

City of Dacono
City Council Special Meeting Minutes
Thursday, February 23, 2023

Meeting called to order at 6:00 PM

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

Members Absent Jackie Thomas, excused

Staff Present Valerie Taylor, City Clerk
 Kathleen Kelly, City Attorney

General Business

- A.** Discussion Regarding Appointment of an Interim City Manager and the Process of Appointing a new Full Time City Manager.

Discussion ensued regarding appointing an interim city manager and the process to hire the new city manager. Kevin Bommer, Executive Director of CML may be able to help find an interim city manager. It was also discussed to ask department heads to fill the interim position. Valerie will ask department heads and report back. Mayor Morehead will contact Kevin Bommer and see if he can get some resumes to review for the interim city manager. The interim city manager will be responsible for finding a consultant or headhunter for the search of the new city manager.

A job description would be needed for both positions.

Kathleen stated she has draft contracts available for an interim city manager, but it would be up to council as to what they want in the contracts for both the interim city manager and the new city manager. She also said that council would need to appoint someone to do the negotiations on behalf of the City.

Council would like to get someone in here quickly to fill the interim position and then take the time needed to hire the new manager.

A work session or special meeting will be held to review resumes once received. Council was reminded that an executive session could not be held during a work session, only at regular or special meeting.

No formal action was taken.

Adjournment:

With no further business to be discussed, the meeting was adjourned at 6:25 PM.

Approved this 13th day of March, 2023.

Adam Morehead, Mayor

Attest:

Valerie Taylor, City Clerk

City of Dacono
City Council Meeting Minutes
Monday, February 27, 2023

Meeting called to order at 6:00 PM

Members Present Doris Crespo
 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, Commander
 Dan Ferris, Sergeant

Presentations and Proclamations

None

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)*

Sheila Plain – resident of 4723 Wildgrass Place – She voiced her concerns about democracy not taking place in the firing of City Manager AJ Euckert. People want answers as to why he was fired. Right now, only two neighborhoods are represented, districts or wards would ensure that council is equally represented.

Michelle Rogers – resident of Dacono – She voiced her concerns that the four council members are not representing their neighbors. She read from the State Constitution about conduct to avoid in office. She thanked the two council members that held up their ethics.

Megan Thornam – resident of 3513 Raintree Lane – She stated her concerns regarding violation of Open Meeting Laws by the four council members. Recall petitions will be circulated for Council Members Turini and Thomas.

Sharyl McCune – resident of Dacono for 33 years. The promised growth has not happened, Dacono's mill levy is the highest around. She stands by the four people that let AJ go, although the timing was wrong. She joined Pride of the Glens because they work to beautify the city, the city doesn't provide services, the parking lot is not paved in the park.

Tony Cummings – resident of 3165 Hawthorn Lane – He voiced his concerns regarding the termination of AJ Euckert, a lack of transparency, and intentional violation of the Open Meetings Law. He requested the Council cure the violation by putting that item on an upcoming agenda. The only other remedy is litigation.

Rick Gerk – resident of Dacono – He voiced his concerns regarding lack of transparency, no succession plan in place. The city attorney resigned due to the action of the four council members. Does not feel represented by the four that terminated AJ's employment, he asked that

the four of them resign because they are not representing the citizens of Dacono.

Shelly Kettering – resident of Sharpe Farms for 15 + years, stated she serves on the Planning Commission and the Liquor Authority. She expressed concern about litigation and the cost to the city. She urged council to put the item on a future agenda.

Linda Allour – business owner for over 20 years, she stated she supports the four council members. She cited several examples of her interaction with AJ and disappointment regarding recognition for her business' 20-year anniversary.

Marian Thompson – 20 year resident – presents council with a written document, she voiced her concerns about the lack of growth in the area. She expressed concern about recent interactions with the Town of Erie and access into and out of Sharpe Farms.

Fabiola Hernandez – resident of Dacono – Spanish speaking, does not understand English. She voiced her concerns with the lack of interpretation services for Spanish speaking residents.

Holli Boonstra – resident of Dacono – she voiced her concerns about how AJ was terminated, a lack of discussion and Open Meeting Laws. She asked if the 4 council members were prepared as to what will come with their violation of the law, not just as city council members but personally.

Rob Thomas - resident of 3069 Meadowbrook Pl – Pastor of a church that has been in the area in 104 years. He cited examples of interactions he had with AJ and encouraged the Mayor to get out in community and see what is going on.

