

October 5, 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 Ronald Shaver

Absent: Councilmember Jim Powers

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

PROCLAMATION DOMESTIC VIOLENCE AWARENESS MONTH

Representative Carmen Jimenez of SHARE handed out literature to Council and announced that SHARE Inc., the Morgan County Domestic Violence Program and the City of Fort Morgan are celebrating Domestic Violence Awareness Month during October. This year's theme is "Turn the Town Purple." The group provides emergency shelter and 24-hour crisis line response; individual advocacy and support groups in English and Spanish for battered women; shelter and outreach programs for children and teens; court advocacy and assistance with protective orders and victim compensation and assistance. Mayor McAlister read the Proclamation and announced the Month of October 2010 as: "DOMESTIC VIOLENCE AWARENESS MONTH"

PRESENTATION OF THE FISCAL YEAR

Auditor Tim Mayberry of Johnson Holscher and Co. gave the presentation to Council. He stated that the financial condition of the city of Fort Morgan is very good. He also stated he has a number of cautionary notes for the Council about the City's accounting structure. Mr. Mayberry noted that the General Fund was spent down by \$800,000 and was due in large part to the downtown improvement project, which cost more than the drop in the General Fund. The City had transferred about \$1.25 million from the General Fund to the Capital Improvement for the downtown project so reducing that fund by only \$800,000 was a good thing. The reserves are in good shape and some may even be a little excessive. Mr. Mayberry also pointed out that the city had no budget violation which is something that has not happened for a few years. He also recommended the City hire a Staff Accountant in the Finance Department in addition to the City Treasurer which the City used to practice. It would provide for checks and balances and assist in the banking account reconciliations. Before ending the presentation Mr. Mayberry commented that the City is heading in the right direction in terms of its accounting practices and financial controls.

APPROVAL OF A COLORADO STATE HAZARD MITIGATION PROGRAM GRANT

Engineer Curtis gave the Council background information on the grant. The City's 5-year Capital Improvement Projects includes money to improve the City's existing storm system which is subject to repetitive flooding. Flooding primarily occurs in the northwest quadrant of the City as well as the southeast quadrant during both minor and major storm events. Based on the 2000 Storm Drainage Master Plan, the total estimated cost of the 25-year storm drainage improvements serving these areas is estimated approximately \$12 million, while the total estimated cost of the citywide 25-year storm drainage improvements are estimated at around \$37 million. City staff met with the Colorado Department of Local Affairs, Division of Emergency Management Mitigation Experts. In order to proceed with larger FEMA grant application requirements, the existing storm drain system should be surveyed/inventoried. The intent of verifying the system is to ensure that area focused solutions to drainage issues will be compatible with long range plans/recommendations as identified in the 2000 Storm Drainage Master Plan.

The City has applied for a 2010/2011 Colorado State Hazard Mitigation Program Grant to pay for up to half of the cost of performing a Storm Drainage Survey which is estimated to be \$20,000 - \$30,000. We have also issued an RFQ for the Survey with submittals due October 4, 2010. The Grant has not been approved by the State nor has a Grant Contract been issued. Staff is anticipating receiving approval of the SHMP Grant. Work may not begin on the project until the SHMP Grant Contract has been signed approved by the State. The City Attorney's office will review and approve the SHMP Grant Contract prior to the Mayor's signature.

Staff recommends Council approve authorization for the Mayor to sign the 2010/2011 Colorado State Hazard Mitigation Program Grant Contract.

Councilmember Forstedt offered the following Resolution and moved for its adoption. Her 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 approve authorizing the Mayor to sign the State Hazard Mitigation Program Grant and expend the matching funds not to exceed \$15,000 to inventory the City's storm water system.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2010, vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Deal, Forstedt, Shaver, Nation and Bryan. Nays: None

PRESENTATION OF AN ORDINANCE CREATING THE DEPARTMENT OF MARKETING & ECONOMIC DEVELOPMENT WITHIN THE CITY ORGANIZATION

Manager Merrill reported to Council that this was simply to give this department their own line item in the budget. Currently this department is under the Community Development

Department. The City Manager makes the recommendation and it requires final approval by Ordinance by City Council.

ORDINANCE NO. 1108

AN ORDINANCE CREATING AND CONSOLIDATING CITY DEPARTMENTS

WHEREAS, the City of Fort Morgan has undertaken a review of the various needs of the departments within the City organization; and

WHEREAS, the City Council has informally approved and provided funding for the creation of the Marketing and Economic Development Department; and

WHEREAS, the City Manager now recommends the creation of the Marketing and Economic Development Department; and

WHEREAS, the creation this department is in the best interests of furtherance of the City's goals and objectives; and

WHEREAS, the City Charter, at Article V, Section 4(g) establishes the procedure for the consolidation and/or creation of departments with the recommendation of such consolidation and/or creation from the City Manager and final approval by ordinance from the City Council;

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

SECTION 1. The Department of Marketing and Economic Development is hereby created for the purpose of furthering the goals and objectives of the City Council with regard to business development and marketing of the City of Fort Morgan;

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 21st day of September, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

ATTEST:

Mayor Terry McAlister

Deputy City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 5th day of October, 2010.

