

**City of Dacono
City Council Meeting Minutes
Monday, May 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
Jennifer Krieger, Community Development Director
Lisa Fuller, Accounting Technician
Brent Fitch, Police Commander
Bobby Redd, Public Works Director
Kelly Stroh, Finance Director

Presentations and Proclamations

2023 Scholarship Awards – Councilmembers Thomas and Crespo presented \$2,000 scholarships each to Allison Clark, Thatcher Delaney, Rachel Kidder, Gabriel Maes and Lafaisaotele Purcell.

Alzheimer’s & Brain Awareness Month Proclamation – Mayor Morehead read the proclamation.

Law Enforcement Week Proclamation – Mayor Morehead read the proclamation.

Public Works Week 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)*

Jeff Gimar – Resident of Sweetgrass – thanked all of Council for all they do for such little pay. Asked Councilmembers Long, Wittman, Turini and Thomas to resign. He also asked Councilmembers Crespo and Plain and Mayor Morehead not to resign.

Keith Dameron – Resident of Autumn Valley Ranch - asked Council to put a question on the November ballot to join the High Plains Library District because Dacono residents do not have access to everything that in-district patrons do.

Ross Hansard – Owner of the commercial property in front of Sharpe Farms - gave a history of the property development and voiced his frustration about the development of his property not moving forward. He stated there is a disconnect between the city and the development community.

Aimee LeCour – Resident of Autumn Valley Ranch - voiced her concerns about the drama going on and asked Council to move on and put their differences aside.

Consent Agenda

- a. Approval of April 24, 2023, Regular Meeting Minutes.
- b. Approval of Accounts Payable dated May 8, 2023, in the amount of \$439,521.75.

Councilmember Plain moved to approve the Consent Agenda as presented. The vote was unanimous, with Mayor Morehead declaring the motion carried.

General Business

A. Public hearing and Approval Ordinance 942, amending Chapter 7 of the Dacono Municipal Code to Permit Backyard Chicken Hens within the City, on Second Reading.

Mayor Morehead opened the public hearing.

Community Development Director Jennifer Krieger presented her report.

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

Councilmember Wittman moved to approve Ordinance 942, amending Chapter 7 of the Dacono Municipal Code to Permit Backyard Chicken Hens within the City, on 2nd Reading. The vote was unanimous with Mayor Morehead declaring the motion carried.

Councilmember Wittman moved to move General Business Item E before Item D. Ayes: Councilmembers Wittman, Turini, Thomas and Long. Nays: Councilmembers Crespo and Plain. Mayor Morehead declared the motion carried.

B. Public hearing and Approval of Resolution 23-51, approving an amendment to the 2022 Annual Budget. (Vacate public hearing)

The public hearing was vacated. Resolution 23-51 was not considered.

C. Consideration and Approval of Ordinance 943, adopting by reference, with amendments, the International Energy Conservation Code, 2021 Edition, including Appendices CB and RB, on first Reading.

Community Development Director Jennifer Krieger and Chief Building Official Tim Maroney presented their reports.

Councilmember Wittman moved to approve Ordinance 943, adopting by reference, with amendments, the International Energy Conservation Code, 2021 Edition, including Appendices CB and RB, on First Reading. The vote was unanimous with Mayor Morehead declaring the motion carried.

E. Consideration and Approval of Resolution 23-48, approving an Agreement with A-One Chipseal, to provide Mastic Seal to maintain asphalt pavement, not to exceed \$75,000.

Public Works Director Bobby Redd presented his report.

Councilmember Plain moved to approve Resolution 23-48, approving an Agreement with A-One Chipseal, to provide Mastic Seal to maintain asphalt pavement, not to exceed \$75,000. The vote was unanimous, with Mayor Morehead declaring the motion carried.

D. Consideration and Approval of Resolution 23-47, approving a Legal Services Agreement for Special Counsel in connection with Alleged Violations of the Council Rules of Procedure.

