

July 7, 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 Ron Shaver  
Councilmember Alberta M. Simmons

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Director of Water Resources/Wastewater Treatment Gary Dreessen, Municipal Engineer Brad Curtis, Director of Human Resources & Risk Management Jody Prentice, Community Services Director Don Shedd, Community Development Director David Callahan, Treasurer Terri Schafer and City Clerk Andrea Strand.

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## **COUNCILMEMBER VACANCY IN WARD 2**

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A. Verification of Applicants – Clerk Strand verified that she had examined all applications received for the vacancy of Councilmember, Ward 2, and found all applicants meet the qualifications required in Article 2, Section 2, of the City *Charter*. She read the names and addresses of all applicants: Marcia Patrick Adams, 900 Meng Drive; Joyce Evans, 218 Aspen Street; Debra Forstedt, 905 Wilson Avenue; Alice Rodriguez, 612 Southridge Road; and Joe Segura, Jr., 414 Southridge Road, 108C.

Mayor Darnell reviewed the procedure for appointment of the new Councilmember.

B. Presentations to City Council – All five (5) applicants gave presentations to City Council about themselves and their desire to fill the Councilmember vacancy.

The public was given the opportunity to speak about any of the applicants; there were none.

C. Appointment of New Councilmember – The current six (6) City Councilmembers proceeded through the voting process. Two votes took place. The first vote was each Councilmember assigned a rating number for each applicant (one being the lowest, five being the highest). Clerk Strand announced the results: Marcia Patrick Adams-7; Joyce Evans-19, Debra Forstedt-30, Alice Rodriguez-20 and Joe Segura, Jr.-14. A second vote was taken where each Councilmember marked an “x” for their choice by the name of the applicant from the top three (3) highest scorers of the first vote: Joyce Evans, Debra Forstedt and Alice Rodriguez. Clerk Strand announced the results: Joyce Evans-0, Debra Forstedt-6 and Alice Rodriguez-0. Clerk Strand announced that Debra Forstedt is the new Councilmember.

D. Oath of Office – Mayor Darnell swore in Debra Forstedt as a Councilmember for Ward 2. He presented her with copies of the *Charter* of the City of Fort Morgan, Council Rules of Procedure and the Comprehensive Plan for the City of Fort Morgan. She began to fulfill her duties immediately.

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**PRESENTATION OF INFORMATION TO PROVIDE SERVICES FOR HIGH-SPEED CONNECTIVITY FOR COMMERCIAL BUSINESSES**

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Manager Merrill introduced Matt Laws, owner of Affiliated Credit Services. Mr. Laws discussed his business's need for high speed connectivity through the fiber optic lines to continue to grow. His business has grown from eight employees to 64 in the last 15 years and he needs more bandwidth to pursue growth. Mr. Laws invited Council to visit his office, located at 830 East Platte Avenue. He has 53 employees at this facility and pays \$2 million in wages for this area.

Director Albrandt presented the response to the Request for Proposals (RFP) which was issued on May 26, 2009. The RFP was posted on the City's website as well as in the local newspaper and on the City's cable television Channel 17. Two companies provided responses, Kentec Communications of Sterling, Colorado, and MicroTech-Tel of Greenwood Village, Colorado. Staff recommended a contract with MicroTech-Tel to secure the best pricing for the taxpayers and business owners of the City. They were not the lowest bidder on some items; however, their response to the RFP was thorough and complete and their references were exemplary. Staff stated that they are more expensive on some of the front-end costs, but our ability to realize a profit will come much sooner on the back end if we contract with them.

Alberta Simmons requested clarification on the costs benefit. Director Albrandt explained the difference in the loop charge which evens out the cost. Councilmember Powers asked if Staff was asking for approval to negotiate a contract with Micro Tech-Tel. Manager Merrill stated yes. Also, a representative from Kentec was present for questions. Mayor Darnell stated he felt uncomfortable voting tonight without both companies present to discuss issues and compare service from each company. Attorney Wells explained the intent behind the RFP – to determine what the market would bear. The City would not set the market, the private company hired to provide the connectivity would set the market. The City wants to maximize the value of the fiber optic line already in the ground. The City could set up a separate enterprise fund that is self-maintained.

