

**CITY OF YUMA
CITY COUNCIL MINUTES**

**REGULAR MEETING
TUESDAY, DECEMBER 4, 2018**

CALL TO ORDER – 7:30 P.M.

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

MEMBERS PRESENT: Baucke, Goeglein, Saffer, Swehla. Hoch and McCall-absent. Chrismer present after his swearing in as new Council Member.

STAFF PRESENT: Scott Moore, Jonathon Lynch, Karma Wells, Laura Saxton, Kathryn Sellars.

CORRECTIONS OR ADDITIONS TO THE AGENDA

There were no corrections or additions to the Agenda.

APPROVAL OF AGENDA

Baucke moved to approve the December 4, 2018, Agenda as presented. Second by Goeglein. Question. 4 ayes. Motion carried.

APPROVAL OF MINUTES

Goeglein moved to approve the November 20, 2018, Minutes as presented. Second by Saffer. Question. 4 ayes. Motion carried.

CITIZENS RECOGNITION AND INTRODUCTION/PUBLIC COMMENT

Ms. Bonnie Kuntz is a property owner and former school teacher in Yuma. She presented Council with a report regarding "The Legalization of Marijuana in Colorado". Ms. Kuntz previously taught special needs children, some of which were disabled because of marijuana and drug use by their mothers. If there is a dispensary in town, kids will use it. Older kids will get it for the younger ones. Drug use is very detrimental to brain growth in children. Colorado is the #1 state out of the 50 states for marijuana use.

Ms. Shirley Starnes stated she is against a marijuana dispensary. She appreciates the conversations she has been able to have with most Council members regarding marijuana. She believes we need to add to the police force to get rid of drug dealers and said this has been done in the past. She cares deeply about Yuma and its youth and it is a great place to raise a family.

Mr. Ian Taylor stated that marijuana has not caused any deaths and is confused with other drugs and alcohol. He explained the legitimate health benefits of marijuana which include its anti-inflammatory properties and it also helps cancer patients to gain back their appetites. Smoking marijuana can be harmful to your lungs, just like tobacco, but eating it has zero negative health benefits.

Pastor Don Smith of Yuma Christian Church thanked Council for listening and for all that they do. He stated that there is no way the damage to people and communities from marijuana outweighs the income. He has witnessed damage to many families. Children suffer because the money for food and other items goes to purchase drugs instead. He realizes that marijuana is a money maker, but it's not worth it.

Ms. Jene Rutz said that everything has its pros and cons. She believes that alcohol abuse is a more massive problem than marijuana is and people have as much of a right to use marijuana as they do alcohol. Ms. Rutz stated

that marijuana is already in the community and people who aren't buying it off the streets are purchasing it out of town. It is a form of income that we could use; it could be used to help our children.

Mr. Randy Taylor stated that 1 year ago he asked for a dispensary to be put in Yuma because he knew that marijuana was in town being sold illegally. With a dispensary, you have control over the product, by having it inspected. Then you know that you aren't getting the bad stuff. He is not in favor of kids having access to marijuana, but it is here, so we need to handle it safely. We may as well have the income instead of the drug dealers.

Mr. Roger Brown was a State Trooper for 30 years. Marijuana was here when he started as a Trooper, it's still here now and it's not going to go away. Everyone is driving to Log Lane Village or Sedgwick to buy their marijuana, so all that revenue is going to them. This issue isn't going to go away no matter which way you vote. Why not let the users of marijuana pay for improvements to our community through the tax. Non-users won't be paying for it.

Ms. Bobbie Depue stated that she and her husband moved back here to raise their family. She works at the hospital and sees people who use marijuana for medical purposes and also people who have moved here just because of marijuana. We don't have the infrastructure to deal with the problems that come with marijuana. We don't need big city problems. She isn't going to bless it simply because it is here.

Mr. Joe Harper spent 14 years as Mayor of Yuma. He still represents the people of Yuma even though he isn't currently the Mayor. He believes that the figures given are not fact based and are conjecture. In 2012, marijuana was voted down and he is disappointed it is even being considered now. He stated that a recall for Council members is coming.

Mr. John Schaffner is an elder at Yuma Christian Church. He can't believe this is even being considered. He has seen very nice neighborhoods in Denver deteriorate quickly once marijuana came in. He is worried about the kids in town and the kids are more important than new streets.