Mayor Morehead presented his report.

Councilmember Plain moved to approve Resolution 23-47, approving a Legal Services Agreement for Special Counsel in connection with Alleged Violations of the Council Rules of Procedure. The vote was unanimous with Mayor Morehead declaring the motion carried.

(Due to this item relating to the investigation of Councilmembers Turini, Long, Wittman and Thomas they were not allowed to vote per Charter 3-6(b) "No elected official shall vote on any question concerning the official's own conduct.")

Staff Reports (included in packets)

Steering Clear of Legal Trouble in a Recall Memo – Geoff Wilson, Special Counsel

Purchasing Policy Emergency Provision Invoked regarding Recall Election Ballots Memo– Geoff Wilson, Special Counsel

Purchasing Policy Emergency Provision Invoked regarding the Purchase of Tires for the Road Grader Memo – Bobby Redd, Public Works Director

Staff Reports

Jennifer Krieger – no report.

Brian Skaggs – not present.

Valerie Taylor – no report.

Kelly Stroh – no report.

Mark Doering – not present.

Bobby Redd – He spoke on the written report for the emergency purchase of tires for the grader.

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 6:54 PM.

Approved this 12th day of June, 2023.

Adam Morehead, Mayor

Attest:

Valerie Taylor, City Clerk

City of Dacono
City Council Special Meeting Minutes
Wednesday, May 10, 2023

Meeting called to order at 6:00 PM

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

Members Absent Kevin Plain, excused

Staff Present Valerie Taylor, City Clerk
Lisa Fuller, Accounting Technician
Brent Fitch, Police Commander
Zach Johnson, Police Officer

Pledge of Allegiance

General Business

A. Discussion and appointment of an Interim City Attorney.

Rick Samson with Samson Law Firm, PC and Payton Buhler of Bell, Gould, Linder & Scott, PC were in attendance. Mayor Morehead asked Mr. Samson how he was invited. Mr. Samson said he received a call from Councilmember Thomas to see if he'd be interested in serving as the interim city attorney and then he called the Mayor. He said his job would be to keep the city on track and move forward. Matt Gould and Payton Buhler of Bell, Gould, Linder & Scott, PC would work with him so there would be two experienced municipal attorneys available to the city.

Councilmember Thomas stated her objective in contacting Mr. Samson was to move forward and help the city.

Councilmember Wittman asked if he'd read the whole charter. Mr. Samson stated that he had.

Councilmember Thomas asked about the different rates listed, non-development vs. development. Mr. Samson stated that they bill a higher rate for developers and that rate is passed on to the developers who have a cost agreement in place.

Mayor Morehead asked if he had any conflicts of interest with Jon Lee, Tony Carey and Lori Saine. Mr. Samson stated he does not know the commissioner. He has a good relationship with Jon Lee but there were rules that had to be followed by developers. He also stated he has two friends that have property in Dacono. He does not represent them; he will deal with them just like he does everyone else regarding the rules.

Councilmember Turini asked about real estate law experience and dealing with developers. Mr. Samson stated he has lots of experience with developers and real estate law. He stated that between the two firms, they have a lot of experience. Mayor Morehead asked if bringing businesses to the city is the attorney's job. Mr. Samson said it is not in the job description, but he knows a lot of people and that is a by project of him knowing people.

Councilmember Thomas said she sees that he has represented many municipalities and asked what he did for Lochbuie. He said he was their municipal attorney for three or four years.

Mayor Morehead stated that special counsel has been hired for the recall election and asked Mr. Samson what he thought his involvement would be in the recall. Mr. Samson stated that he would have a professional relationship with special counsel.

Mayor Morehead told him about the current investigation going on and what he thought his role would be in that. Mr. Samson said they would not be involved in that; they wouldn't want any part of that.

Mayor Morehead asked what experience he had with Home Rule municipalities. Mr. Samson stated he has attended numerous seminars.

