

December 1, 2009

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

The Pledge of Allegiance was given.

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

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

---

**PRESENTATION OF THE PROPOSALS SUBMITTED FOR BENEFIT CONSULTING SERVICES AND PRESENTATION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CONSULTING AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND THE COMPANY APPROVED BY CITY COUNCIL FOR BENEFIT CONSULTING SERVICES**

---

Director Prentice provided a communication memo to City Council:

FROM: Jody Prentice, Director of Human Resources & Risk Management  
SUBJECT: Awarding of Benefit Consulting Services Contract  
DATE: November 23, 2009  
MEETING DATE: December 1, 2009

Item for Consideration: Awarding of Benefit Consulting Services Contract.

Background Information: A Request for Proposal for Benefit Consulting Services was issued on September 28, 2009. The deadline to submit proposals was October 9, 2009. Four companies submitted proposals. Of those four, three were invited to give formal presentations on November 16, 2009. The three companies interviewed by City staff were:

HUB International  
789 Sherman St., Suite 400  
Denver, CO 80203

Willis HRH  
720 South Colorado Blvd., Suite 600-N  
Denver, CO 80246

IMA of Colorado, Inc.  
1550 17<sup>th</sup> St., Suite 600  
Denver, CO 80202-1657

Financial Considerations: HUB International's consulting fee for 2010 is \$41,000. This is \$1,000 more than our current benefits broker. Broker fees have been previously budgeted.

Citizen Input/Board Review: None

Legal Review: City Attorney Wells has reviewed and approved the contract between HUB International Insurance Services and the City.

Alternatives: The first alternative would be to approve HUB International Insurance Services as our benefits broker for 2010. The second alternative would be to continue working with our current benefits broker, Willis HRH. The third alternative would be to reject all proposals, and consider posting another RFP at a later date.

Supporting Documents: Request for Proposal (RFP) and Responses to RFP from HUB International Insurance Services, IMA and Willis HRH.

Staff Recommendation: Staff recommends accepting the proposal from HUB International for benefit consulting services for 2010.

Gary Clark from HUB International was present at the meeting to answer questions.

Councilmember Forstedt commented that she felt that the HUB International, formatted reports, were very easy to understand.

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

**RESOLUTION NO. 09 12 01**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
THE CONSULTING AGREEMENT BETWEEN  
THE CITY OF FORT MORGAN AND  
THE COMPANY APPROVED BY CITY COUNCIL  
FOR BENEFIT CONSULTING SERVICES**

WHEREAS, all professional service agreements, which require the expenditure of over \$10,000, require authorization by Resolution; and,

WHEREAS, under the *Charter* all service agreements require the signature of the Mayor; and,

WHEREAS, the City of Fort Morgan provides a health care benefit program for its employees in the form of a self-insured plan; and,

WHEREAS, the Human Resource Department issued an RFP requesting proposals from firms interested in serving as the City's technical consultant on all health issues related to the City's benefit plan beginning January 1, 2010 and ending December 31, 2010; and,

WHEREAS, City Staff has provided recommendation to City Council of three companies, HUB International, IMA of Colorado, Inc. and Willis HRH. These companies were interviewed to act as the brokerage and consulting firm on behalf of the City of Fort Morgan to ensure that the City is obtaining the most cost effective and quality benefits available to the City and its employees; and,

WHEREAS, the City and the approved company will agree to the terms as set forth in a Consulting Agreement.

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

Section 1. That the Mayor is authorized to execute a Consulting Agreement with the approved company to act as the brokerage and consulting firm on behalf of the City of Fort Morgan's Self Insurance Plan.

PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of December, 2009, upon a roll call vote follows:

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

Nays: None.

Absent: None.

THE 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 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the seal of the City of Fort Morgan as of the 4<sup>th</sup> day of December, 2009.

