

December 7, 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 recited.

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, Fire Chief Brad Parker, Police Chief Keith Kuretich, Director of Water Resources Gary Dreessen, Municipal Engineer Brad Curtis, Community Development Director David Callahan, Community Services Director Patti Evans, Director of Marketing and Economic Development Kevin Wilkins, Treasurer Terri Schafer and City Clerk John Brennan.

PUBLIC HEARING REGARDING THE YAGER MINOR SUBDIVISION

The council convened a public hearing regarding the Yager Minor Subdivision, which was presented by Director Callahan. The half-acre parcel in question is a remnant left over from previous subdivisions of a larger property in the 1950s, which may have predated the city's subdivision ordinance. No development is planned for the property at this time but the current transitional zoning would allow a variety of uses. Callahan said both the city staff and Planning Commission recommended approval.

No comments were received from the applicant or the public.

A motion to close the public hearing was offered by Debra Forstedt and seconded by James Powers, and passed unanimously.

The council then took action approving the application, with a resolution offered by Powers and seconded by Lyn Deal, which was approved unanimously.

SECOND AND FINAL READING AND PUBLIC HEARING – 2011 BUDGET ORDINANCE

The council convened a public hearing on the Fiscal Year 2011 Budget Ordinance, which was presented by Manager Merrill. Merrill noted that budgets are “fluid” and can be adjusted during the course of the year in response to changing conditions.

The budget was balanced, Merrill said, with a total budget amount of more than \$50 million and a general fund total of just under \$9 million. City staff recommended adoption of the 2011 budget ordinance.

Mayor McAlister asked for comments from the public, and Kari Linker, executive director of the Morgan County Economic Development Corporation, spoke to the council about the importance of the partnership between the city and MCEDC. She said the city's plan under the proposed

budget to no longer offer funding to MCEDC threatened economic development efforts throughout the county, and asked that the city continue to invest in MCEDC.

No comments were made by the council members, and a motion by James Powers to close the public hearing was seconded by Debra Forstedt and passed unanimously.

Attorney Wells noted that the budget ordinance needed to be approved to meet state deadlines. Councilmember Nation asked what action the council could take if it wanted to amend the budget at this time, and Wells said the ordinance could be adopted by title only and the final numbers adjusted after approval.

Councilmember Bryan said he was not comfortable with the elimination of funding for MCEDC and the Northeastern Colorado Association of Local Governments from the budget. Manager Merrill said the general fund budget was showing a surplus of just over \$20,000, and making changes of any more than that amount would place the budget out of balance.

Nation said he believed MCEDC and NECALG should be funded by the city at the same level as 2010, and Councilmember Shaver agreed.

Mayor McAlister said he was wary of cutting things that closely on the budget.

Manager Merrill noted that the city had eliminated staff positions and left staff vacancies unfilled in order to balance the budget. Councilmember Forstedt said people lost their jobs to balance the budget and it would be disrespectful to make such adjustments.

Nation made a motion to amend the 2011 budget to provide \$12,000 in funding to MCEDC and \$8,000 to NECALG, which was seconded by Shaver. The motion passed on a 6-1 vote, with Forstedt casting the dissenting vote.

Nation then offered a resolution to approve the 2011 budget ordinance by title only, as amended by the prior motion, and that resolution was seconded by Shaver and approved unanimously.

SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE APPROVING THE MUNICIPAL CODE ORGANIZATIONAL UPDATE

The council convened a public hearing on an Ordinance approving the Municipal Code Organizational Update, which was presented by Attorney Wells. Wells said the ordinance would adopt the new city code by reference, which required the City to publish all penalties for violations. The adoption of the new code was also an adoption of new land use and zoning codes. He said the staff recommended approval of the ordinance on second and final reading.

After no other comments from the public or the council, a motion to close the public hearing was made by Forstedt, seconded by Bryan and approved unanimously.

Powers then offered a resolution to adopt the ordinance, which was seconded by Nation and approved unanimously.

PRESENTATION ON APPOINTED OFFICIALS' EVALUATION PROCESS

Manager Merrill presented a memo for the council's information regarding guidelines for the process of evaluating appointed officials, including time frames and other information on performance reviews, goal setting and mid-year or quarterly check-ins. No action was taken.

PRESENTATION OF BIDS FOR THE FIRE DEPARTMENT BURN BUILDING FOUNDATION

Fire Chief Brad Parker presented bids for construction of a foundation for a burn building to be used for training purposes. The low bid was for \$11,400 from Schantz Construction of Fort Morgan, and Parker said the rural fire district had agreed to pay \$10,000 of that cost. The

remaining \$1,400 would come from funds left over from a fire department lighting project, Parker said.

A motion to accept the low bid under those terms and conditions was made by Councilmember Forstedt, seconded by James Powers and approved unanimously.

