

February 16, 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 7:00 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

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, Community Development Director David Callahan, Director of Human Resources & Risk Management Jody Prentice, Treasurer Terri Schafer and City Clerk Andrea Strand.

PUBLIC HEARING FOR RIVERSIDE PARK NORTH ANNEXATION

Mayor McAlister made opening comments and stated, "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 Findings of Fact and Conclusion of Law Based Thereon and Determining the Status of the Territory Sometimes known as Riverside Park North Annexation Property, is convened this 16th day of February, 2010, during the hour of 7:00 p.m."

Clerk Strand stated that the notice of public hearing was published in *The Fort Morgan Times* for four insertions with the first publication on January 15, 2010, and the last publication on February 5, 2010; and that the record should reflect the certificate of mailing to the Board of County Commissioners and special districts having territory within the area to be annexed.

Director Callahan spoke on behalf of the applicant, The City of Fort Morgan, and presented the Petition for Annexation. He stated that the Planning Commission's recommendation would be forthcoming at the public hearing on March 2, 2010.

Mayor McAlister stated, "Any interested party may make a statement or comment, or ask questions before City Council considers and rules on the Amendments. 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." There were no comments received by the public.

There were no comments by City Council.

Councilmember Nation offered a motion to close the public hearing. His motion was seconded by Councilmember Forstedt and carried unanimously.

Action on the Petition for Annexation

Attorney Wells presented for Council consideration a Resolution concerning the Petition for Annexation. Councilmember Shaver 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 NO. 2010-02-02

A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE STATUS OF THE TERRITORY SOMETIMES KNOWN AS RIVERSIDE PARK NORTH ANNEXATION PROPERTY HEREINAFTER MORE SPECIFICALLY DESCRIBED BELOW

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN:

This matter comes on for hearing before the City Council of the City of Fort Morgan on February 16, 2010 pursuant to Sections 31-12-108 and 31-12-109, C.R.S., known as the Municipal Annexation Act of 1965 as amended (hereinafter referred to as Annexation Act), to consider the annexation of that certain territory sometimes known as the Riverside Park North Annexation, more specifically described in herein as:

PARCEL A

PART OF THE NORTHEAST QUARTER OF SECTION 31 AND PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31, MONUMENTED WITH A 3 ¼", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 01°22'28" WEST FOR 647.83 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE SOUTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 81°27'19" EAST FOR 72.06 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A 5/8" REBAR WITH 1 ¾" RED PLASTIC CAP STAMPED PLS 7735 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 81°27'19" EAST FOR 1438.80 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED LS 11399;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 11574.16 FEET AND A LONG CHORD BEARING SOUTH 84°15'43" EAST FOR 1120.57 FEET) FOR AN ARC LENGTH OF 1121.01 FEET CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 31;

THENCE NORTH 01°05'10" EAST FOR 150.06 FEET ALONG THE SAID EAST LINE OF SECTION 31 TO THE NORTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD MONUMENTED WITH A ½" REBAR;

THENCE SOUTH 87°34'37" EAST FOR 5318.30 FEET ALONG THE SAID NORTH RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 32;

THENCE SOUTH 00°13'11" WEST FOR 1578.95 FEET ALONG THE EAST LINE OF SAID SECTION 32 TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER THEREOF MOMUMENTED WITH A 3 ¼", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 89°59'27" WEST FOR 7914.84 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 32 AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE EAST RIGHT OF WAY OF COLORADO STATE HIGHWAY 52;

THENCE NORTH 01°55'45 EAST FOR 1981.95 FEET ALONG SAID EAST RIGHT OF WAY TO THE POINT OF BEGINNING.

CONTAINS 305.969 ACRES.

EXCEPTING THEREFROM PARCEL B AND PARCEL C DESCRIBED AS FOLLOWS:

PARCEL B

PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH 01°05'10" WEST FOR 821.07 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 TO A ½" REBAR ON THE NORTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 87°34'37" EAST FOR 692.12 FEET ALONG SAID NORTH RIGHT OF WAY LINE;

THENCE SOUTH 02°59'13" WEST FOR 78.55 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399 IN THE POINT OF BEGINNING;

THENCE SOUTH 87°54'10" EAST FOR 2963.03 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE 07°48'59" WEST FOR 101.47 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 87°34'01" WEST FOR 2954.27 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 02°59'13" EAST FOR 83.67 FEET TO THE POINT OF BEGINNING.

CONTAINS 6.271 ACRES.

PARCEL C

PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 31, MONUMENTED WITH A 3 ¼", BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE SOUTH 01°22'28" WEST FOR 647.83 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE SOUTH RIGHT OF WAY LINE OF THE ABANDONED UNION PACIFIC RAILROAD;

THENCE SOUTH 81°27'19" EAST FOR 1510.86 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 11574.16 FEET AND A LONG CHORD BEARING SOUTH 84°15'43" EAST FOR 1120.57 FEET) FOR AN ARC LENGTH OF 1121.01 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF THE NORTHEAST QUARTER SAID SECTION 31;

THENCE SOUTH 01°05'10" WEST FOR 298.90 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°05'10" WEST FOR 75.49 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS 11399;

THENCE NORTH 80°10' 30" WEST FOR 237.49 FEET TO A ½" REBAR WITH 1" YELLOW PLASTIC CAP STAMPED PLS 11399;

THENCE NORTH 01°05'10" EAST FOR 75.49 FEET PARALLEL WITH AND 234.73 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31;

THENCE SOUTH 80°10'30" EAST FOR 237.49 FEET TO THE POINT OF BEGINNING.
CONTAINS 0.407 ACRES
BASIS OF BEARINGS:
THE WEST LINE OF THE EAST HALF OF SECTION 31 IS ASSUMED TO BEAR SOUTH
01°22'28" WEST.

