

February 2, 2010

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 5:30 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Terry L. McAlister
Councilmember Scott Bryan
Councilmember Sharol Lyn Deal
Councilmember Debra J. Forstedt
Councilmember Brent M. Nation
Councilmember James A. Powers
Councilmember Ron Shaver

EXECUTIVE SESSION

At approximately 5:40 p.m., Councilmember Forstedt 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); specifically matters regarding water purchases for the City of Fort Morgan. Her motion was seconded by Councilmember Shaver and duly carried.

Mayor McAlister announced, "The time is now 6:06 p.m.; we conclude the Executive Session and will return to the open meeting at approximately 7:00 p.m." Upon returning to the open meeting, Mayor McAlister announced, "The Executive Session has concluded. The participants in the Executive Session were Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver; City Attorney Jeffrey Wells; City Manager Pat Merrill; City Treasurer Terri Schafer and Director Gary Dreessen.

"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, the Executive Session is concluded and I ask Councilmember Powers to report on the Executive Session."

Councilmember Powers offered a Resolution to direct the City Manager or his designee to search for Colorado Big Thompson CB-T water and to purchase units up to the amount budgeted, and authorize the Mayor to sign any documents related to the purchase of water. His motion was seconded by Councilmember Shaver.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2010, the vote upon roll call was as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

7:00 P.M. – REGULAR MEETING

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Fire Chief Brad Parker, Police Chief Keith Kuretich, Director of Water Resources/Wastewater

Treatment Gary Dreessen, Municipal Engineer Brad Curtis, Community Development Director David Callahan, Director of Human Resources & Risk Management Jody Prentice, Treasurer Terri Schafer and City Clerk Andrea Strand.

PRESENTATION OF FORT MORGAN POLICE DEPARTMENT AWARDS

Chief Kuretich presented the 2009 Police Department Awards. The ceremony honored Fort Morgan Police Department employees, citizens and businesses in the community who have been identified by the Police Department for demonstrating a commitment to serving Fort Morgan and assisting the Police Department. Those recognized for the Citizen's Citation for Meritorious Service Award were: Ashley Zamora, Valarie Laydon, Richard Ferguson, Kevin Kuretich, Brandon Kuretich, Ron Jasso, Glenda Powell, Jorge Rico, Elisio Faz, Art Caudle, Jeff Schwindt, Matthew Branon, Amy Harris, Wal-Mart Stores, Miller's Landscaping Materials and Murdoch's Ranch & Home Supply.

Certificates of Appreciation were given to media members: *The Fort Morgan Times* newspaper, B106 Radio and KFTM Radio.

Safe Driving Awards were presented to: Cindy Brackett, Darin Sagel, Loren Sharp, Roger Doll and Kevin Miller.

Letters of Commendation/Awards were presented to: Lieutenant Darin Sagel; Detective Sergeant Loren Sharp; Sergeant Brian Cantin; Sergeant Steve Brown; Officers Joshua Kaber, Anthony Gagliano, Cindy Brackett, Pete Coffin, Ken Mooney, Dominick Lucero and Ted Thyne; Detective Todd Zwetzig; Detective Steve Vosburg and Chaplain Bob Schreiner.

Distinguished Service Awards were presented to: Sergeant Steve Brown and Officer Ted Thyne.

Medal of Valor Awards were presented to: Officers Dominick Lucero and Pedro Malave.

Employee of the Year was awarded to: Police Clerk Stephanie Harman.

Employee Awards Recognition Committee members were: Lieutenant Darin Sagel, Sergeant Jim Parks, Officer Roger Doll and Police Clerk Mary Holt.

PRESENTATION OF A PROCLAMATION FOR MORGAN COMMUNITY COLLEGE'S 40TH ANNIVERSARY

Dr. Kerry Hart read the following Proclamation and asked for its adoption; said Proclamation being in words, letters and figures as follows, to-wit:

PROCLAMATION: MORGAN COMMUNITY COLLEGE 40th ANNIVERSARY

WHEREAS, Morgan Community College (MCC) is a two-year college, one of 13 community colleges in the Colorado Community College System (CCCS), Colorado's largest system of higher education; and

WHEREAS, MCC serves students in 11,000 square-miles of Eastern Colorado including the counties of Morgan, Washington, Yuma, Lincoln, Kit Carson and the eastern half of Adams and Arapahoe counties; and

WHEREAS, the main campus at Fort Morgan and the four centers throughout the service area provide the first two years of a college degree, career and technical education, adult basic education, college classes for high school students, and customized training for business and community; and

WHEREAS, MCC is committed to student access, student success, teaching excellence, valuing people, operational excellence, innovative leadership, community leadership and partnership, and continuous improvement; and

WHEREAS, as we look to the future, MCC will continue to partner with students in imagining, believing and achieving their goals; now

THEREFORE BE IT RESOLVED, that I, Terry McAlister, Mayor of the City of Fort Morgan, in recognition of the vital service provided by Morgan Community College to the citizens of the City of Fort Morgan and Eastern Colorado, do hereby declare February 24, 2010, as MCC Day in celebration of the 40th Anniversary of Morgan Community College.

