

**CITY OF YUMA
CITY COUNCIL MINUTES**

**REGULAR MEETING
TUESDAY, AUGUST 17, 2021**

CALL TO ORDER – 6:30 P.M.

MEETING CALLED TO ORDER BY MAYOR SWEHLA AND THE PLEDGE OF ALLEGIANCE WAS RECITED.

MEMBERS PRESENT: Baucke, Ebersole, Hoch, McClung, Shay, Smith-Dischner, Swehla.

STAFF PRESENT: Scott Moore, Jerry Thompson, Candy Gilliland, Karma Wells, Kathryn Sellars.

CORRECTIONS OR ADDITIONS TO THE AGENDA

There were no corrections or additions to the Agenda.

APPROVAL OF AGENDA

Shay moved to approve the August 17, 2021, Agenda. Second by Smith-Dischner. Question. 7 ayes. Motion carried.

APPROVAL OF MINUTES

Ebersole moved to approve the August 3, 2021, Minutes. Second by Shay. Question. 7 ayes. Motion carried.

WATER AND WASTEWATER COST OF SERVICE/RATE DESIGN STUDY – JOHN KRAJEWSKI

Mr. John Krajewski was present to go over the results of the water and wastewater cost of service/rate design study that he conducted for the City. Mr. Krajewski stated that in 2015 he conducted a study as well. With the current study that he conducted, he is proposing a 3.2% increase in water rates and a 4.5% increase in wastewater rates in 2023. He stated that even though he isn't proposing rate increases until 2023, he is proposing a change in the way that we bill for wastewater. Our current system of billing by EQR's is difficult to administer. He suggests that we implement a flow-based rate in 2022 and then do the rate increases in 2023.

PRESENTATION BY YUMA UNIFIED MAKING ADVANCES (Y.U.M.A) – KERRI HORTON

Ms. Kerri Horton was present on behalf of Yuma Unified Making Advances (Y.U.M.A) to give Council a better idea of who is part of this organization and the work that they do; in an effort to establish an authentic and transparent relationship with the City, which would be mutually beneficial to build health equity in our community. They would like to work with the City to provide affordable housing options, with the focus being on lower income community members. Ms. Horton also touched on the wide range of other services they offer and are working toward in the future.

Ms. Alexandra Ebersole also spoke and provided information on the number of landlords, how many properties they own and how many rental properties are available in Yuma. She is working with various organizations to seek advice and establish working relationships regarding the affordable housing issue in Yuma. Ms. Ebersole stated that now may be the best time to look at affordable housing, as the American Rescue Plan Act has \$400,000,000 in Federal stimulus money coming to Colorado. They want to spend those funds across the state, but mostly in rural areas. There are also funds available in Colorado provided by HB21-117, which provides funds to cities and counties to use for affordable housing.

CITIZENS RECOGNITION AND INTRODUCTION/PUBLIC COMMENT

None.

ACTION ITEMS

- A. **RESOLUTION #25, SERIES OF 2021 (ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING OCTOBER 5, 2021, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF A PARCEL OF UNINCORPORATED TERRITORY LOCATED IN YUMA COUNTY, KNOWN AS THE CHURCH ANNEXATION) – KATHRYN SELLARS.** Attorney Sellars stated that this resolution is the first step in the annexation process. It acknowledges that the petition and annexation map meet the basic requirements to set the matter for public hearing. Attorney Sellars stated that there was a correction that needed to be made on the date for the public hearing. It stated August 25 and needed to be changed to October 5, 2021, at 6:30 P.M. Shay moved to approved Resolution #25, Series of 2021, as amended. Second by Ebersole. Question. 7 ayes. Motion carried.
- B. **RESOLUTION #26, SERIES OF 2021 (CALLING FOR A SPECIAL ELECTION ON NOVEMBER 2, 2021) – KATHRYN SELLARS.** Attorney Sellars stated that the City Charter requires that a special election be called by resolution or ordinance. This resolution is to add two ballot issues pursuant to TABOR, for the November 2, 2021, election. Ebersole moved to approved Resolution #26, Series of 2021. Second by Hoch. Question. 7 ayes. Motion carried.
- C. **RESOLUTION #27, SERIES OF 2021 (SUBMITTING A BALLOT ISSUE REGARDING AN EXCISE TAX ON THE WHOLESALE TRANSFER OF RETAIL MARIJUANA BY RETAIL MARIJUANA BUSINESSES) – KATHRYN SELLARS.** Attorney Sellars stated that the original language for this resolution was broadened to cover imposing an excise tax on any type of wholesale transfer out of Yuma of retail marijuana product. This is a 5% tax. The original language stated that the tax is estimated to generate \$1.0 million in tax revenue in the first year. After discussion, it was decided to change that number to \$1.4 million. Shay moved to approve Resolution #27, Series of 2021, as amended. Second by Smith-Dischner. Question. 7 ayes. Motion carried.
- D. **RESOLUTION #28, SERIES OF 2021 (SUBMITTING A BALLOT ISSUE REGARDING A SALES TAX INCREASE) – KATHRYN SELLARS.** Attorney Sellars stated the purpose of this resolution is to submit a ballot issue to increase the City sales tax by 1.5%, which would make the new rate 4.5%, with estimated additional annual tax revenue of \$1.5 million. Shay moved to approve Resolution #28, Series of 2021. Second by Ebersole. Question. 6 ayes. 1 nay (Baucke). Motion carried.
- E. **RESOLUTION #29, SERIES OF 2021 (SUBMITTING A BALLOT ISSUE REGARDING A LODGING TAX) – KATHRYN SELLARS.** Attorney Sellars stated this resolution was to impose a lodging tax. The decision was made to table this matter. Shay moved to vote down Resolution #29, Series of 2021. Second by Smith-Dischner. Question. 6 ayes. 1 nay (Baucke). Motion carried.
- F. **APPROVAL OF BILLS – KARMA WELLS.** Clerk/Treasurer Wells provided Council with an additional list of bills. Smith-Dischner moved to approved the bills. Second by Hoch. Question. 7 ayes. Motion carried.
- G. **PURCHASES IN EXCESS OF \$5,000 – SCOTT MOORE.** Manager Moore stated he is seeking approval for the purchase of a new 300KVA transformer for Farmer Bean Company that was discussed at the last meeting. He has received two quotes. One from Dutton-Lainson, in the amount of \$13,769.00 and the other from Western United, in the amount of \$12,262.00. Lead time on receiving a new transformer is 26 weeks. Manager Moore proposed ordering the transformer from Western United. McClung moved to order the new 300KVA transformer from Western United in the amount of \$12,262.00. Second by Shay. Question. 7 ayes. Motion carried.

