

**City of Yuma
City Council Minutes
Hybrid Regular Meeting
Tuesday, November 5, 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, Frame, McClung, Shay.

Staff Present: Jerry Thompson, Karma Wells, Kathryn Sellars.

Corrections or Additions to the Agenda

Clerk/Treasurer Wells stated that a new agenda was provided to council on Monday. Item 11-K was added and an additional item was added to the executive session.

Approval of November 5, 2024 Agenda

Shay moved to approve the November 5, 2024 agenda. Second by Benish. Question. 7 ayes. Motion carried.

Citizens Recognition and Introduction/Public Comment

None.

Presentations (Informational)

A. Other Presentations

None.

Reports (Informational)

A. Interim City Manager – Karma Wells

i. Website ADA Update

Interim City Manager Wells stated that Angela Cordell prepared a memo for council showing the progress of updating the website to be ADA compliant. There are about 400 documents left to update for the project to be complete.

ii. Grants Update

Interim City Manager Wells stated that grant writer, Angela Cordell, plans to update council on the first meeting of each month on the status of our various grants. She went on to say that we have been awarded \$216,000 from the Revitalizing Main Streets Grant.

iii. Grass/Leaves Discussion

Interim City Manager Wells stated that we currently do not have a place to dispose of grass and leaves. The area where they were being dumped is full. We are currently putting the grass and leaves in containers and hauling them to the landfill. Discussion was also held about what will be done with all of the tree branches when the tree project is started. It may be that the cost of disposal needs to be a budgeted item, so this will be revisited in January.

The city will start picking up leaves on Thursday.

B. City Clerk/Treasurer – Karma Wells

i. Finance Report

Clerk/Treasurer Wells provided council with the August finance report.

C. Chief of Police – Jerry Thompson

i. Police Report

Chief Thompson reported that he should have his October report completed by the end of the week.

Mayor McClung asked if Chief Thompson could start providing a quarterly report that compares the current numbers with the numbers from last year.

D. City Attorney – Kathryn Sellars

Attorney Sellars stated that the contract with the company who runs the Silver Sneakers Program has a bit of a sticking point. There is a confidentiality provision in the agreement that the company says needs to be kept confidential, which is a problem because the city has to review the agreement in a public meeting. She is trying to get more information from the company, but has not had any response. They are not willing to move forward unless that term of confidentiality can be met. The issue would be if we received a CORA request for the agreement, then we would have to go to court to state why it shouldn't be released. Attorney Sellars will present the contract at the next meeting.

City Council Reports/Comments (Informational)

Benish

- Mayor Pro Tem Benish and Mayor McClung met with Karma and Angela to follow up on some issues during this transition period. They also discussed the housing plan and the Ethanol Plant.

Shay

- Council Member Shay attended the Library Board meeting. They discussed the budget and also possibly getting another part-time employee to help out with our senior citizens at the library.
- Shay also attended the Landfill Board meeting. The rates for municipalities will be going up 5%. Part of that increase is to cover the cost of the new pit. The new landfill director has arrived.
- Shay attended the Water Authority Board meeting. He stated that they have tried several times to work with the Republican River Water Conservation District (RRWCD), but they do not seem to want any help. They are looking at partnering with the Research Farm to see what we can do to promote water conservation. Mayor McClung inquired about how many acres have been retired by the RRWCD. Shay answered that 15,000 acres have been retired.
- Council Member Shay attended the NECALG meeting. There will be some new board members coming in January. Kent Vance is going off of the board and will be the new Grant Navigator.

McClung

- Mayor McClung attended a meeting regarding the ambulance service and will be attending another one on Thursday. The Directors voted to go with a countywide consolidated district. The county commissioners want one district. It was proposed to the Directors to do something similar to what Washington County did by imposing a tax to fund emergency services. Those revenues would then be allocated to the various districts.

Consent Agenda (Action Items)

- A. Approval of October 15, 2024 regular meeting minutes, October 22, 2024, October 24, 2024 and October 29, 2024 special meeting minutes.
- B. Approval of disbursements and payroll.
- C. Purchases in excess of \$5,000.
 - i. Purchase of New Server and M365 Emails.

- ii. Repairs to Electric Heating and Air Exchange units at the Wastewater Treatment Plant.
- iii. Purchase of Four Computers for Administrative Staff.

Benish moved to approve the Consent Agenda. Second by Dischner. Question. 7 ayes. Motion carried.

Public Hearings and Other New Business (Action Items)

A. Approval of disclosed disbursements (if needed)

None.

B. Consideration of Revocable Encroachment License Agreement for Red Willow Catering LLC

Clerk/Treasurer Wells stated that Red Willow Catering LLC is taking over the liquor license from Tumbleweed Brewery and Wine Company. They would like to continue with the encroachment area on the sidewalk in front of their business. Baucke moved to approve the Revocable Encroachment License Agreement for Red Willow Catering LLC. Second by Shay. Question. 7 ayes. Motion carried.