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

(Seal)

/s/ Terry McAlister, Mayor

February 2, 2010

Councilmember Forstedt offered a motion to adopt the Proclamation as read by Dr. Hart. Her motion was seconded by Councilmember Bryan and carried unanimously.

Dr. Hart invited Council to an Open House to celebrate Morgan Community College Day on February 24, 2010, at 300 Main Street, from 1:00 p.m. to 6:00 p.m.

PUBLIC HEARING FOR: WAL-MART STORES, INC. APPLICATION FOR A MINOR SUBDIVISION

Mayor McAlister made opening comments stating, "Let the record show that the public hearing before the City Council for the purpose of hearing written and oral comments from the public concerning the application for a minor subdivision by Wal-Mart Stores, Inc., is convened this 2nd day of February, 2010, during the hour of 7:00 p.m. Any interested party may make a statement or comment, or ask questions before City Council considers and rules on the minor subdivision. I would request that any person making such statements or comments identify yourself by signing in and then stating your name and address. Each person's comments are limited to three minutes. If there is anyone present who wishes to comment regarding the application on the public record, you may come forward now."

Loren Shanks, who is employed by the surveying company doing the plat work for Wal-Mart, spoke to Council and stated that the sole purpose of this action was to move the south line of Lot 2 (fueling station) so that Wal-Mart's existing sign would be on the same lot (Lot 1) as Wal-Mart.

Clerk Strand stated that the Notice of Public Hearing was published in *The Fort Morgan Times* on January 21, 2010.

Director Callahan presented a Council Communication; said memo being in words, letters and figures as follows, to-wit:

FROM: David Callahan, AICP Community Development Director

SUBJECT: Case MS-09-005: Wal-Mart Minor Subdivision *Agenda Item 3.*

DATE: February 17, 2010

MEETING DATE: February 2, 2010

PUBLIC HEARING:

Case MS-09-005: Wal-Mart Minor Subdivision

Request: A minor subdivision to shift the southern property line of Lot 2 twenty feet to the north, and thereby include the existing monument sign on the same property (Lot 1) as the existing Wal-Mart.

Location: South of I-76 and east of Barlow Road, at 1280 and 1300 North Barlow Road

Zoning: General Business (B-2)

Applicant: Wal-Mart Stores, Inc.

Contact: Roy Covert

Consultant: Loren Shanks, Drexel Barrell

SUMMARY:

The minor subdivision process is reserved for divisions of land of fewer than five lots or parcels. This request seeks to re-divide two existing lots to adjust a property line and thereby include the existing Wal-Mart sign on the same property as the existing Wal-Mart.

BACKGROUND:

Wal-Mart Stores, Incorporated, currently owns both Lots 1 and 2. The existing Fort Morgan Wal-Mart (the Supercenter) is located on Lot 1, and a motor vehicle fueling station (Mirastar) is located on Lot 2. Lot 2 is currently leased to Mirastar, but Wal-Mart would like the option of being able to transfer the title of Lot 2. Since the existing monument sign for the Supercenter is located on Lot 2, this boundary line adjustment will insure that the sign remains on the property that it serves. *The City's subdivision regulations do not provide a procedure for amending or changing a plat. Because this request merely seeks to move a property line in a fashion that has no significant affects on neighbors or future development, staff has used the minor subdivision process to review the request, however, the end result will be a "replat."*

ANALYSIS: Staff has reviewed the applicable regulations for a minor subdivision of this sort, and finds that all applicable requirements for the boundary line adjustment can be met. There is no minimum lot size in the General Business zoning district, and there will be no zoning violations, concerns or nonconformities created with this request.

REFERRALS:

The city's minor subdivision process does not require a notice to property or interest owners. However, as a good planning practice, referrals were sent to the city's traffic engineer, the municipal engineer, the City Attorney, the Colorado Department of Transportation (CDOT) staff, and fourteen adjacent property owners (based on the County Assessor's records). Referral responses are attached, and summarized below:

- Municipal Engineer— suggested making the adjusted property line coincident with the existing easement
- City Traffic Engineer/Police Chief—no conflict
- City Attorney—no conflict
- CDOT—no conflict

PLANNING COMMISSION REVIEW:

The Planning Commission held a public hearing to consider this case on January 11, 2010. The Commission asked if the easement access would be widened with the change in the property line, and the Applicant responded that it would not, that only the property line would change. The Commission voted unanimously to approve the request.

SUPPORTING DOCUMENTS:

The proposed replat and Referral comments

ACTION REQUESTED:

Staff and the Planning Commission recommend approval of MS-09-005: Wal-Mart Minor Subdivision: A minor subdivision to shift the southern property line of Lot 2 twenty feet to the north, and thereby include the existing monument sign on the same property (Lot 1) as the existing Wal-Mart.

