

March 2, 2010

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 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 Ronald 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 Deputy City Clerk Cheryl Winberg.

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## **PUBLIC HEARING FOR ZONING OF RIVERSIDE PARK NORTH ANNEXATION**

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### **PUBLIC HEARING**

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 Riverside Park North Annexation Property, is convened this 2nd day of March, 2010, during the hour of 7:00 p.m."

Deputy Clerk Winberg stated that the notice of public hearing was published in *The Fort Morgan Times* on February 19, 2010.

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

FROM: David Callahan, Director of Community Development  
SUBJECT: Case AN-10-001: Riverside Park North *Agenda Item 3*.  
DATE: February 24, 2010  
MEETING DATE: March 2, 2010

### **PUBLIC HEARING:**

#### Case AN-10-001: Riverside Park North Annexation

Request: An annexation of 299 acres into the City of Fort Morgan  
Location: North of Riverside Park, Part of the NE corner of Section 31, and part of the North ½ of Section 32, Township 4 North, Range 57  
Proposed Zoning: Very Low Density Residential (E-1)  
Applicant: The City of Fort Morgan

**SUMMARY:** This request by staff seeks to annex land that is owned by the city, and is located immediately north, to northeast of the existing Riverside Park. At a duly noticed public hearing held on January 25, 2010, the Planning Commission unanimously recommended annexation, and further recommended zoning the land as Very Low Density Residential (E-1).

**BACKGROUND:** This annexation is currently used for passive recreation and open space purposes. An existing Conservation Easement insures that the land can only be used for these purposes in the future.

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

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

- The proposed land use is compatible with the overall land use pattern depicted in the Future Land Use Plan. The plan shows this area mostly as *Agricultural*, with portions shown as *Parks and Open Space*. The City intends to use the land for park and open space purposes, and the land is subject to a Conservation Easement that insures only these uses. While the Conservation Easement allows certain specified passive recreational improvements, it prohibits any subdivision or development of land that is contrary to the "Conservation Values" defined in Section 170(h)(4)(A) of the Internal Revenue Code. The easement was recorded with the Morgan County Clerk and Recorder on December 22, 2006, at Reception number 839814.
- Staff developed an annexation petition and determined that all of the applicable requirements have been met. A petition for annexation has been properly executed, a community of interest exists, all appropriate districts have been notified, the one-sixth contiguity requirement is met, the land is within the City's adopted Urban Growth Area, and is capable of being integrated with the City, the City can provide all necessary services to the property with no need to finance trunk line extensions, an Impact Report has been prepared and properly submitted, and all other applicable statutory requirements have been met.
- Four copies of a properly prepared annexation map have been provided.
- The adopted street plan does not require additional right-of way from this property.
- The staff has not prepared a qualitative analysis of the benefits and liabilities in this case, as it does not seem warranted. The property is immediately adjacent to the existing city limits, and will not require any future utility line extensions. The proposed land use (park and open space) will not significantly increase the need for additional City services and will not negatively impact the City budget.

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

- The area to be annexed is within the designated Urban Growth Area.
- There is no proposed residential development with this request, so there will not be impacts to schools.

- This request is within an area designated as “Third Priority” on the City’s adopted Annexation Plan Map.

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

- This review serves to meet the policy (3.) stating that the Planning Commission shall review and recommend whether to approve the annexation, and if so, what the proper zoning classification should be.
- The city will not be providing water to this site, because the land is intended solely for passive recreation and open space uses.

**ZONING:**

Staff recommends the Very Low Density Residential (E-1) zoning classification. This district provides for parks, recreational areas and open space, and is the least intensive zoning district currently listed in the Zoning and Land Use Code. *The term least intensive refers to the number and variety of allowed land uses, and the impact created by those uses. In the E-1 district, no more than one single-family home is allowed per parcel of land. In this case, that equates to one house on 299 acres.*

The Zoning and Land Use Code does not have a zoning district designation expressly for park and open space uses. Since state law requires that annexed land be zoned, the conventional solution is to choose the zoning category that is most closely aligned to the intended use. In this case, the E-1 district comes closest to the proposed park and open space use.

**Planning Commission Review:**

The Planning Commission reviewed this request at a public hearing held on January 25, 2010.

