

May 6, 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 Terry McAlister
Councilmember James A. Powers
Councilmember Ron Shaver
Councilmember Alberta M. Simmons

Absent: Councilmember Terri P. Schafer

5:30 P.M. – 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 subject matter is economic incentives related to the development of commercial property located within the City of Fort Morgan. His motion was seconded by Councilmember McAlister and duly carried.

Mayor Darnell announced the time is now 6:36 p.m., and we have concluded the Executive Session. Upon returning to the open meeting, Mayor Darnell announced, "The time is now 7:00 p.m. The participants in the Executive Session were Mayor Darnell; Councilmembers Deal, McAlister, Powers, Shaver and Simmons; Acting City Manager Kuretich; Attorney Wells; Treasurer Jones; Director Merrill; Director Dreessen and Executive Director of Morgan County Economic Development Kari Linker.

"For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Hearing none, I will ask Councilmember Powers to report on the Executive Session."

Councilmember Powers offered a motion that Council direct Staff to negotiate economic incentives within the parameters discussed in the Executive Session. His motion was seconded by Councilmember McAlister and duly carried.

7:00 P.M. – REGULAR MEETING

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

DISCUSS AND/OR ACTION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF ENDORSEMENT FOR JAMES A. POWERS TO SERVE ON THE COLORADO MUNICIPAL LEAGUE'S EXECUTIVE BOARD

Councilmember Powers informed Council that Colorado Municipal League requires a letter of support from the Council as part of the application for his nomination to run for Municipal League's Executive Board. This position will be elected at the Conference in June.

Councilmember Simmons offered a motion to authorize the Mayor to sign a letter of support on behalf of the Council for the application process for James A. Powers' nomination to the Colorado Municipal League's Executive Board. His motion was seconded by Councilmember Shaver and duly carried.

Councilmember Simmons offered a motion to approve up to \$100 to be used for the expense to campaign for this position. Her motion was seconded by Councilmember Shaver and duly carried.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE PRIVATE UTILITY EASEMENT AGREEMENT AND THE EXCLUSIVE ACCESS EASEMENT AGREEMENT FOR PROPERTY KNOWN AS THE AXMAN RIGHT-OF-WAY

Acting City Manager Kuretich informed Council that several City Staff members, including Attorney Wells and Directors Dreesen and Weimer, were instrumental in resolving this issue along with Dale Colerick who acted as liaison between the City and Ed and Bernie Pagle. The easement is part of the Axman ROW that comes off Sherman and heads east toward the recycling yard. He stated that this easement will allow the City access it needs for the regular traffic that uses the recycling yard without hazards to both City users and adjacent property users.

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 NO. 08 05 01

**AUTHORIZING THE MAYOR TO EXECUTE
THE PRIVATE UTILITY EASEMENT AGREEMENT
AND THE EXCLUSIVE ACCESS EASEMENT AGREEMENT**

WHEREAS, the Property known as the Axman Right-of-Way has historically been used as a road that provides the only access owned and used by the City; and,

WHEREAS, Edward E. and Edward B. Pagel ("Pagels") are willing to grant to the City an Exclusive Easement over and across Pagel's land to allow the continued use and access to the City's property; and,

WHEREAS, the Pagels require a Utility Easement for private utilities owned and operated by the Pagels installed or to be installed across the City's property; and,

WHEREAS, the parties have outlined the terms and conditions of these easements in the Exclusive Access Easement Agreement and the Private Utility Easement Agreement both of which are attached hereto and incorporated herein by this reference; and,

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 Exclusive Access Easement Agreement and the Private Utility Easement Agreement.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 6th day of May 2008, 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 Darnell
Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT TO PURCHASE REAL ESTATE BETWEEN THE CITY OF FORT MORGAN AND THE FORT MORGAN COUNTRY CLUB CONCERNING THE PURCHASE OF A GOLF CART BARN

Acting City Manager Kuretich informed Council that a recent appraisal of the fair market value of the Golf Course cart barn was completed and it was determined to be above the original offer of \$20,000 from the Fort Morgan Country Club. Once the purchase has been completed, the City will take possession of the property on or before June 30, 2008. He stated that \$25,000 was budgeted for this purchase.

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. 08 05 02

AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT TO PURCHASE REAL ESTATE BETWEEN THE CITY OF FORT MORGAN AND THE FORT MORGAN COUNTRY CLUB

WHEREAS, the City of Fort Morgan Golf Course needs additional storage capacity; and,

WHEREAS, the Fort Morgan Country Club has offered to sell its Golf Cart Barn for this purpose; and,

WHEREAS, the negotiated purchase price is less than the appraised value; and,

WHEREAS, Council has budgeted money for this purchase; and,

WHEREAS, the Fort Morgan County Club has agreed to and City Staff has recommended the approval of the Contract to Purchase Real Estate attached hereto and incorporated herein by this reference.

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 Contract to Purchase Real Estate for the purchase of the Golf Cart Barn.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 6th day of May 2008, 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 Darnell
Mayor

ATTEST:

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

Consent Agenda (by Resolution and acting as the Local Liquor Licensing Authority):

- A. Approve the minutes from the April 15, 2008, regular meeting.

- B. Approve the application for renewal by Keith Lehman, dba Queen Lounge, for a Tavern Liquor License, located at 112 West Kiowa, with a clear police investigation report.
- C. Approve the application for renewal by Antonio C. Truax, dba Southside Liquors, for a Retail Liquor Store License, located at 625 East Burlington Avenue, with a clear police investigation report.
- D. Approve the application by Ryan L. Stroh, dba Stroh's Inn, for renewal of a Hotel and Restaurant Liquor License, located at 901 West Platte Avenue, with a clear police investigation report.
- E. Authorize the Mayor to sign a Resolution Supporting the Legion Field Improvement Project and the Authorization of the City Treasurer to Act as a Fiscal Agent of Funds Procured for the Project.