Director Callahan stated that the Planning Commission approved the recommendation as presented.

Comments from the Applicant and the Public, written/oral. None were received.

Comments by City Council. Councilmember Bryan asked about the comment on the project report, by the City Engineer, suggesting the adjusted property line coincide with the existing easement. Director Callahan stated that staff had discussed this and felt there was no issue of concern.

Councilmember Powers offered a motion to close the hearing. His motion was seconded by Councilmember Shaver and carried unanimously.

Action on the Application

Attorney Wells informed Council that they had received the evidence from the applicant and staff and the application met the statutory requirements.

Councilmember Nation offered a motion to approve the application for a minor subdivision as submitted by Wal-Mart Stores Inc. His motion was seconded by Councilmember Shaver and carried unanimously.

PUBLIC HEARING FOR: DELTA OILFIELD, GARY HARMS, JUNIOR, APPLICATION FOR A MINOR SUBDIVISION

Mayor McAlister made opening comments stating, “Let the record show that the public hearing before the City Council for the purpose of hearing written and oral comments from the public concerning the final plat for a minor subdivision by Delta Oilfield is convened this 2nd day of February, 2010, at 7:50 p.m. Any interested party may make a statement or comment, or ask

questions before City Council considers and rules on the minor subdivision. I would request that any person making such statements or comments identify yourself by signing in and then stating your name and address. Each person's comments are limited to three minutes. If there is anyone present who wishes to comment regarding the application on the public record, you may come forward now."

Clerk Strand stated that the Notice of Public Hearing was published in *The Fort Morgan Times* on January 21, 2010.

Director Callahan presented a Council Communication; said memo being in words, letters and figures as follows, to-wit:

FROM: David Callahan, AICP Community Development Director
SUBJECT: Case MS-09-009: Delta Oil Minor Subdivision *Agenda Item 4*.
DATE: February 17, 2010

MEETING DATE: February 2, 2010

PUBLIC HEARING:

Case MS-09-009: Delta Oilfield Minor Subdivision

Request: A minor subdivision to create two separate building lots from previously unsubdivided land; Lot 1 of 6.33 acres, and Lot 2 of 3.674 acres.
Location: South of East Plate Avenue (Hwy. 34) and east of Industry Drive, in Section 4, T3N, R57W.
Zoning: Industrial (I)
Applicant: Delta Oilfield Tank Company, LLC, Gary Harms, Junior
Contact: Lindsey Enninga

SUMMARY:

The minor subdivision process is reserved for divisions of land of fewer than five lots or parcels. This request seeks to divide a 10-acre parcel of land into two lots. The property has not been previously subdivided.

BACKGROUND:

The existing 10-acre parcel was originally part of a 25-acre unsubdivided parcel of land that was described by deed as two parcels; one of 15-acres (Parcel A), and another parcel of 10-acres (Parcel B), all on one deed as recently as 1986. The entire (25-acre) tract was annexed to the City in 1987. The existing owner purchased the 10-acre Parcel B and constructed a 38,000 square-foot manufacturing facility in 2007.

Delta Oilfield Tank Company produces oilfield tanks from the existing facility. If the land is divided as proposed, Lot 1 will continue to serve as the manufacturing facility for Delta Oilfield Tank Company, and Lot 2 will be used for outside storage by another industrial use. Outside storage is an allowed use in the Industrial zoning district.

ANALYSIS: Staff has reviewed the applicable regulations for a minor subdivision of this sort, and finds that all applicable requirements for the proposed two lots can be met. There is no minimum lot size in the Industrial zoning district, and there will be no zoning violations, concerns or nonconformities created with this request. The minor subdivision plat meets the usual conventions for a subdivision of this type. However, to conform to the City's adopted subdivision

regulations and Comprehensive Plan, the minor subdivision should be revised to properly dedicate 30 feet of right-of-way along Moseley Road.

Since there is no new construction proposed in conjunction with this request, it is not appropriate to require any improvements to existing rights-of-way.

REFERRALS:

The city's minor subdivision process does not require a notice to property or interest owners. However, as a good planning practice, referrals were sent to the city's traffic engineer, the municipal engineer, the City Attorney, the County staff, and nine adjacent property owners (based on the County Assessor's records). Referral responses are attached, and summarized below:

- Municipal Engineer—notes the need for future improvements to Industry drive, and that the proposed plat shows private ownership of a portion of Moseley Road
- City Traffic Engineer/Police Chief—clarify the intent, if any, of accessing Moseley Road; current public improvements (Industry Drive) do not extend to Lot 2.
- City Attorney—no conflict
- County Planning—no conflict

PLANNING COMMISSION REVIEW:

The Planning Commission held a public hearing to consider this case on January 11, 2010. There was a brief discussion concerning the amount of outside storage located on the street ROW; staff explained that it was not a significant issue, but one that should be resolved, and is why staff is requesting conditional approval (Please see condition of approval one, under Action Requested, below). The Commission voted unanimously to approve the request, subject to the three conditions listed below.

