

April 20, 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 6:00 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

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## **EXECUTIVE SESSION**

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Councilmember Powers offered a motion to go into an Executive Session for a conference with the City Attorney 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) concerning potential property acquisition. His motion was seconded by Councilmember Forstedt and duly carried.

Mayor McAlister announced, "The time is 7:00 p.m., and the Executive Session has concluded and Council returned to the open meeting. The participants in the Executive Session were Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver; Don Jones; Russ Croft; City Attorney Jeffrey Wells and City Manager Pat Merrill. Don Jones and Russ Croft left the Executive Session at 6:25 p.m.

"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 stated that City Council met to instruct negotiators regarding the potential purchase of property. **He offered a motion to instruct the City Manager to negotiate to obtain the property within the perimeters set in Executive Session. His motion was seconded by Councilmember Forstedt and duly carried.**

## **7:00 P.M. – REGULAR MEETING**

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Lieutenant Darin Sagel, Director of Water Resources/Wastewater Treatment Gary Dreessen, Municipal Engineer Brad Curtis, Community Development Director David Callahan, Director of Marketing Kevin Wilkins, Director of Community Services Patti Evans, City Treasurer Terri Schafer and City Clerk Andrea Strand.

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**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY  
PUBLIC HEARING ON THE APPLICATION FOR A RETAIL LIQUOR STORE LICENSE  
FROM REATA LIQUORS, INC., LOCATED AT 1305 N. BARLOW ROAD**

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**Public Hearing**

Mayor McAlister made opening comments and read into the record:

“This is a public hearing before the City Council of the City of Fort Morgan acting as the Local Liquor Licensing Authority for the City, to determine whether the application for a Retail Liquor Store License by Reata Liquors Inc. (Applicant) should be granted or denied. This hearing will be conducted pursuant to the laws of the State of Colorado and the Ordinances and procedures of the City of Fort Morgan.

“The purpose of this hearing is to receive information, data and testimony by any interested parties in order to enable the City to make findings and reach conclusions required to be made by state law as to whether or not the application should be approved or denied. One of the principal questions the Council will be concerned with throughout this hearing relates to the reasonable requirements of the neighborhood for the outlets applied for and the desires of the inhabitants of that neighborhood with respect to the outlet. Those persons who will be heard during this hearing are “parties of interest,” who are defined by state law as being the applicant, residents of the neighborhood and owners or managers of businesses located in the neighborhood.

“The order of this hearing will be as follows. At the conclusion of my opening comments, Staff will report on the public notice of the hearing, posting of the property, status of fingerprint reports, presentation of the application, and review of the petition. The Applicant will present their case, meaning they will present testimony, exhibits, petitions, or other materials relevant to the application. Interested parties may then testify for or against the proposed application, after which the Applicant will have the opportunity for rebuttal. At the conclusion of all testimony, the Council will make its decision to approve or deny the application.

“All testimony will be given under oath given by the Mayor. Any exhibits presented during the hearing will be submitted to the City Clerk to become part of the record. The Clerk’s official files are hereby admitted into the record of this hearing.

“The Council previously set the boundaries of the neighborhood for the license as the City Limits of Fort Morgan. Does anyone present object to the boundaries of the neighborhood?

“If not, we will proceed with the public hearing.”

Clerk Strand stated that the application for a retail liquor store license had been accepted on March 16, 2010, and the public hearing scheduled for April 20, 2010. The Affidavit of Publication for the Notice of Hearing had been published in *The Fort Morgan Times* on April 9, 2010. This meets the statutory notice requirements.

Lieutenant Darin Sagel provided the Affidavit of Posting of the property at 1305 N. Barlow Road, Fort Morgan. The notice was posted on the property from April 5, 2010, to April 20, 2010.

Mayor McAlister asked for the introduction of the Applicants. Kathy Sanger introduced herself.

Clerk Strand presented the application as complete with the appropriate fees being submitted.

Lieutenant Darin Sagel had provided the background investigation report to the Local Licensing Authority and to the applicant.

Clerk Strand presented the summary of the Petition showing the needs of the Neighborhood. She reported that 129 individuals had signed the petition in favor of the retail liquor store located at 1305 N. Barlow Road in Fort Morgan, Colorado. Ten (10) names were not qualified to sign; eighty-three (83) were unable to verify the address leaving thirty-six (36) signatures in favor.

Attorney Wells asked for the record if the applicant had any other exhibits or testimony to provide to the Authority; they had none.

Clerk Strand stated that no one from the public had provided written comments to her office.

