

**City of Yuma**  
**City Council Minutes**  
**Hybrid Regular Meeting**  
**Tuesday, October 15, 2024**  
**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, Diaz, Dischner, McClung, Shay. (Frame was absent).

**Staff Present:** Scott Moore, Jerry Thompson, Karma Wells, Kathryn Sellars.

**Corrections or Additions to the Agenda**

Clerk/Treasurer Wells stated that item 10-C-i needs to be removed from the agenda.

**Approval of October 15, 2024 Agenda**

Shay moved to approve the October 15, 2024 agenda as amended. Second by Benish. Question. 6 ayes. Motion carried.

**Citizens Recognition and Introduction/Public Comment**

Mr. Justin Shamp was present to inform council that he has purchased the nursing home facility. He is hoping to get a conditional use permit to be able to reopen the facility. Attorney Sellars advised Manager Moore that the options for reopening the facility would be either non-conforming use (abandoned) or conditional use. Mr. Shamp said that the building was in rough shape when he purchased it. He has since replaced the roof on the building and repaired water damage on the inside. He is ready to start contacting some large nursing home groups who may be interested in reopening the facility and needs the proper use permit in order to begin that process. He hopes to begin reaching out to his existing contacts first and then open it up to the public by January or February of 2025. Attorney Sellars stated that the process needs to be started by filling out the proper paperwork.

Ms. Margie Chance was present and stated it is worth your time to go look at the work that has been done.

**Presentations (Informational)**

**A. Presentation of Preliminary 2025 Budget**

Manager Moore presented the preliminary budget for 2025. Per council's wishes, this budget is pared down to what is necessary to "turn the lights on" and conduct daily business. The revenue and expenses are provided and in the General Fund, the revenue does not keep up with the expenses. Manager Moore stated that staff is looking for guidance from council on how they would like to resolve that issue. Mayor McClung stated that next Tuesday will be the first workshop to begin working on these numbers. Clerk/Treasurer Wells gave a brief overview of where to find things in the budget.

**B. Presentation on Draft Procurement Policy**

Manager Moore stated that he, Clerk/Treasurer Wells, Chief Thompson and Attorney Sellars have been working together on the Procurement Policy. It formerly was part of the municipal code and did not need to be, so now it will be a policy of its own. Mayor Pro Tem Benish questioned the expenditure approval requirement dollar figures in the policy. Attorney Sellars explained that if a contract is involved, it has to be approved by council no matter what the dollar figure is. Discussion was held regarding giving preference to local providers first. Manager Moore suggested that the term "local" be defined. Benish suggested using the Yuma zip code of 80759, with a physical address, to be considered local. Discussion on when bids could be awarded outside of the local area due to the amount of the bid was also held. Attorney Sellars stated that she generally sees 5% being used. The consensus is to add to the draft language the verbiage for giving

preference to local providers who have a physical address that has an 80759 zip code. If the local bid is 5% higher or more than a non-local bid, it may be awarded to the non-local provider.

**C. Other Presentations**

None.

**Reports (Informational)**

**A. City Manager – Scott Moore**

**i. Veterans Park Sprinkler Quote/Estimate**

Council had asked Manager Moore what it would take to get the sprinkler system at Veteran’s Park running again. It was looked into and the current system is too damaged to try to repair it and put back in service. It was then suggested to get an estimate of what it would cost to put in a new system for the areas from the water to the sidewalk. Evergreen Landscapes provided a quote in the amount of \$32,227. Mayor Pro Tem Benish asked if this quote includes a floating system in the water and it does not. This quote does not include the floating system.

**ii. SEH Memorandum on Street Paving**

Manager Moore provided council with a memorandum prepared by Scott Jardine from SEH regarding the street paving project involving three city blocks and the intersection of Hoag Avenue and Birch Street. The memo is a synopsis of a conversation held between Manager Moore, Mayor McClung and Mr. Jardine regarding the project. The original hope was that this paving project could be completed in 2024, but that is not the case. The memo provides a realistic timeline for the project. The surveying phase has been completed and while they were here doing that, they were also able to complete the surveying at Village Park East.

**iii. Pool Timeline**

Manager Moore provided council with an update on the timeline for the completion of the swimming pool renovation project from Miller & Associates. The timeline for requesting and accepting bids is still on schedule. The project is set to be “substantially completed” on May 15, 2025 which means that people can occupy the pool. The final completion date is set for May 31, 2025.

**iv. Staffing Report**

Manager Moore reported that we are still short one employee in the street department, but an application for that position was received today. We are also short one employee in the water/wastewater departments.

**B. City Clerk/Treasurer – Karma Wells**

**i. Finance Report**

Clerk/Treasurer Wells stated that the finance report is not yet completed, but she hopes to have it to council this week.

**ii. Sales Tax Report**

Clerk/Treasurer Wells provided council with the sales tax report in their council packets.

**iii. Staffing Report**

Clerk/Treasurer Wells reported that she has placed an ad for the part-time position, but there has not been much interest shown yet.

**C. Chief of Police – Jerry Thompson**

**i. Staffing Report**

Chief Thompson reported that he has had no interest in the police officer position that needs to be filled.

**D. City Attorney – Kathryn Sellars**

None.

**City Council Reports/Comments (Informational)**

**Baucke**

- Council Member Baucke asked about the status of the Lett Hotel. Manager Moore stated that there has been no reply from the owners.

**Benish**

- Mayor Pro Tem Benish reminded everyone that corn harvest is in full swing and warned everyone to be cautious on the roads.