RESOLUTION NO. 08 05 03

SUPPORTING THE LEGION FIELD IMPROVEMENT PROJECT AND THE AUTHORIZATION OF THE CITY TREASURER TO ACT AS A FISCAL AGENT OF FUNDS PROCURED FOR THE PROJECT

WHEREAS, the City of Fort Morgan, Colorado is a trustee for the Legion Field located in the City of Fort Morgan, State of Colorado; and,

WHEREAS, the facilities are aging and in need of repairs; and,

WHEREAS, the American Legion, by and through John Underwood is seeking to procure funds from private sources for said improvements; and,

WHEREAS, the project requires a fiscal agent for the disbursement of funds and a declaration of support from the City.

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

SEC. 1: The City Council for the City of Fort Morgan hereby states its support of the Legion Field Improvement Project.

SEC. 2: The City Treasurer shall be authorized to act as the fiscal agent for the disbursement of funds acquired for this project.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 6th day of May 2008, 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 Darnell
Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

- F. Approve street closures for Beaver Avenue between State and Main and grant a Revocable Right-of-Way Permit for businesses to use the sidewalk for sales on June 7, 2008, for a community event.

- G. Approve the appointment of Fred Grantham of 708 Ponderosa Place, Fort Morgan; and Thomas Smith of 5511 Rd G., Wiggins, Colorado; to be appointed to the Golf Course Advisory Committee for terms expiring December 2010.
- H. Approve the appointment of Janell Reyes of 324 Prospect Street, Fort Morgan, to be appointed to the Library Advisory Board for an unexpired four-year term expiring in December 2010.
- I. Approve the addition of Paragraph D to Subsection 7.1, Section 7.0, of the City of Fort Morgan Electric Tariff Number 3, concerning a metering device that has been turned off at the customer's request or disconnected for nonpayment for a period of six months or longer must be inspected by the City's electrical inspector, or the Light and Power Superintendent or his designee, for safety reasons.
- J. Approve the Building Permit Fee and Fine Schedule as presented.
- K. Approve the request to submit a grant to DOLA for design/engineering work for downtown improvements.
- L. Approve the Reading of Proclamations for Drinking Water Week, May 4 – May 10; Municipal Clerks Week, May 4 – May 10; National Police Week, May 11 – May 17; and May 15 as Peace Officers Memorial Day.

All matters listed under Item 7, 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 May, 2008, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, Shaver and Simmons. Nays: none.

READING OF PROCLAMATIONS

Mayor Darnell read three proclamations.

**PROCLAMATION
DRINKING WATER WEEK**

WHEREAS, water is our most valuable natural resource; and

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, the citizens of our City should have a safe and dependable supply of water both now and in the future; and

WHEREAS, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of our City, do hereby proclaim May 4 - 10, 2008, as

DRINKING WATER WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Fort Morgan, Colorado to be affixed this 6th day of May, 2008.

(SEAL)

/s/ Jack L. Darnell, Mayor

ATTEST:

Andrea J. Strand, City Clerk

PROCLAMATION

MUNICIPAL CLERKS WEEK

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among the public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal clerk shave pledged to be ever mindful of the neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, country and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, I, Jack L. Darnell, Mayor of Fort Morgan, Colorado, do recognize the week of May 4, through May 10, 2008, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Andrea Strand and Cheryl Winberg, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

(SEAL)

/s/ Jack L. Darnell, Mayor

ATTEST:

Andrea J. Strand, City Clerk

PROCLAMATION

NATIONAL POLICE WEEK

WHEREAS, the Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of The Fort Morgan Police Department play an essential role in safeguarding the rights and freedoms of Fort Morgan; and

WHEREAS; it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Fort Morgan Police Department unceasingly provide a vital public service;

NOW THEREFORE BE IT RESOLVED that by virtue of the authority vested in me as Mayor of the City of Fort Morgan, I call upon all citizens of Fort Morgan and upon all patriotic, civic and educational organizations to observe the week of

MAY 11, 2008-MAY 17, 2008 AS POLICE WEEK

WITH appropriate ceremonies and observance in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Fort Morgan to observe Thursday, May 15th, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their

courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Fort Morgan to be affixed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Fort Morgan, Colorado to be affixed this 6th day of May, 2008.

/s/ Jack L. Darnell, Mayor

(SEAL)

ATTEST:

Andrea J. Strand, City Clerk

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS

The following Directors provided written reports to Council:

Acting City Manager Kuretich
Treasurer Jones
Police Lieutenant Sagel
Utility Directors Dreessen and Weimer
Community Development Director Merrill
Community Service Director Shedd
Human Resources and Risk Management Director Prentice
Network Administrator Herman Albrandt
City Clerk Andrea Strand

Director Dreessen added that he would like to speak at community groups about the NISP project to provide information to the public. Director Shedd stated that the Cemetery was experiencing problems with their well and had been unable to water the grass. Treasurer Jones stated that auditor was expected to present the audit to Council this month. Attorney Wells stated that *The Fort Morgan Times* had made an open records request after the April 22nd meeting and the City Manager had received a telephone call from a local dairy operation concerned about a statement in the newspaper. It was reported in the newspaper that he had referred to mercury levels coming into the City's plant and that the likely sources include local dairy operations. He stated that clearly the City is not pointing to any dairy operation as the source of mercury in the pretreatment of our wastewater. Director Dreessen stated that to his knowledge there is no one source to identify as the cause of mercury coming into the plant.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand stated that there were no bids to announce and she read information on several upcoming meetings.

ADJOURN

Mayor Darnell adjourned the May 6, 2008, regular meeting at 7:55 p.m.

Mayor

City Clerk