

RESOLUTION NO. 2025-08-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, SUBMITTING TO THE ELECTORATE OF THE CITY OF FORT MORGAN AT THE NOVEMBER 4, 2025, COORDINATED ELECTION A CERTAIN QUESTION AUTHORIZING THE INCREASE OF SALES AND USE TAXES FOR THE PURPOSES DESCRIBED IN THE BALLOT QUESTION.

WHEREAS, the City Council of the City of Fort Morgan, Colorado (the “City”) desires to place before the electorate of the City a certain ballot question; and,

WHEREAS, the members of the City Council of the City (the “Council”) have been duly elected and qualified; and,

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and,

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City’s electors on limited election days before action can be taken on such ballot issues; and,

WHEREAS, November 4, 2025, is one of the dates at which ballot issues may be submitted to the eligible electors of the City pursuant to TABOR; and,

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the coordinated election to be held on November 4, 2025 (the “Election”), the question of authorizing an increase in sales and use taxes for park and recreation purposes, in particular to finance the construction and operation/maintenance of an aquatics center for City purposes (the “ballot issue”); and,

WHEREAS, elections of the City are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and,

WHEREAS, Section 31-10-102, C.R.S., contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the City to participate in the coordinated election being conducted by Morgan County (the “County”) on November 4, 2025; and,

WHEREAS, the Council now determines it is necessary to submit to the electors of the City, at the Election which will be held as a coordinated election with the County on November 4, 2025, the election questions; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election; and,

WHEREAS, the Council finds that the adoption of this Resolution is necessary for the preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, THAT:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the Election and the objects and purposes herein stated, is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the "Uniform Election Code").

Section 3. Pursuant to TABOR and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, the City hereby determines that a special Election shall be held within the City on November 4, 2025, and that there shall be submitted to the eligible electors of the City the election questions set forth herein. Because the Election will be held as part of the coordinated election, the Morgan County Clerk and Recorder (the "Clerk") shall conduct the election on behalf of the City and officers of the City have been previously authorized to enter into one or more intergovernmental agreements with the County for the conduct of the Election pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the officers of the City to certify on or before September 5, 2025, the following ballot question in substantially the form hereinafter set forth to the Clerk, which such question shall be submitted to the eligible electors of the City at the Election:

SALES AND USE TAX INCREASE WITH SUNSET

SHALL CITY OF FORT MORGAN TAXES BE INCREASED \$4 MILLION IN THE FIRST FULL FISCAL YEAR AND BY SUCH ADDITIONAL AMOUNTS AS ARE GENERATED ANNUALLY THEREAFTER THROUGH THE IMPOSITION OF AN ADDITIONAL SALES AND USE TAX OF 1.0% COMMENCING JANUARY 1, 2026 FOR THE PURPOSE OF:

- DESIGNING, ACQUIRING CONSTRUCTING, IMPROVING, AND EQUIPPING AN AQUATICS CENTER;

AND FOR THE OPERATIONS AND MAINTENANCE OF THE SAME AND OTHER GOVERNMENTAL PURPOSES; PROVIDED THAT SUCH TAX INCREASE SHALL CONTINUE THROUGH DECEMBER 31, 2046, OR SUCH EARLIER DATE THAT THE COUNCIL PASSES AN ORDINANCE TO REDUCE THE RATE, AT WHICH TIME SUCH ADDITIONAL SALES AND USE TAX SHALL BE REDUCED BY 0.25% OR SUCH GREATER AMOUNT AS COUNCIL SHALL HEREAFTER DETERMINE; AND SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND ALL REVENUES FROM SUCH TAX AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO ANY SPENDING OR REVENUE RESTRICTIONS OR OTHER LIMITS UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 5. Pursuant to the intergovernmental agreement entered by the City to participate in the County coordinated election, the City Clerk of the City (the "City Clerk") has been appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the Election.

Section 6. If a majority of the votes cast on the question to increase taxes submitted at the election shall be in favor of imposing taxes as provided in such question, the City, acting through the Council, shall be authorized to proceed with the necessary action to impose such taxes in accordance with such question.

Section 7. If a majority of the votes cast on the question authorize the increase in sales and use taxes for capital purposes, the City intends to execute and delivery certain lease purchase in the approximate aggregate principal amount of not more than \$35 million to pay the costs of the aquatic center project, including the reimbursement of certain costs incurred by the City prior to the execution and delivery of such obligations, upon terms acceptable to the City, as authorized in a resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the aquatic center project and to otherwise carry out the transactions contemplated by the resolution. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2

Section 8. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 9. The officers of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 10. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of

such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 11. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 12. The effective date of this resolution shall be immediately upon adoption

INTRODUCED, READ AND ADOPTED by the City Council of the City of Fort Morgan on this 19th day of August 2025.

