

March 3, 2009

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Jack L. Darnell called the regular meeting to order at 7:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Jack L. Darnell  
Councilmember Sharol Lyn Deal  
Councilmember Terry McAlister  
Councilmember James A. Powers  
Councilmember Terri P. Schafer  
Councilmember Ron Shaver  
Councilmember Alberta M. Simmons

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

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**SWEARING IN OF OFFICER PEDRO MALAVE' WITH THE FORT MORGAN POLICE DEPARTMENT**

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Mayor Darnell administered the Law Enforcement Officer's Pledge to Officer Pedro Malave` and Chief Kuretich introduced him to the Council and the Public.

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**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR CERTAIN PROPERTY DESCRIBED HEREIN FROM THE CITY OF FORT MORGAN, COLORADO, TO THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION**

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Attorney Wells introduced Dave Mantis from Colorado Department of Transportation who stated that a survey done in the 1950's is conflicting with the recent survey completed for Riverview Commons. Execution of this Quitclaim Deed would clear the title and the Right of Way for between the Riverview Commons Final Plat and the CDOT Survey of the property.

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

**RESOLUTION NO. 09 03 01**

**AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR CERTAIN PROPERTY DESCRIBED HEREIN FROM THE CITY OF FORT MORGAN, COLORADO TO THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the City desires to execute a quitclaim deed from the City of Fort Morgan, Colorado to the State of Colorado, Department of Transportation for property more particularly described in Exhibits A and B, attached hereto and incorporated herein by this reference; and,

**WHEREAS**, Staff recommends execution of this Quitclaim deed to correct a discrepancy between the Riverview Commons Final Plat and the CDOT Survey of the property described in Exhibits A and B.

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

**Sec. 1:**The Mayor is hereby authorized to execute the **Quitclaim Deed** between the City of Fort Morgan and the State of Colorado, Department of Transportation

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3<sup>RD</sup> day of March 2009, the vote upon roll call being as follows:

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

Nays: None.

Absent /Abstain: None.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: */s/ Jack Darnell*  
Mayor

ATTEST:

*/s/ Andrea Strand*  
City Clerk

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 3<sup>rd</sup> day of March, 2009.

*/s/ Andrea Strand, City Clerk*

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**PROCLAMATION FOR GIRL SCOUT WEEK**

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Mayor Darnell presented a Proclamation for Girl Scout Week. Councilmember McAlister offered the following Proclamation and moved for its adoption. His motion was seconded by Councilmember Shaver

**PROCLAMATION**

**March 8 – 14, 2009  
Girl Scout Week**

WHEREAS, Thursday, March 12, 2009, marks the 97<sup>th</sup> anniversary of Girl Scouts of the USA, founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and

WHEREAS, Girl Scouts, the largest organization for girls in the world, is the leading authority and advocate for girls inspiring millions of girls and women with the highest ideals of courage, confidence and character; and,

WHEREAS, Girl Scouts is a safe place for girls to explore their world, develop an understanding and empathy for others and take action to make the world a better place; and

WHEREAS, through leadership experiences that build self-confidence, creative decision making skills and teamwork, girls develop real-world leadership abilities that will last them a lifetime in Girl Scouts; and,

WHEREAS, Girl Scouting is for every girl, everywhere, and is dedicated to serving members from all racial, ethnic, cultural, religious and socioeconomic groups; and,

WHEREAS, Girl Scouts of Colorado is a statewide council serving 38,000 girls, ages 5 to 17, across the state.

WHEREAS, more than 3.5 million current Girl Scout members nationwide will be celebrating 97 years of an American tradition of teaching girls an innovative program to help them succeed in the 21<sup>st</sup> century;

THEREFORE, I, Jack Darnell, Mayor of the City of Fort Morgan, do hereby proclaim the week of March 8 – 14, 2009, as

**GIRL SCOUT WEEK**

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the official seal of the City of Fort Morgan, Colorado, to be affixed this 3rd day of March, 2009.

*/s/ Jack Darnell*  
Mayor

ATTEST:

*/s/ Andrea J. Strand*  
City Clerk

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**PRESENTATION ON THE PUBLIC TRANSIT PROJECT**

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Larry Worth, Northeastern Colorado Association of Local Governments provided City Council with an update of the first phase of a Transit Demonstration Project. He stated that operations of a bus route could begin next week. The Association has obtained buses and drivers and are testing the proposed bus routes. He thanked the City Staff for their cooperation with the transit project. He stated that he would continue to work with the City to post the route signs. The second phase would be a circular route within the City of Fort Morgan. The project would run through December of this year. He stated that the agency hopes to place a tax measure on the ballot to support the long term project.

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**RESOLUTION AUTHORIZING THE APPOINTMENT TO THE BOARD OF DIRECTORS FOR THE NORTHERN INTEGRATED SUPPLY PROJECT**

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Manager Merrill asked for Council's consideration in designating a voting member to the new association that is being formed concerning the Northern Integrated Supply Project.

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

**RESOLUTION NO. 09 03 02**

**AUTHORIZATION OF THE APPOINTMENT  
OF PAT MERRILL AND HIS DESIGNEE AS THE PRIMARY AND ALTERNATE MEMBERS  
OF THE BOARD OF DIRECTORS  
FOR THE NORTHERN INTEGRATED SUPPLY PROJECT (NISP)**

Whereas, the City of Fort Morgan, Colorado is a Participant in the Northern Integrated Supply Project (NISP); and,

Whereas, participation in NISP provides an opportunity to secure water to meet the current needs of the City's water supply; and,

Whereas, the Members of NISP are in the process of developing a formal organization; and,

Whereas, under this formal organization By-Laws have been proposed; and,

Whereas, Article I, Section 2 of the proposed By-Laws requires the appointment of a primary and an alternate representative to represent each Member on the Board; and,

Whereas, representation of the City on the Board of Directors for the Northern Integrated Supply Project (NISP) is of long-term benefit to the City; and,

Whereas, City Staff has recommended that the City Manager act as the primary representative and his designee as the alternate on the NISP Board of Directors.