TOGETHER with all water and water rights appurtenant thereto;
and the Council having examined all of the evidence presented at said hearing and being fully
advised of the premises, now sets forth findings of fact and conclusions of law based thereon as
provided for in Section 31-12-110 of the Annexation Act, other findings of fact and conclusions
as are appropriate, and makes determinations as follows:

1. The City Clerk of the City of Fort Morgan has received a petition for annexation of the area described in herein entitled "Petition for Annexation," signed by persons comprising one hundred percent (100%) of the landowners in the area to be annexed and owning one hundred percent (100%) of the area, excluding public streets and alleys, in compliance with the provisions of Article II, Section 30 of the Colorado Constitution, and Section 31-12-107(1) of the Annexation Act.
2. On January 5, 2010, the City Council approved a resolution Finding a Petition for annexation of the area described herein to be in Substantial Compliance with Section 31-12-107(1) C.R.S. and Setting a Hearing Date for the Fort Morgan City Council to Consider the Annexation of the Area." This resolution set a hearing to consider the annexation of this area to the City of Fort Morgan on February 16, 2010, at Council Chambers, City Hall, 100 Main Street, Fort Morgan, Colorado, and directed the City Clerk to give notice of said hearing in the manner prescribed in Section 31-12-108 of the Annexation Act. In addition, said resolution found that the petition for annexation is in substantial compliance with Section 31-12-107(1) C.R.S of the Annexation Act, and further determined that said petition is in substantial compliance with Section 30 of Article II of the Colorado Constitution, which findings are adopted herein.
3. The City Clerk, pursuant to said resolution, has caused to have published in the Fort Morgan Times a Public Notice of Public Hearing of an Annexation Petition of area herein described, along with a copy of said resolution and petition with an attached legal description of the area to be annexed, with four (4) publications as follows: January 15, 2010; January 22, 2010; January 29, 2010; and February 5, 2010. The Fort Morgan Times is a daily newspaper in general circulation throughout the City of Fort Morgan, throughout the area to be annexed.
4. Said resolution and notice pertaining thereto as set forth in Paragraph 3 of this resolution comply with the requirements of Section 31-12-107(1)(g) and Section 31-12-108 of the Annexation Act.
5. Copies of the published notice and resolution have been mailed to the Board of County Commissioners Morgan County and to the Morgan County Attorney, and to the School District located within the territory described herein as required by Section 31-12-108 of the Annexation Act.
6. The annexation impact report is required and has been completed.
7. The area described herein is unincorporated.
8. The area described herein is the same as the area described in the annexation plat.

9. No annexation of all or any part of said area has been commenced by any other municipality.
10. This annexation will not result in the detachment of an area from any school district and attachment of the same area to another school district.
11. This annexation will not result in the change of any county boundaries.
12. At least one-sixth (1/6th) of the boundary of the perimeter of the area proposed to be annexed is contiguous with the boundary of the City of Fort Morgan.
13. No land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels by the boundaries of such annexation without the written consent of the landowner except as such tracts or parcels are separated by a dedicated street, road or other public way.
14. No land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the next year preceding the annexation), has been included within the boundary of the area proposed to be annexed without the written consent of the landowners.
15. This annexation will not extend boundaries of the city limits of the City of Fort Morgan more than three miles in any direction from the municipal boundary.
16. In establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the area proposed to be annexed.
17. The applicable parts of Section 31-12-105 of the Annexation Act have been met.
18. The provisions of Section 31-12-104(b) requiring a finding that "[t]hat a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality..." are met by virtue of a finding of at least one-sixth (1/6th) boundary contiguity with the City of Fort Morgan as provided for in said section.
19. No petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act.
20. The annexation of Riverside North Park Annexation as legally described herein meet the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965 as amended, and Section 30 of Article II of the Colorado Constitution.
21. The City Council finds and concludes that said territory is eligible for annexation to the City of Fort Morgan.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16TH 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.

Dated at Fort Morgan, Colorado, this 16th day of February, 2010.

/s/ Terry McAlister, Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

City Attorney Wells then presented an Exception to the Intergovernmental Agreement Concerning the Annexation of Land within the Morgan County Quality Water District for Council's consideration. Councilmember Forstedt offered the following Resolution and moved for its adoption. Her motion was seconded by Councilmember Shaver; said Resolution being in words, letters and figures as follows, to-wit:

RESOLUTION NO. 2010-02-03

**AUTHORIZING THE MAYOR TO EXECUTE THE
EXCEPTION TO THE INTERGOVERNMENTAL AGREEMENT
CONCERNING ANNEXATION OF LAND WITHIN THE
MORGAN COUNTY QUALITY WATER DISTRICT.**

WHEREAS, the City of Fort Morgan, Colorado, (the "City") entered into the Intergovernmental Agreement with Morgan County Quality Water District ("Quality Water") on May 20, 1998; and,

WHEREAS, that Agreement provided that the City would be required to make payments to Quality Water for exclusion of territories served by Quality Water subject to annexation; and,

WHEREAS, that Agreement does not account for circumstances where the City annexes property that it cannot serve or where development is prohibited; and,

WHEREAS, the City intends to annex property north of the Platte River, adjacent to Riverside Park, which the City has no ability to serve nor can the proposed property be developed as it has restrictive covenants imposed by a conservation easement.

WHEREAS, the parties have set forth the terms of their agreement in the EXCEPTION TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING ANNEXATION OF LAND WITHIN THE FORT MORGAN COUNTY QUALITY WATER DISTRICT (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 EXCEPTION TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING ANNEXATION OF LAND WITHIN THE FORT MORGAN COUNTY QUALITY WATER DISTRICT.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16TH 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 16th day of February, 2010.

/s/ Andrea Strand, City Clerk

Councilmember Powers offered a motion to schedule a public hearing for March 2, 2010, for presentation of the Zoning Ordinance and to hear public comment. His motion was seconded by Councilmember Bryan and carried unanimously.

PUBLIC HEARING FOR GATEWAY PARK ANNEXATION

Mayor McAlister made opening comments and stated, "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 Zoning Ordinance for Annexation of property known as Gateway Park, is convened this 16th day of February, 2010, during the hour of 7:00 p.m.”

Clerk Strand stated that the notice of public hearing was published in *The Fort Morgan Times* on February 5, 2010.

Attorney Wells presented Zoning District Ordinance No. 1094 for Council's consideration.

Director Callahan stated that the Planning Commission recommended Council approve this action. There were no comments by the Applicant.

Mayor McAlister stated, “Any interested party may make a statement or comment, or ask questions before City Council considers and rules on the Amendments. 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.” There were no comments received by the public or by City Council.

