

August 5, 2008

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 5:30 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Jack L. Darnell
Councilmember Sharol Lyn Deal
Councilmember James A. Powers
Councilmember Terri P. Schafer
Councilmember Ron Shaver
Councilmember Alberta M. Simmons

Excused Absence: Councilmember Terry McAlister

EXECUTIVE SESSION

Councilmember Powers 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 for identification purposes: The application of the Water Development Policy and System Development Fee for the Wastewater Treatment Plant. His motion was seconded by Councilmember Schafer and duly carried.

Mayor Darnell announced the time is now 7:00 p.m. and we now conclude the Executive Session and return to the open meeting. Upon returning to the open meeting, Mayor Darnell announced, "The time is now 7:02 p.m. and the Executive Session has concluded. The participants in the Executive Session were Mayor Darnell; Councilmembers Deal, Powers, Schafer, Shaver and Simmons; Acting City Manager Kuretich; Attorney Wells; Director Dressen and Director Merrill.

"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. I would ask Councilmember Shaver to report on the Executive Session."

Councilmember Shaver offered a motion to direct staff to negotiate system development fees and water purchase requirements with Dairy Farmers of America, based upon parameters set by Council in Executive Session. His motion was seconded by Councilmember Powers and carried unanimously.

7:00 P.M. – REGULAR MEETING

The meeting was also attended by Acting City Manager Keith Kuretich, City Attorney Jeffrey Wells, Police Lieutenant Darin Sagel, City Treasurer Pixie Jones, Utility Directors Gary Dressen and Bob Weimer, Community Development Director Pat Merrill, Community Services Director Don Shedd, Director of Human Resources & Risk Management Jody Prentice, Court Administrator Christina Tadolini and City Clerk Andrea Strand.

ANNOUNCEMENT OF WHICH CITY MANAGER FINALIST WILL RECEIVE A JOB OFFER

Mayor Darnell stated that one of the candidates, David Johnston, pulled his application from the process. He stated that tonight he would review the ratings City Council received from the panels who interviewed the candidates. He explained that the lower numbers reflected a better rating, according to the scales the panels used.

Community Panel Rating

Becker 2.29	Dible 4.0	Johnston 2.29	Merrill 1.42
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City Council Rating

Becker 2.85	Dible 3.0	Johnston 2.01	Merrill 1.28
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Staff Panel Rating

Becker 2.857	Dible 2.28	Johnston 3.571	Merrill 1.28
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City Manager Assessors Panel Rating

Becker 3 or 4 Dible 3 or 4 Johnston 1 or 2 Merrill 1 or 2

The Mayor stated that City Council appreciated all those involved with the process. He would encourage the candidates to receive the feedback provided by the City Manager Assessors Panel and asked that all candidates contact Keith Kuretich to receive this information. He opened the floor for discussion. All Councilmembers provided comments regarding appreciation for the success of the process and commented on calls they received from the public.

Councilmember Powers offered a motion to make a formal job offer to Mr. Pat Merrill for the position of City Manager. His motion was seconded by Councilmember Simmons. The vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Powers, Schafer, Shaver and Simmons. Nays: None. Absent: Councilmember McAlister.

Pat Merrill thanked the Council, staff and citizens for their support and accepted the offer. He encouraged everyone to be kind to one another and then introduced his wife, son, mother and stepfather.

RECOGNITION OF ALAN AND POLLY DAHMS (THE DAHMS-TALTON FOUNDATION) FOR CONTRIBUTIONS TO THE FORT MORGAN MUNICIPAL AIRPORT

Mayor Darnell introduced Alan and Polly Dahms, from the Dahms-Talton Foundation, for their contribution of a bench to the Fort Morgan Municipal Airport. Vernon Tryon, 509 Aspen Street, who is the Chairman of the Airport Advisory Committee, informed Council that he was present to thank the Dahms' for their support of the airport and the community.

**LIQUOR LICENSING AUTHORITY (Council Acting As)
CONSIDER THE APPLICATION FOR A SPECIAL EVENTS PERMIT BY FORT MORGAN ELKS LODGE #1143, LOCATED AT 430 STATE STREET**

Clerk Strand read into the record:

CITY COUNCIL COMMUNICATION

LIQUOR LICENSING AUTHORITY

FROM: Andrea Strand, City Clerk
SUBJECT: Approval of a Special Events Permit
DATE: July 29, 2008
MEETING DATE: August 5, 2008

Item for
Consideration: Application by the Fort Morgan Elks Lodge #1143 for a Special Events Permit under the Liquor and Beer Code Regulations was presented on July 15, 2008. Council approved the posting of the property for the events.