SUPPORTING DOCUMENTS:

The proposed Minor Subdivision (plat) and Referral comments

ACTION REQUESTED:

Staff and the Planning Commission recommend approval of MS-09-009: Delta Oilfield Minor Subdivision: A minor subdivision to create two separate building lots from previously unsubdivided land; Lot 1 of 6.33 acres, and Lot 2 of 3.674 acres; subject to the following conditions:

- 1) Any existing storage located on any portion of the existing platted street right-of-way of Industry Drive shall be removed;
- 2) The final plat shall be revised to dedicate 30 feet of right-of-way along Moseley Road in accordance with the City's subdivision regulations and the Comprehensive Plan; and
- 3) At such time as new development requiring a building permit may be proposed on Lot 2, the owner of Lot 2 shall pay the proportional share associated with the street pavement costs for the extension of Industry Drive.

Director Callahan stated that the Planning Commission approved the recommendation as presented.

Comments from the Applicant and the Public, written/oral. Ed Burn, who represented Ron Schwindt, the original conveyer of the entire parcel of the property, encouraged Council to

approve this request as presented. Clerk Strand stated she had not received any written comments.

City Councilmembers had no comments.

Councilmember Powers offered a motion to close the Public Hearing. His motion was seconded by Councilmember Forstedt and carried unanimously.

Action on the Application

Attorney Wells informed Council that they had received the evidence from the applicant and staff and the application met the statutory requirements.

Councilmember Nation offered a motion to approve the application for a minor subdivision as submitted by Delta Oilfield. His motion was seconded by Councilmember Powers and carried unanimously.

GATEWAY PARK ANNEXATION

Director Callahan presented a Council Communication; said memo being in words, letters and figures as follows, to-wit:

FROM: David Callahan, Director of Community Development

SUBJECT: Case AN-09-011: Gateway Park Annexation *Agenda Item*

DATE: February 17, 2010

MEETING DATE: February 2, 2010

PUBLIC HEARING:

Case AN-09-011: Gateway Park Annexation

Request: The annexation of 2 acres into the City of Fort Morgan

Location: South of Gateway Avenue, A Parcel of land in the North ½ of Section 8, Township 3 North, Range 58 West

Proposed

Zoning: Low Density Residential (R-1)

Applicant: The City of Fort Morgan

SUMMARY: At a duly noticed and authorized public hearing held on January 5, 2010, the City Council accepted the Petition for Annexation and determined that the property is eligible for annexation. At this same public hearing, and in accord with established policy, the Council referred the annexation request to the Planning Commission for its consideration and recommendation. The Planning Commission reviewed the request at their regular meeting of January 25, 2010, and recommends approval.

BACKGROUND: This two-acre parcel of land is owned by the City, and currently serves as Gateway Park; a neighborhood park south of Countryside Acres and east of Gateway subdivisions. The land is landscaped and includes a picnic shelter and playground.

Since the land is owned by the City, and serves as a city park, there would be certain efficiencies gained if it were annexed into the city. For example, currently the County Sheriff's staff must respond to any disturbances in the park, when it would make common sense for the City's police department to respond to these issues.

The Comprehensive Plan provides general information on the annexation process, cites applicable state law, sets out twelve principles for the annexation of property, includes a map that depicts annexation priorities, and provides an annexation checklist. Additionally, it includes by reference the annexation policy and procedures adopted by City Council on May 2, 1995. Staff has reviewed the applicable principles, policy, checklist, and maps, all of which are the substance of the following analysis. A copy of all of the applicable material is attached.

ANALYSIS: (The following bullets respond to the Annexation Checklist; bullets in the checklist that are not applicable to this case are not addressed below)

- The existing park use is compatible with the overall land use pattern depicted in the Future Land Use Plan. The plan shows this area as *Parks and Open Space*. The City intends to continue use of the area as a park.
- Staff developed an annexation petition and determined that all of the applicable requirements have been met. A petition for annexation has been properly executed, a community of interest exists, all appropriate districts have been notified, the one-sixth contiguity requirement is met, the land is within the City's adopted Urban Growth Area, and is capable of being integrated with the City, the City can provide all necessary services to the property with no need to finance trunk line extensions, and all other applicable statutory requirements have been met.
- Four copies of a properly prepared annexation map have been provided.
- The adopted street plan does not require additional right-of-way from this property.
- The staff has not prepared a qualitative analysis of the benefits and liabilities in this case, as it is not warranted. The property is already developed as a park, and is immediately adjacent to the existing city limits.

(The following bullets respond to the Adopted Principles; principles that are not applicable to this case are not addressed below)

- The area to be annexed is within the designated Urban Growth Area.
- There is no proposed residential development with this request, so there will not be impacts to schools.
- This request is within an area designated as "First Priority" on the City's adopted Annexation Plan Map.

