

May 18, 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 5:00 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

Excused Absence: Councilmember Ronald Shaver

EXECUTIVE SESSION

At approximately 5:05 p.m., Councilmember Forstedt moved to go into 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); Purchase of Property. Her motion was seconded by Councilmember Bryan and duly carried.

Mayor McAlister announced, "The time is now 5:37 p.m.; and we now conclude the Executive Session and return to the open meeting. The participants in the Executive Session were Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers; City Attorney Jeffrey Wells; City Manager Pat Merrill and City Treasurer Terri Schafer.

"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. I will ask Councilmember Forstedt to report on the Executive Session."

Councilmember Forstedt reported that the Councilmembers received legal advice on specific legal questions related to the purchase of property.

EXECUTIVE SESSION

At 5:44 p.m., Councilmember Powers moved to go into 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); Sale of City Property. His motion was seconded by Councilmember Forstedt and duly carried.

Mayor McAlister announced, "The time is now 7:00 p.m.; we conclude the Executive Session and return to the open meeting. The participants in the Executive Session were Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers; City Attorney Jeffrey Wells, City Manager Pat Merrill; Municipal Engineer Brad Curtis and Marketing Director Kevin Wilkins.

“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 instruct the City Manager to negotiate the sale of the Williams Farm within the perimeters set in Executive Session. Her motion was seconded by Councilmember Powers and duly carried.

The regular meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Director of Water Resources/Wastewater Treatment Gary Dreesen, Community Development Director David Callahan, City Treasurer Terri Schafer and Deputy City Clerk Cheryl Winberg.

PRESENTATION OF A RESOLUTION AUTHORIZING THE ADOPTION OF THE WATER RATES STUDY COMPLETED FOR THE CITY OF FORT MORGAN BY THE ENGINEERING COMPANY (TEC)

Manager Merrill requested Council's adoption of the Report on Water Rates as presented by The Engineering Company (TEC) at a recent work session.

Councilmember Powers 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. 2010-05-01

**AUTHORIZING THE ADOPTION OF THE WATER RATES STUDY
COMPLETED FOR THE CITY OF FORT MORGAN
BY THE ENGINEERING COMPANY (TEC)**

WHEREAS, the continued water development for the City of Fort Morgan is in the best interests of the City; and,

WHEREAS, the City of Fort Morgan provides water service to approximately 4,000 customers both in and outside of the City limits; and,

WHEREAS, the City is responsible for operating and maintaining the wells, treatment facilities, transmission lines, distribution system, and pump stations; and,

WHEREAS, a recent water rate study completed in May of this year and recently presented to City Council on April 13, 2010, by The Engineering Company (TEC); and,

WHEREAS, in order to support continued growth within the City it has been recommended that the water rates for the City be increased to allow for future infrastructure improvements, rate stabilization, the City's participation in NISP, the repayment of water bonds and major expansions that will benefit the citizens; and,

WHEREAS, City Staff has reviewed the Report on Water Rates and agrees with the recommendations contained therein; and,

WHEREAS, the members of City Council find that it is in the best interest of the City to increase its water rates pursuant to the recommendations of the Water Rate Study completed by The Engineering Company.

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

Section 1. That the Council of the City of Fort Morgan hereby adopts the Report on Water Rates for the purpose of justifying said increase to water rates.

2. The new rates shall be effective beginning June 1, 2010.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

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

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

PRESENTATION OF A RESOLUTION AUTHORIZING THE ADOPTION OF THE WASTEWATER RATES STUDY COMPLETED FOR THE CITY OF FORT MORGAN BY THE ENGINEERING COMPANY (TEC)

Manager Merrill requested Council's adoption of the Report on Wastewater Rates as presented by The Engineering Company (TEC) at a recent work session.

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

RESOLUTION NO. 2010-05-02

AUTHORIZING THE ADOPTION OF THE WASTEWATER RATES STUDY COMPLETED FOR THE CITY OF FORT MORGAN BY THE ENGINEERING COMPANY (TEC)

WHEREAS, the continued wastewater development for the City of Fort Morgan is in the best interests of the City; and,

WHEREAS, the City of Fort Morgan provides wastewater service to approximately 4,000 customers both in and outside of the City limits; and,

WHEREAS, the City is responsible for operating and maintaining the treatment facilities, collection systems, and pump stations; and,

WHEREAS, a recent wastewater rate study completed in May of this year and recently presented to City Council on April 13, 2010, by The Engineering Company (TEC); and,

WHEREAS, in order to support continued growth within the City it has been recommended that the sewer rates for the City be increased to allow for future infrastructure improvements, rate stabilization, and major expansions that will benefit the citizens; and,

WHEREAS, City Staff has reviewed the Report on Sewer Rates and agrees with the recommendations contained therein; and,

WHEREAS, the members of City Council find that it is in the best interest of the City to increase its sewer rates pursuant to the recommendations of the Sewer Rate Study completed by The Engineering Company.

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

Section 1. That the Council of the City of Fort Morgan hereby adopts the Study on Sewer Rates for the purpose of justifying said increase to sewer rates.