Background
Information: The Fort Morgan Elks Lodge, a fraternal organization, submitted the application for a permit to sell Malt, Vinous, and spirituous Liquor to the public on Saturday, August 28, 2008, for a car show; and Friday, September 19 and Saturday, September 20, 2008, for the Fall Harvest Car Show.

Financial Considerations: Checks were submitted for the applicable fees.

Staff Review: The application is complete.

Legal Review: Section 12-48-106 requires the posting of the property at least ten days before approval of the permit by the local licensing authority.

Supporting Documents: Affidavit of Posting

Action: Motion to approve or deny the Special Events Permit by Fort Morgan Elks Lodge #1143, located at 430 State Street, for events scheduled for August 23, 2008, and September 19-20, 2008.

Lieutenant Darin Sagel then read the Affidavit of Posting into the record:

STATE OF COLORADO)
CITY OF FORT MORGAN) **AFFIDAVIT OF POSTING**
COUNTY OF MORGAN)

I, Darin L. Sagel, Lieutenant of Operations and Acting Chief of Police for the Police Department of the City of Fort Morgan, being first duly sworn, depose and say:

That in the matter of the application of Fort Morgan Elks Lodge #1143, A Fraternal Organization, 430 State Street, Fort Morgan, Colorado, for a special event permit for the sale by drink only of malt, vinous, and spirituous liquors; a public hearing to be had thereon this 5th day of August, 2008. Notice of said public hearing was given by posting a sign in a conspicuous place on the premises, and sign being of suitable material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one (1) inch in height and stating as follows:

NOTICE
Pursuant to the Liquor Laws of Colorado
Fort Morgan Elks Lodge #1143, A Fraternal Organization
430 State Street, Fort Morgan CO
Has Requested the Licensing Officials of
The City of Fort Morgan, Colorado
To Issue a Special Event Permit
For the Sale, by Drink Only, of Malt, Vinous, and Spirituous Liquors
For Three (3) Days on:
August 23, 2008, From 10:00 A.M. to 11:59 P.M.
September 19, 2008, From 10:00 A.M. to 11:59 P.M.
September 20, 2008, From 10:00 A.M. to 11:59 P.M.
Protest to the Issuance of the Permit
Shall be Written, Shall be Addressed
To the City Council and Filed with the City Clerk at
110 Main Street, Fort Morgan
Prior to 5:00 p.m., Tuesday, August 5, 2008

By Order of: CITY COUNCIL
FORT MORGAN, COLORADO

Said sign was posted on the premises on the 16th day of July, 2008, and has remained posted and completely legible since posting to the best of my knowledge until the 28th day of July, 2008.

Dated at Fort Morgan, Colorado, this 29th day of July, 2008.

/s/ Darin L. Sagel
FMPD Lieutenant of Operations & Acting Chief of Police

SUBSCRIBED AND SWORN TO before me this 29th day of July, 2008, by Darin L. Sagel, Lieutenant of Operations and Acting Chief of Police for the Police Department of the City of Fort Morgan, Colorado.

/s/ Andrea J. Strand, City Clerk

Mayor Darnell asked if any one was present objecting to the application. None were present.

Councilmember Schafer offered a motion to approve the Special Events Permit on August 23, 2008, and on September 19-20, 2008, to sell malt, vinous and spirituous liquor at Fort Morgan Elks Lodge #1143, located at 430 State Street. Her motion was seconded by Council Powers and carried unanimously.

PUBLIC INFORMATION MEETING CONCERNING THE COMMUNITY FACILITIES GRANT PROVIDED BY UNITED STATES DEPARTMENT OF AGRICULTURE FOR A POLICE DEPARTMENT PATROL VEHICLE

Director Merrill read into the record:

CITY COUNCIL COMMUNICATION

FROM: Pat Merrill, Community Development Director
SUBJECT: USDA Community Facilities Grant – Patrol Vehicle
DATE: December 15, 2009
MEETING DATE: August 5, 2008

Item for Consideration: Public Information Meeting regarding Council's previous approval for the submitting of a USDA – Community Facilities Grant for a police patrol vehicle in the amount of \$38,378.50. The funding for the Project would be split 55% federal (\$21,108.17) and 45% City of Fort Morgan (\$17,270.33).

