



## ROCKY FORD CITY COUNCIL

September 25, 2018

Rocky Ford City Council met in Council Chambers for a work session at 6:00 p.m. on Tuesday, September 25, 2018, with Interim City Manager Steve Rabe and City Attorney Bart Mendenhall. Public Works Director Rick Long discussed outside trash service with Council. Fire Chief Ray Gonzales was scheduled to discuss a community-wide health and wellness program, but was unable to attend meeting. Interim City Manager Rabe presented a diagram of ranked strategies to Council for discussion of a prioritization process for City projects and goals.

Following the work session, Council met in regular session at 7:00 p.m. Mayor Thompson called meeting to order. Those present at roll call were:

Mayor: J. R. Thompson

Councilmembers: Susan Jung, Cuco Ruiz, Rachel Patrick, Rich Geist, Barbara Hunter

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

Others present: Rick Long, Gerri Clark, Dudley Fechner, Peggy Sue Romero, Jolly Rose, Laura Thompson and an unidentified person from the community.

Mayor J. R. Thompson led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Councilmember Jung moved to approve the minutes from the regular **September 11, 2018** council meeting as presented. Motion was seconded by Councilmember Ruiz. Voting results were:

YES Jung, Ruiz, Geist, Hunter, Thompson

NO None

ABSTAIN Patrick

ABSENT Lee

Motion carried 5-0, with one abstaining.

### **CITIZEN PARTICIPATION**

Laura Thompson, who serves on the board of directors for Arkansas Valley Balloon Festival, advised Council of planned events scheduled for the festival on November 2, 3, and 4, 2018. Some of the events mentioned were:

- parade at 5:15 p.m. on Saturday, Nov. 3
- hot chocolate and s'mores served by the Chamber at the Depot
- light show and balloon glow
- brunch for pilots at the fairgrounds event center

Interim City Manager gave Mrs. Thompson a permit form entitled "Request To Use Public Right-of-Way and Request For Special Event on Public Street". She was asked to complete and return the form to him so City Council can consider their request at the next meeting. Any individual or group that wants to hold an event in the public right-of-way or on a public street is required to complete one of these forms.

**APPROVAL OF AGENDA**

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

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

Motion carried 6-0.

**SET DATE FOR PUBLIC HEARING – RETAIL MARIJUANA STORE LICENSE FOR CURE COLORADO**

The City received an application for a retail marijuana store license from Medical Cannabis Colorado, LLC, d.b.a. Cure Colorado. City Council needed to schedule a public hearing a minimum of 30 days from tonight’s meeting for consideration of the application. Councilmember Ruiz moved to set a Public Hearing date for consideration of the application for a Retail Marijuana Store License for Cure Colorado for November 13, 2018 at 7:00 p.m. Councilmember Patrick seconded motion. Voting results were:

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

Motion carried 6-0.

**APPROVE CONSULTANT AGREEMENT**

The current, verbal extension of the Consultant Agreement for services of Interim City Manager Steven G. Rabe expired on September 20<sup>th</sup>. Council was given a proposed new agreement for an extension of the Consultant Agreement. Councilmember Patrick moved to approve the new agreement as presented, with adding an additional 90-day term to December 20<sup>th</sup>, with potential for an additional 90-day term, based on the agreement of both parties, thereafter in the event a permanent City Manager is not hired in 2018.

Motion was seconded by Councilmember Jung. Voting results were:

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

Motion carried 6-0.

**STAFF REPORTS**

Interim City Manager Steve Rabe reported that he received an official letter from DOLA, granting an additional \$521,000.00 in energy impact funds to complete phase I of the public safety building construction, with the City providing a match of a little over \$400,000.00 for the project. A stipulation of the DOLA grant is that Interim City Manager Rabe must remain as the City’s contact with DOLA until phase one is done. Other items he reported on are:

- He is working diligently on the 2019 budget, which is due to City Council by October 15th.
- Tree removal is being finalized so re-imbursement from the \$25,000.00 State Forest Service grant can be requested.
- Fire Chief Ray Gonzales will represent the Rocky Ford Rural Fire Protection District in negotiations for drafting an acceptable intergovernmental agreement between the City and the Fire District.

- Fowler and Manzanola both agreed to Fire Chief Gonzales' proposal to reimburse the City for fire department dispatching.
- Deadline for City Manager applications is Friday, September 28<sup>th</sup>.
- There is a budget workshop planned for October 23.
- He commended J. C. Carrica and his group of volunteers for work done at Babcock Park ball fields.

It was moved by Councilmember Jung and seconded by Councilmember Patrick to designate Interim City Manager Steve Rabe as the negotiator for the City in drafting an intergovernmental agreement with the Rocky Ford Rural Fire Protection District. The draft for the intergovernmental agreement should be ready for presentation by December 10<sup>th</sup>. Voting results were:

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

Motion carried 6-0.

