

**City of Yuma
City Council Minutes
Hybrid Regular Meeting
Tuesday, September 2, 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: Baucke, Benish, Dischner, Frame, McClung, Shay.

Members Absent: Diaz.

Staff Present: Eric Duthie, Curtis Witte, Karma Wells, Nathan Cash via phone.

Corrections or Additions to the Agenda

There were no corrections or additions to the agenda.

Approval of September 2, 2025, Agenda

Shay moved to approve the September 2, 2025, agenda as presented. Second by Benish. Question. 6 ayes. Motion carried.

Citizens Recognition and Introduction/Public Comment

None.

Presentations (Informational)

A. Other Presentations (If any)

None.

Reports (Informational)

A. City Manager – Eric Duthie

Manager Duthie gave updates on the following:

-There is an EMS meeting tomorrow evening.

-In the police department committee meeting they discussed the potential of having an Administrative Hearing Officer. The purpose would be to expedite nuisance citations by issuing them as civil offenses and getting them processed much more quickly.

-Manager Duthie stated that he had the opportunity to meet with Northeastern Junior College administrators. They discussed the city offering non-paid internships to students who may have an interest in pursuing local government. He also had the same discussion with the school superintendent as an opportunity for juniors and seniors in high school.

-Manager Duthie stated that he had a discussion with Karma Wells and Angela Cordell regarding the fly-in at the airport. They believe it makes more sense to hold the fly-in in the spring or summer rather than at the end of September.

-Manager Duthie and Mayor McClung have accepted an invitation to participate in the Yuma High School Student Leadership Program.

-Manager Duthie has been attending many committee meetings and they have been very helpful for getting information.

B. City Clerk/Treasurer – Karma Wells

-Clerk/Treasurer Wells provided council with a report from FPPA regarding the fire pension.

-We were awarded a scholarship for the 2025 Housing Conference, which will be held in Keystone on October 15 – 17. Clerk/Treasurer Wells inquired if anyone would like to attend the conference. Discussion was held and Manager Duthie stressed that it is very important for us to have someone in attendance. He has a conflict with another workshop he is attending on the 16th of October. Either Angela Cordell or Karma Wells will try to attend.

C. Interim Chief of Police – Curtis Witte

-Interim Police Chief Witte stated that he was also invited to take part in the Student Leadership Program.

-Finished demo on translation program.

-Interim Chief Witte stated that they have added a third intern at the police department who started today. She will be at the next council meeting to introduce herself.

D. City Attorney – Nathan Cash (If necessary)

None.

City Council Reports/Comments (Informational)

Benish

- Mayor Pro Tem Benish attended the police committee meeting. He also attended the City Clerk/Treasurer meeting where they discussed the budget.
- Benish also attended the electric department committee meeting where they discussed the solar farm. They are waiting for some poles to be set and parts and wire to arrive.
- Benish attended the water/wastewater departments committee meeting. They are working on getting GPS location on all our water lines. They would like to use Diamond maps for this process. Everything is going well with the water going to the Ethanol Plant. They are also working on the SCADA upgrade.
- Benish attended the pre-meeting to prepare for the ambulance meeting on Wednesday. They held discussions on the best way to approach the situation. Wray has backed out on participating in these discussions.

Frame

- Council Member Frame attended the electric department committee meeting. They would sure like to see the solar farm up and running soon.
- Frame also attended the water/wastewater departments committee meeting. They are working on the drainage pipe for the splash pad. They would like to work on sewer cleaning, but they need the vacuum truck to be fixed. With the SCADA updates that are being done, they will be moving from two systems down to one. Water and Wastewater will be on the same system.
- Frame attended the YCED meeting in Joes. It was announced that there will be a Bomgaar's store opening in the old Alco building in Wray, which was initiated by the work being done by Retail Coach. They also discussed the co-working space at NJC that they would like to develop. They have received grant funds to proceed with the project.
- Frame stated that she will be attending the ambulance and airport meetings tomorrow.

Shay

- Council Member Shay attended the fire department committee meeting. They are currently saving for a new rescue truck and then will need to look at a new pumper truck. At some point they will probably need to have a paid Fire Chief.
- Shay stated that the Water Authority Board meeting is coming up and he encouraged everyone to attend.
- Shay also attended the landfill board meeting. Everything seems to be going well. They will work on the other half of the cell this year.

McClung

- Mayor McClung stated that he attended all the meetings already discussed. He doesn't have anything to add to what was already reported.
- Mayor McClung met with Mayor Pro Tem Benish, Manager Duthie, Clerk/Treasurer Wells and Interim Chief Witte to discuss our project load and coordination of that project load.
- McClung attended the ambulance pre-meeting. The City needs to talk to the hospital about the possibility of helping out with transfers. The city does not have to do transfers.

Consent Agenda (Action Items)

- A. Approval of August 19, 2025, regular meeting minutes.
- B. Approval of disbursements and payroll.
- C. Purchases in excess of \$5,000.

