

February 3, 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 Terry McAlister
Councilmember James A. Powers
Councilmember Terri P. Schafer
Councilmember Alberta M. Simmons

Excused Absence: Councilmember Ronald Shaver

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Fire Chief Brad Parker, Police Chief Keith Kuretich, Utility Directors Gary Dreessen and Bob Weimer, Community Development Director David Callahan, Community Services Director Don Shedd, Director of Human Resources & Risk Management Jody Prentice and City Clerk Andrea Strand.

SWEARING IN OF OFFICER TED THYNE WITH THE FORT MORGAN POLICE DEPARTMENT

Mayor Darnell administered the Law Enforcement Officers Pledge to Ted Thyne who began employment with the Fort Morgan Police Department. Chief Kuretich then introduced him to the City Council and to the Public.

PRESENTATION OF THE FORT MORGAN POLICE DEPARTMENT ANNUAL AWARDS AND ANNUAL REPORT TO COUNCIL

Chief Kuretich presented the 2008 Police Department Awards. The ceremony honored Fort Morgan Police Department employees, citizens and businesses in the community who have been identified by the Police Department for demonstrating a commitment to serving Fort Morgan and assisting the Police Department. Those recognized for the Citizen's Citation for Meritorious Service Award were, Emma Jorgensen, Mak Tibbets, Vicki Davis, Nicole Karmas, Vincent Lombardi, Jacob Fajardo, Wal-Mart Discount Store, Murdochs Ranch & Home Supply, Danny & Carolyn Heltenburg, and Ms. Donna Taylor for the Jerry Frasure Memorial. Safe Driving Awards were awarded to, Chief Keith Kuretich and Code Enforcement Officer John Simpson. Commendable Service Awards were presented to Lieutenant Jared Crone, Officer Ken Jansma and Sergeant Loren Sharp. A Distinguished Service Award was presented to Sergeant Brian Cantin. Darin Sagel received the Employee of the Year Award.

The Annual Report was presented by Chief Kuretich. He highlighted statistics of the 2008 year and thanked the Council and community for their support of the Fort Morgan Police Department.

PRESENTATION OF THE FORT MORGAN VOLUNTEER FIRE DEPARTMENT ANNUAL REPORT TO COUNCIL

Chief Parker presented the Annual Report of the Fort Morgan Volunteer Fire Department. This report included reports on training, number of calls, current membership of 29 members and a brief report of the current inventory of equipment.

He also presented the Fire Marshalls Report which outlined 404 business inspections completed in 2008. He reported that seventy-five percent of the businesses inspected had no violations, and that Greg Preston had received certification from the State of Colorado for Fire Sprinkler Systems Inspection and Testing.

The Fort Morgan Volunteer Fire Department conducted fire prevention education for approximately 1,200 school age children, 60 adult students and 15 senior citizens in 2008. These programs consisted of station tours, showing bunker gear, the Fire Safety House and our Fire Prevention Week clown programs. The Fire Safety House was used by the Wiggins Fire Department and the Greater Brighton Fire District for programs in their districts.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE INTERGOVERNMENTAL AGREEMENTS AMONG AND BETWEEN THE CITY OF FORT MORGAN, THE COUNTY OF MORGAN AND THE FORT MORGAN RURAL FIRE PROTECTION DISTRICT CONCERNING THE CENTRAL COMMUNICATIONS CENTER

Chief Kuretich and Chief Parker introduced Pam Monsees, Director of the Morgan County Communication Center who stated that the reason for the new agreement was a minor change in Section e on page 2.

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

RESOLUTION NO. 09 02 01

**AUTHORIZING THE MAYOR
TO EXECUTE THE INTERGOVERNMENTAL AGREEMENTS
AMONG AND BETWEEN THE CITY OF FORT MORGAN, THE COUNTY OF MORGAN AND
THE FORT MORGAN RURAL FIRE PROTECTION DISTRICT
CONCERNING THE CENTRAL COMMUNICATIONS CENTER**

WHEREAS, the use of the Central Communications Centers provides the citizens of the City of Fort Morgan with efficient and effective governmental communication services; and,

WHEREAS, the County provides the services of the Central Communications Center, providing services to receive and dispatch 911 emergency calls, alarms and after-hour calls for all government offices, public works and utility operations; and,

WHEREAS, previously, in 1984, the parties hereto entered into the Original Intergovernmental Agreement; and,

WHEREAS, since that time several issues have arisen and the desire to clarify these issues has become necessary; and,

WHEREAS, the City, County, and the Fort Morgan Rural Fire Protection District have agreed to the terms as set forth in the Intergovernmental Agreements attached hereto and incorporated herein by this reference; and,

WHEREAS, the signature of the Mayor as the appointed official of the City of Fort Morgan is required under the attached Intergovernmental Agreements.

