

May 4, 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 Community Services Patti Evans, City Treasurer Terri Schafer and City Clerk Andrea Strand.

APPROVE TEMPORARY CHANGES TO THE FORT MORGAN MUNICIPAL GOLF COURSE DRIVING RANGE FEES TO INCLUDE \$150 WORTH OF RANGE BALLS FOR \$105; \$300 WORTH OF RANGE BALLS FOR \$180 AND \$600 WORTH OF RANGE BALLS FOR \$325 AND ALLOW A CREDIT TO BE GIVEN IF AN UNLIMITED PASS IS LATER ADOPTED

Manager Merrill stated that the Chairman of the Golf Course Advisory Board presented a recommendation last week to Council to approve changes to the Fort Morgan Municipal Golf Course Driving Range Fees to include \$150 worth of range balls for \$105; \$300 worth of range balls for \$180; and \$600 worth of range balls for \$325. Manager Merrill recommended approving the changes now, which would allow time to refer the matter back to the Golf Course Advisory Board. He also recommended that this be temporary and allow a credit to be given if an unlimited pass is later adopted by City Council.

Councilmember Forstedt offered a motion to approve the temporary change to the Fort Morgan Municipal Golf Course Driving Range Fees to include \$150 worth of range balls for \$105; \$300 worth of range balls for \$180; and \$600 worth of range balls for \$325 and allow a credit to be given if an unlimited pass is later adopted. Her motion was seconded by Councilmember Shaver and carried unanimously.

FIRST READING OF AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING SECTIONS 18A-19 AND 18A-20, AND ALL REFERENCES TO THE TITLE 'POLICE MAGISTRATE' UNDER THE CODE OF THE CITY OF FORT MORGAN"

Attorney Wells noted for Council consideration on first reading, an Ordinance regarding revisions to Sections 18A-19 and 18A-20 to the Municipal Code; said Ordinance being in words, letters and figures as follows, to-wit:

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTIONS 18A-19 AND 18A-20,
AND ALL REFERENCES TO THE TITLE “POLICE MAGISTRATE”
UNDER THE *CODE OF THE CITY OF FORT MORGAN***

WHEREAS, previously, on April 15, 1997, Ordinance 838 was adopted to establish a qualified municipal court of record in the City of Fort Morgan, Colorado; and,

WHEREAS, this Ordinance as set forth in Article II, Sec. 18A, of the *Code of the City of Fort Morgan*, established the position of the Police Magistrate and the Clerk of the Municipal Clerk; and,

WHEREAS, amendment of these sections is required in order be compliant and consistent with relevant sections of the Charter of the City of Fort Morgan; and,

WHEREAS, reference to a “Police Magistrate” is inconsistent with the *Charter* of the City of Fort Morgan.

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

SECTION 1. Sections 18A-19 and 18A-20 are hereby amended as follows:

Sec. 18A-19. Municipal Judge.

(a) The Municipal Court shall be presided over by a Municipal Judge who shall be appointed by the City Council for a specified term of not less than two (2) years and who may be reappointed for subsequent terms.

(b) The Municipal Judge for the Municipal Court shall be admitted to, and currently licensed in, the practice of law in the State of Colorado, and retain that licensing throughout the appointment.

(c) The Municipal Judge shall be paid a salary for his or her services, to be established by City Council.

Sec. 18A-20. Clerk of the Municipal Court.

(a) The position of Clerk of the Municipal Court is hereby established. The Clerk of the Municipal Court shall have such duties as are delegated to him or her by law, Court Rule, or the presiding Municipal Judge.

(b) The Clerk of the Municipal Court shall be required to keep a verbatim record of the proceedings and evidence at trials by either electronic devices or stenographic means.

SECTION 2. Any reference to the title “Police Magistrate” made herein under the *Code of the City of Fort Morgan*, shall be amended to “Municipal Judge.”

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 4th day of May, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

/s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Andrea Strand
City Clerk

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

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

Mayor Terry McAlister

ATTEST:

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. _____ 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 4th day of May, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 7th day of May, 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.

Andrea Strand, City Clerk

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

RESOLUTION

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

PASSED, APPROVED AND ADOPTED this 4th day of May, 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.

COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY REQUEST TO POST THE PROPERTY FOR A SPECIAL EVENT PERMIT APPLICATION TO BE SUBMITTED BY ELKS LODGE #1143, 420 STATE STREET, FOR AN EVENT TO BE HELD ON JUNE 19, 2010

Clerk Strand requested that the property at 420 State Street be posted for two events. One event is scheduled on June 19, 2010, involving SARA, Inc., and the other is for the Glenn Miller celebration on June 26, 2010. She also requested that the matter be scheduled for May 18, 2010, to allow public comment and approval of the Special Event Liquor License submitted by the Elks Lodge.

Councilmember Debra Forstedt excused herself.

Councilmember Powers offered a motion to post the property at 420 State Street for two special events and schedule the approval of the Special Events Liquor License for May 18, 2010. His motion was seconded by Councilmember Bryan. All voted in favor except for Councilmember Forstedt who abstained.

CONSENT AGENDA

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

- A. Approve the minutes from the April 20, 2010, regular meeting.
- B. Approve the reading of a Proclamation for Municipal Clerks' Week.

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 4th day of May, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

READING OF THE PROCLAMATION FOR MUNICIPAL CLERKS' WEEK

Mayor McAlister read the Proclamation.

PROCLAMATION
Municipal Clerks Week
May 2 through May 8, 2010

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, I, Terry L. McAlister, Mayor for the City of Fort Morgan, Colorado, do recognize the week of May 2 through May 8, 2010, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Andrea Strand and Cheryl Winberg and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 4th day of May, 2010.

/s/ Terry L. McAlister
Mayor

Attest: Andrea J. Strand
City Clerk

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS

The following Directors provided written reports to Council:

City Manager Merrill
Police Chief Kuretich
Water Resources/Wastewater Treatment Director Dreessen
Municipal Engineer Curtis
Community Development Director Callahan
Community Service Director Patti Evans
Marketing Director Kevin Wilkins
City Clerk Strand

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Strand announced open bids and upcoming meetings.

Mayor McAlister adjourned the May 4, 2010, regular meeting at 7:18 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Andrea Strand
City Clerk