2. The new rates shall be effective beginning June 1, 2010.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

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

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

PRESENTATION OF A RESOLUTION INCREASING THE WATER RATES FOR THE CITY OF FORT MORGAN, COLORADO

Manager Merrill presented for Council's consideration a Resolution and Exhibits A and B to adopt an increase of Water Rates as presented by The Engineering Company (TEC) at a recent work session, attached to the Resolution as Exhibits A and B.

Councilmember Powers offered the following Resolution, as amended, to exclude the 10-inch tap fee on Exhibit B, 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. 2010-05-03
INCREASING THE WATER RATES FOR THE
CITY OF FORT MORGAN, COLORADO**

WHEREAS, the continued water development for the City of Fort Morgan is in the best interests of the City; and,

WHEREAS, the projected revenues of the water rate study were completed in March of this year and recently presented to City Council on April 13, 2010, by The Engineering Company (TEC); and,

WHEREAS, the annual growth rate for the City since 2006 has increased by 0.3% or twelve (12) additional taps a year; and,

WHEREAS, a current projection of annual growth is expected to be 1.4% or an increase of fifty-five (55) taps per year; and,

WHEREAS, the current annual payment for debt service is expected to increase by \$1,000,000.00 by the year 2015, due to the City's participation in NISP, and the repayment of water bonds; and,

WHEREAS, an increase in the water rates would create additional revenue within the Water Enterprise Fund to allow for future infrastructure improvements, rate stabilization and major expansions that will benefit the citizens; and,

WHEREAS, City Staff has analyzed the reserve fund and has recommended the increase of the water rates and tap fees; and

WHEREAS, pursuant to Section 26-25 of the *Fort Morgan Municipal Code* all water rents, rates and charges payable within the City are to be established by Resolution of the City Council.

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

Effective June 1, 2010, for all utility bills generated on or after such date, the City hereby adopts the Water Rates (attached hereto as Exhibit A) and the Water Plant Investment Fees (attached hereto as Exhibit B).

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote of 6 – 0 by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

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

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

**EXHIBIT A
TO RESOLUTION NO. 2010-05-03
WATER RATES
EFFECTIVE JUNE 1, 2010
RESIDENTIAL AND COMMERCIAL**

	<u>Consumer Charge</u>	<u>Commodity Charge</u>
	(\$/1,000 Gallons)	
<u>IN-CITY RATES:</u>		
3/4" Water Base Charge	\$34.13	\$2.52
1" Water Base Charge	\$58.94	\$2.52
1.5" Water Base Charge	\$128.10	\$2.52
2" Water Base Charge	\$218.93	\$2.52
3" Water Base Charge	\$487.20	\$2.52
4" Water Base Charge	\$842.10	\$2.52
6" Water Base Charge	\$1,898.40	\$2.52
8" Water Base Charge	\$3,473.40	\$2.52
Industrial	\$.00	\$2.52
Well Water	\$.00	\$1.05
Irrigation: Parks, Cemetery, Schools	\$.00	\$1.05

OUTSIDE CITY LIMITS:
Customers with meters:
Industrial

Double the In-City Rate (follow above chart X 2)

\$5.04

**EXHIBIT B
TO RESOLUTION NO. 2010-05-03**

**WATER PLANT INVESTMENT FEES
EFFECTIVE JUNE 1, 2010**

<u>TAP SIZE</u>	<u>COST</u>
3/4 inch	\$2,500
1-inch	\$4,175
1.5 inch	\$8,325
2-inch	\$13,325
3-inch	\$29,175
4-inch	\$50,000
6-inch	\$104,175
8-inch	\$150,000

The TOTAL COST will be the cost listed above, plus time and material charges.

Taps that are used strictly for fire protection systems will be assessed for time and material charges only.

FOR REFERENCE:

The CITY OF FORT MORGAN, WATER DEVELOPMENT POLICY, as amended, provides a requirement for the transfer of water rights from Northern Colorado Water Conservancy District's Colorado Big Thompson Project ("CBT") prior to the issuance of a Building Permit. Please refer to this policy if you have questions about water rights related to a tap.

PRESENTATION OF A RESOLUTION INCREASING THE WASTEWATER RATES FOR THE CITY OF FORT MORGAN, COLORADO

Manager Merrill requested Council's adoption of the increased Wastewater Rates as presented by The Engineering Company (TEC) at a recent work session, attached to the Resolution as Exhibits A and B. He clarified that the increase is only on the tap fees, not the monthly fee.

Councilmember Powers offered the following Resolution, amended to remove the 6-inch tap fee on Exhibit B, 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. 2010-05-04
INCREASING THE WASTEWATER RATES FOR THE
CITY OF FORT MORGAN, COLORADO**

WHEREAS, the projected revenues of the sewer rate study were completed in March of this year and recently presented to City Council on April 13, 2010, by The Engineering Company (TEC); and,

WHEREAS, the annual growth rate for the City since 2006 has increased by 0.3% or twelve (12) additional taps a year; and,

WHEREAS, a current projection of annual growth is expected to be 1.4% or an increase of fifty-five (55) taps per year; and,

WHEREAS, the 2010 budget shows capital improvements in the amount of \$135,000.00 and are expected to exceed the City's projected revenue by a new annual reserve of \$-27,536.00; and,

WHEREAS, an increase in the wastewater rates would create additional revenue within the Wastewater Enterprise Fund to allow for future infrastructure improvements, rate stabilization, and major expansions that will benefit the citizens; and,

WHEREAS, City Staff has analyzed the reserve fund and has recommended the increase of the wastewater rates and tap fees; and

WHEREAS, pursuant to Section 13-14 of the *Fort Morgan Municipal Code* all wastewater rents, rates and charges payable within the City are to be established by Resolution of the City Council.