Councilmember Shaver would like to have specific pricing from each company to compare apples to apples, what each would charge for hard wire vs. microwave connection. Council asked for a better explanation of the cost and return. They asked Manager Merrill to bring the item back next week with start-up costs, the return to the City and comparisons between the two companies. Director Albrandt stated the only cost to the City is to drop in the line for the loop charge for the connectivity. There has been \$17,000-18,000 in a fiber fund in the City budget for five years for this purpose. Councilmember Simmons stated she was not sure about understanding the pricing as presented; she suggested that representatives be present from both companies recommended by Staff and would also like input from the business community who will be using the connection.

Councilmember Deal asked Mr. Laws if he would prefer hard wire or microwave. Mr. Laws would prefer hardwire for reliability purposes, but he would have to consider the cost benefit of the microwave connection, which is less expensive. Both prices are within his range. He is having some staff stay late to do the business's IT work now, so the sooner the availability of the high speed connectivity, the better.

Mayor Darnell asked how the City would recover the capitol costs of building the loop for connectivity. Attorney Wells stated that Staff has not determined specifics on how the City is going to recover the capital cost. Manager Merrill explained this would be treated like other

enterprise funds where the revenue we receive from leasing out the lines would offset the loop costs; as more connections are made, the fund builds up and becomes self-sustaining. The actual income figure is unknown because the City does not know how many businesses will be interested in the connectivity. There are a lot of unknowns on the subject, but the backbone costs are none; the only cost will be dropping the line to the business who signs up for the connectivity. Attorney Wells stated that recovering the City's capital costs of providing the loop was not addressed in the RFP, there are at least two options to recover the costs and perhaps an addendum to the RFP would have to be issued to help figure out those costs.

Mayor Darnell suggested that more research be done and more information presented to Council next week or the week after. He suggested perhaps a committee should be put together to research it further. Director Albrandt stated that he had presented this same information to the Morgan County Economic Development Corp., the Chamber of Commerce and the County – they all said yes, this is what they want, if it's at a price we can afford. Councilmember Shaver would like to see Kentec's charge for the hard wire and how much the loop payment would be. It seems there may have been a little bit of vagueness in the RFP as to what type of connection would be offered. Manager Merrill stated that the City can issue an addendum and allow both companies to bid on it.

Mayor Darnell reiterated that Council needs clarification from each company to take a vote, including information such as what it will cost the City, what it will cost the business and what do the businesses feel comfortable with – hard wire or microwave connection. Treasurer Schafer suggested that the loop charge can be negotiated inside the contract; so potentially it may not cost the City anything. Manager Merrill will work on an addendum to the RFP to provide direct relationship, line to line. Attorney Wells reminded everyone that one aspect of the RFP also was to provide the ability to expand the bandwidth.

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**PUBLIC INFORMATION MEETING CONCERNING THE JAG RECOVERY ACT GRANT PROVIDED BY THE DEPARTMENT OF JUSTICE FOR BASIC PROTECTIVE EQUIPMENT FOR THE CITY OF FORT MORGAN AND MORGAN COUNTY**

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Chief Kuretich provided a recap of the stipulations of the grant and the need for the Public information meeting this evening to proceed with the grant. There were no public comments. Mayor Darnell stated there is no action required; Chief Kuretich confirmed that the information needed to be provided publicly.

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**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY PRESENTATION OF AN APPLICATION FOR A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR EL JACAL CORP., DBA EL JACAL MEXICAN GRILL, LOCATED AT 105 WEST EIGHTH AVENUE**

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Clerk Strand reviewed the application received by El Jacal Corp., dba El Jacal Mexican Grill, located at 105 W. Eighth Avenue. The applicant has submitted a complete application for a new license and submitted the appropriate fees. She stated that once a public hearing is scheduled, the applicant will circulate their petition, the City Clerk's Office will publish the Notice of Public Hearing and the Police Department will post the property. Staff is requesting a motion to accept the application, request that the neighborhood be defined as in the City limits of Fort Morgan and schedule a public hearing for August 18, 2009. Present for questions are the owners, Juan

and Ana Marie Martinez, of 903 Main Street. They introduced themselves and there were no questions asked of them.