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

Action on the Zoning District Ordinance for Annexation

Attorney Wells stated that this was the Second and Final Reading of Ordinance No. 1094 for Council consideration and requested that the Ordinance be published by title only since there were no changes since the first reading.

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

RESOLUTION

WHEREAS, an Ordinance entitled above was duly and legally presented to the City Council of Fort Morgan, Colorado, at a meeting held on February 2, 2010, and was duly read at length at the time; and

WHEREAS, the City Council at said meeting, by Resolution, ordered the publication of said Ordinance to be made in *The Fort Morgan Times*, a daily newspaper of general circulation, published and printed in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and

WHEREAS, said Ordinance was again read to the Council and was designated Ordinance No. 1094, being in words, letters and figures as follows, to-wit:

ORDINANCE NO. 1094

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 16th day of February, 2010.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Terry L. McAlister, Mayor

ATTEST:

Andrea J. Strand, 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. 1094 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 16th day of February, 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.

/s/ Andrea Strand, 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.

PUBLIC HEARING FOR SALUD ANNEXATION

Mayor McAlister made opening comments and stated, "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 Zoning Ordinance for Annexation of property known as Salud Annexation, is convened this 16th day of February, 2010, during the hour of 7:00 p.m."

Clerk Strand stated that a legal notice was published in *The Fort Morgan Times* on February 5, 2010.

Attorney Wells presented Zoning District Ordinance No. 1096 for Council's consideration.

Director Callahan stated that the Planning Commission recommended Council approve this action.

John Santisteven, Finance Director for Salud, was present to answer any questions and stated he appreciated the opportunity to provide a new medical facility to the community.

Mayor McAlister stated, "Any interested party may make a statement or comment, or ask questions before City Council considers and rules on the Amendments. 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." There were no comments received by the public or by City Council.

Councilmember Forstedt offered a motion to close the public hearing. Her motion was seconded by Councilmember Powers and carried unanimously.

Action on the Zoning District Ordinance for Annexation

Attorney Wells stated that this was the Second and Final Reading of Ordinance No. 1096 for Council consideration and requested that the Ordinance be published by title only since there were no changes since the first reading.

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

RESOLUTION

WHEREAS, an Ordinance entitled above was duly and legally presented to the City Council of Fort Morgan, Colorado, at a meeting held on February 2, 2010, and was duly read at length at the time; and

WHEREAS, the City Council at said meeting, by Resolution, ordered the publication of said Ordinance to be made in *The Fort Morgan Times*, a daily newspaper of general circulation, published and printed in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and

WHEREAS, said Ordinance was again read to the Council and was designated Ordinance No. 1096, being in words, letters and figures as follows, to-wit:

ORDINANCE NO. 1096

**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 16th 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

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. 1096 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 16th day of February, 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.

/s/ Andrea Strand, 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.

ADDITIONAL INFORMATION PROVIDED AND/OR APPROVAL OF THE BID FOR A HALF-TON, FOUR-DOOR, FOUR-WHEEL DRIVE PICKUP TO BE UTILIZED BY THE GAS DEPARTMENT

Engineer Curtis stated that he had contacted a representative from Wolf Auto who confirmed that, if the vehicle needed to be serviced, Wolf Auto would transport the vehicle to Sterling. He stated that at the previous meeting City Staff recommended the low bid be awarded to Johnson Auto Plaza for a Dodge Ram 1500 crew cab with a spray liner for a total of \$22,636. He stated that Council had asked for additional information, as provided on the service of Wolf Auto. Both vehicles met the minimum specifications and the difference was approximately \$1,700. Councilmember Bryan stated he had heard from local business people who supported buying locally. Councilmember Forstedt stated she approved of buying locally as long as Wolf Auto's insurance covered the vehicle if something were to happen. Councilmember Nation had received comments encouraging Council to buy locally. Councilmember Powers stated he preferred to go with the lowest bidder and would recommend making adjustments to our policy for a local preference. Mayor McAlister added that he supported local business but would recommend that it be set out in our policy.

Councilmember Bryan offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember Forstedt; 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 bid be accepted as submitted by Wolf Auto of Sterling, Colorado, for a pickup to be utilized by the Gas Department in the amount of \$24,313.

PASSED, APPROVED AND ADOPTED this 16th day of February, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Shaver. Nays: Councilmember Powers.

CONSENT AGENDA

Clerk Strand presented the Consent Agenda for Council consideration. Councilmember Forstedt 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 February 2, 2010, regular meeting.

B. Approve the disbursements and payroll for January 2010.

PUBLICATION REPORT – JANUARY 2010

Accurint-Web Name Search	\$75.00
Advanced Medical Imaging-Wellness CT Scan	\$60.00
Affiliated Credit Service-Misc Deductions	\$761.49
Affordable Propane-Propane	\$125.00
AFLAC-Additional Insurance	\$2,065.40
Ag Information-WTP & WWTP Internet	\$600.00
Aggregate Industries-Cold Mix	\$1,054.15
All Truck & Trailer Parts-Supplies	\$463.53
Alliance Entertainment LLC-Supplies	\$123.32
American Red Cross-CPR Training	\$634.00
American Transportation & Equip.-Supplies	\$845.49
Arthur J Gallagher Risk Management Services-Policy Renewal	\$9,560.00
ASCAP-License Fee	\$92.06
Baker & Taylor Inc-DVD's	\$460.12
Batteries Plus #86-Batteries	\$160.37
Bauer & Furman, P.C.-Professional Services	\$377.00
Bellendir Tire & Auto-Tires	\$348.19
Big Thompson Watershed Forum-2010 Monitoring & Assessment Programs	\$1,200.00
Bijou T Quest-T-Shirts	\$180.00
Blake Electric LLC-Repair Service	\$541.87
Bob's Upholstery Tent & Awning-Grave Covers	\$200.00
Brandenburg & McGuire P.C-Associate Judge Fee	\$1,106.50
Bresnan Communications-Internet Services	\$160.12
Brody Chemical, Inc.-Supplies	\$126.25
Bruntz Electric Inc-Relocation of Electrical Services	\$2,430.10
Buchanan Welding & Const.-Supplies	\$127.72
Bud Clemons, ARA-Appraisal Fiebig LLC Property	\$3,750.00
Bud's Septic Service-Pump Out Pits	\$240.00
Burnsley All Suite Hotel-Reservation for Scott Bryan CML	\$131.00
Business Mart-Supplies	\$185.05
CACEO-Membership	\$70.00
Capital One Bank, USA, N.-Misc Deductions	\$690.36
Central Auto Parts-Supplies	\$2,630.71
CIRSA-Property & Casualty Insurance Installments for 2010	\$267,704.75
CIRSA-Deductibles	\$1,426.35
City of Fort Morgan-January Health Care Cost	\$151,900.86
City of Fort Morgan-Employee Share Health Care Cost for January	\$640.00
CivicPlus-Annual Fee Jan-Dec 2010	\$3,000.00
Cleveland Golf-Supplies	\$90.03

