

January 6, 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 Ron Shaver
Councilmember Alberta M. Simmons

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, City Treasurer Pixie Jones, 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.

Mayor Darnell announced that the agenda order would be modified by hearing Item 4.C. first, and then we would continue with the regular order.

DOWNTOWN ENGINEERING & DESIGN PROJECT RECOMMENDATION OF FINALIST FOR ENGINEERING AND DESIGN SERVICES

Manager Merrill announced that nineteen (19) proposals had been received for the Downtown Infrastructure Project I, Engineering and Design. He stated that staff had reviewed the proposals and recommended Short Elliott Hendrickson Inc. (SEH) of 2000 South Colorado Boulevard, Suite 6000, Colorado Center Tower One, Denver, CO 80222. The bid received for the project by SEH was \$220,017. The DOLA grant received was \$175,000 and would be proportionate to the total cost. The City's portion would be \$110,000. Councilmember Deal stated she read through all of the proposals and felt that SEH had explained their presentation very well.

Manager Merrill stated that a pre-design meeting will be held this week. Mayor Darnell asked Manager Merrill to distribute a copy of the recommended proposal from SEH to each Councilmember.

Councilmember McAlister offered a motion to accept SEH as the engineering and design firm in the amount of \$220,017. His motion was second by Councilmember Schafer and carried unanimously.

A representative from SEH thanked the Council for having confidence in their firm.

DISCUSS AND/OR ACTION REGARDING ADDITIONAL WORK ON THE JACK'S BEAN ABATEMENT PROJECT

Manager Merrill explained the increase in cost for the project as a change in the scope of work not a change order. This was due to the discovery of asbestos below grade and between two

interior walls. We received the notification in December of the additional asbestos. The additional cost of Western Cleanup is the increased disposal. He clarified that Aspen did the abatement, Western Cleanup will demolish the building once it is asbestos free and Denver Environmental will do the monitoring. The original project was under the bid speculations by L & L Environmental and the City paid them \$2,500. Denver Environmental was the oversight/monitoring firm for the project.

Manager Merrill then identified areas in the budget that could be reduced to pay for the additional expense of the project.

Councilmember Schafer asked for a copy of the initial contract with L & L Environmental. Attorney Wells understood that former City Manager Michael Nagy made the decision not to bid it out. Councilmember Schafer asked about the floor. Ron Green, of Western Cleanup, stated that the floor did not contain asbestos, but it is below grade. Councilmembers stated they would like to verify that there is no asbestos in the floor.

Manager Merrill stated that Western Cleanup and Aspen indicated that they would continue to work on the project to get it completed. Denver Environmental would not go forward without being paid.

Video footage from the June 24, 2008, work session and the July 1, 2008 regular meeting were played to view the portion pertaining to the Jack's Bean Project.

Councilmember Powers asked if the Health Department came out to the property to review it. Doug Hofman responded that they had inspected it. Mayor Darnell asked Doug Hofman if he had talked to Denver Environmental about coming to this meeting. Doug said he had and they responded that they were unable to be at the meeting tonight because of prior commitments.

Councilmember Schafer asked if L & L was paid \$8,000 when the contract was for \$2,500. Staff will need to research this.

Bob Weimer stated that L & L was a part of the original Herron Company that did the original bid. The Herron Company completed a report on June 30, 2000. Money was paid to Herron Company for asbestos testing in December 2005.

Councilmember Deal stated that since we had a contract with Denver Environmental she felt that they should come and talk to the City staff and make a new contract with them.

Manager Merrill recommended a scope of work should be completed by Denver Environmental. Councilmember McAlister stated that the City Attorney should relook at the current contracts and prepare new contracts for Council's consideration.

Councilmember Powers offered a motion to direct the City Manager to contact Denver Environmental to negotiate and bring the matter back to Council next week. His motion was seconded by Councilmember Shaver and carried unanimously.

Mayor Darnell added that Council would encourage Denver Environmental to be here at the next meeting. He reminded Clerk Strand to post it as a special meeting. Ron Green added that he would prefer to look at a scope of work to make sure that the cost to finish the demolition would be accurate.

DOWNTOWN ENGINEERING & DESIGN PROJECT RECOMMENDATION FOR COMMITTEE MEMBERS

Manager Merrill informed Council that various citizens had been asked to be a part of a committee to review the recommendations for the Downtown Engineering & Design Project. Those members will be: Juan Macias, Fran Bird, John Brennan, Julie Harden, Mike Tibbetts, David Callahan, Chief Brad Parker, Chief Keith Kuretich, Councilmember Lyn Deal and Councilmember Alberta Simmons

Councilmember Powers moved to accept the individuals to the Downtown Engineering & Design Project. His motion was seconded by Councilmember McAlister and carried unanimously.

