

December 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 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, Treasurer Terri Schafer and City Clerk John Brennan.

**PRESENTATION AND/OR ACTION ON REQUEST FOR BOUNDARY LINE ADJUSTMENT
AT LEGION FIELD**

Attorney Wells told the council that local attorney George Haffke and resident Gene Doty were asking the city to provide a deed releasing any rights the city might have to a tract of land to which the City holds legal title in trust for the American Legion.

Haffke said that an improvement location certificate had been done to reflect the facts as they are reflected on the ground. He said the property had been owned by Bob Bell, who died last summer. In trying to sell the property, Doty had the property surveyed and found the Bell property line much farther east than believed. Bell's water well is also located on this strip of land that is actually a part of the Legion property, and these conditions have been in place for many years, Haffke told the council.

Haffke said the city holds the property in trust for the Harold De Haan American Legion Post, and as the conveying authority the city would be the proper party to issue a quit claim deed. Haffke said Doty had talked to people from the American Legion Post and said they have no problem with conveying the property.

Attorney Wells said the city, Morgan County and the Legion Post all hold a responsibility in the trust agreement and would all have to pass resolutions approving this transaction.

Councilmember Ron Shaver offered a resolution to approve the boundary line adjustment, which was seconded by Debra Forstedt.

Councilmember James Powers suggested that because the other two parties also have to approve, it might be a good idea to have approvals by the county and the Legion first, then bring the issue back to the city for approval.

Haffke said the city is the conveying authority, and only needs consent after the fact from the other two parties.

Shaver amended his resolution to be contingent on the consent of the Legion Post and the county, and it was approved unanimously.

PRESENTATION AND/OR ACTION ON AGREEMENT WITH THE FORT MORGAN HUMANE SOCIETY FOR OPERATION OF THE ANIMAL SHELTER

Manager Merrill presented an addendum to two agreements already in place between the city and the humane society, a lease and a service agreement. Under this addendum, the city would provide an in-kind contribution of the use of the animal shelter building, valued at \$12,000 a year, as well as a cash contribution of \$18,233.08 payable in monthly installments, for 2011. Humane society executive director Crystal Tweeten and board member Dee Fowler presented an alternative funding scenario based on the number of animals impounded and housed at the shelter, which asked for an additional \$4,878.65 in cash contribution from the city. After some discussion of shelter hours and operations, Powers offered a resolution to approve the addendum with an amendment to require only 30 hours of operation per week open to the public, instead of the 40 hours stated in the original agreement. That resolution was seconded by Shaver and approved unanimously.

PRESENTATION AND/OR ACTION ON A SEPARATION AND RELEASE AGREEMENT AND RESIGNATION OF A CITY EMPLOYEE

Attorney Wells said the terms of the agreement and release had been negotiated with the attorney for former employee Dominic Lucero, and because the amount of the settlement exceeded \$10,000 it required council approval. Forstedt offered a resolution to accept the agreement, which was seconded by Powers and passed unanimously.

PUBLIC COMMENT/AUDIENCE PARTICIPATION

None.

Clerk Brennan reviewed bids and upcoming meetings, and Manager Merrill made several announcements.

Mayor Terry McAlister adjourned the special meeting at 7:40 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J. Brennan
City Clerk