### **MAYOR/CITY COUNCIL REPORTS/UPDATES**

Mayor Thompson attended the CML Mayors Meeting September 13<sup>th</sup> and 14<sup>th</sup> in Denver. He was the only mayor attending from Southeast Colorado. One of the big topics of discussion was home rule. Mayor Thompson brought back plenty of information to share with Council. He advised Council that the City of Rocky Ford was chosen to host the CML Fall District 6 meeting next year. Mayor Thompson then asked Councilmembers Jung, Patrick and Ruiz for brief reports from attending this year's CML Fall District 6 meeting in Lamar. They each shared about the various projects participating municipalities were involved with and how some might work for Rocky Ford. Also, several legislative issues were discussed with an emphasis on what is good for urban areas versus what is good for rural regions.

Councilmember Jung then reported on the recent Action 22 meeting. The group discussed which amendments, initiatives and ballot proposals they plan to support and which they will oppose. While they discussed supporting amendments Y and Z, they strongly opposed amendment 74, ballot issue 110 and voiced their concern that funding would ever reach the classrooms if amendment 73 or the school funding initiative passed. Councilmember Jung then reported on the September 24<sup>th</sup> OCLI and OPI meetings. There was not a quorum at the meeting so they were unable to conduct regular business. After a few phone calls, the boards were told, however, that they could pay their bills. A special meeting was called for Thursday, September 27<sup>th</sup> to ratify Marty Lee's appointment as the new designated representative to OCLI and OPI for Rocky Ford, and to approve a loan. A new patching machine will be viewed at 8:00 a.m. on October 3 at the Swink County Shop, if anyone is interested in attending. The excavation company is proceeding with closure of site 1, which is the old landfill.

Councilmember Ruiz gave an update on plans for Clean-Up Day. He called a meeting for volunteers at 9:00 a.m. tomorrow, September 26<sup>th</sup>, at the library, and another meeting on the weekend. Councilmember Ruiz reported that the Library Board meets at 5:00 p.m. on the first Tuesday every month.

Councilmember Geist reported there is one more lecture scheduled in the Rocky Ford museum lecture series.

Councilmember Patrick suggested there needs to be discussions for an agreement with the Rocky Ford Country Club. The last approved and signed agreement with the Rocky Ford Country Club was in 2014. It appears there might some verbal agreements that were not brought to Council for approval and they feel it is unclear who is responsible for maintenance, repairs, etc. A suggestion was made by Councilmember

Patrick that the City pay half of a \$1061.00 electric bill until a new agreement can be negotiated and approved. Councilmember Patrick moved that the City pay half of the electric repair bill of \$1061.00, for a total of \$530.50, for the Rocky Ford Golf Club. Councilmember Geist seconded motion. Voting results were:

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

Motion carried 6-0.

Interim City Manager Rabe requested that Councilmember Patrick get a check from the country club for their half of the electric repair invoice and bring the check and invoice to City Hall for processing.

**ITEMS FOR CONSIDERATION AT FUTURE AGENDA**

- 2019 Budget
- City Manager hiring process
- Land Use Agreement – Community Garden
- Supplemental Budgets – Community Development, Conservation Trust, Gobin Community Building, Public Safety Building
- RF Rural Fire District Agreement
- DOLA Contract Amendment
- Change Order for H E Whitlock
- Public Hearing for Cure Colorado Retail Marijuana Store License

**FILING FORMAL COMPLAINT OF INTERFERENCE**

Interim City Manager Steve Rabe filed a formal complaint with Council of interference against Councilmember Barbara Hunter, citing C.R.S. §31-4-212 and Rocky Ford Municipal Code § 2-3-130. He and City Attorney Mendenhall both stressed the importance of adhering to this legal requirement during recent City Council orientation sessions. Interim City Manager Rabe received confirmation that Councilmember Hunter communicated directly with CIRSA, the City's property & casualty insurance provider, with regard to a former City employee and an alleged harassment complaint that individual filed after being terminated. Councilmember Hunter was advised by the City Finance Director around or about August 22<sup>nd</sup> that the matter was being reviewed internally, but she failed to speak to either Interim City Manager Rabe or City Attorney Mendenhall before contacting CIRSA. When she learned that CIRSA knew nothing of the alleged complaint, Councilmember Hunter submitted a copy of it to CIRSA, an official action that was not previously authorized by the City Council as a whole and in direct interference into what may or may not be a legitimate personnel and legal matter. Interim City Manager Rabe requested an investigation by the City Attorney into the deemed misconduct. Councilmember Jung moved to authorize and direct the City Attorney to conduct an investigation into the incident and report back to Council within 30 days of his findings and possible recommendations. Motion was seconded by Councilmember Ruiz. Voting results were:

YES	Jung, Ruiz, Patrick, Geist, Thompson
NO	None
ABSTAIN	Hunter
ABSENT	Lee

Motion carried 5-0, with one abstaining.

**ADJOURNMENT**

Councilmember Patrick moved to adjourn. There being no further business, Mayor Thompson adjourned meeting.

/s/  
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J. R. Thompson, Mayor

/s/  
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Cheryl Grasmick, City Clerk