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

Effective June 1, 2010, for all utility bills generated on or after such date, the City hereby adopts the Wastewater Rates (attached hereto as Exhibit A) and the Wastewater Treatment Plant Investment Fees (attached hereto as Exhibit B).

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote of 6 – 0 by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

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

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

**EXHIBIT A
TO RESOLUTION NO. 2010-05-04**

**WASTEWATER RATES
EFFECTIVE JUNE 1, 2010**

<u>CUSTOMER CLASS</u>	<u>Consumer Charge</u>	<u>Metered Consumption</u>
	(\$/month)	Charge (\$/1,000 Gallons)
¾" Water Meter	\$18.67	\$1.88
1" Water Meter	\$42.62	\$2.12
1.5"+ Water Meter	\$65.77	\$2.12
2" Water Meter	\$172.11	\$2.12
3" Water Meter	\$353.09	\$2.12

4" Water Meter \$907.83 \$2.12

Industrial:

Base: \$4.37 per month
Volume: \$1.32 per 1,000 gallons
BOD: \$1.50 per pound
TSS: \$0.35 per pound

Log Lane Village:

Base: \$5.97 per month
Volume: \$0.93 per 1,000 gallons
BOD: \$1.07 per pound
TSS: \$0.31 per pound

Pagel Trailer Court: \$2.64 per 1,000 gallons

Industrial – No Meter By separate agreement

OUTSIDE CITY LIMITS
Customers with meters:
Residential, No Meter

Monthly Charge
Double the In-City Rate
\$66.60

**EXHIBIT B
TO RESOLUTION NO. 2010-05-04**

**WASTEWATER TREATMENT PLANT INVESTMENT FEES
EFFECTIVE JUNE 1, 2010**

<u>SIZE OF WATER METER</u>	<u>TAP FEE</u>
3/4-inch	\$3,000
1-inch	\$5,000
1.5-inch	\$10,000
2-inch	\$16,000
3-inch	\$30,000
4-inch	\$50,000

**PRESENTATION OF A RESOLUTION ACCEPTING THE WATER ADVISORY BOARD'S
RECOMMENDATION CONCERNING RENAISSANCE GROUP**

Manager Merrill requested Council's acceptance of the Water Advisory Board's recommendation regarding an option presented by the Renaissance Group as an alternative to NISP.

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

RESOLUTION NO. 2010-05-05

**ACCEPTING THE WATER ADVISORY BOARD'S
RECOMMENDATION CONCERNING THE PRESENTATIONS MADE BY
RENAISSANCE LAND AND WATER MANAGEMENT, LLC**

WHEREAS, the Water Advisory Board received a Letter of Intent and Summary of Renaissance Solution from Renaissance Land and Water Management, LLC, to provide service to the City as an alternative to the Northern Integrated Supply Project (NISP); and,

WHEREAS, pursuant to this submission Renaissance made two presentations to the Water Advisory Board regarding their letter of intent regarding the City's supply water; and,

WHEREAS, the Board after reviewing Renaissance's proposal established that the proposal did not meet the criteria for a viable alternative to NISP, as it would be unable to match the quality of water as provided by NISP and at a price comparable to NISP; and,

WHEREAS, following this review the Board made a motion to recommend to the Fort Morgan City Council that the proposal as submitted by Renaissance Land and Water Management, LLC, as it stands, to supply water as an alternative to NISP, is not in the best interest of the City.

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

SECTION 1. The City Council for the City of Fort Morgan hereby accepts the recommendation of the Water Advisory Board in relation to the submission made by Renaissance Land and Water Management, LLC.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote of 6 – 0 by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister, Mayor

ATTEST:

/s/ Cheryl Winberg, Deputy City Clerk

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

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

**COUNCIL ACTING AS THE LOCAL LIQUOR LICENSE AUTHORITY
APPROVE THE APPLICATION FOR A SPECIAL EVENTS LICENSE FOR THE ELKS
LODGE #1143, LOCATED AT 430 STATE STREET, FOR TWO EVENTS ON JUNE 19 AND
JUNE 26, 2010**

Deputy Clerk Winberg presented the Application for a Special Events Permit by Fort Morgan Elks Lodge #1143. Chief Kuretich verified the Affidavit of Posting of the Property. Excusing herself was Councilmember Forstedt.

Councilmember Powers moved to approve the Special Events Permit for Fort Morgan Elks Lodge #1143 for two events on June 19 and June 26, 2010, to sell malt, vinous and spirituous liquor at 430 State Street. His motion was seconded by Councilmember Bryan and duly carried, with Councilmember Forstedt abstaining from the vote.

**FIRST READING OF AN ORDINANCE ENTITLED, "AN ORDINANCE REPLACING SECTION
2-9, PUBLIC BIDS; CONTRACTS LET BY MAYOR AND SECTION 2-10 CONTRACT LET TO
LOWEST BIDDER, OF THE FORT MORGAN MUNICIPAL CODE"**

Attorney Wells noted for Council consideration on first reading, an Ordinance regarding procurements and contracts. He stated that that two corrections had been made that were discussed at the May 11 work session; said Ordinance being in words, letters and figures as follows, to-wit:

ORDINANCE NO. _____

**AN ORDINANCE REPLACING SECTION 2- 9, PUBLIC BIDS;
CONTRACTS LET BY MAYOR AND SECTION 2-10 CONTRACT LET
TO LOWEST BIDDER, OF THE *FORT MORGAN MUNICIPAL CODE***

WHEREAS, The City of Fort Morgan (“City”) currently uses a policy adopted by resolution which governs the procurement requirements for the purchase of goods and services required to operate the various departments in the City; and,

WHEREAS, the current procurement policy does not provide direction for the authorization, approval or tracking of contracts and agreements; and,

WHEREAS, it is important to establish a process and policy accessible by the public that establishes the authority and procedure that City employees are required to follow when procuring goods and services on behalf of the City.

WHEREAS, the Fort Morgan City Council has placed a priority on shifting current City Polices into Ordinances; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO that Sections 2-9 and 2-10 of the *Fort Morgan Municipal Code*, are hereby replaced in their entirety as follows:

Section 2-9. Procurement and Contract Program

(a) Policy Statement. It shall be the Policy of the City of Fort Morgan to maintain a Procurement Program for the purchase of all goods and services used by the City. All contracts shall be let to the lowest reliable and responsible bidder as determined by the City as set forth under this section.

The purpose of the Procurement and Contract Program is:

1. To ensure that the City’s best interest is served in the purchase of all goods and services;
2. To provide a uniform system of purchasing for use by all City Departments and Staff, and;
3. To establish guidelines for City relationships with Vendors and Contractors.
4. Intended to provide the most efficient process while ensuring fiscal responsibility when purchasing goods and services for the City.

(b) Authority and Responsibility. Authority for administering the Procurement and Contract Program is placed with the City Manager. The City Manager shall have the authority to delegate authority in writing to his subordinates to provide for the efficient procurement of goods and services necessary for City functions. The City Manager, and his authorized designees shall serve as Purchasing Agents for the City of Fort Morgan and shall have, on behalf of the City Council, the authority to represent the City in the purchase of goods and services within the limitations set forth in this policy. Each appointed official shall act as Purchasing Agents in their

respective departments, and their procurement activities are subject to the limitations set forth in this section. All City employees are responsible for compliance with all provisions of this section.

(c) Definitions.

1. **"Purchasing Agent"** is the City Manager, the Volunteer Fire Chief, the City Attorney, and the Municipal Judge, or their designee(s).
2. **"City"** is the City of Fort Morgan, Colorado.
3. **"IFB"** is a formal Invitation for Bid.
4. **"RFQ"** is a formal invitation for qualification from potential bidders.
5. **"LPA"** is Limited Purchase Allowance.
6. **"P.O."** is Purchase Order.
7. **"RPO"** is Request for Purchase Order.
8. **"IQ"** is Informal Quotation.
9. **"Vendor"** is any individual, business, or company who/which sells goods and or services to the City.
10. **"Fast Tracking"** refers to the practice which the City may use to bid out parts of a project without letting the bid for the entire project.
11. **"Local"** refers to the boundaries of Morgan County.
12. **"Qualified Select Bid List"** identifies vendors who meet or exceed qualifying standards established by the City for Certain services, products or purchases.
13. **"Contract Manager"** is the person who is responsible for the purchase of goods and services on behalf of the City. This person is anyone authorized by City Council or the City Manager to purchase goods and services for the City and generally refers to the employee responsible for bidding and finalizing the purchase of any goods and services on behalf of the City.

(d) Best Value. It shall be the Policy of the City to make every reasonable effort to procure services and goods which are of the highest quality at reasonable prices with consideration given to service, availability, Vendor reliability, location of Vendor, etc.

(e) Limits and Approvals.

1. Approval by City Council. It shall be the Policy of the City to review and act upon all expenditures by the City. Approval and authorization for expenditures shall generally occur as follows:

- I. All expenditures shall be authorized in the annual budget review and appropriations process. Any contract value that exceeds the amount approved in the budget and appropriation process shall be approved by the City Council before the expenditure and purchase is authorized.
 - II. Operating and Maintenance purchases including those in excess of ten thousand dollars (\$10,000.00) will be authorized in the annual budget review and appropriations process and will be approved by a general resolution for the monthly appropriations by the Council. Prior authorization by City Council for these purchases is not necessary so long as the purchase does not exceed the amount approved in the budget and appropriation process.
 - III. Capital Expenditures will be approved in the annual Budget and appropriations process. All items over (\$10,000.00) in cost must be approved by City Council before the Bid is awarded and prior to any purchase.
 - IV. Unbudgeted Expenditure. All unbudgeted expenditures shall be presented to and acted upon by Council prior to purchase, except for expenditures for a purchase made pursuant to Paragraph 2 regulating Emergency Purchases.
2. Emergency Purchases. It shall be the Policy of the City to waive the prior approval and bid requirements of the this section when, in case(s) of actual emergencies, the life, health or safety of employees or the general public is at risk or when significant harm may occur to operating systems and in the judgment of the City Manager or the Purchasing Agents services and/or goods must be procured immediately to prevent loss. Emergency purchases in excess of (\$10,000.00) must be approved by the Mayor and presented at the next regular City Council meeting for ratification by the Council. If the purchase is related to O&M then the item will be approved by the monthly expenditure resolution.
 3. Purchases Estimated to Exceed (\$10,000.00) in Costs. It shall be the Policy of the City to require IFB's for all purchases in which the purchase price is estimated to exceed \$10,000 for any one purchase or liability, or where the aggregate purchases from a single Vendor exceed \$10,000.00. However, this does not apply to purchases associated with federal, state or private grant funded projects that required the use of a specific Vendor for the project.
 4. Purchases Estimated to Exceed \$1,000.00 but not Exceed \$10,000.00. It shall be the Policy of the City to require IQ's for all purchases which are estimated to exceed \$1,000.00, but not to exceed \$10,000.00 for any one purchase or liability.
 5. Purchases Estimated to be less than \$ 1,000 / Limited Allowance. It shall be the Policy of the City to allow the Purchasing Agent(s) to use their discretion in the purchase of services or goods which are estimated not to exceed \$ 1,000.00. Such purchases will be made using the Requisition Form.
 6. Use of Purchase Order. It shall be the Policy of the City to require the use of Purchase Orders for all procurements which are estimated to exceed \$1,000.00. Terms and conditions for Purchase Orders shall be developed by the Treasurer and approved by the City Attorney. The terms and conditions of the City shall supersede conflicting terms and conditions of an invoice.

7. Multiple Department Purchase. Where multiple departments have contracted with a single Vendor for goods and services, and each department has a separate contract, the approval of those purchases will be same as O&M purchases, unless it is for a capital purchase. All capital purchases must be approved by City Council where the Vendor provides goods or services to other departments and the aggregate purchases exceed \$10,000.00.
- (f) Generally Accepted Accounting Principles. It shall be the Policy of the City to require reasonable and sound accounting procedures in the documentation, accounting and record keeping of all procurement and purchasing activities.
- (g) Payment of Taxes. The City of Fort Morgan, a municipality, is exempt from payment of all city, county, state and federal sales and excise taxes. Employees who purchase goods from any source must use their best efforts to ensure the City's tax exempt status recognized and honored.
- (h) Bid Process, Invitation For Bid. It shall be the Policy of the City that IFBs and RFQs be advertised a minimum of seven calendar (7) days prior to the bid opening date. For IFBs and RFQs that require a pre-bid meeting, the meeting shall be at least be at a minimum three (3) calendar days prior to the bid opening date. Pre-bid meetings will be at the discretion of the Contract Manager. The means of making an IFB known to the public that may be used by the a Contract Manager include direct mail to known vendors, posting in public places, announcements at City Council meetings, the City's internet website, etc. The Contract Manager shall use the most effective advertising methods to provide notification to the greatest number of qualified bidders. The IFB will include a statement of what is being purchased, bid and performance bonding requirements, requirements for certifications such as Liability, Worker's Comp., business licenses, etc., the place and from whom the prospective bidder may receive the Bid Packet, the Bid opening date, place and time. The Bid Packet will contain blank Bid Forms and detailed specifications and other information which may be appropriate for the IFB. Firms bidding under this provision are allowed to bid only once. Contracts related to IFBs are subject to Section 2-10.
- (i) Bid Process, Request for Qualifications. When the City has budgeted for either O&M or capital projects the Contract Manager has the discretion to advertise for an RFQ. The purpose of an RFQ is to allow the Contract Manager to select from all potential bidders, the most qualified to provide goods or perform services on behalf of the City. It shall be the Policy of the City that RFQs be advertised a minimum of seven calendar (7) days prior to the RFQ opening date. The Contract Manager shall use the most effective advertising methods to provide notification to the greatest number of qualified bidders. For RFQs that require a pre-qualification meeting, the meeting shall be at least a minimum three (3) calendar days prior to the bid opening date. Pre-qualification meetings will be at the discretion of the Contract Manager. The RFQ will include a statement of what is being purchased, bid and performance bonding requirements, requirements for certifications such as Liability, Worker's Comp., business licenses, etc., the place and from whom the prospective bidder may receive the Bid Packet. The RFQ will also provide as much detail about the scope of work on the project and specific qualifications or skill requirements to be put on the short list. Once a firm has been chosen for the short list they then have the right to bid on the final project. No other

firms will be considered eligible to participate in the bidding portion of the project. Firms responding to an RFQ are allowed to submit only one response.

