

February 26, 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 special 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 Ron Shaver

The meeting was also attended by Acting City Manager Keith Kuretich, City Attorney Jeffrey Wells, Fire Chief Brad Parker, Police Lieutenant Darin Sagel, City Treasurer Pixie Jones, Utility Director Gary Dreessen and City Clerk Andrea Strand.

DISCUSSION OF USING RIVERSIDE PARK FOR AN EVENT (“BOB STOCK”) ON JULY 5 SPONSORED BY RADIO STATION 97.5 KSRX (MEDIA LOGIC, LLC)

Director Shedd introduced Patti Rousselle, a representative of Media Logic Radio, a locally owned company who would like to sponsor a community event called “BOB Stock.” The event is planned for July 5, 2008, and would provide a music concert and a variety of booths for food, services and novelties. The group requested support of City Council and use of Riverside Park, next to the softball fields and the in-line hockey rink. They would also require use of City services such as trash receptacles, electrical hookups and the use of the Showmobile. They also requested permission to allow a beer garden to be located at the in-line hockey rink.

Councilmember Schafer inquired as to what type of music would be played. Ms. Rousselle stated that it would be adult contemporary music. Discussion continued as to the type of alcohol served, insurance requirements and types of security needed for the event. Council member Powers stated a concern that all other requests for this type of event in City parks had been denied over the years. Director Shedd informed Council that he had been working with the representatives to complete a Community Event Application. Acting City Manager Kuretich stated that City Staff would research the alcohol variance to the existing City’s Ordinance which prohibits alcohol in City parks. He requested that this item be continued to March 4, to allow time for City Staff to research the alcohol issue.

DISCUSSION AND/OR ACTION ON THE BIDS SUBMITTED FOR THE PURCHASE OF A FOUR-INCH TRAILER MOUNTED SELF PRIMING PUMP FOR THE SANITATION DEPARTMENT

Director Dreessen requested Council’s approval to accept the low bid from Canfield Drilling of Fort Morgan, Colorado, in the amount of \$19,815 for a four-inch trailer mounted self priming pump to be utilized by the Water Distribution Department.

Councilmember McAlister excused himself from the presentation.

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, to accept the bid submitted by Canfield Drilling of Fort Morgan, Colorado, for the four-inch trailer mounted self priming pump in the amount of \$19,815.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2008; the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Powers, Schafer and Simmons. Nays: None. Abstain: Councilmember McAlister. Absent: Councilmember Shaver.

DISCUSSION AND/OR ACTION ON THE BID SUBMITTED FOR THE PURCHASE OF 12 HAND-HELD 800-MHZ RADIOS FOR THE FIRE DEPARTMENT

Chief Parker requested Council approve the bid from Wireless Advanced Communications of Evans, Colorado, for the purchase of 12 hand-held 800 MHZ radios for the Fire Department in the amount \$35,040.

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, to accept the bid submitted by Wireless Advanced Communications of Evans, Colorado, for the purchase of 12 hand-held 800 MHZ radios in the amount of \$35,040.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2008; the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmember's Deal, McAlister, Powers, Schafer and Simmons. Nays: None. Absent: Councilmember Shaver.

AUTHORIZE THE MAYOR TO SIGN THE ADDENDUM TO THE AIRPORT MANAGEMENT AGREEMENT AND LEASE BY AND BETWEEN THE CITY OF FORT MORGAN, COLORADO, AND KYLE SCOTT AND JENNIFER SCOTT

Community Development Director Merrill presented an Airport Management Agreement and Lease extending the Agreement for the management of the Fort Morgan Municipal Airport.

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

RESOLUTION NO. 08-02-01

AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ADDENDUM TO THE AIRPORT MANAGEMENT AGREEMENT AND LEASE BY AND BETWEEN THE CITY OF FORT MORGAN, COLORADO AND KYLE SCOTT AND JENNIFER SCOTT.

WHEREAS, the Council has the power, within and without the territorial limits of the City, to lease the property of the City owned as public works or ways, local in use and extent, including the real property and improvements of the Fort Morgan Municipal Airport, *Charter of the City of Fort Morgan, Colorado*, Article IV, Sec. 13; and,

WHEREAS, the Fort Morgan Municipal Airport requires the services of a Fixed Base Operator ("FBO") for its efficient and effective operation.

