

September 14, 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 Brent M. Nation
Councilmember James A. Powers
Councilmember Debra J. Forstedt

Absent: 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.

PRESENTATION OF RESPONSES TO THE RFP FOR ARCHITECTURAL SERVICES FOR THE OUTDOOR AMPHITHEATRE AT CITY PARK

Engineer Curtis gave his presentation to City Council of the RFP for architectural services for the outdoor amphitheatre at City Park. The City solicited proposals from firms/teams to develop conceptual ideas and designs and develop preliminary construction plans. Additionally, the respondents were expected to have been regularly engaged in the business of providing the products and/or services as described in the Proposal request, have a record of performance for a period of at least three years, and have sufficient financial support, equipment and organization to ensure that they can satisfactorily deliver the products and/or services if awarded a contract. Due to limited budget, the general expectation of the Proposal request was to have each Respondent propose how the \$100,000 budgeted could be utilized.

Several residents were in the audience and had comments, those addressing the Council were: Barb Keenan, 302 Grant, Kerry Hart, 820 Vickie, Jerry Schaefer, 924 Diana, Tertia Cain, 15898 MCR R, and Ann Inungrich of 102 Aspen.

Councilmember Forstedt offered a Resolution to approve the expenditure of up to \$52,500 for the design of the band shell, with the conditions of the results of the November election if Amendments 60, 61, and proposition 101 were to pass the Resolution would be reconsidered. Seconded by Councilmember Deal and passed unanimously.

PRESENTATION AND DISCUSSION OF STATEMENT OF INTEREST LOVELAND AREA PROJECTS RENEWABLE ENERGY CREDIT PROGRAM (GREEN TAGS)

City Manager Merrill reported to Council that MEAN is the city's primary electric power supplier and the City is eligible to manage renewable energy credits through its use of hydropower from the Federal Western Area Power Administration. We would be adding the addendum to the current contract. Attorney Wells has reviewed and approved the addition.

Councilmember Powers offered a motion authorizing the Mayor to sign the contract to have MEAN managed the Green Credits of the City of Fort Morgan. His motion seconded by Councilmember Forstedt and passed unanimously.

PRESENTATION OF A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ABANDON BIJOU DITCH CARRIAGE RIGHT NOT USED BY THE CITY OF FORT MORGAN

Attorney Wells explained to Council that staff had recently discovered that the City has ownership in a carriage right on the Bijou Ditch Company lateral. The City has held the carriage right for several years and the right has not been utilized. The City does have a water right tied to the carriage right. He also added that the Water Advisory Board has reviewed the issue and unanimously voted to recommend that the City abandon the right. The City Charter Article VII, Section 8 requires the City to retain oversight over water rights and its water system.

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. 2010-09-03

AUTHORIZING THE CITY ATTORNEY ABANDON DITCH RIGHT ON BIJOU DITCH LATERAL

WHEREAS, City staff recently discovered that the City has ownership in a carriage right on a Bijou Ditch Company lateral; and,

WHEREAS, the City has held the carriage right for several years and the right has not been utilized; and,

WHEREAS, there is no water right tied to the carriage right, and the City does not currently own a water right that could utilize the carriage right; and,

WHEREAS, the Water Advisory Board has reviewed the issue and unanimously voted to recommend that the City abandon the right; and,

WHEREAS, the City Charter Article VII, Section 8, requires the City to retain oversight over water rights and its water system.

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

SEC. 1: The City Attorney is authorized to take all steps necessary to abandon or otherwise divest the City of the Bijou Ditch carriage right.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 14th day of September 2010, the vote upon roll call being as follows:

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

Nays:

Absent /Abstain:

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: _____
Terry McAlister Mayor

ATTEST: _____
Yolanda L. Eurich Deputy City Clerk

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

ss.

CERTIFICATE

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 15th day of September, 2010.

Yolanda L. Eurich, Deputy City Clerk

COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY APPROVE THE APPLICATION FOR RENEWAL OF A TAVERN LIQUOR LICENSE FOR THE CLUB TAP LLC/RYAN STROH

Attorney Wells reported that The Club Tap, LLC submitted a complete Renewal Application and has paid the appropriate fees. He also reviewed the application and finds the application in order. Chief Kuretich reported a physical investigation of the premises was conducted along with records compliance investigation and there were no violations.

Councilmember Powers offered a motion to approve the Renewal Application Renewal for The Club Tap LLC/Ryan Stroh, located at 212 Main Street, Fort Morgan, CO. His motion seconded by Councilmember Nation passed unanimously.

BIDS AND ANNOUNCEMENTS

Ms. Ann lungerich, of 102 Aspen addressed the Council and reported on information about the Mural unveiling on September 18th at 11:00 a.m. on the corner of Railroad and Main Street.

Council and staff will meet after the special meeting for a Council Retreat. Director Cicotello will review the Evaluation Process with City Council.

Mayor McAlister adjourned the September 14, 2010, special meeting at 7:50 p.m.

/s/ Terry L. McAlister
Mayor

/s/ Yolanda L. Eurich
Deputy City Clerk