PRESENTATION OF BIDS FOR SCBA BOTTLE AND REPLACEMENT AIR PACK

Chief Parker told the council that only two bids had been received by the time the council meeting packets were assembled, but since then a third bid had come in that was the lowest. He distributed copies to the council of this third bid, for \$10,013 from Municipal Emergency Services Inc. of Englewood.

James Powers offered a resolution to approve the low bid, to include freight costs if necessary, which was seconded by Councilman Brent Nation and approved unanimously.

APPROVAL OF AN AGREEMENT WITH HOMELAND SECURITY INVESTIGATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY FOR REIMBURSEMENT OF POLICE OVERTIME EXPENSES

Police Chief Keith Kuretich reviewed the proposed agreement, which would reimburse the city for overtime costs up to \$13,000 per year per officer for work on investigations related to immigration enforcement. He said the officers would work on these cases whether or not the agreement was in force, and this would reduce the city's costs for conducting such investigations.

Councilman Ron Shaver offered a resolution to approve the agreement, which was seconded by Debra Forstedt and passed unanimously.

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING WITH THE SOCIAL SECURITY ADMINISTRATION AND THE DEPARTMENT OF HOMELAND SECURITY FOR PARTICIPATION IN THE E-VERIFY EMPLOYMENT ELIGIBILITY PROGRAM

Manager Merrill described the free federal program, which can be utilized only for employment eligibility purposes.

Councilmember Lyn Deal offered a resolution to approve the memorandum of understanding, which was seconded by Scott Bryan and approved unanimously.

APPROVAL OF THE AGREEMENT FOR NMPP COST OF SERVICE AND RATE DESIGN STUDY FOR THE CITY GAS UTILITY

Merrill noted that this agreement was similar to one approved previously for a rate study for the electric department. It is a five-year agreement that will examine the basis for the rates set by the city and any recommendations for adjusting the rates, as well as other issues related to the gas enterprise, at a cost not to exceed \$12,300

A resolution to approve the agreement was offered by Forstedt, seconded by Powers and approved unanimously.

APPROVAL OF AN AGREEMENT DISMISSING AN EMPLOYEE LAWSUIT AGAINST THE CITY

Attorney Wells said the case had been settled and the council simply needed to approve the agreement. A motion by Powers was seconded by Nation and approved unanimously.

CONSENT AGENDA

A consent agenda of routine business was approved unanimously on a resolution offered by Nation and seconded by Forstedt. Consent agenda items included:

13. Consent Agenda: COUNCIL ACTING AS THE LIQUOR LICENSING AUTHORITY

- A. Approve the minutes of the Nov. 2, 2010 regular meeting,
- B. Approve the minutes of the Nov. 9, 2010 special meeting
- C. Approve the minutes of the Nov. 16, 2010 regular meeting
- D. Approve the minutes of the Nov. 23, 2010 special meeting
- E. Approve Disbursements/Payroll for the month of October
- F. Approve the 3.2 Percent Beer Retail Liquor License Renewal Application for Safeway Store Forty Six Inc., dba Safeway Store No. 341, located at 620 West Platte Avenue #2341 with a clear police investigation report.
- G. Approve the Retail Liquor Store License Renewal – Malt, Vinous and Spirituous, for Village Liquor Store Inc. located at 631 West Platte Avenue, with a clear investigation report.
- H. Approve the Club Liquor License Renewal – Malt, Vinous and Spirituous, for BPOE Lodge dba Fort Morgan Elks Lodge No 1143, located at 430 State Street, with a clear investigation report.
- I. Approve the Club Liquor License Renewal - Malt, Vinous and Spirituous, for the VFW, dba Fort Morgan Post 2551, located at 208 West Beaver Avenue, with a clear investigation report.
- J. Approve the Tavern Liquor License Renewal - Malt, Vinous and Spirituous, for Silver Crown Lanes Inc., dba Gold Crown Lanes, located at 300 E. Railroad Avenue, with a clear investigation report.

All matters listed under Item 13, 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.

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

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Brennan announced upcoming bids and meetings.

Manager Merrill then announced awards of appreciation to three city directors for their extraordinary efforts in completing and balancing the 2011 city budget. Merrill presented plaques to Chief Kuretich, Community Services Director Evans and Treasurer Schafer. Mayor McAlister thanked the three, as well as Merrill and all city employees, for their work to complete the budget.

EXECUTIVE SESSION

The council then adjourned to a scheduled Executive Session with Attorney Wells to discuss liability issues:

15. EXECUTIVE SESSION

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); Liability Issues.

A motion to go into executive session was made by Forstedt, seconded by Bryan and passed unanimously.

Mayor McAlister adjourned the December 7, 2010 regular meeting at 8:10 p.m.

The executive session was convened at 8:26 p.m., and concluded at 10:20 p.m. It was attended by the mayor and all six council members as well as Attorney Wells.

After the executive session was concluded, the council reconvened in open session, and Councilmember Ron Shaver made a motion to direct the city attorney to prepare documents to limit the city's liability. The motion was seconded by Deb Forstedt and approved unanimously.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk