

July 27, 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 special 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, and Treasurer Terri Schafer.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AIRPORT HANGAR LEASE WITH RICHARD TACKABURY

Councilmember Nation excused himself from this discussion as he is currently performing engineering services on certain aspects of this hangar with Mr. Tackabury.

Director Callahan addressed the council stating the hangar is located north of the new taxi lane which is currently out to bid. Mr. Tackabury wanted to go forward with the approval of the lease before the City has final approval from the FAA. The FAA has already agreed to the general location of a hangar in this area and has approved the City going forward with the taxi lane.

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

RESOLUTION 2010.07.04

AUTHORIZING THE MAYOR TO SIGN AIRPLANE HANGAR LEASE AGREEMENT WITH RICHARD TACKABURY

WHEREAS, the City of Fort Morgan Municipal Airport has property available to lease to private individuals and companies for the construction of airplane hangars; and,

WHEREAS, Mr. Tackabury has an interest in securing a lease on property at the airport to construct a new airplane hangar; and,

WHEREAS, the airport hangar lease has been reviewed by City staff and it is recommending that City Council grant the lease to Mr. Tackabury.

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

SECTION 1. That the Mayor has the authority to execute any and all documents associated with the Airplane Hangar Lease for Mr. Richard Tackabury.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 27th day of July 2010, the vote upon roll call being as follows:

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

Nays:

Abstain: Councilman Nation

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: _____
Mayor Terry McAlister

ATTEST:

Yolanda Eurich, Deputy City Clerk

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

I, Yolanda Eurich, 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 City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 27TH day of July 2010.

Yolanda Eurich, Deputy City Clerk

DISCUSSION CONCERNING THE CITY'S OPTIONS FOR MEDICAL MARIJUANA DISPENSARIES BASED ON STATE LAW

Attorney Wells read some of the statistics and provided background of what is happening in other cities in Colorado. He also stated that there are essentially three options for City Council to consider when making a decision on medical marijuana regulations. The first option allows City Council to ban commercial sales of medical marijuana. This is done either by passing an ordinance or by putting the issue to vote of the citizens. The Second option would be to regulate commercial sales of medical marijuana by implementing zoning restrictions and adopting a business licensing requirement to operate a medical marijuana facility. This option will require Staff to provide the City Council with two ordinances; one to modify the zoning code and another to adopt a business license regulation. The final option is to do nothing and allow all commercial medical marijuana facilities to operate under the State restrictions. Attorney Wells advises bringing the public in on the discussion.

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, to set a Public Hearing for August 3, 2010, for the discussion on **Medical Marijuana Dispensaries** with the possibility of a council vote after said Hearing and moved for its adoption.

PASSED, APPROVED AND ADOPTED: this 27th day of July, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Deal, Powers Shaver, Forstedt, Bryan and Nation.

RESPONSES TO RFP RAILROAD AVENUE AND MAIN STREET SIGNALS

City Engineer Curtis addressed the Council and reviewed his memo of information to Council. The traffic signals at the intersection of Railroad Avenue and Main Street will be upgraded and replaced with new signals and poles that will complete and match the poles installed as part of

the Downtown Infrastructure Project. The scope of the project includes removing the existing traffic signals and poles and installing new signals, poles, caissons, control cabinets, wiring and conduit. An invitation to Bid was placed on the City's website on June 30, 2010 and made available at City Hall. A mandatory pre-proposal meeting was held on July 7, 2010. The bid opening was held July 15, 2010, with only one company submitting a Bid. Mountain Constructors, Inc. of Platteville, Colorado, submitted a bid of \$165,000.00. Staff is requesting City Council approve the bid from Mountain Constructors in the amount of \$165,000.00.

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, to accept the bid submitted by Mountain Constructors of Platteville, Colorado, for the installation of the Railroad Avenue and Main Street Signals, in the amount not to exceed \$165,000.00.

PASSED, APPROVED AND ADOPTED: this 27th day of July, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Deal, Powers Shaver, Forstedt, Bryan and Nation.

REQUEST FOR BIDS ON RESPONSES TO WATER LINE PROJECTS

City Engineer Curtis stated there are two projects that consist of the excavation and installation of water main, water services and fire hydrants in the 100-300 blocks of Cherry Street between Burlington Avenue and Gateway Avenue. The other is South State Street. An Invitation to Bid was placed on the City website on July 9, 2010, and made available at City Hall. The bid opening was held on July 19, 2010. Bids were submitted from Ransom Boone Excavation, for \$73,470.00 and Hirschfeld Backhoe & Pipeline Inc., for \$89,637.00. Staff is requesting Council to approve the bid from Ransom Boone in an amount not to exceed \$80,000.00 to perform the 2010 Water Main Replacement Projects. The additional \$6,530.00 may be used for minor unforeseen conditions.

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, to accept the bid submitted by Ransom Boone Excavators to perform the 2010 Water Main Replacement Projects in the amount not to exceed \$80,000.00.

PASSED, APPROVED AND ADOPTED: this 27th day of July, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Deal, Powers Shaver, Forstedt, Bryan and Nation.

BIDS, MEETINGS AND ANNOUNCEMENTS:

Water Distribution Department is accepting sealed bids for Itron 60w Water and Coder Receiver Transmitters or ERTS, closes at 4:00 p.m.

Treasurer Schafer announced upcoming meetings and bids.

Mayor McAlister thanked Water Distribution Superintendent Mitch Church for his quick thinking and reaction last week. He broke his foot while trying to stop an unattended vehicle from rolling into a nearby playground.

Mayor McAlister adjourned the July 27, 2010, special meeting at 7:45 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Yolanda L. Eurich
Deputy City Clerk