**Councilmember Powers moved to accept the application for a new hotel and restaurant liquor license from El Jacal Corp., to define the neighborhood and to hold a public hearing on August 18, 2009. His motion was seconded by Councilmember Shaver and duly carried.**

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**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT AND THE SERVICE AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND THE MORGAN HUMANE SOCIETY**

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Attorney Wells reviewed the resolution and the options Council has concerning passing the resolution, accepting the agreements, requesting a probationary period, etc. Crystal Tweeten, 106 Bachar, Executive Director of the Morgan Humane Society, answered questions of Council regarding performing spaying and neutering on site. Attorney Wells answered questions from Councilmember Forstedt about how an injured volunteer would be dealt with insurance-wise. The City has required them to carry workers compensation insurance and to hold the City harmless and indemnify the City should they be brought into a lawsuit.

Councilmember McAlister commented on his struggle with this situation, expressing that he is not sure that he sees the benefits of making any changes with the Shelter. Councilmember Powers also expressed negative phone calls/comments he has received from citizens on allowing the Shelter to be run by the Humane Society.

Ms. Tweeten spoke of the advantages of the Shelter, including that it would alleviate the time the City's Code Enforcement Officers spend dealing with loose animals. She stated that should the resolution not pass tonight, they would still move forward, trying to save their money for their own facility. If animals are not adopted, they try to transfer animals to various facilities that offer adoptions.

Councilmember Deal spoke about communications with a local veterinarian and with Sharon Kellogg of the Humane Society regarding spaying and neutering. She suggests allowing the change to take place for a trial period to see how it works. She has received telephone calls in favor and against moving ahead with the agreements.

Councilmember Simmons asked questions of Ms. Tweeten regarding her ongoing work at the Shelter. She also asked whether the Shelter would continue to ask for annual budget requests for the Shelter. Ms. Tweeten said they would continue to request annual budget funds.

Chief Kuretich stated is that the Shelter is at maximum capacity; there had been an unusual high number of vicious dogs and those mandated to be held at the facility. The other reason we are absent at the Shelter is that one of our Code Enforcement Officers is limited to duties, due to an injury; also, we have a part time employee that cleans the Shelter. Chief Kuretich stated it would provide a benefit of service to the public. The Police Department would still provide animal control. Chief also added that the Shelter runs within the *Municipal Code* and the primary purpose is to impound animals, destroy animals, redeem them or adopt them out. In the last few years we have expanded our services at the Shelter and our relations with others in the community regarding the shelter of animals. Also, the Police Department has received favorable reports from the Department of Agriculture who performs certifications.

Attorney Wells stated that the current agreements being contemplated do not identify expansion clauses.

Mayor Darnell has had many telephone calls on this subject also. He brought up details of savings for the Police Department and suggested we try it for 18 months.

Joe Segura Jr., 414 Southridge Road, spoke on behalf of the Shelter and supports it, but would like to see a compromise on the issue of using local veterinarians.

Marcia Adams, 900 Meng Drive, spoke on the issue of placing animals. She is the Shelter Coordinator for Rocky Mountain Newfoundland Rescue and she works with many shelters in a multi-state area. She said that the vets used would be qualified and vets she would use herself. She also is concerned that animals are not advertised. Also, other cities that have Humane Society's typically pay a per-animal fee that is not included in the agreements being contemplated.

Sharon Kellogg, President of Morgan Humane Society, spoke on its behalf. One example she noted today is that the Shelter is almost at full capacity. She feels that Code Enforcement Officers are overworked. She has volunteered her time at the Shelter for the past three years.

Jolene Doyle Miller, 2029 Meeker Street, spoke. Her Grandson wanted a cat and they went to the Shelter and all of the cats had watery eyes. The smell was bad and the facility in Brush was clean, the Fort Morgan Shelter was not.

Shirley Penn, 2612 Ann Avenue, Brush, does work in Fort Morgan and does work with many residents of Fort Morgan. Many of the people she works with could not afford the cost to spay or neuter their pets without the assistance from the Humane Society.

