

**City of Yuma
City Council Minutes
Hybrid Regular Meeting
Monday, June 23, 2025
Meeting Location – City Hall, 320 South Main Street, Yuma, CO and virtual through Zoom
Call to Order – 6:30 P.M.**

Meeting called to order by Mayor McClung and the Pledge of Allegiance was recited.

Members Present: Benish, Frame, McClung, Shay. Baucke, Diaz and Dischner were absent.

Staff Present: Curtis Witte, Karma Wells, Kathryn Sellars.

Corrections or Additions to the Agenda

There were no corrections or additions to the agenda.

Approval of June 23, 2025, Agenda

Shay moved to approve the June 23, 2025, agenda as presented. Second by Benish. Question. 4 ayes. Motion carried.

Citizens Recognition and Introduction/Public Comment

None.

Presentations (Informational)

A. Employee Service Year Recognition

Interim Police Chief Witte recognized Officer Justin Forsythe for his 8 years of service. Justin began employment with the city on June 9, 2017, as a part-time EMT for the ambulance department and became a full-time employee with the police department on December 6, 2021.

Interim City Manager Wells recognized the following employees for their years of service:

Loren Lockwood became a part-time EMT with the ambulance service on June 17, 1996. Loren has 29 years of service with the city.

Ashley Lynch began her employment with the Yuma Public Library on June 5, 2015. Ashley has 10 years of service with the city.

Chad Schuetz began his employment in the Water/Wastewater departments from April 1, 2011, to November 22, 2019, and returned in the same capacity on June 29, 2021. Chad has 12 total years of service with the city.

Curtis Witte began his career with the Yuma Police Department on June 15, 2015. He is currently serving as the Interim Police Chief. Curtis has 10 years of service with the city.

B. Presentation from Adjusters International on Hail Damage Proposal

Mr. Justin Tracht from Adjusters International was present to explain what their process is in closing the gap in the valuations of hail damage from CIRSA versus the contractor bid. He stated that his company deals with this every day and added that they have had experience with the adjuster from CIRSA on multiple occasions in the past. If the city were to enlist their services, they would begin their evaluations of the damage and get their findings to us in about 60 days. Discussion was held. Council will discuss this and let Mr. Tracht know if we wish to proceed with their services.

C. Presentation on Swimming Pool Survey and Conceptual Design Options

Interim City Manager Wells stated that a meeting was held with Essenza last Thursday regarding the swimming pool. They discussed the survey results and presented three concept designs for a new swimming pool. Working with the pool advisory committee, the winning vote for the swimming pool was Concept B and for the Pool House was Concept C. Wells stated that she is looking for approval from council to move forward with pricing using those options. Mayor McClung explained the price spread between the three concepts with Concept A being approximately \$3.8 million and Concept C being \$5.2 million. He also added that there was a great deal of discussion regarding a baby pool and the high cost involved because it runs on a system separate from the big pool. Discussion was held. The next meeting with Essenza will be held on July 24, 2025.

D. Other Presentations (If any)

None.

Reports (Informational)

A. Interim City Manager – Karma Wells

i. Department Updates

Interim City Manager Wells provided council with a report of department updates through June 9, 2025. Discussion was held regarding the status of the trash trucks.

Interim City Manager Wells stated that she was approached by a resident who needs a demolition permit to tear down a shed. The current demolition permit fee is \$100. The question was raised whether the permit fee to tear down a small shed should be the same as tearing down a large structure. Discussion was held. The consensus was to leave the fee as it is now.

Wells stated that the 911 Communications Center is asking for permission to do some painting in the stairway and possibly have a mural created by local art students. They are also asking for permission to install a radio dish on the roof or on the north side of the building. Discussion was held. The consensus was to allow the painting to be done and ask for the radio dish to be installed on the tower instead of the building.

B. City Clerk/Treasurer – Karma Wells

i. Sales Tax Report

City Clerk/Treasurer Wells provided council with the Sales Tax Report.

C. Interim Chief of Police – Curtis Witte

i. Department Update

Interim Chief Witte provided council with the May Police Report.

