

**City of Dacono
City Council Meeting Minutes
Monday, April 10, 2023**

Meeting called to order at 6:00 PM

Members Present Doris Crespo, via Zoom
Danny Long
Adam Morehead, Mayor
Kevin Plain
Jackie Thomas
Jim Turini
Kathryn Wittman

Staff Present Valerie Taylor, City Clerk
Jennifer Krieger, Community Development Director
Kathleen Kelly, City Attorney
Lisa Fuller, Accounting Technician
Mark Doering, Senior Planner
Brent Fitch, Police Commander
Kelly Stroh, Finance Officer
Bobby Redd, Public Works Director
Dan Ferris, Police Sergeant

Presentations and Proclamations

2023 National Work Zone Awareness Proclamation – Mayor Morehead read the proclamation.
Administrative Professionals Day Proclamation – Mayor Morehead read the proclamation.

Public Comment on Issues Not Scheduled on Agenda *(any documents presented to City Council will be kept on file in the City Clerk's office)*

Stan Owens asked to use the Pavilion for the Kids' lunch program beginning on May 30 - Aug 4 from 11am-1pm. He asked to use the parking lot off Glen Heather for the Farm to Family produce truck until construction begins.

Megan Thornam spoke on transparency, Council Member Thomas not listening to constituents, violation of Open Meeting Laws (cited cases), four council members deliberately circumvented Dacono code and caused damage to the community.

Consent Agenda

- a. Approval of March 13, 2023, Regular Meeting Minutes, March 20, 2023, Special Meeting Minutes, and March 30, 2023, Special Meeting Minutes.
- b. Approval of Accounts Payable dated April 10, 2023, in the amount of \$433,374.34.
- c. Approval of Resolution 23-29, approving an Intergovernmental Agreement with St. Vrain Sanitation District to Install and Maintain Certain Measuring Devices in order to Quantify the Reusable Portion of the City's Effluent and for other Water Accounting Purposes.
- d. Approval of Resolution 23-30, approving an expenditure to Portable Restroom Solutions for Equipment Rental Services for the 2023 Dacono Music and Spirits Festival.
- e. Approval of Resolution 23-31, approving an expenditure to Rocky Mountain Music Network, LLC in the amount of \$29,000.00 for Dacono Music and Spirits Festival Event Entertainment and Production.
- f. Approval of Resolution 23-32, approving an Agreement in an amount not to exceed \$5,000, to Gregory Electric, Inc to install power for ADA-Compliant doorway openers for City Hall entrance, City Hall public restroom, and the Police Department entrance.
- g. Approval of Resolution 23-33, approving an Agreement in an amount not to exceed

- \$60,000, to Colorado Doorways, Inc for ADA-Compliant Doorway Installation Services.
- h. Approval of Resolution 23-34, approving Documents Necessary for the City's Participation in Pending Settlements Pursuant to the Colorado Opioids Settlement Memorandum of Understanding.
 - i. Approval of Resolution 23-35, approving Engagement Letters for Scope of Services and Fee Agreement with The Rothweiler Group, Inc. regarding Right-of-Way Easement Appraisal.
 - j. Approval of Resolution 23-36, approving an Engagement Letter for Scope of Services and Fee Agreement with Alderman Bernstein, LLC regarding Right-of-Way Acquisition.
 - k. Approval of Resolution 23-41, approving an Agreement for the Dacono Police Department's Participation in the Northern and Middle States Rural Law Enforcement Training and Technical Assistance Grant Program.
 - l. Approval of Resolution 23-42, approving a Proposal for Professional Engineering with Lamp, Rynearson, Inc, for Engineering Design Services.

Council Member Plain moved to approve the Consent Agenda with items f and g being moved to General Business. The vote was unanimous with Mayor Morehead declaring the motion carried.

General Business

- A. Public Hearing and Approval of Resolution 23-37, approving a Final Plat, Final Development Plan, and Subdivision Agreement for Sharpe Subdivision Fifth Filing.**
Mayor Morehead opened the public hearing.

Council Member Plain moved to continue Resolution 23-37 until April 24, 2023 at 6pm. The vote was unanimous with Mayor Morehead declaring the motion carried.

- B. Public Hearing and Approval of Resolution 23-38, extending the Deadline for Compliance with a Condition of Site Plan Approval for Vivid II Workshops Site Plan.**
Mayor Morehead opened the public hearing.

Brian Ojala with Entasis Group 1501 W 124th Ave., Suite 100, Westminster, CO 80234 was sworn in by City Clerk Valerie Taylor and presented a brief report.

Senior Planner Mark Doering gave a brief report.

With no further comments Mayor Morehead closed the public hearing.

Council Member Wittman moved to approve Resolution 23-38, extending the Deadline for Compliance with a Condition of Site Plan Approval for Vivid II Workshops Site Plan. The vote was unanimous with Mayor Morehead declaring the motion carried.

- C. Public Hearing and Approval of Resolution 23-39, extending the Deadline for Compliance with a Condition of Approval for Sweetgrass Filing 5 Subdivision.**
Mayor Morehead opened the public hearing.

Jon Lee with Community Development Group 2500 Arapahoe Road, Suite 220, Boulder, CO 80302 was sworn in by City Clerk Valerie Taylor and presented a brief report.

Community Development Director Jennifer Krieger gave a brief report.