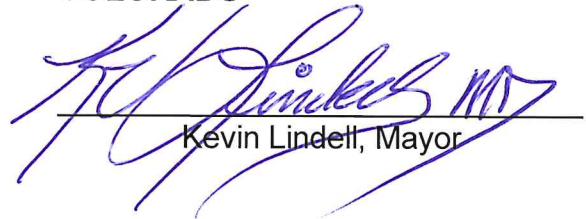
Ayes: Mayor Lindell, Councilmembers Boyett, Garcia, Kaper, Morford, Parks, Schossow

Nays: None

Absent /Abstain: None

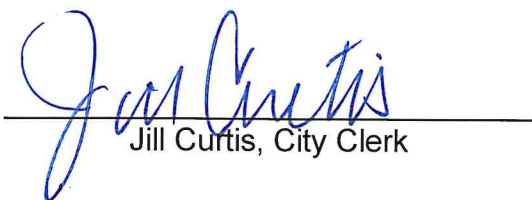


CITY OF FORT MORGAN,
COLORADO



Kevin Lindell, Mayor

ATTEST:



Jill Curtis, City Clerk

STATE OF COLORADO)
)
COUNTY MORGAN) SS.
)
CITY OF FORT MORGAN)

I, Jill Curtis, am the duly qualified and acting City Clerk for the City of Fort Morgan, Colorado (the "City"), and I do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado and that the same has not been , since its adoption, in any respect, rescinded or amended.

1. Attached hereto as Exhibit A is a copy of the notice of the meeting on August 19, 2025, which notice was posted in one place within the City at least 24 hours before such meeting and which notice included agenda information, if available.

2. There are no bylaws, rules or regulations of the Council which prevent the immediate adoption of the Resolution set forth in the foregoing proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City, this 19th of August, 2025.





Jill Curtis, City Clerk

EXHIBIT A

(Form of Notice of Meeting)



**REVISED AGENDA
CITY OF FORT MORGAN
110 MAIN STREET
CITY COUNCIL REGULAR MEETING
AUGUST 19, 2025
6:00 P.M.**

TO VIEW THIS MEETING LIVE ON YOUTUBE FOLLOW THIS LINK:

<https://www.youtube.com/CityOfFortMorganCO>

1. Pledge of Allegiance
2. Roll Call
3. Public Comment / Audience Participation – for items ***not*** on the agenda
(Public comments are limited to three minutes per speaker. Speakers must sign in on the sheet next to the podium and address the council from the podium. The council will not take action at this meeting in response to public comments.)
4. **Council Acting as the Local Licensing Authority** – Formal acceptance of an application for a new Hotel & Restaurant Liquor License for The Rooster Agro Food, LLC at 104 S. Main Street and request to schedule a public hearing on the application for October 7 – Ms. Curtis
5. Presentation and possible action (*by resolution*) on bids for HBP Paving and Surface Treatment Projects – Mr. Willis
6. Presentation and possible action on a *Resolution* adjusting gas rates. – Mr. Behrends
7. Presentation and possible action on a *Resolution* approving a sales tax increase ballot question with sunset option – Mr. Nation
8. Presentation and possible action on a *Resolution* approving a sales tax increase ballot question without sunset option – Mr. Nation
9. **COUNCIL ACTING AS THE BOARD OF THE ELECTRIC DEPARTMENT AND SYSTEM ENTERPRISE OF THE CITY OF FORT MORGAN** – Presentation and possible action (*by resolution*) on first reading of an Ordinance adjusting electric rates and request to schedule a public hearing for September 2 – Mr. Linton
10. **2026 Budget Calendar** – Presentation of 2026 Budget Revenues and Expenditures – Ms. Edson, Mr. Nation, Mr. Rico, Mr. Zink, Ms. McCoy, Mr. Givens, Mr. Blake, Ms. Engle, Mr. Underwood, Mr. Waite
11. **Consent Agenda (by Resolution)**– Ms. Curtis

- A. Approval of the disbursements and payroll for July
- B. Approval of the minutes of the August 5, 2025 City Council regular meeting

All matters listed under Item 12, 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.

12. Bids, Meetings and Announcements – Ms. Curtis

- A. Bids – see enclosed (also available on the City's website – www.cityoffortmorgan.com)
- B. Meetings – see enclosed (also available on the City's website – www.cityoffortmorgan.com)
- C. Announcements

13. Reports by Officials and Staff

14. **EXECUTIVE SESSION** – To discuss the purchase, acquisition, lease, transfer, or sale of real, personal. Or other property interest under C.R.S. Section 24-6-402(4)(a) THE FOLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES – Potential land sale.

15. **EXECUTIVE SESSION** – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instruction negotiators, under C.R.S Section 24-6-402(4)(e) THE FOLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES – Negotiations on water lease.

16. **EXECUTIVE SESSION** – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instruction negotiators, under C.R.S Section 24-6-402-(4)(e) THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES – discussion of negotiating parameters relating to an existing Development Agreement with the City

17. Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Jill Curtis, City Clerk, 110 Main Street, Fort Morgan, Colorado, at (970) 542-3962 or by fax at (970) 542-3968. We would appreciate it if you would contact us at least 48 hours in advance of the scheduled event so arrangements can be made to locate the requested auxiliary aid(s).