Background Information: The Public Information Meeting is a requirement (federal) as part of the USDA application/approval process.

Financial Considerations: Match to be taken from the Fiscal Year 2009 Budget (Police Department).

Citizen Input/Board Review: A Public Information Meeting is being held this evening (August 5, 2008).

Legal Review: A legal review of the Grant Application was performed by Attorney Wells prior to the Mayor signing the documents and before the full application was sent to USDA Rural Development.

Supporting Documents: Affidavit of Publication. The completed application is on file.

Staff Recommendations: Conduct the Public Information Meeting.

Alternatives: N/A

Director Merrill stated that this would be a budget item for next year and no public questions or comments had been received.

APPROVE THE BID SUBMITTED BY WOLF AUTO CENTER, FORT MORGAN, COLORADO, IN THE AMOUNT OF \$23,634 FOR A FORD CROWN VICTORIA FOR THE POLICE DEPARTMENT

Councilmember Schafer excused herself from Council Chambers. Lieutenant Sagel stated that the bid information had been presented at the July 22, 2008, work session and he would answer any questions.

Councilmember Powers offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Shaver; 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, to accept the bid submitted by Wolf Auto Center of Fort Morgan, Colorado, for the purchase of one Ford Crown Victoria for the Fort Morgan Police Department in the amount of \$23,634.

PASSED, APPROVED AND ADOPTED this 5th day of August, 2008, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Powers Shaver and Simmons. Nays: None. Abstain: Councilmember Schafer. Absent: Councilmember McAlister.

FIRST READING OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING SECTION 20-38, ERADICATION OF GRAFFITI, CODE OF THE CITY OF FORT MORGAN (1994)"

Attorney Wells informed Council that staff members and Councilmembers had received responses from the community concerning this Ordinance. He stated that changes could be made to the Ordinance and would like to discuss some of the concerns. Discussion continued with all providing issues received. Those being that private property owners may find it difficult to remove the graffiti because of physical and financial limits and some feel that the property owners should not be issued a summons, others felt that the City could pay for the cleaning up of the graffiti and should model the City of Greeley.

Councilmember Powers offered a motion to remove penalties to property owners for graffiti on their property and suggested further investigation by Staff concerning a City employee who would remove the graffiti and costs associated with this. He suggested the item be tabled until this investigation is done. His motion was seconded by Councilmember Schafer and carried unanimously. The item would be set for presentation at a work session and for first reading on September 2.

FIRST READING OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING SEC. 18A-24, USEFUL PUBLIC SERVICE PROGRAM, CODE OF THE CITY OF FORT MORGAN (1994)"

Attorney Wells and Administrator Tadolini were present to answer questions concerning the Ordinance changing the Useful Public Service Program in Fort Morgan Municipal Court.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING SEC. 18A-24, USEFUL PUBLIC SERVICE PROGRAM, CODE OF THE CITY OF FORT MORGAN (1994)

WHEREAS, certain misdemeanants are sentenced by the Fort Morgan Municipal Court to complete community service hours; and,

WHEREAS, in the past this program has been overseen by the 13th Judicial District Probation Department; and,

WHEREAS, the cost of completing this program is \$80.00, of which all monies are paid to the County of Morgan, with no revenue being retained by the City; and,

WHEREAS, the Fort Morgan Municipal Court Judge does not have the authority to direct Defendants to complete any specific type of public service in the County program; and,

WHEREAS, Staff has recommended that rather than outsourcing this program to the County, this program should be administered by the Probation Department located in the Fort Morgan Municipal Court; and,

WHEREAS, the in-house administration will allow for the reduction the cost of completing this program to misdemeanants; and,

WHEREAS, the City authorized UPS program will provide additional flexibility in sentencing options for the Municipal Court Judge.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO that the Useful Public Service Program is adopted in entirety as follows:

18A-24USEFUL PUBLIC SERVICE PROGRAM

A. Purpose. The purpose of this chapter is to authorize the Municipal Court Judge and staff of implement a Useful Public Service program for Municipal Defendants. The Useful Public Service Program (UPS) assigns and monitors sentenced offenders to complete public service work pursuant to this code, court policies, and state and national practices. The program must maintain self-sufficiency through client paid fees and other program charges, while providing a wide range of services to the community. The program shall be administered by the Court through the Judge and Court Administrator.

The philosophy of the program is that through Restorative Justice Principles and Practices, court ordered community service work can and should be beneficial for all involved parties: the community's charitable organizations; the courts; the program; and the Defendant.