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

- 1. The Council hereby designates Pat Merrill as the primary representative and his designee as the alternate for the City to represent the interest of the City on the Board of Directors for the Northern Integrated Supply Project (NISP).

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of March, 2009 the vote upon roll call being as follows:

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

Nays: None.

Absent /Abstain: None.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

BY: /s/ Jack L. Darnell  
Mayor

ATTEST:

/s/ Andrea J. Strand  
City Clerk

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan this 3<sup>rd</sup> day of March, 2009.

I, City Clerk

**DESIGNATE A CONTACT PERSON FROM THE CITY OF FORT MORGAN TO NORTHERN WATER CONSERVANCY DISTRICT**

Mayor Darnell stated he would like to have the City Manager as the contact person for the Northern Water Conservancy District. Manager Merrill stated he would include other staff members in meetings and issues to educate them as well with water issues.

**Councilmember Schafer offered a motion to appoint Pat Merrill as the contact person from the City of Fort Morgan to the Northern Water Conservancy District. Her motion was seconded by Councilmember McAlister and carried unanimously**

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## **DOWNTOWN DESIGN SELECTION**

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Manager Merrill stated that the Downtown Project was proceeding and we must select from one of the two design options for the above ground improvements. He informed Council that four public meetings had been held and input from both business leaders and the general public, had been received. Design Option II was the overwhelming choice. This option would reduce the sidewalks from seventeen (17) feet down to fifteen feet (15), which would allow for dedicated left turn lanes at both Beaver and Kiowa. The reduction in the sidewalk width also increases the paved street surface, which will allow more room for individuals to back out of the parking areas. Additionally, although we will be losing two (2) feet of sidewalk in the Project Area, we will be gaining additional space at the intersections due to the construction of the bulb outs. This area would be utilized for aesthetic improvements, including seating areas and landscaping. He provided in his memo that the money for the Project has been appropriated by City Council in the 2009 Budget. Staff recommendation was to proceed with Design Option II.

Councilmember Powers asked if it was possible that we might not be able to accomplish all of the options because of change orders that may overwhelm the budget. Manager Merrill stated that a review of the plans at 75% completion would be done.

**Motion by Councilmember Schafer to proceed with Design Option II for the Downtown Project. Her motion was seconded by Councilmember McAlister and carried unanimously.**

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## **CONSENT AGENDA**

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**Councilmember Powers asked that item A be removed from the Consent Agenda.**

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

- B. Schedule a Public Hearing for March 17, 2009, for Ehrlich Minor Subdivision, Case 08-14.
- C. Approve the revisions to the current Policy for Sidewalk Replacement.
- D. Approve the appointment of Marti Vocke to the Tree, Parks and Recreation Board for a term ending December 31, 2011.
- E. Approve the appointments of Vernon Tryon and Dave Oldemeyer to the Airport Advisory Board with new terms to expire on January 1, 2012.

All matters listed under Item 10, Consent Agenda, are considered 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 3<sup>rd</sup> day of March, 2009, the vote upon roll call being as follows: Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, Shaver and Simmons. Nays: none.

**Item A. Approve the minutes from the February 17, 2009, Regular Meeting.**

**Councilmember Powers offered a motion that the minutes from the February 17, 2009, Regular Meeting, reflect a motion to postpone the public hearing for the Underwood Minor Subdivision scheduled for February 17, 2009, and schedule it for a date yet to be determined. His motion was seconded by Councilmember Shaver and carried unanimously.**

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**PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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William Garcia, 616 Gayle Street, was present on behalf of the Elks Lodge and invited the Council and the public to attend an open house on March 13, 2009, from 6:00 pm to 8:00 p.m. He also stated that on March 14, 2009, a corner stone celebration will be held.

Bob Williamson, 400 Lake Street, Fort Morgan, voiced a concern over the proposed bus routes. One of the stops is at this home, he felt that bus stops should be in public placed, not in residential areas. The Mayor asked City Staff to contact me Williamson for information.

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**REPORTS**

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The following Directors provided written reports to Council:

City Manager Merrill announced a reception for new staff from 5:30-7:00 on March 17<sup>th</sup> and asked Council if March 28<sup>th</sup> would work for Council Retreat. It was determined that it would begin at 8:00 a.m. on that date.

Police Chief Kuretich  
Utility Director Dreessen  
Utility Director Weimer  
Community Service Director Shedd  
Community Development Director Callahan  
Human Resources and Risk Management Director Prentice  
Municipal Court  
Fort Morgan Volunteer Fire Department

City Attorney Wells stated that Jerrae Swanson had started as the Assistant City Attorney.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Clerk Strand announced bids and upcoming meetings.

Mayor Darnell asked that the Water Advisory Board Agenda for the upcoming meeting be distributed. He also announced that Police Chief Keith Kuretich had been selected as Citizen of the Year at the recent Chamber Annual Meeting.

Councilmember Powers reported that he had attended the Legislative Workshop and the Policy Review Committee sponsored by Colorado Municipal League.

Mayor Darnell adjourned the March 3, 2009, regular meeting at 7:55 p.m.

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*/s/ Jack L. Darnell, Mayor*

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