Pete Adams, 900 Meng Drive, spoke of the partnership with FurEver Friends who have chipped the dogs. He expressed the need to look at the savings of the transfer of animals in lieu of euthanasia.

Charlene Ryan, 14530 Hwy 34, operates a business and shops in Fort Morgan. She spoke about the need to work as a partnership; there is a great need in the whole Fort Morgan area. She fosters animals herself and spoke highly of Morgan Humane Society and FurEver Friends.

**Councilmember Lyn Deal offered the following resolution with the understanding that it there will be an 18-month trial period. Her motion was seconded by Councilmember Shaver. The vote upon roll call was Ayes: Mayor Darnell; Councilmembers Deal, Forstedt and Shaver. Nays: Councilmembers Simmons, McAlister and Powers.**

#### **RESOLUTION NO. 09 07 01**

#### **AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT AND THE SERVICE AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND THE MORGAN HUMANE SOCIETY**

**WHEREAS**, the presence of stray animals in the City of Fort Morgan is a public nuisance; and,

**WHEREAS**, it is necessary toward the abatement of said nuisance that the City provide a shelter for impounded, unwanted and other stray animals until they can be placed or humanely disposed of; and,

**WHEREAS**, the City deems it efficient and economical to contract with the Morgan Humane Society for the operation of an animal shelter; and,

**WHEREAS**, the Society is willing to undertake the operation of such a shelter; and,

**WHEREAS**, both entities have agreed to the terms and conditions as set forth in the **Lease Agreement** and the **Service Agreement between the City of Fort Morgan and the Morgan Humane Society**; and,

**WHEREAS**, City Staff has recommended the execution of both the **Lease Agreement** and the **Service Agreement between the City of Fort Morgan and the Morgan Humane Society** both of which are attached hereto and incorporated herein by this reference.

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

**SECTION 1:** The Mayor is hereby authorized to execute the **Lease Agreement** and the **Service Agreement between the City of Fort Morgan and the Morgan Humane Society**.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of July, 2009, the vote upon roll call being as follows:

Ayes: Mayor Darnell; Councilmembers Deal, Forstedt and Shaver.

Nays: Councilmembers McAlister, Powers and Simmons.

Absent / Abstain: None.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: \_\_\_\_\_  
Mayor Jack Darnell

ATTEST:

\_\_\_\_\_  
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 \_\_\_\_\_ day of July, 2009.

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Andrea Strand, City Clerk

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**RESOLUTION REGARDING THE PETITION FOR ANNEXATION AS FILED BY SALUD FAMILY HEALTH CENTERS, LLC, AND THE CITY OF FORT MORGAN**

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Director Callahan received a complete annexation request from Salud Family Health Centers that includes the Petition, an annexation agreement and a map from the surveyor. It does meet the local requirements; if approved, it would set forth the schedule, set a public hearing date and take to the Planning Commission for their recommendation. We received the map, but still need to get an electronic version of the map.

**Councilmember Shaver offered the following Resolution regarding the Petition for Annexation as filed by Salud Family Health Centers, LLC, and moved for its adoption. His motion was seconded by Councilmember McAlister. The vote by roll call was: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons. Nays: none.**

Said Resolution being in words, letters and figures as follows, to-wit:

**RESOLUTION NO. 09 07 02**

**Whereas**, the City Council has received from the City Clerk the **Petition for Annexation** as filed by Salud Family Health Centers, LLC and the City of Fort Morgan; and,

**Whereas**, the City Council finds that said **Petition for Annexation** is in substantial compliance with C.R.S. § 31-12-107 (1), specifically including a finding that the Petitioners are the owners of more than 50% of the territory included in the area proposed to be annexed.

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

THAT the City Council finds the **Petition for Annexation** to be in substantial compliance with C.R.S. § 31-12-107 (1) and hereby schedules a Public Hearing on the **Petition for Annexation** as required by C.R.S. § 31-12-108, Said Public Hearing to be held as follows:

DATE: August 18, 2009  
TIME: 7:00 P.M.  
PLACE: Council Chambers  
100 Main Street  
Fort Morgan, Colorado

The purpose of such Public Hearing is to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105.