CNH CAPITAL-Parts & Labor	\$453.88
CO Assoc. Municipal Utilities-2010 Assessment	\$8,237.08
Co City & County Mgmt Association-2010 Winter Conference	\$170.00
Co Family Support Registry-Misc Deductions	\$4,348.72
Colo Crime Prevention Association-2010 Agency Membership	\$35.00
Colo Division of Fire Safety-HazMat Tech Retake	\$30.00
Colonial Life & Accident-Additional Insurance	\$105.86
Colorado Dept of Public Health-December Toxicology	\$120.00
Colorado Dept of Revenue-December Sales Tax	\$49,731.00
Colorado Dept. of Revenue-Payroll Taxes	\$17,659.00
Colorado Golf & Turf-Supplies	\$1,260.64
Colorado Municipal League-Registration J. Powers & S. Bryan	\$230.00
Colorado Plains Medical Center-Blood Draw	\$3.00
Colorado Rural Electric Association-Quarterly Loss Control Dues	\$625.00
Colorado State Treasurer-4th Qtr Unemployment Benefits	\$2,061.00
Commercial Printers & Signs-Supplies	\$7.95
Conney Safety Products-Supplies	\$1,357.71
ConocoPhillips-Fuel	\$2,516.19
Conserve-A-Watt-Supplies	\$839.24
Counter Trade Products, Inc.-Supplies	\$28.00
Curtis 1000 Inc - West-Envelopes	\$1,711.20
D L T Solutions Inc-AutoCAD 2010 Subscription Renewal	\$2,426.48
Dana Kepner Company-Supplies	\$10,040.32
Daniel Meeks-Advance for Conference Meals	\$235.00
Daydream Photography-Council Photos	\$145.50
Dean Contracting, Inc.-Install Gate & Actuator at WWTP	\$16,236.00
Dell Marketing L.P.-Supplies	\$158.38
Dennys W Edmondson dba/Denny's Small Engine-Services	\$983.68
Denver Networks LLC-Project Labor Dec	\$8,704.80
Devlin Electric-Wire Building & Repair Security Lighting	\$2,300.00
Diamond Vogel Paint Center-Supplies	\$27.27
Digital Retirement Solutions-Police Pension	\$31,145.90
Discount Tire of Ft. Morgan-Tire Repairs	\$589.67
Dive Rescue International-Ice Rescue Kit	\$160.90
Division of Fire Safety-HazMat OPS Class	\$60.00
Don Jones Excavating-Snow Removal	\$516.27
Don's Diesel & Auto Service-Stop Leak	\$40.29
Dutton-Lainson Company-Supplies	\$195.43
Edwards Flowerland & Grocery-Supplies	\$237.81
Elan Financial Services-Credit Card Charges	\$937.83
EnviroTech Services, Inc.-Supplies	\$4,703.93
Erik Sagel-Advance for Conference Meals	\$235.00
Express Toll-Toll Charges	\$14.75

Fastenal Company-Supplies	\$143.91
Ferguson Enterprises, Inc.-Supplies	\$48.00
Fire & Police Pension Association-Police Death & Dismemberment Policy	\$1,572.57
Fire Protection Publications-Supplies	\$166.29
First Aid 2000-First Aid Supplies	\$120.60
First Class Security Systems-Animal Shelter Alarm Service	\$30.95
Fisher Scientific-Supplies	\$154.63
Fleet Services-Fuel	\$215.50
Foot-Joy-Supplies	\$20.00
Fort Morgan Chamber of Commerce-2010 Dues	\$750.00
Fort Morgan Paint Bucket-Supplies	\$34.36
Fort Morgan Printing-File Cards	\$33.95
Fort Morgan Rotary Club-Dues, Meals & Contribution	\$161.00
Fort Morgan Veterinary Clinic-Animal Control	\$39.86
Fort Morgan Volunteer Fire Department-Fire Calls Dec	\$380.00
Fran Benham-Reimbursement	\$28.67
Freas Glass Works, Inc-Supplies	\$63.99
Fresh Home-Magazine Subscription	\$19.98
Front Range Fire Apparatus-Supplies	\$183.14
Frontier Performance Lubricants-Supplies	\$870.66
G & K Services-Uniform & Janitorial Services	\$3,462.54
Garrison Minerals, LLC-Supplies	\$4,920.00
Gemplers Inc-Supplies	\$353.00
Gene Doty-Sidewalk Replacement Program	\$1,100.00
General Chemical Performance-Supplies	\$4,323.94
Goble Sampson Associates-Supplies	\$1,290.65
Golf Digest-Magazine	\$10.00
GOVConnection, Inc.-Supplies	\$453.24
Grainger-Supplies	\$2,501.66
Great Copier Service Inc-Services	\$1,579.10
Greene, Ron and Gayle-Burlington Property Payment #8	\$69,592.02
Greyhound Bus Lines-Shipping	\$8.08
Guardian-Additional Insurance	\$4,599.21
Hach Company-Supplies	\$6,606.52
Harrington Industrial Plastics-Supplies	\$607.09
HD Supply Waterworks, LTD-Supplies	\$1,344.00
HealthStyles Exercise Equipment-Equipment Repair	\$332.18
Heritage Flag & Banner-Flags	\$291.00
Hill Petroleum-Fuel	\$1,498.06
HireRight Solutions Inc.-Random Drug Test 4th Qtr	\$35.00
Hotline Electrical Sales-Single Phase Meters	\$3,840.00
HUB International Ins Svc-Consulting Fee	\$3,416.73
Humana Insurance Co. Inc.-Additional Insurance	\$178.82

I A C P-Membership Dues 2010	\$120.00
IDEXX-Supplies	\$812.36
Impressions By Bird, LLC-Supplies	\$152.80
Ingram Book Company-Books	\$3,254.53
Intermountain Sales Denver-Repairs Metro Tech Locator	\$393.56
International Association for Property & Evidence-2010 Membership	\$50.00
Interstate Battery-Batteries	\$592.65
Int'l Public Mgmt Assn for Human Resources-2010 Membership Dues	\$360.00
James L. Ehrlich-Musician for Sweetheart Dance	\$225.00
JC Golf Accessories-Grips	\$110.72
Kauffman Pest Control-Pest Control	\$190.00
Kentec Communications Inc-Domain Hosting	\$327.70
Kriz Davis Company-Supplies	\$429.46
Kurt Coup-Refund Health Care Cost	\$90.00
L L Johnson Distributing-Supplies	\$710.67
L. N. Curtis & Sons-Freight Charges	\$162.84
Larry's Auto Body-Unit Repairs	\$3,820.05
Lebsock Repair Service Inc.-Unit Repairs	\$296.08
Linda F Howell-TKD Instructor	\$177.50
Local Government Institute-Job Posting	\$78.00
Login/IACP Net-Annual Fee March 2010-March 2011	\$800.00
M E A N-Purchase Power	\$932,520.88
McAtee Construction Company-Supplies	\$550.50
McCandless Intl Trucks-Iservice DVD	\$350.00
Midwest Energy Assoc. Inc-Dues/EnergyU Subscription/Licenses	\$3,022.20
Midwest Gas & Grocery, LLC-Fuel	\$8,177.53
Midwest Laboratories, Inc-Monthly Testing	\$119.00
Morgan County Dept Solid Waste-Landfill Charges Dec	\$17,159.91
Morgan County General Fund-Phone Charges	\$77.18
Morgan County Government-Video Arraignment Service Jan	\$320.00
Morgan County Rural Electric Assoc.-Utilities	\$4,537.04
Morgan Cty Quality Water-Water	\$196.50
Morgan Emergency Group LLC-Medical Clearance	\$126.20
Morgan Sand & Gravel Inc-Rip Rap & Road Base	\$2,391.86
Mountain States Employers Council-Annual Dues 2010	\$4,500.00
Murphy Company-Reimbursement 2010 Contractor Reg Fee	\$50.00
National Meter & Automation-Supplies	\$455.43
National Public Gas Agency-Gas Purchase	\$374,919.63
Neopost Leasing-Quarterly Lease Payment	\$502.38
Neve's Uniforms Inc-Uniforms	\$86.94
Noraa Concrete Co.-Curb/Gutter, Sidewalks, Ped Ramps	\$40,413.96
Northeast Fire Safety-Fire Extinguisher Recharge & Inspection	\$98.00
Northern Co Water Conservancy District-2010 NISP Participation Fees	\$135,000.00

Northern Safety Co Inc.-Supplies	\$34.83
O. J. Watson-Supplies	\$99.52
Office Depot Card Plan-Supplies	\$690.76
Operators Certification Program Office-Exam Fees	\$390.00
Oriental Trading Co Inc-Supplies	\$87.77
Parts Marketing Inc.-Supplies	\$497.69
PayFlex Systems USA, Inc.-Sect 125	\$5,687.53
PayFlex Systems USA, Inc.-January Admin Fee	\$196.00
PERA 401K Investment Plan-Contributions	\$10,049.53
Pets R People Too-Shipping	\$106.67
Phelps-Atkinson Golf Course-Golf Course Design Service	\$11,916.50
Pinnacol Assurance-Deductibles, WC Claims & Premium	\$24,999.50
Pitney Bowes-Lease Charges	\$111.00
Portable Welding Service-Services	\$30.00
Pre-Paid Legal Services-Misc Deductions	\$300.90
Process Control Dynamics-SCADA Software Support	\$4,880.00
Public Employees Retirement-Pension	\$93,585.58
Quest Diagnostics-Random Drug Testing 4th Qtr	\$152.88
Qwest-Phone Charges	\$1,756.93
Redwood Toxicology Lab-Probation Urinalysis	\$59.25
Reed Elsevier Inc.-Services	\$34.00
Rhonda Hamann-Repairs At Recreation Center	\$100.00
Riverside Co Dept of Child Services-Misc Deduction	\$390.00
Rocky Mountain Reagents-Potassium Iodide	\$174.16
Safeway Stores Inc-Supplies	\$21.15
Schafer, Terri-Reimbursement	\$132.00
Scott Aviation-FBO Fees & Reimbursement	\$4,042.51
Sears, Roebuck, and Co.-Washing Machine	\$687.99
Service Master-Janitorial Services	\$1,520.00
SESAC, Inc.-Annual Fee	\$282.00
Sherwin-Williams-Supplies	\$1,221.00
Simplot Partners-Supplies	\$446.96
Skarshaug Testing Laboratories-Test Rubber Gloves	\$131.45
Slafter Oil Co.-Supplies	\$1,740.62
Sleek's Rent-To-Own-Shipping	\$22.07
Source Office Products-Office Furniture	\$2,965.00
Staples-Supplies	\$391.08
Star Athletic Club-Memberships	\$332.84
State of Colorado/OIT-Frame/ATM Service	\$2,153.78
Super Vacuum Mfg. Co. Inc-Decals for Patrol Car	\$555.18
Thatcher Company-Supplies	\$8,534.98
The Engineering Company-Professional Services Dec	\$1,500.00
The Flower Petaler-Flowers & Ribbon	\$166.20