(The following bullets respond to the Annexation Policies; policies that are not applicable to this case, or that have been addressed above, are not addressed below)

- The Planning Commission reviewed all of the applicable material and recommends approving the annexation, and further recommends that the proper zoning classification should be Low Density Residential (R-1).

ZONING:

Staff and Planning Commission recommend the Low Density Residential (R-1) zoning classification. This is the same classification for the land immediately to the west (Gateway subdivision), and provides for parks, playgrounds and recreational areas.

The Zoning and Land Use Code does not have a zoning district designation expressly for park uses. Since state law requires that annexed land be zoned, the conventional solution is to choose the zoning category that is most closely aligned to the intended use and conforms to the existing and future land use plan of the city.

PLANNING COMMISSION REVIEW:

The Planning Commission reviewed this annexation at their regular meeting of January 25, 2010. There were no issues or concerns raised by the Commission, and they voted unanimously to recommend approval and to zone the property as Low Density Residential (R-1).

SUPPORTING DOCUMENTS:

Comprehensive Plan Annexation Introduction, et seq., the City Council Adopted Annexation Policy.

ACTION REQUESTED: Staff and the Planning Commission find that all of the applicable policies, checklist, and statutory requirements have been met, and therefore recommend approval of the Gateway Park Annexation and that the land be zoned as Low Density Residential (R-1).

FIRST READING OF THE ANNEXATION ORDINANCE

Attorney Wells stated that one change needed to be made to the Ordinance as presented, that being the date of the presentation to Council on January 5, 2010, not January 3, 2010. He presented for Council consideration on first reading an Ordinance being in words, letters and figures as follows:

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN
THAT AREA KNOWN AS THE GATEWAY PARK ANNEXATION
AS DESCRIBED HEREIN**

WHEREAS, the City Council of the City of Fort Morgan on December 1, 2009, adopted a resolution finding that the Gateway Park petition for annexation was in substantial compliance with C.R.S. §31-12-107, and set a hearing date of January 5, 2010, for the Fort Morgan City Council to consider the annexation of the area set forth below; and

WHEREAS, pursuant to the notice required under C.R.S. §31-12-108, the Municipal Annexation Act of 1965 as amended, hereinafter referred to as the Annexation Act, the City Council of Fort Morgan held on January 5, 2010 a hearing pertaining to said annexation; and

WHEREAS, owners of one hundred percent (100%) of the area have petitioned for such annexation; and

WHEREAS, the City Council of the City of Fort Morgan has by resolution made findings of fact and conclusions of law based thereon and determinations pertaining to said annexation, and has determined said area should be annexed forthwith as part of the City of Fort Morgan.

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

SECTION 1. The following described territory is hereby annexed to and made a part of the City of Fort Morgan, Colorado:

A PARCEL OF LAND IN THE NORTH 1/2 OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GATEWAY AVENUE, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 8 BEARS NORTH 64°50'45" WEST 2,774.68 FEET AND ASSUMING THAT THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 8 BEARS SOUTH 00°05'00" WEST;

THENCE NORTH 89°46'50" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF GATEWAY AVENUE, 310.00 FEET;

THENCE SOUTH 00°08'20" WEST 281.03 FEET;
THENCE SOUTH 89°46'50" WEST 310.00 FEET;

THENCE NORTH 00°08'20" EAST 281.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS THE PROPERTY FILED UNDER BOOK 954, PAGE 730 AND UNDER RECEPTION NUMBER 736034 AND CONTAINS 87,118 SQUARE FEET, MORE OR LESS.

TOGETHER with all water and water rights appurtenant thereto;

SECTION 2. When this annexation is complete, said area shall become a part of the City of Fort Morgan for all intents and purposes on the effective date of this ordinance, with the exception of general taxation, in which respect said annexation shall not be effective until on or after January 1 next ensuing.

SECTION 3. The City Clerk shall be, and she is hereby authorized and directed to file an original copy of this Ordinance and one copy of the Map of Annexation in the office of the City Clerk of the City of Fort Morgan, Colorado, and two certified copies of said Ordinance and Map of Annexation in the office of the Clerk and Recorder of Morgan County, Colorado.

SECTION 4. The ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 2nd day of February, 2010.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

/s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED the _____ day of _____, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

[SEAL]

Mayor

ATTEST:

City Clerk

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

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing Ordinance No. ____ was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 2nd day of February, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 5th day of February, 2010 published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the _____ day of _____, 2010. Within five (5) days after its final passage, said Ordinance was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

City Clerk

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, 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 2nd day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: None.