Manager Merrill stated that he would schedule individual ward meetings with the Councilmembers and committee and provide a time schedule to Council.

AUTHORIZE THE APPOINTMENT OF A REPRESENTATIVE FROM THE CITY OF FORT MORGAN TO THE MORGAN COUNTY TOURISM BOARD

Mayor Darnell explained that the Morgan County Board of Commissioners are required by state law to appoint citizens to the Tourism Board and that they would accept our recommendations. The Mayor would like to appoint Lyn Deal and would direct the City Clerk to send a letter to the Morgan County Commissioners informing them of the City of Fort Morgan's recommendation to the Morgan County Tourism Board.

Councilmember Schafer offered a motion to recommend Lyn Deal to the Morgan County Tourism Board. Her motion was seconded by Councilmember McAlister and carried unanimously.

AUTHORIZE THE MAYOR TO SIGN THE BANKING RESOLUTION

Treasurer Jones introduced the Bank Resolution and stated that is was required because of the recent change in ownership from Farmers State Bank to Wells Fargo Bank.

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

RESOLUTION 09 01 01

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. City Treasurer: Priscilla K. Jones
 - 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 signatures:
 - a. Mayor: Jack Darnell
 - b. City Treasurer: Priscilla K. Jones
 - 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. City Treasurer: Priscilla K. Jones
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. City Treasurer: | Priscilla K. Jones |
| 2. City Manager: | Patrick L. Merrill |
| 3. City Clerk: | Andrea J. Strand |
| 4. Customer Accounts Manager: | Connie Musgrave |

PASSED, APPROVED AND ADOPTED this 6th day of January, 2009, upon a roll call vote follows:

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

Nays: None.

Absent / Abstain: None.

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 7th day of January, 2009.

/s/ Andrea J. Strand, City Clerk

AUTHORIZE THE MAYOR TO SIGN THE REPORT OF CHANGES CONCERNING THE FORT MORGAN MUNICIPAL GOLF COURSE LIQUOR LICENSE

Clerk Strand presented a Corporate Report of Changes for the 3.2 Percent Beer Retail License at the Fort Morgan Municipal Golf Course. She stated that the Beer Code required filing the Report of Changes within 30 days after a change in Directors, Officers or Managers. The change to the Corporate Officers would reflect Pat Merrill as City Manager. The fees involved with this filing would be \$100 to Morgan County and \$38.50 to Colorado Bureau of Investigations.

Councilmember McAlister offered a motion to authorize the Mayor to sign the Corporate Report of Changes for the Fort Morgan Municipal Golf Course, 3.2 Beer Liquor License. His motion was seconded by Councilmember Simmons and carried unanimously.

AUTHORIZE THE MAYOR TO SIGN A RESOLUTION FOR THE DESIGNATION OF A PUBLIC PLACE FOR POSTING OF NOTICES CONCERNING OFFICIAL CITY BUSINESS OF THE CITY OF FORT MORGAN PURSUANT TO C.R.S. §24-6-402(2)(C)

Clerk Strand stated that the Colorado Open Meeting Law, C.R.S. 24-6-402(2)(c), requires the designation of a public place for posting notices of official City business be named annually.

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

RESOLUTION NO. 09 01 02

**DESIGNATION OF A PUBLIC PLACE FOR POSTING OF NOTICES CONCERNING
OFFICIAL CITY BUSINESS OF THE CITY OF FORT MORGAN PURSUANT TO C.R.S. §24-6-
402(2)(C)**

Whereas, C.R.S. § 24-6-402(2)(c) requires the designation of a public place for posting notices of official City business be named; and

Whereas, it is hereby determined that such public place shall be located within the lobby of the Historic City Hall, 110 Main Street, with such notices to be posted not less than 24 hours before the commencement of such meetings with specific agenda information for all such meetings, if available, posted at the place set forth below; and

Whereas, all notices required to be published by the City of Fort Morgan will be published in *The Fort Morgan Times*, a paper of general circulation;

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

1. The Council of the City of Fort Morgan hereby designates the lobby within Historic City Hall, 110 Main Street, as the public place for the posting of notices concerning official City business, pursuant to C.R.S. § 24-6-402(2)(c). In the manner as set forth above.
2. All notices requiring the publication in a paper of general circulation shall be published in *The Fort Morgan Times*.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 6th day of January, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: None.

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)
CITY OF FORT MORGAN)

ss:

CERTIFICATE

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 7th day of January, 2009.

