

January 4, 2011

The City Council of the City of Fort Morgan, Colorado, met this day at City Hall. The Honorable Mayor Terry L. McAlister called the regular meeting to order at 5:30 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

5:35 P.M. – EXECUTIVE SESSION

Councilmember Forstedt moved to go into executive session for the purpose of discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; with the following additional details provided for identification purposes: Quarterly update with Council and City Manager, The motion was seconded by Councilmember Powers and duly carried.

The Executive Session occurred. The session was attended by the seven members of the council and City Manager Pat Merrill. At approximately 5:50 p.m. the council summoned City Attorney Jeffrey Wells into the session to provide legal advice. The Executive Session concluded at 6:13 p.m.

7:00 P.M – REGULAR MEETING

Upon returning to the open meeting in the Council Chambers, Mayor McAlister announced, “The time is now 7 p.m., and the Executive Session has concluded. The participants in the Executive Session were Mayor McAlister; Councilmembers Scott Bryan, Lyn Deal, Debra Forstedt, Brent Nation, James Powers, Ron Shaver and City Manager Pat Merrill, and City Attorney Jeff Wells for legal advice at part of the meeting.

“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, I request that Jim Powers report on the Executive Session.”

Councilmember Powers offered a motion to put City Manager Pat Merrill on administrative leave effective immediately, to work out an exit strategy by the January 11 council meeting. That motion was seconded by Councilmember Forstedt and approved unanimously.

DISCUSSION OF REVISIONS TO THE FORT MORGAN MUNICIPAL CODE REGARDING THE WATER DEVELOPMENT POLICY AND OPERATION OF THE WATER ENTERPRISE

Water Resources Director Gary Dreessen said the revisions to the water policy had been discussed by the city's water advisory board several times, but several new issues still need to be addressed.

The council along with Dreessen, Municipal Engineer Brad Curtis and Attorney Wells discussed some of these issues, which included what to do about buildings that currently have their water meters inside the building. The city is in the process of a long-term plan to replace all of these meters with meters in pits outside buildings, but Curtis said there are many of the old indoor meters throughout the city.

The issues include what to do with the old meters once the city installs new outdoor meters, and who is responsible for costs related to removing the old meters. Curtis said one option is to simply leave them in place and the property owners would become responsible for everything on their side of the new outdoor meters. Curtis noted budget and liability implications if the city gets involved in plumbing in the interior of buildings.

Another issue discussed was the city policy for requiring commercial water users to purchase Colorado-Big Thompson water units based on their usage and to turn the shares over to the city. Dreessen said if such a customer purchased one unit of water and used more than that, the city requires the customer to purchase an additional share, even if their usage does not consume another full share. The question is whether to allow customers to contribute portions of water units, he said. Because water can only be purchased in full units, the city must decide on a dollar amount to charge such customers in lieu of actual water units, and decide whether this charge should be based in current market values of the water units, which has varied greatly over time.

The council consensus was to send these issues back to the water advisory board for further discussion and a recommendation to the council.

PRESENTATION AND APPROVAL OF A RESOLUTION DESIGNATING THE PLACE OF POSTING FOR PUBLIC NOTICES OF CITY MEETINGS

Attorney Wells noted that a resolution such as this is required under the Colorado Open Meetings Law and is routinely approved at the first meeting of a new year. The resolution designated City Hall as the official place of posting for public notices, and any notices that are required to be published will be published in The Fort Morgan Times.

A motion to approve the resolution was made by Councilmember Forstedt, seconded by Powers and approved unanimously.

CONSENT AGENDA

City Clerk John Brennan presented the consent agenda, consisting of:

- A. Approve minutes of the December 21, 2010 regular meeting.
- B. Approve minutes of the Oct. 26, 2010 special meeting.

All matters listed under Item 6, 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.

A resolution to approve the consent agenda as presented was offered by Councilmember Nation, seconded by Councilmember Shaver and approved unanimously.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

None.

REPORTS

The following Directors provided written reports to Council:

City Manager Merrill

Police Chief Keith Kuretich

Water Resources/Wastewater Treatment Director Dreessen

Municipal Engineer Curtis

City Treasurer Terri Schafer

Municipal Court Administrator Christina Tadolini.

Community Development Director David Callahan told the council about several items of interest from his department, noting that Goodwill would be moving into the vacant former Rite-Aid store, several businesses plan to build on the site of the razed bread store on West Platte Avenue and the taxilane work had been completed at the city airport.

Director Dreessen reported that sanitation department worker Mike Gleason had passed away.

Councilmember Deal mentioned several complaints she had received about residents failing to clear snow from their sidewalks, and asked that residents be reminded of their responsibility to do so. McAlister inquired about the status of snow removal on city streets and Engineer Curtis provided a report.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Brennan announced upcoming bids and meetings. Councilmember Powers reminded other members about several Colorado Municipal League conferences in 2011 and said he had asked the city clerk to check on registration and reservations for these.

EXECUTIVE SESSION

At 7:45 p.m., McAlister asked for a motion to enter into a second scheduled Executive Session. Councilmember Forstedt moved to go into executive session for the purpose of discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; with the following additional details provided for identification purposes: Quarterly update with Council and City Attorney. The motion was seconded by Councilmember Nation and carried unanimously.

The Executive Session began at 7:55 p.m. The session was attended by the seven members of the council and Attorney and Acting City Manager Jeff Wells. The Executive Session concluded at 8:42 p.m.

After returning to the open meeting, Powers reported on the session, saying that the council had met to conduct a check-up with the City Attorney and review goals. With new responsibilities added, the council went over performance expectations for the future and everything went well.

Mayor McAlister adjourned the January 4, 2011, regular meeting at 8:45 p.m.

/s/ Terry L. McAlister

Mayor

/s/ John J. Brennan

City Clerk