Discussion was held regarding the increased area in the city limits to be patrolled by Police and Code Enforcement. City Attorney Wells noted that there are no roads to patrol or any developed trails, with a limited amount of law to be enforced. The discharge of firearms was discussed and it being illegal to discharge firearms in the city limits, which will also apply to the proposed annexation area if approved. Comment was made of it being important for the public to be informed, so once the annexation is complete, it is understood that the discharge of firearms in the area is illegal. It was asked if the Conservation Easement denies the right to hunt. City Attorney Wells is not aware that it does, but stated that the discharge of firearms is not allowed on any property within the city limits, even if allowed in the Conservation Easement, by virtue of annexation and being in the jurisdiction of the City. He noted that hunting is not currently allowed and if Council ever felt the need to look into such, the City would have to check with Great Outdoors Colorado (GOCO) to determine if even allowed under their definition of passive recreation.

The two parcels excluded from and surrounded by the Annexation were discussed. City Attorney Wells noted that the Twamore family retained those parcels when the land was sold and are under the County’s jurisdiction. The smallest parcel being the well and the long narrow parcel, possibly still part of the well, as well as a strip of land used for cattle. He noted that the City did not request to annex the two small parcels and would have to have permission from the property owners to do so. He explained a Conservation Easement as being a restriction on use of the property, which delineates the rights that the easement holder has. The Easement was purchased by GOCO and cannot be used for anything other than open space and passive

recreation. He noted that any trails would have to be ADA compliant and nothing can be built or utilities installed, although existing utilities could be maintained, and Ag use is still allowable.

Councilmember Nick Ng made a motion to recommend that Council approve the Annexation as presented along with the suggested zoning of E-1, seconded by Mike Tibbetts; motion carried unanimously.

**SUPPORTING DOCUMENTS:**

Comprehensive Plan Annexation Introduction, et seq., the City Council Adopted Annexation Policy, and the Riverside Park North Annexation Impact Report

**ACTION REQUESTED:**

Staff and the Planning Commission find that all of the applicable policies, checklist, and statutory requirements have been met, and therefore recommend that the City Council approve Case AN-10-001: Riverside Park North Annexation, an annexation of 299 acres into the City of Fort Morgan, and zoning the property as E-1: Very Low Density Residential.

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

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

There were no comments 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 PETITION FOR ANNEXATION**

**First Reading of the Annexation Ordinance**

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

**ORDINANCE NO. \_\_\_\_\_**

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

WHEREAS, the City Council of the City of Fort Morgan on January 5, 2010, adopted a resolution finding that the Riverside Park North petition for annexation was in substantial compliance with C.R.S. §31-12-107, and set a hearing date of February 16, 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 February 16, 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:

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 6<sup>TH</sup> 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 6<sup>TH</sup> 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 6<sup>TH</sup> 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;

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 2<sup>nd</sup> day of March, 2010.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister  
Mayor

ATTEST:  
/s/ Cheryl Winberg  
Deputy City Clerk

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

THE CITY COUNCIL OF THE CITY  
OF FORT MORGAN, COLORADO

[ SEAL ]

\_\_\_\_\_  
Mayor

ATTEST:

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

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

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

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

Councilmember Powers offered the following Resolution and moved for its adoption. His motion was seconded by Councilmember 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 foregoing Ordinance entitled above; and the same is hereby ordered published in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and that said Ordinance again be presented to this Council at the expiration of said period of publication for final action thereof.

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

### **FIRST READING OF THE ZONING ORDINANCE**

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

**ORDINANCE NO. \_\_\_\_\_**

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

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

WHEREAS, a petition for annexation of certain property described in Exhibit A, attached hereto and made a part hereof, and known as the Riverside Park North 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 E-1: Very Low Density Residential; and,

WHEREAS, a E-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 Riverside Park North Annexation, the legal description of which is set forth in Exhibit A attached hereto and incorporated herein by this reference, is hereby zoned E1: Very Low Density 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 March, 2010.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister  
Mayor

ATTEST:

/s/ Cheryl Winberg  
Deputy City Clerk

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

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

\_\_\_\_\_  
Mayor

ATTEST:

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

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

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing Ordinance No. \_\_\_\_ was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 2<sup>nd</sup> day of March, 2010. Said Ordinance, as proposed,

was duly read at length at said regular meeting, and thereafter the same was, on the 5<sup>th</sup> day of March, 2010 published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010. Within five (5) days after its final passage, said Ordinance was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

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City Clerk

Councilmember Powers 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 foregoing Ordinance entitled above; and the same is hereby ordered published in the City of Fort Morgan, Colorado, not less than ten days before further consideration; and that said Ordinance again be presented to this Council at the expiration of said period of publication for final action thereof.