Joe Van Boker – resident of 3147 Raintree Ln, the issue is not as to whether or not AJ was good at his job. It's a shame that the most information that has been given was during previous public comments. There should have been more discussion before the vote was made.

Mark Harper - resident of 4818 Wildflower Place – He stated the City's good name was tarnished by the way things were handled. The minimum requirement for leadership is integrity. There's got to be a little work done to build back the City's name.

Brian Laurence - General Manager of Colorado National Speedway stated that a big sponsorship opportunity was missed, and the city missed out on a community park/recreation project because Mr. Euckert ultimately told them that the city couldn't find a place to spend that money.

Consent Agenda

- a. Approval of the February 13, 2023, Regular Meeting Minutes.
- b. Approval of Accounts Payable dated February 27, 2023, in the amount of \$269,103.96.
- c. Approval of Resolution 23-13, approving a Professional Services Agreement with MH Short and Associates LLC for Dacono Music & Spirits Festival sponsorship development services.
- d. Approval of Resolution 23-14, approving the sub-recipient agreement for CDBG Grant funding for Glen Dale Street.

Council Member Wittman moved to approve the Consent Agenda as presented. The vote was unanimous with Mayor Morehead declaring the motion carried.

General Business

Mayor Morehead asked if any council member had any disclosures to make; Council Member Crespo - no, Council Member Long - no, Council Member Plain - no, Council Member Thomas - no, Council Member Turini – no. The mayor also stated he had no discloser to make.

A. Public Hearing and Approval of Ordinance 939, approving of Rezoning from C-R Commercial Residential Zone District and I-1 Light Industrial Zone District to C-R Commercial Residential Zone District, on First Reading; and approval of Resolution 23-16, approving a Site Plan for Northern Ridge Baptist Church.

Mayor Morehead opened the public hearing.

David Kuntz with Northern Ridge Baptist Church, 3100 Ridge View Drive, Erie, CO, 80516, was sworn in by City Clerk Valerie Taylor, and presented his report and was available for questions.

Senior Planner Mark Doering presented his report. The following items are part of the record: an application for a site plan, application and petition for rezoning, written narrative, Site plan dated 1/17/2023, Dacono Municipal Code and Zoning Map, and staff report dated February 27, 2023.

Council Member Turini voiced his concerns regarding traffic when church service ends, there cannot be gridlock at Highway 52. Mark stated the traffic engineer says that no additional improvements are needed at this time. Council Member Plain stated there is more than just one exit to that location, there is only a right out onto Highway 52.

Council Member Wittman asked what changes were being made. Mark stated the footprint is only being changed to include an elevator. The outside garage doors will be removed, a playground will be added along with the atrium. She asked about the development agreement. Mark said the public improvement agreement is to guarantee that the improvements are completed and is a condition of site plan. She asked what happens if we enter into agreement and an act of God happens and they cannot get it completed before October 2024 deadline. Kathleen stated if there is an act of God, an extension will be granted.

With no further comments, Mayor Morehead closed the public hearing.

Council Member Plain moved to approve of Ordinance 939, approving of Rezoning from C-R Commercial Residential Zone District and I-1 Light Industrial Zone District to C-R Commercial Residential Zone District, on First Reading and Resolution 23-16, approving a Site Plan for Northern Ridge Baptist Church. The vote was ayes: Council Members Crespo, Thomas, Plain and Wittman. Nays: Council Members Turini and Long. Mayor Morehead declared the motion carried.

B. Public Hearing and Approval of Ordinance 937, amending Chapters 16 and 17 of the Dacono Municipal Code concerning withdrawal of Land Use Applications, Inactive Land Use Applications, and Public Notice Requirements for Land Use Hearings, on Second Reading.

Mayor Morehead opened the public hearing.

Community Development Director Jennifer Krieger presented her report.

Council Member Plain asked if the changes were made for clerical errors that Kathryn asked about previously. Kathleen stated those were the changes made. Council Member Plain stated that this remedy addresses concerns that were taken from feedback received by the public.

Council Member Thomas asked Jennifer to define inactive applications, Jennifer stated it is when the applicant is unresponsive. Council Member Thomas asked if there is a process developed to purge. Jennifer stated that written notice will be sent asking them to respond

in 60 days and then application becomes inactive 30 days after that. There are no inactive applications at this time.

