values, and the stabilization of historic commercial and residential neighborhoods;
3. Foster civic pride in the accomplishments of the past;
4. Protect and enhance the aesthetic and environmental character, diversity, and interest of neighborhoods;
5. Protect and enhance the City's attraction to residents, tourist, and visitors, and thereby serve as a support and stimulus to the economy;
6. Promote the use of historic sites, and historic districts for the education, pleasure, and welfare of the citizens of the City of Fort Morgan.

(b) The purpose of this section is to:

1. To provide the framework for identification and designation of properties that have major significance in the City's historic, cultural, aesthetic, and architectural heritage.
2. Assure that alterations and new construction within designated historic sites, and historic districts are compatible with the property's historic character.

Sec. 17-58 Definitions.

The following definitions shall apply only to this Chapter:

Alteration. Any change affecting the exterior appearance of a structure or its setting by additions, reconstruction, remodeling, or maintenance involving change in color, form, texture, signs, or materials, or any such changes in appearance of designated interiors.

Applicant. The owner of record of a property and/or structures located therein, or his/her designee.

Application, complete. An application for approval sought pursuant to this section shall be deemed complete if it is on a form approved by the City and all applicable information is provided by the applicant on the form, or attachments (s) as necessary, at the time of its filing and all required fees are paid.

Certificate of Appropriateness. A written document, issued pursuant to this section, permitting specified alterations, demolitions, ground disturbing activity, or other work.

Contributing structure / landscape feature. A structure or landscape feature which by location, design, setting, materials, workmanship, feeling, and association adds to the sense of time and place and historical development of a historic site or historic district.

Demolition. The complete destruction of a structure, or any part thereof.

Designated property; designated historic site, designated historic district. A historic site or historic district designated pursuant to this section.

Ground disturbing activity. Any excavation, filling, digging, removal or trees, or any other activity that may alter or reveal an interred area.

Historic Preservation Map. The Official Historic Preservation Map of the City of Fort Morgan, Colorado, which shall show all designated historic sites and historic districts.

Historic district. A geographically defined area possessing a significant concentration, linkage, or continuity of sites or structures united historically or aesthetically by plan or physical development.

Historic site. A geographically defined area containing a structure or site, or a historically related complex of structures or sites, which has a special character or a special historic or aesthetic interest or value as part of the heritage of the City.

Interim protection measure. The interim period of time needed to protect a property from demolition, relocation, alteration, or new construction until such period of time provided by law passes for the property to be considered for designation as a historic site, or historic district.

Landscape feature. Vegetation, geological features, ground elevation, bodies of water or other natural or environmental features.

Ordinary maintenance or repair. Any work, the purpose and effect of which is to correct any deterioration or decay of a structure or landscape feature, or any part thereof, by restoring it, as nearly as may be practicable, to its condition prior to such deterioration or decay, using the same materials or those materials available which are as close as possible to the original.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Relocation. Any change of the location of a structure in its present setting to another setting.

Restoration. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Site. The location of a significant event, a historic occupation or activity, or a structure, whether staining, ruined, or vanished, where the location itself possesses historic, or cultural value regardless of the value of existing structure.

Structure. Anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having fixed location on the ground.

Unreasonable or undue economic hardship. An onerous or excessive financial burden that destroys reasonable and beneficial use of property and that would amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income-producing properties.

Sec. 17-59 Historic Preservation Board Established.

There is hereby created a Historic Preservation Board, referred to as the "Board", which shall have principal responsibility for matters of historical preservation of historic sites and districts within the municipal boundaries of the City of Fort Morgan.

(a) Membership. The Board shall consist of five (5) members providing a balanced community-wide representation. Members shall reside [or own real property] within the corporate limits of the City. Efforts will be made to appoint at least two (2) members who are experience in the fields of history, architecture or planning. No more than one member may reside outside of the City. The City's Director of Community Development shall serve as the technical consultant to the Board.

(b) Appointments and Terms of Office; Vacancies; Removals. Members of the Board shall be appointed by City Council and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original members shall serve as follows:

One (1) appointee shall serve a one-year term;
Two (2) appointees shall serve two-year terms; and,
Two (2) appointees shall serve three-year terms.

A member shall serve until a successor is appointed. Members may be appointed to serve successive terms without limitations. Appointments to fill vacancies on the Board shall also be made by the City Council. All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties. The City Council may remove a member of the Board for neglect of duty or malfeasance in office or for other good cause or without cause in its discretion.

