

March 15, 2011

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 James A. Powers
Councilmember Ronald Shaver

The meeting was also attended by Acting City Manager/City Attorney Jeffrey Wells, Police Chief Keith Kuretich, Community Services Director Patti Evans, Golf Professional Tyler Tarpley, Golf Pro Shop Manager Anna Blake and City Clerk John Brennan.

SECOND READING AND FINAL APPROVAL OF ORDINANCE 1112, DECOMMISSIONING THE CITY MARKETING AND ECONOMIC DEVELOPMENT DEPARTMENT

Acting City Manager Wells noted that this measure was approved on first reading on March 1, and requested that the council approve it on second reading and approve publication by title only to save on publication costs. Councilmember Powers offered a resolution to approve the ordinance and publish by title only, which was seconded by Councilmember Nation and approved on a vote of 6-1, with Forstedt voting against the measure.

SECOND READING AND FINAL APPROVAL OF ORDINANCE 1113, AMENDING THE 2010 CITY BUDGET

Wells noted that this ordinance also had received approval on first reading on March 1, and that the measure appropriated some funding for unforeseen expenses. He asked that this ordinance also be published by title only. A resolution to approve the ordinance and publish by title only was offered by Forstedt, seconded by Councilmember Bryan and approved unanimously.

PRESENTATION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FORT MORGAN GOLF COURSE CONCESSIONAIRE AGREEMENT

Wells said the issue of the concession operation at the golf course, including obtaining a liquor license, had been developing quickly in recent days. Director Evans said she had met with three potential concessionaires that had originally expressed interest in securing the golf course concession agreement, and presented the council with a memo during the meeting outlining those discussions.

Wells said the council could move forward on any of the options presented, or consider returning to the previous practice of having the golf course concession operated by city staff. He said Golf Pro Tyler Tarpley could be in charge of the concession operation as well as the golf course operation, and the city was investigating the requirements for either Tarpley to obtain a liquor license or the city to obtain the license with Tarpley as the designated signatory. Wells said this would be the most positive and dependable way to move forward on this issue.

Wells noted that the city had only lost money during two years from 2003 to 2009 while operating the concessions in-house, and if managed well the operation could be viable. After some discussion of the various options and scenarios, as well as whether a 3.2 beer license would be adequate and how the golf course would manage to provide alcoholic beverage service for tournaments while the liquor license process was pending, Councilmember Powers offered a resolution authorizing Golf Professional Tyler Tarpley to act as manager of the golf fund and to apply for a 3.2 beer license for provision of beverage operations at the Fort Morgan Golf Course, and to permit staff to negotiate with Creede's BBQ for the provisions of food concessions, with the city to absorb all utility expenses for both operations, and to provide start-up funds to Tarpley that would be reimbursed at a pro-rated amount in the second year of operation. That resolution was seconded by Councilmember Shaver and approved unanimously.

DISCUSSION OF OPERATIONS AND MAINTENANCE BUDGET FOR CITY GOLF COURSE

Wells presented another memo to the council during the meeting outlining the fact that funding for maintenance of the sprinkler system and irrigation wells at the golf course had been removed during the budgeting process, apparently with the intent of using capital improvements funds for that purpose. Wells reiterated that \$600,000 in CIP funding had been set aside for improvements to the sprinkler system at the course, and that money was still available for that purpose, but could not be used for routine maintenance and repairs. He asked that the council appropriate \$16,000 for these maintenance functions, which would be the same funding level as in 2010.

Wells also said that the city golf course advisory board had recommended spending the \$600,000 to fix the existing sprinkler system at the course, instead of replacing the entire system as part of the golf course master plan as originally envisioned. To do so, Wells said, the city would first need a design plan for repairing and improving the current sprinkler system, which would cost about \$6,000.

Powers stressed that he wanted to be sure the plan developed was one that would fit within the city's budget for the sprinkler system, and not a plan that would cost much more to implement. Powers then offered a resolution to appropriate up to \$6,000 for an irrigation design study not to exceed the city's budgeted amount for capital improvements in the golf fund. That motion was seconded by Shaver. Councilmember Bryan then said he was frustrated with the repeated council actions to spend money on the golf course, when last year some golfers came before the council to object to a proposed increase in the cost for practice range balls and rounds. He said he hoped this action was not lost on the golfers. The resolution was then approved unanimously.

Councilmember Forstedt then offered a resolution to appropriate the \$16,000 requested for the golf course operations and maintenance, which Wells said may require an increase in the general fund transfer to the golf fund. The resolution was seconded by Powers and approved unanimously.

PRESENTATION OF BUDGET CALENDAR FOR 2012 BUDGET

Wells reviewed the proposed 2012 budget calendar for the council, which calls for departments to submit budget proposals by July 1 and a preliminary budget to be presented to the council on Aug. 23. Wells said a "visioning" session was planned for April 5, at which the council can brainstorm ideas and projects it would like to see accomplished and how it would like the city to move forward. After the draft budget is presented in August, he said, the council will then discuss how it can meet expectations for levels of service based on the projected budget.