B. Procedure. Any Defendant ordered by the Court to serve UPS as part of its sentence shall report to the Probation Department. All UPS shall be monitored by Court, as directed by the Municipal Court Judge through the Court Administrator. UPS shall only be performed for a I.R.S. Code §501(c)(3) organization approved by the Probation Department. The Court will prepare all forms necessary to effectively administer the program.

C. Prohibitions. The Court shall not be authorized under this Chapter to allow for any "buy out" program in the administration of the UPS program. "Buy out" means allowing a Defendant to pay the Court or any organization an established amount of money in lieu of serving its UPS sentence.

D. Fees. The Court administrator, with approval of the Municipal Court Judge shall have authority to assess or modify an appropriate fee to pay for the administration of the UPS program. Such fees shall also be subject to final approval of Council during the budget process or during the mid-term budget amendment process.

E. Falsification of Information. The falsification of UPS forms, including but not limited to forged signatures, claimed time and work information, shall constitute a violation of the Fort Morgan Municipal Court, and shall be punishable by a fine of not more than one thousand (\$1,000.00) and/or up to one (1) year jail.

INTRODUCED, READ AND PASSED UPON FIRST READING this 5th day of August 2008, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack L. Darnell
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

Councilmember Simmons offered the following Resolution and moved for its adoption. Her motion was seconded by Councilmember Schafer; 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 5th day of August, 2008 the vote upon roll call being as follows: Ayes: Mayor Darnell, Councilmembers Deal, Powers, Schafer, Shaver and Simmons. Nays: None. Absent: Councilmember McAlister.

REQUEST TO APPROVE A PLAT APPLICATION FOR A MINOR SUBDIVISION AND REPLAT OF LOT B, CASE 08-11, RIVERVIEW COMMONS PHASE II

Director Merrill read into the record:

**CITY COUNCIL COMMUNICATION
INCLUDED IN AGENDA PACKET**

FROM: Pat Merrill, Community Development Director
SUBJECT: Case 08-11 Riverview Commons- Phase II Re-Plat of Lot B
DATE: July 30, 2008
MEETING DATE: August 5, 2008

Item for Consideration: Plat Application for a Minor Subdivision and Replat of Lot B.

Background Information: The City received an application for a Minor Subdivision for Riverview Commons to re-plat (split) Lot B. Phase II is currently one lot and the applicant is requesting to divide Lot B into two commercial lots. Lot 1 would be 2.00 acres and Lot 2 would be 2.17 acres.

Financial Considerations: The applicant has submitted the \$65 application fee and a legal survey of the property.

Citizen Input/Board Review: Staff has reviewed the application and has discussed the request with the applicant. The Planning Commission reviewed the application at a Regular Meeting on July 28, 2008. They recommended that City Council approve the re-plat of Lot B of Riverview Commons.

Legal Review: City Attorney Jeff Wells has been apprised of the possible lot split, and all of the information is being provided to him at this time. Additionally, the split should be accompanied by a notation that the City is not responsible for the result of the lot split being of an incorrect (too small) size. I will go into this in greater detail at the Council meeting.

Alternatives: Deny the Minor Subdivision.

Supporting Documents: Plat Application and Plat map of site

Staff Recommendations: Staff, as well as the Planning Commission, recommends that Council approves the Minor Subdivision at River Commons.

He asked that the record reflect that Staff could not get the style of the building from the Developer. They have five different styles of the building and once the lot is split, a building will be selected and the site review will be done by the Planning & Zoning Department. Councilmember Powers wanted to make sure the Planning & Zoning Department reviewed the parking requirements and Director Merrill assured Council that the parking lots will be reviewed and requirements will be met.

Councilmember Powers offered a motion to approve the plat application and re-plat of Lot B of Riverview Commons as presented. His motion was seconded by Councilmember Shaver and carried unanimously.