- (j) Bid Process, Informal Quotation. Bids via IQ require at least three (3) written responses, or a written statement from the Contract Manager explaining why three (3) written bid responses could not be secured. IQs are subject to the same contract requirements as IFBs and as stated in Section 2-10.
- (k) Bid Opening. It shall be the Policy of the City that all sealed bids (all IFBs) be opened by the City Manager or his designee at City Hall in Fort Morgan Colorado, not earlier than 2:30 p.m. on the date the bid closes. The Contract Manager shall have discretion to open the bid any time between 2:30 and 4:30 p.m. on the date the bid closes. Any bid not received at City Hall prior to 2:30 p.m. (our clock) on the closing date shall not be considered. All bids must be delivered or mailed to City Hall. All bids will be opened at City Hall at between 2:30 and 4:00 p.m. on the date the bid closes. Vendors will be selected with the best interest of the City as the primary consideration.
- (l) IFB and RFQ addenda. All question, comments and/or clarification regarding the IFB/RFQ shall be submitted to the Contract Manager in writing, including e-mail or facsimile. The cut-off date for questions, comments and/or clarification shall be determined by the Contract Manager. It shall be the responsibility of the prospective bidders to contact the Contract Manager to verify receipt of questions. Based upon such inquires, the Contract Manager may choose to issue an Addendum(a) to all applicable prospective bidders no later than two (2) calendar days prior to bid opening. Each bidder will be allowed to amend its submitted bid to conform to the proposal to the addendum issued by the Contract Manager.
- (m) Bid Award. The City Council will award all IFBs based on its review and action on recommendations made by the Contract Manager as presented by the Purchasing Agent. Bids let by IQs will be awarded by the Purchasing Agent or designee(s). It shall be the Policy of the City to reserve the right to accept or reject any bid or portion of bid and all bid documents shall so state.
- (n) Bid Bond. It shall be the Policy of the City to allow the Purchasing Agent(s) to secure Bid Bonds or Cash Security Deposits from bidders and prospective Vendors whenever and in such amounts deemed necessary in the Procurement Process to protect the City's best interest in the letting and awarding of bids.
- (o) Performance and Payment Bonds. It shall be the Policy of the City to allow the Purchasing Agent(s) to secure Performance and Payment Bonds or Cash Security Deposits from Contractors or Vendors whenever and in such amounts deemed necessary to protect the City's best interest but in all cases where and in the amounts required by state law or Statute or Grant, Federal Grant or contract. Only Bonds from companies or agencies registered and approved by the State of Colorado may be accepted.
- (p) Insurance. It shall be the Policy of the City to require consultants, contractors or Vendors to furnish to the Purchasing Agent(s) Certificates or proof of insurance coverage for General Liability of \$1,000,000 and Workers Compensation, and any other insurance coverage as may be appropriate for the project being bid. No contractor shall perform services or work for the City without having proper insurance in effect. Only

insurance certificates from companies or agencies registered and approved by the State of Colorado will be accepted. Insurance policy limit requirements may be modified by the City Manager, upon review by the City Attorney for single contracts that are less than \$50,000.00.

- (q) Conflict of Interest, Ethical Conduct. It shall be the Policy of the City that no employee or appointed official of the City of Fort Morgan shall benefit personally from any procurement by the City or have a fiduciary relationship with a company which may do business with the City without full disclosure to the City, and, in such cases, the City reserves the right not to purchase from the person or business. Violation of this portion of the policy shall require disciplinary action by City Management.
- (r) Commitments. No representation made by any employee of the City regarding the intent to purchase shall be binding upon the City unless such representations are made in writing, in accordance with the guidelines of this section and authorized and signed by the Mayor or Purchasing Agent (except for Emergency Purchases and Limited Purchase transactions). No contract shall be valid unless it is signed by the Mayor as required by the City Charter. All contracts shall be done according to any policy that is or may be adopted by City Council.
- (s) Out-of-Pocket Expenses. Employees may be reimbursed for their out-of-pocket expenditures when such expenditures are made in the conduct of City business, when they are reasonable, upon presentation of receipts and other documentation as may be required and when approved by Management. Reasonable expenses shall be determined by Management or the Purchasing Agent and, when the expense is not approved by Management, it must be paid by the employee.

Section 2-10. Contract Requirements

- (a) Authorized Signatures.
 - 1. Contract and Agreements. The City Charter requires all contracts to be signed by the Mayor. No contract is valid unless it is signed by the Mayor.
 - 2. Grant Applications. Grant applications must be signed by the City Manager. No grant application is valid without the City Manager's signature.
- (b) Contract Approval Procedure.
 - 1. All contracts or agreements for the purchase of goods and services must comply with Section 2-9. All purchases must have a contract or agreement that meets the requirements under this section.
 - 2. All contracts and agreements negotiated on behalf of the City shall not violate the law. Any language required comply with state law or the constitution must be included in all contracts to which the law applies. Terms and conditions that relate to the benefit of the bargain shall be at the discretion of the Contract Manager. Any term or condition that is required by law or to preserve rights required under the law cannot be waived.