ADDITIONAL BUSINESS

None.

REPORTS

CITY MANAGER, SCOTT MOORE

Manager Moore informed Council that the CML District 1 meeting will be held in Akron on September 9.

Manager Moore stated that the Yuma Historical Preservation Commission would like to start giving tours in conjunction with the Friday night Art Walks. They have selected 5 businesses that they would like to tour. They would like to visit one business each week and will be starting with Jim Powell Photography.

Manager Moore presented Council with a request for a street closure for the Catholic Church for a future event. Manager Moore and three Council Members attended the Yuma County Economic Development meeting that was held in Joes. The comments made there were similar to the ones from our last meeting regarding better communication coming from YCED.

ATTORNEY SELLARS

Attorney Sellars stated that she has had conversations with Senator Gardner and the head of the nursing licensing section of CDPHE, regarding the Yuma Life Care Center. A proposal is being made for the City to take over the license for 90 days, while a non-profit is being set up. Then the license can be transferred to that non-profit. If that non-profit is not set up within the 90 day period, the license will be surrendered to the Colorado Department of Public Health and Environment. Attorney Sellars asked for direction from Council regarding whether or not they would like to pursue this. The consensus was "yes", so she will move forward with that process.

CITY CLERK/TREASURER, KARMA WELLS

Clerk/Treasurer Wells provided Council with the sales tax and finance reports.

CHIEF OF POLICE, JERRY THOMPSON

None.

CITY COUNCIL REPORTS

Ebersole

- Council Member Ebersole stated that he attended the YCED meeting in Joes. He sits on the board of YCED and will plan to give monthly updates to Council.

Shay

- Council Member Shay attended the Library Board meeting on August 9. There are 199 children enrolled in the summer reading program. Thirty-nine of the children completed over 1,000 minutes of reading during the program. The fall program schedule will be coming out soon. Usage of the library is up, since 2019.
- Council Member Shay also attended the Police Committee meeting. They discussed how Code Enforcement is being integrated into the Police Department. The new Code Enforcement Officer is being aggressive and getting good results.

McClung

- Council Member McClung attended meetings for Sanitation, Streets and the Airport. In sanitation, they are looking into a transfer station for solid waste. He stated that he learned a lot about the fuel farm at the airport.
- Council Member McClung stated he would be attending meetings for the Landfill Board and Yuma County Water Authority tomorrow.

Smith-Dischner

- Council Member Smith-Dischner reported that the meetings for the Community Enrichment Center and Parks and Recreation had to be rescheduled.

Swehla

- Mayor Swehla said that he finds it interesting that there are so many programs available out there and the money that is available.
- Mayor Swehla attended the Street Committee meeting. They discussed that there are more roads that need to be repaired, but they are doing a good job. Street/Shop/Sanitation Supervisor Blake Sewell asked about the possibility of training he could attend.
- Mayor Swehla also attended the Police Committee meeting and said that there has been a big change in Code Enforcement already.

EXECUTIVE SESSION

“To hold a conference with the City’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding a potential RFP.”

“To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), regarding the sale of city property.”

Attorney Sellars stated Council intends to meet in executive session to hold a conference with the City’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding a potential RFP; and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), regarding the sale of city property. Smith-Dischner moved to go into executive session. Second by Shay. Question. 7 ayes. Motion carried.

Council resumed regular session at 8:31 P.M. Attorney Sellars made a statement for who was present in executive session and there were no objections to the discussions in executive session.

ADJOURNMENT

Shay moved to adjourn. Second by Smith-Dischner. Question. 7 ayes. Motion carried.

Ron Swehla
Mayor

Karma Wells, CMC
City Clerk/Treasurer