With no further comments Mayor Morehead closed the public hearing.

Council Member Wittman moved to approve Resolution 23-39, extending the Deadline for Compliance with a Condition of Approval for Sweetgrass Filing 5 Subdivision. Ayes: Council Members Turini, Thomas, Plain, Crespo and Wittman. Nay: Council Member Long. Mayor Morehead declared the motion carried.

D. Public Hearing and Approval of Resolution 23-40, extending the Deadline for Compliance with a Condition of Approval for the Mesa Ridge Filing No. 1 Subdivision.
Mayor Morehead opened the public hearing.

Caitlin Sheahan with Kimley-Horn 3801 Automation Way, Suite 210, Fort Collins, CO 80525, was sworn in by City Clerk Valerie Taylor and presented a brief report.

Community Development Director Jennifer Krieger gave a brief report.

With no further comments Mayor Morehead closed the public hearing.

Council Member Long moved to approve Resolution 23-40, extending the Deadline for Compliance with a Condition of Approval for the Mesa Ridge Filing No. 1 Subdivision. The vote was unanimous with Mayor Morehead declaring the motion carried.

E. Consideration and Approval of Ordinance 941, amending Chapter 2 of the Dacono Municipal Code regarding the Municipal Court, on First Reading.
City Clerk Valerie Taylor presented her report.

Council Member Wittman moved to approve Ordinance 941, amending Chapter 2 of the Dacono Municipal Code regarding the Municipal Court, on First Reading. The vote was unanimous with Mayor Morehead declaring the motion carried.

F. Entry of Mayor's Objections to Resolution No. 23-28 into the Record (Mayor's Veto).
Mayor Morehead read his Veto into the record: Fellow Councilmembers, pursuant to Section 2-10 of the City of Dacono Home Rule Charter (Veto Powers of Mayor), I submit to you the following as my statement of objection (veto) to Resolution No. 23-28, adopted on Wednesday, April 5, 2023, appointing Scott Oliver as City Attorney.

Two months ago, four members of this City Council plunged this community into chaos when they, without explanation, refusing any discussion, terminated our City Manager of twenty years. In response, our longtime City Attorney resigned in frustration. Because of these actions, our residents filed recall petitions to remove Councilmembers Turini and Thomas from office. Since then, when faced with numerous opportunities to help our City recover from this completely avoidable major disruption they caused, these same four Councilmembers have instead persisted in their attempts to dismantle of our City government.

Their adoption of Resolution No. 23-28, again without any discussion, is another example of the same Councilmembers trying to run roughshod over this City Council, stifling my voice and the voices of 2 other Council members. We had two well qualified candidates willing to assist this City as Interim City Attorney. The first was so shocked by the behavior of these four Councilmembers that he withdrew his law firm from consideration after meeting with us. The second was inexplicably passed over in favor of a lawyer with literally zero recent or relevant municipal law experience and for whom the City's workload will obviously exceed the capacity of his one-person law firm.

The only conceivable reason why these four Councilmembers would choose this Attorney that does not know or practice municipal law is because they want the City to be without

effective legal representation. They want to place the recall election in jeopardy, compromising the constitutional rights of the City's voters. They want to continue placing their own personal agendas over the best interests of the City.

The City, our residents, our business community and our City staff all deserve better. I will do everything in my power to help the City emerge from this disorder, starting with my veto of these four Councilmembers' decision to hire an unqualified Interim City Attorney.

G. Council Vote: "Shall the ordinance or resolution, notwithstanding the Mayor's objections, be passed?"

Council discussion ensued.

The vote was ayes: Council Members Wittman and Thomas. Nays: Council Members Long, Crespo, Turini, Thomas, and Plain. The Mayor's veto is withheld on Resolution 23-28.

Consent Agenda Items f and g were moved to General Business.

- f. Approval of Resolution 23-32, approving an Agreement in an amount not to exceed \$5,000, to Gregory Electric, Inc to install power for ADA-Compliant doorway openers for City Hall entrance, City Hall public restroom, and the Police Department entrance.
- g. Approval of Resolution 23-33, approving an Agreement in an amount not to exceed \$60,000, to Colorado Doorways, Inc for ADA-Compliant Doorway Installation Services.

Council Member Wittman asked if the city could reach out to Elder to see if they could help cover the costs of the doors. Bobby stated that he would reach out to Elder and see what he could find out. If they were not specified in the plans, then the contractor is not responsible.

Council Member Wittman moved to table these until April 24, 2023 meeting. The vote was unanimous with Mayor Morehead declaring the motion carried.

Staff Reports

Jennifer Krieger – no report.

Brian Skaggs – not present.

Kathleen Kelly – no report.

Valerie Taylor – She reported on the Scholarship Applications received and asked Council how they would like to proceed. It was decided that Council Members Thomas and Crespo would review the applications and bring forth their recommendations.

Kelly Stroh – no report.

Mark Doering – no report.

Bobby Redd – no report.

Council Members

Doris Crespo – no report.

Danny Long – no report.

Kevin Plain – no report.

Adam Morehead – no report.

Jackie Thomas – no report.

Jim Turini – no report.

Kathryn Wittman – no report.

Adjournment:

With no further business to be discussed, the meeting was adjourned at 7:00 PM.

Approved this 24th day of April, 2023.



Adam Morehead, Mayor

Attest:



Valerie Taylor, City Clerk