3. A Contract Manager is the person who is responsible for the purchase of goods and services on behalf of the City. This person is anyone authorized by City Council or the City Manager to purchase goods and services for the City, and generally refers to the employee responsible for bidding and finalizing the purchase of any goods and services on behalf of the City.
 - I. The Contract Manager must follow section 2-9 when purchasing goods or services for the City.
 - II. The Contract Manager is responsible for all negotiations and ensuring that the final contract or agreement is the same form approved by the City Attorney's Office when presented to the Mayor for signature.
 - III. The Contract Manager is responsible for meeting all of the City's requirements found in any contract or agreement for which goods and services have been procured.
 - IV. The Contract Manager is responsible to follow up on the funding provisions of multi-year contracts.
 - V. The Contract Manager is responsible for the renewal of any contract.
 - VI. The Contract Manager is responsible for ensuring that the City Clerk receives the record copy of all contracts and agreements to which the City is a party, except for purchase orders. Purchase orders are to be maintained by the City Treasurer.
4. Prior to submission for signature by the Mayor, all contract or agreements must be reviewed by the Office of the City Attorney.
 - I. Each contract presented to the City Attorney for review, and the Mayor's signature must be provided in duplicate form. One final original contract will be retained by the City Clerk and the other will be forwarded to the other party according to the instructions provided to the City Clerk by the Contract Manager. The Contract Manager is responsible for requesting any copies that might be necessary to track performance of the contract.
5. Presentation of Capital Expenditure Contracts to City Council.
 - I. Agenda summaries are required for each contract that is required to be presented to City Council for approval. The summary shall include:
 - (a) A brief history of events leading to the specific contract approval recommendation.
 - (b) Information that the Office of the City Attorney has performed a review
 - (c) The specific line item approved in the budget for the purchase.
6. Multiple year contracts. Contract Managers are authorized negotiate multiple year contracts so long as they meet the following requirements.

- I. The contract does not violate the Colorado Constitution.
 - II. The contract does not have built-in cost increases in successive years.
 - III. The contract is for the purchase of goods or services that will be required during the period of time the contract has been negotiated.
 - IV. No multiple year contracts may exceed a three (3) year period.
7. Public Access to Contract Information. The City reserves the sole and exclusive right to disclose contracts and supporting documentation for any purpose whatsoever. Any contract provision to the contrary shall be void. However, the City will not provide access to any person who is not authorized by the City Manager or pursuant to state law to have access to a contract or its supporting documentation. The City recognizes that some contracts and supporting documentation may contain proprietary information that a business does not wish to be provided to the public. The City, pursuant to the law, will make its best efforts to protect this information, so long as the information is specifically identified and the request is made in writing.
- I. City Employees and Contract Managers involved in contract or agreement negotiations and the deliberative process associated with those negotiations shall not exchange proprietary information or other confidential information that is otherwise privileged with anyone outside of the City or outside the defined privileged group.
8. Personal Gain. No employee of the City may personally benefit from the contracting process. This section shall be subject to the regulations set forth in Section 2-20 of the Code concerning prohibited gifts to City officials.
9. Violations. Any violation of this chapter may result in disciplinary action. The City Council shall discipline any appointed official. Appointed officials shall discipline their employees for violations of this chapter. Violation may result in termination.
10. The Office of the City Attorney is authorized to take any action, legal or otherwise, to protect the City's interests related to any contract or agreement.

INTRODUCED, READ AND PASSED UPON FIRST READING this 18th day of May, 2010, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this ___ day of _____, 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.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: _____
Mayor

ATTEST:

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 18th day of May, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 21st 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.

City Clerk

Councilmember Powers 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

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 18th day of May, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers Nays: None. Absent/Abstain: Councilmember Shaver.

PRESENTATION OF CERTIFICATES OF APPRECIATION

Manager Merrill presented Certificates of Appreciate to City employees: Brad Weese, who filled in to lead the Recreation Department while we were without a Community Services Director; and Carlos Garcia, Inventory Control, who has stepped up in the Information Technology Department.

PRESENTATION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS CONCERNING THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) BY AND BETWEEN THE STATE OF COLORADO AND THE CITY OF FORT MORGAN

Chief Kuretich requested Council's authorization for the Mayor to sign all documents concerning the Emergency Management Performance Grant between the State of Colorado and the City. This project was presented to Council at a recent Work Session.

Attorney Wells noted that this approval would authorize the Mayor to execute all related documents.

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

RESOLUTION NO. 2010-05-06

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS CONCERNING THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) BY AND BETWEEN THE STATE OF COLORADO AND THE CITY OF FORT MORGAN

WHEREAS, this grant is entered into by and between the City of Fort Morgan ("Grantee"), and the State of Colorado (the "State") acting by and through the Colorado Department of Local Affairs (the "Department") for the benefit of the Division of Emergency Management ("CDEM"); and,

WHEREAS, the authority for this grant arises from C.R.S. §24-32-2101 et seq.; and,

WHEREAS, the City is an eligible recipient of the Grant Funds made available by the Program and awarded by this Grant; and,

WHEREAS, the City is willing and able to comply with all the provisions specific to the Program as set forth in Exhibit A and Exhibit B of the Grant entitled "State of Colorado Department of Local Affairs Emergency Management Performance Grant (EMPG) Agreement with the City of Fort Morgan"; and,

WHEREAS, the City of Fort Morgan wishes to secure funding to develop an All-Hazards Planning, Training and Exercise Project to address the City's hazards and vulnerabilities to promote community disaster preparedness related to homeland security, emergency management, and natural hazards; and,

WHEREAS, City Staff has reviewed the terms and conditions as set forth in the Grant Application Agreement and has recommended the execution of the any and all related documents related to the Grant entitled "State of Colorado Department of Local Affairs Emergency Management Performance Grant (EMPG) Agreement with the City of Fort Morgan"

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

SECTION 1. The Mayor is hereby authorized to execute all documents including associated contracts concerning the Emergency Management Performance Grant (EMPG) by and between the State of Colorado and the City of Fort Morgan

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

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

CERTIFICATE

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

REQUEST TO APPROVE A STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION, COLORADO DISCRETIONARY AVIATION GRANT AGREEMENT 10-FMM-01

Director Callahan presented the Colorado Discretionary Aviation Grant Agreement No. 10-FMM-01 with the State of Colorado, Department of Transportation, in the amount of \$41,460; and asked for authorization to have the Mayor sign all documents concerning the Grant between the State of Colorado and the City.