No one from the public was present to provide comments.

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

#### **Action on the Application**

Attorney Wells provided options to the Licensing Authority to approve, continue or disapprove of the application that was submitted for a Retail Liquor Store License by Reata Liquors Inc., located at 1305 N. Barlow Road, in Fort Morgan. He presented Findings of Fact that a complete application was submitted and the requirements of the neighborhood, the wants and needs of the adult population of the City of Fort Morgan and that good morale character of the applicants had been met.

**Councilmember Nation offered a motion to approve the application for a Retail Liquor Store License, by Reata Liquors Inc., located at 1305 N. Barlow Road, in Fort Morgan. His motion was seconded by Councilmember Shaver and carried unanimously.**

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#### **PRESENTATION OF THE ECONOMIC BENEFITS OF RAINBOW BRIDGE**

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Councilmember Lyn Deal provided a PowerPoint presentation informing all about the history of Rainbow Bridge and various projects for improvement over the years. She stated it was placed on the National Register of Historic Places in 1984 and designated in 1992 as a Colorado Civil Engineering Landmark.

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#### **CONSENT AGENDA**

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

- A. Approve the minutes from the April 6, 2009, regular meeting.
- B. Approve the disbursements and payroll for March 2010.

**PUBLICATION REPORT – MARCH 2010**

Active Lock Service-Keys	\$18.50
ADP Screening & Selection-Pre Employment Screenings	\$704.66
Affiliated Credit Service-Misc Deduction	\$805.96
AFLAC-Additional Insurance	\$2,065.40
American Public Power Association-Annual Dues	\$7,648.86
American Security-Security Monitoring	\$614.40
American Sprinkler, Inc.-Inspection of Fire Sprinkler Systems	\$525.00
American Water Works Assn-Safety Video	\$195.00
Applied Specialties, Inc-Supplies	\$1,614.60
Armstrong Service Center-Service Unit 16	\$170.48
Arthur L Ohlander dba Tumbleweed Electric-Electrical Drawing Review	\$130.00
ASCAP-Music License Fee	\$92.06
Audubon International-Annual Membership	\$200.00
Baker & Taylor Inc-DVD's	\$374.66
Bauer & Furman, P.C.-Court Appointed Counsel Fees	\$2,362.17
Beacon Athletics-Supplies	\$278.17
Behrends, Tony-Reimbursement	\$56.89
Bellendir Tire & Auto-Tires & Tire Repair	\$1,639.16
Best Western Park Terrace-Motel Accommodations	\$120.00
Better Business Bureau-Membership Fee	\$765.50
Big O Tires-Tires	\$618.30
Bloedorn Lumber-Supplies	\$2,908.50
BNL Properties Inc.-Car Wash	\$322.28
Bob's Upholstery Tent & Awning-Seat Repair	\$150.00
Boyle Equipment Company Inc.-Repairs to Unit	\$5,718.40
Brandenburg & McGuire P.C-Associate Judge Fees	\$73.75
Bresnan Communications-Internet	\$59.95
Brody Chemical, Inc.-Supplies	\$141.09
Bruce Hogan-TKD Instructor	\$225.00
Brush News Tribune-1 year Subscription	\$30.00
BSN Sports-Supplies	\$534.58
Builders Aggregate Co-Supplies	\$510.00
Business Mart-Supplies	\$44.85
Butane Power & Equipment-Propane	\$1.50
Canfield Drilling Co-Supplies	\$8.11
Canyon Systems, Inc.-Platinum Electrodes	\$1,984.00
Capital One Bank, USA, N.-Misc Deduction	\$69.44
Cathy Weiss DBA Chasing4Life-Speaking Engagement	\$140.00
Ceavco Audio Visual Co.-Supplies	\$718.50
CEM Sales & Service-Supplies	\$178.30

Central Auto Parts-Supplies	\$3,741.44
Cenveo-Repair Costs Audio Video Room	\$1,094.61
Cindy Frye-Reimbursement	\$35.96
CIRSA-Deductibles	\$517.50
Citibank South Dakota N.A-Misc Deduction	\$693.21
City of Fort Morgan-Health Care Cost March	\$153,859.20
City of Fort Morgan-Employee Share Health Care Cost March	\$640.00
City of Fort Morgan-Utilities	\$86,799.23
Claudia Nickell-Reimbursement	\$84.13
Clean Energy-Rebuild Compression Modules	\$4,278.07
CNH CAPITAL-Supplies	\$2,464.34
Co Family Support Registry-Misc Deduction	\$4,532.41
Colo Coroners Association-Outreach Training	\$96.00
Colo Dept of Public Hlth-February Toxicology	\$25.00
Colonial Life & Accident-Misc Deduction	\$105.86
Colorado Code Publishing-Internet Hosting	\$651.00
Colorado Dept of Revenue-Sales Tax February	\$51,708.00
Colorado Dept. of Revenue-Payroll Taxes	\$17,707.00
Colorado Law Enforcement-CLEOA Training Class	\$225.00
Colorado LECC-Conference Registration	\$45.00
Colorado Mack Sales & Service-Supplies	\$67.70
Colorado Municipal Judges-Spring Judge Conference	\$175.00
Colorado Parks Recreation-Rockies Skills Challenge Fee	\$30.00
Colorado Plains Medical Center-Blood Draws	\$6.00
CompUSA-Supplies	\$1,319.25
Computer Solutions-Supplies	\$19.95
ConocoPhillips-Fuel	\$6,716.94
Conserve-A-Watt-Supplies	\$1,255.60
Counter Trade Products, Inc-Software	\$179.00
Country Hardware & Farm Supply-Supplies	\$104.62
Dana Kepner Company-Supplies	\$187.12
David Callahan-Reimbursement	\$12.00
DBC Irrigation Supply-Supplies	\$935.35
Dell Marketing L.P.-Computers	\$8,980.46
Dennys W Edmondson dba/Denny's Small Engine & Saw Shop-Services	\$266.55
Denver Water Department-Meter Test Charges	\$276.00
Devlin Electric-Services	\$240.70
Diamond Vogel Paint Center-Supplies	\$308.97
Digital Retirement Solutions-Police Pension	\$33,621.83
Digital Retirement Solutions-Police Pension Employer Contribution	\$1,956.47
Discount Tire of Ft. Morgan-Tires & Service	\$1,088.47
DOI-USGS-Gage Station Operation	\$4,915.00
Don Jones Excavating-Snow/Ice Removal	\$297.50

Don Price-Jury Bailiff Services	\$173.10
Donna's Floral and Gifts-Sympathy Plant	\$30.00
Don's Body & Paint Inc-Police Unit 3098 Repairs	\$1,597.05
Douglass Colony-Roof Repair	\$707.36
Duane L Menken-Fence Repair	\$33.72
DW Inspection Systems, LLC-Root Cutter Equipment	\$4,995.00
Dyna Systems-Supplies	\$62.76
Eagle One Golf Products- Supplies	\$641.00
East Jordan Iron Works-Supplies	\$188.67
East Morgan Cty Library-Book Replacement	\$27.95
Eastern Colo Drug Task Force-Cash Match for Oct 09-Sept 2010	\$3,000.00
Edwards Flowerland & Grocery-Supplies	\$197.94
Eicher, Darrel J.-Reimbursement	\$110.27
Elan Financial Services-Credit Card Charges	\$834.92
Endress + Hauser Inc.-Supplies	\$893.80
EnviroTech Services, Inc.-Supplies	\$4,713.67
Essential Safety Products-Supplies	\$615.58
Excel Physical Therapy-Pre Employment Screening	\$75.00
Express Toll- Toll Charges	\$5.00
Farm Plan-Supplies	\$1,681.25
Farris Machinery Company-Supplies	\$781.07
Fastenal Company-Supplies	\$689.66
Federal Express Corporation-Shipping	\$15.25
Ferguson Enterprises Inc.-Supplies	\$931.34
Fire & Police Pension Association-Police Death/Dismember Policy	\$1,596.44
Fire & Police Pension Association-March Old Hire Contribution	\$6,106.67
Fire Protection Publications-Supplies	\$80.56
First Aid 2000-Supplies	\$358.64
First Class Security System-Alarm Monitoring	\$804.65
Fisher Scientific-Supplies	\$384.65
Fleet Services-Fuel	\$236.95
Fort Morgan Auto Body-Replace Decals	\$475.00
Fort Morgan Chamber of Commerce-Spring Expo Registration	\$250.00
Fort Morgan Medical Group-DOT Physicals, DOT Drug Testing & Random Drug Tests	\$1,731.00
Fort Morgan Municipal Court-Juror Fees & NSF Fees	\$121.00
Fort Morgan Paint Bucket-Supplies	\$82.45
Fort Morgan Printing-Supplies	\$350.00
Fort Morgan Reservoir & Irrigation Company-2010 Water Augmentation Assessments	\$16,984.14
Fort Morgan Veterinary Clinic-Animal Control	\$144.18
Fort Morgan Volunteer Fire Department-February Calls	\$360.00
Fortna Equipment Co., Inc-Supplies	\$246.50
Frontier Performance Lubricants-Supplies	\$1,394.40

G & K Services-Janitorial Services	\$2,689.91
Garretsons Sport Center-Supplies	\$471.45
Gemplers Inc-Uniforms	\$590.60
General Chemical Performance-Supplies	\$4,330.95
Glen Dahl-Services	\$95.00
Golf Magazine-Subscription	\$9.00
Golfweek Magazine-Subscription	\$24.95
GOVConnection, Inc.-Supplies	\$1,731.42
Grainger-Supplies	\$1,910.04
Granit Bronz-Name Plaques	\$859.00
Great Copier Service Inc-Copier Monthly Billing	\$762.73
Groebner & Associates Inc-Supplies	\$325.13
Guardian-Additional Insurance	\$4,554.63
Hach Company-Supplies	\$409.34
Hajoca Corporation-Supplies	\$27.76
Headsets.com-Supplies	\$47.90
Herman & Pamela Albrandt DBA Xtek Communications-Channel 17	\$70.00
Hewlett-Packard Company-Printer	\$187.00
Hill Petroleum-Fuel	\$216.86
HireRight Solutions Inc.-Pre Employment Drug Test	\$5.00
Hotline Electrical Sales-Supplies	\$902.02
Humana Insurance Co. Inc.-Additional Insurance	\$178.82
I M S A-Membership	\$60.00
Impressions By Bird, LLC-Supplies	\$524.30
Indigo Water Group-Seminar Registration	\$330.00
Ingram Book Company-Books	\$3,345.69
Inspirations Quilt Shop-Supplies	\$19.45
Intermountain Sweeper Co-Supplies	\$987.73
Interstate Battery-Supplies	\$51.90
iWorQ Systems-Pavement Management Service	\$600.00
J & S Contractors Supply-Supplies	\$619.50
Jackson Lake Reservoir & Irrigation Co-2010 Water Augmentation Assessments	\$2,047.95
Jerrae Swanson-Reimbursement	\$245.57
Jim Powers-Reimbursement	\$91.63
J-M Manufacturing Co., Inc.-Supplies	\$84.88
Jody Prentice-Reimbursement	\$34.10
Joe North-Artist Children's Library	\$100.00
Jonathan Karas-Meal Advance Meter School	\$180.00
Kauffman Pest Control-Pest Control	\$190.00
Kenneth Mooney-Reimbursement	\$74.95
Kentec Communications Inc-Internet Services	\$183.70
Kevin Wilkins-Reimbursement	\$555.45
Kirkendall, Mike-Reimbursement	\$172.10

Knight Pest Control LLC-Pest Control	\$50.00
Kriz Davis Company-Supplies	\$3,568.80
L L Johnson Distributing-Supplies	\$225.14
L. N. Curtis & Sons-Supplies	\$84.59
Lamp Rynearson & Associates-Revised Annexation Map	\$200.00
Larry's Auto Body-Police Unit 3071 Repairs	\$1,088.24
Lebsock Repair Service-Unit Repair	\$20.04
Light, Harrington & Dawes-Professional Services	\$1,190.00
Linda F Howell-TKD Instructor	\$225.00
Lyle Signs, Inc-Signs	\$1,680.96
M & M Cooperative-Propane	\$1,013.66
M E A N-Purchase Power	\$686,458.72
M. Lee Smith Publishers-Subscription	\$247.00
Mac Tools-Supplies	\$399.00
Matrix Consulting Group-Staffing Analysis	\$14,080.00
Matthew Bender & Co. Inc.-Colo Revised Stats Rules 2010	\$76.94
Maverick's Grill-Community Revitalization Program Meal	\$362.61
McCandless Intl Trucks-Supplies	\$49.47
McDonald Physical Therapy-Pre Employment Screening	\$60.00
McFarland Cascade-Supplies	\$8,738.00
Mesa Hotline School-Registration	\$150.00
Michael Richard, Ph.D.-Exam & Report of MLSS	\$350.00
Midwest Gas & Grocery-Fuel	\$6,913.31
Midwest Laboratories, Inc-Monthly Metals Testing	\$134.00
Midwestern Millwright-Welding Services	\$550.66
Model Cleaners Inc-Dry Cleaning	\$243.69
Morgan County Central Services-Fuel	\$2,941.41
Morgan County Clerk & Recorder-Plat Map Copies	\$40.00
Morgan County Dept Solid-Landfill Charges	\$14,819.17
Morgan County Economic Development-Annual Meeting Luncheon	\$80.00
Morgan County General Fund-Phone Charges	\$81.74
Morgan County Government-GIS Data Extracts	\$70.00
Morgan County Government-Court Room Video Arraignment March 2010	\$320.00
Morgan County Rural Electric Association-Utilities	\$4,466.58
Morgan County Signs-Supplies for Mural	\$2,013.00
Morgan Cty Quality Water-Utilities	\$204.98
Mr. D's Ace Home Center-Supplies	\$1,247.87
Murdoch's Farm/Ranch Supply-Supplies	\$7,289.93
National Public Gas Agency-Purchase Gas	\$385,320.27
Neve's Uniforms Inc-Uniforms	\$519.27
New World Systems-Software Maintenance 2010	\$46,550.00
Newco Incorporated-Supplies	\$505.24
Norfolk Lodge & Suites-Hotel Accommodations for Conference	\$300.00

