



ROCKY FORD CITY COUNCIL

July 24, 2018

There was no work session before the regular meeting.

Council met in regular session at 7:00 p.m. Mayor Pro Tem Jung called meeting to order. Those present at roll call were:

Mayor Pro Tem: Susan Jung

Councilmembers: Cuco Ruiz, Charles "Bill" Pattie, Rachel Patrick, Rich Geist

Absent: Barbara Hunter, J. R. Thompson

Staff: Interim City Manager Steve Rabe, City Attorney Bart Mendenhall, City Clerk Cheryl Grasmick

Others present: Kevin Lindahl, Larry Sisson, Rick Bailey of Viaero, Jack Pease, David Rodriguez, T J Angelo, Neil C. Zeeb, Autar Pantoya, Jolly Rose, Marty Lee.

Mayor Pro Tem Jung led the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilmember Ruiz moved to approve the minutes from the regular **July 10, 2018** council meeting as presented. Motion was seconded by Councilmember Pattie. Voting results were:

YES Ruiz, Pattie, Geist, Jung

NO None

ABSTAIN Patrick

ABSENT Hunter, Thompson

Motion carried 4-0, with one abstaining.

CITIZEN PARTICIPATION

Kevin Lindahl, who resides at 18635 Highway 202, asked Council if they had given any consideration to the elm tree problem along the property line of the 29625 Industrial Park Road property they are considering for sale to Jack Barker of Innovative Water Technology (IWT). Mr. Lindahl's property borders this property line. Following discussion, City Manager Rabe told Mr. Lindahl that no consideration was given to the issue. The trees will become property of the purchaser at closing and Mr. Lindahl should address his concerns with the new owner.

APPROVAL OF AGENDA

It was moved by Councilmember Patrick and seconded by Councilmember Geist to approve the agenda as presented. There were no consent items. Voting results were:

YES Ruiz, Pattie, Patrick, Geist, Jung

NO None

ABSENT Hunter, Thompson

Motion carried 5-0.

ORDINANCE #936

This ordinance clarifies Council’s legislative intent to charge all utility customers within City limits for trash service regardless of whether they choose to haul their own trash to the landfill or not. Councilmember Patrick moved to approve **Ordinance #936: An Ordinance Regarding the Collection and Removal of Garbage by the City of Rocky Ford** on final reading. Councilmember Ruiz seconded motion. Voting results were:

YES Ruiz, Pattie, Patrick, Geist, Jung
NO None
ABSENT Hunter, Thompson

Motion carried 5-0.

ORDINANCE #937

This ordinance authorizes the sale of City-owned property on second reading. It was moved by Councilmember Pattie and seconded by Councilmember Patrick to approve **Ordinance #937: An Ordinance Approving the Sale of City-owned Property Located at 29625 Industrial Park Road** on final reading. There is a contract in place and awaiting the signature of the purchaser, Jack E. Barker, who has been out of the country on business. The survey was completed and closing for the property is expected around August 20, 2018. Voting results were:

YES Ruiz, Pattie, Patrick, Geist, Jung
NO None
ABSENT Hunter, Thompson

Motion carried 5-0.

PUBLIC HEARING – MEDICAL MARIJUANA CENTER LICENSE

Mayor Pro Tem Jung closed the regular meeting and opened the public hearing for the medical marijuana center license for Rocky Ford Station, LLC, d.b.a. The Station at 7:10 p.m. Rocky Ford City Council, who sits as the local licensing authority for marijuana, was given a packet of the application and supporting documents. City Clerk Cheryl Grasmick reported the application was complete, everything was in order and all fees had been paid. Mayor Pro Tem Jung admitted all documents in the application packet as exhibits for the hearing. David Rodriguez, representative for The Station, was sworn in by City Clerk Grasmick. Mr. Rodriguez then introduced himself and explained that the licensing process for The Station had been delayed because it did not have a grow facility in close proximity. They now have a facility in place in Colorado Springs that will be approved upon transfer of ownership from the previous owner. Product will become available immediately upon this transfer. Council had no questions or discussion. There were no comments from the audience either for or against granting the medical marijuana center license for Rocky Ford Station, LLC, d.b.a. The Station. Mayor Pro Tem Jung closed the hearing at 7:15 p.m.

APPROVAL OF MEDICAL MARIJUANA CENTER LICENSE/THE STATION

It was moved by Councilmember Patrick and seconded by Councilmember Ruiz to approve the medical marijuana center license for Rocky Ford Station, LLC, d.b.a. The Station, located at 1701 Elm Avenue in Rocky Ford, Colorado. Voting results were:

YES Ruiz, Pattie, Patrick, Geist, Jung
NO None
ABSENT Hunter, Thompson

Motion carried 5-0.

APPROVAL OF VIAERO TOWER SPECIAL USE BY REVIEW PERMIT & SUBDIVISION REQUEST

Councilmember Patrick presented a Special Use By Review application from N.E. Colorado Cellular, Inc., (Viaero). Rocky Ford Planning Commission reviewed this application at their July 9, 2018 public hearing/meeting. This permit would allow the company to construct a 60-foot free standing communication tower on vacant land located south of Washington Avenue and east of Antrim Road, Lot "A" of the Hancock Minor Subdivision. Rocky Ford Planning Commission recommendation to Council was approval of a Re-subdivision of an existing parcel of property and issuance of a Special Use Permit contingent upon certain conditions, contained within the permit.