**ZONING BOARD OF APPEALS (COUNCIL ACTING AS)
REQUEST TO SET A PUBLIC HEARING ON AUGUST 19, 2008, FOR A ZONING VARIANCE
REQUEST FROM MARVIN K. JEFFERSON FOR OFF-STREET PARKING LOCATED AT 801
MAIN STREET, APPLICATION NO. ZA08-1**

Director Merrill read into the record:

**CITY COUNCIL COMMUNICATION
INCLUDED IN AGENDA PACKET**

FROM: Pat Merrill, Community Development Director
SUBJECT: Variance Request to the Zoning and Land Use Code for off-street parking requirements at 801 Main Street
DATE: July 30, 2008

MEETING DATE: August 5, 2008

Item for Consideration: A Variance Request to have a reduced area dedicated to off-street parking than what is required by Ordinance; for a business located at 801 Main Street. The owner is finishing the basement of the building to include a meeting room, storage and office/work area. This will create more finished square footage in the building, which will increase the requirement for off-street parking (three additional spaces).

Financial Considerations: The applicant has submitted the \$200 application fee.

Citizen Input/Board Review: Staff has reviewed the Variance Request and has discussed the request with the applicant. A Public Hearing before the Zoning Board of Appeals may be scheduled for August 19, 2008, at the Regular City Council Meeting.

Legal Review: The City Attorney, Jeff Wells, will be reviewing the information, and will be available at the Public Hearing to answer any related questions.

Alternatives: The application can be approved, denied or approved with conditions subsequent to the Public Hearing.

Supporting Documents: Variance Application, sketch of property and a diagram showing the intended use of each room.

Staff Recommendations: Set a Public Hearing before the Zoning Board of Appeals for August 19, 2008, at 7:00 p.m.

Councilmember Shaver offered a motion to set the Public Hearing for August 19, 2008. His motion was seconded by Councilmember Schafer and carried unanimously.

REQUEST TO REAPPOINT PAT CANALES AS A MEMBER OF THE PLANNING COMMISSION FOR A SIX-YEAR TERM ENDING APRIL 1, 2014 – DIRECTOR MERRILL

Director Merrill read into the record:

CITY COUNCIL COMMUNICATION

FROM: Pat Merrill, Community Development Director
SUBJECT: Appointment of Pat Canales to Planning Commission
DATE: December 15, 2009
MEETING DATE: August 5, 2008

Item for Consideration: Ms. Canales has requested reappointment to the Planning Commission.

Background Information: Ms. Canales has served on the Planning Commission since September of 2006 and is a very valuable member.

Financial Considerations: N/A

Citizen Input/Board Review: The Planning Commission met on July 14, 2008, at a Regular meeting and voted unanimously on the reappointment and made recommendation to City Council to reappoint Ms. Canales to the Planning Commission with her six-year term expiring on April 1, 2014.

Legal Review: N/A

Supporting Documents: Section 27.3 Planning Commission

Staff Recommendations: Staff recommends that City Council discuss the appointment to the Planning Commission and approve the appointment as recommend by the Planning Commission.

Alternatives: Advertise the vacancy.

Councilmember Powers offered a motion to approve the appointment of Pat Canales as recommended by the Planning commission for a six-year term ending April 2014. His motion was seconded by Councilmember Shaver and carried unanimously.

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

- A. Approve the minutes from the July 15, 2008, regular meeting.
- B. Approve the minutes from the July 19, 2008, special meeting.
- C. Second and final reading of Ordinance No. 1071 amending the 2008 Budget entitled, "An Ordinance Amending the Appropriation of Monies for the Funds of the City of Fort Morgan, Colorado," and publish by title only.

ORDINANCE NO. 1071

AN ORDINANCE AMENDING THE APPROPRIATION OF MONIES FOR THE FUNDS OF THE CITY OF FORT MORGAN, COLORADO

UPON AND PURSUANT to the revised estimate of the probable revenue and expenses submitted to the City Council of the City of Fort Morgan, Colorado, and upon a budget made by 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, 2008; and,

WHEREAS, the following expenditures from monies which are available for the purpose could not be foreseen or were not anticipated at the time of the adoption of the 2008 municipal budget in 2007.

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

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 appropriation to the several funds of said City for the purposes of operations, debt service and capital outlays is amended as follows and attached hereto and incorporated herein by reference