Wells also discussed how involved both the council and city staff will be in preparing the budget, after some frustration was expressed about this issue last year.

APPLICATION FOR RENEWAL OF LA CASCADA LIQUOR LICENSE

Acting in its capacity as the Local Liquor Licensing Authority, the council considered an application for renewal of a hotel and restaurant liquor license for La Cascada Mexican Restaurant with a previous violation.

Clerk Brennan reviewed the application, noting that the applicant had voluntarily disclosed a violation for sale of alcohol to an underage person that occurred in January, and that Brennan had asked La Cascada owner Rafael Vazquez to attend this meeting and he was in attendance. Police Chief Keith Kuretich reviewed his discussion with Vazquez about this violation and other similar offenses that had occurred in 2008 and 2009, and the changes that were needed in the operation of La Cascada to ensure that future violations do not occur. Kuretich said he had encouraged Vazquez and his employees to attend a liquor server/seller training planned in Fort Morgan on April 6, and that the chief had confidence that Vazquez will correct the situation.

Kuretich said he was recommending approval of the renewal because the latest violation had not yet been processed by the state Liquor Enforcement Division, and the city has historically followed the state in taking any enforcement actions on liquor licensees.

Wells said the council could approve the application conditionally and convene a Local Liquor Licensing Authority hearing at a later date based on what the state does with the latest violation, if the council feels the violation rises to the level to make that necessary. Wells said approving the renewal unconditionally could waive that right to hold a local hearing later.

Powers asked Vazquez what process he has in place to train himself and his employees to avoid these types of violations in the future. Through an interpreter, Vazquez said he plans to look for someone who can be responsible for the operation when he cannot be present at the business, and will make sure that he and his supervisor attend the liquor server training. Powers said the violations are serious and they cannot be allowed to continue, and that the city could revoke the license entirely.

Shaver asked whether attendance at the April 6 training could be made a condition of approval, and Wells said that it could. Vazquez said he would do everything possible to ensure that all employees attend.

Powers then made a motion to approve the liquor license renewal application pending the training of those individuals who sell alcohol, and without waiving the right to hold a subsequent hearing by the local authority pending the outcome of the state violation. That motion was seconded by Shaver and approved unanimously.

CONSENT AGENDA BY RESOLUTION AND ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY

Clerk Brennan presented the Consent Agenda for Council consideration, said Consent Agenda being in words, letters and figures as follows, to wit:

CONSENT AGENDA

- A. Approval of the minutes of the March 1, 2011 regular meeting
- B. Approval of the disbursements and payroll for February
- C. Application for renewal of a hotel and restaurant liquor license for El Rancho Alegre at 129 & 131 W. Kiowa Ave. with a clear police investigation report
- D. Application for renewal of a retail liquor store license for Reata Liquors at 1305 N. Barlow Road with a clear police investigation report

- E. Approval of a bid for turbidimeters for the water treatment plant.
- F. Approval of funding for the final year of a three-year contract with Colorado Mosquito Control.

All matters listed under the Consent Agenda are considered to be 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.

Forstedt offered a resolution to approve the Consent Agenda, which was seconded by Nation and approved unanimously.

PASSED, APPROVED AND ADOPTED this 15th day of March 2011, the vote upon roll call being as follows: Ayes: Mayor McAlister; Councilmembers Bryan, Deal, Forstedt, Nation, Powers and Shaver. Nays: none.

PUBLIC COMMENT / AUDIENCE PARTICIPATION

Jerry Wathen, chairman of the city's Senior Center Advisory Board, said he was at the meeting to make sure that the council reinstates \$20,000 that had been set aside for flooring at the senior center in the 2010 budget, because the work was never done. Wathen said he had been told this money was budgeted for several years, and new flooring is badly needed at the center. Councilmember Deal said the carpet at the senior center is filthy and stained and she felt the money should be found even if other projects had to wait, as the seniors have had to wait. Wells said the \$20,000 had been budgeted last year but was not spent and cannot be carried over to the 2011 budget, and that staff will explore how to get the new flooring done.

REPORTS BY OFFICIALS AND STAFF

Wells told the council that an increase in water rates approved by the council last November to be effective on January 1, 2011, had inadvertently not been implemented at that time. As a result, the rate increase will be implemented on the March utility bills, with a retroactive charge for January and February.

Kuretich said the Fort Morgan Police Department was continuing to investigate a tragic vehicle crash that had occurred the preceding week, and promised that the department would do a thorough investigation of the accident and any contributing factors that may have played a role in it.

Deal spoke about a new book on scenic byways that featured the Pawnee Pioneer Trails byway that includes Fort Morgan, and said the city should do more near the Interstate 76 Main Street exit to give a better impression of the city to the many visitors who come to tour this byway.

BIDS, MEETINGS AND ANNOUNCEMENTS

Clerk Brennan announced upcoming bids and meetings. Nation announced an upcoming tour of facilities by the Jackson Lake and Fort Morgan irrigation companies and invited other council members to attend.

Mayor McAlister adjourned the March 15, 2011 regular meeting at 8:41 p.m.

Mayor

City Clerk