Shay moved to approve the Consent Agenda. Second by Benish. Question. 6 ayes. Motion carried.

Public Hearings and Other New Business (Action Items)

A. Approval of disclosed disbursements (if needed)

None.

B. Resolution #61, Series of 2025 – Referring a Ballot Issue to the Registered Electors of the City of Yuma to Issue Debt and Impose a Temporary Sales and Use Tax to Construct, Equip and Operate a City Pool

Clerk/Treasurer Wells led the discussion regarding the bond language. Wells provided council with verbiage notating possible changes by Attorney Sellars and the bond attorney. The bond language stipulates an amount not to exceed \$6 million with a maximum repayment cost of \$9.5 million using an interest rate of 6%. The sales tax increase we are seeking is 0.75%. Benish moved to approve Resolution #61, Series of 2025. Second by Shay. Question. 5 ayes. 1 nay (Dischner). Motion carried.

C. Resolution #60, Series of 2025 – CDPHE Emergency Medical and Trauma Systems Provider Grant Statement of Work and Approval of Purchase.

Ambulance Director Keriann Josh stated that we applied for this grant in January to assist with purchasing new cardiac monitors. The monitors that we wish to replace were purchased in 2009 and had a useful life of eight years. In June, we were awarded \$49,144.90. The total project cost is \$103,647.80. A condition of the grant is that we sign a Statement of Work and complete required reporting to the state. This is a budgeted item in 2025 for two new monitors. They are running about six weeks out. Dischner moved to approve Resolution #60, Series of 2025 and approve the purchase of the units. Second by Frame. Question. 6 ayes. Motion carried.

D. Approval of Submission of an Application to the Charge Ahead Colorado Grant Program

Clerk/Treasurer Wells stated that this is for the Charge Ahead program to apply for grant funds up to \$250,000 to install car charging stations in the City of Yuma. The grant does require 10% in matching funds from the city. Discussion was held. Benish moved to approve the submission of the grant application. Second by Baucke. Question. 6 ayes. Motion carried.

E. Resolution #64, Series of 2025 – Renaming of City Park to Cool Acres

Clerk/Treasurer Wells stated that this resolution is to change the name of City Park to Cool Acres as part of the process for the improvements that have been made at the park. The Arickaree FFA has offered to design a sign with the new name at no cost to the city. Shay moved to approve Resolution #64, Series of 2025. Second by Benish. Question. 6 ayes. Motion carried.

F. Resolution #53, Series of 2025 – Second Amendment to the Power Purchase Agreement with SE Municipal Colorado, LLC

Clerk/Treasurer Wells stated that this is a continuation of the discussions regarding this agreement at the last council meeting. SE Municipal Colorado, LLC, is requesting to change the Guarantee Commercial Operations date to December 31, 2025. The delay damages amount has also been amended from \$20,000 to \$40,000. Shay moved to approve Resolution #53, Series of 2025. Second by Dischner. Question. 6 ayes. Motion carried.

G. Resolution #37, Series of 2025 – Pipeline License Agreement with BNSF for Railroad Bore

Clerk/Treasurer Wells stated that this is the agreement that Attorney Sellars has been working on with BNSF. After some back and forth between the attorneys, this is the final agreement for council approval. Dischner moved to approve Resolution #37, Series of 2025. Second by Shay. Question. 6 ayes. Motion carried.

H. Resolution #62, Series of 2025 – Construction Contract with Concrete Specialties and Utilities Construction for Water Line Project

Clerk/Treasurer Wells stated that this contract with Concrete Specialties is for the water line replacement project on the north end of Main Street from Benson Avenue to Grant Avenue. Shay moved to approve Resolution #62, Series of 2025. Second by Frame. Question. 6 ayes. Motion carried.

I. Resolution #63, Series of 2025 – Secondary Manufacturers' Combined Subdivision Participation and Release Form Regarding the National Opioid Settlement

Clerk/Treasurer Wells stated that this is the second of many agreements that will be brought for council approval regarding the nation opioid settlement. Mayor McClung asked if we know what the dollar amounts are involved with the settlement. Wells stated that we have until October 8, 2025, to sign the agreement, so it may be tabled and brought back when we have that information. Baucke moved to table Resolution #63, Series of 2025. Second by Shay. Question. 6 ayes. Motion carried.

J. Resolution #65, Series of 2025 – Agreement for Services with Millan Asphalt and Crushing, LLC for Concrete/Asphalt Crushing

Clerk/Treasurer Wells stated that this was discussed at the last meeting in the purchases over \$5,000 and it was decided that we need a contract because it is such a large amount. The contract is for crushing approximately 7,565 tons of concrete and asphalt at a price of \$11.50/ton, which totals \$86,997.50. It stipulates a not to exceed amount of \$90,000. Shay moved to approve Resolution #65, Series of 2025. Second by Benish. Question. 6 ayes. Motion carried.