Fund	Original Appropriation	Amendment	Amended Appropriation
<i>General Fund</i>	\$ 9,211,123	\$ 51,084	\$ 9,160,039
<i>After School Fund</i>	\$ 57,818	\$ - 483	\$ 57,335
<i>Capital Improvement Fund</i>	\$ 3,338,623	\$ 118,000	\$ 3,456,623
<i>Golf Fund</i>	\$ 832,752	\$ 23,416	\$ 856,168
<i>Conservation Trust</i>	\$ 103,150	\$ 0	\$ 103,150
<i>Electric Fund</i>	\$16,542,980	\$ 38,249	\$16,581,229
<i>Water Fund</i>	\$ 5,937,161	\$ -2,121	\$ 5,935,040
<i>Gas Fund</i>	\$ 5,369,291	\$ -2,066	\$ 5,367,225
<i>Sewer Fund</i>	\$ 1,950,355	\$ -3,976	\$ 1,946,379
<i>Sanitation Fund</i>	\$ 1,262,000	\$ -1,821	\$ 1,260,179
<i>Fiber Optic Fund</i>	\$ 27,100	\$ 3,010	\$ 30,110
<i>Perpetual Care Fund</i>	\$ 15,200	\$ 0	\$ 15,200
<i>Self-Insurance Fund</i>	\$ 2,500,025	\$ 0	\$ 2,500,025
<i>Riverview GID Fund</i>	\$ 1,225,000	\$ 0	\$ 1,225,000
Total	\$ 48,372,578	\$ 121,124	\$48,493,702

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED this 15th day of July 2008.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

ATTEST:

By: /s/ Jack L. Darnell
Mayor

/s/ Andrea J. Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON this 5th day of August, 2008.

[SEAL]

THE CITY 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)
CITY OF FORT MORGAN)

ss.

CERTIFICATE

I, Andrea J. Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing Ordinance No. 1071 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 15th day of July, 2008. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of July, 2008, 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 5th day of August, 2008. 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.

[SEAL]

/s/ Andrea J. Strand, City Clerk

- D. Authorize the Mayor to sign a Resolution adopting the recommended adjustments to the FPPA/Old Hire Police Pension Actuarial Tables.

RESOLUTION NO. 08 08 01

**FUNDING FOR OLD HIRE POLICE PENSION PLAN
IN 2008 AND 2009**

Whereas, Sec. 2-5, Policemen's pensions; source of funds, *Fort Morgan Municipal Code* (1994) provides:

"The City, in compliance with the provisions of state statutes, does hereby authorize and direct the monthly payment to the policemen's pension fund an amount equal to that required from time to time by the State Policemen's and Firemen's Pension Reform Law and the Fire and Police Pension Association in administering said Law; provided, however, that the members of such Police Department shall, from their respective monthly salaries, contribute into the City's policemen's pension fund identical percentages monthly of their respective monthly salaries so that the contribution of the Police Department as a whole shall match the contribution for the City's general fund."

and,

Whereas, Sec. 2-8(c), *Fort Morgan Municipal Code* (1994), provides:

“(c) In addition to the base pension, a retiree shall be entitled to receive the full amount of any *cost of living* adjustment or increase in the amount of the monthly pension to which the retiree is entitled by the terms of a resolution adopted by the City Council for such purpose. The combined amount of the base pension and any applicable adjustment or increase thereto shall be referred to as the *aggregate pension*.”

and,

Whereas, the City has recently received the *Actuarial Valuation as of January 1, 2008*, prepared by Gabriel Roeder Smith & Company for the Fire and Police Pension Association and the City of Fort Morgan Old Hire Pension Plan which sets forth the payments necessary to fund the Plan and maintain its actuarial soundness.

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

1. The monthly retirement benefit paid to all current retired members and beneficiaries shall be increased by 3.5% for inflation, effective January 1, 2008, and by 3.5 % increase for inflation to all current and future retired members and beneficiaries, effective January 1, 2009; recognizing the fact that this additional benefit will result in an increased cost to the City to maintain an actuarially sound pension fund, it is the intention of the City to appropriate any necessary additional funds from the general fund revenues of the City to fund such increase.

2. For 2008, from the funds previously budgeted and appropriated for such purpose, General Fund Account No. 001-421-3 3112, the City Manager is hereby authorized to pay:

Budgeted amount not to exceed \$73,280;

3. For 2009 and 2010, the City Manager is directed to budget a sum not less than \$73,280 in each year for Employer contributions and the additional contribution necessary to maintain the actuarial soundness of the Plan.

4. The former practice of making a lump-sum contribution in a single year for the foregoing purposes has been discontinued.

5. The obligation hereby undertaken to fund these pension plan obligations in 2009 and 2010 shall be secured by a cash reserve of \$146,560.00 pledged irrevocably in the General Fund and held for payments in 2008 and 2009, each in the amount of \$73,280. The City Manager is hereby authorized and directed to establish and maintain such a cash reserve in the General Fund.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 5th day of August, 2008, the vote upon roll call being as follows:

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

Nays: None

Absent: Councilmember McAlister

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Jack 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 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 6th day of August, 2008.