(c) Quorum and Voting. A quorum for the Board shall consist of three members. A quorum is necessary for the Board to hold a public hearing or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

(d) Officers. The Board shall by majority vote elect one (1) of its members to serve as chairperson to preside over the Board's meetings, one (1) member to serve as vice-chair and one member to serve as secretary. The members so designate shall serve in those capacities for terms of one (1) year and may serve successive terms.

(e) Meetings. The Board shall meet at least annually to elect offices and at other times determined necessary. Minutes shall be kept of all proceedings and in the general conformance with *Robert's Rules of Order*.

(f) Powers and Duties. The Board shall:

1. Recommend criteria for review of historic resources for approval by City Council.
2. Review resources nominated for designation as either an historic structure or a historic district and recommend designation of those resources qualifying for such designation to the City Council.
3. Review any application for alterations to the exterior of designated historic structures or historic districts.

4. Review any application for moving or demolishing a historic structure.
5. Advise and assist owners of historic properties for the purpose on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
6. Develop and assist in public education programs including but not limited to walking tours, brochures, marker programs for historic properties, lectures, and conferences.
7. Conduct surveys of historic properties for the purpose of defining those of historic significance, and to establish priorities of the importance of identified historic properties and areas.
8. Advise City Council on matters related to preserving the historic character of the City.
9. Actively pursue and maintain information on financial assistance for preservation-related programs.
10. Establish a City Register of Designated Properties.
11. Recommend removal of properties from the register for reasons the Board deems appropriate including but not limited to acts of God, under hardship and public health/safety concerns.
12. Establish and collect an application fee for applications applying for historical designation or to alter or demolish a historically designated property or district.
13. Adopt bylaws and guidelines for the functioning of the Board.

Sec. 17-60 Relationships to the City Council and Staff:

1. The Board shall advise and recommend to the City Council exclusively on those matters pertinent to the historic preservation advisory board's duties and subject area, as set forth herein.
2. The Board shall biannually prepare a written report which shall then be presented to Council at a Regular Meeting, with the first report and presentation occurring after the first of the year and the second prior to the start of the City's Budget appropriation for the following year.
3. Staff will be available to attend Board Meetings quarterly at the request of the Board Chairperson.
4. A member of the City Council shall be appointed as the Council's liaison to the Board. The liaison will attend regular Board Meetings and be the conduit of bidirectional information to and from the City Council. The liaison is not a member of the Historic Preservation Advisory Board, nor is the liaison entitled to vote.

Sec. 17-61 Conduct of Business. The Board shall conduct its business in accordance with the public meetings acts, public records act and other laws applicable to local public bodies.

Section 2. That this Ordinance shall take effect from and after its passage.

INTRODUCED, READ AND PASSED UPON FIRST READING this 3rd day of November, 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: _____
Mayor

ATTEST:

City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 17th day of November, 2009, for publication once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

[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. 1089 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 3rd day of November, 2009. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 6th day of November, 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 17th day of November, 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

- G. Approve the change to the Sanitation Rate Schedule for the City of Fort Morgan which reflects Removal of the Downtown Consumer Charge as they will be included in the Commercial Consumer Charge, effective December 1, 2009.
- H. Approve the reappointment of Bert Kammerzell, 811 Prospect Street, to the Airport Advisory Board for a three-year term beginning January 2, 2010, and ending January 1, 2013.
- I. Approve the appointment of Nancy Arnold, 1025 Linda Street, Apt. 1, to the Airport Advisory Board for a three-year beginning January 2, 2010, and ending January 1, 2013.
- J. Approve the reappointment of Damon Mussman, 604 Gayle Street, to the Golf Course Advisory Board for a three-year term beginning January 1, 2010, and ending December 31, 2012.
- K. Approve the appointment of Therese Gibson, 320 Gayle Street, to the Golf Course Advisory Board for a three-year term beginning January 1, 2010, and ending December 31, 2012.
- L. Approve the reappointment of Jerry Wathen, 518 Lake Street, to the Senior Center Advisory Board, for a three-year term beginning January 1, 2010, and ending December 31, 2012.

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 7th day of November, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, 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

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming bids, meetings and openings on various Advisory Boards for the City.

Councilmember Deal announced that \$13,000 had been donated by the Bloedorn Foundation to purchase a Clock for the Downtown area.

Mayor Darnell adjourned the November 17, 2009, regular meeting at 7:25 p.m.

/s/ Jack L. Darnell
Mayor

/s/ Andrea J. Strand
City Clerk