

April 22, 2008

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Jack L. Darnell called the Public Hearing to order at 7:00 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Jack L. Darnell  
Councilmember Terry McAlister  
Councilmember James A. Powers  
Councilmember Terri P. Schafer  
Councilmember Ron Shaver  
Councilmember Alberta M. Simmons

Excused Absence: Sharol Lyn Deal

The meeting was also attended by Acting City Manager Keith Kuretich, City Attorney Jeffrey Wells, Fire Chief Brad Parker, Police Lieutenant Darin Sagel, City Treasurer Pixie Jones, Utility Directors Gary Dreessen and Bob Weimer, Community Development Director Pat Merrill, Community Services Director Don Shedd, Director of Human Resources & Risk Management Jody Prentice and City Clerk Andrea Strand.

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**PUBLIC HEARING ON THE PROHIBITION OF ALCOHOL IN A PUBLIC PARK**

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Mayor Darnell welcomed the citizens and provided opening comments. Clerk Strand stated that the Notice of the Public Hearing had been published in *The Fort Morgan Times* on April 11, 2008. Attorney Wells provided information on current City law pertaining to the issue and provided proposals to change the current Ordinance or policy to work within the language of the current code. Mayor Darnell asked for comments from the citizens who were present.

The following citizens provided comments to City Council:

Wayne Johnson, KFTM, stated he felt there were many misconceptions about the event in the community. The main one was that alcohol would be allowed throughout the park. He explained the beer would be kept within the hockey rink. He thanked the City for the opportunity to allow this to be brought before them.

Brandon Meredith, a local pastor, had concerns of exposure to children and felt it was a poor example set by adults.

Gary Kliewer, a Morgan County resident who owns a business in the City, stated that Brush has proven that the process is controlled with no problems and provided information of other Cities that allow alcohol at events.

Lee Rush, 508 Colfax, felt that Fort Morgan should not allow other cities to set the pace for us. He is opposed to the sale of beer in the City parks because of the children.

Mac McGraw, 317 East Beaver Avenue, stated that it sounded like a fun event and said he has a vested interest in Fort Morgan. He believes you can make changes within the laws for responsible fun and he feels it is a great event for Fort Morgan.

Shannon Munday, a Baptist pastor, stated he has seen the negative effects on people due to alcohol and is opposed to alcohol in the park. He feels the park is a place of safety.

Melissa Meredith, 605 Aspen, is opposed because of the kids. She felt that it was fine to allow music in the park as long as it is for good of the children. She did not believe alcohol was a good idea.

Robert David Howard, 508 Lincoln, state he is against this because he felt it was a bad example for the kids; it can be done in private not in the parks.

Marilyn Peterson, a former City employee, stated she was against serving alcohol. She feels it was a violation to the City *Charter*. Mayor Darnell clarified that the proposed item was not a change to the *Charter*, but to the Ordinance.

Charles Bragg, 518 Prospect, stated he was opposed to alcohol in the park if there is an exception to the process and he does not like circumventing the Ordinance.

Patty Rousselle, a County resident, stated that she grew up in Fort Morgan, and has heard complaints from people that there is nothing to do in Fort Morgan. She stated that alcohol is legal in Fort Morgan and feels more events would come if alcohol is permitted.

Stan Fredericks, who manages a company on the west end of town, said he is opposed to this change. He said he employs a lot of young people and he feels they would be tempted to drink more during this event.

Marti Hermanstorfer, Pastor of First Christian Church, stated she loved being in Fort Morgan and was speaking for the members of her church and the ministers association and they are opposed to this. They feel it is a bad precedence.

Patricia Howard, 508 Lincoln, is opposed to the alcohol issue and wonders if it is worth the temptation of alcohol.

Clerk Strand read letters received by Mayor Darnell through email and by mail:

Letter dated March 13, 2008, received by First Christian Church, who are opposed to allowing beer in City parks.

Letter dated March 14, 2008, received by First Baptist Church, who are opposed to an action to allow beer to be sold in City parks.

Email from M.W. and R.E. Corrigan, stated they were in favor of total abstinence of alcohol in City parks.

Email from Cathy Shull, was in favor of allowing beer at the "Bob" event.

Email from Kris Bird, was in full support of having 3.2 alcohol allowed on a limited and permit type arrangement, especially the way BobStock is being set up to have it contained in one small area.

Email from John Arenas, was in support of the Bob Stock festival with a beer garden.

Email from Pastor Ben Baughman, voiced his support for the idea of bringing fun events that are wholesome and relevant to our community.

Email from Vassi Bieber, stated she was raised in California where small communities attracted large crowds by offering a variety of concessions that appeal to a wide array of people. She stated that most community events or music festivals offer beer gardens.

Email from Michelle Nelson, is not opposed to a beer garden and felt the time could be limited and provide for family time.

Email from Juan, Diamond Vogel Paints, voiced his support for the exemption to allow beer sales during the music festival.

Email from Nicolas Ng, stated that he was in support of a beer garden at the BOB stock festival.

Email from Jeff Morford, felt that the City of Fort Morgan misses out on a number of opportunities because of our existing bylaws/rules. He also stated that the State of Colorado will sign the papers to end the prohibition of Sunday sales of alcohol.