The Fort Morgan Times-Advertising Oct & Nov	\$2,668.46
ThyssenKrupp Elevator-Elevator Maintenance	\$7,937.65
Tolin Mechanical Systems-HVAC Service Agreement	\$249.00
Top Door, Inc.-Services	\$1,041.00
TORO NSN-My Turf	\$59.00
Turner, John-Reimbursement	\$43.59
Underwriters Laboratories-Toc/Alkalinity	\$82.00
Unique Embroidery & Engraving-Supplies	\$908.32
United Parcel Service-Shipping	\$92.55
United States Golf Association-USGA Renewal Membership	\$110.00
United Way of Morgan County-Contributions	\$194.00
Universal Inspections Ltd-Annual Inspection of Trucks	\$1,560.00
UNUM Provident-January & February Life Insurance Premiums	\$5,338.03
USABlueBook-Supplies	\$894.81
Utility Notification-Utility Locates	\$123.20
VFIS Benefits Division-Accident & Sickness Policy Installment	\$6,683.44
Viaero Wireless-Cell Phones	\$2,280.70
Vision Service Plan (CO)-Misc Deduction	\$1,485.74
VS Visual Statement Inc.-True Partner Maintenance	\$338.00
VWR International, Inc.-Supplies	\$2,088.51
Warehouse Supply-Supplies	\$172.48
Waste Management of N E C-Disposal Services	\$257.01
Weaver Official Publication-Advertisement	\$425.00
Wells Fargo-Payroll Taxes	\$55,804.17
Wells, Jeffrey-Refund Health Care Cost	\$90.00
Wesco Distribution Inc-Supplies	\$976.89
West Group Payment Center-Information Services	\$326.80
Western Area Power Administration-Purchase Power	\$480,293.04
Western United Electric-Supplies	\$3,082.80
Xcel Energy-Utilities	\$3,297.96
Xerox Corporation-Copy Charges	<u>\$2,108.57</u>
Total Disbursements - January 2010	\$3,048,262.96
Total Payroll - January 2010	<u>\$393,966.08</u>
Total Publication Report - January 2010	\$3,442,229.04

- C. Second and Final Reading of Ordinance No. 1093 entitled, "Annexing to the City of Fort Morgan that Area Known as the Gateway Park Annexation as Described Herein," and request to publish by title only.

ORDINANCE NO. 1093

**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 3, 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.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister, Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 16th day of February, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

[SEAL]

/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, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing Ordinance No. 1093 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 16th day of February, 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.

/s/ Andrea Strand, City Clerk

- D. Second and Final Reading of Ordinance No. 1095 entitled, "Annexing to the City of Fort Morgan that Area Known as the Salud Annexation as Described Herein," and request to publish by title only.

ORDINANCE NO. 1095

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]

/s/ Terry L. McAlister, Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 16th day of February, 2010.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister, Mayor

ATTEST:

/s/ Andrea Strand, 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. 1095 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 16th day of February, 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.

/s/ Andrea Strand, City Clerk

- E. Approve the Report of Changes for Escorza Family LLC, dba El Rancho Alegre, located at 129 & 131 W. Kiowa Avenue, who holds a Hotel and Restaurant Liquor License.
- F. Authorize the Mayor to Execute a Resolution to Apply and Contract for Beneficial Use of Water on Behalf of the City of Fort Morgan, a Municipal Corporation, and Prescribing the Terms for Application for an Allocation of the Right to Use Colorado-Big Thompson Project Water to said City of Fort Morgan by Northern Colorado Water Conservancy District.

RESOLUTION NO. 2010-02-04

A RESOLUTION TO APPLY AND CONTRACT FOR BENEFICIAL USE OF WATER ON BEHALF OF THE CITY OF FORT MORGAN, A MUNICIPAL CORPORATION, AND PRESCRIBING THE TERMS FOR APPLICATION FOR AN ALLOCATION OF THE RIGHT TO USE COLORADO-BIG THOMPSON PROJECT WATER TO SAID CITY OF FORT MORGAN BY NORTHERN COLORADO WATER CONSERVANCY DISTRICT.

WHEREAS, under the Water Conservancy Act of Colorado, Title 37, Article 45, Colorado Revised Statutes of 1973, it is necessary that the City Council of the City of Fort Morgan, a Colorado municipal corporation (hereinafter called "Applicant"), in order to obtain the perpetual right to use Colorado-Big Thompson Project water on an annually renewable basis under C.R.S. 37-45-131 within the boundaries of the Northern Colorado Water Conservancy District, by contract for the beneficial use of water from Northern Colorado Water Conservancy District, shall by resolution authorize and direct the Mayor and the City Clerk to apply to the Board of Directors of said District for such water contract.

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

Section 1: That the City of Fort Morgan has determined to apply for a contract providing for the beneficial use of Sixty-Three (63) acre-feet of water from Northern Colorado Water Conservancy District within the boundaries of the Northern Colorado Water Conservancy District.

Section 2: That the Mayor and the City Clerk be and are hereby authorized and directed to apply to the Board of Directors of said Northern Colorado Water Conservancy District for a contract providing to the Applicant the beneficial use of water upon terms prescribed by said Board in the manner and form as in this section provided, to-wit:

**APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT FOR RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER
UNDER C.R.S. 37-45-131**

Applicant, City of Fort Morgan, the governing body of a Colorado municipal corporation acting in its governmental capacity or as governing body of a water activity enterprise (circle capacity in which governing body is acting), hereby applies to Northern Colorado Water Conservancy District ("Northern Water"), a political subdivision of the State of Colorado, organized and existing by virtue of Title 37, Article 45, Colorado Revised Statutes, 1973, for a contract for the right to beneficially use Colorado-Big Thompson Project water under the following terms and conditions:

1. The quantity of water herein requested by Applicant for annual application to beneficial use is Sixty-Three (63) acre-feet to be used so long as the Applicant fully complies with all of the terms, conditions, and obligations hereinafter set forth.
2. It is understood and agreed by the Applicant that any water provided for use under this contract by the Board of Directors of Northern Water shall be primarily for domestic, irrigation, or industrial use within or through facilities or upon lands owned or served by said Applicant, provided however, that all lands, facilities, and serviced areas which receive benefit from the use of water (whether water service is provided by direct delivery, by exchange, or otherwise) shall be situated within the boundaries of Northern Water.
3. Applicant agrees that an acre-foot of water as referred to herein is defined as being one-three-hundred-ten thousandth (1/310,000) of the quantity of water annually declared by the Board of Directors of Northern Water to be available for delivery from the water supplies of

Northern Water. Applicant agrees that such water shall be delivered from the works of Northern Water at such existing Northern Water delivery point or points as may be specified by the Applicant and that the water delivery obligation of Northern Water shall terminate upon release of water from said works. Further, the Applicant agrees that on November 1 of each year, any water undelivered from the annual quantity made available to the Applicant shall revert to the water supplies of Northern Water.