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

SEC. 1: The Mayor is hereby authorized to execute the INTERGOVERNMENTAL AGREEMENT, in the forms attached hereto and incorporated herein by this reference.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3RD day of February, 2009, the vote upon roll call being as follows:

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

Nays:

Absent /Abstain: Councilmember Shaver

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack L. 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 3rd day of February, 2009.

/s/ Andrea Strand, City Clerk

RESOLUTION CONCERNING THE ESTABLISHMENT AND OPERATION OF BANK ACCOUNTS

Attorney Wells presented the resolution to establish the authorized signatures for banking purposes to add Interim Treasurer Christina Bostron to the various bank accounts of the City.

Councilmember McAlister 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 02 02

CONCERNING THE ESTABLISHMENT AND OPERATION OF BANK ACCOUNTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO that Banks and Savings and Loan Associations insured by the FDIC, Edward Jones, Member of SIPC, with offices situated in the City of Fort Morgan, Colorado, the Colorado Local Government Liquid Asset Trust, and the Colorado Surplus Asset Fund Trust may be used as the depositories of City funds without discrimination and for investment of the funds of the City from time to time.

BE IT FURTHER RESOLVED that:

1. The City Treasurer shall have the sole authority to open new bank accounts in the name of the City of Fort Morgan;
2. There shall be required two signatures on any City of Fort Morgan bank account unless otherwise specified within this resolution;
3. There shall be required the signature of the Mayor, the City Treasurer and the City Clerk on the account designated as the Payables Account at Wells Fargo Bank, N.A. of Fort Morgan and on the account designated as the Payroll and Repurchase Agreement Accounts at The Bank of the West of Fort Morgan;
4. There shall be required only one (1) signature on the account designated as the Superintendent's Fund, also known as Petty Cash, at the Bank of the West of Fort Morgan;
5. There shall be required only one (1) signature on the account designated as the Utility Director's Account at the Bank of Colorado;
6. There shall be required only one (1) signature on the accounts designated as the Health Care money market account and the Health Care checking account at Morgan Federal

Bank;

7. The authorized signatures on any City of Fort Morgan Account except as provided for in #7, #8, #9 and #10 below shall be designated as:

- | | |
|---------------------------|----------------------|
| a. Mayor | Jack Darnell |
| b. Interim City Treasurer | Christina R. Bostron |
| c. City Manager | Patrick L. Merrill |
| d. City Clerk | Andrea J. Strand |

8. The City of Fort Morgan Utility Director's Account shall require one signature from the following authorized signature

- | | |
|------------------------------|----------------------|
| a. Mayor | Jack Darnell |
| b. Interim City Treasurer | Christina R. Bostron |
| c. Utility Director | Robert L. Weimer |
| d. Customer Accounts Manager | Connie Musgrave |

9. The City of Fort Morgan Municipal Court Account shall require two signatures from the following authorized signatures:

- | | |
|---------------------------|----------------------|
| a. Mayor | Jack Darnell |
| b. Court Clerk | Christina Tadolini |
| c. Deputy Court Clerk | Angela Larson |
| d. Deputy Court Clerk | Tonya Richardson |
| e. Interim City Treasurer | Christina R. Bostron |

10. The City of Fort Morgan Police Department's forfeiture account shall require two signatures as specified in the April 2, 1991 resolution entitled Law Enforcement: Special Enforcement Fund Account and Police Holiday Charity Savings Account As specified in that resolution, one signature will represent city management (City Treasurer or City Clerk) and one will represent the police department (Chief of Police or designee).

11. The City Treasurer shall be authorized to open special purpose bank accounts and designate authorized signatories on said accounts different from #4 above, provided, however, that the signature of the City Treasurer shall be required to make any withdrawals or to close said accounts. These special purpose bank accounts shall be limited to a maximum balance of \$ 2,500.00 without specific Council authorization.

12. The other City bank accounts currently opened and hereby approved are as follows:

- a. Bank of the West – Perpetual Care passbook account
- b. Wells Fargo Bank, N.A. – Riverview Commons GID account
- c. Wells Fargo Bank, N.A. – Police Canine Memorial savings account
- d. Fort Morgan State Bank – Self-insurance checking account
- e. Fort Morgan State Bank – Self-insurance passbook savings account
- f. Morgan Federal Bank – Electric Fund money market account
- g. Morgan Federal Bank – Capital Improvement Fund money market account
- h. Morgan Federal Bank – Sewer Fund money market account
- i. Morgan Federal Bank – Police Forfeiture (Special Enforcement) savings account
- j. Morgan Federal Bank – Police Holiday Charity savings account

- k. Bank of Colorado – Utility Director account
13. The City Treasurer shall have the sole authority to make investments of City monies (including certificates of deposit and purchases of government bonds) in the name of the City of Fort Morgan, excluding the monies of the police and fire pension funds, as provided by the City investment policy adopted February 2, 1993. The authorized signatories on said investments of City shall be as specified in #2 above.