Marian Thompson, resident of 445 Hass Court, was sworn in by City Clerk Valerie Taylor and asked that the posting area be more than 300 feet. Increasing it to 500 feet would allow more residents to see the land use matters. She asked Jennifer when they need to be posted and how long they need to be posted. Kathleen stated it's the mailing that is 300 feet, not the posting. Kathleen stated that if council wanted a change made to add it to the motion as an amendment. Council Member Wittman asked about the signs being made bigger. Jennifer stated the size of signs is up to council and also stated the notice requires 15 days for publication in the newspaper. Jennifer stated the distance varies in other communities and it is the pleasure of the council to decide what distance they would like to see.

With no further comments, Mayor Morehead closed the public hearing.

Council Member Plain moved to Ordinance 937, amending Chapters 16 and 17 of the Dacono Municipal Code concerning withdrawal of Land Use Applications, Inactive Land Use Applications, and Public Notice Requirements for Land Use Hearings, with the mailing notice being changed to 500 feet, on Second Reading. Ayes: Council Members Thomas, Plain, and Crespo. Nays: Council Members Wittman, Long, and Turini. Mayor Morehead broke the tie vote by voting yes. Mayor Morehead declared the motion carried.

Note: the public hearing was closed after the vote was taken.

C. Public Hearing and Approval of Ordinance 940, amending Chapter 16 of the Dacono Municipal Code Concerning Prohibiting Motorized Vehicle, Boat, Equipment, or Recreational Vehicle Sales, Rental or Consignment in all Zone Districts of the City and adding Use Standards for Motor Vehicle Service Facilities, on First Reading.
Mayor Morehead opened the public hearing.

Community Development Director Jennifer Krieger presented her report.

Council Member Wittman asked if the major would include Manke and if the minor would include something like Onorato's Garage in Firestone. Jennifer stated that Jiffy Lube and Big O Tires are considered minor. Council Member Wittman stated that we aren't restricting them, just putting them in a location that works. Council Member Turini asked if electric charging stations were allowed. Jennifer stated it could not be a primary use, they would need to be an accessory use. Council Member Long asked if a yes vote would keep things the same. Jennifer stated that the moratorium is coming to an end.

Council Member Thomas asked if this extends the time of the moratorium. Jennifer stated this ordinance replaces the moratorium. Kathleen stated that this was in place so that a study could be completed, and this ordinance is the result of that study and would replace the moratorium.

With no further comments, Mayor Morehead closed the public hearing.

Council Member Plain moved to Ordinance 940, amending Chapter 16 of the Dacono Municipal Code Concerning Prohibiting Motorized Vehicle, Boat, Equipment, or Recreational Vehicle Sales, Rental or Consignment in all Zone Districts of the City and adding Use Standards for Motor Vehicle Service Facilities, on First Reading. Ayes: Council Members Turini, Thomas, Plain, Crespo; Nays: Council Member Wittman; Abstain: Council Member Long. Mayor Morehead declared the motion carried.

Mayor Morehead moved to add an agenda item for an executive session. The vote was ayes: Council Members Crespo and Plain. Nays: Council Members Turini, Thomas, Wittman and Long. The motion failed.

Council Member Wittman stated she did not receive notice and it wasn't on the agenda. Kathleen stated the email regarding the Executive Session was sent out at 2:56PM.

Staff Reports

Jennifer Krieger – no report.

Brian Skaggs – not present.

Kathleen Kelly – no report.

Valerie Taylor – no report.

Kelly Stroh – not present.

Mark Doering – not present.

Bobby Redd – not present.

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 7:58 PM.

Approved this 13th day of March, 2023.

Adam Morehead, Mayor

Attest:

Valerie Taylor, City Clerk

**City of Dacono
City Council Special Meeting Minutes
Monday, March 8, 2023**

Meeting called to order at 6:00 PM

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

Staff Present Valerie Taylor, City Clerk
Kathleen Kelly, City Attorney

General Business

- A. Executive Session for the discussion of a personnel matter under C.R.S. § 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b); and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. § 24-6-402(4)(e), specifically concerning the potential appointment of an interim City Manager.**

Mayor Morehead moved to go into executive session for the purpose of: discussion of a personnel matter under C.R.S. § 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b); and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. § 24-6-402(4)(e), specifically concerning the potential appointment of an interim City Manager. Ayes: Council Members Crespo and Plain. Nays: Council Members Long, Wittman, Turini, and Thomas. The motion failed.

Adjournment:

With no further business to be discussed, the meeting was adjourned at 6:06 PM.

Approved this 13th day of March, 2023.

Adam Morehead, Mayor

Attest:

Valerie Taylor, City Clerk