4. Applicant agrees to pay annually in advance for the amount of water herein provided for use under this contract by the Board of Directors of Northern Water at a price per acre-foot to be fixed annually by said Board; and, further, agrees that the initial annual payment shall be made, in full, within fifteen (15) days after the date of notice from Northern Water that the initial payment is due hereunder. Said notice will advise the Applicant, among other things, of the water year to which the initial payment shall apply and the price per acre-foot which is applicable to that year. Annual payments for each water year thereafter shall be made in advance by the Applicant on or before each October 1, 31 days prior to the start of the water year, at the rate per acre-foot established by the Board for municipal water use in that water year. For the purpose of this water contract, the water year is defined to be from November 1 to October 31 of the following year.

If an annual payment as herein provided is not made by due date, written notice thereof, by certified mail, will be given by said District to the Applicant at the following address: P. O. Box 100, Fort Morgan, CO 80701.

Water deliveries shall be suspended as of November 1 of the new water year until payment of the delinquency is made. If payment is not made within ninety (90) days after the date of mailing of said written notice, Applicant shall have no further right, title, or interest under this contract; and the right of use of water as herein made, shall be disposed of at the discretion of the Board of Directors of Northern Water. Any proceeds from any sale of the right of use to another allottee shall be paid to Applicant over and above Northern Water's actual expense in terminating and disposing of the contract right of use.

5. This right of use shall be perpetual on an annually renewable basis. If the annual payment is made as provided in this application, the right of use shall be automatically renewed another water year without any further action of Northern Water; if the annual payment is not timely made, as provided above, the right of use shall terminate.
6. Applicant agrees that the water allocation shall be beneficially used for the purposes and in the manner specified herein, and that this right of use is made for the exclusive benefit of the Applicant and shall not inure to the benefit of any successors or assigns of said Applicant without prior specific approval of the Board of Directors of Northern Water.
7. Applicant agrees to be bound by the provisions of the Water Conservancy Act of Colorado; the rules, regulations and policies of the Board of Directors of Northern Water; and by the Repayment Contract of July 5, 1938, between said District and the United States and all amendments thereof and supplements thereto.
8. Applicant agrees, as a condition of this contract, to enter into an "Operating Agreement" with Northern Water if and when the Board of Northern Water finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by Northern Water. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard

contracts of Northern Water; additional annual monetary consideration for extension Northern Water delivery services and for additional administration, operation and maintenance costs; or for other costs to Northern Water which may arise through provision of services to the Applicant.

- 9. Acquisition of this annually renewable perpetual right of use water contract for the Colorado-Big Thompson Project water from Northern Water and the right to the beneficial use of water thereunder by the Applicant necessary; the continued acquisition and use of this water supply is essential for the well-being of the community and for the preservation of the public peace, health, and safety; and the adequate protection of the health of the inhabitants of the community.
- 10. The governing body of Applicant has duly approved this Application in accordance with all legally required procedures.

Section 3: In the opinion of the City Council of the City of Fort Morgan acquisition of this annually renewable perpetual right of use water contract for the Colorado-Big Thompson Project water from Northern Colorado Water Conservancy District and the right to the beneficial use of water thereunder by said City of Fort Morgan is necessary; that the continued acquisition and use of this water supply is essential for the well-being of the community and for the preservation of the public peace, health, and safety; and that the adequate protection of the health of the inhabitants of the community requires an immediate increase in Applicant's water supply. It is, therefore, declared that an emergency exists; that this resolution shall take effect as an emergency measure and that it shall be published in the manner and shall take effect as provided by the statutes of the State of Colorado or charter of the Applicant.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16th 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 16th day of February, 2010.

/s/ Andrea Strand, City Clerk

ORDER ON APPLICATION

Application having been made by or on behalf of all parties interested in this allocation of the right to use Colorado-Big Thompson Project water and after a Hearing by the Board, it is hereby ORDERED that the above application be granted and an allotment contract for Sixty-Three (63) acre-feet of water is hereby made to the City of Fort Morgan, a Colorado municipal corporation, for the beneficial uses set forth in said application upon the terms, conditions, and manner of payment as therein specified.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

By _____
President

I hereby certify that the above Order was entered by the Directors of Northern Colorado Water Conservancy District on the _____ day of _____ A.D., 2010.

ATTEST:

Secretary

APPLICATION TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR CANCELLATION OF TEMPORARY USE PERMITS

The City of Fort Morgan hereby applies for the cancellation of the following Temporary Use Permits:

Permits Dated	Acre-Feet
September 11, 2009	40
September 11, 2009	9
September 11, 2009	<u>14</u>
Total Quantity to be Released	63

Dated at Fort Morgan, Colorado, this 16th day of February, 2010.

CITY OF FORT MORGAN

By: Terry L. McAlister, Mayor

ATTEST:

/s/ Andrea Strand, City Clerk

(SEAL)

ORDER ON APPLICATION

Application having been made by the City of Fort Morgan for the cancellation of the above Temporary Use Permits, and Hearing have been held by the Board of Directors of Northern Colorado Water Conservancy District, it is hereby ORDERED that the above Temporary Use Permits be cancelled.

Dated this _____ day of _____, 2010.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

President

ATTEST:

Secretary

- G. Authorize the Mayor to Execute a Resolution for Authorization of the Appointment of Pat Merrill as Representative and Brad Curtis as Alternate Representative to the Municipal Energy Agency of Nebraska (MEAN) Management Committee.

RESOLUTION NO. 2010-02-05

AUTHORIZATION OF THE MEMBER RESOLUTIONS FOR APPOINTMENT OF PAT MERRILL AS REPRESENTATIVE AND BRAD CURTIS AS ALTERNATE REPRESENTATIVE TO THE MUNICIPAL ENERGY AGENCY OF NEBRASKA (MEAN) MANAGEMENT COMMITTEE AND BOARD OF DIRECTORS

WHEREAS, the City of Fort Morgan, State of Colorado, is a part to the Electrical Resource Pool Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Fort Morgan to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

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

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Pat Merrill as representative to said MEAN Management Committee.

2. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Brad Curtis as alternate representative to said MEAN Management Committee.

Director and/or Alternate Director to MEAN Board of Directors

This is to certify that the City Council of the City of Fort Morgan, State of Colorado duly appointed Pat Merrill to serve as director to represent the City of Fort Morgan on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

This is to certify that the City Council of the City of Fort Morgan, State of Colorado duly appointed Brad Curtis to serve as alternate director to represent the City of Fort Morgan on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et. seq. (1987).

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16th 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 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 16th day of February, 2010.

/s/ Andrea Strand, City Clerk

- H. Authorize the Mayor to Execute a Resolution for Authorization of the Appointment of Pat Merrill as Representative and Brad Curtis as Alternate Representative to the Nebraska Municipal Power Pool Members' Council.

RESOLUTION NO. 2010-02-06

**AUTHORIZATION OF THE APPOINTMENT OF
PAT MERRILL AS REPRESENTATIVE AND BRAD CURTIS AS ALTERNATE
REPRESENTATIVE TO THE NEBRASKA MUNICIPAL POWER POOL MEMBERS' COUNCIL**

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

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.
2. The City Council of the City of Fort Morgan, State of Colorado, does hereby appoint Pat Merrill as the representative of the City of Fort Morgan, State of Colorado, to the Members' Council of the Nebraska Municipal Power Pool.
3. The City Council of the City of Fort Morgan, State of Colorado, does hereby appoint Brad Curtis as the alternate representative of the City of Fort Morgan, State of Colorado, to the Members' Council of the Nebraska Municipal Power Pool.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16th 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)	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 16th day of February, 2010.

/s/ Andrea Strand, City Clerk

- I. Authorize the Mayor to Execute a Resolution Adopting the Northeast Colorado Hazard Mitigation Plan Update of 2009.

RESOLUTION NO. 2010-02-07

**ADOPTING THE NORTHEAST,
COLORADO REGIONAL HAZARD MITIGATION PLAN, UPDATE OF 2009**

WHEREAS, the City of Fort Morgan, Colorado recognizes the threat that natural hazards pose to people and property within our community; and;

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and,

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grant programs; and,

WHEREAS, the City of Fort Morgan resides within the 10 county Planning Area, and fully participated in the mitigation planning process to prepare this Multi-Hazard Mitigation Plan and its 2009 update; and,

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grant programs; and,

WHEREAS, the Colorado Division of Emergency Management and Federal Emergency Management Agency, Region VIII officials have reviewed the 2009 update to the Northeast Colorado Regional Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body.

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

SECTION 1: The City Council hereby re-adopts the Northeast Colorado Regional Hazard Mitigation Plan, as an official plan; and,

SECTION 2: The Northeast Colorado Emergency Managers (NECM) group will submit this Adoption Resolution to the Colorado Division of Emergency Management and Federal Emergency Management Agency, Region VIII officials to enable the Plan’s final approval.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 16th 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 16th day of February, 2010.

/s/ Andrea Strand, City Clerk

- J. Approve the bid from Welch Equipment, Denver, Colorado, in the amount of \$27,422 for a forklift for the Inventory Control Department.
- K. Approve the bid from Altec Industries, Dixon, California, in the amount of \$112,463 for an insulated bucket truck for the Electric Department.

All matters listed under Item 7, Consent Agenda, are considered to be routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

PASSED, APPROVED AND ADOPTED this 16th 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

Dennis Hall, who resides at 512 Maple Street, Fort Morgan referred to the bid awarded to Wolf Auto. He added that none of those businesses were local. He encouraged Council to review the current policy and set standards to ensure that the City was being stewards of the citizens' money and the safety of City staff was considered.

REPORTS

The following Directors provided written reports to Council:

City Manager Merrill added to his report a suggestion to tour the Airport on February 27 as part of the Council Retreat.

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

Community Development Director Callahan informed Council that a team of visiting professionals will be here on March 22 and March 23 as part of the Community Revitalization Program funded by DOLA.

Human Resources and Risk Management Director Prentice
City Sales Tax Revenues and Downtown Sales Tax Comparisons

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced upcoming bids and meetings.

Councilmember Lyn Deal informed Council that James Graff and she will be attending a hearing to place the current School for Performing Arts on the National Registry for historic buildings.

EXECUTIVE SESSION

At 7:40 p.m., Councilmember Powers offered a motion for an Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and concerning the police pension. His motion was seconded by Councilmember Shaver and carried unanimously.

Mayor McAlister announced, "The time is now 9:09 p.m., and we now conclude the Executive Session and return to the open meeting." Upon returning to the open meeting, Mayor McAlister announced, "The participants in the Executive Session were Mayor McAlister; Councilmembers

Bryan, Deal, Forstedt, Nation, Powers and Shaver; City Attorney Jeffrey Wells and City Manager Pat Merrill.

“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 will ask Councilmember Powers to report on the Executive Session.”

Councilmember Powers offered a motion to instruct the City Attorney to modify the ordinance for the Police Pension to meet Charter requirements. His motion was seconded by Councilmember Forstedt. The vote upon roll call was as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

EXECUTIVE SESSION

At 9:12 p.m., Councilmember Forstedt offered a motion for an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402 (4)(e); and concerning sale of land. Her motion was seconded by Councilmember Powers and carried unanimously.

Mayor McAlister announced, “The time is 9:40 p.m., and we now conclude the Executive Session and return to the open meeting.” Upon returning to the open meeting, Mayor McAlister announced, “The participants in the Executive Session were Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver; City Attorney Jeffrey Wells and City Manager Pat Merrill.

“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 will ask Councilmember Forstedt to report on the executive session.”

Councilmember Forstedt offered a motion to give the City Manager the authority to sell City property within the parameters set in the Executive Session. Her motion was seconded by Councilmember Powers. The vote upon roll call was as follows: Ayes: Mayor McAlister, Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

Mayor McAlister adjourned the February 16, 2010, regular meeting at 9:45 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Cheryl Winberg
Deputy City Clerk