C. Public hearing for a new Hotel and Restaurant Liquor License for Red Willow Catering LLC

Clerk Treasurer Wells stated that Red Willow Catering LLC is taking over the liquor license from Tumbleweed Brewing and Wine Company. Tumbleweed Brewing had a pub license, but because they won't be doing any brewing, Red Willow would like to change the license to a Hotel and Restaurant Liquor License. Public hearing was opened. Hearing no discussion, public hearing was closed. Benish moved to approve the Hotel and Restaurant Liquor License for Red Willow Catering LLC. Second by Baucke. Question. 7 ayes. Motion carried.

D. Resolution #40, Series of 2024 – Approval of Change Order to add windows needing repair at 115 West Railway Avenue

Interim City Manager Wells stated that the previous agreement with Soderburg Roofing to replace windows in city buildings damaged from the May hail storm did not include the windows for the shop building at 115 West Railway Avenue. There are five windows that need to be replaced at a cost of \$10,493.68. Baucke moved to approve Resolution #40, Series of 2024. Second by Shay. Question. 7 ayes. Motion carried.

E. Consideration of approval for roof repairs at the Community and Enrichment Center and the VFW Building

Interim City Manager Wells stated that she was approached by Building Inspector, Chad Rayl, regarding the condition of the roofs at the VFW building and the Community and Enrichment Center. He believes the repairs on those roofs need to be expedited to prevent damage to the interior of the structures during the winter. Quotes were received from Mendoza Roofing from Wray and CIRSA has approved the quotes. The cost to replace the roof at the VFW building is \$21,250. The cost to replace the roof and gutters at the Community and Enrichment Center is \$71,265. Shay moved to approve the roof replacements. Second by Dischner. Question. 7 ayes. Motion carried.

F. Resolution #41, Series of 2024 – Approval of Change Order for additional asphalt patching by Millan Asphalt and Crushing LLC

Interim City Manager Wells explained that the original agreement with Millan Asphalt & Crushing for the street patching project was for 1,000 tons of asphalt. The city was able to purchase the asphalt direct from Simon at a lower price than what Millan could purchase it, so it was decided to do additional patching to make up that price difference. Millan is also asking for the city to cover the cost of their bond. The cost of the bond is \$6,136 and the cost of 70.9 tons of additional asphalt is \$13,541.90. Benish moved to approve Resolution #41, Series of 2024. Second by Shay. Question. 7 ayes. Motion carried.

G. Resolution #42, Series of 2024 – Agreement with Hackel Construction for Municipal Swimming Pool Improvements

Interim City Manager Wells stated that we are seeking approval from council to enter into an agreement with Hackel Construction for the improvements at the swimming pool. Discussion was held. A great deal of frustration was expressed about how the whole process has transpired since the very beginning of the project and how the cost of the project has doubled since the initial estimates. It was explained that there are multiple factors involved in that increase along with the fact that prices have gone up since the initial estimates. Shay moved to approve Resolution #42, Series of 2024. Second by Baucke. Question. 1 aye (Shay). 6 nays. Motion denied.

More discussion was held regarding how to proceed going forward. Community involvement and discussions with the Recreation Complex Board was suggested. It was decided to get through the budget process first, then revisit this in December.

H. Resolution #43, Series of 2024 – Update Fee Schedule

Clerk/Treasurer Wells stated that there have been two changes to the fee schedule since council last reviewed it. A change was made to the fee for Certified VIN Inspections and there was a correction made to the listed building permit fees. Shay moved to approve Resolution #43, Series of 2024. Second by Frame. Question. 7 ayes. Motion carried.

I. Resolution #44, Series of 2024 – Agreement for Professional Services with Short Elliot Hendrickson for Yuma 2024 Street Paving

Interim City Manager Wells stated that this agreement is for engineering services with Short Elliot Hendrickson (SEH) for the 2024 street paving project, in the amount of \$202,450. This work includes three city blocks and one intersection. Mayor McClung added that they should have construction drawings to us by Christmas with construction beginning in the spring. Benish moved to approve Resolution #44, Series of 2024. Second by Diaz. Question. 7 ayes. Motion carried.

J. Resolution #45, Series of 2024 – Approval of a Colorado Department of Transportation Revitalizing Main Streets Grant for the Revitalizing Yuma City Park Project

Interim City Manager Wells stated that the city was awarded grant funds in the amount of \$216,000 from the Colorado Department of Transportation Revitalizing Main Streets Grant. This would provide for the addition of a parking lot and a walking path around City Park. The total cost of the project is \$240,000 with the difference coming out of the Conservation Trust Fund. Baucke moved to approve Resolution #45, Series of 2024. Second by Benish. Question. 7 ayes. Motion carried.

K. Purchase over \$5,000 to Vincent Bukowski for Various Items Related to Swimming Pool Improvements

Baucke moved to table this item to a later date. Second by Diaz. Question. 7 ayes. Motion carried.

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

A. Tabled Action Items

None.

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 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 resignation offer made to City Manager.”

“To 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 the Interim City Manager, City Clerk/Treasurer and Chief of Police evaluations.”

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 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 resignation offer made to City Manager and to 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 the Interim City Manager, City Clerk/Treasurer and Chief of Police evaluations. Shay moved to go into executive session. Second by Diaz. Question. 7 ayes. Motion carried.

Council resumed regular session at 8:32 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 Benish. Question. 7 ayes. Motion carried.

Tim McClung
Mayor

Karma Wells, CMC
City Clerk/Treasurer