Northern Colorado Paper-Supplies	\$3,274.44
Office Depot-Supplies	\$462.21
Operators Certification Program-WW Certification Renewal	\$240.00
Oriental Trading Co Inc-Supplies	\$121.33
O'Sole Mio-Planning Commission Meal	\$66.75
Part Smart Carquest-Supplies	\$244.33
PayFlex Systems USA, Inc.-Sect 125	\$5,687.53
PayFlex Systems USA, Inc.-March Admin Fees	\$196.00
PERA 401K Investment Plan-Contributions	\$10,263.52
Phelps-Atkinson Golf Course Design-Golf Course Design Services	\$2,117.50
Pinnacol Assurance-Work Comp Deductible	\$1,491.09
Pitney Bowes Inc-Postage Meter	\$301.00
Plan Tools, LLC-Update Comprehensive Plan & Land Use Code Project	\$7,362.00
Planner Pads, Co.-Supplies	\$58.94
Platte Avenue Lateral Company-2010 Augmentation Assessments	\$252.00
Precision Transmission-Transmission Repair	\$52.00
Pre-Paid Legal Services-Misc Deduction	\$300.90
Public Employees Retirement-Pension	\$94,054.40
Quad County-Repairs	\$53.28
Quest Diagnostics-Pre Employment Drug Test	\$21.84
Quest Inc.-Supplies	\$3,362.48
Quill Corporation-Supplies	\$100.04
Qwest-Phone Charges	\$3,260.09
Ragan Communications-Subscription	\$129.00
Railroad Management Company-Rent Water Pipeline Crossing	\$99.83
Red Arrow Manufacturing-Supplies	\$294.25
Redwood Toxicology Lab-Random Urinalysis Probation	\$52.75
Reed Elsevier Inc.-February Contract Fees & Web Name Searches	\$317.90
Riverside Co Dept of Child Services-Misc Deduction	\$390.00
ROI Fire & Ballistics-Supplies	\$165.20
Ruhl Distributing Company-Supplies	\$14.58
Ruppels Plumbing & Heating-Repairs	\$60.23
S.A.R.A., Inc.-2010 Third Party Contribution	\$2,500.00
Safeguard Business System-Supplies	\$64.20
Safeway Stores Inc-Supplies	\$10.47
Sagel, Darin-Reimbursement	\$9.67
Sailsbery Supply Company-Supplies	\$2,005.49
Scott Aviation-FBO Fees	\$2,000.00
Sears Commercial One-Supplies	\$42.97
Service Master-Janitorial Services	\$3,390.00
Sherwin-Williams-Supplies	\$55.06
Sheryl Groves-TKD Instructor	\$225.00
Simplot Grower Solutions-Supplies	\$174.45