Witte also gave recognition to his officers for a high-speed pursuit that took place on Friday. He stated that he has received very positive feedback from other agencies about how our officers handled the situation. He added that they also recovered a stolen vehicle today. Discussion was held.

D. City Attorney – Kathryn Sellars (If necessary)

None.

City Council Reports/Comments (Informational)

Frame

- Council Member Frame stated that she attended the Yuma County Economic Development meeting. She forgot to bring her notes tonight, so she will give the update at the next council meeting.

Benish

- Mayor Pro Tem Benish stated that he attended the meeting with Congresswoman Lauren Boebert. He said it was a very good meeting and she is willing to help the community.

Shay

- Council Member Shay stated that he was in attendance for the pool meeting that has already been discussed.
- Shay also attended the NECALG meeting. They are short drivers in Yuma. They are looking for as many as five new drivers.
- Council Member Shay attended the landfill board meeting. They have received a \$50,000 grant to do some upgrades. They also discussed recycling wind turbine blades and solar panels as well as discussions regarding asbestos. There are new innovations coming that will make it cheaper to recycle those items.
- Shay attended the Water Authority Board meeting.
- At the library board meeting, they are going through their policies and procedures.

McClung

- Mayor McClung stated that our team who gave the presentation for the grant did a great job.

Consent Agenda (Action Items)

- A. Approval of June 3, 2025, regular meeting minutes.
- B. Approval of disbursements and payroll.
- C. Purchases in excess of \$5,000.
 - i. Installation of Concrete pad at Wastewater Treatment Plant.
 - ii. Replacement of Furnace and Air Handling Unit at City Hall

Shay moved to approve the Consent Agenda. Second by Frame. Question. 4 ayes. Motion carried.

Public Hearings and Other New Business (Action Items)

A. Approval of disclosed disbursements (if needed)

City Clerk/Treasurer Wells stated that there is one disclosed disbursement for Mayor Pro Tem Benish in the amount of \$1700.00 for weed spraying services. Shay moved to approve the disbursement for Mayor Pro Tem Benish. Second by Frame. Question. 3 ayes. 1 abstain (Benish). Motion carried.

B. S.A.R.A House Donation Request

Interim City Manager Wells provided council with the donation request completed by S.A.R.A. House in the amount of \$500. Ms. Candy Gilliland and Ms. Paige Brandner of S.A.R.A. House gave a brief presentation to council of their accomplishments from the past year. Their services are needed more than ever and they are adding staff to meet those needs. Shay moved to approve the \$500 donation to S.A.R.A. House. Second by Frame. Question. 4 ayes. Motion carried.

C. Public Hearing on Proposed Conditional Use for a Nursing Home, Assisted Living Facility and/or Patient Rehabilitation Center at 323 West Ninth Avenue

Mr. Justin Shamp was present to speak with council regarding the proposed conditional use at 323 West Ninth Avenue. He stated that he and his family purchased the facility in 2023. The property was in severe disarray and he and his parents spent a year completing the repairs needed to get the facility in condition to sell. He has had discussions with the hospital and assisted living facility to get their take on how to best utilize the facility for the community. His opinion is that Yuma cannot support the facility as only a nursing home, so he is requesting the conditional use to include assisted living and patient rehabilitation to keep the facility filled. Discussion was held.

Ms. Margie Chance stated that we need a nursing home in Yuma. People are having to travel to Wray or Akron to utilize nursing home facilities.

Mayor McClung called the public hearing to order.

Ms. Marlene Miller was present to express concerns about the building. She stated that when the facility was built, we didn't have the big medical equipment that we use today, such as lifts and large wheelchairs. The bathrooms are not large enough to accommodate the new equipment and it is a safety hazard. She added that the former Yuma Lifecare Center did well in this community filling all the available beds. Ms. Miller also expressed concerns over the use of the facility when it was purchased by a large corporation and used to house the homeless from the Front Range. She wants to see the community and our elderly residents protected from another situation like that.

Mr. Dan Weaver stated that it would be nice to know what the exact wording would be before approving the conditional use so vacant parts of the building couldn't get turned into apartments.

Mayor McClung closed the public hearing. Attorney Sellars informed council that if they are not ready to make a decision tonight, she can prepare a draft resolution to tighten up some of the language that is a concern. Discussion was held. Shay moved to continue the public hearing to the July 1, 2025, meeting. Second by Frame. Question. 4 ayes. Motion carried.