Councilmember Patrick moved to approve Special Use Permit #2018-2 for N.E. Colorado Cellular, Inc. (Viaero) subject to the recommendations of the Rocky Ford Planning Commission. Motion was seconded by Councilmember Ruiz. Voting results were:

YES	Ruiz, Pattie, Patrick, Geist, Jung
NO	None
ABSENT	Hunter, Thompson

Motion carried 5-0.

Council was reminded by Interim City Manager Rabe that they still needed to address the resubdivision request. It was then moved by Councilmember Patrick and seconded by Councilmember Geist to approve a Resubdivision of the Hancock Manor Subdivision and the creation of Parcel "A", a 17,550 square foot lot located at the corner of Washington Avenue and Antrim Road, as contained within the special use by review permit application. Voting results were:

YES	Ruiz, Pattie, Patrick, Geist, Jung
NO	None
ABSENT	Hunter, Thompson

Motion carried 5-0.

CEMETERY MOWER

The City received bids for replacement of the mower at the cemetery that has reached the end of its life expectancy. This purchase was budgeted for in 2018. Councilmember Patrick moved to approve the purchase of a Toro 3000 Series mower from Fuller Equipment of La Junta, CO for a not-to-exceed amount of \$9,851.00. Motion was seconded by Councilmember Geist. Voting results were:

YES	Ruiz, Pattie, Patrick, Geist, Jung
NO	None
ABSENT	Hunter, Thompson

Motion carried 5-0.

APPROVAL OF JOB DESCRIPTION AND SALARY CLASSIFICATION

With the resignation of Luke James at the water plant, Interim City Manager Steve Rabe determined that, while a job description for Mr. James' position was previously done, it was not included in the 2013 Salary Compensation Schedule. The person who held that position was promoted to public works director, which was included in the approved pay plan. The existing job description also needed to be updated to reflect the current level of certifications needed for the position. Councilmember Patrick moved to approve the

position description for the water/wastewater director and establish the position at a Grade Level 74 in the current Salary Classification Schedule. Councilmember Pattie seconded motion. Voting results were:

YES	Ruiz, Pattie, Patrick, Geist, Jung
NO	None
ABSENT	Hunter, Thompson

Motion carried 5-0.

APPROVAL OF PURCHASE OF UTV, TRAILER AND FIRE SKID

The City is in receipt of a \$20,000 grant for fire equipment from the State of Colorado. Staff selected the equipment that can be purchased with the grant and solicited two bids from local vendors for the equipment. Fire Chief Ray Gonzales recommended the 4 Rivers bid because it is the only vendor capable of providing all of the equipment needed. It was moved by Councilmember Patrick and seconded by Councilmember Ruiz to approve the purchase of a John Deere XUV35M, Agspray 60-gallon Fire Skid and TEMCO trailer from 4 Rovers Equipment of Rocky Ford, Colorado for a not-to-exceed price of \$20,000.00.

Voting results were:

YES	Ruiz, Pattie, Patrick, Geist, Jung
NO	None
ABSENT	Hunter, Thompson

Motion carried 5-0.

STAFF REPORTS

Interim City Manager Steve Rabe reported on the following items:

- He provided Council with an updated task list.
- Luke James signed a consulting contract to provide Operator in Charge (OIC) services to the City while the City searches for a replacement water/wastewater manager. OIC services are required by the state.
- Department heads will meet with Council for the first budget work session on August 14, 2018.
- City audit has been completed. Auditors will meet with Council and department heads for the work session on August 28, 2018.
- Auditors advised him that General Fund has been operating on a \$350,000 deficit, pulling monies from the various enterprise funds. It will take a lot of work on the budget to get the various funds paid back.

MAYOR/CITY COUNCIL REPORTS/UPDATES

Councilmember Pattie reported that Otero Partners, Inc., (OPI) received reimbursement on two small business loans made in Las Animas for \$237,000.00. Otero County Landfill (OCLI) collected soil samples mandated by the Colorado Department of Public Health and Environment, and all sites passed.

There were no other Council reports.

CITIZEN'S REQUEST TO SPEAK TO COUNCIL

Neil Zeeb addressed Council regarding his community clean-up project at Crystal Lake. He lives in vicinity of the Lake and has been working hard to clear the park area of trash and debris. Mr. Zeeb will meet with

Interim City Manager Rabe and Public Works Director Rick Long to work out arrangements to get the trash and debris picked up and hauled away.

ITEMS FOR CONSIDERATION AT FUTURE AGENDA

- Resolution of Charges/Fees for City Park Facilities
- First Budget Workshop – August 14, 2018
- Approval of City Manager Employment Agreement
- Professional Services Agreement – Rabe
- Supplemental Appropriations Ordinance – Public Safety Building
- Banking Resolutions
- Auditors’ report – August 28, 2018

Councilmember Pattie asked for 10 to 15 minutes to discuss the Rocky Ford Rural Fire District at the budget work session before the next meeting.

ADJOURNMENT

Councilmember Patrick moved to adjourn. There being no further business, Mayor Pro Tem Jung adjourned meeting at 7:53 p.m.

Susan Jung, Mayor Pro Tem

Cheryl Grasmick, City Clerk