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

Sec. 1: The **Fort Morgan Municipal Airport – Airport Management Agreement and Lease** by and between the City of Fort Morgan, Colorado and Kyle Scott and Jennifer Scott, effective July 26, 2002, is extended by the **Addendum** dated February 26, 2008,

Sec.2: The Mayor and City Clerk of the City of Fort Morgan are hereby authorized to execute and deliver the **Addendum to the Fort Morgan Municipal Airport –Airport Management Agreement and Lease** for the City.

Sec. 3: The **Airport Management Agreement and Lease**, dated July 26, 2002, by and between the City and Kyle Scott and Jennifer Scott is hereby extended until December 31, 2013, subject to the terms and conditions as set forth therein.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2008.

CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

BY: /s/ Jack Darnell
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

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

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the 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 26th day of February, 2008.

/s/ Andrea Strand
City Clerk

AMENDMENT TO THE ZONING CODE REGARDING THE DEFINITION OF FAMILY

Community Development Director Merrill stated that a change to the definition of Family in the Zoning Code of the City was brought to his attention through the Planning Commission. He presented the following current and proposed definitions to Council:

Current Definition: Family: An individual or two or more persons related by blood or marriage or a group of not to exceed five persons (excluding servants) living together as a single housekeeping unit in a dwelling unit.

Proposed Definition: Family means one (1) or two (2) persons or parents with their direct descendants and adopted/foster children (and including the domestic employees thereof), together with not more than two (2) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of two (2) or more persons living in such housekeeping unit shall be considered a separate family.

Councilmember Simmons offered a motion to approve the amendment to the definition of Family in the Zoning Code as presented by Staff. Her motion was seconded by Councilmember McAlister and duly carried.

RESOLUTION REGARDING THE PROPOSED REVISED FEE SCHEDULE FOR THE PARKS AND RECREATION DEPARTMENT

Director Shedd presented a proposed fee schedule for the Recreation Department. He informed Council that the proposed fee schedule had been presented to the Tree, Park & Recreation Advisory Board at their January 2008 meeting. He requested that Council approve the proposed changes to the fee schedule.

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

RESOLUTION NO. 08-02-02

**ADOPTING THE PROPOSED 2008 FEES AND CHARGES
OF THE PARKS AND RECREATION DEPARTMENT
OF THE CITY OF FORT MORGAN.**

WHEREAS, pursuant to Article V, Sec. 4(d)(3) provides “for the establishment, maintenance, and improvement of parks...” and,

WHEREAS, the fees and charges associated with the Recreation Department are amended from time to time by the Director of Community Services, and it is in the City's interest to adopt these amendments; and

WHEREAS, the Council of the City of Fort Morgan desires to adopt the proposed amendments as recommended by the Director of Community Services, a copy of which is attached herewith and incorporated herein by this reference.

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

SECTION 1: The proposed amendments of the current fees and charges associated with the Recreation Department are hereby implemented to comply with the recommendations of the Director of Community Services.

SECTION 2: The City Council authorizes the Director of Community Services to adopt amendments to fees and charges that may be established by the Director of Community Services in the future.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 26th day of February, 2008, 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 26th day of February, 2008.

/s/ Andrea Strand
City Clerk

RESOLUTION REGARDING THE PROPOSED REVISED FEE SCHEDULE FOR THE GOLF COURSE

Director Shedd presented a proposed revised fee schedule for the Golf Course. Councilmember Simmons stated that the proposed changes in fees had been projected as revenue in the City's 2008 budget. Attorney Wells added he would suggest that wording be added to the Resolution which would allow the Director of Community Services to adopt

amendments to fees and charges that may be established by the Director of Community Services in the future. He requested Council approve the proposed changes to the fee schedule.

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. 08-02-03

**REVISING THE FEES AND CHARGES
OF THE FORT MORGAN GOLF COURSE
OF THE CITY OF FORT MORGAN.**

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

WHEREAS, the Golf Course Advisory Board has recommended that the fees and charges associated with the Fort Morgan Golf Course be amended; and,

WHEREAS, the Council of the City of Fort Morgan finds it is in the interest of the City of to adopt the proposed amendments as recommended by the Golf Course Advisory Board.