D. First Reading Ordinance #8, Series of 2025 – Amending Section 16-01090 of the Yuma Municipal Code Concerning Review Procedures for an Alteration Certificate

Attorney Sellars stated that this corrects an error to a reference in the code for alteration certificates. Shay moved to approve on first reading Ordinance #8, Series of 2025. Second by Frame. Question. 4 ayes. Motion carried.

E. Resolution #39, Series of 2025 – Subscription Service Agreement with QTPod, LLC

Interim City Manager Wells stated that this agreement updates a previous agreement that we had for credit card services at the airport. Shay moved to approve Resolution #39, Series of 2025. Second by Benish. Question. 4 ayes. Motion carried.

F. Resolution #40, Series of 2025 – Change Order #1 with McAtee Construction Co DBA Simon for Airport Taxiway A2 Reconstruction

Interim City Manager Wells stated that this is a change order for additional work for needed repairs on the Taxiway A2 reconstruction project. The change order is in the amount of \$83,678.60. A portion of this change order is funded by the State and the FAA. Benish moved to approve Resolution #40, Series of 2025. Second by Shay. Question. 4 ayes. Motion carried.

G. Resolution #41, Series of 2025 – First Amendment to the Professional Services Agreement with Essenza Architecture

Interim City Manager Wells stated that this amendment to the agreement with Essenza for architect services for the swimming pool is due to a request made by city staff for additional foundation test holes to be done for the splash pad. This additional work comes at a cost of \$1,089. Shay moved to approve Resolution #41, Series of 2025. Second by Benish. Question. 4 ayes. Motion carried.

H. Resolution #42, Series of 2025 – Amending the City of Yuma Personnel Manual

Interim City Manager Wells stated that council had previously discussed creating a vehicle policy. There are already vehicle provisions in the personnel policy, so proposed changes will be made there instead. Attorney Sellars explained the proposed changes regarding vehicle usage by city employees. There is a federal law requiring vehicle usage to be taxed as a fringe benefit. It is valued at \$1.50 per one-way commute. Discussion was held as to whether we want to tax the employees or not. Some entities don't tax their employees. Clerk/Treasurer Wells will reach out to the auditors to discuss the issue.

Attorney Sellars stated that there are also amendments to the FMLA section of the personnel policy clarifying that employees are required to use their PTO leave if they are gone on FMLA. It also adds that if an employee is gone on workers' compensation leave and FMLA, they may be required to use PTO.

Shay moved to table Resolution #42, Series of 2025 until the July 1, 2025, meeting. Second by Frame. Question. 4 ayes. Motion carried.

Old Business and Public Hearing on Passage of Ordinance on Second Reading (Action Items)

A. Tabled Action Items

None.

B. Public Hearing on Second Reading Ordinance #7, Series of 2025 – Second Amendment to the Lease and Easement Agreement for Solar Energy System and Memorandum of Lease and Easement Agreement for Solar Energy System for Certain City Property to SE Municipal Colorado, LLC

Interim City Manager Wells stated that the amendment changes the driveway at the Wastewater Treatment Plant used by SE Municipal Colorado, LLC to enter the solar farm. Mayor McClung opened the public hearing. Hearing no discussion, the public hearing was closed. Shay moved to approve on second reading Ordinance #7, Series of 2025. Second by Frame. Question. 4 ayes. Motion carried.

Additional Business

A. Discussion on Shop Property

In doing some research, Interim City Manager Wells discovered that that city shop is still in the name of First Security Bank. Wells has discussed this with bank president Dan Seedorf. Attorney Sellars will work with the bank's attorney to prepare the paperwork needed to make the necessary changes.

B. Discussion of Potential Stalking Ordinance

Attorney Sellars stated that she was asked to draft a stalking ordinance which was provided to council. The City has decriminalized the code, so if the ordinance is approved, Council may need to make some other changes to the code. Mayor McClung discussed his concerns about city employees being protected and the best way to enforce that. Attorney Sellars stated that she would like to speak with the city employees to get a better understanding of what has been taking place and then bring this back for the first meeting in August.