/s/ Andrea Strand, City Clerk

AUTHORIZE THE MAYOR TO SIGN A RESOLUTION CONCERNING THE DESIGNATION OF COUNCILMEMBER SHAVER AND CITY MANAGER PAT MERRILL TO VOTE THE SHARES OF THE CITY WITH REGARDS TO THE FORT MORGAN RESERVOIR & IRRIGATION COMPANY AND ALL LATERAL COMPANIES WITHIN THE FORT MORGAN COMPANY SERVICE AREA

Mayor Darnell explained that the Council annually appoints an individual to vote the shares of the City's water interest in the various entities.

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 01 03

CONCERNING THE DESIGNATION OF COUNCILMAN SHAVER AND CITY MANAGER MERRILL TO VOTE THE SHARES OF THE CITY WITH REGARDS TO THE WATER SHARES TO BE DISCUSSED AT THE ANNUAL MEETINGS OF THE SOUTHSIDE LATERAL COMPANY, THE FORT MORGAN RESERVOIR & IRRIGATION COMPANY, THE FORT MORGAN WATER COMPANY, LTD, THE JACKSON LAKE RESERVOIR & IRRIGATION COMPANY, AND THE FORT MORGAN WATER ASSET MANAGEMENT, INC.

Whereas, the City Council of the City of Fort Morgan, Colorado, is authorized by Art. IV, Sec. 4(D)(1) of the *Charter of the City of Fort Morgan, Colorado (2008)* to provide for "the construction, maintenance, operation, and disposition of public improvements, public works, public utilities, public services..."; and,

Whereas, the City's holdings in the aforementioned organizations are part of the City's Public Works and Utility Systems; and,

Whereas, the Council has designated Councilmember Ron Shaver and City Manager Pat Merrill to vote the shares of the City with regards to the water shares to be discussed at the annual meetings of the Southside Lateral Company to be held on January 21, 2009, the Fort Morgan Reservoir & Irrigation Company to be held on January 24, 2009, the Fort Morgan Water Company, LTD to be held on January 24, 2009, the Jackson Lake Reservoir & Irrigation Company, to be held on January 24, 2009, and the Fort Morgan Water Asset Management, Inc. to be held on January 24, 2009; and,

Whereas, these votes are of long-term benefit to the City and impact the City's Public Works and Utilities.

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

1. The Council hereby designates Councilmember Ron Shaver and City Manager Pat Merrill as agents for the City to attend, and vote the shares of the City to be discussed at the annual meetings of the Southside Lateral Company to be held on January 21, 2009 at 1:00 p.m., the Fort Morgan Reservoir & Irrigation Company to be held on January 24, 2009 at 1:00 p.m., the Fort Morgan Water Company, LTD to be held on January 24, 2009 at 2:30 p.m., the Jackson Lake Reservoir & Irrigation Company, to be held on January 24, 2009, and the Fort Morgan Water Asset Management, Inc. to be held on January 24, 2009.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 6th day of January, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: None.

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 7th day of January, 2009.

/s/ Andrea Strand, City Clerk

ACCEPT THE BID OFFERED PARKER AG SERVICES FOR THE BIOSOLIDS HAULING AND LAND APPLICATION SERVICES.

Director Dreessen stated that two bids were received for the biosolids hauling and land application services request for proposals. He recommended Parker Ag Services of Limon, Colorado, at an amount not to exceed \$75,000.

Councilmember Powers offered a motion to accept 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 THAT THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, accept the bid submitted by Parker Ag Services of Limon, Colorado, for the Biosolids hauling and land application services, in an amount not to exceed \$75,000.

PASSED, APPROVED AND ADOPTED this 6th day of January, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, Shaver and Simmons.

CONSENT AGENDA

Clerk Strand presented the Consent Agenda for Council consideration. Councilmember Simmons offered a Resolution to approve the Consent Agenda as presented, and moved for its adoption. Her motion was seconded by Councilmember McAlister; said Consent Agenda being in words, letters and figures as follows, to wit:

- A. Approve the minutes from the December 16, 2008, regular meeting.

All matters listed under Item 11, 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 6th day of January, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, 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
Utility Director Dreessen
Utility Director Weimer
Community Service Director Shedd
Community Development Director Callahan
Human Resources and Risk Management Director Prentice
City Clerk Strand

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming bids and meetings.

Mayor Darnell announced a meeting was held with Western Area Power Authority (WAPA) which was attended by himself and other Staff members. He asked that Staff prepare a report to Council for next week.

Mayor Darnell adjourned the January 6, 2009, regular meeting at 9:15 p.m.

Mayor

City Clerk