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

ATTEST:

Mayor Terry McAlister

Deputy City Clerk

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

CERTIFICATE

I, Yolanda L. Eurich, the duly appointed, qualified and acting Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **ORDINANCE NO. 1108** 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 21st day of September, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 21st day of September, 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 5th day of October, 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.

Deputy City Clerk

HEARING REGARDING THE POSSIBLE REVOCATION OF A CONTRACTOR’S LICENSE

Director Callahan addressed the Council and stated that Staff is requesting they consider whether to suspend, revoke or continue the building contractors’ registration for Nationwide Construction, Inc. The Company had been caught and fined for doing work in the City without a Contractor’s License and did work after obtaining a license that led to a written complaint from a City homeowner. As the Building Official Director Callahan felt he should bring the matter before the Council for a hearing. The Council would then vote to suspend or revoke the license or take no action. The Jim Vanatta the son of the home owner of 827 Simpson spoke to Council about the “horrific” experience they had with the Company. Director Callahan had notified the Company by certified mail, however there was not a representative present.

Councilmember Forstedt offered a motion to revoke Nationwide Construction’s license based on evidence presented by staff. Her motion seconded by Councilmember Bryan and carried unanimously.

RESOLUTION ADOPTING THE COMPREHENSIVE PLAN

Director Callahan presented the updated Comprehensive Plan to Council and noted the new plan was the culmination of 10 months of work session and public workshops and resulted in a more refined and useful plan. Director Callahan introduced Martin Landers to the Council. Mr. Landers stated that the City of Fort Morgan is a very unique City with the wide streets and the flood plan. He also commented on how well the Planning Commission has done their job.

Councilmember Nation offered a motion to approve the new Comprehensive Plan as presented. His motion seconded by Councilmember Shaver and carried unanimously.

MEAN PAY AGENT AGREEMENT

Manager Merrill stated Staff was directed by Council to research if the change would have any impact on the City's ownership or use of power from its other supplier Wester Area Power Administration and found that it will not. MEAN Pay Agent Agreement will simply be the City's purchasing and transmission agent for power from other suppliers.

Councilmember Nation offered a motion for authorizing the Mayor to sign the MEAN Pay Agent Agreement. His motion seconded by Councilmember Shaver and carried unanimously.

CONSENT AGENDA

Treasurer Schafer presented the Consent Agenda for Council consideration.

Councilmember Shaver requested a correction to the minutes of September 14, 2010; he was counted on roll call at that meeting but was absent.

Councilmember Nation offered a Resolution to approve the Consent Agenda with the correction made and moved for its adoption. His motion seconded by Councilmember Forstedt; said Consent Agenda being in words, letters and figures as follows, to wit:

- A. Approve the minutes from the September 7, 2010 regular meeting.
- B. Approve the minutes from the September 14, 2010 special meeting.
- C. Approve the disbursements/payroll for August 2010.
- D. Approve the Application for Renewal of a Hotel and Restaurant Liquor License for Kinsale Properties Inc., Roadway Inn, DBA as Mavericks Restaurant, located at 1409 Barlow Road, with a clear police investigation report.

All items listed under Item 10 Consent Agenda, are considered 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 5th day of October, 2010, the vote upon roll call being as follows: Ayes: Mayor Mcalister, Councilmembers Deal, Shaver, Nation, Forstedt and Bryan.

Nays: none. Absent: Councilmember Power.

CITY COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY REQUEST TO POST PROPERTY AT THE ELKS CLUB, AT 430 STATE STREET FOR A SPECIAL EVENT

Attorney Wells stated that the Clerks office had received a Special Event Application from the Elks BPOE No. 1143 Elks Lodge, located at 430 State Street, for an event to be held on October 30, 2010. The request before Council tonight is just for approval of the application allowing City Staff to post the property.

Councilmember Nation offered a motion to approve the request to post the Elks BPOE No. 1143 also known as the Elks Lodge, located at 430 State Street for a Special Event to be held on October 30, 2010. His motion seconded by Councilmember Shaver carries unanimously.

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 Evans

Marketing Director Wilkins

Fort Morgan Volunteer Fire Department Chief Parker

BIDS, MEETINGS AND ANNOUNCEMENTS

Treasurer Schafer announced open bids and upcoming meetings.

Mayor McAlister adjourned the October 5, 2010, regular meeting at 8:31 p.m.

EXECUTIVE SESSION

At approximately 8:31 p.m., Councilmember Forstedt 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): Municipal Judge Contract. Her motion was seconded by Councilmember Shaver and duly carried.

/s/ Terry L. McAlister
Mayor

/s/ Yolanda L. Eurich
Deputy City Clerk