/s/ Andrea Strand, City Clerk

---

**PRESENTATION OF A RESOLUTION AND PETITION FOR ANNEXATION OF GATEWAY PARK**

---

City Attorney Wells presented a Resolution for Council's consideration as related to Council's directive to work towards annexation of all City-owned property.

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 12 02**

WHEREAS, the City Council has received from the City Clerk the Petition for Annexation as filed by the City of Fort Morgan; and,

WHEREAS, the City Council finds that said Petition for Annexation is in substantial compliance with C.R.S. § 31-12-107 (1), specifically including a finding that the Petitioners are the owners of 100% of the territory included in the area proposed to be annexed.

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

THAT the City Council finds the Petition for Annexation to be in substantial compliance with C.R.S. § 31-12-107 (1) and hereby schedules a Public Hearing on the Petition for Annexation as required by C.R.S. § 31-12-108, said Public Hearing to be held as follows:

DATE: January 5, 2010  
TIME: 7:00 P.M.  
PLACE: Council Chambers  
110 Main Street  
Fort Morgan, Colorado

The purpose of such Public Hearing is to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105.

FURTHER, the City Clerk is directed to give notice as required by C.R.S. § 31-12-108 (2) by publication of a copy of this Resolution or the Petition for Annexation as filed (exclusive of signatures), together with a Notice that, on the date, time, and place set forth above, the City Council of the City of Fort Morgan, Colorado, shall hold a Hearing upon the Petition for Annexation for the purpose of determining and finding whether the area proposed to be annexed meets the

applicable requirements of C.R.S. §§ 31-12-104 and 31-12-105 and is considered eligible for annexation. Said Notice shall be published once a week for four (4) successive weeks in *The Fort Morgan Times*.

The first publication of such Notice shall be at least thirty (30) days prior to the date of the Public Hearing. The Proof of Publication of the Notice and Resolution or Petition shall be returned when the publication is completed, and the certificate of the Owner, Editor or Manager of the newspaper in which said Notice is published shall be proof thereof, and a Public Hearing shall then be held as provided in said Notice.

FURTHER, a copy of the published Notice, together with a copy of the Petition for Annexation as filed, shall also be sent by registered mail by the City Clerk to the Board of County Commissioners for Morgan County, to the Morgan County Attorney, to the Morgan County Land Use Department, to the local School District and to any special district having territory within the area to be annexed, at least twenty-five (25) days prior to the date fixed for such Public Hearing.

FURTHER, that the Petition for Annexation, including the zoning of the subject property, is hereby referred to the Planning Commission for its review and recommendations, including compliance with the Annexation Plan of the City.

PASSED AND ADOPTED this 1<sup>st</sup> day of December, 2009.

/s/ Jack Darnell, Mayor

[ SEAL ]

ATTEST:

/s/ Andrea Strand, City Clerk

---

**PRESENTATION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CLEANING SERVICES AGREEMENT BY AND BETWEEN THE CITY OF FORT MORGAN AND SERVICEMASTER CLEAN**

---

City Attorney Wells explained that ServiceMaster has been providing cleaning services for several building owned by the City. Each department has been under the \$10,000 threshold, but together they exceed the \$10,000 requirement for Council approval.

Councilmember Simmons asked if this service will go out for bid. City Manager Merrill stated that it would go out for bid in 2010.

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

**RESOLUTION NO. 09 12 03**

**AUTHORIZING THE MAYOR TO EXECUTE THE  
CLEANING SERVICES AGREEMENT BY AND BETWEEN  
THE CITY OF FORT MORGAN AND SERVICEMASTER CLEAN**

WHEREAS, the City sought a vendor to provide the City with general and specific Cleaning Services at the Wastewater Treatment Plant, Fort Morgan Police Department, Fort Morgan Municipal Court, The Armory, and other associated municipal buildings; and,

WHEREAS, ServiceMaster Clean has agreed to provide the City of Fort Morgan with available technicians to perform these general and specific Cleaning Services; and,

WHEREAS the City and ServiceMaster Clean have agreed to the terms and conditions of such services more clearly set forth in the Cleaning Services Agreement attached hereto and incorporated herein by this reference; and,

WHEREAS, the City Staff has recommended the execution of the Cleaning Services Agreement.