Email from John Waters, was in full support of the beer garden at BOB stock. He felt the benefits to the City of Fort Morgan far outweigh any issues that someone may have with a beer garden.

The Mayor asked for further comments from the public.

Eva Eberhardt, a local counselor was opposed to this event because she works with people involved with alcohol offenses and sees the effect of alcohol first hand.

Angela Reggio, 125 Park Street, was opposed to alcohol for religious reasons.

Mayor Darnell called for discussion and questions by City Councilmembers. Councilmember Simmons stated she had received 64 calls, 12 in favor and 52 against. She said that the people were not opposed to the event.

Councilmember Schafer heard a theme from the individuals she spoke to. It was corruption in the park by allowing drinking. She stated that the kids would not be in the beer garden and that there are laws against intoxication. She also stated that alcohol is legal in the City of Fort Morgan. She received 4 calls opposed to a beer garden at an event in the park and 75 emails in favor of the event with a beer garden.

Councilmember Shaver received a fairly split decision from the people he heard from, the largest number were against it. He believed if it was allowed it should be an Ordinance change.

Councilmember McAlister received comments both ways.

Councilmember Powers received very strong opposition against the issue and two people in favor. He is opposed to this type of venue in the public and would not alter an existing policy for this one event under these circumstances.

Mayor Darnell received several calls and split decisions.

Director Shedd provided information that the Tree Parks and Recreation Board supported this event and informed Council at a recent meeting that the five members present voted in favor.

Acting City Manager Kuretich considered the information and understands that Council has to balance the issue to make a determination. He felt that as the City Manager and Police Chief, staff has to be reactive and proactive. He reminded Council that they also sit as the Local Liquor Licensing Authority. He stated that if Council were to approve the beer garden, he believed the staff could hold up to the request. Lieutenant Sagel read a list of items the Police Department could do to ensure a successful beer garden and reviewed the criteria. He added that the Police Department would have off-duty police officers at the event and this would not effect protection on the street. The event will pay for the security. Again, the beer will only be served in the designated area. He reassured Council that the Police Department could handle the event.

Councilmember Powers offered a motion to close the public hearing. His motion was seconded by Councilmember Shaver and carried unanimously.

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**DISCUSS AND/OR ACTION ON A POLICY FOR PARK AND RECREATION USE PROCEDURES AND A CONTRACT TO LEASE COMMUNITY FACILITY**

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Councilmember Powers offered a motion that there be no change to the current Parks and Recreation Use Procedures to allow alcohol in the park. His motion was seconded by Councilmember Simmons and carried unanimously.

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**DISCUSS AND/OR ACTION ON AN ORDINANCE AMENDING SECTION 20-29 OF THE FORT MORGAN MUNICIPAL CODE**

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Attorney Wells provided information to Council that the Ordinance discussed tonight was last changed in 2004 to allow wine to be capped and removed from a restaurant. He added that the Ordinance would have exceptions and could allow a time limit for a test period. Also, a special use permit granted by the Local Liquor Licensing Authority would be issued, subject to the permit during certain times. Council could request that the City Manager impose additional requirements for the special use permit. Ultimately, we are providing a

specific narrow exception to allow for the sale of alcohol in a public park for special events as allowed under the Colorado Liquor Code. This is a very restricted process to permit this.

Councilmember Schafer asked if the Ordinance presented allowed alcohol in any park or only Riverside Park. Attorney Wells stated that the designated area would be specified in the Special Events License issued by the Local Liquor License Authority.

Mayor Darnell asked about adopting the Ordinance with a Sunset Clause to revisit at a later time. Attorney Wells stated that this is common for various legislative bodies, he said this would not be uncommon or improper but only put it in the section allowing the exceptions. He asked for discussion from Council. Councilmember Shaver did not want to pass issues on to another Council.

Councilmember Powers offered a motion that we make no changes to the current existing Ordinance for Section 20-29 of the Fort Morgan Municipal Code. His motion was seconded by Councilmember Simmons. The vote by roll call: Ayes: Councilmembers McAlister, Powers and Simmons. Nays: Mayor Darnell, Councilmembers Schafer and Shaver. Absent: Councilmember Deal. The Motion died.

Councilmember Schafer offered a motion to amend Section 29 of the Municipal Code to allow the sale and consumption of alcohol in a public park at the skate rink at Riverside Park and provide authority to City Manager to provide protection for liability. Her motion was seconded by Councilmember Shaver. The vote by roll call: Ayes: Mayor Darnell, Councilmembers Schafer and Shaver. Nays: Councilmembers McAlister, Powers and Simmons. Absent: Councilmember Deal. The motion died.

Councilmember Powers offered a motion to postpone this issue *indefinitely* because of the absence of Councilmember Deal. His motion was seconded by Councilmember Shaver. The vote by roll call: Ayes: Mayor Darnell, Councilmembers McAlister, Powers, Shaver and Simmons. Nays: Councilmember Schafer. Absent: Councilmember Deal.

Mayor Darnell adjourned the April 22, 2008, meeting at 8:45 p.m.

The meeting continued with the Work Session.

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Mayor

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City Clerk