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

SECTION 1: The proposed amendments of the current fees and charges associated with the Fort Morgan Golf Course are hereby implemented to comply with the recommendations of the Golf Course Advisory Board.

SECTION 2: The City Council authorizes the Director of Community Services to adopt amendments to fees and charges that may be established by the Director of Community Services in the future.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 26th day of February, 2008, 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.
CITY OF FORT MORGAN)

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 26th day of February, 2008.

/s/ Andrea Strand
City Clerk

BANKING RESOLUTIONS TO ADD KEITH KURETICH AND JODY PRENTICE AS AUTHORIZED SIGNERS ON THE CITY'S BANK ACCOUNTS

Treasurer Jones presented two Banking Resolutions for Council consideration to add Acting City Manager Keith Kuretich and Human Resource/Risk Management Director Jody Prentice to various banking accounts with the City.

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

RESOLUTION NO. 08-02-04

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 The Farmers State Bank 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. Acting City Manager: Keith Kuretich
 - d. City Clerk: Andrea J. Strand
 - e.
8. The City of Fort Morgan Utility Director's Account shall require one signature from the

following authorized signatures:

- a. City Treasurer: Priscilla K. Jones
- b. Utility Director: Robert L. Weimer
- c. Customer Accounts Manager: Connie Musgrave

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

- a. Court Clerk: Christina Tadolini
- b. Deputy Court Clerk: Jenn Crone
- c. Deputy Court Clerk: Angela Larson
- d. 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. Equitable S&L - Library passbook savings account – special signatures authorized
- c. Farmers State Bank - Capital Improvement Fund passbook savings account
- d. Farmers State Bank - Victims Assistance passbook savings account
- e. Farmers State Bank – Riverview Commons GID account
- f. Farmers State Bank - Police Canine Memorial savings account
- g. Fort Morgan State Bank - Self-insurance checking account
- h. Fort Morgan State Bank - Self-insurance passbook savings account
- i. Morgan Federal Bank - Electric Fund money market account
- j. Morgan Federal Bank - Capital Improvement Fund money market account
- k. Morgan Federal Bank - Sewer Fund money market account

- l. Morgan Federal Bank - Police Forfeiture (Special Enforcement) savings account
- m. Morgan Federal Bank - Police Holiday Charity savings account
- n. 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. Acting City Manager: Keith Kuretich
- 3. City Clerk: Andrea J. Strand
- 4. Customer Accounts Manager: Connie Musgrave

PASSED, APPROVED AND ADOPTED this 26th day of February, 2008, upon a roll call vote follows:

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

Nays: None.

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 26th day of February, 2008.

/s/ Andrea J. Strand
City Clerk

RESOLUTION NO. 08-02-05

CONCERNING THE ESTABLISHMENT AND OPERATION OF THE CITY’S HEALTH CARE BANK ACCOUNTS

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

WHEREAS, the City of Fort Morgan has engaged Fiserv Health as the City’s Third Party Administrator for the health care benefit plan, effective January 1, 2006; and

WHEREAS, the City of Fort Morgan wishes to reduce administration costs for the health care benefit plan by utilizing “an in-house banking” arrangement for payment of the actual costs and medical claims associated with such plan by checks drawn on the Health Care checking account by Fiserv Health; and

WHEREAS, the City of Fort Morgan recognizes that disclosure of information regarding these expenditures is subject to the provisions in the U.S. Health Insurance Portability and Accountability Act of 1996 regulations and other relevant laws and regulations;

THEREFORE, 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 with offices situated in the City of Fort Morgan, Colorado 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:

- 14. The City Treasurer shall have the sole authority to open new bank accounts in the name of the City of Fort Morgan;
- 15. 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;

16. The authorized signatures on the City of Fort Morgan Health Care money market account shall be designated as:

- a. Mayor: Jack Darnell
- b. City Treasurer: Priscilla K. Jones
- c. Acting City Manager: Keith Kuretich
- d. Director of Human Resources /Risk Management: Jody Prentice

17. The authorized signatures on the City of Fort Morgan Health Care checking account shall be designated as:

- a. Mayor: Jack Darnell
- b. City Treasurer: Priscilla K. Jones
- c. Acting City Manager: Keith Kuretich
- d. Director of Human Resources /Risk Management: Jody Prentice
- e. Authorized Representatives of Fiserv Health as may be from time to time designated by Fiserv Health, the plan administrator

18. Access to the detailed account information for the Health Care checking account, including identification of claimants and claims paid, shall be restricted in accordance with Federal laws and regulations.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2008, 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

[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 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 26th day of February, 2008.