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

Section 1. The Mayor is hereby authorized to execute the Cleaning Services Agreement.

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

Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, 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 )  
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 4<sup>th</sup> day of December, 2009.

/s/ Andrea Strand, City Clerk

---

### **ITEM REMOVED FROM THE CONSENT AGENDA**

---

Councilmember Simmons asked to remove Item C from the Consent Agenda – Second and Final Reading of Ordinance No. 1090 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,” and request to publish by title only.

---

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

- A. Approve the minutes from the November 17, 2009, regular meeting.
- B. Approve the reappointment of Jack Benham, 806 Warner 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 1<sup>st</sup> day of December, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons. Nays: none.

---

### **SECOND AND FINAL READING OF ORDINANCE NO. 1090 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”**

---

Councilmember Simmons stated that she felt uncomfortable with the proposed budget. She felt that the projection of sales tax was too high after receiving a recent report. She also mentioned that in the proposed budget for the General Fund, the Capital Improvement Fund

and the Water Fund, revenues did not cover expenses. She wanted to make sure the citizens were aware that reserves would be used in 2010 to cover the expenses. Mayor Darnell clarified with City Treasurer Schafer that the proposed 2010 budget would leave the City with an ending balance of \$3.4 million which exceeds the \$2.0 million the Council had established for the General Fund. City Treasurer Schafer stated she felt comfortable with the revenue numbers as the state projections called for sales tax to remain constant or increase slightly.

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

### **RESOLUTION**

WHEREAS, an Ordinance entitled above was duly and legally presented to the City Council of Fort Morgan, Colorado, at a meeting held on the 17<sup>th</sup> day of November, 2009, and was duly read at length at the time; and

WHEREAS, the City Council at said meeting, by Resolution, ordered the publication of said Ordinance to be made in *The Fort Morgan Times*, a daily newspaper of general circulation, published and printed in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and

WHEREAS, said Ordinance was again read to the Council and was designated ORDINANCE NO. 1090, being in words, letters and figures as follows, to-wit:

### **ORDINANCE NO. 1090**

#### **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 17<sup>th</sup> day of November, 2009.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

By: /s/ Jack Darnell, Mayor

Attest:

/s/ Andrea Strand, City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 1<sup>st</sup> day of December, 2009.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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

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. 1090 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 17<sup>th</sup> day of November, 2009. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 20th 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 at a regular meeting of the City Council held on the 1<sup>st</sup> day of December, 2009; that the above and foregoing Ordinance No. 1090 was duly and legally, passed, approved and adopted on said 1<sup>st</sup> day of December, 2009.

\_\_\_\_\_  
City Clerk

PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of December, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmember Deal, Forstedt, McAlister, Powers and Shaver. Nays: Councilmember Simmons.

---

---

**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
- Community Development Director Callahan
- Human Resources and Risk Management Director Prentice
- Senior Center Coordinator Jane Perkins
- City Clerk Andrea Strand
- Fort Morgan Volunteer Fire Department Chief Parker
- Fort Morgan Humane Society Shelter Statistics

---

**BIDS, MEETINGS AND ANNOUNCEMENTS**

---

Clerk Strand announced upcoming bids and meetings.

Mayor Darnell announced that he attended a meeting of individuals who met with an architect to gain information on the proposed band stand in City Park. He felt that a committee should be formed to provide input on this project. He asked that City Manager Merrill chair the committee and asked that Councilmember Lyn Deal also be involved. He provided names of others who may want to be on the committee; Brad Curtis, Dr. Kerry Hart and Chuck Morgan.

Mayor Darnell adjourned the December 1, 2009, regular meeting at 7:37 p.m.

*/s/ Jack L. Darnell*  
Mayor

*/s/ Andrea J. Strand*  
City Clerk