Mayor Morehead asked what kind of relationship Mr. Samson would have with city staff. Mr. Samson stated he would like to meet with them and work as a team.

Councilmember Turini asked if he would be comfortable negotiating tax rebates with developers. Mr. Samson stated he would be.

Mayor Morehead asked about the relationship he would have with the city. Mr. Samson said he works for the board and will not work for individual councilmembers. If something comes up in a meeting, if he has a concern, he will call it to the council's attention immediately. Mayor Morehead stated he sees the attorney's job as protecting the city first and the second priority is to protect the council.

Mayor Morehead asked about the termination of the town manager in Frederick. Mr. Samson said he didn't do enough. He was told ten minutes before the meeting that they planned to fire the manager. He was called and told that to terminate the town manager it took a unanimous vote. He had not remembered that provision. They addressed the issue that night.

Councilmember Thomas asked how Payton and Mr. Gould would be involved. Mr. Samson said he didn't know; he knows that he does not have the bandwidth to be the city attorney by himself. They would have to figure out how things will be divided up.

Councilmember Wittman asked if he would keep the council informed. He said he would provide memos and keep the council informed of everything going on.

Mr. Samson said that he had conversations with Payton and Matt Gould and stated that if it were not unanimous to hire them, they are not interested in providing legal services for the City.

Councilmember Thomas made a motion to appoint Rick Samson as the city attorney. Ayes: Councilmembers Long, Wittman, Turini and Thomas. Nay: Council Member Crespo. Mayor Morehead declared the motion carried.

Mr. Samson stated it was not unanimous and asked Mayor Morehead if he would support him/them being the city attorney. Mayor Morehead stated he had concerns.

Mr. Samson thanked the council for listening and if they could help in the future to let him know.

Adjournment:

With no further business to be discussed, the meeting was adjourned at 6:27 PM.

Approved this 12th day of June, 2023.

Adam Morehead, Mayor

Attest:

Valerie Taylor, City Clerk

**City of Dacono
City Council Special Meeting Minutes
Monday, May 15, 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
Mark Doering, Senior Planner
Jennifer Krieger, Community Development Director
Brent Fitch, Police Commander
Zach Johnson, Police Officer

Pledge of Allegiance

General Business

- A. Public hearing and approval of Resolution 23-51, approving a Special Use Permit to authorize temporary RV parking in connection with an Event Permit for IMI Motorsports.**
Mayor Morehead opened the public hearing.

Brad Linkus, owner of IMI, was sworn in by City Clerk Valerie Taylor and gave a brief presentation.

Senior Planner Mark Doering asked that the staff report, Dacono Municipal Code, Zoning Map, and application materials be made part of the record and then presented his report.

Mayor Morehead asked if Dacono passed a no camping ordinance. Mark stated the RV overnight parking SUP became effective in 2020.

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

Councilmember Long moved to approve Resolution 23-51, approving a Special Use Permit to authorize temporary RV parking in connection with an Event Permit for IMI Motorsports. The vote was unanimous, with Mayor Morehead declaring the motion carried.

- B. Cancellation of May 22, 2023, regular Council Meeting.**

Councilmember Plain moved to cancel the May 22, 2023 regular council meeting. The vote was unanimous, with Mayor Morehead declaring the motion carried.

- C. Consideration and approval of Resolution 23-52, concerning a reduction of certain residential building permit fees during the month of June 2023.**

Community Development Director Jennifer Krieger presented her report.

Councilmember Plain moved to approve Resolution 23-52, concerning a reduction of certain residential building permit fees during the month of June 2023. The vote was unanimous, with Mayor Morehead declaring the motion carried.

Adjournment:

With no further business to be discussed, the meeting was adjourned at 6:14 PM.

Approved this 12th day of June, 2023.

Adam Morehead, Mayor

Attest:

Valerie Taylor, City Clerk