FURTHER, the City Clerk is directed to give notice as required by C.R.S. § 31-12-108 (2) by publication of a copy of this **Resolution** or the **Petition for Annexation** as filed (exclusive of signatures), together with a **Notice** that, on the date, time, and place set forth above, the City Council of the City of Fort Morgan, Colorado, shall hold a Hearing upon the **Petition for Annexation** for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. §§ 31-12-104 and 31-12-105 and is considered eligible for annexation. Said **Notice** shall be published once a week for four (4) successive weeks in *The Fort Morgan Times*.

The first publication of such **Notice** shall be at least thirty (30) days prior to the date of the Public Hearing. The Proof of Publication of the **Notice** and **Resolution** or **Petition** shall be returned when the publication is completed, and the certificate of the Owner, Editor or Manager of the newspaper in which said **Notice** is published shall be proof thereof, and a Public Hearing shall then be held as provided in said **Notice**.

FURTHER, a copy of the published **Notice**, together with a copy of the **Petition for Annexation** as filed, shall also be sent by registered mail to the Clerk to the Board of County Commissioners for Morgan County, the Morgan County Attorney, the Morgan County Land Use Department, the local School District and to any special district having territory within the area to be annexed, at least twenty-five (25) days prior to the date fixed for such Public Hearing.

FURTHER, that the **Petition for Annexation**, including the zoning of the subject property, is hereby referred to the Planning Commission for its review and recommendations, including compliance with the Annexation Plan of the City.

PASSED AND ADOPTED this 7<sup>th</sup> day of July, 2009.

[ SEAL ]

\_\_\_\_\_  
Jack L. Darnell, Mayor

ATTEST:

\_\_\_\_\_  
Andrea Strand, City Clerk

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**RESOLUTION RATIFYING THE MAYORS ACCEPTANCE OF THE BID FROM EATON SALES & SERVICE, LLC, OF WINDSOR, COLORADO, IN THE AMOUNT OF \$43,955 FOR SOLE-SOURCE AIRPORT AVIATION FUEL UPGRADE AT THE FORT MORGAN MUNICIPAL AIRPORT**

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Manager Merrill explained the prior emergency approval by Mayor Darnell regarding the bid from Eaton Sales & Service, LLC, due to the safety issues at the Airport.

Councilmember Powers offered the following Resolution to Ratify the Mayors Acceptance of the Bid from Eaton Sales & Service, LLC, for Sole Source Airport Aviation Fuel Upgrade at the Fort Morgan Municipal Airport, 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 NO. 09 07 03**

**RATIFYING THE MAYORS ACCEPTANCE OF THE BID FROM  
EATON SALES & SERVICE, LLC, OF WINDSOR, COLORADO,  
IN THE AMOUNT OF \$43,955 FOR SOLE-SOURCE AIRPORT AVIATION FUEL UPGRADE  
AT THE FORT MORGAN MUNICIPAL AIRPORT.**

**WHEREAS**, City Staff has identified the need to replace the existing fueling system at the Fort Morgan Municipal Airport; and,

**WHEREAS**, City Staff has requested and the State Airport Engineer of the Colorado Department of Transportation Aeronautics Division has accepted that a portion of the funds for this upgrade shall be taken from an existing State grant; and,

**WHEREAS**, due to the urgency of upgrading this system, City Staff recommended that the bid process and acceptance be fast tracked to protect the safety of those citizens using the current fuel system at the Airport; and,

**WHEREAS**, Eaton Sales & Service, LLC of Windsor, Colorado, have agreed to complete a sole-source airport aviation fuel upgrade at the Fort Morgan Municipal Airport; and,

**WHEREAS**, previously, Mayor Jack Darnell, accepted the bid from Eaton Sales & Service, LLC, in the amount of \$43,955.00 for the sole-source airport aviation fuel upgrade.

