

August 3, 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 Brent M. Nation  
Councilmember James A. Powers  
Councilmember Ronald Shaver

Absent: Councilmember Debra J. Forstedt

The meeting was also attended by City Manager Pat Merrill, City Attorney Jeffrey Wells, Police Chief Keith Kuretich, and Treasurer Terri Schafer.

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## **EXECUTIVE SESSION**

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At approximately 5:33 p.m., Councilmember Deal moved to go into Executive Session to conduct a performance evaluation of City Attorney Wells. Her motion was seconded by Councilmember Powers.

Mayor McAlister announced, "The time is now 7:00 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, Nation, Powers, and Shaver.

"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 now ask Councilmember Deal to report on the Executive Session."

The City Council met in Executive Session to give the performance evaluation of the City Attorney; at this time I would offer a motion to approve the evaluation provided by Council and the performance rating of 4.4. Her motion seconded by Councilman Powers, motion carries unanimously.

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**PROFESSIONAL STANDARDS ACCREDITATION PRESENTATION FOR FORT MORGAN POLICE DEPARTMENT**

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Chief Kuretich accepted an award recognizing the FMPD for achieving professional standards re-accreditation from Colorado Association of Chiefs of Police representative and Broomfield Police Chief Tom Deland. Deland stated that the recognition is one of the top awards issued by CACP. The FMPD is only the fourth in the state to receive it this past year.

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**PRESENTATION OF INFORMATION FROM THE CENSUS AND RECOGNITION OF THE COMPLETE COUNT COMMITTEE**

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Representatives from the 2010 Census addressed the City Council stating that the initial participation rate in Morgan County was 68 percent. Patricia Rodriguez thanked the City of Fort Morgan for its efforts in creating a complete count committee and working to educate the public on the importance of participating in the census. Ms. Rodriguez also distributed packets with census information for Council.

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**PRESENTATION OF IMPACTS OF PROPOSITIONS 101 AND AMENDMENTS 60 AND 61 – COLORADO MUNICIPAL LEAGUE STAFF**

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Attorney Wells introduced Mark Radke and Matt Hogan both Representatives of the Colorado Municipal League who reviewed the potential impacts on local communities if Amendments 60 and 61 were passed. There could also be some financial impact on public schools. The representatives also gave a brief power point presentation.

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**PRESENTATION OF RESPONSES TO THE BID FOR TAXILANE CONSTRUCTION**

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Community Services Director David Callahan explained to Council that all of the existing hangars at the airport are rented and there are no vacant areas along the existing taxilane to provide for new hangars. The Capital Improvement Fund includes \$363,156 for the construction of 900 linear feet of new taxilane area and all associated engineering fees. City Engineer explained to Council that because the project is 95 percent federally funded by the federal Aviation Administration, the standards are different and a significant part of those services involved having an engineer on site to monitor the work throughout the project. Councilmember Nation had some concerns of the engineering cost and asked staff to bring back more information to Council at the next worksession.

Councilmember Powers offered the following Resolution and moved for its adoption. His motion 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 MOGAN, COLORADO, in approving the bid for construction of a new taxi lane at the Fort Morgan Airport, from Mountain Constructors, Inc., in the amount of \$174,363.00, and in an amount not to exceed \$269,863.00 which includes administration and engineering fees to Armstrong Consultants, Inc.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of August, 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister, Councilmembers Deal, Powers, Shaver and Nation.

Nays: Councilmember Bryan

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### **PUBLIC HEARING RECEIVING PUBLIC COMMENTS ON MEDICAL MARIJUANA DISPENSARIES**

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Mayor McAlister made opening comments and stated, "Let the record show that the Public Hearing before the City Council for the purpose of hearing written and oral comments from the public concerning the Medical Marijuana Dispensaries, is convened this 3<sup>th</sup> day of August, 2010, during the hour of 7:00 p.m."

Treasurer Schafer stated that the notice of public hearing was published in *The Fort Morgan Times* on Friday, July 30, 2010. There were no written/oral comments reported to the Clerks office.

Attorney Wells at previous council meetings had given them information on three options that they would have concerning medical marijuana. One was to ban medical marijuana by vote of council and the other options were to develop local regulations governing the operation of businesses related to medical marijuana, or take no action and allow any local operations to fall under state regulations only. Discussion followed. Councilmember Powers stated that he was disappointed that there was not more public input. He also noted that most of the input he had heard from citizens was to ban it and not have to worry about a vote of the people.

Resident Tim Morland, 347 Park Street addressed the Council and stated his concerns.

Councilmember Powers offered a motion instructing staff to present an Ordinance banning the sale of medical marijuana in the city by a vote of the Council. His motion seconded by Councilmember Nation. Motion approved unanimously.

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**CONSENT AGENDA**

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Treasurer Schafer presented the Consent Agenda for Council consideration. Councilmember Nation asked that Item B from the minutes of the July 27, 2010, Special Meeting be removed from the Consent Agenda and voted on separately. Councilmember Powers offered a Resolution to approve the Consent Agenda as presented. His motion was seconded by Councilmember Nation; said Consent Agenda being in words, letters and figures as follows, to wit:

**CONSENT AGENDA**

- A. Approve the minutes from the July 20, 2010, regular meeting.

All matters listed under Item 9, 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 3 day of August 2010, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Nation, Powers and Shaver. Nays: none.

Councilmember Nation stated a correction to the July 27, 2010, Special Meeting be made. Item No. 1 on the Agenda: "A Resolution Authorizing the Mayor to Execute Airport Hangar Lease with Richard Tackbury" he had excused himself from the discussion and the vote.

Councilmember Powers offered a motion to approve the Minutes of the July 27, 2010, Special Meeting with the amendment. His motion seconded by Councilmember Nation. Carried unanimously.

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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:

City Manager Merrill  
Police Chief Kuretich  
Water Resources/Wastewater Treatment Director Dreessen  
Municipal Engineer Curtis  
Community Development Director Callahan  
Community Service Director Evans

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**BIDS, MEETINGS AND ANNOUNCEMENTS**

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Treasurer Schafer announced upcoming bids and meetings.

Mayor McAlister adjourned the August 3, 2010, regular meeting at 9:00p.m.

/s/ Terry L. McAlister  
Mayor

/s/ Yolanda L. Eurich  
Deputy City Clerk