/s/ Andrea J. Strand, City Clerk

- E. Authorize the Mayor to sign an Intergovernmental Agreement between the City of Fort Morgan and Morgan County to provide a generator during the August 12 and November 4, 2008, elections.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT made on August 5, 2008, by and between THE CITY OF FORT MORGAN, COLORADO, a municipal corporation, (hereinafter "City") acting by and through the City Council of the City of Fort Morgan, and MORGAN COUNTY, COLORADO, a political subdivision of the State of Colorado, (hereinafter "County") acting by and through the Board of County Commissioners:

WITNESSETH:

WHEREAS, the County utilizes voting devices that require electrical current to operate; and,

WHEREAS, the City and the County coordinate elections to minimize the costs to the citizens; and,

WHEREAS, the Colorado Secretary of State requires the County to provide a back-up power source at all vote centers that utilize electrical voting devices; and,

WHEREAS, the City has a portable generator, of size and capacity to supply emergency electrical service to a polling precinct in the case of emergency; and,

WHEREAS, The City and County wish to work together to save taxpayer dollars, and ensure the fundamental right of its citizens to vote in the event of a power outage at a vote center.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. The City agrees to allow the County to use its gasoline fueled generator at a vote center selected by the county at each primary, general or coordinated election held in Morgan County.
2. The County intends to use the generator at the American Legion Post 19 – 16913 Morgan County Road 17.7 in Fort Morgan. Notwithstanding this specific location, the County agrees that the generator shall only be used at a vote center that is in or near the border of the City of Fort Morgan, and which serves the citizens of Fort Morgan.
3. In the event the City staff or personnel are unavailable to deliver the generator to the vote center selected by the County, the County shall be responsible for picking up the generator from the City.
4. The parties agree to communicate well in advance of the scheduled elections to coordinate the pick-up and/or delivery of the generator.
5. After the election is concluded the City agrees to pay for any routine maintenance and refueling of the generator if necessary.
6. The County agrees to hold the City harmless and indemnify the City for any and all claims that may arise from the election or the use of the City's generator.

7. In the event that the generator is damaged, destroyed or otherwise rendered unable to function as the result of the negligence or intentional acts by the County or its agents, or as the result of a riot, sabotage or some form of civil strife, the County agrees to pay for the repair or replacement of the generator.
8. The County agrees to designate at least one employee that will be trained, if necessary, and permitted to operate the generator in the event it must be used during an election. The City agrees to have an employee on call to assist the County in the event there are difficulties or issues with the operation of the generator.

DATED this 5th day of August, 2008.

CITY OF FORT MORGAN, COLORADO,
a municipal corporation

(SEAL)

/s/ Jack L. Darnell
Mayor

ATTEST:

Andrea J. Strand
City Clerk

MORGAN COUNTY, COLORADO

(SEAL)

By: _____
Chairman
Board of County Commissioners

ATTEST:

CLERK TO THE BOARD OF COUNTY COMMISSIONERS
AND
COUNTY CLERK AND RECORDER

All matters listed under Item 13, 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 5th day of August, 2008, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Powers, Schafer, Shaver and Simmons. Nays: none. Absent: Councilmember McAlister.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Mayor Darnell introduced Dr. Kerry Hart, who is the new President at Morgan Community College.

REPORTS

The following Directors provided written reports to Council:

Acting City Manager Kuretich
Police Lieutenant Sagel
Utility Director Dreessen
Utility Director Weimer
Community Service Director Shedd
Community Development Director Merrill
Human Resources and Risk Management Director Prentice
Treasurer Jones
Municipal Court

Fort Morgan Volunteer Fire Department

Attorney Wells stated that the process to select the City Manager was long and took a lot of effort. He congratulated Pat Merrill.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming meetings and reminded Council and Staff of a breakfast on Wednesday, August 13 for new teachers. Mayor Darnell and Councilmembers Schafer, Powers and Simmons stated they would like to attend the breakfast.

Director Weimer announced that the Gas Department received an award from the American Gas System and Lieutenant Sagel announced that the USPCA Canine Trials will be held in Fort Morgan this weekend and encouraged all to attend.

Mayor Darnell adjourned the August 5, 2008, regular meeting at 8:33 p.m.

/s/ Jack L. Darnell
Mayor

/s/ Andrea J. Strand
City Clerk