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

**Sec. 1:**The Mayor's acceptance of the bid from Eaton Sales & Service, LLC, of Windsor, Colorado, in the amount of \$43,955 for sole-source airport aviation fuel upgrade at the Fort Morgan Municipal Airport is hereby ratified.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of July, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: None.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: \_\_\_\_\_  
Mayor Jack Darnell

ATTEST:

\_\_\_\_\_  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Andrea Strand, City Clerk

**FIRST READING OF AN ORDINANCE ENTITLED, “AN ORDINANCE ADOPTING SECTION 2-21 ESTABLISHING CASH AND IN-KIND DONATION PROCEDURES”**

Attorney Wells presented an Ordinance for Council consideration on first reading and stated that this Ordinance establishes cash and in-kind donation procedures to meet Council’s policy expectations. The most recent change is to establish deadlines for when applications are to be turned in, when they will be considered by Council and that the expenditure is subject to budget limitations. His office will fix the typographical error in the fourth WHEREAS paragraph, changing the word “polices” to “policies.” Councilmember Powers is concerned about problems arising from entities coming in late with requests, but he wanted clarification that if that occurs, the request must be a new request. Attorney Wells confirmed his clarification.

**ORDINANCE NO. 1084**

**AN ORDINANCE ADOPTING SECTION 2-21  
ESTABLISHING CASH AND IN-KIND DONATION PROCEDURES**

**WHEREAS**, from time to time the City of Fort Morgan provides cash and in-kind services donations to various organizations that benefit the Community through services or events; and,

**WHEREAS**, the current procedure for obtaining in-kind services is located in the City of Fort Morgan General Policy Book; and,

**WHEREAS**, there is no Council procedure for requesting cash donations; and,

**WHEREAS**, the Fort Morgan City Council has placed a priority on changing policies into ordinances; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO** that Sec. 2-21 is hereby adopted as follows:

**Section 1. Adoption of Sec. 2-21 Requests for Cash and In-Kind Donations**

(a) Except as provided in (b) of this section, all requests for in-kind services or cash donations by an organization that provides a service for the community or that organizes a community event shall be made by application to the City Treasurer. Such application shall be submitted on or before the first day of September for consideration in the budget process for the upcoming year and shall identify the need in the community for the expense and the benefit such expense will provide to the community. The application will then be presented to Council at the second work session in September. Council will vote to approve or deny requests at the first regular meeting in October.

(1) Only non-profit organizations are eligible for cash donations. All organizations that wish to receive a benefit under this section must apply annually.

(2) The City Council may consider providing cash donations and in-kind services on applications received after the first of September if the event or service is new and was not established prior to the September deadline, and City Council has budgeted discretionary funding for this purpose in the current budget.

(b) All requests that are equal to or less than \$1,000.00 of in-kind services for events sponsored by a non-profit may be submitted by application to the City Manager at anytime for approval.

**Section 2.** This Ordinance hereby repeals and supersedes all policies or resolutions pertaining to the subject of Sec. 2-21.

INTRODUCED, READ AND PASSED UPON FIRST READING this 7<sup>th</sup> day of July, 2009, 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: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION:**

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:

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 7th day of July, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons. Nays: none.

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**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING QUALITY WATER EASEMENT AT BARLOW ROAD**

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Attorney Wells explained the specifics of the original Intergovernmental Agreement concerning the Quality Water easement at Barlow Road and stated that this addendum will save the City money for crossing and enable the City to put fiber optics under the railroad to the Excel substation.

Engineer Curtis stated in looking for an open conduit which we believed was the City's, found that it was actually Quality Water's conduit so we worked with them to obtain their approval for this addendum for our project. Quality Water's Board has already approved the Addendum.

**Councilmember Shaver offered the following Resolution to Authorize the Mayor to Execute the Addendum to the Intergovernmental Agreement concerning the Quality Water Easement at Barlow Road, and moved for its adoption. His motion was seconded by Councilmember Powers; said resolution being in words, letters and figures as follows, to-wit:**

**RESOLUTION NO. 09 07 04**

**AUTHORIZING THE MAYOR TO EXECUTE THE  
ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING QUALITY  
WATER EASEMENT AT BARLOW ROAD.**

**WHEREAS**, the City of Fort Morgan previously entered into a **Intergovernmental Agreement** with Morgan County Quality Water District ("Quality Water") on September 21, 1993; and,