Councilmember Powers 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. 2010-05-07

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
ALL DOCUMENTS CONCERNING THE
COLORADO AERONAUTICAL BOARD GRANT AGREEMENT BY AND BETWEEN
THE STATE OF COLORADO AND THE CITY OF FORT MORGAN**

WHEREAS, this grant is entered into by and between the City of Fort Morgan (“Grantee”), and the State of Colorado Department of Transportation (the “State”) acting by and through the Aeronautics Division (the “Division”); and,

WHEREAS, the authority to enter into this Grant exists in C.R.S. §43-10-108.5 and funds have been budgeted, appropriated and otherwise made available pursuant to C.R.S. §39-27-112 (2)(b) and C.R.S. §43-10-109 and a sufficient unencumbered balance thereof remains available in the Aviation Fund for encumbering and subsequent payment of the Agreement; and,

WHEREAS, the purpose of this Grant is to promote aviation at Colorado public use airports for the betterment of the Colorado Aviation System; and,

WHEREAS, the City of Fort Morgan wishes to secure funding for the betterment of the Fort Morgan Municipal Airport to acquire additional parcels of land, expand the taxi lanes to the west and north, upgrade the fuel farm and complete an environmental assessment; and,

WHEREAS, City Staff has reviewed the terms and conditions as set forth in the Grant Application Agreement and has recommended the execution of any and all related documents

related to the Grant entitled "State of Colorado Department Colorado Department of Transportation Colorado Aeronautical Board Grant Agreement with City of Fort Morgan."

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

SECTION 1. The Mayor is hereby authorized to execute all documents concerning the State of Colorado Department Colorado Department of Transportation Colorado Aeronautical Board Grant Agreement by and between the State of Colorado and the City of Fort Morgan.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010, upon a roll call vote by the Council of the City of Fort Morgan, Colorado.

Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers.

Nays: None.

Absent: Councilmember Shaver.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

By: /s/ Terry L. McAlister
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

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

I, Cheryl Winberg, Deputy 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 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, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20th day of May, 2010.

[SEAL]

/s/ Cheryl Winberg, Deputy City Clerk

RESOLUTION REQUESTED BY THE STATE OF COLORADO, PRESENTED AS EXHIBIT B TO THE AERONAUTICAL BOARD GRANT AGREEMENT

Councilmember Deal offered the following Resolution and moved for its adoption. Her motion was seconded by Councilmember Powers.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, that the Mayor is authorized to sign the Resolution presented as Exhibit B to the State of Colorado, Aeronautical Board Grant Agreement.

PASSED, APPROVED AND ADOPTED this 18th day of May, 2010; the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers. Nays: None. Absent: Councilmember Shaver.

CONSENT AGENDA

Deputy Clerk Winberg 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 Forst; said Consent Agenda being in words, letters and figures as follows, to wit:

- A. Approve the minutes from the May 4, 2010, regular meeting.
- B. Approve the disbursements and payroll for April 2010.
- C. Second and Final Reading of Ordinance No. 1102 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*," and request to publish by title only.

ORDINANCE NO. 1102

**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 7th day of May, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

ATTEST:

/s/ Terry McAlister, Mayor

/s/ Andrea Strand, City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 18th day of May, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

ATTEST:

/s/ Terry McAlister, Mayor

/s/ Cheryl Winberg, Deputy 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. 1102 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 18th day of May, 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. Award the bid and authorize the Mayor to sign a contract with Taqueria San Miguel for concessions services at Riverside Park for 2010.
- E. Award the bid to Wesco Distributions of Denver, Colorado, in an amount not to exceed \$180,000 for pad-mounted transformers to be utilized by the Light and Power Department.
- F. Award the bid to Lamp Rynearson and Associates of Fort Collins, Colorado, in the amount of \$18,500 for a Training Facility Master Plan.
- G. Award the bid and authorize the Mayor to sign a Service Agreement with L.E.C. Construction, LLC, of Evans, Colorado, in an amount not to exceed \$15,000 for On-Call Manhole Raising Services.

All matters listed under Item 15, 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 18th day of May, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation and Powers. Nays: None. Absent: Councilmember Shaver.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS BY CITY OFFICIALS

City Manager Merrill stated that he still needs two Councilmember's 2011 budget priority ranking, staff will begin meeting at the end of June and a work with City Council shortly after that.

City Treasurer Schafer noted that in the Table Files is a report on the March financials and she would be available after the meeting if Council had any questions.

BIDS, MEETINGS AND ANNOUNCEMENTS

Deputy Clerk Winberg announced open bids and upcoming meetings. She also reminded all citizens that all City Council agendas and packet documents are on the City's website weekly at www.cityoffortmorgan.com.

Mayor McAlister adjourned the May 18, 2010, regular meeting at 7:33 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Cheryl Winberg
Deputy City Clerk