Skarshaug Testing Laboratory-Testing	\$249.87
Sleek's Rent-To-Own-Shipping	\$20.63
Solid Oak Software-License for CyberSitter Version II	\$49.95
SOS Staffing-Temp Services	\$1,645.75
South Platte River Health-Supplies	\$35.00
Southside Lateral Company-2010 Augmentation Water Assessments	\$1,102.00
SPAN Publishing, Inc.-Directory	\$144.00
Specialty Shoppe Floors-Supplies	\$9.00
Standard Glass Company-Supplies	\$9.50
Star Athletic Club-Memberships	\$332.84
State of Colorado/OIT-Frame/ATM Service	\$1,076.89
Sunrise Environmental-Supplies	\$273.68
Super Vacuum Mfg. Co. Inc-Graphics	\$426.39
Taylor Rental-Equipment Rental	\$1,099.99
Team Laboratory Chemical-Supplies	\$3,362.00
The Active Network, Inc.-Subscription	\$543.38
The Blue Cell, LLC-ICS Instruction	\$700.00
The Flower Petaler-Sympathy Plant	\$50.05
The Fort Morgan Times-1 Year Subscription	\$120.00
The Fort Morgan Times-Advertising	\$2,847.63
The Glove Wagon-Supplies	\$486.75
ThyssenKrupp Elevator-Elevator Maintenance	\$3,028.64
Timothy Williams-Travel Reimbursement Community Services Director Interview	\$351.57
Tolin Mechanical Systems-Quarterly HVAC Service Agreement	\$249.00
TST, Inc. Consulting Engineers-Professional Services Final Payment	\$498.79
Underwriters Laboratories-Water Compliance Testing	\$82.00
Unique Embroidery & Engraving-Supplies	\$1,783.54
United Way of Morgan County-Contributions	\$192.00
UNUM Provident-April Life Insurance Premium	\$2,853.89
Upstart-Supplies	\$719.45
USABlueBook-Supplies	\$486.75
USI Education & Government Sales-Supplies	\$33.52
Utility Notification Center of Colorado-Utility Locates	\$89.32
Viaero Wireless-Cell Phone Charges	\$2,291.66
Vision Service Plan (CO)-Additional Insurance	\$1,582.41
Wagner Equipment Co-Supplies	\$1,876.48
Wakefield & Associates-Collection Book	\$125.00
Wal-Mart-Supplies	\$946.63
Warehouse Supply-Supplies	\$233.21
Waste Management of N E C-Services	\$258.16
WatchGuard Video-DVD Video System	\$4,995.00
Water Environment Fed.-Member Renewal	\$70.00
Wells Fargo-Payroll Taxes	\$56,066.18

Wesco Distribution Inc-Supplies	\$7,445.20
West Group Payment Center-Information Charges	\$564.80
Western Area Power Administration-Purchase Power	\$286,439.82
Western United Electric Supply-Supplies	\$2,571.56
Wiggins Telephone Association-Phone Charges	\$147.75
Xcel Energy-Utilities	\$1,501.25
Xerox Corporation-Base Charges and Copies	\$2,330.08
Zoonoses Conference-Conference Registration	<u>\$50.00</u>
Total Disbursements	\$2,247,411.43
Total Payroll	<u>\$393,810.11</u>
Total Publication Report	\$2,641,221.54

- C. Approve the reading of the Proclamation for Arbor Day.
- D. Second and Final Reading of Ordinance No. 1100 entitled, "An Ordinance Granting Certain Economic Incentives for Business Expansion to Furniture Mart, Inc., by the City of Fort Morgan, Colorado," and request to publish by title only.

**ORDINANCE NO. 1100**

**AN ORDINANCE GRANTING CERTAIN ECONOMIC INCENTIVES  
FOR BUSINESS EXPANSION TO FURNITURE MART, INC.  
BY THE CITY OF FORT MORGAN, COLORADO.**

WHEREAS, Furniture Mart, Inc. (hereinafter "Furniture Mart") has applied for certain tax and economic incentives for the expansion of its furniture business, at an anticipated cost of \$170,000, at 505 Main Street, in the City of Fort Morgan, Colorado (hereinafter the "Project"); and,

WHEREAS, the real property upon which the Project will be located is within an enterprise zone and Furniture Mart, in accordance with the provisions of the Urban and Rural Enterprise Zone Act, C.R.S. § 39-30-101, et seq., referred to hereinafter as the "Act", has requested the Council of the City of Fort Morgan, Colorado, to provide certain tax and economic incentives upon or for the benefit of the taxable property of the Furniture Mart resulting from such expansion; and,

WHEREAS, Furniture Mart represents that it will qualify for a credit or refund on taxes in accordance with the requirements of C.R.S. § 39-30-105, and has presented certification from the Zone Administrator of the Northeast Colorado Enterprise Zone that the Project would constitute a "new business facility" in an enterprise zone as defined by C.R.S. § 39-22-508.2 (3), excluding subparagraph (b); and,

WHEREAS, the Council finds that among the purposes of the Act is the encouragement, development and expansion of opportunities for employment in the private sector; to provide incentives for private enterprise to expand and for new businesses to locate in economically depressed areas; to provide more job opportunities for residents of such areas; and to establish tax incentives and other assistance for such private enterprises; and,

WHEREAS, the Council finds that the Project proposed by Furniture Mart would be of benefit to the City by providing new employment opportunities; and,

WHEREAS, the Council finds that the general welfare of the residents of the City would be promoted by granting or approving the tax incentive payments, as hereinafter set forth.