/s/ Andrea J. Strand
City Clerk

REQUEST FOR APPROVAL OF THE FINAL PAYMENT OF THE OUTSTANDING MAINTENANCE BILL FROM SERVICEMASTER

Attorney Wells presented itemized statements for payment of services provided by ServiceMaster as a result of sewer backup cleaning to homes located on Cherry and Gayle Streets. This was entered into by City management by way of an oral contract. Councilmember Powers added that this is not the normal practice of the City.

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, to approve the payment to ServiceMaster in the amount of \$7,344.83 with apology that it was not paid earlier.

PASSED, APPROVED AND ADOPTED THIS 26th day of February, 2008, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, and Simmons. Nays: None. Absent: Councilmember Shaver.

SEVERANCE AGREEMENT WITH FORMER CITY MANAGER MICHAEL NAGY

Attorney Wells stated he has been working with Mr. Nagy's attorney to finalize the severance agreement between the parties. Mr. Nagy's attorney has requested that Mr. Nagy be allowed to resign from the position with the City instead of being terminated. He also requested that a paragraph or clause be added which would state that both parties will not defame each other. Councilmember Powers asked if the City Attorney felt the resignation would be in the best interest of the City. Attorney Wells responded that if Mr. Nagy is allowed to resign, he would still receive the offered severance pay and that, yes, it would be in the best interest of the City because allowing him to resign would mean that there would be no potential litigation in the future. Also, if Mr. Nagy is allowed to resign, he would not become eligible for unemployment compensation. Councilmember Deal asked if Mr. Nagy was allowed to resign would this change the history of what happened. Councilmember Simmons stated she would like to wait until next week to have time to review the proposed agreements. Attorney Wells stated he would need direction from Council on the issue of termination or resignation. After discussion, Attorney Wells stated he would contact Mr. Nagy's attorney and inform him that it is not clear as to whether the Council would approve a resignation. He will present two agreements which would reflect both situations at the next meeting.

Mayor Darnell added that he felt the City Attorney should be named as the spokesperson for the City concerning Michael Nagy. It was discussed and decided to place the item for consideration on the agenda for March 4, 2008.

APPROVE THE SETTLEMENT RELATED TO COLORADO CIVIL RIGHTS DIVISION MEDIATION

Attorney Wells stated that he provided a report to Council last week on the settlement related to Colorado Civil Rights Division mediation. Tonight he is asking for formal approval from Council on a settlement agreement. He stated that this was an age discrimination claim that involved a payment by CIRSA in the amount of \$1,600. He informed Council that the City did not expend any money for the settlement. The claim has been discharged with full settlement.

Councilmember Powers moved to approve the settlement for a Colorado Civil Rights Division Claim. His motion was seconded by Councilmember McAlister and duly carried.

REPORTS FROM OFFICIALS AND STAFF

Acting City Manager Kuretich stated that he had been meeting with citizens and City Departments and will provide a report to Council next week.

Director Dreessen stated a letter that was in The Fort Morgan Times recently concerning the Northern Integrated Supply Project (NISP) had many inaccurate items. He stated that Councilmember Powers and he are working on a letter to bring to Council on March 4 clarifying some of the facts related to the project.

Director Dreessen reported that the recent upgrade in heating and air systems at the Water plant reflected a 69% reduction in gas use. He also reminded citizens to stop flushing paper towels.

Director Merrill reported activities of the Planning Commission and stated that seven consultants had submitted proposals for the Airport Consultant.

Director Shedd provided Council with an update of the Library operating system.

Attorney Wells reported the status with *The Fort Morgan Times* lawsuit. He stated that he had sent a letter of a settlement proposal to *The Time's* attorney. He also reported that he filed an answer to the Counterclaim and will wait for a response.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand provided Council with the current bids that were posted and upcoming meetings.

ADJOURNMENT

Mayor Darnell adjourned the February 26, 2008, special meeting at 8:27 p.m.

Mayor

City Clerk