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

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### **COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY**

**Approve the application for renewal of a Hotel and Restaurant Liquor License for La Cascada Mexican Restaurant Corp., dba La Cascada Mexican Restaurant, located at 103 Main Street – Clerk Strand, Chief Kuretich**

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Deputy Clerk Winberg reported that her office had received a complete application for renewal of a Hotel and Restaurant Liquor License for La Cascada Mexican Restaurant Corp., dba La Cascada Mexican Restaurant, located at 103 Main Street. The appropriate fees had been paid for the renewal.

Chief Kuretich noted that upon inspection, the food service license had expired as of 12/31/2009; however, the owner presented a paid receipt from the Colorado Department of Health showing he applied for the new license on January 4, 2010. Compliance check violations had occurred in both 2008 and 2009; however, the restaurant passed the check conducted on January 23, 2010. Councilmember Powers asked Chief Kuretich to clarify the violations that had previously occurred. Chief Kuretich noted that the one in 2009 was for unlawful sale of alcohol to a minor. Councilmember Powers asked the Applicant's owner present, Rafael Vazquez, about past violations of sales to minors and whether a training program was in place. Mr. Vasquez discussed how the majority of their employees are family members who know their usual customers and know which customers are minors and that the employee who sold to a minor in 2009 is no longer employed at the restaurant. Mayor McAlister suggested that he discuss available training with Chief Kuretich to ensure that future violations do not occur.

Councilmember Powers offered a motion to approve the application for renewal of the Hotel and Restaurant Liquor License for La Cascada Mexican Restaurant Corp., dba La Cascada Mexican Restaurant, located at 103 Main Street. His motion was seconded by Councilmember Shaver and duly carried.

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## **CONSENT AGENDA**

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

- A. Approve the minutes from the February 16, 2010, regular meeting.
- B. Approve the bid from Technology for Energy Corporation, Knoxville, Tennessee, in the amount of \$17,995 for a three-phase metering and power analyzer for the Electric Department.
- C. Approve the bid from National Meter & Automation, Centennial, Colorado, in the amount of \$14,385 for a Ford small water meter test bench for the Water Distribution Department and approve an additional \$2,000 for the cost of electrical and plumbing upgrades.

All matters listed under Item 5, 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 2<sup>nd</sup> day of March, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

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## **PUBLIC COMMENT / AUDIENCE PARTICIPATION**

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None.

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## **REPORTS**

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The following Directors provided written reports to Council:

Police Chief Kuretich  
Water Resources/Wastewater Treatment Director Dreessen

Municipal Engineer Curtis – Announced it is getting close to the annual Spring Cleanup time, which he believes will be March 19-28. Before that date a banner will be hung downtown and it will be advertised in the local newspaper and on Cable Channel 17.

Community Development Director Callahan – When Councilmember Deal offered praise for the good maps in recent annexation meeting packets, Director Callahan in turn praised the City Clerk’s Office and the City Attorney’s Office for their assistance.

Human Resources and Risk Management Director Prentice  
City Clerk Strand  
Municipal Court Administrator Tadolini  
Fort Morgan Volunteer Fire Department Chief Parker

City Manager Merrill – Thanked Cargill for their very generous recent donation. Also, Channel 17 is up and running again and the Council Chambers’ projectors are fixed. Also, to update open staff positions, a conditional job offer has been made to a Community Services Director, we are awaiting the response; an appointment is set for Friday, March 12 to determine a mutually agreed upon financial arrangement for the Golf Course Pro; and a conditional job offer was made to a Golf Course Superintendent, awaiting background check results. These three individuals, along with the new Marketing Director, will begin work in the near future and he is considering a reception for all four new employees in April.

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## **BIDS, MEETINGS AND ANNOUNCEMENTS**

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Deputy Clerk Winberg announced upcoming bids and meetings. She announced the 2010 Census Questionnaire Assistance Centers are available from February 26 to April 19, 2010, and that more information is available on the City’s website.

Councilmember Powers announced that with the annual CML Conference in June, Councilmembers are encouraged to turn in reservations information to the City Clerk. The scholarship application forms should be turned in to the Clerk as soon as possible.

Mayor McAlister adjourned the March 2, 2010, regular meeting at 7:30 p.m.

*/s/ Terry L. McAlister*  
Mayor

*/s/ Cheryl Winberg*  
Deputy City Clerk