**WHEREAS**, that Agreement provided that Quality Water would obtain a 12" crossing under the BNSF Railroad crossing at Barlow Road; and,

**WHEREAS**, at this time the expansion plans of Quality Water do not include a crossing at Barlow Road at this time; and,

**WHEREAS**, the City requires an additional crossing point for its fiber optic network; and,

**WHEREAS**, Quality Water has agreed to allow the City to utilize the crossing that was originally identified for their use at Barlow Road; and,

**WHEREAS**, both entities have agreed to the terms and conditions as set forth in the **Addendum to the Intergovernmental Agreement Concerning Quality Water Easement at Barlow Road**; and,

**WHEREAS**, City Staff has recommended the execution of the **Addendum to the Intergovernmental Agreement Concerning Quality Water Easement at Barlow Road**, attached hereto and incorporated herein by this reference.

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

**Section 1.** The Mayor is hereby authorized to execute the **Addendum to the Intergovernmental Agreement Concerning Quality Water Easement at Barlow Road**.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of July, 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent / Abstain: None.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

BY: \_\_\_\_\_  
Mayor Jack Darnell

ATTEST:

\_\_\_\_\_  
Andrea Strand, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN )  
CITY OF FORT MORGAN )

ss.

**CERTIFICATE**

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Andrea Strand, City Clerk

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## **CONSENT AGENDA**

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

- A. Approve the minutes from the June 9, 2009, special meeting.
- B. Approve the minutes from the June 16, 2009, regular meeting.
- C. Approve the renewal application for a Tavern Liquor License for Harold Dehaan Post 19, dba American Legion Inc., located at 121 Nelson Road, with a clear police investigation report.
- D. Approve the renewal application for a 3.2% Beer Liquor License for G & S Services Co., dba Conoco Outpost, located at 1410 Barlow Road, with a clear police investigation report.
- E. Approve the Application for Corporate Report of Changes for the Club Liquor License for Fort Morgan Elks Lodge No. 1143, located at 430 State Street, with a clear police investigation report.

All matters listed under Item 12, 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 7th day of July, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons. Nays: none.

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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Dr. Chuck Thimmig, 409 South Sherman, Fort Morgan, commented that a few weeks ago, rabies were found in skunks about five miles south of Fort Morgan. Since then, they have had at least two more rabid skunks and one rabid bat in the City of Fort Morgan. He wanted to make people aware that rabies is in the area and we need to take due precautions. He encouraged rabies shots in pets and to watch kids.

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**REPORTS**

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The following Directors provided written reports to Council:

City Manager Merrill thanked the Staff, the City of Brush and the citizens of Fort Morgan for patience and help in clean-up after the recent storm. He has now identified areas in the budget for capital improvement programs connected with storms. Budget meetings are underway. He stated that Amtrak received funds to upgrade the Fort Morgan depot to meet ADA compliance. Morgan County Council of the Arts has agreed to help paint a mural on the side of the City building where Jack's Bean Company used to be. Councilmember McAlister had phone calls regarding Bresnan cable lines running across alleys. Also, there are channels citizens are paying for, but not getting. Attorney Wells will identify the deficiencies, will speak to Bresnan and send a letter, if needed, to Bresnan. Manager Merrill asked and Attorney Wells confirmed that the current agreement ends in 2011. Councilmember Powers remarked that while going down Eighth Avenue, he saw erosion problems, so while we will be trying to fix the alleys, the cable laying there will be in the way.

Police Chief Kuretich  
Water Resources/Wastewater Treatment Director Dreessen

Municipal Engineer Curtis stated that he approves the right-of-way permits for the cable lines and he will follow up on this issue also.

Human Resources and Risk Management Director Prentice  
Community Services Director Shedd  
Community Development Director Callahan  
Treasurer Schafer  
Fort Morgan Volunteer Fire Department Chief Parker

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Clerk Strand announced the upcoming bids and meetings.

Mayor Darnell adjourned the July 7, 2009, regular meeting at 10:05 p.m.

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*/s/ Jack L. Darnell, Mayor*

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*/s/ Andrea J. Strand, City Clerk*