BE IT FURTHER RESOLVED that the following are authorized to access the City's safe deposit box for the purpose of secure offsite storage:

- | | |
|------------------------------|----------------------|
| 1. Interim City Treasurer | Christina R. Bostron |
| 2. City Manager | Patrick L. Merrill |
| 3. City Clerk | Andrea J. Strand |
| 4. Customer Accounts Manager | Connie Musgrave |

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2009, upon a roll call vote follows:

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

Nays:

Absent: Councilmember Shaver

THE COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

BY: */s/ Jack L. Darnell*
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss: **CERTIFICATE**
CITY OF FORT MORGAN)

I, Andrea J. 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 3rd day of February, 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 McAlister; said Consent Agenda being in words, letters and figures as follows, to wit:

- A. Approve the minutes from the January 13, 2009, special meeting.
- B. Approve the minutes from the January 20, 2009, regular meeting.
- C. Approve a Resolution entitled "Approval of the Revisions to the Parks and Recreation Facility Use Procedures/Rental Guidelines" and supporting forms.

RESOLUTION NO. 09 02 03

APPROVAL OF THE REVISIONS TO THE PARKS AND RECREATION FACILITY USE PROCEDURES / RENTAL GUIDELINES

WHEREAS, pursuant to Article IV, Sec. 4(d)(3) provides "for the establishment, maintenance, and improvement of parks, cemeteries and public grounds..." and,

WHEREAS, the Director of Community Services has recommended that the use procedures and guidelines associated with the parks and recreation facilities of the City of Fort Morgan be revised; and,

WHEREAS, the Council of the City of Fort Morgan finds it is in the interest of the City of to adopt the proposed revisions as recommended by the Director of Community Services.

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

SECTION 1: The proposed revisions to the use procedures and guidelines associated with the parks and recreation facilities of the City of Fort Morgan are hereby accepted to comply with the recommendations of City Staff.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3RD day of February 2009, the vote upon roll call being as follows:

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

Nays:

Absent: Councilmember Shaver

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack L. Darnell
Mayor

ATTEST:

/s/ Andrea J. 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 3rd day of February, 2009.

/s/ Andrea Strand, City Clerk

- D. Resolution Authorizing the Mayor to Execute the Agreement for Professional Services Between the City of Fort Morgan and Short Elliot Hendrickson, Inc. and concerning the Downtown Project.

RESOLUTION NO. 09 02 04

**AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
FOR PROFESSIONAL SERVICES BETWEEN
THE CITY OF FORT MORGAN AND
SHORT ELLIOT HENDRICKSON, INC.
AND CONCERNING THE DOWNTOWN PROJECT**

WHEREAS, the City desires to have certain engineering and design services performed by Short Elliot Hendrickson, Inc. (SEH) for the design of infrastructure improvements concerning the Downtown Project; and,

WHEREAS, SEH has submitted a bid for engineering work that was accepted by the City Council on January 6, 2009; and,

WHEREAS the City has been awarded a grant from DOLA in the amount of \$175,000.00 to pay for a portion of the engineering and design services to be performed by SEH; and,

WHEREAS, the engineering and design services are a necessary step for the replacement and the installment of infrastructure landscaping and beautification for the Downtown Project.

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

Sec. 1: The Mayor is hereby authorized to execute the Agreement for Professional Services between the City of Fort Morgan and Short Elliot Hendrickson, Inc. not to exceed the amount of \$220,017.00.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2009, upon a roll call vote follows:

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

Nays:

Absent: Councilmember Shaver

THE COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

BY: */s/ Jack L. Darnell*
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

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

I, Andrea J. 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 3rd day of February, 2009.

/s/ Andrea Strand
City Clerk

- E. Approve the revisions to the City's Travel Expense and Reimbursement Policy.
- F. Schedule a Public Hearing for February 17, 2009, at 7:00 p.m., for the Underwood Minor Subdivision Plat.
- G. Approve the appointment of Virginia Foley and Sandra Schmeeckle to the Library Advisory Board for terms expiring December 31, 2012.

All matters listed under Item 8, 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 3rd day of February, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, and Simmons. Nays: none. Absent: Councilmember Shaver

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS

The following Directors provided written reports to Council:

City Manager Merrill
Police Chief Kuretich
Utility Director Dreessen
Utility Director Weimer
Community Service Director Shedd
Community Development Director Callahan
Human Resources and Risk Management Director Prentice
Fort Morgan Volunteer Fire Department
City Clerk

City Attorney Wells added that he is fortunate to work with the Fort Morgan Police Department.

BIDS, MEETINGS AND ANNOUNCEMENTS

Mayor Darnell adjourned the February 3, 2009, regular meeting at 8:23 p.m.

/s/ Jack L. Darnell, Mayor

/s/ Andrea J. Strand, City Clerk