Ms. Peggy Neb stated that her grandparents and parents were raised in Yuma. It is a good City and hasn't changed from that over the years. What legacy are we leaving for our children if marijuana comes in? What will marijuana lead to next?

Ms. Cheryl Newbanks stated that she has friends who lived in what once was a very nice neighborhood in Denver. A dispensary was put in 2 blocks from their home. Now addicts and homeless people are filling the park near there. People go in to the dispensary and come out and sell to kids on the street. Some come out of the dispensary and use it right there in their cars. Then they take off and drive. It isn't safe. The police have been called out so many times that they don't come out anymore. Marijuana may be legal, but that doesn't make it right.

Pastor Ed Anderson of Faith Bible Baptist Church stated facts about the myths of marijuana. It is a myth that it is not addictive or that it has not caused any deaths. The marijuana of today is 10 times more potent than it was 50 years ago. It damages brain development and is worse than the opioid epidemic.

Ms. Teresa Roubideaux stated that she is here representing 300 citizens who signed a petition against marijuana. She wishes we were focusing on treatment and rehab rather than bringing marijuana to town. She wants the discussions about marijuana to come to a halt.

Mr. Nicholi McCasland stated that marijuana has been legal for the past 6 years in the State of Colorado. If there aren't dispensaries, marijuana is sold in the shadows. Dispensaries have to possess a license to sell. They require an ID not only to purchase, but to enter the facility. There are surveillance cameras and the product is tested to make sure it is safe.

Mr. Chuck Bridges said that he has had the opportunity to speak one on one with the Council members. He believes it is not a choice of one or the other. The underground will continue to grow even with a dispensary in

town. Drugs will never be gone and this won't make it better. There is more at stake than money and he wishes we could focus on more positive things for the community.

Mr. Duane Brown is a citizen and also a member of the School Board. He stated that the Board was asked at their meeting if they have a position on marijuana. At present time, they do not, but will be discussing that in January.

In closing Citizen Recognition, Council Member Goeglein stated that he values the opinions of the community. This was only brought up as a topic of discussion and we need everyone's input. Mayor Swehla added that there will be a community meeting organized where everyone can be involved and the pros and cons discussed.

ACTION ITEMS

- A. APPOINTMENT AND SWEARING IN OF NEW COUNCIL MEMBER – KARMA WELLS.** Letters of Interest were received from Doug Asmus, Bryson Chrismer and Rick Pallesen. Mr. Asmus and Mr. Chrismer each addressed Council. Mr. Pallesen was not present. Goeglein moved to appoint Bryson Chrismer to fill the vacant Council seat. Second by Saffer. Question. 4 ayes. Motion Carried. City Clerk/Treasurer Wells then conducted the swearing in ceremony of Mr. Chrismer.
- B. PUBLIC HEARING ON SECOND READING ON ORDINANCE #26, SERIES OF 2018 (APPROPRIATE SUMS OF MONEY AND ADOPT 2019 BUDGET) – KARMA WELLS.** Clerk/Treasurer Wells introduced the Ordinance. Public hearing was opened. Mr. Duane Brown approached Council and stated that he has reviewed the 2019 budget and believes it is a good budget to work with for the coming year. He did note that the retained earnings are around \$6 million and that the City should find a way to use that money. There was no other discussion. Public hearing was closed. Baucke moved to approve Ordinance #26, Series of 2018. Second by Goeglein. Question. 5 ayes. Motion carried.
- C. PUBLIC HEARING ON SECOND READING ON ORDINANCE #27, SERIES OF 2018 (SET MILL LEVY) – KARMA WELLS.** Clerk/Treasurer Wells introduced the Ordinance and stated that it is an amended version due to the changes that come from the new assessed valuations at the end of November. Public hearing was opened. No comments were made. Public hearing was closed. Saffer moved to approve Ordinance #27, Series of 2018. Second by Baucke. Question. 5 ayes. Motion carried.
- D. PUBLIC HEARING ON SECOND READING ON ORDINANCE #28, SERIES OF 2018 (AMEND 2018 BUDGET) – KARMA WELLS.** Clerk/Treasurer Wells introduced the Ordinance. Public hearing was opened. No comments were made. Public hearing was closed. Goeglein moved to approve Ordinance #28, Series of 2018. Second by Saffer. Question. 5 ayes. Motion carried.
- E. TEMPORARY 3.2% BEER LICENSE FOR 7-ELEVEN – KARMA WELLS.** Clerk/Treasurer Wells stated that there is a change of ownership at 7-Eleven. The new owners have turned in the paperwork for a temporary liquor license which would go into effect on December 27, 2018. We are still waiting on finger prints in order to do the final transfer. Baucke moved to approve the temporary 3.2% beer license for 7-Eleven. Second by Goeglein. Question. 5 ayes. Motion carried.
- F. PRESENTATION OF WEBSITE TO COUNCIL – CANDY GILLILAND AND LONNIE METZLER.** Ms. Metzler stated that she has been working with City staff for the past 10 months on the new City website. Ms. Gilliland, on behalf of the City, applied and was awarded a grant from SIPA (Statewide Internet Portal Authority), for the creation of the new website, which is hosted at no cost by the state. We were able to keep the yumacolo.org domain with the new website. A short presentation was given showing the features of the new website.
- G. CONSIDERATION OF YEAR-END BONUS – SCOTT MOORE.** Manager Moore stated that the past history of year-end bonuses has ranged anywhere from \$0 to \$750. Council was provided with the cost of 3 different options and Moore explained that bonuses have never been a budget item. Goeglein suggested giving \$250 cash and \$250 in Chamber Greenbacks, as was done in 2017. Baucke moved to approve the year-end bonus. Second by Goeglein. Question. 5 ayes. Motion carried.
- H. APPROVAL OF BILLS – KARMA WELLS.** Clerk/Treasurer Wells provided Council with an additional list of bills. Saffer moved to approve the bills. Second by Baucke. Question. 5 ayes. Motion carried.
- I. PURCHASES IN EXCESS OF \$5,000 – SCOTT MOORE.** There were no purchases in excess of \$5,000.

