

May 17, 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, Director of Water Resources Gary Dreessen, City Treasurer Terri Schafer and City Clerk John Brennan.

PRESENTATION AND APPROVAL OF A PROCLAMATION DECLARING MAY 15-21 TO BE NATIONAL POLICE WEEK

Mayor McAlister read the proclamation and presented a signed and sealed copy to Police Chief Kuretich. Kuretich made a few comments about fallen police officers and expressed appreciation for the cooperation and support of the citizens. McAlister praised the city police department and thanked officers for their efforts.

PRESENTATION AND ACTION ON MEMORANDUM OF UNDERSTANDING WITH U.S. MARSHALS SERVICE AND A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Kuretich reviewed the agreement, which would reimburse the city for overtime costs associated with the Fort Morgan Police Department's participation in a large-scale operation targeting unregistered sex offenders.

Councilmember Powers offered a resolution to approve the memorandum of understanding and the resolution authorizing the mayor to sign it, which was seconded by Councilmember Bryan and approved unanimously.

PRESENTATION ON LOCAL IMPACT OF SYNTHETIC DRUGS

Chief Kuretich reviewed the background information he had compiled on these synthetic drug substitutes, which are being sold in several local stores as incense but are being smoked by local youths. He said most of the products are sold with labels that say they are not for human consumption, but are displayed amid tobacco products and smoking apparatus, which he said was misleading. He detailed the dangers of these "designer" drugs, which are leafy substances that resemble marijuana, and told of several local cases of young people being taken to emergency rooms and one case in which a local 19-year-old died as a result of using the substances. He passed around several jars of the products that had been purchased at local stores, so council members could see what the products looked like.

He said the presence of these substances had already had an adverse impact on the community, and the police department was tracking local incidents related to their use. Kuretych noted that the state legislature had recently passed a bill that would ban the sale and possession of the substances, but its effectiveness will not be known until it is signed into law and enacted. If it is not effective in controlling the sale of the drug substitutes, he said, staff could ask council to adopt a local ordinance banning the products.

DISCUSSION AND ACTION ON WORKERS' COMPENSATION INSURANCE AGREEMENT

Councilmember Debra Forstedt recused herself from this agenda item and left the council chambers.

Acting City Manager and City Attorney Wells noted that the council had heard presentations at the May 10 work session from its current broker, local agency Ingmire-Phillips, as well as Sisk & Co. of Denver. The item was brought forward to this meeting as a regular item so the council could discuss the matter further and decide how to proceed, Wells said. He explained that no matter which company the council chose, the insurance carrier and the premiums would remain the same, so it was primarily a matter of choosing the broker that the council felt would provide the best service.

Powers offered a resolution to continue the city's relationship and renew its agreement with Ingmire-Phillips, which was seconded by Bryan and approved on a vote of 6-0 with Forstedt stepping down.

FIRST READING OF AN ORDINANCE AMENDING THE EXISTING ARTICLE 7, CHAPTER 4, "UNCLAIMED PROPERTY," CODE OF THE CITY OF FORT MORGAN (2010)

Wells said the city currently has several policies regarding the disposal of surplus property, including the annual police auction. This code amendment would combine the existing policies and streamline the process, and also make it clear that such property will first be offered for sale to the public, and then possibly be disposed of by donating it to other government entities. The new ordinance would also provide for several other methods of disposal, such as accepting bids, to obtain the best possible price for taxpayers.

Councilmember Powers offered a resolution approving the ordinance on first reading, which was seconded by Forstedt and passed unanimously.

APPROVAL OF BID FOR CITY PUBLIC WORKS/PUBLIC SAFETY RADIO SYSTEM

Wells explained that this had been brought forward from the previous work session as a regular item to allow for further discussion, after council members asked during the work session for more information on costs. That information had been provided in a memo from Municipal Engineer Brad Curtis.

After some discussion, the council asked for a breakdown of the specific line-item costs coming from each city department involved in this purchase, and agreed by consensus to take no action on the proposal at this meeting.

APPROVAL OF APPOINTMENT TO SENIOR CENTER ADVISORY BOARD

Councilmember Lyn Deal stated that the applicant, Lorraine Fisher, had served on the senior center board for several terms previously and was a good asset to the board, and asked for council approval of her appointment. Deal made a motion to appoint Fisher, which was seconded by Councilmember Ron Shaver and approved unanimously.

APPROVAL OF APPOINTMENT TO THE GOLF COURSE ADVISORY BOARD

Councilmember Forstedt said the golf board had voted unanimously in favor of recommending the appointment of the applicant, Charles “Jim” Avery. She also noted that golf board member Bill Thiel had resigned, so even with this appointment the golf board will be short one member. Forstedt made a motion to approve the appointment of Avery to the golf board, which was seconded by Nation and approved unanimously.

PRESENTATION OF APPLICATION FOR SPECIAL EVENTS LIQUOR LICENSE PERMIT BY THE ELKS LODGE

Clerk Brennan presented the information on the application, which would cover the second day of the BobStock community music festival. Powers made a motion to accept the staff recommendation to post notice of the application at the property at 430 State Street and schedule approval of the application for the June 7 regular council meeting. That motion was seconded by Nation and unanimously approved.

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 renewal of a 3.2 Percent Beer Retail License (Off Premises) for Edwards Right Price Market at 1201 E. Platte Ave. with a clear police investigation report
- B. Approval of the appointment of Trenton Klimper to the Library Advisory Board for a term expiring ____.
- C. Approval of a Resolution establishing a reserved line-item for NISP
- D. Approval of bid for 96-niche columbarium for cemetery
- E. Approval of bids for 2011 on-call concrete services
- F. Approval of bid for electric distribution steel poles
- G. Approval of bid for sanitation truck
- H. Approval of bid for Dumpsters
- I. Approval of the disbursements and payroll for April
- J. Approval of the minutes of the May 3 regular meeting

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.

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

PASSED, APPROVED AND ADOPTED this 17th day of May 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

None.

BIDS, MEETINGS AND ANNOUNCEMENTS

Wells noted several new developments, including the opening of a new Goodwill store in the city and the approval of a 3.2 beer license for the city golf course by the Morgan County Commissioners. Clerk Brennan announced upcoming bids and meetings.

EXECUTIVE SESSION

The regular meeting concluded at 7:57 p.m., and Forstedt then made a motion to convene a scheduled executive session. That motion was seconded by Nation and approved unanimously. The executive session had been published as follows:

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); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Purchase of water.

The executive session convened at 8:04 p.m. and concluded at 8:45 p.m., and was attended by the council members and mayor along with Wells and Water Resources Director Gary Dreesen.

Following the session the council returned to the open regular meeting, where Forstedt reported that the council had discussed the scheduled topic and made a motion to direct the acting city manager to negotiate the water purchases within the parameters discussed in the executive session. That motion was seconded by Powers and approved unanimously. Forstedt then made a motion to convene a second scheduled executive session, which was seconded by Shaver and approved unanimously. Notice of the executive session had been published as follows:

EXECUTIVE SESSION for 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; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Quarterly check-in with Acting City Manager.

This second executive session began at 8:54 p.m. and concluded at 9:58 p.m., and was attended by the mayor and council along with Wells.

Following the session, Forstedt reported that the council had met for the stated purpose and had a discussion with the Acting City Manager. No motion was made. Mayor McAlister adjourned the May 17, 2011 regular meeting at 10:00 p.m.

/s/ Terry L. McAlister
Mayor

/s/ John J/ Brennan
City Clerk