FIRST READING OF THE ZONING ORDINANCE

Attorney Wells presented for Council consideration on first reading an Ordinance being in words, letters and figures as follows to wit:

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A ZONING DISTRICT
IN AND UPON LANDS ANNEXED TO THE CITY OF FORT MORGAN, COLORADO, AND
FOR SAID PURPOSE REVISING AND SUPPLEMENTING THE
ZONING DISTRICT MAP OF SAID CITY**

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

WHEREAS, a petition for annexation of certain property described in Exhibit A, attached hereto and made a part hereof, and known as the Gateway Park Annexation, was filed with the City Council of the City of Fort Morgan; and,

WHEREAS, said property was annexed to the City by Ordinance; and,

WHEREAS, the City Council must provide for the zoning of said property; and,

WHEREAS, the City Council provided notice of the public hearing on said zoning by publication as provided by law; and,

WHEREAS, no protests were received by the City pursuant to C.R.S. §31-23-305; and,

WHEREAS, the landowners of said property have requested the same to be zoned R-1: Residential District; and,

WHEREAS, a R-1 zoning classification for residential uses is consistent with the City's plan for the area; and,

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

SECTION 1. That certain property known as the Gateway Park Annexation, the legal description of which is set forth in Exhibit A attached hereto and incorporated herein by this reference, is hereby zoned R-1: Residential District as permitted and that the Zoning District Map of the City of Fort Morgan, Colorado, be amended accordingly.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 2nd day of February, 2010.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED by title only the ____ day of _____, 2010.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: _____
Mayor

ATTEST:

City Clerk

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

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No.** ____ was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 2nd day of February, 2010. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 5th day of February, 2010, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the ____ day of _____, 2010. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

City Clerk

Gateway Annexation Exhibit A

A PARCEL OF LAND IN THE NORTH 1/2 OF SECTION 8, TOWNSHIP 3
NORTH, RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORGAN
COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GATEWAY AVENUE, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 8 BEARS NORTH 64°50'45" WEST 2,774.68 FEET AND ASSUMING THAT THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 8 BEARS SOUTH 00°05'00" WEST;
THENCE NORTH 89°46'50" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF GATEWAY AVENUE, 310.00 FEET;
THENCE SOUTH 00°08'20" WEST 281.03 FEET;
THENCE SOUTH 89°46'50" WEST 310.00 FEET;
THENCE NORTH 00°08'20" EAST 281.03 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL CONTAINS THE PROPERTY FILED UNDER BOOK 954, PAGE 730 AND UNDER RECEPTION NUMBER 736034 AND CONTAINS 87,118 SQUARE FEET, MORE OR LESS.

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, that the foregoing Ordinance entitled above; and the same is hereby ordered published in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and that said Ordinance again be presented to this Council at the expiration of said period of publication for final action thereof.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: None.

Schedule a Public Hearing

Councilmember Powers offered a motion to schedule a public hearing for February 16, 2010, to receive comments from the public concerning the zoning of the land in the Gateway Annexation. His motion was seconded by Councilmember Shaver and carried unanimously.

SALUD ANNEXATION

Attorney Wells presented the Resolution for the Annexation and Development Agreement for the Salud Annexation, said Resolution being in words, letters and figures as follows:

RESOLUTION NO. 2010-02-01

AUTHORIZING THE MAYOR TO EXECUTE THE ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE SALUD ANNEXATION

WHEREAS, Plan De Salud Del Valle, Inc. d/b/a Salud Family Health Centers, holds in fee simple the certain real property located in Morgan County, Colorado, more accurately

described in Exhibit "A" of the Annexation and Development Agreement for the Salud Annexation; and,

WHEREAS, Salud Family Health Centers has filed a Petition for Annexation to annex the property into the City of Fort Morgan; and,

WHEREAS, the City has found that the petition is substantially compliance with the laws of the State of Colorado and has found that the property is eligible for annexation into the City; and,

WHEREAS, the Parties have set forth the terms of their agreement in the Annexation and Development Agreement for the Salud Annexation (a copy of which is 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 City Council hereby authorizes the Mayor to execute the Annexation and Development Agreement for the Salud Annexation.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 2nd day of February, 2010, the vote upon roll call being as follows:

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver.

Nays: None.

Absent / Abstain: None.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ 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 9th day of February, 2010.

/s/ Andrea Strand, City Clerk

FIRST READING OF THE ANNEXATION ORDINANCE

Attorney Wells presented for Council consideration on first reading an Ordinance being in words, letters and figures as follows to wit:

ORDINANCE NO. _____

AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN THAT AREA KNOWN AS THE SALUD ANNEXATION AS DESCRIBED HEREIN.

WHEREAS, the City Council of the City of Fort Morgan on July 7, 2009, adopted a resolution finding that the Salud Petition for Annexation was in substantial compliance with C.R.S. §31-12-107 and set a hearing date of August 18, 2009 for the Fort Morgan City Council to consider the annexation of the area set forth below; and

WHEREAS, pursuant to the notice required under C.R.S. §31-12-108, the Municipal Annexation Act of 1965 as amended, the City Council of Fort Morgan held on August 18, 2009, a hearing pertaining to said annexation; and

WHEREAS, owners of more than fifty percent (50%) of the area have petitioned for such annexation; and

WHEREAS, the City Council of the City of Fort Morgan has by resolution made findings of fact and conclusions of law based thereon and determinations pertaining to said annexation and has determined said area should be annexed forthwith as part of the City of Fort Morgan.

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

Section 1. The following described territory is hereby annexed to and made a part of the City of Fort Morgan, Colorado:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 57 WEST OF TH 6TH P.M., MORGAN COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF SECTION 5, N 88°50'03" E A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECTION WITH THE EXTENDED EASTERLY R.O.W. LINE OF SHERMAN STREET AS ESTABLISHED BY LOCAL MONUMENTATION RECOVERED IN THE AREA;

THENCE S 01°04'30" E, ALONG SAID EASTERLY R.O.W. LINE, A DISTANCE OF 1648.98 FEET TO THE POINT OF BEGINNING; THENCE N 88°50'03", ALONG THE SOUTHERLY LINE OF SHERMAN PARK SCHOOL AND THE SUBDIVISION EXEMPTION PLAT RECORDED AT RECEPTION NO. 764293, A DISTANCE OF 1065.00 FEET;

THENCE N 85°30'05" E, A DISTANCE OF 414.02 FEET,

THENCE S 01°04'30" E, ALONG THE WESTERLY LINE OF SUBDIVISION EXEMPTION PLAT RECORDED AT RECEPTION NO. 783669, A DISTANCE OF 300.00 FEET;

THENCE S 85°55'30" W, ALONG THE NORTHERLY R.O.W. LINE OF EAST RAILROAD AVENUE, A DISTANCE OF 666.19 FEET;

THENCE S 88°55'30" W, ALONG THE NORTHERLY R.O.W. LINE OF EAST RAILROAD AVENUE, A DISTANCE OF 813.00 FEET;

THENCE N 01°04'30" W, ALONG THE EASTERLY R.O.W. LINE OF SHERMAN STREET, A DISTANCE OF 308.46 FEET TO THE POINT OF BEGINNING.

Section 2. When this annexation is complete, said area shall become a part of the City of Fort Morgan for all intents and purposes on the effective date of this ordinance, with the exception of general taxation, in which respect said annexation shall not be effective until on or after January 1 next ensuing.

Section 3. The City Clerk shall be and is hereby authorized and directed to file an original copy of this Ordinance and one copy of the Map of Annexation in the office of the City Clerk of the City of Fort Morgan, Colorado and two certified copies of said Ordinance and Map of Annexation in the office of the Clerk and Recorder of Morgan County, Colorado.

Section 4. The ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 2nd day of February, 2010.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the ____ day of _____, 2010.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

Mayor

ATTEST:

City Clerk

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

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No.** ____ was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the ____ day of _____, 2010. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the ____ day of _____, 2010 published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the ____ day of _____, 2010. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

City Clerk

Councilmember Shaver offered the following Resolution 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

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 2nd day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: None.

FIRST READING OF THE ZONING ORDINANCE

Attorney Wells presented for Council consideration on first reading an Ordinance being in words, letters and figures as follows to wit:

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A ZONING DISTRICT
IN AND UPON LANDS ANNEXED TO THE CITY OF FORT MORGAN, COLORADO, AND
FOR SAID PURPOSE REVISING AND SUPPLEMENTING THE
ZONING DISTRICT MAP OF SAID CITY**

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

WHEREAS, a petition for annexation of certain property described in Exhibit A, attached hereto and made a part hereof, and known as the Salud Annexation, was filed with the City Council of the City of Fort Morgan; and,

WHEREAS, said property was annexed to the City by Ordinance; and,

WHEREAS, the City Council must provide for the zoning of said property; and,

WHEREAS, the City Council provided notice of the public hearing on said zoning by publication as provided by law; and,

WHEREAS, no protests were received by the City pursuant to C.R.S. §31-23-305; and,

WHEREAS, the landowners of said property have requested the same to be zoned B-1: Business District; and,

WHEREAS, a B-1 zoning classification for residential uses is consistent with the City's plan for the area; and,

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

SECTION 1. That certain property known as the Salud Annexation, the legal description of which is set forth in Exhibit A attached hereto and incorporated herein by this reference, is hereby zoned B-1: Business District as permitted and that the Zoning District Map of the City of Fort Morgan, Colorado, be amended accordingly.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 2nd day of February, 2010.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED by title only the ____ day of _____, 2010.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: _____
Mayor

ATTEST:

City Clerk

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

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No.** ____ was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the ____ day of _____, 2010. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the ____ day of _____, 2010, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the ____ day of _____, 2010. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

City Clerk

Salud Annexation Exhibit A

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5,
TOWNSHIP 3 NORTH, RANGE 57 WEST OF TH 6TH P.M., MORGAN
COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:
COMMENCING AT THE WEST QUARTER CORNER OF SAID
SECTION 5;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF SECTION 5, N 88°50'03" E A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECTION WITH THE EXTENDED EASTERLY R.O.W. LINE OF SHERMAN STREET AS ESTABLISHED BY LOCAL MONUMENTATION RECOVERED IN THE AREA;
THENCE S 01°04'30" E, ALONG SAID EASTERLY R.O.W. LINE, A DISTANCE OF 1648.98 FEET TO THE POINT OF BEGINNING;
THENCE N 88°50'03", ALONG THE SOUTHERLY LINE OF SHERMAN PARK SCHOOL AND THE SUBDIVISION EXEMPTION PLAT RECORDED AT RECEPTION NO. 764293, A DISTANCE OF 1065.00 FEET;
THENCE N 85°30'05" E, A DISTANCE OF 414.02 FEET,
THENCE S 01°04'30" E, ALONG THE WESTERLY LINE OF SUBDIVISION EXEMPTION PLAT RECORDED AT RECEPTION NO. 783669, A DISTANCE OF 300.00 FEET;
THENCE S 85°55'30" W, ALONG THE NORTHERLY R.O.W. LINE OF EAST RAILROAD AVENUE, A DISTANCE OF 666.19 FEET;
THENCE S 88°55'30" W, ALONG THE NORTHERLY R.O.W. LINE OF EAST RAILROAD AVENUE, A DISTANCE OF 813.00 FEET;
THENCE N 01°04'30" W, ALONG THE EASTERLY R.O.W. LINE OF SHERMAN STREET, A DISTANCE OF 308.46 FEET TO THE POINT OF BEGINNING.

Councilmember Shaver offered the following Resolution 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

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 2nd day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: None.

Schedule a Public Hearing

Councilmember Powers offered a motion to schedule a public hearing for February 16, 2010, to receive comments from the public concerning the zoning of the land in the Salud Annexation. His motion was seconded by Councilmember Forstedt and carried unanimously.

AFFIRMATION OF COUNCILMEMBERS WHO HAVE CONTRACTS WITH THE CITY

Manager Merrill stated that according to Rule 4 in the Rules of Procedure adopted by Council on March 17, 2009, a member of the Council who, in the course of his or her private business, desires to enter into a contract with the City, or who has such a contract at the time he or she takes office, shall disclose such contract to the other members of the Council and shall require

that such contract receive the approval of the Council at a Regular Meeting. If the member's interest is disclosed, if the City's procurement policy has been followed, and if the contract is in the best interest of the City, the Council may approve the contract for the City. The member shall not vote on any contract in which he or she has a financial interest and shall not attempt to influence the other members of the Council or the City Staff in the process of awarding the contract.

Councilmember Brent Nation stated that he currently provides water accounting services to the City of Fort Morgan and Councilmember Scott Bryan stated that he provides cleaning services for the City of Fort Morgan. They both left the room.

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, to affirm the Contracts for Service between the City of Fort Morgan and Councilmember Brent Nation for water accounting and Councilmember Scott Bryan for cleaning services.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Deal, Forstedt, Powers and Shaver. Nays: None. Abstain: Councilmembers Bryan and Nation.

CONSENT AGENDA

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

- A. Approve the minutes from the January 19, 2010, regular meeting.
- B. Accept the bid from Spradley-Barr of Greeley, Colorado, for a Ford Crown Victoria Police Department pursuit vehicle in the amount of \$21,287.
- C. Accept the bid from Lakewood Fordland of Lakewood, Colorado, for a Ford F-150 Code Enforcement vehicle in the amount of \$16,546.98.
- D. Approve the Bylaws for the Water Planning and Advisory Board.

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 2nd day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: None.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Rick Kriegh, Secretary and Treasurer of Northeast Colorado Resource Conservation & Development, stated that the organization had participated in an application for a \$25,000 grant

from the Colorado Department of Agriculture and it was approved in January 2010. He stated that the City of Fort Morgan was inadvertently left out of the discussions and he apologized to City Manager Pat Merrill.

Jerry Wathen, 518 Lake Street, stated he was reappointed for the eighth year to the Colorado Commission on Aging on the Legislative Committee. He wanted to inform citizens that three ballot initiatives had been approved. The three issues concern property taxes, motor vehicle registration and telecommunications. He encouraged the City to add a link to the website to inform citizens.

REPORTS

The following Directors provided written reports to Council:

City Manager Merrill presented bound copies of the 2010 Budget with the attached Schedule of Fees and Capital Improvement Plan to City Council and he announced that the City will be closed on Monday, February 15th, in honor of Presidents Day.

Police Chief Kuretich
Water Resources/Wastewater Treatment Director Dreessen
Municipal Engineer Curtis

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. She also stated that Channel 17 was currently experiencing technical difficulties and was off the air.

Mayor Darnell adjourned the February 2, 2010, regular meeting at 8:27 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Andrea J. Strand
City Clerk