ADDITIONAL BUSINESS

None.

REPORTS

CITY MANAGER, SCOTT MOORE

Manager Moore stated that he is so impressed and proud of the City staff for the work that was done on Winterfest. He also appreciated the cooperation of the Chamber of Commerce. The event was well received and attended. It is estimated that 400 people were served at the Ministerial Alliance soup supper. Despite the cold weather, the tree lighting and parade were also well attended.

CITY CLERK/TREASURER, KARMA WELLS

None.

CHIEF OF POLICE, JONATHON LYNCH

Chief Lynch attended the graduation of Officer Patrick Laybourn from the Police Academy in La Junta today and Officer Laybourn will start field training on Monday.

K-9 Archie was involved in his first search on Friday and did well.

CITY COUNCIL REPORTS

Saffer

- Council Member Saffer stated that he is thrilled that the community is getting involved in the marijuana discussion, but ashamed to know that only having a short discussion about marijuana has led to talks of a recall of the Council Members.
- He also stated that he has heard very positive comments about Winterfest.

Goeglein

- Council Member Goeglein agreed with Council Member Saffer that he is disappointed in what is going on because of the marijuana discussion and stressed how much he loves the community of Yuma and wants what is best for everyone.

Baucke

- Council Member Baucke stated that he has been in Yuma for 63 years, has been in business here for 42 years and raised his family here. He is very proud of the Yuma community and no decisions regarding marijuana will be made without a great deal of consideration. There is a lot of misinformation going around.

Swehla

- Mayor Swehla said that he is very disappointed in the rumors that are going around. There is a lot of false information being spread. It is false that a decision regarding marijuana has been made and that things are already moving forward. It is totally untrue. A town meeting will be put together and he encourages everyone to voice their opinion and be involved.
- Winterfest was fabulous! City crews did a huge job. Special thanks were given to Candy Gilliland and Abbie Reed for all their hard work.

Chrismer

- Council Member Chrismer said he is very happy to be on City Council. He is ready to go to work!
- Everyone did a great job on Winterfest.

EXECUTIVE SESSION

“To consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402 (4)(a).”

Attorney Sellars stated Council intends to meet in executive session to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402 (4)(a), and to receive legal advice on specific legal questions pursuant to C.R.S. § 24-6-402 (4)(b) regarding City property. Baucke moved to go into executive session. Second by Saffer. Question. 5 ayes. Motion carried.

Council resumed the regular meeting at 9:29 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

Saffer moved to adjourn. Second by Baucke. Question. 5 ayes. Motion carried.

Ronald Swehla
Mayor

Karma Wells, CMC
City Clerk/Treasurer