**McClung**

- Mayor McClung attended a meeting with ambulance director Keriann Josh, Manager Moore and the Yuma and Washington County Commissioners regarding the ambulance service and possibly forming an ambulance district.

**Consent Agenda (Action Items)**

- A. Approval of October 1, 2024, meeting minutes.
- B. Approval of disbursements and payroll.
- C. Purchases in excess of \$5,000.
  - i. Purchase of New Server and M365 Emails (this item was removed from the agenda).
  - ii. Pool Equipment Purchase from Swimtime.
  - iii. Pool Equipment Purchase from Commercial Recreation Specialists.
  - iv. Pool Equipment Purchase from United States ThermoAmp, Inc.

Dischner moved to approve the Consent Agenda as modified. Second by Baucke. Question. 5 ayes. 1 abstain (Shay). Motion carried.

**Public Hearings and Other New Business (Action Items)**

**A. Approval of disclosed disbursements (if needed)**

None.

**B. Resolution #35, Series of 2024 – Update Fee Schedule**

Manager Moore presented proposed changes to the fee schedule which was last updated in July, 2021. Fee changes were made to research fees, animal impoundment, vending permits, and building permits. Proposed fees added to the fee schedule are food truck permits, special event permits, recreation fees and pool fees. Discussion was held and Attorney Sellars gave some clarification on how fees may be set. Shay moved to approve Resolution #35, Series of 2024. Second by Benish. Question. 6 ayes. Motion carried.

**C. Resolution #36, Series of 2024 – Update the Public Records Policy**

Clerk/Treasurer Wells explained that this resolution would change the hourly fee charged for open records requests. Information was added regarding the custodian of records for the ambulance department. Shay moved to approve Resolution #36, Series of 2024. Second by Dischner. Question. 6 ayes. Motion carried.

**D. Resolution #37, Series of 2024 – Agreement for Services with High West Cleaning, LLC for Fire Department Janitorial Services**

Chief Thompson stated the current company who provides janitorial services for the fire department is moving out of state, therefore the fire department would like to hire High West Cleaning, LLC for those services. Shay moved to approve Resolution #37, Series of 2024. Second by Diaz. Question. 6 ayes. Motion carried

**E. Resolution #38, Series of 2024 – Agreement for Services with High West Cleaning, LLC for Police Department Janitorial Services**

Chief Thompson stated it is the same for this agreement, the current company who provides janitorial services for the police department is moving out of state, therefore the police department would like to hire High West Cleaning, LLC for those services. Benish moved to approve Resolution #38, Series of 2024. Second by Shay. Question. 6 ayes. Motion carried

**F. Resolution #39, Series of 2024 – Ratifying a Construction Contract with Millan Asphalt and Crushing, LLC**

Manager Moore stated that the pothole filling project is underway with Millan Asphalt doing the work. They manage the hauling of the asphalt from Sterling, the final prepping of the area for the asphalt and the placement of the asphalt. The city purchases the asphalt directly from Simon at a cost of \$89/ton. The contract with Millan is not to exceed \$191,000. We have budgeted \$199,000 of ARPA funds and \$100,000 from the water line replacement fund for this project. Shay moved to approve Resolution #39, Series of 2024. Second by Benish. 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, Ordinance #4, Series of 2024 - Amending Title 5 Section 17.04.402 of the Yuma Municipal Code Concerning Food Trucks**

Manager Moore stated that after the first reading of this ordinance, copies of the new changes were delivered to the operating food trucks in both English and Spanish versions. Public hearing was opened. Hearing no discussion, public hearing was closed.

After the hearing was closed, a food truck vendor came forward who needed an interpreter. Council Member Diaz communicated with her and relayed to council her concerns of knowing the locations where the food trucks can park and if there is a map available that shows those locations.

Council Member Diaz asked the floor for citizen questions.

A concerned citizen inquired about the new rules affecting food trucks.

Councilman Diaz explained that the city had increased fees for food truck permits and imposed new location restrictions. He used an example of a food truck parked near a residence, advising this would no longer be allowed. It was stated that a map would be created to show approved food truck locations.

The citizen asked about their current location at Veteran’s Park. They also asked about he timing and the month-to-month fees.

Council Member Diaz confirmed that the trailers would not be removed but might need relocation. He explained that the permits would shift to a monthly renewal system with annual fees discontinued. Parties were advised the new rules would take effect in two weeks from today.

Public hearing was closed again.

Shay moved to approve Ordinance #4, Series of 2024. Second by Baucke. Question. 6 ayes. Motion carried.

**C. Public Hearing on Second Reading, Ordinance #5, Series of 2024 – Amending the Lease and Easement Agreement for Solar Energy with SE Municipal Colorado, LLC**

Manager Moore stated that the existing lease with SE Municipal Colorado, LLC had an incorrect legal description. This ordinance amends the lease with the corrected legal description. The term of the lease is 25 years with two possible 5-year extensions at the end of the lease period. Public hearing was opened. Hearing no discussion, public hearing was closed. Shay moved to approve Ordinance #5, Series of 2024. Second by Dischner. Question. 6 ayes. Motion carried.

**Additional Business**

None.

**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) and determining 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), regarding the interpretation of contract terms between the City and a third-party and possible termination of contract.”**

Mayor McClung 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) and determining 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), regarding the interpretation of contract terms between the City and a third-party and possible termination of contract. Shay moved to go into executive session. Second by Dischner. Question. 6 ayes. Motion carried.

Council resumed regular session at 8:46 p.m. A statement was read 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 Dischner. Question. 6 ayes. Motion carried.

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Tim McClung  
Mayor

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Karma Wells, CMC  
City Clerk/Treasurer