K. Acceptance of the Review and Recommendation of the Building Inspector Regarding the Lett Hotel

City Manager Duthie informed council that we received the reports from the structural engineer and asbestos and lead reports the day before they were due. The owners of the Lett Hotel gave a presentation to

the Historical Preservation Commission with their plans for the hotel. Manager Duthie gave the reports to Building Inspector, Chad Rayl, to review. Based on those results, Manager Duthie recommended to council to allow the owners to move forward with the demolition of the porch and a shed that is on the property. They are to go no further than that until more information is obtained. Shay moved to accept the recommendation of the Building Inspector regarding the Lett Hotel. Second by Dischner. Question. 6 ayes. Motion carried.

L. Resolution #68, Series of 2025 – Intergovernmental Agreement with the Yuma County Sheriff's Office Concerning Use of the Police Officer and Firefighter Training Tower

Interim Chief Witte explained that the police department and fire department have purchased two conex boxes to construct a training tower on the south side of the airport. Recently, the Yuma County Sheriff's Office received two of the containers through a grant. They would like to add those to the training tower and in exchange be allowed use of the tower for training. Shay moved to approve Resolution #68, Series of 2025. Second by Dischner. Question. 6 ayes. Motion carried.

M. Resolution #66, Series of 2025 – Engagement Letter and Scope of Work with Constangy, Brooks, Smith & Prophete, LLP

Clerk/Treasurer Wells stated that this came about due to a fraudulent transaction that took place with a payment made to a vendor of the City of Yuma. Our insurance carrier, CIRSA, wishes for the city to have our system checked to make sure nothing has been compromised. CIRSA will cover the cost of the services as part of the insurance claim. Shay moved to approve Resolution #66, Series of 2025. Second by Dischner. Question. 6 ayes. Motion carried.

N. Resolution #67, Series of 2025 – Engagement Agreement with Kivu Consulting, Inc and Constangy, Brooks, Smith & Prophete, LLP, for Services

Clerk/Treasurer Wells stated that this agreement relates to the situation explained for Resolution #66 but includes the services of Kivu Consulting, Inc. CIRSA will cover the cost of the services as part of the insurance claim. Shay moved to approve Resolution #67, Series of 2025. Second by Frame. Question. 6 ayes. Motion carried.

O. Resolution #69, Series of 2025 – First Amendment to the Construction Contract with Concrete Specialties and Utilities Construction, Inc, for the Water Line Replacement and Railroad Bore

Clerk/Treasurer Wells explained that we first approved this contract on April 15, 2025, with a completion date of August 31, 2025. Due to contract issues with BNSF, we need to extend the substantial completion date to July 31, 2026, with final completion 30 days from that date. Dischner moved to approve Resolution #69, Series of 2025. Second by Shay. Question. 6 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 of Ordinance #10, Series of 2025 – Increase Water Rates

Clerk/Treasurer Wells stated that this is the second reading of the ordinance to change water rates. The average increase for residential customers will be \$2.63/month for up to 5,000 gallons of water usage. Mayor McClung opened the public hearing. Hearing no discussion, the public hearing was closed. Benish moved to approve on second reading Ordinance #10, Series of 2025. Second by Dischner. Question. 6 ayes. Motion carried.

C. Public Hearing on Second Reading of Ordinance #11, Series of 2025 – Change Sewer Rates

Clerk/Treasurer Wells stated that this is the second reading of the ordinance to raise sewer rates. We currently calculate sewer fees using the EQR method with a minimum of \$35.15. This will change the minimum charge to \$15.00/month and the usage will be based from the average water usage in the months of December, January and February. The usage rate will be \$4.03/1,000 gallons. The sewer tap fee will also be increasing to \$1,450. Mayor McClung opened the public hearing. Ms. Jene Rutz was present to speak in opposition to the rate increases. Hearing no other discussion, the public hearing was closed. City Manager Duthie stated that he had been approached by a resident who stated that the calculation for sewer water usage is confusing, especially when there is no history to look back on. Benish moved to approve on second reading Ordinance #11, Series of 2025. Second by Dischner. Question. 6 ayes. Motion carried.

Additional Business

Review of Draft ADU Ordinance

Council was provided with a copy of the draft ordinance regarding ADU's. The city attorneys need some direction from council before the ordinance can be finalized. Attorney Nathan Cash was present via phone to go over some of the areas that require clarification. Discussion was held on the following topics:

- Use by Right, or Conditional Use
- Zoning
- Utility Service Requirements
- Parking Requirements

Other Additional Business

Mayor McClung stated that he would like to hold an orientation for city council candidates sometime during the week of September 15 – 20. He would also like to invite the candidates to our budget workshops prior to our next council meeting and to take department tours.

Adjournment

Dischner moved to adjourn. Second by Benish. Question. 6 ayes. Motion carried.

Timothy McClung
Mayor

Karma Wells, CMC
City Clerk/Treasurer