C. Discussion of Potential Economic Incentive Policy

Interim City Manager Wells provided council with our previous Economic Incentive Policy for their review. If council approves this version, Wells will present it to Retail Coach to see if they believe it would help attract new businesses to Yuma. Council Member Frame stated that it would be a good idea to get input from Retail Coach. Mayor McClung asked Wells to research the issue of annexation.

D. Discussion on Zoning Code

Interim City Manager Wells stated that there seems to be a lot of issues with our zoning code. Issues keep popping up with properties not being zoned correctly. Attorney Sellars stated that we need to come up with a plan to fix the issues. We need a usable zoning map as our current map is not accurate. Discussion was held about the best way to proceed. Sellars suggested that we lay out the points of discussion then consider a moratorium. Sellars stated that she would like the new City Manager to be involved in the process, so we should revisit this in mid-August.

E. Discussion on Reserve Policy

Interim City Manager Wells reviewed with council a proposed policy for reserve funds on hand to ensure against unanticipated events that would adversely affect the financial condition of the City. Discussion was held regarding using this policy as a part of the budget planning process.

F. Discussion on Exempt Employee Policy

Interim City Manager Wells stated that she has been looking for an example of an exempt employee policy to follow but hasn't found one yet. She explained that we have not had an exempt employee policy in place that details requirements such as filling out leave sheets for PTO hours used.

G. Discussion on Utility Rate Increases

Interim City Manager Wells stated that a couple of meetings ago we had John Krajewski give a presentation to council on his recommendations for utility rate increases based on his study findings. Wells is looking for direction from council if they want to proceed with the proposed rate increases. Council Member Shay stated that he would like to have more discussion on this before implementing the rates. Council mentioned trying to spread out the rate increases. This discussion will be brought back to council at the first meeting in August.

H. Discussion on Airport Leases

Discussion was held regarding the issue of airport leases not being signed. Interim City Manager Wells stated that she has not received back all the signed leases. We had a meeting with the airport hangar tenants in April. They stated that they were having issues getting insurance coverage due to the terms of the lease and they were supposed to get their proposed lease changes to us and have the leases signed by July 1. Mayor McClung stated that this is an issue because it puts us in jeopardy with the FAA. Attorney Sellars explained what recourse we have for the leases not being signed. A "Notice to Quit" would need to be served to the tenant in order for them to be evicted. Discussion was held regarding the best way to proceed. It was decided to first send certified letters to the tenants demanding their lease be signed.

I. Discussion on Grant Policy Revisions

Interim City Manager Wells provided council with the revisions they had requested for our Grant Policy which were discussed at a prior meeting.

J. Discussion on a Possible Charter Amendment to Move the Chief of Police Under the Supervision of the City Manager

Mayor McClung stated that this topic was mentioned by one of the City Manager candidates. In doing some research, McClung discovered that a large majority of municipalities in Colorado are structured this way. It would require a Charter amendment to make this type of a change. Discussion was held. Council would like more information on what the process would be to make this change.

Executive Session

"To determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; pursuant to C.R.S. § 24-6-402 (4)(e) and consider personnel matters, pursuant to C.R.S. § 24-6-402 (4)(f) and not involving; any specific employees who have requested discussion of the matter in open session, specifically for potential employment terms of the City Manager."

Mayor McClung stated council intends to meet in executive session to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; pursuant to C.R.S.

§ 24-6-402 (4)(e) and consider personnel matters, pursuant to C.R.S. § 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session, specifically for potential employment terms of the City Manager. Shay moved to go into executive session. Second by Frame. Question. 4 ayes. Motion carried.

Council resumed regular session at 9:26 p.m. A statement was read for who was present in executive session and there were no objections to the discussions in executive session.

Other New Business

A. Resolution #43, Series of 2025 – Employment Contract with the City Manager

Shay moved to approve Resolution #43, Series of 2025. Second by Frame. Question. 4 ayes. Motion carried.

Adjournment

Shay moved to adjourn. Second by Frame. Question. 4 ayes. Motion carried.

Timothy McClung
Mayor

Karma Wells, CMC
City Clerk/Treasurer