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

1. Refund of Sales Taxes levied by the City. Furniture Mart shall be entitled to apply for and receive a refund of sixty percent (60%) of all sales taxes levied by and paid to the City of Fort Morgan for the purchase of equipment, machinery, machine tools, or supplies used in the construction of or incorporated into the improvements constructed as the Project in the Northeast Colorado Enterprise Zone. Such refund shall be payable by the City Treasurer upon presentation of Receipts by Furniture Mart upon completion of the Project for all such sales taxes paid and verification by the City Treasurer that such sales taxes have, in fact, been levied and paid to the City. This refund shall not apply to any use tax levied by and paid to the City. No refunds under this paragraph will be paid for purchases made after January 1, 2012.

Statutory Reference: C.R.S. § 39-30-107.5 (2)

2. Refund of General Property Taxes. Commencing with Tax Year 2010 (taxes payable in 2011) and continuing for Tax Years 2011, 2012, and 2013, Furniture Mart shall be entitled to an annual incentive payment in the form of a refund equal to sixty percent (60%) of the increase in assessed value for general property taxes paid to the City upon the improvements and improvement fixtures constructed to allow for the expansion of retail furniture warehousing and sales facilities on Furniture Mart's existing property located at 505 Main Street and any adjacent property acquired as part of the expansion. This refund shall be for improvements and improvement fixtures only; the Land upon which the improvements and improvement fixtures are located and that portion of general property taxes attributable to Land shall *not* be included in the refund. Within thirty (30) days after receipt of proof of payment of the current year's taxes (starting with Tax Year 2010) provided to the City Treasurer by Furniture Mart, the City shall make an annual incentive payment to Furniture Mart as set forth above, excluding interest and penalty, if any. No refunds under this paragraph will be paid after the year for which a refund has been budgeted by the City.

Statutory Reference: C.R.S. § 39-30-107.5 (1)

3. Refund of Personal Property Taxes. Commencing with Tax Year 2010 (taxes payable in 2011) and continuing for Tax Years 2011, 2012, and 2013, Furniture Mart shall be entitled to an annual incentive payment in the form of a refund equal to thirty percent (30%) of the amount of taxes levied by the City upon the increase in assessed value of taxable personal property located at or within this new business facility and used in connection with the operation of such new business facility, reduced by depreciation of ten (10%) percent from the base amount for each succeeding Tax Year. The term of this agreement as to personal property taxes shall not exceed four (4) tax years. Within thirty (30) days after receipt of proof of payment of the current year's personal property taxes (starting with Tax Year 2010) provided to the City Treasurer by Furniture Mart, the City shall make an annual incentive payment to Furniture Mart as set forth above, excluding interest and penalty, if any. No refunds under this paragraph will be paid after the year for which a refund has been budgeted by the City.

Statutory Reference: C.R.S. § 31-15-903

4. Additional Incentives

Furniture Mart shall also be entitled to a waiver of the building permit for the construction of the new business facility up to \$480.00. No refunds under this paragraph will be paid for construction permits obtained after January 1, 2012.

5. Limitations. The incentive payments provided in Paragraphs 1, 2, 3 and 4 above shall be subject to the following limitations:

(a) The total of all sales tax refunds and annual tax incentive payments due hereunder shall not exceed Two-Thousand-Six-Hundred-Twenty-Five and 00/100 (\$2,625.00) Dollars;

(b) The annual tax incentive payments shall apply only to the construction and equipping of that portion of the Project which is completed, used and/or occupied by December 31, 2010.

(c) The annual incentive payments shall be made only if all taxes and assessments levied and assessed by the City during each and every year that a payment is made are paid on time and in full.

(d) Payments shall not be made if a Court of competent jurisdiction declares any material section of the Act or this Ordinance or any Resolution setting policy for incentive payments to be invalid, unconstitutional, or violative of any statute.

(e) Payments shall only be made to the extent revenues are available and appropriated in each of the tax years specified above. The Council has no obligation to appropriate funds to make the annual incentive payments.

(f) Payments shall only be made if Furniture Mart qualifies for a credit or refund on taxes in accordance with the requirements of C.R.S. § 39-30-105, and the Project must qualify as a "new business facility" in an enterprise zone as defined by C.R.S. § 39-22-508.2. These qualifications must be demonstrated annually to the City's satisfaction by submission by Furniture Mart of a Certification of Qualified Enterprise Zone Business

from the Administrator of the Northeast Colorado Enterprise Zone for each tax year in which Furniture Mart requests an incentive payment.

(g) Payments shall only be made if the City of Fort Morgan, Colorado continues to be in a designated enterprise zone.

6. Binding Effect. By its acceptance and approval of this Ordinance, Furniture Mart agrees to be bound by the terms and provisions hereof. This Ordinance shall become effective upon its final publication and its acceptance by Furniture Mart through its authorized officer and shall thereupon become a binding agreement between the City and Furniture Mart. This agreement shall not be assignable without the written consent of the non-signing party.

INTRODUCED, READ AND PASSED UPON FIRST READING this 6th day of April, 2010, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

[ SEAL ]

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY: /s/ Terry L. McAlister  
Mayor

ATTEST:

/s/ Andrea Strand  
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 20<sup>th</sup> day of April, 2010, for publication once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

[ SEAL ]

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY: /s/ Terry L. McAlister  
Mayor

ATTEST:

/s/ Andrea Strand  
City Clerk  
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. 1100 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 6<sup>th</sup> day of April, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 9<sup>th</sup> day of April, 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 20<sup>th</sup> day of April, 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

#### APPROVAL AND ACCEPTANCE

The terms and provisions of Ordinance No. 1100 are hereby accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Furniture Mart, Inc.

By: \_\_\_\_\_  
Josh Becker, Owner

- E. Second and Final Reading of Ordinance No. 1101 entitled, "An Ordinance of the City of Fort Morgan, Colorado, Adopting the Council Rules of Procedure," and request to publish by title only.

#### ORDINANCE NO. 1101

##### **AN ORDINANCE OF THE CITY OF FORT MORGAN, COLORADO, ADOPTING THE COUNCIL RULES OF PROCEDURE.**

WHEREAS, the City Council previously adopted the Council Rules of Procedure, to establish and codify the rules of procedure for Council; and,

WHEREAS, the most recent version of these rules was adopted on March 17, 2009; and,

WHEREAS, City Council has now recommended minor changes be made to the Rules of Procedure to further facilitate Council business.

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

SECTION 1. The Council Rules of Procedure, City of Fort Morgan, Colorado, which are set forth in Exhibit A attached hereto and incorporated herein by this reference, are hereby amended accordingly.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 6<sup>th</sup> day of April, 2010.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: /s/ Terry L. McAlister  
Mayor

ATTEST:

/s/ Andrea J. Strand  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED by title only the 20<sup>th</sup> day of April, 2010.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: /s/ Terry L. McAlister  
Mayor

ATTEST:

/s/ 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. 1101 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 6<sup>th</sup> day of April, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 9<sup>th</sup> day of April, 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 20<sup>th</sup> day of April, 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

All matters listed under Item 6, 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 20<sup>th</sup> day of April, 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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**READING OF THE ARBOR DAY PROCLAMATION**

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**ARBOR DAY PROCLAMATION**

Whereas, In 1872, J. Sterling Morton proposes to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide wildlife habitat, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, Terry McAlister, Mayor of the City of Fort Morgan, do hereby proclaim April 29, 2010 as

**ARBOR DAY**

In the City of Fort Morgan, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and well being of this and future generations.

Dated: this 20th day of April, 2010.

[SEAL]

By: /s/ Terry McAlister  
Mayor

ATTEST:

/s/ Andrea Strand  
City Clerk

Matt Givens announced Arbor Day festivities to be held at Baker School.

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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 – Lieutenant Sagel was present and added that “Coffee with a Cop” will be held this Friday at the Fort Morgan Municipal Library. He also provided information concerning a link on the City’s website to Crime Stoppers.

Water Resources/Wastewater Treatment Director Dreessen – Added that Northern Water is offering a bus tour for interested Fort Morgan citizens; Manager Merrill added that we could add a brief survey on our website asking citizens if they would be interested in a tour.

Municipal Engineer Curtis added that restrooms for Riverside Park would be delivered this Friday and that the Parks Department would be adding flowers to the landscaping for the downtown bulb outs.

Community Development Director Callahan  
City Sales Tax Reports

Fort Morgan Volunteer Fire Department Chief Parker

Manager Merrill introduced Patti Evans as the new Community Service Director.

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Clerk Strand announced there were no bids open and she announced the upcoming meetings.

Mayor McAlister adjourned the April 20, 2010, regular meeting at 8:18 p.m.

*/s/ Terry L. McAlister*  
Mayor

*/s/ Andrea J. Strand*  
City Clerk